



PITTWATER COUNCIL

# Agenda

## Council Meeting

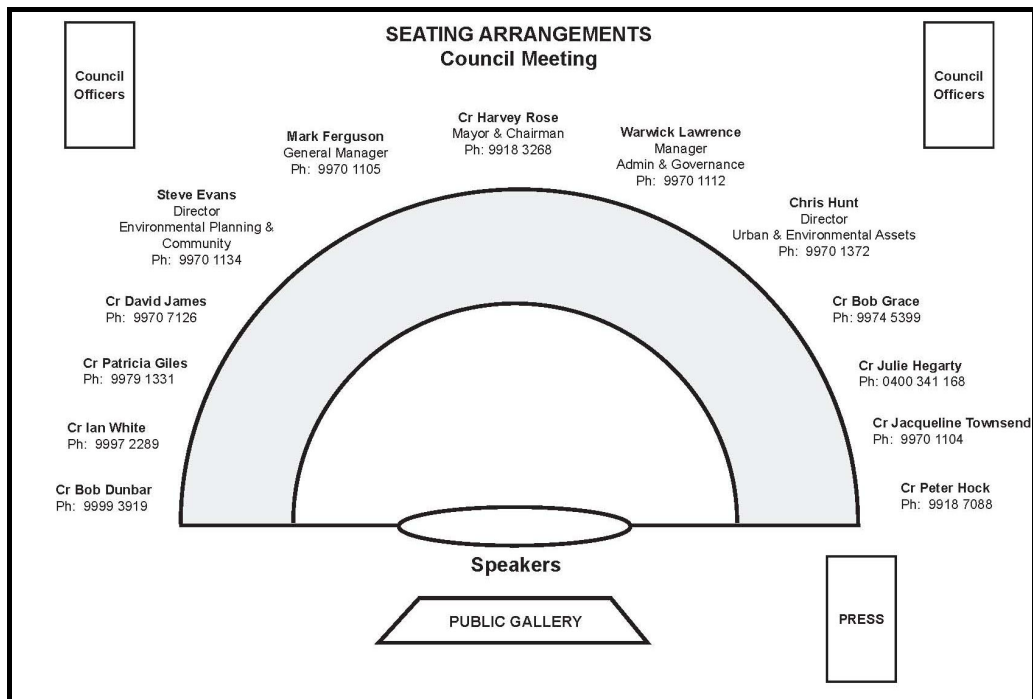
Notice is hereby given that a Council Meeting of Pittwater Council will be held at Mona Vale Memorial Hall on

***17 October 2011***

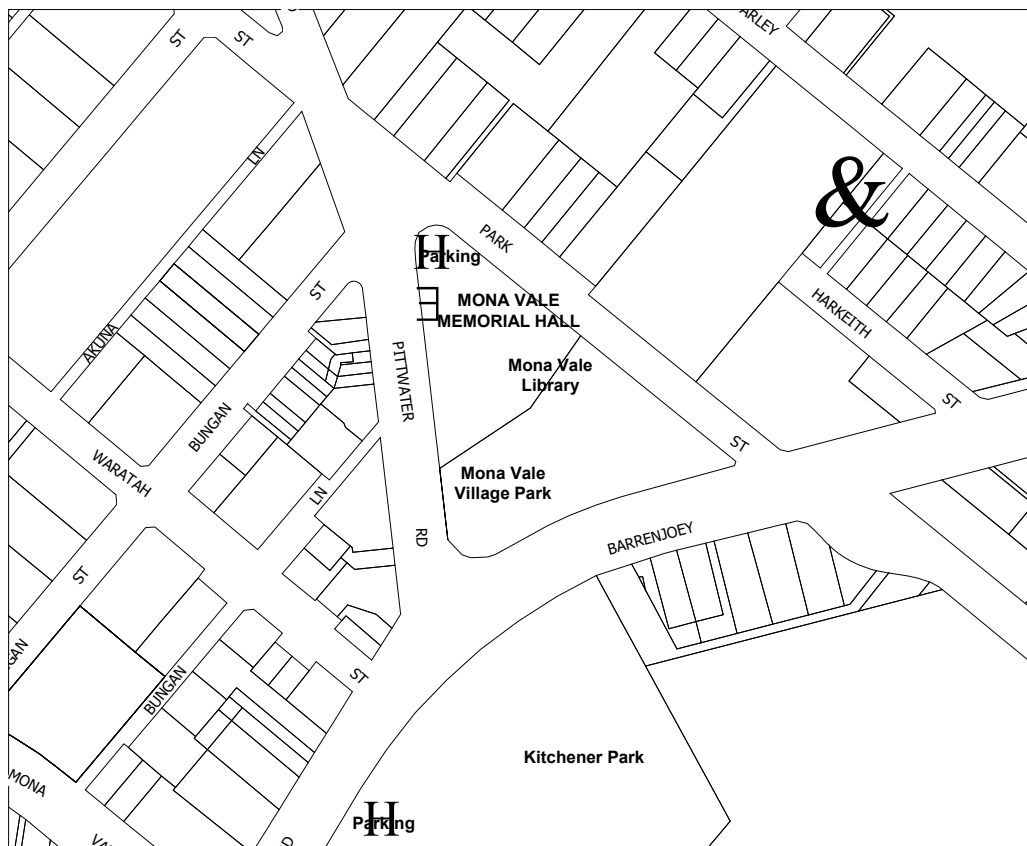
Commencing at 6.30pm for the purpose of considering the items included on the Agenda.

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



## IMPORTANT NOTE FOR COUNCILLORS

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

1. Any persons wishing to address the Council are invited to address the Council in Open Session, so that the general (non-confidential) issues relating to the matter are debated in Open Session.
2. Should the Council wish to consider the Confidential Advice at any time during the debate, the Council should resolve into Committee of the Whole in Closed Session in accordance with Section 10A(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 Confidential discussion concerning the Confidential Advice the Council should resolve back into Open Session to continue the debate as required, excluding any reference to the advice. Once again it is noted that the debate in Open Session should centre around the general (non-confidential) issues associated with the matter.
4. The Council should then determine the matter in Open Session.

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

Item No	Item	Page No
C9.2	Bayview Tennis Club - Renovation of Existing Deck and Stairs	76
C10.5	Deed of Release in Baillie - Public Liability Claim	121

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

## TABLE OF CONTENTS

Item No	Item	Page No
	<b>Council Meeting</b>	<b>7</b>
1.0	<b>Public Forum</b>	<b>7</b>
2.0	<b>Resident Questions</b>	<b>8</b>
3.0	<b>Apologies</b>	<b>8</b>
4.0	<b>Declarations of Pecuniary and Conflict of Interest including any Political Donations and Gifts</b>	<b>9</b>
5.0	<b>Confirmation of Minutes</b>	<b>9</b>
6.0	<b>Public Addresses</b>	<b>10</b>
7.0	<b>Mayoral Minutes</b>	<b>11</b>
8.0	<b>Business by Exception (All items on the Agenda)</b>	<b>10</b>
9.0	<b>Council Meeting Business</b>	<b>11</b>
C9.1	SHOROC Common Waste Service Collection System	12
C9.2	Bayview Tennis Club - Renovation of Existing Deck and Stairs	76
	<b>Governance Committee</b>	<b>79</b>
10.0	<b>Governance Committee Business</b>	<b>79</b>
C10.1	Investment Balances for the Month of September 2011	80
C10.2	Legal Expenditure as at 30 September 2011	85
C10.3	Monthly Contractors & Staff Report - August 2011	90
C10.4	Woolworths Avalon, Licences for Trolley Bays and Loading Dock	97
C10.5	Deed of Release in Baillie - Public Liability Claim	121
C10.6	Police and Community Youth Club (PCYC)	123

<b>Item No</b>	<b>Item</b>	<b>Page No</b>
C10.7	Adoption of Draft Pittwater Procurement Policy	193
C10.8	Policy Review	201
C10.9	Tabling of Pecuniary Interest Returns	421
C10.10	Nomination of "Designated Persons" - Disclosures of Pecuniary Interest	423
C10.11	Innovation in Urban Water Management and Treatment Conference 22 - 23 November 2011	427
C10.12	2012 Local Government Elections	435
<b>Planning an Integrated Built Environment Committee</b>		<b>442</b>
<b>11.0</b>	<b>Planning an Integrated Built Environment Committee Business</b>	<b>442</b>
C11.1	Section 82a - Review of Determination - N0422/10 - 296 Whale Beach Road, Palm Beach - Alterations and additions to an existing dwelling	443
C11.2	N0093/11 - 21 Bungan Street, Mona Vale - Affordable Housing Development	466
C11.3	N0749/10 - 38-40 St Andrews Gate, Elanora Heights - Affordable Housing Development	518
C11.4	Minutes of the Pittwater Traffic Committee Meeting held on 22 September 2011	569
C11.5	Pittwater Standard Instrument Local Environmental Plan	581
<b>Council Meeting</b>		<b>587</b>
<b>12.0</b>	<b>Adoption of Governance Committee Recommendations</b>	<b>587</b>
<b>13.0</b>	<b>Adoption of Planning an Integrated Built Environment Committee Recommendations</b>	<b>587</b>

## 14.0 Confidential Items

### Commercial In Confidence Advice - Bayview Tennis Club 589

#### **CONFIDENTIAL CLAUSE**

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

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

### Confidential Legal Advice - Baillie 596

#### **CONFIDENTIAL CLAUSE**

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

- (g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

**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**

### **Objective**

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

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

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

---

## **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 Political Donations and Gifts**

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

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

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

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

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

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

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

- \*        A reportable political donation is a donation of:

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

---

## 5.0                      **Confirmation of Minutes**

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

Minutes of the Council Meeting held on 4 October 2011.

---

## **6.0 Public Addresses**

### **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.

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.*

---

## **7.0 Mayoral Minutes**

---



---

## **8.0 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.

---

## **9.0 Council Meeting Business**

---

---

## **C9.1 SHOROC Common Waste Service Collection System**

---

**Meeting:** Council

**Date:** 17 October 2011

---

**STRATEGY:** **Waste Management & Pollution Control Strategy**

**ACTION:** Progress Kimbriki Initiatives identified in Business Plan

**ACTION:** Partner with SHOROC Council's to investigate an Alternative Waste Technology Facility at Kimbriki

---

### **PURPOSE**

To seek agreement to implement a common waste service collection system comprising collection of food waste with garden vegetation, co-mingled recyclables and residual waste with the other SHOROC Councils.

The common waste service collection system is proposed to be implemented from mid 2014, or at a time when the new Alternative Waste Technology (AWT) facility and Materials Recovery Facility (MRF) are constructed and operational at Kimbriki Resource Recovery Centre.

### **1.0 BACKGROUND**

Manly, Mosman, Pittwater and Warringah Councils (the SHOROC Councils) have for many years had the ability to dispose of waste at two local landfills: Belrose and Kimbriki.

Belrose, owned by SITA Environmental Solutions, is currently due to close in 2014, meaning that unless an alternative is found all putrescible waste from the SHOROC region may need to be transported long distances for disposal. This could be as far as Goulburn as other landfill sites within the Sydney metropolitan area are also approaching capacity and current AWT's in the Sydney metropolitan area are capable of processing only a fraction of the waste produced.

To address this issue, Kimbriki Environmental Enterprises Pty Ltd (KEE) was formed by Manly, Mosman, Pittwater and Warringah Councils (the SHOROC Councils) as the shareholders to manage waste locally in a sustainable manner and maintain its landfill as a perpetual asset for the region. KEE commenced operation on 1 July 2009 to operate the landfill and waste management centre at Kimbriki Road, Terrey Hills.

The intention of the formation of KEE was to:

- Ensure the commercial viability of the company and its business to deliver social and environmental benefits in the interests of all shareholders.
- Enable the Councils to work together in order to:
  - Dispose of waste and recyclables generated by each council to be managed at Kimbriki
  - Establish a common collection system and explore the benefits of joint tendering
  - Explore the potential for the use of alternate waste technologies at Kimbriki

The SHOROC Councils agreed in the KEE Shareholder Agreement to implement a common waste collection system by 2014. This date was selected to align with the expiry of current collection contracts across the region and the commencement of operations at KEE. The SHOROC Councils have also signed Waste Services Agreements with KEE to supply all waste collected by the Councils to KEE as soon as KEE is licensed and capable to receive and manage that waste.

The aim for Council is that a common collection system across all SHOROC Councils will:

1. optimise the economic and environmental potential of the AWT and MRF;
2. enable greater economic savings through joint tendering; and
3. ensure simple, understandable systems that will maximise the understanding, support and hence utilisation of the system by the community resulting in optimal resource recovery

In considering the elements of a common collection system, a key consideration is to support the proposed endeavours of KEE and to ensure any system supports the likely facilities proposed for Kimbriki. A number of factors in this regard are noted as:

1. A material recovery facility (MRF) for the receipt and processing of recyclables shall be developed for co-mingled material. This is because the SHOROC Councils will not generate recyclables at a level that uses the full capacity of the facility and so material from outside areas are likely to be sought by the operator of the Kimbriki MRF. This outside material is almost certain to be co-mingled.
2. The alternative waste treatment (AWT) facility will be developed as a resource recovery facility and the processing of organic material as part of this operation shall be suitable for the inclusion of food.
3. AWT facilities are varied in their processing methods and allowing for the broadest range of facilities to be offered shall ensure the highest degree of competition through the tender processes. The recommended system discussed in this report allows and supports opportunities for optimising the Kimbriki operations.

The development of an AWT and MRF at Kimbriki are projected to provide significantly better resource recovery outcomes at a lower cost over the longer term than business as usual. KEE is currently in the process of finalising shareholder consent to commit to the AWT and MRF project, so that it can commence a tender process for their construction and operation.

The facility at Kimbriki provides a unique opportunity the SHOROC councils to work together with KEE to manage waste in the area for the best social, environmental and economic outcomes.

## **2.0 ISSUES**

### **2.1 Recommending an optimal Common Collection System**

To identify an optimal collection system, the SHOROC Councils agreed in early 2011 to complete a regional study into a common waste collection system. The project was coordinated through SHOROC in conjunction with Council staff and KEE.

The study was to provide an independent assessment of a range of kerbside collection system configurations for the Councils of the SHOROC region in light of the new AWT/MRF facilities being developed at Kimbriki with consideration of the environmental, economic and social impacts and influences.

The questions for member Councils in conducting the study were recognised as being multi-faceted and asked:

- how will a common collection system be set up so as to improve the capture of recoverable resources so that diversion continues to advance towards the NSW Waste Avoidance and Resource Recovery (WARR) Targets;
- what will be the impact on, and how will any changes be accepted by, local residents;
- how will certain waste collection systems impact on Kimbriki; and
- what are the costs for alternative systems for local communities.

Impact Environmental Consulting (Impact) was engaged for the project. Impact consulted widely with Council staff, the Kimbriki Sub-Committee and KEE and called on extensive experience developing and implementing collection systems around Australia and International knowledge in developing its recommendations.

A report was prepared by Impact which outlines the environmental and social impacts of any change to current collection systems, examines the potential improvements in diversion of material from landfill; considers the possible benefits of simplified systems; and identifies the type of changes that need to be considered and managed in introducing the new system.

Importantly the report also recognises the need to balance the social and environmental drivers for a system with the costs associated with any change.

Impact investigated a range of different configurations of collection systems in light of overall cost estimates, both of processing and collection, and social and environmental factors. Its estimated collection and processing costs for the system allow for a comparison of the cost impact of the various configurations on local communities.

The report concluded that fully co-mingled recycling and food and garden organics waste collections can be managed to achieve improvements in costs and environmental outcomes with manageable impacts across the region. These conclusions were based on the comparisons of economic, social and environmental factors, the substantial research considered and general agreement of most stakeholders consulted as part of the study. A copy of the report prepared by Impact is attached.

In consideration of the recommendations outlined in the independent Impact study staff from the four SHOROC Councils conducted a collaborative workshop to refine and agree upon the design of the optimal common waste collection system for the councils.

The recommendations agreed by Council staff for the common collection a system are as follows:

- That the Councils should implement a common collection system with the other SHOROC councils comprising collection of food waste with garden vegetation and fully commingled recycling collection, designed such that:
  - For single unit dwellings, food and garden organics are collected weekly in 80, 120/140 or 240 Litre Mobile Garbage Bins (MGBs) and;
  - Kitchen bench top tidy bins and cornstarch liner bags be supplied and delivered to all households via the Waste Collection Services Contract;
  - For single unit dwellings, recyclables are collected fortnightly in 120/140, 240 or 360 Litre co-mingled MGBs;
  - For single unit dwellings, **residual waste** is collected fortnightly from existing 80, 120 or 140 Litre general waste MGBs with provision made to conduct further investigation into options for the handling of nappies (infant and aged/infirm) potentially through a weekly assessed needs basis;

- For multi-unit dwellings, **food and garden organics, recyclables and residual waste** is collected weekly in 80, 120/140, 240, 360, 660 and 1100 Litre MGBs with suitable provision made for additional bi-weekly services as currently provided where required;
  - An equitable collection system be investigated that allows for a range of food and garden organic, co-mingled recycling and residual waste bins to be collected at appropriate locations in offshore communities of Pittwater;
- Prices are sought through the tender for a common waste collection system for both the existing two scheduled clean-up services per annum and two on-call bulky waste clean-up kerbside collections per year (with an additional 1-2 separate kerbside collections of e-waste per year) for cost comparison and determination.
  - Tender specifications are developed and council enter into a combined Regional Waste Collection Services Contract with a term of seven years and;
  - That the councils investigate the value of appropriate business models that could be established for the efficient and cost effective delivery of quality waste services, including a centralised waste management unit, to co-ordinate and manage each or all (not limited to) of the following: contract management, customer service/call centre, administration, contamination management, education and marketing.

## 2.2 **Getting the best social, environmental and economic outcomes – resource recovery**

KEE has advised that the optimal collection system for the proposed facilities includes the collection of food waste with garden organics and fully co-mingled recycling. This system is supported in the results of the independent study into common waste collection conducted by Impact Environmental which also recommends collection of food waste with garden organics, fully co-mingled recycling and residual waste.

The proposed system and issues considered by Impact and Council staff are raised below.

### 2.2.1 **Collection of food waste with garden organics:**

- Food currently makes up approximately 40% of our garbage bins, meaning diversion from landfill is a high priority. It is also a valuable source of carbon and nutrients for high grade compost products.
- If food waste remains in the general (residual) waste stream, the processing costs are significantly higher than necessary as the costs of general waste treatment and disposal will be significantly higher. In addition, general waste disposal costs will increase significantly over the coming years and as such diverting food from the general waste stream provides for significant net savings.
- The planned facility is to be capable of processing food mixed with garden vegetation, because when food is separated prior to processing, high grade marketable compost can be achieved.
- If the contents of garbage bins are composted without the prior removal of food the resulting compost is of lower quality due to the presence of inorganic particles. The facility will also be capable of separately composting the remainder of the garbage bins into a lower grade compost which is still of value for other applications such as landfill cover. This is necessary as 100% separation of food will not be achieved by all residents, particularly in multi-unit developments (units).
- Separation of food waste prior to collection by residents as far as possible is required to achieve the potential environmental and economic benefits of the AWT. This would involve food being collected together with garden vegetation in single dwellings and in units where possible. Options will need to be developed to provide opportunity to recover food waste from units which have little or no garden vegetation currently. Options regarding the collection of food and vegetation from the offshore communities of Pittwater will also need to be investigated further.

- In implementing any change to a collection system, it is unavoidable that change in the behaviour of residents is required. It would be expected that the residents of the SHOROC region would have relatively high compliance rates and would be willing to use the system appropriately. That said, behaviour can be driven positively by making the system straightforward and easily to comply with. Results from food separation systems elsewhere have proven that highest participation and compliance has been achieved where food collections have included the provision of a kitchen tidy bin and appropriate cornstarch liners.
- Residential collections of food waste has been well established in parts of Europe since the early 1990s and is increasingly being used in the US and Canada to achieve landfill diversion targets. Co-collection of domestic food waste and garden organics has been happening in Australia for some time at Lismore, Port Macquarie Hastings, Camden and Broken Hill. More recently, Penrith have commenced the co-collection of food with garden organics. Co-collection trials have been conducted over a number of areas, including two managed by Impact at Leichhardt and at Canada Bay. Results continue to reflect encouraging levels of diversion of food away from the general waste bins.

### **2.2.2 Co-mingled recycling:**

- SHOROC Councils currently provide recycling systems where paper is separated from bottles, cans and plastics in a blue (paper) and yellow (mixed recyclables) bin system. The current system alternates between yellow and blue bin collection weeks for single unit dwellings and weekly for multi-unit dwellings.
- MRF technologies for recycling paper and other recyclables have evolved considerably in recent years, especially in regard to mechanised sorting processes. While the current recycling systems in place across the SHOROC Councils was considered to provide the highest recovery rate for recycling in the early 2000's, these new technologies have provided the alternative option for the introduction of productive, successful and high yielding co-mingled systems.
- 'Diversion' or yield however cannot stand alone. Total system costs and benefits need to be considered. Whilst SHOROC communities currently achieve good diversion totals for recyclables, it would be expected that all of this material would continue to remain in a co-mingled recyclables bin and not be placed back into the general waste stream. Thus, there would be little threat to the region's current diversion rates. Indeed, a simplified system is reportedly able to overcome confusion amongst residents resulting in greater participation in recycling systems.
- The independent study by Impact Environmental outlines the findings of several reports and assessments of recycling systems and strongly supports a move to fully co-mingled recycling on the best outcomes across a triple bottom line analysis.
- The proposals sought for a MRF by Kimbriki shall undoubtedly include processing of the broadest range of recyclable materials. A fully co-mingled bin is the most appropriate collection vessel to suit a modern MRF. Kimbriki recognises that the viability of the likely MRF shall depend on material from beyond the SHOROC region being delivered and processed.
- Fully co-mingled recycling is in place in the majority of Councils across the Sydney Metropolitan Area.

### **2.2.3 Residual Waste:**

- The Impact Environmental study recommended that a transition be phased from weekly to fortnightly collection of residual waste in single unit dwellings over the course of the first contract term. However, following careful consideration of the social, economic and environmental issues, staffs from the SHOROC Councils have recommended a change to fortnightly residual collections from single unit dwellings on commencement of the collection system.

- There can be expected to be some resistance from residents for fortnightly general waste collections at the outset and therefore a carefully designed, strong and influential promotion and education around this particular change will be provided as part of the planning towards implementation.
- Specifically a campaign dealing with disposable nappies has been recommended that will see further investigation into the provision of a 'nappy service' or a weekly residual bin collection based on assessed needs basis.

### **2.3 Cost savings through shared services**

The aim of the KEE shareholders to establish a common waste collection system was to provide a standardised input product to KEE and also enable Councils to explore cost savings by tendering for waste collection services jointly across the region.

Shared services provide a significant opportunity for cost saving and efficiency in the delivery of Council services without compromising the quality of services provided to the community. A very good example is Kimbriki Environmental Enterprises (KEE) which is effectively a shared Council service for resource recovery and waste disposal and is well recognised as a valuable community facility.

The extent to which the collection system may be used as a vehicle for more shared services in the waste area is wide and varied. The move to a common collection system offers significant opportunity for greater collaboration and consolidation of service which has the potential for major cost and efficiency benefits.

Most obviously there exists the opportunity to offer a combined tender for collection services to the various contractors operating within the Sydney market. By consolidating the 110,000 residential waste collection services (estimated across the SHOROC councils, excluding Manly), it is envisaged that the market will return substantially more competitive rates than would be obtained by tendering as individual Councils.

Collection contracts of the SHOROC Councils can be aligned so that a joint tender could be called in 2012 and a tender process completed in time for rollout and implementation in July 2014 or at a time when the new AWT and MRF facilities are constructed and operational at Kimbriki.

In addition to collection services, a range of discrete service delivery areas within the collection contract and waste service provision in general could potentially be consolidated and run as shared services. By conducting a robust and extensive cost benefit review into how services are currently being provided in consideration of a shared services model it is expected that improvement and cost efficiencies would be identified.

There is a need for further investigation into the value of appropriate alternative shared service business models that could be established for the efficient and cost effective delivery of quality waste services as discussed previously in this report.

### **2.4 AWT & MRF equal better resource recovery at lower long term cost**

There is no option for Councils to continue current disposal and resource recovery operations as business as usual would mean increased costs as the cost of waste disposal increases, Belrose landfill closes and increased transport and/or increased processing costs add up.

Cost modelling by KEE shows that implementing the proposed AWT and MRF facilities at Kimbriki would be more expensive initially, however over the long term would bring significant financial and environmental benefits to SHOROC Councils, and would enable perpetual use of the available landfill space.

Managing waste at KEE keeps transport costs lower, eliminates environmental impacts from long haul transport and the disposal costs paid to KEE result in increased dividends for shareholders rather than being paid to third parties with no residual benefit to Council.

## **2.5 A collection system that provides better environmental, social and economic outcomes**

It is considered the collection of food waste with garden vegetation would provide the best outcome for the region. This is because:

- Residents of the SHOROC region are environmentally aware and recycle well. However 39% of the waste stream is food related materials. Without recovering food scraps it is unlikely that SHOROC Councils will achieve the State Government target of 66% recovery by 2014 as set in the DECCW Waste and Resource Recovery Strategy.
- KEE has advised that food collected with garden organics makes the most of the AWT because when food is separated prior to processing high grade marketable compost can be achieved.
- Research indicates that there is likely to be broad support for recovery of food waste and residents have indicated they are willing to support and pay more for improved environmental outcomes if required. Leveraging this support with extensive community engagement and education will be vital.

---

## **3.0 SUSTAINABILITY ASSESSMENT**

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

- 3.1.1 The implementation of the common collection system will require significant engagement and education across the SHOROC Council's.

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

- 3.2.1 The common collection system aims to improve resource recovery across the SCHOROC region.

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

- 3.3.1 It is considered that the common collection system could enable greater economic savings through joint tendering.

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

- 3.4.1 Any increase in waste service charges will be allocated from the domestic waste service charges.

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

- 3.5.1 A sustainability assessment is not required



---

## 4.0 EXECUTIVE SUMMARY

- 4.1 The main elements of the recommended common waste service collection system are the recovery of separated food waste by collection with garden vegetation, the collection of all recycling in a single fully co-mingled bin and a change to the collection frequency of some residual (red lid) waste bins. Various elements of the system differ between single unit dwellings, multi-unit dwellings and the offshore areas of Pittwater.
- 4.2 Agreement regarding the elements of the common collection system now, especially the collection of food waste with garden organics and fully co-mingled recycling, is important to support KEE's selection of its preferred technologies for their facility. It is also considered that a common waste service collection system would optimise the economic, environmental and resource recovery potential of the Alternative Waste Technology (AWT) and Materials Recovery Facility (MRF) at Kimbriki.
- 4.3 A combined Regional Waste Collection Services Contract is recommended as a key aim of a common waste collection system to enable Councils to explore cost savings by tendering for waste collection services jointly across the region. A robust and extensive cost benefit review into potential business models (such as the KEE model) for waste collection is recommended to explore further potential cost and process efficiencies.

---

## RECOMMENDATION

That Council:

- A. Agree to implement a common collection system with the other SHOROC Councils, contingent on the commencement of operations at Kimbriki, comprising collection of food waste with garden vegetation and fully commingled recycling collection, designed such that:
- For single unit dwellings, **food and garden organics** are collected weekly in 80, 120/140 or 240 Litre Mobile Garbage Bins (MGBs) and;
  - Kitchen bench top tidy bins and cornstarch liner bags be supplied and delivered to all households via the Waste Collection Services Contract;
  - For single unit dwellings, **recyclables** are collected fortnightly in 120/140, 240 or 360 Litre co-mingled MGBs;
  - For single unit dwellings, **residual waste** is collected fortnightly from existing 80, 120 or 140 Litre general waste MGBs with provision made to conduct further investigation into options for the handling of nappies (infant and aged/infirm) potentially through a weekly assessed needs basis;
  - For multi-unit dwellings, **food and garden organics, recyclables and residual waste** is collected weekly in 80, 120/140, 240, 360, 660 and 1100 Litre MGBs with suitable provision made for additional bi-weekly services as currently provided where required;
  - An equitable collection system be investigated that allows for a range of food and garden organic, co-mingled recycling and residual waste bins to be collected at appropriate locations in offshore communities of Pittwater;
  - Prices are sought through the tender for a common waste collection system for both the existing two scheduled **bulky waste** clean-up kerbside services per annum and two on-call bulky waste clean-up kerbside collections per year (with an additional 1-2 separate kerbside collections of e-waste per year) for cost comparison and determination.

- B. Agree that tender specifications are developed and Council enter into a combined Regional Waste Collection Services Contract with a **term of seven years** and;
- C. Agree to investigate the value of appropriate **business models** that could be established for the efficient and cost effective delivery of quality waste services, including a centralised waste management unit, to co-ordinate and manage each or all (not limited to) of the following: contract management; customer service/call centre; administration; contamination management; education; marketing.

Report prepared by

Jeff Lofts  
**MANAGER, ENVIRONMENTAL COMPLIANCE**

CONFIDENTIAL



SHOROC REGIONAL STUDY

COMMON WASTE COLLECTION SYSTEM

JUNE 2011



DATE	DRAFT	AUTHOR	CHECKED
9 June 2011	1 <sup>st</sup>	Katherine Driscoll	Greg Freeman
20 June 2011	Final	Katherine Driscoll	Greg Freeman
29 June 2011	REPORT PUBLISHED		

The information in this report is general in nature and has been developed by Impact Environmental Consulting Pty Ltd for SHOROC. Legal advice may need to be sought in relation to particular circumstances and no liability will be accepted for any losses incurred by relying solely on this report.

## CONTENTS

TABLES .....	4
EXECUTIVE SUMMARY .....	5
PART 1 BACKGROUND .....	9
PART 2 PROJECT SCOPE .....	10
PART 3 ANALYSIS OF ENVIRONMENTAL, ECONOMIC AND SOCIAL IMPACTS.....	11
PART 4 THE REGULATORY FRAMEWORK .....	12
PART 5 DEFINING THE OPTIONS .....	18
PART 6 THE OPTIONS .....	40
PART 7 THE RESULTS.....	44
PART 8 CONCLUSIONS .....	46
PART 9 RECOMMENDATIONS .....	46
PART 10 RISK ASSESSMENT .....	47
PART 11 IMPLEMENTATION .....	54
REFERENCES.....	56

## TABLES

ES .1	SYSTEM COSTS FOR COLLECTION ALTERNATIVES	7
ES.2	PROCESS TIMING CONSIDERATIONS	9
5.1	CURRENT COLLECTION SYSTEMS	18
5.2	ANNUAL WASTE TONNAGES	19
5.3	DIVERSION OF RECYCLABLES AND GARDEN ORGANICS	19
5.4	COMPOSITION BY WEIGHT – ALL COUNCILS	20
5.5	ANNUAL RECYCLABLES TONNAGES	25
5.6	RECYCLABLES IN GENERAL WASTE	25
5.7	ESTIMATED RECYCLABLES YIELDS	26
5.8	ANNUAL ORGANICS TONNAGES	31
5.9	ANNUAL QUANTITIES OF COLLECTED ORGANICS	31
5.10	GARDEN ORGANICS IN GENERAL WASTE	32
5.11	FOOD WASTE IN GENERAL WASTE	34
7.1	SYSTEM COSTS FOR COLLECTION ALTERNATIVES	43
10.1	RISK RATING PROCESS	45
10.2	ORGANISATIONAL RISKS	45
11.1	PROCESS TIMING CONSIDERATIONS	50

## EXECUTIVE SUMMARY

SHOROC Member Councils are seeking to decide on a common domestic waste and recyclables collections system in accordance with SHOROC's Corporate Plan 2010 -2014, which aims to implement a common waste collection system by 2014.

Further, the SHOROC member Councils agreed in the Kimbriki Environmental Enterprises (KEE) Shareholder Agreement to work towards a common waste collection system by 2014. The SHOROC member Councils have also signed Waste Service Agreements with KEE to supply all waste collected by the Councils to KEE as soon as KEE is licensed and capable, to receive and manage that waste.

The aim for SHOROC is that a common collection system across all SHOROC member Councils will seek to:

- i. optimise the economic and environmental potential of the MRF and RRF;
- ii. enable greater economic savings through joint tendering; and
- iii. ensure simple, understandable systems that will maximise the understanding and hence utilisation of the system by the community.

The question for member Councils is multi faceted:

- i. how will a common collection system be set up so as to improve the capture of recoverable resources so that diversion continues to advance towards the NSW WARR Targets;
- ii. what will be the impact on, and how will any changes be accepted by, local residents;
- iii. how will certain waste collection systems impact on Kimbriki; and
- iv. what are the costs for alternative systems for local communities.

The environmental and social impacts of changes to current collection systems are of interest to member Councils. Improvements in diversion of material from landfill; the possible benefits of simplified systems; and the management of any changes are the types of impacts that need to be considered.

Changes to the current waste and recycling collection systems may be desirable but SHOROC member Councils shall be particularly interested in the costs associated with any change. Cost estimates have been derived for a number of different configurations of collection systems.

Estimated collection and processing costs for the various systems allows for a comparison of the differences with regard to the impact any changes shall have on local communities.

### ALTERNATIVE SYSTEMS

First year Total Collection Costs are given below in Table ES.1.

Total costs excluding any new bin costs are also provided.

TABLE ES.1 SYSTEM COSTS FOR COLLECTION ALTERNATIVES

SYSTEM	COLLECTIONS ONLY
<b>SYSTEM 1</b> 120 WASTE WKLY, 2 X 120 RECYC FTLY, 240 GO FTLY (5 Collections per fortnight)	\$18,154,673
<b>SYSTEM 2</b> 120 WASTE WKLY, 240 C-M RECYC FTLY, 240 GO FTLY (4 Collections per fortnight)	\$15,108,682
<b>SYSTEM 3</b> 120 WASTE FTLY, 240 C-M RECYC FTLY, 240 GO+FOOD WKLY (4 Collections per fortnight)	\$15,286,625
<b>SYSTEM 4</b> 120 WASTE FTLY, 2 X 120 RECYC FTLY, 240 GO+FOOD WKLY (5 Collections per fortnight)	\$18,332,616
<b>SYSTEM 5</b> 120 WASTE WKLY, 240 C-M RECYC FTLY, 240 GO+FOOD WKLY (5 Collections per fortnight)	\$18,293,514

Costs are given as Year 1 costs for the purposes of comparison. These costs consider providing general waste, recycling and organics collections to all serviced properties across the Region, that is, that there would be equivalent garbage, recycling and organics collections to all premises. Generally, there are likely to be less organics and recycling services in higher density areas.

Caution must be exercised in using these estimates for budgeting purposes as it is likely that multi-unit dwellings will be treated differently. Actual costs would be expected to be less than the above costs. These costs are most useful for the purposes of comparison between the alternative systems.

#### ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACTS

This Regional Study to recommend a common waste collection system for SHOROC member Councils has considered the suitability of a number of systems with regard to the environmental, economic and social impacts likely.

##### i. Environmental:

Each system has been modelled to compare the likely diversion rates i.e. the increase in resources being recovered rather than land-filled. All system components have been considered for such environmental impacts as waste minimisation; possible yields recovered; and the likelihood of ensuring uncontaminated recoverable streams of recyclables and organics.

##### ii. Economic:

Capturing recoverable resources through the most efficient collection systems reduces the costs of collections as well as the costs of processing and then disposing of materials that can ultimately be re-used. The costs of waste collections are substantial and possible savings are evident through improved systems.

##### iii. Social:

Here, the Systems are considered in terms of such social factors as OH&S, the simplification of collection systems, the hurdles to be overcome in order to achieve



compliance by residents and the likely community education and promotions needed for any change.

Achieving the most cost effective system requires the acceptance of lower achievement of environmental goals. The most aggressive environmental outcomes, however, are possible with more significant impacts on local residents. A balance needs to be achieved. Any changes accepted by member Councils ought to be seen as progress in continually improving waste management systems.

The general support from most stakeholders and the substantial research considered concludes that the waste, recycling and organics waste collections can be managed to achieve improvements in costs and environmental outcomes with manageable impacts across the Region.

### RECOMMENDATIONS

In light of the analysis of the alternative waste collection systems, a number of recommendations to SHOROC can be made. SHOROC member Councils shall need to collectively agree to seek a common waste collection system.

Individual Council resolutions shall include a suite of waste collection services as recommended:

- i. A combined Regional Waste Collection Services Contract with a term of five years with two one year extensions;
- ii. Recyclables to be collected fortnightly in a 240 Litre co-mingled mobile garbage bin (MGB), the supply, delivery and maintenance of which shall be included in the Waste Collection Services Contract;
- iii. Food and garden organics to be collected weekly in a 240 Litre MGB. Many premises currently utilise 240 Litre bins. An audit of the need to replace these or issue new bins would be needed to estimate the need for new bins prior to tendering the Waste Collection Services. Kitchen bench bins and cornstarch liner bags to be supplied and delivered via the Waste Collection Services Contract;
- iv. An initial weekly general waste collection from existing general waste MGBs. At the conclusion of this initial term and upon re-tendering the collection services, then reduce general waste collections to fortnightly. If it is agreed that general waste collections shall be reduced to fortnightly upon re-tendering the waste collection services in five years, Councils to consider 120 Litre MGBs as bin stock is rolled over during this upcoming Contract;
- v. The above recommended collection systems to be fine-tuned for multi-unit dwellings, e.g. weekly recycling collections to continue.
- vi. A centralised contract management system is established. A third party entity to be established (or SHOROC or KEE) to co-ordinate and manage aspects such as contract management, administration, marketing, customer service and so on.
- vii. A centralised budget, structure and plan for community education and enforcement is established and possibly administered through SHOROC or KEE.

- viii. All four Councils participate in the common waste collection system. Tendering for a contractor shall include Manly Council as an Option. Centralised management functions to be provided to include Manly Council.

## IMPLEMENTATION

There are numerous steps necessary to implement a new common waste collection system across the Region. Tender processes can help to define many of the particulars of the required waste collection systems. The best outcomes from these tender processes can only be achieved when measured consideration is given not only to the specifications of the services but also to the time allowed for the tendering process.

Better outcomes are often achieved by allowing extra time to negotiate with preferred tenderers. Being under pressure to accept a submission due to time constraints can lead to unsatisfactory agreements being entered into.

A guide to some timing considerations for member Councils is given below in Table ES.2:

TABLE ES.2 PROCESS TIMING CONSIDERATIONS

PROCESS	TIME REQUIRED	DATE
RESOLUTIONS ADOPTED BY 4 COUNCILS	2-3 MONTHS	SEPT 2011
REQUEST FOR QUOTATION FOR TENDER DEVELOPMENT	1 – 2 MONTHS	OCT 2011
COUNCIL PREPARATION FOR TENDER	2-3 MONTHS	NOV 2011
DRAFT TENDER DOCUMENTS	6 MONTHS	JUNE 2012
SUBMISSION PERIOD	3 MONTHS	SEPT 2012
EVALUATION PERIOD	2 MONTH	NOV 2012
FURTHER EVALUATION AND NEGOTIATION	2 MONTH	FEB 2012
REPORT TO 4 COUNCILS	2-3 MONTHS	MARCH-APRIL 2013
LEAD IN TIME FOR CONTRACTOR	9-12 MONTHS	MARCH 2014
BIN ROLL OUT	1-2 MONTHS PRIOR TO COMMENCEMENT DATE	MAY - JUNE 2014
COMMUNITY EDUCATION	START IMMEDIATELY UPON RESOLUTION OF NEW SYSTEMS AND CONTINUE UNTIL COMMENCEMENT - THEN ONGOING	
COMMENCEMENT DATE	JULY 2014	JULY 2014

## PART 1 BACKGROUND

SHORE Regional Organisation of Councils (SHOROC) is a partnership between the Councils that make up the region of the Northern Beaches of Sydney from Bradleys Head to Barrenjoey – Manly, Mosman, Warringah and Pittwater Councils.

SHOROC Member Councils are seeking to decide on a common domestic waste and recyclables waste collection system in accordance with SHOROC's Corporate Plan 2010 - 2014<sup>1</sup>, which aims to implement a common waste collection system by 2014.

Further, the SHOROC member Councils agreed in the Kimbriki Environmental Enterprises (KEE) Shareholder Agreement to work towards a common waste collection system by 2014. The SHOROC member Councils have also signed Waste Service Agreements with KEE to supply all waste collected by the Councils to KEE as soon as KEE is licensed and capable, to receive and manage that waste.

KEE are in the process of developing tenders to build, own and operate a Material Recovery Facility (MRF) for recyclables and a Resource Recovery Facility (RRF) for putrescibles and food/vegetation wastes. KEE expects the facilities to be fully operational by July 2014.

As a result of the Waste Service Agreements, all of the four Council's collected material shall be delivered to Kimbriki. The type of MRF and/or RRF to be built at the Kimbriki centre will depend on the proposals nominated through the tenders.

The collection systems which may be implemented by SHOROC members need to consider the possible MRF and/or RRF to be built at Kimbriki. Changes to the collection systems need to consider the aim of maximising the potential of the processing facilities in providing the best outcomes for the member Councils and their communities.

The SHOROC General Managers Advisory Committee seeks an assessment of the various collection system options.

### CONSULTATION

In considering the possibilities for the SHOROC member Councils, Impact Environmental Consulting met with and has taken contributions from:

- SHOROC Representatives
- Member Council Waste Managers and relevant staff
- Member Council General Managers
- Kimbriki Environmental Enterprises Representatives
- SHOROC Kimbriki Committee

---

<sup>1</sup> SHOROC Corporate Plan 2010 - 2014

## PART 2 PROJECT SCOPE

This report seeks to outline an evaluation of a number of alternative waste collection systems for Manly, Mosman, Pittwater and Warringah Councils.

The analysis assesses a number of waste collection system configurations in regard to:

- i. the technology and facility developments possible through Kimbriki's proposed processing facilities;
- ii. Council and community perceptions; and
- iii. economic, social and environmental outcomes for the SHOROC region.

The aim for SHOROC is that a common collection system across all SHOROC member Councils will seek to:

- i. optimise the economic and environmental potential of the MRF and RRF;
- ii. enable greater economic savings through joint tendering; and
- iii. ensure simple, understandable systems that will maximise the understanding and hence utilisation of the system by the community.

This Report includes:

- i. a review of current domestic kerbside collection systems across all four Councils, waste stream composition and scale, collection frequencies and bin sizes, estimated costs for each service;
- ii. a review of the estimated MRF/RRF facility costs and resource recovery potential and the clear identification of a collection system that would provide the waste streams to optimise the economic and environmental potential of the MRF/RRF facilities;
- iii. regulatory and industry knowledge, benchmarks and practices;
- iv. analysis of possible impacts on community behaviour, educational requirements and potential responses to changes to the collection system;
- v. overall analysis of social, economic and environmental factors and the impact of change to current systems across the waste stream from kerbside to processing and recovery/disposal:
  - Social impacts considered include the need for change management, the level of community education required for each system; and the different approaches that may be necessary for multi-unit dwellings.
  - Economic impacts consider the likely collections and processing costs, bin costs and yields for the various configurations of collection services.
  - The Environmental impacts include avoiding the landfilling of recoverable resources; the total systems for recycling; and how various collection approaches provide the most efficient capture of materials for re-use.

In deciding how to strategically manage the implementation of any changes, a risk assessment of the preferred collection system is also provided.

The conclusions and recommendations from this Study shall guide member Councils in their decision making and in agreeing a common waste collection system.

### **PART 3 ANALYSIS OF SOCIAL, ECONOMIC AND ENVIRONMENTAL IMPACTS**

The methodology applied in this analysis aims to identify whether it is appropriate for SHOROC member Councils to change their current waste collection systems and is demonstrated through the following:

*i. The case for change:*

Here the analysis identifies and discusses the current system components; prioritises the service need in the context of the NSW targets and the Kimbriki proposals; and discusses the key benefits of the various systems in terms of suitability, simplicity and so on.

*ii. Analysis of the options being considered by member Councils:*

A variety of collection system options are presented outlining the features and requirements of each collection option. The implications for each option, such as, the level of recovery of material and the frequency of collections are considered. Also, this analysis undertakes an appraisal of the system costs of each option.

*iii. Conclusions and Recommendations*

Finally, the results of this analysis are discussed and recommendations for changes are provided in light of the possible risks.

This Regional Study to recommend a common waste collection system for SHOROC member Councils has considered the suitability of a number of systems with regard to the environmental, economic and social impacts likely.

*i. Environmental:*

Each system has been modelled to compare the likely diversion rates i.e. the increase in resources being recovered rather than land-filled. All system components have been considered for such environmental impacts as waste minimisation; possible yields recovered; and the likelihood of ensuring uncontaminated recoverable streams of recyclables and organics.

*ii. Economic:*

Capturing recoverable resources through the most efficient collection systems reduces the costs of collections as well as the costs of processing and then disposing of materials that can ultimately be re-used. The costs of waste collections are substantial and possible savings are evident through improved systems.

*iii. Social:*

Here, the Systems are considered in terms of such social factors as OH&S, the simplification of collection systems, the hurdles to be overcome in order to achieve compliance by residents and the likely community education and promotions needed for any change.

The general support from most stakeholders and the substantial research considered concludes that the waste, recycling and organics waste collections can be managed to achieve improvements in costs and environmental outcomes with manageable impacts across the Region.

## PART 4 THE REGULATORY FRAMEWORK

SHOROC member Councils seek to implement a common waste collection service that seeks to achieve the most optimal combination and configuration of bins with service frequencies that achieve the best possible economic, social and environmental outcomes for residents.

SHOROC member Councils are required to plan and manage waste responsibilities in accordance with increasing levels of compliance. The complexity and vastness of waste legislation and regulation continues to reflect the importance that the community is placing on environmental, economic and social considerations. The following legislation and policies have been considered as the context in which SHOROC member Councils approach their waste management decision making.

### 4.1 LOCAL POLICIES

#### MANLY COUNCIL

Manly Council's "Towards Zero Waste" Policy commits to working towards the goal of Zero Waste across the Local Government Area for:

- economic benefits of greater efficiency of resource use and less waste disposal,
- reducing damage to the environment from waste generation and disposal, and
- lowering the social costs and risks of waste.

Manly Council's Draft Community Strategic Plan sets out in its Delivery Program a Four Year Program as well as a One Year Plan to target such initiatives and programs as:

- a waste avoidance program by reducing material entering the waste stream, including increases in diversion rates;
- extending the range of recyclable materials suitable for collection within Council services; and
- pursue partnerships to facilitate regional and SHOROC-wide common waste collection systems.

#### MOSMAN COUNCIL

Likewise Mosman Council's *Community Strategic Plan* sets out a Delivery Plan with a number of programs including:

- reducing waste generation in the Mosman community through avoidance, minimisation, re-use and recycling;
- implement waste action plans to meet DECCW targets for waste diversion to landfill; and
- deliver a new bin service to the community including organics collection, upon operation of the AWT at Kimbriki.

#### PITTWATER COUNCIL

Pittwater Council's *2020 Strategic Plan* includes a Waste Management and Pollution Control Strategy with set objectives and strategic initiatives such as:

- to reduce waste to landfill and maximise recovery and use of materials;
- to effectively communicate and promote sustainable waste management practices;
- implement Council's Waste Minimisation Plan; and
- Council to lead in the creation of a regional and integrated waste collection service.



#### WARRINGAH COUNCIL

Warringah Council's Draft Community Strategic Plan 2011 also has as a key initiative for 2011-2015: Review of domestic waste and recycling service in preparation for the implementation of waste processing facilities at Kimbriki.

## 4.2 LEGISLATIVE AND POLICY CONTEXT

The NSW Government has wide ranging responsibilities for laws and regulations that impact on waste management operations and practices. The impact of planning, traffic and noise control laws, are examples of the extent to which waste management is governed.

### i. NSW LOCAL GOVERNMENT ACT 1993

The *NSW Local Government Act* defines the various aspects of Council responsibility for waste management. The provisions of the Act relating to waste management range from defining Council responsibilities regarding waste removal, treatment and disposal; the preparation of local policy's; the powers to charge residents for waste services; the requirements for tendering services; to how Council's are to be accountable for their decisions.

### ii. INTEGRATED PLANNING AND REPORTING FRAMEWORK

The *NSW Local Government Act 1993* now sets out an Integrated Planning and Reporting framework which aims to strengthen council's strategic focus for a minimum timeframe of ten years. Council must ensure the *Community Strategic Plan* is adequately informed by relevant information.

The new planning framework does not prescribe a set of principles for councils. Rather a *Community Strategic Plan* must adequately address social, environmental, economic and civic leadership considerations. Community objectives are identified and strategies for achieving each objective are developed. Waste Management is one area of responsibility that Council will consider in preparing its *Community Strategic Plan*. Council needs to consider the community's expected level of service in light of the community's willingness to pay for the services.

### iii. NSW WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2001 NSW WASTE AVOIDANCE AND RESOURCE RECOVERY STRATEGY

The *NSW Waste Avoidance and Resource Recovery Act* is the framework legislation that provides for the development of a NSW waste strategy, which incorporates the headline targets for waste reduction, resource recovery and the diversion of waste from landfill disposal. The Act allows for the Office of Environment and Heritage to require local council's to provide detail for the reporting of all waste types, classification, characteristics, composition or quantities; and the transportation of such waste.

For local waste decision making, the objects of the WARR Act of most significance include the provisions for:

- the continual reduction in waste generation; and
- minimising the consumption of natural resources and the final disposal of waste by encouraging the avoidance of waste and the reuse and recycling of waste.

The *NSW Waste Avoidance and Resource Recovery Strategy* as required by the *Waste Avoidance and Resource Recovery Act 2001* has driven the implementation of strategies that have been effective in significantly increasing resource recovery.

The *NSW Waste Avoidance and Resource Recovery Strategy 2007*, updates the 2003 *NSW WARR Strategy*, and continues to provide guidance and priorities for action to ensure that efficient resource use and impacts on the environment are considered throughout the life cycle of goods and materials.

The Strategy identifies priority actions that will guide the work of all key groups in NSW in contributing to the minimisation of environmental harm from waste disposal and the conservation and efficient use of resources. The Strategy focuses on solid wastes that, unless recovered and diverted to beneficial uses, would be disposed of to landfills.

The identified waste avoidance and resource recovery goals and targets include four key result areas:

- preventing and avoiding waste;
- increasing recovery and use of secondary materials;
- reducing toxicity in products and materials; and
- reducing litter and illegal dumping.

#### *The Targets*

By 2014, NSW aims to increase the recovery and use of secondary materials in the three major waste streams as follows:

- Municipal waste – from a baseline 26% to 66%
- Commercial and industrial (C&I) waste – from a baseline 28% to 63%
- Construction and demolition (C&D) waste – from a baseline 65% to 76%

The *NSW State Plan 2010* has adopted the targets for municipal, C&I and C&D waste in the WARR Strategy, which has given extra emphasis on driving improvement.

The *NSW Waste Avoidance and Resource Recovery Progress Report 2010*<sup>2</sup> highlights the achievements of the Strategy to date:

#### *Performance*

NSW recycled 59% of its waste in 2008-09, up from 52% on 2006-07 and 45% in 2002-03. Sydneysiders have increased the amount of waste they recycle from an estimated 48% in 2002-03 to 62% in 2008-09.

As recycling rates have increased, waste disposal has fallen both as a proportion of total material flows and in absolute terms. Overall waste to landfill has dropped from 7.4 million tonnes in 2006-07 to 6.7 million tonnes in 2008-09.

In 2010 the NSW Environment Minister commissioned David Richmond<sup>3</sup> to review the *NSW Waste Avoidance and Resource Recovery Strategy* and other waste policies. The review recommended identified approaches to continue to support the Strategy and highlighted a number of opportunities for improvement.

The purpose of the Review was to:

<sup>2</sup> *NSW Waste Avoidance and Resource Recovery Progress Report 2010*. NSW Department of Environment, Climate Change and Water. November 2010

<sup>3</sup> *Review of Waste Strategy and Policy in NSW*. Report by the Steering Committee for the Review of NSW Waste Strategy and Policy for the NSW Department of Environment, Climate Change and Water December 2010.



- ensure that the policies applied to the generation, collection, separation, processing, and disposal of the waste stream are optimised so as to achieve, or better, the State Plan targets, and
- achieve greater community acceptance of the need for resource recovery, waste minimisation and recycling.

The Review's key findings in the municipal waste sector were that although the waste and environment levy does not have a direct impact on individual householders, it is having an impact on the waste accumulators (i.e. councils), and they are actively seeking alternatives to sending waste to landfill. The main issue in this sector is the need to remove more recyclables and food/organic waste from household red residual bins. This can be achieved by more source separation of waste by the householder, or by central sorting via alternative waste treatment facilities (AWTs). As the current lead time for the development of more AWT plants is very long, the short-term emphasis needs to be on improving source separation at the household level. This can be achieved by encouraging best practice models of bin configurations and volumes, collection frequencies and education<sup>4</sup>.

#### iv. NSW PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997

The *Protection of the Environment Operations Act* is the central environmental protection legislation for NSW and is administered by the NSW Office of Environment and Heritage<sup>5</sup>.

The *Protection of the Environment Operations Act* sets out broad responsibilities for local councils acting in a regulatory capacity. The objects of the Act include measures for the protection of the environment through various regulatory frameworks and enforcement powers. The Act has a scheme for the making of policy instruments which set environmental standards, goals, guidelines or protocols. Local councils must take these policies into account when making decisions that affect the environment.

An object of the *Protection of the Environment Operations Act* is to assist in the achievement of the objectives of the *Waste Avoidance and Resource Recovery Act 2001*.

Some other particular provisions currently in force in NSW influencing waste management decision making include:

- Section 144AA of the *Protection of the Environment Operations Act 1997* defines as an offence and provides for the imposing of penalties for misleading or inaccurate information regarding waste reporting.
- Section 88 of the *Protection of the Environment Operations Act 1997* imposes a levy on each tonne of material deposited in a landfill. The amount of the levy is set by regulation until 2016, at which point SHOROC member Councils can expect to pay in excess of \$120 per tonne of material deposited, in addition to management gate fees. For material not directly deposited at landfill (e.g. AWT material) this levy is factored into the disposal cost of the expected percentage of material that cannot be recovered.

<sup>4</sup> *Review of Waste Strategy and Policy in NSW*. Report by the Steering Committee for the Review of NSW Waste Strategy and Policy for the NSW Department of Environment, Climate Change and Water December 2010.

<sup>5</sup> Office of Environment and Heritage within the NSW Premier's Department.

#### v. NATIONAL WASTE POLICY

In November 2009, the Department of the Environment, Water, Heritage and the Arts, on behalf of the Australian Government, released the *National Waste Policy: Less Waste, More Resources*<sup>6</sup>. The Policy sets out the aims, principles to guide actions, as well as sets key directions and priority strategies. The Policy targets outcomes for national waste management and resource recovery policy for the next decade.

The aims of the *National Waste Policy* are summarised to be:

- avoid the generation of waste, reduce the amount of waste for disposal, manage waste as a resource and ensure that waste treatment, disposal, recovery and re-use is undertaken in a safe, scientific and environmentally sound manner.
- contribute to the reduction in greenhouse gas emissions, energy conservation and production, water efficiency and the productivity of the land.

In July 2010, the Implementation Plan for the National Waste Policy was released. The Implementation Plan sets out the governance arrangements for the priority initiatives and key milestones for the first five years of the ten year National Waste Policy.

A key priority of the National Waste Policy is the development of National Product Stewardship Framework legislation. The framework will aim to support efficient industry based schemes for collecting and recycling end of life products.

#### vi. AUSTRALIAN PACKAGING COVENANT

In November 2009 the Environment Protection and Heritage Council (EPHC) supported in-principle the Australian Packaging Covenant to replace the National Packaging Covenant which expired on 30 June 2010. Building on past aims to build kerbside recycling and infrastructure, this new agreement is focused on improving packaging design, decreasing litter and increasing levels of recycling at work and in public places.

#### vii. CARBON TAX

Waste was declared to be a covered activity in the Australian Government's planned Carbon Pollution Reduction Scheme. Landfill operators would be subject to the requirement to report emissions and acquire permits for the CO<sub>2</sub>e produced over a set threshold. At the time of writing, legislation had not yet been passed by the Australian Parliament. It is expected that a similar scheme shall be implemented by the Australian Government. Member Councils needs to be aware that such a scheme would undoubtedly add to the cost of disposal at landfill and this would be passed on to Council.

Other Waste Strategies and Management Plans were reviewed as part of the development of this Study.

### 4.3 KIMBRIKI ENVIRONMENTAL ENTERPRISES (KEE)

SHOROC member Councils have entered into agreements with KEE including Waste Service Agreements whereby the parties acknowledge that SHOROC member Councils are committed to implementing a common collection system. SHOROC member Councils are committed to meet to discuss terms and conditions which will be required for any

<sup>6</sup> *National Waste Policy: Less Waste, More Resources*. Commonwealth Department of Environment, Water, Heritage and the Arts. November 2009

Collection Contract to implement a common collection system and to agree to collect and deliver input material to the Kimbriki facility by entering into Collection Contracts on similar terms and conditions which ensure that the collection contractors comply with the delivery procedures.

The KEE Shareholders Agreement provides that the Councils agree that prior to the date that the First Collection Contract expires, the Council's will meet in order to agree a Common Collection System. The Common Collection System needs to be decided in order to allow for the implementation of the system as outlined in Part 11.

One of the considerations in recommending alternative collection systems was to support the proposed endeavours of KEE. Each of the collection Systems nominated in this report would be suitable for delivery to Kimbriki.

Additionally, it is noted that the recommendation of this Study have considered the expectation that decisions shall support the likely facilities proposed for Kimbriki. A number of factors are noted here:

- i. a material recovery facility for the receipt and processing of recyclables shall be developed for co-mingled material. The SHOROC LGAs shall not generate recyclables at a level that uses the full capacity of the facility and so material from outside areas are likely to be sought by the operator. This outside material shall be co-mingled.
- ii. the alternative waste treatment facility shall be developed as a resource recovery facility and the processing of organic material as part of this operation shall be suitable for the inclusion of food.
- iii. alternative waste treatment facilities are varied in their processing methods and allowing for the broadest range of facilities to be offered shall ensure the highest degree of competition through the tender processes. The recommendations of this Study allow and support opportunities for optimising the Kimbriki operations.

## **PART 5      DEFINING THE OPTIONS**

SHOROC member Councils are faced with deciding the most appropriate waste collection systems for residents across the region. Bin sizes, frequency of collections and the targeted streams of recoverable resources can all impact on strategies for waste diversion as well as impact upon the viability of the proposed Kimbriki material recovery facility (MRF) and alternative waste treatment facility (AWT).

Whilst a common collection System is being sought, it is acknowledged that a 'one-size-fits-all' approach ignores the particular characteristics of the serviced areas and a system which drives behaviour whilst allowing for flexibility will provide the Councils and residents with a transition to the next stage of regional waste management.

It is anticipated that each Council shall need to develop particular collection specifications for their local areas. Multi-unit dwellings; offshore and island properties; and premises with elderly residents are typical services that require flexible approaches with detailed and custom-designed specifications that can guarantee best outcomes from a collection contract.

Thorough and detailed knowledge of the local areas comes from the individual Council waste managers who shall seek collection services that allow for the satisfactory servicing of the residents for which they are responsible.

### **5.1      REVIEW OF CURRENT SYSTEMS**

SHOROC member Councils have pursued waste minimisation and resource recovery through a variety of waste collection systems. The implementation of these systems has seen ongoing improvements in diverting waste from landfill; and to ensuring that local communities are well served.

In advancing the overall regional efforts and to support the endeavours of Kimbriki Environmental Enterprises, a common waste collection system is being sought. A brief review of these current systems follows. Approximately 110,000 properties are serviced across the region through waste collection systems that are relatively similar.

Domestic Premises are serviced through a mixture of systems as outlined in Table 5.1:

TABLE 5.1 CURRENT COLLECTION SYSTEMS

CURRENT WASTE COLLECTION SYSTEMS				
	MANLY	MOSMAN	PITTWATER	WARRINGAH
NO. OF SERVICES	20,000	12,900	22,580	53,500
GENERAL WASTE				
Single Dwellings Weekly Collections	80,240 Litre MGBs	55 Litre Bins & 80,120 and 240 Litre MGBs	80 Litre MGBs	80,120 Litre MGBs
Multi-Unit Dwellings Weekly Collections	240 Litre MGBs	55 Litre Bins & 80,120 and 240 Litre MGBs	240 Litre MGBs	80, 120, 240 Litre MGBs
RECYCLABLES				
Single Dwellings 2 x Fortnightly Collections	2 x 120 or 240 Litre MGBs	2 x 140 or 240 Litre MGBs or 55 Litre Crates	2 x 120 Litre MGBs	2 x 120 Litre MGBs
Multi-Unit Dwellings 2 x Weekly Collections	<u>Fortnightly</u> 2 x 120 MGBs	140, 420 Litre MGBs	120, 240 Litre MGBs	240 Litre MGBs
GARDEN ORGANICS				
Single Dwellings Monthly Collections	Optional 240 Litre MGBs (8 per annum)	240 Litre MGBs + bundles + crates	Optional 240 Litre MGBs (8 per annum)	<u>Fortnightly</u> 240 Litre MGBs

It must be noted that these services have been generalised to create a 'base case' for the purposes of comparison. There are a variety of other services that compliment these kerbside collections including general bulky clean-up collections, loose or bundled garden organics collections as well as e-waste collections or drop-off services. Manly Council has a number of premises receiving bi-weekly services, Warringah offers collection services to commercial premises and so on.

#### ANNUAL TONNAGES

Councils have estimated their annual tonnages for each waste stream. This information is included in Table 5.2 below:

TABLE 5.2 ANNUAL WASTE TONNAGES 2010

STREAM	MANLY	MOSMAN	PITTWATER	WARRINGAH
GENERAL WASTE	7,476	6,099	10,559	26,800
RECYCLABLES	5,511	3,816	8,992	18,547
GARDEN ORGANICS	1,826	1,691	2,647	13,195

Currently the SHOROC Member Councils collection systems allow for source separation of paper, containers and garden organics. Typically these separated streams provide largely uncontaminated material. These streams of material can be simply reprocessed, with the small levels of contamination separated and disposed of.

Particular note is made of the concentration of multi unit dwellings in some areas and the issues for managing collection systems compliance in these developments. A customised approach shall be needed in allocating bins; promotion and education of services; and ongoing monitoring of recycling and possibly organics bin capacity etc. A number of relevant studies<sup>7</sup> provide insight into dealing with waste management issues at MUDs.

Current Systems are achieving commendable diversion of Recyclables and some Garden Organics from landfill. The rate of diversion of this material<sup>8</sup> from the general waste stream are illustrated in *Table 5.3* below:

**TABLE 5.3 DIVERSION OF RECYCLABLES AND GARDEN ORGANICS 2010**

STREAM	MANLY	MOSMAN	PITTWATER	WARRINGAH
TOTAL TONNES	14,815	11,606	22,198	58,542
RECYCLABLES	37%	33%	41%	32%
GARDEN ORGANICS	12%	15%	12%	23%
TOTAL DIVERSION	50%	47%	52%	54%

Whilst it must be remembered that other diversion efforts are made by member Councils, such as bulky, organics, e-waste collections and so on, this snap shot of the current source separated diversion achievements provides further basis for decision making.

In examining the possibilities for common collection systems, attention must turn to the general waste bin. In December 2010, a waste composition analysis<sup>9</sup> of representative general waste samples was carried out to better understand the feedstock for the resource recovery facility proposed for Kimbriki.

The audit found that there is a significant component of recoverable organics available from each Council within the general waste bin. Each Council could be recovering more recyclable containers and paper from the general waste stream.

The consolidated results of this analysis, as outlined in *Table 5.4* below, provide a picture of the composition of SHOROC member Council's general waste.

<sup>7</sup> Social Research Report: An Exploration of Recycling in Multi Unit Dwellings. NSW Department of Environment and Climate Change. 2008.  
Better Practice Guide for Waste Management in Multi-unit Dwellings. NSW Department of Environment and Climate Change. 2008

<sup>8</sup> As provided by SHOROC Council's May 2011.

<sup>9</sup> Truck-Based Domestic Waste Audit fro KIMBRIKI Environmental Enterprises Pty Limited. A Prince Consulting Pty Limited. March 2011

TABLE 5.4 COMPOSITION BY WEIGHT – ALL COUNCILS

MATERIAL	PER CENT
RECYCLABLE PAPER	4.6%
CORRUGATED CARDBOARD	1.0%
LIQUID PAPERBOARD	0.6%
NON-RECYCLABLE PAPER	15.7%
FOOD/KITCHEN	31.5%
GARDEN/VEGETATION	3.8%
OTHER PUTRESIBLES	0.9%
WOOD/TIMBER	0.7%
TEXTILES/RAGS/CARPET	3.7%
NAPPIES	7.4%
RECYCLABLE GLASS	1.6%
OTHER GLASS	0.3%
RECYCLABLE PLASTIC CONTAINERS	3.9%
POLYSTYRENE	0.4%
OTHER PLASTIC	1.6%
PLASTIC BAG AND FILM	11.5%
STEEL	2.0%
ALUMINIUM & NON-FERROUS	0.6%
HAZARDOUS	0.5%
SOIL, CERAMICS, DUST	1.0%
BUILDING MATERIALS	0.4%
COMPOSITES	2.1%
CONTAINERISED FOOD & LIQUID	1.4%
ELECTRICAL ITEMS	1.3%
OTHER HOUSEHOLD ITEMS	1.6%
TOTAL	100%

From this data, there are a number of opportunities for member Councils to use the waste collection system to improve resource recovery from the general waste stream. For example:

- i. it is clear that the percentage (by weight) of food and garden organic material in the general waste stream is a clear target for improved resource recovery.
- ii. there remains a significant degree of recyclable paper and containers in the general waste stream to be recovered.

## 5.2 WHERE TO FROM HERE?

Given the current collection systems and the levels of achievement from these systems, SHOROC member Councils are faced with the question: What to do now?

The question for member Councils is multi faceted:

- i. how will a common collection system be set up so as to improve the capture of recoverable resources so that diversion continues to advance towards the NSW WARR Targets;
- ii. what will be the impact on, and how will any changes be accepted by, local residents;
- iii. how will certain waste collection systems impact on Kimbriki; and
- iv. what are the costs for alternative systems for local communities.

Seeking the best practice waste collection services for the SHOROC region shall involve establishing the design and provision and maintenance of services that enable garbage, recycling and organics services to be made in the best possible way to improve resource

recovery, within manageable costs. Best practice requires continuously searching for systems and services as knowledge and experience accumulates over time.

Best practice waste collection systems are effective and safe. Residents can use them with ease and collection staff can access and service them. The design, installation and ongoing management of best practice systems encourage residents to use the services appropriately. This includes greater participation in the services provided, minimised waste to landfill, increased resource recovery and reduced contamination of recyclables and organics.

The pursuit of sustainability through waste management practices has advanced from the issues of how to collect waste and where to store it, to advancing the development of resource recovery and recycling through efficient processes resulting in social, economic and environmental gains. SHOROC member Councils continue to act to bring about necessary transformations for sustainable waste management.

### 5.3 SOME PRELIMINARY CONSIDERATIONS

In considering the types of collection containers currently used across the region and the possible options for alternatives, member Councils would recognise the opportunity to aim to achieve industry best practice through any change.

The *Preferred Resource Recovery Practices by Local Governments*<sup>30</sup> issued by the NSW Department of Environment and Conservation (NSW) outlines the Department's preferred minimum service levels for kerbside resource recovery and residual waste collection from single dwellings. The Guide sets out preferred service characteristics for consideration by Councils at the time of reviewing existing services, or entering into new contracts.

For Recycling collections the preferred minimum standards allow for both 240 litre fully co-mingled fortnightly MGBs or the combined two x 120 Litre bin approach for paper and containers as is used throughout the SHOROC region.

A number of features of waste collection systems require particular consideration:

#### i. Crates and Bucket Bins

Currently across the SHOROC region, there are a number of crates and bucket bins being serviced – mostly in Mosman. Councils and contractors have obligations under the occupational health and safety legislation regarding manual handling<sup>31</sup>. Whilst the legislation sets out minimum standards there is further scope for reducing risks to waste workers as well as residents.

Mechanised lifting is recommended in outer metropolitan and metropolitan fringe areas, and large provincial cities as it is practicable and the costs are competitive with crates.<sup>32</sup>

<sup>30</sup> *Preferred Resource Recovery Practices by Local Councils*. Department of Environment and Conservation (NSW) 2006.

<sup>31</sup> Occupational Health and Safety Act 2000 and Occupational Health and Safety Regulation 2001.

<sup>32</sup> Collection of Domestic Waste - Code of Practice. Workcover NSW (2005)

<sup>33</sup> Independent Assessment of Kerbside Recycling in Australia. SKM Economics, EnvirosRIS and Nolan-ITU for the National Packaging Covenant Council 2001.



It is well established that crates used for resource recovery capture lower levels of recoverable materials. This results in otherwise available resources being left in the general waste stream.

## ii. Mobile Garbage Bins

Mobile garbage bins are standard waste collection containers for communities across metropolitan and regional Australia. SHOROC member Councils have adopted mobile garbage bins for each waste stream, with a number of crate and bucket bins left over from previous systems.

The NSW Government's *Waste and Sustainability Improvement Payment (WASIP) Program*<sup>33</sup> sets out standards and guidelines for eligibility to receive payment under the WASIP program. The WASIP standards are progressively updated and Councils need to comply with certain guidelines to apply for payment. WASIP standards are cumulative. Councils not meeting annual standards in any given year are not eligible for payment until both new and ongoing standards are met.

SHOROC member Councils are all eligible for payment under the program in accordance with the standards set for Sydney Metropolitan Area councils. A number of WASIP standards apply to waste management activities. Of particular note is the ongoing standard that new collection and MGB replacement contracts must require conformity with AS 4123 Mobile Waste Containers<sup>34</sup>.

This Australian Standard provides for lid and body colours for particular waste streams. The aim of uniform lid colours for waste streams is to aid universal recognition of systems that lower risks where populations can easily recognise systems from area to area.

Trials have been undertaken on sizes and shapes of mobile garbage bins for the various waste streams. The smallest MGBs in service across the SHOROC region are 80 Litre in capacity. It is noted that this analysis deals with the strategic considerations for stream specific bin sizes, but notes here that the use of 60 Litre MGBs presents numerous challenges<sup>35</sup> to collection contractors and residents from resulting uneven weight distributions, pulling and pushing risks and the increased need for manual loading.

It is understood that Mosman Council has recently undertaken a 60 Litre trial. The findings of this trial ought to be considered by member Councils.

## iii. Multi- Unit Dwellings

In recognising that multi-unit dwellings present particular issues for waste management it must be acknowledged that individual Council waste managers play an important role in ensuring the most efficient servicing for

<sup>33</sup> Waste and Sustainability Improvement Payment Program. Office of Environment and Heritage within the NSW Premiers Department.

<sup>34</sup> Australian Standard 4123 Mobile Waste Containers –Part 7 (Colours, Markings and Designation requirements)

<sup>35</sup> Waste and Recycling Collection Bin Trials & Options. North Sydney Council. June 2009

residents of MUDs. Recovery levels are typically less from MUDs than single unit dwellings.

Where some high density multi-unit dwellings are excluded from Council waste and recycling services and manage their own waste collection arrangement, the result can be a significant reduction in recycling collection. It is recognised that Councils will need to identify appropriate garbage and recycling collection systems for a range of low to high density multi-unit dwellings where on-site storage is restricted.

Better practice encourages appropriate resident behaviour in relation to waste management and increases the amenity, ease of use of waste services, environmental performance and reputation of developments with well-managed waste facilities<sup>16</sup>.

It is important to aim to provide all multi-unit residential developments with access to waste and recycling collection services.

Service frequencies for MUDs also need to be considered.

Irrespective of the size of the development, all services to MUDs must comply with OH&S requirements. The *Code of Practice for collection of Domestic Waste*<sup>17</sup> guides waste collection systems with regard to the prevention of injury.

The *Better Practice Guide for Waste Management in Multi-unit Dwellings*<sup>18</sup> recognises that waste management systems provided to different developments may vary and be negotiable. This Guide provides various suggestions for dealing with waste management for multi-unit developments from the design and development stage through to the ongoing management of waste collections. Of particular interest to councils for considering collection vessels are the collection management suggestions including such ideas as:

- ensuring the highest possible level of services are available for residents;
- the use of appropriate configuration of bins and bin sizes;
- providing custom designed services to higher density developments;
- providing containers to residents that can be stored within dwellings and used to transport recyclables from the dwelling to the storage area;
- encourage ownership by numbering bins with unit numbers where individual bins are provided; and
- monitoring resident behaviour and providing ongoing waste education through signs in communal storage areas.

<sup>16</sup> *Better Practice Guide for Waste Management in Multi-unit Dwellings*. NSW Department of Environment and Climate Change. 2008

<sup>17</sup> *Code of Practice for the Collection of Domestic Waste*, Workcover (2005)

<sup>18</sup> *Better Practice Guide for Waste Management in Multi-unit Dwellings*. NSW Department of Environment and Climate Change. 2008

The *Guide* also refers to a number of contract provisions relevant to the collection of waste at MUDs that ought to be considered by member Councils including indemnities and service flexibility.

Another interesting study particular to multi-unit dwellings was a Social Research Report<sup>39</sup> undertaken by the NSW Department of Environment and Climate Change. The conclusions of this Report point to the benefits of simplifying systems, the availability of services being as standard as possible and the ongoing requirement for providing information to multi-unit dwelling residents.

In advancing towards the Kimbriki processing solutions, it is of particular importance to recognize the difficulties MUDs present in controlling contamination of the recoverable streams of material. Council waste managers continue to develop strategies and controls for this contamination problem. The SHOROC group of Councils shall need to acknowledge the need for a global approach to managing contamination at MUDs to support the operations proposed at Kimbriki.

#### 5.4 RECYCLABLES

One of the most important decisions for member Councils will be how to manage Recyclables. Entrenched practices result in impressive recycling by residents across the SHOROC Region.

In deciding the most appropriate common Recyclables collection system for the SHOROC member Councils, a number of components are considered:

- i. whether the current twice fortnightly 2 stream collection of Recyclables or a once fortnightly fully co-mingled collection is most suitable;
- ii. the environmental and social benefits and the impact of any changes;
- iii. the impact of the common collection system on Kimbriki; and
- iv. the likely costs of alternative systems.

Across the region, Recycling has become a standard practice for most residents. The collection of paper in one MGB and co-mingled containers has resulted in the high capture of these resources. Table 5.5 below outlines the annual tonnages member Councils are currently reporting.

TABLE 5.5 ANNUAL RECYCLABLES TONNAGES 2010

	MANLY	MOSMAN	PITTWATER	WARRINGAH
SERVICED PROPERTIES	20,000	12,900	22,580	53,500
TOTAL RECYCLABLES	5,511	3,816	8,992	18,547
RECYCLABLES PER KG/HH	275.55	295.81	398.29	346.67

<sup>39</sup> Social Research Report: An Exploration of Recycling in Multi-unit Dwellings. NSW Department of Environment and Climate Change. July 2008

Recyclables kerbside collections are allowing for the diversion of this material from the waste stream that would otherwise be landfilled. Nevertheless, some recyclable material remains in the general waste stream. Table 5.6 below shows the annual weight of Recyclables that are not currently captured. These weights are given as a percentage of the weight of the general waste stream as measured in SHOROC's 2007 Domestic Waste Stream Audit<sup>20</sup>.

TABLE 5.6 RECYCLABLES IN GENERAL WASTE (ANNUAL kg)

	MANLY	MOSMAN	PITTWATER	WARRINGAH
RECYCLABLES	94.12	127.4	100.36	94.12
% OF GENERAL WASTE MEAN BIN WEIGHT	21.67%	23.40%	17.93%	18.20%

These findings are not unusual. The *WARR Progress Report* for 2010<sup>21</sup> showed that across NSW this result is standard. In this Report, an analysis of data from 52 audits conducted between 2007 and 2008 covering around 14,000 households was used to determine the composition of a "typical" household general waste bin for both single unit dwellings and multi-unit dwellings. The analysis showed that 'potential recycling materials account for 23.0% of the total residual waste composition. Recyclable Paper 8.8%, Recyclable Plastic 8.7% and Glass Packaging 3.6% make up the majority of what could be recycled'.

A number of reasons can be put forward for this material remaining in the general waste bin across the SHOROC region.

- i. The 2007 SHOROC audit noted that a number of Council's are not currently allowing the full complement of materials commonly collected and processed – in particular plastics labelled 1-7. Mosman Council conducted a Recycling audit at the same time which showed that 52.9% of the total plastics that should have been in the co-mingled bin were recovered. This shows that it is possible that approximately half or slightly more of the extra plastics may be recovered using a co-mingled bin system.

It is understood that since this audit, all Councils are now able to collect 1-7 plastics. The Material Recovery Facility to be developed for Kimbriki would most likely receive the most modern compliment of materials i.e. all recyclables possible to be processed would be received.

- ii. The two bin Recyclables collection system is not as simple as a fully co-mingled one bin system. Whilst local residents are clearly participating in kerbside recycling, there is a slight complication where two bins could be one. Once one bin is full this targeted material is likely to be disposed of in the general waste. Further, if one bin is not presented for collection and the capacity is used, there is a fortnight before any opportunity for diverting this material is available, resulting in disposal to the general waste bin.
- iii. The narrow shape of the 120 Litre bin is more restrictive for large sheets of cardboard and cardboard cartons.

<sup>20</sup> SHOROC Domestic Waste Stream Audit: Final Report. EC Sustainable Environment Consultants. 2007

<sup>21</sup> Waste Avoidance and Resource Recovery Progress Report 2010. Department of Environment, Climate Change and Water. 2010

- iv. Further community education is required.
- v. Overall recycling capacity is not sufficient for some premises. Wherever mobile garbage bins are too large or too small, flexibility can result in the 'best-fit' for particular premises.

#### YIELDS

Many trials and detailed research have been undertaken regarding the kerbside collection of Recyclables. The *Independent Assessment of Kerbside Recycling in Australia*<sup>22</sup> notes the importance of as a factor in kerbside collection and recycling systems performance with higher yields resulting in increased overall benefits. This cost benefit analysis concluded that:

*"The net financial costs of providing a collection service for paper and glass only are around 36% lower than systems which involve collection of a broad mix of material. The net environmental benefit of a paper and glass only collection are around 25% lower than a collection service for the full mix. The overall benefits of a paper and glass only collection are around 22% lower than a collection service for the full mix."*

Estimated yields from various kerbside Recyclables collection systems were analysed in this *Independent Assessment*. The household annual yields typical for different collection systems outlined in this *Assessment* are given in Table 5.7 below.

TABLE 5.7 ESTIMATED RECYCLABLES YIELDS<sup>23</sup>

CONTAINERS		PAPER	FREQUENCY	YIELD kg/hh/yr
Split MGB			Fortnightly	149
MGB		MGB	Alternate Weekly	279
Co-mingled MGB			Fortnightly	214

The data in the *Assessment* has shown that the higher yields have the following impacts on costs:

- System costs per tonne fall due to economies of scale achieved from collection and sorting activities.
- System costs per household rise in line with total costs due to a higher level of activity required.

This means that the greater the number of tonnes collected, the costs measured per tonne are lowered. However, the increased activity required to service, for example two MGBs, as compared to one MGB, are greater per service in terms of the overall system costs. Likewise, efforts to capture greater volumes of recyclables adds to the systems costs for recyclables, which would be expected to be reflected in a system cost decrease for general waste.

<sup>22</sup> Independent Assessment of Kerbside Recycling in Australia. SKM Economics, EnviroRIS and Nolan-ITU for the National Packaging Covenant Council 2001

<sup>23</sup> Independent Assessment of Kerbside Recycling in Australia. SKM Economics, EnviroRIS and Nolan-ITU for the National Packaging Covenant Council 2001

For local government areas like SHOROC, the *Independent Assessment* concluded that, bearing in mind not only yields but total system costs, the preferred kerbside recycling system is a 240 L co-mingled MGB, collected fortnightly.

Since this *Independent Assessment*, collected kerbside recycling tonnages have increased steadily due to a number of reasons including:

- smaller bins for general waste;
- changing household waste disposal and recycling patterns;
- changes in household consumption patterns;
- increased promotion of recycling services; and
- the levels of recyclable material remaining in the general waste.

Further, this *Independent Assessment* also suggested that split 240 L MGBs may be an optional collection system if considering yields alone. Here the material is collected in split body collection vehicles. This would be considered unusual practice today. IEC have received advice from a leading collection vehicle body engineer suggesting that supplying split body vehicles is considered only marginally viable due to the small market demand, the reduced transport efficiencies and high build costs. The 2 x compartment vehicles that are currently in service allow for a dual flap system which is not 100% effective in controlling cross contamination.

Another problem with split body collection vehicles is the inability to substitute other vehicles if the split vehicles are off the road.

The 2007 SHOROC Domestic Waste Stream Audit<sup>24</sup> showed that the weight of general waste bin contents is higher when the recycling bin capacity is lower suggesting that more recyclables are placed in general waste bins.

The *Assessment of Domestic Waste and Recycling Systems Final Report*<sup>25</sup> assessed the technical, financial, environmental and social costs and benefits of six waste and recyclables collection scenarios, as well as an assessment of each scenario in a mechanical-biological waste treatment situation and a thermal waste treatment situation.

This *Report* concluded that recyclables diversion is highest for the kerbside recycling system employing fortnightly collection of co-mingled containers in an MGB and fortnightly collection of paper in a separate MGB. This is the system currently employed across the SHOROC member LGAs. The next highest yield came from fully co-mingled recycling collections.

A number of points for consideration for the two separate Recycling MGBs system:

- i. the *Report* concluded that the two separated recycling MGBs have the lowest overall system costs and assumes collection vehicles with body sizes of 18m<sup>3</sup> for one stream or 22m<sup>3</sup> for split bodies. In recent Sydney metropolitan tenders managed by IEC, nominated Recycling vehicles with bodies of 33m<sup>3</sup> for side loaders and 25m<sup>3</sup> for rear loaders have been standard. Larger vehicle bodies allow for increased collection efficiencies.

<sup>24</sup> SHOROC Domestic Waste Stream Audit: Final Report. EC Sustainable Environment Consultants. 2007

<sup>25</sup> *Getting more from our recycling systems: Assessment of Domestic Waste and Recycling Systems Final Report*. Nolan ITU for Department of Environment and Conservation (NSW) 2004.

- ii. Compaction rates will be nominated by MRF operators who submit proposals for the Kimbriki MRF. No compaction rates were nominated in this *Report* – at the time of writing 180kg/m<sup>3</sup> would have been standard. Should higher compaction rates (up to 220kg/m<sup>3</sup>) be tolerated, this would impact to reduce system costs.
- iii. 'Diversion' or yield cannot stand alone. Total system costs and benefits need to be considered. Whilst SHOROC communities currently achieve good diversion totals for recyclables, it would be expected that all of this material would continue to remain in a co-mingled recyclables bin and not be placed back into the general waste stream. Thus, there would be little threat to the Region's current diversion rates. Indeed, a simplified system is reportedly able to overcome confusion amongst residents resulting in greater participation in recycling systems.

#### *BENEFITS OF RECYCLING*

Recycling has been established as being 'good' for the environment due to the reprocessing of resources and the avoidance of these materials being landfilled. Implementing systems for the kerbside collection and processing of recyclables materials need to ensure that the total environmental impact of recycling is less than simply disposing of the material as waste.

The impacts of various recycling systems is of interest to decision makers. Considering the separate components of any system, such as, collection trucks, sorting and recovery processes allows for a more holistic consideration of total recycling systems.

The NSW DECCW *Environmental Benefits of Recycling Study*<sup>26</sup> is a life cycle assessment that considered the potential impacts associated with kerbside co-mingled recycling (as well as C&I and C&D recycling). The environmental indicators taken into account included:

- i. greenhouse gases;
- ii. cumulative energy demand;
- iii. water use; and
- iv. solid waste

The conclusions of this analysis maintain that recycling generates environmental benefits for the types of materials commonly collected through municipal kerbside collections.

For SHOROC member Councils there shall be particular environmental impacts in implementing any recycling collection and reprocessing system. Impacts considered by Councils shall include such components as:

- i. the impact of collection vehicles of a twice fortnightly collection service as opposed to a once fortnightly collection;
- ii. the possibility of changing over to a new mobile garbage bin; and
- iii. the environmental costs of not capturing recoverable material.

#### *Impact of Collection Vehicles*

Emissions from collections vehicles are routinely considered through tendering for collection services. Emissions measured in grams per kilowatt hours can be compared and

<sup>26</sup> *Environmental Benefits of Recycling*, NSW Department of Environment, Climate Change and Water, 2010

contract requirements for emissions management systems can act to minimise the impact of collection vehicles servicing local communities.

For collections to occur once per fortnight rather than twice per fortnight is not to simply half this environmental impact. Fortnightly collections means that similar volumes of material will be collected but that each round trip to unload at the MRF shall account for fewer serviced properties.

The impact of collection vehicles on local roads can be minimised by reducing the number of trips by collection vehicles. Vehicle movements on neighbourhood streets and into-and-out-of multi-unit complexes is another benefit of reduced vehicle movements. Any opportunity to reduce congestion on roads cannot be overstated for local communities.

Collection vehicle body capacities are allowing for efficiencies for collections and the greater tolerance of the compaction of material at MRFs does not compromise the quality of collected material in one stream.

#### *New Mobile Garbage Bins*

Currently, member Councils have a mix of recycling bins, the most common being 2 x 120 Litre bins. The age<sup>27</sup> of many of these bins shall compel replacement with new bins over the course of the next collection contract.

New co-mingled 240 Litre recycling bins would be appropriate for single unit dwellings and many multi-unit dwellings. New bins mark the commencement of new services and allows for targeted education to accompany the roll out of the stock.

240 Litre co-mingled bins are anticipated to provide a more simple recycling system for residents. The 2 stream recycling system requires a higher level of commitment and understanding from residents.

A co-mingled 240L recycling bin is expected to achieve similar yields from a community that is well entrenched in recycling behaviour. It would be expected that this more straightforward system would result in a slight improvement in bins being presented regularly as there would be less confusion around residents being concerned with: "which week are we up to?"

Introducing a 240 Litre co-mingled mobile garbage bin at the commencement of the next collection contract shall reduce the number of bins across the region. This results in reducing the costs associated with maintenance and replacement of bins compared to the 2 x 120 Litre system.

It is also noted that bin supply and maintenance is undertaken by a number of member Councils. More commonly, this area of responsibility is assumed by collection contractors. The collection vehicle is passing each local property on a regular basis and the Contractor can take responsibility for managing this service. Contractors hold inventories of bins and replacement parts as well as manage repairs. Costs saving to Councils would be generated through contractor efficiencies.

---

<sup>27</sup> Manly 1995, Warringah 1998.



#### *KIMBRIKI MRF*

The proposals sought for a material recovery facility by Kimbriki shall undoubtedly include processing of the broadest range of recyclable materials. A fully co-mingled bin is the most appropriate collection vessel to suit a modern MRF. Kimbriki recognises that the viability of the likely MRF shall depend on material from beyond the SHOROC region being delivered and processed. Put simply, the SHOROC member Councils shall not generate enough tonnes of recyclables (and for the next 15 years) to fully support a MRF at Kimbriki, and so material from other areas shall need to be sourced.

The MRF shall need to be designed and operated in order to receive this other material which will be co-mingled material. For SHOROC member Councils to seek to supply materials in separate streams, not only undermines the expectation for co-mingled material, but may require additional processing capabilities to be added. This is not to say that it is not possible to deliver separated streams of recyclable materials. However, should SHOROC member Councils continue to seek to deliver separated recyclables streams, careful discussions need to be had with Kimbriki immediately.

Further, it is Kimbriki's intention to seek a uniform gate fee for the acceptance and processing of co-mingled material. This is a departure from the current arrangement that allows for separate prices for the separated streams. Currently, some member Councils are receiving positive cash flows for the delivery of paper. As is ordinarily the case, the gate price for co-mingled materials reflects the market for all output commodities. So where Councils may be receiving cash inflows for paper, this advantage is likely to be offset by the cost paid for the processing of containers. The net effect for receiving and processing all materials is the most important indicator here.

Alternatively, it is likely that a MRF operator would require any payment for paper, for example, to be linked to paper indices for which Councils have no risk management capabilities.

## **5.5 ORGANICS**

There are a number of issues for consideration regarding a common collection system for organics:

- i. what will be the uniform approach for organics collections;
- ii. will food collections be introduced; and
- iii. how will changes be managed.

#### *GARDEN ORGANICS COLLECTIONS*

Currently, garden organics collections are either fortnightly as at Warringah, or less regularly or optional at the other member Councils with a variety of bulky or bundled collections.

Garden Organics tonnages for the individual service areas are illustrated in *Table 5.8* below:

TABLE 5.8 ANNUAL ORGANICS TONNAGES 2010

	MANLY	MOSMAN	PITTWATER	WARRINGAH
SERVED PROPERTIES	20,000	12,900	22,580	53,500
TOTAL ORGANICS	1,826	1,691	2,647	13,195
ORGANICS PER KG/HH	91.30	131.09	117.23	246.64

With the exception of Warringah, these tonnages indicate either that participation levels for organics collections are very low or that the demand for organics waste management is low across the SHOROC region i.e. the generation of garden organics is low.

An explanation for these low tonnages is given in the delivery of approximately 19,000 tonnes per annum to Kimbriki by residents self hauling. This free drop off service is capturing a portion of what may be expected through regular kerbside collections of organics.

A useful comparison is the metropolitan generation profile developed for the *Assessment of Garden Organics Collection Systems*<sup>28</sup> as illustrated in Table 5.9 below:

TABLE 5.9 ANNUAL QUANTITIES OF COLLECTED ORGANICS (kg/ha/year)

ORGANICS/KG/HH	FORTNIGHTLY MGBS	MONTHLY TIED & BUNDLED	3 x YEARLY TIED & BUNDLED
HIGH GENERATION AREA	351	117	59
LOW GENERATION AREA	154	51	26

Garden organics diversion increases with increasing frequency of collection and when a receptacle is provided<sup>29</sup>. This increased diversion is coupled with increased generation. Providing organics bins and collection services acts to generate increased volumes of material that need to be transported and processed. Indeed, collection contractors have reported that as much as 20% extra garden organic material is collected when increasing garden organics collections from fortnightly to weekly.

Member Councils need to be aware that increasing the frequency of collections shall generate extra material to be managed. It must be remembered that each extra tonne of material generated requires extra expenses allocated for collection and processing.

Garden organics continue to be placed in general waste bins across the region. SHOROC's 2007 audit<sup>30</sup> showed the following proportions of garden organics in the general waste stream:

<sup>28</sup> Assessment of Garden Organics Collection Systems. Nolan-ITU Pty Ltd for the NSW Department of Environment and Conservation. 2005

<sup>29</sup> Assessment of Garden Organics Collection Systems. Nolan-ITU Pty Ltd for the NSW Department of Environment and Conservation. 2005

<sup>30</sup> SHOROC Domestic Waste Stream Audit: Final Report. EC Sustainable Environment Consultants. 2007 (Table 8 – All Household Mean Waste Bin Composition (kg) by Region).

TABLE 5.10 GARDEN ORGANICS IN GENERAL WASTE (ANNUAL kg)

	MANLY	MOSMAN	PITTWATER	WARRINGAH
GARDEN ORGANICS	7.54	17.00	33.44	19.92
% OF GENERAL WASTE	1.74%	3.12%	5.89%	3.85%
MEAN BIN WEIGHT				

The annual total tonnage of collected garden organics across the region is low. The NSW Targets<sup>31</sup> ignore the anomaly that diversion rates are a function of generation rates and so those Councils diverting greater tonnages are sometimes generating greater levels of garden organics.

Whilst increased levels of garden organics may be a result of a uniform collection system, residents are accustomed to this service being available. A garden organics collection service needs to be provided to prevent this material making its way into the general waste stream, which shall be more expensive to process at Kimbriki.

The starting point for bin sizes and/or frequency of collections is likely to be a 240 Litre fortnightly collection as this is the system currently in place for almost half of the SHOROC serviced properties. Indeed, from the *Study on Local Government Management Costs for Garden Organics*<sup>32</sup> the largest single collection arrangement was the use of containerised fortnightly 240 Litre MGBs for 119 Councils in NSW that indicated some method of dealing with municipal garden organics.

Part of the modelling for the Kimbriki organics processing facility has assumed a garden organics capacity of 240 Litres fortnightly.

As the costs of general waste treatment or disposal increase, these higher avoided costs for diverting organics from the general waste stream allows for net savings. According to the modelling done by Kimbriki for the processing of general waste compared to the processing of organic material, the costs for processing organic material is substantially less than the costs for processing general waste in every scenario.

Special consideration can be given to residents requesting smaller bins or the particular needs of MUDs in each LGA. Careful drafting of provisions within the collection contract shall ensure that the management of various or optional garden organics bin sizes can be accommodated.

Overall, contamination levels for source separated garden organics are consistently low. The *Study on Local Government Management Costs for Garden Organics* showed a median contamination level for all Councils per load by weight was 1%. Typically, contamination penalties are being written into collection contracts. The collection contractor then allows for managing contamination at the kerbside and assists with reducing this risk.

<sup>31</sup> NSW Waste Avoidance and Resource Recovery Strategy

<sup>32</sup> Study on Local Government Management Costs for Garden Organics. Department of Environment and Conservation NSW. 2006

#### INCLUDING FOOD WITH GARDEN ORGANICS

Another consideration for the collection of garden organics for member Councils shall be whether or not to include food with garden organics.

Residential collections of food waste has been well established in parts of Europe since the early 1990s and is increasingly being used in the US and Canada to achieve landfill diversion targets<sup>33</sup>.

Co-collection of domestic food waste and garden organics has been happening in Australia for some time at Lismore, Port Macquarie Hastings, Camden and Broken Hill. More recently, Penrith have commenced the co-collection of food with garden organics. Co-collection trials have been conducted over a number of areas<sup>34</sup>, including two managed by IEC at Leichhardt and at Canada Bay.

Trial results continue to reflect encouraging levels of diversion of food away from the general waste bins. Whilst trials can be useful in gaining local data or as a component in a local education campaign, it would seem unnecessary for SHOROC member Councils to undertake a trial of source separated food. Much current knowledge can be relied upon in making assumptions for analysing the possible inclusion of food with garden organics.

Food waste continues to add to biodegradable waste. If food waste remains in the general waste stream it is often deposited to landfill, adding to the environmental issues associated with landfilling putrescible material. Alternatively, if general waste is being processed as will be the case at Kimbriki, the processing costs for food are significantly higher than necessary.

For SHOROC, food waste accounts for a substantial amount of the general waste stream. The results of SHOROC's Audit included in Table 5.11 below indicate the annual food component in the member Council's general waste stream.

TABLE 5.11 FOOD WASTE IN GENERAL WASTE (ANNUAL kg)

	MANLY	MOSMAN	PITTWATER	WARRINGAH
FOOD	168.38	210.55	222.04	205.56
% OF GENERAL WASTE	38.79%	38.68%	39.08%	39.78%

Allowing this material to remain in the general waste stream is to accept a per tonne processing fee at a higher rate than would apply if food was included in the garden organics stream.

Including food in the garden organics waste stream requires a higher order processing than what is necessary for garden organics alone. Processing fees have been estimated by Kimbriki for garden organics including food and without food.

<sup>33</sup> Co-collection of Domestic Food Waste and Garden Organics: The Australian Experience. Department of Environment and Conservation NSW. 2007

<sup>34</sup> Chifley (ACT), Willoughby, Camden, Cooma-Monaro, Coffs Harbour.

## ORGANICS MANAGEMENT - MANAGING THE CHANGES

For changes to waste collection systems there are numerous components for consideration including:

- i. the types and sizes of bins;
- ii. frequency of collections;
- iii. yields, participation rates, diversion rates and contamination; and
- iv. the likely costs of alternative systems.

Whilst individual Councils are likely to have preferences for certain components and indeed, variations for each can be accommodated for particular circumstances, a number of general parameters ought to apply across the common collection system.

Aerated bins with bio inserts can produce collection service challenges by way of slower collection rates due to branches etc being caught in the slotted insert. Certain organic processing systems may benefit from increased levels of aeration. This needs to be considered with regard to the Kimbriki requirements for organics processing in order to ensure compatibility. Split bins and smaller MGBs do not appear to be effective.<sup>35</sup>

Encouraging residents to separate food waste requires targeted actions. The provision of kitchen containers increases diversion and participation rates<sup>36</sup>. The most commonly identified contamination problem for organics processors is plastic bags. Providing residents with kitchen bench collection vessels with liner bags is usual when introducing food collections. However, if plastic bags are used, additional preliminary sort processing equipment may need to be installed at the organics processing facility. Kimbriki have indicated that the use of cornstarch bags would be appropriate for the organics processing system.

Kimbriki have also indicated that there will be no restrictions on the food materials allowed in the collections, as permitted by the environmental protection licence for the site.

Active kerbside enforcement shall also be important in minimising this risk.

240 L MGBs appear to be the most suitable size for a combined organics service<sup>37</sup>.

Whilst fortnightly collections of organic waste is feasible<sup>38</sup>, if the organics are to include food, the most acceptable collection frequency is weekly.

Yields and participation rates are difficult to predict.

In the UK, food waste in household garbage has been estimated at 194 kg per household per year. This is equivalent to 1.4 kg per person per week, assuming a household size of 2.7. However, ongoing yields of between 50 and 75 percent (or 0.7-1 kg per person per week) are being projected as feasible in the UK, depending on whether the food waste

<sup>35</sup> Co-collection of Domestic Food Waste and Garden Organics: The Australian Experience. Department of Environment and Conservation NSW. 2007

<sup>36</sup> Co-collection of Domestic Food Waste and Garden Organics: The Australian Experience. Department of Environment and Conservation NSW. 2007

<sup>37</sup> Co-collection of Domestic Food Waste and Garden Organics: The Australian Experience. Department of Environment and Conservation NSW. 2007

<sup>38</sup> Evaluation of bio-insert for containment of organics in mobile garbage bins Wilkinson K, Henderson, B, Final Report for Cleanaway, 2001

collection is co-mingled with garden waste or a dedicated food waste programme is implemented<sup>39</sup>.

In Australia, where collection systems are typically weekly co-collection systems, the yields depend on a number of factors. Targeted and sustained community education campaigns, allowable materials, the ease of the system and the size of the residual bin all play important roles. Demographics of the local community can also impact.

Based on information IEC has gained from contractors and through managing food diversion trials, it is estimated that through a weekly 'organics with food' collection that an optimistic starting point<sup>40</sup> would be to capture 2.7 kg/hh/week from 50% of serviced properties (or 1.35kg/hh/week across the entire region). After 2 years this yield could be expected to increase to 3.1 kg/hh/wk and by 5 years, 3.6 kg/hh/week could be expected. Participation rates may also increase over time.

The assumption here is that all serviced properties shall be serviced in the same way. For those areas with higher density housing where organics collections may not be offered, it must be recognised that participation rates need to be adjusted accordingly.

Contamination in general, with adequate community education, ought to remain low. Again, the exception here shall be multi-unit dwellings. Some jurisdictions have acted to control contamination at MUDs through offering the services to single dwelling properties only.

#### *REDUCING GENERAL WASTE BIN SIZE AND FREQUENCY*

In order to drive food waste from the general waste bin into the organics bin, one method is to limit the capacity for general waste. Providing smaller size bins or reducing the collection frequency can provide the imperative for residents to change their behaviour.

Weekly combined organics services appear to provide the highest organics diversion and participation rates and best customer satisfaction. The reduction in the general waste services to fortnightly in a 120 L MGB supports higher diversion of material into the combined organics service and also increases recycling rates.

For many residents currently utilising an 80 L general waste bin, a fortnightly service is likely to impact too heavily due to insufficient capacity. 120 Litre MGBs would be the minimum that ought to be offered as a default if considering fortnightly collections. Options on bin sizes would need to be offered with residents allowed to opt up to a 240L general waste bin for a fee.

Resistance from residents for fortnightly general waste collections can be expected to be intense at the outset.

Strong and forceful promotion of this particular change would be required. A specific campaign dealing with disposable nappies would be recommended.

An ongoing problem for reducing the overall capacity for general waste collections is the cross-contamination of the other source separated streams. For those serviced properties where ongoing source separation is not practiced, once the general waste bin is full in any

<sup>39</sup> Co-collection of Domestic Food Waste and Garden Organics: The Australian Experience. Department of Environment and Conservation NSW. 2007

<sup>40</sup> Assume for System with fortnightly 120 L general waste collection.



collection period, the overflow can land in the recyclables or organics bin etc. A highly contaminated bin can spoil an entire load.

Initial strong resistance from the community for a fortnightly general waste collection may result in higher processing fees. Grossly contaminated organics may be diverted to the general waste processing facility at higher per tonne processing fees. Alternatively, contamination penalties for organics shall add to processing costs.

Reducing general waste collections to fortnightly will require acknowledgement of the onerous requirements for community education, promotion of new services and sustained management of recurring adjustment issues. Passionate resistance must be expected and measured responses must be planned and resourced.

It is possible that member Councils shall consider retaining weekly general waste collections with a transition plan to reduce general waste collections to fortnightly at some determined point. This option ought to be given adequate consideration.

#### *PROCESSING OF ORGANICS AT KIMBRIKI*

A number of different organics processing options may be offered to Kimbriki from organics processors. It is helpful if processing operators are aware of the likely characteristic of the feedstock when submitting proposals. The decision to include food waste in garden organics will need to be indicated to enable proponents to anticipate this eventuality.

#### *OTHER CONSIDERATIONS*

The NSW Office of Environment and Heritage is responsible for the administration of the *Local Council Waste and Sustainability Improvement Payment Program (WASIP)*. SHOROC member Councils are all eligible for payment under the program in accordance with the standards set for Sydney Metropolitan Area councils. Standards in relation to the management of Organic material increasingly targets organic material remaining in general waste streams.

The Office has indicated that for 2011/12, payments under the WASIP Program shall be dependant upon measures progressively being put in place to analyse and then reduce food organics in the general waste stream.

### **5.6 MANAGING COMMUNITY BEHAVIOUR AND EDUCATIONAL REQUIREMENTS FOR CHANGE**

In implementing any common waste collection system, it is unavoidable that change in the behaviour of residents is required. It would be expected that the residents of the SHOROC region would be relatively compliant and willing to use the system appropriately. Nevertheless, success of a common collection system and the need to support the recovery and processing plans of Kimbriki shall require targeted and sustained approaches to managing the community's behaviour, particularly at the outset.

Management of behaviour changes is best dealt with through practical measures particular to the steps involved in altering from the current waste collection systems through the transition to the new systems.

#### KEY OBJECTIVES

When new collection systems for garbage, recyclables and organics are introduced across the SHOROC LGAs, the supporting approach will need to address the following Key Objectives:

The community needs to understand:

- i. Why the new system is being introduced and what the environmental benefits are;
- ii. What role Kimbriki Enterprises plays in the total system;
- iii. What they have to do at the household level;
- iv. The importance of compliance with collection protocols (e.g. correct recyclables);
- v. What the consequences are for non compliance (e.g. contamination);
- vi. Why this system is being co-ordinated on a Regional basis; and
- vii. What the beneficial outputs of the system are (e.g. compost, recyclables).

#### KEY MESSAGES

There are several 'Key Issues' related to the introduction of the common waste collection systems across SHOROC. These issues will need targeted 'Key Messages', particularly to residents whose compliance is essential for the system success.

ISSUE	KEY MESSAGE
The collection of food and garden organics together in one MGB	<ul style="list-style-type: none"><li>• The NSW Government support for food capture and environmental benefits</li><li>• How food capture helps reach Waste Targets</li><li>• Link to Climate Change benefits (less methane)</li><li>• All food organic matter will be collected and processed by KEE</li><li>• Proper use of the kitchen food container and compost bags</li><li>• How to source and replace compost bags</li><li>• What is contamination and what it does to the process</li><li>• Where the end product compost can be purchased and at what cost</li><li>• MGB presentation protocols and accepted weights</li></ul>
The co-mingled collection of recyclables in one MGB	<ul style="list-style-type: none"><li>• The convenience of co-mingled recycling</li><li>• The change in collection frequency to fortnightly</li><li>• Co-mingled collection is best practice</li><li>• Recyclables will be processed locally</li><li>• KEE prefer co-mingled recycling</li><li>• The wide range of recyclable material to be collected</li><li>• What is contamination and targets</li><li>• The environmental benefits of recycling</li></ul>
The fortnightly collection of garbage in a small MGB	<ul style="list-style-type: none"><li>• Targets to reduce waste to landfill</li><li>• How garbage will be processed at AWT and the benefits of this</li><li>• Link to Climate Change benefits (less methane)</li><li>• Important to keep recyclables and organics out of garbage</li><li>• What to do with items like nappies</li><li>• What options there are for additional bins</li><li>• Community cost of landfilling at KEE</li></ul>
Collection services in multi-unit dwellings	<ul style="list-style-type: none"><li>• Garbage services will remain at weekly</li><li>• Recycling services will be co-mingled and easier to use</li><li>• Food organics collection may be available in their unit</li></ul>



	<ul style="list-style-type: none"> <li>block</li> <li>Importance of non contamination in recycling and organics streams</li> </ul>
Move towards on-call cleanup services	<ul style="list-style-type: none"> <li>Same entitlement to 2 services a year per premises</li> <li>Main reason to keep streets clean and reduce waste to landfill</li> <li>Separate items for recovery (eg steel)</li> <li>How and when to contact the booking centre</li> </ul>

#### CO-ORDINATED EDUCATION MESSAGES

The success of the introduction of the new SHOROC waste services will depend heavily on the co-ordination and implementation of the community education program.

Each of the key stakeholders, that is SHOROC, the individual Councils, KEE and the Contractor, will have roles to play in Community Education.

The possible roles for each of the stakeholders are:

STAKEHOLDER	ROLES
Centralised Business Unit	<ul style="list-style-type: none"> <li>Administer Regional Community Education Budget and Strategy</li> </ul>
Centralised Business Unit together with Councils	<ul style="list-style-type: none"> <li>Administer Local Community Education Plans</li> </ul>
Centralised Business Unit with the Contractor	<ul style="list-style-type: none"> <li>Implement Regional and Local Community Education Plans</li> </ul>
Centralised Business Unit with KEE	<ul style="list-style-type: none"> <li>Implement Community Education Plan relating to Processing &amp; Disposal</li> </ul>

The alternative collection systems shall require levels of commitment to community education depending on the degree of change expected. For example, a fortnightly general waste collection would require a Regional non-negotiable, sustained and highly developed approach.

## PART 6 THE OPTIONS

Changes to the current waste and recycling collection systems may be desirable but SHOROC member Councils shall be particularly interested in the costs associated with any change. Cost estimates have been derived for a number of different configurations of collection systems.

Estimated collection and processing costs for the various systems allows for a comparison of the differences with regard to the impact any changes shall have on local communities.

In analysing any proposed alternative collection systems for member Councils, a starting point has been assumed. It is noted that this "Base Case" is not an exact representation of the current systems, but allows for a comparison of costs.

It has been assumed that all material collected under the following options are to be delivered to Kimbriki. The processing costs for all Systems are the estimated costs provided for the processing of waste, recyclables and organic material at Kimbriki. The s. 88 levy was assumed to be included in the applicable Kimbriki cost estimates.

The Options for considerations are outlined and compared as follows:

### SYSTEM 1

#### BASECASE:

*(5 Collections per Fortnight)*

STREAM	FREQUENCY	BIN SIZE
GENERAL WASTE	Weekly Collection	120 Litre
RECYCLABLES	2 Collections per fortnight	2 x 120 Litre
GARDEN ORGANICS	Fortnightly Collection	240 Litre

### SYSTEM 2

#### CO-MINGLED RECYCLABLES:

*(4 Collections per Fortnight)*

STREAM	FREQUENCY	BIN SIZE
GENERAL WASTE	Weekly Collection	120 Litre
RECYCLABLES	Fortnightly Collection	240 Litre
GARDEN ORGANICS	Fortnightly Collection	240 Litre

**SYSTEM 3**  
**CO-MINGLED RECYCLABLES + FOOD COLLECTED WITH GARDEN ORGANICS WITH**  
**FORTNIGHTLY GENERAL WASTE:**

*(4 Collections per Fortnight)*

STREAM	FREQUENCY	BIN SIZE
GENERAL WASTE	Fortnightly Collection	120 Litre
RECYCLABLES	Fortnightly Collection	240 Litre
GARDEN ORGANICS INCLUDING FOOD	Weekly Collection	240 Litre

**SYSTEM 4**  
**REDUCED RESIDUALS, GARDEN ORGANICS WITH FOOD WITH 2 STREAM**  
**RECYCLABLES:**

*(5 Collections per Fortnight)*

STREAM	FREQUENCY	BIN SIZE
GENERAL WASTE	Fortnightly Collection	120 Litre
RECYCLABLES	2 Collections per fortnight	2 x 120 Litre
GARDEN ORGANICS INCLUDING FOOD	Weekly Collection	240 Litre

**SYSTEM 5**  
**WEEKLY GENERAL WASTE, GARDEN ORGANICS WITH FOOD & CO-MINGLED**  
**RECYCLABLES:**

*(5 Collections per Fortnight)*

STREAM	FREQUENCY	BIN SIZE
GENERAL WASTE	Weekly Collection	120 Litre
RECYCLABLES	Fortnightly Collection	240 Litre
GARDEN ORGANICS INCLUDING FOOD	Weekly Collection	240 Litre

#### **SYSTEM 1 BASE CASE**

System 1 is an assumed version of current collection systems. Councils currently have weekly garbage collections and two stream recyclables collected on alternate weeks. Garden organics are collected for approximately half of the SHOROC residents on a fortnightly basis.

No new or replacement bins are costed in this system.

#### **SYSTEM 2**

System 2 compares costs where the recyclables collections are conducted fortnightly as fully co-mingled in one MGB as opposed to the current collection system of collecting two different streams of recyclables on alternate weeks.

New 240 Litre Recycling MGBs have been included in these costs.

#### **SYSTEM 3**

System 3 reduces general waste collections to fortnightly and allows for food to be diverted to the organics bin which would become a weekly collection.

This system has allowed for the new 240 Litre co-mingled recyclables bins to be supplied but assumes the existing garbage bins would be utilised. The costs of kitchen bench top bins and liner bags for the collection of food waste have been included here.

For the Pittwater premises that currently utilise 80 Litre general waste bins, these bins would need to be upgraded to 120 Litre MGBs as a minimum.

#### **SYSTEM 4**

System 4 considers the reduction of waste collections to fortnightly and the changes to the organics collection of including food with weekly collections, then the existing two stream recycling system is left in the system for comparison.

The costs of kitchen bench top vessels and liner bags for the collection of food waste have been included here.

#### **SYSTEM 5**

Finally, System 5 allows for the fortnightly collections of co-mingled recycling, weekly organics collections with food but considers the continuation of weekly general waste collections.

The costs for new 240 Litre co-mingled recycling bins have been included here.

#### **ESTIMATION OF COSTS**

Costs Estimates used for comparing the alternative collection systems have been derived from recent Tenders managed by IEC. There are numerous variables for each tender

including Term, number of services, density of populations, and the range of services included in each specification. The costs estimates are based on tenders for eleven local council waste collection tenders over the last four years. Over 26 tendered rates for general waste collections were available. Many of these tenders included recyclables and organics collection services. Three of these processes included options for regional tenders between three or four LGAs. Estimates have been adjusted as appropriate.

The cost estimates for the processing of each waste stream have been provided by Kimbriki.

Other costs to member Councils were not available from the individual Councils and so broad estimates have been included. Councils can use the model in order to manipulate these estimates and substitute their budgeted or actual costs for individual interpretation.

Manly Council currently operates day labour for the waste collection services. For this analysis, Manly has been considered in the same way as the other member Councils i.e. with contracted waste collection services.

## PART 7 THE RESULTS

### 7.1 FINANCIAL CONSIDERATIONS

First year total costs for the various collection systems are provided below in Table 7.1.

TABLE 7.1 SYSTEM COSTS FOR COLLECTION ALTERNATIVE

SYSTEM	COLLECTIONS ONLY
<b>SYSTEM 1</b> 120 WASTE WKLY, 2 X 120 RECYC FTLY, 240 GO FTLY (5 Collections per fortnight)	\$18,154,673
<b>SYSTEM 2</b> 120 WASTE WKLY, 240 C-M RECYC FTLY, 240 GO FTLY (4 Collections per fortnight)	\$15,108,682
<b>SYSTEM 3</b> 120 WASTE FTLY, 240 C-M RECYC FTLY, 240 GO+FOOD WKLY (4 Collections per fortnight)	\$15,286,625
<b>SYSTEM 4</b> 120 WASTE FTLY, 2 X 120 RECYC FTLY, 240 GO+FOOD WKLY (5 Collections per fortnight)	\$18,332,616
<b>SYSTEM 5</b> 120 WASTE WKLY, 240 C-M RECYC FTLY, 240 GO+FOOD WKLY (5 Collections per fortnight)	\$18,293,514

Costs are given as Year 1 costs for the purposes of comparison. These costs consider providing general waste, recycling and organics collections to all serviced properties across the Region, that is, that there would be equivalent garbage, recycling and organics collections to all premises. Generally, there are likely to be less organics and recycling services in higher density areas.

Caution must be exercised in using these estimates for budgeting purposes as it is likely that multi-unit dwellings will be treated differently. Actual costs would be expected to be less than the above costs. These costs are most useful for the purposes of comparison between the alternative systems.

### 7.2 INTERPRETATION OF RESULTS

In interpreting the results of this analysis, it is tempting to consider the costs to Councils alone. Whilst almost all of the costs incurred under the alternative Systems represent direct financial costs to Council, many of the benefits are either savings through avoided costs or benefits gained by the broader community and individuals within it.

Whilst the benefits of any System are often benefits for the wider community, these benefits usually do not represent an income stream to Council. Likewise, these benefits can not be seen to directly offset the costs of an individual System.

System 1(WKLY waste, 2 x recycling per FTNT and FTNTLY garden organics) represents the assumed Base Case. This System allows for no change. There would be no discernable impact on the local community. This System represents no improvements. A lost

opportunity to improve resource recovery and a risky position if member Councils are concerned about meeting NSW waste diversion targets.

System 2 (WKLY waste, FTNTLY co-mingled recycling and FTNTLY garden organics) demonstrates the lowest cost alternative System. A simplified Recycling recovery system is included here. Reducing the recycling collections to once per fortnight accounts for the greatest part of the cost savings. The collection costs alone are the lowest across the Systems. There is, however, no opportunity to capture food waste. This system is also likely to have a low impact on residents in terms of systems changes.

System 3 (FTNTLY waste, FTNTLY co-mingled recycling and WKLY garden organics) is also a low cost alternative System and also represents a low collection cost alternative. General waste collections are reduced to fortnightly, recycling is fortnightly and organics are collected weekly because food is now able to be disposed of in the organics bin. This system will achieve higher diversion of material from landfill and attempts to offer residents an aggressive system aimed at recovering the highest possible level of recovery. These changes can be expected to have the greatest impact on residents and would require Councils to commit to the maximum level of community education and systems management.

System 4 (FTNTLY waste, 2 x recycling per FTNT and WKLY garden organics) considers retaining the two stream per fortnight recycling service whilst allowing for food to be diverted to organics and reducing the general waste collections to fortnightly. This System is more costly than the base case. There is little discernable advantage in retaining the two stream per fortnight recycling service as yields would be expected to be similar under a co-mingled collection system. This System would be expected to have a similar impact on the community as System 3 due to the introduction of food in the organics bin.

System 5 (WKLY waste, FTNTLY co-mingled recycling and WKLY garden organics) is the safest system. This system provides all opportunities for resource recovery with minimum impact on residents due to the continuing weekly general waste collection. Fittingly, this is the most costly system. It would be expected that the collection costs alone are similar to what current costs are. The system would present the lowest impact on residents but is likely to result in reduced amounts of food being diverted and so lower resulting diversion rates. A less significant commitment to community education could be tolerated.

## PART 8 CONCLUSIONS

This Regional Study to recommend a common waste collection system for SHOROC member Councils has considered the suitability of a number of systems with regard to the environmental, economic and social impacts likely.

Achieving the most cost effective system requires the acceptance of lower achievement of environmental goals. The most aggressive environmental outcomes are possible with the most significant impacts on local residents. A balance needs to be achieved. Any changes accepted by member Councils ought to be seen as progress in continually improving waste management systems.

The general support from most stakeholders and the substance of the research concludes that the waste, recycling and organics waste collections can be managed to achieve improvements in costs and environmental outcomes with manageable impacts across the Region.

The following conclusions can assist Councils to agree on the main components of waste collection systems:

- i. a single 240 Litre MGB for co-mingled recyclables, collected fortnightly is the most suitable recycling system;
- ii. a combined food and garden organics 240 Litre MGB collected weekly is ideal;
- iii. a small MGB for general waste is needed (not greater than 120 Litres);
- iv. the collection frequency for general waste is contentious;
- v. there is the possibility to transition the general waste collections from weekly to fortnightly;
- vi. special consideration needs to be given to MUDs for appropriate bin sizes and collection frequencies so as to minimise contamination issues;
- vii. there is an opportunity for the establishment of a centralised contract management system through a third party such as SHOROC or KEE to co-ordinate and manage aspects such as contract management, administration, marketing, customer service and so on.
- viii. a centralised community education structure will be beneficial in ensuring any changes are appropriately managed;
- ix. other changes to waste management across the Region can impact on overall waste services, for example, a move to on-call cleanup would be a cost saving etc.



## PART 9 RECOMMENDATIONS

In light of the analysis of the alternative waste collection systems, a number of recommendations to SHOROC can be made. SHOROC member Councils shall need to collectively agree to seek a common waste collection system.

Individual Council resolutions shall include a suite of waste collection services as recommended:

- i. A combined Regional Waste Collection Services Contract with a term of five years with two one year extensions;
- ii. Recyclables to be collected fortnightly in a 240 Litre co-mingled mobile garbage bin (MGB), the supply, delivery and maintenance of which shall be included in the Waste Collection Services Contract;
- iii. Food and garden organics to be collected weekly in a 240 Litre MGB. Many premises currently utilise 240 Litre bins. An audit of the need to replace these or issue new bins would be needed to estimate the need for new bins prior to tendering the Waste Collection Services. Kitchen bench bins and cornstarch liner bags to be supplied and delivered via the Waste Collection Services Contract;
- iv. An initial weekly general waste collection from existing general waste MGBs. At the conclusion of this initial term and upon re-tendering the collection services, then reduce general waste collections to fortnightly. If it is agreed that general waste collections shall be reduced to fortnightly upon re-tendering the waste collection services in five years, Councils to consider 120 Litre MGBs as stock is rolled over during this upcoming Contract;
- v. The above recommended collection systems to be fine-tuned for multi-unit dwellings, e.g. weekly recycling collections to continue.
- vi. A centralised contract management system is established. A third party entity to be established (or SHOROC or KEE) to co-ordinate and manage aspects such as contract management, administration, marketing, customer service and so on.
- vii. A centralised budget, structure and plan for community education and enforcement is established and possibly administered through SHOROC or KEE.
- viii. All four Councils participate in the common waste collection system. Tendering for a contractor shall include Manly Council as an Option. Centralised management functions to be provided to include Manly Council.

## PART 10 RISK ASSESSMENT

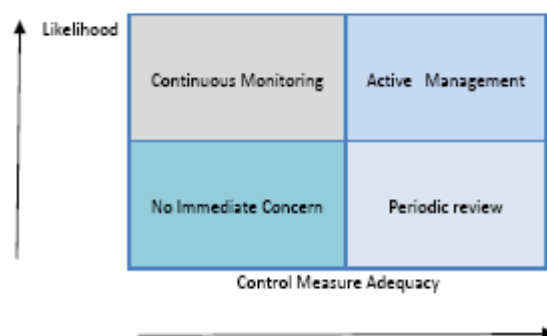
Risk can be assessed by identifying the likelihood of the potential risk. To determine the likelihood and consequence, the following rating process in Table 8.1 is used:

TABLE 10.1 RISK RATING PROCESS

RATING	MEASURE	DESCRIPTION	DEFINITION
1	Rare	May occur in exceptional circumstances	Acceptable risk. Manage through routine procedures.
2	Unlikely	Could occur at some time	Ensure management system controls risk.
3	Possible	Might occur at some time	Ensure system procedures are such that the risk is as low as possible.
4	Likely	Will probably occur in most circumstances	Actively pursue reduction of risk. Due diligence systems established. Appropriate corporate governance procedures demonstrated.
5	Almost Certain	Is expected to occur in most circumstances	Risk must be assessed and reduced or eliminated. If risk cannot be eliminated, management must provide continuing assurance that due diligence systems and corporate governance processes can be demonstrated.

Risks need to be regularly reviewed. Enduring risks are assessed by measuring the inherent risk against the assessed effectiveness of the controls. The more extreme the risks, the greater the urgency of eliminating or reducing the risk through control measures. High risks will be managed; moderate risks will be monitored; and low risks can often be accepted.

TABLE 10.2 ORGANISATIONAL RISKS



### RISKS CONSIDERED:

The following risk categories have been examined for the preferred option of System 5 and ought to be considered with the recommendations:

1. Operational
2. Contractual
3. Political/Regulatory
4. Environmental
5. Resource

TABLE 10.3 OPTION: SYSTEM 3 – WEEKLY GENERAL WASTE + FORTNIGHTLY CO-MINGLED RECYCLABLES + WEEKLY ORGANICS WITH FOOD

RISK	OUTCOME	LIKELIHOOD	CONTROL MEASURES	COMMENTS
<b>1. OPERATIONAL</b>				
Failure to manage change of bins and frequency of collections.	Confusion and frustration for residents. Contamination of recoverable resources.	Likely	Pre-emptive and ongoing community education. Co-ordinated and targeted promotion of new services.	The operational risks associated with the introduction of an alternative waste collection system depend upon substantial engagement with local residents. Operational responsibilities can be passed onto the collection contractor with careful consideration of local needs – this is an important role for local waste managers. A number of contractual provisions can act to minimise risks. Specific attention needs to be paid to multi-unit dwellings.
Failure to focus on resource recovery	Councils do not reach NSW Targets. Poor diversion of recoverable waste materials	Possible	Accept and encourage diversion of food from garbage. Continued efforts to capture resources. Responsibilities to be defined for the continual measurement of performance and for aspects such as for community education, contamination management and service delivery.	
High contamination of recoverable materials.	Recyclables and organics processed as general waste. Increased processing costs.	Possible	Contractual provisions for collection contractor to manage verbiage contamination.	
Failure of Collection Contractor to deliver expected service standards	Poor operational outcomes reflect badly on Councils.	Possible	Ensure each member Council is responsible for ensuring collection contract specification is suitable. Ongoing contract management from commencement.	
Lack of allocation for upfront community engagement etc.	Breakdown in communication compromises both collection and processing services.	Possible	Education to become responsibility of central management unit. Budget planned and administered through unit.	
Unsatisfactory management of MUDs	Contamination resulting in increased processing costs	Likely	Specific education and communication strategy targeting MUDs. Council waste managers to have substantial input into the collection contract specification.	

REGIONAL STUDY INTO COMMON WASTE COLLECTION SYSTEM - 2011

49

RISK	OUTCOME	LIKELIHOOD	CONTROL MEASURES	COMMENTS
<b>2. CONTRACTUAL</b>				
Introducing new bin configurations/ collection systems at the same time that the MRF and RRF are due to start processing SHOROC material.	Disorganised co-ordination of the start up of new collection services. Dissatisfaction of residents – poor outcome for Councils. Management of new processing contracts and collection contracts not adequately resourced.	Possible	Need to ensure responsibilities are well defined. Adequate time is allowed for a new collection contractor to manage start up responsibilities – especially new bin roll-outs. Waste managers to ensure data is up to date and reliable.	Many of the contractual risks associated with the introduction of a new collection system can be controlled through adequate contract provisions and through contract management from the commencement of the new contract. Councils are advised to consider establishing and resourcing a management unit responsible for all aspects of the collection contract to ensure adequate performance standards are achieved and that a good working relationship between the Councils and the contractor is sustained. Waste manager's input during the tender development is essential.
Collection contract lacks provisions to ensure best practice.	Poor operational outcomes. Council – contractor relationship strained.	Possible	Contract provisions and specifications to reflect each Council's requirements. Contract management of all aspects of the contract to be determined and implemented from the commencement of the collection contract.	
Poor collection contract documentation	Variations to the contract – increased costs.	Possible	Adequate Council data provided. Waste managers to ensure service levels are articulated through the tender specifications. Contract to promote sufficient service methodologies. Contract management ongoing from commencement.	
Poor contractor performance	Inefficient and unsatisfactory services provided. Reflect badly on Council	Possible	Ensure assessment of tenderers is robust. Contract management ongoing from commencement.	

REGIONAL STUDY INTO COMMON WASTE COLLECTION SYSTEM - 2011

50

RISK	OUTCOME	LIKELIHOOD	CONTROL MEASURES	COMMENTS
<b>3. POLITICAL/REGULATORY</b>				
Failure to support the Kimbiki proposals.	Collection systems add to costs for Kimbiki.	Possible	Consult further with Kimbiki regarding suitability of proposed collection systems.	The political and regulatory risks in introducing a new waste collection system are manageable through recognising the responsibilities each Council has. Control measures allow for management of the risks so as to ensure poor outcomes are minimized.
WASIP Guidelines not adhered to.	Reduction of entitlement form WASIP Program.	Unlikely	Adhere to WASIP Guidelines	
Manly not party to collection contract	Increased costs to other member Councils. Collection costs are likely to be reduced by increased service numbers. Processing costs may increase if Manly collection systems require additional processing costs (e.g. Recycling).	Possible	Manly to join other member Councils in tendering for collection services	
Lack of co-operation between the member Councils to ensure collection contract is adequately drafted.	Unsatisfactory service levels across local areas if not adequately provided for through specifications and contract conditions.	Possible	Allow adequate time and resources to ensure all local requirements are included as far as possible in the collection contract. Waste managers to play central role in specifying services. Central management unit to form systems for consultation with local waste managers.	
Local community expecting greater efforts regarding resource recovery.	Perception that member Councils are not doing enough to minimise waste	Possible	Community education messages to include longer term ambitions to reduce general waste collection to fortnightly.	

REGIONAL STUDY INTO COMMON WASTE COLLECTION SYSTEM - 2011

51

RISK	OUTCOME	LIKELIHOOD	CONTROL MEASURES	COMMENTS
<b>4. ENVIRONMENTAL</b>				
Inefficient resource recovery. Fail to optimise recoverable resources.	Food and recyclables remain as general waste.	Possible	Accept food to be collected with garden organics. Promote new services and continue to resource community education.	For environmental risks to be minimized and management, the key response is well resourced and targeted community education. Particular steps need to be adopted (e.g. kitchen bench tidies to be provided to residents). Contamination management and contract management are also important.
Contamination of recoverable waste streams compromises environmental outcomes.	Reprocessing of recyclables and organics tonnages reduced and general waste increases.	Possible	Contamination management plans included in collection contract. Community education ongoing for term of contract.	
Not enough food is captured in garden organics collections to justify increased service level	Increased costs for low impact on diversion of food.	Likely	Accept kitchen bench top tidies and annual supply of compostable liners. Targeted community education to capture food waste.	
MUDs not managed to add to SHOROC achievement of environmental outcomes	High proportion of the region's residents not contributing and supporting the efforts of other residents	Likely	Specific education and communication strategy targeting MUDs. Council waste managers to have substantial input into the collection contract specification. Contract management role for problem MUDs.	

REGIONAL STUDY INTO COMMON WASTE COLLECTION SYSTEM - 2011

52

RISK	OUTCOME	LIKELIHOOD	CONTROL MEASURES	COMMENTS
<b>5. RESOURCES</b>				
Community education not adequate for change management.	Poor understanding of new systems threatens improved outcomes.	Possible	Consideration of central contract management unit. This unit must be adequately resourced and input from Council waste managers shall be essential. Regional strategy for community education and promotion of the new services needs to be co-ordinated. A central community education budget to be administered through this unit.	The need for the adequate resourcing of all aspects of establishing a new waste collection system cannot be emphasized too much. Risks can best be managed by ensuring that each member Council is satisfied that all aspects of the collection contract are well managed and that the contract is adequately resourced financially. The implementation of new systems requires a commitment from each Council to provide the required resources.
Performance of Contractor not adequately monitored.	Poor operational outcomes – reflects badly on Councils and injures relationship with collection contractor.	Possible	A centralised contract management unit established.	
Insufficient resources allocated to tender and contract development.	Councils disappointed with collection contract outcomes. Threatens regional relationships.	Possible	Waste managers accept responsibility for ensuring collection contract allows for local requirements. Updated and reliable data to be available for implementation of contract. Contract management to be consistent from commencement.	
Insufficient DWMC	New processing arrangements to increase costs. Member Councils to be able to meet all contractual obligations.	Unlikely	Collection costs will be competitive but DWMC must consider increases to processing costs.	
KEE operations not supported	Collection systems add to capital and/or operational costs for KEE.	Unlikely	Provisions of Shareholder Agreements maintained. Consultation with KEE ongoing.	

## PART 11 IMPLEMENTATION

There are numerous steps necessary to implement a new common waste collection system across the Region. Tender processes can help to define many of the particulars of the required waste collection systems. The best outcomes from these tender processes can only be achieved when measured consideration is given not only to the specifications of the services but also to the time allowed for the tendering process.

Data must be adequately collated for bins and service numbers for MUDs and SUDs. Collection routes and day schedules need to be presented covering four LGAs. Waste managers need to provide much information to this process and so the tender process requires adequate resourcing from each member Council.

Updating and adequate management of data further provides for each Council to strengthen asset management systems and protect Councils from costs associated with services being provided without the corresponding recompense. Simplifying collection systems shall limit the opportunity for deceptive conduct from residents.

Adequate time needs to be allowed for submissions to be made. Better outcomes are often achieved by allowing extra time to negotiate with preferred tenderers. Being under pressure to accept a submission due to time constraints can lead to unsatisfactory agreements being entered into.

A guide to some of the timing considerations for member Councils is given below in Table 11.1:

TABLE 11.1 PROCESS TIMING CONSIDERATIONS

PROCESS	TIME REQUIRED	DATE
RESOLUTIONS ADOPTED BY 4 COUNCILS	2-3 MONTHS	SEPT 2011
REQUEST FOR QUOTATION FOR TENDER DEVELOPMENT	1 – 2 MONTHS	OCT 2011
COUNCIL PREPARATION FOR TENDER	2-3 MONTHS	NOV 2011
DRAFT TENDER DOCUMENTS	6 MONTHS	JUNE 2012
SUBMISSION PERIOD	3 MONTHS	SEPT 2012
EVALUATION PERIOD	2 MONTH	NOV 2012
FURTHER EVALUATION AND NEGOTIATION	2 MONTH	FEB 2012
REPORT TO 4 COUNCILS	2-3 MONTHS	MARCH-APRIL 2013
LEAD IN TIME FOR CONTRACTOR	9-12 MONTHS	MARCH 2014
BIN ROLL OUT	1-2 MONTHS PRIOR TO COMMENCEMENT DATE	MAY - JUNE 2014
COMMUNITY EDUCATION	START IMMEDIATELY UPON RESOLUTION OF NEW SYSTEMS AND CONTINUE UNTIL COMMENCEMENT - THEN ONGOING	
COMMENCEMENT DATE	JULY 2014	JULY 2014

## 11.1 OTHER CONSIDERATIONS

In implementing the common waste collection system, Councils shall need to consider a range of factors. It is recommended that milestones are set, decision points are identified, the skills and resources required are identified and sourced, and so on.

Then the project planning can be commenced and may need to include:

- Project plan;
- Governance model Governance arrangements (steering committee, project director project team). The Organisation responsible for implementation must have capacity to deliver the project;
- Procurement strategy (Tender, funding for joint responsibilities e.g. community education);
- Management strategy;
- Stakeholder consultation strategy;
- Adequate community consultation will need to be considered;
- Benefits realisation strategy i.e. implement a benefit realisation mechanism that documents accountability, and shows the anticipated benefits to each stakeholder e.g. environmental, economic and social; and
- KPIs can be developed through the Contract.

### TENDERING OF ADDITIONAL SERVICES

This Study seeks to provide recommendations for a common waste collection system for kerbside collections from premises across the SHOROC members Councils. It must be noted that each Council continues to provide a variety of other types of waste collection services including E-waste collections or drop-offs; bulky clean-up material collections, litter bin collections and so on. These additional types of waste services have developed locally in response to local requirements.

If Councils are seeking to combine these additional services to establish "common" services, it is important to decide what these requirements are in order to include these services in a regional tender. Alternatively, if these additional services are to be regarded as individual and not necessarily common (e.g. Christmas tree collections), then each Council can request particular services through the tender as optional services.

Indeed, the upcoming process for developing tender specifications provides the ideal opportunity for Councils to consider their needs and the possible options regarding these additional services.

## 11.2 FURTHER QUESTIONS

SHOROC member Councils need to further consider a number of questions. Following a tender for the waste collection services, who will contract with the service provider? Shall individual Council's enter into individual contracts? Will a third entity enter into a joint contract on behalf of the Councils? A memorandum of understanding between the Councils may be required – to ensure that each Council is obliged to commit to the resulting contract. Indeed, contractors are increasingly requesting a regional commitment where regional tenders are sought. Finally, who will manage the contract and the associated responsibilities that require a co-ordinated regional approach?

## REFERENCES

1. *Assessment of Domestic Waste and Recycling Systems*. Nolan ITU. Study commissioned by the NSW Jurisdictional Recycling Group for the Department of Environment and Conservation (NSW) 2004.
2. *Assessment of Garden Organics Collection Systems*. Nolan-ITU Pty Ltd for the NSW Department of Environment and Conservation. 2005
3. *Guide to Preferred Service Standards for Kerbside Recycling in Victoria*. Nolan-ITU for EcoRecycle Victoria 2004
4. SHOROC Corporate Plan 2010 -2014
5. Kimbriki Environmental Enterprises (KEE) Shareholder Agreement
6. *NSW Waste Avoidance and Resource Recovery Progress Report 2010*. NSW Department of Environment, Climate Change and Water. November 2010
7. *Review of Waste Strategy and Policy in NSW*. Report by the Steering Committee for the Review of NSW Waste Strategy and Policy for the NSW Department of Environment, Climate Change and Water December 2010.
8. *National Waste Policy: Less Waste, More Resources*. Commonwealth Department of Environment, Water, Heritage and the Arts. November 2009
9. *Social Research Report: An Exploration of Recycling in Multi Unit Dwellings*. NSW Department of Environment and Climate Change. 2008.
10. *Better Practice Guide for Waste Management in Multi-unit Dwellings*. NSW Department of Environment and Climate Change. 2008
11. *Truck-Based Domestic Waste Audit* from KIMBRIKI Environmental Enterprises Pty Limited. A Prince Consulting Pty Limited. March 2011
12. *Preferred Resource Recovery Practices by Local Councils*. Department of Environment and Conservation (NSW) 2006.
13. Occupational Health and Safety Act 2000 and Occupational Health and Safety Regulation 2001.
14. *Collection of Domestic Waste - Code of Practice*. Workcover NSW (2005)
15. *Independent Assessment of Kerbside Recycling in Australia*. SKM Economics, EnviroRIS and Nolan-ITU for the National Packaging Covenant Council 2001
16. *Waste and Sustainability Improvement Payment Program*. Office of Environment and Heritage within the NSW Premiers Department.
17. *Waste and Recycling Collection Bin Trials & Options*. North Sydney Council. June 2009
18. SHOROC Domestic Waste Stream Audit: Final Report. EC Sustainable Environment Consultants. 2007
19. *Waste Avoidance and Resource Recovery Progress Report 2010*. Department of Environment, Climate Change and Water. 2010
20. *Environmental Benefits of Recycling*. NSW Department of Environment, Climate Change and Water. 2010
21. *Getting more from our recycling systems: Assessment of Domestic Waste and Recycling Systems Final Report*. Nolan ITU for Department of Environment and Conservation (NSW) 2004.



22. *Study on Local Government Management Costs for Garden Organics*. Department of Environment and Conservation NSW. 2006
23. *Co-collection of Domestic Food Waste and Garden Organics: The Australian Experience*. Department of Environment and Conservation NSW. 2007
24. *Evaluation of bio-insert for containment of organics in mobile garbage bins* Wilkinson K, Henderson B, Final Report for Cleanaway, 2001

---

<b>C9.2</b>	<b>Bayview Tennis Club - Renovation of Existing Deck and Stairs</b>
-------------	---

**Meeting:** Council

**Date:** 17 October 2011

---

**STRATEGY:** Recreational Management

**ACTION:** To upgrade recreational facilities

---

## **PURPOSE OF REPORT**

To seek Council approval for the renovation of the existing deck and stairs at Bayview 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 Bayview, Mona Vale, Elanora and Careel Bay. Capital improvement works (including renovation works) are approved by the four clubs at a Lessees Committee meeting and those recommendations are forwarded to Council and considered at Council's Tennis Liaison Committee meeting. Following approval of the Tennis Liaison Committee, applications for improvement works are forwarded to Council via a report and if approved works are funded from the Tennis Liaison Fund.
- 1.2 The Tennis Liaison Committee has received a request from Bayview Tennis Club seeking approval to rebuild the timber deck which is adjacent to the clubroom which is suffering from decay and age. The deck has been in existence for many years and has been affected by wood rot. Some of the decking joists have rotted and some bearers require straightening.
- 1.3 Four quotes have been obtained from the following building companies:-
  - Oak Home Improvements
  - CAV Building Group
  - Northern Beaches Decks
  - Twenty Bird Blue Design
- 1.4 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 tennis clubs to maintain a working account of \$10,000 for operational costs. Should clubs have an amount in excess of \$10,000 then this excess amount is used to assist in funding the project.

Bayview Tennis Club currently has a bank balance of approximately \$15,000 in their working account. This is due to membership fees recently falling due. The club however has extensive commitments such as quarterly lease for payments to Council (\$3,000), Council and Water rates (\$2096 p.a.) Insurance (\$2,650 p.a), electricity charges (\$600 per quarter) and cleaning charges (\$2,000 per quarter).

As such, the club has requested that it not be asked to contribute funds as it requires all of its income to meet budgeted outgoings of \$44,000.

### **2.3 Tennis Liaison Fund**

The Tennis Liaison Fund is an accumulation of yearly lease fees paid for by the four tennis clubs, each fund is specifically set aside to fund capital works on the tennis club facilities in Pittwater. Currently the Tennis Liaison Fund has a balance of \$100,601.73. A further \$8,500 (approximately) is due to be added to the account from the first quarter lease fee payments from the four clubs.

### **2.4 Approvals**

The proposed works include removal of existing decking boards located around the clubhouse, removal of damaged or rotting decking joists, straightening and realignment of all joists and bearers, construction and replacement of all decking boards, replacement of front and back steps and adjustment to the existing sliding doors and locking systems which provide access to the deck from the clubhouse.

No Planning approvals are required for this work which is renovation works to an existing facility which has now passed its use by date and is in much need of renovation.

---

## **3.0 SUSTAINABILITY ASSESSMENT**

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

3.1.1 This project will improve facilities at the Bayview Tennis Club for members and other users.

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

3.2.1 The rebuilding of the existing timber deck will not impact on the natural environment in the vicinity of the tennis club.

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

3.3.1 The proposed works will be funded from Council's Tennis Liaison Reserve and there will be therefore 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 assets to a safe and 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 The 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 improvement works to their facilities through the Tennis Liaison Fund. The proposed renovation works to the existing timber deck at the Bayview Tennis Club has been endorsed by both the Tennis Lessees Committee and the Tennis Liaison Committee and will assist the club in providing a safe and usable facility for members and other users.

---

#### **RECOMMENDATION**

1. That the quotation from Oak Home Improvements for the renovation works to the steps and deck at Bayview Tennis Courts for a price of \$20,361 (including GST) be accepted.
2. That funds of \$20,361 (including GST) be allocated from Council's Tennis Liaison Reserve account to finance the renovation works on the Bayview Tennis Club deck.

Report prepared by

Les Munn

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

---

## **Governance Committee**

---

### **10.0 Governance Committee Business**

---

---

## **C10.1 Investment Balances for the Month of September 2011**

**Meeting:** Governance Committee

**Date:** 17 October 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 September 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 September 2011:

Term deposits interest income:	\$	147,600
Tradable CDO/FRN interest income:	\$	23,050
Tradable CDO/FRN capital movement:	\$	<u>(9,562)</u>
Net investment income for September 2011:	\$	161,088

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

Investment return year to date September 2011:

Term deposits interest income:	\$	376,549
Tradable CDO/FRN interest income:	\$	23,050
Tradable CDO/FRN capital movement:	\$	<u>(138,703)</u>
Net investment return year to date:	\$	260,896

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:

<b>Year to</b>	<b>Net Return</b>	<b>Return on average funds invested</b>
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%
September 2011	\$ 260,896	4.0%
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 This report does not require a sustainability assessment.
- 

### **4.0 EXECUTIVE SUMMARY**

- 4.1 The net investment return as at 30 September 2011 is a gain of \$ 260,896.
- 

## **RECOMMENDATION**

That the information provided in the report be noted, including the 2011/12 net investment return of \$ 260,896.

Report prepared by  
Renae Wilde, Senior Project Accountant

Mark Jones  
**CHIEF FINANCIAL OFFICER**



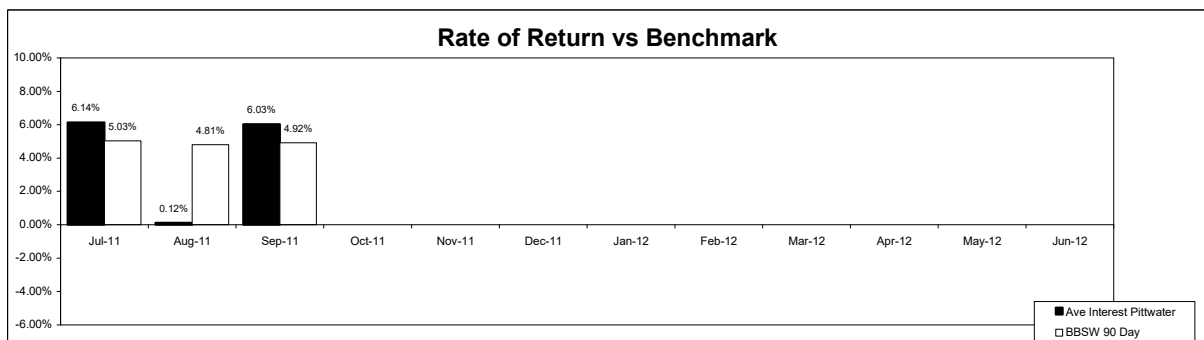
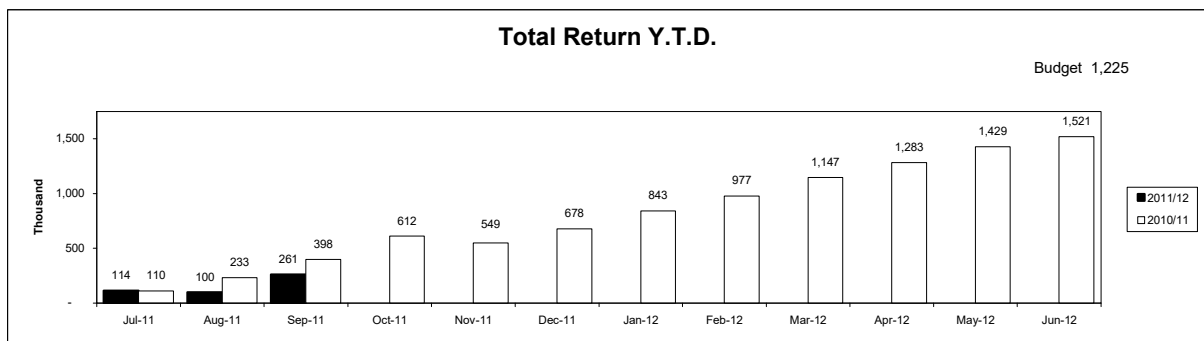
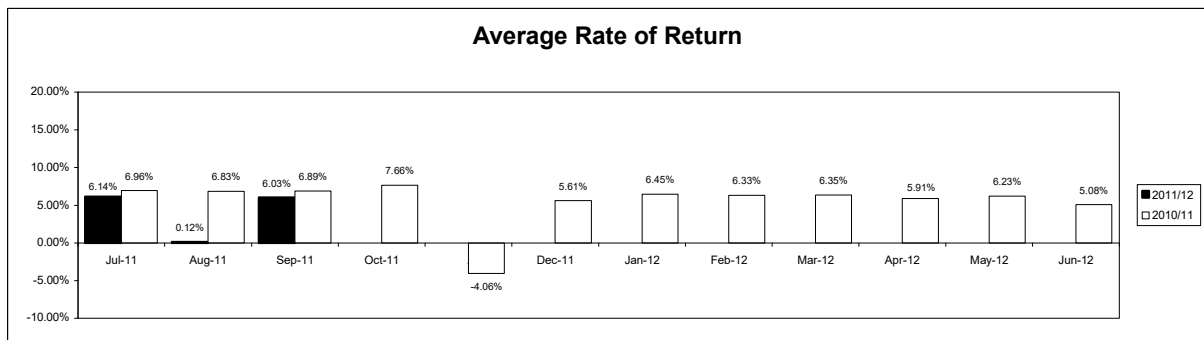
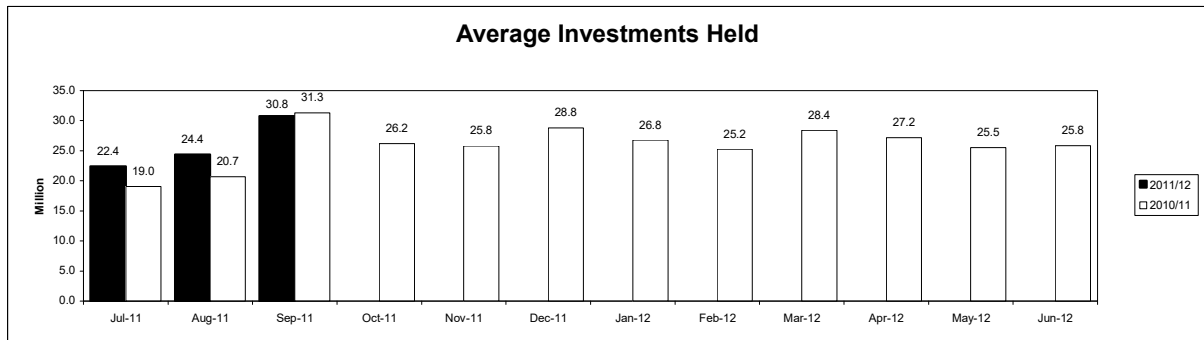
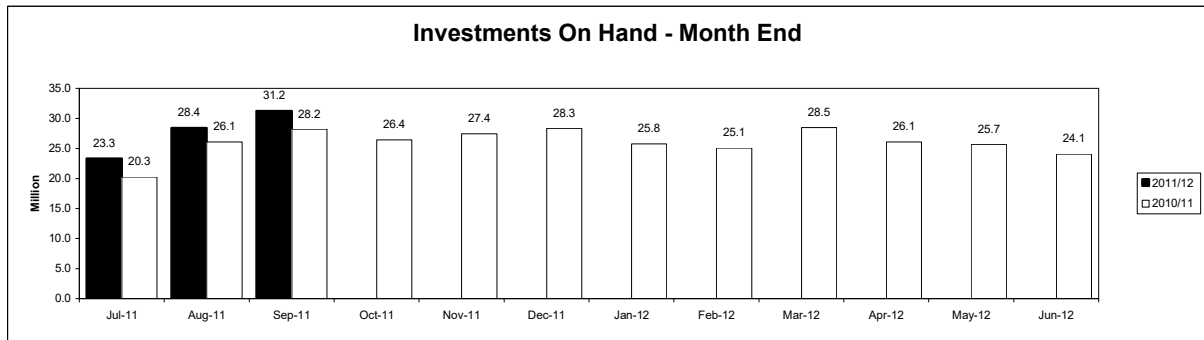
# PITTWATER COUNCIL

## INVESTMENT BALANCES

As at 30th September 2011

TYPE	INSTITUTION	Rating	AMOUNT \$	DATE INVESTED	MATURITY DATE	TERM (DAYS)	INTEREST RATE
At Call	NAB	AA	2,100,000.00	At Call	At Call	1	5.25%
<b>At Call Total</b>			<b>2,100,000.00</b>				
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%
Term Dep	IMB Society	BBB	1,000,000.00	3-Aug-11	10-Jan-12	160	6.00%
Term Dep	IMB Society	BBB	1,000,000.00	16-Aug-11	17-Oct-11	62	5.78%
<b>Investee Total</b>			<b>3,750,000.00</b>				
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%
<b>Investee Total</b>			<b>2,000,000.00</b>				
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%
Term Dep	Bankwest	AA	1,000,000.00	10-Aug-11	8-Nov-11	90	5.90%
Term Dep	Bankwest	AA	1,000,000.00	10-Aug-11	8-Nov-11	90	5.90%
<b>Investee Total</b>			<b>4,000,000.00</b>				
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%
Term Dep	Newcastle Permanent	BBB+	1,000,000.00	15-Aug-11	14-Nov-11	91	5.95%
Term Dep	Newcastle Permanent	BBB+	1,000,000.00	29-Aug-11	28-Nov-11	91	5.91%
Term Dep	Newcastle Permanent	BBB+	1,000,000.00	6-Sep-11	5-Dec-11	90	5.85%
Term Dep	Newcastle Permanent	BBB+	1,000,000.00	6-Sep-11	6-Dec-11	91	5.85%
<b>Investee Total</b>			<b>6,000,000.00</b>				
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%
Term Dep	ING Bank	A+	1,000,000.00	14-Sep-11	16-Jan-12	124	5.96%
Term Dep	ING Bank	A+	500,000.00	14-Sep-11	16-Jan-12	124	5.96%
Term Dep	ING Bank	A+	1,000,000.00	28-Sep-11	30-Jan-12	124	6.00%
Term Dep	ING Bank	A+	1,000,000.00	29-Sep-11	27-Feb-12	151	5.96%
<b>Investee Total</b>			<b>6,500,000.00</b>				
Term Dep	NAB	AA	1,000,000.00	4-Aug-11	5-Mar-12	214	6.00%
Term Dep	NAB	AA	1,000,000.00	26-Aug-11	22-Nov-11	88	5.90%
Term Dep	NAB	AA	1,000,000.00	26-Aug-11	23-Nov-11	89	5.90%
Term Dep	NAB	AA	1,000,000.00	26-Aug-11	24-Nov-11	90	5.90%
Term Dep	NAB	AA	1,000,000.00	7-Sep-11	10-Feb-12	156	5.86%
Term Dep	NAB	AA	1,000,000.00	7-Sep-11	14-Feb-12	160	5.86%
<b>Investee Total</b>			<b>6,000,000.00</b>				
<b>Longreach Capital Markets</b>							
<b>Portfolio Manager</b>							
Structured Note	Citigroup (see investment information)	A+	500,000.00	28-Jun-07	28-Jun-14		0.00%
<b>Investee Total</b>			<b>500,000.00</b>				
<b>* Arranging Institution</b>							
Floating Rate CDO	* Lehman Bros	under review	90,000.00	07-Apr-08	20-Mar-13		suspended
Floating Rate CDO	* J P Morgan	CCC-	2,180.00	06-Jul-06	20-Jun-13		bbsw + 1.20%
Floating Rate CDO	* J P Morgan	CCC	75,780.00	13-Oct-05	20-Mar-14		bbsw + 1.00%
Floating Rate CDO	* Merrill Lynch	CCC-	1,621.50	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-	20,575.00	15-Aug-06	20-Jun-15		bbsw + 2.00%
<b>Investee Total</b>			<b>378,156.50</b>				
						Sept BBSW Close	4.92%
<b>TOTAL INVESTMENTS</b>			<b>\$31,228,156.50</b>				





## 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 \$455,250

<b>C10.2</b>	<b>Legal Expenditure as at 30 September 2011</b>
--------------	--

**Meeting:** Governance Committee **Date:** 17 October 2011

**Date:** 17 October 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 30 September 2011.

## 1.0 BACKGROUND

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

## 2.0 ISSUES

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

Gross Legal Expenditure Breakdown:

- Total Solicitor Fees at 30/9/11: \$ 101,291
- Total Other Associated Expenditure at 30/9/11: \$ 53,225

Total Gross Legal Expenditure at 30/9/11: \$ 154,516

### 3.0 SUSTAINABILITY ASSESSMENT

3.1 This report does not require a sustainability assessment.

## 4.0 EXECUTIVE SUMMARY

4.1 The Gross Legal Expenditure to 30 September 2011 is \$ 154,516 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

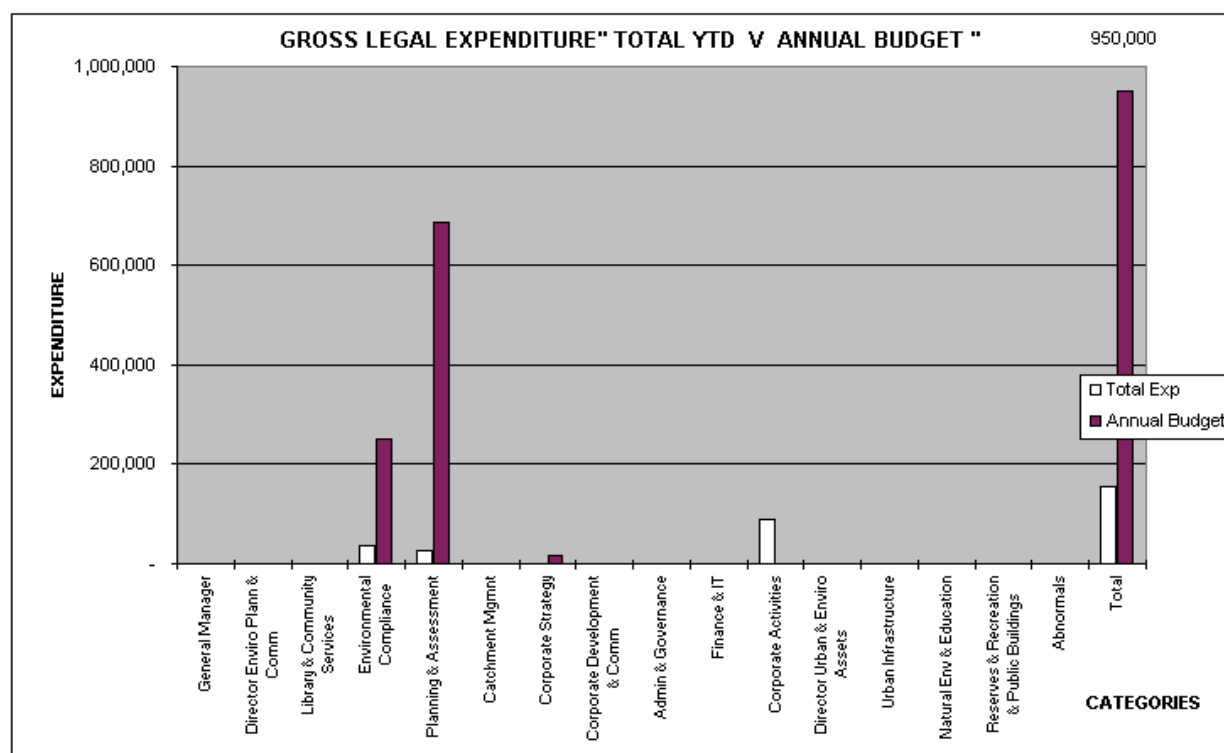
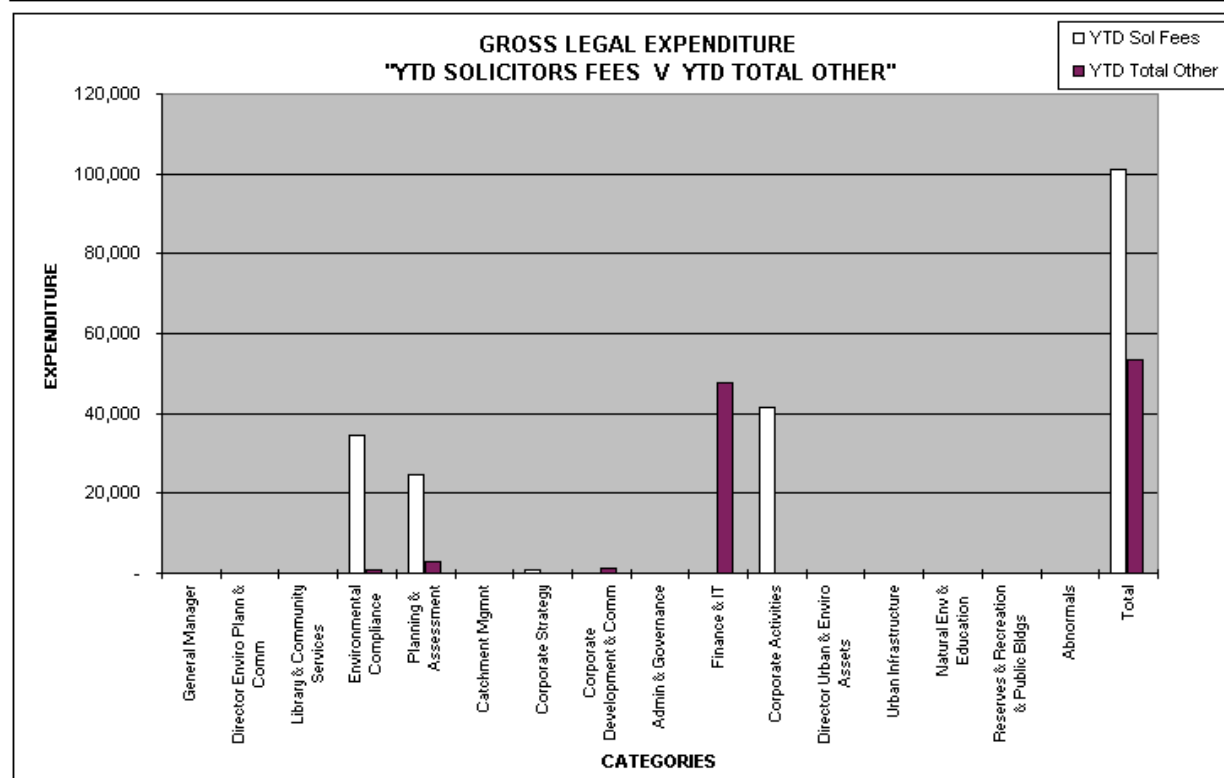
Mark Jones

**CHIEF FINANCIAL OFFICER**

## LEGAL EXPENDITURE TOTALS AND GRAPHICAL REPRESENTATION

*as at 30th September 2011*

Solicitors Other Expenditure	Solicitors Fees Expenditure	Third Party Expenditure	Total Expenditure	Current Year Budget	Current Year Inc/Recov/Reversal
2,736	101,291	50,489	154,516	950,000	6,136

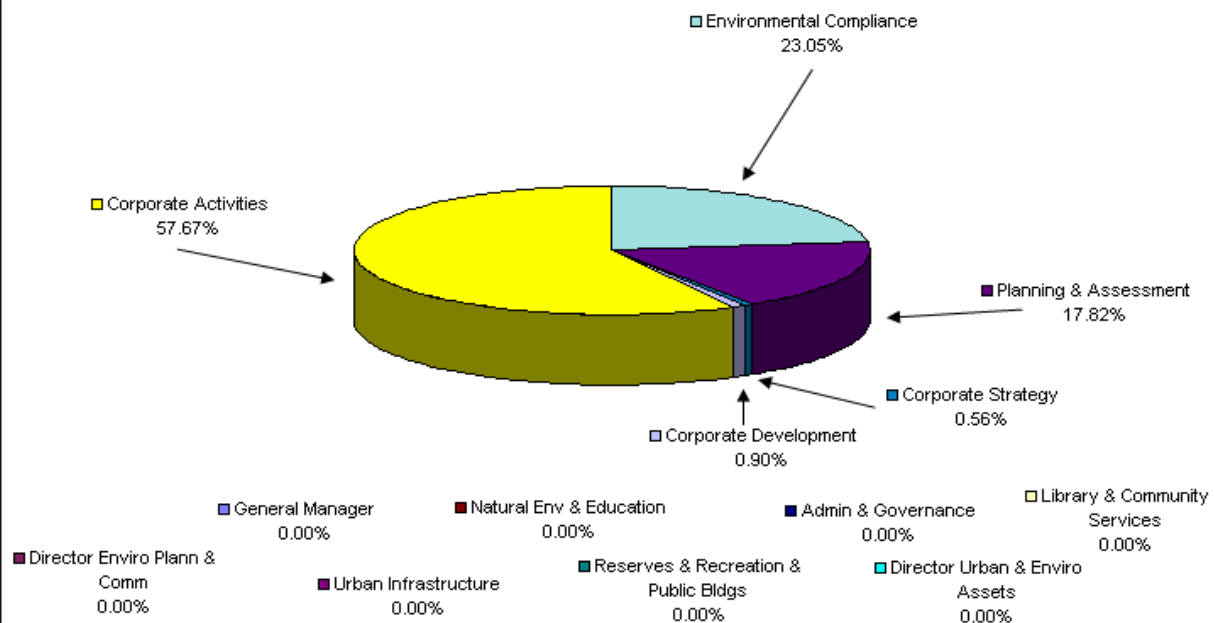


## **LEGAL EXPENDITURE** **TOTALS AND GRAPHICAL REPRESENTATION**

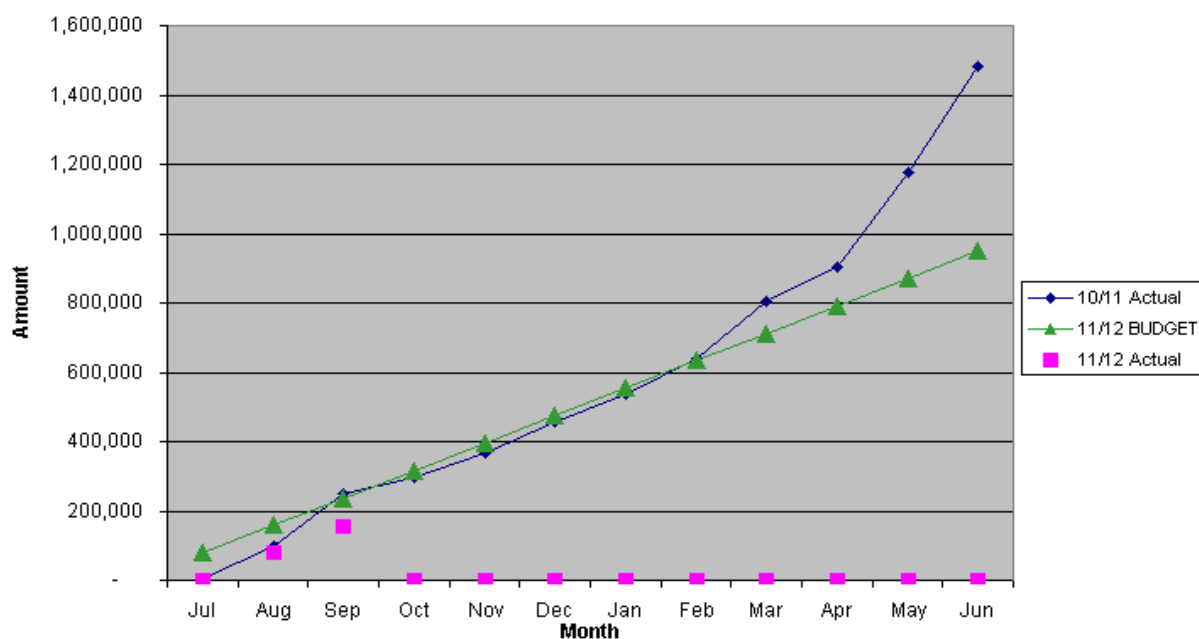
*as at 30th September 2011*

Solicitors Other Expenditure	Solicitors Fees Expenditure	Third Party Expenditure	Total Expenditure	Current Year Budget	Current Year Inc/Recov/Reversal
2,736	101,291	50,489	154,516	950,000	6,136

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



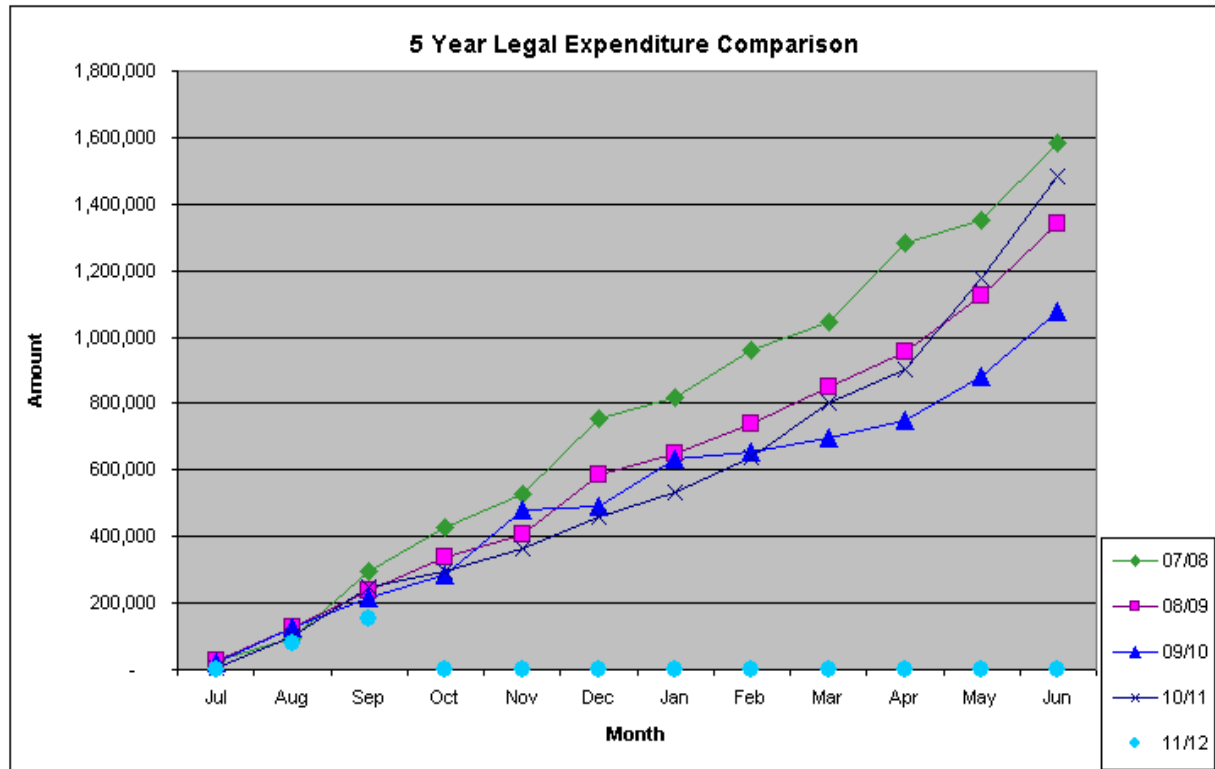
**Gross Legal Expenditure - This Yr vs Last Yr**



## **LEGAL EXPENDITURE** **TOTALS AND GRAPHICAL REPRESENTATION**

*as at 30th September 2011*

Solicitors Other Expenditure	Solicitors Fees Expenditure	Third Party Expenditure	Total Expenditure	Current Year Budget	Current Year Inc/Recov/Reversal
2,736	101,291	50,489	154,516	950,000	6,136



### **Top Ten Legal Matters by 2011/12 Expenditure**

Property	Description	2011/12 Expenditure	Prior years Expenditure	Expenditure Life to Date All Years
Currawong Beach	ICAC Investigation	\$ 89,106	\$ 13,742	\$ 102,848
6 Polo Avenue Mona Vale	Contempt of Court Proceedings Unauthorised Land Use	\$ 14,932	\$ 1,441	\$ 16,373
38-40 St Andrews Gate Elanora Heights	Deemed Refusal	\$ 9,816	\$ -	\$ 9,816
21 Bungan Lane Mona Vale	Deemed Refusal	\$ 9,638	\$ 16,244	\$ 25,882
14 - 18 Boondah Road Warriewood	Challenge Approval	\$ 7,633	\$ 278,778	\$ 286,411
13 Ruskin Rowe Avalon	Tree Preservation Order	\$ 5,358	\$ 2,966	\$ 8,324
61-67 Riverview Road Avalon	Interallotment Drainage Matter	\$ 4,622	\$ -	\$ 4,622
45 McCarrs Creek Road Church Point	Unauthorised Works	\$ 2,323	\$ 11,938	\$ 14,261
10 Terama Street Bilgola Plateau	Enforcement of Swimming Pool Direction	\$ 2,009	\$ 5,990	\$ 7,999
979 Barrenjoey Road Palm Beach	Appeal Against Fines Imposed Unauthorised Works	\$ 1,984	\$ -	\$ 1,984
		<b>\$ 147,420</b>	<b>\$ 331,099</b>	<b>\$ 478,520</b>

In relation to 14-18 Boondah Road, Council on 4/10/11 resolved that a report on the costs specific to the Court case be provided. This will be provided upon final accounts being received.

---

## **C10.3      Monthly Contractors & Staff Report - August 2011**

**Meeting:**              Governance Committee

**Date:**                17 October 2011

---

**Strategy:**            **Business Management**

**Action:**             Produce monthly, quarterly and annual budgets and statements

---

### **PURPOSE OF REPORT**

To report on new staff appointments and new contract engagements for the month of August 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 August 2011 are as follows:

- 2 appointments that refill existing vacancies
- 3 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 August 2011 as provided by the Business Unit Managers at Attachment 1 be noted.
2. That the terminations and appointments of staff during August 2011 be noted.

Report prepared by

Mark Jones  
**CHIEF FINANCIAL OFFICER**

**Appointments of Council Staff in August 2011**

Business Unit	Position	Status (PFT,TFT,PPT,TPT, Secondment)	Start Date	Finish Date	Reason for Appointment
RR&BS	Reserves Gardener	PFT	1/08/2011	N/A	Recruitment vacancy
RR&BS	Landscape Construction Labourer	PFT	8/08/2011	N/A	Recruitment vacancy

**Terminations of Council Staff in August 2011**

Business Unit	Position	Status (PFT,TFT,PPT,TPT Secondment)	Start Date	Finish Date
F&IT	IT Administration Officer	PPT	26/04/2005	4/08/2011
CL&ED	Interlibrary Loans Officer	PPT	12/11/2007	26/08/2011
CL&ED	Library Support Officer	PPT	20/05/2011	29/08/2011

**Contract Engagements Entered into August 2011**

Division/Unit	Name of Approved Consultant/Contractor / Agency	Position Type of Work	Terms of Engagement	Cost to Council	Term
Corporate Development	Tempnet	Casual Parking Officers – EC	Contract Agreement	\$24,438	1 Month
Corporate Development	Tempnet	Assistant Development Officers – P&A	Contract Agreement	\$14,998	1 Month
Corporate Development	Tempnet	CEC Educators – NE&E	Contract Agreement	\$9,299	1 Month
Corporate Development	Tempnet	Executive Assistant to Director – P&A	Contract Agreement	\$6,937	1 Month
Corporate Development	Tempnet	Projects Officer – NE&E + RR&BS	Contract Agreement	\$3,417	1 Month
Corporate Development	Tempnet	Administration Officers - EC	Contract Agreement	\$11,816	1 Month
Corporate Development	Tempnet	Education Officer - EC	Contract Agreement	\$8,453	1 Month
Corporate Development	Tempnet	Noxious Weeds Officer – RR&BS	Contract Agreement	\$2,335	1 Month
Corporate Development	Tempnet	Asset Systems - UI	Contract Agreement	\$5,789	1 Month
Corporate Development	Local Government Training Institute	Asbestos Awareness Sessions	Contact Agreement	\$2,900	1 Month
Urban Infrastructure	Downer EDI	Heavy asphalt road patching Cabbage Tree Rd, Bayview & Chiltern Rd,	Contract	\$8,914	1 Month
Urban Infrastructure	Downer EDI	Heavy asphalt road patching in Cabarita Rd & George St, Avalon	Contract	\$9,385	1 Month

<b>Division/Unit</b>	<b>Name of Approved Consultant/Contractor / Agency</b>	<b>Position Type of Work</b>	<b>Terms of Engagement</b>	<b>Cost to Council</b>	<b>Term</b>
Urban Infrastructure	Downer EDI	Mill/ Fill in Rednal St & Halesmith Rd, Mona Vale	Contract	\$15,888	1 Month
Urban Infrastructure	Downer EDI	Mill/ Fill in Ponderosa Pde, Warriewood	SHOROC	\$15,006	1 Month
Urban Infrastructure	Downer EDI	Mill/ Fill in Parkland Rd, Mona Vale	SHOROC	\$26,1081	1 Month
Urban Infrastructure	KK Civil Engineering	Drainage improvement in Park St, Mona Vale (outside Commonwealth Bank)	Contract	\$46,970	1 Month
Urban Infrastructure	Palm Beach Barges	Barge hire for 50 hours – Scotland Island	Contract	\$12,100	1 Month
Urban Infrastructure	Palm Beach Barges	Barge hire 16.5 hours – Scotland Island	Contract	\$3,993	1 Month
Urban Infrastructure	A&J Paving	Heavy asphalt road patching in Raymond Rd & Cheryl Cres, Bilgola Plateau	Contract	\$14,808	1 Month
Urban Infrastructure	A&J Paving	Heavy asphalt road patching in Parkland Rd, Mona Vale ("Roads to Recovery Program	Contract	\$22,477	1 Month
Urban Infrastructure	A&J Paving	Asphalt restorations in Warriewood - Zone 8	Contract	\$9,946	1 Month
Urban Infrastructure	A&J Paving	Asphalt restorations in Mona Vale & Warriewood – Zones 7 & 8	Contract	\$5,327	1 Month
Urban Infrastructure	A&J Paving	Asphalt restorations in Mona Vale – Zone 7	Contract	\$3,169	1 Month
Urban Infrastructure	A&J Paving	Asphalt restorations in North Narrabeen & Elanora Heights – Zone 9	Contract	\$9,716	1 Month
Urban Infrastructure	A&J Paving	Asphalt restorations in North Narrabeen & Elanora Heights – Zone 9	Contract	\$9,817.62	1 Month
Urban Infrastructure	A&J Paving	Heavy asphalt road patching in Bassett St, Mona Vale & Georgina Ave, Elanora Heights	Contract	\$10,848	1 Month

<b>Division/Unit</b>	<b>Name of Approved Consultant/Contractor / Agency</b>	<b>Position Type of Work</b>	<b>Terms of Engagement</b>	<b>Cost to Council</b>	<b>Term</b>
Urban Infrastructure	Bell Environmental Services	GPT inspections, clean trash racks and litter booms, including disposal (as per monthly maintenance cleaning schedule) at various Pittwater LGA locations	Contract	\$8,079	1 Month
Urban Infrastructure	Pennine Paving	Shoulder maintenance in Myola Rd, Newport; repair potholes in Bungan Head Rd & Karloo Pde, Newport	Contract	\$3,586	1 Month
Urban Infrastructure	Foster Civil Contracting & Construction	Construct footpath and connect stormwater line to Council pit at 17 Kevin Ave, Avalon	Contract	\$2,492	1 Month
Urban Infrastructure	Foster Civil Contracting & Construction	Restoration – concrete footpath in Barrenjoey Rd, Avalon - Zone 3	Contract	\$30,509	1 Month
Urban Infrastructure	Foster Civil Contracting & Construction	Restoration – concrete kerb & gutter, laybacks and minor concrete works in Wandeen Rd, Clareville	Contract	\$5,346	1 Month
Urban Infrastructure	B&G Lear Pty Ltd	Hire excavator (23 June to 6 July) – for Nareen Creek project	One-off	\$9,548	1 Month
Urban Infrastructure	Veolia Water Network Services	Hire of combination unit for pipeline cleaning in various locations in the Pittwater area.	SHOROC	\$2,004	1 Month
Urban Infrastructure	Veolia Water Network Services	Pipeline cleaning / maintenance in various locations in Pittwater North Zone.	SHOROC	\$4,810	1 Month
Urban Infrastructure	Veolia Water Network Services	Pipeline cleaning / maintenance in various locations in Pittwater North Zone.	SHOROC	\$2,806	1 Month
Urban Infrastructure	Northern Fencing	Repair gate at Mona Vale Cemetery and supply and install handrail at 13 Kalang Rd, Elanora Heights	Contract	\$2,800	1 Month

<b>Division/Unit</b>	<b>Name of Approved Consultant/Contractor / Agency</b>	<b>Position Type of Work</b>	<b>Terms of Engagement</b>	<b>Cost to Council</b>	<b>Term</b>
Urban Infrastructure	Kembla Watertech Pty Ltd	Pipeline rehabilitation and patching in Birubi Cres, Bilgola Plateau	Contract	\$12,033	1 Month
Urban Infrastructure	Barry Bros. Specialised Services	Stormwater maintenance / jet & clean at 42 and 44 Hudson Pde, Clareville.	SHOROC	\$3,268	1 Month
Urban Infrastructure	Perma Liner Industries	Pipeline rehabilitation at 29 Ruskin Rowe, Avalon; CCTV inspection at 1 Hillslope Rd & Bishop St, Newport	Contract	\$3,894	1 Month
Urban Infrastructure	Traffic Group Australia	Traffic crew with vehicle and equipment at Halesmith Rd, Mona Vale and Seaview Ave, Newport	One-off	\$2,307	1 Month
Urban Infrastructure	Rocco Crea Concreting	Minor concrete works ,K&G, footpaths in Old Barrenjoey Rd, Avalon	Contract	\$10,455	1 Month
Urban Infrastructure	Australian Bushland Restoration	Clean creek in Gilwinga Dr, Bayview Heights	Contract	\$2,541	1 Month
Reserves, Recreation & Building Services	Watermatic Irrigation Pty Ltd	Final Claim for Upgrade of Automatic Irrigation System at Avalon Golf Course	Quote	\$49,856	1 Month
Reserves, Recreation & Building Services	Spring Horticulture	Mona Vale Cemetery – Maintenance Stage 2	Quote	\$12,330	9 Months
Reserves, Recreation & Building Services	Trees Impact	C05/11 Street Tree Replacement, Barrenjoey Road, Avalon	Quote	\$4,680	1 Month
Reserves, Recreation & Building Services	AdShell Town & Park	North Narrabeen Rock Pool Carpark Reserve	Quote	\$5,720	1 Month
Reserves, Recreation & Building Services	Paton Concrete	Works Kitchener Cricket pitch	Quote	\$5,693	1 Month
Reserves, Recreation & Building Services	Amack Pty Ltd	Cleaning Sand From Narrabeen Rock Pool	Quote	\$2,068	1 Month
Reserves, Recreation & Building Services	Globe Australia Pty Ltd	Fertilising Of All Sports Fields	Quote	\$10,622	1 Month

<b>Division/Unit</b>	<b>Name of Approved Consultant/Contractor / Agency</b>	<b>Position Type of Work</b>	<b>Terms of Engagement</b>	<b>Cost to Council</b>	<b>Term</b>
Reserves, Recreation & Building Services	Innuku Pty Ltd	Electrical Works Various Locations	Contract	\$3,629	1 Month
Reserves, Recreation & Building Services	E Safe Services Pty Ltd	Testing and Tagging of Electrical Equipment	Contract	\$4,682	Annually
Reserves, Recreation & Building Services	Solar Pro Pty Ltd	Supply and Install Solar System at Lakeside Caravan Park	Quote	\$32,835	1 Month
Reserves, Recreation & Building Services	Shiver Airconditioning	Supply & Install New Air Conditioning Unit To Ingleside Fire Station	Quote	\$2,865	1 Month
Reserves, Recreation & Building Services	On Line Pumping	Works to Septic System Deep Creek Amenities	Quote	\$4,860	1 Month
Reserves, Recreation & Building Services	Pro Active Plumbing	Works to various Villas at Lakeside Caravan Park	Quote	\$3,761	1 Month
Reserves, Recreation & Building Services	Wormald	Portable Fire Equipment Testing	Contract	\$4,721	6 monthly
Reserves, Recreation & Building Services	Superior House washing	Soft washing of 1 Council Offices and Library Buildings Mona Vale	Quote	\$2,727	1 Month
Reserves, Recreation & Building Services	Manly Aluminium Windows	Deposit for Additional Windows Newport SLSC	Quote	\$4,148	1 Month
Reserves, Recreation & Building Services	Able Jetty Constructions Pty Ltd	Progress payment No.1 for Tennis Court Wharf reserve Retaining wall	Quote	\$18,450	1 Month
Reserves, Recreation & Building Services	Interior Architecture & Design Pty Ltd	Professional Services for redesign of Customer Service Are Mona vale & Vuko Pl	Quote	\$3,000	1 Month

---

<b>C10.4</b>	<b>Woolworths Avalon, Licences for Trolley Bays and Loading Dock</b>
--------------	--

**Meeting:** Governance Committee

**Date:** 17 October 2011

---

**STRATEGY:** Business Management

**ACTION:** Managing Council's Lease Portfolio

---

## **PURPOSE OF REPORT**

To advise Council of the outcome of the public exhibition of proposed licences to Woolworths Avalon for loading dock and trolley bays.

### **1.0 BACKGROUND**

1.1 At its meeting on 20 December 2010 Council resolved as follows:

*"1. That Council endorse the renewal of the two licences to Woolworths Avalon at the agreed rate and term and resolve to place both documents on public exhibition for a period of 28 days.*

*2. That following the exhibition process a report be brought back to Council addressing any issues raised."*

1.2 Placing the documents on exhibition was delayed for some time pending the adoption of the Dunbar Park Plan of Management as the Plan of Management formed part of the licence documentation. The Dunbar Park Plan of Management was adopted on 6 June 2011.

1.3 The exhibition period closed on 23 September 2011 and only one submission was received. The submission is at **Attachment 1**. The submission was acknowledged in writing on 27 September.

1.4 The two licence documents are at **Attachments 2** and **3** respectively.

### **2.0 ISSUES**

2.1 The objections raised by the respondent are:

(a) *The term of the licences being 10 years.*

(b) *There being no charge for the licences.*

(c) *Lack of regard to an ACCC report relating to a disparity in grocery prices between Woolworths and its competitors.*

(d) The respondent also makes the assertion that “a licence is being proposed for Woolworths customers to use the public car park situated in Dunbar Park” In fact the licence has nothing to do with the general public use of the car park whether they be Woolworths customers or not. It only allows Woolworths to utilise some 18m2 of the car park for two trolley bays. It is also asserted that “The licence is commercially exclusive in that it explicitly excludes Council from entering into a similar arrangement with any other party”. In fact the licence is non-exclusive in respect of the car park generally with the only exclusivity relating to the aforementioned 18m2 of the trolley bays themselves.

2.2 In respect of (a) the 10 year term is the term authorised in the adopted Plan of Management for Dunbar Park and Woolworths original request was for a term of 37 years. The 10 year term was seen as a reasonable compromise and allowed Council to negotiate a much more favourable licence fee.

2.3 In respect of (b) the agreed annual licence fee for the trolley bays is \$15,428.00 (plus GST) and the fee for the loading dock is \$34,517.00 (plus GST) and both amounts are subject to annual CPI increases. It should be noted that these negotiated figures are nearly 50% above valuation.

2.4 In respect of (c) the issue of the licencees pricing practices is seen as irrelevant to the matters at hand.

---

### **3.0 SUSTAINABILITY ASSESSMENT**

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

3.1.1 There is no social impact

#### **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 economic impact is an average annual income to Council of \$57,319.00 which will be allocated to the maintenance and improvement of Dunbar Park and Avalon Community Gardens and car park.

#### **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 renewal of the subject licences will provide substantial income to assist with Council's maintenance obligations in Dunbar Park and surrounds.



---

## **RECOMMENDATION**

1. That Council approve the subject licences to Woolworths.
2. That the General Manager be authorised to execute all relevant legal documentation under power of attorney.

Report prepared by

George Veness, Senior Property Officer

Paul Reid

**MANAGER CORPORATE STRATEGY & COMMERCIAL**

Sent: 23/09/2011 07:20:05 AM  
To: Pittwater Council <pittwater\_council@pittwater.nsw.gov.au>  
Subject: Woolworths Car Park, Loading Dock and Trolley Bay at Avalon

The General Manager  
Pittwater Council

Dear Mr Ferguson,

Ref: Woolworths Car Park, Loading Dock and Trolley Bay in Avalon - Leases on Public Exhibition until September 23rd 2011, open for public comment until September 26th.

[http://www.pittwater.nsw.gov.au/council/documents\\_on\\_ex/document\\_pages/woolworths\\_avalon\\_-\\_loading\\_dock\\_and\\_trolley\\_bay\\_lease](http://www.pittwater.nsw.gov.au/council/documents_on_ex/document_pages/woolworths_avalon_-_loading_dock_and_trolley_bay_lease)

Thank you for inviting me to comment on the above leases, now on public exhibition. Firstly, I draw your attention to errors on the web page:

The description is: "Pittwater Council recently resolved to place on exhibition for public comment the proposed new five year licences for Woolworths Loading Dock and Trolley Bay at Avalon." The lease document refers to a proposed term of 10 years not 5 years. The lease document also explicitly includes the car park on the licence which is not mentioned on the web page.

Using published data (Woolworths annual report 2010), Woolworths Ltd Avalon Store turns-over a conservative \$36m. Also using published data (Australian Consumers Association Grocery Price Survey), Woolworths Ltd charges the public 25% more for groceries than the genuine competition or \$9m more per year at this store.

The ACCC in its report into the high prices charged by Coles and Woolworths - "Report of the ACCC inquiry into the competitiveness of retail prices for standard groceries July 2008" made it clear that local government has a role to play in promoting competition.

In light of the above, I question the above lease terms as follows:

A licence is being proposed for Woolworths' customers to use the public car park situated in Dunbar Park.

The licence is commercially exclusive in that it explicitly excludes the Council from entering into a similar arrangement with any other party.

Ratepayers are responsible for the cost of ongoing repairs and maintenance to the car park.

The fee for this licence is \$0

Casual observation shows that a majority of users of this car park are customers of Woolworths. Clearly, ratepayers supplying free parking at the front door of Woolworths is of financial benefit to Woolworths.

For the above reasons, please register my objections to:

- 1) The term of the licence being doubled to 10 years.
- 2) There being no charge for this licence over the car park, irrespective of conditions of use.
- 3) In the context of promoting competition, the apparent lack of regard to the ACCC report (ref above), in constructing and renewing this licence.

Yours faithfully

**DATED** this

day of

2011

**DEED OF LICENCE**

**BETWEEN**

**PITTWATER COUNCIL**

(the "Licensor")

**AND**

**WOOLWORTHS LIMITED**

(the "Licensee")

**Matthew Huntingdon & Co**

**Lawyers**

**367 Barrenjoey Road,**

**Newport NSW 2106**

**Telephone: 9999 1504**

**Facsimile : 9997 7938**

DATED this

day of

2011

**BETWEEN** Pittwater Council of 11/5 Vuko Place, Warriewood, New South Wales  
(called the "**Licensor**" in this Agreement)

**AND** Woolworths Limited A.C.N 000 014 675 of 540 George Street, Sydney, New  
South Wales (called the "**Licensee**" in this Agreement)

**WHEREAS:-**

- A. The Licensor is the registered proprietor of Lot 261 Deposited Plan 131740 known as "Avalon Community Gardens" (called the "**Land**" in this Agreement).
- B. The Licensor has agreed at the request of the Licensee, to grant a non-exclusive licence of that part of the Land being a part of the covered drain marked "3" as shown on the attached diagram marked "A" (called the "**Area**" in this Agreement), subject to the terms and conditions of this Agreement.
- C. The parties agree that this Agreement represents a reasonable arrangement between them given the particular circumstances of the Licensor's responsibilities in regard to the Land.

**NOW THIS DEED WITNESSES** and in consideration of the mutual promises it is agreed and declared as follows:-

**Grant of Licence**

1. The Licensor grants to the Licensee:
  - (a) the non-exclusive licence to use the Area, subject to the terms and conditions of this Agreement and the right of the Minister for Local Government to review or extinguish the licence at any time pursuant to the *Local Government Act (1993)* (NSW) or any other relevant legislation; and
  - (b) the right to use and have access to the Area, with or without vehicles, in common with others permitted by the Licensor, in accordance with this Agreement; and
  - (c) access to use the Area between 5am and 10pm, 7 days per week.

### Use of Area

2. The parties acknowledge that the agreed use of the Area is to facilitate the use of the loading dock which forms part of Lot 9 Deposited Plan 346447 (the "**Loading Dock**") and the Licensee's use of the Area must be in accordance with:
  - (a) Council resolutions pursuant to any development application in force from time to time; and
  - (b) the terms of the Amended Draft Plan of Management for the Woolworths Supermarket prepared by BBC Consulting Planners and annexed to this Deed and marked "Attachment 1" (the "**Woolworths Management Plan**"); and
  - (c) the Licensor's Consent dated 28 July 2003 annexed to this Deed and marked "Attachment 2" and,
  - (d) the Dunbar Park Plan of Management adopted June 2011 annexed to this Deed and marked "Attachment 3" (the "**DPPOM**").
3. The Licensor acknowledges that the Licensee will use the Area for access to the Loading Dock, the loading and unloading of trucks and other delivery vehicles at the Loading Dock and the parking of trucks and other delivery vehicles whilst they are being loaded or unloaded. The Licensee acknowledges that it may use the Area for each event of loading or unloading for a maximum 2 hours per event (the "**Access Period**"). Following the expiry of each Access Period, the Licensee will allow a reasonable period of time, to ensure that any traffic build up is able to clear before the next Access Period commences.
4. The Licensee warrants that it will use the Area in accordance with the terms of this Agreement and having regard to all relevant legislation and Council regulations affecting the Area or the Licensee's particular use of the Area from time to time, including but not limited to those relating to occupational health and safety.
5. The Licensor:
  - (a) acknowledges that the Licensee's rights to use the Area under this Agreement are dependent upon the Licensee having full and unrestricted access to and from the Area via the lane from the Avalon Parade entry within the terms of this Agreement;
  - (b) to extent to which it is within the Licensor's control, will use its reasonable endeavours to ensure that such access, to a standard not less than that existing as at the date of this Agreement, is maintained at all times. The Licensee

acknowledges that the Licensor may be required to carry out necessary repairs and maintenance to the Area and the lane. In performing such obligations, the Licensor will use reasonable endeavours to minimise interruption to the Licensee's business and the exercise of the rights granted to the Licensee under this Agreement. Should such repair and maintenance work prevent the Licensee from accessing the Area, the Licensee can, in its discretion, immediately terminate this Agreement by notice to the Licensor.

6. The Licensee shall not do anything in the Area which would constitute a nuisance or annoyance to other users of the Land other than in accordance with a use which is allowed under the terms of this Agreement.

#### **Term of the Licence**

7. This Agreement commences on \_\_\_\_\_ and will continue for a period of ten years, ending on \_\_\_\_\_ (the "Term").

#### **Licence Fee**

8. (a) The licence fee payable by the Licensee to the Licensor during the first year of the Term is \$34,517.00 plus GST, (the "Licence Fee") and is payable annually in advance to the Licensor, the first of such payments of \$2,876.42 plus GST to be made by the Licensee to the Licensor on or before 1 March 2011. Thereafter, the Licensee will pay an annual licence fee to the Licensor, at the sole discretion of the Licensor, to be notified to the Licensee on 1 February in each year during the Term.
- (b) The parties acknowledge that the Licence Fee is based on an area under licence of 42.5 square metres.
- (c) If the parties agree to alter the area licensed to the Licensee, the parties agree to re-assess the Licence Fee having regard to the altered area and at the rate then applying under the Licensor's Management Plan (Schedule of Rates and Fees for Annual Footpath Licences). In these circumstances, the Licensee agrees to pay all costs reasonably and properly incurred by the Licensor in calculating and documenting the alteration, including but not limited to survey and legal costs.
- (d) The licence fee is to be reviewed by the Licensor on each anniversary of the commencement date as above during the Term, for the following twelve months, in its absolute discretion.

### **Legal Fees and Expenses**

9. The Licensee will pay the reasonable and proper legal fees and expenses of the Licensor associated with the preparation, negotiation and execution of this Agreement.

### **Maintenance of Area**

10. At all times during the term of this Agreement, the Licensee must keep the Area in a clean and tidy condition to the satisfaction of the Licensor, acting reasonably.

### **Default by the Licensee**

11. If the Licensee breaches clauses 2, 4, 6 or 10 of this Agreement, the Licensor will be entitled to serve a preliminary notice (the "**Preliminary Notice**") on the Licensee stating that the Licensee must rectify the breach within twenty four (24) hours after service of the Preliminary Notice is effected.
12. If the breach specified in the Preliminary Notice is not rectified by the Licensee within twenty four (24) hours after service is effected under clause 11, the Licensor will be entitled to serve a further notice (the "**Final Notice**") on the Licensee stating that the Licensee must rectify the breach within twenty four (24) hours after service of the Final Notice is effected.
13. If the Licensee fails to comply with a Final Notice on three separate occasions during the Term, the Licensor shall be entitled to terminate this Agreement immediately by notice to the Licensee, in its absolute discretion. Following such termination, the Licensor shall be entitled to retain the Licence Fee for the remaining portion of the Term and seek damages from the Licensee or invoke any other legal remedy available to the Licensor at that time and in all of the circumstances.
14. A Preliminary Notice and a Final Notice will only be validly served on the Licensee if it is served personally on the Store Manager, the Duty Manager or, in their absence, the person who is otherwise responsible for managing the Supermarket Premises, at the Supermarket Premises. Any Preliminary Notice or Final Notice must also be copied to Woolworths Corporate Property Department, to be sent by fax to (02) 9323 1652 and marked to the urgent attention of the Senior Property Manager. The Licensee must notify the Licensor if the above contact details are changed during the term of this Agreement.

### **Stamp duty**

15. The Licensee must pay all stamp duty payable on this Agreement (including penalties and fines, if any, except where such penalties and fines are incurred as a result of the Licensor's negligence, delay, act or omission).

### **Notices**

16. (a) Any notice to be given under this Agreement must be:
- (i) in writing;
  - (ii) left or posted to the address set out above;
  - (iii) in the case of the Licensee, copied to the Woolworths Corporate Property Department on the number set out in clause 14; and
  - (iv) in the case of the Licensor, marked the attention of the General Manager of Pittwater Council.
- (b) A notice is taken to be given:
- (i) if posted, on the third day after posting; and
  - (ii) if sent by facsimile, on the next business day after it is sent unless the sender is aware that transmission is impaired.
- (c) This clause 16 does not apply to notices served under clauses 11 and 12.

### **GST**

17. In this Agreement, 'GST' means a Goods and Services Tax or like tax payable by a party in respect of a taxable supply under this Agreement. All payments to be made by a party under this Agreement are calculated having regard to GST. The payee will give the payer a tax invoice for the amount payable by the payer.

### **Assignment and Sub-licence**

18. (a) The Licensee shall not enter into a sub-licence, assign or otherwise deal in a similar manner with the Area without the consent of the Licensor (not to be unreasonably withheld); and
- (b) During the continuance of this Agreement, the Licensor agrees that it will not grant similar rights over the Area to any other party.

### **Indemnity and Insurance**

19. (a) The Licensee shall indemnify and keep indemnified the Licensor from and against all suits, damages, costs, actions, claims, debts, demands and other liabilities arising from the Licensee's use of the Area during the continuance of this Agreement to the extent that such suits, damages, costs, actions, claims,



debts, demands and other liabilities are caused or contributed to by the Licensee and except to the extent caused or contributed to by the Licensor.

- (b) The Licensee shall take out and maintain a public risk insurance policy with a reputable insurer noting the interest of the Licensor in the sum of not less than twenty million dollars (\$20,000,000.00) and shall produce to the Licensor a certificate of currency of this policy as at the date of this Agreement. The Licensee must use reasonable endeavours to provide the Licensor with a copy of the current certificate of currency on an annual basis. If the Licensor has reasonable grounds for believing that the Licensee may not be insured, the Licensor can request that the Licensee provides evidence of insurance within 24 hours of a request from the Licensor to do so. If the Licensee does not produce the evidence of insurance within that time, the Licensor can immediately terminate this Agreement by notice to the Licensee.

#### **Miscellaneous**

- 20. If any part of this Agreement is rendered unenforceable or invalid or the operation of it becomes excluded by operation of law or otherwise, the remaining provisions of this Agreement will not be affected but will remain in full force and effect and will be valid and enforceable to the fullest extent permitted by law.
- 21. No provisions of this Agreement shall be deemed to have been waived either in whole or in part by the Licensor unless such waiver is in writing and signed on behalf of the Licensor. Any such waiver shall not affect or prejudice the rights or remedies of the Licensor in respect of any future or other breach and (unless expressly stated) shall not amount to a general waiver of any provision of this Agreement.
- 22. Nothing in this Agreement is intended to or shall confer on the Licensee any right as tenant of the Area or create the relationship of landlord and tenant between the parties. Any such implication or inference is hereby expressly negated.
- 23. The Licensee acknowledges that no representation or warranty contrary to or inconsistent with the terms of this Agreement has been given by any servant or agent of the Licensor to the Licensee.
- 24. The provisions contained in this Agreement comprise the whole of the agreement between the parties in respect of the Area. No other provisions, whether in respect of the Area or otherwise, will be implied or arise between the parties by way of collateral or other agreement made by or on behalf of the parties on or before or after the execution of this Agreement.
- 25. The parties acknowledge that on and from the date of this Agreement and in accordance with its terms, the Licensor shall permit the Licensee to use and occupy the Area

provided always that such use and occupancy shall in no way be to the exclusion of authorised representatives of the Licensor.

**EXECUTED AS A DEED**

**SIGNED SEALED & DELIVERED**

by  
as attorney for  
**PITTWATER COUNCIL**  
**(ABN 61 340 837 871)**  
under Power of Attorney registered  
Book 4438 No. 492

in the presence of :

.....  
Signature of Witness

.....  
Attorney  
By executing this Agreement, the attorney states  
that the attorney has received no notice of  
revocation of the Power of Attorney

.....  
Name of Witness (block letters)

**WOOLWORTHS LIMITED** by its

attorney .....  
Pursuant to registered Power of Attorney

Book                      Number

in the presence of:

\_\_\_\_\_  
Signature of Witness

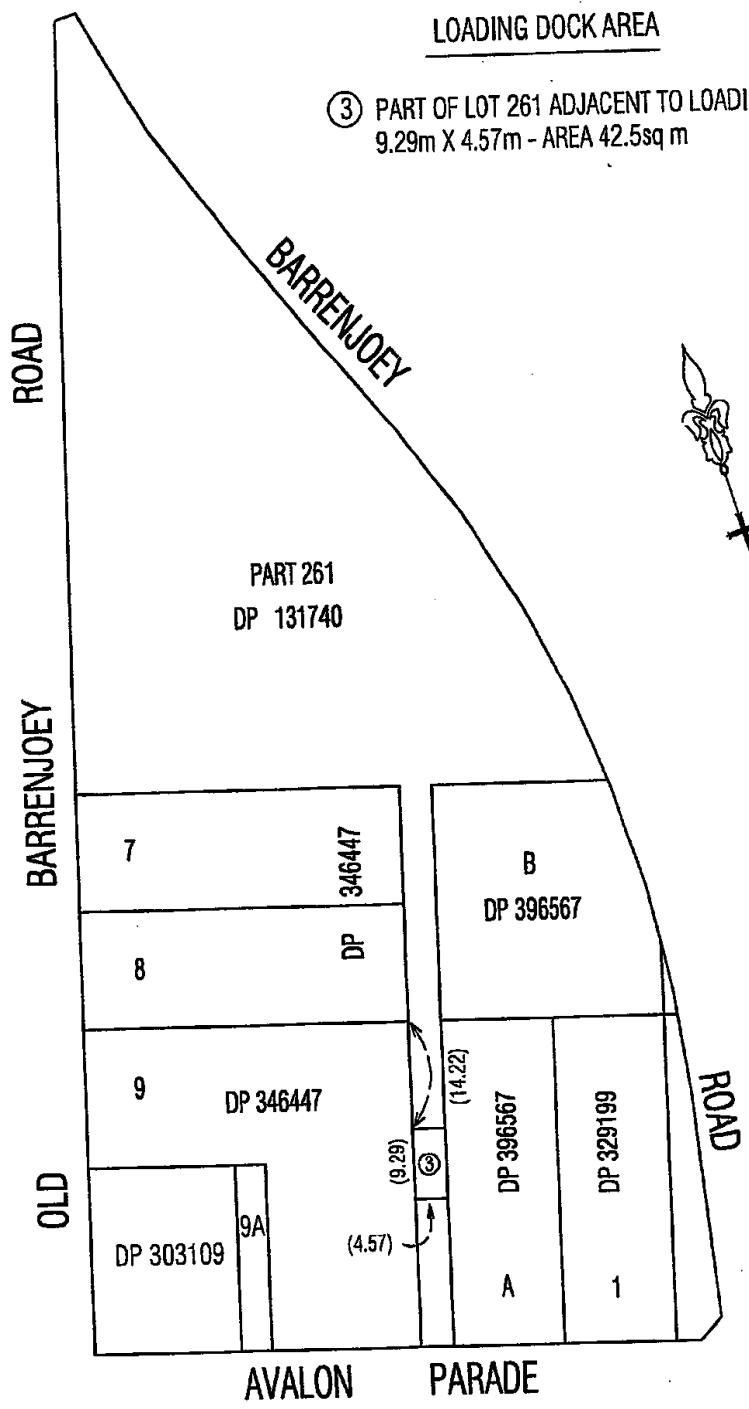
\_\_\_\_\_  
Print Name of Witness

\_\_\_\_\_  
Attorney

By executing this Agreement the attorney  
states that the attorney has received no notice  
of revocation of the Power of Attorney

"A"

PLAN SHOWING LOCATION OF AREA UNDER LICENCE OVER PART OF LOT 261 IN DP131740  
AT AVALON IN THE LGA OF PITTWATER, PARISH OF NARRABEEN AND COUNTY OF CUMBERLAND



NOTES  
SCALE 1:800  
DIMENSIONS SHOWN ARE TO BOUNDARIES  
THIS SKETCH TO BE USED FOR DEFINING LOCATIONS OF AREAS UNDER LICENCE ONLY

STEVE DAVEY  
REGISTERED SURVEYOR  
28th July 2004

**DATED** this

day of

2011

**DEED OF OCCUPATION OF CARPARK & TROLLEY BAYS**

**BETWEEN**

**PITTWATER COUNCIL**

(the "Licensor")

**AND**

**WOOLWORTHS LIMITED**

(the "Licensee")

Matthew Huntingdon & Co

Lawyers

367 Barrenjoey Road,

Newport NSW 2106

Telephone: 9999 1504

Facsimile : 9997 7938

2011

**BETWEEN** Pittwater Council of 11/5 Vuko Place, Warriewood, New South Wales  
(called the “**Licensor**” in this Agreement)

**AND** Woolworths Limited A.C.N 000 014 675 of 540 George Street, Sydney, New South Wales (called the “**Licensee**” in this Agreement)

**WHEREAS:-**

- A. The Licensor is the registered proprietor of Lot 261 DP 131740, Lot 7 Deposited Plan 346447 and Lot 8 in Deposited Plan 346447 (called the “**Land**” in this Agreement).
- B. The Licensor has agreed at the request of the Licensee, to grant to the Licensee exclusive occupation of that part of the Land being the shopping trolley bays marked “1” and “2” as shown on the attached diagram marked “A” (called the “**Trolley Area**” in this Agreement), and a non-exclusive licence of that part of the land being the carpark called the “**Carpark**” in this Agreement), subject to the terms and conditions of this Agreement.
- C. The parties agree that this Agreement represents a reasonable arrangement between them given the particular circumstances of the Licensor’s responsibilities in regard to the Land.

**NOW THIS DEED WITNESSES** and in consideration of the mutual promises it is agreed and declared as follows:-

## Grant of Licence

1. A. The Licensor grants to the Licensee:
  - (a) a licence to use the Carpark for the parking of vehicles, subject to Clause 1A(b) below and the terms and conditions of this Agreement and the right of the Minister for Local Government to review or extinguish the licence at any time pursuant to the *Local Government Act (1993)* (NSW) or any other relevant legislation; and
  - (b) the right to non-exclusive use and access to the Carpark, with or without vehicles, in common with others permitted by the Licensor, in accordance with this Agreement; and
  - (c) access to use the Carpark 24 hours per day, 7 days per week.

### **Grant of Exclusive Rights**

1. B. The Licensor grants to the Licensee:

the exclusive right to use and have access to the Trolley Area for the storage of shopping trolleys 24 hours per day, 7 days per week subject to the terms of this Agreement and the right of the Minister for Local Government to review or extinguish the licence at any time pursuant to the *Local Government Act (1993)* (NSW) or any other relevant legislation;

### **Use of Trolley Area and Carpark**

2. The parties acknowledge that the Licensee will occupy and have the use of the Trolley Area for the storage of shopping trolleys only and the general non-exclusive use of the Carpark for customer parking only and in accordance with:
- (a) Council resolutions pursuant to any development application in force from time to time; and
  - (b) the terms of the Amended Draft Plan of Management for the Woolworths Supermarket prepared by BBC Consulting Planners and annexed to this Deed and marked "Attachment 1" (the "**Woolworths Management Plan**"); and
  - (c) the Licensor's Consent dated 28 July 2003 annexed to this Deed and marked "Attachment 2"; and
  - (d) the Dunbar Park Plan of Management adopted June 2011 annexed to this Deed and marked "Attachment 3" (the "**DPPOM**") and in particular the Licensee recognises the right of the public to unfettered access to the carpark for the term of this Agreement. The Licensee is authorised, in prior consultation with Council, to undertake any physical improvements to the Carpark particularly with regard to Occupational Health and Safety issues, in order to reduce the impact of the Licensee's operations on the general public; and
  - (e) The Licensee will be responsible for the cost of all repairs and ongoing maintenance of the Trolley Area as reasonably required by the Licensor.
3. The Licensee warrants that it will use the Trolley Area and the Carpark in accordance with the terms of this Agreement and having regard to all relevant legislation and Council regulations affecting the Trolley Area and the Carpark or the Licensee's particular use of the Trolley Area and the Carpark from time to time, including but not limited to those relating to occupational health and safety.

4. The Licensee shall not do anything in the Trolley Area and the Carpark which would constitute a nuisance or annoyance to other users of the Land other than in accordance with a use which is allowed under the terms of this Agreement.

#### **Term**

5. This Agreement commences on \_\_\_\_\_ and will continue for a period of ten years, ending on \_\_\_\_\_ (the "Term").

#### **Licence & Occupation Fee**

6. (a) The licence fee payable by the Licensee to the Licensor in the first year of the Term is \$15,428.00 per annum plus GST, (the "**Licence Fee**"), and is payable annually in advance to the Licensor, the first of such payments of \$1,285.67 plus GST to be made by the Licensee to the Licensor on or before 1 March 2011. The Licensor will apply the licence fee to the Avalon Community Garden and Dunbar Park for repairs, maintenance and upgrading works and will review the Licence Fee on the anniversary of the commencement date each year for the following year, in its absolute discretion.
- (b) The parties acknowledge that the Licence Fee is based on an area for the Trolley Area of 19.2 square metres (Trolley Area 1 is 12.8 square metres and Trolley Area 2 is 6.4 square metres). The total area for the Trolley Area and the Carpark is 2,276 square metres, in accordance with the annexed diagram marked "A".
- (c) If the parties agree to alter the dimensions of the Trolley Area, the parties agree to re-assess the Licence Fee having regard to the altered area for the trolleys and at the rate then applying under the Licensor's Management Plan (Schedule of Rates and Fees for Annual Footpath Licences) for the Trolley Area. In these circumstances, the Licensee agrees to pay all costs reasonably and properly incurred by the Licensor in calculating and documenting the alteration, including but not limited to survey and legal costs.

#### **Legal Fees and Expenses**

7. The Licensee will pay the reasonable and proper legal fees and expenses of the Licensor associated with the preparation, negotiation and execution of this Agreement.

#### **Keeping the Carpark and Trolley Trolley Area Clean**



8. At all times during the term of this Agreement, the Licensee must keep the Trolley Area and the Carpark clean and free of litter to the satisfaction of the Licensor, acting reasonably.

#### **Trolleys**

9. The Licensee agrees to:
  - (a) manage all trolleys in accordance with the Woolworths Management Plan; and
  - (b) install a coin operated trolley mechanism in the Trolley Area, at the Licensee's expense; and
  - (c) secure trolleys overnight either inside the Trolley Area or within the Licensee's supermarket premises on the Land (the "**Supermarket Premises**").

#### **Default by the Licensee**

10. If the Licensee breaches clauses 2, 3, 4, 8 or 9 of this Agreement, the Licensor will be entitled to serve a preliminary notice (the "**Preliminary Notice**") on the Licensee stating that the Licensee must rectify the breach within twenty four (24) hours after service of the Preliminary Notice is effected.
11. If the breach specified in the Preliminary Notice is not rectified by the Licensee within twenty four (24) hours after service is effected under clause 10, the Licensor will be entitled to serve a further notice (the "**Final Notice**") on the Licensee stating that the Licensee must rectify the breach within twenty four (24) hours after service of the Final Notice is effected.
12. If the Licensee fails to comply with a Final Notice on three separate occasions during the Term, the Licensor shall be entitled to terminate this Agreement immediately by notice to the Licensee, in its absolute discretion. Following such termination, the Licensor shall be entitled to retain the Licence Fee for the remaining portion of the Term and seek damages from the Licensee or invoke any other legal remedy available to the Licensor at that time and in all of the circumstances of the termination.
13. A Preliminary Notice and a Final Notice will only be validly served on the Licensee if it is served personally on the Store Manager, the Duty Manager or, in their absence, the person who is otherwise responsible for managing the Supermarket Premises, at the Supermarket Premises. Any Preliminary Notice or Final Notice must also be copied to Woolworths Corporate Property Department, to be sent by fax to (02) 9323 1652 and marked to the urgent attention of the Senior Property Manager. The Licensee must notify the Licensor if the above contact details are changed during the term of this Agreement.

### **Stamp duty**

14. The Licensee must pay all stamp duty payable on this Agreement (including penalties and fines, if any, except where such penalties and fines are incurred as a result of the Licensor's negligence, delay, act or omission).

### **Notices**

15. (a) Any notice to be given under this Agreement must be:
- (i) in writing;
  - (ii) left or posted to the address set out above;
  - (iii) in the case of the Licensee, copied to the Woolworths Corporate Property Department on the number set out in clause 13; and
  - (iv) in the case of the Licensor, marked the attention of the General Manager of Pittwater Council.
- (b) A notice is taken to be given:
- (i) if posted, on the third day after posting; and
  - (ii) if sent by facsimile, on the next business day after it is sent unless the sender is aware that transmission is impaired.
- (c) This clause 15 does not apply to notices served under clauses 10 and 11.

### **GST**

16. In this Agreement, 'GST' means a Goods and Services Tax or like tax payable by a party in respect of a taxable supply under this Agreement. All payments to be made by a party under this Agreement are calculated having regard to GST. The payee will give the payer a tax invoice for the amount payable by the payer.

### **Assignment and Sub-licence**

17. (a) The Licensee shall not enter into a sub-licence, assign or otherwise deal in a similar manner with the Trolley Area or the Carpark without the consent of the Licensor not to be unreasonably withheld; and
- (b) During the continuance of this Agreement, the Licensor agrees that it will not grant similar rights over the Trolley Area or the Carpark to any other party.

### **Indemnity and Insurance**

18. (a) The Licensee shall indemnify and keep indemnified the Licensor from and against all suits, damages, costs, actions, claims, debts, demands and other liabilities arising from the Licensee's use of the Trolley Area and the Carpark during the continuance of this Agreement to the extent that such suits, damages, costs, actions, claims, debts, demands and other liabilities are caused or contributed to by the Licensee and except to the extent caused or contributed to by the Licensor.
- (b) The Licensee shall take out and maintain a public risk insurance policy with a reputable insurer noting the interest of the Licensor in the sum of not less than ten million dollars (\$10,000,000.00) and shall produce to the Licensor a certificate of currency of this policy as at the date of this Agreement. The Licensee must use reasonable endeavours to provide the Licensor with a copy of the current certificate of currency on an annual basis. If the Licensor has reasonable grounds for believing that the Licensee may not be insured, the Licensor can request that the Licensee provides evidence of insurance within 24 hours of a request from the Licensor to do so. If the Licensee does not produce the evidence of insurance within that time, the Licensor can immediately terminate this Agreement by notice to the Licensee.

### **Miscellaneous**

19. If any part of this Agreement is rendered unenforceable or invalid or the operation of it becomes excluded by operation of law or otherwise, the remaining provisions of this Agreement will not be affected but will remain in full force and effect and will be valid and enforceable to the fullest extent permitted by law.
20. No provisions of this Agreement shall be deemed to have been waived either in whole or in part by the Licensor unless such waiver is in writing and signed on behalf of the Licensor. Any such waiver shall not affect or prejudice the rights or remedies of the Licensor in respect of any future or other breach and (unless expressly stated) shall not amount to a general waiver of any provision of this Agreement.
21. Nothing in this Agreement is intended to or shall confer on the Licensee any right as tenant of the Carpark or or the Trolley Area or create the relationship of landlord and tenant between the parties. Any such implication or inference is hereby expressly negated.
22. The Licensee acknowledges that no representation or warranty contrary to or inconsistent with the terms of this Agreement has been given by any servant or agent of the Licensor to the Licensee.

23. The provisions contained in this Agreement comprise the whole of the agreement between the parties in respect of the Trolley Area and the Carpark. No other provisions, whether in respect of the Trolley Area or the Carpark or otherwise, will be implied or arise between the parties by way of collateral or other agreement made by or on behalf of the parties on or before or after the execution of this Agreement.
24. The parties acknowledge that on and from the date of this Agreement and in accordance with its terms, the Licensor shall permit the Licensee to use and occupy the Trolley Area and the Carpark provided always that such use and occupancy shall in no way be to the exclusion of authorised representatives of the Licensor.

**EXECUTED AS A DEED**

**SIGNED SEALED & DELIVERED**

by  
as attorney for  
**PITTWATER COUNCIL**  
**(ABN 61 340 837 871)**  
under Power of Attorney registered  
Book 4438 No. 492  
in the presence of :

.....  
Signature of Witness

.....  
Name of Witness (block letters)

.....  
Attorney

By executing this Agreement, the attorney states  
that the attorney has received no notice of  
revocation of the Power of Attorney

**WOOLWORTHS LIMITED** by its

attorney .....

Pursuant to registered Power of Attorney

Book

Number

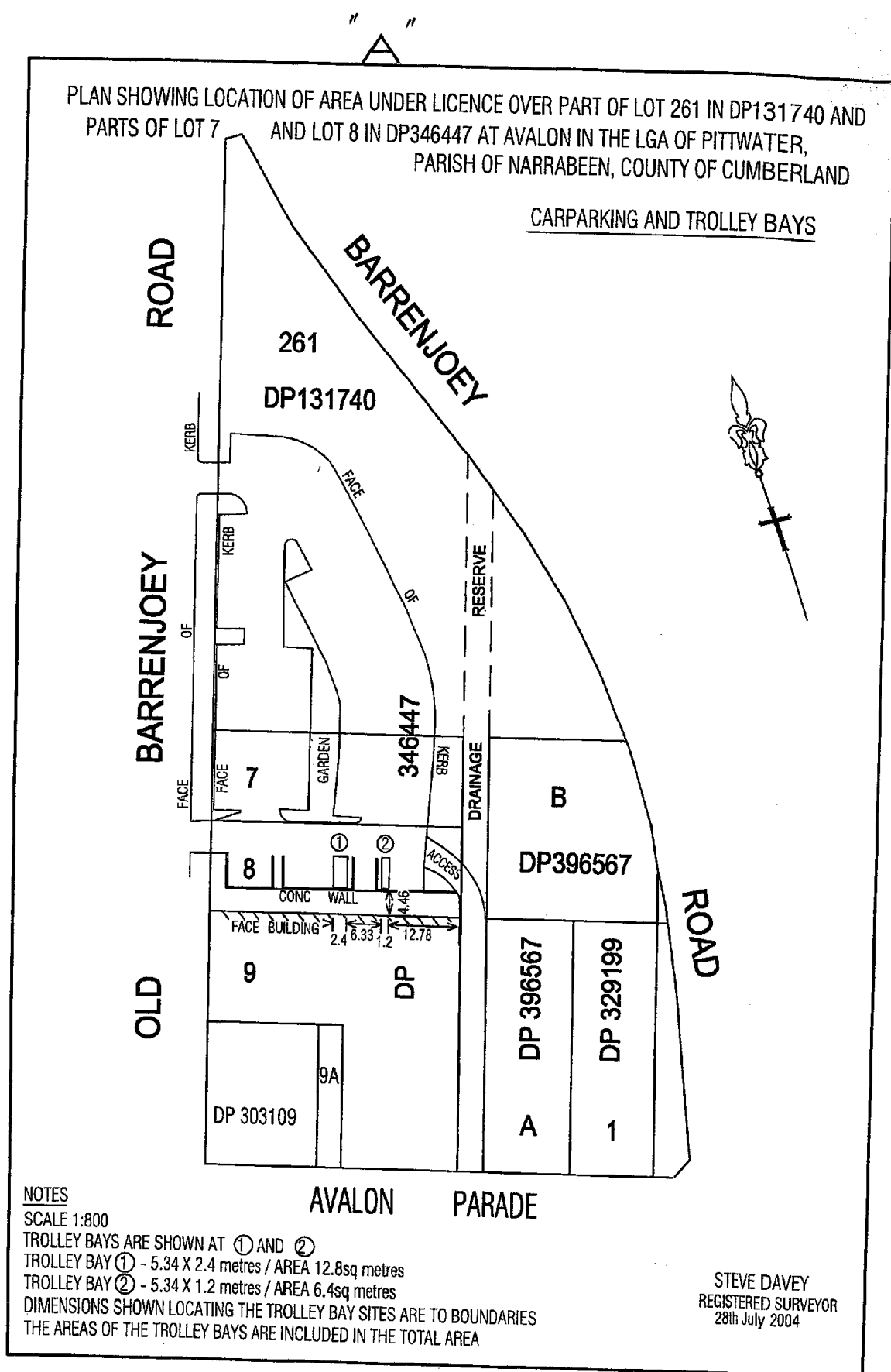
\_\_\_\_\_  
Attorney

in the presence of:

By executing this Agreement the attorney  
states that the attorney has received no notice  
of revocation of the Power of Attorney

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Print Name of Witness



---

<b>C10.5</b>	<b>Deed of Release in Baillie - Public Liability Claim</b>
--------------	--

**Meeting:** Governance Committee

**Date:** 17 October 2011

---

**STRATEGY:** Risk Management

**ACTION:** Comply with Council's statutory obligations and to properly discharge Council's common law duty of care to the community when managing Council's assets.

---

## **PURPOSE OF REPORT**

To inform Council of the confidential settlement of a well publicised public liability claim involving Mr Baillie who was injured whilst he was swimming at Bilgola rockpool on 8 November 2010.

### **1.0 BACKGROUND**

- 1.1 In November 2010 Mr Baillie was swimming in the Bilgola rockpool when as a result of Council staff emptying the pool, he was sucked through the discharge valve within the pool onto a sandy beach nearby. He sustained personal and psychological injuries and his wife suffered psychological injuries as a result of witnessing the incident. Confidential settlement of the matter was achieved prior to the commencement of legal proceedings as there was no issue on liability.

### **2.0 ISSUES**

- 2.1 Settlement of the claim
- 2.2 Re-emphasis on risk management practices and safe work method protocols relevant to pool cleaning/maintenance staff to ensure that similar incidents will not occur.
- 

### **3.0 SUSTAINABILITY ASSESSMENT**

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

- 3.1.1 Shows Council is supportive of the community by honouring its duty of care by responding positively to risk issues.

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

- 3.2.1 No effect on this assessment

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

- 3.3.1 The excess in relation to this settlement will be met by the current budget and over excess payments are covered by Council's insurance policy.

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

- 3.4.1 The circumstances of the accident led to a review of Council's process and procedures relevant to rock pool maintenance and endorsed the existing protocols which in this case had not been followed.

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

- 3.5.1 No effect on this assessment

---

## 4.0 **EXECUTIVE SUMMARY**

- 4.1 To advise Council of the confidential settlement of a public liability claim as a result of injuries sustained by Mr and Mrs Baillie whilst using Council's rockpool at Bilgola Beach. As a result it will be necessary for Council's General Manager to execute two Deeds of Release covering the confidential settlement terms with the claimants. It is noted that the quantum of the settlement is within the General Manager's delegation.
- 4.2 That Council note the claim and confidential settlement detail relating to the claim due to the high profile nature of the incident. The settlement and claim details are contained in a confidential report from Council's insurance company solicitors in Confidential section

---

## **RECOMMENDATION**

That Council note the settlement details as set out in the attached confidential information and endorse the General Manager's execution of the necessary Deeds of Release.

Report prepared by

Jeremy Wardell,  
**Principal Officer - Risk & Developer Contributions**

Warwick Lawrence  
**MANAGER, ADMINISTRATION & GOVERNANCE**



---

## **C10.6 Police and Community Youth Club (PCYC)**

**Meeting:** Governance Committee

**Date:** 19 October 2011

---

**STRATEGY:** Building Communities

**ACTION:** Investigate the feasibility of a local Police and Community Youth Club.

---

### **PURPOSE OF REPORT**

Firstly, to seek Council's endorsement of a Preliminary Business Case for a Police and Community Youth Club (PCYC) at North Narrabeen Reserve. Secondly, to seek Council's support to lodge a submission in response to the Expression of Interest (Eoi) for funding of eight new PCYC's in NSW based on the Preliminary Business Case (see **Attachment 1**)

### **1.0 BACKGROUND**

- 1.1 The PCYC model has been in operation for over 75 years, previously a club for boys to engage in positive activities. Later known as Police Citizen Youth Clubs, then in 1995 they changed their name to Police Community Youth Clubs. There are currently 57 PCYC's in both regional and metropolitan NSW.
- 1.2 PCYC is an incorporated not for profit charitable company.
- 1.3 The PCYC is a unique model as it partners with the NSW Police Force. Each time a new PCYC is approved by the State Government an additional 2 Police Officers are allocated to the Police Youth Command which is situated in Mount Druitt. These Police officers are then allocated to work in the newly created PCYC wherever that may be. This is an important aspect as resources do not come from the Local Area Command (LAC) and are accountable to the Police Youth Command.
- 1.4 A facility coordinator is also funded by the State Government via PCYC NSW. The coordinator is an employee of PCYC NSW.
- 1.5 With the above mentioned resources allocated to each club, each PCYC aims to achieve self sustainability, meaning the programs and activities which are offered and the membership contributions all go towards the club maintaining financial viability.
- 1.6 The Police Officers and the PCYC Coordinator facilitate the activities. Typically these would include (but not limited to), sport, dance, self defence, gym, boxing, music and drama, leadership and targeted crime prevention programs. The breadth of activities will depend on the needs of the local community and the model that will best support this whilst remaining financially viable.
- 1.7 Council at its meeting of 19 September, 2011 considered a report on the proposed PCYC (see **Attachment 2**) and resolved:-
  - "1. That Council support the preparation of a Submission to the NSW Government to apply for funding for establishment of a Pittwater Police and Community Youth Club servicing the Northern Beaches community, located at North Narrabeen Reserve.
  2. That a detailed report outlining the Draft Submission be brought back to Council at its meeting of 17 October 2011 for consideration."

## **2.0 ISSUES**

### **2.1 Expression of Interest for the Establishment of new Police and Community Youth Clubs**

Prior to the last State Election, the Coalition committed to providing additional funding to support the PCYC Program across NSW.

In early August, 2011, the NSW Government, through the PCYC Organisation, announced an Expression of Interest (EOI) process to establish new Police and Community Youth Clubs.

The EOI outlined the following:-

*"The NSW Government is providing additional resources to PCYC NSW and the NSW Police Force Youth Command to support the expansion of PCYCs and work to prevent juvenile crime.*

*Funding will be made available to support the establishment of 8 new PCYCs between 2011 and 2015.*

*Each new PCYC will be provided two (2) Policy Youth Case Managers and one (1) club Manager, through the NSW Police Force Youth Command and PCYC respectively. These positions are funded by the NSW Government.*

*Five allocations of \$250,000 and two allocations of \$2.5 million are now available to PCYC to assist in establishing 7 new facilities. In addition, the location of a new facility in south-western Sydney has already been identified and funding towards its construction will be made outside of this allocation process. The capital allocations will be provided by the NSW Government to assist with facility development or expansion, if deemed appropriate, in locations selected."*

The EOI requires interested Council's to prepare detailed submissions which must be received by PCYC no later than 5.00 pm, Monday, 31st October, 2011.

### **2.2 Capital Expenditure Guidelines**

The Division of Local Government issued amended Capital Expenditure Guidelines in December, 2010. Under these Guidelines:-

*"Councils are required to undertake a capital expenditure review for projects that are not exempt and cost in excess of 10% of Council's annual ordinary rates revenue or \$1 million (GST exclusive), whichever is the greater. There are additional requirements for non exempt capital projects where the project costs are expected to exceed \$10 million (GST exclusive).*

*The Guidelines have been issued pursuant to Section 23A of the Local Government Act 1993. As such, Councils must consider these Guidelines before committing to capital projects. It should be noted that Councils are expected to undertake the processes outlined in the Guidelines, irrespective of the funding sources of projects."*

Consistent with these Guidelines, a Preliminary Business Case (**Attachment 1**) has been developed for the Project. The Guidelines note that:-

*"Once a Council is satisfied that sufficient information and evidence has been provided in the preliminary business case and has resolved to continue with the project, a Capital Expenditure Review should be prepared."*

It is, therefore, recommended that, should Council proceed with the project after considering this report including the Preliminary Business Case, then a full Capital Expenditure Review should be undertaken.

### 2.3 **Proposed Facility Mix**

In examining other PCYC models across the State, there are a range of operating models. More recent PCYC developments have tended to be where Councils have developed new multi-purpose community/leisure centres and then leased the facility to PCYC NSW to manage on Council's behalf.

The most recent example of this is the Marrickville PCYC which was developed as a leisure facility by Marrickville Council and then leased to PCYC NSW to manage.

The usage patterns of PCYC's across NSW varies greatly, but according to information supplied by PCYC NSW, approximately 50% of usage of PCYC's is youth related and the other 50% is general community use. For general community use it is envisaged that the proposed facility would meet some of the needs of the Warriewood Valley community as a multi purpose community facility.

It is envisaged that any Pittwater PCYC would be a similar model, that is a multi-purpose community facility with a focus on youth. Council could then agree to enter into a lease with PCYC NSW for the management of the facility.

### 2.4 **Identified Need and Benefit**

The need for recreational activities and 'youth friendly spaces' has been identified by the community through a range of Council planning processes. Over the years Council has delivered a number of recreational and targeted youth programs in partnership with other agencies, however, a designated 'space' or facility appealing to young people has been a difficult outcome to achieve. The proposed PCYC facility offers an opportunity to better respond to the needs of the youth population. It also demonstrates a commitment to investing in long term outcomes for young people, providing them with a space and opportunities to interact and engage in positive activities, programs and vocational training. These opportunities foster aspirations, skills and overall well-being which are vital to health and development of our young people, but also to the sustainability of our community at large.

As stated in 2.3, the usage patterns of such facilities are a combination of both youth and general community use. This is a favourable model as it ensures financial viability with a range of fees and charges. The initial concept design and proposed features takes this into account, ensuring a mix of spaces that would be both appealing and appropriate for a range of different activities, whilst also providing spaces designed to be 'youth friendly'. This is consistent with Council's approach in providing a range of community facilities to cater for diverse community use.

The needs and benefits of the proposed facility is outlined within the Preliminary Business Case (see **Attachment 1**).

### 2.5 **Concept Plans**

Based on a Detailed Design Brief (**Annexure 1** of the Preliminary Business Case), Concept Plans (**Annexure 2** of the Preliminary Business Case) have been developed for the proposed PCYC at North Narrabeen Reserve.

The following table outlines the elements within the proposed facility:-

Main Hall			Totals
	Hall	790 m <sup>2</sup>	
	Stage & Grandstand	232 m <sup>2</sup>	
	Courtyard (not inc. in QS calcs.)	128 m <sup>2</sup>	
	Change Rooms (2)	70 m <sup>2</sup>	
	Store	80 m <sup>2</sup>	1,300 m <sup>2</sup>
Operational Facilities			
	Foyer	80 m <sup>2</sup>	
	Offices (manager, community)	44 m <sup>2</sup>	
	Meeting rooms (2) & Police	44 m <sup>2</sup>	
	Café & Kitchen	128 m <sup>2</sup>	
	Amenities (staff & public)	40 m <sup>2</sup>	
	Circulation	48 m <sup>2</sup>	384 m <sup>2</sup>
Activity Rooms			
	Small Activity rooms x 3 (8x6m)	144 m <sup>2</sup>	
	Medium Activity Room (10x7)	70 m <sup>2</sup>	
	Boxing Gym (10x10)	100 m <sup>2</sup>	
	Large Activity Room (15x10)	150 m <sup>2</sup>	
	Circulation	36 m <sup>2</sup>	500 m <sup>2</sup>
Sporting Field Facilities			
	Change rooms & Amenities (GF)	140 m <sup>2</sup>	
	Offices, Foyer, Stair & Lift	50 m <sup>2</sup>	
	Function Room	144 m <sup>2</sup>	
	Amenities, Kitchen & Bar	66 m <sup>2</sup>	400 m <sup>2</sup>

The proposed site for the PCYC within North Narrabeen Reserve, adjacent to Pittwater Rugby Park, proposes the replacement of the existing old change rooms, offices and function space. All of these facilities will be replaced in the proposed development as can be seen in the previous table under the heading of "Sporting Field Facilities".

## 2.6 Cost of Works

Based on the Concept Design work for the proposed PCYC, a detailed initial Cost Plan was commissioned.

The total estimated project costs, including construction, design and fit out, for the PCYC based on this Cost Plan is \$8,464,457 (see **Annexure 3** of the Preliminary Business Case). This total cost is broken down as follows:-

Cost Centre	Total \$ (excl GST)
Demolition Works	\$52,500
Substructures	\$1,038,608
Structure and Envelope	\$2,176,876
Internal Finishes	\$640,828
Fittings	\$863,033
Service Installations	\$810,110
External Works	\$426,268
Allowances	\$2,006,234
Design Team Fees	\$450,000
<b>Total (excl. GST)</b>	<b>\$8,464,457</b>

## 2.7 Funding Strategy

As a result of the more detailed Cost Plan estimate of works, a revised funding strategy has been developed as follows:-

Proposed Funding (in future dollars):

- Warriewood Valley S94	\$3,978,995
- State Government Grant	\$2,500,000
- SRV Re-Phasing	\$540,000
- Council Funds	\$500,000
- Future Land Sales	\$1,000,000
Total Income	\$8,518,995

The following section provides a detailed analysis of the funding component from the Warriewood Valley Section 94 Plan.

## 2.8 Warriewood Valley S94 Funding Component

Since the Warriewood Valley Section 94 Plan (the Plan) was first adopted by Council as a single Plan incorporating various elements in June 1998, there has always been a Community Services element.

The *Demographic & Facility/Services Needs Studies, Ingleside-Warriewood Urban Release Area* provides sound evidence of the nexus between the proposed development and the demand for community service facilities created by the development.

Over the life of the Plan, the Community Services Element has always contained a number of works items which have formed the basis of its Contribution Rate.

The Works Program in Amendment No. 16 of the Plan totals \$9,068,907 (**Attachment 1**) and included the following elements:-

- Contribution to Childcare Centre.
- Contribution to land for Childcare Centre.
- New Community Facility.
- Acquisition of land for new Community Facility.
- Equipment.

In response to the Ministerial Cap of \$62,100 for the Plan, a detailed review of the Plan was undertaken to reduce the Works Program to comply with the \$62,100 Cap and to develop a submission to the Planning Assessment Commission for the proposed Meriton development.

The Works Program in Merton's submission totalled:-

Scenario 1	\$7,986,346
Scenario 2	<u>\$200,000</u>
Total:	\$8,186,000

and included the following elements. It should be noted that the overall program was reduced in keeping with the reductions in works across the entire Plan to comply with the \$62,100 cap:-

- Contribution to Childcare Centre.
- Contribution to Land for Childcare Centre.

- Embellishment of existing community facility.
- Equipment.

The revised Works Program now proposed totals \$7,000,000, in 2011/2012 dollars, and comprises the following:-

1.	Contribution to a new multi-purpose community and youth centre	\$3,500,000
2.	Embellishment/extension to existing community facilities	\$3,500,000

It is proposed that Item 1 would be phased as follows:-

2012/2013	\$250,000	(Design)
2013/2014	\$250,000	(Design)
2014/2015	\$3,000,000	(Construction)

Indexation of the works items means that the total cost in 2014/2015 dollars is \$3,978,995.

Item 2 is proposed to be phased at the end of the Plan.

The previous strategy outlined in earlier in this section sought to leverage Commonwealth Government funding to provide a Family Resource and Early Childhood Centre (Childcare Centre).

That opportunity no longer exists and the recent analysis undertaken for the review of Council's Social Plan indicates the supply of childcare has increased significantly over the last five years to the point where the mix of services required to service the Valley no longer needs to include a dedicated childcare component. What the Social Plan is highlighting is a need for general community space and particularly space for young people.

An opportunity exists to leverage State Government funding to provide a large multi-purpose community facility with a focus on youth (managed as a PCYC).

It is envisaged that the proposed facility would provide general community facility space for Warriewood Valley as well as a regional space for young people. Clearly young people from Warriewood Valley would also use the facility.

It is proposed that if constructed, Council would manage the facility through a long term lease with PCYC NSW. In discussions with staff from PCYC NSW, on average across the State, PCYC's are utilised 50% of the time for youth related activities and 50% for general community use.

It is therefore expected that the proposed facility would operate as both a general community centre for Warriewood Valley, as well as a regional youth facility (PCYC). In addition, obviously young people from the Valley would also access the facility.

The recently adopted 2011-2015 Delivery Program and Budget contains a major work item as follows:-

- 2014/1025 Community Facilities - Warriewood Valley \$4,271,997

The proposal outlined in this section would reduce this cost slightly and spread the expenditure approximately as follows:-

2012/2013	\$261,750	For Design
2013/2014	\$274,052	For Design and Preliminaries
2014/2015	\$3,443,102	For Construction

In response to the new Minister for Planning and Infrastructure maintaining the Cap of the Plan at \$62,000, Council staff have initiated a further review of the Plan to ensure compliance with this Cap.

A preliminary review of the Works Program of the Plan has commenced which is giving consideration to the following:-

- Referencing previous work done to ensure the Works Program complies with the \$62,100 cap.
- Prioritising the remaining works.
- Linking the remaining works to future sector developments.
- Reviewing cost estimates.
- Ensuring that the Plan stays cash positive.

The initial work done on this review would seem to suggest that a contribution of \$3,978,995 from the Community Services Element over the next four years towards a new multi-purpose community and youth centre is achievable, whilst ensuring there are also sufficient funds to undertake other priority works such as:-

- Macpherson Street Bridge.
- Upgrade parts of Boondah Road.
- Roundabout Macpherson and Garden Streets
- Central Local Park Stage 1 and 2.
- Improvements Narrabeen Sports High.
- Cycleway Narrabeen Creek - Sector 6 to Macpherson.
- Narrabeen Creek Corridor B Works.
- Fern Creek Corridor H (Sector 8)

**Note 1:** This is not a comprehensive list of all the works proposed for the first four years and also excludes a number of Material Public Benefit works and land dedications.

Although detailed modelling indicates that the Plan will have sufficient funds available in 2014/2015 to undertake the proposed PCYC, any allocation of funds will ultimately be contingent on there being sufficient funds in the Plan at the time to allow work to progress.

## 2.9 Recurrent Funding Impact

It is anticipated that a new centre would not be operational until 2015/2016.

Once completed, it is proposed that the new facility would be leased to PCYC NSW for up to 20 years. In conjunction with the Finance Team, a projected income and expenditure statement for PCYC NSW has been developed. In addition, an analysis has been made of the impact of a PCYC on Council's operating results.

This review found that there would be no material impact on Council's Cash Flow, Consolidated Statements and Current Ratios.

In terms of impact on Council's operating result between 2015/2016 to 2020/2021, it would have an adverse result of approximately \$155,000 a year. According to the Council's LTF's, this would still result in a positive operating result for each of these years.

A detailed financial breakdown is included as **Annexure 4** to the Preliminary Business Case.

## 2.10 Proposed Timetable for the Project

The Expression of Interest indicates that successful Councils will need to deliver their PCYC's between 2011/2012 to 2014/2015. Below is a proposed timetable for the project.

November 2011 - March 2012:	Exhibit Concept Plan (see Community Engagement Plan <b>Annexure 6</b> to the Preliminary Business Case).
March - June 2012:	Modify, Exhibit and Adopt Plan of Management North Narrabeen Reserve.
May - October 2012:	Tender for Architect.
November 2012 - March 2013:	Detailed Design.
April - September 2013:	Development Application Lodged and Determined.
October - December 2013:	Finalise Tender Documentation.
February - June 2014:	Construction Tender.
July 2014 - June 2015:	Construction.

## 2.11 Community Engagement

Initially Council staff worked with Northern Beaches Business Education Network (NBBEN) a local community organisation to investigate the potential for a PCYC and canvass initial interest from community groups, MP's and individuals.

Extensive community engagement has been undertaken in the development of Pittwater Council's two previous Social Plans, 2020 Community Strategic Plan and with on-going consultation with young people (being the primary stakeholders). In addition, increased recreation opportunities and designated youth space has been identified throughout the consultation process in the development of Pittwater's new Social Plan 2012-2016. Throughout all of these community engagement processes, designated space (facility) and recreation activities for young people has been identified as a priority.

As outlined in Sections 1.0 and 1.1 of the Preliminary Business Case, extensive community consultation has already occurred regarding the idea of a PCYC. Over a long period of time, including two previous Social Plans and during the current review of the Social Plan, youth issues and lack of youth facilities has been consistently highlighted.

Moving forward, it is expected that there will be another four clear stages of community engagement (see Community Engagement Plan **Annexure 6** of the Preliminary Business Case).

- |                 |   |
|-----------------|---|
| <b>Stage 1:</b> | Preliminary consultation with key stakeholders in developing a submission to respond to the State Government's EOI. |
| <b>Stage 2:</b> | Public Exhibition of Concept Plans for PCYC at North Narrabeen Reserve.   |
| <b>Stage 3:</b> | Public Exhibition of revised Plan of Management for North Narrabeen Reserve.  |
| <b>Stage 4:</b> | Statutory Consultation during Development Application process.  |



## 2.12 Eol Submission

The Eol released by PCYC NSW requires a detailed submission to be prepared. Since Council's resolution of 19 September, 2011, staff have been working to bring together the various elements required to comprehensively respond to the Eol.

This work continues and staff will have a comprehensive submission ready for lodgement by the deadline of 31 October, 2011. Copies of the final submission will be circulated to Councillors under separate cover. The basis of this submission has been outlined in the Preliminary Business Case presented to Council in **Attachment 1** of this report.

## 2.13 Stakeholder Engagement and Support

Council staff have been consulting with key stakeholders regarding the proposal and there is widespread support for the project from a broad range of community leaders.

A meeting was held with representatives of the Warringah Rugby Club who indicated their support for the project.

The project is strongly supported by Police from the Northern Beaches Local Area command, including Superintendent Cruickshank.

## 2.14 Way Forward

The next steps in developing the project are outlined below:-

- Finalise a comprehensive submission based on the Preliminary Business Case by 31 October, 2011.
- Gather community support for the project from key organisations and individuals.
- Commence a Capital Expenditure Review of the project in accordance with the Guidelines issued by the Division of Local Government.
- Place the Concept Plans for the proposed PCYC on public exhibition.

---

## 3.0 SUSTAINABILITY ASSESSMENT

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

The proposed PCYC provides opportunities for young people to socialise and engage in positive supervised activities. It has the potential to be a significant regional youth facility and local community centre, providing a place for the whole of community to connect and engage. In addition, a PCYC facility offers a Police presence with the potential to positively strengthen the relationship between the community and Police.

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

The proposed facility will be constructed so as to be Environmentally Sustainable as possible. The design and construction will examine reuse of stormwater, maximisation of natural light and ventilation, and generation of energy from the building utilising solar panels. The building will also utilise management systems to reduce energy usage and to minimise waste.

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

A Northern Beaches PCYC facility has the potential to create local employment and training opportunities. Spaces can be designed within the facility to accommodate a range of vocational training pathways.

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

The collaboration between Council and key community organisations strengthens links between Council, community and youth agencies.

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

The proposed PCYC has the potential to improve opportunities for young people participating in recreational activities, training opportunities and overall intergenerational engagement.

---

## 4.0 **EXECUTIVE SUMMARY**

Council's Community Strategic Plan clearly identifies the need for an improved range of facilities and programs for young people in Pittwater.

The 2011-2015 Delivery Plan and Budget further identifies actions to investigate the feasibility of a Police and Community Youth Club.

Over the last 10 years, Council's Social Plan consultations and specific youth consultations have consistently identified the need for a facility like a PCYC and the programs and "space" it can provide for young people.

The recent announcement by the State Government of additional funding to help create eight new PCYC's across NSW provides an important opportunity for Council to create a facility that will serve the needs of local young people.

The PCYC model is a proven success across the rest of the State and generally provides multi-purpose spaces, not only for use by youth people, but also the general community.

The Concept Plans for a PCYC at North Narrabeen Reserve outlined in this Business Case are for a large new multi-purpose community centre which has a strong focus on serving the needs of both local and Northern Beaches young people. In addition, the Centre will act as a major new facility catering for the needs particularly of the new residents of Warriewood Valley.

It is proposed that any new Centre would be leased for approximately 20 years to PCYC NSW.

One of the significant advantages of the PCYC model is the recurrent funding provided by the State Government. Each new PCYC approved comes with recurrent funding for a Centre Manager (funding provided to PCYC NSW) and two additional Police Officers (funding provided to the NSW Police Youth Command).

The **attached** Preliminary Business Case provides detailed Concept Plans for a new PCYC located at North Narrabeen Reserve. Based on these Plans, comprehensive Capital and Recurrent Financial Analysis has been undertaken which demonstrates the financial viability of the project.

Extensive community consultation has already occurred regarding the project and this Business Case outlines the additional community engagement which will occur should the project proceed.

---

## RECOMMENDATION

1. That Council, having considered the information and evidence contained in this report and the **attached** Preliminary Business Case, continue to support the project to develop a Police and Community Youth Club (PCYC) at North Narrabeen Reserve.
2. That, consistent with the Capital Expenditure Guidelines issued by the Division of Local Government, Council commence preparing a Capital Expenditure Review for the PCYC project.
3. That Council place on Public Exhibition the Concept Plans as detailed in the **attached** Preliminary Business Case between November, 2011 and March, 2012 and that a report be brought back to Council at the conclusion of the exhibition period.
4. That Council support the lodgement of a submission to the Expression of Interest from PCYC NSW for funding of a PCYC at North Narrabeen Reserve based on the **attached** Preliminary Business Case.
5. That Council commits to expediting the implementation of the proposed PCYC should it be successful in securing a grant of \$2,500,000 from the State Government. Any future implementation of the project will be consistent with the timetable outlined in this report and the **attached** Preliminary Business Case.

Report prepared by

Lindsay Godfrey  
**MANAGER, COMMUNITY & LIBRARY**



---

**Police and Community Youth Club (PCYC)**  
**Preliminary Business Case**

---

**Business Unit:** *Community, Library & Economic Development*

**Related Strategy:** *Building Communities*

**Related Action:** *Investigate the Feasibility of a Local Police and Community Youth Club.*

**October, 2011**

## Table of Contents

<b>1.0</b>	<b>BUSINESS CASE</b>	<b>3</b>
1.1	Community Strategic Plan and Delivery Plan	3
1.2	Community Survey and Special Rate Variation (Community Consultation)	4
1.3	Research, consultation and data analysis	5
1.4	Current Situation	7
1.5	Project or Service Outline	7
1.6	Key Objectives	8
1.7	GAP Analysis	9
1.8	Sustainability Assessment	10
1.9	Strategic and Operational Analysis	11
1.10	Stakeholder Analysis	11
1.11	Community Engagement Plan	12
<b>2.0</b>	<b>FINANCIAL INFORMATION</b>	<b>13</b>
2.1	Establishment Costs	13
2.2	Profit and Loss Analysis	13
2.3	Source of Funds	14
2.4	Cost Benefit Analysis	14
<b>3.0</b>	<b>GOVERNANCE MODEL</b>	<b>15</b>
<b>4.0</b>	<b>SUMMARY – RECOMMENDATION</b>	<b>15</b>
4.1	Summary	15
4.2	Recommendation	16

## **1.0 BUSINESS CASE**

### **1.1 Community Strategic Plan and Delivery Plan**

Council's 2020 Community Strategic Plan identifies a number of objectives and strategic initiatives which will be supported by the development of a Police and Community Youth Club (PCYC).

The development of such a facility will contribute to the following objectives:-

- **Building Community Strategy**

Objectives:-

- To increase social cohesion by encouraging involvement in community organisations and networks.
- To make Pittwater a friendly environment where people feel safe.
- To have accessible community and cultural facilities, services and events available for current and future community members.

- **Recreational Management Strategy**

Objectives:-

- To provide a diverse range of accessible recreational opportunities and associated assets/facilities to cater for a broad range of ages, abilities and interest.
- To improve recreational facilities and services through ongoing public/private partnerships.
- To promote youth involvement in recreational, social and cultural activities and events.

Council's recently adopted 2011-2015 Delivery Program and Budget contains a number of 2011/2012 actions either directly related to developing a PCYC or that would benefit from the development of a PCYC.

**Actions:-**

- Investigate the feasibility of a Local Police and Community Youth Club.
- To respond to a range of community safety issues - including graffiti removal.
- Work with youth organisations and young people to develop strategies for delivering a range of youth programs and activities.
- Provide access to community space for evening youth related activities.

## 1.2 Special Rate Variation (Community Consultation)

### Community Survey

In 2010 Council undertook a Community Survey. A telephone survey was undertaken by Micromex Research staff with 400 randomly selected Pittwater residents over 18 years of age. The consultant ensured that the survey participant sample was reflective of the demographics of Pittwater. The survey was undertaken during the period of 19 to 22 July, 2010.

When asked about the key issues facing Pittwater in the next five years, the most common responses were:-

- Too much development (62%).
- Lack of facilities (14%).
- Roads (12%).
- Traffic (8%).

The survey also measured relative importance and satisfaction with 33 of Council's services. When ranked, "facilities and services for youth" ranked 9th in terms of the largest performance gap. Quoting from the consultant's findings:-

*"... facilities and services for youth was given an importance score of 4.06 (out of 5), which indicates that it is considered a highly important focus area by residents. At the same time, it was given a satisfaction score of 3.07, which indicates that residents are only just moderately satisfied with Pittwater Council's performance and focus on that measure."*

### Special Rate Variation (SRV)

After developing a program to deliver on the community aspirations in Pittwater 2020 and modelling our long-term financial position, Council determined that it needed additional funds to address ageing infrastructure, implement programs that will maintain the natural environment and maintain Council services for the community.

The proposal for a special rate variation was first introduced to the community during the public meeting and exhibition of the 2010-2014 Delivery Program and Budget in April, 2010. Following on from this, Council has conducted two community surveys, one regarding resident's satisfaction with existing Council services and the second survey dealt with the proposed spending priorities and the proposal for a special rate increase.

The SRV proposal included a \$38 Million Works Program that was the subject of extensive community consultation. This Works Program included a work item for a Council contribution to a PCYC in 2019/2020.

The community consultation process on the proposed SRV program included:-

- Circulation to all ratepayers of a special edition of the Pittwater Report.

- A webpage was developed on Council's website providing comprehensive information about the proposal.
- Two Public Meetings were held.

Of the 256 submissions received, a number of submissions directly supported the inclusion of a PCYC and also suggested it should be brought forward to earlier in the Works Program.

### **1.3 Research, Consultation and Data Analysis**

Longitudinal research and consultation with young people on the Northern Beaches have identified a number of issues they face. Some of these issues are common to youth elsewhere, however they are particularly compounded or exacerbated by the particular environment, both physical and social in the region. These causal factors, which interrelate and reinforce each other are:-

- Isolation due to limited access to public transport within and outside of the area.
- Limited accessibility to recreational and entertainment options.
- Limited accessibility to support services.

#### ***Geographic isolation through Transport***

As young people are particularly reliant on public transport for their mobility and the social interaction and diversity which it facilitates, the limited access to public transport reduces their ability to independently access services, facilities and maintain social interactions with their friends within and outside the district.

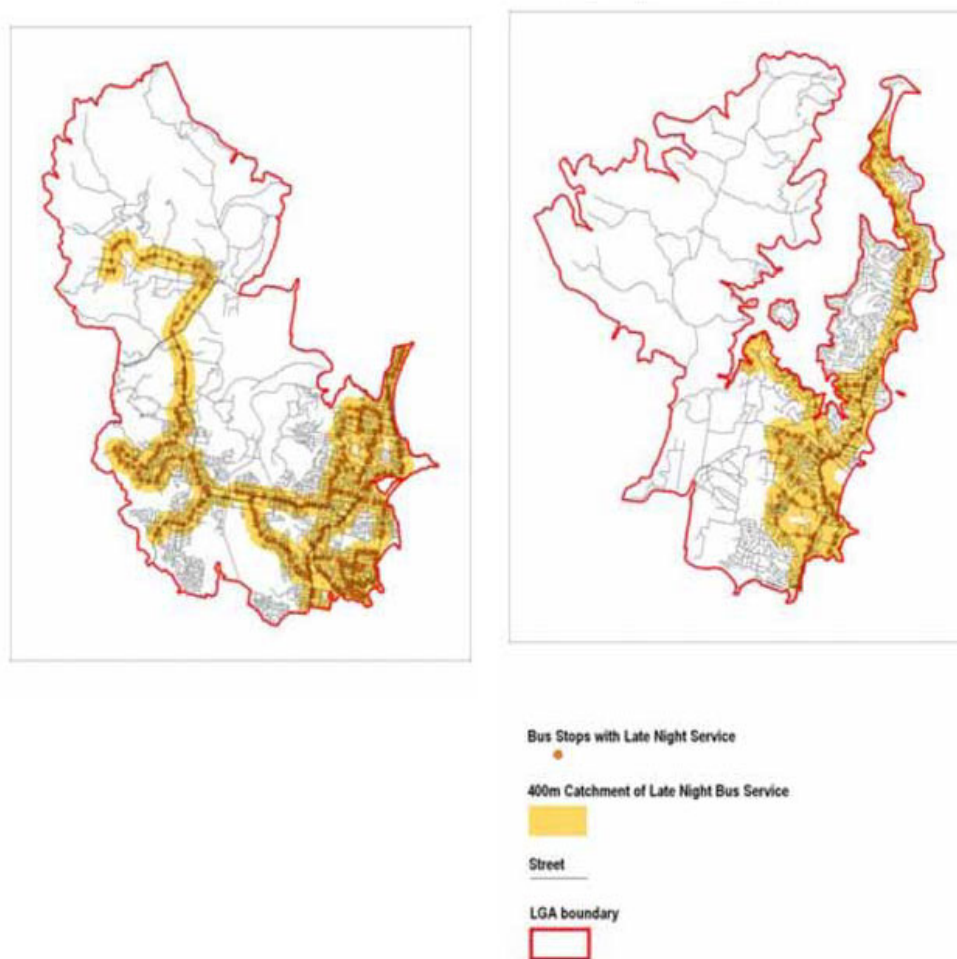
However the geography and infrastructure of the region isolates it from easy integration with surrounding areas. Poor public transport networks, particularly outside the trunk routes are of particular concern for Northern Beaches youth who do not have a driving licence and/or access to a vehicle.

Public transport in the Northern Beaches primarily involves linkages to the key corridors of Pittwater, Barrenjoey and Warringah Roads, limited access across the feeder areas.

As indicated in the maps below, late night bus services are particularly sparse, with large areas of the north beaches with no effective access to late night bus services which are of particular importance for older youth.

400m Catchment of late Night Bus Services – Warringah and Pittwater LGAs





### **Limited recreational and entertainment options**

The Northern Beaches is well resourced with natural environment and physical recreation facilities for fine daytime weather, but outside of these largely sport and beach options, youth recreation and entertainment is limited to primarily cinema outings, with smaller cinemas at Avalon and Collaroy, and larger complexes at Warriewood and Brookvale. There is also an indoor rock climbing gym at Brookvale.

Longitudinal consultation with local youth evidences ongoing concern and an identified lack of relevant activities to engage in, particularly in the evenings and on weekends.

There is currently no appropriate facility within the Pittwater area to offer and house a range of youth focused support services and programs and activities for young people to engage in (further explained in Section 1.7). There have been a number of community development programs which aim to address the issues facing young people. All have been successful and demonstrate a commitment to young people and the ability to establish successful partnerships. Although a community development model is effective it is often resource intensive and requires high motivation from participants to sustain in the long term. A PCYC would compliment this approach by providing 'bricks and mortar' for youth programs to be housed in as well as having a central access point. The proposed Pittwater PCYC will meet a significant gap in terms of being able to meet the need to provide youth appropriate safe events locally.

## Limited Access to Information and Services

There are a number of specialised support services for young people on the Northern Beaches; however, as with the youth facilities (see Section 1.7), these are also predominantly situated in the southern part of the peninsular. This is notwithstanding some youth providers have been successful in securing funding to deliver outcomes across the entire Northern Beaches (including Pittwater).

Pittwater Council continues to work with local service providers to forge linkages and opportunities for youth outcomes to be met within the Pittwater area and continues to monitor the needs for both young people and families.

### 1.4 Current Situation

In early August, 2011, the NSW Government, through PCYC NSW announced an Expression of Interest (EOI) process to establish 8 new PCYC in NSW. There will be five allocations of \$250,000 and two allocations of \$2.5 million (funding for one PCYC has already been committed to the Camden area).

Pittwater Council is seeking the support of the NSW State Government and PCYC NSW to develop a PCYC facility for the Northern Beaches located in North Narrabeen Reserve. The grant being sought is \$2.5 million with an additional funding package outlined in 2.3.

The importance of this location within the Pittwater area is to meet community demand for a youth facility and youth programs. The predominant amount of support services for young people are situated in the southern part of the Northern Beaches (Manly and Warringah) with no specific youth focused facility within Pittwater. The proposed location; North Narrabeen Reserve is close to the main public transport route making it easily accessible to young people and would also ensure that facilities and support services for young people are dispersed along the peninsular.

### 1.5 Project or Service Outline

The vision for this facility is to offer a high quality facility appealing to both young people and the broader community to ensure community ownership, high levels of patronage and on-going viability.

The PCYC Model: The PCYC is a unique model as it partners with the NSW Police Force. Each time a new PCYC is approved by the State Government an additional 2 Police Officers are allocated to the Police Youth Command which is situated in Mount Druitt. These Police officers are then allocated to work in the newly created PCYC wherever that may be. This is an important aspect as resources do not come from the Local Area Command (LAC) and are accountable to the Police Youth Command.

A facility coordinator is also funded by the State Government via PCYC NSW. The coordinator is an employee of PCYC NSW.

A detailed design (**Annexure 1**) brief and concept plans (**Annexure 2**) have been developed for the proposed PCYC.

The proposed new facility would include the following features:

- A large main hall able to cater for a variety of indoor sports and also able to be used as a performance space.
- A number of multi-purpose activity spaces to be able to cater for a wide variety of general community and youth related activities.

- An activity space designated as a computer/study space.
- A café and kitchen suitable to conduct hospitality training.
- A music rehearsal room.
- An informal youth meeting space.
- A series of offices to cater for the Centre Manager, Police and sessional space for other youth organisations.
- Appropriate amenities, foyers, circulation space, etc.

The vision for a Pittwater PCYC is underpinned by the principals of early intervention and prevention. Designing and programming this facility will be based on offering a range of supervised (both formal and informal) activities and programs aimed at engaging young people in a positive, supportive environment. The Police in partnership with other specialised youth service providers bring together their skills to engage and build relationships with young people. This 'hub' type model where a range of specialists are located together is considered favourable in a number of research papers as it facilitates coordination, efficiencies and promotes a more holistic approach to young people.

The usage patterns of PCYC's across NSW varies, however, based on information received from PCYC NSW on average 50% of their usage is youth related and 50% being general community use. This is a favourable model as it ensures financial viability with an income source from community centre fees and charges (see Section 2.2). The initial concept design and proposed features takes this into account ensuring a mix of spaces that would be both appealing and appropriate for a range of different activities, whilst also providing spaces designed to be 'youth friendly'.

## 1.6 Key Objectives

This project encompasses the following aspects of the 2020 Strategic Plan;

- **Key Direction 1: Supporting & Connecting our Community**
  - **Building Communities Strategy**

**Strategic Initiatives:**

    - Respond to a range of community, cultural and social needs.
    - Facilitate and support local community organisations
    - Develop a program to promote healthy lifestyle and decrease obesity
    - Develop a youth community organisation focusing on recreational needs.
    - Lobby for more policing in the area

The key objectives of this project are to:

- Support youth crime reduction and prevention programs.
- Create a vibrant, centrally located and highly utilised community 'place'.
- Further meet the needs of our young people providing a range of opportunities to set our young people up for success.

- Provide a space for the whole community which promotes healthy living through a range of active, sport and creative opportunities.
- Provide additional police in the Pittwater area, by way of 2 additional officers to be located within the PCYC facility.
- Reduce anti-social behaviour by providing early intervention and prevention programs.

## 1.7 GAP Analysis

It is envisaged the proposed PCYC will be managed as a multi-purpose facility with a focus on youth programs and activities. Although Council owns and manages a range of multi purpose community facilities there is no appropriate facility within the Pittwater area to offer and house a range of youth focused support services, programs and activities for young people to engage in.

With a shortage of facilities and opportunities for young people's social interaction, appropriate recreation and cultural expression, the incidence of anti-social behaviour in the Northern Beaches is high. Although these incidents are not fully reflected in official crime data, data and anecdotal evidence from local police and council records attest to these concerns.

There are currently three designated facilities primarily focused on youth activities situated in Manly and Warringah:

1. YoYos: : This facility is located in Frenches Forest and operated by Warringah Council. YoYo's is a drop in facility but primarily used for specific youth events such as dance parties and band nights. The drop in service is currently only open on a Friday afternoon as there has been a decline in utilisation of late. The capacity of this facility (numbers of people at events) has recently been reduced due to changes to the Building Code of Australia, now permitting only approximately 200 young people within the venue.
2. Youth Reach: A 'lay' organisation of St Vincent de Paul Broken Bay Diocese. Youth Reach is located in Brookvale and offers a range of youth programs, predominantly targeting young people who are at risk of disengaging from school, family and the community. Youth Reach's premises have restrictions on opening hours and can not currently operate past 6pm.
3. Manly Youth Centre: Located in Kangaroo Street Manly. Operated by Manly Council, delivering youth and school age services including; adolescent counselling service, recreation activities, vacation care and Manly Youth Council (MYC). The youth centre has the capacity to hold 300 young people for youth events which must be organised in conjunction with the MYC.

The concept design for the PCYC includes a main hall which would be used for dances, band nights and performances as well as an indoor sports facility. The capacity for this space will be to hold up to 1,000 people for a youth event, providing a facility which can be used for large scale youth activities as well as a range of sporting activities and performing arts. As outlined above there are no other youth facilities with this capacity in the local region.

As outlined in 1.5 the concept design also includes a training kitchen and café. This component offers space for vocational training opportunities where young people can gain valuable formal training and work experience. It is envisaged this will be operated by a training institute such as TAFE or another registered training organisation (RTO) who would work in partnership with both the local schools and youth agencies.

In addition as stated in 1.5 with the establishment of a PCYC a significant gain for the community comes in the way of additional resources allocated to operate the facility; 2 Police Officers and a Centre Manager. The Northern Beaches Local Area Command polices both Warringah and Pittwater LGA's, the addition of 2 permanent police officers allocated to the PCYC is a significant community gain, specifically strengthening the relationship between young people and the police in a positive way. Furthermore both Manly LAC and Northern Beaches LAC have one Youth Liaison Officer (YLO) in each unit. The addition of 2 more officers with a focus on youth will support the YLO's to better service the community and youth needs.

It is important to note the additional Police officers do not come from the Northern Beaches LAC, there are additional resources allocated through the Youth Local Area Command (Mt. Druitt) however it is an objective for the PCYC Police to work closely with and support the LAC.

## **1.8 Sustainability Assessment**

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

The proposed PCYC provides opportunities for young people to socialise and engage in positive supervised activities. It has the potential to be a significant regional youth facility and local community centre, providing a place for the whole of community to connect and engage. In addition, a PCYC facility offers a Police presence with the potential to positively strengthen the relationship between the community and Police.

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

The proposed facility will be constructed so as to be Environmentally Sustainable as possible. The design and construction will examine reuse of stormwater, maximisation of natural light and ventilation, and generation of energy from the building utilising solar panels. The building will also utilise management systems to reduce energy usage and to minimise waste.

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

A Northern Beaches PCYC facility has the potential to create local employment and training opportunities. Spaces can be designed within the facility to accommodate a range of vocational training pathways.

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

The collaboration between Council and key community organisations strengthens links between Council, community and youth agencies.

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

The proposed PCYC has the potential to improve opportunities for young people participating in recreational activities, training opportunities and overall intergenerational engagement.

## 1.9 Strategic and Operational Analysis

### Who will use/benefit from the works, product or services?

The overall benefits for a PCYC have been outlined throughout this Business Case.

In brief:

#### ***Benefits to Young people:***

As a facility for youth primarily from the Pittwater and Warringah local government areas, and also more broadly for Manly local government area, a Northern Beaches PCYC would service an estimated youth population of around 33,000 people, with around 28,000 young people within the primary service catchment of Pittwater- Warringah.

Adolescence is a period in life in which health behaviours are formed and many health problems begin. An investment in the health of young people is central to the attainment of better health and quality of life in adulthood" <sup>1</sup>

An investment in this proposed facility has long term outcomes for our young people, providing them with a space and opportunities to interact and engage in positive activities, programs and vocational training. These opportunities foster aspirations, skills and overall well-being which are vital to the health and development of our young people but also to the sustainability of our community at large.

#### ***Broad Benefits to the community:***

The resulting benefits from the development of this high quality multi purpose facility are outlined throughout this Preliminary Business Case. One of the primary goals embedded within the PCYC model is that through the provision of early intervention and prevention programs, a reduction in the number of young people engaging in anti social behaviour can be achieved, in turn resulting in an overall benefit to the broader community by way of a reduction in crime.

It is well documented that crime and safety have an overall impact on the community's sense of wellbeing. Over the years Council has implemented a number of initiatives to address and maintain community safety; this approach would be further enhanced by the provision of a PCYC facility and structured programming targeted at reducing the incidents of criminal activity.

In addition the overall management and concept is designed to be appealing to both young people and the broader community to ensure community ownership, high levels of patronage and on-going viability.

## 1.10 Stakeholder Analysis

Initially Council staff worked with Northern Beaches Business Education Network (NBBEN) a local community organisation to investigate the potential for a PCYC and canvass initial interest from community groups, MP's and individuals.

Extensive community engagement has been undertaken in the development of Pittwater Council's two previous Social Plans, 2020 Community Strategic Plan and with on-going consultation with young people (being the primary stakeholders). In addition, increased recreation opportunities and designated youth space has been identified throughout the consultation process in the development of Pittwater's new Social Plan 2012-2016.

---

<sup>1</sup> NSW Health Department (1999), Young People's Health Out Future, p.2

Throughout all of these community engagement processes, designated space (facility) and recreation activities for young people has been identified as a priority.

Part of the preparatory work in developing this PCYC concept, has been to identify and engage with key stakeholders both on the concept and potential benefits a facility of this nature would provide (this is further outlined below).

#### **1.11 Community Engagement Plan**

As outlined in Sections 1.0 and 1.1, extensive community consultation has already occurred regarding the idea of a PCYC. Over a long period of time, including two previous Social Plans and during the current review of the Social Plan, youth issues and lack of youth facilities has been consistently highlighted.

Moving forward, it is expected that there will be another four clear stages of community engagement (see Community Engagement Plan **Annexure 6**).

- Stage 1:** Preliminary consultation with key stakeholders in developing a submission to respond to the State Government's EOI.
- Stage 2:** Public Exhibition of Concept Plans for PCYC at North Narrabeen Reserve.
- Stage 3:** Public Exhibition of revised Plan of Management for North Narrabeen Reserve.
- Stage 4:** Statutory Consultation during Development Application process.

- **Longitudinal Consultation**

Extensive community engagement has been undertaken in the development of Pittwater Council's previous Social Plans, Community Strategic Plan and on-going consultation with young people carried out by the community development team. All of which have identified facilities and recreation activities as a need for young people.

- **Stage 1: Preliminary targeted consultation with key stakeholders**

Within the State Government's expression of interest process for a PCYC, it is required that Council can demonstrate key stakeholder support for the project. This is currently being canvassed through meetings and discussions being conducted by Council staff, with integral stakeholders for this project.

- **Stage 2: PCYC concept drawings placed on public exhibition**

Consultation will explore project and design concepts and provide opportunities for stakeholders to provide ideas and feedback to guide the design of a PCYC facility. Detailed information about the project concept and drawings will be placed on public exhibition for an extended period to ensure broad scale input should the EOI be successful (decision expected by March 2012).

- **Stage 3: Review Plan of Management**

If PCYC grant approval is given, Council will embark on a more detailed and specific consultation conducted during the review of the Plan of Management for North Narrabeen Reserve where it is suggested that the PCYC facility be located.

- **Stage 4: Development Application**

Once a final design is completed a development application will be required. Further consultation will be undertaken as required by this process.

## 2.0 FINANCIAL INFORMATION

### 2.1 Establishment Costs / Cost of Works, Product or Service

Based on the Concept Design work for the proposed PCYC, a detailed initial Cost Plan was commissioned.

The total estimated project costs, including construction, design and fit out, for the PCYC based on this Cost Plan is \$8,464,457 (see **Annexure 3**). This total cost is broken down as follows:-

Cost Centre	Total \$ (excl GST)
Demolition Works	\$52,500
Substructures	\$1,038,608
Structure and Envelope	\$2,176,876
Internal Finishes	\$640,828
Fittings	\$863,033
Service Installations	\$810,110
External Works	\$426,268
Allowances	\$2,006,234
Design Team Fees	\$450,000
<b>Total (excl. GST)</b>	<b>\$8,464,457</b>

### 2.2 First and Subsequent Years Projected Profit and Loss

It is anticipated that when constructed, the new facility will be leased by Council to PCYC NSW for a period of approximately 20 years. The new facility is expected to be operational in 2015/2016.

In any lease with PCYC NSW, it is expected that Council would still be responsible for, and have to make provision for, depreciation, insurance and external maintenance.

Any proposed lease with PCYC NSW would require them to be responsible for all operational costs, internal maintenance and making a contribution to Council for external maintenance.

An analysis of the impact of the PCYC on Council's future operating results has been modelled in **Annexure 4**.

In addition, a detailed Projected Income/Expenditure Statement for PCYC NSW has been developed demonstrating that the proposed centre can operate at a net profit (see **Annexure 4**). The income assumptions for the proposed centre have also been extensively modelled and these assumptions are outlined in **Annexure 5**.



## 2.3 Source of Finance

The proposed source of funds are outlined below:-

Warriewood Valley Section 94 Funds	\$3,978,995
State Government Grant	\$2,500,000
Special Rate Variation Re-Phasing of Work Item	\$540,000
Council Funds	\$500,000
Future Land Sales	<u>\$1,000,000</u>
<b>Total:</b>	<b><u>\$8,518,995</u></b>

## 2.4 Cost Benefit Analysis

Based on the financial projections outlined in **Annexure 4**, the cost of the proposed PCYC commencing in 2015/2016 on an annual basis, will be approximately \$155,000 per year.

### ***Benefits to Young people:***

As a facility for youth primarily from the Pittwater and Warringah local government areas, and also more broadly for Manly local government are youth, a Northern Beaches PCYC would service an estimated youth population of around 33,000 people, with around 28,000 young people within the primary service catchment of Pittwater- Warringah.

Adolescence is a period in life in which health behaviours are formed and many health problems begin. An investment in the health of young people is central to the attainment of better health and quality of life in adulthood" <sup>2</sup>

An investment in this proposed facility has long term outcomes for our young people, providing them with a space and opportunities to interact and engage in positive activities, programs and vocational training. These opportunities foster aspirations, skills and overall well-being which are vital to health and development of our young people but also to the sustainability of our community at large.

### ***Broad Benefits to the community:***

The resulting benefits from the development of this high quality multi purpose facility are outlined throughout this Preliminary Business Case. One of the primary goals embedded within the PCYC model is that through the provision of early intervention and prevention programs, a reduction in the number of young people engaging in anti social behaviour can be achieved, in turn resulting in an overall benefit to the broader community by way of a reduction in crime.

It is well documented that crime and safety have an overall impact on the community's sense of wellbeing. Over the years Council has implemented a number of initiatives to address and maintain community safety; this approach would be further enhanced by the provision of a PCYC facility and structured programming targeted at reducing the incidents of criminal activity.

In addition the overall management and concept is designed to be appealing to both young people and the broader community to ensure community ownership, high levels of patronage and on-going viability.

---

<sup>2</sup> NSW Health Department (1999), Young People's Health Out Future, p.2

On a purely quantitative basis, the cost/benefit of the proposed facility could be expressed in terms of the number of visits per year:-

Cost = \$155,000

Benefit = 170,000 visits per year

Therefore, the cost/benefit is 89 cents per visit.

### **3.0 GOVERNANCE MODEL**

In progressing the project, the following Governance Structures will be established to ensure the project delivers in accordance with agreed timeframes and budget.

A Project Control Group (PCG) will be established to monitor the overall progress of the project and will report directly to the Senior Management Team.

#### **PCG Membership**

- Director Environment Planning and Community
- Manager Community, Library and Economic Development
- Manager Reserves, Recreation and Building Services
- Coordinator Social, Community and Economic Development
- Building Services Co-Ordinator

It is envisaged that the PCG would meet for the duration of the project. Once Architects are engaged, a Technical Team would be established to manage the detailed design and construction phases of the project. This Team would report directly to the PCG.

#### **Technical Team Membership**

- Manager Community, Library and Economic Development
- Building Services Co-Ordinator
- Coordinator Social, Community and Economic Development
- Council's Architect

It is proposed that this project be managed in a similar way to Council's other recent major Civic projects (i.e. Newport Community Centre, Avalon Recreational Centre and Mona Vale Library). In this model, Council's Building Services Co-Ordinator will act as Council's Project Manager and will be supported by Council's Architect.

Regular reports will be provided to Council through the quarterly Delivery Plan reporting mechanisms already in place. In addition, separate reports to Council outlining the progress of the project will be provided every six months or more often if required.

### **4.0 SUMMARY - RECOMMENDATION**

#### **4.1 Summary**

Council's Community Strategic Plan clearly identifies the need for an improved range of facilities and programs for young people in Pittwater.

The 2011-2015 Delivery Plan and Budget further identifies actions to investigate the feasibility of a Police and Community Youth Club.

Over the last 10 years, Council's Social Plan consultations and specific youth consultations have consistently identified the need for a facility like a PCYC and the programs and "space" it can provide for young people.

The recent announcement by the State Government of additional funding to help create eight new PCYC's across NSW provides an important opportunity for Council to create a facility that will serve the needs of local young people.

The PCYC model is a proven success across the rest of the State and generally provides multi-purpose spaces, not only for use by youth people, but also the general community.

The Concept Plans for a PCYC at North Narrabeen Reserve outlined in this Business Case are for a large new multi-purpose community centre which has a strong focus on serving the needs of both local and Northern Beaches young people. In addition, the Centre will act as a major new facility catering for the needs particularly of the new residents of Warriewood Valley.

It is proposed that any new Centre would be leased for approximately 20 years to PCYC NSW.

One of the significant advantages of the PCYC model is the recurrent funding provided by the State Government. Each new PCYC approved comes with recurrent funding for a Centre Manager (funding provided to PCYC NSW) and two additional Police Officers (funding provided to the NSW Police Youth Command).

This Business Case provides detailed Concept Plans for a new PCYC located at North Narrabeen Reserve. Based on these Plans, comprehensive Capital Recurrent Financial Analysis has been undertaken which demonstrates the financial viability of the project.

Extensive community consultation has already occurred regarding the project and this Business Case outlines the additional community engagement which will occur should the project proceed.

#### **4.2 Recommendation**

That Council, having considered the information and evidence contained in the Preliminary Business Case, continue to support the project and the Submission of an Expression of Interest to the State Government for funding.

\* \* \*

## Annexure 1

### DESIGN BRIEF



POLICE & COMMUNITY YOUTH CLUB (PCYC) @

NORTH NARRABEEN RESERVE  
PITTWATER ROAD, NORTH NARRABEEN

PREPARED FOR  
PITTWATER COUNCIL



GARTNERTROVATO Architects  
Pty Ltd

ABN 51 673 668 317  
ACN 115 186 206

Suite 12  
19 Bungan Street  
Mona Vale  
NSW, 2103

PO Box 1122  
Mona Vale  
NSW, 1660

P +612 9979 4411  
F +612 9979 4422  
E [gta@g-t.com.au](mailto:gta@g-t.com.au)

PROJECT NO 1115

DATE SEPTEMBER  
2011

## Introduction

Pittwater Council is seeking to provide a new Multi Purpose building to be located within the Pittwater LGA to house facilities provided for the public through a lease with PCYC NSW.

The site is located within North Narrabeen Reserve, Pittwater Park, North Narrabeen adjacent the golf driving range and rugby fields. The site will utilise existing parking facilities. There are several key aspects of the site that need to be considered in the design of the building, resulting from a site analysis. These are:

- The site exists within a Flood Prone Area. The ground levels are around 3.00AHD, and the council provides a Flood Planning Level of 3.70AHD, but this also needs to consider recent policy change to account for **Climate Change Levels** that may occur due to the potential of sea levels rising.
- The site of North Narrabeen Reserve, and in particular, the part of the site where this facility is proposed to be located, was previously an old 'tip' site. As such, the site may have reduced bearing capacity for foundations and may require deep piling to support any new buildings.
- The site is low lying, and within close proximity of Narrabeen Lake and connecting creek lines. The site may be subject to Acid Sulfate soils.
- The site may contain contaminated materials due to its previous use as a local 'tip'.

The above characteristics of the site should be considered in any design and cost feasibility.

## Primary Functions of the Building

The project is to contain 4 core areas within the building, each serving different roles, but each interconnected with the others. These core areas are:

1. Main Hall
2. Operational Facilities
3. Activity Rooms
4. Sporting Field Facilities

## Main Hall

The Main Hall space has two Key Functions, as a multi-purpose area. These are to provide **Indoor Sports** and **Performance Space**.

The space will resemble a hall, which must provide the following capabilities:

- Dimensions of the Core Space in length, width and height to house a minimum area for a single indoor court, accommodating Football, Basketball and Netball.
- A dance hall capable of accommodating 1,000 people standing
- A performance hall capable of accommodating a minimum of 800 people seated
- A courtyard of minimum dimension 20x6m with direct connection to the Core Space

The Main Hall will require the additional areas/rooms to complement the use of the space of:

- A stage area to one side of the Hall with an operable wall to provide a secure stage (across the full width) with depth and height suitable for theatre and music performance, and backstage operations to suit the accommodation capabilities of the Hall as a performance space. (approximate size 16x7m)
- Change rooms for either performance or sports users, including amenities spaces (approximate size 7x5m) with WC's and showers. Access to provided directly from both the Hall and Stage.
- Large store room/s to accommodate portable seating, tables, sports equipment as a minimum
- A 'grandstand' area with tiered seating for approximately 200.
- **All spaces to be at ground / entry level**

The possible uses of the Main Hall include but are not limited to:

- Organised sport
- Casual / Free sports
- Band Nights from local music groups
- Theatre from local groups
- "Blue Light Disco's"

## Operational Facilities

The building will play host to a number of Pittwater Council and other community based organizations including but not limited to the Police Citizens Youth Club. As such, the project will need to accommodate several rooms and spaces integral to the managers including:

- A foyer with reception desk (approx. size 8x8m)
- A managers office (approx. size 4x4m)
- 2 x Community Organization offices (approx. size 4x3m each)
- A Police office (approx. size 4x4m), with equal "standing" or appearance of hierarchy within the centre. Both the police and managers office should be close to the entry with clear sight lines from the entry to within the core space.
- 2 x meeting rooms, (approx. size 4x3m each). These should be directly accessible from the police office
- A café to service all users of the facility, with seating for 12 people indoors. The café and kitchen should be able to service performances and sports groups (approx. size 6x4m)
- A kitchen with commercial fitout for hospitality training purposes to accommodate students in Trade Certificate courses 1 & 2. The kitchen is to be of a size to accommodate 10 training staff (approx. size 12x8m)
- Public Amenities for staff and users of the Facilities and Activity rooms,
- Dual use of the courtyard off the Core Space, to connect with the café for potential indoor-outdoor use of the café.
- **All spaces to be at ground / entry level**



## Activity Rooms

The primary functions of the building are to provide key services to the community from the Main Hall and Operational Facilities. In addition to those, there are several ancillary functions to be accommodated within the project, which should be housed in 6 separate Activity Rooms. Several of these rooms should be multi-purpose, whilst others may be specific purposed, and several should have the capability to be interconnected for flexibility of use.. These functions and their inter-relationships are:

- A large multi-purpose activity room of approx. size 15x10m, including perimeter storage of at least 10x1m space for tables, chairs and user storage.
- A mid-sized multi-purpose activity room of approx. size 10x7m including perimeter storage of at least 10x1m space for tables, chairs and user storage.
- A mid-sized activity room of approx. size 10x10m. This space is likely to be specific for activities associated with a Boxing Gym.
- A smaller activity room of approx. size 8x6m. This space is likely to be specific for Music activities and therefore needs to provide both sound isolation (from adjoining spaces) and sound attenuation (within).
- Two inter-connecting smaller activity rooms of approx. size 8x6m each, including storage. These spaces are likely to be specific for Police Youth Services such as a computer room and a games room for casual attendances. The computer room needs to accommodate cubicles for a minimum of 9 computer terminals and be capable of arrangement to facilitate teaching to the terminals in a class environment. The games room shall provide supervision from the Police office.

The Activity Rooms will require inter-connection to other spaces within the building as follows:

- Change rooms directly connected to one of the activity rooms, preferably the largest space
- Activity rooms with direct connection to secure external space, for break-out / relaxation, and would ideally be located at ground / entry level, but may be located on an upper floor with balconies.

The possible uses of the Activity rooms that need to be considered in the design of the building are:

- A commercial gym
- Boxing
- Martial Arts Classes
- Pilates, Yoga and Aerobics classes
- Seminars
- Police community presentations
- External Hire groups that ordinarily use Community Centres

## Sporting Field Facilities

The new building will also replace the existing offices, function room and change rooms presently occupied by the Warringah Rugby Club. As a part of the project, the building will re-build these facilities to accommodate the multi-purpose PCYC.

The new facilities are to accommodate the users of the existing playing field and grandstand known as Pittwater Rugby Park. The new facility will need to accommodate the following:

- A foyer with reception desk at ground level (approx. size 4x3m)
- Three offices at ground level (approx. size 4x3m)
- Public Amenities at Ground Level
- 2 x Change rooms for Football teams at ground level
- A stair and lift to an upper floor Function Room. The Function Room should be capable of being locked and separated from the Sporting Field Facilities for alternate community uses. The Function Room should be of approx. size 12x12m clear space
- A bar and kitchen to serve the Function Room, plus store room and Cool room

- The Function Room should have direct access to the top level of the grandstand, and also provide a fully glazed connection to the grandstand, to allow spectating of sporting events on the main playing field from within the Function Room.
- Male, Female and Accessible amenities serving the function room at the same level of the Function Room.

A concept floor plan has been provided to demonstrate the potential layouts and inter-relationships of all accommodation within the project.

## Schedule of Areas

The following table provides approximate room sizes

Main Hall			Totals
	Hall	790 m <sup>2</sup>	
	Stage & Grandstand	232 m <sup>2</sup>	
	Courtyard (not inc. in QS calcs.)	128 m <sup>2</sup>	
	Change Rooms (2)	70 m <sup>2</sup>	
	Store	80 m <sup>2</sup>	1,300 m <sup>2</sup>
Operational Facilities			
	Foyer	80 m <sup>2</sup>	
	Offices (manager, community)	44 m <sup>2</sup>	
	Meeting rooms (2) & Police	44 m <sup>2</sup>	
	Café & Kitchen	128 m <sup>2</sup>	
	Amenities (staff & public)	40 m <sup>2</sup>	
	Circulation	48 m <sup>2</sup>	384 m <sup>2</sup>
Activity Rooms			
	Small Activity rooms x 3 (8x6m)	144 m <sup>2</sup>	
	Medium Activity Room (10x7)	70 m <sup>2</sup>	
	Boxing Gym (10x10)	100 m <sup>2</sup>	
	Large Activity Room (15x10)	150 m <sup>2</sup>	
	Circulation	36 m <sup>2</sup>	500 m <sup>2</sup>
Sporting Field Facilities			
	Change rooms & Amenities (GF)	140 m <sup>2</sup>	
	Offices, Foyer, Stair & Lift	50 m <sup>2</sup>	
	Function Room	144 m <sup>2</sup>	
	Amenities, Kitchen & Bar	66 m <sup>2</sup>	400 m <sup>2</sup>

## Technical Requirements of the Building

The building will need to be designed to comply with all Australian Standards and BCA requirements as a minimum. The building will also need to be designed in such a way that it also achieves case leading performance with the following:

- An acceptable Green Star Building Rating. Pittwater Council requires that all commercial and public buildings achieve an acceptable Green Star Accreditation with the Green Building Council of Australia
- Design to comply with the Disability Discrimination Act
- The building should provide a high degree of Environmentally Sustainable Design and demonstrate active and passive techniques employed in the use of **Water, Energy and Climate Control**, such as use of stormwaters, maximisation of natural light and ventilation to reduce energy loads, generation of energy use from the building (such as photo voltaic cells), and management systems to reduce energy usage.
- The building should promote the use of sustainable materials in the construction and maintenance after completion.
- The building should be designed to implement a waste management system.

These requirements are important for efficient economic use of the building after completion.

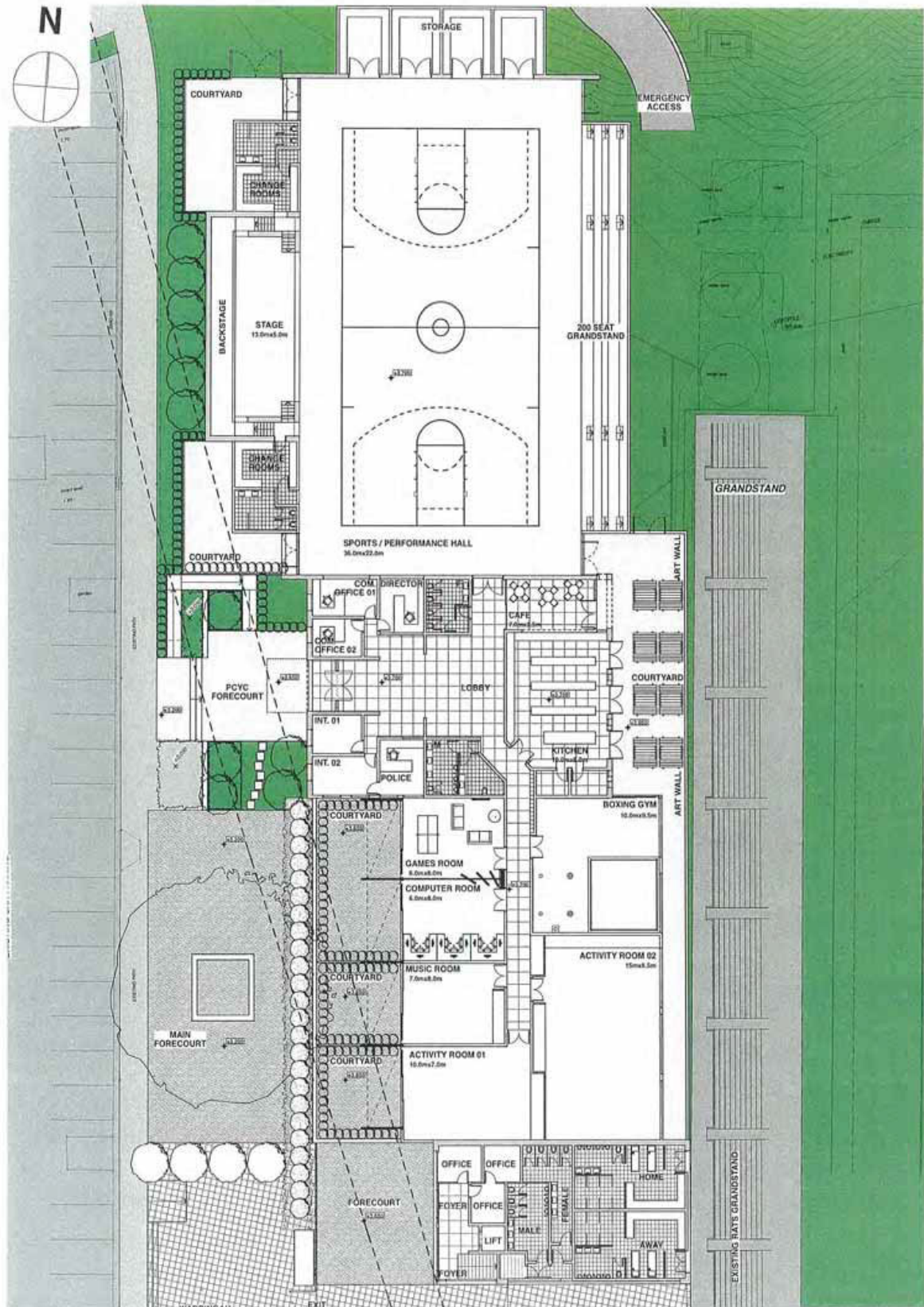


## Annexure 2

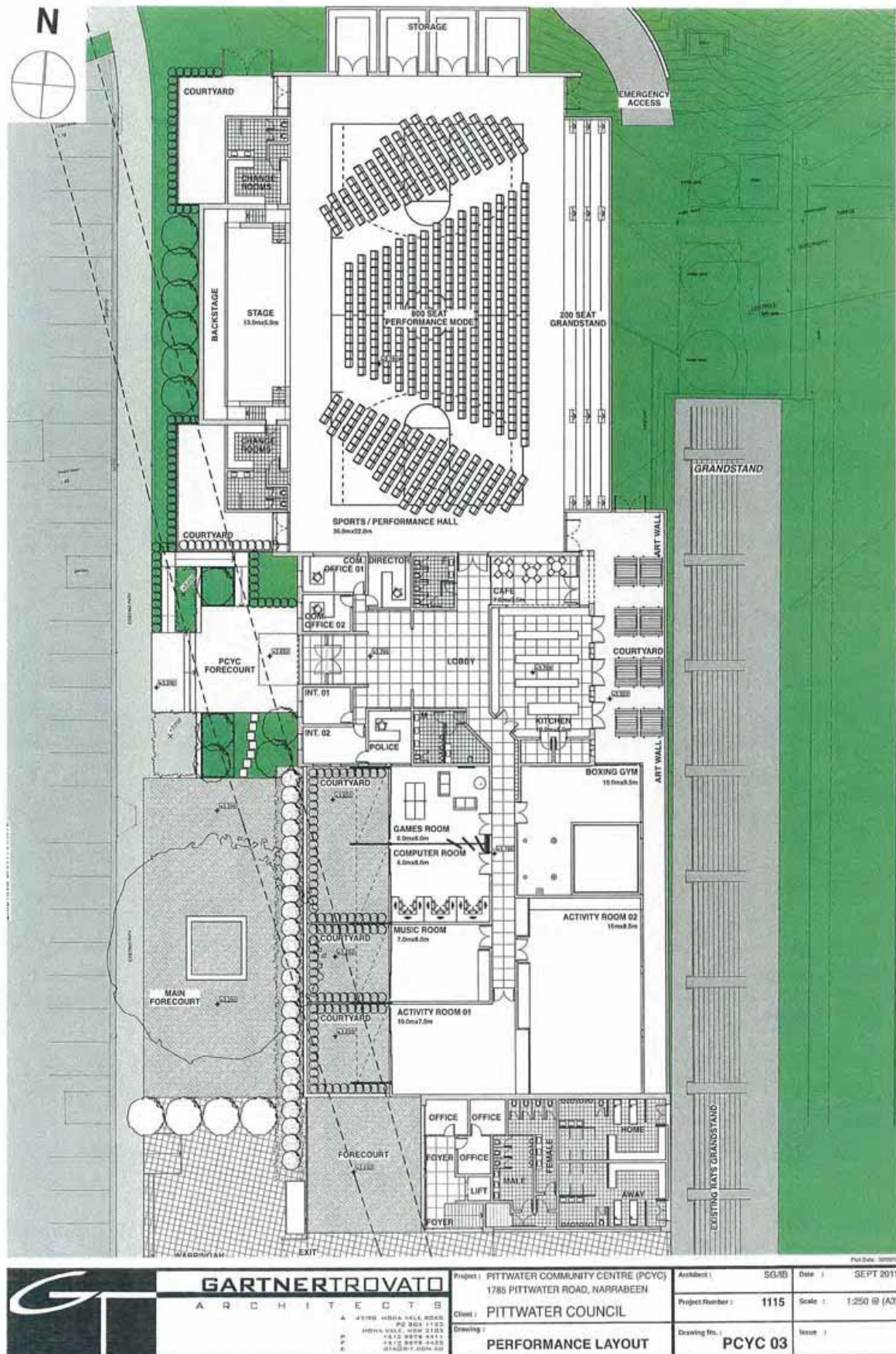


	<b>GARTNERTROVATO</b> ARCHITECTS		Project : PITTWATER COMMUNITY CENTRE (PCYC) 1785 PITTWATER ROAD, NARRABEEN	Architect : SG/AB	Date : SEPT 2011
	Client : PITTWATER COUNCIL		Project Number : 1115	Scale : 1:1500 @ (A3)	
	Drawing : LOCATION PLAN		Drawing No. : PCYC 01	Issue :	
	A 47/90 MIDVA VALL ROAD MIDVA VALL, NSW 2108 P 61 55 88 44 F 61 55 88 44 E 61 55 88 44				

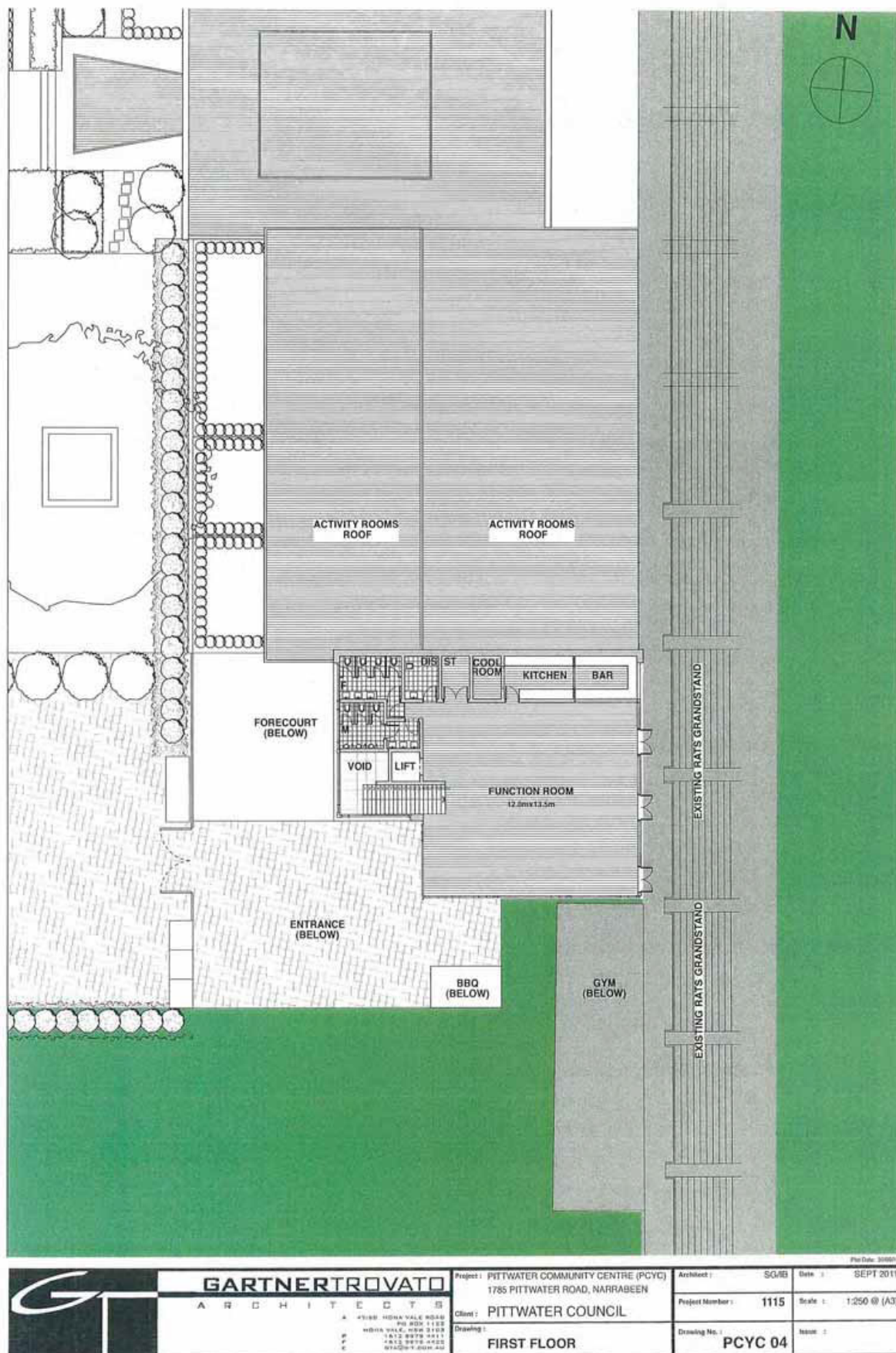


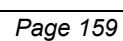


 <b>GARTNERTROVATO</b> ARCHITECTS 1/17-18 MIDVA WALL ROAD PO BOX 1123 MARRICKLE NSW 1503 PH: 02 9779 4411 FAX: 02 9779 4422 EMAIL: info@gartnertrovato.com.au	Project: PITTWATER COMMUNITY CENTRE (PCYC) 1785 PITTWATER ROAD, NARRABEEN	Architect: SG/IB	Date: SEPT 2011
	Client: PITTWATER COUNCIL	Project Number: 1115	Scale: 1:250 @ (A3)
Drawing: GROUND FLOOR PLAN	Drawing No.: PCYC 02	Issue: 1	















<b>GARTNERTROVATO</b> <b>A R C H I T E C T S</b> 1/100-100A, HALLS ROAD NARRABEEN NSW 2243 PHONE 02 9275 2430 02 9275 2430 GARTNERTROVATO.COM.AU	Project : PITTWATER COMMUNITY CENTRE (PCYC)		Architect : SQIB	Date : SEPT 2011
	178S PITTWATER ROAD, NARRABEEN		Project Number : 1115	Scale : NTS
	PITTWATER COUNCIL		Drawing No. : PCYC 06	Issue : 1
	PERSPECTIVE - PCYC ENTRY 02			



 <b>GARTNEROVATO</b> ARCHITECTS A STYLO HINDS VILLAGE RD HINDS VIC 3745 PH: 03 9478 4418 FAX: 03 9478 4419 GARTNEROVATO.COM.AU	Project: <b>PITTWATER COMMUNITY CENTRE (PCYC)</b> 1785 PITTWATER ROAD, NARRABEEN PITTWATER COUNCIL		Architect: <b>SOUB</b> Date: <b>SEPT 2011</b>
	Client: <b>PITTWATER COUNCIL</b>		Project Number: <b>1115</b> Scale: <b>NTS</b>
	Drawing: <b>PERSPECTIVE - WARRINGAH RATS</b>		Drawing No: <b>PCYC 07</b> Name:





 <b>GARTNERTROVATO</b> ARCHITECTS A R C H I T E C T S 1/100 WILSON ROAD, WILSON WILSON ROAD, WILSON WILSON ROAD, WILSON WILSON ROAD, WILSON WILSON ROAD, WILSON	Project :	PITTWATER COMMUNITY CENTRE (PCYC)	Architect :	SGUB	Drawn :	SEPT 2011
	Client :	1785 PITTWATER ROAD, NARRABEEN PITTWATER COUNCIL	Project Number :	1115	Scale :	NTS
	Drawing :		Drawing No. :	PCYC 08	Issue :	
	PERSPECTIVE - OVERALL					



## **COST PLAN NO. 1**

Cost Plan No. 1

Police & Community  
Youth Club

North Narrabeen

### **PITTWATER COUNCIL**

### **POLICE & COMMUNITY YOUTH CLUB (PCYC)**

### **NORTH NARRABEEN**

---

<b>Job No:</b>	SO11052
<b>Client:</b>	Pittwater Council
<b>Architect:</b>	Gartner Trovato Architects
<b>Date:</b>	29 September 2011

---

#### **Disclaimer**

The information contained in this document is provided for the sole use of Pittwater Council and Gartner Trovato Architects.

Donald Cant Watts Corke (NSW) Pty Limited does not accept any contractual, tortious or other legal liability arising as a result of any other person or party relying on or using this document.

## Contents

Cost Plan No. 1	Executive Summary	Page 3
	<ul style="list-style-type: none"><li>• Project Description / Scope</li><li>• Cost Overview</li><li>• Key Notes / Risks</li></ul>	
Police & Community Youth Club		
North Narrabeen		
	Project Details	Page 4
	<ul style="list-style-type: none"><li>• Introduction</li><li>• Project Scope</li><li>• Estimated Costs</li></ul>	
	Assumptions & Exclusions	Page 6
	<ul style="list-style-type: none"><li>• Assumptions</li><li>• Exclusions</li></ul>	
	Drawing and Reports	Page 9
	Client and Consultant List	Page 10
	Cost Summary	Page 11
	<ul style="list-style-type: none"><li>• Elemental Cost Breakdown</li></ul>	

## Executive Summary

### Project Description / Scope

Cost Plan No. 1

This development broadly comprises the construction of a new community center and associated external works.

Police & Community  
Youth Club

North Narrabeen

The scheme incorporates the following:

- Two story building with main hall / basketball court / stage areas, function room, changing facilities, kitchen, computer room, games room, boxing gym and associated ancillary areas.
- Total GFA of 2,482 sq.m

### Cost Overview

This Cost Plan No. 1 incorporates the above elements and we note our anticipated cost below:

<b>Cost Centre</b>	<b>Total</b> \$ (excl. GST)	<b>\$ / sq.m</b> GFA: 2,482 sq.m
Total Project Costs	\$8,464,457	\$3,249.18

### Key Notes / Risks

This Cost Plan No. 1 is based on architectural drawings as prepared by Gartner Trovato Architects, dated September 2011. We would note that there is **significant cost risk exposure** with regard to there being no structural solution for the proposed development. We have included what we anticipate to be a possible solution however this will need to be reviewed by a structural engineer. Therefore we note that these costs should be treated as **indicative only**.

## Project Details

### Introduction

This Cost Plan No. 1 has been prepared for and on behalf of Pittwater Council following instructions received from Gartner Trovato Architects.

Cost Plan No. 1

### Project Scope

Police & Community  
Youth Club

North Narrabeen

This development comprises the construction of a two level community building. The building is bounded on one side by an existing grandstand. These costings provide for the construction of the entire development to a mid-range specification level. All areas will be fitted out and an allowance has been made for loose furniture, equipment, etc. An allowance has been made for the provision of infrastructure services to the building along with an indicative landscaping allowance.

We would note that the costs contained herein should be treated as **indicative only** as broad assumptions have been made with regard to the structural solution, services installations and the condition of the existing site.

### Site Conditions

We understand from discussions with the Architects that the site was formally an old tip site. Based on this we have assumed that a piled foundation solution will be required. We have incorporated into our costings an allowance of \$222k for this piled solution. This cost estimate is based on an assumed 5m grid over the building footprint with piles at 10m deep. We have made a further allowance for de-contamination works in the amount of \$50k. We also understand that this site sits in a flood zone and have assumed that the building levels will be designed in such a fashion as to mitigate flooding issues and further address any climate change levels imposed by the council.

### Estimated Cost

The estimated cost for the development is as noted below. We would draw particular attention to the Assumptions and Exclusions section of our Report.

Cost Plan No. 1

Police & Community  
Youth Club

North Narrabeen

<b>Cost Centre</b>	<b>Total</b>
	<b>\$ (excl. GST)</b>
<i>Demolition Works</i>	<i>52,500</i>
<i>Substructures</i>	<i>1,038,608</i>
<i>Structure &amp; Envelope</i>	<i>2,176,876</i>
<i>Internal Finishes</i>	<i>640,828</i>
<i>Fittings</i>	<i>863,033</i>
<i>Service Installations</i>	<i>810,110</i>
<i>External Works</i>	<i>426,268</i>
<i>Allowances</i>	<i>2,006,234</i>
<i>Design Team Fees</i>	<i>450,000</i>
<b>Total (excl. GST)</b>	<b>\$8,464,457</b>

The above costs represent what we anticipate to be a reasonable market estimation of the works given the status of the design.

## Assumption & Exclusions

It should be noted that the DCWC Cost Plan No. 1 has made a number of assumptions and exclusions which are set out below.

### Assumptions

Cost Plan No. 1

Police & Community  
Youth Club

North Narrabeen

1. Single Stage Selective tendering for a lump sum fixed priced contract using a fully co-ordinated design with a Bill of Quantities.
2. No structural drawings have been provided however we have assumed the structural form will be a pile foundation with ground bearing slab.
3. We have assumed a precast concrete floor to the 1<sup>st</sup> floor function room area.
4. The external envelope will be a combination of masonry, off-form concrete and cladding as noted on the drawings.
5. We have made an allowance of \$50k for the removal of contaminated materials
6. We have assumed a mid-level finish throughout including sanitary ware, kitchens, tiling, etc.
7. An allowance of 11% has been included for the Contractor's Preliminaries, 5% for overheads and profit with an allowance of 5% for the Contingency.
8. We have made no allowances for treatment to the adjacent buildings for subsidence or any other works similarly we have made no allowance for non-negligence insurance.
9. We have included an allowance of \$30,000 for a 'link' between the proposed building and the existing grandstand structure.
10. We have assumed that the extent of the external works will be minimal and that all major infrastructure services such as, water, electricity, sewage, etc. are currently on site.
11. We have assumed that a contractor will have free and unhindered access to the site and will not have restricted working hours.
12. We have included an allowance of \$150k for kitchen equipment.
13. Services installation allowances are based on generic installation types and as such should be treated as indicative only.
14. We have made an allowance of \$100k for the provision of infrastructure services to the building.

- Cost Plan No. 1
- Police & Community  
Youth Club
- North Narrabeen
15. We have been advised to allow a sum of \$400,000 for the internal fitout and furniture of the building. This includes for the supply and installation of the following;
- i. boxing ring, gym equipment, basketball equipment generally
  - ii. acoustic treatment to the main stage / basketball court area
  - iii. stage gantry, stage curtain, tracks specialist lighting, sound equipment or any other like items.
  - iv. Loose furniture such as chairs and tables to offices
  - v. Security, data, comms or any other such installations.
16. We have been advised to allow a sum of \$450,000 for the design team fee
17. We have provided an allowance for escalation from present day values to the anticipated completion date in 2014/2015

**Exclusions**

The following items have been specifically **excluded** from this Feasibility Estimate. The Client is advised to ensure that it makes additional finance available to cover these works which may represent an additional cost to the project (where required):

- |                               |   |
|-------------------------------|---|
| Cost Plan No. 1               | 1. Legal Fees                                       |
|                               | 2. Bank Fees & Charges (where necessary)            |
|                               | 3. Staged works including early handovers to Client |
| Police & Community Youth Club | 4. Goods and Services Tax                           |
| North Narrabeen               | 5. Bonus for early completion                       |



## **Drawings & Reports**

The cost estimate is based upon the following:

***Gartner Trovato Architectural drawings.***

Cost Plan No. 1

1. A01 Location Plan

2. A02 Floor Plan

Police & Community  
Youth Club

3. A03 Elevation & Sections Plan

4. 3 D model of the building (not used for measurement purposes)

North Narrabeen

## **Client and Consultant List**

The details of the Client and Consultant parties to the project, at this point in time, are listed below:

Cost Plan No. 1	Client	Pittwater Council
Police & Community Youth Club	Architect	Gartner Trovato Architects
North Narrabeen	Quantity Surveyor	Donald Cant Watts Corke (NSW) Pty Ltd

## Cost Summary

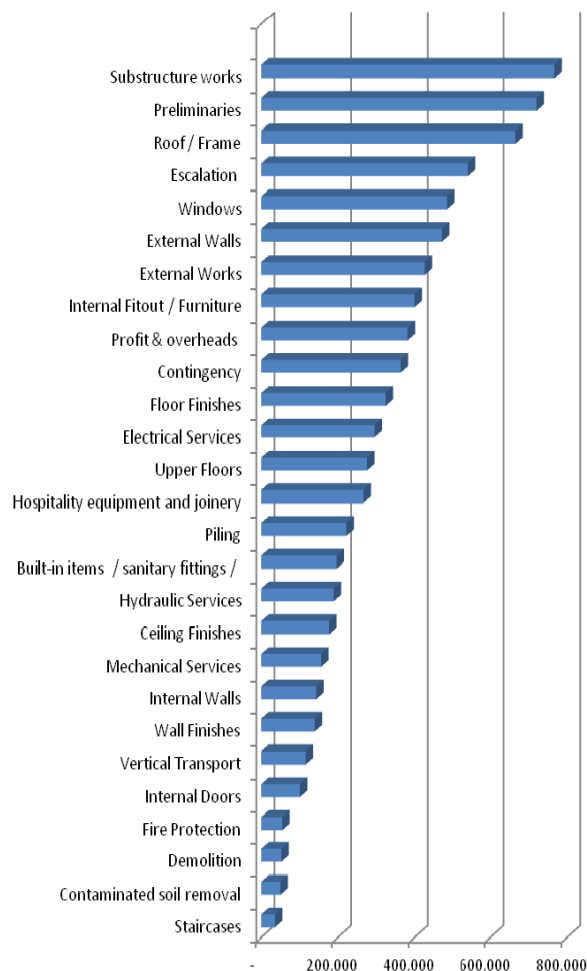
Listed overleaf is the elemental breakdown for Cost Plan No. 1

Cost Plan No. 1

### Total Spread of Costs

Police & Community  
Youth Club

North Narrabeen



The above chart represents the spread of costs over each of the elements and identifies the most cost significant elements of the development.

**POLICE & COMMUNITY YOUTH CLUB  
PCYC  
NORTH NARRABEEN**

**DATE: 29 SEPT. 2011**

		Community Center	
Code	Element	Element Total \$	GFA - 2,482m2 \$/GFA
	<b>DEMOLITION</b>		2,482
DE	Demolition	52,500	21.15
	<b>GROUP ELEMENT TOTAL</b>	<b>52,500</b>	<b>21.15</b>
	<b>SUBSTRUCTURE</b>		
SB	Substructure		
	Substructure works	786,808	308.87
	Piling	222,000	89.44
	Contaminated soil removal	50,000	20.15
	<b>GROUP ELEMENT TOTAL</b>	<b>1,038,808</b>	<b>418.46</b>
	<b>SUPERSTRUCTURE</b>		
UF	Upper Floors	278,087	111.24
RF	Roof / Frame	685,078	267.86
SC	Staircases	35,700	14.38
EW	External Walls	471,354	189.91
WW	Windows	484,454	195.19
ED	External Doors	incl.	incl.
NW	Internal Walls	143,535	57.83
NS	Internal Screens	incl.	incl.
ND	Internal Doors	100,668	40.56
	<b>GROUP ELEMENT TOTAL</b>	<b>2,176,876</b>	<b>877.07</b>
	<b>INTERNAL FINISHES</b>		
WF	Wall Finishes	139,383	56.16
FF	Floor Finishes	324,476	130.73
CF	Ceiling Finishes	178,989	71.30
	<b>GROUP ELEMENT TOTAL</b>	<b>640,828</b>	<b>258.19</b>
	<b>FITTING AND FURNISHINGS</b>		
FT	Built-in items / sanitary fittings /	198,543	79.19
FE	Hospitality equipment and joinery	266,480	107.37
IF	Internal Fitout / Furniture	400,000	161.16
	<b>GROUP ELEMENT TOTAL</b>	<b>865,033</b>	<b>346.56</b>
	<b>SERVICES</b>		
HS	Hydraulic Services	188,708	76.03
MS	Mechanical Services	155,867	62.80
FP	Fire Protection	54,718	22.05
VT	Vertical Transport	115,500	46.54
LP	Electrical Services	295,319	118.98
	<b>GROUP ELEMENT TOTAL</b>	<b>810,110</b>	<b>326.39</b>
	<b>EXTERNAL WORKS</b>		
EW	External Works including car parking and paving	426,268	171.74
	<b>GROUP ELEMENT TOTAL</b>	<b>426,268</b>	<b>171.74</b>
	<b>ALLOWANCES</b>		
ES	Escalation (3% for 3 years)	540,740	217.86
PR	Preliminaries (11%)	720,388	290.24
ST	Profit & overheads (5%)	381,841	153.76
CF	Contingency (5%)	383,467	146.44
	<b>ALLOWANCES TOTAL</b>	<b>2,006,234</b>	<b>808.31</b>
	<b>TOTAL CONSTRUCTION COST</b>	<b>8,014,457</b>	<b>3,067.87</b>
	<b>FEES</b>		
	Design Team Fees	450,000	181.31
	Contribution	EXCL	EXCL
	<b>TOTAL (Excl. GST)</b>	<b>8,464,457</b>	<b>3,249.18</b>

## PCYC Cost & Funding Source

### Assumptions

## Annexure 4

1. Construction, Design & Fitout 2014/2015		Funding Source	
		WWW S94	3,978,995
Design	450,000	State Govt Grant	2,500,000
Construction	7,348,000	SRV	540,000
Fit out/Equipment	666,000	Council Funds	500,000
		Future Land Sales	1,000,000
<b>TOTAL</b>	<b>8,464,000</b>		<b>8,518,995</b>

(Note: figures supplied in 2014/2015 dollars)

- When constructed Council will enter into a 20 year lease with PCYC NSW to operate.
- Council will be responsible for depreciation, Insurance and external maintenance and all other costs will be the responsibility of PCYC NSW.
- PCYC NSW aims to operate each of its current 57 facilities on a breakeven or surplus basis.
- PCYC NSW receives funding from the State Government for the cost of a centre manager and 2 additional Police Officers based at the Centre.
- PCYC NSW will make a contribution to Council for the External Maintenance.

### Impact of PCYC on Councils Operating Results from 2015/2016 - 2020/2021

	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021
<b>Income</b>						
Lease Contribution from PCYC	56,876	58,525	60,222	61,969	63,766	65,615
<b>Total Income</b>	<b>56,876</b>	<b>58,525</b>	<b>60,222</b>	<b>61,969</b>	<b>63,766</b>	<b>65,615</b>
<b>Expenditure</b>						
External maintenance	56,876	58,525	60,222	61,969	63,766	65,615
Insurance	10,000	10,290	10,588	10,895	11,211	11,537
Depreciation - Buildings	77,980	77,980	77,980	77,980	77,980	77,980
Depreciation - Fit out/Equipment	66,600	66,600	66,600	66,600	66,600	66,600
<b>Total Expenditure</b>	<b>211,456</b>	<b>213,395</b>	<b>215,391</b>	<b>217,444</b>	<b>219,557</b>	<b>221,732</b>
<b>Net impact on Council Operating - Positive/(Adverse)</b>	<b>(154,580)</b>	<b>(154,870)</b>	<b>(155,168)</b>	<b>(155,475)</b>	<b>(155,791)</b>	<b>(156,117)</b>
Council Projected Operating Result (as per LTFP 2011-21)	1,151,818	908,941	715,623	564,805	398,283	180,579
Less PCYC Net Operating Result	(154,580)	(154,870)	(155,168)	(155,475)	(155,791)	(156,117)
<b>Amended Projected Operating Result including PCYC</b>	<b>997,238</b>	<b>754,071</b>	<b>560,454</b>	<b>409,329</b>	<b>242,491</b>	<b>24,462</b>

No Material Impact on Council's Cash Flow/Consolidated Statements & Current Ratio.

## Annexure 4

### Projected Income/Expenditure Statement of PCYC NSW

	2011/12	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021
<b>Income</b>							
Membership fees	10,000	11,375	11,705	12,044	12,394	12,753	13,123
Sponsorship	10,000	11,375	11,705	12,044	12,394	12,753	13,123
User fees	250,000	284,379	292,626	301,112	309,844	318,830	328,076
<b>Total Income</b>	<b>270,000</b>	<b>307,129</b>	<b>316,036</b>	<b>325,201</b>	<b>334,632</b>	<b>344,336</b>	<b>354,322</b>
<b>Expenditure</b>							
Salaries (Note A)	50,000	56,876	58,525	60,222	61,969	63,766	65,615
On-costs	15,000	17,063	17,558	18,067	18,591	19,130	19,685
Overheads	10,000	11,375	11,705	12,044	12,394	12,753	13,123
Materials	5,000	5,688	5,853	6,022	6,197	6,377	6,562
Stores	1,000	1,138	1,171	1,204	1,239	1,275	1,312
Contract services external (cleaning)	70,000	79,626	81,935	84,311	86,756	89,272	91,861
Electricity and Gas	10,000	11,375	11,705	12,044	12,394	12,753	13,123
Telephone	2,000	2,275	2,341	2,409	2,479	2,551	2,625
Advertising	5,000	5,688	5,853	6,022	6,197	6,377	6,562
Sustenance	1,000	1,138	1,171	1,204	1,239	1,275	1,312
Other sundry expenses	5,000	5,688	5,853	6,022	6,197	6,377	6,562
Waste disposal	5,000	5,688	5,853	6,022	6,197	6,377	6,562
Stationary/printing	5,000	5,688	5,853	6,022	6,197	6,377	6,562
Internal maintenance and repairs (Note B)	30,000	34,125	35,115	36,133	37,181	38,260	39,369
Contribution to Council (Note C)	50,000	56,876	58,525	60,222	61,969	63,766	65,615
<b>Total Expenditure</b>	<b>264,000</b>	<b>300,304</b>	<b>309,013</b>	<b>317,974</b>	<b>327,196</b>	<b>336,684</b>	<b>346,448</b>
<b>Net Profit/(loss)</b>	<b>6,000</b>	<b>6,825</b>	<b>7,023</b>	<b>7,227</b>	<b>7,436</b>	<b>7,652</b>	<b>7,874</b>

(Note: these costs and income are based on reviewing budgets supplied BY PCYC NSW for Marrickville and Orange PCYCs and also Council's Centres.)

(Note: costs for Centre Manager and 2 Police officers not included as funding is provided by the State Government for these positions.)

(Note: income and expenditure provided in 2011/2012 dollars.)

Note A This figure is for additional staff above that of the Centre Manager's position funded by the State Government and includes part-time admin. and casual staff funded by PCYC NSW.

Note B This figure would act as a sinking fund for PCYC to maintain and replace the internals of the facility and repair and replace furniture and equipment.

Note C This figure is a contribution to Pittwater Council to assist fund external and emergency maintenance on the facility and would be managed as a restricted asset account with funds only to be used on the PCYC facility.

			cumulative
CPI	2012/13	4.00%	104.00%
	2013/14	3.40%	107.54%
	2014/15	2.50%	110.22%
	2015/16	3.20%	113.75%
	2016/17	2.90%	117.05%

(source -BIS Shrapnel -LTF 37th Edition )

## PCYC

### Income Assumptions

#### Background

The usage patterns of PCYC's across NSW varies, however we have received information from PCYC NSW that many clubs operate with 50% of their usage being related and 50% being general community use. This is a favourable model as it ensures financial viability with an income source from community centre fees and changes. The concept design and proposed features takes this into account ensuring a mix of spaces that would be both appealing and appropriate for a range of different activities, whilst also providing spaces designed to be 'youth friendly'.

The youth activities programmed within a PCYC are generally at no cost to the users, meaning a young person can participate in a range of activities and programs which are facilitated by the management of the PCYC or the Police. Therefore the financial modelling has assumed blocks of time for each room / hall will be allocated for youth specific use and will not attract any income.

It is important to note, all PCYC's have membership fees both for young people and adult members. A membership entitles an individual to participate in the activities offered within the PCYC. The fee charges vary across the state and range from \$5 (for young people) up to \$30 (for adults).

The rates used for the calculation of income from general community use of the PCYC are based on the 2012 Fees and Charges in Pittwater Council Delivery Program & Budget of similar size halls:-

The fees used to model the usage of the PCYC are as follows:

Main Hall	\$50.40 ph
Room 1	\$32.40 ph
Room 2	\$35.80 ph
Computer Room (including computers)	\$33.30 ph
Music Room	\$23.30 ph

The proposed income is based on users being placed in the Profit & Non- Profit Category. Please note there are no other discount rates that have been applied. I.e. Concession, Disability, Seniors, Arts, Kindergartens, etc.

#### PCYC Youth Specific Use

Use of rooms and main hall generally no income	nil
Training Kitchen (cost to the training provider)	\$15,000
Memberships	\$10,000
Sponsorship	\$10,000
<b>Total Estimated Income for Calendar Year:</b>	<b>\$35,000</b>

.../2

**General Community Use**

**1. School Term**

Estimated income each week based on bookings from 6 February 2012 to 12 February 2012 (x 41 weeks for full year estimate) for all of the above rooms is \$7,730 each week during the school term.

Estimated Income for the 2012 during the school term                      \$316,930

**Total Estimated Income based on 70% occupancy  
(consistent with current community facilities usage  
patterns)    \$221,851 pa**

**2. School Holiday Period**

(Note: The Main Hall, Computer Room, Music Room & Boxing Room will be booked by PCYC all day during the School Holidays.)

Room 1 & 2 will be available for School Holiday Programs, as per the current activities organised in our Community Centres and may include Kids Art, Kid's Creative Music, Puppet Making, Language & Culture Workshops from other countries, Drumming Workshops, Watercolour Workshops, Drama, Martial Arts, etc.

It is expected that the average number of hours each week would be 11 hours for the two rooms, which is based on the current usage of school holiday activities at Avalon, Narrabeen & Newport Community Centres.

**Total Estimated Income during a Calendar Year during  
the School Holidays    \$4,126 pa**

**3. Casual Bookings throughout the year.**

The PCYC will be available to the community for casual hire. These activities may include:-

Dance Parties x 8 per year at \$1,545	\$12,360
Dance Parties x 2 per year (PCYC)	Nil
Children's Sports Parties: \$150 x 52 weeks per year	\$7,800
School Presentations: \$50.40 x 6 hrs = \$302.40 10 per year	\$3,024
Ballet Performances: \$50.40 x 8 hrs = \$403.20 10 per year	\$4,032
Theatre Productions: \$37.80 x 6 hrs = \$226.80 33 per year	\$7,484
Expos: \$1209 x 2 per year	\$2,418
Other Casual Usage	\$3,000

**Total Estimated Income for Casual Bookings  
during the Calendar Year    \$40,118**

.../3



**Summary of Income Estimates**

PCYC Youth Specific	Nil
PCYC Memberships	\$15,000
PCYC Sponsorships	\$10,000
Training Kitchen	\$10,000
General Community Use:	
▪ School term (70% occupancy)	\$221,851
▪ School Holidays	\$4126
▪ Casual	\$40,118
<b>Sub-Total</b>	<b>\$301,095</b>

Taking a conservative approach, the projected income has been further reduced by 10% and rounded down.

**Total Estimated Income Per Annum for the PCYC:                      \$270,000**

\* \* \*

<b>COMMUNITY ENGAGEMENT PLAN</b>	
<b>Title of the Project</b>	PCYC – Project concepts and design proposal
<b>1. KNOW AND UNDERSTAND YOUR PROJECT</b>	
<p><b>Brief description of project:</b>            Over the last number of years a significant proportion of the community have called for activities and appropriate facilities for young people in Pittwater. Consultation undertaken in the course of developing Council's Social Plans, Special Rate Variation proposal and the Pittwater 2020 Community Strategic Plan has also revealed community aspirations for youth facilities.            An opportunity has arisen for Pittwater to be considered as a site for a Police Citizens Youth Club (PCYC) and Council will submit an Expression of Interest to state government by November 2011. Council is embarking on a preliminary process to inform young people and the community about this project.            Throughout the project Council will seek feedback about design concepts and elements to be included in this project proposal to establish a youth facility in Pittwater. Council is especially interested in speaking with young people about the proposed facility as they will be the key users involved with the project.            Consultation for this project will be carried out in a series of stages:  <b>Stage 1 – Preliminary targeted consultation with key stakeholders</b>            Council will meet with key stakeholders such as schools, recreational and sporting groups, youth agencies, chambers of commerce and local Members of Parliament to inform them about the project concept and confirm support for the project proposal.  <b>Stage 2 – PCYC concept drawings</b>            Consultation will explore project and design concepts and provide opportunities for stakeholders to provide ideas and feedback to guide the design of a PCYC facility.            Detailed information about the project concept and drawings will be placed on public exhibition for an extended period to ensure broad scale input should the EOI be successful (decision expected March 2012).  <b>Stage 3 – Review Plan of Management –North Narrabeen Reserve</b>            If PCYC grant approval is given Council will embark on a more comprehensive consultation conducted during the review of the Plan of Management for North Narrabeen Reserve where it is suggested that the PCYC facility be located.  <b>Stage 4 – Development Application</b>            Once a final design is completed a development application is required. Further consultation will be undertaken as required by this process.</p>	
<p><b>Community Engagement Objectives (Stage 2):</b>            * To inform young people and the community about the project.            * To seek ideas from young people about the activities they would like to see provided for in a youth facility.            * To seek feedback about preliminary project and design concepts</p>	
<p><b>Authorisation:</b>  <input type="checkbox"/> Council resolution (date of Council meeting) _____  <input type="checkbox"/> Plan of Management  <input type="checkbox"/> Legislative requirement  <input checked="" type="checkbox"/> Other: Grant proposal</p>	
<p><b>Key Issues</b>            * Need to inform young people and users about the PCYC service delivery concepts            * Need to seek feedback from young people about what they want in a youth facility            * Consultation currently at a preliminary phase as project approval has not been approved as yet</p>	
<b>2. DETERMINE THE LEVEL OF IMPACT</b>	
	<input checked="" type="checkbox"/> Level 1 – High Impact on LGA <input type="checkbox"/> Level 2 – Lower Impact on LGA <input type="checkbox"/> Level 3 – High Impact on local area or group <input type="checkbox"/> Level 4 – Lower impact on local area or group

3. LEVEL OF COMMUNITY PARTICIPATION			
	<input type="checkbox"/> Inform <input checked="" type="checkbox"/> Consult <input type="checkbox"/> Involve <input type="checkbox"/> Collaborate		
4. IDENTIFY STAKEHOLDERS			
	<input checked="" type="checkbox"/> Local Residents <input checked="" type="checkbox"/> Pittwater wide <input checked="" type="checkbox"/> Children and young people <input checked="" type="checkbox"/> Schools <input checked="" type="checkbox"/> Youth agencies <input checked="" type="checkbox"/> Sporting and recreational groups <input checked="" type="checkbox"/> Chambers of Commerce <input checked="" type="checkbox"/> Police Local Area Command <input checked="" type="checkbox"/> CRED Reference group <input checked="" type="checkbox"/> Councillors <input checked="" type="checkbox"/> State/Federal MPs		
5. REVIEW COMMUNITY ENGAGEMENT METHODS (REFER TO MATRIX)			
* PLANNING (Stage identified on consultation project page)			
	Methods	Time frame	Responsibility
Consult and inform relevant internal stakeholders about your project	<input checked="" type="checkbox"/> Office of the General Manager * <input checked="" type="checkbox"/> Mayor and Councillors * <input checked="" type="checkbox"/> Business Unit Manager's (e.g. Reserves, Recreation & Building Services and Planning & Assessment) (* compulsory)	October 2011	Community Economic Development and Library Services (CED & LS)
Consider relevant resources that need to be developed/ available to the community	<input checked="" type="checkbox"/> Project summary <input checked="" type="checkbox"/> Design proposal/plan <input checked="" type="checkbox"/> Council report outlining proposal	Period of public exhibition – November 2011- February 2012	CED & LS
Intranet Calendar (Compulsory)	<i>Record dates of all consultation activities such as public meetings/workshops etc.</i>	TBC	CED & LS
* CONSULTATION PROCESS			
<i>Refer to Pittwater Council Community Engagement Matrix and Toolkit)</i>			
Outline the methodology to be used in consultation	<b>Website</b> A consultation page will be developed for the general community and young people accessible via Council's website. Young people will be informed about the page through School newsletters and Student Representative Councils and social media. Individuals will be able to submit comments on-line via website page. Relevant documents will be posted to this page throughout the process.	November 2011 – February 2012	CED & LS
	<b>Informing school principals</b> A meeting will be held with local school principals to inform them about the project and seek feedback.	October 2011	CED & LS
	<b>Series of consultations with young people</b> Council staff will attend school assemblies to inform young people about the project concept and gather feedback. Items will appear in school newsletters.	November 2011	CED & LS

<b>* ANALYSIS</b>			
Demonstrate how stakeholders input is used to make decisions	A summary of ideas and feedback from initial consultation with schools will be posted to the web page. Key ideas will be incorporated into grant and preliminary design proposal.	October-November 2011.	CED & LS
<b>* RESULTS</b>			
How will you inform those consulted about the final decision/results?	The community will be kept informed about the progress of the project via Council website – consultation project page. Further information will be disseminated throughout the project in accordance with the communication plan.	Ongoing	CED & LS
<b>6. DEVELOP A COMMUNICATION PLAN</b>			
Media Release	X Manly Daily	October – following Council report	CED & LS
Advertising	X Council Community Noticeboard Advising about project and web page	Ongoing	CED & LS
Council Publications	X Online Pittwater Report Provide information about project and updates on progress.	Ongoing	CED & LS
Website (compulsory)	X Home page X Consultation projects page – including link to: - Documents on public exhibition X Social Media: Facebook and Twitter X Updates via Council email list	Ongoing	CED & LS
<b>7. EVALUATION</b>			
Identify mechanisms you will use to evaluate consultation outcomes	<input type="checkbox"/> Gather data from school consultations <input type="checkbox"/> Online feedback sheets received from consultation page		
<b>8. REVIEWED BY MANAGER &amp; SAVED IN ECM</b>			
Manager/Team Leader:	Lindsay Godfrey	Business Unit: CED & LS	
Contact details of person responsible for the project and consultation	Name: Melinda Hewitt	Phone Ext: 170	
	Position: Social, Community and Economic Development Coordinator	Email: Melinda_Hewitt@pittwater.nsw.gov.au	

**SUBJECT: Police and Community Youth Club (PCYC)****Meeting:** Governance Committee**Date:** 19 September 2011**STRATEGY:** Building Communities**ACTION:** Investigate the feasibility of a local Police and Community Youth Club.**PURPOSE OF REPORT**

To seek Council's support to prepare a submission to the New South Wales Government to part fund a Police and Community Youth Club (PCYC).

**1.0 BACKGROUND**

- 1.1 The PCYC model has been in operation for over 75 years, previously a club for boys to engage in positive activities. Later known as Police Citizen Youth Clubs, then in 1995 they changed their name to Police Community Youth Clubs. There are currently 57 PCYC's in both regional and metropolitan NSW.
- 1.2 PCYC is an incorporated not for profit charitable company.
- 1.3 The PCYC is a unique model as it partners with the NSW Police Force. Each time a new PCYC is approved by the State Government an additional 2 Police Officers are allocated to the Police Youth Command which is situated in Mount Druitt. These Police officers are then allocated to work in the newly created PCYC wherever that may be. This is an important aspect as resources do not come from the Local Area Command (LAC) and are accountable to the Police Youth Command.
- 1.4 A facility coordinator is also funded by the State Government via PCYC NSW. The coordinator is an employee of PCYC NSW.
- 1.5 With the above mentioned resources allocated to each club, each PCYC aims to achieve self sustainability, meaning the programs and activities which are offered and the membership contributions all go towards the club maintaining financial viability.
- 1.6 The Police Officers and the PCYC Coordinator facilitate the activities, typically these would include (but not limited to), sport, dance, self defence, gym, boxing, music and drama, leadership and targeted crime prevention programs. The breadth of activities will depend on the needs of the local community and the model that will best support this whilst remaining financially viable.
- 1.7 The Northern Beaches is comprised of 2 Police Local Area Commands (LAC). Manly which largely covers Manly LGA, and the Northern Beaches LAC which covers Pittwater and Warringah.  
  
PCYC's are normally within a Police LAC. Across Sydney, LAC boundaries are also local government areas. Pittwater and Warringah are somewhat different in that both LGA's are covered by the one LAC.
- 1.8 Recent research identified that to service the needs of young people on the Northern Beaches a PCYC should be located within the Northern Beaches LAC (ie Pittwater LGA & Warringah LGA). Furthermore, it is important that a PCYC needs to be well situated to public transport for access by young people.

- 1.9 Based on the above it would suggest that any future site for a PCYC needs to be along the main Pittwater Road corridor and to ensure reasonable access for both Pittwater and Warringah young people, should be in the southern part of Pittwater or the northern part of Warringah.

- 1.10 Council resolved at its meeting of 7 March, 2011 when considering a report on the PCYC model:-

- "1. That Council supports in principle a Police and Community Youth Club (PCYC) for the Northern Beaches LAC which covers Pittwater and Warringah Local Government Areas.*
- 2. That Council support the Northern Beaches Business Education Network to continue to investigate a PCYC within the Northern Beaches LAC and develop a detailed business case, including possible capital and recurrent funding strategies.*
- 3. That Council investigate potential sites for a PCYC within the southern part of Pittwater."*

## **2.0 ISSUES**

### **2.1 Continued Collaboration with Northern Beaches Business Education Network (NBBEN)**

Council staff have been continuing to work with staff from NBBEN in assessing the need for a PCYC and the different models operating across NSW.

Most recently staff have been reviewing possible locations for a new PCYC in the southern part of Pittwater.

### **2.2 Possible Sites for a PCYC**

Council staff have examined a range of possible sites for a PCYC within the southern part of Pittwater. The most suitable location which meets the criteria of being accessible to young people is North Narrabeen Reserve.

Council has previously considered this site for an Early Childhood Education and Family Resource Centre. The opportunity for this facility was linked to a major funding initiative by the Rudd Labor Government in 2007/2008, which partially commenced, but was then terminated when the Global Financial Crisis impacted on the Commonwealth's priorities.

The proposed location of the PCYC within North Narrabeen Reserve is outlined in **Annexure 1**. This site is within the current fenced area of the main ground of the Reserve.

This site has potential impacts and opportunities for the Warringah Rugby Club. Initial discussions have been held with the Club to discuss these impacts and opportunities.

Overall the site for the PCYC is seen as a preferred location for the following reasons:-

- Well located to service both Pittwater and Warringah young people.
- Excellent public transport access being on the main Pittwater Road arterial.
- Good spatial separation from nearby residents to reduce any impacts.

### **2.3 Expression of Interest for the Establishment of New Police and Community Youth Clubs**

Prior to the last Election, the Coalition committed to providing additional funding to support the PCYC Program across NSW.

In early August, 2011, the NSW Government, through the PCYC Organisation, announced an Expression of Interest (EOI) (**Annexure 2**) process to establish new Police and Community Youth Clubs.

The EOI outlined the following:-

*"The NSW Government is providing additional resources to PCYC NSW and the NSW Police Force Youth Command to support the expansion of PCYCs and work to prevent juvenile crime.*

*Funding will be made available to support the establishment of 8 new PCYCs between 2011 and 2015.*

*Each new PCYC will be provided two (2) Policy Youth Case Managers and one (1) club Manager, through the NSW Police Force Youth Command and PCYC respectively. These positions are funded by the NSW Government.*

*Five allocations of \$250,000 and two allocations of \$2.5 million are now available to PCYC to assist in establishing 7 new facilities. In addition, the location of a new facility in south-western Sydney has already been identified and funding towards its construction will be made outside of this allocation process. The capital allocations will be provided by the NSW Government to assist with facility development or expansion, if deemed appropriate, in locations selected."*

The EOI requires interested Council's to prepare detailed submissions which must be received by PCYC no later than 5.00 pm, Monday, 31st October, 2011.

## **2.4 Proposed Facility Mix**

In examining other PCYC models across the State, there are a range of models operating. More recent PCYC developments have tended to be where Council's have developed new multi-purpose community/leisure centres and then leased the facility to PCYC to manage on Council's behalf.

The most recent example of this is the Marrickville PCYC which was developed as a leisure facility by Marrickville Council and then leased to PCYC to manage.

The usage patterns of PCYC's across NSW varies greatly, but according to information supplied by PCYC, approximately 50% of usage of PCYC's is youth related and the other 50% is general community use. For general community use it is envisaged that the proposed facility would meet some of the needs of the Warriewood Valley community as a multi purpose community facility.

It is envisaged that any Pittwater PCYC would be a similar model, that is a multi-purpose community facility with a focus on youth. Council could then agree to enter into a lease with PCYC for the management of the facility.

Using the above model, a proposed new facility might include some of the following elements:-

- A large main hall able to cater for a variety of indoor sports and also able to be used as a performance space.

- A number of multi-purpose activity spaces to be able to cater for a wide variety of general community and youth related activities.
- An activity space designated as a computer/study space.
- A café and kitchen suitable to conduct hospitality training.
- A music rehearsal room.
- An informal youth meeting space.
- A series of offices to cater for the Centre Manager, Police and sessional space for other youth organisations.
- Appropriate amenities, foyers, circulation space, etc.

## 2.5 Timing of the Project

The EOI seeks to support the development of new PCYC's between 2011 and 2015.

The following preliminary timetable demonstrates that Council could achieve this timetable and commence construction of a facility during 2014/2015.

### Indicative Timetable:-

• November - December, 2011	Exhibit Draft Concept Plan
• January - June, 2012	Modify, exhibit and adopt amended Plan of Management for North Narrabeen Reserve
• May - October, 2012	EOI and Tender for Architect
• November, 2012 - March, 2013	Detailed Design Phase
• April - September, 2013	Development Application lodged and determined
• October - December, 2013	Finalise Construction Tender Documentation
• February - July, 2014	EOI and Tender for Construction
• August/September, 2014	Construction commences

## 2.6 Funding

It is estimated that a new facility, as described in Section 2.4, would cost in the vicinity of \$8,000,000 to develop. This could be broadly broken down into three main components:-

- |                |                  |
|----------------|------------------|
| • Design       | \$500,000        |
| • Construction | \$7,000,000      |
| • Fitout       | <u>\$500,000</u> |
| Total:         | \$8,000,000      |

These are very preliminary figures and more detailed work is required to more accurately develop a detailed budget for the project.



Initial, discussions with the Chief Financial Officer indicate that it may be possible to develop a funding package for this amount, including contributions from:-

- State Government (PCYC Capital Grant).
- Section 94 funds.
- Council funds.
- Possible income from land sales.
- Re-phasing of items in the Special Rate Variation Program.

A detailed funding analysis is still required to determine the overall capital and recurrent feasibility of the project.

## **2.7 Proposed Management Model**

It is envisaged that the proposed facility would act as a large multi-purpose community centre with a focus on young people.

One option outlined in the EOI for management of the facility would be for Council to enter into a long term lease with PCYC NSW to manage the facility on Council's behalf.

Under this arrangement, Council would probably enter into a 20 year lease with PCYC NSW.

Under any lease, PCYC NSW would provide as a minimum a Civilian Manager for the centre and the NSW Police Command would allocate two Police Officers to operate from the Centre.

## **2.8 Police and Community Support**

Council's own research and the work done by NBBEN recently indicate that there is strong community support for a PCYC located within the northern part of the Peninsula.

Both Superintendent Cruickshank and Superintendent Darcy from the Northern Beaches and Manly Local Area Police Commands strongly support the proposal of a PCYC in Pittwater.

## **2.9 Way Forward**

To develop a comprehensive submission to the State Government with a number of key actions (listed below) needing to be completed over the next four weeks.

Key Actions:-

- Develop a Concept Plan for the proposed facility.
- Develop a detailed cost estimate based on the Concept Plan.
- Develop a detailed funding analysis, including the overall capital and recurrent costs of the project.
- Develop a Draft Submission responding to the key criteria outlined in the EOI document by PCYC NSW.
- Hold further discussions with Warringah Rugby Club, if required.

---

### **3.0 SUSTAINABILITY ASSESSMENT**

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

- 3.1.1 The proposed PCYC provides opportunities for young people to socialise and engage in positive supervised activities. It has the potential to be a significant regional youth facility and local community centre, providing a place for the whole of community to connect and engage. In addition, a PCYC facility offers a Police presence with the potential to positively strengthen the relationship between the community and Police.

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

- 3.2.1 No significant impact.

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

- 3.3.1 A Northern Beaches PCYC facility has the potential to create local employment and training opportunities. Spaces can be designed within the facility to accommodate a range of vocational training pathways.

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

- 3.4.1 The collaboration between Council and key community organisations strengthens links between Council, community and youth agencies.

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

- 3.5.1 The proposed PCYC has the potential to improve opportunities for young people participating in recreational activities, training opportunities and overall intergenerational engagement.

---

### **4.0 EXECUTIVE SUMMARY**

- 4.1. The PCYC is a well established model operating in NSW. With the recent announcement by the NSW Government of an EOI process there is a great opportunity to seek funding to assist in the development of a multi-purpose community facility with a focus on young people that could be managed by PCYC NSW.
- 4.2. A detailed submission needs to be developed responding to the criteria outlined in the EOI for Council's consideration at its meeting of 17 October.

---

### **RECOMMENDATION**

1. That Council support the preparation of a Submission to the NSW Government to apply for funding for establishment of a Pittwater Police and Community Youth Club servicing the Northern Beaches community, located at North Narrabeen Reserve.
2. That a detailed report outlining the Draft Submission be brought back to Council at its meeting of 17 October 2011 for consideration.

Report prepared by

Lindsay Godfrey  
**MANAGER, COMMUNITY & LIBRARY**





### Expression of Interest

#### Establishment of a New Police & Community Youth Club

---

The NSW Government is providing additional resources to PCYC NSW and the NSW Police Force Youth Command to support the expansion of PCYCs and work to prevent juvenile crime.

Funding will be made available to support the establishment of 8 new PCYCs between 2011 and 2015.

#### What the NSW Government is Providing

Each new PCYC will be provided two (2) Police Youth Case Managers and one (1) Club Manager, through the NSW Police Force Youth Command and PCYC respectively. These positions are funded by the NSW Government

Five allocations of \$250,000 and two allocations of \$2.5 million are now available to PCYC to assist in establishing 7 new facilities. In addition, the location of a new facility in south-western Sydney has already been identified and funding towards its construction will be made outside of this allocation process. The capital allocations will be provided by the NSW Government to assist with facility development or expansion, if deemed appropriate, in locations selected.

#### How Locations will be Selected

The selection criteria will include:

- The absolute number of young people in the community to be served
- The socio-economic status of the community or communities to be served
- Juvenile crime statistics for the area
- Extent of other youth services/programs available in the area or to be collocated or transferred to the facilities
- The facilities or funding to be contributed by the local Council
- The commitment of local community leaders to support a new Club
- Transport and accessibility of the proposed facilities
- The likely viability of the Club once operational

#### How a PCYC Operates

Each local Club represents a collaboration between the NSW Police Force, the community and PCYC to promote positive engagement for young people in sport and recreation activities, to offer youth development programs, and to support youth crime reduction and prevention programs.

The Manager in each Club is responsible for ensuring maximum use of the facilities by young people and the community generally. The Police Officers based at the Club engage individual young offenders in programs designed to stop further offending. They also participate in local hot spot interventions and support community policing initiatives in schools and the community. Volunteers are seen as crucial to the Club to provide activity support, to assist in Police programs, to fundraise, and to constitute the Club advisory committee.

Each facility must be able to provide a range of sporting, cultural and recreational activities to ensure viable Club operations and Police programming. In general, Club facilities will include a sports court, multi-purpose activity rooms, offices and activity space for Police programs, passive recreation space, and adequate amenities. PCYC will not operate a simple youth 'drop-in' centre.

PCYC's partnerships with Councils usually involve the long-term (20 year) lease of facilities at a peppercorn rate to ensure operational costs and resulting charges for participation are minimised. Such a lease normally involves Councils being responsible for the building and plant, with PCYC being responsible for operational maintenance. Documentation usually includes an interdependent lease and project agreement.

#### What Needs to be Included in Expressions of Interest

The following should be addressed and documented in any expression of interest:

1. Demographic details profiling the youth population to be served (including aspects of socio-economic disadvantage or special community needs)
2. Youth crime issues and data for the area
3. The proposed location and profile of facilities to be made available for the new Club
4. The nature and extent of any recurrent funding, subsidy or youth program support to be offered (or proposed for collocation)
5. The nature and extent of any capital contribution being sought
6. The extent to which the proposal is dependent on any future Commonwealth grants or contribution
7. The business viability and financial sustainability of the Club once operational (including potential activity profile, and evidence of existing and future strategies or plans for sport and recreation facility development in the local government area)

8. The proposed or preferred date between January 2012 and June 2015 by which facilities could be made operational and funds would need to be allocated
9. Evidence of formal endorsement of the Expression of Interest, of its resource commitments by a meeting of Council, and of a commitment to expedite implementation
10. Endorsement by the NSW Police Force Local Area Commander
11. Endorsements by local service organisations and community groups, and evidence of potential volunteers willing to serve as a Club advisory committee

#### The EOI Timetable & Process

A working party involving the CEO of PCYC, the CEO of the Ministry of Police, and an Assistant Commissioner of Police (representing the Commissioner of Police) will review Expressions of Interest and make recommendations to the Minister for Police and Emergency Services and Board of PCYC. Councils may be contacted after submitting their documentation to obtain further information, or to discuss their Expressions of Interest, at the discretion of the Working Party.

As funds are to be distributed in the financial years 2011/12 to 2014/15, consideration will be given to priority need and facility availability in determining when the 8 new clubs will be commissioned over that period.

Decisions as to the establishment of the new Clubs and the related capital allocations will be made jointly by the Minister for Police and Emergency Services and the Board of PCYC. These decisions will not be entered into, and will not be subject to appeal. Notwithstanding any initial selection, the NSW Government and PCYC reserve the right not to proceed with a project where at any time the viability of the Club arises or where timetable and resource commitments are not met by the relevant Council.

Expressions of Interest must be received by PCYC  
**no later than 5.00pm Monday 31<sup>st</sup> October 2011**

It is expected that final decisions will be jointly announced by the Minister for Police and Emergency Services and PCYC early in 2012.

Expressions of Interest may be delivered in hard documentation to the PCYC State Office at 1C Mimika Avenue Whalan, or in the form of a PDF by email to [thardy@pcycnsw.org.au](mailto:thardy@pcycnsw.org.au). Where an Expression of Interest is delivered by email, it is the responsibility of the Council to confirm that it has been received in full and by the closing date and time.



---

## **C10.7      Adoption of Draft Pittwater Procurement Policy**

**Meeting:**            Governance Committee

**Date:** 17 October 2011

---

**STRATEGY:**      **Business Management, Asset Management**

**ACTION:**            Effectively Manage Council's Procurement responsibilities

---

### **PURPOSE OF REPORT**

To report the results of the public exhibition of the Draft Pittwater Procurement Policy and recommend the Policy for adoption by Council.

### **1.0      BACKGROUND**

- 1.1      At the Council meeting of 15 August 2011, Council resolved to place on public exhibition the Draft Pittwater Procurement Policy for a period of 28 days. The exhibition period expired on 13 September 2011.

### **2.0      ISSUES**

- 2.1      The draft Policy was placed on public exhibition on the Pittwater website, Customer Service Centres at Mona Vale and Avalon and Public Libraries at Mona Vale and Avalon. The draft Policy was also advertised in the Manly Daily.
- 2.2      At the close of the public exhibition period one brief email submission had been received which was positive regarding environmental sustainability in the procurement process.
- 2.3      No changes to the exhibited Policy were required and as such, the Pittwater Procurement Policy (**Attachment 1**) is presented to Council for adoption.
- 2.4      **Current Policies to be revoked**

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

<b>Policy No</b>	<b>Policy Name</b>
9	Disposal of Council Owned Plant and Equipment
171	Pittwater Sustainable Purchasing

---

### **3.0      SUSTAINABILITY ASSESSMENT**

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

- 3.1.1      A robust Procurement Policy supports the provision of goods and services for the community.

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

- 3.2.1      The principles of sustainability are embedded into the Procurement Policy.

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

- 3.3.1 Effective procurement underpins Council's business operations and our engagement with external providers, in particular Regional procurement initiatives.

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

- 3.4.1 The Procurement Policy provides a consistent governance framework around the purchase of goods and services. This includes a strategic assessment of the appropriate procurement path on an individual purchase/project basis.

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

- 3.5.1 The Procurement Policy aims to achieve best value for money in particular the provision of infrastructure associated with Council's Major Works Program.

---

## 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 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 Pittwater Procurement Policy is attached as **Attachment 1**.

---

## RECOMMENDATION

1. That the Pittwater Procurement Policy as shown in Attachment 1 be adopted.
2. That the following policies be revoked:

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

Report prepared by

Mark Shaw  
**MANAGER URBAN INFRASTRUCTURE**



<b>Council Policy – No 183</b>  <b>Version: 1</b>	<b>Adopted</b>	
	<b>Amended</b>	

<b>TITLE:</b>	Pittwater Procurement Policy
<b>STRATEGY:</b>	Business Management Strategy
<b>BUSINESS UNIT:</b>	Urban Infrastructure
<b>RELEVANT LEGISLATION:</b>	Local Government Act 1993 No. 30, Local Government (General) Regulation 2005 Government Information (Public Access) Act 2009 No 52
<b>RELATED POLICIES:</b>	Pittwater Council Code of Conduct Pittwater Gift and Benefits Policy (No 181)
<b>RELATED GUIDELINES:</b>	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) quotation 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.

---

## **C10.8      Policy Review**

**Meeting:**            Governance Committee

**Date:**              17 October 2011

---

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

**ACTION:**            To effectively manage Council's Corporate Governance responsibilities

---

### **PURPOSE OF REPORT**

To formally adopt Council's draft Policies following the exhibition process.

#### **1.0      BACKGROUND**

A comprehensive review of policies was undertaken in response to a Department of Local Government Better Practice Review.

Councillors were briefed on an overall review of Council's Policy Register on 28 August 2010. Following that brief each Business Unit was required to audit the Council Policies for which they are responsible and report to Council with recommendation as to those policies to be revoked, retained or amended.

Council considered three reports from each Division over the period May, June and July 2011.

At the Council meeting 18 July 2011 it should be noted there were a number of Policies from the Urban and Environmental Assets Division that were to be retained as Interim Policies pending the adoption of new Policies to cover those issues. Those Policies are listed in **Attachment 2**.

It should be noted that in Item C10.7 - Adoption of Draft Procurement Policy, Policies Number 9 and 171 are being revoked.

Further reports on retaining these other Policies are forthcoming.

#### **2.0      ISSUES**

- 2.1    The draft Policies were placed on public exhibition between 28 July 2011 and 26 August 2011 and submissions invited up until 9 September 2011.
- 2.3    The public exhibition of the Draft Policies were advertised in the Manly Daily Community Noticeboard and the Draft Policy Register and made available on Council's website.
- 2.4    Copies were also available at Council's Customer Service Centres and Libraries
- 2.5    No submissions to the exhibition were received.

---

#### **3.0      SUSTAINABILITY ASSESSMENT**

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

- 3.1.1    Provides clear information to the community

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

- 3.2.1 Provides clear information on Council's Policy direction including policies relating to the natural environment

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

- 3.3.1 Provides clear information on Council's Policy direction including policies relating to commercial enterprise and education

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

- 3.4.1 Facilitates accountability to the community for Policy direction

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

- 3.5.1 Provides clear information on Council's Policy direction including policies relating to the built environment and infrastructure.

---

## 4.0 **EXECUTIVE SUMMARY**

- 4.1 A comprehensive review of Policies was undertaken in response to a Department of Local Government Better Practice review.
  - 4.2 Council considered three reports from each Division over the period May, June and July 2011.
  - 4.3 The draft Policies were placed on public exhibition between 28 July 2011 and 26 August 2011.
  - 4.4 No submissions to the exhibition were received.
  - 4.5 The Policies as placed on public exhibition are recommended for adoption.
- 

## **RECOMMENDATION**

That the attached Policies (refer **Attachment 1**) be adopted

Report prepared by

Ruth Robins, Principal Officer Administration

Warwick Lawrence

**MANAGER, ADMINISTRATION & GOVERNANCE**



# **Environmental Planning and Community Division**

<b>Council Policy – No 2</b>	<b>Adopted:</b>	<b>OM: 03.03.97</b>
	<b>Amended</b>	<b>CS 27.09.99</b>
<b>Version:</b>		<b>OM (CRED) 03.08.0</b>

**TITLE: RECOGNITION OF COMMUNITY SERVICE - AWARDS**

**STRATEGY: BUILDING COMMUNITIES**

**BUSINESS UNIT: COMMUNITY, LIBRARY AND ECONOMIC DEVELOPMENT**

**RELEVANT LEGISLATION: NONE**

**RELATED POLICIES: NONE**

### **Objective**

To provide support and recognition to individuals who provide outstanding services to the Pittwater community.

### **Policy Statement**

- 1) That Council recognise the outstanding contribution of Pittwater's volunteers through a regular recognition and awards program
- 2) That this program include:
  - An annual civic reception to mark International Volunteer Day, which occurs on December 5 each year.
  - The Pittwater Volunteer Awards (a biennial awards program), as part of National Volunteer Week in May. This awards program includes the Mayor's Courage in Lifesaving awards.
- 3) Both volunteer programs will focus on the contribution of individual volunteers but also highlight the contribution of the organisations for which they work.
- 4) The Volunteer Awards focus on recognising Pittwater residents and also those non-residents who have made a significant contribution to Pittwater and its community.
- 5) A Panel comprising one Councillor from each Ward be formed biennially to judge the nominations received for the Volunteer Awards.
- 6) That the judging Panel be provided with all necessary information to assist them with their deliberations including information relating to any other awards that nominees may have received.

<b>Council Policy – No 22</b>  <b>Version:</b>	<b>Adopted:</b>	<b>OM 07.07.97</b>
	<b>Amended</b>	

**TITLE:** NUCLEAR  
**STRATEGY:** LAND USE & DEVELOPMENT  
**BUSINESS UNIT:** PLANNING & ASSESSMENT  
**RELEVANT LEGISLATION:** NONE  
**RELATED POLICIES:** NONE

---

### **Objective**

Make the Pittwater LGA a Nuclear Free Zone.

### **Policy Statement**

Pittwater Council supports the concept of a nuclear free zone for the Pittwater Council area and the wider Sydney region with the exception of radioactive isotopes or other radioactive material used in medical treatment, testing equipment or research.

<b>Council Policy – No 28</b>  <b>Version:</b>	<b>Adopted:</b>	<b>OM: 03.03.97</b>
	<b>Amended</b>	

<b>TITLE:</b>	<b>HORSES ON PRIVATE PREMISES</b>
<b>STRATEGY:</b>	<b>LAND USE AND DEVELOPMENT BIODIVERSITY</b>
<b>BUSINESS UNIT:</b>	<b>ENVIRONMENTAL COMPLIANCE</b>
<b>RELEVANT LEGISLATION:</b>	<b>LOCAL GOVERNMENT REGULATION 2005</b>
<b>RELATED POLICIES:</b>	<b>NONE</b>

### **Objectives**

To manage the keeping of horses on premises to prevent public health, safety and nuisance concerns.

### **Policy Statement**

1. For the purposes of Council, the *Local Government Act 1993* and *Pittwater Local Environmental Plan 1993* the keeping of horses is considered “agriculture” and has the same meaning as “Agriculture” and “Cultivation” in the *Local Government Act 1919*.

The term is defined as follows: “Agriculture” and “Cultivation” includes horticulture and the use of land for any purpose of husbandry, including the keeping or breeding of live stock, poultry, or bees, and the growing of fruit, vegetables, and the like, and “agricultural” and “cultivate” have a corresponding meaning.

2. The keeping of horses is not supported in any zone of Pittwater except those listed in the following table.

<b>PLEP 1993 ZONE</b>	<b>Type of consent</b>
Zone No 1(a) (NON-URBAN “A”)	Without development consent
Zone No 1(a1) (NON-URBAN “A1”)	Only with development consent
Zone No 1(b) (NON-URBAN “B”)	Without development consent
Zone No 1(c) (NON-URBAN “C”)	Without development consent
All other zones	Not Supported

3. The keeping of horses requires suitable stable accommodation, enclosure/yard space and animal health management practices to be in place.
4. A stable for the keeping of horses does not require development consent provided it meets the criteria of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

5. Implementation of the powers outlined in Local Government (General) Regulation 2005 – Schedule 2 - Standards Enforceable by Orders: Part 5, Division 3:
  - a) Horses must not be kept within 9 metres (or such greater distance as the council may determine in a particular case) of a dwelling, school shop, office, factory, workshop, church or other place of public worship, public hall or premises used for the manufacture, preparation or storage of food.
  - b) The floors of stables must be paved with concrete or mineral asphalt or other equally impervious material, and must be properly graded to drain.
  - c) Horse yards must be so enclosed as to prevent the escape of horses.
6. The keeping of horses is to be managed in accordance with:
  - a) “Environmental Management on the Urban Fringe – Horse Properties on the rural urban fringe” published by the Department of Environment and Conservation (NSW), September 2004.
7. Each horse shall be provided with a horse yard being a minimum area of 100 square metres (excluding the stable). Reference: “Environmental Management on the Urban Fringe – Horse Properties on the rural urban fringe” published by the Department of Environment and Conservation (NSW), September 2004.
8. Liquid wastewaters from stables are to be graded and drained to:
  - a) the Sydney Water sewage system (premises where the sewer is available).
  - b) a separately dedicated on-site sewage management system (premises where the sewer is not available).
9. All feed receptacles are to be vermin proof and fly proof.
10. All manure and other materials contaminated by liquid or solid wastes are to be removed from the stable and yard areas daily.
11. All collected manure and other materials contaminated by liquid or solid wastes are to be contained in closed, waterproof and flyproof receptacles.
12. The receptacles containing the collected manure and other materials contaminated by liquid or solid wastes are not to be stored in close proximity to the boundaries of the premises.
13. Manure and other materials contaminated by liquid or solid wastes are to be removed from the premises at least one in every seven consecutive days.
14. The premises shall be maintained free from nuisance, flies, vermin and offensive odour at all times.
15. A regular and effective cleaning and maintenance regime is to be maintained in and around the horse stable/s and yard area/s.
16. Liquid and solid horse wastes are to be effectively prevented from escaping from the horse stable/s and yard area/s.

<b>Council Policy – No 29</b>	<b>Adopted:</b>	<b>OM: 03.03.97</b>
	<b>Amended:</b>	
<b>Version:</b>		

<b>TITLE:</b>	<b>FOOD PREMISES</b>
<b>STRATEGY:</b>	<b>COMMUNITY ENGAGEMENT, EDUCATION &amp; AWARENESS</b>
	<b>RISK MANAGEMENT CO-ORDINATION</b>
<b>BUSINESS UNIT:</b>	<b>ENVIRONMENTAL COMPLIANCE</b>
<b>RELEVANT LEGISLATION:</b>	<b>FOOD ACT 2003</b>
<b>RELATED POLICIES:</b>	<b>NONE</b>

### **Objective**

To ensure that food for human consumption is stored, prepared and sold in a manner which will adequately protect the health of the community.

### **Policy Statement**

The storage, manufacture, preparation and selling of food for human consumption shall comply with the following:-

1. Food Premises:
  - The Australia New Zealand Food Standards Code.
  - AS 4674-2004 “Design, Construction and Fit-Out of Food Premises”.
  - The Building Code of Australia – Section F: Health and Amenity.
2. Home based businesses e.g. Catering, Child Care, Bed & Breakfast, Food intended for sale at Food Premises/Events/Markets:
  - The Australia New Zealand Food Standards Code.
  - AS 4674-2004 “Design, Construction and Fit-Out of Food Premises”.
3. Food Vending Vehicles and Temporary Premises (Events):
  - “Mobile Food Vending Vehicles – Operation, Construction and Food Handling Guidelines” published by the NSW Food Authority, August 2009.
  - “Food Handling Guidelines for Temporary Events” published by the NSW Food Authority, August 2006.

Copies of each of the relevant codes are to be freely available from Council on request.

<b>Council Policy – No 31</b>  <b>Version:</b>	<b>Adopted:</b>	<b>OM: 03.03.97</b>
	<b>Amended</b>	

**TITLE:** COMPANION ANIMAL POPULATION

**STRATEGY:** COMMUNITY ENGAGEMENT, EDUCATION AND AWARENESS

**BUSINESS UNIT:** ENVIRONMENTAL COMPLIANCE

**RELEVANT LEGISLATION:** COMPANION ANIMALS ACT 1998

**RELATED POLICIES:** COMPLIANCE ENFORCEMENT AND ORDERS POLICY

---

### **Objective**

To assist in the control in the management of companion animals on residential properties.

### **Policy Statement**

That the number of dogs or cats kept on residential premises be restricted to a maximum of 3 except;

Where the dogs or cats concerned are less than 6 months old, or

Where the property concerned is within a “Non Urban” zone.

<b>Council Policy – No 44</b>  <b>Version:</b>	<b>Adopted:</b>	<b>OM: 03.03.97</b>
	<b>Amended</b>	

<b>TITLE:</b>	<b>NAMING OF STREETS AND PATHWAYS</b>
<b>STRATEGY:</b>	<b>LAND USE &amp; DEVELOPMENT</b>
<b>BUSINESS UNIT:</b>	<b>PLANNING &amp; ASSESSMENT</b>
<b>RELEVANT LEGISLATION:</b>	<b>LOCAL GOVERNMENT ACT</b>
<b>RELATED POLICIES:</b>	<b>NONE</b>

### **Objective**

Appropriate Street Names.

### **Policy Statement**

That, wherever possible, aboriginal, or names of people and events associated with the history and heritage of Pittwater or the names of indigenous flora and fauna be used in the naming of roads.

That in all subdivisions where new streets are involved, Council retains the responsibility for naming such streets.



<b>Council Policy – No 45</b>	<b>Adopted:</b>	<b>OM: 02.03.98</b>
	<b>Amended</b>	
<b>Version:</b>		

**TITLE:** DIRECT FINANCIAL ASSISTANCE - COMMUNITY SERVICE ORGANISATIONS

**STRATEGY:** BUILDING COMMUNITIES

**BUSINESS UNIT:** COMMUNITY, LIBRARY AND ECONOMIC DEVELOPMENT

**RELEVANT LEGISLATION:** LOCAL GOVERNMENT ACT

**RELATED POLICIES:** DIRECT FINANCIAL ASSISTANCE - MAYORAL DONATIONS PROGRAM

### **Objectives**

To support community service organisations in providing community and cultural services within the Pittwater area.

To stimulate the development of effective community and cultural services to meet the needs of residents of Pittwater.

To encourage high quality community and cultural programs in the Pittwater area.

To assist in building the capacity of local not for profit community groups through the provision of financial assistance.

### **Policy Statement**

Council may provide financial assistance to community service organisations through any of the following categories:

- a) Annual Community Services Grants Program
- b) One-off requests
- c) Identified Partnerships
- d) Mayoral Donations

### **Availability and Targeting of funding**

Each year Council will call for applications subject to funding being available in the Delivery Plan.

Prior to calling for applications, Council will identify priority areas for which financial assistance is to be targeted each year.

## ***Eligibility***

To be eligible for financial assistance under the Community Services Grants Program, organisations must provide a community or cultural service to residents of Pittwater. To be considered under the Community Services Grants Program, applications for financial assistance must:

- Address the objectives of the Community Services Grants Program.
- Be supported by evidence of local need.
- Indicate how financial accountability will be ensured.

## ***Requests for Financial Assistance outside the Grants Program***

Council may also consider requests for financial assistance which are received after the Community Services Grants Program has closed each year, or which are not eligible under this program, but which are considered by Council as meriting support.

More significant requests (over \$500) may need to be the subject of a separate report to Council.

Council may also consider requests, when a community service organisation is identified as a clear partner for Council to deliver projects or programs identified within the Social and Cultural Plans.

Requests for \$500 and under can be considered under the Mayoral Donation Program. This program allows the Mayor discretion to support local initiatives and community organisations, not just community **service** organisations.

<b>Council Policy – No 46</b>  <b>Version:</b>	<b>Adopted:</b>	<b>OM: 02.03.98</b>
	<b>Amended</b>	

<b>TITLE:</b>	<b>COMMUNITY CENTRES</b>
<b>STRATEGY:</b>	<b>BUILDING COMMUNITIES AND RECREATION MANAGEMENT</b>
<b>BUSINESS UNIT:</b>	<b>COMMUNITY, LIBRARY AND ECONOMIC DEVELOPMENT</b>
<b>RELEVANT LEGISLATION:</b>	<b>NONE</b>
<b>RELATED POLICIES:</b>	<b>NONE</b>

### **Objectives**

To provide all residents with opportunities for social and cultural interaction (through the availability of local community space).

To ensure equitable access for all residents to community centres.

To offer diverse programs which are culturally rich and foster local identity.

To ensure that community centres are accountable to the community in the most cost effective and efficient manner.

### **Policy Statement**

Pittwater Council, through its community centres network, is committed to offering diverse and accessible venues for meetings, cultural activities and events for the whole community.

Community centres enhance the quality of community life by encouraging participation and networking within the local community and by facilitating the development of a diverse range of activities and services, which recognise the distinct lifestyles and interests of residents.

Council will promote and market the community centres to attract maximum interest.

Council will ensure the ongoing development and implementation of fair and equitable pricing policies that facilitate access to facilities for all residents.

Council will ensure that existing facilities are attractive and appropriate for community use through ongoing maintenance and upgrading of facilities.

<b>Council Policy – No 48</b>	<b>Adopted:</b>	<b>OM: 02.03.98</b>
	<b>Amended</b>	
<b>Version:</b>		

<b>TITLE:</b>	<b>FREEDOM OF COLLECTION AND ACCESS FOR LOCAL GOVERNMENT LIBRARIES</b>
<b>STRATEGY:</b>	<b>COMMUNITY LEARNING</b>
<b>BUSINESS UNIT:</b>	<b>COMMUNITY LIBRARY AND ECONOMIC DEVELOPMENT</b>
<b>RELEVANT LEGISLATION:</b>	<b>LIBRARY ACT 1939</b>
<b>RELATED POLICIES:</b>	<b>NONE</b>

### **Objectives**

To provide all residents with equitable access to a comprehensive and balanced collection of materials and information in a variety of formats.

To provide all residents of Pittwater with access to Council's information and library collection.

To provide popular and contemporary material including fiction and non-fiction.

To provide broad based information and reference resources for lifelong learning

### **Policy Statement**

Pittwater Council is committed to offering a Library and Information Service for residents of Pittwater and for people who work or attend educational institutions in the area.

Council will provide access to materials and information presenting, as far as possible, all points of view on current and historical issues including controversial issues.

Everyone has the right to use the public library, whatever their age, sex, race, religion, national origin, disability, economic condition, individual lifestyle or social views, unless prohibited by any order under the Library Regulations (1976) of the Library Act, 1939.

Book and non-book materials are made available to enable members to pursue their own interests. Any material not prohibited by State or Federal law may be provided, subject to budget, space, availability of material and the information needs of the community.

Collection development is conducted according to the Mona Vale Library Collection Development Strategy which has been developed to assist the library staff in providing a collection which meets the needs of the library community. All collections are available to all members and all materials are kept in open access except for restricted materials or for the express purpose of protecting them from injury and theft.

Monitoring the reading of children is the responsibility of parents/ guardians and not the library staff.

Council cooperates with other information providers in the Pittwater area including school libraries and the Avalon Community Library. Council participates in the wider network of public, state and national libraries throughout Australia.

<b>Council Policy – No 49</b>	<b>Adopted:</b>	<b>EP: 27.04.98</b>
	<b>Amended:</b>	

<b>TITLE:</b>	<b>DEVELOPMENT APPLICATIONS PREVIOUSLY APPROVED BY THE ELECTED COUNCIL – AMENDMENT OF</b>
<b>STRATEGY:</b>	<b>LAND USE &amp; DEVELOPMENT</b>
<b>BUSINESS UNIT:</b>	<b>PLANNING &amp; ASSESSMENT</b>
<b>RELEVANT LEGISLATION:</b>	<b>ENVIRONMENTAL PLANNING &amp; ASSESSMENT ACT LOCAL GOVERNMENT ACT</b>
<b>RELATED POLICIES:</b>	<b>NONE</b>

---

### **Objective**

Transparency and Consistency in Development Application Decision Processes.

### **Policy Statement**

1. Council confirms its previous policy, namely that in all cases where a policy review of the DCP is required (even relating to minor matters of policy change) all such changes to policy be referred to the elected Council for decision.
2. In relation to any application for amendment of a previous decision of Council relating to a Development Application that these applications be referred to the elected Council on the basis that Council staff have no delegation to vary decisions taken by the elected Council unless such decisions are made in accordance with the Delegations Of Authority Manual.
3. In relation to the requirements of Pittwater 21DCP which allows for variations to policy, where the application is assessed as being of overall merit and within the intent of the DCP and as a guidance to staff, it should be noted that any such variation in excess of 10% in relation to site coverage or height must be brought to the elected Council.

<b>Council Policy – No 83</b>	<b>Adopted:</b>	<b>OM: 03.03.97</b>
	<b>Amended:</b>	

**TITLE:** **KIMBRIKI RESOURCE RECOVERY CENTRE – FREE ACCESS**

**STRATEGY:** **WASTE MANAGEMENT & POLLUTION CONTROL**

**BUSINESS UNIT:** **ENVIRONMENTAL COMPLIANCE**

**RELEVANT LEGISLATION:** **NONE**

**RELATED POLICIES:** **NONE**

### **Objectives**

To relieve registered charities and not-for-profit community organisations from tipping charges.

To assist registered charities and not-for-profit community organisations by accepting tipping charges as a debt to Council.

### **Policy Statement**

1. That no charge be made to registered charities and not-for-profit community organisations for the disposal of waste/recyclables at Kimbriki Resource Recovery Centre, Kimbriki Road, Ingleside.
2. That Pittwater Council agrees to be debited and pay the applicable fee for waste/ recyclables disposed by registered charities and not-for-profit community organisations.
3. Evidence of current registration as a charity or not-for-profit organisation is required to be supplied prior to Council issuing a letter of exemption.
4. The quantity of waste/recyclables shall remain within reason and at the discretion of Council.

<b>Council Policy – No 103</b>	<b>Adopted:</b>	<b>OM: 02.03.98</b>
	<b>Amended:</b>	
<b>Version:</b>		

**TITLE:** CAR PARKING AREAS - FREE

**STRATEGY:** TOWN AND VILLAGE

**BUSINESS UNIT:** ENVIRONMENTAL COMPLIANCE

**RELEVANT LEGISLATION:** LOCAL GOVERNMENT ACT

**RELATED POLICIES:** NONE

### **Objectives**

To identify areas of Council land set aside for free public parking. To ensure that Council periodically reviews the conditions under which vehicles may be parked, consults with stakeholders and determines and publicises appropriate conditions and enforces those conditions effectively.

### **Policy Statement**

That pursuant to Section 650 Local Government Act, 1993 Council resolves to provide the areas below as free car parks, subject to the terms specified on notices erected by Council on each of the subject areas.

#### **Avalon**

Bowling Green Lane Car Park – Land being Lot 49, DP 9151 and Lots 1 and 2, DP 519886  
 Scout Hall Car Park – 7 Bowling Green Lane, Avalon, Lot 6, DP 1102075  
 Barefoot Boulevarde Car Park – 76 Old Barrenjoey Road, Avalon, Lot 201, DP 1107408

#### **Newport**

Bramley Lane Car Park (rear of bottleshop) – 394 Barrenjoey Road, Newport, Lot 7340, DP1161043

#### **Mona Vale**

Bungan Lane Car Park – 4 Bungan Lane, Mona Vale, Lot 2, DP 1136849  
 Mona Vale Library Car Park (adjoining Community Centre) – 1 Park Street, Mona Vale, Part of Lot 100, DP 1047405

#### ***Leased Areas***

Woolworths (Mona Vale) Car Park – 25-29 Park Street, Mona Vale, Lot 1, DP 605804

<b>Council Policy – No 133</b>	<b>Adopted:</b>	<b>OM: 29.09.97</b>
	<b>Amended</b>	
<b>Version:</b>		

<b>TITLE:</b>	<b>BROTHELS IN PITTWATER</b>
<b>STRATEGY:</b>	<b>TOWN AND VILLAGE</b>
<b>BUSINESS UNIT:</b>	<b>ENVIRONMENTAL COMPLIANCE</b>
<b>RELEVANT LEGISLATION:</b>	<b>ENVIRONMENTAL PLANNING &amp; ASSESSMENT ACT LOCAL GOVERNMENT ACT</b>
<b>RELATED POLICIES:</b>	<b>NONE</b>

### **Objective**

Presentation of the Amenity and Safety of Residents, particularly Children.

### **Policy Statement**

That, if an applicant wishing to establish a brothel in Pittwater industrial areas can demonstrate to Council that an individual site can satisfy the criteria set out by the Department of Planning, described in its letter dated 16 July 1996, i.e. no brothels are to be located adjacent to schools or facilities frequently used by children including community centres, schools, churches, etc., and should not be located adjacent to residential development where children may be living, then Council would consider a rezoning application for the establishment of a brothel (or sexual service premises).



<b>Council Policy – No 156</b>	<b>Adopted:</b>	
	<b>Amended:</b>	
<b>Version:</b>		

<b>TITLE:</b>	<b>GREYWATER REUSE IN SEWERED AND UNSEWERED DOMESTIC PREMISES</b>
<b>STRATEGY:</b>	<b>COMMUNITY ENGAGEMENT, EDUCATION &amp; AWARENESS RISK MANAGEMENT COORDINATION WATER MANAGEMENT</b>
<b>BUSINESS UNIT:</b>	<b>ENVIRONMENTAL COMPLIANCE</b>
<b>RELEVANT LEGISLATION:</b>	<b>LOCAL GOVERNMENT ACT 1993</b>
<b>RELATED POLICIES:</b>	<b>NONE</b>

### **Objectives**

Domestic greywater is increasingly being considered as a potential resource for use on-site with ornamental garden and lawn watering, toilet flushing and laundry use. Although greywater reuse may encourage ecological sustainability it is also essential to protect public health as greywater is considered to be potentially infectious with pathogenic organisms and a chemically polluted waste material and this policy aims to ensure that reuse is carried out in the safest possible manner.

### **Policy Statement**

- That Council requires all installations for the purpose of reusing domestic greywater, in areas where the Sydney Water sewerage system connection is available, to comply with the “NSW Guidelines for Greywater Reuse in Sewered Single Household Residential Premises”, May 2008 and associated accreditation guidelines, or the equivalent specifications as may be endorsed by NSW Health.
- That Council requires all installations for the purpose of reusing domestic greywater, in areas where the Sydney Water sewerage system connection is not available, to comply with the Department of Local Government “Environmental Health and Protection Guidelines: On site Sewage Management for Single Households” 1998 and associated accreditation guidelines, or the equivalent specifications as may be endorsed by the Department of Local Government and NSW Health.
- The reuse of greywater on any premises shall not be to the detriment of native flora.

<b>Council Policy – No 158</b>  <b>Version: 1</b>	<b>Adopted:</b>	<b>OM: 14.02 05</b>
	<b>Amended</b>	<b>18.06.10</b>

<b>TITLE:</b>	<b>ISSUING OF INFRINGEMENT NOTICES</b>
<b>STRATEGY:</b>	<b>COMMUNITY ENGAGEMENT, EDUCATION AND AWARENESS</b>
<b>BUSINESS UNIT:</b>	<b>ENVIRONMENTAL COMPLIANCE</b>
<b>RELEVANT LEGISLATION:</b>	<b>ROADS AND TRAFFIC ACT AND ROAD RULES NEW SOUTH WALES</b>
<b>RELATED POLICIES:</b>	<b>COMPLIANCE ENFORCEMENT AND ORDERS POLICY</b>

---

### **Objective**

To assist in the control in the management of companion animals on residential properties.

### **Policy Statement**

That all infringement notices should be served personally or affixed to the windscreen except in exceptional circumstances.

When such exceptional circumstances exist the letter accompanying the infringement notice must state the exact place, date, time and the circumstances why the notice could not be served at the time of the offence.

Such letters and infringement notice must be posted within 2 working days of the date of the offence.

Rangers must display, so that it can be seen, appropriate Council identification.

<b>Council Policy – No 167</b>  <b>Version:</b>	<b>Adopted:</b>	<b>OM: 16.07.07</b>
	<b>Amended</b>	

<b>TITLE:</b>	<b>YOUTH</b>
<b>STRATEGY:</b>	<b>BUILDING COMMUNITIES</b>
<b>BUSINESS UNIT:</b>	<b>COMMUNITY, LIBRARY AND ECONOMIC DEVELOPMENT</b>
<b>RELEVANT LEGISLATION:</b>	<b>NONE</b>
<b>RELATED POLICIES:</b>	<b>COMMUNITY ENGAGEMENT</b>

---

### **Objectives**

#### **Consultation**

- Knowing what current issues are facing young people and finding ways to address these.

#### **Participation**

- Providing opportunities to get young people involved in the community as well as being inclusive of young people in decision making that relates to them.

#### **Partnerships**

- Working with services and other levels of government to respond to youth issues and create new opportunities for young people.

#### **Positive Acknowledgement**

- Acknowledging and promoting to the wider community the positive ways that young people contribute to Pittwater.

#### **Resourcing/Supporting Providers**

- Supporting providers of youth services through information, advice on best practice models, provision of community space, and financial assistance through the Pittwater Grants Program.

#### **Direct Provision**

- Provision and access of safe youth leisure, recreation, learning space and social experiences such as sporting facilities, libraries, community centres and youth specific events.

#### **Training Opportunities**

- Provide student placement opportunities within Council for students still currently studying at University, Tafe or high school.

#### **Encouraging Leadership**

- Promoting and providing financial assistance for young people to attend youth leadership conferences and forums.

**Supporting Families**

- Endeavour to support parents through information provision and promote services available to parents of teenagers.

**Advocacy**

- Lobby on behalf of Pittwater's young people for improvement, change or more services that are important to them and improve their access and equity opportunities.

**Capacity Building**

- Provide skills based learning to a number of young people each year through Pittwater's co-ordinated youth events, to provide the capacity for young people to be providers of their own safe, well organised events.

**Information Source**

- Disseminate up to date, credible information to young people and their families to assist with healthy living and safety of young people in the community.

**Policy Statement****Background**

For the purpose of this document youth are defined as 12 – 24 years

**Philosophy**

Pittwater Council recognises the values and contributions that young people make to enhance the community that is Pittwater. Council will continue to facilitate and provide opportunities for young people to contribute, be recognised, and participate in community life.

**Development**

That Council encourage developers in Pittwater to consider incorporating user friendly youth space within all applicable future development applications.

<b>Council Policy – No 168</b>  <b>Version:</b>	<b>Adopted:</b>	<b>OM: 16.07.07</b>
	<b>Amended</b>	

<b>TITLE:</b>	<b>CHILDREN'S SERVICES</b>
<b>STRATEGY:</b>	<b>BUILDING COMMUNITIES</b>
<b>BUSINESS UNIT:</b>	<b>COMMUNITY, LIBRARY AND ECONOMIC DEVELOPMENT</b>
<b>RELEVANT LEGISLATION:</b>	<b>NONE</b>
<b>RELATED POLICIES:</b>	<b>NONE</b>

### **Objectives**

- To ensure a range of quality services for children and families are available to meet the diverse needs of families and communities.
- To provide leadership in identifying families' and children's needs and coordinate community and government response to these needs.
- To develop strong and effective linkages between the range of children's and family services and between all levels of government, the community and the private sector.
- To provide an environment that enhances children's opportunities to develop positive relationships with their family and with the community at large.

### **Policy Statement**

#### **Background**

For the purpose of this document children are defined as 0 to 12 years.

#### **Philosophy**

Pittwater Council endorses a vision for the future that acknowledges that:

- Children's best interests are a primary consideration in the provision of services for children and families.
- Children have the right to services and spaces that assist them to develop strong relationships and confidence in their abilities.
- Children have a right to care, education and recreation which promotes individual development.
- High quality children's services are an investment which develops and enhances social, cultural and economic wellbeing of the entire community.
- Community participation in decisions about children and families is essential for the development of services that meet local needs.

## **Principal Strategies**

### **Provision:**

- Council will examine options to develop childcare services where gaps exist and other options for delivery are not available.

### **Resourcing and supporting other providers:**

- Assistance will be provided to other childcare services to share knowledge and experiences through the facilitation of networks for all childcare providers in the area.
- As an advocate for the whole community, Council will actively pursue options to increase access to services that are appropriate for the children in need of services.

### **Supporting families:**

- Council will provide information and advice to families on the selection of quality childcare and the range of childcare options.
- Council will provide families with information on other services available to them e.g. health and child development service, local schools, parks and playgrounds, playgroups and recreation activities.
- In developing community land, for example parks, playgrounds, community centres etc the needs of children and families of children will be a consideration.

### **Partnerships:**

- By supporting and developing services and through community partnerships, Council will seek to improve access for all children, especially for children with special needs.
- Council will look for opportunities to work with Federal and State Governments to provide families of Pittwater with access to additional services.

<b>Council Policy – No 172</b>  <b>Version: 1</b>	<b>Adopted:</b>	<b>OM: 07.07.08</b>
	<b>Amended</b>	

<b>TITLE:</b>	<b>STREET PARKING</b>
<b>STRATEGY:</b>	<b>COMMUNITY ENGAGEMENT, EDUCATION AND AWARENESS</b>
<b>BUSINESS UNIT:</b>	<b>ENVIRONMENTAL COMPLIANCE</b>
<b>RELEVANT LEGISLATION:</b>	<b>ROADS AND TRAFFIC ACT AND ROAD RULES NEW SOUTH WALES</b>
<b>RELATED POLICIES:</b>	<b>COMPLIANCE ENFORCEMENT AND ORDERS POLICY</b>

### **Objectives**

- To promote community awareness of responsible road use through education.
- To ensure that all users of the roads and road reserve areas have safe and equitable access.
- To provide a mechanism within Council, that is procedurally fair, for the review of infringements.
- To ensure that all records and evidence relating to infringements, including photographic evidence is securely stored and managed in accordance with privacy and other legislative principles.

### **Policy Statement**

- An authorised officer must hold the appropriate delegated authority under the Local Government Act 1993 to issue infringements for offences. Staff delegated to issue infringements are set out in Council's Delegation Register.
- Enforcement officers will issue an infringement where, in their opinion, there has been a breach of the relevant legislation.
- Parking offences are defined by the legislation and compliance is considered to be a primary responsibility of the drivers of motor vehicles however, officers are encouraged to assess each situation on its own merits in determining whether an infringement is issued.
- Wherever possible enforcement officers will obtain a digital photograph of the offence clearly showing such details as signs, registration details and vehicle position that may be relevant to the offence.
- All photographs taken may be used as evidence in a court of law and will be stored and handled in accordance with the Personal and Privacy Protection principles.
- All written representations relating to parking infringements issued by Council enforcement officers will be referred, in the first instance, to the State Debt Recovery Office for adjudication.
- Representations referred to Council by the State Debt Recovery Office for comment will be assessed by a panel consisting of the Director, Environmental Planning and Community (or designated alternate) and the Environmental Compliance Manager (or designated alternate).

<b>Council Policy – No 175</b>  <b>Version:</b>	<b>Adopted:</b>	<b>OM: 02.03.09</b>
	<b>Reviewed Amended</b>	<b>CRED 01.03.10</b>

<b>TITLE:</b>	<b>LIQUOR LICENSING APPLICATIONS</b>
<b>STRATEGY:</b>	<b>BUILDING COMMUNITIES</b>
<b>BUSINESS UNIT:</b>	<b>COMMUNITY, LIBRARY AND ECONOMIC DEVELOPMENT</b>
<b>RELEVANT LEGISLATION:</b>	<b>NEW SOUTH WALES LIQUOR ACT 2008</b>
<b>RELATED POLICIES:</b>	<b>NONE</b>

### **Background**

A new Liquor Act was passed by the NSW Parliament on 5 December 2007, and these laws came into effect from 1 July 2008. These new laws impact on existing liquor licensees and registered clubs. Existing liquor licences will continue under the new laws, although the type of liquor licence will change for many businesses. Applications for a new licence, or to alter an existing licence are now subject to a range of requirements.

Liquor licences are issued by the Casino, Liquor & Gaming Control Authority. The Authority determines liquor licence applications and disciplinary outcomes in NSW. Under the new regulations, a Community Impact Statement (CIS) must accompany an application for most types of permanent liquor licences. The intention of the CIS is to enable the Authority to consider the likely impact of the proposed licence or authorisation on the local community, and gauge the level of community support for the proposal.

The CIS process is the first opportunity for the community to influence the outcome of a liquor licensing proposal. It is prepared before the liquor licensing application is made. In compiling the CIS, the applicant consults with local stakeholders before deciding to lodge an application. The CIS summarises the results of consultation between the applicant and the local community about any issues and concerns with a proposed application. A CIS must be included with the papers lodged with the Authority when a liquor licence application is made. The Authority cannot grant a licence unless it is satisfied that the overall social impact will not be detrimental to the well being of the local or broader community.



The new Liquor Act provides for six new categories of liquor licence:

<b>New Licence</b>	<b>Former Licence</b>
Hotel licence (including a general bar licence)	Hotelier
Club licence	Registered club (certificate of registration under the Registered Clubs Act 1976)
On-premises licence	On-licence (restaurant) Nightclub On-licence (restaurant) with motel endorsement On-licence (motel, vessel, public hall, theatre) On-licence (airport, university)
Packaged liquor licence	Off-licence (retail)
Producer/wholesaler licence	Off-licence (vigneron, brewer wholesale)
Limited licence (multifunction or single function)	On-licence (function) Special event licence

### **Policy Statement**

This policy seeks to establish criteria for considering applications from two broad categories:

1. Facilities on Council land including but not limited to bowling clubs, golf clubs, surf clubs, cafes/restaurants/'kiosks', and whether Council owns the land or is the Trust manager of a Crown Reserve; and
2. Premises on private land, including but not limited to hotels, clubs, cafes or restaurants.

The following criteria and the attached tables for Council and Private Land will form the basis of whether Council supports or opposes liquor licensing applications. However, individual applications will be considered on their merits.

### **Criteria for Assessing Liquor Licence Applications**

#### **Both Council and Private Land**

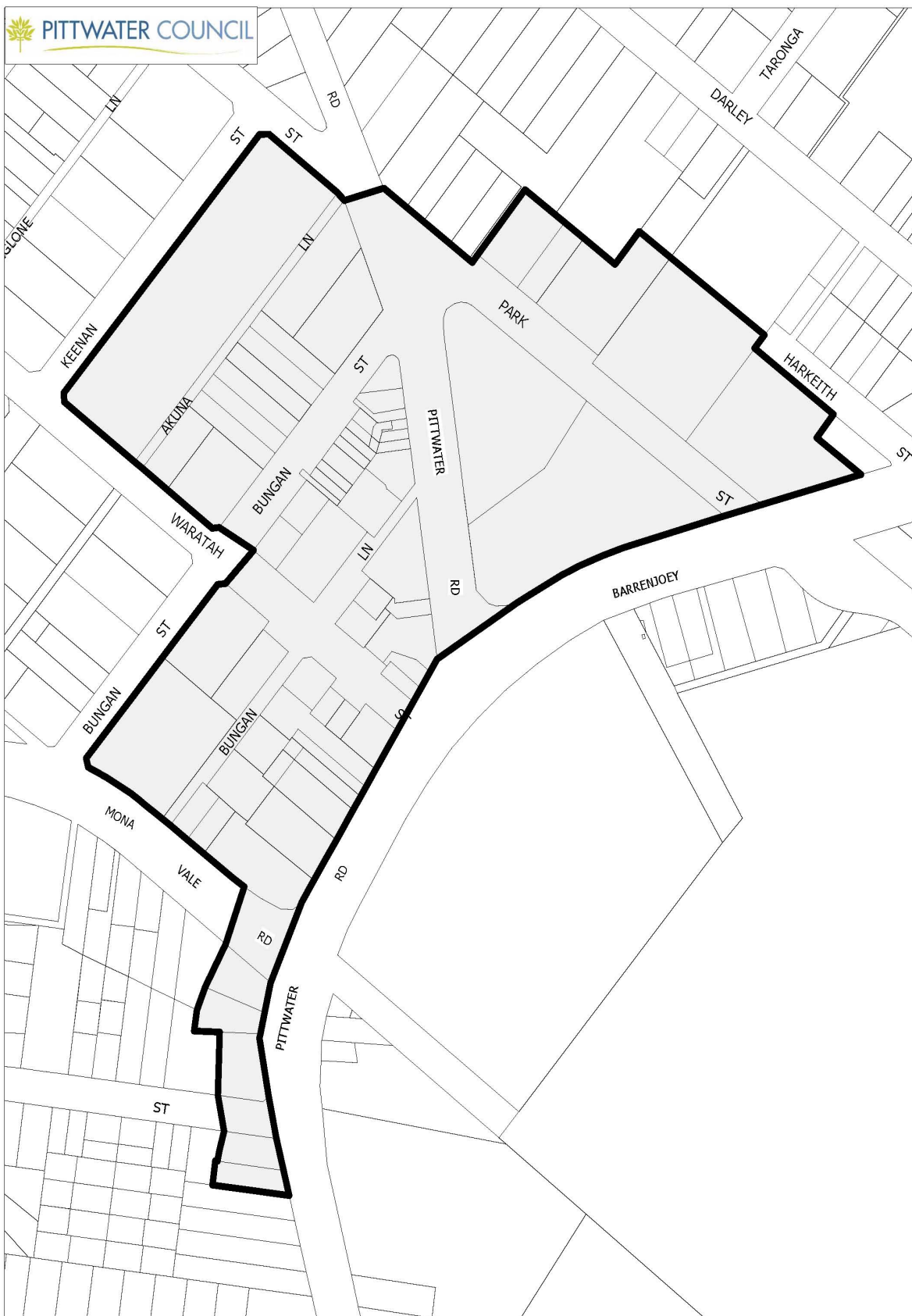
- Council will only support an application if appropriate planning approvals are in place and any requirements of the Building Code of Australia have been or will be met.

#### **Council Land**

- Applicants must consult with Council before embarking on any required Community Impact Statement process (before consulting residents), and before lodging their application.
- In the event the applicant does not consult with Council, and based on compliance issues and adverse community concerns, Council will strongly oppose the applicant's licence application.
- The application must be consistent with any adopted Plans of Managements, and lease/licence conditions.
- Council will generally only support the application if the basis of how the facility is to operate as a licenced premises has been agreed with Council and that this agreement has been included via an amendment to their existing lease with Council or via entering into a new lease.

<b>COUNCIL LAND</b>			
<b>Category of licence</b>	<b>Licenced Hours</b>		<b>Other conditions</b>
- Hotel Licence - General Bar Hotel Licence - Packaged liquor licence - Producer/Wholesaler licence	These types of licences will generally <u>not</u> be supported.		Minors Area Authorisations generally will <u>not</u> be supported by Council in small bar / hotel type situations.
- Club Licence (RSLs)  <i>Note: the outdoor leased area of Dunbar Park by Avalon Beach RSL is further restricted to: Monday – Sunday 10am to 10pm</i>	Monday – Saturday Sunday Public Holidays New Years Eve	10am to midnight 10am to 10pm 10am to 10pm 10am to 1am	N/A
- Club Licence (Sporting clubs)	Monday – Saturday Sunday Public holidays New Years Eve	10am to midnight 10am to 10pm 10am to 10pm 10am to 1am	N/A
- On-premises licence – Surf Clubs - Limited licence (multi-function or single)	Sunday – Thursday Friday – Saturday Public holidays New Years Eve	midday to 10pm midday to midnight midday to 10pm midday to 1am	N/A
- On-premises licence for a Restaurant for locations as follows: <i>(see shaded areas in attached maps)</i> <ul style="list-style-type: none"> <li>• Mona Vale</li> <li>• Newport</li> <li>• Avalon</li> <li>• North Narrabeen</li> <li>• Elanora Heights</li> <li>• Palm Beach</li> </ul>	Monday – Saturday Sunday Public holidays New Years Eve	10am to midnight 10am to 10pm 10am to 10pm 10am to 1am	Primary Service Authorisations generally will be supported. Council will <u>not</u> support the PSA extending into any outdoor footpath area / reserve leased from council.
- On-premises licence for a Restaurant, Entertainment Venue, Accommodation, all areas other than above.	Seven days per week New Years Eve Public holidays	10am to 10pm 10am to 1am 10am to 10pm	Primary Service Authorisation generally will <u>not</u> be supported.
<b>Note:</b> <ul style="list-style-type: none"> <li>• Council acknowledges that many existing licences may be entitled to trade for longer than the above hours.</li> <li>• Council will only seek to reduce these longer hours where there are serious complaints regarding the licenced premises or where the premises seek a significant change to their licence.</li> <li>• Council will also seek to make all future leases/licences consistent with this Policy including voluntary compliance until such time as leases/licences are renewed.</li> </ul>			

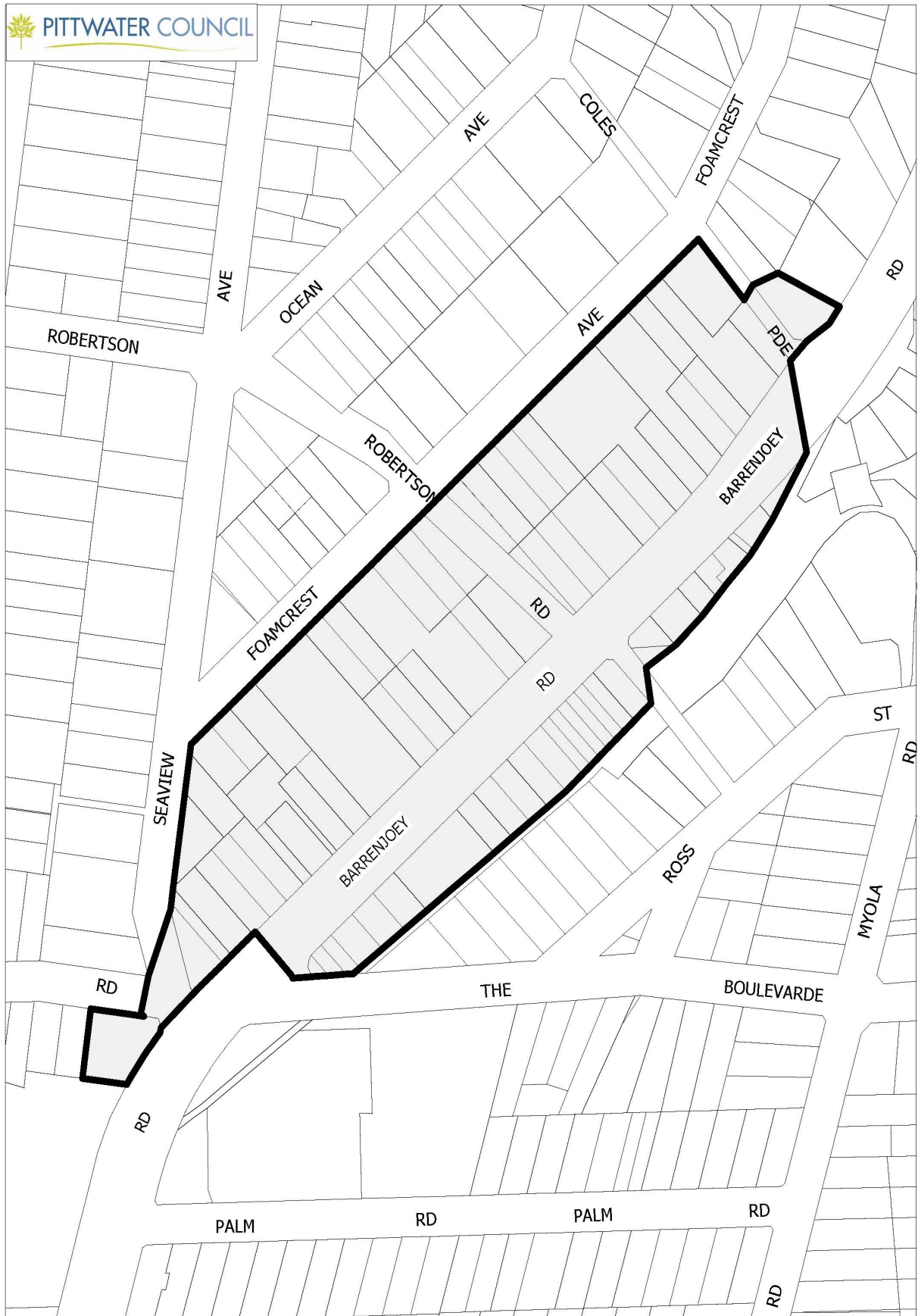
PRIVATE LAND Category of licence	Licenced Hours		Other conditions
- Hotel Licence	These types of licences will need to be assessed in detail based on their merits.		N/A
- General Bar Hotel Licence  This type of licence will generally not be supported except in the following areas: <i>(see attached maps)</i> <ul style="list-style-type: none"> <li>• Mona Vale</li> <li>• Newport</li> <li>• Avalon</li> <li>• North Narrabeen</li> <li>• Elanora Heights</li> <li>• Palm Beach</li> </ul>	Monday – Saturday Sunday Public holidays New Years Eve	10am to midnight 10am to 10pm 10am to 10pm 10am to 1am	Minors Area Authorisations generally will <u>not</u> be supported by Council in small bar / hotel type situations.
- On-premises licence for a Restaurant, Entertainment Venue, Accommodation for locations as follows: <i>(see shaded areas in attached maps)</i> <ul style="list-style-type: none"> <li>• Mona Vale</li> <li>• Newport</li> <li>• Avalon</li> <li>• North Narrabeen</li> <li>• Elanora Heights</li> <li>• Palm Beach</li> </ul>	Monday – Saturday Sunday Public holidays New Years Eve	10am to midnight 10am to 10pm 10am to 10pm 10am to 1am	Primary Service Authorisations generally will be supported. Council will <u>not</u> support the PSA extending into any outdoor footpath area / reserve leased from council.
- On-premises licence for a Restaurant, Entertainment Venue, Accommodation, all areas other than above.	Seven days per week New Years Eve Public holidays	10am to 10pm 10am to 1am 10am to 10pm	Primary Service Authorisation generally will <u>not</u> be supported.
- Club Licence (RSLs)	Monday – Saturday Sunday Public holidays New Years Eve	10am to midnight 10am to 10pm 10am to 10pm 10am to 1am	N/A
- Club Licence (Sporting clubs)	Monday – Saturday Sunday Public holidays New Years Eve	10am to midnight 10am to 10pm 10am to 10pm 10am to 1am	N/A
- On-premises licence – Surf Clubs - Limited licence (multi-function or single)	Sunday – Thursday Friday – Saturday Public holidays New Years Eve	midday to 10pm midday to midnight midday to 10pm midday to 1am	N/A
- Packaged Liquor Licence	Seven days per week	10am to 10pm	N/A
- Producer/Wholesale Licence	Seven days per week	10am to 10pm	N/A
Note: <ul style="list-style-type: none"> <li>• Council acknowledges that many existing licences may be entitled to trade for longer than the above hours.</li> <li>• Council will only seek to reduce these longer hours where there are serious complaints regarding the licenced premises or where the premises seek a significant change to their licence.</li> </ul>			



This plan is not survey accurate.

**Mona Vale  
Town Centre**

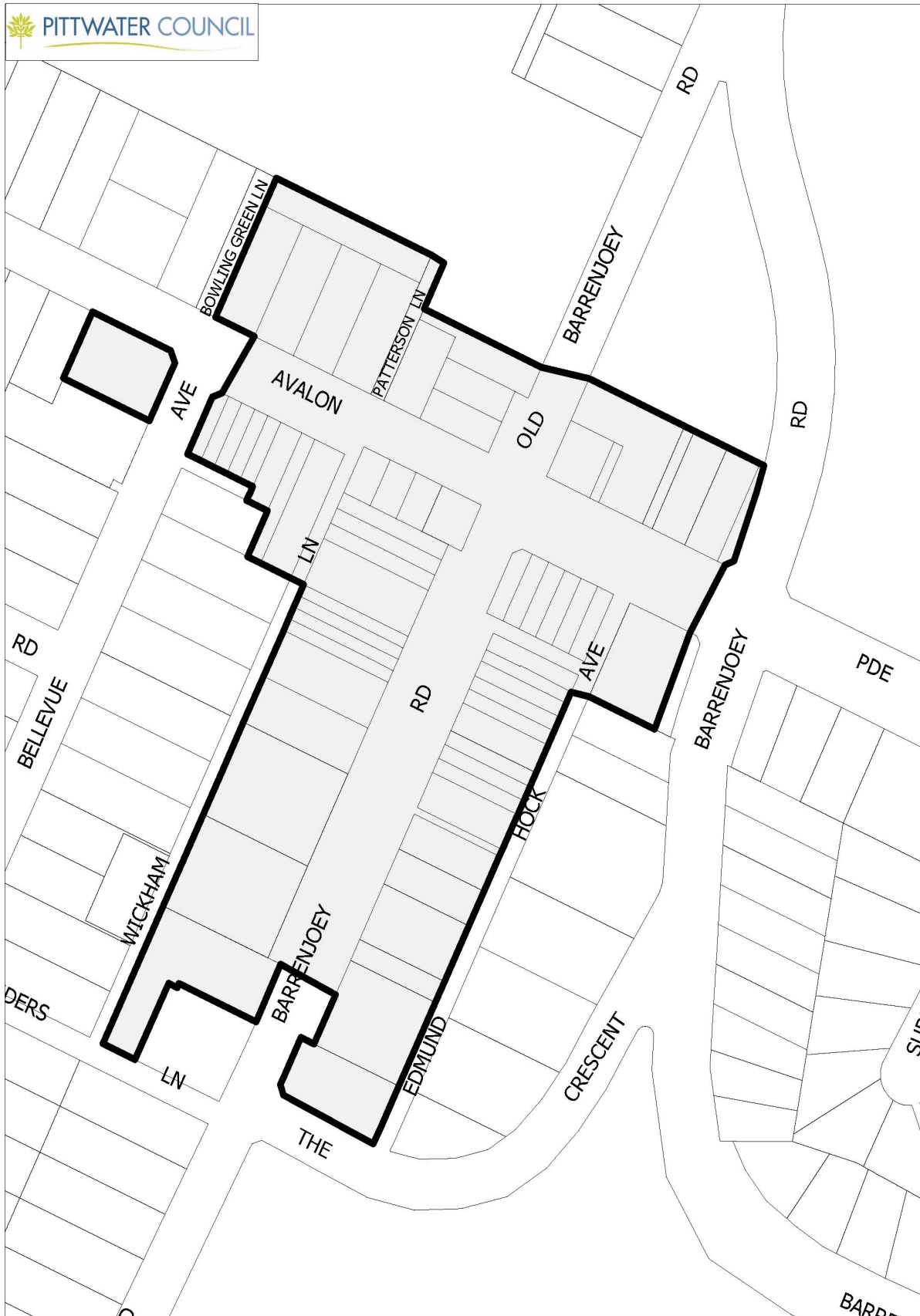
**NORTH**  
A4 Scale 1:3000



This plan is not survey accurate.

**Newport Village**

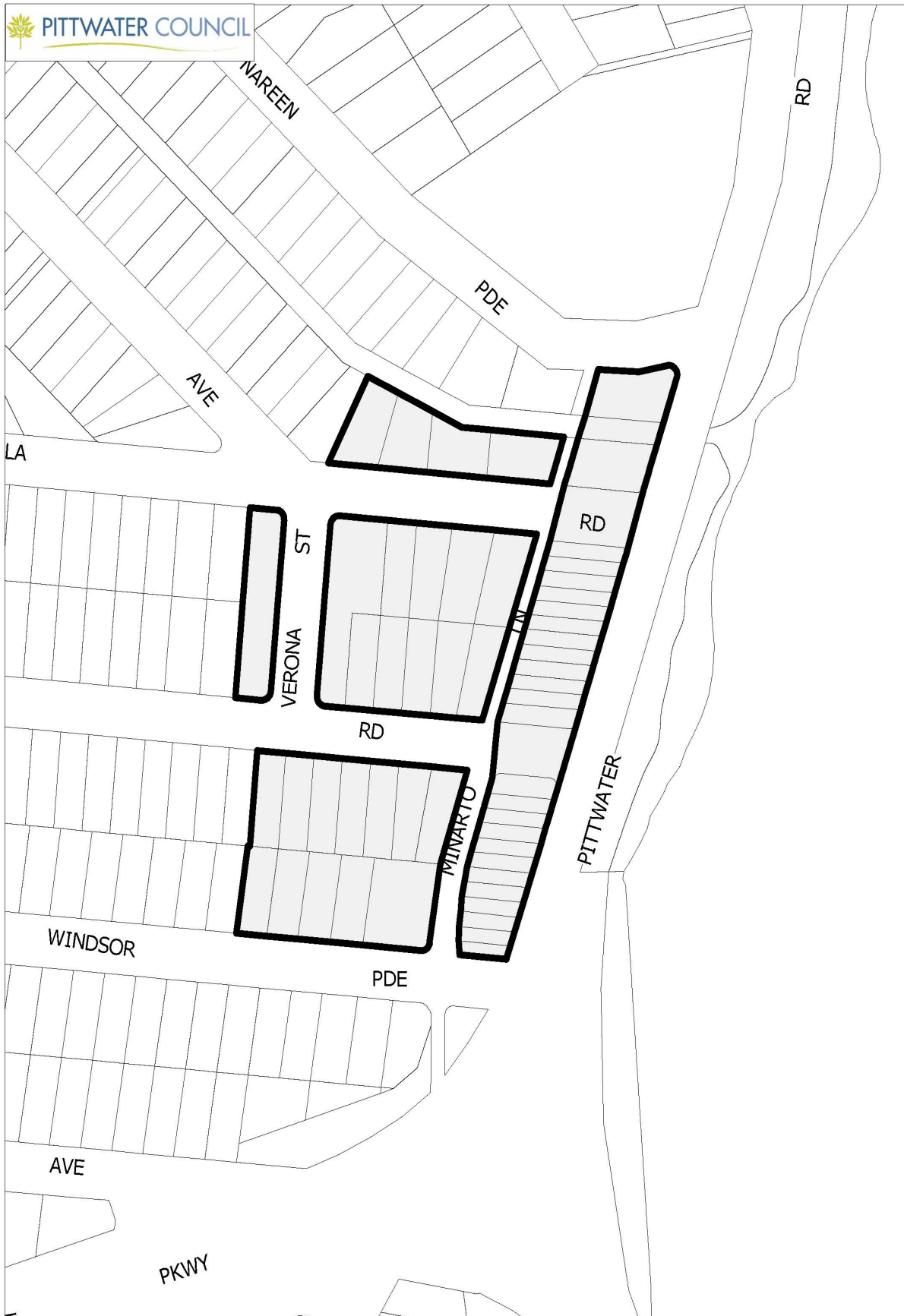
  
**NORTH**  
A4 Scale 1:2500



This plan is not survey accurate.

### Avalon Village

 **NORTH**  
A4 Scale 1:2000



This plan is not survey accurate.

**North Narrabeen  
Village**

 **NORTH**  
A4 Scale 1:2000



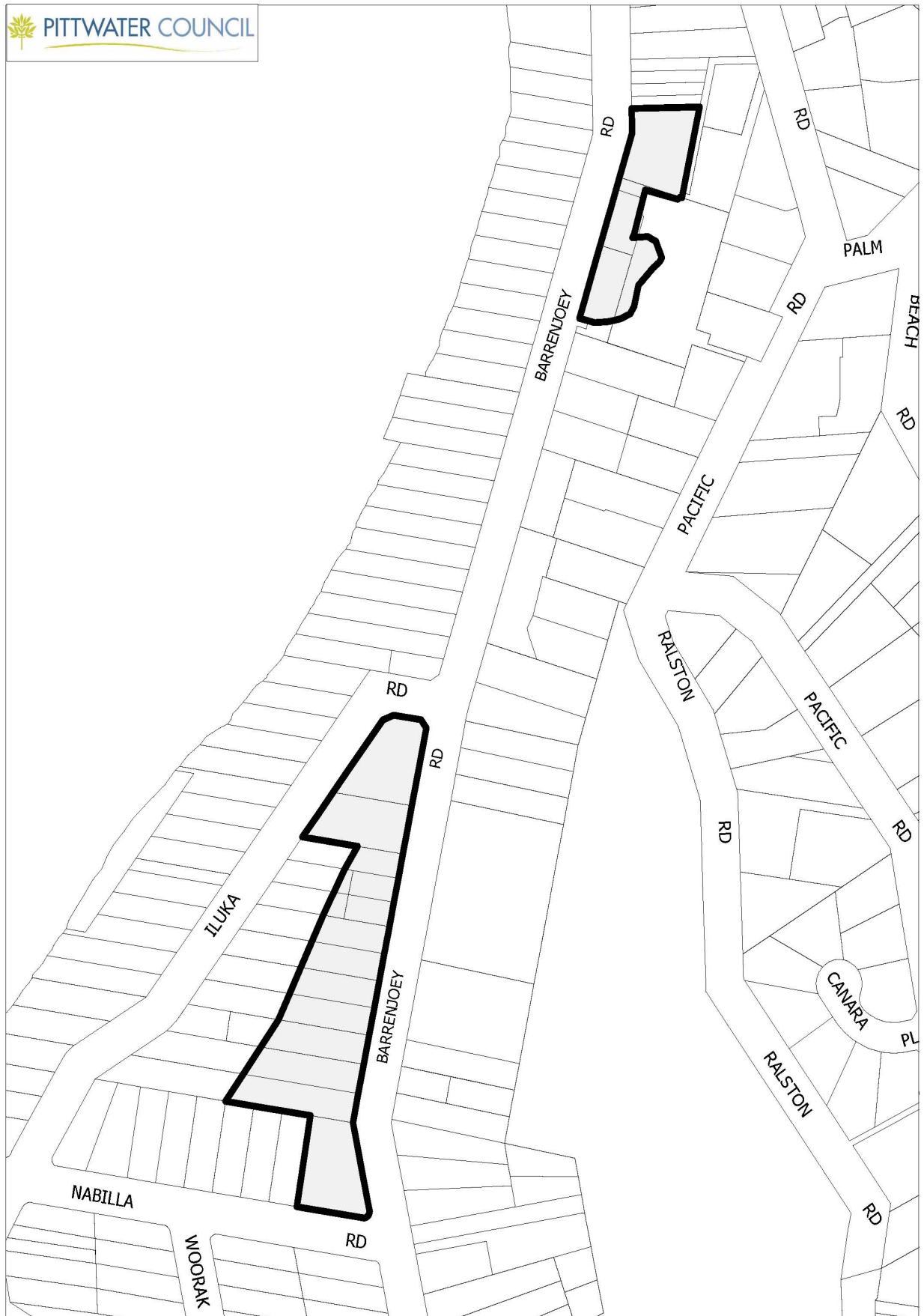


This plan is not survey accurate.

**Elanora Heights  
Village**

  
**NORTH**  
A4 Scale 1:2000





This plan is not survey accurate.

**Palm Beach  
Village**

**NORTH**  
A4 Scale 1:2500

<b>Council Policy – No 179</b>  <b>Version: 1</b>	<b>Adopted:</b>	<b>03.0510</b>
	<b>Amended</b>	<b>03.0510</b>

**TITLE: COMPLIANCE ENFORCEMENT AND ORDERS POLICY**

**STRATEGY: COMMUNITY ENGAGEMENT EDUCATION AND AWARENESS**

**BUSINESS UNIT: ENVIRONMENTAL COMPLIANCE**

**RELEVANT LEGISLATION:**

- Local Government Act 1993 and Regulations
- Environmental Planning and Assessment Act 1979 and Regulation
- Food Act 2003, Regulations and NSW Food Safety Standards
- Protection of the Environment Operations Act 1997 and Regulations
- Waste Avoidance and Resource Recovery Act 2001 and Regulations
- Noxious Weeds Act 1993
- Public Health Act 1991 and Regulations
- Companion Animals Act 1998 and Regulations
- Roads Act 1993 and Regulations
- Road Transport (Safety and Traffic Management) Act 1999, Regulations and Australian Road Rules
- Impounding Act 1993 and Regulations
- Recreational Vehicles Act 1983
- Swimming Pools Act 1993
- Fisheries Management Act 1994 and Regulations
- Liquor Act 1982 and Regulations
- Building Code of Australia, 1996 as amended

**RELATED POLICIES: Policy No 158 – Issuing of Infringement Notices**

### **Objectives**

To provide an operating manual of relevant legislative powers for compliance officers and guidance in the application of those powers in regard to a balance between the reasonable exercise of authority and the statutory responsibility of the officer to act where a breach has been identified. The Policy aims to promote consistency, procedural fairness and transparency of process in enforcement activities by providing officers with a set of guidelines for the process from responding to complaints, the investigation and the determination of enforcement action.

### **Policy Statement**

Council acknowledges that it has an obligation under section 8 of the Local Government Act 1993 to ensure that the exercise of its regulatory power is carried out consistently and without bias. Council acknowledges its obligations under the Occupational Health and Safety (OH&S) Act in relation to its officers.

The policy applies to all compliance and enforcement action where Council has regulatory responsibility under NSW legislation. It applies to Council staff and contractors who must carry out their duties lawfully.

Council's Values of Respect, Quality, Ethics and Communication apply to all actions taken under this Policy.

<b>Council Policy – No. 180</b>  <b>Version: 1</b>	<b>Adopted:</b>	<b>17.05.10</b>
	<b>Amended:</b>	

<b>TITLE:</b>	<b>CLOSED CIRCUIT TELEVISION (CCTV)</b>
<b>STRATEGY:</b>	<b>TOWN AND VILLAGE</b>
<b>BUSINESS UNIT:</b>	<b>COMMUNITY, LIBRARY AND ECONOMIC DEVELOPMENT</b>
<b>RELEVANT LEGISLATION:</b>	<b>PRIVACY AND PERSONAL INFORMATION PROTECTION ACT 1998, WORKPLACE SURVEILLANCE ACT 2005, SECURITY INDUSTRY ACT 1997</b>
<b>RELATED POLICIES:</b>	<b>NONE</b>

### **Objectives**

The CCTV system currently focuses on providing asset protection to a number of key Council facilities. The CCTV system also monitors some general public domain areas, particularly around Village Park Mona Vale.

The CCTV system contains a number of cameras which are networked to Council offices at both Vuko Place and Boondah Depot. Recordings are taken 24 hours a day, however the camera footage is generally not monitored live.

The objectives of Pittwater Council's CCTV system are as follows:

- To reduce crime levels by deterring potential offenders.
- To reduce fear of crime.
- To assist Police in the detection and prosecution of offenders.
- To help secure a safer environment for those people who live in, work in and visit the areas that are monitored.
- To assist Council in general claims management.

The CCTV system may also be used for intelligence gathering on individuals and locations, in relation to criminal offences.

The CCTV system will operate in accordance with the following key principles:

- *Principle 1*  
Pittwater Council's CCTV system will be operated fairly, within applicable law, and only for the purposes for which it is established.

- *Principle 2*  
The system will be operated with due regard to the privacy and civil liberties of individual members of the public.
- *Principle 3*  
The public interest in the operation of the system will be recognised by ensuring the security and integrity of operating procedures.
- *Principle 4*  
The public will be provided with clear and easily accessible information in relation to the CCTV system.
- *Principle 5*  
Information recorded will not exceed that necessary to fulfil the aims and objectives outlined in this policy.

### **Policy Statement**

It is recognised that the threat of crime is an important factor impacting on the actual and perceived safety of certain areas in the Pittwater area. The aim of the CCTV system is to reduce the potential for crime in the Pittwater area.

<b>Council Policy – No 21</b>  <b>Version:</b>	<b>Adopted:</b>	<b>OM: 23.09.96</b>
	<b>Amended</b>	

<b>TITLE:</b>	<b>TOURISM IN PITTWATER</b>
<b>STRATEGY:</b>	<b>BUILDING COMMUNITIES &amp; ECONOMIC DEVELOPMENT</b>
<b>BUSINESS UNIT:</b>	<b>COMMUNITY, LIBRARY AND ECONOMIC DEVELOPMENT</b>
<b>RELEVANT LEGISLATION:</b>	<b>NONE</b>
<b>RELATED POLICIES:</b>	<b>NONE</b>

### **Objectives**

1. Ensure that the natural environment of Pittwater is protected and appreciated by visitors and community alike and managed for sustainability.
2. Improve community knowledge of and attitudes towards tourism in Pittwater.
3. Ensure that tourism/ visitation issues are considered in the strategic planning of the area.
4. Work with the recognised tourism groups within Pittwater to encourage planned, sustainable and appropriate tourism development within the area to agreed standards.
5. Ensure any investment in infrastructure provision or up-grade has the two-fold benefit of improving facilities for the community while addressing the needs of tourism operators and users.
6. Encourage the provision and accessibility of community and visitor information.

### **Policy Statement**

Pittwater Council is committed to the orderly and strategic development of tourism initiatives that benefit the ratepayers of Pittwater but which are environmentally and structurally sensitive to our unique environment.

In looking at tourism initiatives Council will be favouring those initiatives that create employment, that provide facilities for the residents of the area, which in turn can be used by tourists, that promote and protect our unique environment and lifestyle and that do not unduly interfere with the fabric of the society in which we live.

### **Implementation**

In co-operation with the relevant organisations, Council will develop long-term management strategies which ensure tourism development which is acceptable to the Council's vision.

Pittwater Council will continue to formulate planning controls and policies which maintain the quality of the environment and conserve the resources which are the basis of tourism in the area.

In doing so Council will ensure that any investment in infrastructure provision or up-grade related to tourism has the two-fold benefit of also improving facilities for the community while addressing the needs of tourism.

Council will also ensure that any proposed tourism development meets with provisions of this policy.

<b>Council Policy – No 154</b>	<b>Adopted:</b>	<b>08.12.03</b>
	<b>Amended</b>	
<b>Version:</b>		

<b>TITLE:</b>	<b>SMOKE FREE ZONES AROUND PITTWATER</b>
<b>STRATEGY:</b>	<b>BUILDING COMMUNITIES</b>
<b>BUSINESS UNIT:</b>	<b>COMMUNITY, LIBRARY AND ECONOMIC DEVELOPMENT</b>
<b>RELEVANT LEGISLATION:</b>	<b>SMOKE-FREE ENVIRONMENTAL ACT 2000 PUBLIC HEALTH (TOBACCO) ACT 2008</b>
<b>RELATED POLICIES:</b>	<b>NONE</b>

### **Objectives**

The objectives of Pittwater Council in banning/encouraging the community not to smoke in various Council areas are to:

- Improve the health of community members;
- Improve the public amenity and maintenance of Council property;
- Raise community awareness of the issues associated with smoking;
- Provide community leadership in taking measures to protect the health and social wellbeing of the community;
- Minimise cigarette butt pollution on Council owned beaches, waterways, parks and other open space areas.

### **Policy Statement**

#### **Background**

There is substantial evidence linking exposure to second-hand smoke with a range of serious and life threatening health impacts including heart disease, cancer, asthma and other respiratory problems. Children exposed to second-hand smoke are at an increased risk of asthma, sudden infant death syndrome (SIDS), acute respiratory infections and ear problems.

While most of the evidence relates to indoor exposure, there is emerging evidence on how smoking affects air quality in outdoor locations such as alfresco cafes and playgrounds. A recent study which measured cigarette smoke levels in a variety of outdoor locations showed that a person sitting near a smoker in an outdoor area could be exposed to levels of cigarette smoke similar to the exposure of someone sitting in an indoor tavern where smoking is allowed. Therefore, the second-hand smoke in outdoor areas where people tend to congregate, such as alfresco dining areas, sports stadiums and concert venues etc can present a real health risk to patrons and staff.

There is also evidence to suggest that smoking bans or encouraging people not to smoke support smokers who are trying to quit as well as reduce their overall cigarette consumption. Fifty four percent of smokers who had tried to quit found that seeing someone with a cigarette was a trigger to relapse, according to a 2006 study.

In addition to the health impacts, cigarettes are an environmental issue. Cigarette butts take up to five years to break down. Cigarette butts are consistently one of the most common items found during Clean Up Australia Day. Almost 50% of all litter in urban areas is tobacco related products. Outdoor smoking bans can help to reduce the amount of cigarette butt litter and provide a substantial cost saving through reduced clean-up costs.

## **Principles**

This policy recognises that Council has:

- An obligation to promote public health outcomes where Council provides assets and services intended to be of benefit to children and other members of the community.
- A commitment to improve the natural environment and the amenity of the local area by reducing the amount of cigarette butt litter found in outdoor spaces.
- An understanding that the damaging effects of passive smoking while well documented in regard to indoor areas, is also beginning to emerge in regard to outdoor areas; and
- An acknowledgement that the indirect effects of people smoking in an outdoor area can result in children playing with and swallowing discarded cigarette butts; cigarette-derived particles accumulating on clothing and skin; and smoking causing sensory irritations such as eye watering, coughing, difficulty in breathing or asthma.

## **Smoke Free Areas**

1. That Council bans smoking in the following areas on Council owned or managed land:
  - (i) Within ten (10) metres of all fenced children's playgrounds.
  - (ii) In all alfresco dining areas and that current leases/licences will not be covered by this policy until such time as the lease or licence with Council is renewed. All existing lessors or licensees will be encouraged to voluntarily comply with this policy until such time as their lease or licence is renewed.
  - (iii) In all Council owned buildings. Current leases/licences will not be covered by this policy until such time as the lease or licence with Council is renewed. All existing lessors or licensees will be encouraged to voluntarily comply with this policy until such time as their lease or licence is renewed.
2. That Council encourages the community not to smoke in the following areas on Council owned or managed land.
  - (i) On all playing fields, sporting grounds and sporting facilities (i.e. Swimming pools, outdoor sports centres).
  - (ii) On all beaches.
  - (iii) Within all covered bus stops and taxi ranks.

<b>Council Policy – No 162</b>  <b>Version:</b>	<b>Adopted:</b>	<b>OM: 09.05.05</b>
	<b>Amended</b>	

<b>TITLE:</b>	<b>HOME BASED BUSINESS</b>
<b>STRATEGY:</b>	<b>ECONOMIC DEVELOPMENT</b>
<b>BUSINESS UNIT:</b>	<b>COMMUNITY, LIBRARY AND ECONOMIC DEVELOPMENT</b>
<b>RELEVANT LEGISLATION:</b>	<b>NONE</b>
<b>RELATED POLICIES:</b>	<b>NONE</b>

### **Objectives**

To support and promote home based micro businesses in all residential areas of Pittwater as an important economic development activity.

Home based businesses support sustainable local communities which are vital to the long term future of the local economy.

Home based businesses help promote economic as well as social benefits and opportunities for the local and regional area.

To provide an alternative to commuting to work to external locations and an opportunity to support and retain the high levels of professional skills in the area.

To support employment containment within Pittwater.

To support recognition of the national trend towards home based businesses and that many future small and medium businesses will grow from home based businesses.

To complement support for the eventual rollout of the NBN to help reinforce working from home as a legitimate form of employment now and for the future.

### **Policy Statement**

Home based businesses are growing by 16 percent a year and it is estimated that between 750,000 and 1,000,000 Australians use their home in some capacity to earn an income.

In Pittwater LGA there are already numerous home based businesses and this trend is expected to expand even further as a result of existing demographics, new communication technology advances, desire for telecommuting and self employment across a number of business sectors, flexibility and low overheads.



## **Background**

Operating a business from home has become increasingly common because of the digital revolution, outsourcing, the trend to self-employment and the growth of service industries.

This accelerated emergence of micro business operating in recent years can also be linked to better technology and trends toward more flexible lifestyles. Apart from the economic value this growth entails, local communities also gain with social and environmental benefits of those working from home.

Pittwater and the Northern Beaches have historically experienced high levels of containment. Residents have chosen to live and work in the LGA due to lifestyle advantages, the geographical distance from the Sydney CBD and lack of efficient public transport infrastructure for easy access connecting to employment centres elsewhere. Women in business for example often use home businesses as an opportunity to be in close proximity to young families.

A "home based business" or a "home activity" is a business that operates from home instead of a commercial premises. In some cases, all aspects of the business might be conducted from the home. In other cases the administrative aspects of the business are carried out in the home, which might be the case for contractors or tradespeople for example.

Typical home based include professional consultants such as accountants or solicitors, clothes design, graphics, craft workers or artisans, people involved in IT, computer/electronics assembly or repair, family day care and telecommuting or virtual offices.

Pittwater Council is keen to support doing business from home which is a growing sector, provided that the particular business is compatible with the broad amenity and environment of the local area.

<b>Council Policy – No 187</b>  <b>Version: 1</b>	<b>Adopted:</b>	
	<b>Amended</b>	

<b>TITLE:</b>	<b>DIRECT FINANCIAL ASSISTANCE – MAYORAL DONATION PROGRAM</b>
<b>STRATEGY:</b>	<b>BUILDING COMMUNITIES</b>
<b>BUSINESS UNIT:</b>	<b>OFFICE OF THE GENERAL MANAGER</b>
<b>RELEVANT LEGISLATION:</b>	<b>LOCAL GOVERNMENT ACT</b>
<b>RELATED POLICIES:</b>	<b>DIRECT FINANCIAL ASSISTANCE &amp; COMMUNITY SERVICES ORGNISATION</b>

### **Objectives**

To support local initiatives and community organisations through small financial donations.

To encourage community organisations in providing community and cultural services within the Pittwater area.

### **Policy Statement**

This program allows the Mayor discretion to support local initiatives and community organisations, not just community **service** organisations with small donations.

### **Requests for Financial Assistance under the Mayoral Donation Program**

Requests for \$500 and under can be considered under the Mayoral Donation Program. The Mayor has discretion to fund a number of local initiatives each year up to a maximum amount contained in the Delivery Plan and Budget which in 2010/2011 is \$6000.

### **Reporting**

Each year a full list of all funding provided under the Mayoral Donations Program will be included in the Annual Report.

<b>Council Policy – No 188</b>  <b>Version: 1</b>	<b>Adopted:</b>	
	<b>Amended</b>	

<b>TITLE:</b>	<b>GRAFFITI AND VANDALISM</b>
<b>STRATEGY:</b>	<b>BUILDING COMMUNITIES</b>
<b>BUSINESS UNIT:</b>	<b>COMMUNITY, LIBRARY AND ECONOMIC DEVELOPMENT</b>
<b>RELEVANT LEGISLATION:</b>	<b>NONE</b>
<b>RELATED POLICIES:</b>	<b>NONE</b>

### **Objectives**

To reduce the social, environmental and economic impact of graffiti and vandalism throughout Pittwater.

To develop partnerships with community stakeholders to assist in the prevention and removal/repair of graffiti and vandalism.

To divert and discourage those who may have a predilection towards graffiti and vandalism.

### **Policy Statement**

Council views any unauthorised damage, drawing, names, words or marks on public buildings, infrastructure or private property as illegal.

Council believes that the prevention and removal/repair of graffiti and vandalism is the responsibility of all levels of government, as well as private residents, businesses and utility owners.

Council is committed to the apprehension and prosecution of graffiti and vandalism offenders, and where possible will use the law to prosecute those who perpetrate acts of graffiti and vandalism within Pittwater.

Council recognises that it must use its position to provide leadership in the management of graffiti and vandalism within Pittwater. As such, Council will look to form partnerships with other stakeholders to assist in the elimination of graffiti and vandalism throughout Pittwater.

Council is committed to a program of systematic inspection and the rapid removal of graffiti from Council owned property and within budget constraints from private property accessible from public domain within Council's main villages.

# **Corporate Services Division**

<b>Council Policy – No 1</b>  <b>Version: 2</b>	<b>Adopted:</b>	<b>OM 4.5.98</b>
	<b>Amended</b>	

<b>TITLE:</b>	<b>MEDIA</b>
<b>STRATEGY:</b>	<b>Community Engagement Education &amp; Awareness</b>
<b>BUSINESS UNIT:</b>	<b>Administration &amp; Governance</b>
<b>RELEVANT LEGISLATION:</b>	<b>Government Information (Public Access) Act 2009 (GIPA) Local Government Act 1993</b>
<b>RELATED POLICIES:</b>	<b>No. 165 - Public Access to Information No. 170 - Community Engagement Communication No. 134 - Privacy Management Plan</b>

### **Objective**

To provide guidelines for communication with the media on Pittwater Council's behalf.

### **Policy Statement**

To ensure the media are provided with factually correct and timely information.

## **Statement to the Media**

All media statements are to be prepared by the Community Relations team and approved prior to release by the General Manager or his delegate and where appropriate, the Mayor. Media statements issued on behalf of the Council must be in the approved format. (see Attachment 1)

## **Media enquiries**

All media enquiries must be referred in the first instance to the Community Relations team. In the absence of the Community Relations team, media enquiries should be referred to either the Mayor or the General Manager.

Staff must not communicate with the media unless prior approval has been obtained from the General Manager or his/her delegate. Providing approval is given staff may provide factual information to the media on Council business or Policy matters.

Council employees and Councillors must not discuss staff, confidential legal advice or commercial in-confidence matters with the media.

Councillors may communicate with the media provided their comments are not put forward as representing Council's official position or policy.

Council employees may speak to the media as private individuals, with the following restrictions:

- they do not comment on Council business or policy
- they are not identified as Council employees
- their comments are representing official Council position or policy.

Contractors or service providers employed by Council must refer all media enquiries relating to Council Business to the Community Relations team.

Requests to film or photograph Council staff, properties or events for news and current affair purposes must be referred to the Community Relations team for prior approval.

## **Meetings**

All Council and Committee meetings are open to the media, except those dealing with staff issues, confidential legal advice or commercial-in-confidence matters as set out in Sec 10 of the Local Government Act 1993.

## **Access to Information**

All Council documents that are on the public record are open to perusal by the media, except those relating to staff, confidential legal advice and commercial-in-confidence matters. All file perusals by the media are subject to the provisions of privacy related legislation and Council policies.

Unauthorised release of Council documents by staff or Councillors may be subject to disciplinary action.

## **Emergency Events**

In the event of an emergency in the Pittwater Council area involving serious injury to and/or death of residents, Councillors or Council staff, or significant damage to Council assets, the following procedure will apply to all Councillors and Council staff:

- The Senior Communications Officer must be notified immediately of details of the incident. The Senior Communications Officer is on 24-hour call.
- Details of the incident must not be discussed with any media representative unless approved in advance by the General Manager.
- Requests to film or photograph Council staff, properties or events for news and current affairs purposes during an emergency event must be referred to the General Manager for prior approval.

## **Spokepersons**

The Mayor is the Council's official spokesperson and is responsible for providing comment on Council Policy and other matters of public interest.

The General Manager is the Council's official spokesperson responsible for providing comment on Council Policy and all operational matters relating to the Council.

In the absence of the Mayor and the General Manager, other staff may be delegated to be the Council's official spokesperson, subject to the General Manager's approval. Such staff are responsible for providing comment on Council policy and matters of fact relating to Council business.

## **Definitions**

*Media statement:* A written statement issued by the Council that states its position on a matter of Council business, Council policy or public interest.

*Media comment:* A verbal statement issued by the Council that states its position on a matter of Council business, Council policy or public interest.

*Council spokesperson:* The Mayor, General Manager or delegated staff member authorised to speak to the Media on a matter of Council business, Council policy or public interest.

## **Related Documents**

Disaster Management Plan  
Code of Conduct



---

MEDIA RELEASE  
(Insert title here Arial18 point)

(Insert body copy here Arial 11/12 point)

ends

Media contact: (insert name and title)

(insert date of issue)



<b>Council Policy – No 15</b>	<b>Adopted:</b>	<b>3.3.1997</b>
	<b>Amended</b>	<b>20.6.2011</b>
<b>Version: 2</b>		

**TITLE:** **INTEREST EARNED ON CONTRIBUTIONS LEVIED AND SECURITY DEPOSITS HELD**

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

**BUSINESS UNIT:** **Finance and IT**

**RELEVANT LEGISLATION:** **Environmental Planning and Assessment Act, 1979  
Local Government Act 1993**

**RELATED POLICIES:** **None**

### **Objective**

1. To reduce the effects of inflation and hence the future purchasing power of Developer Contributions levied and received under Section 94 of the Environmental Planning and Assessment Act, 1979.
2. To determine the rate of interest applicable for security deposits held and subsequently refunded as required under Section 97(5) of the Local Government Act, 1993.

### **Policy Statement**

That Council, as a matter of procedure, allocate interest on the unspent balance of funds received as Developer Contributions under Section 94 of the Environmental Planning and Assessment Act, 1979. The rate of interest applicable on such funds will be set as per Council's prevailing Contributions Plans.

That Council, as a matter of procedure, allocate interest on the balance of all refundable deposits and bonds held as per Section 97 (5) of the Local Government Act, 1993, which states; "a security deposit (or part) if repaid to the person who provided it is to be repaid with any interest accrued on the deposit (or part) as a consequence of its investment".

Accordingly, the rate of interest applicable on refundable deposits and bonds will be set at the prevailing return for Council's Corporate Cheque Account - General Account held with Council's current banker.

<b>Council Policy – No 42</b>  <b>Version: 3</b>	<b>Adopted:</b>	<b>OM: 03.03.97</b>
	<b>Amended</b>	<b>OM: 13.02.06</b>

**TITLE:** **DEVELOPMENT APPLICATION BY COUNCILLORS AND COUNCIL STAFF**

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

**BUSINESS UNIT:** **Administration and Governance**

**RELEVANT LEGISLATION:** **None**

**RELATED POLICIES:** **None**

### **Objective**

To adopt a process for the determination of Development Applications submitted by Councillors and staff.

### **Policy Statement**

There is an expectation that Development Applications made by Councillors, staff and Council itself go through a rigorous independent process to ensure openness and transparency.

Public officials should perform their duties impartially when exercising their statutory discretionary power or delegated authority and should not act as decision makers in relation to any matter in which they have an interest.

This policy will ensure that each application is determined independently and in an open and transparent manner free of any conflict of interest.

### **Development Application by Councillors and Council Staff**

1. That Development Applications by Councillors be determined by the elected Council.
2. That Development Applications involving Council staff as the Applicant or objector and Development Applications where the Council itself is the Applicant, will only be referred to Council if they are unable to be determined under existing delegations notwithstanding the fact that the Council or its staff is the Applicant or objector. The Internal Auditor will conduct a probity audit on all such applications determined under delegation which shall be documented and available for public inspection.

<b>Council Policy – No 51</b>  <b>Version:</b>	<b>Adopted:</b>	<b>OM: 2.3.98</b>
	<b>Amended</b>	<b>OM: 20.6.11</b>

**TITLE:** LAKESIDE CARAVAN PARK

**STRATEGY:** Business Management

**BUSINESS UNIT:** Corporate Strategy & Commercial

**RELEVANT LEGISLATION:** Residential Parks Act 1998

**RELATED POLICIES:** None

---

### **Objective**

To protect and enhance the intrinsic qualities of the site as a recreational, tourist, environmental and community resource.

To promote a more effective management framework for the site and derive optimum return on the asset to ratepayers.

To satisfy the needs of tourists and long term residents.  
To maintain the site's current NRMA rating of 4.5 stars.

### **Policy Statement**

#### **Site**

The main area of the caravan park is on land owned by Council and this land is classified as community owned land under the Local Government Act, 1993. An area of the caravan park fronting Narrabeen reserve is Crown Land and is subject to the Crown Lands Act, 1989.

Council is empowered, subject to approval from the Minister for Lands to lease the site for up to 21 years.

The caravan park is licensed for 99 long term sites and 276 short term sites. Within the site but not forming part of the caravan park operations is the Coastal Environment Centre which functions as an environmental training centre and community facility under Council control.

## **Management**

Under a contract with Council. Australian Tourist Park Management Pty Ltd manages the caravan park for a management fee. Council fixes site fees and charges and retains all income from which it meets all operational expenses.

## **Legislation, Codes, Delegations**

Residential Tenancies Act (Residential Tenancy Agreements for relocatable homes and caravans with rigid annexes attached).

Caravan and Relocatable Home Park Industry Code of Practice.

Local Government Act, 1993.

Residential Parks Act 1998

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005

Delegation to Council pursuant to Section 745 Local Government Act from Director General to Department of Local Government dated 12 October, 1995 (to issue an Approval to Operate).

## **Documentation**

Lakeside Caravan Park Rules

Residential Tenancy Agreement (Long Stay)

Residential Site Condition Report

Tourist Site Hire (Weekend/Holiday Van) Agreement

Van Storage Agreement

Site Fees and Charges.

## **Compliance Issues**

Approval to Operate a Caravan Park/Camping Ground (issued by Council under Section 68 Part F2 Local Government Act, 1993).

Building Code compliance (Certificate of Compliance or 'work as executed' issued by Council); see Recommendation 5.2.4 of Council Meeting of 7 April, 1997.

<b>Council Policy – No 55</b>	<b>Adopted:</b>	<b>OM: 3.3.97</b>
	<b>Amended</b>	<b>OM: 20.6.11</b>
<b>Version:</b>		

**TITLE:** **GOLF COURSES – MONA VALE AND PALM BEACH – APPROVAL OF FEES**

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

**BUSINESS UNIT:** **Corporate Strategy & Commercial**

**RELEVANT LEGISLATION:** **None**

**RELATED POLICIES:** **None**

### **Objective**

To ensure proper approvals process for the setting of fees and charges.

### **Policy Statement**

In accordance with the terms of the respective leases from Council, proposed increases in fees charged to the public at Mona Vale and Palm Beach Golf Courses be submitted to and approved by Council on an annual basis.

<b>Council Policy – No 56</b>  <b>Version:</b>	<b>Adopted:</b>	<b>OM: 3.3.97</b>
	<b>Amended</b>	<b>OM: 20.6.11</b>

**TITLE:** **PUBLIC RESERVES AND OTHER LANDS  
– RESUMPTION FOR PUBLIC UTILITIES**

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

**BUSINESS UNIT:** **Corporate Strategy & Commercial**

**RELEVANT LEGISLATION:** **None**

**RELATED POLICIES:** **None**

### **Objective**

To ensure adequate compensation for loss of public assets.

### **Policy Statement**

That where land owned by the Council as a Public Reserve or other is to be resumed by an authority to accommodate its facility, the council seek appropriate compensation to be determined by Market Valuation.

<b>Council Policy – No 92</b>  <b>Version:</b>	<b>Adopted:</b>	<b>OM: 3.3.97</b>
	<b>Amended</b>	<b>OM: 20.6.11</b>

**TITLE:** **LAND – DISPOSAL OF SURPLUS**

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

**BUSINESS UNIT:** **Corporate Strategy & Commercial**

**RELEVANT LEGISLATION:** **None**

**RELATED POLICIES:** **None**

---

### **Objective**

To regulate the disposal of surplus public land.

### **Policy Statement**

Council will consider the sale of surplus properties as and when they are identified provided:-

1. the property does not form part of a long term strategic initiative.
2. it can be clearly demonstrated that the initial use proposed for the property is not likely to be achieved and/or that priorities have changed to the extent that the proposed use of the site will not be fulfilled.
3. that its disposal will benefit the wider community.
4. subject to consideration of any alternative use or community benefit arising from the retention of the land in its vacant form e.g. public reserve for access purposes or open space.



<b>Council Policy – No. 110</b>  <b>Version: 1</b>	<b>Adopted:</b>	<b>CO: 24.8.98</b>
	<b>Amended</b>	

<b>TITLE:</b>	<b>RATES ON LEASED COUNCIL PROPERTY/FACILITIES</b>
<b>STRATEGY:</b>	<b>Business Management</b>
<b>BUSINESS UNIT:</b>	<b>Corporate Strategy &amp; Commercial</b>
<b>RELEVANT LEGISLATION:</b>	<b>None</b>
<b>RELATED POLICIES:</b>	<b>None</b>

### **Objective**

To provide a clear statement of Pittwater Council's treatment of levying rates on leased Council property/facilities.

### **Policy Statement**

That Council adopt the following policy in regard to the levying rates on leased Council property/facilities:-

#### **A) Full Commercial use of Council Facility/Building**

The Lessee shall be liable to pay the full amount of Council rates levied on the property

#### **B) Club Use with Public Access**

- (i) Where the valuation per square metre is less than 50% of neighbouring residential valuations, then the Lessee shall be liable to pay the full amount of Council rates levied on the property
- (ii) Where the valuation per square metre is greater than 51% of neighbouring residential valuations, then the Lessee shall be entitled to a contribution towards rates in proportion with the measurable public access to the facility

#### **C) Community Service/Public Benefit**

The Lessee shall be liable to pay the full amount of Council rates levied on the property. However, Council is prepared to contribute up to the full amount of rates providing that the organisation complies with the service standards in regard to meeting the obligations of the organisation to the public as established in the service standards as contained in the lease documents.

#### **D) Exempt in accordance with legislation.**

<b>Council Policy – No 114</b>  <b>Version:</b>	<b>Adopted:</b>	<b>OM: 7.12.98</b>
	<b>Amended</b>	

**TITLE:** **SPONSORSHIP POLICY**

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

**BUSINESS UNIT:** **Administration & Governance**

**RELEVANT LEGISLATION:** **None**

**RELATED POLICIES:** **No. 182 - Gifts and Benefits Policy**

---

### **Objective**

Pittwater Council supports corporate sponsorship with organisations whose public image, products and services are consistent with the values, goals and specific policies of local government in the Pittwater Area

### **Policy Statement**

“Sponsorship” means a contribution in money or kind, generally by the corporate sector or private individuals, in support of a Council activity. It does not include the selling of advertising space, joint ventures, consultancies and gifts or donations where the reciprocal benefit provided by the Council does not extend beyond some modest acknowledgment.

## **SPONSORSHIP PRINCIPLES**

### **1.0 General Principals**

- 1.1 The General Manager, or an officer authorised by the General Manager, has the authority to seek and negotiate corporate sponsorship agreements.
- 1.2 Final approval of each corporate sponsorship agreement over \$50,000 shall be by the full Council in accordance with this Policy.
- 1.3 Any consideration given to the establishment of sponsorship agreements shall include regard to the following:
  - Council is, and is seen to be, impartial with respect to its decision making,
  - The maintenance of a consistent and professional image of Council and the sponsor within the community at all times,
  - Realistic servicing of the sponsorship agreement by Council, and
  - Sponsorship agreements are to be developed in line with Council's long-range strategic planning and reflect unified and consistent themes.
- 1.4 In relation to sponsor products Council will not enter into a sponsorship agreement with the following:
  - Organisations involved in the manufacture, distribution and wholesaling of tobacco and tobacco-related products,
  - Organisations involved in the manufacture, distribution and the wholesaling of alcoholic products where such a sponsorship would be related to services or activities for youth,
  - Organisations whose services or products are injurious to health, or are perceived to be in conflict with Council's policies and responsibilities to the community.
- 1.5 Each project will be assessed on the individual merits of the sponsor and the items to be sponsored
- 1.6 An employee of the Council or Councillors shall not accept any personal benefits from sponsorship
- 1.7 Funds raised through sponsorship of specific expenditure items which are included in the current budget will be used for that purpose and not be redirected into general revenue.
- 1.8 Sponsorship shall generally be sought in accordance with Council's Procurement guidelines to ensure transparency and equity in the selection process.

### **2.0 Recognition Mechanisms**

- 2.1 Pittwater Council will recognise its corporate sponsors in a number of ways. The extent of such recognition will be determined in relation to the level and nature of the sponsorship. Such forms of recognition may include:
  - Appropriate signage of the sponsored item,
  - Media release and seeking of associated media opportunities,
  - Invitations to selected Council functions,
  - Annual function for sponsors,
  - Naming rights for an event, building, etc for the term of sponsorship,
  - Award or trophy struck in the sponsor's name and publicly presented ,

- Right to use the asset, service, event, name and logo, etc in sponsor's advertising and sales promotion in a form to be mutually agreed,
- Event facilities, which may include hospitality, free preferential seats, event functions, award presentation, car parking, VIP functions, etc,
- Merchandising of goods at selected points of sale,
- Static display in the foyer of Council's Administration Building or other Council-owned facility in a form to be mutually agreed,
- Professional footage and photography of the asset, service, event etc, for use by sponsor in a form to be mutually agreed,
- To use the asset or facility, subject to approval in each individual case, in static displays or for an activity of the sponsor when not required for Council's use, and
- Opportunity for sponsor's name / or logo to be promoted through appropriate general advertising by Council.

### **3.0 Sponsorship Conditions**

#### **3.1 Sponsorship must comply with the following conditions:**

- The sponsorship must not conflict or be seen to conflict with the objectives and policies of the Council,
- The sponsor shall not impose or imply conditions that would limit the Council's ability to carry out its functions fully and impartially,
- Council explicitly will not endorse the sponsor or its products, and
- The agreement to sponsor will not control or influence in any way any other dealings between the parties.

#### **3.2 The Council may terminate the sponsorship agreement if any of the conditions in 3.1 occur.**

In particular:

- If Council is asked to make a determination in respect of an application made to it by the sponsor for approval under a statute which requires the exercise of Council's discretion then the Council will have the right to forthwith terminate the sponsorship agreement and no party shall be entitled to claim compensation. The Council may also seek appropriate independent advice on the merits of the application, whether it ought to be approved, and if so, on what conditions, and
- If Council is required to exercise its regulatory functions and serve a notice, on the sponsor pursuant to a function, the contract will be terminated without the right of either party to claim compensation.

#### **3.3 Benefits accorded to sponsors will be determined by the value of the sponsorship in dollar terms, the length of sponsorship and the type of asset, service, function or program being sponsored. For major sponsors with a multi-year commitment, sponsorship benefits may need to be negotiated on an individual basis.**

### **4.0 Responsibility / Accountability**

#### **4.1 The General Manager is responsible for authorising Council officers to seek and negotiate corporate sponsorship agreements.**

<b>Council Policy – No 115</b>  <b>Version: 3</b>	<b>Adopted:</b>	<b>OM 03.5.1999</b>
	<b>Amended</b>	<b>13.9.2004</b> <b>20.6.2011</b>

**TITLE:** **LOAN BORROWING POLICY**

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

**BUSINESS UNIT:** **Finance and IT**

**RELEVANT LEGISLATION:** **None**

**RELATED POLICIES:** **None**

### **Objective**

To provide a disciplined approach to the supplementary financing of the Council's Capital Improvements Program through the use of loan funds.

While it has historically been considered desirable to keep debt levels as low as possible, borrowing is a valid and appropriate option available to Council to help finance ongoing infrastructure requirements and is justified due to the greater cost in future years through deferring the spending activity.

A zero debt policy is often inappropriate for local government as it implies that the current ratepayers are expected to meet the full cost of infrastructure assets, while in reality most of the benefit will actually be gained by future ratepayers. On inter-generational grounds it is considered that additional borrowings can be considered to fund enhancement capital expenditure, and such capital expenditure gives rise to infrastructure enhancement that benefits future as well as existing ratepayers. This way, the cost of the asset is matched by the benefits from consumption of service over the life of the asset, and it promotes inter-generational equity, which is only reasonable given the future benefit of the asset.

### **Policy Statement**

Given the Objectives above, in terms of Council's Loan Borrowing Program;

1. Council recognises that loan borrowing plays an important part in the local government financial structure.
2. Council recognises that it is equitable to the ratepayers that the liability for the capital costs of infrastructure should be distributed over the period during which the people enjoy the benefits derived there from.
3. Council, therefore, adopts the principle of using loan funding as a resource to fund the replacement and creation of infrastructure that has a reasonably long life expectancy.

4. The use of loan funds will, in the main, be limited to the construction, alteration and or renewal of buildings, the acquisition of income producing assets (including land) and the acquisition of new or renewal of existing infrastructure assets which have a life expectancy greater than ten years.
5. Loan borrowings will generally be limited to a level where the ratio of net debt service costs (principal and interest) to Operating Revenue does not exceed 5.5%.

<b>Council Policy – No 134</b>  <b>Version:</b>	<b>Adopted:</b>	<b>23.10.00 OM</b>
	<b>Amended</b>	<b>18.05.09 OM</b>

**TITLE:** **PRIVACY AND PERSONAL INFORMATION PROTECTION ACT 1998 -PRIVACY MANAGEMENT PLAN**

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

**BUSINESS UNIT:** **Administration and Governance**

**RELEVANT LEGISLATION:** **Privacy and Personal Information Protection Act 1998**  
**Government Information (Public Access) Act 2009**  
**Health Records & Information Act 2002**  
**NSW Local Government Act 1993**  
**Children and Young Peoples Act**  
**Environmental Planning and Assessment Act 1979**

**RELATED POLICIES:** **Policy No 165 - Access to Public Information**

### **Objective**

To provide for the protection of personal information and for the protection of the privacy of individuals.

### **Policy Statement**

This Policy has been prepared in accordance with Section 33 of the Privacy and Personal Information Protection Act (PPIPA) and the Privacy Code of Practice for Local Government

In order to comply with the requirements of the Act, Council is to comply with the twelve Information Protection Principles which have been incorporated into this Plan.

Council collects, stores and uses a broad range of information. A significant part of that information is personal information. This Plan applies to that part of the Council's information that is personal information.

## **PRIVACY MANAGEMENT PLAN FOR PITTWATER COUNCIL**

### **Introduction**

Council's Privacy Management Plan provides for the protection of personal information and for the protection of the privacy of individuals and has been prepared in accordance with Section 33 of the Privacy and Personal Information Protection Act (PPIPA) and the Privacy Code of Practice for Local Government

In order to comply with the requirements of the Act, Council is to comply with the twelve Information Protection Principles which have been incorporated into this Plan.

Council collects, stores and uses a broad range of information. A significant part of that information is personal information. This Plan applies to that part of the Council's information that is personal information.

#### What is personal information?

"Personal information" is defined in section 4 of the PPIPA as follows:

Personal information is information or an opinion about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion. This information can be on a database and does not necessarily have to be recorded in a material form.

#### What is not "personal information"?

"Personal information" does not "include information about an individual that is contained in a publicly available publication". Personal information, once it is contained in a publicly available publication, ceases to be covered by the PPIPA.

Where the Council is requested to provide access or make a disclosure and that information has already been published, then the Council will rely on the provisions of the relevant Act that authorises Council to hold that information and not the PPIPA.

Council considers the following to be publicly available publications:

- An advertisement containing personal information in a local, city or national newspaper.
- Personal information on the Internet.
- Books or magazines that are printed and distributed broadly to the general public.
- Council Business papers or that part that is available to the general public.
- Personal information that may be a part of a public display on view to the general public.

Information published in this way ceases to be covered by the PPIPA. However, Council's decision to publish in this way must be in accordance with the PPIPA.



### Policy on Electoral Rolls

The Electoral Roll is a publicly available publication. Council will provide open access to the Electoral Roll in Council's Mona Vale Library. Council will refer any requests for copies of the Electoral Roll to the State Electoral Commissioner. Council will not provide copies of the Electoral Roll.

### Application of this Plan

The PPIPA and this Plan apply, wherever practicable, to:

- Councillors;
- Council employees;
- Consultants and contractors of the Council;
- Council owned businesses; and
- Council committees (including those which may be established under section 355 of the LGA).

Council will ensure that all such parties are made aware that they must:-

- comply with PPIPA,
- comply with the Code of Practice for Local Government,
- comply with any other applicable Privacy Code of Practice and this Plan,
- not collect personal information by an unlawful means.

### Personal Information Held by Council

The Council holds personal information concerning Councillors, such as:

- personal contact information;
- complaints and disciplinary matters;
- pecuniary interest returns; and
- entitlements to fees, expenses and facilities;

The Council holds personal information concerning its customers, ratepayers and residents, such as (but not limited to):

- rates records
- DA applications and related submissions
- Unsolicited complaints and petitions
- Submissions and information provided as part of Community Engagement
- Details as provided on any form or application presented to Council

The Council holds personal information concerning its employees, such as:

- recruitment material;
- leave and payroll data;
- personal contact information;
- performance management plans;
- disciplinary matters;
- pecuniary interest returns; and
- wage and salary entitlements.

### Applications for suppression in relation to general information (not public registers).

Where an application for suppression is made in relation to anything other than a public register, then an application under section 739 of the Local Government Act 1993 ("LGA") is required.

Section 739 of the LGA covers all publicly available material under the GIPA Act other than public registers. As such, it limits disclosure in those circumstances where an application for suppression is successful. An application for suppression must be verified by statutory declaration and otherwise meet the requirements of section 739.

When in doubt, Council will err in favour of suppression.

### Caution as to Unsolicited Information (Complaints, Petitions)

Where an individual, a group or committee, not established by Council, gives Council unsolicited personal information, then that information should be still treated in accordance with this Plan, the Code and the PPIPA for the purposes of Principles 5-12 which relate to storage, access, use and disclosure of information.

As a matter of course the subject matter of petitions may be reported to Council meetings but the names and addresses are not provided in the Business Paper nor will they be provided to any third party.

Similarly the nature of any unsolicited complaint received may be available in accordance with the Freedom of Information Act however the name and address of the complainant will not be disclosed to any third party nor will any other relevant information relating to the complaint that may identify the complainant (i.e. photos).

### Information collected as a result of a Community Engagement process (submissions, surveys, contact details at meetings)

Council engages the public by way of public meetings, surveys or invitations for submissions on a Council project, event or other initiative. Council will advise the public in letters, on website, in advertising and at public meetings how any personal information that is collected will be handled. Unless indicated otherwise such personal information will generally be dealt with as follows:-

**PUBLIC MEETINGS:** Personal information collected at public meetings will only be collected for the purpose of ongoing consultation on the issue by Council officers. Such information will not be made available for release to the public.

**SUBMISSIONS:** All submissions received as part of a community engagement process will be considered in the public arena and as such any submission will be made available in its entirety if so requested, unless confidentiality is requested in accordance with the provisions of Section 739 of the Local Government Act.

### Health Records and Information Privacy Act 2002

This Plan details how the Council deals with both personal information and health information it collects to ensure that it complies with the Privacy and Personal Information Protection Act 1998 (NSW) or The Privacy Act 1988 (Commonwealth) and the Health Records and Information Privacy Act 2002. In the Plan a reference to "information" is a reference to both health information and personal information.

The following paragraphs in italics have been paraphrased from the Department of Local Government's Privacy Code of Practice.

## ***Privacy principles (Part 2 Division 1 Sections 8 to 19 inclusive, PIPP Act)***

### ***Collection of Personal Information for Lawful Purposes***

1. *Council will not collect personal information unless:*
  - (a) *Information is collected for a lawful purpose that is directly related to a function or activity of Council, and*
  - (b) *The collection of the information is reasonably necessary for that purpose.*
2. *The Council will not collect personal information by any unlawful means.*

### **Dealings With Other Councils and Government Agencies**

Council continues to collect and deliver personal information to and from Government Departments involved in the normal functions of Council's operation. Council deals with the NSW Commission for Children and Young People for enquiries on personnel and recruitment matters i.e. for pre-employment screening of people working with children (Children and Young Peoples Act).

### **Multiple Uses of Personal Information**

Council uses personal information for a variety of purposes within its departments, as on most occasions the information was collected for one main purpose, it may be used for a variety of other Council related purposes.

For example, the names and address of individual owners of property kept on the Rate and Charging Record (Section 602 of the Local Government Act, 1993) are used to notify adjoining owners of proposed development, identify companion animal ownership, evaluate applications for the removal of trees, investigate complaints regarding non compliance with the various Acts administered by Council, evaluate applications for uses of public land including dedications and resumptions as well as being the basis of the Rating and Valuation Register.

Personal information collected by Council may also be used for the purpose of customer/ratepayer satisfaction surveys or any other Council related project that may require a random selection of names and addresses for any other consultation purpose.

### ***Collection of Information Directly from the Individual***

*When collecting personal information, Council will collect information only from the individual to whom the information relates unless:*

- (a) *the individual has authorised collection from someone else, or*
- (b) *the information has been provided by a parent or guardian of a person under the age of 16.*

Council may depart from this principle where indirect collection of personal information is reasonably necessary when an award, prize, benefit or similar form of personal recognition is intended to be conferred upon the person to whom the information relates.

### ***Requirements When Collecting Personal Information***

*When Council collects personal information about an individual, that person will be notified of:*

- (a) *the fact that the information is being collected,*
- (b) *the purposes for which the information is collected,*

- (c) *the intended recipients of the information,*
- (d) *whether the supply of information is required by law or is voluntary, and any consequences for the individual if the information (or any part of it) is not provided,*
- (e) *the existence of any right of access to, and correction of the information,*
- (f) *Council's name and address and where the information will be stored.*

A privacy protection notice will be added to all forms, where the Council solicits personal information from the general public. Internal forms are not affected. A Privacy Statement will be read at public meetings, where lists of names and addresses of attendees are collected. Council may depart from this principle where indirect collection of personal information is reasonably necessary when an award, prize, benefit or similar form of personal recognition is intended to be conferred upon the person to whom the information relates.

### ***Other Requirements Relating to the Collection of Personal Information***

*Council will take reasonable steps to ensure that:*

- (a) *information collected, is relevant to a purpose, is not excessive, is accurate, up to date and complete, and*
- (b) *the collection of the information does not intrude to an unreasonable extent on the personal affairs of the individual to whom the information relates.*

Council may use public place video surveillance in accordance with **NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television in Public Places**. The provisions of the Work Place Surveillance act will be complied with.

### ***Retention and Security of Personal Information***

*With regard to the retention and security of personal information, Council will ensure:*

- (a) *that information is kept for no longer than is necessary for the purposes for which the information may be lawfully used, and*
- (b) *that the information is disposed of securely and in accordance with any requirements for the retention and disposal of personal information, and*
- (c) *that the information is protected, by taking such security safeguards as a reasonable in the circumstances, against loss, unauthorised access, use, modification or disclosure and against all other misuse (as are reasonable in the circumstances), and*
- (d) *that if it is necessary for the information to be given to a person in connection with the provision of a service to council, everything reasonably within the power of the agency is done to prevent unauthorised use or disclosure of the information.*

Where it is necessary for personal information to be given to a person in connection with the provision of a service to council, Council shall ask the following questions and make the following enquiries:

- Who, or which statutory requirement, has authorised its transfer?
- To what purpose will the personal information be used?
- What measures are in place to ensure its proper use?
- How will it be held?
- Who will have access to it?
- What measures are in place to prevent unauthorised access?
- Upon use of the information, how will it be disposed of?
- What measures are in place to ensure compliance with PIPPA?

Disposal (archiving and destruction) of Council records is the responsibility of the Group Leader - Records. All records approved for destruction by the Group Leader -Records are also recommended for destruction by the manager/director responsible for the functional area that created the records.

The Records Disposal Schedule used as the basis for records disposal is GDA10: General Records Disposal Schedule for Local Government Records, issued by State Records NSW and having effect under the State Records Act 1998. GDA10 is a public document available from State Records NSW.

Destruction of records which have no residual business or research values and which are eligible for destruction in accordance with GDA10, is undertaken on an as required basis.

### ***Information About Personal Information Held by Agencies***

*If Council holds personal information about any individual it will take the necessary steps to enable any person to ascertain:*

- (a) Whether the Council holds personal information; and*
- (b) Whether the Council holds personal information relating to that person, and*
- (c) If Council holds personal information relating to that person:*
  - (1) The nature of that information; and*
  - (2) The main purposes that the information is being used, and*
  - (3) That person's entitlement to gain access to that information.*

### ***Access To Personal Information Held by Agencies***

*Where Council holds personal information, it will, at the request of an individual to whom personal information relates and without excessive delay or expense, provide the individual with access to that information.*

Any person will be able to ascertain whether Council holds their personal information by contacting Council in writing addressed to the General Manager. Employees should enquire at the Corporate Development Unit to access their records.

### ***Alteration of Personal Information***

*If Council holds personal information, it will, at the request of the individual to whom the information relates, make appropriate amendments (whether by way of corrections, deletions or additions) to ensure that the personal information:*

- (a) is accurate, and*
- (b) having regard to the purpose for which the information was collected (or is to be used) and to any purpose that is directly related to that purpose, is relevant, up to date, complete and not misleading.*

*If Council is not prepared to amend personal information in accordance with a request by the individual to whom the information relates, Council will, if so requested by the individual concerned, take such steps as are reasonable to attach to the information, in such a manner as is capable of being read with the information, any statement provided by that individual of the amendment sought.*

*If personal information is amended in accordance with this section, the individual to whom the information relates is entitled, if it is reasonably practicable, to have recipients of that information notified of the amendments made by Council.*

If personal information is amended Council will arrange for records to be physically altered, whether computerised or in hard copy.

The council will seek to notify recipients of information, as soon as possible, of the making of any amendment where it is reasonably practicable. In deciding whether notification is reasonably practicable in the circumstances of a particular case, Council shall have regard to the following matters:

- Did Council collect the personal information?
- Has the personal information been forwarded to other parties?
- How many other parties would have received the personal information?
- What was the use of the information by the other parties?
- How widespread was the dissemination of the personal information within the organisations?
- How many persons would have had access to the information before and after the amendments?
- Would there be an unfair and misleading impression given of the individual?
- Would there be a potential adverse outcome for the individual as a consequence of a failure not to modify?
- What are the practical issues that have to be resolved to manage the process?
- Can Council quantify the resources, financial and human, required to notify all the parties who received the information?

Where there are complaints that are or could be the subject of a staff complaint or grievance, they will be referred to the General Manager in the first instance and treated in accordance with the grievance procedures or complaint handling procedures.

### ***Agency Must Check Accuracy of Personal Information Before Use***

*Council will not use personal information without taking such steps as are reasonable in the circumstances to ensure that, having regard to the purpose for which the information is proposed to be used, the information is relevant, accurate, up to date, complete and not misleading.*

### ***Limits on Use of Personal Information***

*Council will not use personal information for a purpose other than for which it was collected unless:*

- (a) *The individual to whom the information relates has consented to use the information for that other purpose, or*
- (b) *The other purpose for which the information is used is directly related to the purpose for which it was collected, or*
- (c) *The use of the information for that other purpose is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual to whom that information relates or to another person.*

Council may use personal information for a purpose other than the purpose for which it was created in the following circumstances:

- (a) Where the use is in pursuance of Council's lawful and proper functions and Council is satisfied that the personal information is reasonably necessary for the exercise of such functions; or
- (b) Where personnel information is to be used for the purpose of conferring upon a particular person, an award, prize, benefit or similar form of personal recognition.
- (c) Those purposes referred to in the section heading "Multiple Uses of Personal information".

Staff using relevant personal information to perform usual office functions will not notify individuals for their approval. Personnel and recruiting records will be discussed with solicitors when the need arises and with council staff when necessary without prior approval of individuals. These processes relate to the normal operational functions of council and any personal information collected will be used for multiple purposes, only if required for the business of Council.

### ***Limits of Disclosure of Personal Information***

- (a) *Council will not disclose personal information to a person (other than the individual to whom the information relates) or other body, whether or not such other person or body is a public sector agency, unless:*
  - (1) *The disclosure is directly related to the purpose for which it was collected and there is no reason to believe the individual concerned would object; or*
  - (2) *The individual has been made aware that this kind of information is usually released; or*
  - (3) *Disclosure is necessary to prevent or lessen a serious or imminent threat to the life of the individual concerned or another person.*
- (b) *Council may disclose personal information to public sector agencies or public utilities on condition that:*
  - (1) *The agency has approached Council in writing;*
  - (2) *Council is satisfied that the information is to be used by that agency for the proper and lawful functions of that agency, and;*
  - (3) *Council is satisfied that the personal information is reasonably necessary for the exercise of that agency's functions.*
- (c) *Where personal information which has been collected about an individual is to be disclosed for the purpose of conferring upon that person, an award, prize, benefit or similar form of personal recognition.*
- (d) *Where Council is requested by a potential employer, it may verify that a current or former employee works or has worked for council, the duration of that work, and the position occupied during that time. This exception shall not permit Council to give an opinion as to that person's suitability for a particular position with any potential employer unless Council is satisfied that the person has provided their consent for council to provide a reference, which may include an opinion as to that person's suitability for the position for which he/she applied.*
- (e) *A disclosure of personal information for research purposes will be allowed under a Section 41 Direction made by the Privacy Commissioner (if such a direction exists) until such time as a Research Code is made by the Attorney General.*

### **Special Restrictions on Disclosure of Personal Information**

- (a) *Council will not disclose personal information relating to an individual's ethnic or racial origin, political opinions, religion or philosophical beliefs, trade union membership, health or sexual activities unless the disclosure is necessary to prevent a serious or imminent threat to the life or health of the individual concerned or another person.*
- (b) *Council will not disclose the information to any person or body who is in jurisdiction outside New South Wales unless:*
  - (1) *a relevant privacy law that applies to the personal information concerned is in force in that jurisdiction, or*
  - (2) *the disclosure is permitted under a Privacy Code of Practice.*
- (c) *For the purposes of sub section (2), a relevant privacy law means a law that is determined by the Privacy Commissioner, by notice published in the Gazette, to be a privacy law for the jurisdiction concerned.*
- (d) *There is no intention to depart from the above otherwise that is permitted by the PIPPA or any other Privacy Code of Practice which may apply to Council from time to time except in the circumstances described below:*
  - (1) *For the purposes of S19(2) only, where Council is requested by a potential employer outside New South Wales, it may verify that a current or former employee works or has worked for council, the duration of that work, and the position occupied during that time. This exception shall not permit Council to give an opinion as to that person's suitability for a particular position with any potential employer unless council is satisfied that the person has provided their consent for Council to provide a reference, which may include an opinion as to that person's suitability for the position for which he/she has applied.*
  - (2) *A disclosure of personal information for research purposes will be allowed under a Section 41 Direction made by the Privacy Commissioner (if such a direction exists) until such time as a Research Code of Practice is made by the Attorney General.*

### **Public Registers (Part 6 Clauses 57, 58 and 59 PIPP Act)**

A public register means a register of personal information that is required by law to be, or is made, publicly available or open to public inspection (whether or not on payment of a fee).

Example of registers held by Council (but not limited to):-

- \* Register of Development Applications
- \* Land Register
- \* Pecuniary Interest register
- \* Register of Investments
- \* Register of current declarations of disclosures of political donations to Councillors
- \* Register of Delegations
- \* Register of Councillors voting on Development matters
- \* Register of Graffiti removal (Section 67C LGA)



## Register Provisions

Council may allow any person to:

- inspect a publicly available copy of a public register in council premises, and
- copy a single entry or a page of the register

without requiring the person to provide a reason for accessing the register and without determining that the proposed use of the register is consistent with the purpose of the register or the act under which the register is kept.

In particular Council does not require any person to provide a reason for inspecting the Council's Pecuniary Interest Register or any register on which the Council records declarations made by Councillors or designated officers under Chapter 14 Part 2, Divisions 3 or 4 of the Local Government Act.

Requests for access, copying or sale of the whole or a substantial part of a public register held by council may not necessarily fit within the purpose for which a public register was created. Council may therefore:

- (a) disclose by way of providing access, copy or sale of the whole or a substantial part of a public register, provided that the names and addresses of all current and previous property owners and the names and addresses of all current and previous applicants are not disclosed; or
- (b) disclose by way of providing access, copy or sale of the whole or a substantial part of a public register where Council has satisfied itself by way of a statutory declaration by the person requesting the information that the information is to be used for a purpose of the register or the Act under which the register is kept.

With respect to (a) and (b) above Council will ensure that the GIPA Act and Section 149G of the Environmental Planning and Assessment Act 1979 are complied with where applicable.

Council requires that any person who requests information from a public register either applies in writing to the General Manager or attends the Council's Customer Service Counters during normal office hours.

Where a copy of the whole or a substantial part of a public register is requested, the applicant is required to complete a statutory declaration (Appendix 1) describing the intended use of any information obtained from the inspection. Justices of the Peace at Council's Customer Service Counters may witness signatures on statutory declarations for this purpose.

Council requires that during certain circumstances it may be possible to suppress personal information held on registers. Where an application for suppression is made in relation to a public register, then an application under Section 57 of the PIPP Act is required.

Suppression of personal information on a public register will only be provided where it can be shown that a person's safety or well being may be affected and that suppression would not be contrary to the public interest.

## Initial Enquiry or Complaint

Any person is entitled to obtain access to any personal information that council holds about them. They may request alterations be made to their personal details or request information on the way their personal details have been used. It is important that the initial enquiry or complaint be a formal submission, in the form of a letter addressed to:

The Public Officer  
Pittwater Council  
PO Box 882  
Mona Vale NSW 1660

Where a person has requested information about their personal affairs and has been refused access, is unsatisfied with Council's response or Council's refusal to change a persons personal details, they are entitled to request an Internal Review of the initial complaint or enquiry.

A person who has requested information and;

- is aggrieved by the conduct of Council in the following circumstances:
  - (a) contravention of a privacy principle that applies to Council
  - (b) contravention of a code of practice that applies to council
  - (c) disclosure of personal information kept on a public register, or
- has made an initial request for access to personal information or requested a response concerning Council's actions concerning their personal information.

is entitled to apply for an Internal Review.

A request for Internal Review **must be** in writing and made on the appropriate Internal Review Application Form (**Appendix 2**) and forwarded to:

The Public Officer  
Pittwater Council  
PO Box 882  
Mona Vale NSW 1660

## Review Process

On receipt of the request for Internal Review, a copy will be forwarded to the Privacy Commissioner, who will also be informed of progress and the outcome of the review.

Any application for Internal Review must be lodged within 6 months from the time the applicant first became aware of the conduct (the subject of the application). At all times the contents of the review will be kept confidential.

The application will be dealt with by an appropriate Council Officer, who will consider any relevant material submitted by either the applicant or the Privacy Commissioner. The review will be completed as soon as reasonably practicable within 60 days from receipt of the application for Internal Review.

Following completion of the Internal Review, Council will do one or more of the following:

- (a) take no further action on the matter,
- (b) make a formal apology to the applicant
- (c) take appropriate remedial action,
- (d) provide undertakings that the conduct will not occur again,
- (e) implement administrative measures to ensure that the conduct will not occur again.

As soon as practicable and within 14 days of the completion of the Internal Review, Council will notify the applicant and the Privacy Commissioner in writing of:

- (a) the findings and the reasons for those findings,
- (b) any proposed actions to be taken
- (c) the right of the applicant to have those findings and the Council's proposed action, reviewed by the Administrative Appeals Tribunal.

### **Training and Education**

Council's Public Officer will provide advice to appropriate staff when required and staff will receive training during the Staff Induction Programme. The Privacy Management Plan will be available on Council's intranet, website and at Council's customer service centres.

### **Further Information**

Further information may be obtained from the Public Officer, Pittwater Council on telephone 99701112 or the NSW Privacy Commissioner's Office on telephone 92685588.

**STATUTORY DECLARATION FOR ACCESS UNDER SECTION 57 OF THE PRIVACY AND PERSONAL INFORMATION PROTECTION ACT 1998 TO A PUBLIC REGISTER HELD BY COUNCIL**

**STATUTORY DECLARATION  
OATHS ACT, 1900, NINTH SCHEDULE**

I, the undersigned, .....(name of applicant)  
of.....(address),  
in the State of New South Wales, do solemnly and sincerely declare that:-

I am.....(relationship (if any) to person inquired about)

I seek to know whether ..... is on the public register of .....\*

The purpose for which I seek this information is .....  
.....  
.....

The purpose for which the information is required is to .....  
.....  
.....

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths Act 1994.

Declared at.....

in the said State this                      day of                      200  
before me.

.....  
before me:  
Justice of the Peace/Solicitor

.....  
Name to be printed

\* *Applicant to describe the relevant public register.*

The Public Officer  
Pittwater Council  
PO Box 882  
Mona Vale NSW 1660

**PRIVACY COMPLAINT: INTERNAL REVIEW APPLICATION FORM**

*(The Privacy and Personal Information Protection Act 1998 (PIPP Act) and the Health Records and Information Privacy Act 2002 (HRIP Act) provide that public sector agencies deal with complaints by way of internal review.)*

Applicants Name: .....

Address: .....

Phone No: .....

**Please detail the conduct which you wish to have reviewed. (please attach a separate piece of paper if there is insufficient space below.)**

.....

.....

.....

.....

.....

.....

.....

.....

.....

**When did the alleged conduct occur?**

.....

**When and how did you first become aware of the alleged conduct? (Please specify precise dates). If you became aware of the conduct more than 6 months ago, please specify the reasons why Council should undertake a review even though it is not required to do so.**

.....

.....

.....

.....

Applicant's signature

<b>Council Policy: No 138</b>  <b>Version: 2</b>	<b>Adopted:</b>	<b>OM: 13.08.01</b>
	<b>Amended</b>	

**TITLE:** **MEDIATION**  
**STRATEGY:** **Business Management**  
**BUSINESS UNIT:** **Administration and Governance**  
**RELEVANT LEGISLATION:** **None**  
**RELATED POLICIES:** **None**

---

### **Objective**

To establish processes that will assist to:

- Reduce the level of community conflict related to development, environmental and land management
- Empower the parties in dispute to take control of their own dispute and attempt to reach a resolution which satisfies the needs and interests of all those involved
- Permit the parties the opportunities of informing the council of any agreements they have reached and or clarification of issues still in dispute, in order for Council to take these into account in determining the development application or resolving other matters that are in dispute
- To pursue consistency and fairness in the manner in which the Council deals with and resolves disputes

### **Policy Statement**

This policy applies to the following:

- Disputes arising from differences of opinion between neighbours or other persons external to Council who are in conflict but seeking to resolve their differences, e.g. development applications and related planning, development and land management matters; and
- Any other environmental dispute concerning animals, trees, noise, effluent, odours or other pollution that Council considers appropriate to be dealt with by mediation.

## **WHAT IS MEDIATION?**

Mediation is a voluntary process of assisted negotiation between disputing parties conducted by an impartial person or persons.

Mediation aims to provide a fair, consensus-building dispute resolution process in which the disputing parties are empowered to:

- Clarify their needs and interests,
- Acknowledge the needs and interests of other parties,
- Become aware of the range of potential solutions, and

Negotiation in good faith to achieve an agreement which; satisfies their mutual interests, is fair and is capable of implementation within the existing statutory processes and is consistent with Council policies.

## **TO WHICH MATTERS DOES THIS POLICY APPLY?**

This policy applies to the following:

- Disputes arising from differences of opinion between neighbours or other persons external to Council who are in conflict but seeking to resolve their differences, e.g. development applications and related planning, development and land management matters; and
- Any other environmental dispute concerning animals, trees, noise, effluent, odours or other pollution that Council considers appropriate to be dealt with by mediation.

## **WHAT MATTERS ARE CONSIDERED IN DETERMINING WHETHER MEDIATION WILL BE APPLIED?**

In general terms, the Council will recommend mediation when:

- It appears that mediation is the best method for dealing with the issues involved;
- The parties are willing to participate in mediation;
- There are a large number of participants, they are willing and able to appoint representatives to attend mediation (this ideally is a maximum of two people).

## **WHEN WILL MEDIATION NOT TO BE USED?**

Mediation will not be recommended when, in the opinion of the Council:

- There is intractable animosity between parties (including, but not limited to threats of violence, or acts of violence, between parties).
- There are too many parties for mediation to work and each group is unable or unwilling to nominate a representative.
- One or more of the parties is not willing to participate and negotiate in a genuine effort to reach a negotiated solution.
- (In relation to a development application) the application is grossly inconsistent with Council's policies or other legal requirements, and is likely to be refused by Council.
- Another dispute resolution procedure may be more appropriate.
- The dispute does not involve Council's business or responsibilities.
- The nature of objections is not a reasonable basis for which to conduct mediation.

## **PRINCIPLES OF MEDIATION**

The following are to be the principles upon which the mediation programme in Pittwater is to be based:

- Mediation is conducted by a recognised and independent mediator that is impartial to the dispute at hand;
- Mediation is a voluntary process;
- Mediation is most effective when applied as soon as possible after a dispute and stakeholders are identified;
- Where the mediation is attended by a representative of a group of people, a process must exist whereby any in principle agreement can be referred back to the group for endorsement in a timely fashion;
- Any agreement reached is a decision made by the parties themselves, and is one which satisfies their needs and interests. If the subject of the mediation relates to a statutory process such as an application for development, Council will take into consideration such agreement but will still need to assess that application under any legislative requirements and Council's policies such as the Local Environmental Plan;
- Mediation is confidential and only the agreement reached can be publicly discussed. This applies even if no agreement is reached. Parties may pursue a private agreement not involving Council related issues. Parties may choose to maintain confidentiality over such an agreement;
- Mediation does not prejudice any future action a party may wish to take;
- Council officers shall not be present at mediation sessions except to provide technical advice and only with the disputing parties' agreement;
- Mediation will not always be the most appropriate method of dispute resolution available;
- Participants in mediation are of greatest value to those parties most affected by the proposal. This is usually those closest to the site or area of which a proposal or action is pending.

## **THE PROCESS (DEVELOPMENT APPLICATIONS)**

The Council has adopted a five stage structured process for processing development applications which provide opportunities for issues to be discussed and resolved.

They are as follows:-

1. Pre-Lodgement Period
2. Notification / Assessment Period
3. Point of Determination – Development Unit
4. Point of Determination – Council/Committee Meeting
5. Post Determination Period – Prior to Legal Proceedings

In the course of assessing development applications at any of these stages in the process where issues become conflicts, then the parties in conflict may apply to Council for mediation as an additional means or tool for resolving the conflict.



The mediation programme will operate according to the following process for applications for development.

**1. Pre-lodgement**

Parties proposing development are encouraged to consult with the local community about their intentions prior to lodgement of an application to Council. Council may provide a venue for such discussions upon request.

**2. Lodgement of development application**

Upon receipt of a development application, Council will notify nearby residents in accordance with its Notification Procedures. In this notification, advice will be included describing Council's mediation programme. The advice will encourage potential objectors to discuss the DA with the relevant Development Officer prior to applying to participate in the mediation programme.

**3. Assessment of Applications**

Upon receipt of an application to mediate, the mediation co-ordinator, in consultation with the case officer, will determine whether mediation is likely to be the preferred method of approaching the dispute having regard to this policy. The matter will only proceed to mediation if the applicant is willing to participate in the process.

**4 Preparation Meeting**

A preparation meeting may be held prior to mediation involving the mediation co-ordinator, the application case officer and objectors and the applicant. The purpose of the preparation meeting is to provide each party with sufficient information to enable them to effectively participate in mediation. Issues may be resolved here by the submission of additional information or amendments without the need to take the matter further. The preparation meeting will provide each party the opportunity to ask questions about technical details and clarify issues.

A Development Officer will be present at the pre mediation meeting. His or her role will be limited to explanation of the proposal at hand and controls that may apply and description of the development control process generally. He or she will not speculate about the likelihood of approval or refusal nor comment on development controls that require discretionary judgements to be made.

Where matters in dispute appear to be straightforward or there are timing constraints, the mediation co-ordinator may determine that a preparation meeting is not necessary.

**5. Scheduling of Mediation**

Following the preparation meeting, mediation will be organised by the mediation co-ordinator. In order to reduce delays in addressing the dispute or in the determination of applications, these sessions will be organised at short notice by phone, fax or e-mail.

**6. Mediation**

Mediation will be conducted with all parties as identified in the preparation meeting and with all necessary information for the mediation to be an informed session. The application case officer should be available either by phone or in person to advise the mediation session upon request to provide clarification of Council's policies and guidelines, but not to offer opinion or speculate.

**7. Reporting and Determination**

The Officer's report to Council and/or the Officer's report to the Development Unit dealing with the application will be accompanied by a report of the mediation conducted. The report on the mediation will only include factual details such as date of mediation, attendance etc, and mediation agreement, if agreed to by participants. The discussions that occur in the mediation are confidential and will not be reported.

The path of determination (i.e. under delegated authority or Council) will not be altered if mediation is undertaken.

**8. Amended plans**

If an agreement results from mediation which requires amended plans to be submitted, the applicant may wish to lodge these prior to determination of the application by Council. Those participating in the mediation should have the opportunity of viewing such amended plans prior to the application being determined by Council.

**9. Payment of Costs – External Mediator(s)**

The applicant for development approval is responsible for the payment of all costs associated with the engagement of an external mediator(s) where applicable.

## **THE PROCESS (OTHER MATTERS)**

The mediation programme will operate according to the following process for matters other than development applications to which this policy applies.

**1. Identification of a Dispute**

Upon identification of a dispute, a Council officer may recommend mediation as a form of resolving that dispute to any or all of the parties in dispute. Application to mediate in accordance with Council's mediation programme should be made to the mediation co-ordinator as soon as possible after the identification of the dispute. Alternatively, a party in dispute may initiate mediation by way of application directly to Council.

**2. Assessment of Applications**

Upon receipt of an application to mediate, the mediation co-ordinator, in consultation with the case officer or manager of the business unit (if relevant), will determine whether mediation is likely to be the preferred method of approaching the dispute having regard to "what matters are considered in determining whether mediation will be applied" of this policy.

**3. Preparation Meeting**

A preparation meeting may be held prior to mediation involving the mediation co-ordinator, the application case officer (if relevant) and parties involved. The role of the preparation meeting for "other matters" is similar to that involving development applications. The mediation co-ordinator may wish to proceed straight to mediation if the dispute appears to be straightforward and both parties appear to have a good understanding of the relevant issues.

**4. Scheduling of Mediation**

Following the preparation meeting, mediation will be organised by the mediation co-ordinator. In order to reduce delays in addressing the dispute or in the determination of applications, these sessions will be organised at short notice by phone, fax or e-mail.

**5. Mediation**

Mediation will be conducted with all parties as identified in the preparation meeting and with all necessary information for the mediation to be an informed session. The application case officer should be available either by phone or in person to advise the mediation session upon request to provide clarification of Council's policies and guidelines, but not to offer opinion or speculate.

**6. Payment of Costs – External Mediator(s)**

The parties in dispute are responsible for the payment of all costs associated with the engagement of external mediator(s) where applicable.

**Mediators**

**Council will recommend a recognised mediation provider to provide the independent and impartial mediation service described in this policy. Mediators are to be accredited and trained professionals in the field.**

**Monitoring and Review**

The effectiveness and cost of the application of this policy, shall be monitored by the Manager Administration and Governance and amendments to this policy recommended accordingly as necessary.

## **MEDIATION PRACTICE GUIDELINES**

(To be used in conjunction with Pittwater Council's Mediation Policy)

### **Contents**

INITIATION OF MEDIATION .....	3
SELECTION OF MEDIATOR .....	3
PREPARATION MEETING .....	3
PRELIMINARY ASSESSMENT .....	3
ARRANGEMENT OF MEDIATION .....	4
STATEMENT OF FACTS .....	4
ROLE OF MEDIATOR.....	4
REPRESENTATION AND ATTENDANCE .....	4
TECHNICAL ADVICE.....	4
CONFIDENTIALITY.....	5
MEDIATION AGREEMENTS .....	5
TERMINATION OF MEDIATION.....	6

**Mediation in Pittwater should be conducted in accordance with the following guidelines:**

## **INITIATION OF MEDIATION**

Any party to a dispute described in this policy, may apply to participate in the mediation programme. If mediation is the selected dispute resolution process, the Council's mediation co-ordinator will contact each of the parties to the dispute to seek an agreement to mediate. An agreement to mediate must be signed by each party in which each party acknowledges and agrees to abide by these "Mediation Practice Guidelines"

## **SELECTION OF MEDIATOR**

Upon agreement of parties to mediate, Council will request the recommended external mediation provider to organise mediation. The selected mediator must disclose to Council whether he or she has any interest in the matter to be mediated or if there are any circumstances that may lead to the presumption of bias. All parties are to agree to the selection of the mediator.

## **PREPARATION MEETING**

**The preparation meeting is to be conducted as soon as possible after all relevant parties have agreed to mediate the dispute.**

The Council's mediation co-ordinator is to chair this meeting. The meeting is to be kept as informal as possible but it should be made clear that the purpose of the meeting is not to determine the application but to gather information and ensure there is common understanding about the dispute. The chairperson is to ensure that attendees do not engage in unconstructive argument nor should the Council officer:

- Be asked to speculate about the prospects of approval or refusal
- Be asked to make discretionary judgements about any aspect of this issue at hand.

## **PRELIMINARY ASSESSMENT**

Where the mediation involves a development application, the relevant Council officer will prepare a brief preliminary assessment of the application. This assessment will only provide for a comparison of the application against the various Council policies. It is important that people entering the process understand that this represents a preliminary appraisal and no discretionary judgements or opinions will be expressed. Depending upon the stage of the development application process at which time this assessment will be made, such assessment should be treated as indicative and advisory only and not to be substituted for the assessment process required under the Environmental Planning and Assessment Act. A standard disclaimer which recognises this should be incorporated into every such advisory assessment. Parties should be made aware of this at the commencement of the preparation meeting.

The full assessment of the application will continue in parallel with the mediation process.

## **ARRANGEMENT OF MEDIATION**

The Council's mediation co-ordinator is to arrange the mediation at a time and venue agreeable to all parties. The mediation is to occur as soon as possible after receipt of the application to mediate. Prior to mediation, all parties are to sign an "agreement to mediate" setting out the terms under which the mediation will be conducted.

## **STATEMENT OF FACTS**

Applicants under the mediation programme must provide on the application form, a brief statement of facts outlining the important issues and objections. This statement will be provided to the proponent for a response.

The statement of facts, response from the proponent and a briefing statement prepared by the relevant assessment officer setting out the details of the application and relevant issues will be provided to the mediator prior to mediation. The documents may be made available to all parties at the discretion of the mediation co-ordinator.

## **ROLE OF MEDIATOR**

The mediator does not have the authority to impose any settlement on the disputing parties. The mediator's role is to help the parties reach a satisfactory understanding and resolution of their dispute.

The mediator is authorised to end the mediation whenever, in his or her opinion, further efforts at mediation will not contribute to a resolution of the dispute.

## **REPRESENTATION AND ATTENDANCE**

If a party to a dispute is an individual, that individual must attend the mediation. If the party is a company, government authority or unincorporated association, an authorised representative must attend the mediation. If there are a large number of individuals constituting a number of parties, each party must send at least one representative. Representatives must have the authority to settle the matter.

Each party attending mediation may bring a legal representative or other advisors with knowledge or experience relevant to the dispute. Where the dispute involves a group of individuals with common interests, Council may request the group to elect one or two persons to represent the group. Others may attend strictly as observers (only with the consent of the participating parties), but may not participate in the formal proceedings except with the consent of the mediator and other parties.

At least three days prior to the mediation, the parties must inform Council of the names of each person who will be attending. Council will in turn inform other parties and the mediator prior to the mediation taking place.

## **TECHNICAL ADVICE**

Council officers should not be present in mediation except to provide technical or procedural advice and only with the consent of participating parties. Council staff shall respond only to questions from the mediator. Upon completion of providing such advice, staff should vacate the mediation room. Responses will not be provided in relation to Council's likely determination of the application.

## **CONFIDENTIALITY**

Mediations must be conducted in a confidential manner. It is not necessary that information disclosed during a mediation be confidential amongst those attending the mediation.

A mediator must not divulge records, reports or other documents received in the course of mediation, or testify as to the proceedings of the mediation, unless otherwise compelled to do so by law. A mediator must also maintain as confidential; any discussion with parties in "separate sessions" unless expressly authorised by that party to divulge details of such session.

Where parties are accompanied by an advisor, support person or other persons, these persons are to sign a third party confidentiality agreement.

Parties involved in mediation shall not rely upon, or introduce as evidence, in any arbitration (including a Development Unit or Council meeting) or litigation:

- Views expressed or suggestions made by another party with respect to a possible settlement of the dispute.
- Admissions made by another party in the course of mediation
- Proposals made or views expressed by the mediator.
- The fact that another party had or had not indicated a willingness to accept a proposal for settlement made by the mediator.
- Statements or notes made by the mediator
- Documents presented at the mediation conference, unless these documents are otherwise discoverable
- Briefing notes and other documents distributed to the parties immediately prior to a mediation conference.

In addition, no transcript of proceedings shall be kept of a mediation conference. The mediator will destroy any notes made by him or herself at the termination of the mediation.

## **MEDIATION AGREEMENTS**

Written agreements reached at mediation must be signed by all the disputing parties present at the mediation. Spokespersons are to confirm their authority to reach agreement from their constituents. Where there is no consensus among the parties in relation to an agreement, a partial agreement may be considered at the discretion of the parties concerned.

A copy of the agreement is to be retained by each of the parties and the Council's mediation provider. Where authorised by the terms of the agreement, the mediation provider is to convey the agreement or relevant clauses, to the mediation co-ordinator. The agreement may then be referred to the appropriate Council Officer for the appropriate action.

Participants in a mediation are to be made aware that in the circumstances of a development application being the subject of the mediation, the normal assessment process will still be followed regardless of any agreement or partial agreement reached. In other words, the mediation is an avenue that people involved in a dispute may pursue to maximise involvement and communication, however, any agreement reached does not bind Council to a certain course of action. It does however provide an additional consideration for Council in making a final decision.

## **TERMINATION OF MEDIATION**

Mediation should be terminated if:

- The parties execute a settlement or agreement; or
- The mediator makes a written declaration to the effect that further efforts at mediation are unlikely to lead to a resolution of the dispute; or
- One or all of the parties makes a written or oral declaration to the proceedings that they should be terminated.

<b>Council Policy – No 145</b>  <b>Version: 18</b>	<b>Adopted:</b>	<b>OM04.07.94</b>
	<b>Amended</b>	<b>OM17.10.94,OM24.07.95,  OM25.11.96,OM07.04.97,  OM08.09.97,OM23.10.00,  OM14.04.03,OM21.06.04,  OM09.08.04,OM13.12.04,  OM14.02.05,OM09.10.06,  OM20.11.06,OM07.04.08  OM15.12.08, 21.09.09  OM06.12.10</b>

<b>TITLE:</b>	<b>POLICY FOR THE PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO THE MAYOR, DEPUTY MAYOR AND COUNCILLORS</b>
<b>STRATEGY:</b>	<b>Business Management</b>
<b>BUSINESS UNIT:</b>	<b>Administration and Governance</b>
<b>RELEVANT LEGISLATION:</b>	<b>Local Government Act 1993 (Section 252)</b>
<b>RELATED POLICIES:</b>	<b>None</b>

### **Objective**

To ensure that the details and range of benefits provided to Councillors by the Council is clearly stated and fully transparent and acceptable to the local community.

### **Policy Statement**

The purpose of this Policy is to ensure accountability and transparency in the reimbursement of expenses incurred by councillors and that the facilities provided to assist councillors to carry out their civic duties are reasonable.



## **TABLE OF PROVISIONS**

### **PART 1 – INTRODUCTION**

- Title, commencement of the Policy**
- Purpose of the Policy**
- Objectives and coverage of the Policy**
- Making and adoption of the Policy**
- Reporting requirements**
- Reporting of equipment and facilities costs**
- Legislative provisions**
- Other Government Policy Provisions**
- Approval arrangements**

### **PART 2 – PAYMENT OF EXPENSES**

#### **GENERAL PROVISIONS**

##### **Payment of expenses generally**

- Allowances and Expenses
- Reimbursements and Reconciliation of Expenses
- Payment in Advance

##### **Establishment of monetary limits and standards**

##### **Spouse and partner expenses**

##### **Payment of annual Councillor fee into a complying superannuation fund**

#### **SPECIFIC EXPENSES FOR MAYORS AND COUNCILLORS**

##### **Attendance at seminars and conferences**

- Who May Attend Conferences
- What Conferences May Be Attended
- Registration
- Categories of Payment or Reimbursement

##### **Training and educational expenses**

##### **Local travel arrangements and expenses**

- Travel Outside the LGA Including Interstate Travel
- Telephone Costs and Expenses
- Internet
- Care and Other Related Expenses
- Insurance Expenses and Obligations
- Legal Expenses and Obligations

### **PART 3 – PROVISION OF FACILITIES**

#### **GENERAL PROVISIONS**

- Provision of Facilities and Equipment for Councillors
- Private Use of Equipment and Facilities

#### **PROVISION OF ADDITIONAL EQUIPMENT AND FACILITIES FOR MAYOR**

### **PART 4 – OTHER MATTERS**

- Acquisition and Returning of Facilities and Equipment by Councillors
- Payment of Councillor Fees Into a Complying Superannuation Fund
- Status of the Policy

## PART 1 – INTRODUCTION

- **Title, commencement of the Policy**

The title of this policy is “Policy for the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors”. This policy takes effect from 4 December 2006.

- **Purpose of the Policy**

The purpose of this policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred or to be incurred by councillors. This policy also ensures that the facilities provided to assist councillors to carry out their civic duties are reasonable.

- **Objectives and coverage of the Policy**

The objective of this policy is to ensure that the details and range of benefits provided to Councillors by the Council is clearly stated and fully transparent and acceptable to the local community.

This policy covers the specific expenses for which Councillors are entitled to receive reimbursement. Councillors can only receive reimbursement for expenses when the expense is identified in this policy.

- **Making and adoption of the Policy**

This policy is made in accordance with the requirements of the Local Government Act 1993 and as adopted by Pittwater Council. Any substantial amendments to this policy will not take effect unless the proposed amendment has been placed on public notice and at least 28 days provided for public submissions. Before adopting or amending the policy, the Council will consider any submission made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.

- **Reporting requirements**

Section 428 of the Local Government Act 1993 requires councils to include in their annual report:

- The council’s policy on the provision of facilities for, and the payment of expenses to, mayors and councillors.
- The total amount of money expended during the year on providing those facilities and paying those expenses
- Additional information as required by the Local Government (General) Regulation 2005.

Clause 217 of the Local Government (General) Regulation 2005 requires councils to include additional reporting information in their annual reports.

The additional reporting information required is for the purposes of transparency and accountability and should not be seen as a disincentive for the payment of appropriate expenses to councillors.

Councils are required to report separately on:

- the total cost of expenses and the provision of facilities for the mayor and all councillors, as well as:

- **Expenses**

- the cost of phone calls including mobiles, home located landlines, facsimile and internet services.
- Spouse/ partner/ accompanying person expenses
- Conference and seminar expenses
- Training and skill development expenses
- Interstate travel expenses
- Overseas travel expenses
- Care and other related expenses

- **Provision of facilities**

- The cost of the provision, including rental, of dedicated office equipment allocated to councillors on a personal basis such as laptop computers, mobile phones, telephones and facsimile machines and internet installed in the councillors' homes. This item does not include the costs of using this equipment, such as calls.

- **Reporting of equipment and facilities costs**

In addition to the statutory reporting requirements, Council will report other costs where these are significant. For example, the cost of the provision of facilities and equipment where such provision is above what would normally be required for the day-to-day running of the council.

- **Legislative provisions**

**Provisions under the *Local Government Act 1993***

Recent changes to sections 252(5) and 253 of the *Local Government Act 1993*, made by the *Local Government Amendment Act 2005*, require councils to make and submit their expenses and provision of facilities policies annually to the Department of Local Government.

Section 252 of the *Local Government Act 1993* requires councils to adopt or amend a policy annually for the payment of expenses and the provision of facilities to mayors, deputy mayors and other councillors. Mayors and councillors can only be reimbursed for expenses and provided with facilities in accordance with this policy.

Section 252 also makes provision for a council to reduce the amount payable to mayors and councillors (under sections 248-251 of the *Local Government Act 1993*) by the amount representing any private benefit of a facility provided by the council to them. It also requires that the policy be made under the provisions of this Act, the Local Government (General) Regulation and any relevant guidelines issued under section 23A of the Act.

**Section 252 states:**

- (1) *Within 5 months after the end of each year, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.*
- (2) *The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.*

- (3) *A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.*
- (4) *A council may from time to time amend a policy under this section.*
- (5) *A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.*

*Section 253 specifies actions that council must undertake before a policy concerning expenses and facilities can be adopted or amended.*

**Section 253 states:**

- (1) *A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.*
- (2) *Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.*
- (3) *Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.*
- (4) *Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a council is to forward to the Director-General:*
  - (a) *a copy of the policy or amendment together with details of all submissions received in accordance with subsection (1), and*
  - (b) *a statement setting out, for each submission, the council's response to the submission and the reasons for the council's response, and*
  - (c) *a copy of the notice given under subsection (1).*
- (5) *A council must comply with this section when proposing to adopt a policy each year in accordance with section 252 (1) even if the council proposes to adopt a policy that is the same as its existing policy.*

Section 254 requires that a part of a council or committee meeting which considers the adopting or amending of such a policy must not be closed to the public.

The public is able to inspect during office hours at the council, and at no charge, the current version and the immediately preceding version of the council's expenses and facilities policy. The public are also entitled to a copy of the policy either free of charge or on payment of a reasonable copying charge.

Section 23A makes provision for the Director-General of the Department of Local Government to prepare, adopt or vary guidelines that relate to the exercise by a council of any of its functions. It also requires that a council must take the relevant guidelines into consideration before exercising any of its functions.

Section 428(2) (f) requires a council to include in its annual report:

*The total amount of money expended during the year on mayoral fees and councillor fees, the council's policy on the provision of facilities for use by councillors and the payment of councillors' expenses, together with a statement of the total amount of money expended during the year on the provision of such facilities and the payment of such expenses.*

In addition Section 428 (r) requires that councils must report on any other information required by the regulations.

### **Provisions under the *Local Government (General) Regulation 2005***

***Note that changed reporting requirements are to be made under an amendment to clause 217 of the above regulation to allow different reporting arrangements in the annual report.***

**Clause 217 (Additional information for inclusion in annual reports) states in part:**

(1) *For the purposes of section 428(2) (r) of the Act, an annual report of a council is to include the following information:*

(a) *Details (including the purpose) of overseas visits undertaken during the year by councillors, council staff or other persons representing the council (including visits sponsored by other organisations),*

**Clause 403 (Payment of expenses and provision of facilities) states:**

*A policy under section 252 of the Local Government Act 1993 must not include any provision enabling a council:*

(a) *to pay any councillor an allowance in the nature of a general expense allowance, or*

(b) *to make a motor vehicle owned or leased by the council available for the exclusive or primary use or disposition of a particular councillor other than a mayor.*

## **• Other Government Policy Provisions**

### **Department of Local Government Guidelines**

As noted above under section 252(5) of the *Local Government Act 1993* the council expenses policy must comply with these guidelines issued under section 23A of the Act.

### **Department of Local Government Circulars to Councils**

The policy must take into account the following Circulars.

- Circular 05/08 *Legal assistance for councillors and council employees.*
- Circular 02/34 *Unauthorised use of council resources.*

### **The Model Code of Conduct for Local Councils in NSW**

The policy should be consistent with the *Model Code of Conduct for Local Councils in NSW, Department of Local Government – June 2008*. The following parts of the code are particularly relevant to s252 policies:

## **Use of Council Resources (Pages 20-21)**

- 10.12 *You must use council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.*
- 10.14 *You must be scrupulous in your use of council property including intellectual property, official services and facilities and should not permit their misuse by any other person or body.*
- 10.15. *You must avoid any action or situation which could create the appearance that council property, official services or public facilities are being improperly used for your own benefit or the benefit of any other person or body.*
- 10.16 *the interests of a councillor in their re-election is considered to be a private interest and as such the reimbursement of travel expenses incurred on election matters is not appropriate. You must not use Council letterhead, council crests and other information that could give the impression it is official council material for these purposes.*
- 10.17 *You must not convert any property of the council to your own use unless properly authorised.*
- 10.18 *You must not use council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.*

## **ICAC Publication – No Excuse for Misuse, Preventing the Misuse of Council Resources**

Councils should also be aware of and take account of the Independent Commission against corruption (ICAC) publication *No Excuse for Misuse, Preventing the Misuse of Council Resources (Guidelines 2) November 2002*. This publication is available on the ICAC website in at [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au).

### **• Approval arrangements**

The following delegation of authority approval arrangements apply to the Mayor for the attendance by Councillors at conferences, seminars and meetings:-

- (i) With the General Manager, authorise attendance at conferences which either have been included in Council's annual program of Conferences or for which attendance by Councillors has been authorised by resolution of Council.
- (ii) With the General Manager, authorise attendance on a study tour involving domestic travel where the study forms part of a task force / project plan and funds are available in the Task Force / Budget Project.
- (iii) With the General Manager, authorise attendance at day long industry seminars or workshops as the need arises subject to the availability of funds and only where local or domestic travel is involved.

**(OM 13/12/04)**

## PART 2 – PAYMENT OF EXPENSES

### GENERAL PROVISIONS

- **Payment of expenses generally**

- **ALLOWANCES AND EXPENSES**

- No provision will be made for the payment of an allowance in the nature of a general expense allowance.

- **REIMBURSEMENTS AND RECONCILIATION OF EXPENSES**

- This policy only authorises payment or reimbursement of actual expenses incurred by Councillors in carrying out their civic duties. It is not appropriate or lawful to pay a general allowance unrelated to actual expenses incurred or designed to supplement Councillors' annual fees payable under the Local Government Act 1993.

- **PAYMENT IN ADVANCE**

Councillors may request payment in advance in anticipation of expenses to be incurred in attending conferences, seminars and training away from home. Councillors may also request an advanced payment for the cost of any other service or facility covered by this policy. However, Councillors must fully reconcile all expenses against the costs of the advance when they return within 10 days of the close of the conference, seminar or training etc.

- **Establishment of monetary limits and standards**

- This policy identifies and publishes monetary limits and standards applicable to the payment of various expenses to Councillors. This allows members of the public to know the expected cost of providing services to Councillors and to make comment during the public consultation phase of making or amending the policy. It also avoids situations where Councillors incur costs that are unforeseen or considered unreasonable by other Councillors and the public.

- **Spouse and partner expenses**

- Where the attendee is accompanied by his or her spouse/partner to a conference, seminar or training course, the Council will not reimburse any expenses incurred by the spouse/partner. (OM14.02.05)

- **Payment of annual Councillor fee into a complying superannuation fund**

- "In accordance with the Australian Taxation Office Interpretive Decision 2007/205, Council may enter into an agreement with a Councillor under which the Councillor agrees to forgo all or part of their annual Councillor fee in exchange for the Council making contributions to a complying superannuation fund on their behalf. Requests to enter into such an agreement must be in writing and contributions to a complying superannuation fund will not be made retrospectively".*

- (OM04.02.08)

### SPECIFIC EXPENSES FOR MAYORS AND COUNCILLORS

- **Attendance at seminars and conferences**

- In this part Conference means conferences, seminars, congresses, forums, workshops, courses, meetings, deputations, information and training sessions, events, etc. related to the industry of local government.

#### **- WHO MAY ATTEND CONFERENCES:**

Councillors may be nominated to attend conferences by:

- ✓ the Council, by resolution duly taken;
- ✓ the Mayor and General Manager , acting within his/her delegated authority.

In addition the Mayor may nominate a substitute Councillor in his or her absence to attend functions within the Council area or general Sydney Metropolitan Area on those occasions where the Mayor is unable to be in attendance.

#### **- WHAT CONFERENCES MAY BE ATTENDED:**

The conferences to which this policy applies shall generally be confined to:-

- ✓ Local Government Association (LGA) and Australian Local Government Association (ALGA) Conferences.
- ✓ Special “one-off” conferences called or sponsored by the LGA and/or ALGA on important issues.
- ✓ Annual conferences of the major Professions in Local Government.
- ✓ Australian Sister Cities Conferences.
- ✓ Regional Organisation of Councils Conferences.
- ✓ Annual Coastal Conference.
- ✓ Conferences, which further training and development efforts of the Council and of Councillors, or which relate to or impact upon the Council's functions.
- ✓ Any Meetings or Conferences of organisations or bodies on which a Councillor of the Council may be elected, or appointed to be, a delegate or member of the Council or the L.G.A.

#### **- REGISTRATION:**

The Council will pay all normal registration costs which are charged by organisers, including the costs of related official luncheons, dinners and tours which are relevant to the interests of the Council or assist Councillors to discharge the functions of their civic office.

#### **- CATEGORIES OF PAYMENT OR REIMBURSEMENT:**

##### **Travel:**

All reasonable travel costs will be met by the Council. Where appropriate, travel will be provided by air (economy class). Depending upon the circumstances, it may be more appropriate for travel to be undertaken by car or train.

Councillors using private vehicles will be paid the kilometre allowance at the then current rate set by the appropriate Local Government Industrial Award from time to time, but subject to any such payment not exceeding economy class air fares to and from the particular destination.



Costs of vehicle hire and/or taxi fares which are reasonably incurred while attending conferences will be reimbursed by the Council.

Payment or reimbursement of travel expenses incurred or to be incurred shall be subject to the requirements that:

- (a) travel expenses relate to travel that is on Council business;
- (b) the travel is undertaken with all due expedition, and by the shortest practicable route;
- (c) any time occupied or travel incurred in other than Council business is not included in the calculation of expenses to be paid; and
- (d) the claim is made not later than three (3) months after the expenses were incurred, and upon copies of all relevant dockets, receipts and the like being attached to a written claim for payment/reimbursement.

**Accommodation:**

Reasonable accommodation costs (including meals), including the night before and/or after the conference where this is necessary, will be met by the Council.

**Out-of-Pocket Expenses:**

Reasonable out-of-pocket or incidental expenses will be reimbursed upon the presentation of official receipts and the completion of the necessary claim forms for costs associated with attending the conference, seminars or training courses, excluding expenses of a normal private nature. Incidental expenses are taken to include items such as:

- (i) refreshments;
- (ii) telephone, Internet or facsimile charges;
- (iii) laundry and dry cleaning;
- (iv) taxi fares and parking fees;
- (v) newspapers.

In addition, the cost of meals not included in the registration fees for conferences or similar functions may be reimbursed after reconciliation up to a daily limit of \$100.

**Conference Reporting:**

Following attendance at a Conference authorised under this Policy, the relevant Councillor/s is required to submit a report of approximately one page in length to the community via the Council's Agenda papers on the outcomes of the Conference, with particular emphasis as to any outcomes affecting Pittwater. (OM 13.12.04)

- **Training and educational expenses**

Provision is made in the Council's budget for training and educational expenses incurred by Councillors. These expenses support and encourage an active learning process and skills development in addition to attending seminars and conferences related to Council functions. Payment of these expenses must be directly related to the Councillors civic functions and responsibilities.

- **Local travel arrangements and expenses**

Mayor and Councillors:

1. Councillors may claim kilometre allowance for use of private vehicles when used to travel (including return) between their place of residence within Pittwater\* and:
  - (a) to attend Council or Committee meetings and appointments involving Council business;
  - (b) inspections within the Council's area undertaken in compliance with a resolution of the Council;
  - (c) attending public meetings convened by Council.

*\*Councillors whose place of residence is outside the Pittwater Local Government area, may claim a kilometre allowance for use of private vehicles under this clause, as follows:*

- (a) from the nearest road boundary of the Pittwater Local Government area, to the location of the meeting, appointment, inspection etc held within the Pittwater area;*
- (b) for meetings, appointments etc held outside the Pittwater Local Government area, the maximum kilometre claim per meeting, appointment etc shall be 60 kilometres (including return).*

Kilometre rates for such travel will be paid at the rate set by the appropriate Local Government Industrial Award, as at the date of travel.

Payment is subject to a formal claim form being lodged not later than three (3) months after the travel occurred. (OM14.04.2003)

2. Councillors may claim reimbursement for Public Transport fares to and from official Council meetings/ functions/offices and taxi fares for meetings that conclude after 8.30pm. **(OM09.08.04)**

## **- TRAVEL OUTSIDE THE LGA INCLUDING INTERSTATE TRAVEL**

### **Interstate Travel:**

The prior approval of the elected Council is required for interstate travel on Council business. The application for approval should include full details of the travel, including itinerary, costs and reasons for the travel.

### **Overseas Travel:**

Councillors should avoid international visits unless direct and tangible benefits can be established for the Council and the local community.

Overseas travel must be approved by a meeting of the full Council prior to a Councillor undertaking a trip. Travel must be approved on an individual trip basis. Council will not allow the retrospective reimbursement of overseas travel expenses unless prior authorisation of the travel has been obtained. Travel proposals shall be included in the Council business papers.

After returning from overseas, Councillors, must provide a detailed written account to Council on the aspects of the trip relevant to Council business and/or the local community.

Details of overseas travel must also be included in the Council's Annual Report.

#### **- TELEPHONE COSTS AND EXPENSES**

- The cost of telephone rental and all calls associated with duties as a Councillor at each Councillors principal place of residence will be paid for by council subject to a maximum reimbursement of \$250/month and such calls being identified on the Councillor's telephone account **(OM14.02.05)**.
- Reimbursement of all mobile telephone calls associated with their duties as a councillor will be made subject to a maximum reimbursement of \$200/month or 50% of the contract cap fee per month and such calls being identified on the Councillor's mobile telephone account. **(OM15.12.08)**.

#### **- INTERNET**

The Council will provide Internet access/broadband communication line / wireless connection at each Councillor's principal place of residence upon request. The use of the Internet shall be in accordance with the Council's email guidelines and protocols on the use of email and Internet facilities.

#### **- CARE AND OTHER RELATED EXPENSES**

The Council will provide for reimbursement of reasonable dependent care expenses incurred as a result of undertaking official scheduled Council inspections and attending ordinary meetings of Council. The maximum entitlement for such expenses is \$2,400.00 per annum per Councillor **(OM15.12.08)**

#### **- INSURANCE EXPENSES AND OBLIGATIONS**

Councillors are to receive the benefit of insurance cover for:

##### **(a) Personal injury**

Personal injury whilst ever on Council business, worldwide covering bodily injury caused by accidental, violent, external and visible means up to a sub-limit for death of \$500,000. Such insurance shall also cover permanent disablement, temporary total disability and temporary partial disability. The cover includes medical expenses not covered by Medicare or any private health fund. Full details of Council's personal accident insurance are set out in Council's Insurance Policy. **(OM15.12.2008)**

##### **(b) Professional Indemnity.**

For matters arising out of Councillors' performance of civic duties or exercise of their functions as Councillors, provided the performance or exercise of the relevant civic duty or function is in the opinion of Council, bona fide and/or proper. This provision is subject to any limitations or conditions as set out in the Council's policy of insurance.

##### **(c) Public Liability.**

For matters arising out of Councillors' performance of civic duties or exercise of their functions as Councillors, subject to any limitations or conditions as set out in the Council's policy of insurance. **(OM17.10.94)**

## **- LEGAL EXPENSES AND OBLIGATIONS**

In the event of:

1. An enquiry, investigation or hearing by any of:

- The Independent Commission Against Corruption;
- The Office of the Ombudsman;
- Department of Local Government;
- The Police;
- The Director of Public Prosecutions; or
- The Local Government Pecuniary Interest Tribunal;
- Other legally constituted investigatory bodies having proper jurisdiction.

into the conduct of a Councillor, or

2. Legal proceedings being taken against a Councillor, arising out of or in connection with the Councillor's performance of his or her civic duties or exercise of his or her functions as a Councillor, Council shall determine whether or not it will reimburse such Councillor, prior to the commencement of the enquiry, investigation, hearing or proceeding, for legal expenses properly and reasonably incurred, given the nature of the enquiry, investigation, hearing or proceeding, on a solicitor/client basis provided that:

- (a) the amount of such reimbursement shall be reduced by the amount of any moneys that may be or are recouped by the Councillor on any basis, and
- (b) the Councillor's performance or exercise of the civic duty or function was in the opinion of Council bona fide and/or proper, and
- (c) the amount of such reimbursement be limited to the extent that only fees charged at a rate equivalent to the hourly rate then being charged by Council's Solicitors will be paid, i.e. any portion of the expenses representing any hourly charge rate higher than the hourly charge rate of Council's Solicitors will not be reimbursed.
- (d) Any payment for reimbursement of any legal expenses properly incurred is subject to the approval of the Governance Committee and the Council prior to payment.
- (e) The Council may at its discretion, set a limit to the total amount of reimbursement it is prepared to approve in respect of any enquiry, investigation, hearing or proceedings being taken against a Councillor(s). **(OM15.12.08)**

## PART 3 – PROVISION OF FACILITIES

### GENERAL PROVISIONS

Unless otherwise provided, the facilities which may be provided to the Mayor, Deputy Mayor and Councillors under this policy, shall be provided without reduction of the annual fees payable to the Mayor and Councillors, as determined by the Council, under Sections 248-254 inclusive of the Local Government Act.

The Councillors, including the Mayor and Deputy Mayor, to assist them in carrying out the duties of their office, are if they request such, entitled to receive the benefit of the following facilities, without reduction (unless otherwise stated) of the fees payable under Section 248 of the Act:-

### PROVISION OF FACILITIES AND EQUIPMENT FOR COUNCILLORS

The Council will provide the following facilities to all Councillors for Council related business purposes only:

- Furnished Councillors office;
- One only dedicated parking space at Council's Warriewood offices.
- Typing of official correspondence; including supply of Dictaphone if required. **(OM21.06.04)**
- Postage of official correspondence – all mail is to be directed through the Council's own mailing system. Reimbursement of expenses will only be made where expenses can be verified;
- Meals on evenings of Council and Principal Committee Meetings and Briefings;
- Secretarial service including typing, photocopying, printing and postage for the following purposes:-
  - (a) Initiating correspondence to, and answering correspondence received from, residents/ratepayers, Members of Parliament, Government Departments, statutory authorities/bodies, other local authorities, other Councillors, local government related bodies and organisations, the media or the general public in relation to the business of the Council or local government;
  - (b) Replying to invitations to attend functions/gatherings received in their capacity as a Councillor;
  - (c) Communications to Councillors and Council's staff on official business; provided that under no circumstances will the Council permit the facilities provided to be used for the initiation or issue of circular type letters or election material/ letters.
- Personal Computer at place of residence (laptop, PC or equivalent) which shall include Internet access / Broadband communication line / wireless connection; **(OM21.06.04)**
- Access to a printer at place of residence; **(OM09.08.04)**
- Four (4) shelf bookcase;
- Four (4) drawer filing cabinet;
- Telephone answering machine/facsimile machine in place of residence; **(OM21.06.04)**
- Councillor business cards.
- Christmas cards subject to a maximum of \$50 per annum **(OM25.11.96)**.
- Mobile phone and hands free car kit **(OM15.12.08)**.
- I-Pad with mobile internet access **(OM06.12.10)**.

## **PRIVATE USE OF EQUIPMENT AND FACILITIES**

Councillors must use Council resources ethically, effectively, efficiently and carefully in the course of their public and civic duties, and must not use them for private purposes.

Councillors must be scrupulous in the use of Council property including intellectual property, official services and facilities and should not permit their misuse by any other person or body.

Councillors must avoid any action or situation which could create the impression that Council property, official services or public facilities are being improperly used for their own private benefit or gain.

The interests of a Councillor in their re-election is considered to be a personal interest and as such the reimbursement of travel expenses incurred on election matters is not appropriate. Council letterhead and other information that could give the impression that it is official Council material must not be used for these purposes.

## **PROVISION OF ADDITIONAL EQUIPMENT AND FACILITIES FOR MAYOR**

The Mayor shall, in carrying out the duties of that office, be entitled to receive the benefit of the following additional equipment and facilities without reduction of the fees payable under Section 248 and/or 249 of the Act.

- Suitable furnished office accommodation within Council's Warriewood offices.
- A dedicated car parking space at Council's Warriewood offices.
- A mobile telephone, including all charges for calls, etc. associated therewith, subject to a maximum reimbursement of \$200/month. **(OM14.02.05)**

## **PART 4 – OTHER MATTERS**

### **ACQUISITION AND RETURNING OF FACILITIES AND EQUIPMENT BY COUNCILLORS**

Councillors must return all equipment and other facilities to the Council after the completion of their term of office, extended leave of absence or at the cessation of their civic duties.

The Council will consider the sale of such items to the Councillor at the cessation of their civic duties at an agreed fair market price or written down value. The General Manager is authorised to approve all such requests.

### **PAYMENT OF COUNCILLOR FEES INTO A COMPLYING SUPERANNUATION FUND**

In accordance with the Australian Taxation Office Interpretive Decision 2007/205, Council may enter into an agreement with a Councillor under which the Councillor agrees to forgo all or part of their annual Councillor fee in exchange for the Council making contributions to a complying superannuation fund on their behalf. Requests to enter into such an agreement must be in writing and contributions to a complying superannuation fund will not be made retrospectively.

**(OM07.04.08)**

### **STATUS OF THE POLICY**

This policy is current and is scheduled for further review in June 2013.

<b>Council Policy – No 151</b>  <b>Version: 2</b>	<b>Adopted:</b>	<b>20.10.03</b>
	<b>Amended</b>	

**TITLE: AMENDING COUNCIL POLICIES**

**STRATEGY: Business Management**

**BUSINESS UNIT: Administration and Governance**

**RELEVANT LEGISLATION: None**

**RELATED POLICIES: None**

### **Objective**

To standardise the procedures and processes for amending Council Policies

### **Policy Statement**

The Council amends its policies from time to time as legislation changes, operational requirements change or as part of an ongoing quality assurance program. This policy establishes the procedures to be followed in amending Council policies.



## **Amending Council Policies**

### **1. Definition of “policy”**

The definition of “policy” for the purposes of this Policy relates to those current Policies adopted by Council and contained in Council’s Policy Register.

### **2. Justification for Policy Change**

Prior to taking a decision to notify the public of council’s intention to amend a council policy, a report shall be submitted to the council by its officers identifying the implications of the proposed policy change and justifying the need for the change/s to the existing policy.

### **3. Notification**

Any proposed amendment to a Council policy shall be notified in the local media only where there is a substantial amendment to the Policy and that amendment would have a considerable impact on the community. Minor amendments due to change in the name of the legislation, affecting the Policy, grammatical amendments or amendments made that will not have a significant affect on the public (as determined by the General Manager) will not be notified in the local media.

If, in the opinion of the Council, a proposed policy amendment has a direct and significant impact on a resident/s or landowner/s then a direct notification of the proposed amendment is to be provided to that effected resident/s or landowner/s. In all instances, the public notice will nominate a contact officer within Council to assist the public with any enquiries together with a telephone number/email address for contact.

### **4. Public Exhibition**

All persons in the community are to be provided with at least 28 days to provide comment on, or make a submission in relation to a proposed policy amendment. The public notification referred to above will request that submissions be made to the General Manager in writing, however persons wishing to make personal representations at a meeting of the Council or one of its Committees, will also be given that opportunity.

### **5. Consideration of submissions**

Following the public notification period, a report will be submitted to the Council advising it of all submissions received. This reporting back procedure shall apply even if no submissions are received. A copy of all/any submissions received is to be made available to councillors upon request prior to consideration of the officer’s report. Depending upon the number of submissions received, copies of the submissions shall be attached to the officer’s report (deleting the names and addresses for privacy reasons). In any event, a table shall be included within the officer’s report identifying each submission received, a summary of each of the issues raised and a comment by the Council officer adjacent to each issue raised.

### **6. Adoption of Amended Policy**

The adoption of an amendment to a Council Policy shall only occur at a meeting of the full Council, not at one of its delegated Committees. This requirement shall only be waived in cases of urgency where under special circumstances an early resolution is required.

### **7. Format**

All policies or amended policies shall be in the attached format and include a concise “Policy Statement”, together with the detail of the policy (Attachment 1).

### **8. Revision Date**

All policies are to be reviewed every 4 years (i.e. mid term of the elected Council)

<b>Council Policy – No</b>  <b>Version:</b>	<b>Adopted:</b>	
	<b>Amended</b>	

**TITLE:**

**STRATEGY:**

**BUSINESS UNIT:**

**RELEVANT LEGISLATION:**

**RELATED POLICIES:**

---

**Objective**

**Policy Statement**

<b>Council Policy – No 153</b>  <b>Version: 2</b>	<b>Adopted:</b>	<b>21.6.2004</b>
	<b>Amended</b>	<b>20.6.2011</b>

**TITLE: CREDIT CARD UTILISATION**

**STRATEGY: Business Management**

**BUSINESS UNIT: Finance and IT**

**RELEVANT LEGISLATION: None**

**RELATED POLICIES: None**

### **Objective**

Corporate Credit Cards are a routine aspect of accounts management and procurement for the Council. Credit cards, when used appropriately, can save money by streamlining processes for the purchase of goods and services. The use of credit cards carries the potential for some risk, particularly in the area of fraud and misuse.

### **Policy Statement**

This policy establishes appropriate controls on the use of Council issued credit cards and addresses areas of potential fraud and misuse and seeks to protect Council funds and maintain public confidence in Council operations

### **Circumstances in Which Cards May and May Not be Used**

**Corporate Credit Cards should only be used for the payment of goods and services associated with Council business.**

Activities that would **not** qualify for the use of a corporate credit card include the following:

- any use that is of a personal or private nature;
- cash advances unless for emergency purposes associated with Council business.
- fines, for example a motor vehicle parking fine or a speeding offence which was incurred while on Council business.

Where inappropriate expenditure occurs, the value of the expenditure shall be recovered from the card holder.

### **Credit Limits**

The maximum credit limit for the Pittwater Council Corporate Credit Card Facility shall be \$30,000. The General Manager or his delegated officer shall have the authority to determine, within this limit, individual credit limits for the Directors and the Chief Financial Officer.

## **Eligibility for Cards**

The General Manager, the Directors and the Chief Financial Officers of Council shall be the prevailing holders of a Council Corporate Credit Card.

However, the General Manager shall have the authority to issue additional Corporate Credit Cards if it is determined (by the General Manager) that a business advantage would be achieved by the issuing an additional card.

## **Formal Acknowledgement of Policy Conditions**

Council officers issued with a Corporate Card are in a position of trust in regard to the use of public funds. Improper use of that trust may render the card holder liable to disciplinary/legal action/criminal prosecution.

All Corporate Card holders are to acknowledge receipt of the corporate card and instructions for use. The acknowledgement will include a signed agreement to abide by all Council and card supplier (Bank) guidelines and conditions of use.

## **Procedures for Lost, Stolen and Damaged Cards**

Card holders are personally responsible and accountable for the safe custody of the corporate card issued. Card holders must:

- Secure the card at all times to safeguard against loss or theft;
- Ensure that personal identification numbers (PINs) are not written on nor carried with cards or within the wallets of the card holder;
- In the event that a corporate card is lost or stolen the card holder should telephone the Bank as soon as the loss is discovered and report the loss to the Chief Financial Officer at Council.

In the event of a damaged card the card holder should return the card to the Chief Financial Officer for destruction and replacement.

## **Procedures for Returns and Final Reconciliation of Card Accounts on Cessation of Employment**

Upon cessation from Councils employment, the card holder must ensure that:

- All outstanding transactions are cleared and properly accounted for;
- The card is returned to the Chief Financial Officer who is to arrange for destruction of the card;
- The officer returning the card is to obtain an acknowledgement for the return of the corporate card from the Chief Financial Officer.

<b>Council Policy – No 165</b>  <b>Version: 2</b>	<b>Adopted:</b>	<b>OM20.11.06</b>
	<b>Amended</b>	

<b>TITLE:</b>	<b>PUBLIC ACCESS TO INFORMATION</b>
<b>STRATEGY:</b>	<b>Business Management</b>
<b>BUSINESS UNIT:</b>	<b>Administration &amp; Governance</b>
<b>RELEVANT LEGISLATION:</b>	<b>Local Government Act 1993</b> <b>Government Information (Public Access)</b> <b>Act 2009</b> <b>Environmental Planning and Assessment Act</b> <b>Health Records Information Privacy Act</b>
<b>RELATED POLICIES:</b>	<b>No. 134 - Privacy Management Plan</b>

---

### **Objective**

To outline Council's principles regarding public access to information held by Council.

To provide a framework for the processing of requests for access to information held by Council.

### **Policy Statement**

Pittwater Council is committed to the following principles in respect of public access to documents and information:

- Open and transparent government
- Consideration of the overriding public interest in relation to access requests
- Proactive disclosure and dissemination of information
- Respect for the privacy of individuals

<b>Council Policy – No 165</b>	<b>Adopted:</b>	<b>OM20.11.06</b>
	<b>Amended:</b>	

## **PUBLIC ACCESS TO INFORMATION**

### **Purpose**

The purpose of this policy is to establish the principles that apply, and Council's approach to, disclosure of information and rights of public access to documents.

Council is subject to NSW legislation regarding disclosure of information, in particular the Local Government Act, Freedom of Information Act, and the Environmental Planning and Assessment Act. It also is subject to the NSW Privacy and Personal Information Protection Act and Health Records Information Privacy Act which establish standards for fair information handling practices for personal and health information.

The Commonwealth Copyright Act may apply in some circumstances to limit the copying of certain documents held by the Council.

### **Policy Statement**

Pittwater Council is committed to:

- Openness and transparency in the conduct of its public functions.
- Pro active disclosure and dissemination of information about operations, plans and decisions or information which will enhance the quality of life of the Pittwater community.
- Provision of access to Council documents unless disclosure in a particular case would be contrary to the public interest.

### **Principles**

Pittwater Council will promote disclosure and dissemination of information about its operations, plans and decisions, and information that promotes community advancement on its website wherever practicable, and will facilitate public access through this and other appropriate mediums.

Documents required by law to be available for public inspection will be posted on the website, unless internet access poses an unacceptable risk of interference with privacy through potential data gathering and matching techniques.

Any person is entitled to have information about their place of residence suppressed from documents available for inspection where disclosure would endanger personal safety, or removed from any register available for public inspection in accordance with the NSW Privacy and Personal Information Protection Act.

Other Council documents not posted on the website will be available for inspection unless disclosure on balance is contrary to the public interest.

Copying of some documents may be restricted where the Copyright Act imposes limitations.

This Council Policy on Access to Information lists the types of documents, including public registers, available for inspection.

The Policy also lists the categories of documents not available because of legislative restrictions or because disclosure is likely to be contrary to the public interest. Documents of this kind include those that contain information about the personal affairs of other ratepayers, commercially sensitive information, or information which if disclosed would have an adverse effect on Council's law enforcement or other functions, such as the identifying particulars of complainants.

Inspection of Council documents in accordance with the Local Government Act is free of charge, or on payment of reasonable copying charges.

Broad requests for access to a large number of unspecified documents which, if processed, would divert substantial Council resources from dealing with other requests, or from performing other Council functions may be refused on the grounds that such a diversion of resources is contrary to the public interest.

Any member of the public may also lodge an application under the Freedom of Information Act which will be dealt with in accordance with the Act's provisions. FOI applications will not be required where documents are otherwise available in accordance with this policy.

Any individual also has a right to know what personal or health information Council holds about him or her, to access that information in accordance with the provisions of the NSW Privacy and Personal Information Protection Act and the NSW Health Records and Information Privacy Act, and to amend that information in certain circumstances.

## **1. Introduction**

This Policy sets out the documents and types of information that are available to members of the public as a matter of routine, and those that will not generally be available for inspection and copying.

Council is committed to proactive dissemination of information about the conduct of its public functions and information that will assist community advancement.

Documents required to be available for public inspection will, where practicable, be made available on Council's website.

Council will deal with informal applications to inspect other documents in accordance with the GIPA free of charge but charges may apply for photocopies, and for any additional services which go beyond the provision of access to identified documents.

The rights of access to other documents held by the Council will be provided unless disclosure is, on balance, contrary to the public interest.

While any application will be considered on its merits Council may refuse access where requests are of a general nature, for example for access to all Council documents of a certain kind, or all documents held relating to a particular subject or matter, depending on the time involved in location, collation and assessment and the nature of the documents requested.

Any applications will be processed in accordance with the Act's requirements and a determination made to release the documents, or refuse access, on the basis of the exemption provisions in the Act. Charges for formal GIPA applications are in accordance with the GIPA Act.

An individual also has rights to access and amend the personal and health information held by Council about him or her under the NSW Privacy and Personal Information Protection Act (PPIPA) and the NSW Health Records and Information Privacy Act (HRIPA). Where information about an individual is held in documents, files or systems that include information about other persons, any request should be made under GIPA which provides for consultation with any other affected parties prior to disclosure of information concerning their personal or business affairs.

## **2. Privacy Legislation and Access to Council Information and Documents**

The privacy acts referred to above also apply to the collection, storage, use and disclosure of personal and health information by Council. The acts set out principles for the handling of this type of information.

Full details of the acts and Council's obligations are set out in the Council's Privacy Management Plan.

It is not a breach of the privacy principles to disclose personal or health information where this is in accordance with the acts, (e.g. where disclosure is consistent with the purpose for which the information was collected, or where the person was aware that particular information is usually disclosed) or where another act or law requires, permits or contemplates disclosure.

Disclosure of documents required to be made available for public inspection by the Local Government Act, the Environmental Planning and Assessment Act or any other act, or disclosure under GIPA is not contrary to privacy legislation.

Where access to other documents is requested and a judgment needs to be made about whether disclosure, on balance, is contrary to the public interest, privacy may be a consideration if personal information about another person is involved. Relevant factors include the nature of the information, and the degree to which disclosure involves significant privacy issues, and any public interest that would be advanced by disclosure. Council may need to be able to explain considerations taken into account in deciding to disclose personal information to someone other than the person concerned.

## **3. Council Documents Available for Inspection**

The following documents are available for inspection as required by Schedule 12 of GIPA and can be accessed on Council's website or from Council's Customer Service Offices:

### **3.1 Documents About Council**

- The Code of Conduct adopted by the Council under Section 440(3)
- The Council's Code of Meeting Practice
- Annual Report
- Annual Financial Reports
- Auditor's Report
- Management Plan
- EEO Management Plan
- The Council's policy concerning the payment of expenses incurred by, and the provision of facilities to, Councillors.
- Agendas and business papers for Council and Committee Meetings (but not including business papers for matters considered when part of a meeting is closed to the public).
- Minutes of Council and Committee Meetings, but restricted (in the case of any part of a meeting that is closed to the public), to the resolutions and recommendations of the meeting.
- Any annual reports of bodies exercising delegated Council functions.
- Any reports by a representative of the Department of Local Government presented to a meeting of the Council in accordance with Section 433.



### **3.2 Documents about Development Applications and Related matters**

- Applications under Part 1 of Chapter 7 of the LGA for approval to erect a building, and associated documents. These documents concern building applications which were discontinued in 1998. Any relevant documents relate to the prior period.
- Development applications (within the meaning of the Environmental Planning and Assessment Act 1979 (EPA)) and the documents lodged with the application or subsequently requested by Council of the applicant. These documents include the statement of environmental effects where required. Certain documents such as those that show the internal lay out and design of a residential building or contain sensitive commercial information are not available.

Council treats submissions and objections received in response to an advertised or notified development as public documents. These documents are vetted for content prior to posting on the website.

Internal draft working documents relating to an application, and the delegation of authority or development unit report, are not available for public inspection until the DA assessment is finalised.

Council also maintains a DA Register which is available for public inspection.

After a decision on a DA has been made, the Register and documents specified in the Environmental and Planning and Assessment Regulation 2000 (see Appendix) continue to be available for public inspection.

- Council's Local Approvals Policy.
- Records of approvals granted, any variation from local policies with reasons for the variation, and decisions made on appeals concerning approvals. This information is contained in the Register available for public inspection.
- Records of building certificates under the EPA 1979 are available in the Register of Building Certificates.
- Plans of land proposed to be compulsorily acquired by the Council.
- Leases and licenses for use of public land classified as community land.
- Plans of management for community land.
- Environmental planning instruments, development control plans and plans made under section 94AB of the EPA 1979 applying to land within the Council's area.
- Section 94 Register of Contributions required in connection with approval of a development application – available in combination of hard copy and electronic copy and accessible to the public.
- Register of Construction Certificates.
- Register of Complying Development Certificates.
- Register of Subdivision Certificates.

### **3.3 Documents about Councillors, Candidates and Designated Office Holders**

The following documents are available for inspection by appointment with Council's Public Officer.

- Returns of the interests of Councillors, designated persons and delegates.
- Returns as to candidates' campaign donations.

### **3.4 Public Registers**

In addition to registers mentioned at clause 3.2 above, Council maintains other registers which are required by law to be available for public inspection.

Where the public register contains personal or health information, Council is required to ensure that access by a member of the public is for a purpose consistent with the purpose for which the register exists. The Local Government Code of Practice issued under the Privacy and Personal Information Protection Act (PPIPA) permits Council to provide access to such registers by way of inspection on Council premises and for the copying of an entry or page in the register without regard to the purpose of the person who seeks access.

Council reserves the right to seek to satisfy itself about the purpose of access and to require a statutory declaration from persons seeking access to personal information that it will only be used for a specified lawful purpose.

Council maintains some registers which are not available for public inspection. Particular entries in these registers, for example from Council's Rates Record and the Register of Impounded Items required by the Impounding Act, are available to any person. In the case of an application for a certificate of an entry in the Rates Record under Section 603 of the LGA, a charge is payable.

### **3.5 Access to Other Documents Held by the Council**

Other Council documents are available for inspection under GIPA unless disclosure is, on balance, contrary to the public interest. Any application must be received in writing and will be processed promptly and within the agreed timeframe. The request should specify the documents sought, with a reference to any time or date limitations.

Any application will be considered on its merits and considered in the light of the obligation to make documents available unless public interest considerations favour the withholding of the document(s).

## **4. Information and Documents Not Usually Available**

Information about the name of a property owner is in the public domain through Internet access to the register maintained by the NSW Land and Property Information Service. Council holds information about property ownership for the purpose of carrying out its functions. Council policy is not to make available information about the name of a property owner except in emergency circumstances or where the enquirer can establish a clear need to know.

Council will not supply bulk property data to third parties for the purposes of direct marketing. Documents listed below will not usually be available because they are excluded from the right to access by an express provision in GIPA, or Council has concluded that disclosure of such documents, or documents containing information of the kind indicated would, in the usual case, be contrary to the public interest. However any request for Council documents under GIPA will be dealt with in accordance with the provisions of the legislation which require an officer to make a determination on each application.

### **4.1 Documents Not Available**

- Documents or parts of documents which would reveal the identifying particulars of persons who provide information to Council in good faith in connection with its law enforcement and regulatory responsibilities, or who otherwise contact Council about matters of interest or concern, including unsolicited complaints about other persons conduct or activities, and matters that require investigation by Council.
- Documents which reveal confidential communications between the Council and its legal advisers, or documents which have been prepared by Council officers or others for the dominant purpose of use in proposed or anticipated legal proceedings.

- Documents, the release of which are likely to endanger the life or safety of any person, or the security of any building or structure, or which would prejudice the conduct of a lawful investigation by Council or another authority.
- Documents concerning Council functions or operations where disclosure would have a prejudicial effect on Council's property or financial interests, or would otherwise have an adverse effect on its regulatory functions, or its capacity to operate in an efficient and effective manner.
- Council working/draft documents prepared or received in connection with its decision making functions, prior to inclusion of the final document on a public agenda for the making of a decision by Council, a committee of Council, or an officer exercising delegated authority.

#### **4.2 Large General Requests for Access to Documents**

Broad, general requests for a large number of documents, for example all documents of a certain kind, or documents held on a number of different Council files, or which otherwise require a substantial allocation of Council resources, may be refused after consideration of the public interest factors involved by Council's Public Officer. The Public Officer may in the light of an assessment of the work involved in identifying, locating, collating and assessing a large number of Council documents, conclude that access should be refused on the grounds that the substantial diversion of Council resources necessary to deal with the application would, on balance, be contrary to the public interest. The Public Officer shall, in reaching such a decision take into account the following:

- An assessment of the work and time involved in responding to the application.
- The extent to which the work involved in dealing with the request would result in Council resources being diverted from dealing with other access requests, or from other important functions.
- The nature of the documents requested and any public interests to be advanced by disclosure generally, or disclosure to the particular applicant. Council acknowledges there is a public interest in disclosure of documents about Council operations and the exercise of its functions, and in a particular applicant gaining access to documents where there is a strong and justifiable right to know. However the right to access documents free of charge to an individual also requires consideration of the effect the processing of such an application may have on the rights of others, and on the efficient and effective use of Council resources in the interests of all ratepayers.

### **5. Copyright**

Copyright issues may arise when requests are made for copies of documents held by the Council. The Commonwealth Copyright Act (1968) takes precedence over State legislation. Therefore the right to copy documents under the Local Government Act does not override the Copyright Act. There is no system of registration for copyright protection, it is free and automatic. Material that is eligible for copyright protection includes drawings such as sketches and plans of houses. Permission is required from the Copyright owner for any reproduction, for the whole or part of their work, including photocopying, copying by hand, filming, recording and scanning. Hence documents created by Council, can be copied by Council. If Council commissions a report etc. from a consultant it will be under the terms of the contract whether it can be copied.

## Documents that are available to the public:

### Based on Schedule 12 of GIPA

- The Council's Code of Conduct
- The Council's Code of Meeting Practice
- Annual Report
- Annual Financial Reports
- Auditor's Report
- Management Plan
- EEO Management Plan
- The Council's policy concerning the Payment of Expenses incurred by, and the Provision of Facilities to Councillors
- The Council's land register
- Register of Investments
- Returns of the interests of Councillors, designated persons and delegates
- Returns as to candidates' campaign donations
- Agendas and business papers for Council and Committee Meetings (but not including business papers for matters considered when part of a meeting is closed to the public).
- Minutes of Council and Committee Meetings, but restricted (in the case of any part of a meeting that is closed to the public), to the resolutions and recommendations of the meeting.
- Any codes referred to in this Act.
- Register of delegations.
- Annual reports of bodies exercising delegated Council functions.
- Applications under Part 1 of Chapter 7 for approval to erect a building, and associated documents.
- Development applications (within the meaning of the *Environmental Planning and Assessment Act 1979*) and associated documents.
- Local policies adopted by the Council concerning approvals and orders.
- Records of approvals granted, any variation from local policies with reasons for the variation, and decisions made on appeals concerning approvals.
- Records of building certificates under the *Environmental Planning and Assessment Act 1979*.
- Plans of land proposed to be compulsorily acquired by the Council.
- Leases and licences for use of public land classified as community land.
- Plans of management for community land.
- Environmental planning instruments, development control plans and plans made under section 94AB of the *Environmental Planning and Assessment Act 1979* applying to land within the Council's area.
- Departmental representatives' reports presented at a meeting of the Council in accordance with section 433.
- The register of graffiti removal work kept in accordance with section 67C.

### **Based on Clause 266 of EP&A Regulation**

- (a) development application
- (b) relevant section 81 notice to the applicant
- (c) any instrument by which some other development consent or existing use right has been modified or surrendered
- (d) the decision of the Land and Environment Court, in the case of a development consent granted by the Court on appeal from the determination of the Council
- (e) the Minister's determination of the application, in the case of an application determined by the Minister for State significant development or an application determined by the Minister under section 80 (7) of the Act
- (f) any recommendation made by the relevant employees of the Council with respect to the determination of the application
- (g) if the development consent has been revoked, modified or surrendered the instrument of revocation, modification or surrender
- (h) if a notice has been published in respect of the development consent as referred to in section 101 of the Act, the page of the newspaper in which the notice was published
- (i) the notification of the determination to issue a construction certificate relating to the consent and a copy of the certificate and any related plans, specifications and any other documents that were forwarded to the Council
- (j) the notification of the appointment of the principal certifying authority and the notification of the commencement of building or subdivision work relating to the development subject of the consent.
- (k) The notification of the determination of an application for an occupation certificate relating to any building the subject of the consent
- (l) The notification of the determination of an application for a subdivision certificate relating to any subdivision the subject of the consent and the endorsed plan of subdivision
- (m) The notification of the determination of any application for a compliance certificate relating to the development the subject of the consent and any relevant plans and specifications and other documents relating to the compliance certificate
- (n) The decision of the Land and Environment Court in the case of an occupation certificate, subdivision certificate or construction certificate issued by the Court on appeal from a determination of the Council.
- (o) Details of approved alternative solutions relating to construction certificates or compliance certificates together with details of the assessment methods used to establish compliance with the relevant performance requirements.

### **Based on Clause 267 of EP&A Regulation**

For a complying development certificate whether or not the application is made to the Council and each complying development certificate whether or not the certificate is issued by the Council:

- (a) the determination of the application for a complying development certificate including any related plans and specifications,
- (b) if a notice has been published in respect of the complying development as referred to in section 101 of the Act, the page of the newspaper in which the notice was published,
- (c) the notification of the appointment of the principal certifying authority and the notification of the commencement of building or subdivision work relating to the development the subject of the complying development certificate,
- (d) the notification of the determination of an application for an occupation certificate relating to any building the subject of the complying development certificate,
- (e) the notification of the determination of an application for a subdivision certificate relating to any subdivision the subject of the complying development certificate and the endorsed plan of subdivision,

- (f) the notification of the determination of any application for a compliance certificate relating to the development the subject of the complying development certificate,
- (g) the decision of the Land and Environment Court in the case of an occupation certificate or subdivision certificate issued by the Court on appeal from a determination of the Council,
- (h) details of approved alternative solutions relating to compliance certificates, together with details of the assessment methods used to establish compliance with the relevant performance requirements.

<b>Council Policy – No 166</b>  <b>Version: 2</b>	<b>Adopted:</b>	<b>18.12.06</b>
	<b>Amended</b>	

<b>TITLE:</b>	<b>CUSTOMER SERVICE CHARTER</b>
<b>STRATEGY:</b>	<b>Business Management</b>
<b>BUSINESS UNIT:</b>	<b>Administration &amp; Governance</b>
<b>RELEVANT LEGISLATION:</b>	<b>None</b>
<b>RELATED POLICIES:</b>	<b>No. 165 - Public Access to Information No. 134 - Privacy Management Plan</b>

---

### **Objective**

To serve the community with integrity, efficiency, fairness, impartiality and the encouragement of mutual respect.

To maintain the highest standards of conduct and abide by certain values including:

- Communication;
- Quality;
- Ethics; and
- Respect.

### **Policy Statement**

Pittwater Council is committed to addressing and resolving customer enquiries and complaints, improving customer service delivery and increasing satisfaction. This document aims to provide a guideline for staff, councillors and customers alike regarding enquiries or complaints received by Pittwater Council, and how they should be resolved

Pittwater Council has a systematic process for managing enquiries and complaints. This approach benefits customers, the community and the council, leading to continuous improvements in council processes.

Council will treat all matters, whether an enquiry or complaint, diligently and aim to provide a fair and reasonable outcome to both the customer and Council. Comments about Council's service or staff are welcomed and provide valuable feedback about Council's quality of service.

Council's operations are wide and varied. Regardless of the nature of the business unit this customer service charter applies. However, some processes for dealing with customer enquiries and complaints may differ according to specific site operations.

Council aims to respond to all enquires and complaints. However, in some cases council may not be able to respond to some requests because of the nature of the enquiry or complaint, or because of Council's limited resources. The way in which council responds to the customer enquiry or complaint will depend on the nature and complexity of the issue. Limited resources should be considered by all involved. Other avenues for resolution of the issue, where appropriate, should also be considered.

Council will only deal with council related matters. Civil issues such as a fencing dispute between neighbours will not be addressed by council. Other matters being addressed through the judicial system, for example in the Land and Environment Court, may not be able to be addressed by Council at that time.

### 3. External Agencies

Any issues in relation to corruption, serious or substantial waste, or pecuniary interests should be directed to the General Manager. The General Manager has reporting responsibilities to external agencies such as the Department of Local Government (DLG) and the Independent Commission Against Corruption (ICAC).

External recourse is always available to all members of the community and information can be provided on the most appropriate agency if required. External agencies that may be considered include: the DLG; NSW Ombudsman and the ICAC.

### 4. Response Timeframes

All enquiries and complaints shall be acknowledged and finalised within timeframes as established in this charter (see Table 1 below). However, in some cases (e.g. development applications), incoming correspondence such as objection letters may not be finalised within the time limits as it forms part of larger deliberations. A telephone request for a garbage bin to be emptied, for example does not need to be acknowledged.

**Table 1: General guide for acknowledging and finalising enquiries and complaints**

Source of enquiry/complaint	Deadline for acknowledgment and finalisation
Mayoral and Councillors	Acknowledge in writing within 3 working days. Response in 10 working days.
Incoming correspondence (includes letters, emails, faxes)	Response in 10 working days.
Direct phone calls with council staff	Verbal response for non-complex issues within 3 working days.
Voicemail messages	Return call by close of business the next working day.
Public safety issues (general) Public safety (life threatening)	Within "5 hour inspection" rule. Immediate response – first available officer.



## **5. Interpreters**

Pittwater Council will provide assistance (where available) to customers wishing to lodge a complaint who may have difficulty in adequately communicating the information. This may include the provision of interpreters.

## **6. Confidentiality**

Confidentiality of complaints, including the identity of the customer, will be maintained in accordance with appropriate legislation and Council policies. Further information can be found in Councils Public Access to Information Policy and Privacy Management Plan.

## **7. Customer Requirements**

In order for Pittwater Council staff and Councillors to provide customers with a high standard of customer service, it is necessary that all customers:

- a) not make complaints which are frivolous, vexatious, not in good faith, or concerns a trivial matter;
- b) not make complaints which are aimed at escalating neighbourhood disputes or purposely disadvantaging a neighbour;
- c) where appropriate attempt to resolve the matter themselves before approaching council.
- d) Consider the appropriateness of
  - mediation facilities such as the Community Justice Centre for resolving neighbour related matters, or
  - raising the issue with the appropriate authorities, e.g. Police, Sydney water, Waterways Authority etc.
- e) provide adequate and accurate details (dates, time, location, photos, council staff names, other relevant documents and so on) to Council about the matter;
- f) keep records of correspondence received or sent, other important documents, and details of telephone calls;
- g) allow Council adequate time to address the enquiry or complaint depending upon its type;
- h) leave detailed messages on staff voicemail systems when staff are unavailable and allow staff adequate time to respond to messages;
- i) not make complaints regarding matters which are old, or where finding a practical solution to the grievance may be unrealistic (for instance, by requesting the demolition of a block of units); and

## 8. How to Contact Pittwater Council

Customers of Pittwater Council can make enquiries or complaints via the following:

Council's website	<a href="http://www.pittwater.nsw.gov.au">www.pittwater.nsw.gov.au</a>
By email:	<a href="mailto:pittwater_council@pittwater.nsw.gov.au">pittwater_council@pittwater.nsw.gov.au</a>  Complaints received by email must include the sender's name and address, so correspondence between Council and the customer are directed appropriately and not through incorrect email channels.
By telephone:	For general enquiries phone the Customer Service Centre on: (02) 9970 1111 (24 hours)
By facsimile:	(02) 9970 7150
By letter:	address all correspondence, quoting a file reference number if available to: General Manager, Pittwater Council, PO Box 882, NSW 1660
In person:	Visit the Customer Service Centres at either, 1 Park St, Mona Vale or 59a Old Barrenjoey Road, Avalon

<b>Council Policy – No 143</b>  <b>Version: 3</b>	<b>Adopted:</b>	<b>OM 10.3.2003</b>
	<b>Amended</b>	<b>13.9.2004</b> <b>20.6.2011</b>

<b>TITLE:</b>	<b>INVESTMENT POLICY</b>
<b>STRATEGY:</b>	<b>Business Management</b>
<b>BUSINESS UNIT:</b>	<b>Finance and IT</b>
<b>RELEVANT LEGISLATION:</b>	<b>Local Government Act, 1993</b> <b>Local Government General Regulations, 2005</b> <b>Local Government Ministerial Investment Order</b>
<b>RELATED POLICIES:</b>	<b>None</b>

### **Objective**

- To provide a disciplined approach to the investment of Council funds.
- To outline the legislative framework associated with the investment of surplus funds
- Outline key issues when investing funds, such as risk, portfolio diversity, liquidity requirements, benchmarks etc
- Define duties and obligations of the Council and Council Officers
- Establish proper reporting and monitoring procedures

### **Policy Statement**

In the investment of Council funds, investments are to be made on the basis of ensuring capital preservation and an optimum safe return from Council's surplus funds.

Investments are to be managed with the care, diligence and skill that a prudent person would exercise. As trustees of public monies, officers are to manage Council's investment portfolio to safeguard the portfolio in accordance with the spirit of this Investment Policy.

## **Policy Principles:**

### **1. Delegation of Authority**

The investment of funds to be at the discretion of the General Manager and/or a nominated Officer of the Council as determined by the General Manager and outlined in Council's Delegations of Authority Register.

### **2. Authority for Investment**

All investments are to be made in accordance with:

- Local Government Act 1993 – Section 625;
- Ministerial Order - Relating to investments by Councils (The Ministerial Order relates to the Order prevailing at the time the investment is made)
- Local Government (General Regulation) Regulations 2005 – Reg 212
- NSW Government Gazette No. 160 (24-12-2008) – Shares in Kimbriki Environmental Enterprises Pty Limited
- Local Government Code of Accounting Practice and Financial Reporting,
- Any applicable International Accounting Standards; and
- Department of Local Government Circulars

### **3. Authorised Investments**

All investments must be denominated in Australian Dollars.

Authorised investments must comply with Section 4 (Risk) of this Policy and are to be limited to securities as prescribed below:

- Any Debentures or Securities issued by the Commonwealth, State or Council;
- Mortgage of Land (as prescribed by the Ministerial Investment Order);
- Interest bearing deposit, debentures or bond issued by an authorised deposit taking institution (ADI) (as defined by the banking Act , 1959 Cwth), including but not limited to a term deposit (short term investments) and or an investment in Senior Debt with an authorised deposit taking institution (ADI), including Floating Rate Notes or Fixed Bonds (Longer Term Investment);
- A bill of exchange which has the maturity date of not more than 200 days issued by an authorised deposit taking institution (ADI);
- A deposit with the New South Wales Treasury Corporation or Investment with NSW Treasury Corporation Hourglass Investment Facility;

*Note: The above investments reflect the prescribed investments contained within the latest Local Government Act, 1993 - Ministerial Investment Order.*

#### **4. Risk**

In order to minimise risk and preserve capital within Council's investment portfolio Council must;

- Diversify investments whereby the amount invested with any one authorised deposit taking institution (ADI) shall not exceed 25% of Council's total portfolio.
- The term to maturity of any Council's investments may range from "At Call" to 2 Years in order to allow for maximisation of investment yields and the matching of longer term obligations with funds invested. The purchase of land as an asset holding is exempt from this term restriction as land would be purchased on the basis of a long term holding with a focus on capital appreciation.
- Ensure that the entire portfolio maintains a level of liquidity that is commensurate with Council's operational needs.

#### **5. Investment Practices**

- When investing not less than three (3) quotations shall be obtained from an authorised deposit taking institution (ADI) when an investment is proposed.
- If any of Council's investments alters as such they no longer fall within the investment policy guidelines, they will be divested as soon as practicable.
- Investments that are currently held yet cannot be liquidated due to market forces and do not fall within the above parameters of this guideline (e.g. Collateral Debt Obligations) will be grandfathered as long as necessary as per the Transitional Arrangements prescribed in the Local Government Act, 1993 – Ministerial Order and associated guidelines (Relating to investments by Councils).
- All Investments made must comply with Council's Delegation of Authority Register.
- Where required Council is to obtain independent valuations on a monthly basis and these valuation are to be utilised in Reports to Council.
- From time to time Council may seek the advice of an Independent Investment Advisor to review investment practices, type, exposure and valuations. (see clause 9 of this Policy).

#### **6. Officer Responsibility**

Council Officer should act at all times with the duty of care, level of skill, prudence and diligence that a prudent person would exercise when investing and managing their own affairs and in the spirit of the "Prudent Person" principle as set out on Section 14 of the Trustee Act, 1925 (NSW).

At all times Council Officers must invest funds on the basis of preservation of capital and the minimisation of risk.

#### **7. Council Responsibility**

As per Section 8 of the Local Government Act, 1993, "Council's Charter", Council must "bear in mind that it is the custodian and trustee of public assets and to effectively plan for, account for and manage the assets for which it is responsible", including the investment of funds.

Accordingly, based on Council's Charter, Council must be satisfied that an appropriate Investment Policy (this Policy) is in place and enacted by the Delegated Officers to ensure the preservation of Council's invested funds.

## 8. Ethics and Conflicts of Interest

Council Officers and Councillors shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This policy requires officers to disclose any conflict of interest to the General Manager.

Independent advisors are also required to declare that they have no actual or perceived conflicts of interest.

## 9. Investment Advisors

If Council chooses to seek advice from an independent Investment Advisor they must be approved by the General Manager (as the Delegated Officer) and licensed by the Australian Securities and Investment Commission.

The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended and is free to choose the most appropriate product within the terms and conditions of the investment policy.

The independent advisor is required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to the investments they are recommending or reviewing, including that they are not receiving any commissions or other benefits in relation to the investments being recommended or reviewed.

## 10. Performance Benchmarks

- Council's investments are to be performance benchmarked in order to measure the returns on Council's funds as follows:

Investment Type	Performance Benchmark
Cash	"At Call" BBSW Cash Rate
Direct Investments	UBSWA Bank Bill
Land	CPI + Council deemed margin of 2%

## 11. Reporting

- As per the Local Government (General Regulation) Regulations 2005 – Reg 212, a monthly report shall be provided to Council detailing Council's investment portfolio.
- For audit purposes, Certificates shall be obtained from authorised deposit taking institution (ADI) confirming the amounts of investment held on Council's behalf at 30 June each year.

## 12. Prohibitions

Council must not:

- Invest in speculative financial instruments (e.g. derivative based investments)
- Use leveraging (debt) to fund its investment portfolio

### **Definitions:**

#### **ADI**

Authorised Deposit-Taking Institutions (ADI) are corporations that are authorised under the Banking Act 1959 (Cwth) to take deposits from customers.

**Bill of Exchange**

A bill of exchange is an unconditional order in writing, addressed by one person to another, signed by the person giving it, requiring the person to whom it is addressed to pay on demand, or at a fixed or determinable future time, a sum certain in money to or to the order of a specified person, or to bearer.

**Debentures**

A debenture is a document evidencing an acknowledgement of a debt, which a company has created for the purposes of raising capital. Debentures are issued by companies in return for medium and long-term investment of funds by lenders.

**Securities**

For financial markets these are the many types of financial instruments (i.e., documents) that are traded in financial markets (except futures contracts), e.g., bonds and shares.

**Floating Rate Notes (FRNs)**

An FRN is a medium term debt security paying a periodic floating rate of interest linked to a reference rate such as the BBSW. As the reference rate changes so too do the payments you receive providing investors with the ability to achieve returns at a margin above the benchmark.

**Senior Debt**

Is debt such as a bond or other form of debt that takes priority over other debt securities sold by the issuer, usually when facing liquidation.

**Grandfather Clause**

Grandfather clause is a legislative clause, which, when prohibiting a certain activity, exempts those who were already engaged in the activity at the time the legislation was passed.

**Investment Portfolio**

The total pool of all of Council's investments.

**Preservation of Capital**

Preservation of capital refers to an investment strategy with the primary goal of preventing losses in an investment portfolio's total value.

**Prudent person standard**

Prudent person standard is a legal standard restricting the investing and managing of a client's account to what a prudent person seeking reasonable income and preservation of capital might exercise for his or her own investment.

**Responsible accounting officer**

Responsible Accounting Officer (RAO) of a council means a member of the staff of the council designated by the General Manager. The Chief Financial Officer is Council's ROA.

**Bank Bill Swap rate (BBSW)**

This rate is the average mid-point yield (bid and offer) in the bill market as at 11am. It is used as the money market's reference rate for short-term funds.

**UBSWA Bank Bill**

Is the bank bill rate issued by UBS Warburg Australia who is a global investment banker and leading corporate advisor in Australia. The UBS Warburg Australian Bank Bill Index is one of the most widely used benchmark for analysing short duration "cash" funds in the Australian Cash Market. In use since 1987, this leading global investment bank's index comprises 13 bank bills of identical face value with maturity dates ranging between 7 and 91 days. As each bill matures it is reinvested for 91 days and the accumulation index value is the sum of the discounted face values of these 13 bills on a particular date.

***Note: The above policy has been formed with regard to the NSW Department of local Government Investment Policy Guidelines May 2010.***

<b>Council Policy – No 189</b>  <b>Version:</b>	<b>Adopted:</b>	
	<b>Amended</b>	

<b>TITLE:</b>	<b>COMMUNICATION</b>
<b>STRATEGY:</b>	<b>Community Engagement, Education &amp; Awareness</b>
<b>BUSINESS UNIT:</b>	<b>Administration &amp; Governance</b>
<b>RELEVANT LEGISLATION:</b>	<b>Government Information (Public Access) Act 2009 (GIPA) Local Government Act 1993</b>
<b>RELATED POLICIES:</b>	<b>No. 170 - Community Engagement No. 1 - Media No. 165 - Public Access to Information</b>

---

### **Objective**

To provide our community with a diverse range of ways to communicate with Council and to have input into the decision-making process in a timely and effective manner.

We encourage the use of new technologies to drive two-way communication and interaction between the Council and its community.

Our internal communication is open and transparent and designed to engender trust within the organisation.

### **Policy Statement**

Council undertakes that:

- Communication by the Council to its community is planned and proactive.
- Communication is clear, simple and easy to understand, with a focus on plain English when explaining technical or complex issues.

We will respond in a timely manner to requests for information from the media and the public.



### **Statement to the Media**

All Communication statements are to be prepared by the Community Relations team and approved prior to release by the General Manager or his delegate and where appropriate, the Mayor. Media statements issued on behalf of the Council must be in the approved format.

### **Publicity/Media Relations**

Our relationships with the media are based on openness. Council and committee meetings are open to the media, except when confidential matters are discussed in closed sessions as outlined by the requirements of Sec 10 of the Local Government Act.

We obtain publicity for projects and issues by timely planning and a proactive approach. We aim to issue a minimum of four media releases each week and for media enquiries to be responded to within 24 hours.

We provide our Councillors and staff with a clear understanding of their roles and responsibilities in relation to the media.

### **Crisis/Disaster Management**

We ensure that a range of communication tools are used to deliver key messages to the community and that relevant staff understand their responsibilities during a crisis or disaster situation.

We ensure that we work closely with relevant government agencies in managing communication activities and that we understand our place in the external communications process.

We formulate specific communication plans to deal with any crisis in a timely and proactive manner that tie in with the Council's overall Disaster Management Plan.

### **Internal Communication**

We ensure that staff and Councillors are well-informed about the organisation's strategies and goals.

We encourage a plain English approach towards communication and discourage bureaucratic and technical jargon or language that intimidates.

We create openness and trust by using a range of communication methods to talk to our staff and Councillors. We embrace the use of new communication technologies.

### **Corporate Branding**

We project a professional, recognisable and consistent presence whenever Pittwater Council is in the public domain.

We use our brand to communicate clear and consistent messages in everything we say and do.

We find ways to continually strengthen our brand and give Pittwater Council a competitive advantage among its peers.

### **Advertising**

We use advertising to inform our community about our activities, projects and matters in the public interest.

We ensure that all advertising reinforces our corporate brand standards and when required, conforms to legislative requirements.

We choose our means of advertising based on merit, cost-effectiveness and appropriateness for the message.

### **Website/Social Media**

We strive to continually increase the number of users of our website by a focus on continuous improvement. We accept the principles of Web 2.0, by which all levels of government use websites as a two-way form of communication, rather than as simply a source of information.

We embrace the use of social media tools for external and internal communication. Currently the Council is on Facebook and Twitter, as well as external and internal blogs.

We regularly monitor website and social media use so we can benchmark ourselves and continually find ways to improve our online presence.

We accept that social media is reciprocal and not always complimentary. We value that openness and use it to continually improve communication between ourselves and our community.

### **Commissioning/Opening of Public Infrastructure**

That, subject to a Council resolution to the contrary in any particular case, the Mayor be responsible for performing the commissioning/opening of any new infrastructure owned by Council or for which Council has that right.

### **Plaques – New Civic Buildings**

The names of the Mayor and all Councillors be placed on plaques for major projects.

### **Related Documents**

Disaster Management Plan  
Code of Conduct

<b>Council Policy – No 190</b>	<b>Adopted:</b>	
	<b>Amended</b>	
<b>Version:</b>		

<b>TITLE:</b>	<b>RATES AND CHARGES ADMINISTRATION</b>
<b>STRATEGY:</b>	<b>Business Management</b>
<b>BUSINESS UNIT:</b>	<b>Finance and IT</b>
<b>RELEVANT LEGISLATION:</b>	<b>Local Government Act 1993</b>
<b>RELATED POLICIES:</b>	<b>None</b>

---

### **Objective**

To provide the legislative framework and procedures to administer the function of rating within Council, especially with respect to:

- Pensioner rebates and accrual of rates and charges
- Rate debt recovery
- Sundry debt recovery
- Kerb & Gutter debt recovery from Pensioners
- Relief from rate increases due to hardship (for the first year of a new valuation)
- Aggregation of Values for rating purposes

### **Policy Statement**

#### **REBATES AND ACCRUALS OF PENSIONERS RATES AND CHARGES**

That Council's procedure under section 579 of the Local Government Act, 1993 is that all pensioners make initial application for rebate on the prescribed form. If the application is not made in the year for which the rates are levied, then prior year rebates can be granted providing the applicant is the current owner of the subject property and council is able to satisfy itself that the owner was an eligible pensioner (as defined by the Local Government Act) on the dates being claimed.

That Council's procedure for non-mandatory rebates under section 582 of the Local Government Act, 1993, is as follows:-

1. (a) An extended rebate of 50% of the rates and charges to a maximum of \$150 is granted to eligible pensioners who are under the accepted retirement age at the time of making application and continues whilst the owner remains an eligible pensioner and under the retirement age.
- (b) An extended rebate of 50% of the rates and charges to a maximum of \$150 is granted to persons in receipt of blind pension, regardless of age.
- (c) The commencement and ending of the extended rebates is as prescribed respectively under section 574(4) and section 584 of the Local Government Act, 1993.

2. (a) That where, after granting of either the mandatory or the mandatory plus extended rebate, the owner is unable to make payment of rates by the usual instalments, council may write off any accrued interest charges if the rates and charges are paid in accordance with an agreed payment arrangement.

That Council's procedure under section 564(1) of the Local Government Act, 1993 is as follows:-

- (1) Where, after rebate of rates and charges, payment of the balance will cause hardship, an eligible pensioner that is over the accepted retirement age, on a property where all owners are eligible pensioners, and the property is not the subject of a crown lease or licence, may make application to enter into an agreement with Council to accrue rates, charges and interest against the pensioner's estate and no action for recovery be taken. Those rates and charges become payable once the property is sold or transferred (regardless if the sale or transfer is to a family member).
- (2) An eligible pensioner accruing the balance of rates and charges against the estate is required to make annual application where the accrual is to continue.

## **DEBT RECOVERY**

Council has a responsibility to recover debts owing to it in a timely and efficient manner to finance its operations and ensure effective cash flow management. Council aims to ensure effective control over debts owed to it and to establish procedures for the efficient collection of receivables. Council recognises there are cases of genuine financial hardship requiring respect and compassion in special circumstances.

### **Rates Debt Recovery**

That the General Manager be authorised to enter into arrangements with any ratepayer, to have rates and charges paid by agreement as per Section 564 of the Local Government Act, 1993. Ideally these agreements are to be for regular instalment payments (weekly, fortnightly or monthly), with the debt to be finalised by financial year-end.

That the General Manager be authorised to write off or reduced any current interest for a ratepayer who has adhered to a rate payment agreement.

That all ratepayers, excluding those paying by agreement as above, who have overdue instalments, be issued with a Reminder Letter requesting them to either make full payment of the overdue amount, or make a suitable agreement for the payment of the outstanding amount. The Reminder Letters are to be issued within three weeks after the instalment due date.

Generally within one month to six weeks from the issue of the Reminder Letter, further recovery action to be commenced. This recovery action will occur twice throughout the year, being after the first and third instalments. All ratepayers (excluding eligible pensioners) who have two or more overdue instalments are to be sent a second Reminder Letter. After three weeks from the issuance of the second Reminder Letter, a Letter of Demand for payment within seven days, or a suitable arrangement for payment is issued. The Letter of Demand is to be sent by Council's current mercantile agent on their letterhead.

Generally within twenty-one to thirty days from the issue of the Letter of Demand, further recovery action to be commenced. All ratepayers who received a Letter of Demand, and who have not made payment or entered into a suitable arrangement for payment, will be issued with a Statement of Liquidated Claim (SLC). Council's current mercantile agent is to organise the issue and service of the SLCs. All legal costs are recoverable from the ratepayer.

Any further legal action required for the recovery of the outstanding rates and charges to be either a Writ of Execution; an Examination Summons; a Garnishee Order; a Rental Order; or a Notice of Bankruptcy. Council is to be guided by our mercantile agent as to the most suitable form of recovery action.

That where legal action is unsuccessful and rates and charges are overdue in excess of five years, the property be sold by public auction in accordance with section 713 of the Local Government Act, 1993 subject to the concurrence of Council.

An application from a debtor for the waiving or reducing of costs will be considered under the following circumstances – if it is deemed the costs were raised in error; the debtor is experiencing financial hardship; the debtor is a new property owner and their solicitor had notified Council of an erroneous postal address.

### **Sundry Debt Recovery**

The terms for payment of sundry debts are 14 days.

That the General Manager be authorised to enter into arrangements with any debtor, to have the outstanding amounts paid by agreement.

A Statement is to be sent every fortnight to the debtor requesting payment until the debt is finalised.

Once a sundry debt is overdue, a Reminder Letter is issued requesting payment or a suitable arrangement for payment. If the debt remains outstanding after the first Reminder Letter a second Reminder Letter is sent to the debtor again requesting payment of the debt within seven days, or an arrangement for payment. This letter will advise the debtor of the likelihood of legal action and costs, should payment or an arrangement for payment not be made.

If the debt remains outstanding after the second Reminder Letter a Final Notice is issued that indicates legal proceedings could be commenced if payment is not received within seven days.

If the debt remains outstanding after this seven day period, the relevant contact in the specific Business Unit is to be notified of the debt and seek further instructions. Possible recovery action to include – removal of outdoor seating; cancellation of dinghy pole storage; issuing of a Council Order and infringement notice; notation of debt on section 603 certificates; or legal action.

### **Kerb & Guttering Recovery - Pensioners**

Where charges such as kerbing and guttering construction are owing for more than 6 months in respect of any property owned by a pensioner who qualifies for rate rebates, and legal action is being taken to recover the debt:

1. The pensioner is advised that Council, in taking legal action, is doing so to secure the debt as a charge on the property and will not take action to enforce the Court Judgment whilst the property remains in the same ownership.
2. Action to enforce the Court action be deferred accordingly.

## **RELIEF FROM RATE INCREASES – HARDSHIP IN FIRST YEAR OF NEW VALUATIONS**

### **Deferral of Rates**

1. That authority be delegated to the General Manager to defer the amount of the rate increase in excess of the previous year following applications lodged under section 601 of the Local Government Act, 1993, requestion relief as a result of the valuation change.

2. That in the event of a dispute that the application be referred to the General Manager for determination.
3. That where the application is approved and payment of the amount of the increase is subsequently made within the current year, interest charges will be written off under section 564 of the Local Government Act, 1993.

### **Waiving or Reduction of Rates**

Council will not reduce or waive the increase in rates in excess of the previous year, but will negotiate an arrangement for payment of the rates if the owner is unable to make payment by the usual instalments.

### **AGGREGATION OF VALUES FOR RATING PURPOSES**

That the provisions of section 548A of the Local Government Act, 1993 be adopted to allow aggregation of values of certain parcels of land for the purposes of levying rates, in order to avoid causing financial hardship. (An example would be where a person owns a home unit in a strata complex and has separate title to a non-dwelling type parcel such as a car space or storage space. Council could aggregate the values of the unit and the non-dwelling type parcel and levy one rate assessment).

<b>Council Policy – No 191</b>	<b>Adopted:</b>	
	<b>Amended</b>	
<b>Version:</b>		

**TITLE:** **SUSTAINABLE EVENT MANAGEMENT**

**STRATEGY:** **Sustainability & Climate Change Coordination**

**BUSINESS UNIT:** **Corporate Strategy & Commercial**

**RELEVANT LEGISLATION:** **None**

**RELATED POLICIES:** **No. 164 - Sustainability Policy**

---

### **Objective**

To provide a clear statement of Pittwater Council's commitment to acting as a leader in the community for sustainable behaviour by ensuring that Council and community events are as sustainable as possible.

### **Policy Statement**

All Pittwater Council events must adhere to Pittwater Council's 'Sustainable Events Guide'. This documents outline how to minimise the amount of natural resources used at our events to lessen our impact on the environment.

When organising a Pittwater Council event, staff will consider the following:

- Minimising the carbon footprint and greenhouse gas emissions of the event
- Minimising the amount of waste generated at the event and properly managing the recycling of any waste generated
- Minimising the amount of water consumed at the event
- Minimising the impact of any promotional materials in organising the event
- Minimising the impact of any products and supplies used at the event.

# Urban and Environmental Assets Division



<b>Council Policy – No 98</b>	<b>Adopted:</b>	<b>OM.3.3.97</b>
	<b>Amended:</b>	<b>OM.16.09.02, OM.11.11.02</b>

<b>TITLE:</b>	<b>HELICOPTER LANDINGS ON COUNCIL OWNED AND CONTROLLED PROPERTY</b>
<b>STRATEGY:</b>	<b>Recreation Management</b>
<b>BUSINESS UNIT:</b>	<b>Reserves, Recreation &amp; Building Services</b>
<b>RELEVANT LEGISLATION:</b>	<b>Civil Aviation Act &amp; Regulations Civil Aviation &amp; Safety Authority (CASA)</b>
<b>RELATED POLICIES:</b>	<b>None</b>

---

### **Objective**

1. To reduce the environmental impacts including but not limited to excessive noise, and interference with public and private rights of peaceful enjoyment, the excessive dust created by the down draft and the impact on native flora and fauna in the area, and minimise the public risks associated with helicopters that land on or conduct civil operations on or over any property in the Pittwater local government area.
2. To define the circumstances or conditions by which an individual or organisation may land a helicopter or use a helicopter to undertake civil operations in the Pittwater local government area.

### **Policy Statement**

1. With the exception of a rescue or emergency operation, or uses related to the use of a reserve (including filming operations) Council will not generally consent to the landing of helicopters nor the use of helicopters to conduct civil operations (including sling load operations and winching and rappelling operations) within the boundaries of the Pittwater local government area.
2. That under the new policy the General Manager (or the General Manager's nominee) be given delegated authority to determine all applications for civil operations involving the use of a helicopter on or over property in the Pittwater local government area.
  - (a) Council will not consent to sling load operations or winching or rappelling operations that involve the helicopter flying over a city, town or populous area .
  - (b) The applicant obtains a permit, where required, from the Civil Aviation and Safety Authority (CASA) and complies with all requirements of the relevant Civil Aviation Orders made pursuant to the Civil Aviation Regulations.
  - (d) Prior to undertaking the operation, the pilot in command of the helicopter or the company conducting the helicopter operation shall furnish a written undertaking to indemnify and compensate Council for any damage or injury caused in the course of the operation.

- (e) Any approval given shall be limited to the specific helicopter landing site(s) and flight paths nominated by the operator, shall apply only to the subject application and shall remain valid for a period not exceeding 28 days from the date of issue.
3. In the event that Council does approve a civil operation involving the use of a helicopter, the applicant must:
- (a) Provide Council with a copy of the approval from the Civil Aviation and Safety Authority (CASA) and the NSW Police Service at least 2 weeks prior to the proposed operation.
  - (b) Provide Council with a copy of the helicopter company's public liability insurance, with a minimum cover of \$20 million and noting the interests of Pittwater Council.
  - (c) Letterbox drop all residents likely to be affected by the operation at least 2 weeks prior to the event, advising them of the date, commencement time, duration and likely impacts of the proposed operation.

## **AMENDMENTS**

Policy No 98 – Helicopter landings on Council Owned and Controlled Property was amended and renamed Policy No 98 – Civil Operations Involving the Use of Helicopters On or Over Property in the Pittwater Local Government Area. The amended policy was adopted and authorized by Council on 21 October 2002.

## **LEGISLATION AND REFERENCES**

Legislation related to "Policy No 98 – Civil Operations Involving the Use of Helicopters On or Over Property in the Pittwater Local Government Area" include:

- Civil Aviation Act 1988
- Civil Aviation Regulation 1998
- Civil Aviation Regulation 1988

## **DEFINITIONS**

The meanings of technical terms used in this policy can be found under Part 29 subsection 6 and Part 29 subsection 11 of the Civil Aviation Orders.

### **NOTE:**

This policy specifically excludes helicopter operations conducted in the course of a rescue or other emergency situation, bushfire fighting, armed forces and police service training exercises and operations.

1. Council will not generally consent to the landing of helicopters on land under its control.
2. Where an applicant can demonstrate exceptional circumstances exist or that the landing is for a purpose related to the normal use of a reserve, then the General Manager, be delegated authority to determine requests to land helicopters on Council controlled land, subject to the following conditions:
  - (a) The site being located clear of residential areas so as not to generate complaints from the public.
  - (b) Prior to operation, the pilot of the helicopter to furnish a written undertaking to indemnify and compensate Council for any damage or injury caused in the course of the operation of a helicopter on the Council controlled property.

- (c) Any approval given shall be limited to a specific landing place and a specific time period not exceeding 28 days.
- 3 That Council's Policy No. 98 – Helicopter Landings on Council Owned and Controlled Land, be amended such that it includes helicopters engaged in sling load operations and is consistent with the legal advice received from Deacons Lawyers.

## COUNCIL DECISION

- 1. That Council revoke the former policy and adopt and authorise the new policy including the following amendments as shown in bold italics:

**Adoption Date 11/11/02**

### Objectives:

- 1. To reduce the environmental impacts ***including but not limited to excessive noise, and interference with public and private rights of peaceful enjoyment, the excessive dust created by the down draft and the impact on native flora and fauna in the area***, and minimize the public risks associated with helicopters that land on or conduct civil operations on or over any property in the Pittwater local government area,.

### Policy Statement:

- 1. With the exception of a rescue or emergency operation, ***or uses related to the use of a reserve (including filming operations)*** Council will not generally consent to the landing of helicopters nor the use of helicopters to conduct civil operations (including sling loading operations and winching and rappelling operations) within the boundaries of the Pittwater local government area.
- 2(a) ***Council will not consent to sling load operations or winching or rappelling operations that involve helicopter flying over a city, town or populous area.***
- 2. That under the new policy, the General Manager (or the General Manager's nominee) be given delegated authority to determine all applications for civil operations involving the use of a helicopter on or over property in the Pittwater local government area.

<b>Council Policy – No 111</b>	<b>Adopted:</b>	<b>OM: 21.9.98</b>
	<b>Amended:</b>	<b>OM: 1.11.99, 16.09.02 OM14.02.05</b>

**TITLE:** PUBLIC PROPERTY VANDALISM - REWARD FOR SUCCESSFUL PROSECUTION

**STRATEGY:** Vegetation Management  
Town & Village  
Recreation Management

**BUSINESS UNIT:** Reserves, Recreation & Building Services

**RELEVANT LEGISLATION:** None

**RELATED POLICIES:** None

### **Objective**

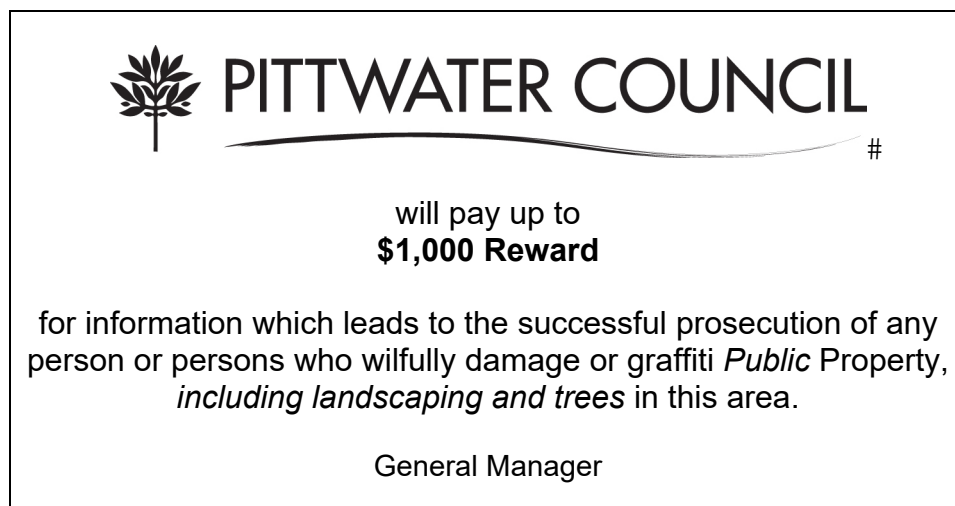
To reduce the incidences of vandalism against *Public* property.

### **Policy Statement**

That a reward of between \$1,000 - \$10,000 be paid to persons who supply Pittwater Council with useful evidence, in the form of, for example, photographic or eye witness accounts, which lead to the successful prosecution of the offender(s) under Pittwater Council's Tree Preservation and Management Order and/or the successful prosecution by Council of a person(s) charged with an offence relating to damage to *Public Property* including, but not limited to the spraying of graffiti or damage to landscaping and trees.

The General Manager is authorised to determine the appropriate reward to be paid for information leading to a conviction from between \$1,000 - \$10,000 and that in major events, the level of the reward is to be determined by the Council. (OM14.02.05)

That the following signage be erected at those locations that have experienced public property vandalism, as appropriate.



<b>Council Policy – No 157</b>	<b>Adopted:</b>	<b>OM: 20.06.05</b>
	<b>Amended:</b>	

**TITLE:** **PLAQUES IN PARKS AND RESERVES**

**STRATEGY:** **Building Communities  
Recreation Management**

**BUSINESS UNIT:** **Reserves, Recreation & Building Services**

**RELEVANT LEGISLATION:** **None**

**RELATED POLICIES:** **None**

---

**Objective:**

1. To control and regulate the placement of plaques in Council reserves.
2. To provide clear guidelines for the approval of applications for the installation of memorial plaques in Council controlled reserves within Pittwater.

**Policy Statement:**

That requests for memorial and commemorative plaques in reserve be administered as follows:

- (a) Applications for plaques be assessed and to be located on land owned by Council or under care, control and management of Council.
- (b) Prior to the installation of each plaque within the Pittwater local government area on Council controlled land, the applicant must apply for and if approved be granted written permission by Council for the location of each plaque. All applications should include an acceptable plan indicating the proposed location of the plaque.
- (c) Once Council approval is granted, reply will be made in writing with quotation of installation of a plaque and any other associated infrastructure.

The cost of installation will be renewed annually in accordance with the fees and charges schedule outlined in the adopted management plan for Council.

- (d) Stainless steel plaques must be supplied by the applicant (at a cost to the applicant) and made to a size of 150mm wide x 75mm high with black inscription (no raised lettering is allowed).
- (e) Councils Reserves & Recreation Manager shall determine the number of plaques, which may be located within any given area.
- (f) A register of all plaques shall be kept by Council.

<b>Council Policy – No. 164</b>	<b>Adopted:</b>	<b>OM: 19.06.06</b>
	<b>Amended:</b>	

<b>TITLE:</b>	<b>SUSTAINABILITY</b>
<b>STRATEGY:</b>	<b>Sustainability &amp; Climate Change Co-ordination</b>
<b>BUSINESS UNIT:</b>	<b>Natural Environment &amp; Education Corporate Strategy</b>
<b>RELEVANT LEGISLATION:</b>	<b>None</b>
<b>RELATED POLICIES:</b>	<b>None</b>

### **Objective**

To provide a clear statement of Pittwater Council's commitment to ensuring that progress towards sustainability is an ongoing objective, and to exercise community leadership on sustainable development<sup>1</sup> within the Pittwater local government area.

### **Definition**

Sustainability or ESD in Pittwater is a process of change that is defined as “*development that improves the quality of life, both now and into the future, in a way that maintains the ecological processes on which life depends*”<sup>2</sup>. In accordance with Council's obligations under the NSW Local Government Act 1993, sustainability will be promoted with regard to the principles of ecologically sustainable development.<sup>3</sup>, being:

- Inter-generational equity
- The precautionary principle
- Improved valuation, pricing and incentive mechanisms
- Conservation of biological diversity and ecological integrity

### **Policy Statement**

Pittwater Council supports the principles of the report to the World Commission on Environment and Development “*Our Common Future*”, and believes that sustainable development is one of the most pressing issues of our time. Over the course of the 20<sup>th</sup> century the relationship between the human world and the planet that sustains us has undergone a profound change. The demands of human progress are now depleting our planet's resources at unsustainable levels, disrupting global climate systems, causing extinction of many species of life on earth and degrading natural environments, including the unique and precious natural heritage of the Pittwater area.

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 on our shared planet. Council will advance and strengthen the three interdependent and mutually reinforcing pillars of sustainability<sup>4</sup>, – economic development, social development and environmental protection in the Pittwater Local Government Area.

<sup>1</sup> The terms sustainable development, ecologically sustainable development (ESD), and sustainability are used as interchangeable terms. The Council of Australian Government (COAG) adopted ESD as a goal in 2002

<sup>2</sup> Goal of ESD as defined in Australia's National Strategy for Ecologically Sustainable Development 1992

<sup>3</sup> As defined in the NSW Local Government Act 1993 – principles of ecologically sustainable development

<sup>4</sup> As adopted at the World Summit on Sustainable Development in 2002, “Johannesburg Declaration”

Council will strengthen, adjust and build internal management frameworks that ensure sustainability performance improvement is integrated as a core part of Council's strategic and operational management via effective management plans, specific action plans, training, communication, monitoring and reporting. Council will systematically review its internal policies, ESD performance, processes and practices to further build the organisations capacity to deliver ongoing triple bottom line performance improvement within its own operations.

In support of the United Nations Decade of Education for Sustainable Development 2005-2014, Council will take the sustainability message out to the broader community through educating, mobilizing and responding to the public to promote sustainable development.

<b>Council Policy – No 169</b>	<b>Adopted:</b>	<b>OM 08.10.2007</b>
	<b>Amended:</b>	<b>OM 16.06.2008</b>

<b>TITLE:</b>	<b>OPEN AIR CINEMA EVENTS ON COUNCIL CONTROLLED LAND</b>
<b>STRATEGY:</b>	<b>Building Communities Recreation Management</b>
<b>BUSINESS UNIT:</b>	<b>Reserves, Recreation &amp; Building Services</b>
<b>RELEVANT LEGISLATION:</b>	<b>Protection of the Environment Operations (Noise Control) Regulation 2000</b>
<b>RELATED POLICIES:</b>	<b>None</b>

### **Objective**

To make available suitable areas of recreational open space for a wide variety of activities and events, including open air cinemas.

To facilitate the operation of open air cinemas and like events to provide a greater choice of entertainment for the whole community.

To ensure that open air cinema events are conducted to industry best practice standards and in a manner that does not create unfair competition for existing cinema operations in the Pittwater LGA or cause unreasonable disruption to the amenity of neighbouring residents.

### **Policy Statement**

Pittwater Council, through its network of recreational open space, is committed to offering suitable venues for a diversity of social, cultural and recreational activities and events for the whole community.

Open air cinema events provide a distinctive entertainment experience that enhances social interaction, particularly for families, whilst being compatible with the outdoor lifestyle of the Pittwater community.

Pittwater Council is committed to ensuring that all open air cinema events that it permits are conducted to provide a quality recreational experience that does not jeopardise the operation or profitability of other cinemas in the Pittwater LGA.

### **Conditions of Operation**

- Generally the operation of outdoor cinemas relying on current commercially new released films will not be supported.
- Outdoor cinema events presenting cultural or promotional screenings will be accepted dependent on assessment of specific crown management and function details.
- Commercial open air cinema events will only be permitted to be conducted on any particular reserve for a maximum period of 4 consecutive days in total outside school holiday periods, be limited to 3 events per year in Pittwater, and have either a 'G' or 'PG' rating. No films with ratings of 'M', 'MA' or 'R' will be permitted.



- Events that may include open air screening of films for the purposes of promotion or in support of the cultural event activities will be considered as stand alone events able to be held at any time of the year as long as no fee is charged for the film exhibition.
- Open air cinema events will be conducted in strict accordance with the provisions of the conditions set down in the relevant Plan of Management as well as the requirements of all relevant statutes, in particular the Protection of the Environment Operations (Noise Control) Regulation 2000.
- No current “First Release” films will be permitted to be exhibited at an open air cinema event on Council controlled public reserves. Family/Youth/Cultural focus films will be permitted to be exhibited.
- That no advertising be permitted for commercial outdoor cinema events, and that community announcements be permitted.
- Fees and charges for the operation of open air cinema events will be in accordance with the schedule (Community Event/Commercial) contained in Council’s Management Plan.
- All Councillors and the Senior Management Team will be advised of open air cinema event bookings for consideration prior to approval.
- Should an event be called by any Councillor, a report would be prepared for Council outlining details of the event and its implications.
- The Manager – Reserves, Recreation & Building Services will be responsible for signing approvals for open air cinema event bookings.

<b>Council Policy – No 176</b>	<b>Adopted:</b>	<b>06.04.2009 OM</b>
	<b>Amended:</b>	

<b>TITLE:</b>	<b>CLIMATE CHANGE</b>
<b>STRATEGY:</b>	<b>Sustainability &amp; Climate Change Co-ordination</b>
<b>BUSINESS UNIT:</b>	<b>Catchment Management &amp; Climate Change</b>
<b>RELEVANT LEGISLATION:</b>	<b>None</b>
<b>RELATED POLICIES:</b>	<b>Policy No 164</b>

### **Objective**

- To complement and support Council's Sustainability Policy – No 164 in designing and planning for a more sustainable Pittwater LGA.
- To fulfil the action in Council's Management Plan "Adopt the Pittwater Climate Change Policy".
- To help improve the awareness and understanding of global warming issues so that the community has opportunities to participate in the management process and to determine the responses to climate change that will produce the optimal effects.
- To guide development of the necessary strategies and action plans that will implement the greenhouse gas abatement measures and climate change adaptation responses that the Pittwater community supports, including through annual review of Council's Management Plan.
- To build the capacity of the Pittwater community to adapt to climate change impacts and challenges that are likely to be faced in the mid to long term future.
- To assist the Pittwater community to meet or better the greenhouse gas reduction targets to which the Australian Government may commit Australia through the Kyoto Protocol or similar multi-lateral agreements.

### **Philosophy**

The survival and well-being of all people are bound inextricably to the biodiversity, climate and finite resources of our planet.

Human activities (in particular the burning of fossil fuels, land clearing and agriculture) have produced substantial quantities of greenhouse gases which have significantly enhanced the natural atmospheric greenhouse effect and increased global warming to such an extent that it has altered (and will continue to alter) global climate systems.

On the basis of scientific investigations and climate modelling undertaken by the CSIRO and the Australian Bureau of Meteorology, before the latter part of this century the Pittwater LGA is likely to:

- become warmer, on average, with more hot days over 35°C (and with a consequently higher risk of bushfires);
- experience a decline in average annual rainfall with a corresponding reduction in rainfall runoff and stream flows;
- suffer the effects of more frequent, extreme storms and intense rainfall events as well as more severe drought cycles; and
- incur more severe coastal erosion and coastal inundation as a result of more powerful storm surges combined with a rising sea level.

Substantial mitigation measures and adaptation responses at global, national and local scales are urgently required if the rate of global warming is to be reduced and the most severe impacts of climate change are to be avoided.

### **Policy Statement**

Pittwater Council accepts the growing body of convincing scientific research making it increasingly clear that our climate is currently being modified by human activities, at a rate unprecedented throughout human history.

Council recognises that collectively, the negative impacts of climate change potentially represent the most significant challenge to the future of humanity during the 21<sup>st</sup> Century and beyond.

Council considers that the abatement of greenhouse gas emissions and the management of climate change impacts are a mutual and shared obligation of all nations and all levels of government.

Council acknowledges the important role of local government in helping to reduce greenhouse gas emissions and manage climate change impacts at the local level, particularly through its statutory responsibilities and regulatory powers relating to land use planning, environmental planning, environmental protection and natural resource management. As the level of governance closest to the people, Council also has a vital role to play in educating, mobilising and responding to the public to promote community climate action at the local level.

Council encourages further scientific research and a better understanding of climate change and energy issues in order to support and steer policy, to refine adaptation and mitigation strategies and to foster the necessary behavioural changes within our society.

Council is committed to building on the greenhouse gas reduction initiatives already undertaken through programs such as Cities for Climate Protection and in partnership with the Pittwater community, developing appropriate adaptation actions for the climate change impacts that will most affect the Pittwater LGA.

Council understands the importance of a “Triple Bottom Line” management approach to sustainability and is mindful that greenhouse gas abatement and climate change adaptation can only be successfully sustained in association with responsible economic management, appropriate societal changes and biodiversity conservation.

Climate change and its potential impacts must feature as a primary consideration in every aspect of Council’s business whilst appropriate actions in response to the causes and effects of global warming must be integrated as a core part of every strategic and operational management activity undertaken by Council.

<b>Council Policy – No 178</b>	<b>Adopted:</b>	<b>OM 20.07.2009</b>
	<b>Amended:</b>	<b>21.09.2009</b>

**TITLE:** **GEOTECHNICAL RISK MANAGEMENT POLICY FOR PITTWATER**

**STRATEGY:** **Land Use & Development  
Risk Management Co-ordination**

**BUSINESS UNIT:** **Urban Infrastructure  
Planning & Assessment**

**RELEVANT LEGISLATION:** **None**

**RELATED POLICIES:** **Development Control Plan P21 – Appendix 5**

---

### **Objectives**

The objectives of this Policy are to ensure that:

- (a) geotechnical and related structural matters are adequately investigated and documented by applicants or proponents of activities prior to the lodgment of any development application to carry out any development subject to this Policy, or wherever an application is lodged for a Building Certificate,
- (b) the proposed development activity is appropriate and relevant conditions that should be applied if it is to be carried out, are identified, having regard to the results of the geotechnical and related structural investigations,
- (c) in the event that a proposed development activity is only appropriate if carried out subject to geotechnical and related structural engineering conditions, those geotechnical conditions are identified by applicants prior to lodgment of the development application are able to be met, including all appropriate constraints and remedial maintenance actions required prior to, during and after the carrying out of the development,
- (d) effective geotechnical conditions are specified in the Geotechnical Reports and are incorporated into the architectural and structural engineering design plans at the Construction Certificate stage,
- (e) the preparation of geotechnical and related structural engineering information and certificates required to be lodged by this Policy are carried out by suitably qualified professionals with appropriate expertise in the applicable areas of engineering, and
- (f) developments are only carried out if geotechnical and related structural engineering risks, and where appropriate coastal process risks, are identified and can be effectively addressed and managed for the life of the development.
- (g) the development is constructed in accordance with the recommendations of the Geotechnical Engineer/Engineering Geologist and verified by the Geotechnical Engineer/Engineering Geologist.
- (h) ongoing requirements to maintain the integrity of the geotechnical solution as contained in consent are effectively carried out to the specified requirements for the life of the development.

## **Policy Statement**

Development must be undertaken in accordance with the “Acceptable Risk Management” criteria defined in this document for Loss of Property and Loss of Human Life for a design project life, taken to be 100 years, unless otherwise justified by the applicant and accepted by Council. These criteria are based on the guidelines established initially in AGS 2000 and as further developed in AGS 2007.

The primary method of Geotechnical Risk Management in the Pittwater LGA is through the application of geotechnical conditions as set out in the Geotechnical Report supporting a Development Application and through the review generated by the issue of Building Certificates, for all development on land identified as Geotechnical Hazard Zone H1 and H2 and, where excavation and/or filling is to take place (subject to specific criteria) for development on all land in the Pittwater LGA.

Once geotechnical risk management measures have been identified for a site, it is the owners’ responsibility to ensure their sites are maintained in accordance with “AGS 2007” standards and the principal that every reasonable and practical step that is available should be used to remove risk.

Note:            See extract of Appendix 5 (to Pittwater P21) as attached for full details.

**Appendix 5  
(To Pittwater P21)**

**Geotechnical Risk Management  
Policy for Pittwater - 2009**

## **TABLE OF CONTENTS**

<b>1.0</b>	<b>Introduction</b>
<b>2.0</b>	<b>The Policy Statement</b>
<b>3.0</b>	<b>Objectives</b>
<b>3.1</b>	<b>Policy Objectives</b>
<b>3.2</b>	<b>Application of this Policy</b>
<b>4.0</b>	<b>Definitions</b>
<b>5.0</b>	<b>Geotechnical Report</b>
5.1	Development Application or Application for a Building Certificate
5.2	Construction Certificate Stage
<b>6.0</b>	<b>Preparation of the Geotechnical Report</b>
6.1	Level of Geotechnical Investigation
6.2	Minor Development, Minor alternations and/or Development separate from a Geotechnical Hazard
6.3	Structures separate from the Primary Development
6.4	Property Located in Geotechnical Hazard Zone H3
6.5	Geotechnical Report to Support Development Application
6.6	Geotechnical Report to Support a Building Certificate
6.7	Geotechnical Report to Support a Construction Certificate
<b>7.0</b>	<b>Circumstances in which Pittwater Council would not support a Development Application or an application for a Building Certificate</b>
<b>8.0</b>	<b>General Requirements</b>
<b>9.0</b>	<b>Other Analysis Requirements</b>
<b>10.0</b>	<b>Forms</b>
10.1	Form 1 and Form 1(a) - Declaration and Certification made by Geotechnical Engineer or Engineering Geologist and Coastal Engineer (where applicable) in relation to the DA Geotechnical Report.
10.2	Form 2— Declarations and Certification made by Part A - Structural Engineer or Civil Engineer and Part B – Geotechnical Engineer or Engineering Geologist in relation to the design plans and structural plans.
10.3	Form 3—Post Construction Geotechnical Certificate – Declaration and Certification by Geotechnical Engineer or Engineering Geologist in relation to the Occupation Certificate or Subdivision Certificate
10.4	Form 4—Geotechnical Certificate (To accompany Application for Building Certificate or response to an Order issued by Council)
<b>11.0</b>	<b>Community Awareness</b>
11.1	Section 149 Certificates
11.2	88B Instruments

# **GEOTECHNICAL RISK MANAGEMENT POLICY FOR PITTWATER - 2009**

## **1.0 Introduction**

The Geotechnical Risk Management Policy (the Policy) establishes the Risk Management approach for property affected by geotechnical hazards within the Pittwater Local Government Area (LGA).

## **2.0 The Policy Statement**

Development must be undertaken in accordance with the “Acceptable Risk Management” criteria defined in this document for Loss of Property and Loss of Human Life for a design project life, taken to be 100 years, unless otherwise justified by the applicant and accepted by Council. These criteria are based on the guidelines established initially in AGS 2000 and as further developed in AGS 2007.

The primary method of Geotechnical Risk Management in the Pittwater LGA is through the application of geotechnical conditions as set out in the Geotechnical Report supporting a Development Application and through the review generated by the issue of Building Certificates, for all development on land identified as Geotechnical Hazard Zone H1 and H2 and, where excavation and/or filling is to take place (subject to specific criteria) for development on all land in the Pittwater LGA.

Once geotechnical risk management measures have been identified for a site, it is the owners’ responsibility to ensure their sites are maintained in accordance with “AGS 2007” standards and the principal that every reasonable and practical step that is available should be used to remove risk.

## **3.0 Objectives**

### **3.1 Policy Objectives**

The objectives of this Policy are to ensure that:

- (a) geotechnical and related structural matters are adequately investigated and documented by applicants or proponents of activities prior to the lodgment of any development application to carry out any development subject to this Policy, or wherever an application is lodged for a Building Certificate,
- (b) the proposed development activity is appropriate and relevant conditions that should be applied if it is to be carried out, are identified, having regard to the results of the geotechnical and related structural investigations,
- (c) in the event that a proposed development activity is only appropriate if carried out subject to geotechnical and related structural engineering conditions, those geotechnical conditions are identified by applicants prior to lodgment of the development application are able to be met, including all appropriate constraints and remedial maintenance actions required prior to, during and after the carrying out of the development,
- (d) effective geotechnical conditions are specified in the Geotechnical Reports and are incorporated into the architectural and structural engineering design plans at the Construction Certificate stage,



- (e) the preparation of geotechnical and related structural engineering information and certificates required to be lodged by this Policy are carried out by suitably qualified professionals with appropriate expertise in the applicable areas of engineering, and
- (f) developments are only carried out if geotechnical and related structural engineering risks, and where appropriate coastal process risks, are identified and can be effectively addressed and managed for the life of the development.
- (g) the development is constructed in accordance with the recommendations of the Geotechnical Engineer/Engineering Geologist and verified by the Geotechnical Engineer/Engineering Geologist.
- (h) ongoing requirements to maintain the integrity of the geotechnical solution as contained in consent are effectively carried out to the specified requirements for the life of the development.

### **3.2 Application of this Policy**

This Policy is to be applied as follows:

- (a) to address both structural and geotechnical requirements relating to geotechnical issues only. Separate structural requirements will also apply for the erection of any structure in accordance with the Building Code of Australia (BCA), engineering standards and best engineering practice.
- (b) to each of the following criteria:
  - (i) for development on land identified on Pittwater 21 Development Control Plan Map P21DCP-BC-MDCP087 as being areas subject to the Geotechnical Risk Management Policy.
  - (ii) for development on land identified on Pittwater 21 Development Control Plan Map P21DCP-BC-MDCP017 as being Bluff Management Areas and subject to the Geotechnical Risk Management Policy.
  - (iii) For development by Utility Companies and Public Authorities including Pittwater Council
    - o The Policy is to apply to all works by Council or any Authority on public land where identified on the Pittwater 21 Development Control Plan Map (P21DCP – BC-MDCP087) and subject to Part 4 of the Environmental Planning and Assessment Act requiring the lodgement of a Development Application.
  - (iv) for Excavation and Landfill activities for all development on land in the Pittwater LGA that includes:
    - excavations greater than 1 metre deep, the edge of which is closer to the site boundary or a structure to be retained on the site, than the overall depth of the excavation and/or
    - any excavation greater than 1.5 metres deep below the existing surface and/or
    - any excavation that has the potential to destabilize a tree capable of collapsing in a way that any part of the tree could fall onto adjoining structures (proposed or existing) or adjoining property and/or
    - any fill greater than 1.0 metre high and/or
    - any works that may be affected by geotechnical processes or which may affect geotechnical processes including but not limited to construction on sites with low bearing capacity soils.

## 4.0 Definitions

Any terms which are defined in the Environmental Planning & Assessment Act 1979 (E.P & A) or the E.P & A Regulations 2000 there under have the same meaning when used in this Policy.

In this Policy, the following terms have the meanings set out below:

**Acceptable Risk Management** – The complete process of risk assessment and control of risk to the level defined as “acceptable” in this Policy.

**Acceptable Risk** – Acceptable Risk includes the risk to life and the risk to property, both must be considered. The guidance for the establishment of acceptable risk criteria in this Policy has been based on the contents of AGS 2007(c & d). Acceptable Risk for Loss of Life for the person(s) most at risk, per annum is taken as having a probability of  $10^{-6}$  per annum. Acceptable Risk for Loss of Property is taken as “Low” as defined in AGS 2007.

Risk levels for both loss of life and property should be determined in accordance with the methodologies presented in AGS 2007(c). Risk of loss of life should be determined quantitatively. Risk of loss of property can be determined quantitatively or in accordance with the qualitative terminologies and matrices presented in AGS 2007(c).

**AGS** – Australian Geomechanics Society.

**Application** - means any development application which relates to land in the Pittwater LGA

**BCA** - means the Building Code of Australia.

**Building Certificate Geotechnical Risk Assessment** – means a Geotechnical Report associated with the lodgment of a Building Certificate Application. The report must conform to the requirements of AGS 2007 for identification and treatment of risk to the “Acceptable Risk Management” criteria stated in this policy and the requirement to remove risk wherever reasonable and practical.

**AGS 2000** – Australian Geomechanics Society 2000, “Landslide Risk Management Concepts and Guidelines”, AGS Sub-Committee on Landslide Risk Management, Australian Geomechanics Journal Vol 35 No. 1 March 2000 also reprinted in Australian Geomechanics Journal Vol 37 No. 2, May 2002.

**AGS 2007 (a, b, c, d, e)** – Australian Geomechanics Society 2007, “Landslide Risk Assessment and Management”, Australian Geomechanics Journal Vol 42, No 1, March 2007. AGS 2007 may be viewed on [www.australiangeomechanics.org](http://www.australiangeomechanics.org) (got to “Download the Land Risk Management documents” and view documents under *Landslide Management (2007)*)

**Building** - includes any structure or part of a structure.

**Building Certificate** – A Certificate under Section 149a of the EPA Act that, if issued by Council, confirms that:

- (a) the building or part thereof is in accordance with a consent or approval, or
- (b) no action will be taken by Council in relation to a building or part thereof that was not originally approved.

The issuance of the certificate may be contingent on the carrying out of works.

**Coastal Engineer** - means a specialist coastal engineer who is a registered professional engineer with chartered professional status as a CP Eng with coastal engineering as a core competency and, has an appropriate level of professional indemnity insurance.

**Covenant** – An agreement between the Council and a landowner for the landowner to do, or to refrain from doing, certain acts in relation to the land. A restrictive covenant prevents a proprietor from carrying out specified actions. A positive covenant binds a proprietor to do or complete specified action(s).

**CPEng** — Chartered Professional Engineer (Institution of Engineers, Australia)

**CPGeo** Chartered Professional Geologist (Australasian Institute of Mining & Metallurgy)

**RPGeo** — Registered Professional Geoscientist (Australian Institute of Geoscientists)

**Civil Engineer or Structural Engineer** - means a civil or structural engineer who, is a registered professional engineer with chartered professional status (CP Eng) and, has an appropriate level of professional indemnity insurance.

**Development** - has the same meaning as set out in Part 4 of the EP&A. Act 1979 or any replacement or substitution of that provision and includes not only that specific development but also the overall site on which the development is located.

**Engineering Geologist** - means a specialist Engineering Geologist who is a registered professional engineering geologist with chartered professional status being either CPEng or CPGeo or RPGeo with Landslide Risk Management as a Core Competency, and has an appropriate level of professional indemnity insurance.

**EP & A Act 1979** - means Environmental Planning & Assessment Act 1979 (NSW).

**Final Geotechnical Certificate** - means a certificate of a Geotechnical Engineer or Engineering Geologist in accordance with Form 3.

**Geotechnical Engineer** - means a specialist Geotechnical Engineer who is a registered professional engineer with chartered professional status being either CPEng or CPGeo or RPGeo with Landslide Risk Management as a Core Competency, and has an appropriate level of professional indemnity insurance.

**Geotechnical Hazard** - means a condition with the potential for causing the movement of rock, debris or earth, which may cause injury or death to persons or damage to, or destruction of property

**Geotechnical Maps** - means the maps identifying sites subject to Pittwater Council's Geotechnical Risk Management Policy for Pittwater Local Government Area. (See 3.2(b)).

**Geotechnical Report** - means a report prepared by and/or technically verified by a Geotechnical Engineer or Engineering Geologist as defined by this policy, which incorporates each of the elements, where applicable to the type of development, described in the "Preparation of the Geotechnical Reports" section of this policy.

**Geotechnical Works** - means the elements of site modification designed by the geotechnical engineer.

**Life of the Structure** – This provides the context within which the geotechnical risk assessment should be made. The required 100 year baseline broadly reflects the expectations of the community for the anticipated life of a residential structure and hence the timeframe to be considered when undertaking the geotechnical risk assessment and making recommendations as to the appropriateness of a development, its design and any remedial measures that should be put in place to control risk. It is recognized that in a 100-year period external factors that cannot reasonably be foreseen may affect the geotechnical risks associated with a site. Hence, the Policy does not seek the Geotechnical Engineers to warrant the development for a 100-year period, rather to provide a professional opinion that foreseeable geotechnical risks to which the development may be subjected in that timeframe have been reasonably considered.

**Minor Development and/or Minor Alteration** – Development/alterations with a value of less than \$20,000 or as determined by Council from time to time every five years. That is, there can only be one minor development/alterations in any five-year period to a property for consideration under this category.

**Occupation Certificate** – means an interim or final Certificate under Section 109c of the EPA Act that if issued by Council or an accredited certifier, authorizes occupation and use of a building or part thereof.

**Orders Process** – Orders issued under Protection of the Environment Operations Act, 1997; Local Government Act, 1993; Environmental Planning & Assessment Act, 1979; Roads Act, 1993; and Noxious Weeds Act, 1993.

**Policy** - means this Geotechnical Policy.

**Related Land** - means land including roads and thoroughfares that could affect or could be affected by any development proposed on a site.

**Remove Risk** – It is recognized that, due to the many complex factors that can affect a site, the subjective nature of the science of geotechnical engineering, the risk for a site and/or development cannot be completely removed. It is, however, essential that risk be reduced to at least that which could be reasonably anticipated by the community in everyday life. Further, landowners should be made aware of the reasonable and practical measures available to them to reduce risk as far as possible. Hence where the Policy requires that “reasonable and practical measures have been identified to remove risk” it refers to the process of risk reduction. The Policy is not requiring the Geotechnical Engineer to warrant that risk has been completely removed, as this is not meaningfully achievable.

**Requirements** - include all acts, statutes, regulations, by-laws, ordinances, codes, delegated legislation, all approvals granted under any such instrument, the BCA, any applicable Australian Standard.

**Risk** - means a measure of the probability and severity of an adverse effect to health, property or the environment.

**Site** - means the whole of any parcel of land to which the carrying out of any development relates.

**Site Classification** - means a classification of the site in accordance with AS 2870.1 Australian Standard Residential Slabs and Footings.

**Structure** – Any building including, but not limited to residences, residential, industrial and commercial buildings, out buildings, pools and retaining walls.

**Structural Design** - means the selection and proportioning of load carrying elements incorporated in a structure, which require certification by a structural engineer.

**Structural Document** - means a document (which may be in the form of drawings) from a Structural Engineer or Civil Engineer which makes recommendations in respect of the Structural Design and Structural Works required for any structure to be erected on the site which, under this Policy, requires certification in accordance with Form 2.

**Structural Works** - means the elements of any structure designed by a structural engineer.

**Tolerable Risk Management** – The complete process of risk assessment and control of risk to the level defined as “tolerable” in this Policy.

**Tolerable Risk** –  $10^{-5}$  for the person(s) most at risk, per annum and “Moderate” for property, as defined in AGS 2007 (c & d). The Tolerable Risk criteria is only applicable to sites with structures that have been in existence in their present form for at least 10 years and have demonstrated a performance at a Tolerable Risk level, or better, during that period and there is not a foreseeable reason why this situation should change. Tolerable risk can only be considered as a criterion for the purpose of Building Certificates and under the Orders process.

**Verifier** - means a Geotechnical Engineer or Engineering Geologist or Coastal Engineer as defined by this policy who verifies a geotechnical report or aspects of a geotechnical report.

## **5.0 Geotechnical Report**

### **5.1 Development Application or Application for a Building Certificate**

A Geotechnical Report is required to be lodged with a Development Application or an Application for a “Building Certificate” as follows:

- a) For all development activities on land described in Paragraph 3.2(b) Clauses (i) and (ii) – private land.
- b) For all development activities on land described in Paragraph 3.2(b) Clause (iii) – Works by Utility Companies and Public Authorities.

### **5.2 Construction Certificate Stage**

A Geotechnical Report is required to be lodged with a Construction Certificate as follows:

- a) For all Excavation and Landfill activities for all development as described in Paragraph 3.2(b) Clause (iv).

## **6.0 Preparation of the Geotechnical Report**

### **6.1 Level of Geotechnical Investigation**

It is the responsibility of the Geotechnical Engineer/Engineering Geologist to determine the level of investigation required for a particular site/proposal.

**Note:** To assist the Geotechnical Engineer/Engineering Geologist in determining the level of investigation, reference may be made to:

*Geotechnical Hazard Mapping of Pittwater LGA-2007 prepared by GHD-Geotechnics (this is a large A3 document and is available for loan through Council's Library, or available on CD through Council (at a fee specified in Council's Fees and Charges Schedule).*

### **6.2 Minor Development, Minor alternations and/or Development separate from a Geotechnical Hazard**

For minor development, minor alteration and/or Development separate from and is not affected by a Geotechnical Hazard, the Geotechnical Engineer/Engineering Geologist may determine that a detailed Geotechnical Report is not required. This must be justified as a clear professional opinion with the supporting basis on which the opinion was formed and must be certified on Form 1.

At all times any decision regarding the degree of investigations and assessment required must be dictated by consideration of risk to Life and to Property and the recognition by the Geotechnical Engineer/Engineering Geologist that the Council will rely on the Geotechnical Report/Opinion as the basis for ensuring that the geotechnical risk management aspects of the site/proposal have been adequately addressed.

### **6.3 Structures separate from the Primary Development**

For structures separated from the primary development, e.g. swimming pool, retaining wall, the Geotechnical Engineer/Engineering Geologist may determine the level of investigation required for a particular

site/proposal and in particular where the primary development is pre-existing. This must be justified as a clear professional opinion with the supporting basis on which the opinion was formed and must be certified on Form 1. At all times any decision regarding the degree of investigations and assessment required must be dictated by consideration of risk to Life and to Property and the recognition by the Geotechnical Engineer that the Council will rely on the Geotechnical Report/Opinion as the basis for ensuring that the geotechnical risk management aspects of the site/proposal have been adequately addressed.

### **6.4 Property Located in Geotechnical Hazard Zone H3**

A Geotechnical Report is not required for a Development Application or Building Certificate for sites located in Geotechnical Hazard Zone H3, other than as required to satisfy Section 5.2(a) – Construction Certificate stage.

### **6.5 Geotechnical Report to Support Development Application**

(Information to be submitted with Development Application)

For a Development Application where a Geotechnical Report is required, a detailed Geotechnical Report to be submitted with a Development Application, is to include the following elements:

- (a) An assessment of the risk posed by all identifiable Geotechnical Hazards that have the potential to either individually or cumulatively affect people or property upon the site or related land to the proposed development in accordance with the guidelines set out in AGS 2007(c) and in particular, in the format as outlined in Figure 1 “Framework for Landslide Risk Management” contained therein. Risk of loss of life should be determined quantitatively. Risk of loss of property can be determined quantitatively or in accordance with the qualitative terminologies and matrices presented in AGS 2007(c).
- (b) Plans and sections of the site and related land to a minimum scale of 1:200 from survey and field measurements with contours and spot levels to AHD. Key features are to be identified, including the locations of the proposed development, buildings/structures on both the subject site and adjoining site, storm water drainage, sub-surface drainage, water supply and sewerage pipelines. Where possible, the survey plan should be augmented by geomorphological mapping.
- (c) Details of all site inspections and site investigations and any other information used in preparation of the Geotechnical Report. A site inspection is required in all cases. Site investigation may require sub-surface investigation; appropriate investigation may involve boreholes and/or test pit excavations or other methods necessary to adequately assess the geotechnical/geological model for the site.
- (d) Photographs and/or drawings of the site and related land adequately illustrating all geotechnical features referred to in the Geotechnical Report, as well as the locations of the proposed development.
- (e) Presentation of a geological model of the site and related land showing the proposed development, including an assessment of sub-surface conditions, taking into account thickness of the topsoil, colluvium and residual soil layers, depth to underlying bedrock, and the location and depth of groundwater. Hydrogeological conditions including seepage inflows and/or dewatering impacts should also be modeled and assessed where applicable.

For Coastal bluff areas, the model must also include an assessment of the mechanism of bluff failure and assessment of the potential and scale of bluff failure that may affect the site.

- (f) A conclusion as to whether the site is suitable for the development proposed to be carried out. **This must be in the form of a specific statement that “The site is suitable (or can be made suitable) for the development proposed and that the site and/or the development proposal can achieve the Acceptable Risk Management required by this Policy provided that .....”.**
- (g) Specify all geotechnical conditions to be referred to by the Development Consent. Geotechnical conditions to achieve the management of the Geotechnical Hazard Risk for the subject site throughout the four stages of development management as follows:
- (i) **Geotechnical Conditions to be provided to establish the design parameters** – these conditions are to be provided in the Geotechnical Report -
- Footing levels and supporting rock quality (where applicable)
  - Degree of earth and rock cut and fill (where applicable)
  - Recommendations for excavation and batters (where applicable)
  - Parameters, bearing capacities and recommendations for use in the design of all structural works with geotechnical components including all footings, retaining walls, surface and sub-surface drainage.
  - Recommendations for the selection of building structure systems consistent with the geotechnical risk assessment
  - Any other conditions required to ensure the proposal can achieve the “Acceptable Risk Management” level as defined in this Policy.
  - Any other condition required to remove geotechnical risks that can reasonably and practically be addressed.
- (ii) **Geotechnical Conditions applying to the detailed design to be undertaken for the Construction Certificate** – these conditions are to be provided in the Geotechnical Report.
- That any structural design relating to the geotechnical aspects of the proposal is to be checked and certified by a suitably qualified and experienced Structural / Civil Engineer and Geotechnical Engineer / Engineering Geologist as being in accordance with the geotechnical recommendations.
  - Any other design, excavation or construction conditions the geotechnical engineer preparing the Geotechnical Report believes are required in the design phase in order to ensure the design will achieve the “Acceptable Risk Management” level as defined in this Policy for potential loss of both property and life.
- (iii) **Geotechnical Conditions applying to the Construction** – these conditions are to be provided in the Geotechnical Report:
- Constructed works relating to the geotechnical aspects of the proposal that require the sign off by a suitably qualified and experienced Geotechnical Engineer/Engineering Geologist. The report must highlight and detail the inspection regime to provide the builder with adequate notification for all necessary inspections.

- Any other design, excavation or construction conditions including works methodology and temporary works that the geotechnical engineer preparing the report believes are required in the construction phase in order to ensure the design will achieve the “Acceptable Risk Management” level as defined in this Policy for the potential loss of both property and life.
- (iv) **Geotechnical Conditions regarding ongoing management of the site/structure** – these conditions are to be provided in the Geotechnical Report.
- Any conditions that may be required for the ongoing mitigation and maintenance of the site and the proposal, from a geotechnical viewpoint. Such conditions to be in the form of a recommendation for inclusion as a covenant (or similar) on the land title to ensure that any owner or future owners are clearly notified of their ongoing responsibility.
- (v) **Geotechnical Conditions applying to the release of the Occupation/Subdivision Certificate** – these conditions are to be provided in the Geotechnical Report.
- Any conditions that may be required for the Occupation/Subdivision stage, from a geotechnical viewpoint
- (h) For bushfire prone lands, as designated in the Pittwater LGA Bushfire prone Land Map, the Geotechnical Report is to assess the potential geotechnical impacts of any Asset Protection Zones required and mitigate landslide risk due to Bushfire management.
- (i) For coastal bluff areas designated on Pittwater’s Coastal Hazard Map, a coastal engineer’s report on the impact of coastal processes on the site and the coastal forces prevailing on the bluff must be incorporated into the geotechnical assessment as an appendix and the Coastal Engineer’s assessment must be addressed through the Geotechnical Report and structural specification.
- (j) A statement with supporting information to the effect that every reasonable and practical step available has been identified to remove any foreseeable geotechnical risk from the site over and above attainment of the “Acceptable Risk Management” criterion.
- (k) A copy of Forms 1 and 1(a) bearing the original signature of the Geotechnical Engineer and/or Engineering Geologist as defined by this Policy, who has either prepared or technically verified the Geotechnical Report. Where a Coastal Engineer has been involved as required by this Policy, separate Forms 1 and 1(a) must be submitted by that Engineer.

## 6.6 Geotechnical Report to Support a Building Certificate

Where a Geotechnical Report is to be submitted in support of a Building Certificate Application it is the responsibility of the Geotechnical Engineer/Engineering Geologist to determine, from consideration of the site, the structures and the risk to life and property, whether a detailed assessment is required. Where, in the opinion of the Geotechnical Engineer, the site/structures have been in existence for at least 10 years and have demonstrated a performance at a tolerable risk level, or better, during that period, and there is not a foreseeable reason why this situation should change the Geotechnical Report to be submitted with the application for a Building Certificate should at least address the following elements:



- (a) An assessment of the risk posed by the identifiable Geotechnical Hazards that have the potential to either individually or cumulatively affect people or property upon the site or related land to the existing development in accordance with the guidelines set out in AGS 2007 (c) and the criteria in this Policy for Tolerable Risk”.
- (b) For coastal bluff areas designated on Pittwater’s Coastal Hazard Map, a coastal engineer’s report on the impact of coastal processes on the site and the coastal forces prevailing on the bluff must be incorporated into the geotechnical assessment as an appendix and the Coastal Engineer’s assessment must be addressed through the Geotechnical Report and structural specification.
- (c) Details of all site inspections and site investigations and any other information used in preparation of the Geotechnical Report. A site inspection is required in all cases. Site investigation may require sub-surface investigations; appropriate investigations may involve bore holes and/or test pit excavation or other methods necessary to adequately assess the geotechnical/geological model for the site. It is the responsibility of the Geotechnical Engineer/Engineering Geologist to determine the level of investigation required to adequately address the issues of risk to life and property.
- (d) Photographs and/or drawings of the site and related land adequately illustrating all geotechnical features referred to in the Geotechnical Report, as well as the existing structure.
- (e) A conclusion as to whether the site and the existing development achieves the Tolerable Risk Management criteria “and if not, what specific actions are required to achieve this criteria to enable a Building Certificate to be issued.
- (f) Any further reasonable and practical action that should be undertaken to remove risk.
- (g) Any covenant that would be necessary to ensure the ongoing mitigation and maintenance of the site from a geotechnical viewpoint.
- (h) A copy of Form 4 bearing the signature of the Geotechnical Engineer/Engineering Geologist as defined by this Policy who has either prepared or technically verified the Geotechnical Report. Where a Coastal Engineer has been involved, as required by this Policy a separate Form 4 must be submitted by that Coastal Engineer.

## **6.7 Geotechnical Report to Support a Construction Certificate**

Where a Geotechnical Report is to be submitted in support of a Construction certificate for all Excavation and Landfill activities on all land within the Pittwater LGA, it is the responsibility of the Geotechnical Engineer/Engineering Geologist and/or the Structural Engineer to determine a detailed assessment is required. The Geotechnical Report may be a full assessment as set out in Section 6.5 or a Statement to the effect that the Structural Engineer has fully considered the Geotechnical issues into the design of the temporary and/or permanent structure to manage risk and safety to workers and/or occupants of the development.

The Geotechnical Engineer/Engineering Geologist may elect to address the Excavation and Landfill issues in the Geotechnical Report at the Development Application phase for properties located in Geotechnical Hazard Zone H1 and/or H2.

## **7.0 Circumstances in which Pittwater Council would not support a Development Application or an application for a Building Certificate**

Council may not support a Development Application or application for a Building Certificate as follows:

- (a) Where, under clause 5.1, a Development Application is required to be accompanied by a Geotechnical Report, then this report must be prepared and/or verified by a Geotechnical Engineer or Engineering Geologist and a Coastal Engineer (where applicable) as defined by this policy, through the submission of Forms 1 and 1(a). Where a Geotechnical Report accompanying a Development Application has been prepared by an engineer(s) with qualifications that do not meet the requirements of this policy then Pittwater Council shall refuse to support the development application, until the Geotechnical Report has been verified by a Geotechnical Engineer or Engineering Geologist and, where applicable, Coastal Engineer, as defined by this policy.
- (b) Where under Clause 5.1, a Building Certificate Application is required to be accompanied by a Geotechnical Report, then this report must be prepared and/or verified by a Geotechnical Engineer or Engineering Geologist and a Coastal Engineer (where applicable) as defined by this policy, through the submission of Form 4.

Where a Geotechnical Report accompanying a Building Certificate Application has been prepared by an engineer(s) with qualifications that do not meet the requirements of this policy then Pittwater Council shall refuse to support the development application, until the Geotechnical Report has been verified by a Geotechnical Engineer or Engineering Geologist and, where applicable, Coastal Engineer, as defined by this policy.

- (c) Where a Geotechnical Report or independent review of a Geotechnical Report accompanying an application, identifies the risk to property and/or life posed by the geotechnical hazard as greater than the level of "Acceptable Risk Management" in the case of a Development Application or "Tolerable Risk Management" in the case of a Building Certificate as defined in this Policy after all feasible measures to reduce the risk have been considered and/or;
- (d) Where the Geotechnical Report does not follow the methodology of AGS 2007.

## **8.0 General Requirements**

The following general requirements are also applicable:

- (a) Pittwater Council may, if appropriate, impose conditions on a development consent requiring the lodgment of interim Geotechnical Certificates related to the stages of the construction of any development the subject of the consent. The form of any such interim certificate must be consistent with Forms 3, amended as required to reflect its status as an interim certificate only.

It is the responsibility of the Geotechnical Engineer/Engineering Geologist preparing the Geotechnical Report in support of the Development Application submission to ensure the necessary Geotechnical Conditions requiring interim inspections are included in the Geotechnical Report.

- (b) All conditions relating to the geotechnical aspects of the proposal for the design and construction phase are to be incorporated in the report as per Clause 6.4(g). Council will rely on those conditions as being the complete set required to ensure the proposed outcome achieves an “Acceptable Risk Management” level as defined in this Policy.
- (c) Any development application for a development subject to this Policy must incorporate any conditions the Geotechnical Engineer or Engineering Geologist believes are necessary to incorporate into a covenant on title to ensure that the land owner both at the time of application and into the future is aware of their responsibilities for any necessary on-going works or monitoring to ensure the site and the development remain within the “Acceptable Risk Management” level.

## **9.0 Other Analysis Requirements**

Other analysis Requirements are as follows:

- (a) Where a Geotechnical Report contains a recommendation for a separate analysis of the site to be carried out by another consultant, for example a flood study to be compiled by a hydrological consultant, this recommendation is to be highlighted to the applicant in the submission of the Geotechnical Report. This would enable the applicant to engage the required consultant and obtain the necessary report prior to the lodgment of the Development Application.
- (b) This policy requires that the civil/structural engineer, who prepares the structural documentation, is a civil or structural engineer as defined by this Policy. This Policy also requires that the engineer, in preparing the structural documentation, has viewed and where necessary used the recommendations given in the Geotechnical Report for the same development. These requirements need to be verified by accompanying the submission of the structural documentation with a completed copy of Form 2.
- (c) This Policy requires that where the site is in a coastal bluff area, as defined by Council's Coastal Hazard Map, the Geotechnical Engineer must engage a Coastal Engineer to provide an assessment of the impact of coastal process and identification of the coastal forces that impact on the site. This report should form an appendix to the Geotechnical Report and the geotechnical analysis must include an interpretation of the influence of coastal processes and forces on the site and the development.
- (d) Pittwater Council retains the right to have a Geotechnical report submitted with a Development Application peer reviewed by an independent Geotechnical Engineer or Engineering Geologist or Coastal Engineer (where applicable) at the applicant's cost.

## **10.0 Forms**

### **10.1 Form 1 and Form 1(a) - Declaration and Certification made by Geotechnical Engineer or Engineering Geologist and Coastal Engineer (where applicable) in relation to the DA Geotechnical Report.**

#### **When is Form 1 and Form 1(a) to be submitted?**

Form 1 and Form 1(a) are to be submitted with a Geotechnical Report accompanying a development application. Attach Form 1 to the inside cover of the Geotechnical Report.

### **Why is Form 1 and Form 1(a) necessary?**

These forms are essential to verify that the author of a Geotechnical Report is a Geotechnical Engineer or Engineering Geologist as defined by this policy. Where a coastal bluff area is included, then it is verified that the author of the coastal component is a Coastal Engineer. Alternatively, where a Geotechnical Report has been prepared by a professional person not recognised by this Geotechnical Policy, then Form 1 and Form 1(a) may be used as technical verification of the Geotechnical report if signed by a Geotechnical Engineer or Engineering Geologist as defined by this Policy.

### **10.2 Form 2— Declarations and Certification made by Part A - Structural Engineer or Civil Engineer and Part B - Geotechnical Engineer or Engineering Geologist in relation to the design plans and structural plans.**

The purpose of this form is to ensure the Geotechnical Engineer verifies that the structural and/or civil engineer has correctly interpreted and incorporated the geotechnical requirements into their design and that the structural and/or civil engineer has prepared their documents in accordance with the geotechnical requirements.

#### **When is Form 2 submitted?**

This form must be attached to the submission of the structural documentation required for the determination of a Construction Certificate. The applicant must issue a copy of the structural documents and Form 2 to the Geotechnical Engineer who prepared or technically verified the Geotechnical Report for the Development Application now requiring a Construction Certificate.

This form is also required when a Geotechnical Report is required at the Construction Certificate stage to address Excavation and Landfill activity.

#### **Why is Form 2 necessary?**

Form 2 is essential, as it provides evidence to Pittwater Council or other certifying authority determining the construction certificate, that structural documents have been prepared or verified by a structural/civil engineer as defined by this policy, and that the structural documents have been prepared in accordance with the recommendations given in the Geotechnical Report for the same development.

Form 2 is also essential to establish that the recommendations given in the Geotechnical Report have been interpreted and incorporated in the structural design as originally intended by the Geotechnical Engineer or engineering Geologist in preparing the Geotechnical Report.

### **10.3 Form 3—Post Construction Geotechnical Certificate – Declaration and Certification by Geotechnical Engineer or Engineering Geologist in relation to the Occupation Certificate or Subdivision Certificate**

The purpose of this form is to ensure that the recommendations made in the Geotechnical Report have been complied with during construction. In most cases the Geotechnical Engineer or Engineering Geologist who prepared and/or verified the design will need to observe foundation materials, and excavation cut and fill retention systems, subsoil drainage etc prior to signing Form 3.

#### **When is Form 3 submitted?**

This form must be submitted at the completion of a project, prior to occupation of the premises and prior to the issue of an Occupancy Certificate.

### **Why is Form 3 necessary?**

Form 3 is essential, as it provides certification that the building works have been carried out in accordance with the requirements of the Geotechnical Report, and any subsequent geotechnical requirements introduced during the construction process.

## **10.4 Form 4—Geotechnical Certificate (To accompany Application for Building Certificate or response to an Order issued by Council)**

The purpose of this form is to ensure that the site and the structures on the site have been assessed by a Geotechnical Engineer/Engineering Geologist in accordance with Council's Policy and has been found to achieve at least a "Tolerable" Risk Management" status. Further that reasonable and practical measures to remove foreseeable geotechnical risk have been identified and suitable recommendations have been included in the report.

### **When is Form 4 submitted?**

This form must be submitted with the geotechnical report accompanying a Building Certificate Application or a response to an Order. Should in the opinion of the Geotechnical Engineer/Engineering Geologist, the site and the development not be at a "Tolerable Risk Management" level from a geotechnical risk viewpoint then the remedial action required is to be identified in a report and indicated on Form 4 is before it is signed and lodged with Council. Where such remedial action requires works that would need Development Approval a Development application must be lodged. Form 4 would then be supported by Form 3 on completion of the necessary works.

### **Why is Form 4 necessary?**

Form 4 is essential, as it provides certification that the site and the existing structures achieve the "Tolerable Risk Management" criteria detailed in this policy.

## **11.0 Community Awareness**

### **11.1 Section 149 Certificates**

Notification of properties known to be potentially affected by Geotechnical Hazards is to be undertaken by inclusion on the Section 149 Certificate. This provides advice to current owners as to the potential for geotechnical risk and the advice transfers to new owners with the sale of the property.

### **11.2 88B Instruments**

Where there are specific management, maintenance or monitoring requirements to ensure the geotechnical risk is managed within the "Acceptable Risk Management" criterion, and/or reasonable practical steps can be taken to remove risk, then these are to be included as a covenant on the title of the property to ensure current and future owners are aware of their responsibilities.

Any recommendation for inclusion of a covenant on the title of the property must be contained in the Geotechnical Conditions attached to the Geotechnical Report

**GEOTECHNICAL RISK MANAGEMENT POLICY FOR PITTSWATER**  
**FORM NO. 1 – To be submitted with Development Application**

Development Application for _____	Name of Applicant
Address of site _____	

***Declaration made by geotechnical engineer or engineering geologist or coastal engineer (where applicable) as part of a geotechnical report***

I, \_\_\_\_\_ on behalf of \_\_\_\_\_  
(Insert Name) (Trading or Company Name)

on this the \_\_\_\_\_ certify that I am a geotechnical engineer or engineering geologist or coastal engineer as defined by the Geotechnical Risk Management Policy for Pittwater - 2009 and I am authorised by the above organisation/company to issue this document and to certify that the organisation/company has a current professional indemnity policy of at least \$2million.

**I:**  
**Please mark appropriate box**

- have prepared the detailed Geotechnical Report referenced below in accordance with the Australia Geomechanics Society's Landslide Risk Management Guidelines (AGS 2007) and the Geotechnical Risk Management Policy for Pittwater - 2009
- am willing to technically verify that the detailed Geotechnical Report referenced below has been prepared in accordance with the Australian Geomechanics Society's Landslide Risk Management Guidelines (AGS 2007) and the Geotechnical Risk Management Policy for Pittwater - 2009
- have examined the site and the proposed development in detail and have carried out a risk assessment in accordance with Section 6.0 of the Geotechnical Risk Management Policy for Pittwater - 2009. I confirm that the results of the risk assessment for the proposed development are in compliance with the Geotechnical Risk Management Policy for Pittwater - 2009 and further detailed geotechnical reporting is not required for the subject site.
- have examined the site and the proposed development/alteration in detail and I am of the opinion that the Development Application only involves Minor Development/Alteration that does not require a Geotechnical Report or Risk Assessment and hence my Report is in accordance with the Geotechnical Risk Management Policy for Pittwater - 2009 requirements.
- have examined the site and the proposed development/alteration is separate from and is not affected by a Geotechnical Hazard and does not require a Geotechnical Report or Risk Assessment and hence my Report is in accordance with the Geotechnical Risk Management Policy for Pittwater - 2009 requirements.
- have provided the coastal process and coastal forces analysis for inclusion in the Geotechnical Report

### Geotechnical Report Details:

Report Title:
Report Date:
:
Author:
Author's Company/Organisation:

**Documentation which relate to or are relied upon in report preparation:**


I am aware that the above Geotechnical Report, prepared for the abovementioned site is to be submitted in support of a Development Application for this site and will be relied on by Pittwater Council as the basis for ensuring that the Geotechnical Risk Management aspects of the proposed development have been adequately addressed to achieve an "Acceptable Risk Management" level for the life of the structure, taken as at least 100 years unless otherwise stated and justified in the Report and that reasonable and practical measures have been identified to remove foreseeable risk.

Signature .....

Name .....

Chartered Professional Status.....

Membership No. ....

Company.....

**GEOTECHNICAL RISK MANAGEMENT POLICY FOR PITTWATER**  
**FORM NO. 1(a) - Checklist of Requirements For Geotechnical Risk Management Report for**  
**Development Application**

Development Application for \_\_\_\_\_  
 \_\_\_\_\_  
 Name of Applicant  
 Address of site \_\_\_\_\_

*The following checklist covers the minimum requirements to be addressed in a Geotechnical Risk Management Geotechnical Report. This checklist is to accompany the Geotechnical Report and its certification (Form No. 1).*

**Geotechnical Report Details:**

Report Title:  
 Report Date:  
 Author:  
 Author's Company/Organisation:

**Please mark appropriate box**

- ☐ Comprehensive site mapping conducted \_\_\_\_\_  
 (date)
- ☐ Mapping details presented on contoured site plan with geomorphic mapping to a minimum scale of 1:200 (as appropriate)
- ☐ Subsurface investigation required
  - ☐ No Justification .....
  - ☐ Yes Date conducted .....
- ☐ Geotechnical model developed and reported as an inferred subsurface type-section
- ☐ Geotechnical hazards identified
  - ☐ Above the site
  - ☐ On the site
  - ☐ Below the site
  - ☐ Beside the site
- ☐ Geotechnical hazards described and reported
- ☐ Risk assessment conducted in accordance with the Geotechnical Risk Management Policy for Pittwater - 2009
  - ☐ Consequence analysis
  - ☐ Frequency analysis
- ☐ Risk calculation
- ☐ Risk assessment for property conducted in accordance with the Geotechnical Risk Management Policy for Pittwater - 2009
- ☐ Risk assessment for loss of life conducted in accordance with the Geotechnical Risk Management Policy for Pittwater - 2009
- ☐ Assessed risks have been compared to "Acceptable Risk Management" criteria as defined in the Geotechnical Risk Management Policy for Pittwater - 2009
- ☐ Opinion has been provided that the design can achieve the "Acceptable Risk Management" criteria provided that the specified conditions are achieved.
- ☐ Design Life Adopted:
  - ☐ 100 years
  - ☐ Other .....  
 specify
- ☐ Geotechnical Conditions to be applied to all four phases as described in the Geotechnical Risk Management Policy for Pittwater - 2009 have been specified
- ☐ Additional action to remove risk where reasonable and practical have been identified and included in the report.
- ☐ Risk assessment within Bushfire Asset Protection Zone.

I am aware that Pittwater Council will rely on the Geotechnical Report, to which this checklist applies, as the basis for ensuring that the geotechnical risk management aspects of the proposal have been adequately addressed to achieve an "Acceptable Risk Management" level for the life of the structure, taken as at least 100 years unless otherwise stated, and justified in the Report and that reasonable and practical measures have been identified to remove foreseeable risk.

Signature .....  
 Name .....  
 Chartered Professional Status.....  
 Membership No. ....  
 Company.....

**FORM NO. 2 – PART A – To be submitted with detailed design for Construction Certificate**



**GEOTECHNICAL RISK MANAGEMENT POLICY FOR PITTWATER**  
**FORM NO. 2 – PART B – To be submitted with detailed design for Construction Certificate**

**PART B Declaration made by Geotechnical Engineer or Engineering Geologist and/or Coastal Engineer (where applicable) in relation to the incorporation of the Geotechnical issues into the project design**

I, \_\_\_\_\_ on behalf of \_\_\_\_\_  
(insert name) (trading or company name)

on this the \_\_\_\_\_  
(date)

certify that I am a Geotechnical Engineer or Engineering Geologist and/or Coastal Engineer as defined by the Geotechnical Risk Management Policy for Pittwater - 2099 and I am authorised by the above organisation/company to issue this document and to certify that the organisation/company has a current professional indemnity policy of at least \$2million. I also certify that I have reviewed the design plans and structural design plans for the Construction Certificate Stage and that I am satisfied that:

**Please mark appropriate box**

- ☐ the structural design meets the recommendations as set out in the Geotechnical Report or any revision thereto.
- ☐ the structural design has considered the requirements set out in the Geotechnical Report for Excavation and Landfill both for the excavation/construction phase and the final installation in accordance with Clause 3.2 (b)(iv) of the Geotechnical Risk Management Policy.

**Geotechnical Report Details:**

Report Title:

Report Date:

Author:

**Documentation which relates to or is relied upon in report preparation:**


I am also aware that Pittwater Council relies on the processes covered by the Geotechnical Risk Management Policy, including this certification as the basis for ensuring that the geotechnical risk management aspects of the proposed development have been adequately addressed to achieve an "Acceptable Risk Management" level for the life of the structure taken as at least 100 years unless otherwise stated and justified.

Signature .....

Name .....

Chartered Professional Status.....

Membership No. ....

Company.....

**GEOTECHNICAL RISK MANAGEMENT POLICY FOR PITTWATER**  
**FORM NO. 3 – Post Construction Geotechnical Certificate to be submitted with Occupation**  
**Certificate or Subdivision Certificate**

Development Application for \_\_\_\_\_  
Name of Applicant \_\_\_\_\_

Address of site \_\_\_\_\_

***Declaration made by geotechnical engineer on completion of the Development***

I, \_\_\_\_\_ on behalf of \_\_\_\_\_  
(Insert Name) (Trading or Company Name)

on this the \_\_\_\_\_  
certify that I am a Geotechnical Engineer, Engineering Geologist and/or Coastal Engineer as defined by the Geotechnical Risk Management Policy for Pittwater - 2009. I am authorised by the above organisation/company to issue this document and to certify that the organisation/company has a current professional indemnity policy of at least \$2million. I prepared and/or verified the Geotechnical Report as per Form 1 dated \_\_\_\_\_ referred to below.

***Geotechnical Report Details:***

Report Title:

Report Date:

Author:

**Author's Company/Organisation:**

I reviewed the original structural design, and where applicable the subsequently amended structural details (below listed) which have been incorporated into the completed project.

I have inspected and/or am satisfied that the foundation materials, upon which the structural elements (as detailed in the original and amended structural documents) of the development have been erected, comply with the requirements specified in the Geotechnical Report and the Construction Certificate approved Structural Plans.

I have inspected the site during construction and to the best of my knowledge, I am satisfied that the development referred to in the development consent D.A. \_\_\_\_\_ dated \_\_\_\_\_  
(D.A.No) (Date consent given)

has been constructed in accordance with the intent of the Geotechnical Report, the requirements of the conditions of Development Consent and the Construction Certificate approved Structural Plans relating to the geotechnical issues (including any treatment and/or maintenance plan that may be required to remove risk where reasonable and practical).

I am aware that Pittwater Council require this certificate prior to issuing an occupancy certificate for the development identified above and will rely on this certificate in regard to the development having achieved the "Acceptable Risk Management" criterion defined in the Policy and that reasonable and practical measures have been taken to remove foreseeable risk.

**List of all work as executed drawings and Ongoing Maintenance plans relevant to geotechnical risk management.**

Signature .....  
Name .....  
Chartered Professional Status.....  
Membership No. ....  
Company.....

**GEOTECHNICAL RISK MANAGEMENT POLICY FOR PITTWATER**  
**FORM NO. 4 (As per Pittwater Council's Geotechnical Risk Management Policy) – To be submitted**  
**with Application for a Building Certificate/Response to an Order**

Building Certificate Application/Response to an Order (delete that not applicable)for \_\_\_\_\_

\_\_\_\_\_  
 Name of Applicant

Address of site \_\_\_\_\_

Order No. (if applicable) \_\_\_\_\_

**Declaration made by geotechnical engineer in relation to the submission of an application for a Building Certificate/Response to an Order**

I, \_\_\_\_\_ on behalf of \_\_\_\_\_  
 (Insert Name) (Trading or Company Name)

on this the \_\_\_\_\_  
 (Date)

certify that I am a geotechnical engineer as defined by the Geotechnical Risk Management Policy for Pittwater 2009. I am authorised by the above organisation/company to issue this document and to certify that the organisation/company has a current professional indemnity policy of at least \$2million.

☐ I have inspected the site and the existing development and am satisfied that both the site and the development achieves at least the "Tolerable Risk Management" requirement of the Geotechnical Risk Management Policy for Pittwater - 2009. The attached report provides details of the assessment in accordance with the Geotechnical Risk Management Policy for Pittwater - 2009. The report also contains recommendations as to any reasonable and practical measures that can be undertaken to remove foreseeable risk. I am aware that Pittwater Council will rely on this certification as the basis for ensuring that the geotechnical risk management aspects of the site and the development have been adequately addressed to achieve at least a "Tolerable Risk Management" level for the life of the structure taken as 100 years unless otherwise stated and justified in the Report.\*

or

☐ I have inspected the site of the existing development. The attached report details the remedial actions required to be undertaken prior to me being prepared to certify that the site and the development achieves at least the "Tolerable Risk Management" criteria required in accordance with the Policy.

**Geotechnical Report Details:**

Report Title:

Report Date:

Author:

Signature .....

Name .....

Chartered Professional Status.....

Membership No. ....

Company.....

- Note: If life of structure taken as less than 100 years, please indicate ----- years

<b>Council Policy – No 18</b>	<b>Adopted:</b>	<b>OM: 25.11.96</b>
	<b>Amended:</b>	<b>OM: 03.03.97, OM: 07.12.98, OM: 01.11.99, OM: 13.11.00, OM: 15.10.01, OM: 08.11.04</b>

**TITLE:** **Parking – issue of annual permits - waiving of parking fees**

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

**BUSINESS UNIT:** **Reserves, Recreation & Building Services**

**RELEVANT LEGISLATION:** **None**

**RELATED POLICIES:** **None**

### **Objective**

To effectively manage paid parking arrangements in Pittwater such that the costs of managing and maintaining regional resources such as public beaches and reserves are equitably met by rate payers, residents and visitors to the Pittwater area.

### **POLICY STATEMENT:**

#### **1. Parking Permits**

Annual parking permits shall be made available to rate payers and other persons for motor vehicles, which they personally own or usually drive, on the following basis:-

- (a) Permits shall be in the form of stickers for attachment to the motor vehicle's bottom left of the windscreen, or on a fixed glass panel on the left hand side of the vehicle.
- (b) Permits shall provide the vehicles, to which they are affixed, with exemption for the year from the daily parking fees (as fixed by the Council from time to time) that would otherwise apply in paid public parking areas.

#### **2. Issue of Annual Permits**

Permits shall be issued each year to:

- (a) The owner of each rateable property in the Area (limit two per property). Permits to be issued with each initial rate notice.
- (b) Resident owners of units within retirement villages (other than freehold ratepayers who separately receive carparking stickers) and resident owners of Company Title Home Units who pay rates on the basis of one sticker per unit, following a request for or on behalf of such unit holders where required.
- (c) The owner of a rateable property in the Area who purchases that property after the general issue of permits to property owners for the ensuing year, provided that the Council rates for the current year have been paid in full (limit two per property).

- (d) Any joint owner of two or more rateable properties in the Area, on condition that no more than two permits are issued for each rateable property.
- (e) Property owners and non owner residents may purchase up to three (3) additional permits per property at a discounted cost for vehicles usually garaged at the property. Proof of ownership or residency and a signed Statutory Declaration applying for the permits and stating vehicles registration number/s. Any additional permits can be purchased at full price.
- (f) Surf Club personnel, as follows, on the basis of one sticker per person (subject to stickers being issued only to those personnel not currently receiving stickers as ratepayers and no additional stickers where multiple roles are involved).

The Club President

The Club Senior Vice President

The Club Honorary Secretary

The Club Honorary Treasurer

The Club Captain

The Club Patrol Captain

Active Club Members who do voluntary beach patrols and who own and drive their own motor vehicles.

Water Safety Officers and Nipper Age Managers who drive their own vehicles and do not received a sticker as a ratepayer.

- (g) Active members of Surf Clubs who do not receive parking stickers as a ratepayer can make application to Surf Life Saving Sydney Northern Beaches for a Pittwater parking permit. They must supply their name, address, vehicle registration, club for which they are an active patrolling member and reason(s) on a signed application. The full list of recipients is to be verified by each Surf Club President, endorsed by Surf Life Saving Sydney Northern Beaches and forwarded, prior to the start of each swimming season, to Council for the allocation of parking permits, along with the Clubs' patrol rosters. Council may provide additional stickers for new members of the club involved in the club's patrol roster as formally advised by the club president from time to time during the season.
- (h) One sticker will be issued to Surf Life Saving Northern Beaches Board of Examiners, if they are not Pittwater Ratepayers or Surf Club Members.
- (i) Active volunteer members of Pittwater based Rural Fire Service who do not receive parking stickers as a ratepayer can make application for a Pittwater parking permit. They must supply their name, address, vehicle registration, Brigade of which they are an active member and reason(s) on a signed application. The full list of recipients is to be authorised by the respective Brigade Captains and forwarded to Council for the allocation of parking permits.
- (j) The Sydney Academy of Sport shall receive seven (7) annual parking permits for affixing to nominated Academy vehicles for official use in Pittwater and the fees shall be waived annually. (Ref. OM: 1/3/99).
- (k) Annual parking permits are not valid at:-
  - designated 1 hour meter/ticket parking areas;
  - Council controlled free carparks which have time limits;
  - Rowland Reserve boat ramp parking area at Bayview;
  - Church Point Precinct parking;
  - Woorak Reserve Boat Trailer Parking area.
- (l) Contract Lifeguards be restricted to 50 stickers only.

### **3. Parking Permit Replacement**

- (a) Parking permits shall be replaced if windscreen is broken, sticker is damaged or new vehicle purchased.
- (b) Lost or discarded permit stickers will incur a replacement cost as set by the Council from time to time.
- (c) Owners of a new property can receive two (2) permits. A Statutory Declaration needs to be completed and proof of purchase is required.

### **4. Business Parking Permits**

- (a) Business Parking permits are available to appropriate businesses upon application for a fee fixed by Council from time to time. Business may purchase up to five (5) business parking permits per business. Proof of business operation is required at time of applying for these permits and stating vehicles registration number/s.
- (b) The concept is aimed at those businesses that rely solely or heavily on pay parking locations for their employees.
- (c) Business parking permits are not valid at any other Council carpark or meter/ticket parking areas. Permits are valid for the area stated on the permit only.

### **5. Waiving of Parking Fees - Surf Life Saving Carnivals/Special Events**

- (a) Parking fees shall be waived at beach parking areas when a particular beach is to be used for State or National Surf Life Saving Carnivals.
- (b) Parking fees shall be waived at beach parking areas when a particular beach is to be used for a carnival or special event (including an ocean swim) that is sanctioned by Surf Life Saving Sydney Northern Beaches Inc. and which also appears on their annual carnival and special event calendar.
- (c) The General Manager has delegated authority to waive parking fees for future annual swims conducted by the Local Surf Clubs in Pittwater as part of the Council's ongoing support for the Surf Life Saving movement in Pittwater. (ref. OM: 1/3/99)
- (d) The waiving of parking fees for an eligible event does not confer approval for exclusive use of the affected parking areas by the host Club or SLS Branch, nor are such organisations authorised to collect parking fees or to unreasonably restrict public access to the parking area or the beach.

### **6. Waiving of Parking Fees - Special Exemptions**

- (a) Official and Emergency Vehicles

Vehicles parked in any parking area in the course of official police, governmental, ambulance, fire control, local government or public utility business or duty shall be exempted from payment of parking fees.

- (b) Disabled Persons Parking Authority

Vehicles displaying valid disabled persons parking authority shall be exempted from payment of fees.

(c) Volunteer and Charity Organisations

Volunteer/Charity Organisations requesting Council to waive fees for an event or to issue free parking permits must make an application to Council for consideration on an individual merits basis.

(d) Special Press Passes

Up to three (3) special press passes be provided upon application for each of the following local papers:-

Manly Daily  
Pittwater Life

## **7. Rowland Reserve Boat Ramp Parking Area**

Rowland Reserve Boat Ramp Carpark annual parking permits can be purchased by ratepayers and other persons for motor vehicles, which they personally own or usually drive, on the following basis:-

- (a) Permits shall be in the form of a pass for display on the motor vehicle's bottom left hand side of the windscreen. The permit will display the vehicle's registration number.
- (b) Permits can allow two registration details displayed as long as both vehicles are registered to the one owner/family at the same address.
- (c) Permits shall provide the vehicles, to which they are displayed, with exemption for the year from the daily parking fees as fixed by the Council from time to time that would otherwise apply at the Rowland Reserve Boat Ramp.
- (d) Rowland Reserve permits are not valid at other Council pay & display parking areas and Council controlled free carparks which have time limits.
- (e) Passes are non-transferrable. If change of vehicle occurs return of the old pass is required and a new pass will be issued. Lost passes can be replaced for a fee as set by Council from time to time.
- (f) Passes are valid from 1 September – 31 August each year
- (g) One hour free parking is available at a designated area of the Rowland Reserve carpark for users of the unleashed dog exercise area in Rowland Reserve.

## **8. Church Point Precinct Parking Area**

Church Point Precinct annual parking stickers can be purchased by ratepayers and other persons for motor vehicles, which they personally own or usually drive, on the following basis:

- a) Stickers must be displayed as stipulated on the sticker.
- b) Stickers are only valid at the Pay and Display areas within the Church Point Precinct.
- c) Replacement stickers will only be issued where vehicle is sold, disposed of or due to windscreen damage – original permit number and proof of purchase is required.
- d) Church Point parking stickers are not valid at other Council pay & display parking areas and Council controlled free carparks which have time limits.

- e) Availability of parking spaces is not guaranteed.

#### **9. Woorak Reserve Boat Trailer Parking Area**

Woorak Reserve Boat Trailer parking area annual parking permits can be purchased by ratepayers and other persons for motor vehicles, which they personally own or usually drive, on the following basis:-

- (a) Permits shall be in the form of a pass for display on the motor vehicle's bottom left hand side of the windscreen. The permit will display the vehicle's registration number.
- (b) Permits can allow two registration details displayed as long as both vehicles are registered to the one owner/family at the same address.
- (c) Permits shall provide the vehicles, to which they are displayed, with exemption for the year from the daily parking fees as fixed by the Council from time to time that would otherwise apply at the Woorak Reserve Boat Trailer parking area.
- (d) Woorak Reserve permits are not valid at other Council pay & display parking areas and Council controlled free carparks which have time limits.
- (e) Passes are non-transferrable. If change of vehicle occurs return of the old pass is required and a new pass will be issued. Lost passes can be replaced for a fee as set by Council from time to time.
- (f) Passes are valid from 1 September – 31 August each year

#### **10. Reciprocal Parking Arrangements Pittwater and Warringah Council**

That reciprocal parking arrangements be recognised for North Narrabeen Beach/ Pool in the Warringah Council LGA and Pittwater Council LGA.



<b>Council Policy – No 24</b>	<b>Adopted:</b>	<b>OM: 3.3.97</b>
	<b>Amended:</b>	

**TITLE:** Professional Lifeguard Service

**STRATEGY:** Beach & Coastal  
Recreational Management

**BUSINESS UNIT:** Reserves, Recreation & Building services

**RELEVANT LEGISLATION:** None

**RELATED POLICIES:** None

### **Objective**

To provide a weekday professional lifeguard service to the beaches of Pittwater during the swimming season.

### **Policy Statement**

#### **Council will:**

Provide a Lifeguard Service on the basis of the principle of two professional lifeguards per designated beach as determined by Council.

Liaise with other coastal councils and appropriate organisations regarding issues of beach management and service.

Permit Lifeguard vehicles required for rescue to access beach reserves when required to do so.

Liaise with the Surf Lifesaving Sydney Northern Beaches and its affiliated clubs regarding the effective management of the beach and beach reserve, sharing of necessary facilities and equipment and having regard to Council's Policy, regarding the Surf Life Saving Movement.

#### **Period of Coverage**

#### **Weekday Patrols**

The professional lifeguard service is provided at nominated Pittwater beaches for the specified periods of the swimming season as stipulated in the Lifeguard Service Contract between the professional lifeguard service and Council.

<b>Council Policy – No 26</b>	<b>Adopted:</b>	<b>OM: 3.3.97</b>
	<b>Amended:</b>	<b>OM: 13.11.00, OM 08.11.04</b>

<b>TITLE:</b>	<b>Storage of Water Craft</b>
<b>STRATEGY:</b>	<b>Recreational Management</b>
<b>BUSINESS UNIT:</b>	<b>Reserves, Recreation &amp; Building Services</b>
<b>RELEVANT LEGISLATION:</b>	<b>Impounding Act 1993 – Section 24</b>
<b>RELATED POLICIES:</b>	<b>None</b>

---

### **Objective**

Council will at suitable locations provide facilities:-

- for the orderly storage of watercraft such as dinghies, large boats, canoes, kayaks, outrigger canoes and dragon boats in Council's designated storage areas;
- remove abandoned, derelict or illegally stored watercraft from the foreshore areas where they constitute a hazard, cause damage to the environment or restrict access to foreshore areas and that do not comply with the conditions of use for Council's watercraft storage facilities;
- remove vessels without current permit stickers, taking up space on a facility, under the Impounding Act 1993 – Section 24;
- provide watercraft storage and berthing arrangement upon Crown Land (which Council is trust manager of) and administer temporary licence agreements.

### **Policy Statement**

#### **1. Derelict, Abandoned, Oversized or Illegally Stored Watercraft**

That watercraft stored on the foreshore in an unauthorised manner, be removed, from reserves where there is significant adverse recreational or environmental impacts or where suitable storage facilities have been provided. Vessels that have been abandoned are derelict or have been placed on a Council reserve without Council approval are to be removed and impounded by Council's authorised officers.

These vessels will be held at Council's impound and maybe disposed of in accordance with the Impounding Act 1993 – Section 24. Proof of ownership is required for release of any impounded boat. Payment of a release fee may be required depending on circumstances. Such release/administration fees will be set each year in Council's Delivery Plan.

## **2. Watercraft Storage Facilities**

At appropriate locations, Council will make available facilities suitable for the storage of watercraft which, members of the public may rent for a fee as set by the Council from time to time. In the case of areas where the land is owned by the Crown and Council appointed as Trust Managers, a temporary licence agreement will be administered and a fee charged as set by the Council from time to time.

## **3. Conditions of Use of Watercraft Storage Facilities**

- 3.1 Council accepts no liability or responsibility for loss, damage or theft of the vessel stored at the storage facility.
- 3.2 The maximum permissible length for watercraft stored at a facility be adhered to.
- 3.3 Council to be notified within 7 days of disposal of watercraft, or no longer required usage of the storage bay in order to allow for timely reallocation of the facility.
- 3.4 The rental agreement permits one vessel only being stored per allocated bay.
- 3.5 The lessee must notify Council promptly of change of address, change of vessel details or contact phone numbers.
- 3.6 Council reserves the right to terminate the rental agreement if any of the relevant conditions are breached or if the lessee misuses the facility in any way.
- 3.7 The watercraft permit sticker must be displayed in a prominent position on the vessel.

## **4. Issue of Annual Permit Stickers**

- 4.1 An invoice will be forwarded to current permit holders and shall be issued each year to the owner of the watercraft to be stored at a facility. If an invoice is not paid within the allocated time, the storage bay may be allocated to the next person on the waiting list.

## **5. Watercraft permit stickers**

- 5.1 Annual permit stickers for watercraft storage shall be made available to both residents and non residents for storage of vessels, which they personally own on the following basis:-
  - Permits shall be in the form of stickers for attachment to the vessel in a clearly visible location.
  - Permits once attached to a vessel will allow the owner to store the vessel for that current year displayed on the sticker.
  - Watercraft which do not display a current permit sticker in a clearly visible position or watercraft that are over the height restriction for the facility may be impounded under the impounding Act 1993 – Section 24. Following advice from Council, owners should place the current permit sticker on their watercraft or remove oversized watercraft from the facility.

## **6. Waiting Lists for Storage of Watercraft**

6.1 The procedure for obtaining a position on Council's watercraft storage facilities is as follows:-

- An application form is to be completed and returned to Council for placement on the waiting list for watercraft storage in the nominated location/s.
- An applicant may be placed on as many waiting lists as they require
- When a position becomes available Council will notify the applicant and raise an invoice for the facility.
- On receipt of payment the applicant will receive confirmation of allocation together with a sticker to affix to the vessel.

## **7. Location of Watercraft Storage Facilities**

7.1 The locations where watercraft can be stored on Council's reserves with the applicable length restrictions are as per Council's Dinghy Facility Schedule.

## **8. Fees & Charges –Watercraft**

8.1 The yearly rental of watercraft storage bays commences 1 September to 31 August. Fees are charged on a pro rata basis as follows:-

If allocation takes place from 1 September full year payment

If allocation takes place from 1 December  $\frac{3}{4}$  year payment

If allocation takes place from 1 March  $\frac{1}{2}$  year payment

If allocation takes place from 1 June  $\frac{1}{4}$  year payment

8.2 The surrender of a watercraft storage bay attracts the following rebate for the portion not used

If surrender takes place before 30 November  $\frac{3}{4}$  payment refunded

If surrender takes place before 30 March  $\frac{1}{2}$  payment refunded

If surrender takes place before 30 June  $\frac{1}{4}$  payment refunded

After 30 June no refund is allocated.

<b>Council Policy – No 30</b>  <b>Version:</b>	<b>Adopted:</b>	<b>3.3.97</b>
	<b>Amended</b>	

<b>TITLE:</b>	<b>Dog Control</b>
<b>STRATEGY:</b>	<b>Community Engagement, Education &amp; Awareness Biodiversity Recreation Management</b>
<b>BUSINESS UNIT:</b>	<b>Reserves, Recreation &amp; Building Services</b>
<b>RELEVANT LEGISLATION:</b>	<b>Companion Animals Act 1998</b>
<b>RELATED POLICIES:</b>	<b>None</b>

### **Objective**

To provide effective dog control in leashed and unleashed areas in the Pittwater LGA in accordance with the Companion Animals Act 1998.

### **Policy Statement**

#### **Dog Control**

That Council has provided (in compliance with the Companion Animals Act 1998) the following areas:-

#### **Bicentennial Coastal Walkway**

Leashed dogs are allowed on all headland sections of the Walkway, with the EXCEPTION of Bangally Head and Turimetta Head.

#### **Prohibited Areas**

All Beaches and Warriewood Wetlands

#### **Wildlife Protection Areas**

Council has designated 20 bushland reserves as Wildlife Protection Areas (*Companion Animals Act 1998 s 14 H*) with public place set apart by the local authority for the protection of wildlife. Except where dogs are expressly prohibited from the whole reserve, dogs are allowed in wildlife protection areas on defined paths and on a lead at all times.

Wildlife Protection Areas are listed below:-

Careel Bay Intertidal area  
Irrawong Reserve to the waterfall  
Angophora Reserve, Bilgola Plateau  
McKay Reserve, Palm Beach  
Elizabeth Park, Scotland Island

Stapleton Park, Bilgola Plateau  
Bangalley Headland, Avalon  
Palmgrove Reserve, Avalon  
Sunrise Reserve, Palm Beach  
Betty Morrison Reserve, Bungan Beach  
Kanimbla Reserve, Bilgola Plateau  
Bushrangers Hill, Newport  
Minkara Reserve, Ingleside  
Attunga Reserve, Newport  
Pindari Park, Bayview  
Hewitt Park, Bilgola  
Epworth Park, Elanora  
Algona Reserve, Bilgola Plateau  
Bilarong Sanctuary, North Narrabeen  
Fern Creek, Creekline Corridor Warriewood  
Narrabeen Creek, Creekline Corridor Warriewood

### **Unleashed Exercise Areas**

That the following reserves or picnic places be declared and approved by Council as areas in which dogs, under the control of a person (but not necessarily on a leash) may be exercised, namely (See Location Sketches (7) attached):-

Mackerel Beach only permitted from the public wharf north of the boundary with the National Park from sunrise to 9.30am and 5pm to sunset. At other times the shortest direct route with dog on-lead is to be taken across the beach between a vessel and the grassed strip.

Hitchcock Park, Careel Bay (restricted to the Reserve Area north of the soccer field);

Dearin Reserve, Newport;

Rowland Reserve, Bayview (north of the boat launching area car park and including the adjacent tidal sand flats);

South Mona Vale Headland Reserve (area east of Narrabeen Park Parade/ Coronation Street junction).

Progress Park, Narrabeen (water access to Mullet Creek);

### **Unleashed Training Area**

That the following reserve or public place be declared and approved by Council as an area in which dogs, under the control of a person (but not necessarily on a leash), may be trained, namely:-

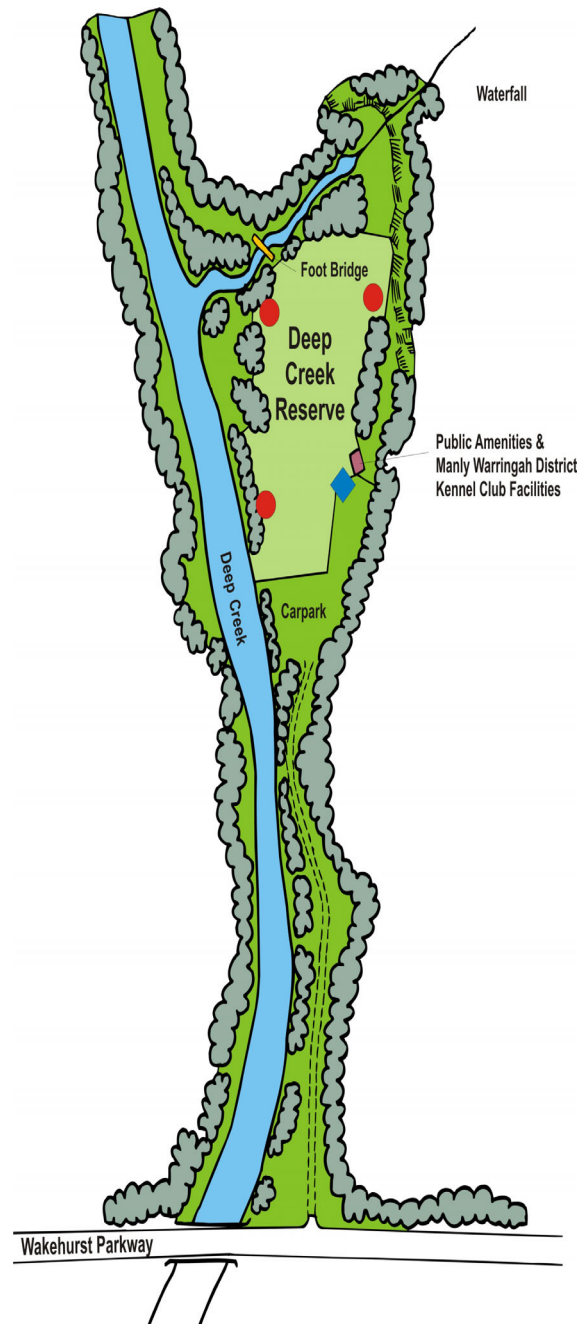
Deep Creek Reserve, Narrabeen – within the fenced area (see location sketch attached).

### **Reserve Advisory Signs**

That the reserve advisory signs for each declared area display a diagrammatic plan showing the boundary of the declared area; a notice to accompany the diagram advising dog owners that they are required to control their dogs within the specified area and remove any litter caused by their animals.

That publicity be given from time to time to the prohibitions, the penalties and to the provision of approved areas and appropriate signage be erected.

**Unleashed Dog Training Area  
Deep Creek Reserve, Narrabeen (within fenced area only)**

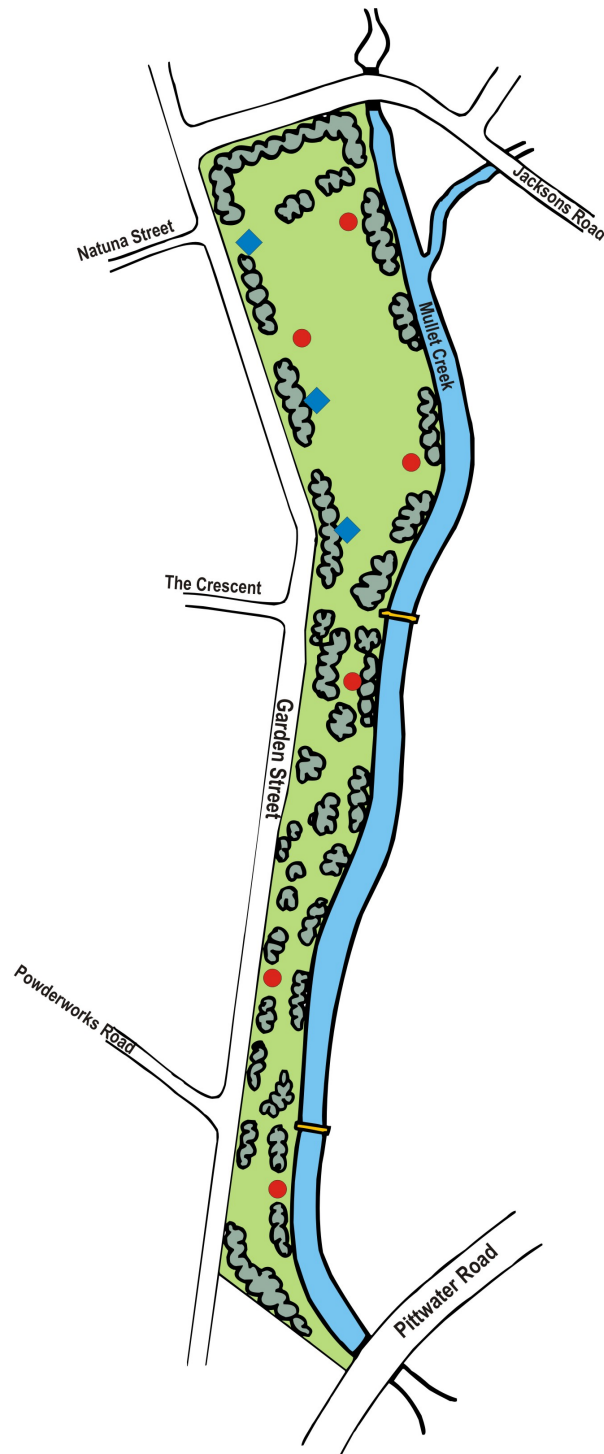


**Unleashed Dog Exercise Area**  
**Hitchcock Park, Careel Bay**  
**(restricted to the reserve area north of the soccer field)**



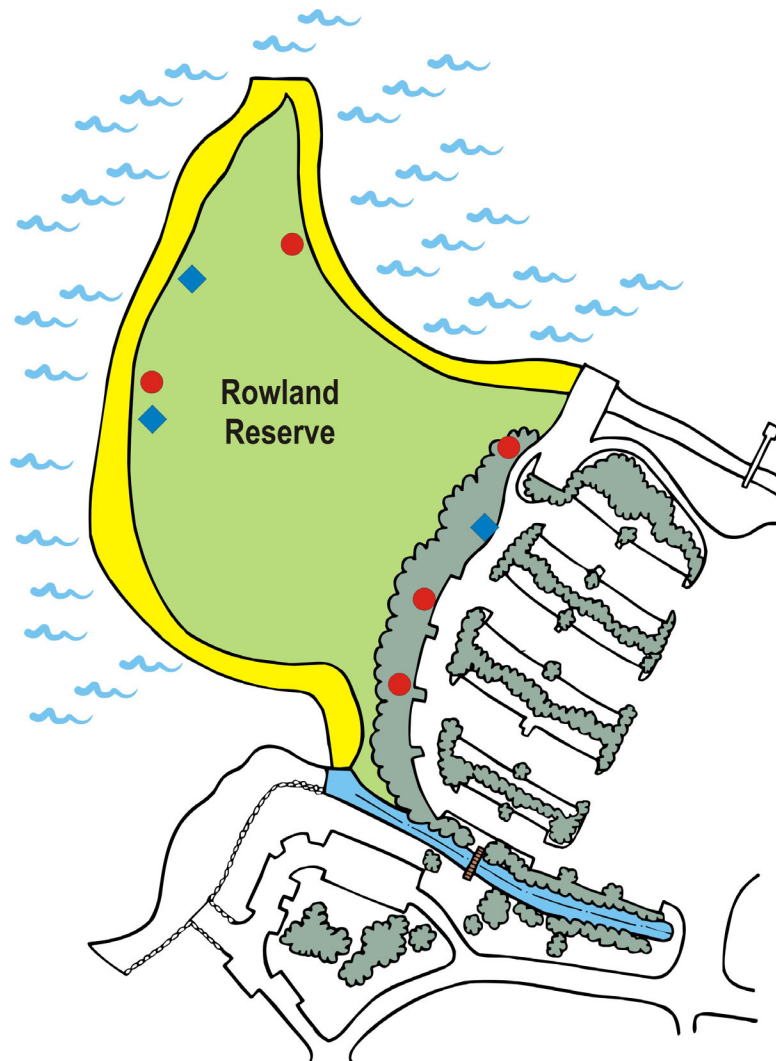


**Unleashed Dog Exercise Area**  
**Progress Park, Narrabeen (water access to Mullet Creek)**



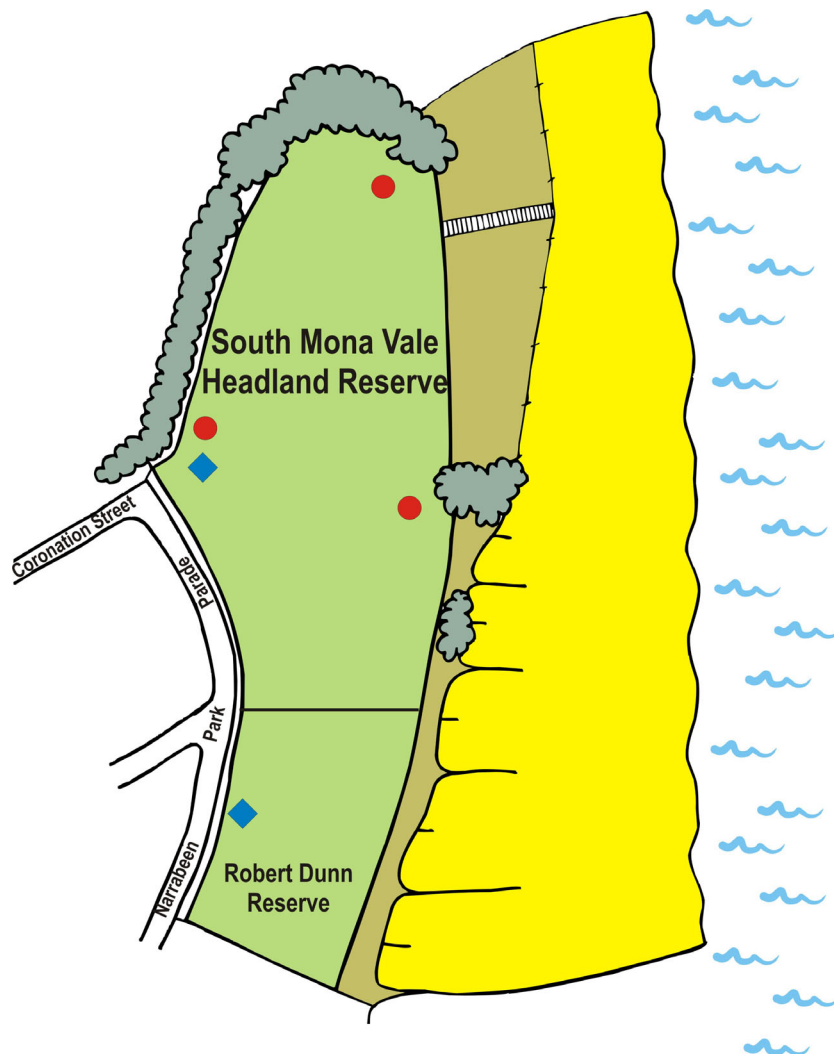
## Unleashed Dog Exercise Area

**Rowland Reserve, Bayview**  
(north of boat launching area carpark  
and including the adjacent tidal sand flats).



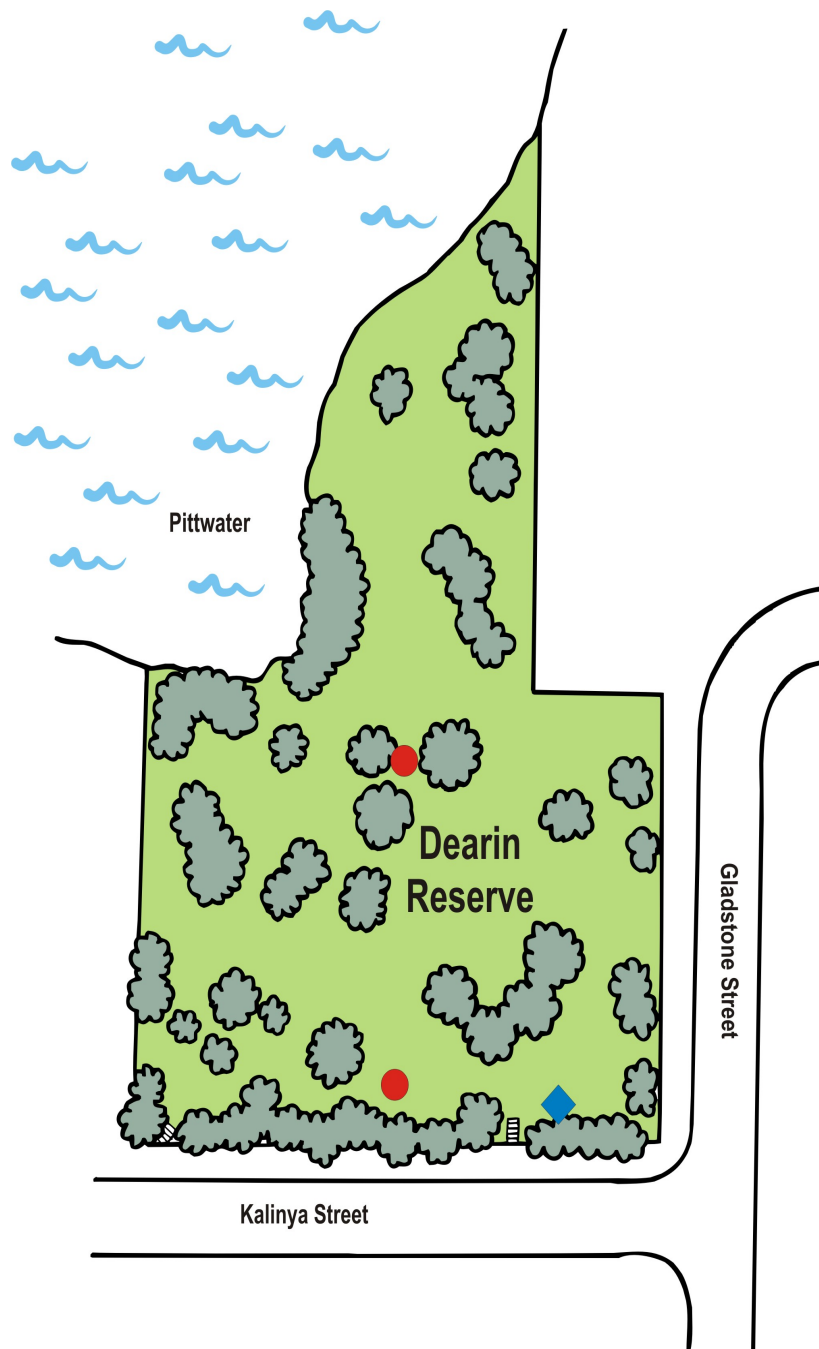
## Unleashed Dog Exercise Area

**South Mona Vale Headland Reserve**  
(area east of Narrabeen Park Parade/  
Coronation Street junction)



## Unleashed Dog Exercise Area

### Dearin Reserve, Newport





## MACKEREL BEACH UNLEASHED DOG AREA MAP



<b>Council Policy – No 37</b>  <b>Version:</b>	<b>Adopted:</b>	<b>8.8.2005</b>
	<b>Amended</b>	

<b>TITLE:</b>	<b>Amusement Devices</b>
<b>STRATEGY:</b>	<b>Risk Management Coordination Recreation Management</b>
<b>BUSINESS UNIT:</b>	<b>Reserves, Recreation &amp; Building Services</b>
<b>RELEVANT LEGISLATION:</b>	<b>Occupational Health &amp; Safety Regulation (2001) Workcover Authority of NSW</b>
<b>RELATED POLICIES:</b>	<b>None</b>

---

### **Objective**

To ensure that any amusement devices that are erected on Council owned land complies with Occupational Health & Safety Regulation (2001) and Work Cover requirements.

### **Policy Statement**

#### **AMUSEMENT DEVICES**

- 1) a) All amusement devices proposed to be used must be registered and approved under the Occupational Health & Safety Regulation (2001) and registered by the Work Cover Authority of NSW.

Where it is determined by Council that the surface where the device is to be erected may be unstable the ground shall be inspected and approved for stability by a qualified Structural Engineer prior to and following erection of the device.

A copy of the inspection report must be forwarded to Council prior to operating the device. All costs relating to the inspection are the responsibility of the applicant.

- b) The relevant certificates issued by the Work Cover Authority of NSW under the Occupational Health & Safety Regulation (2001), are to be forwarded to Council's Reserves & Recreation Business Unit at the time of application for use of an area.
  - c) Provide evidence of current up to date service log books upon request.
- 2) a) The owner of an amusement device will be required to produce written evidence of a current Public Liability Policy with a minimum cover of \$20,000,000 or an amount as determined by Council to be held with an acceptable insurance company. Pittwater Council is to be noted as an interested party. The Policy is to cover against damages for death or personal injury arising out of:
    - i) the operation or use of the device and/or stand; and
    - ii) any total or partial failure or collapse of the device and/or stand against that liability.

- b) A copy of the aforementioned insurance policy must be produced at the time of application for use of an area. Failure to comply will result in the amusement device and/or public stand not being permitted to operate.
- 3) No amusement devices are to be erected without prior application to Council and written approval being sought and obtained.

<b>Council Policy – No 43</b>	<b>Adopted:</b>	<b>OM: 3.3.97</b>
	<b>Amended:</b>	<b>10.04.00, OM 14.02.05</b>

**TITLE:** **Clothing Recycling Bins on Council Controlled Land - control and regulation**

**STRATEGY:** **Building Communities  
Recreational Management**

**BUSINESS UNIT:** **Reserves, Recreation & Building services**

**RELEVANT LEGISLATION:** **None**

**RELATED POLICIES:** **None**

### **Objective**

To control and regulate the placement and management of clothing recycling bins on Council controlled land so as to obviate nuisance, minimise the environmental impact and effectively manage safety and public risk.

### **Policy Statement**

That Council support the clothing appeals of registered charities who agree to comply with a Code of Conduct equivalent to that of the National Association of Charitable Recycling Organisations (NACRO) by permitting the placement of appropriate numbers of their clothing recycling bins on suitable Council controlled sites.

- (a) Prior to the installation of each clothing bin within the Pittwater local government area on Council controlled land, the organisation concerned apply for and if approved be granted permission by Council for the location(s) of each bin on an annual basis and be required to enter a license agreement on conditions set by Council, for a nominal fee as set by Council from time to time. Any application should include an acceptable plan indicating the proposed location of the bin.
- (b) Only registered charitable organisations that agree to comply with a Code of Conduct equivalent to the NACRO Code and who also agree to comply with the Best Practice Guidelines for Charitable Organisations (prepared by the NSW Department of Gaming and Racing) and who directly collect, sort and sell the clothing, shall be permitted to have clothing bins located on Council owned or controlled lands.
- (c) Clothing bins be permitted on Council controlled land at the discretion of Council and be subject to amenity and environmental considerations. Bins will be prohibited where there is an unreasonable impact on the aesthetics and amenity of a site or where undue obstruction is caused.
- (d) Council shall determine the number of bins which may be located within any given area. (As a general rule, 1 bin only per 1000m<sup>2</sup> site area.)
- (e) Bins should be readily accessible and are not to be located in carspaces and manoeuvring areas, nor in such a way that contravenes any condition of development consent applicable to the site.



- (f) The charity must clear the bin regularly and ensure that the bin and its immediate surroundings are kept in a neat and tidy condition.
- (g) A register of all clothing bins on Council controlled land and their locations be kept by Council.
- (h) The applicant must nominate a contact person (including mobile phone number) who has the control of locating and servicing their bins.
- (i) Bins must be signwritten with the name, address, and telephone number of the charity controlling the bin as well as any information required to be displayed under Section 19 of the Charitable Fundraising Act 1991 or recommended by the Best Practice Guidelines for Charitable Organisations prepared by the Department of Gaming and Racing.
- (j) Where bins are placed on Council controlled land, the charity responsible is to provide proof of their public liability insurance with a minimum indemnity of \$10 million noting Pittwater Council for respective rights and interests on the same.
- (k) Council's staff regularly monitor compliance with the conditions and undertake a performance review at least 40 days prior to the end of each license term with a view to recommending renewal or termination.

<b>Council Policy – No 52</b>	<b>Adopted:</b>	<b>OM: 2.3.98</b>
	<b>Amended:</b>	

<b>TITLE:</b>	<b>Surf Life Saving Movement</b>
<b>STRATEGY:</b>	<b>Beach &amp; Coastal Recreation Management</b>
<b>BUSINESS UNIT:</b>	<b>Reserves, Recreation and Building Services</b>
<b>RELEVANT LEGISLATION:</b>	<b>None</b>
<b>RELATED POLICIES:</b>	<b>None</b>

---

### **Objective**

To support the development and maintenance of a voluntary Surf Life Saving Service and junior training and development program in Pittwater.

### **Policy Statement**

#### **1. Surf Clubs Buildings**

That the following minimum standards apply for Surf Club buildings:-

- (a) Room for equipment and gear of lifeguards/lifesavers.
- (b) Female and male public dressing rooms with toilet facilities
- (c) Locker room and internal showers for club use
- (d) Ambulance or casualty room
- (e) Boat and gear room

#### **2. Surf Club activities/administrative arrangements.**

That the following primary activities/administration apply:-

- (a) Patrols to be structured to a standard set by the Surf Life Saving Association of Australia's National Council, to be fostered by Surf Clubs, so that all surf beaches in Pittwater are satisfactorily patrolled on weekends and public holidays between September and March.
- (b) Council, will deal with surf life saving matters directly with the Surf Life Saving Sydney Northern Beaches Branch of the Surf Life Saving Association of Australia.
- (c) Surf Clubs will provide access to relevant premises and equipment in order for Council's nominated professional lifeguard service to undertake their contractual obligations with Council in providing an effective weekday lifeguard service on Council's nominated beaches.
- (d) Amplifiers are not be used other than as is necessary for the functioning of Surf Club activities.
- (f) Surf Clubs will operate in accordance with their Lease of premises from Council for the use and occupation of buildings and refer in particular to obligations of landlord and tenant.
- (h) Identify if individual Surf Club premises are erected partly on Crown Land (Minister for Land & Water Conservation must consent to Lease) and determine whether special restrictions or procedures apply.

- (i) Refer to Council's Annual performance requirements of Surf Clubs in relation to:-

Use of premises by community groups  
Beach patrol and surf rescue  
Youth training and development

3. Identifying Surf Life Saving/Public Buildings on Beach Reserves

The name of the whole building shall be (beach name) Beach Surf Life Saving Club, with other words, equal in size, placed underneath:

*"Pittwater Council Community Facility"* and that any other users be identified in smaller lettering if appropriate.

<b>Council Policy – No 76</b>	<b>Adopted:</b>	<b>OM.3.3.97</b>
	<b>Amended:</b>	<b>18.7.11</b>

**TITLE:** **SCOTLAND ISLAND – EMERGENCY WATER PIPELINE & NON-POTABLE WATER SUPPLY**

**STRATEGY:** **Building Communities  
Water Management**

**BUSINESS UNIT:** **Urban Infrastructure**

**RELEVANT LEGISLATION:** **None**

**RELATED POLICIES:** **None**

### **Objective**

1. To specify the role of the Scotland Island Residents' Association (SIRA) and Sydney Water in the supply of non-potable water to Scotland Island
2. To specify Council's role which is limited to involvement in the supply of emergency water to Scotland Island
3. To ensure Council's costs are reimbursed on a user pays basis

### **Policy Statement**

1. The primary agreement for the supply of non-potable water to Scotland Island is between the Scotland Island Residents' Association (SIRA) and Sydney Water. Through this primary agreement SIRA shall:
  - ensure that the agreement with Sydney Water is valid and up to date
  - ensure that the non-potable water is only supplied on that basis, is clearly sign posted for that purpose, is only used in the manner and for the specific purposes as specified under that agreement, there is an education program to highlight this restricted use along with regular monitoring
  - ensure that secondary water supply lines that distribute the non-potable water supply are well maintained to the required standards as per Sydney Water specifications
  - nominate a person(s), being a resident(s) member of SIRA to be the authorised person(s) to issue water from the standpipe to residents of Scotland Island
  - charge users for the supply of the non-potable water at a rate that covers the reasonable costs involved including a 20% service commission and maintenance of the SIRA non-potable water supply network
  - reimburse Pittwater Council as per invoice for the full cost of water used as per account issued by Sydney Water to Council
  - keep appropriate non-potable water supply and accounting records in a form that can be readily audited
  - keep relevant insurance policies up to date

2. Separate to this agreement, Pittwater Council's involvement will be limited to the following:
- keep its existing submarine emergency water supply pipeline from Church Point Reserve to Scotland Island along with associated meters and standpipes in good repair and to required standards (including checking and monitoring for leaks) utilising funds held in Trust by Council for this purpose derived from SIRA through user pays arrangement. It should be noted that this Trust fund is not for a pipeline replacement and should this be required it will need to be separately funded on a user pays basis
  - invoice SIRA as per Sydney Water accounts
  - continue to lobby Sydney Water to seek the provision of a mains water supply and associated sewerage system for Scotland Island
  - ensure that funds held in Trust are only used for the specified purpose and are subject to audit process.

<b>Council Policy – No 84</b>	<b>Adopted:</b>	<b>OM 03.03.97</b>
	<b>Amended:</b>	<b>OM 14.02.05</b>

**TITLE:** Temporary Storage on Council Land

**STRATEGY:** Recreational Management  
Land Use & Development

**BUSINESS UNIT:** Reserves, Recreation and Building Services

**RELEVANT LEGISLATION:** None

**RELATED POLICIES:** None

---

### **Objective**

To regulate the temporary storage of building materials, plant or equipment or soil on Council reserves.

### **Policy Statement**

The occupation of a portion of a Council reserve for temporary storage of building materials, plant or equipment or soil, may be permitted subject to the following conditions being met:

1. All applications to be made in writing in advance of the intended use and accompanied by a plan indicating the location and dimensions of the proposed temporary storage.
2. Lodgement of a bond as determined by Council from time to time, to ensure satisfactory restoration of the area following completion of the temporary storage. The bond may be waived in the case of a public utility authority.
3. No structures or fencing to be erected on the site without prior approval from Council.
4. The proposed duration of temporary occupation to be a maximum time of one (1) month.
5. Applicant to restore the area on completion of the occupation of the site. Grass surfaces to be restored using a species of turf as determined by Council's Reserves Manager (or his delegate), watered and maintained until established to the satisfaction of the Reserves Manager.
6. All trees on the site to be protected where necessary by the erection of suitable tree guards.
7. Payment in advance of a fee per square metre of reserve per week as determined by Council from time to time and contained within the fees and charges schedule within Council's adopted Delivery Plan.
8. Applicant to make satisfactory arrangement for sanitary and garbage services, where applicable.
9. Applicant to arrange for an approved public risk policy endorsed to indemnify the Council for a minimum of \$20 million.

<b>Council Policy – No 88</b>	<b>Adopted:</b>	<b>OM.11.09.00</b>
	<b>Amended:</b>	<b>OM 09.04.01, OM14.05.01 OM12.07.04, OM 09.10.2006</b>

<b>TITLE:</b>	<b>Beach and Rockpool Management</b>
<b>STRATEGY:</b>	<b>Beach &amp; Coastal Recreation Management</b>
<b>BUSINESS UNIT:</b>	<b>Reserves, Recreation &amp; Building Services</b>
<b>RELEVANT LEGISLATION:</b>	<b>Local Government Act, Workcover Authority of NSW</b>
<b>RELATED POLICIES:</b>	<b>None</b>

### **Objective**

To provide guidelines for the structured use of Council beaches, beach reserves and rockpools within the Pittwater LGA giving due consideration to the impact on the regular users of the areas.

### **Policy Statement**

#### **1. Beach and Beach Reserves**

Council will permit approved operators to occupy Council's beaches/ beach reserves and rockpools in accordance with adopted Plans of Management and statutory requirements, subject to permits/ licence agreements.

Charity organisations may be exempt from fees and charges at the discretion of the Council's General Manager upon application and subject to written evidence being provided by the Charity being represented.

#### **2. Beach Rockpools and Baths**

- (a) Groups wishing to use beach rockpools and baths must book in advance in accordance with Council's reserves booking practice, and pay a fee as determined by Council from time to time and contained within the fees and charges schedule within Council's adopted Delivery Plan.
- (b) An area must always be made available to the general public.
- (c) Bookings will not take precedence over the cleaning timetable.
- (d) All organisations wishing to use Council rockpools and beaches must have approved water safety plans in place that are approved by Council.

### **3. Regulations for the use of Public Bathing Reserves within Pittwater**

- (a) Interpretation for the purpose of these regulations, the word “surfcraft” shall mean any surfboard, surf ski, canoe, surf boat, hand board or belly board, stand up paddleboard and foam board with fin, wind surfer or sailboard.
- (b) No portion of a public bathing reserve shall be used for surf shooting or surf riding by means of a surfcraft where such portion is to the seaward of, and immediately opposite to, that portion of the beach thereof bounded on the north and the south by prohibiting red, white and black marker discs (Surf craft prohibition sign); such red, white and black marker discs shall be set up and moved from time to time by and at the discretion of a Lifeguard/Lifesaver in charge of life saving operations on the public bathing reserve and no other person shall interfere with any such marker sign or flag.

The wording on the “red, white or black marker” discs shall be “SURFCRAFT PROHIBITED”, with a painted arrow pointing in the direction of the prohibited area.

- (c) Shark spotting or rescue patrol work performed by any surf club member or Lifeguard/Lifesaver shall not be subject to the prohibitions contained in these regulations.

### **4. Beach Usage Fees**

- (a) Contests held on beaches (non-Surf Life Saving Association)

Exclusive use of a beach or portion thereof which, in the opinion of a lifeguard requires the provision of a lifeguard service to oversee the event, the fee shall be:-

- (i) a suitable bond as determined having regard to the likely cleaning costs
- (ii) a minimum charge per day as fixed by Council.

Application is to be made a minimum of 28 days in advance, on the prescribed application form, including Certificates of Currency indemnifying Council for Public Liability, Professional Indemnity insurance and Workers Compensation Insurance of an amount as determined by Council from time to time.

The cost of employing a professional lifeguard and arrangements for attendance shall be the responsibility of the event organiser and details must be provided to Council 28 days in advance of the proposed event.

- (b) Surf Life Saving Association Contestants

Applications are to be made a minimum of 28 days in advance, on the prescribed application form including Certificates of Currency, indemnifying Council for Public Liability and Professional Indemnity insurance of an amount as determined by Council from time to time.

- (c) Promotions on Beaches and Beach Reserves

Promotions by profit making organisations will be charged a minimum fee per day as fixed by Council or part thereof of a fee as determined by Council from time to time and contained within the fees and charges schedule within Council's adopted Delivery Plan for the use of any beach or beach reserve, with a bond and Public Liability insurance, Professional Indemnity and Workers Compensation Insurance of an amount as determined by Council from time to time.



Applications are to be made a minimum of 28 days in advance on the prescribed application form.

- (d) Australian Defence Forces A minimum fee per day as fixed by Council shall apply for beach exercises, training, etc. A bond as determined by Council from time to time is required. Applications are to be made in writing a minimum of 28 days in advance. Certificates of Currency, indemnifying Council for Public Liability and Professional Indemnity insurance of an amount as determined by Council from time to time.

- (e) Other

Applications for beach usage where participants are charged a fee by the organising body will be charged a fee per day or part thereof, plus a bond.

Applications are to be made a minimum of 28 days in advance, on the prescribed application form including Certificates of Currency indemnifying Council for Public Liability and Professional Indemnity Insurance of an amount as determined by Council from time to time.

## **5. Management of Commercial Activities on Beach Reserves**

Commercial activities will only be permitted if authorised under the existing Plan of Management for the specified area.

### **a) Commercial Filming**

Council charges a fee for the use of Council's beaches and reserves by commercial filming companies as set out in Council's Delivery Plan.

### **b) Corporate Functions**

Applications for Corporate Functions will be considered on their merit and in some cases a report may need to be submitted to Council for determination given consideration to impact, noise, size of event etc.

Applications for Corporate Functions must be submitted to Council 4 months prior to event to allow for community consultation, comments from other departments of Council and assessment.

Council may accept late applications subject to late application fees being charged. Late applications may be refused where it is considered that there is insufficient time available for adequate public consultation.

Event organisers are required to hold a \$20 million Public Liability Insurance Policy and will be required to submit evidence of such prior to the event.

Events will be subject to security bonds and fees as adopted by Council in the Delivery Plan. Such fees may include supervision of event, noise monitoring, cleansing, inspection fees and other fees associated with the event as deemed appropriate by Council.

Event organisers are required to adhere to conditions from the Council's Environmental Health Officer with regards to food preparation etc and cleansing requirements.

A deposit fee will be required on reservation of the location for the event.

The Organiser is required to adhere to conditions as set out in the approval letter once the event has been approved by Council.

### **c) Powerboat Racing**

That all powerboat racing events are only permitted during the period 1 May to 31 August each year at a beach that is deemed appropriate by Council.

### **d) Fireworks**

A fireworks permit must be obtained from the Workcover Authority of NSW and copy of same submitted to Council.

Approval is required from the local Fire Brigade.

The area is required to be cordoned off from the general public who must be located an appropriate distance away.

Fireworks must not cross over or burst above spectators.

Approval is subject to any regulatory changes as advised to Council by the Workcover Authority of NSW.

Public Liability Insurance Cover is required to a minimum of \$20 million.

Security bond and fees as adopted by Council in the Delivery Plan are required.

### **e) Surf Contests**

(Excluding Surf Life Saving Sydney Northern Beaches Branch sanctioned events) including paddling events, 20 Beaches Ocean Classic, biathlons, triathlons.

Applications for ocean events are required to be lodged at least 6 months in advance for assessment. These events may be required to be submitted to the Department of Land and Water Conservation for their consideration and approval and may be required to be submitted to the full Council for their consideration.

In the instance of biathlons and triathlons where the running leg of the event involves road closures or road running etc the organiser is required to lodge a Traffic Management Plan to the Council's Traffic Committee for their consideration at least 4 months prior to event.

Ocean events are subject to approval from the Waterways Authority of NSW and an Aquatic Licence is required to be lodged with Council prior to event.

Liaison with the beach patrol on duty on the day of event is required as to appropriate entry and exit locations.

Liaison with Council's contracted Lifeguard Service is required if the event falls during the services patrol hours and/or days. Supervision by Council's contract Lifeguard Service may be required at a cost to the event organiser.

Exclusive use of the beach area is not permitted and as such non participants are not to be excluded from the area being used.

Public Liability Insurance of a minimum of \$20 million is required and evidence provided to Council prior to event.

Security bond and fees will be payable as determined by Council from time to time and contained within the fees and charges schedule within Council's adopted Delivery Plan.

## **6. Beach Compliance**

Persons ignoring the direction of a lifeguard will be dealt with under the relevant clauses of the Local Government Act, 1993.

## **7. Charges relating to the release of Impounded Equipment**

A recovery fee as fixed by Council will be charged for any impounded article.

## **8. Vehicles/Quad Bikes/All Terrain Vehicles on Beach Reserves**

All vehicles on beach reserves are prohibited except with the express approval of the Council and with the exception of the following cases:

- (a) Emergency vehicles in the performance of their duties.
- (b) Authorised maintenance and construction machinery.
- (c) *Quad Bikes/All Terrain Vehicles on Beach Reserves*
  - (i) All vehicles must be driven by financial members of Surf Lifesaving that are 18 years and older and the holder of at the minimum P2 (Green) Licence, and must be tested for Competency for operation of a quad bike / all terrain vehicles by SLSA and SLSS.
  - (ii) The names of all newly qualified operators must be supplied to Council prior to each swimming season.
  - (iii) All vehicles must carry the wording "Surf Rescue" or Lifeguard".
  - (iv) All vehicles whilst towing rescue vessels, rescue equipment or patrolling the beach must not travel more than 20kph on the beach or reserve area with exception of emergency situations.
  - (v) 4WD vehicles must be registered and in good condition.
  - (vi) 2/4WD Motor bikes must apply for an "Application for Unregistered Vehicle Permit" from the RTA. Copies to be supplied to Council.
  - (vii) Permission to operate such vehicles must be in accordance with the relevant ordinances of the local Council authority and the RTA.
  - (viii) All vehicles must be left immobilised when left unattended.
  - (ix) An accurate log book be kept detailing all vehicle movements and driver details, with the clubs nominating a driver for each patrol. It will be the nominated driver's responsibility for the upkeep of the vehicle and log book. The log is to be available for inspection by Council officers.
  - (x) Surf Clubs to advise Council of location of storage of Quad Bikes prior to approval being granted
  - (xi) All 4WD motor vehicles are to be fitted with a flashing light and headlights are to be illuminated.

(xii) Other equipment to be carried:

4WD Vehicles	2x4WD <u>Motor Bikes</u>
Radio	Radio
Rescue Tube	Rescue Tube
Swim flippers	Swim flippers
Rescue Board	Pocket mask
A portable first aid kit	
Oxygen Resuscitator	

(d) *North Palm Beach*

North Palm Beach SLSC shall be granted continued approval to use a 4WD vehicle on North Palm Beach for the purpose of roving patrols and assisting in distance beach rescues, subject to the following conditions:-

- (i) Council may terminate such use at any time.
- (ii) The vehicle is to be used for the transportation of life savers and rescue equipment to effect rescues within the patrolling area defined as Barrenjoey Headland to Black Rock. The vehicle is to be used only during patrol hours unless directed otherwise by Warringah Surf Rescue and must be stationed adjacent to the patrol enclosure when on standby. Under no circumstances is the vehicle to be used for any other activities.
- (iii) The vehicle must be clearly marked as a rescue unit and utmost care in the use of vehicle is to be observed at all times.
- (iv) As much as possible, the vehicle should proceed along the high water mark of the beach with flashing lights on at all times. A siren is to be used when effecting a rescue or when the warning of beach users is required. The patrol captain is responsible for directing the use of the vehicle.
- (v) All drivers must hold a current NSW drivers licence (Class P2 or above) and be endorsed by the Club. A copy of the drivers' names and licence numbers will be forwarded to Council's Reserves and Recreation Manager at the beginning of each season.
- (vi) A log book be kept detailing all vehicle movements and driver details. The log is to be available for inspection by Council officers.
- (vii) A copy of the Surf Club's public liability insurance policy and Surf Lifesaving Sydney Northern Beaches public liability insurance policy noting the interest of Pittwater Council to a minimum value of \$20M is to be forwarded to Council prior to the commencement of each season.

<b>Council Policy – No 97</b>	<b>Adopted:</b>	<b>OM.3.3.97</b>
	<b>Amended:</b>	

<b>TITLE:</b>	<b>Public Collections/Appeals</b>
<b>STRATEGY:</b>	<b>Building Communities Town &amp; Village</b>
<b>BUSINESS UNIT:</b>	<b>Reserves, Recreation &amp; Building Services</b>
<b>RELEVANT LEGISLATION:</b>	<b>Local Government Act 1993, Roads Act 1993</b>
<b>RELATED POLICIES:</b>	<b>Policy 53 - Private Use of Road Reserves Part 4 Footpath Use in Commercial Centres</b>

### **Objective**

That pursuant to the Local Government Act, 1993, Council determines that the following restrictions and conditions shall apply to public collections: collections to include "soliciting or collecting in any public road or from house to house adjacent to any public road, gifts of money, or of subscriptions for any purpose". A permit must be obtained from the Council by any person or association which proposes to undertake collection within the Pittwater Area.

### **Policy Statement**

1. Only one "Door Knock Appeal" per year shall be permitted for each registered charity.
2. No action be taken by Council to limit or restrict payment to collectors by registered charities.
3. All applicants are to provide a letter of authority to fundraise from the organisation or charity on behalf of whom they are collecting.
4. Council will not approve "Traffic Light Appeals" due to safety issues.
5. That in the case of "Stalls in Commercial Centres", an applicant needs to lodge the appropriate application form which will be assessed under Council's Policy No. 53. Registered charities shall be restricted to a maximum of two stalls, each with a maximum of 4 days, in each commercial centre per month, providing that there must be two weeks between each booking. Bookings for charities and not for profit organisations can only be made in advance for each quarter.
6. That the General Manager or his nominee be given delegated authority to receive and determine applications lodged under this policy.
7. That where any person or association is found to be in breach of this policy, the following procedure shall apply:
  - (i) The person or association will be advised of the procedure for street stalls in which they need a permit prior to undertaking of the activity.
  - (ii) Failure to comply with any or all conditions of approval set by the Reserves and Recreation Officer may result in an infringement notice being issued.

<b>Council Policy – No 100</b>	<b>Adopted:</b>	<b>OM.3.3.97</b>
	<b>Amended:</b>	

<b>TITLE:</b>	<b>Circuses</b>
<b>STRATEGY:</b>	<b>Recreation Management</b>
<b>BUSINESS UNIT:</b>	<b>Reserves, Recreation and Building Services</b>
<b>RELEVANT LEGISLATION:</b>	<b>Workcover Authority</b>
<b>RELATED POLICIES:</b>	<b>Policy No 93 – Reserves, Sportsgrounds, Beaches and Headlands Booking Policy</b>

---

### **Objective**

To provide a clear direction in approving applications for circuses to operate within the Pittwater LGA.

### **Policy Statement**

1. Circuses that do not include exotic animals are encouraged to perform in Pittwater.
2. Circuses that include exotic animals are NOT permitted to operate in Pittwater.
3. That approval for use give due consideration to Council Policy No 93 – Reserves, Sportsgrounds, Beaches and Headlands Booking Policy – Clause 10.

<b>Council Policy – No 101</b>	<b>Adopted:</b>	<b>OM.23.8.99</b>
	<b>Amended:</b>	

**TITLE:** Tennis Liaison Committee

**STRATEGY:** Recreation Management

**BUSINESS UNIT:** Reserves, Recreation and Building Services

**RELEVANT LEGISLATION:** None

**RELATED POLICIES:** None

---

### **Objective**

1. To provide a means of liaising with representatives of Council's four tennis clubs regarding any matters relating to the tennis court complexes at Bayview, Careel Bay, Elanora and Mona Vale.
2. To minimise cost in maintaining Council owned tennis courts.

### **Policy Statement**

1. That this policy applies to matters related to the Council tennis courts at Bayview, Careel Bay, Elanora and Mona Vale.
2. That the Pittwater Tennis Liaison (PTL) Committee shall be established.
3. That the role of the PTL Committee shall be to conduct regular liaison with Council regarding any matters related to the four tennis court complexes.
4. That the structure of the PTL committee will be:
  - (a) Council's Reserves & Recreation Manager (or delegate).
  - (b) Two delegates representing the four Pittwater Tennis Clubs.
5. That the payment of 25% of court hiring, joining and membership fees be paid per annum into the Tennis Court Improvement Reserve as per lease requirements. A rebate of 15% of the lease payment will be paid to the clubs by Council upon the receipt of documentation substantiating youth development.
6. That the Tennis Liaison Committee will make recommendations to Council on the use and allocation of monies held as internally restricted investments for the purpose of Tennis Court Improvement Reserve.
7. That all monies paid to Council as lease fees for the four tennis court complexes be held as an internally restricted investment.
8. These funds will be used for the development, maintenance, refurbishment and embellishment of the four tennis court complexes. This includes tennis courts, surrounds and amenities of the complexes.

<b>Council Policy – No 102</b>	<b>Adopted:</b>	<b>OM.2.3.98</b>
	<b>Amended:</b>	

<b>TITLE:</b>	<b>Speed Restriction – Signs on Public Reserves and Carparks</b>
<b>STRATEGY:</b>	<b>Recreation Management</b>
<b>BUSINESS UNIT:</b>	<b>Reserves, Recreation and Building Services</b>
<b>RELEVANT LEGISLATION:</b>	<b>Local Government Act, 1993</b>
<b>RELATED POLICIES:</b>	<b>None</b>

---

### **Objective**

To regulate the speed of vehicles in public reserves and carparks.

### **Policy Statement**

That in order to regulate the speed of vehicles in public reserves and caparks a twenty (20) kilometres per hour speed limit be adopted in the carparking areas as per the Schedule, and that notices be erected on the subject areas under the provisions of Section 632 of the Local Government Act, 1993, requiring compliance with the above restriction.

### **Schedule of carparking areas speed restrictions.**

<b>Reserve</b>	<b>Location</b>
Bilarong Reserve	North Narrabeen
Deep Creek Reserve	North Narrabeen
North Narrabeen Rock Pool Car Park	North Narrabeen
Pittwater Rugby Park	North Narrabeen
Lake Park	North Narrabeen
Warriewood Beach	Warriewood
Mona Vale Beach	Mona Vale
Kitchener Park	Mona Vale
Winnererremy Bay	Mona Vale
McCarrs Creek Reserve Car Park	Church Point
Church Point Car Park	Church Point
Porter Reserve	Newport
Newport Beach Car Park	Newport Beach
Bilgola Beach Car Park	Bilgola
Avalon Beach Car Park	Avalon
Hitchcock Park	Avalon
Careel Bay Reserve	Avalon
Pittwater Park	Palm Beach
Governor Philip Reserve	Palm Beach



<b>Council Policy – No 118</b>	<b>Adopted:</b>	<b>OM: 2.6.97;</b>
	<b>Amended:</b>	<b>OM 5.7.99</b>

<b>TITLE:</b>	<b>Significant Tree Policy</b>
<b>STRATEGY:</b>	<b>Vegetation Biodiversity</b>
<b>BUSINESS UNIT:</b>	<b>Reserves, Recreation &amp; Building Services</b>
<b>RELEVANT LEGISLATION:</b>	<b>None</b>
<b>RELATED POLICIES:</b>	<b>None</b>

### **Objective**

To ensure that significant trees in the Pittwater LGA are protected on construction sites.

### **Policy Statement**

That a report from a suitably qualified Arborist be submitted to Council with tree applications or development applications that impact on significant trees.

Significant trees are described as:-

1. Local endemic trees
2. Habitat trees
3. Trees with historical/cultural significance.
4. large amenity trees with visual significance

### **Construction Sites:**

Prior to the commencement of works all tree protection recommendations in particular the establishment of the protection zone fencing as specified by the approved Arborist are to be inspected and certified by the approved Arborist as being in accordance with the specification of AS4970 Protection of trees on construction sites.

That in order to ensure that residents are aware of impending Council Decisions for the removal of significant trees on adjoining private properties - Council staff are to forward to the residents, a copy of the memorandum of notification that has been sent to Councillors together with a short covering letter.

<b>Council Policy – No 120</b>	<b>Adopted:</b>	<b>UE: 12.7.99</b>
	<b>Amended:</b>	<b>OM: 17.10.2005</b>

**TITLE:** Open Air Concerts

**STRATEGY:** Recreation Management  
Building Communities

**BUSINESS UNIT:** Reserves, Recreation & Building Services

**RELEVANT LEGISLATION:** Environmental Protection & Assessment Act

**RELATED POLICIES:** None

### **Objective**

To ensure that the amenity of surrounding residents is observed when approving open air concerts in the Pittwater LGA.

### **Policy Statement**

Open air concerts can only take place in reserves when it is an approved activity as nominated in the adopted Plan of Management for that area.

- 1) An open air concert that will have over 3,000 persons in attendance may be required to apply for Development Consent, depending on the relevant Plan of Management for the area.
- 2) Applications for open air concerts (where it is perceived that the event will have a significant effect on the surrounding amenity) must be reported to full Council for consideration.
- 3) Council Officers are to ensure that in giving any approval to hold an open air concert that appropriate conditions are placed on the concert's operator to require compliance with the Environmental Protection Authority's guidelines, and the promoter is to fund the attendance for the duration of the concert of a suitably qualified person (agreed to by Council) to measure noise levels and certify compliance with appropriate regulations.
- 4) Any approval stipulates the hours of operation of the concert.
- 5) The promoter must provide a contact telephone number to all notified residents as a contact point in the event of complaints.
- 6) The promoter or his agent must ensure that they are contactable by telephone at all times for the duration of the event.
- 7) Promoters are to ensure that abusive and offensive language in amplified music and over the microphone is not tolerated.

<b>Council Policy – No 129</b>	<b>Adopted:</b>	<b>OM: 1.11.99</b>
	<b>Amended:</b>	

<b>TITLE:</b>	<b>Signs – Council Facilities</b>
<b>STRATEGY:</b>	<b>Recreation Management Risk Management Co-ordination Building Communities</b>
<b>BUSINESS UNIT:</b>	<b>Reserves, Recreation &amp; Building Services</b>
<b>RELEVANT LEGISLATION:</b>	<b>None</b>
<b>RELATED POLICIES:</b>	<b>Signs as Remote Supervision – Best Practice Manual.</b>

### **Objective**

- To provide a mechanism for determining appropriate signage at Council's facilities
- To bring any foreseeable risk to the attention of the users of Council's facilities
- To satisfy the Council's Duty of Care and minimise its exposure to public liability insurance claims

### **Policy Statement**

That “Signs as Remote Supervision – Best Practice Manual” dated January 1999 and the Standards contained therein, as amended from time to time, form the basis of signage for all Council facilities.

That all signage erected on any Council reserve or building be in accordance with Council's Corporate branding procedures.

<b>Council Policy – No 154</b>	<b>Adopted:</b>	<b>08.12.03</b>
	<b>Amended:</b>	<b>17.03.08</b>

**TITLE:** **Smoke Free Zones around Pittwater**

**STRATEGY:** **Recreation Management  
Building Communities**

**BUSINESS UNIT:** **Reserves, Recreation & Building Services**

**RELEVANT LEGISLATION:** **None**

**RELATED POLICIES:** **None**

---

### **Objective**

- Improve the health of community members;
- Improve the public amenity and maintenance of Council property;
- Raise community awareness of the issues associated with smoking;
- Provide community leadership in taking measures to protect the health and social wellbeing of the community;
- Minimise cigarette butt pollution on Council owned beaches, waterways, parks and other open space areas.

### **Policy Statement**

This policy recognises that Council has:

- An obligation to promote public health outcomes where Council provides assets and services intended to be of benefit to children and other members of the community.
- A commitment to improve the natural environment and the amenity of the local area by reducing and hopefully eliminating the amount of cigarette butt litter found in outdoor spaces.
- An understanding that the damaging effects of passive smoking while well documented in regard to indoor areas, is also beginning to emerge in regard to outdoor areas; and
- An acknowledgement that the indirect effects of people smoking in an outdoor area can result in children playing with and swallowing discarded cigarette butts; cigarette-derived particles accumulating on clothing and skin; and smoking causing sensory irritations such as eye watering, coughing, difficulty in breathing or asthma.

## **SMOKE FREE AREAS**

1. That Council bans smoking in the following areas on Council owned or managed land:
  - (i) In all alfresco dining areas. Note: Current leases/licences will not be covered by this policy until such time as the lease or licence with Council is renewed however in the interim they will be encouraged to voluntarily comply with this policy.
  - (ii) In all Council owned buildings. Note: Current leases/licences will not be covered by this policy until such time as the lease or licence with Council is renewed however in the interim they will be encouraged to voluntarily comply with this policy.
  - (iii) Within ten (10) metres of all children's playground equipment;
2. That Council encourages the community not to smoke in the following areas on Council owned or managed land:
  - (i) On all playing fields, sporting grounds and sporting facilities;
  - (ii) on all beaches and ocean/tidal pools;
  - (iii) at bus stops and taxi ranks;
  - (iv) at wharves and shelter sheds;
  - (v) on footpath areas in shopping centres
  - (vi) in bushland, headland and wetland reserves.

<b>Council Policy – No 163</b>  <b>Version: 2</b>	<b>Adopted:</b>	<b>OM: 17.10 2005</b>
	<b>Amended</b>	<b>19.7.2010</b>

<b>TITLE:</b>	<b>Banners on Public Land</b>
<b>STRATEGY:</b>	<b>Recreation Management Building Communities</b>
<b>BUSINESS UNIT:</b>	<b>Reserves, Recreation &amp; Building Services</b>
<b>RELEVANT LEGISLATION:</b>	<b>None</b>
<b>RELATED POLICIES:</b>	<b>None</b>

### **Objective**

To effectively manage the installation of temporary banners promoting community events and/or services within the Pittwater area.

### **Policy Statement**

Council has specific **areas** designated for the purpose of temporary advertising banners for the promotion of community events. These locations are;

- ♦ Avalon – Barrenjoey Road (adjacent to the entrance to Avalon Beach Surf Club)
  - ♦ Newport – Barrenjoey Road (eastern side at the Neptune Street intersection)
  - ♦ Newport – Barrenjoey Road (eastern side between Beaconsfield Street & Karloo Pde)
  - ♦ Mona Vale – Pittwater Road (eastern side at the Mona Vale Road intersection, Kitchener Park)
  - ♦ Mona Vale – Cnr Barrenjoey and Pittwater Road (Village Park)
  - ♦ North Narrabeen – Pittwater Road (eastern side at the Wakehurst Parkway intersection, Pat Hynes Reserve)
  - ♦ Warriewood – Pittwater Road (eastern side adjacent to Pittwater Rugby Park & North Narrabeen Reserve) – See Item 12 of Terms & Conditions for Special Conditions at this location
  - ♦ Warriewood – Pittwater Road (eastern side of Boondah Reserve) - See Item 12 of Terms & Conditions for Special Conditions at this location.
  - ♦ Warriewood – Warriewood Valley Sports Ground, Jackson Road frontage
- In addition sporting clubs that are allocated by Council a sporting ground may, with the approval of Council, erect temporary banners at their designated home ground 30 days prior to the commencement of registration days to promote their clubs.
  - An Application form for the erection of temporary banners must be completed and lodged with Council for consideration.
  - Sporting clubs requesting approval for the erection of a temporary banner at their designated home ground/s must complete and lodge an “Application for Temporary Banner Pittwater LGA sporting Group” form.

Terms and Conditions for temporary banners are as follows:

1. Maximum size of a banner must not exceed 4.0m x 1.5m. Variations to the size may only be approved subject to the General Managers approval.
2. Fees for the erection of banners will be charged as per Council's fees & charges, except where point 12 (Terms of Temporary Banners) applies, and as amended from time to time. Sporting clubs are exempt from fees during the display period of 30 days prior to their registration day at their Council designated home ground only.
3. Banners must be affixed by rope and maintained in a proper manner
4. Banner can only be displayed for a maximum of 21 days prior to the event except for sporting clubs at sports grounds who may display 30 days prior to registration day.
5. Recognition of commercial sponsors name must not be more than 20% of the banner.
6. Banners must be removed within 48 hours following the event. Council may impound banners that are not removed and release them for a fee.
7. Approvals will only be granted to bona fide community organisations or community events that provide support to the Pittwater Community.
8. Applications for temporary banners from commercial operators advertising commercial activities will only be accepted where the event is perceived to be of benefit to the Pittwater Community.
9. Approval will only be granted to bona fide community organisations or commercial operators advertising community events such as New Years Eve Fireworks and/or fundraising/community events where proof of money raised and donated to charity is provided to Council.
10. Council will not accept applications that involve advertising of tobacco products, alcoholic beverages or other addictive drugs or violent themes. Advertising is to be restricted to no more than 20% of the banner space and subject to the approval of the General Manager.
11. Any banners erected without the express consent of Council will be impounded immediately and released for a fee.
12. At the following Temporary Banner Locations:-
  - Warriewood – Pittwater Road (eastern side adjacent to Pittwater Rugby Park & North Narrabeen Reserve)
  - Warriewood – Pittwater Road (eastern side of Boondah Reserve)
- 12.1 Temporary banners promoting and/or advertising community events and/or services at Pittwater Rugby Park, North Narrabeen Reserve and Boondah Reserve only, are permitted at these locations:
- 12.2 Applications for these locations are to be lodged by Council Staff responsible for the booking and management of events at these locations. These applications are subject to point 4 (Conditions of Temporary Banners).
- 12.3 Applications lodged by Council Staff for these locations are not subject to application fees.

- 12.4 Limit for the number of banners permitted at these locations at any one time, are as follows:
- 3 banners Warriewood – Pittwater Road (eastern side adjacent to Pittwater Rugby Park & North Narrabeen Reserve)
  - 3 banners Warriewood – Pittwater Road (eastern side of Boondah Reserve)
13. Council organised/supported events & sporting events at Pittwater Rugby Park which are to be advertised at other locations, require an Application Form to be lodged by the relevant Council Officer. Applications lodged by Council Staff for these locations are not subject to application fees.
14. Limits for the number of banners permitted at each location at any one time, are as follows:
- 3 banners - Avalon – Barrenjoey Road (adjacent to the entrance to Avalon Beach Surf Club)
- 3 banners Newport – Barrenjoey Road (eastern side at the Neptune Street intersection)
- 3 banners Newport – Barrenjoey Road (eastern side between Beaconsfield Street & Karloo Pde)
- 6 banners Mona Vale – Pittwater Road (eastern side at the Mona Vale Road intersection, Kitchener Park)
- 6 banners Mona Vale – Cnr Barrenjoey and Pittwater Road (Village Park)
- 6 banners North Narrabeen – Pittwater Road (eastern side at the Wakehurst Parkway intersection, Pat Hynes Reserve)
- 3 banners Warriewood – Warriewood Valley Sports Ground, Jackson Road frontage
15. An Organisation or Council organised event are only permitted to have 3 approved banners displayed in the Pittwater Council Area at any one time.



**New and/or Amalgamated Policies to be subject of further report(s) to Council**

<b>New Policy</b>	<b>Strategy</b>	<b>Reason</b>
Tree Policy on Public Land	<ul style="list-style-type: none"> <li>• Vegetation Management</li> <li>• Biodiversity</li> </ul>	Tree Policy on Public Land currently being developed
Incorporates the following Policies that will be retained as interim without amendment until new policy is adopted		
<b>• Policy No 89 – Dieback of Trees – Awareness &amp; Prevention Program</b>		

<b>New Policy</b>	<b>Strategy</b>	<b>Reason</b>
Trees (Disputes Between Neighbours) Act 2006 – Enforcement of Judgement and Orders of the Land & Environment Court	<ul style="list-style-type: none"> <li>• Vegetation Management</li> </ul>	<p>To state Council's response to requests from a member of the public seeking Council's enforcement of Orders issued by the Land &amp; Environment Court.</p> <p>Note: Council has no statutory requirement to act</p>

<b>New Policy</b>	<b>Strategy</b>	<b>Reason</b>
Pittwater Procurement Policy	<ul style="list-style-type: none"> <li>• Business Management</li> <li>• Asset Management</li> </ul>	The Pittwater Procurement Policy and Guidelines are currently being developed to cover the total range of activities for procurement and disposal. These documents will in the first instance be reviewed by the Audit and Risk Committee and will then be reported to Council later this year
Incorporates the following Policies that will be retained as interim without amendment until new policy is adopted		
<b>Policy No 9 – Disposal of Council owned Plant and Equipment</b>		
<b>Policy No 171 – Pittwater Sustainable Purchasing</b>		

<b>New Policy</b>	<b>Strategy</b>	<b>Reason</b>
Landscape Management – Public Reserves	<ul style="list-style-type: none"> <li>• Vegetation</li> <li>• Recreation</li> </ul>	To effectively manage landscape attributes associated with public reserves
Incorporates the following Policies that will be retained as interim without amendment until new policy is adopted		
<b>Policy No 91 – Landscape Management</b>		

<b>New Policy</b>	<b>Strategy</b>	<b>Reason</b>
Reserves, Sportsgrounds, Beaches and Headlands Booking Policy	<ul style="list-style-type: none"> <li>• Recreation Management</li> </ul>	The Reserves, Sportsgrounds, Beaches and Headlands Booking Policy includes minor amendments and inclusion of wet weather procedures for sporting clubs. The title has changed to include Sportsgrounds
Incorporates the following Policies that will be retained as interim without amendment until new policy is adopted		
<b>Policy No 93 – Reserves, Beaches and Headlands Booking Policy</b>		

New Policy	Strategy	Reason
Pittwater Streetscape Management Policy	<ul style="list-style-type: none"> <li>Traffic &amp; Transport</li> <li>Land Use &amp; Development</li> <li>Business Management</li> <li>Water Management</li> <li>Vegetation Management</li> </ul>	The Pittwater Streetscape Management Policy is currently being developed which will incorporate a range of existing Policies. These documents will in the first instance be reviewed by the business units active in managing the road reserve and stormwater infrastructure and will then be reported to Council later this year.
Incorporates the following existing Policies that will be retained as interim without amendment until new policy is adopted at which time they will be revoked		
<b>Policy No 27 – Building Waste Containers – Placement on Public Roads</b>		
<b>Policy No 53 – Road Reserves Private Use of</b>		
<b>Policy No 58 – Vertical Utility Service Connections</b>		
<b>Policy No 59 – Street Levels</b>		
<b>Policy No 60 – Multiple Access – Special Crossings</b>		
<b>Policy No 61 – Contributions – New Kerb &amp; guttering – New footpath – Non Rateable Properties</b>		
<b>Policy No 62 – Registration of Contractors for Construction of Special Crossings</b>		
<b>Policy No 64 – Access Driveways and Other Streetscape Infrastructure</b>		
<b>Policy No 65 – Builders Restoration fee</b>		
<b>Policy No 66 – Private Tree Threatening Council's Stormwater Lines</b>		
<b>Policy No 68 – Private Pipeline Approvals</b>		
<b>Policy No 70 – Subdivision Roadworks – Security Deposits and Bonds</b>		
<b>Policy No 72 – Numbering of Properties – Part 2 (only) – Property Numbering on Kerb</b>		
<b>Policy No 77 – Angle Parking on Public Roads</b>		
<b>Policy No 78 – Caution Children Playing in the Street</b>		
<b>Policy No 80 – Vehicular Access to All Roadside Development</b>		
<b>Policy No 81 – Construction Zone</b>		
<b>Policy No 91 – Landscape Management Policy – Streetscape Component</b>		
<b>Policy No 104 – Street Furniture &amp; Bus shelters – Provision of Partnership with the Private Sector</b>		
<b>Policy No 112 – Concealed Driveways and/or Mirrors</b>		

New Policy	Strategy	Reason
Integrated Urban Water Management	<ul style="list-style-type: none"> <li>Water Management</li> </ul>	To effectively manage the urban water cycle
Incorporates the following Policies that will be retained as interim without amendment until new policy is adopted		
<b>Policy No 67 – Watercourse Preservation</b>		
<b>Policy No 69 – Urban Stormwater – Integrated Policy</b>		

New Policy	Strategy	Reason
Natural Hazards Risk Management Policy for Development in Pittwater	<ul style="list-style-type: none"> <li>Risk Management Co-ordination</li> <li>Land Use &amp; Development</li> </ul>	To provide an over-arching policy for the effective management of the risks related to natural hazards associated with development in Pittwater.

---

## **C10.9      Tabling of Pecuniary Interest Returns**

**Meeting:**            Governance Committee

**Date:**    17 October 2011

---

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

**ACTION:**            Effectively manage council's corporate governance responsibilities

---

### **PURPOSE OF REPORT**

To table completed Pecuniary Interest Returns lodged under the provisions of Section 449 of the Local Government Act, 1993.

#### **1.0      BACKGROUND**

Under the provisions of section 450A of the Local Government Act, 1993 the General Manager must arrange for the tabling of all Pecuniary Interest Returns at the first meeting of the Council after the last day of the period for lodgement, i.e. 30 September 2011.

#### **2.0      ISSUES**

##### **2.1      Lodgement of Returns**

Pecuniary Interest Returns have been lodged by all Councillors and all employees nominated as "Designated Persons" by Council resolution of the 18 October 2010. The completed returns will be tabled at the meeting.

##### **2.2      Policy Implications**

The returns are public documents and available for inspection by any person in accordance with the requirements of the Government Information (Public Access) Act 2009 (GIPA) unless the "designated person" or Councillor requests to have their personal information withheld in accordance with the provision of Section 739 of the Local Government Act, 1993.

---

#### **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 This Report is in response to Section 450A of the Local Government Act, 1993

### **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 Each year “designated” officers of the Council and Councillors are required to complete declaration returns regarding their pecuniary interests for the period 1 July to 30 June. The legislation requires the tabling of such returns at the first Council meeting after the last day of the period for lodgement, i.e. 30 September 2011.

The returns are held in a register and are publicly available upon request unless the “designated person” or Councillor requests to have their personal information withheld in accordance with the provision of Section 739 of the Local Government Act, 1993.

---

## **RECOMMENDATION**

1. That it be noted that all Councillors and all employees nominated as “designated persons” by Council resolution of 18 October 2010, have lodged pecuniary interest returns in accordance with the requirements of the Local Government Act, 1993.
2. That the pecuniary interest returns for the twelve (12) month period ending 30 June 2011 be tabled at the Meeting.

Report prepared by

Ruth Robins, Principal Officer Administration

Warwick Lawrence

**MANAGER, ADMINISTRATION & GOVERNANCE**

---

<b>C10.10</b>	<b>Nomination of "Designated Persons" - Disclosures of Pecuniary Interest</b>
---------------	---

**Meeting:** Governance Committee

**Date:** 17 October 2011

---

**STRATEGY:** Business Management

**ACTION:** Effectively manage Council's corporate governance responsibilities

---

## **PURPOSE OF REPORT**

To review the positions within Council's Organisation Structure nominated as "Designated Persons" under the Pecuniary Interest provisions of the Local Government Act.

### **1.0 BACKGROUND**

The General Manager is required under the provisions of section 449(1) of the Local Government Act, 1993 to receive returns disclosing interests of Councillors and Designated Persons. The purpose of this report is to review those positions defined as 'Designated Persons' pursuant to section 441 of the Local Government Act, 1993.

### **2.0 ISSUES**

2.1 For the purpose of the Local Government Act, 1993, section 441 defines 'Designated Persons' as follows:

- *The General Manager,*
- *other senior staff of the Council*
- *a person (other than a member of the senior staff of the Council) who is a member of staff of the Council or a delegate of the Council and who holds a position identified by the Council as the position of a designated person because it involves the exercise of functions under this or any other Act (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest.*
- *a person (other than a member of the senior staff of the Council) who is a member of a Committee of the Council identified by the Council as a Committee whose members are designated persons because of the functions of the Committee involve the exercise of the Council's functions under this or any other Act (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the Committee and the member's private interest."*

2.2 At its meeting held on 18 October 2010, the Council determined those positions within its organisation structure that it wished to be classified as 'Designated Persons.' A list of those positions is attached at **Attachment 1**.

2.3 It is considered appropriate that the Council now review those positions classified as 'Designated Persons' due to the amendments that have occurred to Council's organisation structure since July, 2010.

2.4 A revised list of positions recommended for classification as 'Designated Persons' is listed at **Attachment 2**.

---

### **3.0 SUSTAINABILITY ASSESSMENT**

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

3.1.1 This Report will have no impact on this Strategy

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

3.2.1 This Report will have no impact on this Strategy

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

3.3.1 This Report will have no impact on this Strategy

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

3.4.1 This Report is in response to the requirements of Section 441(1) of the Local Government Act 1993.

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

3.5.1 This Report will have no impact on this Strategy

---

### **4.0 EXECUTIVE SUMMARY**

4.1 The General Manager is required under the provisions of section 449(1) of the Local Government Act, 1993 to receive returns disclosing interests of Councillors and Designated Persons. The purpose of this report is to review those positions defined as 'Designated Persons' pursuant to section 441 of the Local Government Act, 1993.

4.2 At its meeting held on 18 October 2010, the Council determined those positions within its organisation structure that it wished to be classified as 'Designated Persons.' A list of those positions is attached at **Attachment 1**.

4.3 A revised list of positions recommended for classification as 'Designated Persons' is listed at **Attachment 2**.

---

### **RECOMMENDATION**

That all employees of Pittwater Council holding the positions listed in **Attachment 2** to this report, be nominated as 'Designated Persons' in accordance with section 441 of the Local Government Act, 1993.

Report prepared by

Ruth Robins, Principal Officer Administration

Warwick Lawrence

**MANAGER ADMINISTRATION**

**DESIGNATED PERSONS - As at 18 October 2010**

<p><b><u>General Manager</u></b></p> <ul style="list-style-type: none"> <li>• General Manager</li> <li>• Director- Environmental, Planning and Community</li> <li>• Director - Urban &amp; Environmental Assets</li> <li>• Team Leader -Corporate Strategy and Commercial</li> <li>• Corporate Planning &amp; Sustainability Coordinator</li> <li>• Internal Auditor</li> <li>• Principal Officer Commercial</li> <li>• Senior Property Officer</li> </ul> <p><b><u>Administration &amp; Governance</u></b></p> <ul style="list-style-type: none"> <li>• Manager- Administration &amp; Governance/Public Officer</li> <li>• Principal Officer Administration</li> <li>• Group Leader Customer Service</li> <li>• Group Leader Records</li> </ul> <p><b><u>Catchment Management &amp; Climate Change</u></b></p> <ul style="list-style-type: none"> <li>• Team Leader- Catchment Management &amp; Climate Change</li> <li>• Principal Officer Coast and Estuary</li> <li>• Project Leader Flood Risk Management</li> <li>• Project Leader Catchment Management</li> </ul> <p><b><u>Community, Library &amp; Economic Development</u></b></p> <ul style="list-style-type: none"> <li>• Manager- Community, Library &amp; Economic Development</li> </ul> <p><b><u>Corporate Development</u></b></p> <ul style="list-style-type: none"> <li>• Manager - Corporate Development</li> </ul> <p><b><u>Environmental Planning &amp; Assessment</u></b></p> <ul style="list-style-type: none"> <li>• Manager - Environmental Planning &amp; Assessment</li> <li>• Principal Officer Development</li> <li>• Principal Strategic Planner</li> <li>• Principal Officer Land Release</li> <li>• Executive Development Officer</li> <li>• Senior Development Engineer</li> <li>• Senior Development Officer</li> <li>• Development Officer</li> <li>• Senior Strategic Planner</li> <li>• Strategic Planner</li> </ul>	<p><b><u>Environmental Compliance</u></b></p> <ul style="list-style-type: none"> <li>• Manager- Environmental Compliance</li> <li>• Principal Officer Development Compliance</li> <li>• Principal Officer Environmental Health</li> <li>• Development Compliance Officer</li> <li>• Environmental Health Officer</li> <li>• Principal Officer Development Compliance, Land Use</li> <li>• Team Leader Ranger</li> <li>• Ranger's Supervisor</li> <li>• Senior Ranger</li> <li>• Trainee Ranger</li> <li>• Ranger</li> </ul> <p><b><u>Finance &amp; IT</u></b></p> <ul style="list-style-type: none"> <li>• Chief Financial Officer</li> <li>• Principal Officer Revenue Controller</li> <li>• Assistant Revenue Controller</li> <li>• Financial Accountant</li> <li>• Management Accountant</li> <li>• Risk &amp; Insurance Co-ordinator</li> <li>• IT Team Leader</li> </ul> <p><b><u>Reserves, Recreation &amp; Building Services</u></b></p> <ul style="list-style-type: none"> <li>• Manager- Reserves, Recreation &amp; Building Services</li> <li>• Principal Officer Strategic Planning</li> <li>• Principal Officer Operations</li> <li>• Building Services Group Leader</li> <li>• Reserves Supervisor</li> <li>• Senior Officer Tree Management</li> <li>• Tree Preservation Officer</li> </ul> <p><b><u>Urban Infrastructure</u></b></p> <ul style="list-style-type: none"> <li>• Manager- Urban Infrastructure</li> <li>• Principal Engineer Works</li> <li>• Principal Engineer- Strategy, Investigations &amp; Design</li> <li>• Principal Engineer, Roads, Traffic &amp; Emergency Management</li> <li>• Project Leader Streetscape &amp; OH&amp;S</li> <li>• Project Leader Stormwater Management</li> <li>• Project Leader Road Reserve Management</li> <li>• Project Leader Asset Management System</li> <li>• Senior Officer Procurement &amp; Fleet Management</li> <li>• Procurement &amp; Contracts Officer</li> </ul>
--	--

**DESIGNATED PERSONS - As at 30 September 2011**

<p><b><u>General Manager</u></b></p> <ul style="list-style-type: none"> <li>• General Manager</li> <li>• Director- Environmental, Planning and Community</li> <li>• Director - Urban and Environmental Assets</li> </ul> <p><b><u>Corporate Strategy and Commercial</u></b></p> <ul style="list-style-type: none"> <li>• Manager -Corporate Strategy and Commercial</li> <li>• Corporate Planning and Sustainability Coordinator</li> <li>• Internal Auditor</li> <li>• Principal Officer Commercial</li> <li>• Senior Property Officer</li> </ul> <p><b><u>Administration &amp; Governance</u></b></p> <ul style="list-style-type: none"> <li>• Manager- Administration and Governance/Public Officer</li> <li>• Principal Officer Administration</li> <li>• Principal Officer Risk and Developer Contributions</li> <li>• Group Leader Customer Service</li> <li>• Group Leader Records</li> </ul> <p><b><u>Catchment Management &amp; Climate Change</u></b></p> <ul style="list-style-type: none"> <li>• Manager - Catchment Management and Climate Change</li> <li>• Principal Officer Coast and Estuary</li> <li>• Principal Officer Flood Risk Management</li> <li>• Project Leader Water Management</li> </ul> <p><b><u>Community, Library &amp; Economic Development</u></b></p> <ul style="list-style-type: none"> <li>• Manager- Community, Library and Economic Development</li> </ul> <p><b><u>Corporate Development</u></b></p> <ul style="list-style-type: none"> <li>• Manager - Corporate Development</li> </ul> <p><b><u>Environmental Planning &amp; Assessment</u></b></p> <ul style="list-style-type: none"> <li>• Manager - Environmental Planning and Assessment</li> <li>• Principal Officer Development</li> <li>• Principal Strategic Planner</li> <li>• Principal Officer Land Release</li> <li>• Executive Development Officer</li> <li>• Senior Development Engineer</li> <li>• Senior Development Officer</li> <li>• Development Officer</li> <li>• Senior Strategic Planner</li> <li>• Strategic Planner</li> </ul>	<p><b><u>Environmental Compliance</u></b></p> <ul style="list-style-type: none"> <li>• Manager- Environmental Compliance</li> <li>• Principal Officer Development Compliance</li> <li>• Principal Officer Environmental Health</li> <li>• Education &amp; Enforcement Supervisor</li> <li>• Development Compliance Officer</li> <li>• Environmental Health Officer</li> <li>• Principal Officer Development Compliance, Land Use</li> <li>• Team Leader Ranger</li> <li>• Ranger's Supervisor</li> <li>• Senior Ranger</li> <li>• Trainee Ranger</li> <li>• Ranger</li> </ul> <p><b><u>Finance &amp; IT</u></b></p> <ul style="list-style-type: none"> <li>• Chief Financial Officer</li> <li>• Principal Officer Revenue Controller</li> <li>• Assistant Revenue Controller</li> <li>• Financial Accountant</li> <li>• Management Accountant</li> <li>• IT Team Leader</li> </ul> <p><b><u>Natural Environment &amp; Education</u></b></p> <ul style="list-style-type: none"> <li>• Manager, Natural Environment &amp; Education</li> <li>• Principal Officer, Natural Environment &amp; Education</li> </ul> <p><b><u>Reserves, Recreation &amp; Building Services</u></b></p> <ul style="list-style-type: none"> <li>• Manager- Reserves, Recreation &amp; Building Services</li> <li>• Principal Officer Strategic Planning</li> <li>• Principal Officer Operations</li> <li>• Building Services Group Leader</li> <li>• Reserves Supervisor</li> <li>• Senior Officer Tree Management</li> <li>• Tree Preservation Officer</li> </ul> <p><b><u>Urban Infrastructure</u></b></p> <ul style="list-style-type: none"> <li>• Manager- Urban Infrastructure</li> <li>• Principal Engineer Works</li> <li>• Principal Engineer- Strategy, Investigations and Design/LEMO</li> <li>• Project Leader Streetscape and OH&amp;S</li> <li>• Project Leader Stormwater Management</li> <li>• Project Leader Road Reserve Management</li> <li>• Project Leader Asset Management System</li> <li>• Senior Officer Procurement and Fleet Management</li> <li>• Procurement and Contracts Officer</li> </ul>
--	---



---

<b>C10.11</b>	<b>Innovation in Urban Water Management and Treatment Conference 22 - 23 November 2011</b>
---------------	--

**Meeting:** Governance Committee

**Date:** 17 October 2011

---

**STRATEGY:** Water Management

**ACTION:** Sustainable integrated water cycle management

---

## **PURPOSE OF REPORT**

To gain Council approval for Cr Townsend to attend the Urban Water Management and Treatment Conference in Melbourne.

### **1.0 BACKGROUND**

- 1.1 Council has recently been advised that the Urban Water Management and Treatment Conference will be held in Melbourne at the Sebel Albert Park from 22-23 November 2011.
- 1.2 Councillor Townsend has indicated her desire to attend this conference and both the Mayor and the General Manager have indicated their agreement to her request.
- 1.3 Council's Policy for the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors requires approval of the elected Council for interstate travel by Councillors on Council business.
- 1.4 The report for approval must include full details of the travel, including the itinerary, costs and reasons for the travel.
- 1.5 Cr Townsend will also be required to provide a report to Council on the conference should Council approve her attendance.

### **2.0 ISSUES**

- 2.1 Consideration of Cr Townsends request to attend the Urban Water Management and Treatment Conference
  - 2.2 Consideration of the costs of Cr Townsends attending the conference.
- 

### **3.0 SUSTAINABILITY ASSESSMENT**

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

The requirements of the Councillor's expenses policy provides openness and transparency in the approval process for Councillor's intending to travel interstate on Council business. The cost of attending this conference is not considered excessive and there is sufficient resources available in the current budget to fund the cost of Cr Townsend's attendance.

---

## 4.0 EXECUTIVE SUMMARY

- 4.1 Council's Policy for the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors requires the submission of a report to Council seeking approval for requests for interstate travel on Council business.
- 4.2 This national conference will analyse leading-edge engineering practices, technologies and strategies that support local governments and water authorities to implement Integrated Water Management systems in Australia's cities, suburbs and rural town centres.
- Innovation in stormwater management, potable water and wastewater treatment will be examined in the context of the need for councils and authorities to build and maintain infrastructure that is part of a sustainable and integrated water management cycle.
- 4.3 Cr Townsend has indicated her desire to attend this conference and the General Manager and Mayor have indicated their approval to the Councillors attendance. Provision has been made in the 2011/2012 budget for Councillors to attend conferences.
- 4.4 The estimated cost for attendance of one Councillor at this conference is \$1958 and is comprised of the following:
- Flights – \$440
  - Taxi travel – \$300
  - 1 nights accommodation – \$168
  - Sustenance – \$150
  - Conference registration fees - \$900
- 4.5 There is sufficient monies available in the current budget to meet the costs associated with Cr Townsend's attendance of this conference.
- 4.6 A copy of the itinerary is attached (**Attachment 1**).

---

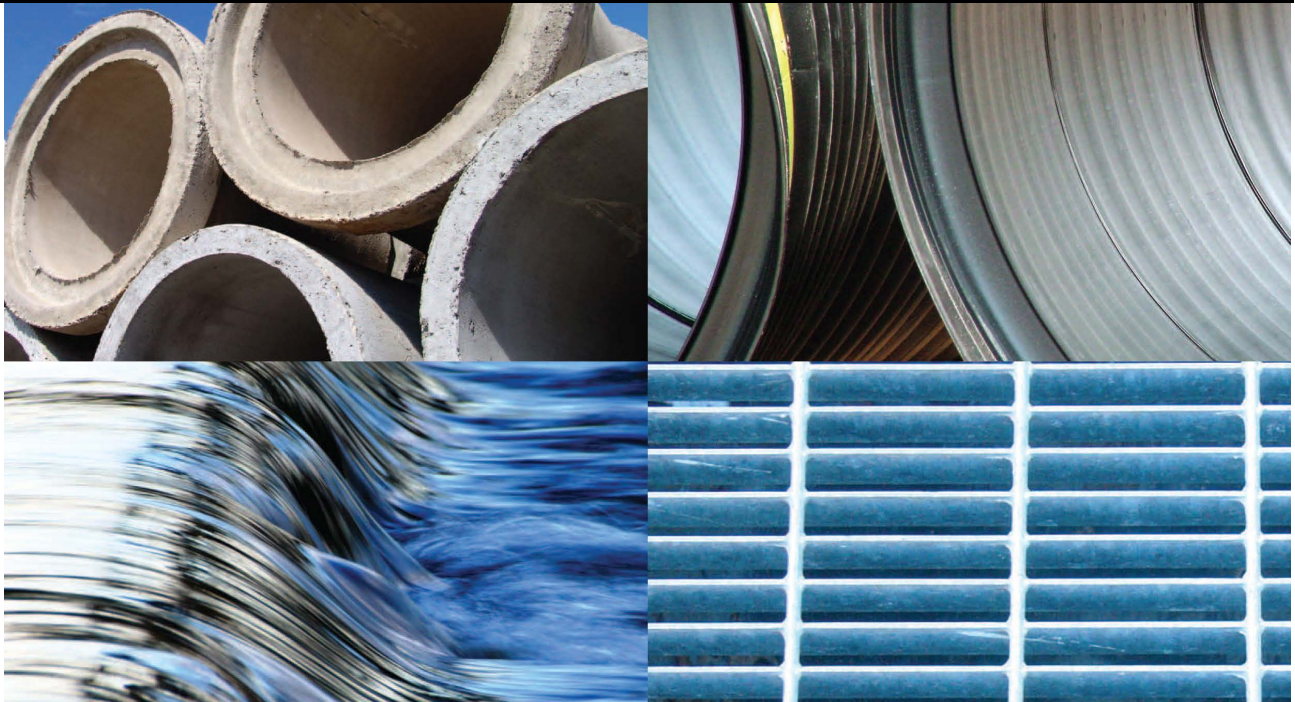
## RECOMMENDATION

That Council approve Cr Townsend's interstate travel for attendance of the Urban Water Management and Treatment Conference to be held in Melbourne from 22-23 November 2011.

Report prepared by

Warwick Lawrence

**Manager, Administration and Governance**



# INNOVATION IN URBAN WATER MANAGEMENT & TREATMENT

THE SEBEL ALBERT PARK, MELBOURNE, 22 – 23 NOVEMBER 2011

[www.watertreatmentconference.com.au](http://www.watertreatmentconference.com.au)

## SPEAKERS INCLUDE:

- **Peter Rankin**, Manager Business Improvement, Waterways, Melbourne Water
- **Keith Johnson**, Project Director, Integrated Water Management Strategy, South East Water
- **Brenton Curtis**, Manager Environmental Sustainability for City of Tea Tree Gully
- **Sam Samra**, Senior Manager, Water Utility Performance, NSW Office of Water
- **Ben Pohlner**, Manager Recycled Water at Wannon Water
- **Geoffrey Douglas**, Project Manager – CBD Works, Willoughby City Council
- **Russell Burns**, EPO – Sustainability, Bankstown City Council
- **Ralf Pfeleiderer**, Water Sensitive Urban Design Coordinator, City of Melbourne

## SILVER SPONSOR



## ORGANISER



## ENDORISING ORGANISATIONS



## MEDIA PARTNERS



## SPONSORSHIP & EXHIBITION ENQUIRIES

Brian Rault  
National Sales Manager  
Ph: (03) 8534 5014  
E: [brian.rault@commstrat.com.au](mailto:brian.rault@commstrat.com.au)

## REGISTRATION & ATTENDANCE ENQUIRIES

Denise McQueen  
Conference and Event Manager  
Ph: (03) 8534 5050  
E: [registration@halledit.com.au](mailto:registration@halledit.com.au)



# INNOVATION IN URBAN WATER MANAGEMENT & TREATMENT



## OVERVIEW

The 2011 Innovation in Urban Water Management & Treatment Conference will analyse leading-edge engineering practices, technologies and strategies that support local governments and water authorities to implement sustainable and integrated water management systems in Australia's cities, suburbs and rural town centres.

Innovation in stormwater management, potable water and wastewater treatment will be examined, with conference sessions to include:

- Innovation in Urban Water Management Systems
- Stormwater Management
- Innovation in Potable Water & Wastewater Systems
- Water Efficiency
- Plus 2 Workshops focusing on sustainable water management

The program for the Innovation in Urban Water Management & Treatment Conference is now available on the conference website

[www.watertreatmentconference.com.au](http://www.watertreatmentconference.com.au)

## ABOUT THE ORGANISER

This event is staged by Water Business Australia, producer of the Water Australia Summit and the book *Securing Australia's Water Future*. Water Business Australia is a division of CommStrat, which also produces the Australian Road Engineering & Maintenance Conference and Government Sustainability Conference, and publishes titles including Council Manager magazine, Local Government News, ROADS Magazine and EnviroInfo.

## REGISTRATION AND INQUIRIES

For more information and to register your attendance visit [www.watertreatmentconference.com.au](http://www.watertreatmentconference.com.au)

## CONFERENCE PROGRAM

### DAY 1 TUESDAY, NOVEMBER 22

**9:00 am – Session: Pursuing an integrated and sustainable urban water management system (Single Stream)**

**Introduction to Conference**

**Commencing a journey for an Integrated Water Management Future – a utility perspective**

Keith Johnson, Project Director, Integrated Water Management Strategy, South East Water

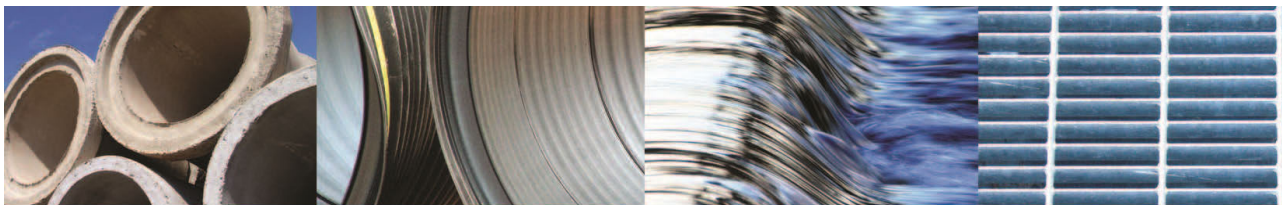
**Implementing Integrated Water Management in the City of Melbourne**

Ralf Pfeleiderer, Water Sensitive Urban Design Coordinator, City of Melbourne



## MORNING TEA





## DAY 1 TUESDAY, NOVEMBER 22

### STREAM 1

#### 11:00 am – Session: Innovation in urban water management systems

##### The Story of Stormwater in Melbourne

Peter Rankin, Manager Business Improvement, Waterways for Melbourne Water

##### Integrated Water Management for Tea Tree Gully

Brenton Curtis, Manager Environmental Sustainability for City of Tea Tree Gully

The City of Tea Tree Gully believes it is able to demonstrate leading practice in water security through the development and operation of an extensive and integrated urban water management system of infrastructure assets, management systems and a long term waterproofing strategic framework.

The Council has implemented an Integrated Water Resource Management Strategy as part of a corporate process to ensure its own water security. This strategy and the way it has been implemented by Council is something that is easily applicable and transferable to other organisations across Australia.

##### Integrated Water Management in Moreland

Mazib Rahman, ESD Officer, and Shannon Best, Coordinator ESD Unit, Moreland City Council

### STREAM 2

#### 11:00 am – Session: Innovation in potable water and wastewater treatment

##### The NSW Best-Practice Management of Water Supply and Sewerage Framework

Sam Samra, Senior Manager, Water Utility Performance, NSW Office of Water

Through its Country Towns Water Supply and Sewerage Program, the NSW Government has developed the innovative Framework to ensure utilities provide appropriate, affordable, sustainable and cost-effective services to meet community needs.

The outcome of the framework is sustainable water and sewerage services, sound pricing and regulation of services to encourage efficient water use, full cost recovery, mitigation of exposure to drought and implementation of an annual action plan by each utility to address any emerging issues.

##### Aquifer Storage and Recovery

Simon Robertson, Manager – Infrastructure Planning, East Gippsland Water

##### Energy efficiency in water and wastewater infrastructure

Luke Zha, Senior Officer, Strategy and Policy, Government Services Division, Department of Treasury and Finance

### LUNCH

#### 2:00 pm Session – Integrating stormwater into infrastructure design

##### Warrnambool Roof Water Harvesting Project – Tapping the Urban Catchment

Ben Pohlner, Manager Recycled Water at Wannon Water

This project utilises roof area in new subdivisions as an urban catchment to harvest roof water for use in the city's water supply system – the project is the first of its kind in Australia. The harvested roof water is stored and treated using existing infrastructure, and supplied to the entire township of Warrnambool as fully treated potable water.

This presentation details actual water quality data from harvested roof water and provides a comparison to the water quality assumptions made. Lessons learnt during the implementation of this project are also detailed.

##### Chatswood Integrated Stormwater Management Scheme

Geoffrey Douglas, Project Manager – CBD Works, Willoughby City Council

This project helps to lead the community in creating potable water savings across the city through a Council operated stormwater harvesting / treatment / resale scheme; reduces the impact of flash flooding in parts of Chatswood CBD; and establishes a non-potable water product that could be sold to local businesses and potentially be the first step in the longer-term Willoughby Council vision of a non-potable 'ring main' in Chatswood that could see Chatswood businesses and residents purchase non-potable water from Council, and thus contribute to a city wide reduction in potable water demand.

Willoughby City Council is also harvesting stormwater for use as cooling tower make-up water (the harvesting of stormwater for use in cooling towers is rarely done – if ever).

#### 2:00 pm Session – Recycling & Re-use: showcasing sustainability in wastewater treatment

##### Western Water's Melton Recycled Water Plant: A Showcase for Sustainability

Anna May, Acting Manager, Renewable Resources, Western Water

The Melton RWP receives approximately 10 ML/day which is recycled through an activated sludge treatment plant with tertiary lagoons to produce class C recycled water. The recycled water supplied from the Melton RWP is used for agricultural and recreational irrigation purposes as well as residential toilet flushing, garden watering, fire-fighting and car washing. Western Water aims for the Melton RWP to be a one-stop recycling facility with 100% recycled water use, 100% biosolids reuse and 100% biogas reuse.

##### A Case Study for Centralised Recycled Water Supply

Linda Gyzen, General Manager AquaNet

Industrial and commercial water users and developers have been developing initiatives to minimise potable water use. These initiatives often involve use of recycled water for non-potable applications and the establishment of decentralised recycled water treatment facilities.

This presentation will describe the Rosehill Recycled Water Scheme and expand on the costs and benefits of centralised vs decentralised recycled water supply. The scheme is privately owned, urban recycled water scheme in Sydney which is designed to supply up to 20ML/day of high quality recycled water to a number of industrial and commercial users through a 20km recycled water distribution network.



# THE SEBEL ALBERT PARK, MELBOURNE, 22 – 23 NOVEMBER 2011

## STREAM 1

### **A complete water management solution for a sporting complex**

Russell Burns, EPO – Sustainability, Bankstown City Council  
The Sustainable Water Management Project at the Crest Sporting Complex in Sydney's central Western suburbs provides a complete water management solution for the complex – one of Bankstown Council's largest users of potable water. Urban stormwater runoff and rainwater from the Dunc Grey Velodrome roof is captured, stored, treated and used to permanently drought proof the site. This project meets a broad range of sustainability objectives, including stormwater recycling for irrigation, improving catchment health and flood mitigation, improvement of biodiversity and aesthetics, as well as corporate capacity building and environmental leadership.

## STREAM 2

### **The Benefits of Blending Recycled Water with Stormwater**

Christopher Marles, Manager Business Development, SA Water  
SA Water, South Australia's water utility, has a number of reuse schemes using treated wastewater (recycled water) for irrigation, industrial use and dual reticulation. One of the main concerns with these schemes is the issue of salinity in the recycled water.

These schemes offer both a storage solution for the stormwater, plus provide the opportunity to supplement potable water for irrigation and industrial uses. Furthermore, stormwater may be injected into the aquifer prior to the injection of recycled water in recycled water MAR schemes.

## AFTERNOON TEA

### **3:30 pm Session – Innovation in Stormwater**

#### **Stormwater Excellence: analysing leading projects**

Rod Wiese, President, Stormwater Victoria  
This presentation will analyse projects that were declared winners of Stormwater Victoria's 2011 Excellence Awards. Projects that will be discussed cover the following topics: Integrated Water Asset Management; Water Planning – Towards a Water Sensitive City; Creek degradation protection; and Council Alternative Water Strategies.

#### **Brimbank Alternative Water Strategy and Projects**

Guilliano Andy, Engineer – Water Innovation, City West Water  
This presentation will talk about the innovative approach developed by City West Water and Brimbank City Council leading to the development of successful business cases for three key alternative water projects within the Brimbank area. This will include the partnership model developed and maintained between the two organisations from the project planning phase through to detailed design and construction. Some technical innovative aspects of the projects, e.g. around optimal designs for capture and treatment of stormwater, will also be covered.

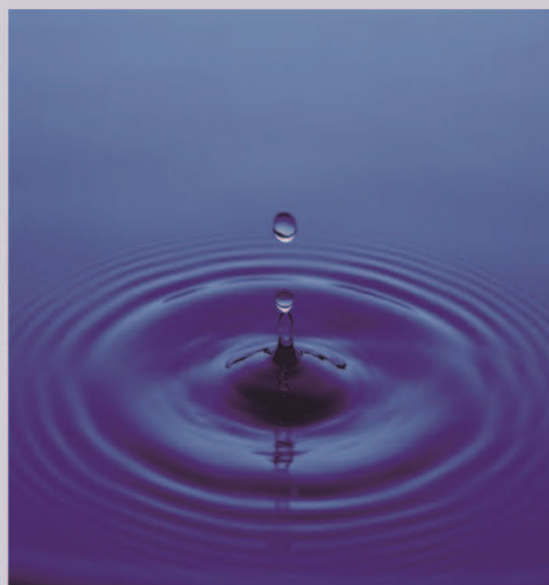
#### **Wicks Reserve Bio-Infiltration project: combining vegetated infiltration and stormwater harvesting within one structure**

Daniella Gerente, Water Sensitive Cities Project Engineer, Knox City Council  
The Wicks Reserve Bio-Infiltration project aims to protect Dobsons Creek from the impacts of urban stormwater through measures including a novel stormwater harvesting system, using the large (1.5 ML) storage volume available within the base of the infiltration system.  
The novelty of the project is the combination of vegetated infiltration and stormwater harvesting all embedded within one structure.

## STREAM 2

### **3:30 pm WORKSHOP Topic – Sustainable Water Management: from the local to the global – ideas, innovation and leadership**

Facilitator: Martin Brennan, CEO, ICLEI Oceania



## 5.00 PM NETWORKING DRINKS

An excellent opportunity to meet and network with leading water industry and local government professionals from across Australia.



## DAY 2 WEDNESDAY, NOVEMBER 23

### 9:00 am Session: Looking to the Future – Strategies for achieving Sustainable and Integrated Urban Water Management (Single Stream)

#### A strategic approach to Integrated Water Management

Ascher Derwent, One Resource Project Officer, North East Water

North East Water recently completed a pilot project with key stakeholders and community involvement that sought to develop a strategic approach to integrated water management. The 'One Resource' approach recognises and respects the capacity of the environment to provide water resources that meet customer end-use needs and expectations that more accurately reflects how customers value and use water. Specifically, it promotes a holistic approach to the sustainable delivery of water services; providing outcomes that are fit-for-purpose and delivered through the most efficient means in a manner that minimises risks to the environment and public health.

#### Role of decentralised systems in the transition of urban water systems

Ashok Sharma, Principal Research Engineer, CSIRO Land and Water

Current urban water systems are beginning to undergo a transition, where decentralised systems will play a major role in the long-term sustainability of these systems to meet challenges from climate variability, population growth, aging infrastructure, urbanisation and resource constraints. However, since decentralised systems are relatively new and involve increased complexity there are wide knowledge gaps in their planning, design, implementation, operation and management, which are impeding their uptake.

#### The value of collaboration and partnering to deliver sustainable water solutions

Ben Hall, Program Leader – Water Proofing the South, City of Onkaparinga

### MORNING TEA

### 11.00 am WORKSHOP Topic – Confronting integration: Institutional responses to challenges in integrated urban water management

Workshop Coordinator: Greg Oliver, Institute for Social Science Research (ISSR), The University of Queensland

Implementation of innovative and more integrated urban water management is dependent on how the various "institutions" respond and adapt. Specifically, this includes the policy and governance frameworks that direct and empower government agencies and water utilities. This workshop will explore this theme through both a theoretical or conceptual perspective as well as examining the evidence from some Australian and international case examples.

### LUNCH

### 2:00 pm Flood management in urban catchments experiencing re-development: a cost-effective WSUD solution

John R. Argue, Adjunct Professor of Water Engineering, Centre for Water Management & Re-use, University of South Australia

Natural channels of 'greenfield' catchments provide the first stage of urban waterway evolution that reaches full maturity in the formal stormwater networks of highly-developed urban landscapes characterised by underground pipes and hard-lined drainage channels.

The conventional response to re-development occurring in the latter landscapes is to upgrade the infrastructure by augmentation or duplication at time intervals of 20 to 30 years. Cost per council associated with these works can run into hundreds of millions of dollars. This presentation offers a WSUD source control alternative to this history involving an initial cost to establish a competent and satisfactorily-operating (formal) infrastructure and, thereafter, no need for further upgrade as re-development proceeds.

#### Session – Innovation in Water Efficiency

This session will look at successful and innovative case studies of practices that have enhanced water efficiency and reduced demand on water supplies.

#### Water efficiency in Stonnington

Sarah Buckley, Urban Environment Officer, City of Stonnington

In 2005 the City of Stonnington adopted its Sustainable Water Management Strategy which has since driven: a corporate potable water reduction of 71% compared with its 2000/01 usage levels and improvements in stormwater quality.

#### Griffith and Villages Water Savings Project

Frank Dyrssen, Senior Water & Sewer Engineer, Griffith City Council

As a rapidly developing Local Government Area in an arid area, Griffith City Council recognises the growing strain that development places on natural resources, especially water supply. Reduction of demand on this resource by reducing wastage through leak detection and repair and demand management through pressure reduction and proactive household demand management will contribute to a future with reduced water use per capita. It has been estimated by Detection Services and Griffith City Council that through this program a total water saving of 2.8% will be realised, amounting to 183 ML per annum.



# INNOVATION IN URBAN WATER MANAGEMENT & TREATMENT

THE SEBEL ALBERT PARK, MELBOURNE, 22 – 23 NOVEMBER 2011

## FIVE EASY WAYS TO REGISTER: online, email, fax, phone, mail,

Online: [www.watertreatmentconference.com.au](http://www.watertreatmentconference.com.au) Email: [registration@halledit.com.au](mailto:registration@halledit.com.au) Ph: +61 3 8534 5050 Fax: +61 3 9530 8911 Mail: PO Box 6137, St Kilda Rd Central 8008

### ATTENDEES

#### Delegate 1: Name

☐ Full Conference ☐ Day 1 ☐ Day 2

Position

Email

#### Delegate 2: Name

☐ Full Conference ☐ Day 1 ☐ Day 2

Position

Email

#### Delegate 3: Name

☐ Full Conference ☐ Day 1 ☐ Day 2

Position

Email

### Dietary Requirements

### CONTACT DETAILS

Please fill in this section as well as the above

Organisation

Address

State

Postcode

Ph

Fax

### CONFERENCE FEES

Please indicate number of attendees for each of the below:

#### STANDARD RATE

[ ] x 1st Delegates (\$900 plus GST) = [ ]

[ ] x 2nd & 3rd Delegates (\$800 plus GST) = [ ]

[ ] x 4th & more Delegates (\$700 plus GST) = [ ]

#### SINGLE DAY:

[ ] x Day 1 or 2 (\$550 plus GST) = [ ]

**Total Amount** = [ ]

### PAYMENT METHODS

Payment must be received before the event

☐ **CHEQUE ENCLOSED** All cheques crossed and payable to Hallmark Editions Pty Ltd.

Mail cheques to: Hallmark Conferences + Events, PO Box 6137,  
St Kilda Rd Central 8008. Please enclose your registration form.

☐ **PLEASE DEBIT MY** ☐ VISA ☐ Mastercard ☐ AMEX (4 Digit ID) \_\_\_\_\_

(Credit card payments will incur a 2% surcharge)

Card Holder's Name

Card No

Exp

Signature

☐ **PLEASE FORWARD ME AN INVOICE** (Note: No invoices will be raised during the week prior to the Conference)

Purchase Order No: \_\_\_\_\_

**PLEASE NOTE:** THIS REGISTRATION FORM SERVES AS A TAX INVOICE WHEN COMPLETED. PLEASE RETAIN A COPY FOR YOUR RECORDS.

ABN 43 102 605 434

### BY COMPLETING THIS FORM YOU AGREE WITH THE CANCELLATION POLICY AND CONDITIONS OUTLINED BELOW

**PRIVACY DISCLOSURE** The collection of your personal information is governed by privacy laws. Your information is collected for the purposes of processing your registration or to respond to your request to receive information about this Conference and other events by Hallmark Conferences + Events, and to market the products and services of the Conference and our business associates. You may request to gain access to any of your personal information that we have collected. If you do not wish to have this information used for marketing purposes, please contact (03) 8534 5000 or tick the following box: ☐

**CONFIRMATION OF DETAILS** Places for registered attendees are confirmed upon payment or issuing of tax invoice. Please contact the Registration Officer at Hallmark Conferences + Events if invoice or confirmation has not been received within 10 days.

**SHARING REGISTRATIONS:** One registration may be shared by a maximum of two people, with only one person present at any one time. An Administration Fee of \$100 will apply. Entrance to the Conference will be by delegate badge only. You must inform Hallmark Conferences + Events if you are sharing a registration.

**CANCELLATION POLICY** A substitute delegate is always welcome. Otherwise, a full refund, less a \$50 admin service charge, will be received for cancellations received in writing (fax or letter) up to two weeks before the event. A fee of 50% of the standard rate will be charged for cancellations received one week prior to the event. No refunds can be given for cancellations within one week of the event. Every effort will be made to contact each attendee should an event be rescheduled or cancelled by Hallmark Conferences + Events Pty Ltd for any reason.

**INDEMNITY** Hallmark Conferences + Events reserves the right to change the venue &/or speakers of any event due to circumstances beyond our control. In the event of changes to venue or speakers, or cancellation of the event, Hallmark Conferences + Events is indemnified against any or all costs, damages, expenses, including legal fees, which are incurred by the attendee/s. In the case of venue change, all reasonable efforts will be made to inform attendees.



---

## **C10.12      2012 Local Government Elections**

**Meeting:**            Governance Committee

**Date:**      17 October 2011

---

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

**ACTION:**            To effectively manage Council's corporate management responsibilities.

---

### **PURPOSE OF REPORT**

To provide Council with sufficient information to allow it to consider how it wishes to conduct the 2012 Council elections.

#### **1.0      BACKGROUND**

- 1.1      The NSW Parliament passed the Local Government (Amendment) Elections Act 2011 which was assented to by the NSW Governor on 27 June 2011.
- 1.2      One of the significant changes to the legislation was to return the responsibility for the conduct of Council elections, referendums and polls from the NSW Electoral Commissioner to the General Manager.
- 1.3      Despite having overall responsibility for the elections neither the General Manager nor any employee of the Council can be appointed returning officer or substitute Returning Officer as they must be independent of Council.
- 1.4      The Department of Local Government has provided General Circular 11-11 that details the changes to the legislation. The supporting regulations and guidelines details the level of service and accountability required in the conduct of future elections. The Circular is attached to this report (**Attachment 1**) and the regulations and guidelines may be viewed on the Division's website [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au) or a copy can be provided upon request.
- 1.5      The amendment to the legislation also provides Council with an alternative, by allowing by resolution of the Council and without calling of tenders, the appointment of the NSW Electoral Commissioner (NSWEC) to conduct the elections. This appointment however must be made by resolution of the Council and communicated to the NSWEC by 30 November 2011. The appointment of the NSWEC would transfer the responsibility of conducting the elections from the General Manager to the NSWEC thus keeping "at arms length" the administration process of the elections. In doing so the NSWEC would be responsible for the appointment of staff including the Returning Officer or substitute Returning Officer.
- 1.6      At the request of the NSWEC, representatives from the Commission met with Councils across the state to discuss the option of appointing them to run the 2012 elections. The General Manager and the Manager Administration and Governance met with the NSWEC representatives in August at which time they indicated that the NSWEC was both prepared and well qualified to run the election on Council's behalf on the clear understanding that they would be responsible for the whole process or nothing at all (other than the production of the rolls).
- 1.7      This attitude by the NSWEC has been met with some disdain by Councils across the state however Councils are required to make a decision on how it wishes to conduct the 2012 LG Elections by the 30 November 2011.

- 1.8 As mentioned previously The Division of Local Government (DLG) has now released the Guidelines for Council Administered Elections 2012 which were issued pursuant to Section 23A of the LGA. These detailed guidelines prescribe how the General Manager is to administer the elections should Council resolve not to appoint the NSWEC.
- 1.9 The election process is a time consuming and exacting business with the whole process involving the appointment, training and supervision and payment of the Returning Officer, Substitute Returning Officer and other electoral officials, the provision of forms, training manuals, returns, reports, stationery, ballot boxes, voting screens, RO accommodation, booking polling places, waste removal, reporting etc and most importantly, accurate vote counting. I am sure that there is suitable expertise within Council to run an election however that would be difficult to achieve given the current workload on management level staff.
- 1.10 If Council does not appoint the NSWEC to conduct the 2012 elections the NSWEC have indicated that they will not provide access to staff for advice/assistance, or any equipment or resource including the all important counting software required for the complicated counting of above the line votes.
- 1.11 The NSWEC have also advised that costs for the 2012 will be greater than the 2008 elections due to anticipated rises in salaries of at least 17% and increase of other operational costs of approximately 12.8%. The costs of the 2008 elections was \$260,626 which, based on assumptions that costs for the 2012 elections could be as much as \$298,000. However the NSWEC will not provide an estimate for the 2012 elections as costs will be dependent on how many Councils will appoint them to run the elections and possible (as yet unsourced) cheaper printing costs.
- 1.12 The appointment of the NSWEC to undertake the 2012 Elections at a cost in excess of the \$150,000 threshold for requiring the calling of tenders is waived by the current legislation. However should Council wish to appoint an alternative provider to the NSWEC a formal tendering process will be required if the cost is anticipated to exceed the \$150,000 threshold.
- 1.13 An alternative provider named The Australian Election Company has shown an interest in running the 2012 LG Elections. The Australian Election Company conducted Local Government Elections in 2000 for the previous Caboolture Shire Council in Queensland and since then By Elections for Gladstone City Council, Mount Morgan Shire Council, McKinlay Shire Council, Maroochy Shire Council and Redlands City Councils. They have also conducted elections for director positions in large corporations. They claim they have the Indemnity insurance to cover the conduct of elections and the software available to undertake the above line counting of votes however their lack of experience and history in running a NSW LG election is of some concern and given the risk to reputation of a “unsuccessful” election the appointment of another provider is not recommended. In addition the present timeframe required by legislation is insufficient to allow preparation of specifications, call and assess tenders and appoint a contractor such as the Australian Election Company to conduct the elections on Council’s behalf. In view of this situation, such an appointment does not present to be an option for the 2012 election unless the State Government amends the existing legislation requiring tenders to be sought for providers other than the NSWEC. As an aside the NSWEC has indicated that they will not respond to any tenders.
- 1.14 To address these issues the Local Government and Shires Association Presidents met with the Premier of NSW on 19 September in an endeavour to obtain some concessions from the Government through legislative amendments such as the extension of the deadline for the appointment of the Electoral Commissioner and to remove the requirement to go to tender to appoint another provider other than the Electoral Commissioner. The Associations have not received any response from the NSW Government to their representations as at the time of finalising this report.

- 1.15 Without the opportunity of a vigorous tendering process it is difficult to evaluate the cost benefit of conducting the elections in-house. The unavailability of above the line vote counting software, the possibility of reputational risk of an unsuccessfully run election and to keep Council's administration at arms length to the process, it is recommended that Council resolve to enter into a contract with the NSW Electoral Commission to conduct the 2012 Election on behalf of Council and accordingly the General Manager be authorised to execute the necessary agreement.

## **2.0 ISSUES**

- 2.1 Appointment of an experienced and qualified provider to administer the 2012 Local Government Elections for Pittwater.
- 2.2 Selection of a provider by the due date of 30 November 2011

---

## **3.0 SUSTAINABILITY ASSESSMENT**

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

- 3.1.1 No effect on this assessment

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

- 3.2.1 No affect on this assessment

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

- 3.3.1 No affect on this assessment

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

- 3.4.1 An independent and experienced provider will ensure that the 2012 elections are carried out in a professional manner with reduced reputational risk and more confidence in the election process. An Election reserve will account for the majority of funds required for this election.

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

- 3.5.1 No affect on this assessment

---

## **4.0 EXECUTIVE SUMMARY**

- 4.1 Enactment of the Local Government (Amendment) Elections Act 2011 has provided for a return of responsibility for the conduct of Council elections, referendums and polls from the NSW Electoral Commissioner to the General Manager.
- 4.2 Councils are required to make a decision on how it desires to conduct the 2012 LG Elections by the 30 November 2011
- 4.3 The NSWEC have indicated that they are both prepared and well qualified to run the election on Council's behalf on the clear understanding that they would be responsible for the whole process or nothing at all (other than the production of the rolls).

- 4.4 An alternative provider named The Australian Election Company has shown an interest in running the 2012 LG Elections however they have had no experience in running a NSW LG Election to date.
  - 4.5 The selection of an provider other than the NSWEC will require the calling of tenders and the NSWEC have indicated that they would not submit a tender.
  - 4.6 The running of a LG election in house or by an inexperienced alternative provider would increase the risk to Council's reputation should it not proceed successfully and therefore the appointment of the NSWEC to run the 2012 Elections is considered the most appropriate option.
- 

## **RECOMMENDATION**

That the General Manager be authorised to enter into an agreement with the NSW Electoral Commission for the conduct of the 2012 Local Government Elections.

Report prepared by

Warwick Lawrence  
**MANAGER, ADMINISTRATION & GOVERNANCE**



**Premier & Cabinet**  
Division of Local Government

## Circular to Councils

Circular No. 11-11  
Date 29 June 2011  
Doc ID. A249154 (A)

Contact Helen Damaschin  
02 4428 4212  
helen.damaschin@dlg.nsw.gov.au

### CONDUCT OF ELECTIONS BY COUNCILS – AMENDMENTS TO THE LOCAL GOVERNMENT ACT 1993

The NSW Parliament has passed the *Local Government Amendment (Elections) Act 2011* (the Amending Act). The Amending Act was assented to by the Governor on 27 June 2011 and its provisions commenced on that date. The purpose of this circular is to advise councils of the resulting changes to the *Local Government Act 1993* (the Act) concerning the conduct of council elections.

A copy of the Amending Act can be found on the NSW Parliamentary Counsel's Office legislation website at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

Section 296 of the Act now provides that council elections (and, by operation of section 18 of the Act, constitutional referendums and polls) are to be administered by the general manager of the council concerned.

However, a council may, within 12 months after an ordinary election of councillors for the area, resolve that the council is to enter into a contract or make arrangements with the Electoral Commissioner for the NSW Electoral Commission to administer all elections for the council (other than elections of mayors and deputy mayors by councillors). If such a contract is entered into or such arrangements made, the Electoral Commissioner is to administer all the elections, constitutional referendums and polls of the council until the conclusion of the following ordinary election for councillors.

Section 55(3) of the Act now provides that a council need not invite tenders before entering into a contract with the Electoral Commissioner for the administration of the council's elections, constitutional referendums and polls.

Where a council decides to conduct its own elections, constitutional referendums and polls, section 296 of the Act makes it clear that the general manager is responsible for their conduct.

Section 296A of the Act provides that the responsibilities of the general manager include appointing a suitably qualified independent returning officer and a substitute returning officer for the council's area, appointing the polling places and determining the fees payable to the returning officer, substitute returning officer and electoral officials. The returning officer is to appoint one or more electoral officials.

Division of Local Government  
5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541  
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209  
E [dlg@dlg.nsw.gov.au](mailto:dlg@dlg.nsw.gov.au) W [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au) ABN 99 567 863 195

Importantly, section 296A provides that an employee of a council for an area cannot be appointed as a returning officer or substitute returning officer for that area. However, an electoral official may be an employee of the council.

Section 296A also provides that a general manager cannot be appointed as a returning officer, substitute returning officer or electoral official for any area.

The general manager will also be responsible for managing the relevant election costs and preparing a report for the Minister for Local Government on the conduct of each election. The report must disclose, among other things, full and transparent costings for that election. It is already the practice of the Electoral Commissioner to report to the NSW Government on the outcome of council ordinary elections.

While the latter requirement is not included in the Act, it is intended that it will form part of the new regulation and guidelines to be released by the Division of Local Government.

The guidelines will assist councils in understanding the level of service and accountability required of them so that they can make an informed choice whether to conduct their elections.

**It is vitally important that councils do not make a final decision on who is to conduct their 2012 ordinary elections until they have considered the new regulation and guidelines.**

For the purposes of the conduct of the September 2012 ordinary elections, Schedule 8 of the Act provides that a council may resolve, before 31 October 2011 (or such later date as may be prescribed by the regulation), to retain the Electoral Commissioner to administer its elections (other than elections of mayors and deputy mayors by councillors), constitutional referendums and polls until the conclusion of the 2012 ordinary election for councillors.

If a later date is prescribed, the Division will advise councils forthwith.

The Division is presently developing the necessary regulation and guidelines to complement these amendments. Councils will be notified as soon as the regulation and guidelines have been issued.

Section 434B of the Act provides that the Director General of the Department of Premier and Cabinet may recover the reasonable expenses incurred by the Director General in, or in respect of, the preparation of a Departmental representative's report under Division 1 (Inquiries and reviews) of Part 5 (Inquiries, reviews and surcharging) of Chapter 13 (How are councils made accountable for their actions?) of the Act that relates to the administration of an election by a general manager, including investigation expenses of the Director General or the Departmental representative.

**Note:** The later date of 30 November 2011 has now been prescribed by the Local Government (General) Amendment (Electoral Commissioner) Regulation 2011

It should be noted that the conduct of the Wollongong City Council and Shellharbour City Council fresh elections on 3 September 2011 are not affected by these changes.

Finally, the Amending Act has also made certain changes affecting councils' constitutional arrangements. Details of these changes are provided in Circular to Councils No 11-12.



**Ross Woodward**  
**Chief Executive, Local Government**  
**A Division of the Department of Premier and Cabinet**

---

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

---

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

---



---

<b>C11.1</b>	<b>Section 82a - Review of Determination - N0422/10 - 296 Whale Beach Road, Palm Beach - Alterations and additions to an existing dwelling</b>
--------------	--

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

**Date:** 17 October 2011

---

**STRATEGY:** Land Use and Development

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

---

## **PURPOSE OF REPORT**

To inform the Committee of the result of neighbour negotiations following the 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 at the meeting of Council on 15 August 2011.

### **1.0 BACKGROUND**

- 1.1 The application for Review of Determination was considered at the Council meeting held on 15 August 2011. The Committee considered the application and recommended the following:
- 1.2 *"That this matter be deferred for one month to allow the neighbours to further negotiate on this matter."*
- 1.3 Correspondence was sent to the applicant and neighbouring objector giving both parties the opportunity to discuss the matter with a view to achieving an agreed solution.
- 1.4 Council received documentation on 12 September 2011 regarding the outcome of the discussion between both parties. Amended plans were received by Council on 27 September 2011 which included the following amendment:
  - Deletion of the kitchen extension;
  - Retaining the eave extension on Level 2 which was deleted from the approved plans by condition of consent B10.

Council has received written confirmation from the objector at No.294 Whale Beach Road that the amended plans received by Council reflect the negotiated agreement between the parties.

### **2.0 ISSUES**

- 2.1 View sharing
- 2.2 Proposed eave falls outside the building envelope

---

### **3.0 SUSTAINABILITY ASSESSMENT**

- 3.1 This Report does not require a Sustainability Assessment.

---

### **4.0 EXECUTIVE SUMMARY**

- 4.1 The application for Review of Determination was considered at the Council meeting held on 15 August 2011. The Committee considered the application and recommended the following:

*“That this matter be deferred for one month to allow the neighbours to further negotiate on this matter.”*

Subsequently, negotiations between the applicant and neighbour occurred and a solution was agreed upon by both parties. Amended plans were submitted to Council.

The Planner has considered the amended plans and concluded that the amended proposal deleting the kitchen extension and retaining the proposed eave will allow for a greater level of the existing view available from No.294 Whale Beach Road to be retained and view sharing to be achieved.

---

### **RECOMMENDATION**

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 in Attachment 1.

Report prepared by

Ellie Robertson, Planner

Lindsay Dyce

**MANAGER PLANNING AND ASSESSMENT**

**SUBJECT: Section 82a - Review of Determination - N0422/10 - 296 Whale Beach Road, Palm Beach - Alterations and additions to an existing dwelling**

**Determination Level:** Development Unit

**Date:** 17 October 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

Control	Standard	Proposal	T	O	N
B8.1 Construction and Demolition - Excavation and Landfill			-	-	-
B8.2 Construction and Demolition - Erosion and Sediment Management			Y	Y	Y
B8.3 Construction and Demolition - Waste Minimisation			Y	Y	Y
B8.4 Construction and Demolition - Site Fencing and Security			-	-	-
B8.5 Construction and Demolition - Works in the Public Domain			Y	Y	Y
B8.6 Construction and Demolition - Traffic Management Plan			-	-	-
<b>REF - Natural Resources</b>					
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
<b>REF - Planner</b>					
EPA Act Section 147 Disclosure of political donations and gifts			Y	Y	Y
3.1 Submission of a Development Application and payment of appropriate fee			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

Control	Standard	Proposal	T	O	N
B3.6 Contaminated Land and Potentially Contaminated Land			Y	Y	Y
B5.2 Wastewater Disposal			Y	Y	Y
B5.3 Greywater Reuse			-	-	-
B5.12 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><b>Concerns have been raised regarding view loss. See Section 10 of this report for discussion of this issue.</b></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.  <b>Proposal results in a non-compliant side setback on the south elevation on Level 2. See Section 10 of this report for further discussion.</b>	<b>N</b>	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.  <b>Concerns have been raised regarding the non-compliant building envelope. See Section 10 of this report for further discussion.</b>	<b>N</b>	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%	<b>N</b>	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 to be 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.

As a result of neighbour negotiations following the meeting of Council on 15 August 2011, the proposal has been amended to delete the extension of the kitchen but retains the eave extension on Level 2 at the front of the dwelling.

## 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).

The application for Review of Determination was considered at the Council meeting held on 15 August 2011. The Committee considered the application and recommended the following:

*“That this matter be deferred for one month to allow the neighbours to further negotiate on this matter.”*

Correspondence was sent to the applicant and neighbouring objector giving both parties the opportunity to discuss the matter with a view to achieving an agreed solution.

Council received documentation on 12 September 2011 regarding the outcome of the discussion between both parties. Amended plans were received by Council on 27 September 2011 which included the following amendment:

- Deletion of the kitchen extension;
- Retaining the eave extension on Level 2 which was deleted from the approved plans by condition of consent B10.

Council has received written confirmation from the objector at No.294 Whale Beach Road that the amended plans received by Council reflect the negotiated agreement between the parties.

## **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.

As a result of neighbour negotiations following the meeting of Council on 15 August 2011, the kitchen extension was deleted from the proposal.

The deletion of the kitchen extension will result in a significant portion of the above mentioned affected views being retained. The eave extension is the only component of the proposal that will impede the view. The eave extension results in non-compliances with the side building line and building envelope control however, with the deletion of the kitchen extension, it is considered that a greater level of view sharing will now be achieved. It is considered that the amended proposal satisfies the view loss control and the proposal is considered 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.

As a result of neighbour negotiations following the meeting of Council on 15 August 2011, the kitchen extension was deleted from the proposal.

The proposed eave at the front of the dwelling on Level 2 continues to result in a non-compliance with the side building line control on the south-east elevation. The amended proposal will allow for a greater portion of the view from No.294 Whale Beach Road to be retained and it is considered that a reasonable level of view sharing between the subject property and No.294 Whale Beach Road is achieved. In this regard, a variation to the side building line control is supported.

- **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.

As a result of neighbour negotiations following the meeting of Council on 15 August 2011, the kitchen extension was deleted from the proposal.

With the deletion of the kitchen extension, the proposed eave at the front of the dwelling on Level 2 is now the only portion of the proposal which encroaches the building envelope. As discussed above, the building envelope 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. It is considered that the amended proposal results an increased level of view sharing from the public and private domain and will allow for a greater level of the existing view from No.294 Whale Beach Road to be retained. In this regard, a variation to the building envelope control in which the eave encroaches the building envelope is supported.

## 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.

As a result of discussions between the applicant and objector, the amended proposal deleting the kitchen extension and retaining the proposed eave will allow for a greater level of the existing view available from No.294 Whale Beach Road to be retained and view sharing to be achieved.

In this regard, 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 B, 0510 2/4 B, 0510 3/4 B 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](http://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](http://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](http://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.

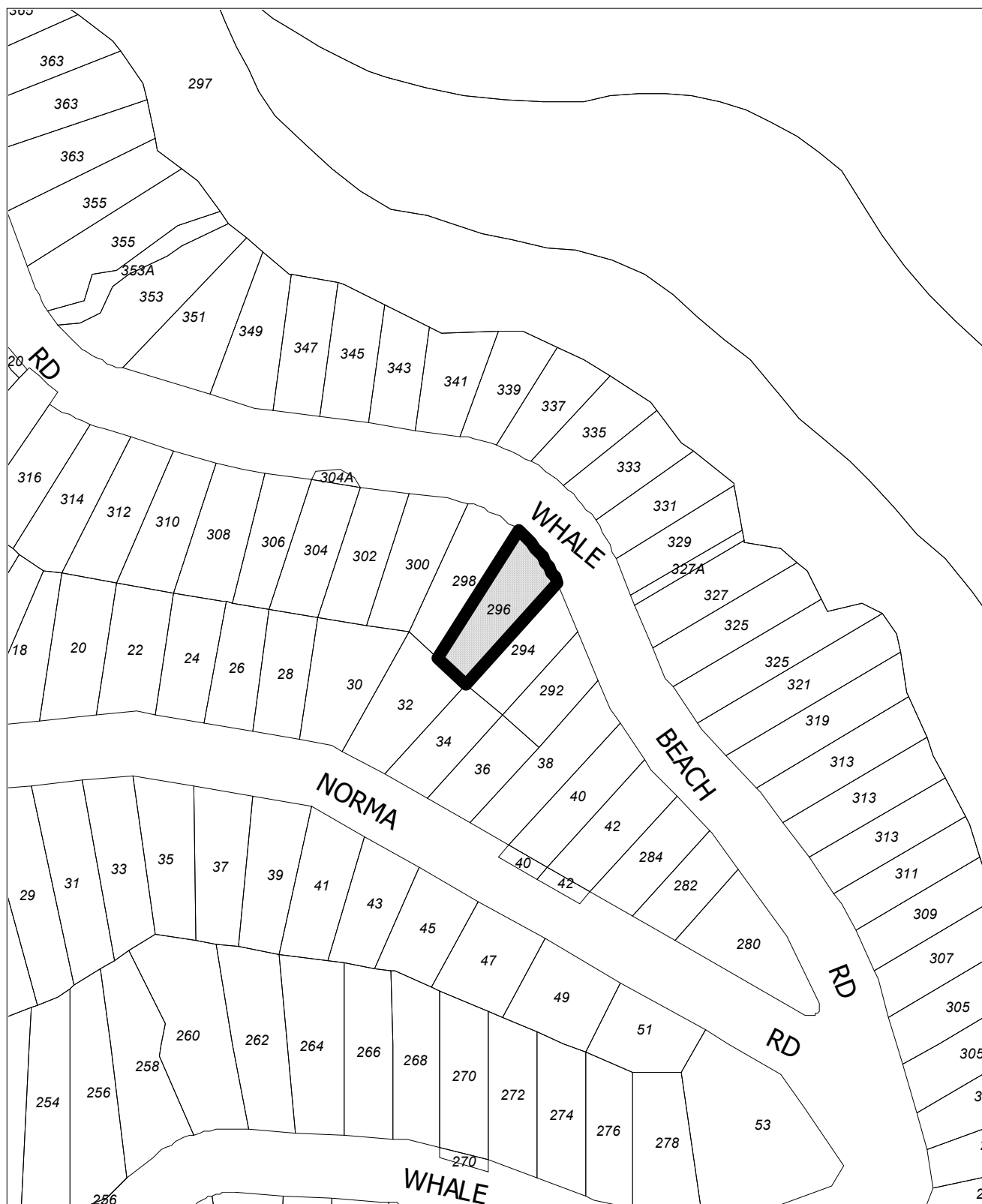
#### **F. Matters to be satisfied prior to the issue of Subdivision Certificate:**

Nil

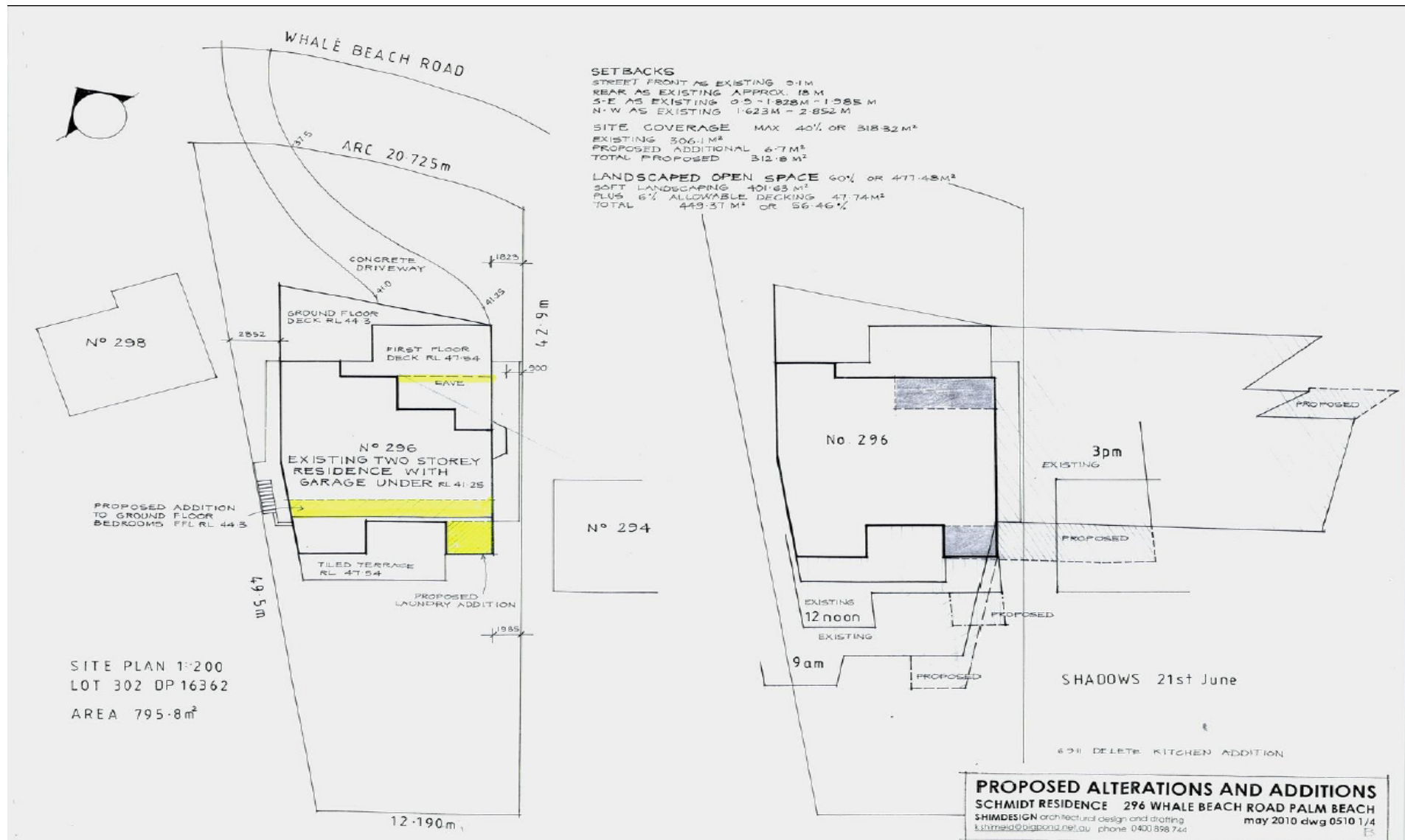
## G. Advice:

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

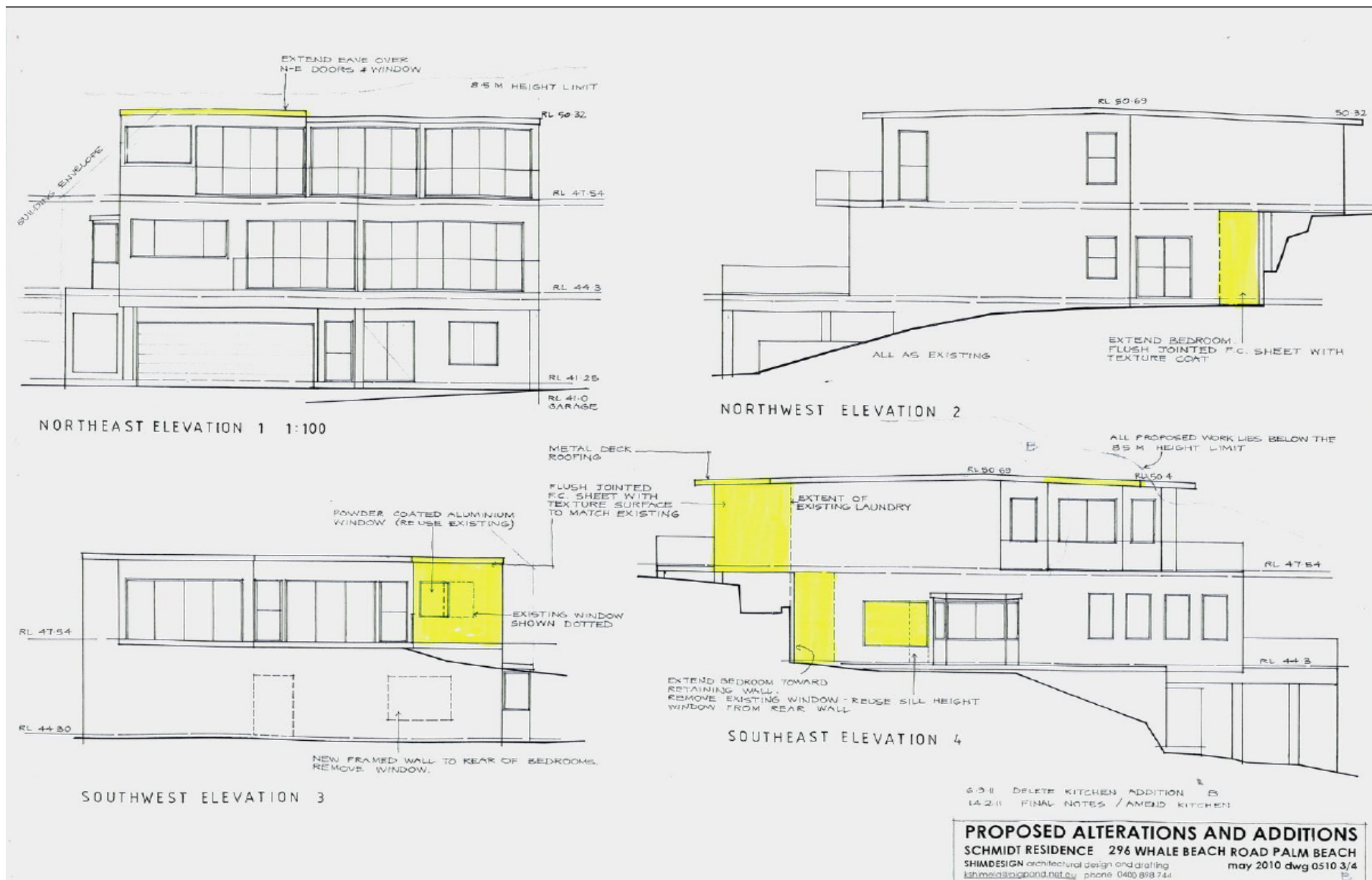
## LOCALITY PLAN



## NOTIFICATION PLANS







---

<b>C11.2</b>	<b>N0093/11 - 21 Bungan Street, Mona Vale - Affordable Housing Development</b>
--------------	--

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

**Date:** 17 October 2011

---

**STRATEGY:** Land Use and Development

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

---

## **PURPOSE OF REPORT**

To inform the Committee of the Development Unit's recommendation following consideration of Development Application N0093/11 - 21 Bungan Street, Mona Vale (Lot 2 DP 517430) Construction of a 2 storey infill affordable housing development containing ten (10) units over basement parking for nine (9) vehicles and the strata subdivision of the resultant development.

### **1.0 BACKGROUND**

The Development Unit, at its meeting held on Thursday, 22 September 2011 considered the Development Officer's report (Attachment 1) for determination of Development Application N0093/11 - 21 Bungan Street, Mona Vale (Lot 2 DP 517430) Construction of a 2 storey infill affordable housing development containing ten (10) units over basement parking for nine (9) vehicles and the strata subdivision of the resultant development.

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

2.1 The Applicant has had the matter listed in the Land and Environment Court for hearing.

### **3.0 DEVELOPMENT UNIT DELIBERATIONS**

- 3.1 The Principal of the Mona Vale Public School, the President of the Mona Vale Public School P&C Association and one other Objector address the Development Unit relating to overshadowing, the proposed DA overlooking the school's playground and hall, proximity to classrooms and main toileting blocks, impact to future use of school, impact of noise from school to dwellings, minimum protection of privacy over children and students, increased traffic, landscaping, poor onsite amenity, solar access, set back, disabled access, off street parking and no traffic report.
- 3.2 The Applicant was not present during consideration of this Application.
- 3.3 The Development Unit considered the issues raised by the objectors and resolved to support the Assessing Officer's Report for Refusal.

### **4.0 ISSUES**

- overshadowing,
- the proposed DA overlooking the school's playground and hall,
- proximity to classrooms and main toileting blocks,



- impact to future use of school,
- impact of noise from school to dwellings,
- minimum protection of privacy over children and students,
- increased traffic,
- landscaping,
- poor onsite amenity,
- solar access,
- set back,
- disabled access
- off street parking
- no traffic report.

---

## **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 22 September 2011 and after hearing from the Objectors and noting that the Applicant was not present endorsed the Assessing Officer's Recommendation for Refusal.

---

## **RECOMMENDATION**

That the recommendation in the Development Officer's report be endorsed and Development Application N0093/11 - 21 Bungan Street, Mona Vale (Lot 2 DP 517430) Construction of a 2 storey infill affordable housing development containing ten (10) units over basement parking for nine (9) vehicles and the strata subdivision of the resultant development be refused subject to the Reasons for Refusal contained in the Draft Determination.

Report prepared by

Ruth Robins, Development Unit Chairperson

Warwick Lawrence

**MANAGER ADMINISTRATION AND GOVERNANCE**

**SUBJECT:** N0093/11 - 21 Bungan Street, Mona Vale

**Determination Level:** Development Unit

**Date:** 22 September 2011

---

### **SUMMARY OF RECOMMENDATION**

#### **REFUSAL**

---

<b>REPORT PREPARED BY:</b>	Gordon Edgar
<b>APPLICATION SUBMITTED ON:</b>	29/03/2011
<b>APPLICATION SUBMITTED BY:</b>	WALLY CHIDIAC 28 ROSS STREET NORTH PARRAMATTA 2151
<b>OWNER(S):</b>	21 BUNGAN STREET PTY LTD (Own)

---

### **1.0 DEVELOPMENT CONTROLS**

The following planning and legislative framework applies to the proposed development:

- **State Legislation**
  - Environmental Planning & Assessment Act 1979 ('EPA Act')
  - Environmental Planning & Assessment Regulation 2000 ('EPA Regs')
- **State Environmental Planning Policies and Guidelines**
  - State Environmental Planning Policy No.55 – Remediation of Land ('SEPP 55')
  - State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development ('SEPP 65')
  - State Environmental Planning Policy (BASIX) 2004
  - State Environmental Planning Policy (Affordable Rental Housing) 2009 ('AH SEPP')
  - Residential Flat Design Code ('RFDC')
- **Local Environmental Plans and Policies**
  - Pittwater Local Environmental Plan 1993 ('PLEP 1993')
  - Pittwater 21 Development Control Plan (Amendment 6) ('Pittwater 21 DCP')
- **Permissibility (under State Environmental Planning Policy (Affordable Rental Housing) 2009)**

The subject site is zoned Residential 2(a) under PLEP 1993.

Pursuant to the AH SEPP, as it was prior to the amendment to this instrument in May 2011, the proposed infill affordable housing development is permissible with consent pursuant to Clause 12 in Division 1 of Part 2 of the AH SEPP.

The savings and transitional provisions of the May 2011 amendment to the AH SEPP require Council to assess any undetermined development application submitted prior to the amendment (as is the case with the subject application) as if the amendment had not been made.

In order for the development to be permissible, there are a number of criteria which must be met by the development site. These are as follows:

Clause 10(1) of the AH SEPP requires that the zoning of the land be equivalent to Zone R2 Low Density Residential. This is considered to be equivalent to the Residential 2(a) zone under PLEP 1993.

Clause 10(2)(c) of the AH SEPP requires that an affordable housing site be located within 400m walking distance from a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 18.00 Monday to Friday.

The Passenger Transport Act defines "regular bus service" as "any regular passenger service conducted by bus (including any transitway service)." It defines "regular passenger service" as "a public passenger service conducted according to regular routes and timetables, but does not include a tourist service or a long distance service."

Information gathered from the state government's public transport information website confirms that the site location conforms with these requirements. There is a bus stop near the corner of Bungan Street and Waratah Street that is less than 400m from the Site and is serviced by Route L85, which delivers sufficient services to the City.

Clause 10(3) of the AH SEPP stipulates that affordable housing does not apply to land identified by an environmental planning instrument as being within a scenic protection area. The subject site is not within an identified scenic protection area.

Clause 11(a) stipulates that the AH SEPP only applies to development for the purposes of residential flat buildings where at least 50% of the dwellings in the proposed development will be used for affordable housing, but only if:

- (i) the development does not result in a building on the land with a building height of more than 8.5m, and
- (ii) in the case of development for the purposes of a residential flat building - residential flat buildings are not permissible on land otherwise than because of this Policy.

The maximum height of the development is 8m. Had it not been for the AH SEPP, residential flat buildings would not be permissible on this Residential 2(a) zoned land, pursuant to PLEP 1993.

The Urban Design Report dated March 2011 and accompanying the originally submitted plans nominated Units 1, 2,3,6,7 & 8 as the affordable housing component of the development, making up 60% of the total number of units. However, the configuration and unit numbering of the proposed units within the development has changed in the August 2011 Amended Plans but the Applicant has not indicated which units are to be the affordable housing component for these amended plans. This detail needs to be clarified by the Applicant in writing prior to any consent being issued for the development as the conditions of consent need to specifically identify the affordable housing component. Whilst this matter would not warrant the refusal of the application, it would warrant the deferral of the determination to give Council an opportunity to prepare appropriate conditions of consent relating to the affordable housing component once these affordable housing units are nominated by the Applicant.

Pursuant to Clause 18 in Division 1 of Part 2 of the AH SEPP, the development may be subdivided with consent from Council.

Given the above, the proposed development is permissible pursuant to Clause 12 of the AH SEPP, with consent from Council.

## **2.0 NOTIFICATIONS**

227 property owners notified

24 objections were received as a result of the notification of the original plans.

Advertising of the August 2011 Amended Plans resulted in receipt of 6 additional objections including an objection from the Dept of Education and an objection from the Principal of Mona Vale Public School.

## **3.0 ISSUES**

- B6.4 Internal Driveways - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy
- B6.6 Off-Street Vehicle Parking Requirements - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy
- B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land
- B8.1 Construction and Demolition - Excavation and Landfill
- B8.4 Construction and Demolition - Site Fencing and Security
- C1.1 Landscaping
- 3.2 Submission of a Statement of Environmental Effects
- 3.3 Submission of supporting documentation - Site Plan / Survey Plan / Development Drawings
- 3.6 State Environment Planning Policy No.65 – Design Quality of Residential Flat Development (SEPP 65)
- A1.7 Considerations before consent is granted
- C1.2 Safety and Security
- C1.4 Solar Access
- C1.5 Visual Privacy
- C1.6 Acoustic Privacy
- C1.7 Private Open Space
- C1.9 Adaptable Housing and Accessibility
- C1.12 Waste and Recycling Facilities
- C1.15 Storage Facilities
- C1.23 Eaves
- C1.24 Public Road Reserve - Landscaping and Infrastructure
- C1.25 Plant, Equipment Boxes and Lift Over-Run
- D9.1 Character as viewed from a public place
- D9.2 Scenic protection - General
- D9.3 Building colours and materials
- D9.6 Front building line
- D9.7 Side and rear building line
- D9.9 Building envelope
- D9.10 Site Coverage - General
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Affordable Rental Housing) 2009

#### 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					
B3.22 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
B5.9 Stormwater Management - Water Quality - Other than Dwelling House, Dual Occupancy and Secondary Dwellings			Y	Y	Y
B5.10 Stormwater Discharge into Public Drainage System			Y	Y	Y
B5.12 Stormwater Drainage Systems and Natural Watercourses			-	-	-
B5.14 Stormwater Drainage Easements (Public Stormwater Drainage System)			-	-	-
B6.2 Access Driveways and Works on the Public Road Reserve- All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy			Y	Y	Y
B6.4 Internal Driveways - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy		An objection raises concerns regarding the proposed driveway. These issues are discussed under the relevant heading later in this report.	N	N	N
B6.6 Off-Street Vehicle Parking Requirements - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy		An objection has raised concern over the non-compliance of the development with Council's off-street parking requirements for multi-unit housing. This is discussed in more detail later in this report.	N	Y	N
B6.9 On-Street Parking Facilities - All Development other than Dwelling Houses, Secondary Dwellings and Dual Occupancy			-	-	-

Control	Standard	Proposal	T	O	N
B6.10 Transport and Traffic Management - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy			Y	Y	Y
B8.1 Construction and Demolition - Excavation and Landfill		The School has raised concern regarding the proposed excavation. This is discussed in detail later in this report under the relevant heading.	Y	Y	N
B8.2 Construction and Demolition - Erosion and Sediment Management			Y	Y	Y
B8.3 Construction and Demolition - Waste Minimisation			Y	Y	Y
B8.4 Construction and Demolition - Site Fencing and Security		Concern is raised that a construction zone and hoarding application have not yet been applied for. These matters can be dealt with by conditions of consent.	Y	Y	N
B8.5 Construction and Demolition - Works in the Public Domain			Y	Y	Y
B8.6 Construction and Demolition - Traffic Management Plan			Y	Y	Y
C4.1 Land Subdivision - Protection from Hazards			Y	Y	Y
C4.2 Land Subdivision - Access Driveways and Off-Street Parking Facilities			Y	Y	Y
C4.3 Land Subdivision - Transport and Traffic Management			Y	Y	Y
C4.4 Land Subdivision - Public Roads, Footpath and Streetscape			Y	Y	Y
C4.5 Land Subdivision - Utility Services			Y	Y	Y
C4.6 Service and delivery vehicle access in land subdivisions			-	-	-
REF - Health					
B5.2 Wastewater Disposal			Y	Y	Y
B5.3 Greywater Reuse			-	-	-
C5.19 Food Premises Design Standards			-	-	-
REF - Natural Resources					
B1.4 Aboriginal Heritage Significance		No apparent issues	Y	Y	Y

Control	Standard	Proposal	T	O	N
B3.5 Acid Sulphate Soils		No issues - Acid Sulphate Region 5 only	Y	Y	Y
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land		Objections have raised concern regarding inadequate landscaping. Refer to detailed comments under relevant heading later in this report.	N	N	N
C1.1 Landscaping		Concern has been raised in an objection regarding the performance of the development against the provisions of C1.1. Refer to later comments in report.	N	N	N
REF - Planner					
EPA Act Section 147 Disclosure of political donations and gifts			-	-	-
3.1 Submission of a Development Application and payment of appropriate fee			Y	Y	Y
3.2 Submission of a Statement of Environmental Effects		Concern is raised in an objection about the accuracy of the detail in the SEE. These matters are discussed in the body of the report where relevant.	Y	Y	N
3.3 Submission of supporting documentation - Site Plan / Survey Plan / Development Drawings		Objections have raised concern over submission inadequacies of the Application. These are discussed in detail under the relevant heading later in this report.	N	N	N
3.4 Notification			Y	Y	Y
3.5 Building Code of Australia			Y	Y	Y
3.6 State Environment Planning Policy No.65 – Design Quality of Residential Flat Development (SEPP 65)	SEPP 65 applies to the development as the front part of the basement level protrudes more than 1.2m above natural ground level and is considered to be a "storey" under this planning instrument.	Concern has been raised in objections in regard to the design quality of the development and its performance against the design quality principles of SEPP 65. A detailed assessment of the development against SEPP 65 is provided under the relevant heading later in this report.	N	N	N
4.5 Integrated Development: Aboriginal Objects and Places			-	-	-
4.7 Integrated Development - Roads			-	-	-
5.1 Referral to the Roads and Traffic Authority under SEPP (Infrastructure) 2007			-	-	-
5.3 Referral to NSW Department of Environment and Climate Change (DECC)			-	-	-

Control	Standard	Proposal	T	O	N
6.2 Section 94 Contributions - Open Space Bushland and Recreation		S94 Contribution towards Open Space Bushland is 10 x \$9,000 = \$90,000	Y	Y	Y
6.3 Section 94 Contributions - Public Library Services		Public Library S.94 Contribution is 10 x \$2,000 = \$20,000.	Y	Y	Y
6.4 Section 94 Contributions - Community Service Facilities		S.94 Contribution towards Community Service Facilities is 10 x \$3,500 = \$35,000	Y	Y	Y
6.5 Section 94 Contributions - Village Streetscapes		S.94 Contribution towards Village Streetscapes is 10 x \$5,000 = \$50,000	Y	Y	Y
A1.7 Considerations before consent is granted		Issues raised in objections and not discussed elsewhere in this report are discussed under this heading later in the report.	N	N	N
B1.3 Heritage Conservation - General			-	-	-
B2.2 Land Subdivision - Residential Zoned Land			-	-	-
B3.6 Contaminated Land and Potentially Contaminated Land		History of residential use on the site. It is unlikely to be contaminated.	Y	Y	Y
B5.1 Water Management Plan			Y	Y	Y
B5.2 Wastewater Disposal			Y	Y	Y
B5.3 Greywater Reuse			-	-	-
B5.12 Stormwater Drainage Systems and Natural Watercourses			-	-	-
C1.2 Safety and Security		Objections have raised concern in regard to the safety and security implications of the development. These matters are addressed under this heading later in this report.	Y	Y	N
C1.3 View Sharing			Y	Y	Y
C1.4 Solar Access		Concern has been raised in an objection in relation to the compliance of the development with the solar access provisions of the AH SEPP, Pittwater 21 DCP and the RFDC. This matter is discussed in more detail later in this report under the relevant heading.	N	Y	N
C1.5 Visual Privacy		Concern has been raised in objections regarding the visual privacy impacts of the development, particularly in regard to Mona Vale Public School. This issue is discussed in more detail later in this report under the relevant heading.	N	N	N
C1.6 Acoustic Privacy		Concern has been raised in	N	N	N



Control	Standard	Proposal	T	O	N
		objections regarding the likely acoustic privacy issues arising from having medium density residential development surrounded by the grounds of a school. This matter is discussed in detail under this heading later in this report.			
C1.7 Private Open Space (POS)	POS to be 15% of GFA. Ground level units require min. area of 30sqm with min 4m dimension POS. Upper level units having min.10sqm with min 2.4m dimension.	Concern has been raised in an objection regarding the private open space provision for the development. These issues are addressed in detail later in this report under the relevant heading.	N	Y	N
C1.9 Adaptable Housing and Accessibility		Concerns have been raised in objections concerning accessibility issues. These are discussed under the relevant heading later in this report.	N	N	N
C1.10 Building Facades			Y	Y	Y
C1.12 Waste and Recycling Facilities		Concern has been raised that bins are likely to be left at the street edge on collection days and cause obstruction. This is not considered to be a significant concern.	Y	Y	N
C1.13 Pollution Control			Y	Y	Y
C1.14 Separately Accessible Structures			-	-	-
C1.15 Storage Facilities		Concern has been raised regarding the adequacy of the proposed storage areas. These concerns are discussed in more detail later in this report.	N	N	N
C1.18 Car/Vehicle/Boat Wash Bays	Only required for developments with more than 10 units.		-	-	-
C1.19 Incline Passenger Lifts and Stairways			-	-	-
C1.20 Undergrounding of Utility Services			Y	Y	Y
C1.21 SEPP (Housing for Seniors or People with a Disability) 2004			-	-	-
C1.23 Eaves	Eaves are required on all residential development.	The windows on the western, eastern and northern elevations are considered to be adequately protected without the use of eaves. Variations are permitted for multi unit housing and it is considered the objectives of this control are achieved.	N	Y	Y
C1.24 Public Road Reserve - Landscaping and Infrastructure		As discussed under C1.1, the proposed planting within the road reservation is not supported as it is considered they will interfere with the spatial needs of pedestrians. These plantings should be deleted.	N	N	Y
C1.25 Plant, Equipment		Concern has been raised in an	Y	Y	N

Control	Standard	Proposal	T	O	N
Boxes and Lift Over-Run		objection regarding issues relating to this section of the DCP. These are discussed in detail later in this report.			
C4.7 Land Subdivision - Amenity and Design			-	-	-
C4.8 Land Subdivision - Landscaping on the Existing and proposed public road reserve frontage to subdivision lots			-	-	-
C5.19 Food Premises Design Standards			-	-	-
D9.1 Character as viewed from a public place		The performance of the development against this section of the DCP is discussed later in this report.	N	N	Y
D9.2 Scenic protection - General		See relevant discussion later in this report.	N	N	Y
D9.3 Building colours and materials	External colours and materials shall be dark and earthy tones. White, light coloured, red or orange roofs and walls are not permitted. Applications in Commercial areas shall use the three elements of stone, timber and landscaping as feature elements to any facade presenting to the street.	External walls are proposed to be finished in 'sandyday' - a light grey and 'cottontail' - an off-white colour. Neither of these colours are compliant with Council's permitted colour palette, which requires dark, earthy tones. This outstanding matter can easily be addressed by way of a condition of consent requiring a compliant finished colour palette being submitted with the Construction Certificate.	N	Y	Y
D9.4 Height - General	Maximum height 8.5m.	Maximum height proposed is 8m.	Y	Y	Y
D9.6 Front building line	For land zoned Residential, minimum front setback of 6.5m or established building setback, whichever is the greater.	The proposal has a front setback to the front wall of 5.5m with the four balconies to the front units protruding 2m into this front setback area and having a front setback of 3.5m. Concern has been raised in objections regarding the proposed front building setback. This is discussed in more detail later in this report under the relevant heading.	N	N	N
D9.7 Side and rear building line	If the side and rear setback requirements for multi-unit housing were to be applied to the development, the required minimum setbacks for side and rear boundaries would vary between 4m for the rear section of the development and 4.5m for the front section of the development, based on the varying height of the external wall in relation to natural ground level.	The development does not comply with the above controls. Objections have raised concern over this non-compliance. This matter is discussed in more detail later in this report under the relevant heading.	N	N	N
D9.9 Building envelope	The building envelope applicable	An objection has raised concern	N	N	N

Control	Standard	Proposal	T	O	N
	to multi-unit housing has been adopted as applicable to the subject proposal. This building envelope is projected at a 45 degree angle from a height of 4.2m above the side boundaries.	that the development does not comply with this control. This is discussed in more detail later in this report.			
D9.10 Site Coverage - General	Even though the Site is not identified as Area 3 in the Dual Occupancy map, this is considered to be an inadvertent omission and the land would not be considered to be environmentally sensitive. Thus, the max. site coverage applicable would be 50% with 50% minimum landscaping.	Objections raise concern over site coverage proposed. The AH SEPP requires a minimum of 30% landscaped area, the development incorporates 33% landscaped area but would not comply with the local controls. As detailed in Sections C1.1 and 3.6 of this report, the proposed landscaped treatment of the development is not acceptable, largely due to insufficient deep soil planting in side and front building setbacks	N	N	N
D9.12 Fences - General			Y	Y	Y
D9.14 Construction, Retaining walls, terracing and undercroft areas			Y	Y	Y
SEPP (Building Sustainability Index: BASIX) 2004	A Basix Certificate is required to support the Application.	The development has been modified since the issuing of the BASIX Certificate accompanying this development application. A new BASIX Certificate should be issued that reflects the modified design. The lack of a current BASIX Certificate is recommended as a reason for refusal.	N	N	Y
SEPP (Affordable Rental Housing) 2009		Objections have raised concern about the compliance of the development with certain provisions of the AH SEPP. The performance of the development against the provisions of this SEPP is discussed in detail under the relevant heading later in this report.	N	N	N
Other State Environmental Planning Policies (SEPPs)			-	-	-

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

## **5.0 SITE DETAILS**

The Site is known as 21 Bungan Street, Mona Vale. It has a legal description of Lot 2 in DP 517430.

It is located on the north-western side of Bungan Street between Mona Vale Road and Waratah Street. The Site has a frontage to Bungan Street and width of 14.885m and a depth of 48.16m. It has an area of 707.2sqm. The Site is currently vacant with timber paling and chain wire boundary fencing. Existing vegetation on the Site includes 1 Cheese Tree and a number of weed species. The Site is zoned Residential 2(a) under PLEP 1993.

The Site is surrounded to the north-east, north-west and south-west by the grounds and tennis courts of Mona Vale Public School ('the School') with the one remaining site boundary being the frontage to Bungan Street. The Site is the only property in Bungan Street that is residentially zoned. The remaining land fronting Bungan Street is either zoned 3(a) General Business or 5(a) Special Uses - School. All land immediately adjoining the Site is zoned 5(a) Special Uses - School. The Site is located at the edge of the Mona Vale commercial centre. Other development along Bungan Street has a varied scale which ranges from the low rise development of the School immediately around the Site to 5-6 storey commercial development with a single storey street facade. The 5-6 storey tower element of this building is set back from the street edge. Further north-east along Bungan Street, beyond the intersection with Waratah Street, the existing development is variable in height between 1-4 storeys with upper floors being either shop top housing or commercial suites and ground level being retail and business uses.

To the north-east of the Site and 5m from the Site boundary are the tennis courts associated with the School. The School toilets are also on the north-east side of the Site and set back 3.6m from the common boundary with the Site. The School hall building is located 8.4m from the north-west boundary of the Site. A demountable classroom is 1.9m from the south-west boundary of the Site.

The Site is located within the 'Mona Vale Locality' as identified in Part A of Pittwater 21 DCP.

## **6.0 PROPOSAL IN DETAIL**

It is proposed to construct a 2 storey infill affordable housing development containing a total of ten (10) units over basement parking for 9 cars plus motorcycle and bicycle parking. The development will contain 6 x studio apartments with 3 of these being adaptable and, 2 x 1 bedroom + study maisonette style apartments and 2 x 2 bedroom maisonette style apartments. The strata subdivision of the resultant development is also proposed.

## **7.0 BACKGROUND**

This development application was lodged on 29 March 2011. It is the subject of an appeal to the Land and Environment Court based on deemed refusal, which was lodged with the Court on 13 May 2011. A series of "without prejudice" meetings occurred between Council officers and the Applicant to discuss the issues of concern. The Applicant has prepared amended plans ('August 2011 Amended Plans') in response to these meetings and Council officer's concerns. The Land and Environment Court granted leave to the Applicant to rely on these amended plans on 3 August 2011. This report is an assessment of the August 2011 Amended Plans and accompanying additional information.

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

The application of SEPP NO. 1 is not required.

## **9.0 EXISTING USE RIGHTS**

Does the proposal rely on Existing Use Rights? No

## **10.0 DISCUSSION OF ISSUES**

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

An objection raises concern that the proposed driveway to the development will result in the loss of 2-3 on-street parking spaces.

The survey plan shows that there is an existing crossover at the Site frontage that would have served a driveway to the dwelling that was formerly standing on the Site. The proposed driveway width of 3.3m is considered reasonable for a development of this size. Council cannot deny the right of the owner of the Site gaining vehicular access to the street.

It is therefore not agreed that there will be any unacceptable loss of on-street parking as a result of the proposed construction of the driveway to the development.

An objection raises concern that there is insufficient sight distance for vehicles exiting the basement car park. The footpath in front of the Site is heavily used due to its location on the edge of the Mona Vale town Centre and the proximity of the School. The driveway is located in-between two raised planter boxes with their retaining walls unnecessarily blocking sight distances for exiting vehicles. These raised planter boxes should be deleted altogether and landscaping be proposed at footpath level in front of the development with no retaining walls. AS2890.1 requires a splay corner which is not adequately provided but this non-compliance would be resolved with at-grade planting and the deletion of these planter boxes.

Failure to properly comply with the controls and outcomes of Section B6.4 of the DCP is recommended as a reason for refusal due to the inadequate sight distance for exiting vehicles.

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

An objection has raised concern over the non-compliance of the development with Council's off-street parking requirements for multi-unit housing.

The amended design, including 6 x studio units, 2 x 1 bed + study units and 2 x 2 bed units, would generate a demand for 12 resident parking spaces and 4 visitor spaces under the terms of the DCP.

The amended design provides 9 car parking spaces which would not comply with this DCP requirement. However, Clause 14(2)(a) of the AH SEPP states that Council cannot refuse the development due to lack of on-site parking if the development provides a minimum of 5 car spaces. There are a number of factors that would reduce the risk of the development noticeably adding to the demand for on-street parking in the area. These factors include the inclusion of motorcycle parking and a bicycle store within the basement. Also, 6 of the 10 units proposed are studio units and will be used as affordable housing. The tenants would be less likely to own a car. The Site is located close to public transport and within easy walking distance to shops and amenities.

The SEPP prevents the Council from refusing the development on parking grounds and there is no evidence to suggest that the proposal would have any significant adverse impact on the demand for street parking in the area. The off-site parking provision is therefore considered to be acceptable.

No detail has been included indicating how the proposed 9 parking spaces are intended to be allocated. No draft plan of strata subdivision showing this information has been submitted. This could be dealt with by way of a condition of consent and it is considered that at least 1 of the 9 car spaces should be allocated as common property and a visitors' parking space.

Of the 9 car spaces provided, six are 2.6m wide, two are 5.8m wide and another space is 5.8m wide with a side passage to allow for a width in excess of 4.2m. This would satisfy the requirements of the DCP for disabled parking.

### **B8.1 Construction and Demolition - Excavation and Landfill**

Mona Vale Public School and other objectors have raised concern that the significant excavation proposed will result in the disruption in teaching and learning time in the classrooms over an extended period. In addition, the School is concerned that there will be vibrations to the floors and desks in classrooms, again resulting in significant disruption to the learning environment. The School has also stated that it would be "most unwilling to allow anchors to be leveraged onto its land."

The development would involve excavation to a maximum depth of 3.9m as close as 1.3m from the common boundary with the School. Approximately 64% of the Site would be excavated. The outcomes of Section B8.1 of the DCP are as follows:

- *Site disturbance is minimised.*
- *Excavation, landfill and construction not to have an adverse impact.*
- *Excavation and landfill operations not to cause damage on the development or adjoining property.*

The extent of the Site required to be excavated for the construction of the basement parking level is significant. It is noted that 9 parking spaces are proposed although only 5 spaces are required for 10 units under the AH SEPP. By seeking to provide more basement parking than the AH SEPP requires for this development, it is not considered that site disturbance has been minimised. There is scope to reduce the size of the basement level. The need for a large basement would also be reduced if less units were proposed.

In response to the concerns of the School and also of the Department of Education, the legal representative for the Applicant has advised the following:

*"Construction activity will be managed by the conditions of consent. The application does not need to rely on rock anchors within the school property. In the event the matter is approved, the applicant will work closely with the school to ensure that the construction of the development is managed to minimise impacts on the school. Rahneh Constructions have recently completed the construction of 12 apartments adjoining St Kevin's Primary School in Oaks Avenue, Dee Why, without complaint from the school community."*

Standard construction hours stipulated in a standard condition of consent would coincide with school hours during the weekdays. It would be preferable if the bulk of excavation work were to be undertaken during school holidays, if possible. This case may also benefit from the extension of the permitted hours of work on Saturdays in order to reduce the overall excavation period when the School is likely to experience disruption due to noise. The construction activity is also likely to be noisy and disruptive, so similar hours and conditions should also apply at this stage. When noisy excavation work, such as rock excavation, coincides with school hours, special conditions should apply that prevent rock drilling from occurring for extended periods without a break.

Council has no in-house expertise on this matter and could not formulate reasonable and properly researched conditions of consent without expert input and advice. It is not considered that the Applicant has dealt with this issue adequately and it is a significant issue. The onus is on the Applicant to demonstrate how the environmental impacts of the development are mitigated. The Applicant should obtain advice from a qualified and practising acoustic consultant making recommendations of proposed measures to mitigate the noise impact on the School during the excavation and construction period (in addition to making recommendations to mitigate noise issues over the life of the development). Failure to properly address this issue is recommended as a reason for refusal.

In regard to the rock anchors, it is noted that the Applicant has stated that these will not be required, it is considered that this matter could be dealt with by the imposition of a condition of consent that prohibits the use of rock anchors on or under the School grounds without the express written consent from the School.

Potential damage of the School grounds and buildings could be mitigated by the imposition of a condition requiring the preparation and submission of a dilapidation report showing the condition of the surrounding School grounds and buildings and requiring that the developer replace or repair any damage identified prior to the issue of the Occupation Certificate.

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

Council's Natural Resources Officer has advised the following with regard to the Application:

*"The property is currently vacant and contains a modified landscape mainly consisting of weeds and exotic vegetation in an overgrown state. The proposed works involve the construction of a part 2/part 3 storey infill affordable housing development over basement parking, consisting of ten (10) dwellings and a strata subdivision of the resultant development. The site contains only one (1) tree protected by the Tree Preservation Order, which is the subject of an arborist report (Naturally Trees 4th March 2011).*

*The tree, a Cheese Tree, is located near the south-western site boundary, and is a semi-mature specimen and has been given an AZ rating of Z1 ("Z" trees being unimportant trees not worthy of being a material constraint). The tree is within the proposed building footprint and therefore is recommended for removal. Due to its small size it is not considered worthy of warranting a redesign of the proposal, and can be easily replaced onsite. This view is supported by Council.*

*All other canopy trees on adjacent properties are a sufficient distance away from the proposed works and will not be impacted. The landscape plan (Selena Hannan Landscape Design Drawing No. LC01 B 18th March 2011) provides dense plantings on all four sides of the proposed building, and include four (4) large indigenous canopy trees and seven (7) smaller trees and palms. All of the proposed shrubs and groundcovers are predominantly locally native species which will enhance the habitat value of the site.*

*Screening appears to have been addressed but for more technical comment on this aspect please contact Council's Landscape Architect.*

*Amended plans have been provided including an amended landscape plan (Paul Scrivener Landscape Architect Drawing No. 1610 B 25th July 2011). This plan indicates screening along the southern and northern side boundaries using Banksias, Tuckeroos, Weeping Lilly Pillies and Blueberry Ash.*

*The setback distance is 1.3 and 1.5 metres respectively of deep soil plantings as indicated in the Section C drawing (Environa Studio Drawing No. 112 21st July 2011), although the Section D drawing indicates the root zone will be contained on the southern side and will have a shallow depth on the northern side due to the presence of the OSD tank below.*

*Given the setback and soil depth restrictions in these areas, it is considered unlikely that the proposed species will thrive and attain the heights required to effectively screen the two floor levels of built form. The species are considered to be appropriate for a screening situation, however they will require more free growing space both above and below ground to thrive, particularly along the southern side where sunlight will be restricted.*

*As screening of the building is a major issue given the proximity of the adjacent school grounds, it is recommended that more consideration is given to redesigning the underground parking and OSD area to increase natural growing space for the screening trees. They should not be contained along the boundaries by subsurface walls. It is also recommended that the proposed quantity of screening trees is doubled to bulk up screening, particularly along the northern side boundary - discussions with Council's Principal Landscape Architect have supported this and it was suggested that a desirable deciduous species is inter-planted among the currently proposed species to bulk up screening but still allow for solar access in winter. (M Hansen 18/08/11)"*

In view of the above comments, particularly the concern that the side setbacks have inadequate deep soil zone and growing space to allow proposed species to be planted to thrive and effectively provide screening of the development, it is not considered that the development satisfies the provisions of Section B4.5 of the DCP, particularly the outcome below:

- *The long term viability and enhancement of locally native flora and fauna and their habitats.*

This is recommended as a reason for refusal.

### **C1.1 Landscaping**

Refer to Section B4.5 for relevant comments by Council's Natural Resources Officer. Concern has been raised in an objection regarding the performance of the development against the provisions of this section of the DCP.

Due to the unique context of the subject site, the landscape treatment to the side boundary setbacks is particularly important as it defines how this development relates to the School grounds and how it appears when viewed from Bungan Street. Given inadequacies identified in Section B4.5 above with regard to deep soil zone and above ground growing space within the side setback areas, the development is not considered to be satisfactory in relation to the provisions of C1.1 of the DCP. Specific controls that the development is not considered to comply with are as follows:

- *Where there are no canopy trees the trees to be planted are to be of a sufficient scale to immediately add to the tree canopy of Pittwater and soften the built form.*
- *Each tree planted is to have a minimum area of 3m x 3m and a minimum 8m<sup>3</sup> within this area to ensure growth is not restricted.*
- *50% of the front of the buildings shall be landscaped to screen those buildings from the street. Screening shall be of vegetation (not built items) and shall be calculated when viewed directly onto the site.*

The current landscape plan indicates proposed side setback planting of medium sized trees with canopies that would protrude under/over/into the external wall of the first floor on the southern side of the building and under/over the courtyard roofs on the northern side, as well as over the common boundary with the School.

The failure of the side setback areas to comply with the above landscape requirements is likely to result in the ultimate failure of the proposed planting to thrive and survive.



In regard to the proposed front setback landscaping treatment, it is proposed to narrow the footpath that currently is 3.5m wide along the School frontage to Bungan Street from the intersection with Waratah Street to the development site, then narrow this footpath to a width of 1.5m and provide turf and 2 x Broad-Leafed Paperbarks in the remaining road reservation area and in front of the development.

This has been discussed with Council's Landscape Architect and it is considered that this street planting is not supported by Council as the full 3.5m wide footpath is required to be extended across the full frontage of the Site given the high pedestrian volumes at this location. It is assumed that the Applicant is attempting to use the road reservation area for additional screen planting area to soften the appearance of the development when viewed from the street. When viewed from Bungan Street, the development is 3 storeys in height. It is considered that the landscaping required to soften the appearance of the development when viewed from the street should be carried out within the front setback of the Site itself. Noting the 2m deep balconies at the front of the building, the effective front building setback available for planting is 3.5m deep. In the context of the open landscaped School grounds surrounding the Site and dominated by large canopy trees, it is not considered that this is a sufficient landscaped area to provide appropriate planting that is in scale with the 3 storey development. The proposed 2 x Tuckeroos in the front building setback, with maturing heights of 6-8m, are not considered to be sufficient to screen and soften the 3 storey development when viewed from Bungan Street.

The following outcomes of C1.1 are not considered to be satisfied by the proposal.

- *A built form softened and complemented by landscaping.*
- *Landscaping reflects the scale and form of the development.*
- *Landscaping reflects in the long-term retention of Pittwater's locally native tree canopy.*
- *Landscaping enhances habitat and amenity value.*

The development is recommended for refusal to its failure to satisfy the controls and outcomes of C1.1.

### **3.3 Submission of supporting documentation - Site Plan / Survey Plan / Development Drawings**

The proposal includes the strata subdivision of the development yet no draft plan of strata subdivision has been submitted showing how the development will be subdivided. This concern has also been raised in an objection.

It would be a relatively simple matter for the Applicant to address this outstanding issue, which has been included in the Statement of Facts and Contentions lodged with the Land and Environment Court. At the time of writing this report however, the Applicant has failed to address this matter. In the absence of a draft plan of strata subdivision, the proposed subdivision of the development must be deleted from any development consent.

A further inconsistency with the information submitted with the Application is that the detail of the treatment of the courtyards to the rear units differs between the architectural plans and the landscape plan. The Levels 1 & 2 floor plans show planting over part of the basement roof in the northern courtyards with 1.1m wide shade louvres extending over these courtyards.

The landscape plan only shows landscaping in the limited deep soil areas in side setbacks to the basement level with the entire courtyards over the basement being hard-paved courtyard and entirely roofed.

Amended plans would be required to address this inconsistency as the northern setbacks and deep soil area are raised as issues of contention and recommended as reasons for refusal.

Concern is raised in an objection that the claim on Page 5 of the amended Statement of Environmental Effects prepared by Boston Blythe Fleming that *"the site....is clearly read as being within the core commercial area of Mona Vale"* is not correct. This is agreed, at best, the Site could be described as being at the edge of the commercial core without actually being within it. The commercial core is defined very clearly by the commercially zoned land on the eastern side of Bungan Street opposite the side and at the northern end of Bungan Street beyond Waratah Street. A contention raised in the Statement of Facts and Contentions lodged with the Land and Environment Court in June 2011 was that the Application was not supported by a parking and traffic report to assess traffic impact, confirm that the basement design satisfies the relevant standards in relation to head clearance over disabled parking, sight distances for pedestrians for exiting vehicles etc. No such report has been lodged to support the August 2011 Amended Plans. This concern has also been raised by objectors.

An objection has raised concern that the August 2011 Amended Plans are not supported by an updated urban design report. An amended urban design report was received by Council on 23 August 2011.

Concern is raised in an objection that no detail has been submitted regarding the proposed mechanical ventilation of the basement car park. This is considered to be a BCA matter that can be addressed at the Construction Certificate stage.

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

Concern has been raised in objections in regard to the design quality of the development and its performance against all of the design quality principles of SEPP 65.

An assessment of the amended design of the proposal represented in the August 2011 Amended Plans against the relevant provisions of SEPP 65 is provided below:

Clause 30(2)(b) of SEPP 65 requires Council to make an assessment of the development against the Design Quality Principles of SEPP 65. This assessment is as follows:

#### Principle 1: Context

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

The relevant sections of the desired future character for the Mona Vale Locality in Section A4.59 of Pittwater 21 DCP are:

*"...Any multi unit housing will be located within and around commercial centres, public transport and community facilities.....Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport.....Future development will maintain a height limit below the tree canopy and minimise bulk and scale. Existing and new native vegetation will be integrated with the development."*

*Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment....The design, scale and treatment of future development within the Mona Vale commercial centre will reflect principles of good urban design. Landscaping will be incorporated into building design.....A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land....."*

As detailed above, responding to context necessitates responding to the key natural and built features of the area. The proposal is an improvement on the original scheme as the built form is more broken-up but is considered to be inadequate in the provision and treatment of landscaping within the boundaries of the Site. The incorporation of the rainforest garden to break up the built form is considered to be a very positive design feature, however the width of the deep soil areas along the side boundaries, which are highly prominent because of the unique context of the Site, are not any wider than the originally submitted scheme.

As discussed under the AH SEPP section of this report in the "deep soil" section, the Applicant expects to take advantage of the adjacent school grounds deep soil area to provide soil and growing space for the planting along the side boundaries. However, the installation of a series of stepped planter boxes within these side setback areas to accommodate the side setback planting would further contain this planting and alter the natural topography along the common boundaries with the School. The minimal setback of the first floor to the southern boundary restricts potential growing area for this southern side landscaping.

Rather than "responding" to and adding to the landscaped character of the surrounding School grounds, the development takes advantage of this landscaped character along the side boundaries of the Site by relying on it to supplement landscaping growing space and deep soil area not provided within the boundaries of the Site. In other respects, the maisonette style design of the units with bedrooms upstairs is a well considered response to the unique location of the Site surrounded by the grounds of a school. Internal living areas are generally limited to the ground level and this will reduce the incidence of overlooking between the development and the School. Acoustic privacy is discussed under Design Principle 7: Amenity.

The future development of the School grounds adjacent to the Site must be considered in the assessment of this development application. In the "Schedule of Plan Amendments" prepared by Environa Studio and dated 21 July 2011, the School grounds is referred to as "parkland deep soil", which infers an assumption by the Applicant that the School grounds immediately adjacent to the Site will always remain undeveloped and landscaped deep soil zone. It is possible however, that this land will be required to be developed by the School at some time in the future.

In such circumstances, it would be unreasonable for the Applicant to rely on or expect this adjacent land to always remain undeveloped in order to preserve the amenity of the proposed future units. This is why it is considered reasonable to rely, to a small extent, on the adjacent School ground for additional deep soil and growing space for trees and vegetation planted on the Site and adjacent to the boundary, but, there should be sufficient deep soil area within the boundaries of the Site to largely absorb the impacts and cater for the amenity needs of the proposed development without future development on the School grounds being required to be set back a greater distance from the side boundaries than the proposed development itself.

Relevant judgements from the Land and Environment Court concerning "borrowed amenity" from adjoining land includes *Cranbrook Properties v Woollahra Municipal Council* [2006] NSWLEC 374 concerning a proposed residential care facility in which Commissioner Tuor stated in Paragraph 62 of her judgement that she did *"not accept the argument that it is acceptable to 'borrow' amenity from adjoining street trees or landscaping on other properties"* and that, as the proposal is a much larger building, in length, width and height than what currently exists on the site, it *"should be appropriately softened and framed by its own landscaping to better fit into the existing and desired future character of Cranbrook Road."*

In *Auspacific Equity Investments Pty Ltd v Pittwater Council* [2004] NSWLEC 281, relating to a shop-top housing development adjoining a carpark on one side, Murrell C held that:

*"Clearly any future development of the adjoining council carparks potentially must have regard to the proposed development but at the same time the limited setbacks allowed along the northern boundary of the proposal would unreasonably constrain and prejudice development of those adjoining sites. And the setbacks of the proposed development would not provide satisfactory amenity for the occupants of units that face over the side boundaries of the large rear portion of the subject site. In this regard, the development, as proposed, excessively borrows and relies on its future amenity for privacy, landscaping for screening and softening and solar access from the adjoining School land.*

*While one would expect the development assessment of adjoining carparking lots to have regard to this particular development, nonetheless, just as the adjoining carpark sites cannot sterilise the development of this land similarly the development of this land cannot excessively borrow to the point that it would significantly reduce any development on the adjoining carpark."* (at[30]-[31])

*"..I have concluded that the proposal excessively borrows from the adjoining properties for both privacy and solar access by not providing adequate side boundary setbacks to ensure appropriate future amenity....Clearly developments mutually borrow in terms of amenity and where a setback is proposed one may expect also a setback on an adjoining development site so that there is mutual amenity gained for each development. But this particular development seeks to build to the envelope (so to speak) without regard to the future amenity. And it would be short-sighted of the Court to approve the proposed development on the expectation that the at grade council carparking sites either side of the subject development would remain."* (at [39]-[40]).

If future development on the adjoining School land were to provide the same width of deep soil area along the common boundaries of the development site, there would be an inadequate separation and opportunity for screen landscaping between the developments to maintain the amenity of the future units within the proposed development.

Greater deep soil area is required to the northern and southern side boundaries to prevent the development from unreasonably borrowing its amenity from the adjoining School land and inhibiting the future development potential of this land. It is for this reason that it is considered that the development has not properly responded to the unique context of the Site and does not satisfy this Design Quality Principle. This is recommended as a reason for refusal.

#### Principle 2: Scale

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

The proposed development presents as a 3 storey building to Bungan Street due to the basement level being visible from this street, however, the development is predominantly 2 storeys in height and comfortably under the maximum 8.5m building height limit overall. The long side elevations previously proposed are now broken up in the amended scheme with a rainforest courtyard providing visual relief and a break between building elements.

With regard to this design quality principle, an objector has raised concern that the development is not consistent with the Land and Environment Court Planning Principle for height and bulk in *Veloshin v Randwick Council* [2007] NSWLEC 428.

This Planning Principle refers to the applicable local planning controls for maximum height, floor space ratio, site coverage and setbacks and asks certain questions about the impacts of the development in light of these controls. These questions are listed and discussed below:

- *"Are the impacts consistent with impacts that may be reasonably expected under the controls?"*

Comment: The development is compliant with the maximum height control for multi unit housing and single dwellings. The impacts of the proposal with regard to overall height would be the similar to any other height compliant development, with the exception of the 3 storey character to Bungan Street. This is identified as a concern due to streetscape impact, particularly when combined with the non-compliant front building setback (refer to C1.1 and D9.6).

Non-compliant side building setbacks have also been found to cause unacceptable impacts that would not occur with a compliant development (refer to Section D9.7 of this report). There is no applicable FSR control other than that in the AH SEPP, with which the development complies.

The applicable minimum landscaped area requirement for the Site for any other residential development would be 60% of the Site (under D5.9 'Site Coverage – Environmentally Sensitive Land' of Pittwater 21 DCP). For affordable housing development however, the AH SEPP only requires a minimum of 30% of the Site (where it does not conflict with the provisions of SEPP 65).

The development proposes a landscaped area of 33% of the Site and complies with the landscaped area provisions of the AH SEPP. However, it is considered that the impacts and character of a development with 33% landscaping is very different to a development with 60% landscaping. With 60% landscaping, landscaping would generally visually dominate over built form with good opportunity for large canopy tree planting on the Site, whereas the reverse would be so with just 33% of the Site landscaped. In the context of a development site that is surrounded by the open landscaped character of the School grounds, this difference is considered to be highly significant.

The proposal has also been identified as non-compliant with regard to the deep soil requirements of the AH SEPP (refer to AH SEPP section of this report) and the impacts of this non-compliance are not considered to be acceptable.

Therefore, it is concluded that the impacts of the proposed development are not consistent with the impacts of what may reasonably be expected under the controls.

- *"How does the proposal's height and bulk relate to the height and bulk desired under the relevant controls?"*

Comment: The height of the development is similar to that of a compliant development although the bulk of the development is considered to be greater due to non-compliance with side and front setbacks at locations where the building will be prominent and easily visible from Bungan Street.

- *"Does the proposal fit into the existing character of the area?"*

Comment: The development has been designed to be consistent in character to shop-top housing development located on commercially zoned land closer to the heart of the Mona Vale commercial centre. However, the subject site is residential zoned land with special use – school zoned land adjoining it. It is considered to be located outside the edge of the Mona Vale commercial centre.

It does not have any permanent buildings adjoining it with the same street presence and is essentially an isolated “one-off” development. The reduced front and side building setbacks and 3 storey character of the development are in great contrast to the tennis courts and open landscaped character of the School grounds. The reduced street setback and lack of sufficient planting in front of the development gives it a commercial, shop-top housing character yet it is a purely residential development. A comparable multi-unit housing development would have a greater landscaped front setback and less prominent street presence.

It is considered that it is not appropriate to attempt to emulate the character of commercial development that occurs nearby but on commercially zoned land. The street block on Bungan Street in which the Site is located clearly does not have the same character of the Mona Vale commercial centre on the opposite side of Bungan Street and further north of Waratah Street.

It is also relevant to note that the subject site is an isolated residentially zoned parcel of land surrounding by special use – school land on 3 sides. There will be no commercial or residential development anywhere else on the street block in which the Site is located within the foreseeable future. This makes it even more important for the development to fit in with the character of its immediate surroundings.

Due to the significant change in character between the western and eastern side of Bungan Street, the “local area” must be considered to be the street block on the western side of Bungan Street in which the Site is located. The surrounding open landscaped School grounds are the principal visual catchment in which the subject development will be viewed. The development is clearly at odds with the character of this surrounding land.

- *“Is the proposal consistent with the bulk and character intended by the planning controls?”*

Comment: In view of the above comments, the proposal cannot be considered to be consistent with the bulk and character intended by the planning controls as the local planning controls and desired future character would dictate a lower density of development with greater setbacks in a generous landscaped setting.

- *“Does the proposal look appropriate in its context?”*

Comment: Given the above comments, the development is not considered to look appropriate within its context.

For the above reasons, the development is not considered to be satisfactory in relation to this design quality principal and is recommended for refusal for this reason.

### Principal 3: Built Form

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

The breaking-up of the built form in the August 2011 Amended Plans is considered to be a positive feature of the proposal. However, the proposed front and side building alignments are not considered to be appropriate in the context of the unique constraints of the subject site. The lack of building setbacks, particularly at the front of the development, gives the development a very commercial character. As previously discussed, this is not considered to be appropriate for this site and is contrary to the residential zoning.

For the above reasons, the development is not considered to be satisfactory in relation to this design quality principal and is recommended for refusal for this reason.

#### Principal 4: Density

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

The general location of the Site at the edge of the Mona Vale commercial centre is considered to be well-positioned for affordable housing in relation to amenities and public transport. However, the unique context of the Site surrounded by the grounds of Mona Vale Public School is considered to be a constraint that prevents the achievement of the 0.75:1 floor space ratio with a development that could reasonably be considered to be acceptable when assessed against the SEPP 65 design quality principles.

The May 2011 Amendment to the AH SEPP has made the proposed development prohibited on the subject site and it has not been identified in the local planning controls as being suitable for multi-unit housing. Therefore, the highest permissible residential density now achievable on the Site is a dual occupancy development or 2 dwellings.

The transitional provisions of the May 2011 Amendment to the AH SEPP provide that the Application be assessed against the planning provisions that were applicable at the time of the lodgement of the Development Application. Therefore, the 0.75:1 maximum FSR of Clause 14(1)(a)(ii) would still apply to the Application. However, this must still be assessed in terms of its appropriateness against the Density Design Quality Principle of SEPP 65. Numerous problems with this development have been identified in the body of this report and it is considered that many of these problems stem from the fact that the 0.71:1 density and 10 unit yield sought by the Applicant for this development is greater than the capacity that the Site can deliver whilst still achieving an acceptable level of design quality.

SEPP 65 Design Quality Principle 4 specifically states that *"Good design has a density appropriate for a site and its context.."* and this principle prevails over the density incentive provision of 0.75:1 in the AH SEPP. The blanket imposition of an FSR of 0.75:1 for affordable housing in low density residential areas has been abandoned in the May 2011 Amendment to the AH SEPP in favour of providing additional FSR in areas where medium density development is already permitted. The May 2011 Amendment to the AH SEPP also added the need for undetermined applications such as the subject application to pass a compatibility with local character test. As discussed under the AH SEPP section of this report, the proposal fails this character test, largely due to the excessive density sought.

For the above reasons, the development is not considered to be consistent with the Density Design Quality Principle of SEPP 65 and this is recommended as a reason for refusal.

#### Principal 5: Resources, Energy and Water Efficiency

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

#### Principle 6: Landscape

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

In view of the comments under Section B4.5 and C1.1 of this report in regard to the lack of deep soil and growing space for screen landscaping within the side and from setback areas, it is considered that the development does not satisfy this design quality principle. This is a recommended reason for refusal.

#### Principle 7: Amenity

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

As discussed under Section C1.4 of this report, inadequate information has been submitted with the August 2011 Amended Plans to demonstrate that acceptable solar access is achieved. In Sections C1.5 and C1.6 of this report, it is established that the development is not acceptable in relation to privacy impacts. For these reasons, the development is not considered to adequately address this design quality principle.

#### Principle 8: Safety and Security

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

Safety and security issues are addressed under Section C1.2 of this report. The development is considered to be satisfactory in relation to this design quality principle.

#### Principle 9: Social Dimensions and Housing Affordability

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

The development is considered to adequately respond to this design quality principle with a reasonable mix of unit types.



## Principle 10: Aesthetics

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

The proposed external building colours, which include 'sandyday' - a light grey and 'cottontail' - an off-white colour. Neither of these colours are compliant with Council's permitted colour palette (under D9.3 of the DCP), which requires dark, earthy tones. This outstanding matter can easily be addressed by way of a condition of consent and is discussed in more detail under Section D9.3 of this report.

## Residential Flat Design Code

Concern has been raised in an objection that the development does not comply with the communal open space requirements of the RFDC. It is noted that the communal open space provided within the development consists of the rainforest courtyard and also a landscaped area at the rear of the development. Whilst the area may not comply with the recommended 25-30% of the Site area in the RFDC, the area could easily be increased by reducing the size of the private courtyard to the rear unit. Concern is also raised that the communal open space is not accessible and it is agreed that this is the case due to steps. Accessible ramps would have to be provided to these areas. This would also apply to the external clothes drying area.

Concern has been raised that the development is not in accordance with the RFDC in that it recommends providing separate entries to the street for cars and pedestrians. The proposal locates the driveway and entry path adjacent to each other. It is agreed that some barrier between the two should be provided to avoid inadvertent crossover and potential conflict between cars and pedestrians. This matter could be addressed by way of a condition of consent.

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

An objection has raised concern that in regard to the original proposal that it would be discriminatory against disabled people as all the adaptable dwellings are also affordable housing and none of the non-affordable housing is also adaptable. The amended plans similarly concentrate all of the adaptable units as affordable housing. As there are only 10 units proposed in total it is not considered that it is essential to mix the adaptable units evenly between the affordable and the non-affordable housing units. It is not agreed that the proposed mix is unreasonable or discriminatory.

An objection raises concern that the development is a poor planning outcome generally, for various reasons, these reasons are dealt with separately elsewhere in the report.

An objection raises concern that the development depicted in the August 2011 Amended Plans is not substantially the same as the original proposal. It is not agreed that this is the case.

The Department of Education has raised concern that it had communicated with the Applicant over a proposal to *"..swap the proposed development block for less utilised part of the Mona Vale school site of larger proportions. The Applicant has indicated an unwillingness to negotiate on this potential solution."*

The land offered by the Department of Education appears to be the parcels of land in the south-west corner of the street block bounded by Mona Vale Road, Oliver Way and Emma Street.

This land is zoned Residential 2(a) under PLEP 1993. Under the current provisions of the AH SEPP, a similar development of a similar density to the one proposed in the subject application would be prohibited. The Applicant and the Department of Education did appear to undertake negotiations for a potential land swap for a time but the Applicant claims that the Department of Education withdrew their offer for a land swap on or about 2 August 2011. Irrespective of why these negotiations broke down, it would appear that such negotiations came too late to make it commercially viable for the developer to withdraw the subject application and then suffer delays due to the need to rezone the offered land for apartments – a process that would not have any certainty of outcome for the developer.

Council is bound to assess the application before it and cannot reasonably require two parties to come to a commercial agreement where there is no certainty of outcome.

An objection raises concern that the fixed windows on the southern elevation would not allow for natural ventilation to the units. The southern elevation appears to indicate louvred glass windows over the entry doors, which would be sufficient to provide natural cross ventilation.

An objection raises concern that the access to the motorcycle parking area is insufficient and this parking area is not sufficiently separate from the main pedestrian entrance which could lead to motorcycle riders accessing their parking via the pedestrian entrance. It is agreed that this parking space and its access is not well designed and needs to be re-considered and effectively separate from the pedestrian space. This matter could be addressed by way of a condition of consent.

Concern is raised in an objection that the development will de-value the School land and inhibit its future development. No empirical evidence has been submitted to demonstrate the claim of de-valuation but it is agreed that the limited side setbacks proposed will particularly result in greater setbacks being required for any future building on the adjoining School land and will have an unreasonable impact on the development potential of this land.

### **C1.2 Safety and Security**

Concern has been raised in objections regarding the safety and security impacts of the development. Particular concern was expressed that there is a possibility that "paedophiles and the like" may take up residence in the future development and some of the units will overlook the school grounds.

This development is not unlike any other development located adjacent to or near a school. It would not be possible to totally prevent any possible overlooking of the School grounds. There are always places around a school that are publicly accessible areas in any event, such as the footpath on Bungan Street, where people are able to see part of the school grounds. Clear delineation between the privately owned development site and the School grounds is considered to be successfully achieved with boundary fencing and screen landscaping. Whilst the concern of parents for the welfare of their children generally is understandable, the development cannot be refused on the basis of what may or may not happen.

It is considered that it should not be any easier for residents of the future development to access the School grounds as it would be for children to climb over the boundary fencing and accessing the development site. The risk of overlooking of the School grounds from the upper floor of the development has been reduced by providing the main internal living areas to most units on the ground level and bedrooms upstairs and careful window design and placement. Privacy screens are also used on windows on the eastern elevation facing the School hall.

The Site is zoned for residential use and should be permitted to be used for this purpose. All reasonable precautions are considered to have been taken to prevent any potential unlawful use of the location of this development.

Currently, the proposed boundary fencing height is 1.8m, which would accord with Council's DCP requirements, however, in this instance, it is considered appropriate to encourage higher boundary fencing to a maximum height of 2.2m for any future development on this site. It is also considered reasonable to require that the design of this fencing be non-climbable from both sides and treated with graffiti resistant paint on the side facing the School. Details could be conditioned to be included in the plans accompanying the application for the Construction Certificate.

Further comments have been sought from the NSW Police regarding the concern about convicted paedophiles and the following comments were made by the NSW Police:

*"...there are very strict conditions on convicted paedophiles. They are placed on a register and are very closely monitored by police. They are not allowed to live within a certain distance from schools and other child care facilities. They are to report to police any changes of their details including residential address, contact phone numbers etc. Police are always checking up on them and making sure that they are residing where they say they are. If there are any concerns with any of the tenants we can always make enquiries."*

Given the above and subject to the recommended conditions regarding the boundary fencing, it is not considered that this issue would warrant the refusal of this development application.

The DCP requires that residents should be able to monitor visitors who approach the front door. This would not be achievable without an intercom system being installed at the front door. A condition of consent could require the submission of relevant details at Construction Certificate stage.

The development is considered to be satisfactory in relation to other requirements in Section C1.2 of the DCP.

#### **C1.4 Solar Access**

Concern has been expressed by an objector in relation to the originally submitted plans and information that there was not sufficient information submitted to enable the proper assessment of the development against the minimum solar access provisions of the AH SEPP, Pittwater 21 DCP and the RFDC. The objection points out that compliance with these provisions would need to be demonstrated with the provision of shadow elevations and that the submitted SEE actually states on page 26 that the minimum solar access provisions of the AH SEPP are not applicable to the development. It is agreed that this is not correct.

Section C1.4 has similar solar access requirements for the proposed units as Clause 14(1)(e) of the AH SEPP with the main difference being that all new units are required to comply (as opposed to just 70% in the AH SEPP) and the minimum requirements also extend to existing adjoining development, solar collectors and clothes drying areas. The 'Rules of Thumb' of the RFDC for solar access are similar to the requirements of the AH SEPP.

Given that amended plans have now been submitted with no revised shadow diagrams or shadow elevations, it is agreed that the Applicant has not demonstrated that the proposed units comply with the minimum solar access requirements of not only the AH SEPP, but also Section C1.4 of the DCP and the solar access provisions of the RFDC. It is noted however that 8 out of the 10 proposed units have their living areas and private open space oriented toward the north. It is therefore likely that the development would comply with internal solar access requirements but the revised shadow diagrams should still be submitted to demonstrate this.

In relation to solar access to adjoining lands, it is likely that, due to the more broken up built-form of the amended design, the overshadowing impacts on the development on adjacent land would be less than that of the originally submitted plans. The adjoining School grounds on the south side of the Site would be overshadowed by the development to varying degrees throughout the course of a midwinter's day. With the exception of a small portion of the demountable classroom being affected at 9am, for the most part, this portion of the School grounds does not appear to be actively used on a regular basis currently but could provide the location of potential future school buildings.

Noting the relatively small area of School grounds affected compared to that available for use by the School, and the reduction in overshadowing due to the broken up built form in the amended scheme, it is not considered that the additional overshadowing of the School land caused by the development is unreasonable.

Given the identified failure of the development application to submit any information to demonstrate the compliance of the amended development with the solar access provisions of the AH SEPP, Section C1.4 of the DCP and the requirements of SEPP 65 and the RFDC, the Application is recommended for refusal due to this lack of information.

### **C1.5 Visual Privacy**

Concern has been raised in objections regarding the visual privacy impacts of the development.

Visual privacy impacts between the proposed development and the School was raised as a concern with the original proposed plans. The current August 2011 Amended Plans have reduced the potential for overlooking by the future residents of the School grounds both to the north and the south of the Site by locating mostly bedrooms on the first floor and minimising elevated balconies on the northern elevation. In addition, the need for an elevated walkway down the southern boundary has also been removed.

It is considered that the modified building design has reduced the potential visual privacy impacts between the proposed development and the existing school. However, the minimal setback of the first floor of the rear units to the southern side boundary of 1.5m is still considered to be inadequate for a medium density residential development as it would have an unreasonable impact on the future use of the adjoining School land on the southern side of the Site.

The lack of deep soil area and landscaping opportunities along the side boundaries has been identified as an outstanding issue elsewhere in this report and does contribute to a lower level of privacy than otherwise would have been possible with compliant side setbacks and more substantial landscaping in these side setback areas. This additional screen landscaping is necessary not just for additional privacy between the two uses but also to soften the appearance of the development and continue the established landscaped theme of the School grounds into the Site.

The visual privacy control is therefore not considered to have been addressed and is recommended as a reason for refusal.

### **C1.6 Acoustic Privacy**

Concern has been raised in objections regarding the likely acoustic privacy issues arising from having medium density residential development surrounded on three sides by the grounds of a school. The School has specifically raised concern regarding the potential for future residents complaining about noise arising from the day to day operations and functioning of the School as follows:

*"The spatial separation to school grounds, school buildings and school facilities is of concern with the obvious issue of noise impact on future residents who may be shift workers needing to sleep during the day. The consequence of these noise issues will be complaints to the school, about the school bells, community users of the hall, early morning and late afternoon band rehearsals, evening school functions and discos. These are the every day activities of the school."*

The Applicant has been requested to respond to these concern by demonstrating how noise impacts could be mitigated. The most recent submission by the urban design expert for the Applicant states that the Site is zoned for residential use and it would not be appropriate to prohibit residential development due to this concern. It is also stated that the benefits of having affordable housing close to a local centre such as Mona Vale should be weighed up against the potential noise issues. This urban design report further states:

*“Therefore whilst the concern is understood it is considered that the greater good of density and affordable housing within a centre, close to transport and other facilities should outweigh these concerns. It is also considered that a resident buying or renting on this site will be cognisant of the likely noise sources around the site and will not reside here if this concern outweighs its convenience.”*

In the Schedule of Plan Amendments prepared by the architect and dated 21/07/11, it is stated that a condition of consent requiring 6mm thick glass to all windows should be imposed.

Whilst the above points are noted, they are not considered to adequately address this issue. This is considered to be a significant issue that may affect the design and construction of the development to a greater extent than the mere provision of thicker glass. The issue should be addressed in a far more comprehensive way than the Applicant has done to date. There are numerous ways that this could be done and a starting point would be to obtain professional advice from an acoustic consultant with recommendations regarding construction materials, insulation, double glazing, fencing and the like.

The School is existing and has the reasonable expectation of continuing its day to day operations in the future, as it has done in the past, whether or not this development proceeds. The onus is on the Applicant to propose a development that responds to its context and surroundings and minimise any potential detrimental impacts on existing adjoining development.

The relevant objectives of this section of the DCP are as follows:

*“-Noise is substantially contained within each dwelling and noise from any communal or recreation areas are limited.”*

This issue remains an outstanding concern and, consequently, the failure of the Application to properly address the controls and outcomes of Section C1.6 ‘Acoustic Privacy’ is recommended as a reason for refusal.

### **C1.7 Private Open Space (POS)**

Concern has been raised in an objection regarding the adequacy of the private open space provision within the development.

The DCP requires POS to be 15% of the GFA of the relevant unit. Ground level units require a minimum area of 30sqm with a minimum 4m dimension POS. Upper level units require a minimum 10sqm POS with min 2.4m dimension.

Proposed Units 1, 2, 4, 5 & 6 have 2m wide balconies, which do not comply with the DCP but comply with the RFDC and are considered to be acceptable.

The Ground Level Units 3, 7, 8 & 9 would not have POS areas of 30sqm but are considered to have sufficient areas to be functional as POS.

Whilst there are non-compliances with regard to the POS provision of the proposed units, these non-compliances are not considered to be significantly detrimental to the potential amenity for the future residents of the development.

### **C1.9 Adaptable Housing and Accessibility**

Objections have raised various concerns regarding the accessibility of the development, as depicted in the August 2011 Amended Plans.

Issues raised include non-compliance of required minimum height clearance above parking spaces due to storage cages, inaccessibility of communal open spaces, non-compliance with required 50% of units being adaptable, inadequate number of accessible parking spaces, non-compliance with required circulation areas for adaptable dwellings and lack of an updated adaptable housing report that responds to the August 2011 Amended Plans.

Clearly, the Applicant has not sufficiently demonstrated that the amended design of the development is compliant with this section of the DCP and this is recommended as a reason for refusal.

### **C1.15 Storage Facilities**

Concern has been raised in an objection regarding the adequacy of the proposed storage cages above the car parking. The Police have also raised concern with these storage cages due to safety and security issues.

The Police have objected to the proposed storage cages over the parking spaces due to safety and security concerns. It would also appear that they create clearance issues for the parking spaces to be accessible and would not be suitable for a mobility impaired person. They are therefore not supported and alternative storage in compliance with the requirements of Section C1.15 of the DCP would need to be provided.

The inadequacy of the proposed storage would require the re-design of the basement car park and is recommended as a reason for refusal.

### **C1.25 Plant, Equipment Boxes and Lift Over-Run**

Concern has been raised in an objection that no lift overrun is shown in the roof plan and this may show up at CC stage. With a lift servicing only a few floors, it may not be necessary for a lift overrun for a hydraulic lift. The lift overrun can be prohibited by condition.

Concern has been raised in an objection that a condition should be imposed on any consent for the development that prohibits any air conditioning plant on the roof. This can be addressed by a suitable condition of consent.

### **D9.1 Character as viewed from a public place**

Controls in this section of the DCP that are relevant in the assessment of this application are as follows:

- *The bulk and scale of buildings must be minimised.*
- *Landscaping is to be integrated with the building design to screen the visual impact of the built form.*

Relevant outcomes for the above controls are as follows:

- To achieve the desired future character of the Locality.

- To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment.
- To enhance the existing streetscapes and promote a scale and density that is in scale with the height of the natural environment.
- The visual impact of the built form is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by landscaping and vegetation.
- High quality buildings designed and built for the natural context and any natural hazards.
- Buildings do not dominate the streetscape and are at a 'human scale'. Within residential areas, buildings give the appearance of being two-storey maximum.
- To enhance the bushland vista of Pittwater as the predominant feature of the landscape with built form, including parking structures, being a secondary component.
- To ensure that development adjacent to public domain elements such as waterways, streets, parks, bushland reserves and other public open spaces, compliments the landscape character, public use and enjoyment of that land.

Particular concern has been raised elsewhere in this report (Sections 3.6, D9.6, D9.7, D9.9, AH SEPP section of report) regarding the failure of the development to adequately minimise bulk and scale and properly respond to the open landscaped character of the adjoining School grounds. It is not considered that the above controls and outcomes have been addressed appropriately in the amended design of this proposal. This is recommended as a reason for refusal.

## **D9.2 Scenic protection – General**

The relevant outcomes and controls of this section of the DCP are as follows:

Outcomes:

- *Achieve the desired future character of the Locality.*
- *Bushland landscape is the predominant feature of Pittwater with the built form being the secondary component of the visual catchment.*

Controls:

- *Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.*

As discussed elsewhere in the body of this report, the subject proposal results in a building that is prominent in the streetscape and not secondary to landscaping. In contrast, the adjoining School grounds are dominated by an open landscaped character. The inadequate building setbacks and deep soil planting contribute to the development being visually incongruent in character to its immediate surroundings and contrary to the provisions of this section of the DCP.

Consequently, the development is recommended for refusal for failing to satisfy the controls and outcomes of Section D9.2 Scenic Protection – General of Pittwater 21 DCP.

## **D9.6 Front building line**

Concern has been raised in objections regarding the proposed front building setback. The applicable minimum front building setback is 6.5m or the established building setback, whichever is the greater. The proposal has a front setback to the front wall of 5.5m with the four balconies to the front units protruding 2m into this front setback area and having a front setback of 3.5m. There is no building fronting onto Bungan Street within this street block that sets any precedent for a front building line. The proposal therefore does not comply with this control.

In addition, it is likely that it may set a precedent for any future building on the adjoining School land fronting onto Bungan Street.

The urban design consultant has made the following submissions to support the proposed variation to the front building line:

*"The front setback has been retained as shown in the original development application. This setback is entirely appropriate as it aligns the building with the tennis court fences and achieves a balance between the nil setback to the shop top development seen in the rest of Bungan Street (other than opposite the site), the nil setback to the schools retaining wall and the grass area between this wall and the tennis courts. It is sufficient to absorb the topography of the site at the street and allow landscape to the front of the building without eroding the sense of containment to Bungan Street. It has the added benefit of allowing a generous setback at the rear and centre of the site."*

The Applicant makes much of the "sense of containment" to Bungan Street argument as justification for a reduced front building setback on the Site. It is acknowledged that there is a sense of containment to Bungan Street north of Waratah Street but the character of Bungan Street changes south of Waratah Street because of the School taking up virtually the entire street block on the western side of Bungan Street. The retaining wall at the street edge is too low to provide any real sense of visual containment. Above this is the open landscaped character of the School grounds. The Site takes up a very small portion of the overall frontage to Bungan Street within this street block. It is not agreed that there is any sense of containment at this location necessitating a building on the Site at a reduced front setback that is not befitting the character of a residential building.

It is considered that locating a 3 storey building too close to Bungan Street at this location will create an intrusive visual effect in the open landscaped character of the School grounds, as viewed from Bungan Street. The Site is the only Residential zoned property in Bungan Street. It is not commercially zoned like most other land fronting Bungan Street (with the exception of the School) and it should not be developed with a building that has a commercial character. The shop-top housing and other commercial development in Bungan Street and Waratah Street is located on totally different street blocks on commercially zoned land and separated from the site by public roads. It would not be appropriate to attempt to emulate this other development in character as it is too removed from the visual catchment of the Site.

The tennis court fences are transparent structures and not appropriate cues to be used to justify front setbacks for residential buildings. The argument that the reduced building setback allows for the landscaped setbacks at the centre and rear of the Site is not accepted as this presumes that the proposed floor space within this development is an entitlement and cannot be reduced. The same centre and rear setbacks could be achieved with a larger front setback and less floor area in-between. The 0.75:1 FSR contained within the AH SEPP is not a non-discretionary development standard, as explained under the AH SEPP section of this report. Clause 16 of the AH SEPP makes it clear that design considerations under SEPP 65 prevail, as would the character test under Clause 54A of the AH SEPP.

A further concern about a reduced front building setback to the proposed development is that it would then create a precedent that would, for the sake of consistency, need to be followed by any future development in the School grounds and fronting onto Bungan Street. The grove of native trees in the School grounds and fronting Bungan Street is considered to be a desirable element in the streetscape of the southern end of Bungan Street, which has a very different character to the northern end of Bungan Street. A reduced front setback for future school buildings would result in the removal of these trees.

If Council had intended that a sense of containment similar to the commercially zoned land in Bungan Street be achieved in the location of the Site, it would have zoned the land with a commercial zoning. The front building setback adopted by the subject development should be consistent with the residential zoning of the Site and sympathetic to the Special Use - School zoning of all the land adjoining it, as it will influence how this land is developed in the future. Any residential development of the subject site, whether it be a single dwelling, dual occupancy, SEPP Seniors development or multi-unit housing development (although MUH is not permissible) would have to have observed a 6.5m front building setback. To allow a reduced front setback where there is no precedent adjoining the Site to justify this would be uncharacteristic of residential development in this locality.



As discussed under Section C1.1 of this report, the proposed planting of 2 Broad-Leafed Paperbark trees within the road reservation in front of the Site is not supported. Such planting is to occur within the boundaries of the Site itself. The lack of area available for such tree planting to occur within the front building setback of the Site is an indication of the inadequacy of the front building setback proposed.

The relevant objectives of the front building line control in Section D9.6 of the DCP are as follows:

- *Achieve the desired future character of the Locality.*
- *Vegetation is retained and enhanced to visually reduce the built form.*
- *To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.*
- *To encourage attractive street frontages and improve pedestrian amenity.*
- *To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.*

For the reasons stated above, it is not considered that the development is consistent with all of the above objectives. The non-compliance with the controls and objectives of Section D9.6 'Front Building Line' of Pittwater 21 DCP is recommended as a reason for refusal.

### **D9.7 Side and rear building line**

Objections received have raised concern that the development does not comply with the minimum side setbacks control.

The front section of the development has a setback of 1.5m to the southern side boundary and 1.3m to the northern side boundary. The basement level below has the same setbacks. The minimum required side setbacks for multi-unit housing would be 4.5m, thus, the front section of the development, incorporating Units 1,2,4 & 5 does not comply with the minimum side setback control.

The rear section of the development has a proposed setback of 4.185m to the external wall of the ground and first floor level to the northern side boundary. The architectural plans show that the balconies to Units 3 and 6 protrude into this setback area along with shade structures over the courtyards to the rear units. The shade structures are setback approximately 2.9m from the northern side boundary.

The landscape plan, however, differs from the architectural plans by indicating that the courtyards to the rear units are entirely roofed with the external edge of the roof being setback 1.3m from the northern side boundary.

The underlying basement level is setback 1.3m from the northern boundary at this point. The basement roof is utilised as ground floor hard-paved courtyard space to the rear units in the northern side setback area. Thus, the external wall of the ground and first floor levels of the rear units comply with the minimum 4m side setback requirement but the basement level and courtyard roof and shade structures would protrude into the northern side setback area and would be considered to be variations to this control. The rear section of the development includes a side setback to the southern boundary of 2.5m for the ground level and 1.5m for the first floor and basement levels. This does not comply with the minimum 4m side setback control.

The relevant objectives of the side setback control are as follows:

- *To achieve the desired future character of the Locality.*
- *The bulk and scale of the built form is minimised.*
- *To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties.*
- *Substantial landscaping, a mature tree canopy and an attractive streetscape.*

- *Flexibility in the siting of buildings and access.*
- *Vegetation is retained and enhanced to visually reduce the built form.*
- *To ensure a landscaped buffer between commercial and residential zones is established.*

The desired future character encourages new development to maintain a height below the tree canopy and minimise bulk and scale. It also encourages new development to integrate native trees and landscaping into the building design. The other objectives for the side setback control make it clear that the intent of the side setback control is to ensure that new development incorporates setbacks large enough to sustain canopy tree planting within the boundaries of the Site to screen and soften the development and provide separation from existing or future adjoining development.

Consistent with the objective of providing a landscaped buffer between non-compatible uses, such as commercial and residential uses, it is also considered that a similar buffer is necessary between the proposed residential use and the existing adjoining school use. The proposed reduced setbacks are not considered to be adequate for this. The bulk and scale of the development is not considered to have been sufficiently minimised to address the objectives of the minimum side setback control. It is noted that the Site is relatively small and narrow but variations to the side setbacks control should only be permitted if it can be demonstrated that the objectives have been met. This has not been done.

The development is recommended for refusal due to the failure of the development to comply with the minimum side setback controls and outcomes of Section D9.7 'Side and Rear Building Line' of Pittwater 21 DCP.

## **D9.9 Building Envelope**

An objection has raised concern that the development does not comply with this control.

The area of the development where non-compliance with the building envelope control is most likely to occur is in the front building containing Units 1, 2, 4 & 5 in relation to both the north-eastern and south-western side boundaries.

It is noted that the SEE submitted with the original plans acknowledges that the development does not comply with the building envelope control without identifying the location of the non-compliance. The August 2011 Amended Plans exacerbate the level of non-compliance with the building envelope control yet this non-compliance is not acknowledged, justified or identified on the plans.

The relevant objectives of this control are as follows:

- *To achieve the desired future character of the Locality.*
- *To enhance the existing streetscapes and promote a building scale and density that is below the height of trees of the natural environment.*
- *To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.*
- *The bulk and scale of the built form is minimised.*
- *To ensure a reasonable level of privacy, amenity, solar access is provided within the development site and maintained to residential properties.*
- *Vegetation is retained and enhanced to visually reduce the built form.*

As discussed in detail under Section D9.6, the presentation of the development to the street and its 3 storey character is not considered to be acceptable. The front building within the proposed development does not comply with the building envelope, side setbacks and front setback requirements of Pittwater 21 DCP. The bulk and scale of this development is certainly not "minimised". It is not considered that the above objectives are satisfied by the development.

Failure to identify the non-compliance with the building envelope control is considered to be an inadequacy of the Application with regard to the EPA Regulation DA submission requirements and is recommended as a reason for refusal, as is the non-compliance itself and the failure of the development to satisfy the objectives of this control.

### **SEPP (Affordable Rental Housing) 2009**

Objections have raised concern about the compliance of the development with certain provisions of the AH SEPP. This development application was lodged on 29 March 2011, prior to the amendments made to this SEPP in May 2011. This being the case, under the transitional provisions of this amendment to the SEPP, the development must be assessed as if the May 2011 Amendment to the SEPP had not been made, with the exception of the added provision in Clause 54A(3), which requires Council to take into consideration whether the design of the development is compatible with the character of the local area.

Some of the provisions of the AH SEPP have already been discussed previously in this report under the "Development Controls" section of this report. Further relevant provisions are discussed below.

#### **CLAUSE 14 OF THE AH SEPP – 'STANDARDS THAT CANNOT BE USED TO REFUSE CONSENT'**

Consistent with the recent judgement of the Land and Environment Court for Peninsula Developments Australia Pty Ltd v Pittwater Council, dated 19 August 2011, the provisions of Clause 14 are not considered to be non-discretionary development standards, under the meaning of Section 79C(2) and 19C(6)(b) as they are not specifically identified as such and treating them as such would affect the application of SEPP 65 required under Clause 16 of the AH SEPP. The provisions of SEPP 65 would therefore prevail over the provisions of Clause 14 where there is an identified conflict.

#### **(a) DENSITY AND SCALE**

This section of the SEPP stipulates that, for development applications lodged before 30 June 2011, Council cannot refuse consent on the grounds of unsatisfactory density and scale if the floor space ratio ('FSR') of the development is not more than 0.75:1, provided there is no identified conflict with the provisions of SEPP 65.

Pursuant to Clause 4(2) of the AH SEPP, the applicable definition of "gross floor area" is that appearing in the *Standard Instrument (Principal Local Environmental Plan)*.

It is noted that the August 2011 Amended Plans indicate a proposed gross floor area of 502.3sqm. Compared against a total site area of 707.2sqm, this would result in an FSR for the development of 0.71:1. These figures have been checked and are considered to be accurate. As the development does not exceed an FSR of 0.75:1, Council cannot refuse consent for this development on the basis of excessive density and scale provided there is no identified conflict with the provisions of SEPP 65.

#### **(b) SITE AREA**

An objection has raised concern regarding the size and dimensions of the Site. The minimum site area for affordable housing development is 450sqm. With a site area of 707.2sqm, the Site exceeds this minimum area and Council cannot refuse consent for the development on the basis of inadequate site area provided there is no identified conflict with the provisions of SEPP 65.

#### **(c) LANDSCAPED AREA**

Under the AH SEPP, if at least 30% of the Site is landscaped, Council cannot refuse the development on the grounds of insufficient landscaped area.

Pursuant to Clause 4(2) of the AH SEPP, the applicable definition of "landscaped area" is that appearing in the *Standard Instrument (Principal Local Environmental Plan)* as follows:

***"landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area."***

The Applicant has calculated that the landscaped area provided in the August 2011 Amended Plans is 33% of the Site. This has been checked and it is considered to be correct. As the proposed development provides in excess of 30% of the Site area as landscaping, the development cannot be refused on the grounds of lack of landscaped area provided there is no identified conflict with the provisions of SEPP 65. It is detailed elsewhere in this report however that the proposed landscape treatment is not acceptable (See Sections B4.5, C1.1 and 3.6 of this report as well as discussion below regarding deep soil zones).

#### (d) DEEP SOIL ZONES

Under Clause 14(1)(d) of the AH SEPP, if the development has a deep soil zone of at least 15% of the Site area (in the case of the subject site, this would be 106.08sqm), and this deep soil zone has a dimension of at least 3m and, if practicable, at least two thirds of this deep soil zone is provided at the rear of the Site, Council cannot refuse development consent on the basis of an inadequate provision of deep soil area, provided it does not conflict with the provisions of SEPP 65. The August 2011 Amended Plans indicate that the development includes 100sqm of deep soil area with a minimum dimension of 3m and 189.7sqm of "deep soil" area if the side setback areas were to be included in the calculation. These side setback planted areas have a width of 1.5m to the south-west side boundary and 1.3m to the north-east side boundary. They would not satisfy the 3m minimum dimension requirement.

Checking of the calculation of deep soil zone area against the August 2011 Amended Plans has revealed that the actual amount of compliant deep soil zone provided within the development site is 86.78sqm. This is less than the minimum standard set in the AH SEPP. Council can therefore refuse the application on the basis of inadequate deep soil area should it be considered that the lack of deep soil provision results in detrimental impacts.

In addition, it should be noted that it is proposed to divide these areas into a series of stepping planter boxes with retaining walls at all of their edges. In the "Schedule of Plan Amendments" prepared by Environa Studio and dated 21 July 2011, the following response to deep soil area concerns is provided:

***"...amended deep soil = 189.7sqm. This includes the 1.5 metre planted areas along the both the north and south boundaries. It should be noted that this soil area abuts parkland deep soil and is more than adequate for extensive planting...."***

The "parkland" referred to is actually the grounds of the School adjoining the Site. The development under-provides deep soil planting to the northern and southern common boundaries with the School, limiting screen planting opportunities. The Applicant justifies this under-provision by relying on the adjoining School land to create the deep soil landscaping opportunities. In other words, land owned by the School is relied upon to offset deep soil zone non-compliances.

The Principal of Mona Vale Public School has objected to this development, citing the lack of adequate side setbacks and lack of side setback screen planting as a major concern. The NSW Department of Education & Communities has also lodged an objection also citing the inadequate side setbacks and the need for significant screen planting along these boundaries. Numerous parents of children attending the School have also expressed concern over this matter in their objections.

The artificial modification of levels in the landscaped areas adjacent to the side boundaries caused by the proposed stepped planter boxes is considered to inhibit the ability of any trees planted in the planter boxes from benefitting from the deep soil area across the Site boundary and within the grounds of the School. The proposed width of these "deep soil" areas in the side setbacks falls far short of the minimum 3m requirement in the AH SEPP. The figure of 189.7sqm is therefore not accepted as accurate and the development is considered to be non-compliant with the minimum deep soil area requirements of the SEPP that, if met, would prevent Council from refusing the development on these grounds.

It is considered that the stepped planter boxes exacerbate the unsatisfactory nature of the "deep soil" planting zones adjacent to the side boundaries. These should be deleted and the side setback areas should be at natural ground level to remove any restrictions to the roots of trees planted in these areas from growing over the side boundaries and benefitting from deep soil area within the School grounds.

The proposed side setback "deep soil" areas appear to be limited in width because of the extent of the basement car park level below. The dimensions of this basement level are determined by the necessary vehicle maneuvering areas required in the access aisle to the proposed parking spaces. The aisle width is proposed to be 6.084m wide. The minimum required width under the relevant Australian Standard is 5.8m, thus only an additional 284mm could potentially be added to the side setback areas under the current parking arrangement.

It is noted, however, that the AH SEPP (prior to May 2011 Amendment) only requires 5 car spaces for 10 units. The original proposal included 6 spaces for 10 units and the current proposal includes 9 car spaces, plus motorcycle parking, plus bicycle parking, to service the 10 units proposed, 6 of which are studio apartments. It is the extent of the basement carpark, with an excess in parking provision that is considered to be the cause of the inadequate deep soil areas along the side boundaries. This being the case, the need for the provision of more parking than is required is questioned. Perhaps an alternative parking arrangement involving fewer parking spaces would facilitate the narrowing of the width of the basement and allow for greater side setback deep soil planting to occur.

Another alternative solution is to reduce the number of units proposed and this would also reduce the size of the basement area required to provide parking to service the development.

The inability to satisfy deep soil requirements is considered to be partly the result of Applicant attempting to push the development yield of the Site beyond its reasonable capacity in both the number of units and parking spaces sought. The Comments of Council's Natural Resources Officer and Council's Landscape Architect were sought in relation to the proposed side setback planting. These comments are provided in full under Section B4.5 of this report. It is apparent that the failure of the development to provide at least the minimum 15% of the Site area as deep soil zone affects its ability to provide sustainable and effective screen landscaping down the side boundaries. It is evident that a greater width of deep soil zones is necessary adjacent to the side boundaries of this development to enable it to better contain the impacts on the adjoining School land to within the boundaries of the Site. The larger deep soil zones would reduce bulk and allow more deep soil for screening trees root growth and space for canopy spread.

Under Section C1.1 of this report, problems with the adequacy of the proposed landscaping in the front building setback are also identified.

Due to these identified inadequacies, the development is recommended for refusal.

## (e) SOLAR ACCESS

This section of the SEPP stipulates that, if at least 70% of proposed units receive a minimum of 3hrs direct sunlight between 9am and 3pm in mid-winter, Council cannot refuse development consent, provided the development is not in conflict with the provisions of SEPP 65.

As discussed in more detail under Section C1.4 of this report, the Applicant has not submitted sufficient evidence to demonstrate the compliance of the amended design with the minimum requirements of this provision.

## (2) GENERAL

### (a) PARKING

Under the terms of the AH SEPP, Council cannot refuse the development on parking grounds if the proposal provides at least 0.5 car spaces per unit (i.e. 5 car spaces). The amended proposal in the August 2011 Amended Plans includes 9 basement parking spaces. The development therefore clearly exceeds this minimum requirement. In addition, it is considered that there are a number of factors that would reduce the risk of the development noticeably adding to the demand for on-street parking in the area. These factors include the inclusion of motorcycle parking and a bicycle store within the basement. Also, 6 of the 10 units proposed are studio units and will be used as affordable housing. The tenants would be less likely to own a car. The Site is located close to public transport and within easy walking distance to shops and amenities.

The SEPP prevents the Council from refusing the development on parking grounds and there is no evidence to suggest that the proposal would have any significant adverse impact on the demand for street parking in the area. The off-site parking provision is therefore considered to be acceptable. No detail has been included indicating how the proposed 9 parking spaces are intended to be allocated. No draft plan of strata subdivision showing this information has been submitted. This could be dealt with by way of a condition of consent and it is considered that at least 1 of the 9 car spaces should be allocated as common property and a visitors parking space.

### (b) DWELLING SIZE

Clause 14(2)(b) of the AH SEPP states that, provided studio units are no less than 35sqm and 1 bed units are no less than 50sqm and 2 bed units are no less than 70sqm, the development cannot be refused on the basis of inadequate dwelling size, provided there is no inconsistency with SEPP 65.

All of the units exceed these minimum dwelling sizes with the exception of Unit 7, which is a 2 bed unit and a total of 63.1sqm.

It is further noted that, as discussed under the side setbacks section (D9.7) of this report, the setback of the first floor to the southern boundary is not supported as it limits the potential for landscaping to grow and thrive on this side of the development. The increase in the south setback of the first floor would result in a further reduction in the size of many of the units such that more of them would not comply with the minimum unit sizes of the AH SEPP.

SEPP 65 requires that the RFDC be considered in the assessment. The RFDC requires minimum unit sizes of 38.5sqm for studios, 50sqm for 1 bed units and 70sqm for 2 bed units. With an area of 38sqm, Unit 1 would be just under these minimum requirements.

The minimum unit sizes for studios would appear to be different between the RFDC and the AH SEPP. The wording in the AH SEPP of Clause 16, which states that *"Nothing in this Policy affects the application of State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development to any development to which this Division applies"* indicates that the RFDC provisions would prevail in the event of a conflict such as this.

The recent Land and Environment Court Judgement of Commissioner Tuor in Peninsula Developments Australia Pty Ltd v Pittwater Council and dated 19 August 2011 has established that the provisions of Clause 14 are not non discretionary development standards. Thus, the minimum unit size for studio apartments of 38.5sqm is considered to be the prevailing minimum unit size requirement.

The above identified non-compliances, when considered together with the inadequate front and side setbacks, are indicative that too many units are being squeezed onto the subject site and this has an undesirable consequence on both the internal amenity of the future units and the impacts of the development on its surroundings.

The non-compliance of the development with the minimum unit sizes in the RFDC, SEPP 65 and AH SEPP are recommended as reasons for refusal.

## AFFORDABLE HOUSING

Clause 17 of the AH SEPP stipulates that Council must not consent to the development unless it imposes conditions to the effect that:

(a) for 10 years from the date of issue of the Occupation Certificate:

- (i) the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing , and
- (ii) all accommodation that is used for affordable housing will be managed by a registered community housing provider, and a restriction will be registered, before the date of the issue of the Occupation Certificate against the title of the property on which development is to be carried out, in accordance with Section 88E of the Conveyancing Act 1919, that will ensure that the requirements of Paragraph (a) are met.

Ordinarily, the above matters relating to Clause 17 could be addressed with conditions of consent, however, the clause refers to "the dwellings proposed to be used for the purposes of affordable housing" and the Applicant has not formally identified which of the units in the August 2011 Amended Plans are proposed to be used as affordable housing. The necessary conditions cannot be formulated until these units are specifically identified by the Applicant. The failure to identify the affordable housing units prevents Council from satisfying the requirements of Clause 17 and this is recommended as a reason for refusal.

## SUBDIVISION

Clause 18 of the AH SEPP permits the subdivision of the development. This is proposed although no draft plan of strata subdivision has been submitted by the Applicant indicating how the development is intended to be subdivided. In the absence of this information, the subdivision component of the development cannot be approved.

This is a recommended reason for refusal for the subdivision component of the development.

## COMPATIBILITY WITH THE CHARACTER OF THE LOCAL AREA

Clause 54A(3) of the AH SEPP (as amended) requires Council to take into consideration whether the design of the development is compatible with the character of the local area. The Applicant has made a submission in regard to this question and first addresses the question of what exactly is "the local area" as follows:

*"The local area of the subject site is properly characterised as the Mona Vale Town Centre....."*

It is not agreed that "the local area" is the Mona Vale Town Centre.

When examining the local character of a place, it would be reasonable to look for a general consistency of character and consider this to be one “local area” and, when this character changes to something else, then this could reasonably be considered to be another “local area” that is different to the first “local area.” It would not be useful when assessing a development against Clause 54A(3) of the AH SEPP to consider a “local area” to be an area with no perceivable consistency in natural and built character. The difference in character from one local area to another may be gradual or it may be quite sudden with an easily perceivable boundary marking the change from one local area to another. Because of the nature and purpose of zoning, the zoning of land would be a good clue to where the boundaries between adjoining “local areas” may be. Roads, rivers and other clearly delineated features may also provide easily perceivable boundaries between adjoining “local areas.” Where development changes from being commercial in character to residential is a change from one identifiable local area to another. The same would be true where residential land changes from being predominantly low density to predominantly medium density and so on.

Using the above rationale, an examination of the character of the natural and built features on the lands surrounding the Site, it can be determined that there is a clearly commercial character to development on all land on Bungan Street located north-east of Waratah Street, on the north-east side of Waratah Street west of Bungan Street, on both sides of Waratah Street east of Bungan Street and, on the south-eastern side of Bungan Street south of Waratah Street. Essentially, this is all the commercially zoned land in the general vicinity of the Site. In other words, this is the Mona Vale Town Centre.

It is characterised generally with shop-top housing development of 2-3 storeys north of Waratah Street. South of Waratah Street and opposite the subject site the character of commercial development is single storey to the Bungan Street edge but with a 5-6 storey tower element set back from the street edge. The subject site is not within this “local area” being located on the other side of the natural boundary formed by Bungan Street.

The street block that fronts Bungan Street on the south-western side and is south of Waratah Street is the Mona Vale Public School grounds and also contains the subject site, which is one isolated Residential 2(a) zoned parcel of land surrounded by Special Use – School zoned land. The school grounds are characterised by the occasional school building, situated in generous landscaped grounds and set well back from Bungan Street and being 1-2 storeys in character. The School grounds also has tennis courts and playing fields, all visible from Bungan Street. Large canopy trees are visible throughout the School grounds but particularly at the street edges. This particular character is very different from the character of the Mona Vale Town Centre, notwithstanding the fact that the Mona Vale Town Centre is not very far away.

It is noted that the Land and Environment Court has recently examined the question of what is the “local area” in assessing an affordable housing development against Clause 54A(3) of the AH SEPP in *Peninsula Developments Australia Pty Ltd v Pittwater Council*. In the judgement dated 19 August 2011, Commissioner Tuor stated in Paragraphs 55 & 61 of the Judgement:

*“Ms Morrish and Ms Allen consider the primary locality or ‘local area’ to be the visual catchment of the site as this is the area within which there is a visual connection between the development and other buildings and the context within which the development will be viewed.*

*They consider that the local character is generally low scale 1-2 storey dwelling houses which even on battle axe allotments, are orientated to the front and rear of the site with landscaped separation. The proposal is oriented along the side boundaries.”*



*"I accept the evidence of Ms Morrish and Ms Allen that the 'local area' is principally the visual catchment in which the development will be viewed. This comprises predominantly detached one and two storey dwellings in spaced, landscaped settings. The wider context is also relevant, but I do not accept the pockets of residential flat buildings and other built forms define the context to which the proposal should respond or that these are desirable elements that should be emulated by the proposal."*

The visual catchment of the Site is the surrounding open landscaped School grounds and not commercial buildings located on the other side of Bungan Street. Whilst the proposed development does not have the same character as the open landscaped School grounds, it must respond to this character in an appropriate way. It is considered that significant deep soil planting and side and front setbacks would be appropriate in this context. Instead, the development provides very limited setbacks and deep soil zones that may not be sufficient for proposed planting to thrive. Built form is likely to dominate over landscaping within the development site. This is not considered to be sufficiently compatible with the character of the local area.

Consequently, the development is recommended for refusal due to its failure to satisfy the provisions of Clause 54(A)(3) of the AH SEPP.

## **11.0 CONCLUSION**

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

A detailed assessment of this development application has exposed a number of non-compliances with the provisions of the AH SEPP, SEPP 65 and Pittwater 21 DCP. The development provides inadequate deep soil zones, landscaping, side setbacks, front setback and unit sizes. It does not comply with the applicable building envelope, site coverage, accessibility and landscaping requirements. There are numerous instances where issues have not been adequately addressed by the supporting information accompanying the August 2011 Amended Plans. These include acoustic privacy, traffic and parking advice, revised shadow diagrams, accessibility and an amended BASIX Certificate.

Most significantly, the proposed development does not appropriately respond to the open landscaped character of the surrounding School grounds and instead adopts a more commercial character that is completely incongruent with its immediate visual catchment. Due to the isolated nature of this residential block of land, it is considered even more important that the design of the development be visually compatible in character with its immediate surroundings.

As important as the provision of affordable housing is, the AH SEPP has made it very clear in its contents that this should not be achieved at the expense of sufficient design quality to ensure this development successfully integrates with the surrounding local area. The density sought in this development is not considered to be sustainable on a constrained site with such a unique context.

Consequently, the development application is recommended for refusal.

---

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

That Development Application N0093/11 for an affordable housing development at 21 Bungan Street, Mona Vale be refused for the reasons given in the attached draft determination.

Report prepared by

Gordon Edgar  
**EXECUTIVE PLANNER**

## DRAFT DETERMINATION

### REFUSAL

#### ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)

#### NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

Applicants Name and Address:  
WALLY CHIDIAC  
28 ROSS STREET  
NORTH PARRAMATTA 2151

Being the applicant in respect of Development Application No N0093/11

Pursuant to section 80(1) of the Act, notice is hereby given of the determination by Pittwater Council, as the consent authority, of the Development Application for:

Construction of a part 2/part 3 storey infill affordable housing development containing ten (10) units over basement parking for nine (9) vehicles and the strata subdivision of the resultant development.

At:

21 BUNGAN STREET, MONA VALE (Lot 2 DP 517430)

#### **Decision:**

The Development Application has been refused for the following reasons:

1. The development is unsatisfactory in relation to Clauses 9 and 30(2)(b) of SEPP 65 as it fails to appropriately respond to SEPP 65 Design Quality Principle 1: Context. It relies too heavily for its amenity on the adjoining School land remaining undeveloped adjacent to the side boundaries. This unreasonably inhibits the future development potential of this land and is an unacceptable response to this unique context.
2. The development does not comply with the minimum side setback controls and the underlying outcomes of Section D9.7 'Side and Rear Building Line' of Pittwater 21 DCP.
3. The Application fails to satisfy the controls and outcomes of Section C1.6 'Acoustic Privacy' of Pittwater 21 DCP by not specifying any acceptable measures that will be undertaken to mitigate potential noise issues arising between the day to day operations of the adjacent School and the amenity of the development for future residents.
4. The Application fails to satisfy the controls and outcomes of B8.1 'Construction and Demolition - Excavation and Landfill' of Pittwater 21 DCP as it does not propose any acceptable measures to be taken to mitigate the potential impact on the students of the School during school hours of noise emissions from excavation and construction work on the Site.
5. Insufficient information has been submitted with the amended plans to demonstrate that the amended design of the development meets the requirements for solar access in Clause 14(1)(e) of the AH SEPP, Section C1.4 of Pittwater 21 DCP, Clauses 15 (Design Quality Principal 7:Amenity) and 30(2)(b) & (c) of SEPP 65 and the Residential Flat Design Code.
6. The development does not satisfy the controls and objectives of Section D9.6 'Front Building Line' of Pittwater 21 DCP.

7. The amended design of the development is not supported by a current BASIX Certificate that reflects the changes in the design
8. The development is not considered to be acceptable with regard to Clause 30(2)(c) of SEPP 65 in that it does not comply with minimum unit sizes stipulated within the Residential Flat Design Code and the minimum unit sizes stipulated in Clause 14(2)(b) of the AH SEPP.
9. The proposed strata subdivision of the development is refused as no draft plan of strata subdivision has been submitted to indicate how the development is proposed to be subdivided.
10. The Applicant has not identified which of the units will be used for affordable housing and this prevents Council from being able to satisfy the requirements of Clause 17 of the AH SEPP by imposing appropriate conditions that relate to the use of these units as affordable housing.
11. The development does not satisfy the provisions of Section B4.5 'Landscape and Flora and Fauna Enhancement Category 3 Land' of Pittwater 21 DCP due to inadequate deep soil zone and growing space in the side boundary setback areas.
12. The development does not satisfy the controls and outcomes of Section C1.1 'Landscaping' of Pittwater 21 DCP in relation to the proposed landscaped treatment of the front and side building setback areas.
13. The development does not provide sufficient deep soil area within the Site to satisfy the minimum provisions of Clause 14 (1)(d) of the AH SEPP to allow sufficient deep soil and growing area to effectively screen and soften the development with adequate landscaping, particularly along the side boundaries of the Site and within the front building setback.
14. The development is not satisfactory in relation to Clauses 14 (Design Quality Principal 6: Landscape) and 30(2) of SEPP 65 due to the inadequate deep soil and growing space in the side and front building setback areas for the practical establishment and long term health of screen landscaping that will effectively screen and soften the appearance of the development and continue the established open landscaped character of the adjoining and surrounding School grounds.
15. The development is unsatisfactory in relation to Clauses 10 and 30(2)(b) of SEPP 65 as it fails to appropriately respond to SEPP 65 Design Quality Principle 2: Scale, largely due to the inadequate front and side building setbacks provided.
16. The development is unsatisfactory in relation to Clauses 11 and 30(2)(b) of SEPP 65 as it fails to appropriately respond to SEPP 65 Design Quality Principle 3: Built Form, largely due to the inadequate front and side building setbacks provided and the commercial character of the development when viewed from the street.
17. Due to the unique context and constraints of the Site, the development is not considered to satisfy Clauses 12 and 30(2)(b) of SEPP 65 as it fails to appropriately respond to SEPP 65 Design Quality Principle 4: Density.
18. The Application does not meet the requirements of Clause 50(1)(a) and Schedule 1, Part 1, Clause 2(5)(c) of the EPA Regulation as it does not identify non-compliances with Section D9.7 'Building Envelope' of Pittwater 21 DCP.
19. The development does not satisfy the controls and outcomes of Section D9.7 'Building Envelope' of Pittwater 21 DCP.

20. The development fails to satisfy the controls and outcomes of D9.10 Site Coverage – General of Pittwater 21 DCP and this contributes to its failure to properly respond to the character of surrounding land.
21. The Application has not demonstrated compliance with the controls and outcomes of Section C1.9 Adaptable Housing and Accessibility of Pittwater 21 DCP in relation to the current proposed plans.
22. The development does not adequately meet the requirements of Section B6.4 Internal Driveways - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy of Pittwater 21 DCP due to inadequate sight distance for exiting vehicles.
23. The proposed storage cages are not supported due to safety and security concerns and accessibility concerns. In the absence of alternative storage areas, the proposal is not satisfactory in relation to the requirements of C1.15 'Storage Facilities' of Pittwater 21 DCP.
24. The development is not considered to be satisfactory with regard to the controls and outcomes of D9.1 Character as viewed from a public place of Pittwater 21 DCP.
25. The development does not satisfy the controls and outcomes of Section D9.2 Scenic Protection – General of Pittwater 21 DCP.
26. The development does not satisfy the provisions of Clause 54A(3) of the AH SEPP as the development is not compatible with the character of the local area.

**NOTES:**

1. This determination was taken under delegated authority on behalf of the elected Council pursuant to Section 377 of the Local Government Act 1993.
2. An applicant may under Section 82A of the Act, apply to council to review this determination.
3. Section 97 of the Act confers on the applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land & Environment Court exercisable within 12 months after receipt of this notice.
4. Any person who contravenes this notice of determination of the abovementioned development application shall be guilty of a breach of the Environmental Planning & Assessment Act, 1979, and shall be liable to a monetary penalty and for a restraining order which may be imposed by the Land and Environment Court.

Mark Ferguson  
GENERAL MANAGER

Per:

Date: \_\_\_\_\_

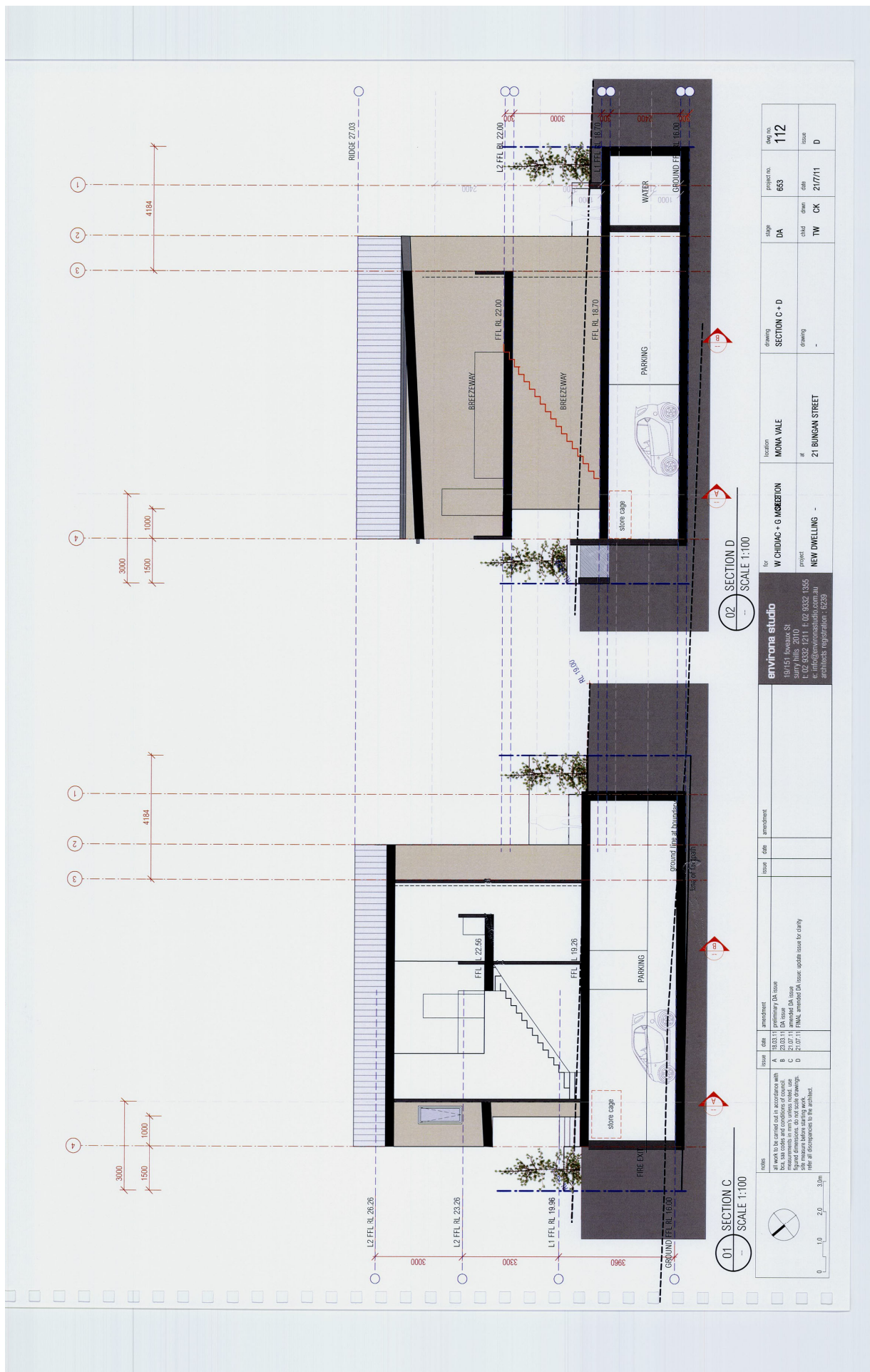
## LOCALITY MAP



# NOTIFICATION PLANS



















---

<b>C11.3</b>	<b>N0749/10 - 38-40 St Andrews Gate, Elanora Heights - Affordable Housing Development</b>
--------------	---

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

**Date:** 17 October 2011

---

**STRATEGY:** Development Unit

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

---

## **PURPOSE OF REPORT**

To inform the Committee of the Development Unit's recommendation following consideration of Development Application N0 749/10 - 38 St Andrews Gate, Elanora Heights (Lot 175 DP22670), 40 St Andrews Gate, Elanora Heights. (Lot 176 DP22670). (Lot 176 DP22670). Demolition of all existing structures and construction of a 2 storey building over basement parking as an Infill Affordable Housing development incorporating 24 apartments and the strata subdivision of the resultant development.

### **1.0 BACKGROUND**

The Development Unit, at its meeting held on Thursday, 22 September 2010 considered the Development Officer's report (Attachment 1) for determination of Development Application N0 749/10 - 38 St Andrews Gate, Elanora Heights (Lot 175 DP22670), 40 St Andrews Gate, Elanora Heights. (Lot 176 DP22670). (Lot 176 DP22670). Demolition of all existing structures and construction of a 2 storey building over basement parking as an Infill Affordable Housing development incorporating 24 apartments and the strata subdivision of the resultant development.

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

2.1 The Applicant has had the matter listed in the Land and Environment Court for hearing.

### **3.0 DEVELOPMENT UNIT DELIBERATIONS**

3.1 Six Objectors addressed the Development Unit on the application relating to landscaping, visual impact, bulk and scale of proposed DA, lack of community consultation, loss of solar access, loss of privacy, impact to traffic, inadequate infrastructure and perceived lack of public transport services in the local area.

3.2 The Applicant was not present during consideration of this matter.

3.3 The Development Unit resolved to support the Assessing Officer's Recommendation for Refusal with an amendment to Reason for Refusal No 13 where the correct Clause Number was inserted. (Clause 54 A(3))

### **4.0 ISSUES**

- Landscaping
- Visual impact
- Bulk and scale of development
- Does not fit in with the local amenity
- Lack of community consultation

- Loss of solar access
  - Loss of privacy
  - Impact to traffic
  - Inadequate infrastructure
  - Lack of public transport services
- 

## **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 it's meeting held on Thursday 22 September 2011 and after hearing from the Objectors and noting the Applicant was not present endorsed the Assessing Officer's Recommendation for Refusal with an amendment to Reasons for Refusal No 13.

---

## **RECOMMENDATION**

That the recommendation in the Development Officer's Report be endorsed and Application N0749/10 - 38 St Andrews Gate, Elanora Heights (Lot 175 DP22670), 40 St Andrews Gate, Elanora Heights (Lot 176 DP22670) Demolition of all existing structures and construction of a 2 storey building over basement parking as an Infill Affordable Housing development incorporating 24 apartments and the strata subdivision of the resultant development be refused subject to the Reasons for Refusal contained in the Draft Determination and the following amended Reason for Refusal:

### **Amended Reason for Refusal 13**

The development does not satisfy the provisions of Clause 54A(3) of the AH SEPP as the development is not compatible with the character of the local area due to unacceptable physical impacts that erode the level of residential amenity that is characteristic in this local area.

Report prepared by

Ruth Robins, Development Unit Chairperson

Warwick Lawrence

**MANAGER, ADMINISTRATION & GOVERNANCE**



**SUBJECT: N0 749/10 - 38 St Andrews Gate, Elanora Heights (Lot 175 DP22670), 40 St Andrews Gate, Elanora Heights. (Lot 176 DP22670). (Lot 176 DP22670)**

**Determination  
Level:**

Development Unit

**Date:** 22 September 2011

---

### **SUMMARY OF RECOMMENDATION**

#### **REFUSAL**

---

<b>REPORT PREPARED BY:</b>	Gordon Edgar
<b>APPLICATION SUBMITTED ON:</b>	24/12/2010
<b>APPLICATION SUBMITTED BY:</b>	GARY ALLEN C/- 26/90 MONA VALE ROAD MONA VALE 2103
<b>OWNER(S):</b>	GADALLEN PTY LTD (Own) GADALLEN PTY LTD (Own)

---

This Development Application is the subject of a Class 1 Appeal to the Land and Environment Court against the deemed refusal of the Application. Court hearing dates have been set down for 3 – 4 November 2011.

### **1.0 DEVELOPMENT CONTROLS**

The following planning and legislative framework applies to the proposed development:

- **State Legislation**
  - Environmental Planning & Assessment Act 1979 ('EPA Act')
  - Environmental Planning & Assessment Regulation 2000 ('EPA Regs')
- **State Environmental Planning Policies and Guidelines**
  - State Environmental Planning Policy No.55 – Remediation of Land ('SEPP 55')
  - State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development ('SEPP 65')
  - State Environmental Planning Policy (BASIX) 2004
  - State Environmental Planning Policy (Affordable Rental Housing) 2009 ('AH SEPP')
  - Residential Flat Design Code ('RFDC')
- **Local Environmental Plans and Policies**
  - Pittwater Local Environmental Plan 1993 ('PLEP 1993')
  - Pittwater 21 Development Control Plan (Amendment 6) ('Pittwater 21 DCP')
- **Permissibility (under State Environmental Planning Policy (Affordable Rental Housing) 2009)**

The subject site is zoned Residential 2(a) under PLEP 1993.

Pursuant to the AH SEPP, as it was prior to the amendment to this instrument in May 2011, the proposed infill affordable housing development is permissible with consent pursuant to Clause 12 in Division 1 of Part 2 of the AH SEPP.

The savings and transitional provisions of the May 2011 amendment to the AH SEPP require Council to assess any undetermined development application submitted prior to the amendment (as is the case with the subject application) as if the amendment had not been made.

In order for the development to be permissible, there are a number of criteria which must be met by the development site. These are as follows:

Clause 10(1) of the AH SEPP requires that the zoning of the land be equivalent to Zone R2 Low Density Residential. This is considered to be equivalent to the Residential 2(a) zone under PLEP 1993.

Clause 10(2)(c) of the AH SEPP is essentially a site location test for the development site. It states that the division of the SEPP permitting infill affordable housing in residential zones equivalent to Zone R2 Low Density Residential, only applies if the Site is within 400m walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 18.00 Monday to Friday. If these criteria are not met then affordable housing would not be permissible on the Site. If they are met, then the section of the AH SEPP permitting the subject development is applicable to the Site. This clause is not a non-discretionary development standard that, if met, would prevent Council from refusing the development for lack of public transport services.

The Passenger Transport Act defines "regular bus service" as *"any regular passenger service conducted by bus (including any transitway service)."* It defines "regular passenger service" as *"a public passenger service conducted according to regular routes and timetables, but does not include a tourist service or a long distance service."*

Objections received have raised concern that there are not sufficient public transport services within the locality for this density of development. Objections raise concern that meeting the above site location criteria of the AH SEPP do not necessarily result in a reasonable quality of life or meet the needs of future affordable housing residents, particularly as they are likely to have occupations such as nurses, cleaners, ambulance or police, which involve shift work out of peak hours on weekdays and over weekends. This concern is discussed in more detail under 'Design Quality Principal 4: Density' in the SEPP 65 section of this report (Section 3.6).

There is a bus stop on Kalang Road, less than 400m from the site and it is serviced by Bus Routes 182 and E83 that deliver sufficient services to meet the public transport locational criteria of the AH SEPP, based on information gathered from the state government public transport information website.

Clause 10(3) of AH SEPP stipulates that affordable housing does not apply to land identified by an environmental planning instrument as being within a scenic protection area. The subject site is not within an identified scenic protection area.

Clause 11(a) stipulates that the AH SEPP only applies to development for the purposes of residential flat buildings where at least 50% of the dwellings in the proposed development will be used for affordable housing, but only if

- (i) the development does not result in a building on the land with a building height of more than 8.5m, and
- (ii) in the case of development for the purposes of a residential flat building - residential flat buildings are not permissible on land otherwise than because of this Policy.

The maximum height of the development is 8.5m. The subject site is zoned 2(a) Residential under PLEP 1993. Residential flat buildings would not be permissible within this zone had it not been for AH SEPP.

Pursuant to Clause 18 in Division 1 of Part 2 of AH SEPP, the development may be subdivided with consent from Council.

Given the above, the proposed development is permissible on the subject site pursuant to Clause 12 of the AH SEPP.

## **2.0 NOTIFICATIONS**

- 15 property owners notified.
- The notification period was for 31 days between 6 January 2011 and 7 February 2011.
- 54 objections and a petition with 870 signatures were received in response to the original notification.
- The application was re-notified with amended plans and additional information for 14 days between 23 August 2011 and 6 September 2011.
- As a result of this re-notification, 21 additional objections were received.

## **3.0 ISSUES**

- B5.7 Stormwater Management - On-Site Stormwater Detention
- B6.4 Internal Driveways – All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy
- B6.6 Off-Street Vehicle Parking Requirements - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy
- B6.10 Transport and Traffic Management - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy
- B8.5 Construction and Demolition - Works in the Public Domain
- B3.5 Acid Sulphate Soils
- B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land
- C1.1 Landscaping
- 3.3 Submission of supporting documentation - Site Plan / Survey Plan / Development Drawings
- 3.6 State Environment Planning Policy No.65 – Design Quality of Residential Flat Development
- A1.7 Considerations before consent is granted
- C1.4 Solar Access
- C1.5 Visual Privacy
- C1.6 Acoustic Privacy
- C1.7 Private Open Space
- C1.9 Adaptable Housing and Accessibility
- C1.12 Waste and Recycling Facilities
- C1.13 Pollution Control
- C1.23 Eaves
- C1.24 Public Road Reserve - Landscaping and Infrastructure
- D5.1 Character as viewed from a public place
- D5.3 Building colours and materials
- D5.6 Side and rear building line
- D5.7 Building envelope
- D5.11 Fences - General
- SEPP (Affordable Rental Housing) 2009



#### 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					
B3.22 Flood Hazard - Flood Category 3 - All Development			-	-	-
B5.4 Stormwater Harvesting			Y	Y	Y
B5.7 Stormwater Management - On-Site Stormwater Detention		Concern has been raised in objections that stormwater runoff has not been considered in the Application. Council's Development Engineer has assessed the Application and recommended suitable conditions requiring detailed engineering drawings of an on-site stormwater retention system be submitted with the Construction Certificate.	Y	Y	N
B5.9 Stormwater Management - Water Quality - Other than Dwelling House, Dual Occupancy and Secondary Dwellings			Y	Y	Y
B5.10 Stormwater Discharge into Public Drainage System			Y	Y	Y
B5.12 Stormwater Drainage Systems and Natural Watercourses			-	-	-
B5.14 Stormwater Drainage Easements (Public Stormwater Drainage System)			-	-	-
B6.2 Access Driveways and Works on the Public Road Reserve- All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy			-	-	-
B6.4 Internal Driveways - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy		Concern has been raised in objections regarding the capacity of the Right of Carriageway to service the development and potential conflict between vehicles and pedestrians. Concern is also raised regarding whether the access ramp complies with the relevant Australian Standards. Issues under this heading are discussed later in this report.	N	N	N

Control	Standard	Proposal	T	O	N
B6.6 Off-Street Vehicle Parking Requirements - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy	The AH SEPP requires 12 car parking spaces to be provided for the 24 units proposed. The DCP would require 1 space per 1 bed unit, 2 spaces per 2 bed units and 1 visitor space per 3 units rounded up. This would require a total of 48 car spaces.	32 parking spaces are provided in the basement car park. Objections received raise concern over the off-street parking provision and potential impact of the development on the demand for on-street parking in the locality. This issue is discussed in more detail under the relevant heading later in this report.	Y	Y	N
B6.9 On-Street Parking Facilities - All Development other than Dwelling Houses, Secondary Dwellings and Dual Occupancy			-	-	-
B6.10 Transport and Traffic Management - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy		Concern has been raised in objections regarding the adequacy of the road system to cope with the additional loading generated by the development. The submitted Traffic and Parking report concludes that the additional traffic generated will not have any detrimental impact on the existing traffic network in the locality. This report has been assessed by Council's Development Engineer and no objections have been raised on these grounds. Concern has been raised in objections regarding the inadequacy of local public transport to service affordable housing in the locality. This issue is addressed under Section 3.6 of this report.	Y	Y	N
B8.1 Construction and Demolition - Excavation and Landfill			Y	Y	Y
B8.2 Construction and Demolition - Erosion and Sediment Management			Y	Y	Y
B8.3 Construction and Demolition - Waste Minimisation			Y	Y	Y
B8.4 Construction and Demolition - Site Fencing and Security			-	-	-
B8.5 Construction and Demolition - Works in the Public Domain		Objections have raised concern over the high pedestrian use of this section of St Andrews Gate and the lack of a footpath in this location. The proposal now includes a footpath along the full frontage of the site. This will improve pedestrian access and safety in the road reservation fronting the Site.	Y	Y	N

Control	Standard	Proposal	T	O	N
B8.6 Construction and Demolition - Traffic Management Plan			Y	Y	Y
C4.1 Land Subdivision - Protection from Hazards			Y	Y	Y
C4.2 Land Subdivision - Access Driveways and Off-Street Parking Facilities			Y	Y	Y
C4.3 Land Subdivision - Transport and Traffic Management			-	-	-
C4.4 Land Subdivision - Public Roads, Footpath and Streetscape			Y	Y	Y
C4.5 Land Subdivision - Utility Services			Y	Y	Y
C4.6 Service and delivery vehicle access in land subdivisions			Y	Y	Y
REF - Health					
B5.2 Wastewater Disposal			Y	Y	Y
B5.3 Greywater Reuse			-	-	-
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		Concern has been raised in objections regarding proposed tree removal, fauna impact and landscape treatment. This issue is discussed in more detail later in this report under the relevant heading.	Y	Y	N
C1.1 Landscaping		Concern has been raised in objections regarding proposed tree removal and that the development is not consistent with the bushland character of Elanora Heights. See relevant comments under Section B4.5. See discussion of other landscaping issues later in this report under C1.1.	N	N	N
REF - Planner					
EPA Act Section 147 Disclosure of political donations and gifts			-	-	-
3.1 Submission of a Development Application and payment of appropriate fee			Y	Y	Y
3.2 Submission of a Statement of Environmental Effects			Y	Y	Y

Control	Standard	Proposal	T	O	N
3.3 Submission of supporting documentation - Site Plan / Survey Plan / Development Drawings		Objections raise concern regarding the information submitted with the Application. This is discussed in detail under the relevant heading later in this report.	N	N	N
3.4 Notification			Y	Y	Y
3.5 Building Code of Australia			Y	Y	Y
3.6 State Environment Planning Policy No.65 – Design Quality of Residential Flat Development	Although the development proposal is for a generally 2 storey building, SEPP 65 is applicable as part of the basement level protrudes 1.37m above natural ground level and is therefore considered to be a "storey".	Concern has been raised regarding the quality of the design of the development. The performance of the development against the Design Quality Principles of SEPP 65 and the Residential Flat Design Code is discussed in detail later in this report under the relevant heading.	N	N	N
4.5 Integrated Development: Aboriginal Objects and Places			-	-	-
4.7 Integrated Development – Roads			Y	Y	Y
5.1 Referral to the Roads and Traffic Authority under SEPP (Infrastructure) 2007			-	-	-
5.2 Referral to the NSW Police Service		The application has been referred to the NSW Police who have made a number of recommendations to reduce the risk of crime. These recommendations could be adopted as conditions of consent, should the development be approved.	Y	Y	Y
5.3 Referral to NSW Department of Environment and Climate Change (DECC)			-	-	-
6.2 Section 94 Contributions - Open Space Bushland and Recreation	Open Space Contribution = \$9,000 x 24 units = \$216,000		Y	Y	Y
6.3 Section 94 Contributions - Public Library Services	Public Library Contribution = \$2,000 x 24 units = \$48,000		Y	Y	Y
6.4 Section 94 Contributions - Community Service Facilities	Section 94 Contribution for Community Service Provisions = \$3,500 x 24 units = \$84,000		Y	Y	Y
6.5 Section 94 Contributions - Village Streetscapes	Section 94 Contribution for Village Streetscapes = \$5,000 x 24 units = \$120,000		Y	Y	Y
A1.7 Considerations before consent is granted		Issues raised in objections and not addressed elsewhere within this report are addressed under this section.	Y	Y	N
B1.3 Heritage Conservation - General			-	-	-

Control	Standard	Proposal	T	O	N
B2.2 Land Subdivision - Residential Zoned Land			-	-	-
B2.5 Dwelling Density and Subdivision - Multi-Unit Housing			-	-	-
B3.6 Contaminated Land and Potentially Contaminated Land			-	-	-
B5.1 Water Management Plan			-	-	-
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	<p>Main private open space for proposed and existing adjoining dwellings are to have min.3hrs sunlight between 9am and 3pm during Midwinter.</p> <p>Windows to principal living areas of proposed and existing adjoining dwellings to receive minimum 3hrs sunlight between 9am and 3pm during Midwinter (i.e. 50% glazed area).</p> <p>Solar collectors for hot water or electricity shall receive at least 6hrs sunshine between 8am and 4pm.</p> <p>Maximise sunshine to clothes drying areas of proposed and existing adjoining dwellings.</p>	Objections received raise concern over potential overshadowing of adjoining development. The performance of the development against the requirements of this section of the DCP are discussed in detail under the relevant heading later in this report.	N	Y	N
C1.5 Visual Privacy		Objectors have raised concern over the potential visual privacy impacts that may result from the development as well as internal privacy in the development. This issue and the performance of the development against the requirements of this section of the DCP are discussed in detail later in this report under the relevant heading.	N	N	N
C1.6 Acoustic Privacy		Objectors have raised concern relating to the acoustic privacy impact of the development. This is discussed later in this report under the relevant heading.	N	N	N
C1.7 Private Open Space (POS)	<p>POS to be minimum 15% floor area of unit with minimum dimension of 2.5m and directly accessible from living areas.</p> <p>Ground floor units to have minimum dimension of 30sqm with 4m minimum dimension.</p>	Concern has been expressed in objections that there is no POS at ground level. All POS areas comply with the minimum area requirements with the exception of Units 5 & 17. Non-compliance is minor and POS for these units adequate and functional in dimension.	N	Y	N

Control	Standard	Proposal	T	O	N
C1.7 Private Open Space (POS) - Continued	Walled enclosure of POS prohibited. Good solar orientation if possible. Provision for clothes drying. Multi-unit housing upper level POS to be in form of balconies to front, rear or internal courtyard. Upper floor balconies to side boundaries to be designed to limit overlooking of adjoining properties.	30sqm ground level courtyards not considered essential, particularly if FFL is not close to NGL. Privacy screens proposed to upper balconies facing side boundaries.			
C1.9 Adaptable Housing and Accessibility	50% of units proposed are to be adaptable.	Objections received have raised concern regarding the accessibility of the development and the public domain in front of the Site. Access-related issues are discussed under this heading later in this report.	Y	Y	N
C1.10 Building Facades	No service pipes visible on front elevation. Letter boxes to be oriented obliquely to the street.	No pipes on front elevation. Letter boxes not shown but can be conditioned. The controls in this section of the DCP are limited thus, although the development meets the controls, the outcome of this section of the DCP that the visual aesthetics of building facades is improved is not considered to be satisfied by the proposal. This issue is dealt with in more detail elsewhere in this report.	Y	N	Y
C1.12 Waste and Recycling Facilities		Concern has been raised in objections regarding how the storage and collection of waste from the development. This issue is discussed in more detail under the relevant heading later in this report.	N	N	N
C1.13 Pollution Control		Objections raise concern that the development will give rise to increased pollution in the area in the form of unwanted furniture, rubbish and the like. It is not considered that the development would necessarily cause undue additional pollution. The development could not be refused on an assumption of what may or may not occur.	Y	Y	N
C1.14 Separately Accessible Structures			-	-	-
C1.15 Storage Facilities			Y	Y	Y
C1.18 Car/Vehicle/Boat Wash Bays					
C1.19 Incline Passenger Lifts and Stairways			-	-	-
C1.20 Undergrounding of Utility Services			Y	Y	Y
C1.23 Eaves		Whilst eaves are not proposed on all elevations, it is considered that this control has been addressed to a reasonable degree.	N	Y	Y

Control	Standard	Proposal	T	O	N
C1.24 Public Road Reserve - Landscaping and Infrastructure		No street trees are proposed to be planted and existing street trees are proposed to be retained. Objections have raised concern regarding the lack of a public footpath and curb and guttering in front of the Site. A public footpath will be required to be constructed along the full site frontage as a part of this development. Street lighting, kerb and guttering would also be required to be constructed.	Y	Y	N
C1.25 Plant, Equipment Boxes and Lift Over-Run			Y	Y	Y
C4.7 Land Subdivision - Amenity and Design			-	-	-
C4.8 Land Subdivision - Landscaping on the Existing and proposed public road reserve frontage to subdivision lots			-	-	-
D5.1 Character as viewed from a public place		Concern has been raised in objections that the development does not satisfy the objectives of this DCP provision. The performance of the development against this section of the DCP is discussed in detail later in this report under the relevant heading.	Y	N	N
D5.2 Scenic protection - General			Y	Y	Y
D5.3 Building colours and materials	Dark earthy tones are required with no white or light coloured roofs or walls.	Concern has been raised by objectors regarding the compliance of the development with this control. The proposal includes Dulux "Peplum", which is an off-white colour, for the external walls. This does not comply with the requirements of this control. This issue was raised in a letter of issues dated 6 June 2011 and the Applicant has not submitted an amended schedule of finishes that is compliant with this control. It is also noted that clear glass balustrades are proposed when the architectural plans show opaque glass balustrades for privacy protection. These outstanding issues and inconsistencies could be dealt with by way of a condition of consent.	N	N	N
D5.4 Height			Y	Y	Y
D5.5 Front building line			Y	Y	Y
D5.6 Side and rear building line	If the side and rear setback requirements for multi-unit housing were to be applied to the development, the required minimum setbacks for side and rear boundaries would vary between 4.4m and 4.6m depending on the height of the external wall.	Objections have raised concern regarding the adequacy of the proposed side and rear setbacks. The performance of the development against the setback requirements of the DCP for multi-unit housing is discussed in detail under the relevant heading later in this report.	N	N	N
D5.7 Building envelope	The building envelope applicable	The area of the development where non-	N	N	Y

Control	Standard	Proposal	T	O	N
	to multi-unit housing has been adopted as applicable to the subject proposal. This building envelope is projected at a 45 degree angle from a height of 4.2m above the side boundaries.	compliance with the building envelope control is most likely to occur is in relation to the eastern side boundary adjacent to Units 10 and 22 at Section EE on the submitted plans where the external wall height of the building is 7.92m and the proposed side setback is 2.27m. It is likely that the development would not comply at this point but this cannot be confirmed as the architectural plans submitted by the Applicant are not to scale and Section EE has not been provided. Failure to identify this non-compliance and provide any justification for this non-compliance is considered to be an inadequacy of the Application with regard to the EPA Regulation DA submission requirements and is recommended as a reason for refusal.			
D5.11 Fences - General	Front fences within the front building setback are not to exceed a height of 1m above existing ground level.	The south or front elevation plan submitted indicates that some form of fence or screen is proposed within the front building setback and that it would have a maximum height of approximately 1.9m. This front fence appears to be in addition to the retaining walls marking the edges of the proposed private courtyards but there is no indication in the landscape plan, site plan or any of the floor plans as to the exact location of this front fence. There is no detail as to the construction material of the fence. This prevents any assessment of the proposed fence against the relevant controls and is considered to be an inadequacy of the Application in terms of the information provided. This is a recommended reason for refusal.	NN		Y
D5.13 Construction, Retaining walls, terracing and undercroft areas			Y	Y	Y
SEPP (Building Sustainability Index: BASIX) 2004			Y	Y	Y
SEPP (Affordable Rental Housing) 2009	Numerous minimum standards for which Council cannot refuse consent discussed under relevant heading later in this report. One such standard requires that, where practicable, at least two thirds of the deep soil zone required to be provided should be at the rear of the Site.	The performance of the development against the provisions of the AH SEPP are discussed in detail later in this report. Identified non-compliances include failure to provide two thirds of the deep soil zone at the rear of the site and the failure of the development to be compatible with the character of the local area with regard to its physical impacts. Relevant issues raised by objectors are addressed in this section of the report, including the consistency of the development with the local character.	NNN		
Other State Environmental	SEPP 55 - Remediation of Land	The subject site has a history of previous	Y	Y	Y



Control	Standard	Proposal	T	O	N
Planning Policies (SEPPs)	would apply to the Site.	residential use. Given this, it is unlikely to be contaminated.			

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

## 5.0 SITE DETAILS

The subject site is known as 38-40 St Andrews Gate, Elanora Heights. It is comprised of 2 allotments, being No's 38 and 40 St Andrews Gate and having legal descriptions of Lots 175 and 176 respectively in DP 22670. The consolidated allotment is rectangular in shape and has a total frontage to St Andrews Gate of 48.135m. The total area of the site is 2,123sqm. The depth of the site is 44.195m.

38 St Andrews Gate makes up the eastern portion of the site and contains a single storey timber dwelling with a tiled roof.

No.40 St Andrews Gate makes up the western portion of the site and contains a single storey brick and timber house with a tiled roof.

There are approximately 44 trees of varying significance and including both exotic and native species scattered across the development site. Notably, there are 2 Magenta Lillypillys located on the site, which are listed as endangered species under Schedule 1 of the Threatened Species Conservation Act, 1995. On the road reserve in front of 40 St Andrews Gate is natural rock outcrop. The site slopes gently away from the street approximately 5m to the low-point in the rear north-east corner.

Adjoining the eastern boundary of the site is a Right of Carriageway with a concrete driveway. This ROC is located on a property known as 50 Kalang Road. It also appears to be used by a commercial property further north known as 54 Kalang Road. No.50 Kalang Road is occupied by a large 3 storey commercial building currently being used as squash courts. 54 Kalang Road is occupied by a single storey shop building and also adjoins the Site for the rear part of the eastern boundary. This property is the subject of a recently approved shop-top housing development, the details of this approval are in the "Background" section of this report.

Adjoining the northern boundary of the subject site are 178 Powderworks Road, which contains a single storey timber dwelling-house with a metal roof. Also adjoining the northern boundary of the site is 176A Powderworks Road, which contains a single storey brick dwelling on an unusually small battle-axe shaped block that would appear to be part of a subdivided dual occupancy development together with 176 Powderworks Road. The dwelling has a setback from the common boundary with the subject site of approximately 2m.

Adjoining the subject site on its western boundary is No.42 St Andrews Gate, which contains a single storey dwelling-house.

The general character of the streetscape of St Andrews Gate around the subject site is dominated by 1 and 2 storey single dwellings sitting in a landscaped setting with the exception of the 3 storey commercial building at 50 Kalang Road.

## 6.0 PROPOSAL IN DETAIL

It is proposed to demolish both dwellings and all associated structures at 38 and 40 St Andrews Gate and construct a 2 storey Infill Affordable Housing Development over basement parking. The building is designed in a 'C' shape presenting 2 separate building elements to the street with a centralised courtyard entry between them. The roof form is a combination of shallow pitched roof elements and a flat roof. The development will incorporate a total of 24 apartments including 16 x 2 bedroom units and 8 x bedsit units.

The strata subdivision of the resultant development is also proposed.

Vehicular access to the basement carpark is proposed to be via a Right of Carriageway abutting the eastern boundary of the site and located on 50 Kalang Road. The existing driveway over this Right of Way is also proposed to be widened over the subject site.

In accordance with the requirements of the AH SEPP, at least 12 apartments (nominated as being Units 6, 7, 8, 9, 10, 11, 12, 18, 19, 20, 21 and 22) will be managed upon completion of the development by a registered community housing provider. The Applicant has stated that the details of this management of the affordable housing will be confirmed as a component of a deferred commencement condition.

## 7.0 BACKGROUND

Development Application N0414/05 for demolition of the existing structures and construction of a Senior Living development comprising a 3 level complex to provide for 14 self-care dwellings and a basement parking level for 13 parking spaces was refused on 15 December 2005. There were multiple reasons for refusal including inadequate information, excessive tree clearance, inadequate solar access to proposed units, unsatisfactory privacy, private open space, accessibility and energy efficiency. The development was also considered to be contrary to the desired future character for the locality, it was non-compliant with the maximum height control, side setbacks and site coverage. The development was considered to have an unacceptable impact on traffic and had inadequate parking as well as not being conveniently located to services and an accessible public transport service. The development also exceeded the maximum permitted FSR of 0.5:1.

On 21 February 2011, Council's Development Unit approved a 3 storey shop-top housing development on an adjoining property at 54 Kalang Road, Elanora Heights. This property adjoins the rear portion of the eastern boundary of the subject site at 38-40 St Andrews Gate, Elanora Heights. The development consisted of two basement parking levels containing parking for 34 vehicles. It incorporates ground level commercial suites of 346sqm and 155sqm and 6 x 2 bedroom units, 2 x 3 bedroom units and 1 x 4 bedroom unit on the first and second floors. It also incorporates landscaped communal open space at the rear adjoining the Right of Carriageway that also is proposed to service the subject site. Vehicular access and egress to the approved shop-top housing development is via this same Right of Carriageway.

The ground level common open space and the internal living areas and balconies of 5 of the total of 9 units are oriented toward the rear of the Site and the eastern boundary of 176A Powderworks Road, Elanora Heights.

The subject Development Application was lodged on 24 December 2010. It was notified for 31 days between 6 January 2011 and 7 February 2011, during which time numerous objections were received, as detailed under Section 2 of this report.

Council received amended plans identified as 'Issue A' and additional information on 3 May 2011 ('**May 2011 Amended Plans**').

The AH SEPP was amended in May 2011. One result of these amendments was that the proposed development was no longer permissible on the subject site, however, the subject application was covered by the transitional provisions which stated that the application must be assessed as if this amendment had not been made but that the compatibility of the development with the character of the local area must now be taken into account prior to granting consent.

On 30 May 2011, the Applicant lodged an appeal with the Land and Environment Court based on the deemed refusal of the Application.

A letter was prepared by Council officers listing a number of concerns with the development and sent to the Applicant on 6 June 2011.

On 21 July 2011, Council received further amended plans identified as 'Issue B' (**'July 2011 Amended Plans'**). Additional documentation was also submitted including additional town planning comments, a revised solar access report, a draft strata subdivision plan and further arboricultural comments. These amended plans and additional information are the subject of this assessment report.

On 1 August 2011, Council received an amended landscape plan.

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

The application of SEPP NO. 1 is not required.

## **9.0 EXISTING USE RIGHTS**

Does the proposal rely on Existing Use Rights? No

## **10.0 DISCUSSION OF ISSUES**

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

Concern has been raised in objections regarding the adequacy of the proposed vehicular access, the capacity of the Right of Carriageway to service the development and potential conflict between vehicles and pedestrians. Concern is also raised in objections as to whether or not the proposed access driveway and basement car park design complies with the relevant Australian Standard requirements.

A Traffic and Parking Impact Assessment Report, prepared by Ray Dowsett Traffic and Transport Planning Pty Ltd and dated 23 December 2010, was submitted in support of the development application. This report confirms that the necessary sight distances and other relevant Australian Standard requirements are or can be met by the proposed access arrangements.

However, it does not appear that there has been any consideration of the impact of the approved shop-top housing development at 54 Kalang Rd using the same Right of Carriageway as the proposal for vehicular access. The shop-top housing development includes 34 parking spaces in addition to the 32 parking spaces within the proposal. This approved development also appears to incorporate a one way system with access from St Andrews Gate and egress via Powderworks Road. This one way system and how it would work concurrently with the proposed 2 way access to the proposed development was not taken into account in the traffic and parking report. In addition, it would appear that vehicles using the at-grade uncovered parking spaces at the rear of the existing commercial development at 50 Kalang Road currently reverse onto the Right of Carriageway in order to exit these spaces.

Such issues do not appear to have been considered in the submitted traffic and parking report. The traffic and parking report also pre-dates the July 2011 Amended Plans that the Applicant is now relying upon. These plans involve changes to gradients to the access driveway and a re-design of the basement car-park. Given the approved one-way access system for 54 Kalang Road, the additional 34 vehicles accessing this development and the limited legal width of the existing Right of Carriageway of 3.655m, it would appear that the vehicular access arrangements to the development need to be re-considered and a revised traffic and parking report submitted prior to approval being granted to this development.

It is also of concern that the necessity to narrow the driveway in order to retain Tree 1 does not appear to be either acknowledged or considered in the traffic and parking report. It is also not acknowledged that vehicles from the development are not legally entitled to traverse over that part of 50 Kalang Road which is not affected by the Right of Carriageway, thus, the effective width of this driveway is narrower than this report appears to indicate.

More detail should be provided from the Applicant's Traffic Engineer confirming the adequacy of the ROW to service the proposed development, the approved development at 54 Kalang Road and the existing development at 50 Kalang Road and making recommendations to ensure safe and convenient access is achieved in accordance with relevant Australian Standards.

Specific concern expressed in objections regarding the basement parking include:

- Access ramp design, including gradient, transitions and aisle widths do not comply with the relevant Australian Standards, notably AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-Street Car Parking;
- No separator or median is provided despite this being required by AS2890.1:2004;
- Provision of kerbs or other protective elements to surrounding landscape areas, particularly Tree 1, do not appear to meet the requirements of AS/NZS 2890.1:2004 (2.4.5 Physical Controls)
- The proposed design will require significant cross falls on the ramp, which are unlikely to comply with relevant codes, and will make vehicular access difficult;
- The sweep paths of vehicles entering the basement cut into space required for exiting cars. No indication of how vehicles entering and exiting basement are to be controlled;
- Various other concerns regarding the adequacy of the proposed vehicular access.

The lack of an adequate traffic and parking report that deals with the above issues and responds to the current plans is recommended as a reason for refusal.

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

Objections received raise concern over the off-street parking provision and potential impact of the development on the demand for on-street parking in the locality. A Traffic and Parking Impact Assessment Report, prepared by Ray Dowsett Traffic and Transport Planning Pty Ltd and dated 23 December 2010, was submitted in support of the development application.

This report was based on traffic counts taken on Thursday 16 December 2010, which objectors have stated is too close to Christmas holidays to be an accurate reflection of the true traffic situation.

The submitted traffic report makes the following conclusions:

- The proposal will assist in meeting demand for affordable rental residential accommodation with convenient access to public transport, shopping and recreational facilities.

- On a 'worst case scenario' the proposal will generate a net increase of approximately 10 peak hour vehicle trips with minimal impact on the surrounding road network or nearby intersections and junctions.
- The proposed access arrangements and sight distances available for emerging traffic to approaching traffic flows on St Andrews Gate meet the safety requirements in the relevant Australian Standard.
- The parking provision and layout arrangements meet or exceed the relevant design and numerical standards.
- It is concluded that there will not be any adverse traffic, parking traffic related environmental implications resulting from the development.

This report has been assessed by Council's Development Engineer who has raised no objections to the development on parking or traffic impact grounds. Furthermore, it is noted that the development, in providing 32 on-site parking spaces to service 24 units, exceeds the minimum on-site parking requirements of the AH SEPP (prior to the May 2011 Amendment of the SEPP) of 0.5 car spaces per unit (i.e. total required parking of 12 car spaces). Accordingly, the development has not been recommended for refusal due to parking or traffic impact.

Council's DCP would require 1 space per 1 bed unit, 2 spaces per 2 bed units and 1 visitor space per 3 units rounded up. This would require a total of 48 car spaces including 8 visitor spaces although it is noted that the AH SEPP provisions would prevail over the DCP.

It is considered that at least 5 car spaces should be set aside as visitor spaces and designated common property in the draft strata plan. At present, the draft strata plan indicates that no visitor spaces are proposed. This is not acceptable but can be addressed by way of a condition of consent.

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

No apparent issues

#### **B3.5 Acid Sulphate Soils**

No issues - Acid Sulphate Region 5 only

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

Council's Natural Resources Officer has advised the following:

*"The properties (38 and 40 St Andrews Gate) contain a modified landscape with a mixture of both exotic and native canopy trees. The proposed works involve demolition of the existing dwellings and associated site structures and the construction and strata subdivision of an affordable housing development incorporating 24 residential apartments comprising 8 bedsitters and 16 x 2 bedroom units with basement parking for 32 vehicles.*

*The site is not considered to be ecologically significant and as such a flora and fauna assessment and Seven-part Tests have not been undertaken and are not required. As trees exist across the site, an arborist report (Urban Forestry Australia December 2010) has been provided. The report assesses 46 individual trees, of which seven (7) are dead, three (3) are already approved for removal under separate Tree Preservation Order applications, and thirteen (13) are exempt from the Tree Preservation Order. This leaves a total of 23 trees which are currently protected by the Tree Preservation Order, and of these, only ten (10) are locally native. The arborist report, as it specifies, does not identify the existing health and condition of the trees or assess the potential impacts of the development. It only assesses landscape significance, of which six (6) specimens are considered to have high landscape significance, seven (7) to have medium landscape significance, and 24 trees considered to have low landscape significance.*

*A new arborist report is required which assesses the existing health and condition of the trees, provides detailed assessment of the potential impacts of the proposed works on each tree and provides justified retention or removal recommendations. The report is also to provide both specific and general tree protection measures for the trees to be retained which can be adopted as conditions of consent. The new arborist report is required before the application can be further assessed.*

*A landscape plan (Trish Dobson Drawing No. DA-12 22nd December 2010) has been provided. This plan contains a Tree Schedule with all existing trees, and recommendations for removal or retention. This Tree Schedule is not aligned with any current arborist report and as such cannot be relied on. The Tree Schedule on the Landscape Plan must be consistent with the recommendations from a suitably qualified arborist, which at this stage has not been provided. An amended landscape plan which addresses this must also be provided before the application can be further assessed.*

*A detailed arborist report (Urban Forestry Australia January 2011) has been provided upon request. A number of amendments have been made to the proposal as outlined in new plans and a Statement of Environmental Effects dated 18th April 2011. The report assesses a total of 47 trees of which 12 are locally native, 12 are exempt from Council's Tree Preservation Order, 9 are dead or not present on the site, 8 are exotic and 6 are introduced native species. The report discusses only those trees currently on the site that are protected by the Tree Preservation Order, which is 26 in total. Four (4) trees are considered to be significant on the basis of their large size - Trees 1, 8, 21 and 38.*

*A total of fifteen (15) trees are recommended to be removed due to being within or too close to the proposed development to be retained. Tree 1 is proposed to be retained, however there are issues with the proposed driveway (right of way) widening, where the report states "It would be preferable if this proposed widening was deleted so that any work within the tree's SRZ is avoided.*

*If this isn't possible, then the final design and construction methods adopted in this area must be sensitive to the protection of woody tree roots ..." The latest East Elevation shows that excavation is required to grade the widened driveway below natural ground level beginning just north of Tree 1. This excavation is well within the tree's SRZ, and is contrary to the recommendations of the arborist report, and thus it is suspected that the arborist may not have noticed this amendment.*

*Another issue is the proposed pathway leading to the waste room located at the basement level which appears to be an excavated ramp to RL 95.34 is also within the TPZ of Tree 1. It is required that the arborist assess the potential impact to Tree 1 again with respect to the re-adjusted levels of the right-of-way as indicated on the East Elevation and the proposed pathway leading to the waste room located at the basement level, and provide comment on whether Tree 1 can still be safely retained.*

*A number of inconsistent RL's and some retaining wall detail exist between the current Site Plans and the Landscape Plan (Trish Dobson Drawing No. DA 12 22nd December 2010) which may impact on Trees 8, 19 and 20 if the works indicated on the Site Plans are correct, and given that these plans have only recently been amended (date unknown) they were preceded by the current arborist report and all amendments not taken into account.*

*An amended landscape plan is also required which is consistent with the latest amended Site and Floor Level Plans (showing consistent RL's) as well as the latest recommendations of the required arborist report. (M Hansen 11/05/11).*

*An amended arborist report (Urban Forestry Australia 12th July 2011) has been prepared in response to the latest amended design and plans, which have been designed in consultation with the arborist and based on recommendations to protect the significant Tree 1. The site components which were of previous concern - the ramp leading to the Waste Room, the OSD tanks and the close proximity of the driveway ramp - have all been either deleted, relocated or redesigned in order to ensure the retention and protection of Tree 1. The arborist has supported the latest amended plans and determined that Tree 1 can now be safely retained if tree protection measures are adopted. Works in the vicinity of Trees 8, 19 and 20 were also of previous concern and the amended plans have addressed these, with the arborist now able to support the works which will now encroach only slightly into the trees TPZ's, which as outlined by the arborist report, are within acceptable limits and the trees can be safely retained. The recommendations of the report are supported and are to supersede the original report for Trees 1, 8, 19 and 20 - the recommendations of the original report are still applicable to all other trees assessed.*

*An amended landscape plan (Ray Fitz Gibbon Architects Drawing No. DA 12-A Rev A 29/07/11) has been supplied upon request. This plan now provides RL's which are consistent with those indicated on other plans, and indicates trees to be retained which are consistent with the latest arborist report. The plan uses gravel mulch in some areas adjoining the dwelling in order to minimise site coverage but still provide private open space, which is technically acceptable. This landscape plan is now considered to be accepted. (M Hansen 4/08/11)"*

It is noted that Council's Natural Resources Officer has stated above that the use of gravel mulch is "technical acceptable" as landscaped area utilised as additional private open space under the terms of Section D5.8 of Pittwater 21 DCP. Further discussion is provided regarding whether the gravel mulch is considered to be acceptable "deep soil zone" under the section of this report dealing with the provisions of the AH SEPP. Further discussion is also provided below regarding the acceptability of the gravel mulch as "landscaped area" under the terms of Section C1.1 'Landscaping' of Pittwater 21 DCP. Discussion regarding whether this landscaped treatment is consistent with SEPP 65 is provided under Section 3.3 of this report.

Concern has been raised in relation to the proposed removal of a Broad-leaved Paperbark tree located in the middle of the Site and identified as having 'high' retention value. No objection to its removal has been raised by Council's Natural Resources section and it is noted that it is located in the middle of the Site and that retention would be difficult.

### **C1.1 Landscaping**

Concern has been raised in objections regarding proposed tree removal and that the development is not consistent with the bushland character of Elanora Heights. Refer to Section B4.5 for comment. The submitted landscape plan indicates that it is proposed to establish courtyard areas outside some of the ground floor units within the side rear and front building setback areas. These courtyards are treated with gravel mulch and are in addition to proposed decks that serve as the primary outdoor open space and are directly connected to the internal living areas of the proposed units.

The outer edges of the courtyard areas are generally defined by retaining walls and incorporate some landscaping, usually along the outer edges (including Swamp Banksia and Dwarf Lillypilly and a small amount of ground cover) whilst the courtyard areas closest to the external walls of the development are simply treated with the gravel mulch with no actual landscaping proposed. It is assumed that this is so that this area is trafficable and can be utilised by the future residents as additional outdoor open space. These areas effectively extend the areas of potential outdoor open space entertaining area for the units and bring them closer to the side and rear boundaries of the Site. They also reduce the potential for screen landscaping the side, rear and front building setback areas.

It is further noted that the extent of these gravel mulch courtyards varies between one architectural plan and another and also between the architectural plans and the landscape plan, so there is uncertainty as to exactly how large these courtyards will be. The courtyard areas shown in the submitted landscape plan are taken to be the definitive location and size of these courtyards, for the purpose of the assessment of the impacts of these areas and calculation of landscaped areas and deep soil areas.

With the exception of the areas of the gravel mulch where planting is proposed (generally along outside edges of the courtyards) it is not considered that the provision of gravel mulch as 'landscaped area' is consistent with the following controls and outcomes objectives:

#### Controls

*"The following soil depths are required in order to be counted as landscaping:*

- 300mm for lawn;
- 600mm for shrubs;
- 1m for trees.

#### Outcomes

*"A built form softened and complemented by landscaping."*

Except for the areas where planting is proposed in the gravel mulch courtyards, as indicated in the landscape plan, where soil will be retained to sustain these plants, the remaining gravel mulch areas will not have any soil at the surface to enable any other plants to grow in the future unless the gravel mulch is subsequently removed. This would not comply with the above control. In addition, gravel mulch is not considered to 'soften' the built form, on the contrary, where it is not proposed to be planted, it will appear as additional hard surface. It is therefore inconsistent with the above outcome.

In addition, it is noted that the definition of 'landscaped area' in Part A of Pittwater 21 DCP is as follows:

*"Landscaped area means the area of a site which is, or is available to be predominantly vegetated."*

The gravel mulch courtyards are predominantly un-vegetated. It is not considered that the entire areas of gravel mulch courtyards are consistent with this definition.

The Applicant has counted the entire areas of these gravel mulch courtyards as either "deep soil planting" or "landscape area". In view of the above, the calculations of deep soil planting area and landscape area by the Applicant are not accepted as accurate. Further discussion regarding the compliance of the development with the site coverage / landscaped area requirements of the DCP are provided in Section D5.9 of this report. Further discussion regarding compliance with the deep soil requirements are contained under the AH SEPP section of this report.

### **3.3 Submission of supporting documentation – Site Plan / Survey Plan / Development Drawings**

The submitted survey plan is dated from 2004 and inaccuracies have been identified in the detail of structures on adjoining properties. This survey should be updated to accurately reflect the true location of all structures on adjoining properties. An updated survey was requested by letter on 6 June 2011 but, to date, this has not been received. The lack of an accurate and up to date survey is recommended as a reason for refusal. This issue has been raised as a concern by objectors who own the property that has not been accurately surveyed at 178 Powderworks Road.



The proposal includes the strata subdivision of the development and a draft plan of strata subdivision has been submitted, however, it is not consistent with the architectural drawings as it shows a number of private courtyards within the rear and side setback areas that should be common property landscaped areas. It also shows the waste room in the basement in the incorrect area and would appear to be based on a previous set of drawings. The extent of private courtyard space within the setback areas is not supported due to the need for this area to be used for deep soil planting. The inconsistency of the draft strata plan with the architectural drawings must be resolved prior to the issuing of any consent and is recommended as a reason for refusal.

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

Concern has been raised regarding the quality of the design of the development.

Clause 30(2)(b) of SEPP 65 requires Council to make an assessment of the development against the Design Quality Principles of SEPP 65. This assessment of relevant design quality principles is as follows:

#### Principle 1: Context

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

The desired future character for the Elanora Locality is stated in Section A4.5 of Pittwater 21 DCP as being:

*"The Elanora Heights locality will remain primarily a low-density residential area consisting of one and two storey dwelling-houses in a natural landscaped setting, integrated with the landform and landscape.....Any multi-unit housing will be located within and around commercial centres, public transport and community facilities.....Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport.....Future development will maintain a height limit below the tree canopy, and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with the development.....A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, and to enhance wildlife corridors.....Vehicular, pedestrian and cycle access within and through the locality will be maintained and upgraded."*

Concern has been raised in objections regarding the performance of the development against this design quality principle and also the desired future character for the Elanora Heights Locality.

The development has retained the most significant tree on the Site (Tree 1 - Magenta Lillypilly) as well as a number of other trees that are located adjacent to site boundaries and within the front setback and nature strip fronting the site. There are other trees that are visually significant on the site identified by objectors, such as a large Broad Leafed Paperback (Tree 38), located in the middle of the site. This tree would be more difficult to protect and it is recognised that the design of the development has taken into account tree preservation to a reasonable degree.

The Site is located close to the local neighbourhood shopping centre on Kalang Road and a bus stop. The development is essentially 2 storeys in height and presents as 2 built elements with a void space between, thus being similar in the streetscape rhythm to a pair of large single dwellings.

A footpath is proposed to be constructed across the frontage to the Site, thus improving pedestrian access to neighbourhood shops on Kalang Road. These elements of the development are considered to be generally consistent with the desired future character for the Elanora Heights Locality.

However, there are 3 main areas where it is considered that the development does not sufficiently respond to its context. These are the manner in which the development responds to the prevailing density of residential land in the locality, the way the development relates to the adjoining property at 176A Powderworks Road and the way the development responds to the landscaped character of the residential areas of the Elanora Heights Locality. These matters are discussed elsewhere in this report but as they are relevant to this Design Quality Principle, it is recommended that the development be refused for failing to properly address it.

#### Principle 2: Scale

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

Concern has been raised in objections regarding the performance of the development against this design quality principle.

The development complies with the 8.5m maximum height limit and presents to the street as a 2 storey development.

It does have fairly substantial massing if the length of its side walls are taken into account, these extend down almost the full depth of the Site. However, the Site is adjacent to the commercial building at 50 Kalang Road, which already presents significant bulk and massing to the street, although it should be noted that this property is commercially zoned and the subject site has a residential zoning. Given that the Site is on a zone boundary and that there is both proposed and existing 3 storey commercial and mixed commercial/residential development adjacent to it, this development is considered to be reasonably consistent with this Design Quality Principle.

#### Principle 3: Built Form

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

The built form of the proposal is a 2 storey courtyard apartment that has been modified to accommodate the retention of Tree 1. This basic built form is considered to be appropriate for the Site although it is noted that the internal courtyard has been narrowed with the insertion of Units 1 and 12 inside the internal courtyard.

This adds to the visible bulk of the building when viewed from the street and reduces the level of amenity the internal courtyard would have otherwise provided to the other units. It also creates building separation and privacy issues between opposing units in the east and west wings of the building. The benefit and success of the internal courtyard in providing a void space between built elements to emulate the street rhythm of single detached dwellings is also diminished by crowding additional units into this internal courtyard area.

Thus, whilst the choice of built form is considered to be appropriate, the design choice to add additional units within the internal courtyard is considered to diminish the internal amenity of the development and the presentation of the development to the street.

For this reason, the development is not considered to be satisfactory in relation to this design quality principle and this is recommended as a reason for refusal.

#### Principle 4: Density

*"Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents). Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, **availability of infrastructure, public transport, community facilities and environmental quality.**"* (emphasis added) Objections received have raised concern that there are not sufficient public transport services within the locality for this density of development. Objections raise concern that meeting the site location criteria for public transport of Clause 10(2)(c) of the AH SEPP do not necessarily result in a reasonable quality of life or meet the needs of future affordable housing residents, particularly as they are likely to have occupations such as nursing, cleaners, ambulance or police, which involve shift work out of peak hours on weekdays and over weekends. This concern is considered to be directly relevant to this Design Quality Principle and is discussed in detail below.

At the time of the lodgement of the subject application on 24 December 2010, Clause 10(2)(c) of the AH SEPP stated that the Division of this planning instrument permitting infill affordable housing in low density residential zones only applied if the Site was:

*"400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 18.00 each day from Monday to Friday (both days inclusive)."*

The above criteria are essentially a site location test for the development site. If these criteria are not met then affordable housing would not be permissible on the Site. If they are met, then the section of the AH SEPP permitting the subject development is applicable to the Site. This clause is not a non-discretionary development standard that, if met, would prevent Council from refusing the development due to lack of adequate public transport services.

There is a bus stop on Kalang Road, less than 400m from the site and it is serviced by Bus Routes 182 and E83 that deliver sufficient services to meet the requirements of the AH SEPP, based on information gathered from the state government public transport information website. During weekdays, the first 182 bus service to Narrabeen is at 8.37am from the Kalang Road bus stop and the last is at 7.07pm. The first 182 bus service to Mona Vale is at 6.39am and the last is at 6.58pm. On Saturdays there are 5 services between 9.33am and 5.33am and no service on Sundays. Thus, even though public transport services to the Elanora Heights Locality is limited outside peak hours and on weekends, the Site nonetheless meets the public transport criteria of Clause 10(2)(c) of the AH SEPP, as it was at the time of lodgement of the subject application.

It should be noted that Clause 10(2)(c) of the AH SEPP has been changed a number of times since the AH SEPP was first gazetted in 2009. The originally gazetted version of the AH SEPP in July 2009 included different public transport locational requirements in Clause 10(2)(c) as follows:

*"400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and **21.00 every day**." (emphasis added)*

Later in 2009, this clause was altered to the way that it appeared at the time of the lodgement of the subject application. In December 2010, the State Government published the document entitled Affordable Rental Housing SEPP Review. On Page 21 of this document, it states the following:

*“The AH SEPP requires infill development in the Sydney region to be within 800 metres of a railway station or ferry wharf, or 400 metres of a light rail station, or 400 metres of a bus stop with an hourly bus service between 6.00am and 6.00pm, Monday to Friday. The intention is that projects have appropriate access to public transport services, as residents typically have a lower level of car ownership or prefer public transport as a cheaper, more convenient commuting option.*

*Two issues have been raised concerning this matter.*

- 1. Timeframe criteria for bus public transport services to be provided are too limited to sufficiently cater for the needs of the occupants, particularly shift workers who need to return home by public transport in the evenings or on weekends, and*
- 2. There should be flexibility in the measurement of the distance from public transport services, e.g. a site 410 metres from a major bus interchange would be excluded from consideration despite it providing a high level of access to transport, services and employment.*

*The proximity to transport requirements of the AH SEPP are intended to provide opportunities for the residents of new dwellings to have access to jobs and services.....Whilst setting higher frequency transport requirements would reduce the areas capable of being developed, it would help concentrate the new development in accessible locations closer to services. For example the requirements for hourly bus services could be extended so that for a site to be considered, it would need to be within 400 metres of a bus stop with an hourly bus service between 6.00am and 9.00pm, 7 days per week. While this would reduce the areas eligible for consideration for infill affordable housing, it would provide greater opportunities for residents for access to work by public transport.*

**Suggested response 4.3:**

- a) Examine the implications of extending the public transport services frequency requirements for sites to include the weekend and evenings to concentrate development closer to accessible locations and services; and*
- b) Allow variations in the distance from the public transport criteria of up to 10% to be considered on their merits under SEPP No.1 – Development Standards.”*

In May 2011, the AH SEPP was amended in a number of areas. One of the amendments made was to significantly alter Clause 10 of the AH SEPP such that in-fill affordable housing was only permitted as dual occupancies, multi dwelling housing or residential flat buildings if such development was already permissible under the local environmental planning instrument. Other than dual occupancies, this would limit medium density development in Elanora Heights to shop-top housing in the commercially zoned land on Kalang Road. This permitted shop-top housing has density restrictions set by Section B2.6 ‘Dwelling Density and Subdivision – Shop-Top Housing’ in Pittwater 21 DCP of 1 dwelling per 150sqm of site area. A similar density restriction applies to multi-unit housing on residential zoned land in Section B2.5 ‘Dwelling Density and Subdivision – Multi-Unit Housing’ of 1 dwelling per 200sqm for a site with more than 25m of street frontage.

If this control were applied to the subject site, then a total of only 10 dwellings would be permitted on the Site. 24 dwellings are currently proposed on a site that is not considered suitable for multi-unit housing by Council. If it had been, then a maximum of 10 dwellings would be permitted under the local controls.

A further change to the AH SEPP in the May 2011 Amendment was to restrict infill affordable housing development to only occur within an “accessible area”. This term is defined in the amended AH SEPP as follows:

*“accessible area means land within:*

- (a) 800 metres walking distance of a public entrance to a railway station or a wharf from which Sydney Ferries ferry service operates, or*
- (b) 400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or*
- (c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus service per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.” (emphasis added).*

The subject site, and indeed the entire Elanora Heights Locality, would not be considered to be located within an “accessible area” under the above terms due to the lack of bus services outside of working hours on weekdays and on Saturdays and Sundays. The subject development would not be permissible on the Site under the current provisions of the AH SEPP.

With reference to the Density Design Quality Principle of SEPP 65, good design has a density appropriate for a site and its context. Appropriate densities are sustainable and consistent with the existing density in an area. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality. In this regard, the proposed provision of affordable housing on the Site to a density of 0.74:1 would result in a development that would be significantly higher in density than any comparable medium density development existing, approved or permitted in the Elanora Heights Locality and in a street with a predominant single dwelling character. The specific needs of future residents of affordable housing includes good access to regular public transport. Under the terms of the current version of the AH SEPP, the subject site would not be considered to be within an ‘accessible area’ with good access to a regular public transport service throughout the week.

Given the above, the provision of affordable housing at the density proposed on this Site would not be consistent with the needs of the people the affordable housing development is intended to provide housing for. It would be inconsistent with intent of AH SEPP policy. There has been significant public response to this proposal with most objectors raising concern that the public transport service to Elanora Heights is not adequate for this form of development. Maximising the density beyond what is characteristic of the area would not be appropriate in this context.

Notwithstanding the transitional provisions of the May 2011 Amendment to the AH SEPP, which requires Council to assess the subject application as if this amendment had not been made, there is nothing to prevent Council from taking into account the most recent research undertaken by the State Government regarding what is considered to be a sufficiently accessible site for affordable housing.

This is by virtue of Clause 16 of the AH SEPP and Clauses 12 & 30(2)(b) of SEPP 65, which require Council to consider whether the density of the development is appropriate for a site and its context, which includes the availability of public transport. Clause 16 of the AH SEPP specifically states that "Nothing in this Policy affects the operation of SEPP 65".

It is therefore considered that the proposed density of 0.74:1 for an affordable housing development that is within a low density residential zone and is not an accessible site is excessive and is not consistent with the SEPP 65 Design Quality Principle for density. This is recommended as a reason for refusal.

#### Principle 5: Resource, Energy and Water Efficiency

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

The amended plans of the proposal have improved the energy efficiency of the development and the environmental performance of the development is supported by an expert report certifying that the development meets the relevant standards. The proposal is also accompanied by a BASIX Certificate. Thus, the proposal is considered to fulfill this Design Quality Principle.

#### Principle 6: Landscape

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

The proposed inclusion of gravel mulch private courtyards within the side, rear and front building setback areas is not considered to be a satisfactory landscaping treatment as it would be ineffective in screening and softening the development. It also provides additional private outdoor open space and entertaining areas within building setbacks intended to be used as common property landscaping and passive areas of separation between the proposed development and adjoining development rather than extended private outdoor entertaining areas. Some of these gravel mulch private courtyards are attached to proposed adaptable units and would not be traversable by wheelchair users, people on crutches or using walking frames. The responsibility for the maintenance of these areas should be with the Body Corporate rather than the private unit owners. The gravel mulch courtyards reduce the potential deep soil tree planting areas and are unnecessary as all units are provided already with useable deck areas of outdoor open space with good connections to the internal living areas. There is also concern that, if these areas were private courtyards, the unit owners will want to fence or screen them to make them private, causing additional visual clutter in areas intended for soft landscaping.

The landscaped treatment of the north-east corner of the Site is also not considered to be satisfactory noting the non-compliance with the deep soil requirements of the AH SEPP, the unacceptable privacy impacts on 176A Powderworks Road and the lack of separation between this existing dwelling and the proposed development. Greater deep soil planting area and screen landscaping is required in this portion of the Site.

For the above reasons, it is not considered that the development is consistent with this design quality principle. This is recommended as a reason for refusal.

#### Principle 7: Amenity

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

The July 2011 Amended Plans have incorporated improvements to enhance internal amenity of units within the development and are accompanied by a revised Amenity Compliance Report that confirms that the development meets the Rules of Thumb of the RFDC with regard to solar access and natural ventilation.

Outstanding amenity concerns remain however with regard to privacy impacts to the adjoining property at 176A Powderworks Road and in relation to the lack of internal separation between the eastern and western wings of the development due to the encroachment Units 1 and 13 within the internal courtyard, particularly the eastern balconies. These privacy issues are discussed in more detail under Section C1.5 of this report.

Due to outstanding privacy issues, the development is not considered to adequately satisfy this design quality principle. This is recommended as a reason for refusal.

#### Principle 8: Safety and Security

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

The use of privacy screens to balconies and courtyards at the front of the building will discourage passive surveillance from occurring and are not supported. Otherwise the development is considered to adequately address this design quality principle.

#### Principle 9: Social Dimensions and Housing Affordability

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

The proposal includes 16 x 2 bedroom units and 8 bedsit units, which is considered to be an adequate mix of dwelling types. This design quality principle is considered to have been satisfied by the proposal.

#### Principle 10: Aesthetics

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

In this regard, it is considered that the aesthetics of the front elevation of the development could be improved. Whilst the amended plans received in July 2011 have introduced additional windows and a vertical groove to the front elevation, there is still considered to be an unacceptable amount of bland, unactivated and unarticulated walling presenting to the street. In addition, the use of privacy screens to the balconies presenting to the street adds additional visual bulk to the development and reduces the effectiveness of the recessed and projecting balconies in adding articulation.

The Applicant has been given an opportunity to address this issue but the front elevation is still considered to not be of a sufficient design standard. The failure of the development to incorporate a front elevation of adequate design quality is recommended as a reason for refusal.

### Residential Flat Design Code

Clause 30(2)(c) requires that Council take into account the RFDC in its assessment. In this regard, the development does not comply with the recommended building separation requirements of the RFDC between Units 1 & 13 and Units 12 & 24, which directly oppose each other across the main pedestrian entry to the development.

From the edge of the cantilevered balcony element of Units 1 & 13 to the windows of the kitchen and balcony edge to Units 12 & 24 have a 6m separation. This lack of separation creates potential privacy concerns between these proposed units. In addition, the main pedestrian entry runs in-between these units. The RFDC recommends a separation of 12m for 3-4 storey buildings.

The Applicant has dealt with this concern by simply providing privacy screens on all sides and on the ends of these projecting balconies. This results in the eastern balcony to Unit 13 and courtyard to Unit 1 appearing as a bulky, solid element intruding into the central courtyard vista. It also results in the additional presentation of privacy screens visible from the street.

As Units 1 and 13 already have large balconies directly off the living rooms on the southern side of these units, the additional eastern balcony is considered to be unnecessary and could be omitted entirely.

The introduction of punched openings to the eastern walls of the southern balconies will increase morning sun to the main southern balconies. With this change, it is considered that the eastern balcony of the upper floor Unit 13 is not really necessary and should be deleted or reduced in depth to increase internal building separation. The corresponding eastern courtyard to Unit 1 is less of a concern if it remains unroofed and could be screened with planting and a fence. This could be addressed with an appropriate condition of consent, should the development be approved.

Under "Building Entry" the RFDC makes the following better design practice recommendations:

*"Improve the presentation of the development to the street by:.....utilising multiple entries -main entry plus private ground floor apartment entries - where it is desirable to activate the street or reinforce a rhythm of entries along a street.....provide as direct a physical and visual connection as possible between the street and the entry."*

In this regard, it is considered that the main entry does not provide a very direct route between the street and all of the dwellings, particularly for the front units, which are located 6.5m from the street but require the residents to walk approximately 36m to get from the street to their front door. The ground floor front units (i.e. Units 1, 2 & 12) could have separate pedestrian entries that provide a more direct connection between these units and the street and provide a more active and visually interesting front elevation than what is currently proposed.



The failure of the development to meet the requirements of the RFDC is recommended as a reason for refusal.

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

- Objections raise concern that there is inadequate infrastructure to support the proposed development.

##### Response

In this regard, water, sewer, electricity are available. The development would involve the extension of the kerb, guttering and footpath across the St Andrews Gate frontage of the Site.

- Concern has been raised that the proposed affordable housing development is prohibited on the site.

##### Response

This is not correct, as discussed earlier in this report, pursuant to the provisions of the AH SEPP (prior to this instrument being amended in May 2011), the development is permissible. This planning instrument prevails over PLEP 1993.

- Concern has been raised in objections that a housing for seniors development of only 14 units proposed on this site was previously refused and the subject DA proposes 24 units.

##### Response

This is correct, however, the density provisions of the Seniors SEPP and the AH SEPP are different in that the AH SEPP in theory, permits a higher floor space ratio which the development does not exceed. It also has a provision that prevents the Council from refusing the development due to excessive density if the development complies with the maximum 0.75:1 floor space ratio and is consistent with the provisions of SEPP 65. The development is not considered to be consistent with SEPP 65 and the density of the development is largely the cause of many of the issues raised. Thus, the proposed density of the development is not supported.

- Concern has been raised in objections that residents have bought into this area on the basis that the area was zoned for low density residential development and that residential flat development could not be built in the locality without a change in zoning.

##### Response

Whilst this is acknowledged, Council has no control over new state government environmental planning instruments that permit a higher density than the local planning instrument would permit. Council is bound to assess the development against the provisions of the AH SEPP.

The immediate impacts of this development to adjoining properties and to the Elanora Heights Locality in general are discussed in detail elsewhere in this report.

- Concern has been raised that the development will reduce the value of surrounding properties.

##### Response

No empirical evidence has been submitted to support this concern. This is not a planning consideration. By virtue of the AH SEPP, this form of development is permissible on the Site in theory, if it is not considered that its impacts on the amenity of other development is acceptable, then there is valid reason to refuse the application on these grounds but not reduced property values.

- This type of development would set an undesirable precedent for similar development to occur in the future.

Response

The changes made to the AH SEPP in the May 2011 amendment to this instrument would mean that this form of development would be prohibited. There is therefore no risk of precedent in this case.

- Concern that the proposed 8 bedsit units would not suit the needs of retired couples, young families and disabled people and these groups make up a large portion of the local Elanora Heights population.

Response

16 x 2 bedroom units are also proposed within this development. It is considered that these units would cater to the needs of these people.

- An objection raises concern that Elanora Heights is a bushfire area and, should there be an emergency, it would be difficult to remove aged or invalided residents, should the need arise.

Response

The development site is not identified as being bushfire prone land. The subject development is not considered to be any more likely to house aged or invalid residents than the nearby seniors development at 182 Powderworks Road. The threat of bushfire with regard to the subject site is not considered to be so high as to warrant refusal.

- When approval was given for townhouse medium density development in the Warriewood Valley, it was announced by both the state government and Council that this would enable the small village areas to remain as they are. It would appear that the village atmosphere of Elanora Heights is threatened despite this announcement.

Response

The AH SEPP permitted the proposed development at the time that the subject application was lodged. It now no longer does. Council is not accountable for state government policy, which can change over time.

- No empirical market research has been submitted with the subject application to demonstrate that there is a demand for affordable housing in Elanora Heights.

Response

The state government has determined that there is a demand for affordable housing within the Pittwater local government area. Market research that is specific to each individual subject application is not a submission requirement for affordable housing.

- Concern has been raised that the development will be used to house "groups such as refugees, recovering drug and alcohol victims and so on thus exposing residents and their children to unprecedented negative influences and dangers."

Response

The proposed development, if approved, would be required by condition to be used for affordable housing. The assumption that it may be used for some other purpose is baseless.

- The process by which affordable housing is permitted in Elanora Heights contrary to the low density zoning without a master plan lacks transparency and is open to corruption. It is unfair that decisions to permit such development do not involve any consultation with the local community affected.

Response

As far as the writer is aware, the AH SEPP was exhibited and the necessary public consultation process followed at the state level. In the NSW environmental planning and assessment system, a SEPP overrides a local LEP in the hierarchy of planning instruments, a master plan is not required for that to occur.

- The community of Elanora Heights “is ill-equipped to deal with hostility, violence and social dysfunction”.

Response

The proposed affordable housing development would not necessarily result in the above social problems any more than any other type of development.

- There is no infrastructure for social, psychiatric or welfare support in Elanora Heights.

Response

The question as to who would be allocated the future affordable housing would have to be made by the affordable housing provider at the time and their decision would take into account the particular needs of the future resident(s), whatever they may be. The non-affordable housing units would be sold at market price and the market would determine who lives in the development, similar to everywhere else. It is assumed that people with special infrastructure and support needs would choose to live close to the services they require.

#### **C1.4 Solar Access**

A report by Stephen King dated 12 July 2011 has been submitted that covers the issue of solar access. This report has relied upon a 3D digital model to test solar access performance. This 3D model has not been made available to Council officers. The report appears to concentrate on internal solar access to living areas rather than dealing with solar access to private outdoor open space and solar access to internal living areas as separate issues. It also appears to have some inconsistency in stating that 17 units receive over 3hrs sunlight to living areas in Section 1.3 of the report and then stating in Section 7.2 of the report that 19 units receive over 3hrs solar access to living areas. Given the lack of the 3D model, it is not possible for the assessing officer to check the conclusions of this report. No shadow elevations have been submitted.

From the shadow diagrams provided, and not taking into account the failure of the submitted shadow diagrams to show the shadows cast by buildings on adjoining lands, the level of compliance that can be determined with the requirements of this section of the DCP are as follows:

Minimum 3hrs to private outdoor open space:

- Unit 1 - No; Unit 2 - No; Unit 3 - No; Unit 4 - No; Units 5, 6, 7, 8 & 9 - Yes; Unit 10 - Yes; Unit 11 - Yes; Unit 12 - No; Unit 13 - Yes; Unit 14 - Yes; Unit 15 - Yes; Unit 16 - Yes; Unit 17, 18, 19, 20, 21 & 22 - Yes; Unit 23 - Yes; Unit 24 - No.

The owners of the adjoining property to the west at 42 St Andrews Gate, have raised concern that they will suffer a substantial loss of natural light as a result of the development.

No outdoor open space to adjoining properties, including 42 St Andrews Gate, is considered to be unreasonably affected in terms of overshadowing.

A total of 6 out of 24 units (25%) do not comply with minimum solar access requirements leaving 75% of units compliant.

Minimum 3hrs to windows of internal living areas:

- Unit 1 - No; Unit 2 - Yes; Unit 3 - Yes; Unit 4 - Yes; Units 5 - 10 (with privacy screens open) - Yes; Unit 11 - No; Unit 12 - No; Unit 13 - No; Unit 14 - Yes; Unit 15 - Yes; Unit 16 - Yes; Units 17 - 22 - Yes; Unit 23 - Yes; Unit 24 - No.

Total of 5 out of 24 units (20.8%) do not comply leaving 79.2% as compliant.

No internal living areas to adjoining properties are unreasonably affected.

As discussed under the AH SEPP section of this report, Council cannot refuse the application on the basis of lack of solar access if a minimum of 70% of units comply with the minimum standards. Thus, whilst a small number of units do not comply with the minimum solar access requirements of the DCP, the number of non-complying units is not great enough for this to be a reason for refusal. An objection has raised concern that no shadow diagram for mid summer has been submitted. It is not considered that this is necessary and is not a standard submission requirement.

### **C1.5 Visual Privacy**

Objectors have raised concern over the potential visual privacy impacts that may result from the development as well as internal privacy within the development. In relation to visual privacy impacts to neighbours, the three properties that would be most directly impacted are those directly adjoining the Site at 42 St Andrews Gate, 176A Powderworks Road and 178 Powderworks Road.

#### 42 St Andrews Gate

The eastern elevation of the existing dwelling at 42 St Andrews Gate is located approximately 800mm from the common boundary with the Site. This elevation also has a number of windows facing toward the Site. The portion of the development that directly opposes the eastern elevation of the dwelling at 42 St Andrews Gate is the bedrooms to Units 3 and 15 and the bedrooms and part of the balconies to Units 2 and 14. The location and size of the windows of the dwelling at 42 St Andrews Gate is shown superimposed on the western elevation. The setback of the development from the common boundary with 42 St Andrews Gate is 4.5m, giving a total building separation of 5.3m. The area where the balconies to Units 2 and 14 are located are not directly opposite any windows to this adjoining dwelling.

Notwithstanding the fairly minimal building separation of 5.2m, the fact that it is bedroom windows facing the dwelling at 42 St Andrews Gate and not internal living area windows or balconies assists in mitigating potential privacy impacts to this dwelling. The placement of windows such that they are not directly opposing windows to the adjoining dwelling will also assist in mitigating impacts.

At first floor level (i.e. proposed Level 3), the bedroom windows of Units 14 and 15 will be sufficiently screened by the proposed planting in the side setback area of a Blueberry Ash with a maturing height of 8m.

A letter from the town planner for the Applicant dated 14 July 2011 confirms that the window to bedroom 1 of Unit 14 is proposed to be fitted with opaque glass. This is acceptable as this bedroom also has a sliding glass door opening onto the bedroom and will therefore have a reasonable level of outlook, view of the sky and light through this sliding glass door.

The first floor balconies to Units 14, 15 and 16 are proposed to have 45 degree angle privacy screens mounted on the top of the balustrades to prevent viewing down onto the front and rear gardens of 42 St Andrews Gate. It is not clear from the plans what material the balustrades to these units are to be constructed of. A condition of consent could be imposed to require these balustrades to be either solid or constructed of opaque glass.

However, the proposed gravel mulch private courtyards to Units 2, 3 & 4 within the western side building setback area are not supported as they create additional potential outdoor entertaining area effectively extending the decks to these units to within 1.8m of the common boundary with 42 St Andrews Gate. As the windows to the dwelling at 42 St Andrews Gate are within 800mm from this common boundary and the subject development is a medium density development with a much higher intensity of use than a single dwelling this is not considered to be reasonable in terms of the impacts this would have on the privacy of the occupants of this adjoining dwelling. The gravel mulch private courtyards should be deleted and replaced with deep soil landscaped area that is part of the common property rather than being a private courtyard attached to the units.

### 178 Powderworks Road

The dwelling at the adjoining property to the rear of the Site at 178 Powderworks Road has a reasonably generous setback to the common boundary with the Site. It is noted that the submitted survey from 2004 does not accurately depict the location and setback of the structures on this property. The rear setback area to 178 Powderworks Road is in itself a sensitive area as it is the rear yard and private outdoor open space to this dwelling. The bedrooms to Units 4, 5, 16 and 17, as well as the balconies to Units 5 and 17 face toward the common boundary with 178 Powderworks Road.

The setback of the development to this common boundary is 4.5m. It is uncertain as to the rear setback of the dwelling at 178 Powderworks Road due to the outdated information on the survey plan but it is likely that the total building separation would be over 9m and satisfy the privacy separation requirements of Section C1.5 of DCP 21. A 4.5m setback will allow good opportunity for screen landscaping along the boundary and there is an existing 1.8m high fence along this boundary. Privacy screens are proposed along the outer edge of the balconies to Unit 5 and 17. It is noted however, that these balconies are the sole source of natural light to the internal living areas to these units. In the case of the first floor balcony to Unit 17, a solid or opaque balustrade and 45 degree angle screen arrangement similar to that proposed for the balcony to Unit 15 might be a better solution. These design changes can be conditioned to be incorporated into the Construction Certificate plans.

Subject to the imposition of an appropriate condition, the privacy impacts to the property at 178 Powderworks Road are not considered to be unreasonable.

### 176A Powderworks Road

The single storey dwelling on the adjoining property at 176A Powderworks Road has a minimal setback to the common boundary with the Site of approximately 2m. The dwelling on this block spans most of the width of the allotment with multiple windows facing onto the common rear boundary with the Site. The proposed development has adopted the minimum setback requirement for multi-unit housing (as it has for setbacks to other common boundaries) and provided a 4.5m setback to the common boundary with 176A Powderworks Road. It should be noted that, even if multi-unit housing were permissible on the subject site (which it is not currently), a maximum of 10 dwellings would be permissible, not 24 dwellings, as proposed. Clearly, the adopted setbacks were designed for a lower density development than what is proposed.

The total building separation between the development and the dwelling at 176A Powderworks Road is 6.5m, which is less than the recommended minimum separation of 9m stipulated in Section C1.5 of DCP 21.

A concerning feature of the development in relation to the possible privacy impact on 176A Powderworks Road is the fact that Proposed Units 6, 7, 8, 9, 18, 19, 20 & 21 all face directly toward this one adjoining dwelling. This is one third of the total number of units proposed on the Site. All of these units are studio units with the primary source of natural light and air being via the sliding glass doors to the balconies facing this one adjoining dwelling. This makes it highly likely that, whenever these units are occupied, the occupants would be looking directly toward this dwelling. When they use their balcony, their only outlook is toward this one dwelling.

Given the high concentration of units opposite this dwelling and the inadequate separation, it is considered that simply adopting the minimum required setback for lower density multi-unit housing development is not an adequate or reasonable way of mitigating the potential privacy impacts on this dwelling. The Applicant has also proposed privacy screens at the edges of the balconies of these units but the use of and control over these screens is purely in the hands of the future occupants of the proposed units and not the affected owners of the adjoining dwelling.

The relevant control in Section C1.5 of the DCP states the following:

*"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....."*

In this circumstance, it is considered necessary for this development to be designed such that potential impacts are absorbed within the boundaries of the Site. Whilst the privacy screens are of assistance, a greater building separation is considered to be necessary to address not only visual but also acoustic privacy impacts to the dwelling at 176A Powderworks Road. A greater side setback would then be available for denser screen landscaping and more substantial canopy tree planting. As a guide, if the full 9m separation cannot be achieved, then it would be reasonable to use a combination of measures including reducing the number of units directly opposing this dwelling, increasing the currently proposed building separation, screen landscaping and privacy screens.

The relevant outcome of this control is:

*"Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design."*

It is not considered that this outcome is achieved. The development is therefore recommended for refusal due to the non-compliance of the development with the controls and outcomes of Section C1.5 'Visual Privacy' of Pittwater 21 DCP.

#### Internal Privacy

Internal privacy within the development is also a matter of concern due to the lack of separation between the balcony edges of Units 1 and 13 and the balcony edges/kitchen windows of Units 12 and 24. The separation is 6m. The Applicant has addressed this concern with the introduction of more privacy screens to the outer edge and sides of the eastern balconies to Units 1 and 13. It is noted in the design of this development that privacy screens are used whenever privacy is an issue when there is sometimes a better design alternative.

The use of privacy screens to these balconies add an unnecessary additional bulk to the development and detract from the appearance of the development when viewed from the street. These heavily screened balconies encroach into the internal courtyard and reduce the sense of openness to this area. The internal courtyard serves an important design function in emulating the traditional void space between adjoining single detached dwellings. The encroachment of the heavily screened balconies is considered to disrupt the streetscape rhythm. Given that the balcony to Unit 1 is essentially a ground level courtyard, without the privacy screens, this could remain with some landscaped screening. However, the eastern balcony to Unit 13 is only a secondary balcony and not essential. If this balcony were to be a reduced, unroofed Juliet style balcony without the privacy screens or their frames, this would not have such a great visual impact and would add some articulation to the elevation of the building. This concern could be addressed with a condition of consent requiring the removal of the privacy screens or providing the alternative of the deletion of the eastern balconies altogether.

#### **C1.6 'Acoustic Privacy'**

Objectors have raised concern relating to the acoustic privacy impact of the development.

In order to achieve natural cross-ventilation, the future occupants of proposed studio units identified as Proposed Units 6, 7, 8, 9, 18, 19, 20 & 21 would all need to open their rear balcony doors. Noise emitted from a concentration of these 8 new households would all be directed toward the dwelling at 176A Powderworks Road with a separation of 6m or less when the future residents choose to use their balconies for barbeques or entertaining.

Due to the unreasonably high concentration of units opposite the dwelling at 176A Powderworks Road and the lack of separation between the development and this dwelling (as detailed under Section C1.5), it is not considered that the development would adequately meet the outcomes of Section C1.6 'Acoustic Privacy' of Pittwater 21 DCP. One outcome is *"Noise is substantially contained within each dwelling and noise from any communal or recreation areas are limited."*

The Applicant has not demonstrated what measures would be proposed to reasonably mitigate potential future acoustic privacy impacts on this adjoining residence. Due to the lack of separation and concentration of units all opposing this one existing dwelling, the acoustic privacy impacts are not considered to be reasonable or acceptable.

The development is recommended for refusal for this reason.

### **C1.9 Adaptable Housing and Accessibility**

Objections have raised concern over the high pedestrian use of this section of St Andrews Gate and the lack of a footpath in this location. The proposal now includes a footpath along the full frontage of the site, as required under this section of the DCP.

50% of units are proposed to be adaptable. This complies with the requirements of the DCP.

Objections have also raised concern that not all of the accessible units nominated are also affordable and that Units 10 and 22 have "zig zag" corridors which are undesirable for anyone using a wheelchair or walking aid. There is no requirement in the DCP or the AH SEPP that all of the accessible units must also be affordable. The zig zag corridor is not considered to be ideal in an accessible unit but it would appear to comply with the relevant Australian Standard.

### **C1.12 Waste and Recycling Facilities**

Concern has been raised in objections regarding how the waste management of the development will be undertaken. It is not clear how bins will be collected, whether they will be left out on the street for emptying and how they will be transported. There is also concern expressed in objections that the bins will impede pedestrian and vehicular traffic.

In the July 2011 Amended Plans, the waste storage room was re-located to the rear of the basement. At present, it would appear that all the bins would have to be transported to the street frontage using Lift 1 and the main pedestrian accessway to the development. This is not ideal. The waste room is not considered to be suitably located requiring greater time and effort in transporting the bins to the street on collection days and then back into the waste room.

A relevant outcome of the provisions of Section C1.12 of the DCP is as follows:

*"Waste and recycling facilities are accessible and convenient, and integrate with the development."*

Given that waste management may affect the final basement design, it is considered that consent should not be granted until a satisfactory waste management plan has been prepared. It is not considered that the development meets the objectives of C1.12 of the DCP and this is recommended as a reason for refusal.

## **D5.1 Character as viewed from a public place**

Concern has been raised in objections regarding the performance of the development against this section of the DCP.

Whilst the development complies with the specific controls of this section of the DCP, it is considered that the design quality of the front or south elevation of the building is not of sufficient design quality to distinguish it as the front of the building. This elevation is considered to have an excessive amount of blank walling.

The issue was raised in a letter of issues dated 6 June 2011 and additional windows and a vertical groove were inserted into the front elevation in response. However, it is still considered that the front elevation of this development does not have a sufficient level of architectural interest within it to distinguish it as the front elevation of the development.

Floor to ceiling height privacy screens housed in masonry supporting frames are proposed to all balconies facing the street. This erodes the level of articulation these balconies would add as recesses to the front elevation. With a generous front building setback and retention of street trees fronting the site, it is not considered that large privacy screens to front elevation balconies is necessary. The privacy of the occupants of the units facing the street would still be considered to be adequate without these screens.

In addition, it is also considered that the extent of unarticulated walling in the front elevation is excessive and that additional windows and articulation is required in order for this development to have an acceptable presentation to the street.

The currently proposed front elevation is not considered to satisfy the following outcomes of Section D5.1 of the DCP:

- *"To enhance the existing streetscapes and promote a scale and density that is in-keeping with the height of the natural environment."*
- *"High quality buildings designed and built for the natural context and any natural hazards."*

The failure of the development to incorporate a front elevation of an acceptable design standard is recommended as a reason for refusal.

## **D5.6 Side and rear building line**

Objections have raised concern regarding the adequacy of the proposed side and rear setbacks. The proposal includes a side and rear setback of 4.5m with the exception of a reduced setback of 2.26m for part of the external wall to Units 10 and 22 to the eastern boundary which adjoins the Right of Carriageway. The non-compliant external wall does not have windows and is adjacent to a driveway on the adjoining property at 54 Kalang Road. However, it should be noted that this reduced setback is opposite the approved shop-top housing development at 54 Kalang Road.

There are balcony edges to Proposed Units 10 & 22 also at this reduced side setback. By not showing the location of the future shop-top housing development on 54 Kalang Road in relation to the development, the Applicant has not demonstrated that the proposed setback of 2.26m is adequate to provide acceptable building separation and screen landscaping opportunities between the subject development and the approved development at 54 Kalang Road. There is an elevated communal open space area at the rear of the adjoining approved shop-top housing development located approximately 5m from the common boundary with the subject site. It is not considered that sufficient information had been submitted to justify this reduced setback and demonstrate that the objectives of the side setback control are otherwise achieved.



In addition, a further concern with regard to the proposed rear building setback is the consistent adoption of the minimum required setback for multi-unit housing at the location where the 8 studio units are proposed to be located directly opposite the dwelling at 176A Powderworks Road. This is not considered to be an acceptable building setback. The 4.5m setback is designed for multi-unit housing development, which is not permitted in Elanora Heights in any event and, if the applicable density control for such development were to be applied to the Site, only 10 units would be permitted rather than the proposed 24.

A third concern relating to building setback non-compliances is the encroachment within the side and rear building setback areas of the retaining walls to the proposed private courtyards. Section D5.6 of the DCP clearly states that the side and rear building line control applies to built structures including retaining walls. These retaining walls effectively divide the side and rear setback areas reducing the width the deep soil zone in these areas and restricting the capacity of these areas to sustain canopy trees. The private courtyards finished with gravel mulch are not considered to be an acceptable landscaped treatment and would be ineffective in screening and softening the built form. The retaining walls and private courtyards should be deleted or minimised wherever possible. It is recognised that where the finished floor level of the units is below natural ground level some excavation adjacent to the balconies and external walls of the building would be necessary.

The relevant outcomes of the setback control in Section D5.6 of the DCP are as follows:

- *"To achieve the desired future character of the locality.*
- *To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties.*
- *Substantial landscaping, a mature tree canopy and an attractive streetscape.*
- *Vegetation is retained and enhanced to visually reduce the built form.*
- *To preserve and enhance the rural and bushland character of the locality."*

In this case, the desired future character for the Elanora Heights Locality (as discussed in detail in this report under Section 3.6) specifically states that the Elanora Heights Locality will remain primarily a low density residential area and, as far as possible, bulk and scale of future development will be minimised and the locally native tree canopy will be retained and enhanced to assist development blending into the natural environment.

The other outcomes stated above also emphasise the need to ensure a reasonable level of privacy, achieve substantial landscaping with canopy trees and ultimately preserve a "bushland character". All of these outcomes would be clearly better served with greater building setbacks than what are proposed at the areas of concern identified above.

The failure of the development to satisfy the controls and outcomes of Section D5.6 'Side and rear building lines' is recommended as a reason for refusal.

## **SEPP (Affordable Rental Housing) 2009**

### **CLAUSE 14 OF AH SEPP – 'STANDARDS THAT CANNOT BE USED TO REFUSE CONSENT'**

The recent judgement by Tuor C. of the Land and Environment Court relating to Peninsula Developments Australia Pty Ltd v Pittwater Council, dated 19 August 2011 considered the question as to whether or not the provisions of Clause 14 are non discretionary development standards and stated the following in Paragraphs 46-48:

*"I am persuaded by Mr Larkin that for a residential flat development, where SEPP 65 is applicable, cl 14(1) of SEPP (ARH) is not a non discretionary development standard within the meaning of s.79C(2) and 79C(6)(b) of the EPA Act. Clause 14(1) is not expressly identified in SEPP (ARH) as a non discretionary development standard and its implied identification would be inconsistent with the express terms of cl.16....*

*...Even if I am wrong in this conclusion, the development standards in cl.14(1) are 'quantitative' standards whereas a 'qualitative' assessment is required for the consideration of the Design Principles in SEPP 65 and the 'Character Test' in the amending SEPP. While FSR is an aspect of density, scale and building bulk, it is not the only matter to be considered when addressing these principles. Numerical compliance does not preclude an assessment of the location, distribution or arrangement of FSR on a site, the design and articulation of the building in which the FSR is accommodated and its physical impacts. Section 79(2)(a) precludes further consideration of numerical development standard in determining the application but not an assessment of the qualitative aspects of development."*

Consistent with the above Judgement, the provisions of Clause 14 are not considered to be non-discretionary development standards under the meaning of Section 79C(2) and 19C(6)(b) of the EPA Act as they are not specifically identified as such and treating them as such would affect the application of SEPP 65 required under Clause 16 of the AH SEPP. The provisions of SEPP 65 would therefore prevail over the provisions of Clause 14 of the AH SEPP where there is an identified conflict.

## **(1) LOW RISE DEVELOPMENT**

### **(a) DENSITY AND SCALE**

Objections have raised concern over the proposed density of the development. This section of the SEPP stipulates that, for an application lodged before 30 June 2011, Council cannot refuse consent on the grounds of density and scale if the floor space ratio of the development is not more than 0.75:1. For the purposes of calculating FSR, the definition of gross floor area within PLEP 1993 was used. It is noted that the architectural plans indicate a proposed gross floor area of 1584.58sqm and an FSR of 0.74.5. This figure has been checked and, given that the FSR is under 0.75:1, Council cannot refuse consent for this development on the basis of excessive density provided the density does not cause issues in relation to the compliance of the development with SEPP 65. In this regard, it is considered that the density is excessive due to the inadequate availability of public transport in Elanora Heights. It does not satisfy Design Quality Principle 4: Density of SEPP 65, as discussed under Section 3.6 of this report.

### **(b) SITE AREA**

The minimum site area for affordable housing development is 450sqm. With a site area of 2127sqm, the subject site exceeds this minimum area.

### **(c) LANDSCAPED AREA**

Objections have raised concern over the extent of site coverage of this development and the accuracy of the landscaped area calculation provided by the Applicant.

The AH SEPP stipulates that, if at least 30% of the Site is landscaped, Council cannot refuse the development on the grounds of insufficient landscaped area. The SEPP does not provide a definition of "landscaped area" thus, the definition within Pittwater 21 DCP is taken as the relevant definition. The DCP defines "landscaped area" as "the area of a site which is, or is available to be predominantly vegetated."

The Applicant's calculation of landscaped area is 1007.29sqm or 47.35% of the Site. Based on scaling off the landscaped plan, the assessment officer has calculated that the landscaped area is 837.2sqm or 39.36% of the Site. Both figures exceed the minimum requirement in the AH SEPP. Council cannot refuse development consent due to lack of landscaped area provided the development satisfies the provisions of SEPP 65 in regard to this issue. Other landscape related issues are raised under the landscape design quality principle in Section 3.6 of this report.

#### (d) DEEP SOIL ZONES

If a deep soil zone of at least 15% of the Site area and has a minimum dimension of 3m and, if practicable, having at least two thirds of this deep soil zone at the rear of the Site, Council cannot refuse the development by reason of the lack of deep soil planting area. This is provided the deep soil provision does not lead to inconsistencies with the provisions of SEPP 65, which would prevail. The Applicant has calculated a deep soil zone area of 794.08sqm although not all of the area counted is considered to be legitimate deep soil zone. A calculation by the assessing officer has revealed that the deep soil zone is 539.81sqm. This is 25.4% of the Site. Of this area, 212.38sqm or 39.3% of the deep soil zone, is located at the rear of the Site.

In terms of the proportion of the deep soil zone located at the rear of the Site, the development does not meet the minimum requirement in the SEPP. The intended objectives of this deep soil zone are not stated in the AH SEPP but they can be reasonably assumed to be the provision of adequate deep soil area for screen planting and landscaping to screen and soften the development, allow for a reasonable amount of permeable area on the Site to reduce stormwater runoff and provide most deep soil area at the rear to protect the amenity of the rear yards of any properties that share a common rear boundary with the Site.

The requirement to concentrate the deep soil planting at the rear would also assist in continuing any established themes of landscaped belts running on either side of shared rear boundaries of residential properties. In addition, the main internal living areas, balconies and courtyards to dwellings are generally oriented to the rear of residential properties, the amenity impacts of medium density residential development is generally potentially greater on properties that share a rear boundary with a development site compared to adjoining properties sharing a side boundary. Providing two thirds of the required deep soil planting therefore assists in ensuring the development is consistent with the local character and reasonably mitigates amenity impacts to rear neighbours.

Given that the proposed 24.5% of the Site designated as deep soil zone is well over the minimum required 15% landscaped area, the failure of the development to provide two thirds of its deep soil zone at the rear of the Site would not have been an issue if it had not been for the concern that there is a concentration of 8 of the 24 units proposed to be opposite the dwelling at 176A Powderworks Road (as discussed under Section C1.5 of this report).

It is considered that insufficient steps have been taken to reasonably mitigate the privacy impacts of the development on this property. More deep soil zone and greater rear setbacks between the development and the dwelling at 176A Powderworks Road would assist in providing greater separation and screen landscaping opportunities between these developments and a higher level of compliance with the deep soil zone requirements of the AH SEPP.

It is therefore recommended that a reason for refusal of the development be the failure to provide at least two thirds of the deep soil zone at the rear of the Site to be consistent with the deep soil provisions of the AH SEPP. The failure to meet these requirements results in a failure of the development to reasonably mitigate the privacy impacts of the development on the house and grounds of 176A Powderworks Road.

#### (e) SOLAR ACCESS

If the living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3hrs direct sunlight between 9am and 3pm in mid-winter, Council cannot refuse the development by reason of lack of solar access to the dwellings within the development provided the development meets the requirements of SEPP 65. As discussed under Section C1.4 of this report, the development complies with the AH SEPP solar access requirements.

## **(2) GENERAL**

### **(a) PARKING**

Objections raise concern that the development will have a detrimental impact on the demand for parking in the area.

Under the terms of the AH SEPP, Council cannot refuse the development on parking grounds if the proposal provides at least 0.5 car spaces per unit (i.e. 12 car spaces) and is not in conflict with SEPP 65 due to lack of parking. The proposal provides a maximum total of 32 car spaces with 6 disabled car spaces, or, if more disabled spaces are required, the total parking would be 29 car spaces with 12 disabled car spaces. Either way, the proposal comfortably exceeds the minimum parking requirements of the AH SEPP.

### **(b) DWELLING SIZE**

Concern has been raised in objections that the proposed studio units are far too small to give an acceptable amenity.

Council cannot refuse the development due to inadequate dwelling size if the proposal includes the following minimum dwelling sizes: 35sqm for studio units, 50sqm for 1 bedroom units, 70sqm for 2 bedroom units and 95sqm for 3 or more bedroom units, provided the development is also consistent with the requirements of SEPP 65. All of the 8 studio apartments proposed are 35sqm. The 2 bedroom units range in size from 71.89sqm to 84.1sqm. The proposal therefore exceeds the minimum unit sizes of the AH SEPP.

Clause 16 states that nothing in the AH SEPP affects the application of SEPP 65. The assessment of the development against SEPP 65 is detailed under Section 3.6 of this report. Under the RFDC, which complements SEPP 65, recommended minimum unit sizes are 38.5sqm for studio units and 70sqm for 2 bedroom units. Thus, all of the 8 studio units are under the minimum unit size recommended under SEPP 65. As the provisions of SEPP 65 prevail over the provisions of the AH SEPP, the development is recommended for refusal due to the non-compliance of the with minimum unit size requirements of the RFDC.

As detailed under Section C1.5 of this report, it is considered that the studio units need to be re-designed in any event to increase the rear setback of the development to 176A Powderworks Road and reduce the intensity of development in the north-east corner of the Site. Compliance with the minimum unit sizes of the RFDC could be achieved at this time.

It is envisaged that this would require a reduction in the number of units at this location and this would ultimately improve the amenity of future residents of the studio units and neighbours. As these changes are not currently proposed by the Applicant, the development is recommended for refusal due to non-compliance with the minimum unit size requirements of the RFDC.

## **COMPATIBILITY WITH CHARACTER OF THE LOCAL AREA**

Clause 54A of the AH SEPP (as amended) requires Council to take into consideration whether the design of the development is compatible with the character of the local area. A number of objections received raised concern that the development is not consistent with the local character.

The Applicant's town planner has made a submission addressing this question and arguing that the development is compatible with the character of the local area. This submission includes reference to the Land and Environment Court Planning Principle relating to compatibility with context and set out in the judgement for *Project Venture Developments v Pittwater Council* [2005 NSWLEC 191]. This planning principles sets out two questions that need to be considered when assessing compatibility with context:

Firstly, whether the physical impacts of the proposal on surrounding developments is acceptable?

Secondly, whether the appearance of the proposal is in harmony with the buildings around it and the character of the street?

In this Judgement, it is stated that compatibility is different from sameness and that it is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, although as the difference in these attributes increases, harmony is harder to achieve.

In regard to the test of physical impacts and with reference to the discussion in Sections C1.5 and C1.6 of this report regarding privacy, it is considered that the physical impacts of the development are not acceptable in regard to the impacts of the development on the privacy of the occupants of 176A Powderworks Road.

The Applicant has dealt with visual privacy by adding privacy screens to the edges of unit balconies but the privacy screens are controlled by the future occupants of the development and not the people being impacted upon. In addition, privacy screens only really address the issue of visual privacy, not acoustic privacy.

For a medium density development to have a compatible character with its surroundings in relation to physical impacts, these impacts should be primarily absorbed and ameliorated within the boundaries of the Site rather than changing the character and quality of the surrounding locality by reducing the amenity of surrounding properties.

As discussed under C1.5, the unacceptable privacy impacts are the result of the concentration or density of units opposing this property and the lack of separation of these units from the dwelling on this affected property. Design changes including reducing the number of units opposite this house and increasing separation and deep soil planting would be required to address this concern in an effective manner. Until such changes are made, the physical impacts of the development on its surroundings are not considered to be acceptable.

With regard to the question as to whether the appearance of the development is in harmony with the buildings around it and the character of the street, it is important to take into account the varied nature of this surrounding character. The Site is on a zone boundary with commercially zoned property to the east having a denser character of building with less setbacks and less landscaping. In particular, the 3 storey commercial building adjacent to the Site at 50 Kalang Road dominates the character of this section of St Andrews Gate in a negative and imposing way. When viewed from St Andrews Gate, this building has a very bulky appearance and poor aesthetics. It would not be considered to be a good example of development to emulate but it nonetheless contributes to the character of the local area. To the north-west of the Site there is a medium density housing for seniors development at 182 Powderworks Road, with 2 floors of residential units over basement parking, similar to the subject proposal. The remaining surrounding development in St Andrews Gate consists of single dwellings of 1 and 2 storeys. The proposed development has a 2 storey character and does not exceed 8.5m, which is the maximum height for surrounding low density single dwellings. In this context, it is not considered that the proposed development is significantly visually out of character with the buildings around it and the character of the street such that it could be considered to be incompatible with the surrounding character.

Thus, the development is considered to be reasonably compatible with the surrounding locality in regard to its visual impacts but not in regard to its physical impacts. There are some issues identified elsewhere in this report regarding the detailed design quality of the front elevation and the overall density of the development but in terms of basic visual bulk and scale, the development is not considered to be significantly visually inconsistent with the character of the local area.

Given the unacceptable privacy impacts on the adjoining property at 176A Powderworks Road however, it is considered that the development is not compatible with the character of the local area because its physical impacts are not considered to be typical or reasonable for development in this predominantly low density residential area. As discussed elsewhere in this report, these unacceptable physical impacts are a result of the excessive density of the development, inadequate setbacks, lack of separation/deep soil planting and lack of adequate measures taken in the design to mitigate these impacts.

Therefore, the development is considered to erode the level of residential amenity that is characteristic in this local area and, consequently, it is not compatible with the character of the local area. The development is recommended for refusal for this reason.

## **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, State Environmental Planning Policy (Affordable Housing) 2009, State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development, Pittwater Local Environmental Plan 1993, draft Pittwater 21 LEP and Pittwater 21 DCP and other relevant Council policies.

It has been identified that the development has unacceptable physical impacts on adjoining properties in relation to privacy. Consequently, the development is not considered to be consistent with the character of the local area. In addition, the development does not satisfy a number of design quality principles of SEPP 65, including context, built form, density, landscape, amenity and aesthetics. There are inconsistencies identified with the Residential Flat Design Code.

There are identified non-compliances with Pittwater 21 DCP relating to setbacks, building envelope, character as viewed from a public place, privacy and DA submission requirements. The development does not satisfy the requirements of the AH SEPP relating to deep soil zone and compatibility with local character.

Finally, it should be noted that the subject development is no longer permissible in Elanora Heights by virtue of an amendment to this instrument in May 2011. Further research by the Department of Planning has identified that future residents of affordable housing required a regular bus service throughout the entire week and not just on weekdays. Thus, notwithstanding any transitional provisions that may apply to this application, achieving a residential density uncharacteristic of Elanora Heights in an area now identified as not sufficiently accessible for affordable housing would not fulfill the intent of the AH SEPP and burden the local community with an inappropriately located development of an inappropriate density.

Consequently, the development has been recommended for refusal.

---

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

That Development Application N0749/10 for an affordable housing development at 38-40 St Andrews Gate, Elanora Heights, be refused for the reasons given in the attached draft determination.

Report prepared by

Gordon Edgar  
**EXECUTIVE PLANNER**

## DRAFT DETERMINATION

### REFUSAL

#### ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)

#### NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

Applicants Name and Address:  
GARY ALLEN  
C/- 26/90 MONA VALE ROAD  
MONA VALE 2103

Being the applicant in respect of Development Application No **N0749/10**.

Pursuant to section 80(1) of the Act, notice is hereby given of the determination by Pittwater Council, as the consent authority, of the Development Application for:

Demolition of all existing structures and construction of a 2 storey building over basement parking as an Infill Affordable Housing development incorporating 24 apartments and the strata subdivision of the resultant development.

At: 38 St Andrews Gate, Elanora Heights (Lot 175 DP 22670), 40 St Andrews Gate, Elanora Heights (Lot 176 DP 22670)

#### **Decision:**

The Development Application has been refused for the following reasons:

1. The development is not satisfactory with regard to Clauses 18 & 30(2)(b) of SEPP 65 in regard to Design Quality Principle 10 - Aesthetics, or the outcomes of Section D5.1 'Character as viewed from a public place' of Pittwater 21 DCP as it does not have a front elevation of an acceptable design standard.
2. The development is not satisfactory in relation to Clause 30(2)(c) of SEPP 65 because it fails to display better design practice, as recommended in the Residential Flat Design Code with regard to building separation and building entry.
3. The development is not satisfactory with regard to Clause 16 of the AH SEPP and Clauses 12 and 30(2)(b) of SEPP 65 as it does not satisfy SEPP 65 Design Quality Principle 4: Density as the density is excessive for a site that is not adequately serviced by public transport to cater for the needs of affordable housing residents.
4. The development is not satisfactory with regard to Clause 16 of the AH SEPP and Clauses 9 & 30(2)(b) of SEPP 65 in regard to Design Quality Principle 1: Context.
5. The development is not considered to adequately satisfy Clauses 11 & 30(2)(b) of SEPP 65 in regard to Design Quality Principle 3: Built Form as, whilst the choice of using a courtyard apartment built form is considered to be appropriate, the design choice to crowd in additional units within the internal courtyard diminishes the internal amenity of the development and the presentation of the development to the street.
6. The development does not satisfy the controls and outcomes of Section C1.5 'Visual Privacy' of Pittwater 21 DCP.

7. The development does not adequately meet the outcomes of Section C1.6 'Acoustic Privacy' of Pittwater 21 DCP.
8. The development does not adequately address Clauses 15 and 30(2)(b) of SEPP 65 – Design Quality Principal 7: Amenity due to privacy impacts to 176A Powderworks Road and inadequate privacy separation within the development.
9. The cumulative impact of the additional load on the 3.655m wide Right of Carriageway of the at-grade parking to the existing commercial building on 50 Kalang Road and the future 34 parking spaces servicing the approved shop-top housing development at 54 Kalang Road in a one way access/egress system was not taken into account in the Traffic and Parking report submitted with the Application. The submitted Traffic and Parking report does not respond to the current proposed plans. The Application therefore has not adequately demonstrated compliance with the provisions of B6.4 'Internal Driveways other than dwelling houses, secondary dwelling and dual occupancy' of Pittwater 21 DCP or Australian Standard 2890.1.
10. The development does not satisfy the relevant outcome of Section D5.6 'Side and rear building lines' of Pittwater 21 DCP.
11. The development is not consistent with the deep soil provisions in Clause 14(1)(d) of the AH SEPP as it does not provide at least two thirds of the deep soil zone at the rear of the Site. The failure to provide the majority of the deep soil zone at the rear consequently results in a failure of the development to reasonably mitigate the privacy impacts of the development on the house and grounds of 176A Powderworks Road.
12. The development does not satisfy Clauses 14 and 30(2)(b) of SEPP 65 in regard to Design Quality Principle 6: Landscape with regard to the proposed private gravel mulch courtyards.
13. The development does not satisfy the provisions of Clause 54A(2) of the AH SEPP as the development is not compatible with the character of the local area due to unacceptable physical impacts that erode the level of residential amenity that is characteristic in this local area.
14. The development does not satisfy the minimum unit size requirements in regard to Clause 16 of the AH SEPP, Clause 30(2)(c) of SEPP 65 and Page 69 'Apartment Layout' of the Residential Flat Design Code.
15. The submitted survey plan is dated from 2004 and inaccuracies have been identified in the detail of structures on adjoining properties. This out of date survey does not meet the requirements of Section 3.3 'Submission of Supporting Documentation - Site Plan / Survey Plan / Development Drawings of Pittwater 21 DCP.
16. The submitted draft plan of strata subdivision is inconsistent with the detail of the architectural plans and landscape plan and does not satisfy the requirements of 3.3 'Submission of Supporting Documentation - Site Plan / Survey Plan / Development Drawings of Pittwater 21 DCP.
17. The Application does not meet the requirements of Clause 50(1)(a) and Schedule 1, Part 1, Clause 2(5)(c) of the EPA Regulation as it does not identify non-compliances with Section D5.7 'Building Envelope' of Pittwater 21 DCP.
18. The submitted south elevation appears to indicate a fence or screen within the front building setback yet there are no details of the construction or exact location of this fence on any other submitted plans. This prevents any assessment of the proposed front fence against Section D5.11 'Fences – General' of Pittwater 21 DCP and is also contrary to the DA submission requirements of Clause 50(1)(a) and Schedule 1 of the EPA Regulation.



19. The development does not satisfy the objectives of C1.12 'Waste and Recycling Facilities' of Pittwater 21 DCP.

**NOTES:**

1. This determination was taken under delegated authority on behalf of the elected Council pursuant to Section 377 of the Local Government Act 1993.
2. An applicant may under Section 82A of the Act, apply to council to review this determination.
3. Section 97 of the Act confers on the applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land & Environment Court exercisable within 12 months after receipt of this notice.
4. Any person who contravenes this notice of determination of the abovementioned development application shall be guilty of a breach of the Environmental Planning & Assessment Act, 1979, and shall be liable to a monetary penalty and for a restraining order which may be imposed by the Land and Environment Court.

Mark Ferguson  
GENERAL MANAGER

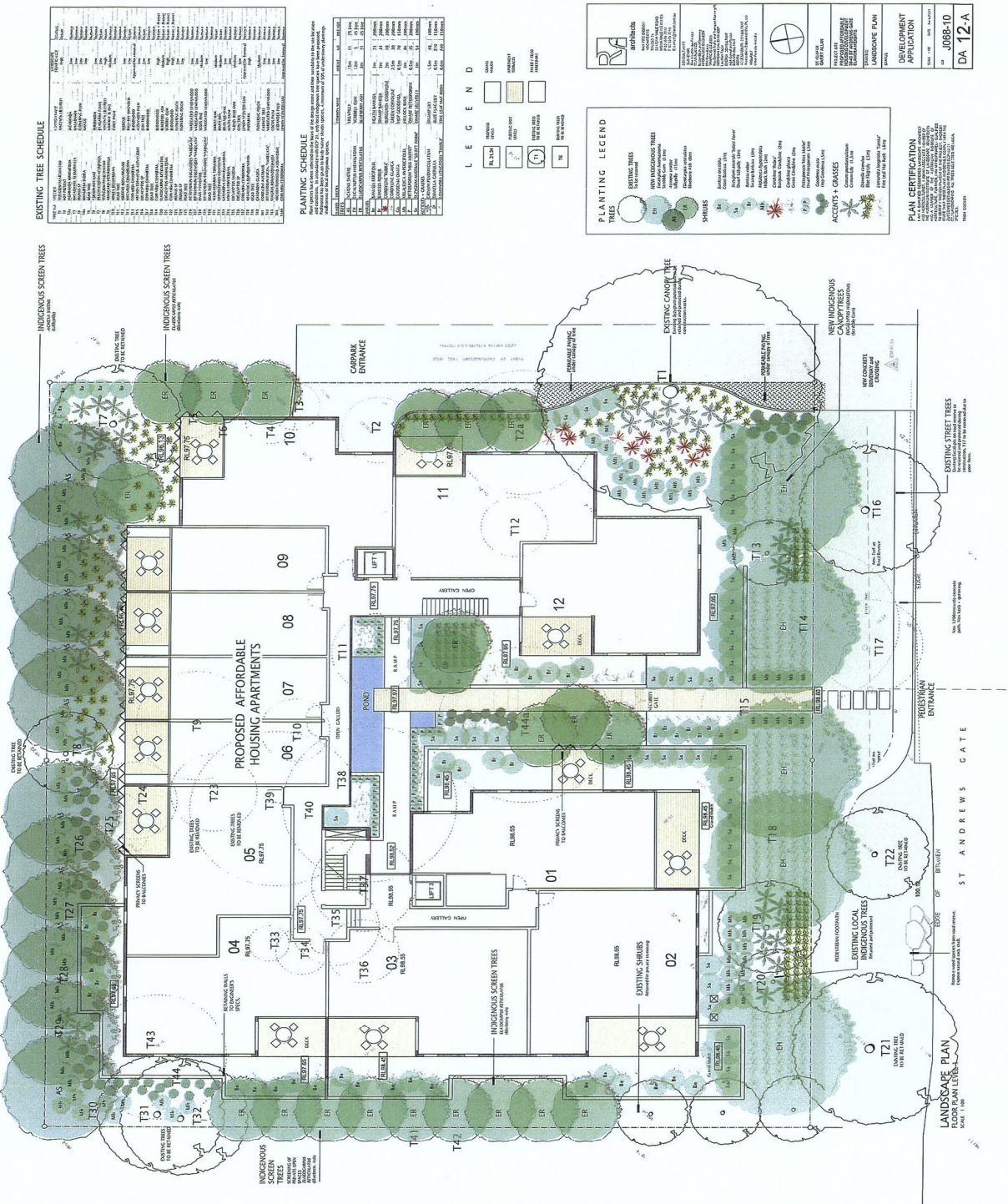
Per:

Date

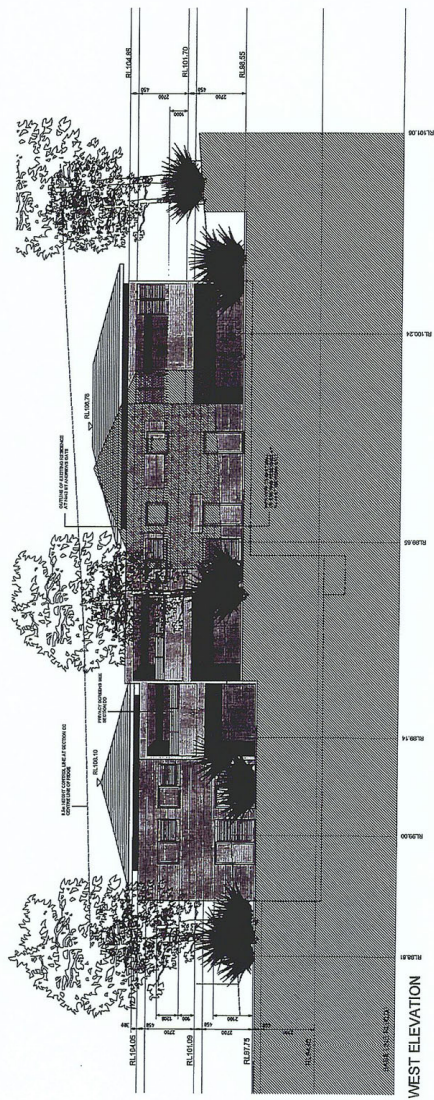
## LOCALITY MAP



## NOTIFICATION PLANS















---

<b>C11.4</b>	<b>Minutes of the Pittwater Traffic Committee Meeting held on 22 September 2011</b>
--------------	---

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

**Date:** 17 October 2011

---

**STRATEGY:** Traffic and Transport

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

---

## **PURPOSE OF REPORT**

To present to Council for consideration, the Traffic Committee Minutes of 22 September 2011 that was held electronically.

### **1.0 BACKGROUND**

- 1.1 The Traffic Committee recommendations for the Traffic Committee meeting of 22 September 2011 (see **Attachment 1**) are referred to Council for consideration. In accordance with the delegation of the Roads and Traffic Authority of NSW to Council, Council must consider the advice of the Traffic Committee before making a decision with respect to the management of traffic in Pittwater.

### **2.0 ISSUES**

- 2.1 **Item 1: Ocean Road and Ocean Place, Palm Beach – Palm Beach Open Carnival on Saturday 7 January 2012**

Road closures to allow the Palm Beach Open Carnival to proceed (see **Attachment 2**).

---

### **3.0 SUSTAINABILITY ASSESSMENT**

A sustainability assessment is not required for Minutes of Meetings.

---

### **4.0 EXECUTIVE SUMMARY**

- 4.1 To present to Council the recommendations of the Traffic Committee contained in the Minutes of the meeting of 22 September 2011 for Council's consideration.

---

## **RECOMMENDATION**

That the Traffic Committee recommendations contained in the Minutes of the Meeting of 22 September 2011 (**Attachment 1**) be adopted.

Report prepared by

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

Mark Shaw

**MANAGER, URBAN INFRASTRUCTURE**



# **Minutes**

## **Traffic Committee Meeting**

Notice is hereby given that a Traffic Committee meeting of Pittwater Council will be held in the Conference Room, Level 3, 5 Vuko Place, Warriewood on

**22 September 2011**

Commencing at 1:00pm for the purpose of considering the items included on the Minutes.

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



All Councillors are invited to attend the Traffic Committee Meeting.  
Please advise if you are attending by contacting Mr Paul Davies on 9970 1177.

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

Cr Julie Hegarty, Chairperson – Cr Patricia Giles, alternate delegate  
Ms Jill Dubois, Member for Pittwater or Nominee (excluding Development Matters)  
Mr John Begley - Roads & Traffic Authority  
Sergeant Adam Castleden, NSW Police – Northern Beaches

**Council Staff:**

Mark Shaw, Manager, Urban Infrastructure  
Ricky Kwok, Civil Design and Traffic Engineer  
Michelle Carter, Road Safety Officer  
Sherryn McPherson, Corporate Administration Officer

**Note:**

The quorum of the Traffic Committee consists of three voting members of the Committee, which must include one Councillor and at least two other members.

All enquiries relating to the items appearing on this Minutes are to be directed to Mr Paul Davies on 9970 1177.

***For information in relation to this minutes or to give an apology, please call Sherryn McPherson on 9970 1289 or email on [sherryn\\_mcperson@pittwater.nsw.gov.au](mailto:sherryn_mcperson@pittwater.nsw.gov.au)***

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

## PITTWATER COUNCIL TRAFFIC COMMITTEE

<b>Established:</b>	1994 and 17 April 2000 and 14 February 2005
<b>Function:</b>	To provide a forum for the management of traffic and transport issues in the Pittwater area.
<b>Composition/Membership</b>	<ul style="list-style-type: none"> <li>• Voting members from: <ul style="list-style-type: none"> <li>- One (1) Councillor</li> <li>- Local State Member of Parliament or nominated representative)</li> <li>- Roads and Traffic Authority</li> <li>- Traffic Police Service Representative</li> </ul> </li> <li>• Non-voting representatives from bus providers including State Transit Authority and Forest Coaches</li> </ul>
<b>Council Officers:</b>	<ul style="list-style-type: none"> <li>• Principal Engineer - Roads, Traffic &amp; UI Operations</li> </ul>
<b>Quorum:</b>	One (1) Councillor and at least 2 other members.
<b>Process:</b>	Membership set under RTA guidelines (Delegation of Functions to Regulate Traffic)
<b>Casual Vacancies:</b>	Not applicable
<b>Reporting Procedure:</b>	Minutes reported to Urban & Environmental Assets Committee
<b>Responsible Business Unit:</b>	Urban Infrastructure
<b>Meetings:</b>	Bi-monthly or as otherwise required
<b>Council Members Appointed:</b>	<p><b>Current Councillors appointed:</b></p> <p>Cr Hegarty - Chairperson Cr Dunbar - Alternate delegate</p>

## **PITTWATER TRAFFIC COMMITTEE MEETING**

### **TABLE OF CONTENTS**

<b>Item No</b>	<b>Item</b>
<b>1.0</b>	<b>Confirmation of Minutes</b>
<b>2.0</b>	<b>Committee Business</b>
TC2.1	Ocean Road and Ocean Place, Palm Beach - Palm Beach Open Carnival on Saturday 7 January 2012
<b>3.0</b>	<b>Next Meeting</b>

---

## **1.0 Confirmation of Minutes**

### **COMMITTEE RECOMMENDATION**

That the Minutes of the Traffic Committee Meeting held on 16 August 2011, be confirmed as a true and accurate record of that meeting.

(Mr John Begley / Ms Jill Dubois)

---

## **2.0 Committee Business**

---

### **TC2.1 Ocean Road and Ocean Place, Palm Beach - Palm Beach Open Carnival on Saturday 7 January 2012**

#### **COMMITTEE RECOMMENDATION**

That the Traffic Committee supports the road closures in Ocean Road and Ocean Place on Saturday 7 January 2012 (from 6.00am to 5.00pm) to permit the Palm Beach Open Carnival to proceed, subject to the following conditions:

1. That the Traffic Control Plan be implemented by persons with Traffic Control qualifications acceptable to the RTA.
2. That any traffic control to only be carried out by persons with appropriate Traffic Control qualifications acceptable to the RTA.
3. That barriers and signs to be used in the road closures are to be to RTA standards.
4. That the road closure be staffed at all times to allow access for affected residents, buses and emergency vehicles, and to ensure barriers are not moved.
5. That the affected residents in Ocean Road and Ocean Place be notified in advance to ensure their access is provided if necessary.
6. That the applicant advises the Sydney Buses and the various emergency services of the closure.
7. That the closure be advertised in "The Manly Daily" the week prior to the event.
8. That existing restrictions including 'One Way' in Ocean Place and 'No Parking Saturday Sunday or Public Holiday' in sections along Florida Road apply for all vehicles.

(Mr John Begley / Ms Jill Dubois)

#### **Dissent:**

Cr Hegarty requested that her name be recorded as having voted against the motion which was carried by a majority vote.

---

### **3.0      Next Meeting**

The next meeting of the Traffic Committee is scheduled to be held on 15 November 2011.

**Item TC2.1: Ocean Road and Ocean Place, Palm Beach  
- Palm Beach Open Carnival on Saturday 7 January 2012**

**BACKGROUND**

- The Palm Beach Surf Life Saving Club (PBSLSC) is planning to create a weekend of surf life saving at Palm Beach, which should evolve into an annual event. (Copy of the PBSLSC event submission previously considered by the Traffic Committee to be tabled).
- The Northern Beaches has traditionally held an Open Carnival during this period, with the Queenscliff Open conducted on the first weekend of the year. However, Queenscliff has since moved its event to the first weekend of December. It is expected that attendance to the event will be similar to the Queenscliff Open with up to 1200 participants and 1000 spectators.
- The proposed event will include the Adrian Curlewis Twilight Master Teams Challenge (Friday January 6<sup>th</sup> 2012) and the Palm Beach Open Carnival (Saturday January 7<sup>th</sup> 2012). The PBSLSC has requested that Council permit road closures in Ocean Road and Ocean Place to facilitate the operation of the Palm Beach Open Carnival and to ensure the safety of participants and supporters. (Refer to attached Traffic Management Plan).

**ISSUES**

- The Traffic Management Plan proposes the temporary road closures of Ocean Road (including parking areas) from the Palm Beach Road intersection to the south end at the turning circle, and for full length of Ocean Place.
- The proposed hours for use of the site are between 6.00am to 4.00pm. Council has requested that the operation hours of the TMP be extended from 6.00am to 5.00pm to facilitate the removal of all traffic management.
- There will be designated drop off / pick up areas for boats in the parking area north of the pavilion, and for craft and equipment in the first area south of the pavilion in the closed section of Ocean Road. Vehicle movements connected to these operations will occur throughout the day. The closed area will also accommodate official and VIP parking along the beachfront.
- The 190 and L90 bus services operate in the area, and the bus route is in one direction along Ocean Road (to the north) from the bus terminus in Ocean Place.
- Access to the roads included under the closures will be restricted to Sydney Buses, emergency vehicles, affected residents in Ocean Road and Ocean Place, Carnival officials, VIP guests, and certain Palm Beach club members.
- Access to the club parking area from Ocean Place is permitted for Palm Beach club members during the closures, however all traffic movements in Ocean Place must be in the direction of the sign posted one way flow. The existing 'No Parking Saturday Sunday or Public Holiday' restrictions along sections of Florida Road must also be obeyed.
- The event organisers will undertake public notifications as part of preparation for the event and will promote the use of public transport and also operate shuttle buses for spectators from the Careel Bay Ovals carpark.
- Parking for the general public will not be available in Ocean Road and Ocean Place, south of Palm Beach Road, due to the staging of the event. The proposed road closures will reduce the amount of vehicular traffic entering the area and prevent congestion caused by visitors searching for parking.
- Large pedestrian movements are expected across Ocean Road, as the beach is located on the opposite side of the road to the shops and the Palm Beach Surf Life Saving Club, where a function will be held during the day.

- It is necessary to implement the proposed road closures to ensure the safety of competitors, visitors, and organisers; and to maintain access for Carnival vehicles, buses and emergency vehicles during the operation of the event.

## **TRAFFIC COMMITTEE CONSIDERATIONS**

The Traffic Committee considered a report for the proposal on 20 September, with the recommendation that Council supports the road closures in Ocean Road and Ocean Place on Saturday 7 January 2012 (from 6.00am to 5.00pm) to permit the Palm Beach Open Carnival to proceed, subject to the following conditions:

1. That the Traffic Control Plan be implemented by persons with Traffic Control qualifications acceptable to the RTA.
2. That any traffic control to only be carried out by persons with appropriate Traffic Control qualifications acceptable to the RTA.
3. That barriers and signs to be used in the road closures are to be to RTA standards.
4. That the road closure be staffed at all times to allow access for affected residents, buses and emergency vehicles, and to ensure barriers are not moved.
5. That the affected residents in Ocean Road and Ocean Place be notified in advance to ensure their access is provided if necessary.
6. That the applicant advises the Sydney Buses and the various emergency services of the closure.
7. That the closure be advertised in "The Manly Daily" the week prior to the event.
8. That existing restrictions including 'One Way' in Ocean Place and 'No Parking Saturday Sunday or Public Holiday' in sections along Florida Road apply for all vehicles.

The decision of the Traffic Committee was carried by a majority vote. One voting member did not support the recommendation due to parking concerns and restricting use and access to the beach during such a busy time of the year.







---

## **C11.5      Pittwater Standard Instrument Local Environmental Plan**

---

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

**Date:**      17 October 2011

---

**STRATEGY:**      **Land Use & Development Strategy**

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

---

### **PURPOSE OF REPORT**

To update Council on the preparation of Pittwater's Standard Instrument Local Environmental Plan and to establish Council's approach to handling Planning Proposals (rezonings) and community consultation/public notification during this process.

### **1.0      BACKGROUND**

On 31 March 2006, the NSW Government gazetted the Standard Instrument (Local Environmental Plans) Order 2006 and required all Councils in NSW to prepare new comprehensive Local Environmental Plans (LEPs) for their areas in accordance with the standard template.

On 5 November 2007 Council resolved as follows:

1.      *That Council resolve to commence the statutory process under section 54 of the Environmental Planning and Assessment Act 1979 to prepare the draft Pittwater Local Environmental Plan 2011 in accordance with the Standard Instrument – Principal Local Environmental Plan.*
2.      *That Council resolve to advise the Director-General of the Department of Planning of its resolution to prepare a draft LEP*
3.      *That a further report be made following feedback from the Department of Planning and following preparation of a draft Standard LEP for Pittwater.*
4.      *That this further report provide a program for consultation with the community consistent with Council's Community Engagement Policy.*

Further to the above, Council received correspondence from the then Department of Planning (DoP) dated 10 August 2009, advising that the DoP were reprioritising the Standard Instrument LEP program. Pittwater was not included on the list of Councils to have their Standard Instrument LEPs prioritised.

Notwithstanding this, Council has continued to work towards the preparation of this document. An important milestone in this process was the adoption of Pittwater Local Planning Strategy at the Planning an Integrated Built Environment Committee meeting on 15 August 2011. This document will inform the preparation of the Pittwater Standard Instrument LEP.



## **2.0 ISSUES**

### **2.1 Conversion LEP**

It is intended that the new Pittwater Standard Instrument LEP will generally be a conversion of the current Pittwater LEP 1993, insofar as the structure and wording of the new template allows i.e. like zones for like zones and like permissibility for like permissibility. However, the current LEP content is over twenty years old and there will be circumstances where the outdated nature of some existing clauses, zones and land uses, renders them inappropriate or unable to be converted. When this occurs and changes are necessary, every endeavour will be made to clearly identify any changes and communicate them in an open and transparent manner.

### **2.2 Handling of Planning Proposals (Rezoning) during the Preparation of the Pittwater Standard Instrument LEP**

During the preparation of Pittwater 21 LEP, under the State Governments aborted 'Plan First' initiative, Council resolved to place a moratorium on the processing of spot rezonings. At the meeting on 16 December 2002, Council resolved as follows:

*"That Council not process individual spot rezonings other than through the Pittwater 21 review."*

Having regard for the complex nature of the standard instrument project, resource availability and the potential for small single site issues to 'derail' the finalisation of the document, a similar moratorium is proposed on the processing of Planning Proposals except those currently being processed, during the preparation of the upcoming Standard Instrument LEP.

In this way, any Planning Proposals that are submitted in the future will be reported directly to Council with a recommendation to hold the application in abeyance until such time as the Standard Instrument LEP has been made. Notwithstanding this, it would remain open to Council to lift the moratorium in exceptional circumstances - demonstrated public benefit, demonstrated hardship or demonstrated environmental preservation and in the circumstance that the Warriewood Valley Strategic Review requires a review of zonings in the Valley release area.

Once the Standard Instrument LEP is formally adopted, consideration will then be given to any outstanding/undetermined Planning Proposals.

### **2.3 Community Consultation**

A recent Land and Environment Court judgement (Friends of Turramurra Inc v Minister for Planning [2011] NSWLEC 128), in which the Court declared that the Ku-ring-gai (Town Centres) Standard Instrument Local Environmental Plan was made contrary to the local environmental plan making provisions (contained in Part 3) of the Environmental Planning and Assessment Act 1979 has cast doubt on the local environmental plan making process. Relevantly, in this case the Court found in support of the applicants points of claim which included the following (inter alia):

*"(iii) substantial amendments were made by the (Ku-ring-gai Planning) Panel to the draft centres LEP following exhibition of the instrument but the draft instrument, as amended by the Panel, was not re-advertised before being made. In that circumstance, the Centres LEP was not the product of the processes ordained by Div 4 of Pt 3 of the EPA Act for the making of a local environmental plan".*

Further to this, Justice Craig found:

*“that the applicant succeeds because the Centres LEP, as made, is not the outcome of the process for making a local environmental plan required to be undertaken by the provisions of Div 4 of Part 3 of the EPA Act. This is because the instrument as made differed in important respects from the exhibited draft instrument.”*

Having regard for the above judgement, there is concern as to the potential for the Pittwater Standard Instrument LEP to be declared invalid if amendments are made post exhibition. In order to avoid this possibility occurring for Pittwater’s Standard Instrument LEP, it is proposed to adjust the manner in which community consultation is undertaken and not undertake preliminary non-statutory consultation but commit to a minimum of two formal public exhibition periods (see section 2.6 Key Milestones).

The first exhibition period will exhibit the proposed draft Standard Instrument LEP. This will be an extensive and wide ranging exhibition period that is proposed to be run over 60 days. In this regard a Community consultation Plan is to be developed. At the close of the first exhibition period, submissions will be considered in the normal manner. Any changes to the Standard Instrument arising from the first exhibition period will be reported to Council.

Following this, a second formal exhibition period will be undertaken to ensure that the community has the opportunity to review and comment on the ‘final’ version of the Pittwater Standard Instrument LEP prior to it being reported to the Department of Planning and Infrastructure to be made.

If the historical consultation approach at Pittwater Council is followed, which includes preliminary non-statutory notification, then having regard for the *Friends of Turramurra v Minister for Planning* decision and efforts to ensure the Pittwater Standard Instrument LEP is not declared invalid, in all likelihood Council will be required to undertake a minimum of three periods of consultation: (i) preliminary non-statutory, (ii) 1<sup>st</sup> formal exhibition and (iii) 2<sup>nd</sup> formal exhibition. This leads to a long and drawn out process and ‘consultation fatigue’ for all stakeholders.

Further to the above, allowing the draft Standard Instrument LEP to be submitted to the Department of Planning and Infrastructure for formal consideration, prior to public notification, will provide the State Government the opportunity to participate, provide direction to the process and identify any State Government initiative that warrants community input.

A Community Engagement Strategy will be developed for this significant project and wide ranging community engagement will be necessary within the (minimum) two periods of exhibition.

## **2.4 Department of Planning & Infrastructure Funding Agreement**

Council have been successful in gaining grant funding of \$63, 000.00 from the Department of Planning and Infrastructure to assist in the preparation of our Standard Instrument LEP. This money will be paid by the Department to Council in arrears and is contingent upon Council undertaking formal exhibition of our Standard Instrument LEP by June 2012. Failure to meet this key milestone may compromise our ability to recoup this funding.

## 2.5 Key Milestones

The key stages for this project are outlined below:

Date	Milestone
October-November 2011	Finalisation of draft Standard Instrument LEP including internal business unit consultation
November-December 2011	Consultation with State Agencies e.g. Sydney Water, RTA
January-February 2011/2012	Meeting with Department of Planning & Infrastructure
March-April 2012	Report to Council recommending forwarding draft SI LEP to Dept of Planning & Infrastructure
May 2012	Dept of Planning & Infrastructure issue s65 Certificate
June-July 2012	1 <sup>st</sup> exhibition of Standard Instrument LEP
August 2012	Review submissions and make any necessary changes and report to Council
September 2012	2 <sup>nd</sup> exhibition of Standard Instrument LEP
October 2012	Review submissions
November-December 2012	Report Standard Instrument LEP to Council recommending forwarding to the Dept of Planning & Infrastructure to adopt
February 2013	Pittwater Standard Instrument LEP made

---

## 3.0 SUSTAINABILITY ASSESSMENT

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

- 3.1.1 The Pittwater Standard Instrument LEP will consider the needs and aspirations of the community and include consideration of social and cultural issues. It will recognise the important role of community facilities and our open space network in facilitating local culture and healthy sustainable communities. A minimum of two (2) exhibition periods will be provided.

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

- 3.2.1 The Pittwater Standard Instrument LEP will have regard for the protection of Pittwater's environmental assets. Zoning decisions will be based on current zones and the direction provided by the Pittwater Local Planning Strategy.

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

- 3.3.1 The Pittwater Standard Instrument LEP will recognise the importance of a strong local economy to the future sustainability of Pittwater. This document will ensure that Pittwater's employment targets are able to be met in a manner that is acceptable to the community.

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

- 3.4.1 A probity consultant has been engaged to oversee the process involved in the preparation of the Pittwater Standard Instrument LEP. This will ensure that appropriate governance measures are in place throughout the preparation of this document.

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

- 3.5.1 The Pittwater Standard Instrument LEP will endeavour to retain and enhance existing and proposed infrastructure to ensure the sustainable growth of the community is secured.

---

## **4.0 EXECUTIVE SUMMARY**

On 5 November 2007 Council resolved to commence the process to prepare the Pittwater Standard Instrument LEP. The Department of Planning subsequently reprioritised the Standard Instrument program and Pittwater were not included on the list of Councils to have their Standard Instrument prioritised. Notwithstanding this, staff continued to work towards the preparation of this document. A significant milestone in this process was the adoption of the Pittwater Local Planning Strategy on 15 August 2011.

It is proposed that the Standard Instrument LEP generally be a conversion of the existing Pittwater LEP 1993, however, it is recognised that owing to the age of the current LEP and the restrictive nature of the 'standard' LEP there will inevitably be changes.

Owing to the complex nature of the standard instrument project, resource issues and the potential for small single site issues to derail the finalisation of the document a moratorium is proposed on certain Planning Proposals that are submitted during the preparation of the Standard Instrument LEP.

Having regard for a recent decision of the Land and Environment Court (*Friends of Turramurra v Minister for Planning*) it is proposed to adjust the community consultation strategy and undertake two formal exhibitions of the LEP (rather than one preliminary non-statutory notification and one formal exhibition).

A funding agreement, contingent upon Council undertaking formal exhibition in June 2012, has been entered into with the Department of Planning and Infrastructure.

---

## RECOMMENDATION

1. That the report be noted and the preparation of the draft Pittwater Standard Instrument Local Environmental Plan continue to progress.
2. That Council not process future individual Planning Proposals other than through the Pittwater Standard Instrument LEP process unless in exceptional circumstances, being demonstrated public benefit, demonstrated hardship, environmental preservation or as contained within the Warriewood Valley Strategic Review area.
3. All individual Planning Proposals submitted during the period of preparation of the Pittwater Standard Instrument LEP be initially reported to Council for notation/decision in relation to (2) above.

Report prepared by

Andrew Pigott, Principal Planner - Strategic

Lindsay Dyce

**MANAGER, PLANNING AND ASSESSMENT**



---

## **Council Meeting**

---

### **12.0          Adoption of Governance Committee Recommendations**

---

### **13.0          Adoption of Planning an Integrated Built Environment Committee Recommendations**

---

### **14.0          Confidential Items**

---

***Confidential Advice***

---

## Commercial In Confidence Advice - Bayview Tennis Club

---

**Item No:** C9.2

**Matter:** Commercial In Confidence Advice - Bayview Tennis Club - Renovation works to existing timber deck and stairs.

**From:** Les Munn - Manager Reserves, Recreation & Building Services

**Meeting:** Council

**Date:** 17 October 2011

---

The abovementioned matter is listed as Item No C9.2 in Open Session in the Agenda.

- 1.1 Council manages upgrades to the four leased tennis clubs in Pittwater through the Tennis Liaison Committee. The four clubs are at Bayview, Mona Vale, Elanora and Careel Bay. Capital improvements works are approved by the four clubs at a Lessee's committee meeting and those recommendations are forwarded to Council and considered at Council's Tennis Liaison Committee. Following approval of the Tennis Liaison Committee, applications for improvement works are forwarded to Council via a report and if approved works are funded from the Tennis Liaison Fund.
- 1.2 The Tennis Liaison Committee has received a request from Bayview Tennis Club to undertake renovation works to the existing timber deck and timber stairs which form part of the tennis club complex. The works are necessary as the timber bearers and joists are a number of years old and showing signs of decay and becoming unstable and are now in need of replacement.
- 1.3 The Club has obtained four quotes (see attached) from the following suppliers:
  - Oak Home Improvements - \$ 20,361 (including GST)
  - Twenty Bird Blue Design – \$27,225 (including GST)
  - Northern Beaches Decks - \$37,950 (including GST)
  - CAV Building Group - \$41,500 (including GST)
- 1.4 **Extent of Work**

As part of Council's procurement practice, the cost of the works falls within a quotation system.

Four (4) quotations were obtained and an assessment the quotations received indicates that all of these building companies:

  - have quoted on the same specification
  - are licensed and have the required insurance covers
  - are deemed to be capable of carrying out the project

The primary consideration therefore becomes the quotation price.

An assessment by Council staff of the required work shows that a fair cost would be in the range \$20,000 to \$30,000.

On this basis, Oak Home Improvement is the most cost effective and is recommended to be engaged for the project.

**Commercial In Confidence Advice**  
**Bayview Tennis Club - Renovation works to existing timber deck and stairs**

**OAK HOME QUOTATION**

**Quote (indicative price!) from - Oak Home Improvement**

**From:** Oliver A Keaveney [mailto:oakhomelmp@bigpond.com]  
**Sent:** Thursday, 3 August 2011 1:31 PM  
**To:** 'Allan Bloxsom'  
**Subject:** RE: Decking at Bayview Tennis Club

H Allan  
Please see quote below for Bayview Tennis Club deck.

Supply and install labour and materials to make good existing deck as per specifications supplied by Allan Bloxsom.  
If you would like me to do this job a full specification/contract will be supplied for your signing.  
Sub Total: \$ 18510.00  
Plus GST : 1851.00  
Total : \$ 20361.00.

Regards  
Oliver

## **TWENTY BIRD QUOTATION**

### **Quote**

Paul Cooke  
Quote: 2010-11 #79

4/8/2011

To: BAYVIEW TENNIS CLUB

Description of Supply

#### **Specification for the replacement of existing deck and stairs at Bayview Tennis Club**

- Removal of existing decking boards located around clubhouse
- Removal of any damaged or rotting decking joists
- Replacement of all damaged decking joists and replace with kiln dried hardwood (150x50mm) - *Hand selected*
- All fixings used on joists to be galvanized nails - *Australian Standards*
- Straighten and realign all joists and bearers as required - *Tested*
- Construction and replacement of all decking boards with kiln dried hardwood (Merbau 90x18mm)\* *Hand selected - measured 3mm gap between boards*
- All decking boards to be secured with appropriate size stainless steel screws - *Angled pattern used*
- Replace front and back steps (treads/stringers) with kiln dried hardwood - *Hand selected*
- Ensure allowances are made for existing sliding doors and locking systems - *Tested*
- Two coats of decking oil to be applied to finished decking timbers - *Brush and roller*
- Removal of all rubbish and debris associated with the project - *Skip bins*

Should you require any additional works not mentioned within the above mentioned scope of works, an hourly rate will be charged at \$55 (Incl GST) per hour/per man (discussed prior to commencing).

Total	\$ 24,750.00
GST	\$ 2,475.00
Total Payable	\$ 27,225.00

This quote is valid for 14 days.

#### **Terms:**

By paying the 50% deposit you engage the services of twentybirdblue and agree to all the costs and fees stated in this document. On completion of this project the balance outstanding (50%) is to be paid within 7 days after tax invoice has been issued. All additional works rendered not stated in the scope of works are required to be paid 7 days after tax invoice has been submitted.

#### **Next step**

- Replying to this document with acceptance of costs and terms
- Supplying a date of commencement you wish to start the project
- Paying the 50% deposit for the above mentioned quote

Should you require any further information regarding this document please do not hesitate in contacting me personally on 0410 866 106.

Yours sincerely,

Paul Cooke

## NORTHERN BEACHES DECKS QUOTATION



### Northern Beaches Decks

#### Quote

Client: Bayview Tennis Club – Attn: Allan Bloxsom, Club President  
Address: P.O. Box 752 Mona Vale NSW 2103  
Email: blockos@bigpond.com  
Date: August 4th 2011

Quote for:

The replacement of existing deck and stairs at Bayview Tennis Club as per specifications attached.

Price includes a temporary site fence for the duration of the work and the responsible removal and disposal of all Builders rubbish.

		<i>NEW PRICE</i>
Builder's Price:	\$34,500.00	\$35,950.00
+ GST:	\$ 3,450.00	<u>3595.00</u>
Total Price:	\$ 37,950.00	\$ 39,545.00

*SPOKE TO DOUG BYRNE TODAY (6/10/11) & HE HAS INCREASED HIS PRICE BY \$1450 + GST DUE TO A PRICE INCREASE FOR MERBAU TIMBER.*

A handwritten signature in black ink, appearing to be 'Doug Byrne'.

With Regards,

Doug Byrne – Licensed Builder No: 40372

Northern Beaches Decks

0410 502 684

Northern Beaches Decks.

Builder: Doug Byrne. License No: 40372. MBA Member No: 3004465.

Fully Insured. Mob: 0410 502 684. Email: northernbeachesdecks@gmail.com

## **CAV BUILDING GROUP QUOTATION**



**CAV BUILDING GROUP**

### **SCOPE OF WORKS**

We have allowed for the following items:

- Stripping of original decking and stairs
- Removal of all rubbish off site
- New Kiln Dried Merbau hardwood decking to replace all original decking
- Stainless steel screws for hardwood decking
- New hardwood stringers and step treads to both stair ways
- 2 coats of decking oil to all new decking timbers

### **TOTAL OF NEW DECKING WITH HARDWOOD DECKING**

<b>TOTAL</b>	<b>\$37,727.28</b>
<b>GST on Total</b>	<b>\$3,772.72</b>
<b>GRAND TOTAL</b>	<b>\$41,500.00</b>

### **DAMAGED HARDWOOD JOISTS**

For any damaged joists the following provisional sums will be applicable:

- \$23.50/LM inc GST for the purchase of Kiln Dried 150 x 50 hardwood
- \$60.00/hr inc GST for any labour associated with the removal and replacement of any damaged joists
- \$6.10 per joist hanger needed for the replacement of any damaged joists.

Cav Building Group Pty Ltd PO Box 4053, Illawong NSW 2234 | P 0414 486 302 | F 02 8544 0208 | E [tony@cavbuilding.com.au](mailto:tony@cavbuilding.com.au)  
[www.cavbuilding.com.au](http://www.cavbuilding.com.au) Lic. No. 230089C ABN. 34 145 900 358





**FURTHER CONDITIONS**

- We have made no allowance for any items that have not been clearly specified in the above tender breakdown.
- We have made no allowance for preparation and lodgement of DA with the Council, any heritage reports, Authority Fees (unless noted otherwise), Deposits and Contributions.
- We have made no allowance for any services consultant fees.
- We have assumed that all power and water will be provided for the duration of the project at no cost to Cav Building Group Pty Ltd.
- We have allowed to select subcontractors at our own discretion based on previous performances on Cav Building Group projects.
- All fees for work completed will be payable if the project is abandoned for any reason beyond our control.
- All prices provided in this tender letter are inclusive of GST.
- Tender price is valid for 60 days.

---

## Confidential Legal Advice - Baillie

---

**Item No:** C10.5

**Matter:** Confidential Legal Advice - Baillie - Public Liability claim for personal and psychological injuries

**From:** Jeremy Wardell – Principal Officer - Risk & Developer Contributions

**Meeting:** Council

**Date:** 17 October 2011

---

The abovementioned matter is listed as Item No. C10.5 in Open Session in the Agenda.

Please see Solicitors confidential legal advice regarding the settlement attached.

**CONFIDENTIAL LEGAL ADVICE**  
**BAILLIE - PUBLIC LIABILITY CLAIM FOR PERSONAL AND PSYCHOLOGICAL INJURIES**



DLA Piper Australia  
201 Elizabeth Street  
Sydney NSW 2000  
Australia  
DX 107 Sydney  
T +61 2 9286 8000  
F +61 2 9283 4144  
W [www.dlapiper.com](http://www.dlapiper.com)

**Confidential**

Our ref: MED 0502680 NLS  
Your ref: PL 1218

7 October 2011

Jeremy Wardell  
Pittwater Council  
By email: [Jeremy\\_wardell@pittwater.nsw.gov.au](mailto:Jeremy_wardell@pittwater.nsw.gov.au)

Dear Jeremy

**PUBLIC LIABILITY CLAIM**

<b>CLAIMANTS:</b>	(1) ALLAN BAILLIE (2) AGNES BAILLIE
<b>DOA:</b>	8 NOVEMBER 2010
<b>POA:</b>	BIGOLA ROCK POOL
<b>DATE OF NOTIFICATION:</b>	9 NOVEMBER 2010
<b>LITIGATION:</b>	NO, THREATENED BY CLAIMANTS

We refer to your email of 4 October 2011 and our subsequent telephone conversation.

As requested, we provide a brief on the matter to assist the General Manager when he formally briefs Council.

**As discussed, the terms of the settlement reached in this matter are confidential.  
Any briefing to Council must be in closed session.**

**FACTS**

- 1 On 8 November 2010, the Claimant (Allan Baillie) was swimming in Bilgola Rock Pool (**the Pool**). Whilst the Claimant was in the Pool, Council staff opened a discharge valve within the Pool.
- 2 The Claimant was sucked through the discharge valve and pipe and was deposited onto the sandy beach to the north of the Pool wall.
- 3 The Claimant suffered severe cuts and abrasions in the incident. It is also alleged he suffered psychological injuries.
- 4 The Claimant's wife (Agnes Baillie) witnessed the incident. She too alleged to have suffered psychological injuries as a result of witnessing the incident.

---

Please notify us if this communication has been sent to you by mistake. If it has been, any client legal privilege is not waived or lost and you are not entitled to use it in any way.

---

1110657072 \ 0502680 \ NLS04

DLA Piper Australia is part of DLA Piper, a global law firm, operating through various separate and distinct legal entities.

A list of offices and regulatory information can be found at [www.dlapiper.com](http://www.dlapiper.com)

## **LIABILITY**

- 5 No proceedings had been commenced by the Claimants. However, we expected the allegations of negligence pleaded against Council would be relatively straight forward and would include:
- 5.1 Opening the discharge valve whilst patrons were in the Pool.
  - 5.2 Failing to ensure the Pool was empty before opening the discharge valve.
  - 5.3 A failure to warn.
- 6 As Council was the occupier of the Pool, it would have been found to owe the Claimants a duty of care.
- 7 A member of the public was allowed to remain in the Pool whilst the discharge valve was open and the Pool was being drained. A Court would easily find that represented a foreseeable risk that a person could be sucked out via the drain.
- 8 Council did not comply with its own OH & S policies and Work Method Statement (WMS) in relation to the cleaning of the pool. The WMS provided the Pool was to be empty when it was being cleaned (Step 3) and staff should ensure no-one enters the Pool whilst it is being cleaned (Step 4). These steps were not complied with.
- 9 A basic risk assessment would have revealed there was a risk of injury to patrons if they were in the Pool and near the discharge valve when it was opened.
- 10 We were of the opinion Council would be unable to escape liability and there would be no reduction for contributory negligence. In the circumstances, to reduce costs and the considerable costs associated with any litigation, we recommended the matters be settled.

## **DAMAGES**

- 11 Mr Baillie is aged 68. He is an award winning author of children's novels and has published over 30 books.
- 12 He suffered severe cuts and abrasions in the incident. It is also alleged he suffered psychological injuries.
- 13 Mr Baillie received psychological treatment following the incident. Mr Baillie was diagnosed with Post Traumatic Stress Disorder. Mr Baillie continued to experience moderate levels of anxiety and irritability which affected his capacity to concentrate and work as a writer.
- 14 Mrs Baillie is aged 64. She witnessed the incident. She too alleged to have suffered psychological injuries as a result of witnessing the incident.
- 15 Mrs Baillie has also received psychological treatment following the incident. She was diagnosed as suffering an Adjustment Disorder with Anxiety.



- 16 As both Claimants were diagnosed with a recognised psychiatric illness, in our opinion they would have met the criteria to entitle them to compensation for the pure mental harm sustained by them as a result of this incident pursuant to Section 31 of the *Civil Liability Act*.
- 17 Mrs Baillie alleged she was unable to work for a period of time. Mr Baillie alleged he was suffering from writer's block and had not been able to write creatively since the accident. Documents in support of the claims for economic loss were provided to us. Mr Baillie was claiming past and future economic loss equivalent to 12 months income (\$50,000). Mrs Baillie was claiming past and future economic loss equivalent to 6 months income (\$25,000).
- 18 As it had been less than a year since the accident when the informal settlement conference took place, the extent and duration of Mr Baillie's writers block was unknown by either party. If his writer's block continued, his claim for economic loss may have exceeded the 12 months income he was claiming.
- 19 Both matters ultimately settled for a total of \$116,000 all inclusive. A breakdown of the settlement is:

Head of Damage	Mr Baillie	Mrs Baillie
Non-economic loss	\$22,500 (22% MEC)	\$12,500 (18% MEC)
Out of pocket expenses	\$5,330.90	\$980.00
Loss of income	\$40,441.10	\$18,248.00
Costs	\$8,000.00	\$8,000.00
<b>Total</b>	<b>\$76,272.00</b>	<b>\$39,728.00</b>

- 20 The settlement was well within the range of damages we believed the Claimants could receive from a Court.
- 21 Given our views on liability, the media attention the case may have generated and the increased costs which would have been incurred, it was in Council's interests for the matters to be settled before proceedings were commenced.

Yours sincerely

**Nikki Scoble**  
Senior Associate  
Direct +61 2 9286 8413  
nikki.scoble@dlapiper.com

**Michael Down**  
Partner