



PITTWATER COUNCIL

Agenda

Council Meeting

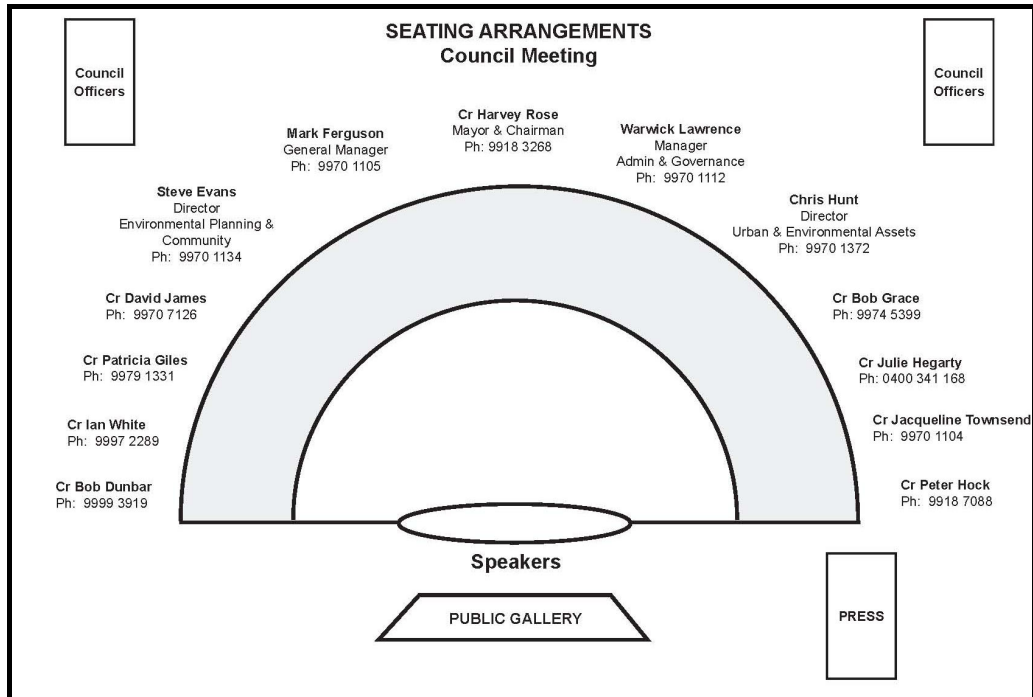
Notice is hereby given that a Council Meeting of Pittwater Council will be held at Mona Vale Memorial Hall on

18 April 2011

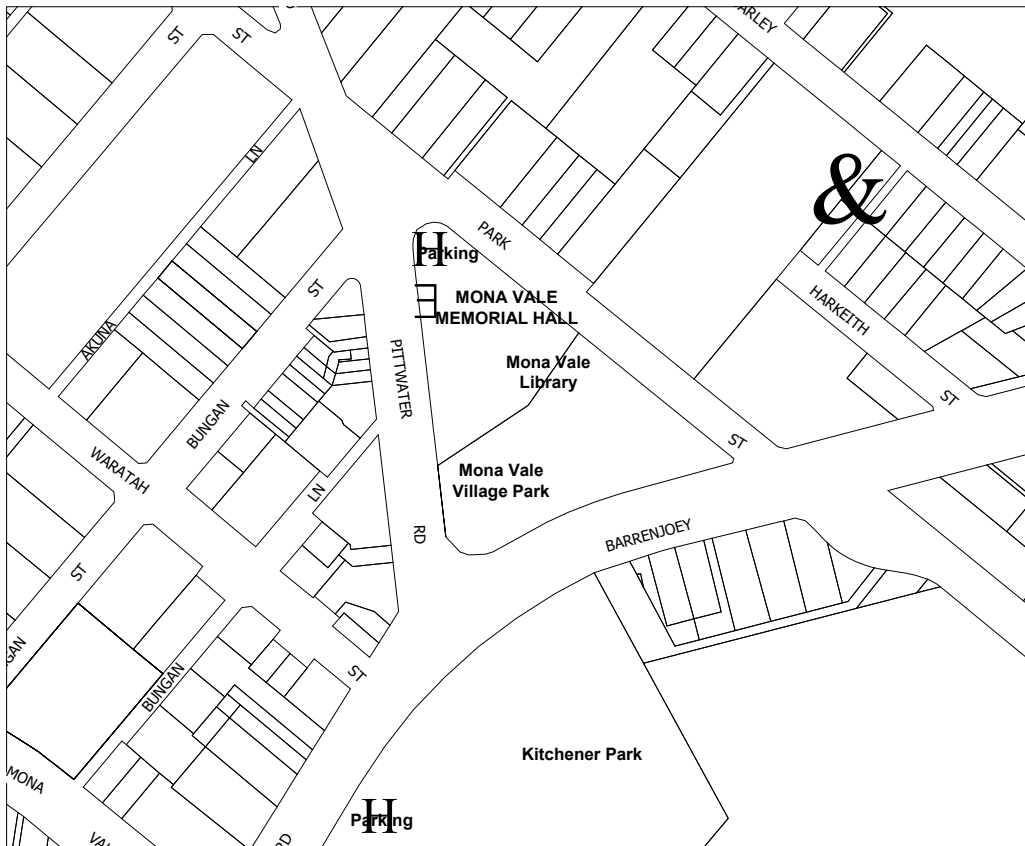
Commencing at 6.30pm for the purpose of considering the items included on the Agenda.

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

Council Meeting

Acknowledgement of Country

Pittwater Council honours and respects the spirits of the Guringai people.
Council acknowledges their traditional custodianship of the Pittwater area

TABLE OF CONTENTS

Item No	Item	Page No
Council Meeting		
1.0	Public Forum	5
2.0	Resident Questions	6
3.0	Apologies	7
4.0	Declarations of Pecuniary and Conflict of Interest including any Political Donations and Gifts	7
5.0	Confirmation of Minutes	8
6.0	Business by Exception (All items on the Agenda)	8
7.0	Public Addresses	8
8.0	Mayoral Minutes	9
9.0	Council Meeting Business	9
Governance Committee		
10.0	Governance Committee Business	10
C10.1	Investment Balances for the Month of March 2011	11
C10.2	Legal Expenditure as at 31 March 2011	16
C10.3	Monthly Contractors and Staff Report - February 2011	21
C10.4	Directors Contracts of Employment	27
C10.5	Council consideration of Aquatic Facility Development - Market Demand and Cost of Provision	30
C10.6	Minutes of Governance Reference Group Meeting of 23 February 2011	35

Item No	Item	Page No
Planning an Integrated Built Environment Committee		
11.0	Planning an Integrated Built Environment Committee Business	52
C11.1	N0019/11 - 22 Hilltop Road, Avalon - Alterations and Additions to Existing Dwelling	53
C11.2	N0478/10 - 9 The Avenue, Newport - Regularisation of a Secondary Dwelling	74
C11.3	N0023/10 S82A Review Of Determination - 94 Plateau Road Bilgola Plateau - Inter-allotment Boundary Realignment	100
C11.4	R0001/10 - 23B Macpherson Street, Warriewood - Draft Pittwater LEP Amendment No. 94	115
C11.5	Update on the North Narrabeen Village Masterplan	125
C11.6	Elanora Road, North Narrabeen - Future Upgrade between Wakehurst Parkway and Woorarra Avenue	129
C11.7	Pittwater Road and McCarrs Creek Road - Road Infrastructure Condition Assessment for Reclassified Main Road	136
C11.8	Minutes of the Pittwater Traffic Committee Meeting held electronically on 29 March 2011	157
C11.9	Minutes of the Planning an Integrated Built Environment Reference Group Meeting held on 16 February 2011	164
Council Meeting		
12.0	Adoption of Governance Committee Recommendations	178
13.0	Adoption of Planning an Integrated Built Environment Committee Recommendations	178
14.0	Councillor Questions	178

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

Council Meeting

1.0 Public Forum

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

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.

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.

- Resident questions are to be handed up on the form located at the back of the Meeting room to Council staff in attendance at the Meeting prior to the commencement of the Meeting;
- A period of up to 10 minutes is allocated to Resident Question Time. A limit of 2 resident questions per person per Meeting is permitted;
- Residents are asked to keep their questions precise to allow the opportunity for clear responses. Questions may be taken on notice depending on the complexity of the question and the need to refer to relevant Council documents;
- There will be no debate or questions with, or by, councillors during/following a resident question;
- No defamatory or slanderous questions will be permitted. Should a resident make such a comment, their question will be immediately terminated by the Chair of the Meeting;
- Questions will not be permitted in relation to the following matters:
Matters involving current dealings with Council (eg. development application, contractual matters, tenders, legal matter, etc);
- Council's general Meeting procedures apply to Resident Question Time, in particular, no insults or inferences of improper behaviour in relation to any other person/s is permitted.

Mark Ferguson
GENERAL MANAGER

3.0 Apologies

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

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

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

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

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

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

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

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

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

- * A reportable political donation is a donation of:

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

5.0 Confirmation of Minutes

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

Minutes of the Council Meeting held on 4 April 2011.

6.0 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.

7.0 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.*
-

8.0	Mayoral Minutes - Nil
------------	------------------------------

9.0	Council Meeting Business - Nil
------------	---------------------------------------

Governance Committee

10.0 Governance Committee Business

C10.1 Investment Balances for the Month of March 2011

Meeting: Governance Committee

Date: 18 April 2011

STRATEGY: Business Management

ACTION: To Provide Effective Investment of Council's Funds

PURPOSE OF REPORT

To advise on the status of Council's Investment Balances for the Month of March 2011

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 March 2011.

Term deposits interest income:	\$	138,340
Tradable CDO/FRNs interest income:	\$	18,430
Tradable CDO/FRNs capital movement:	\$	<u>13,268</u>
Net investment income for the month of March 2011	\$	170,038

YEAR TO DATE RETURN

Investment return year to date March 2011.

Term deposits interest income:	\$	1,064,558
Tradable CDO/FRNs interest income:	\$	107,456
Tradable CDO/FRNs capital movement:	\$	<u>(25,314)</u>
Net investment return year to date:	\$	1,146,700

Projected investment return budget for financial year. \$ 1,080,000

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

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

Year to	Net Return	Return on average funds invested
June 2007	\$1,221,246	6.6%
June 2008	\$ 594,815	2.3%
June 2009	\$ 534,575	2.4%
June 2010	\$1,364,315	6.1%
March 2011	\$1,146,700	5.9%
Projected Budget	\$1,280,000	5.5%

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

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).

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

3.1.1 The Report will have no impact on this strategy

3.2 Valuing & Caring for our Natural Environment (Environmental)

3.2.1 The Report will have no impact on this strategy

3.3 Enhancing our Working & Learning (Economic)

3.3.1 The Report will have no impact on this strategy

3.4 Leading an Effective & Collaborative Council (Governance)

3.4.1 The Report will have no impact on this strategy

3.5 Integrating our Built Environment (Infrastructure)

3.5.1 The Report will have no impact on this strategy

4.0 EXECUTIVE SUMMARY

4.1 The net investment return as at 31 March 2011 is a gain of \$ 1,146,700

RECOMMENDATION

That the information provided in the report be noted, including the year to date (March) net investment return of \$ 1,146,700.

Report prepared by
David Miller, Project Accountant

Mark Jones
CHIEF FINANCIAL OFFICER

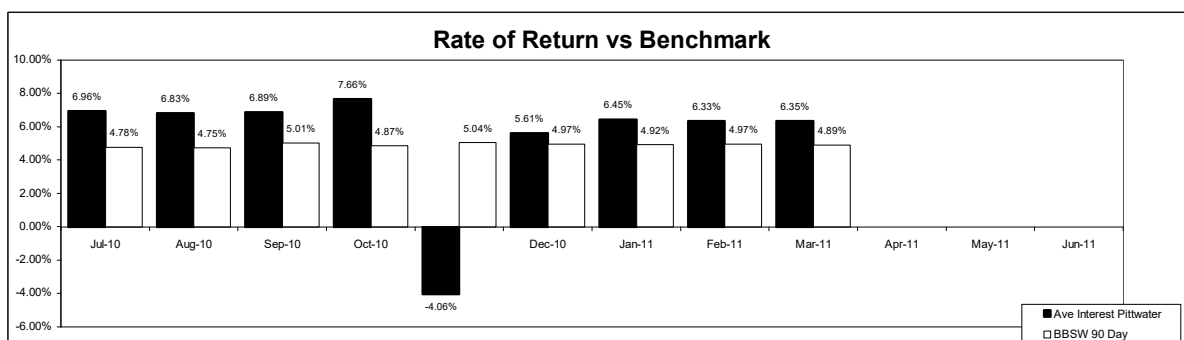
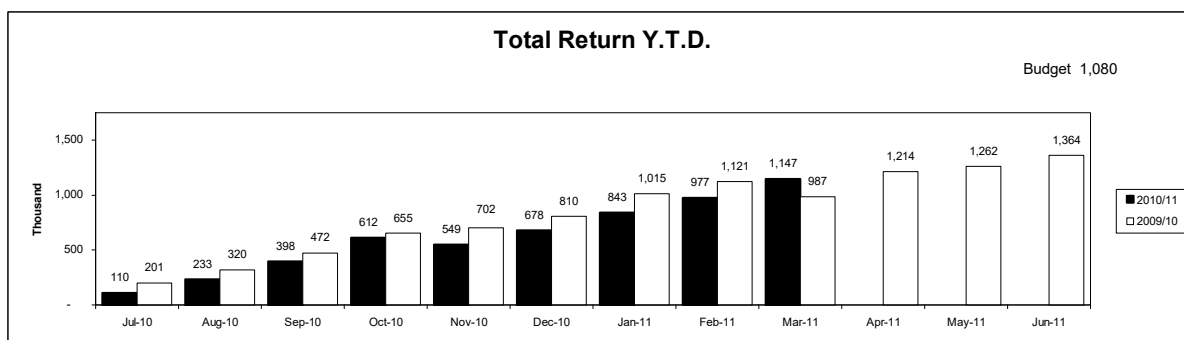
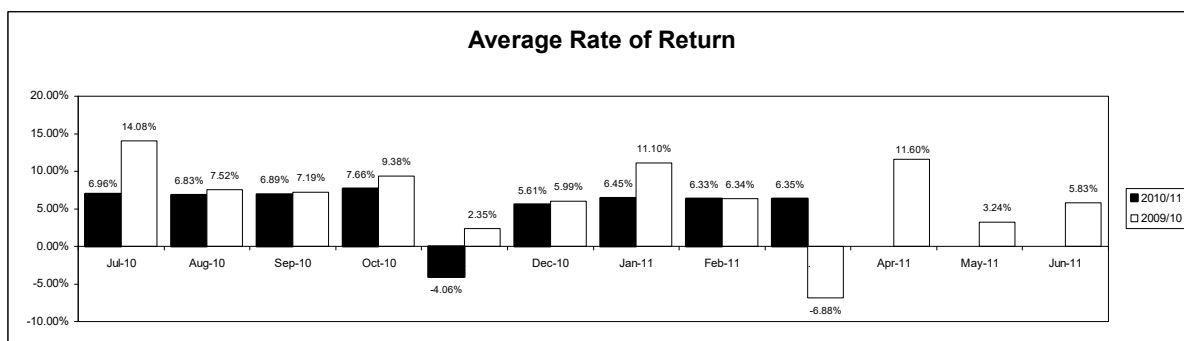
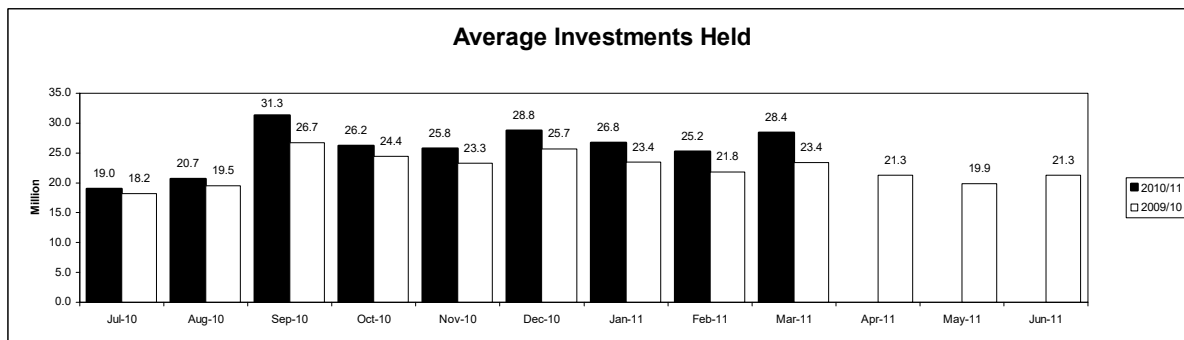
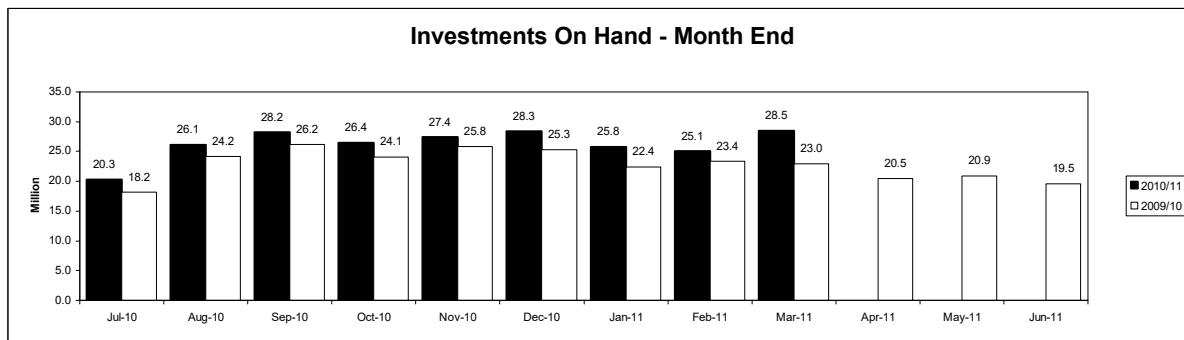


PITTWATER COUNCIL

INVESTMENT BALANCES

As at 31st March 2011

TYPE	INSTITUTION	Rating	AMOUNT \$	DATE INVESTED	MATURITY DATE	TERM (DAYS)	INTEREST RATE
At Call	CBA	AA	1,950,000.00	At Call	At Call	1	4.70%
At Call Total			1,950,000.00				
Term Dep	IMB Society	BBB	1,000,000.00	22-Nov-10	23-May-11	182	6.20%
Term Dep	IMB Society	BBB	1,000,000.00	10-Jan-11	11-Jul-11	182	6.20%
Term Dep	IMB Society	BBB	1,000,000.00	15-Feb-11	16-Aug-11	182	6.10%
Term Dep	IMB Society	BBB	1,000,000.00	2-Mar-11	29-Aug-11	180	6.10%
Term Dep	IMB Society	BBB	750,000.00	28-Jan-11	30-Jan-12	367	6.30%
Investee Total			4,750,000.00				
Term Dep	Metway	A+	1,000,000.00	10-Nov-10	11-Apr-11	152	6.05%
Term Dep	Metway	A+	1,000,000.00	3-Nov-10	2-May-11	180	6.02%
Term Dep	Metway	A+	1,000,000.00	1-Dec-10	30-May-11	180	6.12%
Term Dep	Metway	A+	1,000,000.00	2-Dec-10	31-May-11	180	6.12%
Term Dep	Metway	A+	1,000,000.00	3-Feb-11	3-Aug-11	181	6.03%
Investee Total			5,000,000.00				
Term Dep	Bankwest	AA	1,000,000.00	21-Feb-11	21-Jun-11	120	5.85%
Term Dep	Bankwest	AA	1,000,000.00	10-Feb-11	9-Aug-11	180	5.95%
Term Dep	Bankwest	AA	1,000,000.00	28-Feb-11	28-Feb-12	365	6.05%
Term Dep	Bankwest	AA	1,000,000.00	16-Mar-11	15-Mar-12	365	5.95%
Investee Total			4,000,000.00				
Term Dep	Newcastle Permanent	BBB+	1,000,000.00	4-Jan-11	4-Apr-11	90	6.00%
Term Dep	Newcastle Permanent	BBB+	500,000.00	27-Jul-10	21-Apr-11	268	6.10%
Term Dep	Newcastle Permanent	BBB+	1,000,000.00	24-Aug-10	23-May-11	272	6.10%
Term Dep	Newcastle Permanent	BBB+	1,000,000.00	16-Nov-10	15-Aug-11	272	6.10%
Term Dep	Newcastle Permanent	BBB+	1,000,000.00	2-Dec-10	29-Aug-11	270	6.15%
Term Dep	Newcastle Permanent	BBB+	1,000,000.00	1-Dec-10	1-Dec-11	365	6.25%
Investee Total			5,500,000.00				
Term Dep	ING Bank	A+	1,000,000.00	30-Nov-10	30-May-11	181	6.15%
Term Dep	ING Bank	A+	1,000,000.00	14-Sep-10	14-Sep-11	365	6.08%
Term Dep	ING Bank	A+	1,000,000.00	3-Feb-11	3-Feb-12	365	6.17%
Term Dep	ING Bank	A+	1,000,000.00	1-Mar-11	1-Mar-12	366	6.45%
Investee Total			4,000,000.00				
Term Dep	CBA	AA	750,000.00	1-Mar-11	1-Apr-11	31	5.71%
Term Dep	CBA	AA	1,000,000.00	2-Mar-11	4-Apr-11	33	5.73%
Investee Total			1,750,000.00				
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				
Floating Rate Note	HSBC	AA	498,495.00	06-Feb-07	22-Sep-11		bbsw + 0.28%
	<i>* Arranging Institution</i>						
Floating Rate CDO	* Lehman Bros	under review	130,000.00	07-Apr-08	20-Mar-13		suspended
Floating Rate CDO	* J P Morgan	CCC-	2,184.00	06-Jul-06	20-Jun-13		bbsw + 1.20%
Floating Rate CDO	* J P Morgan	CCC	160,800.00	13-Oct-05	20-Mar-14		bbsw + 1.00%
Floating Rate CDO	* Merrill Lynch	CCC-	16,641.00	25-Feb-07	23-Jun-14		bbsw + 1.30%
Floating Rate CDO	* Lehman Bros	under review	180,000.00	20-Mar-07	20-Sep-14		suspended
Floating Rate CDO	* Morgan Stanley	CCC-	50,585.00	15-Aug-06	20-Jun-15		bbsw + 2.00%
Investee Total			1,038,705.00				
							March bbsw close
							4.89%
TOTAL INVESTMENTS			\$28,488,705.00				



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 **Bank Bill** is a short term investment issued by a bank representing its promise to pay a specific sum to the bearer on settlement. The amount payable to Council at maturity is the face value which represents the purchase price and interest earned.

A **Floating Rate Note** is a longer term investment issued by a financial institution with a variable interest rate. The adjustments to the interest rate are usually made every three months and are tied to a certain money-market index such as the BBSW.

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 structured product is: - Longreach Structured Note \$440,185

C10.2	Legal Expenditure as at 31 March 2011
--------------	--

Date: 18 April 2011

STRATEGY: Business Management

ACTION: To produce monthly, quarterly and annual budgets and statements

PURPOSE OF REPORT

To advise on the status of Council's Legal Expenditure for the period ending 31 March 2011.

1.0 BACKGROUND

1.1 In providing Council with an accurate picture of Pittwater's Legal Expenditure, current data and a graphical representation of Council's Legal Expenditure are presented (**see Attachment 1**).

2.0 ISSUES

2.1	Gross Annual Legal Budget for 2010/11:	\$ 1,000,000
-----	--	--------------

Gross Legal Expenditure Breakdown:

- Total Solicitor Fees at 31/3/11: \$ 511,915
- Total Other Associated Expenditure at 31/3/11: \$ 291,075

Total Gross Legal Expenditure at 31/3/11: \$ 802,990

Year to Date Budget for Legal Expenses at 31/3/11: \$ 749,701

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

3.1.1 The Report will have no impact on this strategy

3.2 Valuing & Caring for our Natural Environment (Environmental)

3.2.1 The Report will have no impact on this strategy

3.3 Enhancing our Working & Learning (Economic)

3.3.1 The Report will have no impact on this strategy

3.4 Leading an Effective & Collaborative Council (Governance)

3.4.1 The Report will have no impact on this strategy

3.5 Integrating our Built Environment (Infrastructure)

3.5.1 The Report will have no impact on this strategy

4.0 EXECUTIVE SUMMARY

- 4.1 The Gross Legal Expenditure to 31 March 2011 is \$ 802,990 which exceeds the Year to Date Budget for 2010/11.

RECOMMENDATION

That the information provided in the report be noted.

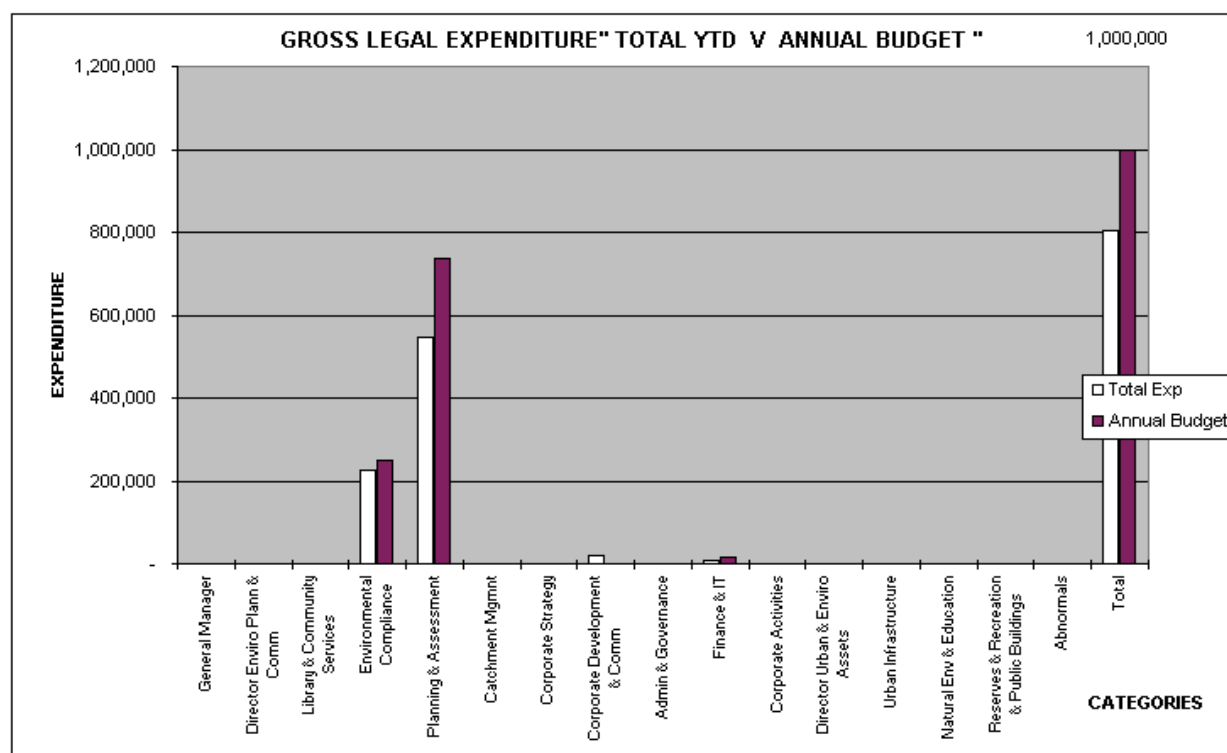
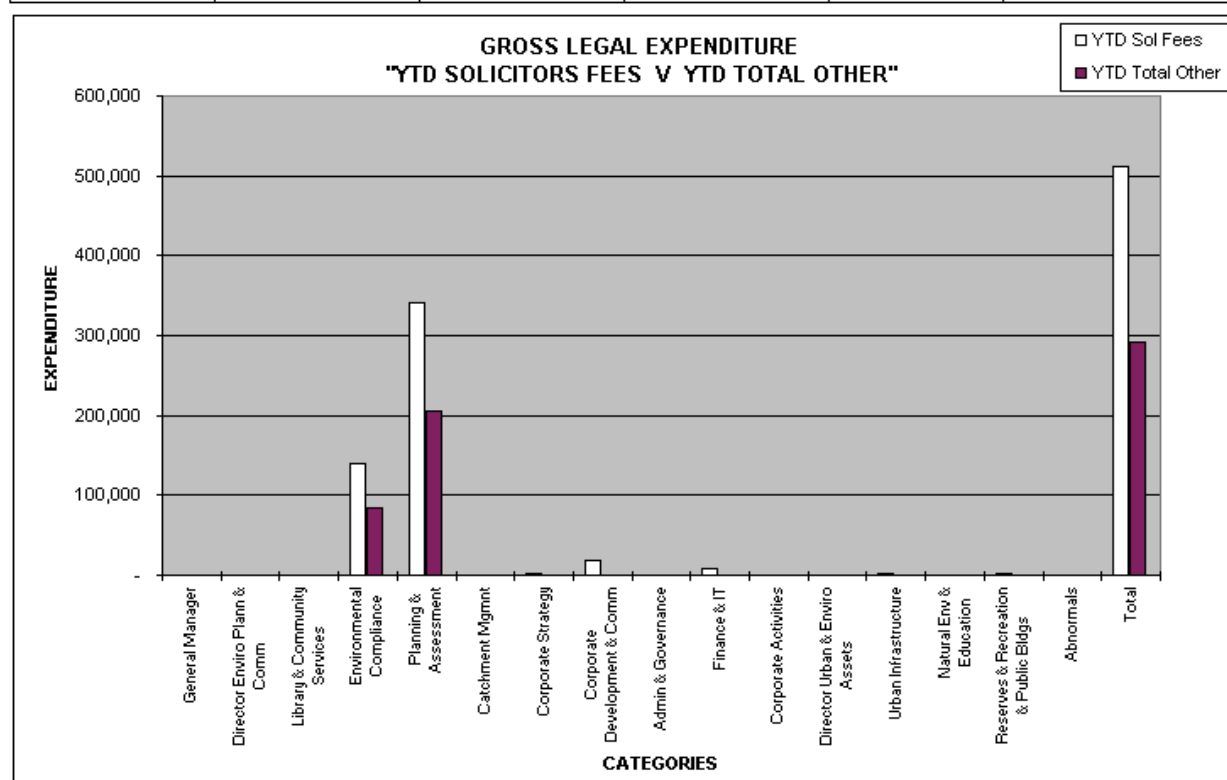
Report prepared by
Renaë Wilde, Senior Project Accountant

Mark Jones
CHIEF FINANCIAL OFFICER

LEGAL EXPENDITURE TOTALS AND GRAPHICAL REPRESENTATION

as at 31st March 2011

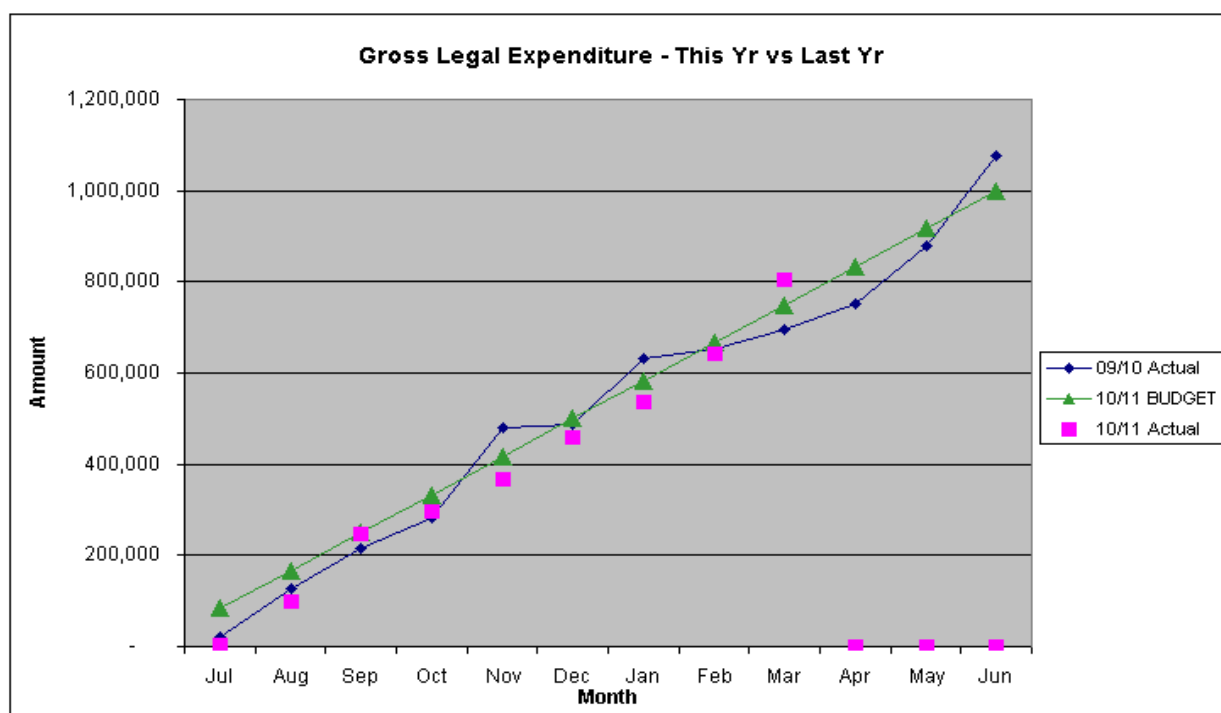
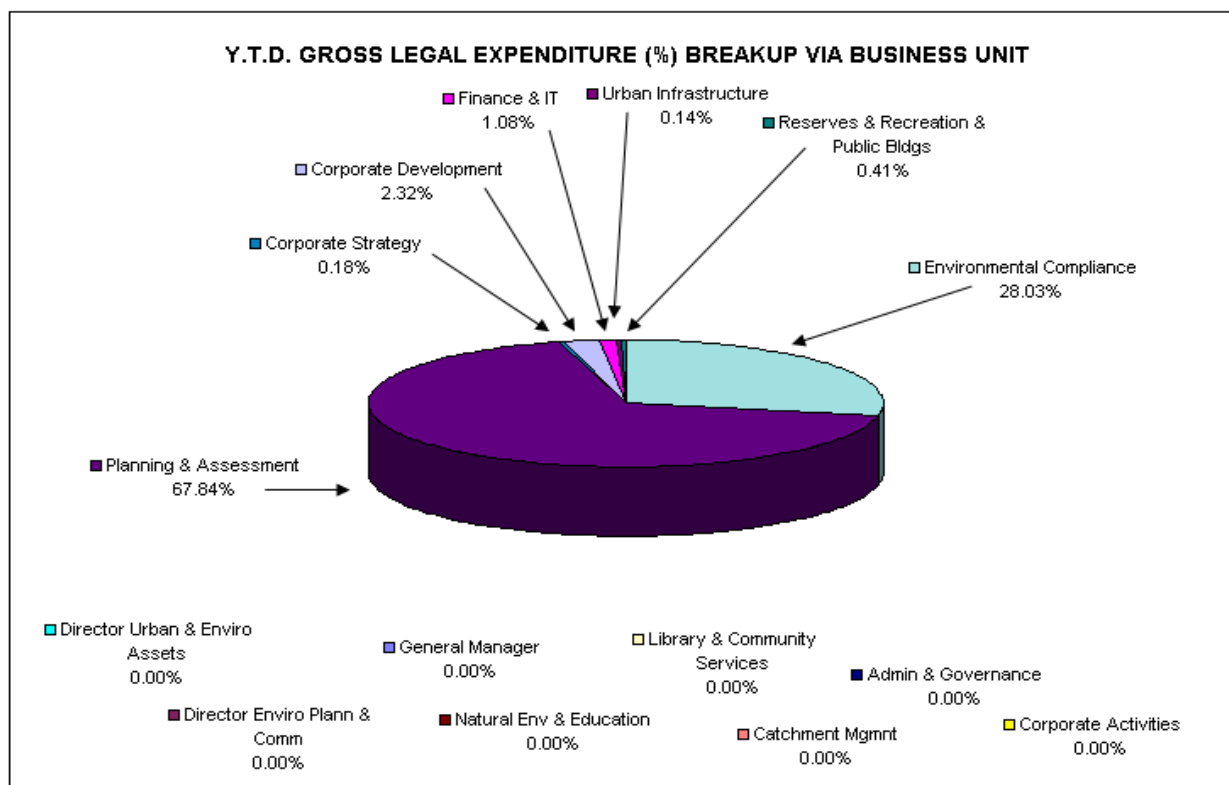
Solicitors Other Expenditure	Solicitors Fees Expenditure	Third Party Expenditure	Total Expenditure	Current Year Budget	Current Year Inc/Recov/Reversal
44,438	511,915	246,637	802,990	1,000,000	156,935



LEGAL EXPENDITURE TOTALS AND GRAPHICAL REPRESENTATION

as at 31st March 2011

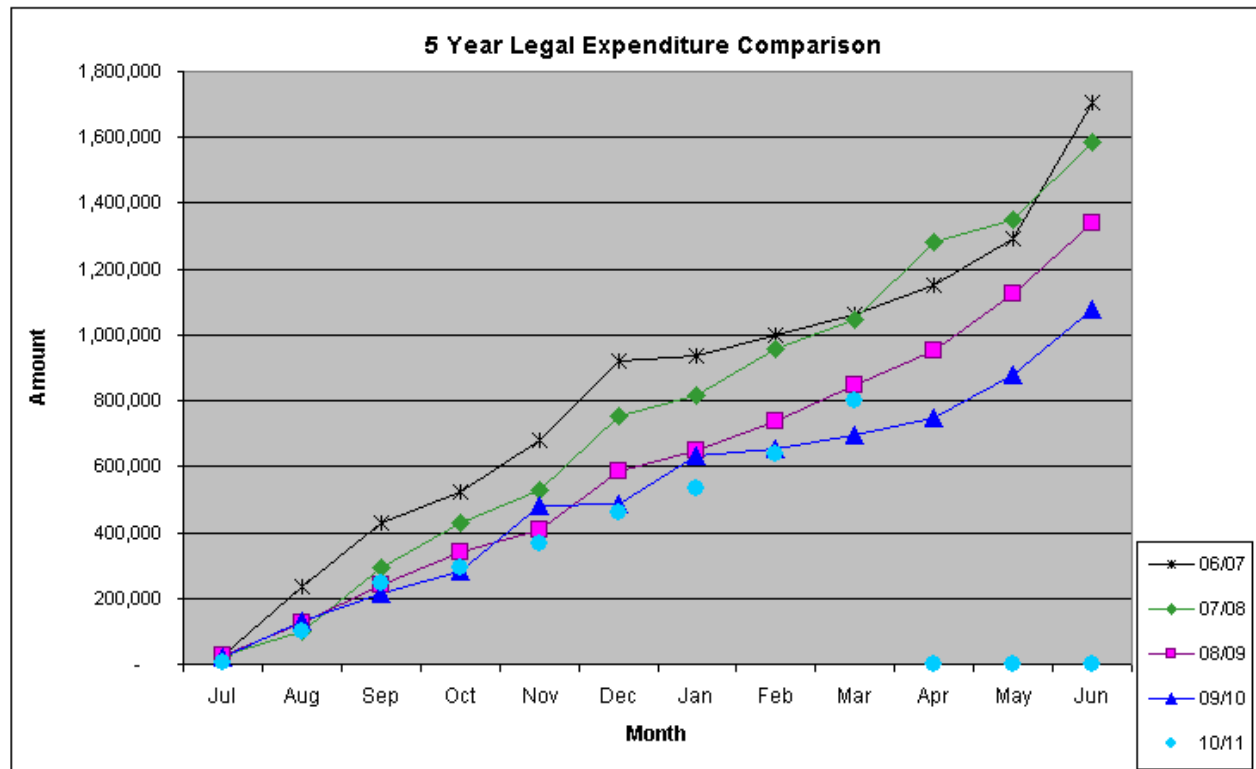
Solicitors Other Expenditure	Solicitors Fees Expenditure	Third Party Expenditure	Total Expenditure	Current Year Budget	Current Year Inc/Recov/Reversal
44,438	511,915	246,637	802,990	1,000,000	156,935



LEGAL EXPENDITURE **TOTALS AND GRAPHICAL REPRESENTATION**

as at 31st March 2011

Solicitors Other Expenditure	Solicitors Fees Expenditure	Third Party Expenditure	Total Expenditure	Current Year Budget	Current Year Inc/Recov/Reversal
44,438	511,915	246,637	802,990	1,000,000	156,935



Top Ten Legal Matters by 2010/11 Expenditure

Property	Description	2010/11 Expenditure	Prior years Expenditure	Expenditure Life to Date All Years
23B MacPherson Street Warriewood	Refusal	\$ 139,551	\$ 46,152	\$ 185,703
1858 Pittwater Road Church Point	Modification to Court Consent	\$ 101,505	\$ -	\$ 101,505
1A Currawong Beach Currawong Beach	Currawong	\$ 70,959	\$ 6,552	\$ 77,511
232 / 234 Barrenjoey Road Newport	Deemed Refusal	\$ 56,950	\$ -	\$ 56,950
5 - 7 Careel Head Road Avalon	Building Site Works	\$ 54,404	\$ -	\$ 54,404
263 Whale Beach Road Whale Beach	Non-Compliant Pool Fence	\$ 53,973	\$ 7,060	\$ 61,033
14 - 18 Boondah Road Warriewood	Refusal	\$ 51,143	\$ 29,328	\$ 80,471
14A Prince Alfred Parade Newport	Deemed Refusal	\$ 24,219	\$ -	\$ 24,219
52 Annam Road Bayview	Unauthorised Works	\$ 16,894	\$ -	\$ 16,894
2129 Pittwater Road Church Point	Appeal on Refusal	\$ 16,508	\$ 68,874	\$ 85,382
		\$ 596,106	\$ 157,966	\$ 744,072

C10.3 Monthly Contractors and Staff Report - February 2011

Meeting: Governance Committee Meeting **Date:** 18 April 2011

Strategy: **Business Management**

Action: Produce monthly, quarterly and annual budgets and statements

PURPOSE OF REPORT

To report on new staff appointments and contract engagements for the month of February 2011.

1.0 BACKGROUND

On 7 September 2009 Council resolved:

*“In light of the current economic crisis and financial constraints of Council,
Council resume the monthly reporting of all staff and contractor appointments.”*

Accordingly, a monthly report in respect of all new appointments of staff and engagement of new contractors is submitted to Council.

In order to gain a more precise and meaningful understanding of contractor engagements on a month by month basis, all Monthly Contractors and Staff Reports will list new staff appointments and terminations and contractor engagements for each month that exceed \$2,000 and or are ongoing for greater than one month.

2.0 ISSUES

The information at **Attachment 1** of this Report has been provided by the Business Unit Managers and is broken into the following sub-sections:

- Appointment of Council staff
 - Termination of Council Staff
 - Contracts (greater than \$2,000 and or are ongoing for greater than one month)
-

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

3.1.1 The Report will have no impact on this strategy

3.2 Valuing & Caring for our Natural Environment (Environmental)

3.2.1 The Report will have no impact on this strategy

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

3.3.1 The Report will have no impact on this strategy

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

3.4.1 The Report will have no impact on this strategy

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

3.5.1 The Report will have no impact on this strategy

4.0 **EXECUTIVE SUMMARY**

The movements of Council staff for the month of February 2011 are as follows:

- 1 appointment that refills an existing vacancy
- 6 terminations

A summary of new contractor engagements are outlined in **Attachment 1** of this Report.

RECOMMENDATION

1. That the information provided on the engagement of new contracts for the month of February 2011 as provided by the Business Unit Managers at **Attachment 1** be noted.
2. That the terminations and appointments of staff during February 2011 be noted.

Report prepared by

Mark Jones
CHIEF FINANCIAL OFFICER

Appointments of Council Staff in February 2011

Business Unit	Position	Status (PFT,TFT,PPT,TPT, Secondment)	Start Date	Finish Date	Reason for Appointment
CL & ED	Trainee – Warriewood Children's Centre	TFT	01/02/2011	N/A	Recruitment Vacancy

Terminations of Council Staff in February 2011

Business Unit	Position	Status (PFT,TFT,PPT,TPT Secondment)	Start Date	Finish Date
NE & E	Environmental Projects Officer	TPT	02/02/2009	01/02/2011
F & IT	Insurance Officer	PFT	30/05/2005	15/02/2011
EC	Ranger Supervisor	PFT	12/04/2010	16/02/2011
UI	Procurement & Contracts Officer	PFT	19/07/2010	17/02/2011
NE & E	Natural Environment Officer	PFT	07/04/2008	18/02/2011
RR & BS	Asset Management Officer	PFT	02/12/1978	25/02/2011

Contract Engagements

Division/Unit	Name of Approved Consultant/Contract or/ Agency	Position Type of Work	Terms of Engagement	Cost to Council	Term
Corporate Development	Tempnet	Casual Parking Officers – EC	Contract Agreement	\$25,384	1 Month
Corporate Development	Tempnet	Assistant Development Officers – P & A	Contract Agreement	\$20,682	1 Month
Corporate Development	Tempnet	CEC Educator	Contract Agreement	\$15,037	1 Month
Corporate Development	Tempnet	Floodplain Management	Contract Agreement	\$7,172	1 Month
Corporate Development	Tempnet	Special Projects Officer	Contract Agreement	\$2,227	1 Month

Division/Unit	Name of Approved Consultant/Contract or/ Agency	Position Type of Work	Terms of Engagement	Cost to Council	Term
Corporate Development	Teach Me Law Enforcement	Traineeship – Certificate IV in Local Government – 2 Rangers	Contract Agreement	\$5,940	1 Year
Corporate Development	Courtenell Pty Ltd	OHS Responsibilities training – 5 sessions	Contract Agreement	\$5,720	2 Months
Urban Infrastructure	Bell Environmental Services	Clean GPT's as per schedule, clean trash racks and litter boom as per monthly schedule – at various locations	Contract Agreement	\$8,062	1 Month
Urban Infrastructure	Stormwater Systems	Replace damaged boom net in Narrabeen Lagoon	Contract Agreement	\$4,730	1 Month
Urban Infrastructure	Brookvale Mini Crete	Concreting works at: Irrawong Road, North Narrabeen – footpath	Contract Agreement	\$3,513	1 Month
Urban Infrastructure	Tractor Worx	Reach mower in Ingleside area	Contract Agreement	\$11,250	1 Month
Urban Infrastructure	Northern Fencing	Supply and install fence around compound of Mona Vale Cemetery	Contract Agreement	\$3,916	1 Month
Urban Infrastructure	Palm Beach Barges	Transport vehicles and material – Scotland Island and Mackeral Beach	Contract Agreement	\$5,203	1 Month
Urban Infrastructure	A & J Paving	Asphaltic concrete road restorations (heavy patching) in Lake Park Pde, Nth Narrabeen	Contract Agreement	\$7,824	1 Month

Division/Unit	Name of Approved Consultant/Contract or/ Agency	Position Type of Work	Terms of Engagement	Cost to Council	Term
Urban Infrastructure	A & J Paving	Asphaltic concrete road restorations (re-sheeting) in Grenfell Ave, North Narrabeen	Contract Agreement	\$26,451	1 Month
Urban Infrastructure	A & J Paving	Asphaltic concrete road restorations (mill/sheeting) in The Serpentine, Bilgola	Contract Agreement	\$86,139	1 Month
Urban Infrastructure	A & J Paving	Asphaltic concrete road restorations (heavy patching) in Irrawong Road, North Narrabeen	Contract Agreement	\$21,483	1 Month
Urban Infrastructure	Civil Certification	Design of H/Wall in Nareen Creek – progress claim No. 4: and Mona Vale Golf Club cost estimate	Contract Agreement	\$2,060	1 Month
Urban Infrastructure	Survey Scope	Detailed Survey of Crown of Newport Reserve to connect to initial survey	Contract Agreement	\$2,020	1 Month
Urban Infrastructure	S.M.E.C. Pavement Management System	Data collection – McCarrs Creek Road & Pittwater Road, Church Point – delivery of condition	Contract Agreement	\$2,633	1 Month
Urban Infrastructure	Sewer Services	CCTV inspection and reporting for Mona Vale Creek catchment	Contract Agreement	\$30,201	1 Month

Division/Unit	Name of Approved Consultant/Contract or/ Agency	Position Type of Work	Terms of Engagement	Cost to Council	Term
Urban Infrastructure	Sydney Traffic Services	Line marking in Old Barrenjoey Road, Avalon	Contract Agreement	\$6,067	1 Month
Urban Infrastructure	Sydney Traffic Services	Line marking at North Narrabeen Rock Pool Carpark	Contract Agreement	\$2,636	1 Month
Urban Infrastructure	Sydney Traffic Services	Line marking in Park Street, Mona Vale; Surfview Rd, Mona Vale; Wilga St, Ingleside & Ponderosa Pde Warriewood	Contract Agreement	\$2,987	1 Month
Urban Infrastructure	Perma Liner Industries	Pipeline rehabilitation at 276 Hudson Pde, Clareville	Contract Agreement	\$22,200	1 Month
Catchment Management & Climate Change	Optimal Stormwater	Stormwater devices audit	Contract Agreement	\$8,800	1 Month

C10.4 Directors Contracts of Employment

Meeting: Governance Committee

Date: 18 April 2011

STRATEGY: Business Management

ACTION: Provide strategic and operational human resources advice and support to management

PURPOSE OF REPORT

To consult with the Council on the reappointment and renewal of contracts of employment for the two officers holding the position of Director at Pittwater Council, namely Mr Steve Evans and Mr Chris Hunt.

1.0 BACKGROUND

- 1.1 The positions of Director – Environmental Planning and Community and Director – Urban and Environmental Assets are designated senior staff positions within Council's organisation structure and the officers employed in these positions are employed on the basis of five (5) year performance based contracts of employment.
- 1.2 The current five (5) year contracts of employment with the two Directors, Mr Evans and Mr Hunt, are for the period 19 August 2006 – 18 August 2011.
- 1.3 In accordance with the provisions of their respective contracts, both Mr Evans and Mr Hunt have indicated that they are seeking reappointment to their respective positions. It is intended to reappoint both Mr Evans and Mr Hunt to new five (5) year contracts of employment in accordance with the terms of the standard contract of employment for senior staff issued by the NSW Department of Local Government.
- 1.4 Under the provisions of Section 337 of the Local Government Act the General Manager may appoint or dismiss senior staff only after consultation with the council.

2.0 ISSUES

2.1 Reappointment of Directors

2.1.1 Section 338 of the Local Government Act states, inter alia, as follows:

- “(1) The general manager and other senior staff of a council are to be employed under contracts that are performance-based.*
- “(2) The term of a contract must not be less than 12 months or more than 5 years (including any option for renewal). A term that is less than 12 months is taken to be for 12 months and a term for more than 5 years is taken to be limited to 5 years.*
- “(3) Contracts may be renewed from time to time. “*

- 2.1.2 As noted above, it is intended that the two Directors formally enter into the standard contract of employment for senior staff prepared by the NSW Department of Local Government. The two Directors currently have signed performance agreements in place with the General Manager that are structured in a similar format and content to that of the General Manager. These annual performance agreements will be reviewed by the General Manager and new performance agreements will be signed by both Mr Evans and Mr Hunt as part of the contract renewal process.
- 2.1.3 The current total remuneration packages (TRP) for both Directors is \$212,295.09. It is intended that the new five year employment contracts commence with the current TRP amount being applicable. Increases to the TRP will be subject to salary increases that may be applied following Senior Officers Remuneration Review Tribunals annual performance reviews conducted by the General Manager.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

3.1.1 N/A

3.2 Valuing & Caring for our Natural Environment (Environmental)

3.2.1 N/A

3.3 Enhancing our Working & Learning (Economic)

3.3.1 N/A

3.4 Leading an Effective & Collaborative Council (Governance)

3.4.1 The Local Government Act requires that the reappointment of senior staff by the General Manager shall be in consultation with the elected Council. The Act also requires that the employment of senior staff shall be on the basis of performance based contracts of up to five years in length. The NSW Department of Local Government has issued a standard contract of employment for senior staff and it is appropriate that this be the form of contract executed in relation to the two Director positions.

3.5 Integrating our Built Environment (Infrastructure)

3.5.1 N/A

4.0 EXECUTIVE SUMMARY

- 4.1 The current five year performance based contracts of employment for the two Directors, Steve Evans and Chris Hunt, terminate on 18 August 2011. It is intended to reappoint both officers to their respective Director positions with new five year performance based contracts for the period 19 August 2011 – 18 August 2016. The form of contract shall be the standard contract of employment for senior staff prepared by the NSW Department of Local Government.

RECOMMENDATION

That it be noted that the General Manager proposes to offer reappointment to Mr Steve Evans and Mr Chris Hunt to the senior staff positions of Director Environmental Planning & Community and Director Urban & Environmental Assets respectively.

Report prepared by

Mark Ferguson
GENERAL MANAGER

C10.5	Council consideration of Aquatic Facility Development - Market Demand and Cost of Provision
--------------	--

Meeting: Governance Committee

Date: 18 April 2011

STRATEGY: Recreational Management

ACTION: Investigate the possibility of an aquatic centre

PURPOSE OF REPORT

For Council to consider a report (**as tabled**) on the possible development of an aquatic facility in Pittwater, the market demand and cost of provision.

1.0 BACKGROUND

- 1.1 Over the years, Council has received a number of requests from members of the public/residents for Council to develop an aquatic facility in the locality.
- 1.2 Some ten years ago, Council developed an Expression of Interest (EoI) for establishment of an aquatic facility to be built at Pittwater Rugby Park. The EoI was for a BOOT (Build Own Operate Transfer) arrangement utilising Council's land but funding for the scheme by a private operator. Whilst two submissions were received and negotiated, no outcome was advanced.
- 1.3 Council currently manages a vast array of aquatic facilities and services generally based around its beaches and the Pittwater estuary. These include rock pools, surf clubs (nippers), lifeguard services and the like.
- 1.4 Requests to Council have generally been for an all weather facility that could also be utilised in the colder winter months.
- 1.5 The adopted 2010/2011 Operational Plan has an action to 'Investigate the possibility of an Aquatic Centre'.

2.0 ISSUES

2.1 The Study

- A brief was prepared outlining Council's desire to investigate current market demand for such a facility, current provision and possible scenarios and associated construction and running costs.
- Sport and Leisure Solutions was selected based on cost and previous experience with the completion of like studies.
- The objectives of the study were:
 - 76% of Pittwater residents used beaches in the past 12 months (Survey of Community Attitudes, Minter Research, April 1994).

- Swimming at the beach is the favourite leisure activity of Pittwater residents, (Recreation Needs Study, June 1994)
- Beaches and shorelines are the most preferred recreational setting of Pittwater residents (mentioned in the Pittwater Open Space and Recreation Plan, July 1997).

2.2 Study Overview

- In relation to market strengths and weaknesses in Pittwater, the study found:
 - A high income level and highly mobile resident population.
 - The age profile of the catchment shows a higher percentage of children in the 5-17 age group than the Sydney statistical average. This correlates with a demographic that are the most active users of Learn to Swim programs.
 - Projected growth in population within the Warriewood/Ingleside growth area will enhance future viability.
- The predominant weakness is the elongated spread of the population along the peninsula which makes travel time to a central facility longer than desirable.
- Higher population of older adults who are emerging as a new user group of aquatic facilities (given their use of outdoor pools is low).
- Higher than average number of children in 5-11/12-17 age bracket which creates a high level of demand for Learn to Swim programs.
- Higher than average household income that could enhance participation in swim activities.
- Higher than average car ownership that assists access but would require any facility to contain extensive carparking.
- Projected significant population increases in the Warriewood Valley/Ingleside area.

2.3 Opportunities for Increased Aquatic Service Provision

- Whilst ocean pools provide a resource, issues of inclement weather and ocean cycles restrict their use especially for older or younger residents.
- Distance to Warringah Aquatic Centre/Manly Swim Centre discourages use by Pittwater residents.
- There appears to be a gap in the Learn to Swim market. Higher than average enrolments at local primary schools would provide favourable conditions for a Learn to Swim program.
- Children attending nippers result in higher than normal enrolments in swim classes.
- Limited access to hydrotherapy pools in the locality.

2.4 Benchmarking Outcomes

- A number of existing aquatic centres were investigated in relation to facilities offered and operating costs. Generally most older facilities were developed around a traditional aquatic focus on lap swimming. Most councils now recognise the need to create facilities with a more diverse service offer including facilities for older adults, water play areas and warm water programs.
- Whilst a number of the aquatic centres register an operating surplus, when including maintenance and capital costs, most facilities would incur significant losses up to \$750,000 per annum.
- Aquatic and leisure facilities have been provided in populations similar or smaller than Pittwater.
- The smaller Pittwater population will make it difficult for any proposed centre to deliver viable operating performance.

2.5 Land Available for Aquatic Centre Development

- The single biggest issue relative to the development of an aquatic facility in Pittwater is the availability of actual land for development. A typical aquatic facility suitable for Pittwater's needs would be sized around 4,000-5,000m² which if valued at residential rates could equate to \$1.65 million (current residential land rate in Warriewood Valley \$330m²). Such a cost would be a major consideration in any financial analysis of the development of an aquatic facility.
- Opportunities for Council to provide land are minimal with possible sites located around Pittwater Park and Boondah Road. Each of these sites has current uses which would need to be considered.
- It is generally accepted that if an aquatic facility were to be considered, it would need to be located in the south of the locality to maximise access for entire locality/precinct and to accommodate incoming population in the Warriewood/Ingleside area.
- The study recommended that if public land was to be utilised for the proposal, then sites in Boondah Reserve (on Jacksons Road, west of Boondah Road), North Narrabeen Reserve (Pony Club area) or Jacksons Road (south side in front of NBISC) should be further investigated.

2.6 Preferred Option/Capital Cost

- The ideal make-up of any proposed aquatic facility would need to include:
 - Indoor 25m pool
 - 15 x 10m program pool
 - Waterplay area
 - Café
 - Gym
 - Group fitness room
 - Crèche
- Whilst this make-up would be ideal, there are many variations of this that can be investigated based on set up cost and long term maintenance.

- A number of options/development scenarios have been included in the report. These are shown in the table below.
- Costs for the development of an indicative aquatic facility would be:

Facility	Components	Total Area (m ²)	Capital Cost	Average Cost pa Op. Sub. + Dep.
Aquatic Leisure Centre	Indoor 25m pool 15 x 10m program pool Water play area Café Gym (400m ²) Group fitness room Crèche	4,000 + carparking	\$20 million	\$811,074
50m Outdoor Pool	Outdoor pool 50m Amenities building Reception/kiosk	2,000 + carparking	\$7 million	\$684,833
Indoor program pool and outdoor pool	Indoor – 15 x 10m pool Outdoor – 25m pool Amenities building Reception/kiosk	2,500 + carparking	\$11 million	\$664,549

In terms of the additional options, the “indoor program pool and outdoor 25m pool” option would better meet the needs of the community. In particular the program pool is designed to meet the needs of hydrotherapy clients and also a Learn to Swim program. The outdoor pool could be used for lap swimmers and training programs.

However these facilities, whilst improving aquatic service provision within Pittwater, would not achieve the same community benefit when compared to the proposed indoor aquatic and leisure facility.

For instance, the use of outdoor facilities drops off significantly in winter compared with indoor facilities. Use by children and older adults during the winter months declines significantly.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

- 3.1.1 Any new proposed aquatic facility will enhance social interaction throughout the community through the activity of swimming.

3.2 Valuing & Caring for our Natural Environment (Environmental)

- 3.2.1 Any proposed facility would be subject to internal environmental audits to ensure there are no impacts on the natural environment.

3.3 Enhancing our Working & Learning (Economic)

- 3.3.1 Such a facility would enhance recreational activities in the locality and assist in work/life balances through exercise and social gathering.

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

- 3.4.1 Any process to develop such a facility would be based on competitive tendering processes and ultimate audit processes.

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

- 3.5.1 Any proposed facility would be designed to blend with the surrounding environment through facility design, landscape and the like.

4.0 **EXECUTIVE SUMMARY**

- 4.1 Council already allocates significant funding (almost \$2 million annually) to the ongoing support and management of aquatic based facilities and activities within Pittwater.
- 4.2 There are markets that would utilise any proposed aquatic centre, predominantly the "Learn to Swim" group and hydrotherapy for elderly residents.
- 4.3 Any proposed facility would need to be located in the southern area of the locality to better utilise surrounding markets and make the centre more economically viable.
- 4.4 Provision of land for any facility will also be an issue to be resolved. Pittwater Park may offer opportunities but need to be resolved through a revised Plan of Management and stakeholders consultation.
- 4.5 The initial capital outlay plus depreciation and running cost of any facility will be substantial. Council can build a smaller facility which would cost less to build (smaller capital cost) but would be less commercially viable and have a larger running cost.

RECOMMENDATION

1. That Council consider the contents of this report **(as tabled)** in conjunction with Council's long term financial plan.
2. That Council endorse the recommendation of the consultant noting that the recommendation is:

"That Council should not consider the development of an indoor aquatic centre until at least the end of the 2017 financial year."
3. That it be noted that the report recommends that any future aquatic facility be located in the southern area of Pittwater.

Report prepared by
Mark Eriksson – Principal Officer – Landscape Architect

Les Munn
MANAGER, RESERVES, RECREATION & BUILDING SERVICES

C10.6	Minutes of Governance Reference Group Meeting of 23 February 2011
--------------	--

Meeting: Governance Committee

Date: 18 April 2011

STRATEGY: Business Management

ACTION: Maintain and Service Council's Range of Committees

PURPOSE OF REPORT

To present to Council for consideration the Governance Reference Group Minutes of 23 February 2011 (**Attachment 1**).

1.0 BACKGROUND

- 1.1 The Governance Reference Group (to now be known as the Community Engagement and Information 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 Governance Reference Group has previously established a priority order to eventually consider each of the aligned Strategic Goals.

2.0 ISSUES

2.1 **GOV4.1: SHOROC – Shaping our Future (Regional Directions) Report**

2.2 **GOV4.2: Land Use Planning Strategy**

2.3 **GOV4.3: Special Rate Variation**

2.4 **GOV4.4: Recruitment Processes – Reference Group Members**

- That in future reports be circulated to members prior to meetings (rather than presented as hand-outs on the day) to enable members to study the paperwork.
- That prior to the next Reference Group meeting alternative names (to *Community Engagement and Information Reference Group*) be referred to Council by Group Members for discussion at the next meeting.

2.5 **GOV4.5: Gifts & Benefits Policy**

2.6 **GOV4.6: Council Meetings – Resident Questions**

- That Council be requested to review its current Resident Question procedure to allow for 2 questions per resident, being a primary question and then a supplementary question to clarify the primary question if so required.

Comment:

Council will consider this issue when reviewing its Code of Meeting Practice

2.7 General/Emerging Business

Nil

3.0 SUSTAINABILITY ASSESSMENT

The Governance Reference Group has a specific focus on governance related matters in the context of the Pittwater 2020 Strategic Plan and its triple bottom line sustainable living approach.

4.0 EXECUTIVE SUMMARY

- 4.1 The Governance Reference Group assists the review of Council's 2020 Strategic Plan, in particular the goals aligned to the Key Direction of '*Leading an effective and collaborative Council*'. This is about the need to have a transparent and accountable decision-making process including enhancing participation and engagement, fostering community partnership and providing support to the community.
 - 4.2 The attached Minutes of the Meeting held 23 February 2011 provided an opportunity to update matters arising from previous meetings and to provide a review of the effectiveness of the Governance Reference Group.
-

RECOMMENDATION

That the Minutes of the Governance Reference Group Meeting held 23 February 2011 be noted.

Report prepared by

Steve Evans
DIRECTOR, ENVIRONMENTAL PLANNING AND COMMUNITY

Minutes

Governance Reference Group

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

23 February 2011

Commencing at 4.03pm



Attendance:

Cr Bob Grace, Chairperson

Community Group Representatives

Bayview – Church Point Residents Association, Mr David Williams
Newport Residents Association, Mr Gavin Butler
Palm Beach and Whale Beach Association Inc., Mr Storm Jacklin
Clareville & Bilgola Plateau Residents Association, Mr Tony Tenney
Peninsula Music Club, Ms Lynne Czinner

Council Advisors

Mr Steve Evans, Acting General Manager
Mr Warwick Lawrence, Manager, Administration & Governance
Mr Paul Reid, Group Leader - Corporate Strategy & Commercial
Mr Mark Jones, Chief Financial Officer
Mr Andrew Pigott, Principal Officer, Strategic Planning
Ms Jane Mulroney, Community Engagement Officer
Ms Pamela Tasker, Administration Officer/Minute Secretary

Observers

Mr Graeme Jessup, Sustainability Pittwater
Mr Peter Middleton, Newport Residents Association
Ms Susan Young, Newport Residents Association

GOVERNANCE REFERENCE GROUP MEETING

TABLE OF CONTENTS

Item No	Item	Page No
1.0	Apologies	4
2.0	Declarations of Pecuniary Interest	4
3.0	Confirmation of Minutes	4
4.0	Discussion Topics	5
GOV4.1	SHOROC PowerPoint Presentation – Shaping Our Future (Regional Directions) Report	5
GOV4.6	Council Meetings – Resident Questions	6
GOV4.2	Land Use Planning Strategy	8
GOV4.3	Special Rate Variation Process	9
GOV4.4	Recruitment Processes - Reference Group Members	9
GOV4.5	Gifts & Benefits Policy	12
5.0	General / Emerging Business	13
6.0	Next Meeting	13

Att 1: *Correspondence from Cr Grace dated 3 December 2010*

Att 2: *Correspondence from Cr Grace dated 4 February 2011*

Notes:

1. Cr Grace, Chairperson, welcomed the members to the meeting.
-

1.0 Apologies

Notes:

1. Apologies were received from Ms Kerry Borthwick (Scotland Island Residents Association), Mr Robert Dunn (Newport Residents Association), Mr Graham Earl (West Pittwater Community Association) and Mr Chris Hunt (Director, Urban & Environmental Assets) and leave of absence was granted from the Governance Reference Group Meeting held on 23 February 2011.
 2. Ms Borthwick has tendered her resignation from the Governance Reference Group, advising that she is no longer available on Wednesday afternoons/evenings due to work commitments. Ms Borthwick further advises that she is sure a representative from the Scotland Island Residents Association will put their name forward in due course.
 3. The Reference Group members accepted the apologies and the resignation tendered by Ms Borthwick.
-

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

3.0 Confirmation of Minutes

COMMITTEE RECOMMENDATION

That the Minutes of the Governance Reference Group Meeting held on 24 November 2010, 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 after noting the question asked by Mr David Williams in GOV4.1 – Goal to Increase Community Education Regarding Sustainability (Page 7) should have read:

Mr David Williams: What plans does Council have to take action following Water Quality Monitoring?

(Mr Williams / Mr Butler)

4.0 Discussion Topics

GOV4.1 Shoroc Powerpoint Presentation – Shaping Our Future (Regional Directions) Report

Mr Ben Taylor, Executive Director of the SHOROC Regional Organisation of Councils, gave a PowerPoint presentation – Shaping our Future (Regional Directions) Report.

Discussion Points:

Mr George Jessup: What would the bus rapid transit system look like?

Answer: The bus lane is the first step, a median strip which runs down the middle of the road rather than at the kerb. SHOROC conducted a Feasibility Study and as a first step it was considered to be the least upheaval for the best results.

Cr Bob Grace: How did you identify the four key areas for main growth?

Answer: The four key areas were driven by the State Government Metropolitan Strategy. The outcome hoped for in these areas is to provide jobs closer to home.

Mr Storm Jacklin: How many staff does SHOROC employ and how much does it cost?

Answer: SHOROC employs three staff members. The annual budget is \$400,000 per annum.

Mr Gavin Butler: Have all priorities and strategies been adopted across all four councils?

Answer: Yes.

Ms Lynne Czinner: The existing bus lanes in the main only operate during peak hours. If they are to be replaced with the two way rapid transport lane, won't motorists just lose one lane?

Answer: No, the median bus lane uses the same lane in the centre of the road both inbound and outbound. The lane reverses during peak hour which will in fact free up an extra lane for motorists.

Ms Lynne Czinner: How many people does SHOROC intend to put into Frenchs Forest compared to the State Government proposal.

Answer: SHOROC has not put any numbers on population growth.

The Acting General Manager added that Pittwater was considering preparing a submission to the State Government on the 'Frenchs Forest Specialised Centre State Significant Site Study'. Population growth in the Frenchs Forest area is a matter for Warringah Council. Each Council will determine its own housing numbers and employment numbers via the review of the Sub Regional Plan.

Mr Storm Jacklin: How many times have you met with the Minister for Health or the Minister for Transport?

Answer: Zero. We have sought meetings on several occasions. We have met with the head of the local health network and senior officials in the Department of Transport, but the Ministers are not responding to our requests for meetings.

COMMITTEE RECOMMENDATION

That the presentation by Mr Ben Taylor be noted.

(Ms Czinner / Mr Butler)

Procedural Motion

That due to time constraints the Committee move immediately to consider Item GOV4.6 – Resident Questions.

(Mr Butler / Mr Jacklin)

GOV4.6 Council Meeting – Resident Questions

Proceedings in Brief

Cr Grace addressed the meeting on this item, having requested consideration of correspondence between Mr Gavin Butler and the General Manager in relation to the Woolworths Development at Newport. Copies of correspondence have been distributed to members.

The Chairman tabled the following two additional letters:

3 Dec 10 – Letter from Cr Bob Grace to the General Manager (see Appendix 1 to the Minutes)

4 Feb 11 – Letter from Cr Bob Grace to the General Manager (see Appendix 2 to the Minutes)

Mr Gavin Butler addressed the meeting, providing some background into the matter and outlining the issues raised in his correspondence. Mr Butler acknowledged that technically the General Manager had been correct in that integration was addressed under the key issues rather than in the EoI criteria. Mr Butler had offered his apology to the General Manager and Councillors.

Cr Bob Grace advised that the General Manager had raised the issue at a Councillors Briefing and that it was clear that integration had been covered in the EoI guidelines. The General Manager subsequently wrote to Mr Butler and Councillors with this explanation, but that letter was not sent to Reference Group Members. However, Cr Grace stated that he still tended to agree with Mr Butler's point of view concerning the limits on residents asking questions at Council Meetings.

This brought Mr Butler to his second point and the purpose of having listed this item – the limited opportunity for discussion during Resident Question Time at Council meetings. Mr Butler added that he had tabled documents to the council meeting in question, and that he would have hoped that the Mayor and Councillors would have deferred discussion until the documents at least could have been looked at. This did not happen and Mr Butler felt effectively dismissed which was a most unsatisfactory outcome.

Mr Butler offered the following suggestions:

- 1) That any tabled documents should be included in Agenda/Minutes or advised at the next Meeting.

- 2) That resident questions taken on notice at meetings should be either included in the Agenda (in the same format as Councillor Questions without notice) or at least addressed at the next Meeting.

Discussion Points:

Ms Lynne Czinner: To clarify, was "Integration" included in Council assessment criteria on the Eol?

Answer: Yes "Integration" was listed in the Eol proposal.

Mr Tony Tenney: I agree with the suggestions, in that this would provide increased transparency. Is there any provision for supplementary questions to be asked at Council Meetings?

Answer: No – Resident Questions (written) can be submitted up to 6.15pm on the night of the meeting. There is a limit of two questions per resident per meeting.

The Manager, Administration & Governance, added that Councillor questions taken without notice at a meeting have the answers included in the next Agenda. The decision was taken some time ago that resident questions would not be dealt with in this way. There are often quite a lot of questions, many requiring investigation prior to answering. All efforts are made for accuracy of reporting of questions and answers in the Minutes. But there does need to be some restrictions. Councillors are considering that questions be required in advance in writing, with the written response being read out at meetings and recorded (verbatim) in the Minutes. In addition, the Minutes of a Council Meeting are the record of what occurred at that meeting. It would be inappropriate to add written responses to questions provided after the meeting.

Cr Bob Grace: Supplementary questions would be appropriate as this affords an opportunity for clarification of the question asked.

Manager, Administration & Governance: At present the request is for the question to be put in writing. Allowing unlimited supplementary questions raises the prospect of extended debate at meetings.

Cr Bob Grace: We are here for the community – some debate seems a small price to pay for clarification on issues which could lead to an answer which fully satisfies the resident.

Acting General Manager: Having answered 5 questions at the last meeting – some very broad and some very specific – supplementary questions would have had no impact as specifics had to be investigated and broad issues can only be answered broadly.

Cr Bob Grace: Supplementary questions may enable the questioner to focus on issues and open up a worthwhile dialogue so we can get to the bottom of the question.

Mr Gavin Butler: Fine to get the question in earlier, but if it relates to an Agenda item it would be too short a time frame as the Agenda is not available until the Wednesday prior to the meeting.

Mr Lynne Czinner: Are resident questions asked on Agenda items?

Answer: No, resident questions cannot relate to any item listed on the Agenda or matters currently being dealt with by Council, such as development applications. A resident wishing to speak on an Agenda items would register to do so in "Public Addresses".

Mr Tony Tenney: This level of control gives the appearance of Council being fearful of residents questions. Everyone has asked questions at meetings where the question is then clarified by supplementary questions. Maybe the procedure could limit residents to one question, with one supplementary question, with the supplementary question being taken on notice if an investigation is still required. Further clarification when asking a question is a common way of communicating with people and results in productive dialogue.

Mr Storm Jacklin: Questions giving Council three or four days notice would worry me as it provides an opportunity to come up with bureaucratic answers.

Ms Lynne Czinner: I disagree. I think you could still get a bureaucratic answer on the spot. They don't need three or four days to come up with one.

Mr Tony Tenney: What will happen now?

Cr Bob Grace: People here tonight have listened and will take these comments on board. The Minutes of this meeting will go to Council. Hopefully this will lead to further discussion at Council level and a change in Resident Questions procedures may be considered.

Mr Tony Tenney: I am surprised that Council meetings are not being recorded.

Manager, Administration & Governance: This is not unusual. The majority of councils throughout New South Wales do not record meeting procedures.

Reference Points:

- ***That Council be requested to review its current Resident Question procedure to allow for 2 questions per resident, being a primary question and then a supplementary question to clarify the primary question if so required.***

Procedural Motion

That the meeting now move to consider Item GOV4.2 – Land Use Planning Strategy.

(Mr Tenney / Mr Butler)

GOV4.2 Land Use Planning Strategy

Proceedings in Brief

Mr Andrew Pigott, Principal Officer – Strategic Planning, addressed the meeting on this item.

Discussion Points:

Manager, Administration & Governance: Do we know what jobs have been created since 2001? And how many since 2006?

Answer: Yes 1,356 from 2006. From 2001 we have 3,263 jobs. This figure was largely due to the fast uptake throughout the Warriewood Valley. It is questionable as to whether growth can continue at this pace, however, as there is simply not enough space left for further large scale development without substantial aggregation of land/properties.

Ms Lynne Czinner: I find the retail space allocation out of all proportion and wonder how this occurred given the ageing population and the increase in on-line shopping?

Answer: One factor is the projected (slight) population increase and the increased disposable income of our particular demographic over that time. The growth in retail space is predicted over a period of time.

COMMITTEE RECOMMENDATION

That the report on Land Use Planning Strategy be noted.

(Mr Butler / Mr Jacklin)

GOV4.3 Special Rate Variation

Proceedings in Brief

Mr Steve Evans, Acting General Manager, addressed the meeting on this item.

COMMITTEE RECOMMENDATION

That the discussion on the Special Rate Variation be noted.

(Ms Czinner / Mr Williams)

GOV4.4 Recruitment Processes - Reference Group Members

Proceedings in Brief:

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

- Ms Mulroney advised that the EoI process will start shortly
- Members will have 1 month to apply
- present members of all committees are encouraged to apply
- key difference is increased membership
 - up to 14 representatives from registered community groups and community organisations
 - up to 4 individual / non aligned members
 - a maximum of 16 members on any reference group.

Discussion Points:

Mr Gavin Butler: Mr Butler stated that the Council Report should have gone to the reference groups for discussion prior to Council, in particular this reference group as it recommended a name change. Mr Butler advised the meeting that the staff recommendation was endorsed by all Councillors excepting Cr Grace who agreed that it should have been considered by the Governance Reference Group beforehand. The change of the Governance Reference Group name was not even discussed prior to the Council Resolution. Mr Butler also thought that the Eol process should have been debated by Councillors.

Mr Storm Jacklin: I second those remarks.

Acting General Manager: Mr Butler stated his opinion strongly the other night and that was accepted by Council. The report was not finalised until just prior to the Council meeting, so no reference groups received prior notice or were afforded any input into the process. In part this was because there was not a great deal of change to the existing Charter. The Eol is the same process as that used in setting up the groups initially. There is a slight increase in numbers and representative participation. The name change reflected the need for this reference group to re-focus on strategic goals:

- To provide open, ethical and transparent decision-making processes
- To maintain Council's financial sustainability
- To promote proactive and effective community engagement and consultation
- To increase ease of access to resourcing and support
- To increase community education regarding sustainability
- To increase communication and awareness of Council's activities

Community Engagement Officer: At the November meeting of the Governance Reference Group a name change was discussed; the suggestion actually came from group members. The name **Community Engagement & Information Reference Group** was chosen to reflect the relevant strategies under Key Direction 4 in the Pittwater 2020 Strategic Plan. The proposed name change was a direct result of the reference group survey. Members were asked at the November meeting to provide suggestions regarding an appropriate name for the reference group. Ms Mulroney received one suggestion: "Communications and Community Visibility". No other suggestions were received.

Returning to the issue of not going to the reference groups first with the report was the need to get the Eol process started due to a very tight timeframe. We need the Eols advertised and issued, returned, applicants assessed and members appointed in time for the next round of meetings in May 2011.

Mr Tony Tenney: I understand the time restraints, but the report could have been circulated, perhaps by email, beforehand. It does seem ironic that we have discussed "What Is Governance?" for the past two years, then such an obvious governance issue completely bypasses the Governance Reference Group. We all understand that the Council's role should not be diminished, but the changes mean there are now two tiers of representative membership: one representing community groups and one with personal / undefined agendas.

Community Engagement Officer: The Eol process will require individuals to submit to the same criteria as community representatives. They will have to demonstrate valid reasons for being appointed to reference groups, show the past and potential value of their contribution, and so on.

Mr Gavin Butler: I have concerns re the process of panel selection.

Community Engagement Officer: The panel (which will include the Chairs of the reference groups) will assess the applicants according to the EoI criteria and then make recommendations to Council. The panel will be aiming for a broad cross-section of community interests across the reference groups.

Mr Storm Jacklin: I endorse a lot of the remarks, but why change our name when the charter confirms Governance?

Mr Tony Tenney: Can't any individual member of a community group apply? They may have a personal agenda – not necessarily represent the views of the community group as a whole?

Ms Lynne Czinner: Technically I represent 200 members of my community group, but few show any interest in the actual workings of the Governance Reference Group. Membership allows for representative status only.

Community Engagement Officer: Registered community groups will continue to nominate their chosen representative.

Mr Gavin Butler: Does this reference group still report to the Governance Committee of Council?

Community Engagement Officer: Yes, the reporting function remains unchanged.

Mr Storm Jacklin: I would like some clarification on the new name ... what is it to consider?

Acting General Manager: I am looking at the Minutes of the May 2009 Governance Reference Group meeting in which Mr Chris Hunt, Director – Urban & Environmental Assets, defined "Governance" in this inaugural meeting as:

- Procedures in transparency, openness, confidentiality in the overall operation of Council.
- Strategic areas to be worked through: Business Management, Community Engagement, Information Management, Risk Management.
- How an organisation operates within the above principles.
- Overall it is a system of processes and procedures to fulfill the Reference Group's objectives and charter.

The role of Reference Groups is to look at strategic goals, some of which have already been considered by this group. All four reference groups went through the same initial process.

Mr Tony Tenney: The feedback from representatives on other reference groups is very positive, but they are dealing with concrete goals and governance is not as straightforward. Several points mentioned, such as communication, appear to fall within Governance. However, we seem to be floundering with other things, acting as recipients of information rather than brainstorming problems and providing initiatives.

Mr David Williams: I've noticed that you are advertising a new position at Council – Manager of Insurance & Risk Management.

Acting General Manager: This is a new combined role of two previous roles.

Mr David Williams: Would this person be involved with this committee?

Acting General Manager: Could be considered if appropriate.

Mr Tony Tenney: There are lots of issues with Governance that could be talked about strategically. I think it is important that the name Governance be retained as it is a very important element and focuses our mind on those core issues.

COMMITTEE RECOMMENDATION

1. That the presentation by Ms Jane Mulroney be noted.
2. That prior to the next Reference Group meeting alternative names (to Community Engagement and Information Reference Group) be referred to Council by Group Members for discussion at the next meeting.

(Ms Czinner / Mr Williams)

REFERENCE POINTS:

- Cr Grace requested that in future reports be circulated to members prior to meetings (rather than presented as hand outs on the day) to enable members to study the paperwork.
- That prior to the next Reference Group meeting alternative names (to **Community Engagement and Information Reference Group**) be referred to Council by Group Members for discussion at the next meeting.

GOV4.5 Gifts & Benefits Policy

Proceedings in Brief:

Mr Warwick Lawrence, Manager – Administration & Governance, addressed the meeting on this item.

Discussion Points:

Mr Gavin Butler: What has changed from the original policy?

Manager, Administration & Governance: It has become a lot more stringent in what has to be declared in that now each and every gift is declared no matter how small. It is not always the big gifts that are problematic. Small gifts or services on a regular basis imply a sense of obligation on the person receiving the gift. The new policy also has a flowchart and a value that identifies what a token gift is.

Mr Tony Tenney: There is nothing controversial here – it is a good document. Given that the changes are State Government driven there is not much opportunity to deviate from the guidelines laid down.

The Manager, Administration & Governance requested a timely response so that the policy could go to the next Governance Committee meeting of Council. He requested members respond within the next week directly to Mr Lawrence at warwick_lawrence@pittwater.nsw.gov.au or direct on Tel. 02 9970 1112.

COMMITTEE RECOMMENDATION

That the presentation by Mr Lawrence in respect of Item GOV4.5 – Gifts & Benefits Policy - be noted.

(Mr Williams / Ms Czinner)

5.0 General / Emerging Business

5.1 Letter of Condolence to the Quaglia family

The letter of condolence to Mrs Bernice Quaglia was duly noted by Committee members.

5.2 How are CEC and sustainability programs funded?

The Acting General Manager advised that Mr Paul Reid, Team Leader – Corporate Strategy and Commercial, was to present on this item but had been called away due to an illness in the family. The Acting General Manager advised that this information would be provided to Committee members at the earliest opportunity.

5.3 What is the percentage of non-resident ratepayers?

The Acting General Manager advised that Mr Paul Reid, Team Leader – Corporate Strategy and Commercial, was to present on this item but had been called away due to an illness in the family. The Acting General Manager advised that this information would be provided to Committee members at the earliest opportunity.

6.0 Next Meeting

The next meeting of the Governance Reference Group Committee is scheduled to be held on 25 May 2011.

**There being no further business
the meeting closed at 6.18pm on
Wednesday, 23 February, 2011**

Cr Bob Grace

3 December 2010

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

Dear Mark

On Wednesday 24 November 2010 I chaired a Governance Reference Group meeting.

Towards the end of the meeting Gavin Butler, a member of the Governance Reference Group, raised a matter with the Group.

The thrust of his complaint was that he was very dissatisfied with answers he had been given in respect of questions he had asked at a Council meeting.

In view of his complaint I suggested that he write to me as Chairman of the Reference Group where he aired his complaint and I would seek to obtain an answer for him as soon as possible.

I enclose herein a copy of the letter he has sent me which I understand has also been sent to the Councillors.

I would be obliged if you could consider his complaint and reply to me so that I may table the relevant correspondence at the next Governance Reference Group meeting on 23 February 2011.

Yours sincerely

Bob Grace

cc. The Mayor, Councillor Harvey Rose

Cr Bob Grace

4 February 2011

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

Dear Mark

Re: Gavin Butler

On 8 January 2011 I received a letter from Gavin Butler in respect of a letter you had written to him apparently in relation to his questions at Council meetings.

The thrust of his letter, as I understand it, is that because he raised the matter both orally and in writing with me as Chairman of the Governance Reference Committee, he has requested on his behalf that I offer to you his unreserved apologies and by implication to the other Councillors.

I also enclose his letter to me, dated 8 January 2011, for your consideration.

Please accept my apologies for the delay in writing to you in respect of this matter.

Thanking you.

Yours sincerely

Bob Grace

Planning an Integrated Built Environment Committee

11.0 Planning an Integrated Built Environment Committee Business

C11.1	N0019/11 - 22 Hilltop Road, Avalon - Alterations and Additions to Existing Dwelling
--------------	--

Meeting:	Planning an Integrated Built Environment Committee	Date:	18 April 2011
-----------------	--	--------------	---------------

STRATEGY: Land Use Development

ACTION: Provide an effective assessment determination process

PURPOSE OF REPORT

To inform the Committee of the Development Unit's recommendation following consideration of Development Application N0019/11 - 22 Hilltop Road, Avalon (Lot B DP 17824) Alterations and additions to existing dwelling.

1.0 BACKGROUND

The Development Unit, at its meeting held on Thursday, 31 March 2011, considered the Development Officer's report (**Attachment 1**) for determination of Development Application N0019/11 - 22 Hilltop Road, Avalon (Lot B DP 17824) Alterations and additions to existing dwelling

2.0 REASON FOR REFERRAL TO COUNCIL

- 2.1 It is outside the delegation of the Development Unit to approve a variation to policy relating to site coverage of greater than 10%.

3.0 DEVELOPMENT UNIT DELIBERATIONS

- 3.1 The Applicant addressed the Development Unit on the application and no Objectors were present. The Applicant expressed his support for the Officer's Recommendation.
- 3.2 The Development Unit resolved to support the Assessing Officers Report.

4.0 ISSUES

Nil

5.0 SUSTAINABILITY ASSESSMENT

- 5.1 This Report does not require a Sustainability Report

6.0 EXECUTIVE SUMMARY

- 6.1 The Application was considered by the Development Unit at its meeting held on Thursday 31 March 2011 and after hearing from the Applicant and noting that no Objector was present endorsed the Assessing Officer's recommendation.

RECOMMENDATION

That the recommendation in the Development Officers Report (**Attachment 1**) be endorsed and Application N0019/11 - 22 Hilltop Road, Avalon (Lot B DP 17824) for alterations and additions to the existing dwelling be granted consent under the Delegated Authority of the Development Unit subject to the conditions contained in the Draft Determination.

Report prepared by

Ruth Robins
DEVELOPMENT UNIT CHAIRPERSON

Warwick Lawrence
MANAGER ADMINISTRATION & GOVERNANCE

SUBJECT: N0019/11 - 22 HILLTOP ROAD, AVALON (Lot B DP 17824) Alterations and additions to existing dwelling

Determination Level: Development Unit

Date: 31 March 2011

**SUMMARY OF RECOMMENDATION
CONSENT WITH CONDITIONS**

REPORT PREPARED BY:	Louis Shang
APPLICATION SUBMITTED ON:	04/02/2011
APPLICATION SUBMITTED BY:	DE SOYRES MALONE ARCHITECTS PTY LTD' PO BOX 657 NEWPORT 2106
OWNER(S):	JOY, MARTIN CHRISTOPHER (OwnResOcc) DAVIE, JUDITH MARY (OwnResOcc)

1.0 DEVELOPMENT CONTROLS

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

- Pittwater Local Environmental Plan (LEP) 1993; Within area 1 - Dual Occupancy Map;
- Pittwater 21 Development Control Plan;
- State Environmental Planning Policy (BASIX) 2004

2.0 NOTIFICATIONS

9 property owners notified
Nil submission/s received

3.0 ISSUES

- B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community
- D1.8 Front building line
- D1.9 Side and rear building line
- D1.11 Building envelope
- D1.14 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			-	-	-
B5.4 Stormwater Harvesting			Y	Y	Y
B5.7 Stormwater Management - On-Site Stormwater Detention			Y	Y	Y
B5.8 Stormwater Management - Water Quality - Dwelling House, Dual Occupancy and Secondary Dwellings			-	-	-
B5.10 Stormwater Discharge into Public Drainage System			Y	Y	Y
B5.12 Stormwater Drainage Systems and Natural Watercourses			-	-	-
B6.1 Access Driveways and Works on the Public Road Reserve - Dwelling House and Dual Occupancy			-	-	-
B6.3 Internal Driveways - Dwelling Houses and Dual Occupancy			-	-	-
B6.5 Off-Street Vehicle Parking Requirements - Dwelling Houses, Secondary Dwellings and Dual Occupancy			Y	Y	Y
B8.1 Construction and Demolition - Excavation and Landfill			-	-	-
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		No apparent issues	Y	Y	Y
B3.5 Acid Sulphate Soils		No issues - Acid Sulphate Region 5 only	Y	Y	Y
B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community		See discussion B4.7	Y	Y	Y
C1.1 Landscaping		Refer to Section B4.7 for comment	Y	Y	Y
REF - Planner					
EPA Act Section 147 Disclosure of political donations and gifts			-	-	-
3.1 Submission of a Development Application and payment of appropriate fee			Y	Y	Y
3.2 Submission of a Statement of Environmental Effects			Y	Y	Y
3.3 Submission of supporting documentation - Site Plan / Survey Plan / Development Drawings			Y	Y	Y
3.4 Notification			Y	Y	Y
3.5 Building Code of Australia		The proposed building setback from the northern boundary does not comply with the technical requirement under the Building Code of Australia in regards to fire separation. However, alternative solution can be sought prior to the issue of Construction Certificate. Condition of Consent is recommended to ensure the compliance with BCA.	Y	Y	Y
4.5 Integrated Development: Aboriginal Objects and Places			-	-	-
4.7 Integrated Development - Roads			-	-	-
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			-	-	-
B3.6 Contaminated Land and Potentially Contaminated Land			-	-	-
B5.2 Wastewater Disposal			Y	Y	Y

B5.3 Greywater Reuse		None proposed	-	-	-
B5.12 Stormwater Drainage Systems and Natural Watercourses			-	-	-
C1.2 Safety and Security		Satisfactory.	Y	Y	Y
C1.3 View Sharing			-	-	-
C1.4 Solar Access		The proposal will not significantly impact on existing solar access of the adjoining properties and subject property. A minimum of three hours sunlight to the windows of the principal living areas and principal open spaces is achieved. The proposal is satisfactory in this regard.	Y	Y	Y
C1.5 Visual Privacy		Existing screen planting along both side boundaries, no issue raised in regards to visual privacy.	Y	Y	Y
C1.6 Acoustic Privacy			Y	Y	Y
C1.7 Private Open Space		Satisfactory provision of private open spaces in the rear yard.	Y	Y	Y
C1.9 Adaptable Housing and Accessibility			-	-	-
C1.12 Waste and Recycling Facilities		Bin storage area proposed to the rear of the carport	Y	Y	Y
C1.13 Pollution Control			Y	Y	Y
C1.14 Separately Accessible Structures		None proposed	-	-	-
C1.17 Swimming Pool Safety		None proposed	-	-	-
C1.19 Incline Passenger Lifts and Stairways		None proposed	-	-	-
C1.23 Eaves	Minimum 450mm eaves on all elevations	Minimum 450mm eaves provided on all elevations	Y	Y	Y
C1.24 Public Road Reserve - Landscaping and Infrastructure		None proposed	-	-	-
C1.25 Plant, Equipment Boxes and Lift Over-Run			Y	Y	Y
D1.1 Character as viewed from a public place	Parking structures shall be set back further than primary building	The proposed carport is located in front of the dwelling within the front setback. Such non-compliance is considered to be acceptable given that subject property is located below the street level and existing screen planting along the front boundary will screen off the development from public view.	N	Y	Y
D1.5 Building colours and materials	External colours and materials shall be dark and earthy tones	Colorbond roof - Woodland Grey Upper level cladding - Dulux Paving Stone Lower level cladding - Dulux Stony Creek Satisfactory.	Y	Y	Y
D1.6 Height - General	The maximum height of a building or structure shall be 8.5 metres.	The proposed development has a maximum height of 7.73m.	Y	Y	Y
D1.8 Front building line	6.5m	1.8m. See discussion D1.8	N	Y	Y
D1.9 Side and rear building line	2.5 at least to one side; 1.0 for other side; 6.5 rear	1m to the southern side, 0.8m to the northern side and 11.5m to the rear. See discussion D1.9	N	Y	Y

D1.11 Building envelope		See discussion D1.11	N	Y	Y
D1.14 Site coverage - Environmentally Sensitive Land	40% site coverage, 60% landscaped area	52.8% site coverage, 47.2% landscaped area	N	Y	Y
D1.16 Fences - Flora and Fauna Conservation Areas		None proposed	-	-	-
D1.17 Construction, Retaining walls, terracing and undercroft areas		Existing undercroft area at approximately 1.2m height. However it is at the rear of the dwelling and screened off from public view. Satisfactory.	Y	Y	Y
D1.20 Scenic Protection Category One Areas			Y	Y	Y
SEPP (Building Sustainability Index: BASIX) 2004		BASIX Certificate A75727	Y	Y	Y
Other State Environmental Planning Policies (SEPPs)			-	-	-

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

5.0 SITE DETAILS

The site is known as Lot B Deposited Plan (DP) 17824, No. 22 Hilltop Road, Avalon. The site is regular in shape and has a total area of 564.7m². The site is on the western side of Hilltop Road orientated to the east with a street frontage of 15.85m. It is currently occupied by a one and two storey brick and timber clad residence with detached carport located in front of the dwelling and several retaining walls in the rear yard. The allotment is bound by residential single dwellings to the southern side and rear boundaries and a access reserve to the northern boundary. The site falls from the street towards the rear boundary at approximately 36%. The site has being identified as subject to Geotechnical Hazard and located within a foreshore scenic protection area.

6.0 PROPOSAL IN DETAIL

Development consent is sought for carrying out alterations and additions to the existing dwelling which include:

Exterior

- Clad the cedar timber walls with fiber cement weatherboards
- Reinforce the existing retaining walls in the rear yard
- Construct a new retaining wall at the lowest part of the site
- Install two water tanks under the deck

Ground floor

- Extend the lounge and kitchen into the existing deck
- Change the configuration of the western elevation of the deck to provide articulation
- Extend the kitchen and laundry to the north
- Construct new side staircase and new entry
- Reconstruct the carport to accommodate two parking spaces and a bin storage area
- Add a new bathroom to the southern side of bedroom 3

First Floor

- Extend the existing bedrooms and bathroom towards the west
- Replace the roof on the western side with Colorbond roofing and re-clad the roof on the eastern side to match

- Add new highlight windows on the eastern elevation and sky lights over the eastern bedroom and hallway

7.0 BACKGROUND

Development application N0019/11 was submitted on 04/02/2011 and notified for a period of 14 days in accordance with Council's notification policy. During this period, no submission was received. The application was referred to Council's Development Engineer and Natural Resources Assessment Officer for comment. A site inspection was undertaken on 24/02/2011.

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

The application of SEPP NO. 1 is not required.

9.0 EXISTING USE RIGHTS

Does the proposal rely on Existing Use Rights? No

10.0 DISCUSSION OF ISSUES

B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community

- The application was referred to Council's Natural Resources Assessment Officer who has provided the following comments:

The property contains a modified landscape although does contain some remnant canopy trees. The proposed works involve alterations and additions to the dwelling including extensions and reconfigurations of retaining walls and decks. An arborist report (Craig Martin Consulting Arborist April 2010) has been provided which assesses two (2) Spotted Gum trees which are within 5 metres of the proposed works on the northern side of the dwelling, both trees of which are located on the adjoining property. The report recommends that both trees can be retained if tree protection measures are adopted as specified. The recommendations of the report are supported. Landscaping onsite is sufficient and only a few smaller shrubs will be modified/removed to accommodate the works. A new landscape plan is not required.

D1.8 Front building line

- The proposed carport is located within the required front building line. Control D1.8 of Pittwater 21 DCP permits variation of parking structures to be located within the front building line given the slope of the site is in excess of 30% and all other built structures satisfy the required building line, and the desired outcomes of the control are achieved. Such variation is considered to be applicable for the subject proposal.

D1.9 Side and rear building line

- The proposed side building line on the northern elevation fails to comply with the required setback of 2.5m. Pittwater 21 DCP permits variation to maintain existing setback where alterations and additions to existing dwelling area proposed and the outcomes of the control are achieved.

It is considered such variation is warranted to this proposal for the following reasons:

- The proposal does not result in unacceptable bulk and scale;
- The amenity of the adjoining properties are protected through existing screen planting on the boundary and no adverse impact is expected as a result of the non-compliance;
- Vegetation is retained to visually reduce the built form;

D1.11 Building envelope

- The proposal fails to comply with the required building envelope on the southern elevation. The non-compliant elements include part of the roof over the existing ground floor deck, and part of the extended master bedroom on the first floor.

Control D1.11 permits variation to the required building envelope where the building footprint is situated on a slope over 30%. The footprint of the subject dwelling is located on a slope in excess of 30%, such variation is warranted given:

- The proposal involves alterations and additions while the existing dwelling is retained;
- The proposed development has minimal bulk and scale and equitable preservation of views and vistas to and/or from public/private places has been achieved.
- The amenity, privacy and solar access are maintained to the dwelling and surrounding properties.
- No vegetation is lost as a result of the proposal and the development maintains the desired future character of the locality being a single dwelling in a landscaped setting.

D1.14 Site coverage - Environmentally Sensitive Land

- The existing site coverage is 288.8sqm or 51.1% of the total site area. The proposal involves alterations and additions to the dwelling and reconstruction of the garage predominately within the footprint of the existing structures. The proposal results in a site coverage of 298.7sqm or 52.8% which is non-compliant to the requirements of control D1.14 of Pittwater 21 DCP.

Control D1.14 provides the following variations to the maximum site coverage which are considered applicable to the subject proposal:

- Impervious areas less than 1 meter in width; and
- For single dwellings on residential zoned land only, up to 6% of the total site area may be provided as impervious landscape treatments providing these areas are for outdoor recreational purposes only. For example, paved recreational areas.

In the circumstances of the subject proposal, the total permitted variation to the maximum site coverage is 41.1sqm. The total varied site coverage is 257.6sqm or 45.6%. Such varied site coverage is still contrary to the numerical requirement of Pittwater 21 DCP. However, consideration has been given that the proposal has addressed the desired outcomes of control D1.14 for the following reasons:

- The proposal will result a single dwelling in a landscaped setting, which maintains the existing character of the site and is consistent with the desired future character of the locality;
- The building has been designed to respond to the natural topography of the site and incorporates articulated walls and design features to soften the built form. The bulk and scale of the proposed dwelling is reasonable when considered with the surrounding built forms;
- The amenity and solar access of the adjoining properties will be enhanced and not affected by the proposed development;
- Existing vegetation is retained to visually reduce the built form;
- Natural vegetation and biodiversity will not be adversely affected as a result of the proposal;
- Stormwater management is improved as suggested in the Stormwater Management Plan submitted which provides improved stormwater management methods compare to the current situation;
- Filtration device is incorporated to improve stormwater quality and minimise run-off.

The proposal is therefore considered reasonable on merits, and it is supported in this regard despite the technical non-compliance.

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, draft Pittwater 21 LEP and Pittwater 21 DCP and other relevant Council policies.

The proposed development is permissible within the 2(a) Residential zone under the provision of Pittwater Local Environmental Plan 1993. The proposal fails to comply with a number of built form controls such as front and side building lines, building envelope and site coverage. However, the non-compliant aspects of the development are considered consistent with the desired outcomes of the relevant controls and do not result in significant impact upon the amenity of the surrounding properties. Hence, variations to the relevant controls are supported. Accordingly, the application is recommended for approval.

RECOMMENDATION OF DEVELOPMENT OFFICER / PLANNER

That Council as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 grant consent to development application N00019/11 for alterations and additions to existing dwelling at 22 Hilltop Road, Avalon subject to the conditions of consent.

Report prepared by

Louis Shang
PLANNER

DRAFT DETERMINATION

**CONSENT NO: N0019/11
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)
NOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION**

Applicants Name and Address:

DE SOYRES MALONE ARCHITECTS PTY LTD
PO BOX 657
NEWPORT 2106

Being the applicant in respect of Development Application No **N0019/11**

Pursuant to section 80(1) of the Act, notice is hereby given of the determination by Pittwater Council, as the consent authority, of Development Application No **N0019/11** for:

Alterations and additions to existing dwelling

At: 22 HILLTOP ROAD, AVALON (Lot B DP 17824)

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 **Development drawings No. DA01, DA02, DA03, DA11, DA12, DA21, DA22, DA23, DA24, DA31, DA32, DA33, dated 27/01.2011, prepared by De Soyres Malone Architects Pty Ltd;**

Geotechnical Report numbered 2010-041.1, dated February 2011, prepared by Crozier Geotechnical Consultants;

Tree Assessment Report undated, prepared by Craig Martin Consulting Arborist; BASIX Certificate A75727

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 license 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 Crozier Geotechnical Consultants 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. The Stormwater Harvesting and Reuse Scheme shall be maintained as appropriate in accordance with best practice to ensure optimum performance of the stormwater treatment system.
4. Stormwater overflow is to be discharged to an appropriately located on-site infiltration/dispersion trench as certified by the geotechnical engineer.
5. If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Metropolitan Local Aboriginal Land Council (MLALC) and Department of Environment & Climate Change (DECC) are to be notified.
6. Domestic pet animals are to be kept from entering wildlife habitat areas at all times. Dogs and cats are to be kept in an enclosed area or on a leash such that they cannot enter areas of bushland or foreshore, unrestrained, on the site or on surrounding properties or reserves. Ferrets and rabbits are to be kept in a locked hutch/run at all times.
7. Any vegetation planted onsite outside approved landscape zones is to be consistent with:
 - a. Species listed in the Ecological Sustainability Plan or Bushland Management Plan (if applicable)
 - b. Species listed from the Endangered Ecological Community
 - c. Locally native species growing onsite and/or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and Native Plants for Your Garden available on the Pittwater Council website http://www.pittwater.nsw.gov.au/environment/species_lists
8. No building materials or other materials are to be placed on Bushland vegetation. Sediment is not to leave the site or enter areas of Bushland vegetation, and the appropriate sediment fencing is to be installed.

9. Prior to the completion of works, all declared noxious weeds are to be removed/controlled in accordance with the Noxious Weeds Act 1993. Environmental weeds are to be removed and controlled. Refer to Pittwater Council website http://www.pittwater.nsw.gov.au/environment/noxious_weeds for noxious/environmental weed lists.
10. No environmental weeds are to be planted on the site. Refer to Pittwater Council website www.pittwater.nsw.gov.au/environment/noxious_weeds for environmental weed lists.
11. Any new fencing (with the exception of swimming pool fencing) is to be made passable to native wildlife. Hole dimensions are to be a minimum of 150mm wide x 100mm high at ground level spaced at 6 metre intervals.
12. 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.
13. 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.
14. No water pollution shall result from the operation of any plant or equipment or activity carried out.
15. Noise from the operation of any plant or equipment at the premises shall comply with the noise provisions of the Protection of the Environment Operations Act, 1997.
16. 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.
17. No emissions causing air pollution shall be created by the operation of any plant equipment or any procedure carried out at the premise.
18. The operation of any plant or equipment or any procedure carried out at the premises shall not cause land pollution.
19. All sanitary drainage must be concealed in service ducts or otherwise hidden from external view to the satisfaction of the Responsible Authority.
20. The reflectivity index (expressed as a percentage of the reflected light falling upon any surface) of all external glazing is to have a maximum reflectivity index of 25%. Written confirmation of the reflectivity index of material is to be submitted with the Construction Certificate.
21. (Note: the reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement. This is to ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development).
22. New electrical connections are to be carried out using underground cabling.
23. Materials and colour schemes are to be in accordance with the samples submitted to Council with the application. No white or light coloured roofs are permitted.

24. 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. Engineering details showing the Stormwater Harvesting and Reuse Scheme 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 practicing Water/Environmental/Civil Engineer with corporate membership of the Institution of Engineers Australia (MIE Aust), 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 Pittwater 21 DCP.
3. Drainage plans including specifications and details showing the site stormwater management are to be submitted to the Accredited Certifier with the Construction Certificate application. Such details are to be accompanied by a certificate from (as appropriate) either a Licensed plumber or qualified practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a Corporate member and has appropriate experience and competence in the related field, that the stormwater management system complies with the requirements of section 3.1.2 Drainage of the Building Code of Australia Housing Provision and AS/NZS 3500.3.2 - Stormwater Drainage. The details shall include disposal of site stormwater (if the site is in a known slip area the stormwater disposal system must comply with the recommendations of a Geotechnical Engineers Report).
4. Note: Where Council is the Principal Certifying Authority 3 sets of plans/specifications are to be submitted.
5. Submission of construction plans and specifications and documentation which are consistent with the approved Development Consent plans, the requirements of Building Code of Australia and satisfy all conditions shown in Part B above are to be submitted to the Principal Certifying Authority.
6. 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.
7. Any proposed demolition works shall be carried out in accordance with the requirements of AS2601-2001 *The Demolition of Structures*.

Amongst others, precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:

1. Protection of site workers and the general public.
2. Erection of hoardings where appropriate.
3. Asbestos handling and disposal where applicable.
4. Any disused service connections shall be capped off.

Council is to be given 48 hours written notice of the destination/s of any excavation or demolition material. The disposal of refuse is to be to an approved waste disposal depot.

8. 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.
9. 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.
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. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
2. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
3. No works are to be carried out in Council's Road Reserve without the written approval of the Council.
4. No skip bins or materials are to be stored on Council's Road Reserve.
5. 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.
6. Protection fencing measures (including sedimentation fences) are to be installed in accordance with all approved plans including those specified in the Arborist Report and/or Ecological Sustainability Plan or Bushland Management Plan. Protection measures are to be maintained for the duration of works. Protection fencing that is no longer required is to be removed once all works are completed.
 7. As there are existing trees to be retained within 5 metres of proposed development works, all recommendations as outlined in the supplied arborist report by Craig Martin Consulting Arborist dated April 2010 are required to be complied with before and throughout the development period, particularly with regard to the following:
 - i. Works, erection/demolition of structures, excavation or changes to soil levels within 5 metres of existing trees are not permitted unless part of the development as approved, and the storage of spoil, building materials, soil or the driving and parking of any vehicle or machinery within 5 metres of the trunk of a tree to be retained is not permitted;
 - ii. Where specified, tree guards are to be provided to all trees as indicated in the report, and are to be installed prior to the commencement of any work on the site. Tree guard materials and dimensions are specified in the arborist report;
 - iii. All works within 5 metres of existing trees including demolition, excavation, civil works, fencing and the like must be carried out by hand and under the supervision of an experienced and suitably qualified arborist. In the event that major structural or feeder roots are encountered, the arborist is to advise the builder to carry out appropriate action to ensure the retention of the tree.
 - iv. Signage is to be erected advising all contractors and visitors to the site that no works or storage are to take place within the dripline of existing trees.
 - v. Any changes or alterations made to the tree management recommendations as outlined by the arborist report due to the discovery of new structural roots or underground services during development works must be reported to the Principal Certifying Authority prior to works recommencing.
 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.
 10. Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must give the owner of the adjoining property at least seven (7) days written notice of their intention to excavate below the level of the base of the footing and furnish the adjoining property owner with particulars of the proposed work.
 11. Demolition works must be carried out in compliance with WorkCovers *Short Guide to Working with Asbestos Cement* and Australian Standard AS 2601 2001 The Demolition of Structures.

12. The site must be provided with a sign containing the words *DANGER ASBESTOS REMOVAL IN PROGRESS* measuring not less than 400mm x 300mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility.
13. All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifying Authority, all receipts issued by the receiving tip as evidence of proper disposal.

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 a Private Certifying Authority by an experienced Water/Environmental/Civil Engineer who is NPER accredited by the Institution of Engineers, Australia that the stormwater harvesting and reuse scheme 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. 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.
5. 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.
6. Certification is to be provided that the commitments identified in the BASIX Certificate have been fulfilled.

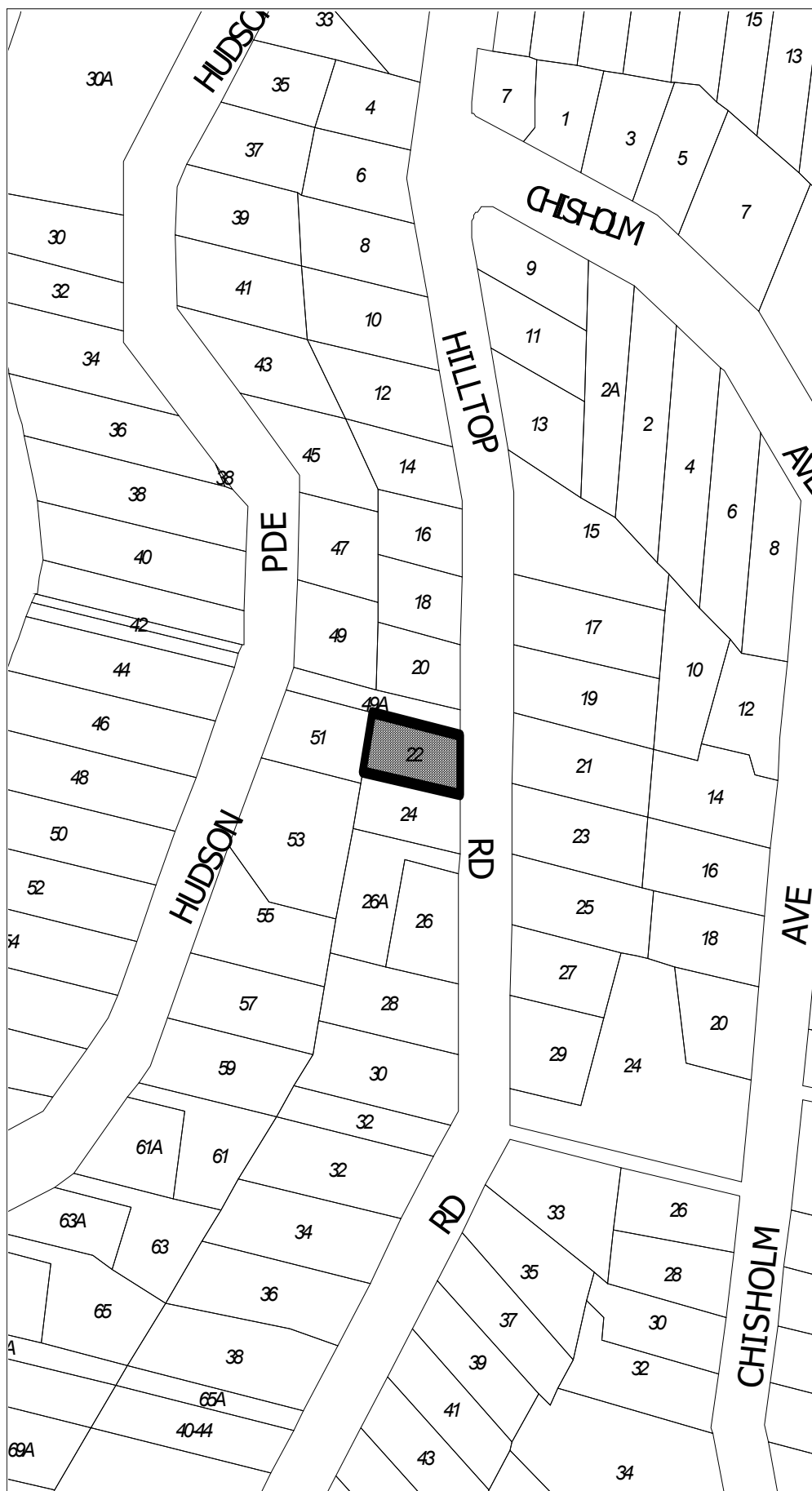
F. Matters to be satisfied prior to the issue of Subdivision Certificate:

Nil

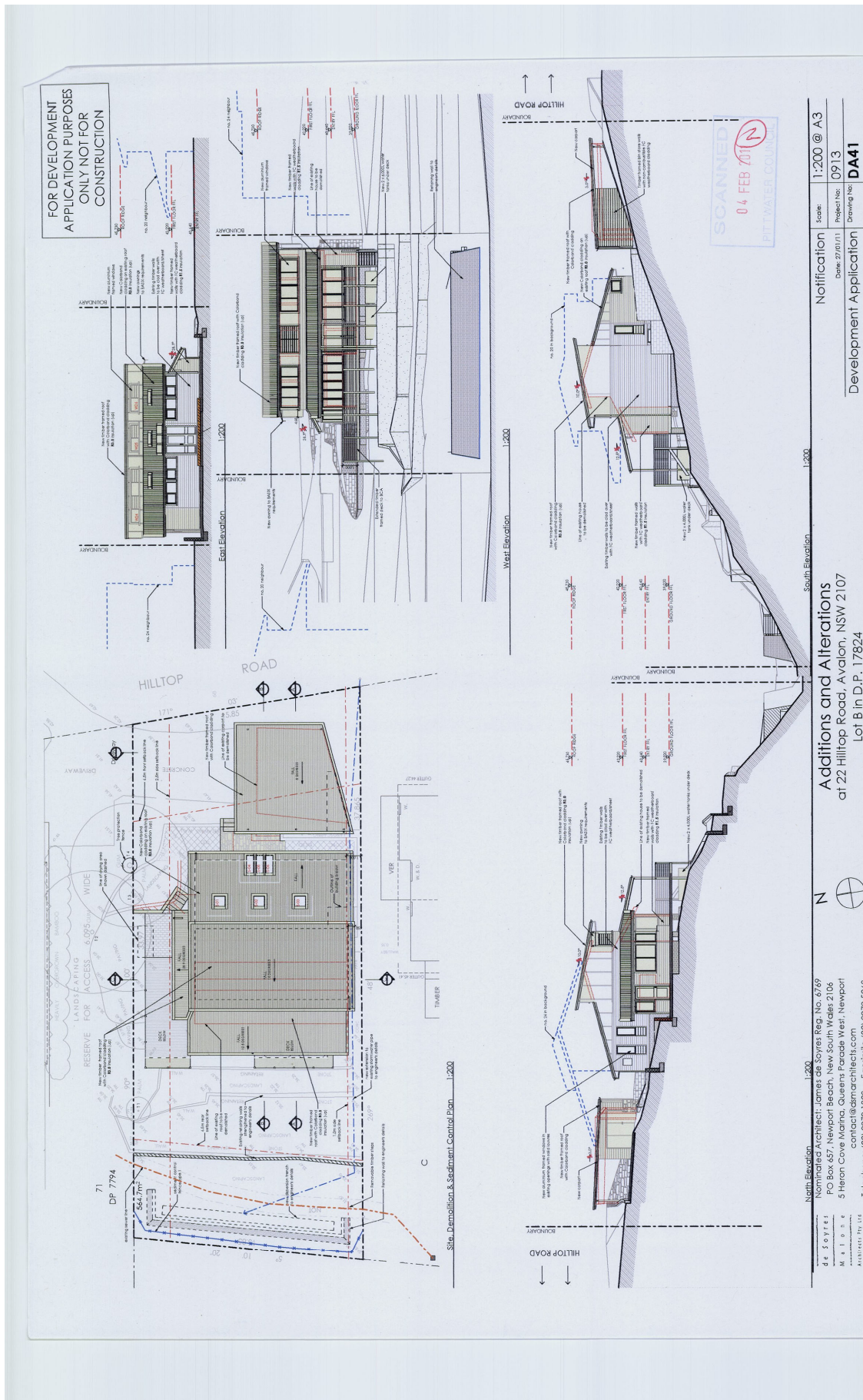
G. Advice:

1. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act, 1979* (as amended) and/or the conditions of this Development Consent may result in the serving of penalty notices (on-the-spot fines) under the summary offences provisions of the above legislation or legal action through the Land and Environment Court, again pursuant to the above legislation.
2. The applicant is also advised to contact the various supply and utility authorities, i.e. Sydney Water, Sydney Electricity, Telstra etc. to enquire whether there are any underground utility services within the proposed excavation area.
3. It is the Project Managers responsibility to ensure that all of the Component Certificates/certification issued during the course of the project are lodged with the Principal Certifying Authority. Failure to comply with the conditions of approval or lodge the Component Certificates/certification will prevent the Principal Certifying Authority issuing an Occupation Certificate.
4. In accordance with Section 95(1) of the Act, this consent will lapse if the development, the subject of this consent, is not physically commenced within 5 years after the date from which this consent operates.
5. To ascertain the date upon which the determination becomes effective and operates, refer to Section 83 of the *Environmental Planning and Assessment Act, 1979* (as amended).
6. Should any of the determination not be acceptable, you are entitled to request reconsideration under Section 82A of the *Environmental Planning and Assessment Act, 1979*. Such request to Council must be made in writing, together with appropriate fees as advised at the time of lodgement of such request, within 1 year from the date of determination.
7. If you are dissatisfied with this decision, Section 97 of the *Environmental Planning and Assessment Act, 1979*, gives you a right of appeal to the Land and Environment Court within 12 months of the date of endorsement of this Consent.
8. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Waters sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to the web site at www.sydneywater.com.au then see Building Developing and Plumbing then Quick Check, or telephone 13 20 92.

LOCALITY MAP



NOTIFICATION PLAN



C11.2	N0478/10 - 9 The Avenue, Newport - Regularisation of a Secondary Dwelling
--------------	--

Meeting: Planning an Integrated Built Environment Committee

Date: 18 April 2011

STRATEGY: Land Use and Development

ACTION: Provide an effective development assessment and determination

PURPOSE OF REPORT

To inform the Committee of the Development Unit's recommendation following consideration of Development Application N0478/10 - 9 The Avenue, Newport (Lot 21 DP 14176) Regularisation of a secondary dwelling.

1.0 BACKGROUND

The Development Unit, at its meeting held on Thursday, 17 March 2011 considered the Development Officer's report (**Attachment 1**) for determination of Development Application N0478/10 - 9 The Avenue, Newport (Lot 21 DP 14176) Regularisation of a secondary dwelling.

2.0 REASON FOR REFERRAL TO COUNCIL

- 2.1 It is a policy requirement of the NSW Department of Planning to report applications involving a State Environmental Planning Policy No 1 (SEPP 1) variation to Council.

3.0 DEVELOPMENT UNIT DELIBERATIONS

- 3.1 Mr Dennis Fish (Consultant Planner) on behalf of the Applicant addressed the Development Unit on the Application. One Objector also addressed the Development Unit relating to non compliances and illegal activities on the site to date in relation to the garage being used as a Bed and Breakfast. The Objector was also concerned about the noise of future guests.

4.0 ISSUES

- Non compliance and illegal activities on the site to date in relation to the garage being used as a Bed and Breakfast
- Noise of future guests

5.0 SUSTAINABILITY ASSESSMENT

This report does not require a Sustainability Assessment

6.0 EXECUTIVE SUMMARY

- 6.1 The Application was considered by the Development Unit at its meeting held on Thursday 17 March 2011 and after hearing from the Applicant and the Objector endorsed the Assessing Officer's recommendation for approval.

RECOMMENDATION

That the recommendation in the Development Officers Report (**Attachment 1**) be endorsed and Application N0478/10 - 9 The Avenue, Newport (Lot 21 DP 14176) Regularisation of a secondary dwelling be granted consent subject to the conditions contained in the Draft Determination.

Report prepared by

Ruth Robins
DEVELOPMENT UNIT CHAIRPERSON

Warwick Lawrence
MANAGER ADMINISTRATION AND GOVERNANCE

SUBJECT: N0478/10 - 9 THE AVENUE, NEWPORT (Lot 21 DP 14176)
Regularisation of a secondary dwelling and erection of
a workshop beneath

Determination Level: Development Unit

Date: 17 March 2011

SUMMARY OF RECOMMENDATION

Consent with Conditions

REPORT PREPARED BY:	Grant Walsh & Gina Hay
APPLICATION SUBMITTED ON:	18/08/2010
APPLICATION SUBMITTED BY:	DAVID JOSEPH MCLEAN VIVIEN JUNE MCLEAN 9 THE AVENUE NEWPORT 2106
OWNER(S):	MCLEAN, DAVID JOSEPH (OwnResOcc) MCLEAN, VIVIEN JUNE (OwnResOcc)

1.0 DEVELOPMENT CONTROLS

- State Environmental Planning Policy (Affordable Rental Housing) 2009
- State Environmental Planning Policy No. 1 Development Standards;
- Pittwater Local Environmental Plan (PLEP) 1993 - identified as 2(a) (RESIDENTIAL "A") Zoning, On-site detention area, categorized as Area 1 on the Dual Occupancy Map; Division 3C Secondary Dwellings.
- Pittwater 21 Development Control Plan;

2.0 NOTIFICATIONS

Sixteen (16) property owners notified
One (1) submission received

3.0 ISSUES

- Pittwater Local Environmental Plan 1993
- 3.2 Submission of a Statement of Environmental Effects
- 21R Secondary Dwellings in Zone No 2(a), 2(b), 2(e) or 2(f)
- 3.5 Building Code of Australia
- C1.7 Private Open Space
- D10.1 Character as viewed from a public place
- D10.8 Side and rear building line (excluding Newport Commercial Centre)
- D10.11 Building envelope
- Other neighbour concerns

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

B8.6 Construction and Demolition - Traffic Management Plan			-	-	-
Natural Resources					
B1.4 Aboriginal Heritage Significance		No apparent issues	Y	Y	Y
B3.5 Acid Sulphate Soils		No issues - Acid Sulphate Region 5 only	Y	Y	Y
B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor		The proposed works being erection of a workshop under the existing rear building do not impact on natural resources as they do not extend outside the existing building footprint.	Y	Y	Y
C1.1 Landscaping			Y	Y	Y
Planner					
21R Secondary Dwellings in Zone No 2(a), 2(b), 2(e) or 2(f)	The total floor area of the secondary dwelling (excluding any area used for parking) must not exceed whichever of the following is greater: 60 square metres, 20% of the total floor area of both the self-contained dwelling and the principal dwelling.	Floor area of 77m ²	N	Y	N
3.1 Submission of a Development Application and payment of appropriate fee		The proposal is not consistent with the provisions of the PLEP 1993, and is discussed in the body of the report.	N	Y	Y
3.2 Submission of a Statement of Environmental Effects		Objection received regarding the adequacy of the SEE.	Y	Y	N
3.3 Submission of supporting documentation - Site Plan / Survey Plan / Development Drawings			Y	Y	Y
3.4 Notification			Y	Y	Y
3.5 Building Code of Australia			Y	Y	Y
4.5 Integrated Development: Aboriginal Objects and Places			-	-	-
4.7 Integrated Development – Roads			-	-	-
5.3 Referral to NSW Department of Environment and Climate Change (DECC)			-	-	-
A1.7 Considerations before consent is granted		Proposal is not in accordance with maximum floorspace for a secondary dwelling under PLEP 1993	N	Y	Y
B1.3 Heritage Conservation - General			Y	Y	Y
B3.6 Contaminated Land and Potentially Contaminated Land			-	-	-
B5.2 Wastewater Disposal			Y	Y	Y

B5.3 Grey-water Reuse			-	-	-
B5.12 Stormwater Drainage Systems and Natural Watercourses			-	-	-
C1.2 Safety and Security			Y	Y	Y
C1.3 View Sharing			Y	Y	Y
C1.4 Solar Access		No external change to the roof form of the building - A review of the plans and site orientation reveals that the existing building will receive appropriate solar access and does not unduly impact on adjoining properties.	Y	Y	Y
C1.5 Visual Privacy		Site inspection revealed proposal's compliance in this respect	Y	Y	Y
C1.6 Acoustic Privacy		Subject to compliance with BCA	Y	Y	Y
C1.7 Private Open Space		No sharing of private open space provided or proposed	N	Y	Y
C1.9 Adaptable Housing and Accessibility			-	-	-
C1.11 Secondary Dwelling	Max height 3.6 metres to the ceiling of the uppermost floor No more than 2 dwellings per lot. Not more than 2 bedrooms/1 bathroom in the secondary dwelling	Max 2.4 metres to the ceiling of the uppermost floor 2 dwellings on the lot. 1 bedroom and 1 bathroom for the secondary dwelling.	Y	Y	Y
C1.12 Waste and Recycling Facilities			Y	Y	Y
C1.13 Pollution Control			Y	Y	Y
C1.19 Incline Passenger Lifts and Stairways			-	-	-
C1.23 Eaves	Minimum 40mm eaves	The existing eaves on the building do not meet the required 450mm however no alterations are proposed to the existing roof form	N	Y	Y
C1.24 Public Road Reserve - Landscaping and Infrastructure		Existing vegetation considered to be satisfactory	Y	Y	Y
C1.25 Plant, Equipment Boxes and Lift Over-Run			Y	Y	Y
D10.1 Character as viewed from a public place			Y	Y	Y
D10.3 Scenic protection - General		An objection has been received regarding number of storeys in the proposal.	Y	Y	N
D10.4 Building colours and materials	Dark and Earthy Tones	No changes to the external elements of the building which are generally dark and earthy.	Y	Y	Y
D10.5 Height (excluding Newport Commercial Centre)	8.5m	7.5m	Y	Y	Y
D10.7 Front building line (excluding Newport Commercial Centre)	6.5m	7.525m Existing	Y	Y	Y

D10.8 Side and rear building line (excluding Newport Commercial Centre)	East 1.0m West 2.5m Rear 6.5m	0.9m East 9.2m West 0.9m Rear	N	Y	Y
D10.11 Building envelope	3.5m@45° when measured from a side boundary to a maximum height of 8.5m	Minor non-compliance on eastern elevation	N	Y	Y
D10.13 Site coverage - Environmentally Sensitive Land	40% Built upon area 60% Landscaped area	33% Built upon area	Y	Y	Y
D10.15 Fences - Flora and Fauna Conservation Areas			-	-	-
D10.16 Construction, Retaining walls, terracing and under-croft areas		Under-croft 2.3m	Y	Y	Y
SEPP (Affordable Rental Housing) 2009		Non compliance with floor areas as discussed in SEPP 1 objection.	N	Y	Y

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

5.0 SITE DETAILS

The subject site is identified as Lot 21 of DP 14176 and is known as 9 The Avenue Newport. The site is regular in shape and has a total area of approximately 1214.0m². The site gains access from The Avenue but also has a right of way burdening and benefitting Nos 5, 11A, 11B, 11C, 11D, 11F, 11G, 11H, 13, 13A & 13B The Avenue which runs adjacent to the west of the site and grants access to the rear of the site. The site is currently developed by a single occupancy cottage at the front of the site. At the rear of the site, which is separated by a full size fence, is the structure to which this application relates. The site inspection revealed that recent works had been carried out within the under-croft of the existing two storey building which includes excavation around the foundations and batter at the rear of the cut. The site appears as two separate sites due to the fencing arrangement and separate access. Development on adjoining sites consists of one and two storey single occupancy dwellings.

6.0 PROPOSAL IN DETAIL

"The application seeks Council consent to regularise a single bedroom secondary dwelling within the approved detached double garage at the rear of the site and to use the foundation space as a workshop." The applicant also includes works to complete construction of the workshop under the rear building.

It is noted that the plans indicate that a second floor exists within the structure which currently houses two bedrooms, which has been confirmed through a site inspection. The original approved plans do not indicate a second floor within the structure.

7.0 BACKGROUND

The structure which is the subject of this application was granted consent under delegated authority on 18 November 1998 as a garage under **DA 118/98**. A modification to add windows to the building, including bifold doors in place of the garage doors was granted on 23 January 2002. It appears evident from the documentation lodged with the modification that this is the point at which the garage was converted to a dwelling, without obtaining Development Consent, although the approved plans do not indicate a second floor within the structure.

Condition I20 of the consent required a Restriction as to User to be created on the Title of the land at the applicants expense, the terms of which clearly denote that the structure is not to be used for separate residential purposes or is to be modified so as to incorporate bathroom toilet/cooking facilities. Pittwater Council is the Prescribed Authority with the right to release, vary or modify the Restricted Covenant, which was signed in 2005.

Subsequent to this, Council issued a Notice to Comply on 14 July 2010 against the owners of the land to cease the use of the approved garage as a dwelling and remove the kitchenette and upper level bedrooms along with other aspects.

The subject application was lodged on 18 August 2010 and subsequently notified between 20 August 2010 and 3 September 2010. During this timeframe one submission was received. The application was referred to Council's Senior Development Engineer and Natural Resource Assessment officer for comments.

A Request for Additional Information was made of the applicant on 11 January 2011 to provide additional justification regarding the breach in development standards relating to the maximum size of secondary dwellings, to reconfigure the upper level which has been designated for storage but which is currently being used as bedrooms, and to provide more details on the operation of the workshop area under the secondary dwelling, which is to be used by the main house. Amended plans and details to this effect have been submitted, which show the internal staircase accessing the upper level will be removed and replaced with an access hatch.

Contact between the objector and the initial planner assessing the application was made in the initial stages of the application. A detailed site inspection of the premises, both internal and external was carried out by the current assessing officer on 15 February 2010.

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.

Secondary Dwellings are permissible with consent under SEPP (Affordable Housing) 2009 Clause 22 and Pittwater LEP 1993 Clause 21R.

Clause 21R of the Pittwater LEP 1993 stipulates the following:

The total floor area of the secondary dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

(a) 60 square metres

(b) 20% of the total floor area of both the self contained dwelling and the principal dwelling.

Clause 22 of SEPP (Affordable Housing) 2009 states the following:

- (1) Development to which this Division applies may be carried out with consent.*
- (2) A consent authority must not consent to development to which this Division applies if there is on the land, or if the development would result in there being on the land, any dwelling other than the principal dwelling and the secondary dwelling.*
- (3) A consent authority must not consent to development to which this Division applies unless:*

- (a) *the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under another environmental planning instrument, and*
 - (b) *the total floor area of the secondary dwelling is no more than 60 square metres or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater floor area.*
- (4) *A consent authority must not refuse consent to development to which this Division applies on either of the following grounds:*
- (a) **site area, if:**
 - (i) *the secondary dwelling is located within, or is attached to, the principal dwelling, or*
 - (ii) *the site area is at least 450 square metres,*
 - (b) **parking** *if no additional parking is to be provided on the site.*
- (5) *A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (4).*

The effect of the development standard in both Environmental Planning Instruments is that the maximum permitted floor area of a Secondary Dwelling is 60m².

A calculation of the floor area of the existing dwelling added to the floor area of the secondary dwelling shows that 20% of the total floor area equals 41m². As this is below 60m², then 60m² is the applicable development standard.

Extent of variation

The development as proposed consists of a secondary dwelling with a floor area of 77.0m² which is a difference in floor area of 17.0m² which represents a percentage variation of 28.33% to the development standard.

These calculations do not include the floor area of the upper level of the structure, designated as storage, or the floor area of the proposed workshop which the applicant indicates is to be associated with the use of the primary dwelling.

Justification of variation

The SEPP 1 objection provided by the applicant has referenced PLEP 1993 Clause 21R only. It is argued that the proposal constitutes a de-intensification of use as the upper level bedrooms will be converted to storage areas. Comparing the proposal with the current unauthorised use is not an acceptable justification. The applicant has provided the following additional justifications:

- *“That there is no alteration to the existing built form, the building complies with DCP requirements except for setback which will be maintained, and that the current setbacks meet the outcomes of that specific control,*
- *The proposal complies with the aims of Clause 21P of the LEP as the secondary dwelling will maintain the current diversity of housing and facilitate a wider housing choice in a location which has adequate physical and social infrastructure,*
- *The proposal does not require the removal of any vegetation,*
- *The site has not been identified as containing any rare or endangered flora and fauna species, nor any habitats and it has not been identified as containing any wildlife corridors;*

- *The Site has not been identified as containing any aboriginal sites, and*
- *The proposal will not result in amenity impacts other than what exists.”*

Is the development standard unreasonable or unnecessary?

The proposal represents a breach from the development standard, providing for a dwelling which has separate external access to sanitary facilities, includes storage areas which can only be accessed internally via the secondary dwelling, and a workshop which is far removed from the primary dwelling.

While the proposal is significantly larger than the maximum provided for under the LEP, it is not considered that a significant intensification of use will result from the breach of the standard beyond that anticipated by PLEP 1993/SEPP(AH)2009, given that the secondary dwelling will only accommodate one (1) bedroom. The additional floorspace is in the form of extra living space within the existing approved structure, It should also be noted that the proposal does not propose any increase to the footprint of the building.

The aims of PLEP 1993 as it pertains to secondary dwellings are contained within Division 3C, Clause 21P. These aims seek to encourage greater diversity of housing types and widen housing choice, to provide additional opportunities for more compact housing with minimal environmental impact and the improve utilisation of building stock and infrastructure.

It is considered that to reduce the area of the structure to comply with a numeric standard, would be wasteful and serve no real purpose other than to obtain numeric compliance. Although the use as a dwelling is currently illegal, the structure has been built according to the approved plans which were assessed against the development controls of the time. The use of the premises as a dwelling does not have any greater impact on neighbouring dwellings with respect to privacy as there are no windows on the eastern side, closest to neighbouring dwellings, and only highlight windows on the southern (rear) side adjacent to the right-of-way. On the western side the structure has a distance to the site boundary of 9 metres (greatly in excess of the minimum standard of 2.5 metres in the P21 DCP), and to the north there is ample spatial separation between the buildings. There will be no additional solar impacts or potential view loss as the footprint and building are as previously approved.

The SEPP 1 objection to development standard Clause 21R of the Pittwater LEP 1993 is supported. The objection is considered to be well founded and strict compliance with the controls is considered to be unnecessary and unreasonable, given the minimal environmental impacts associated with the proposal. The proposal will promote the orderly and economic development of the land in accordance with Clause 5 of the Environmental Planning & Assessment Act, 1979.

Concurring authority:

None

9.0 EXISTING USE RIGHTS

Does the proposal rely on Existing Use Rights? No.

10.0 DISCUSSION OF ISSUES

- **Pittwater Local Environmental Plan 1993**

A submission has been received from the adjoining property owner at 5 The Avenue Newport raising concern that the proposal is not permissible within the Zone as the site is located within Area 1 of the Dual Occupancy Map which prohibits dual occupancy development in that location.

The proposal does not seek approval for a dual occupancy development but a Secondary Dwelling. The subject site is located within the secondary dwellings map and is permissible within the zone.

- **3.2 Submission of a Statement of Environmental Effects**

Submissions have been received from the property owner of Number 5 The Avenue raising concern that the Statement of Environmental Effects does not detail the following:

- That the garage approval of 1998 specifically excludes the use of the garage as a residence via condition of consent and covenant on the property title,
- That the works to date have been done so illegally,
- That the detached bathroom is not approved to be used by residents of the secondary dwelling and that the bathroom has been illegally connected to the garage structure,
- That it fails to mention that the upper level and associated staircase are not approved as part of the garage, and
- That the excavation and slab beneath the structure have been constructed illegally by the owner and not by an engineer.

It is agreed the Statement of Environmental effects does not specifically address the above points and they are noted. These issues have been addressed by either the Assessing Officer or the applicant.

- **21R Secondary Dwellings in Zone No 2(a), 2(b), 2(e) or 2(f)**

The proposal is non-compliant with this clause of the LEP. Please refer to comments made under the SEPP 1 objection of this report.

A submission has been received from the property owner of number 5 The Avenue raising concern that the calculations provided by the applicant in determining the floor area of the secondary dwelling are incorrect, do not include the bathroom facilities and area in between, the upper storage area, or the lower level workshop area.

Council has undertaken its own calculations to assess the development application which are relied upon for the purposes of this assessment. Moreover, the applicant has indicated that the storage area and workshop area are associated with the use of the primary dwelling and not the secondary dwelling. In addition to this, the upper level of the secondary dwelling, currently illegally converted to bedrooms, will be modified to remove the staircase, extend the floor and include a hatch for the purposes of accessing the storage.

The neighbouring dwelling to the east has submitted an objection detailing their original objections to the location and size of the garage which was subsequently approved. It is also agreed, as previously discussed, that the proposal is in excess of the maximum floor area for a secondary dwelling.

However, it should be noted that this is an existing building and the applicant is seeking to regularise what is currently an illegal dwelling using the Secondary Dwellings provisions of the PLEP & P21 DCP. The reduction in size of the proposed secondary dwelling to meet the standard set out in Clause 21R would require reasonably substantial demolition works. On the building itself, the most logical area to remove would be the bedroom on the western side, which would have no impact whatsoever on the appearance of the building as seen from the objectors property.

- **3.5 Building Code of Australia**

The upper level bedrooms of the existing structure do not comply with the minimum floor to ceiling heights as prescribed by the BCA. Following a request for additional information the applicant has submitted amended details which show that the stair leading to this level will be removed and the floor of the upper level will be extended so as to be used for storage purposes. An access hatch is proposed. This is considered satisfactory.

- **C1.7 Private Open Space**

The proposal is inconsistent with the control, which encourages sharing of private open space, as the site has been divided into two through the erection of a timber fence. That being said, each of the buildings does possess the required amount of usable private open space in accordance with the requirements.

- **D10.3 Scenic protection – General**

A submission has been received from the property owner of number 5 The Avenue raising concern that the structure is three storeys in height and the Newport locality should remain as two storeys as per the desired future character statement.

The structure is built on a steep slope and will have only one level of residential accommodation, as the attic space will be reconfigured for storage. The undercroft area is largely unnoticed due to the slope of the land and the vegetation that surrounds it. As such it is considered that the proposal meets the requirement for two storey development in the locality.

- **D10.8 Side and rear building line (excluding Newport Commercial Centre)**

The existing structure does not comply with the current setback controls within the DCP with regard to the rear (southern) setback and the eastern setback, both of which are only 0.9 metres. The building does however maintain that of its approved setback and the proposal does not apply to alter the setbacks. While the neighbouring dwelling has raised issues of bulk and scale it should be noted that the footprint of the building is the same as that approved in 1998, and no alteration is proposed. The 0.1 metre non compliance on the eastern side is considered negligible, and while the rear setback non-compliance is more significant, there is no dwelling immediately adjacent due to the right of carriageway which runs along this boundary. As such, the proposal is considered to comply with the outcomes of the control, to achieve the desired future character of the Locality, minimise bulk and scale of the built form, preservation of views and vistas, ensuring a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties providing substantial landscaping, a mature tree canopy and flexibility in the siting of buildings and access and a variation is supported.

- **D10.11 Building envelope**

The existing structure has a minor non-compliance with the building envelope associated with the eastern elevation. As noted within the proposal description no alterations will be occurring to the outside of the building at the upper levels and the proposal is not considered to have a negative impact on solar access, privacy or views to or from neighbouring properties. It is also worth noting that at the time of the original consent for the structure in 1998, there was no building envelope control in existence.

- **Unauthorised works**

The submission from the property owner of number 5 The Avenue raises concern in that illegal works have been carried out on site in relation to the garage which was illegally converted into a separate occupancy which includes excavation beneath the structure, attachment of the toilet/bathroom to the structure, and the first floor within the structure. The submission further states that consideration of the filling in of the lower ground floor area and the upper level of the building should only be considered after a decision is made of the use of the building.

Council is aware that illegal works have been carried out at the premises and Council's Compliance Department have investigated the property. Under the Environmental Planning and Assessment Act there is nothing to say an applicant cannot lodge an application which involves various components in terms of use and works.

With regard to the filling in of the undercroft area for use as a workshop by the owner of the site, it is considered that this use is generally acceptable and will not increase the size of the secondary dwelling. To this end, a condition of consent will be imposed, removing the staircase that extends down the western face of the building and which leads down to the workshop area. This will provide greater spatial separation between the secondary dwelling and minimise potential to incorporate this area into the secondary dwelling.

- **Other neighbour concerns**

- 1) The property owner of 5 The Avenue has raised concerns in relation to the proposal seeking approval for a secondary dwelling on the basis that it is an existing use and that the proposal should be approved as a residence in the first instance.

Comment: The proposal seeks approval for a change of use to be able to be used as a secondary dwelling which is a permitted use within the zone.

- 2) The property owner of number 5 The Avenue has raised concern that given the non-compliances and illegal activities on the site to date, there is no guarantee that the upstairs storage area and lower level works shop area will be used as such and will facilitate a greater residential intensity of use.

Comment: It is agreed there is a history of illegal building activity on this particular site associated with the garage structure.

- 3) The property owner of 5 The Avenue has raised concerns that the secondary dwelling may be used as a Bed and Breakfast as it has been done so in the past as does the primary dwelling which could result in a intensive use of the site which may result in infrastructure such as sewage and traffic issues.

Comment: The subject application seeks consent for the use of a secondary dwelling only and therefore considerations will be limited to that use. Bed & Breakfast accommodation is defined under PLEP 1993 as follows:

"bed and breakfast establishment" means a dwelling-house designed to fit into the residential character of the area:

(a) which is used for the ancillary purpose of providing overnight accommodation for not more than six paying guests, boarders or lodgers at any one time,

(b) which is owned by a natural person who lives at the dwelling-house, and

(c) at which that accommodation is provided on a short-term basis only, up to a maximum of one month for each guest.

Under SEPP (Exempt and Complying Development Codes) 2008, Bed and breakfast accommodation is considered complying development if the following is achieved:

4 A.1 Specified complying development

Bed and breakfast accommodation is development specified for this code if it is:

- (a) *carried out on land in a land use zone where bed and breakfast accommodation is a permissible use, and*
- (b) *not constructed or installed on bush fire prone land.*

4 A.2 Development standards

The standards specified for that development are that the development must:

- (a) *be in an existing dwelling house, and*
- (b) *consist of not more than 4 guest bedrooms or, if there is a local environmental plan applying to the land that was made under section 33A of the Act, the maximum number of bedrooms specified in clause 5.4 (1) of that plan,*
- (c) *have at least 1 guest bathroom,*
- (d) *have a fire extinguisher and fire blanket in the kitchen,*
- (e) *have at least 1 off-road car parking space per guest bedroom,*
- (f) *not display any advertisement on the premises (other than a notice or sign indicating the name and occupation of the resident),*
- (g) *if the dwelling house is subject to the [Strata Schemes Management Act 1996](#) or the [Community Land Management Act 1989](#), have the prior approval of the owners corporation, or the community, precinct or neighbourhood association.*

Should the any proposed B&B accommodation not meet these requirements, a Development Application would be required.

- 4) The property owner of 5 The Avenue has raised concerns that the excavation and slab have been constructed illegally by the owner and not an engineer.

Comment: There is no proof that this is the case. A Construction Certificate will need to be lodged to complete the workshop and which will ensure the building is in compliance with the requirements of the Building Code of Australia. A letter from a Structural/Geotechnical Engineer has stated that in his opinion the excavation would not have any adverse impact on the stability of the existing structure, however it was recommended that excavation not continue any deeper or closer to the piers than the current position (as at 3 August 2010) and a retaining wall should be built to retain the cut face of the excavation. Conditions will be imposed on the consent to this effect.

With regard to the concerns raised regarding the slab, a Building Certificate will be required to ascertain the structural adequacy of this work. A Deferred Commencement Consent requiring a Building Certificate application to be lodged and approved to ensure the structural adequacy of the existing works to the slab is considered the most appropriate way of addressing this issue.

11.0 CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, Pittwater Local Environmental Plan 1993, Pittwater 21 DCP and other relevant Council policies.

The proposal is significantly in excess of the maximum permissible floor area for a secondary dwelling. However, a satisfactory SEPP 1 Objection has been submitted to Council, and it is considered that the proposal meets the aims and objectives of secondary dwellings, ie to provide for a greater housing choice in the locality. The building itself is existing and the regularisation of the use to a secondary dwelling is not considered to adversely impact the amenity of the area.

As such, a recommendation of consent is made.

RECOMMENDATION OF DEVELOPMENT OFFICER / PLANNER

That Council as the consent authority pursuant of Section 80 of the Environmental Planning and Assessment Act grant consent to development application N0478/10 for the regularisation of a secondary dwelling at 9 The Avenue Newport subject to the conditions contained within the draft notice of determination.

Report prepared by

Grant Walsh
SENIOR PLANNER

Gina Hay
EXECUTIVE PLANNER

**DRAFT DETERMINATION
CONSENT NO: N0478/10
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)
NOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION**

Applicants Name and Address:

DAVID JOSEPH MCLEAN
VIVIEN JUNE MCLEAN
9 THE AVENUE
NEWPORT 2106

Being the applicant in respect of Development Application No N0478/10

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 N0478/10 for:

Regularisation of a secondary dwelling and erection of a workshop

At: 9 THE AVENUE, NEWPORT (Lot 21 DP 14176)

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

New Plans 1, 2 & 3 dated 27 July 2010 and amended by David McLean, Structural Assessment prepared by Jack Hodgson and dated 13 August 2010

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

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

Endorsement of date of consent _____

Mark Ferguson

GENERAL MANAGER

Per:

Conditions of Approval

PART 1

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

1. A Building Certificate relating to the structural adequacy of the existing slab in the workshop area shall be submitted to and approved by Pittwater Council.

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

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

R

A

F

T

Conditions of Approval PART 2

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

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

A. Prescribed Conditions:

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

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

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

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

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

1. If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Metropolitan Local Aboriginal Land Council (MLALC) and Department of Environment & Climate Change (DECC) are to be notified.
2. 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.
3. In accordance with Pittwater Councils Tree Preservation Order, all existing trees as indicated in the Survey Plan and/or approved Landscape Plan shall be retained except where Council's prior written consent has been obtained, as trees stand within the envelope of approved development areas. For all other tree issues not related to a development application, applications must be made to Council's Tree Management Officers.
4. 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.
5. The upper level of the building shall not be used as habitable areas but shall be used as storage only. The staircase shall be replaced with flooring with an access hatch.
6. The staircase, which leads to the workshop and which is located adjacent to the western external wall of the building shall be removed.
7. The workshop at the lower level shall not be used for, or converted to, habitable floorspace, and shall be retained for domestic workshop use associated with the land to which it relates.
8. No water pollution shall result from the operation of any plant or equipment or activity carried out.

9. 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.
10. All recommendations included in Appendix 4 of the submitted Statement of Environmental Effects – The Engineer's Structural Assessment prepared by Jack Hodgson and dated 13 August 2010 shall be complied with in full.

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. Any proposed demolition works shall be carried out in accordance with the requirements of AS2601-2001 *The Demolition of Structures*.

Amongst others, precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:

1. Protection of site workers and the general public,
2. Erection of hoardings where appropriate,
3. Asbestos handling and disposal where applicable, and
4. Any disused service connections shall be capped off.

Council is to be given 48 hours written notice of the destination/s of any excavation or demolition material. The disposal of refuse is to be to an approved waste disposal depot.

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

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

1. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
2. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
3. Waste materials generated through demolition, excavation and construction works are to be minimised by re-use on site, recycling or where re-use or recycling is not practical, disposal at an appropriate authorised waste facility.
4. All waste dockets and receipts regarding demolition, excavation and construction waste are to be retained on site to confirm which facility received the material for recycling or disposal.

The ongoing operation of Recycling and Waste Management Services is to be undertaken in accordance with the Waste Management Plan.

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, and
 - That the contact number for Pittwater Council for permits is 9970 1111.
8. A stamped copy of the approved plans is to be kept on the site at all times, during construction.

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

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

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

1. An Occupation Certificate application stating that the development complies with the Development Consent, the requirements of the Building Code of Australia and that a Construction Certificate has been issued must be obtained before the building is occupied or on completion of the construction work approved by this Development Consent.
2. 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.
3. Certification from a suitably qualified structural engineer that the recommendation of the Structural Assessment have been carried out in accordance with the Structural Assessment prepared by Jack Hodgson and dated 13 August 2010.

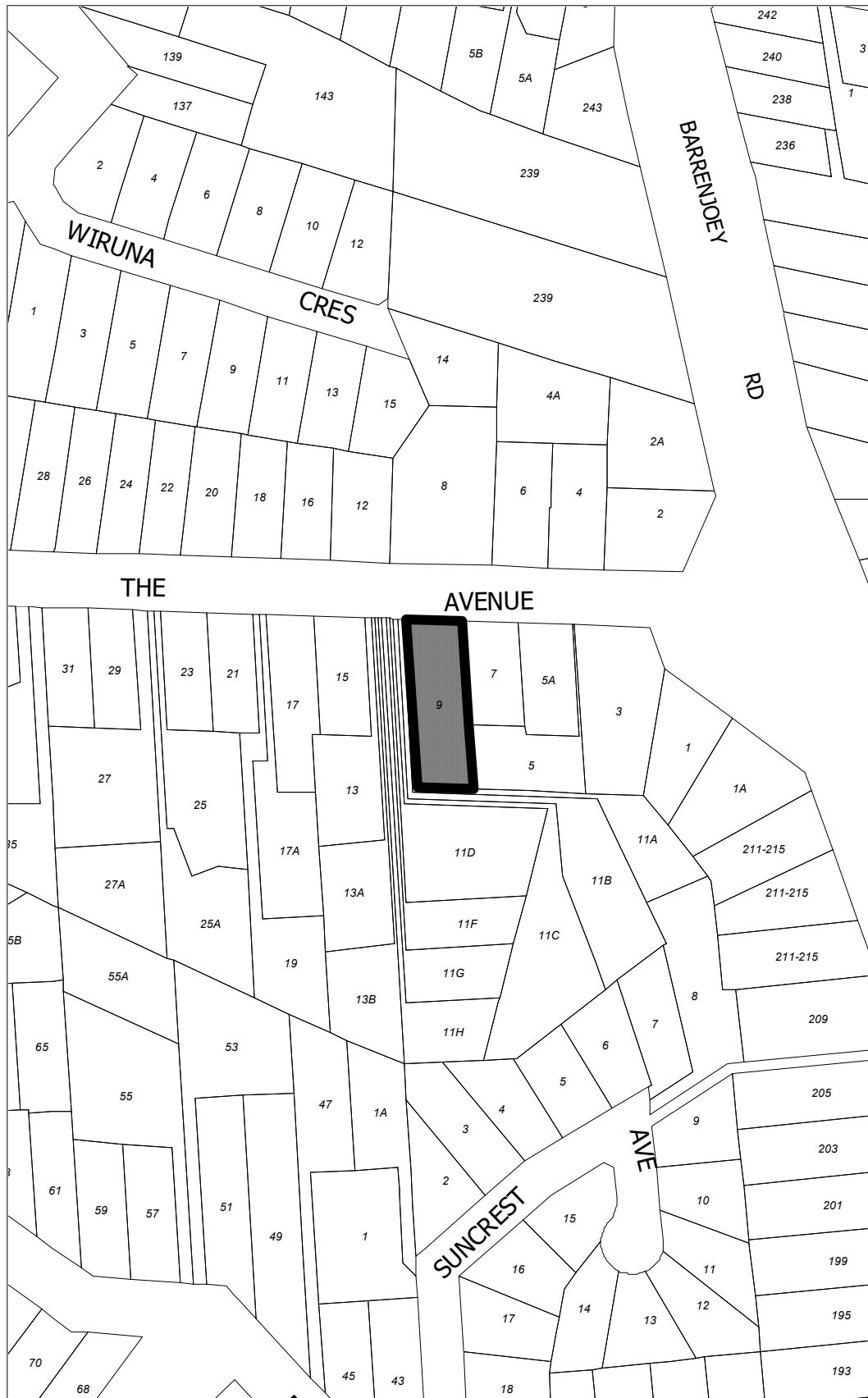
F. Matters to be satisfied prior to the issue of Subdivision Certificate:

Nil

G. Advice:

1. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act, 1979* (as amended) and/or the conditions of this Development Consent may result in the serving of penalty notices (on-the-spot fines) under the summary offences provisions of the above legislation or legal action through the Land and Environment Court, again pursuant to the above legislation.
2. The applicant is also advised to contact the various supply and utility authorities, i.e. Sydney Water, Sydney Electricity, Telstra etc. to enquire whether there are any underground utility services within the proposed excavation area.
3. It is the Project Managers responsibility to ensure that all of the Component Certificates/certification issued during the course of the project are lodged with the Principal Certifying Authority. Failure to comply with the conditions of approval or lodge the Component Certificates/certification will prevent the Principal Certifying Authority issuing an Occupation Certificate.
4. In accordance with Section 95(1) of the Act, this consent will lapse if the development, the subject of this consent, is not physically commenced within 5 years after the date from which this consent operates.
5. To ascertain the date upon which the determination becomes effective and operates, refer to Section 83 of the *Environmental Planning and Assessment Act, 1979* (as amended).
6. Should any of the determination not be acceptable, you are entitled to request reconsideration under Section 82A of the *Environmental Planning and Assessment Act, 1979*. Such request to Council must be made in writing, together with appropriate fees as advised at the time of lodgement of such request, within 1 year from the date of determination.
7. If you are dissatisfied with this decision, Section 97 of the *Environmental Planning and Assessment Act, 1979*, gives you a right of appeal to the Land and Environment Court within 12 months of the date of endorsement of this Consent.
8. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Waters sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to the web site at www.sydneywater.com.au then see Building Developing and Plumbing then Quick Check, or telephone 13 20 92.

LOCALITY MAP



DEVELOPMENT CONSENT PLAN

FOR

COPYRIGHT.

ALL PLANS AND ORIGINATING INFORMATION ARE THE PROPERTY OF THE U.S. GOVERNMENT AND ARE NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT PRIOR WRITTEN PERMISSION BY THE U.S. GOVERNMENT.

DATE: 11/10/98

11/10/98

Builder to check and confirm all necessary documents on site prior to starting construction. Qualified personnel shall be identified in the approved plans.

All construction shall relate to one building and shall not be subject to other construction to be in accordance with the TENDER PROGRAM, codes and specifications by the owner.

All water and sewerage charges to be included in the approved plan and to be paid by local council.

As with all in accordance with BUILDING CODE OF AUSTRALIA and AS/NZS 4576:2001.

NOTES:

ALL LEVELS TO BE ESTABLISHED BY DETAILED SITE SURVEY

POSITION OF ANY EASEMENTS OR SEWER LINES TO BE ESTABLISHED BEFORE STARTING CONSTRUCTION.

ALL EXISTING UTILITIES TO BE RETAINED.

DO NOT SCALE.
WORK TO DIMENSIONS SHOWN

SCALE:	1200
DATE:	27 July 2010
DRAWN BY:	D. J. M. C. / G. W.

Plan Amended by
David McLean (owner)

E NEWPORT BEACH
W. J. V. L. E. A. N.
DRAWING NO. 1/2707/0
SHEET SIZE: A2
SAT 1 OF 3

No. 9 THE AVENUE NEWPORT BEACH
FOR DAVID AND VIVIAN McLEAN
DRAWING NO. 11270

PLAN AMENDED 27TH JULY 2010.

to accompany a D/A to regularise the secondary dwelling.

SCANNED
19 AUG 2010
SITTING WATER COUNCIL

Site PLAN 1:200

LOT 21 DPM174
No. 9 THE AVENUE
NEWPORT BEACH

Stacked space

Secondary Dwelling

[illegible]

AREA CALCULATIONS

TOTAL SITE AREA = 1210 SQ METERS

EXISTING RESIDENCE - 190 SQ METERS
LAUNDRY TOILET & SHOWER - 8.75 SQ METERS
DECK - 59 SQ METERS
7.50 METERS

SECONDARY DWELLING
EXISTING DWELLING = 12-50 sq meters

TOTAL SITE COVERAGE = 337-25 sq meters

Paraline Clothes
drying facility-

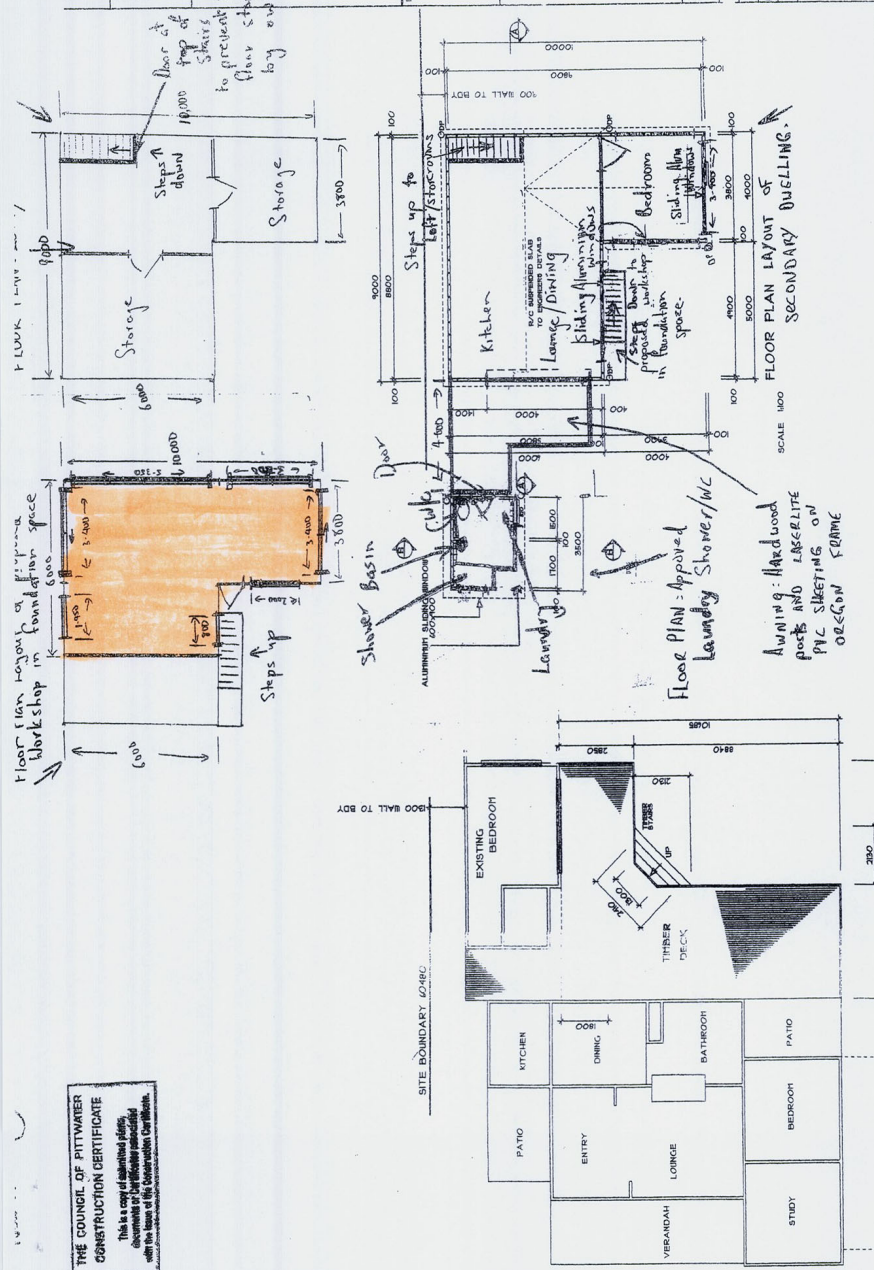
ed position of
driveway.

**THE COUNCIL OF PITTSBURGH
CONSTRUCTION CERTIFICATE**

CONSENT PLAN FOR

CONSENT PLAN
FOR
No. 9 THE AVENUE NEWPORT BEACH
FOR DAVID AND VIVIAN McLEAN
1/27/10

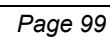
THE COUNCIL OF PITTMAN
CONSTRUCTION CERTIFICATE
This is a copy of submitted plans.
Documents or other materials
submitted to the Council of Pittman
with the plans of the Construction Certificate.



NO. 9 THE AVENUE NEWPORT BEACH
FOR DAVID AND VIVIAN McLEAN
1/27/10

PLAN AMENDED 27TH JULY 2010
To accompany a D/A to
regularise the secondary
dwelling.

New Floor Plan Layout of
Existing Dwelling
(No Alterations proposed)



C11.3	N0023/10 S82A Review Of Determination - 94 Plateau Road Bilgola Plateau - Inter-allotment Boundary Realignment
--------------	---

Meeting: Planning an Integrated Built Environment Committee **Date:** 18 April 2011

STRATEGY: Land Use and Development

ACTION: Provide an effective development assessment and determination process

PURPOSE OF REPORT

To inform the Committee of the Development Unit's recommendation following consideration of Development Application N0023/10 S82A Review of Determination - 94 Plateau Road, Bilgola Plateau (Lots 19 & 20 DP12838) Inter-allotment boundary realignment.

1.0 BACKGROUND

- 1.1 The Development Unit, at its meeting held on Thursday, 17 March 2011 considered the Development Officer's report (**Attachment 1**) for determination of Development Application N0023/10 S82A Review of Determination - 94 Plateau Road, Bilgola Plateau (Lots 19 & 20 DP12838) Inter-allotment boundary realignment.

2.0 REASON FOR REFERRAL TO COUNCIL

- 2.1 It is a policy requirement of the NSW Department of Planning to report applications involving a State Environmental Planning Policy No 1 (SEPP 1) variation to Council.

3.0 DEVELOPMENT UNIT DELIBERATIONS

- 3.1 Neither the Applicant nor an Objector was present during consideration of this matter
- 3.2 The Development Unit supported the Assessing Officer's recommendation for approval.

4.0 ISSUES

Nil

5.0 SUSTAINABILITY ASSESSMENT

- 5.1 This report does not require a Sustainability Assessment.

6.0 EXECUTIVE SUMMARY

- 6.1 The Application was considered by the Development Unit at its meeting held on Thursday 17 March 2011. The Applicant was not present and noting there were no Objectors present endorsed the Assessing Officer's recommendation for approval.

RECOMMENDATION

That the recommendation in the Development Officers Report (**Attachment 1**) be endorsed and Application N0023/10 S82A Review of Determination - 94 Plateau Road, Bilgola Plateau (Lots 19 & 20 DP12838) Inter-allotment boundary realignment be granted development consent subject to the conditions contained in the Draft Determination.

Report prepared by

Ruth Robins
DEVELOPMENT UNIT CHAIRPERSON

Warwick Lawrence
MANAGER ADMINISTRATION & GOVERNANCE

**SUBJECT: N0023/10 S82A REVIEW OF DETERMINATION - 94
PLATEAU ROAD, BILGOLA PLATEAU (Lots 19 & 20
DP12838) Inter-allotment boundary realignment**

Determination Level: Development Unit

Date: 17 March 2011

SUMMARY OF RECOMMENDATION

CONSENT WITH CONDITIONS

REPORT PREPARED BY:	Gina Hay
APPLICATION SUBMITTED ON:	21/01/2010 (S.82A lodged 19/8/2010)
APPLICATION SUBMITTED BY:	EGLINTON SUPERANNUATION FUND 64 MINKARA ROAD BAYVIEW 2104
OWNER(S):	MONTGOMERY, JOHN KENNETH (Own) MONTGOMERY, LYNETTE RUTH (Own)

1.0 DEVELOPMENT CONTROLS

The site is zoned Residential 2(a) under the provisions of the Pittwater LEP 1993. Boundary realignment is permissible with consent in this zone.

2.0 NOTIFICATIONS

10 property owners notified
No submissions received

3.0 ISSUES

- Clause 11 Pittwater LEP 1993 – Subdivision in residential zones
- B2.2 Land Subdivision - Residential Zoned Land
- C4.7 Land Subdivision - Amenity and Design

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
Development Engineer					
B3.22 Flood Hazard - Flood Category 3 - All Development			-	-	-
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			Y	Y	Y
B6.6 Off-Street Vehicle Parking Requirements - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy			Y	Y	Y
B6.9 On-Street Parking Facilities - All Development other than Dwelling Houses, Secondary Dwellings and Dual Occupancy			-	-	-
C4.1 Land Subdivision - Protection from Hazards			Y	Y	Y
C4.2 Land Subdivision - Access Driveways and Off-Street Parking Facilities			Y	Y	Y
C4.3 Land Subdivision - Transport and Traffic Management			-	-	-
Heritage					
B1.3 Heritage Conservation - General			-	-	-
Natural Resources					
B1.4 Aboriginal Heritage Significance			Y	Y	Y
B5.3 Greywater Reuse			-	-	-
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
5.3 Referral to NSW Department of Environment and Climate Change (DECC)			-	-	-

A1.7 Considerations before consent is granted		Proposal does not comply with minimum standards for lot size under the PLEP 1993.	N	Y	Y
B2.2 Land Subdivision - Residential Zoned Land	1200m ² lot area, 16m minimum lot width at building line 16 metres, and minimum lot depth 20 metres	Lot 1 – 655.9m ² , 25.47 metres wide at the building line and 29.9 metres deep. Lot 2 – 556.2 m ² , 22 metres wide at proposed building line and 25.47 metres deep	N	Y	Y
B5.3 Greywater Reuse			-	-	-
C4.7 Land Subdivision - Amenity and Design		See discussion in body of report	Y	Y	Y
C4.8 Land Subdivision - Landscaping on the Existing and proposed public road reserve frontage to subdivision lots			Y	Y	Y
Other State Environmental Planning Policies (SEPPs)			-	-	-

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

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

5.0 SITE DETAILS

The site is known as 94 Plateau Rd and has a legal description of Lots 19 & 20, DP 12838. It is located at a bend in Plateau Rd and consequently the road bounds the properties on two sides, the east and south. There are a number of existing structures on the site, the most prominent of which is a single storey red brick dwelling located towards the middle of the site, although there is a smaller weatherboard dwelling and garage on the north western corner. To the rear (west) of the site is a childcare centre and to the north is another dwelling. There are also dwellings to the east and south, across Plateau Rd. The site has a combined area of 1212.1 m², of which lot 19 is 644 m² and lot 20 is 567.8 m².

The site is currently access via two driveways. One of these is located on the northern boundary of the eastern block and leads to a carport attached to the northern side of the existing brick cottage. This would be retained on proposed Lot 1. The other is sited off the southern boundary of the site and leads to a detached double garage. This would be part of Lot 2.

6.0 PROPOSAL IN DETAIL

The application proposes a realignment of the existing boundary between Lots 19 & 20, which currently runs along the site in an east-west direction. It is proposed to realign the boundary in a north south direction, to create two square lots rather than the current rectangular. Lot 1, the eastern lot would contain the existing dwelling will have an area 655.9 m². Lot 2, the western lot, will have an area of 556.2m². The proposal will also require the removal of a section of the existing brick cottage to allow for adequate spatial separation between the dwelling and the site boundary.

7.0 BACKGROUND

The original Development Application was lodged on 21 January 2010. Additional Information was requested on 24 February 2010 regarding the awkward proposed realignment. A reply was received on 23 March 2010, however issues relating to the amenity of the site remained unresolved.

The application was refused consent on 20 July 2010 for the following reasons:

1. *The proposed lots, being 567.8m² and 644.5 m² do not meet the minimum requirement of 700 m² as stated in Clause 11(2) of the Pittwater LEP 1993. The SEPP 1 objection is not considered to be well founded due to the awkward boundary alignment proposed.*
2. *The proposal has failed to demonstrate compliance with Control C4.7 Land Subdivision - Amenity and Design. The boundary alignment reduces the opportunity for development of Lot 2 which is further exacerbated by the necessary easements for light and air, recreational purposes and gutter overhang which result from the lot boundaries being located along the wall of the dwelling on Lot 1. The proposal does not meet the outcomes of the control, in particular to achieve the desired future character of the locality and to minimise design constraints and is not considered to be orderly development.*

The current S.82A Application for Review of Determination was lodged on 19 August 2010. The application has been amended to include a proposal to demolish a sunroom at the rear of the eastern dwelling to enable a straight boundary line between the two proposed lots. The development as amended is substantially the same development as the development described in the original application.

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

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

Development standard to be varied: It is proposed to vary Clause 11(2) of the Pittwater LEP 1993, which states that the minimum area of any such lot should be not less than 700 m².

Extent of variation: The boundary realignment will create two lots, Lot 1 being 655.9 m² or 93.7% of the standard, and Lot 2 being 556.2 m² or 79.5% of the standard.

Justification of variation: The variation has been justified on the grounds that the existing lots have a similar area, with the current Lot 19 having an area of 644.3m² (or 92% of the standard) and Lot 20 having an area of 567.7m² (or 81.1% of the standard). The proposal seeks to realign the existing non-compliant lots to make two generally square lots rather than two long rectangular lots.

The applicant states that that building footprints can comply with Council's technical standards as set out in Pittwater 21 DCP, notwithstanding the undersized lots. They also state the proposal complies with the aims of Clause 11(1), which states the following:

The aim of this clause is to create more varied allotment sizes, improve residential amenity and enhance the environment in relation to which this clause applies.

It is argued that the existing two lots could be further built on (subject to development consent for the removal of all improvements on the sites). Such development, however, would have lessened residential amenity, both for occupants and neighbouring dwellings due to the width of the sites (each being less than 13 metres wide), in particular with regard to privacy, overshadowing and ability to screen plant to soften the impact of the development

The applicant states that although the proposal is non-compliant with the standard, being Clause 11(2) of PLEP 1993 it would still satisfy the relevant aims of Section 5 of the Act, which is to promote and co-ordinate the orderly and economic use and development of the land.

Comment: The application was initially refused owing to the irregular boundary between the lots, which followed the rear wall of the existing red-brick dwelling on the site and was occasioned by the desire to retain all of this dwelling on the site. This S.82A Modification to Development Consent removes a sunroom, located on the western side of the dwelling, so as to enable a straight boundary subdivision located one metre from the western wall of this house.

It is considered that the SEPP 1 objection to Development Standards is well founded. Each of the two blocks will have a potential building footprint that complies with the requirements of Pittwater 21 DCP with regard to side and rear setback, front building line, open spaces requirements and site coverage and which would enable the construction of a family home similar to others in the locality. Each site would have private open space towards the north, and subdivision would allow for greater privacy to both sites as well as the neighbour to the north, 90 Plateau Rd. The blocks would be far more usable and provide better amenity and appearance to the street than would re-development of the two blocks as currently laid out. The proposed allotments would be reasonably consistent with the predominant subdivision pattern, allotment sizes and character of the locality.

Given the circumstances of the case, being a realignment of a boundary to create two squares rather than two rectangular blocks, it is considered that strict compliance with the control is unreasonable and unnecessary and does not meet the aims of SEPP 1 - Clause 3. Development of the two blocks in their current configuration would create a worse outcome for neighbours and occupants in terms of solar access, privacy, and bulk and scale than the realignment of the boundary to create two square blocks with north facing backyards.

The SEPP 1 objection to development standard Clause 11 of the Pittwater LEP 1993 is supported. The proposal will promote the orderly and economic development of the land in accordance with Clause 5 of the Environmental Planning & Assessment Act, 1979.

Concurring authority: None

9.0 EXISTING USE RIGHTS

Does the proposal rely on Existing Use Rights? No

10.0 DISCUSSION OF ISSUES

- **Clause 11 – Pittwater LEP 1993**

The proposal does not comply with the minimum site area set out in Clause 11 of the PLEP, which mandates the minimum size of a lot in this locality to be 700m². The applicant has submitted a SEPP 1 objection to the development standard which is assessed earlier in this report.

- **B2.2 Land Subdivision - Residential Zoned Land**

The proposal is non-compliant with the minimum 1200m² area for residential subdivision under the DCP. This control was implemented to create more varied allotment sizes above the standard 700m² and is complementary to Clause 11(2) of PLEP 1993. The variation is justified on the basis of the proposal being a re-subdivision of 2 existing allotments of which the proposed configuration would remain consistent with the subdivision pattern in the area and the character of the locality.

- **C4.7 Land Subdivision - Amenity and Design**

The proposal as modified is considered to have a good level of amenity and design. As stated previously, both proposed lots allow for the erection of buildings that are compliant with the main technical standards of the Pittwater DCP. Proposed lot 2 is shown with an indicative building footprint of 228m² which complies with front, side and rear building setbacks and would allow for a standard two storey family home to be built. The application currently proposed the retention of the existing dwelling on Lot 2. Lot 1 already has a dwelling on it, and this dwelling complies in the main with requirements for setbacks, parking and open space. Were this site redeveloped as well, a compliant building of an acceptable size could be built without difficulty.

The realignment of the lots will allow for better solar access to potential dwellings on each site, as the rear yards will be north facing. It would also allow for a greater degree of privacy between the two sites, and between the sites and the neighbour to the north, as there would be a minimum 6.5 metre setback between new houses and the rear boundary on the proposed lots rather than the minimum 1 metre setback to a side boundary that exists currently. There are no significant trees within either building footprint that would impede the ability to develop the sites.

At present, each lot has a front of between 12-13 metres wide. Under the proposal, Lot 1 would have a frontage of either 15.795 metres (to southern boundary) or 17.745 metres (to eastern boundary) and Lot 2 would have a frontage of 21.375 metres. This would allow for good spatial separation between buildings on the proposed lots, which would be absent if the lots were re-developed in their current configuration.

It should be noted that both lots already have houses, in the case of Lot 1 it is a single storey red brick cottage and in the case of Lot 2 it is a small weatherboard cottage. The amenity of each of these dwellings, would not be impaired under the proposed boundary realignment. Both dwellings will continue to have adequate private open space and parking, as required under the provisions of the P21 DCP.

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, draft Pittwater 21 LEP and Pittwater 21 DCP and other relevant Council policies.

The proposal is permissible within the 2(a) zone as defined by Pittwater Local Environmental Plan 1993 and is considered to be consistent with the controls, outcomes and variations for development within the zone and locality as discussed within this report.

The proposal is non-compliant with the technical aspects of the Pittwater LEP 1993 and a SEPP 1 objection to development standards has been lodged and is considered well founded. Any new dwellings erected on either site would be able to comply with the main technical development standards in the Pittwater DCP, and would provide an attractive streetscape, notwithstanding the non-compliance with the LEP.

As such, a recommendation of consent is made.

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 N0023/10 for boundary realignment at 94 Plateau Rd, Bilgola Plateau for the reasons contained in the draft determination.

Report prepared by

Gina Hay
EXECUTIVE PLANNER

**DRAFT DETERMINATION
CONSENT NO: N0023/10
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)
NOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION**

Applicants Name and Address:
EGLINTON SUPERANNUATION FUND
64 MINKARA ROAD
BAYVIEW 2104

Being the applicant in respect of Development Application No N0023/10

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 N0023/10 for:

Inter-allotment boundary realignment

At: 94 PLATEAU ROAD, BILGOLA PLATEAU (Lot 19 DP 12838)

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;

Surveyors Ref 091004 - DSUB, dated 29/12/2009 and drawn by Ivan Victor Sterligov

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:

All works are to be carried out in accordance with the requirements of the Building Code of Australia.

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

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.

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. The applicant is to consult with Sydney Water to establish whether there are any Section 73 Compliance Certificate requirements for this proposal, under the provisions of the Sydney Water Act, 1994. A copy of any Notice of Requirements letter which may be issued by Sydney Water, is to be provided to the Private Certifying Authority with the Construction Certificate application.

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

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

2. Any proposed demolition works shall be carried out in accordance with the requirements of AS2601-2001 The Demolition of Structures.

Amongst others, precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:

1. Protection of site workers and the general public.
2. Erection of hoardings where appropriate.

3. Asbestos handling and disposal where applicable.
4. Any disused service connections shall be capped off.

Council is to be given 48 hours written notice of the destination/s of any excavation or demolition material. The disposal of refuse is to be to an approved waste disposal depot.

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.

Nil

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.

Nil

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

1. The applicant is to lodge an application for a Subdivision Certificate with Council or an accredited certifier, including copies of the subdivision plans (original plus six (6) copies). The Subdivision Certificate is to be obtained prior to lodgement of the plans with the Land Titles Office.

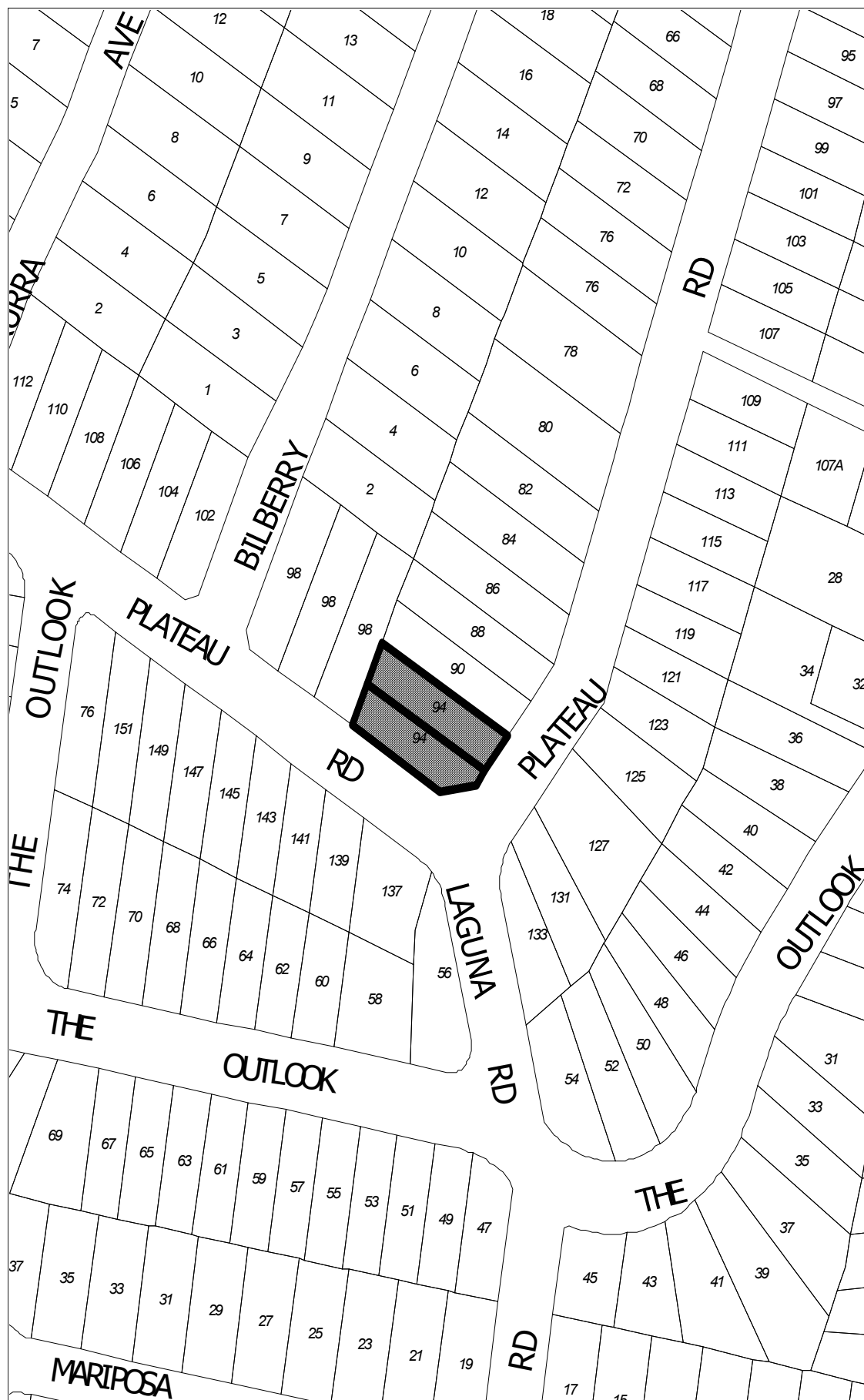
Note: In the case of Strata Subdivision Plans the Subdivision Certificate may also be issued by an accredited certifier.

2. A Section 73 Compliance Certificate issued under the provisions of the Sydney Water Act 1994 is to be provided to the Principal Certifying Authority with the Subdivision Certificate application.
3. A security deposit of a value to be determined by Council is to be made to ensure rectification of any defects during the maintenance period. A maintenance period is to apply to all works to be dedicated to Council or which will require ongoing maintenance by Council. The maintenance period will apply for six (6) months after the issue of the Subdivision Certificate. In that period the applicant will be liable for any part of the works which fail to perform in the manner required by the relevant certifications, or as would be reasonable expected under the design conditions.

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. In accordance with Section 95(1) of the Act, this consent will lapse if the development, the subject of this consent, is not commenced within 5 years after the date from which this consent operates.
3. To ascertain the date upon which the determination becomes effective, refer to Section 83 of the *Environmental Planning and Assessment Act, 1979* (as amended).
4. 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.
5. If you are dissatisfied with this decision, Section 97 of the *Environmental Planning and Assessment Act, 1979*, gives you a right of appeal to the Land and Environment Court within 12 months of the date of endorsement of this Consent.

LOCALITY MAP



NOTIFICATION PLAN

PLAN FORM 2 (42)

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

Sheet No. 0 of 0 Sheets

DRAFT
PRINTED
31 JULY 2019
ISSUE 3

SURVEYING REGULATION 2006 CLAUSE 61(2)				
NGA CO-ORDINATES				
MARK	EAST	NORTH	ZONE	CLASS/ORDER
PM 51472	000 000 000	0 000 000 000	55	B 2
PM 51491	000 000 000	0 000 000 000	55	B 2
PM 60895	344 103 832	5 276 037 375	55	B 2
SOURCE: NGA CO-ORDINATE DATA RELEASE 29/12/2009				
COMBINED SCALE FACTOR: 0.999978				

BILBERRY AVENUE
(20 115 AND VARIABLE WIDTH)

PLATEAU ROAD

LOT 1
178' 8"
108' 10"

LOT 2
558' 2" x 256' 11"

LOT 3
108' 10"

LOT 4
108' 10"

LOT 5
108' 10"

LOT 6
108' 10"

LOT 7
108' 10"

LOT 8
108' 10"

LOT 9
108' 10"

LOT 10
108' 10"

LOT 11
108' 10"

LOT 12
108' 10"

LOT 13
108' 10"

LOT 14
108' 10"

LOT 15
108' 10"

LOT 16
108' 10"

LOT 17
108' 10"

LOT 18
108' 10"

LOT 19
108' 10"

LOT 20
108' 10"

LOT 21
108' 10"

LOT 22
108' 10"

LOT 23
108' 10"

LOT 24
108' 10"

LOT 25
108' 10"

LOT 26
108' 10"

LOT 27
108' 10"

LOT 28
108' 10"

LOT 29
108' 10"

LOT 30
108' 10"

LOT 31
108' 10"

LOT 32
108' 10"

LOT 33
108' 10"

LOT 34
108' 10"

LOT 35
108' 10"

LOT 36
108' 10"

LOT 37
108' 10"

LOT 38
108' 10"

LOT 39
108' 10"

LOT 40
108' 10"

LOT 41
108' 10"

LOT 42
108' 10"

LOT 43
108' 10"

LOT 44
108' 10"

LOT 45
108' 10"

LOT 46
108' 10"

LOT 47
108' 10"

LOT 48
108' 10"

LOT 49
108' 10"

LOT 50
108' 10"

LOT 51
108' 10"

LOT 52
108' 10"

LOT 53
108' 10"

LOT 54
108' 10"

LOT 55
108' 10"

LOT 56
108' 10"

LOT 57
108' 10"

LOT 58
108' 10"

LOT 59
108' 10"

LOT 60
108' 10"

LOT 61
108' 10"

LOT 62
108' 10"

LOT 63
108' 10"

LOT 64
108' 10"

LOT 65
108' 10"

LOT 66
108' 10"

LOT 67
108' 10"

LOT 68
108' 10"

LOT 69
108' 10"

LOT 70
108' 10"

LOT 71
108' 10"

LOT 72
108' 10"

LOT 73
108' 10"

LOT 74
108' 10"

LOT 75
108' 10"

LOT 76
108' 10"

LOT 77
108' 10"

LOT 78
108' 10"

LOT 79
108' 10"

LOT 80
108' 10"

LOT 81
108' 10"

LOT 82
108' 10"

LOT 83
108' 10"

LOT 84
108' 10"

LOT 85
108' 10"

LOT 86
108' 10"

LOT 87
108' 10"

LOT 88
108' 10"

LOT 89
108' 10"

LOT 90
108' 10"

LOT 91
108' 10"

LOT 92
108' 10"

LOT 93
108' 10"

LOT 94
108' 10"

LOT 95
108' 10"

LOT 96
108' 10"

LOT 97
108' 10"

LOT 98
108' 10"

LOT 99
108' 10"

LOT 100
108' 10"

LOT 101
108' 10"

LOT 102
108' 10"

LOT 103
108' 10"

LOT 104
108' 10"

LOT 105
108' 10"

LOT 106
108' 10"

LOT 107
108' 10"

LOT 108
108' 10"

LOT 109
108' 10"

LOT 110
108' 10"

LOT 111
108' 10"

LOT 112
108' 10"

LOT 113
108' 10"

LOT 114
108' 10"

LOT 115
108' 10"

LOT 116
108' 10"

LOT 117
108' 10"

LOT 118
108' 10"

LOT 119
108' 10"

LOT 120
108' 10"

LOT 121
108' 10"

LOT 122
108' 10"

LOT 123
108' 10"

LOT 124
108' 10"

LOT 125
108' 10"

LOT 126
108' 10"

LOT 127
108' 10"

LOT 128
108' 10"

LOT 129
108' 10"

LOT 130
108' 10"

LOT 131
108' 10"

LOT 132

C11.4	R0001/10 - 23B Macpherson Street, Warriewood - Draft Pittwater LEP Amendment No. 94
--------------	--

Meeting: Planning an Integrated Built Environment Committee

Date: 18 April 2011

STRATEGY: Land Use & Development

ACTION: Coordinate land use planning component of land release

PURPOSE OF REPORT

On 15 November 2010, Council resolved to adopt the exhibited Planning Proposal to amend the *Pittwater Local Environmental Plan 1993* (Pittwater LEP) by inserting floor space requirements, and to seek the gazettal of Draft Pittwater Local Environmental Plan (Amendment No. 94) (R0001/10). The purpose of this report is to inform Council of the status of the LEP Amendment.

This report also intends to inform Council of the most recent Development Application (DA) lodged for 23B Macpherson Street, Warriewood.

1.0 BACKGROUND

- 1.1 At its meeting of 19 April 2010, Council was informed of advice from Mallesons (dated 25 March 2010) pertaining to the (inter alia) '*...opportunities of inserting into the LEP that any size over 2,222 square metres of the Focal Neighbourhood Centre is prohibited*'.

Based on the advice received from Mallesons, Council staff prepared a Planning Proposal to provide for a limited scale Focal Neighbourhood Centre at 23B Macpherson, Warriewood, in conjunction with a draft amendment to the Pittwater 21 DCP.

- 1.2 On 18 July 2010 a Gateway Determination was issued, making clear the required changes to the Planning Proposal. The Gateway Determination supported Council's intention to progress an LEP amendment to impose a floor space limitation on any retail tenancy on the site, however it agreed with only part of Council's Planning Proposal. The key issues involved:

- Removing reference to the minimum floor space requirement (855m²);
- Adding a transitional clause; and
- Retaining the existing definition of "neighbourhood shop" in the Pittwater LEP.

Councillors were advised of the requirements of the Gateway Determination in memos dated 28 June and 29 July 2010.

- 1.3 The Planning Proposal was publicly exhibited between 28 July 2010 and 26 August 2010.

The outcome of the public exhibition was reported to Council on 15 November 2010, upon which Council resolved to progress the statutory rezoning process by forwarding the Planning Proposal to the Department of Planning for drafting the amendment to the Pittwater LEP, and subsequent gazettal. This was undertaken on 24 November 2010.

2.0 DRAFT AMENDMENT TO THE PITTWATER LEP (DRAFT LEP) PREPARED BY PARLIAMENTARY COUNSEL

- 2.1 On 22 March 2011, Council received correspondence from the Department of Planning (**ATTACHMENT 1**) advising 'A final version of the draft LEP has been prepared by Parliamentary Counsel's Office...'. The draft LEP was attached, however the Department advised that:

'The draft LEP was provided to Council...on a confidential basis for the purpose of consultation under Section 59 of the Environmental Planning & Assessment Act 1979.'

- 2.2 Council's adopted Planning Proposal, submitted to the Department on 24 November 2011, reads as follows:

- a. amend Division 7A Warriewood Valley Urban Land Release, by inserting a new subclause after Clause 30B (4) as follows;

"(5) The Council must not grant consent for development on land within Warriewood Valley for the purposes of neighbourhood shops where the total combined retail floor space area is above 2,222m²."

- b. amend Schedule 11, Part 2 Zone objectives of the Warriewood Valley Urban Land Release, Zone 2(f) (Urban Purposes – Mixed Residential) to include additional objective as follows;

"(d) to provide opportunities for a focal neighbourhood centre with a limited overall retail floor space area of 2,222m² and that large individual premises exceeding 800m² (for example, large supermarkets) in Warriewood are generally not supported."

- c. insert a new clause as follows:

"If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had been exhibited but had not commenced."

- 2.3 The draft LEP is consistent with the intention of Council's adopted Planning Proposal to secure a limited scale Focal Neighbourhood Centre by inserting a maximum total floor space of 2,222m². It does not however, include the objective to limit the maximum floor space of individual retail tenancies to 800m².

- 2.4 The Department's letter of 22 March 2011 states:

'I note the view of Council Officers that the draft LEP is significantly different from the planning proposal approved for community consultation, particularly with regard to the objective relating to discouraging individual neighbourhood shops over 800sqm in size. During the drafting process, Parliamentary Counsel advised that the objective included in the Planning Proposal was too specific in relation to size to be included verbatim in the draft instrument.'

Alternative approaches to drafting the instrument were considered, however, these approaches were found to be inappropriate. The inclusion of the "800 sqm" provision as a control rather than an objective would make the LEP more restrictive than intended in the Planning Proposal.

The inclusion of words in the objective to the effect that "large individual premises are generally not supported" is also unsatisfactory because it is ambiguous and would be difficult to apply.

Planning Proposals explain the intended effect of the proposed LEP and the justification for making it. In light of the above, it is considered that the draft LEP reflects as closely as possible the intended outcome described in the planning proposal. The inclusion of objective (d) and the reference to other controls (including Council's DCP) provide further clarification of the intended land uses for the site. The definitions of "neighbourhood shop" and "restaurant" (the only permissible commercial uses on the site) provides a further mechanism for ensuring development is of a limited scale."

- 2.5 Given the difference between the draft LEP and Council's adopted Planning Proposal, Council officers advised the Department (on 31 March 2011) that they did not support the draft LEP as prepared and provided to Council on 22 March 2011.
- 2.6 Notwithstanding this, the Department advised that as consultation with Council had occurred, they would proceed to finalise the draft LEP noting that Council does not support the removal of the 800m² size provision from the objectives of the 2(f) zone.

Consultation with Council is a statutory requirement. Council's agreement or concurrence to the draft LEP however is not necessary under Section 59 of the *Environmental Planning & Assessment Act 1979* (EP&A Act).

3.0 DCP AMENDMENT TO CONTROL C6.15 (WARRIEWOOD VALLEY LAND RELEASE AREA FOCAL NEIGHBOURHOOD CENTRE)

- 3.1 At its meeting of 15 November 2010, Council also adopted an amendment to Control C6.15 of the Pittwater 21 DCP (**ATTACHMENT 2**), concurrent to adoption of the Planning Proposal.

The DCP amendment intends to ensure consistency with the adopted Planning Proposal (and the adopted *Warriewood Valley Planning Framework 2010*), and to ensure certainty relevant to the anticipated Focal Neighbourhood Centre.

The amendment to Control C6.15:

- makes it clear that only small shops and not large supermarkets are intended for the Focal Neighbourhood Centre;
- specifies the maximum floor space of any individual retail tenancy (800m²); and
- specifies 23B Macpherson Street, Warriewood as the nominated site for the anticipated Focal Neighbourhood Centre.

- 3.2 The amendment to Control C6.15 will come into force on the same date that the draft LEP comes into effect, and retains the individual tenancy criteria, notwithstanding that the LEP may not contain the 800m² criteria.

.4.0 NEW DEVELOPMENT APPLICATION (DA) FOR 23B MACPHERSON STREET, WARRIEWOOD

- 4.1 On 24 March 2011, a DA was lodged by Warriewood Properties Pty Ltd seeking to construct an Affordable Housing development on the subject site (N0085/11).

The DA is Integrated Development and comprises:

- 46 residential dwellings in the form of attached dwellings/townhouses (23 to be maintained for the purpose of affordable rental housing for 10 years);

- A Focal Neighbourhood Centre with a retail floorspace of 510m²;
- A private road, associated infrastructure and creekline corridor works; and
- Subdivision.

4.2 The estimated cost of works is \$12.4M. The DA will be determined by the Sydney East Joint Regional Planning Panel (**JRPP**). It is currently on public exhibition (2 April to 4 May 2011).

5.0 WAY FORWARD

5.1 The Department of Planning has advised that the draft LEP will proceed noting that Council does not support the removal of the 800m² tenancy size provision from the draft LEP.

Accordingly, the draft LEP will come into force once it is gazetted and notified on the NSW Legislation website.

It is recommended that Council write to the Department of Planning advising that Council seeks reinstatement of the 800m² size provision in the draft LEP.

6.0 SUSTAINABILITY ASSESSMENT

6.1 Supporting & Connecting our Community (Social)

6.1.1 Progressing the plan-making process to permit a limited scale retail facility on this site will bring to fruition development of the site as originally planned, which is supported by several studies undertaken for the Warriewood Valley Land Release and includes the relevant planning strategy for the area – the *Warriewood Valley Planning Framework 2010*.

This will not only enable the completion of Sector 8, it will also contribute to the provision for a retail facility limited to serving the daily shopping needs of, and providing a focal point/social hub for, the residents of Warriewood Valley.

6.2 Valuing & Caring for our Natural Environment (Environmental)

6.2.1 The LEP will contribute to limiting the size of any future retail development on this site, which will help to limit the scale of likely impacts of such a development, including impacts on the natural environment, and economic and social impacts in the locality.

The development opportunities that will be made possible on the subject site will seek to introduce initiatives that aim to reduce our ecological footprint and protect our biodiversity.

6.3 Enhancing our Working & Learning (Economic)

6.3.1 Progressing the plan-making process to permit a limited scale retail facility on this site will bring to fruition development of the site as originally planned, which is supported by several studies undertaken for the Warriewood Valley Release Area and includes the relevant planning strategy for the area – the *Warriewood Valley Planning Framework 2010*.

The development opportunities that will be made possible on the subject site will facilitate local business and employment opportunities.

6.4 **Leading an Effective & Collaborative Council (Governance)**

- 6.4.1 Community consultation has been undertaken as part of the process to date, and further participation will be undertaken at the development application stage to ensure that decision-making is collaborative, ethical, accountable, and transparent.

6.5 **Integrating our Built Environment (Infrastructure)**

- 6.5.1 The development opportunity being provided on this site is an integral part of the Warriewood Valley Release Area as a site that is spatially central to the built form, open space areas, including the district park, and the Warriewood Valley community.

The subject site is also easily accessible by vehicles, being located on Macpherson Street, and is linked to the pedestrian and cyclist network established for the Valley. This will enhance the viability of any future retail facility on the site and will enhance the liveability and amenity of the residents in Warriewood Valley.

7.0 **EXECUTIVE SUMMARY**

- 7.1 On 15 November 2010, Council resolved to progress the statutory rezoning process to amend the Pittwater LEP to incorporate floor space requirements relevant to the Focal Neighbourhood Centre anticipated for 23B Macpherson Street, Warriewood. The Planning Proposal was subsequently sent to the Department of Planning for drafting the amendment and for subsequent gazettal. This was undertaken on 24 November 2011.
- 7.2 On 22 March 2011, Council received correspondence from the Department of Planning (**ATTACHMENT 1**) advising '*A final version of the draft LEP has been prepared by Parliamentary Counsel's Office...*' The draft LEP is consistent with the intention of Council's adopted Planning Proposal to secure a limited scale Focal Neighbourhood Centre by inserting a maximum total floor space of 2,222m². It does not however include the objective to limit the maximum floor space of individual retail tenancies to 800m².
- 7.3 Given the difference between the draft LEP and Council's adopted Planning Proposal, Council officers advised the Department (on 31 March 2011) that they did not support the draft LEP without the 800m² requirement.
- 7.4 Notwithstanding this, the Department have advised that they would proceed to finalise the draft LEP noting Council's concerns.
- 7.5 The adopted amendment to Control C6.15 of the Pittwater 21 DCP (proceeding concurrent to the LEP amendment) will retain the individual tenancy size control and will come into force on the same date that the draft LEP comes into effect (being the date it appears on the NSW Legislation website).
- 7.6 On 24 March 2011, a DA was lodged by Warriewood Properties Pty Ltd seeking to construct an Affordable Housing development on the subject site (N0085/11). As the estimated cost of works is \$12.4M, the DA will be determined by the Sydney East Joint Regional Planning Panel (JRPP). It is currently on public exhibition (2 April to 4 May 2011).
- 7.7 It is recommended that Council write to the Department of Planning advising that the Draft LEP proposed to be gazetted does not fully reflect Council's original intentions as expressed in the adopted Planning Proposal as well as the Gateway Determination issued by the Department and seek reinstatement of the 800m² standard.

RECOMMENDATION

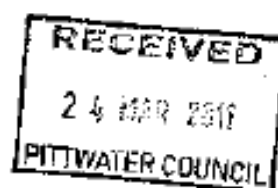
1. That the report be noted
2. That Council advise the Department of Planning that the draft LEP, as altered by the Parliamentary Counsel by removal of the 800m² size provision, is contrary to the Council's original intentions as expressed in the adopted Planning Proposal and seek reinstatement of the 800m² individual tenancy standard.

Report prepared by
Kelly Wilkinson - Senior Planner (Land Release)

Lindsay Dyce
MANAGER – PLANNING AND ASSESSMENT



Planning



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

Attention: Kelly Wilkinson

Dear Mr Ferguson

Subject: Pittwater Local Environmental Plan 1993 (Amendment No 94)

I refer to Council's letter dated 24 February 2011, and a further email on 16 March 2011, concerning the preparation of the draft Pittwater Local Environmental Plan 1993 (Am No 94) ("draft LEP").

A final version of the draft LEP has been prepared by Parliamentary Counsel's Office and is attached for your information. The draft LEP was provided to Council in an email dated 14 March 2011, on a confidential basis for the purpose of consultation under section 59 of the *Environmental Planning and Assessment Act 1979*.

I note that Council officers are intending to submit the draft plan to the Council meeting on 14 April. I would like to advise you that legal professional privilege would be waived if the draft plan is discussed in an open session of Council or appears in Council's business papers. I am also concerned that the submission of the draft plan to the Council meeting will further delay the finalisation of the plan which has now exceeded the target date of 26 January 2011, as specified in the gateway determination.

I note the view of Council officers that the draft LEP is significantly different from the planning proposal approved for community consultation, particularly with regard to the objective relating to discouraging individual neighbourhood shops over 800sqm in size. During the drafting process, Parliamentary Counsel advised that the objective included in the Planning Proposal was too specific in relation to size to be included verbatim in the draft instrument.

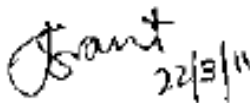
Alternative approaches to drafting the instrument were considered, however, these approaches were found to be inappropriate. The inclusion of the "800 sqm" provision as a control rather than an objective would make the LEP more restrictive than intended in the Planning Proposal. The inclusion of words in the objective to the effect that "large individual premises are generally not supported" is also unsatisfactory because it is ambiguous and would be difficult to apply.

Bridge St Office 23-33 Bridge St Sydney NSW 2000 GPO Box 39 Sydney NSW 2001 DX 22 Sydney
Telephone: (02) 9228 6111 Facsimile: (02) 9228 6101 Website planning.nsw.gov.au

Planning Proposals explain the intended effect of the proposed LEP and the justification for making it. In light of the above, it is considered that the draft LEP reflects as closely as possible the intended outcome described in the planning proposal. The inclusion of objective (d) and the reference to other controls (including Council's DCP) provide further clarification of the intended land uses for the site. The definitions of "neighbourhood shop" and "restaurant" (the only permissible commercial uses on the site) provides a further mechanism for ensuring development is of a limited scale.

The Department is proceeding to finalise the draft plan under section 59 of the *Environmental Planning and Assessment Act 1979*. Should you require any further information in relation to this matter, please contact Nathan Herborn on (02) 9228 6451 or email nathan.herborn@planning.nsw.gov.au.

Yours sincerely



Juliet Grant
Regional Director
Sydney Region East

DRAFT Pittwater 21 DCP**C6.15 Warriewood Valley Land Release Area Focal Neighbourhood Centre****Land to which this control applies**

- Land identified as being within the Warriewood Valley Land Release Area – P21 DCP-BCMDCP055

Uses to which this control applies

- Warriewood Valley Sector Development/Subdivision

Outcomes

The local convenience retail needs of the incoming population are met without disturbing the established retail hierarchy. (S)

A focal point in the Valley that links local services and facilities, including local retailing, public open space, public transport, and community facilities. (S)

Car dependency is reduced and other modes of transport encouraged. (En)

A sense of community and place. (S)

Controls

A focal neighbourhood centre is to be established on 23B Macpherson Street, Warriewood. This location is spatially central to the incoming residential population, industrial/commercial areas and school located in the Valley, and is within reasonable walking and cycling distance of most residents and employees in Warriewood Valley. Macpherson Street is also the primary vehicular and public transport route through the Valley along which medium density residential development is concentrated.

The focal neighbourhood centre is to incorporate an overall retail floor space area between 855m² and 2,222m² comprising a number of small shops or restaurants, each with an area of no greater than 800m² to meet the retail convenience needs of the incoming population (such as a small general store, post office shop, ATM, internet coffee shop etc. but not a large supermarket). The retail potential in Warriewood Valley is limited to this size to maintain the established retail hierarchy given nearby established retail/commercial centres at Mona Vale and Warriewood Square.

The focal neighbourhood centre must be linked to public transport nodes and the pedestrian and cyclist network, and if possible, to the district park and/or community facilities. This will enable the majority of residents and people employed in Warriewood Valley to walk or cycle to the local shops, public transport and services. This will also enhance the viability of the neighbourhood centre as a focal point in the Valley. Reduced dependence on the car is encouraged.

The opportunity exists for shop-top housing to be incorporated with the retail facilities within the neighbourhood centre.

Safety and security are to be considered in the design of the centre.

Carparking for the centre is to be in accordance with this DCP.

Requirements under the *Disability Discrimination Act 1992* and this DCP must also be considered in the design of the centre.

Variations

Nil.

Advisory Notes

For background information refer to

Warriewood Valley Planning Framework 2010

Hill PDA 2006 peer review assessment of Leyshon Retail Demand Assessment of Warriewood Valley (2006) *Warriewood Sector 8 Masterplan Cnr Garden and Macpherson Street, prepared for Pittwater Council*

C11.5 Update on the North Narrabeen Village Masterplan

Meeting: Planning an Integrated Built Environment Committee

Date: 18 April 2011

STRATEGY: Town & Village

ACTION: Develop and implement master plans and supplementary public domain style guides

PURPOSE OF REPORT

The purpose of the report is to provide an update on the progress and challenges to the finalisation of the North Narrabeen Village Masterplan Project.

1.0 BACKGROUND

1.1 At the meeting of 15 February 2010 Council resolved as follows:

"1. That Council defer finalisation of the North Narrabeen Village Masterplan until the adoption of the:

- *NSW Department of Planning "Draft NSW Coastal Planning Guideline: Adapting to Sea Level Rise", and*
- *Nareen Creek and the Narrabeen Lagoon Flood Risk Management Studies*

to allow consideration of the appropriate planning responses.

2. That a report be presented to Council by 30 June 2010 on the status of the deferral."

1.2 At the meeting of 21 June 2010 a report on the status of the deferral was presented and Council resolved as follows:

"1. That the information provided in the report be noted.

2. That a further status report on the North Narrabeen Village masterplan be provided to Council by 31 October 2010.

1.3 At the meeting of 18 October 2010 a report on the status of the deferral was presented and Council resolved as follows:

"1. That the information provided in the report be noted.

2. That a further status report on the North Narrabeen Village masterplan be provided to Council by 31 March 2011."

1.4 Council resolved on 8 October 2007 to prepare the North Narrabeen Village Masterplan as part of the overall investigation and planning process for the retail centres in Pittwater.

The purpose of the North Narrabeen Village Masterplan Project (the Masterplan) was to establish a holistic and integrated vision document for North Narrabeen Village Commercial Centre with the community. The Masterplan was to encompass both the private and public domain. Council commissioned urban design consultants HBO+EMTB to prepare the Masterplan. The Masterplan was to provide an urban design framework that aimed to enhance the amenity and design quality of the centre, and to support social, economic, environmental and cultural activities. The Masterplan was to respond to flooding, traffic and parking constraints.

Until both the Nareen Creek and the Narrabeen Lagoon Flood Risk Management Studies have been completed and adopted, Council is not in a position to fully understand the impacts of flood behaviour, its duration, the emergency response requirements, if flood mitigation measures can be installed, and as a result what the appropriate planning responses should be in the Masterplan study area.

The release of the NSW Department of Planning *“Draft NSW Coastal Planning Guideline: Adapting to Sea Level Rise”* provides Council with a proposed framework to address sea level rise in strategic and land use planning as well as development assessment. The planning for North Narrabeen Village and the Masterplan process needs to take stock and account for the coastal planning principles once they are finalised. Council needs sound flooding information to provide sound justification for any proposed changes as a result of the Masterplan process.

This report provides an update on the guideline and flood studies that were subject of the resolution.

2.0 ISSUES

An update of the relevant documents is provided as follows:

2.1 NSW Department of Planning *“NSW Coastal Planning Guideline: Adapting to Sea Level Rise”*

As reported at the Council meeting of 5 October 2010, the Department of Planning finalised the NSW Coastal Planning Guideline: Adapting to Sea Level Rise on the 20 August 2010. The Guideline covers the State’s 1,500 kilometre coastline.

As resolved at the meeting of 5 October 2010, the suite of NSW Coastal Planning Guidelines will be utilised by Council for the purposes of all future strategic land use planning, development assessment and flood and coastal risk assessment and management across all parts of the Pittwater Local Government Area that are likely to be affected by sea level rise

2.2 Nareen (North Narrabeen) Floodplain Risk Management Study and Plan

Completion of the Nareen Creek Floodplain Risk Management Study and Plan is dependent upon the flood modelling of the Narrabeen Lagoon Flood Study Update as the Nareen Creek catchment is a sub catchment of the Narrabeen Lagoon catchment. As previously reported, the next step for the Nareen Creek floodplain will be an updated Flood Study to be completed as part of the update to of the Narrabeen Lagoon Flood Study.

2.3 Narrabeen Lagoon Flood Study Update

A joint Warringah Council and Pittwater Council, Narrabeen Lagoon Floodplain Risk Management Working Group has now been established. The Working Group role is to advise Warringah and Pittwater Councils in the development, implementation and review of the Narrabeen Lagoon Flood Study.

An update on the progress of the Narrabeen Lagoon Flood Study was presented at the Working Group's first meeting on 17 February 2011. The minutes of that Working Group meeting were reported and noted by the Natural Environment Committee at the Council meeting on 4 April 2011. The report highlighted progress made in the selection of a consultant to update the Narrabeen Lagoon Flood Study and the estimated completion date for the Draft & Final Flood Study Report in October 2012.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

- 3.1.1 The incorporation of flooding and adopted SLR benchmarks into Council land-use planning requires informing, consulting, engaging and preparing the Pittwater community.

3.2 Valuing & Caring for our Natural Environment (Environmental)

- 3.2.1 Assessing the predicted impacts of flooding and climate change will allow for future planning of impacts on tidal ecosystems, threatened species and coastal erosion.

3.3 Enhancing our Working & Learning (Economic)

- 3.3.1 Requiring the adopted sea level rise benchmarks and flooding to be incorporated into Councils land use planning will reduce the potential risk to future development in relation to current predictions of climate change impacts.

3.4 Leading an Effective & Collaborative Council (Governance)

- 3.4.1 The implementation of current sea level rise benchmarks and incorporation into Councils hazard management planning will provide compliance with Councils obligations under the NSW Coastal Policy, NSW Flood Prone Land Policy and the Environmental Planning and Assessment Act 1979.

3.5 Integrating our Built Environment (Infrastructure)

- 3.5.1 Incorporation of flooding and the adopted benchmarks for sea level rise will allow Council to make informed decisions for the management of current and provision of future development.
-

4.0 EXECUTIVE SUMMARY

- 4.1 At the meeting of 15 February 2010, Council resolved that it was inappropriate to proceed with the Masterplan because of the current degree of planning uncertainty in light of the NSW State Government coastal planning guideline and local flood studies affecting North Narrabeen Village.
- 4.2 On 20 August 2010 the NSW Department of Planning adopted the *"NSW Coastal Planning Guideline: Adapting to Sea Level Rise"*.
- 4.3 Completing the Nareen Floodplain Risk Management Study and Plan is dependent upon the modelling of the Narrabeen Lagoon Flood Study Update as the two catchments are linked.

- 4.4 The minutes of the joint Warringah Council and Pittwater Council, Narrabeen Lagoon Floodplain Risk Management Working Group meeting of the 17 February 2011 highlighted that progress had been made in the selection of a consultant to update the Narrabeen Lagoon Flood Study and the estimated completion date for the Draft & Final Flood Study Report in October 2012.
-

RECOMMENDATION

1. That the information provided in the report be noted.
2. That a further status report on the North Narrabeen Village masterplan be provided to Council in February 2012.

Report prepared by

David Haron
Executive Strategic Planner

Lindsay Dyce
MANAGER, PLANNING AND ASSESSMENT

C11.6	Elanora Road, North Narrabeen - Future Upgrade between Wakehurst Parkway and Woorarra Avenue
--------------	---

Meeting: Planning an Integrated Built Environment Committee

Date: 18 April 2011

STRATEGY: Transport & Traffic

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

PURPOSE OF REPORT

To provide advice to Council as to the condition of the existing road infrastructure in Elanora Road (from Wakehurst Parkway to Woorarra Avenue) and future road infrastructure upgrade options.

1.0 BACKGROUND

- 1.1 At its meeting of 20 December 2010, Council, in adopting the minutes of the Traffic Committee meeting of 16 November 2010, resolved, in part:

“That a report be brought back to Council on the condition and upgrade proposals for Elanora Road, North Narrabeen.”

- 1.2 The resolution was adopted following an address by a resident to the Council in respect to their concerns over the standard of construction of Elanora Road between Wakehurst Parkway and Woorarra Avenue.

2.0 ISSUES

2.1 Road Geometry

- Elanora Road from its intersection with Wakehurst Parkway climbs 56 metres to Woorarra Avenue.
- To negotiate the steep terrain, the road has a cut and fill construction including tight hairpin bends.
- Very little can practically be done to change this road alignment and as such, road improvements are limited to achieve compatible road width within these constraints.
- Minor road widening and camber adjustments as well as edge delineation are able to be undertaken to improve safety.

2.2 Previous Elanora Road Scoping Study

- Council, in 2004, considered a report documenting the outcome of an extensive consultation process with the property owners in the section of Elanora Road between Wakehurst Parkway and Woorarra Avenue in respect to their desires for the future upgrading of this section of road.

- Their principal concern was the safety of traffic relating to the irresponsible actions of some motorists in driving at inappropriate speeds and not keeping to the left of the carriageway. They were also concerned with the volume of traffic using the road, pedestrian safety and the use of the road by trucks.
- The outcome was that the residents supported only limited upgrading of the road pavement to a minimum 6m width (with double separation lines) as they considered that more extensive works would attract higher volumes of traffic with a resultant decrease in traffic safety. It was considered impractical to consider the provision of separate pedestrian path in the foreseeable future due to the high cost of widening the road embankment, construction of retaining wall and stairs.
- The upgrading program supported by the residents in 2004 and adopted by Council was as follows:

Stage	Description	Preliminary Estimate
1	No.20 to No.30 Pavement patching, removal of temporary concrete patches in the road pavement, provision of dish drains on low side where necessary, reconstruct drainage pits, repair of edge failures and widening if necessary to 6m, resurfacing, construction of formal parallel parking areas as currently used and double separation lines on blind curves. Includes detail design of all stages	\$50,000 (Completed)
2	No.30 to bottom of top hairpin bend Raise level of pavement and adjust driveways to suit, pavement patching, repair edge failures and widening if necessary to 6m, resurfacing, double separation lines through hairpin curve	\$32,000 (Completed)
3	Adjacent to Nos.118/116 Construct retaining wall and adjust driveways to allow road pavement to be widened from 5m to 6m. Reconstruct drainage pit on high side of road approx.80m uphill from wall, provision of guardrail at the lower hairpin bend	\$50,000*
4	Reconstruct/Realign the intersection of Elanora Road and Wakehurst Parkway (minimum 8m wide) for approximately 25m from Wakehurst Parkway, including resurfacing	\$43,000*
TOTAL (2004 costs)		\$175,000

* Cost estimates to be upgraded to 2011 dollars.

2.3 Upgrading Works undertaken to date

- Council has completed Stages 1 and 2 of the program of upgrade works supported by the property owners.
- Stages 3 and 4 remain outstanding.

2.4 Condition of Existing Road Infrastructure

The condition of the various road infrastructure elements are summarised as follows:

a) Road Pavement

- Council's Pavement Maintenance System rates the existing road pavement surface a Pavement Condition Index of over 7.0 which means the road pavement is in a good condition.

- The width of the road pavement (whilst less than 6m) is greater than the minimum 5.6m width required for two traffic lanes over almost its entire length. However, it is desirable that it be widened to be a minimum 6m wide to allow wider 3m traffic lanes and the provision of double separation lines on the centreline of the carriageway
- Tyre noise is generated on hairpin curves due to steep grades and cannot be entirely eliminated.

b) Drainage

The existing limited drainage system is functioning satisfactorily. This would need to be upgraded should kerb and gutter be provided in the future.

c) Traffic Signs/Line Marking

- These are in acceptable condition and will receive maintenance attention as necessary.
- Double separation lines can only be provided when the road pavement is greater than 6m in width.

d) Guide Posts

- The existing guide posts require maintenance, which has now been programmed.
- Guard rail to replace the guide posts can only be provided if new retaining walls are constructed. To install them without this would result in existing roadway being narrowed to less than 5.6m over much of the length of the road which is insufficient for two traffic lanes.

e) Retaining Walls

- The existing unbound stone retaining walls are in generally poor condition and will need to be reconstructed in the future.
- An accurate assessment of the walls will need to be undertaken as part of a future program to assess all Council's retaining walls to determine a future prioritised asset replacement program.

f) Kerb and Gutter and Constructed Footpaths

- These do not exist at this time.

2.5 **Upgrade Proposals - 2004**

- The 2004 scoping study identified that due to the steep terrain and the high cost of road rehabilitation, future upgrades be restricted to works that improve traffic safety and facilitate the provision of a good quality road pavement surface over the full length of the road that aims to achieve a minimum 6m width. This work includes improved drainage/minor lengths of kerb and gutter, pavement construction, retaining wall construction and guard rails.
- The provision of a separate constructed pathway was not considered feasible at that time as it would only provide access for very mobile pedestrians (steep grades and steps) and would be extremely expensive.

- It was also considered that the Elanora Road/Woorarra Avenue intersection and approaches not be upgraded at that time as it is functioning reasonably safely and any work would be expensive with little real benefit.
- Therefore, it is recommended that the original 2004 Elanora Road upgrade work stages now be extended as shown in the table at 2.5 (highlighted on attached Plan – refer **Attachment 1**) noting that as the onground first two stages have been completed, the original Stages 3 and 4 will now become Stages 1 and 2.

2.6 Future Upgrade Proposals

- This report identifies for further investigation an 8 stage upgrade program for improvements to Elanora Road to a total estimated value of approximately \$2 million.
- The proposed 8 stage upgrade program is outlined in the following table:

Stage	Description	Preliminary Estimate
1	Adjacent to Nos 118/116 - Construct retaining wall and adjust driveways to allow road pavement to be widened from 5m to 6m. Reconstruct drainage pit on high side of road approx.80m uphill from wall, provision of guardrail at the lower hairpin bend	\$100,000
2	Reconstruct/redesign the intersection of Elanora Road with Wakehurst Parkway (min 8m wide) for approximately 25m from Wakehurst Parkway into Elanora Road (not on Main Road) including resurfacing	\$90,000
3	Reconstruct hairpin curve adjacent to No 14. Work to include new retaining wall, road widening to 6m min, drainage, guardrail, kerb and gutter and PP relocation	\$210,000
4	Widen road pavement to 6m between hairpin curve and No 20. Work to include new retaining wall, kerb and gutter, drainage, guardrail and PP relocation	\$240,000
5	Construct new retaining wall from hairpin curve towards Wakehurst Parkway (approximately 30m). Work includes pavement widening, guardrail, PP relocation and to allow for future provision of a footpath behind the guardrail	\$200,000
6	Construct new retaining wall from wall in Stage 5 to wall in stage 1. Work includes pavement widening to min 6m, guardrail and to allow for future provision of footpath behind the guardrail.	\$750,000
7	Widen road pavement from Wakehurst Parkway to No 118. Work includes pavement widening to min 6m, driveway adjustments, guide posts and provision for future footpath	\$200,000
8	Reconstruct retaining wall at hairpin curve near No 14	\$350,000
Total Preliminary Estimate of Cost (2011 Costs)		\$1,940,000

Note: Estimates of cost are preliminary only and not based on accurate survey/designs. These will need to be updated to detail estimates when detail designs are prepared.

2.7 Funding Constraints

- Funding is a major constraint to undertaking the full scope of this project.
- The project involves construction that would require additional funding set aside over and above current programs.
- The total current Road and Transport funding for the Pittwater LGA projected over the next 10 years is as follows:

Item	Per Annum (Average)	10 Year	Source
Local Road Rehabilitation	\$135,000	\$1,350,000	Council
Heavy Patching	\$70,000	\$700,000	Council
Retaining Wall Rehabilitation	\$47,000	\$470,000	Council
Roads to Recovery (not fully guaranteed)	\$265,000	\$2,650,000	Commonwealth
Road Rehabilitation (proposed budget)	\$909,604*	\$9,086,039	SRV**
	\$1,426,604	\$14,266,039	

* Average Annual Expenditure over 10 years (\$684,619 proposed for year 2011/2012)

** SRV – Special Rate Variation

- The overall Council spend on road rehabilitation across the whole of the LGA to aim to maintain roads to Pavement Condition 3.5 is \$900,000 plus per annum.
- Local Road Rehabilitation projects are fully committed to local road repairs over the next five years to upgrade local road pavement and kerb failures.
- Heavy Patching projects are fully committed over the full 10 years to manage local road pavement failures that occur annually and need to be managed to a high standard.
- Retaining Wall Rehabilitation is underfunded with additional funding required to repair current liabilities.
- Roads to Recovery projects are fully committed for the next 12 months; an amount of \$65,000pa could be set aside from the 2012/2013 program. The Commonwealth funded Road to Recovery is guaranteed up to 2014 while funding is not fully guaranteed for the remaining 10 year period.
- Road Rehabilitation (SRV) projects supplement the current EI Levy Program. Based on the SRV funding, say \$100,000pa could be set aside from 2016/2017.

2.8 Funding Opportunities

The identified upgrade works can be considered on a priority basis with other urgent projects in Pittwater when works programs are being prepared for inclusion in a Council Delivery Plan for a future year.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

- 3.1.1 Elanora Road provides direct access to adjoining properties and is a convenient through route to Elanora Heights.
- 3.1.2 Adjoining residents have previously expressed concern at the adverse impacts of increasing traffic and as such a reasonable balance and practical outcome needs to be achieved.
- 3.1.3 This report outlines how Elanora Road may be upgraded over time to improve the amenity and safety of motorists using the road between the Wakehurst Parkway and Woorarra Avenue.

3.2 Valuing & Caring for our Natural Environment (Environmental)

- 3.2.1 No comments applicable.

3.3 Enhancing our Working & Learning (Economic)

- 3.3.1 Total preliminary estimate of cost of the project is approximately \$2 million. This can be tackled in stages. The majority of these funds are from Council with some Commonwealth Grants.

3.4 Leading an Effective & Collaborative Council (Governance)

- 3.4.1 The list of upgrades are consistent with the findings of previous extensive consultation undertaken with the owners and residents of those properties in Elanora Road. The upgrades would need to be implemented in stages over time based on priority and availability of funds in Council's annual Delivery Plan.
- 3.4.2 Potential may exist to derive funding from the sale of adjoining lands under the Council's SPR asset for asset conversion program.

3.5 Integrating our Built Environment (Infrastructure)

- 3.5.1 The list of upgrade projects identified in the report, if constructed, would improve the local road system.
- 3.5.2 It should be noted that the road alignment is basically fixed and as such, motorists will always need to drive safely and suitably adjust to the road and prevailing conditions as appropriate.

4.0 EXECUTIVE SUMMARY

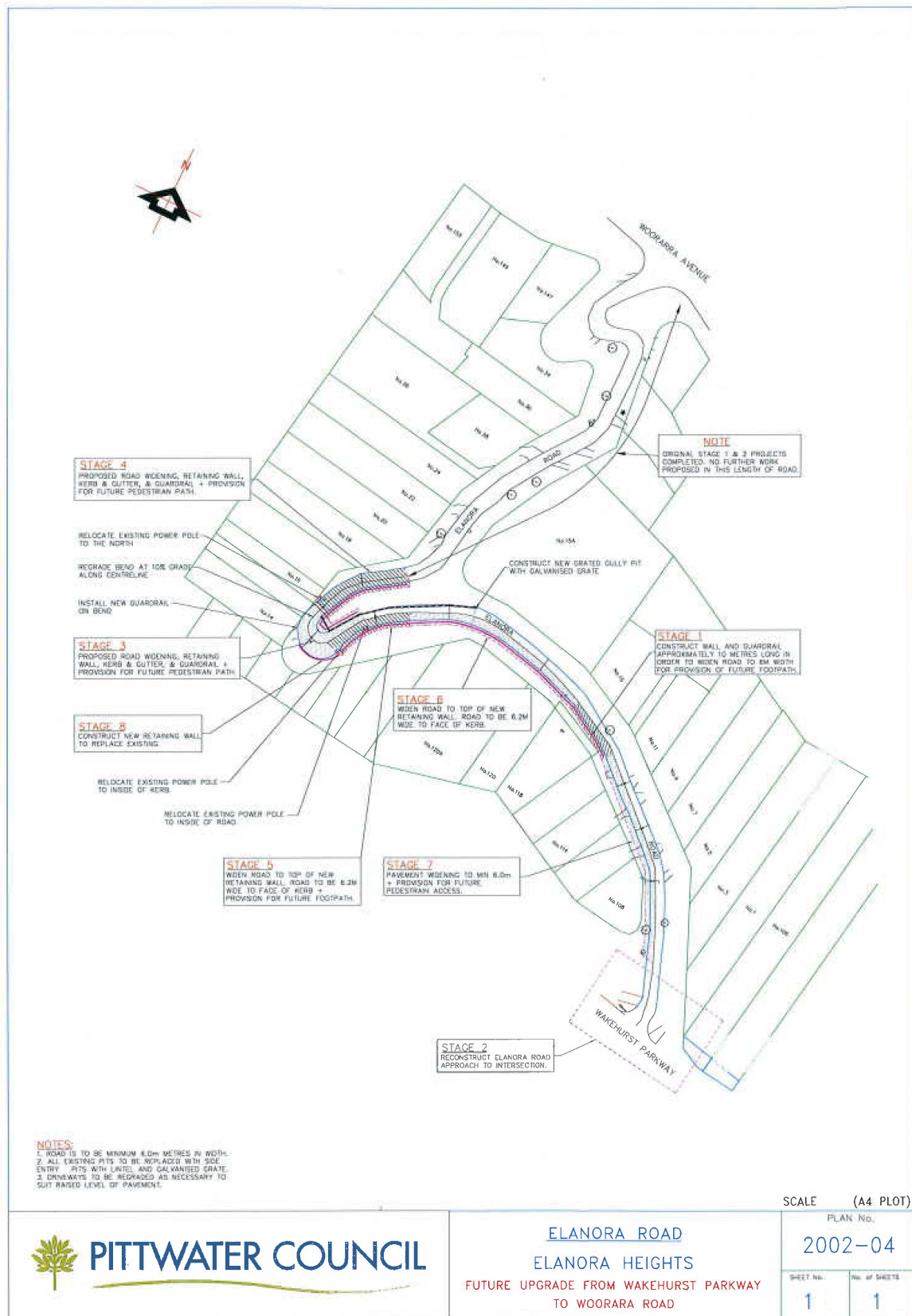
- 4.1 This report provides an overview of the current condition of the existing road infrastructure in Elanora Road (between Wakehurst parkway and Woorarra Avenue) and a revised schedule of future upgrade works to improve traffic safety and amenity consistent with desired outcomes determined via previous resident consultation.
- 4.2 The identified upgrade works can be considered on a priority basis with other urgent projects in Pittwater when works programs are being prepared for inclusion in a Council Delivery Plan for a future year.

RECOMMENDATION

1. That the report be noted.
2. That funding opportunities for further upgrades to Elanora Road be considered on a merit basis against other competing projects considered annually as part of the Council's Delivery Plan process.

Report prepared by
Paul Davies - Principal Engineer – Strategy, Investigation and Design

James Payne
MANAGER, URBAN INFRASTRUCTURE



Cad File No: \\Urban\Drawings - Current\Elanora\Elanora Road\ 2002-04_2011A.dwg Plot Date: 08 March, 2011 - 3:51 PM

C11.7	Pittwater Road and McCarrs Creek Road - Road Infrastructure Condition Assessment for Reclassified Main Road
--------------	--

Meeting:	Planning an Integrated Built Environment Committee	Date:	18 April 2011
-----------------	--	--------------	---------------

STRATEGY: **Transport & Traffic**

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

PURPOSE OF REPORT

To consider:

1. The independent Road Infrastructure Condition Assessment Report (including costings), commissioned by Council, for the section of Pittwater Road and McCarrs Creek Road reclassified from Main Road to Regional (Local Road).
2. The program of works recommended to bring the existing road infrastructure to a “fit for purpose” condition consistent with the expectations of the Pittwater community for all roads.

1.0 BACKGROUND

- 1.1 At its meeting of 15 November 2010, Council considered a report on the reclassification of Pittwater Road and McCarrs Creek Road and resolved on a course of action, including, in part, the following resolution:

“3. That Council undertake an independent assessment of the road condition as at 30 December 2010 to ascertain the asset condition and valuation of immediate maintenance works required to bring the road up to an acceptable standard over the next three to five years.”

- 1.2 Council engaged the consultant company Civil Certification Pty Ltd to undertake the condition assessment and provide a report.

- 1.3 The “*McCarrs Creek Road/Pittwater Road RTA Road Classification – Road Inventory & Condition Assessment, Executive Summary Report*” has been circulated to Councillors. This document summarises the technical report and implementation plan report (refer **Attachment 1**).

2.0 ISSUES

2.1 RTA Asset Condition Report

- The RTA has provided Council with a hard copy document.
- The document is considered to be incomplete in that it only provides an inventory of the road pavement asset, culverts/bridge and road embankment assets but not safety structures, edge restraint structures or traffic lines/signs.

- The asset condition data provided is not easily interpreted and not compatible to Council's systems.
- No maintenance cost history has been provided.
- No Life Cycle analysis provided in particular, no scheduling for the next 10 years.

2.2 Council Road Infrastructure Asset Condition Report

- Report/format
 - Study brief was as follows:
 - a) Undertake inventory survey – documentation of existing assets
 - b) Undertake condition assessment – determine current condition of assets
 - c) Upgrade requirements – determine works required for short term and long term objectives
 - d) Estimate of costs – determine cost of upgrades recommended
 - Report is presented in three parts, being:

Part 1 - *“McCarrs Creek Road/Pittwater Road RTA Road Road Reclassification – Road Inventory and Condition Assessment, Full Version Report”* (Issue 3) Civil Certification, March 2011

Part 2 - *“McCarrs Creek Road/Pittwater Road RTA Road Road Reclassification – Road Inventory and Condition Assessment, Executive Summary Report”* (Issue 1) Civil Certification, March 2011

Part 3 - *“McCarrs Creek Road/Pittwater Road RTA Road Road Reclassification – Road Inventory and Condition Assessment, Implementation Report”* (Issue 1) Civil Certification, March 2011.
- Basis of Condition Assessment
 - Assessment based on industry best practice consistent with Council's asset condition assessment standards and in comparison with other Regional roads maintained by Council (eg Powderworks Road).
 - The assessment, due to time/cost restraints, was based on a visual assessment of all assets and the data provided by the RTA. For the road pavement the standard used was the Ausroads *“A Guide to the visual assessment of Pavement Condition”* and results confirmed by an independent survey by SMEC, which undertakes the condition assessment of all Council's roads.

2.3 Report Outcomes at Time of Survey (December/January 2011)

- Upgrade Costs
 - The report concluded that extensive work was necessary to bring the existing road infrastructure of Pittwater Road and McCarrs Creek Road to an acceptable Level of Service 3 condition (ranges between Level of Service 1-New and Level of Service 5-unservicable) based on the following two criteria:

- (i) “Fit for Purpose” – minimum works required in the short term (3 to 5 years) to bring the existing road infrastructure to a condition acceptable from a safety, operational and maintenance perspective equivalent to Level of Service 3 in Council’s Asset Management System.
 - (ii) “Council Standard” – works required to upgrade these roads over the long term (greater than 10 years) to Council’s desired standard of construction for all Regional Roads in Pittwater based on AUS SPEC2 standards used by Council and explained in part 4 of the full technical version of the reports tabled. Equivalent to Level of Service 2 in Council’s Asset Management System.
- The estimated costs of works for each asset class for both of the criteria is summarised in the following table:

No	Road Asset Element	Level of Service 3 Short Term “Fit for Purpose” Upgrade cost (\$2011)	Level of Service 3 Medium-Long Term “Council Standard” Upgrade Cost (\$2011)
1.	Pavements	\$3,472,669	\$8,341,050
2.	Drainage	\$477,900	\$712,500
3.	Retaining Structures	\$361,000	\$571,900
4.	Safety Measures	\$333,275	\$412,150
5.	Edge Restraint	\$376,763	\$875,213
6.	Signage/Linemarking	\$107,070	\$177,930
	Total	\$5,128,677	\$11,090,743

Note: The upgrade estimates of cost in 2.3 are based on recommended programs of works as described in the Implementation Plan report tabled.

- Routine Annual Asset Maintenance
 - The report does not consider the ongoing costs that will be incurred by Council to maintain the assets in the future once they have been brought to the required condition to satisfy the “fit for purpose” or “Council standard” criteria.

2.4 Principal Asset Condition Report Conclusions

- The current condition of the road asset is generally poor to average and is not considered to be at a standard comparable with similar Council maintained roads;
- Extensive works are required to bring the road up to a standard that is equivalent to similar Council roads (*in terms of condition, geometry, function*);
- The short term (3-5 years) cost to upgrade the road asset to a condition that is considered “*fit for purpose*” is \$5.1 million;
- The medium/long term (*up to 10 years*) cost to upgrade the road asset to a standard comparable to similar Council roads is \$11.1 million (*ie in addition to the short term cost*);

- It would appear that the RTA reclassification of the road asset from Main Road to Regional Road has not been undertaken in accordance with RTA Policy Number PN192 *“Transfer of Assets and Asset Management Function between RTA and other Road Authorities”*. In particular a Transfer Working Party with delegates from both agencies has not been formed, minimal historical maintenance records have been made available by the RTA and there has not been any agreement on current condition.
- It is considered that substantial justification exists for the road asset to remain as a Main Road. The subject sections of Pittwater and McCarrs Creek Roads provide an important and popular tourist link to the Ku-ring-gai Chase National Park, particularly for those concurrently visiting the Northern Beaches and the Pittwater Waterway.
- The ongoing maintenance cost of the road asset is estimated to be in the order of 25-30% greater than the maintenance cost for typical Council roads. Annual maintenance cost of over \$200,000 has been estimated but would be reduced if the RTA undertakes further improvements.

2.5 Status of RTA Road Handover Process

- Current Status
 - While McCarrs Creek Road and Pittwater Road are now deemed to be Council Roads following the notification of the Minister’s decision in the Government Gazette, the RTA has agreed to maintain the road until the handover process is complete.
 - Following a meeting between Council’s General Manager and the CEO of the RTA, Council received a letter dated 4 March 2011 from the RTA advising of a revised offer of financial assistance and clarification of the length of road for which Council will be responsible.
- Length of Road
 - The RTA has advised that the total length is now 7.6km (originally 8.3km).
 - This includes the full length of Pittwater Road from Mona Vale (Barrenjoey Road intersection) to Church Point and McCarrs Creek Road from Church Point to the drainage culvert for Cicada Glen Creek (short distance to the west of the last bus turning area).
 - Upgrade work was identified as necessary in the Asset Condition Report in the length of road (700m) that has now been confirmed as being the responsibility of the RTA and so the cost estimates of the report need to be amended by the following amounts:

Fit for Purpose	-	reduce by \$1,137,512
Council Standard	-	reduce by \$ 27,276

- The current financial assistance package offered is:

First Year	\$292,000
Second Year	\$195,000
Third Year	\$97,000

TOTAL	\$584,000
--------------	------------------

- These funds can be spent on any project on this road as Council decides.
- The funding is additional to the normal annual block grant funding to councils that the RTA provides to assist councils maintain roads classified as Regional Roads, which is the new classification of these roads.

- RTA Maintenance Work since December 2010

- Apart from minor pavement patching, the RTA has recently profiled and resealed the section from Mona Street to Park Street.
- This work was identified as necessary in the Condition report and so the cost estimates of necessary upgrade works need to be amended by the following amounts, to reflect this.

Fit for Purpose - Reduce by \$310,749

Council Standard - Reduce by \$221,015

2.6 Revised Costs reflecting RTA Works

- The table of estimated costs of works from 2.3, amended to take into account the recent maintenance works undertaken by the RTA, the reduced length and showing the works the RTA funding offer would allow, is:

No	Road Asset Element	RTA Funding Offer Level of Service 4	Level of Service 3 Short Term “Fit for Purpose” Upgrade cost (\$2011)	Level of Service 3 Medium-Long Term “Council Standard” Upgrade Cost (\$2011)
1.	Pavements	\$154,000	\$2,024,408	\$8,092,759
2.	Drainage	0	\$477,900	\$712,500
3.	Retaining Structures	0	\$361,000	\$571,900
4.	Safety Measures	\$333,000	\$333,275	\$412,150
5.	Edge Restraint	0	\$376,763	\$875,213
6.	Signage/Linemarking	0	\$107,070	\$177,930
	Total	\$584,000	\$3,680,416	\$10,844,452

2.7 Council Position on Road Reclassification

The issues are summarised as follows:

- Council considers that the reclassification should not have occurred with the roads remaining classified as State Roads.
- Council does not agree with the RTA advice that *“the road assets are in a good condition and ready for a handover”*, as shown by this asset condition report.
- The RTA funding offer is insufficient and that the RTA should undertake the necessary works to bring the road to a “fit for purpose” condition before any handover was to be considered. It is considered that the RTA should have maintained the road in a good condition and not have let it deteriorate to the current poor condition.
- The RTA should retain ongoing responsibility for and provide funding for the stability of the road formation itself.
- The RTA favourably considers providing additional grant funding for works to improve safety and amenity beyond just bringing the road pavement to a “fit for purpose” condition.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

- 3.1.1 The proposal will have a longer term effect on the community should sustainable road funding not be available (and the road therefore further deteriorate in asset condition) or if funds need to be diverted from other community projects to fund the additional roadworks required.

3.2 Valuing & Caring for our Natural Environment (Environmental)

- 3.2.1 Pittwater Council already manages the landscape elements of the road reserve however there are a number of locations with potential instability that in the event of a failure of road cutting or fill could result in hillside disturbance and costly repair.
- 3.2.2 If there is insufficient funding to meet the repairs in a timely manner, this could adversely impact on the environment.

3.3 Enhancing our Working & Learning (Economic)

- 3.3.1 The imposition of another 7.6km of former State Road onto Council's Asset Management Register will significantly burden Pittwater Council's finances in the short and longer term at the expense of other community outcomes.

3.4 Leading an Effective & Collaborative Council (Governance)

- 3.4.1 Management of the handover process is critical to the sustainable incorporation of the road into Council's Asset Management protocol. There needs to be a full and transparent account of road condition, along with financial and risk implications.

3.5 Integrating our Built Environment (Infrastructure)

- 3.5.1 The subject roads are generally in a poor condition requiring substantial and costly works to bring up to a reasonable condition. Without the necessary sustainable funding from the State Government, this road network may deteriorate further. As a State Road, Council was also optimistic that it could seek financial assistance from the RTA for the Church Point Masterplan outcomes.

4.0 EXECUTIVE SUMMARY

- 4.1 Council engaged an independent consultant to prepare a Road Inventory and Condition Assessment Report for the existing road infrastructure of McCarrs Creek Road and Pittwater Road.
- 4.2 The objective of the report was to document the work and cost to raise the condition of the existing road infrastructure assets to firstly a “fit for purpose” (Level of Service 3) standard and secondly to a future “Council Standard” (Level of Service 2). This is based on the same condition standards Council uses for all other local roads in Pittwater.
- 4.3 The report found that the estimated cost to bring the existing road infrastructure to an acceptable condition in the short term (3 to 5 years) was \$3,680,000 (adjusted figure to account for recent RTA maintenance work).
- 4.4 The report found that the estimated cost to bring the road infrastructure to a “Council Standard” over the longer term (greater than 10 years) was an additional \$10,844,000 (adjusted figure to account for recent RTA maintenance work).
- 4.5 The cost of upgrading the existing road infrastructure to a “fit for purpose” condition far exceeds the funding currently offered by the RTA for this purpose, that is:
 - Additional Annual Block Grant funding of \$50,000/year (\$25,000 for roads and \$25,000 for traffic lines/signs)
 - Additional funding of \$584,000 over a three (3) year period after Council accepts responsibility for the road from the RTA.

RECOMMENDATION

1. That the Pittwater Road/McCarrs Creek Road RTA Road Reclassification report – Road Inventory & Condition assessment (2011) be noted.
2. That the RTA be advised of the report findings and of Council’s continuing objection to the handover of these roads.
3. That the RTA continue its recent road rehabilitation works to raise the standard of the remaining substandard segments of these roads to a good condition.
4. That the General Manager continue discussions with the RTA on this matter.

Report prepared by
Paul Davies – Principal Officer – Strategy, Investigation and Design

Roy Einarsen
ACTING MANAGER, URBAN INFRASTRUCTURE



PITTWATER COUNCIL

McCARRS CREEK RD/PITTWATER RD RTA ROAD RECLASSIFICATION

Road Inventory and Condition Assessment Executive Summary Report



**Issue No. 1
MARCH 2011**



PITTWATER COUNCIL

McCarrs Creek Road/Pittwater Road RTA Road Reclassification

Road Inventory and Condition Assessment Executive Summary Report

Issue No. 1 MARCH 2011

Document Amendment and Approval Record

Issue	Description of Amendment	Prepared by [date]	Verified by [date]	Approved by [date]
1	Final (Exec. Sum. Report)	Mike Shaw	Mike Shaw	Mike Shaw

Note: This document is preliminary unless it is approved by a principal of Civil Certification.

Document Reference: 009 - civ cert -mjs -21-3-11 final
mecarrs-pittwater road invent&condition assessment
(v1-exec summ report).doc

Time and Date Printed: 22/03/2011 2:21 PM

© Copyright The concepts and information in this document are the property of Civil Certification. Use of this document or passing onto others or copying, in part or in full, without the written permission of Civil certification is an infringement of copyright.

TABLE OF CONTENTS

	Page No.
1 EXECUTIVE SUMMARY	1
1.1 INTRODUCTION	1
1.2 OBJECTIVE	2
1.3 APPROACH	2
1.4 STANDARDS	2
1.5 COMPARABLE ROADS	2
1.6 LOCALITY	3
1.7 INVENTORY	4
1.8 CONDITION	5
1.8.1 Pavement Condition	6
1.8.2 Other Asset Condition	7
1.9 UPGRADE REQUIREMENTS	7
1.10 UPGRADE COSTS	8
1.11 CLIMATE CHANGE IMPLICATIONS	9
1.12 CONCLUSIONS	9
2 REFERENCES	12
FIGURES	
APPENDIX A – INVENTORY SUMMARY	
APPENDIX B – UPGRADE SUMMARY	
APPENDIX C – COST SUMMARY	

LIST OF TABLES

TABLE 1 – ESTIMATED UPGRADE COSTS (<i>SUMMARY</i>)	8
TABLE 2 – ROAD ASSET INVENTORY (<i>PAVEMENT SUMMARY</i>)	1
TABLE 3 – ROAD ASSET INVENTORY (<i>REMAINING ASSET SUMMARY</i>)	5
TABLE 4 – REQUIRED SHORT TERM UPGRADES (<i>FIT FOR PURPOSE</i>)	1
TABLE 5 – REQUIRED MEDIUM-LONG TERM UPGRADES (<i>COUNCIL STANDARD</i>)	8
TABLE 6 – REQUIRED SHORT TERM UPGRADE COSTS (<i>FIT FOR PURPOSE</i>)	1
TABLE 7 – REQUIRED MEDIUM-LONG TERM UPGRADE COSTS (<i>COUNCIL STANDARD</i>)	7

1 EXECUTIVE SUMMARY

Civil Certification (CC) have been engaged by Pittwater Council (*Council*) to undertake a detailed road inventory and condition assessment for a section of road recently reclassified by the Roads and Traffic Authority (RTA) within the Pittwater Local Government Area (LGA).

Full details of the assessment are contained in the report titled “*McCarrs Creek Road/Pittwater Road RTA Road Reclassification – Road Inventory and Condition Assessment, Full Version Report*” (Issue 3) Civil Certification, March 2011.

This current report is a cut down version of the full report which aims to provide a high level summary of the key findings of the investigation.

Overall, there are three reports associated with the Civil Certification investigation as summarised below.

1. Full Version Report (*Issue 3 – March 2011*);
2. Executive Summary Report - ie this report (*Issue 1 – March 2011*); and
3. Implementation Report (*Issue 1 – March 2011*).

For full details of the investigation or a more focused view on the recommended implementation strategy refer to reports 1 and 3 above.

1.1 INTRODUCTION

In March 2010 a section of McCarrs Creek Road/Pittwater Road was reclassified by the RTA from a main Road to a Secondary Road.

The section of road in question (*formerly RTA Main Road No. 174*) consists of two parts known as Pittwater Road and McCarrs Creek Road and runs from Barrenjoey Road at Mona Vale to the eastern entry of the Ku-ring-gai Chase National Park (*refer to Figure 1*).

It is understood that the reclassification of the road will result in a transfer of future maintenance responsibility from the RTA to Pittwater Council. As little is currently known by Council of the current composition and condition of the road asset, an independent assessment has been commissioned.

The independent assessment has been completed by Michael Shaw, a Principal of Civil Certification. Michael has over 17 years experience in civil engineering and is well versed with the standards and requirements of Pittwater Council and the RTA having undertaken numerous civil designs in the Pittwater LGA and greater Sydney over the past decade.

1.2 OBJECTIVE

The objective of this study is to provide an independent appraisal of the quantity and quality of road assets currently located within the section of McCarrs Creek / Pittwater Road that is proposed to be handed over to Council and to estimate the cost of any required upgrades.

1.3 APPROACH

The approach to this study is summarised as follows:

- Inventory Survey– Determine what and how many assets currently exist in the road corridor;
- Condition Assessment– Determine the current condition of the identified assets;
- Upgrade Requirements – Determine what works are required to meet a specified standard; and
- Cost Estimate- Determine the cost of the required upgrades.

1.4 STANDARDS

The subject road has recently been reclassified by the RTA as a secondary Road. Based on its function and traffic volumes the road class would be defined as Sub-Arterial.

To provide a benchmark for the condition assessment undertaken as part of this study, a standard of construction is required for this type of road.

It is not intended that the standard of comparison for this assessment is “*as new condition designed to modern best practice standards*” as this would result in an unrealistically high expectation. However, it is worth noting that should the subject road be constructed today to modern best practice standards, it would be in a vastly different form to its current status and at a much greater adjusted capital cost to its original capital cost.

In recognition of the fact that McCarrs Creek / Pittwater Road was constructed some time ago, two standards of comparison have been derived.

The first is a standard which would be considered to be “*fit for purpose*”. This standard is the minimum level at which the road asset is considered to be acceptable from a safety, operational and maintenance perspective. Pittwater Council considers that this standard would be required to be implemented in the short term (*ie next 3-5 years*) to minimise any exposure to undue risk.

The second standard is the typical standard expected of road assets of this class in the Pittwater LGA (*ie “Council Standard”*).

1.5 COMPARABLE ROADS

For comparison purposes, the study briefly investigated similar road types to McCarrs Creek / Pittwater Road located elsewhere in the Pittwater LGA.

A comparable Regional Sub-Arterial road that is currently maintained by Council in the Pittwater LGA is Powder Works Road, running from Garden Street North Narrabeen to Mona Vale Road, Ingleside.

Both roads have the same classification and similar annual traffic volumes. The difference is that McCarrs Creek/ Pittwater Road is currently maintained by the RTA and Powder Works Road is maintained by Pittwater Council.

Although a detailed assessment of pavement condition for Powder Works Road was not undertaken as part of this study, general observation of this road indicates that the pavement is in a much better condition than the section of McCarrs Creek/Pittwater Road proposed to handed over to Council.

As part of Council's asset management program, pavement condition is assessed Council wide on an annual basis. On average every road in the LGA is assessed at least once every 4 years. The assessment method used has been developed by SMEC and is based on the 1987 visual assessment guide by Austroads. Each road is assessed and given a score between 1-10 with what is termed the Pavement Condition Index (*PCI*). A score of 10 means that the pavement is in excellent condition and at the other end of the scale a score of 1 means that the pavement is in very poor condition and has failed.

The last *PCI* assessment for Powder Works Road was completed in 2006. At that time the average *PCI* for the full length of the Road (4.2km) was 8.43 (*Very Good to Excellent*). Since this time the condition has reduced marginally but based on observation it would still generally be considered in Good to Very Good condition (*ie a PCI of between 7-7.5*).

Note that as of October 2010 the average *PCI* for the entire Pittwater network of roads was 7.94.

For comparison the estimated average *PCI* derived for this study ranges from 5.17 (*CC*) to 5.85 (*SMEC*).

1.6 LOCALITY

The subject road is not typical for Council roads due to its mix of low lying and winding narrow steep sided sections.

Low lying sections of the road asset are regularly subjected to high tailwater levels, which not only impacts on road retaining structures but also the road pavement itself. It is considered that this conditions result in a shorter pavement lifespan and higher ongoing maintenance burden. Possible future sea level rise will only exacerbate this issue

The winding narrow steep sided sections of the road contain both steep cut and fill embankments. These embankments have a history of geotechnical stability issues. In 2009 a significant slump occurred near No. 96 McCarrs Creek Road requiring installation of a substantial Gabion retaining structure. Landslips have also been occurred in February 2009 near No. 120 McCarrs Creek Road and August 1998 at Church Point.

The RTA has identified a total of 25 cut and fill slopes along the subject stretch of road for which they have rated for risk of failure. Of these, 2 have been assessed as warranting inclusion in a risk remediation program (*ie to be treated so as to reduce risk in accordance with a priority ranking*).

1.7 INVENTORY

A detailed assessment of all RTA assets located within the road reserve for the subject section of road was undertaken as part of the study. Details of the data collection process and results are provided in the full version report. A summary of the identified assets is provided in **Appendix A**.

Only the items that were previously not under the care and control of Council were identified (*ie the assets to be transferred to Council by the RTA*). A summary of the broad categories that these assets were divided into is as follows:

- Pavement (*carriageway and shoulder*);
- Drainage (*ie pits, culverts and pipes*);
- Retaining walls, cuttings, embankments & seawalls;
- Safety (*ie guard rail, bollards, guide posts*);
- Edge Restraint (*ie kerb and gutter, dish drain etc*);
- Signage and Linemarking.

A summary of some of the key road asset elements is provided below:

- Total length of Road – 8.38km;
- Total area of carriageway pavement – 60,288m²;
- Average width of road (*carriageway*) – 7.2m;
- Minimum width of road (*carriageway*) – 5.0m;
- Maximum width of road (*carriageway*) – 12m;
- Number of drainage culverts/systems - 62;
- Number of drainage pits & headwalls/outlets - 163;
- Total length of drainage pipes/culverts – 1,425m;
- Total length of guard rail – 670m;
- Total number of timber bollards - 870;
- Total area of road related retaining walls – 400m²;
- Total area of road related seawall – 2,050m²;
- Total number of risk slopes – 25 (*RTA*);
- Total number of bridges – 1;

- Total length of kerb and gutter/dish drain (*both sides*) – 6,215m (37% of total);
- Number of roundabouts - 2;
- Number of signalised intersections - 1;
- Total number of intersections - 20;
- Total number of designated bus stops - 21;
- Number of perpendicular parking zones - 9;
- Number of parallel parking zones - 8;
- Total length of existing line marking (*edge and central*) – 13,280m;
- Total number of signs – 238;
- Total number of traffic calming facilities – 1; and
- Total number of pedestrian crossings (*incl. refuges*) - 6.

1.8 CONDITION

The condition assessment undertaken for this study was primarily based on visual observation and identified possible failures and various states of condition at the surface only. Hence, given the nature of this methodology, the assessment can only give an indication of current condition.

Overall, it is considered that adopted assessment methodology provides a good indication of the broad level of service currently afforded by the assets in question. At this early stage of discussion regards condition and considering that Council has little previous data with relation to maintenance of the asset, it is considered that this level of assessment is appropriate.

For the pavement condition assessment all work was carried out in accordance with the Austroads 1987 publication titled “*A Guide to the Visual Assessment of Pavement Condition*”.

For all other asset components, the condition assessment was based on experience in design, construction and management of these elements.

The visual condition assessment was carried out concurrently with the road inventory over the course of a 2-3 week period in December 2010/January 2011. All visual condition assessment work was undertaken by experienced Civil Certification personnel. The inspection work involved the following:

- Walking the 8.3km route a number of times;
- Driving the route;
- Marking chainages at 500m intervals;
- Measuring road widths;
- Estimating defect types;
- Estimating defect extents;

- Measurement of some major defect extents;
- Locating all asset components;
- Measuring the quantity of asset components;
- Recording conditions with photographs; and
- Deriving potential rectification measures.

A summary of the condition assessment results is provided in **Appendix A**.

Overall, the current condition of the road asset was found to be poor to average and is not considered to be at a standard comparable with similar Council maintained roads.

The contrast in condition of Council maintained roads compared with the subject RTA maintained road is evident at many of the intersections along the route. Perhaps the most significant of these contrasts is illustrated at the intersection of Pittwater Road and Mona Street. Both roads have significant traffic volumes. Both roads have approximately the same carriageway width. Both roads are located in a similar environment. The primary difference is that one is maintained by Council and is in very good condition (*ie Mona Street*), whilst the other is maintained by the RTA (*ie Pittwater Road*) and is in very poor condition.

1.8.1 Pavement Condition

Pavement condition was assessed by two independent methods. A preliminary assessment was completed by SMEC, utilising the same protocol adopted elsewhere throughout the Pittwater LGA and a more detailed visual assessment was undertaken by Civil Certification.

The results of the SMEC assessment are summarised below:

- *"The SMEC PCI is a single figure used to describe the condition of the pavement based on a formula that considers all of the different types of distresses";*
- *"Based on the recent survey information, the average area weighted PCI for both roads is 5.85. This can be divided into McCarrs Creek Road having an average PCI of 6.71 and Pittwater Road with an average PCI of 5.36. Please note that the average PCI for the Pittwater network in the October 2010 statistics survey is 7.94"*
- *"Based on this analysis both roads contain segments that are below the Councils average PCI indicating some segments are in poor to very poor condition";*
- *"The PMS analysis indicates that a sum of \$2,903,402 will be required by Council, over a 5 year period, to bring the road up to an acceptable condition....."*

For the visual pavement condition assessment undertaken by CC, the section of road in question was broken into areas of homogeneous condition.

Overall, the road was broken into 28 segments. Each segment was visually inspected, defect types recorded and the approximate area of failure measured.

Overall, the section of road pavement under assessment was found to fall well behind the average condition of the overall Pittwater network. The average PCI score for McCarrs Creek Road/Pittwater Road was calculated to be 5.17, whilst the October 2010 average score for the entire Pittwater network was 7.94.

The average was dragged higher due to the relatively good middle section of the subject road, which is substantially better than the condition of pavement at either end of the study road length. Scores for the poorer sections of road at either end of the study road length were generally between 1 to 4 (*rated very poor to poor*).

An illustration of the pavement condition assessment results is provided in **Figures 2 to 19**.

1.8.2 Other Asset Condition

The remaining assets (*ie drainage, retaining structures, safety measures, edge restraint and signage line marking*) were assigned a simplified condition rating based on inspection.

The existing drainage assets were found to be in average to poor condition. Many of the systems are outdated, undersized and blocked. Some of the drainage assets, particularly along the McCarrs Creek section of road are not considered to be of a standard suitable for the current residential application and are contributing to higher maintenance costs and poor levels of safety.

The identified existing retaining structures were found to be in average to good condition. Note that the retaining structure assessment was preliminary only and based on visual assessment. It does not include consideration of structural analysis and/or field testing.

The existing safety measures (*ie guard rail, bollards, guide posts*) were found to be in poor condition.

The existing edge restraint was found to be in poor to average condition.

The existing signage was generally found to be in good condition, however much of the existing line marking was faded and will require replacement in the short term.

1.9 UPGRADE REQUIREMENTS

Based on a comparison with the standards and the current condition of the road assets a number of upgrade requirements were developed.

Upgrades were broken into two categories as follows:

- Upgrades required to meet the “*fit for purpose standard*”; and
- Upgrades required to meet “*Councils standard*”.

As the “*fit for purpose*” upgrades are considered by Council as the minimum possible standard required from a safety, operational and maintenance perspective it is considered that these works are required to be undertaken as soon as possible (*ie in the short term over the next 3-5 years*).

Whilst ultimately critical to Council, but in recognition of the vast extent of works required, it is considered that the “*Council Standard*” upgrades would be more appropriate to implement progressively over the medium to long term (*ie > 10 years*).

A summary of the required upgrades are contained in **Appendix B**.

Overall there is considerable work required, particularly with respect to road pavement, to bring the road asset up to a standard that is considered “*fit for purpose*” and more work again over a longer timeframe to achieve “*Council’s Standard*”.

Note that the list of upgrades summarised in **Appendix B** is not exhaustive and is based on a preliminary assessment only. It is anticipated that as sections of the road are investigated in more detail (*ie including physical testing/sampling and closer engineering scrutiny*) that further upgrades may be identified and others may in fact prove to be less critical. It is recommended that further detailed studies be undertaken in the future to determine in more detail the full extent of required upgrade works.

1.10 UPGRADE COSTS

A detailed cost estimate was completed for both the upgrades required in the short term (*ie next 3-5 years*) to bring the road up to a standard that is “*fit for purpose*” as well as the medium to long term costs (*ie > 10 years*) to ultimately bring the road in line with Councils standard and the communities expectations.

A summary of the estimated costs is provided in **Table 1**. A detailed breakdown of the estimated costs is provided in **Appendix C**.

Table 1 – Estimated Upgrade Costs (Summary)

No.	Road Asset Element	Short Term “Fit For Purpose” Upgrade Cost (\$2011)	Medium-Long Term “Council Standard” Upgrade Cost (\$2011)*
1	Pavements	\$3,472,669	\$8,341,050
2	Drainage	\$477,900	\$712,500
3	Retaining Structures	\$361,000	\$571,900
4	Safety Measures	\$333,275	\$412,150
5	Edge Restraint	\$376,763	\$875,213
6	Signage/Linemarking	\$107,070	\$177,930
	Total	\$5,128,677	\$11,090,743

Note: * In addition to short term costs.

1.11 CLIMATE CHANGE IMPLICATIONS

Climate change is likely to have a particular impact on McCarrs Creek Road/Pittwater Road due to its low lying nature and direct proximity to a large receiving water connected to the ocean (*ie Pittwater*).

Most notably predicted sea level rise will result in many sections of the road being inundated more often. However, even small rises in the tidal level of Pittwater that do not inundate the road will still have a marked impact on pavement condition and the frequency of required maintenance due to increased saturation of the pavement layers beneath the road surface.

Predicted increases in rainfall intensities will also reduce the effectiveness of the already low capacity culverts draining the cut side of the road, resulting in an increased frequency of overflow across the road.

1.12 CONCLUSIONS

The conclusions from this study are summarised as follows:

- The road asset proposed to be handed over to Council is approximately 8.38km long, has an estimated pavement surface area of 60,288m², 62 drainage culverts/systems, 163 drainage pits & headwalls/outlets, 670m of guard rail, 870 timber bollards, 2,450m² of road related seawall/retaining structures, 25 RTA identified risk slopes, 1 bridge, 6215m of kerb and gutter/dish drain, 2 roundabouts, 1 signalised intersection, 13,280m of linemarking and 238 signs;
- The current condition of the road asset is generally poor to average and is not considered to be at a standard comparable with similar Council maintained roads;
- The road does not currently meet Council's standard of construction for Sub Arterial Roads;
- It is evident that the level of ongoing maintenance of the road asset has been low compared with nearby Council roads;
- Significant works would be required in the short term (*ie the next 3-5 years*) to bring the road up to a standard that is "*fit for purpose*";
- Extensive works would ultimately be required to bring the road up to a standard that is equivalent to similar Council roads (*in terms of condition, geometry and function*);
- The road asset is not typical for Council roads due to its mix of low lying and winding narrow steep sided sections. This unique nature results in a higher than usual maintenance burden;
- Overall the existing road pavement of the section in question is rated poor to average. There is a central component of the road that is generally good, however this is weighed down on average by the poor sections of road at either end of the 8.3km stretch;

- The assessed pavement condition index (*ie PCI which is an indicator of overall pavement condition*) for the subject road is between 5.17 and 5.85. As of October 2010 the average PCI for the entire Pittwater network of roads was 7.94. For comparison, the other major Sub-Arterial Road in Pittwater(*ie maintained by Council*) is estimated to have a PCI of between 7 and 7.5. A PCI score of 10 is considered excellent, whilst a score of 1 is very poor;
- There is a moderate correlation between pavement condition and the proximity to low lying areas of the road;
- The condition of the low side of the road (*ie fill side*) is generally in worst condition than the high side (*ie cut side*);
- The existing stormwater drainage components of the road asset, particularly within the McCarrs Creek section of the road are generally not constructed to a standard that is acceptable to Council or in accordance with modern best practice. These drainage deficiencies not only contribute to nuisance flooding but also contribute to early deterioration of road condition, provide a hazard to road users and increase geotechnical risk;
- Low lying sections of the road asset are regularly subjected to high tailwater levels, which not only impacts on road retaining structures but also the road pavement itself. It is considered that this conditions result in a shorter pavement lifespan and higher ongoing maintenance burden. Possible future sea level rise will only exacerbate this issue;
- The existing road related retaining structures/seawalls are generally in average condition, however it is difficult to accurately ascertain condition by observation only;
- The existing safety related measures are considered to be average to poor, with a distinct lack of guard rail on some sections of road and/or guard rail that does not meet best practice requirements. A large quantity of ageing timber bollards have been placed along the route, many of which are decaying and are in need of replacement;
- There is a distinct lack of pavement edge restraint along the length of the subject road with only 37% of the pavement perimeter protected by either kerb and gutter or dish drain. Much of the edge restraint that does exist is in poor condition, particularly along the McCarrs Creek section of the road.
- The existing linemarking along the subject road is fading and incomplete. Whilst central linemarking generally exists for the entire length, only approximately 30% of the required edge lime marking exists;
- There is a distinct lack of suitable pedestrian and cyclist facilities along this stretch of road. Observation during the study period (*Dec2010/Jan2011*) revealed a considerable volume of cyclist traffic. RTA records show a high frequency of pedal cyclist related crashes/injuries on this section of road;
- A number of identified and possible future slope stability risk sites exist along the length of the road asset. Little is currently known by Council of their potential to endanger the road, its users and nearby residences;

C11.8	Minutes of the Pittwater Traffic Committee Meeting held electronically on 29 March 2011
--------------	--

Meeting: Planning an Integrated Built Environment Committee

Date: 18 April 2011

STRATEGY: Traffic and Transport

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

PURPOSE OF REPORT

To present to Council for consideration, the Traffic Committee Minutes of 29 March 2011.

1.0 BACKGROUND

- 1.1 The Traffic Committee recommendations for the Traffic Committee meeting (held electronically) of 29 March 2011 (refer **Attachment 1**) are referred to Council for consideration. In accordance with the delegation of the Roads and Traffic Authority of NSW to Council, Council must consider the advice of the Traffic Committee before making a decision with respect to the management of traffic in Pittwater.

2.0 ISSUES

2.1 Item 1: Central Road, Avalon – Work Zone

Provision to facilitate construction of development so as to minimise inconvenience to residents.

2.2 Item 2: Bungan Street, Mona Vale – Work Zone

Provision to facilitate construction of development to minimise impacts on commercial centre.

3.0 SUSTAINABILITY ASSESSMENT

A sustainability assessment is not required for Minutes of Meetings.

4.0 EXECUTIVE SUMMARY

- 4.1 To present to Council the recommendations of the Traffic Committee contained in the Minutes of the electronic meeting of 29 March 2011 for Council's consideration.

RECOMMENDATION

That the Traffic Committee recommendations contained in the Minutes of the Electronic Meeting of 29 March 2011 (**Attachment 1**) be adopted.

Report prepared by
Paul Davies – Principal Engineer – Strategy, Investigation and Design

James Payne
MANAGER, URBAN INFRASTRUCTURE

Minutes

Pittwater Traffic Committee Electronic Meeting

Held in the Ground Floor Meeting Room at Boondah Depot,
1 Boondah Road, Warriewood on

29 March 2011



Attendance:

Voting Members of the Committee:

Cr Julie Hegarty, Chairperson
Mr Rob Stokes, Member for Pittwater
Mr Jeff Begley, Roads & Traffic Authority
Mr Janarthanan Jegathesan, Roads & Traffic Authority
Sgt Rob Jenkins, NSW Police Service – Northern Beaches
Sgt Charles Buttrose, NSW Police Service – Northern Beaches

Council Staff:

Mr Paul Davies, Principal Engineer, Roads Traffic & UI Operations
Ms Michelle Carter, Road Safety Officer
Ms Sherryn McPherson, Corporate Administration Officer (Minute Taker)

Pittwater Traffic Committee Meeting

TABLE OF CONTENTS

Item No	Item	Page No
1.0	Apologies	4
2.0	Declarations of Pecuniary Interest - Nil	4
3.0	Confirmation of Minutes	4
4.0	Committee Business	4
TC4.1	Bungan Street, Mona Vale - Work Zone	4
TC4.2	Central Road, Avalon - Work Zone	4
5.0	General Business	4
6.0	Next Meeting - 14 June 2011	5

1.0 Apologies

Apologies were received and accepted from non voting members: Mr Phillip Watt (Forest Coaches) and Mr Dominique Larosa (State Transit Authority), and leave of absence was granted from the Traffic Meeting held on 29 March 2011.

2.0 Declarations of Pecuniary Interest - Nil

3.0 Confirmation of Minutes

COMMITTEE RECOMMENDATION

The Minutes of the Traffic Committee Meeting held on 15 February 2011, will be confirmed as a true and accurate record at the 14 June 2011 meeting.

4.0 Committee Business

TC4.1 Bungan Street, Mona Vale - Work Zone

COMMITTEE RECOMMENDATION

It was agreed by all voting members that the Traffic Committee supports the request for an 8m long (3 parking spaces) 'Work Zone' adjacent to No 8 Bungan Street, Mona Vale between 23 May and 23 August 2011, to apply between 7am to 5pm Weekdays and 7am to 12 noon Saturdays.

TC4.2 Central Road, Avalon - Work Zone

COMMITTEE RECOMMENDATION

It was agreed by all voting members that the Traffic Committee supports the request for a 20m long 'Work Zone' adjacent to No 15/16 Central Road, Avalon between 18 April and 14 October 2011, to apply between 7am to 5pm Weekdays and 7am to 3pm Saturdays.

5.0 General Business - Nil

6.0 Next Meeting

COMMITTEE RECOMMENDATION

That the next meeting of the Traffic Committee will be held on 14 June 2011 at Level 3 / 5 Vuko Place, Warriewood commencing at 1.00pm.

C11.9	Minutes of the Planning an Integrated Built Environment Reference Group Meeting held on 16 February 2011
--------------	---

Meeting: Planning an Integrated Built Environment Committee

Date: 18 April 2011

STRATEGY: Business Management

ACTION: Maintain and Service Council's Range of Committees

PURPOSE OF REPORT

To present to Council for consideration, the Planning an Integrated Built Environment Reference Group Minutes of 16 February 2011.

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 – Barrenjoey Road, Avalon – Concept Gateway / Pedestrian Facility

- That Council consider appointing an appropriate consultant to review the report to the Council Meeting.

Staff Comment

This matter will be further considered as part of the Avalon Village Masterplan process. Council encourages pedestrians to cross at the existing traffic signals on Barrenjoey Road already established for that purpose.

2.2 PIBE4.2 – Land Use Planning Strategy

2.3 PIBE4.3 – Master Plans and Future Directions of Village Centres

2.4 PIBE4.4 – Sustainability Guidelines and Checklist Marketing Plan

- The Reference Group commended Greg Roberts and Jo Tulau for their efforts
- Draft Marketing document be distributed and be discussed in the next Reference Group.

2.5 PIBE4.5 – Special Rate Variation Update

2.6 PIBE4.6 – Update on Recruitment for Reference Groups

2.7 PIBE4.7 – SHOROC Presentation – Shaping Our Future (Regional Directions Report)

- The Reference Group thanked Ben Taylor for his presentation.
- The Reference Group would like to be kept up to date with the Bus Rapid Transport upgrade proposal. The Reference Group would also like an update on the PDA Study (previous study was completed in 2008) as Step 2 going forward (referred to in presentation) as 2 elements of future planning are around liveability and sustainability.
- The Reference Group would like SHOROC to continue to advocate that a level 5 hospital will be created with access to Ambulance Services, and Mona Vale Hospital be maintained as a fully resourced and complimentary Hospital

3.0 SUSTAINABILITY ASSESSMENT

This report does not require a sustainability assessment.

4.0 EXECUTIVE SUMMARY

- 4.1 To present to Council the Reference Points of the Planning an Integrated Built Environment Reference group contained in the minutes of the meeting of 16 February 2011.

RECOMMENDATION

That the Minutes of the Planning an Integrated Built Environment Reference Group meeting of 16 February 2011 (**see Attachment 1**) be noted.

Report prepared by

Steve Evans
DIRECTOR, ENVIRONMENTAL PLANNING & COMMUNITY

Minutes

Planning an Integrated Built Environment Reference Group

Notice is hereby given that a Planning an Integrated Built Environment Reference Group meeting of Pittwater Council will be held in the Training Room at the Coastal Environment Centre, Lake Park Road, Narrabeen on

16 February 2011

Commencing at 4:15pm

Steve Evans
DIRECTOR, ENVIRONMENTAL
PLANNING & COMMUNITY



In Attendance:

Cr Bob Dunbar, Chairperson

the following Community Group Members:

Avalon Preservation Association, Mr Peter Mayman
Bayview – Church Point Residents Association Inc., Mr Frank Makin
Clareville and Bilgola Residents Association, Mr Ray Mills
Friends of Narrabeen Lagoon Catchment, Ms Jacqui Marlow
Ingleside Residents Landcare Group Inc, Mr David Palmer
Newport Residents Association, Ms Selena Webber
Newport Residents Association, Ms Susan Young
Palm Beach and Whale Beach Association, Ms Merinda Rose
Scotland Island Residents Association, Mr Greg Roberts
Warriewood Valley Rezoning Association Inc., Mr Richard McIntyre

and the following Council Advisors

Mr Steve Evans, Director, Environmental Planning & Community
Mr Paul Davies. Principal Engineer, Strategy, Investigation & Design
Mr Mark Eriksson, Principal Officer Landscape Architect
Mr Andrew Pigott, Principal Strategic Planner
Ms Monique Tite, Strategic Planner
Ms Joanne Tulau, Senior Natural Resources Officer
Ms Jane Mulroney, Community Engagement Officer – Corporate Strategy
Ms Sherryn McPherson, Administration Officer/Minute Secretary

Planning an Integrated Built Environment Committee Meeting

TABLE OF CONTENTS

Item No	Item	Page No
1.0	Apologies	4
2.0	Declarations of Pecuniary Interest	4
3.0	Confirmation of Minutes	4
4.0	Discussion Topics	4
PIBE4.1	Barrenjoey Road, Avalon - Concept Gateway/Pedestrian Facility	5
PIBE4.2	Land Use Planning Strategy	6
PIBE4.3	Master Plans and Future Directions of Village Centres	7
PIBE4.4	Sustainability Guidelines and Checklist Marketing Plan	8
PIBE4.5	Special Rate Variation Update	8
PIBE4.6	Update on Recruitment for Reference Groups	9
PIBE4.7	SHOROC PowerPoint Presentation – Shaping Our Future (Regional Directors Report)	9
5.0	Emerging Buisness	11
6.0	Next Meeting	11

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

1.0 Apologies

Notes:

1. Apologies were received from Mr Stephen Richmond (Church Point Residents Association), Lesley Stephens (West Pittwater Community Association), Mr Michael Wiener (West Pittwater Community Association), Ms Linda Haefeli (Climate Action Pittwater), Geoff Sheppard (Clareville and Bilgola Residents Association) and leave of absence was granted from the Planning an Integrated Built Environment Committee Reference Group Meeting held on 16 February 2011.
 2. The Reference Group members accepted the apologies.
-

2.0 Declarations of Pecuniary Interest - Nil

3.0 Confirmation of Minutes

REFERENCE GROUP RECOMMENDATION

That the Minutes of the Planning an Integrated Built Environment Committee Reference Group Meeting held on 16 February 2011 be confirmed as a true and accurate record of that meeting.

(Mr Richard McIntyre / Mr Peter Mayman)

4.0 Discussion Topics

Proceedings in Brief

Paul Davies addressed the meeting on this item.

MATTERS ARISING FROM THE DISCUSSION:

Q: Is the RTA able to consider putting in an extra set of Traffic Lights with a Pedestrian crossing? Would it be beneficial for this item to be referred to the next Traffic Committee meeting for further action?

A: If traffic lights were to be installed it would be Council's responsibility to organise and cover the costs which would unlikely be supported by RTA. Council can consider raising fencing in the area which would be unattractive.

The Traffic Committee could present a report at the next meeting however the Representative who attends the meeting can note the request however he can not make a decision at the meeting. Council letters could be submitted to the RTA to seek further assistance.

It is also an option for Council to consider hiring an Independent Engineer / Independent Consultant to create a proposal, submit to RTA for a response and negotiate an outcome

Q: Can we make the traffic lights at Avalon Pde a "scramble" crossing for pedestrians extended to the current car park entrance or look at closing off the existing entry at Barrenjoey Road and encourage people to go to alternate entries to the Avalon Surf Club?

A: Any changes to the location of the entrance to the car park in Barrenjoey Rd (may or may not close existing entrance) that retains the ability for northbound traffic to enter via a break in the traffic island would also require RTA approval.

Closure of existing carpark entrance off Barrenjoey Rd and creation of an alternate one in Surfside Rd would not require RTA approval

Reference Point

The Group recommended that Council consider appointing an appropriate consultant to review the problems of pedestrian safety from crossing Barrenjoey Road to the Avalon Beach Reserve and report to the Council Meeting.

(Peter Mayman / Frank Makin)

Proceedings in Brief

Mr Andrew Pigott Principal Officer, Strategic Planning) addressed the meeting on this item.

A copy of the Land Use Planning Strategy PowerPoint presentation is attached to the Minutes (Attachment 2)

MATTERS ARISING FROM THE DISCUSSION:

Q: Would a change in Government affect this plan?

A: Sub region numbers is light in terms of housing numbers if you compare to other sub regions. If there is a change of Government the numbers may only change slightly but in recent times have remained consistent. The math formula will remain unchanged but the distribution may change slightly.

Q: The schools have increased in numbers in the area for example Avalon and Newport Public Schools have increased by over 1000 children with the area classed as highest in the state. There has been a major increase of children in the area which was not shown in the last census and Are we able to create more schools?

A: The next census is in August 2011 which will help show the new numbers in regards to children. There has been a spike in births due to the introduction of the Baby Bonus.

School Numbers are followed by Department of Education, in terms of council position Ingleside maybe considered as a location for another school but we are lacking in space for additional schools in other areas.

Q: When they build the hospital in Frenchs Forrest, will they resume land including Forest High and if so, how will they compensate for this?

A: Information regarding the resumption of Forest High is, at this stage, unclear. Details will be forthcoming as the Department of Planning process for the making of the Specialised Centre progresses. We will continue to liaise with the Department of Planning and when these details become available we will advise the PIBE Reference Group.

Q: Is there any further information available for the new strategy for Ingleside in the new Metro Plan?

A: No, the Northeast Subregional Strategy is expected to build 4600 dwellings excluding Ingleside. The revised Metro Plan has a notional figure of approx 4600 dwellings to be built in Ingleside.

Q: SHOROC shows Ingleside as a major residential area, has council accepted/approved this?

A: The area is being reviewed but still unsure on how to develop at this point. Council will be the first to be informed if anything does happen. The Department will push for the area to be developed.

Q: As rezoning of the Ingleside area numbers decrease, does this mean pressure will be placed on all the other areas?

A: Warriewoods numbers are increasing which is taking the pressure off other areas being rezoned. Ingleside again is a separate area at this point. The plan originally was 17000 + Ingleside and is now 29000 including Ingleside. Southside of Mona Vale is going to be a lot easier to develop than the northside.

To develop areas such as the north side of Mona Vale road and Ingleside will be at a high cost to the Government. We need to be careful as once we create the land release we have to commit to it not retract it.

Q: As Ingleside gets developed, can we allocate this as a leading edge sustainability area?

A: Policies will be driven by the Department to encourage sustainability. Good quality developments are being built and land releases will be created in accordance a high level of sustainability and livability issues.

Q: Are there any developments in an area which focus around sustainability?

A: Rouse Hill Commercial Centre is a good place to visit regarding sustainability areas. The Green Buildings Australia website is an excellent reference site for sustainability areas and developments.

Q: Discussed in the Natural Environment meeting was the Cycleway network, will this be considered with the upgrade to Wakehurst Parkway upgrade?

A: Yes we will be pushing for it. In the future, we are planning to build pedestrian links encouraging people to walk / cycle rather than drive.

PIBE4.3 Master Plans and Future Directions of Village Centres

Proceedings in Brief

Mark Erikson (Principal Officer, Landscape Architect) addressed the meeting on this item.

A copy of the Newport Mainstreet Landscape Concept Plan presentation is attached to the minutes (Appendix 1).

MATTERS ARISING FROM THE DISCUSSION:

Avalon

In the future to encourage shop top housing we need to organize for the community to talk to one another as Avalon consists of lots of skinny blocks which we can not build on.

Council will be replacing 6 trees at Avalon next year with new Paperbark Gums in planter boxes to prevent damage to infrastructure and easy to maintain.

The carpark at the front of Woolworths is to be expanded. The proposal is to pave the road, have no gutters and rolled kerbs.

South Avalon plan of management is proposing to create a new walkway through the pathway to the bus stop at South Avalon Beach Reserve.

Avalon Parade has different road patterns than the surrounding areas and Council is proposing to pave more sections which will be easier to close off roads for special functions and parades.

The bus stop on Avalon Parade is being considered on being moved back for safety purposes.

North Narrabeen

North Narrabeen is hard to prepare further future development plans until the Narrabeen Floodplain Lagoon Study is complete.

Elanora

The Council's is currently receiving a number of development applications to be considered for approval.

Council is looking into putting an island in the middle of Kalang Road. Trees may be included into the island and the community is being consulted in regards to the types of trees to be planted for shade and sustainability reasons and also incorporating the look of trees shaping roads.

PIBE4.4 Sustainability Guidelines and Checklist Marketing Plan

Proceedings in Brief

Ms Jo Tulau (Senior Natural Resources Officer) and Mr Greg Roberts (Scotland Island Residents Association) addressed the meeting on this item.

REFERENCE POINT

1. The reference group commended Greg and Jo for there efforts, and
2. Draft Marketing document be distributed and be discussed in the next reference group.

PIBE4.5 Special Rate Variation Update

Proceedings in Brief

Mr Steve Evans (Director, Environmental Planning & Community) addressed the meeting on this item.

MATTERS ARISING FROM THE DISCUSSION:

Accountability of spending additional funds has been made a priority.

The SRV will increase by;

- 5% - First Year - Resulting in 1 1/2mil
- 4% - Second Year - Resulting in 2 1/2mil
- 3% - Third Year - Resulting in 3.8mil and ongoing

Comprehensive community engagement has been made in relation to the Special Rate Variation proposal.

A Special Rate Variation (SRV) page has been created on the website to provide the community with additional information and to inform them on the program of works which the SRV revenue will finance. Council will establish a committee to monitor the expenditure and ensure it is being spent in accordance with the contract agreed with the community.

Two public meetings will be held to discuss the proposed special rate variation:

- Tuesday 1 March 2011 – 6.30pm at Avalon Recreation Centre, 59A Old Barrenjoey Road, Avalon
- Wednesday 2 March 2011 – 6.30pm at Mona Vale Memorial Hall, 1 Park Street, Mona Vale

PIBE4.6	Update on Recruitment for Reference Groups
----------------	---

Proceedings in Brief

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

MATTERS ARISING FROM THE DISCUSSION:

A report is being presented to Council at its meeting on 21st February 2011. The report confirms the terms of reference and outlines the changes to membership.

It is suggested that to broaden membership and give all Pittwater residents the opportunity to participate in the reference groups that the following changes will be made:

- Up to 14 members from registered community groups and local community organisations
- Up to 4 Individual members representing residents of Pittwater
- A total of 16 members can be appointed to each reference group

Once the report's recommendations have been approved by Council an Expression of Interest process will be initiated.

All members are welcome to apply again and will receive documentation by email and mail.

A panel, including chair's of reference groups will review Expression of Interest applications and determine final membership.

For further information contact Jane Mulroney, Community Engagement Officer.

PIBE4.7	SHOROC PowerPoint Presentation – Shaping Our Future (Regional Directors Report)
----------------	--

Proceedings in Brief

Mr Ben Taylor, the Executive Director of the SHOROC Regional Organisation of Councils addressed the meeting on this item.

A copy of the SHOROC PowerPoint presentation is attached to the Minutes.

MATTERS ARISING FROM THE DISCUSSION

Q: What is a Grade Separation?

A: The definition of a grade separation is the intersection of two roads, or a road and a railway that cross at different elevations. One roadway overpasses or underpasses the other roadway with a structure(s).

Q: Can you please define what an Interchange is?

A: This is where the buses will go directly from the designated areas from the local beaches via an underground tunnel to a specialized interchange area where people would get off the bus and get onto a Metro bus which regularly goes in and out of the city only.

- Q: What is a Metro Bus?
- A: Metro Bus is a smaller bus in the style of a People Mover or similar to a Tram.
- Q: Will the Wakehurst Parkway grade separation cost as much as building a new hospital?
- A: The Wakehurst Parkway grade separation cost will be included as part of the hospital upgrade.
- Q: The creation of the new roads at Wakehurst Parkway is a concern. As the area grows, congestion on the roads will increase which then creates additional pollution and damaging effects on our environment.
- A: Unfortunately due to economic growth and requirements by Government, we have to meet a certain quota for housing which in turn will require additional infrastructure. If Council does not meet these requirements, the State Government can take over and then this will be out of Councils control.
- Q: Do you Ben Taylor have the ability to make recommendations?
- A: If there is a recommendation you would like to make go through your Council and then it will be forwarded onto SHOROC.
- Q: There are many concerns regarding the new hospital at Frenchs Forest for residents who do not drive. How will people get there quickly in the case of an emergency? 2 bus changes is not good enough. Can we organize / incorporate a bus service which will run directly from the northern beaches areas straight to the hospital?
- A: Mona Vale Hospital will be a complimentary hospital, the idea is to present yourself, family or friend at the Hospital and you will be assessed and treated if possible. If Mona Vale Hospital is unable to help you, then you will be transported direct to Frenchs Forest.

REFERENCE POINT

1. The reference group thanked Ben for his presentation.
2. The reference group would like to be kept up to date with the Bus Rapid Transport upgrade proposal. The reference group would also like an update on the PDA Study (previous study was completed in 2008) as Step 2 going forward (referred to in presentation) as 2 elements of future planning are around livability and sustainability.
3. The reference group would like SHOROC to continue to advocate that:
 - a level 5 hospital will be created with access to Ambulance Services, and
 - Mona Vale Hospital be maintained as a fully resourced and complimentary Hospital

5.0 Emerging Business

1. Planning assessment approved the Meriton Development on the basis of the metropolitan strategy numbers. Council is now waiting on Meriton to respond via the Director General of Planning. The development has been reduced from 600 to 549 and finally 440 units and also was reduced from 5 to 4 storeys. Better off street parking and wider roads will be incorporated into the development which will meet legislative requirements.

The concept plan approval is for approx 19 million and the project plan says 6 ½ million however this is still under negotiation. The development will be incorporated under the strategic review of Warriewood.

2. Currawong is now protected by heritage.

The Minister refused the proposal for 20 dwellings there for a new proposal has been issued for 12 Eco dwellings.

The Eco village still has substantial environmental issues with geo tech, zoning, climate change, servicing, construction etc. An appeal has been lodged and the Joint Regional Planning Panel (JRPP) is scheduled to be heard on 19 April. Eco village put in amended plans which are currently on public exhibition until 8 March on which date the notification will finish.

The court will set a timeframe for a hearing for that appeal with the ultimate decision being made by the court. The JRPP will make a decision but the court has the final say. The Council is spending a significant amount of money to push for the heritage listing.

The Council would like for the land to be purchased for public purposes however at this point Eco village completely own the land and not the NSW Unions.

The PIBE Reference group is encouraging community groups to put in submissions which will need to be submitted asap.

3. A report is going to Council regarding affordable housing policy to be presented on 21 February. Currently in accordance with the State Governments Affordable Housing Policy / Guidelines override the local DCP. Council would like for Auxillary dwellings to be built in accordance with the local DCP. The idea of affordable housing is good but currently there is too many loopholes regarding these developments. Submission for affordable housing close on 1 March 2011

6.0 Next Meeting

COMMITTEE RECOMMENDATION

That the next meeting of the Planning an Integrated Built Environment Reference Group meeting will be held on 18 May 2011 at the Coastal Environment Centre commencing at 6.16pm.

**THERE BEING NO FURTHER BUSINESS
THE MEETING CONCLUDED AT 6.18
ON WEDNESDAY, 16 FEBRUARY 2011**

Council Meeting

12.0 Adoption of Governance Committee Recommendations

13.0 Adoption of Planning an Integrated Built Environment Committee Recommendations

14.0 Councillor Questions
