



## Agenda

### Council Meeting

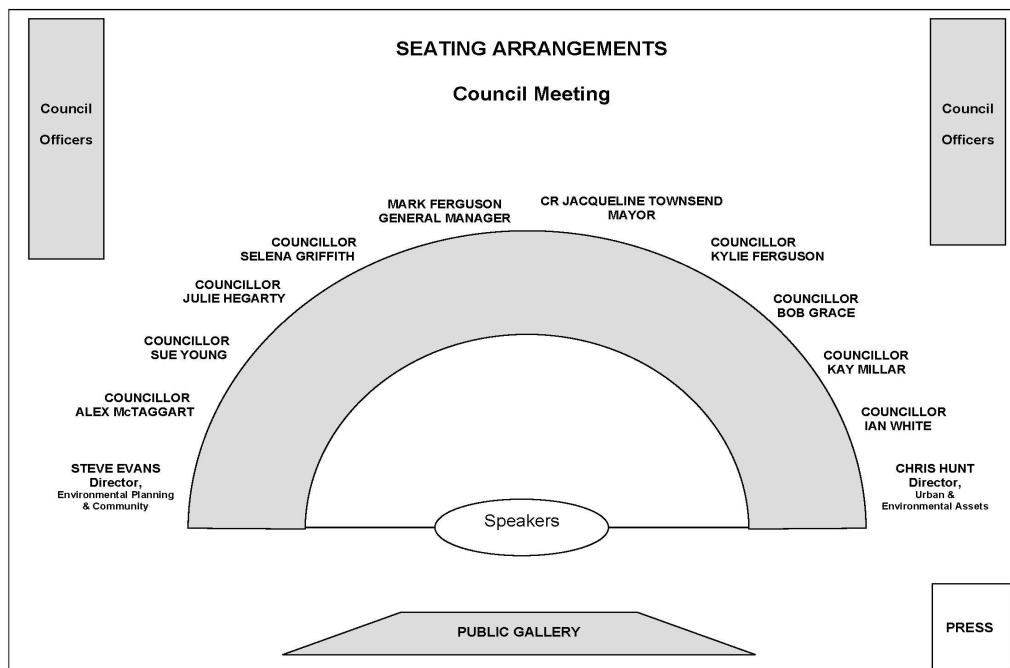
Notice is hereby given that a Council Meeting of Pittwater Council will be held at Mona Vale Memorial Hall on

***17 December 2012***

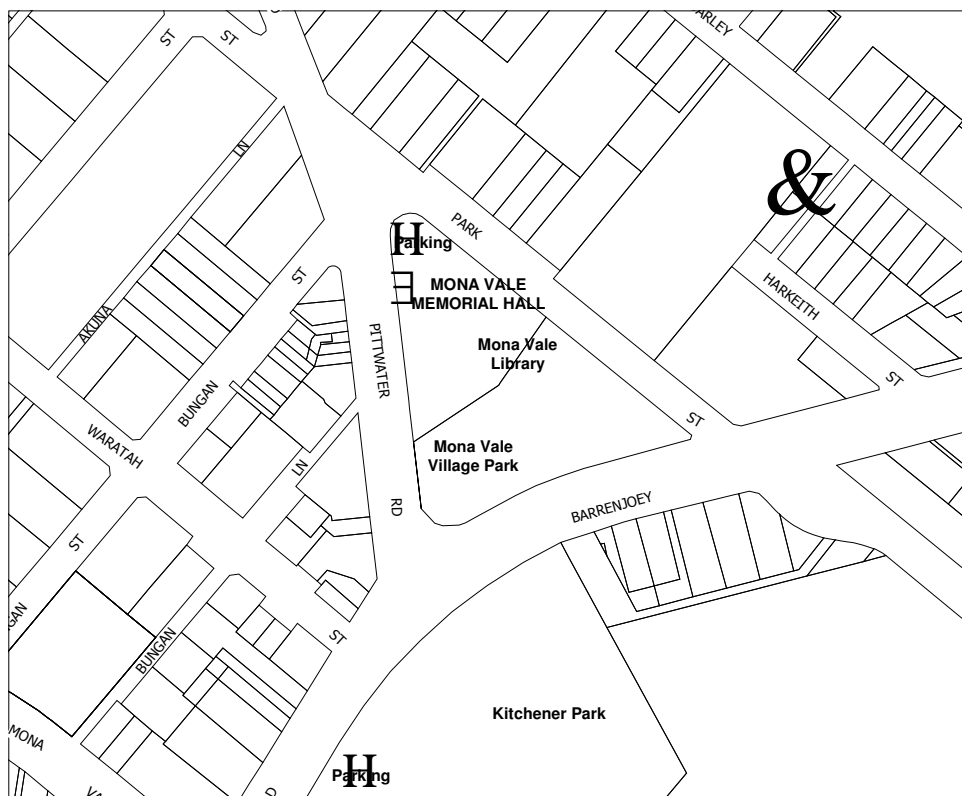
Commencing at 6.30pm for the purpose of considering the items included on the Agenda.

Mark Ferguson  
**GENERAL MANAGER**

## Seating Arrangements



## Meeting Location



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

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## **Acknowledgement of Country**

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

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

## **Statement of Respect**

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

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

## IMPORTANT NOTE FOR COUNCILLORS

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

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

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

Item No	Item	Page No
C11.6	Tender 2012/055 SHOROC Plant Hire	57
C11.7	Use of Tennis Liaison Funds for Improvement Works at Bayview Tennis Club	63

Mark Ferguson  
**GENERAL MANAGER**



# Council Meeting

## TABLE OF CONTENTS

Item No	Item	Page No
	<b>Council Meeting</b>	
<b>1.0</b>	<b>Public Forum</b>	<b>8</b>
<b>2.0</b>	<b>Resident Questions</b>	<b>9</b>
<b>3.0</b>	<b>Apologies</b>	<b>9</b>
<b>4.0</b>	<b>Declarations of Pecuniary and Conflict of Interest including any Political Donations and Gifts</b>	<b>10</b>
<b>5.0</b>	<b>Confirmation of Minutes</b>	<b>10</b>
<b>6.0</b>	<b>Public Addresses</b>	<b>11</b>
<b>7.0</b>	<b>Councillor Questions on Notice</b>	<b>11</b>
<b>8.0</b>	<b>Mayoral Minutes</b>	<b>12</b>
C8.1	Mayoral Minute - Alcohol Prohibited Areas - Australia Day 2013	12
<b>9.0</b>	<b>Business by Exception (All items on the Agenda)</b>	<b>13</b>
<b>10.0</b>	<b>Council Meeting Business</b>	<b>13</b>
C10.1	Notice of Motion - Accessible Playgrounds - (Motion submitted by Cr Kay Millar)	14
C10.2	Notice of Motion - Library Funding - (Motion submitted by Cr Julie Hegarty)	16
C10.3	Notice of Motion - The National Broadband Network Project - (Motion submitted by Cr Julie Hegarty)	20
C10.4	Notice of Motion - Multilingual Signage for Marine Rock Platforms - (Motion submitted by Cr Selena Griffith)	22
C10.5	Notice of Motion - Container Deposit Scheme - (Motion submitted by Cr Selena Griffith)	23
C10.6	Notice of Motion - Risk of Tick Borne Disease (Motion submitted by Cr Sue Young)	25

<b>Item No</b>	<b>Item</b>	<b>Page No</b>
<b>Governance Committee</b>		
<b>11.0</b>	<b>Governance Committee Business</b>	<b>29</b>
C11.1	2012 New South Wales Coastal Conference Report	30
C11.2	Investment Balances as at 30 November 2012	32
C11.3	Delegations over Christmas - New Year Recess 2012/2013	38
C11.4	Council Meeting Dates for 2013	41
C11.5	Northern Beaches Flood and Coastal Storm Education Strategy	44
C11.6	Tender 2012/055 SHOROC Plant Hire	57
C11.7	Use of Tennis Liaison Funds for Improvement Works at Bayview Tennis Club	63
C11.8	Turimetta Head Reserve Draft Plan of Management	66
C11.9	North Narrabeen Synthetic Playing Field - User Fee	76
C11.10	Audit & Risk Committee - Operations Report for the Period 1 January to 31 December 2012	79
C11.11	Minutes of the Audit & Risk Committee for the meeting held on 21 November 2012	86
C11.12	Minutes of the Special Rate Variation Advisory Committee Meeting held 20 November 2012	97
C11.13	Minutes of the Community Engagement, Information and Governance Reference Group Meeting held on 28 November 2012	113
<b>Planning an Integrated Built Environment Committee</b>		
<b>12.0</b>	<b>Planning an Integrated Built Environment Committee Business</b>	<b>123</b>
C12.1	N0076/12 - 1105, 1106, 1107, 1108 and 1109 / 4 Daydream Street Warriewood - Alterations and additions to the child care centre including additional floor space, expansion into an adjoining unit and increase in child care places from 90 to 113	124

<b>Item No</b>	<b>Item</b>	<b>Page No</b>
C12.2	N0120/12 - 67 Irrubel Road Newport - Swimming Pool	148
C12.3	N0392/09/S96/3 - 21 Calvert Parade Newport - Modifications to the consent for the construction of a new dwelling, swimming pool, fencing and associated landscaping	166
C12.4	Clarification of Decision - Pittwater 21 Development Control Plan Red Tape Review	195
C12.5	Changes to Local Environmental Plan Making Procedures Regarding Delegations and Independent Reviews of Plan-Making Decisions	201
C12.6	Minutes of the Planning an Integrated Built Environment Reference Group Meeting held on 21 November 2012	210

### **Council Meeting**

<b>13.0</b>	<b>Adoption of Governance Committee Recommendations</b>	<b>224</b>
<b>14.0</b>	<b>Adoption of Planning an Integrated Built Environment Committee Recommendations</b>	<b>224</b>

### **Appendix 1 – Confidential Items**

#### **CONFIDENTIAL CLAUSE**

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

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

Confidential - Tender 2012/2055 SHOROC Plant Hire

Commercial In Confidence Advice - Bayview Tennis Club - Resurfacing of Courts Nos 1 and 2

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

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## Council Meeting

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### 1.0 Public Forum

## GUIDELINES FOR RESIDENTS - PUBLIC FORUM

### Objective

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

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

Mark Ferguson  
**GENERAL MANAGER**

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## **2.0 Resident Questions**

### **RESIDENT QUESTION TIME**

#### **Objective**

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

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

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

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## **3.0 Apologies**

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

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## 4.0 Declarations of Pecuniary and Conflict of Interest including any Political Donations and Gifts

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

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

- "(1) **[Pecuniary interest]** A Pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.
- (2) **[Remoteness]** A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter."

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

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

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

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

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## 5.0 Confirmation of Minutes

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

Minutes of the Council Meeting held on 3 December 2012.

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## **6.0 Public Addresses**

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

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

*Exceptions to these requirements may apply where:*

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

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## **7.0 Councillor Questions on Notice**

**Nil.**

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## **8.0 Mayoral Minutes**

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### **C8.1 Mayoral Minute - Alcohol Prohibited Areas - Australia Day 2013**

**Meeting:** Council

**Date:** 17 December 2012

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## **MAYORAL MINUTE**

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### **BACKGROUND**

After having recently attended the Community Safety Precinct Committee hosted by Superintendent Doreen Cruickshank, APM, of the Northern Beaches Local Area Command, I received correspondence from her requesting Council consider the following:-

*"That the sand areas of all beaches within Pittwater be declared Alcohol Prohibited Areas (APA's) from 6am Saturday 26 January 2013 to 6am Sunday 27 January 2013".*

Superintendent Cruickshank has also made a similar request of Warringah Council and has advised that Manly Council already has two existing APA's for their beaches.

This issue was raised at the recent Safety Precinct Meeting and was strongly supported as a measure to help Police deal with the unfortunate anti-social behaviour that can sometimes detract from what is otherwise an important and festive day for families in our community.

The Mayor of Warringah has advised of his support of the request. The General Manager has advised that appropriate advertising and signage can be accommodated within existing budget resources.

Superintendent Cruickshank has also again requested a temporary APA for New Year's Eve at Rowland Reserve/Bayview Park. This is an operational issue that Council has been supporting the Police with for a number of years and the General Manager advises that this will be occurring again this year.

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### ***Motion***

That Council support the request from Superintendent Doreen Cruickshank of the Northern Beaches Local Area Command and declare all sand areas of ocean beaches within Pittwater as Alcohol Prohibited Areas from 6am Saturday 26 January 2013 to 6am Sunday 27 January 2013.

**Cr Jacqueline Townsend**  
**Mayor**



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## **9.0 Business by Exception (All items on the Agenda)**

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

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## **10.0 Council Meeting Business**

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<b>C10.1</b>	<b>Notice of Motion - Accessible Playgrounds - (Motion submitted by Cr Kay Millar)</b>
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**Meeting:** Council

**Date:** 17 December 2012

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## **NOTICE OF MOTION**

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### **BACKGROUND**

As part of the current review of all of Council's Policies, I had cause to reflect on the following important aspiration in Council's Children's Services Policy:-

*"By supporting and developing services and through community partnerships, Council will seek to improve access for all children, especially children with special needs."*

There are many people within the Pittwater community with a disability and also many families with children with special needs. These families and their children of varying abilities want to be able to experience and benefit from the important developmental benefits of playing in Council's many and varied playgrounds.

Many of Council's playgrounds are already accessible and used by a range of children with varying abilities. However, it seems that more could be done to incorporate further elements (sensory, auditory, etc.) to enhance the experience of children with special needs.

Mr John Perkins, founder of the Touched by Olivia Foundation, puts it well when he says:-

*"Today many so called all abilities playgrounds have a segregated area for kids with disabilities, isolating them from other kids both physically and emotionally. Our vision is to create more than a unique playground but an environment that fosters equality and understanding for children with disabilities. When you visit Livvi's Place you won't know it's a playground purposely designed for kids with disabilities because children of all abilities will play side-by-side, fostering acceptance and equality for children with disabilities for life."*

It seems that there may be opportunities when Council is constructing new playgrounds and upgrading or refurbishing existing playgrounds to consider, through careful design and the inclusion of specialised equipment, ways to improve the play experience for children of all abilities.

I believe that largely within existing current and future budgets for playground improvements, more can be done to make our children's playgrounds places for kids of all abilities. Making such improvements is important, not only for children, but also for families who have children with a range of abilities. Therefore, playgrounds that cater for children with special needs allow the entire family to benefit from an all abilities play space.

A local young person called Abbie who has severe Cerebral Palsy (CP) and acts as an advocate for people with CP has provided me with the following feedback:-

*"The aim is create an playground that is build for children who have to be enjoyment and provide them with new skills for example a child use a walking cane might benefit from touching different textured material.*

*For child who has problem with hearing will benefit from picture for child who in wheelchair need ramps all children with disability need support from their family and friends."*

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### **Motion**

That the General Manager provide a report to Council in the first quarter of 2013 outlining the future opportunities to enhance Pittwater's playgrounds to better cater for children of all abilities.

**Cr Kay Millar**

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<b>C10.2</b>	<b>Notice of Motion - Library Funding - (Motion submitted by Cr Julie Hegarty)</b>
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**Meeting:** Council

**Date:** 17 December 2012

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## NOTICE OF MOTION

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### BACKGROUND

The Library Council of New South Wales had identified the need for major reform of the state funding system for public libraries in New South Wales. Within two years, funding levels will become unsustainable as grant funds will be eroded by the necessity to meet per capita funding due to population growth.

### Transparent reform

The Library Council recommends a fairer, simplified and more transparent method for the distribution of funds. The following principles for a new approach are recommended:-

- **Establish a base level of funding** for councils with populations below 20,000 people (*a safety net* for small councils).
- **Grant a modest increase in per capita allocations** for all councils to recognise cost movements since 1994
- **Address disadvantage transparently** through the application of appropriate disability factors
- **Phase out anomalies** in current allocations due to former council amalgamations
- **Ensure sustainability** by providing that no council receives less recurrent funding than 2012/13
- **Build and maintain infrastructure** via a substantial capital fund, entitled the *Building Library Infrastructure Program*.

### A modest proposal

The Library Council recommends that recurrent public library funding to councils be modestly adjusted from the current \$26.5M to \$30M per annum from 2013/14 and indexed from the following year. This would be allocated as follows: 68% (\$20.4M in 2013/14) to councils by population with a base level of funding for councils with fewer than 20,000 residents, 17% (\$5.1M) to councils by NSW Local Government Grants Commission (LGGC) disability factors to explicitly address disadvantage and 15% (\$4.5M) applied to Statewide Programs.

### Capital Needs

In addition, a *Building Library Infrastructure Program* of \$30M per annum for building and maintaining infrastructure is recommended to replace the now defunct provision of grants from operating funds. This program will enable councils to renew library buildings, systems, collections and equipment in regional, urban and growth areas. It is proposed that this be phased in, rising to \$30M over the 4 years from 2013/14 and indexed thereafter.

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***Motion***

That Council write to the Minister for the Arts, the Hon George Souris MP, through Mr Rob Stokes, MP, the Member for Pittwater, calling upon the Government to implement the submission of the Library Council of NSW for the reform of the funding system for New South Wales public libraries.

**Cr Julie Hegarty**

## NSW Public Library Associations

The NSW Public Library Associations represents the joint objectives of the two peak library associations in NSW – **Public Libraries NSW** (representing rural and regional libraries) and the **NSW Metropolitan Public Libraries Association** (representing metropolitan libraries).

The two associations signed a Memorandum of Understanding on 5 October 2012 to confirm their commitment to provide one voice for public libraries in NSW, particularly in relation to library funding, lobbying and advocacy.

## The key objectives are...

### Positioning

- To advocate on behalf of NSW public libraries to increase funding
- To position public libraries as a vital community service to all levels of government
- To take a lead role in policy setting for public libraries

### Innovation

- To encourage, facilitate and implement innovative solutions to ensure long term relevance and sustainability of NSW public libraries

### Collaboration

- To create, support and sustain meaningful networks and partnerships and collaboration with key stakeholders
- To support collaborative projects with NSW public libraries and with key business partners and stakeholders

## NSW Public Library Associations Vision and Values

### Our vision...

- Supporting the delivery of high quality library services to the people of NSW

### Our mission statement...

- To advance the interests of public libraries in NSW

### Our values...

- **EQUITY:** We provide excellent library services to all within our diverse and changing communities
- **INTEGRITY:** We are committed to the ethics of the library profession and always act with integrity
- **ADVOCACY:** We continually advocate on behalf of our libraries for increased funding and support for their services to ensure that they continue to flourish in a changing world
- **PARTNERSHIPS:** We are committed to forming partnerships with government and non-government organisations in order to enhance the services provided by our libraries

### NSW PUBLIC LIBRARY ASSOCIATIONS CONTACT DETAILS

#### PUBLIC LIBRARIES NSW

Chairperson: Cr Graham Smith  
P: 0408 333 604 • E: [dlrgrahamsmith@gmail.com](mailto:dlrgrahamsmith@gmail.com)

Executive Officer: Lynne Makin  
M: 0418 208 292 • E: [lynne@lcm solutions.net.au](mailto:lynne@lcm solutions.net.au)

Executive Officer: Robert Knight  
M: 0408 285 724 • E: [knight.robert@wagga.nsw.gov.au](mailto:knight.robert@wagga.nsw.gov.au)

Postal Address: PLNSW Executive Office  
LCM Solutions Pty Ltd  
PO Box 172, Albury NSW 2640

Street Address: PLNSW Executive Office  
Suite 4/167, Beechworth Rd, Wodonga VIC 3690  
P: 02 6056 0400  
F: 02 6056 0500

#### NSW METROPOLITAN PUBLIC LIBRARIES ASSOCIATION

Chairperson: Win Gaffney  
P: 0409 124 541 • E: [wingaffney@bigpond.com](mailto:wingaffney@bigpond.com)

Secretary: Jennifer Bice  
P: 02 9911 3630 • E: [jbice@lanecove.nsw.gov.au](mailto:jbice@lanecove.nsw.gov.au)

Postal Address: The NSW MPLA Secretary  
Manager, Library Services  
Lane Cove Council  
PO Box 20, Lane Cove NSW 1595



## Enabling communities

**In 2012 there are 374 public libraries across NSW, operated by 151 local authorities. They operate as 99 services, some standalone and some through regional library agreements.**

Over the past 10 years in NSW visits to libraries have grown by 24% to almost 36 million per annum. 3.3 million people in NSW (or 46% of the NSW population) in 2010/11 are library members. Loans of books and other materials have increased to almost 50 million per annum, and Internet usage in libraries continues to grow with more than 2.7 million hours of Internet access provided by NSW public libraries in 2010/11. Public libraries are thus a key resource for community well being and the delivery of government services.

The sustained growth in demand from the people of NSW demonstrates the need for library services, and has placed pressures on local governments which are endeavouring to meet the demand.

## Our Libraries

- provide library services to all NSW local government areas
- serve over 7.9 million people across the State
- have over 3.3 million members, which equates to over 46% of the population
- have over 700,000 visits per week or over 37 million visits per year
- operate a total of 363 public libraries, providing access to 99.96% of the NSW population
- are open seven days per week, including evenings, for an average of 50 hours per week
- contribute to social well-being, support education and skills development, facilitate participation in the Knowledge Economy and stimulate economic well-being within our communities
- provide Internet drop-in services that include onsite PC use and wi-fi for customers with their own laptops or other devices
- are funded by our councils, who in 2010/11 met over 92% of all funds spent by local councils on public libraries in NSW

## Current Funding For NSW Libraries

- The per capita component of the total State funding provided to public libraries has remained the same since about 1995 at \$1.85 per capita
- The current State funding model is not indexed to population or cost increases from year to year, with State funding remaining static regardless of growing costs
- The State contribution towards the cost to operate libraries was 23.56% in 1980 to under 8% today, the lowest of any Australian state
- In 2010/11 NSW councils spent \$314,284,780 but only received \$24,549,000 (plus \$2,000,000 for Country Library Fund) in subsidy from the State, which equates to just 7.9% of the total cost to operate NSW libraries
- In 2006/07 Library Development Grant funds available to all NSW libraries totalled over \$3,000,000; by 2011/12 grant funds had decreased to just \$1,190,119 – the value of grants will decrease further as the State's legal requirement to fund the per capita component of the total State funding continues to erode the grants program
- Decreasing State funding is occurring at a time when libraries are experiencing increased demand

## Reforming Public Library Funding

As noted previously, the NSW State Government currently provides \$26.5M annually to local government in support of public libraries.

The Library Act 1939 sets out that the Library Council of NSW advises the Minister for the Arts on matters of public library policy and administration, and the provision of assistance to local libraries.

In 2012 the Library Council commissioned the State Library of NSW to work with local government stakeholders on a comprehensive review of the efficacy, administration and level of State funding in support of public libraries. As a result of this review, key stakeholders NSW Metropolitan Public Libraries Association, Public Libraries NSW and the Local Government and Shires Association have unanimously agreed on a new approach to the State Government Public Library Grants and Subsidies recommended by the Library Council of NSW. This new approach is necessary to ensure that NSW councils are able to continue to maintain and develop quality library services and ancillary services for the people of NSW.

## Transparent reform

The Library Council recommends a fairer, simplified and more transparent method for the distribution of funds. The following principles for a new approach are recommended:

- **Establish a base level of funding** for councils with populations below 20,000 people (a safety net for small councils).
- **Grant a modest increase in per capita allocations** for all councils to recognise cost movements since 1994
- **Address disadvantage transparently** through the application of appropriate disability factors
- **Phase out anomalies** in current allocations due to former council amalgamations
- **Ensure sustainability** by providing that no council receives less recurrent funding than 2012/13
- **Build and maintain infrastructure** via a substantial capital fund, entitled the *Building Library Infrastructure Program*.

## A Modest Proposal

The Library Council recommends that recurrent public library funding to councils be modestly adjusted from the current \$26.5M to \$30M per annum from 2013/14 and indexed from the following year. This would be allocated as follows: 68% (\$20.4M in 2013/14) to councils by population with a base level of funding for councils with fewer than 20,000 residents, 17% (\$5.1M) to councils by NSW Local Government Grants Commission (LGGC) disability factors to explicitly address disadvantage and 15% (\$4.5M) applied to Statewide Programs.

## Capital Needs

In addition, a *Building Library Infrastructure Program* of \$30M per annum for building and maintaining infrastructure is recommended to replace the now defunct provision of grants from operating funds. This program will enable councils to renew library buildings, systems, collections and equipment in regional, urban and growth areas. It is proposed that this be phased in, rising to \$30M over the 4 years from 2013/14 and indexed thereafter.

The State Library is currently seeking State Government support for this funding increase and model change.



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<b>C10.3</b>	<b>Notice of Motion - The National Broadband Network Project - (Motion submitted by Cr Julie Hegarty)</b>
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**Meeting:** Council

**Date:** 17 December 2012

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## **NOTICE OF MOTION**

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### **BACKGROUND**

The National Broadband Network (NBN) project is an Australian Government initiative which will deliver high speed broadband nationally.

The project involves laying fibre optic cabling to at least 90 per cent of Australian homes, schools and businesses, capable of delivering speeds of 100 megabits per second, or up to 100 times faster than many people experience today. The remaining premises will be connected via a combination of next generation high speed wireless and satellite technologies delivering broadband speeds of 12 megabits or more.

The NBN will be Australia's first national wholesale-only, open access, high-speed broadband network. This means NBN Co Limited – the company established by government to design, build and operate the NBN – will roll out the network and sell wholesale services to service providers, such as internet or phone providers. In turn, service providers will offer retail services to the consumer.

### **Current position**

Work has commenced nationally for the first 3 year rollout plan to connect over 1500 communities and 3.5 million premises to June 2015. Small businesses are already relocating to Kiama to take advantage of the NBN, highlighting that the NBN can promote efficiency, productivity and new opportunities for businesses. For Northern Sydney, small areas in Ryde, North Sydney, Willoughby and Mosman are also included in this first rollout. However, there is no date or information available on a roll out plan in Sydney after 2015.

The Australian Local Government Association (ALGA) supports access to reliable, affordable high-speed broadband with acceptance of the objectives underlying the NBN initiative. The NBN requires the co-ordination between all levels of government, entities established by the Australian Government and those carrying out the works, with an estimated 4,000 – 5,000 homes to be connected daily when fully underway.

Pittwater Council locally and SHOROC on behalf of the region can play an important advocacy role by requesting consideration for Pittwater and the SHOROC region to be a priority region for the rollout of the NBN post 2015.

The NBN can make working from home easier with the ability to access a quality broadband experience and enabling the use of services provided over the NBN to access videoconferencing, virtual offices and giving the community the ability to upload large files from home. Services delivered over the NBN have the potential to change the way schools and tertiary institutions teach.

Regular Council and SHOROC lobbying will help assist the facilitation of ultra-fast broadband rollout ensuring all local businesses, schools and hospitals have access to the new NBN technology.



The NBN will especially help the Pittwater community to more easily access the following:-

- **Online Health**

Given the role of the existing Mona Vale hospital and development of the new Frenchs Forest hospital, there are significant opportunities for use of the NBN to access advancements in medical technology. The expansion of access to care through interactive internet consultations, supporting telemedicine and addressing health shortages through internet based care are some of the ways that services can be offered over the NBN.

- **Entertainment**

The NBN could be used by service providers to offer a broad range of entertainment choices including; internet connected television streaming video-on-demand services, and high quality video calling from home.

- **Business**

The NBN has the potential to change the way business is done by helping companies overcome the barriers of distance. Access to high speed broadband will give businesses the opportunity to increase productivity, save time and money and the ability to connect nationally and globally. The services provided over the NBN potentially open up opportunities for businesses to hold virtual meetings and do business with suppliers throughout the world online, saving time and costs associated with travelling.

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### ***Motion***

That Council request and work closely with SHOROC to lobby on behalf of the region to ensure the earliest possible roll-out of the NBN for our residents, businesses and health services.

**Cr Julie Hegarty**

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<b>C10.4</b>	<b>Notice of Motion - Multilingual Signage for Marine Rock Platforms - (Motion submitted by Cr Selena Griffith)</b>
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**Meeting:** Council

**Date:** 17 December 2012

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## **NOTICE OF MOTION**

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### **BACKGROUND**

Our local rock platforms and beaches host myriad species of marine plants and animals. Recently a number of local residents have raised concern that they have witnessed the removal and killing of quantities of octopus, shellfish and other species on local rock platforms. In some cases it is just for the sake of killing the animals. In other cases it is for personal consumption or use as bait. These residents have at times approached the people removing the marine life, but were unable to advise them that this was not acceptable as they did not speak English.

Sydney is a multicultural and linguistically diverse city and its citizens are mobile. The problem encountered in Pittwater is most likely present across all local coastal council areas.

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### ***Motion***

1. That Pittwater Council develops and implements a multilingual signage program to inform users of, and visitors to, our local rock platforms and beaches of the value of their biodiversity, about protected species and of the maximum allowable removal of unprotected species for bait, consumption or other reasons.
2. That such actions include (but not be limited to):
  - a) Council research existing (if any) successful multilingual signage systems;
  - b) Council research the languages that should appear on the signage;
  - c) Council write to Sydney Coastal Councils Group to suggest a Sydney wide approach to such signage be explored to provide consistent information across all of Sydney's rock platforms and beaches;
  - d) Council provide this information in an easy to locate place on the Council Website; and
  - e) Council produce multilingual brochures with this information for distribution at the local libraries and service centres.

**Cr Selena Griffith**

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<b>C10.5</b>	<b>Notice of Motion - Container Deposit Scheme - (Motion submitted by Cr Selena Griffith)</b>
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**Meeting:** Council

**Date:** 17 December 2012

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## **NOTICE OF MOTION**

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### **BACKGROUND**

Australia currently sends to waste 8 billion containers every year. Many go to landfill and many, less thoughtfully disposed of, enter our creeks and marine environments causing visual and environmentally damaging pollution. Most are made from useful, recyclable materials originating from non-renewable resources.

In April 2012, Federal Environment Minister Tony Burke stated that he supports container deposits as long as the States do. This is a major advance as national legislation will be required. State Environment Ministers from around Australia are planning to make a final decision in April 2013, so it is critical that those decision makers hear the message loud and clear that the overwhelming majority of people want such a scheme implemented. The NSW LGSA (as a member of the Boomerang Alliance) has been involved in an ongoing campaign on this issue and has called on our support.

---

### ***Motion***

1. That Pittwater Council develops and implements a campaign action plan in the lead up to the meeting in April 2013 where State Environment Ministers from around Australia are planning to make a final decision on a National Container Deposit Scheme.
2. That such actions include (but are not limited to):
  - a) Council implement a local Container Deposit Scheme over the Australia Day long weekend:
    - (1) Council set up a beverage container collection points at Palm Beach, Avalon, Newport and Mona Vale beaches and Narrabeen Caravan Park / Coastal Environment Centre staffed by Two Hands, Coastal Ambassador and other local volunteer groups such as Scouts and Guides.
    - (2) Each beverage container returned be 'purchased' by the Council for 10c with a limit of \$10 per person per day.

As part of this project Pittwater Council will:

- (1) Separate the containers to determine their origin/brand.
- (2) Weigh the containers and determine the cost of removal.
- (3) Invoice the company from where there the containers have originated for the cost of removal.
- (4) Survey the participants in the program.

- (5) Place a sign on the beaches explaining the scheme.
  - (6) Advertise the scheme in local papers, on local noticeboards and on the Council website.
  - (7) Document and photograph campaign actions.
- 
- b) Pittwater Council to write to the Premier, Minister for the Environment and our local Member of Parliament urging them to support a national container deposit system.
  - c) Use of Council's website to facilitate E letters from the community to State Premiers, Environment Ministers and local Members of Parliament and on-line petition to those Members of Parliament.
  - d) Council makes available at strategic places, eg. Coastal Environment Centre, Libraries and community centres, hard-copy petitions to the above Members of Parliament.

**Cr Selena Griffith**

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<b>C10.6</b>	<b>Notice of Motion - Risk of Tick Borne Disease (Motion submitted by Cr Sue Young)</b>
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**Meeting:** Council

**Date:** 17 December 2012

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## **NOTICE OF MOTION**

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### **BACKGROUND**

Community awareness of the risk of tick borne disease needs to be increased due to possible health implications. Tick borne disease is preventable. The community needs information on both prevention and action to be taken if bitten by ticks.

Sydney University is currently conducting research into tick borne diseases including Lyme Disease. **Attachment 1** – Sydney University Request for Assistance into Research for Tick Borne Disease and Lyme Disease. **Attachment 2** – Protocol for Collection of Ticks.

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### ***Motion***

1. That Council write to the Member for Pittwater, the Minister of Health, and the NSW Department of Health, supporting Manly Council's request for the review of the treatment protocols for patients with tick bites presenting at Pharmacy, Doctors and Hospitals.
2. That the review include early testing by methods used overseas for the detection of Lyme Disease until more information is available in Australia.
3. That Council consider the most effective ways to increase awareness of the risk of tick borne disease in the community.

**Cr Sue Young**



THE UNIVERSITY OF  
SYDNEY

Dr Ann Mitrovic  
School of Medical Sciences  
Discipline of Pharmacology

24<sup>th</sup> November, 2012

**RE: Request for assistance with research into Lyme disease and other tick borne diseases**

Dear Sir/ Madam,

I would like to make a request for assistance in collection of tick samples. The ticks will be used in research into tick borne diseases such as Lyme disease (Lyme borreliosis) being conducted at The University of Sydney.

Lyme disease is caused by a bacterial infection of *Borrelia spirochetes* which are transmitted through a tick bite. Lyme disease is the fastest growing infectious disease in USA and Europe. If not treated early, Lyme disease can cause significant illness and debilitation. Clinical symptoms of Lyme disease can range from flu-like symptoms, muscle aches, muscle twitches, skin conditions, arthritis, long term fatigue, memory loss and depression, to paralysis and other neurological symptoms. Lyme disease symptoms overlap with symptoms of many other illnesses and this bacterial infection can be mistaken as several other diseases.

Lyme disease in Australia needs to be investigated as this area has not been researched since the early 1990's. In the 1990s, two groups were looking into Lyme disease in Australia, one group found evidence of the causative bacterium in both paralysis ticks and bush ticks while the second group found no evidence in Australian ticks. The NSW Department of Health states that there is very little evidence that Australian ticks carry the bacterium that causes Lyme disease and yet many Australians are developing long term Lyme-like illness following a tick bite.

We are currently investigating the presence of the *Borrelia* bacterium that causes Lyme disease, in Australian ticks. We will also investigate the presence of other pathogens that can cause tick borne diseases. We are fortunate to have several veterinary clinics, bush care volunteers as well as Wires carers collecting ticks for our research project and this important research would be further aided with your assistance. We would be very grateful if you would consider our request but only within the normal scope of activities as we would not wish the volunteers to put themselves at risk of tick bite. I am sure the volunteers understand the importance of preventative measures to avoid tick bite such as using DEET containing insecticides, wearing appropriate clothing and conducting thorough inspection for ticks on return from outdoor activities.

I would be very happy to answer any questions you may have regarding the project, please contact me as listed below. I look forward to your reply.

Kind regards

Dr Ann Mitrovic

Tick borne Disease Unit  
Discipline of Pharmacology  
School of Medical Sciences  
Room 297, Blackburn Building, D06  
The University of Sydney  
NSW 2006 Australia

T +61 2 9351 3217  
F +61 2 93513868  
E [ann.mitrovic@sydney.edu.au](mailto:ann.mitrovic@sydney.edu.au)  
[www.sydney.edu.au](http://www.sydney.edu.au)

ABN 15 211 513 464  
CRICOS 00026A



Dear Volunteer

Thank you for your assistance in our research into Lyme disease and other associated tick borne diseases, without your help our research would not be possible. Below are a few points to keep in mind in regard to collection, storage and postage/collection of samples. Please approach the tick collection within your normal scope of activities as we would not wish you, or other volunteers to put yourselves at risk of tick bite. I am sure you understand the importance of preventative measures to avoid tick bite such as using DEET containing insecticides, wearing appropriate clothing and conducting thorough inspection for ticks on return from outdoor activities.

I would be very happy to answer any questions you may have regarding the project, please contact me as listed below.

Kind regards

Dr Ann Mitrovic

**Protocol for collection of ticks:**

- We require all species of ticks at all stages-larval, nymph and adults. We will require some to be kept alive but the majority can be frozen.
- You may store ticks together if they are removed from the same animal, otherwise please use separate vials.
- Please number vials and place relevant information on the collection sheet provided- date, location, animal species (if known) that ticks were removed from.
- Please freeze samples until time of collection/postage.
- If samples are in Sydney please contact Ann Mitrovic to arrange a time for collection on [ann.mitrovic@sydney.edu.au](mailto:ann.mitrovic@sydney.edu.au) or 9351 3217
- Fresh ticks will be required for culture studies and will need to be stored with moist vegetation or moist cotton/paper towel in the vial. Live ticks will need to be posted within 1-7 days of collection. If in Sydney please contact Ann to arrange for pick up within 1-7 days of tick collection.
- Please return Tick Collection Information Sheet with tick samples to address below.

Tick borne Diseases Unit  
Discipline of Pharmacology  
School of Medical Sciences  
Room 297, Blackburn Building, D06  
The University of Sydney  
NSW 2006 Australia

T +61 2 9351 3217  
F +61 2 93513868  
E [ann.mitrovic@sydney.edu.au](mailto:ann.mitrovic@sydney.edu.au)  
[www.sydney.edu.au](http://www.sydney.edu.au)

ABN 15 211 513 464  
CRICOS 00026A



THE UNIVERSITY OF  
SYDNEY

**Tick Collection Information:**[illegible]

Collector:

**Contact Phone Number or email:**

Thank you for your assistance in our research!

Tick borne Diseases Unit  
Discipline of Pharmacology  
School of Medical Sciences  
Room 297, Blackburn Building, D06  
The University of Sydney  
NSW 2006 Australia

**T** +61 2 9351 3217  
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**E** [ann.mitrovic@sydney.edu.au](mailto:ann.mitrovic@sydney.edu.au)  
**www** [www.sydney.edu.au](http://www.sydney.edu.au)

ABN 15 211 513 464  
CRICOS 00026A



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**Governance Committee**

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**11.0 Governance Committee Business**

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## **C11.1      2012 New South Wales Coastal Conference Report**

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**Meeting:**            Governance Committee

**Date:**    17 December 2012

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**STRATEGY:**    **Business Management**

**ACTION:**        Ongoing Councillor training programs

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### **PURPOSE OF REPORT**

To advise Council of Councillor Griffith's report following her attendance at the 21st NSW Coastal Conference.

### **1.0      BACKGROUND**

- 1.1    Council's Policy No 145 – Policy for the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors provides that:

*'Conference Reporting:*

*Following attendance at a Conference authorised under this Policy, the relevant Councillor is required to submit a report of approximately one page in length to the community via the Council's Agenda papers on the outcomes of the Conference, with particular emphasis as to any outcomes affecting Pittwater.'*

- 1.2    At the Council Meeting on 15 October 2012, Council authorised Cr Griffith to attend the 21st NSW Coastal Conference at Kiama on 6-9 November 2012.
- 1.3    Councillors Griffith's report is provided below for Council's information.

### **2.0      ISSUES**

- 2.1    21<sup>st</sup> Annual Coastal Conference of NSW held at Kiama 6-9 November 2012 – Report by Councillor Selena Griffith.

*"The NSW Coastal Conference was held November 6-9 in Kiama. Pittwater was represented by:*

*Councillor Griffith  
Les Munn (Manager – Reserves, Recreation & Building Services)  
Jennifer Pang (Manager – Catchment Management & Climate Change)  
Paul Hardie (Principal Officer – Coast & Estuary)  
Janell Keegan (Climate Change Adaptation Officer).*

*The conference was an excellent opportunity to network with other councils and to learn from some of the many presentations that were run across 3 parallel sessions. The presentations I attended were of a high level of quality ranging from technical research about coastal erosion and sea level rise through to maintaining biodiversity, estuarine care and developing education programs across generations of fishermen. Council staff attended an array of the presentations specific to their areas of responsibility.*

*A number of keynotes covered topics such as NSW Coastal Management Reform and Australian Environmental Policy.*

*On day 2 delegates were able to take one of 4 field trips. Staff attended 'Balancing Coastal Development with Natural Habitats and Tourism'. I participated in a guided talk along the Kiama Coastal Walk. It is an open walk along reclaimed, purchased and donated land along the cliff tops and beaches between Kiama and Gerringong. We were fortunate enough to have a talk from a local Darwhal Elder on indigenous uses for the land, hunting practices, local history and medicinal endemic plants. We saw sea eagles, whales, kites, snakes and a number of different coastal ecosystems, remnant and revegetated. The conference highlighted the need for a combined and collaborative approach to managing the future of our NSW coastline."*

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### **3.0 SUSTAINABILITY ASSESSMENT**

- 3.1 This report does not require a Sustainability Assessment

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### **4.0 EXECUTIVE SUMMARY**

- 4.1 Council's Policy No 145 – Policy for the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors provides that following attendance at a Conference authorised under this Policy the relevant Councillor/s is required to submit a report of approximately one page in length to the community via the Council's Agenda papers on the outcomes of the Conference, with particular emphasis as to any outcomes affecting Pittwater.'
- 4.2 Councillor Griffith's report on her attendance at the 21st NSW Coastal Conference is contained within the Issues section of this report.

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### **RECOMMENDATION**

That Councillor Griffith's report on the 2012 New South Wales Coastal Conference be noted.

Report prepared by  
Gabrielle Angles - Principal Officer, Administration

Warwick Lawrence  
**MANAGER, ADMINISTRATION & GOVERNANCE**

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## **C11.2 Investment Balances as at 30 November 2012**

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**Meeting:** Governance Committee

**Date:** 17 December 2012

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**STRATEGY:** Business Management

**ACTION:** To Provide Effective Investment of Council's Funds

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### **PURPOSE OF REPORT**

To advise on the status of Council's Investment Balances as at 30 November 2012

### **1.0 BACKGROUND**

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

### **2.0 ISSUES**

#### **2.1 MONTHLY RETURNS**

Investment return for the month of November 2012:

Term deposits interest income:	\$	129,798
Tradable CDO/FRNs interest income:	\$	-
Tradable CDO/FRNs capital movement:	\$	<u>(9,418)</u>
Net investment income for November 2012:	\$	120,380

#### **YEAR TO DATE RETURN**

Investment return year to date November 2012:

Term deposits interest income:	\$	709,862
Tradable CDO/FRNs interest income:	\$	1,831
Tradable CDO/FRNs capital movement:	\$	<u>31,178</u>
Net investment return year to date:	\$	742,871

Projected investment return budget for financial year: \$ 1,250,000

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

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

<b>Year to</b>	<b>Net Return</b>	<b>Return on average funds invested</b>
June 2009	\$ 534,575	2.4%
June 2010	\$1,364,315	6.1%
June 2011	\$1,521,223	5.9%
June 2012	\$1,679,693	6.4%
November 2012	\$ 742,871	5.3%
Projected Budget	\$1,250,000	4.4%

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

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## **RESPONSIBLE ACCOUNTING OFFICER CERTIFICATION**

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

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### **3.0 SUSTAINABILITY ASSESSMENT**

3.1 A sustainability assessment is not required for this report.

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### **4.0 EXECUTIVE SUMMARY**

4.1 The net investment return as at 30 November 2012 is a gain of \$742,871.

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## **RECOMMENDATION**

That the information provided in the report be noted, including the 2012/13 net investment return of \$742,871.

Report prepared by  
Renaë Wilde, Senior Project Accountant

Mark Jones  
**CHIEF FINANCIAL OFFICER**



# PITTWATER COUNCIL

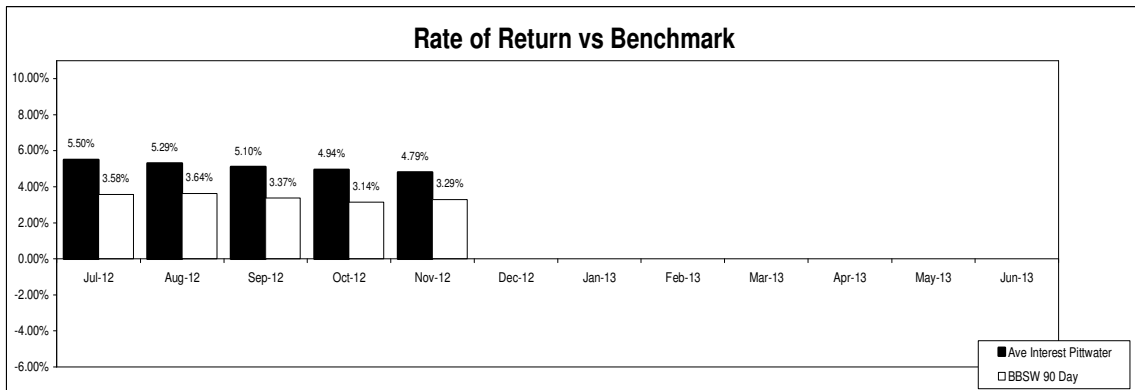
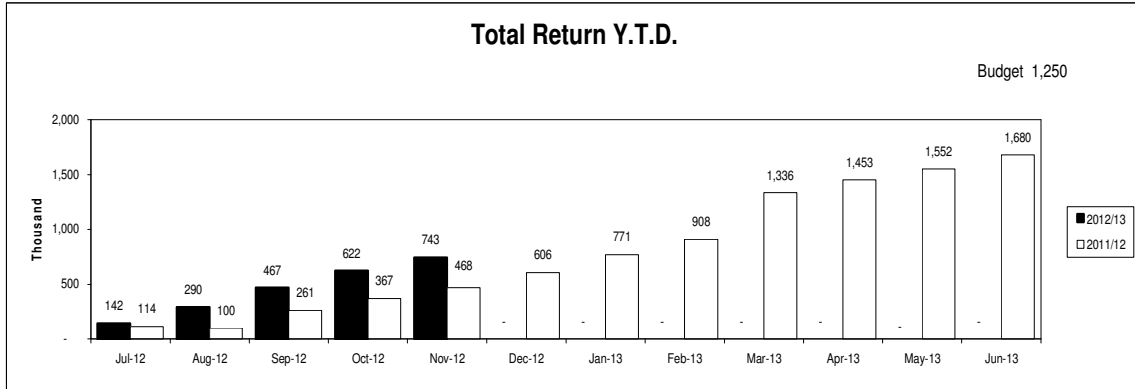
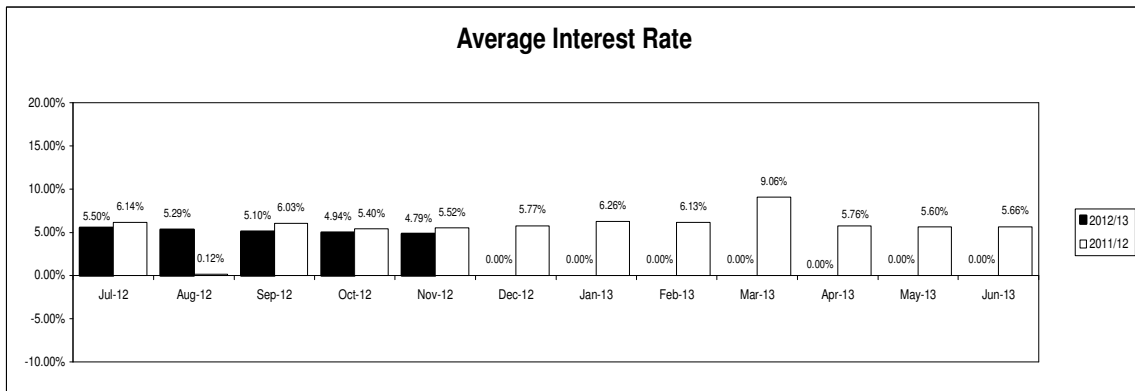
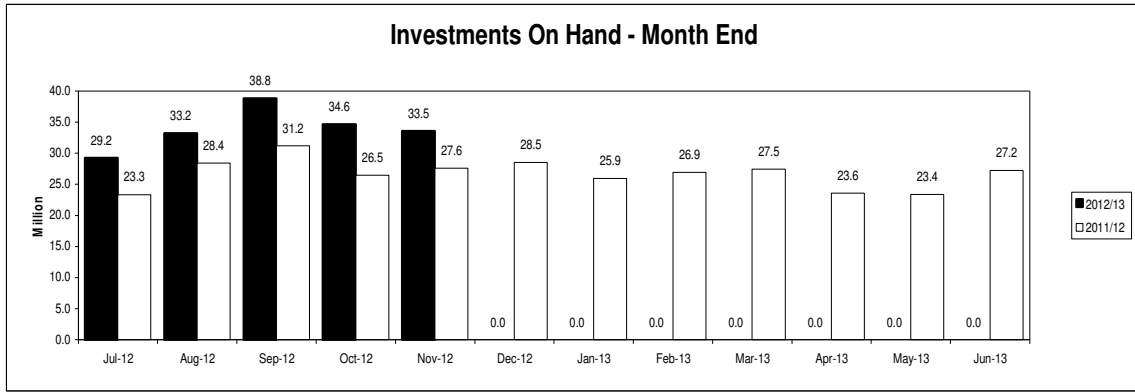
## INVESTMENT BALANCES

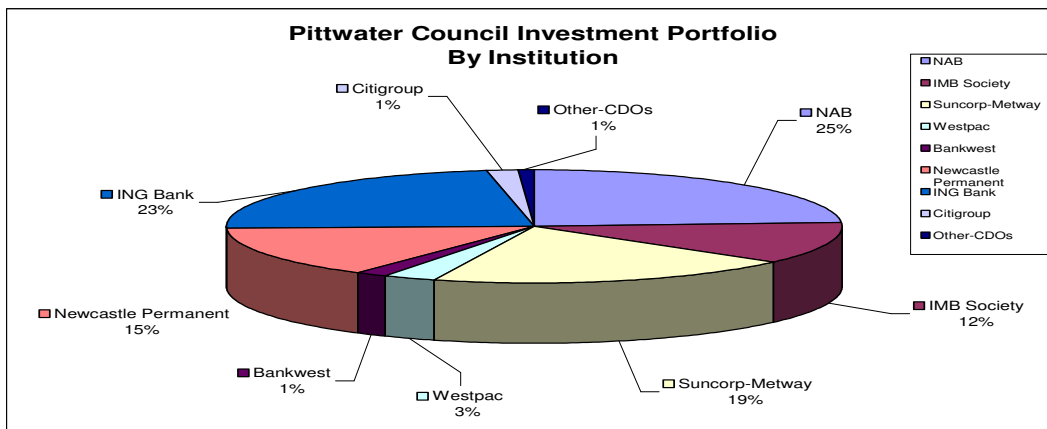
As at 30th November 2012

TYPE	INSTITUTION	Rating	AMOUNT \$	DATE INVESTED	MATURITY DATE	TERM (DAYS)	INTEREST RATE
At Call	NAB	AA-	1,000,000.00 *	At Call	At Call	1	3.75%
At Call Total			1,000,000.00				
Term Dep	IMB Society	BBB	1,000,000.00	12-Sep-12	11-Dec-12	90	4.80%
Term Dep	IMB Society	BBB	1,000,000.00	21-Sep-12	18-Feb-13	150	4.80%
Term Dep	IMB Society	BBB	1,000,000.00	17-Oct-12	14-Jan-13	89	4.50%
Term Dep	IMB Society	BBB	1,000,000.00	22-Oct-12	21-Jan-13	91	4.50%
Investee Total			4,000,000.00				
Term Dep	Suncorp-Metway	A+	1,000,000.00	28-Aug-12	25-Feb-13	181	5.02%
Term Dep	Suncorp-Metway	A+	1,000,000.00	30-Aug-12	10-Dec-12	102	4.95%
Term Dep	Suncorp-Metway	A+	1,000,000.00	3-Sep-12	11-Feb-13	161	4.95%
Term Dep	Suncorp-Metway	A+	1,000,000.00	6-Sep-12	5-Dec-12	90	4.95%
Term Dep	Suncorp-Metway	A+	1,000,000.00	13-Sep-12	12-Dec-12	90	4.95%
Term Dep	Suncorp-Metway	A+	500,000.00	19-Nov-12	18-Feb-13	91	4.58%
Term Dep	Suncorp-Metway	A+	1,000,000.00	23-Nov-12	20-May-13	178	4.55%
Investee Total			6,500,000.00				
Term Dep	Westpac	AA-	1,000,000.00	30-Nov-12	28-Feb-13	90	4.61%
Investee Total			1,000,000.00				
Term Dep	Bankwest	AA-	500,000.00	19-Nov-12	31-Jan-13	73	4.45%
Investee Total			500,000.00				
Term Dep	Newcastle Permanent	BBB+	1,000,000.00	3-Sep-12	3-Dec-12	91	5.00%
Term Dep	Newcastle Permanent	BBB+	1,000,000.00	7-Sep-12	6-Dec-12	90	4.95%
Term Dep	Newcastle Permanent	BBB+	1,000,000.00	17-Sep-12	17-Dec-12	91	4.95%
Term Dep	Newcastle Permanent	BBB+	1,000,000.00	26-Nov-12	25-Feb-13	91	4.50%
Term Dep	Newcastle Permanent	BBB+	1,000,000.00	26-Nov-12	4-Mar-13	98	4.50%
Investee Total			5,000,000.00				
Term Dep	ING Bank	A+	1,000,000.00	26-Jul-12	22-Jan-13	180	5.08%
Term Dep	ING Bank	A+	750,000.00	3-Aug-12	30-Jan-13	180	5.15%
Term Dep	ING Bank	A+	750,000.00	7-Aug-12	4-Feb-13	181	5.22%
Term Dep	ING Bank	A+	1,000,000.00	13-Aug-12	10-Jan-13	150	5.07%
Term Dep	ING Bank	A+	750,000.00	27-Aug-12	27-Dec-12	122	5.03%
Term Dep	ING Bank	A+	1,000,000.00	29-Aug-12	14-Jan-13	138	5.02%
Term Dep	ING Bank	A+	1,000,000.00	10-Sep-12	12-Mar-13	183	5.00%
Term Dep	ING Bank	A+	1,000,000.00	17-Sep-12	18-Mar-13	182	5.02%
Term Dep	ING Bank	A+	500,000.00	27-Nov-12	27-May-13	181	4.73%
Investee Total			7,750,000.00				
Term Dep	NAB	AA-	1,000,000.00	1-Jun-12	3-Dec-12	185	5.27%
Term Dep	NAB	AA-	1,000,000.00	4-Jun-12	4-Dec-12	183	5.12%
Term Dep	NAB	AA-	1,000,000.00	18-Jun-12	18-Dec-12	183	5.09%
Term Dep	NAB	AA-	1,000,000.00	29-Aug-12	25-Feb-13	180	5.01%
Term Dep	NAB	AA-	1,000,000.00	3-Sep-12	4-Mar-13	182	5.04%
Term Dep	NAB	AA-	1,000,000.00	10-Sep-12	10-Jan-13	122	4.97%
Term Dep	NAB	AA-	1,000,000.00	18-Sep-12	18-Jan-13	122	4.97%
Investee Total			7,000,000.00				
Longreach Capital Markets							
Portfolio Manager							
Structured Note	Citigroup (see investment information)	A+	500,000.00	28-Jun-07	28-Jun-14		0.00%
Investee Total			500,000.00				
* Arranging Institution							
Floating Rate CDO	* Merrill Lynch	D	107,378.00	14-Dec-11	20-Mar-13		bbsw + 1.70%
Floating Rate CDO	* Lehman Bros	Legal Matter	192,000.00	20-Mar-07	20-Sep-14		Pending Legal Ruling
Floating Rate CDO	* Morgan Stanley	D	0.00	15-Aug-06	20-Jun-15		bbsw + 3.30%
Investee Total			299,378.00				
November BBSW Close							3.29%
TOTAL INVESTMENTS			\$33,549,378.00				

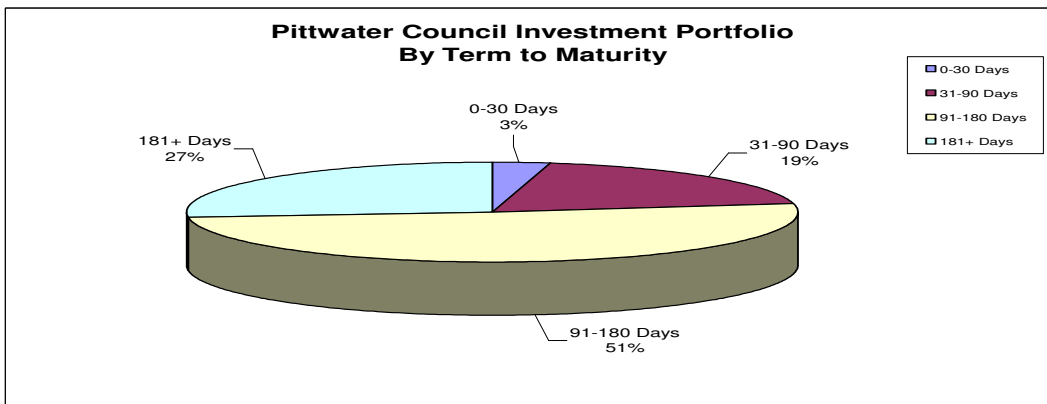
Note: Investments denoted with an \* are held in Cash and Cash Equivalents in Council's Balance Sheet along with Cash at Bank and Floats.

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

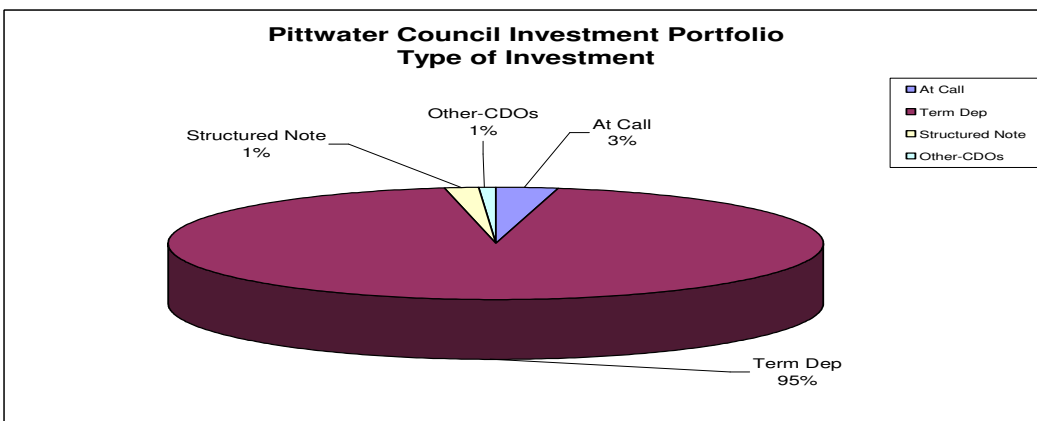
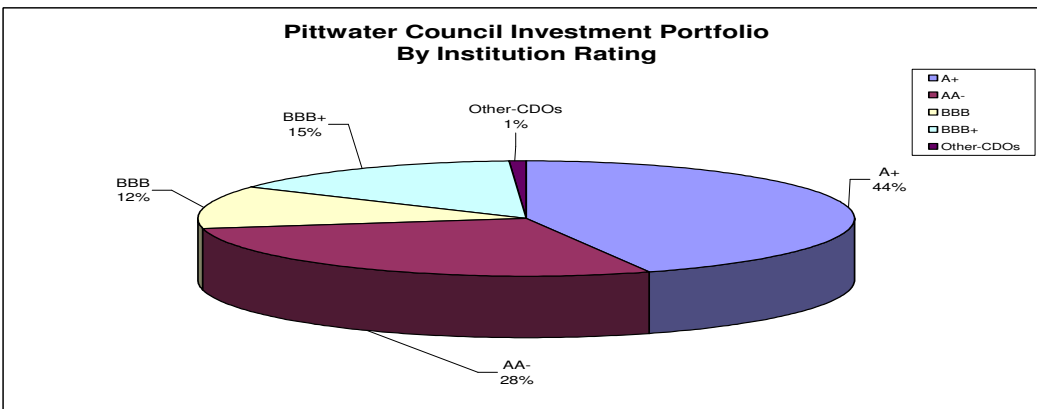




**Note: Council Policy - No Institution can hold more than 25% of Council's Total Portfolio**



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





## Investment Information:

### Types of Investments

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

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

A **Structured Note** is a medium to long term investment where by the investment return is contingent upon the underlying value of the asset class within the note. The capital investment in Council's structured note is protected until maturity.

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

### Credit Rating Information

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

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

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

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

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

**Note:** Council's Longreach structure product is shown at face value, as required by international accounting standards as it was purchased on a hold to maturity basis, unlike Council's CDOs within the ex - Lehman Bros portfolio that are considered tradable.

Current market value of this structure product is: - Longreach Structured Note \$492,055

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## **C11.3 Delegations over Christmas - New Year Recess 2012/2013**

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**Meeting:** Governance Committee

**Date:** 17 December 2012

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**STRATEGY:** Business Management

**ACTION:** Maintain and service Council's range of committees and  
Provide administrative support to elected Councillors

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### **PURPOSE OF REPORT**

To consider the Delegations of Authority over the 2012/2013 Christmas - New Year recess period.

#### **1.0 BACKGROUND**

- 1.1 The Council's Christmas - New Year recess period is to commence on Tuesday, 18 December 2012 and conclude on Sunday, 3 February 2013. The first scheduled Council meeting in the New Year is Monday, 4 February 2013.
- 1.2 Under the provisions of section 226 of the Local Government Act, 1993 the Mayor is:  
*"to exercise, in cases of necessity, the policy-making functions of the governing body of the Council between meetings of the Council."*
- 1.3 It is noted that section 377 of the Local Government Act, 1993 sets out those matters which the Council cannot delegate.
- 1.4 The Council, at its meeting held on 17 August 2009, adopted delegations to the Mayor which included:  
  
*"With the General Manager, determine matters between the last Council meeting of the year and the first Council meeting for the following year."*

#### **2.0 ISSUES**

##### **2.1 Delegation of Regulatory Functions – Committee of Council**

- 2.1.1 Section 379(1) of the Local Government Act, 1993 states as follows:

***[s 379] Delegation of regulatory functions***  
***379 (1) [Delegation by Councils]***

*A regulatory function of a council under Chapter 7 must not be delegated or sub-delegated to a person or body other than:*

- (a) a committee of the council of which all the members are councillors or of which all the members are either councillors or employees of the council; or*
- (b) an employee of the council; or*
- (c) a county council*

- 2.1.2 It is therefore proposed in relation to any regulatory function of the Council, which includes the determination of development applications, S96 Modifications and S82A Review Applications, that authority be delegated to a Committee of the Council, comprising the Mayor or nominee (who shall be Chairperson), the 3 relevant Ward Councillors to which the application relates and any other Councillor who has expressed an interest in a particular matter, to carry out the Council's regulatory functions, including the determination of development applications, during the Christmas - New Year Recess period.
- 2.1.3 All Councillors will be provided with copies of any reports dealing with regulatory matters including the determination of development applications prior to the delegated Committee determining such matters.

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### **3.0 SUSTAINABILITY ASSESSMENT**

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

A delegation allowing urgent matters to be dealt with during the recess period supports Council's need to provide an ongoing quality service to the community.

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

The outcomes of the report have no effect on the environment

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

Council's ability to deal with a development application under this delegation will help to resolve any economic issues that may arise as a result of an unnecessary delay in the approvals process. An early approval to a local business will help the local economy particularly during the busy Christmas trading period.

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

The outcomes of the report have no effect on Council's current budget.

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

The outcomes of the report have no effect on Council's infrastructure.

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### **4.0 EXECUTIVE SUMMARY**

- 4.1 A specific delegation to allow for urgent matters of Council business to be dealt with over the 2012/2013 Christmas - New Year recess period has been an ongoing decision of Council for many years. Though its use has been limited in the past the delegation will allow the opportunity for any urgent matter to be dealt with in a timely manner.

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## RECOMMENDATION

1. That the Council note the delegation to the Mayor of its policy-making functions in accordance with section 226 of the Local Government Act, 1993 over the Christmas – New Year recess period.
2. That the Council also note delegations to the Mayor as outlined in paragraph 1.4 of the report.
3. That pursuant to section 379(1) of the Act, authority be delegated to a Committee of the Council, comprising the Mayor or nominee (who shall be Chairperson), the 3 relevant ward Councillors if available, and any other Councillor who has an expressed interest in a particular matter or application if available, to carry out and resolve upon the regulatory functions of the Council, including the determination of development applications, S96 modifications and S82A Review applications during the 2012/2013 Christmas - New Year recess period. The Committee shall be appointed for the recess period only.
4. That all Councillors be provided with copies of any reports dealing with regulatory matters, including the determination of development applications, S96 modifications and S82A Review applications prior to the delegated Committee determining such matters.
5. That a report be submitted to the first Council meeting of 2013 outlining all matters and decisions taken by the Mayor or nominee (with respect to any policy making functions) and/or the above-mentioned Committee (with respect to any regulatory functions) under delegation during the Christmas - New Year recess period.

Report prepared by  
Gabrielle Angles – Principal Officer, Administration

Warwick Lawrence  
**MANAGER, ADMINISTRATION & GOVERNANCE**

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## **C11.4 Council Meeting Dates for 2013**

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**Meeting:** Governance Committee

**Date:** 17 December 2012

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**STRATEGY:** Business Management

**ACTION:** To maintain and service Council's range of Committees

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### **PURPOSE OF REPORT**

To confirm Council meeting dates for 2013.

#### **1.0 BACKGROUND**

- 1.1 Section 365 of the Local Government Act requires Councils to meet at least 10 times per year.
- 1.2 Pittwater Council meetings are generally scheduled for the first and third Monday of each month of the year apart from January when Council is in recess.

#### **2.0 ISSUES**

- 2.1 The proposed Council meeting schedule for 2013 is attached (refer **Attachment 1**).
  - 2.2 As is Council practice meetings are proposed for the first and third Monday of each month apart from January.
  - 2.3 Public holidays in 2013 fall on Monday 1 April (Easter Monday) and Monday 7 October (Labour Day), being the first Monday of each month respectively. It is therefore proposed that only one meeting be held in April (Council/GOV/PIBE on 15 April 2013) and one meeting in October (Council/GOV/PIBE on 21 October 2013), thus ensuring that other scheduled meetings and appointments are not interrupted and Council meetings do not coincide with traditional holiday periods.
  - 2.4 If the attached schedule is adopted there would be twenty (20) Ordinary Council meetings in 2013.
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#### **3.0 SUSTAINABILITY ASSESSMENT**

- 3.1 A sustainability assessment is not required for this report.
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#### **4.0 EXECUTIVE SUMMARY**

- 4.1 Council meetings for 2013 are scheduled for the first and third Mondays of each month apart from January.
- 4.2 April and October 2013 each have a public holiday on the first Monday of the month and it is proposed to limit meetings to one only on the third Monday of each of those months.

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## **RECOMMENDATION**

That the attached 2013 Council meeting schedule be confirmed.

Report prepared by  
Gabrielle Angles – Principal Officer, Administration

Warwick Lawrence  
**MANAGER, ADMINISTRATION & GOVERNANCE**

**Proposed Council Meeting Dates 2013****February 2013**

Monday 4 February – CRED/NE  
Monday 18 February – GOV/PIBE

**March 2013**

Monday 4 March – CRED/NE  
Monday 18 March - GOV/PIBE

**April 2013**

Monday 15 April – GOV/PIBE

**May 2013**

Monday 6 May – CRED/NE  
Monday 20 May - GOV/PIBE

**June 2013**

Monday 3 June – CRED/NE  
Monday 17 June - GOV/PIBE

**July 2013**

Monday 1 July – CRED/NE  
Monday 15 July - GOV/PIBE

**August 2013**

Monday 5 August – CRED/NE  
Monday 19 August - GOV/PIBE

**September 2013**

Monday 2 September – CRED/NE  
Monday 16 September - GOV/PIBE

**October 2013**

Monday 21 October – GOV/PIBE

**November 2013**

Monday 4 November – CRED/NE  
Monday 18 November - GOV/PIBE

**December 2013**

Monday 2 December - CRED/NE  
Monday 16 December – GOV/PIBE

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<b>C11.5</b>	<b>Northern Beaches Flood and Coastal Storm Education Strategy</b>
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**Meeting:** Governance Committee

**Date:** 17 December 2012

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**STRATEGY:** Disaster and Emergency Management Strategy  
Beach and Coastal Management Strategy  
Business Management Strategy  
Community Engagement, Education & Awareness Strategy

**ACTION:** Develop partnerships with key agencies for improved emergency response  
Fulfil Council's statutory obligations relevant to the Local Emergency Management Committee in conjunction with Manly & Warringah Councils  
Promote a well-informed community and Council that know how to effectively respond (before, during and after) to disaster and emergency situations  
Partner with other councils, SCCG and Catchment Management Authorities to integrate and implement regional initiatives  
Develop a Coastal Risk Management Plan that incorporates readiness, response and recovery for coastal and climate change hazards  
Coordinate funding opportunities to assist in the delivery of all strategies  
Link with other Councils and organisations to deliver educational outcomes at a regional level

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## **PURPOSE OF REPORT**

The purpose of this report is to present to Council the progress of the Northern Beaches Flood and Coastal Storm Education Strategy, including desired educational outcomes and recommended actions (excerpts attached at **Attachment 1**).

### **1.0 BACKGROUND**

- 1.1 Flooding and coastal processes are significant hazards in the Pittwater LGA which have at times caused damages to property and threatened life. Community education is a critical element of flood and coastal storm adaptation and mitigation because:
- There is often insufficient warning time to respond to flash flood events and key roads and infrastructure can be suddenly impacted during these events.
  - There is confusion surrounding the roles and responsibilities of emergency organisations which may affect emergency response times and actions.
  - Individuals can sometimes take specific actions for their property that can reduce excessive damages from risk to property from coastal erosion and flooding.
  - The community may not be aware of the remaining risks where water cannot be directed away from developed land or where flooding will exceed the design event.
  - Flood and property modification measures aren't enough by themselves to protect communities, especially considering uncertainties surrounding the impacts of accelerated climate change.



- 1.2 The SES Sydney Northern Region and the three Northern Beaches Councils are jointly developing a flood and coastal storm education strategy. The aim of the Strategy is to increase the Pittwater, Warringah and Manly communities understanding, knowledge, attitudes, awareness and behaviours towards flooding and coastal hazards by developing a tailored and ongoing education program that builds flood and coastal storm resilience.
- 1.3 **Northern Beaches Community and User Survey** – A project team was formed in June 2011 comprising of representatives from each of the four parties to develop a Northern Beaches Flood and Coastal Storm Education Strategy (the Strategy). It was decided by the project team that a Northern Beaches community and user survey was required to:
- gauge the level of experience, understanding, awareness and perception of the flood and coastal risks of the community;
  - identify previous and anticipated behaviours and actions of the community when preparing for, responding to and recovering from a flood or coastal storm event;
  - gauge the level of understanding of the roles and responsibilities of the community, Council and emergency services in preparing for, responding to and recovering from a flood or coastal storm event including response to warnings;
  - identify the most effective methods and media for communicating with and empowering the community in flood and coastal storm awareness;
  - gain reliable, concrete information about the communities flood and coastal hazard knowledge, attitudes, perceptions and behaviours as a baseline to monitor and review the method and results of the Strategy;
  - identify barriers and enablers to the uptake of behavioural messages.
- 1.4 The Survey was undertaken by telephone during April 2012 by Micromex Research using a representative portion of residents from each of the Northern Beaches Councils. The key findings of the survey are provided as follows:
- Storm damage, bushfires and coastal erosion are the primary risks residents associate with living on the Northern Beaches.
  - The Northern Beaches community has a very low level concern about the risk of flooding and a moderately low level of concern about the threat of coastal erosion.
  - Consequently, there is a low level of preparedness: 16% have a home emergency kit and 25% have an evacuation plan.
  - Residents are generally aware of the responsibilities of the SES, however, only 2% of residents are aware of the SES Hotline 132 500.
- 1.5 **Project Agreement** – A Project Agreement has been signed by each of the four organisations making a commitment to progress this project. The Project Agreement was developed amongst the four parties to detail the responsibilities and requirements of each party for the duration of the project (five years). The project agreement was signed by each party in September 2012. Upon reaching five years, the Strategy and Project Agreement shall be reviewed and updated if necessary.

## 2.0 ISSUES

- 2.1 The results of the survey have been incorporated in the Strategy Document which is now finalised and has been forwarded to each participating Council and SES for noting. The Strategy document defines the project outcomes, prioritises the future actions of the project, as well as for monitoring and evaluating the success of the proposed actions.

2.2 The four outcomes of the Strategy are as follows:

- increased community concern for the potential risk and impact of flooding and coastal storm hazards on the Northern Beaches;
- increased community preparedness for flood and coastal storm hazards evidenced by owning a home emergency kit and establishing an evacuation plan;
- increase community understanding of and willingness to engage in appropriate emergency response behaviour;
- strengthening regional networks with stakeholders for ongoing support and adaptive capacity within the community.

2.3 It should be noted that an individual is responsible for taking appropriate action to protect themselves or their family in the event of an emergency – so be prepared with a home emergency kit and flood/storm evacuation plan (the NSW SES is a volunteer-based organisation with limited capacity).

2.4 A copy of the Northern Beaches Flood and Coastal Storm Education Strategy has been circulated.

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### **3.0 SUSTAINABILITY ASSESSMENT**

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

- 3.1.1 A best practice education program goes beyond the traditional approach of disseminating prepared material in a stop-down approach to one that is participatory, ongoing and tailored to the local community. Therefore, this Education Strategy is based on the best practice methodology that advocates a consultative and participatory approach to community education that is developed, delivered and evaluated in partnership with the local community.
- 3.1.2 The community and user survey was undertaken to gain an understanding of communities existing awareness of flood and coastal risks, Council and emergency services roles and to identify the most effective methods for communicating with and empowering the community.
- 3.1.3 Outcome 4 of the Education Strategy is to strengthen regional networks with stakeholders for ongoing support and adaptive capacity within the community. Taking a regional approach to the issue of flood and coastal storm awareness will ensure meaningful educational activities are produced for key target groups to better inform residents and businesses of appropriate flood and storm preparedness and response actions/behaviours.
- 3.1.4 Increased awareness and understanding by the Northern Beaches towards risks from flood and coastal storms will build community resilience thereby reducing the potential risk to life and property when these hazardous events occur.

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

- 3.2.1 Council has engaged Consultants to research flood and coastal risks within the Pittwater LGA. Recommendations that result from these studies incorporate recommended mitigation and adaptation measures for Council to reduce the impacts to the community and natural environment should a hazardous event occur including recommendations to develop and implement community awareness tools.
- 3.2.2 Incorporating the flood and coastal hazard education within one strategy allows Council pool resources and to develop education tools that explain the interaction of flood and coastal storm hazards and how it may impact on the community and natural environment of Pittwater.

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

- 3.3.1 Adopting a northern beaches approach to flood and coastal storm education is a cost and time efficient method of improving the community's resilience to flood and coastal storm. It allows each Council and the SES to draw on the skills and existing tools of each participating organisation.
- 3.3.2 Outcome 2 of the Education Strategy focuses on increased community preparedness for flood and coastal storm hazards. The Education Strategy aims at providing a long term program to instill key flood and coastal storm safe messages and behaviours so people can prepare property and evacuation plans for when an event arises. An educated and prepared community will result in reduced damage and recovery costs to both public and private property owners.

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

- 3.4.1 Northern Beaches Councils and the NSW SES are taking a regional approach to this issue and are open to working with the community, stakeholders and target groups to develop relevant and meaningful educational activities to better inform residents of appropriate flood and coastal storm preparedness and response.
- 3.4.2 Funding for the actions outlined in the Education Strategy will be sourced from each Council's budget, SES programs and grant funding from programs such as the Auxiliary Disaster Resilience Grants Scheme which co-funded the community and user survey work with Pittwater Council.

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

- 3.5.1 The Education Strategy outlines actions to improve information available to the community to assist with preparing for a flood or coastal storm event. This information will include advice on, home and business flood safe emergency kits and flood compatible building design which, when implemented, may reduce damages to public and private infrastructure.
- 3.5.2 The Education Strategy does not outline flood and coastal storm mitigation measures, it is an educational and awareness raising measure for minimising the impacts of flood and coastal storm risk to life and property.

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## **4.0 EXECUTIVE SUMMARY**

- 4.1 Manly, Warringah and Pittwater Council's have been working with the State Emergency Service to develop a Northern Beaches Flood and Coastal Storm Education Strategy.

- 4.2 A Project Agreement has been signed amongst the three Councils and SES committing to a partnership to increase the community's resilience to flood and coastal storm events.
- 4.3 A Northern Beaches Community and User Survey was undertaken in April 2012 to gauge the current level of understanding and awareness of the community towards flood and coastal storms and emergency response management. The survey was incorporated in the Education Strategy to guide the objectives and actions.
- 4.4 The Project Agreement and Education Strategy have a five year review cycle. The actions in the Education Strategy have been prioritised and scheduled for the next five years after which it is proposed that a similar Northern Beaches Community and User Survey be undertaken to evaluate the effectiveness of the implementation of the actions.

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## **RECOMMENDATION**

- 1. That the information on the progress of the Northern Beaches Flood and Coastal Storm Education Strategy be noted.
- 2. That the actions in the Northern Beaches Flood and Coastal Storm Education Strategy be considered when developing Council's Strategic Plan and future Delivery Plans.

Report prepared by  
Janell Keegan, Climate Change Adaptation Officer

Jennifer Pang  
**MANAGER, CATCHMENT MANAGEMENT & CLIMATE CHANGE**

## NORTHERN BEACHES FLOOD &amp; COASTAL STORM EDUCATION STRATEGY 2012-2016

## 7. KEY MESSAGES

As a result of the community survey a number of key messages were identified that would be central to the educational activities delivered under this project. These are provided below in relation to each desired educational outcome.

**OUTCOME 1: INCREASED COMMUNITY CONCERN FOR THE POTENTIAL RISK AND IMPACT OF FLOODING AND COASTAL STORM HAZARDS ON THE NORTHERN BEACHES**

- Flooding is a natural process that can be exacerbated by local conditions. Northern Beaches is susceptible to flooding with little warning time so it is important to understand how flooding works and how to ensure the safety of you and your family;
- There is a history of flooding on the Northern Beaches, just like bushfires and severe storms, and it can happen at any time with minor to severe consequences to life and property;
- Coastal erosion is a natural process caused by storms and sometimes exacerbated by catchment flooding and lagoon/river processes; there are a number of at-risk locations across the Northern Beaches and residents are advised not to enter a beach in a severely eroded state as the beach and any structures may be unstable.

**OUTCOME 2: INCREASED COMMUNITY PREPAREDNESS FOR FLOOD AND COASTAL STORM HAZARDS EVIDENCED BY OWNING A HOME EMERGENCY KIT AND ESTABLISHING AN EVACUATION PLAN**

- Floodwaters are dangerous and should not be entered under any circumstances; therefore access in or out of particular areas in your community may be affected during a flood event and it is important to understand what to do and where to go in this situation;
- An individual is responsible for taking appropriate action to protect themselves or their family in the event of an emergency – so be prepared with a home emergency kit and flood/storm evacuation plan (the NSW SES is a volunteer-based organisation with limited capacity);
- Own a Home Emergency Kit which includes first aid kit, torch, spare batteries, candles, matches, portable radio, SES hotline number etc;
- Have a home or business Flood/StormSafe plan that includes details of a safe place and evacuation route, what to do with pets, emergency protection works in event of flooding;
- Be sure to know the processes for protecting your property from coastal erosion;
- Be familiar with where your property or neighbourhood is susceptible to inundation and which roads are likely to be blocked from floodwaters;
- Be sure to have easy and quick access to the SES emergency hotline number;
- You can access the NSW SES, Council webpages or other related links at any time to find information on understanding hazard risk and how to prepare for and respond to an emergency.

## NORTHERN BEACHES FLOOD & COASTAL STORM EDUCATION STRATEGY 2012-2016

### OUTCOME 3: INCREASED COMMUNITY UNDERSTANDING OF, AND WILLINGNESS TO ENGAGE IN, APPROPRIATE EMERGENCY RESPONSE BEHAVIOUR

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- Never enter floodwaters under any circumstance;
- Never attempt to access a beach via eroded pathway and the dangers associated with this;
- Different organisations have different roles in an emergency situation - know which organisation to contact for your needs, e.g.
  - **000 (Triple Zero)** – responsible for all life-threatening situations.
  - **NSW SES** – responsible for disseminating emergency warnings, rescue and resupply and evacuation procedures.
  - **Local Councils** – At the request of the relevant Agency / Agency Controller or Emergency Operations Controller, Council are responsible for: provision of human, plant, equipment and material resources, as available and as required, to assist during incident and emergency response and recovery assume a lead role in local recovery operations.. Councils are required to provide expertise and support, as requested to an agency.
- An individual is responsible for taking appropriate action to protect themselves/family in an emergency situation – so be prepared with a home emergency kit and flood/storm evacuation plan.

### OUTCOME 4: STRENGTHENED REGIONAL NETWORKS WITH STAKEHOLDERS FOR ONGOING SUPPORT AND ADAPTIVE CAPACITY WITHIN THE COMMUNITY

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- Northern Beaches Councils and the NSW SES are taking a regional approach to this issue and are open to working with the community and relevant stakeholders to develop relevant and meaningful educational activities to better inform residents of appropriate flood and storm preparedness and response; and
- Educational strategies and activities will be monitored and flexible to community feedback to ensure they are effective and efficient in their delivery.

## NORTHERN BEACHES FLOOD & COASTAL STORM EDUCATION STRATEGY 2012-2016

### 8. PROPOSED STRATEGIES

The outcomes in this strategy provide a strategic direction for improving flood and coastal storm resilience on the Northern Beaches. This section describes the proposed strategies and actions to achieve each outcome.

OUTCOME 1: INCREASED COMMUNITY CONCERN FOR THE POTENTIAL RISK AND IMPACT OF FLOODING AND COASTAL STORM HAZARDS ON THE NORTHERN BEACHES			
Action	Priority	Responsibility	Timing
Increased presence in national, state and local media outlets, including media articles, images, oral history, including the Manly Daily and in Council newsletters/mail-outs – particularly after big rainfall events to show flooding around the Northern Beaches	High	NSW SES, Councils	12/13 then ongoing
Update Council websites with relevant information/photos of historical flooding and damage, links and current flood maps where possible	High	Councils	12/13 then ongoing
NSW SES attendance at festivals, markets, outdoor events using SES displays	High	NSW SES volunteers, Councils	12/13 ongoing
Distribution of FloodSafe brochures, magnets etc at community events with specific flood guidance for each community	High	NSW SES volunteers, Councils	12/13 and ongoing
Use of Facebook and Twitter Council/NSW SES pages to upload historical images and anecdotal stories about flooding on the Northern Beaches	High	Councils, NSW SES	13/14 then ongoing
Develop working partnership with local businesses through Chamber of Commerces for the distribution of Business FloodSafe toolkits and guides	High	Councils, NSW SES	13/14 then ongoing
Presentation in primary and secondary schools with catchment model to demonstrate local flooding – distribution of FloodSafe certificates	Medium	NSW SES volunteers, Councils, Schools	13/14
Use of displays in libraries and community centres to highlight historical flooding in your area and information on how to prepare	Medium	Councils, NSW SES	14/15
Community workshops on WSUD with local flooding issues incorporated into it or	Low	Councils	With opportunities

## NORTHERN BEACHES FLOOD & COASTAL STORM EDUCATION STRATEGY 2012-2016

implement a cross-hazard approach where there are similar behaviours required across different hazards			
Investigate signage for previous flood markers on roadways	Low	Councils, NSW SES	14/15
Compile a list of all extreme weather events over the past 100-150 years to show frequency of events on Northern Beaches area and display to community (from Green Cross Harden Up Project <a href="http://hardenup.org/be-aware.aspx">http://hardenup.org/be-aware.aspx</a> )	Low	Green Cross, Councils	With opportunity
<b>OUTCOME 2: INCREASED COMMUNITY PREPAREDNESS FOR FLOOD AND COASTAL STORM HAZARDS EVIDENCED BY OWNING A HOME EMERGENCY KIT AND ESTABLISHING AN EVACUATION PLAN</b>			
Increased presence in national, state and local media outlets, including media articles, images, stories, particularly the Manly Daily and in Council newsletters/mail-outs about what a Home Emergency Kit is and the importance of having one (perhaps a story "Having a HEK saved me/house" etc....)	High	NSW SES, Councils	12/13 then ongoing
Distribution of collateral with national SES number	High	NSW SES, Councils	12/13 then ongoing
Use of Manly Precinct Committees (or other for respective Councils) to disseminate information and train members in flood education	High	Council	12/13
Use of SES banners to display during NSW SES week	Medium	NSW SES	12/13 then ongoing
Increase the number of trained NSW SES volunteers, particularly young adults, to increase volunteer capability during extreme events (such as the Green Cross Extreme Weather Heroes Project - <a href="http://www.extremeweatherheroes.org/our-heroes.aspx">http://www.extremeweatherheroes.org/our-heroes.aspx</a> )	Medium	NSW SES	12/13 then ongoing
Investigate opportunity for Home flood kit to be provided with every DA issued in flood zone	Medium	Councils	13/14
SMS texting system – investigate options for opt-in system	Low	Pittwater Council	14/15
Hold problem-solving meetings related to flooding scenarios with community groups, such as retirement villages, schools, sports clubs etc or post-flooding briefings to identify problems in preparation, response and recovery – link to lots of natural hazards not just flooding and coastal erosion	Medium	Councils, NSW SES Volunteers	With opportunities
Include 'Flood and Storm Preparedness' as criteria in Manly Sustainable Business Awards	Low	Manly Council	With opportunity



#### NORTHERN BEACHES FLOOD & COASTAL STORM EDUCATION STRATEGY 2012-2016

OUTCOME 3: INCREASED COMMUNITY UNDERSTANDING OF, AND WILLINGNESS TO ENGAGE IN, APPROPRIATE EMERGENCY RESPONSE BEHAVIOUR			
Distribution of NSW SES collateral to promote emergency hotline number	High	Councils, NSW SES	12/13 then ongoing
Use of FloodSafe display, with NSW SES where appropriate, at outdoor events/festivals to quiz participants on 'who would you call if.....'	High	Councils, NSW SES	12/13 then ongoing
Awareness raising of the various emergency services and their key roles and responsibilities and who to contact via Emergency Services Expo days	High	All emergency services	12/13 then ongoing
Distribution of FloodSafe Kits and other associated material	High	Councils, NSW SES	12/13 then ongoing
Inclusion of emergency response behaviour key messages in all media	High	Councils, NSW SES	12/13 then ongoing
Investigate possibility of road signage – "never enter floodwaters"	Medium	Councils, NSW SES	14/15
OUTCOME 4: STRENGTHENED REGIONAL NETWORKS WITH STAKEHOLDERS FOR ONGOING SUPPORT AND ADAPTIVE CAPACITY WITHIN THE COMMUNITY			
Further linkage with relevant regional networks such as Red Cross, Green Cross as appropriate	High	Councils, NSW SES	12/13
Roll out of this Strategy as a regional network	High	Councils, NSW SES	12-16
Flood and Coastal Hazard Education representatives meet quarterly to maintain roll out, planning, sharing of resources and networking	High	Councils, NSW SES	12-16
Reporting on regional actions through relevant media	High	Councils, NSW SES	12-16
Maintain regular contact with Chambers of Commerce	High	Councils, NSW SES	12-16

## Background

Pittwater Council, Warringah Council and Manly Council are partnering the State Emergency Service (SES) in order to understand the specific needs of their communities with regard to floods and coastal hazards.

The purpose of the SES is to respond to and help communities recover from storms and floods. As such, the SES and partner LGAs wish to understand:

- The communities' awareness and perception of flood and coastal risks
- Awareness of alerts and warning methods
- Awareness of the role responsibilities of each body
- The communities' preparedness for emergency events
- Levels and types of emergency events experienced by residents
- Pertinent knowledge gaps
- Messaging and mediums used for emergency events

### Data analysis

The data within this report was analysed using SPSS. To identify the statistically significant differences between the groups of means, a 'One-Way Anova test' and 'Independent Samples T-test' were used. 'Z Tests' were also used to determine statistically significant differences between column proportions.

### Ratings questions

The Unipolar Scale of 1 to 5, where 1 was the lowest importance or satisfaction and 5 the highest importance or satisfaction, was used in all rating questions.

### Mean rating explanation

Mean rating:	1.99 or less	'Very low' level of concern/likelihood
	2.00 – 2.49	'Low' level of concern/likelihood
	2.50 – 2.99	'Moderately low' level of concern/likelihood
	3.00 – 3.59	'Moderate' level of concern/likelihood
	3.60 – 3.89	'Moderately high' level of concern/likelihood
	3.90 – 4.19	'High' level of concern/likelihood
	4.20 – 4.49	'Very high' level of concern/likelihood
	4.50+	'Extremely high' level of concern/likelihood

## Methodology

In order to understand the specific needs of their communities with regard to floods and coastal hazards, Pittwater, Warringah and Manly Councils commissioned Micromex Research to conduct a baseline quantitative survey.

### Questionnaire

The survey was compiled by Micromex Research with assistance from the Northern Beaches Councils.

### Data collection

The survey was conducted using the CATI interviewing methodology, from 30<sup>th</sup> April to 10<sup>th</sup> May 2012.

Furthermore, an online stakeholder survey was made available via email to local businesses and other organisations

### Survey area

All interviewing was conducted in the Pittwater, Warringah and Manly City Council Local Government Areas.

### Sample selection and error

The CATI sample consisted of a total of 600 residents. The selection of respondents was by means of a computer based random selection process using the electronic White Pages.

- A sample size of 600 residents provides a maximum sampling error of approximately +/- 4.0% at 95% confidence.

Completion of the online stakeholder survey by local businesses and schools was low. This survey that distributed by SES email only achieved 62 completed interviews. As most business owners live on the northern beaches it was decided to concentrate efforts on residents.

A copy of the findings of this survey can be found in the Appendix A.

**Errors:** Data in this publication is subject to sampling variability because it is based on information relating to a sample of residents and stakeholders rather than the total number. This difference (sampling error) may occur due to imperfections in reporting and errors made in processing the data. This may occur in any enumeration, whether it is a full count or sample.

Efforts have been made to reduce the non-sampling error by careful design of the questionnaire and detailed checking of completed questionnaires.

## Key Findings

### Three Key Findings

1. The Northern Beaches community has:
  - A very low level of concern about the risk of flooding
  - A moderately low level of concern about the threat of coastal erosion
2. Consequently, there is a low level of preparedness:
  - 16% have a home emergency kit
  - 25% have an evacuation plan
3. Residents are generally aware of the responsibilities of the SES
  - However, only 2% of residents are aware of the SES Hotline 132500

### General Summary

Storm damage, bushfires and coastal erosion are the primary risks that residents associate with living on the Northern Beaches.

- In a flood event, most residents would know to call the SES (75%)
- In a coastal erosion event, the SES would be the first point of call for residents (58%), followed by Councils (30%)

The Internet, The Manly Daily and other media outlets are the best way of educating and informing residents of the general risks associated with flooding and/or coastal erosion.

When faced with a hypothetical risk situation, residents indicated the following:

- 11% would attempt to drive through fast flowing or deep floodwater
- 4% would attempt to access a beach via an eroded and unsafe walkway

68% of residents would be 'very likely' to obey an evacuation order – SMS or doorknocking are seen as the best methods of advising residents of an imminent or occurring flood, severe storm or coastal erosion event.

There were some significant difference observed by age, gender and location. These are detailed in the body of this report. Largely, these do not impact on the broader messaging/information required to change or alter community perceptions/behaviour.

### Implications

The Project Team faces some major challenges in successfully informing and educating residents as the perceived risks relatively low. Consequently there is a low level of preparedness for any type of disaster:

- Strategically, there is a clear opportunity for the SES and Councils to educate and inform residents to proactively drive attitudinal and behavioural change, by addressing and identifying risks and aligning them with appropriate behaviour, i.e. your 4WD won't float – so don't drive through floodwaters!
- Tactically, the SES and Councils also need to encourage the uptake of the home emergency kit, encourage residents to develop an evacuation plan and inform residents about the SES hotline number (i.e. fridge magnet)

Detailed recommendations have been incorporated into the body of this report.

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## **C11.6 Tender 2012/055 SHOROC Plant Hire**

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**Meeting:** Governance Committee

**Date:** 17 December 2012

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**STRATEGY:** Business Management

**ACTION:** Ongoing management of Council's commercial contracts

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### **PURPOSE OF REPORT**

To consider, in accordance with Clause 177 of the Local Government (General) Regulation, the Tender Evaluation Panel's (TEP) recommendations following its assessment of the tenders received for Tender 2012/055 SHOROC Plant Hire and to formally resolve on tenderers to engage to provide this service.

### **1.0 BACKGROUND**

- 1.1 Plant hire forms an essential component of the running of Council's field operations, providing a supplemental source of labour and equipment on an as required basis.
- 1.2 Plant Hire was previously organised via SHOROC tender T2007/043 with all available extensions to that contract expiring in the near future. Through this tender, the four Councils were seeking qualified organisations to form a panel for Plant Hire Services (Wet and Dry Hire), with the proposed contract to replace the existing SHOROC Plant Hire Services Contract T2007/043 to cater the needs of Plant Hire Services.

### **2.0 ISSUES**

- 2.1 The tenders were called in accordance with Section 55 of the *Local Government Act* and have been assessed in accordance with Clause 177 of the Local Government (General) Regulation. The Tender was coordinated and facilitated by Paul Halim, Procurement Services, Warringah Council.

This tender issued to market was for both the wet and dry hire of plant including:

#### **Wet Hire (Hire with operator)**

- Sub-Panel 1 – Excavators
- Sub-Panel 2 – Backhoes
- Sub-Panel 3 – Loaders
- Sub-Panel 4 – Trucks
- Sub-Panel 5 – Bobcats
- Sub-Panel 6 – Mobile Cranes
- Sub-Panel 7 – Track Dozers
- Sub-Panel 8 – Roller Compaction Equipment
- Sub-Panel 9 – Graders
- Sub-Panel 10 – Concrete Pumping Equipment
- Sub-Panel 11 – Road Sweeping Plant
- Sub-Panel 12 – Sullage Collection
- Sub-Panel 13 – Water Cart

**Dry Hire (Hire *without* operator)**

Sub-Panel 14 – Trucks  
Sub-Panel 15 – Roller Compaction Equipment  
Sub-Panel 16 - Portable Dewatering Pump  
Sub-Panel 17- Toilets - Portable Road and Mobile  
Sub-Panel 18 – Excavators  
Sub-Panel 19 – Backhoes  
Sub-Panel 20 – Loaders  
Sub-Panel 21 – Bobcats  
Sub-Panel 22 – Track Dozers  
Sub-Panel 23 – Concrete Pumping Equipment  
Sub-Panel 24 – Road Sweeping Plant

The tender process was via an open tender invitation to the market with a contract term for this service of an initial three (3) year period with two x one year options for extension available upon successful performance.

Pricing tendered was on a Schedule of Rates basis, with an annual escalation in accordance with CPI for Sydney (All Groups).

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

## **2.2 Call for and receipt of tenders**

**Tender Advertising and Closing date**

- Tenders were advertised by open tender on 18 September 2012 in the Sydney Morning Herald and Tenderlink and 22 September 2012 in the Manly Daily
- The closing date for receipt of tender was 2.00pm, 18 October 2012.

**Receipt of Tenders**

As per the call for tenders, the tenders could be received via the Warringah Tender Box or via Warringah's Tenderlink portal prior to the specified tender closing time/date of 2.00pm, 18 October 2012.

**Tender Opening & List of Tenders Received**

At the specified tender opening time, twenty-three (23) tenders were collected from the tender box, or received via Tenderlink and were duly registered by Warringah Council. Tenderers are listed as follows:

**Tenderers**

Allcot Hire Pty Limited  
Anova Construction Pty Limited  
Australian Grader Hire  
Conplant Pty Limited  
Dinamo Pty Limited

Kennards Hire Pty Limited  
Porter Plant  
Sherrin Rentals  
Tony Falvo's Earthmoving  
Stanton Corporation Pty Limited Trading /As Universal Mobile Tower  
Warringah Crane and Transport Services Pty Limited  
Acclaimed Excavations Pty Limited  
Action Recovery Services Pty Limited, Trading As Action Cranes  
Aldo's Earthworks Pty Limited  
Aqua Assets Pty Limited  
Davis Earthmoving & Quarrying Pty Limited  
J&B Murphy Pty Limited  
Ken Coles Excavations Pty Limited  
Len Hughes Earthmoving Pty Limited  
Matthews Contracting Pty Limited  
Specialised Pavement Services Pty Limited  
Raygal Pty Limited  
Transpacific Industrial Solutions Pty Limited

### **2.3 Outline of Tender evaluation process**

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

A Tender Evaluation Panel (TEP) was specifically formed to confidentially assess the tenders received. The TEP has provided a confidential assessment with covering report and recommendations for formal consideration by Council. The TEP takes into consideration the following steps as part of its confidential assessment:

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

<b>Mandatory Criteria</b>	<b>Schedule</b>	<b>Assessment</b>
Submission of all documentation required by the Request for Tender	All Schedules	Pass/Fail
Non compliance and Qualifications	Schedule F2	Pass / Fail
Financial Information (by independent Finance Assessor)	Schedule F3.2	Pass / Fail
Compliance with Work Health and Safety legislation and requirements	Schedule F6	Pass / Fail
Conflicts of interest and Fair Dealing	Schedule F10	Pass / Fail
Insurances	Schedule F11	Pass / Fail
Agreement to Draft schedule of key performance indicator	Schedule F13	Pass / Fail
Compliance with Industrial Relations	Schedule F4	information only

<b>Scored Criteria</b>	<b>Schedule</b>	<b>Minimum Acceptable Score</b>
Business information  Performance information - demonstrated past experience of the Tenderer in performing services similar to the Plant Hire Services and history of disputes relating to those Services	Schedule F3.1 & F3.3	70
Tenderer's quality assurance system and procedures.  Tenderer's Safe Work Method Statement (SWMS) for each activity for each sub-panel they wish to tender.	Schedule F5 & Schedule F12	70
Environmental legislation and requirements	Schedule F7	70
Qualifications and demonstrated past experience of the Tenderer's key personnel including key personnel of subcontractors	Schedule F8 & F9	70



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### **3.0 SUSTAINABILITY ASSESSMENT**

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

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

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

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

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

This tender supports the Council and the communities' economic outcomes by providing a competitive opportunity, including local businesses, to provide services to Pittwater.

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

3.4.1 Council provides a range of services for the community and resources these through a combination of internal and external providers

3.4.2 The tender process enables Council to seek competitive prices from the market to resource its external providers of the supply of goods and services, projects and consultancies.

3.4.3 The calling for and assessment of Tenders is in accordance with Section 55 of the Local Government Act and the Local Government (General) Regulation.

3.4.4 Members of the Tender Evaluation Panel (TEP) are required to make a declaration in regard to any conflict or pecuniary interest

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

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

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

The establishment of a Specialist Contractor Panel will add to the effectiveness of the maintenance of Council's infrastructure.

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### **4.0 EXECUTIVE SUMMARY**

4.1 Warringah Council in conjunction with Pittwater, Manly and Mosman Councils (the SHOROC Group of Councils) prepared a Request for Tender 2012/055 - SHOROC Plant Hire.

4.2 Twenty-three (23) Tender submissions were received from:

Allcot Hire Pty Limited

Anova Construction Pty Limited

Australian Grader Hire

Conplant Pty Limited

Dinamo Pty Limited  
Kennards Hire Pty Limited  
Porter Plant  
Sherrin Rentals  
Tony Falvo's Earthmoving  
Stanton Corporation Pty Limited Trading /As Universal Mobile Tower  
Warringah Crane and Transport Services Pty Limited  
Acclaimed Excavations Pty Limited  
Action Recovery Services Pty Limited. Trading As Action Cranes  
Aldo's Earthworks Pty Limited  
Aqua Assets Pty Limited  
Davis Earthmoving & Quarrying Pty Limited  
J&B Murphy Pty Limited  
Ken Coles Excavations Pty Limited  
Len Hughes Earthmoving Pty Limited  
Matthews Contracting Pty Limited  
Specialised Pavement Services Pty Limited  
Raygal Pty Limited  
Transpacific Industrial Solutions Pty Limited

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

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## **RECOMMENDATION**

That Council consider the Confidential Tender Assessment and Recommendations for 2012/055 Plant Hire as contained within the Confidential Section of this Agenda.

Report prepared by  
Peter Baartz, Purchasing & Fleet Coordinator

Mark Shaw  
**MANAGER, MANAGER – URBAN INFRASTRUCTURE**

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<b>C11.7</b>	<b>Use of Tennis Liaison Funds for Improvement Works at Bayview Tennis Club</b>
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**Meeting:** Governance Committee

**Date:** 17 December 2012

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**STRATEGY:** Recreational Management

**ACTION:** Continue to upgrade and enhance recreational spaces and facilities

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**PURPOSE OF REPORT**

To seek Council approval for the allocation of \$46,422 (includes GST) from the Tennis Liaison Committee Fund for the resurfacing of Courts No. 1 and No. 2 at Bayview Tennis Club.

**1.0 BACKGROUND**

- 1.1 The Tennis Liaison Committee Fund was set up to finance improvements works to the four tennis clubs in Pittwater. Lease payments from the clubs are paid into this fund on a quarterly basis with accumulated funds being allocated for works that have been nominated by the four lessees from their Committee meeting.

**2.0 ISSUES**

**2.1 Improvement works at Bayview Tennis Club**

Bayview Tennis Club has made an application for funded works to the Tennis Lessees Committee which has approved the request and forwarded it to Council's Tennis Liaison Committee for consideration. The works are for the resurfacing of Tennis Courts 1 and 2 at Bayview Tennis Club and repairing/relevelling of the sub surface prior to installation of a new synthetic surface. Details are as follows:

a) Court Resurfacing

Bayview Tennis Club has obtained three quotes for the resurfacing work from:-

- Recreational Surfacing Pty Ltd
- All Grass Sports Surfaces
- Weaver Sports Services

All three companies were requested to provide quotes for resurfacing the two courts in the same or similar product to that currently in use, and an upgraded surface.

These quotes were submitted to Council and evaluated by a review panel which consisted of Council's Procurement Manager and the Reserves, Recreation & Building Service Manager.

b) Insurance and complying conditions.

All companies were required to provide evidence of Public Liability Insurance, a Work, Health and Safety Plan, registration with BNG Contractor Services or a willingness to become registered.

A requirement of Council is that any contractors engaged by Council are registered with BNG Contractor Services. Recreational Services are currently registered and the other two companies have indicated that they will register if awarded the contract.

## **2.2 Tennis Liaison Funding**

- Currently there is an amount of \$143,438.92 in the Tennis Liaison Reserve. This will fully cover the funds required for the works that have been approved by the Tennis Liaison Committee for works at Bayview Tennis Courts.
- Council allows individual tennis clubs to keep up to \$10,000 in working funds for normal day to day maintenance, cleaning, insurance etc in their working accounts. Any funds above this amount are contributed towards improvement works.
- Bayview Tennis Club has included its financial statement which shows a balance of \$19,990 in their operations account as at 21/11/12. This is a result of membership renewals which are received in July.
- The club's operating expenditure is in excess of \$32,000 p.a. Whilst some rates and operational expenditure has been outlaid at this stage, there is still an amount of \$22,332.00 outstanding. This covers expenses such as rent to Council (\$8,286.00), cleaning and garbage removal (\$5,661), club and court maintenance (\$3,630), electricity (\$1,800) and other (\$4,755).
- The club is therefore requesting complete funding for the project to come from the Tennis Liaison Reserve Fund.
- Bayview Tennis Club is one of Council's smaller tennis clubs with only two courts and contributes approximately \$11,000 per annum in rent to Council. The club currently has 186 members.

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## **3.0 SUSTAINABILITY ASSESSMENT**

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

Improvement works to the tennis court surfaces will assist in maintaining Council's assets and provide users of the courts a good quality surface to play on. As part of the lease agreement there is an ongoing commitment to youth sport development.

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

Nil impact

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

Good quality playing surfaces will increase the attractiveness of the courts to users and thus increase income opportunities for the club and assist with ongoing maintenance and servicing of club facilities.

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

The system of a Tennis Liaison Reserve Fund ensures that Council's four tennis court complexes will always be maintained in good condition. This is a demonstration of good governance through an effective maintenance program for Council's assets.

### 3.5 Integrating our Built Environment (Infrastructure)

The resurfacing of the courts and repair works to the subsurface further improves the facility for both members and the general public and maintains Council's asset.

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## 4.0 EXECUTIVE SUMMARY

- 4.1 The Tennis Liaison Committee and the Tennis Club Lessee Committee have both approved the requested works at Bayview Tennis Club. There are adequate funds within the Tennis Liaison Committee reserve to fund these works which will improve the quality of play at the Bayview Tennis Courts. It will also support Council's program of maintaining assets.

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## RECOMMENDATION

That the allocation of \$46,422 including GST (from the Tennis Liaison Committee reserve) for the releveling of the sub-base and resurfacing of both courts at Bayview Tennis Club be approved and the recommended contractor be appointed to carry out the work.

Report prepared by

Les Munn

**MANAGER, RESERVES, RECREATION & BUILDING SERVICES**

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## **C11.8 Turimetta Head Reserve Draft Plan of Management**

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**Meeting:** Governance Committee

**Date:** 17 December 2012

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**STRATEGY:** **Valuing and Caring for our Natural Environment  
Recreational Management**

**ACTION:** To maintain abundance and diversity of Pittwater's native plant and animal species.  
To manage and maintain recreational facilities to best practice standards in a cost effective and sustainable manner.

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### **PURPOSE OF REPORT**

For Council to consider placing the draft plan of management for Turimetta Headland Reserve on public exhibition.

#### **1.0 BACKGROUND**

1.1 Turimetta Headland Reserve is located at Narrabeen Park Parade, Warriewood, between Warriewood Beach and Turimetta Beach. Turimetta Headland Draft Plan of Management (PoM) updates the previous document dated 2000. The PoM addresses five key issues:

- risks associated with Warriewood Blowhole;
- risks raised by the paragliders and hang gliders;
- geotechnical risks;
- vegetation management to improve biodiversity and ecological values; and
- vegetation management to provide coastal views for the net public benefit.

1.2 Turimetta Headland Reserve Draft Plan of Management is intended to be read in conjunction with the Pittwater Natural Areas Plan of Management, 2009 which is a generic document covering all natural area reserves along with the Pittwater's Most Scenic Streets Register and Streetscape Management Guidelines. The issues and 'actions' are consistent between the two documents and can be easily cross referenced.

#### **2.0 ISSUES**

##### **2.1 Warriewood Blowhole.**

Warriewood blowhole is located on the rock shelf below Turimetta Headland on vacant Crown land. While the blowhole itself is not within the study area, it can be accessed from an unauthorised track from the study area. The track starts near the constructed lookout towards the northern end of the Reserve. The blowhole can also be accessed from Warriewood Beach at low tide by walking along the rock platforms.

At least six people have died at the blowhole since 1992 and several others left permanently injured. Jumpers leap from the cliff face 13 to 20 metres into the sea, swim into the Blowhole and then along the cavern and out the other side. Fishermen also use the adjoining rock platforms for fishing and ropes are sometimes fixed by persons unknown to assist them in climbing up and down the cliff. Jano Gibson, journalist SMH 27/2/2006, provides a good description of the Blowhole including the dangers. This is available from: [www.smh.com.au/articles/2006/02/27/1141007306058](http://www.smh.com.au/articles/2006/02/27/1141007306058).

Council has already performed a risk assessment for the area – Warriewood Blowhole Risk Management Report dated 21 Feb 2007 for our insurance company lawyers, DLA Phillips Fox (now DLA Piper). The Report determined that Council's risk assessment of access to the Blowhole via walking the track and cliff face was 'High'. Access to the blowhole via jumping from the headland was determined as "Extreme" as was the potential risk to rescuers.

A review of the risk management recommendations from the Risk Assessment was performed in July 2011 and updated risk management actions have been taken into consideration as part of the PoM process.

As a further measure to manage risks, a meeting was held with the rescue organisations to discuss their operations and promote a coordinated approach. The meeting was attended by representatives from Dee Why Police Station, NSW Fire, Ambulance Service NSW, Australian Life Guards and Surf Life Saving NSW. Recommendations include planting low growing vegetation over the unauthorised track leading to the blowhole from Council's Reserve and installing concrete anchors suitable to attach rescue ropes. A location marker will be placed onto the anchor. In the near future service providers will link the location marker to a CAD and GPS system. A further meeting was held with residents to update them on rescue operations at the blowhole.

## **2.2 Paragliders and Hang Gliders**

Paragliding and hang gliding are high risk activities. The Sydney Paragliding and Hang Gliding Club (SPHGC) currently regulate gliding activities at the site on a non exclusive basis. Several risk management issues have arisen that have placed Council in a position where we need to either prohibit the activity or facilitate it. In choosing to facilitate the facility, Council, through directions in the PoM, must ensure the site is managed by the Club in accordance with Council's risk management and vegetation requirements.

Paragliders and hang gliders use two areas at the northern end of the Reserve - one for launching and one for landing. In order to improve safety for both pilots and members of the public, SPHGC has proposed to clear some vegetation around the launch site to enable the merging of the landing site to an area immediately behind the launch site. Council has been advised by SPHGC that this merger will enable the Club 'safety officer' to monitor both take-offs and landings which was not previously possible with multiple users and separate unsighted take-off and landing locations.

Vegetation will be pruned and some Banksias removed either side of the launch site to facilitate the merger. Works will be funded by SPHGC and will be performed by both Council contractors and by SPHGC members under close supervision by Council staff. Following this clearance work vegetation around the launch / landing site will be maintained by SPHGC in accordance with their safety requirements under the supervision of Council staff and as outlined in the PoM.

## **2.3 Geotechnical Risks**

Most of the headland has been identified as Hazard Zone 1 on the Pittwater Geotechnical Map. See figure 6. This zone is described as an area where the likelihood of instability occurring is assessed as likely. The consequences of instability would be serious and therefore receive a medium to high risk rating under normal risk assessment methodology.

In 1998, Longmac & Associates carried out a geotechnical assessment of stability conditions and possible instability impacts on the walking tracks at Turimetta Headland. They found that there are potentially high risk areas due to the instability of soil and rock masses along the crest of the head at several locations. It is proposed to continue to manage the site in accordance with geotechnical recommendations. Key strategies include maintaining dense vegetation against the cliff edge to maintain an impenetrable barrier and keeping walking tracks away from the cliff edge.

#### **2.4 Vegetation Management to Improve Biodiversity and Ecological Values**

Turimetta Headland Reserve is largely a natural area and the biodiversity and ecological values should be maintained in accordance with the *Pittwater Natural Areas Plan of Management, 2009*. Of particular concern are weeds and rabbits. Turimetta Headland Reserve has been declared a Wildlife Protection Area. Under the *Companion Animals Act, 1998* dogs and cats are not permitted in the Reserve.

#### **2.5 Vegetation Management and the Provision of Public Viewing Corridors**

Council staff commenced the draft plan of management for Turimetta Headland Reserve in late 2009. At the time, neighbouring residents expressed strong objections to their loss of panoramic coastal views due to vegetation growth. Residents argued that they purchased their properties specifically to enjoy the coastal views. The prices they paid for their properties were based on the views. The loss of views due to vegetation; generally planted in 1988 as part of the Bicentennial Coastal Walkway project, has impacted on their enjoyment and property values. A combined resident submission has highlighted these local concerns.

Staff were unable to progress the project due to the lack of documented guidelines on view management. In response, the project was deferred while the Pittwater's Most Scenic Streets Register and the Streetscape Management Guidelines were developed and adopted by Council.

The Streetscape Management Guidelines establishes that views will be considered from the public domain for the net public benefit, not from private dwellings. To do otherwise would lead to widespread clearing. The Guidelines aim to balance views and vegetation to protect the amenity and biodiversity values of the locally native vegetation communities. To achieve this, several key coastline locations were identified for their panoramic coastal views and recreational opportunities. Narrabeen Park Parade is listed in the Register for its views - 'panoramic views of the beaches and coastline', and common theme – 'links between the street, reserve and ocean'.

The Turimetta Headland Draft PoM is the first document that addresses coastal views through vegetation management policy. The PoM aims to reach a compromise by creating a series of viewing windows from the Reserve and Narrabeen Park Parade.

There are four key viewing windows, including:

- the large lawn near the constructed lookout;
- the northern end of the Reserve where there is a patch of Themeda grassland;
- the area used by the hang gliders and paragliders; and
- the lawn towards the south of the Reserve near the picnic setting and entrance to Turimetta Beach.

The majority of the Reserve will remain vegetated in accordance with the PoM objectives.



Staff have held a number of meetings with local residents (see **Attachment 1**) since recommending the project this year with an additional meeting to relay discussions with rescue organisations. Staff are aware that the draft PoM does not meet the expectations of several residents. However, as Council prepares plans of management for other coastal reserves, similar discussions will be held with residents about views and Council will need a consistent approach.

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### **3.0 SUSTAINABILITY ASSESSMENT**

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

The Draft PoM improves recreational and scenic values at the Reserve as well as responding to a range of issues raised by park users and local residents.

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

The Draft PoM aims to balance recreation, visual / views with the natural environment and retains and improves the heathland for its biodiversity values, taking into consideration Pittwater's Most Scenic Streets Register and Streetscape Management Guidelines..

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

Works are subject to funding as available from Council's capital works program. The Sydney Paragliding and Hang gliding Club will fund upgrades to the areas they use including re-vegetation / generation of heathland.

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

Extensive consultation with local residents has been undertaken during the preparation of the draft document.

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

The Draft PoM provides an effective use of community assets, improving park safety and amenity.

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### **4.0 EXECUTIVE SUMMARY**

The PoM addresses five key issues:

4.1 **Warriewood Blowhole** is accessed from Turimetta Headland Reserve. At least six people have died at the Blowhole since 1992 and others left permanently injured. The PoM addresses risk management at the blowhole in accordance with insurance and legal advice.

4.2 **Paragliding and Hang Gliding** are high risk activities that are managed at Turimetta Headland by the Sydney Paragliding and Hang Gliding Club. Several risk related issues have arisen and it has reached a point where Council needs to either stop the activity or facilitate it. By choosing to facilitate the facility, Council is required to make the site as safe as possible in accordance with the Club's requirements. The requirements involve amalgamating the launching and landing site, upgrading the launch site and removing or pruning vegetation around the launch site to provide sight lines and avoid rota on the wings.

- 4.3 **Geotechnical Risks** - Most of Turimetta Headland has been identified as Hazard Zone 1 on the Pittwater Geotechnical Map. This zone is described as an area where the likelihood of instability occurring is assessed as likely. It is proposed to continue to manage the site in accordance with the current Geotechnical Risk Management Policy for Pittwater. Key strategies include maintaining dense vegetation against the cliff edge to maintain an impenetrable barrier and keeping walking tracks away from the cliff edge.
- 4.4 **Biodiversity and Ecological Values** - The Reserve is largely a natural area and should be managed in accordance with the *Pittwater Natural Areas Plan of Management, 2009*.
- 4.5 **Views** - It is proposed to manage vegetation in order to retain and enhance viewing windows of the coast from key areas within the reserve and from Narrabeen Park Parade.
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## RECOMMENDATION

1. That the Turimetta Headland Reserve Draft Plan of Management be placed on public exhibition for a period of six weeks, with an additional two weeks for submissions to be received. This extended time for the community allows for school holidays and additional commitments over the Christmas period.
2. That following staff assessment of submissions received, a further report will be presented to the Council for consideration of adoption.

Report prepared by  
Jenny Cronan - Landscape Architect

Les Munn  
**MANAGER, RESERVES, RECREATION & BUILDING SERVICES**



## MINUTES

### Turimetta Headland Reserve – Meeting with Local Residents

Date: Tuesday 11 September, 2012 at 5:00pm  
 At: Turimetta Headland Reserve  
**Attendance**  
 Public: Nine local residents from Narrabeen Park Parade (2 apologies)  
 Council staff: Mark Eriksson – Principal Landscape Architect  
 Jenny Cronan - Landscape Architect (Minutes)

ITEM	ISSUES RAISED BY RESIDENTS
1.0	ME. The PoM focuses on bushland versus recreational management. We have a mandate that no clearing will be carried out for personal views. What happens here will set precedent for the whole LGA.
2.0	CG. We purchased our properties for their views which we have lost due to vegetation growth. We have lost the enjoyment the views gave to us and our properties are less valuable. We need to query the Valuer General's valuation of our properties. The VG values land based on a range of criteria including views, the Council then charges rates based on that value with views as a consideration. We have lost our views and there is no adjustment to the valuation and subsequent rates to the Council. Our rates have not been reduced.
3.0	PL. We have been trying to work with Council over the past 15 years. It is a common sense approach to retain and enhance panoramic coastal views for the broader public. However, the resident's perspective is also based on common sense. Most of the residents have lived here for a long time. When we purchased our properties we paid a price based on established panoramic views. It is not morally right for Council to have planted the views out and now refuse to reinstate them.
4.0	?. We are up against the greenies who are committed to not clearing anything. Council has set precedence at Newport Hill (Eric Green Reserve / Bilgola Bends).  FB. Also, the stairs to Narrabeen Pool where five Banksias have been poisoned then removed.

ITEM	ISSUES RAISED BY RESIDENTS
5.0	ME. The section of road at Newport Hill is included in the Pittwater's Most Scenic Streets Register and identified in the Streetscape Management Strategy for its views. The weed species have recently been removed from this section of road to provide filtered views. At Narrabeen Pool, the Banksias were poisoned by members of the community. Council removed the dead trees.
5.0	PL. The residents have endured years and years waiting for this PoM to be prepared and our issues addressed. People who walk along this stretch love to see the ocean, but it appears that we are hindered by internal politics.
6.00	Photos were distributed showing the newly built housing in Narrabeen Park Parade during the early 1970s and the Reserve clear of vegetation.
7.0	<p>ME. Council never has, and never will clear for private views. This would lead to widespread clearing. Nevertheless, Narrabeen Park Parade is listed in the Pittwater's Most Scenic Streets Register; therefore we are considering views for the net public benefit. The Banksias and Casuarinas are the problem because they self propagate so readily and are prolific.</p> <p>Staff have been clear from the beginning that we could not clear the whole Reserve and turf it again, as it was when you moved here. The draft PoM we have presented to you is the best we can achieve. We feel we have reached a reasonable compromise in balancing vegetation with views. The PoM will provide documentation that will be used to retain the views into the future. The draft PoM will go to the Council for consideration of exhibition. You may address the Council and you may send formal submissions during the exhibition period. Your submissions will be addressed in the report to Council and you will have another opportunity to address the Council.</p>
8.0	<p>RK. Mrs K. presented a list of issues raised by Mr K. objecting to the dense vegetation, requesting vegetation be cleared 2m either side of tracks and raising concerns in relation to the proposed fencing to block access to the unauthorised track to the blowhole, arguing this would hinder rescue operations.</p> <p>JC responded to Mr K. by email stating that the dense vegetation along the cliff edge (excluding the viewing windows) will be retained as a barrier and that Council aims to keep vegetation 0.5m clear either side of tracks.</p> <p>In relation to the proposed fence to block off the unauthorised track, the PoM follows legal advice.</p> <p>Following a series of further emails on risk a site meeting has been organised between staff and the emergency service provider to discuss access to the blowhole. A meeting with Mr L. and Mr. K. will be held to discuss the outcome. All residents may attend this meeting – the date TBA.</p>

**MINUTES****Turimetta Headland Reserve – Meeting with Local Residents**

**Date:** Saturday 26 May 2112 3:30pm - 4:30pm  
**At:** Turimetta Headland Reserve  
**Attendance**  
**Public:** Six residents from Narrabeen Park Parade  
**Council staff:** Mark Eriksson – Principal Landscape Architect  
Jenny Cronan - Landscape Architect (Minutes)

Item	Issue
1	<p><b>Masterplan</b></p> <p>At the previous meeting of 7 May, staff gave residents a draft masterplan showing proposed coastal viewing areas or 'windows' from the reserve. Residents felt the draft plan retained the existing views, rather than enhancing the views. In response, the draft masterplan was delivered to the residents for their review.</p> <p>At the meeting of 26 May residents submitted a revised masterplan showing wider viewing windows for Council's consideration.</p>
3	<p><b>General issues raised by the residents</b></p> <p>Turimetta Headland is one of the few headlands that provide a recreational area with panoramic views to the north along the coastline. The recreational area at the reserve is large enough for weddings and social gatherings. It is one of the few coastal recreational areas that is sheltered from the southerly winds. People should be able to enjoy this; they should be able to sit on the ground on a picnic rug and enjoy the views.</p> <p>Consideration needs to be given to emergency landings by helicopters at the trig station. Provide enough space for landing and coastal views to enable paramedics to locate the person in distress.</p> <p>Request a permanent solution that removes or reduces the tall, dense vegetation, particularly the Banksias and Casuarinas. Restricting plants to species that grow up to one to two metres in recreational / viewing areas would prevent ongoing maintenance expenses.</p>

Item	Issue
2	<p><b>Submission</b></p> <p>Residents decided that they would prepare a written submission (received 4 June)</p>
3	<p><b>Project process</b></p> <ol style="list-style-type: none"> <li>1. Meeting with the hang-gliders on site organised for 14 June.</li> <li>2. Notify residents from the southern end of Narrabeen Park Parade that Council is preparing a plan of management for Turimetta Headland (A meeting with these residents may be necessary).</li> <li>3. Meeting between Council staff and management to discuss the submissions and revised masterplan.</li> <li>4. Finalise draft POM documentation.</li> <li>5. Present draft POM to the senior management team for their consideration.</li> <li>6. Present draft POM to the Council meeting for consideration of public exhibition. One representative from the community may address the Council for three minutes.</li> <li>7. If agreed at the Council meeting, the draft POM will be placed on public exhibition for 4 weeks, with another two weeks during which the public are invited to make written submissions.</li> <li>8. Staff to consider all submissions received.</li> <li>9. Draft POM presented at the Council meeting for consideration of adoption. One representative may address Council for 3 minutes.</li> <li>10. There are timing implications due to the Councillor elections on 8 September. The last Council meeting is 16 July.</li> </ol>

9 May 2012

Dear Resident

**Re: Proposed plan of management for Turimetta Headland Reserve**

Thank you for attending the meeting at Turimetta Headland on 7 May. At the meeting, we presented a proposal for vegetation management in order to conserve and enhance views from the public domain.

Issues were raised with the proposal due to concerns that it did not provide sufficient views. Key issues raised by residents include:

- views from Narrabeen Park Parade are iconic and required to be retained in accordance with the Pittwater's Most Scenic Streets Register;
- rates are based on property values which are higher for properties with views;
- the original vegetation was Themeda grassland. When many residents moved in they enjoyed views. The reserve was then planted during the construction of the Bicentennial Coastal Walkway. It is now heathland which has blocked views;
- concerns regarding risk of fire; and
- request to address views from the Parade above the SLSC (roundabout).

In response, Council will distribute the proposal to residents for their consideration. Given the context that Council will not prune vegetation for private views, Council is seeking your feedback on the proposal. Please take into consideration the following guidelines:

- views can only be considered from the public domain;
- the aim will be to conserve and enhance the existing series of viewing 'windows' from the Parade and within the reserve;
- wide spread clearing cannot take place due to the legislative protection of vegetation and strong support of Pittwater's natural environment by the wider community;
- Council cannot set a precedent at Narrabeen Park Parade that other neighbourhoods may wish to emulate due to the high number of private properties in Pittwater with ocean views.

Please bring your proposal to the next meeting where we will walk around the site and discuss your suggestions. Council will be looking to reach a reasonable solution that has considered the above guidelines.

The meeting details are as follows:

Date: Saturday 26 May  
Time: 3:30 pm  
Location: Turimetta Headland Reserve (near the hang-gliding area)

In the meantime, should you wish to discuss any issues regarding Turimetta Headland Reserve, you are welcome to telephone me at your convenience.

Yours faithfully

Jenny Cronan  
Landscape Architect  
**PITTWATER COUNCIL**

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## **C11.9 North Narrabeen Synthetic Playing Field - User Fee**

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**Meeting:** Governance Committee

**Date:** 17 December 2012

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**STRATEGY:** Recreational Management

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

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### **PURPOSE OF REPORT**

To place on public exhibition the recommended hire charge rates for the new synthetic oval at North Narrabeen (Narrabeen Sport High).

#### **1.0 BACKGROUND**

- 1.1 Construction of a new synthetic surfaced sports oval as well as a renovated turf oval located at Narrabeen Sports High School are nearing completion.
- 1.2 Under the User Agreement with the Department of Education, Pittwater Council has use of these ovals outside of school times.
- 1.3 Use of the turf oval will be under similar arrangements as other turf ovals in Pittwater.
- 1.4 Use of the synthetic oval will require a specific hire charge to help fund the cost of replacement of the special surface (in approx 8 to 10 years) along with ongoing maintenance & servicing costs. The hire fee also recognises the superior facility being provided.

#### **2.0 ISSUES**

##### **2.1 Hire Charges for New Synthetic Oval**

Based on a comparison of hire charges for other similar facilities across Sydney (refer **Attachment 1**), the following hire charges for the first half of 2013 are recommended:

Casual (local teams)	\$ 60 per hour
Casual (non local teams)	\$ 90 per hour
Seasonal usage (local teams)	\$ 50 per hour
Seasonal usage (non local teams)	\$ 70 per hour
Local schools (other than NSHS)	\$ 30 per hour
Non local schools	\$ 50 per hour
*Commercial Hire, eg professional sporting organisations	\$150 per hour
Floodlights	\$ 30 per hour (additional to above)
Dressing Rooms	\$ 40 (additional to above)
\$1,000 bond required.	

Note: local teams/schools are those based in Pittwater



These hire charges will subsequently become part of the 2013/17 Delivery Plan process and reviewed accordingly as part of the Fees & Charges process.

Council staff believe that local teams (ie teams based in Pittwater) and local schools should have a discounted rate as opposed to teams located outside of the area. In consideration of the capital outlay for the project, the cost of maintaining the field and the need to establish a sinking fund which would cover the cost of the replacement surface in 8-10 years, the above fees and charges are reasonable.

## **2.2 Estimated Income**

It is estimated that the ground will be used for approximately 30 hours per week (nightly and on weekends). It is therefore estimated that the income from usage could be in the vicinity of \$80,000 per annum (allowing for an average cost of \$60 per hour for 46 weeks per year).

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## **3.0 SUSTAINABILITY ASSESSMENT**

Sustainability information has been provided with previous reports on this facility, in particular:

- The new sports oval facilities will provide much needed additional sports facilities of a high standard to help offset the additional pressure from the population increase from the Warriewood Valley land release on the sports field network.
- The income from the hire charges will be placed in a specific fund reserve to help cover the cost of ongoing maintenance and servicing as well as provide a sinking fund for the future replacement of the surface .
- Water collected from the synthetic ground will be used to irrigate the new turf ground at the western side of the school.

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## **4.0 EXECUTIVE SUMMARY**

- 4.1 This report establishes the proposed hire charges for the use of the new synthetic surfaced oval at Narrabeen Sports High School, North Narrabeen.

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## **RECOMMENDATION**

1. That the table of proposed fees and charges as included within this report be placed on public exhibition for 28 days.
2. That at the end of the exhibition period, a further report be brought to Council for consideration.

Report prepared by

Les Munn  
**MANAGER, RESERVES, RECREATION & BUILDING SERVICES**

## Comparison Hire Rates for Similar Facilities Across Sydney

Synthetic Pitch	Hire costs
<b>Blacktown International Sports Park:-</b> Schools  Outside Hirers	\$400 per day (8 hours) – additional fees apply for changerooms, lights, p.a etc. \$1,000 bond \$1,000 per day (8 hours) – additional fees apply for changerooms, lights, p.a etc. \$1,000 bond.
<b>Northbridge (Willoughby Council):-</b> Casual Hire Seasonal Hire Schools Additional fees apply for floodlights	\$63 per hour \$34 per hour \$11.50 per hour \$20 per hour (commercial hirers pay an additional fee of 75% extra).
<b>Seymour Shore (Sutherland)</b> Weekends  Weekdays	\$330 per hour (includes changerooms & floodlights).  \$165 per hour (includes changerooms & floodlights).
<b>Cromer Park (Manly Warringah Football Association)</b>	\$250 per hour includes changerooms – floodlights additional
<b>Hensley Athletics Fields (City of Botany Bay Council)</b>	\$120 – Booking Fee \$380 per hour – minimum booking 2 hrs weekdays, 4 hours weekends. \$80 per hour floodlights \$1000 Damage Deposit
<b>Pittwater RSL Futsal Courts</b>	\$50 per hour Note: 4 Futsal courts equal one full size field.

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<b>C11.10</b>	<b>Audit &amp; Risk Committee - Operations Report for the Period 1 January to 31 December 2012</b>
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**Meeting:** Governance Committee

**Date:** 17 December 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 the Annual Operations Report of the Audit & Risk Committee for the Period 1 January to 31 December 2012 **(at Attachment 1)**.

### **1.0 BACKGROUND**

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

1.2 The Audit & Risk Committee Charter, Section 10 (Reporting) states:

- i) The Committee shall report at least annually to Council.

This Operations Report covers the calendar year 2012, from 1 January 2012 to 31 December 2012.

### **2.0 ISSUES**

2.1 Per the Audit & Risk Committee Charter, Section 10 (Reporting), the Committee shall report at least annually to Council.

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### **3.0 SUSTAINABILITY ASSESSMENT**

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

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

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#### **4.0 EXECUTIVE SUMMARY**

- 4.1 The Audit & Risk Committee is responding to the requirements of their Charter to report annually to Council. As such, the attached report (**Attachment 1**) provides Council with a summary of the operations of the Audit & Risk Committee for the Period 1 January 2012 to 31 December 2012.

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#### **RECOMMENDATION**

That the following report by the Chair of the Audit and Risk Committee be noted.

Report prepared by  
Renaldi Steyn - Internal Auditor

Paul Reid  
**MANAGER, CORPORATE STRATEGY & COMMERCIAL**

**PITTWATER COUNCIL**

**Report by Chair of  
The Audit & Risk Committee  
Pittwater Council**

**Operations of the Audit & Risk  
Committee for the year January to December 2012**

### 1. Introduction

The purpose of this report is to provide Pittwater Council with a summary of the operations of the Audit & Risk Committee (the Committee) in accordance with the Committee Charter.

Consistent with its commitment to open and transparent governance that meets the highest community expectations, in November 2009, Council resolved to enhance the governance framework by forming an Audit Committee and an Internal Audit Function. It established Audit Committee and Internal Audit Charters based on principles reflected in guidelines issued by the Department of Premier & Cabinet Division of Local Government in October 2008 - *Internal Audit Guidelines*. It remains in accord with the Guidelines which were updated in 2010.

The Audit Committee was renamed the Audit & Risk Committee in May 2010.

Included in the Committee's Charter is a requirement for the Committee to report to Council annually outlining its activities. This is the third Report of the Committee.

### 2. Committee Members

The Committee has been comprised of the following members during the year. Note that, consistent with the Local Government Guidelines, following Council general elections in September and the subsequent elevation of Councillor Townsend to the position of Mayor, Council elected Councillors Hegarty and Grace to the Committee.

#### Independents

- Mr. Neil Adams (Chairperson)
- Mr. John Gordon

#### Councillors

- Councillor Julie Hegarty
- Councillor Jacqueline Townsend (until November 2012)
- Councillor Bob Grace (from November 2012)

### 3. Advisors to the Committee

#### All meetings

- |                   |   |
|-------------------|---|
| - Mark Ferguson   | General Manager                                   |
| - Mark Jones      | Chief Financial Officer                           |
| - Paul Reid       | Manager, Corporate Strategy & Commercial          |
| - Renaldi Steyn   | Internal Auditor (May – November 2012 meetings)   |
| - Pamela Tasker   | Administration Officer/Minute Secretary           |
| - Jeremy Wardell  | Principal Officer, Risk & Developer Contributions |
| - Lilian Whiteman | Internal Auditor (February 2012 meeting)          |



## **6. Achievements**

Milestones achieved by the Committee in 2012 included:

- (i) Reviewed and endorsed the Internal Audit programme for the 2012-13 and the Strategic Audit Plan for the 3 years to 2014-15 submitted by the Internal Auditor.
- (ii) Reviewed the Financial Statements for the year ended 30 June 2012 and received a briefing from Council Finance management and the independent External Auditors. The Committee endorsed the statements.
- (iii) Received reports on administrative complaints and their resolution.
- (iv) Reviewed the continued relevance of the Committee's Charter.
- (v) Presented the Committee's Annual Report for 2011 to Council's meeting in February 2012 and the present Annual Report for 2012 to Council for Council's meeting in December 2012.
- (vi) Received substantial briefings on:
  - Risk management and progress in the development of a formalised Enterprise Risk Management Process for Council; and
  - Development Applications processes.
- (vii) The Committee considered numerous audit reports prepared by Internal Audit including those on the following topics, and continuously reviewed the implementation of audit recommendations:
  - Payroll
  - Information Technology (Hardware and Infrastructure integrity)
  - Section 94 Contributions
  - Location and Adequacy of the Computer Server Room
  - Credit Card Expenses
  - Lakeside caravan park Best Practice
  - Councillor payments and Reimbursements
  - Standardised Publication of Tender Information
  - Lease Management
  - Receipting and Disbursements.

## **7. Action Points for 2013**

The Audit & Risk Committee will complete the following for the forthcoming year:

- (a) Review outstanding items on the Internal Audit programme.
- (b) Follow up on the implementation of Internal and External audit recommendations.
- (c) Review and endorse an Internal Audit programme for 2013-14 and a revised Strategic Audit Plan.
- (d) Receive updates from Council on its Enterprise Risk Management development.
- (e) Pursue other governance related issues as necessary in accordance with the Audit Committee Charter.



**8. Committee Charter & Self Assessment**

A review of the Committee's Charter is required to be undertaken at least once every two years. It was reviewed this year, and minor changes were seen to be warranted. These changes were approved by Council in its meeting on 16 April 2012.

A self assessment of the Committee's performance is required by the Charter to be undertaken every two years. Accordingly, it was not conducted this year and is scheduled for 2013.

**9. Conclusion**

The Audit & Risk Committee and Internal Audit function have worked very effectively over the past year in my view. Committee members and senior managers have worked together productively and harmoniously.

I take this opportunity to thank the other Committee members, past and present, and the Internal Auditors for their valuable contribution to the Committee's success. I also acknowledge the noteworthy support of the Committee and the Internal Audit function from the General Manager, Mark Ferguson, and his management team.

Neil Adams  
Audit & Risk Committee  
Chairperson  
6.12.2012

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<b>C11.11</b>	<b>Minutes of the Audit &amp; Risk Committee for the meeting held on 21 November 2012</b>
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**Meeting:** Governance Committee

**Date:** 17 December 2012

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**STRATEGY:** Business Management

**ACTION:** Maintain and service Council's range of Committees

---

## **PURPOSE OF REPORT**

To present to Council the Minutes of the Audit & Risk Committee for the meeting held on 21 November 2012.

### **1.0 BACKGROUND**

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

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

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

and

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

As a result the Audit & Risk Committee Charter was revised to reflect quarterly reporting to Council.

1.3 Council endorsed an updated Audit & Risk Committee Charter at its meeting held on 16 April 2012.

### **2.0 ISSUES**

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

### **3.0 SUSTAINABILITY ASSESSMENT**

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

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

---

#### **4.0 EXECUTIVE SUMMARY**

- 4.1 The Audit & Risk Committee has resolved to amend their Charter so that Minutes of quarterly meetings are reported to Council and so be placed on the public record. As such, a copy of the Minutes of the Audit & Risk Committee Meeting held on 21 November 2012 is at **Attachment 1**.
- 

#### **RECOMMENDATION**

That the Minutes of the Audit and Risk Committee Meeting held on 21 November 2012 be noted.

Report prepared by  
Renaldi Steyn - Internal Auditor

Paul Reid  
**MANAGER, CORPORATE STRATEGY & COMMERCIAL**

# Minutes

## *Audit & Risk Committee Meeting*

held in the 3<sup>rd</sup> Floor Conference Room at  
Pittwater Council, Warriewood on

**21 November 2012**

Commencing at 5.04pm



## **ATTENDANCE:**

### **Members**

Mr Neil Adams (Chairperson)  
Mr John Gordon  
Cr Julie Hegarty  
Cr Bob Grace

### **The following Council Officers (non-voting)**

Mr Mark Ferguson, General Manager  
Mr Mark Jones, Chief Financial Officer  
Mr Lindsay Dyce, Manager – Planning and Assessment  
Ms Denka Van Den Bosch, Principal Officer  
    - Land & Information  
    - Development Application Process Administration  
Ms Renaldi Steyn, Internal Auditor  
Mr Jeremy Wardell, Principal Officer, Risk & Developer Contributions  
Ms Pamela Tasker, Administration Officer / Minute Secretary

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**Audit & Risk Committee**

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**TABLE OF CONTENTS**

<b>Item No.</b>	<b>Item</b>	<b>Page No</b>
1.0	Apologies	4
2.0	Declarations of Pecuniary or Conflict of Interest	4
3.0	Confirmation of Minutes	4
6.0	Presentation on Development Applications	5
4.0	Matters Arising & Action Items from Minutes	5
5.0	Report on Risk Management	5
7.0	Report on Internal Audit Activities	6
8.0	Complaints Register	8
9.0	General Business	8
10.0	Proposed Schedule of Meetings 2013	8

***Attachment 1: Action Item Summary***

**Notes:**

1. The Audit & Risk Committee (A&RC) Meeting commenced at 5.00pm.
2. Mr Adams assumed the Chair.
3. Mr Adams formally welcomed Cr Grace to the Committee.
4. Mr Adams, on behalf of the Committee, expressed appreciation of the contributions of Cr Townsend as a former member of the Committee, and congratulations on her election as Mayor which necessitated her resignation from the A&RC.

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## **1.0 Apologies**

**Nil.**

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## **2.0 Declarations of Conflict of Interest / Pecuniary Interest**

**Full Disclosure of Potential Conflicts of Interest:**

1. Mr Gordon advised he has been appointed to the Professional Conduct Tribunal of the Institute of Chartered Accountants.
2. Mr Adams advised he is a consultant with the Internal Audit Bureau (IAB). IAB was recently appointed to perform an IT audit for Pittwater Council.

No other declarations were made.

**Note:**

Cr Hegarty joined the meeting at 5.08pm.

---

## **3.0 Confirmation of Minutes**

### **COMMITTEE DECISION**

That the Minutes of the A&RC Meeting held on 14 August 2012, copies of which were circulated to all members be and are hereby confirmed as a true and accurate record of that meeting.

(Mr Gordon / Mr Adams)

---

### ***Procedural Motion (COMMITTEE DECISION)***

That the Committee first move to consider Item 6.0 – Presentation on Development Applications.

(Mr Adams / Cr Hegarty)

---

## **6.0 Presentation on Development Applications**

### **Proceedings in Brief**

The Manager - Planning & Assessment and the Principal Officer - Land & Information / Development Application Process Administration, addressed the meeting providing an overview on current DA procedures.

### **Note:**

The Manager - Planning & Assessment and the Principal Officer - Land & Information / Development Application Process Administration left the meeting at 5.40pm.

---

## **4.0 Matters Arising & Action Items from Minutes**

### **Proceedings in Brief**

The Internal Auditor addressed the meeting on this item.

### **Item 5.0 – Report on Risk Management**

Subsequent to the question raised at the August meeting concerning GIPA compliance potentially breaching copyright on building plans, Mr Gordon advised that the Office of the Information Commissioner has now confirmed that copyrighted architectural plans are exempted from disclosure.

### **6/1.1:**

The Complaints Handling Progress Report is now expected to be completed in time for the February 2013 meeting of A&RC

### **8/1.4:**

The integration of the Risk Management Plan and the Internal Audit Plan is now standard practice.

### **9/1.1:**

To be marked incomplete as the Committee needs to see the final plan.

### **Note:**

The General Manager joined the meeting at 5.50pm.

---

## **5.0 Report on Risk Management**

### **Proceedings in Brief**

The Principal Officer, Risk Management & S94 Developer Contributions, addressed the Committee on this item.



**Action Items – Report on Risk Management:**

- *The Enterprise Risk Management Plan is to be brought to the February 2013 meeting for noting*
- *The Enterprise Risk Management Plan and Policy is to be endorsed by Council once finalised*

---

## **7.0 Report on Internal Audit Activities**

**Proceedings in Brief**

The Internal Auditor addressed the Committee on this item.

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## **7.1 Issues Register: Progress on Audit Recommendations**

**Proceedings in Brief**

The Internal Auditor addressed the Committee on this item.

**Action Items – Issues Register:**

- *Chris 21 cross check on ghost employees – Internal Auditor to report on procedures in place*
- *Chris 21 cross check on employees terminated – Internal Auditor to report on procedures in place*
- *Cash Handling “Policy” to be renamed “Guideline”*
- *Chief Financial Officer to report on the S94 recommendations for February 2013 meeting*

---

## **7.2 Report on “No Action Agreed” Items**

**Proceedings in Brief**

The Internal Auditor addressed the Committee on this item.

**Action Items – Report on “No Action Agreed” Items:**

- *CEC Sponsor recruitment – restructure might have made this unnecessary – mark complete as unlikely to be progressed*

---

## **7.3 Tender Template and Procedures – Standardised Publication of Information**

**Proceedings in Brief**

The Internal Auditor addressed the Committee on this item.

**Action Items – Tender Template and Procedures:**

- ***Internal Auditor to report back on current legislation: quare the continued operation of the Local Government (Tendering) Regulation 1999, and title of Local Government (Tendering) Amendment Regulation 2010.***
- ***Require exclusion of Assessment Panel members on Opening Tender procedures***
- ***Probity audit on tenders – need to set parameters for where required***
- ***Add to the Tendering Procedure Document: Obligations of assessment panel – have to identify tenderer who provides best value for money***

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<b>7.4 Lease Management Audit</b>
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**Proceedings in Brief**

The Internal Auditor addressed the Committee on this item.

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<b>7.5 Receipting and Disbursements Audit</b>
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**Proceedings in Brief**

The Internal Auditor addressed the Committee on this item.

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<b>7.6 Draft Strategic Audit Plan 2013-2015</b>
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**Proceedings in Brief**

The Internal Auditor addressed the Committee on this item.

**Action Items – Draft Strategic Audit Plan 2012-2015:**

- ***A&RC to endorse Internal Audit Strategic Plan, which then goes to Council for approval prior to implementation***
- ***Report on the provision of Internal Audit resources to be brought to A&RC Committee at November 2013 meeting***
- ***Add an audit of Recruitment and Terminations – what is process in terms of Management Practices, compliance with legislation/modern practice***
- ***Investigate scope of social media issues and how Council deals with associated information in year 2 or 3***

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<b>7.7 Internal Audit Plan</b>
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**Proceedings in Brief**

The Internal Auditor addressed the Committee on this item.

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## **8.0 Complaints Register**

### **Proceedings in Brief**

The General Manager addressed the Committee on this item.

### **Action Items – Complaints Register:**

- **General Manager to follow up on blank sections in current report**
- **Managers to elaborate further on process / how matter was resolved**
- **Internal audit on complaints investigations to be integrated into Annual Internal Audit Plan for 2012/2013**

---

## **9.0 General Business**

### **9.1 Annual Report – Complaints Escalated to Outside Agencies**

The General Manager addressed the Committee on this item.

### **9.2 Appointment of Audit & Risk Committee Members**

**Timeline:** Expressions of Interest going out this month.  
Appointments scheduled for mid January 2013.

Consideration is to be given to extending length of tenure from 2 years to 3 or 4 years.

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## **10.0 Proposed Meetings Schedule 2013**

The proposed Schedule of Meetings of the Audit & Risk Committee for 2013 for next year is as follows:

- **Thursday, 21 February 2013**
- **Thursday, 16 May 2013**
- **Tuesday, 13 August 2013**
- **Thursday, 21 November 2013**

All meetings are held in the Conference Room, 3<sup>rd</sup> Floor / 5 Vuko Place, Warriewood commencing at 5pm.

**THERE BEING NO FURTHER BUSINESS THE AUDIT & RISK  
COMMITTEE MEETING CLOSED AT 8.01PM ON  
WEDNESDAY, 21 NOVEMBER 2012**

## **Attachment 1 - Action Item Summary**

### **Action Items – Report on Risk Management:**

- The Enterprise Risk Management Plan is to be brought to the February 2013 meeting
- The Enterprise Risk Management Plan and Policy is to be endorsed by Council once finalised

### **Action Items – Issues Register:**

- Chris 21 cross check on ghost employees – Internal Auditor to report on procedures in place
- Chris 21 cross check on employees terminated – Internal Auditor to report on procedures in place
- Cash Handling “Policy” to be renamed “Guideline”
- Chief Financial Officer to report on the S94 recommendations for February 2013 meeting

### **Action Items – Report on “No Action Agreed” Items:**

- CEC Sponsor recruitment – restructure might have made this unnecessary – mark complete as unlikely to be progressed

### **Action Items – Tender Template and Procedures:**

- Internal Auditor to report back on current legislation – currency of Local Government (Tendering) Regulation 1999, and title of Local Government (Tendering) Amendment Regulation 2010.
- Require exclusion of Assessment Panel members on Opening Tender procedures
- Probity audit on tenders – need to set parameters for where required
- Add to the Tendering Procedure Document: Obligations of assessment panel – have to identify tenderer who provides best value for money

### **Action Items – Draft Strategic Audit Plan 2012-2015:**

- A&RC to endorse Internal Audit Strategic Plan, which then goes to Council for approval prior to implementation
- Report on the provision of Internal Audit resources to be brought to A&RC Committee at November 2013 meeting
- Add an audit of Recruitment and Terminations – what is process in terms of Management Practices, compliance with legislation/modern practice
- Investigate scope of social media issues and how Council deals with associated information in year 2 or 3

### **Action Items – Complaints Register:**

- General Manager to follow up on blank sections in current report
- Managers to elaborate further on process / how matter was resolved
- Internal audit on complaints investigations to be integrated into Annual Internal Audit Plan for 2012/2013

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<b>C11.12</b>	<b>Minutes of the Special Rate Variation Advisory Committee Meeting held 20 November 2012</b>
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**Meeting:** Governance Committee

**Date:** 17 December 2012

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**STRATEGY:**     **Recreational Management**  
                     **Beach and Coastal Management**  
                     **Biodiversity**  
                     **Sustainability and Climate Change**  
                     **Traffic and Transport**  
                     **Town & Village**  
                     **Community Learning**  
                     **Risk Management**

**ACTION:**        Provide Infrastructure renewal

---

## **PURPOSE OF REPORT**

To present to Council for consideration the Minutes of the meeting of the Special Rate Variation Committee held on 20 November 2012 (refer **Attachment 1**).

### **1.0 BACKGROUND**

1.1 To assist the administration and governance of the SRV Community Contract, the Special Rate Variation Advisory Committee has been established to carry out the following functions, as per its Charter:

- To monitor progress of works and the expenditure related to the works program as stated in the Special Rate Variation Community Contract.
- To inform Council about the progress of the works program.

1.2 The Committee consists of the following members:

**Councillors:**

Cr White  
Cr McTaggart  
Cr Millar

All other Councillors are free to attend as Observers and to engage in the discussion.

**Pittwater Community Representatives:**

Ms Roberta Conroy  
Mr John Greaves  
Ms Karen Lambert  
Mr Peter Mayman  
Mr James Owen  
Ms Brianna Seale

**Council Advisors**

Mr Chris Hunt, Director, Urban & Environmental Assets  
Mr Mark Shaw, Manager, Urban Infrastructure  
Mr Les Munn, Manager, Reserves Recreation & Building Services  
Mr Steve Lawler, Principal Officer, Reserves & Recreation  
Ms Sherryn McPherson, Minute Secretary

Other Council advisors will attend dependent on the agenda items.

## **2.0 ISSUES**

### **2.1 SRV4.2 – Special Rate Variation – Final Report on Works Completed under the Program – 1 July 2011 to 30 June 2012**

The SRV Committee noted the final report on completed works.

### **2.2 SRV4.1 – Special Rate Variation – Current 2012/2013 Works Program – Program Report**

The progress report on the current works program was noted.

### **2.3 SRV4.3 – Special Rate Variation - Proposed Works Program 2013/2014**

The SRV Committee endorsed the draft SRV Works Program for 2013/2014 for inclusion in the draft Pittwater Council Delivery Plan 2013/2017.

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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 minutes of the Special Rate Variation Advisory Committee Meeting held on 20 November 2012.**

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## **RECOMMENDATION**

1. That the Minutes of the Special Rate Variation Advisory Committee Meeting held on 20 November 2012 be noted.
2. That the draft SRV Works Program for 2012/14 as endorsed by the SRV Committee be taken into consideration in the draft Pittwater Council Delivery Plan for 2013/2017.
3. That the SRV Committee meet quarterly to align with Council's Quarterly Reporting.
4. That SRV works be highlighted to the community through appropriate media and communications.

Report prepared by

Chris Hunt  
**DIRECTOR, URBAN & ENVIRONMENTAL ASSETS**

# Minutes

## Special Rate Variation (SRV) Advisory Committee Meeting

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

**20 November 2012**

Meeting Commenced at 4.00pm



## **Attendance:**

### ***Councillors:***

Cr McTaggart  
Cr Millar  
Cr White

### ***The following Pittwater Community Representatives:***

Ms Brianna Seale  
Mr Peter Mayman  
Ms Roberta Conroy  
Mr James Owen

### ***and the following Council Advisors***

Mr Mark Ferguson, General Manager  
Mr Mark Shaw, Manager, Urban Infrastructure  
Mr Les Munn, Manager, Reserves, Recreation & Building Services  
Mr Steve Lawler, Principal Officer, Reserves and Recreation  
Ms Sherryn McPherson, Minute Secretary

**are requested to be in attendance.**

All other Councillors are free to attend as Observers, and are invited to do so and to engage in discussion, but not in voting in any matter before the committee

**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)**



## **Special Rate Variation Advisory Committee Meeting**

### **TABLE OF CONTENTS**

<b>Item No</b>	<b>Item</b>	<b>Page No</b>
<b>1.0</b>	<b>Apologies</b>	<b>4</b>
<b>2.0</b>	<b>Declarations of Pecuniary Interest</b>	<b>4</b>
<b>3.0</b>	<b>Confirmation of Minutes</b>	<b>4</b>
<b>4.0</b>	<b>Committee Business</b>	<b>4</b>
SRV4.1	Special Rate Variation - Current 2012/2013 Works Program - Progress Report	5
SRV4.2	Special Rate Variation - Final Report on Works Completed under the Program - 1 July 2011 to 30 June 2012	5
SRV4.3	Special Rate Variation - Proposed Works Program 2013/2014	5
<b>5.0</b>	<b>General Business</b>	<b>6</b>
<b>6.0</b>	<b>Next Meeting</b>	<b>6</b>

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<b>1.0</b>	<b>Apologies</b>
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**COUNCIL DECISION**

1. That apologies be received and accepted from

- Mr Chris Hunt, Director, Urban & Environmental Assets
- Mr John Greaves, Pittwater Resident Representative
- Ms Karen Lambert, Pittwater Resident Representative

and leave of absence be granted from the SRV Meeting held on 20 November 2012.

(Cr White / Mr Mark Beharrell)

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<b>2.0</b>	<b>Declarations of Pecuniary Interest</b>
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Nil

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<b>3.0</b>	<b>Confirmation of Minutes</b>
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**COMMITTEE RECOMMENDATION**

That the Minutes of the Special Rate Variation Advisory Committee Meeting held on 17 April 2012, be confirmed as a true and accurate record of that meeting.

(Ms Roberta Conroy / Mr Peter Mayman)

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<b>4.0</b>	<b>Committee Business</b>
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<b>SRV4.2</b>	<b>Special Rate Variation - Final Report on Works Completed under the Program - 1 July 2011 to 30 June 2012</b>
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**Proceedings in Brief**

Mr Mark Shaw, Manager – Urban Infrastructure and Mr Les Munn, Manager, Reserves, Recreation and Building Services addressed the meeting on this item.

A copy of the presentation provided by Mr Mark Shaw titled Urban Infrastructure is attached to the minutes at **Attachment 1**.

A copy of the presentation provided by Mr Les Munn titled 2011 – 2012 Reserves, Recreation and Building Services Unit is attached to the minutes at **Attachment 2**.

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**COMMITTEE RECOMMENDATION**

1. That the Final Report on Completed Works under the Special Rate Variation program as reported for the period 1 July 2011 to 30 June 2012 be noted.
2. That a bus trip of the Pittwater Local Government Area (LGA) be scheduled prior to the next meeting for members of the Special Rate Variation Advisory Committee visiting the completed and current projects included in the works program.

(Cr Millar / Ms Roberta Conroy)

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<b>SRV4.1</b>	<b>Special Rate Variation - Current 2012/2013 Works Program - Progress Report</b>
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**COMMITTEE RECOMMENDATION**

1. That the progress report on the Special Rate Variation Program of Works be noted.
2. That the totals calculated in the Revised Program of Works be amended to show the correct figures as shown below in red:

Description of Work	REVISED PROGRAM AS AT 31 October 2012				
	2012/2013 SRV Contribution	Grants/ Other Contributions	Total 2012/2013 SRV Budget	Actual Expenditure 1 Nov	Status of Works to Date
<b>Grand Total</b>	<b>\$3,416,472</b>	<b>258,362</b>	<b>\$3,674,834</b>	<b>\$342,205</b>	

Description of Work	AMENDED REVISED PROGRAM AS AT 31 October 2012				
	2012/2013 SRV Contribution	Grants/ Other Contributions	Total 2012/2013 SRV Budget	Actual Expenditure 1 Nov	Status of Works to Date
<b>Grand Total</b>	<b>\$3,416,472</b>	<b>258,362</b>	<b>\$3,704,671</b>	<b>\$572,572</b>	

(Ms Roberta Conroy / Ms Brianna Searle)

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<b>SRV4.3</b>	<b>Special Rate Variation - Proposed Works Program 2013/2014</b>
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**COMMITTEE RECOMMENDATION**

1. That the endorsement of the SRV Committee to the draft Special Rate Variation Works Program 2013/2014 for inclusion in the draft Pittwater Council Delivery Plan 2013/2017 be noted.
2. That the heading listed in Key Direction 4 be amended from Managing Natural Hazards be broken down to show Bushfire Asset Protection Zones / Risk Management.

(Mr Peter Mayman / Cr Millar)

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<b>5.0</b>	<b>General Business</b>
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**COMMITTEE RECOMMENDATION**

1. That all ongoing Special Rate Variation works become a part of the Pittwater Report, Rates notices or other means.
2. That the Special Rate Variation Advisory Committee meetings be held quarterly to coincide with Council's Quarterly report.

(Cr White / Ms Roberta Conroy)

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<b>6.0</b>	<b>Next Meeting</b>
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The next meeting of the Special Rate Variation Advisory Committee 2013 will be held on the 5 February 2013 at the Level 3 Conference Room, 5 Vuko Place, Warriewood commencing at 4.00pm.

**THERE BEING NO FURTHER BUSINESS  
THE MEETING CONCLUDED AT 6.04PM ON  
TUESDAY 20 NOVEMBER 2012**

## Integrating our Built Environment

### Footpath & Verge Rehabilitation



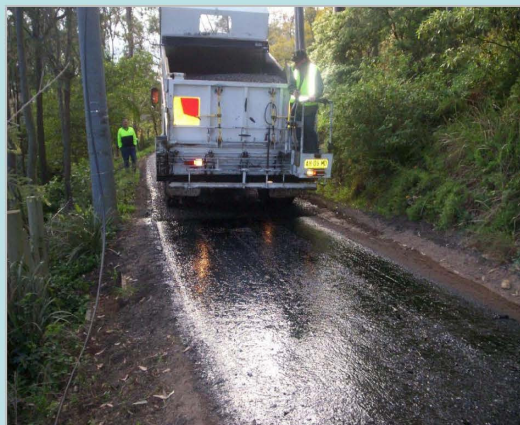
Samuel Street, Mona Vale



Queens Parade West, Newport



## Special Rate Variation



### Urban Infrastructure

20 November 2012

## Scotland Island Road & Drainage Infrastructure



 PITTWATER COUNCIL

## Integrating Our Built Environment

### Road Rehabilitation Program



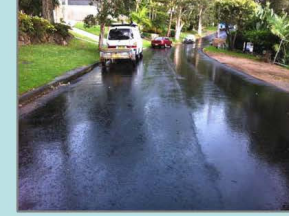
Jeanette Avenue, Mona Vale



Irrawong Road, Nth Narrabeen



Dolphin Crescent, Avalon



 PITTWATER COUNCIL



## Integrating Our Built Environment

### Road Rehabilitation Program



Samuel Street, Mona Vale



Irrawong Road, Nth Narrabeen



Old Barrenjoey Road, Avalon



## Integrating our Built Environment

### Footpath & Verge Rehabilitation



Bellevue Avenue, Avalon



Anana Road, Elanora



Neptune Avenue, Newport



# SRV Presentation 2011-2012

Reserves, Recreation & Building Services Unit

 PITTWATER COUNCIL



 PITTWATER COUNCIL

**North Narrabeen  
Rockpool Carpark**





## North Palm Beach Dune Restoration



## Bungan Beach Dune Restoration





 **PITTWATER COUNCIL**

## Catherine Park Seawall



## Warriewood/Ingleside Escarpment





The expansion and consolidation of native groundcovers, these help to suppress herbaceous weeds and exotic grasses



## Bushland Upgrades Turimetta Headland



Woody weeds in the north of the zone at Turimetta Headland have been targeted.



Bushfire Asset  
protection zones





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<b>C11.13</b>	<b>Minutes of the Community Engagement, Information and Governance Reference Group Meeting held on 28 November 2012</b>
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**Meeting:** Governance Committee

**Date:** 17 December 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 Minutes of the Community Engagement, Information & Governance Reference Group Meeting held on 28 November 2012 (**Attachment 1**).

**1.0 BACKGROUND**

- 1.1 The Community Engagement, Information & Governance Reference Group has a primary role of assisting the Pittwater 2020 Strategic Plan process by critically analysing and reviewing the Strategic Goals aligned to leading an effective and collaborative Council and providing Reference Points for further consideration by Council.
- 1.2 The Community Engagement, Information & Governance Reference Group has previously established a priority order to eventually consider each of the aligned Strategic Goals and associated Key Direction Strategies.
- 1.3 At the meeting of 28 November 2012 the Community Engagement, Information & Governance Reference Group considered the following topics:

**CEIG 4.1**      ***Budget Overview and Process***

**CEIG 4.2**      ***'Form Letter' Review – Update***

**2.0 ISSUES**

**2.1 CEIG 4.1: Budget Overview and Process**

Council's Chief Finance Officer provided an overview of Council's Budget Process and its reporting. The following Reference Points arose from the discussion:

- That discussion take place at the CEIG Ref Group Meeting in February regarding financial reporting to include divisions / business units in addition to key directions in order to reflect responsibilities for expenditure.
- That discussion take place at the CEIG Ref Group Meeting in February in relation to the Investment Report in Monthly Management Accounts that particular investments which are treated as cash in the balance sheet be indicated as such.

## 2.2 **CEIG 4.2: 'Form Letter' Review – Update**

Council's Manager – Governance and Administration provided some examples of amended Form Letters for group discussion. The following Reference Point arose from the discussion:

- Mr Peter Middleton to redraft Letter A1 – Notification of Development Application – in order to provide an example of a letter he feels meets the requirements previously discussed. Mr Middleton to liaise with Mr Lawrence in the interim and a further update to be given at the February meeting of the Reference Group.

## 2.3 **General / Emerging Business:**

**Eco Markers** – Trial to be carried out followed by an evaluation as to whether to expand this initiative.

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## 3.0 **SUSTAINABILITY ASSESSMENT**

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

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## 4.0 **EXECUTIVE SUMMARY**

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

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## **RECOMMENDATION**

1. That the Minutes of the Community Engagement, Information & Governance Reference Group Meeting held on 28 November 2012 be noted.
2. That the initiatives discussed and Reference Points in relation to:
  - CEIG 4.1 Budget Overview and Process
  - CEIG 4.2 'Form Letter' Review - Update

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

Report prepared by

Chris Hunt  
**DIRECTOR, URBAN & ENVIRONMENTAL ASSETS**

# Minutes

## Community Engagement, Information & Governance Reference Group

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

***28 November 2012***

**Commencing at 4.05pm**



**Members of the Committee, namely**

Cr Sue Young, Chairperson

**The following community representatives:**

Mr David Williams, Bayview-Church Point Residents Association  
Mr Tony Tenney, Clareville and Bilgola Residents Association  
Mr Gavin Butler, Newport Residents Association  
Mr Peter Middleton, Newport Residents Association  
Mr Storm Jacklin, Palm Beach and Whale Beach Association Inc.  
Mr Graeme Jessup, Sustainability Pittwater  
Mr John Gillham, Northern Beaches Community Services

**And the following Council Advisors**

Mr Chris Hunt, Director, Urban & Environmental Assets  
Mr Warwick Lawrence, Manager, Administration & Governance  
Mr Mark Jones, Chief Financial Officer  
Ms Pamela Tasker, Administration Officer/Minute Secretary

**Observers:**

Cr Jacqui Townsend (Mayor)



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<b>COMMUNITY ENGAGEMENT, INFORMATION &amp; GOVERNANCE REFERENCE GROUP MEETING</b>
---

## **TABLE OF CONTENTS**

<b>Item No</b>	<b>Item</b>	<b>Page No</b>
<b>1.0</b>	<b>Apologies and Acknowledgements</b>	<b>4</b>
<b>2.0</b>	<b>Declarations of Pecuniary and Non-Pecuniary Conflict of Interest</b>	<b>4</b>
<b>3.0</b>	<b>Confirmation of Minutes</b>	<b>4</b>
<b>4.0</b>	<b>Discussion Topics</b>	<b>4</b>
CEIG4.1	Budget Overview and Process	5
CEIG4.2	Form Letter Review - Update	7
<b>5.0</b>	<b>Emerging Business</b>	<b>8</b>
5.1	Eco-Markers – Progress Report	8
5.2	Code of Meeting Practice Review	8
5.3	Reference Group Members Term of Appointment	8
5.4	Combined Reference Group Workshop – Community Strategic Plan	8
<b>6.0</b>	<b>Next Meeting</b>	<b>8</b>

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## **1.0 Apologies and Acknowledgements**

### **1.1 Apologies**

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#### **REFERENCE GROUP RECOMMENDATION**

That apologies be received from the following members:

Ms Sarah Hatcher - Pittwater Resident Representative  
Ms Lynne Czinner - Peninsula Music Club  
Mr Hans Carlborg – Pittwater Resident Representative  
Mr Bill Gye - Scotland Island Residents Association  
Ms Brigitte Mahler-Mills - West Pittwater Community Association  
Ms Gillian Clive – Pittwater Resident Representative

and leave of absence be granted from the Community Engagement, Information & Governance Reference Group Meeting held on 28 November 2012.

(Mr Middleton / Mr Tenney)

### **1.2 Acknowledgements**

The members expressed their appreciation to Cr Bob Grace for his past Chairmanship of the Community Engagement, Information & Governance Reference Group.

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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 Community Engagement & Information Reference Group Meeting held on 22 August 2012, copies of which were circulated to all Reference Group Members, be and are hereby confirmed as a true and accurate record of the proceedings of that meeting.

(Mr Butler / Mr Jessup)

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## **4.0 Discussion Topics**

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## **CEIG 4.1 Budget Overview and Process**

### **Proceedings in Brief**

Mr Mark Jones, Chief Financial Officer, addressed the Reference Group Meeting on this item.

#### **DISCUSSION POINTS:**

- Q:** Does Council retain the same firm of external auditors from year to year?
- A:** The tender for audit services occurs every 6 years and based on tender assessment, the firm of Hill Rogers Spencer Steer has been successful and appointed for multiple terms.
- Q:** Isn't there some dangers with using the same external auditors over the long term?
- A:** It could be perceived that way, however the auditors are subject to an international accounting standards framework and the ethics and industry standards and Code of Practice for auditors.
- Q:** Would Council ever use that firm for financial advice?
- A:** We have sought their advice on tax matters once or twice but otherwise no, unless seeking advice in relation to industry standards leading up to an annual audit.
- Q:** Do you carry outstanding rates forward year after year – do you ever write them off?
- A:** No, they are never written off as they accrue on the property. When the property is sold the rates are paid with interest. Council has a policy to never actively pursue pensioners or cases of genuine hardship, but other properties in arrears are sometimes put with collection agencies. It very much depends on the individual circumstances.
- Q:** The SRV increased Council's rates over a 3 year period to fund the works program over the next 10 years. Will the funding last longer than 10 years?
- A:** Yes, the additional special rates are ongoing. The actual special rates rise is over the initial 3 year period, and will be retained at the increased level thereafter rate increases will be in accordance with the Department of Local Government. The SRV will raise approximately \$38m over the initial 10 year term for the associated works program. Assets replacement and renewal projects will reduce operating costs and this is directly due to the SRV funding over the long term.
- Q:** How do the Special Projects match up with Business Units – how is this shown in the accounts?
- A:** We employ a complex matrix based on percentages rather than operations to align the accounts with Key Directions and Strategies. We are in the process of investigating how we can reflect a direct correlation within the Council Ledger Structure between Business Units and Council's Strategic Reporting. We may need to set up a secondary ledger where we can code activity / strategy links / key directions. Business Units have specific budgets and accountabilities.
- Q:** How many accounting suppliers operate within the Local Government Sector?

**A:** There are two main accounting programs used across local government: Finance One and Civica. Pittwater has used both since 2000. We try to keep our financial reporting as straightforward as possible, currently running one ledger. We are generally the first or second Council in NSW to report our annual figures which demonstrates sound accounting practices.

**Q:** Only \$23,993 of the budgeted \$410,466 has been spent on Sustainability and Climate Change – why so little? Is there a problem identifying projects?

**A:** No, it most probably reflects bills not being lodged by suppliers or simply a lag in undertaking works. It may also reflect projects that are not phased until Feb-May 2013 or later.

**Q:** Wasn't the EI Levy stopped when the SRV came in? Why is it reflected in the Operational Fixed versus Variable Funding?

**A:** Yes, although there was a one year overlap in spending. The charts reflect past levy revenue held in reserve which is now being spent.

**Q:** At one stage Council had a cap on employment numbers? Does this still exist?

**A:** Not that I am aware but expenditure on wages and salaries has been fairly steady over the past 5-10 years. It is a large component of expenditure and one of the areas we will be reviewing in next year's budget.

**Q:** The Monthly Contractors Report to Council shows lots of short term contractors reported. Is this used to bypass the staff numbers cap?

**A:** No. We do use temp agencies to fill administration positions due to holes that need to be filled. It is sometimes hard to recruit a permanent member of staff to fill a vacancy, so filling a short term gap as necessary can reduce the impact on existing staff; temporary staff can be used to cover seasonal needs or short term project requirements, so it is not a bad thing as it gives Council some flexibility without exceeding the budget; often grants are provided to cover the cost of temporary staff assigned to specific projects.

The Monthly Contractors Report is no longer operative.

**Q:** There are some huge capital expenses facing Council – how are we addressing that?

**A:** Council has an overarching asset management strategy which categorises asset condition, prioritises renewal or maintenance requirements, defines shortfalls, etc. We currently believe it will take about \$30m or \$40m to bring all of our assets back to standard and another \$30m to \$40m to maintain them over the long term (10 years) based on current strategic plans. Modelling is underway on strategy / prioritising / working through on renewal and replacement programs (assets plans). Once in place it will be these individual asset plans that will assist in planned renewal and maintenance expenditure on assets.

**Q:** It seems to me that the financial reports being broken down under key directions are inadequate. Wouldn't it be much more meaningful if the reporting was broken down into the 3 divisions of Council or the 10 Business Units so as to define responsibility?

**A:** We used to report on business Units 4 or 5 years ago until Council was required to amend reporting bases on IP&R requirements and community desires. At that time we sat down with community groups to see how they wanted it reported and the community came up with the key directions / strategies so Council changed its report structure as required. We retain internal accounting under Divisions / Business Units but the published accounts are in direct response to community requests.

## REFERENCE POINTS:

- That discussion take place at the CEIG Reference Group Meeting in February regarding financial reporting to include divisions / business units in addition to key directions in order to reflect responsibilities for expenditure.
- That discussion take place at the CEIG Reference Group Meeting in February in relation to the Investment Report in Monthly Management Accounts that particular investments which are treated as cash in the balance sheet be indicated as such.

### Notes:

1. Cr Townsend joined the meeting at 4.17pm.
2. Mr Gillham left the meeting at 5.16pm.
3. Mr Jones left the meeting at 5.24pm.

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## **CEIG 4.2 Form Letter Review - Update**

### Proceedings in Brief:

Mr Warwick Lawrence, Manager – Administration & Governance, addressed the Reference Group Meeting on this item.

## DISCUSSION:

**Q:** I understand there are some changes to the form letters, but are there still attachments going out with them? One of the major problems was the number of attachments, especially badly constructed attachments, which just made the outgoing communications too confusing. The message must be targeted at the recipient. You are “fuzzing” your message by providing too much information.

**A:** We are currently only looking at letters. We will be looking at attachments as soon as time permits, both at the wording and whether they can be streamlined or eliminated if not necessary. We do have legislative requirements governing what information is to be provided to people. There is no point directing them to website links alone, as many of our residents may not have access to the internet. We have to be careful that we don't discount the requirement for people to be very aware of their responsibilities under the law.

Also, community surveys indicate that people want more information and they want it to be readily accessible. We need to have several avenues of providing information to meet the varied needs in the community.

Our aim is to improve on what we have at present, but the reality is that form letters can never be perfect or provide all the information relevant to each individual recipient.

## REFERENCE POINT:

- Mr Peter Middleton to redraft Letter A1 – Notification of Development Application - in order to provide an example of a letter he feels meets the requirements previously discussed. Mr Middleton to liaise with Mr Lawrence in the interim and a further update to be given at the February meeting of the Reference Group.

---

## **5.0 General / Emerging Business**

### **5.1 Eco-Markers – Progress Report**

Mr Graeme Jessup addressed the meeting speaking to this item. He expressed disappointment with the progress to date. However, following discussions with Mark Beharrell, Manager - Natural Environment and Education, he is now confident that Council is still keen to run with the idea. Hopefully a trial will be initiated early next year with Eco-Markers being installed at 10 locations across North Narrabeen. Evaluation of the trial should be underway by end of FY 2012/13. Mr Jessup will provide a further progress update to members at the February meeting.

### **5.2 Code of Meeting Practice Review**

A report is going to the next Council Meeting and the publication in the Council Meeting Agenda of responses to Resident Questions has been included in the proposed amendments. In the interim, Councillors are being copied in on responses. Following adoption at the next meeting changes will be put into place with a report going to Council at the second meeting of the month detailing all questions and responses.

### **5.3 Reference Group Members Term of Appointment**

Jane Mulroney, Community Engagement Officer, addressed the meeting speaking to this item. Ms Mulroney advised that she will be sending out a survey to all current reference group members seeking feedback on their experience and suggestions for future meetings, and strongly encouraged members to respond to the survey. The expressions of interest seeking new members to the reference groups will be going out early in the new year as we want the new members on board by the May meetings. All current members would be contacted individually and everyone was encouraged to reapply.

### **5.4 Combined Reference Group Workshop – Community Strategic Plan**

Jane Mulroney, Community Engagement Officer, addressed the meeting speaking to this item. Attendance was a little disappointing, but the content from members who did attend was very good. The workshop honed in on the Key Objectives as it was assumed the participants had a higher understanding of the Plan. Council is still seeking submissions and an email will soon be going out to group members. We will hopefully have a really good first draft to be brought back to the community in February 2013. The Plan will then go to Council / Public Exhibition following revision.

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## **6.0 Next Meeting**

The next meeting of the Community Engagement, Information & Governance Reference Group is scheduled to be held on Wednesday, 27 February, 2013.

**There being no further business  
the meeting closed at 6.04pm on  
Wednesday 28 November 2012**

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## **Planning an Integrated Built Environment Committee**

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### **12.0          Planning an Integrated Built Environment Committee Business**

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<b>C12.1</b>	<b>N0076/12 - 1105, 1106, 1107, 1108 and 1109 / 4 Daydream Street Warriewood - Alterations and additions to the child care centre including additional floor space, expansion into an adjoining unit and increase in child care places from 90 to 113</b>
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**Meeting:** Planning an Integrated Built Environment Committee

**Date:** 17 December 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 N0076/12 for internal alterations and additions to the existing child care centre including construction of additional floor space over an existing void area, the expansion of the child care centre into an adjoining strata unit, increase in child care places from 90 to 133 children at 1105, 1106, 1107, 1108 and 1109 / 4 Daydream Street Warriewood (SP 80638).

### **1.0 BACKGROUND**

- 1.1 The Development Unit, at its meeting held on Thursday, 29 November 2012 considered the Development Officer's report (refer **Attachment 1**) for determination of development application N0076/12 for internal alterations and additions to the existing child care centre including construction of additional floor space over an existing void area, the expansion of the child care centre into an adjoining strata unit, increase in child care places from 90 to 133 children at 1105, 1106, 1107, 1108 and 1109 / 4 Daydream Street Warriewood..

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

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

### **3.0 DEVELOPMENT UNIT DELIBERATIONS**

The Development Unit resolved to endorse the Assessing Officer's recommendation of granting development consent subject to the conditions in the draft determination and the following additional and deleted conditions of consent:

**Delete condition of consent:**  
**E4**

**Additional Condition of Consent:**

**B26** All staff employed by the Child Care Centre are to be fully trained in the evacuation procedures and the detail of the evacuation plan. Regular evacuation drills are to be carried out throughout the year in accordance with Education and Care Services National Regulations.

### **4.0 ISSUES**

- B6.6 Off-Street Vehicle Parking Requirements - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy
- C2.10 Pollution Control



- A1.7 Considerations before consent is granted - Emergency Evacuation of the Child Care Centre

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## **5.0 SUSTAINABILITY ASSESSMENT**

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

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## **6.0 EXECUTIVE SUMMARY**

- 6.1 The application was considered by the Development Unit at its meeting held on 29 November 2012 and endorsed the Assessing Officer's recommendation for approval subject to the conditions in the draft determination and the following additional and deleted conditions of consent:

**Delete condition of consent:**  
**E4**

**Additional Condition of Consent:**

- B26** All staff employed by the Child Care Centre are to be fully trained in the evacuation procedures and the detail of the evacuation plan. Regular evacuation drills are to be carried out throughout the year in accordance with Education and Care Services National Regulations.

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## **RECOMMENDATION**

That the recommendation in the Development Officer's report be endorsed and development application N0076/12 for internal alterations and additions to the existing child care centre including construction of additional floor space over an existing void area, the expansion of the child care centre into an adjoining strata unit, increase in child care places from 90 to 133 children at 1105, 1106, 1107, 1108 and 1109 / 4 Daydream Street Warriewood (SP 80638) be granted development consent subject to the conditions contained in the draft determination and the following additional and deleted conditions of consent:

**Delete condition of consent:**  
**E4**

**Additional Condition of Consent:**

- B26** All staff employed by the Child Care Centre are to be fully trained in the evacuation procedures and the detail of the evacuation plan. Regular evacuation drills are to be carried out throughout the year in accordance with Education and Care Services National Regulations.

Report prepared by  
Gabrielle Angles, Principal Officer - Administration

Warwick Lawrence  
**MANAGER – ADMINISTRATION & GOVERNANCE**

**SUBJECT:** N0076/12 - 1105, 1106, 1107, 1108 and 1109 / 4 Daydream Street, Warriewood (SP 80638) Internal alterations and additions to the existing child care centre including construction of additional floor space over an existing void area, the expansion of the child care centre into an adjoining strata unit, increase in child care places from 90 to 113 children

**Determination Level:** Development Unit

**Date:** 29 November 2012

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

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<b>REPORT PREPARED BY:</b>	Ellie Robertson
<b>APPLICATION SUBMITTED ON:</b>	9 March 2012
<b>APPLICATION SUBMITTED BY:</b>	ROCKER HOLDINGS PTY LTD C/- BOSTON BLYTH FLEMING PTY LTD 1/9 NARABANG WAY BELROSE NSW 2085
<b>OWNER(S):</b>	THE OWNERS OF STRATA PLAN 80638 (Own)

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#### **1.0 DEVELOPMENT CONTROLS**

The site is zoned 3(e) Office Business and the proposed development being internal alterations and additions to the existing child care centre including construction of additional floor space over an existing void area, the expansion of the child care centre into an adjoining strata unit, increase in child care places from 90 to 113 children is permissible with consent pursuant to Pittwater Local Environmental Plan 1993.

The following relevant local and state policies apply to this site:

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- Education and Care Services National Regulations
- Rural Fires Act 1997
- Pittwater Local Environmental Plan (LEP) 1993
- Pittwater 21 Development Control Plan (Amendment 6), and
- Geotechnical Risk Management Policy for Pittwater 2009.

#### **2.0 NOTIFICATIONS**

- 159 property owners notified
- Nine submissions received

#### **3.0 ISSUES**

- B6.6 Off-Street Vehicle Parking Requirements - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy
- C2.10 Pollution Control
- A1.7 Considerations before consent is granted - Emergency Evacuation of the Child Care Centre

## 4.0 COMPLIANCE TABLE

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

O - Can the proposal achieve the control outcomes?

N - Is the control free from objection?

Control	Standard	Proposal	T	O	N
<b>REF - Development Engineer</b>					
B3.1 Landslip Hazard			Y	Y	Y
B3.22 Flood Hazard - Flood Category 3 - All Development			-	-	-
B3.23 Climate Change (Sea Level Rise and Increased Rainfall Volume)			-	-	-
B5.4 Stormwater Harvesting			-	-	-
B5.5 Rainwater Tanks - Business, Light Industrial and Other Development			-	-	-
B5.7 Stormwater Management - On-Site Stormwater Detention			-	-	-
B5.9 Stormwater Management - Water Quality - Other than Dwelling House, Dual Occupancy and Secondary Dwellings			-	-	-
B5.10 Stormwater Discharge into Public Drainage System			-	-	-
B5.12 Stormwater Drainage Systems and Natural Watercourses			-	-	-
B5.14 Stormwater Drainage Easements (Public Stormwater Drainage System)			-	-	-
B6.2 Access Driveways and Works on the Public Road Reserve- All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy			-	-	-
B6.4 Internal Driveways - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy			-	-	-
B6.6 Off-Street Vehicle Parking Requirements - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy	<p>RTA Guide to Traffic Generating Developments requires 1 car park per 4 children.</p> <p>Pittwater 21 DCP does not provide a car parking requirement for child care centres.</p>	<p>The proposed development provides 24 car parking spaces. As 113 children will be cared for at the centre, 29 car parking spaces are required.</p> <p>Concerns have been raised regarding the proposed off-street car parking for the development and additional traffic generated as a result of the proposal.</p> <p>Concerns are also raised regarding the inadequacy of the traffic report.</p> <p>See Section 10 for further discussion.</p>	N	Y	N

Control	Standard	Proposal	T	O	N
B6.9 On-Street Parking Facilities - All Development other than Dwelling Houses, Secondary Dwellings and Dual Occupancy			-	-	-
B6.10 Transport and Traffic Management - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy			Y	Y	Y
B8.1 Construction and Demolition - Excavation and Landfill			-	-	-
B8.2 Construction and Demolition - Erosion and Sediment Management			-	-	-
B8.3 Construction and Demolition - Waste Minimisation			-	-	-
B8.4 Construction and Demolition - Site Fencing and Security			-	-	-
B8.5 Construction and Demolition - Works in the Public Domain			-	-	-
B8.6 Construction and Demolition - Traffic Management Plan			-	-	-
C6.18 Utilities and services - Warriewood Valley Land Release Area			-	-	-
C6.21 Provision of Infrastructure - Warriewood Valley Land Release Area			-	-	-
C6.22 Landscaping on the Existing and Proposed Public Road Reserve Frontage to Subdivision Lots - Warriewood Valley Land Release Area			-	-	-
REF - Health					
B5.2 Wastewater Disposal			-	-	-
B5.3 Greywater Reuse			-	-	-
C5.12 Child Care Centres			Y	Y	Y
C5.17 Pollution control		Concerns have been raised regarding acoustic privacy from the adjoining strata units above and adjoining the child care centre.  Concerns are also raised regarding the inadequacy of the acoustic assessment. See Section 10 for further discussion.	Y	Y	N
C5.19 Food Premises Design Standards		The application was referred to Council's Health Officer who raised no objection to the development subject to conditions of consent.	Y	Y	Y
REF - Natural Resources					
B1.4 Aboriginal Heritage Significance		No issues - no excavation required	Y	Y	Y

Control	Standard	Proposal	T	O	N
B3.5 Acid Sulphate Soils		No issues - no excavation required.	Y	Y	Y
B4.18 Heathland/Woodland Vegetation		The proposal involves internal floorspace alterations to increase child numbers in a childcare centre. The proposed works are within the existing building footprint and will not impact on trees or significant vegetation.	Y	Y	Y
C6.6 Bushfire Protection - Warriewood Valley Land Release Area			-	-	-
C6.11 Natural Environment - Warriewood Valley Land Release Area			Y	Y	Y
D16.12 Landscaping			Y	Y	Y
REF - Planner					
22. Development on land within Zone No. 3(e)			Y	Y	Y
EPA Act Section 147 Disclosure of political donations and gifts			-	-	-
3.1 Submission of a Development Application and payment of appropriate fee		Concerns have been raised regarding owners consent. Owners consent from the body corporate was received by Council on 31 August 2012.  Concerns have been raised regarding lack of consent from the body corporate to make openings in the walls between units. This may be correct however is a matter for the owners corporation and not a valid reason for refusal.	Y	Y	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		Concerns have been raised regarding inadequate documentation submitted with the application. The documentation submitted with the application is considered sufficient to undertake a detailed assessment.	Y	Y	N
3.4 Notification			Y	Y	Y
3.5 Building Code of Australia		A BCA Capability statement has been received stating that the proposed new works will be able to achieve compliance with the relevant provisions of the BCA.	Y	Y	Y
3.7 Designated Development			-	-	-
4.4 Integrated Development: Bushfire		The proposal is classified as Integrated Development in accordance with Section 91 of the Environmental Planning and Assessment Act 1979. The development was referred to the NSW RFS who raised no objection subject to conditions of consent.	Y	Y	Y
4.5 Integrated Development: Aboriginal Objects and Places			-	-	-
4.6 Integrated Development - Protection of the Environment			-	-	-
4.7 Integrated Development – Roads			-	-	-

Control	Standard	Proposal	T	O	N
5.1 Referral to the Roads and Traffic Authority under SEPP (Infrastructure) 2007			-	-	-
5.2 Referral to the NSW Police Service			-	-	-
5.3 Referral to NSW Department of Environment and Climate Change (DECC)			-	-	-
6.6 Section 94 Contributions - Warriewood Valley			-	-	-
A1.7 Considerations before consent is granted		<p>Concerns have been raised regarding emergency evacuation measures for the child care centre. The application was referred to Council's Community Services department for comment. Please see Section 10 of this report for further discussion.</p> <p>Concerns have been raised regarding failure to comply with conditions in previous consents for this child care centre. This may be correct however Council's compliance department should be contacted for further investigation to be undertaken.</p> <p>Concerns have been raised regarding the licensing of the child care centre and the safety of the children during construction. If the application is granted consent, the child care provider is required to apply to the Department of Family and Community Services to vary their children's service approval as well as give notice of the proposed changes to the premises.</p> <p>Concerns have been raised regarding increased vehicular access during construction and the location of waste materials which may potentially be located on common property during construction. The location of waste materials on common property and increased vehicular movements is a civil matter and not a valid reason for refusal.</p> <p>Concerns have been raised regarding the need for additional child care places at the centre considering the vacancies available in other nearby centres. This may be correct however is not a valid reason for refusal.</p> <p>Concerns have been raised regarding the lack of outdoor space provided for the children. Council's Community Services department has not raised objection to the proposal in this regard.</p> <p>A submission has been received raising concern that the existing walls in Unit 1105 are not load bearing and are not suitable to carry the extra floor loads. A condition of consent will be recommended for the certification of the adequacy of the existing structure to support the additional loading.</p>	Y	Y	N

Control	Standard	Proposal	T	O	N
B1.3 Heritage Conservation - General			Y	Y	Y
B2.4 Subdivision - Light Industrial Zoned Land and Office Business 3(e)		Concerns have been raised regarding the need for the strata subdivision plan to be modified to include the existing mezzanine level within the child care centre and the proposed new areas. This development application does not propose the modification of the current strata subdivision plan and is not for consideration under this assessment.	-	-	N
B3.2 Bushfire Hazard			Y	Y	Y
B3.6 Contaminated Land and Potentially Contaminated Land			Y	Y	Y
B5.1 Water Management Plan			-	-	-
B5.2 Wastewater Disposal			Y	Y	Y
B5.3 Greywater Reuse			-	-	-
B5.12 Stormwater Drainage Systems and Natural Watercourses			-	-	-
C2.2 Safety and Security			-	-	-
C2.5 View Sharing			-	-	-
C2.6 Adaptable Housing and Accessibility			-	-	-
C2.22 Plant, Equipment Boxes and Lift Over-Run			Y	Y	Y
C5.1 Landscaping			-	-	-
C5.2 Safety and Security			-	-	-
C5.4 View Sharing			-	-	-
C5.5 Accessibility		A Statement of Compliance has not been submitted with the application. A condition of consent is recommended for certification from an Accredited Access Adviser to be submitted to the Accredited Certifier or Council confirming that the plans and specifications submitted at CC stage comply with the requirements set out in Councils Accessibility Control C5.5.	N	Y	Y
C5.7 Energy and Water Conservation			-	-	-
C5.8 Waste and Recycling Facilities			-	-	-
C5.10 Protection of Residential Amenity		<p>The proposed development does not adjoin land zoned or used for residential purposes.</p> <p>A submission has been received discussing the irrelevance of a statement in the SEE which states that the development will not result in any adverse residential impacts and the fact that the amenity of the other commercial tenants in the building will be impacted upon.</p> <p>The amenity of the other commercial tenants in the building is addressed elsewhere in this report.</p>	-	-	N
C5.11 Advertisements		Advertising does not form part of this development application.	-	-	-

Control	Standard	Proposal	T	O	N
C5.15 Undergrounding of Utility Services			-	-	-
C5.16 Building Facades		No changes proposed - works are internal only.	-	-	-
C6.1 Warriewood Valley Land Release Area (Stage One)		<p>The application was referred to Council's Land Release Officer who provided the following comments:</p> <p><i>The proposal is understood to be an extension of a child care centre within an existing premises and increasing the number of children being cared for. No external additions are proposed. From a Land Release/Strategic perspective, no objection is raised to this application as the additional floor space for the childcare centre is contained wholly within an existing building. This application does not require referral to the wider WWV Team.</i></p>	Y	Y	Y
C6.19 Floor Space Ratio - Warriewood Valley Land Release Area Industrial and Office Business Zone	Maximum FSR of 1:1	<p>Existing FSR 1.09:1 Proposed FSR 1.1:1</p> <p>The proposed works increase the Gross Floor Area (GFA) of the development by approximately 129sqm which is non-compliant with the control.</p> <p>The proposed works are internal only and will not increase the bulk and scale of the existing built form. In this regard, a variation to the control is supported and the proposed development considered reasonable.</p>	N	Y	Y
D14.2 Scenic protection - General			Y	Y	Y
D16.1 Character as viewed from a public place		No change to the character of the existing building as viewed from a public place - proposed works are internal only.	-	-	-
D16.2 Building colours and materials		No change to existing building colours and materials - proposed works are internal.	-	-	-
D16.3 Front building lines		No change to front building line - proposed works are internal.	-	-	-
D16.9 Utilities and Telecommunication Services			-	-	-
D16.10 Pets and companion animals			-	-	-
D16.14 Height		No change to building height - proposed works are internal.	-	-	-
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 subject site has a legal description of Lots 7,8,9,10 and 11 in SP 80638, commonly known as Units 1105, 1106, 1107, 1108 and 1109 at No.4 Daydream Street, Warriewood. The site is 11,649sqm in area and contains four (4) multistorey buildings for commercial and industrial uses with associated basement/floor level car parking spaces.

## 6.0 PROPOSAL IN DETAIL

The proposed development involves internal alterations and additions to the existing child care centre including the construction of additional floor space over an existing void area, the expansion of the child care centre into an adjoining strata unit (Lot 7) including the extension of the existing mezzanine area over the void area, minor internal reconfiguration and an increase in the number of child care places from 90 to 113 children.

## 7.0 BACKGROUND

Development Application N0076/12 was lodged with Council on 9 March 2012 for internal alterations and additions to the existing child care centre including construction of additional floor space over an existing void area, the expansion of the child care centre into an adjoining strata unit, increase in child care places from 90 to 113 children.

The proposed development was notified in accordance with Council's notification policy for a period of 14 days beginning on 15 March 2012. As a result of the notification process, nine (9) submissions were received. The application was referred to Council's Development Engineer, Natural Resources and Health Officers', Community Services team and Warriewood Valley Land Release team. A site inspection was undertaken on 25 July 2012.

Approval for the child care centre was granted under consent N0180/07 on 3 August 2007.

Modification N0180/07/S96/1 was granted consent on 14 February 2008.

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

The application of SEPP NO. 1 is not required.

## 9.0 EXISTING USE RIGHTS

Does the proposal rely on Existing Use Rights? No

## 10.0 DISCUSSION OF ISSUES

- **B6.6 Off-Street Vehicle Parking Requirements - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy**

Table 1 in control B6.6 of Pittwater 21 DCP sets out the minimum number of vehicle and service spaces to be provided within the development site for new development and extensions to existing development. The development type being a child care centre is not a specified development in the table. For development not included in Table 1, the control states the following:

*The minimum number of vehicle parking requirements must be determined using appropriate guidelines for parking generation and servicing facilities based on development type comparison based on the RTA Guide to Traffic Generating Development or analysis drawn from surveyed data for similar development uses.*

A total of 24 car parking spaces will be allocated to the child care centre. The RTA guidelines require one off-street car parking space per four children being cared for at the centre. The number of children being cared for at the centre is proposed to increase to 113 in which 29 off-street car parking spaces are required. The proposal has a parking deficiency of 5 spaces. Consequently, the proposed development results in a non-compliance with the control.

A variation to the control may be permitted for the following:

*For change of use and developments within existing commercial centres, consideration may be given to a variation to the minimum parking and service facilities requirements subject to the outcomes of this control being achieved and adequate justification being provided.*

The application was referred to Council's Development Engineer who provided the following comments:

*The proposed increase in childcare numbers will create an additional demand for parking as well as drop off and pick up facilities. The number of spaces required should be 29 based on the following RTA guidelines:*

*"Off-street parking must be provided at the rate of one space for every four children in attendance. Given the short length of stay (the RTA's surveys found an average length of stay of 6.8 minutes), parking must be provided in a convenient location, allowing safe movement of children to and from the centre. Consideration could be given to reducing the parking required if convenient and safe on-street parking is available (e.g. indented parking bays), provided that the use of such parking does not adversely affect the amenity of the adjacent area."*

*The applicant has submitted a Traffic and Parking Impact Statement prepared by Ray Dowsett Traffic and Transport Planning dated 8 May 2012. The report finds that from the results of the parking survey, the shortfall in car parking spaces can be readily and conveniently accommodated on the street in the vicinity of the child care centre particularly through the use of the indented parking spaces located nearby and the proposal will not result in any adverse parking or traffic impacts.*

*It is considered that the number of off-street parking spaces allocated to the child care centre in conjunction with the available on street parking adjacent to the centre is adequate to meet the parking demand created by the increase in child care spaces. Given the above, a variation to the off-street vehicle parking requirements is supported.*

Further to the comments above, concerns have been raised by the owners of other strata units within the building regarding parents who are dropping their children at the centre, utilising car parking spaces which have been allocated to other strata units. The strata plan indicates that the car parking allocated to the child care centre is inter-dispersed within the car park and the allocated parking spaces may not be convenient for parents dropping off and collecting their children. However, parking and allocation management was a matter addressed under a previous DA for the strata subdivision of the building and any issue regarding this should be addressed by the body corporate/strata.

- **C2.10 Pollution Control**

Concerns have been raised regarding acoustic privacy from the adjoining strata units adjoining the child care centre. An acoustic report has been provided. Further concerns have been raised regarding the acoustic testing in the report.

In the acoustic report, the noise was measured in the vacant tenancy Lot 7 – the tenancy in which the child care centre is proposing to expand into. The acoustic report states that common wall between Lot 8 (part of the existing child care centre) and Lot 7 is constructed of the same material between Lot 7 and 6. Conflicting information was received by other owners of strata units within the building who were of the knowledge that this common wall between Lot 8 and 7 was a masonry block wall and the common wall between Lot 7 and 6 was a stud wall. However, correspondence has been received confirming that the type of construction of the common wall between Lots 6 and 7 and Lots 7 and 8 are both stud walls.

Despite the internal wall construction, the noise concerns of the adjoining strata units can be addressed by requiring compliance with AS 2107 *Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors* which limits noise attenuation between units.

The application was referred to Council's Health Officer for comment who raised no objection to the acoustic report provided with the application. The acoustic report states the following:

*The noise measurements in the unoccupied tenancy were found to be below the recommended noise level for a general office area when the existing childcare centre was operating. Based on these findings, the proposed expansion of the childcare centre will not adversely impact on the acoustic amenity of the existing occupant which will share a common wall when the expanded childcare centre is in operation.*

Furthermore, the following condition of consent is recommended:

*Prior to the issue of the Occupation Certificate, certification from a suitably qualified person shall be submitted to the PCA stating that the development complies with AS 2107 Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors.*

Therefore, this submission issue does not warrant the refusal of this application and the proposed development is considered reasonable in this regard.

- **A1.7 Considerations before consent is granted - Emergency Evacuation of the Child Care Centre**

Concerns have been raised regarding emergency evacuation measures for the child care centre. The applicant supplied Council with a quote from an emergency and response training company. The application was referred to Council's Community Services department who provided the following comments:

*I believe that there are very significant issues around evacuation of the building. This application is for an intensification of existing use and if approved will allow 34 children aged from 0 to 3 years to be located on the mezzanine level of the building. There are 2 staircases leading to the lower level of the building to the inside of the centre. There does not appear to be Fire Escape stairs that are accessible to staff and children on this level. With children in this age range there will be a number of children who are not yet able to walk and a number of other children who would not be able to safely negotiate stairs without adult assistance. This will significantly slow the process of evacuation.*

Further to the above comments, Council requested additional information on 11 September 2012 requiring the following:

*A detailed Emergency and Evacuation Management Plan must be submitted demonstrating that children aged 0 to 3 years can be safely evacuated with this expansion in child care numbers. This must be prepared in accordance with the acceptable solutions for emergency and evacuation planning outlined in the NSW Rural Fire Service document Planning for Bushfire Protection 2006 - Section 4.2.7 and identify that the building meets the fire safety standards required in the Building Code of Australia.*

The applicant provided a response to the above requirements. Council's Community Services Officer reviewed this information and found the response to Council insufficient to address the issues surrounding the evacuation of the childcare centre.

Pittwater 21 DCP does not have controls specific to the emergency evacuation of childcare centres. A review of childcare centre controls within other greater metropolitan Sydney Council's was undertaken. A number of Council's with specific Development Control Plans for the development of childcare centres require the development of fire safety and emergency evacuation plans which consider the following:

- The mobility of children and how this is to be accommodated during an evacuation;
- The location of a safe congregation area, away from the evacuated building, busy roads, other hazards and evacuation points of other residents or tenants within the building or surrounding buildings;
- The supervision of children during the evacuation and at the safe congregation area with regard to the capacity of the childcare centre and the child:staff ratios;
- Fire safety measures to be provided or incorporated into the design of the childcare centre in compliance with the Building Code of Australia.

The requirement for an evacuation plan is supported in the recommendations in the bushfire assessment statement prepared by Sydney Bushfire Consultants which states the following:

*An Evacuation Plan shall be prepared that addresses the protocols for the timely relocation of children, staff and visitors from the centre, should the need to evacuate the building/centre arise.*

The applicant provided an Emergency Response Plan prepared by Trimevac dated June 2012. However, this plan did not specifically consider the factors previously mentioned such as the mobility of the children being cared for at the centre and how the staff of the centre will evacuate the children in an emergency situation.

Additional information was requested by Council on 18 October 2012 requiring further details surrounding the evacuation of the children from the centre in the event of an emergency and the likelihood of the proposed development complying with the Building Code of Australia.

The applicant has provided Council with an amended Emergency Response Plan and a Building Code of Australia Capability Statement. This information was referred to Council's Community Services department for comment. After review of the information provided, the earlier concerns of the Community Services department with regard to emergency evacuation and BCA compliance concerning fire safety have been satisfied.

With regard to the Building Code of Australia Capability Statement prepared by Blackett Maguire and Goldsmith dated 31 October 2012, the following condition of consent is recommended:

*Prior to the issue of the Occupation Certificate, the Emergency Response Procedures document prepared by Trimevac dated October 2012 shall be amended by a suitably qualified person to reflect the requirements of the Building Code of Australia Capability Statement prepared by Blackett Maguire and Goldsmith dated 31 October 2012, following the installation of fire services and exit signage including the evacuation diagrams and any further statement required under this consent.*

Furthermore, to ensure the Emergency Response Plan for the evacuation of the staff and children at the child care centre is carried out as per the plan, a condition of consent is recommended for the emergency evacuation of the child care centre to be implemented in accordance with the Emergency Response Procedures document (as amended prior to the issue of the Occupation Certificate) prepared by Trimevac.

## **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 development results in a minor non-compliance relating to the provision of off-street car parking however it is considered that the available on-street car parking in the vicinity of the development is sufficient to cater for the parking demand as a result of the increase in child care places.

Concerns raised by Council regarding the emergency evacuation and BCA fire safety of the child care centre have been satisfied with the submission of an Emergency Response Plan and BCA Compliance Statement.

Noise from the operation of the child care centre has been addressed with the submission of an acoustic report. The report finds that noise levels from the expansion of the child care centre will be in accordance with AS 2107 *Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors*. Furthermore, noise from the operation of the child care centre will be conditioned to be in accordance with this Australian Standard.

Accordingly, the application is recommended for approval, subject to conditions of consent.

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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 N0076/12 for internal alterations and additions to the existing child care centre including construction of additional floor space over an existing void area, the expansion of the child care centre into an adjoining strata unit, increase in child care places from 90 to 113 children at Units 1105, 1106, 1107, 1108 and 1109 of No.4 Daydream Street, Warriewood, subject to conditions of consent.

Report prepared by

Ellie Robertson  
**PLANNER**

## DRAFT DETERMINATION

### CONSENT NO: N0076/12 ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED) NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

**Applicants Name and Address:**

ROCKER HOLDINGS PTY LTD  
C/- BOSTON BLYTH FLEMING PTY LTD  
1/9 NARABANG WAY  
BELROSE NSW 2085

Being the applicant in respect of Development Application No **N0076/12**

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 **N0076/12** for:

**Internal alterations and additions to the existing child care centre including construction of additional floor space over an existing void area, the expansion of the child care centre into an adjoining strata unit, increase in child care places from 90 to 113 children.**

**At: 1105, 1106, 1107, 1108 and 1109 / 4 DAYDREAM STREET, WARRIEWOOD (SP 80638)**

**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

- **Drawing No. 1228 Sheet 1 and 1228 Sheet 2 both prepared by Actron Design Pty Ltd both dated 05/03/2012**
  - **Letter from Sydney Bushfire Consultants dated 25 September 2012**
  - **Bushfire Assessment Statement Reference CR-030 prepared by Sydney Bushfire Consultants undated**
  - **Acoustic Report prepared by Wilkinson Murray Pty Ltd dated 10 April 2012**
  - **Traffic and Parking Impact Statement Reference 1215 prepared by Ray Dowsett Traffic and Transport Planning Pty Ltd dated 8 May 2012**
  - **Building Code of Australia Capability Statement prepared by Blackett Maguire and Goldsmith dated 31 October 2012, and**
  - **Emergency Response Procedures prepared by Trimevac dated October 2012**
- as amended in red (shown clouded) or as modified by any conditions of this consent.

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

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

Mark Ferguson  
GENERAL MANAGER  
Per:

## CONDITIONS OF APPROVAL

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

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

### A. Prescribed Conditions:

1. All works are to be carried out in accordance with the requirements of the Building Code of Australia.
2. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, there is to be such a contract in force.
3. Critical stage inspections are to be carried out in accordance with clause 162A of the *Environmental Planning & Assessment Regulation 2000*. To allow a Principal Certifying Authority or another certifying authority time to carry out critical stage inspections required by the Principal Certifying Authority, the principal contractor for the building site or the owner-builder must notify the Principal Certifying Authority at least 48 hours before building work is commenced and prior to further work being undertaken.
4. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - a. showing the name, address and telephone number of the Principal Certifying Authority for the work,
  - 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 number of children being cared for on the premises at any time is limited to 113.
2. The emergency evacuation of the child care centre shall be implemented in accordance with the Emergency Response Procedures document (as amended prior to the issue of the Occupation Certificate) prepared by Trimevac.
3. The operation of the childcare centre shall comply with *Australian Standard 2107 Acoustics - Recommended Design Sound Levels and Reverberation Times for Building Interiors* for the life of the development.
4. Noise from the operation of any plant or equipment at the premises shall not exceed criteria listed in the NSW Industrial Noise Policy January 2000.
5. The operation of the business and activities must comply with the Protection of the Environment Operations Act, 1997.
6. No water pollution shall result from the operation of any plant or equipment or activity carried out.
7. No odour nuisance to the public or any adjoining premises shall be created by the operation of any plant or equipment or any procedure carried out at the premises.
8. No emissions causing air pollution shall be created by the operation of any plant or equipment or any procedure carried out at the premises.
9. The operation of any plant or equipment or any procedure carried out at the premises shall not cause land pollution.
10. The construction, fit out and finishing of the kitchen and food handling and storage areas must comply with: Australian Standard 4674 - 2004 Design, construction & fit-out of food premises, and The Food Safety Standard 3.2.3 (as part of the Food Standards Code) required by the Food Regulation 2010.
11. Cupboards, cabinets and counter construction must be free of voids, cracks and crevices and designed so they can be easily cleaned and not give harbourage for vermin. They should be fitted a minimum of 150mm above the floor level or situated on a solid plinth a minimum of 75mm in height and meet the same specifications as the floor and be coved.
12. The ceiling over all food handling areas must be non-perforated and finished free of open joints, cracks and crevices. The ceiling shall be finished with a sealant that is of light colour, washable and an impervious material. Drop panel type ceilings are not appropriate for these areas.



13. Hand washbasins must be provided in the food servery/preparation area, preferably installed with hands free taps. A hand wash basin should ideally be located within 5 metres of any food handling and be easily accessible and useable.

Hand washbasins must be provided with:

- (i) an adequate supply of potable warm running water delivered through a single spout,
- (ii) a supply of liquid soap, and
- (iii) single use hand towel.

14. Premises shall be provided with equipment for cleaning and sanitizing as specified within Tables 4.1 and 4.2 of AS 4674-2004 Design, construction & fit-out of food premises.
15. All service pipes, conduits and electrical wiring shall be either concealed in floors, walls, ceilings or plinths or be fixed on brackets so as to provide at least 25mm clearance between the pipe and the adjacent vertical surface and 100mm between the pipe and the adjacent horizontal surface.
16. All food preparation areas and areas where food is displayed must be suitably protected from the likelihood of contamination.
17. All shelving, cupboards, doors and the like must be impervious and easy to clean on all exposed surfaces and as far as practicable be constructed and installed to prevent vermin harbourage.
18. Provision must be made for storage of garbage containers, containers for recyclable material in an external area of the premises or in a room specifically for that purpose.
19. External garbage areas must be provided with a hose tap connected to the water supply, be paved with an impervious material, be graded and drained to sewer and be designed and constructed so they are easy to clean.
20. Roomed garbage areas must have impervious floors that are covered at the floor/wall intersection and be graded and drained to the sewage system. Walls of roomed garbage areas must be smooth and impervious. The room must be ventilated, proofed against pests and be provided with a hose tap connected to the water supply.
21. Sanitary facilities are to comply with the requirements set out within Table F2.3 of the BCA.
22. 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.
23. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.
24. Any new windows and glazed external doors on the southern elevation of the Childcare Centre shall be fitted with 6 mm toughened glass. New openable windows and doors shall be fitted aluminium, bronze or corrosion resistant steel bronze or corrosion resistant steel mesh with a maximum aperture size of 2mm.
25. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

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

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

1. Submission of construction plans and specifications and documentation which are consistent with the approved Development Consent plans, the requirements of Building Code of Australia and satisfy all conditions shown in Part B above are to be submitted to the Principal Certifying Authority.
2. 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.
3. A Certificate from a qualified practising Structural Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, certifying the adequacy of the existing structure to support the additional loading is to be submitted to the Accredited Certifier or Council.
4. Certification from an Accredited Access Adviser must be submitted to the Accredited Certifier or Council confirming that the plans and specifications submitted at CC stage comply with the requirements set out in Council's Accessibility Control C5.5 in Pittwater 21 DCP. The certification must be submitted with the Construction Certificate application.

### **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. A stamped copy of the approved plans is to be kept on the site at all times, during construction.
2. Toilet facilities are to be provided in a location which will not detrimentally affect the amenity of any adjoining residents at or in the vicinity of the work site during the duration of the development.

### **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. The Certifying Authority is to submit to Council the completed and signed Food Premises Occupation Certificate Fit-Out Form, this form is available at [http://www.pittwater.nsw.gov.au/business/commerce\\_and\\_industry\\_premises/information\\_f\\_or\\_food\\_premises](http://www.pittwater.nsw.gov.au/business/commerce_and_industry_premises/information_f_or_food_premises)

2. Council's Environmental Health Officer is to be contacted (phone: 9970-1111) to make arrangements for an inspection of the premises for verification of compliance with the form. A minimum of 48 hours notice is required for the inspection.
3. Council is to forward written advice of the result of the inspection in order to confirm that there is no objection to the issuing of the Occupation Certificate.
4. Documentation supplied by Sydney Water regarding evidence of the trade waste agreement must be provided to the certifying authority prior to the issue of the Occupation Certificate.
5. Documentation supplied by a practicing mechanical engineer certifying that all mechanical exhaust ventilation systems, as installed, complies with AS/NZS 1668.1:1998 (Fire and smoke control in multi-compartment buildings) and 1668.2-1991 (Mechanical ventilation for acceptable indoor-air quality), must be provided to the certifying authority prior to the issue of the Occupation Certificate.
6. The certifying authority must be provided with evidence that the food business has been notified with NSW Food Authority. Notification may be done either online at [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au) or by lodging a completed food notification form to Council. Note: A fee applies when lodging notification forms with Council.
7. An Occupation Certificate application stating that the development complies with the Development Consent, the requirements of the Building Code of Australia and that a Construction Certificate has been issued must be obtained before the building is occupied or on completion of the construction work approved by this Development Consent.
8. Prior to issue of the Occupation Certificate, a suitably qualified bushfire consultant who is recognised by the NSW Rural Fire Service in bush fire risk assessment shall certify that the conditions within the advice provided by the NSW Rural Fire Service Ref:D12/1262 dated 12 October 2012 have been satisfied.
9. Prior to the issue of the Occupation Certificate, the Emergency Response Procedures document prepared by Trimevac dated October 2012 shall be amended by a suitably qualified person to reflect the requirements of the Building Code of Australia Capability Statement prepared by Blackett Maguire and Goldsmith dated 31 October 2012, following the installation of fire services and exit signage including the evacuation diagrams and any further statement required under this consent.
10. Prior to the issue of the Occupation Certificate, certification from a suitably qualified person shall be submitted to the PCA stating that the development complies with AS 2107 *Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors*.

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

Nil

**G. Advice:**

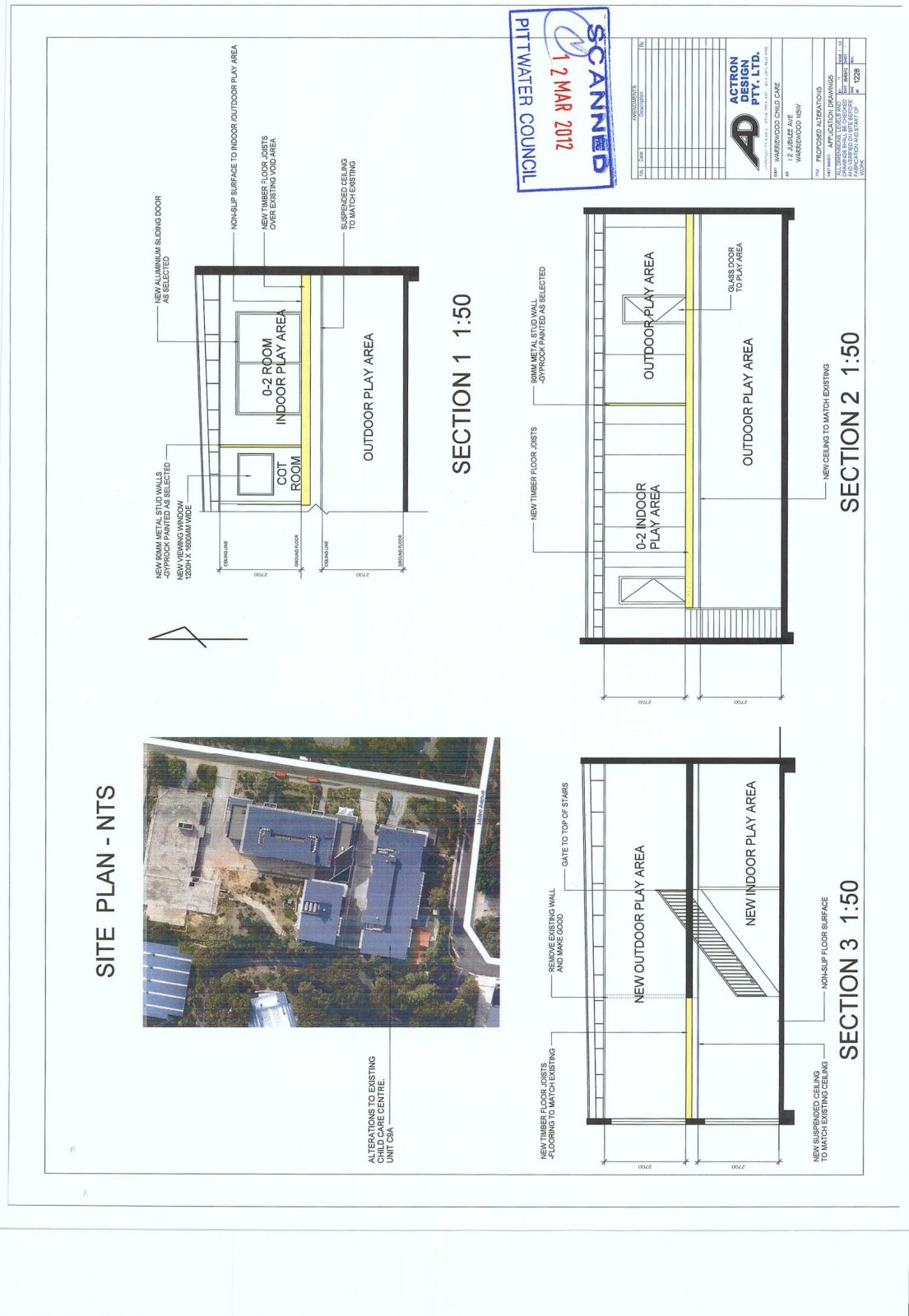
1. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act, 1979* (as amended) and/or the conditions of this Development Consent may result in the serving of penalty notices (on-the-spot fines) under the summary offences provisions of the above legislation or 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.
9. You are reminded of your obligations under the objectives of the Disability Discrimination Act (DDA)1992.

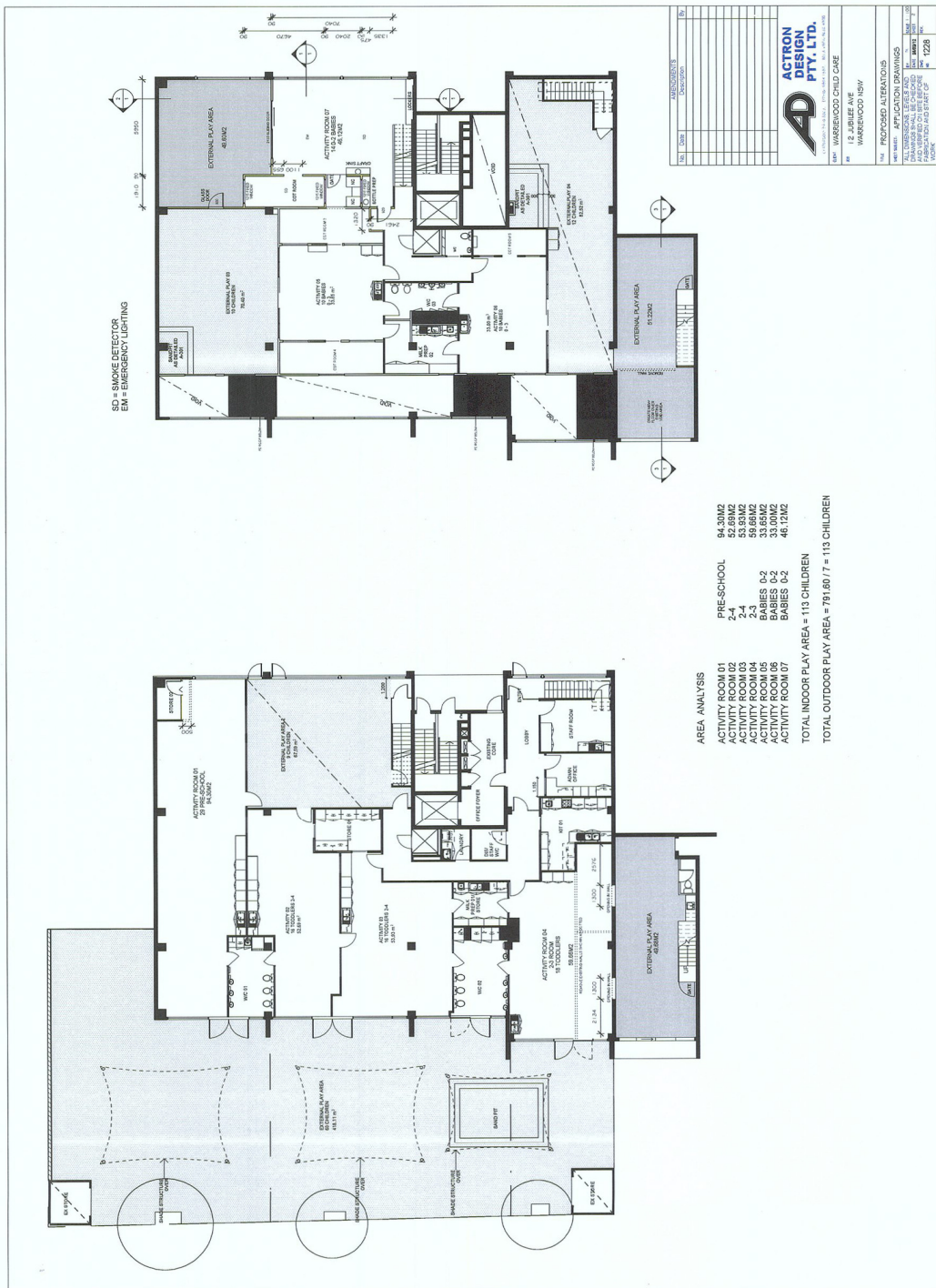
## LOCALITY MAP



*Agenda for the Council Meeting to be held on 17 December 2012.*







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## **C12.2      N0120/12 - 67 Irrubel Road Newport - Swimming Pool**

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

**Date:** 17 December 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 N0120/12 for a swimming pool at 67 Irrubel Road, Newport (Lot 4 DP 21181).

#### **1.0 BACKGROUND**

- 1.1 The Development Unit, at its meeting held on Thursday, 22 November 2012 considered the Development Officer's report (refer **Attachment 1**) for determination of development application N0120/12 for a swimming pool at 67 Irrubel Road, Newport.

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

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

#### **3.0 DEVELOPMENT UNIT DELIBERATIONS**

The Development Unit resolved to endorse the Assessing Officer's recommendation of granting development consent subject to the conditions in the draft determination and the following additional condition of consent B13:

##### **Additional Condition B13**

That the 1.2m high pool wall facing the waterway be finished in a dark and earthy colour to assist in blending the pool into the natural environment as viewed from the waterway. Details are to be submitted with the Construction Certificate.

#### **4.0 ISSUES**

- B1.4 Aboriginal Heritage Significance
- B3.5 Acid Sulphate Soils
- B4.15 Saltmarsh Endangered Ecological Community
- B4.19 Estuarine Habitat
- B4.20 Protection of Estuarine Water Quality
- C1.1 Landscaping
- D10.13 Site coverage - Environmentally Sensitive Land



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## **5.0 SUSTAINABILITY ASSESSMENT**

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

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## **6.0 EXECUTIVE SUMMARY**

- 6.1 The application was considered by the Development Unit at its meeting held on 22 November 2012 and endorsed the Assessing Officer's recommendation for approval subject to the conditions in the draft determination and the following additional condition of consent B13:

### **Additional Condition B13**

That the 1.2m high pool wall facing the waterway be finished in a dark and earthy colour to assist in blending the pool into the natural environment as viewed from the waterway. Details are to be submitted with the Construction Certificate.

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## **RECOMMENDATION**

That the recommendation in the Development Officer's report be endorsed and development application N0120/12 for a swimming pool at 67 Irrubel Road, Newport (Lot 4 DP 21181) be granted development consent subject to the conditions contained in the draft determination and the following additional condition of consent B13:

### **Additional Condition B13**

That the 1.2m high pool wall facing the waterway be finished in a dark and earthy colour to assist in blending the pool into the natural environment as viewed from the waterway. Details are to be submitted with the Construction Certificate.

Report prepared by  
Gabrielle Angles, Principal Officer - Administration

Warwick Lawrence  
**MANAGER – ADMINISTRATION & GOVERNANCE**

**SUBJECT: N0120/12 - 67 Irrubel Road, Newport (Lot 4 DP 21181)  
Swimming Pool**

**Determination Level:** Development Unit

**Date:** 22 November 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>	24/04/2012
<b>APPLICATION SUBMITTED BY:</b>	PETER JAMES WALKER 67 IRRUBEL ROAD NEWPORT 2106
<b>OWNER(S):</b>	WALKER, PETER JAMES (OwnResOcc) HODGE, SANDEE GAI (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 7)
- Geotechnical Risk Management Policy for Pittwater 2009

**2.0 NOTIFICATIONS**

- 6 property owners notified
- 0 submission/s received

**3.0 ISSUES**

- B1.4 Aboriginal Heritage Significance
- B3.5 Acid Sulphate Soils
- B4.15 Saltmarsh Endangered Ecological Community
- B4.19 Estuarine Habitat
- B4.20 Protection of Estuarine Water Quality
- C1.1 Landscaping
- D10.13 Site coverage - Environmentally Sensitive Land

#### 4.0 COMPLIANCE TABLE

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

O - Can the proposal achieve the control outcomes?

N - Is the control free from objection?

Control	Standard	Proposal	T	O	N
REF - Development Engineer					
B3.1 Landslip Hazard			Y	Y	Y
B3.22 Flood Hazard - Flood Category 3 - All Development			-	-	-
B5.13 Development on Waterfront Land			-	-	-
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			-	-	-
B5.3 Greywater Reuse			-	-	-
REF - Natural Resources					
B1.4 Aboriginal Heritage Significance			Y	Y	Y
B3.5 Acid Sulphate Soils			Y	Y	Y
B4.15 Saltmarsh Endangered Ecological Community			Y	Y	Y
B4.19 Estuarine Habitat			Y	Y	Y
B4.20 Protection of Estuarine Water Quality			Y	Y	Y
C1.1 Landscaping			Y	Y	Y
REF - Planner					
EPA Act Section 147 Disclosure of political donations and gifts			Y	Y	Y
3.1 Submission of a Development Application and payment of appropriate fee			Y	Y	Y
3.2 Submission of a Statement of Environmental Effects			Y	Y	Y
3.3 Submission of supporting documentation - Site Plan / Survey Plan / Development Drawings			Y	Y	Y
3.4 Notification			Y	Y	Y
3.5 Building Code of Australia			Y	Y	Y
4.5 Integrated Development: Aboriginal Objects and Places			-	-	-
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
B3.2 Bushfire Hazard			Y	Y	Y

Control	Standard	Proposal	T	O	N
B3.6 Contaminated Land and Potentially Contaminated Land			Y	Y	Y
B5.2 Wastewater Disposal			Y	Y	Y
B5.3 Greywater Reuse			-	-	-
B5.13 Development on Waterfront Land			-	-	-
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			-	-	-
C1.13 Pollution Control			Y	Y	Y
C1.17 Swimming Pool Safety			Y	Y	Y
C5.21 Plant, Equipment Boxes and Lift Over-Run			Y	Y	Y
D10.1 Character as viewed from a public place			Y	Y	Y
D10.4 Building colours and materials			Y	Y	Y
D10.5 Height (excluding Newport Commercial Centre)			Y	Y	Y
D10.7 Front building line (excluding Newport Commercial Centre)		Proposed swimming pool is located at the rear of the property.	Y	Y	Y
D10.8 Side and rear building line (excluding Newport Commercial Centre)		Non compliant rear setback. See SEPP 1 for further details.	N	Y	Y
D10.10 Foreshore building line		The proposed pool complies with the Foreshore building line requirements under the DCP.	Y	Y	Y
D10.13 Site coverage - Environmentally Sensitive Land		Discuss	N	Y	Y
D10.16 Construction, Retaining walls, terracing and undercroft areas			Y	Y	Y
D10.18 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			-	-	-
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 67 Irrubel Road Newport and has a legal description of Lot 4, DP 21181. The site is regular in shape and is located on the southern side of Irrubel Road. The site has a total site area of 866 sq m. Located on the site is a 3 storey residence and is surrounded by two storey residences.

## 6.0 PROPOSAL IN DETAIL

The applicant seeks consent for the construction of a swimming pool.

## 7.0 BACKGROUND

Development application N0120/12 was notified to adjoining property owners in accordance with Council's 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

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 swimming pool is located within the Foreshore Building Line (FBL) setback.

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

The following aspects of the swimming pool demonstrate that the installation will not contravene the objectives of the development standard or the zone.

The swimming pool will:

- Not be visible from the waterway.
- Will not interrupt any walkways or access ways around the water.
- Be consistent with development around the area.
- Not block any views or disrupt any privacy to neighbours.
- Be well landscaped within its setting.
- Be setback behind the Mean High Water Mark.
- Be painted and finished to blend in with the natural landscape.
- Be wholly located within private land.
- The view from the waterway will not be altered.

### 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).*

Swimming pools are common in this area with the majority of neighbouring properties containing pools within the foreshore area. The design is sympathetic to the natural environment and does not require substantial disturbance of the property. It is considered that the proposed development meets the outcomes set out in Control D12.7 Foreshore Building Line. It is considered that the proposal satisfies the underlying objectives of Clause 7 of the Model Provisions.

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.

## **9.0 EXISTING USE RIGHTS**

Does the proposal rely on Existing Use Rights?

## 10.0 DISCUSSION OF ISSUES

- **Natural Resources**

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

*The property contains a modified landscape typical of a domestic garden. It is located on the foreshore of Pittwater estuary however a section of grassed reserve area separates it from the mean high water level and there is no foreshore vegetation such as mangroves or saltmarsh present in the vicinity. The proposed works involve construction of a new swimming pool in the rear yard area adjacent to the existing patio terrace. The pool will be located over existing turf and will not impact on significant vegetation. The Site Plan indicates a nearby Casuarina tree to be removed. This tree will not be impacted by the swimming pool works and is possibly located on the property boundary and is growing in close proximity to two other Casuarinas located on the neighbouring property. An arborist report is required to assess the tree and provide a justified reason for removal as well as determining the potential impact of its removal on the adjacent Casuarina trees on the neighbouring property. If the tree is recommended for removal, consent is also required to be provided by the neighbour if the tree is located on the property boundary as suggested by the plans.*

*An arborist report (Blue Gum Tree Care and Consultancy September 2012) has been submitted upon request. The report has determined the subject Casuarina to be in poor condition with a large bark inclusion present on a codominant stem attachment, which has lead to the tree being hazardous. It is on these grounds that removal is recommended. The report also provides a map from the property survey which indicates that the tree although on the eastern side of the existing fence, is actually located on the subject property and not on the neighbouring property. If this is the case then owners consent will not be required, however due to the fence situation, the neighbours should be consulted prior to the tree's removal and the report should be shown to them with regard to the hazard element. The recommendations of the arborist report are supported and the tree is approved for removal subject to replacement planting elsewhere on site.*

- **D10.13 Site coverage - Environmentally Sensitive Land**

The proposed development has a site coverage of 55% which does not comply with the maximum site coverage of 40% allowed under the control. The proposed development includes the removal of 40.4sq.m of paving at the front of the property to balance out the additional site coverage from the addition of the 38.4sq.m pool. As a result the site coverage of the site is reduced by 1.4sq.m which 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. The impacts of the swimming pool 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 N0120/12 for the construction of a swimming pool at Irrubel Road Newport subject to the conditions of consent.

Report prepared by

Joshua Real  
**PLANNER**



## DRAFT DETERMINATION

### CONSENT NO: N0120/12 ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED) NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

**Applicants Name and Address:**

PETER JAMES WALKER  
67 IRRUBEL ROAD  
NEWPORT 2106

Being the applicant in respect of Development Application No N0120/12

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 N0120/12 for:

Swimming Pool

**At: 67 Irrubel Road, Newport (Lot 4 DP 21181)**

**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 P1 through P3 prepared by Right Angle Design & Drafting Pty Ltd dated December 2011**
- **Geotechnical report prepared by Jack Hodgson Consultants Pty Ltd dated 30 March 2012**
- **Arborist Report prepared by Blue Gum Tree Care and Consultancy dated September 2012**
- **Bushfire Report prepared by Planning for Bushfire Protection Pty Ltd dated 25 March 2012**

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

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

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

Mark Ferguson  
GENERAL MANAGER  
Per:

## CONDITIONS OF APPROVAL

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

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

### A. Prescribed Conditions:

1. All works are to be carried out in accordance with the requirements of the Building Code of Australia.
2. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, there is to be such a contract in force.
3. Critical stage inspections are to be carried out in accordance with clause 162A of the *Environmental Planning & Assessment Regulation 2000*. To allow a Principal Certifying Authority or another certifying authority time to carry out critical stage inspections required by the Principal Certifying Authority, the principal contractor for the building site or the owner-builder must notify the Principal Certifying Authority at least 48 hours before building work is commenced and prior to further work being undertaken.
4. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - a. showing the name, address and telephone number of the Principal Certifying Authority for the work,
  - 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. At least three (3) locally native canopy trees are to be planted onsite to replace trees approved for removal. Canopy tree species are to be as per the approved Landscape Plan or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and the Native Plants for Your Garden link on Council's website [http://www.pittwater.nsw.gov.au/environment/species\\_lists](http://www.pittwater.nsw.gov.au/environment/species_lists). All native trees are to be retained for the life of the development, or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.
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.
4. No building materials or other materials are to be placed on Saltmarsh or other foreshore vegetation. Sediment is not to leave the site or enter areas of Saltmarsh or other foreshore vegetation, and the appropriate sediment fencing is to be installed.
5. 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.

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.

6. For the life of the development, swimming pool water must not be discharged directly into the natural waterway or Pittwater estuary.
7. 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.

8. 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.
9. 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.
10. 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
11. The commitments identified in the BASIX Certificate and on the plans or specifications are to be fulfilled and maintained for the life of the development.

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

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

1. Prior to issue of the Construction Certificate, Form 2 of the *Geotechnical Risk Management Policy for Pittwater* (Appendix 5 of P21 DCP) is to be completed and submitted to the Principal Certifying Authority.
2. 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 swimming pool 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 provided by Planning for Bushfire Protection Pty Ltd dated 25 March 2012
5. 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 and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
2. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

3. 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. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
5. No works are to be carried out in Council's Road Reserve without the written approval of the Council.
6. No skip bins or materials are to be stored on Council's Road Reserve.
7. 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.
8. During site excavation, topsoil which is to be used in later landscape works is to be stockpiled on site and stabilised during construction works. Stockpiles are to be stored outside of hazard areas and not located within the dripline of existing trees which are to be retained.
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.
4. Certification is to be provided that the commitments identified in the BASIX Certificate have been fulfilled.

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

N/A

**G. Advice:**

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

## LOCALITY MAP





CRYSTAL BAY

182 STOREY BRICK HOUSE No. 69

PROPOSED CHILDPROOF SAFETY FENCE WITH SC/SI GATE TO BE IN ACCORDANCE WITH A.S.1926-2007 AND THE SWIMMING POOLS ACT, 1992 (BY OTHERS)

PROPOSED POOL

1-3 STOREY RESIDENCE No. 67 LOT 4 DP2181 SITE AREA=866 SQ M

DRIVEWAY

GARAGE

IRRUBEL ROAD

RIGHT ANGLE DESIGN & DRAFTING PTY LTD

PROPOSED NEW SWIMMING POOL SANDEE HODGE LOT 4 DP2181 No. 67 IRRUBEL ROAD NEWPORT

SITE PLAN / SITE ANALYSIS PLAN

DATE DEC 11 SCALE AT 43 JOB NUMBER P11115 DWG NUMBER PI

NOTES

1. ALL DIMENSIONS, SERVICES AND LEVELS ON SITE PRIOR TO STARTING WORKS

2. ALL BUILDING WORKS SHALL COMPLY WITH THE BUILDING CODE OF AUSTRALIA, THE RELEVANT AUSTRALIAN STANDARDS AND THE LOCAL GOVERNMENT REQUIREMENTS

3. BOUNDARY FENCING TO BE UPGRADED AS NECESSARY AND ALL POOL FENCING TO COMPLY WITH THE NSW SWIMMING POOL ACT, 1992 AND THE SWIMMING POOLS ACT, 1992 (BY OTHERS)

4. THIS POOL IS NOT DESIGNED FOR DIVING

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<b>C12.3</b>	<b>N0392/09/S96/3 - 21 Calvert Parade Newport - Modifications to the consent for the construction of a new dwelling, swimming pool, fencing and associated landscaping</b>
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**Meeting:** Planning an Integrated Built Environment Committee

**Date:** 17 December 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 N0392/09/S96/3 for modifications to the consent for the construction of a new dwelling, swimming pool, fencing and associated landscaping at 21 Calvert Parade, Newport (Lot 38 DP 6638).

### **1.0 BACKGROUND**

- 1.1 The Development Unit, at its meeting held on Thursday, 29 November 2012 considered the Development Officer's report (refer **Attachment 1**) for determination of development application N0392/09/S96/3 for modifications to the consent for the construction of a new dwelling, swimming pool, fencing and associated landscaping at 21 Calvert Parade, Newport.

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

- 2.1 Cr Hegarty and Cr Young has called this development application to Council for determination.

### **3.0 DEVELOPMENT UNIT DELIBERATIONS**

The Development Unit resolved to endorse the Assessing Officer's recommendation of granting development consent subject to the conditions in the draft determination and the following amended condition of consent:

#### **Amended Condition of Consent:**

- B28** The provision of a privacy screen with a maximum 25% openings and with an RL at the top of the screen of RL **29.76** AHD to be located a minimum distance of 1m to the south of the northern boundary between the proposed screen planting and the swimming pool/lounge room balcony. The screen is to extend along the length of the lounge room balcony and adjacent swimming pool to a point 9.937 metres from the eastern external wall of the lounge room. The screen is to be complemented by an additional screen with an RL at the top of the screen of RL 30.90 AHD for a length of **4.99** metres in an easterly direction, as measured from a point **2.63** metres from the eastern external wall of the lounge room. The screen as a whole is to be consistent with the proposed detail as shown on architectural drawing 02/SKD 09 and 02/SKD 10, prepared by SB Design and dated **27 November 2012**.

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#### 4.0 ISSUES

- Reinstatement of highlight window on southern elevation associated with Bedroom 1, previously deleted by N0392/09/S96/2
- Deletion of Window 6 on the northern elevation associated with the pantry/kitchen
- Deletion of Bedroom 4 on the upper floor to create an increased study/sitting room
- Modification to condition B27
- Modification to condition B28

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#### 5.0 SUSTAINABILITY ASSESSMENT

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

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#### 6.0 EXECUTIVE SUMMARY

- 6.1 The application was considered by the Development Unit at its meeting held on 29 November 2012 and endorsed the Assessing Officer's recommendation for approval subject to the conditions in the draft determination and the following amended condition of consent:

**Amended Condition of Consent:**

- B28** The provision of a privacy screen with a maximum 25% openings and with an RL at the top of the screen of RL **29.76** AHD to be located a minimum distance of 1m to the south of the northern boundary between the proposed screen planting and the swimming pool/lounge room balcony. The screen is to extend along the length of the lounge room balcony and adjacent swimming pool to a point 9.937 metres from the eastern external wall of the lounge room. The screen is to be complemented by an additional screen with an RL at the top of the screen of RL 30.90 AHD for a length of **4.99** metres in an easterly direction, as measured from a point **2.63** metres from the eastern external wall of the lounge room. The screen as a whole is to be consistent with the proposed detail as shown on architectural drawing 02/SKD 09 and 02/SKD 10, prepared by SB Design and dated **27 November 2012**.

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#### RECOMMENDATION

That the recommendation in the Development Officer's report be endorsed and development application N0392/09/S96/3 for modifications to the consent for the construction of a new dwelling, swimming pool, fencing and associated landscaping at 21 Calvert Parade, Newport (Lot 38 DP 6638) be granted development consent subject to the conditions contained in the draft determination and the following amended condition of consent:

### **Amended Condition of Consent:**

- B28** The provision of a privacy screen with a maximum 25% openings and with an RL at the top of the screen of RL **29.76** AHD to be located a minimum distance of 1m to the south of the northern boundary between the proposed screen planting and the swimming pool/lounge room balcony. The screen is to extend along the length of the lounge room balcony and adjacent swimming pool to a point 9.937 metres from the eastern external wall of the lounge room. The screen is to be complemented by an additional screen with an RL at the top of the screen of RL 30.90 AHD for a length of **4.99** metres in an easterly direction, as measured from a point **2.63** metres from the eastern external wall of the lounge room. The screen as a whole is to be consistent with the proposed detail as shown on architectural drawing 02/SKD 09 and 02/SKD 10, prepared by SB Design and dated **27 November 2012**.

Report prepared by  
Gabrielle Angles, Principal Officer - Administration

Warwick Lawrence  
**MANAGER – ADMINISTRATION & GOVERNANCE**

**SUBJECT: N0392/09/S96/3 - 21 Calvert Parade, Newport (Lot 38 DP 6638) Modifications to the consent for the construction of a new dwelling, swimming pool, fencing and associated landscaping**

**Determination Level:** Development Unit

**Date:** 29 November 2012

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**SUMMARY OF RECOMMENDATION  
CONSENT WITH CONDITIONS**

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<b>REPORT PREPARED BY:</b>	Rebecca Englund
<b>APPLICATION SUBMITTED ON:</b>	20 September 2012
<b>APPLICATION SUBMITTED BY:</b>	BRONWYN AILSA GAVAN EMILY KATE GAVAN 21 CALVERT PARADE NEWPORT 2106
<b>OWNERS:</b>	GAVAN, BRONWYN AILSA GAVAN, EMILY KATE

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**1.0 DEVELOPMENT CONTROLS**

The site is zoned 2(a) Residential "A" under the provisions of Pittwater Local Environmental Plan 1993. The proposed development being the modifications to the consent for the construction of a new dwelling, swimming pool, fencing and associated landscaping is permissible with consent.

The following relevant local and state policies apply to this site:

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- State Environmental Planning Policy No.71 – Coastal Protection
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Pittwater Local Environmental Plan 1993
- Area 1 Dual Occupancy Map, and
- Pittwater 21 Development Control Plan (Amendment 7).

The land is identified as

- Slip Affected, and
- Subject to cliff/bluff instability.

**2.0 SITE DETAILS**

The site is known as Lot 38 in Deposited Plan (DP) 6638 No. 21 Calvert Parade, Newport. The site is regular in shape and has a total area of 1176m<sup>2</sup>. Vehicular and pedestrian access is gained via the 17.5m wide street frontage to the west (Calvert Parade). The site currently consists of a two storey dwelling, swimming pool, and an attached double garage and is bounded by residential properties to the north and south. The site is located on Newport Headland. The eastern most portion of the site is heavily vegetated and experiences a significant slope down towards Newport Beach.

### 3.0 BACKGROUND

#### 15 December 2009

Development Application N0392/09 for the construction of a new dwelling, swimming pool, fencing and associated landscaping at 21 Calvert Parade, Newport was approved by Council.

#### 7 September 2010

Modification No.1 of Development Application N0392/09 for the construction of a new dwelling, swimming pool, fencing and associated landscaping at 21 Calvert Parade, Newport was approved by Council.

#### 1 March 2011

Modification No.2 of Development Application N0392/09 for the construction of a new dwelling, swimming pool, fencing and associated landscaping at 21 Calvert Parade, Newport was approved by Council.

#### 20 September 2012

Modification No.3 of Development Application N0392/09 for the construction of a new dwelling, swimming pool, fencing and associated landscaping at 21 Calvert Parade, Newport was received by Council. N0392/09/S96/3 was notified to adjoining property owners in accordance with Council's Notification Policy and referred to Council's Development Engineer and Natural Resource Officer for comments and/or recommendations.

### 4.0 PROPOSAL IN DETAIL

The applicant seeks consent for the following amendments to the approved development;

1. Reinstatement of highlight window on southern elevation associated with Bedroom 1, previously deleted by N0392/09/S96/2;
2. Deletion of Window 6 on the northern elevation associated with the pantry/kitchen;
3. Deletion of Bedroom 4 on the upper floor to create an increased study/sitting room;
4. Modification to condition B27, as follows;

*The lounge room balcony on the ground floor is to be reduced to allow for a 2.5m setback from the northern side boundary.*

5. Modification to condition B28, as follows;

*The provision of a privacy screen with a minimum height of **RL 30.65 AHD** to be located a minimum distance of 1m to the south of the northern boundary between the proposed screen planting and the swimming pool. The screen is to extend along the length of the **lounge room balcony and adjacent** swimming pool to a point **9.937** metres from the lounge room.*

## 5.0 NOTIFICATIONS

Six (6) adjoining property owners and the Newport Residents Association were notified for a period of fourteen (14) days from 24 September through to 8 October 2012. During this time, two (2) submissions were received from;

- the property owners of 19 Calvert Parade; and
- James Lovell and Associates on behalf of the property owners of 19 Calvert Parade.

These submissions raised concerns with regard to the removal of an interior wall; the proposed amendments to conditions B28 and B29, and the subsequent modifications to privacy screens.

The applicant provided amended plans with regard to the design of the modified privacy screen on 6 October 2012. The amended plans were forwarded to the property owners of 19 Calvert Parade for consideration.

One further submission was received on behalf of the property owners of 19 Calvert Parade on 15 November 2012. This submission raised further concerns with regard to the further proposed amendments to the privacy screen, and reiterated concerns with regard to the deletion of Bedroom 4.

## 6.0 ASSESSMENT AND ISSUES

The reasonableness of the proposed modifications, with regard to the relevant controls and neighbour objections, are considered as follows;

### **1. Reinstatement of highlight window on southern elevation associated with Bedroom 1, previously deleted by N0392/09/S96/2**

The applicant seeks consent to gain retrospective approval for the reintroduction of a highlight window on the southern elevation associated with Bedroom 1. The reintroduction of this window is not considered to result in any unreasonable impacts upon the adjoining property, specifically with regard to visual privacy, and is consistent with Council's controls and policies.

### **2. Deletion of Window 6 on the northern elevation associated with the pantry/kitchen**

The applicant seeks consent to gain retrospective approval for the deletion of a window, labelled W6 on previous stamped plans, on the northern elevation associated with the pantry/kitchen. The deletion of this window is not considered to result in any unreasonable impacts upon the adjoining property, specifically with regard to visual privacy, and is consistent with Council's controls and policies.

### **3. Deletion of Bedroom 4 on the upper floor to create an increased study/sitting room**

The applicant seeks consent to gain retrospective approval for the deletion of Bedroom 4 on the upper level to create an increased study/sitting room. Submissions have been received from the adjoining property owners and their representatives, which raise concern in this regard.

The submission by James Lovell and Associates states:

*The proposed extension of the family room at the first floor level (by incorporating Bedroom 4) will inevitably increase the use of that room, circumstances in which the two (2) north facing windows servicing that expanded room should include fixed external louvers, or some other effective ameliorative measure.*

With regard to visual privacy and the window previously associated with Bedroom 4, the applicant has constructed an in-built desk directly in front of said window to effectively restrict overlooking of the adjacent property at 19 Calvert Parade. By preventing people from approaching the window, one cannot easily look down onto the adjoining properties, but is rather led to look out over the adjacent properties towards Newport Beach to the north.

When sitting at the desk, the height of the window sill restricts overlooking of the adjoining properties, and once again the view from this window is towards Newport Beach to the north. The inclusion of a built-in, fixed desk is considered an appropriate design response to ensure privacy to the adjoining properties.

With regard to visual privacy and the larger window associated with the sitting room, the deletion of Bedroom 4 is not considered to result in any additional opportunity to overlook the adjoining property at 19 Calvert parade from the existing window on the northern façade. A person seated or standing within the area previously associated with Bedroom 4 cannot physically look through this existing window associated with the sitting room and towards the existing dwelling at 19 Calvert Parade at the same time. The outlook when seated or standing in the area previously associated with Bedroom 4 is towards to east and north east, and is not oriented towards the existing dwelling at 19 Calvert Parade.

The internal modifications to the north-east corner of the upper floor are not considered to result in any unreasonable impacts upon the neighbouring properties, specifically with regard to visual privacy, and are considered consistent with Council's controls and policies.

#### **4. Modification to condition B27**

The applicant seeks to amend condition B27, as follows;

*The lounge room balcony on the ground floor is to be reduced to allow for a 2.5m setback from the northern side boundary.*

The applicant seeks to remove reference to a 1.7m privacy screen with respect to the lounge room balcony, as it is their intention to increase the length of the privacy screen between the swimming pool and boundary referenced in condition B28, in an attempt to screen the same area.

In consideration of the proposed amendment, the possible reasoning behind the imposition of this condition is explored.

Condition B27 was applied as part of the original Development Application, following concerns raised by the adjoining property owners of 19 Calvert Parade with regard to visual privacy. The first part of the condition ensures compliance with the 2.5m minimum side setback prescribed by P21 DCP and the provision of a privacy screen maintains privacy to the adjoining property at 19 Calvert Parade.

It is noted that at the time that the condition was imposed, the proposed development also featured a window associated with the pantry/kitchen to which the privacy screen could also relate.



The amended design of the privacy screen, whereby two separate screens are amalgamated into one, is considered to maintain a reasonable level of privacy to the adjoining property at 19 Calvert Parade as follows;

- Despite an increased setback from the living room deck and a reduction in height, the amended screen maintains privacy to the area of private open space and the spa located in the rear yard of 19 Calvert Parade, as seen from both a sitting and standing position within the living room. It is noted that on all occasions, the property owners of 19 Calvert Parade have identified this ground floor external area as their primary area of open space.
- Although a portion of the upper rear floor balcony will be visible from within the living room of 21 Calvert Parade, this small area of the existing deck is highly exposed and privacy to the majority of this area is maintained. As identified above, this area is not the primary area of private open space, and one would be exposed when standing in this position, regardless of any development next door. With this in mind, it is considered unreasonable to require the adjoining property to ensure privacy to this space.
- As the lounge room balcony has been reduced in size, and as the swing of both the external door and the pool gate restrict the placement of any significant items of furniture, this area is considered more of a transient space where the incorporation of additional screening to prevent overlooking is not considered necessary. The dwelling at 21 Calvert Parade includes many other outdoor areas whereby one could sit and/or entertain. The space in question is considered secondary access to the swimming pool, which would generally be entered from the east.

The proposed amendments to condition B27, and the proposed alterations to the privacy screen, are not considered to unreasonably impact upon the adjoining property at 19 Calvert Parade and are considered to achieve the outcomes of C1.5 Visual Privacy.

## 5. Modification to condition B28

At the time that the modification application was lodged, the applicant sought consent to amend condition B28, as follows;

*The provision of a privacy screen with a maximum 25% openings and a minimum height of **RL 30.09 AHD** to be located a minimum distance of 1m to the south of the northern boundary between the proposed screen planting and the swimming pool. The screen is to extend along the length of the **lounge room balcony and adjacent swimming pool** to a point **9.937** metres from the lounge room.*

Since the time that the application was received, the applicant has voluntarily amended the proposal to maintain portions of the privacy screen at a greater height and as such, the resulting condition B28 would be likely to read as follows;

*The provision of a privacy screen with a maximum 25% openings and a minimum height of **RL 29.53 AHD** to be located a minimum distance of 1m to the south of the northern boundary between the proposed screen planting and the swimming pool. The screen is to extend along the length of the **lounge room balcony and adjacent swimming pool** to a point **9.937** metres from the lounge room. **The lower screen is to be complemented by additional members that reach a minimum height of RL 30.78 AHD for a length of 4.84 metres in an easterly direction, as measured from a point 2.54 metres from the lounge room.***

The applicant has put forward that the privacy screen as conditioned excessively screens the adjacent dwelling at 19 Calvert Parade, and also the view to the north of Newport Beach. The proposed amendments to condition B28 and the design of the privacy screen seek to maintain a reasonable level of privacy for the occupants of 19 Calvert Parade, whilst also enhancing views to the north obtainable from 21 Calvert Parade.

The applicant has erected height poles which reflect the privacy screen as approved and the amendments as currently proposed. The two designs, and the impacts upon the privacy of the occupants of 19 Calvert Parade, are considered as follows;

- Privacy screen as approved/conditioned:

#### Dining area

When seated at the dining table, the erection of height poles demonstrates that the privacy screen as approved restricts the view of the upper deck, the area of private open space on the ground level, and the majority of the glazing associated with the upper rear living room. When seated, it may be possible to see the top of a person standing on the southern most point of the existing balcony.

When standing behind the dining table, the erection of height poles demonstrates that the privacy screen as approved completely restricts the view of the area of private open space on the ground level, however the upper most portion of the glazing associated with the upper rear living room is still visible. The privacy screen, as approved, will restrict visibility of people sitting on the upper deck, however it will be possible to see the top of a person standing in this location.

In both a seated and standing position in the dining area, it is apparent that the eastern and western ends of the privacy screen could be reduced to achieve the same level of privacy for the occupants at 19 Calvert Parade, and from this location the privacy screen as approved is considered excessive.

#### Living area

When seated at the most eastern position of the lounge, the erection of height poles demonstrates that the privacy screen as approved will restrict the view in a north-westerly direction of the upper deck, the area of private open space on the ground level, and the majority of the glazing associated with the upper rear living room. When seated, it may be possible to see the top of a person standing on the southern most point of the existing balcony.

When standing in the centre of the living room the erection of height poles demonstrates that the privacy screen as approved will restrict the view of the area of private open space on the ground level, and those seated on the rear upper deck and within the upper rear living room. As approved, those standing on the rear upper deck and within the upper rear living room will be visible.

In both a seated and standing position in the dining area, it is apparent that the eastern and western ends of the privacy screen could be reduced to achieve the same level of privacy for the occupants at 19 Calvert Parade, and from this location the privacy screen as approved is considered excessive.

- Privacy screen as proposed:

#### Dining area

When seated at the dining table, the erection of height poles and superimposed profiles demonstrate that the amended design will maintain privacy to the area of private open space on the ground level, and those seated on the rear deck and within the upper rear living room. The reduction to the height of the approved privacy screen will mean that those standing on the southern most portion of the rear upper deck will be visible, when they were largely obstructed from view in this position with regard to the approved privacy screen.

When standing behind the dining table, the erection of height poles and superimposed profiles demonstrate that the amended design is largely consistent with the impact as currently approved. The privacy to the area of private open space on the ground level and those seated on the rear deck and within the upper rear living room will be maintained, however those standing close to the glazing within the upper rear living room and those on the rear deck will be visible.

As the proposed reduction in height to the centre portion of the privacy screen is considered to result in a reduced level of privacy for those standing within the upper rear living room, it is recommended that the height of the privacy screen remain as conditioned at 30.90 AHD.

From within the dining area, the reduction in height of the eastern most portion of the privacy screen is not considered to result in any unreasonable impacts upon the level of privacy of the adjoining property, and is considered to maintain consistency with the objectives of condition B28.

It is also noted that as viewed from the dining area, the height of the screen towards the west is questioned, and could be reduced.

#### Living area

When seated at the most eastern position of the lounge, the erection of height poles and superimposed profiles demonstrate that the amended design will maintain privacy to the area of private open space on the ground level, to those sitting on the southern most point of the balcony, approximately one third of the glazing associated with the upper rear living room, and those inside the southern half of the upper rear living room. Those seated and standing on the majority of the balcony, two thirds of the glazing associated with the upper rear living room, and those within the northern half of the upper rear living room will be visible.

The impact is approximately the same when standing in the centre of the living room.

It is also noted that as viewed from the living area, the height of the screen towards the west is questioned, and could be reduced.

By comparing the two designs, it can be concluded that the potential for greatest impact is in regard to the visual connection between the living area at 21 Calvert Parade and the upper rear living room and deck at 19 Calvert Parade, particularly the northern portion of these areas. With regard to C1.5 Visual Privacy, it is noted that the distance between the living area at 21 Calvert Parade and the northern portion of the upper rear living room and deck at 19 Calvert Parade is in excess of 9m.

With that in mind, the following condition is recommended as a balance between the objectives of both parties, to achieve a reasonable level of privacy, and also allow an equitable view sharing scenario with respect to both properties;

*The provision of a privacy screen with a maximum 25% openings and with an RL at the top of the screen of RL 29.53 AHD to be located a minimum distance of 1m to the south of the northern boundary between the proposed screen planting and the swimming pool/lounge room balcony. The screen is to extend along the length of the lounge room balcony and adjacent swimming pool to a point 9.937 metres from the eastern external wall of the lounge room. The screen is to be complemented by an additional screen with an RL at the top of the screen of RL 30.90 AHD for a length of 3.69 metres in an easterly direction, as measured from a point 3.97 metres from the eastern external wall of the lounge room.*

This resulting privacy screen will ensure that the privacy of 19 Calvert Parade as viewed from the dining area will be maintained as per the approved screen, and will also increase the views of Newport Beach and headlands beyond obtainable by the occupants of 21 Calvert Parade.

The resulting privacy screen will maintain privacy to the area of private open space on the ground level, to those sitting on the southern portion of the balcony, approximately half of the glazing associated with the upper rear living room, and majority of those sitting and standing within upper rear living room. Those standing on the balcony will be visible, as will those who stand up against the glass within the northern portion of the upper rear living room.

This visual connection between two adjoining residential properties is not considered unreasonable given the existing level of exposure to those who choose to stand in these locations, regardless of any development at 21 Calvert Parade. This portion of the upper floor of 19 Calvert Parade is highly exposed to the adjoining properties to the north and to those who frequent Newport Beach, and the expectation to ensure total privacy to these areas is considered unreasonable.

Furthermore, given the orientation of the blocks along this section of Calvert Parade and the natural slope of the land, a certain level of overlooking is considered unavoidable and reasonable between adjoining residential properties. The configuration of the lots and Councils setback controls encourage the staggered arrangement of the dwellings, and when combined with solar access provisions and the views obtainable to the north, a dual orientation to both the north and the east is inevitable.

As privacy to the area of private open space on the ground level, and the majority of the upper rear living room is maintained, it is considered that the resulting privacy screen will satisfactorily achieve consistency with the objectives of C1.5 Visual Privacy.

#### 25% maximum openings

It is noted that the recommended condition put forward by the applicant and the proposed detail as shown on architectural drawing 02/SKD 09, prepared by sb design and dated May 2012, does not specify maximum openings of 25% for the top portion of the privacy screen.

As the window associated with the dining area at 21 Calvert Parade is located forward (east) of the rear deck at 19 Calvert Parade, for one to look back from the dining area, the proposed rectangular members will not be seen straight on. As such the angle of the rectangular members will act to reduce the perceived size of the openings as one move towards the east or west of centre.

However, the portion of the proposed 150% openings closest to the balcony at 19 Calvert Parade could be decreased to 25% to maximise visual privacy in this location, without any loss of views as seen from the dining area at 21 Calvert Parade.

As such, a condition is recommended to ensure that the western half of the upper portion of the proposed privacy screen is to incorporate maximum openings of 25%, with the eastern half of the upper portion of the privacy screen as proposed by the applicant, at approximately 150% maximum openings.

As such the recommended condition would read as follows;

*The provision of a privacy screen with a maximum 25% openings and with an RL at the top of the screen of RL 29.53 AHD to be located a minimum distance of 1m to the south of the northern boundary between the proposed screen planting and the swimming pool/lounge room balcony. The screen is to extend along the length of the lounge room balcony and adjacent swimming pool to a point 9.937 metres from the eastern external wall of the lounge room. The screen is to be complemented by an additional screen with an RL at the top of the screen of RL 30.90 AHD for a length of 3.69 metres in an easterly direction, as measured from a point 3.97 metres from the eastern external wall of the lounge room. The western half of the upper portion of the screen is to be comprised of maximum 25% openings, with the eastern half comprised of maximum 150% openings. The screen as a whole is to be consistent with the proposed detail as shown on architectural drawing 02/SKD 09, prepared by SB Design and dated May 2012.*

#### Reliance upon existing structures at 19 Calvert Parade

The submissions received from and on behalf of the property owners at 19 Calvert Parade raise continued concern with the perceived reliance upon the pergola structure at the rear of their property. Whilst the existing pergola is considered to provide additional amenity to the occupants of 19 Calvert Parade, it has not been relied upon to compensate any reduction to the proposed screen. The structure has however provided a reasonable guide as to the height of the area required to be protected from any potential over looking.

The erection of height poles demonstrate that where the height of the screen is proposed to be lowered, the resulting height would effectively prevent overlooking of persons standing in the area below the pergola structure, regardless of whether the structure is to remain or not.

## **7.0 CONSIDERATION OF SECTION 96**

The proposal has been considered in accordance with Section 96(1a) of the *Environmental Planning & Assessment Act 1979*.

Section 96(1a) of the *Environmental Planning & Assessment Act 1979* states the following;

*A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*

- a. it is satisfied that the proposed modification is of minimal environmental impact.*
- b. it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all).*

- c. *it has notified the application in accordance with:*
  - i. *the regulations, if the regulations so require, or*
  - ii. *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent.*
- d. *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Council is satisfied that the modification application meets the test of Section 96(1a) as follows;

It is satisfied that the proposed modification is of minimal environmental impact

The reasonableness of the five proposed modifications have been assessed in accordance with the relevant legislation, and in consideration of all submissions received. Based on this assessment, Council is satisfied that the proposed modifications to the new dwelling, swimming pool, fencing and associated landscaping are of minimal environmental impact.

It is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted

The proposed modifications are considered to relate to minor elements of the approved development of a new dwelling, swimming pool, fencing and associated landscaping at 21 Calvert Parade, and as such the with regard to the built form, the development is considered substantially the same as the development originally approved.

As discussed in depth with regard to the impact on privacy to the adjoining property at 19 Calvert Parade, the proposed modifications to the two approved privacy screens are not considered to result in any unreasonable impacts upon the adjoining property and are considered to maintain the intent of the conditions imposed. As a reasonable level of privacy is maintained, it is considered that the proposed modifications result in substantially the same development with regard to amenity.

It has notified the application in accordance with the relevant regulations and Development Control Plan

Upon receipt of the modification application, six (6) adjoining property owners and the Newport Residents Association were notified for a period of fourteen (14) days from 24 September through to 8 October 2012. During this time, two (2) submissions were received from the property owners of 19 Calvert Parade and their representative.

Following the erection of height poles with regard to the modifications to the privacy screens, the applicant voluntarily amended the proposal. As the amendments only related to the privacy screens to be located between 19 and 21 Calvert Parade, and as the property owners of 19 (and their representatives) were the only ones to express an interest in the proposed modifications, the amendments were not formally notified, but were rather forwarded individually to the property owners on 19 Calvert Parade.

All stages of the assessment have been available for public viewing on Council's website, and as such, Council are be satisfied that the application has been notified in accordance with the relevant regulations and Council's Notification Policy.

It has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be

Over the course of the assessment, two (2) submissions have been received in objection to the proposed development. These submissions have been considered in respect to each specific proposed modification, and with regard for the relevant regulation or control. Council is satisfied that all objections received thus far have been adequately addressed.

It is noted that the applicant seeks to gain retrospective approval for certain as-built changes with the new dwelling. Retrospective approval for works already completed may be granted pursuant to Section 96 of the *Environmental Planning and Assessment Act 1979* as established by the NSW Land and Environment Court proceeding *Windy Dropdown Pty Ltd v Warringah Council [2000] NSWLEC 240*.

In these proceedings, Commissioner J. Talbot considered the following:

*The broad construction of s 96 leads to a practical result that enables a consent authority to deal with unexpected contingencies as they arise during the course of construction of development or even subsequently, provided of course that the development to which the consent as modified relates is substantially the same development.*

In this regard, the proposed as-built modifications are considered minor, and are considered to result in a development that is substantially the same to that which was originally approved.

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

The application of SEPP No.1 is not required.

#### **9.0 EXISTING USE RIGHTS**

The proposed development is not reliant upon existing use rights.

#### **10.0 CONCLUSION**

The Development Application has been assessed in accordance with the provisions of Section 79C of the *Environmental Planning and Assessment Act 1979*, Pittwater Local Environmental Plan 1993, Pittwater 21 DCP and other relevant Council policies.

Subject to the recommended conditions of consent, the proposed amendments are considered to maintain consistency with the originally approved development, and maintain a reasonable level of amenity between the adjoining properties. Given the orientation, layout and slope of the adjoining properties, a certain level of overlooking is considered unavoidable and reasonable in this specific context.

Accordingly, the modification 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 the modification of development consent N0392/09 for the construction of a new dwelling, swimming pool, fencing and associated landscaping at 21 Calvert Parade, Newport in the following way:

- **Amended architectural drawings 5/11 and 6/11 revision H, dated 31 August 2012 and 7/11 revision J, dated 19 November 2012, all prepared by SB Design.**
- **Modify condition B27, as follows:**

*The lounge room balcony on the ground floor is to be reduced to allow for a 2.5m setback from the northern side boundary.*

- **Modify condition B28, as follows:**

*The provision of a privacy screen with a maximum 25% openings and with an RL at the top of the screen of RL 29.53 AHD to be located a minimum distance of 1m to the south of the northern boundary between the proposed screen planting and the swimming pool/lounge room balcony. The screen is to extend along the length of the lounge room balcony and adjacent swimming pool to a point 9.937 metres from the eastern external wall of the lounge room. The screen is to be complemented by an additional screen with an RL at the top of the screen of RL 30.90 AHD for a length of 3.69 metres in an easterly direction, as measured from a point 3.97 metres from the eastern external wall of the lounge room. The western half of the upper portion of the screen is to be comprised of maximum 25% openings, with the eastern half comprised of maximum 150% openings. The screen as a whole is to be consistent with the proposed detail as shown on architectural drawing 02/SKD 09, prepared by sb design and dated May 2012.*

Report prepared by

Rebecca Englund  
**PLANNER**



Business Hours:  
8.00am to 6.00pm, Monday to Thursday  
8.00am to 5.00pm, Friday

**S96 No: N0392/09/s96/2**

DATE TBA

SB DESIGN  
1/410 CHURCH STREET  
NORTH PARRAMATTA NSW 2151

Dear Sir/Madam

**Modification of Development Consent N0392/09 for Construction of a new dwelling, swimming pool, fencing and associated landscaping at 21 CALVERT PARADE NEWPORT NSW 2106.**

Your request for modification has been considered by Council and it has been agreed to modify the Consent.

Please find attached the consent as modified.

If there are any matters that require further clarification, please do not hesitate to contact me.

Yours faithfully

**Rebecca Englund  
PLANNER**

**MODIFICATION OF DEVELOPMENT CONSENT NO: N0392/09**  
**ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979**  
**NOTICE TO APPLICANT OF DETERMINATION**  
**OF A DEVELOPMENT APPLICATION**

**Applicant's Name and Address:**

SB DESIGN,  
1/410 Church Street  
NORTH PARRAMATTA NSW 2151

Being the applicant in respect of S96 Modification Application No N0392/09/s96/2

Pursuant to section 81 of the Act, notice is hereby given of the determination by Pittwater Council, as the consent authority, of this Development Application for: -

**Modification of Development Consent N0392/09 for Construction of a new dwelling, swimming pool, fencing and associated landscaping.**

**At: Lot 38 DP 6638, 21 Calvert Parade, Newport NSW 2106**

**Decision:**

The Development Application has been determined by the granting of consent subject to the conditions detailed below.

- **Landscape Plan numbered L-01 prepared by RFA Landscape Architects dated 24/8/2009**
- **Drawings numbered 02/09, 03/09, 04/09, 05/09, and 06/09 revision A dated prepared by SB Design 11/11/09 and 09/09 dated 27/08/2009 prepared by SB Design**
- **Geotechnical Risk Assessment prepared by GDK Keighran Geotechnics dated 27/11/09 and**
- **Landscape Plan numbered L01 issue B dated 27/05/10 prepared by RFA Landscape Architects**
- **further modified by drawings numbered 2334-09 revisions dated 15/6/2010 prepared by DB Design, and**
- **further modified by amended plans 5/11, DA 1 & DA2, al dated 18.10.2011 and drawn by SB Design and further amended by plans 5/11, 6/11 revision H, dated 31 August 2012 and 7/11 revision J, dated 19 November 2012, all prepared by SB Design.**

The reason for the imposition of these 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, 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.

**Note: For ease of reference, all of the previous conditions have been re-listed. Those conditions amended or deleted have been highlighted.**

Endorsement of date of consent: 15/12/2009  
(Modified 07/09/2010)  
(Modified 01/03/2011)  
(Modified TBA)

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. which that person may be contacted outside working hours, and
  - c. stating that unauthorised entry to the work site is prohibited.

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

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

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

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

1. The recommendation of the risk assessment required to manage the hazards as identified in Geotechnical Report prepared by Keighran Geotechnics dated November 2009 are to be incorporated into the construction plans.
2. The Stormwater Harvesting and Reuse Scheme shall be installed and operated in accordance with the accepted design, Environmental and Health Risk Management Plan, Operation and Maintenance Plan, Manufacturer's Specifications and associated operational guidelines.
3. As part of the integrated stormwater management plan, suitably positioned stormwater quality improvement devices shall be installed and operated in accordance with Manufacturer's Specifications and associated operational guidelines.
4. The internal driveway finish is:
  - a. to be a stable surface for all weather conditions
  - b. to be constructed of materials that blend with the environment and are of dark or earthy tones or natural materials.
5. If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Metropolitan Local Aboriginal Land Council (MLALC) and Department of Environment & Climate Change (DECC) are to be notified.
6. For the life of the development, domestic pet animals are to be kept from entering wildlife habitat areas at all times. Dogs and cats are to be kept in an enclosed area or on a leash such that they cannot enter areas of bushland, unrestrained, on the site or on surrounding properties or reserves. Ferrets and rabbits are to be kept in a locked hutch/run at all times.
7. Over the life of the development all declared noxious weeds are to be removed/controlled in accordance with the Noxious Weeds Act 1993. Environmental weeds are to be removed and controlled. Refer to Pittwater Council website ([www.pittwater.nsw.gov.au](http://www.pittwater.nsw.gov.au)) for noxious/environmental weed lists.
8. No environmental weeds are to be planted on the site. Refer to Pittwater Council website ([www.pittwater.nsw.gov.au](http://www.pittwater.nsw.gov.au)) for environmental weed lists.
9. Any vegetation planted outside approved landscape zones is to be consistent with locally native species growing onsite and/or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and Native Plants for Your Garden link available from Council's website [www.pittwater.nsw.gov.au](http://www.pittwater.nsw.gov.au)
10. Any new fencing is to be made passable to native wildlife. As a guideline, hole dimensions should be 150mm wide X 100mm long at ground level spaced at 6 metre intervals.

11. Screen planting is to be provided, which after three years will, in conjunction with the canopy planting, screen 50% of the built form when viewed from the street. Species selection is to incorporate locally native species and two additional locally native canopy trees within the front building line. This screen planting is to be retained over the life of the development and replaced if any part of it should die or be destroyed or removed.
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. The spa/pool backwash and any overflow waters are to be disposed to the Sydney Water sewer.
14. Where waste water is directed to the Sydney Water sewerage system the installation of in-sink food waste disposal units is prohibited due to the increased loading placed on the Warriewood Sewage Treatment Plant particularly during wet weather.
15. The solid fuel or wood burning appliances shall comply with Australian Standard AS 4013-1992 or any subsequent amending standard.
16. 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.
17. Pool fencing is to be designed, located and maintained in accordance with the Swimming Pool Act 1992, Regulation and Australian Standard 1926.1-2007, Safety barriers for swimming pools
18. A planter box with a minimum width of 2 metres and a depth of 600mm is to be provided to the **western elevations** of the balcony above the garage. The planter boxes are to be landscaped with locally native species which will screen the built form when viewed from the street.
19. All plumbing and drainage fixtures are to be concealed and not exposed to public view on buildings over one storey in height.
20. All external glazing is to have a maximum reflectivity index of 25%.
21. New electrical connections are to be carried out using underground cabling.
22. The exterior colours and materials are to be dark and earthy in accordance with Clause D10.4 of Pittwater 21 DCP. The proposed colours 'Shale Grey' and 'Cashew Nut' do not comply with Council's policy.
23. Roofs to all structures are to be of dark grey, brown and/or green tones only.
24. All built structures are to be removed within the 2.5m setback to the northern boundary **(excluding the privacy screen as detailed in condition B28)**. This includes the encroaching portion of the lounge balcony, swimming pool terrace and swimming pool pergola. The natural ground level is to be maintained within the 2.5m setback to the northern boundary and landscaped with locally native species.
25. The proposed side boundary masonry fences do not form part of this consent.
26. 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.

27. The lounge room balcony on the ground floor is to be reduced to allow for a 2.5m setback from the northern side boundary
28. *The provision of a privacy screen with a maximum 25% openings and with an RL at the top of the screen of RL 29.53 AHD to be located a minimum distance of 1m to the south of the northern boundary between the proposed screen planting and the swimming pool/lounge room balcony. The screen is to extend along the length of the lounge room balcony and adjacent swimming pool to a point 9.937 metres from the eastern external wall of the lounge room. The screen is to be complemented by an additional screen with an RL at the top of the screen of RL 30.90 AHD for a length of 3.69 metres in an easterly direction, as measured from a point 3.97 metres from the eastern external wall of the lounge room. The western half of the upper portion of the screen is to be comprised of maximum 25% openings, with the eastern half comprised of maximum 150% openings. The screen as a whole is to be consistent with the proposed detail as shown on architectural drawing 02/SKD 09, prepared by SB Design and dated May 2012.*
29. The deletion of the masonry blade wall on the northern elevation above the garage between the 2 metre planter box and the lounge room. This deleted blade wall is to be replaced with a privacy screen a minimum of 1.7metres high with a maximum of 25% openings on the northern side of the western balcony to the lounge room and which incorporates an angled masonry support structure from the eave line back to the wall of the structure.
30. The underside of the elevated pool is to be painted in natural tones to blend with the surrounding landscape.

#### **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. Engineering plans including specifications and details of the on-site stormwater detention system, are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Such details are to be accompanied by a certification 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, confirming that the plans/details comply with B5.8 of Pittwater 21 DCP.  
Note: Where Council is the Principal Certifying Authority, 3 sets of engineering plans are to be submitted.
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.
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. The Accredited Certifier or Council must be provided with a copy of plans that a Quick Check agent/Sydney Water has stamped before the issue of any Construction Certificate.
8. 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.
9. The finished surface materials, including colours and texture of any building, shall blend with the surrounding and/or natural materials and shall be non-glare. A satisfactory specification which achieves this shall be submitted to the Accredited Certifier or Council with the Construction Certificate application in the form of a *Schedule of Finishes*.
10. 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. Applicants will be required to obtain prior to the issue of a Construction Certificate, a Section 139 Consent for Works on a Public Road Reserve issued by the Council under the provisions of Section 138 of the *Roads Act 1993* for the design and construction of any works located on the road reserve including Access Driveways.



2. All excavated material is to be removed from the site.
3. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
4. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
5. Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must preserve and protect the building from damage and, if necessary, underpin and support the adjoining building in an approved manner.
6. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
7. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
8. The site is to be fully secured by a fence to all perimeters to the site to prevent unauthorized access both during the course of the works and after hours.
9. No works are to be carried out in Council's Road Reserve without the written approval of the Council.
10. 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.
11. No skip bins or materials are to be stored on Council's Road Reserve.
12. A clearly legible *Site Management Sign* is to be erected and maintained throughout the course of the works. The sign is to be centrally located on the main street frontage of the site and is to clearly state in legible lettering the following:
  - The builder's name, builder's telephone contact number both during work hours and after hours.
  - That no works are to be carried out in Council's Road Reserve without the written approval of the Council.
  - That a Road Opening Permit issued by Council must be obtained for any road openings or excavation within Council's Road Reserve associated with development of the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
  - That no skip bins or materials are to be stored on Council's Road Reserve.
  - That the contact number for Pittwater Council for permits is 9970 1111.
13. All construction in the public road reserve must be undertaken by a Council authorised contractor.
14. During site excavation, topsoil which is to be used in later landscape works is to be stockpiled on site and stabilised during construction works. Stockpiles are to be stored outside of hazard areas and not located within the dripline of existing trees which are to be retained.



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

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

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

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

1. Prior to issue of the Occupation Certificate, Form 3 of the *Geotechnical Risk Management Policy* (Appendix 5 of P21 DCP) is to be completed and submitted to the Principal Certifying Authority.
2. Certification is to be provided to Private 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 on-site detention system has been completed in accordance with the engineering plans and specifications required under this consent.
3. Certification is to be provided to the Principal Certifying Authority by a qualified experienced practicing Civil Engineer, with corporate membership of the Institute of Engineers Australia (M.I.E.), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, that the drainage/stormwater management system has been installed to the manufacturer's specification (where applicable) and completed in accordance with the engineering plans and specifications required under this consent.
4. A certificate submitted by a Chartered Professional Engineer confirming to the satisfaction of the Principal Certifying Authority that the works in the public road reserve comply with Council requirements is to be provided with the Occupation Certificate application.
5. Prior to issue of an Occupation Certificate photographic evidence of the condition of the street trees and road reserve and area adjoining the site after the completion of all construction, must be submitted to the Principal Certifying Authority showing that no damage has been done and if damage has been done that it has been fully remediated. The photographs shall be accompanied by a statement that no damage has been done (or where damage has been remediated that Council has approved that work). In this regard Council's written agreement that all restorations have been completed satisfactorily must be obtained prior to the issue of any Occupation Certificate.
6. Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained and provided to the Private Certifying Authority with the Occupation Certificate application.
7. An Occupation Certificate application stating that the development complies with the Development Consent, the requirements of the Building Code of Australia and that a Construction Certificate has been issued must be obtained before the building is occupied or on completion of the construction work approved by this Development Consent.

8. All existing and /or proposed dwellings/sole occupancy units are to have approved hard-wired smoke alarms installed and maintained over the life of the development. All hard-wired smoke alarms are to be Australian Standard compliant and must be installed and certified by any appropriately qualified electrician prior to the issue of any Occupation Certificate.
9. Street numbers are to be affixed to the building prior to occupation.
10. 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(2) of the Act, this consent will lapse if the development, the subject of this consent, is not commenced within 2 years after the date from which this consent operates.  
NOTE: Council may be prepared to consider an extension of this Consent period for a further 12 months, however, the request for extension would have to be received during the initial 2 year period.
5. To ascertain the date upon which the determination becomes effective, refer to Section 83 of the *Environmental Planning and Assessment Act, 1979* (as amended).
6. Should any of the determination not be acceptable, you are entitled to request reconsideration under Section 82A of the *Environmental Planning and Assessment Act, 1979*. Such request to Council must be made in writing, together with appropriate fees as advised at the time of lodgement of such request, within 1 year from the date of determination.
7. If you are dissatisfied with this decision, Section 97 of the *Environmental Planning and Assessment Act, 1979*, gives you a right of appeal to the Land and Environment Court within 12 months of the date of endorsement of this Consent.

8. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Waters sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to the web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then see Building Developing and Plumbing then Quick Check, or telephone 13 20 92.

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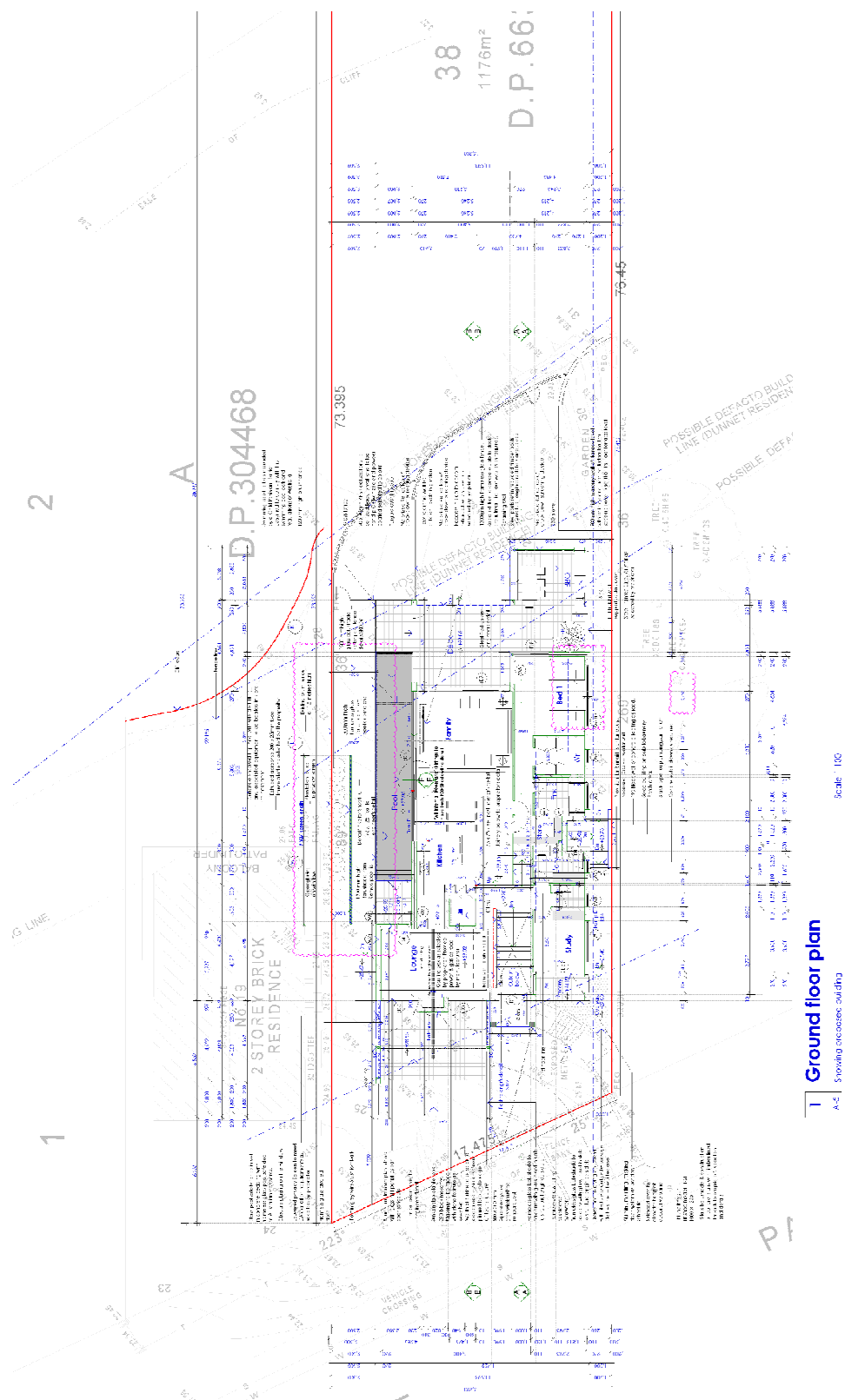
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# LOCALITY MAP



*Agenda for the Council Meeting to be held on 17 December 2012.*



Note:  
Pool Society Fence to comply with  
Swimming Pool Act 1992

[illegible]



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<b>C12.4</b>	<b>Clarification of Decision - Pittwater 21 Development Control Plan Red Tape Review</b>
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**Meeting:** Planning an Integrated Built Environment Committee

**Date:** 17 December 2012

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**STRATEGY:** Land Use & Development

**ACTION:** Review planning instruments to reflect Council's Strategic Plan, local values and respond to regional and state requirements as well as sustainability and climate change  
&  
Cut unnecessary red tape in Council's assessment and determination process

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**PURPOSE OF REPORT**

To clarify the decision of the PIBE Committee meeting on 21 May 2012 in relation to agenda item C11.8 - Pittwater 21 Development Control Plan (P21 DCP) – Red Tape Review.

**1.0 BACKGROUND**

1.1 In accordance with the Strategic Initiatives under the Land Use and Development Strategy in the Pittwater 2020 Strategic Plan, a review of the P21 DCP was undertaken with the aim to incorporate necessary changes and reduce red tape.

1.2 Following the P21 DCP review, including a 28 day public exhibition period, the recommended amendments were reported to Council on 21 May 2012. Council resolved the following:

1. *That the amendments to Pittwater 21 Development Control Plan and maps be adopted by Council **after excluding the change to building colours and materials and the removal of the first recommended amendment at B6.6 in Attachment 2.***
2. *That a public notice of the decision to approve the amendment to Pittwater 21 Development Control Plan be placed in the Manly Daily in accordance to the EP&A Regulation 2000.*
3. *That letters be forwarded to all persons who have made submissions and community groups advising of Council's decision.*
4. *That a copy of Pittwater 21 Development Control Plan as amended be forwarded to the Director-General of the Department of Planning, pursuant to section 25AB of the EP&A Regulation 2000.*
5. *That the changes to Pittwater 21 Development Control Plan be notified on the Pittwater website.*
6. *Council note that the 'Preliminary Advice' section, which does not form a statutory part of Pittwater 21 DCP, will be automatically updated to ensure timely and consistent guidance for the preparation of development applications.*

1.3 Following the PIBE Committee meeting, P21 DCP was amended (Amendment 7) and came into force on 14 July 2012.



## 2.0 ISSUES

2.1 Correspondence has been received, dated 15 October 2012 (**Attachment 1**), raising concerns that the P21 DCP (Amendment 7) has not been amended in accordance with PIBE Committee Recommendations. In particular concern has been raised that the manner in which Recommendation 1 (as outlined above) has been implemented, that is, **“the removal of the first recommended amendment at B6.6 in Attachment 2”**.

2.2 The proposed amendments to development control B6.6, in the report to Council on 21 May 2012, at Attachment 2 reads as follows:

Control	Proposed Amendments	Reason for Amendment
B6.6 Off-Street Vehicle Parking Requirements – All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy	<p><u>Outcome:</u> Delete 'Small retail facilities are encouraged in Newport Commercial Centre'</p> <p><u>Controls:</u> Under first dot point of 'residential car parking', change '<b>relates</b>' to '<b>relate</b>' and add '<b>and shall not total more than 10 % of total number of spaces</b>' Third dot point, delete 'In the Newport Commercial Centre, no on site parking is required for lots with vehicular access solely from Barrenjoey Road and with a street frontage width of less than 18 metres' (to be included under Variations). Under 'Residential Car Parking', delete first dot point '<b>Stacking parking will only be accepted if the spaces relates to the same dwelling</b>' and include 'Where there are dwellings with two (2) or more bedrooms in an apartment development, tandem parking spaces may be permitted where all of the following are met:  <ul style="list-style-type: none"> <li>a) two (2) parking spaces have been allocated per two (2) or more bedroom apartments</li> <li>b) the proportion of tandem parking spaces does not exceed 10% of the total residential parking for two (2) or more bedroom units</li> </ul> Tandem parking will only be permitted where it can be clearly demonstrated that vehicles so parked are directly associated to a single apartment and that such vehicles do not restrict or impede the parking, manoeuvring or access of other vehicles.'</p> <p><u>Variations:</u> Under 'Changes in Use', insert 'In the Mona Vale Commercial Centre, no additional on-site parking is required for lots where there is a 'change of use' to residential and where the street frontage is to Bungan Street or Pittwater Road (between Barrenjoey Road and Bungan Street) and the subject site has a street frontage width of less than 15 metres.' Under 'Off-set of On-Site Car Parking Requirements', following on from the second dot point, insert 'and on the basis that the off-set of on-site car parking only applies to the visitor parking component of any residential development.' Create new sub-heading titled 'Newport Commercial Centre'. Below insert 'In the Newport Commercial Centre, no on site parking is required for lots with vehicular access solely from Barrenjoey Road and with a street frontage width of less than 18 metres.'</p>	Changes to controls and variations to improve clarity of the control relating to Newport Commercial Centre, Mona Vale Commercial Centre, Tandem Parking as well as administrative changes.



- 2.3 At the PIBE Committee meeting on 21 May 2012 a resident addressed the Committee on this item. Part of the address related to development control B6.6 and identified that the proposed changes in the report under 'Controls' were conflicting. Specifically, the first recommended amendment proposed to change the following sentence:
- Under first dot point of 'residential car parking', change '**relates**' to '**relate**' and add '**and shall not total more than 10 % of total number of spaces**'*
- A further recommended amendment then proposed the deletion of the same sentence:
- Under 'Residential Car Parking', delete first dot point '**Stacking parking will only be accepted if the spaces relates to the same dwelling**' and include ....."*
- 2.4 This inconsistency was identified by the resident, the staff acknowledged the error in the report and the motion of the PIBE Committee was amended to include the wording '*excluding.....and **the removal of the first recommended amendment at B6.6 in Attachment 2***'. Subsequently, the P21 DCP was amended and the sentence was deleted.
- 2.5 In the correspondence to Council dated 15 October 2012 it states, inter alia, '*The recommendation adopted by council, that the deletion of the first recommended amendment at item B6.6 be removed, has not been implemented in the revised DCP, now in force*'.
- 2.6 Upon viewing the changes proposed for Control B6.6 in their entirety, it is recognised that the wording in the PIBE Committee recommendations can be interpreted to mean the deletion of the outcome '**Small retail facilities are encouraged in Newport Commercial Centre**'.
- 2.7 To clarify this issue the following is considered Council's intended decision following the resident submission:-
1. Outcome 'Small retail facilities are encouraged in Newport Commercial Centre' **be deleted** as this is not relevant to a car parking control.
  2. The sentence 'Stacking parking will only be accepted if the spaces relate to the same dwelling' **be deleted** as this conflicted with the deletion of the same sentence.
  3. The paragraph 'Where there are dwellings with two (2) or more bedrooms in an apartment development, tandem parking spaces may be permitted where all of the following are met:
    - a) two (2) parking spaces have been allocated per two (2) or more bedroom apartments
    - b) the proportion of tandem parking spaces does not exceed 10% of the total residential parking for two (2) or more bedroom units

Tandem parking will only be permitted where it can be clearly demonstrated that vehicles so parked are directly associated to a single apartment and that such vehicles do not restrict or impede the parking, manoeuvring or access of other vehicles.' **remains included**.
- 2.8 The outcome '*small retail facilities are encouraged in Newport Commercial Centre*', in relation to B6.6, does not relate to off-street vehicle parking requirements and, as a result, it was recommended that this outcome be deleted. Changes to the P21 DCP relating to the Newport Village Centre were proposed in an effort to provide greater clarity and certainty to the meaning of development controls. Changes were instigated following feedback provided by Council's Development Assessment officers who had found, in discussions with Solicitors (in defending Land and Environment Court appeals against development applications within the Newport Village Centre), that some of the Village Centre development controls lacked clarity and were difficult to interpret, thereby weakening the enforceability of the development controls.

- 2.9 In order to resolve this matter and to avoid confusion, Council staff is seeking clarification on the matter.

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### **3.0 SUSTAINABILITY ASSESSMENT**

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

The P21 DCP is an integral component to evaluating the likely impacts of development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

The P21 DCP maintains and enhances the community lifestyle and built form character that enhances the health and wellbeing of the community.

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

The P21 DCP is an integral component to evaluating the likely impacts of development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

The P21 DCP includes initiatives that aim to reduce our ecological footprint, protect our bushland and biodiversity, as well as improve the health of our beaches and waterways.

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

The P21 DCP is an integral component to evaluating the likely impacts of development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

The P21 DCP facilitates participation in employment, local business opportunities and quality educational opportunities.

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

The P21 DCP is an integral component to evaluating the likely impacts of development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

The P21 DCP facilitates community participation, collaboration and engagement to ensure that decision-making is ethical, accountable and transparent.

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

The P21 DCP is an integral component to evaluating the likely impacts of development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

The P21 DCP aims to enhance the liveability and amenability of our villages by promoting effective, efficient and connected transport choices through the improved mix of appropriate land use and development.

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### **4.0 EXECUTIVE SUMMARY**

- 4.1 Council officers undertook a review of the P21 DCP (Amendment 7), which was adopted by the PIBE Committee on 21 May 2012 and came into force on 14 July 2012.
- 4.2 Concerns were raised that the P21 DCP (Amendment 7) was not amended in accordance with PIBE Committee decision, in particular in relation to development control B6.6.

- 4.3 In order to resolve this matter, and to avoid confusion, Council staff is seeking clarification from the PIBE Committee.

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## **RECOMMENDATION**

That it was Council's intention at its meeting 21 May 2012 to amend P21 DCP as it relates to control B6.6, as follows:

1. The "Outcome" - 'Small retail facilities are encouraged in Newport Commercial Centre' be deleted.
2. The sentence in "Controls" - 'Stacking parking will only be accepted if the spaces relate to the same dwelling' be deleted.
3. The paragraph 'Where there are dwellings with two (2) or more bedrooms in an apartment development, tandem parking spaces may be permitted where all of the following are met:
  - a) two (2) parking spaces have been allocated per two (2) or more bedroom apartments
  - b) the proportion of tandem parking spaces does not exceed 10% of the total residential parking for two (2) or more bedroom units

Tandem parking will only be permitted where it can be clearly demonstrated that vehicles so parked are directly associated to a single apartment and that such vehicles do not restrict or impede the parking, manoeuvring or access of other vehicles' remains.

Report prepared by  
Andreas Olsen, Strategic Planner

Lindsay Dyce  
**MANAGER, PLANNING AND ASSESSMENT**

## Letter from Newport Residents Association



### Newport Residents Association Inc.

PO Box 1180  
Newport Beach NSW 2106  
President - Kyle Hill 0412 221 962  
Vice President - Selena Webber (selenawebber@hotmail.com)  
Hon. Secretary - Peter Middleton (peter@midboyd.com)  
Hon. Treasurer - Gavin Butler (gbutler@aapt.net.au)  
[www.newport.org.au](http://www.newport.org.au)

15 October 2012

General Manager  
Pittwater Council  
PO Box 882  
Mona Vale NSW 1660

Dear Mr Ferguson

#### Re: Pittwater 21 Development Control Plan Red Tape Review

Your Acting General Manager's letter to our solicitors, dated 16 July 2012 has been passed on to our Association and consideration is being given to the contents of that letter and to the Association's response given the Association does not consider the explanations offered to be justified in the light of our solicitors complaint on the Association's behalf.

However, it is also noted that the reference to the Council resolution namely the recommendation to delete the first recommended amendment at B6.6 (Outcome: Delete 'Small retail facilities are encouraged in Newport Commercial Centre') is inaccurate and misleading insofar as Mr. Hunt has quoted the recommendation of staff as being the Council resolution, whereas the Council resolution varied the staff recommendation as follows:

Staff recommendation:

#### RECOMMENDATION

1. That the amendments to Pittwater 21 Development Control Plan and maps (**Tabled document**) be adopted by Council.

Minutes of the Council Meeting held on 21 May 2012:

#### COMMITTEE RECOMMENDATION

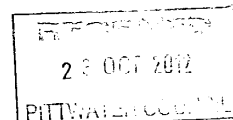
1. That the amendments to Pittwater 21 Development Control Plan and maps be adopted by Council after excluding the change to building colours and materials and the removal of the first recommended amendment at B6.6 in Attachment 2.

The recommendation adopted by council, that the deletion of the first recommended amendment at item B6.6 be removed, has not been implemented in the revised DCP, now in force.

The Association requires your confirmation of this position and an explanation as how the then Acting General Manager came to be misinformed.

Yours sincerely

Secretary



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<b>C12.5</b>	<b>Changes to Local Environmental Plan Making Procedures Regarding Delegations and Independent Reviews of Plan-Making Decisions</b>
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**Meeting:** Planning an Integrated Built Environment Committee

**Date:** 17 December 2012

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**STRATEGY:** Land Use and Development Strategy

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

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**PURPOSE OF THE REPORT**

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

**1.0 BACKGROUND**

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

- 1.3 The Hon Brad Hazzard MP has written to Council (**Attachment 1**) advising that he is proposing to delegate his functions under section 59 of the EP&A Act for the making of LEPs for local matters to Council if they wish to accept the delegation. The delegation will affect stages 6 (DP&I Consideration) and 7 (Minister's Decision) outlined above. Pittwater Council has been granted an extension to the deadline to 18 December 2012.
- 1.4 In addition to the above, the existing statutory arrangements have been changed to introduce 'independent reviews' of Planning Proposals. These include:
- a) **Pre-gateway reviews** – which may be requested by a proponent (e.g. developer, landowner) if the council has notified the proponent that they do not support the proposal. Or the Council has not made a recommendation after 90 days.
  - b) **Gateway reviews** – which may be requested by Council or the proponent following a Gateway determination.
- 1.5 **Attachment 2** illustrates the above changes proposed to the system in a flow diagram. The changes and their implications for Council will be considered below.
- ## 2.0 ISSUES
- ### 2.1 Local Environmental Plan Delegations
- 2.1.1 As outlined above, the making of some LEPs are proposed to be delegated back to Council. The DP&I have stated that "the changes will give local councils responsibility for LEPs of local significance and streamline the processing of their LEPs by removing duplicative steps in the making of these LEPs".
- 2.1.2 It is proposed that the 'Authorisation' for Council to exercise delegation will be issued as part of the initial 'Gateway' determination. When submitting a planning proposal to the DP&I, Council will be required to identify whether it wishes to exercise the 'Authorisation' for each Planning Proposal. The DP&I have advised that the following types of LEPs will routinely be delegated to councils:
- Mapping alterations
  - Minor errors / anomalies
  - Reclassification of land
  - Heritage LEPs related to specific local heritage items supported by an Office of Environment and Heritage endorsed study
  - Spot rezoning consistent with an endorsed strategy and / or surrounding zones, and
  - Other matters of local significance as determined by the Gateway.
- 2.1.3 Section 23 of the EP&A Act allows the Minister and the Director-General to delegate functions to a council and/or an officer or employee of a council. Council is required to formally accept the delegation before the DP&I will issue an Authorisation in respect of any individual draft LEP.
- 2.1.4 The DP&I have advised that if Council chooses to accept the delegation, "it may sub-delegate the function to an officer within council who will exercise the delegation".

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

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

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

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

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

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

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

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

## 2.2 Independent Reviews

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

### **Pre-Gateway Review**

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

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

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

### **Post Gateway Review**

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

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

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

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

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



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

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### **3.0 SUSTAINABILITY ASSESSMENT**

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

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

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

N/A

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

N/A

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

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

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

N/A

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### **4.0 EXECUTIVE SUMMARY**

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

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

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

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

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

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## **RECOMMENDATION**

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

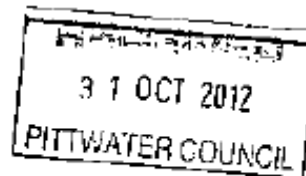
Report prepared by  
Andrew Pigott, Principal Planner - Strategic

Lindsay Dyce  
**MANAGER, PLANNING & ASSESSMENT**



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

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



Dear Mr Ferguson,

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

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

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

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

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

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

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

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

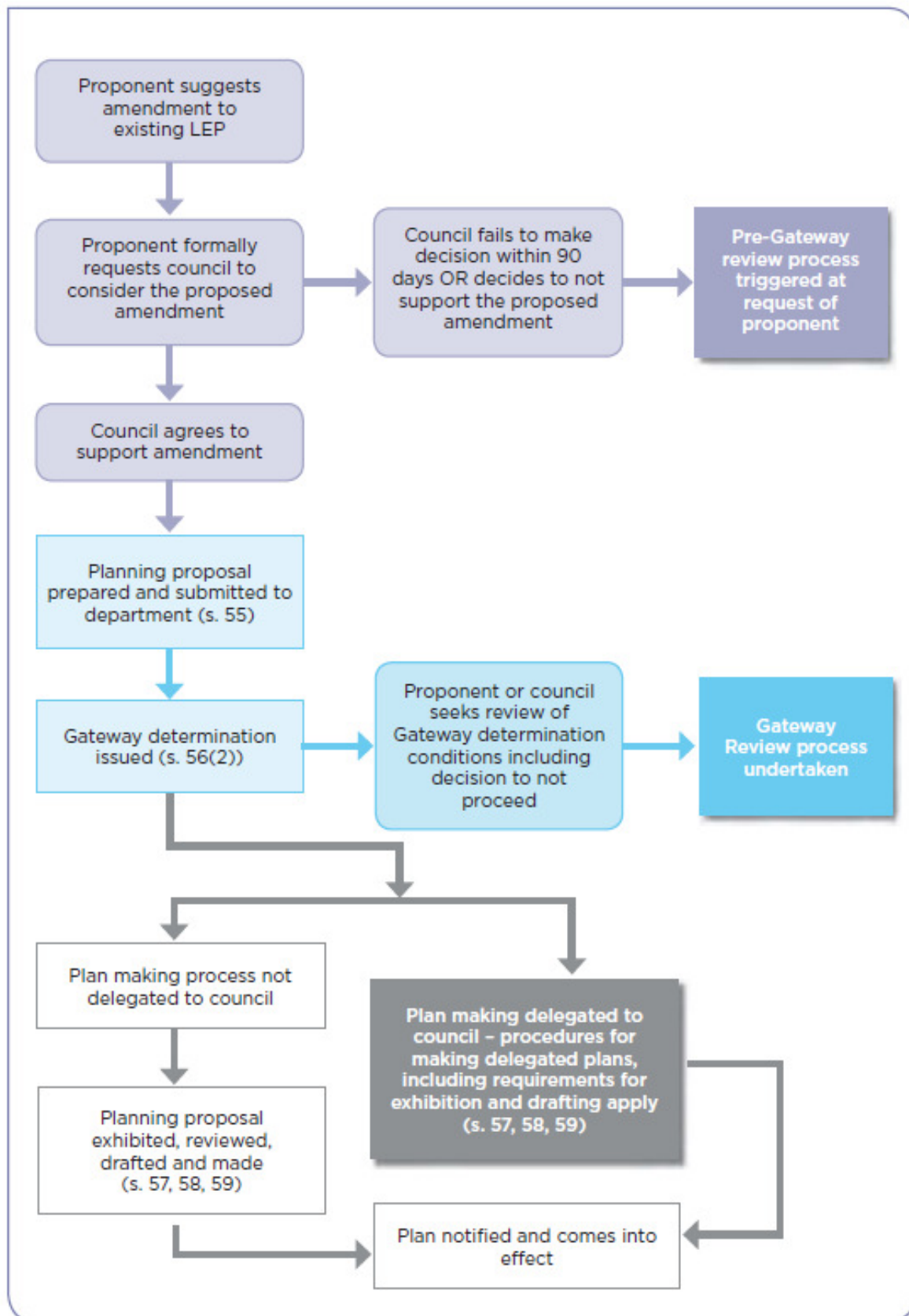
Council is asked to respond to this letter advising if it wishes to accept the delegation and identify the nominated council officers by Friday 30<sup>th</sup> November, 2012.

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

Yours sincerely



**HON BRAD HAZZARD MP**  
**Minister**



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<b>C12.6</b>	<b>Minutes of the Planning an Integrated Built Environment Reference Group Meeting held on 21 November 2012</b>
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**Meeting:** Planning an Integrated Built Environment Committee

**Date:** 17 December 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 21 November 2012 (**see Attachment 1**).

### **1.0 BACKGROUND**

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

### **2.0 ISSUES**

#### **2.1 PIBE4.1 – Pittwater Standard Instrument Local Environment Plan**

##### **Reference point**

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

## **2.2 PIBE4.2 – Upgrade of Mona Vale Road Update**

### **Reference Point**

1. That the Planning an Integrated Built Environment Reference Group members return to their groups and ask their members to respond to the RMS exhibition -Mona vale Road Upgrade Options prior to the Public Submission period closing on the 7 December 2012, via the following options:
  - Roads and Maritime Services, Po Box 973, Parramatta NSW 2124
  - Email: monavaleroad@rms.gov.au or Fax 02 8849 2817, or
  - Write to Rob Stokes MP Office to express and raise any additional concerns.
2. That the Committee notes that Ms Jacqui Marlow, Mr Greg Roberts and Ms Merinda Rose will meet as community representatives and formulate an approach and make an appointment with Rob Stokes MP regarding connectivity, biodiversity concerns and sequencing and request a timely response.

## **2.3 PIBE4.3 – Planning Reform – Green Paper Update**

### **Reference Point**

That the Reference Groups be advised once the White Paper has been released.

## **2.4 PIBE4.4 – sustainability Principles and Checklist Marketing Program and Content Update**

### **Reference Point**

That the members identify examples of domestic and multi unit developments and refer to Mr Greg Roberts / Ms Linda Haefeli.

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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 21 November 2012.

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## **RECOMMENDATION**

That the Minutes of the Planning an Integrated Built Environment Reference Group meeting of 21 November 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

**21 November 2012**

Commencing at 4:06pm

**Steve Evans**  
**DIRECTOR, ENVIRONMENTAL PLANNING &**  
**COMMUNITY**



**Members of the Committee, namely**

Cr Townsend, Chairperson  
Cr Griffith, Chairperson

**And one representative from the following organisations:**

Avalon Preservation Association, Mr Peter Mayman  
Bayview - Church Point Residents Association, Mr David Shields  
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 Selena Webber  
Newport Residents Association, Mr Nick Rogers  
Palm Beach & Whale Beach Association, Ms Merinda Rose  
Pittwater Resident Representative, Ms Julia Alston  
Pittwater Resident Representative, Ms Natasha Connolly  
Pittwater Resident Representative, Mr James Owen  
Scotland Island Residents Association, Mr Greg Roberts

**and the following Council Advisors**

Ms Jane Mulroney, Community Engagement Officer – Corporate Strategy  
Mr Andrew Pigott, Principal Officer (Strategic)  
Ms Kelly Wilkenson – Senior Strategic Planner  
Mr Paul Davies – Principal Engineer Strategy, Investigation and Design  
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 Committee Meeting**

### **Table of Contents**

#### **TABLE OF CONTENTS**

<b>Item No</b>	<b>Item</b>	<b>Page No</b>
<b>1.0</b>	<b>Apologies</b>	<b>6</b>
<b>2.0</b>	<b>Declarations of Pecuniary Interest</b>	<b>6</b>
<b>3.0</b>	<b>Confirmation of Minutes</b>	<b>6</b>
<b>4.0</b>	<b>Discussion Topics</b>	<b>6</b>
PIBE4.1	Pittwater Standard Instrument Local Environmental Plan	7
PIBE4.2	Upgrade of Mona Vale Road Update	7
PIBE4.3	Planning Reform - Green Paper Update	7
PIBE4.4	Sustainability Principles and Checklist Marketing program and content Update	7
<b>5.0</b>	<b>Emerging Business</b>	<b>11</b>
<b>6.0</b>	<b>Next Meeting</b>	<b>12</b>

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

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**Notes:**

1. The Planning an Integrated Built Environment Reference Group commenced at 4.00pm.
2. Cr Townsend assumed the Chair.
3. Cr Townsend advised the Group that Cr Grace was the new Chair for the Planning an Integrated Built Environment Reference Group and Cr Griffith was the Chairperson for the Planning an Integrated Built Environment Committee.

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**1.0 Apologies**

1. Apologies were received from:

- Cr Grace
- Mr Steve Evans, Director, Environmental Planning & Community
- Mr Lindsay Dyce, Manager - Planning and Assessment
- Mr Stephen Richmond - Bayview – Church Point Residents Association

and leave of absence was granted from the Planning an Integrated Built Environment Reference Group Meeting held on 21 November 2012.

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**

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**REFERENCE GROUP RECOMMENDATION**

That the Minutes of the Planning an Integrated Built Environment Reference Group Meeting held on 15 August 2012 be confirmed as a true and accurate record of that meeting taking into account the following amendment:

**PIBE4.6 - Sustainability Principles and Checklist Marketing program and content Update****Proceedings in Brief**

Mr **Greg Roberts**, representative of **Scotland Island Residents Association** addressed the meeting on this item. A copy of the Marketing Steps for The Sustainability Principles and Checklist was distributed to the Reference Group Members.

(Ms Linda Haefeli / Mr Ray Mills)

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**4.0 Discussion Topics**

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## **PIBE4.1 Pittwater Standard Instrument Local Environmental Plan**

### **Proceedings in Brief**

Mr Andrew Pigott, Principal Officer (Strategic) and Ms Kelly Wilkinson, Senior Strategic Planner addressed the meeting on this item.

The Reference Group was updated on progress towards the adoption of the draft Pittwater (Standard Instrument) LEP 2013 at its meeting of 15 August 2012. The report outlined that we were expecting an amendment to the Standard Instrument Order, providing a new environmental zone and the ability for councils to incorporate subzones within their LEPs. The amendment has not been made and the latest advice from the Department of Planning & Infrastructure (DP&I) is that the amendment to allow subzones is now unlikely to be made any time soon, if at all.

On the basis of this advice we have now completed a draft Pittwater LEP 2013. The following steps will need to be completed prior to the document being finalized:

Date	Milestone
19 November 2012	Report to Council recommending forwarding draft Pittwater LEP 2013 to DP&I
January 2012	Dept of Planning & Infrastructure issue s65 Certificate (allowing public exhibition)
February-March 2013	1 <sup>st</sup> exhibition of Standard Instrument LEP
March-April 2013	Review submissions and make any necessary changes and report to Council
May – June 2013	2 <sup>nd</sup> exhibition of Standard Instrument LEP
August 2013	Report draft Pittwater LEP 2013 to Council recommending forwarding to the DP&I to finalise
October 2013	Pittwater LEP 2013 made

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

**Q: In regards to the changes to the Planning Act, how will this impact on Councils LEP?**

In regards to the LEP, The Minister has advised Council to continue preparing our Draft Document. Standard Instruments will continue to form a key part of the overall strategic planning approach and ensure that local planning is consistent with the agreed direction set at the regional and subregional levels. There will be one Local Land Use Plan per Council area (152 in total with 60 currently approved) compared with the more than 300 LEPs and thousands of development control plans (DCPs) currently and will reflect community expectations and input. The completion of the Pittwater LEP will assist us being in a better position when the new legislation is introduced.

**Q: Included with the community consultation for the LEP, will we have workshops held in each ward?**

Yes, Council will hold meetings for each ward which will include an afternoon and evening session. Additionally, a letter will be written to every landowner in Pittwater advising them of their current zone, proposed zone and encouraging residents to go online and review the changes as they relate to their property.

The LEP is currently an uncertified draft, members are encouraged to review the document but it will potentially change once it has been submitted to the DP&I. A revised LEP is proposed to be on exhibition early next year subject to the turnaround time of the DP&I.

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### **Reference point**

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

(Mr David Palmer / Ms Merinda Rose)

### **Notes:**

1. Cr Townsend left the Planning an Integrated Built Environment meeting at 4.24pm.
2. Cr Griffith assumed the Chair for the Planning an Integrated Built Environment meeting at 4.25pm.

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## **PIBE4.2 Upgrade of Mona Vale Road Update**

### **Proceedings in Brief**

Mr Paul Davies, Principal Engineer Strategy, Investigation and Design addressed the meeting on this item.

A brochure was distributed to all Reference Group Members on the Mona Vale Road Upgrade Options, between McCarrs Creek Road, Terrey Hills and Powderworks Road, Ingleside. A copy of the brochure is attached to the minutes as **Attachment 1**.

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

**Q: Is it possible to incorporate an overpass with the upgrade due to the impact on the wildlife crossing from Garigal National Park into Kuringai National Park with an aim to protect certain species of animals becoming extinct?**

The Mona Vale Road Upgrade - Options Report - October 2012 - published by Transport Roads & Maritime Services (RMS) which is on public exhibition and can be viewed via the RMS website; [www.rta.nsw.gov.au/roadprojects/projects/sydney\\_region/northern\\_sydney\\_region](http://www.rta.nsw.gov.au/roadprojects/projects/sydney_region/northern_sydney_region). Incorporated into this document is an option 2 which includes a diagram titled the Habitat Bridge – Portal Entrance elevation (refer **Attachment 2**) for a connecting corridor for the animals to cross at the Kimbriki Tip and Whale Rock. It is suggested that if members highly support this option to write a submission and forward it to [monavaleroad@rms.nsw.gov.au](mailto:monavaleroad@rms.nsw.gov.au) prior to Close of Business on 7 December 2012.

### **Note:**

Ms Jacqui Marlow, Friends of Narrabeen Lagoon Catchment Committee will prepare a submission and forward a copy to all Reference Group members so the group can comment and support the submission.

**Q: Is it necessary to upgrade Mona Vale Road?**

The State Government is only investigating upgrading sections of Mona Vale Road. However, to meet future demands, Council along with RMS would like to upgrade the road all the way from Terrey Hills to Pittwater Road.

Research shows that Mona vale Road will need to be upgraded in the future to meet growing demands in Pittwater. By upgrading the road now the State Government and Council is aiming to:

- Improve traffic capacity and efficiency for road users
- Improve road safety by providing a four lane divided carriageway (only 1 lane will be built in the interim period)
- Provide for a minimum design speed of 80km per hour
- Minimise impacts on national parks threatened species and heritage sites
- Provide on-road cycle facilities and an off road shared path, where appropriate and
- Improve provision for buses.

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**Reference Point**

3. That the Planning an Integrated Built Environment Reference Group members return to their groups and ask their members to respond to the RMS exhibition -Mona vale Road Upgrade Options prior to the Public Submission period closing on the 7 December 2012, via the following options:
  - Roads and Maritime Services, Po Box 973, Parramatta NSW 2124
  - Email: monavaleroad@rms.gov.au or Fax 02 8849 2817, or
  - Write to Rob Stokes MP Office to express and raise any additional concerns.
4. That the Committee notes that Ms Jacqui Marlow, Mr Greg Roberts and Ms Merinda Rose will meet as community representatives and formulate an approach and make an appointment with Rob Stokes MP regarding connectivity, biodiversity concerns and sequencing and request a timely response.

(Ms Jacqui Marlow / Mr Greg Roberts)

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<b>PIBE4.3 Planning Reform - Green Paper Update</b>
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**Proceedings in Brief**

Mr Andrew Pigott, Principal Officer (Strategic) Community addressed the meeting on this item.

**Matters arising from the discussion:**

**Q: What involvement will the Community have in regards to the policy making within the Green Paper Document?**

The Minister of the Department of Planning and Infrastructure (DP&I) are reviewing feedback on the Green Paper. The White Paper will provide much more detail on how the new system will be implemented and hopefully incorporate feedback from Stakeholders, Council and Community Representatives. A draft White Paper will be released for public feedback by the end of the year.

The new planning reform will impact Councils position on Development Applications, Development Control Plans, Standard LEP, State Environmental Planning Policy and the level of the community input.

On 11 October 2012, the Minister of DP&I the Hon Brad Hazzard hosted over 370 representatives from local and state government, the planning profession, community organisations, academia and peak industry bodies at a half day workshop to discuss some of the most challenging policy ideas critical to the success of the new planning system.

The Minister convened a stakeholder panel comprising representatives from industry, academia, community, local government, practitioners and state government to provide an overview of the challenges facing the new planning system and to outline a range of perspectives at the workshop.

Results of this workshop are available on the NSW Government Planning and Infrastructure Website:

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

Reference Group members were advised by Ms Selena Webber, Newport Residents Association of the *Better Planning Network*, which is a Lane Cove Group. They have joined together with 52 other groups aiming to lobby the State Government regarding the Planning Reforms. Residents whom want to join can email - [cmfisher@tpg.com.au](mailto:cmfisher@tpg.com.au) or contact 0421 831 889 for further information.

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### Reference Point

That the Reference Groups be advised once the White Paper has been released.

(Ms Selena Webber / Ms Natasha Connolly)

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## **PIBE4.4 Sustainability Principles and Checklist Marketing program and content Update**

### **Proceedings in Brief**

Mr Greg Roberts, Scotland Island Residents Association addressed the meeting on this item.

The Sustainability Principles and Checklist is being reviewed. The presentation of the document will need to be improved prior to being submitted to Council and is to incorporate the following items:

- Thermal Modelling
- Improving indoor air quality
- Construction Materials
- Update Lighting
- Energy
- Hot Water Systems, and
- Recycling

It is anticipated that the document will be completed and made available at the February 2013 reference group meeting.

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

**Q: Once the Sustainability Principles Document is finalised, can Council insist that this document become compulsory for developers to use as a basis for meeting compliance?**

The Sustainability Principles and Checklist is an inspirational document. Due to legislative restrictions Council cannot make this document compulsory. Council will implement this as a checklist and will be tailored for residential dwellings.

For all buildings, sustainability is a high priority issue. The Sustainability Document is being created with a focus on targeting residential dwellings. Council is committed to incorporating sustainability principles into every development.

**Q: Are the larger developers such as Meriton required to build to a Sustainable / Green Star requirement?**

During Council's process of drafting the LEP it was intended to incorporate requirements that a minimum Green Star rating be adhered to for developments above a certain cost. At this point the Green Star rating is not a tool recognised by the State Government.

Developers are required to build to BASIX standards. Council will attempt to include in our DCP a clause to incorporate a Green Star Rating for buildings over a certain threshold but may not be able to be included in our LEP.

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### **Reference Point**

That the members identify examples of domestic and multi unit developments and refer to Mr Greg Roberts / Ms Linda Haefeli.

(Mr Greg Roberts / Ms Linda Haefeli)

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## **5.0 Emerging Business**

The Reference Group consultation for the Community Strategic Plan was held on 20 November 2012. Further workshops will be held with Business Unit Managers and Councillors in the next couple of weeks. A draft report will then be compiled and a workshop will be held in February so that the community can review the plan and assess how their ideas have been incorporated. It is anticipated that a draft report will then go to Council in April so that it can be placed on public exhibition. Final comments on the current objectives, challenges and opportunities should be submitted by 6 December 2012.

Lane Cove Council have created a Sustainable Building Advisory Service. Reference group members are encouraged to seek further information via the Council's Sustainability Coordinator or online. Email address is:

[sustainability@lanecove.nsw.gov.au](mailto:sustainability@lanecove.nsw.gov.au), website [www.lanecove.nsw.gov.au/sbas](http://www.lanecove.nsw.gov.au/sbas)

or phone 02 9911 3555.



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The Randwick Eco Living Centre / Fair was highly successful and Reference Group members are encouraged to review the website for additional information on sustainability principles and improving the Community:

[www.randwick.nsw.gov.au/Looking\\_after\\_our\\_environment/Sustaining\\_our\\_city](http://www.randwick.nsw.gov.au/Looking_after_our_environment/Sustaining_our_city).

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Ms Jane Mulroney, Community Engagement Officer, Corporate Strategy and Commercial advised, the Reference Group that the two (2) year term of Reference Group members is due to expire in February 2013. A review of reference groups will be undertaken shortly. All members will receive a survey to complete to capture their views about positives and areas for improvement. An expression of interest process will occur early in 2013. Reference Group members were congratulated on their contributions and reapply if they wished to do so.

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## **6.0 Next Meeting**

The proposed 2013 meeting schedule of the Planning an Integrated Built Environment Reference Group is outlined below. All meetings are held in the Training Room at the Coastal Environment Centre, Lake Park Road, North Narrabeen, commencing at 4.00pm.

- **20 February 2013**
- **15 May 2013**
- **21 August 2013**
- **20 November 2013**

Between McCarrs Creek Road, Terrey Hills and Powder Works Road, Ingleside

Mona Vale Road from McCarrs Creek Road, Terrey Hills to Powder Works Road, Ingleside is 3.3 kilometres in length, suffers from traffic congestion in peak periods and requires upgrading to increase carrying capacity and reduce travel times.

Mona Vale Road is a key element of the transport network serving the Northern Beaches and northern suburbs of Sydney. In 2005 RMS prepared the Mona Vale to Macquarie Park Corridor Strategy, which set out a 25-year framework for the management of the corridor. One of the short term priorities identified in the corridor strategy was to address current congestion and enhance the capacity and efficiency of the section of Mona Vale Road between Terrey Hills and Ingleside.

Planning for the proposed upgrade of Mona Vale Road between Terrey Hills and Ingleside commenced in mid-2011. It has involved preliminary survey, design feasibility studies, environmental investigations and community/stakeholder discussions which have all helped to develop the options.

RMS values your views about this project and will host a community information session on **Saturday 17 November 2012**

RMS project team members will be available to answer questions and receive feedback. A formal presentation will not be given, so please feel free to drop in at anytime during the information session:

**Terrey Hills Seniors and Youth Centre**  
Yulong Road, Terrey Hills  
Saturday 17 November 2012  
Between 10am and 2pm

Please send written comments by Friday 7 December 2012

Mona Vale Road Upgrade, Development Sydney

Roads and Maritime Services | PO Box 973 Parramatta NSW

Email: [monavaleroad@rms.nsw.gov.au](mailto:monavaleroad@rms.nsw.gov.au) | Fax 02 8849 2817

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

for more information.

## Shopping centre display

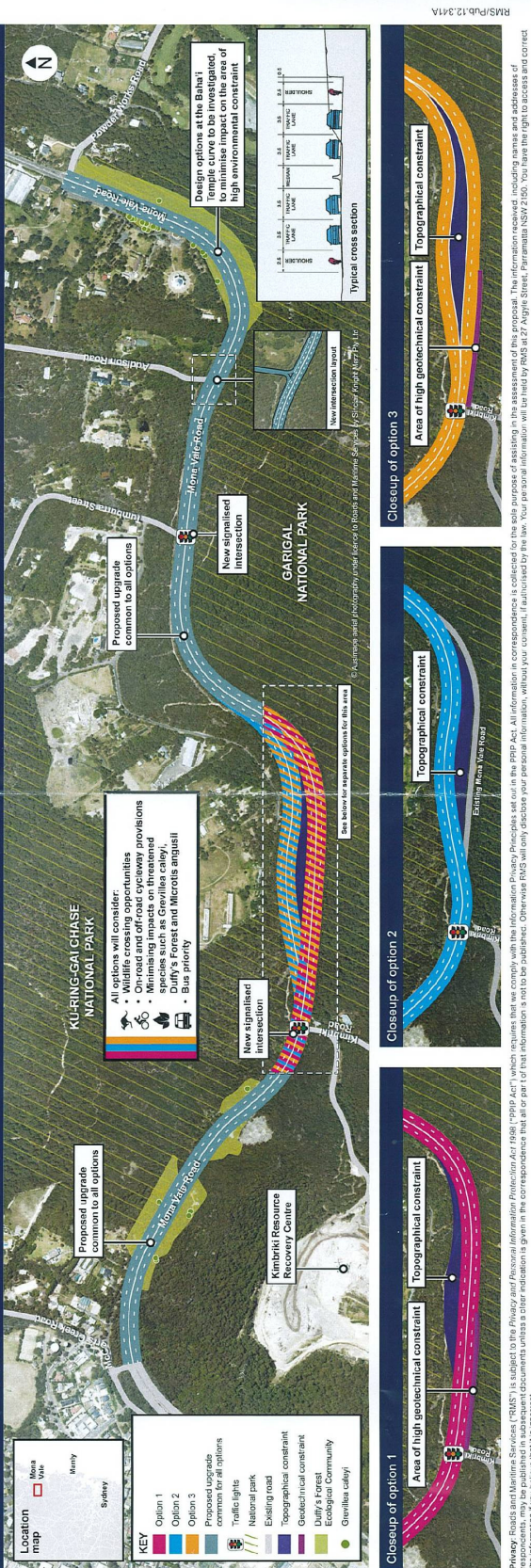
RMS will host two shopping centre displays where you can drop by and speak to the project team at the following times:

Belrose Supa Centa

Corner Forest Way & Mona Vale Road, Belrose  
Thursday 8 November

Between 3pm and 7pm

Options for the Mona Vale Road upgrade





CLAYTON ASSOCIATES

CLAYTON ASSOCIATES

## ROAD DESIGN OPTIONS

### ROAD DESIGN OPTIONS – COMMON ISSUES

#### Design speed

All of the design options reviewed here are based upon an 80km/hour design speed and 80km per hour posted speed. In going to a higher design speed, there will be inevitable impacts on this corridor. Consideration should be given to keeping the overall design speed lower, minimising the impacts of horizontal alignments extending significantly beyond the existing roadway corridor.

#### Road configuration, public transport and cycling

As outlined in the report, this is a critical component of a strategic route in a region with very limited public transport options. It is considered essential to plan for bus priority options as well as options for bus lanes to serve the morning and evening peak hours. Any bus mass transit system that may be considered would need to take into account the constrained width in this section of road.

It is also considered important to facilitate safe commuter cycling and walking options. Given that virtually all of the residential development is to the north of the road, it is suggested that a Shared User path be allocated only to the north side of the road to minimise the impacts in the narrow road corridor, given the width including shoulders and on road cycle lanes.

The maximum desirable carriage way would be four lanes comprising two lanes each way plus on road commuter cycleways each way, and an off-road Shared User Path. This configuration allows for additional capacity and a slow vehicle lane. This assumes that the Shared User Path is on the North side only, given the majority of residential connections west of the Bahari Temple are contained to the north of the road.

#### Tidal flow options

As identified previously, the heavy peak tidal flows for critical sections of this road would possibly suit a tidal flow arrangement. This four lane configuration would suit tidal flow as discussed below where it could provide at peak times an on road bike lane, a dedicated bus lane, two commuter lanes in the peak direction with a single oncoming lane and on road commuter bike lane in the non peak direction. This would effectively achieve the same capacity as the seven lane option at significantly reduced cost and environmental impact.

Designing for a future tidal flow arrangement now would allow a four lane option to provide the flexibility to reduce the current bottleneck, and cater for the future needs of strategic bus routes.

As identified previously there are a number of precedents for this in Sydney including the overhead gantry and lights for the Harbour bridge, and the moveable 'Zipper' median on Victoria road and now on Spit Road at Mosman.

**Retention of Whale Rock**  
This significant natural rock outcrop needs to be retained intact. The primary difference between all of these schemes is the alternative ways to conserve and get around Whale Rock.

#### Bahari Temple likely impacts

All of these options have similar solutions around the Bahari Temple where the road is cut closer to the temple and then swings out into the bushland past the temple. The issues here are that negotiation with the Bahari association will be required and there will be some impact on the Floral clock which may likely need to be rebuilt with these options.

#### Duffys Forest plant community impacts

All options will have some impact on the threatened Duffys Forest plant community adjacent both sides of the road near the Bahari temple and further to the West. This is inevitable, but construction processes should be set up to minimise the construction footprint. The intention would be to minimize impacts on the more contiguous piece in Garigal National Park.

#### Retention of Garigal National Park ridge top south of the Bahari temple

The retention of the ridge top to the south due to the curve widening is important in maintaining a visual buffer, as well as maximizing out opportunities in sandstone. Refer to the typical section illustrated adjacent.

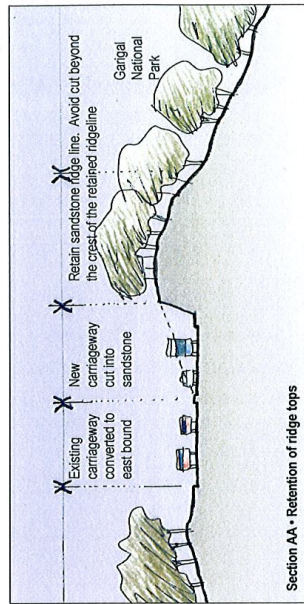
#### Kimbriki Tip entrance

This significant sustainable facility is set to expand to provide ongoing recycling and management for ambitious targets set by the regional councils that use this facility. The key issue is they are looking to enlarge their operation and have submitted a design proposal for the roads that needs to be reviewed in light of the following options.

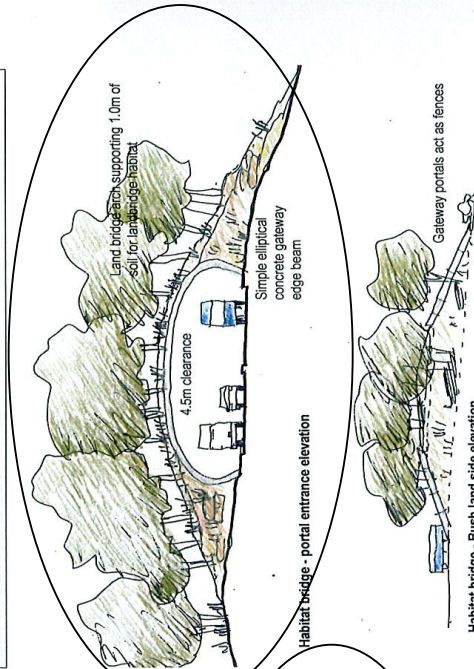
#### Habitat connection and land bridges

The section of Mona Vale Road divides two very large National Park habitat areas. The Draft Environmental Report identified this as an issue and there is the potential to provide a land bridge linkage between these two habitat areas. The most logical place is between the Kimbriki Tip entrance and Whale Rock. The issues associated with this option are that the only known population of threatened orchid species and Whale Rock are located nearby.

New land bridge would be a significant design intervention in the landscape and would need to be carefully considered. It should be as simple and elegant as possible. See attached sketches.



Section AA - Retention of ridge tops



MONA VALE ROAD IMPROVEMENTS - DRAFT ENVIRONMENTAL REPORT

2012/01/01 10:09 - 10:09

27

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**Council Meeting**

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**13.0      Adoption of Governance Committee Recommendations**

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**14.0      Adoption of Planning an Integrated Built Environment  
Committee Recommendations**

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**Appendix 1 – Confidential Items**

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***Confidential Advice***

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**Confidential - Tender 2012/2055 SHOROC Plant Hire**

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**CONFIDENTIAL 'COMMERCIAL IN CONFIDENCE' ADVICE**

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**Item No:** C11.6

**Matter:** Tender 2012/2055 - SHOROC Plant Hire  
Tender Evaluation

**From:** Mark Shaw  
MANAGER – URBAN INFRASTRUCTURE

**Meeting:** Governance Committee

**Date:** 17 December 2012

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The abovementioned matter is listed as Item No. C11.6 in Open Session in the Agenda.

The detailed analysis of the tenders is circulated separately.

Mark Shaw  
**MANAGER – URBAN INFRASTRUCTURE**

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## Confidential - Tender 2012/2055 SHOROC Plant Hire

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### CONFIDENTIAL 'COMMERCIAL IN CONFIDENCE' ADVICE

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The Tender Evaluation Panel (TEP) for this tender comprised the following:

Role	Name	Position
Chair	Paul Butler	Fleet & Plant Manager – Warringah Council
Member	James Lancaster	Works Technical Assistant – Warringah Council
Member	Peter Baartz	Senior Officer, Procurement & Fleet.– Pittwater Council
Member	Shan Nadesan	Senior Engineer Assets & Contract-Civic & Urban Services – Manly Council
Member	Greg Keys	Parks and Works Coordinator – Mosman Council
Observer	Paul Halim	Contract Officer – Warringah Council

***Note: Each panel member was required to declare any conflict of interest or pecuniary interest associated with the tender or any of the Companies that have submitted a tender***

#### 1.0 SCOPE

Tenders were sought for the provision of Plant Hire Services Panel for the SHOROC Councils.

Tenders were sought from qualified organisations to form a panel for Plant Hire Services (with and without operator), the proposed contract replacing the existing SHOROC Plant Hire Services Contract T 2007/043. Services tendered included the following:

##### **Wet Hire (Hire with operator):**

- Sub-Panel 1 – Excavators
- Sub-Panel 2 – Backhoes
- Sub-Panel 3 – Loaders
- Sub-Panel 4 – Trucks
- Sub-Panel 5 – Bobcats
- Sub-Panel 6 – Mobile Cranes
- Sub-Panel 7 – Track Dozers
- Sub-Panel 8 – Roller Compaction Equipment
- Sub-Panel 9 – Graders
- Sub-Panel 10 – Concrete Pumping Equipment
- Sub-Panel 11 – Road Sweeping Plant
- Sub-Panel 12 – Sullage Collection
- Sub-Panel 13 – Water Cart

**Dry Hire (Hire *without* operator):**

Sub-Panel 14 – Trucks  
Sub-Panel 15 – Roller Compaction Equipment  
Sub-Panel 16 - Portable Dewatering Pump  
Sub-Panel 17- Toilets - Portable Road and Mobile  
Sub-Panel 18 – Excavators  
Sub-Panel 19 – Backhoes  
Sub-Panel 20 – Loaders  
Sub-Panel 21 – Bobcats  
Sub-Panel 22 – Track Dozers  
Sub-Panel 23 – Concrete Pumping Equipment  
Sub-Panel 24 – Road Sweeping Plant

The Contract term offered is for an initial three (3) year period with two (2) options of one (1) year each to extend the term at Council's sole discretion.

The proposed contract offers an increased range of services and better value for money for all four Councils.

**2.0 TENDERS RECEIVED**

**2.1** Twenty Three (23) tenders were received via Tenderlink and the Tender Box at Warringah Council as follows:

**Table 1 - Tenderers**

Allcot Hire Pty Limited  
Anova Construction Pty Limited  
Australian Grader Hire  
Conplant Pty Limited  
Dinamo Pty Limited  
Kennards Hire Pty Limited  
Porter Plant  
Sherrin Rentals  
Tony Falvo's Earthmoving  
Stanton Corporation Pty Limited Trading As Universal Mobile Tower  
Warringah Crane and Transport Services Pty Limited  
Acclaimed Excavations Pty Limited  
Action Recovery Services Pty Limited Trading As Action Cranes  
Aldo's Earthworks Pty Limited  
Aqua Assets Pty Limited  
Davis Earthmoving & Quarrying Pty Limited  
J & B Murphy Pty Limited  
Ken Coles Excavations Pty Limited  
Len Hughes Earthmoving Pty Limited  
Matthews Contracting Pty Limited  
Specialised Pavement Services Pty Limited  
Raygal Pty Limited  
Transpacific Industrial Solutions Pty Limited



### **3.0 TENDER EVALUATION**

#### **3.1 Stage 1: Tender Compliance and initial cull**

- (a) An initial review was conducted by the Tender Evaluation Panel (TEP) to identify any non-conforming tenders. Submissions received from the following tenderers were found to be conforming and covered the specification to sufficient degree to allow further assessment.

Australian Grader Hire

Conplant Pty Limited

Sherrin Rentals

Tony Falvo's Earthmoving

Stanton Corporation Pty Limited Trading /As Universal Mobile Tower (

Warringah Crane and Transport Services Pty Limited

Acclaimed Excavations Pty Limited

Action Recovery Services Pty Limited. Trading As Action Cranes

Aldo's Earthworks Pty Limited

Aqua Assets Pty Limited

Davis Earthmoving & Quarrying Pty Limited

J&B Murphy Pty Limited

Ken Coles Excavations Pty Limited

Len Hughes Earthmoving Pty Limited

Matthews Contracting Pty Limited

Specialised Pavement Services Pty Limited

Raygal Pty Limited

Transpacific Industrial Solutions Pty Limited

- (b) Initial Cull - the tenders received from Allcot Hire Pty Limited, Anova Construction Pty Limited, Dinamo Pty Limited, Kennards Hire Pty Limited and Porter Plant were culled with incomplete submissions being in evidence or due to non-compliances with the requirements of tender.

#### **3.2 Stage 2: Evaluation of Scored Criteria**

The remaining tenders underwent further detailed evaluation in relation to the key scored criteria (Table 2).

**Table 2:**

Key Scored Criteria	Schedule	Minimum Acceptable Score
Business information  Performance information - demonstrated past experience of the Tenderer in performing services similar to the Plant Hire Services and history of disputes relating to those Services	Schedule F3.1 & F3.3	70
Tenderer's quality assurance system and procedures.  Tenderer's Safe Work Method Statement (SWMS) for each activity for each sub-panel they wish to tender.	Schedule F5 & Schedule F12	70
Environmental legislation and requirements	Schedule F7	70
Qualifications and demonstrated past experience of the Tenderer's key personnel including key personnel of subcontractors	Schedule F8 & F9	70

Any tender achieving a score of less than 70 (minor risk but acceptable) in any of the key scored areas would be considered a fail and culled from further consideration.

**Note:** The Evaluation Scoring Guide and assessment are shown in the confidential documents separately distributed.

#### **Culled Tenders** – Scored less than 70

- Australian Grader Hire achieved a score of 30 in the area of demonstrated past experience and was not considered further.
- Conplant Pty Limited achieved a score of 50 in the areas of quality assurance and safe work method statements and was not considered further.
- Sherrin Rentals achieved a score of 50 in the areas of quality assurance and safe work method statements and 10 in the areas of past experience and key personnel and was not considered further.
- Tony Falvo's Earthmoving achieved a score of 50 in the areas of quality assurance and safe work method statements and was not considered further.
- Stanton Corporation Pty Limited Trading/As Universal Mobile Tower achieved a score of 50 in the areas of quality assurance and safe work method statements and was not considered further.
- Warringah Crane and Transport Services Pty Limited achieved a score of 50 in the area of demonstrated past experience and was not considered further.

### **Tenders for Plant without operators (dry hire) – No acceptable tenders received**

Due to the unsatisfactory responses received from all tenderers in the dry hire category, the Evaluation Committee agreed to reject all tenders for dry hire services and to re-issue a tender for dry hire services separately early in 2013.

### **3.3 Stage 3: Detailed Evaluation of Remaining Tenders**

- The tender received from **Transpacific Industrial Solutions Pty Limited** for the **wet hire of sullage collection** in accordance with the tendered schedule of rates is recommended for acceptance.
  - The tender from Transpacific scored well in all key areas.
  - Transpacific are a large and well established waste management company and deemed capable of supply the services tendered for an ongoing basis.
- The tender received from **Raygal** for the **wet hire of excavators, backhoes, trucks, bobcats, road sweeping plant, sullage collection and water carts** in accordance with the tendered schedule of rates is recommended for acceptance.
  - The tender from Raygal attained passing scores in all key areas
  - A broad range of equipment and capabilities is available from Raygal to assist in supplementing Council's own capacity
  - Raygal are a well established plant hire and related services company and are deemed capable of providing the services tendered for on an ongoing basis.
- The tender received from **Specialised Pavement Services Pty Limited** for the **wet hire of road sweeping plant** in accordance with the tendered schedule of rates is recommended for acceptance.
  - The tender from Specialised Pavement Services Pty Limited attained passing scores in all key areas and scored well in the area of demonstrated past experience
  - Specialised Pavement Services Pty Limited are a well established company and are deemed capable of providing the services tendered for on an ongoing basis.
- The tender received from **Matthews Contracting Pty Limited** for the **wet hire of excavators and trucks** in accordance with the tendered schedule of rates is recommended for acceptance.
  - The tender from Matthews Contracting Pty Limited attained passing scores in all key areas
  - Matthews Contracting Pty Limited are a well established Ingleside based company and are deemed capable of providing the services tendered for on an ongoing basis.
- The tender received from **Len Hughes Earthmoving Pty Limited** for the **wet hire of backhoes and trucks** in accordance with the tendered schedule of rates is recommended for acceptance.
  - The tender from Len Hughes Earthmoving Pty Limited attained passing scores in all key areas
  - Len Hughes Earthmoving Pty Limited are a long established plant hire and related services company and are deemed capable of providing the services tendered for on an ongoing basis.
  - Services have been provided by this tenderer to Council successfully for more than ten (10) years.

- The tender received from **Ken Coles Excavations Pty Limited** for the **wet hire of excavators, backhoes, loaders, trucks, bobcats, track dozers, roller compaction equipment, graders, road sweeping plant, and water carts** in accordance with the tendered schedule of rates is recommended for acceptance.
  - The tender from Ken Coles Excavations Pty Limited scored well in all key areas
  - A broad range of equipment and capabilities is available from Ken Coles to assist in supplementing Council's own capacity
  - Ken Coles Excavations Pty Limited are a long established plant hire and related services company and are deemed capable of providing the services tendered for on an ongoing basis. Services have been provided by this tenderer to Council successfully since 2007.
  
- The tender received from **J & B Murphy Pty Limited** for the **wet hire of excavators, trucks, bobcats and roller compaction equipment** in accordance with the tendered schedule of rates is recommended for acceptance.
  - The tender from J & B Murphy Pty Limited attained passing scores in all key areas
  - J & B Murphy Pty Limited are a long established locally based plant hire and related services company and are deemed capable of providing the services tendered for on an ongoing basis. Services have been provided by this tenderer to Council for more than ten (10) years.
  
- The tender received from **Davis Earthmoving & Quarrying Pty Limited** for the **wet hire of excavators, loaders, trucks, mobile cranes, track dozers, graders, and water carts** in accordance with the tendered schedule of rates is recommended for acceptance.
  - The tender from Davis Earthmoving & Quarrying Pty Limited scored well in all key areas
  - A broad range of equipment and capabilities is available from Davis Earthmoving to assist in supplementing Council's own capacity
  - Davis Earthmoving & Quarrying Pty Limited are a long established plant hire and related services company and are deemed capable of providing the services tendered for on an ongoing basis. Services have been previously provided to Council by this tenderer.
  
- The tender received from **Aqua Assets Pty Limited** for the **wet hire of combination, water jet and CCTV units** in accordance with the tendered schedule of rates is recommended for acceptance.
  - The tender from Aqua Assets Pty Limited attained passing scores in all key areas
  - Aqua Assets Pty Limited is a well established company and is deemed capable of providing the services tendered for on an ongoing basis.
  
- The tender received from **Aldo's Earthworks Pty Limited** for the **wet hire of excavators, trucks and bobcats** in accordance with the tendered schedule of rates is recommended for acceptance.
  - The tender from Aldo's Earthworks Pty Limited attained passing scores in all key areas
  - Aldo's Earthworks Pty Limited are a well established plant hire and related services company and are deemed capable of providing the services tendered for on an ongoing basis.

- The tender received from **Action Recovery Services Pty Limited Trading As Action Cranes** for the **wet hire of mobile cranes** in accordance with the tendered schedule of rates is recommended for acceptance.
  - The tender from Action Recovery Services Pty Limited attained passing scores in all key areas
  - Action Recovery Services Pty Limited are a long established crane hire company and are deemed capable of providing the services tendered for on an ongoing basis.
- The tender received from **Acclaimed Excavations Pty Limited** for the **wet hire of excavators, backhoes, loaders, trucks, bobcats, track dozers, graders, road sweeping plant and water carts** in accordance with the tendered schedule of rates is recommended for acceptance.
  - The tender from Acclaimed Excavations Pty Limited scored well in the key areas of demonstrated past performance and quality assurance and attained a passing score in all other areas.
  - A broad range of equipment and capabilities is available from Acclaimed Excavations to assist in supplementing Council's own capacity
  - Acclaimed Excavations are a well established plant hire and related services company and are deemed capable of providing the services tendered for on an ongoing basis.

#### **4.0 FINANCIAL ASSESSMENT**

##### **Financial Implications**

The rates offered by the recommended tenderers are within the range deemed to be commercially appropriate for the supply of plant hire services.

#### **5.0 RECOMMENDATION of TEP to Council**

1. That pursuant to Clause 178(1) of the Local Government (General) Regulation 2005, the Tenders received from:

- Acclaimed Excavations Pty Limited
- Action Recovery Services Pty Limited Trading As Action Cranes
- Aldo's Earthworks Pty Limited
- Aqua Assets Pty Limited
- Davis Earthmoving & Quarrying Pty Limited
- J & B Murphy Pty Limited
- Ken Coles Excavations Pty Limited
- Len Hughes Earthmoving Pty Limited
- Matthews Contracting Pty Limited
- Specialised Pavement Services Pty Limited
- Raygal Pty Limited
- Transpacific Industrial Solutions Pty Limited

as per the tendered schedule of rates for the supply of Wet Hire (Hire with Operator) services, be accepted and that these companies be placed on a Panel for the Hire of Plant Services with Operator (Wet Hire) for an initial three (3) year contract period from the date of commencement of the contract with two (2) x one (1) year options for extension available upon successful performance.

2. That the Hire of Plant Services be procured from the established Panel of Companies in accordance with the accepted area(s) of plant expertise and associated tendered schedule of rates with selection based on cheapest rate/first available basis.
3. That the tenders received for the supply of Dry Hire (Hire without Operator) services be rejected and re-tendered early in 2013.
4. That the unsuccessful tenderers be notified of the tender outcome and thanked for their participation.

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**Commercial in Confidence Advice - Bayview Tennis Club –  
Resurfacing of Courts No 1 and No 2**

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**CONFIDENTIAL COMMERCIAL ADVICE**

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**Item No:** C11.7

**Matter:** Commercial In Confidence Advice - Bayview Tennis Club – Resurfacing of Courts No 1 and No 2

**From:** Les Munn – Manager Reserves, Recreation & Building Services

**Meeting:** Governance Committee

**Date:** 17 December 2012

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The abovementioned matter as listed as Item No. C11.7 in Open Session in the Agenda.

- 1.1 Council manages upgrades to the four leased tennis clubs in Pittwater through the Tennis Liaison Committee. The four clubs are at Bayview, Mona Vale, Elanora and Careel Bay. Capital improvements works are approved by the four clubs at a Lessee's committee meeting and those recommendations are forwarded to Council and considered at Council's Tennis Liaison Committee. Following approval of the Tennis Liaison Committee, applications for improvement works are forwarded to Council via a report and if approved works are funded from the Tennis Liaison Fund.
- 1.2 The Tennis Liaison Committee has received a request from Bayview Tennis Club to undertake resurfacing works at Courts 1 & 2 and repair/re-levelling of the sub surface prior to installation of a new synthetic surface. .
- 1.3 The Club has obtained three quotes from the following suppliers.
  - All Grass Sports Surfaces
  - Weaver Sports Services - \$46,500 (including GST)
  - Recreation Surfacing Pty Ltd

These quotes were submitted to Council and evaluated by a review panel which consisted of Council's Procurement Manager and the Reserves, Recreation & Building Service Manager. A table showing court replacement cost comparison is attached (see **Attachment 1**).

#### 1.4 Evaluation

The prices received from each supplier for the various surfaces and the associated warranties and anticipated surface life were formulated into a table (see confidential section of this Agenda).

Price, warranties and expected surface life were then evaluated and given a score based upon a loading.

It was felt that the upgraded surface was the best value due to the increased wear and durability.

<b>Contractor</b>	<b>Manufacturer's Warranty – 30%</b>	<b>Expected wear life – 30%</b>	<b>Price – 40%</b>	<b>Total</b>
Weaver Sports	10yrs/25%	15yrs/ 30%	\$47,850/38%	93
Recreational Surfacing	12yrs/30%	12yrs/24%	\$46,422/40%	94
All Grass Sports Surface	7yrs/17.5%	15yrs/30%	\$46,860/39%	86.5

- 1.5 The proposed resurfacing works at Mona Vale Tennis Club have been endorsed by both the Tennis Lessee's Committee and the Tennis Liaison Committee and will assist the Mona Vale Tennis Club in providing a top class facility for members and other users.
- 1.6 Based on the assessment of quotations, Recreational Surfacing are the recommended contractor as they have the longer manufacturer's warranty and have submitted a lower quotation. This company has also undertaken court resurfacing at Bayview Tennis Court in the past with no problems encountered. They have also provided follow up services with the minimum of fuss.

#### **RECOMMENDATION**

That the quotation from Recreational Surfacing in the amount of \$46,422 be accepted.



Bayview Tennis ClubCourt replacement costs comparison

	<u>Replace with the same surface (incl GST)</u>	<u>Replace with longer wearing surface (incl GST)</u>	<u>Installation warranty</u>	<u>Expected court life</u>		<u>Cost per year</u>		<u>Installation Period</u>
				<u>Same surface</u>	<u>Longer wearing surface</u>	<u>Same surface</u>	<u>Longer wearing surface</u>	
Weaver Sports	Sportgrass 74/1016 \$42,350	Sportgrass 74/1390 \$47,850	4 years	10 years	8 years	\$5,294	\$3,190	2 weeks
John Weaver								
Recreational Surfacing Pty Ltd	Pacific Club \$39,354	Pacific Classic Game \$46,422	3 Years	8 & 12 years	8 years	\$4,919	\$3,869	2 weeks
William Mortlock								
All Grass Sports Surfaces	Classic \$33,330	Commercial Grand Prix \$46,860	7 years	8 years	15 years	\$4,166	\$3,124	1 week
Mark Edmondson								

Note

Weaver Sports installation method eliminates joins or seams along the baseline resulting in 40% - 50% more court life.