



PITTWATER COUNCIL

Agenda

Council Meeting

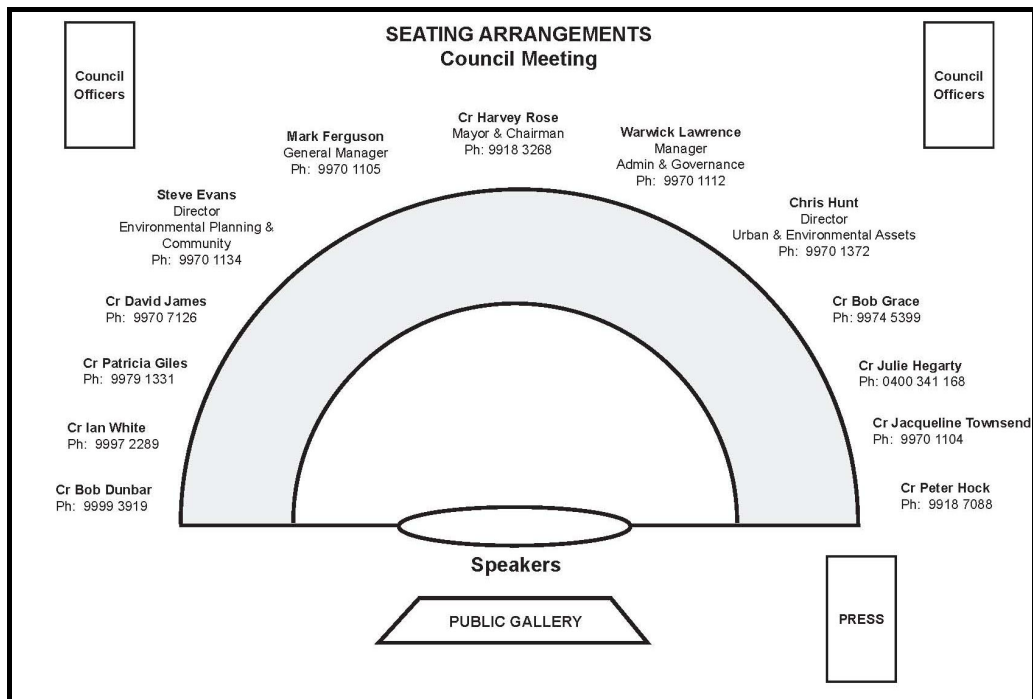
Notice is hereby given that a Council Meeting of Pittwater Council will be held at Mona Vale Memorial Hall on

15 August 2011

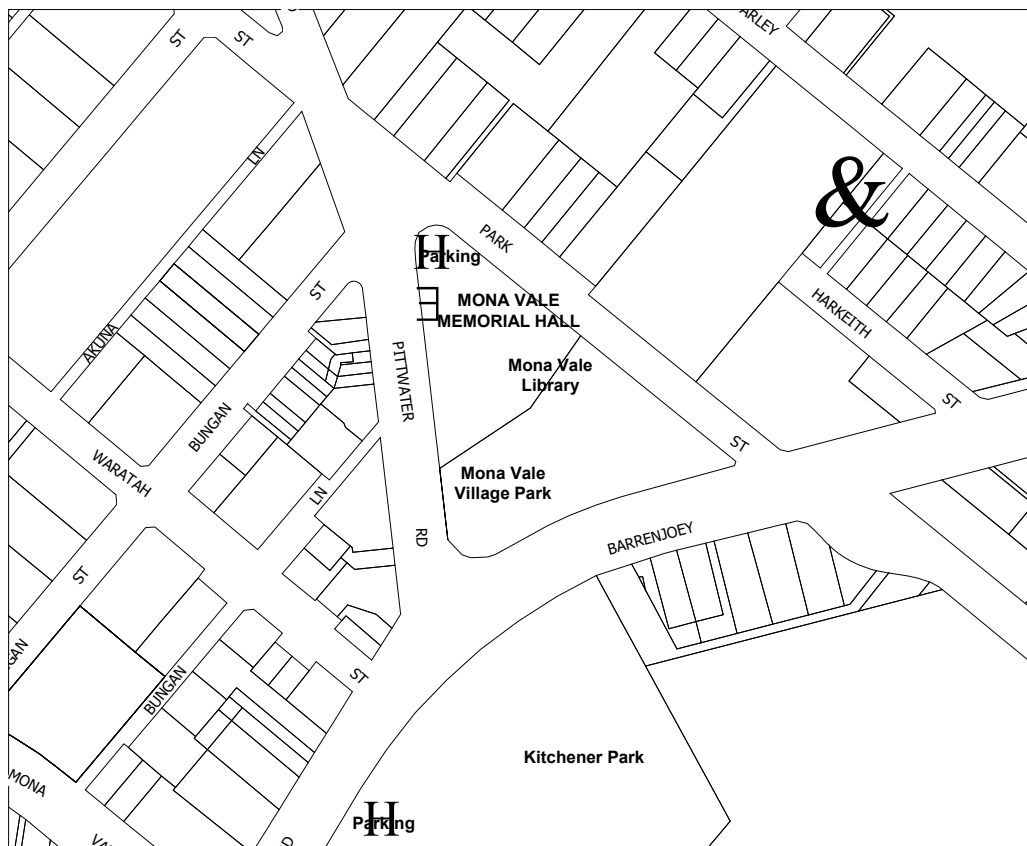
Commencing at 6.30pm for the purpose of considering the items included on the Agenda.

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

IMPORTANT NOTE FOR COUNCILLORS

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

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

The Report on the item below is listed in Open Session in the Agenda:

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Mark Ferguson
GENERAL MANAGER

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

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CONFIDENTIAL CLAUSE

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

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

Commercial In Confidence Advice - Mona Vale Tennis Club –
Replacement of Synthetic Surfaces

**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 1 August 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.

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.

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	Annual Financial Reports for 2010/11 - Submission to Auditor
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Meeting: Governance Committee

Date: 15 August 2011

STRATEGY: Business Management

ACTION: Produce monthly, quarterly and annual budgets and statements

PURPOSE OF REPORT

To authorise the referral of the Annual Financial Reports for 2010/11 to Council's Auditor.

1.0 BACKGROUND

- 1.1 Section 413, 415 and 416 of the Local Government Act 1993 require Council's General Purpose and Special Purpose Annual Financial Reports for 2010/11 to be prepared, referred to audit and audited by 31 October 2011.

In regard to this process, Council is required to authorise the referral of the Financial Reports to Council's Auditor. The General Purpose Report covers Council's general operations and the Special Purpose Report covers Council's Business Activity (Lakeside Tourist/Caravan Park Operations) pursuant to the requirements of the National Competition Policy.

- 1.2 Section 413 of the Local Government Act 1993 states that the Financial Reports must be accompanied by a Statement of Council's opinion (Annexure 1 & 2) made pursuant to a resolution of Council and signed by:
- The Mayor
 - At least one other Councillor
 - The General Manager, and
 - The Responsible Accounting Officer (Chief Financial Officer)

2.0 ISSUES

2.1 Tabling of Annual Financial Reports

2.1.1 As the Financial Reports are subject to audit, they are tabled at this meeting for Council's inspection.

2.1.2 Section 418 of the Local Government Act 1993 states that as soon as practicable but not more than 5 weeks after the Audit Report is received, Council must give notice that a Meeting will be held to present the Financial Reports and the Auditor's Report to the public. Such public notice must include a summary of the Financial Reports.

2.1.3 Council's Auditor may be invited in writing to the meeting to present his report.

2.2 Financial Position of Council as at 30 June 2011 (Subject to Audit)

2.2.1 The Annual Financial Reports for 2010/11 show (subject to audit) that Council has achieved:

- A Net Operating Result (Surplus) (before Capital Amounts) of \$669,000, reflecting:
 - Income from Continuing Operations (rates, fees, interest, grants etc) \$69.592M
 - Expenses from Continuing Operations (wages, depreciation, materials etc) \$68.923M
 - \$ 0.669M
- An improvement in Net Assets resulting from Operations of \$6.166M (includes Capital items)

2.2.2 The Unrestricted Current Ratio is 3.47:1. This is the ratio of unrestricted Current Assets held that are available to meet any Current Liabilities. The Unrestricted Current Ratio is used to assess the adequacy of working capital and the ability of Council to satisfy its financial obligations in the short term. The ratio of 3.47:1 means that for every \$1 of Current Liabilities owed by the Council, there is available \$3.47 in Current Assets to meet such Liabilities. This figure is a slight decrease on last year's ratio of 3.81.

2.2.3 The Debt Service Ratio for the year ended 30 June 2011 is 2.21%. This figure is a decrease on last year's ratio of 2.71% representing a decrease in interest and principal repayments in 2010/11, no new borrowings, reduced debt obligations and a higher Income base.

2.2.4 The Rate Coverage Ratio is 59.49%. This percentage indicates the amount of Rates and Annual Charges that make up Total Revenues. This figure remains relatively consistent with the 2009/10 result of 63.01%.

2.2.5 The percentage of rates outstanding at 30 June 2011 has remained relatively constant at 5.23% (excluding Postponed Rates and netting out of Over Paid Rates). The target set by the Council is 5%. The slight increase over Council's target of 5% is a reflection of a tighter economic climate.

2.2.6 The Buildings and Infrastructure Renewals Ratio as at 30 June 2011 is 75.85%. This ratio indicates the rate at which assets (buildings and infrastructure) are being renewed or replaced against the rate at which they are depreciating. This figure is an increase on last year's ratio of 64.35%.

2.3 Significant Variations between 2009/10 and 2010/11 Financial Statements

The financial information below represents the significant variations between the 2009/10 and 2010/11 financial years:

Income

- An increase in Rates of \$811,000 mainly associated with the Minister's annual permissible rate increase of 2.6%
- An increase in Domestic Waste Charges of \$895,000 mainly associated the rising cost of the Domestic Waste Service
- An increase in User Fees mainly associated with Beach Parking \$255,000 and Child Care \$206,000

- An increase in Operating Grants and Contributions of \$680,000 (mainly attributable to an increase the Financial Assistance Grant, Sports Ground Contributions and Environmental Grants)

Expenditure

- An increase in Salaries & Wages (including capitalised Wages & Salaries) of \$1.29 Million representing an annualised award increase of 2.25%, an increase in EFT from 280 to 289, staff redundancies, performances increases and position re-grades.
- An increase in Material and Contracts of \$1.481 Million mainly attributable to additional Legal Expenditure \$449,000 associated with the retention of Currawong into public ownership and the development at 14-18 Boondah Road, Warriewood, Sports Ground maintenance of \$213,000, Restoration Costs of \$185,000 and Reserve Maintenance and operations of \$145,000.
- An increase in Waste Disposal costs of \$433,000
- An increase in Street Lighting Costs of \$253,000

Equity Adjustments

- An adjustment (write down) to Council's Opening Equity associated with the revaluation of Community Land down \$695,590,000. This revaluation was required as per the Department of Local Governments Accounting Standard requirements. Council to comply with these Standards for 2010/11 undertook a revaluation of Community Land based on Valuer General (VG) valuations and where a VG valuation was not available an independent market valuation was used. Upon completion of this review the above write down in Community Land Value was required. This write down simply reduces Council's Community Land Assets value and does not impact Council's Income Statement or Council as an ongoing concern.

2.4 Audit and Risk Committee

- 2.4.1 The 2010/11 Annual Financial Accounts were presented to the Audit and Risk Committee on 3 August 2011. Due to the timing of the Committee and Council's agenda deadlines their comments could not form a part of this Report. The Audit and Risk Committee's comments will be included as part of the Report to Council for the Presentation of Council's Annual Financial Accounts for 2010/11 in September 2011.

3.0 SUSTAINABILITY ASSESSMENT

The foundation of Council's 2020 Strategic Plan and subsequent organisational structure is built around five Sustainability principles listed below. Council continues to strive toward being a leader within the field of sustainability within Pittwater.

3.1 Supporting & Connecting our Community (Social)

No direct impact on Supporting & Connecting our Community.

3.2 Valuing & Caring for our Natural Environment (Environmental)

No direct impact on Valuing & Caring for our Natural Environment.

3.3 Enhancing our Working & Learning (Economic)

No direct impact on enhancing our Working & Learning.

3.4 Leading an Effective & Collaborative Council (Governance)

The 2010/11 Financial Results provide a financial basis for Council and Council staff in the delivery of sustainable services to the community .

3.5 Integrating our Built Environment (Infrastructure)

No direct impact on Integration of our Built Environment.

4.0 EXECUTIVE SUMMARY

The Annual Financial Reports for 2010/11 show (subject to audit) that Council has achieved:

- A Net Operating Result (Surplus) (before Capital Amounts) of \$669,000
- An Unrestricted Current Ratio of 3.47.
- A Debt Service Ratio for the year ended 30 June 2011 of 2.21%.
- A Rate Coverage Ratio of 59.49%.
- An Outstanding Rates percentage of 5.23%.
- A Buildings and Infrastructure Renewals Ratio of 74.85%

RECOMMENDATION

1. That the Annual Financial Reports for 2010/11 be adopted.
2. That the Mayor, Councillor, General Manager and Chief Financial Officer be authorised to sign the necessary Financial Statements.
3. That the Annual Financial Reports for 2010/11 be referred to Council's Auditor.
4. That on receipt of the Audited Reports, a copy is forwarded to the Department of Local Government and the Australian Bureau of Statistics.
5. That Council's Auditor be invited in writing to attend the appropriate meeting to present his Report to the Council.

Report prepared by

Mark Jones
CHIEF FINANCIAL OFFICER

Pittwater Council

General Purpose Financial Report

for the financial year ended 30 June 2011

Statement by Councillors and Management

made pursuant to Section 413(2)(c) of the Local Government Act 1993 (as amended)

The attached General Purpose Financial Report has been prepared in accordance with:

- The Local Government Act 1993 (as amended) and the Regulations made there under,
- The Australian Accounting Standards and professional pronouncements, and
- The Local Government Code of Accounting Practice and Financial Reporting.

To the best of our knowledge and belief, this Report:

- presents fairly the Council's operating result and financial position for the year, and
- accords with Council's accounting and other records.

We are not aware of any matter that would render this Report false or misleading in any way.

Signed in accordance with a resolution of Council made on 15 August 2011.

Harvey Rose
MAYOR

COUNCILLOR

Mark Ferguson
GENERAL MANAGER

Mark Jones
RESPONSIBLE ACCOUNTING OFFICER

Pittwater Council

Special Purpose Financial Reports

for the financial year ended 30 June 2011

Statement by Councillors and Management

made pursuant to the Local Government Code Of Accounting Practice and Financial Reporting

The attached Special Purpose Financial Reports have been prepared in accordance with:

- NSW Government Policy Statement “*Application of National Competition Policy to Local Government*”.
- Department of Local Government Guidelines “*Pricing & Costing for Council Businesses: A Guide to Competitive Neutrality*”.
- The Local Government Code of Accounting Practice and Financial Reporting.
- The NSW Office of Water (Department of Environment, Climate Change and Water) Guidelines – “*Best Practice Management of Water and Sewerage*”.

To the best of our knowledge and belief, these Reports:

- Present fairly the operating result and financial position for each of Council’s declared Business Activities for the year, and
- Accord with Council’s accounting and other records.

We are not aware of any matter that would render the Reports false or misleading in any way.

Signed in accordance with a resolution of Council made on the 15 August 2011.

Harvey Rose
MAYOR

COUNCILLOR

Mark Ferguson
GENERAL MANAGER

Mark Jones
RESPONSIBLE ACCOUNTING OFFICER

C10.2	Financial Report for the period ending 30 June 2011 of the 2010/2011 Financial Year
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Meeting: Governance

Date: 15 August 2011

STRATEGY: Business Management

Action: To provide monthly, quarterly and annual budgets and financial statements

PURPOSE OF REPORT

To provide Council with the financial results for the period ending 30 June 2011 of the 2010/2011 Financial Year. As per Local Government (General) Regulations Clause 203 which states, *"No later than 2 months after the end of each quarter (except the June quarter), the responsible accounting officer of a council must prepare and submit to the council a budget review statement."*

1.0 BACKGROUND

- 1.1 The Original 2010/2011 Budget was adopted by Council as part of the 2010-2014 Delivery Program and Budget on 21 June 2010. The Revised 2010/11 Budget was adopted by Council on 16 May 2011 as a part of the March quarterly review, and has been transferred to the Revised budget column in this report.
- 1.2 Council's reporting structure undertakes a dual format of both financial and strategic information which includes:
- Budget Review Statement
 - Performance Indicators
 - Summary of Financial Statements
 - Financial Statements (Consolidated, Operating, Balance Sheet, Cash flow)
 - Reserve Balances
 - 2010/2011 Major Projects
 - Rates Debtors
 - Loan Liability
 - Environmental Levy - Escarpment Acquisition
 - Environmental Infrastructure Levy
 - Stormwater Management Service Charge
 - Developer Contribution Plans
 - Key Directions and Associated Strategies

2.0 ISSUES

2.1 Budget Review Statement

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005.

"It is my opinion as the Chief Financial Officer that the Quarterly Budget Review for Pittwater Council for the quarter ended 30/06/11 indicates that Council's projected financial position is sound. This sound position is summarised in the performance indicators of 2.2 of this report."

2.2 Performance Indicators

In assessing an organisations financial position, there are a number of performance indicators that can assist to easily identify whether or not an organisation is financially sound. These indicators and their associated benchmarks, as stipulated by the Local Government Association of NSW and Shires Association of NSW are set out below.

#	Performance Indicator	2010/11 Actual	2009/10 Actual	2008/09 Actual	Local Government Bench Mark
1	Operating Result (before Capital amounts)	\$669,000 Surplus	\$2.128m Surplus	\$62,000 Surplus	Surplus
2	Consolidated Result	\$196,000 Surplus	\$278,000 Surplus	\$76,000 Surplus	N/A
3	Unrestricted Current Ratio	3.47:1	3.81:1	2.92:1	>100% or 1:1
4	Debt Service Ratio	2.21%	2.71%	1.82%	<10%
5	Rates and Annual Charges Coverage ratio	59.49%	63.01%	63.22%	>50%
6	Rates and Annual Charges Outstanding %	5.23%	4.95%	4.65%	<5%
7	Building and Infrastructure Renewals Ratio	74.85%	64.35%	156.47%	>100%

1. Operating Result (before Capital Contributions)

The Operating result is the Profit or Loss that Council makes from normal Operations (Excluding expenditure on Capital items). A Surplus is a positive financial indicator.

2. Consolidated Result

The Consolidated Result is the increase or call on Council funds which shows the source and application of both Operating and Capital Income and Expenditure along with transfers to and from Reserves applicable to those activities. A Surplus is a positive financial indicator.

3. Unrestricted Current Ratio

The Unrestricted Current ratio is the ratio of Unrestricted Cash Assets held that are available to meet any current liabilities. The above ratio indicates that Council currently projects to have \$3.47 (excluding externally restricted funds such as S94 and grant monies) available to service every \$1 of debt as it falls due at the end of the financial year. A ratio greater than one is a positive financial indicator.

4. Debt Service Ratio

This ratio demonstrates the cost of servicing Council's annual debt obligations (loan repayments, both principal and interest) as a portion of available Revenue from Ordinary Activities. A lower ratio is a positive financial indicator.

5. Rates and Annual Charges Coverage Ratio

This ratio indicates the dependency of Rates and Annual charges over Council's total Revenue from continuing operations. A higher ratio is a positive financial indicator.

6. Rates and Annual Charges Outstanding %

This indicates the percentage of Rates and Annual charges outstanding at the end of the financial year. A lower ratio is a positive financial indicator.

7. Building and Infrastructure Renewal Ratio

This ratio indicates the rate of renewal/replacement of existing assets as against the depreciation of the same category of Assets. A ratio greater than one is a positive financial indicator.

2.3 Summary of Financial Statements

2010-11 Budgeted Statement of **Consolidated Financial Position**

Consolidated Statement shows the source and application of both Capital & Operating Income and Expenditure along with the movements in Reserves.

	(\$ '000)
Total direct income (Operating & Capital)	71,144
Total indirect income (Including transfer from Reserves)	29,222
Total income	100,366
Total direct Expenditure (Operating & Capital Expenditure)	74,694
Total indirect Expenditure (Including transfers to Reserves)	25,476
Total Expenditure	100,170
Increase in Council Funds (Includes Operating Results before Capital of \$669,000)	196

2010-11 Budgeted **Income Statement**

Income statement shows the extent to which community equity has changed by net result of ordinary activities during year.

	(\$ '000)
Operating Income	70,261
Operating Expenditure	69,592
Operating Results before Capital	669
Capital Income (Grants and Contributions)	5,497
Changes in Net Assets – Resulting from Operations	6,166

2010-11 Budgeted Statement of **Cashflows**

The statement of cash flows shows the nature and amount of council's cash inflows and outflows for all activities.

	(\$ '000)
Cash inflows	69,678
Cash outflows	65,188
NET Inflows/(Outflows)	4,490
Funds Carried Forward from Prior year	19,771
Total General Fund	24,261

2010-11 Budgeted **Balance Sheet**

The Balance sheet shows council's assets & liabilities which make up community equity.

	(\$ '000)
Current Assets (Includes Cash Assets of \$24,261)	33,789
Non Current Assets	1,292,372
Total Assets	1,326,161
Current Liabilities	10,863
Non Current Liabilities	5,870
Total Liabilities	16,733
Net Community Assets	1,309,428
Balance at Beginning of the year	1,303,262
Net results	6,166
TOTAL COMMUNITY EQUITY	1,309,428

2.4 Consolidated Financial Statement

The Consolidated Financial result for the year ended 30 June 2011 is a surplus of uncommitted funds of \$196,000. This surplus includes unspent Council funds of \$129,521 to be revoted to the 2011/12 Financial Year. These revotes include IT Equipment of \$53,000, and CIP works (Palm Beach Wharf) of \$76,521.

Excluding revotes, the surplus amounts to \$66,000. This represents a positive variance of \$4,000 against the March quarterly review, which provided for a surplus of \$62,000.

The fluctuation in the budget can be mainly attributed to: -

Budgeted Consolidated Result as per the Adopted Budget - Y/E 30 June 2011 Increase of Council Funds		\$ 62,000
INCOME		
Additional User fees mainly relating to Parking Machine, Caravan Park & Cemetery Income	\$	247,000
Reduced Regulatory Fees and Fines Income mainly relating to Fines income	-\$	185,000
Additional Capital & Operating Contributions mainly relating to Restorations Contributions	\$	156,000
Additional Return on Investments & Other Interest Income mainly relating to an improvement of fair value of Tradable CDO's and interest on increased cash on hand	\$	326,000
Additional Other Income mainly relating to Legal & Insurance Recoveries	\$	249,000
Additional Capital Sales mainly relating to Motor Vehicle Sales	\$	215,000
Reduced Transfers from Reserve - S94 mainly relating to the Capital Works Program such as Woorak Reserve, Newport CC, Avalon CC, & Bungan Lane Carpark	-\$	378,000
Reduced Transfers from Reserve - Other mainly relating to the Capital Works Program such as Deep Creek Bridge, Woorak Reserve, Church Pt Seawall & Escarpment Walking Track	-\$	1,003,000
EXPENDITURE		
Reduced Salaries, Wages & On costs mainly attributed to discounting ELE provision to comply with Accounting standards (Y/E Adjustment) and savings in Superannuation SASS Contribution and reduction in workers compensation due to improved claims history	\$	724,000
Reduced Materials, Stores & Contract Services External mainly relating to works associated with Church Pt Seawall, Woorak Reserve, & Bungan lane carpark works	\$	291,000
Reduced Professional Expenses relating to work associated with Bushland Mgmt Maintenance, Newport CC, Deep Creek Bridge, Flood Mapping studies	\$	669,000
Additional Legal Expenditure mainly relating to Currawong development Appeal & Boondah Rd Court matters	-\$	362,000
Additional Other Expenditure mainly relating to Doubtful debts, Insurance & waste disposal	-\$	253,000
Additional Public Utilities mainly relating to an increase in Street lighting & Water/Electricity/Gas Prices	-\$	313,000
Additional Transfer to Reserve - S94 Mainly relating to additional WWV Income	-\$	352,000
Reduced Transfer to Reserve - Other Mainly relating to Cemetery & Road Reserve Sales	\$	103,000
Actual Consolidated Result year ending 30 June 2011 - Increase of Council Funds	\$	196,000

CONSOLIDATED STATEMENT

Pittwater Council Consolidated Statement For Period 12 Ending 30 June 2011							
Year to Date - \$000's			Annual Budget - \$000's				
Budget	Actual	Variance		Original	Revised	Projected	Variance
			Direct Income				
10,540	10,787	247	User Fees	10,319	10,540	10,787	247
1,578	1,648	69	Regulatory Fees	1,535	1,578	1,648	69
2,694	2,439	-255	Regulatory Fines	2,691	2,694	2,439	-255
3,830	4,013	182	Operating Grant Transfers	2,768	3,830	4,013	182
1,711	1,603	-108	Capital Grant Transfers	4,527	1,711	1,603	-108
3,780	3,791	11	Capital Contributions	3,175	3,780	3,791	11
635	780	144	Operating Contributions	355	635	780	144
31,827	31,732	-94	Rates Income	31,827	31,827	31,732	-94
9,849	9,888	39	Domestic Waste Charges	9,849	9,849	9,888	39
1,357	1,683	326	Return on Investments & Other Interest Income	1,210	1,357	1,683	326
288	288	0	Rebates Income	252	288	288	0
748	997	249	Other Income	485	748	997	249
1,280	1,494	215	Capital Sales	1,239	1,280	1,494	215
70,117	71,144	1,027	Total Direct Income	70,231	70,117	71,144	1,027
			Indirect Income				
2,588	2,638	50	Plant Hire Recovery	2,577	2,588	2,638	50
3,088	3,088	0	Notional Rental Income	3,088	3,088	3,088	0
819	1,294	475	Service Agreement Income	809	819	1,294	475
7,162	7,162	0	Overhead Recovery	7,162	7,162	7,162	0
1,530	1,659	128	Contract Internal Income	1,883	1,530	1,659	128
7,988	7,954	-34	Transfer From Reserve-Depreciation	7,988	7,988	7,954	-34
1,270	892	-378	Transfer From Reserve-S94	2,119	1,270	892	-378
5,538	4,536	-1,003	Transfer From Reserve-Other	4,743	5,538	4,536	-1,003
29,983	29,222	-761	Total Indirect Income	30,369	29,983	29,222	-761
			Direct Expenditure				
19,307	19,117	189	Salaries & Wages	19,388	19,307	19,117	189
7,034	6,499	535	Other Employee Costs	7,024	7,034	6,499	535
1,358	1,503	-145	Materials	1,597	1,358	1,503	-145
298	331	-33	Stores	287	298	331	-33
94	59	35	Minor Plant Purchases	89	94	59	35
2,116	2,309	-193	Plant & Equipment	2,107	2,116	2,309	-193
15,264	14,638	626	Contract Services External	17,652	15,264	14,638	626
7,988	7,954	34	Depreciation Expense	7,988	7,988	7,954	34
543	545	-2	Interest Expense	683	543	545	-2
4,227	3,558	669	Professional Expenses	3,353	4,227	3,558	669
1,120	1,482	-362	Legal Expenses	900	1,120	1,482	-362
208	351	-143	Bad & Doubtful Debts	207	208	351	-143
588	574	15	Leases/Rentals/Hire/Licences	485	588	574	15
1,482	1,795	-313	Public Utilities	1,386	1,482	1,795	-313
308	425	-118	Communications	313	308	425	-118
404	385	19	Advertising	428	404	385	19
1,048	1,102	-54	Insurance	971	1,048	1,102	-54
190	205	-15	Banking	190	190	205	-15
624	489	135	Other Expenses	591	624	489	135
406	525	-119	Office Expenses	359	406	525	-119
3,623	3,715	-92	Sundry Services/Waste Disposal	3,556	3,623	3,715	-92
102	129	-27	Memberships	92	102	129	-27
3,077	3,077	0	Levies/Contributions/Subsidies	2,973	3,077	3,077	0
4,073	3,927	147	Capital Purchases/Payments	4,064	4,073	3,927	147
75,482	74,694	789	Total Direct Expenditure	76,685	75,482	74,694	789
			Indirect Expenditure				
1,020	1,020	0	Corporate Development Overhead	1,020	1,020	1,020	0
1,453	1,453	0	IT Services Overhead	1,453	1,453	1,453	0
1,918	1,918	0	Financial Services Overhead	1,918	1,918	1,918	0
3,088	3,088	0	Accommodation Overhead	3,088	3,088	3,088	0
1,111	1,111	0	Insurance Overhead	1,111	1,111	1,111	0
776	776	0	Records Overhead	776	776	776	0
884	884	0	Customer Service Overhead	884	884	884	0
2,588	2,633	-45	Plant Hire Charge Internal	2,577	2,588	2,633	-45
1,530	1,659	-128	Contract Services Internal Expense	1,883	1,530	1,659	-128
769	1,268	-499	Service Agreement Expense	759	769	1,268	-499
3,604	3,956	-352	Transfer To Reserve-S94	1,775	3,604	3,956	-352
5,815	5,711	103	Transfer To Reserve-Other	6,597	5,815	5,711	103
24,555	25,476	-921	Total Indirect Expenditure	23,840	24,555	25,476	-921
62	196	134	Increase/(call) on Council Funds	75	62	196	134

2.5 Operating Statement

The Actual Operating Result before Capital for the financial year 2010/2011 is a surplus of \$669,000. This is a positive variance of \$495,000 compared to the previously adopted budget (March quarterly review) of \$174,000 surplus.

The fluctuation in the budget can be mainly attributed to: -

Budgeted Operating Results before Capital as per Adopted Budget for the year ending 30/6/11		\$	174,000
INCOME			
Additional User fees mainly relating to Parking Machine, Caravan Park & Cemetery Income	\$	247,000	
Reduced Regulatory Fees and Fines Income mainly relating to Fines income	-\$	185,000	
Additional Operating Contributions mainly relating to Restorations Income	\$	144,000	
Additional Return on Investments & Other Interest Income mainly relating to an improvement of fair value of Tradable CDO's and interest on increased cash on hand	\$	326,000	
Additional Profit on sale of assets mainly relating to Vehicle Sales	\$	94,000	
Gain on Joint Ventures due to share in Kimbriki Env Serv P/L Operating profit year end 2011 (\$754K) & Loss on Joint Ventures due to share in Rural Fire Service Operating loss year end 2011 (\$146K)	\$	608,000	
EXPENDITURE			
Reduced Salaries, Wages & On costs mainly attributed to discounting ELE provision to comply with Accounting standards (Y/E Adjustment) and savings in Superannuation SASS Contribution and reduction in workers compensation due to improved claims history	\$	666,000	
Additional Materials, Stores & Contract Services External mainly relating to works associated with Bushland Management, Sportsground Maintenance works & Restorations works	-\$	674,000	
Additional Legal Expenditure mainly relating to Currawong development Appeal & Boondah Rd Court matters	-\$	362,000	
Additional Public Utilities mainly relating to an increase in Street lighting & Water/Electricity/Gas Prices	-\$	289,000	
Additional Other Expenditure mainly relating to Doubtful Debts, Insurance & waste disposal Expenditure	-\$	80,000	
Actual Operating Results before Capital for the year ending 30 June 2011 Surplus	\$	669,000	

OPERATING STATEMENT

Pittwater Council Operating Statement For Period 12 Ending 30 June 2011							
Year to Date - \$000's			Annual Budget - \$000's				
Budget	Actual	Variance		Original	Revised	Projected	Variance
			Direct Income				
10,540	10,787	247	User Fees	10,319	10,540	10,787	247
1,578	1,648	69	Regulatory Fees	1,535	1,578	1,648	69
2,694	2,439	-255	Regulatory Fines	2,691	2,694	2,439	-255
3,830	3,807	-24	Operating Grant Income	2,768	3,830	3,807	-24
635	780	144	Operating Contributions	355	635	780	144
31,827	31,732	-94	Rates Income	31,827	31,827	31,732	-94
9,849	9,888	39	Domestic Waste Charges	9,849	9,849	9,888	39
1,357	1,683	326	Return on Investments & Other Interest Income	1,210	1,357	1,683	326
288	288	0	Rebates Income	252	288	288	0
748	737	-11	Other Income	485	748	737	-11
210	304	94	Profit / (Loss) on Sale of Assets	160	210	304	94
0	608	608	Gain from Joint Venture Assets	0	0	608	608
63,556	64,700	1,144	Total Direct Income	61,451	63,556	64,700	1,144
			Indirect Income				
2,588	2,638	50	Plant Hire Recovery	2,577	2,588	2,638	50
819	1,264	446	Service Agreement Income	809	819	1,264	446
1,530	1,659	128	Contract Internal Income	1,883	1,530	1,659	128
4,937	5,561	624	Total Indirect Income	5,269	4,937	5,561	624
			Direct Expenditure				
18,748	18,599	148	Salaries & Wages	18,829	18,748	18,599	148
6,799	6,280	518	Other Employee Costs	6,789	6,799	6,280	518
824	983	-158	Materials	799	824	983	-158
285	292	-7	Stores	287	285	292	-7
94	57	37	Minor Plant Purchases	89	94	57	37
2,088	2,246	-158	Plant & Equipment	2,107	2,088	2,246	-158
9,716	10,103	-387	Contract Services External	8,891	9,716	10,103	-387
8,129	8,095	34	Depreciation Expense & Ammortisation	7,988	8,129	8,095	34
543	545	-2	Interest Expense	683	543	545	-2
3,233	3,155	78	Professional Expenses	2,596	3,233	3,155	78
1,120	1,482	-362	Legal Expenses	900	1,120	1,482	-362
208	351	-143	Bad & Doubtful Debts	207	208	351	-143
538	512	25	Leases/Rentals/Hire/Licences	485	538	512	25
1,482	1,771	-289	Public Utilities	1,386	1,482	1,771	-289
308	425	-117	Communications	313	308	425	-117
404	384	20	Advertising	428	404	384	20
1,048	1,102	-54	Insurance	971	1,048	1,102	-54
190	205	-15	Banking	190	190	205	-15
624	457	167	Other Expenses	591	624	457	167
406	513	-107	Office Expenses	359	406	513	-107
3,577	3,659	-82	Sundry Services/Waste Disposal	3,556	3,577	3,659	-82
102	129	-27	Memberships	92	102	129	-27
3,077	3,059	18	Levies/Contributions/Subsidies	2,973	3,077	3,059	18
63,542	64,406	-864	Total Direct Expenditure	61,510	63,542	64,406	-864
			Indirect Expenditure				
2,478	2,552	-74	Plant Hire Charge Internal	2,467	2,478	2,552	-74
1,530	1,659	-128	Contract Services Internal Expense	1,883	1,530	1,659	-128
769	975	-207	Service Agreement Expense	759	769	975	-207
4,777	5,186	-409	Total Indirect Expenditure	5,109	4,777	5,186	-409
174	669	495	Operating Results before Capital	101	174	669	495
5,491	5,497	-6	Grants & Contributions - Capital	6,301	5,491	5,497	-6
0	0	0	Material Public Benefits - S94	0	0	0	0
5,665	6,166	501	Change in Net Assets - Resulting from Opera	6,402	5,665	6,166	501

2.6 Cash Flow Statement

The actual total General Fund for the year ended 30 June 2011 stands at \$24.261 million. Compared to the previously adopted budget (March Quarterly Review), this amount is an increase of \$1.961 million.

Following is a statement of Council's cash position budget to actual:-

Pittwater Council Cash Flow Statement For Period 12 Ending 30 June 2011							
Year to Date - \$000's			Annual Budget - \$000's				
Budget	Actual	Variance		Original	Revised	Projected	Variance
Cash Inflows							
41,590	41,083	-507	Rates & Garbage	41,590	41,590	41,083	-507
5,007	5,141	134	Grants	7,294	5,007	5,141	134
10,538	10,150	-388	User Charges	10,319	10,538	10,150	-388
4,272	3,878	-394	Regulatory Fees & Fines	4,226	4,272	3,878	-394
811	556	-255	Contributions & Donations	355	811	556	-255
1,357	1,527	170	Return on Investments & Other Interest Income	1,210	1,357	1,527	170
1,280	1,094	-186	Sale of Assets (Excluding Land)	1,239	1,280	1,094	-186
0	0	0	Sale of Land	0	0	0	0
1,036	1,218	182	Other	737	1,036	1,218	182
3,604	3,956	352	S94 Contributions Received	1,775	3,604	3,956	352
0	0	0	Proceeds from loan	1,400	0	0	0
0	1,076	1,076	GST Net Inflow	0	0	1,076	1,076
69,495	69,678	183	Total Inflows	70,145	69,495	69,678	183
Cash Outflows							
19,307	19,103	204	Employee Salary & Wages	19,388	19,307	19,103	204
6,497	6,342	155	Employee Other Costs	6,480	6,497	6,342	155
1,048	528	520	Insurance Claims/Premiums	971	1,048	528	520
3,077	2,369	708	Levies & Contributions	2,973	3,077	2,369	708
31,292	31,092	200	Materials/Stores/Contracts	32,692	31,292	31,092	200
1,120	1,482	-362	Legal Expenses	900	1,120	1,482	-362
552	553	-1	Loan Interest Repayments	622	552	553	-1
824	825	-1	Loan Principal Repayments	866	824	825	-1
3,249	2,893	356	Purchase Of Assets	3,198	3,249	2,893	356
66,966	65,188	1,778	Total Outflows	68,091	66,966	65,188	1,778
2,529	4,490	1,961	Net Inflows/(Outflows)	2,054	2,529	4,490	1,961
19,771	19,771	0	Funds Carried Forward from Prior Year	18,676	19,771	19,771	0
22,300	24,261	1,961	Total General Fund	20,730	22,300	24,261	1,961
7,477	9,072	-1,595	Less Restricted Assets	3,444	7,477	9,072	-1,595
800	612	188	Less Unexpended Grants	1,400	800	612	188
12,380	12,296	84	Less Internal Reserves	13,030	12,380	12,296	84
1,643	2,281	638	Increase/(call) on Council Funds	2,856	1,643	2,281	638

2.7 Balance Sheet

Council's total increase in equity for the year ending 30 June 2011 is \$6.166 million (net change in assets resulting from operations) this will increase the Total equity to \$1.309 billion. Compared to the previously adopted budget of \$2.004 billion, this amounts to a reduction of \$695 million. This is mainly attributed to changes in Accounting policy with respect to the valuation of community land.

Pittwater Council Balance Sheet For Period 12 Ending 30 June 2011			
Actual 30/06/2011 \$000's		Projected 30/06/2011 \$'000	Actual 30/06/2010 \$'000
CURRENT ASSETS			
1,994	Cash Assets	3,380	3,260
22,267	Investments	18,920	16,511
4,546	Receivables	3,000	3,461
57	Inventories	70	59
300	Other	850	958
4,625	Non Current Assets held for sale	4,500	4,597
<u>33,789</u>	TOTAL CURRENT ASSETS	<u>30,720</u>	<u>28,846</u>
NON-CURRENT ASSETS			
0	Investments	0	0
870	Receivables	600	733
1,281,024	Infrastructure Property, Plant and Equipment	1,978,199	1,280,258
5,494	Investments Accounted for using the Equity Method	4,953	5,173
1,750	Investment Property	1,940	1,720
3,234	Intangible Assets	3,233	3,374
<u>1,292,372</u>	TOTAL NON-CURRENT ASSETS	<u>1,988,925</u>	<u>1,291,258</u>
<u>1,326,161</u>	TOTAL ASSETS	<u>2,019,645</u>	<u>1,320,104</u>
CURRENT LIABILITIES			
3,791	Payables	2,591	3,268
881	Interest Bearing Liabilities	823	828
6,191	Provisions	5,800	5,998
<u>10,863</u>	TOTAL CURRENT LIABILITIES	<u>9,214</u>	<u>10,094</u>
NON-CURRENT LIABILITIES			
0	Payables	0	0
5,715	Interest Bearing Liabilities	5,754	6,593
155	Provisions	160	155
<u>5,870</u>	TOTAL NON-CURRENT LIABILITIES	<u>5,914</u>	<u>6,748</u>
<u>16,733</u>	TOTAL LIABILITIES	<u>15,128</u>	<u>16,842</u>
<u>1,309,428</u>	NET ASSETS	<u>2,004,517</u>	<u>1,303,262</u>
EQUITY			
1,309,428	Accumulated Surplus/ (Deficit)	2,004,517	1,303,262
	Asset Revaluation Reserve		
<u>1,309,428</u>	TOTAL EQUITY	<u>2,004,517</u>	<u>1,303,262</u>

2.8 2010/2011 Reserve Balances

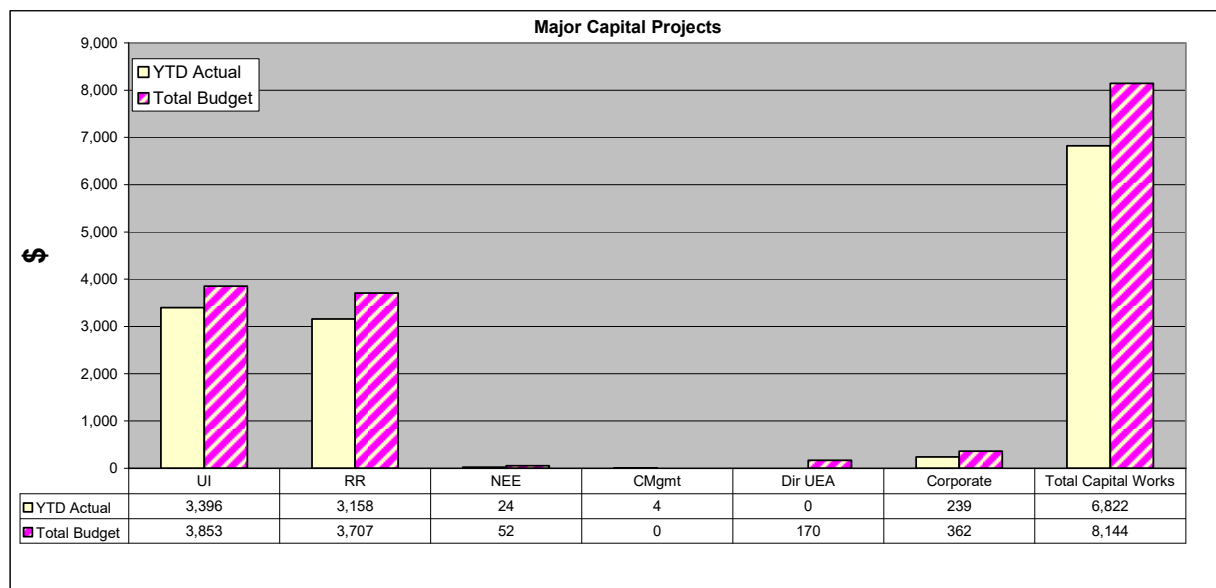
Council's Actual Reserve Balances which reflect funds restricted for both internal and external purposes amount to \$22.110 million. In addition to the restricted amounts listed below, Council also holds \$2.151 million in unrestricted funds which when combined with restricted funds amount to Council's year end cash position of \$24.261 million.

Unlike Council's restricted funds which are held for specific purposes such as Section 94 works, Cemetery works, Caravan Park Capital Works etc, Council's unrestricted funds are utilised as one mechanism to fund the business's ongoing operations. This does not mean that they can be spent in isolation, as Council's annual income and expenditure are managed via Council's Consolidated Statement which currently reflects an almost balanced position of \$66,000 surplus (excluding revotes).

General Reserves	Opening Balance 01.07.2010	Transfers To Reserve	Transfers From Reserve	Closing Balance 30.06.2011
Avalon Golf Course	32,953	-	-	32,953
Bus Shelter Reserve	28,730	-	-	28,730
Capital Works Reserve	123,220	76,521	123,220	76,521
Caravan Park Capital Works	206,728	200,000	92,935	313,792
Cemetery Reserve	1,384,816	113,683	237,343	1,261,156
Church Point Carpark	-	242,044	76,398	165,647
Church Point Easement	131,935	-	131,935	-
Commercial Centres Outdoor Seating	29,034	117,471	50,639	95,866
Community Centre Trusts	168,801	-	51,198	117,603
Election Reserve	75,000	75,000	-	150,000
Employee Leave Entitlement	1,234,432	35,129	-	1,269,561
Environmental Infrastructure Levy	667,855	1,512,785	1,467,742	712,898
Environmental Levy (Escarpment)	1,696,083	93,346	46,126	1,743,303
General Reserve	3,473,072	1,380,000	970,615	3,882,457
IT Reserve	48,000	53,000	25,636	75,364
Kitchener Park Telco Tower	-	132,402	4,750	127,652
Lagoon Entrance Clearing	100,000	25,000	-	125,000
Marine Infrastructure	161,580	53,232	51,587	163,225
Other	512,673	529,771	505,730	536,714
Plant Replacement	69,446	-	49,000	20,446
Restoration Reserve	40,000	75,000	-	115,000
Road Reserve	463,122	41,744	69,958	434,908
Sportsfield Contributions	-	172,903	-	172,903
Strategic Property Rationalisation Reserve	163,452	-	32,431	131,021
Tennis Liason Trust Fund	169,613	33,896	58,848	144,661
Trust and Bonds (eg. Tree and Footpath)	596,883	-	68,087	528,796
Total Reserves	11,577,427	4,962,927	4,114,176	12,426,177
Section 94	5,142,975	3,955,763	891,871	8,206,867
Domestic Waste Management	458,867	351,749	-	810,616
Specific Purpose Unspent Grants and Contributions	716,009	5,511,990	5,615,793	612,206
Stormwater Management Levy	67,317	514,650	527,584	54,383
Total Reserves & Section 94	17,962,595	15,297,079	11,149,424	22,110,251

2.9 2010/2011 Major Projects

The total Revised Budget for Major Projects (including revotes) under the adopted 2010/2011 Capital Improvements Program amounted to \$8.145 million. The Actual Expenditure for the Major Projects for the year ending 30 June 2011 amounted to \$6.822 million. It is now proposed that \$1.848 million of expenditure (including \$76,521 of Council Funds) be revoted into the 2011-12 Financial year. The Specific jobs are listed below:



2010/2011 MAJOR PROJECTS - PROPOSED REVOTES

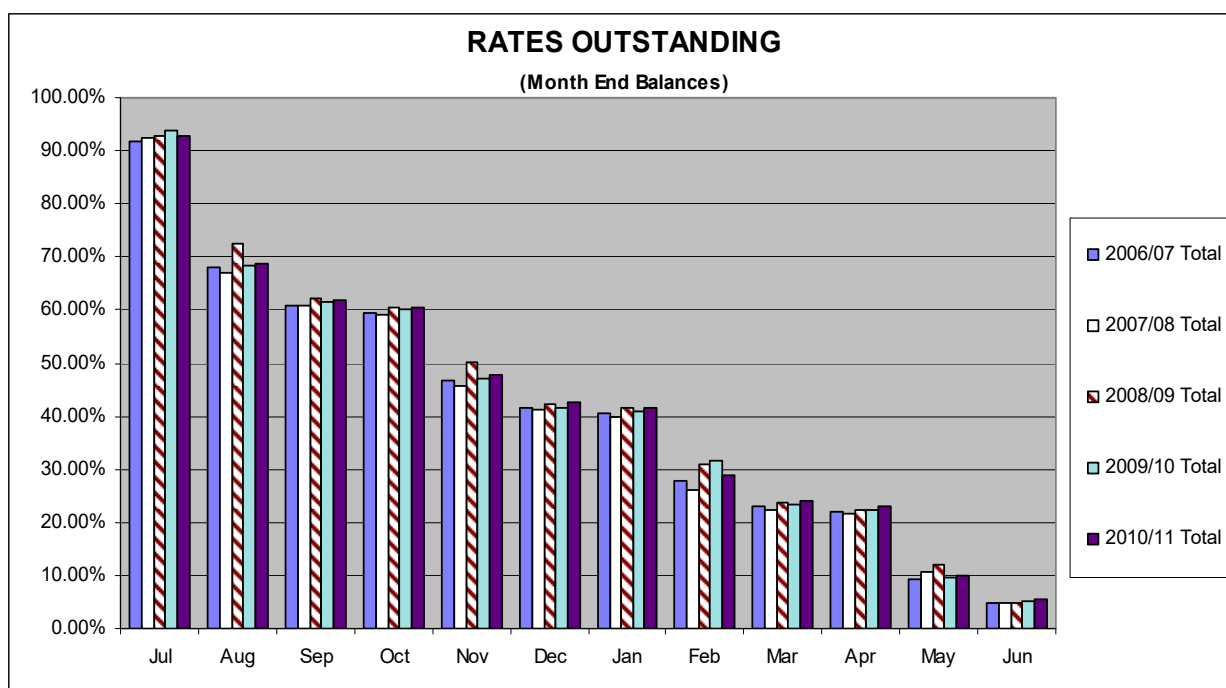
Description of Work	Projected Total Budget	Council General Fund	s94 Funded Projects	Other Contribs.	Grant/ Other Confirm	Funds
Urban Infrastructure						
<u>Roads & Transport</u>						
Deep Creek Pedestrian Bridge - Construction	476,360	0	0	233,180	243,180	General/Wrngh/RTA
<u>EI Levy - Pedestrian & Accessibility Improvements Program</u>						
Narroy Ave Nth Narrabeen at Nareen Creek	64,785	0	0	64,785	0	EI Levy
<u>S/W Capital Works General/Emergency - Multiple Projects</u>						
Park St MV Road Drainage Stage 2	34,815	0	0	34,815	0	SMSC
Total Urban Infrastructure	575,960	0	0	332,780	243,180	
Reserves Recreation & Public Buildings						
<u>Reserve Improvements</u>						
Car/Trailer Park Upgrade Woorak Reserve PB	346,150	0	100,000	73,075	173,075	S94 Plan 2/Marine/Maritime
<u>Wharves:</u>						
PB Ferry Wharf	76,521	76,521	0	0	0	Council
<u>Commercial Centre's</u>						
Upgrade of Avalon Shopping Centre as per Masterplan	50,000	0	50,000	0	0	S94 Plan 19
<u>EI Levy - Estuary & Coastline Erosion Rehabilitation</u>						
Church Point Seawall (Works)	284,024	0	0	284,024	0	EI Levy
North Palm Beach Dunes	20,971	0	0	20,971	0	EI Levy
Catherine Park Seawall	64,471	0	0	64,471	0	EI Levy
Total Reserves Recreation & Public Buildings	842,137	76,521	150,000	442,541	173,075	
Bushland Management						
<u>Bushland Access Tracks improvements Program</u>						
Risk Management - Bushland	16,703	0	0	16,703	0	EI Levy
Bushfire Asset Protection Zones	19,950	0	0	19,950	0	EI Levy
Bicentennial Coastal Walkway Upgrades	7,303	0	0	7,303	0	EI Levy
Warriewood/Ingleside Escarpment Walking Track	91,003	0	0	91,003	0	EI Levy
Total Bushland Management	134,959	0	0	134,959	0	
Dir Urban & Environmental Assets						
<u>Newport Community Centre</u>						
Newport Community Centre	170,000	0	170,000	0	0	S94 Plan 2
Total Dir Urban & Environmental Assets	170,000	0	170,000	0	0	
Corporate Development & Commercial						
Bungan Lane Carpark	68,078	0	68,078	0	0	S94 Plan 1
Sydney Lakeside Improvements	57,065	0	0	57,065	0	Lakeside
Total Corporate Dev & Commercial	125,143	0	68,078	57,065	0	
Grand Total	1,848,199	76,521	388,078	967,345	416,255	

2.10 Rates Debtors

Throughout the year, Council Rates staff made a concentrated and consistent approach to all aspects of the debt recovery process. Council's target for rate arrears amounts to 5% or lower. In attempting to obtain the target, staff monitors and follows up ratepayers to ensure compliance with all aspects of Council rate recovery practices.

As at the year ended 30 June 2011, Council collected \$ 41.529M (94.67%) of the total of \$43.868M collectable, being the current year rate levy, (including the environmental infrastructure levy), domestic waste management charges, supplementary rate levies, onsite waste water management charges, stormwater management services charges, interest charges, legal costs and the outstanding rates and charges brought forward from the previous year. This left a balance of \$ 2.339M (5.33%) outstanding at 30 June 2011.

A monthly comparison of the ratio of outstanding rates from 2006/07 to 2010/11 is shown on the graph below.



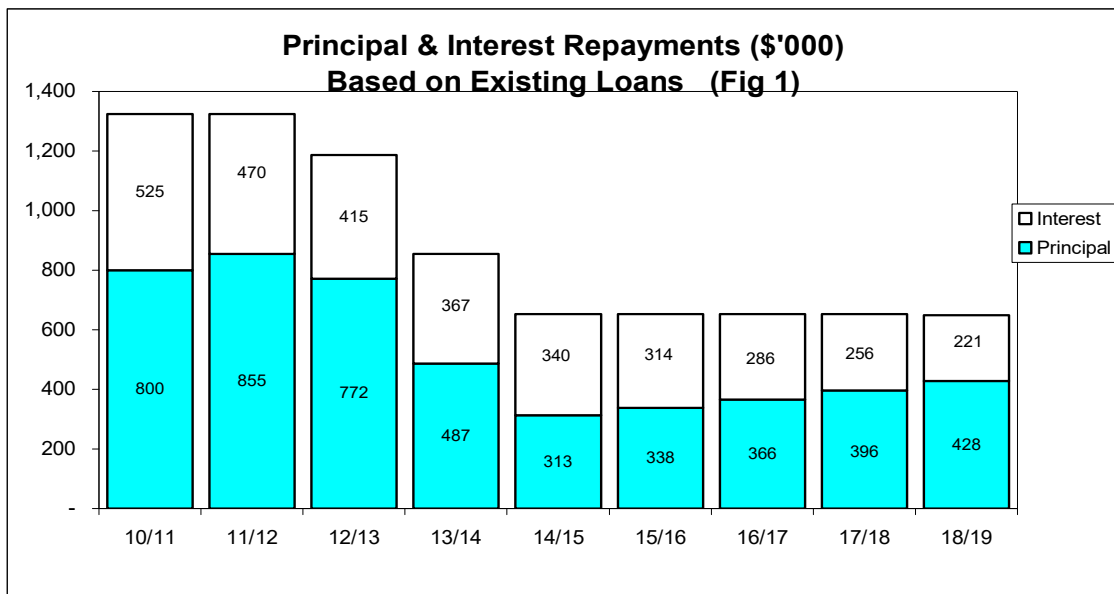
The outstanding total of \$ 2.339M included \$ 1.117M owing by the following categories of ratepayers for which Council will not take legal action for the recovery of outstanding amounts, which of course restricts Council's ability to meet the rates arrears target:-

- Pensioners – no legal action is taken, apart from the issuing of normal Rate Notices and a reminder letter - \$ 0.679M.
- Ratepayers paying off their rates in accordance with individually agreed arrangements - \$ 0.270M. Council's policy is to allow such arrangements to be made and not to take recovery action against such ratepayers unless they default on their payment arrangements.
- Ratepayers who are eligible to have part of their rates postponed for up to five years because their land is zoned for a higher valued purpose, but is used for residential purposes - \$ 0.168M. This is an entitlement contained in the Local Government Act, for which no recovery action can be taken.

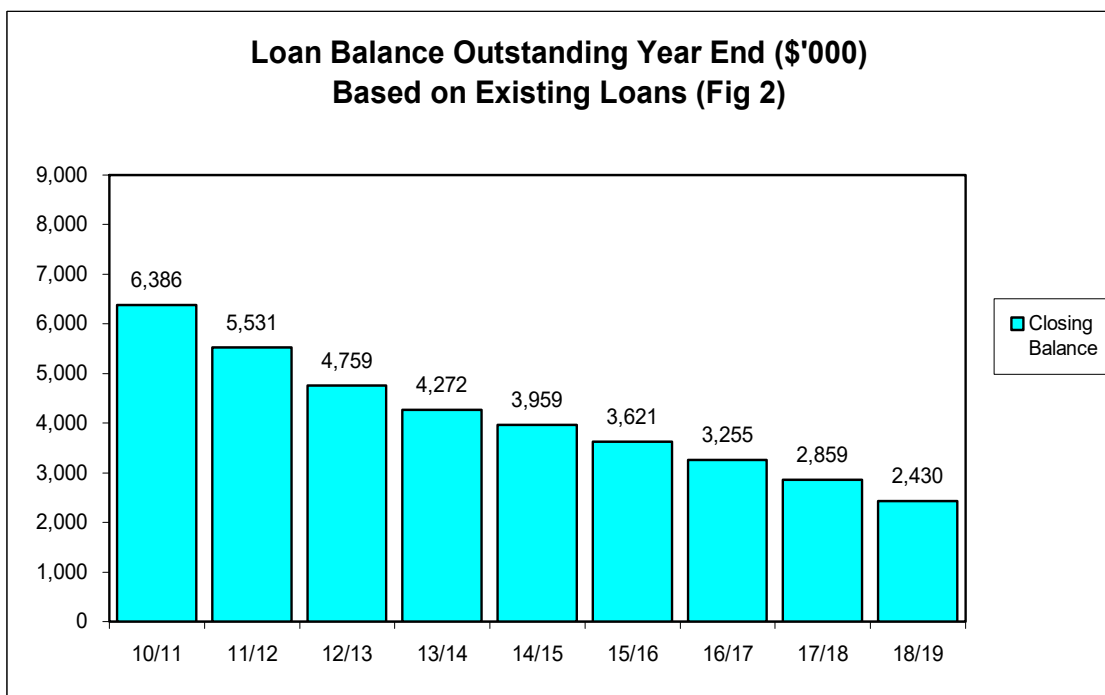
2.11 Loan Liability

Council's outstanding loan position as at 30 June 2011 was \$6.386 million.

As shown in Figure 1 below, total loan repayments in 2010/2011 amount to \$1.325 million. These repayments are made up of principal repayments totalling \$800,000 and interest repayments totalling \$525,000.



As shown in Figure 2 below, Council's outstanding loan balance will decrease to \$5.531 million as at 30 June 2012. (These figures are based on current loan levels, and are subject to review).



Council's Debt Service Ratio currently stands at 2.20% based on Borrowings as at 30 June 2011.

2.12 Environmental Levy – Warriewood/Ingleside Escarpment Acquisition

The Environmental Levy to date has helped to fund the following land acquisitions:

▪ Healesville Holding (Burrawang Ridge Estate)	28.0 hectares
▪ Part Mater Maria School site	3.6 hectares
▪ Heydon Estate	<u>26.6 hectares</u>
TOTAL	<u>58.2 hectares</u>

In addition, Council has resolved to enter into negotiations with the Uniting Church in regard to the potential acquisition of part of their land at Elanora Heights for escarpment protection.

Opening Reserve Balance as at 01/07/10	\$1,696,083
YTD Income to 30/06/11	\$93,346
YTD Expenditure to 30/06/11	\$46,126
Closing Reserve Balance as at 30/06/11 (restricted)	\$1,743,303

2.13 Environmental Infrastructure Levy

The Environmental Infrastructure (EI) Levy commenced 1 July 2005 to provide funds for the environmental infrastructure retrofit and upgrade throughout the Pittwater area.

The EI-Levy provides funds for environmental infrastructure that will progressively improve both our 'urban' and 'natural' environment. The EI-Levy over a seven year period will target high priority projects that benefit the broadest cross section of our community.

Council's Management Plan includes a schedule of EI-Levy funded projects for the next five years, which will be reviewed and publicly exhibited annually. The schedule of works will also receive input from the community through the Environmental Infrastructure Levy Advisory Committee comprising representatives from the four Portfolio Committees.

Opening Reserve Balance as at 01/07/10	\$667,855
YTD Income to 30/06/11	\$1,512,785
YTD Expenditure to 30/06/11	\$1,467,742
Closing Reserve Balance as at 30/06/11	\$712,898

2.14 Stormwater Management Service Charge

The Stormwater Management Service Charge Program is funded by a Stormwater Management Service Charge commencing from 1 July 2007 under amendments to the Local Government Act 1993 and the Local Government (General) Regulations 2005.

The Stormwater Management Service Charge Program is made under the recent addition of Section 496A to the Local Government Act 1993 made by the Local Government Amendment (Stormwater) Act 2005 and in accordance with clauses 125A, 125AA, 200A and 217 of the Local Government (General) Regulation 2005.

The Stormwater Management Service Charge Program is levied on rateable urban land that is categorised for rating purposes as residential or business (excludes vacant land – see definition in the Act). The charge levied is:

- \$25 for land categorised as residential
- \$12.50 per residential strata lot
- \$25 per 350 square metres (or part thereof) for land categorised as business
- Pro-rata apportionment for business strata complexes.

The purpose of the service charge is to fund both capital projects and recurrent expenditure relating to new or additional stormwater management services to eligible land within the 23 sub-catchments within Pittwater by taking a 'global' approach to stormwater services and ensuring a reasonable equitable distribution of Stormwater Management Services over time.

The Stormwater Management Service Charge Annual Works Program for the current and future years is set out in Councils 2009-2013 Management Plan in the Major Projects Work Schedules for Urban Infrastructure Business Unit.

Opening Reserve Balance as at 01/07/10	\$67,317
YTD Income to 30/06/11	\$514,650
YTD Expenditure to 30/06/11	\$527,584
Closing Reserve Balance as at 30/06/11 (restricted)	\$54,383

2.15 Developer Contribution Plans

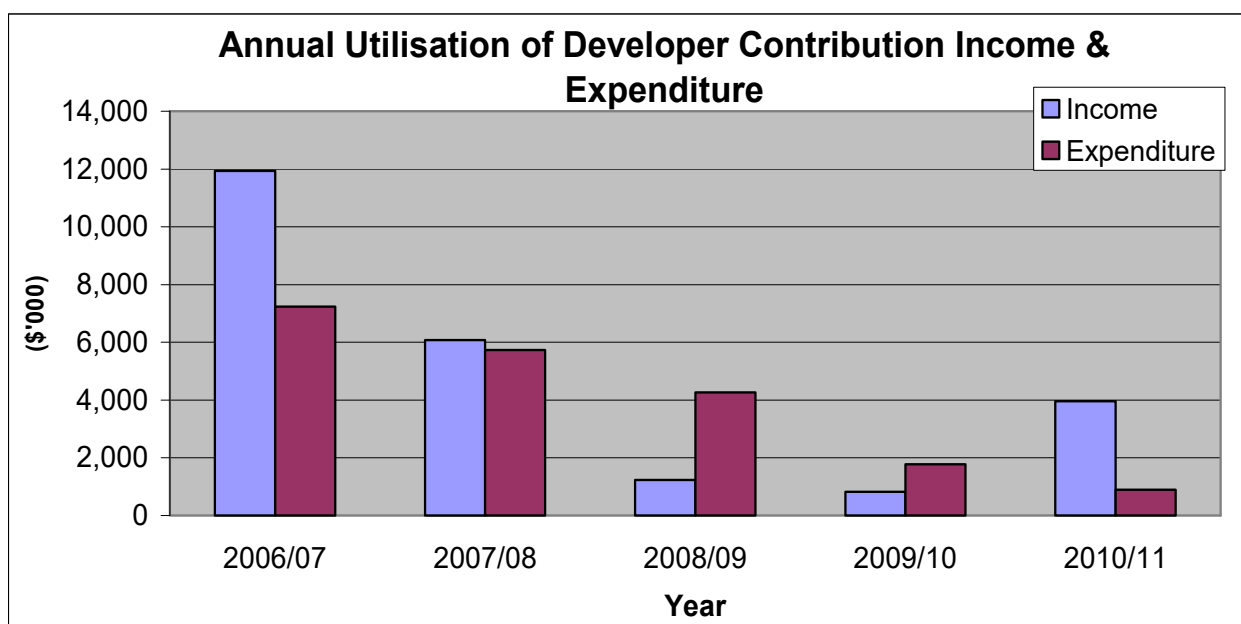
Developer Contributions are monetary contribution levied on developers at the development applications stage to pay for a proposed increase in demand for public services, such as roads and parks.

Council has a number of contribution plans, each containing income projections and work programs, enabling a financial strategy to efficiently and equitably administer the funds. A summary detailing the balances and projected income and expenditure for the current year of the various plans is contained within the table below:

DEVELOPER CONTRIBUTION PLANS	Plan Balance as at 30/06/10	Expenditure for 2010/11	Income for 2010/11	Plan Balance as at 30/06/11
Community Service Facilities	\$ 103,117	\$ 146,513	\$ 196,199	\$ 152,803
Mona Vale Car Parking	\$ 3,190,169	\$ 31,922	\$ 199,642	\$ 3,357,889
Newport Car Parking	\$ 85,794	\$ -	\$ 4,440	\$ 90,234
Open Space	\$ 199,674	\$ 407,298	\$ 799,745	\$ 592,122
Village Streetscape	\$ 121,313	\$ 186,563	\$ 401,720	\$ 336,470
Public Libraries	\$ 155,858	\$ 83,067	\$ 130,318	\$ 203,110
Warriewood Valley	\$ 1,287,050	\$ 36,509	\$ 2,223,699	\$ 3,474,240
Totals	\$ 5,142,975	\$ 891,871	\$ 3,955,763	\$ 8,206,867

Council is required to undertake financial management of developer contributions as the authority responsible for most of the communities' infrastructure and regional facilities. The timing of the capital expenditure is heavily dependant upon the levels of development and contributions received.

To demonstrate Pittwater Council's financial management of developer contributions, a comparison of income (contributions received) versus expenditure for the provision of community facilities is shown in the graph below.



3.0 SUSTAINABILITY ASSESSMENT

Over the last two years Pittwater Council, in collaboration with the Local Community, developed Pittwater 2020, the first of its kind. This strategic plan provides an overarching framework to proactively respond to the community aspirations and desires.

The Strategic Plan articulates the community vision for what Pittwater should be like in 2020 and outlines five interlinked and independent key directions and their associated strategies under which all planning will occur. The 20 key strategies have been developed providing the operational mechanism – vision, objectives, initiatives and measures – to achieve the inspirational goals and targets.

Accordingly, in an effort to assist Council's Strategic Plan and associated vision the 2010/11 budget, in addition to traditional financial reporting formats, has been broken down based upon the key five directions and their 20 associated strategies.

For information for the community the net consolidated position of each key direction and strategies are outlined below:

5 Key Directions - Net Budget Position:

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

3.1.1 The net impact of the 2010/11 budget for this key direction is a cost of \$5.355 million.

This net cost includes:	
Operating Expenditure	\$9.557 million
Capital Expenditure	\$1.698 million
Income	(\$4.642) million
Transfer from Reserve*	(\$2.223) million
Transfer to Reserve*	\$964,000
Net Cost to Council	\$5.355 million

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

3.2.1 The net impact of the 2010/11 budget for this key direction is a cost of \$4.359 million.

This net cost includes:	
Operating Expenditure	\$15.440 million
Capital Expenditure	\$1.945 million
Income	(\$11.740) million
Transfer from Reserve*	(\$2.934) million
Transfer to Reserve*	\$1.648 million
Net Cost to Council	\$4.359 million

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

3.3.1 The net impact of the 2010/11 budget for this key direction is a cost of \$976,000.

This net cost includes:	
Operating Expenditure	\$4.697 million
Capital Expenditure	\$886,000
Income	(\$3.833) million
Transfer from Reserve*	(\$1.354) million
Transfer to Reserve*	\$580,000
Net Cost to Council	\$976,000

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

3.4.1 The net impact of the 2010/11 budget for this key direction is income of \$15.981 million.

This net income includes:	
Operating Expenditure	\$19.719 million
Capital Expenditure	\$4.512 million
Income	(\$41.460) million
Transfer from Reserve*	(\$3.112) million
Transfer to Reserve*	\$4.360 million
Net Income to Council	(\$15.981) million

3.5 Integrating our Built Environment (Infrastructure)

3.5.1 The net impact of the 2010/11 budget for this key direction is a cost of \$5.228 million.

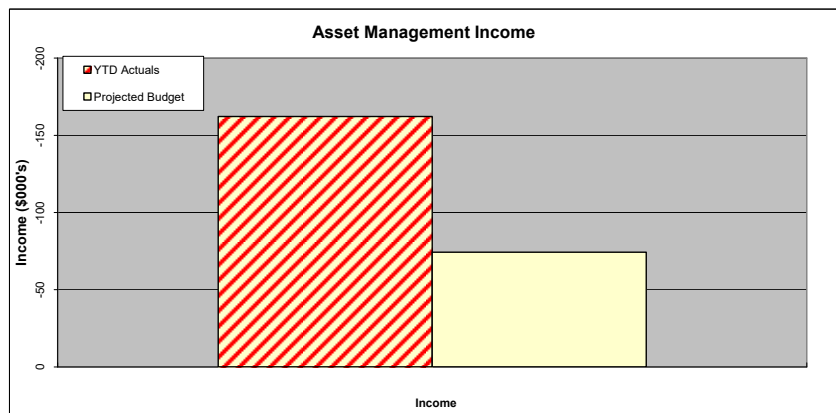
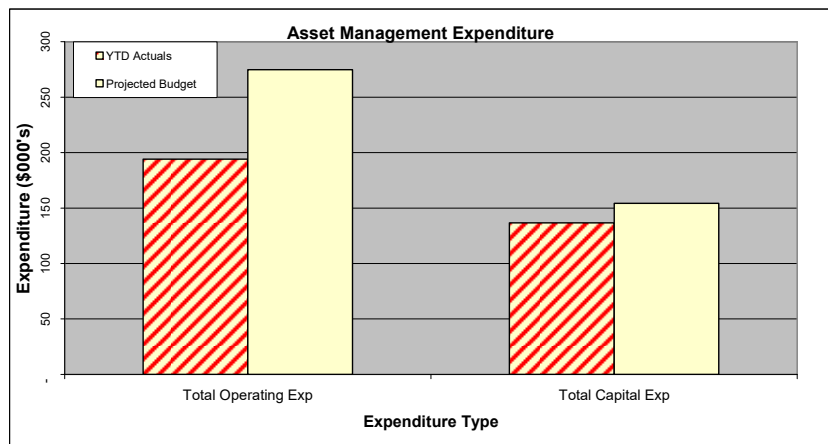
This net cost includes:	
Operating Expenditure	\$13.828 million
Capital Expenditure	\$3.149 million
Income	(\$8.442) million
Transfer from Reserve*	(\$5.173) million
Transfer to Reserve*	\$1.866 million
Net Cost to Council	\$5.228 million

**Note: Transfers to and from Reserve represent funds acquired in the current and/or prior financial years but are utilised or placed into reserve in the current financial year.*

20 Strategies - Net Budget Position:

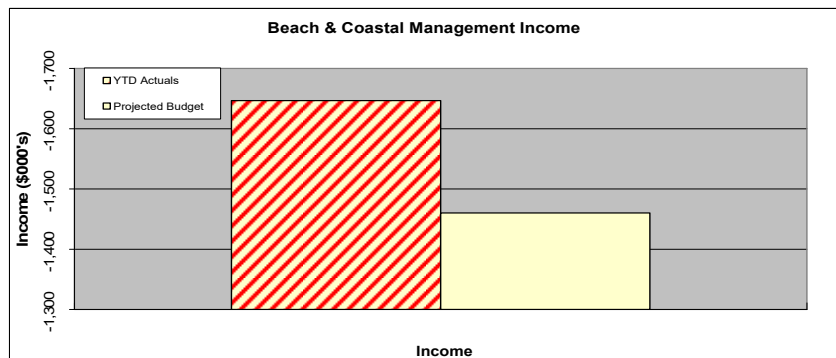
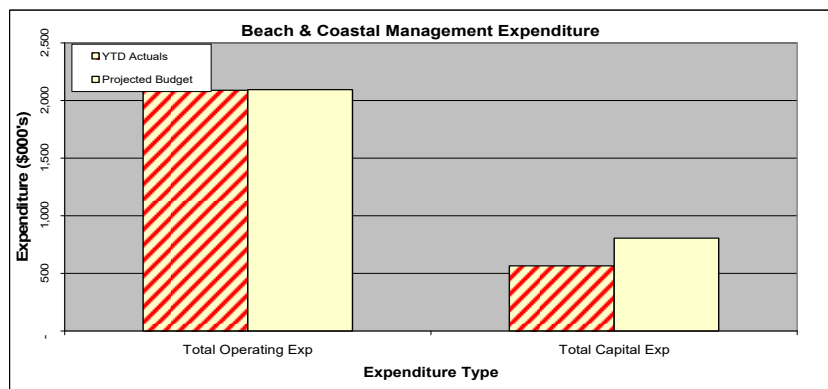
ASSET MANAGEMENT

STRATEGY Asset Management Coordination		
Operating Expenditure	YTD Actuals -\$000's	Total Revised Budget -\$000's
Salaries and Wages	131	161
Other Employee Costs	49	65
Materials and Contracts	1	(0)
Depreciation	0	0
Interest	0	0
Other Costs	13	49
Total Operating Exp	194	275
Capital Expenditure		
Capital Asset Acquisitions	0	0
Capital Works Programs	137	154
Capital Material Public Benefits	0	0
Loan Repayments	0	0
Total Capital Exp	137	154
Income (Op & Cap)		
User Fees	(100)	0
Fees and Charges	0	0
Grant Transfers	0	(15)
Contributions	(59)	(58)
Rates Income	0	0
Domestic Waste Charge	0	0
Return on Investments & Other I	0	0
Other Income	(3)	(2)
Capital Assets Disposals	0	0
Total Income (Op & Cap)	(162)	(74)
Transfers from Reserves	(2)	(9)
Transfers to Reserves	59	65
Net Cost* / (Income)	226	411
* Net Cost Funded By Rates		



BEACH & COASTAL MANAGEMENT

STRATEGY Beach & Coastal Management		
Operating Expenditure	YTD Actuals -\$000's	Total Revised Budget -\$000's
Salaries and Wages	489	453
Other Employee Costs	158	164
Materials and Contracts	1,121	1,125
Depreciation	109	109
Interest	0	0
Other Costs	212	243
Total Operating Exp	2,089	2,095
Capital Expenditure		
Capital Asset Acquisitions	39	120
Capital Works Programs	527	686
Capital Material Public Benefits	0	0
Loan Repayments	0	0
Total Capital Exp	566	806
Income (Op & Cap)		
User Fees	(1,302)	(1,167)
Fees and Charges	0	0
Grant Transfers	(225)	(169)
Contributions	(116)	(114)
Rates Income	0	0
Domestic Waste Charge	0	0
Return on Investments & Other I	0	0
Other Income	(4)	(10)
Capital Assets Disposals	0	0
Total Income (Op & Cap)	(1,647)	(1,460)
Transfers from Reserves	(578)	(871)
Transfers to Reserves	260	306
Net Cost* / (Income)	690	876
* Net Cost Funded By Rates		

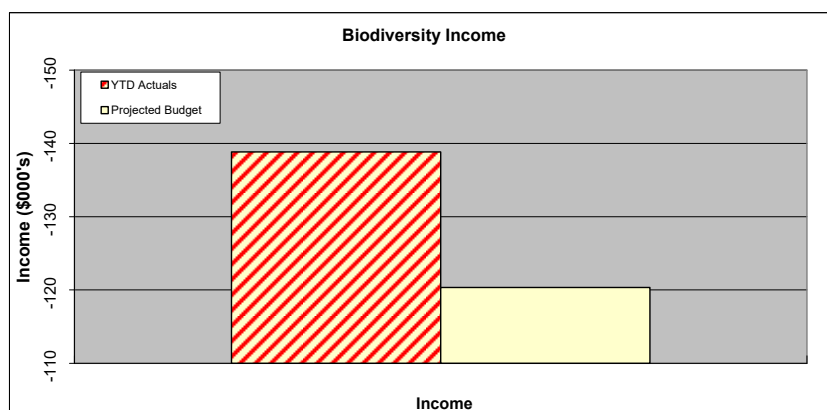
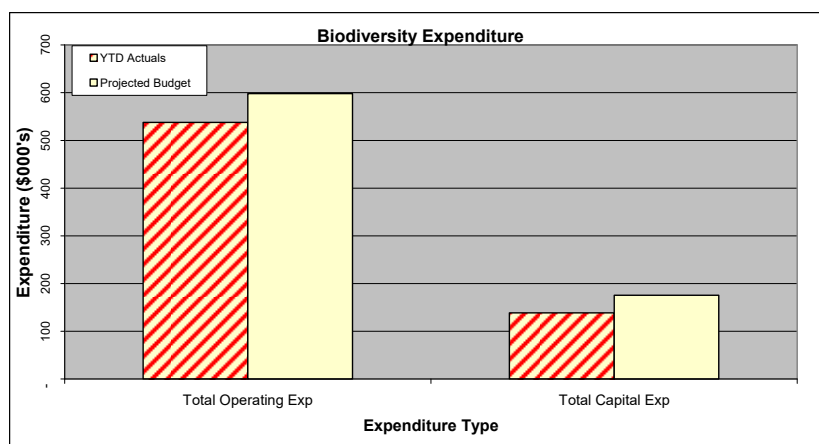


BIODIVERSITY

STRATEGY Biodiversity

Operating Expenditure	YTD Actuals -\$000's	Total Revised Budget -\$000's
Salaries and Wages	183	225
Other Employee Costs	63	79
Materials and Contracts	257	263
Depreciation	0	0
Interest	0	0
Other Costs	35	31
Total Operating Exp	538	598
Capital Expenditure		
Capital Asset Acquisitions	0	0
Capital Works Programs	139	175
Capital Material Public Benefits	0	0
Loan Repayments	0	0
Total Capital Exp	139	175
Income (Op & Cap)		
User Fees	(0)	0
Fees and Charges	(8)	(9)
Grant Transfers	(125)	(105)
Contributions	(5)	(5)
Rates Income	0	0
Domestic Waste Charge	0	0
Return on Investments & Other I	0	0
Other Income	(0)	(1)
Capital Assets Disposals	0	0
Total Income (Op & Cap)	(139)	(120)
Transfers from Reserves	(111)	(186)
Transfers to Reserves	2	2
Net Cost* / (Income)	428	469

* Net Cost Funded By Rates

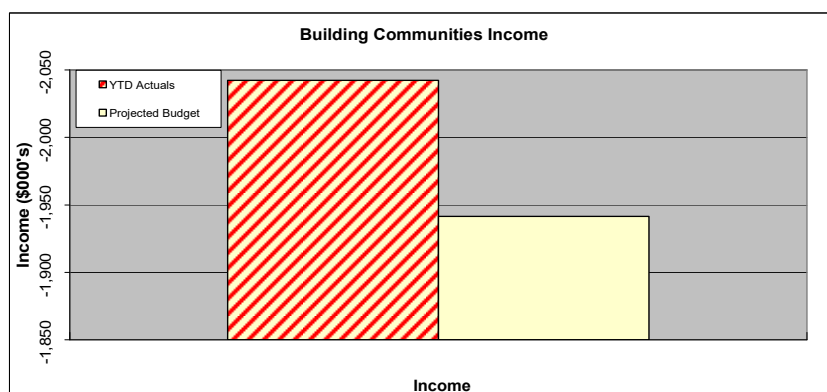
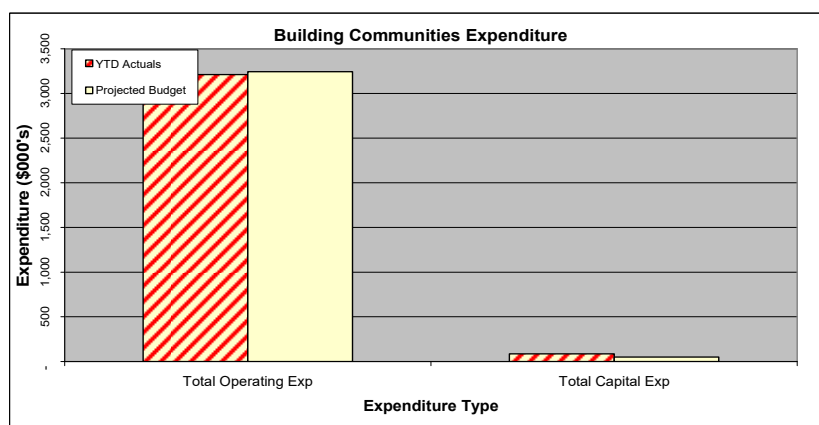


BUILDING COMMUNITIES

STRATEGY Building Communities

Operating Expenditure	YTD Actuals -\$000's	Total Revised Budget -\$000's
Salaries and Wages	1,759	1,767
Other Employee Costs	495	534
Materials and Contracts	259	214
Depreciation	2	2
Interest	2	2
Other Costs	695	727
Total Operating Exp	3,210	3,244
Capital Expenditure		
Capital Asset Acquisitions	0	0
Capital Works Programs	86	48
Capital Material Public Benefits	0	0
Loan Repayments	0	0
Total Capital Exp	86	48
Income (Op & Cap)		
User Fees	(944)	(967)
Fees and Charges	(123)	(129)
Grant Transfers	(857)	(727)
Contributions	(98)	(102)
Rates Income	0	0
Domestic Waste Charge	0	0
Return on Investments & Other I	0	0
Other Income	(19)	(16)
Capital Assets Disposals	0	0
Total Income (Op & Cap)	(2,042)	(1,942)
Transfers from Reserves	(36)	(43)
Transfers to Reserves	96	111
Net Cost* / (Income)	1,314	1,419

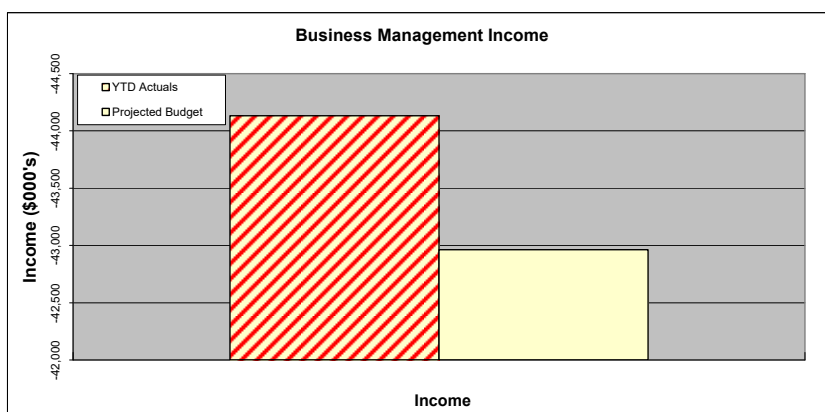
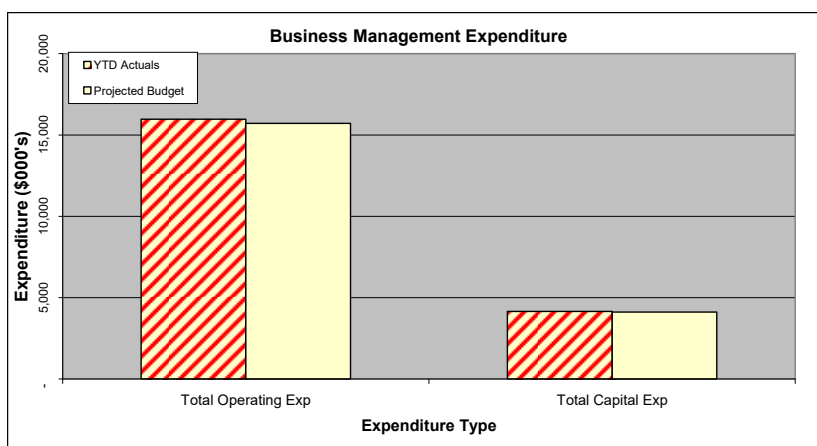
* Net Cost Funded By Rates



BUSINESS MANAGEMENT

STRATEGY		
Business Management		
Operating Expenditure	YTD	Total
	Actuals	Revised
	-\$000's	Budget
	-\$000's	-\$000's
Salaries and Wages	4,163	4,028
Other Employee Costs	1,657	1,763
Materials and Contracts	1,713	1,923
Depreciation	2,079	1,972
Interest	526	525
Other Costs	5,835	5,498
Total Operating Exp	15,973	15,710
Capital Expenditure		
Capital Asset Acquisitions	2,698	2,617
Capital Works Programs	633	679
Capital Material Public Benefits	0	0
Loan Repayments	824	824
Total Capital Exp	4,156	4,120
Income (Op & Cap)		
User Fees	(5,778)	(5,781)
Fees and Charges	(242)	(272)
Grant Transfers	(2,205)	(1,659)
Contributions	(196)	(193)
Rates Income	(31,732)	(31,827)
Domestic Waste Charge	0	0
Return on Investments & Other I	(1,683)	(1,357)
Other Income	(803)	(594)
Capital Assets Disposals	(1,494)	(1,280)
Total Income (Op & Cap)	(44,133)	(42,962)
Transfers from Reserves	(2,041)	(1,990)
Transfers to Reserves	4,890	4,370
Net Cost* / (Income)	(21,154)	(20,752)

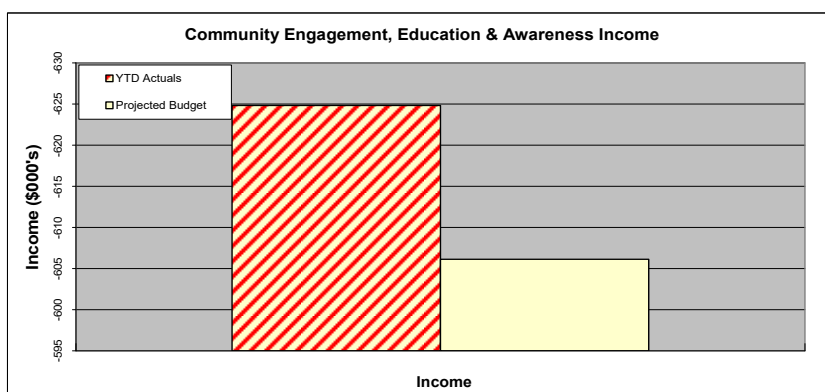
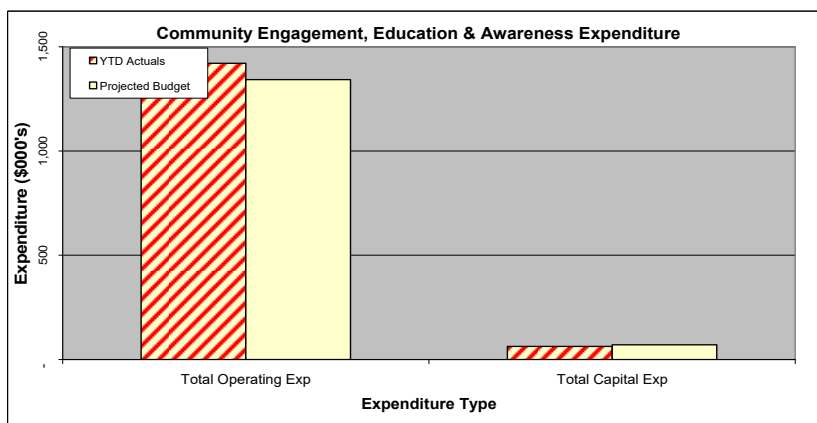
* Net Cost Funded By Rates



COMMUNITY ENGAGEMENT, EDUCATION & AWARENESS

STRATEGY		
Community Engagement, Education & Awareness		
Operating Expenditure	YTD	Total
	Actuals	Revised
	-\$000's	Budget
	-\$000's	-\$000's
Salaries and Wages	485	462
Other Employee Costs	142	135
Materials and Contracts	284	184
Depreciation	0	0
Interest	16	15
Other Costs	494	546
Total Operating Exp	1,421	1,343
Capital Expenditure		
Capital Asset Acquisitions	14	36
Capital Works Programs	48	34
Capital Material Public Benefits	0	0
Loan Repayments	0	0
Total Capital Exp	62	71
Income (Op & Cap)		
User Fees	(369)	(376)
Fees and Charges	(35)	(38)
Grant Transfers	(152)	(118)
Contributions	(57)	(62)
Rates Income	0	0
Domestic Waste Charge	0	0
Return on Investments & Other I	0	0
Other Income	(12)	(13)
Capital Assets Disposals	0	0
Total Income (Op & Cap)	(625)	(606)
Transfers from Reserves	(34)	(59)
Transfers to Reserves	57	62
Net Cost* / (Income)	881	810

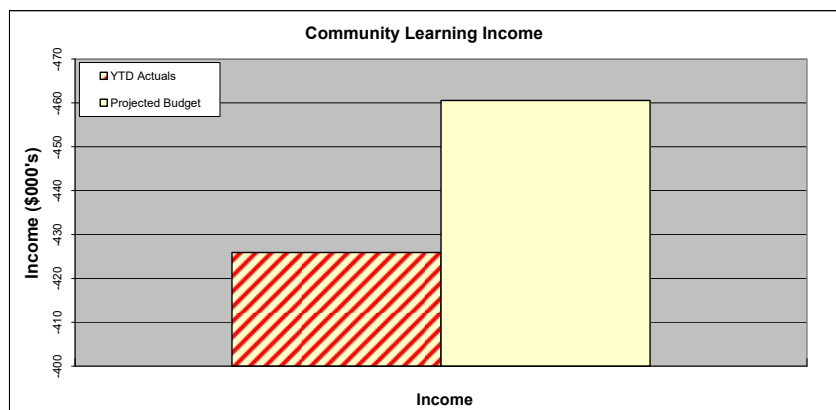
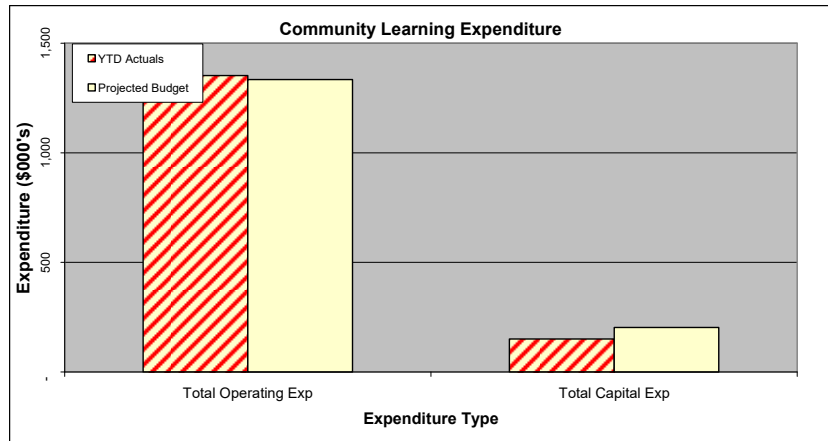
* Net Cost Funded By Rates



COMMUNITY LEARNING

STRATEGY Community Learning		
Operating Expenditure	YTD Actuals -\$000's	Total Revised Budget -\$000's
Salaries and Wages	701	700
Other Employee Costs	202	214
Materials and Contracts	125	112
Depreciation	156	156
Interest	1	1
Other Costs	168	151
Total Operating Exp	1,353	1,334
Capital Expenditure		
Capital Asset Acquisitions	149	186
Capital Works Programs	2	17
Capital Material Public Benefits	0	0
Loan Repayments	0	0
Total Capital Exp	151	203
Income (Op & Cap)		
User Fees	(176)	(181)
Fees and Charges	(26)	(29)
Grant Transfers	(95)	(110)
Contributions	(129)	(140)
Rates Income	0	0
Domestic Waste Charge	0	0
Return on Investments & Other I	0	0
Other Income	(0)	(0)
Capital Assets Disposals	0	0
Total Income (Op & Cap)	(426)	(461)
Transfers from Reserves	(308)	(382)
Transfers to Reserves	128	140
Net Cost* / (Income)	898	834

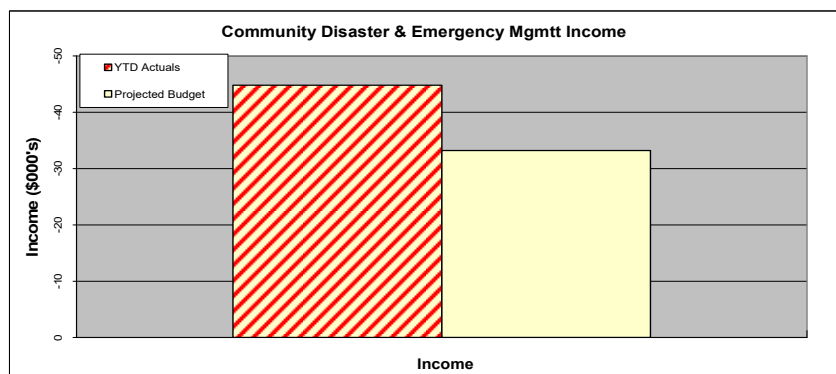
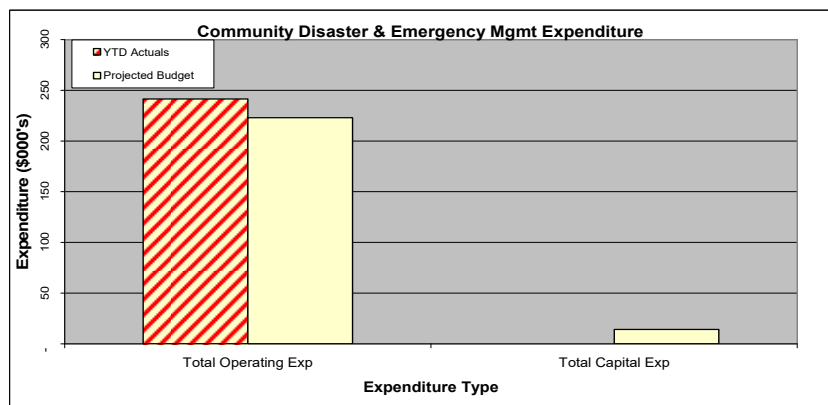
* Net Cost Funded By Rates



COMMUNITY DISASTER & EMERGENCY MANAGEMENT

STRATEGY Community Disaster & Emergency Management		
Operating Expenditure	YTD Actuals -\$000's	Total Revised Budget -\$000's
Salaries and Wages	77	71
Other Employee Costs	23	27
Materials and Contracts	(1)	20
Depreciation	0	0
Interest	0	0
Other Costs	142	106
Total Operating Exp	241	223
Capital Expenditure		
Capital Asset Acquisitions	0	0
Capital Works Programs	0	14
Capital Material Public Benefits	0	0
Loan Repayments	0	0
Total Capital Exp	0	14
Income (Op & Cap)		
User Fees	0	0
Fees and Charges	0	0
Grant Transfers	(41)	(31)
Contributions	(2)	(2)
Rates Income	0	0
Domestic Waste Charge	0	0
Return on Investments & Other I	0	0
Other Income	(2)	0
Capital Assets Disposals	0	0
Total Income (Op & Cap)	(45)	(33)
Transfers from Reserves	(2)	(9)
Transfers to Reserves	2	2
Net Cost* / (Income)	197	197

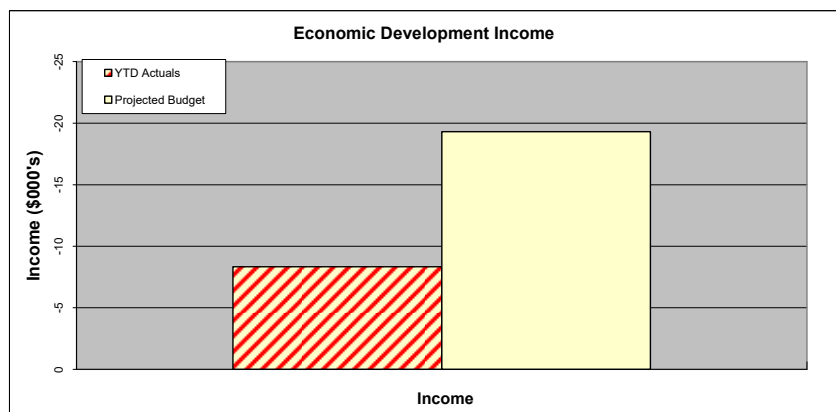
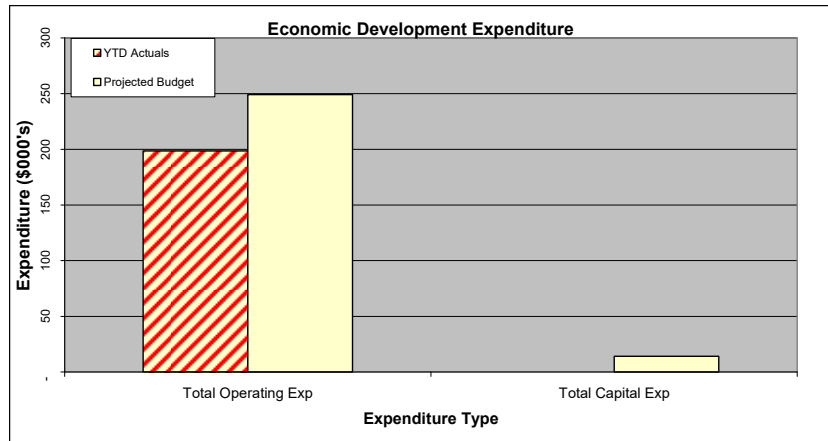
* Net Cost Funded By Rates



ECONOMIC DEVELOPMENT

STRATEGY		
Economic Development		
Operating Expenditure	YTD	Total Revised Budget
	Actuals -\$000's	Budget -\$000's
Salaries and Wages	111	118
Other Employee Costs	34	37
Materials and Contracts	5	6
Depreciation	0	0
Interest	0	0
Other Costs	49	88
Total Operating Exp	198	249
Capital Expenditure		
Capital Asset Acquisitions	0	0
Capital Works Programs	0	14
Capital Material Public Benefits	0	0
Loan Repayments	0	0
Total Capital Exp	0	14
Income (Op & Cap)		
User Fees	0	0
Fees and Charges	(5)	(3)
Grant Transfers	0	(15)
Contributions	(2)	(2)
Rates Income	0	0
Domestic Waste Charge	0	0
Return on Investments & Other I	0	0
Other Income	(1)	0
Capital Assets Disposals	0	0
Total Income (Op & Cap)	(8)	(19)
Transfers from Reserves	(2)	(9)
Transfers to Reserves	2	2
Net Cost* / (Income)	190	237

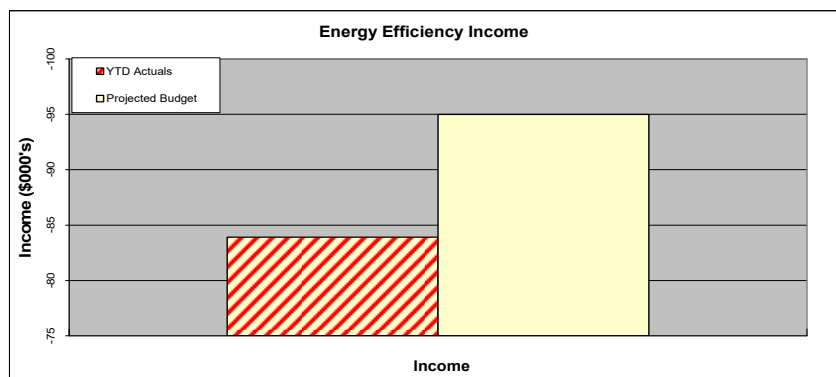
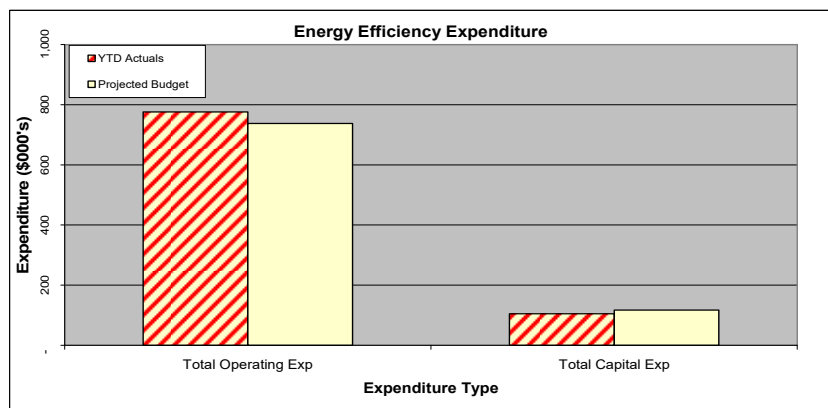
* Net Cost Funded By Rates



ENERGY EFFICIENCY

STRATEGY		
Energy Efficiency		
Operating Expenditure	YTD	Total Revised Budget
	Actuals -\$000's	Budget -\$000's
Salaries and Wages	177	184
Other Employee Costs	60	65
Materials and Contracts	120	83
Depreciation	161	161
Interest	0	0
Other Costs	257	245
Total Operating Exp	776	738
Capital Expenditure		
Capital Asset Acquisitions	0	0
Capital Works Programs	105	117
Capital Material Public Benefits	0	0
Loan Repayments	0	0
Total Capital Exp	105	117
Income (Op & Cap)		
User Fees	(18)	(15)
Fees and Charges	(1)	(2)
Grant Transfers	(1)	(19)
Contributions	(60)	(58)
Rates Income	0	0
Domestic Waste Charge	0	0
Return on Investments & Other I	0	0
Other Income	(4)	(2)
Capital Assets Disposals	0	0
Total Income (Op & Cap)	(84)	(95)
Transfers from Reserves	(232)	(237)
Transfers to Reserves	84	90
Net Cost* / (Income)	649	612

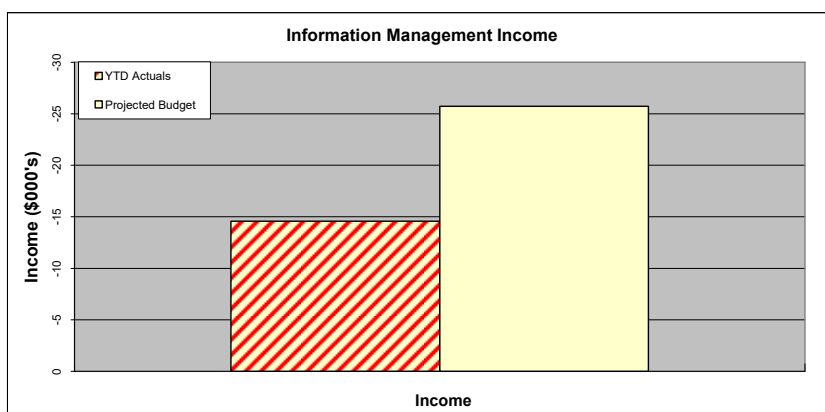
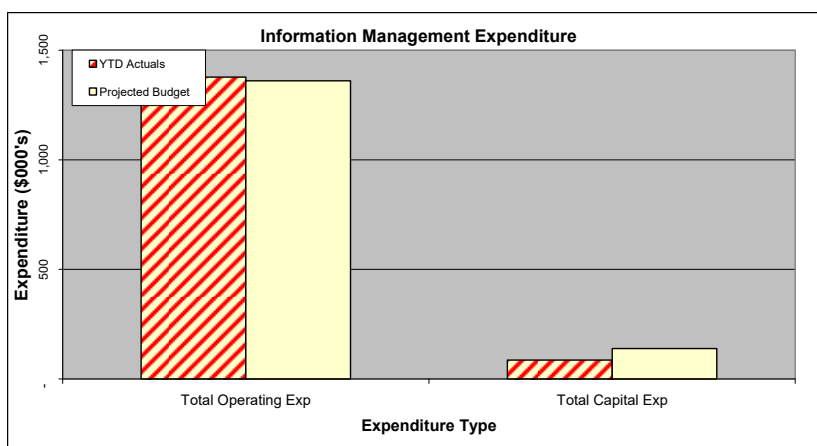
* Net Cost Funded By Rates



INFORMATION MANAGEMENT

STRATEGY Information Management		
Operating Expenditure	YTD Actuals -\$000's	Total Revised Budget -\$000's
Salaries and Wages	602	607
Other Employee Costs	173	185
Materials and Contracts	310	297
Depreciation	158	158
Interest	0	0
Other Costs	135	115
Total Operating Exp	1,378	1,361
Capital Expenditure		
Capital Asset Acquisitions	87	125
Capital Works Programs	0	14
Capital Material Public Benefits	0	0
Loan Repayments	0	0
Total Capital Exp	87	140
Income (Op & Cap)		
User Fees	(8)	(9)
Fees and Charges	(1)	(1)
Grant Transfers	0	(15)
Contributions	(2)	(2)
Rates Income	0	0
Domestic Waste Charge	0	0
Return on Investments & Other I	0	0
Other Income	(4)	(0)
Capital Assets Disposals	0	0
Total Income (Op & Cap)	(15)	(26)
Transfers from Reserves	(246)	(292)
Transfers to Reserves	2	2
Net Cost* / (Income)	1,205	1,185

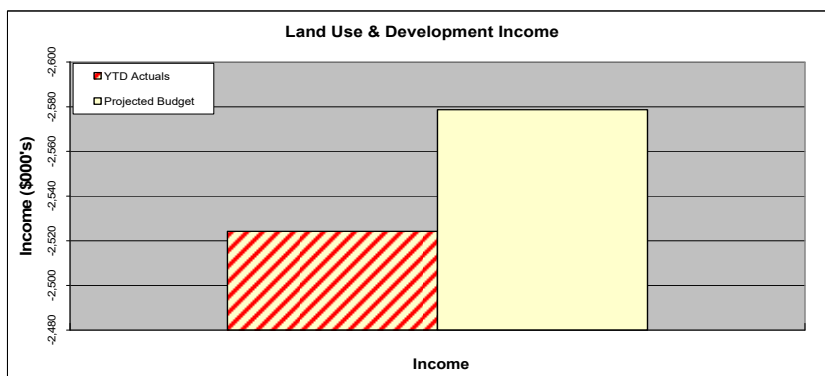
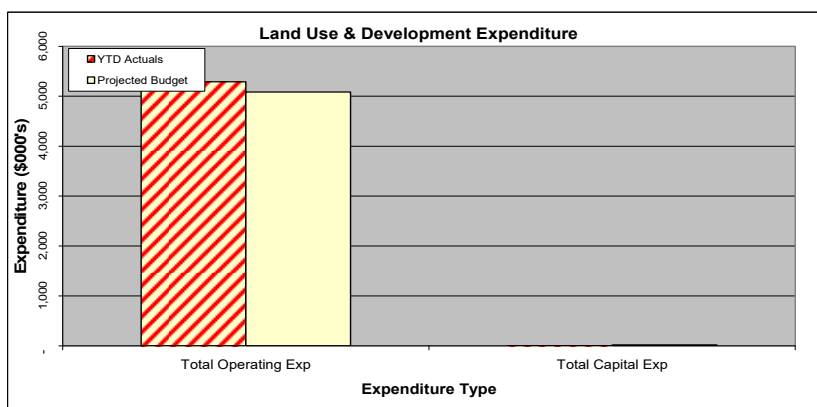
* Net Cost Funded By Rates



LAND USE & DEVELOPMENT

STRATEGY Land Use & Development		
Operating Expenditure	YTD Actuals -\$000's	Total Revised Budget -\$000's
Salaries and Wages	2,561	2,699
Other Employee Costs	719	802
Materials and Contracts	96	100
Depreciation	39	39
Interest	0	0
Other Costs	1,877	1,450
Total Operating Exp	5,291	5,089
Capital Expenditure		
Capital Asset Acquisitions	0	0
Capital Works Programs	4	18
Capital Material Public Benefits	0	0
Loan Repayments	0	0
Total Capital Exp	4	18
Income (Op & Cap)		
User Fees	(203)	(165)
Fees and Charges	(1,363)	(1,418)
Grant Transfers	(8)	(59)
Contributions	(856)	(854)
Rates Income	0	0
Domestic Waste Charge	0	0
Return on Investments & Other I	0	0
Other Income	(95)	(82)
Capital Assets Disposals	0	0
Total Income (Op & Cap)	(2,524)	(2,579)
Transfers from Reserves	(3)	(11)
Transfers to Reserves	865	861
Net Cost* / (Income)	3,633	3,379

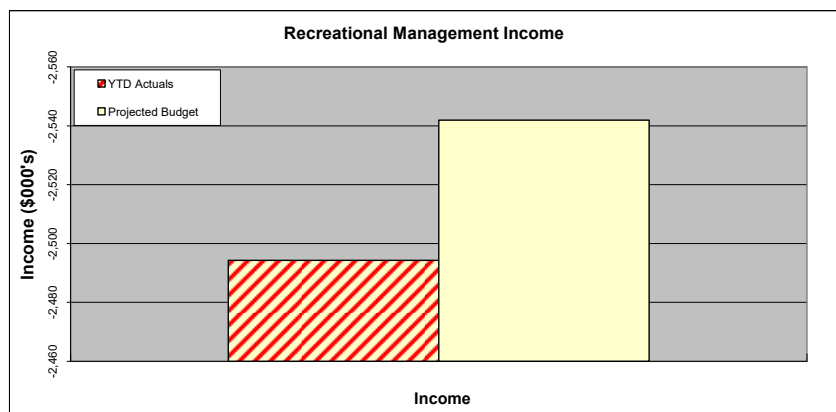
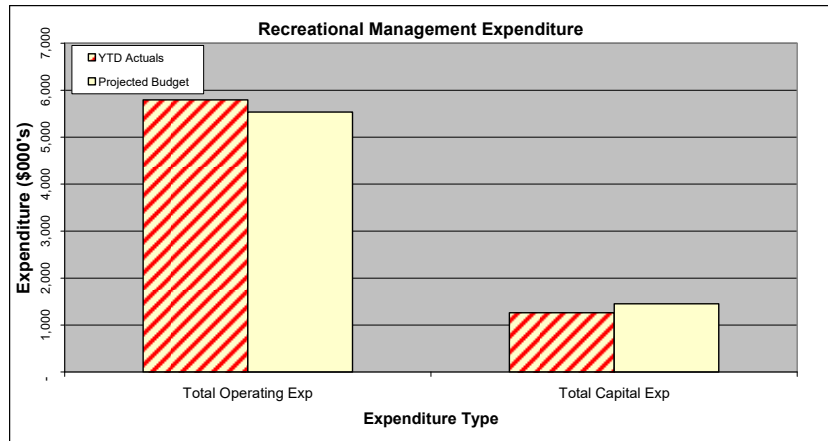
* Net Cost Funded By Rates



RECREATIONAL MANAGEMENT

STRATEGY Recreational Management		
Operating Expenditure	YTD Actuals -\$000's	Total Revised Budget -\$000's
Salaries and Wages	2,024	2,075
Other Employee Costs	717	793
Materials and Contracts	1,534	1,273
Depreciation	915	915
Interest	0	0
Other Costs	604	479
Total Operating Exp	5,794	5,535
Capital Expenditure		
Capital Asset Acquisitions	113	162
Capital Works Programs	1,151	1,290
Capital Material Public Benefits	0	0
Loan Repayments	0	0
Total Capital Exp	1,264	1,452
Income (Op & Cap)		
User Fees	(1,312)	(1,269)
Fees and Charges	(424)	(446)
Grant Transfers	(309)	(374)
Contributions	(409)	(416)
Rates Income	0	0
Domestic Waste Charge	0	0
Return on Investments & Other I	0	0
Other Income	(41)	(38)
Capital Assets Disposals	0	0
Total Income (Op & Cap)	(2,494)	(2,542)
Transfers from Reserves	(1,730)	(1,827)
Transfers to Reserves	422	489
Net Cost* / (Income)	3,256	3,108

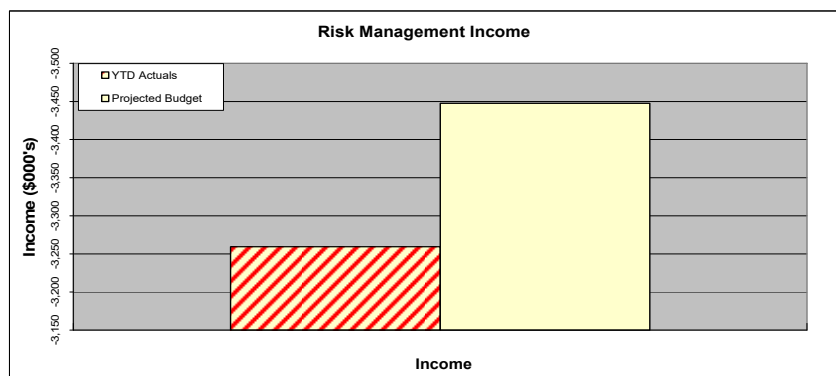
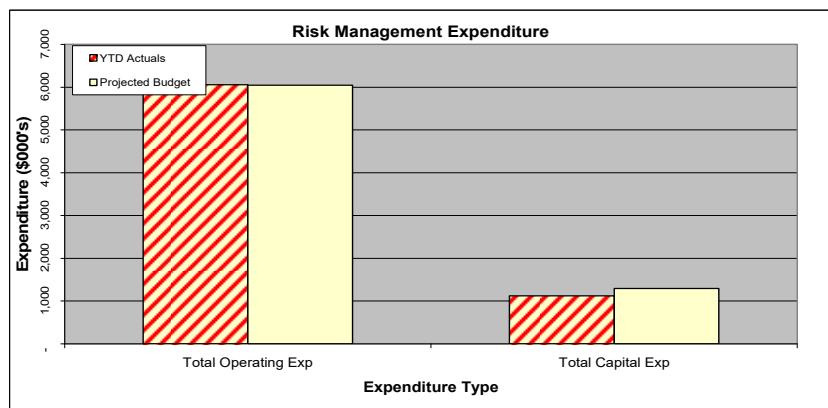
* Net Cost Funded By Rates



RISK MANAGEMENT

STRATEGY Risk Management		
Operating Expenditure	YTD Actuals -\$000's	Total Revised Budget -\$000's
Salaries and Wages	1,781	1,873
Other Employee Costs	618	680
Materials and Contracts	1,367	1,147
Depreciation	452	452
Interest	0	0
Other Costs	1,841	1,896
Total Operating Exp	6,058	6,047
Capital Expenditure		
Capital Asset Acquisitions	3	3
Capital Works Programs	1,117	1,290
Capital Material Public Benefits	0	0
Loan Repayments	0	0
Total Capital Exp	1,119	1,293
Income (Op & Cap)		
User Fees	(313)	(331)
Fees and Charges	(1,258)	(1,376)
Grant Transfers	(616)	(741)
Contributions	(808)	(747)
Rates Income	0	0
Domestic Waste Charge	0	0
Return on Investments & Other I	0	0
Other Income	(265)	(253)
Capital Assets Disposals	0	0
Total Income (Op & Cap)	(3,259)	(3,448)
Transfers from Reserves	(980)	(1,138)
Transfers to Reserves	750	770
Net Cost* / (Income)	3,687	3,523

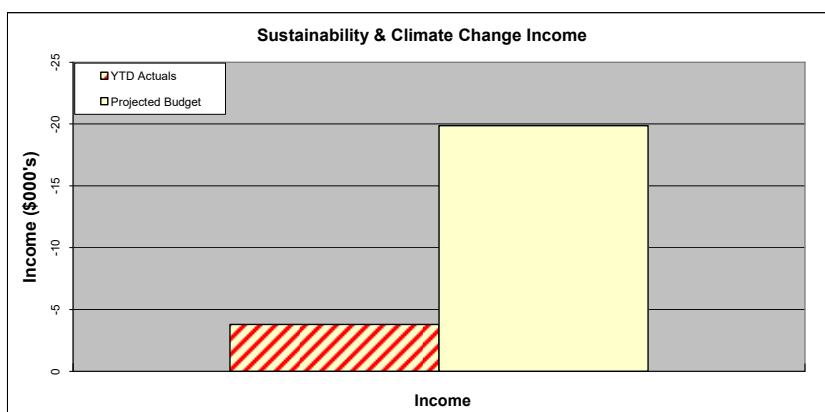
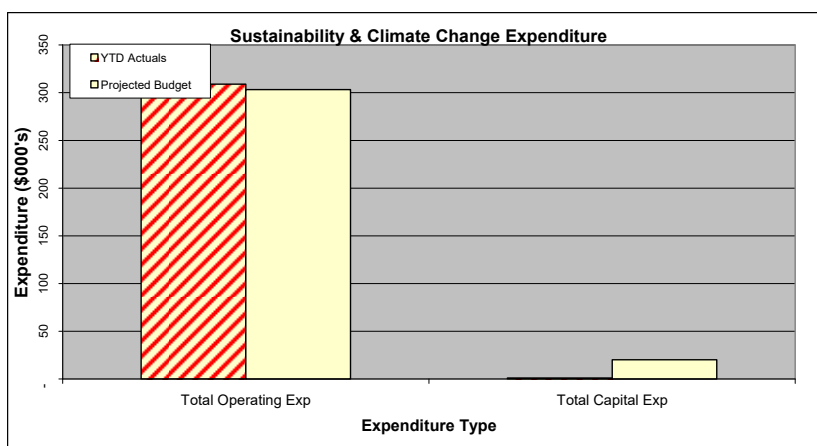
* Net Cost Funded By Rates



SUSTAINABILITY & CLIMATE CHANGE COORDINATION

STRATEGY Sustainability & Climate Change Coordination		
Operating Expenditure	YTD Actuals -\$000's	Total Revised Budget -\$000's
Salaries and Wages	220	211
Other Employee Costs	64	64
Materials and Contracts	6	4
Depreciation	0	0
Interest	0	0
Other Costs	19	24
Total Operating Exp	309	303
Capital Expenditure		
Capital Asset Acquisitions	0	0
Capital Works Programs	1	20
Capital Material Public Benefits	0	0
Loan Repayments	0	0
Total Capital Exp	1	20
Income (Op & Cap)		
User Fees	(0)	0
Fees and Charges	(1)	(2)
Grant Transfers	(1)	(17)
Contributions	(2)	(2)
Rates Income	0	0
Domestic Waste Charge	0	0
Return on Investments & Other I	0	0
Other Income	(0)	(0)
Capital Assets Disposals	0	0
Total Income (Op & Cap)	(4)	(20)
Transfers from Reserves	(4)	(12)
Transfers to Reserves	2	2
Net Cost* / (Income)	304	294

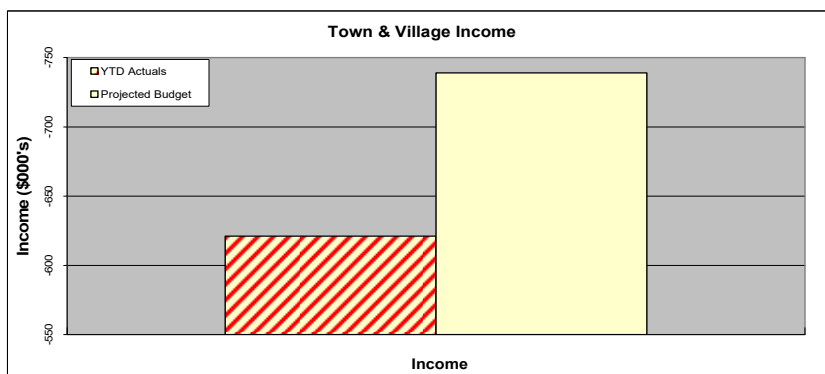
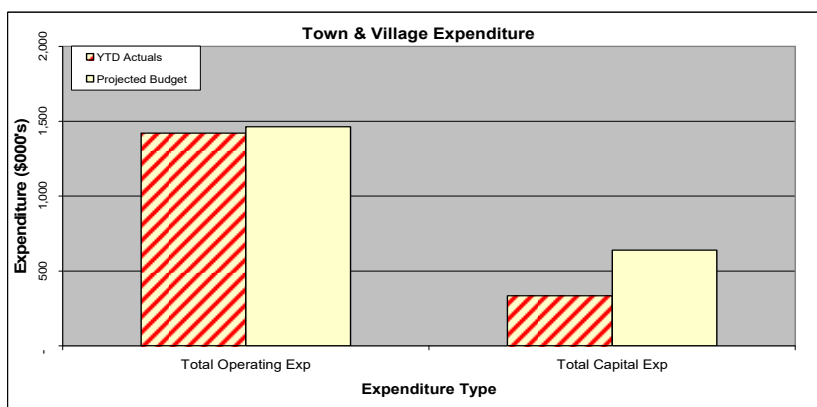
* Net Cost Funded By Rates



TOWN & VILLAGE

STRATEGY Town & Village		
Operating Expenditure	YTD Actuals -\$000's	Total Revised Budget -\$000's
Salaries and Wages	741	787
Other Employee Costs	275	315
Materials and Contracts	139	104
Depreciation	59	59
Interest	0	0
Other Costs	207	198
Total Operating Exp	1,421	1,463
Capital Expenditure		
Capital Asset Acquisitions	0	0
Capital Works Programs	334	640
Capital Material Public Benefits	0	0
Loan Repayments	0	0
Total Capital Exp	334	640
Income (Op & Cap)		
User Fees	(147)	(147)
Fees and Charges	(45)	(38)
Grant Transfers	(149)	(295)
Contributions	(271)	(251)
Rates Income	0	0
Domestic Waste Charge	0	0
Return on Investments & Other I	0	0
Other Income	(9)	(8)
Capital Assets Disposals	0	0
Total Income (Op & Cap)	(621)	(739)
Transfers from Reserves	(170)	(382)
Transfers to Reserves	368	375
Net Cost* / (Income)	1,332	1,357

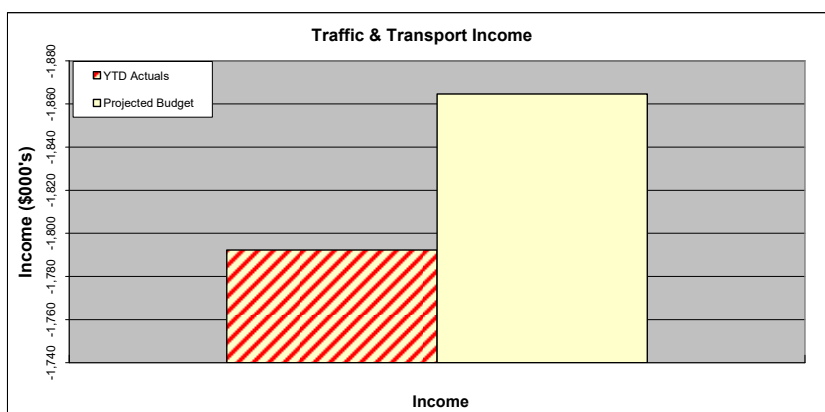
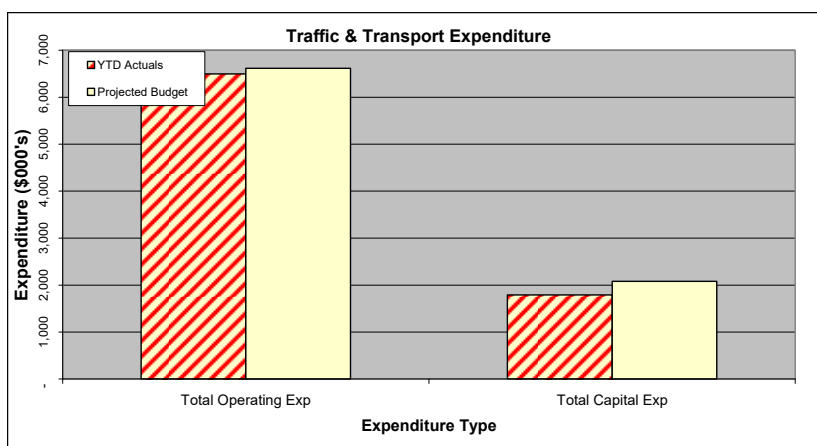
* Net Cost Funded By Rates



TRAFFIC & TRANSPORT

STRATEGY Transport & Traffic		
Operating Expenditure	YTD Actuals -\$000's	Total Revised Budget -\$000's
Salaries and Wages	1,034	1,214
Other Employee Costs	393	498
Materials and Contracts	472	384
Depreciation	3,927	3,927
Interest	0	0
Other Costs	672	593
Total Operating Exp	6,497	6,615
Capital Expenditure		
Capital Asset Acquisitions	0	0
Capital Works Programs	1,787	2,081
Capital Material Public Benefits	0	0
Loan Repayments	0	0
Total Capital Exp	1,787	2,081
Income (Op & Cap)		
User Fees	(92)	(86)
Fees and Charges	(217)	(188)
Grant Transfers	(576)	(773)
Contributions	(898)	(810)
Rates Income	0	0
Domestic Waste Charge	0	0
Return on Investments & Other I	0	0
Other Income	(9)	(9)
Capital Assets Disposals	0	0
Total Income (Op & Cap)	(1,792)	(1,865)
Transfers from Reserves	(6,294)	(6,480)
Transfers to Reserves	1,232	675
Net Cost* / (Income)	1,430	1,027

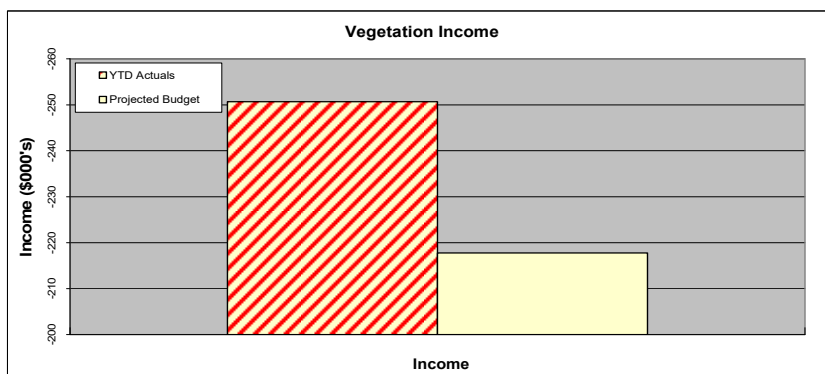
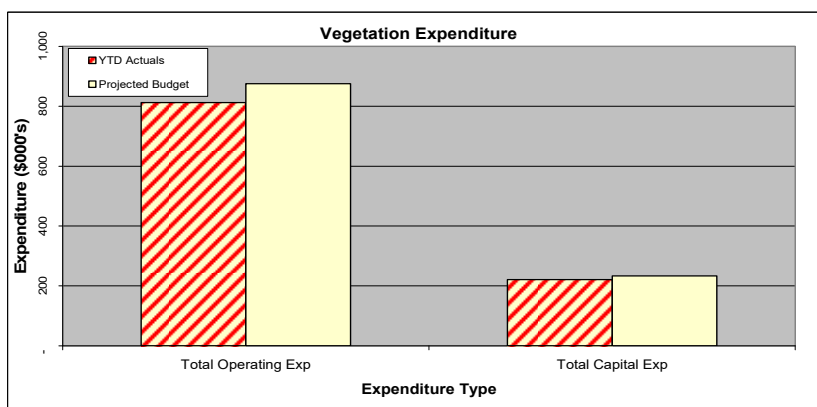
* Net Cost Funded By Rates



VEGETATION

STRATEGY Vegetation		
Operating Expenditure	YTD Actuals -\$000's	Total Revised Budget -\$000's
Salaries and Wages	217	256
Other Employee Costs	80	98
Materials and Contracts	485	495
Depreciation	0	0
Interest	0	0
Other Costs	30	27
Total Operating Exp	812	876
Capital Expenditure		
Capital Asset Acquisitions	0	0
Capital Works Programs	221	234
Capital Material Public Benefits	0	0
Loan Repayments	0	0
Total Capital Exp	221	234
Income (Op & Cap)		
User Fees	(0)	0
Fees and Charges	(8)	(8)
Grant Transfers	(232)	(200)
Contributions	(11)	(10)
Rates Income	0	0
Domestic Waste Charge	0	0
Return on Investments & Other I	0	0
Other Income	(0)	0
Capital Assets Disposals	0	0
Total Income (Op & Cap)	(251)	(218)
Transfers from Reserves	(198)	(281)
Transfers to Reserves	2	4
Net Cost* / (Income)	587	614

* Net Cost Funded By Rates



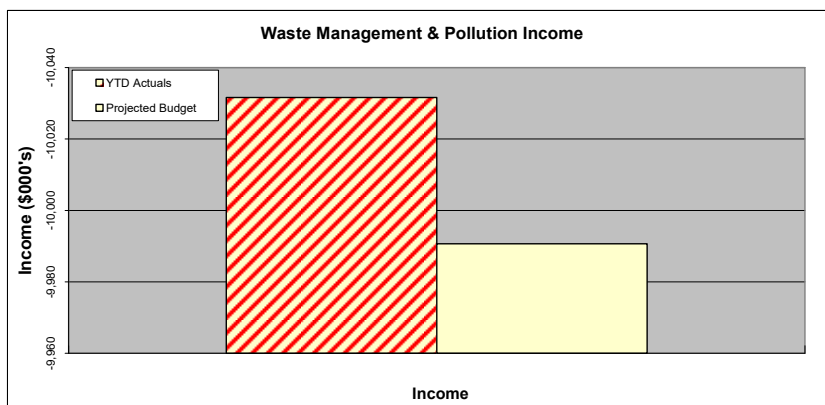
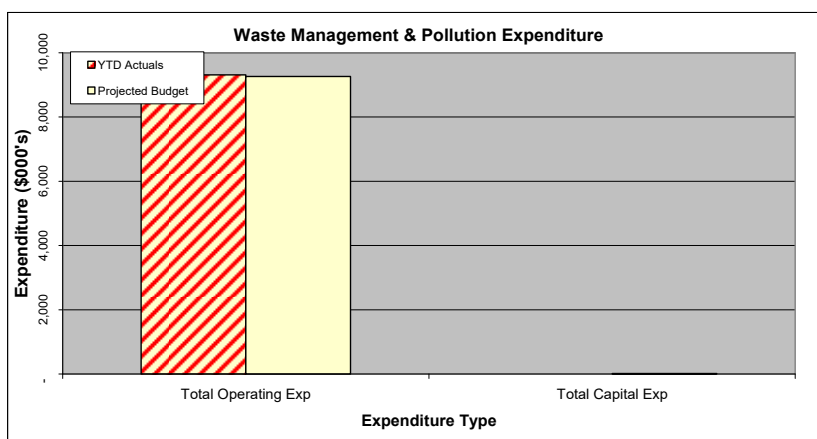
WASTE MANAGEMENT & POLLUTION CONTROL

STRATEGY

Waste Management & Pollution Control

Operating Expenditure	YTD Actuals -\$000's	Total Revised Budget -\$000's
Salaries and Wages	609	507
Other Employee Costs	175	164
Materials and Contracts	4,855	5,023
Depreciation	4	4
Interest	0	0
Other Costs	3,667	3,561
Total Operating Exp	9,311	9,259
Capital Expenditure		
Capital Asset Acquisitions	0	0
Capital Works Programs	0	14
Capital Material Public Benefits	0	0
Loan Repayments	0	0
Total Capital Exp	0	14
Income (Op & Cap)		
User Fees	(0)	(0)
Fees and Charges	(139)	(123)
Grant Transfers	0	(15)
Contributions	(2)	(2)
Rates Income	0	0
Domestic Waste Charge	(9,888)	(9,849)
Return on Investments & Other I	0	0
Other Income	(3)	(2)
Capital Assets Disposals	0	0
Total Income (Op & Cap)	(10,032)	(9,991)
Transfers from Reserves	(2)	(9)
Transfers to Reserves	419	506
Net Cost* / (Income)	(303)	(221)

* Net Cost Funded By Rates



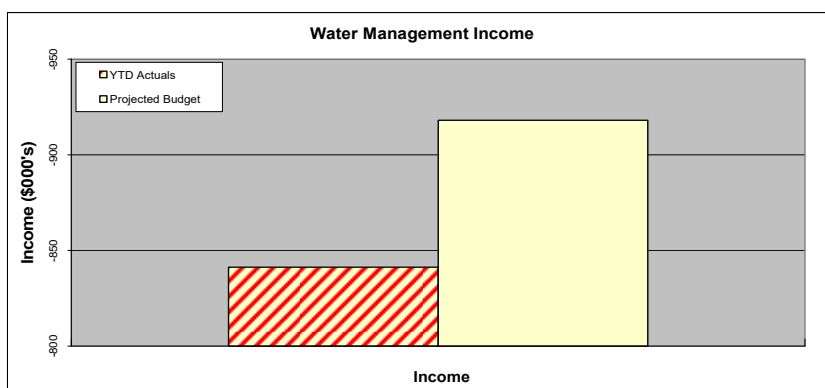
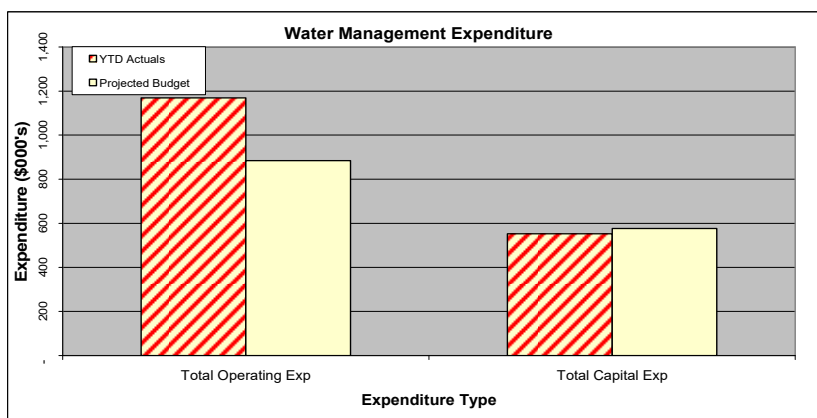
WATER MANAGEMENT

STRATEGY

Water Management

Operating Expenditure	YTD Actuals -\$000's	Total Revised Budget -\$000's
Salaries and Wages	534	351
Other Employee Costs	184	117
Materials and Contracts	130	90
Depreciation	36	36
Interest	0	0
Other Costs	286	291
Total Operating Exp	1,169	884
Capital Expenditure		
Capital Asset Acquisitions	0	0
Capital Works Programs	553	577
Capital Material Public Benefits	0	0
Loan Repayments	0	0
Total Capital Exp	553	577
Income (Op & Cap)		
User Fees	(26)	(46)
Fees and Charges	(192)	(193)
Grant Transfers	(23)	(86)
Contributions	(589)	(588)
Rates Income	0	0
Domestic Waste Charge	0	0
Return on Investments & Other I	0	0
Other Income	(11)	(5)
Capital Assets Disposals	0	0
Total Income (Op & Cap)	(841)	(918)
Transfers from Reserves	(552)	(571)
Transfers to Reserves	27	588
Net Cost* / (Income)	355	560

* Net Cost Funded By Rates



4.0 EXECUTIVE SUMMARY

- 4.1 In providing the Council with the financial results for the period ending 31 March 2011 the following information should be noted:
- The Actual Consolidated financial result for the year ending 30 June 2011 is an increase on Council funds of \$196,000. Excluding revotes the surplus amounted to \$66,000. Compared to the previously adopted budget of \$62,000 this amounts to a positive variance of \$4,000.
 - The Actual Operating result before capital for the year ending 30 June 2011 is a surplus of \$669,000. Compared to the previously adopted budget of \$174,000 surplus this amounts to a increase of \$495,000.
 - The Major Projects Program actual expenditure stands at \$6.822 million as at 30 June 2011. Compared to the previously adopted budget figure of \$8.145 million this amounts to a decrease of \$1.323 million.
 - The Actual cash and investment position at 30 June 2011 is \$24.261 million. Compared to the previously adopted budget figure of \$22.300 million this amounts to a increase of \$1.961 million.

RECOMMENDATION

1. That the financial results for the year ending 30 June 2011 be noted.
2. That Council's Reserve Balances for the year ended 30 June 2011 be noted.
3. That Council approves the Revote of the following funds to be carried forward to the 2011/2012 Financial Year:-

IT Purchases	\$53,000
CIP Works – Council Funds	<u>\$76,521</u>
Total Council Revotes	\$129,521

Report prepared by
Myles Thana, Management Accountant

Mark Jones
CHIEF FINANCIAL OFFICER

C10.3 Investment Balances for the Month of July 2011

Meeting: Governance Committee**Date:** 15 August 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 July 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 July 2011:

Term deposits interest income:	\$	109,511
Tradable CDO/FRN interest income:	\$	-
Tradable CDO/FRN capital movement:	\$	<u>4,933</u>
Net investment income for the month of July 2011	\$	114,444

YEAR TO DATE RETURN

Investment return year to date July 2011:

Term deposits interest income:	\$	109,511
Tradable CDO/FRN interest income:	\$	-
Tradable CDO/FRN capital movement:	\$	<u>4,933</u>
Net investment return year to date:	\$	114,444
Projected investment return budget for financial year.	\$	1,225,000

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 2008	\$ 594,815	2.3%
June 2009	\$ 534,575	2.4%
June 2010	\$1,364,315	6.1%
June 2011	\$1,521,223	5.9%
July 2012	\$ 114,444	6.1%
Projected Budget	\$1,225,000	5.8%

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 July 2011 is a gain of \$ 114,444.

RECOMMENDATION

That the information provided in the report be noted, including the 2011/12 net investment return of \$ 114,444.

Report prepared by
Renaë Wilde, Senior Project Accountant

Mark Jones
CHIEF FINANCIAL OFFICER

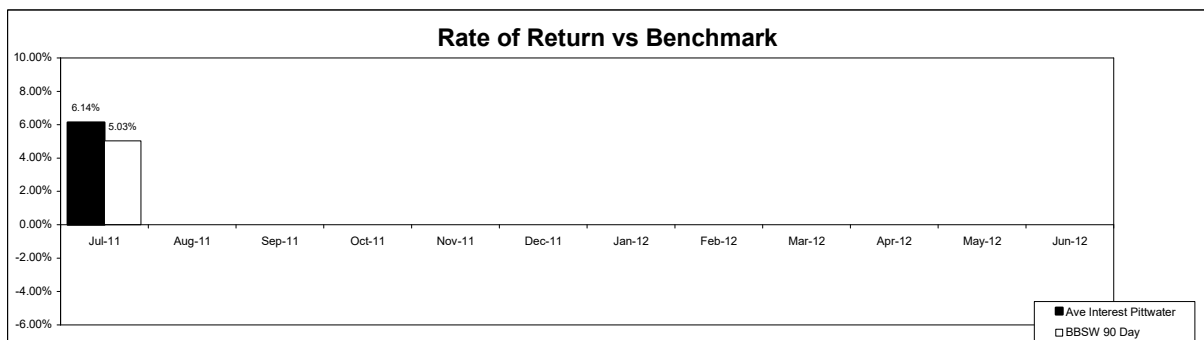
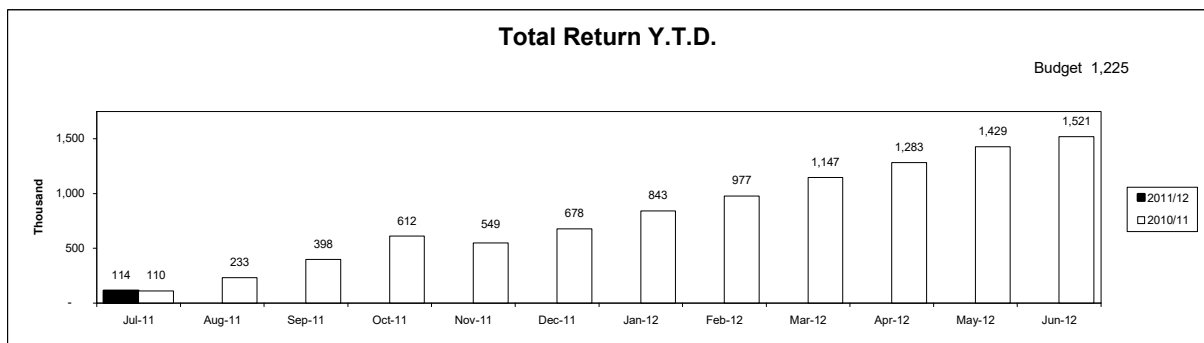
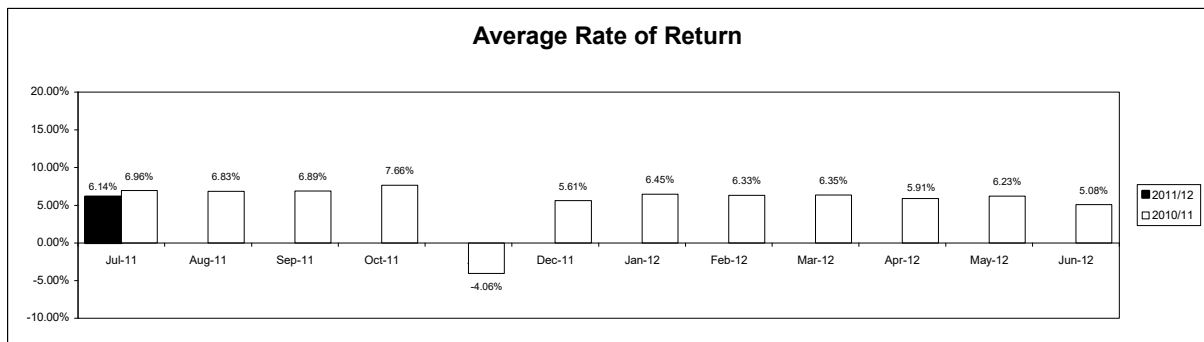
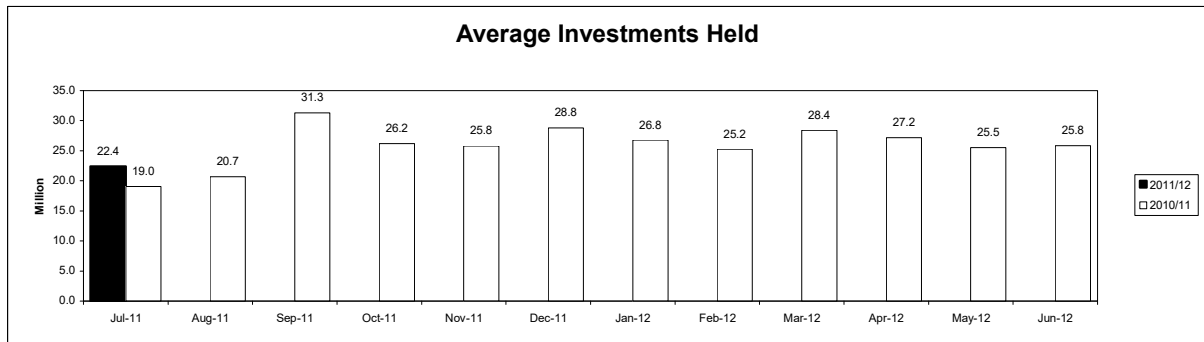
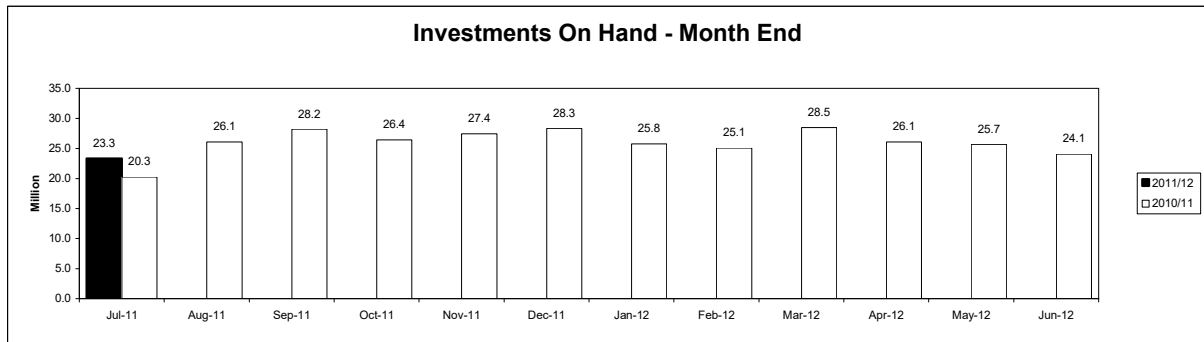


PITTWATER COUNCIL

INVESTMENT BALANCES

As at 31st July 2011

TYPE	INSTITUTION	Rating	AMOUNT \$	DATE INVESTED	MATURITY DATE	TERM (DAYS)	INTEREST RATE
At Call	NAB	AA	3,057,170.20	At Call	At Call	1	5.25%
At Call Total			3,057,170.20				
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	1,000,000.00	23-May-11	21-Nov-11	182	6.10%
Term Dep	IMB Society	BBB	750,000.00	28-Jan-11	30-Jan-12	367	6.30%
Investee Total			3,750,000.00				
Term Dep	Metway	A+	1,000,000.00	3-Feb-11	3-Aug-11	181	6.03%
Term Dep	Metway	A+	1,000,000.00	2-May-11	31-Oct-11	182	6.10%
Term Dep	Metway	A+	1,000,000.00	30-May-11	30-Nov-11	184	6.17%
Investee Total			3,000,000.00				
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			3,000,000.00				
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	23-May-11	22-Aug-11	91	6.00%
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	4-Apr-11	4-Oct-11	183	6.00%
Term Dep	Newcastle Permanent	BBB+	1,000,000.00	1-Dec-10	1-Dec-11	365	6.25%
Investee Total			5,000,000.00				
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%
Term Dep	ING Bank	A+	1,000,000.00	30-May-11	29-May-12	365	6.31%
Investee Total			4,000,000.00				
Longreach Capital Markets							
Portfolio Manager							
Structured Note	Citigroup (see investment information)	A+	500,000.00	28-Jun-07	28-Jun-14		0.00%
Investee Total			500,000.00				
Floating Rate Note	HSBC	AA	502,530.00	06-Feb-07	22-Sep-11		bbsw + 0.28%
	* Arranging Institution						
Floating Rate CDO	* Lehman Bros	under review	134,000.00	07-Apr-08	20-Mar-13		suspended
Floating Rate CDO	* J P Morgan	CCC-	8,770.00	06-Jul-06	20-Jun-13		bbsw + 1.20%
Floating Rate CDO	* J P Morgan	CCC	148,365.00	13-Oct-05	20-Mar-14		bbsw + 1.00%
Floating Rate CDO	* Merrill Lynch	CCC-	12,687.00	25-Feb-07	23-Jun-14		bbsw + 1.30%
Floating Rate CDO	* Lehman Bros	under review	188,000.00	20-Mar-07	20-Sep-14		suspended
Floating Rate CDO	* Morgan Stanley	CCC-	27,440.00	15-Aug-06	20-Jun-15		bbsw + 2.00%
Investee Total			1,021,792.00				
				July BBSW Close		5.03%	
TOTAL INVESTMENTS			\$23,328,962.20				



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 structure product is: - Longreach Structured Note \$462,150

C10.4 Legal Expenditure as at 31 July 2011

Meeting: Governance Committee

Date: 15 August 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 July 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.

2.0 ISSUES

2.1 Gross Annual Legal Budget for 2011/12: \$ 950,000

Gross Legal Expenditure Breakdown:

- Total Solicitor Fees at 31/7/11: \$ 504
- Total Other Associated Expenditure at 31/7/11: Nil

Total Gross Legal Expenditure at 31/7/11: \$ 504 *

***Note:** The low Gross Legal Expenditure is attributable to a new financial year beginning and the lag associated with legal firms issuing timely invoices. Expenditure will trend towards budget as the financial year progresses.

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 July 2011 is \$ 504 which is lower than the Year to Date Budget for 2011/12.

RECOMMENDATION

That the information provided in the report be noted.

Report prepared by

Renae Wilde, Senior Project Accountant

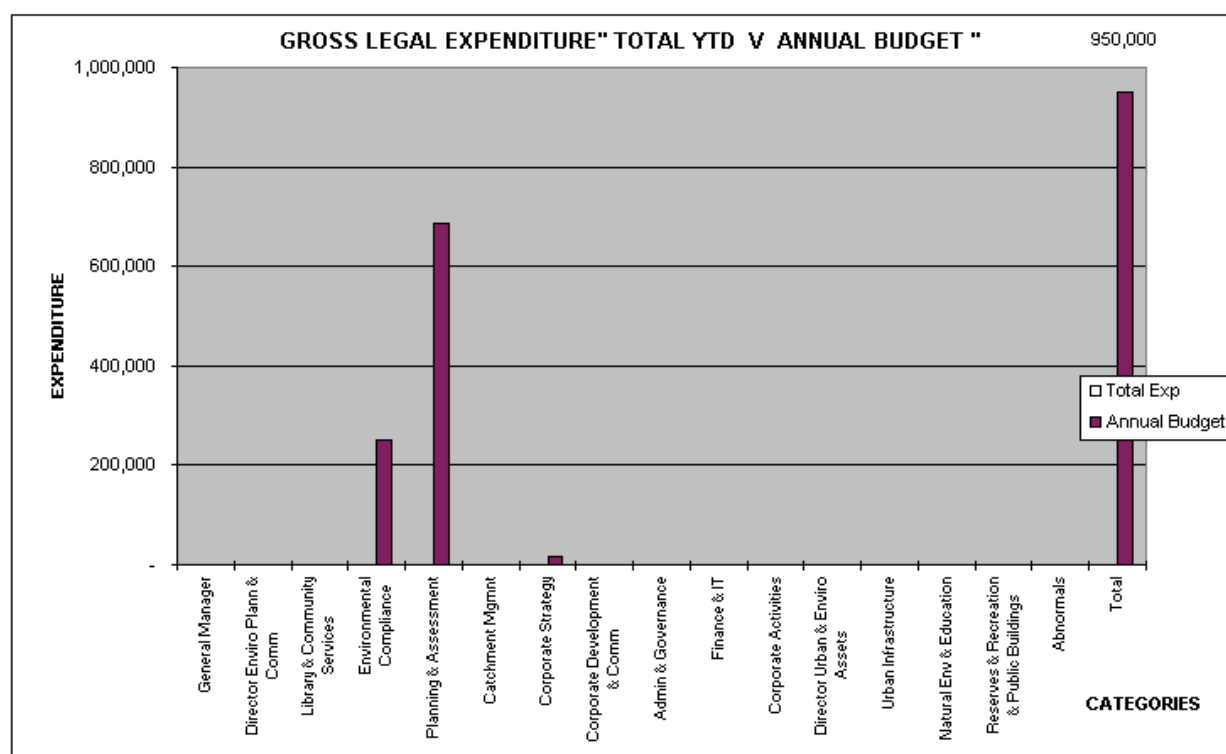
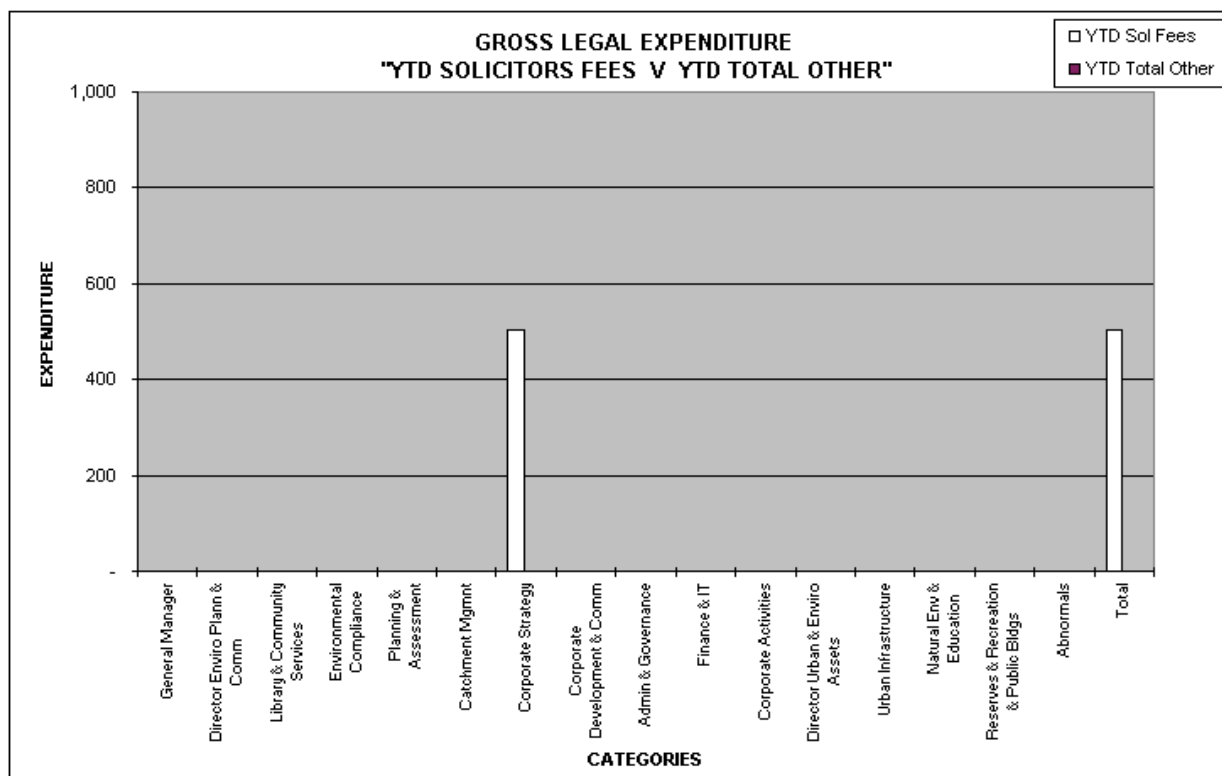
Mark Jones

CHIEF FINANCIAL OFFICER

LEGAL EXPENDITURE **TOTALS AND GRAPHICAL REPRESENTATION**

as at 31st July 2011

Solicitors Other Expenditure	Solicitors Fees Expenditure	Third Party Expenditure	Total Expenditure	Current Year Budget	Current Year Inc/Recov/Reversal
-	504	-	504	950,000	500

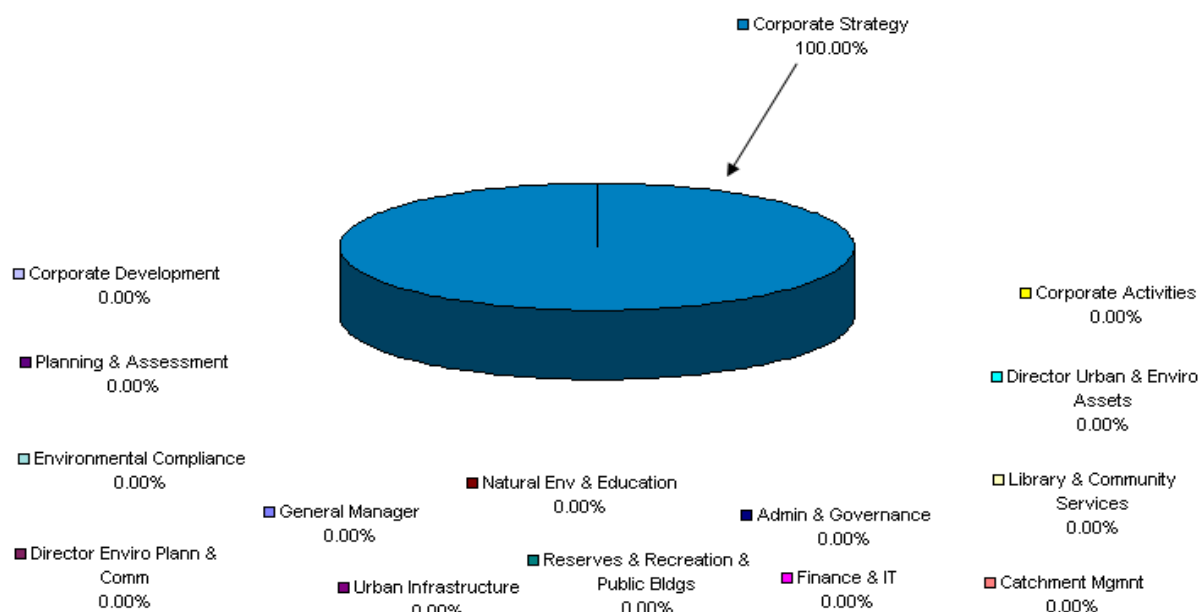


LEGAL EXPENDITURE **TOTALS AND GRAPHICAL REPRESENTATION**

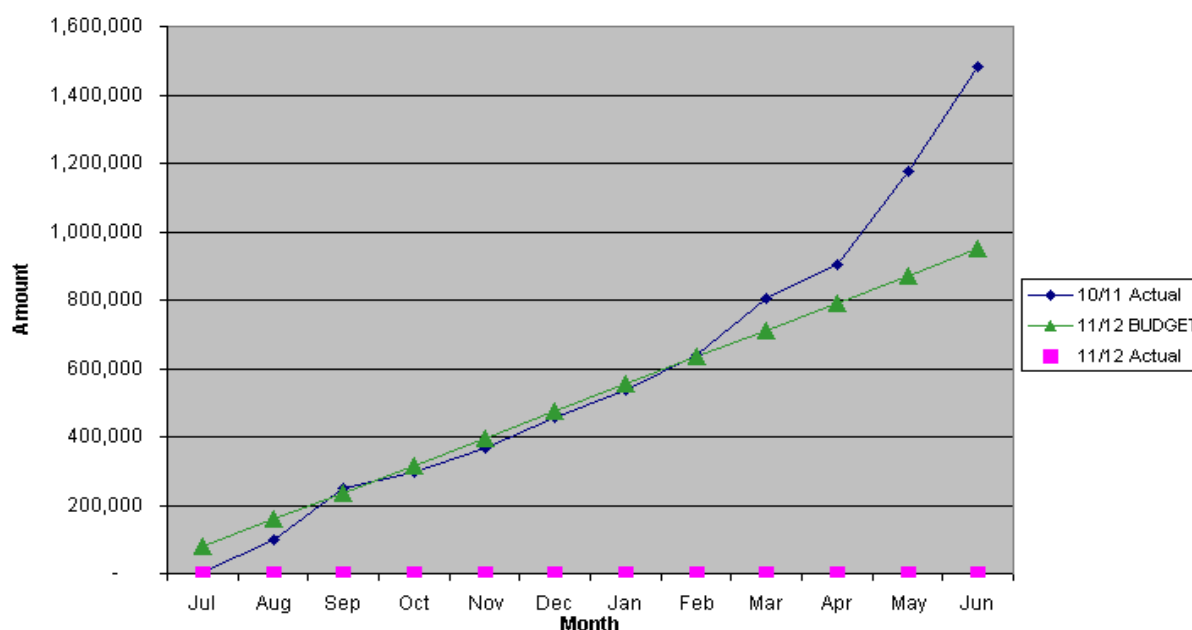
as at 31st July 2011

Solicitors Other Expenditure	Solicitors Fees Expenditure	Third Party Expenditure	Total Expenditure	Current Year Budget	Current Year Inc/Recov/Reversal
-	504	-	504	950,000	500

Y.T.D. GROSS LEGAL EXPENDITURE (%) BREAKUP VIA BUSINESS UNIT



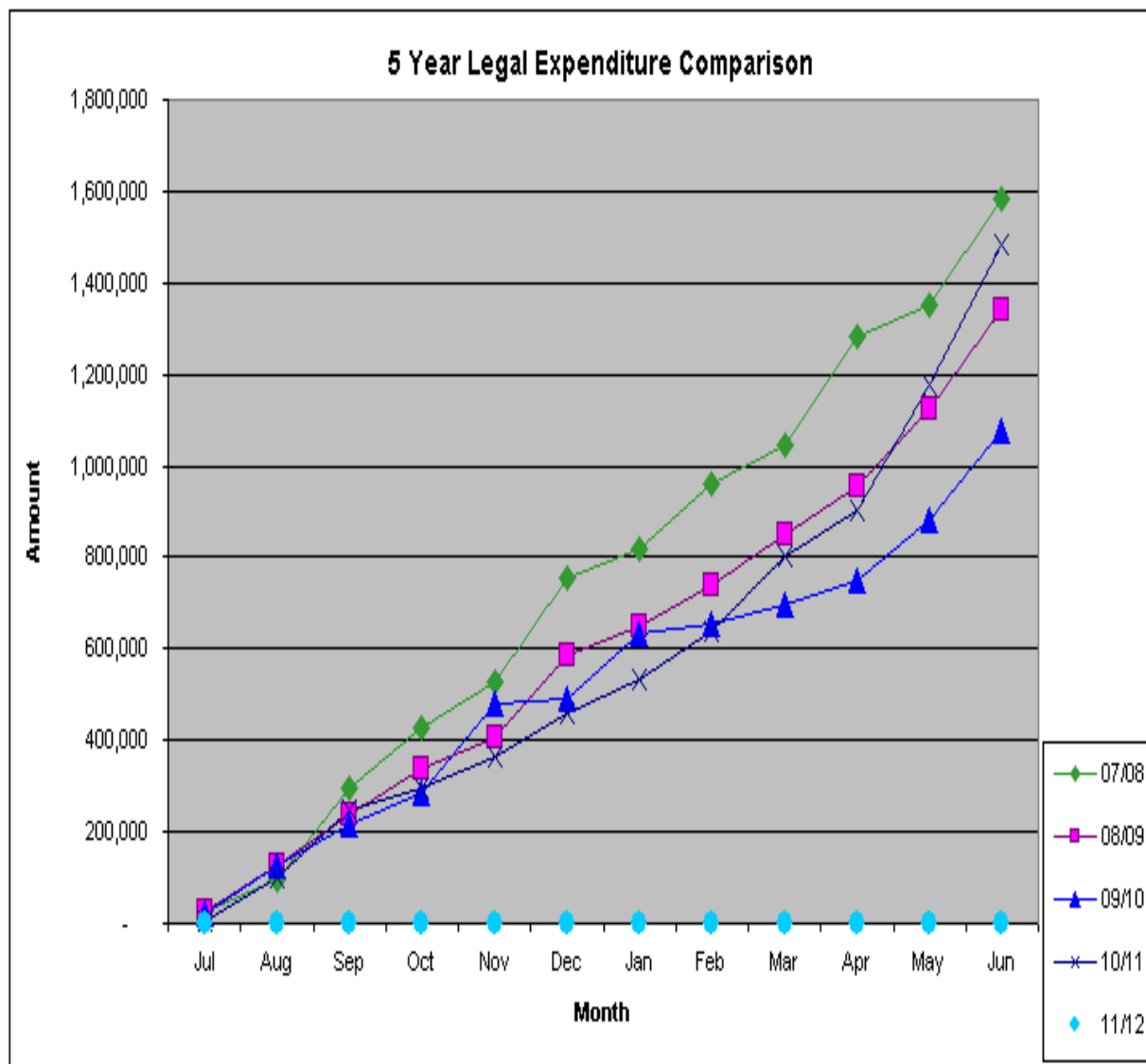
Gross Legal Expenditure - This Yr vs Last Yr



LEGAL EXPENDITURE **TOTALS AND GRAPHICAL REPRESENTATION**

as at 31st July 2011

Solicitors Other Expenditure	Solicitors Fees Expenditure	Third Party Expenditure	Total Expenditure	Current Year Budget	Current Year Inc/Recov/Reversal
-	504	-	504	950,000	500



C10.5 Monthly Contractors & Staff Report - June 2011

Meeting: Governance Committee

Date: 15 August 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 June 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 June 2011 are as follows:

- 4 appointments that refill existing vacancies
- 2 terminations

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

RECOMMENDATION

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

Report prepared by

Mark Jones
CHIEF FINANCIAL OFFICER

Appointments of Council Staff in June 2011

Business Unit	Position	Status (PFT,TFT,PPT,TPT, Secondment)	Start Date	Finish Date	Reason for Appointment
CL&ED	Team Leader – Warriewood Children's Centre	PFT	06/06/11	N/A	Recruitment Vacancy
RR&BS	Carpenter	PFT	07/06/11	N/A	Recruitment Vacancy
A&G	Administration Officer - Records	PFT	14/06/11	N/A	Recruitment Vacancy
A&G	Principal Officer – Risk & Developer Contributions	PFT	20/06/11	N/A	New Position

Terminations of Council Staff in June 2011

Business Unit	Position	Status (PFT,TFT,PPT,TPT Secondment)	Start Date	Finish Date
F&IT	Project Accountant	PFT	04/11/93	17/06/11
P&A	Senior Planner - Strategic	PFT	04/08/08	24/06/11

Contract Engagements

Division/Unit	Name of Approved Consultant/Contract or/ Agency	Position Type of Work	Terms of Engagement	Cost to Council	Term
Reserves, Recreation & Building Services	Ron Bohm Roofing	Repairs to Gutter at Scotland Island Fire Station	Quote	\$2,727	1 Month
Reserves, Recreation & Building Services	Ron Bohm Roofing	Replace roofing at Ted Blackwood Centre	Quote	\$4,363	1 Month
Reserves, Recreation & Building Services	Fibre-tel Pty Ltd	Install fibre optic cable for security camera on Mona Vale Memorial Hall	Quote	\$2,043	1 Month
Reserves, Recreation & Building Services	E-state Automation	Supply, Install & commission of automated lighting system for sports fields at Hitchcock Park	Quote	\$4,250	1 Month
Reserves, Recreation & Building Services	Graffiti Clean	Removal of graffiti from Commercial Centres	Quote	\$6,750	1 Month

Division/Unit	Name of Approved Consultant/Contractor/ Agency	Position Type of Work	Terms of Engagement	Cost to Council	Term
Reserves, Recreation & Building Services	Guardian property Services	Cleaning of council Offices and Mona Vale Library	Tender	\$5,108	1 Month
Reserves, Recreation & Building Services	Coular Mate	Staining of wood at Warriewood Boardwalk	Quote	\$7,487	1 Month
Reserves, Recreation & Building Services	Coular Mate	Internal Painting Newport Community Centre	Quote	\$6,143	1 Month
Reserves, Recreation & Building Services	On Line Pumps Pty Ltd	Supply and installation of Septic Tank at Deep Creek Amenities	Quote	\$21,850	1 Month
Reserves, Recreation & Building Services	Docker Smith Pty Ltd	Drawing for Palm Beach Wharf Extension	Quote	\$3,409	1 Month
Reserves, Recreation & Building Services	Anteater Environmental Solutions	Installation of Termite Monitoring System Careel Bay Wharf	Quote	\$3,580	1 Month
Reserves, Recreation & Building Services	Andersal Pty Ltd	Claim No 1 for remedial works to concrete at North Narrabeen Rock Pool Amenities	Quote	\$28,950	1 Month
Reserves, Recreation & Building Services	Manly Windows	Deposit and first instalment for supply and installation of windows at Newport SLSC	Quote	\$12,582	1 Month
Reserves, Recreation & Building Services	Tony Knocker	Repairs to brickwork at North Narrabeen Rock Pool Amenities	Quote	\$16,700	1 Month
Reserves, Recreation & Building Services	Moore Building & Consulting Services	Project Management for works at North Narrabeen Rock Pool Amenities To 17.6.11	Quote	\$8,327	1 Month
Reserves, Recreation & Building Services	Bismac Pty Ltd	Supply and fit new stainless steel doors and frames to North Narrabeen Rock Pool Amenities	Quote	\$21,000	1 Month

Division/Unit	Name of Approved Consultant/Contract or/ Agency	Position Type of Work	Terms of Engagement	Cost to Council	Term
Reserves, Recreation & Building Services	Beaver Air-conditioning	Repairs to air-conditioning unit Mona Vale Admin Building	Quote	\$3,312	1 Month
Reserves, Recreation & Building Services	Camacorp Pty Ltd	Cleaning of Public Amenities	Tender	\$14,696	1 Month
Reserves, Recreation & Building Services	Hannan Stainless Industries	Supply & install stainless steel handrail for public path Malo Rd to Whale Beach	Quote	\$5,528	1 Month
Reserves, Recreation & Building Services	Power Poles and Electrical	Installation and connection of mains meter panel for BBQ's at North Narrabeen Rock Pool Amenities carpark	Quote	\$2,365	1 Month
Reserves, Recreation & Building Services	Hannan Stainless Industries	Supply and install handrail panels for Avalon Beach pedestrian bridge	Quote	\$8,500	1 Month
Reserves, Recreation & Building Services	Ron Bohm Roofing	Repairs to Avalon Golf Course roof	Quote	\$20,909	1 Month
Reserves, Recreation & Building Services	Top Deck Scaffold	Hire of Scaffold for North Narrabeen Rock Pool Amenities	Quote	\$3,332	1 Month
Reserves, Recreation & Building Services	Pink Hygiene Services	Sanitary and Nappy bin Service to Public Amenities and Council Offices	Tender	\$2,165	1 Month
Reserves, Recreation & Building Services	Gary's Brick Cleaning	Cleaning of brickwork Narrabeen Rock Pool Amenities	Quote	\$2,352	1 Month
Reserves, Recreation & Building Services	ME Structural Pty Ltd	Regalvanising of window grilles Narrabeen Rock Pool Amenities	Quote	\$4,125	1 Month
Reserves, Recreation & Building Services	Coular Mate	Labour for painting – various locations	Quote	\$3,072	1 Month
Reserves, Recreation & Building Services	Surf Life Saving Services	Lifeguard Contract Services	Tender	\$68,086	1 Month – 5 Years

Division/Unit	Name of Approved Consultant/Contract or/ Agency	Position Type of Work	Terms of Engagement	Cost to Council	Term
Reserves, Recreation & Building Services	Total Concept Signs	Refurbishment of Changeable Sign- Pittwater Rugby Park	Quote	\$7,310	1 Month
Reserves, Recreation & Building Services	Nuturf	Supply & Spread of Rye & Fertiliser	Quote	\$5,300	1 Month
Reserves & Rec	Waratah Eco Works	Bush regeneration Coopers Point, Lovett Bay	Contract Agreement	\$2,769	1 Month
Reserves & Rec	Waratah Eco Works	Bush Regeneration Rocky Point	Contract Agreement	\$4,000	1 Month
Reserves, Recreation & Building Services	Sydney Bush Regeneration Company	Mullet Creek Maintenance Bush Regeneration	Contract Agreement	\$2,690	1 Month
Reserves, Recreation & Building Services	Sydney Bush Regeneration Company	Careel Creek bush regeneration & restoration	Contract Agreement	\$2,000	1 Month
Reserves, Recreation & Building Services	Australian Bushland Restoration	Hazard Reduction works – Fire Mitigation Funding RFS Grant	Contract Agreement	\$20,275	1 Month
Reserves, Recreation & Building Services	Australian Bushland Restoration	Hazard Reduction works – Fire Mitigation Funding RFS Grant – Stage 2	Contract Agreement	\$12,045	1 Month
Reserves, Recreation & Building Services	Sydney Bush regeneration	Bush regeneration at various reserves from April to June	Contract Agreement	\$25,304	1 Month
Reserves, Recreation & Building Services	NuTurf	Poly Plus Fertiliser for Careel Bay, Newport Oval, Nth Narrabeen and Lake Park	Contract Agreement	\$3,080	1 Month
Reserves, Recreation & Building Services	NuTurf	Dimple seeding and Premier 2 Rye for Porters reserve	Contract Agreement	\$3,042	1 Month
Reserves, Recreation & Building Services	A.D Universal	New print machine for print room	Contract Agreement	\$25,844	1 Month
Reserves, Recreation & Building Services	Water Matic	Avalon Golf Course upgrade stage 3	Contract Agreement	\$34,021	1 Month
Reserves, Recreation & Building Services	Park Street Creative	Graphics for Warriewood Valley District Park	Quote	\$3,520	1 Month

Division/Unit	Name of Approved Consultant/Contract or/ Agency	Position Type of Work	Terms of Engagement	Cost to Council	Term
Reserves, Recreation & Building Services	Docker Smith	Church Point Commuter Wharf Revise design layout	Quote	\$1,760	1 Month
Reserves, Recreation & Building Services	Dragonfly Bush Regeneration	Fern Creek Sector 8 - maintenance	Quote	\$5,112	1 Month
Reserves, Recreation & Building Services	Toolijoa Landscapes	Maintenance of Fern Creek	Quote	\$6,970	1 Month
Reserves, Recreation & Building Services	Marsupial Landscapes	Narrabeen Creek maintenance	Quote	\$3,976	1 Month
Reserves, Recreation & Building Services	Marsupial Landscapes	Narrabeen Creek Detention Basin maintenance	Quote	\$1,094	1 Month
Reserves, Recreation & Building Services	Marsupial Landscapes	Plant Establishment Fern Creek	Quote	\$473	1 Month
Reserves, Recreation & Building Services	BES	Mona Vale Cemetery Gate High Pressure Cleaning	Quote	\$330	1 Month
Reserves, Recreation & Building Services	Spring	Mona Vale Cemetery maintenance	Quote	\$1,859	1 Month
Reserves, Recreation & Building Services	Byrne Associates	Church Point survey of sewer	Quote	\$990	1 Month
Reserves, Recreation & Building Services	Viva Recreation	Winn Bay supply and installation of play equipment	Quote	\$79,717	1 Month
Reserves, Recreation & Building Services	Viva Recreation	Winn Bay rubber soft fall and surfacing	Quote	\$52,118	1 Month
Reserves, Recreation & Building Services	Paton Concrete Works	Warriewood Valley Detention Basin Concrete Works	Quote	\$24,852	1 Month
Reserves, Recreation & Building Services	Kyora Landscapes	Warriewood Valley Detention access restoration works	Quote	\$16,390	1 Month
Reserves, Recreation & Building Services	Spring Horticultural	Garden maintenance Winnererremy Bay	Quote	\$5,750	1 Month
Reserves, Recreation & Building Services	Active Tree Service	Tree Maintenance	Contract Agreement	\$34,946	1 Month

Division/Unit	Name of Approved Consultant/Contract or/ Agency	Position Type of Work	Terms of Engagement	Cost to Council	Term
Reserves, Recreation & Building Services	Australian Urban Tree Service	Tree Maintenance	Contract Agreement	\$26,703	1 Month
Reserves, Recreation & Building Services	Advanced Arbor Service	Tree Maintenance	Contract Agreement	\$14,360	1 Month
Reserves, Recreation & Building Services	Utility Asset Management	Tree Maintenance	Contract Agreement	\$13,169	1 Month
Reserves, Recreation & Building Services	Plateau Tree Service	Tree Maintenance	Contract Agreement	\$14,760	1 Month
Reserves, Recreation & Building Services	Watermatic Irrigation	Upgrade of irrigation to Avalon Golf Course. Progress payment #1	Quote	\$98,895	One Off
Reserves, Recreation & Building Services	Austflow Irrigation	Harvesting stormwater and bore water to replace potable water at Avalon Golf Course Progress Payment #1	Quote	\$100,600	One Off
Reserves, Recreation & Building Services	Active Tree Services	Removal of African Olive Trees Avalon Golf Course	Quote	\$8,900	One Off
Catchment Management & Climate Change	Sydney Water/GHD	Water Use Assessment	Contract Agreement	\$10,748	1 Month
Catchment Management & Climate Change	Sydney Water/Department of Public Works	Water Use Assessment	Contract Agreement	\$8,200	1 Month
Corporate Development	Tempnet	Casual Parking Officers – EC	Contract Agreement	\$21,459	1 Month
Corporate Development	Tempnet	Assistant Development Officers – P&A	Contract Agreement	\$16,939	1 Month
Corporate Development	Tempnet	CEC Educators – NE&E	Contract Agreement	\$16,326	1 Month
Corporate Development	Tempnet	Noxious Weeds Officer – RR&BS	Contract Agreement	\$3,335	1 Month

Division/Unit	Name of Approved Consultant/Contract or/ Agency	Position Type of Work	Terms of Engagement	Cost to Council	Term
Corporate Development	Tempnet	Floodplain Management Officer – CM&CC	Contract Agreement	\$6,609	1 Month
Corporate Development	Tempnet	Executive Assistant to Director – P&A	Contract Agreement	\$4,161	1 Month
Corporate Development	Tempnet	Projects Officer – NE&E + RR&BS	Contract Agreement	\$5,084	1 Month
Corporate Development	Tempnet	Administration Officer - EC	Contract Agreement	\$5,717	1 Month
Corporate Development	Vaughan Felton & Associates	Organisation Culture Survey, Debrief & Workshop Facilitation	Contract Agreement	\$27,666	1 Month
Corporate Development	President & Fellows of Harvard College	Senior Executives in State & Local Government Conference – Career Development Program	Contract Agreement	\$11,200	1 Month
Corporate Development	Second Nature	Presentation Skills Training	Contract Agreement	\$4,180	1 Month
Corporate Development	Axis People Development	'Managing People' Course Development	Contract Agreement	\$5,500	1 Month
Corporate Development	Hornsby Shire Council	'Beyond Risk/OH&S' Training Package	Contract Agreement	\$2,200	1 Month
Corporate Development	180 Capital Funding P/L	Skin Cancer Screening for field staff	Contract Agreement	\$7,799	1 Month
Corporate Development	Jacksons Awards	Service Awards – 15 years – 75 pieces	Contract Agreement	\$10,387	1 Month

C10.6	Mona Vale Surf Lifesaving Club - Amendment to Lease to permit Café Facility
--------------	--

Meeting: Governance Committee

Date: 15 August 2011

STRATEGY: Business Management

ACTION: Managing Council's Lease Portfolio

PURPOSE OF REPORT

To seek Council endorsement of the proposed Variation of Lease and Sub-Lease permitting the Mona Vale Surf Club to utilise a section of their lease area for the purpose of a Café facility and to place the documents on public exhibition.

1.0 BACKGROUND

- 1.1 At its meeting on 20 December 2010, Council resolved to approve in principle an amendment to the existing lease to the Mona Vale Surf Club allowing the establishment and operation of a café facility and permitting the Club to sublet that facility at market rent to a private operator.
- 1.2 A condition of approval was that 20% of the rental income to the Club be returned to Council for use in offsetting the cost of maintaining the Clubhouse building. This requirement is reflected in Clause 20.5 of the Variation of Lease attached.
- 1.3 The relevant documentation has now been prepared by Council's solicitors and is ready to be placed on public exhibition. The proposed Variation to Lease and the Sublease are at **Attachment 1**.

2.0 ISSUES

- 2.1 Council endorsement of variation to Lease and Sublease.
 - 2.2 Placing of documents on public exhibition.
-

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

- 3.1.1 The proposed café facility will enhance the appeal of the beach reserve and provide greater community use of the clubhouse building.

3.2 Valuing & Caring for our Natural Environment (Environmental)

- 3.2.1 There is no environmental impact.

3.3 Enhancing our Working & Learning (Economic)

- 3.3.1 The proposal will assist with the ongoing costs of maintaining the clubhouse structure.

3.4 Leading an Effective & Collaborative Council (Governance)

- 3.4.1 There is no governance impact.

3.5 Integrating our Built Environment (Infrastructure)

- 3.5.1 There is no infrastructure impact

4.0 EXECUTIVE SUMMARY

- 4.1 The creation of the proposed facility will enhance the appearance of the existing clubhouse and create a community focus within the reserve.

RECOMMENDATION

1. That Council endorse the attached Variation to Lease and Sublease and resolve to place the documents on public exhibition for a period of 28 days.
2. That if no issues arise during the exhibition period the General Manager be authorised to execute all relevant legal documentation under power of attorney.
3. That if any issues do arise during the exhibition period a report be brought back to Council addressing those issues.

Report prepared by
George Veness, Senior Property Officer

Paul Reid,
MANAGER, CORPORATE STRATEGY & COMMERCIAL

Form: 07VL
 Licence: 05-11-669
 Licensee: Softdocs
 E&A Lawyers

VARIATION OF LEASE

New South Wales
 Real Property Act 1900

Leave this space clear. Affix additional
 pages to the left-hand corner.

PRIVACY NOTE: Section 31B of the Real Property Act 1900 (RP Act) authorises the Registrar General to collect the information required by this form for the establishment and maintenance of the Real Property Act Register. Section 96B RP Act requires that the Register is made available to any person for search upon payment of a fee, if any.

STAMP DUTY

Office of State Revenue use only

COPY

(A) TORRENS TITLE

Folio Identifier 104/1066371

(B) HEAD LEASE

Number

Torrens Title

(C) LODGED BYDocument
Collection
Box

Name, Address or DX, Telephone, and Customer Account Number if any

272N

Acc. No. 123177 U E&A Lawyers
 DX 9007 MONA VALE
 Tel: (02) 9997 2111

Reference (optional): DS/100500

CODE

VL

(D) LESSOR

PITTWATER COUNCIL

(E) LEASE VARIED

AA502631

(F) LESSEE

MONA VALE SURF LIFE SAVING CLUB INC.

- (G) 1. The rent is to dollars and cents
 (\$) per on and as from years months
 2. The term is increased to days, so as to expire on
 and
 3. The provisions of the lease are varied as set out in annexure A hereto.

DATE / /

- (H) I certify that the person(s) signing opposite, with whom I am personally acquainted or as to whose identity I am otherwise satisfied, signed this instrument in my presence.

Certified correct for the purposes of the Real Property Act
 1900 by the lessor.

Signature of witness:

Signature of lessor:

Name of witness:

Address of witness:

I certify that the person(s) signing opposite, with whom I am personally acquainted or as to whose identity I am otherwise satisfied, signed this instrument in my presence.

Certified correct for the purposes of the Real Property Act
 1900 by the lessee.

Signature of witness:

Signature of lessee:

Name of witness:

Address of witness:

All handwriting must be in block capitals.

Page 1 of 2

Number additional pages sequentially

TechnologyOne ECM Document Number: 4140418

Annexure A to VARIATION OF LEASE

Parties: From MONA VALE SURF LIFE SAVING CLUB INC. to PITTWATER COUNCIL

Dated: 10/08/2011 / 10/08/2011 / 10/08/2011

1. Reference Schedule - Item 3 - Permitted Use

Add the words "PLUS, subject to Clause 20, kiosk and cafe (including takeaway)".

2. Add the following clause 20:

"20 Sub Lease

20.1 Where any conflict arises between this clause 20 and any other term, covenant or condition contained in this Lease then this clause 20 shall prevail.

20.2 Subject to the Lessor's consent (such consent not to be unreasonably withheld) the Lessee may use or may sublease for use part of the Premises for the purposes of the construction and on-going operation of a kiosk and cafe (including takeaway).

20.3 Any use referred to in 20.2 will not result in any change to or a re-calculation of the community net benefit requirements under the Lease or to the re-calculation of outgoings pursuant to clause 3.1 of the Lease.

20.4 Clause 10.2 of the Lease does not apply to the change of permitted use referred to in this clause 20.

20.5 For such time as part of the Premises are operated as a kiosk and cafe (including take away) the Lessee shall remit to the Lessor twenty percentum (20%) of the net rental income received by the Lessee from the operator of the kiosk and cafe. Such amount-

20.5.1 Will be remitted in arrears by the Lessee to the Lessor as the Lessor may reasonably determine but no more often than quarterly;

20.5.2 Shall be received and held by the Lessor in an identifiable account or ledger, the particulars and content of which shall be readily available to the Lessee on request; and

20.5.3 Shall be applied exclusively for the maintenance or improvement to the Premises, over and above all or any other moneys budgeted or allocated by the Lessor to be expended thereon (based on a five year rolling average of such other moneys), and in this regard the Lessor must have regard to the reasonable opinion expressed by Lessee as to the nature and scope of any works that are required.

All handwriting must be in block capitals.

Page 2 of 2

Number additional pages sequentially

TechnologyOne ECM Document Number: 4140418

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SUBLEASE
New South Wales
Real Property Act 1900

Leave this space clear. Affix additional
pages to the left-hand corner.

PRIVACY NOTE: Section 31B of the Real Property Act 1900 (RP Act) authorises the Registrar General to collect the information required by this form for the establishment and maintenance of the Real Property Act Register. Section 96B RP Act requires that the Register is made available to any person for search upon payment of a fee, if any.

STAMP DUTY

Office of State Revenue use only

COPY

(A) HEAD LEASE

AA502631

(B) TORRENS TITLE

Property leased: if appropriate, specify the part or premises

Part Folio Identifier 104/1066371

being cafe & adjacent deck at the northern end of the premises described in Head Lease AA502631

(C) LODGED BY

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(D) SUBLESSOR

MONA VALE SURF LIFE SAVING CLUB INC.

The sublessor leases to the sublessee the property referred to above.

(E)

Encumbrances (if applicable):

(F) SUBLESSEE

ENRICHMENT ENTERPRISES PTY LTD (ACN 142 100 276)

(G)

TENANCY: Not applicable

(H) 1. TERM Five (5) years

2. COMMENCING DATE

3. TERMINATING DATE

4. With an **OPTION TO RENEW** for a period of Five (5) years
set out in clause Item 12 of Annexure A

5. Together with and reserving the **RIGHTS** set out in clause NOT APPLICABLE of NOT APPLICABLE

6. Incorporates the provisions or additional material set out in **ANNEXURE(S)** A & B hereto.

7. Incorporates the provisions set out in NOT APPLICABLE in the Department of
Lands, Land and Property Information Division as No(s). NOT APPLICABLE

8. The **RENT** is set out in item 13 of Annexure A

All handwriting must be in block capitals.

Page 1 of 24

Number additional pages sequentially

TechnologyOne ECM Document Number: 4140418

DATE / /

- (1) Certified correct for the purposes of the Real Property Act 1900 and executed on behalf of the corporation named below by the authorised person(s) whose signature(s) appear(s) below pursuant to the authority specified.
Corporation: MONA VALE SURF LIFE SAVING CLUB INC.
Authority: Section 127(1) of the Corporations Act 2001

Signature of authorised person:

Name of authorised person:
Office held:

Signature of authorised person:

Name of authorised person:
Office held:

Note: where applicable, the sublessor must complete the statutory declaration below

Certified correct for the purposes of the Real Property Act 1900 and executed on behalf of the corporation named below by the authorised person(s) whose signature(s) appear(s) below pursuant to the authority specified.
Corporation: ENRICHMENT ENTERPRISES PTY LTD (ACN 142 100 276)
Authority: Section 127(1) of the Corporations Act 2001

Signature of authorised person:

Name of authorised person: Peter Leon Gregory Rich
Office held: Director & Secretary

Signature of authorised person:

Name of authorised person: Nicola Elizabeth Rich
Office held: Director

(3) STATUTORY DECLARATION*

I,
solemnly and sincerely declare that -

1. The time for the exercise of option to renew in expired sublease No. has ended; and
2. The lessee under that lease has not exercised the option.

I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths Act 1900 and I certify this sublease correct for the purposes of the Real Property Act 1900.

Made and subscribed at in the State of New South Wales
on in the presence of:

Signature of witness:

Name of witness:

Address of witness:

Signature of lessor:

Qualification of witness: ☐ Justice of Peace ☐ Practising Solicitor ☐ Other qualified witness [specify]

* As the Department of Lands may not be able to provide the services of a justice of the peace or other qualified witness, the statutory declaration should be signed and witnessed prior to lodgment of the form at Land and Property Information Division.

Annexure A to SUBLEASE

Parties: From MONA VALE SURF LIFE SAVING CLUB INC. to ENRICHMENT ENTERPRISES PTY LTD (ACN 142 100 276)

Dated: _____ / _____ / _____

I certify that the person(s) signing opposite, with whom I am personally acquainted or as to whose identity I am otherwise satisfied, signed this instrument in my presence.

Certified correct for the purposes of the Real Property Act 1900 by the guarantor.

Signature of witness:

Signature of guarantor:

Name of witness:

Address of witness:

I certify that the person(s) signing opposite, with whom I am personally acquainted or as to whose identity I am otherwise satisfied, signed this instrument in my presence.

Certified correct for the purposes of the Real Property Act 1900 by the guarantor.

Signature of witness:

Signature of guarantor:

Name of witness:

Address of witness:

All handwriting must be in block capitals.

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Number additional pages sequentially

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Annexure A to the lease

From: MONA VALE SURF LIFE SAVING CLUB INC. (Landlord)

To: ENRICHMENT ENTERPRISES PTY LTD (ACN 142 100 276) (Tenant)

Dated:

This annexure consists of pages.

NOTE: Any alterations and additions to Lease Covenants in Annexure B must be made by additional clauses in Annexure A. The printed clauses in Annexure B are to remain in their copyright form without alteration.

SCHEDULE OF ITEMS (continued)

- | | |
|-----------------------------------|--|
| Item 10
(cl 2.3) | Guarantors |
| | A. The Guarantors: Peter Leon Gregory Rich and Nicola Elizabeth Rich, both of 2/ 7 Government Road, Mona Vale, NSW, 2100. |
| (cl 13.7) | B. Limit of Guarantor's liability: UNLIMITED |
| Item 11
(cl 3) | Additional leased property: |
| | Not Applicable |
| Item 12
(cl 4) | Option to renew |
| | A. Further period of Five (5) years from to |
| | B. Further period of NIL years. |
| | C. Maximum period of tenancy under this lease and permitted renewals: Ten (10) years. |
| | D. First day option for renewal can be exercised: Six (6) months prior to the date started in Item 3 in the schedule. |
| | E. Last day option for renewal can be exercised: Three (3) months prior to the date stated in Item 3 in the schedule. |
| Item 13
(cl 5) | A. Rent |
| | For the lease period –
From the commencement date to the first rent review date:
\$30,700.00 a year by monthly instalments of \$2,558.33 exclusive of GST. |

Afterwards-

At the new yearly rent beginning on each review date by monthly instalments of one twelfth of the new yearly rent.

For the further period in item 12A –

From the commencement date to the first rent review date:
CURRENT MARKET RENT

Afterwards-

At the new yearly rent beginning on each review date by monthly instalments of one twelfth of the new yearly rent.

For the further period in item 12B –

From the commencement date to the first rent review date:
NOT APPLICABLE

Afterwards –

At the new yearly rent beginning on each review date by monthly instalments of one twelfth of the new yearly rent.

B. Goods and Services Tax

Clause 15 provides for payment by the Tenant of Goods and Services Tax unless otherwise here indicated.

**Item 14
(cl 5)**

Outgoings

A. Share of outgoings: Nil

for the land or the building of which the property is part, fairly apportioned to the period of this lease.

**Item 15
(cl 5.1.5)**

Interest rate:

The rate prescribed from time to time pursuant to the Uniform Civil Procedure Rules 2005, Schedule 5.

**Item 16
(cl 5.4)**

Rent review

Rent review date	Method of rent review	If Method 1 applies, amount or percentage
Year 2	1	\$32,850.00 per annum (ex GST)
Year 3	1	\$35,000.00 per annum (ex GST)
Year 4	1	\$35,000.00 per annum (ex GST)
Year 5	1	\$35,000.00 per annum (ex GST)
Year 6	3	
Year 7	2	

Year 8	2
Year 9	2
Year 10	2

Method 1 is a fixed amount or percentage.
Method 2 is Consumer Price Index.
Method 3 is current market rent.

Method 2 applies unless another method is stated.

Item 17 **Permitted use:**
(cl 6.1)

Kiosk and Café/Takeaway food

Item 18 **Amount of required public liability insurance:**
(cl 8.1.1)

\$10,000,000.00

Item 19 **Bank Guarantee:**
(cl 16)

Three (3) months' base rent and the lessee's proportion of outgoings increased by the rate of GST (expressed as a percentage) applicable from time to time, subject to clause 23 of Annexure A.

Item 20 **Security Deposit:**
(cl 17)

Three (3) months' base rent and the lessee's proportion of outgoings increased by the rate of GST (expressed as a percentage) applicable from time to time, subject to clause 23 of Annexure A.

ADDITIONAL CONDITIONS OF THE LEASE

CLAUSE 16 - DEFINITIONS

16.1 In this lease:

16.1.1 "month" or "monthly" means respectively calendar month and calendar monthly;

16.1.2 "appurtenances" include any drains, basins, sinks or toilets in or upon the property.

CLAUSE 17 - NO WARRANTY

17.1 The lessor does not expressly or impliedly represent or warrant that the property is now or will remain suitable or adequate to be used for the purpose stated in Item 17 or

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that the lessor's fixtures or services are suitable to be used for that purpose or that the property may lawfully be used for that purpose, and any warranties as to suitability or adequacy implied by law are hereby negated.

CLAUSE 18 - CONDITION AND REPAIR (ADDITIONAL CLAUSES)

- 18.1 Notwithstanding anything else in this lease, the lessee must keep and maintain all waste pipes, drains and conduits within the property in a clean, clear and free flowing condition between their points of origin and their entry into any drain or pipe of Sydney Water and the lessee must at the lessee's expense employ licensed tradesmen to clear any blockages which may occur therein.
- 18.2 The lessee shall:
- 18.2.1 not use the appurtenances for any purpose other than those for which they were designed;
- 18.2.2 not place in the appurtenances any substances which they were not designed to receive; and
- 18.2.3 at the lessee's cost and expense whenever necessary remove any blockage of, to or in any appurtenance.
- 18.3 The lessor leases the property to the lessee in its present condition and state of repair and the lessor is not responsible or liable to carry out any repairs to the property during the term of this lease.
- 18.4 The lessor may as a condition of giving consent under Clause 6.3.4 stipulate the colour, size and style and location of any sign or advertisement to be displayed.

CLAUSE 19 - TRANSFER (ADDITIONAL CLAUSES)

- 19.1 The lessor may require a proposed transferee of this lease to execute an instrument in which the proposed transferee will assume liability for the residue of the lease term.
- 19.2 If the proposed transferee is a corporation whose shares are not listed on an Australian Stock Exchange, the lessor may require, as a condition of the lessor's consent that at least two (2) of its directors (or one (1) in the case of a single director company) or shareholders (chosen by the lessor) execute personal guarantees in respect of the payment of rent and the observance and performance of lease covenants by the proposed transferee during the lease term.

CLAUSE 20 - INDEMNITIES AND RELEASE

- 20.1 The lessee acknowledges that all items of property of the lessee which may be in the property during this lease shall be at the sole risk of the lessee and the lessor shall not

be liable for any claim that the lessee or the lessee's employee or any person claiming by, through or under the lessee may incur or make or any which arises from:-

20.1.1 any fault in the construction or state of repair of the property or any part of it or the lessor's fixtures; or

20.1.2 any defects in any services or any appurtenances; or

20.1.3 the flow, overflow or leakage of any water whether from the roof, walls, gutter, downpipes, services or other parts of the property.

or from any other cause.

20.2 The lessee agrees that the lessor shall not be responsible for and releases the lessor from liability in respect of any:

20.2.1 claim relating to any items of property of the lessee or any other person in the property or any part of it however occurring; or

20.2.2 damage or injury to any person or property in the property or any land near the property

unless the claim, damage or injury results from the negligence of the lessor.

CLAUSE 21 - COSTS AND CHARGES

21.1 The lessee shall pay to the lessor on demand all the lessor's reasonable legal and other costs of and incidental to:

21.1.1 any consents required under this lease including that of any mortgagee of the property;

21.1.2 any assignment or transfer of this lease;

21.1.3 any surrender or termination of this lease other than by effluxion of time; and

21.1.4 default by the lessee and of the lessee's employees and invitees who may at any time be in or upon the property the subject of this lease in observing or performing any covenants, conditions or provisions of this lease.

21.2 The lessee must pay all and any charges for electricity, lighting air-conditioning and power incurred in relation to the property, together with all or any gas and telephone services for the property and any Sydney Water trade waste charges for or in respect of the property and the lessee must pay all and any charges by any authority to remove garbage and trade waste from the property.

CLAUSE 22 - INCONSISTENCY

- 22.1 If there is any inconsistency between a clause in annexure "B" and a clause in annexure "A" the clause contained in annexure "A" prevails.

CLAUSE 23 - BANK GUARANTEE OR SECURITY DEPOSIT

- 23.1 In respect of the provisions of Clause 16 and Item 19 (Bank Guarantee) and clause 17 and Item 20 (Security Deposit),
- (a) in the event that the lessee provides a Bank Guarantee in compliance with Clause 16 and Item 19, then Item 20 shall be deemed to be deleted; and
 - (b) in the event that the lessee provides a Security Deposit in compliance with Clause 17 and Item 20, then Item 19 shall be deemed to be deleted.

CLAUSE 24: POWER OF ATTORNEY

- 24.1 Should the Lessor become entitled to re-enter and take possession of the property and determine this Lease after necessary compliance with any relevant statutory provision as to the exercise of rights of forfeiture (of which the statutory declaration of the Lessor or any officer of the Lessor shall be conclusive evidence for the purposes of the Registrar General) the Lessee hereby irrevocably appoints the Lessor to be the attorney of the Lessee for the Lessee in its name and as its act and deed from time to time if and when such attorney shall think fit for the purpose of giving full effect to the power of re-entry to execute and to procure the registration of a surrender of this Lease and to record this power of attorney and procure to be done any act matter or thing which may be required to give full effect thereto according to the Real Property Act 1900 or to any other law or usage for the time being in force in the State of New South Wales and all and whatsoever such attorney shall lawfully do or purport to do or cause to be done by virtue of the said appointment is ratified and confirmed by this Lease.

CLAUSE 25: AMENDMENTS TO ANNEXURE B

- 25.1 Clause 8 herein is amended by adding there to the following sub clause:-
- "8.1.3 and noting the Lessor on the insurance policy as an interested party."
- 25.2 The first sentence of Clause 7.6 herein is amended as follows:
- "The lessee must not make any unauthorised or unapproved structural alterations to the property."

Notwithstanding anything else herein, the Lessee shall be entitled to a rent-free period for the purposes of fitting-out the property from the Commencing Date until the earlier of the following dates:-

- PROVIDED THAT should the Lessee incur unforeseeable delays caused by events beyond the Lessee's reasonable control then on written application to the Lessor the period in (a) may be extended by the Lessor for a period commensurate with the length of that delay but by no more than one (1) further month in total, such extension not to be unreasonably refused.

Notwithstanding anything else herein, should the Lessee fail despite the Lessee's best endeavours to obtain a Construction Certificate for the fitting-out the property within one (1) month from the Commencing Date then either the Lessee or the Lessor shall be entitled to elect to rescind this Lease. In the event of such rescission the Lessee and the Lessor shall return to their positions ab initio and neither will be otherwise liable to pay to the other any damages, costs or expenses.

Clauses 26 and 27 shall be deleted from any subsequent Lease arising from the exercise of the Option for Renewal.

From:	PITTWATER COUNCIL	("Head Lessor")
To:	MONA VALE SURF LIFE SAVING CLUB INC.	("Sublessor")
And:	ENRICHMENT ENTERPRISES PTY LTD (ACN 142 100 276)	("Sublessee")

Signed at this day of , 2011

SIGNED by the Head Lessor in the)
presence of:)

.....

.....

Witness

SIGNED for and on behalf of the)
Sublessor in the presence of)

.....

.....

Witness

SIGNED for and on behalf of the Sublessee

Authority: Section 127 of the Corporations Act 2001

Signature of Authorised Person:

Name of Authorised Person: Peter Leon Gregory Rich

Office Held: Director/Secretary

Signature of Authorised Person:

Name of Authorised Person: Nicola Elizabeth Rich

Office Held: Director/Secretary

PAGE 1 OF 13 PAGES

SEE A SOLICITOR ABOUT THIS LEASE

ANNEXURE B

Lessor: MONA VALE SURF LIFE SAVING CLUB INC

Lessor: MONA VALE SURF LIFE SAVING CLUB INC
Lessee: ENRICHMENT ENTERPRISES PT LTD (ACN 142 100 276)

This annexure consists of 13 pages.

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NOTE: Any alterations and additions to Lease Covenants in Annexure B must be made by additional clauses in Annexure A. The printed clauses in Annexure B are to remain in their copyright form without alteration.

CLAUSE	SUBJECT	PAGE	CLAUSE	SUBJECT	PAGE
1	Form of this Lease.....	2	11	Lessor's other Obligations.....	9
2	Parties.....	2	12	Forfeiture and End of Lease	9
3	The Property.....	2	13	Guarantee	10
4	Lease Period.....	2	14	Exclusions, Notices and Special Clauses.....	10
5	Money	3	15	Goods and Services Tax	11
6	Use	5	16	Bank Guarantee	11
7	Condition and Repairs.....	6	17	Security Deposit	11
8	Insurance and Damage	7	18	Strata Conversion	11
9	Access	7			
10	Transfer and Sublease	8			

RETAIL LEASE CERTIFICATE

If section 16 of the *Retail Leases Act 1994* applies to this lease, and the term plus any further terms are less than 5 years (subject to section 16(4)), the term will be extended unless a section 16(3) certificate is given. Sections 16(1) and (2) provide—

- 16(1) The term for which a retail shop lease is entered into, together with any further term or terms provided for by any agreement or option for the acquisition by the lessee of a further term as an extension or renewal of the lease, must not be less than 5 years. An agreement or option is not taken into account if it was entered into or conferred after the lease was entered into.
- 16(2) If a lease is entered into in contravention of this section, the validity of the lease is not thereby affected but the term of the lease is extended by such period as may be necessary to prevent the lease contravening this section.

I certify that:

- I am a solicitor not acting for the lessor;
- Before (or within 6 months after) the lessee entered into this lease –
 - the lessee requested me to give this certificate; and
 - I explained to the lessee the effect of sections 16(1) and (2), and that the giving of this certificate would result in section 16 not applying to this lease.

Date _____

Signature

NAME (BLOCK LETTERS)

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CLAUSE 1 FORM OF THIS LEASE

What are the parts to this lease?

- 1.1 There are three parts to this lease – a lease form, Annexure A and this annexure.
- 1.2 This lease is a deed even if it is not registered.
- 1.3 A reference in this deed to the schedule is to the schedule of items commencing at item 1 on the lease form and ending with item 20 in Annexure A.

CLAUSE 2 PARTIES

Who are the parties to this lease?

- 2.1 The lessor is named on page 1 of this lease.
- 2.2 The lessee is named on page 1 of this lease.
- 2.3 The guarantor is named in item 10 in the schedule, if there is a guarantor.
- 2.4 If a party consists of two or more persons, obligations of that party can be enforced against any one or more of them.

CLAUSE 3 THE PROPERTY

What property is leased?

- 3.1 The property leased is described on page 1 of this lease.
- 3.2 The lessor's fixtures are included in the property leased.
- 3.3 If anything else is leased (such as furniture belonging to the lessor) and is described in item 11 in the schedule it is included in the property.
- 3.4 If the property has facilities and services shared in common with other persons in the same building as the property, clause 11.3.2 applies to those common facilities. The lessee shares the common facilities with the lessor, and with other lessees of the lessor. The lessor can set reasonable rules for sharing these common facilities.

CLAUSE 4 LEASE PERIOD

How long is this lease for?

- 4.1 This lease is for the period stated in item 1 in the schedule, commences on the date stated in item 2 in the schedule and ends on the date stated in item 3 in the schedule.
- 4.2 If a further period, commencing when this lease ends, is stated in item 12A in the schedule then the lessee has the option to renew this lease for that period.
- 4.3 The lessee can renew this lease more than once if that is stated in item 12B in the schedule. However the period of tenancy under this lease and under any renewal(s) is, in total, not longer than the maximum period stated in item 12C in the schedule.
- 4.4 The lessee can exercise the option only if –
 - 4.4.1 the lessee serves on the lessor a notice of exercise of option not earlier than the first day stated in item 12D in the schedule and not later than the last day stated in item 12E in the schedule;
 - 4.4.2 there is at the time of service no rent or outgoing that is overdue for payment; and
 - 4.4.3 at the time of service all the other obligations of the lessee have been complied with or fully remedied in accordance with the terms of any notice to remedy given by the lessor.

If this lease is extended by legislation, items 12D and 12E in the schedule are adjusted accordingly.

- 4.5 After exercising the option the lessee must continue to pay all rents and outgoings on time and continue to comply with all of the lessee's obligations under this lease. If the lessee does not do so, the lessor may treat any breach as being a breach of the new lease as well as of this lease.

4.6 A new lease will be the same as this lease except for --

- 4.6.1 the new rent;
- 4.6.2 the commencement date and the termination date;
- 4.6.3 the omission of clauses 4.2, 4.3, 4.4, 4.5 and 4.6 and items 12A and 12B in the schedule in the last lease allowed in item 12 in the schedule;
- 4.6.4 item 12B becoming item 12A;
- 4.6.5 adjustment of item 12C in the schedule; and
- 4.6.6 adjustment of items 12D and 12E in the schedule. The number of days between the dates stated in items 12D and 12E in the schedule of the new lease and the termination date of the new lease and the number of days between each date stated in items 12D and 12E in the schedule of this lease and the termination date of this lease are to correspond.

If the new rent is to be current market rent it will be decided in the same way that current market rent is to be decided under Method 3 stated in clause 5 assuming that this lease and the new lease were one continuous lease and the commencement date of the new lease was a rent review date.

CLAUSE 5 MONEY

What money must the lessee pay?

5.1 The lessee must pay to the lessor or as the lessor directs --

- 5.1.1 the rent stated in item 13A in the schedule;
- 5.1.2 the share stated in item 14A in the schedule of those outgoings stated in item 14B in the schedule;
- 5.1.3 the reasonable cost to the lessor of remedying a default by the lessee;
- 5.1.4 the reasonable cost to the lessor of dealing with any application by the lessee for the lessor's consent under this lease (whether or not it is given);
- 5.1.5 interest on these moneys at the rate stated in item 15 in the schedule when payment is more than 14 days overdue, calculated from the due date to the date of payment;
- 5.1.6 registration fee for registration of this lease at Land and Property Information NSW (payable on delivery to the lessor's solicitor of the executed lease);
- 5.1.7 stamp duty on this lease (payable on delivery to the lessor's solicitor of the executed lease) if not previously paid by the lessee to the Office of State Revenue;
- 5.1.8 if the lessee defaults, the lessor's reasonable legal costs relating to the default;
- 5.1.9 the lessor's reasonable costs and expenses in connection with the preparation of this lease but only that part of those costs and expenses which are permitted to be recovered by a lessor under section 14 and section 45 of the *Retail Leases Act, 1994*; and
- 5.1.10 GST as provided for in clause 15.

5.2 The first month's instalment of rent is to be paid by the commencement date. Each later month's instalment of rent is to be paid in advance.

5.3 A payment under clause 5.1.2 must be paid on the next rent day after a request for payment is made by the lessor.

A request for payment can be made --

- 5.3.1 after the lessor has paid an outgoing; or
- 5.3.2 after the lessor has received an assessment or account for payment of an outgoing.

If item 14B in the schedule refers to land tax --

- if the property is a strata lot, the relevant land tax is land tax on that lot;
- if the property is not a strata lot but is part of a building, the relevant land tax is land tax on the land on which the building is situated, plus any land of the lessor used or available for use by or for the benefit of lessees conducting business in the building or in connection with trading in the building; and
- in either case, the land tax must be calculated as if the land was the only land owned by the lessor and there was no special trust or non-concessional company involved.

When and how is the rent to be reviewed?

- 5.4 The rent is to be reviewed on the rent review dates stated in item 16 in the schedule.

If this lease is extended by legislation, the rent review dates include each anniversary of the latest rent review date stated in item 16 in the schedule (or if none is stated each anniversary of the commencement date) which falls during the extension.

- 5.5 The lessee must continue to pay rent at the old rate until the new rate is known. After that, the lessee is to pay the new rent from the next rent day. By that rent day the lessee is also to pay any shortfall between the old and new rate for the period since the rent review date. Alternatively, the lessor is to refund to the lessee any overpayment of rent.

- 5.6 There are three different methods described here for fixing the new rent on a rent review date. The method agreed by the lessor and the lessee is stated at item 16 in the schedule. The lessee is entitled to a reduction if the method produces a rent lower than the rent current just before the review date.

Method 1. By a fixed amount or percentage.

- 5.7 In this case the rent beginning on each review date will be increased by the percentage or amount stated in item 16 in the schedule.

Method 2. By reference to Consumer Price Index.

- 5.8 In this case –

- take the yearly rent as of the last review date or if none, the rent at the commencement date (\$X),
- divide that rent by the Consumer Price Index Number for Sydney (All Groups) for the quarter ended just before that date (CPI 1),
- multiply the result by the Consumer Price Index Number for Sydney (All Groups) for the quarter ended just before the review date (CPI 2).

The product is the new rent for the year beginning on the review date (\$Y), written as a formula –

$$\frac{\$X}{\text{CPI 1}} \times \text{CPI 2} = \$Y$$

- 5.9 The lessor must calculate the new rent after each review date and give the lessee written notice of the new rent.
- 5.10 If the Australian Bureau of Statistics makes a change in the reference base of the index and there is a published co-relation between the old and new base then the published co-relation is to be applied to convert the CPI 1 figure to the new reference base. If there is none then the lessor and the lessee agree to accept the calculations of the lessor's solicitor who must be retained to determine a fair co-relation between the old and the new series of numbers.
- 5.11 If the index used to calculate the new rent is discontinued the lessor may substitute another index that, as nearly as practicable, serves the same purpose and, if there is no such index, then the rent will be fixed by Method 3.

Method 3. By reference to current market rent.

- 5.12 In this case the rent is to be the current market rent. This can be higher or lower than the rent payable at the rent review date and is the rent that would reasonably be expected to be paid for the property, determined on an effective rent basis, having regard to the following matters –
- 5.12.1 the provisions of this lease;
 - 5.12.2 the rent that would reasonably be expected to be paid for the property if it were unoccupied and offered for renting for the same or a substantially similar use to which the property may be put under this lease;
 - 5.12.3 the gross rent, less the lessor's outgoings payable by the lessee;
 - 5.12.4 where the property is a retail shop, rent concessions and other benefits that are frequently or generally offered to prospective lessees of unoccupied retail shops; and
 - 5.12.5 the value of goodwill created by the lessee's occupation and the value of lessee's fixtures and fittings are to be ignored.

- 5.13 The lessor or the lessee can inform the other in writing at least 60 days before the rent review date of the rent that the lessor or lessee thinks will be the current market rent at the review date.
- 5.14 If the lessor and the lessee agree on a new rent then that rent will be the new rent beginning on the rent review date and the lessor and the lessee must sign a statement saying so.
- 5.15 If the lessor and the lessee do not agree on the amount of the new rent 30 days before the rent review date, the current market rent will be decided by a valuer appointed under clause 5.16.
- 5.16
- 5.16.1 Unless 5.16.2 applies the lessor and the lessee can either agree upon a valuer or can ask the President of the Law Society of New South Wales to nominate a person who is a licensed valuer to decide the current market rent.
- 5.16.2 Where the property is a retail shop, the valuer appointed must be a specialist retail valuer appointed by agreement of the parties or, failing agreement, by the Administrative Decisions Tribunal.
- 5.17 The valuer will act as an expert not an arbitrator. The lessor and the lessee can each make submissions in writing to the valuer within 14 days after they receive notice of the valuer's appointment but not later unless the valuer agrees.
- 5.18 The valuer's decision is final and binding. The valuer must state how the decision was reached.
- 5.19 If the valuer
- 5.19.1 does not accept the nomination to act; or
- 5.19.2 does not decide the current market rent within 1 month after accepting the nomination; or
- 5.19.3 becomes incapacitated or dies; or
- 5.19.4 resigns,
- then another valuer is to be appointed in the same way.
- 5.20 The lessor and lessee must each pay half the valuer's costs.
- 5.21 If the lessor and lessee do not agree upon a valuer and neither asks for a valuer to be nominated before --
- 5.21.1 the next rent review date passes; or
- 5.21.2 this lease ends without the lessee renewing it; or
- 5.21.3 this lease is transferred after the rent review date with the lessor's consent; or
- 5.21.4 the property is transferred after the rent review date
- then the rent will not change on that rent review date.

CLAUSE 6 USE

How must the property be used?

- 6.1 The lessee must --
- 6.1.1 use the property for the purpose stated in item 17 in the schedule and not for any other purpose;
- 6.1.2 open for business at times usual for a business of the kind conducted by the lessee;
- 6.1.3 keep the property clean and dispose of waste properly; and
- 6.1.4 comply with all laws relating to strata schemes and all other laws regulating how the property is used, obtain any consents or licences needed, comply with any conditions of consent, and keep current any licences or registrations needed for the use of the property or for the conduct of the lessee's business there.
- 6.1.5 where the property is a lot in a strata scheme:
- 6.1.5.1 use the lessor's common property only in connection with the use of the property;
- 6.1.5.2 co-operate with all other permitted users of the common property;
- 6.1.5.3 comply with so many of the provisions of the *Strata Schemes Management Act 1996* and the *Strata Schemes (Freehold Development) Act 1973* and the by-laws and all lawful orders, motions and directives under these Acts as may be applicable to the exercise of the lessee's rights and obligations under this lease.

6.2 The lessor can consent to a change of use and cannot withhold consent unreasonably.

6.3 The lessee must not –

- 6.3.1 do anything that might invalidate any insurance policy covering the property or that might increase the premium unless the lessor consents in which case the lessee must pay the increased premium; or
- 6.3.2 use the property as a residence or for any activity that is dangerous, offensive, noxious, illegal or immoral or that is or may become a nuisance or annoyance to the lessor or to the owner or occupier of any neighbouring property; or
- 6.3.3 hold any auction, bankrupt or fire sale in the property; or
- 6.3.4 display signs or advertisements on the outside of the property, or that can be seen from the outside, unless the lessor consents (but the lessor cannot withhold consent unreasonably);
- 6.3.5 overload the floors or walls of the property; or
- 6.3.6 without the prior written consent of the lessor and/or the owners corporation, use the common property for any purpose other than for access to and egress from the property.

CLAUSE 7 CONDITION AND REPAIRS

Who is to repair the property?

7.1 The lessor must –

- 7.1.1 maintain in a state of good condition and serviceable repair the roof, the ceiling, the external walls and external doors and associated door jams, and the floors of the property and must fix structural defects;
- 7.1.2 maintain the property in a structurally sound condition; and
- 7.1.3 maintain essential services.

7.2 The lessee must otherwise maintain the property in its condition at the commencement date and promptly do repairs needed to keep it in that condition but the lessee does not have to –

- 7.2.1 alter or improve the property; or
- 7.2.2 fix structural defects; or
- 7.2.3 repair fair wear and tear.

7.3 The lessee must also –

- 7.3.1 reimburse the lessor for the cost of fixing structural damage caused by the lessee, apart from fair wear and tear;
- 7.3.2 maintain and decorate the shop front if the property has one;
- 7.3.3 decorate the inside of the property in the last 3 months of the lease period (however it ends) – 'decorate' here means restoring the surfaces of the property in a style and to a standard of finish originally used e.g. by repainting;
- 7.3.4 where the property is a lot in a strata scheme:
 - 7.3.4.1 meet the cost of all damage to the common property occasioned by the lessee or any invitee or licensee of the lessee; and
 - 7.3.4.2 permit the owners corporation, temporarily, to close any part of the common property for the purpose of making and effecting repairs to it.

7.4 If an authority requires work to be done on the property and it is structural work or work needed to make the property safe to use then the lessor must do the work unless it is required only because of the way the lessee uses the property. But if it is any other work or is required only because of the way the lessee uses the property then the lessee must do the work.

7.5 If the lessee fails to do any work that the lessee must do the lessor can give the lessee a notice in writing stating what the lessee has failed to do. After the notice is given the lessee must –

- 7.5.1 do the work immediately if there is an emergency; and
- 7.5.2 do the work promptly and diligently in any other case.

If the lessee does not do the work, the lessor can do it and the lessee must reimburse the lessor for the cost of the work.

- 7.6 The lessee must not make any structural alterations to the property. Any other alterations require the lessor's consent in writing (but the lessor cannot withhold consent unreasonably).

CLAUSE 8 INSURANCE AND DAMAGE

What insurances must the lessee take out?

- 8.1 The lessee must keep current an insurance policy covering –
- 8.1.1 liability to the public in an amount not less than the amount stated in item 18 in the schedule (for each accident or event); and
 - 8.1.2 damage or destruction from any cause to all plate glass in the windows and other portions of the property
- and must produce to the lessor, upon request, the policy and the receipt for the last premium.

What happens if the property is damaged?

- 8.2 If the property or the building of which it is part is damaged (a term which includes destroyed) –
- 8.2.1 the lessee is not liable to pay rent, or any amount payable to the lessor in respect of outgoings and other charges, that is attributable to any period during which the property cannot be used under this lease or is inaccessible due to that damage;
 - 8.2.2 if the property is still useable under this lease but its useability is diminished due to the damage, the lessee's liability for rent and any amount in respect of outgoings attributable to any period during which useability is diminished is reduced in proportion to the reduction in useability caused by the damage;
 - 8.2.3 if the lessor notifies the lessee in writing that the lessor considers that the damage is such as to make its repair impracticable or undesirable, the lessor or the lessee can terminate this lease by giving not less than 7 days notice in writing of termination to the other and no compensation is payable in respect of that termination;
 - 8.2.4 if the lessor fails to repair the damage within a reasonable time after the lessee requests the lessor to do so the lessee can terminate this lease by giving not less than 7 days notice in writing of termination to the lessor; and
 - 8.2.5 nothing in clause 8.2 affects any right of the lessor to recover damages from the lessee in respect of any damage or destruction to which the clause applies.

CLAUSE 9 ACCESS

What are the lessor's rights of access to the property?

- 9.1 The lessee must give the lessor (or anyone authorised in writing by the lessor) access to the property at any reasonable time for the purpose of –
- 9.1.1 inspecting the condition of the property, or how it is being used; or
 - 9.1.2 doing anything that the lessor can or must do under this lease or must do by law; or
 - 9.1.3 viewing the property as a valuer, prospective buyer or mortgagee; or
 - 9.1.4 fixing a notice in a reasonable position on the outside of the property saying that it is for sale; or
 - 9.1.5 viewing the property as a prospective lessee not earlier than 6 months before the lease period ends; or
 - 9.1.6 fixing a notice not earlier than 6 months before the lease period ends in a reasonable position on the outside of the property saying that it is to let; or
 - 9.1.7 inspecting, cleaning or repairing another property or any services to another property.
- 9.2 The lessor must give the lessee at least 2 days written notice for access (except in an emergency). The day of the giving of the notice and any Saturday, Sunday or public holiday on which the property is not open for business are not counted.
- 9.3 The lessor must promptly make good any damage caused to the property and to any of the lessee's belongings which results from exercising these rights.
- 9.4 The lessee must give to the lessor a copy of any notice relating to the property or relating to any neighbouring property immediately after receiving the notice.

CLAUSE 10 TRANSFER AND SUB-LEASE**Can this lease be transferred or the property shared or sub-let?**

- 10.1 The lessee must not transfer this lease without consent.
- 10.2 The lessor can withhold consent only if—
- 10.2.1 the proposed transferee proposes to change the use to which the property is put; or
 - 10.2.2 where the property is a retail shop, the proposed transferee has financial resources or retailing skills inferior to those of the proposed transferor and otherwise the proposed transferee has financial resources or business experience inferior to those of the proposed transferor; or
 - 10.2.3 the lessee has not complied with clause 10.3 and, where the property is a retail shop, clause 10.4.
- 10.3 A request for the lessor's consent to a transfer of lease must be made in writing and the lessee must provide the lessor with such information as the lessor may reasonably require concerning the financial standing and business experience of the proposed transferee.
- 10.4 Where the property is a retail shop, before requesting the consent of the lessor to a proposed transfer of this lease, the lessee must furnish the proposed transferee with a copy of any disclosure statement given to the lessee in respect of this lease, together with details of any changes that have occurred in respect of the information contained in the disclosure statement (being changes of which the lessee was aware or could reasonably be expected to be aware). For the purpose of enabling the lessee to comply with this obligation, the lessee can request the lessor to provide the lessee with a copy of the disclosure statement concerned and, if the lessor is unable or unwilling to comply with such a request within 14 days after it is made, this clause 10.4 does not apply.
- 10.5 Where the lessee has complied with clause 10.3 and where required to do so clause 10.4, and the lessor has not within 42 days or where the *Retail Leases Act 1994* applies 28 days after the request was made or the lessee has complied with paragraphs 41(a) and 41(b) of that Act, whichever is the later, given notice in writing to the lessee either consenting or withholding consent, the lessor is taken to have consented.
- 10.6 The lessee has to pay in connection with any consent the lessor's reasonable legal costs, the reasonable costs of obtaining any mortgagee's consent, the stamp duty and the registration fee for the transfer.
- 10.7 Where the property is a retail shop, the lessee can sub-let, grant a licence or concession, share or part with the possession of the whole or any part of the property or mortgage or otherwise charge or encumber the lessee's estate or interest in this lease only with the written consent of the lessor which can be refused in the lessor's absolute discretion. Otherwise, the lessee cannot do any of these things.

CLAUSE 11 LESSOR'S OTHER OBLIGATIONS**What are the lessor's other obligations?**

- 11.1 So long as the lessee does all the things that must be done by the lessee under this lease the lessor must allow the lessee to possess and use the property in any way permitted under this lease without interference from the lessor, or any person claiming under the lessor or having superior title to the title of the lessor.
- 11.2 The lessor must pay all outgoings for the land or the building of which the property is part when they fall due.
- 11.3 If the property is part of a building owned or controlled by the lessor—
- 11.3.1 the lessor must maintain in reasonable structural condition all parts of the building that the lessee can use under this lease; and
 - 11.3.2 if the property has facilities and service connections shared in common with other persons the lessor must—
 - 11.3.2.1 allow reasonable use of the facilities and service connections including—
 - the right for the lessee and other persons to come and go to and from the property over the areas provided for access;
 - access by the lessee to service connections; and
 - the right for the lessee's customers to park vehicles in any area set aside for customer parking, subject to any reasonable rules made by the lessor.
 - 11.3.2.2 maintain the facilities and service connections in reasonable condition.

- 11.4 Where registration is necessary for the validity of this lease, the lessor must ensure that this lease is registered.
- 11.5 If a consent is needed for this lease, from someone such as a mortgagee or head lessor of the property, then the lessor must get the consent.

CLAUSE 12 FORFEITURE AND END OF LEASE

When does this lease end?

- 12.1 This lease ends –
- 12.1.1 on the date stated in item 3 in the schedule; or
 - 12.1.2 if the lessor lawfully enters and takes possession of any part of the property; or
 - 12.1.3 if the lessor lawfully demands possession of the property.
- 12.2 The lessor can enter and take possession of the property or demand possession of the property if –
- 12.2.1 the lessee has repudiated this lease; or
 - 12.2.2 rent or any other money due under this lease is 14 days overdue for payment; or
 - 12.2.3 the lessee has failed to comply with a lessor's notice under section 129 of the *Conveyancing Act 1919*; or
 - 12.2.4 the lessee has not complied with any term of this lease where a lessor's notice is not required under section 129 of the *Conveyancing Act 1919* and the lessor has given at least 14 days written notice of the lessor's intention to end this lease.
- 12.3 When this lease ends, unless the lessee becomes a lessee of the property under a new lease the lessee must –
- 12.3.1 return the property to the lessor in the state and condition that this lease requires the lessee to keep it in; and
 - 12.3.2 have removed any goods and anything that the lessee fixed to the property and have made good any damage caused by the removal.
- Anything not removed becomes the property of the lessor who can keep it or remove and dispose of it and charge to the lessee the cost of removal, making good and disposal.
- 12.4 If the lessor allows the lessee to continue to occupy the property after the end of the lease period (other than under a new lease) then –
- 12.4.1 the lessee becomes a monthly lessee and must go on paying the same rent and other money in the same way that the lessee had to do under this lease just before the lease period ended (apportioned and payable monthly);
 - 12.4.2 the monthly tenancy will be on the same terms as this lease, except for –
 - clause 4;
 - clauses 5.4 to 5.21 inclusive; and
 - clause 6.2 unless consent has previously been given;
 - 12.4.3 either the lessor or the lessee can end the monthly tenancy by giving, at any time, 1 month written notice to the other expiring on any date; and
 - 12.4.4 anything that the lessee must do by the end of this lease must be done by the end of the monthly tenancy.
- 12.5 Essential terms of this lease include –
- 12.5.1 the obligation to pay rent not later than 14 days after the due date for payment of each periodic instalment (and this obligation stays essential even if the lessor, from time to time, accepted late payment);
 - 12.5.2 the obligations of the lessee in clause 5.1.2 (dealing with outgoings);
 - 12.5.3 the obligations of the lessee in clause 6.1 (dealing with use);
 - 12.5.4 the obligations of the lessee in clause 7 (dealing with repairs);
 - 12.5.5 the obligations of the lessee in clause 10 (dealing with transfer and sub-lease); and
 - 12.5.6 the obligations of the lessee in clause 15 (dealing with GST).

- 12.6 If there is a breach of an essential term the lessor can recover damages for losses over the entire period of this lease but must do every reasonable thing to mitigate those losses and try to lease the property to another lessee on reasonable terms.
- 12.7 The lessor can recover damages even if –
- 12.7.1 the lessor accepts the lessee's repudiation of this lease; or
 - 12.7.2 the lessor ends this lease by entering and taking possession of any part of the property or by demanding possession of the property; or
 - 12.7.3 the lessee abandons possession of the property; or
 - 12.7.4 a surrender of this lease occurs.

CLAUSE 13 GUARANTEE**What are the obligations of a guarantor?**

- 13.1 This clause applies if a guarantor of the lessee is named in item 10A in the schedule and has signed or executed this lease or, if this lease is a renewal of an earlier lease, the earlier lease.
- 13.2 The guarantor guarantees to the lessor the performance by the lessee of all the lessee's obligations (including any obligation to pay rent, outgoings or damages) under this lease, under every extension of it or under any renewal of it or under any tenancy and including obligations that are later changed or created.
- 13.3 If the lessee does not pay any money due under this lease, under any extension of it or under any renewal of it or under any tenancy the guarantor must pay that money to the lessor on demand even if the lessor has not tried to recover payment from the lessee.
- 13.4 If the lessee does not perform any of the lessee's obligations under this lease, under any extension of it or under any renewal of it or under any tenancy the guarantor must compensate the lessor even if the lessor has not tried to recover compensation from the lessee.
- 13.5 If the lessee is insolvent and this lease or any extension or renewal of it is disclaimed the guarantor is liable to the lessor for any damage suffered by the lessor because of the disclaimer. The lessor can recover damages for losses over the entire period of this lease or any extension or renewal but must do every reasonable thing to mitigate those losses and try to lease the property to another lessee on reasonable terms.
- 13.6 Even if the lessor gives the lessee extra time to comply with an obligation under this lease, under any extension of it or under any renewal of it or under any tenancy, or does not insist on strict compliance with the terms of this lease or any extension of it or renewal of it or of any tenancy, the guarantor's obligations are not affected.
- 13.7 If an amount is stated in item 10B in the schedule the guarantor's liability under this clause is limited to that amount.
- 13.8 The terms of this guarantee apply even if this lease is not registered, even if any obligation of the lessee is only an equitable one, and even if this lease is extended by legislation.

CLAUSE 14 EXCLUSIONS, NOTICES AND SPECIAL CLAUSES

- 14.1 No covenant or power is implied in this lease by section 84 or 85 of the *Conveyancing Act 1919*.
- 14.2 A document under or relating to this lease is –
- 14.2.1 served if it is served in any manner provided in section 170 of the *Conveyancing Act 1919*; and
 - 14.2.2 served on the lessee if it is left at the property.
- 14.3 This lease is subject to any legislation that cannot be excluded (for example, the *Retail Leases Act 1994*).
- 14.4 In this lease, 'retail shop' means premises to which the *Retail Leases Act 1994* applies.
- 14.5 In this lease 'Director General' has the same meaning as in the *Retail Leases Act 1994*.

CLAUSE 15 GOODS AND SERVICES TAX

Unless item 13B in the schedule has been completed in a way that indicates that this clause is not to apply:

- 15.1 As consideration in whole or in part for a taxable supply the person receiving the supply must pay to the party making the supply an additional amount equal to the amount of GST payable on the supply.
- 15.2 To the extent that the lessee is required to reimburse the lessor in whole or in part for outgoings incurred by the lessor, for the purposes of this lease the amount of the outgoings must be reduced by the amount of any credit or refund of GST to which the lessor is entitled as a result of incurring outgoings.
- 15.3 Outgoings in item 14B in the schedule are to be calculated after deducting any input tax credit to which the lessor is entitled.
- 15.4 For the purposes of this lease GST means a tax in the nature of a supply of goods and services tax levied or imposed by the Commonwealth of Australia.

CLAUSE 16 BANK GUARANTEE

- 16.1 If a number of months appears in item 19 in the schedule, clauses 16.2 to 16.5 apply.
- 16.2 On or before the commencement date of this lease the lessee will deliver to the lessor a guarantee by a bank trading in the State of New South Wales in the form of an unconditional and irrevocable undertaking to pay drawn in favour of the lessor (unlimited as to time) in a form acceptable to the lessor and for an amount equivalent to the number of months referred to in item 19 in the schedule.
- 16.3 The lessor is entitled to claim under the guarantee an amount equal to any moneys due but unpaid by the lessee to the lessor under this lease.
- 16.4 The lessee agrees to vary the amount of the guarantee immediately upon each rent review so that the amount at all times represents the equivalent of the number of months referred to in the schedule.
- 16.5 The lessor will deliver the guarantee (or so much of it as is then held by the lessor) to the lessee on the last of:
 - 16.5.1 the terminating date of this lease;
 - 16.5.2 the expiry date of any holding over under this lease; and
 - 16.5.3 the date that the lessee has no further obligations under this lease or at law.

CLAUSE 17 SECURITY DEPOSIT

- 17.1 If an amount or a number of months appears in item 20 in the schedule, clauses 17.2 to 17.6 apply.
- 17.2 On or before the commencement date of this lease the lessee will deliver the security deposit to the lessor.
- 17.3 The lessor is entitled to deduct from the security deposit an amount equal to any monies due but unpaid by the lessee to the lessor under this lease.
- 17.4 Where the property is a retail shop, the security deposit will be held in accordance with Section 16C of the *Retail Leases Act 1994*. The lessee will not make an application to the Director General seeking the return of the security deposit (or so much of it as is then held by the Director General) until the later of:
 - 17.4.1 the terminating date of this lease;
 - 17.4.2 the expiry date of any holding over under this lease; and
 - 17.4.3 the date that the lessee has no further obligations under this lease or at law.
- 17.5 Where the property is other than a retail shop the security deposit (or so much of it as is then held by the lessor) will be returned to the lessee on the later of the dates as specified in clause 17.4.
- 17.6 The lessee agrees to vary the amount of the security deposit immediately upon each rent review so that it represents the equivalent of the number of months referred to in the schedule.

CLAUSE 18 STRATA CONVERSION

- 18.1 "Owners corporation", "owner", "strata scheme", "lot" and "parcel" where used in this lease have the meanings given under the *Strata Schemes Management Act 1996* and the *Strata Schemes (Freehold Development) Act 1973*.

- 18.2 "Strata Acts" means the *Strata Schemes Management Act 1996* and the *Strata Schemes (Freehold Development) Act 1973*, and includes any amending Acts, rules, regulations, ordinances, by-laws, statutory instruments, orders or notices now or hereafter made under those Acts.
- 18.3 "Strata conversion" means a subdivision of the property under the *Strata Schemes (Freehold Development) Act 1973* or the *Community Land Development Act 1989* or the *Community Land Management Act 1989* or other legislation permitting such subdivision.
- 18.4 Strata Titles
- 18.4.1 Lessee consents to registration of strata plan
- 18.4.1.1 By its entry into this lease the lessee acknowledges that the lessor can register a strata plan, a strata schemes plan, a strata plan of subdivision, a strata plan of consolidation or a building alteration plan insofar as any of these may relate to the property, the Building or the land. The lessor will provide the lessee with copies of the proposed strata plan and associated documentation for the lessee's approval, which approval will not be unreasonably withheld.
- 18.4.1.2 Provided the lessee consents to the strata conversion as per clause 18.4.1.1 then within 7 days of written request by the lessor the lessee will sign and return to the lessor any consents or other documents necessary to enable the lessor to carry out the strata conversion and will make no objection or claim for compensation in relation to the strata conversion.
- 18.4.2 Compliance with the Strata Acts and by-laws:
- 18.4.2.1 **(Covenant):** The lessee and any and all persons acting by, through or under it or with its authority express or implied shall comply with so many of the provisions of the Strata Acts and the by-laws and all lawful orders, motions and directives under the Strata Acts as may be applicable to the exercise of the lessee's rights and obligations under the provisions elsewhere contained in this lease.
- 18.4.2.2 **Not to prejudice interests of owners corporation.** Without the prior written consent of the owners corporation, the lessee shall not do any act, matter or thing under the exercise of its rights and obligations elsewhere contained in this lease or permit or allow any act, matter or thing to be done which shall or may:
- increase the rate of premium payable by the owners corporation under any policy of insurance taken out by the owners corporation; or
 - invalidate, avoid or suspend the operation of any such policy of insurance or otherwise prejudice the owners corporation rights under any such policy.
- 18.4.2.3 Upon the occurrence of any of the matters previously referred to the lessee shall:
- pay to the lessor or such other person responsible for payment any amounts payable to the owners corporation as a consequence of any such matters;
 - pay to the lessor for and on behalf of the owners corporation any amounts payable by the owners corporation as a consequence of any such matters and not the subject of clause 18.4.2.2; and
 - pay to the lessor for and on behalf of the owners corporation the amount of any and all losses and damages arising from the occurrence of any such matters.
- 18.4.2.4 **(Indemnity):** The lessee shall indemnify the lessor for any loss or damage suffered by the lessor if the lessee or the lessee's employees fail to comply with the obligations as to conduct imposed upon the lessee or the lessee's employees by this lease or by reason of the Strata Acts.
- 18.4.3 If the strata conversion occurs:
- 18.4.3.1 any reference in this lease will be deemed to be a reference to the buildings comprised in the registered plan or plans of which the property forms part;
- 18.4.3.2 any levies or other monies payable to the owners corporation will be payable by the lessee with the exception of any contribution to a sinking fund or special levy; and
- 18.4.3.3 this lease will be deemed to be amended in any respect that is necessary to ensure that this lease reflects that the strata conversion has been carried out.

IMPORTANT NOTES

The following notes are for guidance and do not form part of this lease.

If you are a lessor, a solicitor will prepare this lease for you.

If you are a lessee, a solicitor can advise you about it.

1. This document creates legal rights and legal obligations.
2. Failure to register a lease can have serious consequences.
3. If an option for renewal is not exercised at the right time it will be lost.
4. The lessee can exercise an option for renewal even if there has been a breach of this lease in a case where section 133E of the *Conveyancing Act 1919* applies. The lessor must give a prescribed notice within 14 days after the option is exercised if the lessor wants to rely on the breach to prevent the exercise of the option.
5. The Law Society of New South Wales is not to be responsible for any loss resulting from the use of this lease as printed whether authorised or not.

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I certify that this and the preceding twelve pages are in exactly the same wording as Annexure B of the copyright Law Society Lease.

.....
Solicitor for the lessor

C10.7 Draft Pittwater Procurement Policy - Public Exhibition

Meeting: Governance Committee

Date: 15 August 2011

STRATEGY: **Business Management, Asset Management**

ACTION: Effectively Manage Council's Procurement responsibilities

PURPOSE OF REPORT

To place the draft Pittwater Procurement Policy on public exhibition for a period of twenty eight (28) days.

1.0 BACKGROUND

- 1.1 The Pittwater Procurement Policy is developed to cover the total range of activities for procurement and disposal within Council.
- 1.2 There are currently two separate policies of Council relating to the management of Procurement.
- 1.3 The draft Pittwater Procurement Policy has been developed in accordance with the Local Government Act and Local Government (General) Regulations 2005.
- 1.4 The Pittwater Procurement Policy is to be a Council endorsed document which sets the broad framework for undertaking procurement and disposal in a structured and co-ordinated way.
- 1.5 A copy of the draft Pittwater Procurement Policy is attached as **Attachment 1**

2.0 ISSUES

2.1 Current Policies to be revoked

On adoption of the Pittwater Procurement Policy by Council following public exhibition, the following Policies are to be revoked:

Policy No	Policy Name
9	Disposal of Council Owned Plant and Equipment
171	Pittwater Sustainable Purchasing

2.2 Dissemination of the Policy to all Council Staff

Pittwater Council is committed to the training of Council staff in the procurement process from initiation of procurement to contract management to effective implementation.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social):

3.1.1 The report has no effect on this assessment.

3.2 Valuing & Caring for our Natural Environment (Environmental)

3.2.1 The report has no effect on this assessment.

3.3 Enhancing our Working & Learning (Economic)

3.3.1 Pittwater Council recognises that in order to achieve sustainable value, a strategic assessment of the appropriate procurement path must be carried out on an individual purchase/project basis.

3.4 Leading an Effective & Collaborative Council (Governance)

3.4.1 The Policy attached to this report ensures certainty in purchasing.

3.5 Integrating our Built Environment (Infrastructure)

3.5.1 The Policy attached to this report ensures best value for money is achieved.

4.0 EXECUTIVE SUMMARY

4.1 The Pittwater Procurement Policy is developed to cover the total range of activities for procurement and disposal.

4.2 There are currently two separate policies of Council relating to the management of Procurement to be revoked upon adoption of this Policy.

4.3 The draft Pittwater Procurement Policy has been developed in accordance with the Local Government Act and Local Government (General) Regulations 2005.

4.4 The Pittwater Procurement Policy is to be a Council endorsed document which sets the broad framework for undertaking procurement in a structured and co-ordinated way.

4.5 A copy of the draft Pittwater Procurement Policy is attached as **Attachment 1**

RECOMMENDATION

1. That the Draft Pittwater Procurement Policy as shown in Attachment 1 be placed on public exhibition for a period of twenty eight (28) days.
2. That at the completion of the Public Exhibition period, a further report will be presented to Council.

Report prepared by

Mark Shaw
MANAGER URBAN INFRASTRUCTURE

Council Policy – No 183 Version: 1	Adopted	
	Amended	

TITLE:	Pittwater Procurement Policy
STRATEGY:	Business Management Strategy
BUSINESS UNIT:	Urban Infrastructure
RELEVANT LEGISLATION:	Local Government Act 1993 No. 30, Local Government (General) Regulation 2005 Government Information (Public Access) Act 2009 No 52
RELATED POLICIES:	Pittwater Council Code of Conduct Pittwater Gift and Benefits Policy (No 181)
RELATED GUIDELINES:	Tendering Guidelines for NSW Local Government (Division of Local Government Circular 09-39)

1.0 OBJECTIVE

The Pittwater Procurement Policy establishes the principles for Procurement activities by Pittwater Council.

2.0 POLICY STATEMENT

Pittwater Council acknowledges that:

Adopting a procurement approach that utilises best practice principles, processes and procedures for the procurement of all goods and services and works by Council, is to help provide efficiency and transparency in achieving the strategic objectives of Council.

The elements of best practice applicable to procurement incorporate:

- A procurement process and procedure that fits within the Pittwater Community Strategic Planning Framework;
- Procurement Guidelines setting out processes and procedures covering from minor, simple purchasing to contract management of high value and more complex projects;
- A purchasing system based on an electronic order, financial management and reporting system;
- A system of financial delegations for managing approvals for procurement under delegation;
- A system based on a threshold for minimum financial levels of competition for managing the procurement process;
- Alternative methods of procurement; and

- A sound procurement protocol which applies legislative requirements, government policy and guidance in a readily understandable form that addresses;
 - Ethics and probity;
 - Governance;
 - Value for money based on whole of life costs;
 - Sustainability through procurement;
 - Management of risk through procurement;
 - Management of Occupational Health & Safety through procurement; and
 - Building and maintenance of procurement capacity.

3.0 APPLICATION OF THIS POLICY

This Policy applies to all procurement and contracting activities undertaken by Pittwater Council, other than statutory payments or payments for membership of Regional or State organisations and is binding on all Councillors, Council staff, suppliers, contractors and consultants.

4.0 PROCUREMENT MANAGEMENT ELEMENTS

Council has an in-house workforce capable of providing various services and will use this capability where it is efficient to do so.

4.1 Pittwater Procurement Guidelines

The **Pittwater Procurement Guidelines** provide guidance for Council Staff in their day to day activities in managing purchasing, quotations, tendering and expressions of interest and contract management.

The Guidelines are a set of documents that may be amended from time to time to incorporate changes to legislation and keep pace with best practice to reflect expansion of the learning process. Approval of amendments to the Guidelines is managed through the Council's Internal Auditor and Senior Management Team.

4.2 Financial Delegations for Procurement

Financial delegations define the financial limitations within which specified staff may approve a purchase, quotation and contractual processes. This allows Council to conduct business activities in an efficient and timely manner whilst maintaining transparency and integrity. All procurement must be undertaken within these delegations.

4.3 Procurement Thresholds for Minimum Levels of Competition

The minimum levels of procurement thresholds and competition are shown below. This indicates the minimum and at the lower levels further quotations will be needed if there is difficulty in ensuring value for money is achieved.

Minimum Levels of Competition

- **Goods and services up to \$5,000 in value**
One formal (written) quotations for goods and services will be required for value above \$1,000 (inclusive of GST). For value of goods and services below \$1,000 (inclusive of GST) a verbal quotation can be accepted. If only one quotation is obtained the responsible officer must ensure the rate being considered is reasonable and consistent with normal market rates for items of a like nature.

- **Goods and services over \$5,000 and up to \$30,000 in value**

At least two written quotations are required when the goods and services being procured exceed \$5,000 (inclusive of GST) and up to the value of \$30,000 (inclusive of GST), subject to the rates being considered reasonable and consistent with normal market rates for items of a like nature.

- **Goods and services over \$30,000 and up to \$150,000 in value**

At least three written quotes are required for goods and services being procured when the value exceeds \$30,000 (inclusive of GST), but does not exceed \$150,000 (including GST), subject to value for money being demonstrated.

- **Goods and services over \$150,000 in value**

An open tender or selective tender following an open expression of interest in accordance with the Local Government Act and Local Government (General) Regulation is required for goods and services where the value is \$150,000 or greater (inclusive of GST). A full tender documentation and assessment process must be followed.

Note: Exceptions for Goods and Services over \$5,000 but less than \$150,000

There may be exceptions where there is (a) a genuine urgent circumstance, (b) where there is only one firm or person capable or available to undertake the task, or (c) where it is a continuance of a previous specialised task. In such circumstances, the arrangement is to be commercially negotiated to achieve the best value for money. This exception can only be followed after written agreement by the relevant Director or the General Manager is produced in accordance with established delegations of authority.

4.4 Alternative methods for Procurement

The alternative methods of procurement of Goods and Services leading to an 'e' order being raised may be by one of the following methods:

- Purchase via Council's Boondah Store
- Purchase via preferred suppliers (sourced through formal Request for Quotation and Request for Tender processes)
- Direct purchasing
- Purchasing via NSW State Government Contracts
- Purchasing via Local Government Procurement
- Procurement through the tender or quotation process, including the following methods:
 - established panels
 - the local Pittwater procurement process
 - the SHOROC procurement process
 - other agreed methodology as agreed by the Senior Management Team.

5.0 PROCUREMENT PROTOCOL

5.1 Ethics and Probity

General - The Council's procurement activities are to be performed with integrity and in a manner able to withstand the closest possible scrutiny.

Conduct of Council Staff - Council staff at all times are to conduct business that is ethical and of the highest integrity and are required to:

- treat potential and existing suppliers with equality and fairness
- not seek or receive personal gain
- maintain confidentiality of Commercial in Confidence information
- present the highest standards of professionalism and probity
- deal with suppliers in an honest and impartial manner that does not allow conflicts of interest
- provide all suppliers and tenderers with the same information and equal opportunity
- be able to account for all decisions and provide feedback on them
- not be involved in any activity such as performing work with suppliers, consultants or contractors
- ensure adherence to the Local Government Act 1993, Section 55 Local Government (General) Regulation 2005, Part 7 and Pittwater Council's Code of Conduct
- Order splitting with suppliers, consultants or contractors is not acceptable

5.2 Governance

Responsible Financial Management - The principle of responsible financial management is to be applied to all procurement activities.

Council funds are to be used efficiently and effectively to procure goods, services and works and every attempt must be made to contain the costs of the procurement process without compromising any of the procurement principles set out in this Policy.

Record Keeping – All substantive communications with potential suppliers in respect of tender evaluations should be in writing or in formal minuted meetings.

Records for all Procurement activities must be kept and recorded in the Council record management system.

5.3 Achieving Value for Money

The Council's procurement activities are to be carried out on the basis of obtaining Value for Money.

This means minimising the total cost of ownership over the lifetime of the requirement consistent with acceptable quality, reliability, safety, risk and delivery considerations. Price is not the sole determinant of value for money.

5.4 Sustainability through Procurement

Sustainability comprises an important component of the procurement process:

Sustainable Procurement Objectives - The specific objectives for sustainable procurement are to:

- Minimise unnecessary purchasing – only purchase when a product or service is necessary.

- Minimise waste – purchase in accordance with reduce, reuse and recycle strategies.
- Save water and energy – purchase products that save energy and/or water.
- Minimise pollution – avoid purchasing products that pollute soils, air or waterways.
- Eliminate toxic products – avoid where possible purchasing hazardous chemicals that may be harmful to human health or ecosystems.
- Reduce greenhouse emission – purchase products that reduce greenhouse gas emissions.
- Achieve biodiversity and habitat protection – purchase in accordance with biodiversity and conservation objectives.

Sustainable Procurement Actions - In delivery of the specific objectives, Council is to pursue the following actions through sustainable procurement to:

- Eliminate inefficiency, waste and expenditure.
- Contribute to the combined purchasing power of Local Government to further stimulate demand for sustainable products.
- Advance sustainability by participating in “closing the life-cycle loop”.
- Increase awareness about the range and quality of products available.
- Deliver Council’s commitments in relation to ecologically sustainable development (ESD) and other environmental and social objectives.
- Play a leadership role in advancing long term social and environmental sustainability.
- Community Strategic Plan.
- Support local businesses and organisations.

Council acknowledges that it has a vital role to play at the local level in promoting sustainable development and can make a contribution towards meeting the global challenges of creating a sustainable society.

5.5 Management of Risk through Procurement

Risk Management is to be appropriately applied at all stages of the procurement process which must be properly planned and carried out in a manner that will protect and enhance the Council's capacity.

5.6 Management of Occupational Health and Safety through Procurement

Occupational Health & Safety standards are to be applied at all stages of the procurement process to ensure the health and safety of Council staff, contractor staff and members of the public.

5.7 Building and Maintaining Procurement Capacity

Procurement Options - Pittwater Council recognises that in order to achieve sustainable value, a strategic assessment of the appropriate procurement path must be carried out on an individual purchase/project basis.

Participation in regional or sector aggregated projects or panels and access to Local Government and State Government panel agreements or other means are to be considered to ensure that arrangements deliver the best value outcomes in terms of value for money, sustainability, protection of the environment, corporate social responsibility, Occupational Health & Safety standards and risk management.

Supply Market Development - A wide range of suppliers should be encouraged to compete for Council work. The focus for new work need not always be with the larger more familiar businesses. Other types of organisations offering business diversity include:

- Local businesses.
- Suppliers with a focus on sustainability.
- Small to medium sized enterprises.
- Social enterprises.
- Voluntary and community organisations.

Continual Improvement - Pittwater Council is committed to continuous improvement with review of the procurement policy and guidelines on a regular basis to ensure Council's standards and processes comply with current legislation and market changes.

Staff Training - Pittwater Council is committed to the training of Council staff in the procurement process from initiation of procurement to contract management.

Planning an Integrated Built Environment Committee

11.0 Planning an Integrated Built Environment Committee Business

C11.1	N0056/11 - 9 Beach Road Newport - Demolition of the existing dwelling and construction of a new three storey dwelling, new driveway and road realignment
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Meeting: Planning an Integrated Built Environment Committee

Date: 15 August 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 N0056/11 - 9 BEACH ROAD, NEWPORT (Lot 3 DP 26951) Demolition of the existing dwelling and construction of a new three storey dwelling, new driveway and road realignment.

1.0 BACKGROUND

- 1.1 The Development Unit, at its meeting held on Thursday, 14 July 2011 considered the Development Officer's Report (Attachment 1) for determination of Development Application N0056/11 - 9 BEACH ROAD, NEWPORT (Lot 3 DP 26951) Demolition of the existing dwelling and construction of a new three storey dwelling, new driveway and road realignment

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 the 10%.

3.0 DEVELOPMENT UNIT DELIBERATIONS

- 3.1 Mr Ross Flemming (Consultant Planner) on behalf of the Applicant addressed the Development Unit and no Objectors were present.
- 3.2 The Development Unit resolved to support the Assessing Officer's recommendation for approval.

4.0 ISSUES

Nil

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 14 July 2011 and after hearing from the Applicant's Consultant Planner and noting no Objector was present endorsed the Assessing Officer's recommendation for approval.

RECOMMENDATION

That the recommendation in the Development Officer's Report be endorsed and Application N0056/11 for the demolition of the existing dwelling and construction of a new three storey dwelling, new driveway and road realignment at 9 Beach Rd, Newport be approved subject to the Conditions contained in the Draft Determination.

Report prepared by

Ruth Robins
DEVELOPMENT UNIT CHAIRPERSON

Warwick Lawrence
MANAGER ADMINISTRATION & GOVERNANCE

SUBJECT: N0056/11 - 9 Beach Road Newport - Demolition of the existing dwelling and construction of a new three storey dwelling, new driveway and road realignment

Determination Level:

Development Unit

Date: 14 July 2011

SUMMARY OF RECOMMENDATION

CONSENT WITH CONDITIONS

REPORT PREPARED BY:	Amy Allen
APPLICATION SUBMITTED ON:	01/02/2011
APPLICATION SUBMITTED BY:	BOSTON BLYTH FLEMING 1/9 NARABANG WAY BELROSE 2085
OWNER(S):	ROWE, RICHARD MARK (Own)

1.0 DEVELOPMENT CONTROLS

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

- Pittwater Local Environmental Plan (LEP) 1993;
 - Area 1 - Dual Occupancy Prohibited;
- Pittwater 21 Development Control Plan (Amendment 6);
- State Environmental Planning Policy 71;
- Geotechnical Risk Management Policy for Pittwater (2009).

The land is identified as:

- Slip affected;
- Subject to coastal cliff instability.

2.0 NOTIFICATIONS

8 property owners notified
No submissions received

3.0 ISSUES

- B4.6 Wildlife Corridors
- D10.8 Side and rear building line (excluding Newport Commercial Centre)
- D10.13 Site coverage - Environmentally Sensitive Land

4.0 COMPLIANCE TABLE

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

O - Can the proposal achieve the control outcomes?

N - Is the control free from objection?

CONTROL	STANDARD	PROPOSAL	T	O	N
Development Engineer					
B3.1 Landslip Hazard			Y	Y	Y
B3.4 Coastline (Bluff) 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			Y	Y	Y
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		Councils Development Engineer has provided the following comments: <i>'Application involves significant reconstruction of the existing multi vehicle access way within the road reserve. The proposal has been reviewed and supported by Council's Urban Infrastructure Unit and is therefore acceptable with working details to be provided at Construction Certificate stage.'</i>	Y	Y	Y
B6.3 Internal Driveways - Dwelling Houses and Dual Occupancy			Y	Y	Y
B6.5 Off-Street Vehicle Parking Requirements - Dwelling Houses, Secondary Dwellings and Dual Occupancy			Y	Y	Y
B8.1 Construction and Demolition - Excavation and Landfill			Y	Y	Y
B8.2 Construction and Demolition - Erosion and Sediment Management			Y	Y	Y

CONTROL	STANDARD	PROPOSAL	T	O	N
B8.3 Construction and Demolition - Waste Minimisation			Y	Y	Y
B8.4 Construction and Demolition - Site Fencing and Security			-	-	-
B8.5 Construction and Demolition - Works in the Public Domain			Y	Y	Y
B8.6 Construction and Demolition - Traffic Management Plan			Y	Y	Y
Natural Resources					
B1.4 Aboriginal Heritage Significance			Y	Y	Y
B3.5 Acid Sulphate Soils			Y	Y	Y
B4.6 Wildlife Corridors		Council's Natural Resources Officer has provided detailed comments in section 10 later in this report.	Y	Y	Y
C1.1 Landscaping			Y	Y	Y
Planner					
EPA Act Section 147 Disclosure of political donations and gifts		No political donations or gifts have been reported in the application.	Y	Y	Y
3.1 Submission of a Development Application and payment of appropriate fee		A completed development application form has been submitted which included formal owners consent.	Y	Y	Y
3.2 Submission of a Statement of Environmental Effects		A Statement of Environmental Effects and reports which address the relevant policies in PDCEP and environmental impact have been submitted.	Y	Y	Y
3.3 Submission of supporting documentation - Site Plan / Survey Plan / Development Drawings		A range of supporting documentation has been submitted with the development application.	Y	Y	Y
3.4 Notification		The development application was publicly notified for 14 days from the 14 March 2011 to 18 March 2011.	Y	Y	Y
3.5 Building Code of Australia		The proposed structures are constructed of conventional materials and design and able to be constructed in accordance with the BCA.	Y	Y	Y
4.5 Integrated Development: Aboriginal Objects and Places		The application is not classified as integrated development.	-	-	-
4.7 Integrated Development – Roads		The application is not classified as integrated development.	-	-	-

CONTROL	STANDARD	PROPOSAL	T	O	N
5.3 Referral to NSW Department of Environment and Climate Change (DECC)		The proposed development is not on land that is, or is a part of, critical habitat, or the development is likely to significantly affect a threatened species, population, or ecological community, or its habitat.	-	-	-
A1.7 Considerations before consent is granted		The proposal, though non compliant with some numerical controls in PDCP it is considered is to be consistent with the relevant outcomes of the policy.	Y	Y	Y
B1.3 Heritage Conservation - General		No submission received raising heritage concerns.	Y	Y	Y
B3.6 Contaminated Land and Potentially Contaminated Land			Y	Y	Y
B5.2 Wastewater Disposal		Development able to be connected to sewer.	Y	Y	Y
B5.3 Greywater Reuse		None proposed.	-	-	-
B5.12 Stormwater Drainage Systems and Natural Watercourses			-	-	-
C1.2 Safety and Security			Y	Y	Y
C1.3 View Sharing	All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.	<p>The dwelling has been designed to preserve views from the adjoining properties.</p> <p>Excavation, lowering the dwelling into the slope and low roof pitches allow views to be maintained over the proposed dwelling.</p> <p>The site to the south has not been developed however given the site slope and restrictions on built form affecting that parcel of land, a dwelling can be constructed on the land which will obtain views to the north east over the proposed dwelling.</p>	Y	Y	Y
C1.4 Solar Access	The main private open space and windows to the principal living area of the dwelling and adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.	<p>The proposed main living areas and windows to internal living rooms receive a minimum 3 hours of sunlight between 9am and 3pm on June 21st.</p> <p>The proposed dwelling does not create any overshadowing impacts to living areas at adjoining properties.</p>	Y	Y	Y

CONTROL	STANDARD	PROPOSAL	T	O	N
C1.5 Visual Privacy	Private open space, recreation areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9m by building layout, landscaping, screening devices or greater spatial separation as shown in the diagram below (measured from a height of 1.7m above floor level).	All private open space areas are orientated to the east where no privacy impacts occur. The elevated deck located at 7 Beach Rd is greater than 9m from the proposed kitchen window. No unreasonable privacy impacts are created between these spaces considering the spatial separation and difference in level.	Y	Y	Y
C1.6 Acoustic Privacy			Y	Y	Y
C1.7 Private Open Space		A minimum area of 80m ² at ground level is provided for private open space. The main area is located on the upper floor balcony directly accessible from the living areas and provides an area of 4m x 7m (minimum dimension).	Y	Y	Y
C1.9 Adaptable Housing and Accessibility			-	-	-
C1.12 Waste and Recycling Facilities		Recycling receptacles will be able to be stored within the property boundaries.	Y	Y	Y
C1.13 Pollution Control		The proposal can readily achieve the control outcomes subject to conditions being incorporated into any consent issued.	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 are provided to all elevations.	Y	Y	Y
C1.24 Public Road Reserve - Landscaping and Infrastructure		Adequate canopy is located within the road reserve.	Y	Y	Y
C1.25 Plant, Equipment Boxes and Lift Over-Run			Y	Y	Y
D10.1 Character as viewed from a public place		The dwelling design is contemporary and incorporates articulated facades, modulation and dark and varied materiality. While the development will be visible from a public place it will appear to sit within the slope and landscaped setting.	Y	Y	Y
D10.4 Building colours and materials		Roof - Colorbond (Bushland) Walls - Weatherboards (Woodland Grey) and zinc cladding	Y	Y	Y

CONTROL	STANDARD	PROPOSAL	T	O	N
D10.5 Height (excluding Newport Commercial Centre)	8.5m	Maximum height 7.5m from NGL	Y	Y	Y
D10.7 Front building line (excluding Newport Commercial Centre)	6.5m	14m to Beach Rd (northern boundary)	Y	Y	Y
D10.8 Side and rear building line (excluding Newport Commercial Centre)	2.5m to at least one side; 1.0m for other side 6.5m rear	East - minimum 2.3m West - minimum 1.6m Rear - 500mm to 4.2m The proposed dwelling does not maintain a 2.5m setback to the side boundary and a 6.5m setback from the rear boundary as required by the control. See discussion in section 10 later in this report.	N	Y	Y
D10.11 Building envelope	Buildings are to be sited within the following building envelope: Planes are to be projected at 45 degrees from a height of 3.5 metres above natural ground level at the side boundaries to the maximum height.	The development results in a minor building envelope breach to the eastern elevation where the tip of the arrow shaped walls meet. It is considered that this is a minor non compliance, expected on a slope of this nature and does not contribute to any bulk and scale impacts when viewed from the public domain. It is considered that the proposal can readily achieve the control outcomes.	N	Y	Y
D10.13 Site coverage - Environmentally Sensitive Land	Maximum site coverage of 40% Minimum landscaped area of 60%	Site coverage - 403m ² or 61.9% Landscaped area – 248.3m ² or 38.1% <u>Variations</u> Pathways - 46m ² Total Varied Site Coverage - 54.8% The proposed hard surface area is 61.9% which exceeds the maximum allowable area of 40% and minimises opportunity for landscaped area on the site. See discussion in section 10 later in this report.	N	Y	Y
D10.14 Fences – General	Front - Maximum 1m high Fences to land zoned Open Space abutting the Pacific Ocean Fencing is to be constructed of open, see-through, dark-coloured materials and shall have a maximum height of 1.8 metres.	1.5m high black metal fence is proposed between the dwelling and the eastern boundary (abutting Open Space). The fence will blend in with the bushland environment and will not be visually prominent when viewed from the public domain.	Y	Y	Y

CONTROL	STANDARD	PROPOSAL	T	O	N
D10.14 Fences – General (continued)		A 1m high black metal fence is proposed within the site to the northern and eastern edge of the driveway and turning area. Again this fencing is considered acceptable given that it is open in nature and blends in with the surrounding vegetation.			
D10.16 Construction, Retaining walls, terracing and undercroft areas		There are numerous retaining walls proposed for structural and landscaping purposes. The walls will not be visually prominent when viewed from the public pathway as they are stone clad and can be adequately screened by landscaping.	Y	Y	Y
D10.18 Scenic Protection Category One Areas	Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.	<p>The dwelling will be visible from the public domain (beach and public roads). It is considered that the development has minimised visual impacts when viewed from the public domain by nestling the dwelling into the slope and coastal bushland surrounding the site.</p> <p>While additional landscaping is required to be provided on this site it is considered necessary to prioritise safe access and manoeuvrability and minimise view impacts in this particular circumstance.</p>	Y	Y	Y
SEPP No 71 Coastal Protection		No development is located below Mean High Water Mark therefore referral to the Department of Planning is not required. The proposed development achieves the relevant aims and considerations within SEPP 71.	Y	Y	Y
SEPP (Building Sustainability Index: BASIX) 2004		The BASIX commitments are achievable subject to recommended conditions.	Y	Y	Y
Other State Environmental Planning Policies (SEPPs)			Y	Y	Y

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

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

5.0 SITE DETAILS

The site is known as Lot 3 in DP 26951 No. 9 Beach Road, Newport. The site is regular in shape and has a total area of 651.3m². The site falls approximately 10m or 30% from the high south western corner to the lower north eastern corner. The site is at the end of the vehicular accessible portion of Beach Rd as it continues as a public access stairway and path down to Bungan Beach. The site is accessed via a driveway which traverses the site to the west (7 Beach Rd). The site presently contains a 2 storey brick dwelling located in the south western corner of the allotment. The surrounding built form character consists of one, two and three storey timber, rendered and brick dwellings orientated to the east and north east with aspects to the ocean. The land to the east is zoned for recreational uses and coastal bushland, the land to the south, north and east zoned for residential uses.

6.0 PROPOSAL IN DETAIL

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

- Demolition of the existing dwelling;
- Construction of a new three storey dwelling including:
 - Double garage, storage areas, boat storage area, craft room, entry foyer, two living areas, home office, laundry, three bedrooms each with ensuite and balcony, kitchen and terrace;
- Driveway with turning area;
- Road realignment and relocation of public pathway;
- Extensive landscaping and bushland regeneration.

7.0 BACKGROUND

Development application N0056/11 was notified to adjoining property owners in accordance with Councils notification policy. The application was referred to Council's development engineer, natural resource officer and property department for comments and/or recommendations.

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

• B4.6 Wildlife Corridors

Councils Natural Resources Officer has provided the following comments:

'The property contains a modified landscape with a mixture of exotic and native species, which adjoins a bushland reserve area at Bungan Beach. The proposed works involve the demolition of the existing dwelling and construction of a new dwelling and driveway realignment works, some of which are located in the adjacent road reserve.'

It is proposed to reconstruct a 3 metre wide driveway further to the north to avoid another private allotment that the existing driveway traverses over. In addition, a pedestrian path is to be relocated also further to the north. This area contains natural vegetation, some of which is characteristic of Littoral Rainforest Endangered Ecological Community. An arborist report (Earthscape Horticultural Services February 2011) has been submitted which assesses 47 trees both on the subject site and adjacent properties including the road reserve. The trees have been assessed and categorised according to their retention value, which is based on current health and condition as well as ecological and landscape significance. Nine (9) trees of low to very low retention value and seven (7) trees of moderate retention value are recommended to be removed to accommodate the works.

*This includes ten (10) trees located in the Council road reserve which will be impacted by the proposed driveway works. These trees are also indicated on the landscape plans (Paul Scrivener Landscape Architect Drawing No. 11/1559/DA1 Sheets 1-3 1st February 2011). These plans provide revegetation to the site and road reserve areas which incorporate a bushland rehabilitation zone. The species proposed are predominantly locally native although some particular species are not suitable for the microclimates at the site. Council's Bushland Management Officers have advised that the following species are to be deleted from the plans: *Backhousia citriodora*, *Banksia serrata*, *Callistemon citrinus*, *Hakea gibbosa*, *Kunzea capita*, *Melaleuca armillaris*, and the proposed *Viola hederacea* is to be replaced with *Dichondra*. Many of the other species on the list require the locally native forms, not species sourced from other areas. *Crinum pedunculatum* (Swamp Lily) should also be incorporated into the wetter areas of the site. Bush regeneration should be used where possible in the road reserve - only planting should be where there is soil disturbance or canopy loss.*

A site visit was conducted with the Bushland Management Officers and the applicants on the 10th May 2011. An agreement was made to relocate the proposed pedestrian pathway within the road reserve to minimise impact to the core littoral rainforest habitat which is lower down on the adjacent slope. This was accepted by the applicant and therefore amended plans, including an amended landscape plan are to be provided which indicate the new pathway location.

*An amended landscape plan has been provided upon request. This plan (Paul Scrivener Drawing No. 11/1559/DA1 16th May 2011) indicates that the new pedestrian footpath constructed through the road reserve will now be located closer to the driveway and out of the area containing sensitive littoral rainforest vegetation. Council's Bushland Officers have reviewed the landscape plan and are satisfied with the proposed footpath revised location in that it will now have minimal impact on this area. They have also suggested one minor change to the Plant Schedule -the substitution of the proposed *Backhousia citriodora* in the Bushland Management Zone with the more suitable locally native *Backhousia myrtifolia*. This change is to be made on an amended landscape plan to be provided prior to the issue of the Construction Certificate. There are no further issues.'*

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

The proposed dwelling does not maintain a 2.5m setback to the side boundary and a 6.5m setback from the rear boundary as required by the control. The side setback non compliance is 200mm to the tip of the arrow style walls in the eastern elevation and is considered very minor. The rear setback non compliance is considerably larger. The applicant has provided planning justification addressing the non compliance, demonstrating the reasonableness of the proposal.

The following is a summary of the justifications provided:

- The dwelling has been deliberately sited towards the south in a similar location to the existing dwelling to minimise impacts on views to adjoining properties.
- The non compliance does not amount to an excessive building considering the large front building setback.
- Reasonable level of privacy is achieved to adjoining properties. The rear boundary adjoins 3A Beach Rd (site is currently vacant) which is affected by restrictions the location of future structures to the west of the site.
- The eastern portion of 3A Beach Rd which adjoins the subject site is bushland.
- The setback responds to the location of adjoining dwellings, topography and is consistent with character of surrounding development.
- Strict compliance with the numeric control would not provide sufficient flexibility in the siting of the building.

In assessing the variation to the control, consideration is given to the control outcomes and whether they are achieved:

Outcome: To achieve the desired future character of the Locality

The desired future character for the Newport locality is low density residential development, dwellings with a maximum of two storeys in a natural landscaped setting integrated with the landform. The proposal is three storeys, however appears as one and two storeys from adjoining properties due to the excavated nature of the design and topography of the land. From within the site and further afield within the public domain the three levels of the development will be visible.

Due to the topography and desirable dwelling orientation to the east/north east, the majority of dwellings in the vicinity of the site are multi level. As such, while the development does not maintain two storeys across the site it will not appear jarring to the landform and landscape considering the existing built form character in the area and surrounding bushland environment. For these reasons the development is considered to be consistent with the desired future character for the Newport locality.

Outcome: The bulk and scale of the built form is minimised

The area where the non compliance occurs is where the dwelling appears as one and two storeys from natural ground level. This portion of the dwelling will not be visually prominent as it sits within the slope and below the natural ground line. For these reasons, the rear setback non compliance is not considered to be contributing to any unreasonable bulk and scale impacts.

Outcomes: Equitable preservation of views and vistas to and/or from public/private places; To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping

The dwelling has been located at the southern end of the site and lowered into the slope to minimise impacts on expansive easterly views to the Pacific Ocean. The location and immersion of the dwelling into the site allows for views to be maintained or achieved over the proposal from dwellings higher on the slope.

Outcome: To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties

The dwelling performs well in terms of providing good amenity and maintaining good amenity to surrounding properties. Within the 6.5m rear setback timber louver windows are applied to the bedrooms and the sill height of the window to bedroom 1 ensuite is at existing ground level at the boundary. Privacy will be achieved to this elevation as bushland exists to the south and building is restricted on 3A Beach Rd to the west. Consent N0464/98 which approved the subdivision of one lot into two lots (3 and 3A Beach Rd) provides details of the building footprints restricting future development on this site.

Outcome: Substantial landscaping, a mature tree canopy and an attractive streetscape: Vegetation is retained and enhanced to visually reduce the built form

Due to the siting of the building the majority of the landscaping on the site is located to the north. Two mature canopy trees (8m -10m) are proposed to be located within the southern setback. Substantial landscaping is proposed within the eastern and northern setbacks. The landscaping scheme has been amended to ensure that native canopy and regeneration works within the public domain are protected by the proposed relocation of the public pathway. The retention of this canopy and the proposed bushland rehabilitation works will aid in minimising visual impact of the development when viewed from the public domain.

Outcome: Flexibility in the siting of buildings and access

The site is the last private lot on Beach Rd, which is a steep road also used as a public pedestrian pathway to Bungan Beach. For these reasons it is important to provide safe access and vehicular manoeuvrability in a forward direction. In order to provide this the application seeks to realign the driveway on the road reserve and provide a vehicular turning area within the site. In order to provide this arrangement the dwelling has been located towards the south of the site. Flexibility in the siting of the building is considered to be necessary in this instance for safe access and maintaining an equitable view sharing scenario.

Summary

Strict compliance with the numerical control in this instance would not reasonably allow the objectives of the control to be achieved and therefore the rear setback variation is supported on merit.

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

The proposed hard surface area is 61.9% which exceeds the maximum allowable area of 40% and minimises opportunity for landscaped area on the site. The applicant has provided planning justification addressing the non compliance, demonstrating the reasonableness of the proposal. The following is a summary of the justifications provided:

- The driveway to the dwelling is longer than a standard driveway as the building is located towards the further southern portion of the site to maintain views.
- The driveway and turning area contribute to the proposed variation.
- Dwelling has been designed to minimise amenity impacts to adjoining properties.
- Stormwater runoff can be appropriately managed.

- Development provides for native landscaping enhancing the character of the area.

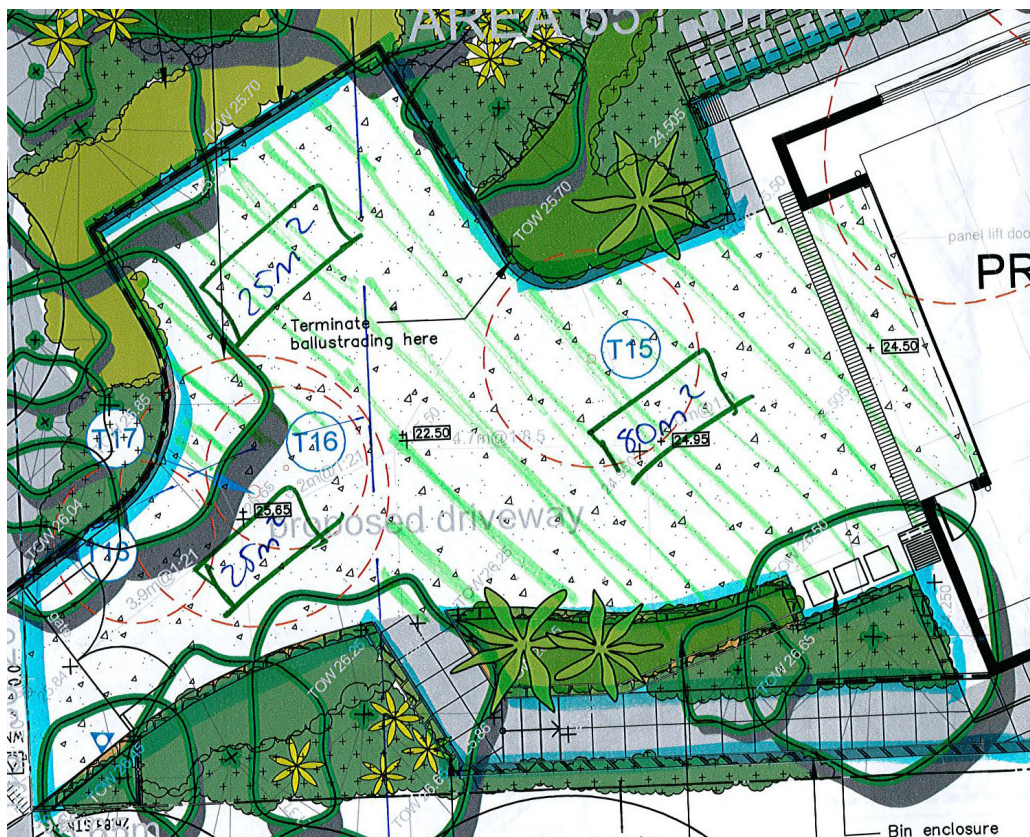
In assessing the variation to the control, consideration is given to the control outcomes and whether they are achieved:

Outcome: To achieve the desired future character of the Locality

As discussed in Control D10.8 above the development is consistent with the desired future character for the Newport locality.

Outcome: The bulk and scale of the built form is minimised

In assessing whether the bulk and scale is minimised and appropriate, consideration is given to where the non compliance is occurring. The driveway and turning area 130m² of the total hard surface area. As the location of the dwelling is supported for safe access and amenity reasons it is considered a reasonable to approach to assess bulk and scale by determining whether the site coverage would be compliant if the dwelling hypothetically complied with the numerical setbacks and had a standard driveway (not extended and no turning area). Below is a diagram indicating the “extra” hard surface area (hashed green highlight).



By applying a 6.5m front setback and deleting the turning area and “extra” driveway between the setback and the dwelling, the additional hard surface equates to 105m². Deleting this “extra” hard surface area amounts to site coverage of 298m² or 46%. Considering applicable variations for at grade pathways the varied site coverage would amount to 38.7%.

This exercise helps identify that the three dimensional built form (the dwelling) and a standard driveway amount to less than 40% site coverage. The bulk and scale of the development is therefore not considered to be maximised or unreasonable.

The affect of this additional site coverage is that there is less opportunity for landscaping which aids in minimising the visual bulk and scale when viewed form the public domain. Provision of landscaping is addressed later in this section however when considering the views of the site from the public domain (beach, headland and pathway) the coastal bushland within and surrounding the site will contribute to minimising the visual bulk and scale impacts. For reference a photograph is attached taken from Bungan Head Road looking back at the site (white house) and coastal bushland character.



Outcome: A reasonable level of amenity and solar access is provided and maintained

The dwelling performs well in terms of providing good amenity and maintaining good amenity to surrounding properties.

Outcomes: Vegetation is retained and enhanced to visually reduce the built form: Conservation of natural vegetation and biodiversity: To preserve and enhance the rural and bushland character of the area

Due to the siting of the building the majority of the landscaping on the site is located to the north and east. Mature canopy trees are located on the site around the proposed driveway and dwelling which will aid in reducing the visual impact of the built form. This site benefits from being bordered by coastal bushland which provides additional screening to the site. The landscaping scheme has been amended to ensure that native canopy and regeneration works within the public domain are protected. The retention of this canopy and the proposed bushland rehabilitation works will address the requirement to maintain the bushland character of the area.

Outcomes: Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels; Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management

While soft surface is not maximised as such, stormwater management has been addressed in the application and can be appropriately managed subject to consent conditions effective for the life of the development.

Summary

The additional hard surface is a consequence of the need to address safe vehicular manoeuvrability and minimising amenity impacts to adjoining properties. Considering these desirable outcomes and that the development is consistent with the objectives of the control it is considered reasonable to support the site coverage variation.

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, Pittwater 21 DCP and other relevant Council policies.

The proposal, though non compliant with some numerical controls in PDCP it is considered is to be consistent with the relevant outcomes of the policy. The new dwelling, associated driveway and realignment works result in acceptable impacts to the adjoining properties and the public domain. Furthermore the development is consistent with the character of the Newport locality and accordingly, the application is recommended for consent.

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 N0056/11 for the Demolition of the existing dwelling and construction of a new three storey dwelling, new driveway and road realignment at 9 Beach Rd, Newport subject to the attached draft conditions of consent.

Report prepared by

Amy Allen
SENIOR PLANNER

DRAFT DETERMINATION

**CONSENT NO: N0056/11
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)
NOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION**

Applicants Name and Address:
BOSTON BLYTH FLEMING
1/9 NARABANG WAY
BELROSE 2085

Being the applicant in respect of Development Application No **N0056/11**

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 **N0056/11** for:

Demolition of the existing dwelling and construction of a new three storey dwelling, new driveway and road realignment

At: 9 BEACH ROAD, NEWPORT (Lot 3 DP 26951)

Decision:

The Development Application has been determined by the granting of consent based on information provided by the applicant in support of the application, including the Statement of Environmental Effects, and in accordance with

Architectural Plans A01, A02, A03, A04, A05, A06, A07, A08, A09, A10 and A11 23 August 2010 Prepared by Spence Pearson Architects; Landscape Plans 11/1559/DA1 Sheets 1/3, 2/3 and 3/3 Issue C Dated 16 May 2011 Prepared by Paul Scrivener Landscape Architect; BASIX Certificate 358814S Dated 9 February 2011; Schedule of Finishes for 9 Beach Rd, Newport Dated (undated) Prepared by (un nominated); Geotechnical Report TGE2812A Dated 16 July 2008 and Supplementary Letter Dated 31 May Prepared by Taylor Geotechnical Engineering; Arborist Report for 9 Beach Road, Newport dated February 2011 Prepared by Earthscape Horticultural Services

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 **Insert Date**

Mark Ferguson
GENERAL MANAGER
Per:

CONDITIONS OF APPROVAL

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

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

A. Prescribed Conditions:

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

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

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

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

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

1. The Stormwater Harvesting and Reuse Scheme shall be installed and operated in accordance with the accepted design, Environmental and Health Risk Management Plan, Operation and Maintenance Plan, Manufacturer's Specifications and associated operational guidelines.
2. 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.
3. As part of the integrated stormwater management plan, suitably positioned stormwater quality improvement devices shall be installed and operated in accordance with Manufacturer's Specifications and associated operational guidelines.
4. The internal driveway finish is:
 - a. to be a stable surface for all weather conditions
 - b. to be constructed of materials that blend with the environment and are of dark or earthy tones or natural materials.
5. If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Metropolitan Local Aboriginal Land Council (MLALC) and Department of Environment & Climate Change (DECC) are to be notified.
6. At least 16 locally native canopy trees are to be planted onsite to replace trees approved for removal. Canopy tree species are to be as per the approved Landscape Plan or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping in the Native Plants for Your Garden link on Council's website www.pittwater.nsw.gov.au/environment/species_lists All native trees are to be retained for the life of the development, or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.
7. Domestic pet animals are to be kept from entering wildlife habitat areas at all times. Dogs and cats are to be kept in an enclosed area or on a leash such that they cannot enter areas of bushland 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

8. 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* link available on the Pittwater Council website www.pittwater.nsw.gov.au/environment/species_lists
9. 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.
10. 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 (www.pittwater.nsw.gov.au/environment/noxious_weeds) for noxious/environmental weed lists.
11. 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.
12. 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.
13. Landscaping is to be implemented in accordance with the approved Landscape Plan (to be provided with additional amendment prior to the issue of the Construction Certificate as specified). The new landscaping is to be approved as completed by the accredited certifier upon issue of the Occupation Certificate. This landscaping is to then be maintained for the life of the development.
14. All natural landscape features, including natural rock outcrops, natural vegetation, soil and watercourses, are to remain undisturbed except where affected by necessary works detailed on approved plans.
15. 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.
16. 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.
17. The solid fuel or wood burning appliances shall comply with Australian Standard AS 4013-1999 or any subsequent amending standard.
18. No water pollution shall result from the operation of any plant or equipment or activity carried out.
19. 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.

20. The materials and colour schemes are to be in accordance with the Schedule of Finishes for 9 Beach Rd, Newport Dated (undated) Prepared by (un nominated) submitted to council with the application nominating the main materials and colours as Colorbond 'Woodland Grey' and 'Bushland', Zinc Cladding and concrete.
21. 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. Drainage plans including specifications and details showing the site stormwater management are to be submitted to the Accredited Certifier with the Construction Certificate application. Such details are to be accompanied by a certificate from (as appropriate) either a Licensed plumber or qualified practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a Corporate member and has appropriate experience and competence in the related field, that the stormwater management system complies with the requirements of section 3.1.2 Drainage of the Building Code of Australia Housing Provision and AS/NZS 3500.3.2 - Stormwater Drainage. The details shall include disposal of site stormwater (if the site is in a known slip area the stormwater disposal system must comply with the recommendations of a Geotechnical Engineers Report).
3. Note: Where Council is the Principal Certifying Authority 3 sets of plans/specifications are to be submitted.
4. Plans and details demonstrating that the following issues have been addressed are to be submitted to the Accredited Certifier with the Construction Certificate application.
 - a. Driveway profiles must be obtained from Council for all access driveways across the public road verge to road edge. The driveway profiles provided by Council must be incorporated into and attached to design plans for the access driveway and internal driveway.
 - b. A Deed of Agreement indemnifying Council must be entered into for construction of a cosmetic access driveway across the public road verge (i.e. other than a plain concrete finish).
 - c. All construction of the access driveway across the public road verge must be undertaken by a Council authorised contractor.
 - d. Council's Fees and Charges apply to driveway profiles and Deed of Agreement for Access Driveway.
5. Applicants will be required to obtain prior to the issue of a Construction Certificate, a Section 139 Consent for Works on a Public Road Reserve issued by the Council under the provisions of Section 138 of the *Roads Act 1993* for the design and construction of any works located on the road reserve including Access Driveways.
6. Civil engineering details of the proposed excavation/landfill are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Each plan/sheet is to be signed by a qualified practising Civil Engineer who has corporate membership of the Institution of Engineers Australia (M.I.E) or who is eligible to become a corporate member and has appropriate experience and competence in the related field.

7. Erosion and Sediment Management Plan is to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Control over discharge of stormwater and containment of run-off and pollutants leaving the site/premises shall be undertaken through the installation of erosion control devices such as catch drains, diversion drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams, sedimentation basins. Such plan is to be accompanied by a certification from an appropriately qualified person, that the plans/ details have been designed in accordance with the requirements of the N.S.W. Department of Land and Water Conservations *Urban Erosion and Sediment Control* manual.

The plan is to include specific details required to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.

8. An amended landscape plan to be provided prior to the issue of the Construction Certificate, which substitutes the proposed *Backhousia citriodora* included in the Bushland Management Zone plant selection list with the more suitable locally native *Backhousia myrtifolia*.
9. 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.
10. 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.

11. 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.
12. Plans and details demonstrating that the commitments identified in the BASIX Certificate that apply to the construction certificate or complying development plans and specifications are fulfilled.

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

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

1. All excavated material is to be removed from the site.
2. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
3. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
4. Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must preserve and protect the building from damage and, if necessary, underpin and support the adjoining building in an approved manner.
5. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
6. Sedimentation and erosion controls are to be effectively maintained at all times during the course of construction and shall not be removed until the site has been stabilised or landscaped to the Principal Certifying Authority's satisfaction.
7. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
8. 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.
9. 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.
10. The ongoing operation of Recycling and Waste Management Services is to be undertaken in accordance with the Waste Management Plan.
11. The site is to be fully secured by a fence to all perimeters to the site to prevent unauthorised access both during the course of the works and after hours.
12. No works are to be carried out in Council's Road Reserve without the written approval of the Council.
13. A Road Opening Permit, issued by Council, must be obtained for any road openings, or excavation within Council's Road Reserve associated with the development on the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
14. No skip bins or materials are to be stored on Council's Road Reserve.
15. A site fence and silt and sediment control fence is to be erected and maintained during the course of works along any street boundary and park/reserve boundary to the site.

16. Access to the site through an adjoining park/reserve is prohibited without the written approval of the Council
17. 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.
18. All construction in the public road reserve must be undertaken by a Council authorised contractor.
19. A satisfactory construction traffic management plan (CTMP) prepared by a suitably qualified traffic consultant is required to be submitted to the Private Certifying Authority prior to the commencement of any site works. The plan is to detail:
- Quantity of material to be transported
 - Proposed truck movements per day
 - Proposed hours of operation
 - Proposed traffic routes, noting that 3 tonne load limits apply to some roads within Pittwater
20. 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.
21. 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 Earthscape Horticultural Services dated February 2011 are required to be complied with before and throughout the development period, particularly with regard to the following:
- i. Works, erection/demolition of structures, excavation or changes to soil levels within 5 metres of existing trees are not permitted unless part of the development as approved, and the storage of spoil, building materials, soil or the driving and parking of any vehicle or machinery within 5 metres of the trunk of a tree to be retained is not permitted
 - ii. Where specified, tree guards are to be provided to all trees as indicated in the report, and are to be installed prior to the commencement of any work on the site. Tree guard materials and dimensions are specified in the arborist report;
 - iii. All works within 5 metres of existing trees including demolition, excavation, civil works, fencing and the like must be carried out by hand and under the supervision of an experienced and suitably qualified arborist. In the event that major structural or feeder roots are encountered, the arborist is to advise the builder to carry out appropriate action to ensure the retention of the tree.

- iv. Signage is to be erected advising all contractors and visitors to the site that no works or storage are to take place within the dripline of existing trees.
 - v. Any changes or alterations made to the tree management recommendations as outlined by the arborist report due to the discovery of new structural roots or underground services during development works must be reported to the Principal Certifying Authority prior to works recommencing.
22. 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.
 23. A stamped copy of the approved plans is to be kept on the site at all times, during construction.
 24. Toilet facilities are to be provided in a location which will not detrimentally affect the amenity of any adjoining residents at or in the vicinity of the work site during the duration of the development.
 25. 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.
 26. 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.

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.

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 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.
3. For internal driveways in difficult and/or steep terrain a Certificate is to be submitted to the Principal Certifying Authority with the Subdivision Certificate application by a qualified practising Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E.), or who is eligible to become a Corporate member and has appropriate experience and competence in the related field confirming to the satisfaction of the Private Certifying Authority that the driveway has been constructed in accordance with the approved plans and relevant conditions of Development Consent.
4. A certificate submitted by a Chartered Professional Engineer confirming to the satisfaction of the Principal Certifying Authority that the works in the public road reserve comply with Council requirements is to be provided with the Occupation Certificate application.
5. Prior to issue of an Occupation Certificate photographic evidence of the condition of the street trees and road reserve and area adjoining the site after the completion of all construction, must be submitted to the Principal Certifying Authority showing that no damage has been done and if damage has been done that it has been fully remediated. The photographs shall be accompanied by a statement that no damage has been done (or where damage has been remediated that Council has approved that work). In this regard Council's written agreement that all restorations have been completed satisfactorily must be obtained prior to the issue of any Occupation Certificate.
6. Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained and provided to the Private Certifying Authority with the Occupation Certificate application.
7. Disturbed areas shall be rehabilitated with indigenous plant species and treated by approved methods of erosion mitigation such as mulching, and revegetation with native grasses or other suitable stabilising processes
8. All planting within the Bushland Management Zone on the Council road reserve area, as indicated on the approved Landscape Plan, is to be certified by Council's Bushland Officers as being undertaken in accordance with the landscape plan prior to the issue of the Occupation Certificate.
9. 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.
10. The dwelling is to have approved hard-wired smoke alarms installed and maintained over the life of the development. All hard-wired smoke alarms are to be Australian Standard compliant and must be installed and certified by any appropriately qualified electrician prior to the issue of any Occupation Certificate.
11. The street number is to be affixed to a structure on the site, visible from the road prior to occupation.
12. Certification is to be provided that the commitments identified in the BASIX Certificate have been fulfilled.

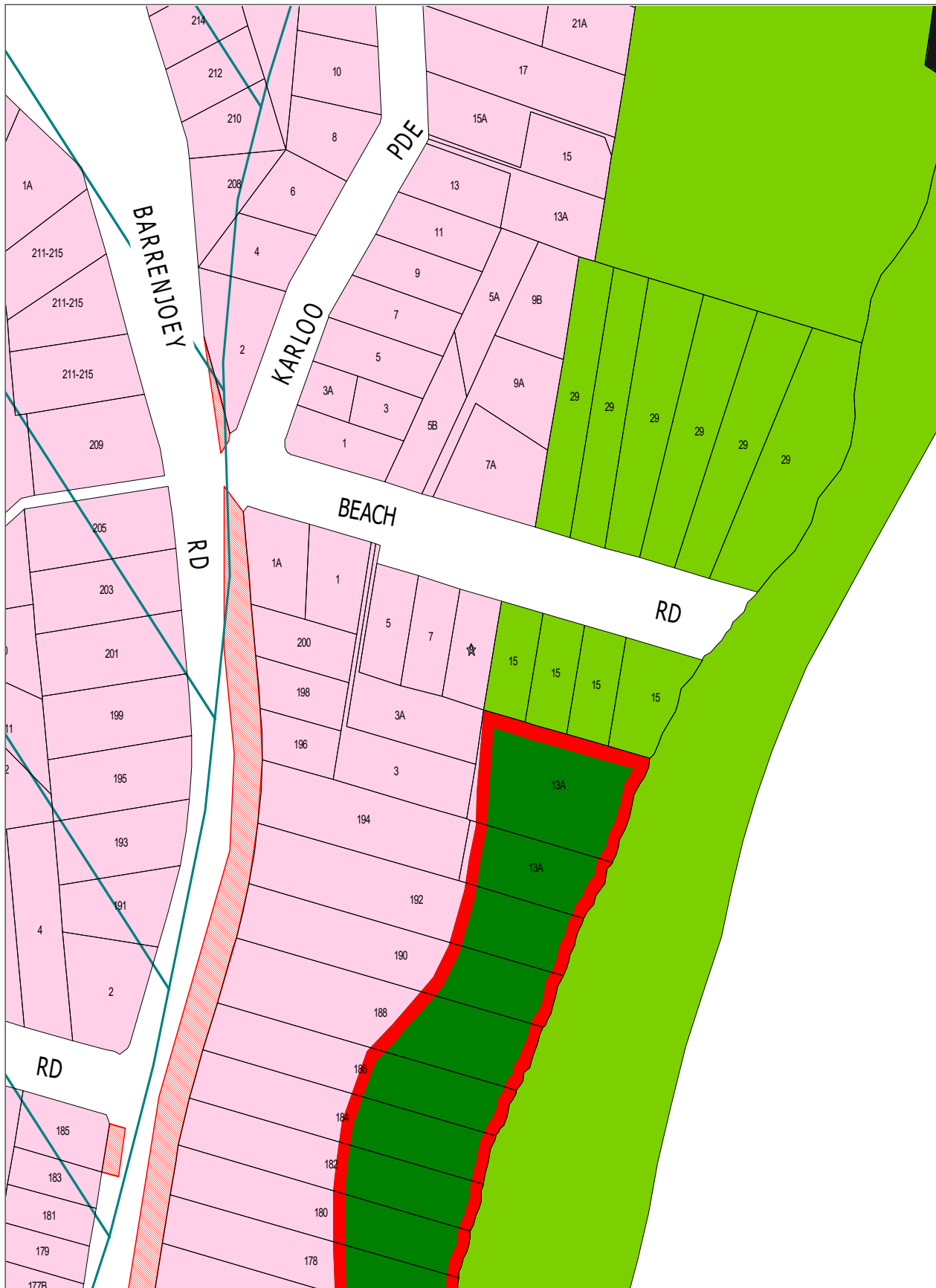
F. Matters to be satisfied prior to the issue of Subdivision Certificate:

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.

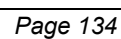
LOCALITY MAP

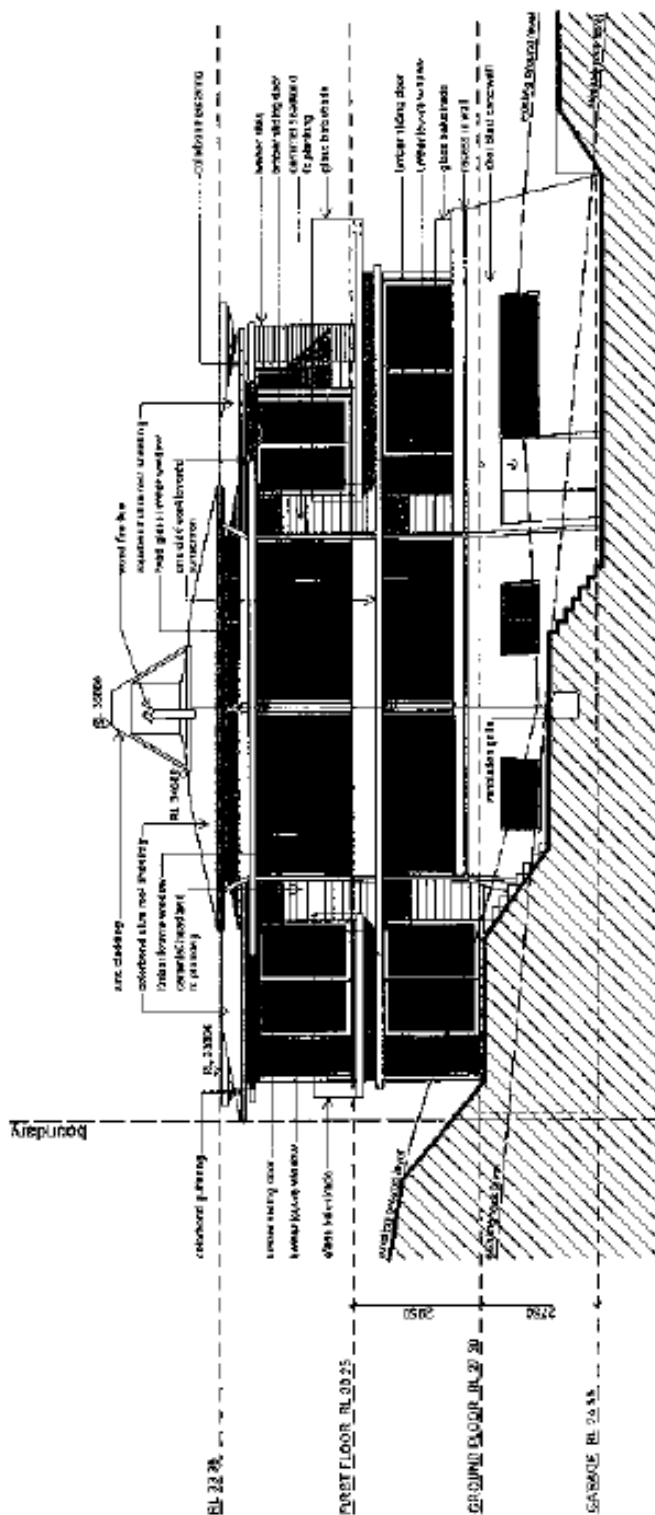


AERIAL PHOTOGRAPH



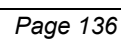
Architectural site plan for a proposed residence at 9 Beach Road, Bungan Beach. The plan shows four lots: Lot 1 (No. 5 Beach Rd, 2 Storey House), Lot 2 (No. 7 Beach Rd, 2 Storey House), Lot 3 (Proposed Dwelling, Area 0.913m²), and Lot 4 (No. 9 Beach Rd). A proposed road is shown connecting the lots, with a proposed road widening and a proposed road to be completed. A proposed path is also shown. The plan includes a north arrow, a scale bar (1:250), and a title block with the project name, location, and contact information for Spence Pearson Architects.

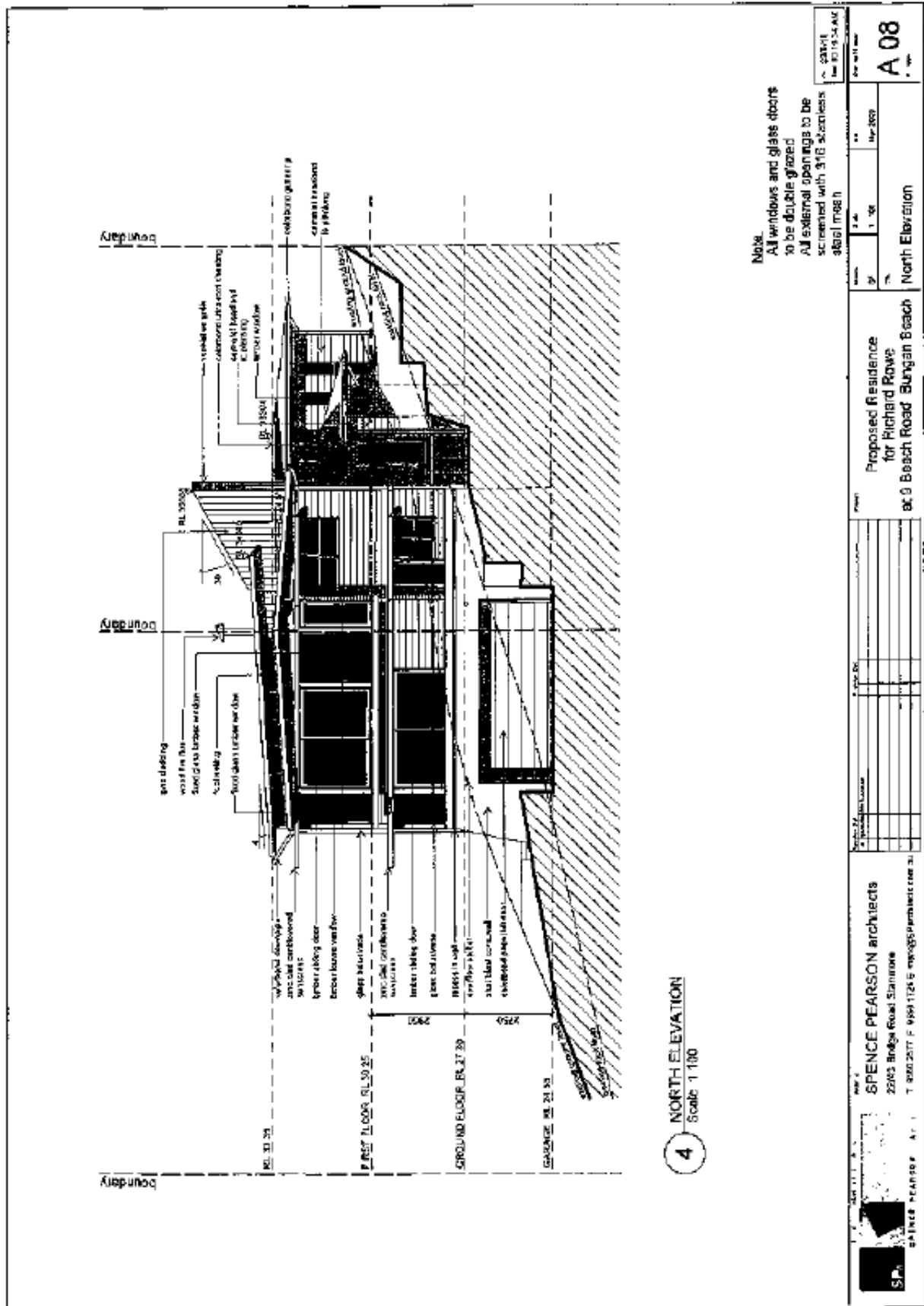




Note:
All windows and glass doors
to be double glazed
• All external openings to be
screened with 316 stainless
steel mesh

[illegible]





C11.2	N0169/11 - 36 Weeroona Avenue, Elanora Heights - Construction of a swimming pool and associated decking
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Meeting: Planning an Integrated Built Environment Committee

Date: 15 August 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 N0169/11 - 36 WEEROONA AVENUE, ELANORA HEIGHTS (Lot 18 DP 13152) Construction of a swimming pool and associated decking.

1.0 BACKGROUND

The Development Unit, at its meeting held on Thursday, 14 July 2011 considered the Development Officer's report (Attachment 1) for determination of Development Application N0169/11 - 36 WEEROONA AVENUE, ELANORA HEIGHTS (Lot 18 DP 13152) Construction of a swimming pool and associated decking.

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 Neither the Applicant nor an Objector was present during consideration of this matter.
- 3.2 The Development Unit resolved to support the Assessing Officer's Recommendation

4.0 ISSUES

Nil

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 14 July 2011. The Applicant was not present and noting that no Objectors were present, endorsed the Assessing Officer's Recommendation for approval.

RECOMMENDATION

That the recommendation in the Development Officers Report be endorsed and Application N0169/11 for the construction of a swimming pool and associated decking at 36 Weeroona Avenue, Elanora Heights be approved subject to the Conditions contained in the Draft Determination.

Report prepared by

Ruth Robins
DEVELOPMENT UNIT CHAIRPERSON

Warwick Lawrence
MANAGER ADMINISTRATION & GOVERNANCE

SUBJECT: N0169/11 - 36 WEEROONA AVENUE, ELANORA HEIGHTS (Lot 18 DP 13152)

Determination Level: Development Unit

Date: 14 July 2011

**SUMMARY OF RECOMMENDATION
CONSENT WITH CONDITIONS**

REPORT PREPARED BY: Linda Rodriguez

APPLICATION SUBMITTED ON: 19/05/2011

APPLICATION SUBMITTED BY: NIKOLAS PETER FRANK
36 WEEROONA AVENUE
ELANORA HEIGHTS 2101

OWNERS: FRANK, NIKOLAS PETER (OwnRes)
FRANK, MARIA (OwnRes)



1.0 DEVELOPMENT CONTROLS

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

- Pittwater Local Environmental Plan (LEP) 1993;
- Pittwater 21 Development Control Plan (Amendment 6);
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004; and
- Geotechnical Risk Management Policy for Pittwater 2009

The site is identified as:

- Geotechnical Hazard H1
- Flora and Fauna Conservation Area
- Acid Sulphate Region 5
- Land Requiring On Site Detention
-

2.0 NOTIFICATIONS

Six (6) property owners notified

One (1) submission received

3.0 ISSUES

- B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor
- C1.1 Landscaping
- D5.9 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			-	-	-
B5.7 Stormwater Management - On-Site Stormwater Detention			-	-	-
B5.8 Stormwater Management - Water Quality - Dwelling House, Dual Occupancy and Secondary Dwellings			-	-	-

Control	Standard	Proposal	T	O	N
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		One submission regarding concerns for unauthorised access to the subject site from the adjoining School has been considered and the restricted access of construction vehicles servicing the property is regulated by a recommended condition in the draft consent (Cond. No. D.7).	Y	Y	N
B6.3 Internal Driveways - Dwelling Houses and Dual Occupancy			-	-	-
B6.5 Off-Street Vehicle Parking Requirements - Dwelling Houses, Secondary Dwellings and Dual Occupancy			-	-	-
B8.1 Construction and Demolition - Excavation and Landfill			Y	Y	Y
B8.2 Construction and Demolition - Erosion and Sediment Management			Y	Y	Y
B8.3 Construction and Demolition - Waste Minimisation			-	-	-
B8.4 Construction and Demolition - Site Fencing and Security			-	-	-
B8.5 Construction and Demolition - Works in the Public Domain			Y	Y	Y
B8.6 Construction and Demolition - Traffic Management Plan			-	-	-
REF - Health					
B5.2 Wastewater Disposal			-	-	-
B5.3 Greywater Reuse			-	-	-
REF - Natural Resources					
B1.4 Aboriginal Heritage Significance			Y	Y	Y
B3.5 Acid Sulphate Soils		Acid Sulphate Region 5 only	Y	Y	Y
B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor			Y	Y	Y
C1.1 Landscaping		Refer to Section B4.4 in discussion for comment	Y	Y	Y

Control	Standard	Proposal	T	O	N
REF - Planner					
EPA Act Section 147 Disclosure of political donations and gifts			Y	Y	Y
3.1 Submission of a Development Application and payment of appropriate fee			Y	Y	Y
3.2 Submission of a Statement of Environmental Effects			Y	Y	Y
3.3 Submission of supporting documentation - Site Plan / Survey Plan / Development Drawings			Y	Y	Y
3.4 Notification			Y	Y	Y
3.5 Building Code of Australia		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			Y	Y	Y
B3.6 Contaminated Land and Potentially Contaminated Land			-	-	-
B5.2 Wastewater Disposal			Y	Y	Y
B5.3 Greywater Reuse			-	-	-
B5.12 Stormwater Drainage Systems and Natural Watercourses			-	-	-
C1.2 Safety and Security			Y	Y	Y
C1.3 View Sharing			-	-	-
C1.4 Solar Access			Y	Y	Y
C1.5 Visual Privacy	Elevated decks and pools, verandahs and balconies should incorporate privacy screens where necessary and should be located at the front or rear of the building.	A 1.8 metre privacy screen is proposed along the eastern elevation of the pool coping to improve provisions for visual privacy.	Y	Y	Y

Control	Standard	Proposal	T	O	N
C1.6 Acoustic Privacy	Noise generating plants including pool/spa motors, air conditioning units and the like shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.	The proposed pool filter equipment is enclosed in a soundproof structure beneath the undercroft of the deck and located in excess of 9m from the closest dwelling on the eastern boundary.	Y	Y	Y
C1.7 Private Open Space	Minimum 80m ² of private open space per dwelling at ground level, with no dimension less than 3 metres. No more than 75% of this private open space is to be provided in the front yard.	A minimum area of 80m ² at ground level is provided for private open space. Due to the siting of the existing dwelling towards the rear of the property, 66% (189.53 m ²) of the existing and proposed private open space is located within the front setback compared to 34% (99.91 m ²) located to the rear of the dwelling. The proposed pool is to become an extension of the principal private open space within the front setback and is directly accessible from internal living areas.	Y	Y	Y
C1.9 Adaptable Housing and Accessibility			-	-	-
C1.12 Waste and Recycling Facilities			Y	Y	Y
C1.13 Pollution Control			Y	Y	Y
C1.14 Separately Accessible Structures			-	-	-
C1.17 Swimming Pool Safety		Conditioned accordingly in the draft consent to comply with the Swimming Pools Act, 1992 and regulations.	Y	Y	Y
C1.19 Incline Passenger Lifts and Stairways			-	-	-
C1.23 Eaves			-	-	-
C1.24 Public Road Reserve - Landscaping and Infrastructure			-	-	-
C1.25 Plant, Equipment Boxes and Lift Over-Run	Where provided, plant and equipment boxes, air conditioning units and lift over-runs are to be integrated internally into the design fabric of the built form of the building	The proposed pool filter box is located within the undercroft of the pool deck, a minimum 900mm from the boundary and a reasonable distance (>9m) from the adjoining dwelling on the eastern boundary.	Y	Y	Y
D5.1 Character as viewed from a public place		The proposed swimming pool and associated decking is located within the front setback however is sited below street level and existing and proposed landscaping will effectively reduce the built form as viewed from the street.	Y	Y	Y
D5.2 Scenic protection - General			Y	Y	Y

Control	Standard	Proposal	T	O	N
D5.3 Building colours and materials	Dark and earthy tones	To match building colours and materials of the existing dwelling.	Y	Y	Y
D5.4 Height	Maximum 8.5 metres above natural ground level.	No change to existing compliant height of dwelling.	Y	Y	Y
D5.5 Front building line	6.5 metres or established building line, which ever is the greater	33.8m	Y	Y	Y
D5.6 Side and rear building line	Side Building Line: 2.5 metres to one side and 1 metre to the other. Rear Building Line: 6.5 metres	Side (Eastern): 1 metre Side (Western): 4.2 metres Rear (North): 4.45 metres (existing and unchanged) The proposed works are correctly defined as alterations and additions. The maintenance of existing setbacks is therefore applied and the proposal considered acceptable in this regard.	N	Y	Y
D5.7 Building envelope	Planes are to be projected at 45 degrees from a height of 4.2 metres above natural ground level at the side boundaries to the maximum height	Sited within the prescribed building envelope	Y	Y	Y
D5.9 Site coverage - Environmentally Sensitive Land	Maximum Site Coverage 40% (402.8 m ²) Minimum Landscaped Area 60% (604.2 m ²)	Site Coverage: 51% (512.867m ²) Landscaped Area: 49% (494.133 m ²) Site coverage minus variation of 6% (maximum 60.4 m ²) for recreational landscaped area comprising of impervious treatments: Site Coverage: 44.9% (452.47m ²) Landscaped Area: 55.1% (554.53 m ²) This matter is discussed under D5.9 further in the report.	N	Y	Y
D5.12 Fences - Flora and Fauna Conservation Areas		No additional boundary fencing proposed	-	-	-
D5.13 Construction, Retaining walls, terracing and undercroft areas	Undercroft areas shall be limited to a maximum height of 3.5 metres. Adequate landscaping shall be provided to screen undercroft areas	1.8 metre undercroft of pool decking appropriately screened via existing and proposed vegetation	Y	Y	Y
SEPP (Building Sustainability Index: BASIX) 2004		BASIX Certificate numbered: A113006; Issued as the proposed works are valued over \$50,000 and includes a pool over 40,000 Litres	Y	Y	Y
Other State Environmental Planning Policies (SEPPs)			-	-	-

*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 has a legal description of Lot 18, DP 13152, commonly known as No. 36 Weeroona Avenue, Elanora Heights. The subject site is situated on the low northern side of the street, with a road frontage of 16.165 metres to Weeroona Avenue and rear frontage of 15.24 metres, which adjoins a school. The site is 1007m², trapezoidal in shape with a gentle to moderate slope falling towards the north-east.

The site currently accommodates a deeply setback two storey brick and clad dwelling with garage serviced by a long concrete and gravel driveway with vehicle turning circle. Adjoining residential properties exist to the east and western boundaries. The streetscape of 36 Weeroona Avenue is characterised by one and two storey residential dwellings in a natural setting.

6.0 PROPOSAL IN DETAIL

The proposal involves alterations and additions to an existing dwelling house. The proposed works are confined to the front setback and consist of the following:

- Construction of a 70,000L concrete in-ground swimming pool with associated coping and 1.8m privacy screen;
- Extension of an existing front deck; and
- Replacement of existing concrete with decking.
- Removal of one canopy tree to accommodate the pool (*Glochidion ferdinandi*-Cheese Tree)

7.0 BACKGROUND

The Development Application N0169/11 was lodged with Council on the 19th May 2011 for alterations and additions to an existing dwelling and a swimming pool (ancillary to a dwelling). The proposed development was notified between 23rd May and 6th June 2011. As result of the notification process, one submission was received regarding restricting access from the school during construction.

The proposal was referred to Council's Senior Development Engineer and Natural Resource Assessment Officer for comments. A site inspection was conducted on the 7th June 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

B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor; and C1.1 Landscaping

The application was referred to Council's Senior Natural Resources Officer who provided the following comment:

*The property contains a modified landscape however does contain a number of canopy trees and is well vegetated. The proposed works involve the construction of a new swimming pool and decking in front of the existing dwelling. Trees occur in the vicinity and are the subject of an arborist report (Margot Blues 19th April 2011) which assesses two (2) trees within 5 metres of the proposed works. A number of other trees occur on the site but are located further away from the works location and are not expected to be impacted. Of the two trees assessed, a large Brush Box (*Lophostemon confertus*) is currently located to the north of the proposed pool excavation and has had the existing deck platform constructed around its trunk. The report has determined that 7% of its Tree Protection Zone (TPZ) will be incurred by the proposed excavation, which is within the 10% threshold of which trees can withstand. This tree is therefore able to be retained. The Cheese Tree (*Glochidion fernandii*) is located right on the edge of the pool footprint and therefore requires removal. The recommendations of the report are supported subject to replacement planting to compensate for the Cheese Tree removal.*

The Site Plan (Space Landscape Designs Drawing No. L-01 7th April 2011) indicates screen planting surrounding the pool and decking however doesn't indicate species. This is accepted provided that locally native species are incorporated and planting is in accordance with the Australian Standard 1926.1 prescribed by the Swimming Pools Regulation 2008.

D5.9 Site coverage - Environmentally Sensitive Land

The existing site coverage is 40.8% (411.4 m²) of the total site area. The proposal incorporates an in-ground swimming pool with associated coping and deck extension. The proposed site coverage of 51% (512.867m²) and landscaped area of 49% (494.133m²) does not comply with the technical requirements of the control D5.9 of Pittwater 21 DCP for environmentally sensitive land. The control allows for a maximum of 40% (402.8m²) and minimum 60% (604.2m²) site coverage and landscaped area respectively.

Control D5.9 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, swimming pools*

In the circumstances of the subject proposal, a variation is warranted for the maximum 6% (60.4m²) of the total site area to be provided as impervious landscape treatments providing the proposal meets the outcomes of the control.

Application of the variation results in a site coverage of 45% (452.4m²) still contrary to the numerical requirement of Pittwater 21 DCP, however satisfies the outcomes of the control as follows:

- Outcome: Achieve the desired future character of the locality

The bushland character of Elanora Heights is retained and the proposal successfully achieves the desired future character of the locality which is to remain a low density residential area below canopy tree level and one which retains and integrates new and existing native vegetation with development.

- Outcome: The bulk and scale of the built form is minimised

The bulk and scale of the built form is minimised as the proposed swimming pool and decking is predominantly developed at natural ground level to a maximum height of 1.8m and is essentially below canopy level. It is noted that the existing driveway and turning circle servicing the deeply setback dwelling (53.6m from the street), accounts for 182m² (18%) of the total site coverage. The lengthy driveway is predominately constructed with loose gravel material as an approach to maintain stormwater management on the site.

Further, the proposed swimming pool is essentially screened from the street via retained and proposed vegetation, deep setback and trend of the slope towards the north-east.

- Outcome: A reasonable level of amenity and solar access is provided and maintained

A reasonable level of amenity, including solar access, visual and acoustic privacy is maintained as there is no change to the complying height or setback of the dwelling and the proposed pool deck on the eastern elevation incorporates a 1.8m privacy screen to minimize any potential for overlooking onto the adjoining property.

- Outcome: Vegetation is retained and enhanced to visually reduce the built form

The abundant vegetation within the front setback is retained and enhanced to visually reduce the built form which is below street level and essentially screened from the public street. A condition of consent has been adopted in the draft determination to plant at least two native canopy trees to replace the one proposed to be removed.

- Outcome: Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels

The site currently has adequate drainage into the public system with no natural watercourses and a condition of consent is recommended to ensure all stormwater runoff from the development is to be piped into the existing system, to prevent soil erosion and siltation of natural drainage channels.

Further, the proposed development is predominantly over existing hard surface and the soft surface to the rear of the site remains untouched to provide for the infiltration of water to the water table, minimise run-off and assist with stormwater management. It is noted that 11% (115.7m²) of the existing driveway and turning circle is loose gravel which is considered to be semi-permeable and allows for some absorption of stormwater.

Despite the technical non-compliance, upon merit assessment, the application is supported as the proposal readily achieves the outcomes of the control.

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, Pittwater 21 DCP and other relevant Council policies.

The proposed development is permissible within the 2(a) Residential zone as defined by the Pittwater Local Environmental Plan 1993. The proposal does not comply with the Site Coverage control, however is consistent with the merit objectives and does not result in a significant impact on the amenity of surrounding properties and the variation is supported. Furthermore the development is consistent with the character of the Elanora Heights locality and 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 N0169/11 for alterations and additions at 36 Weeroona Avenue, Elanora Heights subject to the conditions of consent.

Report prepared by

Linda Rodriguez
PLANNER

DRAFT DETERMINATION

**CONSENT NO: N0169/11
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)
NOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION**

Applicants Name and Address:
NIKOLAS PETER FRANK
36 WEEROONA AVENUE
ELANORA HEIGHTS 2101

Being the applicant in respect of Development Application No **N0169/11**

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 **N0169/11** for:

Construction of a swimming pool, associated coping and deck extension.

At: 36 WEEROONA AVENUE, ELANORA HEIGHTS (Lot 18 DP 13152)

Decision:

The Development Application has been determined by the granting of consent based on information provided by the applicant in support of the application, including the Statement of Environmental Effects, and in accordance with:

Architectural drawings numbered: L-01, L-02, L-03 Dated 7/4/11 Prepared by Space Landscape Designs.

BASIX Certificate numbered: A113006.

Arboreal Assessment Report Dated 19/04/11 Prepared by Margot Blues.

Geotechnical Assessment Report numbered: 2011-061 Dated May 2011 Prepared by Crozier Geotechnical Consultants.

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

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

Endorsement of date of consent _____

Mark Ferguson
GENERAL MANAGER
Per:

CONDITIONS OF APPROVAL

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

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

A. Prescribed Conditions

1. All works are to be carried out in accordance with the requirements of the Building Code of Australia.
2. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, there is to be such a contract in force.
3. Critical stage inspections are to be carried out in accordance with clause 162A of the *Environmental Planning & Assessment Regulation 2000*. To allow a Principal Certifying Authority or another certifying authority time to carry out critical stage inspections required by the Principal Certifying Authority, the principal contractor for the building site or the owner-builder must notify the Principal Certifying Authority at least 48 hours before building work is commenced and prior to further work being undertaken.
4. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - a. showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c. stating that unauthorised entry to the work site is prohibited.Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
5. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - a. in the case of work for which a principal contractor is required to be appointed:
 - i. The name and licence number of the principal contractor, and
 - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
 - b. in the case of work to be done by an owner-builder:
 - i. The name of the owner-builder, and
 - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
6. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

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

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

1. The recommendation of the risk assessment required to manage the hazards as identified in Geotechnical Report prepared by Crozier Geotechnical Consultants are to be incorporated into the construction plans.
2. If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Metropolitan Local Aboriginal Land Council (MLALC) and Department of Environment & Climate Change (DECC) are to be notified.
3. At least two (2) locally native canopy trees are to be planted onsite to replace one (1) tree approved for removal. Canopy tree species are to be as per the approved Landscape Plan or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and the Native Plants for Your Garden link on Council's website http://www.pittwater.nsw.gov.au/environment/species_lists. All native trees are to be retained for the life of the development, or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.
4. 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.
5. 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
6. 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.
7. No environmental weeds are to be planted on the site. Refer to Pittwater Council website http://www.pittwater.nsw.gov.au/environment/noxious_weeds for environmental weed lists.
8. 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.
9. The boundary fence at the side of the property must be a minimum height of 1800mm with a non climbable zone of 900mm on the inside of the fencing in accordance with the Australian Standard prescribed by the Swimming Pools Regulation 2008.

Any shrubs or plants located adjacent to the inside of the boundary fence must be maintained for the lifetime of the development at a height that does not interfere with the 900mm non climbable zone.

10. Screen planting is to be provided, which after three years will, in conjunction with existing vegetation and canopy planting, screen at least 50% of the built form when viewed from the street. Species selection is to incorporate locally native species. The screen planting is to be maintained over the life of the development and replaced if any part dies or is destroyed or removed. Any shrubs or plants located adjacent to the outside of the pool fence must be maintained for the lifetime of the development at a height that does not interfere with the 900mm non climbable zone.
11. 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.
12. This approval/consent relates only to the new work nominated on the approved consent plans and does not approve or regularise any existing buildings or structures within the property boundaries or within Council's road reserve.
13. The spa/pool backwash and any overflow waters are to be disposed to the Sydney Water sewer.
14. Pool fencing is to be designed, located and maintained in accordance with the Swimming Pools Act 1992, Regulation and Australian Standard 1926.1-2007, Safety barriers for swimming pools
15. A warning notice (resuscitation chart) and External Cardiac Compression Chart is to be affixed and maintained in a prominent location adjacent to the pool / spa.
 - a. The warning notice (i.e. sign) must contain all of the following words:
 - i. "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL" and
 - ii. "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES", and
 - iii. "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES".
 - b. In addition, the notice must contain a simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques (for infants, children and adults):
 - i. that are set out in accordance with the relevant provisions of that Guideline, and
 - ii. that comply with the other relevant guidelines of the Australian Resuscitation Council, and
 - iii. that are illustrated by drawings with key words only in bold print,
 - c. a statement to the effect that formal instruction in resuscitation is essential
 - d. the name of the teaching organisation or other body that published the sign and the date of its publication.
16. The commitments identified in the BASIX Certificate and on the plans or specifications are to be fulfilled and maintained for the life of the development.

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

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

1. Prior to issue of the Construction Certificate, Form 2 of the *Geotechnical Risk Management Policy for Pittwater* (Appendix 5 of P21 DCP) is to be completed and submitted to the Principal Certifying Authority.
2. Civil engineering details of the proposed excavation/landfill are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Each plan/sheet is to be signed by a qualified practising Civil Engineer who has corporate membership of the Institution of Engineers Australia (M.I.E) or who is eligible to become a corporate member and has appropriate experience and competence in the related field.
3. Submission of construction plans and specifications and documentation which are consistent with the approved Development Consent plans, the requirements of Building Code of Australia and satisfy all conditions shown in Part B above are to be submitted to the Principal Certifying Authority.
4. The finished surface materials, including colours and texture of any building, shall blend with the surrounding and/or natural materials. Colours and materials shall be non-glare and of low reflectivity. A satisfactory specification which achieves this shall be submitted to the Accredited Certifier or Council with the Construction Certificate application in the form of a *Schedule of Finishes*.
5. 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).

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

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

1. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
2. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
3. Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must preserve and protect the building from damage and, if necessary, underpin and support the adjoining building in an approved manner.

4. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
5. Sedimentation and erosion controls are to be effectively maintained at all times during the course of construction and shall not be removed until the site has been stabilised or landscaped to the Principal Certifying Authority's satisfaction.
6. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
7. For the purposes of safety during construction, access to the site through the adjoining school is prohibited
8. No works are to be carried out in Council's Road Reserve without the written approval of the Council.
9. No skip bins or materials are to be stored on Council's Road Reserve.
10. A clearly legible *Site Management Sign* is to be erected and maintained throughout the course of the works. The sign is to be centrally located on the main street frontage of the site and is to clearly state in legible lettering the following:
 - The builder's name, builder's telephone contact number both during work hours and after hours.
 - That no works are to be carried out in Council's Road Reserve without the written approval of the Council.
 - That a Road Opening Permit issued by Council must be obtained for any road openings or excavation within Council's Road Reserve associated with development of the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
 - That no skip bins or materials are to be stored on Council's Road Reserve.
 - That the contact number for Pittwater Council for permits is 9970 1111.
11. 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 Margot Blues dated 19th April 2011 are required to be complied with before and throughout the development period, particularly with regard to the following:
 - i. Works, erection/demolition of structures, excavation or changes to soil levels within 5 metres of existing trees are not permitted unless part of the development as approved, and the storage of spoil, building materials, soil or the driving and parking of any vehicle or machinery within 5 metres of the trunk of a tree to be retained is not permitted
 - ii. Where specified, tree guards are to be provided to all trees as indicated in the report, and are to be installed prior to the commencement of any work on the site. Tree guard materials and dimensions are specified in the arborist report
 - iii. All works within 5 metres of existing trees including demolition, excavation, civil works, fencing and the like must be carried out by hand and under the supervision of an experienced and suitably qualified arborist. In the event that major structural or feeder roots are encountered, the arborist is to advise the builder to carry out appropriate action to ensure the retention of the tree.
 - iv. Signage is to be erected advising all contractors and visitors to the site that no works or storage are to take place within the dripline of existing trees.

v. Any changes or alterations made to the tree management recommendations as outlined by the arborist report due to the discovery of new structural roots or underground services during development works must be reported to the Principal Certifying Authority prior to works recommencing.

12. 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.
13. A stamped copy of the approved plans is to be kept on the site at all times, during construction.
14. Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must give the owner of the adjoining property at least seven (7) days written notice of their intention to excavate below the level of the base of the footing and furnish the adjoining property owner with particulars of the proposed work.

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

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

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

1. Prior to issue of the Occupation Certificate, Form 3 of the *Geotechnical Risk Management Policy* (Appendix 5 of P21 DCP) is to be completed and submitted to the Principal Certifying Authority.
2. An Occupation Certificate application stating that the development complies with the Development Consent, the requirements of the Building Code of Australia and that a Construction Certificate has been issued must be obtained before the building is occupied or on completion of the construction work approved by this Development Consent.
3. A qualified acoustic engineer is to certify that the maximum noise level associated with the pool filter does not exceed 5dB(A) above ambient background level, when measured from any adjoining premises.

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

NIL

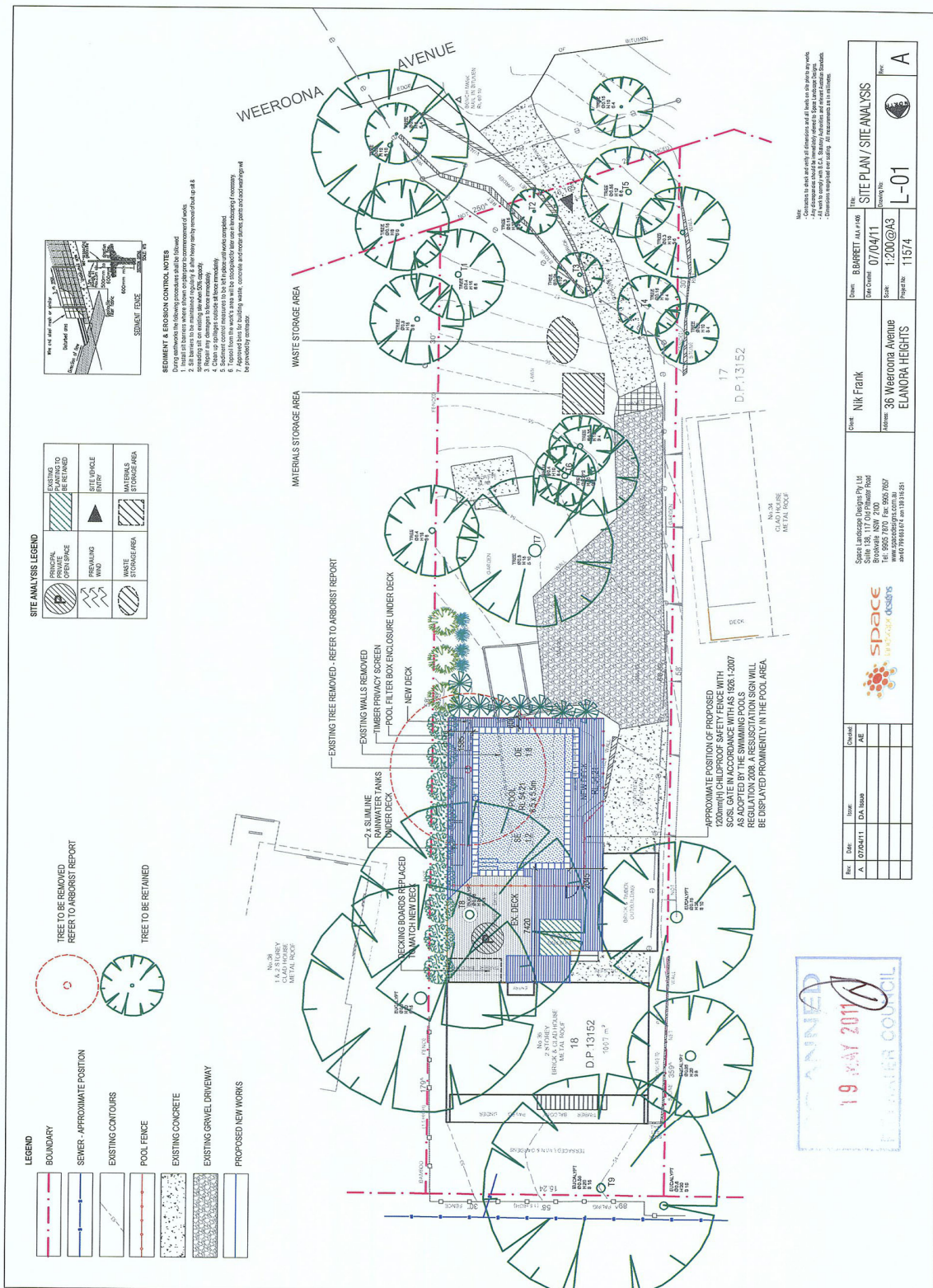
G. Advice:

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.

The map displays a residential area with the following features:

- Streets:** Weeroona Ave, Anama Rd, Rickard Rd, and Woodroffe Rd.
- Residential Lots:** Numerous lots are numbered, including 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 128, 126, 124, 130, 132, 134, 136, 138, 140, 142, 144, 109, 107, 105, 115, 101, 97, 147, 145, 143, 141, 139, 137, 118, 116, 114, 112, 110, 108, 151, 149, 153, 155, 157, 159, 161, 163, 165, 153A, 42A, 44, 46, 122, 118, 116, 114, 112, 110, 108, 101, 97, 101, 97, 101, 97.
- Highlighted Lot:** Lot 36 is highlighted in a shaded box.
- Other Features:** The map also shows the location of the Weeroona Primary School and the Weeroona Post Office.

NOTIFICATION PLAN



C11.3	Section 82a - Review of Determination - N0422/10 - 296 Whale Beach Road, Palm Beach - Alterations and additions to an existing dwelling
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Meeting: Planning an Integrated Built Environment Committee

Date: 15 August 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 Section 82a - Review of Determination - N0422/10 - 296 Whale Beach Road, Palm Beach (Lot 302 DP 16362) alterations and additions to an existing dwelling.

1.0 BACKGROUND

- 1.1 The Development Unit, at its meeting held on Thursday, 14 July 2011 considered the Development Officer's report (Attachment 1) for determination of Development Application Section 82a - Review of Determination - N0422/10 - 296 Whale Beach Road, Palm Beach (Lot 302 DP 16362) alterations and additions to an existing dwelling.

2.0 REASON FOR REFERRAL TO COUNCIL

- 2.1 Council has a practice that all Section 82A applications be determined by the Council.

3.0 DEVELOPMENT UNIT DELIBERATIONS

- 3.1 The Applicant addressed the Development Unit on the application. Correspondence was tabled by the Assessing Officer on behalf of two Objectors relating to view sharing and the proposed kitchen and eave falling outside the building envelope.
- 3.2 The Development Unit considered the issues raised by the Objectors and after much discussion resolved not to endorse the Assessing Officer's recommendation and the Section 82a – Review of Determination was subsequently refused by the Development Unit.

4.0 ISSUES

- View sharing
- Proposed kitchen and eave falls outside the building envelope

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 the 14 July 2011 and after hearing from the Applicant and noting correspondence from the Objectors, (tabled by the Assessing Officer) did not endorse the Assessing Officer's recommendation. Section 82a - Review of Determination - N0422/10 - 296 Whale Beach Road, Palm Beach (Lot 302 DP 16362) alterations and additions to an existing dwelling was subsequently refused by the Development Unit.

RECOMMENDATION

That the recommendation in the Development Officers Report not be endorsed and Application N0422/10 for alterations and additions to an existing dwelling at No 296 Whale Beach Road, Palm Beach be refused subject to the following reasons:

Reasons for Refusal

1. The proposed extension will result in non-compliances with the Controls of D12.6 "Side and Rear Building Line", and D12.8 "Building Envelope" of the Pittwater 21DCP.
2. The proposal would result in the obstruction of the view from the balcony of 294 Whale Beach Road, Palm Beach of Barrenjoey Lighthouse and the Headland. These features are locally iconic visual elements in the area and this impact is unreasonable.

Report prepared by

Ruth Robins
DEVELOPMENT UNIT CHAIRPERSON

Warwick Lawrence
MANAGER ADMINISTRATION & GOVERNANCE

SUBJECT: Section 82a - Review Of Determination - N0422/10 - 296 Whale Beach Road, Palm Beach (Lot 302 DP 16362)

Determination Level: Development Unit

Date: 14 July 2011

**SUMMARY OF RECOMMENDATION
CONSENT WITH CONDITIONS**

REPORT PREPARED BY:	Ellie Robertson
APPLICATION SUBMITTED ON:	22/02/2011
APPLICATION SUBMITTED BY:	JAMCO INVESTMENTS PTY LTD 296 WHALE BEACH ROAD PALM BEACH NSW 2108
OWNER(S):	JAMCO INVESTMENTS PTY LTD (OwnResOcc)



1.0 DEVELOPMENT CONTROLS

The site is zoned 2(a) Residential under the provisions of Pittwater Local Environmental Plan (LEP) 1993. The following relevant local and state policies apply to this site:

- Pittwater Local Environmental Plan (LEP) 1993;
- Pittwater 21 Development Control Plan (Amendment 6);
- Geotechnical Risk Management Policy for Pittwater 2009; and
- State Environmental Planning Policy (BASIX) 2004.

2.0 NOTIFICATIONS

7 property owners notified
One submission received

3.0 ISSUES

- C1.3 View Sharing
- D12.6 Side and rear building line
- D12.8 Building envelope

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			-	-	-
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

Control	Standard	Proposal	T	O	N
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 - Natural Resources					
B1.4 Aboriginal Heritage Significance			Y	Y	Y
B3.5 Acid Sulphate Soils			Y	Y	Y
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land			Y	Y	Y
C1.1 Landscaping			Y	Y	Y
REF - Planner					
EPA Act Section 147 Disclosure of political donations and gifts			Y	Y	Y
3.1 Submission of a Development Application and payment of appropriate fee			Y	Y	Y
3.2 Submission of a Statement of Environmental Effects			Y	Y	Y
3.3 Submission of supporting documentation - Site Plan / Survey Plan / Development Drawings			Y	Y	Y
3.4 Notification			Y	Y	Y
3.5 Building Code of Australia			Y	Y	Y
4.5 Integrated Development: Aboriginal Objects and Places			-	-	-
4.7 Integrated Development - Roads			-	-	-
5.3 Referral to NSW Department of Environment and Climate Change (DECC)			-	-	-
A1.7 Considerations before consent is granted			Y	Y	Y
B1.3 Heritage Conservation – General			Y	Y	Y
B3.6 Contaminated Land and Potentially Contaminated Land			Y	Y	Y

Control	Standard	Proposal	T	O	N
B5.2 Wastewater Disposal			Y	Y	Y
B5.3 Greywater Reuse			-	-	-
B5.12 Stormwater Drainage Systems and Natural Watercourses			-	-	-
C1.2 Safety and Security			Y	Y	Y
C1.3 View Sharing		<p>Concern has been raised by the adjoining property at No.294 Whale Beach Road regarding view loss.</p> <p>See Section 10 of this report for discussion of this issue.</p> <p>Concerns have been raised regarding view loss. See Section 10 of this report for discussion of this issue.</p>	Y	Y	N
C1.4 Solar Access			Y	Y	Y
C1.5 Visual Privacy		<p>Concern has been raised by the adjoining property at No.294 Whale Beach Road regarding visual privacy.</p> <p>See Section 10 of this report for discussion of this issue.</p>	Y	Y	N
C1.6 Acoustic Privacy			Y	Y	Y
C1.7 Private Open Space			Y	Y	Y
C1.9 Adaptable Housing and Accessibility			-	-	-
C1.12 Waste and Recycling Facilities			Y	Y	Y
C1.13 Pollution Control			Y	Y	Y
C1.14 Separately Accessible Structures		No separately accessible structures proposed.	-	-	-
C1.17 Swimming Pool Safety		No swimming pool proposed.	-	-	-
C1.19 Incline Passenger Lifts and Stairways		No inclinator proposed.	-	-	-
C1.23 Eaves	450mm	Eaves greater than 450mm for proposed alterations and additions on north-east and south-west facades.	Y	Y	Y
C1.24 Public Road Reserve - Landscaping and Infrastructure			-	-	-
C1.25 Plant, Equipment Boxes and Lift Over-Run			-	-	-
D12.1 Character as viewed from a public place			Y	Y	Y
D12.3 Building colours and materials	Dark and earthy tones	To match the building colours and materials of the existing dwelling	Y	Y	Y
D12.4 Height	Maximum 8.5 metres from natural ground level	Maximum height 8.4 metres	Y	Y	Y
D12.5 Front building line	6.5 metres or the established building line, whichever is the greater	9.2 - 10 metres (existing and unchanged)	Y	Y	Y

Control	Standard	Proposal	T	O	N
D12.6 Side and rear building line	Side Building Line: 2.5 metres to one side and 1 metre to the other Rear Building Line: 6.5 metres	Side (North): 0 - 3.6 metres (existing and unchanged) Side (South): 0.2 - 1.8 metres (existing and unchanged) Rear (West): 15.6 - 18.5 metres The proposed works are correctly defined as alterations and additions. Therefore the variation allowing the maintenance of existing setbacks can be applied. The development is considered reasonable in this regard. Proposal results in a non-compliant side setback on the south elevation on Level 2. See Section 10 of this report for further discussion.	N	Y	Y
D12.8 Building envelope	Projections of 45 degrees from a height of 3.5 metres	Encroachment of the proposed kitchen/roof/eave extension at the south-east portion of the dwelling. See Section 10 of this report for further discussion of this issue. Concerns have been raised regarding the non-compliant building envelope. See Section 10 of this report for further discussion.	N	Y	Y
D12.10 Site coverage - Environmentally Sensitive Land	Maximum Site Coverage 40% (318sqm) Minimum Landscaped Area 60% (477sqm)	Site Coverage: 41% (328sqm) Landscaped Area: 59% (467.8sqm) Site coverage minus variation of 6% of landscaped area comprising impervious treatments: 35%	N	Y	Y
D12.11 Fences - General			-	-	-
D12.13 Construction, Retaining walls, terracing and undercroft areas			Y	Y	Y
D12.14 Scenic Protection Category One Areas			Y	Y	Y
SEPP (Building Sustainability Index: BASIX) 2004		A BASIX Certificate was submitted for optional compliance as the alterations and additions are valued at less than \$50,000.	Y	Y	Y
Other State Environmental Planning Policies (SEPPs)			Y	Y	Y

Original Compliance Table prepared by Ellie Robertson 3 February 2011 and amended 14 July 2011 changes marked in **bold**.

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

5.0 SITE DETAILS

The subject site has a legal description of Lot 302, DP 16362, commonly known as No.296 Whale Beach Road, Palm Beach. The subject site has a frontage of 20.7 metres to Whale Beach Road. The site is 734.9sqm in area and is irregular in shape. The property is steeply sloping with a fall of 32% from the rear to the front of the site.

The site currently contains a part one, part two, part three storey residential dwelling. The streetscape of Whale Beach Road is characterised by two storey residential dwellings. The subject site is located in a Geotechnical Risk Management area.

6.0 PROPOSAL IN DETAIL

The proposal involves the reconsideration of an extension of the existing kitchen, its associated roof and eave on Level 2 at the front of the dwelling and the deletion of condition B10 as discussed below.

7.0 SITE HISTORY, BACKGROUND AND SECTION 82A PROVISIONS

The site has a considerable history with regards to the current dwelling on the lot. Development Application N0182/05 was granted consent on 15 June 2005 for the construction of a new dwelling. This development application was the result of the unauthorised demolition of the existing dwelling under N0245/03 where consent was granted only for alterations and additions. During the assessment of N0245/03, the adjoining neighbours at No.294 Whale Beach Road raised concerns regarding view loss. In response to their concerns, the applicant provided a stepped front façade on Level 2 allowing views to be maintained across the site for the benefit of the dwelling at No.294 Whale Beach Road. Development Application N0182/05 maintained the stepped façade for the purposes of view sharing. The current application seeks to remove the stepping in of the façade that previously addressed the objectors view loss issue.

Development Application N0422/10 was lodged with Council on 22 July 2010 for alterations and additions to an existing dwelling. The Development Application was approved on 11 February 2011 under delegated authority by the Development Unit with the addition of the following condition:

B10 Deletion of the proposed extension to the kitchen and eave over deck 2 on the first floor from this development consent.

The effect of this additional condition of consent was to allow the objectors at the adjoining property at No.294 Whale Beach Road to maintain their existing view.

The application has been lodged and considered pursuant to Section 82A of the Environmental Planning & Assessment Act 1979 noting the following:

- The application was determined under delegated authority by the Development Unit on 11 February 2011. Council is able to review the determination until 11 February 2012, in accordance with S82A(2).
- The application for Review of Determination was notified to adjoining property owners and all originally notified persons for 14 days from 28 February 2011 and in accordance with Council's notification policy. There has been one submission received at the time of preparing this report.

- The current application includes the following amendments:
 - An extension of the kitchen and associated roof and eave on Level 2 at the front of the dwelling which was deleted from the approved plans by condition of consent B10.
 - A new window has also been included in the kitchen extension of the south-east elevation.
- The proposal for alterations and additions to the existing dwelling is considered to be substantially the same as the development described in the original application.
- As the original Development Application was determined under delegated authority by the Development Unit, the S82A application must be determined by the Council in accordance with S82A(5).

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

- **B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land; and C1.1 Landscaping**

The 82A application was referred to Council's Natural Resources Officer who provided the following comment:

"I have reviewed the Section 82A reconsideration for N0422/10 (296 Whale Beach Road Whale Beach). The application does not involve any natural resource or landscaping issues and there are no new issues associated with the reconsideration."

- **C1.3 View Sharing**

Concern has been raised regarding view loss from the dwelling at No.294 Whale Beach Road, Palm Beach. The proposal has been slightly amended to include a window from the kitchen on the south-east elevation in an attempt to achieve visual access through the kitchen extension. It is considered that this attempt to maximise visual access through the structure is unsuccessful due to the fact that the view through the window could be easily obstructed.

The height poles erected to show the extent of the kitchen and roof/eave extension at the front of the dwelling remain in place as per the survey information received by Council on 6 January 2011. The neighbour at No.294 Whale Beach Road has provided photographic evidence of the view loss with height poles included in their submission dated 12 March 2011. However it must be noted that the position of the height poles in these photos provided by the neighbour are incorrect. The height poles are currently in the correct location and have been surveyed as discussed above.

Control C1.3 of Pittwater 21 DCP states the following:

“All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties. The proposal must demonstrate that view sharing is achieved through the application of the Land and Environment Court's planning principle for view sharing. Where a view may be obstructed, built structures within the setback areas are to maximise visual access through the structure e.g. by the provision of an open structure or transparent building materials. Views are not to be obtained at the expense of native vegetation.”

Having reviewed the amended plans and with specific regard to the adjoining property to the south-east at No.294 Whale Beach Road, it is considered that the proposal will achieve a reasonable sharing of views from surrounding and nearby properties.

View Loss Planning Principle

In determining view loss, the four (4) planning principles outlined within the Land and Environment Court Case Tenacity Consulting Pty Ltd Vs Warringah Council (2004) NSWLEC 140, have been used.

Nature of the Views Affected

Comment: The nature of the views to be affected from the dwelling at No.294 Whale Beach Road is a view of the land water interface of a portion of the northern end of Palm Beach, Barrenjoey Head, the land water interface of Barrenjoey Head and Barrenjoey Lighthouse. These views are considered to be iconic.

View from public places: The surrounding street networks are steeply sloping with a fall to the east. There are no views affected as a result of the proposed development from any part of the surrounding street network.

Part of the Property that Views are Affected

Comment: The affected view obtained from the dwelling at No.294 Whale Beach Road is at the front of the dwelling from the second floor. The affected view is from the kitchen/living area on the second floor and northern end of the second floor balcony. The affected view is across the north-east side boundary and is obtained from a standing and sitting position. In this regard, the view from No.294 Whale Beach is considered more difficult to protect.

Extent of the Impact

Comment: The affected view is from the kitchen/living area on the second floor and northern end of the second floor balcony. It must be noted that the view remains available from the southern portion of the second floor balcony. It must also be noted that the view underneath the roof/eave extension of the north-eastern end of Barrenjoey Head and its land water interface will be available from the living area and the majority of the second floor balcony.

The view across to Barrenjoey Head, Barrenjoey Lighthouse and Palm Beach are not the only views available from the dwelling at No.294 Whale Beach Road. Uninterrupted and expansive views of the Tasman Sea and across to the land water interface of Box Head, Killcare and Bouddhi are available from the kitchen/living area and balcony on the second floor and two bedrooms and balcony on the first floor at the front of the dwelling.

As the affected view is available from other areas of the dwelling and the view is from a kitchen/living area and a portion of its associated balcony, the view loss is considered to be moderate.

Reasonableness of the Proposal Causing the Impact

Comment: The proposed development results in non-compliance with two (2) of the locality specific development controls of the Palm Beach locality, namely side building line and building envelope. Variation to the side building line is supported as the application is for alterations and additions and the proposal maintains the side setbacks of the existing dwelling. Variation to the building envelope for the wall of the kitchen extension on the south-east elevation is supported due to the steep topography of the site (the building footprint has a slope of approximately 33%) and a variation to the building envelope for the eave extension is supported as the eave will provide shade in summer and maximise sunlight in winter. Both the kitchen wall and eave building envelope non-compliances are considered to meet the outcomes of the building envelope control as discussed further in this report. In addition, although these non-compliances contribute to the view loss, the existing view is considered difficult to protect as the view is across a side boundary and as the view is available from other areas of the dwelling, the view loss is considered to be moderate.

The purpose of the kitchen/roof/eave extension as indicated by the applicant is to provide a more “workable” configuration within the existing kitchen and provide greater protection from the elements being sun exposure. A temporary retractable awning structure which is secured by a metal pole currently exists in this area. This temporary structure will be removed should the application be supported. It is considered that the removal of this temporary structure will improve the view across to Barrenjoey Head, its land/water interface and Barrenjoey Lighthouse from some parts of the second floor balcony and living area of No.294 Whale Beach Road.

The affected views from the kitchen/living area on the second floor and the northern end of the second floor balcony of No.294 Whale Beach Road will not be permanently lost. The affected views will still be available from the southern portion of the second floor balcony and views will still be kept underneath the roof/eave extension.

In addition, it must be noted that the adjoining dwelling at No.294 Whale Beach Road is located a considerable distance back from the established front building line between the subject site and the site at No.292 Whale Beach Road. It would not be uncommon for the adjoining site at No.294 Whale Beach Road to be redeveloped in the future (as many currently are in this locality) in which an opportunity for the adjoining dwelling to be located more in line with the established building line would arise. In this case, it is envisioned that the affected views may be regained.

The proposed development satisfies the outcomes of the view loss control and view sharing is achieved. In this regard, the view impact of the proposed development is considered to be reasonable.

- **D12.6 Side and rear building line**

The proposed kitchen/roof/eave extension results in a non-compliance with the side building line control with the south-east boundary. The proposed development has been correctly defined as alterations and additions and maintains the existing setbacks of the dwelling in which a variation may be considered. The proposed development is supported on merit for the following reasons:

- The proposed development is of minimal bulk and scale. The dwelling is considered to demonstrate modulation and articulation. The proposed colours and materials which will match that of the existing dwelling will satisfactorily blend with the natural environment;
- It is considered that views are equitably preserved and a reasonable level of view sharing from the public and private domain is achieved as discussed earlier in Section 10 of this report;

- It is considered that a reasonable level of amenity, privacy and solar access is maintained to the dwelling and surrounding properties;
- The subject site is substantially landscaped which provides an attractive streetscape and no vegetation is lost as a result of the proposal; and
- The desired future character of the locality is achieved.

- **D12.8 Building Envelope**

Concern has been raised by the adjoining neighbour at No.294 Whale Beach Road regarding building envelope. With regards to the amended plans, the proposed development encroaches the building envelope control in the area of the proposed kitchen/roof/eave extension at the south-east portion of the dwelling.

The control states that eaves or shading devices that provide shade in summer and maximise sunlight in winter, shall be permitted to extend outside the building envelope. In this regard, a variation to the building envelope control in which the eave encroaches the building envelope is supported.

In relation to the non-compliant extension of the kitchen wall on the south-east elevation, a variation to the building envelope control may be considered where the building footprint is situated on a slope over 16.7 degrees (i.e.; 30%). In this instance, the building footprint of the existing dwelling has a slope of approximately 33%. The proposed development is supported on merit for the following reasons:

- The proposed development is of minimal bulk and scale. The dwelling is considered to demonstrate modulation and articulation. The proposed colours and materials which will match that of the existing dwelling will satisfactorily blend with the natural environment;
- It is considered that a reasonable level of view sharing from the public and private domain is achieved as discussed earlier in Section 10 of this report;
- It is considered that a reasonable level of amenity, privacy and solar access is maintained to the dwelling and surrounding properties;
- The removal of the retractable awning will enhance the existing streetscape and the proposal continues to promote a building scale and density that is below the height of the trees of the natural environment;
- No vegetation is lost as a result of the proposal; and
- The development maintains the desired future character of the locality.
-

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) Residential zone as defined by Pittwater Local Environmental Plan 1993. The proposal does not comply with the Side and Rear Building Line and Building Envelope controls' of the Palm Beach locality.

However, the non-compliant aspects of the development are consistent with the merit objectives of the relevant controls and do not result in significant impact upon the amenity of the surrounding properties. Hence, a variation to the relevant controls is supported.

The submission regarding view loss has been considered against the Land and Environment Court's planning principle for view sharing. The proposed view loss has been found to be reasonable with regard to view sharing.

Accordingly, the proposal is recommended for approval subject to conditions.

RECOMMENDATION OF DEVELOPMENT OFFICER / PLANNER

That Council, as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, grant consent to Section 82A Reconsideration Application N0422/10 for alterations and additions to an existing dwelling at No.296 Whale Beach Road, Palm Beach, subject to conditions of consent.

Report prepared by

Ellie Robertson
PLANNER

**DRAFT DETERMINATION
CONSENT NO: N0422/10
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)
NOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION**

Applicants Name and Address:
JAMCO INVESTMENTS PTY LTD
296 WHALE BEACH ROAD
PALM BEACH NSW 2108

Being the applicant in respect of Development Application No N0422/10

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 N0422/10 for:

Alterations and additions to an existing dwelling.

At: 296 WHALE BEACH ROAD, PALM BEACH (Lot 302 DP 16362)

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;

Dwg 0510 1/4, 0510 2/4 A, 0510 3/4 A and 0510 4/4 A all prepared by Shimdesign Architectural Design and Drafting dated May 2010, Risk Analysis & Management for Proposed Additions at 296 Whale Beach Road, Palm Beach prepared by Jack Hodgson Consultants Pty Ltd dated 16 July 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 **Insert Date**

Mark Ferguson
GENERAL MANAGER

Per:

Conditions of Approval

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

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

A. Prescribed Conditions:

1. All works are to be carried out in accordance with the requirements of the Building Code of Australia.
2. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, there is to be such a contract in force.
3. Critical stage inspections are to be carried out in accordance with clause 162A of the *Environmental Planning & Assessment Regulation 2000*. To allow a Principal Certifying Authority or another certifying authority time to carry out critical stage inspections required by the Principal Certifying Authority, the principal contractor for the building site or the owner-builder must notify the Principal Certifying Authority at least 48 hours before building work is commenced and prior to further work being undertaken.
4. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - a. showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c. stating that unauthorised entry to the work site is prohibited.Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
5. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - a. in the case of work for which a principal contractor is required to be appointed:
 - i. The name and licence number of the principal contractor, and
 - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
 - b. in the case of work to be done by an owner-builder:
 - i. The name of the owner-builder, and
 - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
6. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

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

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

1. The recommendation of the risk assessment required to manage the hazards as identified in Geotechnical Report prepared by Jack Hodgson Consultants are to be incorporated into the construction plans.
2. If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Metropolitan Local Aboriginal Land Council (MLALC) and Department of Environment & Climate Change (DECC) are to be notified.
3. 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.
4. Over the life of the development all declared noxious weeds are to be removed/controlled in accordance with the Noxious Weeds Act 1993. Environmental weeds are to be removed and controlled. Refer to Pittwater Council website (www.pittwater.nsw.gov.au) for noxious/environmental weed lists.
5. No environmental weeds are to be planted on the site. Refer to Pittwater Council website (www.pittwater.nsw.gov.au) for environmental weed lists.
6. Any vegetation planted outside approved landscape zones is to be consistent with locally native species growing onsite and/or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and Native Plants for Your Garden link available from Council's website www.pittwater.nsw.gov.au
7. 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.
8. 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.
9. The finished surface materials, including colours and texture of any building, shall match the detail and materials of the existing building.

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.
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.
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.

3. Structural Engineering details relating to the alterations and additions 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.

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.
5. The ongoing operation of Recycling and Waste Management Services is to be undertaken in accordance with the Waste Management Plan.
6. No works are to be carried out in Council's Road Reserve without the written approval of the Council.

7. No skip bins or materials are to be stored on Council's Road Reserve.
8. A clearly legible *Site Management Sign* is to be erected and maintained throughout the course of the works. The sign is to be centrally located on the main street frontage of the site and is to clearly state in legible lettering the following:
 - o The builder's name, builder's telephone contact number both during work hours and after hours.
 - o That no works are to be carried out in Council's Road Reserve without the written approval of the Council.
 - o That a Road Opening Permit issued by Council must be obtained for any road openings or excavation within Council's Road Reserve associated with development of the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
 - o That no skip bins or materials are to be stored on Council's Road Reserve.
 - o That the contact number for Pittwater Council for permits is 9970 1111.
9. A stamped copy of the approved plans is to be kept on the site at all times, during construction.
10. Toilet facilities are to be provided in a location which will not detrimentally affect the amenity of any adjoining residents at or in the vicinity of the work site during the duration of the development.

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

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

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

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

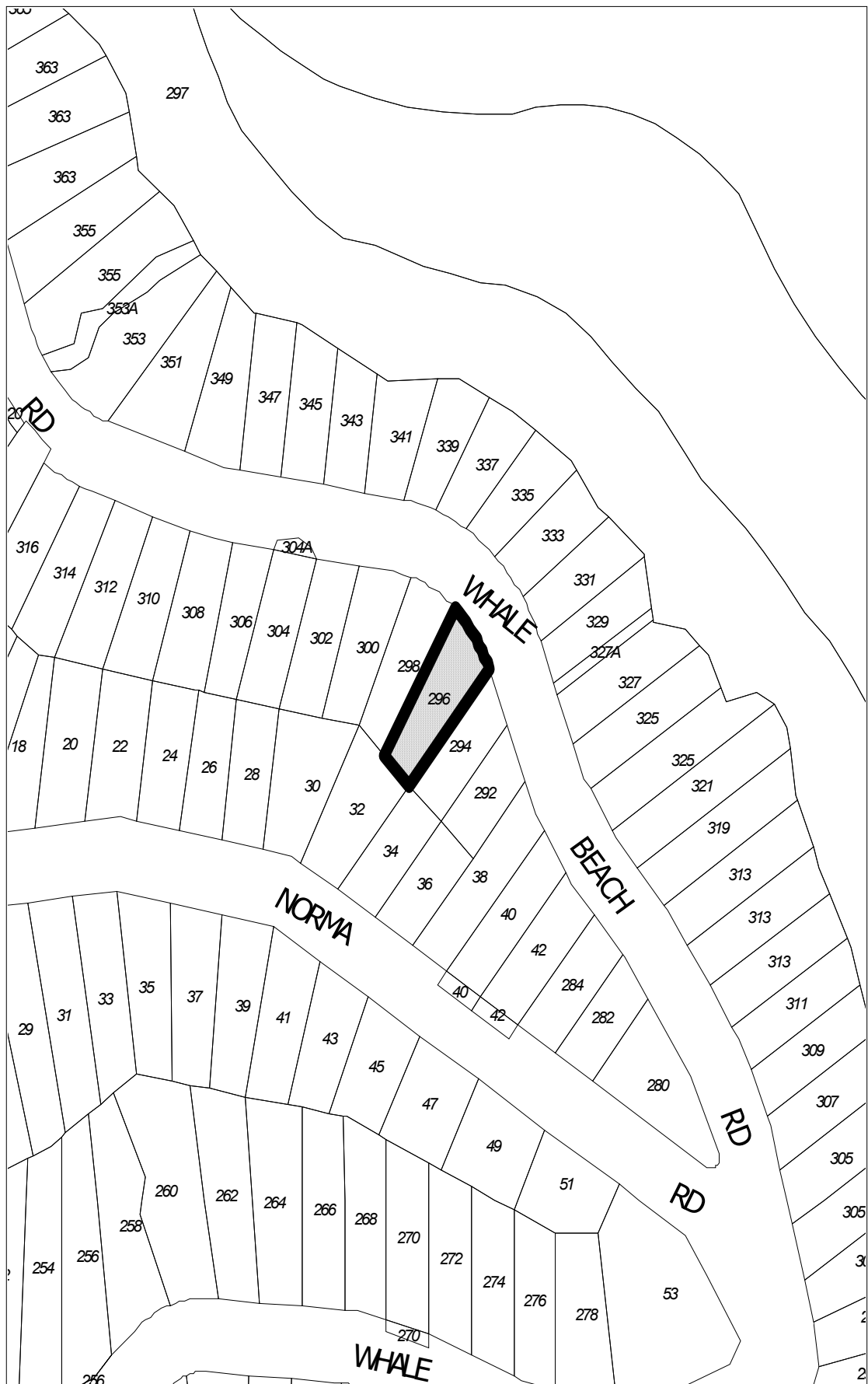
F. Matters to be satisfied prior to the issue of Subdivision Certificate:

Nil

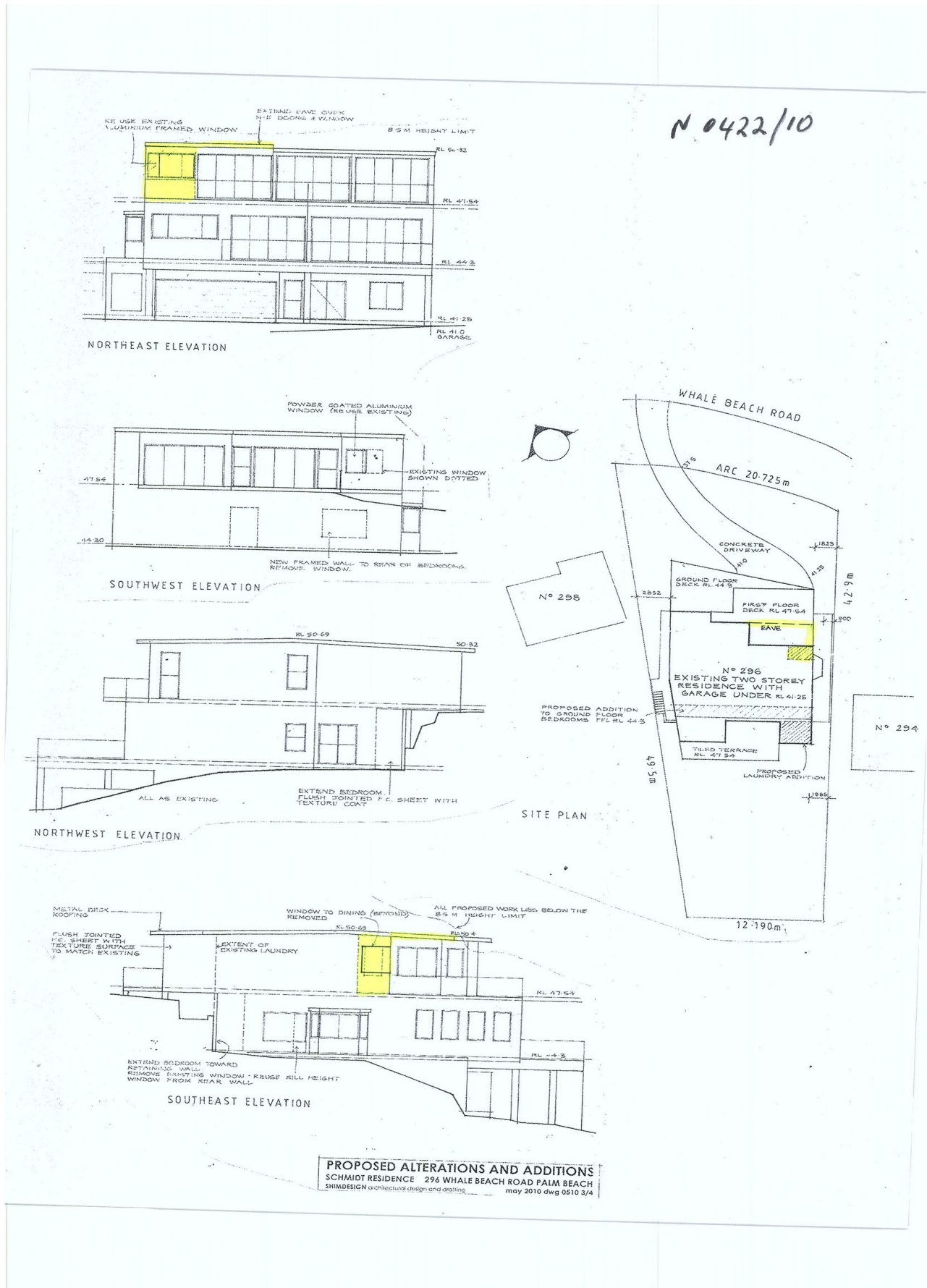
G. Advice:

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



NOTIFICATION PLAN



C11.4 Elanora Heights Village Centre Masterplan

Meeting: Planning an Integrated Built Environment Committee

Date: 15 August 2011

STRATEGY: Town & Village Strategy

ACTION: Develop and implement masterplans and supplementary public domain style guides

PURPOSE OF REPORT

To provide a brief overview of the status of Council's program for preparing masterplans for the main commercial centres of Pittwater. To commence the process for preparing a masterplan for the Elanora Heights Village Centre through the adoption of the project brief at **Attachment 3** and by seeking expressions of interest from consultants/consulting firms to undertake the preparation of the Elanora Heights Village Centre Masterplan.

1.0 BACKGROUND

1.1 On 8 August 2005 Council resolved the following:

"That a report be provided to Council on the process to develop a masterplan for each of the villages covering the legal and planning issues; public consultation processes, including identifying potential stakeholders and participants; possible timeframes and funding issues in the context of the following:

- formulating design solutions for public domain issues such as flooding, drainage, traffic, carparking, manoeuvring of service vehicle (including deliveries and garbage);*
- formulating integrated solutions for the private/public domain addressing issues such as character when viewed from a public place, shop top housing controls and other design controls including solar access, modulation, signage, and lot consolidation for incorporation into an overall masterplan for each village;*
- incorporating the village masterplans into Pittwater 21 DCP to give them appropriate statutory weight*
- that the strategy be based on sustainable urban design principles."*

1.2 Since the initial resolution of Council, the master planning process was undertaken for the Newport centre. The Newport Commercial Centre Masterplan, prepared by consultants HBO+EMTB, was adopted by Council on 5 November 2007.

1.3 As part of Council's rolling program to prepare masterplans for the main commercial centres of Pittwater, the master planning process for North Narrabeen was commenced in October 2007. During the preparation of the masterplan, issues arose regarding the impacts of sea level rise on the centre. On 15 February 2010 Council resolved to 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 the Nareen Creek and the Narrabeen Lagoon Flood Risk Management Studies, to allow consideration of the appropriate planning responses.

- 1.4 Since the resolution to defer the North Narrabeen Masterplan several updates have been reported to Council. It is noted that the Department of Planning finalised *the NSW Coastal Planning Guideline: Adapting to Sea Level Rise* on 20 August 2010. The Nareen Creek and the Narrabeen Lagoon Flood Risk Management Studies are still in progress. As reported to Council on 18 April 2011 the estimated completion date for the Draft & Final Flood Study Report is October 2012.

2.0 ISSUES

2.1 Need and priority for a masterplan for Elanora Heights Village Centre

There is a strong need and justification for a masterplan for the Elanora Heights Village Centre for the following reasons:

- The Newport Masterplan has been completed.
- The process for preparing a masterplan for North Narrabeen has been deferred, and is unlikely to commence again until after October 2012.
- A study on Avalon was completed in the 1990s for a separate DCP for the Avalon Village Centre. The controls of that DCP have been subsequently included in Pittwater 21 DCP.
- No studies on the Elanora Heights Village Centre have been undertaken.
- The budget contains funding for public domain works at Elanora Heights to be completed by the end of June 2012. The master planning project will allow for an integrated approach to planning the public and private domains within the centre.
- The future of Mona Vale will be affected by the Strategic Review currently being undertaken in Warriewood Valley, specifically in relation to the Southern Buffer. In addition to this, Council is in the early stages of preparing an Economic Development Plan, which may have implications for the Mona Vale centre. It is considered that master planning for Mona Vale should not commence until the Strategic Review and the Economic Development Plan are completed.

2.2 Elanora Heights Village Centre Masterplan Area

It is envisaged that the Elanora Heights Village Centre Masterplan will primarily consider the village centre of Elanora Heights (the land zoned 3(a) (General Business "A") located to the south of the intersection formed by Kalang Road and Powderworks Road as well as the Community Centre (zoned 5(a) (Special Uses "A"), a single residential lot (zoned 2(a) (Residential "A") located between the Community Centre and the village centre and the adjoining road network.

It is recommended that a specific predefined area not be adopted at this stage, to allow for input from the Elanora Heights community.

An aerial photograph of the Elanora Heights centre is shown at **Attachment 1**.

A zoning map for the centre is shown at **Attachment 2**.

2.3 What should a masterplan achieve?

In general the master planning process should develop a clear vision for the centre and high level principles that reflect the community's values, while building on any unique characteristics and opportunities that exist. A masterplan should provide solutions to local issues and explain the desired outcomes of the planning controls both graphically and in text. A masterplan and its vision should be established through community consultation and provide a synthesis of views and directions collected from stakeholders. The masterplan should identify the relevant implementation tools needed to implement the vision, such as the Local Environment Plan, a Development Control Plan or a Section 94 Plan, and should provide adequate detail to allow appropriate development controls to be introduced.

2.4 Common principles (public and private areas) that should be addressed in a masterplan based on economic, social and environmental factors are:

Economic

- Enhance existing assets
- Improve centres as destination for visitors, tourists and local residents
- Reinforce civic/community identity
- Increase residential population in centres
- Provide reason to spend money
- Vibrant use of lanes
- Provide a feeling of security
- Economies through consolidation of sites
- Public transport linkages
- Efficient use of energy controls
- Accessible parking
- Activating the evening economy (beyond the “9-to-5”)
- Flexible spaces that meet the needs of local business

Social

- Foster social interaction
- Place identity and local focus
- Enhance historical connections
- Integrate transport and facilities
- Promote cycling and walking
- Pedestrian and cyclist safety and comfort
- Traffic calming
- Street lighting
- Safety by design and security through passive surveillance
- Promote outdoor recreation and eating
- Connectivity of places
- Vibrant use of lanes
- Human scale of development
- Accessibility and universal design
- Shade and solar access
- Street art and furniture
- Space for children and pets

Environmental

- Improve connectivity, including pedestrian, cycling and public transport links
- Enhanced street landscaping and amenity
- Urban design that reflects local character

- Urban design that reflects SEPP 65 principles
- A series of connected villages
- Water sensitive designs
- Solar access, shade, awnings and liveability
- Pavings and plantings
- Responding to topography
- Preserving and enhancing views and vistas
- Preserving nature and natural corridors
- Adapting to climate change
- Maximising green cover

2.5 Statutory Framework

Under the EP&A Act, masterplans are required to be incorporated into a development control plan (DCP). The village masterplans can be readily incorporated into Pittwater 21 DCP.

2.6 Community Consultation

Community consultation must be carried out during the masterplan preparation process leading up to the statutory process of integration into the Pittwater 21 DCP. The involvement of stakeholders in the development of the masterplan will be facilitated. An initial public meeting with the community is proposed to commence the process, as well as further exhibition once a masterplan document has been drafted. The aim of the public meeting will be to establish the community's vision for the centre as well the identification of any opportunities and constraints.

2.7 Project Outline and Time Frames

It is envisaged that the preparation of the masterplan will take approximately seven months and include the following major tasks:

- Council report to commence the process – August 2011
- Letters of consultants seeking expressions of interest – August 2011
- Notification letters to the community – August 2011
- Engage consultant – early September 2011
- Public meeting – early September 2011
- Evaluation of community input – September to October 2011
- Preparation of draft Masterplan – September to November 2011
- Report to Council to endorse Masterplan for public exhibition – November 2011
- Public exhibition period – December 2011 to January 2012
- Evaluation of community response – January to February 2012
- Report to Council to adopt the Masterplan – March 2012

Following adoption of the Masterplan, integration into the DCP and separate consultation will take another two to three months.

2.8 Commencement of project

Once the brief is adopted by Council, an expression of interest will be sought from appropriate consultant firms to undertake the preparation of the Elanora Heights Village Centre Masterplan. Council staff will evaluate the fee proposals received, and select and engage a consultant. Once a successful consultant has been appointed by Council and has accepted the commission, the masterplan process will commence.

2.9 The project brief

A project brief has been prepared for the preparation of a masterplan by consultants. The project brief outlines Council's requirements of the successful consultant to prepare the masterplan. This will enable consultants to closely estimate timeframes and fee proposals for the project when submitting expressions of interest to Council for the project. This will also enable Council staff to better consider any fee proposals submitted to Council for the project, prior engaging a particular consultant to prepare the masterplan.

The brief requires that the successful consultant develop the masterplan through community consultation (including a public meeting).

The project brief recommended for adoption is included at **Attachment 3**.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

3.1.1 The preparation of a masterplan will consider social factors, including built form elements of the private and public domains that contribute to social outcomes such as safety and security, local character and identity, connectivity and accessibility.

3.2 Valuing & Caring for our Natural Environment (Environmental)

3.2.1 The preparation of a masterplan will consider any local environmental issues and constraints such as topography and natural corridors, as well as local improvements such as increased pedestrian and cycling facilities that are relevant to broader environmental issues such as climate change.

3.3 Enhancing our Working & Learning (Economic)

3.3.1 The preparation of a masterplan will consider ways to enhance the form and function of the commercial centre to achieve a sustainable local economy and provide a range of services to the local community.

3.4 Leading an Effective & Collaborative Council (Governance)

3.4.1 The master planning process will include community consultation, including a public meeting to determine the community's vision for the centre.

3.5 Integrating our Built Environment (Infrastructure)

3.5.1 The preparation of a masterplan will inform the refinement of built form controls and lead to improved built form outcomes for the Elanora Heights Village Centre. The process will also include improvements to the public domain, adjacent roads and parking, and consideration of improved pedestrian and cycling facilities and links with public transport.

4.0 EXECUTIVE SUMMARY

4.1 Council has previously resolved to develop masterplans for each of our main village centres.

4.2 The Newport Commercial Centre Masterplan was adopted in November 2007.

- 4.3 The North Narrabeen Masterplan has been deferred. Recommencement of the master planning process in North Narrabeen is dependent on the timing to the Nareen Creek and the Narrabeen Lagoon Flood Risk Management Studies, which are due to be completed in October 2012.
- 4.4 The Elanora Heights Village Centre Masterplan will primarily consider the village centre of Elanora Heights (the land zoned 3(a) (General Business "A") located to the south of the intersection formed by Kalang Road and Powderworks Road as well as the Community Centre (zoned 5(a) (Special Uses "A"), a single residential lot (zoned 2(a) (Residential "A") located between the Community Centre and the village centre and the adjoining road network.
- 4.5 Expressions of interest will be sought from consultants to prepare the Elanora Heights Village Centre Masterplan in accordance with the project brief at **Attachment 3**.
- 4.6 An initial public meeting with the community is proposed to commence the process, as well as further exhibition once a masterplan document has been drafted. The aim of the public meeting will be to establish the community's vision for the centre as well the identification of any opportunities and constraints.
- 4.7 It is envisaged that the preparation of the masterplan will take approximately seven months, with integration into the DCP and separate consultation to take another two to three months.

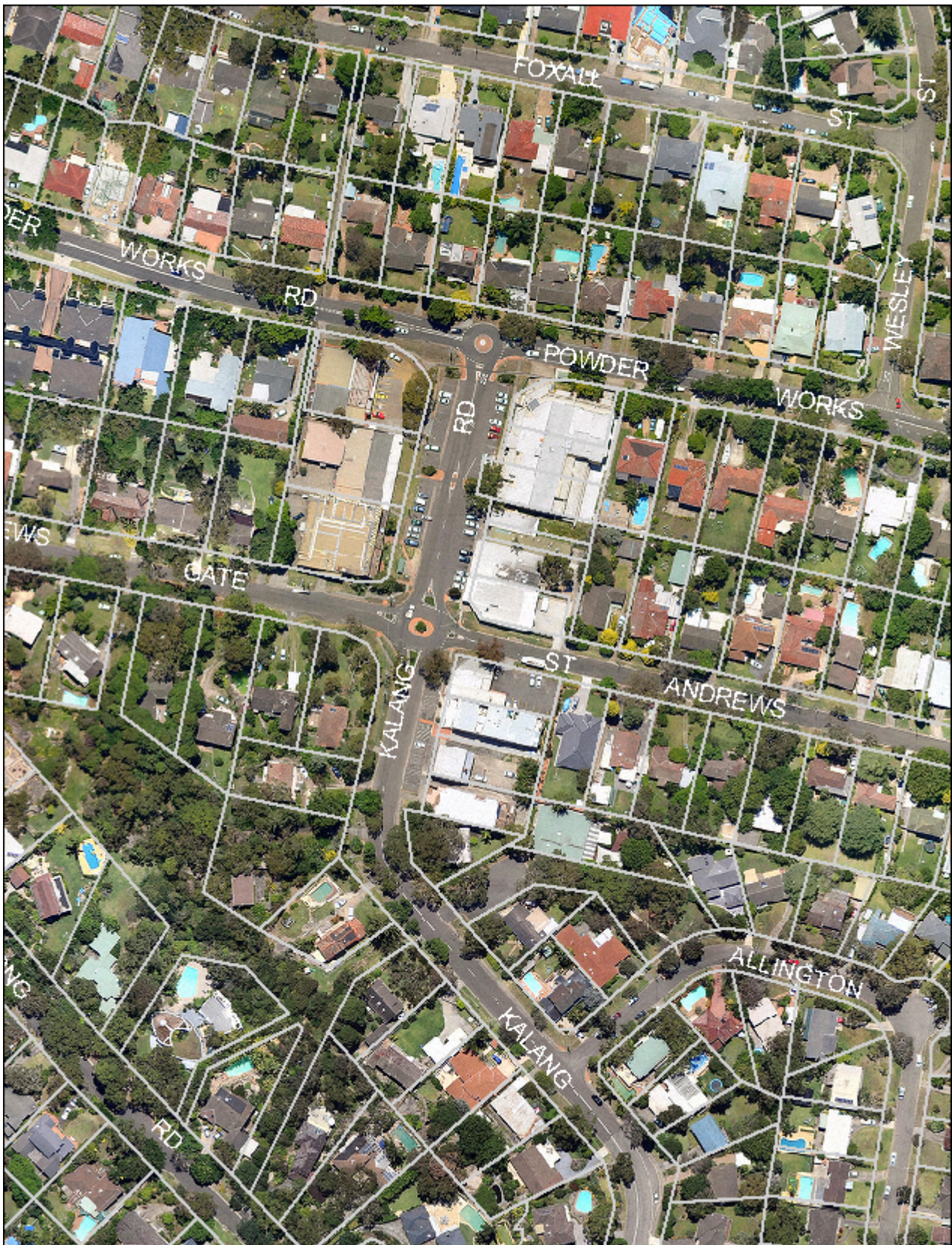
RECOMMENDATION

1. That Council note the contents of the above report in relation to the master planning process.
2. That Council resolve to commence the process for preparing a masterplan for the Elanora Heights Village Centre.
3. That the project brief for the preparation of a masterplan by consultants for the Elanora Heights Village Centre at **Attachment 3** be adopted.
4. That expressions of interest be sought, and an appropriate consultant be engaged to undertake the development of a Elanora Heights Village Centre Village Masterplan in accordance to the project brief at **Attachment 3**.
5. That consultation with the community be carried out, including a public meeting.

Report prepared by
Monique Tite, Senior Strategic Planner

Lindsay Dyce
MANAGER, PLANNING AND ASSESSMENT

AERIAL PHOTOGRAPH



ZONING MAP



**PROJECT BRIEF - ELANORA HEIGHTS VILLAGE CENTRE MASTERPLAN
4 AUGUST 2011**



INTRODUCTION

Pittwater Council is seeking an appropriately qualified and experienced consultant to prepare a masterplan for Elanora Heights village centre. The purpose of the masterplan will be to articulate a clear vision and urban design framework for the public and private domain, with a view to improving the amenity and quality of the built environment.

Community engagement is a crucial element of the project and must be carried out in accordance with Council's Community Engagement Procedures (Annexure 1). The aim of the community engagement process will be to provide local residents, landowners, business owners and other key stakeholders with information relating to the masterplan process and to give them the opportunity to express their concerns, ideas, visions and aspirations for the future of the village centre. These views are to be incorporated into the masterplan to ensure future development reflect the needs and expectations of the community.

OBJECTIVES AND SCOPE

The Elanora Heights masterplan is to include:

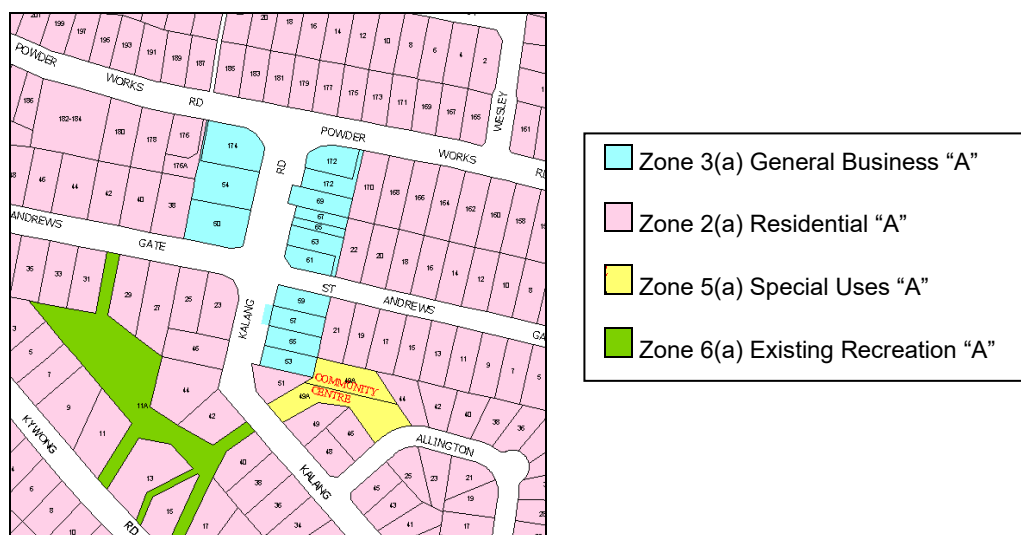
- An urban design framework based on the desired future character expressed by the community, as well as best practice urban design principles, that will guide the short-term rejuvenation of the centre and its development into the future;
- An analysis of key issues regarding the future development of the centre, including any constraints and opportunities identified in close consultation with key stakeholders;
- Design concepts to consolidate and improve the centre's identity and principal elements, and develop a built form that enhances any existing view corridors, vistas, features or focal points;
- An analysis of the social, economic and environmental issues and development controls that would lead to an enhanced sustainable outcome for the Centre;
- Design solutions that address issues of access, parking, service deliveries, traffic (including traffic speed and pedestrian amenity) and visual amenity;
- Incentives to achieve the desired future vision of the centre;
- Controls relating to streetscape, high quality urban design, solar access connectivity and pedestrian movements;
- Strategies and controls to address the relationship between and interface with public and private domain;
- Strategies and controls relating to service delivery areas and access to adjacent residential areas;
- Strategies and controls relating to laneway enhancement;

- Strategies and controls relating to street plantings, furniture and embellishments;
- Strategies and controls to enhance the amenity of residents living in the centre;
- Building design themes to achieve functionality and integration whilst retaining street level individuality and human scale;
- Strategy and controls relating to height of buildings – functionality and human scale;
- A critique of the existing controls for Elanora Heights contained in Pittwater 21 DCP Part D and the character statement contained in Pittwater 21 DCP Part A for Elanora Heights; and
- Recommendations to assist the implementation of the proposed controls, improvements and vision.

THE STUDY AREA

The study area is to be identified as part of the stakeholder engagement process. It is anticipated that the study area will include the land zoned 3(a) and 5(a) in Map 1 below.

Map 1: Locality map



DELIVERABLES

Ten hard copies of the all draft reports and graphic images and one electronic copy compatible with Microsoft Word and graphics in PDF-format are to be provided to Council within the specified timeframe.

Reports and graphics on the community consultation process, existing village characteristics and issues, constraints and opportunities and final outcomes including development controls are to be provided within the specified timeframe.

All mapping outputs must be compatible with Council's GIS system, MapInfo.

PROJECT ADMINISTRATION

Pittwater Council will facilitate a project management team. Liaison between the consultant and the project management team will be undertaken to develop the contents and focus of the project. The Consultant will be responsible for the interpretation of the project and its completion within the specified timeframe.

The Consultant will be required to attend up to six meetings with stakeholders to discuss the content and progress of the project following the initial engagement meeting. The timing of these meetings will be determined after selection of the Consultant. These meetings aim to ensure Council's objectives are being met by the Consultant and will cover:

- 1) The proposed methods and content of the project;
- 2) The progress of the project, consultation, review, quality assurance; and
- 3) The format and outcome details.

The project shall commence from the date of Council's letter engaging a consultant and the final masterplan is to be completed by 28 February 2012.

The consultant must demonstrate a commitment to stakeholder engagement.

INFORMATION AVAILABLE FROM COUNCIL

- Current Development Control Plan
- Aerial photographs
- Contour layers
- Hazard mapping of the centre
- List of potential stakeholders
- Promotional material (invitations, flyers, website, media releases, etc.)
- Statement of Environmental Values

Council's current aerial photographs have the following format:

Resolution	Datum	Projection	Date
7.5cm	GDA94	MGA Zone 56	Feb-10
7.5cm	GDA94	MGA Zone 56	Apr-10
7.5cm	GDA94	MGA Zone 56	Jun-10
7.5cm	GDA94	MGA Zone 56	Aug-10
7.5cm	GDA94	MGA Zone 56	Sep-10
7.5cm	GDA94	MGA Zone 56	Jan-11
14cm	GDA94	MGA Zone 56	May-11

REPORTING AND TIMETABLE

Council proposes the following timetable, which will need to be confirmed by the consultant in their proposal.

On appointment, the successful consultant will be required to meet with members of the project management team and any other relevant parties. The meeting will begin with a one hour tour of the study area, followed by a discussion about the objectives and scope of the project, the proposed methodology, the community engagement strategy and any other significant issues. There will also be an opportunity to discuss variations to the brief and/or the timetable.

By the end of September, the consultant will be required to facilitate an urban design charrette which is to be attended by key stakeholders, including local residents and business owners, to gain an understanding of the needs and expectations of the various individuals and groups.

By the end of October, the consultant will be required to submit a draft masterplan which takes incorporates the results from the design charrette. The consultant will be required to attend a meeting with the project management team in order to present the progress of the project.

By the end of November, the consultant will be required to submit a draft masterplan for Council to endorse for public exhibition. The report is to incorporate comments from consultation and graphic images. The consultant will be required to make a formal presentation of the draft masterplan to Councillors and other stakeholders. It is anticipated that the draft masterplan will be placed on public exhibition from the beginning of December 2011 to the end of January 2012.

By the end of February 2012, the consultant will be required to present a final masterplan to Council.

PROPOSAL

Your proposal is to include:

- Estimate of a lump sum consulting fee. The Consultant shall allow within the lump sum an amount for attendance of up to ten (10) meetings/presentations with the stakeholders.
- Breakdown of individual fees for project tasks specified within the brief.
- A separate costing for any additional resources.
- List of similar work undertaken by consultant.
- Curriculum Vitae of the Senior Personnel who will be directly involved in the project.
- Identification and corresponding fee of any additional tasks the consultant considers necessary to complete the Plan.
- Council must receive proposals by close of business 1 September 2011.

Proposals should be marked for the attention of Assistant Strategic Planner, Sarah Sheehan, and should be addressed to:

**The General Manager
Pittwater Council
P.O Box 882
Mona Vale NSW 1660
DX 9018 Mona Vale**

**Alternatively, proposals can be emailed to:
pittwater_council@pittwater.nsw.gov.au**

TERMS AND CONDITIONS FOR CONSULTANCY SERVICES

THE PROJECT: Prepare a masterplan for the Elanora Heights village centre.

1. General Conditions of Engagement

The Project shall be carried out in accordance with AS 4122-2000 General Conditions of Contract for Engagement of Consultants and any amendments, deletions or additions as detailed in the Annexure included herein.

The contract documents include the Council's Brief, the completed PART A Annexure of AS 4122-2000 (attached), the Consultant's Proposal, Council's Letter of Engagement and the Consultant's Letter of Acceptance.

Written confirmation of acceptance in accordance with the Brief is required before any work can commence.

2. Variation of Contract

The tasks described in the Brief are based on Council's assessment of the Project. The Consultant may suggest amendments required to achieve the aim and objectives during the course of the Project.

Council must first ratify any proposed departure from the Brief before proceeding.

No agreement or understanding that varies or extends the Contract (including in particular the scope of the Consultancy Services) and would result in an increase in the monies payable by, or other liability of Pittwater Council, shall be legally binding upon either party unless agreed to in writing and signed by both parties.

3. Insurance

The Consultant is responsible for taking out insurance giving cover to their firm, their employees and any agent engaged by the Consultant.

Professional Indemnity and Public Liability shall have a minimum cover of \$5 million and \$20 million respectively valid for the currency of the commission. The Consultant shall provide the Council with proof of all insurance required, as per the agreement, prior to commencing work on this Project.

The Consultant's employees shall be covered by Workers' Compensation as required by the laws of New South Wales.

The successful Consultant shall be expected to produce documentary evidence of such Policies (in the form of Certificates of Currency) if requested to do so by Council.

4. Management of Project

4.1 Council's Authorised Representative

Council is the Principal for the Project. Personnel authorised to issue instructions in regard to this Project are:-

Steve Evans – Director, Environmental Planning & Community Division

Phone: 9970 1133

Fax: 9970 1200

Email: steve_evans@pittwater.nsw.gov.au

Andrew Pigott — Principal Strategic Planner – Planning & Assessment

Phone: 9970 1163

Fax: 9970 1200

Email: andrew_pigott@pittwater.nsw.gov.au

4.2 Consultant's Project Manager

The Consultant shall nominate a Project Manager who will be responsible for day-to-day liaison with Council's authorised representative(s). No change of personnel for this role will be permitted without the approval of Council.

5. Consultant

5.1 Key Persons

The Consultant shall nominate the names of the project team who will undertake the work.

Any variations in the members making up the nominated project team will require the approval of Council. If Council does not approve of a substitute or if no substitute is put forth by the Consultant for approval then Council may regard the Consultant as in default of this Agreement.

5.2 Conflict of Interest

The Consultant is required to carry out a check to assure that it has no conflict of interest in performing the project and to identify any potential conflict of interest to Council during the period of the consultancy.

5.3 Expert Witness

The Consultant must be prepared to support its work in any inquiry or court hearing.

6. Sub-consultants

The primary consultant may engage a sub-consultant for a specified part of the Project. The primary consultant is responsible for the sub-consultant's work and compliance with the terms of the project. The sub-consultant has no claim on Council for fees or expenses. The primary consultant shall submit the name and full particulars regarding any sub-consultants to whom they intend to sub-let any portion of the works. Failure to supply this information may result in the submission being rejected. Council reserves the right to approve or reject such listed sub consultants or any proposed alterations.

7. Fee

The Project will be carried out on a Lump Sum basis.

If at any time the Consultant considers that the scope of work under this brief has been varied, the Consultant shall immediately advise the Council in writing of the additional cost associated with such variations. Council shall consider these variations and, if approved, the Consultant will be notified in writing.

8. Progress Claims and Payments

The fee payable by Council for the Consultancy Services is as specified in the consultant's proposal and including GST. Payments will be based upon receipt of claims made by the Consultant, but not sooner than monthly intervals.

The Council shall not be obligated to make any payment unless it is reasonably satisfied that the work satisfies the requirement of the Brief.

9. Progress Reports and Project Program

Progress reports shall be submitted with progress claims. These reports shall include an updated program (if applicable) and sufficient information to enable Council to review project progress. Any issues that may affect the timely and efficient completion of the project shall be identified in these reports.

10. Ownership and Copyright

Ownership and copy right of all products of the study including computer data files and project reports shall rest with Council on the payment of the fee.

11. Confidentiality

Investigations, surveys, reports, maps, designs and all other project related documentation will remain confidential unless, or until released by Council.

12. Quality Assurance

A Quality Assurance system shall be maintained throughout the duration of the Project. Documentary evidence of the quality control measures used to ensure that the important activities of the project are satisfactorily completed shall be required from time to time. Council also reserves the right to have any part of the Consultant's work independently reviewed.

13. Conflict of Interest

The consultant shall inform Council immediately of any matter connected with work under the contract, which could give rise to an actual or potential conflict of interest. This information will be treated as confidential.

The successful appointee will be expected to declare any financial interests in the Council area, which could be construed as producing a conflict of interest during the carrying out of the project.

14. Occupational Health and Safety

The Consultant, including Sub-consultants and any employee, shall at all times comply with the requirements of the Occupational Health and Safety Act & Regulation, and of any other Acts, Regulations, Standards, Codes of Practice & WorkCover guidelines and directions pertaining to the health and safety of workers and other applicable persons. The Consultant shall at all times take all such precautions as are necessary to protect the health and safety of the public.

15. Certification

All final documents prepared by the Consultant must be signed by the Consultant's Project Manager, as nominated in the proposal, to certify that they have been prepared by competent professional staff, checked for accuracy and comply with relevant regulations and the requirements of the Brief.

16. Corrections

Any error, ambiguity or deficiency, which becomes apparent during the course of the Project, shall be referred to the Consultant for correction or clarification. The Consultant shall not be entitled to any additional fee where the correction or clarification arises from a fault of the Consultant.

17. Duration of Project

The duration of the project shall be as per the Council accepted Project Program.

18. Cancellation of Services

Council may cancel the carrying out of services or any part thereof. This may be necessary, for example, should it become evident throughout the course of the project that a particular aspect may not be feasible (for instance due to costs or technical means) and there would be no good reason to progress with that aspect.

Council shall pay the Consultant any fees and expenses reasonably incurred by the Consultant in carrying out the services to the date of cancellation.

19. Termination

The Consultant's commission to carry out the project may be subject to termination due to non-performance or inability to meet set deadlines. Council will firstly attempt to resolve such issues with the consultant. If unsuccessful, the consultant will be informed by letter of such termination, which will be final and not subject to further action. Two weeks notice will be given by Council if this situation arises during the course of the Contract.

20. Attendance at Meetings

The consultant will be required to attend all meetings seen necessary by Council's authorised representatives to successfully undertake the project.

PART A ANNEXURE OF AS 4122-2000

Note: This Annexure is attached to the Terms and Conditions of Consultancy Services and shall be read as part of the Contract.

ANNEXURE to the Australian Standard General Conditions of Contract for Engagement of Consultants		AS 4122-2000 - PART A
1	The Brief is comprised in the following documents: (Clause 1)	Project Brief Elanora Heights village centre Masterplan (dated 4 August 2011)
2	(a) The Client or Principal is: (Clause 1)	The General Manager - Pittwater Council
	(b) The Client's or Principal's address is:	PO Box 882 Mona Vale NSW 1660
3	(a) The Consultant is (Clause 1)	ACN: ABN:
	(b) The Consultant's address is:	
4	The law applicable is that of the State or Territory of: (Clause 1)	New South Wales
5	The Contract Documents are: (Clause 2)	The Brief — being the document stated in Item 1, including Annexure 1 - Terms and Conditions for Consultancy Services and Part A Annexure of AS 4122-2000 General Conditions of Contract for engagement of Consultants; The Consultant's Proposal; Council's Letter of Engagement; The Consultant's Letter of Acceptance
6	(a) If required by Clause 3(b), the Consultant shall submit a Program for Carrying out the Services: (Clause 3(b))	Yes
	(b) If yes, the Program shall be in the following form: (Clause 3(b))	As outlined in the Brief
	(c) If yes, the Program shall be submitted at the following time: (Clause 3 (b))	As outlined in the Brief
7	Key personnel: Clause 3 (g))	As stated in the Consultant's Proposal
8	Fees and charges to satisfy Legislative Requirements payable by the Consultant: (Clause 4(f))	Shall be reimbursed by Council upon submission of invoices by the Consultant
9	The Clients representative is (Clause 6.1)	Steve Evans, Director Andrew Pigott, Principal Strategic Planner

10	The Consultant's representative is: (Clause 6.2)	As stated in the Consultant's Proposal
11	Intellectual Property Rights – Alternative applying: (Clause 8.1)	Alternative 2
12	If Alternative 2 applies, the additional fee payable to the Consultant to vest the Intellectual Property Right in or relating to the Contract Material in the Client: (Clause 8.1)	\$0 (zero)
13	Additional purpose for which contract material maybe used: (Clause 8.2)	As required by Council
14	The Consultant's liability is limited as follows: (Clause 9.1)	
15	(a) Amount of professional indemnity insurance shall not be less than: (Clause 10.1)	\$5,000,000
	(b) The period for which professional indemnity insurance shall be maintained is: (Clause 10.1)	Until completion of services
16	The amount of public liability insurance shall not be less than: Clause 10.2)	\$20,000,000
17	Claims for Payment shall be made: (Clause 13.1)	As stated in Section 8 of the Terms and Conditions for Consultancy Services
18	(a) The Consultants fee shall be determined as follows: (Clause 13.2)	Lump Sum Fee As stated in the Consultant's Proposal Where the fee is payable on a lump sum basis it is not adjustable except as provided for in the Contract.
	(b) The expenses and disbursements to be reimbursed to the Consultant shall be: (Clause 13.2)	Nil
19	The times and place for payment shall be: (Clause 13.3)	On satisfactory completion of services
20	The rate of interest on overdue payments is: (Clause 14.1)	Nil
21	The deemed frustration date if services are not completed: (Clause 14.1)	As stated in Section 18 of the Terms and Conditions for Consultancy Services
22	Arbitration and Expert Determination (Clause 15)	

	(a)	Person to nominate an arbitrator or Expert (Clause 15.3)	The Chairperson for the time being of the Chapter of the Institute of Arbitrators & Mediators Australia in New South Wales
	(b)	Rules of arbitration: (Clause 15.3)	Rules 5-18 of the Rules of the Institute of Arbitrators & Mediators Australia for the Conduct of Commercial Arbitrations
	(c)	Rules for expert determination (Clause 15.4)	The Guideline for expert determination of the Australian Commercial Disputes Centre

ANNEXURE 2

STATUTORY DECLARATION RELATING TO COLLUSIVE PRACTICES

I,

of

New South Wales, do solemnly and sincerely declare, in respect of the quotation for:

Any contract arising from the quotation, that:

- I hold the position of
and am duly authorised by
(The Consultancy) to make this declaration on its behalf
- Neither the Consultancy nor any of its servants or agents had any knowledge of the price of any other Consultancy prior to submitting its quotation nor has the Consultancy or any of its servants or agents disclosed to any rival Consultancy the price prior to the closing of the quotations.
- The Consultancy submitted its quotation in good faith and has not deliberately set its quotation price above the level of rival Consultancies.
- As at the date of this declaration, the Consultancy intends to do work set out in the quotation documents.
- Neither the Consultancy nor any of its servants or agents has entered into any contract, arrangement or understanding having the result that, in the event that it is successful, it will pay to any unsuccessful Consultancy any moneys in respect of or in relation to the approved Consultancy of any contract resulting there from.

Upon written notification of acceptance of quotation by Pittwater Council, I accept the general and specific conditions of contract as listed in council's quotation package document.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths Act, 1900.

Subscribed and declared on:

thisday of.....in the year of 2011.

Signature:.....

Witness Name:.....

Witness Signature:.....

C11.5 Pittwater Local Planning Strategy

Meeting: Planning an Integrated Built Environment Committee

Date: 15 August 2011

STRATEGY: Land Use & Development

ACTION: Complete Local Strategy and standard LEP template process and review DCP to align with best practice sustainability principles.

Review planning instruments to reflect Council's Strategic Plan, local values and respond to regional and state requirements as well as sustainability and climate change.

Explore opportunities for housing diversity to meet a range of needs.

PURPOSE OF REPORT

This report discusses the outcomes of the public exhibition of the draft *Pittwater Local Planning Strategy* and provides an overview of the results of the survey, issues raised through submissions, and the issues raised at the public meeting.

The report will discuss amendments made to the draft *Pittwater Local Planning Strategy* in response to the issues raised.

This report seeks a resolution to adopt the *Pittwater Local Planning Strategy* (see **tabled document**) and associated land capability map, and to use them as a basis for preparing a Standard Instrument LEP for Pittwater.

1.0 BACKGROUND

1.1 Council staff prepared the *Pittwater Local Planning Strategy* to provide the basis for a future Standard Instrument LEP for Pittwater that is consistent with Pittwater's community vision, as well as the draft *North East Subregional Strategy*. The *Pittwater Local Planning Strategy* will help Council manage the additional housing and employment expectations in a manner that is acceptable to the community.

1.2 On 21 March 2011 Council resolved the following:

- *That the report in relation to the draft Pittwater Local Planning Strategy (see **tabled document**) be noted.*
- *That the Community Consultation Plan be adopted and the draft Pittwater Local Planning Strategy and overlay classification map be placed on public exhibition.*
- *That the outcomes of public exhibition be reported back to Council prior to formal adoption of the Pittwater Local Planning Strategy.*

2.0 ISSUES

2.1 Response to public exhibition of the draft *Pittwater Local Planning Strategy*

2.1.1 In accordance with the resolution of Council the draft *Pittwater Local Planning Strategy* was placed on public exhibition from 26 March to 20 May 2011.

2.1.2 During the exhibition period a public meeting was held to discuss the draft *Pittwater Local Planning Strategy*. A total of 34 attendees signed the attendance sheet at the public meeting. A number of issues were discussed and are summarised as follows:

- Ground truthing of mapping information
- The need for infrastructure
- Housing numbers
 - Metro Strategy v Metro Plan
 - Current capacity to meet targets
- Inability to subdivide dual occupancy
- Ingleside
 - Ingleside was included in the Planning Strategy, but did not provide a planning outlook for it
 - Inadequate notification of the public exhibition and the public meeting to Ingleside residents as the Manly Daily is not delivered there
 - Cost and difficulties delivering infrastructure to Ingleside
 - Current situation in Ingleside is unacceptable
 - Lack of information provided to residents of Ingleside
 - Council need to do something in Ingleside

2.1.3 In response to the public exhibition of the draft *Pittwater Local Planning Strategy* a total of 21 written submissions and 79 survey responses were received.

2.1.4 The issues raised at the public meeting, in submissions and in the survey responses, were evaluated and changes have been incorporated in the *Pittwater Local Planning Strategy* where appropriate. A summary of the issues raised and responses to these issues can be found in Attachment 1, 2 and 3 of this report.

2.2 Revisions to the *Pittwater Local Planning Strategy*

A brief outline of each key chapter with a summary of the key changes as a result of submissions is given below.

2.3 Why do we need a Local Planning Strategy?

2.3.1 A broad change throughout the document has been the introduction of a column in the implementation plans in each chapter (and collectively combined in chapter 13). The new column is titled 'sustainability category'. The column identifies whether the action is related to achieving environmental, social or economic sustainability, or a combination of all three.

2.3.2 In chapter 2 under the section 2.4 'To Create a More Sustainable Future', an explanation of the sustainability category has been added. This amendment is considered consistent with the community's goal of embedding the objectives of sustainability throughout the *Pittwater Local Planning Strategy*.

2.4 Centres and Corridors

- 2.4.2 The *Pittwater Local Planning Strategy* examines the existing centres and corridors in the Pittwater LGA and discusses the role of each centre in relation to the centres hierarchy detailed in the draft *North East Subregional Strategy*. The *Pittwater Local Planning Strategy* encourages the retention of employment generating uses in our centres, and promotes the continued viability of centres that serve the needs of the local community.
- 2.4.3 The *Pittwater Local Planning Strategy* also recommends the establishment of an enterprise corridor at North Narrabeen, with appropriate zoning adopted under a future Standard Instrument LEP.
- 2.4.4 Following the exhibition period, the key changes to this chapter include:
- Discussion of neighbourhood centres and their role in Pittwater;
 - Updated definitions for centres, based on the *Metropolitan Plan for Sydney* (2010), rather than the draft *North East Subregional Strategy* (2007); and
 - An additional recommended action in relation to North Narrabeen.
- 2.4.5 A section has been added to broadly discuss the role of neighbourhood centres in Pittwater. The chapter previously identified these centres but did not discuss their particular importance. Some submissions from the community felt that the *Pittwater Local Planning Strategy* gave these centres a lower level importance. These centres are vital in providing for a diverse range of local needs and therefore additional discussion has been added to highlight this. The neighbourhood centres at Church Point and Barrenjoey Road Palm Beach are also acknowledged as serving the needs of the offshore communities.
- 2.4.6 The draft *Pittwater Local Planning Strategy* contained definitions of the types of centres from the draft *North East Subregional Strategy*. This has been updated to the definitions contained within the *Metropolitan Plan for Sydney* as it is a more recent document.
- 2.4.7 The section on North Narrabeen has been amended to acknowledge its location as the southern gateway to Pittwater, and subsequently to recommend that any masterplan for North Narrabeen should promote the centre as the southern gateway to Pittwater.

2.5 Economy and Employment

- 2.5.1 The *Pittwater Local Planning Strategy* reviews the demand for additional jobs including the target set by the draft *North East Subregional Strategy* for achieving 6000 new jobs from 2001 to 2031 and the findings of the *SHOROC Regional Employment Study 2008* and the *SHOROC Employment Lands Study Addendum* prepared in 2011.
- 2.5.2 The key changes to the economy and employment chapter include:
- Additional discussion and a recommendation for achieving sustainable commercial and industrial buildings through the introduction of a minimum Green Star rating;
 - Clarification regarding the 'options' to increase employment floorspace;
 - Amended recommendation for the Southern Buffer, consistent with the scope of the strategic review currently being undertaken in Warriewood Valley; and
 - Some additional recommended actions to better reflect issues discussed in the chapter.

- 2.5.3 The submissions received during the exhibition of the *Pittwater Local Planning Strategy* commonly included a call for stronger commitments and mechanisms for achieving the community vision of a sustainable Pittwater. The vision for a sustainable Pittwater is also at the heart of the 2020 Strategic Plan, which was developed after extensive community consultation. In recognition of the community's strong desire for a sustainable Pittwater, the *Pittwater Local Planning Strategy* has been amended to include discussion on the need for sustainable commercial and industrial buildings and the Green Building Council of Australia's Green Star rating system. The *Pittwater Local Planning Strategy* now recommends the introduction of planning controls that require a minimum 4 star Green Star rating for new and/or significant alterations and additions to commercial and industrial buildings. A brief discussion of the Green Star rating system was also added to chapter 2 'Why do we need a Local Planning Strategy' under the section 2.4 'To Create a More Sustainable Future'.
- 2.5.4 Some submissions received during the exhibition of the *Pittwater Local Planning Strategy* objected to some of the options discussed for meeting the employment targets. The *Pittwater Local Planning Strategy* has been amended to clarify that the options discussed are not necessarily supported, and to explain that they have been included to demonstrate that appropriate regard has been had for a range of scenarios that could theoretically be used to address the predicted demand. The discussion of a range of options has been maintained in the document to ensure a transparent approach to the consideration of options and the selection of the best path forward for Pittwater.
- 2.5.5 The draft *Pittwater Local Planning Strategy* recommended the Southern Buffer in Warriewood Valley be investigated as a potential location for retail development. Since the draft was reported to Council a strategic review of Warriewood Valley has commenced, which includes the Southern Buffer. The scope of the strategic review includes considering the Southern Buffer, not just for retail, but also for commercial, civic and residential uses. The recommended action within the *Pittwater Local Planning Strategy* has been amended to be consistent with the scope of the strategic review.
- 2.5.6 Some additional recommended actions in relation to the economy and employment have been added to better reflect the issues discussed in this chapter. The additional recommended actions are considered consistent with issues as discussed in the draft document and include the following:
- Generally, existing employment land should be allocated appropriate zones within the Standard Instrument LEP to maintain the existing employment functionality of these areas;
 - Retain and where possible expand health and ancillary uses such as education and training, tourism and hospitality, sport (leisure and recreation) and marine industries within Pittwater; and
 - Annual monitoring and reporting on progress towards meeting the employment targets.

2.6 Housing

- 2.6.1 The *Pittwater Local Planning Strategy* provides an analysis of the issues affecting housing in Pittwater and includes an assessment of the capacity and likely dwelling yield under the current Pittwater LEP 1993 and the Warriewood Valley Planning Framework 2010. The *Pittwater Local Planning Strategy* compares predicted yield with demand.

- 2.6.2 Based on calculations of likely yield it is predicted that Pittwater will meet the 2031 housing target (4600 new dwellings) under the current planning regime, such that there is no short to medium term need for planning initiatives to increase the supply of housing. However, it is important to undertake ongoing monitoring to keep track of development and follow any changes in development trends that may affect the achievement of the housing target.
- 2.6.3 The key changes to the housing chapter include:
- Discussion regarding the Warriewood Valley Land Release area and the investigation area at Ingleside has been updated and brought forward from the appendices to the housing chapter;
 - Additional discussion and a recommendation for achieving sustainable residential development; and
 - Additional discussion and recommendations in relation to affordable rental housing.
- 2.6.4 The draft *Pittwater Local Planning Strategy* included discussion of the Warriewood Valley Land Release Area in Appendix 4. However a large proportion of submissions and surveys received during the public exhibition highlighted the community's interest in Warriewood Valley. Therefore the discussion has been brought forward from the appendix to the housing chapter. Some additional discussion has been added in relation to the strategic review currently being undertaken and the ongoing appeal in relation to the Planning and Assessment Commission's (PAC) approval of development in STP Buffer Area 3.
- 2.6.5 In relation to Warriewood Valley the *Pittwater Local Planning Strategy* has also been amended to include an additional recommended action, being, that the outcomes of the strategic review in Warriewood Valley, be considered in the development of the Pittwater Standard Instrument LEP. This action will ensure that any outcomes from the strategic review will be reflected in the development of a new LEP for Pittwater.
- 2.6.6 The submissions received during the exhibition of the *Pittwater Local Planning Strategy* commonly included a call for stronger commitments and mechanisms for achieving the community vision of a sustainable Pittwater. The vision for a sustainable Pittwater is also at the heart of the 2020 Strategic Plan, which was developed after extensive community consultation. In recognition of the community's strong desire for a sustainable Pittwater, the *Pittwater Local Planning Strategy* has been amended to discuss the need to improve the sustainability of residential buildings.
- 2.6.7 In this regard the *Pittwater Local Planning Strategy* now recommends the continued promotion of the Pittwater Sustainability Principles and Checklist (adopted by Council in May 2010), in an effort to educate and inspire the Pittwater community to higher standards of environmental, social and economic sustainability when building new dwellings or making alterations and additions to existing dwellings. A brief discussion of the Pittwater Sustainability Principles and Checklist was also added to chapter 2 'Why do we need a Local Planning Strategy' under the section 2.4 'To Create a More Sustainable Future'.
- 2.6.8 In relation to affordable housing, the *Pittwater Local Planning Strategy* has been updated to include figures on the number of very low, low and moderate income households in housing stress in Pittwater. The recommendation has been amended to add an action requiring Council to research the extent of key worker households that are experiencing housing stress and may require Affordable Rental Housing.

The recommendation also includes an action requiring Council to develop a 'Local Affordable Housing Choice Strategy' to reflect the affordable housing needs of Pittwater within the context of our local character, and gain exemption from all or part of the new Affordable Housing Choice SEPP currently being developed by the Department of Planning and Infrastructure.

2.6.9 Council has consistently opposed the current Affordable Rental Housing SEPP as it is seen as contrary to the orderly planning process. The opportunity to develop a locally specific policy and gain exemption from any new SEPP is therefore welcomed.

2.6.10 An additional action was also added to recommend annual monitoring and reporting on Pittwater's progress towards meeting the housing targets.

2.7 Ingleside Investigation Area

2.7.1 The draft *Pittwater Local Planning Strategy* also included discussion of the Ingleside investigation area in Appendix 4. The discussion of Ingleside has been brought forward from Appendix 4 to the housing chapter.

2.7.2 The future development of Ingleside was a very prominent topic at the public meeting held during the public exhibition period and in the submissions and surveys received. There was generally concern raised regarding the lack of any recommendations in relation to a forward path for Ingleside and a very strong feeling from the Ingleside community that decisions in relation to Ingleside should not be delayed. Emanating from this public meeting, a report was presented to Council in May 2011, regarding the status of the Ingleside investigation area. The Council resolved as follows:

"That the General Manager seek to have an urgent high level meeting with the Director General of the Department of Planning & Infrastructure and appropriate staff to urgently determine a forward path in developing a planning solution for South Ingleside, North Ingleside and Wirreanda Valley component of the original Ingleside -Warriewood land release."

2.7.3 In accordance with the above recommendation, a meeting was held between the General Manager and the Director General of the Department of Planning and Infrastructure. An outcome of this meeting is that a further meeting is to be held between the high level technical staff from Council and the Department to instigate a "whole of government approach" to determining a viable planning solution for Ingleside. This follow up meeting has been scheduled for mid August 2011. A report will be presented to Council advising of the outcome of this meeting. It is envisaged that Council will include the preparation of a planning solution for Ingleside in its 2012 program following the Warriewood Valley Review.

2.8 Transport and Infrastructure

2.8.1 The *Pittwater Local Planning Strategy* examines key transport and infrastructure challenges and trends and recognises that most of the current and future transport and infrastructure needs rely on the State Government for both funding and implementation. It is considered that the role of Council is to communicate the needs of the community and advocate for appropriate provision of transport and infrastructure services.

2.8.2 It is considered that the Council can work towards reducing the use of private motor vehicles for local trips, by improving opportunities for walking, cycling and other non vehicular transport modes throughout Pittwater.

2.8.3 The key changes to the transport and infrastructure chapter include:

- Discussion of Mona Vale Cemetery;
- Discussion of ferry services; and
- Some additional recommended actions to better reflect issues discussed in the chapter.

2.8.4 The draft *Pittwater Local Planning Strategy* did not discuss Mona Vale Cemetery. The cemetery has been recognised as necessary infrastructure and as such, discussion of its capacity has been added to the transport and infrastructure chapter. An action requiring Mona Vale Cemetery to be maintained as an important asset to the Pittwater area has also been added to the recommendation.

2.8.5 Submissions received during the public exhibition of the draft *Pittwater Local Planning Strategy* noted a lack of discussion relating to the ferries servicing the western foreshores and Scotland Island. A section discussing the vital role of ferries in Pittwater has been added to the transport and infrastructure chapter. An action requiring Council to lobby the State Government to improve and maintain ferry services in Pittwater has been added to the recommendation.

2.8.6 Some additional recommended actions have been added to better reflect the issues discussed in this chapter. The additional recommended actions are considered consistent with issues as discussed in the draft document and include the following:

- Mona Vale Hospital should be recognised as a vital service for the local community and be maintained and upgraded to meet demand;
- Any potential future mains and sewerage connections for the western foreshores and Scotland Island to be subject to separate public consultation prior to the works being undertaken i.e. regarding the nature and extent of these works;
- Review Council parking policies in and around centres;
- Improve pedestrian and cycling infrastructure; and
- Review and implement the Walks and Rides Masterplan (including cycleway provision).

2.9 Environment, Heritage and Resources

2.9.1 The *Pittwater Local Planning Strategy* considers issues associated with the natural environment, European and Aboriginal heritage, and the sustainable use of resources. The *Pittwater Local Planning Strategy* recommends that the land capability map be used to inform future land use planning decisions and provide a tool for evaluating areas capable of more intensive land uses. The *Pittwater Local Planning Strategy* also recommends a range of actions to protect and control development in environmentally sensitive areas, items and areas of heritage value and areas subject to hazard.

2.9.2 The key changes to the environment, heritage and resources chapter include:

- An additional section dedicated to resources and sustainable development;
- Acknowledgement of waterways shared with other LGAs; and
- Some additional recommended actions to better reflect the issues discussed in the chapter.

- 2.9.3 As mentioned above, in relation to both the economy and employment chapter and the housing chapter, the submissions received during the exhibition of the *Pittwater Local Planning Strategy* included a general desire for stronger commitments and mechanisms for achieving the community vision of a sustainable Pittwater. In response to the community an additional section has been added to the environment, heritage and resources chapter to discuss the use of resources and the achievement of sustainable development.
- 2.9.4 This section discusses the promotion of sustainable buildings, the use of the sustainability criteria for assessing land releases and the development of the Green Star Communities tool. It also discusses the need for improved pollution control and minimisation, and improved waste and recycling.
- 2.9.5 Several additional actions related to this discussion have been added to the recommendation, including:
- Apply the sustainability criteria (Metropolitan Strategy 2005) to any future development of release areas (including Ingleside);
 - Follow the development of the Green Star Communities tool, have consideration for this tool in future reviews of the Pittwater Local Planning Strategy;
 - Review the water management controls within the Pittwater 21 DCP; and
 - Consider strengthening waste management requirements in future updates to the Pittwater 21 DCP and in future reviews on conditions of consent.
- 2.9.6 In response to a submission received from Hornsby Council the *Pittwater Local Planning Strategy* has been amended to recognise that Pittwater shares some waterways such as Coal and Candle Creek and Cowan Creek with adjoining local government areas. The *Pittwater Local Planning Strategy* now acknowledges that a consistent approach to their management is necessary and to this end recommends that zoning and land use planning decisions be made with consideration of the planning controls and policies of the adjoining local government areas.
- 2.9.7 Some additional recommended actions have been added to better reflect the issues discussed in this chapter. The additional recommended actions are considered consistent with issues as discussed in the draft document and include the following:
- Provide improved protection for significant bushland;
 - Development controls and policies shall be progressively updated to reflect the latest available information and best practice in planning for natural hazards including climate change;
 - Consider mechanisms for reducing roadkill and increasing fauna connections between areas of significant habitat; and
 - Ensure any future development of release areas (including Ingleside) and any plans for infill development are designed to encourage the use of sustainable forms of transport, including walking and cycling.

2.10 Parks, Public Places and Culture

- 2.10.1 The *Pittwater Local Planning Strategy* considers the provision of quality open space and recreational facilities for the local and tourist populations, and the provision of accessible community facilities to facilitate the growth of local culture and healthy sustainable communities.

2.10.2 The key changes to the parks, public places and culture chapter include:

- Discussion of the new 'Recreation and Open Space Planning Guidelines for Local Government' and the need to review the current Open Space, Bushland and Recreation Strategy for Pittwater; and
- Discussion of the changing arrangements for publicly owned land under the Standard Instrument LEP.

2.10.3 In 2011 the NSW Department of Planning released the 'Recreation and Open Space Planning Guidelines for Local Government'. In light of the new guidelines it is considered that Council should investigate reviewing the current Open Space, Bushland and Recreation Strategy for Pittwater, last prepared in 2000. The outcomes of any review would be considered in the preparation of the Standard Instrument LEP for Pittwater and any future reviews of the Pittwater Local Planning Strategy.

2.10.4 As indicated in the previous report to Council on the draft *Pittwater Local Planning Strategy*, despite the generous provision of open space in the Pittwater LGA most of this space is 'passive' open space (such as parks and reserves) and there is some indication of a shortage of playing fields and sports grounds. Although this shortage is not considered critical, it is considered that Council should review the current Open Space, Bushland and Recreation Strategy (2000) for Pittwater, including the promotion and encouragement of private sector involvement and the identification of any areas of unmet demand. It is also envisaged that in identifying any areas of unmet demand a review of the Open Space, Bushland and Recreation Strategy would also consider options for providing additional facilities to meet demand.

2.10.5 A section has been added to the parks, public places and culture chapter to discuss the management of public land through plans of management and the issues related to the changing arrangements under the Standard Instrument LEP. Currently the Pittwater LEP 1993 affords plans of management the power to detail both; how the land is best used (development, works or activity) and the type of approval required (exempt, development consent or prohibited). In moving to the Standard Instrument LEP these arrangements will be different. Plans of management will continue to be important documents that cover the broad range of purposes outlined by the *Local Government Act 1993* and be the key informing document used to inform the selection of land use terms for the Standard LEP zone.

2.10.6 In consideration of these issues the following actions have been added to the recommendation:

- Future reviews should consider the changing arrangements for permissible land uses under the Standard Instrument LEP; and
- Review the range of land uses contained in relevant plans of management with the aim of being able to appropriately provide for equivalent land uses within the Standard LEP regime.

2.11 Implementation and Governance

2.11.1 The *Pittwater Local Planning Strategy* aims to be integrated, open and transparent. To achieve this the *Pittwater Local Planning Strategy* considers the need for community consultation, consistency with the Pittwater 2020 Strategic Plan and other council strategies, consistency with the *Metropolitan Plan* and the draft *North East Subregional Strategy* and the need for an ongoing review process to keep the *Pittwater Local Planning Strategy* current and relevant.

- 2.11.2 The *Pittwater Local Planning Strategy* should be reviewed 12 months after adoption, and at least every five years after that, or in response to significant changes in the direction of relevant Local, Subregional or State Government strategies.
- 2.11.3 No significant changes have been made to the implementation and governance chapter.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

- 3.1.1 The *Pittwater Local Planning Strategy* aims to consider the needs and aspirations of the community and includes consideration of social and cultural issues. It recognises the important role of community facilities and our open space network in facilitating local culture and healthy sustainable communities. It also aims to ensure that the housing and employment targets in the draft *North East Subregional Strategy* can be achieved by 2031 in a manner acceptable to the community.

3.2 Valuing & Caring for our Natural Environment (Environmental)

- 3.2.1 The *Pittwater Local Planning Strategy* is underpinned by a sieve mapping process that has resulted in a land capability map, reflecting among other things, the spatial distribution of environmentally sensitive and valuable assets in Pittwater. The *Pittwater Local Planning Strategy* recommends the land capability map be used to inform future land use planning decisions, thereby ensuring future development is confined to environmentally appropriate locations.

3.3 Enhancing our Working & Learning (Economic)

- 3.3.1 The *Pittwater Local Planning Strategy* addresses issues relating to the economy and employment and recognises the importance of a strong local economy to the future sustainability of Pittwater. The *Pittwater Local Planning Strategy* aims to ensure that the employment targets of the draft *North East Subregional Strategy* and the *SHOROC Regional Employment Study and Addendum* can be achieved by 2031 in a manner acceptable to the community.

3.4 Leading an Effective & Collaborative Council (Governance)

- 3.4.1 The *Pittwater Local Planning Strategy* considers the need for consultation with the community and aims to provide land use planning actions generally consistent with the 2020 Strategic Plan and other relevant Local, Subregional, State and Commonwealth Government strategies. The *Pittwater Local Planning Strategy* also includes consideration of the need for ongoing reviews and updates. The *Pittwater Local Planning Strategy* has been publicly exhibited and revised in response to comments received from the community.

3.5 Integrating our Built Environment (Infrastructure)

- 3.5.1 The *Pittwater Local Planning Strategy* has given consideration to the community vision and the desired character of the Pittwater LGA (as described in the Pittwater 21 Development Control Plan), which focuses on sustainable development and the preservation of the existing character of the environment and our village centres. The *Pittwater Local Planning Strategy* considers that any future development should be consistent with both the community vision and desired character. The document includes recommendations for the continued lobbying of State and Federal Governments for improvements to infrastructure in the LGA.

4.0 EXECUTIVE SUMMARY

- 4.1 The preparation of the *Pittwater Local Planning Strategy* (see **tabled document**) was in direct response to a specific strategic initiative of the *Pittwater 2020 Strategic Plan* (contained in the Land Use and Development Strategy), which requires the completion of a Local Strategy.
- 4.2 The *Pittwater Local Planning Strategy* will inform a future Standard Instrument LEP that is consistent with the goals and objectives of the local area as well as the draft *North East Subregional Strategy* and other relevant Local, Subregional, State and Commonwealth strategies.
- 4.3 The draft *Pittwater Local Planning Strategy* was publicly exhibited from 26 March to 20 May 2011.
- 4.4 In accordance with the community consultation plan a public meeting was held to discuss the draft *Pittwater Local Planning Strategy*. A total of 34 attendees signed the attendance sheet at the public meeting (the issues raised are summarised in **Attachment 3**).
- 4.5 Council received a total of 21 written submissions and 79 survey responses in response to the public exhibition (the issues raised are summarised in **Attachment 1 & 2**).
- 4.6 The *Pittwater Local Planning Strategy* has been amended in response to issues raised during the public exhibition. The key changes to the document include:
- An amended recommendation for the Southern Buffer consistent with the scope of the Strategic Review currently being undertaken in Warriewood Valley;
 - Additional discussion and a recommendation for achieving sustainable commercial and industrial buildings through the introduction of planning controls to require a minimum 4 star Green Star rating;
 - Discussion regarding the Warriewood Valley Land Release area and the investigation area at Ingleside have been modified and brought forward from the appendices to the housing chapter;
 - Additional discussion and a recommendation for achieving sustainable residential buildings through the promotion of the Pittwater Sustainability Principles and Checklist;
 - Additional recommended actions in relation to affordable rental housing, including the development of a 'Local Affordable Housing Choice Strategy';
 - Discussion of the new 'Recreation and Open Space Planning Guidelines for Local Government' and the need to review the current Open Space, Bushland and Recreation Strategy for Pittwater; and
 - Discussion of the changing arrangements for publicly owned land under the Standard Instrument LEP.
- 4.7 The major findings of the document largely remain the same and include:
- That to meet the 2031 employment target and forecast floorspace demand, the Southern Buffer in Warriewood Valley should be investigated as a potential location for future additional employment generating uses.
 - That it is likely that the 2031 housing target can be met under the existing planning regime, such that there is no short to medium term need for planning initiatives to increase the supply of housing.

- 4.8 In relation to the Ingleside investigation area a meeting is to be held between high level technical staff of Council and the Department of Planning and Infrastructure to instigate a “whole of government approach” to determining a viable planning solution for Ingleside. It is envisaged that Council will include the preparation of a planning solution for Ingleside in its 2012 program following the Warriewood Valley Review.
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RECOMMENDATION

1. That the report in relation to the outcomes of public exhibition of the draft *Pittwater Local Planning Strategy* (see **tabled document**) be noted.
2. That the revised *Pittwater Local Planning Strategy* and associated land capability map be adopted by Council.
3. That the *Pittwater Local Planning Strategy* and the recommendations contained therein be used as the basis for preparing a Standard Instrument LEP for Pittwater.
4. That following the meeting held between high level technical staff from Council and the Department of Planning and Infrastructure, a report be prepared for Council on the progression of a “whole of government approach” to the preparation of a planning solution for Ingleside.

Report prepared by
Monique Tite, Senior Strategic Planner

Lindsay Dyce
MANAGER, PLANNING AND ASSESSMENT

REVIEW OF SURVEY RESPONSES

79 survey responses were received. The main response from the community is summarised in the table below, together with comments regarding how the Strategy responds to community attitudes.

Survey question	Community response	Strategy Response
What do you value about living in Pittwater?	The overwhelming response was that residents valued the proximity and access to beautiful, clean and well maintained beaches and waterways. The second most popular response was the natural surroundings and proximity to native bushland and wildlife.	The Strategy recognises these attributes as fundamental to the character and appeal of Pittwater. The Strategy places a high value on the natural environment and aims to facilitate environmental sustainability.
Mona Vale is currently the main town centre in Pittwater. How do you see it evolving over the next 10-20 years?	A large number of people wanted to see more parking in Mona Vale. In relation to further growth there was a mixed response with equal numbers preferring no change and some growth to support business and population.	The Strategy does not recommend any significant change for Mona Vale, but does include the recommendation for a review of Council parking policies in and around centres and well as improvements to pedestrian and cycling infrastructure.
What are the positive and negative outcomes of population growth?	The most common negatives associated with population growth were traffic congestion and delays, and overcrowding. The most common positive associated with population growth was increased employment opportunities.	<p>The Strategy recognises the issue of traffic congestion on Pittwater roads and that the many of the main roads are at or nearing capacity during peak hours. The Strategy recommends lobbying for improved public transport and road infrastructure including the widening of Mona Vale Road.</p> <p>The Strategy aims to increase employment opportunities in Pittwater and recommends investigation of the Southern Buffer in Warriewood Valley for potential employment generating uses.</p>
Pittwater needs to provide 6000 new jobs by 2031. Considering the need to be more sustainable, where would you like them to be?	The most popular response was Warriewood Valley, with Mona Vale being the second most popular response.	The Strategy recommends investigation of the Southern Buffer in Warriewood Valley for potential employment generating uses.
The Metropolitan Plan aims to focus residential development within centres and corridors, which have access to public transport and local services, as it is believed these are the most sustainable locations for housing. Do you support this?	63% said yes.	The Strategy recommends the promotion of a centres based approach for additional dwellings, however the current forward projection is that Pittwater does not need to provide any new areas of housing to meet the dwelling targets for 2031.

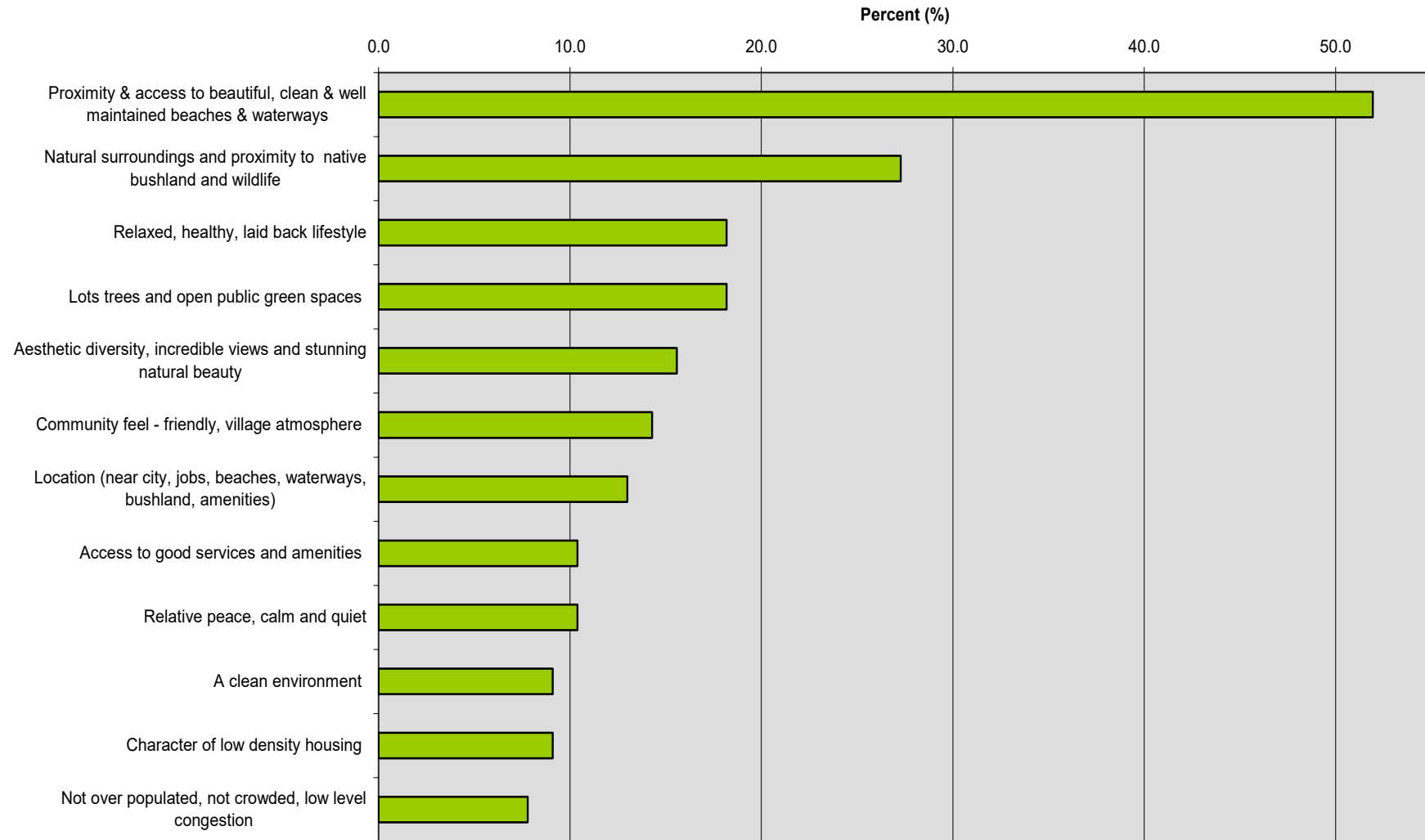
Survey question	Community response	Strategy Response
Which centres in Pittwater do you think are suitable for accommodating further sustainable growth?	The most popular responses were that Ingleside and Warriewood Valley were suitable for further growth.	<p>In line with the community response these areas are likely to be those which accommodate any future growth; however there remains a level of uncertainty regarding both areas.</p> <p>The Strategy recommends awaiting the outcomes of discussion with the Department of Planning and Infrastructure regarding the future of Ingleside.</p> <p>The Strategy recommends that the outcomes of the Strategic Review of Warriewood Valley (currently being undertaken) be considered in the development of a Standard LEP for Pittwater.</p>
Which centres in Pittwater do you think are unsuitable for accommodating further sustainable growth?	The most popular responses were that Avalon and Newport were unsuitable for any growth.	In line with the community response the Strategy does not identify these areas for any further growth
If Pittwater needs to provide areas for new housing in the future, which places in Pittwater would be most suitable for accommodating new multi unit housing?	Ingleside, Warriewood Valley and Mona Vale were seen as the most appropriate areas for more multi unit housing.	The current forward projection is that Pittwater does not need to provide any new areas of housing to meet the dwelling targets for 2031; however should this change in the future the response from the community would be considered in establishing the best areas for additional housing.
To meet future housing targets should Council allow dual occupancy development throughout Pittwater?	The response was mixed, with 28% saying no, 52% yes and 20% saying other (which consisted of mainly of the suggestion for some controls and limits on the distribution of dual occupancy)	The current forward projection is that Pittwater does not need to provide any new areas of housing to meet the dwelling targets for 2031. The Strategy does not propose any additional dual occupancy development be allowed in Pittwater.
If Pittwater needs to provide areas for new housing in the future I would prefer these to be in the form of:	There was a clear preference from the majority of respondents for low density housing (over 50%), however there was also a strong (over 30%) response in favour of medium density housing.	The current forward projection is that Pittwater does not need to provide any new areas of housing to meet the dwelling targets for 2031.
If Pittwater needs to provide areas for new housing in the future I would prefer the majority of new dwellings to be located in:	The responses were split fairly evenly between non-urban areas and a limited number of existing centres.	<p>Development in the non-urban areas of Ingleside is subject to further investigation and there is a Strategic Review being undertaken regarding the undeveloped areas of Warriewood Valley.</p> <p>The outcomes of the Strategic Review will inform the preparation of the Standard Instrument LEP for Pittwater.</p>

Survey question	Community response	Strategy Response
The provision of affordable housing is important for economic and social sustainability. Should affordable housing be provided even if incentives such as additional floor space or increased height need to be offered?	62% said yes.	The Strategy recommends Council promote more affordable rental housing in Pittwater, the development of a Local Affordable Housing Choice Strategy and research into the extent of key worker households that are experiencing housing stress and may require Affordable Rental Housing.
What is your preferred method of consultation?	A majority preferred to be directly contacted by letter.	This will be taken into consideration when preparing consultation plans for future reviews of the Strategy and the preparation of any other planning documents.
Do you think consultation on this issue is worthwhile?	Most people (93%) believe consultation on this issue is worthwhile.	It is agreed that consultation is worthwhile and the Strategy recommends further consultation in relation to any reviews of the Strategy.
Which age group do you fit into?	Respondents were evenly represented across the 35 to 70 age groups, with only a limited number of responses being received from younger residents.	Future consultation should consider ways to engage younger members of the Pittwater community.
What is your gender?	64% male, 36% female.	Future consultation should consider improved ways for engaging with a greater proportion of female members of the community.
What is your employment status?	Most respondents were either employed full time or retired, with a reasonable representation from part time and casual employees.	The consultation plan is considered to have reached people with a reasonable distribution of employment types.
Where respondents were from?	Most respondents (95%) were residents of Pittwater. 63% of the survey respondents gave details of their suburb. Of these 43% were from Ingleside, with the remaining being fairly evenly split across the other suburbs.	There was an over representation of respondents from Ingleside. Future consultation should consider improved ways for engaging with people from more areas within Pittwater in order to ensure that community feedback is representative of the entire community.

A more detailed graphical summary of responses to the survey can be found below.

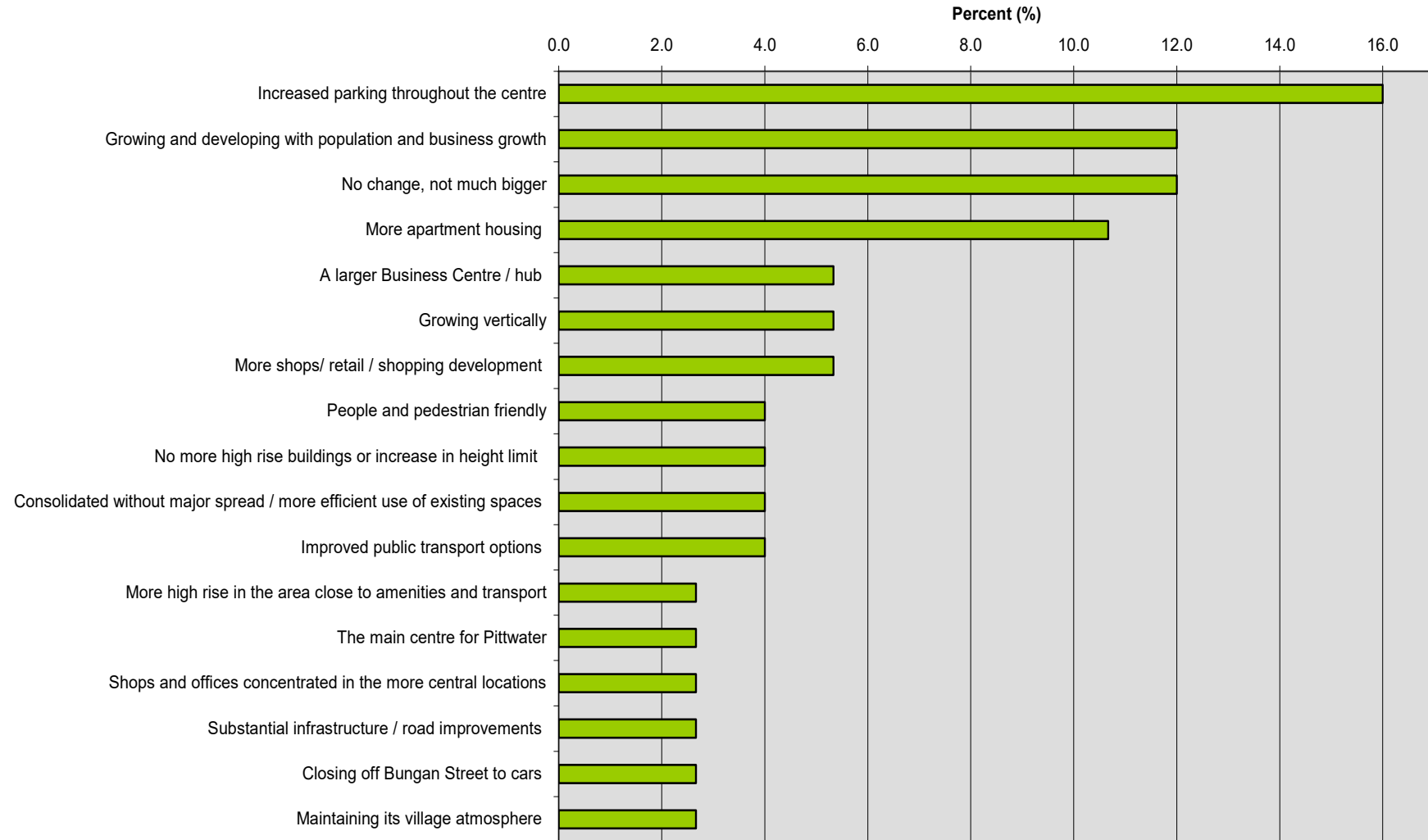
What people value most about living in Pittwater

The answers given were summarised into common themes/topics. The top 12 answers are representing in the graph below.



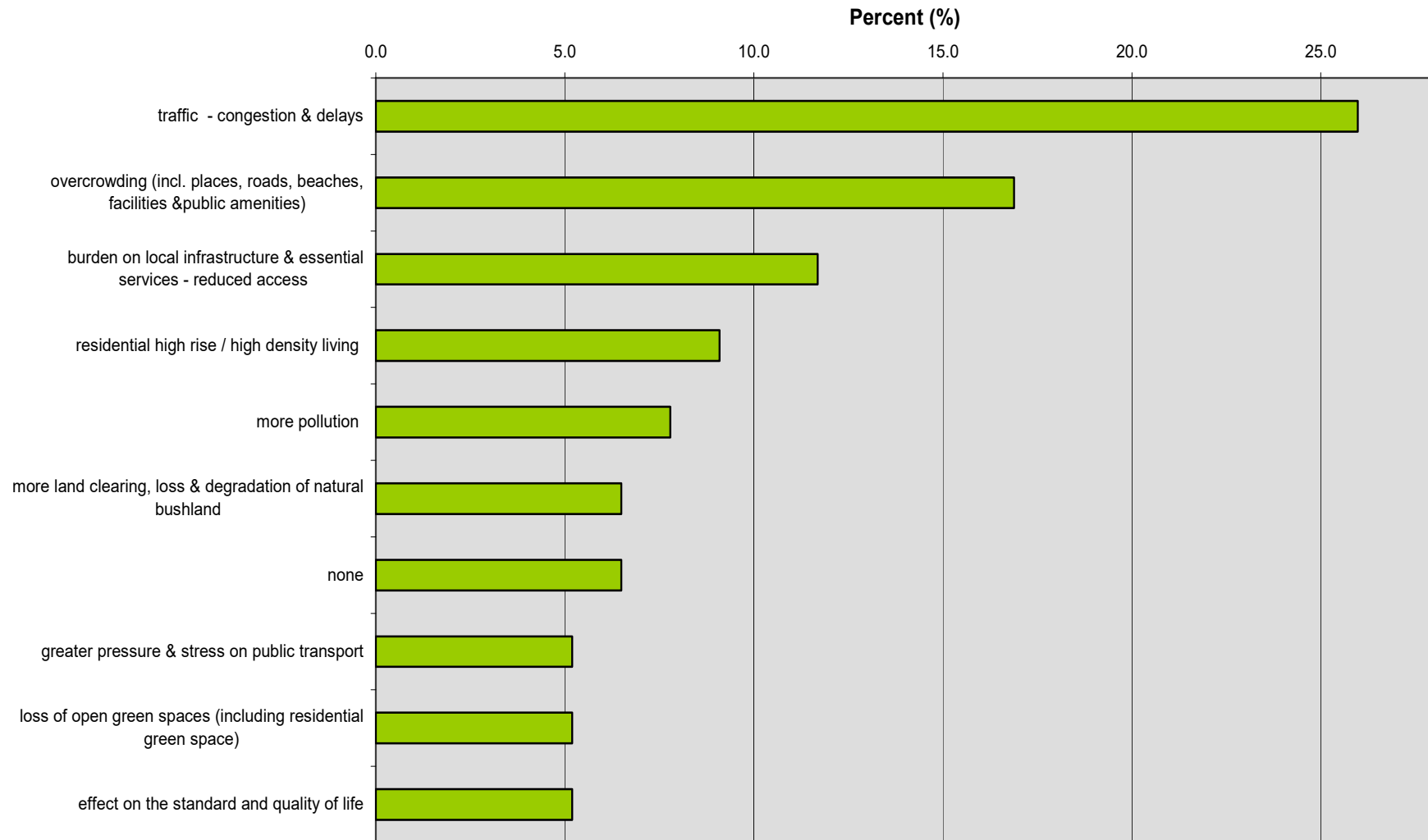
How do you see Mona Vale evolving over the next 10-20 years?

The answers given were summarised into common themes/topics, the top 17 responses are represented below.



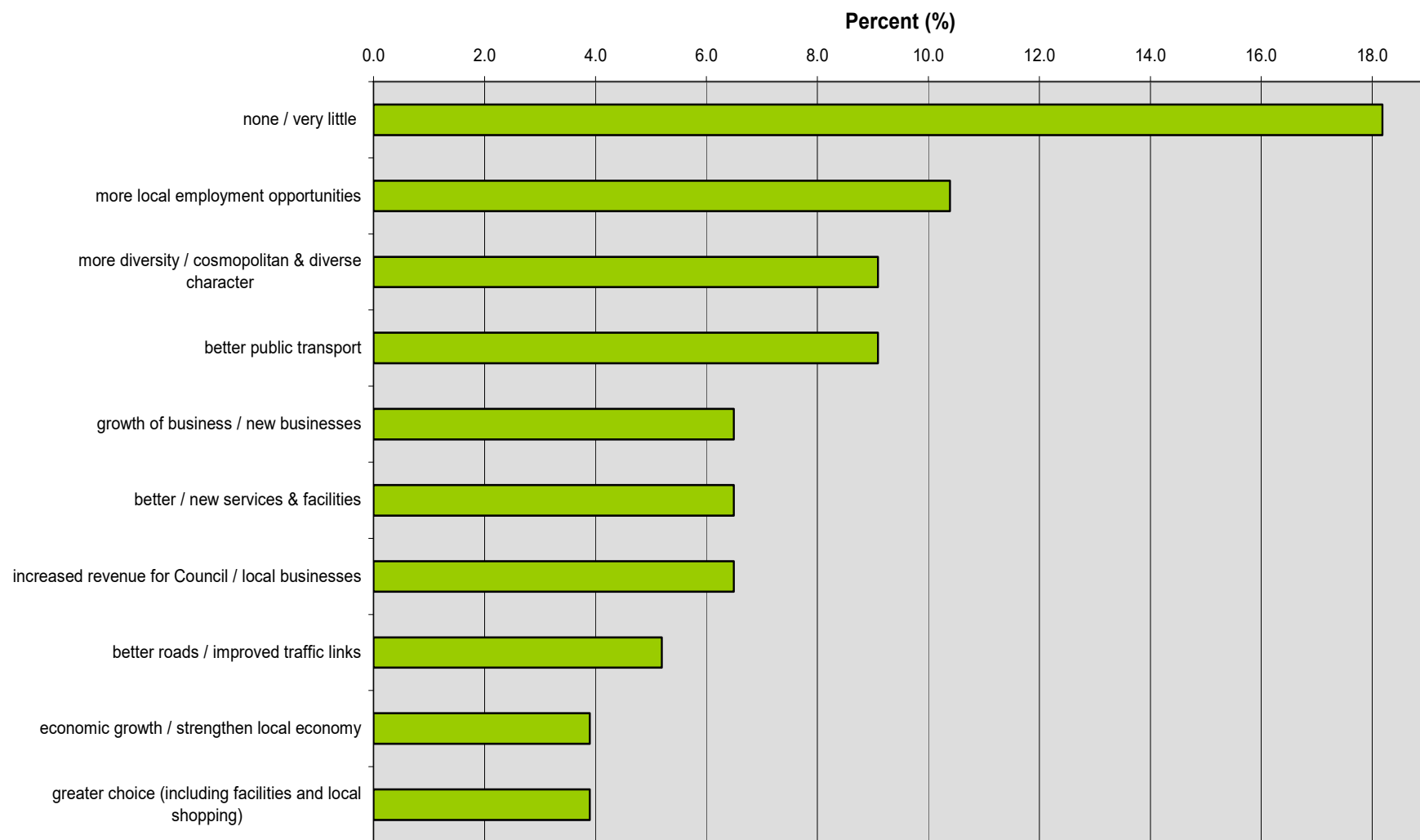
What are the negative outcomes of population growth?

The answers given were summarised into common themes/topics. The top 10 negative outcomes are represented below



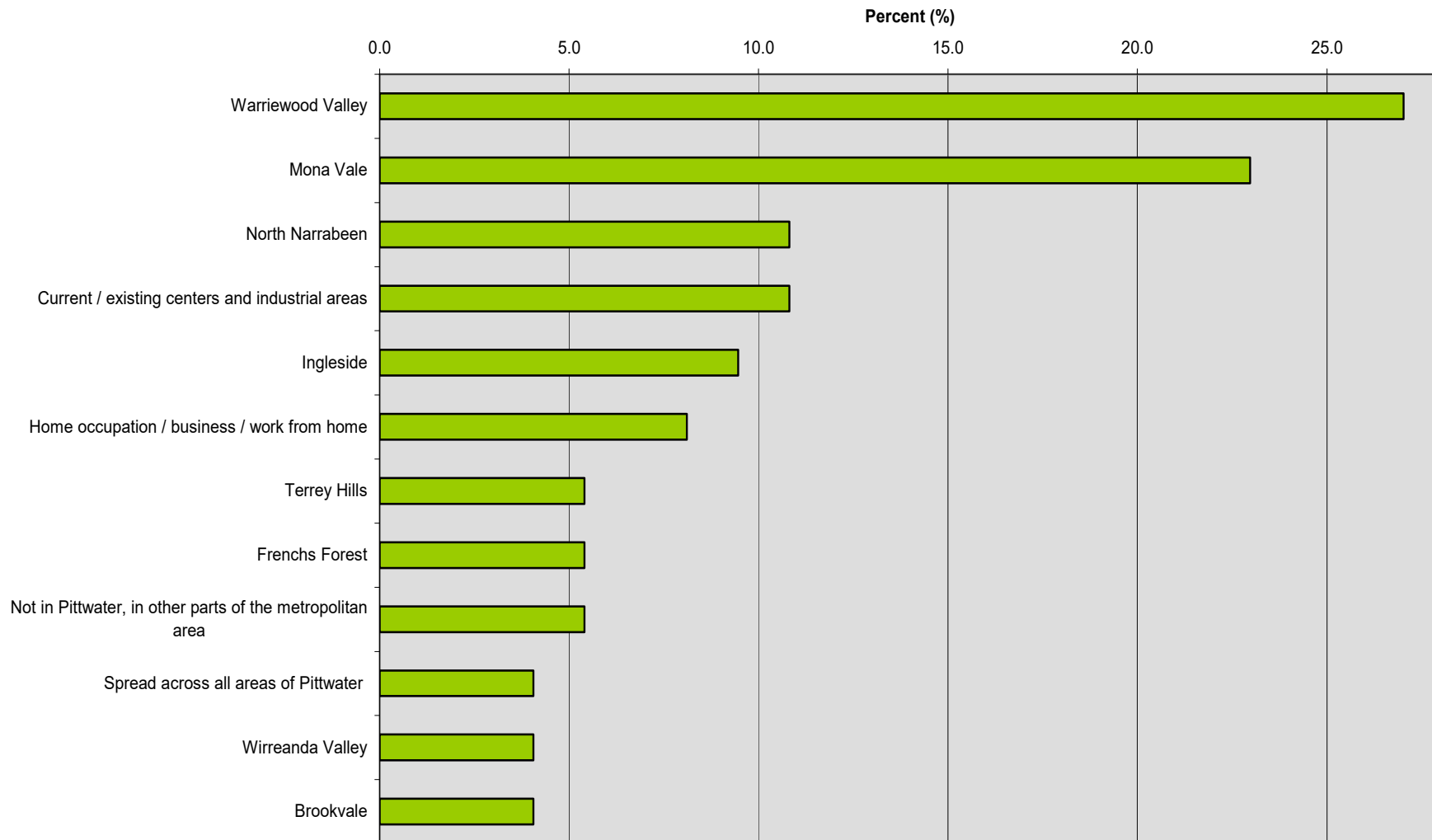
What are the positive outcomes of population growth?

The answers given were summarised into common themes/topics. The top 10 positive outcomes are represented below

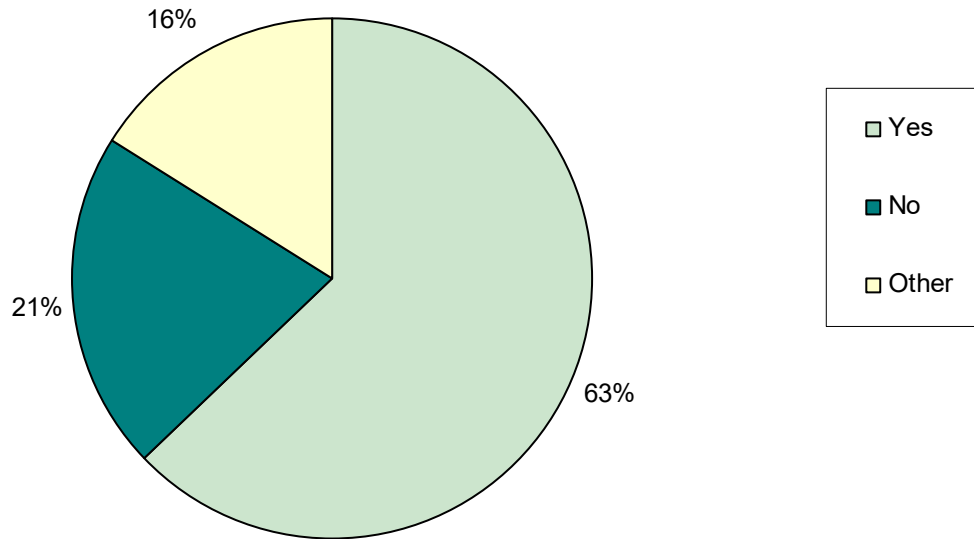


Pittwater needs to provide 6000 new jobs by 2031. Considering the need to be more sustainable, where would you like them to be?

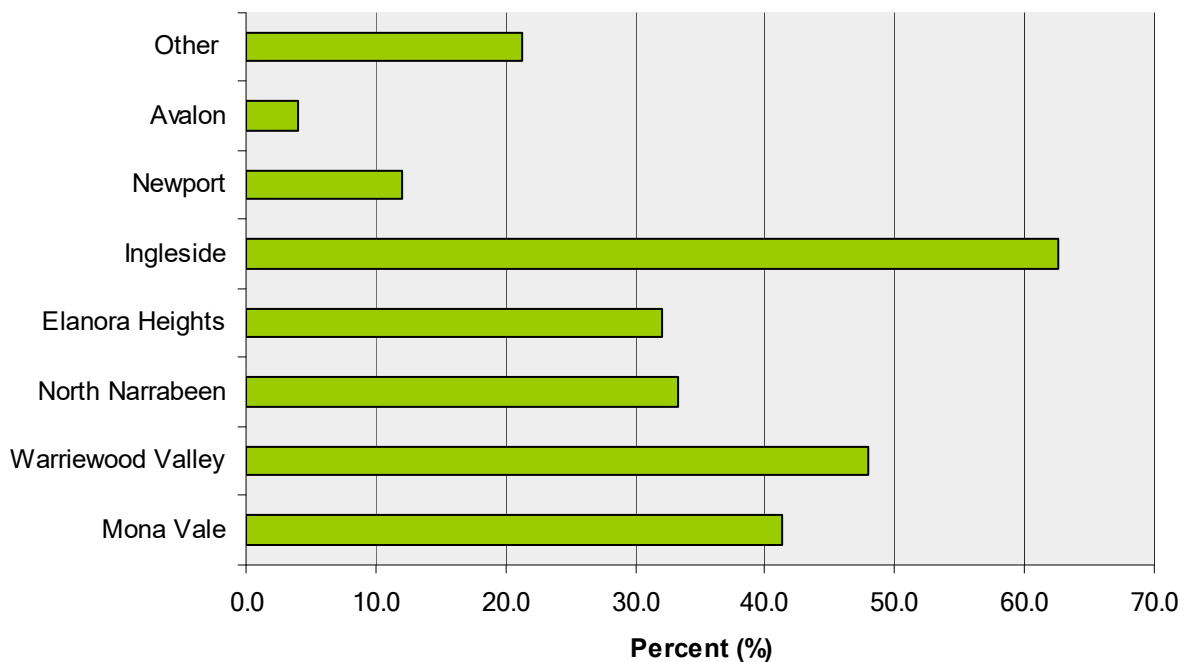
The top 12 responses are represented below

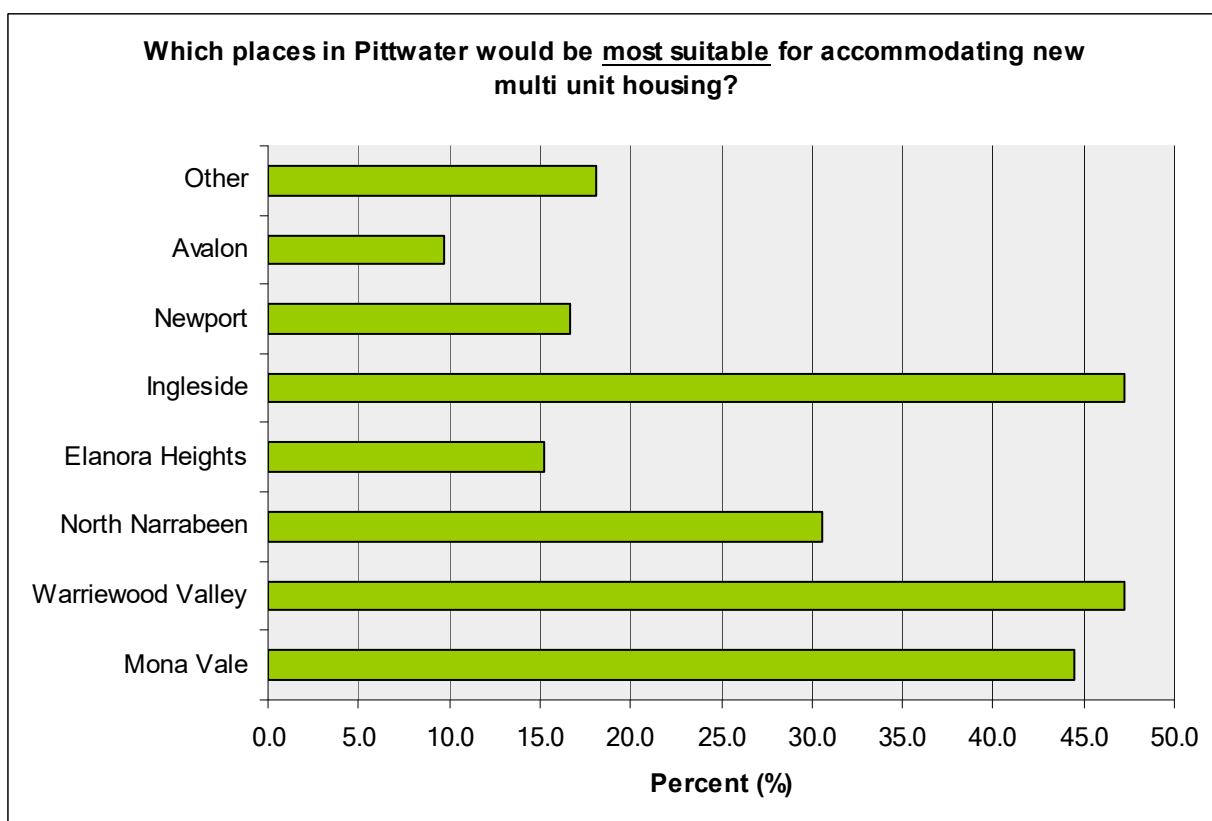
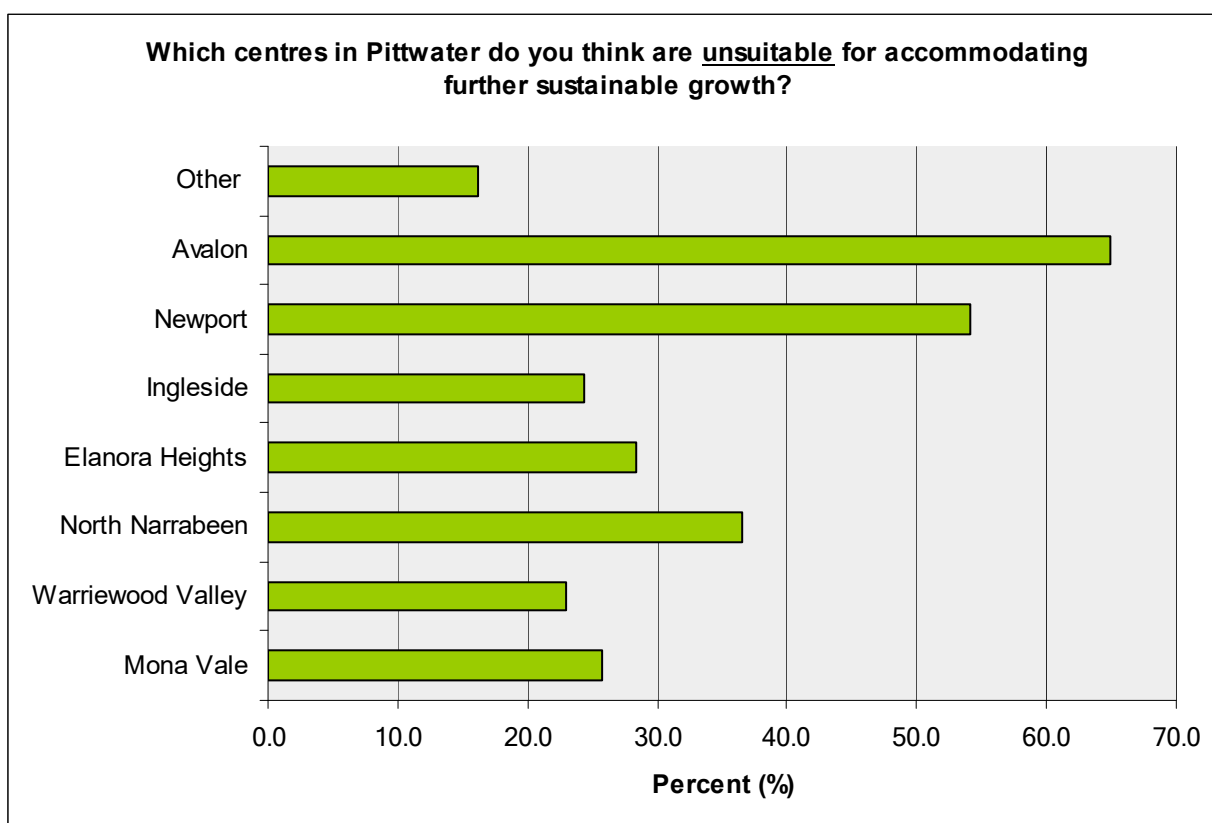


Do you support focusing residential development within centres and corridors with access to public transport and local services ?

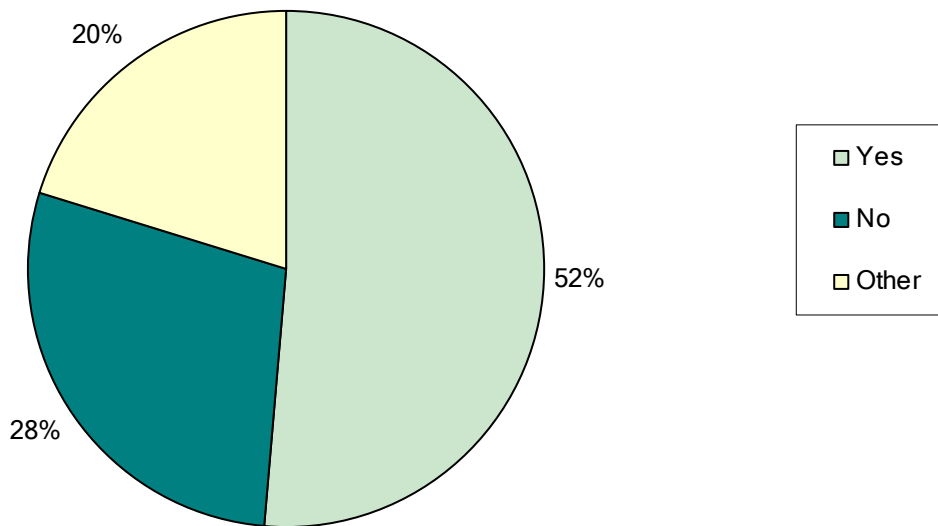


Which centres in Pittwater do you think are suitable for accommodating further sustainable growth?

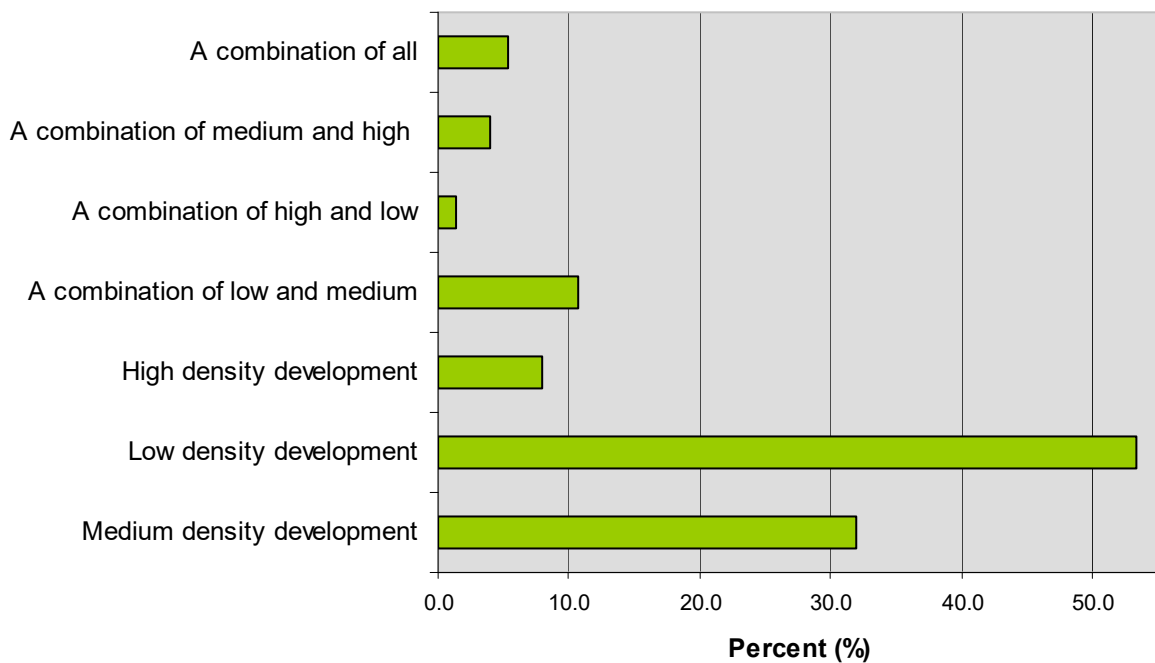


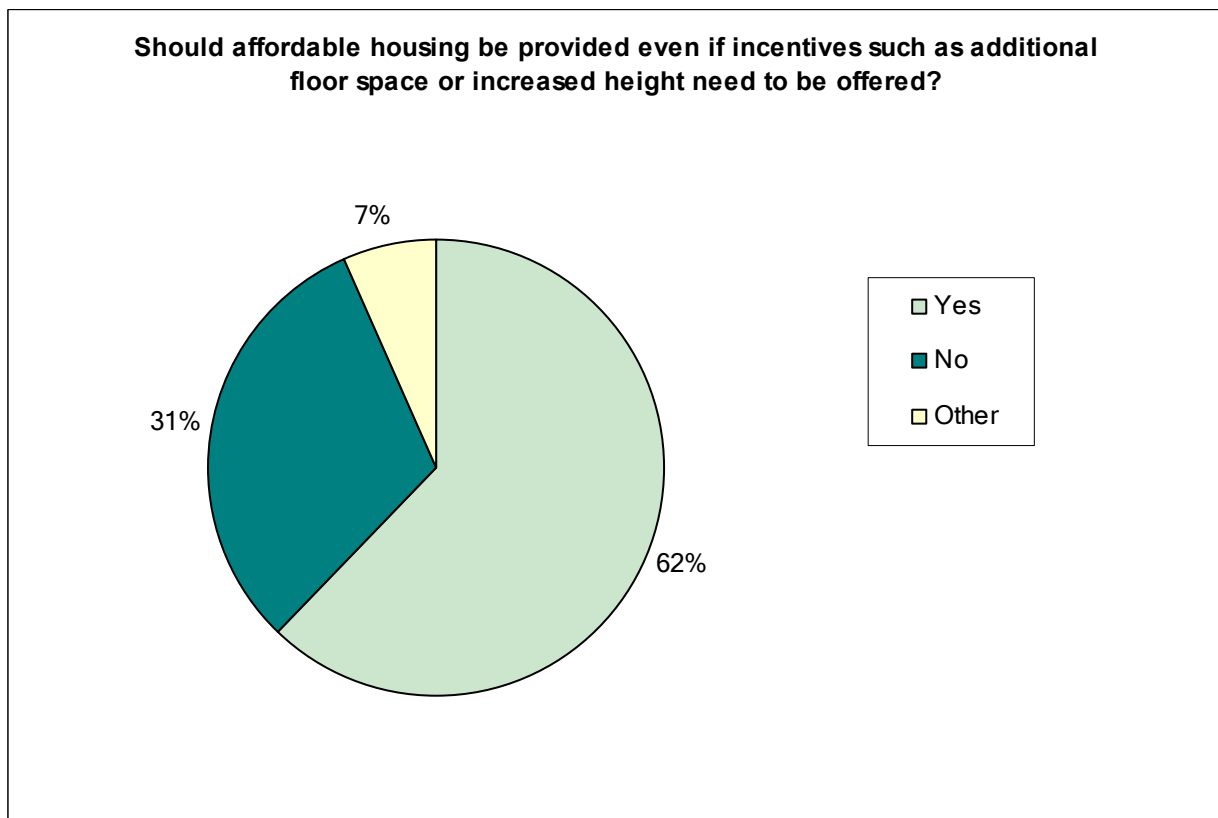
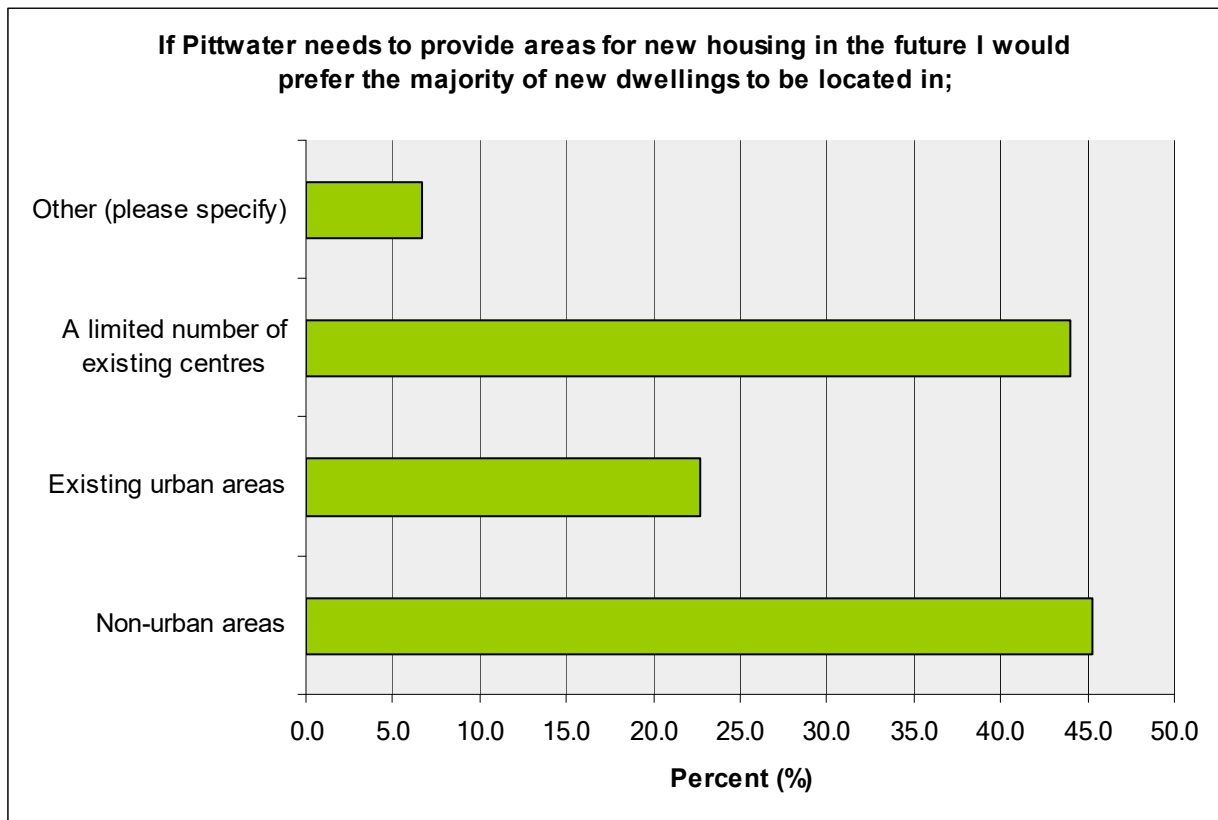


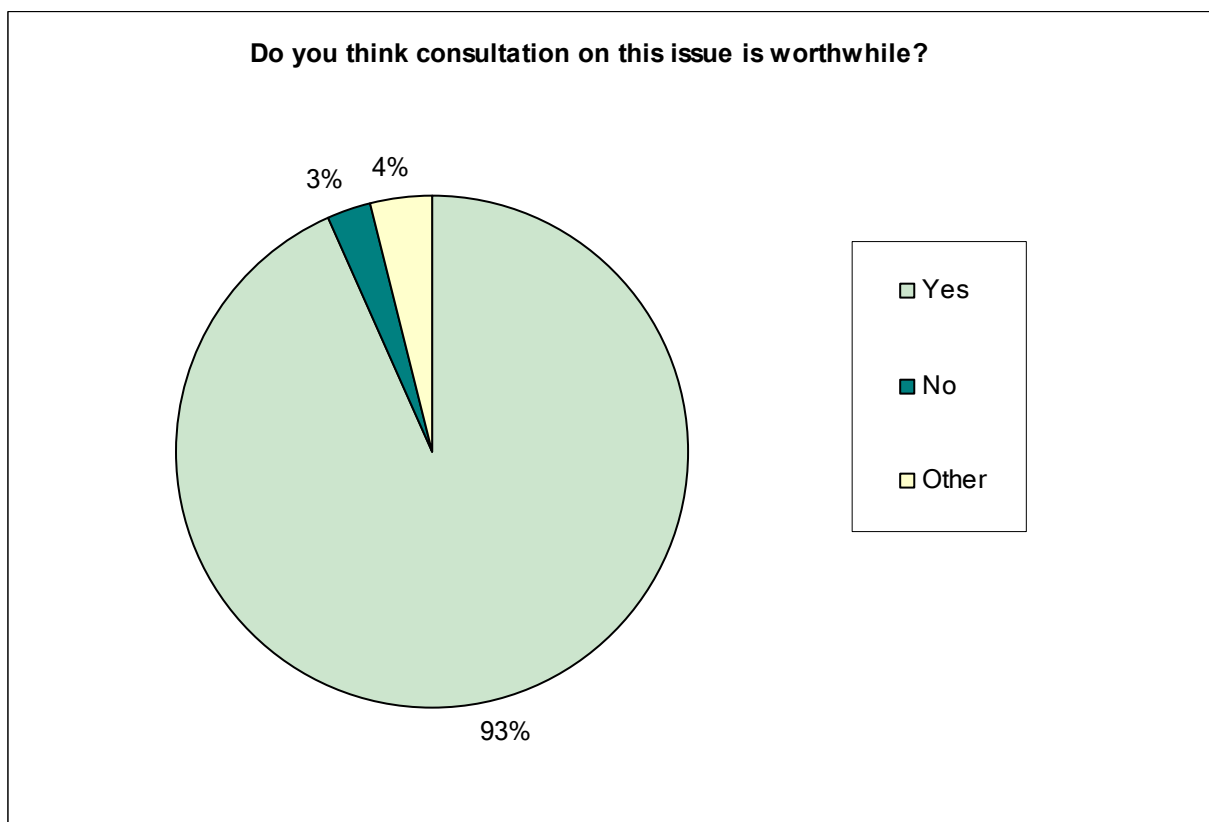
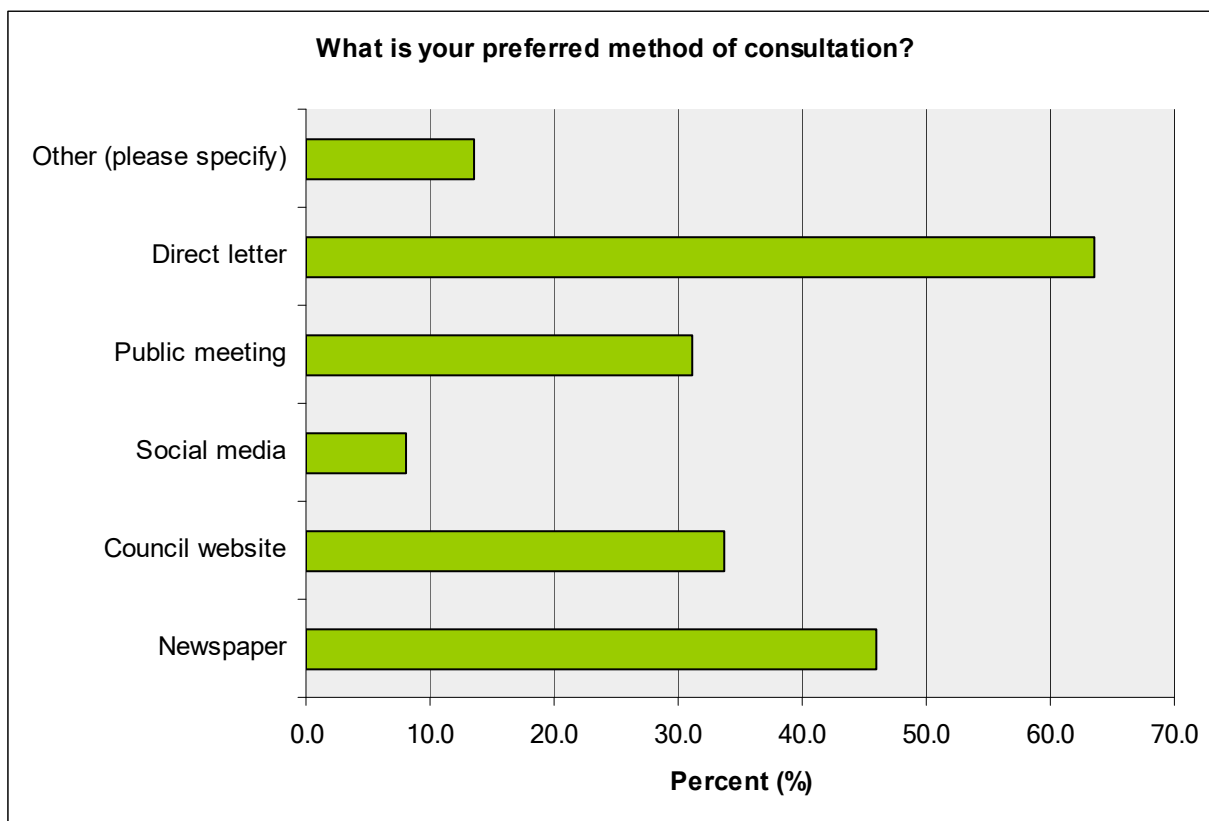
To meet future housing targets should Council allow dual occupancy development throughout Pittwater?

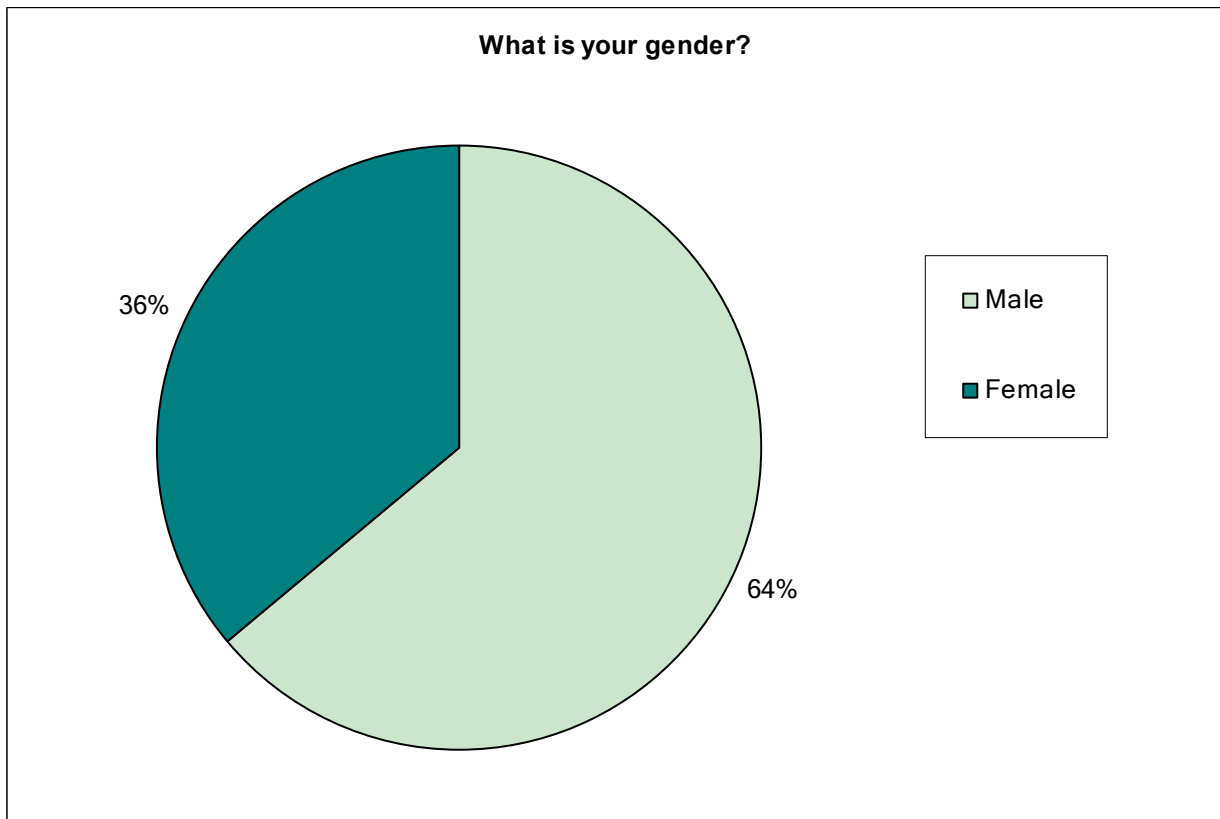
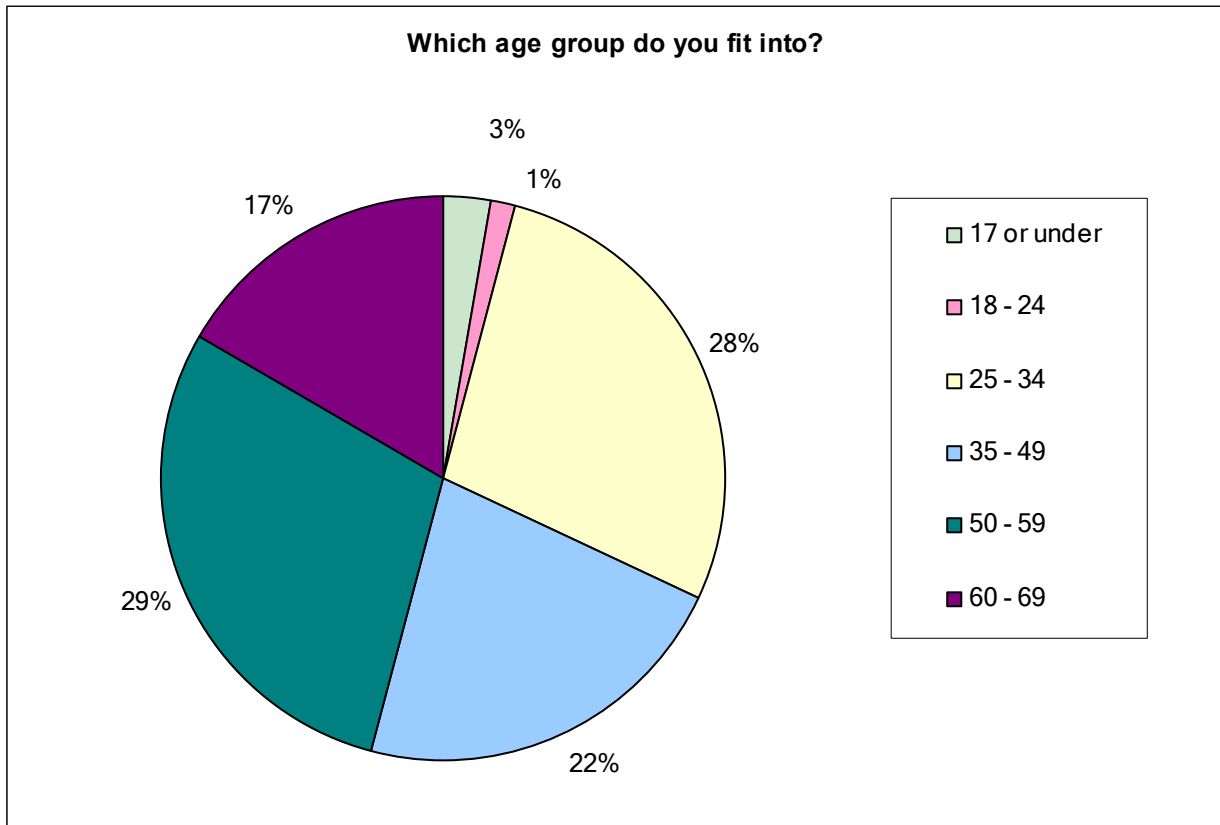


If Pittwater needs to provide areas for new housing in the future I would prefer these to be in the form of:

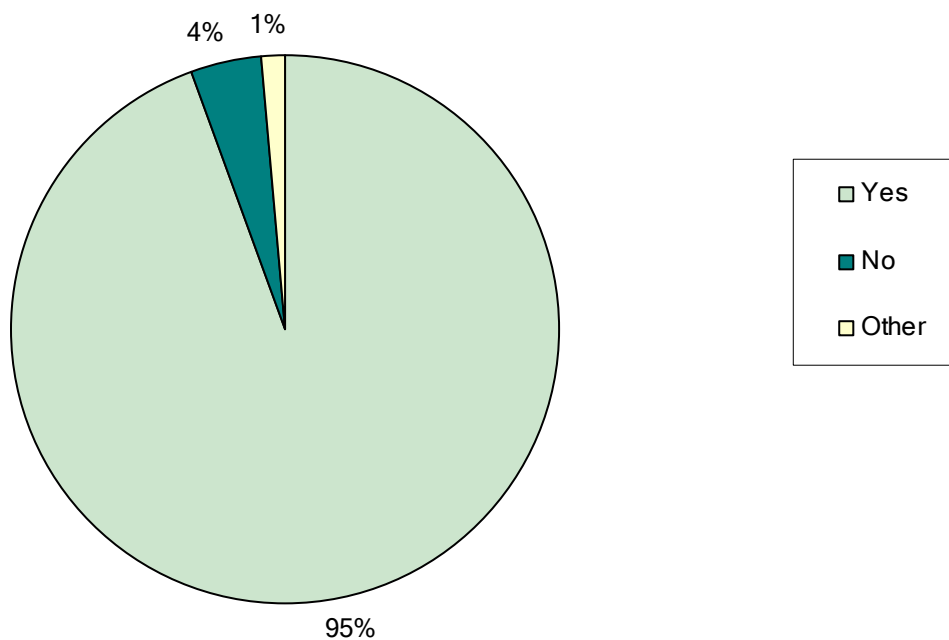




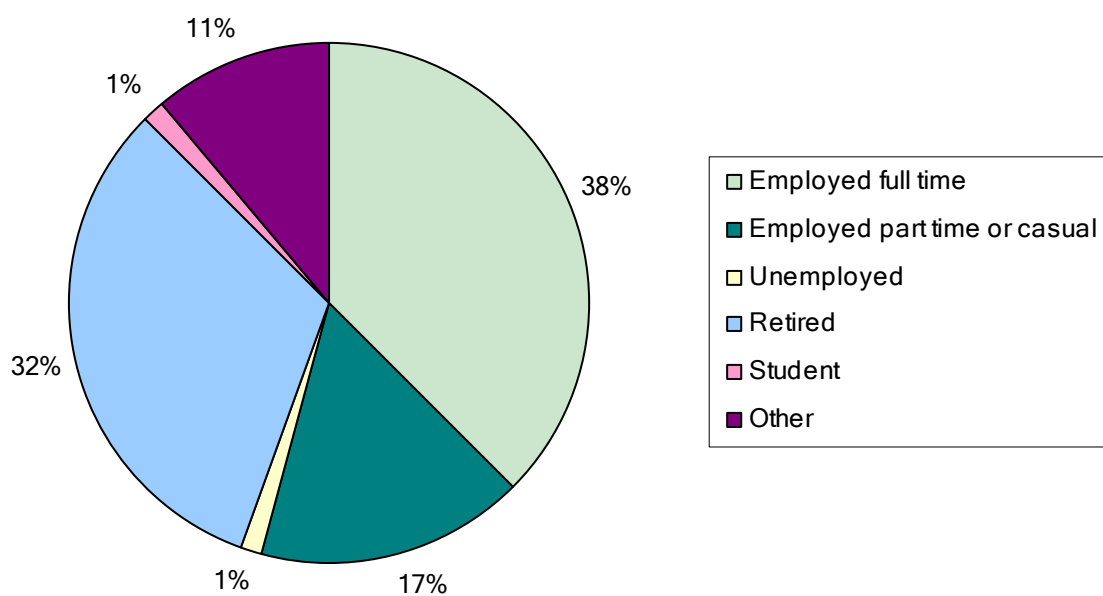




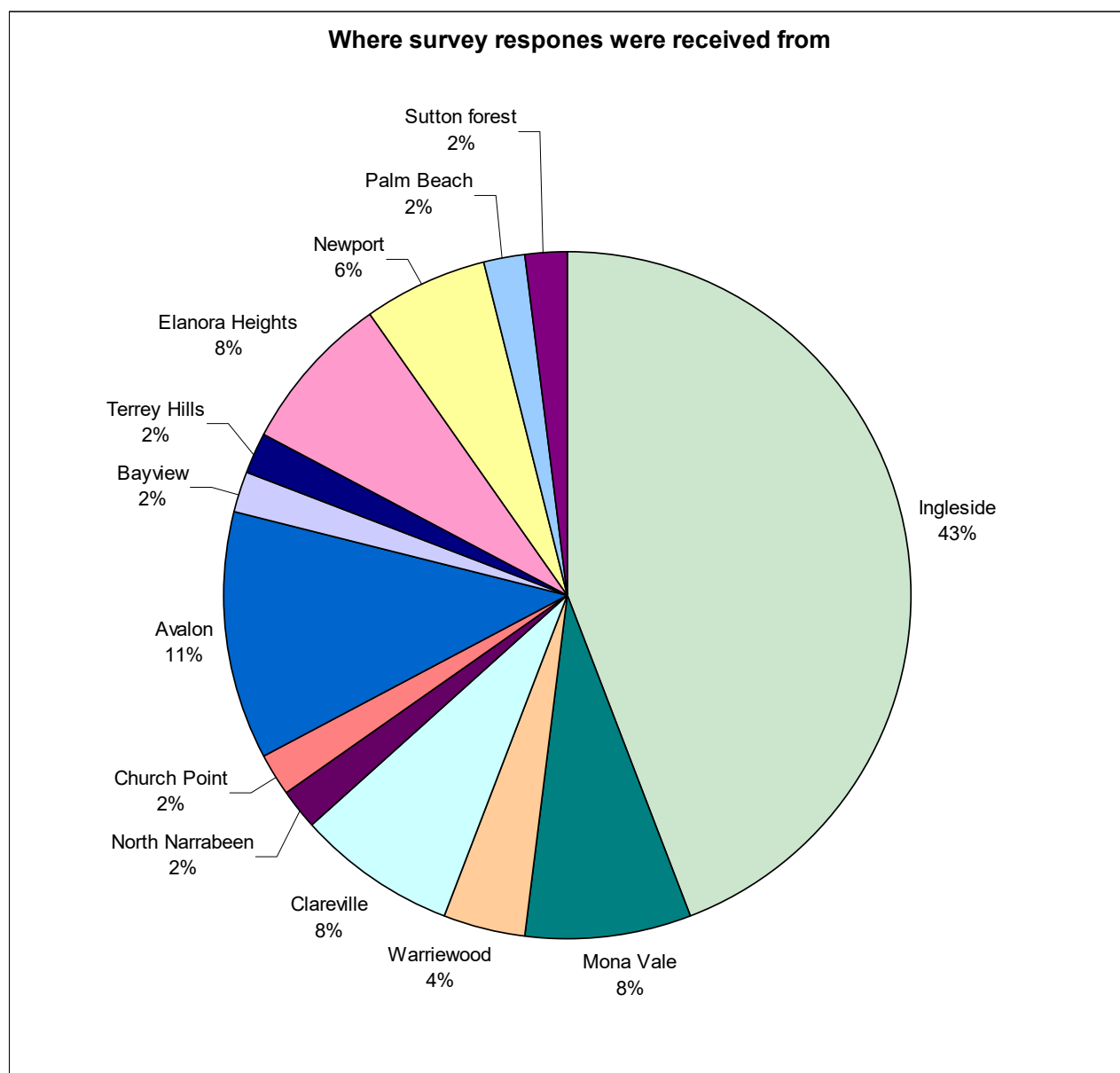
Are you a resident of Pittwater



What is your employment status?



Note: Percentages based only on persons who provided information regarding their suburb



REVIEW OF SUBMISSIONS

Summary of issues raised in submissions	Strategy Response
The Strategy should recognise that west Pittwater is an unusual community falling outside the usual classifications.	This is acknowledged and will be reflected through future zoning in the Standard Instrument LEP.
Prior to any mains water and sewerage connection, community consultation is requested in relation to the exact nature and extent of such works.	The Strategy flags the need for such works in the future, and a recommendation for consultation prior to such works has been added.
Need to upgrade public and commuter wharves and make distinction between commercial and public wharves.	Some further discussion of wharves has been added to the transport and infrastructure chapter.
No specific information about improved public transport for Church Point. The complexity of the needs of Church Point needs to be addressed.	Discussion of the role of ferry services in Pittwater has been added to the Strategy (transport and infrastructure chapter), with acknowledgement that there is need for these to be improved in the future.
Objection to classification of Church Point as a neighbourhood centre with perceived low priority.	The centres and corridors chapter has been amended to discuss the role of neighbourhood centres in general with acknowledgment of the important role of Church Point.
The methodology for the land capability mapping in relation to flooding and climate change is currently skewed.	This point was agreed and as a consequence the mapping has been amended to only count for the effects of climate change and flooding once.
Need to review biodiversity mapping methodology.	The biodiversity mapping layer has been updated. Previously included draft mapping (not adopted at this time) has been excluded from the capability mapping.
Land capability mapping needs to recognise some constraints can be resolved.	Chapter 5 has been amended to further emphasise that the mapping is just one tool in evaluating land. Chapter 5 recognises that many constraints can be overcome.
Methodology for land swap is needed and a meeting with the landowners.	The Strategy raises the idea of a land swap as an option. If Council chooses to adopt the Strategy then there will be a mandate for developing detail and starting a discussion with landowners.
Need for a timeframe for implementing strategy.	The implementation plans in each chapter contain timeframes for each recommended action.
Sector titles such as "southern buffer" are not appropriate.	Sector titles are just titles they have no other implied meaning. A strategic review of these areas is underway and would perhaps be a better process for raising this as an issue.
Cost of maintaining a house and the impact on quality of life for older residents.	It is agreed that this is an issue for the Pittwater population in general and the need for housing to facilitate ageing in place is discussed in the housing chapter of the Strategy.
Older people wish to remain independent and in the local areas, but there is a lack of opportunities to downsize in Avalon.	There is the ability for development in Avalon in accordance with the Seniors Housing SEPP and some remaining capacity for shop top housing (although it would seem shop top housing doesn't meet the preferences of many seniors). At this stage there is no need to zone for additional housing in Pittwater (including Avalon) as the current controls are considered adequate for achieving the required additional dwellings in Pittwater. It is up to the market to make use of the provisions allowing development to provide new forms of housing.

Summary of issues raised in submissions	Strategy Response
Perception that Council opposes seniors developments in central Avalon. Avalon Parade is ideal for these. The established seniors developments in Avalon enhance the streetscape.	The Seniors Housing SEPP can be applied to this area and Council will assess any applications made in accordance with the SEPP.
Council owned land (part of the bowling club) in Avalon should be developed for self contained seniors housing.	Council is not a housing provider or a developer, developing publicly owned land can be very problematic and is often the subject of great community objection. The provision of housing and new developments is reliant on market forces and developers taking advantage of Council and State Government policies that allow seniors housing and smaller housing formats.
Seniors who established the area are being overlooked in relation to housing and transport.	Issues relating to seniors and their specific housing needs are discussed in the Strategy. The Strategy recommends lobbying for improved public transport and infrastructure.
The elderly should not be forced into high density ghettos, designated housing estates and retirement villages.	None of the shop top housing or multi unit housing areas in Pittwater would currently be described as high density. These areas are more appropriately described as medium density with maximum heights of three stories in Avalon. The shop top housing and multi unit housing in Pittwater is generally high quality, is well above the average unit price in Sydney and generally fails to meet affordability criteria for many key workers. Therefore it is considered unlikely that these areas are 'ghettos' or that the majority of occupants of shop top housing in Pittwater would be in a disadvantaged socio-economic situation. In addition to the above, the continued permissibility of secondary dwellings is also considered to add to the housing options for seniors throughout Pittwater.
Avalon should remain a village.	Avalon is described as a village in the Strategy and there are no recommendations for expansion or intensification.
The built environment is a major aspect of sustainability and needs to be mentioned in the housing chapter. The housing chapter should contain reference to the Pittwater Sustainability Principles & Checklist where applicable.	Sustainability in residential development has been added as an issue to be discussed in the housing chapter. A new section has been added to the housing chapter discussing the Pittwater Sustainability Principles & Checklist. The Strategy now recommends the continued promotion of this document to encourage greater levels of sustainability in residential buildings.
Ensure land releases are planned and built sustainably.	Discussion of land releases has been moved from the appendix to the housing chapter. In addition to this a new section on sustainability discusses sustainability issues relating to land releases.
Promotion of adaptable housing design for long term occupation.	Adaptable residential design has been added to the list of issues discussed in the housing chapter.
Opportunity to socializing the shared local government boundaries to a centre line down Cowan Creek.	Local Government boundary issues are not considered necessary to address through the Planning Strategy. The areas where the boundary is on the foreshore are National Park and therefore planning issues are unlikely to arise.

Summary of issues raised in submissions	Strategy Response
Consistency in the application of zones across local government boundaries and consideration of zonings proposed under the draft Hornsby CLEP.	A recommendation has been added to the environment, heritage and resources chapter, for the consideration of any zoning under adjoining government areas when zoning shared waterways.
Appropriate housing for the elderly is needed.	It is agreed that this is an issue for the Pittwater population in general and the need for housing to facilitate ageing in place is discussed in the housing chapter of the Strategy.
893 granny flats are planned, but these are not appropriate, there is a preference for well run villages.	<p>893 was the yield predicted for secondary dwellings in 2006 when the subregional targets were set. Based on the take up rates since they were introduced, it is now estimated that only 223 secondary dwellings are likely to be constructed by 2031.</p> <p>The permissibility of this dwelling type adds flexibility and choice to the housing market in Pittwater. The forward prediction is not based on Council aspirations but on actual approval rates thus far. A predicted yield of 630 dwellings is expected in accordance with the Seniors Housing SEPP by 2031.</p>
No demand for granny flats.	As stated above the forward prediction for secondary dwellings is not based on Council aspirations but on actual approval rates thus far. If there is no demand for this housing format then there will be little take up.
Need to house the elderly and the low income in housing integrated with the general community, not segregated.	Secondary dwellings can be located throughout existing residential areas dispersed throughout the community and not segregated in anyway. The multi unit housing and shop top housing areas in Pittwater are located in centres well serviced and connected.
The young should not be force into shop top ghettos.	<p>Shop top housing may not suit all but it is an important component of housing diversity. Many people choose shop top housing due to the benefits associated with being in a centre, proximity to urban amenities, services and transport connections.</p> <p>The shop top housing and multi unit housing in Pittwater is generally high quality, is well above the average unit price for dwellings in Sydney and generally fails to meet affordability criteria for many key workers. Therefore it is considered unlikely that these areas are in fact 'ghettos' or that the majority of occupants of shop top housing in Pittwater would be in a disadvantaged socio-economic situation.</p>
Aim to achieve sustainable development.	More specific discussion on sustainability has been added to Chapters 2, 7, 8 and 10 in an effort to address sustainability across a range of topics.
Need to approve smaller projects in Ingleside that people want, not allow big companies to develop like in Warriewood Valley.	Development in Ingleside is under further investigation and is in no way related to Council waiting for big developers.
Council should not allow high rise until every vacant block, including rural land has been built on.	<p>Housing diversity is needed to meet the diverse needs of the community, small families, singles and older people who wish to stay living locally and down size to smaller dwellings. Housing diversity also helps housing affordability, which is needed for key workers.</p> <p>So far these smaller housing types have been accommodated in Pittwater so far through multi unit and shop top housing in and around centres, most of which is no more than three or four stories and is generally accepted by the community as maintaining the character of Pittwater.</p>

Summary of issues raised in submissions	Strategy Response
Need to retain services throughout the community so people don't need to travel to obtain them.	The current centres hierarchy as discussed in chapter 6 (centres and corridors) identifies numerous centres throughout Pittwater that provide different levels of service to local communities. Potential development in Ingleside is under further investigation and would potentially include consideration of new centres to provide local services.
Need to approve development applications to encourage employment.	Chapter 7 of the Strategy details that between 2001 and 2010, 128,447 sqm of additional employment generating floorspace has been approved. So Council is and will continue to approve development in accordance with the current planning controls to provide for employment in the LGA.
Council needs to allow rural areas to develop. Need to allow 1 – 2.5 acre subdivisions in Ingleside.	Development in Ingleside is under further investigation and decisions regarding land release in Ingleside are separate to this document.
Not enough emphasis on the vision for Pittwater: A sustainable community. Sustainability needs to be woven into every section.	<p>More specific discussion on sustainability has been added to Chapters 2, 7, 8 and 10 in an effort to address sustainability across a range of topics.</p> <p>Additional recommendations added to the Strategy include minimum green star ratings for all new commercial and industrial buildings and the continued promotion of the Pittwater Sustainability Principles and Checklist in relation to residential development.</p>
Waste to be eliminated, the economy to change from carbon base to sustainable hydrogen and sunlight, feedback and accountability systems to support and strengthen restorative behaviours.	The Strategy recommends Council consider strengthening waste management requirements in future updates to the DCP.
Pittwater to be pedestrian and bike friendly, mandate sustainable energy efficient buildings, incorporate sustainable streetscape design, make shopping and socializing more enjoyable for locals and visitors, recognise that cars don't rule the environment, protect biodiversity and natural systems.	<p>The Strategy recommends that pedestrian and cycling infrastructure be improved and a review of the Walks and Rides Masterplan.</p> <p>Additional recommendations added to the Strategy include minimum green star ratings for all new commercial and industrial buildings and the continued promotion of the Pittwater Sustainability Principles and Checklist in relation to residential development.</p>
Provision of housing for over 55 and disabled residents.	Housing for over 55's is provided via the Seniors Housing SEPP. It is noted that a predicted yield of 630 dwellings is expected in accordance with the Seniors Housing SEPP by 2031.
The chapter 2 photo is not appropriate as the top floor is not set back.	The top floor of the pictured building is set back, but as it is setback it cannot be seen in the photo. The photograph is of a building in Mona Vale and is not necessarily intended to promote an ideal.
It needs to be clarified that the 2020 Strategic Plan is existing and was compiled after years of consultation.	Chapter 3 has been amended to clarify that the 2020 Strategic Plan is existing and compiled after extensive consultation.
Metropolitan Plan targets may change due to change of government.	If and when the Metropolitan Plan is reviewed and changed then the Strategy will be amended to respond.
The section on desired character should say 'houses amongst the trees'.	The desired character is quoted from the DCP. The Strategy has been amended to show that this is a quote. Proposed changes to the desired character should be considered at the time of a DCP review.

Summary of issues raised in submissions	Strategy Response
Only a proportion of the population is reliant on Dee Why / Brookvale for employment.	Chapter 6 was amended to reflect this suggestion.
Avalon has changed to Avalon beach and needs a better description.	The description of the Avalon centre (commercial areas) is considered acceptable. All references to Avalon have been changed to Avalon Beach.
Should not include increasing heights in Avalon as an option in Chapter 7.	Chapter 7 has been amended to explain that the purpose of the options discussed is to go through different scenarios to determine the most appropriate. It is noted that the option of increasing heights in Avalon is not a recommended way forward.
Chapter 8 photo not appropriate.	The photograph on this title page has been updated.
Was the distribution of dwelling targets determined by Councils?	The Strategy was amended to clarify that the distribution of the Subregional targets were determined by Councils in consultation with the Department of Planning and Infrastructure.
Reference to small excess of dwellings and planning initiatives to increase housing not required.	The Strategy was amended to state that the prediction is that Pittwater will 'meet targets' as suggested in the submission. The statements regarding there being no need for strategies to further increase housing at this time, have been retained as this is considered a significant finding of the Strategy.
Secondary dwellings could be more prominent in addressing the changing age structure.	The discussion of secondary dwellings within the Strategy is considered appropriate.
Contradictory statement regarding growth in Chapter 9.	The section was amended to be clearer in its intention and meaning.
North Ingleside, parts of Bayview Heights and Elanora Heights should be developed for 1 acre subdivision based on eco-friendly and sustainable principles. Plus the need for some small shops.	Development in Ingleside is under further investigation. Decisions regarding land release in Ingleside are separate to this document.
South Ingleside should be developed similar to most of Elanora Heights, not higher densities like Warriewood Valley. Some alteration to the shops in Elanora Heights.	Development in Ingleside is under further investigation. Decisions regarding land release in Ingleside are separate to this document.
Mona Vale Rd needs upgrading, powder works Rd, Lane Cove Rd, Walter and Cabbage Tree would also need improving.	The Strategy recommends lobbying for road upgrades.
Strategy should ensure inclusion of a recently gazetted endangered population of sea grass (Posidonia australis) in Pittwater.	The new endangered population of seagrass (Posidonia australis) has been included in the capability mapping and is acknowledge in the environment, heritage and resources chapter.
Numerous aquatic and foreshore areas have only been mapped with moderate constraint, which should be reviewed as most areas should warrant a 4 at minimum.	No one constraint has been weighted higher than any other. It is also recognised that some layers of mapping do not over the waterway. Council staff are comfortable with the mapping of these areas for the purposes of the <i>Pittwater Local Planning Strategy</i> and will have consideration for the limitations of the current mapping layers.
The maintenance and support for agricultural industries and the impact of future rezoning.	Development in Ingleside is under further investigation. Decisions regarding land release in Ingleside are separate to this document. Notwithstanding, any rezoning of land in proximity to agricultural uses would take into consideration the potential for land use conflicts and any impacts on the employment function of agricultural land.

Summary of issues raised in submissions	Strategy Response
The need to encourage the use of excavated materials from building and construction sites for use in construction and the recycling of construction materials such as concrete and bricks.	The Strategy recommends Council consider strengthening waste management requirements in future updates to the DCP.
The proposed adoption of standard and model clauses in the LEP to protect the environment is not a strong enough commitment to environmental preservation.	Chapter 10 of the Strategy contains numerous recommended actions aimed at environmental protection and increasing environmental sustainability. The LEP is considered the strongest mechanism for controlling development and its impact on the environment. Therefore the recommendation for the adoption of appropriate provisions within a Standard LEP for Pittwater has been maintained, with the removal of the words 'standard and model', giving additional scope for locally specific clauses. Some additional actions have also been recommended.
Any upgrade of Mona Vale Rd should include fauna underpasses between Garigal and Kuring-Gai Chase National Parks.	The Strategy (chapter 10) has been amended to include the recommendation to consider mechanisms for reducing roadkill and increasing fauna connections between areas of significant habitat.
There is a need for environmental safeguards for native vegetation along creeklines and a network of fauna corridors in Ingleside if it is developed.	Decisions regarding land release in Ingleside are separate to this document. Notwithstanding the Strategy recommends any land release be subject to the sustainability criteria (contained in the Metropolitan Strategy 2005).
Inadequate public transport, poor road links and sub-standard intersections all should be improved before any substantial population growth occurs.	The Strategy acknowledges that infrastructure upgrades are needed and the recommendations include lobbying for necessary upgrades to occur. It is noted that the Strategy does not recommend rezoning to facilitate growth, but is focused on managing the potential for growth under the existing planning controls. Further to this, Warriewood Valley and Ingleside are subject to separate planning investigations that will include the consideration of infrastructure requirements.
Any upgrade of Mona Vale Rd should include fauna underpasses between Garigal and Kuring-Gai Chase National Parks.	The Strategy (chapter 10) has been amended to include the recommendation to consider mechanisms for reducing roadkill and increasing fauna connections between areas of significant habitat.
Loss of habitat for wildlife and natural vegetation.	The Strategy contains recommendations for implementing relevant planning actions arising from Council's Wildlife Corridors Plan, Estuary Management Plan, Native Fauna Management Plan and Vegetation Management Plan.
Lack of a management plan to prevent wildlife losing their homes and lack of concern for endemic wildlife.	The Strategy contains recommendations for implementing relevant planning actions arising from Council's Wildlife Corridors Plan, Estuary Management Plan, Native Fauna Management Plan and Vegetation Management Plan.
Likely loss of habitat from Manor Rd to Mona Vale in the future.	Development in Ingleside is under further investigation. Decisions regarding land release in Ingleside are separate to this document.
Support for one acre eco-friendly sustainable subdivision in the non-urban areas.	Decisions regarding land release in Ingleside are separate to this document.
Support for housing in centres. Housing should not be located in environmentally sensitive areas.	The Strategy recommends a centres based focus for additional dwellings.

Summary of issues raised in submissions	Strategy Response
Inadequate public transport and the need for more frequent and after hours services.	The Strategy acknowledges the poor public transport offer in Pittwater and recommends lobbying for improved services.
The need for a shuttle bus service between suburbs, shopping centres and transport corridors.	There is no provision currently available in the budget for this service.
Upgrading roads will result in more car use and air pollution, better to invest in public transport. Walking cycling and shuttle services should be given more priority.	The environmental impacts of private transport are acknowledged but considering the isolation of the Pittwater Peninsula and the current and future need for people to travel out of the LGA for access to employment, education and services not available locally, there is still a need to provide improved roads. Further to this the main form of public transport in Pittwater is bus services, which are also heavily reliant on the road infrastructure.
Upgrading Mona Vale hospital is a high priority, to level 5 also a possibility.	The Strategy recommends lobbying for an upgrade of Mona Vale Hospital.
The natural environment is included with heritage. Constraints mapping should give adequate weight to protecting natural areas and biodiversity. The protection of waterways is also important.	Environmental and heritage may be discussed in the same chapter, but they are separately mapped. The individual layers used can be seen in Appendix 2 and includes individual layers for biodiversity, slope, proximity to watercourses, foreshores and water bodies, ridgelines and European heritage. These factors will all be considered when selecting zonings under the Standard Instrument LEP.
The SHOROC report does not mention the environment.	The Strategy can not address any shortcomings of other reports but aims to address all important issues including the environment.
Protection of land with environmental constraints.	Not all constrained land is environmentally significant. Council has a Wildlife Corridors Plan, Estuary Management Plan, Native Fauna Management Plan and Vegetation Management Plan. These plans inform Council regarding areas of significant value and warranting protection and the constraints mapping has included consideration of biodiversity, slope, proximity to watercourses, foreshores and water bodies, ridgelines and European heritage
Appropriate zoning for environmental protection is required.	The Strategy recommends that development in environmentally sensitive areas continue to be controlled via appropriate zoning and DCP controls.
The land capability assessment as it relates to the South Ingleside area does not fulfill the stated objectives and should not be adopted.	Not agreed.
It is agreed that the future growth of Pittwater must conserve, protect and enhance the natural environment and beauty of Pittwater. This does not mean that it is not possible to undertake an intensification of development within the existing urban areas and the non-urban areas adjacent to the urban fringe.	The Strategy does not aim to preclude development in any areas only to give adequate consideration to identified constraints and opportunities.
The issue of ground truthing and accuracy.	Council staff are comfortable with the accuracy and relevance of the mapping for the purposes on the <i>Pittwater Local Planning Strategy</i> .
The need for land owners to be given time to do their own studies and submit information to refute the proposed classification.	Council staff are comfortable with the accuracy and relevance of the mapping for the purposes on the <i>Pittwater Local Planning Strategy</i> .

Summary of issues raised in submissions	Strategy Response
The mapping is a flawed process which if adopted would preclude future development of the land.	<p>The capability mapping is only one tool that will be used to evaluate land use decisions. The capability mapping in conjunction with existing land use, demand, potential solutions to constraints and alternative options will all be considered when determining appropriate zones under the Standard Instrument LEP.</p> <p>Further to this development in Ingleside is not covered by this document and decisions regarding its future depend on the outcome of further investigations.</p>
The mapping process is not transparent and imposes restrictions on future development and is considered to be unreasonable.	The capability mapping itself imposes no restrictions on land. It will be only recommended for use as a tool when making zoning decisions, but is by no means proposed to be the final decision making tool.
Infrastructure should not be considered a constraint to future development.	<p>The mapping offers a tool for comparing areas in relation to the levels of constraint and opportunity and is useful in determining areas that may currently be better serviced than others. In this regard the current provision of infrastructure is considered a relevant opportunity for consideration in planning decisions.</p> <p>In accordance with the sustainability criteria for new urban development (Metropolitan Strategy 2005), mechanisms must be in place to ensure utilities, transport, open space and communication is provided in a timely and efficient way. To this end development must be consistent with a relevant regional infrastructure plan. Therefore the lack of infrastructure in an area or the lack of any plan for infrastructure in that area is considered a relevant development constraint.</p>
The Strategy should not be adopted in relation to the Ingleside investigation area.	In relation to Ingleside, the Strategy recommends awaiting the outcome of discussions with the Department of Planning, Planning and Infrastructure.
Adoption of the land capability assessment as presented will prejudice future consideration of the suitability of the land for release and redevelopment and should be deferred.	The mapping is only a tool and is only one consideration among many when making decisions regarding the future release of lands for development.
<p>Commends the detailed and extensive work that has gone into the Strategy.</p> <p>Agrees that it provides an excellent platform for the preparation of council's Standard Instrument LEP.</p> <p>Confirms that it is appropriate for the document to respond to the draft North East Subregional Strategy targets, rather than the Metropolitan Plan 2036.</p> <p>They support the annual monitoring of progress towards meeting our targets for employment and housing.</p>	<p>Council staff agree with all comments in the submission.</p> <p>The housing chapter includes a recommendation for annual monitoring and reporting on progress towards meeting the housing targets.</p> <p>The economy and employment chapter includes a recommendation for annual monitoring and reporting on progress towards meeting the housing targets.</p>
Recommend inclusion of sustainable and active transport initiatives within the objectives of the document.	Suggestion not adopted. However, the Strategy does recommend improvements to pedestrian and cycling infrastructure and for Council to review and implement the Walks and Rides Masterplan (including cycleway provision).
Consider the engagement of a travel coordinator to assist with implementing local initiatives to support alternative travel options and to assist in developing workplace travel plans for major employers and community facilities.	The suggestion was not adopted, as existing Council staff undertake these functions.

Summary of issues raised in submissions	Strategy Response
The development of a collaborative partnership between Council and key stakeholders across government including Department of Transport.	Council's traffic engineer is the contact officer with the Department of Transport.
A local active transport campaign promoting public transport use and opportunities for sustainable and active travel choices.	The suggestion has been forwarded to Urban Infrastructure.
Provision of walking and cycling facilities.	The Strategy recommends the improvement of pedestrian and cycling infrastructure.
The preparation of a Council wide Bike Plan and pedestrian access and mobility plan (PAMP).	Council has a Walks and Rides Masterplan, the Strategy recommends a review (currently being undertaken) and the implementation of the Plan.
Review parking rates in centres and re-examination of council parking policies.	The Strategy recommends a review of Council parking policies in and around centres.
Strata subdivision of dual occupancies constructed prior to May 2003 should be allowed so they can be sold separately. Families are disrupted when one half of the dual occupancy wants to sell.	Council's position in relation to dual occupancy subdivision was known to this resident at the time they choose to construct the dual occupancy at 81 Queens Parade East, and at the time of purchase of 13 Nullaburra Road.
Dual occupancies are an appropriate form of housing for Newport.	At this time dual occupancies are not considered appropriate nor necessary for Council to meet the dwelling targets for 2031.
PAC approved development in Warriewood Valley (Meriton) allowed, but not strata subdivision of dual occupancies.	This application was opposed by Council. Council is currently appealing the approval of the application and is awaiting the judgment of the Land and Environment Court.
Many initiatives recommended rely on State Government agencies providing infrastructure. A co-operative approach between State and Local government is required, including contributions from Council for infrastructure.	Council is cooperating with State agencies where possible. Notwithstanding, Council is committed to lobbying the State Government for improved infrastructure provision in Pittwater.
The creation of an enterprise corridor at North Narrabeen is supported, but it should not be detrimental to transport efficiency and road safety on Pittwater Road, especially in light of increased pedestrian activity.	Planning controls will aim to achieve pedestrian, road and traffic safety.
Council should investigate the need and feasibility of bus rapid transit along Mona Vale Road to Gordon/Macquarie Park.	Council is committed to lobbying the State Government to provide improvements to the Mona Vale to Macquarie Park corridor.
Council should produce an Integrated Land Use and Transport Plan that focuses mainly on the actions Council itself can take to manage and/or serve transport demand and achieve Council's objectives.	The Planning Strategy considers actions for Council including improvements to pedestrian and cycling infrastructure.
Measures could include providing affordable housing for low income earners closer to employment areas to reduce the need for travel from outside the LGA.	The Planning Strategy recognises issues surrounding affordable housing and the impacts it has on employment and travel. The Planning Strategy recommends Council develop a 'Local Affordable Housing Choice Strategy' to reflect the affordable housing needs of Pittwater within the context of our local character.

REVIEW OF ISSUES RAISED AT THE PUBLIC MEETING

Summary of issues raised at the Public Meeting	Response
Ground truthing of mapping information	Council staff are comfortable with the accuracy and relevance of the mapping for the purposes of the <i>Pittwater Local Planning Strategy</i> .
Need for infrastructure	The Strategy acknowledges the need for additional infrastructure throughout the LGA and the inadequacies of much of the existing infrastructure such as the roads and public transport. The Strategy recommends lobbying for improvements as required.
Housing numbers <ul style="list-style-type: none"> • Metro Strategy v Metro Plan • current capacity to meet targets 	<p>The housing and employment targets are based on the draft North East Subregional Strategy (which in turn is based on the Metropolitan Strategy targets released in 2005). The Department of Planning and Infrastructure has confirmed that Council should continue on the basis of these numbers as those release in the Metropolitan Plan 2010 are yet to be broken down to a LGA level.</p> <p>Pittwater is well on its way to meeting both housing and employment targets under the current planning regime with some additional need to find floorspace for retail demand, potentially in the Southern Buffer of Warriewood Valley.</p>
Inability to subdivide dual occupancy	No change is proposed to the current policy.
Ingleside <ul style="list-style-type: none"> • Inadequate notice regarding the public exhibition and public meeting given to Ingleside residents, as the Manly Daily is not delivered there • Ingleside was included in the Planning Strategy, but did not provide a planning outlook for it • Cost and difficulties delivering infrastructure to Ingleside • Current situation in Ingleside is unacceptable • Lack of information provided to residents of Ingleside • Council need to do something in Ingleside 	<p>The Manly Daily is where all of Council's announcements are consistently published.</p> <p>The discussion of Ingleside has been brought forward from Appendix 4 to the housing chapter. The discussion has also been updated to include the recent resolution of Council to seek a meeting with the Department of Planning and Infrastructure with a view to developing a forward path for Ingleside. The recommendation has been amended to include an action, being, that Council should await the outcomes of discussions with the Department of Planning and Infrastructure regarding the future of Ingleside.</p> <p>Despite the strong feeling of the Ingleside community that decisions relating to Ingleside should not be delayed any further, the area is still under investigation and there is a need to work with the Department of Planning and Infrastructure to develop a suitable forward path that gives full consideration to the complexities of the area.</p>

Links to key documents for background reading:

a) North East Sub Regional Strategy

<http://www.metrostrategy.nsw.gov.au/Subregions/NorthEastsubregion/tabid/76/language/en-AU/Default.aspx>

b) Sydney Metropolitan Strategy

<http://www.metrostrategy.nsw.gov.au/>

c) Sydney Metropolitan Plan

<http://www.metroplansydney.nsw.gov.au/>

d) SHOROC Regional Employment Study

<http://shoroc.com/press-publications/transport-submissions-and-reports/>

e) SHOROC Employment Lands Study Addendum

http://www.pittwater.nsw.gov.au/building__and__development/strategic_planning/land_use_planning_strategy

C11.6	Mona Vale Tennis Club - Replacement of Synthetic Court Surfaces
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Meeting: Planning an Integrated Built Environment Committee

Date: 15 August 2011

STRATEGY: Recreational Management

ACTION: To upgrade recreational facilities

PURPOSE OF REPORT

To seek Council approval for the resurfacing of Courts 2 & 3 at Mona Vale Tennis Club

1.0 BACKGROUND

- 1.1 Council manages upgrades to the four leased tennis clubs in Pittwater through the Tennis Liaison Committee. The four clubs are at Bayview, Mona Vale, Elanora and Careel Bay. Capital improvements works are approved by the four clubs at a Lessee's committee meeting and those recommendations are forwarded to Council and considered at Council's Tennis Liaison Committee. Following approval of the Tennis Liaison Committee, applications for improvement works are forwarded to Council via a report and if approved works are funded from the Tennis Liaison Fund.
- 1.2 The Tennis Liaison Committee has received a request from Mona Vale Tennis Club to undertake resurfacing works at Courts 2 & 3. The works are necessary as the synthetic turf surfaces on these courts are a number of years old and are now in need of replacement.
- 1.3 Three quotes were obtained from the following suppliers.
- All Grass Sports Surfaces
 - Weaver Sports Services
 - Game Plan

A copy of each quotation is presented in the confidential part of this agenda.

2.0 ISSUES

- 2.1 **Assessment of Quotations Received** – see Confidential section of this Agenda

2.2 **Funding for Works**

Council allows clubs to maintain a \$10,000 limit on operational accounts. Should clubs have an amount in excess of \$10,000, then this excess amount is used to assist in funding the project.

Mona Vale Tennis Club has provided a bank statement with their application to Council which shows a balance of \$10,922.21 at the end of July 2011. It would therefore be necessary for the Club to contribute approximately \$1,000 towards the project.

2.3 Tennis Liaison Fund

The Tennis Liaison Fund is an accumulation of yearly lease fees paid by the four tennis clubs. These funds are specifically set aside to fund capital works on the Tennis Club facilities in Pittwater.

Currently the Tennis Liaison Fund has a balance of \$ 144,660.79.

2.4 Approvals

The proposed works include the removal of the existing synthetic grass tennis court surfaces, releveling of the base with the removal of any invasive roots, recompact the base and laying of new synthetic grass surfaces with the brushing in of sand to provide the appropriate playing surface. No planning approvals are required for this work which will be project managed by Council staff.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

3.1.1 This project will improve facilities at the Mona Vale Tennis Club for members and other users.

3.2 Valuing & Caring for our Natural Environment (Environmental)

3.2.1 The relaying of the new synthetic grass surfaces will not impact on the natural environment in the vicinity of the tennis courts.

3.3 Enhancing our Working & Learning (Economic)

3.3.1 The proposed works would be funded from Council's Tennis Liaison reserves and there would be therefore be no impact on Council's normal operating budget.

3.4 Leading an Effective & Collaborative Council (Governance)

3.4.1 Council has an obligation to maintain its facilities to a reasonable level which not only affects the quality of the recreational pursuit but also minimises Council's liability by way of injury from ageing infrastructure.

3.5 Integrating our Built Environment (Infrastructure)

3.5.1 These works will improve the condition and life of the existing facility.

4.0 EXECUTIVE SUMMARY

4.1 Council liaises with the four local tennis clubs and assists them in maintenance and improvements through the Tennis Liaison Fund. The proposed resurfacing works at Mona Vale Tennis Club have been endorsed by both the Tennis Lessee's Committee and the Tennis Liaison Committee and will assist the club in providing a top class facility for members and other users.

RECOMMENDATION

1. That the installation of extra heavy duty 74/1390 synthetic grass surfaces on Courts 2 & 3 at Mona Vale Tennis Club by Weaver Sports Services a total cost of \$46,500 (including GST) be approved.
2. That Mona Vale Tennis Club contribute \$900 towards the court resurfacing works.
3. That funds of \$45,600 be allocated from Council's Tennis Liaison Reserve Account for the funding of this project.

Report prepared by

Les Munn

MANAGER, RESERVES, RECREATION & BUILDING SERVICES

Council Meeting

12.0 Adoption of Governance Committee Recommendations

13.0 Adoption of Planning an Integrated Built Environment Committee Recommendations

14.0 Councillor Questions

Committee of the Whole

15.0 Confidential Items

Pittwater Council is committed to, and has fostered, the practice of open local government. Some matters, however, are of a sensitive nature and are dealt with in Closed Session. The nature of such matters are contained within Section 10A(2) of the Local Government Act, 1993, the text of which is recorded within the recommendation hereunder.

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- (i) That in the public interest, and pursuant to Section 10A(2) of the Local Government Act, 1993, the Council convene into Closed Session to consider Item C15.1.
 - (ii) That pursuant to Section 10A(2) of the Local Government Act, 1993, the press and public be excluded from the proceedings of the Committee of the Whole on the basis that the items to be considered are of a confidential nature, which includes:
 1.
 - (a) personnel matters concerning particular individuals (other than Councillors);
 - (b) the personal hardship of any resident or ratepayer;
 - (c) Information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting business or proposes to conduct business.
 - (d) Commercial information of a confidential nature that would, if disclosed:-
 - prejudice the commercial position of the person who supplied it; or
 - confer a commercial advantage on a competitor of the Council; or
 - reveal a trade secret.
 - (e) information that would, if disclosed, prejudice the maintenance of the law;
 - (f) matters affecting the security of the Council, Councillors, Council staff or Council property.
 - (g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
 - (h) Information concerning the nature and location of a place or an item of Aboriginal significance on community land
 2. The grounds on which a meeting is closed to the public must be specified in the decision to close the meeting and recorded in the minutes of the meeting.
 3. A person (whether a Councillor or another person) is not entitled to be present at a meeting if expelled from the meeting by a resolution of the meeting.
 - (iii) That the correspondence and reports relevant items considered in Closed Session be withheld from access to the press and the public.
 - (iv) That upon resumption of the Council meeting in Open Session the General Manager (or nominee) report those resolutions made by the Committee of the Whole.

Mark Ferguson
GENERAL MANAGER

C15.1	Southern Buffer Sector, Warriewood Valley Land Release - Property Group Update
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Meeting: Council

Date: 15 August 2011

STRATEGY: Land Use & Development

ACTION: Develop Plan for Southern Buffer Area

CONFIDENTIAL CLAUSE

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

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

PURPOSE OF REPORT

- To update Council regarding the role of the internal Warriewood Valley Land Release Property Group.
- To provide a Forward path/Action Plan to develop land use development scenarios for the Southern Buffer Sector of the Warriewood Valley Land Release

1.0 BACKGROUND

- 1.1 A Strategic Review of the Warriewood Valley Urban Land Release is currently being carried out. An update report was provided to Council at its meeting held 18 July 2011.
- 1.2 The Strategic Review is being managed collectively by Pittwater Council and the Department of Planning & Infrastructure (DPI) through a Project Control Group (PCG). To assist this process, independent consultants will provide advice on traffic and transport; urban design; water management; and flooding.
- 1.3 The Warriewood Strategic Review will examine:
- the potential for increasing the height and density standards and other requirements that currently apply to Warriewood Valley
 - The demand on existing infrastructure and need for future infrastructure
 - The possibility of a retail/commercial precinct incorporating open space and a mix of residential and commercial development in the Southern Buffer area
- 1.4 As both the Council and the NSW Government own land in the land release area, an independent expert (Probity Adviser) has been commissioned to oversee the review and ensure it remains transparent and impartial.
- 1.5 In addition, to provide a separation of roles & responsibilities and clearly demonstrate probity, two separate and distinct Groups have been formed as follows:
- The Strategic / Technical Group which is chaired by Steve Evans, Director EP&C
 - The Property Group which is chaired by Chris Hunt, Director U&EA

- 1.6 This report specifically addresses the Warriewood Valley Property Group, its roles and responsibilities/protocols and provides discussion of issues, and suggested way forward. In particular, what do we see as important strategic outcomes from a Pittwater Council property owner as well as a community land manager perspective and how, if possible, we can work with other landowners / agencies to achieve a robust strategic outcome for this important part of Pittwater.
- 1.7 It is noted that Council owns land throughout the Warriewood Valley in the form of roads, creekline corridors, parks as part of the social and physical infrastructure provision associated with the Land Release, with more to be dedicated/acquired as part of the remaining land release.
- 1.8 The focus of this report is on those lands that are part of the remaining land release, in particular the Southern Buffer Sector of the Warriewood Valley Land Release as well as land in Sector 9 (that was purchased using Warriewood Valley s94 developer contribution funding for part of a large park).
- 1.9 The Southern Buffer has a mix of private and publicly owned lands. The current pattern of ownership, zoning and land uses and the current location of roads and infrastructure may not necessarily be in the best spatial location for the future, in particular its compatibility with the adjoining land uses/constraints and to take advantage of potential opportunities. In this regard there may be merit in the Southern Buffer Sector to start from a 'clean slate' and identify what is the preferred option for the future mix of land uses and zoning, in particular to assess their compatibility and viability from the sustainability perspectives of environmental, social, economic, infrastructure and governance considerations.

2.0 ISSUES

2.1 Warriewood Valley Property Group Protocols

- A Probity Advisor has been appointed, a Probity Plan along with confidentiality declarations have been developed as part of the Strategic Review process.
- The General Manager will determine the scope of the WV Property Group involvement and provide suitable delegations to operate
- Discussions with other Stakeholders will be on a Without Prejudice and Commercial in Confidence basis
- The WV Property Group is not to fetter the Strategic Planning process and as such will operate within its delegation and document such interactions
- It is acknowledged that the WV Property Group does not have delegated authority to make decisions on behalf of Council and as such will need to take on notice the discussions arising for transmission to Council's GM and full Council for subsequent consideration / decision making
- Meetings will be minuted for record keeping
- A timeline will be prepared to ascertain how the WV Property Group contributes to the overall Strategic Planning process and determine the optimum path for its effective involvement - it should be noted that the WV Property Group is reliant upon strategic information from the PCG and Technical Group to be able to effectively consider potential land use patterns and Masterplan outcomes.
- A communication strategy for the Group is to be prepared
- Scope, process and net community benefit outcomes are to be defined - as a general rule there needs to be a significant net community benefit to change the status quo.

2.2 Revised Southern Buffer Sector Location and Zonings

The Southern Buffer Sector was initially bounded by Macpherson Street in the north, Warriewood Wetlands and Warriewood Shopping Centre in the west, Jackson's Rd in the south and Pittwater Rd and the Warriewood STP in the east.

It is noted that Sydney Water has recently advised that it is not including any of its STP land in the land release and as such a revised northern boundary for the Southern Buffer is to the south of Buffer Sector 3 (i.e. to the south of the current Meriton development).

Although Sydney Water has advised that it will not be including its land in the Southern Buffer land release there may be opportunities to investigate community use of the western strip of their land between Boondah Road and Narrabeen Creek e.g. a long term lease for sporting uses, particularly if active open space potentially also adjoins this land as one of the Scenarios discussed below.

2.3 Range of Stakeholders

The following is a list of current and potential stakeholders - both primary and secondary. Note, this list may expand or reduce as the project unfolds.

- Pittwater community and Community Associations
- Pittwater Council
- Councillors
- General Manager
- WV Strategic/Technical Group
- WV Property Group
- Project Steering Group (PSG) + Probity Advisor
- Local State & Federal Member(s) & Ministers
- Government land owners
 - Crown Lands – Care Control & Management land
 - Sydney Water - STP land
- Government Agencies/ Authorities
 - Sydney Water - water & sewerage + STP + outfall
 - OEH
 - Planning
 - RTA or derivative
 - Transport or derivative
 - other
 - Federal
- Private land owners in the Southern Buffer Area
- Other Sector Developers
- Sporting Groups
- Community Groups & Community facility user groups
- Local Schools
- Adjoining land owners & residents, including:
 - Warriewood Shopping Centre / Centro
 - Meriton
 - Vuko Place
 - Sydney Water
 - Sector 9 land owners
 - Warriewood Valley property owners
 - Jackson's Road/Oaks Ave precinct
 - Pittwater Road – eastern precinct

- s94 Developer Contribution Plan' participants/contributors
- Other commercial & retail centres
- Chambers of Commerce
- Future developers / owners

2.4 Important Strategic Considerations

What do we see as important strategic outcomes from a Pittwater Council property owner and community land manager perspective and how, if possible can we work with other landowners / agencies to achieve a robust strategic outcome for current owners and in particular future generations who will benefit from the opportunities created.

Primary Considerations

It is important that Council via its WV Property Group taken into consideration the following:

- As a fundamental part of the Strategic Review process, seek to gain a significant increase in net community benefit, in particular an increase in active open space and/or its embellishment and improved/replacement community facilities
- Recognise that the current WV land release and its associated s94 Developer Contribution Plan is based upon an orderly planning framework that envisaged up to 25 dwellings per hectare as a residential yield along with employment generating lands
- Recognise that with changes to that yield (densities), as is the case already with the Meriton development and may be a recommendation of the Strategic Review it will have a direct flow on impact on infrastructure demands to allow that increased scale of development to take place and meet the needs of the incoming community e.g. increased yield requires additional open space, in particular active open space as well as additional community facilities and may require a higher standard of road and intersection treatments.
- Recognise that Pittwater Council has existing land assets within the release area and needs to examine these in terms of highest and best use for the community, including reasonable social and economic return.
 - In Sector 9 - the 'land bank' purchased from s94 Plan for large park (currently Operational Land classification), and
 - Majority of land is in the Southern Buffer (currently active open space, roads, creekline corridors/ passive recreation, special uses – Works Depot as well as community facilities)
- Gain a full understanding of the constraints and opportunities of the Strategic Planning Review process including the risk profiles involved
- Develop Masterplan options/scenarios for further consideration having regard to strategic outcomes and desired future character, economic feasibility and viability ,etc
- As one approach, work with existing land ownership, land use patterns, infrastructure, etc
- As an alternative approach, put aside existing zonings and land ownership patterns and start from a 'clean slate' perspective - on this basis where is it best to place land uses for the future (as distinct from just going with the current layout)
- Retention and enhancement of environmental qualities.

2.5 Existing ownerships and configurations

The overall Southern Buffer Sector (now excluding the STP) is comprised of approximately 15 hectares. Of this:

- the Boondah Road Reserve south of the proposed adjoining residential sector, i.e. south of Buffer Area 3 is approx 1.5 hectares
- the privately owned land component comprises 6.15 hectares of which 5.4 hectares is located to the north of the Narrabeen Creek centreline and 0.75 hectares is to the south of Narrabeen Creek
- the State Government land is 2 hectares under the care, control and management (CCM) of Council for use as active open space - this is to the west of the current location of Boondah Road and straddles Narrabeen Creek - this includes the Ted Blackwood facility at the Jacksons Rd frontage
- the Council open space land is approx 6 hectares located to the east of the current position of Boondah Road that also straddles Narrabeen Creek of which approximately 2.4 hectares is used for active sports (split by the creek), approximately 2.9 hectares is creekline corridor, 0.8 hectares is passive 'curtilage' and 0.6 hectares is used for community facilities (Nelson Heather Centre)
- The Council's Boondah Road Depot is operational land comprising 0.75 hectares located to the north of Narrabeen Creek.

2.6 Existing Zonings & Land uses

The Southern Buffer Sector has the following existing zonings/land uses:

- The privately owned land is currently zoned Non Urban 1(b) (1 hectare minimum) - this land is currently used for low key activities/rural businesses/accommodation. The land, in part, also has environmentally sensitive attributes, is low lying and is flood affected. It is predicted that climate change and Sea Level Rise implications will further exacerbate the flooding impacts and development capabilities
- The State Government under Care, Control and Management with Pittwater Council that straddles Narrabeen Creek is mostly zoned 6(a) recreational and is mostly used for active sportsfields. Also on this land is the Ted Blackwood Community facility adjoining Jacksons Road which is zoned 5(a) Special Uses.
- The Council land is mostly zoned 6(a) recreational and used for active sporting activities including football (soccer), netball, baseball, passive recreation and creekline corridor
- On the Council land there is also a Community Centre hub of approx 0.6 hectares along Jackson's Rd i.e. the Nelson Heather Centre which is Zoned 5(a) Special Uses
- The Council's Boondah Depot (0.75 hectares) is operational land and zoned 5(a) Special Uses
- Collectively from the above there is currently approximately 1.7 hectares of ovals/courts to the south of the Narrabeen Creek and approximately 2 hectares to the north

2.7 Southern Buffer Sector Physical Constraints

- The Southern Buffer Sector is currently bisected north-south by Boondah Road. and east-west by Narrabeen Creek. It adjoins the Warriewood Wetlands and Warriewood Shopping Centre to the west.
- The land is generally flood prone with the Council land adjoining Jackson's Road at a higher relative level. The private land is lower lying and is also impacted by flood ways and flood routes. Its development capability is therefore somewhat constrained
- The existing open space land has been previously used as a land fill tip that at the time was generally uncontrolled, as such the land fill could be variable - the fill was capped and is primarily currently used as grassed ovals/courts. The Community Centre buildings are also built on filled land and exhibit settlement cracking as a result.
- Located within a floodplain there is a primary requirement to not exacerbate the flood affectations upstream, surrounding or downstream of the land in question. In this regard, to maintain flood storage volume and on the assumption that the previous landfill tip material can remain in situ it would be a less costly exercise to raise the level of the already landfilled land and drop the level of the non landfilled site to achieve suitable development platforms. The reverse would potentially unearth the tip material and involve expensive removal and site remediation and/or construction of a raised podium level.
- The land forms part of the Narrabeen Lagoon floodplain and is likely to be affected by Climate Change and Sea Level Rise – further information will become available through the Strategic Review and updated Narrabeen Lagoon Flood Study update processes.

2.8 Existing Activities, Conflicts & associated issues

- The Boondah Road 'Sporting Precinct' provides a vitally important active open space – it is heavily utilised, particularly during the winter season with weekday school sport and other community uses, afternoon/night training and weekend sporting matches. This level of activity in conjunction with a through road (Boondah Road) that is increasing in traffic volumes elevates safety concerns regarding traffic and pedestrian conflicts - as such it has been a long held safety improvement objective to remove Boondah Road from the centre of the sports activity by either a road closure or relocating this road off to the western side.
- The community facilities along the Jacksons Road frontage provide an important community function- the Nelson Heather facility is a deteriorated building due to its age and excessive settlement and as such is in need of replacement.
- Narrabeen Creek cuts through the middle of the sports precinct and hence also results in a physical constraint that limits the effectiveness of the playing field configurations – unable to achieve effective multiuse summer/winter oval combinations.
- The Warriewood Wetlands immediately adjoins the private property and as such there would need to be a suitable buffer established along this edge to protect the wetlands - ideally a different land use to that of employment generating (large built forms) configuration to that edge is desired.
- The private land in its current spatial configuration, if being considered for employment generation, is in a location that has less commercial 'visibility' compared to a collector or main road address and as such this may affect its viability/success. The configuration achieved is also somewhat linear along Boondah Road which may affect some potential uses in this type of arrangement.

- The Sydney Water STP has land along its western boundary (west of Narrabeen Creek). Sydney Water has indicated that it is not interested in selling any of/developing any of this part of its site however it may be suitable for passive community uses that could feature in some open space use - the suggestion could be to co-use with adjoining sports fields to achieve larger and hence be important for more multi-use oval configurations.
- Warriewood Shopping Centre is currently 'land locked' and there may be advantages in creating suitable synergies, including the realignment of Boondah Road to be directly into or adjoining this Centre. This would also improve the road intersection arrangements with Jacksons Road.

2.9 **Précis of Desired Future Outcomes & Opportunities**

The draft landuse strategy for the Pittwater LGA highlights the need to accommodate an increasing residential population and the associated need for generating additional local employment opportunities – in this context the Southern Buffer Sector receives particular mention.

The following is a preliminary list of what is commonly envisaged for the Southern Buffer Sector:

- Good quality, multi-functional and expanded open spaces for sports and passive recreational activities including good provision of associated carparking without the safety and amenity conflict of through traffic.
- Good linkages with adjoining Active Sports areas at Jacksons Road, North Narrabeen Sports High School and North Narrabeen Reserve – an interconnected network of sports facilities and green space.
- Good synergy between the Southern Buffer Sector open space and Warriewood Wetlands, Narrabeen Creek, Warriewood STP curtilage and other environmentally sensitive land attributes.
- Good connectivity with the rest of Pittwater, in particular linkages with the creekline corridors, multiuse pathways being established for Narrabeen, Fern and Mullet Creeks along with linkages to the coast and north/south.
- Upgraded and vibrant community facilities provide a community hub/centre for the Warriewood/Nth Narrabeen suburbs.
- Commercial viability for employment generating land opportunities, with a good street address, good access to public transport and compatible synergies with Warriewood Shopping Centre and Vuko Place commercial/retail developments.
- Remove/ameliorate existing conflicts such as Boondah Road currently through the middle of the sports precinct.
- Work in better with the existing site constraints such as Narrabeen Creek, environmental attributes, flooding, floodway and filled land, street address (main and collector road exposure).
- An increase in the quantum of active sports ground noting the additional provisions to be achieved within the Warriewood Valley Section 94 Contributions Plan.

2.10 Perceived Stakeholder Expectations

- Existing private land owners in the Southern Buffer Sector - Land currently zoned 1(b) non urban (generally 1 hectare lots) - wanting to achieve a good economic return from their land holdings through the Sector Master Plan and rezoning process.
- Pittwater Council as open space and community facility land owner- wanting a good Master Plan// town planning result for the future land uses and activities, in particular an effective and expanded active open space and community facility precinct as well as the opportunity to directly participate in viable employment generation and economic activity/financial return.
- Pittwater Council as operational and land owner of roads and Boondah Depot – wanting to provide good road and footpath connectivity and improved traffic management, in particular:
 - relocate Boondah Road so that it is not through the middle of the Sports Precinct;
 - improve the intersection and throughput capacity at Jacksons Road/Pittwater Road;
 - signalised intersection at Namona Street provides improved access to Narrabeen Sports High, Narrabeen North Primary and NBISC and help facilitate a closure of Oaks St to reduce intersection conflicts and improve local traffic flows
 - achieve traffic generation precincts and travel desire lines to effectively manage traffic movements.
- Pittwater Council as Planning & Regulatory Authority – a strategically responsible town planning solution that achieves a high net community benefit, compatible land use ‘fit’, viable employment generation opportunities and synergies and open space/social outcomes.
- Department of Lands - reasonable consideration for the use of their land that is currently under care, control and management with PC for active open space uses.
- Sydney Water - compatible uses relative to their STP installation with the possible co-use of some of their passive curtilage (west of Narrabeen Creek).
- Adjoining / opposite residential land owners not part of Southern Buffer - land uses that are sympathetic to their proximity and potential consideration for up zoning in the overall town planning context and revised traffic arrangements.
- Warriewood Shopping Centre & Vuko Place - establish social, commercial and economic synergies that add to the viability of the overall precinct.
- Sporting Clubs & Associations, including Sporting Union - effective and expanded active open space configurations that can be multi-purpose with upgraded facilities and infrastructure, in particular to improve safety and amenity for users.
- Community Centre groups/hirers including Nelson Heather, Ted Blackwood - upgraded facilities in a user friendly and readily accessible location – plus potential to re-use the Boondah Road Depot facility for sports clubhouse uses, subject to suitable relocation of Depot facilities.
- Broader community - a central hub for the Warriewood/Nth Narrabeen communities, employment generation and open space, retain open ‘feel’ and compatible development /gateway treatment.
- RTA - compatible linkages with their main road network.

- Department of Education - effective and safe linkages to open spaces, expanded shared use opportunities and improved facilities.
- The 'natural environment' – suitable protection and sensitive access.

2.11 Previous Stakeholder Meetings

- Two prior stakeholder group meetings have been conducted, not as part of the current Strategic Review. The most recent of these was in the form of a 'charette' that utilised an external facilitator.
- At this charette, the constraints, issues, concerns and brief discussion of opportunities/options were discussed.
- Subsequent to this meeting there was a Rezoning Master Plan submitted by some of the private landowner stakeholders that basically put forward the option of retaining existing ownership patterns with a relocated Boondah Road. This was not discussed with Council prior to its submission.
- An alternate option, is a spatial relocation of landuses, ie not locked into existing ownership patterns.

2.12 Brainstorming Exercise - Hypothetical Land Uses/Development Scenarios

The following hypothetical scenarios are presented as part of an initial 'brain storming' exercise. These would need to be further examined with the advantage of updated information arising from the Strategic Review process.

Scenario 1 - land ownerships and spatial layouts remain as is

Leave ownership patterns and land uses as is i.e. open space land remains as is and private lands, mainly to the north of Narrabeen Creek will then provide the opportunity for employment generating land if constraints to that land can be accommodated. Some of this private land may also be required for active open space uses to be acquired by the WV s94 Plan.

- what is the highest and best use of the private land under this scenario with the existing and foreshadowed constraints
- what is the highest and best use of the public land under this scenario with the existing and foreshadowed constraints

Scenario 1	
Advantages	Disadvantages
Less complicated in terms of land transactions and perceived change compared to existing - existing private owners retain their ownership in that same configuration	The subject land to the north of Narrabeen Creek is already heavily constrained in terms of flood affectation which is likely to be further exacerbated by Climate Change and sea level rise - can this form of employment generating development take place in such a location?? Will it require a raised podium for development with carparking at grade or raised?? Is this permissible / viable??
If the commercial use is to be bulky goods (i.e. in a larger 'box') then a less visible location such as to the north along Boondah Rd may be an advantage to reduce bulk & scale	The employment generating land in this location has less 'exposure' and as such may be less economically viable compared to a higher profile location such as to the south of Narrabeen Creek

Scenario 1	
Advantages	Disadvantages
	The employment generating land may be a less compatible land use adjoining the Warriewood Wetland
If Warriewood Valley s94 Plan requires additional active open space then it acquires such land direct rather than through a land swap	The current open space and community facility land uses to the south of Narrabeen Creek are not 'highest and best' land uses and as such reduces the community return on its land assets. Pittwater has a very small income producing land asset portfolio compared to other Councils and as such is very reliant upon rate income - a higher commercial income base would provide for greater economic sustainability and assist with renewal and maintenance costs of infrastructure into the future
	Existing community and recreational facilities need to be rebuilt (settlement cracking) and without an economic adjunct will be a cost burden for the community.

Scenario 2 - put aside existing patterns of ownerships and land uses

This scenario basically results in a spatial reconfiguration of land uses as follows:

- A. Place the employment generation land to the south of Narrabeen Creek that includes the option of incorporating improved community facilities. This lends itself to an integrated village centre approach for the Warriewood locality.
- B. Replace the loss of current open space land at the south of Narrabeen Creek (displaced by A. above) to the north of Narrabeen Creek i.e. requires some or all of the existing private lands to be acquired/swapped and potential reuse of Council's depot as a sports precinct clubhouse. Also provides potential land bank for further open space uses (WWVs94 needs).

In this context the following arises:

- what is the highest and best use of the private land under this scenario with the existing and foreshadowed constraints
- what is the highest and best use of the public land under this scenario with the existing and foreshadowed constraints
- need to as a minimum, to increase the existing quantum of active open space and community facilities to demonstrate a higher net community benefit
- need to do a stocktake that recognises land parcels have different commercial values and as such a land swap would need to be transacted relative to those highest and best uses and corresponding land values - hence may not be a direct area for area swap or compensation
- For example - preliminary valuation advice suggests that the Council (and Department) land to the south of Narrabeen Creek at the corner of Pittwater Road and Jackson's Road is higher valued land if rezoned to retail due to its

main road exposure and proximity to public transport compared to land along Boondah Road to the north of Narrabeen Creek of a similar zoning.

- Conversely the land to the north of Narrabeen Creek potentially has a lower valuation for the same retail use and may be more suited to bulky goods (if constraints can be accommodated), or rural type uses or open space uses - subject to closer analysis
- The future use of Council's Boondah Depot to be taken into consideration - the Depot is relocatable but would be expensive to move and find another suitable location. The Depot has a remaining life and can co-exist with either commercial or open space uses. It may have a community 'salvage' value as a Sports Clubhouse and associated storage facility again subject to finding and financing a suitable Depot relocation and construction.
- The need to acquire additional active open space as part of the Warriewood Valley ULR s94 plan nexus requirements
- The potential use of the Sydney Water land between Boondah Rd and Narrabeen Creek for community open space under a long term lease to be explored
- The relocation/closure of Boondah Rd to improve safety for open space users and reduction in intersection conflict

Scenario 2	
Advantages	Disadvantages
Creates the opportunity for a village centre for Warriewood/ Warriewood Valley that links between existing Warriewood Shopping Centre and Vuko Place	More complex land transaction as it involves multiple landowners to reach an agreement on a different spatial layout of ownership, landuse and economic return
Can incorporate upgraded Community Centre facilities to create a village hub that can be inbuilt as a requirement of redevelopment – this adds to the community health and wellbeing	Places the Village Centre and the retail development on land that currently has an open space use and vista
Places the employment generating land in a more visible, accessible and hence more viable location with main road and collector road frontages hence takes advantage of higher valued land/economic return for the community	Do we need this amount of employment generating land and what form will it take - bulk & scale considerations
Provides the opportunity to realign Boondah Road and create different access and intersection arrangements	The land has been previously filled via an 'uncontrolled' tip and as such needs to be comprehensively investigated as to use of such land for more intense forms of development
Can be a sustainability showcase for development - it also would reduce economic leakage from the area	
Utilises land which is currently at a higher level (RL) than surrounding lands to better accommodate flood characteristics	
Places the open space land to the north of Narrabeen Creek which is a more compatible use of that lower lying land and provides more suitable land use buffer to wetland and creekline corridor	
Land to the north of Narrabeen Creek is important for flood storage and as such	

Scenario 2	
Advantages	Disadvantages
ovals use can remain flood affected and/or provide additional flood storage offsets	
Land is relatively level and as such earthworks is minimal to create ovals	
The open space land bank to the north also adjoins Sydney Water land (west of Narrabeen Creek corridor) that could also be incorporated into compatible open space uses	
Places the employment generating land immediately adjoining Main road transport corridor that can be embellished through a transport interchange. This is also opposite the existing Park & Ride facility at North Narrabeen Reserve.	
Provides the opportunity to relocate Boondah Road away from centre of active ovals and hence achieve a safer sports precinct	
Provides the opportunity to reconfigure intersections	

Scenario 3 - In conjunction with either of above or stand alone

- To create more ovals utilise current golf driving range for alternate use as ovals - can incorporate at least 3 x full size ovals which would go a long way to assisting with general current demand for additional ovals (not for WWV specific needs)
- Loss of golf driving activity - perhaps this could be a seasonal (summer) use or can it incorporate capture nets
- loss of income associated with golf driving activity - currently provides significant annual return to Council
- can there be an economic offset e.g. retail strip development fronting North Narrabeen Reserve along Pittwater Road - ribbon developments are not generally desirable from a land use planning sense + access is somewhat constrained unless provide signalised intersection.

2.13 Strategic Planning Guidance

The Warriewood Valley Property Group will obviously be guided by the findings of the Strategic Review process and its associated additional consultancies.

2.14 Communication & Engagement Strategy for Property Group

As mentioned previously, the Southern Buffer has a mix of stakeholders. Primary stakeholders are the existing land owners involving private, State Government and Council. There is a need to communicate and engage with these stakeholders particularly in the context of a clean slate approach. As such, meeting(s) will be convened on a commercial in confidence and without prejudice basis to further discuss issues and gain a better understanding of the land owner issues and expectations.

In the context of the above the following provides a précis of what can generally be discussed with other stakeholders.

Existing facts:

- land ownerships
- existing land uses and configurations
- primary constraints to the land
- flood
- fire
- environmental including constraints
- Climate change & SLR
- Landfill – that parts of the land have been filled

Environmental attributes to be protected

- Warriewood Wetlands including suitable buffers or edge treatments
- creekline corridors - avg 25m either side of creek centreline
- other stands of trees and low lying 'wetland'

Desired open space and community facility outcomes

- no net reduction of current active open space and if possible provide expanded facilities
- remove traffic conflict from the middle of ovals - can Boondah Road be closed or relocated
- no net reduction of community facilities and if possible provide upgraded and expanded facilities

Physical aspects

- bulk & scale
- visual impact & amenity
- loss of current and perceived open space
- buffer to 'approved residential' along Boondah Road
- spill over parking pressures on public facilities from Meriton development

2.15 Future concepts - as already raised by the updated Council Landuse Planning Strategy for Pittwater as well as the recent Warriewood Valley Strategic Review Overview and initial workshop with the Southern Buffer Stakeholders

- The concept of providing a Village Centre in the southern quadrant
- Incorporate community facilities into the Village Centre to replace existing deteriorated facilities and provide for suitable expansion to meet WWV added needs
- Synergies with Warriewood Shopping Centre - not in competition but compatible uses with this Centre and other local and Town centres in Pittwater
- Retail and employment generating opportunities to meet local needs and hence reduce leakage to other outlets and car trips + sustainability attributes
- Transport interchange incorporated
- Improved viability of retail outlets with a main road exposure
- Visual impacts

2.16 **Additional information required**

- Confidential - land valuations for both public and private for various rezoning scenarios for comparisons.
- Confidential - land contamination / remediation report / geotechnical foundations report.
- Flood analysis including ability to balance fill with flood storage requirements - cut and fill.
- Economic feasibility report in conjunction with PCG independent consultancy - is there a demonstrated demand for additional employment generating land and its suitability/viability in this location.
- Climate change & SLR impacts - in conjunction with PCG independent hydraulic consultancy and noting the importance of the yet to be revised Narrabeen Lagoon Flood Study.
- Traffic analysis and intersection treatments - in conjunction with PCG independent traffic consultancy.
- Creation of new intersections to split and hence better manage traffic flows.

2.17 **Process & timeframe**

The process and timeframe for the WV Property Group to provide submission(s) to the Strategic Review process needs to be established and in particular to align with the Project milestones contained within the Report to Council 18 July 2011.

2.18 **Associated documents**

- Warriewood Valley s94 Developer Contributions Plan (currently under review)
- Warriewood Valley Masterplan(s) (under review)
- Warriewood Valley constraints Mapping (under review)
- Metro Strategy targets for residential and employment
- Open Space Bushland and Recreational Needs Strategy (under review)

2.19 **Cross linkages to s94 required outcomes and Open space, Bushland & Recreation Needs Strategy**

The s94 plan for Warriewood Valley needs to be updated

Higher residential yield requires increased facilities to meet the needs of incoming population, in particular land for active open space. If this is to be sourced from the remaining undeveloped lands then it erodes either the scope for residential uses or the residual employment generating lands - i.e. land is a finite resource with competing demands that are mutually inclusive.

Open Space Bushland and Recreational Needs Strategy also needs to be updated.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

- 3.1.1 Recognise that with intensification of development comes the need to provide a requisite amount of additional community and recreational infrastructure to meet increased demand.
- 3.1.2 No reduction of current active (sportsfield) open space and where affected provide a net gain with suitable embellishment offsets.
- 3.1.3 Requisite provision of active sport land and facilities associated with additional development needs. It is noted that Scenario 2 provides scope to increase the quantum of active open space.
- 3.1.4 Provision of improved/expanded community facilities to replace existing as well as meet the needs of WWV incoming population.
- 3.1.5 Investigate the provision of a vibrant 'Village Centre' and if feasible embed the community facilities into the Village Centre to create a positive sense of place and community hub – alternative locations to also be considered.
- 3.1.6 Investigate partnership arrangements to increase 'active open space' e.g. with adjoining Sydney Water land perimeter.
- 3.1.7 Build upon the growing sense of community in an eco-friendly sustainable setting.

3.2 Valuing & Caring for our Natural Environment (Environmental)

- 3.2.1 Preservation and enhancement of the creekline corridors to complete the environmental networks being rolled out across the rest of the Valley.
- 3.2.2 Ongoing protection of the Warriewood Wetlands.
- 3.2.3 Retention of other environmentally significant lands (public and private) or where appropriate provide suitable offsets.
- 3.2.4 Retention of flood storage or where appropriate provide suitable flood storage offsets.
- 3.2.5 No adverse impact on existing and predicted flood characteristics e.g. culverts under Warriewood Shopping Centre.
- 3.2.6 Full understanding of the potential impacts of sea level rise and climate change.
- 3.2.7 Compatible land use and appropriate buffers to protect environmentally sensitive locations and habitats.
- 3.2.8 Protection/ accommodation of ground water regimes.
- 3.2.9 Appropriate management of prior filled land.
- 3.2.10 Sustainable outcomes.

3.3 Enhancing our Working & Learning (Economic)

- 3.3.1 High net community benefit from Council's land portfolio, including strong economic return to supplement rate income, provide ongoing dividends to the community, help meet employment and other demographic needs and provide improved community and recreational facilities and communal spaces.
- 3.3.2 Not be in direct competition with other town/village centres and Warriewood Shopping Centre but rather be a compatible adjunct.
- 3.3.3 To reduce 'leakage' from the area to aid self containment and sustainability e.g. reduced car trips out of the area, good transport links, and local employment opportunities.
- 3.3.4 Investigate optimum sites for employment generating land e.g. viability may be enhanced by main road exposure, proximity to main road public transport corridor.
- 3.3.5 Where possible, work with other land owners to seek to achieve compatible outcomes.
- 3.3.6 Investigate the provision of small office / home office facilities.

3.4 Leading an effective & Collaborative Council (Governance)

- 3.4.1 Need to develop a Probity Plan for the WWV Property Group of Council.
- 3.4.2 Need to document the scope of the project.
- 3.4.3 Need to clearly document the roles and responsibilities - Council decision required + delegations of authority - may be best captured by an MOU.
- 3.4.4 Need to clearly document the terms of engagement, in particular engagement with Councillors, other Council staff, Government land owners/Agencies, private land owners, user groups, surrounding owners.
- 3.4.5 Confidentiality and commercial in confidence information.
- 3.4.6 Without prejudice interactions.
- 3.4.7 Maintain a satisfactory risk profile.
- 3.4.8 Record keeping and minutes of meetings / engagements.
- 3.4.9 Additional information / investigations required.
- 3.4.10 Communications strategy.

3.5 Integrating our Built Environment (Infrastructure)

- 3.5.1 Investigate the provision of a vibrant, readily accessible and viable Village Centre that provides an ideal opportunity to develop a sustainable showcase that includes energy efficient buildings, sustainable transport options, integrated water-cycle management.
- 3.5.2 Recognise that with intensification of development comes the need to provide additional physical infrastructure.

- 3.5.3 Enhance transport node/interchange facilities.
- 3.5.4 Pedestrian & cyclist friendly connectivity to Valley and rest of Pittwater.
- 3.5.5 Efficient road & intersection layout - intensification may result in the need for further lane provision, intersection throughput and signalisation of intersections.
- 3.5.6 Provision of carparking (public and private) in convenient nodes to accommodate usage patterns.
- 3.5.7 Removal of traffic conflict from centre of existing open space uses (i.e. Boondah Road currently through middle of active ovals) - can it be relocated?
- 3.5.8 Does Boondah Road remain a through road or cul-de-sac.
- 3.5.9 The future of Council's Boondah Depot - can it become a sports precinct clubhouse - where does the relocated Depot go and how is this paid for?
- 3.5.10 Replacement of 'tired' and deteriorated community facilities.
- 3.5.11 Deliver quality development that sets a benchmark for Pittwater.

4.0 EXECUTIVE SUMMARY

- 4.1 A Strategic Review of the Warriewood Valley Urban Land Release is currently being carried out collectively by the State Government and Pittwater Council. To facilitate this process a Probity Advisor has been appointed.
- 4.2 To maintain probity, Council has established an in-house Strategic/Technical Group and a separate Property Group. This report specifically addresses the Warriewood Valley Property Group, its roles and responsibilities/protocols and provides discussion of issues, and suggested way forward. In particular, what do we see as important strategic outcomes from a Pittwater Council property owner as well as a community land manager perspective and how, if possible, we can work with other landowners / agencies to achieve a robust strategic outcome for this important part of Pittwater.
- 4.3 The focus of this report is on those lands that are part of the remaining land release, in particular the Southern Buffer Sector of the Warriewood Valley Land Release as well as land in Sector 9 (that was purchased using Warriewood Valley s94 developer contribution funding for part of a large park).
- 4.4 The Southern Buffer has a mix of private and publicly owned lands. The current pattern of ownership, zoning and land uses and the current location of roads and infrastructure may not necessarily be in the best spatial location for the future, in particular its compatibility with the adjoining land uses/constraints and to take advantage of potential opportunities. In this regard there may be merit in the Southern Buffer Sector to start from a 'clean slate' and identify what is the preferred option for the future mix of land uses and zoning, in particular to assess their compatibility and viability from the sustainability perspectives of environmental, social, economic, infrastructure and governance considerations.
- 4.5 Protocols have been established for the Property Group to operate under delegated authority from the General Manager.

4.6 The following Action Plan is recommended for the Warriewood Valley Property Group:

- Meet on a “Commercial in Confidence” and Without Prejudice Basis” with other land owners and key stakeholders to gain a better understanding of their expectations and intended involvement in the land release process
- Further develop up scenarios as outlined in this report and others that may arise through stakeholder discussion
- Report back to Council in mid September with a draft submission to the Strategic Review process for consideration prior to the Strategic Review Group finishing their Preliminary Draft Report in late September.
- Provide a continuing role to fine tune scenarios on the basis of additional information arising from the Strategic Review findings
- Provide a further briefing to Councillors in early September outlining feedback from other landowners and progress with scenario development.

RECOMMENDATION

That the report regarding Council’s involvement in the Warriewood Valley Strategic Review through its Warriewood Valley Property Group be noted and the recommended Action Plan included in Section 4.6 of this report be adopted.

Report prepared by

Chris Hunt
DIRECTOR, URBAN & ENVIRONMENTAL ASSETS
(Chair of Warriewood Valley Property Group)

Council Meeting

16.0 Adoption of the Committee of the Whole Recommendation

***Confidential
Advice***

***'Commercial in
Confidence'***

Commercial In Confidence Advice - Mona Vale Tennis Club - Replacement of Synthetic Surfaces

CONFIDENTIAL COMMERCIAL ADVICE

Item No: C11.6

Matter: Commercial In Confidence Advice - Mona Vale Tennis Club -
Replacement of Synthetic Surfaces

From: Les Munn – Manager Reserves, Recreation & Building Services

Meeting: Planning an Integrated Built Environment Committee

Date: 15 August 2011

The abovementioned matter as listed as Item No. C11.6 in Open Session in the Agenda.

- 1.1 Council manages upgrades to the four leased tennis clubs in Pittwater through the Tennis Liaison Committee. The four clubs are at Bayview, Mona Vale, Elanora and Careel Bay. Capital improvements works are approved by the four clubs at a Lessee's committee meeting and those recommendations are forwarded to Council and considered at Council's Tennis Liaison Committee. Following approval of the Tennis Liaison Committee, applications for improvement works are forwarded to Council via a report and if approved works are funded from the Tennis Liaison Fund.
- 1.2 The Tennis Liaison Committee has received a request from Mona Vale Tennis Club to undertake resurfacing works at Courts 2 & 3. The works are necessary as the synthetic turf surfaces on these courts are a number of years old and is now in need of replacement.
- 1.3 The Club has obtained three quotes (see **Attachment 1**) from the following suppliers.
 - All Grass Sports Surfaces - \$45,485 (including GST)
 - Weaver Sports Services – (heavy duty) - \$46,500 (including GST)
 - Game Plan - \$48,950 (including GST)
- 1.4 **Extent of Work**

The quotes received from All Grass Sports Surfaces and Weaver Sports Surfaces both mention the need to remove any roots which have grown under the existing grass surfaces and also to re-level the base which will become damaged with the removal of the old synthetic grass matting. The quote from Game Plan does not mention this work so it is unclear as to whether this is included in the \$48,950 or would be an extra cost on top of this amount.

Weaver Sports Surfaces have recommended the installation of their extra heavy duty (the quoted price in this report) as it would provide a 40% longer life than current surfaces. Weaver Sports Services will provide a 10 year guarantee for the courts but from current experience believe that the surfaces will last in excess of 14-15 years. The existing court surfaces 2 & 3 were laid in 2000.

All Grass Sports Surfaces will provide a 7 year guarantee for their sports surface.

Game Plan Sports Construction have not mentioned guarantees with their quote but from previous experience with Game Plan it is understood they would provide a 5 year guarantee.

- 1.5 The proposed resurfacing works at Mona Vale Tennis Club have been endorsed by both the Tennis Lessee's Committee and the Tennis Liaison Committee and will assist the Mona Vale Tennis Club in providing a top class facility for members and other users.

WEAVER SPORTS SERVICES
SYNTHETIC GRASS SPECIALISTS
ABN 29 921 725 685

P.O. BOX 84
FRENCHS FOREST
SYDNEY, NSW 2086
AUSTRALIA

Phone: (02) 9451 5802
Mobile: 0438 614 677

Email: weaversports@hotmail.com

26 May, 2011

The President,
 Mona Vale Tennis Club,
 P.O. Box 45,
 Mona Vale NSW 2103

Dear Sir,

RESURFACING OF SYNTHETIC GRASS TENNIS COURTS

I have pleasure in providing my quotation for the resurfacing of courts 2 and 3 with 'Sportgrass' synthetic grass.

GENERAL SCOPE OF WORKS

- Remove all existing synthetic grass including sand infill. Complete removal from site including all tipping fees.
- Rectify any areas affected by tree root encroachment.
- Patch base as may be necessary to improve drainage and or damage occasioned by the removal of the old synthetic grass
- Supply and install new 'Sportgrass' synthetic grass surfaces.

REMOVAL OF EXISTING SURFACE

Take up old grass including sand infill and dispose of including tipping fees. The synthetic grass and sand infill must be in a dry state at the time of these works.

TOTAL PRICE (incl. GST)	\$5,500.00
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BASE WORKS

Because of uncertainty of the extent of such works we recommend that these be undertaken on a 'do and charge' basis or quoted for after removal of the old synthetic grass.

Provisional estimate only \$3,000.00

NEW SURFACES 'SPORTGRASS'

- Supply and completely install 'Sportgrass' 19mm pile height synthetic grass with integrated line system to total court area.
- Supply and broom in new sand to appropriate levels.
- Provide free follow up call approximately 4 weeks after completion of the installation to monitor settling in period and to make adjustments as necessary.

TOTAL PRICE (Inc. GST)	Heavy Duty 74/1016	\$36,000.00
	Extra Heavy Duty 74/1390	\$41,000.00

'Sportgrass' (Formerly Superior Grass) provided the first synthetic grass surfaces installed at Mona Vale Tennis Club. Weaver Sports Services (Formerly J. Weaver Constructions Pty. Ltd.) installed those surfaces. Together we have the most experienced team in our industry.

Sportgrass product 74/1016 is designed for heavy duty commercial use and would be the equivalent or heavier grade than the current surfaces.

Sportgrass Product 74/1390 was developed to provide the longest lasting surface on the market. The price of this product is obviously greater, however, you can expect to get 40% longer life than what you have achieved with the current surfaces.

I believe that you have not achieved the best economical outcome with the life of the current surfaces and we would like the opportunity of explaining to your committee our unique method of installation that provides a longer life expectancy than any other surface on the market today.

I trust that this quotation covers all matters adequately and look forward to the opportunity of discussing all details mentioned.

Kind regards



John Weaver

Guarantee 10 years grass

*19mm
EHD lines no seam on handling,
every bit part of a roll of
carpet.
seaming tape. 300 mm min.*

May 5, 2011

Quote :-# 5056

Joel Goodwin
C/- Mona Vale Tennis Club,
P.O.Box 45,
Mona Vale, 2103.

email : joelgoodwin@bigpond.com

RE : Resurfacing of tennis courts # 2 & 3 at your club !

Dear Joel,

Following my conversation with you etc. , I'm pleased to submit my synthetic grass options etc. for the surfacing of your courts, as discussed.

SCOPE OF THE WORKSCourt Size : 34.1 mtrs x 33.7 mtrs [2 cts]Base Preparation : We will uplift old carpet & sand & remove from site via waste bins dropped off in carpark.

We have allowed to repair "tree root infestation" on the southern end of court # 3.

Here we will mark out & saw-cut effected asphalt, remove waste from site. Remove dead tree roots [assumed that these roots are within the roadbase course].

Supply & lay a maximum of 2 tonne of AC 10 grade asphalt including tack coat etc.

We have allowed an estimate for base patching of low "bird bath" areas, at this stage, including labour, grinder, patching materials etc.

NOTE : this has to be confirmed after uplift of carpet has been completed & base inspected !

Access: Access for carpet & sand delivery will be via carpark to drop zone adjacent to entrance gate to complex, as discussed.

Netposts & Net : n/aLighting : n/aFencing : n/aSurface: **SYNTHETIC GRASS**

- Supply and install **Tiger Turf** synthetic tennis grass including sand infill. Playing lines are manufactured to the same specification as the grass.

i. The installation will be performed by Authorised **Tiger Turf** Installers who exclusively specialise in the installation of **Tiger Turf** sporting surfaces.

ii. The sand infill will be sub-angular washed and dried silica containing no more than 0.5% fines and graded to 70% 600mm.

iii. The synthetic grass installation will be carried out under the supervision of our designated installer.

Prices are given for our three grades of **Tiger Turf** Synthetic grass of 19mm and also for our 15 mm Elite & 12mm Commercial Grand Prix products. Specification sheets can be provided. Samples can be supplied . All products can be "two-tone" with Terracotta, Green and Forest colours to be selected from, if requested.

Guarantee: The material carries the full 7 year TIGER TURF guarantee against U.V. degradation and the material and installation carry a seven year guarantee for manufacture and workmanship.

Lines: Tennis lines will be installed.

All Tiger Turf synthetic grass products comply with the International Standard, ISO 9001.

Duration of the Works:

Weather permitting, the court surfacing will be completed in 4-6 working days, plus patching / repairs.

COST OF WORKS :

TIGER TURF Options :

CLASSIC:	(Not highly recommended for commercial use)	\$ 30,600.00 + GST
TOURNAMENT:		\$ 31,500.00 + GST.
TOURNAMENT 1000 :		\$ 34,200.00 + GST *
ELITE :		\$ 38,900.00 + GST
COMMERCIAL GRAND PRIX :		\$ 40,000.00 + GST
BASE PATCHING etc :	estimate	\$ \$ 850 - \$ 1800 + GST.
ROOT REPAIRS :		\$ 5,350.00 + gst
Home Owners Warranty Insurance :		\$ n/a
[Due to Govt. Legislation for contracts over \$ 12,000-]		

- * ii) We also provide an ongoing "Preventative Maintenance Program" for new and used synthetic grass courts!
- * iii) Access has been allowed within 10 metre drop zone for carpet and sand.
- * iv) No covering of any kerb areas has been allowed for.

Payment Schedule : 10% Deposit; 60% On Delivery of Carpet; 30% On Completion.

Thank you for inviting us to submit our prices and we look forward to discussing our proposal with you in more detail.

Yours faithfully,

Mark Edmondson
Managing Director
Member of the HIA
Member of the Sports Contractors Association of Australasia.

34,200
11,800
15,350

41,350 + GST.

W/LL REFERED W

W/LL MONTLOCK

Tennispac Pty Ltd
T/A GAMEPLAN SPORTS CONSTRUCTION
ABN: 64 002 814 397
50 Bower Street, Manly NSW 2095 Australia
Tel: 9674 5888

4 May 2011

Phil Davies
Mona Vale Tennis Club
Kitchener Park
Mona Vale NSW 2103

Re: Quote to Resurface 2 Courts

Dear Phil,

My quote is to resurface in the same product that we used on the 4 courts you presently have.

Scope of Works

1. Open the fencing for access.
2. Remove the existing synthetic grass and dispose off site.
3. Supply and install new "Satellite Plus" synthetic grass including
 - a) All seams adhered to 450mm wide backing tape.
 - b) Tufted in lines
 - c) Washed and kiln dried sand
4. Groom and detail the court for play.
5. Close off the fencing.
6. Remove all waste from site.

Price: \$48,950 inc gst