



PITTWATER COUNCIL

Agenda

Council Meeting

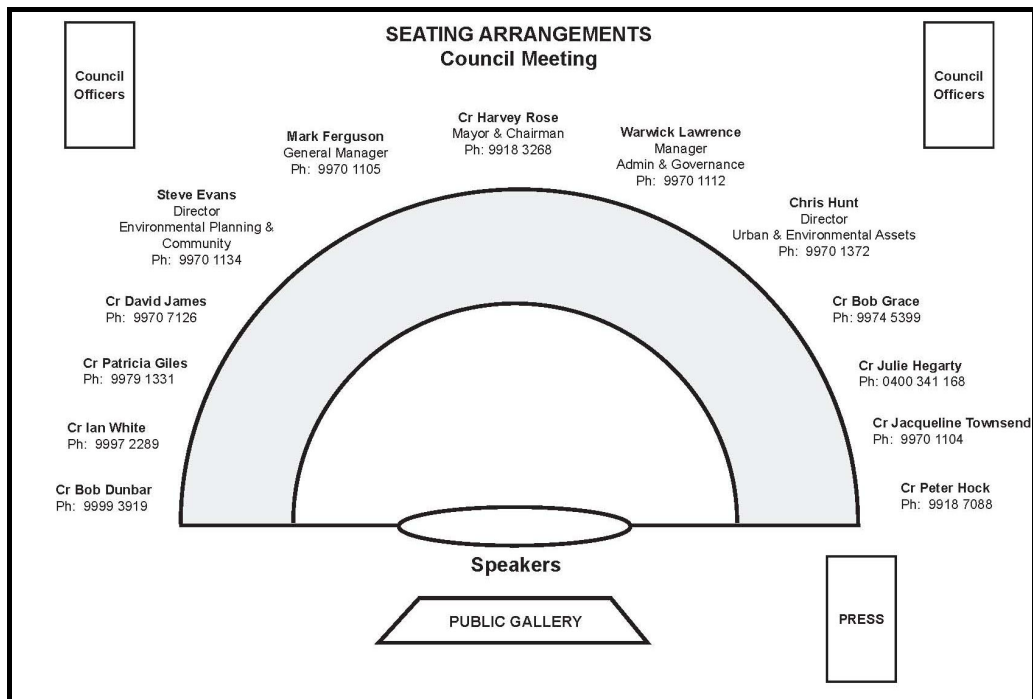
Notice is hereby given that a Council Meeting of Pittwater Council will be held at Mona Vale Memorial Hall on

19 December 2011

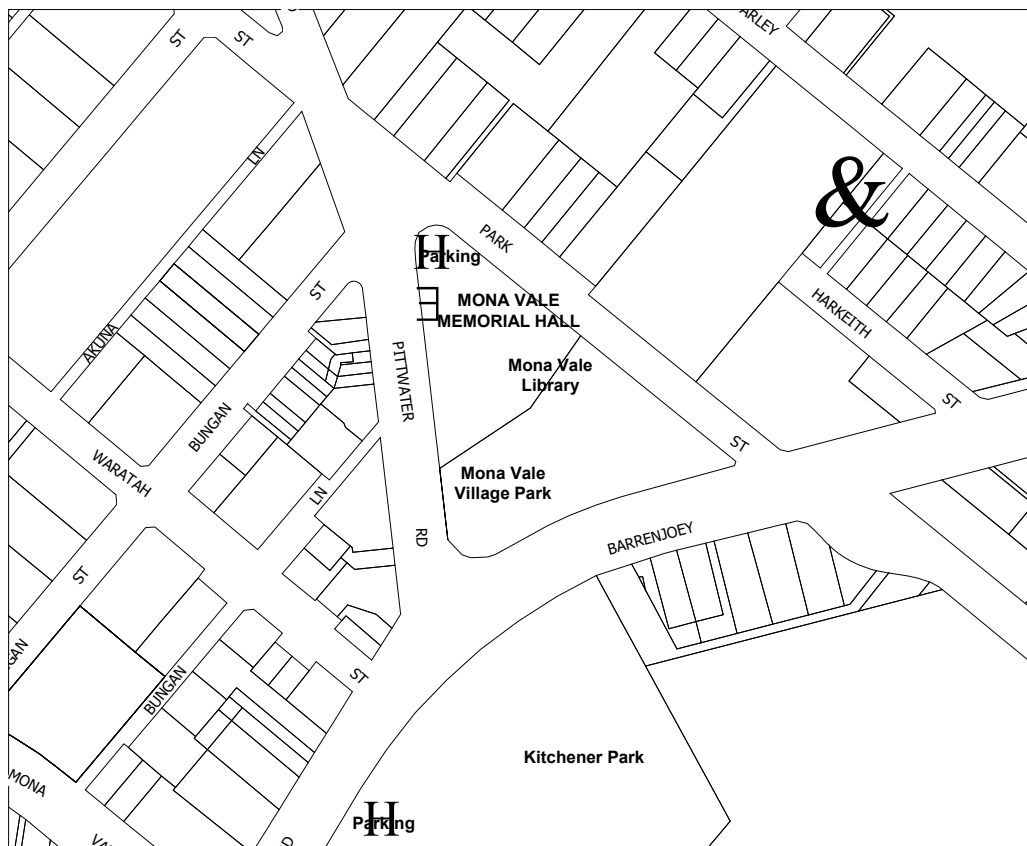
Commencing at 6.30pm for the purpose of considering the items included on the Agenda.

Mark Ferguson
GENERAL MANAGER

Seating Arrangements



Meeting Location



All Pittwater Council's Agenda and Minutes are available on the Pittwater website at www.pittwater.nsw.gov.au

IMPORTANT NOTE FOR COUNCILLORS

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

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

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

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Mark Ferguson
GENERAL MANAGER

Council Meeting

Acknowledgement of Country

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

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CONFIDENTIAL CLAUSE

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

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

**'COMMERCIAL IN CONFIDENCE' ADVICE - TENDER T11112
SHOROC SUPPLY AND DELIVERY OF CCTV AND
STORMWATER MAINTENANCE**

CONFIDENTIAL CLAUSE

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- (d) *Commercial information of a confidential nature that would, if disclosed:-*
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**'COMMERCIAL IN CONFIDENCE' ADVICE - TENDER T31112
SHOROC SUPPLY AND DELIVERY OF CCTV AND
STORMWATER MAINTENANCE**

CONFIDENTIAL CLAUSE

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(g) of the Local Government Act 1993, which permits the Council Committee 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.*

**CONFIDENTIAL LEGAL ADVICE – N0278/11 – 10 BYNYA ROAD
PALM BEACH – DEMOLITION OF THE EXISTING DWELLING AND
THE CONSTRUCTION OF A NEW MULTI LEVEL DWELLING**

**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 5 December 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	Tender T11112 - SHOROC - Supply and Delivery of CCTV and Stormwater Maintenance
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Meeting: Council

Date: 19 December 2011

STRATEGY: Water Management

ACTION: Provide planning, investigation design and management of stormwater infrastructure

PURPOSE OF REPORT

To seek Council's approval to endorse the SHOROC Tender T11112 - SHOROC - Supply and Delivery of CCTV and Stormwater Maintenance.

1.0 BACKGROUND

1.1 The SHOROC Tender for Supply and Delivery of CCTV and Stormwater Maintenance (T11112SHOROC) was called by Regional Procurement on behalf of all four participating SHOROC Councils. The tender covers a range of stormwater drainage works and investigation techniques including CCTV surveys of stormwater assets.

1.2 Councils in this tender which have signed a Letter of Participation are:

- Pittwater Council
- Warringah Council
- Manly Council
- Mosman Municipal Council

2.0 ISSUES

2.1 Tenders Advertising and Closing

This tender was advertised in the following media:

- Manly Daily on 11 July 2011
- Sydney Morning Herald on 12 July 2011 and
- TenderLink on 12 July 2011

Tenders closed 10.00am Tuesday 2 August 2011.

2.2 Tenders Received

A total of 19 contractors collected the Tender documents.

Twelve (12) Tenders in total were received from:

- A&L Pipe Eye, T/a All about Pipes
- Aqua Assets Pty Ltd
- Barry Bros Specialized Services Pty Ltd
- R.A. Bell & Company Pty Ltd, T/a Bell Environment
- CMS Surveys Pty Ltd
- Durkin Construction Pty Ltd

- Environcivil NSW Pty Ltd
- ITS Trenchless Pty Ltd
- John Thomson Contracting Pty Ltd, T/a Pipe Solutions
- Total Drain Cleaning Services Pty Ltd
- Vekta Pty Ltd
- Veolia Water Network Services Pty Ltd

2.3 Tender Compliance – Initial Cull

Of the twelve Tender submissions, one was assessed as being non-conforming and was excluded from further evaluation.

2.4 Tender Evaluation Panel

The tender evaluation was conducted on 30 August 2011 at SHOROC Offices by:

Dean McNatty - Warringah Council

Michael Limnos - Mosman Municipal Council

Shan Nadesan - Manly Council

Brendan Tukuafu - Pittwater Council

Andrea Tattam - SHOROC

Facilitator - Craig Wade - Hunter Council's Regional Procurement Initiative

2.5 Evaluation Criteria

Tenders were evaluated against the following criteria:

- Price
- Referees
- Quality Assurance
- OH&S – Warringah OHS – 503 document used as common base
- Ecological Sustainable Development
- Customer Service

2.6 Tender Evaluation

Based on the detail tender evaluation process (see Confidential Appendix to this Agenda), the following Contractors were selected as meeting the requirements of the tender and are recommended to form a Panel to be drawn upon for Schedule Works as listed in Table 1.

TABLE 1

Schedule	Contractor
Schedule 1 – CCTV Investigation	<ul style="list-style-type: none"> • A&L Pipe Eye T/A All About Pipes • Aqua Assets Pty. Ltd. • Barry Bros Specialised Services Pty. Ltd. • ITS Trenchless Pty. Ltd. • John Thomson Contracting Pty. Ltd. T/A Pipe Solutions • Total Drain Cleaning Services Pty. Ltd. • Veolia Water Network Services Pty. Ltd.
Schedule 2 – Combination Pipe Jetting	<ul style="list-style-type: none"> • A&L Pipe Eye T/A All About Pipes • Aqua Assets Pty. Ltd. • Barry Bros Specialised Services Pty. Ltd. • Environcivil NSW Pty. Ltd. • John Thomson Contracting Pty. Ltd. T/A Pipe Solutions • R.A. Bell & Company Pty. Ltd. T/A Bell Environment • Total Drain Cleaning Services Pty. Ltd. • Veolia Water Network Services Pty. Ltd.

Schedule	Contractor
Schedule 3, 4, 5, 6 & 7 – Services Locating	<ul style="list-style-type: none"> • A&L Pipe Eye T/A All About Pipes • Aqua Assets Pty. Ltd. • Barry Bros Specialised Services Pty. Ltd. • CMS Surveys Pty. Ltd. • John Thomson Contracting Pty. Ltd. T/A Pipe Solutions • Total Drain Cleaning Services Pty. Ltd. • Veolia Water Network Services Pty. Ltd.
Schedule 8, 9, & 10 – CDS, ECOSOL & NetTech Inspection & Cleaning	<ul style="list-style-type: none"> • A&L Pipe Eye T/A All About Pipes • Envirocivil NSW Pty. Ltd. • John Thomson Contracting Pty. Ltd. T/A Pipe Solutions • R.A. Bell & Company Pty. Ltd. T/A Bell Environment • Total Drain Cleaning Services Pty. Ltd. • Veolia Water Network Services Pty. Ltd.
Schedule 11, 12 & 13 – Surveying	<ul style="list-style-type: none"> • CMS Surveys Pty. Ltd. • John Thomson Contracting Pty. Ltd. T/A Pipe Solutions • Vekta Pty. Ltd.
Schedule 14 – Gross Pollutant Trap Cleaning	<ul style="list-style-type: none"> • A&L Pipe Eye T/A All About Pipes • Envirocivil NSW Pty. Ltd. • John Thomson Contracting Pty. Ltd. T/A Pipe Solutions • R.A. Bell & Company Pty. Ltd. T/A Bell Environment • Veolia Water Network Services Pty. Ltd.
Schedule 15, 16 & 17 – Pit & lintel repair & reconstruction	<ul style="list-style-type: none"> • No Tenders Received • To be included in Tender T31112SHOROC Minor & Capital Works Tender scheduled for release in October 2011.
Schedule 18 – Pit Cleaning	<ul style="list-style-type: none"> • Barry Bros Specialised Services Pty. Ltd. • Envirocivil NSW Pty. Ltd. • R.A. Bell & Company Pty. Ltd. T/A Bell Environment

2.7 Financial Implications

- There is a potential cost savings for Pittwater Council through the combining of the four local Councils under SHOROC.
- The acceptance by Council of the Supply and Delivery of CCTV and Stormwater Services Tender Pricing Schedules represents no direct financial commitment by Council.

3.0 SUSTAINABILITY ASSESSMENT

Note: Ecological Sustainable development was part of the evaluation criteria assessment.

3.1 Supporting & Connecting our Community (Social)

3.1.1 The tender process includes an assessment of sustainable practices and products. Tenderers are required to complete an Environmental Sustainability & Social Equity questionnaire covering aspects of organisational and product information systems, policy and environmental sustainability. Tenderers provided information relating to recycled content used in manufacturing and the amount of recycling.

3.1.2 All tenderers completed this schedule and were scored accordingly.

3.2 Valuing & Caring for our Natural Environment

3.2.1 Where appropriate selected contractors will be encouraged to use recycle products. In addition all works will be required to be performed with minimum if any impact to the environment.

3.3 Enhancing our Working & Learning (Economic)

N/A

3.4 Leading an Effective Collaborative Council (Governance)

3.4.1 The calling of an assessment of tenders is in accordance with Council's procurement requirements. The tenders were assessed by a panel against six (6) criteria with associated weighting.

3.5 Integrating our Built Environment (Infrastructure)

3.5.1 The establishment of a Specialist Contractor Panel will add to the effectiveness of stormwater infrastructure maintenance.

4.0 EXECUTIVE SUMMARY

4.1 Tenders were called on behalf of SHOROC Councils for the Supply and Delivery of CCTV and Stormwater Maintenance Services until 30 September 2012 with a one (1) year extension. Twelve (12) tenders containing twelve (12) proposals were received and upon evaluation

- A&L Pipe Eye, T/a All about Pipes
- Aqua Assets Pty Ltd
- Barry Bros Specialized Services Pty Ltd
- R.A. Bell & Company Pty Ltd, T/a Bell Environment
- CMS Surveys Pty Ltd
- Environcivil NSW Pty Ltd
- ITS Trenchless Pty Ltd
- John Thomson Contracting Pty Ltd, T/a Pipe Solutions
- Total Drain Cleaning Services Pty Ltd
- Vekta Pty Ltd
- Veolia Water Network Services Pty Ltd

have been selected for inclusion on a Panel. Council approval is sought for the recommendation.

4.2 The other three (3) remaining SHOROC councils have accepted tenders as recommended.

RECOMMENDATION

1. That the tenders as noted in the Tender Evaluation Schedule for the provision of Supply and Delivery of CCTV and Stormwater Maintenance, be accepted in accordance with the price schedule for each supplier for a period of two (2) years.
2. That the procurement be sourced from lowest pricing and where not available, procurement be sourced from the next lowest pricing.

3. That a provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this tender through to 2014.
4. That Hunter Council's Regional Procurement Initiative be advised of Council's decision.
5. That the General Manager be authorised to approve all contract payments associated with this contract and affix the Seal of Council to any relevant documents if required.

Report prepared by
Roy Einarsen, Principal Engineer

Mark Shaw
MANAGER, URBAN INFRASTRUCTURE

C9.2	Tender T31112 - SHOROC - Supply and Delivery of Minor Works
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Meeting: Council

Date: 19 December 2011

STRATEGY: Traffic and Transport

ACTION: Maintain and service traffic and transport infrastructure

PURPOSE OF REPORT

To seek Council's approval to accept a panel for the Supply and Delivery of Minor Works. The tender was managed by Hunter Council's Regional Procurement Initiative on behalf of SHOROC Group of Councils.

1.0 BACKGROUND

- 1.1 Council has an ongoing need to manage items of infrastructure as they age, break and decay. In light of this, a tender to cover a range of concrete and asphalt works as well as landscaping and traffic controls was required to cover Council for ongoing maintenance and repair.
- 1.2 Councils in this tender which have signed a Letter of participation are:
- Pittwater Council
 - Mosman Municipal Council
 - Manly Council

2.0 ISSUES

2.1 Tenders Advertising and Closing

This tender was advertised in the Manly Daily on 22 October 2011 and the Sydney Morning Herald on 22 October 2011. Tenders were also released via Tenderlink on 24 October 2011.

Applicants were advised that submissions should be lodged either by Tenderlink or in Council's Tender Box by 10.00am on Tuesday, 15 November, 2011.

2.2 Tenders Received

The tender box was opened in accordance with legal requirements and eight (8) tenders in total were received. These were:

- OZPAVE (AUSTRALIA), Pty Ltd.
- NORTHSHORE PAVING CO, Pty Ltd.
- STATELINE ASPHALT, Pty Ltd.
- PAVELINK, Pty Ltd.
- ROADWORK SOLUTIONS, Pty Ltd.
- ANZELOTTI CONSTRUCTIONS, Pty Ltd.
- KELBON PROJECT SERVICES, Pty Ltd.
- NORTHERN FENCING SPECIALISTS, Pty Ltd.

2.3 Tender Evaluation Panel

The Tender evaluation was conducted on 24 November 2011 at SHOROC offices by:

- Shan Nadesan - Manly Council
- James Phan - Pittwater Council
- Michael Limnos - Mosman Council
- Ben Taylor - SHOROC
- Craig Wade - Regional Procurement (Facilitator)

2.4 Evaluation Criteria

The results of the Tenders are summarised in the attachments. Evaluation criteria comprised:

- Price
- Referees
- Quality Assurance
- OH&S
- Ecological Sustainable Development
- Customer Service

2.5 Tender Compliance

Schedules were checked and pricing was confirmed to ensure compliance with the Tender requirements. One tenderer did not meet requirements and was culled.

The remaining tenderers supplied all the required examples.

2.6 Tender Evaluation

From this evaluation the following Panel Contractors were selected as meeting the requirements of the tender:

TABLE 1

Schedule	Contractor
Annexure B – Plant	<ul style="list-style-type: none">• Kelbon Project Services Pty. Ltd.• Northshore Paving Co. Pty. Ltd.• Stateline Asphalt Pty. Ltd.
Annexure C – Concrete	<ul style="list-style-type: none">• Kelbon Project Services Pty. Ltd.• Northshore Paving Pty. Ltd.• OZPAVE (Australia) Pty. Ltd.• Pavelink Pty. Ltd.• Stateline Asphalt Pty. Ltd.
Annexure D – Asphalt	<ul style="list-style-type: none">• Kelbon Project Services Pty. Ltd.• Northshore Paving Pty. Ltd.• OZPAVE (Australia) Pty. Ltd.• Stateline Asphalt Pty. Ltd.
Annexure E – Drainage	<ul style="list-style-type: none">• Kelbon Project Services Pty. Ltd.• Northshore Paving Pty. Ltd.• OZPAVE (Australia) Pty. Ltd.• Stateline Asphalt Pty. Ltd.

Schedule	Contractor
Annexure F – Traffic Control	<ul style="list-style-type: none"> • Kelbon Project Services Pty. Ltd. • Northshore Paving Pty. Ltd. • OZPAVE (Australia) Pty. Ltd. • Roadwork Solutions Pty. Ltd. • Stateline Asphalt Pty. Ltd.
Annexure G – Landscape	<ul style="list-style-type: none"> • Kelbon Project Services Pty. Ltd. • OZPAVE (Australia) Pty. Ltd. • Northshore Paving Pty. Ltd. • Stateline Asphalt Pty. Ltd.
Annexure H – Paving	<ul style="list-style-type: none"> • Kelbon Project Services Pty. Ltd. • Northshore Paving Pty. Ltd. • OZPAVE (Australia) Pty. Ltd. • Pavelink Pty. Ltd. • Stateline Asphalt Pty. Ltd.
Annexure I – Fencing	<ul style="list-style-type: none"> • Kelbon Project Services Pty. Ltd. • Northern Fencing Specialists Pty. Ltd. • OZPAVE (Australia) Pty. Ltd.

The abovementioned tenderers meet the minimum requirements for acceptance as one of the panel tenderers.

2.7 Financial Implications

- Potential cost savings for Pittwater Council through the combining of the three local Councils under SHOROC.
- The acceptance by Council of the Supply and Delivery of Minor Works tender pricing schedules represents no direct financial commitment by Council.

2.8 The strategy adopted is for Council's project co-ordinator to seek delivery from the lowest pricing and where not available, seek procurement from the next lowest pricing.

3.0 SUSTAINABILITY ASSESSMENT

Note: Assessment took into account Ecological Sustainable Development. This formed part of the evaluation criteria.

3.1 Supporting & Connecting our Community (Social)

3.1.1 The tender process includes an assessment of sustainable practices and products. Tenderers are required to complete an Environmental Sustainability & Social Equity questionnaire covering aspects of organisational and product information systems, policy and environmental sustainability. Tenderers provided information relating to recycled content used in manufacturing and the amount of recycling.

3.2 Valuing & Caring for our Natural Environment

Where appropriate selected contractors will be encouraged to use recycle products. In addition all works will be required to be performed with minimum if any impact to the environment.

3.3 Enhancing our Working & Learning (Economic)

N/A

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

- 3.4.1 The calling of an assessment of tenders is in accordance with Council's procurement requirements. The tenders were assessed by a panel against six (6) criteria with associated weighting.

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

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

4.0 **EXECUTIVE SUMMARY**

- 4.1 Tenders were called for the Supply and Delivery of Minor Works under Tender No T31112SHOROC over a three year period with one available year of extension. Eight tenders containing either (8) proposals were received and upon evaluation:

- OZPAVE (AUSTRALIA), Pty Ltd.
- NORTHSHORE PAVING CO, Pty Ltd.
- STATELINE ASPHALT, Pty Ltd.
- PAVELINK, Pty Ltd.
- ROADWORK SOLUTIONS, Pty Ltd.
- KELBON PROJECT SERVICES, Pty Ltd.
- NORTHERN FENCING SPECIALISTS, Pty Ltd.

are recommended for acceptance.

- 4.2 The recommended tenderers have met the mandatory requirements in 2.5.

RECOMMENDATION

1. That the tenders from Table 1 shown at 2.7 for the Supply and Delivery of Minor Works (T31112SHOROC) in accordance with the price schedule for each supplier be accepted for a period of three (3) years from 1 January 2012 to 31 December 2014.
2. That the procurement be sourced from the lowest pricing and where not available, procurement be sourced from the next lowest pricing.
3. That Hunter Council's Regional Procurement Initiative be advised of Council's decision.

Report prepared by
Roy Einarsen, Principal Engineer - Works

Mark Shaw
MANAGER, URBAN INFRASTRUCTURE

C9.3 2011 New South Wales Coastal Conference Report

Meeting: Council

Date: 19 December 2011

STRATEGY: Business Management

ACTION: Ongoing Councillor training programs

PURPOSE OF REPORT

To advise Council of Councillor James's and Councillor Townsend's reports following their attendance at the 20th NSW Coastal Conference.

1.0 BACKGROUND

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

'Conference Reporting:

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

- 1.2 At the Council Meeting on 5 September 2011 Council authorised Councillors James and Townsend to attend the 20th NSW Coastal Conference at Tweed Heads on 8-11 November 2011.
- 1.3 Councillors James's and Townsend's reports are provided below for Council's information.

2.0 ISSUES

- 2.1 20th Annual Coastal Conference of NSW held at Tweed Heads 8-11 November 2011 – Report by Councillor David James.

"Along with 272 delegates in the fields of Coastal Sciences and Engineering, Natural Resource Management, Town Planning and a significant number from State and Local Government, Cr Townsend and I attended this most successful conference hosted by Tweed Shire Council and NSW Office of Environment and Heritage.

Many papers reflected in one way or another various concerns regarding current and likely future adverse impacts on coastlines and estuaries arising from climatic changes now underway. It seems the phenomenon of measured climate change is now well accepted as a factor likely to produce more adverse coastal outcomes in the not too distant future.

These thoughts became particularly evident during a field trip organised by Tweed Shire to Kingscliff Beach and New Brighton Beach. Kingscliff carried a sober message and a stark reminder of the magnitude of events that can occur with the tremendous forces at play when circumstances combine to go wrong. Foreshore land and assets lost to the ocean; public buildings and beach amenity under severe threat. And it appears a workable, permanent solution to the current problems being experienced there may be most difficult and even impossible to find.

The important take away message I derived from the Conference to bring back to our Council is this:

- *Any approval which Pittwater may give in the future for the installation of engineered structures in order to combat any active beach erosion events carries a potential to create significant downstream risks and possibly costs to Council;*
- and*
- *It is imperative that the only approvals that should ever be contemplated by Council are those which fully accord with the measures contained in the Coastal Protection Act and Other Legislation Act 2010 (as amended from time to time) and applied in complete conformity with the relevant associated Guidelines issued by the NSW Government. Only then will Council be protected against future adversity from decisions it may make in the Coastal Zone."*

2.2 Report from 20th Anniversary NSW Coastal Conference Tweed Heads, 8-11 November 2011 – Report by Councillor Jacqueline Townsend

"I attended this conference as one of council's two delegates. The theme was 20/20 vision for the coast - lessons learnt and looking toward future improvement.

The welcome to country opened the conference asking all of us there to keep our environment in good condition for the generations that followed. Her plea to us, some being decision makers, was to make wise decisions in relation to management of our land.

The mayor of Tweed Shire Council, Barry Longland welcomed all delegates and identified the hotspots for erosion being Kingscliff and Byron. In the Tweed the council takes coastal management seriously and recognises the importance of applying the precautionary principle in their decision-making.

Derek Rutherford, Divisional Director, Water, Wetlands and Coast, OEH and the major sponsor for the conference reminded us how vulnerable some areas are to coastal erosion. Kingscliff highlighted the message of the conference that is, looking forward. He said the Minister has made clear that coastal erosion requires the best policies in place to manage erosion risk. The Minister wants to know the critical challenges and intends to establish a coastal task force with the terms of reference and members to be released shortly. \$7.5 million is to be provided to councils for coastal management projects. The coastal management plans councils are now being prepared and the Minister thanked those who are and have attended to them. The implementation of the plans is what will be the important step in this process.

Phil Watson Principal Coastal Specialist, OEH identified the key successes from the development of legislation and policies on coastal management. Improved powers for hazards, knowledge informing strategic planning, limited loss of houses, infrastructure, significant investment in amenity provision, and the king tide photo initiative. Funding allocation is impeding moving forward coastal management with numerous management solutions well beyond the current capacity from the three tiers of government. The abolition of the coastal council has impeded progress on coastal management with no independent oversight over policy decisions since 2003. OEH now looking for stronger strategic direction for coastal hazard management, move beyond the emphasis on planning benchmarks and look towards detailed local studies and cost effectiveness of measures to absorb sea level rise. He said that we shouldn't get caught up on the benchmarks as sea level rise will do what it will do and that we should be looking at the whole of catchment management in more detail.

A good suggestion of Phil Watson is the creation of a digital library of our communities containing historical and present photos of flooding and tidal movement over our time of living within our locality. Maybe Pittwater council could consider introducing its own digital library as it will provide us with a long term valuable resource to assist with the current and future management of our estuaries and coastal management.

Some interesting presentations were given; one being quantifying the value of a beach by looking at its recreational use versus the cost to maintain it eg sand renourishment. The exercise was done on Manly beach and its recreational value was 10 times that of the cost of a sand renourishment program. You can see the results of this research at Danning@bond.edu.au

Another presentation was the work done by the Fingal Head community group with action to prevent the erosion in this sensitive ecosystem by 4WD warriors.

The keynote speaker was Andrew Garcia who addressed the conference on the challenges of New Orleans. His national agency policy is for the incorporation for sea level change in coastal and estuarine planning. He refers to sea level change rather than sea level rise as the purpose of dealing with and planning for the change arises from flooding and subsidence. He confirmed sea level change is happening and his planning policy is used for assessing each project to sea level change.

I spent my time in presentations regarding integrated catchment management and estuarine projects. It was interesting to hear from the Natural Resources Commissioner on the progress of works undertaken by Catchment Management Authorities (CMA) and with catchment action plans. The Commission is encouraging all land managers, including local councils, to collaborate with CMAs to prepare the second round of catchment action plans.

Overall there was good work presented on the projects and works being implemented around the eastern coast and encouraging to the level of state government presenting at the conference.

All conference papers are available on line www.coastalconference.com

The next conference is hosted by Kiama in 2013."

3.0 SUSTAINABILITY ASSESSMENT

- 3.1 This report does not require a Sustainability Assessment

4.0 EXECUTIVE SUMMARY

- 4.1 Council's Policy No 145 – Policy for the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors provides that following attendance at a Conference authorised under this Policy the relevant Councillor/s is required to submit a report of approximately one page in length to the community via the Council's Agenda papers on the outcomes of the Conference, with particular emphasis as to any outcomes affecting Pittwater.'
- 4.2 Councillors James's and Townsend's reports on their attendance at the 20th NSW Coastal Conference.

RECOMMENDATION

That Councillors James's and Townsend's reports on the 2011 New South Wales Coastal Conference be noted.

Report prepared by
Gabrielle Angles, Principal Officer, Administration & Governance

Warwick Lawrence
MANAGER, ADMINISTRATION & GOVERNANCE

C9.4	Report on Innovation in Urban Water Management and Treatment Conference
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Meeting: Council

Date: 19 December 2011

STRATEGY: Business Management

ACTION: Ongoing Councillor training programs

PURPOSE OF REPORT

To advise Council of Councillor Townsend's report following her attendance at the Innovation in Urban Water Management and Treatment Conference in Melbourne from 22 - 23 November 2011.

1.0 BACKGROUND

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

'Conference Reporting:

Following attendance at a Conference authorised under this Policy, the relevant Councillor/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.'

- 1.2 At the Council Meeting on 17 October 2011 Council authorised Councillor Townsend to attend the Innovation in Urban Water Management and Treatment Conference in Melbourne from 22 - 23 November 2011.
- 1.3 Councillor Townsend's report is provided below for Council information.

2.0 ISSUES

- 2.1 Report from Urban Water Management and Treatment Conference, Melbourne, 22 and 23 November 2011 – By Councillor Jacqueline Townsend

"Thank you to council for allowing me to attend this conference. I found it had great benefits and next year it would be a positive step by this council to encourage staff to attend to see and learn of new and innovative water projects being undertaken by local councils across the country.

The program centred on the journey for an integrated water management future. The background to this of course is the importance this most precious resource is to our every day living and resources we will see evaporate quickly if land users and governments don't move towards improvement of water management.

The first presentation was on ways to moderate demand in the future. Issues highlighted around water restrictions in communities. Livability now was the key word and identifying the need for councils and water managers to start looking at the whole water cycle.

Of course identification on what are the implications if interventions are not made were considered. One is increasing cost pressures. SA water always looked at assets in isolation. It now looks at its assets differently. An example of this is could storm water discharge into adjacent sewerage plant and be treated there?

SE Water has developed an eight-step process to change the way it looks at water projects. Some of them are:

- Water recycling with dual pipe use at residential places.*
- Storm water harvesting for end users. One being a 60 household infill development. Not in state policy so had to make legislative change to implement.*

This website lists the initiatives that are being proposed. www.waterinitiatives2050.net.au

Melbourne City Council is a leader in natural resource management. It has integrated water management and a number of supporting policies on energy, water and waste. They also now have developed an invaluable tool for retaining trees in its urban environment – I-tree.

To date there has been engineering bias in water management. Now increasing focus is being place on social responsibilities rather than traditionally or tokenistic community involvement. A change in aspirations and strategies is being incorporated into draft water plans. The principles in what we now need to do in water management including having multiple uses of water in the urban environment. We should close the loop and start feeding back the water, but with good controls in place. Perth has a new water strategy that reflects this approach.

Effective consultative project management is the preferred method rather than the government's old format. This has been seen as the biggest barrier to integrated water management is overcoming government as a barrier. Governments have been tokenistic to community involvement with management having too many chiefs with a limited skill set. To have effective planning water managers need to move away from silo building.

Sam Sara from the NSW Office of Water presented this state's approach to integrated water management. NSW has introduced a best management water and sewerage framework with each local water utility required to implement a 30 year plan.

In Victoria aquifer storage and recovery is being introduced within the Mitchell River catchment with the benefits being significant storage capacity when needed, no evaporation, cost efficient water storage and more environmentally friendly. It can restore and expand the function to meet demand. The disadvantage of aquifer storage is that it is complex, requires ongoing management, uncertainty with aquifer quality, and unknown chemical compatibility of surface and groundwater.

There is no doubt that with our finite resources we must start doing things differently. We have aging sewerage treatment plans and a low cost high permanent solution for this is engineered wetlands used as process units. These can be used for wastewater or storm water and are not implemented as part of the South Lismore STP treatment process.

The most impressive of projects, and now a sustainability award winner, was by Willoughby Council for its Chatswood Storm Water Management Scheme. This project represents:

- The largest urban storm water harvesting project in NSW that does not use biofilters*
- Its dual function provides for flood mitigation works.*
- Its water captured is now sold to local businesses. The Council sells its captured water at .45c v Sydney water .54 c*

This is an impressive project where the council's engineers found a solution for development a multi-million dollar community centre in a flood plain area.

City of Ballast said it is difficult for councils to integrated water uses. It has included in its water plan of management storm water harvesting, roof water capture and storage, managed aquifer recharge, and third pipe option.

There are a number of water resources, drinking, reclaimed, surface, storm, tank, grey and ground. The message I took away from the conference is to look at each one and then design a strategy for management of each, and collectively. Water managers need to implement change and this is difficult as people are the problem with change, not the technology. There is a lot of new technology out there being used to achieve integrated water management and hopefully Pittwater will consider it when next looking at water management and development in flood plains.

The papers are available online at <http://www.newwaterways.org.au/events/Conferences-and-events/Innovation-in-Urban-Water-Management-Treatment-Conference>

3.0 SUSTAINABILITY ASSESSMENT

- 3.1 This report does not require a Sustainability Assessment

4.0 EXECUTIVE SUMMARY

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

RECOMMENDATION

That Councillor Townsend's report on the Innovation in Urban Water Management and Treatment Conference be noted.

Report prepared by
Gabrielle Angles, Principal Officer, Administration & Governance

Warwick Lawrence
MANAGER, ADMINISTRATION & GOVERNANCE

Governance Committee

10.0 Governance Committee Business

C10.1	Financial Report for the Period Ending 30 November 2011 of the 2011/2012 Financial Year
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Meeting: Governance Committee

Date: 19 December 2011

STRATEGY: Business Management

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

PURPOSE OF REPORT

To provide Council with the financial results for the period ending 30 November 2011 of the 2011/2012 Financial Year.

1.0 BACKGROUND

1.1 The Original 2011/2012 Budget was adopted by Council as part of the 2011-2015 Delivery Program & Budget on 18 April 2011. The Revised 2011/12 Budget as a part of September quarterly review was adopted by Council on 21 November, and has been transferred to the Revised budget column in this report.

1.2 Councils Monthly reporting structure includes the following;

- **Consolidated Position**
 - Graphical Representation
 - Commentary
 - Consolidated Financial Statement
- **Operating Position**
 - Graphical Representation
 - Commentary
 - Operating Financial Statement
- **Balance Sheet**
- **Cash Flow Statement**
- **2011/12 Major Projects**

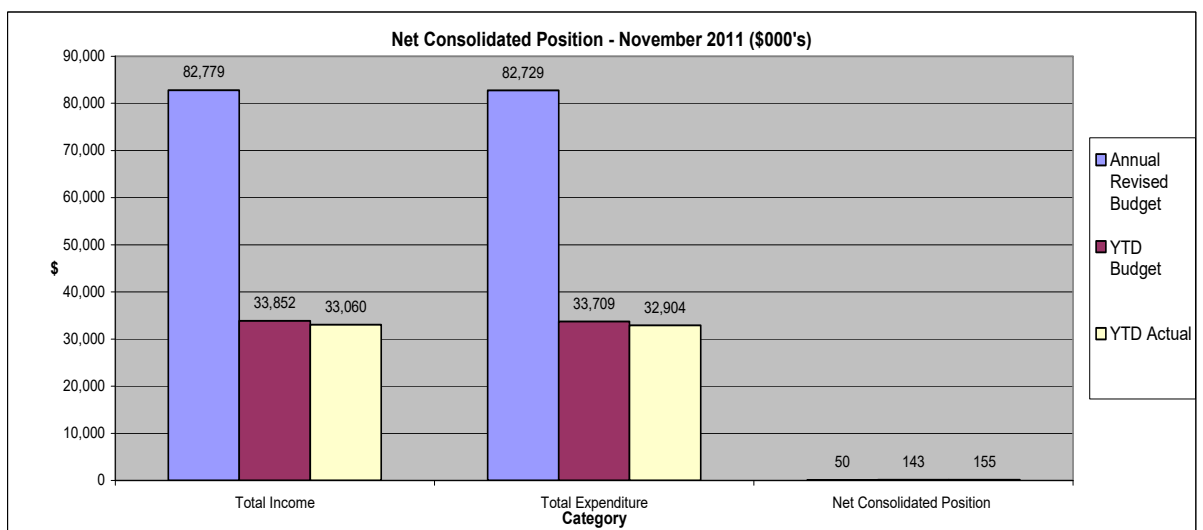
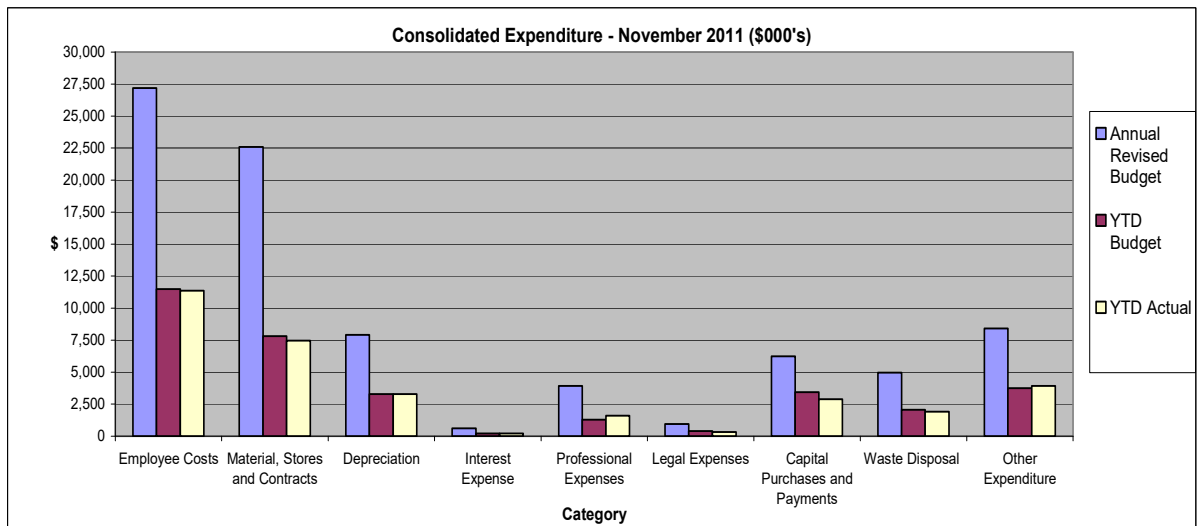
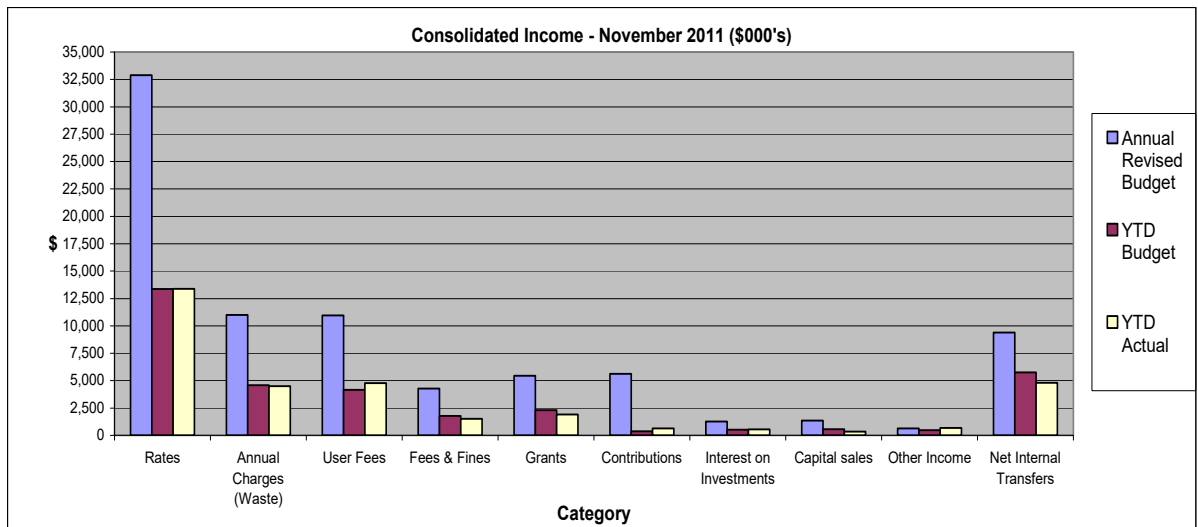
2.0 ISSUES

2.1 Consolidated Financial Statement

The Original 2011/2012 Budget was adopted by Council as part of the 2011-2015 Delivery Program & Budget on 18 April 2011. The Revised Budgets have been amended to reflect the revote figures as adopted by Council on 21 November 2011.

The year to date consolidated financial result for the period ending 30 November 2011 is an increase of Council funds of \$155,000. Compared to the year to date budget of an increase of Council funds of \$143,000 this represents a positive variance of \$12,000.

The graphical representation below outlines Council's major categories of consolidated income and expenditure.



2.2 Commentary - Consolidated YTD Budget Versus Actual – 30 November 11

YTD Consolidated Budget as at 30 November 2011 - Increase of Council Funds		\$	143,000
INCOME			
Increased User Fees mainly relating to Sydney Lakeside, Parking permits & Cemetery Income & Rental Income paid in Advance	\$	625,000	
Reduced Regulatory Fees & Fines mainly relating to Infringements & Fines	-\$	265,000	
Reduced Operating Grant Transfers mainly relating to Pensioner Rates Subsidy & Family Day Care Grant	-\$	313,000	
Reduced Capital Grant Transfers mainly due to works relating to Woorak Reserve and Careel Bay Wharf	-\$	90,000	
Increased Operating Contributions mainly relating to Restorations Contributions	\$	265,000	
Increased Other Income relating to Insurance, Legal Recoveries & Markets Income	\$	180,000	
Reduced Capital Sales Income mainly relating to Plant vehicle Sales	-\$	211,000	
Reduced Transfers from Reserve - S94 mainly relating to the timing of the Capital Works Program such as Woorak Reserve, Avalon Shopping Cent Upgrade	-\$	283,000	
Reduced Transfers from Reserve - Other mainly relating to Lakeside Capital works, Dinghy Storage, WWV Ingleside, Old B'joey Rd Avalon, & Prince Alfred Pde Works	-\$	789,000	
EXPENDITURE			
Reduced Salaries, Wages & On costs	\$	126,000	
Reduced Materials & Contract Services mainly due to timing of the Capital Works Program with a Corresponding reduction in Funds Transfers	\$	348,000	
Additional Professional Services mainly relating to WWV Review, Enforcement & Rates Recovery	-\$	317,000	
Reduced Sundry Services & Waste Disposal Expenditure	\$	157,000	
Additional Leases/Rental/Hire/Licences mainly due to Scotland Island, Road Rehabilitation Caravan Park, & Hitchcock Park works	-\$	107,000	
Reduced Capital Purchases mainly due to timing of Plant & Motor vehicle Purchases, Pay & Display Machines, and Library Book Purchases	\$	567,000	
Reduced Transfers to Reserve - Other mainly due to Road Reserve Sales, Dinghy & Energy Fund Works	\$	119,000	
YTD Consolidated Actual as at 30 November 2011 - Increase of Council Funds		\$	155,000

The above financial analysis represents the variations between the November 2011 YTD Budget and the actual flow of Income, Expenditure and the utilisation of associated funds as at 30 November 2011.

The overall difference in the November 2011 YTD Budget to Actual is a positive variance of \$12,000.

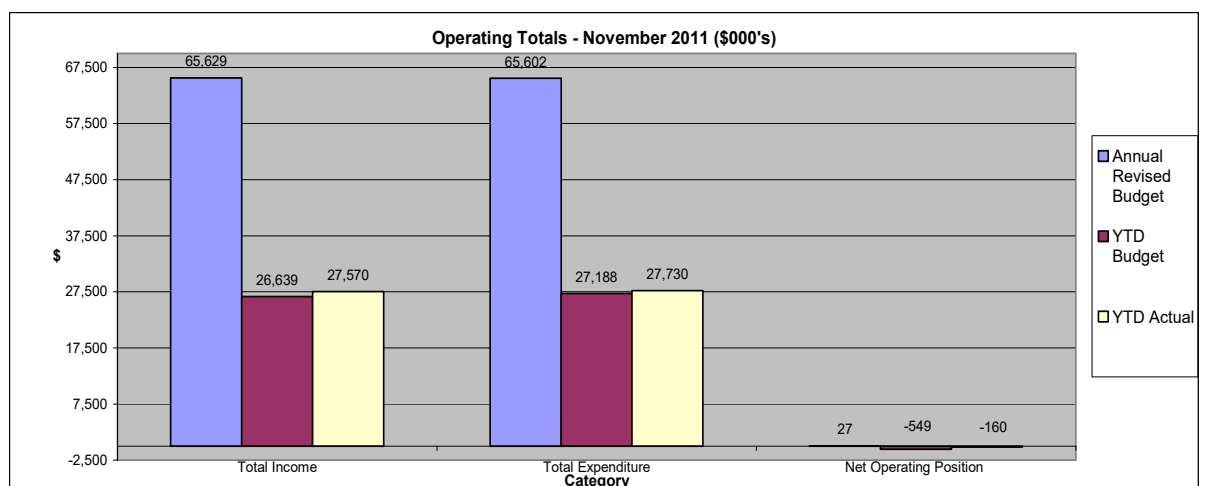
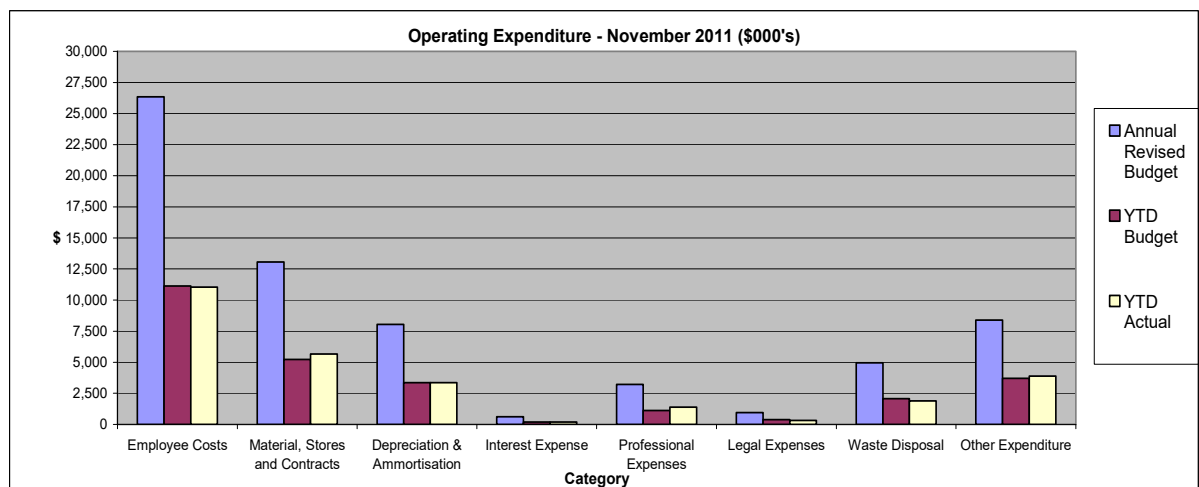
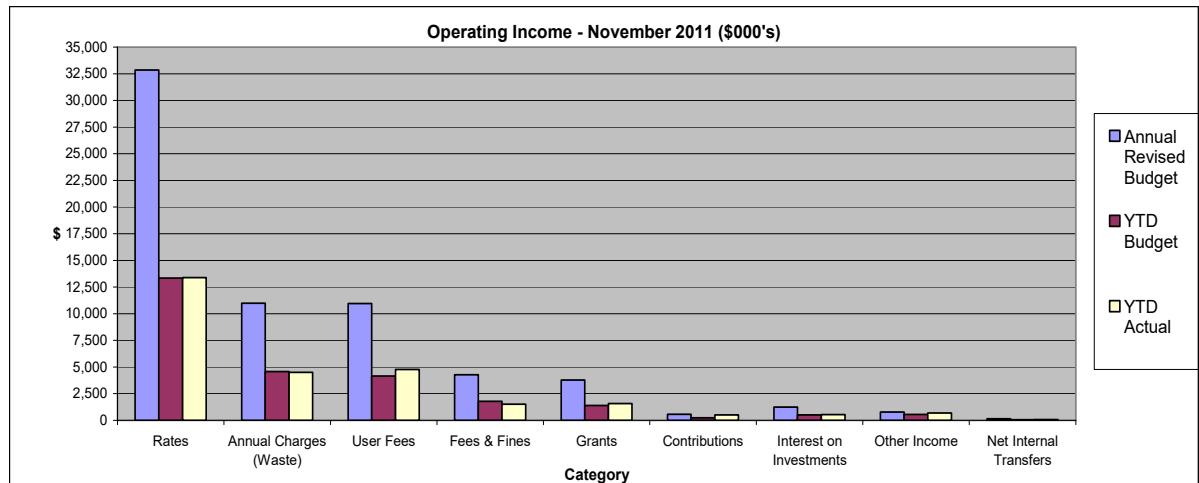
CONSOLIDATED STATEMENT

Pittwater Council Consolidated Statement For Period 5 Ending 30 November 2011							
Year to Date - \$000's			Annual Budget - \$000's				
Budget	Actual	Variance		Original	Revised	Projected	Variance
			Direct Income				
4,153	4,778	625	User Fees	10,529	10,960	10,960	0
712	656	-56	Regulatory Fees	1,709	1,709	1,709	0
1,070	862	-209	Regulatory Fines	2,576	2,570	2,570	0
1,408	1,094	-313	Operating Grant Transfers	3,343	3,782	3,782	0
898	808	-90	Capital Grant Transfers	902	1,667	1,667	0
130	119	-11	Capital Contributions	5,032	5,032	5,032	0
239	505	265	Operating Contributions	475	575	575	0
13,352	13,388	36	Rates Income	32,868	32,868	32,868	0
4,576	4,496	-80	Domestic Waste Charges	10,987	10,987	10,987	0
523	536	13	Return on Investments & Other Interest Income	1,355	1,255	1,255	0
302	302	0	Rebates Income	290	302	302	0
182	361	180	Other Income	252	327	327	0
564	353	-211	Capital Sales	1,355	1,355	1,355	0
28,108	28,258	150	Total Direct Income	71,671	73,388	73,388	0
			Indirect Income				
1,108	1,083	-25	Plant Hire Recovery	2,661	2,661	2,661	0
1,412	1,412	0	Notional Rental Income	3,389	3,389	3,389	0
178	246	68	Service Agreement Income	427	427	427	0
3,117	3,117	0	Overhead Recovery	7,484	7,484	7,484	0
873	794	-80	Contract Internal Income	2,097	2,097	2,097	0
3,290	3,289	-1	Transfer From Reserve-Depreciation	7,960	7,910	7,910	0
613	331	-283	Transfer From Reserve-S94	2,672	2,901	2,901	0
3,748	2,960	-789	Transfer From Reserve-Other	6,984	8,391	8,391	0
14,339	13,230	-1,109	Total Indirect Income	33,673	35,259	35,259	0
			Direct Expenditure				
8,561	8,477	84	Salaries & Wages	20,374	20,272	20,272	0
2,924	2,882	42	Other Employee Costs	6,844	6,899	6,899	0
528	586	-58	Materials	1,823	1,640	1,640	0
97	156	-58	Stores	231	234	234	0
19	49	-30	Minor Plant Purchases	45	45	45	0
1,055	1,136	-80	Plant & Equipment	2,218	2,225	2,225	0
6,103	5,528	575	Contract Services External	16,097	18,434	18,434	0
3,290	3,289	0	Depreciation Expense	7,960	7,910	7,910	0
202	197	5	Interest Expense	618	618	618	0
1,277	1,595	-317	Professional Expenses	3,120	3,917	3,917	0
396	318	78	Legal Expenses	950	950	950	0
213	116	97	Bad & Doubtful Debts	219	219	219	0
218	382	-164	Leases/Rentals/Hire/Licences	516	520	520	0
630	574	56	Public Utilities	1,513	1,513	1,513	0
155	131	24	Communications	271	371	371	0
153	137	16	Advertising	398	368	368	0
389	438	-49	Insurance	1,026	934	934	0
71	92	-21	Banking	170	170	170	0
247	188	58	Other Expenses	611	592	592	0
149	233	-84	Office Expenses	355	355	355	0
2,068	1,910	157	Sundry Services/Waste Disposal	4,958	4,961	4,961	0
80	92	-12	Memberships	91	114	114	0
1,452	1,532	-80	Levies/Contributions/Subsidies	3,004	3,242	3,242	0
3,434	2,867	567	Capital Purchases/Payments	5,951	6,226	6,226	0
33,709	32,904	805	Total Direct Expenditure	79,362	82,729	82,729	0
			Indirect Expenditure				
587	587	0	Corporate Development Overhead	1,409	1,409	1,409	0
622	622	0	IT Services Overhead	1,494	1,494	1,494	0
710	710	0	Financial Services Overhead	1,703	1,703	1,703	0
1,412	1,412	0	Accommodation Overhead	3,389	3,389	3,389	0
454	454	0	Insurance Overhead	1,089	1,089	1,089	0
362	362	0	Records Overhead	870	870	870	0
382	382	0	Customer Service Overhead	918	918	918	0
1,108	1,083	25	Plant Hire Charge Internal	2,661	2,661	2,661	0
873	794	80	Contract Services Internal Expense	2,097	2,097	2,097	0
163	233	-70	Service Agreement Expense	392	392	392	0
130	119	11	Transfer To Reserve-S94	2,783	3,070	3,070	0
1,792	1,672	119	Transfer To Reserve-Other	7,095	6,776	6,776	0
8,595	8,429	166	Total Indirect Expenditure	25,900	25,868	25,868	0
143	155	12	Increase/(call) on Council Funds	82	50	50	0

2.3 Operating Statement

The year to date Operating Result before Capital for the period ending 30 November 2011 is a deficit of \$160,000. Compared to the Year to Date budget of a \$549,000 deficit this amounts to a positive variance of \$389,000.

The graphical representation below outlines Council's major categories of Operating income and expenditure.



2.4 Commentary – Operating YTD Budget Versus Actual – 30 November 11

YTD Operating Results before Capital Budget as at 30 November 2011	-\$	549,000
INCOME		
Increased User Fees mainly relating to Sydney Lakeside, Parking permits & Cemetery Income & Rental Income paid in Advance	\$	625,000
Reduced Regulatory Fees & Fines mainly relating to Infringements & Fines	-\$	265,000
Increased Operating Grant Transfers mainly relating to Fee Relief Grant, and Waste & Sustainability Improvement (WASIP) Works	\$	173,000
Additional Operating Contributions mainly relating to Restorations Income	\$	265,000
Increased Other Income relating to Insurance, Legal Recoveries & Markets Income	\$	182,000
EXPENDITURE		
Reduced Salaries, Wages & On costs	\$	91,000
Additional Materials, Stores & Contract Services External mainly relating to Urban Roads & Restorations Maintenance, Building/Reserve/Wharf/ Rugby Park & Playground works Expenditure	-\$	443,000
Additional Professional Services mainly relating to WWV Review, Enforcement & Rates Recovery Expenditure	-\$	294,000
Reduced Sundry Services & Waste Disposal Expenditure	\$	181,000
Additional Other Expenditure	-\$	46,000
Additional Levies/Contributions/Subsidies	-\$	80,000
YTD Operating Results before Capital Actuals as at 30 November 2011	-\$	160,000

The above financial analysis represents the variations between the November 2011 YTD Budget and the actual flow of Income and Expenditure as at 30 November 2011.

The overall difference in the November 2011 YTD Budget to Actual is a positive variance of \$389,000.

OPERATING STATEMENT

Pittwater Council Operating Statement For Period 5 Ending 30 November 2011							
Year to Date - \$000's			Annual Budget - \$000's				
Budget	Actual	Variance		Original	Revised	Projected	Variance
			Direct Income				
4,153	4,778	625	User Fees	10,529	10,960	10,960	0
712	656	-56	Regulatory Fees	1,709	1,709	1,709	0
1,070	862	-209	Regulatory Fines	2,576	2,570	2,570	0
1,408	1,580	173	Operating Grant Income	3,343	3,782	3,782	0
239	505	265	Operating Contributions	475	575	575	0
13,352	13,388	36	Rates Income	32,868	32,868	32,868	0
4,576	4,496	-80	Domestic Waste Charges	10,987	10,987	10,987	0
523	536	13	Return on Investments & Other Interest Income	1,355	1,255	1,255	0
302	302	0	Rebates Income	290	302	302	0
182	363	182	Other Income	252	327	327	0
67	31	-35	Profit / (Loss) on Sale of Assets	160	160	160	0
0	0	0	Gain from Joint Venture Assets	0	0	0	0
26,582	27,497	915	Total Direct Income	64,543	65,494	65,494	0
			Indirect Income				
1,108	1,084	-24	Plant Hire Recovery	2,661	2,661	2,661	0
178	246	68	Service Agreement Income	427	427	427	0
873	794	-80	Contract Internal Income	2,097	2,097	2,097	0
2,159	2,124	-36	Total Indirect Income	5,184	5,184	5,184	0
			Direct Expenditure				
8,311	8,256	55	Salaries & Wages	19,784	19,681	19,681	0
2,827	2,791	36	Other Employee Costs	6,613	6,668	6,668	0
324	469	-145	Materials	798	820	820	0
97	131	-33	Stores	231	234	234	0
19	36	-17	Minor Plant Purchases	45	45	45	0
1,019	1,077	-57	Plant & Equipment	2,218	2,189	2,189	0
3,761	3,952	-191	Contract Services External	9,705	9,788	9,788	0
3,349	3,348	0	Depreciation Expense & Ammortisation	8,101	8,051	8,051	0
202	197	5	Interest Expense	618	618	618	0
1,104	1,397	-294	Professional Expenses	2,443	3,202	3,202	0
396	317	79	Legal Expenses	950	950	950	0
213	116	97	Bad & Doubtful Debts	219	219	219	0
216	333	-118	Leases/Rentals/Hire/Licences	516	518	518	0
630	573	57	Public Utilities	1,513	1,513	1,513	0
113	140	-27	Communications	271	371	371	0
153	136	17	Advertising	398	368	368	0
389	438	-49	Insurance	1,026	934	934	0
71	92	-21	Banking	170	170	170	0
247	188	59	Other Expenses	611	592	592	0
149	232	-83	Office Expenses	355	355	355	0
2,068	1,887	181	Sundry Services/Waste Disposal	4,958	4,961	4,961	0
80	92	-12	Memberships	91	114	114	0
1,452	1,532	-80	Levies/Contributions/Subsidies	3,004	3,242	3,242	0
27,188	27,730	-542	Total Direct Expenditure	64,636	65,602	65,602	0
			Indirect Expenditure				
1,067	1,038	28	Plant Hire Charge Internal	2,561	2,561	2,561	0
873	794	80	Contract Services Internal Expense	2,097	2,097	2,097	0
163	219	-56	Service Agreement Expense	392	392	392	0
2,103	2,051	52	Total Indirect Expenditure	5,049	5,049	5,049	0
-549	-160	389	Operating Results before Capital	41	27	27	0
1,028	988	40	Grants & Contributions - Capital	4,534	4,299	4,299	0
0	0	0	Material Public Benefits - S94	0	0	0	0
478	828	350	Change in Net Assets - Resulting from Opera	4,575	4,326	4,326	0

2.5 Balance Sheet

Council's actual change in equity for the period ending 30 November 2011 is an increase of \$828,000 (net change in assets resulting from operations) and now stands at \$1.310 billion as represented in Council's Balance Sheet below:

Pittwater Council Balance Sheet For Period 5 Ending 30 November 2011			
Actual 30/11/2011 \$'000's		Projected 30/06/2012 \$'000	Actual 30/06/2011 \$'000
CURRENT ASSETS			
19,585	Cash Assets	1,376	1,994
8,815	Investments	21,140	22,267
3,204	Receivables	4,192	4,546
66	Inventories	60	57
859	Other	300	300
4,625	Non Current Assets held for sale	4,625	4,625
<u>37,154</u>	TOTAL CURRENT ASSETS	<u>31,693</u>	<u>33,789</u>
NON-CURRENT ASSETS			
0	Investments	0	0
0	Receivables	870	870
0	Inventories	0	0
1,280,163	Infrastructure Property, Plant and Equipment	1,287,787	1,281,024
5,494	Investments Accounted for using the Equity Method	5,494	5,494
1,750	Investment Property	1,750	1,750
3,199	Intangible Assets	3,092	3,234
<u>1,290,606</u>	TOTAL NON-CURRENT ASSETS	<u>1,298,993</u>	<u>1,292,372</u>
<u><u>1,327,760</u></u>	TOTAL ASSETS	<u><u>1,330,686</u></u>	<u><u>1,326,161</u></u>
CURRENT LIABILITIES			
4,931	Payables	2,415	3,791
1,328	Interest Bearing Liabilities	975	881
6,321	Provisions	6,328	6,191
<u>12,580</u>	TOTAL CURRENT LIABILITIES	<u>9,718</u>	<u>10,863</u>
NON-CURRENT LIABILITIES			
0	Payables	0	0
4,759	Interest Bearing Liabilities	7,054	5,715
165	Provisions	160	155
<u>4,924</u>	TOTAL NON-CURRENT LIABILITIES	<u>7,214</u>	<u>5,870</u>
<u><u>17,504</u></u>	TOTAL LIABILITIES	<u><u>16,932</u></u>	<u><u>16,733</u></u>
<u><u>1,310,256</u></u>	NET ASSETS	<u><u>1,313,754</u></u>	<u><u>1,309,428</u></u>
EQUITY			
1,310,256	Accumulated Surplus/ (Deficit)	1,313,754	1,309,428
	Asset Revaluation Reserve		
<u><u>1,310,256</u></u>	TOTAL EQUITY	<u><u>1,313,754</u></u>	<u><u>1,309,428</u></u>

2.6 Cash Flow Statement

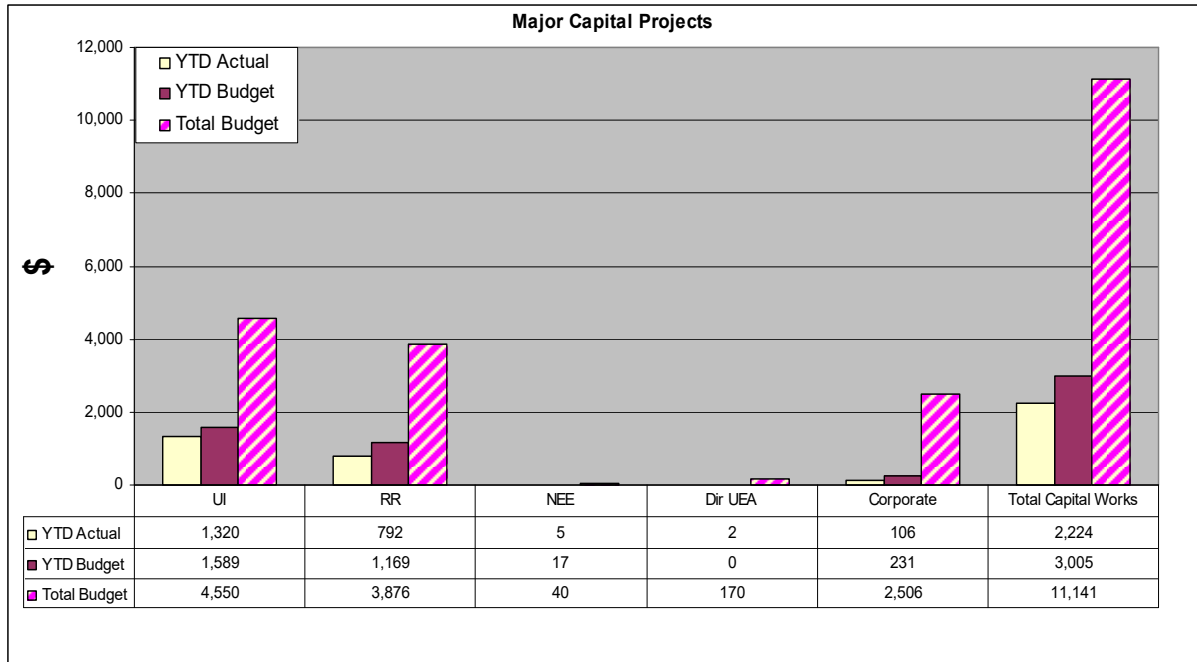
The actual Cash flow for the period ended 30 November 2011 is a net inflow of \$4.139 million. Compared to the year to date budget of \$2.938 million this amounts to a positive variance of \$1.201 million. This positive variance is mainly due to the timing of the Capital works Program.

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

Pittwater Council Cash Flow Statement For Period 5 Ending 30 November 2011							
Year to Date - \$000's			Annual Budget - \$000's				
Budget	Actual	Variance		Original	Revised	Projected	Variance
Cash Inflows							
23,276	23,232	-44	Rates & Garbage	43,746	43,627	43,627	0
2,852	2,449	-403	Grants	4,245	4,913	4,913	0
5,462	6,087	625	User Charges	10,529	10,960	10,960	0
1,782	1,613	-169	Regulatory Fees & Fines	4,285	4,279	4,279	0
369	505	136	Contributions & Donations	475	575	575	0
523	521	-2	Return on Investments & Other Interest Income	1,355	1,255	1,255	0
564	353	-211	Sale of Assets (Excluding Land)	1,355	1,355	1,355	0
0	0	0	Sale of Land	0	0	0	0
550	568	18	Other	542	629	629	0
130	119	-11	S94 Contributions Received	2,632	2,632	2,632	0
0	0	0	Proceeds from loan	2,400	2,400	2,400	0
0	191	191	GST Net Inflow	0	0	0	0
35,508	35,638	130	Total Inflows	71,562	72,625	72,625	0
Cash Outflows							
8,872	8,788	84	Employee Salary & Wages	20,374	20,272	20,272	0
2,781	2,739	42	Employee Other Costs	6,395	6,450	6,450	0
1,180	1,180	0	Insurance Claims/Premiums	1,026	934	934	0
1,557	1,637	-80	Levies & Contributions	3,004	3,167	3,167	0
13,800	13,420	380	Materials/Stores/Contracts	32,635	35,753	35,753	0
396	318	78	Legal Expenses	950	950	950	0
42	42	0	Loan Interest Repayments	618	618	618	0
299	299	0	Loan Principal Repayments	949	949	949	0
3,643	3,076	567	Purchase Of Assets	5,002	5,277	5,277	0
32,570	31,499	1,071	Total Outflows	70,953	74,370	74,370	0
2,938	4,139	1,201	Net Inflows/(Outflows)	609	-1,745	-1,745	0
24,261	24,261	0	Funds Carried Forward from Prior Year	20,629	24,261	24,261	0
27,199	28,400	1,201	Total General Fund	21,238	22,516	22,516	0
8,618	8,806	-188	Less Restricted Assets	6,483	9,187	9,187	0
800	1,159	-359	Less Unexpended Grants	800	800	800	0
10,441	11,192	-751	Less Internal Reserves	11,420	10,865	10,865	0
7,340	7,243	-97	Increase/(call) on Council Funds	2,535	1,664	1,664	0

2.7 2011/2012 Major Projects

The total budget expenditure for Major projects amounted to \$11.141 million as amended in the September Quarterly Review. The actual Expenditure for the period ended 30 November 2010 amount to \$2.224 million. Budgeted Expenditure versus Actual Expenditure of the CIP is outlined below:



2011/2012 MAJOR PROJECTS		Revised	Projected	Gross	Percentage
PERIOD ENDING 30th November 2011		Total	Total	Exp	Complete
TOP TEN JOBS BY PROJECTED BUDGET	Comment	Budget	Budget	Actual	%
Sydney Lakeside Upgrade Cabins	Lakeside Cabins Purchase	1,400,000	1,400,000	-	0%
Narrabeen Creek - Corridor B - Stage 1	S94 WWV Funded Project	895,000	895,000	8,124	0%
Deep Creek Pedestrian Bridge - Construction	RTA/Warringah/Pittwater Joint Funded	476,360	476,360	452,009	95%
Woorak Reserve	Grant, Marine Reserve Funded	412,150	412,150	304,503	74%
Regional Playground Sector 8	S94 WWV Funded Project	300,000	300,000	1,671	1%
PB Ferry Wharf	Grant, Marine Reserve Funded	256,521	256,521	4,365	2%
RTA Funding Traffic Signs & Linemarking	Ongoing Road Works	207,507	207,507	76,444	37%
Sydney Lakeside Improvements	Ongoing Works	207,065	207,065	-	0%
Revolving Energy Fund	Energy Efficiency Projects	200,500	200,500	5,215	3%
Elanora Commercial Centre upgrade	S94 Plan 19 Funded Project	150,000	150,000	-	0%

3.0 SUSTAINABILITY ASSESSMENT

This Report does not require a sustainability assessment.

4.0 EXECUTIVE SUMMARY

4.1 In providing the Council with the financial results for the period ending 30 November 2011 the following information should be noted:

- The year to date Consolidated financial result for the period ending 30 November 2011 is an increase on Council funds of \$155,000. Compared to the year to date budget of \$143,000, this represents a positive variance of \$12,000.
- The year to date Operating Result before Capital for the period ending 30 November 2011 is a deficit of \$160,000. Compared to the Year to Date Budget of \$549,000 deficit this amounts to a positive variance of \$389,000.
- The Major Projects Program year to date expenditure stands as \$2.224 million as at 30 November 2011.
- The actual Cash flow for the period ended 30 November 2011 is a net inflow of \$4.139 million. Compared to the year to date budget of \$2.938 million, this amounts to a positive variance of \$1.201 million.

RECOMMENDATION

That the Year to date financial results for the period ending 30 November 2011 be noted, including:

- Consolidated financial result being an increase of Council funds of \$155,000.
- Operating result before capital being a deficit of \$160,000.
- Major Projects Program expenditure stands as \$2.224 million.
- Cash and investment position stands at \$28.400 million.

Report prepared by
Myles Thana, Management Accountant

Mark Jones
CHIEF FINANCIAL OFFICER

C10.2 Investment Balances for the Month of November 2011

Meeting: Governance Committee

Date: 19 December 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 November 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 November 2011:

Term deposits interest income:	\$	127,075
Tradable CDO/FRN interest income:	\$	-
Tradable CDO/FRN capital movement:	\$	<u>(26,364)</u>
Net investment income for November 2011:	\$	100,711

YEAR TO DATE RETURN

Investment return year to date November 2011:

Term deposits interest income:	\$	646,801
Tradable CDO/FRN interest income:	\$	23,050
Tradable CDO/FRN capital movement:	\$	<u>(201,766)</u>
Net investment return year to date:	\$	468,085

Projected investment return budget for financial year.	\$	1,125,000
--	----	-----------

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

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

Year to	Net Return	Return on average funds invested
June 2008	\$ 594,815	2.3%
June 2009	\$ 534,575	2.4%
June 2010	\$1,364,315	6.1%
June 2011	\$1,521,223	5.9%
November 2011	\$ 468,085	4.2%
Projected Budget	\$1,125,000	5.3%

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

This Report does not require a sustainability assessment.

4.0 EXECUTIVE SUMMARY

4.1 The net investment return as at 30 November 2011 is a gain of \$ 468,085.

RECOMMENDATION

That the information provided in the report be noted, including the 2011/12 net investment return of \$ 468,085.

Report prepared by
Renaë Wilde, Senior Project Accountant

Mark Jones
CHIEF FINANCIAL OFFICER

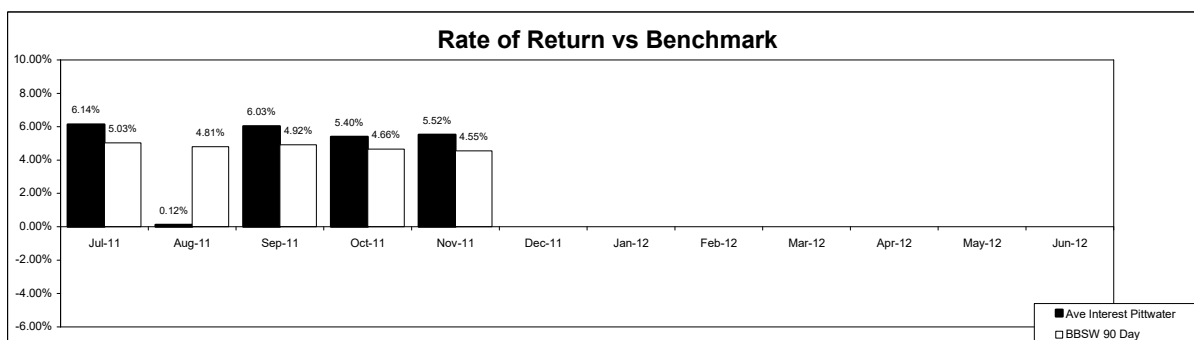
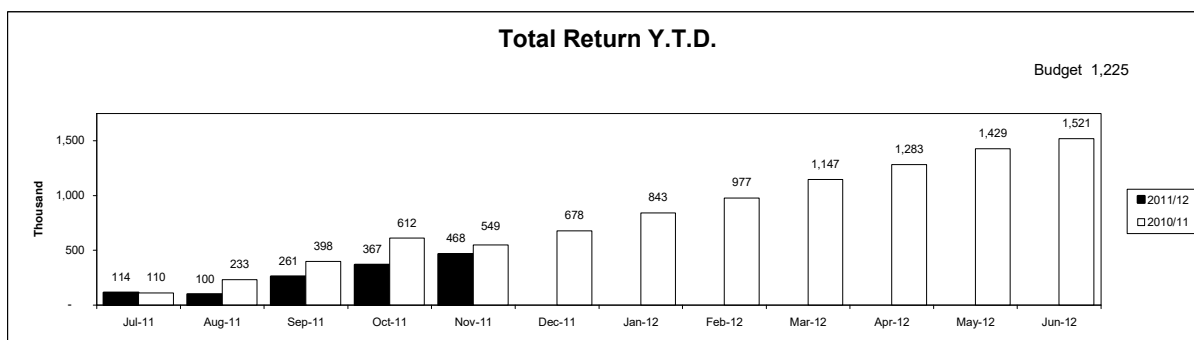
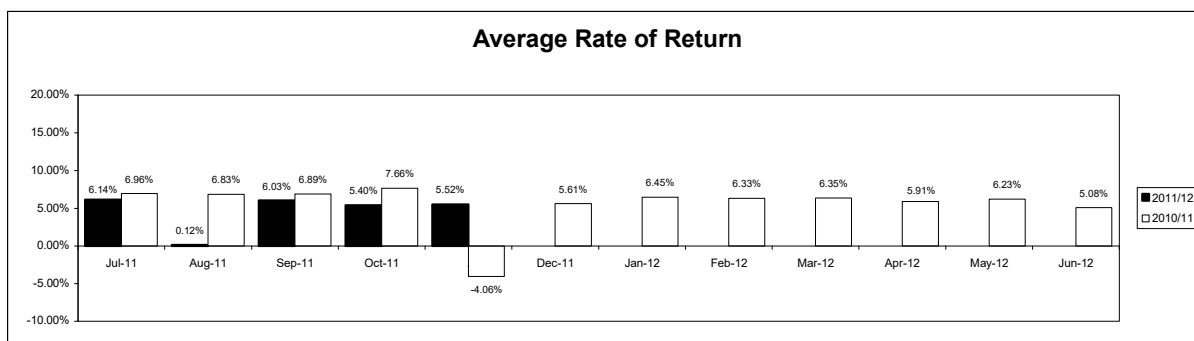
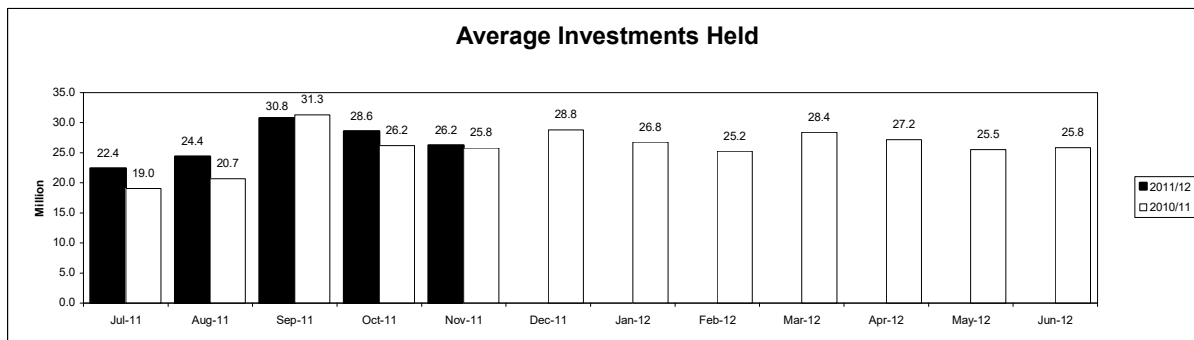
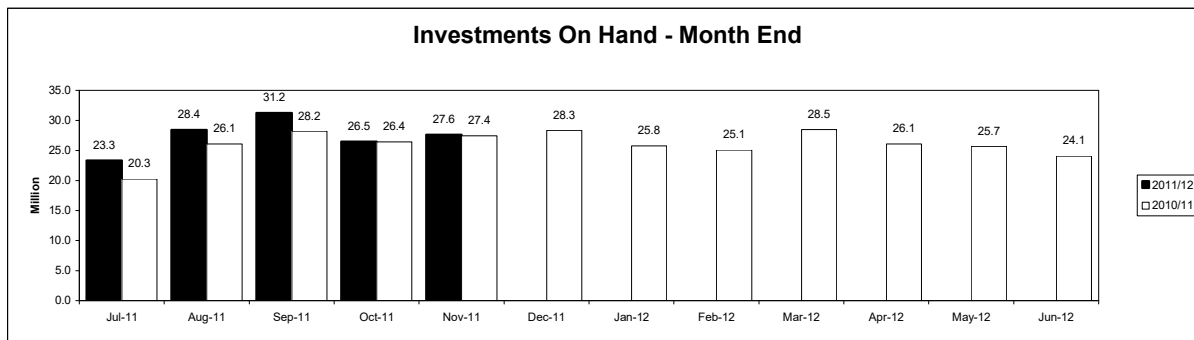


PITTWATER COUNCIL

INVESTMENT BALANCES

As at 30th November 2011

TYPE	INSTITUTION	Rating	AMOUNT \$	DATE INVESTED	MATURITY DATE	TERM (DAYS)	INTEREST RATE
At Call	NAB	AA	800,000.00	At Call	At Call	1	5.00%
At Call Total			800,000.00				
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	750,000.00	9-Nov-11	7-Feb-12	90	5.83%
Term Dep	IMB Society	BBB	1,000,000.00	15-Nov-11	21-Feb-12	98	5.80%
Investee Total			3,500,000.00				
Term Dep	Suncorp-Metway	A+	1,000,000.00	30-Nov-11	2-Mar-12	93	5.75%
Investee Total			1,000,000.00				
Term Dep	Bankwest	AA	1,000,000.00	8-Nov-11	19-Dec-11	41	5.65%
Term Dep	Bankwest	AA	1,000,000.00	28-Feb-11	28-Feb-12	365	6.05%
Term Dep	Bankwest	AA	1,000,000.00	16-Mar-11	15-Mar-12	365	5.95%
Investee Total			3,000,000.00				
Term Dep	Newcastle Permanent	BBB+	1,000,000.00	1-Dec-10	1-Dec-11	365	6.25%
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%
Term Dep	Newcastle Permanent	BBB+	1,000,000.00	18-Nov-11	23-Jan-12	66	5.81%
Term Dep	Newcastle Permanent	BBB+	1,000,000.00	22-Nov-11	27-Jan-12	66	5.80%
Term Dep	Newcastle Permanent	BBB+	1,000,000.00	28-Nov-11	28-Dec-11	30	5.46%
Investee Total			6,000,000.00				
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%
Investee Total			6,500,000.00				
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	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%
Term Dep	NAB	AA	1,000,000.00	22-Nov-11	21-Mar-12	120	5.82%
Term Dep	NAB	AA	1,000,000.00	23-Nov-11	22-Mar-12	120	5.82%
Term Dep	NAB	AA	1,000,000.00	29-Nov-11	30-May-12	183	5.79%
Investee Total			6,000,000.00				
Longreach Capital Markets							
Portfolio Manager							
Structured Note	Citigroup (see investment information)	A+	500,000.00	28-Jun-07	28-Jun-14		0.00%
Investee Total			500,000.00				
* Arranging Institution							
Floating Rate CDO	* Lehman Bros	under review	76,000.00	07-Apr-08	20-Mar-13		suspended
Floating Rate CDO	* J P Morgan	CCC-	3,278.00	06-Jul-06	20-Jun-13		bbsw + 1.20%
Floating Rate CDO	* J P Morgan	CCC	35,555.00	13-Oct-05	20-Mar-14		bbsw + 1.00%
Floating Rate CDO	* Merrill Lynch	CCC-	1,180.50	25-Feb-07	23-Jun-14		bbsw + 1.30%
Floating Rate CDO	* Lehman Bros	under review	190,000.00	20-Mar-07	20-Sep-14		suspended
Floating Rate CDO	* Morgan Stanley	CCC-	9,080.00	15-Aug-06	20-Jun-15		bbsw + 2.00%
Investee Total			315,093.50				
						Nov BBSW Close	4.55%
TOTAL INVESTMENTS			\$27,615,093.50				



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 \$479,550

C10.3 Legal Expenditure as at 30 November 2011

Meeting: Governance Committee

Date: 19 December 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 November 2011.

1.0 BACKGROUND

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

2.0 ISSUES

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

Gross Legal Expenditure Breakdown:

- Total Solicitor Fees at 30/11/11: \$ 238,574
- Total Other Associated Expenditure at 30/11/11: \$ 79,484

Total Gross Legal Expenditure at 30/11/11: \$ 318,058

3.0 SUSTAINABILITY ASSESSMENT

No sustainability assessment is required.

4.0 EXECUTIVE SUMMARY

4.1 The Gross Legal Expenditure to 30 November 2011 is \$ 318,058 which is lower than the Year to Date Budget for 2011/12.

RECOMMENDATION

That the information provided in the report (**see Attachment 1**) be noted.

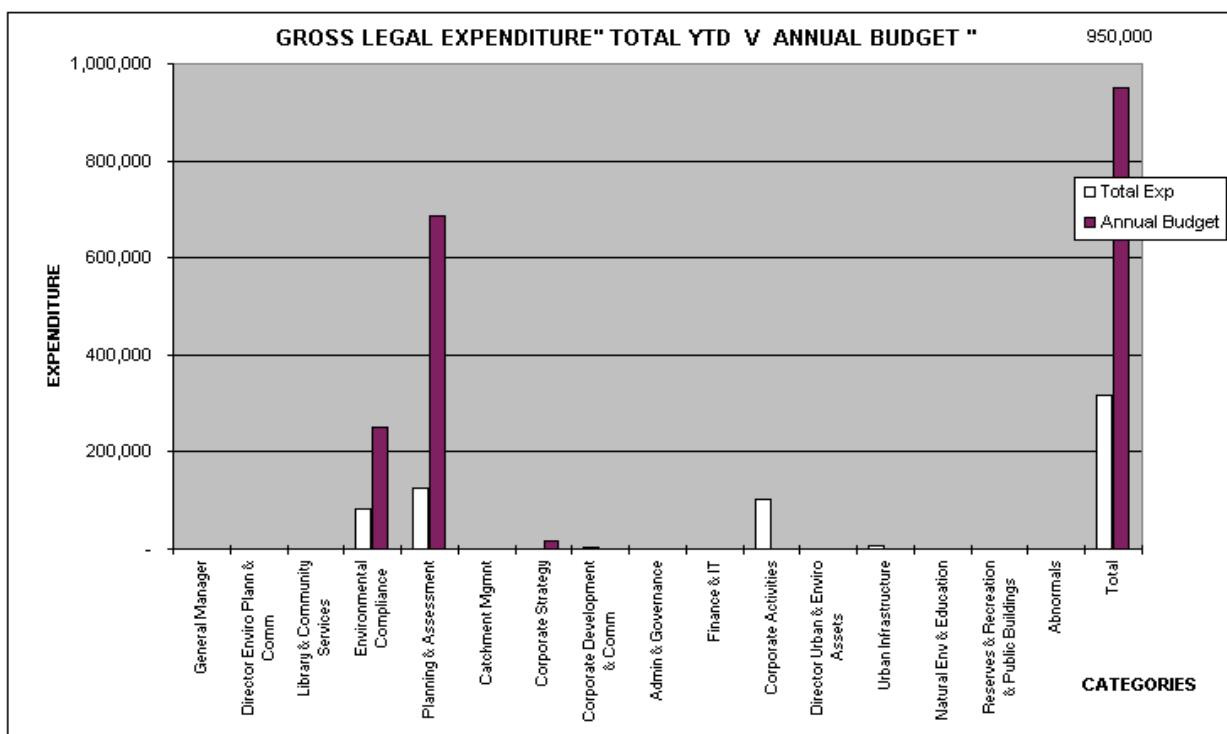
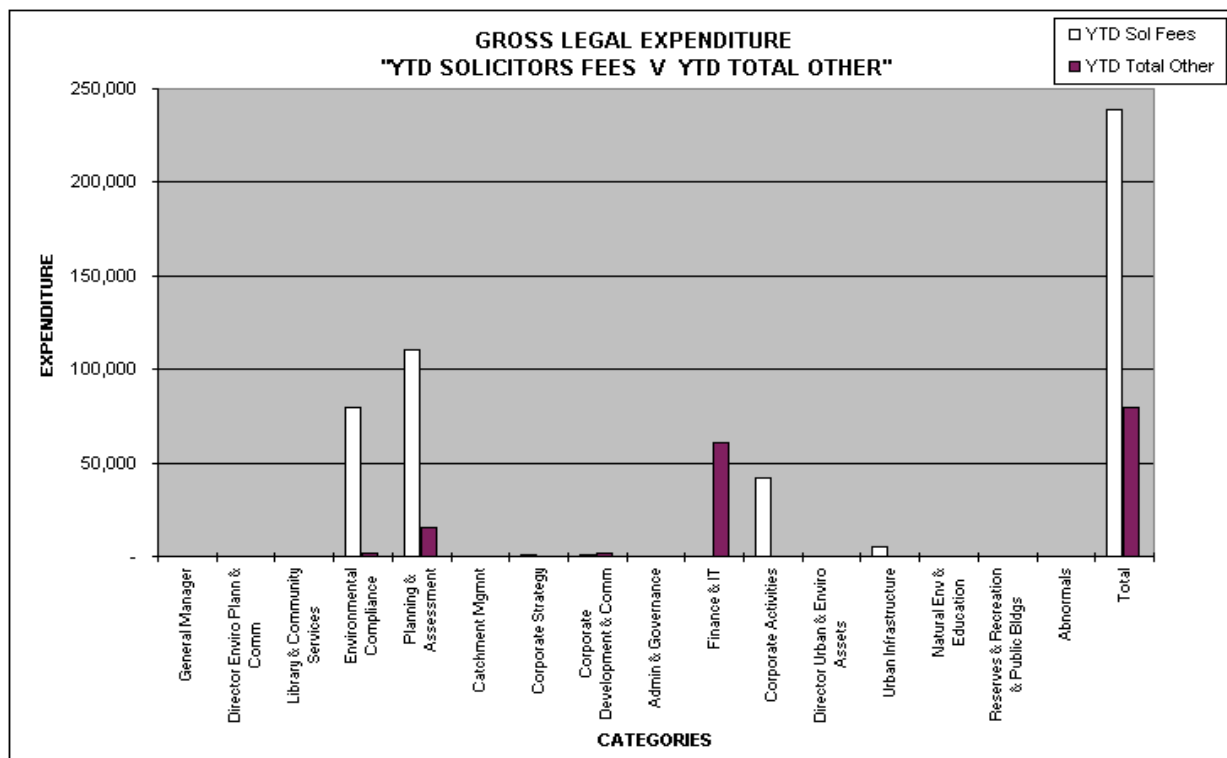
Report prepared by
Renae Wilde, Senior Project Accountant

Mark Jones
CHIEF FINANCIAL OFFICER

LEGAL EXPENDITURE TOTALS AND GRAPHICAL REPRESENTATION

as at 30th November 2011

Solicitors Other Expenditure	Solicitors Fees Expenditure	Third Party Expenditure	Total Expenditure	Current Year Budget	Current Year Inc/Recov/Reversal
21,138	238,574	58,346	318,058	950,000	9,033

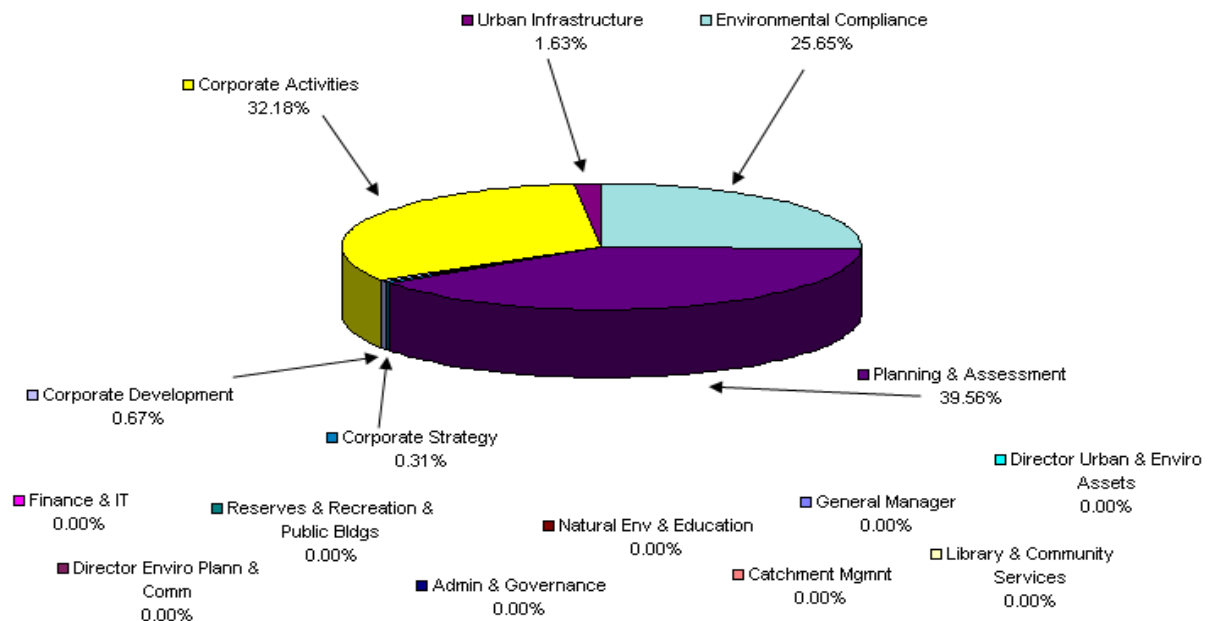


LEGAL EXPENDITURE **TOTALS AND GRAPHICAL REPRESENTATION**

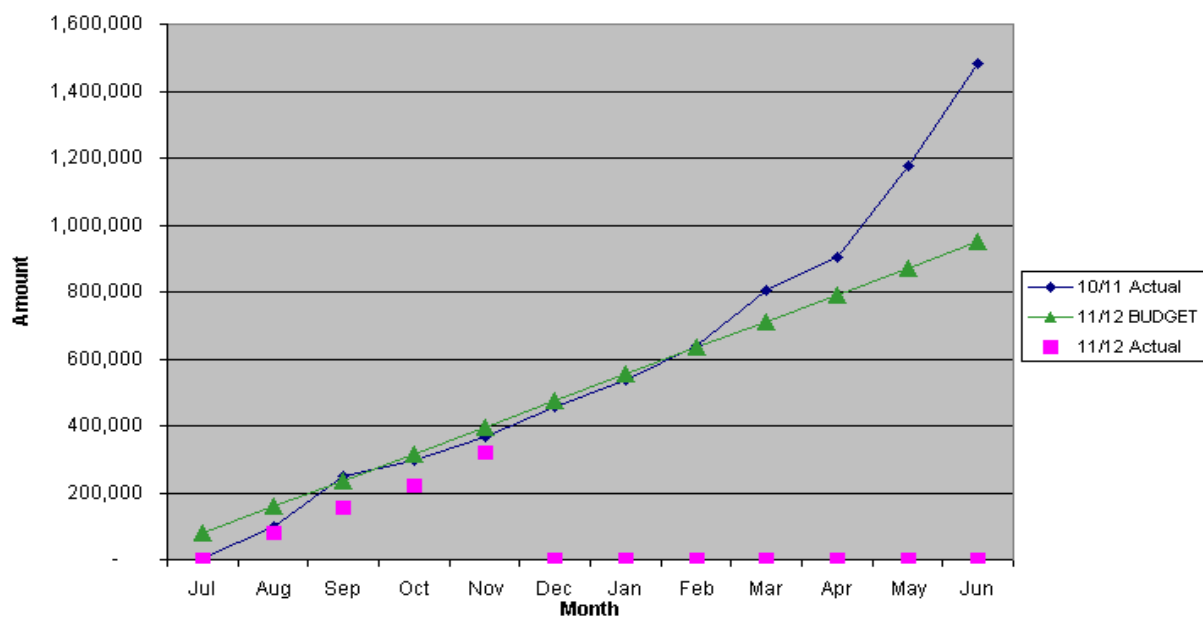
as at 30th November 2011

Solicitors Other Expenditure	Solicitors Fees Expenditure	Third Party Expenditure	Total Expenditure	Current Year Budget	Current Year Inc/Recov/Reversal
21,138	238,574	58,346	318,058	950,000	9,033

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



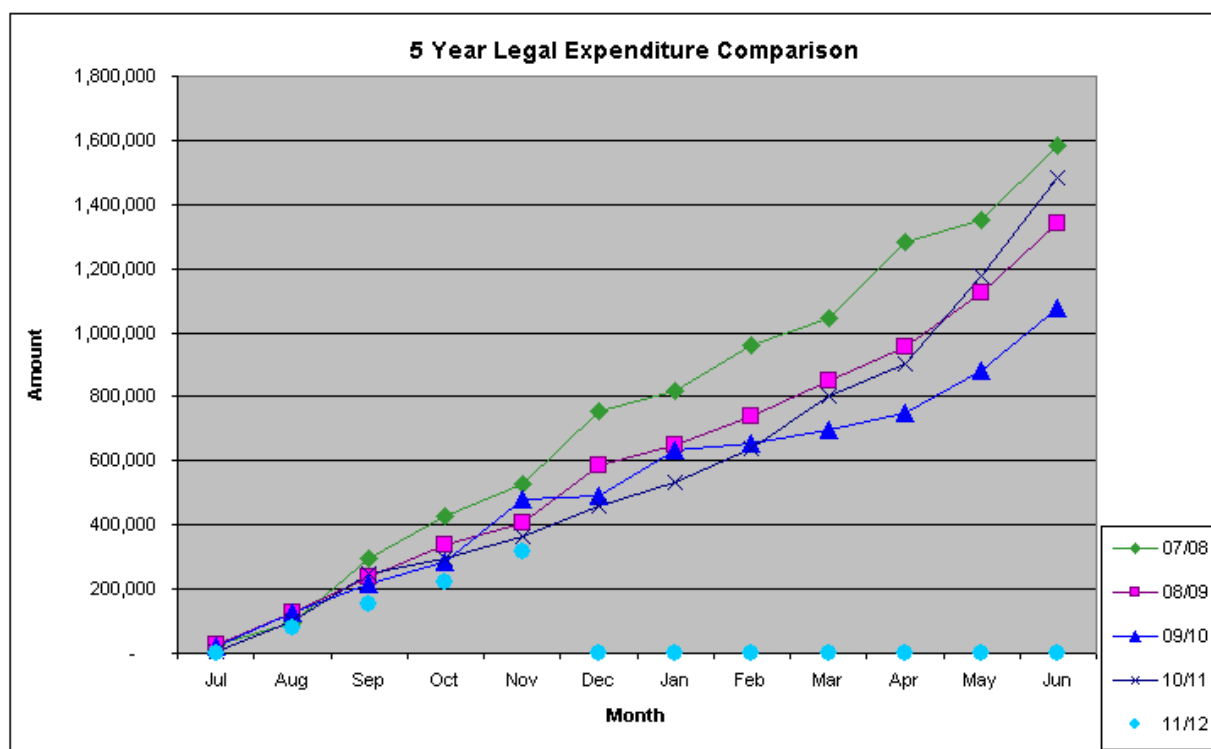
Gross Legal Expenditure - This Yr vs Last Yr



LEGAL EXPENDITURE **TOTALS AND GRAPHICAL REPRESENTATION**

as at 30th November 2011

Solicitors Other Expenditure	Solicitors Fees Expenditure	Third Party Expenditure	Total Expenditure	Current Year Budget	Current Year Inc/Recov/Reversal
21,138	238,574	58,346	318,058	950,000	9,033



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	\$ 102,353	\$ 13,742	\$ 116,095
38-40 St Andrews Gate Elanora Heights	Deemed Refusal	\$ 69,466	\$ -	\$ 69,466
21 Bungan Lane Mona Vale	Deemed Refusal	\$ 51,579	\$ 16,244	\$ 67,824
6 Polo Avenue Mona Vale	Contempt of Court Proceedings Unauthorised Land Use	\$ 36,572	\$ 1,441	\$ 38,013
14 - 18 Boondah Road Warriewood*	Challenge Approval	\$ 20,097	\$ 278,778	\$ 298,875
979 Barrenjoey Road Palm Beach	Appeal Against Fines Imposed Unauthorised Works	\$ 7,208	\$ -	\$ 7,208
13 Ruskin Rowe Avalon	Tree Preservation Order	\$ 5,734	\$ 2,966	\$ 8,700
113A McCarrs Creek Road Church Point	Driveway Construction	\$ 5,195	\$ -	\$ 5,195
3 Beaconsfield Street Newport	Unauthorised Use of Premises	\$ 4,808	\$ 2,866	\$ 7,674
254 Powderworks Road Ingleside	Unauthorised Land Use	\$ 4,787	\$ -	\$ 4,787
		\$ 307,799	\$ 316,037	\$ 623,836

* 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.

C10.4 Monthly Contractors & Staff Report - October 2011

Meeting: Governance Committee

Date: 19 December 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 October 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 down 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

This report does not require a sustainability assessment.

4.0 EXECUTIVE SUMMARY

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

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

Report prepared by

Mark Jones
CHIEF FINANCIAL OFFICER

Appointments of Council Staff in October 2011

Business Unit	Position	Status (PFT,TFT,PPT, TPT, Secondment)	Start Date	Finish Date	Reason for Appointment
CL&ED	Library Assistant	PPT	15/10/11		Recruitment Vacancy
CL&ED	Library Assistant	PPT	30/10/11		Recruitment Vacancy
RR&BS	Bushland Management Officer	PPT	31/10/11		Recruitment Vacancy
CL&ED	Administration Officer	PPT	31/10/11		Recruitment Vacancy

Terminations of Council Staff in October 2011

Business Unit	Position	Status (PFT,TFT,PP T,TPT Secondment)	Start Date	Finish Date
No Terminations				

Contract Engagements

Division/Unit	Name of Approved Consultant/Contract or/ Agency	Position Type of Work	Terms of Engagement	Cost to Council	Term
Corporate Development	Tempnet	Casual Parking Officers – EC	Contract Agreement	\$30,372	1 Month
Corporate Development	Tempnet	Assistant Development Officers – P&A	Contract Agreement	\$22,895	1 Month
Corporate Development	Tempnet	CEC Educators – NE&E	Contract Agreement	\$13,188	1 Month
Corporate Development	Tempnet	Executive Assistant to Director – P&A	Contract Agreement	\$2,736	1 Month
Corporate Development	Tempnet	Projects Officer – NE&E + RR&BS	Contract Agreement	\$6,466	1 Month
Corporate Development	Tempnet	Administration Officers - EC	Contract Agreement	\$13,034	1 Month
Corporate Development	Tempnet	Education Officer - EC	Contract Agreement	\$9,052	1 Month
Corporate Development	Tempnet	Noxious Weeds Officer – RR&BS	Contract Agreement	\$2,967	1 Month
Corporate Development	Tempnet	Asset Systems - UI	Contract Agreement	\$5,789	1 Month

Division/Unit	Name of Approved Consultant/Contract or/ Agency	Position Type of Work	Terms of Engagement	Cost to Council	Term
Corporate Development	FP Leonard Advertising P/L	Recruitment advertising – P&A, UI & A&G positions	Contract Agreement	\$7,458	1 Month
Reserves, Recreation & Building Services	Amack	Earth works at Hitchcock Park	Contract Agreement	\$20,371	1 Month
Reserves, Recreation & Building Services	Camden soil	Top dressing of Boondah, Porter & Warriewood with organic soil	Contract Agreement	\$29,460	1 Month
Reserves, Recreation & Building Services	Broons	Compact roller at Hitchcock Park	Contract Agreement	\$12,371	1 Month
Reserves, Recreation & Building Services	Paton concrete	Narrabeen Rock Pool concrete repairs	Contract Agreement	\$7,339	1 Month
Reserves, Recreation & Building Services	Dragonfly Environmental	Bush regeneration & Noxious aquatic weed control Irrawong Reserve	Contract Agreement	\$ 25,000	9 Months
Reserves, Recreation & Building Services	Dragonfly Environmental	Warriewood Wetlands	Contract Agreement	\$60,633	9 Months
Reserves, Recreation & Building Services	John Allen	Bush regeneration Narrabeen Headland	Contract Agreement	\$5,500	8 Months
Reserves, Recreation & Building Services	Australian Environmental Services	Noxious & Woody Weed control Warriewood Wetland	Contract Agreement	\$12,547	8 Months
Reserves, Recreation & Building Services	Australian Environmental Services	Noxious & Woody Weed control Nareen Wetland	Contract Agreement	\$27,172	8 Months
Reserves, Recreation & Building Services	Australian Bushland Restoration	Mirbelia Road Reserve	Contract Agreement	\$3,336	1 Month
Reserves, Recreation & Building Services	Australian Bushland Restoration	Sunrise Reserve, Palm Beach	Contract Agreement	\$7,000	8 Months
Reserves, Recreation & Building Services	Marsupial Landscapes	Narrabeen & Fern Creeks Warriewood Valley	Contract Agreement	\$4,167	1 Month

Division/Unit	Name of Approved Consultant/Contract or/ Agency	Position Type of Work	Terms of Engagement	Cost to Council	Term
Reserves, Recreation & Building Services	Australian Areas Management and Repair	Bush Regeneration Browns Bay	Contract Agreement	\$2,921	8 Months
Reserves, Recreation & Building Services	Australian Areas Management and Repair	Toongari Reserve	Contract Agreement	\$4,500	8 Months
Reserves, Recreation & Building Services	Australian Areas Management and Repair	Scotland Island Catherine Park Lower	Contract Agreement	\$5,398	8 Months
Reserves, Recreation & Building Services	Australian Areas Management and Repair	Kennedy Park	Contract Agreement	\$5,500	8 Months
Reserves, Recreation & Building Services	Ant-Eater	Feral rabbit control	Contract Agreement	\$14,523	1 Month
Reserves, Recreation & Building Services	Sydney Bush Regeneration	Bush regeneration & noxious weed control Bangalley Headland	Contract Agreement	\$10,000	8 Months
Reserves, Recreation & Building Services	Sydney Bush Regeneration	Bush regeneration & noxious weed control Narrabeen Creek	Contract Agreement	\$15,000	8 Months
Reserves, Recreation & Building Services	Sydney Bush Regeneration	Stapleton Park – Hazard Reduction	Contract Agreement	\$10,000	8 Months
Reserves, Recreation & Building Services	Australian Urban Tree Service	Tree Maintenance Various locations	Contract Agreement	\$6,030	1 Month
Reserves, Recreation & Building Services	Utility Asset Management	Tree Maintenance Various locations	Contract Agreement	\$5,758	1 Month
Reserves, Recreation & Building Services	Active Tree Services	Tree Maintenance Various locations	Contract Agreement	\$42,699	1 Month
Reserves, Recreation & Building Services	Plateau Tree Services	Tree Maintenance Various locations	Contract Agreement	\$12,700	1 Month
Reserves, Recreation & Building Services	Cardno Ecology Lab	Report on Careel Bay Wharf	Quote	\$4,495	1 Month

Division/Unit	Name of Approved Consultant/Contract or/ Agency	Position Type of Work	Terms of Engagement	Cost to Council	Term
Reserves, Recreation & Building Services	Cardno Ecology Lab	Report on Palm Beach Wharf	Quote	\$4,365	1 Month
Reserves, Recreation & Building Services	Ron Bohm Roofing	Roof repairs at Nelson Heather Centre	Quote	\$3,181	1 Month
Reserves, Recreation & Building Services	Ron Bohm Roofing	Roof repairs to Palm Beach Pavilion	Quote	\$3,000	1 Month
Reserves, Recreation & Building Services	Estuary Jetties PL	Repairs to Tennis Court Wharf	Quote	\$5,245	1 Month
Reserves, Recreation & Building Services	Ezycare Fencing	Fence around drain pit at Newport Oval	Quote	\$2,400	1 Month
Reserves, Recreation & Building Services	East Coast Wharf Constructions P/L	Repairs to piles at Carols Wharf	Quote	\$2,000	1 Month
Reserves, Recreation & Building Services	Shiver Air Conditioning P/L	Repairs to air conditioner at Mona Vale Centre	Quote	\$4,340	1 Month
Reserves, Recreation & Building Services	East Coast Wharf Constructions P/L	Repairs to Morning Bay Public Wharf	Quote	\$9,400	1 Month
Reserves, Recreation & Building Services	East Coast Wharf Constructions P/L	Repairs to South Elvina Public Wharf	Quote	\$12,500	1 Month
Reserves, Recreation & Building Services	Manly Hydraulics Laboratory	Consulting and Concept Design for Sand Point Boat Ramp	Quote	\$20,000	1 Month
Reserves, Recreation & Building Services	Able Jetty Constructions	Replace timber sea wall Catherine Park	Contract Agreement	\$30,849	1 Month
Reserves, Recreation & Building Services	Australian Bushland Restoration P/L	Walter Rd Ingleside & Warriewood Beach Dunes	Contract Agreement	\$4,442	1 Month
Reserves, Recreation & Building Services	Ausflow Irrigation P/L	Repair Damaged pipes Kitchener Parade, Lake Park & Bore Pump	Contract Agreement	\$12,681	1 Month

Division/Unit	Name of Approved Consultant/Contract or/ Agency	Position Type of Work	Terms of Engagement	Cost to Council	Term
Reserves, Recreation & Building Services	East Coast Wharf Constructions	Repairs to Palm Beach Wharf	Contract Agreement	\$12,650	1 Month
Reserves, Recreation & Building Services	Finer Turf Supplies	Turf Woorar RSL/Scotland Island	Contract Agreement	\$2,134	1 Month
Reserves, Recreation & Building Services	Hydroilex Pty Ltd	Careel bay ground water bore	Contract Agreement	\$11,000	1 Month
Reserves, Recreation & Building Services	Northern Fencing Specialists P/L	Fencing Panels at Katoa Res Wetlands	Contract Agreement	\$5,012	1 Month
Reserves, Recreation & Building Services	Online Pumping P/L	Deep Creek Pump out line	Contract Agreement	\$4,400	1 Month
Reserves, Recreation & Building Services	Online Pumping P/L	Pump repairs Palm Beach Rock Pool	Contract Agreement	\$7,158	1 Month
Reserves, Recreation & Building Services	Optimal Stormwater Pty Ltd	Storm water harvesting for Boondah	Contract Agreement	\$4,950	1 Month
Reserves, Recreation & Building Services	Plateau Tree Service Pty Ltd	Tree Works	Contract Agreement	\$12,226	1 Month
Reserves, Recreation & Building Services	Programmed Maintenance Services Ltd	Exterior Paint Maintenance Ted Blackwood	Contract Agreement	\$2,477	1 Month
Reserves, Recreation & Building Services	Spring Horticultural Services	Planting & Mulching at Gov Phillip Park	Contract Agreement	\$4,581	1 Month
Reserves, Recreation & Building Services	Toolijooa Nursery	Deep Creek reserve	Contract Agreement	\$4,836	1 Month
Admin & Governance	Fraud Prevention and Governance P/L	Development of a complaints manual and policy procedures	Quote	\$9,500	1 Month
Admin & Governance	Echelon Australia	Risk Management Plan	Contract Agreement	\$4,500	3 Months

Division/Unit	Name of Approved Consultant/Contract or/ Agency	Position Type of Work	Terms of Engagement	Cost to Council	Term
Urban Infrastructure	Optimal Storm water	Storm water harvesting investigation	Quote	\$4,500	1 Month
Urban Infrastructure	Cardno	North Narrabeen Flood advice	Quote	\$8,043	1 Month
Urban Infrastructure	Ingleside Chase Bushfire Management Plan	Ecological	Contract Agreement	\$19,500	3 Months

C10.5	Draft Road Reserve and Streetscape Management Policy and Draft Streetscape Management Guidelines - to place on Public Exhibition
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Meeting: Governance Committee

Date: 19 December 2011

STRATEGY: **Traffic and Transport**
 Land Use and Development
 Business Management
 Water Management
 Vegetation Management

ACTION: Effectively Manage Council's Road Reserves.

PURPOSE OF REPORT

To place the Draft Road Reserve and Streetscape Management Policy (refer **Attachment 1**) and the Draft Pittwater Streetscape Management Guidelines (refer **Attachment 2**) on public exhibition.

1.0 BACKGROUND

1.1 As part of Council's review of its policy sets, it was previously identified that there are currently twenty (20) separate policies relating to management of the streetscape and road reserves within Pittwater.

As reported to Council, a single overarching Policy with associated Guidelines would be developed to enhance the management of streetscapes.

1.2 The Draft Road Reserve and Streetscape Management Policy and associated Draft Pittwater Streetscape Management Guidelines are presented to Council for consideration. These documents provide policy direction and a set of detailed strategies, processes and procedures for management of and undertaking works within the public road reserves within the Pittwater local government area (LGA) consistent with Council's 2020 Strategic Plan.

1.3 The Draft Pittwater Streetscape Management Guidelines will be updated as appropriate to be consistent with relevant Act, legislation and best practice.

1.4 Once adopted, the Pittwater Streetscape Management Guidelines are to be available on Council's website to make it conveniently available to the public.

2.0 ISSUES

2.1 The Draft Pittwater Road Reserve and Streetscape Management Policy is based on four (4) fundamental elements applicable to streetscape management.

- A streetscape management process and procedure that fit within the Pittwater Council Strategic Planning framework (2020 Pittwater Strategic Plan).
- Streetscape Management Guidelines setting out strategies, processes and procedures covering a range of activities from minor to more complex projects.
- Methods of delivery of infrastructure setting out responsibilities for works activities and the standard to be achieved.

- Streetscape outcomes align with integrated ‘whole of life’ asset management and Long Term Financial Planning requirements.

2.2 The Draft Pittwater Road Reserve and Streetscape Management Policy is the “umbrella” document to a series of linked documents including the Draft Pittwater Streetscape Management Guidelines for management of the streetscape. There is also a cross reference to the Register of Pittwater’s Most Scenic Streets.

2.3 This report recommends the public exhibition of the Policy and Guidelines.

2.4 At the completion of the public exhibition period it is proposed to report the results back to Council for adoption (including any amendments as part of that process) and that the following Policies be revoked as they will be incorporated into the Road Reserve and Streetscape Management Policy and the Pittwater Streetscape Management Guidelines.

Policy No	Policy Name
Policy No 27	Building Waste Containers – Placement on Public Roads
Policy No 53	Road Reserves – Private Use of
Policy No 58	Vertical Utility Service Connections
Policy No 59	Street Levels
Policy No 60	Multiple Access – Special Crossings
Policy No 61	Contributions – New Kerb & Guttering – New Footpath – Non Rateable Properties
Policy No 62	Registration of Contractors for Construction of Special Crossings
Policy No 64	Access Driveways and Other Streetscape Infrastructure
Policy No 65	Builders Restoration fee
Policy No 66	Private Tree Threatening Council’s Stormwater Lines
Policy No 68	Private Pipeline Approvals
Policy No 70	Subdivision Road works – Security Deposits and Bonds
Policy No 72	Numbering of Properties on Kerb, Part 2- Property numbering on Kerb
Policy No 77	Angle Parking on Public Roads
Policy No 78	Signs – Caution Children Playing in the Street
Policy No 80	Vehicular Access to All Roadside Development
Policy No 81	Construction Zone
Policy No 91	Landscape Management Policy – Streetscape Component
Policy No 104	Street Furniture & Bus Shelters – Provision of Partnership with the Private Sector
Policy No 112	Concealed Driveways and/or Mirrors

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

- 3.1.1 The Policy and Guidelines will provide a clear direction to support the community interest in road reserve and streetscape matters.

3.2 Valuing & Caring for our Natural Environment (Environmental)

- 3.2.2 The Policy and Guidelines will provide measures to protect the environment including scenic qualities (see also Pittwater's Most Scenic Streets Register).

3.3 Enhancing our Working & Learning (Economic)

- 3.3.1 The Policy and Guidelines reinforce the importance of maintaining and improving the road reserves and streetscapes to the local economy.

3.4 Leading an Effective & Collaborative Council (Governance)

- 3.4.1 The Policy and Guidelines will provide a consistent approach to all works undertaken in the road reserve to achieve a high standard of public infrastructure.

3.5 Integrating our Built Environment (Infrastructure)

- 3.5.1 The Policy and Guidelines will provide long term asset protection and infrastructure improvements to Council's whole road reserve network and streetscapes.

4.0 EXECUTIVE SUMMARY

- 4.1 There currently exist twenty (20) separate policies of Council relating to management of the road reserve and streetscape in Pittwater.
- 4.2 The Draft Pittwater Road Reserve and Streetscape Management Policy and the Draft Pittwater Streetscape Management Guidelines, amalgamates these policies into one policy and associated guidelines.

RECOMMENDATION

1. That the following documents be placed on public exhibition for a period of six (6) weeks:
 - Draft Pittwater Road Reserve and Streetscape Management Policy
 - Draft Pittwater Streetscape Management Guidelines.
2. That at the completion of the public exhibition period, a report be brought back to Council for further consideration.

Report prepared by

Mark Shaw

MANAGER – URBAN INFRASTRUCTURE

Council Policy – No 193 Version: 1	Adopted:	
	Amended:	

TITLE: ROAD RESERVE AND STREETScape MANAGEMENT POLICY

**STRATEGY: TRANSPORT AND TRAFFIC
WATER MANAGEMENT
VEGETATION**

**BUSINESS UNIT: URBAN INFRASTRUCTURE
RESERVES RECREATION & BUILDING SERVICES**

RELEVANT LEGISLATION: *Local Government Act 1993*
Local Government (General) Regulations 2005 Roads Act 1993
Roads Regulation 2008

RELATED POLICIES:

1. Objective

To manage Council's road reserves (and the public roads contained therein) so that they are functional, safe and convenient, add value to development of the Pittwater Local Government Area (LGA), support the land use functions and activities within the Pittwater LGA, improve the amenity and appearance of the streetscape and maintain and improve the environmental aspects of the streetscape.

2. Definitions

The road reserve is the strip of public land between abutting property boundaries, specifically gazetted for the provision of public right of way. It includes the road carriageway, as well as footpaths and verges.

A public road is defined under the *Roads Act 1993* as,

- (a) any road that is opened or dedicated as a public road, whether under this or any other Act or law, and
- (b) any road that is declared to be a public road for the purposes of this Act.

3. Policy Statement

Pittwater Council manages the public roads in the Pittwater local government area in accordance with the *Roads Act 1993*, *Local Government Act 1993*, *Local Government Regulation 1993*, *Environmental Planning & Assessment Act 1979* and *EPA Regulation 2000*.

All works and/or uses within a public road / road reserve are to comply with the following documents: -

1. Pittwater Council's Streetscape Management Guidelines
2. Pittwater Council's Standard Drawings
3. Pittwater Council's design and construction specification, NAT-SPEC

All works and or uses within a public road / road reserve require the written consent of Pittwater Council under Section 139 of the *Roads Act 1993*.

Application fees are to be paid to Pittwater Council for the processing of applications relating to any proposed works and/or uses in the road reserve.

No works and or uses are to be undertaken in the public road / road reserve until the appropriate application forms and fees have been lodged with Pittwater Council AND Pittwater Council has issued a written Section 139 consent.

Pittwater Council will undertake inspections to ensure that the works and or uses are being carried out in accordance with the relevant plans, specifications and conditions of the Section 139 consent.

4. Pittwater Streetscape Management Guidelines

The Pittwater Streetscape Management Guidelines provide guidance for council staff, local residents, and developers for works on the public road reserve and on the public stormwater drainage system.

The Pittwater Streetscape Guidelines are to be used in conjunction with:

- Pittwater Council Standard Drawings
- Pittwater Council Design & Construction Specifications, NAT-SPEC.

The Pittwater Streetscape Guidelines are to be available on Council's internet and website allowing public access.

The Pittwater Streetscape Management Guidelines are a set of documents that may be amended from time to time to reflect changes in expectations and processes. Approval of amendments to the Guidelines is managed through the Senior Management Team and approved by the General Manager.

5. Protocol

5.1 Ethics and Probity

General - The Council's 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 applicants 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 applicants in an honest and impartial manner that does not allow conflicts of interest

- be able to account for all decisions and provide feedback on them

Conflict of Interests - A conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.

Council Staff are to avoid or appropriately manage any conflict of interest. The onus is on the Council Staff to identify a conflict of interest and take the appropriate action to manage the conflict in favour of the public duty. Any conflict of interests must be managed to uphold the probity of Council decision making.

Standards - The Council's streetscape work activities are to be carried out to professional standards and in compliance with the:

- *Local Government Act 1993*
- Local Government (General) Regulation 2005
- *Roads Act 1993*
- Roads Regulation 2008

5.2 Managing Risk

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



DRAFT

Pittwater Streetscape Management Guidelines

DATE OF ISSUE: DECEMBER 2011
BUSINESS UNIT: URBAN INFRASTRUCTURE



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PITTWATER STREETSCAPE MANAGEMENT POLICY

Policy

The Streetscape Management Guidelines underpin the Pittwater Streetscape Management Policy adopted by Council on XXXXXXXX Shown below:

ROAD RESERVE AND STREETSCAPE MANAGEMENT POLICY

STRATEGY: **TRANSPORT AND TRAFFIC
WATER MANAGEMENT
VEGETATION**

BUSINESS UNIT: **URBAN INFRASTRUCTURE
RESERVES RECREATION & BUILDING SERVICES**

RELEVANT LEGISLATION: *Local Government Act 1993*
 Local Government (General) Regulations 2005 Roads Act 1993
 Roads Regulation 2008

RELATED POLICIES: **NIL**

1. Objective

To manage Council's road reserves (and the public roads contained therein) so that they are functional, safe and convenient, add value to development of the Pittwater Local Government Area (LGA), support the land use functions and activities within the Pittwater LGA, improve the amenity and appearance of the streetscape and maintain and improve the environmental aspects of the streetscape.

2. Definitions

The road reserve is the strip of public land between abutting property boundaries, specifically gazetted for the provision of public right of way. It includes the road carriageway, as well as footpaths and verges.

A public road is defined under the *Roads Act 1993* as,

- (a) any road that is opened or dedicated as a public road, whether under this or any other Act or law, and
- (b) any road that is declared to be a public road for the purposes of this Act.

3. Policy Statement

Pittwater Council manages the public roads in the Pittwater local government area in accordance with the *Roads Act 1993*, *Local Government Act 1993*, *Local Government Regulation 1993*, *Environmental Planning & Assessment Act 1979* and *EPA Regulation 2000*.

All works and/or uses within a public road / road reserve are to comply with the following documents:

- 1. Pittwater Council's "Streetscape Management Guidelines"
- 2. Pittwater Council's Standard Drawings
- 3. Pittwater Council's design and construction specification, Nat-Spec

All works and or uses within a public road / road reserve require the written consent of Pittwater Council under Section 139 of the *Roads Act 1993*, apart from general maintenance of the nature strip which is encouraged to be carried out by adjoining property owners.

Application fees are to be paid to Pittwater Council for the processing of applications relating to any proposed works and/or uses in the road reserve.

No works and or uses are to be undertaken in the public road / road reserve until the appropriate application forms and fees have been lodged with Pittwater Council AND Pittwater Council has issued a written Section 139 consent.

Pittwater Council will undertake inspections to ensure that the works and or uses are being carried out in accordance with the relevant plans, specifications and conditions of the Section 139 consent.

4. Pittwater Streetscape Management Guidelines

The Pittwater Streetscape Management Guidelines provide guidance for council staff, local residents, and developers for works on the public road reserve and on the public stormwater drainage system.

The Pittwater Streetscape Guidelines are to be used in conjunction with:

- Pittwater Council Standard Drawings and
- Pittwater Council Design & Construction Specifications, NAT-SPEC.

The Pittwater Streetscape Guidelines are to be available on Council's internet and website allowing public access.

The Pittwater Streetscape Management Guidelines are a set of documents that may be amended from time to time to reflect changes in legislation, practice, expectations and processes. Approval of amendments to the Guidelines is managed through the Senior Management Team and approved by the General Manager.

5. Protocol

Ethics and Probity

General - The Council's 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 applicants 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 applicants in an honest and impartial manner that does not allow conflicts of interest
- be able to account for all decisions and provide feedback on them

Conflict of Interests - A conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.

Council Staff are to avoid or appropriately manage any conflict of interest. The onus is on the Council Staff to identify a conflict of interest and take the appropriate action to manage the conflict in favour of the public duty. Any conflict of interests must be managed to uphold the probity of Council decision making.

Standards - The Council's streetscape work activities are to be carried out to professional standards and in compliance with the:

- *Local Government Act 1993*
- Local Government (General) Regulation 2005
- *Roads Act 1993*
- Roads Regulation 2008

6. Managing Risk

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

STRATEGY

Introduction

Pittwater Council has the care, control and management of the streetscape road reserve and stormwater systems in the Pittwater Local Government Area (LGA). With the exception of road pavement and associated traffic facilities on State Roads. The control of the public roads is governed by the *Roads Act 1993*, *Local Government Act 1993*, *Local Government Regulation 1993*, *Environmental Planning & Assessment Act 1979* and *EPA Regulation 2000*.

The Strategy Statement

The Pittwater Streetscape & Stormwater Management Guidelines is based on the concept that public roads and stormwater systems are developed, managed and maintained in a safe and practical way that:

- improves the amenity of Pittwater Council LGA;
- adds value for ratepayers and all road users;
- benefits the community; socially, economically and environmentally;
- supports the land use functions and activities within the Pittwater LGA;
- improve the amenity and appearance of the streetscape;
- provides sustainable, cost effective solutions;
- protect and conserve the natural environment;
- continually improve the aesthetics, public amenity, equity of access and safety of the road reserve: and
- provide management strategies in accordance with industry best practice.

DEFINITIONS / GLOSSARY

Access driveway - The structure for gaining vehicular access from the public road to private property.

Amenity - A tangible or intangible benefit, a pleasant quality that increases physical or material comfort

Asset Management - Management of infrastructure to ensure that the community's needs and expectations are supported.

Canopy - The crown of a tree, comprising smaller branches and leaves

Carriageway - The area of road reserve used for the movement or parking of vehicles measured from kerb to opposite kerb.

Construction Zone - The temporary use of the adjacent road verge for construction purposes but the zone does not extend to the kerb side parking area

Cosmetic Driveway - A driveway that is constructed in materials other than plain concrete e.g. pavers

Coloured Driveway - A driveway that has had a colour added to the plain concrete.

Council - Pittwater Council being the Council in charge of the Pittwater local government area.

Deciduous - A plant that sheds all its leaves at one time during the year, generally relating to the loss of leaves from trees in autumn

Dial Before You Dig - A free referral service for information on underground pipes and cables anywhere in Australia. The service is provided to assist in the prevention of damage, injury or death as a result of construction activities.

Driveway profile - The levels and gradients required for vehicles to access properties from the public road.

Engineering Plan Assessment Fees - Where construction works are to be undertaken on a public road, including road pavements, kerb and gutter, footpath, traffic facilities and hard landscaping including retaining walls; engineering plans are to be submitted to Council's Urban Infrastructure Unit for assessment. Fees are payable to Council for assessment and approval of designs for works in public roads.

Environmental Controls - Engineering controls to ensure silt and other contaminants do not leave the work site EG. siltation fencing.

Exotic - An introduced plant species that is not native to Australia

Footpath - Hard surface path; generally concrete or bitumen, within the nature strip

Footway - That part of a public road set aside or formed as a path or way for pedestrian traffic (whether or not it may also be used by bicycle traffic).

Geotechnical Investigation - Investigations undertaken by a qualified Geotechnical Engineer to ensure the risk of landslip is eliminated during and post construction works.

Hard landscaping - This term is used by landscape practitioners to describe civil works, for road reserves, this would include items such as pavements, kerb and gutters etc.

Hoarding - Where construction works causes obstruction to pedestrian or vehicular traffic in a public place, or if the works involve the enclosure of a public place, then a hoarding or temporary fence must be erected between the worksite and public place.

Layback – The transition between the road edge and the vehicle crossing

Local provenance - Genetic variability of a species influenced by the local soil and climate of the specific location

Locally native species - Plant species that originally occurred in a particular local area

Micro-climate - The immediate climatic conditions of a location influenced by aspect, sun, shade, reflected heat, wind exposure and water bodies.

NAT Spec - The design and construction specification for works in public roads

Nature strip / Verge - The part of the road reserve between the carriageway kerb and nearest boundary of the adjacent properties. The nature strip generally accommodates footpaths, street lights, street trees and landscaping driveways, and public utilities.

Public Road - Under the *Roads Act 1993*, a public road is defined as:

- a. any road that is opened or dedicated as a public road, whether under this or any other Act or law, and
- b. any road that is declared to be a public road for the purposes of this Act.

Road Opening Permit - A permit to open up the public road to undertake construction activities.

Road Reserve - The strip of public land between abutting property boundaries, specifically gazetted for the provision of public right of way. It includes the road carriageway, as well as footpaths and verges.

Roads Act 1993

“The objects of this Act are:

- a. to set out the rights of members of the public to pass along public roads, and
- b. to set out the rights of persons who own land adjoining a public road to have access to the public road, and
- c. to establish the procedures for the opening and closing of a public road, and
- d. to provide for the classification of roads, and
- e. to provide for the declaration of the TRMS and other public authorities as roads authorities for both classified and unclassified roads, and
- f. to confer certain functions (in particular, the function of carrying out road work) on the TRMS and on other roads authorities, and
- g. to provide for the distribution of the functions conferred by this Act between the TRMS and other roads authorities, and
- h. to regulate the carrying out of various activities on public roads.”

Pittwater Council is the roads authority for the Pittwater local government area under the terms of the *Roads Act 1993*.

Roads Act 1993 - Section 138

“Works and structures

A person must not:

- a. erect a structure or carry out a work in, on or over a public road, or
- b. dig up or disturb the surface of a public road, or
- c. remove or interfere with a structure, work or tree on a public road, or
- d. pump water into a public road from any land adjoining the road, or
- e. connect a road (whether public or private) to a classified road, otherwise than with the consent of the appropriate roads authority.”

Roads Act 1993 - Section 139 - The requirements for the issuing of consent by Council for works in the public road.

TRMS - Transport Roads & Maritime Services, formerly known as the Roads and Traffic Authority (RTA), is legislated as the organisation responsible for the control of traffic on all roads in New South Wales.

Skip Bin - A building waste container

Soft landscaping - This term is used by landscape practitioners to describe all facets relating to plants, mulch, grass, composts etc.

Species Native to Australia - Australian native plant species that have been planted in areas outside their naturally occurring range.

Streetscape - The appearance and functions contained within the road reserve in relation to the built form on private and public property. Streetscapes consist of landscaping, retaining walls, fencing, traffic treatments, paths, driveways, street surfaces and utility services.

TMP - Traffic Management Plan for applications involving temporary road or single lane closures.

Traffic Committee - The Pittwater Local Traffic Committee (LTC) is primarily a technical review committee that is required to advise the Council on traffic related matters, referred to it by Council. It is a TRMS committee that is administered by council.

Traffic Control Permit - A permit to control traffic for events, filming or construction on the road reserve

Tree Preservation Order - Council's Tree Preservation Order (TPO) covers the removal of trees and aims to retain as many healthy trees as possible within the area.

Understorey - The vegetation that occurs between the canopy and the ground.

Utility Services - Sydney Water, Energy Australia, AGL, Telstra, Optus

Vegetation - This is a broad term covering all the plants growing in an area

Vehicle crossing - The driveway within the road reserve, between the road edge / kerb and gutter and the property boundary

Work as executed drawing - Drawing(s) prepared by a Registered Surveyor showing the works that have been constructed within the road reserve as a result of urban development.

Work Zone - The temporary use of the kerb side parking lane or indented parking for construction purposes.

COUNCIL STREETSCAPE & STORMWATER ASSETS

Council owned and maintained streetscape and stormwater assets

Asset Class	Asset Class Breakdown
Road Pavements	Unsealed roads Unmade roads Sealed roads Road culverts
Constructed Footpaths	Footpaths Cycleways Shared facilities
Traffic and Transport Facilities	Traffic and street name signs Traffic lines Bus stops, shelters and seats Road furniture, guardrails
Traffic Controls	Traffic islands Roundabouts School zones
Drainage Network	Kerb and gutter Stormwater pits Piped drainage network Drainage systems including open channels, creeks and watercourses Flood mitigation structures Stormwater quality improvement devices
Structures	Pedestrian bridges Retaining walls Sea walls
Commercial Centre Streetscapes	
Street Tree Management	
Landscaping	

Council coordinates with other agencies on the following assets:

Street Lighting	Transport Roads & Maritime Services Ausgrid
Utility Services	Gas - AGL Electricity - Ausgrid Water - Sydney Water Sewer - Sydney Water Communications - Telstra/Optus
Classified Main Roads & Traffic Facilities	Transport Roads & Maritime Services

Variation

The Transport Roads & Maritime Services (TRMS) remains responsible for the road pavements and the discharge of stormwater on classified main roads (see Section 4.4).

- Sydney Water remains responsible for the stormwater culvert under Warriewood Square (Jacksons Road Warriewood) along the alignment of Narrabeen Creek.
- Property owner/s remain responsible for private roads and community title roads

Classified Main Roads (State Roads)

The classified main roads within the Pittwater LGA are:

- Pittwater Road - Narrabeen Lagoon bridge to the intersection of Barrenjoey Road, Mona Vale
- Wakehurst Parkway - Deep Creek Bridge to Pittwater Road, North Narrabeen
- Barrenjoey Road - Mona Vale to Palm Beach
- Ocean Road - Beach Road to Palm Beach Road, Palm Beach
- Beach Road - Barrenjoey Road to Ocean Road, Palm Beach

Classification of Local Roads

The TRMS requires that all the local roads in the Pittwater LGA be assigned a Road Hierarchy Classification that reflects their function (that may change over time) in the local road system.

The TRMS has established guidelines that define the classification system and criteria to be used to establish the function of the road.

The Road Hierarchy Classification system is:

- **Sub Arterial Road** (Regional Road) - connects the Arterial (classified) roads to areas of development or any traffic directly from one part of a region to another (eg. Powderworks Road)
- **Collector Road** - connects sub arterial roads to the local road system in developed areas eg. Avalon Parade, Beaconsfield Street
- **Local Road** - the subdivisional roads within developed areas and used as local access to properties

The Road Classification (reviewed at regular intervals) is used as one guide by Council when establishing future road infrastructure upgrade priorities and infrastructure design standards.

MANAGEMENT OF PUBLIC ROAD RESERVES

Road Reserves

Council is the Roads Authority and is responsible for the care and control of all public road reserves within the Pittwater Local Government Area other than:

- Crown Roads, where the Minister is the Roads Authority

Road Pavements

The Council is the roads authority for all public road pavements within the Pittwater LGA other than:

- Classified Main Roads where the Roads and Traffic Authority is the Roads Authority

Footpath and Road Verge

The Council is the roads authority for all public road footpath areas within the Pittwater LGA.

- Council will ensure that all trees and other locally native species (except species listed in the Pittwater Exempt Species Table and the Noxious Weeds Act, 1993) are protected in accordance with legislative constraints;
- Council will consult residents before planting trees and vegetation on the nature strip in front of their homes to discuss the choice of species and to establish whether the resident will participate in tree care and maintenance.
- Where Council removes an existing tree, Council reserves the right to replace the tree with an appropriate species.
- Council may, at times, be required to remove trees due to their impact on community safety, impact on services and for access requirements

Advisory Note

The Crown Roads are few in number and generally Council acts as the roads authority except in the issue of property related matters.

MANAGEMENT OF PUBLIC STORMWATER SYSTEMS

Council is the authority responsible for all stormwater systems carrying stormwater from public lands installed in or on land by Council (whether or not the land is owned by the Council) other than:

- Stormwater systems solely carrying discharge from the portion directly under a classified main road
- Stormwater culvert under Warriewood Square along the alignment of Narrabeen Creek

Note:

Sydney Water remains responsible for the stormwater culvert under Warriewood Square (Jacksons Road, Warriewood) along the alignment of Narrabeen Creek and interrelating networks. Private connections remain the responsibility of the property owner.

Section 94 of the Roads Act 1993 states that:

A roads authority may, for the purpose of draining or protecting a public road, carry out drainage work in or on any land in the vicinity of the road.

Chapter 6 of the Local Government Act 1993 confers on Council the management and operation of storm water drainage facilities.

Chapter 7 of the Local Government Act 1993 sets out the regulatory functions of Council which includes the carrying out of stormwater drainage work. The regulatory functions are carried out in two main ways:

- Approval of works by Council, and
- Issuing of Orders by Council to do, or to stop doing something.

In accordance with the above mentioned legislation, any stormwater drainage works on the public road must be approved and managed by Council.

TRAFFIC MANAGEMENT

Traffic Responsibilities

The Transport Roads & Maritime Services (TRMS) is legislated as the organisation responsible for the control of traffic on all roads in New South Wales. Traffic is controlled by the installation of prescribed traffic control devices i.e. regulatory signs, parking signs or traffic control facilities, such as roundabouts and medians.

The TRMS has delegated certain aspects of the control of traffic on local roads to Councils. The TRMS manages traffic on the State's classified road network and is the authority in relation to traffic control lights.

Council is the Road Authority for all local roads in the Pittwater LGA (Roads Act) and has authority to undertake traffic management functions only on Local Roads in accordance with the Roads Act and the authority delegated to Council by the TRMS via Council's Local Traffic Committee (LTC).

- Council's traffic management functions are listed in Table 7.1.1
- The TRMS's traffic management functions are listed in Table 7.1.2

PITTWATER COUNCIL TRAFFIC FUNCTIONS (LOCAL ROADS)

Traffic Function	LTC Support Required
Traffic lines/signs	Yes
Parking restrictions	Yes
Intersection control signs	Yes
Traffic Mirrors	Yes
Bus stops/zones	Yes
Work zones	Yes
Traffic control plans (partial & temporary road closures with traffic control)	Approval delegated to Council staff
Construction traffic management plans	No
Special events approval	No
Pedestrian facilities	Yes
Temporary traffic signals/work zone	Approval delegated to Council staff
Traffic calming schemes	Yes
Roundabouts/traffic islands	Yes
Bus routes	Yes
New roads	No

TRMS TRAFFIC FUNCTIONS (LOCAL AND CLASSIFIED ROADS) -

Traffic Function	LTC Support Required	Council Support Required
Traffic signals	No	Local Roads
Speed limits (general)	No	Local Roads
10kph Pedestrian Shared Zone (Local roads only)	Yes	Yes
40kph High Pedestrian Activity Zones (Local roads only)	Yes	Yes
3T Load limits (local roads only)	Yes	Yes
40kph School Zones	No	No
Speed/red light cameras	No	No
Bus lanes (Classified roads only)	No	No
Clear ways/transit lanes (Classified roads only)	No	No
B Double routes	Local Roads	Local Roads
Traffic lines/signs (Classified roads only)	No	No

Traffic Function	LTC Support Required	Council Support Required
Parking restrictions (Classified roads only)	No	No
Bus stops/zones (Classified roads only)	No	No
Pedestrian crossing facilities (Classified roads only)	No	No
Truck/bus restrictions	Local Roads	Local Roads
TCP/traffic restrictions (Classified roads only)	No	No
Traffic Mirrors (Classified roads only)	No	No
Work Zones (classified roads only)	No	No

Note:

LTC - Local Traffic Committee

TRMS - Transport Roads & Maritime Services

Pittwater Local Traffic Committee (LTC)

Under the provisions of the *Traffic Administration Act 1988*, the TRMS is empowered to delegate its functions to other public agencies, such as Council (*Section 50*).

The TRMS has delegated certain of its functions relating to local roads to Councils in accordance with the TRMS document '*Delegation of functions to regulate traffic (including the operation of local and regional traffic committees)*'

Council may only exercise their delegated function if Council first seeks the advice of the LTC prior to exercising their delegated functions.

The Pittwater Local Traffic Committee is a TRMS committee managed by the Council. It is primarily a technical review committee that is required to advise the Council on traffic related matters, referred to it by Council.

The Pittwater Local Traffic Committee consists of four formal members:

- one Councilor
- one representative of the Police Service
- one representative of the TRMS
- the Local Member of the NSW Parliament or their nominee

With additional non-voting members including:

- Bus operator representatives
- Council technical staff

Meetings are on a regular basis, usually two monthly or as required.

Residents are permitted to address the LTC in respect to the technical merits of any proposal on the agenda of the LTC meeting but must leave the meeting prior to the consideration by the LTC members of any agenda item.

Functions delegated to Council by the TRMS are:

- Authorisation of prescribed traffic control devices covered under Division 1 of Part 4 (Sections 50 to 55) of the Road Transport (Safety and Traffic Management) Act 1999 eg. parking restrictions, stop signs, traffic calming devices, roundabouts and traffic lines.
- Restriction of traffic under Division 2 of Part 8 (Sections 111 to 119) of the Roads Act.
- Authorisation of special event parking schemes under Division 2 of Part 5 (Clause 122,123) of the Road Transport Act on public roads other than classified roads

The Council cannot approve the prohibition of vehicular traffic (pedestrian or vehicular) on public roads eg. one way traffic, no right turn, no entry and speed limits/zones.

CONSENT TO UNDERTAKE WORKS ON PUBLIC ROAD RESERVE

Consent to undertake works on public infrastructure requires written approval as follows:

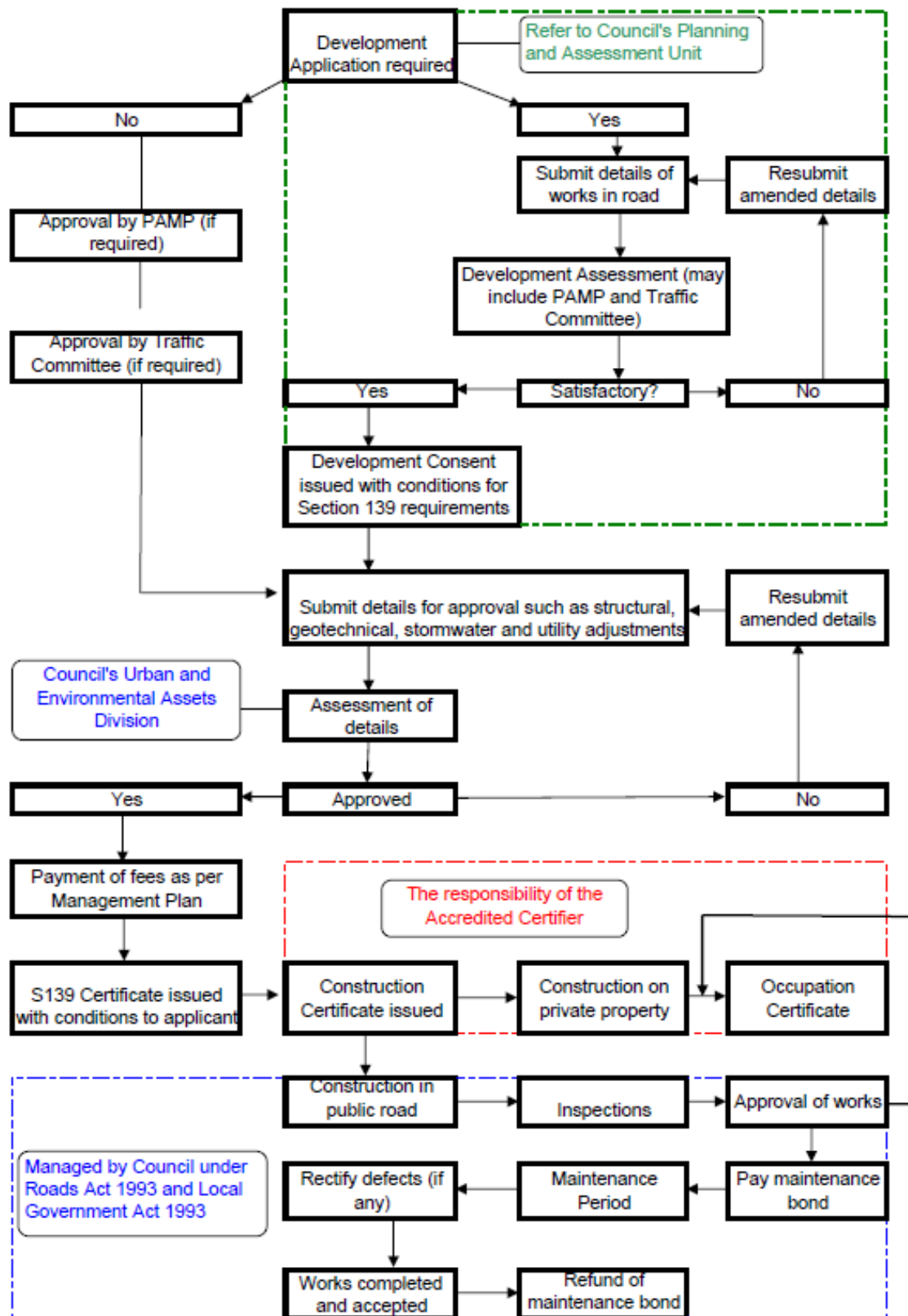
- On the Road Reserve - under *Sections 138 and 139 Roads Act 1993*
- On Public Lands - under *Section 68 Local Government Act*

Consent for public infrastructure works is required irrespective as to whether development consent has been obtained. Written consent must be obtained from Council prior to undertaking any works in public roads. For structures on classified roads TRMS consent must also be obtained.

Fees payable in relation to consents for works on a public road are as per the Fees and Charges Schedule from Council's annual Delivery Plan.

Consent Process for Works on Public Road Reserve and Public Lands

S139 Approval Process for Works in Public Roads



Procedure for Obtaining Consent (Approval) to Work on Public Road Reserve, Public Lands.

- a. Contact Council's Customer Service to discuss:
 - the proposal for works in the public road,
 - application forms to be submitted,
 - documentation to be submitted, including engineering plans (where necessary)
 - fees and charges
 - certification of the design and construction (where applicable)
- b. Complete all relevant application forms for proposed works (Application Forms, Deeds of Agreement and Contractor Lists)

Application forms must be accompanied by fees in accordance with Fees and Charges for service. These fees are non-refundable and cover Council's administration costs to process the application.

- c. Submit the application form(s), supporting documentation and application fees to Council.
- d. Upon receipt of the application, Council will assess it to determine if the application should be approved. Approximate assessment times for determination of applications:
 - Traffic Committee / Council - 4 months
 - PAMP / Council - 4 months
 - Urban Infrastructure - 1 to 4 weeks depending on size and complexity of project
- e. If approved, a written Section 139 Consent will be issued with conditions. Conditions will consist of, but not limited be to:
 - payment of further fees, depending on the nature of the work
 - hours of works
 - signage
 - maintenance of traffic and pedestrian movements
 - ensuring public safety
 - environmental controls
 - geotechnical investigation
 - insurances
 - repair of any damage caused as a result of the work
 - inspection regime
 - prior notice for inspections
 - certification of works
 - final inspection
 - maintenance period, maintenance bond
 - photos of infrastructure prior to works commencing
- f. Works shall not commence until written consent has been received from Council. The consent must be kept on site at all times during the works.

- g. Council may inspect the works to ensure compliance with relevant controls and specifications. Inspections will be subject to payment of fees as set out in the Pittwater Council Delivery Plan.

Notes:

1. Only property owners or their authorised agents may make applications.
2. Applications can only be made in relation to the public road adjacent to the applicant's property.
3. If required, an "Occupancy License" must be entered into with an appropriate yearly rental.

Approvals are required as per *Roads Act 1993 and Local Government Act 1993*.

Assessment for Environmental Impacts

If removal or modification of trees and/or locally native vegetation is to be undertaken Council approval will also need to consider the impacts on species of flora/ fauna and that endangered ecological communities (EECs) are protected in line with the *NSW Threatened Species Act, 1995*.

Council will also consider landscaping/tree planting management as detailed in section 25 of this guideline.

Major Works Required Under Development Consent or Local Improvements

All works are required to be certified by a professional engineer experienced in the work undertaken and certification forwarded to Council.

Council will undertake periodic inspections of the site; however, such inspections do not indicate approval or acceptance of the works.

Road Works

Road works are to be constructed in accordance with the approved plans and specifications.

All works are required to be certified by a professional engineer experienced in the work undertaken and certification forwarded to Council. Council will undertake periodic inspections of the site, however, such inspections do not indicate approval or acceptance of the works.

Twenty four hours notice is required for inspections by Council.

Further requirements for road works are detailed in Council's specification NAT-Spec (available from Council after payment of fee) and Council's Standard Drawings.

Traffic & Pedestrian Management around Work Sites

Work activities on the public road reserve must not interrupt the safe movement of pedestrians and traffic past the site of the works. Traffic control must be undertaken where necessary to ensure the safe movement of pedestrians and traffic.

The TMP is to be prepared in accordance with TRMS Guidelines by suitably qualified persons and may include the preparation of a traffic control plan (TCP), to control vehicular traffic on the roadway, to TRMS requirements. Note that for TRMS main roads, the applicant must obtain the approval of the TCP by the TRMS and submit a copy of the approval to Council with the application.

A Traffic Management Plan must be available on site throughout the work period and barricades, signs and other control devices must be in place as per this plan.

Fees and charges apply as per Pittwater Council Delivery Plan.

AUTHORISATION OF CONTRACTORS TO WORK ON PUBLIC INFRASTRUCTURE

Council authorises two classes of contractors permitted to work on public infrastructure:

- a. Minor contractors (access driveways and footpaths etc.).
Council maintains a list of authorised contractors who demonstrate compliance with public liability insurance and workers compensation insurance as well as providing quality workmanship to Council's standards.
- b. Major contractors (roads, pavements, kerb and gutter and drainage etc.).
Council's requirement prior to release of the Section 139 certification is that the contractor demonstrates competence in undertaking civil engineering construction and compliance with public liability insurance and workers compensation requirements.

Council will require demonstration of compliance prior to the release of the consent to undertake works.

Insurance Requirements for Contractors

A contractor working on the road reserve, public lands or public infrastructure must have in place:

- a. Workers Compensation Policy of insurance covering workers on the site and those workers who attend the site periodically.
- b. Public Liability Insurance Policy for an amount in respect of any one occurrence of not less than \$20 million.

The Contractor shall maintain the policies for the period the works are undertaken.

Work Health & Safety Requirements for Contractors

A Contractor working on the road reserve, public lands or public infrastructure located on private lands must have in place a Safe Work Method Statement for the activity being undertaken in terms of the legislative requirements, including Acts and Regulations, relating to work health and safety.

The Safe Work Method Statement must be available on the site of work and be available on request by a Council Officer.

Protection of People and Property

A Contractor working on the road reserve, public lands or public infrastructure must at all times:

- Provide all things and take all measures to protect people and property
- Avoid unnecessary interference with the passage of people and vehicles
- Prevent nuisance and unreasonable noise and disturbance and
- Have a traffic management plan, including a traffic control plan, in place

Without limitation, the Contractor is required where necessary, to provide all barricades, fencing, warning signs, lighting, traffic management, removal of obstructions and protection of utility services. Where the Contractor damages public property in undertaking works on public lands, the Contractor is required to make good and/or pay any compensation required at law.

INCIDENT MANAGEMENT ON A PUBLIC ROAD RESERVE

Where an incident occurs on a public road reserve, public lands or public infrastructure (eg. public stormwater system) the Council Road Reserve Management Engineer can be contacted via the Customer Service Centre to remedy the situation.

Council staff in attendance will determine if the incident is the responsibility of the Council, another authority or the responsibility of the property owner.

Such incidents include:

- Retaining wall collapse
- Road collapse
- Potholes in pavement
- Blocked stormwater pits and pipelines
- Fallen trees, etc.

Fallen power poles remain the responsibility of the energy authority.

CONTRIBUTIONS TOWARDS COST OF WORKS BY PROPERTY OWNERS

New Kerb and Gutter

Where new kerb and gutter is installed in locations where kerb and gutter did not previously exist, the adjacent property owner is required to contribute to the cost of the installation, up to the full length of the frontage to the property, at a \$rate/m set in Pittwater Council Delivery Plan.

Property owners of corner properties are not required to contribute to the cost of installation of kerb and gutter to the second frontage.

The contribution applies equally to all roads in the Pittwater Local Government Area including main roads.

Access Driveways and Gutter Crossings

Where a new or upgraded access driveway (driveway between gutter crossing and boundary) and/or gutter crossing is installed, the property owner is required to contribute 100% of the cost of the installation.

Where the access driveway is a shared driveway, the full contribution must be paid to Council prior to Council carrying out any work.

Works Required Under Development Consent

Where new or renewal works are to be constructed as a requirement of a development consent, the property owner, developer or builder is required to contribute 100% of the cost of the works.

ROAD RESERVE RESTORATION

Council Road Reserve Assurance Fee

For all Development Applications (DA) where the value of the works exceeds \$5,000, a Road Reserve Assurance Fee is to be paid on lodgement of the DA. The fee is for inspection of the road reserve adjacent to the development, prior and post development.

Restoration of Damage to Road Reserve

Where the road reserve is left in a poorer condition than the predevelopment condition, the property owner, developer or builder is required to contribute 100% of the cost of restorations.

Street Openings for Private Underground Utility Services

Prior to undertaking works associated with the installation and maintenance of utility services by contractors for private underground utility services in road reserves. Council must be contacted to allow the cost of restoration to be estimated and a fee applied. Approval is required under *Section 138 Roads Act 1993*.

All excavation for access to utility services must be:

- The minimum practical dimension to access the utility service
- Be cut square to the surface
- Be backfilled and compacted
- Be temporarily restored immediately on completion of utility service work to allow the safe passage of pedestrians and/or traffic
- All excavation must be restored and made good equivalent to the surrounding surface or alternatively arrangements made with Council for restoration

Council reserves the right to undertake the restoration of Council assets.

The cost of all restorations will be borne by the property owner/builder/contractor as per the rates set out in the fees and charges in Council's Delivery Plan.

All street openings, installations and restorations for underground services are to be in accordance with the Guide to Codes and Practices for Street Openings

Standards

- New South Wales Street Opening Conference - Guide to Codes and Practices for Street Openings
- NAT Spec specifications - Roads Opening and Restorations
- Australian Standard Traffic Control Devices
- Council Standard Drawings

Utility Services; Street Openings for Underground Utility Services

All utility street openings, installations and restorations for underground services are to be in accordance with the Guide to Codes and Practices for Street Openings

All excavation for access to utility services must be:

- The minimum practical dimension to access the utility service
- Be cut square to the surface
- Be backfilled and compacted
- Be temporarily restored immediately on completion of utility service work to allow the safe passage of pedestrians and/or traffic

Final restoration will be undertaken by Council or Council contractors under the direct instruction of Council. Fees for restoration will be charged as per Council's Fees and Charges in Council's Delivery Plan.

Standards

- New South Wales Street Opening Conference - Guide to Codes and Practices for Street Openings
- NAT Spec specifications - Roads Opening and Restorations
- Australian Standard Traffic Control Devices
- Council Standard Drawings

VERTICAL UTILITY SERVICE CONNECTIONS

Where a public utility connection is constructed to connect to a property elevated above the surface of the adjacent roadway and the connection requires the verge to be traversed, the connection is to be constructed so that the vertical section is recessed into the embankment and encased in concrete.

PRIVATE USE OF ROAD RESERVES

INTRODUCTION

Pittwater's topographic diversity provides residents and visitors with broad alternatives to suit their life styles and needs.

From the flat and even lands of Warriewood Valley to the steep and abrupt hills of Church Point and Whale Beach, the Pittwater area presents a very unique environmental quality for the enjoyment of all.

Pittwater's Public Road Network provides access for residents and visitors.

In all, the road network extends for approximately 243 kilometres. Many areas of road have been designed and established in old subdivisions with little consideration of the terrain in the area or of the need for future vehicular access to properties. This has often contributed to the provision of access to properties being made difficult by the steep characteristics of the terrain.

Considering the extent of the roads network, and making allowance for future road widening, it becomes apparent that areas of public road, not in public use, may be available to adjoining private property owners via consent or purchase.

In fact, many situations exist where in the past the Council has allowed property owners to construct vehicular accommodation (carports & garages) within areas of a road reserve. Also, many situations exist where property owners have made improvements to the road reserve, perhaps without approval, and in doing so have alienated public land for private use.

In 1994, and in response to the introduced Roads Act 1993, Pittwater Council adopted a Road Lease Policy. This guideline incorporates aspects of that original document, as well as providing further clarification and guidance on proposals concerning the road reserve fronting private property.

The aims and objectives of the guidelines is to continue with the provision of guidelines for private use of road reserves, together with the inclusion of issues that have arisen since 1994.

The guidelines will also provide for the assessment and determination of road closure and sale proposals, which provide a more permanent option to the consent to occupy (Licence) arrangements authorised under this guideline. This issue has developed rapidly in recent times, and is clear recognition of the Council's active property management role in determining future ownership of public road that is not likely to be put to public use.

Importantly, the guideline is designed to provide a more efficient and rapid solution to issues concerning private use of public road land matters, through the diversity of options covered by the guidelines.

Objectives

1. To permit use of Public Land (dedicated public road reserve) by private property owners on a uniform basis and in compliance with the Local Government Act and Roads Act 1993.
2. To provide a reasonable financial return to all ratepayers on Council owned assets used for private purposes.
3. To reduce Council's exposure to risks associated with the use of public land by formal tenure/occupation by consent to define responsibilities.

Principals

- The guidelines applies to all new and existing structures located on public road reserve, it being noted that since the commencement of the Roads Act 1993, permanent structures may not be authorised on any land other than purchased land.
- Consent for occupation of the road reserve (i.e. Licensed land) will not be considered if consent is requested in order to comply with Council's car parking requirements in Pittwater 21 DCP.
- In circumstances where an applicant wishes to use a portion of the road reserve for car parking purposes in association with a Development Application for the main dwelling, they be advised that they may apply to purchase the portion of road reserve in question and that a full assessment of the application will be followed, including public consultation, and that consent for the lodgement of a Development Application will be granted after exchanging of contracts and subject to settlement of the sale.
- All road closure applications will be assessed on their individual merits. Any proposal for road closure must take into consideration and allow for the provision of future pedestrian access, road widening and other urban infrastructure services.
- The General Manager shall have discretion to waive the requirements of these guidelines only in the circumstances of very minor encroachments.
- For the purposes of these guidelines the following interpretation applies:

'PERMANENT' STRUCTURE

- Any structure that Council deems to have an effective life of more than 5 years
- Requires significant structural and site works, eg retaining walls or suspended slab
- Is not readily able to be removed and the disturbed area would be difficult to restore
- Associated with a condition of consent for carparking to allow occupation of the main dwelling on the adjoining land.

Examples:

- Car stands requiring significant structural and site works
- Garages and carports of "permanent" construction
- Inclinator providing longer term pedestrian access
- Boundary fences

'TEMPORARY' STRUCTURE

- Any structure that has an effective life of less than 5 years
- Does not require significant structural works
- Easily removed and area easily reinstated
- Not associated with a condition of consent for car parking to allow occupation of the main dwelling on the adjoining land.

Examples:

- Temporary inclinator such as those associated with construction works

Existing Minor Encroachments

Where it is found that an adjoining owner has an existing encroachment upon a road reserve and the encroachment is found to be of a minor nature, then staff shall notify Councillors of the encroachment.

Councillors have 10 working days following an official inspection to request that the matter be called to Council for consideration. Should the notifying officer not be requested to bring this matter to Council then the matter shall be referred to Council's General Manager.

Either Council or the General Manager shall determine whether to:

- a. allow the encroachment to remain, at Council's discretion, without the requirement to purchase or lease the road reserve, or
- b. allow the encroachment to remain with the requirement to purchase or lease the road reserve, or
- c. issue an order for the encroachment to be removed.

Any decision by Council or the General Manager to take no action does not in any way formalise the encroachment nor does it constrain the Council from taking some other action in the future.

It is the encroaching owner's responsibility to provide a survey from a registered surveyor to define the encroachment(s) and the area of the encroachment(s) and to take out any necessary public liability insurances over the Council road reserve land.

For the purpose of these guidelines, a "minor encroachment" is defined as either or both:

- (i) An enclosure by fencing with a total area of up to 10m².
- (ii) An encroachment of a permanent structure with a total area of up to 8m² including but not limited to a carport or garage or car stand area."

Consent to Occupy for Temporary Structures on Road Reserves under Section 139 of Roads Act 1993.

Council will, where appropriate consider issuing consent under section 139 of the Roads Act 1993 for the occupation of a temporary structure on road reserve subject to:

- A specific application being made to Council with the application fee of \$1,000 being paid prior to Council's formal agreement to consent. Upon consent being granted, a further \$3,500 is payable to Council, being a total of \$4,500 representing the minimum annual fee for the first year. Should the annual fee be more than \$4,500, then the outstanding balance shall be paid by the applicant prior to the issue of the consent.
- For subsequent years the minimum annual rental fee shall be \$1,200.
- The \$1,000 application fee is credited towards the first years rent upon execution of all consent documents.
- An application form for Consent under Section 139 of the Roads Act is attached to these guidelines as Appendix 1.

Should Section 139 consent be granted to the applicant for the subject property the applicant must comply with all covenants and conditions at all times otherwise this consent will be withdrawn by Council.

- Standard conditions for Consent under Section 139 of the Roads Act are attached to these guidelines as Appendix 2.
- The standard conditions of this Consent may be varied as required by Council as Roads Authority for each individual site as required.
- The General Manager has delegated authority and discretion in approving consents under section 139 of Roads Act 1993 over road reserves.

- A fee is payable annually in advance and will be determined on an area of encroachment basis. The rate per square metre being based on an annual rate of return on the calculated value of the subject land. This calculated value being an apportioned value based upon the Valuer General's value for the property to benefit from the consent.
- The required rate of return will be 10% per annum of the calculated value of the land the subject of the consent. However, please note the minimum annual fees as set out in 1.1.1. above.
- Upon transfer of title of the licensee's property, Council permits the assignment of the consent to successive owners without the need for a new application to be lodged. However, the responsibility for notifying Council of any transfer is the responsibility of the licensee.

That the General Manager may allow concessions on the annual fee under the following circumstances:

- For pensioners, a rebate of 50% will be applied.
- For owners who claim financial hardship, Council may negotiate extended payments in light of the individual circumstances.
- For owners whose actions on Council land provide a tangible benefit to the greater community, agreements providing for a cost/benefit off-set up to a maximum of 50% of the fee value may be negotiated.

Council can in no way guarantee any security of tenure and it should be understood that this consent can be terminated at any time following written notice.

Permanent Structures

Council will, where appropriate, consider the sale of public road reserve to an adjoining owner as a means of formalising permanent occupation for either as built or proposed permanent structures, subject to:

An application being made to Council with the appropriate fees to process the application.

No structures are to be erected on the subject portion of road reserve until title is transferred to the new owner, and only then under the terms and conditions established in the assessment process.

The land being sold at a price which reflects its current market value to be established by a registered valuer appointed by Council. The valuation will be on a "before and after" basis.

All such land disposals may include restrictions on the use of the additional land for subdivisional, dual-occupancy purposes or building purposes.

All costs associated with actions to dispose of public road are to be borne by the purchaser - The form 'Information for Applicants on Proposed Road Closure and Sale Procedures' is attached as Appendix 3, and provides an outline of the procedure for road closure.

That funds obtained from the sale of road reserves be used in accordance with the provisions of Section 43 of the Roads Act 1993, that is, for acquiring land for roads or for carrying out road works.

It is a condition of sale that upon settlement the two parcels of land will be consolidated into one.

Use of Footpath for Cafes, Restaurants, Merchandise and Short Term Use

- a. Section 125 of the Roads Act 1993 provides that Council may approve the use of part of the footpath for restaurant purposes.
- b. Section 126 and 139 of the Roads Act 1993 provides that Council may approve and charge rent for the erection of structures for the purposes of selling articles or service.
- c. Applications for the private use of footpaths should be made to Council in the prescribed Permit Application forms, together with an application fee as fixed by Council from time to time.
- d. Assessment of Permit Applications will consider the Guidelines for Footpath Use as shown on the appropriate Application form for type of use.
- e. As standard conditions, other than outdoor dining, a Permit will require:
 - (i) Payment of the Permit Fee
 - (ii) Submission of an application form
 - (iii) Define area and type of use
 - (iv) Other standardised conditions addressing obligations in terms of public liability, insurance, hours of operation, maintenance of equipment, off footpath storage, keeping the area clean, no cooking on footpath
 - (v) Term of Permit Approval — 1 year trial, appropriate fee paid annually for a maximum of 5 years thereafter, a new application is required to be lodged, approval obtained and fee paid as set by Council from time to time.
- f. As standard conditions, for outdoor dining, a Permit will require:
 - (i) Payment of the Permit Fee
 - (ii) Submission of an application form
 - (iii) Define area and type of use
 - (iv) Other standardised conditions addressing obligations in terms of public liability insurance, maintenance of equipment, off footpath storage, keeping the area clean, no cooking on footpath
 - (v) Notification of application for a period of 14 days to be displayed on the premises. Should there be objections received, the application will be forwarded to Council's Pittwater Asset Management Panel (PAMP)
 - (vi) Term of Permit Approval — 1 year trial, appropriate fee paid annually for a maximum of 5 years thereafter, a new application is required to be lodged, approval obtained and fee paid as set by Council from time to time
- g. A Permit becomes operative for a period of 5 years only and appropriate fee paid annually. A new application is required to be lodged, approval obtained and fee paid as set by Council from time to time.
- h. The Permit holder will be required to display the Permit details in such a way as to be clearly visible to the public.
- i. Permit Fees shall be established by Market Rental Valuation for the discrete commercial areas of Palm Beach, Avalon, Newport and Mona Vale and generally for other areas of Pittwater. Such Valuation shall be made by a qualified Registered Valuer and set from time to time in Council's Management Plan. The Valuer, when carrying out such valuations will consider:

- (i) Weather conditions
 - (ii) The expense of servicing outdoor eating areas.
- j. Council authorises the General Manager, to consider the variation of Permit Fees under the circumstances that provide for a Permit holder to make “in kind” payment of Permit fees towards:
- (i) Contributions towards improvements in landscaping in the locality.
 - (ii) Contributions towards improvements in footpath paving in the locality.
 - (iii) Contributions towards improvements to the streetscape of the area.
- k. Permit Fees collected by the Council shall be held in a restricted asset fund for the respective commercial centre area, and the Council shall consider the allocation of such funds, in consultation with local community groups, towards improvements within the commercial centre area.
- l. That with regard to applications for short term leasing of outdoor eating areas, the following conditions apply:
- 1. That the maximum permissible time span for any individual short term booking be one month.
 - 2. That the fee to be charged be 100% of the commercial rate for that area with no discount for inclement weather.
 - 3. That in all instances, a booking fee is to be charged for each and every application and a security bond is to be lodged.
 - 4. That the necessary insurances be provided with each individual booking.
 - 5. That the minimum value equating to any temporary bookings be \$200.
 - 6. That schools, non-profit clubs, charities and other non-profit organisations be exempt from the licence fee for the use of such an area, however the normal booking fee be reduced to \$25 and the bond still apply. (OM 23.10.2000)
 - 7. Fees and Charges apply as per Pittwater Council Delivery Plan.

**APPLICATION FOR CONSENT FOR STRUCTURE TO OCCUPY ROAD RESERVE UNDER
SECTION 139, ROADS ACT 1993**

Property Address:

Property Owner:

Applicant (if other than owner):

Contact details (Phone, Fax, Mobile):

Comments to support Application:

Property Owner's/Applicant's Signature

Date

**PLEASE READ THE ATTACHED NOTES ON FOR INSTRUCTIONS AND
INFORMATION ON THIS APPLICATION FOR CONSENT**

Standard Conditions

CONSENT UNDER SECTION 139 OF THE ROADS ACT 1993

A. NOTATIONS

- A1. This Consent is granted pursuant to Part 9 Division 3 of the Roads Act 1993.
- A2. The Council consents to the Applicant (.....) using the land, as marked on the attached survey prepared by (.....), being Council owned road reserve,
For (.....).
- A3. In accordance with section 140 of the Roads Act 1993, the Council can revoke this consent at any time and for any reason by serving a written notice on the Applicant. If the Council revokes this consent the Applicant will remove, at the Applicant's own expense any building, structures, fences or improvement erected on the land and make good all damage done to the land and/or the public road and if the Applicant fails to do so then the Council may do such work as it deems necessary and the cost incurred in so doing shall be paid by the Applicant to the Council and all materials removed from the land will be the property of the Applicant.

B. MATTERS TO BE SATISFIED PRIOR TO THE RELEASE OF THE CONSENT

C. PRESCRIBED CONDITIONS

- C1. The applicant is to pay to the Council the annual fee of (\$). The first annual fee is to be paid within 28 days of the endorsement date of this consent. The amount is to be adjusted annually in accordance with Council's guideline on Private Use of Road Reserves on written notice.
- C2. The Applicant will pay the proper authorities all water rates, excess water, meter rents, Council rates and land tax should the land the subject of this consent be or become rateable or taxable. If the Applicant fails to make these payments the Council may make the payments and recover the sum paid from the Applicant after written notice.
- C3. The Applicant will not do or allow to be done any of the following:
- (a) use the land other than for (.....).
 - (b) use the land or any part thereof for any noxious, immoral, offensive or unlawful purposes;
 - (c) Bring to do or keep anything on the land which may conflict with the laws or regulations relating to fires or any insurance policy upon the land or regulations or ordinances of any public authority for the time being in force or use chemicals, burning fluids, acetylene gas or alcohol in lighting of the land; and
 - (d) paint, affix or erect on any part of the land any signs or advertisements without the Council's prior written consent.

- C4. The Applicant shall at all times keep the land and all improvements, fixtures and fittings on it clean and in good repair.
- C5. The Applicant shall duly comply with and observe all notices received from any statutory or public authority relating to the land or the nature or use carried out on it and will comply with the requirements of such notices at its own expense.
- C6. The Applicant is liable for and indemnifies the Council against all losses, damages, costs, expenses and other liabilities arising from or incurred in connection with:
- (a) damage, loss, injury or death caused or contributes to by the act, negligence or default of the Applicant or of the Applicant's employees and agents or by faulty fittings or fixtures brought upon or affixed to the land by the Applicant; and
 - (b) the Council doing anything which the applicant must do under this consent but has not done or has not done properly.
- C7. The Applicant releases the Council from, and agrees that the Council is not liable for, any losses, damages, costs, expenses or other liabilities arising from or incurred in connection with:
- (a) damage, loss, injury or death unless it is caused by the Council's act, negligence or default; and
 - (b) anything the Council is permitted or required to do under this consent.
- C8. Each indemnity is independent from the Applicant's other obligations and continues during the consent and after it is revoked. The Council may enforce an indemnity before incurring expense after written notice.
- C9. No act, matter or thing whatsoever shall at any time be done in or upon the land which shall or may be or grow to the annoyance, nuisance, grievance, damage or disturbance of the occupiers or owners of the properties adjoining the land.
- C10. Any damage caused to:
- (a) any property or person; or
 - (b) any part of the road or public places including the road surfaces, footpaths, kerbing, guttering, drains, gullies or other constructions vested in or under the control of the Council,
- by reason of any work done by the Applicant shall be made good by the Applicant to the satisfaction of the Council after written notice and if the Applicant fails to do so then the Council may make good such damage and the cost incurred in so doing shall be paid by the Applicant to the Council.
- C11. If the Council does any work under this consent and the costs of that work are payable by the Applicant, a certificate from an engineer for the Council duly served shall be final and conclusive as to the cost of the work.
- C12. The Applicant shall not knowingly permit the sale of any intoxicating liquor on the land, nor permit any person to take onto the land or consume thereon any intoxicating liquor without the consent of the Council.

- C13. The Applicant must maintain public liability insurance coverage to protect the Council against any claim arising for damages throughout the term of the consent. A copy of the relevant documentation must be provided to Council.
- C14. The Council may enter and inspect the land when and as often as the Council may require and without previous notice but thereafter advise the applicant.
- C15. The Council's right to enter and repair after written notice shall extend to affecting all repairs, painting, cleaning or other work of whatsoever kind which it shall deem expedient.
- C16. Notwithstanding any implication or rule of law to the contrary the Council shall not be liable for any damage or loss the Applicant may suffer by the act, default or neglect of any other person or by reason of the Council neglecting to do something to the land which as between the Council and Applicant it might be legally liable to do.

Information for Applicants on Proposed Road Closure and Sale Procedures

Please ensure that you read this information sheet prior to lodging a road closure application. Do not hesitate to ask any questions of Council Staff.

Council generally requires applications that propose closing a section of road across the whole frontage of a block of land, rather than the encroachment itself. This helps maintain reasonable continuity of property boundaries.

To assist Council in determining the merit of any application, an identification survey plan showing boundaries, retaining walls and encroachments on road reserves. Should this survey not provide sufficient information to allow a full merit based assessment of the application it shall be referred back to the applicant before any further consideration is given. This can result in substantial delays for the applicant.

It is important to know up front that Council requires all costs associated with pursuing a road closure and sale to be paid by the applicant. Estimated costs for the road closure and sale are discussed later in this form.

Following receipt of your Road Closure Application fee and this form, signed by the owner of the property, which requests Council to consider the closing and sale of a section of public road to you, the following action is undertaken:

1. An initial Planning Review will be undertaken by Council's Planning and Assessment Unit as to compliance with the relevant DCP and other planning considerations.
2. Should you wish to proceed with the application, Council officers will consult with other areas of Council (eg Natural Resources Unit, Urban Infrastructure Unit) to seek their comments on the proposal.
3. Comments will also be sought on the proposal from Sydney Water, Natural Gas Co, Sydney Electricity, Telstra and Council's Engineers advising of any easements or other requirements.
4. When that information is received, the proposal is submitted to a meeting of Council for consideration.
5. If agreed by Council, an Application is then lodged by Council with the Land & Property Management Authority, who then notifies surrounding property owners and Service Authorities of the proposal and advertises the proposal in a local newspaper for public comment.
6. The Department will advise Council following this consultation of any objections or problems which must be overcome before the proposal may proceed.

7. Council will negotiate to overcome any objections, and upon resolving the objections and receiving notice from the Department that the objections have been withdrawn (or not pressed) and the proposal may proceed, Council will;

- A. Advise you that approval has been received for the proposal to proceed. It is important that you are aware of the costs of the exercise. The estimated associated costs are made up as follows;

ROAD CLOSURE RESERVE APPLICATIONS			
Description / Item	FEE	GST	TOTAL FEE
	Excluding GST	(If applicable)	Including GST
Establishment Fee (includes planning review)	\$1,090.91	\$109.09	\$1,200.00
Council's processing Fee	\$4,545.55	\$454.45	\$5,000.00
Road Closure application fee – Dept of Lands (at cost) Estimate Only	\$800.00	\$80.00	\$880.00
Surveying Costs (at cost) Estimate Only	\$3,181.82	\$318.18	\$3,500.00
Land Titles Office registration Costs (at cost) Estimate Only	\$1,000.00		\$1,000.00
Valuation Costs Estimate Only	\$2,272.73	\$227.27	\$2,500.00
Council Legal Costs Estimate Only	\$4090.91	\$409.09	\$4,500.00

NOTE: These costs do not include the sale price of the land which is an additional cost. The costs are estimated costs only and the actual cost may exceed or fall below the figures shown above

The process for payment of these costs is as follows:

Step 1.

Payment of non-refundable Establishment Fee
which includes an initial Planning Review\$1,200

Step 2.

Should the applicant still wish to proceed with the
Road Closure application, payment of Processing Fee\$5,000

Step 3.

Should the Council approve lodgement of Road Closure
Application with Department of Lands, the balance of fees
(as indicated above) to be paid on exchange

- B. Council will arrange for the preparation of a new Deposited Plan defining the proposed closure area and incorporating any required easements. Council may also place restrictions on the use of this land to prohibit its use for future subdivision, dual occupancy or building purposes etc.
- C. Council will commission a market valuation of the land on a “before and after” valuation basis however, this step will only be taken when the closure process has reached a stage where the outcome of the application is known.

6. We will then need to meet and discuss the proposed sale arrangements. The result of these negotiations will be reported to Council for consideration and determination.
7. The survey plan is then lodged with the Property Information NSW for registration, and a registered copy filed with the Department of Land & Water Conservation, who will then complete the formal closure of the road.
8. The Certificate of Title for the land (ie the closed section of public road) is then issued to Council, following which Council will instruct its solicitors to proceed with the actual sale of the land to you.
9. It is a condition of sale that upon settlement the two parcels of land be consolidated into one and that a re-zoning application is made within 12 months of settlement.

This process of closing a section of public road is lengthy, we estimate that it can take up to 12 months, although not in all cases.

Staff will be pleased to meet you, either at Council's Offices or on site to discuss possible options and to answer any questions you may have.

PLEASE NOTE: **The sale of the subject portion of road reserve is dependent upon Council's consideration and there is no guarantee of the sale being approved.**

The costs are estimated costs only and the actual cost may exceed or fall below the figures shown above.

Application for Road Closure

I,, have read and understood the enclosed ***“Information For Applicants on Proposed Road Closure and Sale Procedures”*** and request Pittwater Council to consider a road closure and sale of land adjacent to

.....

.....

.....

NAME:.....

PROPERTY ADDRESS:.....

STREET

POSTAL ADDRESS:.....

PHONE: No. (W).....(H).....(Mob.).....

Signature:..... Date:.....

**SURVEY PLAN OF SUBJECT LAND AND COMMENTS
IN SUPPORT OF APPLICATION
MUST BE ATTACHED TO THIS FORM**

TEMPORARY USE OF ROAD RESERVE FOR CONSTRUCTION RELATED ACTIVITIES

Skip Bin / Building Waste Container on Road Reserve

A skip bin and/or building waste container may be placed for a maximum period of 14 days per placement. The container must be placed on road verge clear of traffic and so as not to impede the movement of pedestrians past the location, or on road pavement so as not to impede the safe movement of pedestrians or traffic.

Where the proposal to place a skip bin / building waste container is at a location that may impede the pedestrian and/or traffic flows, a Traffic Control Plan must be lodged with the application.

Under *Section 139 Roads Act 1993* written approval required prior to placement. Consent from Council must be sought via an *"Application to Stand Skip Bin/Building Waste Container"* and the appropriate fees paid. A late fee is payable in addition to the cost of the consent, if the consent is sought after placement of the bin/container.

Fees and charges apply as per Pittwater Council Delivery Program.

A skip bin/waste container is not permitted to be placed on the road pavement of a main road. These roads are Wakehurst Parkway, (Pittwater Road to Deep Creek), Mona Vale Road, Pittwater Road (Wakehurst Parkway to Barrenjoey Road) and Barrenjoey Road.

Stand Construction Plant on Road Reserve

If there is a need to operate a crane, concrete pump, or any other plant or machinery on a public road, permission must be sought from Council via an *"Application to Stand Construction Plant on a Public Road"* and the appropriate fees paid. Under *Section 139 Roads Act 1993* written approval is required prior to standing plant. A late fee is payable in addition to the cost of the permit, if the permit is sought after the operation has commenced.

Construction Plant may be placed for a maximum period of 72 hours per placement on road verge clear of traffic and so as not to impede the movement of pedestrians past the location, or on road pavement so as not to impede the safe movement of pedestrians or traffic.

Where the proposal to stand plant is at a location that may impede the pedestrian and/or traffic flows a Traffic Management Plan must be lodged with the *"Application to Stand Construction Plant on a Public Road"*.

Fees and charges apply as per Pittwater Council Delivery Program.

Stand Shipping Container / Work Shed on Road Reserve

Should construction work require the placement of a container or work shed on a public road, permission from Council must be sought via an *"Application to Stand Container/Work shed on Public Road"* and the appropriate fees paid. Under *Section 139 Roads Act 1993* written approval is required prior to placement. A late fee is payable in addition to the cost of the permit, if the permit is sought after placement of a container or work shed on a public road.

A shipping container/work shed may be placed on road verge clear of traffic and so as not to impede the movement of pedestrians past the location, or on road pavement so as not to impede the safe movement of pedestrians or traffic.

Where the proposal to stand shipping container/work shed is at a location that may impede the pedestrian and/or traffic flows, a Traffic Management Plan must be lodged with the application to stand shipping container/work shed on a Public Road.

Fees and charges apply as per Pittwater Council Delivery Program

Construction Zones on Footpath Area of Road Reserve

A Construction Zone allows the temporary use of the adjacent road verge, between the road pavement (includes road shoulder for unkerbed roads) and the property boundary, for construction purposes where insufficient area is available within the property. The developer or builder may request the use of additional space via an *“Application for Construction Zone in a Public Road”*. The application is to be accompanied by a plan showing the proposed location and hours of use. Under *Section 139 Roads Act 1993* written approval is required prior to establishment.

A Construction Zone must be located on the road verge clear of traffic and so as not to impede the movement of pedestrians past the location or to cause pedestrians to walk on the road.

Fees and charges apply as per Pittwater Council Delivery Program.

Work Zones on Road Reserve

A work zone must be located on road pavement (includes road shoulder in unkerbed roads) so as not to impede the safe movement of pedestrians or traffic. A work zone allows the temporary use of the road shoulder **and** kerb side lane for construction purposes. The Developer or Builder may request the use of additional space via an *“Application for Work Zone in a Public Road”*. The application is to be accompanied by a plan showing the proposed location and hours of use. A Traffic Management Plan must be lodged with the application to install a work zone. A work zone application will be considered by the Pittwater Traffic Committee and depending on timing an allowance of approximately two months should be allowed for the application to be processed.

Council will install the appropriate zoning signage once consent is given by the Traffic Committee.

Under *Section 139 Roads Act 1993* written approval is required prior to establishment

Fees and charges apply as per Pittwater Council Delivery Program

A Work Zone located on main roads; Wakehurst Parkway, Mona Vale Road, Pittwater Road and Barrenjoey Road must be referred to the Roads and Traffic Authority for approval.

Temporary Fencing and Hoardings on Road Reserve

If construction works are likely to cause obstruction to pedestrian or vehicular traffic in a public place, or if the works involve the enclosure of a public place, then a hoarding or temporary fence must be erected between the work site and the public place. The prime objectives of a hoarding are safety and protection of the public. Consent from Council must first be sought via an *“Application for Temporary Fencing and Hoarding on Public Road”* and the appropriate fees paid. The application must be accompanied by a plan indicating the proposed location and size of the hoarding. Under *Section 139 Roads Act 1993* written approval is required prior to erection.

Temporary fencing and/or hoardings must be located on road verge clear of traffic and so as not to impede the movement of pedestrians past the location, or to force pedestrians to walk on the road pavement. The fencing or hoarding must be constructed so as to protect the public from the works activity. Australian Standard *AS 4687-2007 - Temporary Fencing and Hoardings* should be followed when designing and constructing construction fencing or hoarding. There are three types of Hoarding - A, B or C and these are detailed as per AS 4687-2007.

Fees and charges apply as per Pittwater Council Delivery Program

Temporary Road Closure (Full or Partial) for Construction

Temporary road closure for construction purposes will be considered in cases where other construction options are not available.

A Traffic Management Plan, prepared by a suitably qualified person, must be lodged with the application for a full or partial road closure of a periodic nature for construction purposes.

An application for a temporary road closure for construction purposes will be considered by the Pittwater Traffic Committee and depending on timing an allowance of approximately two months should be allowed for the application to be processed.

Council approval is required prior to implementation under *Part 8 Roads Act 1993*

Fees and charges apply as per Pittwater Council Delivery Program

Temporary Road Closure (Partial or Full) for Events

Temporary road closure for events will be accepted in cases where other options are not available.

A Traffic Management Plan, prepared by a suitably qualified person, must be lodged with the application for a full or partial road closure of a periodic nature for event purposes.

An application for a temporary road closure for event purposes will be considered by the Pittwater Traffic Committee and depending on timing an allowance of approximately three months should be allowed for the application to be processed

Council approval is required prior to implementation under Part 8 Roads Act

Fees and charges may apply as per Pittwater Council Delivery Program

Traffic Control Devices for Works on Roads

All traffic control for works on Council local and regional roads is to be in accordance with Australian Standards, AustRoads and Transport, Roads & Maritime Services Guidelines. Traffic Management Plans must be in place and followed.

Standards

- Australian Standard - *Manual of uniform traffic control devices - Traffic control devices for works on roads*
- Transport Roads & Maritime Services Supplement to Australian Standard
- Transport Roads & Maritime Services Manual - Traffic control at work sites
- Council Standard Drawings and Templates

Under *Section 139 Roads Act 1993* written approval required prior to implementation of traffic control on public roads.

Fees and charges may apply as per Pittwater Council Delivery Program

ACCESS DRIVEWAYS AND WORKS ON THE PUBLIC ROAD RESERVE

Access Driveway - Application for Location and Profile

Access driveways (including those serving more than one property) include the driveway pavements, gutter crossings, stormwater drainage, supporting retaining walls, suspended slabs and related structures located on the public road reserve between the road edge and property boundary as illustrated in Pittwater Council's Standard Drawings.

Where there is an existing driveway and the applicant proposes to retain the existing driveway, the applicant will be required to demonstrate compliance with these guidelines.

Applicants are required to obtain approval for all new or modified driveways within the road reserve. Access driveways are to be designed and constructed in accordance with the requirements of these guidelines and Pittwater 21 DCP.

Where applications for an access driveway have not addressed the location and profile within the road reserve appropriately, the applicant will be required to obtain the location and profile information and insert this data into the design submission.

The cost for the design, construction and ongoing maintenance of a driveway access to private property is borne by the owner or joint owners in the case of multiple access driveways (refer to Section 16.2).

Written Council approval under *Section 139 Roads Act 1993* is required prior to commencement of works:

- Firstly an *“Application for Access Driveway Profiles”* (Form No. UI 301) must be lodged. Completion of the form and return to a Customer Service Centre with payment of the appropriate fee then generates a response from Council as to the type of the driveway to be used and the dimensions in plan.
- When construction of the driveway is proposed, consent for construction is required via an *“Application for Section 139 Consent to Work in a Public Road Reserve (including Driveways)”* (Form No. UI 311), which must be lodged with Council and accompanied by the appropriate fee.
- The application will be assessed by Council and if approved, a Section 139 Consent with conditions will be issued for the works. Note that construction can only be carried out by a *“Council Approved Concrete Contractor”*.
- Customers who wish to have a coloured driveway in lieu of a standard concrete driveway are required to complete a *“Deed of Agreement for Coloured Driveway”* (Form No. UI 303) and pay the appropriate fee. For Customers who wish to have a driveway constructed with bricks, pavers, patterned, stamped, sealed or stenciled in lieu of a standard concrete driveway, a *“Deed of Agreement for Cosmetic Driveway”* (Form No. UI 304) is required to be completed and the appropriate fee paid. These Deeds cover the section of the driveway between the property boundary and the roadway/kerb and gutter.
- In some situations where a driveway has been constructed as a coloured/cosmetic driveway without authorisation and Council considers it to be of an acceptable standard, Council may allow it to remain subject to the property owner of the unauthorised driveway completing a *“Deed of Agreement for Unauthorised Driveway Indemnifying Council”* (Form No. UI 305) and paying the appropriate fee.

Fees and charges apply as per Pittwater Council Delivery Program

Forty eight hours notice is required for a formwork inspection by Council prior to pouring of concrete for the driveway.

A final inspection will be carried out by Council to check that the works have been completed in accordance with these guidelines and any restorations within the public road have been completed.

Multiple Access Driveways

In the case of multiple access driveways: -

1. The owners of properties served by multiple access driveways meet the full cost of construction and maintenance of these crossings in accordance with Council's standard requirements.
2. Where these crossings are regularly used by garage, sullage and/or general delivery vehicles, Council may meet the cost of routine maintenance as distinct from capital replacement or work of a capital nature.

3. Construction or reconstruction work is to be approved by Council, and should damage to or obstruction of Council's road and/or drainage facilities occur, as a result of such construction or reconstruction, Council may execute any necessary repairs to public property and recover the cost from the responsible owners.

STREET NAME AND COMMUNITY FACILITY SIGNS

The installation of street name and community facility signs, where approved by Council, is to be in accordance with Australian Standard AS1742.5 - Manual of uniform traffic control - Part 5: Street name and community facility name signs, Council standard drawings and templates

Written Council approval under Section 139 Roads Act is required prior to installation of signs. The applicant will be responsible for the cost of producing and installation of new signage by Council.

Fees and charges apply as per Pittwater Council Delivery Program.

BICYCLE FACILITIES

This guideline generally relates to works by a contractor or developer as part of a development consent.

The design and construction of bicycle facilities is to be in accordance with Australian Standard AS1742.9 - Manual of uniform traffic control devices - Part 9: Bicycle facilities, AustRoads, Transport Roads & Maritime Services Guidelines and Council standard drawings and templates

Written Council approval under Section 139 Roads Act is required prior to installation

Fees and charges apply as per Pittwater Council Delivery Program.

PEDESTRIAN CONTROL AND PROTECTION

The design and installation of pedestrian control and protection facilities is to be in accordance with Australian Standards, AustRoads and Transport Roads & Maritime Services Guidelines:

- Australian Standard AS1742.10 - Manual of uniform traffic control devices - Part 10: Pedestrian control and protection;
- AustRoads - Guide to Traffic Management;
- Transport Roads & Maritime Services Standard Supplement AS1742 and
- Council Standard Drawings and Templates

Applications will require Pittwater Traffic Committee endorsement and Council approval under Section 139 Roads Act prior to starting construction.

Fees and charges apply as per Pittwater Council Delivery Program.

PARKING CONTROLS

Public Road Reserve

This guideline applies to works on the public road reserve by developer/contractor as part of development consent.

The installation of parking control devices is to be in accordance with Australian Standards, AustRoads and Transport Roads & Maritime Services Guidelines:

- Australian Standard - Manual of uniform traffic control devices - Part 10: Parking controls;
- AustRoads - Guide to Traffic Management;
- Transport Roads & Maritime Services Standard Supplement
- Council Standard Drawings and Templates.

Applications will require Pittwater Traffic Committee endorsement and Council approval under Section 139 Roads Act prior to starting construction.

Fees and charges apply as per Pittwater Council Delivery Program.

LOCAL AREA TRAFFIC MANAGEMENT

This guideline applies to works by developer/contractor as part of development consent and works by Council.

The design and installation of control facilities is to be in accordance with Australian Standards, AustRoads and Transport Roads & Maritime Services Guidelines:

- Australian Standard - Manual of uniform traffic control devices - Part 13: Local Area Traffic Management;
- AustRoads - Guide to Traffic Management;
- Transport Roads & Maritime Services Standard Supplement
- Council Standard Drawings and Templates

Applications (using the appropriate Council forms) must be supported by a traffic management plan and construction plans and will require Pittwater Traffic Committee endorsement and Council approval under Section 139 Roads Act prior to starting construction

Fees and charges apply as per Pittwater Council Delivery Plan

CONVEX SAFETY MIRRORS

Where concealed driveways exist individual residents may apply to council to erect a mirror to improve the safety of those particular driveways.

Applications will require Pittwater Traffic Committee endorsement and Council approval under Section 139 Roads Act prior to starting construction.

If an application is successful the cost of purchase, installation and future maintenance of the mirror will be borne by the resident and lease agreement entered into.

The installation of Convex Safety Mirrors shall be in accordance with the Transport Roads & Maritime Services Manual on Convex Safety Mirrors and Council Standard Drawings and Templates.

Fees and charges apply as per Pittwater Council Delivery Plan.

KERB NUMBERING OF PROPERTY

A property owner may choose to install kerb numbering. Kerb numbering of a property shall be painted on the kerb side vertical face directly adjacent to the driveway to the property and be reflective white on a black background. The installation of kerb numbering of a property is not compulsory.

The installation of kerb numbering is in addition to the requirement for the display of the property numbering on the building or the fence fronting the street in accordance with Section 124, Item 8, of the Local Government Act.

Council Approval is not required.

STORMWATER DRAINAGE

Where stormwater drainage construction works are proposed on a Public Road Reserve, consent for construction is required via an "Application for Section 139 Consent to Work in a Public Road Reserve (including Driveways)" - Form No. UI 311. This must be lodged with Council and accompanied by the appropriate fees and charges as set out in Pittwater Council's Delivery Program.

Stormwater drainage works on a Public Road Reserve include (but are not limited to):

- a. The connection of private roof and surface stormwater drainage systems to Council's (public) drainage system.
- b. The construction of a new private drainage system to service a driveway access.
- c. The adjustment and/or relocation of existing public or private stormwater drainage systems.
- d. The construction of a new public drainage system (eg pits and pipelines) to connect into an existing public drainage system.
- e. The relocation of existing public or private drainage infrastructure.
- f. The construction of water sensitive urban design (WSUD) stormwater quality system (eg rain garden, bio-retention swale and pipelines) to connect into an existing public drainage system.

Private roof and surface stormwater drainage system connection to Council's (public) stormwater drainage system

CONNECTION TO KERB AND GUTTER

Where the stormwater drainage system is to be connected to the kerb of a public roadway:

- a. Its discharge is not to exceed a rate of 30 litres per second (l/s) in a 100 year ARI storm event per property.
- b. The number of outlets to the kerb should be limited to the minimum practically possible (typically one per property).
- c. Connection is to be within 15m of the subject property.

- d. Where the line extends in front of an adjoining property the line is to be within 0.5m of, and parallel to, the kerb and access for cleaning (screw cap) is to be provided at any bend greater than 40 degrees.
- e. For low traffic residential areas, drainage conduits across the footpath/verge area discharging to the kerb shall be sewer grade PVC pipe (maximum diameter 100mm). The kerb outlet for the 100mm PVC pipe shall have a Kerb Adaptor Socket that provides a minimum 75mm of concrete cover above the adaptor through the kerb.
- f. In high traffic residential areas or commercial / industrial areas, drainage conduits across the footpath/verge area discharging to the kerb shall be a 125 x 75 (high) x 6mm (thick) galvanised rectangular hollow section (RHS) is to be used. The section must be cut off flush to the face of kerb and the kerb reinstated with concrete.
- g. Where multiple pipes/RHS's are required across the footpath, the conduits shall be separated to provide a minimum 150mm gap at each kerb outlet. The new kerb over the multiple openings shall be strengthened by a 12mm galvanised reinforcing bar across the top of the opening centrally located to ensure an integral concrete kerb unit is achieved.

CONNECTION TO COUNCIL STORMWATER PIPELINE

Council does not generally allow for the direct connection of a private drainage system to a Council Stormwater pipeline unless the pipeline has been specifically designed and manufactured to allow this type of connection.

To connect the private drainage system to Council's Stormwater system, a new drainage pit will need to be constructed through the Council system in accordance with Council's standard drawings. Note that saddle pits are not allowed.

A direct connection will be considered under the following circumstances:

- a. A new pit cannot be constructed to provide connection due to site constraints.
- b. The private pipeline diameter is 150mm or less.
- c. Connection is only made into the top, or top 1/3 of Council's pipe.
- d. Only one connection per property.
- e. The new pipeline connection is trimmed and is not permitted to extend through and protrude into Council's pipe.
- f. The connection is fully sealed.
- g. Inspection and certification by a qualified experience civil engineering that the connection has been constructed in an appropriate manner and that the integrity of the pipeline has not been compromised. The certification is to include photo and/or video (eg CCTV) evidence will be required to confirm proper installation.
- h. The completed installation is inspected by Council prior to backfilling.

CONNECTION TO COUNCIL STORMWATER PIT

A private drainage system is permitted to connect into an existing Council stormwater pit provided the existing pit connection is to be within 15m of the subject property.

Notwithstanding this, a private drainage system is required to connect into an existing Council stormwater pit if the discharge rate is greater than 30 l/s in a 100 year ARI storm event per property, provided the existing pit connection is within 15m of the subject property.

Should there not be an existing Council stormwater pit within 15m, an extension of the existing Council drainage system will be required (at the applicants cost) to outside the subject property to which the private drainage system is to be connected. The extension pipeline is to be a minimum 375mm diameter spigot and socket rubber ring jointed reinforced concrete pipe (RRJRCP) of appropriate class. The pit is to be a grated 2.4m extended kerb inlet pit in accordance with Council's standard drawings.

The private drainage system connecting pipe is to be cut off flush with the pit wall and the wall repaired with concrete/mortar so that the finished surfaces are sealed, flush and smooth.

CONNECTION TO ROAD SHOULDER TABLE DRAIN (DRAINAGE SWALE)

Where connection of a private drainage system is required to the road shoulder table drain (drainage swale) where kerb connection is not available:

- a. Its discharge is not to exceed a rate of 30 litres per second (l/s) in a 100 year ARI storm event per property.
- b. Stormwater outlets into the road shoulder are to be located to Council's satisfaction and ensure that the stormwater is adequately dispersed to reduce flow velocities to prevent scour, be safe by not creating a hazard for pedestrians or motorists, and be easily maintained.

Where circumstances permit, should an existing driveway be constructed with a layback crossing, the layback shall be extended to provide a section of kerb and gutter (say 2m long) to provide a section of kerb for the private drainage system to connect to.

Also, at the discretion of the applicant, a short section of kerb and gutter may wish to be constructed along the property frontage to which the private drainage system is to be connected. In this circumstance, Council will provide the design alignment of the proposed kerb and gutter.

Design and Construction of Stormwater Drainage System

Where an applicant proposes to construct a private drainage system within a public road (e.g. as part of an access driveway approval) or extend or modify Council's existing stormwater drainage system, the design and construction of stormwater drainage system is to be in accordance with the appropriate BCA, Australian Standards, Pittwater 21 DCP control, NAT Spec and Industry best practice guidelines/manuals, including:

- AS3500 – Plumbing and drainage – Part 3: Stormwater Drainage
- IEAust - Australian Rainfall and Runoff – A Guide to Flood Estimation -1998 (AR&R)
- IEAust - Australian Runoff Quality – A Guide to Water Sensitive Urban Design (ARQ)
- NAT Spec
- AS3725:2007– Design and Installation of Buried Concrete Pipes
- Pittwater 21 DCP – Section B5
- Council Standard Drawings

Council's approach to the management of the stormwater drainage system is through the Major/Minor concept (as described in AR&R) for its piped urban drainage design. The Minor Stormwater Drainage System refers to the underground piped system, which shall be designed to cater for a 20 year ARI flood event.

The Major Stormwater Drainage System refers to overland flow paths designed to convey major storm flows when the capacity of the minor system is exceeded. Major Stormwater Drainage systems shall be designed to cater for the 100 year ARI storm event.

The Minor Stormwater Drainage System may in some instances be required to accommodate higher flow rates if the Major Stormwater Drainage System cannot safely or adequately carry the required flow rate.

Piped stormwater drainage systems can usually be categorised as:

- public stormwater drainage system - this system accepts stormwater discharges from both public and private lands;
- private stormwater drainage system - this system accepts stormwater discharges from private land only.

Where the applicant proposes to construct the public stormwater drainage system, the minimum sized pipe is to be 375mm diameter. The piped drainage system shall be constructed using the appropriate class of RRJRCP. Drainage pit design and construction should be in accordance with Council Standard Drawings unless circumstances dictate otherwise.

The design of stormwater systems is also to be undertaken on the basis that the proposed work is not to have an adverse impact on adjoining land/properties. All drainage works are to be designed to be visually unobtrusive and sympathetic with the environment.

Inspections and Certification

Stormwater works are to be constructed in accordance with the approved plans and specifications.

All works are required to be certified by a professional engineer experienced in the work undertaken and certification forwarded to Council. Council will undertake periodic inspections of the works, however, such inspections do not indicate approval or acceptance of the works.

Periodic inspections will require 48 hours notice at the following hold points:

1. Connection to kerb - stormwater pipe laid in position prior to pipe backfill and kerb concrete pour.
2. Connection to Council stormwater pipeline – complete installation prior to backfilling.
3. Connection to road shoulder table drain - stormwater pipe laid in position prior to pipe backfill and works progressing.
4. Rubber ring jointed reinforced concrete pipe laid and jointed, including associated subsoil drains and bulkheads, prior to backfill
5. Subsoil drains:
 - i. Trenched excavation
 - ii. Pipes laid
 - iii. Filter material placed
6. Concrete formwork, reinforcement, cores, fixings and embedded items fixed in place prior to concrete pour for all concrete works including pits, base slabs, wing walls etc.

7. Earthworks for inlet / outlet channels
8. Backfilling (material and compaction)
9. Evaluation of finished surfaces and final inspection

Final inspection will be carried out by Council to certify that the works have been completed in accordance with the Consent to undertake works.

All inspections of the works to be undertaken by Council Engineering Officer or Engineer to confirm works are undertaken in accordance with the Council approval.

LANDSCAPING/ TREE PLANTING MANAGEMENT RESPONSIBILITIES

Residents' Responsibilities

All landscaping alterations on the road reserve must be approved by Council (*Roads Act, 1993* s.138).

- All works on road reserves will require the resident to submit an application form (UI Form 311) (*Roads Act, 1993* s. 139).
- Once approval has been granted for works on the road reserve, the resident is obliged to maintain the road reserve (*Roads Act, 1993* s. 142).
- Any application under this guideline, together with the required application fee must provide a suitable site plan showing the area to be landscaped, the name of the plants to be used and full details on the proposed treatment.
- Requests will be considered on individual merits.
- Failure to obtain the appropriate permits and consent prior to the commencement of any development work may result in legal action being taken and fines issued.

Essential Criteria

In the case of development of the road reserve, land use must:

- Not hinder or interfere with pedestrian or vehicle access;
- Allow for future infrastructure (kerb, gutter, footpath etc.)
- Be for landscaping purposes;
- Not diminish pedestrian or vehicle access for the public;
- All vegetation to be planted must be approved by Council and listed as approved in Council's Native Plants information booklet;
- Not adversely affect the natural environment, the heritage significance of the heritage items or heritage conservation areas or identified qualities of streets on the Pittwater's Most Scenic Streets Register.
- Retain local native vegetation on road reserve.

Activities that are prohibited on the road reserves without Council Approval include, but are not limited to, the following list:

- The topography of the road reserve must not be altered;
- Dumping of refuse;
- Private alienation or encroachment;
- Pedestrian or vehicle obstacle or obstruction;
- Unleashed dogs and cats;
- Damage or disruption to public infrastructure;
- Removal of trees and/or locally native vegetation; and
- Removal of landscape features such as bushrock;
- Planting of noxious weeds and species from the Exempt Species List

Pedestrian Access

The placement of trees and vegetation will allow for pedestrian access of 1500mm wide within the nature strip and generally adjacent to the road edge. Hedging and dense plantings will be located against the property boundary and maintained at about the permissible fence height. (Permissible fence heights are provided in the Pittwater 21 DCP).

Tree Preservation Order

All trees and vegetation (except species listed in the Exempt Species Table) on public and private land are protected by the Pittwater Council Tree Preservation Order.

The costs for non-essential tree works is the responsibility of the resident.

Pittwater 21 Development Control Plan

Works on the road reserve must comply with the Pittwater 21 DCP – Design Criteria for Works on the Public Road Reserve – Landscaping and Infrastructure, as follows:

- C1.24 Residential Development
- C2.2 Business Development
- C3.18 Light Industrial Development
- C4.4 Land Subdivision
- C5.18 Other Development

Pittwater's Most Scenic Streets Register

As part of the development of the Guideline, streets were nominated that contain outstanding qualities and best represent the local character. The nominated streets are contained in the Pittwater's Most Scenic Streets Register. Additional guidelines are provided for streets in the Register to help ensure that their identified qualities are conserved and enhanced. Refer to Pittwater's Most Scenic Streets Register which is separately bound.

Internet Links

Listed Noxious Weeds for Pittwater

http://www.pittwater.nsw.gov.au/environment/noxious_weeds/listed_noxious_weeds_for_pittwater_council

Pittwater Council - Exempt Species Table

http://www.pittwater.nsw.gov.au/environment/tree_information/tree_preservation_order/exempt_species_table

Pittwater Council - Tree Preservation Order

http://www.pittwater.nsw.gov.au/environment/tree_information/tree_preservation_order

Pittwater 21 Development Control Plan –Design Criteria for Works on the Public Road Reserve - Landscaping and Infrastructure

<http://203.56.193.25/internet/Modules/documentmaster/ViewDocumentFTP.aspx?key=3n7PSjWwlQdTprcXajQoxA%3d%3d>

Noxious Weeds Act, 1993

http://www.austlii.edu.au/au/legis/nsw/consol_act/nwa1993182/

ECOLOGICAL CONSIDERATIONS

Endangered Ecological Communities

Endangered ecological communities (EECs) and Threatened Species of flora and fauna are protected under the *NSW Threatened Species Act, 1995*. Where these are present an appropriate approval will be required, initial advice can be obtained from Council.

Habitat Trees, Vegetation and Wildlife Corridors

Many areas within Pittwater act as a corridor for wildlife, connecting animals and plant populations and providing supplementary feeding areas. The preference for locally native species will provide food and shelter for a variety of native fauna, promoting long term viability of native fauna populations and will ensure the natural character of the LGA is retained.

In areas containing remnant vegetation, particularly where streets surround or link bushland reserves, the retention of groundcovers, fallen logs, leaf litter and bush rock is required as habitat for ground native fauna.

Isolated trees may provide links to remnant bushland for the benefit of native fauna. In appropriate locations, consideration will be given to retaining trees with hollows where practical to retain habitat. Council's Tree Preservation and Management Officer will assess trees for their value for fauna.

Consideration will be given to the local context, the width of the road reserve and the ability to maintain vehicle and pedestrian vision from driveways.

Where native vegetation and trees are to be removed the relevant approval will be required.

Internet Links

Native Fauna Draft Plan of Management

<http://203.56.193.25/internet/Modules/documentmaster/ViewDocumentFTP.aspx?key=QgfFpz2UmQ1TprcXajQoxA%3d%3d>

Habitat and Wildlife Corridors Conservation Strategy and Wildlife Corridors Location Map.

http://www.pittwater.nsw.gov.au/environment/bushland/wildlife_corridors

Pittwater 21 DCP, Section 4.6 Wildlife Corridors

<http://203.56.193.25/internet/Modules/documentmaster/ViewDocumentFTP.aspx?key=WVenD%2bzH2udTprcXajQoxA%3d%3d>

Help with planting in your garden

http://www.pittwater.nsw.gov.au/environment/plants__and__animals/native_plants

Booklet: "Native Plants for Your Garden"

<http://203.56.193.25/internet/Modules/documentmaster/ViewDocumentFTP.aspx?key=fDIVV80bVjZTprcXajQoxA%3d%3d>

Weeds

Residents will contact Council prior to removing because:

- all locally native species on the road reserve are protected and degraded areas may contain locally native species that are mixed in with the weeds; and
- weeds can be difficult to distinguish from locally native species; and
- weeds may provide habitat and/or shelter for native fauna including threatened species.

Weed infestations are managed using techniques that minimise negative environmental impacts or techniques that aim to reduce reinfestation of undesirable species through the establishment of more favourable plant species.

Links

Pittwater Council A-Z list of weeds, Listed Noxious Weeds for Pittwater Council
http://www.pittwater.nsw.gov.au/environment/noxious_weeds

Noxious Weeds Act, 1993

http://www.austlii.edu.au/au/legis/nsw/consol_act/nwa1993182/

Sustainable Practices

Sustainable practices that can be achieved through soft landscaping include:

- Promote locally native species;
- Provide fauna habitat and linkages;
- Promote drought tolerant locally native species;
- Avoid tree species that require high levels of maintenance;
- Transplant vegetation where possible;
- Design and position plants to avoid disturbing the hydrological cycle;
- In suitable areas, street trees and plants can be integrated into water sensitive urban design (WSUD); and
- provide amelioration of adverse environmental impacts.

WSUD reduces the increased amount of stormwater from large impervious areas of the street and helps to prevent water borne pollutants from entering receiving waters. Pollutants include sediments, metals and hydrocarbons. WSUD is most effective in areas where stormwater contains pollutants such as industrial areas.

CULTURAL AND HERITAGE CONSIDERATIONS

Aboriginal Cultural and Heritage Items

Pittwater is within the homeland of the Guringai people. There are 116 known Aboriginal heritage sites within Pittwater. In addition to the known sites, there are many areas that have the potential for uncovering further archaeological evidence. Consideration will be given to conserving Aboriginal cultural and heritage items, as follows:

- prior to the commencement of works the Aboriginal Register shall be checked by the appropriate Planning Officer; and
- should Aboriginal cultural material or heritage items be found, all work shall cease and the National Parks and Wildlife Service and the Metropolitan Local Aboriginal Land Council notified immediately in accordance with the *National Parks and Wildlife Act, 1974*.

Non indigenous Cultural and Historical Items

Consideration will be given to conserving and enhancing Pittwater's heritage and cultural traditions, as follows:

- Pittwater Iconic Streets Register.
- assessments will be made of the heritage values of the street and its surrounds before new works and maintenance are carried out in heritage or cultural areas to ensure new works are sensitive to and enhance the locality's sense of place;
- the Pittwater Local Environmental Plan Schedule 9 Heritage Inventory will be referenced when carrying out works in the vicinity of cultural or heritage items;

- the Pittwater's Most Scenic Streets Register will be referenced before carrying out work in these streets and new works will enhance the values provided in the nominations.
- further information may be sought from Council's library; particularly images that capture the essence of the traditional beachside streetscapes;
- the Tree Replenishment Program will cover heritage and cultural plantings as well as locally native species, and be used as a tool to enhance the sense of place, as appropriate. (See Chapter 6).

Internet Links

Pittwater Local Environmental Plan

<http://portal.pittwater.nsw.gov.au/internet/Modules/documentmaster/ViewDocumentFTP.aspx?key=FyGKMRn7FB5TprcXajQoxA%3d%3d>

PITTWATER'S MOST SCENIC STREETS

Pittwater's Most Scenic Streets Register has been prepared to document the qualities of the most scenic streets as provided by the community and in accordance with the vision from the Pittwater 2020 Strategic Plan:

To be a vibrant sustainable community of connected villages inspired by bush, beach and water.

The identified characteristics of the streets will be conserved and protected. This will be achieved by the following guidelines:

- maintain the streets in accordance with the identified qualities and landscape character as provided in the nomination forms;
- maximise ecological benefits - conserve and enhance locally native species, promote wildlife corridors, conserve soil profiles, protect stream flows and enhance biodiversity where appropriate;
- implement the Tree Replenishment Program for appropriate streets for both cultural plantings and locally native species;
- conserve built elements and heritage items that have been recognised for their special qualities;
- encourage the community to integrate buildings and associated infrastructure on private land to be sympathetic with the streetscape and to complement the identified qualities and landscape character;
- encourage the removal or pruning of existing hedging that blocks views through a community awareness program;
- prohibit the planting of hedging that blocks views; and
- protect and enhance existing views through bushland / heathland at key vantage points from the road reserve in coastline streets.

It is intended that the Register be retained on the Pittwater Council website and be promoted as required.

List of Streets in the Pittwater's Most Scenic Streets Register

Street	Candidate for the proposed Tree Replenishment Program	Protect coastal views – being reduced by bushland	Protect coastal views – being reduced by tall hedging	Protect cultural and heritage items
AVALON / CLAREVILLE				
The Knoll				
Trappers Way	√			
Urara Road	√			
Chisholm Avenue	√			√
Hilltop Road				
Hudson Parade	√	√	√	
Riverview Road	√			
Riviera Road	√			
Ruskin Rowe	√			√
Telford Road (private)				√
Palmgrove Road	√			√
The Knoll	√			
The Outlook	√			
Urara Road	√			
BILGOLA				
Bilgola Avenue Allen Avenue				√
The Serpentine		√		√
The Circle				
CHURCH POINT				
Captain Hunter Drive	√			
Pittwater Road and McCarrs Creek Road	√			
ELANORA				
Woorarra Avenue	√			
MONA VALE				
Elimatta Road	√			
NEWPORT				
Queens Parade	√			√
PALM BEACH / WHALE BEACH				
Barrenjoey Road	√		√	
Beach Road and Ocean Road			√	√
Cynthia, Boanbong, Ebor & Ralston Roads	√		√	
Malo Road			√	
Mitchell Road			√	√
Norma Road			√	
Pacific Road			√	
Rayner Road			√	
Rockbath Road			√	√
Sunrise Road and Northview Road			√	
Surf Road			√	
The Strand			√	√
Whale Beach Road		√	√	
WARRIEWOOD				
Narrabeen Park Parade	√	√		

TREE REPLENISHMENT PROGRAM

The Tree Replenishment Program aims to promote:

- locally native tree species, particularly canopy trees;
- associated vegetation communities where appropriate;
- heritage and cultural plantings where appropriate, particularly the Norfolk Island Pines;
- landscaping of adjoining properties in accordance with the most appropriate vegetation type.
- streets where locally native species dominate and streets listed on Pittwater's Most Scenic Streets Register will be considered initially for their suitability to accommodate the Program;
- streets where cultural species provide a distinctive sense of place will be considered by the Tree Management and Preservation Officer and Council's Landscape Architect for their suitability to accommodate the program;
- residents of candidate streets will be contacted by Council's Tree Preservation and Maintenance Officer to gauge their receptiveness to the Program. It is necessary for residents to support the Program because it is found that unless residents accept the tree, it will not survive; and
- the Program will be promoted to all residents in the street to try and achieve a consistent outcome along the length of the street.

There are a number of considerations to take into account in implementing the Program due to complexities relating to larger canopy trees and isolated trees:

- The growing conditions in an urban setting are very different from natural conditions. Streets offer limited space, the soil is often compacted and contains high soil nutrient levels and the drainage patterns have altered. Often the locally native species will not cope with these restrictions and species native to Australia or exotics may need to be considered.
- Many trees in Pittwater are over-mature with large areas of die-back, increasing tree branch failure and overall decline. Fortunately most remnant forests occur within conservation reserves where their management is not as challenging as street trees.
- Many new tree plantings do not survive, particularly if the young tree is blocking views. The associated community awareness program should highlight that canopy trees frame views and that young trees; with lower canopies, may block views until they are mature when the canopy is higher.

STREET TREE AND VEGETATION SELECTION

Street Tree and Vegetation Selection

The following steps will apply to determine the most suitable tree and vegetation species for the street:

1. the locally native species based on vegetation mapping;
2. the type of tree or plant depending on the local context;
3. tree species in relation to the site conditions and the required tree size; and
4. tree species from the Preferred Species List.

DETERMINING THE LOCALLY NATIVE SPECIES BASED ON VEGETATION MAPPING

Pittwater has a unique character based on the distinctive natural features and dominance of the urban forest, thereby locally native canopy species and vegetation will be the preferred species and promoted over species native to Australia or exotic species (excepting heritage or cultural species in appropriate locations).

The local native species can be sourced from the Draft *Pittwater Vegetation Classification and Mapping, 2011* document and associated electronic mapping.

Council's Bushland Management Officer and Tree Preservation and Maintenance Officer will be responsible for nominating the most suitable tree species within bushland areas and identify areas for special projects grant funding.

DETERMINING THE MOST SUITABLE TYPE OF VEGETATION BASED ON THE CONTEXT

In areas where the locally native species may not be appropriate, Tree selection will involve selecting the most appropriate species in relation to the context, or sense of place, given environmental, cultural and functional considerations.

Pittwater is divided into 16 localities, each being recognisable as distinct in terms of its land uses, geography and social character. The localities include:

- Avalon Beach Locality
- Bayview Heights Locality
- Bilgola Locality
- Church Point and Bayview Locality
- Elanora Heights Locality
- Ingleside Locality
- Ku-Ring-Gai Chase National Park Locality
- Lower Western Foreshores and Scotland Island Locality
- Mona Vale Locality
- Newport Locality
- North Narrabeen Locality
- Palm Beach Locality
- Upper Western Foreshores Locality
- Warriewood Locality
- Waterway Locality
- Warriewood Valley Land Release Area

A description of the 'desired characteristics' for each area is available from the Pittwater 21 Development Control Plan, Part D. This includes a description of the locality and controls that aim to prevent development from diminishing the identified character of the locality including the streetscape.

In some areas, locally native species may not provide the amenity required, particularly where the environment has been highly modified. Consideration should also be given to the life expectancy of species according to their proposed function.

In residential areas, Council Tree Preservation and Maintenance Officer will be responsible for identifying the locations where alternatives to locally native species should be considered. In sensitive natural areas, Council's Bushland Management Officers will be consulted.

In villages, commercial areas, industrial areas or high use pedestrian areas consideration will be given to species that provide specific functions such as trees with wide, dense canopies that provide shade and reduce glare and ultra-violet radiation.

Deciduous trees do not fit as well within the context of Pittwater's natural environment. However, they may be considered in areas away from bushland. The benefits of deciduous trees include the provision of summer shade and winter sun and seasonal features such as colours and textures.

GATEWAYS

Gateways should be planned from a hierarchical perspective.

There are four vehicle entrances to the Pittwater area; being Pittwater Road (at Narrabeen Bridge) and Ocean Street Narrabeen from the south and Wakehurst Parkway and Mona Vale Road from the west. These gateways provide an opportunity to promote the local government area to visitors and provide a sense of arriving home for residents.

Secondary gateways are located at entrances to suburbs and retail or commercial centers. Each suburb has a distinctive appearance as outlined in the Pittwater DCP21. The third category is gateways for regional facilities such as beaches, parks and sporting complexes.

In areas near bushland, locally native species are preferable. Villages, commercial or sporting areas may have an existing distinctive appearance, which could be contrasted with the surrounding areas. Trees with a distinctive form or appearance may be considered; except known invasive or weed species, to create landmarks or focal points by contrasting species and layouts with those in adjacent streets.

DETERMINING THE MOST SUITABLE TYPE OF VEGETATION BASED ON REQUIRED PLANT SIZE, AESTHETICS AND THE SITE CONDITIONS

Tree and vegetation selection will involve selecting the most appropriate species in relation to the required plant size, aesthetics and growing conditions. Consideration will be given to the following:

- Species size – mature height and canopy spread
- Species structure – whether the form is upright or twisted like an Angophora, whether the canopy is broad, narrow, open or dense.
- Features – bark texture, leaf colour, fruit and flowers
- Suitability to the local climate and microclimates – shade, heat, humidity, prevailing winds, salt laden air and wind tunnels.
- Future maintenance requirements – avoid species that are susceptible to pests and disease to reduce maintenance and chemical use.
- Habitat requirements – species that support native fauna
- Weed species or species that have the potential to self propagate and invade bushland areas are prohibited. A weed risk assessment should be undertaken for any new plants that become available by a Bushland Management Officer.

- Species that create nuisance will be avoided. This includes species that drop large limbs, fruit, and hard spherical seeds that could lead to trip hazards or pollen that may trigger allergies. The most problematic species in relation to asthma are Plane trees, Birch trees and Cypress species.
- Species with large and vigorous root systems may cause significant damage and should be avoided near underground services.
- Consideration will be given to overhead/adjacent/underground services and structures.
- Bushfire risk – species will be selected with consideration to bushfire risk given some species can exacerbate the risk of bushfire

DETERMINING THE MOST SUITABLE TYPE OF VEGETATION FROM PITTWATER COUNCIL'S PREFERRED SPECIES LIST

The Preferred Species List provides suitable alternatives to the locally native species. The List is subject to ongoing trials and assessment with individual species being added or deleted as required.

Internet Links

Pittwater 21 Development Control Plan, Part D.

<http://203.56.193.25/internet/Modules/documentmaster/ViewDocumentFTP.aspx?key=REx1qPKVUeNTprcXajQoxA%3d%3d>

Habitat and Wildlife Corridors Conservation and Wildlife Corridors Location Map

http://www.pittwater.nsw.gov.au/environment/bushland/wildlife_corridors

Pittwater Council - *Exempt Species Table*

http://www.pittwater.nsw.gov.au/environment/tree_information/tree_preservation_order/exempt_species_table

Pittwater Council – Native Plants for Your Garden

http://www.pittwater.nsw.gov.au/environment/species_lists

Preferred Species List - contact Council's Tree Maintenance and Preservation Officer.

Determining the Monetary Value of Trees

The two main recognised formulas in Australia for determining a monetary value of trees are the 'Thyer Tree Valuation Method' and the 'Revised Burnley Method of Tree Valuation'. These methods are useful in providing an understanding of the value of trees, rather than providing a legal tool. Valuing a tree is useful when considering whether to remove or repair a damaged tree or to assess the scope of damage when a tree has been vandalised.

Council's Tree Preservation and Maintenance Officers currently reference the Thyer Tree Valuation Method. This method uses four factors to establish a significance index for each tree based on its size, age, physical assessment and social benefit.

Links

Thyer Tree Valuation Method

<http://peterthyer.com/>

Pittwater Local Environmental Plan, 1993, schedule 9 Heritage Inventory
<http://portal.pittwater.nsw.gov.au/internet/Modules/documentmaster/ViewDocumentFTP.aspx?key=FyGKMRn7FB5TprcXajQoxA%3d%3d>

Tree and Vegetation Sourcing, Procurement and Quality

Vegetation will be sourced from growers / suppliers whose stock meets best practice guidelines and the production benchmarks of NATSPEC *Specifying Trees – a Guide to Assessment of Tree Qualities*.

Trees, in particular, will be selected according to the required shape based on the trunk and branch structure and root formation.

Where required, locally native species should be obtained and sourced from seed obtained locally. The sourcing of local provenance plants involves collecting local seeds and organizing for the plants to be grown.

Links

Nurseries that Supply Local Native Plants

http://www.pittwater.nsw.gov.au/environment/plants__and__animals/native_plants/nurseries_who_supply_local_native_plants

DESIGN GUIDELINES FOR TREE AND LANDSCAPE PLANTING

Street Tree Layout

The location and spacing of street trees will take into consideration the nature strip width, existing vegetation, underground services, overhead wires, set backs and vehicle clearances. Plantings should be reasonably consistent on both sides of the street, planted close enough to create a repetition of the tree's form and overlapping canopy. The layout may be symmetrical, asymmetrical or a natural area depending on context:

- Natural areas and wildlife corridors should be regenerated or revegetated. Where possible, trees should be planted close together to interlock and provide continuous cover as habitat and corridors for native fauna. Understorey species may also be planted to increase habitat value. Consideration will be given to providing pedestrian access and sight lines for oncoming vehicles.
- Formal avenues generally consist of a single species with a straight, single trunk, overlapping canopy and symmetrically placed. Formal avenues are rare in Pittwater, being most suitable for village or commercial areas.
- Informal plantings generally consist of a single species or multiple species arranged asymmetrically. Multiple species should be similar in form to create a coherent streetscape. Plant in groups of three or five.

Garden and Bushland Contribution

Trees and plants in private gardens and adjacent reserves make a significant contribution to the streetscape.

Residents are encouraged to plant trees, particularly locally native species in front gardens, particularly near the nature strip. These trees will assist to create a leafy streetscape while avoiding infrastructure easements.

Tree Spacing

Large trees with broad spreading canopies contribute significantly to the streetscape. However large trees are more likely to cause damage and nuisance when inappropriately located. Consideration will be given to selecting the most appropriate tree species for the function and physical conditions of the site. Trees will be spaced with consideration given to the location of infrastructure and in accordance with how the street functions. Table 3 provides a general guide to tree spacing.

GENERAL GUIDE TO TREE SPACING

Tree or plant size	Height	Crown width	Linear spacing	Distance from the kerb	Utility junction box, manhole, pole or aerial feeder line	Distance from intersection on inside of a left hand curve	Pedestrian movements
Shrubs or small trees	Tree 6 - 8m	5m	5-7m	0.9m	5m	15m	1.5m
Medium trees	10 - 12m	8m	7-10m	0.9m	5m	15m	1.5m
Large trees	16 - 30m	16m	10-15m	1.5m	7m	15m	1.5m

TREE MAINTENANCE

GENERAL MAINTENANCE

ESTABLISHMENT MAINTENANCE

Council will inspect and water all new street trees until the trees are established. This generally takes approximately 2 – 3 months. Residents may also water street trees during their establishment by arrangement with Council. Residents are encouraged to water trees and plants as required on an ongoing basis.

ONGOING MAINTENANCE

Council Tree Preservation and Maintenance Officer will assess street trees and record information on the age, species, position and condition of the tree.

Works will be carried out by Council approved contractors in accordance with Work Cover and relevant Australian Standards. Maintenance will include, but is not limited to the following list:

- tree planting;
- tree removals due to dangers, undesirable species or dead trees;
- tree pruning - dead wood removal, branch pruning and crown lifting;
- root pruning near infrastructure as required;
- inspect tree for pest and disease;
- watering;
- service clearance where required;
- replenish mulch;

- control weeds; and
- fertilise.

Internet Link

Tree Works on Council Land

http://www.pittwater.nsw.gov.au/environment/tree_information/tree_works_on_council_land

Street Tree Planting

Residents must not plant trees on the nature strip without first consulting Council's Tree Preservation and Maintenance Officer to discuss species selection.

Tree planting will be in accordance with Pittwater Council Tree Planting Check List. The Check List can be discussed with Council's Tree Preservation and Maintenance Officer. The List was adopted from State Wide Best Practice Manual which provides guidelines to assist with long term liability, infrastructure planning and maintenance cost protection. The type of infrastructure most impacted by trees includes pathways, powerlines, walls and underground services.

Trees will be suitably protected with stakes, webbing and tree guards where necessary.

Unauthorised Street Tree Planting

An unauthorised street tree planting will constitute any one of the following:

- a tree planted without approval by Council's Tree Preservation and Maintenance Officer;
- a tree listed on Council's *Exempt Species List* or *Noxious Weed Act 1993*;
- trees incorrectly located on the nature strip;
- tree obscuring pedestrian access or vehicle sight;
- tree species that will impact on power lines or services.

Unauthorised street trees will be removed or transplanted at the discretion of Council's Tree Preservation and Maintenance Officer. The Officer will discuss the proposed removal of the tree with the adjoining resident before determining an appropriate action.

Unauthorised street trees may be retained subject to certain conditions being met.

Internet Links

Pittwater Council - Exempt Species Table

http://www.pittwater.nsw.gov.au/environment/tree_information/tree_preservation_order/exempt_species_table

Street Tree Removal

Owing to the hazardous nature of the task, residents will not be granted permission to remove or prune street trees and offenders may be fined or prosecuted.

Trees may be removed or pruned where the species is deemed inappropriate or there are safety issues. Situations where pruning or removing trees may be considered by Council include:

- dead trees, although consideration will be given to retaining dead trees with hollows for habitat where appropriate;
- structurally weak trees that may place the public at risk;
- trees that restrict access or vision for motorists or pedestrians;
- trees that obstruct essential works on the road reserve; and
- trees that impact on overhead power lines and are unsuitable for 'directional' pruning.

Street trees may not be removed due to the following:

- obscuring views from private property;
- creating shade;
- blocking non-essential access;
- health issues (without medical report);
- personal likes or dislikes;
- shedding of bark and leaves;

Street Tree Pruning

Residents do not have the legal right to prune street trees.

Council is responsible for pruning all street trees. Pruning trees is a skilled task with specific safety requirements. Works will be undertaken by Pittwater Council trained staff or an approved arborist / contractor in accordance with Australian Standard 4373 (2007) *Pruning of Amenity Trees*.

The pruning of a tree must not be detrimental to the health of the tree, and may only be considered for the following reasons:

- public safety;
- pedestrian and traffic hazards;
- managing health and well-being of the tree;
- removing dead, dying or pest infected limbs or branches; and
- clearance for services.

Approval for non-essential or cosmetic pruning must be submitted to Council Tree Preservation and Maintenance Officer for consideration. The applicant is to supply a signed agreement from surrounding residents and/or stakeholders that may be affected by any pruning or removal prior to consent being granted. The applicant is responsible for all costs.

Trees and Services

OVERHEAD SERVICES

Ausgrid is the current authority responsible for power line infrastructure maintenance in the Pittwater area. Tree works required under the *Electricity Supply Act 1995* are exempt from Council's Tree Preservation Order and Ausgrid may clear near power lines without consulting Council. Council has entered into a cost sharing process with Ausgrid to replace some of the trees that have been damaged by pruning around wirers.

Tree selection near or under overhead services will consider the best species for the location. Some tree species will retain their true form better than others when pruned. Therefore consider the eventual height, branching habit and tolerance to directional pruning.

Where the shapes of existing trees has been destroyed by pruning or lopping, consider replacing the tree

UNDERGROUND SERVICES

Care must be taken when digging or excavating due to the possibly of underground services. The location of underground pipes and cables for services such as like gas, electricity, water and telecommunications must be sought from 'Dial Before You Dig' before works commence. Works should be planned at least a week in advance with information sought by phone enquiry on 1100 or submitting a request online.

Each asset owner will provide specifications on the safe distances for excavating when in the vicinity of their networks.

When excavating close to underground networks, dig by hand not machine.

Internet Links

Dial Before You Dig
www.dialbeforeyoudig.com.au

Solar Access

Request for pruning trees on public land for solar access will be considered where it is proven that:

- Council's Tree Preservation and Management Officer is satisfied that the required works will not impact on the health and stability of the tree;
- the percentage of the tree to be pruned will be determined by Council Tree Preservation and Management Officer;
- an agreement is in place with neighbouring properties who may be affected; and
- proposed works are carried out by a Council approved contractor. The cost of the work will be the responsibility of the applicant

Internet Links

Pittwater 21 DCP – Part C – Development Type Controls – Design Criteria - Solar Access
<http://203.56.193.25/internet/Modules/documentmaster/ViewDocumentFTP.aspx?key=3n7PSjWwlQdTprcXajQoxA%3d%3d>

TREE AND BUSHLAND MANAGEMENT RELATING TO VIEWS

Throughout most of the Pittwater area filtered views of the ocean, estuary and lagoon are available through the tree canopy due to the Peninsula's steep topography and the open canopy of the dominant trees; the Eucalypt and Corymbia.

Panoramic coastal views have been reduced from streets adjacent to the coastline due to development of the built environment and vegetation growth. Tall hedging has obscured ocean views in the Palm Beach / Whale Beach areas and dense heathland / bushland has obscured views through reserves located between the street and ocean.

Managing Views in Relation to the Tree Replenishment Program

The implementation of the proposed Tree Replenishment Program should be carefully managed to avoid adversely impacting on public view corridors and access needs. Considerations include:

- where practical, tree planting and areas of pro-active regeneration will be defined;
- natural regrowth in reserves will be managed in accordance with the plan of management objectives and relevant legislative requirements; and
- views will be considered

Views from the Private Domain Will Not be Considered

As a rule, trees and locally native shrub species will not be removed for the purpose of improving private views. The assessment of views from streets will not take into account the views from adjacent private properties.

The Pittwater DCP 21, Part B relates to vegetation.

The Pittwater DCP 21 considers views from private property, Refer to Part C – Development Type Controls - Design Criteria – View Sharing

- C1.3 Residential Development
- C2.5 Business Development
- C3.3 Light Industrial Development
- C5.4 Other Development

Trees and vegetation on road reserves continues to be vandalised to obtain views from private properties. The most common forms of vandalism are tree poisoning and clearing for water views. It is concerning that persons undertake these acts to the detriment of the wider community and local environment. Council will continue to protect trees from vandalism, including:

- reports of tree vandalism will be investigated by Council's Tree Preservation and Management Officers. Where required, information and evidence will be forwarded to Council's Compliance Section for further action and prosecution as required; and
- in accordance with Council Policy No 111, tree vandalism and damage on public land may be sign posted. Rewards of up to \$10,000 will be offered for information that leads to the successful prosecution of offenders.

Coastal Views Obscured by Hedging

Hedging has been used extensively in the Palm Beach and Whale Beach areas to delineate private land from the road reserve. Most commonly hedging is located on the nature strip to provide a privacy screen for properties on the lower side of the road reserve. When hedging is not maintained at an appropriate height in these locations, it may obscure coastal views from the road reserve. Residents are asked to be mindful that the nature strip, although maintained by adjoining property owners, is part of the public domain and consideration is to be given to the public's right of use, for instance:

- Plantings and structures including retaining walls, on the nature strip must not block pedestrian or vehicle access;
- Hedging on the nature strip is to be planted adjacent to and against the property boundary. The front fence and built elements are required to be located within the property boundary. Hedges will be maintained at approximately the fence height. Hedge height restrictions will be managed in conjunction with the Development Application process for new hedging and through an education program for existing hedging. The Pittwater 21 DCP, Part D provides allowable fence heights for specific locations. Generally fence height for the front of a property is one metre unless on a main road or arterial road. See link at the end of this section;
- Approval for works through the Development Application process does not provide approval for works on the adjacent road reserve without written approval. To highlight this, all new approved plans will contain the following stamp: "This approval does not authorise any works on the adjacent road reserve/Council reserve";
- Council reserves the right to remove or reduce the height of any hedge deemed inappropriate or where it has been planted without Council approval. Examples include but are not limited to where the hedge is not against the property boundary, is blocking vehicle or pedestrian access or blocking sight lines or the plants are listed in the Exempt Species List or Noxious Weed List;

- Species from the Exempt Species List and Noxious Weed List are not permitted to be planted on the nature strip. These species are also discouraged on private property.
- A public awareness program will target the residents of streets listed in the Pittwater's Most Scenic Streets Register where hedging is an issue. On a wider scale notices will be placed in the local paper and through Council's media tools including the Pittwater Report, monthly online newsletter and website;
- The Pittwater 21 DCP Part D provides management controls for views for each locality. The key points for the Palm Beach Locality include:
 - "To preserve and enhance district and local views which reinforce and protect Pittwater's natural context".
 - "Equitable preservation of views and vistas to and/or from public private places".
 - "Front fences and side fences (within the front building setback) shall:
 - be compatible with the streetscape character, and
 - not obstruct views available from the road.
 - "To ensure an open view to and from the waterway is maintained."
 - "Landscaping is to screen the fence on the road side. Such landscaping is to be trimmed to ensure clear view of pedestrians and vehicles travelling along the roadway, for vehicles and pedestrians exiting the site".
 - "To preserve and enhance district and local views which reinforce and protect the Pittwater's bushland landscape and urban form to enhance legibility."

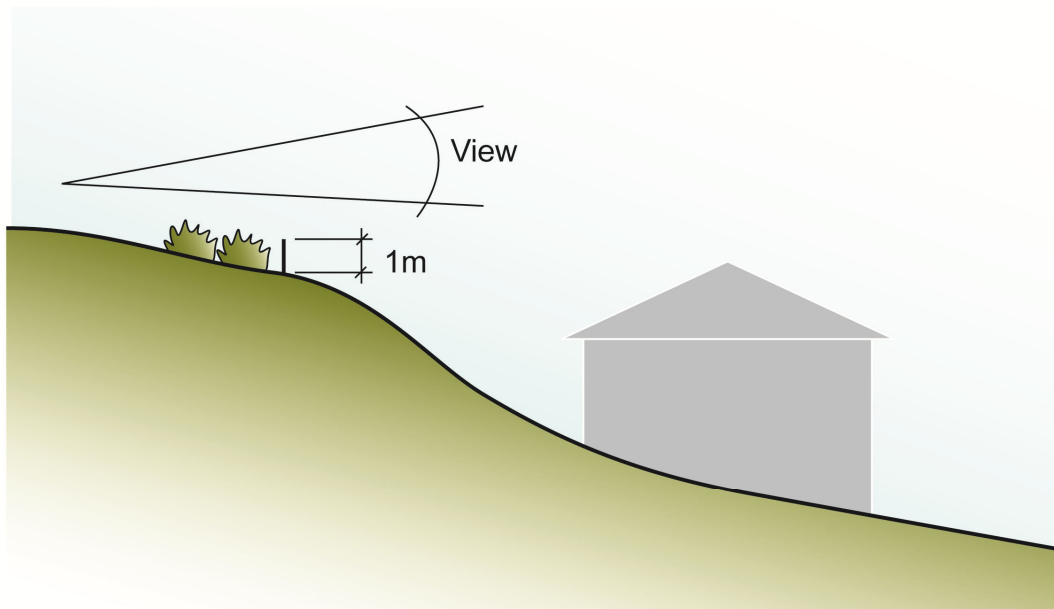


DIAGRAM OF APPROPRIATE HEDGE HEIGHT

Coastal Views Obscured by Bushland or Heathland

In consideration of dense bushland or heathland that has obscured coastal views from streets adjacent to the coastline:

- Views will be retained from designated lookout areas, which are any places that have infrastructure dedicated to views such as seating and constructed lookouts. In these areas, there should be a clear viewing window. Constructed lookouts are located at the following places:
 - The Serpentine, North Bilgola Headland.
 - Barrenjoey Road, Bilgola - two lookouts at Bilgola Bends one above the rock pool looking north over Bilgola Beach and one looking south over Newport Beach.
 - Bungan Head Road, Newport – formalised area with seat above cliff face.
 - Narrabeen Park Parade, Warriewood overlooking Warriewood Beach.
 - Turrimetta Headland - two lookouts – one looking north over Warriewood Beach and one looking south over Turrimetta Beach.
 - Narrabeen Headland - two constructed lookouts – one looking south over the entrance to Narrabeen Lagoon and one looking north over Turrimetta Beach.
- Views will also be retained from a select number of designated functional areas within reserves that are suitable for weddings or whale watching. Management guidelines for reserves will be identified through the plan of management process. Viewing areas from these reserves, may be relevant when located adjacent to the street. Key viewing areas include:
 - Mona Vale Headland Reserve
 - Robert Dunn Reserve, Warriewood
 - Turrimetta Headland – near constructed lookout looking north over Warriewood Beach
 - Narrabeen Headland – new picnic and BBQ area overlooking the entrance to Narrabeen Lagoon
- the lower branches of street trees may be pruned to provide suitable clearance; generally three metres. This can be achieved by pruning the tree during the early years to produce a higher canopy. This will assist in retaining views because the open canopy of Eucalypt and Corymbia species provide filtered views; and
- given the steeper terrain characteristics of Pittwater the natural slopes of streets adjacent to the coastline will be used to promote a transition of tree and shrub heights in identified areas. Where practical taller plantings will be further down the slope with low shrubs closer to the road or pathways. (This excludes areas with Endangered Ecological Communities and Threatened Species etc).

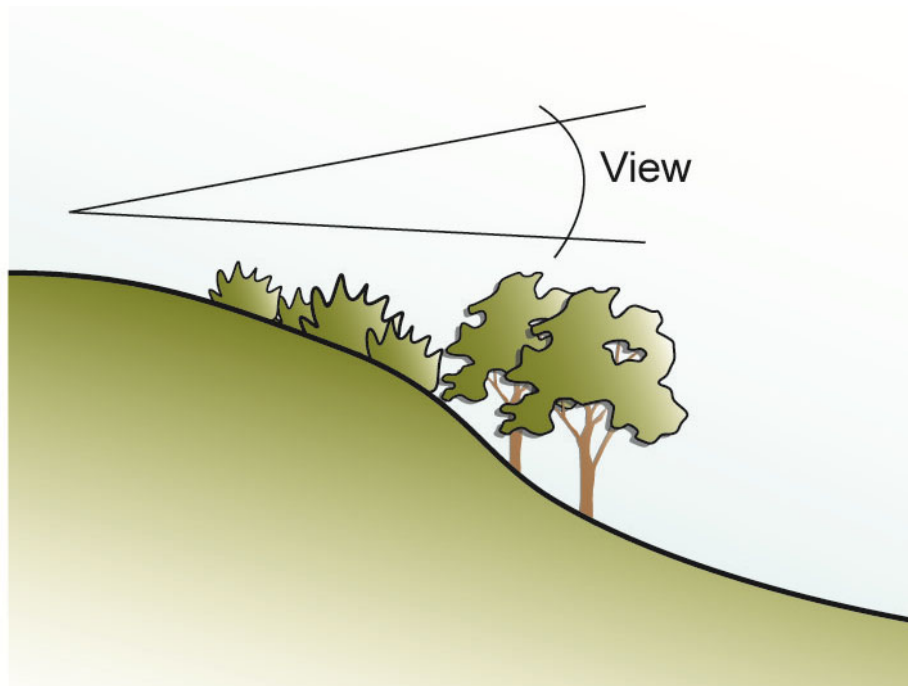


DIAGRAM OF APPROPRIATE VEGETATION HEIGHT FOR KEY LOCATIONS

Internet Links

Pittwater DCP 21, Part C Development Type Controls – Design Criteria – View Sharing
<http://203.56.193.25/internet/Modules/documentmaster/ViewDocumentFTP.aspx?key=WVenD%2bzH2udTprcXajQoxA%3d%3d>

Listed Noxious Weeds for Pittwater
http://www.pittwater.nsw.gov.au/environment/noxious_weeds/listed_noxious_weeds_for_pittwater_council

Pittwater Council - *Exempt Species Table*
http://www.pittwater.nsw.gov.au/environment/tree_information/tree_preservation_order/exempt_species_table

Public Property Vandalism – Reward for Successful Prosecution Policy (Policy 111)
<http://203.56.193.25/internet/Modules/documentmaster/ViewDocumentFTP.aspx?key=1J8Yv2tyusM3LZZ4pm5FSQ%3d%3d>

BUSHLAND AND TREE RISK MANAGEMENT

Public Liability

All claims for property damage or personal injury will be forwarded to Council's Risk Management and Insurance Officer for evaluation, following preliminary evaluation by Council's Tree Preservation and Management Officers.

Council Tree Preservation and Management Officers will provide advice to Council's Risk Management and Insurance Officer.

Claims for damage to sewer / drainage pipes against Council will be reviewed by Council's Tree Preservation and Management Officer and Council's Risk Management and Insurance Officer. The complainant must provide evidence of the damage caused by the trees. The following information is required:

1. Conclusive evidence that the tree on the road reserve is the cause of any problems to the water service and /or drains. Evidence could include a video or inspection of excavation work.
2. The location of the problem on the road reserve.
3. Whether any of the pipes are earthenware or PVC.
4. History of previous problems and /or plumbing works.

Council Tree Preservation and Management Officers and Council's Risk Management and Insurance Officer will determine the course of action for each claim.

Bushfire

The local land owner is responsible for managing an Asset Protection Zone under the direction of the Rural Fires Act 1997 (s. 16). The Rural Fire Service of NSW is responsible for:

- providing advice
- assessment for fuel reductions

Road reserves are required to provide adequate access for fighting bushfire outside the property boundaries and water supply for bushfire suppression operations.

Planning for Bushfire Protection, 2010 provides guidelines including road widths and clearances for recognized fire trails.

Related Documents

Bushfire Prone Land Map
Warringah Pittwater Fire Risk Management Plan June 2010

Internet Links

Bushfire Consultants
Rural Fires Services website
Planning for Bushfire Protection, 2010

Internet links to the above documents are available from:

http://www.pittwater.nsw.gov.au/building_and_development/controls_and_policies/bushfire_prone_land

C10.6	Destination 2036 Draft Action Plan - Stakeholder Consultation
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Meeting: Governance Committee

Date: 19 December 2011

STRATEGY: Business Management

ACTION: Effectively manage Council's Corporate Governance responsibilities

PURPOSE OF REPORT

To advise Councillors of the *Destination 2036 Draft Action Plan* and the invitation from the Division of Local Government for submissions from Councillors and Council staff. The Draft Action Plan will be open for stakeholder consultation until Wednesday, 15 February, 2012.

1.0 BACKGROUND

- 1.1 The Destination 2036 Action Plan is the outcome of the Destination 2036 Workshop attended by state Mayors in Dubbo on 17-18 August 2011.
- 1.2 The Division of Local Government has invited submissions from stakeholders by 15 February 2012. Any proposed changes to the plan resulting from those submissions will be made available for consultation with councils for a further two weeks. The final Action Plan will then be presented to the Minister for Local Government for implementation.

2.0 ISSUES

- 2.1 The Key Strategic Directions for NSW Local Government are:
 - Efficient and Effective Service Delivery
 - Quality Governance
 - Financial Sustainability
 - Appropriate Structures
 - Strong Relationships
- 2.2 Some (not all) of the key Strategic Initiatives put forward in the Destination 2036 Action Plan are as follows:
 - Facilitation of greater resource sharing between councils
 - Ensure legislation provides flexibility and reduces red tape
 - Review the revenue system to ensure greater flexibility and self reliance
 - Encouragement and facilitation of voluntary amalgamations and boundary alterations

- 2.3 The Circular and Action Plan will be placed on Council's webpage and further promoted by advertisement to raise awareness of this matter in the community and to encourage submissions from members of the public.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

This report will have no impact on this strategy.

3.2 Valuing & Caring for our Natural Environment (Environmental)

This report will have no impact on this strategy.

3.3 Enhancing our Working & Learning (Economic)

This report will have no impact on this strategy.

3.4 Leading an Effective & Collaborative Council (Governance)

Submissions on the Draft Action Plan will provide stakeholders the opportunity to have a positive impact on the future of Local Government and how it may operate in the future.

3.5 Integrating our Built Environment (Infrastructure)

This report will have no impact on this strategy.

4.0 EXECUTIVE SUMMARY

- 4.1 The Division of Local Government have invited submissions from stakeholders on the Destination 2036 Draft Action Plan.

- 4.2 The consultation period in which submissions can be made ends on Wednesday, 15 February 2012.

- 4.3 The Draft Action Plan will be promoted to raise public awareness of this matter.

RECOMMENDATION

That the information provided in the attached DLG Circular to Councils (**Attachment 1**) and the Destination 2036 Draft Action Plan (**as tabled**) be noted.

Report prepared by

Warwick Lawrence

MANAGER, ADMINISTRATION & GOVERNANCE



Premier & Cabinet
Division of Local Government

Circular to Councils

Circular No. 11-40
Date 3 December 2011
Doc ID. A266032

Contact Mark Hely
02 4428 4176
mark.hely@dlg.nsw.gov.au



RELEASE OF THE DRAFT *DESTINATION 2036 ACTION PLAN*

I am pleased to advise that the draft *Destination 2036 Action Plan* has been released by the Implementation Steering Committee (ISC) for stakeholder consultation.

A copy of the draft action plan is attached to this circular. In addition, it can be downloaded from the [Destination 2036 webpage](#).

It would be appreciated if general managers can arrange for a printed copy of the draft *Destination 2036 Action Plan* to be provided to all councillors and be made widely available to all council staff. I encourage all councillors and council staff to review and consider this important draft plan. The ISC will be writing directly to all councillors and all council staff in this regard.

I would also appreciate it if councils could widely promote the draft action plan within their community.

The draft action plan will be open for consultation until **Wednesday, 15 February 2012**, although councils and other stakeholders are encouraged to provide their comments sooner, if possible. If, as a result of this consultation process, the ISC proposes to make substantial changes to the plan, details of those proposed changes will be made available for further stakeholder consultation for a period of two weeks. The final Action Plan will then be presented to the Minister for Local Government. Subject to the Minister's consideration, work on the action plan will commence in earnest.

There are a number of mechanisms by which councils, council staff and other stakeholders can provide feedback and these are set out in Section 5 of the draft plan.

While comments can be made on any matters relating to the draft plan, the ISC is particularly interested in receiving feedback on the following:

1. What do you like about the draft Action Plan?
2. In what ways could the Action Plan be improved?

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 W www.dlg.nsw.gov.au ABN 99 567 863 195

3. Are there other key activities you believe should be included under any of the initiatives?
4. Do you have any suggestions regarding the proposed process for advancing the Action Plan?
5. Are you aware of any activities (eg, research) currently underway that could directly contribute to the achievement of any of the initiatives or key activities?

It is important to appreciate that in the most part, the draft plan does not seek to answer or implement the actions that were suggested at Dubbo. Rather, it provides a pathway and a process for their more detailed consideration. It represents the opening dialogue in a conversation that the sector, its stakeholders and our communities will be having throughout 2012 and beyond.

Many of the suggested actions will require research and consultation before a preferred position can be determined and implemented. They may also require the engagement of independent experts. For some, their implementation would require legislative change, which in itself would necessitate further consultation and consideration.

The next steps in the *Destination 2036* process will be exciting. There is a lot of work to be done and we will need to work constructively and in partnership to achieve a stronger and more robust local government sector.

In preparing the draft *Destination 2036 Action Plan* the ISC sought to capture and build upon the energy, vision and goodwill that was displayed at Dubbo. On behalf of the ISC, we now look forward to receiving your comments on the draft plan.



Ross Woodward
Chief Executive, Local Government
A Division of the Department of Premier and Cabinet

C10.7 Delegations over Christmas - New Year Recess 2011/2012

Meeting: Governance Committee

Date: 19 December 2011

STRATEGY: **Business Management**

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

PURPOSE OF REPORT

To consider the Delegations of Authority over the 2011/2012 Christmas - New Year Recess period.

1.0 BACKGROUND

- 1.1 The Council's Christmas - New Year recess period is to commence on Tuesday, 20 December 2011 and conclude on Sunday, 5 February 2012. The first scheduled Council meeting in the New Year is Monday, 6 February 2012.
- 1.2 Under the provisions of section 226 of the Local Government Act, 1993 the Mayor is:
"to exercise, in cases of necessity, the policy-making functions of the governing body of the Council between meetings of the Council."
- 1.3 It is noted that section 377 of the Local Government Act, 1993 sets out those matters which the Council cannot delegate.
- 1.4 The Council, at its meeting held on 17 August 2009, adopted delegations to the Mayor which included:

"With the General Manager, determine matters between the last Council meeting of the year and the first Council meeting for the following year."

2.0 ISSUES

2.1 Delegation of Regulatory Functions – Committee of Council

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

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

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

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

- 2.1.2 It is therefore proposed in relation to any regulatory function of the Council, which includes the determination of development applications, S96 Modifications and S82A Review Applications, that authority be delegated to a Committee of the Council, comprising the Mayor or nominee (who shall be Chairperson), the 3 relevant Ward Councillors to which the application relates and any other Councillor who has expressed an interest in a particular matter, to carry out the Council's regulatory functions, including the determination of development applications, during the Christmas - New Year Recess period.
- 2.1.3 All Councillors will be provided with copies of any reports dealing with regulatory matters including the determination of development applications prior to the delegated Committee determining such matters.
- 2.1.4 It is noted that no development applications have been determined by a delegated Committee of Ward Councillors during the past five recess periods.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

- 3.1.1 A delegation allowing urgent matters to be dealt with during the recess period supports Councils need to provide an ongoing quality service to the community.

3.2 Valuing & Caring for our Natural Environment (Environmental)

- 3.2.1 The outcomes of the report have no effect on the environment

3.3 Enhancing our Working & Learning (Economic)

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

3.4 Leading an Effective & Collaborative Council (Governance)

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

3.5 Integrating our Built Environment (Infrastructure)

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

4.0 EXECUTIVE SUMMARY

- 4.1 A specific delegation to allow for urgent matters of Council business to be dealt with over the 2011/2012 Christmas - New Year recess period has been an ongoing decision of Council for many years. Though its use has been very limited in the past the delegation will allow the opportunity for any urgent matter to be dealt with in a timely matter.

RECOMMENDATION

1. That the Council note the delegation to the Mayor of its policy-making functions in accordance with section 226 of the Local Government Act, 1993 over the Christmas - New Year recess period.
2. That the Council also note delegations to the Mayor as noted in paragraph 1.4 of the report.
3. That pursuant to section 379(1) of the Act, authority be delegated to a Committee of the Council, comprising the Mayor or nominee (who shall be Chairperson), the 3 relevant ward Councillors if available, and any other Councillor who has an expressed interest in a particular matter or application if available, to carry out and resolve upon the regulatory functions of the Council, including the determination of development applications, S96 modifications and S82A Review applications during the 2011/2012 Christmas - New Year recess period. The Committee shall be appointed for the recess period only.
4. That all Councillors be provided with copies of any reports dealing with regulatory matters, including the determination of development applications, S96 modifications and S82A Review applications prior to the delegated Committee determining such matters.
5. That a report be submitted to the first Council meeting of the New Year outlining all matters and decisions taken by the Mayor or nominee (with respect to any policy making functions) and/or the above-mentioned Committee (with respect to any regulatory functions) under delegation during the Christmas - New Year recess period.

Report prepared by

Warwick Lawrence
MANAGER, ADMINISTRATION & GOVERNANCE

C10.8	Minutes of the Narrabeen Lagoon Floodplain Risk Management Working Group Meeting on 1 December 2011
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Meeting: Governance Committee

Date: 19 December 2011

STRATEGY: **Risk Management Co-ordination**
Community Engagement, Education & Awareness

ACTION: Undertake community consultation regarding all major Councils plans and projects
Develop and implement a program to undertake natural hazard risk management studies in accordance with Risk Management Guidelines

PURPOSE OF REPORT

To consider the Minutes of the Narrabeen Lagoon Floodplain Risk Management Working Group (NLFRMWG) meeting held at Pittwater Council on 1 December 2011 (refer **Attachment 1**).

1.0 BACKGROUND

- 1.1 The NLFRMWG is a forum that assists Warringah and Pittwater Councils in the preparation, development and implementation of floodplain management plans for Narrabeen Lagoon. The Working Group is administered on a rotational basis with Warringah Council and Pittwater Council. The administration of the meetings is with Warringah Council during 2012.

2.0 ISSUES

- 2.1 **Narrabeen Lagoon Flood Study** – A presentation on the progress of the Narrabeen Lagoon Flood Study was provided at the meeting.

Stage 1 of the project resulted in some 263 responses to a community questionnaire on catchment flooding, and the receipt of 80 flood photographs. Stage 2, the hydrological setup, has been completed and uses two storm events for the model calibration. The remaining stages of the project remain on track with the Stage 3 hydraulic modelling to be completed in April 2012, Stage 4 climate change assessment to be completed in August 2012 and the draft Flood Study to be completed in October 2012.

- 2.2 **Narrabeen Lagoon Flood Mitigation (Entrance Clearance)** – The 2011 entrance clearance operation is essentially complete, and the entrance was re-opened on 25 November 2011. The clearance works finished ahead of schedule and removed some 35,000m³ of sand and replenished four beach sites.
- 2.3 **Narrabeen Lagoon Floodplain Risk Management Working Group Progress** – A summation of the key outcomes of the Working Group over the year was reported as per the Group's Terms of Reference.

3.0 SUSTAINABILITY ASSESSMENT

This report does not require a sustainability assessment.

4.0 EXECUTIVE SUMMARY

- 4.1 The Narrabeen Lagoon Flood Study is progressing with the successful return of questionnaires and flood photographs as part of the Stage 1 community consultation phase and the completion of the hydrologic modelling. The anticipated date for completion of the Flood Study remains on track for March 2013 with the draft to be completed in October 2012.
- 4.2 The 2011 Narrabeen Lagoon entrance clearance operation is now completed with some 35,000m³ of sand removed.
- 4.3 The administration of the Working Group is with Warringah Council in 2012.

RECOMMENDATION

That the minutes of the Narrabeen Lagoon Floodplain Risk Management Working Group (NLFRMWG) Meeting held at Pittwater Council on 1 December 2011 be noted.

Report prepared by

Jennifer Pang

MANAGER, CATCHMENT MANAGEMENT & CLIMATE CHANGE

Minutes

Narrabeen Lagoon Floodplain Risk Management Working Group

Notice is hereby given that a Narrabeen Lagoon Floodplain Risk Management Working Group meeting will be held in the Conference Room, Mona Vale Customer Service Centre, Village Park, 1 Park Street, Mona Vale on

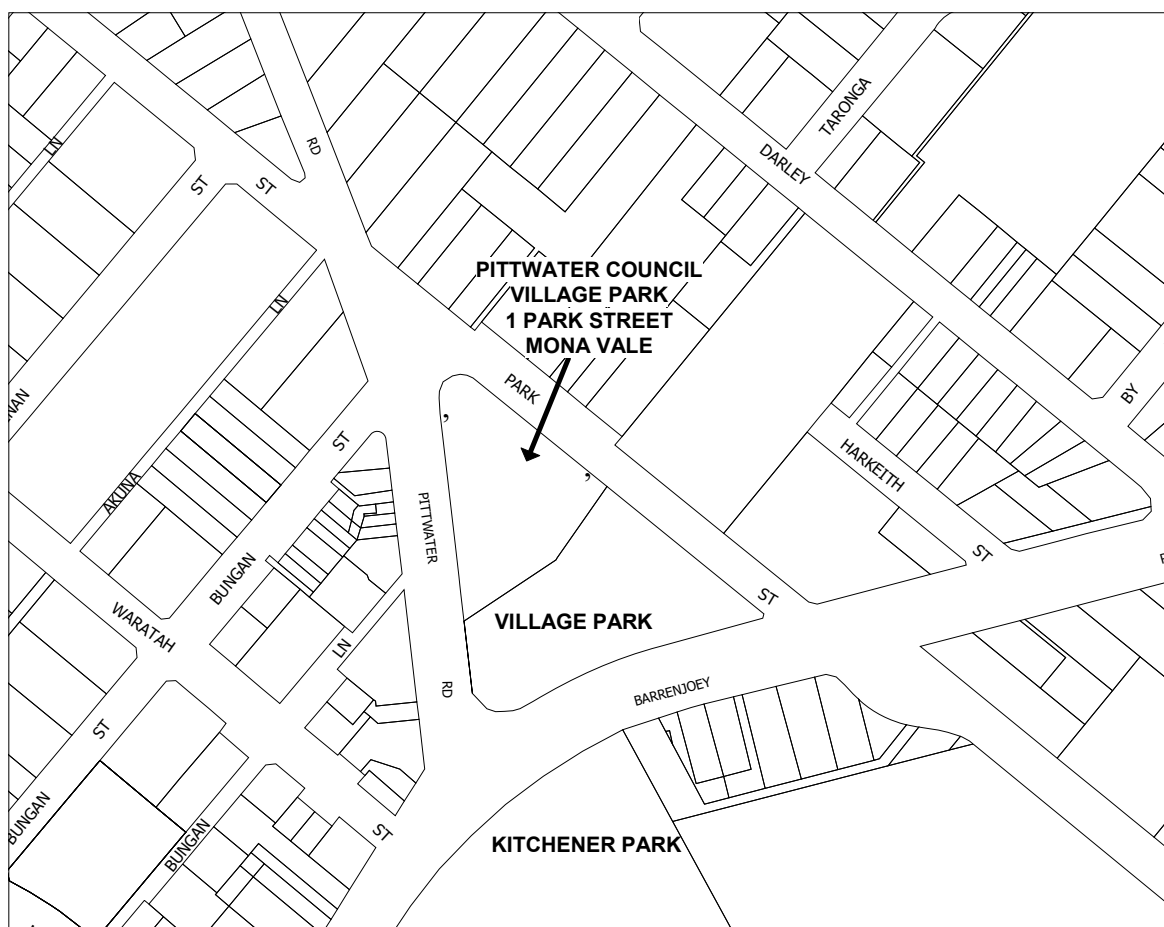
1 December 2011

Commencing at 5:11pm for the purpose of considering the items included on the Agenda.

Jennifer Pang
Manager - Catchment Management & Climate Change



Location of Council Offices



**All Pittwater Councils Agenda and Minutes are
available on Pittwater's website at
www.pittwater.nsw.gov.au**

Attendance:

Pittwater Council Members

Cr Harvey Rose

Warringah Council Members

Cr Conny Harris

Cr Michelle Ray

Citizen Representatives & Stakeholder Representatives

Mr Philip Oswald (Pittwater)

Dr Paul Hackney (Warringah)

Mr Spiro Daher (Pittwater)

Mr David Loomes (Warringah)

Ms Joy Gough (Narrabeen Lakes Sailing Club)

State Government Representatives

Mr Greg Davis (Office of Environmental Heritage)

Mr Wayne Lyne (State Emergency Service Sydney Northern Region)

and the following Council Advisors

Ms Jennifer Pang (Pittwater)

Ms Sue Ribbons (Pittwater)

Ms Debbi Millener (Warringah)

Mr Adrian Turnbull (Warringah)

Ms Jackie Grove (Warringah)

**NARRABEEN LAGOON FLOODPLAIN
RISK MANAGEMENT WORKING GROUP**

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Item No	Item	Page No
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NLF4.2	Narrabeen Lagoon Flood Mitigation (Entrance Clearance)	
NLF4.3	Narrabeen Lagoon Floodplain Risk Management Working Group/ Community Committee Progress and Key Projects	
5.0	General Business	
6.0	Next Meeting - 1 March 2012	

**The Manager, Catchment Management and Climate Change
has approved the inclusion of
all reports in this agenda.**

1.0 Apologies

WORKING GROUP RECOMMENDATION

That apologies be received and accepted from:

Cr Jacqueline Townsend (Pittwater)
Cr David James (Pittwater)
Cr Jason Falinski (Warringah)
Cr Michael Regan (Warringah)
Mr Todd Dickinson, (Warringah)
Ms Valerie Tulk (Warringah)
Mr Steve Black (NSW Maritime)
Mr Marcel Green (Fisheries Ecosystems, Industry and Investment NSW)
Mr Anthony Ryan (Crown Lands Division)
Mr Tony Carr (Friends of Narrabeen Lagoon Catchment Inc.)
Mr Chris Hunt, Director Urban & Environmental Assets (Pittwater)
Mr David Chambers, State Emergency Service Sydney Northern Region
Mr Tony Pinelli, State Emergency Service Sydney Northern Region
Mr Stephen Lynch, Sydney Metropolitan Catchment Management Authority
Mr Dan Cross, Land & Property Management Authority
Mr Arthur Michos, Department of Environment, Climate Change & Water
Mr Chris Grudnuff, NSW National Parks & Wildlife Service
Mr Brendan Barrett, Sydney Academy of Sport and Recreation
Mr Norm Nikoklich, Sydney Water
Mr Richard Steven (Pittwater)

and leave of absence be granted from the Narrabeen Lagoon Floodplain Risk Management Working Group Meeting held on 1 December 2011

(Cr Michelle Ray / Cr Rose)

Note:

Ms Jackie Grove attended the meeting on behalf of Todd Dickinson (Warringah Council) and Mr Wayne Lyon attended the meeting on behalf of David Chambers State Emergency Service Sydney Northern Region.

2.0 Declarations of Pecuniary Interest - Nil

3.0 Confirmation of Minutes

WORKING GROUP RECOMMENDATION

That the Minutes of the Narrabeen Lagoon Floodplain Risk Management Working Group Meeting held on 1 September 2011 be confirmed as a true and accurate record of that meeting.

(Cr Michelle Ray / Mr Phillip Oswald)

4.0 Committee Business

NLF4.1 Narrabeen Lagoon Flood Study

Proceedings in Brief

Debbi Millener, Floodplain Management Officer (Warringah Council) addressed the meeting on this item. A copy of the presentation will be attached to the Minutes at Appendix 1.

WORKING GROUP RECOMMENDATION

That the Working Group note the information contained in the report.

(Mr Paul Hackney / Cr Michelle Ray)

NLF4.2 Narrabeen Lagoon Flood Mitigation (Entrance Clearance)

Proceedings in Brief

Debbi Millener, Floodplain Management Officer (Warringah Council) addressed the meeting on this item.

The 2011 lagoon entrance clearance operation is essentially completed and the lagoon entrance was re-opened on 25 November 2011. The operation was completed ahead of the project schedule. The operation removed some 35,000m³ of sand and replenished four beach sites of Narrabeen / Collaroy.

A general discussion of how excavation depths and the availability.

WORKING GROUP RECOMMENDATION

That the Working Group note the information contained in the report.

(Cr Conny Harris / Cr Michelle Ray)

NLF4.3 Narrabeen Lagoon Floodplain Risk Management Working Group/ Community Committee Progress and Key Projects

Proceedings in Brief

Jennifer Pang, Manager - Catchment Management and Climate Change (Pittwater Council) addressed the meeting on this item. A summation of the key outcomes of the Working Group over the year was provided. The key project reporting milestones in 2012 for the Flood Study was discussed as well as emerging projects in the areas of flood warning and community education.

WORKING GROUP RECOMMENDATION

That the review of Narrabeen Lagoon Floodplain Risk Management Community Committee / Working Group and forward path be noted.

(Cr Michelle Ray / Cr Conny Harris)

5.0 General Business

Cr Conny Ray invited all members to attend the screening of the new, award-winning environmental documentary "*Bag It*" at the Kimbriki Eco House on Friday 2 December. Refreshments from 6.15 for a 7pm start.

6.0 Next Meeting

The next meeting of the Narrabeen Lagoon Floodplain Risk Management Working Group is scheduled to be held on 1 March 2012, commencing at 5.00pm in the Flannel Flower Room (use after hours entrance situated down steps to the right of the main entrance) at Warringah Council Civic Centre, 725 Pittwater Road, Dee Why.

**THERE BEING NO FURTHER BUSINESS
THE MEETING CONCLUDED AT 5.48PM ON
THURSDAY 1 DECEMBER 2011**

Narrabeen Lagoon Flood Study



**Stage 1: Data Review
and Community
Consultation**

**Stage 2: Hydrological
Modelling**



Warringah Council

Contents

- Stage 1: Data Review
- Stage 1: Community Consultation
- Stage 2: Hydrological Model –set up
- Stage 2: Hydrological Model - Calibration
- Next Steps



Warringah Council

Stage 1: Data Review

- Previous flood studies reviewed
- No catchment wide model ever completed
 - new hydrological and hydraulic models to be developed

Data Needed:

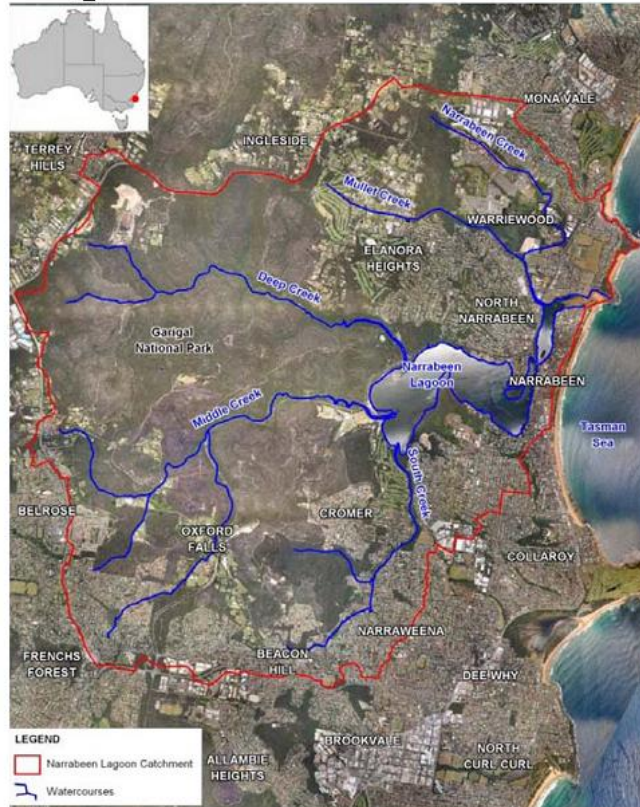
- Topography
- Bathymetry
- Channel survey
- Catchment boundaries
- Land use data



Warringah Council



Stage 1: Data Review



Stage 1: Community Consultation

- Aim:
 - advise residents of Flood Study
 - Collect photos of previous flood events

Information sent out:

- Webpage set up
- Newsletter
- Questionnaire
- Manly Daily Adverts
- Letters to residents (approx 2000 sent out)



Narrabeen Lagoon Flood Study

About the Study	Potential Flood Risk	Climate Change	Community Input	Important Terms	Study Timetable	Contact
-----------------	----------------------	----------------	-----------------	-----------------	-----------------	---------

About the Study

Warringah Council in partnership with Pittwater Council is carrying out a flood study to define the existing flood behaviour in the Narrabeen Lagoon catchment. This study will establish the basis for subsequent floodplain management activities and is being prepared to meet the objectives of the NSW State Government's Flood Policy. The study will consider the potential flooding impacts of climate change in line with current State policy and best practice.

Warringah Council will administer the project with input from Pittwater Council. BMT WBM, an independent company specialising in flooding and floodplain risk management, will undertake the study.

The NSW Office of Environment and Heritage is providing financial and technical assistance.

Latest News

Help your local councils to improve flood management in Manly / Narrabeen

You can help us by passing on information or photos about flooding you may have experienced. The information gathered from your photos will help in verifying flood predictions and managing risks to our community. This information is strictly confidential and only used for the study. Please fill out the attached questionnaire or upload photos [here](#).

Stage 1: Community Consultation

- Approximately 263 responses received to community questionnaire
 - 12% return rate
 - 186 residents interested in receiving more information
- Approximately 80 photographs received
 - 30 from residents
 - majority main lagoon flooding
 - limited creek flooding

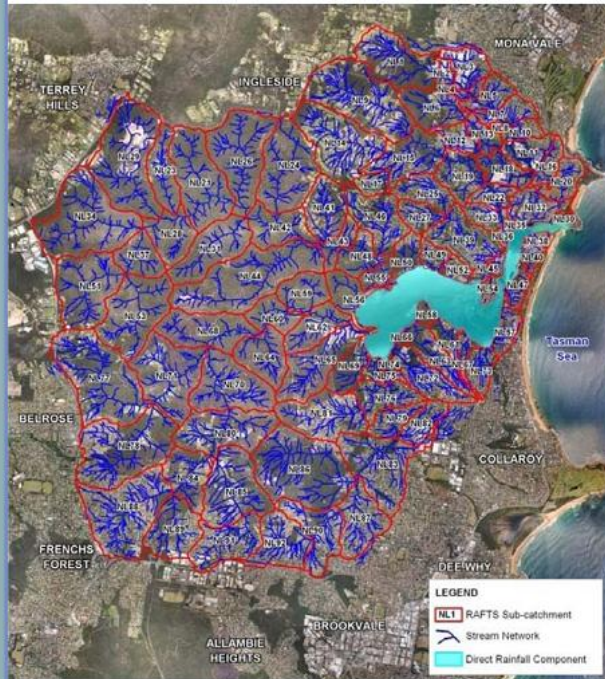


Warringah Council



Warringah Council

Stage 2: Hydrological Model Set up



•Overland flow paths and sub-catchments defined based on:

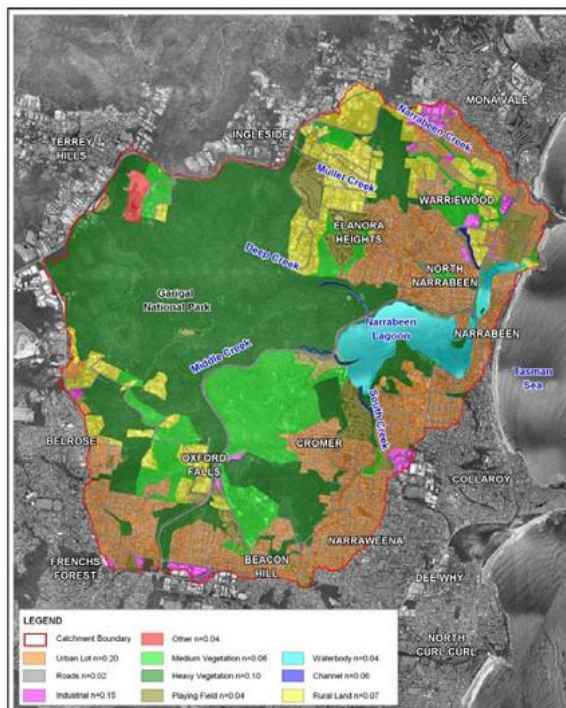
- Land use
- Amount of vegetation
- Catchment slope
- Area

•Run off flows identified for each sub-catchment



Warragah Council

Stage 2: Hydrological Modelling



•Land Use maps developed - affects speed of run off

•Catchment is predominately vegetation, residential and rural land



Warragah Council

Stage 2: Hydrological Model Calibration

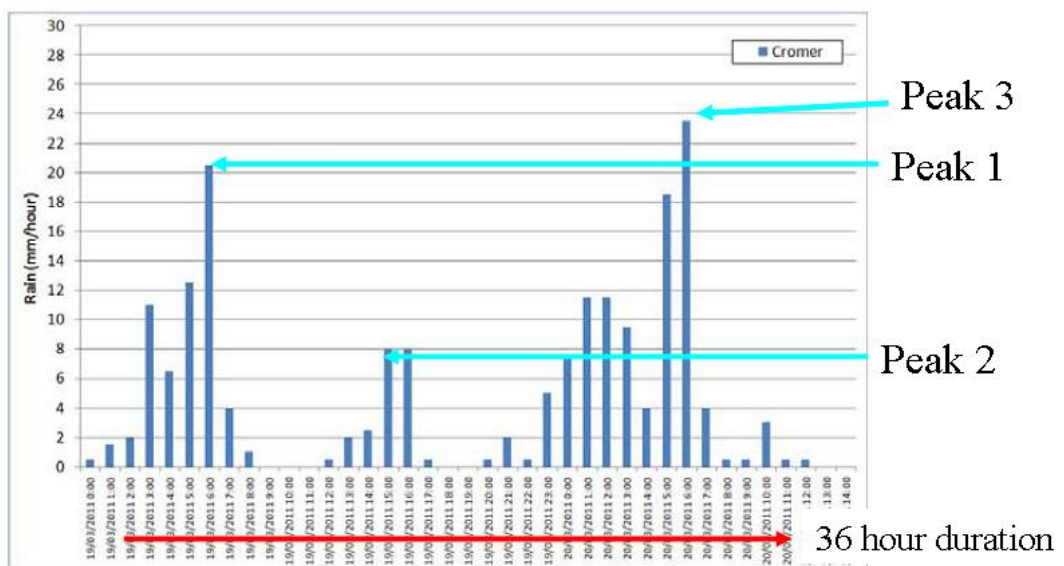
- Model is then tested against previous flood events.
- Use March 2011 and April 1998 events
- Use actual rain and water level data from these events



Warringah Council

Stage 2: Hydrological Modelling March 2011 Calibration

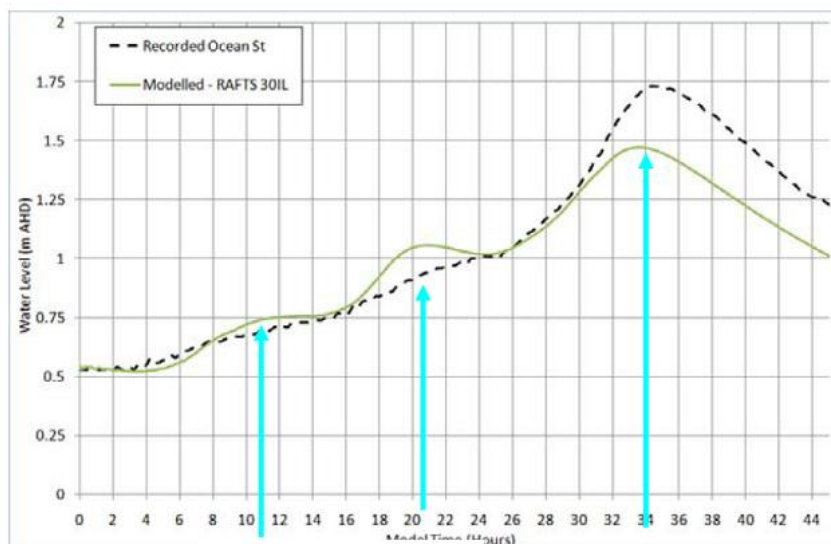
- Rainfall – 220mm at Cromer



Warringah Council

Stage 2: Hydrological Modelling March 2011 Calibration

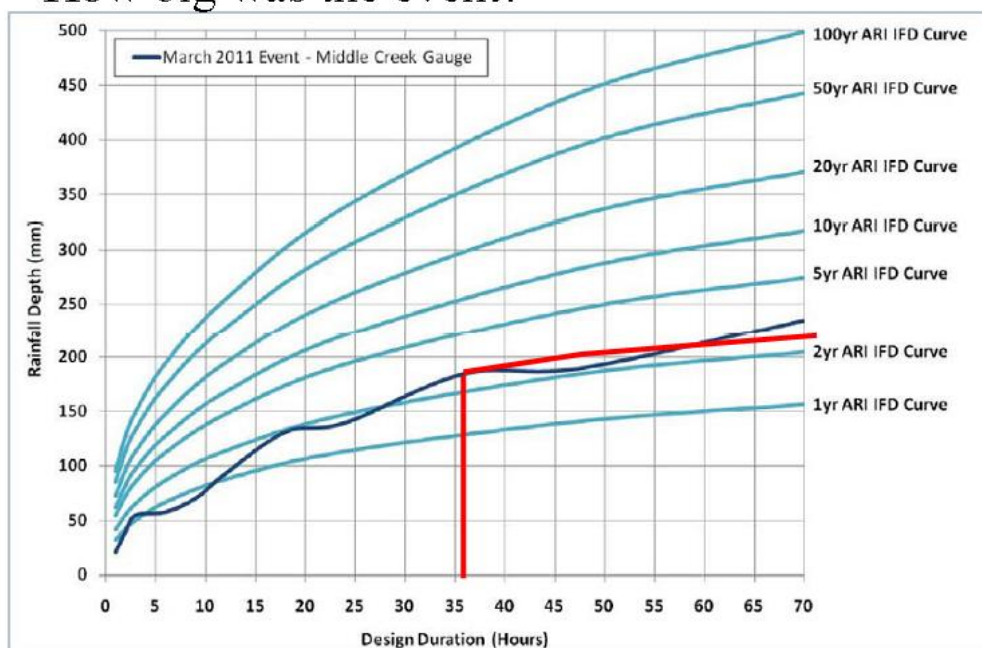
- Modelled levels verses actual levels



Warringah Council

Stage 2: Hydrological Modelling March 2011 Calibration

- How big was the event?



Warringah Council

Next Steps

- Stage 2: Interim Paper
 - Final provided to the Working Group in the next meeting – Feb 2011
- Stage 3: Hydraulic Modelling
 - To be completed in April 2012
- Stage 4: climate change Assessment
 - To be completed in August 2012
- Draft Flood Study
 - To be completed in Oct 2012



Warringah Council

Any Questions?



Warringah Council

C10.9	Minutes of the Special Rate Variation Advisory Committee Meeting held 29 November 2011
--------------	---

Meeting: Governance Committee

Date: 19 December 2011

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

ACTION: Provide Infrastructure renewal

PURPOSE OF REPORT

1. To present to Council for consideration the Minutes of the first meeting of the Special Rate Variation Committee held on 29 November 2011 (refer **Attachment 1**).
2. To present to Council the Pittwater Special Rate Variation Program Community Contract 2011/2021 (refer **Attachment 2**) for adoption.

1.0 BACKGROUND

- 1.1 The Special Rate Variation Advisory Committee has been established to assist the administration and governance of the Pittwater Special Rate Variation Community Contract, in particular to assist the following functions as per its Charter:

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

- 1.2 The Committee consists of the following members:

Councillors:

Cr White
Cr Hegarty
Cr Hock

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

Pittwater Community Representatives:

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

Council Advisors

Mr Chris Hunt, Director, Urban & Environmental Assets

Mr Mark Shaw, Manager, Urban Infrastructure

Mr Les Munn, Manager, Reserves Recreation & Building Services

Ms Sherryn McPherson, Minute Secretary

Other Council advisors will attend dependent on the agenda items.

- 1.3 This Committee meeting was the first for the Special Rate Variation Advisory Committee.

2.0 ISSUES

2.1 Overview of Special Rate Variation (SRV) & Long Term Financial Plan

Mr Mark Jones, Council's Chief Financial Officer and Mr Paul Reid, Manager Corporate Strategy & Commercial, addressed the meeting with a PowerPoint presentation on Council's Special Rate Variation application.

2.2 Conclusion of former Environmental Infrastructure (EI) Levy

Mr Chris Hunt, Director Urban and Environmental Assets addressed the committee on Conclusion of Former Environmental Infrastructure (EI) Levy.

2.3 Role of SRV Community Advisory Committee and SRV Community Contract

Mr Chris Hunt, Director, Urban and Environmental Assets, addressed the Committee on the Role of the SRV Advisory Committee and SRV Community Contract.

The Pittwater Special Rate Variation Program Community Contract 2011/2021 will be amended with the following changes:

Overview additional paragraph 3

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

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

Community Contract Funding – amendment to paragraph 1

The Pittwater Special Rate Variation Contract is phased in over three years, beginning in 2011/2012, by replacing the current 5% Environmental Infrastructure Levy. There will be two further increments of 4% and 3% per year respectively, excluding the annual CPI increase. The CPI increase, which is set annually by the State Government, runs at approximately 3%.

KD1 - 'Avalon Stage 1' now 'Avalon Surf Club Stage 1'

KD3 - 'Refurbishment of Library' now 'Refurbishment of Mona Vale Library'

KD5 - changes due to an error in the figures in the contract, not discussed in the meeting

KD5 - Road Rehabilitation Program budget now '\$9,357,987'

KD5 - Total budget now '\$16,893,245'

2.4 Asset Management & Primary Source Documents

Mr Mark Shaw, Manager, Urban Infrastructure, addressed the Committee on Asset Management & Primary Source Documents.

2.5 SRV Reporting Process and Status Update

Mr Mark Shaw, Manager, Urban Infrastructure, and Mr Les Munn, Manager, Reserves, Recreation and Building Services, addressed the meeting with a PowerPoint presentation on the Council's SRV Infrastructure Works and Status Update Program.

2.6 General

The SRV Committee brings together community members from a broad cross section, demographic representation and experiences.

Based on the inaugural meeting, there is a very positive dynamic, interaction and level of scrutiny which is reassuring and appreciated.

3.0 SUSTAINABILITY ASSESSMENT

This report does not require a sustainability assessment.

4.0 EXECUTIVE SUMMARY

- 4.1 To present to Council the minutes of the Special Rate Variation Advisory Committee Meeting held on 29 November 2011.
- 4.2 To present to Council the Draft Pittwater Special Rate Variation Program Community Contract 2011/2021.

RECOMMENDATION

- 1. That the Minutes of the Special Rate Variation Advisory Committee Meeting held on 29 November 2011 be noted.
- 2. That the Pittwater Special Rate Variation Program Community Contract 2011/2021 (inclusive of the amendments outlined in this report) be adopted.

Report prepared by

Mark Shaw
MANAGER, URBAN INFRASTRUCTURE

Minutes

Special Rate Variation (SRV) Advisory Committee Meeting

Notice is hereby given that a Special Rate Variation Advisory Committee Meeting will be held in the Conference Room on Level 3, 5 Vuko Place, Warriewood on

29 November 2011

Commencing at 4:05pm for the purpose of considering the items included on the Agenda.

Chris Hunt
DIRECTOR, URBAN & ENVIRONMENTAL ASSETS

Members of the Committee, namely

Councillors:

Cr White
Cr Hock
Cr James

The following Pittwater Community Representatives:

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

and the following Council Advisors

Mr Chris Hunt, Director, Urban & Environmental Assets
Mr Mark Shaw, Manager, Urban Infrastructure
Mr Les Munn, Manager, Reserves, Recreation & Building Services
Mr Mark Jones, Chief Financial Officer
Mr Paul Reid, Manager Corporate Strategy and Commercial
Ms Sherryn McPherson, Minute Secretary

are requested to be in attendance.

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

For information in relation to this Meeting or to give an apology, please call Sherryn McPherson on 9970 1289 or email sherryn_mcperson@pittwater.nsw.gov.au

All Pittwater Council's Agenda and Minutes are available on Pittwater's website at
www.pittwater.nsw.gov.au

Charter

Special Rate Variation Advisory Committee

Established:	29 November 2011
Function:	<ul style="list-style-type: none"> To monitor the progress of works projects and the expenditure related to the works program as stated in the Community Contract To inform Council about progress of the works program
Composition/Membership: Notes: <ul style="list-style-type: none"> <i>Tenure of community membership to be three (3) years.</i> <i>Community representatives may not delegate an alternative representative to attend in their place at meetings.</i> <i>Council staff may appoint a delegate to attend in their place at meetings.</i> 	Core Membership: <ul style="list-style-type: none"> Three (3) Councillors A maximum of six (6) Community members Director U&EA Manager, Urban Infrastructure Manager, Reserves, Recreation & Building Services Advisory Members
Quorum:	A majority of members provided at least 1 Councillor is present.
Reporting Procedures:	Minutes of meetings to be reported to Council for consideration.
Responsible Business Unit:	Urban Infrastructure Unit.
Meetings:	Six (6) Monthly

Special Rate Variation Advisory Committee Meeting

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**The Director, Urban & Environmental Assets
has approved the inclusion of
all reports in this agenda.**

1.0 Introduction and Apologies

1. Apologies were received from:

Cr Julie Hegarty

and leave of absence was granted from the Special Rate Variation Advisory Committee meeting of 29 November 2011.

2. The Committee Members accepted the apologies.

(Cr Ian White / Mr John Greaves)

2.0 Declarations of Pecuniary Interest - Nil

3.0 Confirmation of Minutes - Nil

This is the inaugural meeting of the SRV Community Advisory Committee and as such there are no prior Minutes to confirm.

4.0 Committee Business

SRV 4.1 Overview of Special Rate Variation (SRV) & Long Term Financial Plan

Mr Mark Jones, Council's Chief Financial Officer and Mr Paul Reid Manager Corporate Strategy & Commercial addressed the meeting with a PowerPoint presentation on the Council's Special Rate Variation application. A copy of the PowerPoint Presentation is attached to the minutes at Appendix 1.

COMMITTEE RECOMMENDATION

That the presentation on the SRV Application including integrated Strategic Planning, Long Term Financial Planning and Asset Management be noted.

(Mr John Greaves / Mr Peter Mayman)

SRV 4.2 Conclusion of Former Environmental Infrastructure (EI) Levy

Proceedings in Brief

Mr Chris Hunt, Director Urban and Environmental Assets addressed the committee on this Item.

COMMITTEE RECOMMENDATION

That the status of the former EI Levy and the community benefits achieved be noted.

(Mr James Owen / Ms Roberta Conroy)

SRV 4.3 Role of the SRV Advisory Committee and SRV Community Contract

Proceedings in Brief

Mr Chris Hunt, Director Urban and Environmental Assets addressed the Committee on this item.

COMMITTEE RECOMMENDATION

That the role of the SRV Advisory Committee and the SRV Community Contract be endorsed.

(Cr Peter Hock / Ms Brianna Seale)

Note:

The Pittwater Special Rate Variation Program Community Contract 2011/2021 will be amended with the following changes:

Overview additional paragraph 3

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

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

Community Contract Funding – amendment to paragraph 1

The Pittwater Special Rate Variation Contract is phased in over three years, beginning in 2011/2012, by replacing the current 5% Environmental Infrastructure Levy. There will be no two further increments of 4% and 3% per year respectively, excluding the annual CPI increase. The CPI increase, which is set annually by the State Government, runs at approximately **3%**.

SRV 4.4 Asset Management & Primary Source Documents

Proceedings in Brief

Mr Mark Shaw, Manager Urban Infrastructure addressed the Committee on this item.

COMMITTEE RECOMMENDATION

That the strategic integration of primary source documents that underpin and justify the SRV Works Program be noted.

(Mr James Owen / Mr John Greaves)

SRV 4.5 SRV Reporting Process and Initial Status Update

Proceedings in Brief

Mr Mark Shaw, Manager Urban Infrastructure and Mr Les Munn, Manager Reserves, Recreation and Building Services addressed the meeting with a PowerPoint presentation on the Council's SRV Infrastructure Works and Status Update Program. A copy of the PowerPoint Presentations is attached to the minutes at Appendix 2.

COMMITTEE RECOMMENDATION

That the status of the SRV Program as at 21 November 2011 be noted.

(Mr Peter Mayman / Mr John Greaves)

5.0 General Business – Nil

6.0 Next Meeting

The next meeting of the Special Rate Variation Advisory Committee is to be advised.

**THERE BEING NO FURTHER BUSINESS
THE MEETING CLOSED AT 6.15PM
ON TUESDAY, 29 NOVEMBER, 2011**



DRAFT Pittwater Special Rate Variation Program

Community Contract 2011/2021

Adopted:



PITTWATER COUNCIL

Pittwater Council



Pittwater Special Rate Variation Program

Pittwater Council

PO Box 882

Mona Vale 1660

02 9970 1111

Email: council@pittwater.nsw.gov.au

Web: www.pittwater.nsw.gov.au

Overview

In June 2011 the Independent Pricing and Regulatory Tribunal (IPART) approved Pittwater Council's application for a Special Rate Variation. This will result in an increase in rates over three years and will assist in the generation of \$38.7 million over ten years dedicated to a works program.

The Pittwater Special Rate Variation Community Contract is a program of works over ten years identified through integrated community based strategic planning, long term financial planning and asset management planning. The Community Contract is a guarantee to Pittwater residents by Pittwater Council that all money raised through the Special Rate Variation is spent on infrastructure projects and not diverted to other areas within Council.

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

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

The overall strategy is to upgrade and retrofit infrastructure through carefully targeted, high priority 'on the ground' projects. The strategy is based on asset management principles to help bring Pittwater's aging infrastructure up to an acceptable standard with due regard for safety, risk management and for the environmental outcomes required to achieve long term sustainability.

The Schedules of Projects established through the Community Contract are to be incorporated into the Pittwater Council Delivery Plan which will complement other infrastructure projects that are funded through traditional sources, such as general Council rates, statutory user charges and grants.

Pittwater Council's Delivery Program & Budget outlines a rolling four year program to achieve the community's vision and strategic initiatives outlined in Pittwater's 2020 - Community Strategic Plan. The Delivery Program is divided into five overarching Key Directions and 20 Strategies. At the Key Direction level the program outlines income and expenditure as well as annual key performance indicators to ensure Council tracks the delivery of the strategies and initiatives. At the strategy level the program outlines yearly actions to be undertaken as well as the Business Unit within Council who will be responsible for delivering each action.

The Pittwater Special Rate Variation Community Contract Works Program consists of the following five Key Directions with expenditure over the ten year period split as follows:

- KD1 - Supporting and Connecting our Community
- KD2 - Valuing and Caring for our Natural Environment
- KD3 - Enhancing our Working and Learning
- KD4 - Leading an Effective and Collaborative Council
- KD5 - Integrating our Built Environment

Pittwater Special Rate Variation Community Contract Funding

The Pittwater Special Rate Variation Community Contract is phased in over three years, beginning in 2011/2012, by replacing the current 5% Environmental Infrastructure Levy. There will be two further increments of 4% and 3% per year respectively, excluding the annual CPI increase. The CPI increase, which is set annually by the State Government, runs at approximately 3% each year. The Pittwater Special Rate Variation will constitute a total increase in Council's rate base of 21% over a three year period (including CPI). The Pittwater Special Rate Variation will enable Council to carry out a fully costed \$38.7 million program of infrastructure and on-ground works over the next ten years.

Funding derived from the Pittwater Special Rate Variation will be distributed across the program over the ten year period within the following categories.

KD1 - Supporting and Connecting our Community	21%
KD2 - Valuing and Caring for our Natural Environment	27%
KD3 - Enhancing our Working and Learning	2%
KD4 - Leading an Effective and Collaborative Council	7%
KD5 - Integrating our Built Environment	43%
	100%

The Pittwater Special Rate Variation will also allow 'seed' funding within each Key Direction of the program which allows leveraging through partnership with the community, business, developers and State and Federal Government agencies enabling the funding pool to be increased. Any increase in works undertaken within the program could be through a cash contribution, grant funding or works-in-kind and will be reported annually.



Community Contract

INTEGRATED PROJECTS

The objective is to develop an integrated strategy of works across the five program categories of the Community Contract. Funding proportions may vary from year to year to achieve economic efficiency through the pooling of funds, together with any additional income that may be derived through grants or other funding.

REPORTING STRUCTURE

Each Pittwater Special Rate Variation Community Contract Project that Council plans to implement or completes within each financial year is scheduled in the Major Projects Report attached to the Pittwater Council Delivery Plan and reported quarterly to Council and the Community.

An Annual Report on the projects undertaken under the Pittwater Special Rate Variation Community Contract is also to be provided. The Annual Report is to outline the project achievements, additional funding sourced for projects, expenditures and report on environmental, social, economic and infrastructure gains.

An independent financial audit on the Pittwater Special Rate Variation Community Contract is to be conducted annually by Council's Auditors and included in the Annual Report.



Key Direction 1

Supporting & Connecting our Community

SUPPORTING & CONNECTING OUR COMMUNITY

Supporting and connecting our community is about the need to enhance the health and wellbeing of the community by supporting a sense of community and a friendly and creative lifestyle.

BUILDING COMMUNITIES STRATEGY

A cohesive community where people are able to fully participate in community life and value the qualities of Pittwater.

RECREATIONAL MANAGEMENT STRATEGY

A diverse range of accessible recreational opportunities for a broad range of ages, abilities and interests inspired by bush, beach and water.

Key Direction	Draft Schedule of Projects & Programs	Strategy	Budget Cost Estimate Attributable to SRV
KD1	Police, Citizen and Youth Club (Council component)	Recreational Management Building Communities	\$638,321
KD1	Mona Vale Village Park Outdoor Performance Space	Recreational Management Building Communities	\$977,270
KD1	Sports Field and Open Space Improvements.	Recreational Management Building Communities	\$520,885
KD1	Avalon Surf Club Stage 1	Recreational Management	\$1,298,689
KD1	Mona Vale Surf Club	Recreational Management	\$480,410
KD1	Newport Surf Club	Recreational Management	\$100,002
KD1	South Palm Beach Pavilion	Recreational Management	\$451,954
KD1	North Palm Beach Surf Club	Recreational Management	\$431,528

Key Direction 1

Supporting & Connecting our Community

Key Direction	Draft Schedule of Projects & Programs	Strategy	Budget Cost Estimate Attributable to SRV
KD1	North Narrabeen Rockpool	Recreational Management	\$440,064
KD1	Warriewood Beach	Recreational Management	\$186,386
KD1	South Palm Beach Rockpool	Recreational Management	\$116,491
KD1	Palm Beach Wharf	Recreational Management	\$500,035
KD1	Newport Wharf	Recreational Management	\$458,913
KD1	Bennetts Wharf	Recreational Management	\$180,782
KD1	Mackeral Beach Wharf	Recreational Management	\$282,472
KD1	Bayview Wharf	Recreational Management	\$291,228
KD1	Taylors Point Wharf	Recreational Management	\$87,368
KD1	Scotland Island Wharf.	Recreational Management	\$507,063
KD1	Boating Infrastructure	Recreational Management	\$209,396
Total for 10 Year Program			\$8,159,258



Key Direction 2

Valuing & Caring for our Natural Environment

VALUING & CARING FOR OUR NATURAL ENVIRONMENT

Valuing and caring for our natural environment is about the need to be a model community, leading the way towards sustainable living by reducing our ecological footprint, protecting and enhancing our bush, beach and waterways as well as achieving long-term sustainability of biodiversity.

BEACH & COASTAL MANAGEMENT STRATEGY

The iconic status of Pittwater's beaches and coast is valued, protected and a continued source of inspiration.

BIODIVERSITY STRATEGY

Viable and thriving biodiversity and sustained ecosystems which are representative of Pittwater.

SUSTAINABILITY & CLIMATE CHANGE COORDINATION STRATEGY

To be a model community that protects and enhances the human and natural resources for current and future generations.

VEGETATION STRATEGY

Sustainably manage areas of urban forest, bushland and waterways.

WATER MANAGEMENT STRATEGY

Sustainable integrated water cycle management.



Key Direction 2

Valuing & Caring for our Natural Environment

Key Direction	Draft Schedule of Projects & Programs	Strategy	Budget Cost Estimate Attributable to SRV
KD2	Facilities and Services at Beaches (Dune Restoration)	Beach & Coastal Management	\$1,000,131
KD2	Pittwater Estuary and Coastline Rehabilitation	Beach & Coastal Management	\$1,443,996
KD2	Facilities and Services at Beaches (Extension of Lifeguard Services)	Beach & Coastal Management	\$1,051,681
KD2	Cleanliness of Beaches and Ocean Pools	Beach & Coastal Management	\$420,673
KD2	Bushland Reserve Regeneration	Biodiversity	\$2,211,957
KD2	Ingleside Chase (Escarpment) Bushland Restoration	Biodiversity	\$146,158
KD2	Reconnection and Enhancement of Wildlife Corridors	Biodiversity	\$284,574
KD2	Community Bushcare Program	Biodiversity	\$200,336
KD2	Energy Saving Initiatives and Retrofits	Sustainability & Climate Change	\$1,051,681
KD2	Water Saving and Reuse Initiatives	Sustainability & Climate Change	\$515,531
KD2	Protecting Native Plants and Animals	Biodiversity	\$525,841
KD2	Noxious and Environmental Weed Eradication	Vegetation	\$315,504
KD2	Flood Mitigation and Stormwater Rectification	Water Management	\$458,913
Total for 10 Year Program			\$10,464,189

Key Direction 3

Enhancing our Working & Learning

ENHANCING OUR WORKING & LEARNING

Enhancing our working and learning is about the need to create a thriving local economy which maintains a beautiful environment in which to live, work and learn.

COMMUNITY LEARNING STRATEGY

A community that values lifelong learning and has access to information and knowledge.

Key Direction	Draft Schedule of Projects & Programs	Strategy	Budget Cost Estimate Attributable to SRV
KD3	Refurbishment of Mona Vale Library	Community Learning	\$673,030
Total for 10 Year Program			\$673,030



Key Direction 4

Leading an Effective & Collaborative Council

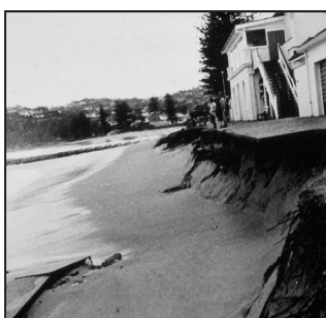
LEADING AN EFFECTIVE & COLLABORATIVE COUNCIL

Leading an effective and collaborative council is about the need to have a transparent and accountable decision-making process including enhancing participation and engagement, fostering community partnerships and providing support to the community.

RISK MANAGEMENT COORDINATION STRATEGY

Effective management of risk to minimise threats and maximise opportunities.

Key Direction	Draft Schedule of Projects & Programs	Strategy	Budget Cost Estimate Attributable to SRV
KD4	Managing Natural Hazards	Risk Management	\$1,712,406
KD4	Managing and Protecting Creeks and Waterways	Risk Management	\$1,051,681
Total for 10 Year Program			\$2,764,088



Key Direction 5

Integrating Our Built Environment

INTEGRATING OUR BUILT ENVIRONMENT

Integrating our built environment is about the need to create a sustainable and relaxed living environment including appropriate development, effective transport choices and efficient support services.

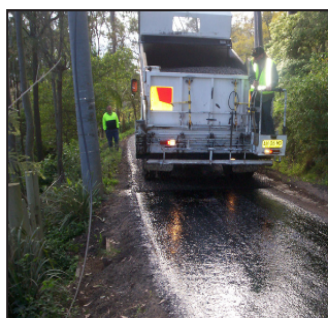
TOWN & VILLAGE STRATEGY

Town and village centres retaining individual character and vitality with a relaxed, pedestrian friendly village atmosphere and displaying excellence in design.

TRANSPORT & TRAFFIC STRATEGY

Sustainable transport systems providing efficient and effective movement of people and goods.

Key Direction	Draft Schedule of Projects & Programs	Strategy	Budget Cost Estimate Attributable to SRV
KD5	Carpark and Access Improvement Program	Town & Village	\$1,318,286
KD5	Keeping Villages and Surrounding Areas Beautiful	Town & Village	\$872,896
KD5	Scotland Island Road & Drainage Infrastructure	Town & Village	\$1,140,047
KD5	Road Rehabilitation Program	Traffic & Transport	\$9,357,987
KD5	Footpath and Verge Rehabilitation	Traffic & Transport	\$924,899
KD5	Footpath and Multipurpose Access Networks	Traffic & Transport	\$3,279,130
Total for 10 Year Program			\$16,893,245



C10.10 Report on SHOROC Board Meeting 16 November 2011

Meeting: Governance Committee

Date: 19 December 2011

STRATEGY: **Business Management**

ACTION: Provide effective access to information management.

PURPOSE OF REPORT

To report the minutes of the SHOROC Board Meeting held on 16 November 2011 for Council's consideration (refer **Attachment 1**)

1.0 BACKGROUND

- 1.1 SHOROC comprises Pittwater, Warringah, Manly and Mosman Councils and was established to address regional issues affecting the member councils. Each Council is represented by the Mayor and General Manager.

2.0 ISSUES

- 2.1 The following issues were addressed at the SHOROC Board Meeting held on 16 November 2011:

- Matters Arising from previous meeting minutes
 - Zero Carbon Stationary Energy Plan
- Advocacy and Issues Management
 - Presentation from NSLHD Chief Executive
 - Shaping our Future – investment in transport and health
 - Inventory of Regional Assets
 - Destination 2036
 - NSW 2021 Regional and Local Action Plans
 - Meeting with Northern Sydney Institute of TAFE
- SHOROC Project and Working Group Reports
 - Kimbriki Sub-Committee Minutes
 - Regional Indicators and 'health of the region' Report
 - Regional Waste Stream Composition Audit
 - Urban Planners Group Minutes
 - Climate Change Working Group Minutes
 - Water Cycle Management Working Group Minutes
 - Youth Environmental Leadership Forum
- Council Cost Saving and Efficiency Program
 - Quarterly Cost Savings and Efficiency Program Report
 - Update on Cost Saving and Efficiency Program Progress
 - Common Waste Collection

- SHOROC Administrative Matters
 - 2011 Councillor Forum and Board Planning
 - Review of Current Work Priorities
 - September 2011 Financial Report
 - 2012 Board/GMAC Meeting Schedule
- General business
 - LGSA Conference
 - Bus and Ferry Transport

3.0 SUSTAINABILITY ASSESSMENT

3.1 This report does not require a Sustainability Assessment.

4.0 EXECUTIVE SUMMARY

4.1 SHOROC Board meetings are held every three (3) months and provide an opportunity for General Managers and Mayors to discuss issues and initiatives of regional significance. The minutes (refer **Attachment 1**) of the Board Meeting held on 16 November 2011 are submitted to Council for information purposes.

RECOMMENDATION

That the Minutes of the SHOROC Board Meeting held on 16 November 2011 be noted and those matters requiring further consideration by Pittwater Council be the subject of separate reports to Council as required.

Report prepared by
Gabrielle Angles, Principal Officer, Administration

Warwick Lawrence
MANAGER, ADMINISTRATION & GOVERNANCE

SHOROC INCORPORATED**BOARD MEETING**

Wednesday, 16 November 2011, 2:30 - 4:25pm

SHOROC, Unit 33/42-46 Wattle Road, Brookvale

**Board Members Present**

Cr Harvey Rose	Mayor of Pittwater and SHOROC President
Cr Jean Hay AM	Mayor of Manly, SHOROC Vice President
Cr Michael Regan	Mayor of Warringah
Cr Anne Connon	Mayor of Mosman
Mark Ferguson	General Manager Pittwater Council and SHOROC Treasurer
Henry Wong	General Manager Manly Council
Rik Hart	General Manager Warringah Council
Viv May	General Manager Mosman Council

In attendance

Ben Taylor	Executive Director SHOROC
Lisa Stevens	Office and Comms Manager SHOROC
Vicky Taylor (Item 4.1)	Chief Executive, Northern Sydney Local Health Network
Anthony Manning (Item 4.1)	Director of Planning and Technical, Health Infrastructure
Susan Pearce (Item 4.1)	Director Operations, Northern Sydney Local Health Network

Item 1 Welcome and Apologies

Cr Harvey Rose, Mayor of Pittwater and SHOROC President chaired the meeting and welcomed all those attending. There were no apologies received.

Item 2 Adoption of 10 August 2011 Board Minutes**Item 2**

The Board resolved:

- **To adopt** the Minutes of the meeting held 10 August 2011.

Moved Cr Anne Connon/Seconded Rik Hart

Carried Unanimously

Item 3 Matters arising from previous meeting minutes

Item 3.1 Zero Carbon Stationary Energy Plan

At its 10 August 2011 meeting the Board resolved to note the Zero Carbon Stationary Energy Plan, to agree to refer the item to individual councils for consideration, and to agree to provide feedback where possible to the next Board meeting on 16 November 2011.

Item listed for feedback as considered appropriate

Item 3.1

The Board resolved:

- To receive and consider any feedback on the Zero Carbon Stationary Energy Plan.

Moved Cr Harvey Rose /Seconded Henry Wong

Carried Unanimously

Item 4 Advocacy and issues management

Item 4.1 Presentation from NSLHD Chief Executive

Ms Vicki Taylor, Chief Executive of the Northern Sydney Health Network (NSLHD) and Mr Anthony Manning, Director of Planning and Technical at Health Infrastructure have requested to attend the Board meeting to provide a presentation on the Northern Beaches Health Service Plan. It is understood this Plan is the overarching Plan for the Northern Beaches and it is currently being considered by the Ministry of Health for approval and then communication and consultation. Ms Taylor has advised “I will ensure SHOROC has an important role to play in this phase of the redevelopment, and I hope to elaborate on this at your next meeting”.

More information is included in the attached letter (**Tab A**).

Item listed for discussion.

The meeting was attended by Ms Vicki Taylor, Chief Executive of the Northern Sydney Local Health Network (NSLHD), Susan Pearce Director Operations of the NSLHD and Mr Anthony Manning, Director of Planning and Technical at Health Infrastructure (HI).

Ms Taylor provided an update on the Northern Beaches Health Services including development of the Clinical Services Plan, which outlines the roles of each of the regions’ hospitals in the future and is expected to be approved by NSW Health by the end of November 2011. Ms Taylor confirmed the Government remains totally committed to the Northern Beaches Hospital development and its planning is progressing well. Ms Taylor agreed to provide SHOROC with a copy of the Clinical Services Plan as soon as it is approved, to present to the next Board meeting on the Plan, and to liaise with the Executive Director to formalise SHOROC’s involvement in the project steering committee or equivalent.

Mr Manning provided an update on the planning for the Northern Beaches Hospital at Frenchs Forest, outlining that HI will be conducting market sounding nationally and internationally later

this year and conducting a formal Expression's of Interest process early in 2012, and that the strategic business case for the Hospital is being revised with consultation to occur with clinicians shortly on implementation. Mr Manning stated that the government is aiming for 2013-2014 commencement of the hospital with completion around 2017-2018. Mr Manning advised that it is the view of the NSLHD and HI that the construction of the hospital should not be phased. Mr Manning confirmed Mona Vale and Manly Hospitals will remain fully functional until the new hospital is operational, from which time Mona Vale Hospital will be continue to operate in a complementary role.

The Board re-iterated the need for investment in road upgrades in conjunction with the Northern Beaches Hospital development, including grade separation at the intersections of Warringah Road with Wakehurst Parkway and Forest Way. Mr Manning outlined that HI is in discussions with Ministers and Transport for NSW to ensure funding is allocated to these upgrades as HI considers the upgrades are required as part of the Hospital development.

Item 4.1

The Board resolved:

- **To approve** Ms Vicki Taylor CE of the NSLHD and Mr Anthony Manning from Health Infrastructure (HI) being invited to the February 2012 Board meeting to provide an update on the Clinical Services Plan and the Northern Beaches Hospital development.
- **To agree** the Executive Director will liaise with Ms Taylor to formalise SHOROC's involvement in the project steering committee or equivalent.

*Moved Cr Harvey Rose /Seconded Cr Anne Connon
Carried Unanimously*

Item 4.2 Shaping Our Future – investment in transport & health

An update on progress of this campaign to secure investment in the SHOROC region's transport and health infrastructure is outlined below.

i) NSW Budget

The NSW Budget was announced on 6 September 2011, providing a good indicator a to campaign progress. A summary of budget announcements in regard to councils and the SHOROC region, in particular regional transport and health funding, is attached at **Tab B**.

Highlights in regard to regional transport and health funding include:

- Transport
 - Bus Rapid Transit: \$3 million for studies into a bus rapid transit system for the northern beaches.
 - Roads: \$500,000 to commence planning for the widening of Mona Vale Road between Foley Street, Mona Vale, and Manor Road, Ingleside (Stage 2 of the Mona Vale Road upgrade).

- Health:
 - Northern Beaches Hospital: \$5 million 2011-12 funding to progress planning, design and documentation of Northern Beaches Hospital at Frenchs Forest.
 - Mona Vale Hospital: \$1.7 million for construction works to return full maternity services at Mona Vale Hospital
 - Royal North Shore Hospital: An additional \$55 million to expand the Royal North Shore Hospital.

ii) Transport

The SHOROC Board met with Manly MP and NSW Treasurer Mike Baird MP and Transport Minister Gladys Berejiklian MP in Manly on 22 August to discuss the Bus Rapid Transit (BRT) project for the Northern Beaches and Mosman. The Transport Minister provided an update on the project and was enthusiastic about the pre-feasibility project and the potential for a BRT to provide a superior public transport solution for the region.

At this meeting the Transport Minister and Mike Baird MP offered individual council briefings or a collective briefing on the BRT pre-feasibility project for all Councillors from the SHOROC councils if desired. It is recommended these briefings be held in early 2011 once further information from the pre-feasibility study is available.

Transport for NSW's Project Control Group (PCG) meetings for the BRT pre-feasibility study commenced in June 2011 and SHOROC's Executive Director has attended these meetings over the past few months. The PCG includes representatives from the Department, RTA, STA and SHOROC's Executive Director. While Confidentiality Undertakings were required to be signed by all stakeholders, with the approval of Transport for NSW a verbal update will be provided at the Board meeting to keep Board members informed of progress. The Executive Director can also feedback any questions from the Board to Transport for NSW at subsequent meetings. Meetings are scheduled to occur monthly with the next meeting on to occur in the first week of December.

It is recommended Ms Mohini Nair, Director of the Centre for Transport Planning at Transport for NSW be invited to the February 2012 Board meeting to provide an update on the BRT pre-feasibility project.

iii) Health

The SHOROC Board met with Ms Vicki Taylor the Chief Executive of the Northern Sydney Local Health District (NSLHD) and Mr Frank Bazik Acting Director Operations for the NSLHD to discuss regional health planning, the construction of the Northern Beaches Hospital and the role of Manly and Mona Vale Hospitals on Friday 16 September 2011. As outlined in Item 4.1, a presentation from Ms Taylor on the Northern Beaches Health Service Plan is scheduled for this meeting.

Dependent on the outcomes of the discussion on Item 4.1, it is recommended Ms Taylor and Mr Anthony Manning from Health Infrastructure (HI) be invited to the February 2012 Board meeting to provide an update on the Northern Beaches Hospital development as it is understood further detail on the planning timetable and funding will be available at this time.

iv) Meeting with local MPs

At the time of circulation of these papers, a meeting had been arranged between the SHOROC Board and local MPs Jillian Skinner MP, Mike Baird MP, Brad Hazzard MP, Rob Stokes MP and Jonathan O’Dea MP for Monday 7 November to discuss the implementation of the transport and health commitments, planning and other regional issues.

Item 4.2

The Board resolved:

- **To note** the update on the *Shaping Our Future* campaign.
- **To approve** Ms Mohini Nair, Director of the Centre for Transport Planning at Transport for NSW being invited to the February 2012 Board meeting to provide an update on the BRT pre-feasibility project.
- **To approve** SHOROC requesting Transport for NSW provide council briefings on the BRT pre-feasibility project in early 2012.
- **To approve** Ms Vicki Taylor CE of the NSLHD and Mr Anthony Manning from Health Infrastructure (HI) being invited to the February 2012 Board meeting to provide an update on the Northern Beaches Hospital development.

*Moved Cr Anne Cannon /Seconded Cr Jean Hay AM
Carried Unanimously*

Item 4.3 Inventory of regional assets

The SHOROC Board resolved at its 10 August 2011 meeting:

- To agree to the need for an inventory of regional assets and to refer the item to GMAC to develop an inventory of infrastructure assets of regional significance that could be used as the basis of SHOROC advocacy for grant funding.
- That in the interim if councils are seeking grant funding for what is considered an asset of regional significance letters of support can be sought from SHOROC.

The Board also agreed as part of the 2011-12 SHOROC Operational Plan to seek grant funding and commence a regional liveability strategy as the next stage of *Shaping Our Future*. The regional liveability strategy is described in the adopted *Shaping Our Future* strategy as:

- A ‘strategy for what is needed regionally in the way of other infrastructure and service delivery to maintain and enhance the region’s vibrant way of life and natural environment’...focussing... ‘on an analysis of areas that can be shared or delivered on a regional basis to maintain and enhance this highly liveable and sustainable region as well as deliver services for the best value for money for residents while maintaining the independence of local councils.’

GMAC has convened a working group of staff to develop a Regional Asset Inventory, concurrently with the scoping of the liveability strategy. In considering the inventory, GMAC agreed that the development of the inventory of assets of regional significance is the first element of a regional

liveability strategy and as such the liveability strategy project is being scoped concurrently with the development of the regional asset inventory.

To date, a first preliminary draft of the Regional Asset Inventory has been developed for consideration of GMAC. It is planned this will be refined and then a draft submitted to the Board for consideration and discussion on the next steps at its February 2012 meeting.

Item 4.3

The Board resolved:

- **To note** the update on the development of the Regional Asset Inventory and regional liveability strategy.

Moved Viv May /Seconded Cr Anne Connon

Carried Unanimously

Item 4.4 Destination 2036

The NSW Division of Local Government (DLG) has released the outcomes report from *Destination 2036*, prepared by Eltons Consulting. The report has been distributed to all councils and is available at www.dlg.nsw.gov.au

Destination 2036 was held by the DLG, in conjunction with the LGSA, LGMA and ACELG on 17-18 August 2011 in Dubbo. It was attended by over 300 Mayors, Councillors, General Managers, ROC Executive Officers and other sector leaders from across NSW. According to the DLG the purpose of *Destination 2036* is to come together to plan the future of Local Government in NSW, by starting the preparation of a long-term vision and short-term action plan for Local Government.

The report includes suggested actions around 5 themes – functions, structure, governance, finance and capacity.

As the focus of the 2011 Councilor Forum is *Destination 2036*, for information a summary of the suggested actions particularly related to ROCs is listed below.

- **1h:** Align and integrate strategic planning between State and Local Government, including improving the interrelationship between state, regional and local plans (particular focus on population growth, transport, coastal management, flooding, disaster management, economic development)
- **1t :** Identify and remove barriers to stronger and more effective resource sharing and shared service provision, with enabling legislation incorporated into the review of the Local Government Act.
- **2a:** Develop and refine models of LG in NSW, potentially including:
 - a model with greater and more formalised regional services delivery;
 - a model for small to medium councils with shared administrations but independent elected bodies;
 - a two tiered model with roles and responsibilities between local and regional councils;

Shore Regional Organisation of Councils – a partnership of Manly, Mosman, Pittwater & Warringah Councils

- a model for larger councils with a corporate board structure and/or corporatized service delivery.
- **2b:** Undertake and support pilot programs with volunteer councils to test new models of local government
- **2c:** Undertake engagement with stakeholders on the proposed models of local government
- **2e:** Undertake a wide ranging review of the LG Act based on the Act being more enabling than prescriptive, with a variety of models
- **2f:** Review the Local Government Award to ensure it enables flexible staffing arrangements and supports a variety of models of LG
- **2g:** Incorporate enabling legislation for ROCs into the Local Government Act, including the ability to incorporate
- **2h:** Review ways in which the regulatory responsibilities of councils can be responsibly reduced and incorporate outcomes into the review of the LG Act
- **2i:** Work to align the regional and subregional boundaries of State and Local government and ROCs
- **3b:** Develop a process for State government departments to meet regularly with ROCs to discuss local issues
- **3c:** Develop and formalise a processes for State and Local Government including agencies and ROCs to work together on integrating strategic planning at a state regional and local level.
- **4a:** Review, and develop processes for implementing, specific options to increase the financial sustainability of councils, including:
 - removing, phasing out or further revising rate pegging
 - deregulating fees and charges
 - establishing more flexible rating categories
 - moving to rate valuations based on the improved value of land
 - reviewing pensioner rate rebates
 - removing or reducing rate exemption categories
 - allowing councils to invest in businesses
 - considering the application of Public Private Partnerships to council service provision
 - investigating the South Australian local government banking model
 - examining other options
- **4b:** Amend the LG act to make it easier for councils to establish corporate entities.
- **5a:** Facilitate contractual arrangements for councils to provide services to each other
- **5b:** Enable Regional Organisations of Councils or similar regional bodies to share a common workforce

- **5c:** Identify and remove barriers to sharing administrative and back of house staff, including GMs and senior staff
- **5i:** Investigate the potential for councils to operate from a shared information technology platform

It is understood the Implementation Steering Committee will be releasing its Draft Action Plan for consultation on 21 November 2011, with submissions due by 30 December.

Item 4.4

The Board resolved:

- **To note** the update on *Destination 2036* and the suggested actions from the outcomes report in regard to ROC's

Moved Rik Hart /Seconded Viv May

Carried Unanimously

Item 4.5 NSW 2021 Regional & Local Action Plans

The NSW Government has released its new State Plan: NSW 2021. According to the NSW Government, it is a 10 year plan to rebuild the economy, return quality services, renovate infrastructure, strengthen our local environment and communities and restore accountability to Government. The overarching 32 goals are attached for information (**Tab C**).

NSW 2021 states that 'communities have their own priorities and over the next year we will work to 'localise' NSW 2021. State Regional Ministers and Members of Parliament will consult with local government and communities to develop local and regional action plans aligned to NSW 2021. These plans will focus on the most important action the NSW Government can take to improve outcomes in each region.'

The Director of the State Plan Delivery Unit Ms Susan Calvert recently attended a meeting of all NSW ROC Executive Directors/CEOs and indicated the aim is to have draft Regional/Local Action Plans by March 2012.

Ms Calvert indicated the government would like to work with councils as ROCs rather than individually due to the regional nature of the priorities that would be included in the Regional/Local Action Plans.

The areas outlined on the NSW 2021 website for each Regional/Local Action Plan suggests the SHOROC councils may potentially be included in the Northern Sydney region (other Sydney regions are Southern, Eastern, Western and South Western). However, Ms Calvert suggested these regions were not a big issue and the priority was identifying appropriate areas of interest for Regional/Local Action Plans.

A copy of *Shaping Our Future* has been provided to Ms Calvert as the agreed regional policy for transport, health, housing and jobs. It is understood government staff and elected MPs will be working to develop the draft Regional/Local Action Plans over the coming months.

Item 4.5

The Board resolved:

- **To note** the development process for the NSW 2021 Regional & Local Action Plans.
- **To agree** that the Executive Director in consultation with the President be delegated to provide input to the state and federal governments on regional issues.

Moved Mark Ferguson /Seconded Cr Jean Hay

Carried Unanimously

Item 4.6 Meeting with Northern Sydney Institute of TAFE

At the suggestion of Warringah Mayor Michael Regan, a meeting has been arranged between the SHOROC Board and Kevin Harris, Director of the Northern Sydney Institute (TAFE) and Kevin Keller, Director of Northern Beaches TAFE to discuss key issues in the area of education. Mayor Regan and Rik Hart met with Mr Keller recently and it is understood there is some significant change happening in the Tertiary area which is worth discussing from a regional perspective. Mayor Regan provided the attached article for further information (**Tab D**).

The meeting has been arranged to follow the SHOROC Board meeting and AGM, from 4.30-5pm on 16 November 2011.

Item 4.6

The Board resolved:

- **To note** the apology given to TAFE representatives Kevin Keller and Kevin Harris for cancellation of the meeting scheduled to follow the Board meeting to discuss key issues in the area of education.
- **To agree** the President and Executive Director meet with the TAFE representatives at an appropriate time and report back to the Board.

Moved Rik Hart /Seconded Cr Jean Hay

Carried Unanimously

Item 5 Additional matters raised by councils

Nil

Item 6 SHOROC project and working group reports

Item 6.1 Kimbriki Sub-Committee minutes

The Kimbriki Sub Committee of the SHOROC Board held a meeting on 7 September 2011 at Warringah Council. A key agenda item of the meeting provided a confidential advance briefing on the findings of the Impact Environmental Report and the set of regional recommendations developed by council staff, General Managers, KEE and SHOROC. The sub-committee resolved to unanimously support the staff recommendations on the proposed common collection system, which were subsequently recommended to councils for adoption. The minutes of the meeting are attached (**Tab E**).

The next meeting of the Kimbriki Sub Committee is scheduled for 7 December 2011.

Item 6.1

The Board resolved:

- **To note** the Minutes of the Kimbriki Sub-Committee of the SHOROC Board.

Moved Viv May /Seconded Henry Wong

Carried Unanimously

Item 6.2 Regional indicators and 'health of the region' report

At its May 2011 meeting the SHOROC Board resolved to approve the regional indicators for the 'health of the region', that data be collected and reported every second year to align with council mid-term end-of-term, and that a baseline is collated in the second half of this year.

Work is currently underway on data collection and development of the baseline report, which is planned to be developed as an online indicator report similar in format to that of the profile id regional demographic and economic profiles currently available on the SHOROC website and council websites.

Item 6.2

The Board resolved:

- **To note** the update on the regional indicators and 'health of the region' report.

Moved Viv May /Seconded Henry Wong

Carried Unanimously

Item 6.3 Regional waste stream composition audit

At its 2 February 2011 meeting GMAC agreed to complete a regional waste stream audit and that this would be project-managed by SHOROC in conjunction with council staff and Kimbriki. The audit is to examine the materials within the three waste streams (general waste, recyclables and

garden organics) using classification methods to determine the percentage composition, levels of contamination and a number of other key statistics and measures.

The audit is required for councils to receive annual DECCW WaSIP payments and will provide a valuable source of information particularly in the continued planning for the transition to a common waste system and the transfer of waste to Kimbriki Resource Recovery Centre in 2014.

Working collaboratively and having SHOROC undertake the overall project management for the audit has produced significant time, cost and productivity savings for the region. It is estimated that by collectively tendering for this project in monetary terms alone more than \$68,000 was saved across the four councils.

Progress to date

The selected consultancy EC Sustainable completed the kerbside audit fieldwork during May to July 2011, completing all data entry and analysis by late September 2011. During October the consultants were engaged in the draft reporting and review stage.

At time of this report being written reviews of draft audit reports and data have been completed by the four councils. All comments and feedback have been forwarded to EC Sustainable for integration into final reports, due for completion during the first week of November 2011.

The audit reveals that while the mean residual bin weight is approximately 1.8kg lighter compared to 2006 figures the proportion of food waste within the residual bin has remained fairly steady at 39.78% (up slightly from 39.13% in 2006). This provides support for the need to address the issue of food waste within the waste stream and highlights its importance in reducing the volume of waste going to landfill.

Item 6.3

The Board resolved:

- **To note** the progress to date on the 2011 regional household domestic waste stream composition audit.

Moved Viv May /Seconded Henry Wong

Carried Unanimously

Item 6.4 Urban Planners Group Minutes

The members of the Urban Planners Group, the council Directors of Planning, met on 16 August 2011. The meeting minutes are attached (**Tab F**). As an outcome of this meeting, a staff roundtable was held and council staff worked with SHOROC to prepare a submission to the first stage of the NSW Planning system review.

Item 6.4

The Board resolved:

- **To receive** and **note** the minutes of the Urban Planners Group
- **To note** that a submission was prepared by staff for the first stage of the NSW Planning system review.

Moved Viv May /Seconded Henry Wong

Carried Unanimously

Item 6.5 Climate Change Working Group Minutes

The members of the Climate Change Working Group met on 21 September 2011. The meeting minutes are attached (**Tab G**).

Item 6.5

The Board resolved:

- **To receive** and **note** the minutes of the Climate Change Working Group.

Moved Viv May /Seconded Henry Wong

Carried Unanimously

Item 6.6 Water Cycle Management Working Group Minutes

The members of the Water Cycle Management Working Group met on 22 September 2011. The meeting minutes are attached (**Tab H**).

Item 6.6

The Board resolved:

- **To receive** and **note** the minutes of the Water Cycle Management Working Group.

Moved Viv May /Seconded Henry Wong

Carried Unanimously

Item 6.7 Youth environmental leadership forum

Under *Shaping Our Sustainable Future*, it was agreed councils would collaborate on design and implementation of education for sustainability across the region where appropriate.

At the initiative of council staff an upcoming education for sustainability event is being supported by all four councils. The event is titled YOUTH LEADING the World. It is described as a 3-day youth environmental leadership congress that brings together thousands of young people in over 30 locations around the world (via social media) to focus on what is happening globally and how

participants can make a positive difference. As one of many locations, a Youth Congress is to be held on Sydney's Northern Beaches from 29 November to 1 December 2011 at YoYo's Youth Centre, Frenchs Forest. Councils are supporting young local residents to undertake facilitator training at a training course and to run the event locally.

Item 6.7

The Board resolved:

- **To note** the upcoming Youth environmental leadership forum.

Moved Viv May /Seconded Henry Wong

Carried Unanimously

Item 7 Council Cost Saving & Efficiency Program

Item 7.1 Quarterly Cost Savings & Efficiency Program report

The first quarter 2011-12 for the Council Cost & Efficiency Savings Report is attached at **Tab I**.

These savings totalling \$220,968 comprise of recognized on-going savings for 2011-12 from regional contracts that commenced in financial year 2010-2011. This takes the total savings to councils from the Program for 2010-11 to 2011-12 to \$543,417.50 as outlined below.

Cost Savings Summary 2011/2012 YTD	
Council	Total
Mosman	23,225.00
Manly	36,583.00
Warringah	116,859.00
Pittwater	44,301.00
End Q1 2011-12	\$ 220,968.00

2010-2012 Rolling Cost Savings Program Summary	
Council	Total
Mosman	67,307.75
Manly	90,366.00
Warringah	275,393.00
Pittwater	110,350.75
TOTAL since program commencement	\$ 543,417.50

No cost savings on new tenders have been completed during the first quarter however it is expected that quarter 2 will see the completion of CCTV, Minor Works, Records Offsite Storage and Road Construction Works as outlined in item 7.2.

Item 7.1

The Board resolved:

- **To receive and note** the quarterly report on the Efficiency and Cost Saving Program of \$220,968 in savings to councils for 2011-12, taking the total savings to councils from the Program for 2010-11 to 2011-12 to \$543,417.50.

Moved Viv May /Seconded Cr Anne Cannon

Carried Unanimously

Item 7.2 Update on Cost Saving & Efficiency Program progress

The Cost Saving and Efficiency Program continues to deliver savings across the region through the successful delivery of a number of regional collaborative projects and ongoing regional contracts.

Already in 2011-2012 four major regional tenders have been issued, with one complete and the remaining three currently in the market for submissions.

Regional tenders

Four significant regional tenders have progressed since the last report to the SHOROC Board, these being:

- Road Construction Services and Materials – closing 18 November 2011
- Minor and Capital Works (including roadway and footpath construction) – closing 15 November 2011
- Records Offsite Storage and Archiving – closing 14 November 2011
- CCTV, Drainage Asset Services (including stormwaters GPT's) - complete

A relatively small yet competitive tender for supply of tyres across the region has also been completed in October 2011.

Regional Procurement (part of the Hunter Councils Group) was engaged in supporting councils on the Tyres, Minor Capital Works and CCTV tender opportunities

The Road Construction and Records tenders have been run in-house and will offer councils additional substantial cost savings through avoidance of costly ongoing management fees associated with third party contracts.

More information on these tenders is detailed below.

- **Road Construction Services and Materials**

This is a current major regional contract valued in excess of \$7 million that is due to expire in December 2011. Specialist consulting engineers Complete Urban has been engaged through SHOROC to develop the specification for this tender which has been incorporated into the Warringah tender templates for hosting the tender process on behalf of all four councils.

It is noted that the ongoing management fee costs incurred through the current contract with Regional Procurement are estimated in excess of \$105,000 per annum. By running this contract in-house it will represent a significant saving to councils through the life of the new contract, in addition to any savings achieved through the tender pricing.

An initial specification development meeting was facilitated by SHOROC and Complete Urban, attended by council engineering and procurement staff on 23 September 2011 with a review meeting on the draft specification on 19 October 2011. All tender documentation was completed and the tender advertised on 27 October 2011.

This project has set a very ambitious timeframe, with the aim to complete the tender and have reported to councils by December 2011. Contingencies have been discussed should this schedule not be achieved. To date however the project remains on schedule.

- **Minor and Capital Works (including roadway and footpath construction)**

A meeting to review and finalise the draft specification was held facilitated by SHOROC on 4 August 2011 with council representatives (Manly, Pittwater and Mosman only) and Regional Procurement present. All tender schedule information was agreed with one element to be completed which was a number of standard drawings that needed to be provided in CAD/PDF

formats. The drawings have now since been completed and were forwarded to Regional Procurement on 30 September 2011. The tender was advertised on 24 October 2011.

- **CCTV and Stormwater Drainage Asset Services**

This tender was completed and advertised on 12 July 2011, and closed on 8 August 2011. Contract value is estimated at \$500,000 - \$1,000,000 per annum.

The evaluation of the tender was completed 30 August 2011 by the evaluation team comprised of representatives from all four councils and SHOROC, facilitated by Craig Wade from Regional Procurement. The evaluation reports were circulated and approved on 12 September 2011. Council staff have been in the process of developing reports to council to accept an approved panel of suppliers. Contracts are expected to be finalised in early November by Regional Procurement.

- **Records Offsite Storage and Archiving**

Pittwater Council is hosting this tender of behalf of the other participating councils (Manly and Mosman). It will seek improved pricing on the offsite storage and archiving of council records. The current provider of the service is GRR (Government Records Repository).

A meeting was facilitated by SHOROC and council representatives on 17 August 2011 to finalise the specification requirements and proceed toward draft tender documentation. A draft document was reviewed in early September with the final version being provided to councils for approval on 5 October 2011.

Advertising commenced on 21 October 2011 and it is expected that we will be awarding of the contract prior to the end of this calendar year.

Other cost savings and efficiency projects

AS4000 General Conditions of Contract Regional Training Course

Following identification by the Procurement Working as a strongly supported training need for staff and with the endorsement of the General Managers, SHOROC has booked SAI Global to provide a 2 day regional training course on AS4000 (General Terms and Conditions of Contract). The course will be provided at a cost of \$13,900 plus incidentals (trainer travel, catering, room hire and training materials). The total estimate is \$15,000, which is the usual cost for one council to participate in the course. On the basis of 20 attendees the cost per person will be set at \$750 for the full two days.

It is noted that two sessions of the course were recently run at Warringah and the course was extremely well received with feedback indicating it was highly relevant and necessary for staff involved in all aspects of contract management.

At this stage 21 places have been filled with staff attending from all four councils.

The Coastal Environment Centre at Narrabeen Lakes will be the venue for the training.

Item 7.2

The Board resolved:

- **To receive** and **note** the update on the Efficiency and Cost Saving Program.
- **To agree** the President write a letter to the Hon. Don Page MP, Minister for Local Government and Minister for North Coast to highlight the SHOROC regional savings to-date, plans for the future and to provide a copy of the SHOROC 2011 Annual Report.

Moved Viv May /Seconded Cr Anne Connon

Carried Unanimously

Item 7.3 Common waste collection

As noted by the Board at its May 2011 meeting, the councils agreed to complete a regional study into a common waste collection system and that this would be project-managed by SHOROC in conjunction with council staff and Kimbriki. The study was to assess 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 consultant Impact Environmental submitted their final report on the 29 June 2011. Following the completion of the report SHOROC facilitated a workshop with the four councils and KEE to develop a set of agreed recommendations on the preferred system design and administrative aspects for the common collection system to be taken to councils in the following months.

At its 7 September 2011 meeting GMAC endorsed a draft generic council report on the recommended Common Collection System for inclusion in each council's next scheduled council meeting.

The agreed recommendations for the Common Collection System were presented to the meeting of the Kimbriki Sub Committee, including elected Councillor representatives and nominated community representatives from each council, on 7 September 2011. The Sub-Committee resolved to unanimously support the recommendations.

To date the Common Collection System has been resolved by:

- Mosman Council (4 October 2011)
- Pittwater Council (17 October 2011)
- Warringah Council (18 October 2011)

It is understood Manly Council has also adopted the common collection system but as per the recommendations will not be participating in the regional tender.

At its meeting on the 18 October 2011, Warringah Council resolved to approve all the recommendations for the Common Collection System as per the generic report (Recommendations attached at **Tab J**), with the inclusion of an amendment to:

“Agree that council staff with the other SHOROC councils to develop an appropriate community engagement and consultation program on the collection system design, to be conducted by the councils concurrently, for consideration by council at its December meeting.”

Extensive community engagement and education was always identified as an integral phase in the implementation of the new system as outlined in the broad timeline below.

As such, GMAC agreed that Warringah Council will develop a high-level community engagement and consultation plan as resolved at its 18 October council meeting and circulate the draft plan to GMAC for comment prior to finalisation. In addition, at an appropriate stage in the timeline, SHOROC will work with council staff, including Communications/Community Education Managers and Waste Managers, to develop a full community engagement and education strategy for the coming years of the project.

GMAC also agreed that SHOROC will now commence work in collaboration with Warringah, Pittwater and Mosman councils on preparing for a regional waste collection tender, with the first step the development of a brief for consultancy services to assist in the tender development.

Item 7.3

The Board resolved:

- **To receive and note** the update on the update on the common waste collection project.

Moved Rik Hart /Seconded Henry Wong

Carried Unanimously

Item 8 SHOROC Administrative Matters

Item 8.1 2011 Councillor Forum & Board planning

At the time of circulation of these papers, the 2011 Councillor Forum was scheduled to be held prior to the Board meeting on 15 November 2011. The Councillor Forum is a key part of the stakeholder engagement process as the Board develops the 2012-2016 Corporate Plan, which will identify the key priorities for the SHOROC partnership of councils for 2012/13 and the years to follow.

The Board previously agreed a strategic planning session would be held by the Board in conjunction with this Board meeting to consider the outcomes of the Councillor Forum and agree the next steps.

Unfortunately the timing of the Councillor Forum to accommodate attendance by the Minister for Local Government has meant there is not sufficient time to fully review the outcomes of the Forum for consideration prior and then discussion by the Board at this meeting. However, it is planned that as far as practicable preliminary outcomes of the Forum will be tabled at the Board meeting for discussion on the next steps.

The Forum is structured in a way that it is expected outcomes will be able to be grouped in regard comments from attendees on:

- Major issues and opportunities for councils and the region
- Priority actions from Destination 2036 that should be pursued by the councils
- Models of governance or elements thereof that warrant further investigation
- Potential focus areas or criteria for identifying the next phase of cost savings & efficiency/shared-services projects for investigation
- Potential focus areas for next phase of regional advocacy & projects
- Governance areas to be further explored

As such it is recommended that the Board consider the preliminary outcomes of the Councillor Forum at this November 2011 Board meeting and:

- Agree any issues that require immediate action by councils or SHOROC; and
- Either:
 - Agree that a further Board meeting is held in the next month to consider the Forum outcomes and agree the key projects to be scoped for inclusion in SHOROCs 2012-2016 Corporate Plan;

Or

- Refer the Forum outcomes once finalised to GMAC for consideration and recommendation to the Board at its February meeting.

Or

- Agree the priority projects to be scoped for inclusion in SHOROC's 2012-2016 Corporate Plan and considered by the Board at its May 2012 meeting.

Based on previous planning timetables it is understood there is a need to consider and agree priorities before the end of 2011 to enable councils to incorporate priorities in their individual corporate planning processes at an appropriate time. If this is not the case, the timing of the Board planning session could be potentially delayed until the 22 February 2012 Board meeting.

Item 8.1

The Board resolved:

- **To note** the verbal update on the Forum.
- **To endorse** the view of Councillors that the priority issues for the SHOROC region and councils are traffic and transport, health services and the financial sustainability of councils.
- **To endorse** the majority view of Councillors expressed at the Forum that the regional governance model for the SHOROC region should be based on the existing model of four independent councils collaborating through SHOROC, with an expansion of the capacity of SHOROC to deliver financial savings through greater investigation and implementation where appropriate of shared and collaborative functions and services.
- **To agree** that the functional areas suggested at the Councillor Forum for further investigation in regard to collaboration and/or shared services, together with the criteria for assessment and suggestions regarding project governance, be referred to GMAC for consideration with a request to report back to the Board with recommended next steps including the most appropriate functional areas that could be further investigated further and how to proceed.
- **To agree** that as suggested at the Councillor Forum the implementation of transport and health services infrastructure in conjunction with housing and employment planning, regional waste management including community education and the Kimbriki facility development, and council cost savings through regional tenders, projects and shared services should continue to be the primary focus of SHOROC for the coming years.
- **To agree** to seek further details from the NSW Government as to what involvement in a pilot would involve and to come back to Board for consideration as appropriate, noting the suggestions raised at the Forum.
- **To agree** that, subject to the content of the draft *Destination 2036* action plan, a SHOROC submission be prepared by the February 2011 deadline that supports implementation of actions related to the Local Government Act being more enabling than prescriptive with a variety of models including corporate entities and enabling legislation for ROCs, identifying and removing barriers to stronger and more effective resource sharing and shared service provision for example through creation of council owned corporations, and aligning and integrating strategic planning between State and Local Government on a regional basis.
- **To agree** that the President write to all Councillors to inform them of the positive and constructive discussions at the Forum and the resolutions of the Board in regard to next steps as well as thanking all participating Councillors for their attendance.
- **To agree** that a written report on the Forum be provided to the February 2012 Board meeting for adoption and subsequent distribution to all Councillors.

Moved Cr Anne Connon /Seconded Cr Harvey Rose

For: Cr Anne Connon, Cr Harvey Rose, Cr Jean Hay, Viv May, Henry Wong, Mark Ferguson.

Against: Rik Hart.

Abstained: Cr Michael Regan

Carried

Item 8.2 Review of current work priorities

The SHOROC Corporate Plan approved by the Board states that one of the ways the priorities for SHOROC will be continually reviewed is through “quarterly operational priority reviews to ensure we are honing in on the key projects and priority issues for our region, our councils and our business effectively and efficiently”.

SHOROC’s current major projects underway are:

- Coordination of the Mayor-led campaign for investment in the transport and health infrastructure agreed under *Shaping Our Future*. This includes arranging meetings with NSW and Commonwealth elected officials, senior bureaucrats and other stakeholders, participating in the Department of Transport’s Project Control Group for the Bus Rapid Transit feasibility planning, and providing public statements, input and submissions to appropriate government reviews and strategy/plan development processes.
- Delivering priority cost savings & efficiency projects for councils including conducting a regional waste stream composition audit, coordinating regional tenders, and specific projects focussed on construction certification, records archiving and digitisation, and HR training and recruitment.
- Coordinating planning for a common waste collection system in collaboration with council staff and KEE with the aim of seeking tender submissions in mid to late 2012.
- Working with key council staff to coordinate and support implementation of projects identified in the regional sustainability strategy *Shaping Our Future Sustainable Future*.
- Developing the first regional ‘health of the region’ indicator report.
- Implementing the 2011 Board stakeholder engagement process.
- Developing the Regional Assets inventory and scoping the regional liveability strategy project.

Other work currently underway, apart from some additional activities proposed in this business paper, includes:

- Facilitating collaboration and knowledge sharing on urban planning, climate change, water cycle management and other matters.
- Supporting councils where required in working with Kimbriki Environmental Enterprises on the Kimbriki facility development.
- Encouraging coordinated planning, upgrades and maintenance of footpaths, roads and bike paths, particularly at LGA boundaries through the Urban Planners Group.
- Implementing the Historical place names register project with schools.
- Reviewing policies and governance arrangements.

- Secretariat for Board, GMAC, Kimbriki Sub-Committee and strategic, operational and projects groups as required.
- Watching brief on regional transport and health related issues.
- Watching brief on the NSW Government's *Destination 2036* project.
- Coordinating submissions on the NSW Planning review process as required.
- On-going management of website and social media to promote councils and SHOROC where appropriate.

Item 8.2

The Board resolved:

- **To endorse** the work priorities identified for SHOROC.

*Moved Cr Anne Connon /Seconded Cr Michael Regan
Carried Unanimously*

Item 8.3 September 2011 financial report

The first quarterly financial report for 2011/12 including the end of year forecast as at 30 September 2011 is attached at **Tab K**.

Item 8.3

The Board resolved:

- **To receive and note** the September 2011 financial report.

*Moved Rik Hart /Seconded Henry Wong
Carried Unanimously*

Item 8.4 2012 Board/GMAC meeting schedule

A proposed meeting schedule for 2012 Board and GMAC meetings is listed below. It is proposed the schedule used in 2011 be modified so that GMAC occur in the second week of the month, the Board predominantly meets in the first week of the month (quarterly) and that apart from the first meeting of the year, GMAC does not meet in the month Board meetings are held. This will mean there are three less GMAC meetings for 2012 compared to 2011.

Proposed 2012 Board & GMAC meeting schedule

- | | |
|-----------|---|
| January | <ul style="list-style-type: none">• Nil |
| February | <ul style="list-style-type: none">• GMAC week 2: Wed 8 Feb 8-10am• Board week 4: Wed 22 Feb 3-5pm• Board meet with local Cwlth MPs in Sydney |
| March | <ul style="list-style-type: none">• GMAC week 2: Wed 7 Mar 8-10am |
| April | <ul style="list-style-type: none">• GMAC week 2: Wed 11 Apr 8-10am |
| May | <ul style="list-style-type: none">• No GMAC• Board week 1: Wed 2 May 3-5pm• Board meet with local NSW MPs |
| June | <ul style="list-style-type: none">• GMAC week 2: Wed 6 Jun 8-10am• Board meet with local Cwlth MPs in Canberra at ALGA |
| July | <ul style="list-style-type: none">• GMAC week 2: Wed 11 Jul 8-10am |
| August | <ul style="list-style-type: none">• No GMAC• Board week 1: Wed 1 Aug 3-5pm |
| September | <ul style="list-style-type: none">• GMAC week 2: Wed 12 Sep 8-10am |
| October | <ul style="list-style-type: none">• GMAC week 2: Wed 10 Oct 8-10am |
| November | <ul style="list-style-type: none">• No GMAC• Board week 1: Wed 7 Nov 3-5pm• Board meet with local NSW MPs |
| December | <ul style="list-style-type: none">• GMAC week 1: Wed 5 Dec 8-10am |

Item 8.4

The Board resolved:

- **To approve** the proposed meeting schedule for 2012 Board and GMAC meetings.

Moved Henry Wong /Seconded Cr Anne Connon

Carried Unanimously

Item 9 General business

Item 9.1 LGSA Conference

Cr Regan raised the suggestion that the Board write to the LGSA to express the Board's disappointment with the 2011 Annual LGSA Conference in Nowra, particularly the failure to address any significant issues for local government such as the changes to the Local Government and Planning Acts and the lack of quorum for debate of motions, and to urge the LGSA Executive to change the model for next year's Conference.

Item 9.1

The Board resolved:

- **To write** a letter from the President to the LGSA to express the Board's disappointment with the 2011 Annual LGSA Conference in Nowra, particularly the failure to address any significant issues for local government such as the changes to the Local Government and Planning Acts and the lack of quorum for debate of motions, and to urge the LGSA Executive to change the model for next year's Conference.

*Moved Cr Michael Regan /Seconded Cr Anne Connon
Carried Unanimously*

Item 9.2 Bus and Ferry transport

Mr May proposed that there may be value in SHOROC calling on Transport for NSW to trial free bus and ferry transport for residents before 7am on workdays to reduce peak traffic congestion.

Item 9.2

The Board resolved:

- **To agree** that the President and Executive Director investigate the value of a trial of free bus and ferry transport for residents before 7am on workdays and issue a statement on SHOROC's behalf if appropriate.

*Moved Viv May /Seconded Cr Jean Hay
Carried Unanimously*

Item 10 Confirm time for next meeting

3-5pm 22 February 2012 at the SHOROC Offices.

ATTACHMENTS

-
- Tab A. Letter from NSLHD
 - Tab B. NSW Budget allocation summary
 - Tab C. NSW State Plan overview
 - Tab D. Article re education changes & TAFE
 - Tab E. Kimbriki Sub-Committee minutes
 - Tab F. SHOROC Urban Planning Group Minutes
 - Tab G. Climate Change Working Group Minutes
 - Tab H. Water Cycle Management Working Group Minutes
 - Tab I. Q1 2011/12 Cost Saving & Efficiency Program Report
 - Tab J. Common waste collection system recommendations
 - Tab K. September 2011 SHOROC financial report

Tab A. Letter from NSLHD



Health
Northern Sydney
Local Health District

File: 10/214
Our Ref: NSHN/11/10931
Doc No: NSHN/11/11336

Mr Ben Taylor
Executive Officer
SHOROC
PO Box 361
BROOKVALE NSW 2100


Dear Mr Taylor

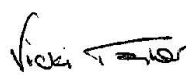
Thank you for the invitation to speak to the SHOROC Board on 16 September 2011 regarding the Northern Beaches Health Service Redevelopment. I appreciated the opportunity to share information about the project with the Mayors and General Managers.

At the meeting we discussed the opportunity to provide your Board members with a copy of the Northern Beaches Health Service Plan. This plan is currently with the NSW Ministry of Health for review, and our expectation is that this will be completed in November. As I cannot guarantee that this review process will have been completed by your next meeting on 16 November, I would like to propose the offer of a presentation at that meeting, with distribution of a summary of the Health Services Plan once agreed by the Ministry. This will ensure that your members are apprised of the latest developments, but also that our communication processes are consistent with our corporate governance requirements.

The project team is currently preparing a detailed communication and consultation strategy for this phase of the project. I will ensure that SHOROC has an important role to play in this phase of the redevelopment, and I hope to be able to elaborate on this at your next meeting.

Could you kindly confirm your agreement with this arrangement by contacting Susan Pearce, Director Operations, NSLHD on Tel: 9926 7020, who would be happy to provide any further information.

Yours sincerely



Vicki Taylor
Chief Executive

Date: 11.10.2011

Northern Sydney Local Health District
ABN 63 834 171 997
PO Box 4007
Royal North Shore Hospital LPO
ST LEONARDS NSW 2065
Tel (02) 9926 8418 Fax (02) 9926 8025

Tab B. NSW Budget allocation summary**2011/12 NSW Budget: Key commitments for SHOROC Region & councils****Health:**

- Northern Beaches Hospital : \$5 million 2011-12 funding to progress planning, design and documentation of Northern Beaches Hospital at Frenchs Forest (out of expected \$29 million cost for planning, of which \$1.859 million has been expended to date). Note total commitment made at election for 2011-14 of \$125 million and statement in papers that this project is funded to commence their construction within the forward estimates.
- Mona Vale Hospital: \$1.7 million for construction works to return full maternity services at Mona Vale Hospital
- Royal North Shore Hospital: An additional \$55 million to expand the Royal North Shore Hospital to include 60 extra beds and relocate maternity, mental health and other services that were left out of the previous plans bringing the total estimated cost of this project to \$147 million
- The Health Department will also develop a state-wide health infrastructure strategy to expand capacity and fast-track developments using innovative private-sector financing models for several projects, including Multi-Purpose Service projects across Regional NSW, Blacktown/Mt Druitt, **Northern Beaches**, Hornsby Ku-ring-gai and Hunter Valley hospitals.

Transport

- \$3 million for studies into a bus rapid transit system for the northern beaches.
- Funding for new buses, although unclear of locations and if in region.
- \$500,000 to commence planning for the widening of Mona Vale Road between Foley Street, Mona Vale, and Manor Road, Ingleside (Stage 2 of the Mona Vale Road upgrade).

Other:

- Funding of \$70 million over five years to 2015-16 (including \$3.5 million in 2011-12) to implement Local Government Infrastructure Backlog Policy. This is expected to provide the capacity for up to a billion dollars in additional investment by local councils. The Local Government Infrastructure Backlog Policy includes:
 - an audit of each council's local infrastructure backlog to provide better information on council investment needs
 - a Local Infrastructure Renewal Scheme to provide interest subsidies to councils for debt raised to help meet infrastructure backlogs
 - the benchmarking of council finances including gearing levels and investment strategies.
- \$19 million to help local councils conduct estuary, coastal and flood plain management planning and mitigation, with a new focus on preparing for more coastal storms and sea level rises.
- \$35 million to help local councils that are subject to the Waste and Environment Levy so they can improve the performance of the waste and recycling services they provide.

More at www.budget.nsw.gov.au

Tab C. NSW State Plan overview



Shore Regional Organisation of Councils – a partnership of Manly, Mosman, Pittwater & Warringah Councils

Tab D. Article re education changes & TAFE

**Students face open market in plans for TAFE revamp
SMH September 29, 2011**

THE NSW government is likely to shake-up vocational education and training by allowing private colleges and universities to compete with TAFE providers and garner public funding for every student they attract.

It has also flagged HECS-style student loans that would be repaid once people begin working as a way of encouraging more to study.

The changes are flagged in a discussion paper released yesterday by the Education Minister, Adrian Piccoli. Public submissions will be sought for a month.

The paper indicates NSW, which has 550,000 TAFE students, will follow Victoria and South Australia by allowing a much higher level of private competition in the sector. The architect of changes in those states, Chris Eccles, was installed by the Premier, Barry O'Farrell, as the director-general for the Department of Premier and Cabinet.

The Victorian model amounts to a voucher system where the public subsidy for a student can be cashed in by whichever provider he or she chooses. TAFEs are then potentially forced to compete on every course they offer and will close if they cannot attract students.

The discussion paper canvasses a broad student entitlement by which the government funds the student rather than the course, creating a competitive market for the students. But Mr Eccles is yet to completely win over Mr Piccoli, who said the question remains "how far down the contestability spectrum do we want to go in NSW".

"Chris Eccles is a director-general. He doesn't set policy for the government, cabinet does," Mr Piccoli said.

Enrolments in courses for personal trainers have exploded in Victoria, Mr Piccoli said, rather than providing the skilled works industry needs. A number of TAFEs are also "in dire financial positions".

But Mr Piccoli expects universities to enter the market and hopes the result will allow more fluid movement between schools, training providers and universities. Student loans may also be needed to increase the number of people in training, he said.

The Greens MP John Kaye condemned the direction outlined in the paper, particularly the suggestion of student loans which he said would put an even greater financial burden on the shoulders of students.

"Adrian Piccoli cannot distance himself from his own discussion paper," Dr Kaye said.

"He is clearly playing with the same disastrous privatisation agenda that is devastating TAFE and pushing up student fees and charges in Victoria. In the brave new world of training markets, students will pay more and TAFE will be forced into a race to the bottom in quality."

Peter de Graaff, the assistant general-secretary of post-school education with the NSW Teachers Federation, also sharply criticised the proposed entitlement.

"Students are already entitled to go to TAFE now at a modest cost. What we've seen in Victoria is that a student entitlement means driving fees up and it means forcing people into debt," he said.

Tab E. Kimbriki Sub-Committee minutes

**KIMBRIKI SUB-COMMITTEE
MEETING MINUTES**

**5:00 - 7.00pm Wednesday 7 September 2011
Guringai Meeting Room, Warringah Council**



Attendance:

Clr Conny Harris, Warringah Council (Chair)
Clr Barbara Aird, Manly Council
Clr Denise Wilton, Mosman Council
Ms June Dawes, Warringah Community Representative
Ms Keelah Lam, Manly Community Representative
Mr Tony Whybrow, Mosman Community Representative
Ms Jan Biggs, Pittwater Council Representative

Invited Guests:

Mr Jeff Lofts, Pittwater Council, attending for Mark Ferguson
Mr Rik Hart, General Manager, Warringah Council

Secretariat:

Mr Ben Taylor, Executive Director, SHOROC
Ms Andrea Tattam, Business Manager, SHOROC

Apologies:

Mr Mark Ferguson, General Manager, Pittwater Council
Mr Viv May, General Manager, Mosman Council
Mr Aaron Hudson, CEO Kimbriki
Mr Mark Winser, Senior Project Officer Kimbriki

Item 1 Welcome and Apologies

Chair Clr Harris opened the meeting with acknowledgment to the Guringai people, the traditional owners of the land and welcomed all present. Apologies were received from those listed above. It was noted that Jeff Lofts was representing Mark Ferguson for the meeting.

The secretariat was requested to forward the subcommittee's regards to Mr Mark Winser, who sent apologies for the meeting in order to attend a car accident in which his partner was involved.

Item 2 Minutes of 4 May 2011

An amendment to the minutes of the 4 May 2011 was noted by Clr Aird in regard to the comment regarding kitchen tidy bins and the introduction of CDL legislation. It was clarified that Clr Aird did not intend to draw any connection between introduction of a CDL scheme and the roll out of kitchen tidy bins.

It was requested that a copy of the presentation provided by Greg Freeman from Impact Environmental to the May meeting be distributed with the 7 September 2011 meeting minutes.

Confirmation of the minutes of the previous meeting 4 May 2011 was moved by Tony Whybrow, seconded by Clr Barbara Aird.

The Kimbriki Sub-Committee:

- **Adopted** the minutes of the meeting of 4 May 2011

Item 3 Update from Kimbriki Environmental Enterprises (KEE)

Rik Hart provided an update on behalf of KEE and advised the subcommittee of the recent appointments of the two new Board members, Andrew Want and Merv Jones. At this stage a fifth member of the Board has not been appointed. All Board appointments are three year terms, with the previously existing members due for re-election within approximately one years' time.

In regard to the Part 3A planning application, the subcommittee were advised that a response is expected shortly from the Department of Planning, once all current considerations are complete. Mr Hart outlined the environmental issues that have been raised by Warringah Council in regard to the Part 3A application and those being raised by the RTA in regard to Mona Vale Road. He further commented on the legal aspects that are in progress that relate to the contractual elements concerning the guarantee of supply of waste to the potential facility operator.

It is indicated that due to the delays with the approval of the Part 3A and the legal issues the timeframe for the project has likely been put back by approximately 6 months.

Item 4 Regional common waste collection system

Clr Harris provided an update from a recent meeting of members of the subcommittee in regard to proposed changes to the collection system in which they discussed some of the issues associated with the bin configurations and collection frequencies.

Ben Taylor provided a presentation by way of updating the subcommittee on the project, the completion and outcomes of the Impact Environmental study into a common waste collection system and a briefing on the proposed collection systems recommendations to be presented to councils in upcoming meetings.

Discussion points following the presentation are summarised as:

- Discussion of the environmental impact of truck movements in regard to co-mingled recycling concluded that a reduction is achievable due to improved compaction rates in modern collection trucks and the ability to alter compaction rates when glass and paper are combined. It was also noted that the economic impact of co-mingling is significant and was taken into account in formulation of the recommendation.
- Discussion on the need to ensure bin sizes are adequately provided, with different households all having unique requirements. Support was given for the range of bin sizes being provided in the proposed system, noting that there is a need to reflect variable charging for the various sized bins.
- Discussion of the cost savings from shared services and collaborative tendering for collection contracts outlined the potential for significantly competitive pricing and outcomes.
- Discussion supported the inclusion of e-waste as part of the kerbside on-call collection and the market testing of bulky waste as an on-call service. Clr Aird and Clr Harris noted the possibility to implement schemes such as 'second hand Saturday' as part of this initiative.

A motion was moved by Clr Aird, seconded by Tony Whybrow to provide unanimous support for the proposed recommendations being provided to councils in upcoming meetings. Motion carried.

The Kimbriki Sub-Committee:

- **Noted** the presentation provided on the proposed common collection system and;
- **Supported** unanimously the staff recommendations on the proposed common collection system that will be recommended to councils in the coming month

Moved Cr Aird, Seconded Mr Whybrow

Carried Unanimously

Item 5 Kimbriki Subcommittee Terms of Reference

This item has been postponed to next meeting to enable representatives from KEE to be present.

Item 6 Commercial Waste and Financial Outcomes for the AWT

June Dawes requested information from the subcommittee as to whether it is planned that the AWT facility will also handle commercial waste in the interest of achieving greater financial return. Rik Hart provided advice that KEE would be required to provide full response, however noted that there is a need for commercial and residential streams to be handled separately. Further discussion is to be carried forward to next meeting.

Item 7 Articles of Interest from Terry Hills 'Progress' and Peninsula Living

This item has been postponed to next meeting to enable representatives from KEE to be present.

Copies of the articles are attached to these minutes.

Item 8 General Business

8.1 Pittwater Councillor Representative

Clr Harris requested that the secretariat contact Clr James from Pittwater to confirm his continuing position on the committee. Jeff Lofts advised that he will contact Clr James and provide response.

Item 9 Date and Time of Next Meeting

The next meeting of the Kimbriki Sub-Committee will be held on Wednesday 7 December 2011 from 5-7pm, at which the annual election of the Chairperson will take place.

Meeting location to be confirmed.

The meeting closed at 6.50pm.

Attachments:

1. Presentation by Mr Greg Freeman, Impact Environmental
2. Article from Terry Hill's 'Progress'
3. Article from Peninsula Living

Tab F. SHOROC Urban Planning Group Minutes**SHOROC URBAN PLANNING GROUP
Draft Minutes****Tuesday 16 August 2011, 10.30am-12.30pm
SHOROC Offices, Brookvale****Attendees**

David Kerr (DK)	Warringah Council
Steve Evans (SE)	Pittwater Council
John Carmichael (JC)	Mosman Council
Ben Taylor (BT)	SHOROC

Action	Who	By when
1. Welcome & Apologies		
• Apologies from Stephen Clements (SC), Manly Council		
2. Previous meeting minutes		
• Minutes from the meeting of 14 June 2011 were adopted.		
3. NSW Government Planning Legislation Reform and other planning changes		
• Noted the update on the recent Forum held by the Minister in Homebush from JC.		
• Agreed to hold a roundtable workshop of staff from the four councils to discuss the Planning Legislation Reform, major issues and opportunities for improvement. The workshop is to be held at Warringah Council, 9.30am-12.30pm 13 September 2011.	All	13 Sept
• Agreed all councils would advise SHOROC of appropriate staff to invite to the event.	DK, SE, JC, SC	26 Aug
• Agreed all councils would prepare a list of the top 5 major issues/opportunities for improvement in the NSW Planning legislation and provide to SHOROC one week prior to the workshop for collation and circulation to participants.	DK, SE, JC, SC	5 Sept
• Agreed SHOROC would send out the invitations, facilitate the meeting and circulate issues/opportunities papers from each council prior to the event.	BT	26 Aug, 5 Sept, 13 Sept
4. NBN rollout implications		
• Noted the ALGA Better Practice Guide for Councils when initially dealing with NBN Co		
• Agreed to consider the guide and discuss any further action at the next meeting.	DK, SE, JC, SC	11 Oct
5. Compliance & Certification project discussion		
• No update from last meeting due to resourcing.		
6. Coordinated planning, in particular at Council boundaries		
• Noted that arising from the 2010 Councillor Forum, the SHOROC Board has agreed in the SHOROC Operational Plan to "Encourage coordinated planning, upgrades and maintenance of footpaths, roads and bike paths, particularly at LGA boundaries".		
• Agreed that SHOROC would write to the councils outlining the agreement and requesting the councils continue to work to coordinate planning at the boundaries, including identifying hotspots for	BT	30 Aug

coordination and embedding in works programs the need to consider cross-boundary issues in planning and implementation. • Agreed a standing item would be added to future meetings of the Urban Planners to discuss.	BT	Ongoing
7. Update on Shaping Our Future & next steps for implementation		
• Bus Rapid Transit: Group noted progress on pre-feasibility study underway on the BRT • Hospital: Group noted progress on Northern Beaches Hospital planning and that more detail would be forthcoming following the budget • Mosman provided an update on Spit/Military Road changes		
8. Metropolitan Plan, housing & employment issues		
• Discussed issues with the Metropolitan Plan and specific Warringah and Pittwater work currently underway		
9. Employment & economic development		
• Noted that Warringah has adopted its draft Economic Development Plan for exhibition and that Pittwater has commenced work on its Economic Development Plan.		
10. S94 and s94a		
• Noted update on s94a contributions from Warringah		
11. LEP updates		
• Discussed updated on LEPs for Warringah and Mosman		
12. Other business		
• Nil		

Next meeting: 10.30-12.30, 11 October 2011 at SHOROC

Tab G. Climate Change Working Group Minutes**SHOROC CLIMATE CHANGE GROUP
DRAFT Minutes**

Wednesday 21 September 2011, 9.30 – 11:00am
SHOROC Offices

Attendees

Ben Taylor	SHOROC
Jo Tulau	Pittwater Council
Janell Keegan	Pittwater Council
Jennifer Pang	Pittwater Council
David Bell	Warringah Council
Ed McPeake	Manly Council

Action	Who	By when
12. Welcome & Apologies		
<ul style="list-style-type: none"> Welcome to Ed McPeake Apologies from Belinda Atkins, Henrietta Alexander, Lara Cumming (Mosman Council). 		
13. Minutes from last meeting and actions arising		
a) Carbon Systems Australia		
<ul style="list-style-type: none"> The merits and disadvantages of the Carbon Systems Australia and Planet Footprint management systems were discussed. SHOROC councils will monitor & evaluate the progress of SSROC's contract with Carbon Systems Australia and other market alternatives. Each SHOROC council must determine its scope of need for services in carbon systems management before further group discussion. 	All	Next Meeting
b) Energy management training		
<ul style="list-style-type: none"> State Training Services in their presentation to SHOROC did not appear to offer a service tailored towards Councils' expectations. SSROC has entered into a contract with CGI/State Training Services targeting the development of facility managers. More information on this project is to be obtained from SSROC to bring back to the group. 	D Bell	Next Meeting
c) OEH 'Local Promotion Grant'		
<ul style="list-style-type: none"> It was agreed that a regional application for this grant would not be worthwhile at this stage. 	All	
14. Review of inventory and project updates		
<ul style="list-style-type: none"> Inventory is now available to be viewed on the SHOROC website. Warringah Council is investigating a variety of energy models including co-generation, tri-generation, demand management etc. and will seek approval to circulate the draft reports. Manly Council will be installing solar panels on town hall in October; preparation of a climate change risk assessment report is progressing; consultant has been engaged to look at alternative energy for Manly 2015 project. 	D Bell	Next Meeting

<ul style="list-style-type: none"> Pittwater Council is preparing a Natural Hazards Risk Management Policy; participating in the development of SES Coastal/Flood Communications Strategy; and progressing its Revolving Energy Fund and on-ground installations of LED lighting at rockpools and solar panels at facilities. 		
15. Scoping of priority areas for action		
a) Community Education		
<ul style="list-style-type: none"> Collaboration with key SHOROC council staff on climate change education will commence with supporting the "Youth Leading the World" forum to be held late November to early December. SHOROC councils are sponsoring four facilitators at this youth leadership/climate change forum. 	Selected SHOROC council staff	Before 29 Nov 2011
<ul style="list-style-type: none"> Meeting to be organised in coming months of community education staff to identify any further opportunities for regional collaboration/knowledge sharing 	BT	Nov 2011
b) Asset Management		
<ul style="list-style-type: none"> Potential consideration of asset management issues as part of Forthcoming Low Carbon Communities Grant Funding. Deferred until further details of funding becomes available. 	All	Deferred
16. Other business		
a) Low Carbon Communities Grant Funding and Finance for Energy Efficiency		
<ul style="list-style-type: none"> Deferred until further details of funding becomes available. 	All	Deferred
b) SCCG projects update		
<ul style="list-style-type: none"> Project updates distributed and noted. 	All	
c) GMAC representative to sponsor of SHOROC Climate Change Group	All	
<ul style="list-style-type: none"> Noted 		
d) Productivity Commission Inquiry announcement (attached)		

Next meeting: Proposed for 9.30am Wednesday 23 November 2011 at SHOROC.

Joint media release 20 September 2011

- The Hon Greg Combet AM MP - Minister for Climate Change and Energy Efficiency
- Climate change adaptation inquiry
- The Hon. Bill Shorten MP, Assistant Treasurer, Minister for Financial Services and Superannuation

Climate change adaptation inquiry

The Gillard Government today announced an inquiry by the Productivity Commission into the regulation and policy settings that would enable effective climate change adaptation.

The Minister for Climate Change and Energy Efficiency, Greg Combet, and the Assistant Treasurer, Bill Shorten, said the inquiry would review regulations and policies that may be barriers to effectively adapting to the impacts of climate change and examine the costs and benefits of options to remove those barriers.

'The Gillard Government has put forward a plan to transition Australia to a clean energy future, but we must also ensure Australia is well prepared for the impacts of climate change that cannot be avoided,' *Mr Combet* said.

'The scientific advice is that even with a moderate degree of warming in the coming decades, there are serious risks to Australia's water resources, coastal settlements and biodiversity,' he said.

'We cannot afford to delay action on adaptation because decisions we are making today will affect our vulnerability to climate change in the future.'

The Productivity Commission inquiry will help governments identify changes in regulation and policy settings that may be necessary to ensure that Australia manages the impacts of climate change at the lowest possible cost and takes full advantage of any opportunities a changing climate may bring.

The inquiry will assess market-based and non-market based ways to promote effective adaptation, including the scope for appropriate action by all levels of governments.

Mr Shorten was pleased to announce the appointment of Dr Neil Byron as a part time Associate Commissioner to assist with the inquiry.

'As a former Commissioner with particular responsibility for environmental and natural resources issues, Dr Byron will be a valuable addition to this inquiry. He has an extensive background in economics and agriculture,' *Mr Shorten* said.

The Productivity Commission will hold public hearings and release a draft report for public comment, before delivering a final report to the Government within 12 months.

The Terms of Reference for the inquiry are attached and have been agreed by all State and Territory First Ministers, under the auspices of the Council of Australian Governments.

For more information, visit the Productivity Commission's website www.pc.gov.au

Productivity Commission Inquiry into Regulatory and Policy Barriers to Effective Climate Change Adaptation

Terms of Reference

I, Bill Shorten, Assistant Treasurer and Minister for Financial Services and Superannuation, pursuant to Parts 2 and 3 of the *Productivity Commission Act 1998* hereby request that the Productivity Commission undertake an inquiry into regulatory and policy barriers to effective climate change adaptation. The Commission will report within 12 months of receipt of this reference and will hold hearings for the purpose of this inquiry.

Background

Climate change adaptation is action by households, firms, other organisations and governments to respond to the impacts of climate change that cannot be avoided through climate change mitigation efforts. An effective national adaptation response will require all levels of government, the private sector and intermediary markets to contribute to that response.

This inquiry will assist COAG to advance climate change adaptation reforms in Australia by examining the policy frameworks required to facilitate effective adaptation, and the costs and benefits of various adaptation options so as to identify the highest priority reforms. In undertaking this review the Commission will also assess the effectiveness and efficiency of market based approaches in facilitating adaptation.

Scope of the Inquiry

The Commission is requested to assess the regulatory and policy barriers to effective adaptation. In undertaking the review, the Commission should identify any specific barriers that may act to inhibit effective adaptation to unavoidable climate change.

The Commission should identify high priority reform options to address any identified barriers to effective adaptation. The Commission should also:

- examine the costs and benefits of the options to address those barriers where it is feasible to do so, including a 'no change' (maintaining the status quo) option; and
- assess the role of markets (including insurance markets) and non-market mechanisms in facilitating adaptation, and the appropriateness of government intervention.

In undertaking its inquiry, the Commission should take into account the relevant policies of all levels of government and the work on adaptation undertaken under the auspices of COAG. The Commission should consult with relevant Australian Government, state and territory and local government agencies, and other key stakeholders.

The Commission is to provide both a draft and a final report, and the reports will be published. The Government will consider the Commission's recommendations, and its response will be announced as soon as possible after the receipt of the Commission's report.

Bill Shorten

Tab H. Water Cycle Management Working Group Minutes

Eleventh (11th) meeting

Thursday 22 September 2011
10am – 12 noon
SHOROC Offices
Level 3, 42-46 Wattle Rd
Corner Wattle Rd and Mitchell Rd
Brookvale NSW 2100
(02) 9905 0087

Invitees

Michael Galloway	Manly Council
Christina Femia	Manly Council
Belinda Atkins	Mosman Council
Henrietta Alexander	Mosman Council
Lara Cumming	Mosman Council
Melanie Schwecke	Pittwater Council
Jennifer Pang	Pittwater Council
Jo Ann Moore	SMCMA
Peter Freewater	SMCMA
Fernando Ortega	Sydney Water EDC
Dennis Lee	DECCW
Ben Taylor	SHOROC
Adrian Turnbull	Warringah Council
Jason Ruszczyk	Warringah Council
Ben Fallowfield	Warringah Council
Scot Hedge	Warringah Council
Jeanne Thuez	Warringah Council
Craig Morrison	Sydney Coastal Councils Group

Suggested Agenda

- Each working group member to provide 3 items on current actions and activities regarding so we can all get an understanding of what each organisation is doing, and look at consolidating or collaborating on projects
- Suggestions?

Attendees

Christina Femia	Manly Council
Lara Cumming	Mosman Council
Ben Taylor	SHOROC
Melanie Schwecke	Pittwater Council
Adrian Turnbull	Warringah Council
Ben Fallowfield	Warringah Council
Jason Ruszczyk	Warringah Council
Peter Freewater	SMCMA

Minutes

Update from Warringah Council – Ben Fallowfield and Adrian Turnbull

BF will be taking over the coordination of the SHOROC meetings.

BF noted that he is currently preparing an options discussion paper for the Cromer Park upgrade. The discussion paper will include the potential for aquifer recharge and the application of WSUD principles. Construction is anticipated to start next financial year.

AT noted that an internal working group has been established to discuss the IWCM Strategy. One of the recommendations from the IWCM Strategy is to gain a better understanding of groundwater. Warringah, Pittwater and Manly have confirmed they have money available for the proposed SHOROC Groundwater Assessment project. Ben Taylor suggested a review of the recent SHOROC Waste Audit project, which utilises SHOROC's position as representing the partner Councils to progress a similar collaborative project (see Tenth meeting minutes for more details).

Manly Council provided the contact details for the following two groundwater consultants:

- Water Research Laboratory - Wendy Timms – Telephone 8071 9800
- PB - Liz Webb Team Manager - Groundwater – Telephone 9272 5136 Email: lwebb@pb.com.au

AT mentioned that the Masterplan for the Dee Why town centre is currently on Tenderlink.

Action 1: for member Councils to review and discuss budget allocation and project workload for 2011/12, with a view to establishing planning for the collaborative Groundwater Assessment project.

Action 2: for member Councils to consider project management options for the Groundwater Assessment project, being mindful of partnership requirements including (but not limited to) development of MoU's, legal considerations, joint tender process, etc.

Update from Mosman Council – Lara Cumming

LC gave an overview of the stormwater education program aimed at Year 11 high school students.

LC also mentioned that she is currently applying for grant funding for salt marsh mangrove restoration.

Update from Pittwater Council – Melanie Schwecke

MS noted that Pittwater Council finished the GPT audit and 24 GPTs were identified. She spoke about issues Council had with maintenance, private certifiers and lack of enforcement to ensure the devices were maintained and constructed appropriately. MS confirmed that Bell Environment cleans the GPTs in the LGA.

MS also mentioned that Pittwater Council will be undertaking the development of an Integrated Urban Water Management Policy and Framework.

MS recently completed a flooding and groundwater short course at UTS.

Action 3: SHOROC to confirm if a GPT maintenance contract is currently being prepared.

Update from SHOROC - Ben Taylor

BT is working on the SHOROC Heath of the Region indicators Report and the SHOROC action plan entitled "Shaping Our Sustainable Future".

Update from Manly Council – Christina Femia

Manly Council is continuing to save potable water through the Water Saving Action Plan.

CF noted that she is currently in the process of updating LEP and DCP to include WSUD.

CF added that Manly Council is currently looking at two sites to incorporate bioretention systems.

Update from SMCMA – Peter Freewater

Peter started 2 months ago as a Catchment Officer – Stormwater. He will be managing the Sydney Harbour Water Quality Improvement Project.

SMCMA is seeking applications from councils interested in combining projects and submitting one singular application for Australian Government funding under the *National Urban Water and Desalination Plan: stormwater harvesting and reuse grants round*.

Ongoing actions:

Action 1: for member Councils to review and discuss budget allocation and project workload for 2011/12, with a view to establishing planning for the collaborative Groundwater Assessment project.

Action 2: for member Councils to consider project management options for the Groundwater Assessment project, being mindful of partnership requirements including (but not limited to) development of MoU's, legal considerations, joint tender process, etc.


Action 3: SHOROC to confirm if a GPT maintenance contract is currently being prepared.

Action 4: Mosman Council nominated to be minute taker for the next meeting.


Action 5: Next meeting date Thursday 17 November 10am-12noon.




Tab I. Q1 2011/12 Cost Saving & Efficiency Program Report

Council	Project Detail	Total Cost Savings	Ref
Mosman	Year 2 Regional Tender - Linemarking and Signposting	14,000.00	T111O11SHOROC
Manly	Year 2 Regional Tender - Linemarking and Signposting	36,583.00	T111O11SHOROC
Warringah	Year 2 Regional Tender - Linemarking and Signposting	99,900.00	T111O11SHOROC
Pittwater	Year 2 Regional Tender - Linemarking and Signposting	20,800.00	T111O11SHOROC
Mosman	Year 2 Regional Tender - Cash Collection and Parking Meter Collection Tender	9,225.00	T21011SHOROC
Warringah	Year 2 Regional Tender - Cash Collection and Parking Meter Collection Tender	16,959.00	T21011SHOROC
Pittwater	Year 2 Regional Tender - Cash Collection and Parking Meter Collection Tender	23,501.00	T21011SHOROC
		\$220,968.00	
YTD Cost Savings Summary 2011/2012		Rolling Cost Savings Program Summary	
Council	Total	Council	Total
Mosman	23,225.00	Mosman	67,307.75
Manly	36,583.00	Manly	90,366.00
Warringah	116,859.00	Warringah	275,393.00
Pittwater	44,301.00	Pittwater	110,350.75
End Q1 2011-12	\$ 220,968.00	TOTAL since program commencement	\$ 543,417.50



SHOROC



A partnership of Manly, Mosman, Pittwater and Warringah councils - making our region and our councils even stronger.

Tab J. Approved Common waste collection system report recommendations

Common Waste Collection system

Generic report recommendations agreed by GMAC 7 September 2011

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;
 - **(Pittwater only)** 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; *(to be updated by Pittwater as required)*
 - 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; *(Manly to revise accordingly)*
- 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. *(Manly to revise accordingly)*

Tab K. September 2011 SHOROC financial report

Shore Regional Organisation of Councils 2011/12 Profit & Loss Statement 30 September 2011					
	To-date Actual	To date Variance	Budget 2012	Final Forecast	Variance
Administration Income					
Inc - Warringah - Admin Charge	\$ 77,500.00	\$ -	\$ 77,500.00	\$ 77,500.00	\$ -
Inc - Pittwater - Admin Charge	\$ 77,500.00	\$ -	\$ 77,500.00	\$ 77,500.00	\$ -
Inc - Mosman - Admin Charge	\$ 77,500.00	\$ -	\$ 77,500.00	\$ 77,500.00	\$ -
Inc - Manly - Admin Charge	\$ 77,500.00	\$ -	\$ 77,500.00	\$ 77,500.00	\$ -
Warringah cost savings contribution	\$ 54,738.00	\$ -	\$ 54,738.00	\$ 54,738.00	\$ -
Pittwater cost savings contribution	\$ 24,021.00	\$ -	\$ 24,021.00	\$ 24,021.00	\$ -
Mosman cost savings contribution	\$ 13,005.00	\$ -	\$ 13,005.00	\$ 13,005.00	\$ -
Manly cost savings contribution	\$ 18,449.00	\$ -	\$ 18,449.00	\$ 18,449.00	\$ -
Seminars, conferences & events	\$ -	\$ (500.00)	\$ 2,000.00	\$ 2,000.00	\$ -
Members' Fees	\$ 16.00	\$ -	\$ 16.00	\$ 16.00	\$ -
Interest Eamt	\$ 5,269.91	\$ 769.91	\$ 18,000.00	\$ 19,000.00	\$ 1,000.00
Total Operating Income	\$ 425,498.91	\$ 269.91	\$ 440,229.00	\$ 441,229.00	\$ 1,000.00
Administration Expenses					
Accounting Fees / Audit Fees	\$ 6,063.64	\$ 936.36	\$ 7,000.00	\$ 6,063.64	\$ 936.36
Bank Charges	\$ 32.56	\$ 42.44	\$ 300.00	\$ 257.56	\$ 42.44
Bookkeeping Services	\$ -	\$ 250.00	\$ 1,000.00	\$ 500.00	\$ 500.00
Catering	\$ 351.14	\$ 73.86	\$ 1,700.00	\$ 1,700.00	\$ -
Dues and Subscriptions	\$ -	\$ 75.00	\$ 300.00	\$ 300.00	\$ -
Electricity	\$ 505.35	\$ 194.65	\$ 2,800.00	\$ 2,605.35	\$ 194.65
Insurance	\$ 1,385.85	\$ -	\$ 7,450.00	\$ 5,885.85	\$ 1,564.15
IT - Repairs, Maintenance & Website hosting, Software	\$ 136.35	\$ 238.65	\$ 1,500.00	\$ 1,261.35	\$ 238.65
Legal Fees Operations	\$ -	\$ 250.00	\$ 1,000.00	\$ 750.00	\$ 250.00
Office Supplies/Stationery etc	\$ 259.82	\$ 215.18	\$ 1,900.00	\$ 1,684.82	\$ 215.18
Office Equipment	\$ 396.23	\$ 53.77	\$ 1,800.00	\$ 1,500.00	\$ 300.00
Postage & Courier	\$ 30.36	\$ 169.64	\$ 800.00	\$ 630.36	\$ 169.64
Annual Report/ Photocopy	\$ 182.29	\$ -	\$ 4,500.00	\$ 4,500.00	\$ -
Rent	\$ 7,093.32	\$ (93.32)	\$ 28,000.00	\$ 28,933.26	\$ (933.26)
Seminars / Conferences	\$ 2,266.40	\$ (1,266.40)	\$ 4,000.00	\$ 4,000.00	\$ -
Tel - Fixed	\$ 486.70	\$ 113.30	\$ 2,400.00	\$ 2,300.00	\$ 100.00
Tel - Mobiles	\$ 190.25	\$ 19.75	\$ 840.00	\$ 820.25	\$ 19.75
Internet	\$ 354.27	\$ 5.73	\$ 1,440.00	\$ 1,434.27	\$ 5.73
Travel	\$ 121.17	\$ 3.83	\$ 500.00	\$ 496.17	\$ 3.83
Wages & Salaries	\$ 80,903.99	\$ 2,842.03	\$ 334,984.08	\$ 337,110.33	\$ (2,126.25)
Superannuation	\$ 7,105.36	\$ 263.45	\$ 29,475.25	\$ 28,765.72	\$ 709.54
Annual leave provision	\$ 4,326.55	\$ (4,326.55)	\$ -	\$ 5,000.00	\$ (5,000.00)
Staff Training	\$ -	\$ 625.00	\$ 2,500.00	\$ 2,500.00	\$ -
Staff Amenities	\$ 264.16	\$ (89.16)	\$ 700.00	\$ 700.00	\$ -
Depreciation	\$ -	\$ 732.65	\$ 2,400.00	\$ 2,930.59	\$ (530.59)
Contingency	\$ -	\$ -	\$ 939.67	\$ -	\$ 939.67
Total Administration Expenses	\$ 112,455.76	\$ 1,329.86	\$ 440,229.00	\$ 442,629.51	\$ (2,400.51)
Sub-total - Administration Profit	\$ 313,043.15	\$ 1,599.77	\$ (0.00)	\$ (1,400.51)	\$ (1,400.51)
Project Income					
SHOROC Council Contribution General Projects	\$ 40,000.00	\$ -	\$ 40,000.00	\$ 40,000.00	\$ -
Revolving Cost Savings Fund allocation to projects (unspent)	\$ -	\$ (5,000.00)	\$ 20,000.00	\$ 20,000.00	\$ -
Regional waste audit (including unspent previous yr)	\$ 55,550.00	\$ -	\$ 108,000.00	\$ 108,000.00	\$ -
Waste management projects (incl. unspent previous yr)	\$ 2,055.47	\$ (214.03)	\$ 9,078.00	\$ 9,078.00	\$ -
DECCW Sustainability grant (unspent previous yr)	\$ 24.55	\$ -	\$ 1,295.00	\$ 1,295.00	\$ -
Grants	\$ -	\$ (12,500.00)	\$ 50,000.00	\$ 50,000.00	\$ -
OzGreen Project	\$ 5,400.00	\$ -	\$ -	\$ 5,400.00	\$ 5,400.00
Total Project Income	\$ 103,030.02	\$ (12,314.03)	\$ 228,373.00	\$ 233,773.00	\$ 5,400.00
Projects Expenses					
General Projects exp	\$ -	\$ -	\$ 40,000.00	\$ 40,000.00	\$ -
Revolving Cost Savings Fund projects	\$ -	\$ 5,000.00	\$ 20,000.00	\$ 20,000.00	\$ -
Regional waste audit	\$ 56,500.00	\$ -	\$ 108,000.00	\$ 108,000.00	\$ -
Waste management projects (unspent previous yr)	\$ 2,055.47	\$ 214.03	\$ 9,078.00	\$ 9,078.00	\$ -
DECCW Sustainability grant (unspent previous yr)	\$ 24.55	\$ -	\$ 1,295.00	\$ 1,295.00	\$ -
Grants	\$ -	\$ 12,500.00	\$ 50,000.00	\$ 50,000.00	\$ -
OzGreen Project	\$ 5,400.00	\$ -	\$ -	\$ 5,400.00	\$ 5,400.00
Total Projects Expenses	\$ 63,980.02	\$ 17,714.03	\$ 228,373.00	\$ 233,773.00	\$ (5,400.00)
Sub-total - Projects Profit	\$ 39,050.00	\$ 5,400.00	\$ -	\$ -	\$ -
Total income	\$ 528,528.93	\$ (12,044.12)	\$ 668,602.00	\$ 675,002.00	\$ 6,400.00
Total expenses	\$ 176,435.78	\$ 19,043.89	\$ 668,602.00	\$ 676,402.51	\$ (7,800.51)
Net Profit **	\$ 352,093.15	\$ 6,999.77	\$ (0.00)	\$ (1,400.51)	\$ (1,400.51)

Shore Regional Organisation of Councils – a partnership of Manly, Mosman, Pittwater & Warringah Councils

Shore Regional Organisation of CouncilsP O Box 361
Brookvale NSW 2100**Balance Sheet****As of September 2011**6/10/2011
9:55:47 AM

Assets	
Current Assets	
Cash On Hand	
Cheque Account	\$9,867.80
Business Online Saver	\$565,282.36
Petty Cash	\$426.94
Trade Debtors	\$8,225.54
Electricity Security Bond	\$450.00
Total Current Assets	\$582,252.64
Office Equipment at Cost	\$18,992.18
Office Equipment Accum Dep	-\$12,482.00
Total Assets	\$588,762.82
Liabilities	
Current Liabilities	
DECCW Grant Unspent	\$1,270.08
Waste Mgmt Services Unspent	\$7,022.07
Provision for Projects	
General Provision	\$70,507.41
Waste	\$149.92
Revolving Cost Savings Fund	\$24,006.96
Total Provision for Projects	\$94,664.29
Total Current Liabilities	\$102,956.44
GST Liabilities	
GST Collected	\$43,980.49
GST Paid	-\$8,762.75
GST Rounding	-\$0.23
Payroll Liabilities	
Payroll Accruals Payable	\$17,669.39
PAYG Withholding Payable	\$4,801.23
Superannuation Payable	\$44.20
Total Payroll Liabilities	\$22,534.82
Total GST Liabilities	\$57,752.33
Total Liabilities	\$160,708.77
Net Assets	\$428,074.05
Equity	
Members' Contributions	\$12.00
Retained Earnings	\$74,776.54
Current Year Earnings	\$353,285.51
Total Equity	\$428,074.05

C10.11	Minutes of the SHOROC Annual General Meeting held on 16 November 2011
---------------	--

Meeting: Governance Committee

Date: 19 December 2011

STRATEGY: Business Management

ACTION: Effectively manage Council's Corporate Governance responsibilities.

PURPOSE OF REPORT

To report the minutes of the SHOROC Annual General Meeting held on 16 November 2011 for Council's consideration (**Attachment 1**).

1.0 BACKGROUND

- 1.1 SHOROC comprises Pittwater, Warringah, Manly and Mosman Councils and was established to address regional issues affecting the member councils. Each Council is represented by the Mayor and General Manager.

2.0 ISSUES

- 2.1 At the SHOROC Annual General Meeting held on 16 November 2011 the following Office Bearers were appointed:

- SHOROC President - Cr Jean Hay, Mayor of Manly
- SHOROC Vice President - Cr Michael Regan, Mayor of Warringah
- SHOROC Treasurer - Mr Rik Hart, General Manager, Warringah Council

- 2.2 The SHOROC 2010/11 Annual Report and the SHOROC Financial Report were tabled.

3.0 SUSTAINABILITY ASSESSMENT

- 3.1 This report does not require a Sustainability Assessment.
-

4.0 EXECUTIVE SUMMARY

- 4.1 SHOROC Annual General Meetings are held every year and provide an opportunity for a financial review of SHOROC and for the election of office bearers
-

RECOMMENDATION

That the Minutes of the SHOROC Annual General Meeting held on 17 November 2010 be noted

Report prepared by
Gabrielle Angles - Principal Officer, Administration

Warwick Lawrence
MANAGER, ADMINISTRATION & GOVERNANCE

SHOROC ANNUAL GENERAL MEETING
4:30pm on 16 November, 2011
SHOROC, Unit 33/42-46 Wattle Road Brookvale



DRAFT MINUTES

Board Members Present

Cr Jean Hay AM	Mayor of Manly
Cr Anne Connon	Mayor of Mosman
Cr Michael Regan	Mayor of Warringah
Cr Harvey Rose	Mayor of Pittwater
Henry Wong	General Manager Manly
Viv May	General Manager Mosman
Rik Hart	General Manager Warringah
Mark Ferguson	General Manager Pittwater

In attendance

Ben Taylor	Executive Director SHOROC
Lisa Stevens	Office and Comms Manager SHOROC

Apologies

There were no apologies received.

Item 1 Welcome and Apologies

Cr Harvey Rose, Mayor of Pittwater and SHOROC President chaired the meeting and welcomed all those attending.

Cr Rose opened the meeting outlining that he has greatly enjoyed the past year as President and noted the growing role of SHOROC in regional advocacy and collaboration. Cr Rose said that SHOROC has made significant progress towards transport and health infrastructure investment for the region and added that the coming year provides a real chance for the SHOROC region to secure the funding promised for the region and make real difference. In particular, Cr Rose singled out the regular meetings with local MPs as very valuable for councils.

Cr Rose said that he considered SHOROC now has a clear model for the future based on the existing model of four independent councils collaborating through SHOROC with an expansion of the capacity of SHOROC to deliver financial savings through greater investigation and implementation where appropriate of shared and collaborative functions and services.

Cr Rose concluded by thanking the SHOROC Board and the SHOROC team of Ben Taylor, Andrea Tattam and Lisa Stevens for their contribution and hard work over the past year and acknowledged the importance of working together.

Item 2 Minutes of previous meeting**Item 2.1 Adoption of minutes of AGM 17 November, 2010****The Board Resolved:**

1. **To adopt** the Minutes of the Annual General Meeting held 17 November 2010.

*Moved Cr Harvey Rose /Seconded Cr Jean Hay
Carried Unanimously*

Item 3 Election of Office Bearers**Item 3.1 Election of President**

Mr Ben Taylor acted as returning officer. Nominations were called for the position of President. Cr Anne Cannon nominated Cr Jean Hay of Manly as President. Nomination seconded by Henry Wong.

There were no other nominations and Cr Jean Hay accepted the nomination.

The returning officer duly announced Cr Jean Hay Mayor of Manly as SHOROC President for the ensuing term.

Cr Hay thanked the Board, indicating that she looked forward to the role.

Item 3.2 Election of Vice-President

Mr Ben Taylor acted as returning officer. Nominations were called for the position of Vice-President. Cr Harvey Rose nominated Cr Michael Regan Mayor of Warringah as Vice-President. Nomination seconded by Cr Jean Hay.

There were no other nominations and Cr Michael Regan accepted the nomination.

The returning officer duly announced Cr Michael Regan Mayor of Warringah as SHOROC Vice-President for the ensuing term.

Cr Regan thanked the Board, indicating that he looked forward to the role.

Item 3.3 Election of Treasurer

Mr Ben Taylor acted as returning officer. Nominations were called for the position of Treasurer. Viv May nominated Mr Rik Hart, General Manager Warringah Council, as Treasurer. Nomination seconded by Mark Ferguson.

There were no other nominations and Rik Hart accepted the nomination.

The returning officer duly announced Rik Hart, General Manager Warringah as SHOROC Treasurer for the ensuing term.

Mr Hart thanked the Board, indicating that he looked forward to the role.

Shore Regional Organisation of Councils – a partnership of Manly, Mosman, Pittwater & Warringah Councils

Item 4 SHOROC 2010/11 Annual Report

The draft Annual Report is attached (Tab B).

The Board resolved:

1. **To receive and adopt** the Annual Report on the activities of SHOROC for the year ending 30 June 2011.

*Moved Cr Harvey Rose /Seconded Cr Anne Connon
Carried Unanimously*

Item 5 SHOROC Financial Report

The Audited financial report is attached (Tab C).

The Board resolved:

1. **To receive** and adopt the audited financial reports for the period ending 30 June, 2011.
2. **To authorise** Mark Ferguson and Viv May to sign the certificate for the annual statement (form 12) to be forwarded to the Fair Trading Office together with financial report and the appropriate fee.

*Moved Cr Michael Regan /Seconded Mark Ferguson
Carried Unanimously*

(Rule 40)

**SHORE REGIONAL ORGANISATION OF COUNCILS INCORPORATED
(SHOROC)**

FORM OF APPOINTMENT OF PROXY

I, of

(full name)

(address)

being a delegate of Shore Regional Organisation of Councils Incorporated hereby appoint

..... of

(full name of proxy)

(address)

also being a delegate of Shore Regional Organisation of Councils Incorporated, as my proxy to vote for me on my behalf at the general meeting of Shore Regional Organisation of Councils Incorporated (annual general meeting or special general meeting, as the case may be) to be held on the day of and at any adjournment of that meeting.

* My proxy is authorised to vote in favour of/against (delete as appropriate) the resolution (insert details).

* to be inserted if desired.

.....

Signature of delegate appointing proxy

Date.....

Tab B: Draft 2010/11 Annual Report (separate PDF attachment)

Tab C: Audited financial report (separate PDF attachment)



SHOROC

2011 ANNUAL
REPORT

Our Region Our Results Our Future

\$125 Million

for hospitals

\$3 Million

for public transport
feasibility planning

\$320,000+

in council
savings



President's message



SHOROC has achieved significant results for the future of our region and our councils this year through a strong partnership between the councils of Manly, Mosman, Pittwater and Warringah. It has been a year focussed on "Our Region, Our Results and Our Future."

Huge gains have been made for our region's health, transport and environment. As a result, this year we have seen over \$125 million committed by the new NSW Government to start construction on the new Northern Beaches hospital at Frenchs Forest in addition to importantly retaining Mona Vale Hospital.

We have seen a major feasibility study commence on a Bus Rapid Transit system for the Northern Beaches and Mosman and work commence on a Mona Vale Road upgrade.

All of this work comes under the banner of our regional strategy, *Shaping Our Future*, which I am pleased to say as President now includes two major parts we have formally adopted this year: *Part 1 – major infrastructure*; and *Part 2 – sustainability action plan*. The results speak for themselves.

The key to our achievements this year has been our united voice through the *Shaping Our Future* strategy and the good working relationship we have with our State and Federal government colleagues. I congratulate our Local Members Jillian Skinner MP, Brad Hazzard MP, Mike Baird MP, Rob Stokes MP and Jonathan O'Dea MP on turning these promises into action as the newly elected NSW Government.

There is much discussion at the moment about the future of local government. People ask how councils can continue to deliver essential community services under increasing financial pressures.

Collaboration by local councils and shared services on a regional scale is the way forward. Our councils get significant value from collaboration and in this last year alone saved over \$320,000 through joint regional tendering and collaborative projects. We are already delivering a shared service through Kimbriki Resource Recovery Centre and we have plans for an expanded role for shared council services in this region.

This approach maintains the independence and close community connection of local councils and also provides the economies of scale we need for financial sustainability.

In this report you will see that SHOROC gets results for our region and for our councils. This is what you can continue to expect from SHOROC for many years to come.

As President, I would like to thank my fellow Board Members and extend our appreciation to the council staff, Councillors and the team at SHOROC who have made an outstanding contribution to achieving significant results for our region and our community this year.

I look forward to another successful year ahead, working together for a better region and stronger councils.

Sincerely,

Cr Harvey Rose,
SHOROC President, Mayor Pittwater

Comments from the Mayors

Cr Jean Hay AM
SHOROC Vice President, Mayor Manly

"SHOROC continues to provide value to its member councils by facilitating regional advocacy and providing shared procurement opportunities. As we look to the future in Local Government, the role of SHOROC is central to the strategies of member councils in meeting the challenges of delivering greater value to our communities."

Cr Michael Regan
Mayor Warringah

"SHOROC is a great example of how councils can work together to improve efficiencies and effectively tackle the big issues facing our entire region. At Warringah Council, we pride ourselves on planning for the future in a positive way, while fiercely protecting our local interests. Let's keep up the good work."

Cr Anne Cannon
Mayor Mosman

"In July 2011, we launched the first ever regional Sustainability Action Plan focussing on integrated transport, renewable energy, climate change, ecologically sustainable development, waste avoidance and re-use, water use, enhancing biodiversity and living and working more sustainably. This action plan is yet another example of regional collaboration that is working."

Executive Director's report



The SHOROC partnership is about working together for stronger councils and a stronger region. It is about providing value such as bringing in funding for significant infrastructure, collaborating on community or environmental projects and improving council productivity or saving council funds through joint tendering, projects and service delivery.

As you can see from this Annual Report, SHOROC has delivered significant value for our councils and our region this year.

This includes the millions of dollars committed for our hospitals and transport from the new NSW Government, the strong united voice in discussions with other levels of government, the 27 new projects to improve the environmental sustainability of our region, and the knowledge and resources shared between council staff.

Direct value for councils has been achieved through the newly established Council Cost Savings and Efficiency Program. As you'll see from this report it has delivered over \$322,449 in cost savings for councils in the past year. While significant, I think this is only a fraction of the savings that could be achieved for councils in the years to come.

These savings are a direct result of the hard work of council staff working closely with SHOROC's Business Manager Andrea Tattam. Many regional tenders have been delivered and projects such as the regional waste audit, which saved councils almost \$70,000, have also resulted in staff time savings and efficiencies through SHOROC project management.

In this last year we commenced a number of projects which have the potential to far exceed the savings achieved so far. Regional tendering will continue to deliver results for the councils and a number of large new tenders were commenced which will be finalised in 2011/12.

An area of expanding focus that could potentially provide further savings is collaborative projects and shared delivery of services. The areas that are currently being investigated include 'back-office' services such as staff training and records digitisation and storage, and community services including compliance and certification and waste collection. With an existing shared service already in operation in Kimbriki Resource Recovery Centre the councils have shown the leadership and commitment required.

Delivering significant savings for councils, be they through joint procurement, collaborative projects or shared services, will be vital for the long term financial sustainability of councils. SHOROC is well equipped to provide this value to our partner councils.

As Executive Director, I can also report that SHOROC continues its strong operations and stringent financial and ethical standards. We have delivered on all the resolutions agreed by the Board, have improved the organisational operation through a number of new operational policies and reviewed our structure to create more collaborative governance.

This year has certainly been productive and exciting. I would like to thank the dedicated Board members, Councillors and staff from our partner councils and the team at SHOROC for their hard work and commitment over the past year which has definitely achieved strong results.

I look forward to the year ahead, ensuring we are delivering value and results for our region and our councils.

Ben Taylor,
Executive Director



Organisation & Region

Organisation

SHOROC is a partnership between the four councils on Sydney's Northern Beaches from Bradley's Head to Barrenjoey – Manly, Mosman, Warringah and Pittwater councils. Established in 1996, and becoming an incorporated association in 2006, SHOROC continues to promote council collaboration, cost savings, shared services and advocacy.

SHOROC delivers on its three key objectives; **Making our region, our councils and our business stronger** and provides value for its member councils and the community through strategic regional coordination and collaboration. Key foci are providing value to councils through driving cost savings and efficiencies and advocating for regional infrastructure. It is through a culture of partnership and working together on issues of social, economic, cultural and environmental significance that SHOROC can create a stronger regional future.

GOVERNANCE

Board: Mayors and General Managers of each member council (8) who meet quarterly and oversee organisational policy & planning.

GMAC (General Managers Advisory Committee) meet monthly to ensure efficient operation of SHOROC & provide advice to the Board.

Executive Director & SHOROC staff manage the organisation and deliver projects agreed by the Board and GMAC.

Working Groups of council staff meet with SHOROC to develop and implement projects across the region as well as share knowledge and resources.

A stronger region and stronger councils through collaboration, costs savings, shared services and advocacy.



Region

The SHOROC region of 288 square kilometres is home to over 276,000 residents. Featuring 82kms of coastline with over 15 ocean beaches and diverse and vibrant town centres, the region attracts thousands of visitors weekly and supports a growing tourism sector.

The region continues to experience higher density living due to the increased influx of residents living in the area and demand for affordable housing. There is a high ratio of residents who live and work locally in key industries of retail, health, scientific and professional services.

Transport is a major issue facing the SHOROC region. Heavy reliance on private vehicles and lack of reliable public transport is the primary contributor to the emission of greenhouse gases as well as congestion on the three major road arteries in and out of the region – Spit/Military Road, Warringah Road and Mona Vale Road.

The population of the region is expected to grow by around 30,000 taking it to over 300,000 by 2031. This will increase pressure on the region to maintain the delicate balance of natural biodiversity and the lifestyle of the community. Climate change and its predicted effect on sea levels, coastal erosion and weather patterns poses an increasing pressure on the coastal environment, infrastructure and services contained in the region.

For more information and data on the SHOROC region visit www.shoroc.com and click on the community profile and economic profile pages.

Highlights & Good Value for Councils

Major outcomes from 2010/11

\$125 million for new hospital	To start construction on the Level 5 Hospital at Frenchs Forest by 2015 from NSW Government, plus retaining Mona Vale Hospital in a complementary role.
Major new BRT public transport feasibility study	Feasibility planning for Northern Beaches Bus Rapid Transit (BRT) system from NSW Government, plus commitments to road upgrades associated with the new Hospital.
\$322,449 direct savings to councils	Value for councils through cost and productivity savings in year one of the Efficiency and Cost Savings program, with new efficiency/cost saving projects underway (see far right page for more).
Strong partnership with NSW & Commonwealth MPs	Regular meetings with NSW Ministers and MPs Jillian Skinner MP, Brad Hazzard MP, Mike Baird MP, Rob Stokes MP and Jonathan O'Dea MP and Commonwealth MPs Tony Abbott MP and Bronwyn Bishop MP to discuss delivery of key infrastructure funding priorities for the region.
New regional strategies & indicators	Adoption of <i>Shaping Our Future</i> 'major infrastructure' strategy, <i>Shaping Our Sustainable Future</i> action plan and 'health of the region' indicators.
More collaborative governance	Establishment of Annual Councillor Forum and processes for Councillors involvement and input.
Collaboration, knowledge & resource sharing	Regular meetings of Mayors, Councillors, General Managers, Land Use Planning Directors, Strategic Planners and staff working on climate change, water cycle management, waste, procurement, HR, records management and State of the Environment reporting.
Further recognition of council leadership	Recognition of the Mayor-led <i>Shaping Our Future</i> campaign and leadership role of councils and SHOROC through positive media including articles and editorial in the Manly Daily (17), Mosman Daily (5), Sydney Morning Herald and on 7 TV News, ABC Radio News and Radio 2UE.

Key projects delivered

Stronger region (more on the following page)

- *Shaping Our Future* 'major infrastructure' strategy
- Advocacy campaign for health & transport funding
- *Shaping Our Sustainable Future* 'action plan'
- Health of the Region Indicators
- Historical Place Names Register
- Climate change inventory and collaboration
- Applying for grant funding opportunities
- Spatial Analysis Report to inform *Shaping Our Future*
- Regional State of the Environment Report 2009/10

Stronger councils (more on the far right page)

- 9 regional tenders and commencement of 7 projects as part of the Cost Savings and Efficiency Program
- Kimbriki Sub-Committee of Councillors & community
- Common Waste Collection investigation study
- Regional Household Waste Stream Audit
- SHORE Savings Innovation Challenge to identify innovative new projects
- 2010 LGMA Management Challenge

Stronger partnership

- Annual Councillor Forum held on 6 November 2010
- Governance review and updated policies
- Launched new website www.shoroc.com



A stronger region together – shaping our future

This year has seen major achievements in regional planning and advocacy by the SHOROC councils.

Shaping Our Future is the overarching integrated strategy for the SHOROC region. It has been developed by the four SHOROC councils to take the lead on the future of our region – an area of natural beauty where liveability and sustainability are highly valued by residents and visitors alike.

Shaping Our Future outlines the **infrastructure and policy priorities** so that councils can lobby with a united voice for investment, as well as bringing together **projects** that are more effectively or efficiently delivered in partnership by the councils. It responds to the NSW State Plan and Metropolitan Plan and outlines how the SHOROC councils will work together with other levels of government, business and the community to address critical challenges for the region, now and into the future.



We're already getting results, as outlined in the HIGHLIGHTS section to the left.

A united voice
getting results.



'Domains' of the SHOROC region



There are three key parts to the regional strategy:

PART 1 *Shaping Our Future*

(adopted Sept 2010) outlines major infrastructure priorities for the region including the need for investment in transport and health services.

PART 2 *Shaping Our Sustainable Future*

(adopted May 2011) outlines 27 projects the councils will deliver together to build a more sustainable future.

PART 3 *Shaping Our Future Way of Life*

(to be developed) will address matters that contribute to liveability.

The diagram to the left shows the three parts of *Shaping Our Future* and the five umbrella 'domains' that drive the priorities the councils are seeking to influence by working together.

A set of health of the regional indicators, or KPIs has been developed to set priorities under these key domains and to track our progress over time.

Value for councils through tendering, collaboration & shared services

SHOROC is continuing to work with our four partner councils through the Cost Saving and Efficiency Program. One year in and noteworthy savings have been achieved for councils

The Program has delivered \$322,449 in cost savings for councils which can be re-invested in continuing to deliver services for their communities. The savings to each council were:

- Manly Council: \$53,783.00
- Mosman Council: \$44,082.75
- Pittwater Council: \$66,049.75
- Warringah Council: \$158,534.00

Delivering shared services and joint tenders and projects on a regional scale is recognised as a way councils can more cost-effectively deliver high quality services for their communities whilst maintaining the 'local' in local government.

Improving council financial sustainability by getting results today & working toward council savings in excess of \$1,000,000 by 2014.

Key projects for 2010/11:

- **Joint tendering** – Big savings can be realised through joint tendering and 2010/11 saw delivery of 9 regional tenders. Key regional purchases this year included: Line marking and Signposting; Cash Collection; Stationery; Hygiene services; Hardware; Ready Mix Concrete and Traffic signage. The Procurement Working Group strategically reviewed council services to identify priority areas for cost efficiencies and how increases in productivity could be achieved.
- **Collaborative projects** – In 2011/12 a Regional Waste Stream Composition Audit was conducted and projects established focused on records digitization and storage, HR recruitment and training and compliance and certification.
- **Common waste collection** – Implementing a common residential waste collection system has the potential to achieve significant financial savings and improved environmental results. Councils have agreed a common collection system will be implemented by 2014 to build on the gains made through establishment of Kimbriki Environmental Enterprises (KEE), a council-owned shared service to sustainably manage the regional waste re-use and disposal at the Kimbriki Resource Recovery Centre at Terrey Hills. Consideration is also being given to whether the common collection service could be shared between some of the councils to provide even greater cost and efficiency savings.

Significant progress was made in 2010/11. SHOROC worked with council General Managers, waste staff and KEE to plan the project, analyse current and potential financial and service elements, and commissioned an investigation by independent waste experts into potential common waste collection systems. When completed the study will provide advice to councils on the optimal collection system for the councils and their communities. The analysis looks at a range of kerbside collection system configurations, takes into account the new Alternative Waste and Materials Recovery facilities being developed at Kimbriki and considers the environmental, economic and social impacts and influences of any change.



Financial report summary 2010/11

Full Independent Auditor's Report available at www.shoroc.com



SHOROC

Income and expenditure statement for the period ended 30 June 2011

ADMINISTRATION INCOME	2011 \$	2010 \$
Contributions from Members	403,837	310,265
Membership Fees	16	24
Interest Received	19,403	10,280
	423,256	320,569

ADMINISTRATION EXPENSES	2011 \$	2010 \$
Accountancy Fees	11,700	12,800
Annual Leave Expense	13,363	-
Bank Charges	250	234
Bookkeeping Services	993	3,039
Catering	1,877	1,369
Depreciation	3,494	3,159
Electricity	2,173	1,305
Insurance	5,593	5,691
Legal Costs	-	1,398
Postage	589	624
Printing	4,057	3,842
Rent	28,000	27,122
Repairs & Maintenance	1,204	2,217
Salaries & Wages	312,284	208,388
Seminars & Conferences	5,024	2,719
Office Supplies & Equipment	4,446	3,085
Staff Training & Welfare	2,721	13,038
Subscriptions	673	87
Superannuation Contributions	27,466	17,461
Telephone & Internet	4,053	3,961
Travelling Expenses	441	217
	430,401	311,756
Net Administration Income for the Year	(7,145)	8,813

PROJECT INCOME	2011 \$	2010 \$
General projects contribution	14,537	29,727
DECCW Sustainability grant	48,705	-
Waste management projects	27,504	54,674
Shaping Our Future	10,964	143,639
Regional waste audit	98,000	-
IGMA Management Challenge	7,264	9,400
Historical Place Names Register	1,247	-
Kimbriki Legal Fees	-	86,612
Seminars	-	4,018
Consultancy fees projects	-	1,425
Project Income for the Year	208,221	329,495

PROJECT EXPENSES	2011 \$	2010 \$
General projects expenditure	5,779	21,003
DECCW Sustainability grant	48,705	-
Waste management projects	27,504	54,674
Shaping Our Future	19,722	154,676
Regional waste audit	98,000	-
IGMA Management Challenge	7,264	9,459
Historical Place Names Register	1,247	-
Kimbriki Legal Fees	-	86,612
Seminars	-	3,071
Project Expenses for the Year	208,221	329,495
Net Project Income for the Year	-	-
Retained earnings at the beginning of the financial year	68,640	59,827
Retained earnings at the end of the financial year	61,495	68,640

Balance sheet as at 30 June 2011

ASSETS	2011 \$	2010 \$
CURRENT ASSETS		
Cash and cash equivalents	300,642	208,719
Trade and other receivables	20,335	2,838
Total current assets	320,977	211,557
Property, plant and equipment	6,530	8,464
Total non-current assets	6,530	8,464
Total assets	327,507	220,021

LIABILITIES	2011 \$	2010 \$
CURRENT LIABILITIES		
Trade and other payables	92,050	20,439
Income in advance	160,587	130,930
Provisions	13,363	-
Total current liabilities	266,000	151,369
Total liabilities	266,000	151,369
Net assets	61,507	68,652

EQUITY	2011 \$	2010 \$
Issued capital	12	12
Retained earnings	61,495	68,640
Total equity	61,507	68,652

A full financial report including accompanying notes is available online at www.shoroc.com

SHORE REGIONAL ORGANISATION OF COUNCILS INC

A.B.N. 49 221 846 263

**FINANCIAL REPORT
FOR THE YEAR ENDED
30 JUNE 2011**

SHORE REGIONAL ORGANISATION OF COUNCILS INC

A.B.N. 49 221 846 263

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SHORE REGIONAL ORGANISATION OF COUNCILS INC

INCOME AND EXPENDITURE STATEMENT
FOR THE PERIOD ENDED 30 JUNE 2011

	2011 \$	2010 \$
ADMINISTRATION INCOME		
Contributions from Members	403,837	310,265
Membership Fees	16	24
Interest Received	19,403	10,280
	<u>423,256</u>	<u>320,569</u>
ADMINISTRATION EXPENSES		
Accountancy Fees	11,700	12,800
Annual Leave Expense	13,363	-
Bank Charges	250	234
Bookkeeping Services	993	3,039
Catering	1,877	1,369
Depreciation	3,494	3,159
Electricity	2,173	1,305
Insurance	5,593	5,691
Legal Costs	-	1,398
Postage	589	624
Printing	4,057	3,842
Rent	28,000	27,122
Repairs & Maintenance	1,204	2,217
Salaries & Wages	312,284	208,388
Seminars & Conferences	5,024	2,719
Office Supplies & Equipment	4,446	3,085
Staff Training & Welfare	2,721	13,038
Subscriptions	673	87
Superannuation Contributions	27,466	17,461
Telephone & Internet	4,053	3,961
Travelling Expenses	441	217
	<u>430,401</u>	<u>311,756</u>
Net Administration Income for the Year	<u>(7,145)</u>	<u>8,813</u>

The accompanying notes form part of these financial statements

SHORE REGIONAL ORGANISATION OF COUNCILS INC

INCOME AND EXPENDITURE STATEMENT (CONTINUED)
FOR THE PERIOD ENDED 30 JUNE 2011

	2011	2010
	\$	\$
Net Administration Income for the Year	<u>(7,145)</u>	<u>8,813</u>
PROJECT INCOME		
General projects contribution	14,537	29,727
DECCW Sustainability grant	48,705	-
Waste management projects	27,504	54,674
Shaping Our Future	10,964	143,639
Regional waste audit	98,000	-
LGMA Management Challenge	7,264	9,400
Historical Place Names Register	1,247	-
Kimbriki Legal Fees	-	86,612
Seminars	-	4,018
Consultancy fees projects	-	1,425
	<u>208,221</u>	<u>329,495</u>
PROJECT EXPENSES		
General projects expenditure	5,779	21,003
DECCW Sustainability grant	48,705	-
Waste management projects	27,504	54,674
Shaping Our Future	19,722	154,676
Regional waste audit	98,000	-
LGMA Management Challenge	7,264	9,459
Historical Place Names Register	1,247	-
Kimbriki Legal Fees	-	86,612
Seminars	-	3,071
	<u>208,221</u>	<u>329,495</u>
Net Project Income for the Year	<u>-</u>	<u>-</u>
Retained earnings at the beginning of the financial year	68,640	59,827
Retained earnings at the end of the financial year	<u>61,495</u>	<u>68,640</u>

The accompanying notes form part of these financial statements

SHORE REGIONAL ORGANISATION OF COUNCILS INC

BALANCE SHEET
AS AT 30 JUNE 2011

	Note	2011 \$	2010 \$
ASSETS			
CURRENT ASSETS			
Cash and cash equivalents	2	300,642	208,719
Trade and other receivables	3	20,335	2,838
TOTAL CURRENT ASSETS		<u>320,977</u>	<u>211,557</u>
Property, plant and equipment	4	6,530	8,464
TOTAL NON-CURRENT ASSETS		<u>6,530</u>	<u>8,464</u>
TOTAL ASSETS		<u>327,507</u>	<u>220,021</u>
LIABILITIES			
CURRENT LIABILITIES			
Trade and other payables	5	92,050	20,439
Income in advance	6	160,587	130,930
Provisions	7	13,363	-
TOTAL CURRENT LIABILITIES		<u>266,000</u>	<u>151,369</u>
TOTAL LIABILITIES		<u>266,000</u>	<u>151,369</u>
NET ASSETS		<u>61,507</u>	<u>68,652</u>
EQUITY			
Issued capital	8	12	12
Retained earnings	9	61,495	68,640
TOTAL EQUITY		<u>61,507</u>	<u>68,652</u>

The accompanying notes form part of these financial statements

SHORE REGIONAL ORGANISATION OF COUNCILS INC

NOTES TO THE FINANCIAL STATEMENTS **FOR THE YEAR ENDED 30 JUNE 2011**

1 Statement of Significant Accounting Policies

This financial report is a special financial report prepared in order to satisfy the financial reporting requirements of the Associations Incorporation Act (New South Wales) 1984. The committee has determined that the Association is not a reporting entity.

The financial report is also prepared on an accruals basis and is based on historic costs and does not take into account changing money values or, except where specifically stated, current valuations of non-current assets.

The following specific accounting policies, which are consistent with the previous period unless otherwise stated, have been adopted in the preparation of this report:

Income Tax

The association is exempt from income tax.

Property, Plant and Equipment

Office equipment is carried at cost less, where applicable, any accumulated depreciation and amortisation. The depreciable amount of all assets are depreciated over the useful lives of the assets to the association commencing from the time the asset is held ready for use.

Leases

Lease payments for operating leases, where substantially all the risks and benefits remain with the lessor, are charged as expenses in the periods in which they are incurred.

Employee Benefits

Provision is made for the association's liability for employee benefits arising from services rendered by employees to the end of the reporting period. Employee benefits have been measured at the amounts expected to be paid when the liability is settled.

Provisions

Provisions are recognised when the association has a legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured. Provisions are measured at the best estimate of the amounts required to settle the obligation at the end of the reporting period.

SHORE REGIONAL ORGANISATION OF COUNCILS INC

NOTES TO THE FINANCIAL STATEMENTS **FOR THE YEAR ENDED 30 JUNE 2011**

1 Statement of Significant Accounting Policies (continued)

Cash and Cash Equivalents

Cash and cash equivalents includes cash on hand, deposits held at call with banks, and other short-term highly liquid investments with original maturities of three months or less.

Revenue and Other Income

Contribution from members is measured at the fair value of the consideration received or receivable. Interest revenue is recognised using the effective interest rate method, which for floating rate financial assets is the rate inherent in the instrument.

Grant and special project revenue is recognised in the income and expenditure statement when the entity obtains control of the income and it is probable that the economic benefits gained from the income will flow to the entity and the amount of the income can be measured reliably. If conditions are attached to the income which must be satisfied before it is eligible to receive the contribution, the recognition of the income as revenue will be deferred until those conditions are satisfied. When grant and special project revenue is received whereby the entity incurs an obligation to deliver economic value directly back to the contributor, this is considered a reciprocal transaction and the grant and special project revenue is recognised in the balance sheet as a liability until the service has been delivered to the contributor, otherwise the grant and special project revenue is recognised as income on receipt.

All revenue is stated net of the amount of goods and services tax (GST).

Change in disclosure of Income & Expenditure Statement

The Association has disclosed grant and special project revenue and related expenditure separately in the Income & Expenditure Statement. The comparative figures have been adjusted to conform with changes in presentation for the current financial year.

Goods and Services Tax (GST)

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO). Receivables and payables are stated inclusive of the amount of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with other receivables or payables in the balance sheet.

Trade and Other Payables

Trade and other payables represent the liability outstanding at the end of the reporting period for goods and services received by the company during the reporting period which remain unpaid. The balance is recognised as a current liability.

Comparatives

Where required by Accounting Standards, comparative figures have been adjusted to conform with changes in presentation for the current financial year.

SHORE REGIONAL ORGANISATION OF COUNCILS INC

NOTES TO THE FINANCIAL STATEMENTS
FOR THE PERIOD ENDED 30 JUNE 2011

	2011	2010
	\$	\$
2 Cash and Cash Equivalents		
Current		
Petty Cash	215	200
Cash at Bank	300,427	208,519
	<u>300,642</u>	<u>208,719</u>
3 Trade and Other Receivables		
Current		
Trade Debtors	15,648	2,388
Security Bonds Paid	450	450
GST	3,237	-
Sundry Debtors	1,000	-
	<u>20,335</u>	<u>2,838</u>
4 Property, Plant and Equipment		
Office Furniture & Equipment	18,992	18,034
Less: Accumulated Depreciation	<u>(12,462)</u>	<u>(9,570)</u>
	6,530	8,464
Total Plant and Equipment	<u>6,530</u>	<u>8,464</u>
Total Property, Plant and Equipment	<u>6,530</u>	<u>8,464</u>
5 Trade and Other Payables		
Current		
GST	-	129
Trade Creditors	92,050	20,310
	<u>92,050</u>	<u>20,439</u>

SHORE REGIONAL ORGANISATION OF COUNCILS INC

NOTES TO THE FINANCIAL STATEMENTS
FOR THE PERIOD ENDED 30 JUNE 2011

	2011	2010
	\$	\$
6 Income in Advance		
Current		
General provision	70,507	44,900
DECCW Grant Unspent	1,295	50,000
Strategic Plan Project	-	10,964
Kimbriki Project	150	150
Regional Waste Audit	55,550	-
Revolving Cost Savings Fund	24,007	-
Waste Management Levies Unspent	9,078	24,916
Total Funding for Special Projects	<u>160,587</u>	<u>130,930</u>
<p>The organisation receives funding from various sources for specific projects, activities and studies carried out for the benefit of member councils. As funding is received, or debtor invoices are raised, a liability is recorded in the accounts of SHOROC. Payments and creditor invoices relating to those projects are charged against the liability, thus reducing it.</p>		
7 Provisions		
Employee Entitlements	<u>13,363</u>	<u>-</u>
8 Issued Capital		
Members' Contribution	<u>12</u>	<u>12</u>
9 Retained Earnings		
Retained earnings at the beginning of the financial year	68,640	59,827
Net profit attributable to members of the association	<u>(7,145)</u>	<u>8,813</u>
Retained earnings at the end of the financial year	<u>61,495</u>	<u>68,640</u>

SHORE REGIONAL ORGANISATION OF COUNCILS INC

NOTES TO THE FINANCIAL STATEMENTS
FOR THE PERIOD ENDED 30 JUNE 2011

	2011	2010
	\$	\$
10 Lease Commitments		
Operating Lease Commitments		
Being for rent of office		
Payable – minimum lease payments:		
- not later than 12 months	29,380	29,380
- between 12 months and five years	63,657	93,037
- greater than five years	-	-
	<u>93,037</u>	<u>122,417</u>
<p>The property lease is a non-cancellable lease with a five-year term, with rent payable monthly in advance. Contingent rental provisions within the lease agreement require that the minimum lease payments shall be increased by the lower of the Consumer Price Index or 4% per annum from the second year of the lease. An option exists to renew the lease at the end of the five-year term for an additional term of five years.</p>		
11 Commitments		
Contractual commitments relating to the regional waste audit project	<u>88,000</u>	-

SHORE REGIONAL ORGANISATION OF COUNCILS INC

NOTES TO THE FINANCIAL STATEMENTS
FOR THE PERIOD ENDED 30 JUNE 2011

12 Sportsfield Project

In accordance with a resolution passed at the GMAC meeting of 1 August 2007, certain monies raised under the Manly Warringah Pittwater Sportsfields Improvement Fund Agreement (2 October 2000 – 2 October 2003) were transferred to SHOROC together with interest accrued until the date of transfer. These funds were deposited into an account styled in the name of "Shore Regional Organisation of Councils Inc (SHOROC) at call deposit". This account was referred to as the "Reserve Cheque Account" in the financial statements for the year ended 30 June 2007. As this account was dedicated to transactions relating to the sportsfield projects, it did not form part of the assets of SHOROC and hence is not included in the accompanying financial statements.

In accordance with the resolution passed at the Board meeting of 18 August 2010, all monies had been paid out to the respective Councils on 6 September 2010.

For the purpose of disclosure the following summary is provided:

	2011 \$	2010 \$
Opening Balance	75,928.91	13,521.77
Add: Interest earned	4,754.24	1,207.14
	<u>80,683.15</u>	<u>14,728.91</u>
Add: Receipts		
Transferred liability from SHOROC	549,290.92	61,200.00
	<u>549,290.92</u>	<u>62,200.00</u>
	629,974.07	75,928.91
Less: Payments		
To Pittwater Council	151,193.78	-
To Manly Council	107,095.59	-
To Warringah Council	371,684.70	-
	<u>629,974.07</u>	<u>-</u>
Balance at 30 June 2011	<u>-</u>	<u>75,928.91</u>

SHORE REGIONAL ORGANISATION OF COUNCILS INC

STATEMENT BY MEMBERS OF THE COMMITTEE

The committee has determined that the association is not a reporting entity and that this special purpose financial report should be prepared in accordance with the accounting policies outlined in Note 1 to the financial statements.

In the opinion of the committee the financial report as set out on pages 3 to 11:

1. Presents a true and fair view of the financial position of Shore Regional Organisation of Councils Inc as at 30 June 2011 and its performance for the year ended on that date.
2. At the date of this statement, there are reasonable grounds to believe that Shore Regional Organisation of Councils Inc will be able to pay its debts as and when they fall due.

This statement is made in accordance with a resolution of the Committee and is signed for and on behalf of the Committee by:

President: _____
H Rose

Treasurer: _____
M Ferguson

Dated this ____ day of _____ 2011

INDEPENDENT AUDITOR'S REPORT TO THE MEMBERS OF SHORE REGIONAL ORGANISATION OF COUNCILS INC

We have audited the accompanying financial report, being a special purpose financial report, of Shore Regional Organisation of Councils Inc (the association), which comprises the balance sheet as at 30 June 2011, the income and expenditure statement for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information, and the statement by members of the committee.

Committee's Responsibility for the Financial Report

The committee of Shore Regional Organisation of Councils Inc is responsible for the preparation of the financial report, and has determined that the basis of preparation described in Note 1 is appropriate to meet the requirements of the Associations Incorporation Act (New South Wales) 1984 and is appropriate to meet the needs of the members. The committee's responsibility also includes such internal control as the committee determines is necessary to enable the preparation of a financial report that is free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on the financial report based on our audit. We have conducted our audit in accordance with Australian Auditing Standards. Those standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the association's preparation of the financial report that gives a true and fair view, in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the association's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the committee, as well as evaluating the overall presentation of the financial report.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Independence

In conducting our audit, we have complied with the independence requirements of Australian professional ethical pronouncements.

**INDEPENDENT AUDITOR'S REPORT TO THE MEMBERS OF
SHORE REGIONAL ORGANISATION OF COUNCILS INC (continued)**

Auditor's Opinion

In our opinion, the financial report presents fairly, in all material respects, the financial position of Shore Regional Organisation of Councils Inc as at 30 June 2011 and its financial performance for the year then ended in accordance with the accounting policies described in Note 1 to the financial statements, and the Associations Incorporation Act (New South Wales) 1984.

Basis of Accounting and Restriction on Distribution

Without modifying our opinion, we draw attention to Note 1 to the financial report, which describes the basis of accounting. The financial report has been prepared to assist Shore Regional Organisation of Councils) Inc to meet the requirements of Associations Incorporation Act (New South Wales) 1984. As a result, the financial report may not be suitable for another purpose.

Jaques Stanmore Assurance Services Pty Ltd

Craig Stanmore
Partner

Suite 312, 20 Dale Street
Brookvale NSW 2100

Dated:

C10.12	Minutes of the Community Engagement, Information & Governance Reference Group Meeting of 23 November 2011
---------------	--

Meeting: Governance Committee

Date: 19 December 2011

STRATEGY: Business Management

ACTION: Maintain and Service Council's Range of Committees

PURPOSE OF REPORT

To present to Council for consideration, the Minutes of the Community Engagement, Information & Governance Reference Group Meeting held on 23 November 2011 (**Attachment 1**).

1.0 BACKGROUND

- 1.1 The Community Engagement, Information & Governance Reference Group has a primary role of assisting the Pittwater 2020 Strategic Plan process by critically analysing and reviewing the Strategic Goals aligned to leading an effective and collaborative Council and providing Reference Points for further consideration by Council.
- 1.2 The Community Engagement, Information & Governance Reference Group has previously established a priority order to eventually consider each of the aligned Strategic Goals and associated Key Direction Strategies.
- 1.3 At the meeting of 23 November, 2011 the Community Engagement, Information & Governance Reference Group considered the following Strategic Topics:

"Audit and Risk Committee"

"Overview of Natural Hazards Affecting Pittwater"

2.0 ISSUES

2.1 CEI 4.1: Audit & Risk Committee and Internal Audit function

Ms Lilian Whiteman, Council's Internal Auditor, provided a Discussion Paper and facilitated group discussion on this topic. The Reference Group gained a greater appreciation of the role of the Internal Auditor and the Audit & Risk Committee, and the initiatives put forward by the Reference Group will be further explored by Council and the Reference Group.

2.2 CEI 4.2: Natural Hazards in Pittwater and General Risk Management

Mr Chris Hunt, Director – Urban & Environmental Assets, provided a presentation on Natural Hazards in Pittwater.

The Reference Group gained a greater appreciation of the hazards affecting Pittwater and their risk management.

The Reference Group would like to further expand on this topic to consider community engagement and awareness of natural hazards.

2.3 General / Emerging Business:

- GIPA update
- Presentation on community engagement between Council and the community
- Number of Wards, number of Councillors and Council amalgamations.

3.0 SUSTAINABILITY ASSESSMENT

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

4.0 EXECUTIVE SUMMARY

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

- Audit and Risk Management
- Managing natural hazards affecting Pittwater

RECOMMENDATION

1. That the Minutes of the Community Engagement, Information & Governance Reference Group Meeting held 23 November 2011 be noted.
2. That the initiatives discussed in relation to:

- Audit and Risk Committee
- Natural Hazards affecting Pittwater

be taken into consideration when developing/updating Council's Delivery Plan and Strategic documents.

Report prepared by

Chris Hunt
DIRECTOR, URBAN & ENVIRONMENTAL ASSETS

Minutes

Community Engagement, Information & Governance Reference Group

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

23 November 2011

Commencing at 4.03pm



Attendance:

Cr Bob Grace, Chairperson

Community Group Representatives

Mr Gavin Butler, Newport Residents Association
Mr Graeme Crayford, Scotland Island Residents Association
Mr Roy Keeping, Pittwater Resident Representative
Ms Joy Purvis, West Pittwater Community Association
Mr Peter Middleton, Newport Residents Association
Mr Tony Tenney, Clareville and Bilgola Residents Association
Mr David Williams, Bayview-Church Point Residents Association

Council Advisors

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

COMMUNITY ENGAGEMENT, INFORMATION & GOVERNANCE REFERENCE GROUP MEETING

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1.0 Apologies

Apologies were received from the following members:

Mr Hans Carlborg, Pittwater Resident Representative
Ms Sarah Hatcher, Pittwater Resident Representative
Mr Storm Jacklin, Palm Beach and Whale Beach Association
Mr Bill Gye, Scotland Island Residents Association
Ms Brigitte Mahler-Mills, West Pittwater Community Association
Ms Gillian Clive, Pittwater Resident Representative
Ms Lynne Czinner, Peninsula Music Club
Mr John Gillham, Northern Beaches Community Services
Mr Graeme Jessup, Sustainability Pittwater

and leave of absence was granted from the Community Engagement, Information & Governance Reference Group Meeting held on 23 November 2011.

Notes:

1. The Scotland Island Residents Association nominated Mr Graeme Crayford as alternative for Mr Bill Gye.
2. The West Pittwater Community Association nominated Ms Joy Purvis as alternate for Ms Brigitte Mahler-Mills.

2.0 Declarations of Pecuniary Interest - Nil

3.0 Confirmation of Minutes

REFERENCE GROUP RECOMMENDATION

That the Minutes of the Community Engagement & Information Reference Group Meeting held on 24 August 2011, copies of which were circulated to all Reference Group Members, be and are hereby confirmed as a true and accurate record of the proceedings of that meeting.

(Mr Butler / Mr Williams)

4.0 Discussion Topics

CEI 4.1 Audit & Risk Committee

REFERENCE GROUP RECOMMENDATION

That the report and PowerPoint presentation on the Audit & Risk Committee and the Pittwater Council Internal Audit function be noted and that Ms Whiteman be thanked.

(Mr Butler / Mr Tenney)

Proceedings in Brief

Ms Lilian Whiteman, Internal Auditor, addressed the meeting on this item. A copy of the PowerPoint presentation on the Internal Audit function is attached for the information of those members who could not attend the meeting.

DISCUSSION:

Q: Do you have an agreed program for the year?

A: Yes, there is an annual Audit Plan that I work to.

Q: Is your independence guaranteed?

A: Yes, as well as direct reporting channels to the General Manager and Mayor, I also have protected disclosure reporting lines to ICAC, the Ombudsman and the Division of Local Government.

Q: If the Council entered into a joint venture with an outside body would an internal audit be carried out automatically?

A: In such an instance we might decide to hire external auditors, such as a probity specialist or someone with the necessary contract law expertise.

Q: Assuming that Council appointed a specialist probity auditor, would you automatically audit that external audit as well?

A: No, that would be doubling up. If an external consultant was hired to conduct a probity audit that report would be considered sufficient.

Q: What about financial risks? Would you look at Plans of Management, such as the one for Church Point, to assess the financial risk?

A: I work closely with the Principal Officer, Risk Management, on risk programs. Items of significant risk drive the audit program, and that includes financial and non-financial risk factors.

Q: The probity audit conducted on development applications (DA's) – are these on targeted DA's or is it a random selection?

- A:** It is not by sample selection. I automatically audit any DA lodged by a Council employee. I also performed an audit on the DA processes which did cover a random sample of DA's lodged by residents, developers, etc.
- Q:** The internal audit function seems a lot for one person. Does Council have sufficient capacity to cover everything required of you?
- A:** We still have external auditors who serve an important function and I can call on additional support if required. But this is a new function within Council and the level of resources does seem to be sufficient at present.
- Q:** Do you meet with the external auditors?
- A:** Yes, I have met with them a few times and we do share resources and duties.
- A:** Pittwater Council is highly regarded as being well run, but how independent is the role:
- are you an employee?
 - can you initiate areas of investigation?
 - is there any restriction on information by other employees?
- A:** I am an employee of Pittwater Council, and I have found the organisation to be very supportive of the Internal Audit function. If areas of concern arise during audits they are investigated – that is the purpose of auditing the procedures in the first place. I am not aware of any restrictions being placed on information available to me in the course of an audit. Should a potential conflict arise during the audit I would have to deal with it and there are avenues available to me to do this.
- Q:** Have you had experience at other councils or government departments?
- A:** My background includes the NSW Audit General's Office, Ernst & Young and Dee Why RSL.
- Q:** Is there any association to which Pittwater Council belongs?
- A:** The Local Government Association (LGA). The LGA advises councils on best practice guidelines on all aspects of local government including internal and external audit functions, GIPA and other legislative requirements.
- Q:** Are there prescribed procedures if you uncover something in the course of an audit and have to go outside Council to report it or seek advice?
- A:** I can go to the Mayor, the Ombudsman or ICAC, any of whom can act as an intermediary and/or resource. It depends on the seriousness of the situation, but in cases of corruption it would generally be the Ombudsman or ICAC.
- Q:** You have already completed a number of internal audits across business units. Can you just run through an example of an audit to demonstrate the process?

A: Example - Coastal Environment Centre Audit:

1. Draw up the audit plan, decide the procedures to be assessed and the audit objectives.
2. Brief the Business Unit Manager so s/he is aware of the scope and objectives. Seek input from the Manager as to areas of potential risk or concern.
3. Conduct interviews with staff members on specifics.
4. Analyse the information gathered – seek more information if required.
5. Discuss audit findings and recommendations for improvement with the Business Unit Manager and staff.
6. Agree on a timetable for implementation of those recommendations to be actioned.
7. Provide ongoing reports to the Audit & Risk Committee as recommendations are implemented, thus ensuring identified improvements are followed through.

Q: What is the scope of your role across Council?

A: I perform probity audits on DA's, and internal audits on all business units across Council. I have looked at the procedures for procurement, payroll, IT, Administration & Governance, Finance. I also look at the risk factors across the DA process, those affecting HR such as recruitment issues, and those affecting IT such as ensuring the procedures in place have sufficient controls and security to ensure adequate guards on Council and resident data / information.

Q: Does an audit assess employee performance?

A: I assess the performance of the business units, not specific employees. It might be necessary at times to undertake a special investigation of an individual, but it is not my role unless there is a specific issue of concern, such as suspected corruption, and I am instructed to investigate. Employee performance assessments are the responsibility of the Business Unit Manager and HR.

Q: Do you ever look at the risk to Council in the case of departing employees taking significant knowledge with them which could subsequently be used against Council?

A: This is considered within the internal audit function. Unfortunately, it is an ever present risk and not necessarily preventable.

Q: Do you audit budgets?

A: Budgets are the responsibility of Finance. We have external auditors who do a comprehensive annual audit of all aspects of Council's accounts.

Q: I have read a lot recently about the SHOROC shared waste system. Given that this would be a major investment for Council would you be involved in either the initial viability assessment or the agreements between Councils and Kimbriki?

A: No. Presumably the initial viability assessment would involve specialist consultants, and Council's solicitors would be involved at agreement stage. I do have an audit of Kimbriki scheduled, but that is within the three year plan so it's still some way off.

Q: What was involved in your audit of the Governance function?

A: Specifically in Governance I audited the Delegations of Authority and the Gifts & Benefits Register. The Administration & Governance Business Unit encompasses responsibility for the Council and Committee meetings, Information Management (Records), Customer Service, the Media Unit and GIPA.

Q: Do you audit GIPA – for instance reasons why Council might refuse an application?

A: No, the Principal Officer in Administration is responsible for public access to Council records.

- Q:** So is there anyone overseeing the Principal Officers assessments on whether or not information should be released?
- A:** I believe it is either released or withheld according to the GIPA legislation, but this is not my area.
- Q:** Doesn't the GIPA legislation prescribe that all information should be released in the public interest unless there are overriding reasons against that release?
- A:** The Chairperson responded that he believed this was correct, and suggested that the CEIG Reference Group revisit the report provided by the Manager, Administration & Governance which was presented to the meeting of 24 February 2010.

REFERENCE POINT:

- *That the Manager, Administration & Governance, be invited to attend the February 2012 meeting in order to update the members on GIPA legislation and procedures first presented at the meeting on 24 February 2010.*

CEI 4.2 Overview of Natural Hazards Affecting Pittwater

REFERENCE GROUP RECOMMENDATION

That the presentation by the Director – Urban & Environmental Assets be noted and that Mr Hunt be thanked for his presentation.

(Mr Williams / Mr Middleton)

Proceedings in Brief

Mr Chris Hunt, Director – Urban & Environmental Assets, addressed the meeting on this item. A copy of the PowerPoint presentation on Natural Hazards and General Risk Management is attached for the information of those members who could not attend the meeting.

DISCUSSION:

- Q:** Does Council alert property owners to the hazards on their property?
- A:** Yes. The extent of each hazard and the affectation are mapped and the affected properties identified. A section 149(2) notation is applied to each affected property stating the type of affectation. Any development on that property requiring a DA has to address the hazard(s) notated. Section 149 Certificates also advise future purchasers of a property of hazards. Climate change is likely to increase the extent and severity of the hazard. This may result in additional properties being identified through updated mapping and s149 notation.
- Q:** How does Council manage the hazard risk when developers put in underground garages in low lying areas?
- A:** The assessment of the development application would address the excavation issues and a Geotechnical Engineer's report would have to be provided with the application if there is a significant excavation planned.

If the property is flood prone the crest of the driveway leading to the underground carpark has to be at a specified level to present a barrier to inundation. For most developments this is the FPL however for some classes of development, such as nursing homes, the PMF is required. The developers would also have to demonstrate that sufficient egress points to 'higher ground' exist to enable escape in the event of basement flooding.

Q: In Council's Geotechnical Policy we now only have notations for H1 and H2 affected properties – removing the H3 category as requiring a Geotechnical Report with a DA - but did we change the likelihood of actual risks on the matrix?

A: The Geotechnical Consulting firm to Council based their susceptibility mapping on AGS 2000 and as such Category H3 was not intended to be part of the DA requirement. AGS 2007 amended the risk matrix and as such the consultant deemed that H3 would need to be included to achieve the requirement of a Low Geotechnical Risk outcome as required by Council.

A subsequent peer review by another geotechnical consulting firm and following consideration by Council as to what would constitute a tolerable risk for H3 resolved that the H3 affectation not require specific geotechnical consideration as part of the DA assessment process.

Because DAs are specific to each property and the extent of site modification can affect not only the subject property but also properties that are upslope, downslope and to the sides, site specific geotechnical appraisals and analyses are required for H1 & H2 properties.

For all developments that involve deeper excavation or have poor foundation soils a geotechnical assessment is also required. This extends to properties in coastal headland locations that are also identified through coastal hazard mapping.

5.0 General / Emerging Business

Mr Gavin Butler:

What assessment processes are in place in cases of refusals to Formal GIPA applications?

- This issue to be addressed by the Manager, Administration & Governance, in the GIPA update report which is being brought to the next meeting.

Mr Peter Middleton:

Mr Middleton is to give a 10 minute presentation at the next meeting:

- That the core philosophy and environment for communication between Pittwater Council and the communities be reviewed and discussed, with a view to encouraging and enhancing ease and openness of information exchange.

Mr Roy Keeping:

That at the next meeting the Reference Group members discuss:

- The number of wards and number of Councillors.
- Discussion surrounding Council amalgamations.

Changes to Mona Vale Road

- this item is currently being addressed by the PIBE Reference Group.

6.0 Next Meeting

The next meeting of the Community Engagement & Information Reference Group Committee is scheduled to be held on 22 February 2012.

The subjects under discussion will be:

- *An update from the Manager, Administration & Governance, on GIPA legislation and procedures first presented at the meeting on 24 February 2010.*
- *The assessment procedure in place to determine refusals of Formal GIPA applications.*
- *Mr Middleton is to present a short 10 minute presentation – that the core philosophy and environment for communication between Pittwater Council and the communities be reviewed and discussed, with a view to encouraging and enhancing ease and openness of information exchange.*
- *The number of wards*
- *The number of councillors*
- *Council amalgamations*

**There being no further business
the meeting closed at 5.32pm on
Wednesday, 23 November, 2011**

Planning an Integrated Built Environment Committee

11.0 Planning an Integrated Built Environment Committee Business

C11.1	N0482/10 - S82A Review of Determination - 223 Plateau Road Bilgola - 3 storey shop top housing development over 2 level basement parking
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Meeting: Planning an Integrated Built Environment Committee

Date: 19 December 2011

STRATEGY: Land Use and Development

ACTION: Provide an effective development assessment and determination process

PURPOSE OF REPORT

To inform the Committee of the Development Unit's recommendation following consideration of Development Application N0482/10 for a S82A Review of Determination of a 3 storey shop top housing development over 2 level basement parking at 223 Plateau Road, Bilgola.

1.0 BACKGROUND

- 1.1 The Development Unit, at its meeting held on Thursday, 8 December 2011 considered the Development Officer's report (Attachment 1) for determination of Development Application N0482/10 for a S82A Review of Determination of a 3 storey shop top housing development over 2 level basement parking at 223 Plateau Road, Bilgola.

2.0 REASON FOR REFERRAL TO COUNCIL

- 2.1 All section 82A reviews previously determined by the Development Unit are to be referred to Council for final determination.

3.0 DEVELOPMENT UNIT DELIBERATIONS

- 3.1 Four objectors and the applicant's consultant addressed the Development Unit on this matter. The objectors raised concerns relating to pedestrian access along the frontage of the development, increased traffic movements, parking, vegetation removal from the site, noise from vehicles delivering to the shops and from the air conditioning units, waste collection, overdevelopment of the site, and that the development was out of character for Bilgola. The applicant's consultant advised the Unit that amendments had been made to address issues raised previously and requested deletion of conditions C4 and B21 of the Draft Consent. He also requested an amended wording to the consent to reflect his client's intention to strata the development.
- 3.2 The Development Unit considered the issues raised by the objectors and felt that those issues had been satisfactorily addressed in the assessing officers report and appropriately conditioned.
- 3.3 The Development Unit resolved to support the Assessing Officer's report and recommendation for approval subject to some amended conditions and wording of the Consent

4.0 ISSUES

- Refer to Item 3 in the assessing Officer's report

5.0 SUSTAINABILITY ASSESSMENT

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

6.0 EXECUTIVE SUMMARY

- 6.1 The application was considered by the Development Unit at its meeting held on the 8 December 2011 and after hearing from the objectors and the applicant's consultant endorsed the Assessing Officer's recommendation for approval subject to some amended conditions and wording to the consent to address the applicants intention to strata the units.

RECOMMENDATION

That the recommendation in the Development Officer's Report be endorsed and Application N0482/10 - S82A Review of Determination - 223 Plateau Road, Bilgola Plateau (Lot 336 DP16327) for a 3 storey shop top housing development over 2 level basement parking be granted Development consent subject to the conditions contained in the Draft Determination and the following amendments and additional condition of consent:

Amendment to Draft Determination

3 Storey shop top housing development over 2 level basement parking and Strata Sub division.

Amended Condition of Consent D25

Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must give the owner **and Council** of the adjoining property at **least** seven (7) days written notice of their intention to excavate below the level of the base of the footing and furnish the adjoining property owner with particulars of the proposed work.

Additional Condition of Consent F4

The Strata Sub Division of individual car parking spaces for the non residential component is not permitted by this consent.

Report prepared by

Warwick Lawrence
DEVELOPMENT UNIT CHAIRMAN
MANAGER, ADMINISTRATION AND GOVERNANCE

SUBJECT: N0482/10 - S82A Review of Determination - 223 Plateau Road, Bilgola (Lot 336 DP16327) 3 storey shop top housing development over 2 level basement parking

Determination Level:

Development Unit

Date: 8 December 2011

**SUMMARY OF RECOMMENDATION
CONSENT WITH CONDITIONS**

REPORT PREPARED BY: Amy Allen
APPLICATION SUBMITTED ON: 12 September 2011
APPLICATION SUBMITTED BY: MERLIN FINANCIAL SOLUTIONS PTY LTD
42 HILLCREST AVE
MONA VALE 2103

OWNER(S): MERLIN FINANCIAL SOLUTIONS PTY LTD (Own)

1.0 DEVELOPMENT CONTROLS

The following planning and legislative framework applies to the proposed development:

State Legislation

- Environmental Planning and Assessment Act, 1979, as amended ('EP&A Act')
- Environmental Planning and Assessment Regulation, 2000, as amended ('EPA Regulation')

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 Buildings ('SEPP 65')
- Residential Flat Design Code ('RFDC')
- State Environmental Planning Policy (Building Sustainability Index: BASIX) ('SEPP BASIX')
- Draft State Environmental Planning Policy (Competition) 2010

Local Environmental Plans and Policies

- Pittwater Local Environmental Plan 1993 ('PLEP')

The subject site is zoned 3(c) Neighbourhood Business under Clause 9 of PLEP. The Site is identified on the Shop Top Housing Map and pursuant to Clause 21O of PLEP Shop Top Housing is permissible on the site with consent.

- Pittwater 21 Development Control Plan (Amendment No.6) ('PDCP')

2.0 NOTIFICATIONS

Twenty One (21) property owners were notified from the 22 September 2011 to 24 October 2011. As a result of the notification period, five (5) submissions were received with some objectors submitting multiple objections.

3.0 SECTION 82A PROVISIONS

The application has been lodged under the provisions of Section 82A of the EP&A Act. In considering the application the following requirements under Section 82A are noted:

- The original development application was not designated development, integrated development or a Crown application and therefore, the decision can be reviewed under Section 82A(1).
- The development application was refused on 16 August 2011 and the application for Review of Determination was lodged on the 12 September 2011. This is within the 6 month time period for lodging an appeal and therefore Council must conduct a review under Section 82A(2).
- The application for a review of determination has made amendments to the development described in the original application. The Section 82A proposal differs as follows:

Level 1

- Deletion of 1 car space (accessible)
- Enlargement of storage area

Level 2

- Deletion of 2 car spaces (1 accessible)
- Addition of a goods lift
- Minor adjustment to configuration of retail waste room and storage area

Level 3

- Reduced retail area from 470m² to 437m²
- Addition of a goods lift
- Change to alignment of driveway to Grandview Drive
- Change to the pedestrian pathway along the Grandview Drive frontage
- Greater setback to building on the Plateau Rd frontage (was 3.5m now 6m) and subsequent increase in area for pedestrian pathway and commercial forecourt

Level 4

- Portion of awning parallel to Plateau Rd deleted
- Unit 2 terrace slightly reduced in length
- Awning parallel to Grandview Drive extended
- Increased setback to Unit 5 to the southern boundary
- Unit 5 living area and bedrooms slightly extended

Landscape Plan

- Additional area of street planting between the driveway and right of way to the east
- Deletion of landscaped area to the south of units 1 and 5
- Change to configuration of pedestrian pathway along Grandview Drive frontage
- Additional street trees along the Plateau Rd frontage

The proposal is for shop top housing and the original design has been modified in providing an increased setback to the ground level, reduction in retail floor area, changes to basement area, improved pedestrian access and changes to landscaped areas to address some issues raised with the original application. The proposal is for shop top housing and is considered to be substantially the same development as was considered in the original application.

- The application for Review of Determination was notified to adjoining property owners from the 22 September 2011 to 24 October 2011 in accordance with Council's notification policy. Submissions received within this period have been considered and addressed elsewhere in this report.
- The determination of the original application was made by a delegate of the council (the Development Unit) and therefore the review determination must be undertaken by the Planning and Integrated Built Environment Committee.

4.0 ISSUES

- REFUSAL REASON 1 - B4.6 Wildlife Corridors
- REFUSAL REASON 2 - C1.1 Landscaping
- REFUSAL REASON 3 – 3.6 State Environment Planning Policies (SEPPs) and Sydney Regional Environmental Policies (SREPs)
- REFUSAL REASON 4 - B2.6 Dwelling Density and Subdivision
- REFUSAL REASON 5 - C2.1 Landscaping
- REFUSAL REASON 6 - C2.2 Safety and Security
- REFUSAL REASON 7 - C2.22 Plant, Equipment Boxes and Lift Over-Run
- REFUSAL REASON 8 - D3.1 Character as viewed from a public place
- REFUSAL REASON 9 - D3.2 Scenic Protection – General
- REFUSAL REASON 10 - D3.4 Height – General
- REFUSAL REASON 11 - D3.6 Front Building Line
- REFUSAL REASON 12 - D3.7 Side and Rear Building Line
- REFUSAL REASON 13 - B8.5 Construction and Demolition – Works in the Public Domain
- REFUSAL REASON 14 - A4.2 Desired future character for the Bilgola Locality
- REFUSAL REASON 15 - C1.5 Visual Privacy
- REFUSAL REASON 16 – 79C Public interest
- 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
- B8.1 Construction and Demolition - Excavation and Landfill
- A1.7 Considerations before consent is granted
- C1.4 Solar Access

5.0 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		An objection has raised concern over the potential increased stormwater runoff from the site. The development is required to provide on-site stormwater detention. Council's Development Engineer has raised no objection to the development in relation to this issue.	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		Concern has been raised regarding the location of the driveway and pedestrian safety. The access driveway has been realigned to be 90° to Grandview Drive, improving sight lines and pedestrian safety.	Y	Y	N
B6.4 Internal Driveways - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy			Y	Y	Y
B6.6 Off-Street Vehicle Parking Requirements - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy	Council's required minimum off-street parking for the proposed development is 2 spaces for 2-3 bedroom units and 1 space for 1 bed units with 1 visitor space per 3 units rounded up. For the commercial floor space, the minimum requirement is 2.5 spaces per 100sqm (Gross Leasable Area) as well as provision for deliveries.	The proposal has been amended to reduce the total parking spaces from 34 to 29. This is to account for the reduction in retail floor area, provision of a lift and additional storage areas in the basement levels. The proposed parking configuration is:	Y	Y	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 (Cont'd)	<p>Accessible parking is required at the rate of 3% of required parking with a minimum of 1 space.</p> <p>Based on the proposed development of 1 x 2 bedroom unit and 4 x 3 bedroom units and 437m² of retail floor space, this would necessitate a total of 10 resident spaces with 2 visitor parking spaces.</p> <p>For the commercial component, this would require a minimum of 11 spaces with 1 delivery space and at least a total of 1 disabled car space.</p> <p>Therefore, a minimum total of 23 car spaces, including 1 disabled space and an additional space for loading/unloading would be required to service the proposed development.</p>	<p><u>Level 1</u> 18 residential spaces (including 2 visitor spaces and 2 accessible spaces for the adaptable dwellings)</p> <p><u>Level 2</u> 11 retail spaces (including an accessible space and delivery space)</p> <p>Concern has been raised regarding the lack of parking provided.</p> <p>See discussion under the relevant heading later in this report.</p>			
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		<p>Objections raise concern that the Plateau Road and Grandview Drive road system is already inadequate and that the additional traffic generated by this development would exacerbate an already unsatisfactory situation.</p> <p>See discussion under the relevant heading later in this report.</p>	Y	Y	N
B8.1 Construction and Demolition - Excavation and Landfill		<p>Concern has been raised by neighbouring properties relating to the potential damage to private property from the excavation works.</p> <p>See discussion under the relevant heading later in this report.</p>	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			-	-	-

Control	Standard	Proposal	T	O	N
B8.5 Construction and Demolition - Works in the Public Domain	All works undertaken within the public road reserve must be protected in a manner to ensure pedestrian and vehicular safety at all times.	The proposed works in the public domain have been amended to address issues raised in the original application. The amendments are discussed in detail under the relevant headings later in this report.	Y	Y	Y
B8.6 Construction and Demolition - Traffic Management Plan			Y	Y	Y
REF - Health					
B5.2 Wastewater Disposal			Y	Y	Y
B5.3 Greywater Reuse			-	-	-
C2.10 Pollution Control			Y	Y	Y
REF - Natural Resources					
B1.4 Aboriginal Heritage Significance			Y	Y	Y
B3.5 Acid Sulphate Soils			Y	Y	Y
B4.6 Wildlife Corridors		Council's Natural Resource Officer has provided comments on the amended application. Objections maintain concerns relating to the excessive tree loss and affect on local fauna habitat. See discussion under the relevant heading later in this report.	N	Y	N
C1.1 Landscaping		Council's natural resource officer has provided comments on the amended application. Objections maintain concerns relating to the excessive tree loss. See discussion under the relevant heading later in this report.	N	Y	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
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

Control	Standard	Proposal	T	O	N
3.6 State Environment Planning Policies (SEPPs) and Sydney Regional Environmental Policies (SREPs)	SEPP 65 - Design Quality of Residential Flat Buildings applies to the development as it is 3 storeys in height.	The amended application has been considered under the provisions of SEPP 65. See discussion under the relevant heading later in this report.	Y	Y	N
4.7 Integrated Development - Roads			Y	Y	Y
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)			-	-	-
6.2 Section 94 Contributions - Open Space Bushland and Recreation	Section 94 Contribution for Open Space = 5 x \$9,000 = \$45,000		Y	Y	Y
6.3 Section 94 Contributions - Public Library Services	Section 94 Contribution for Public Library Services = 5 x \$2,000 = \$10,000		Y	Y	Y
6.4 Section 94 Contributions - Community Service Facilities	Section 94 Community Service Contribution = 5 x \$3,500 = \$17,500		Y	Y	Y
6.5 Section 94 Contributions - Village Streetscapes	Section 94 Village Streetscape Contribution = 5 x \$5,000 = \$25,000		Y	Y	Y
A1.7 Considerations before consent is granted		Further issues raised in objections that are not addressed under specific controls are considered under this heading later in this report.	Y	Y	N
B1.3 Heritage Conservation - General	The site has not been identified as containing a heritage item or being within the vicinity of a heritage item.		-	-	-
B2.6 Dwelling Density and Subdivision - Shop-Top Housing	The commercial/retail component must be a minimum of 25% of the gross floor area. The proposed GFA is 1339m ² therefore the minimum GLA required is 335m ² . Shop-top housing shall not have a density greater than 1 dwelling per 150m ² of site area. If subdivision is proposed, appropriate allocations of parking are to be within the same strata lots as units they serve and landscaping and other common areas must be allocated as common property.	The amendments to the original application include a reduction in retail floor space. The proposed GLA is 437m ² . The proposal complies with the technical aspects of this control. A draft strata plan has not been submitted. See discussion under the relevant heading later in this report.	Y	Y	Y
B3.6 Contaminated Land and Potentially Contaminated Land			Y	Y	Y
B5.1 Water Management Plan			Y	Y	Y

Control	Standard	Proposal	T	O	N
B5.2 Wastewater Disposal			-	-	-
B5.3 Greywater Reuse			-	-	-
B5.12 Stormwater Drainage Systems and Natural Watercourses			-	-	-
C1.4 Solar Access		<p>Concern was raised regarding the impact of the development on solar access to nearby residential properties.</p> <p>See discussion under the relevant heading later in this report.</p>	Y	Y	N
C1.5 Visual Privacy		<p>Concern has been raised regarding the potential privacy impacts of the development on surrounding dwellings.</p> <p>See discussion under the relevant heading later in this report.</p>	Y	Y	N
C1.6 Acoustic Privacy		<p>Concern has been raised regarding the noise impacts of the development.</p> <p>It is not considered that the development would generate what would be considered to be unreasonable noise levels.</p>	Y	Y	N
C1.7 Private Open Space			Y	Y	Y
C1.9 Adaptable Housing and Accessibility			Y	Y	Y
C1.10 Building Facades			Y	Y	Y
C1.12 Waste and Recycling Facilities		<p>Concern has been raised regarding the method of garbage disposal and bin collection. The development incorporates separate residential and retail waste rooms in the basement. Garbage collection in these developments is usually undertaken by smaller trucks or contractors that enter the development site.</p> <p>Further concern has been raised regarding the current use of the road reserve for bin collection. The road reserve will incorporate paved and grassed areas where bins from other premises could be located.</p>	Y	Y	N
C1.14 Separately Accessible Structures			-	-	-
C1.15 Storage Facilities			Y	Y	Y
C1.18 Car/Vehicle/Boat Wash Bays			-	-	-

Control	Standard	Proposal	T	O	N
C1.19 Incline Passenger Lifts and Stairways			-	-	-
C1.23 Eaves			Y	Y	Y
C2.1 Landscaping		Amendments have been made to the landscaping scheme and works in the public domain. Objections maintain concerns relating to the excessive tree loss. See discussion under the relevant heading later in this report.	N	Y	N
C2.2 Safety and Security		Concern has been raised regarding the potential for antisocial behaviour on the site and the safety of pedestrians and neighbours. See discussion under the relevant heading later in this report.	Y	Y	N
C2.3 Awnings			Y	Y	Y
C2.5 View Sharing			-	-	-
C2.11 Business Identification Signs			-	-	-
C2.12 Protection of Residential Amenity		Objections raise concern over the impact of the development on the amenity of nearby dwellings. This issue is discussed in more detail under Sections C1.4 and C1.5 of this report.	Y	Y	N
C2.16 Undergrounding of Utility Services			Y	Y	Y
C2.20 Public Road Reserve - Landscaping and Infrastructure		Council's natural resource officer has provided comments on the amended application. See discussion under section B4.6 and C1.1 later in this report.	N	Y	Y
C2.22 Plant, Equipment Boxes and Lift Over-Run	The lift overrun is to be integrated internally into the design fabric of the built form of the building.	The proposed lift over run does not comply with this control as it protrudes from the flat roof by 800mm and exceeds the height limit. See discussion under the relevant heading later in this report.	N	Y	Y
D3.1 Character as viewed from a public place		Concern has been raised in objections regarding the impact of the development on the streetscape, the inconsistency of the development with surrounding buildings and the unacceptable relationship of the development with the public domain. See discussion under the relevant heading later in this report.	N	Y	N

Control	Standard	Proposal	T	O	N
D3.2 Scenic protection - General		<p>Concern has been raised in objections regarding the impact of the development on the natural environment.</p> <p>See discussion under the relevant heading later in this report.</p>	N	Y	N
D3.3 Building colours and materials			Y	Y	Y
D3.4 Height - General	The maximum permitted building height is 8.5m.	<p>Maximum height from NGL:</p> <ul style="list-style-type: none"> • Lift Over Run – 9.57m • Roof – 9.32m (occurs in SE corner) <p>The proposed maximum height of the development does not comply with the control.</p> <p>Concern has been raised in objections regarding the height of the development.</p> <p>See discussion under the relevant heading later in this report.</p>	N	Y	N
D3.6 Front building line	The minimum front building line for the development is 3.5m.	<p><u>Level 3</u></p> <p>Plateau Road – 6.08m Grandview Drive – 3.5m</p> <p><u>Level 4</u></p> <p>Plateau Road – 3.5m Grandview Drive – 3.5m</p> <p><u>Level 5</u></p> <p>Plateau Road – 6m Grandview Drive – 5.5m – 8m</p> <p>The amended proposal complies with the minimum numerical requirement of this control.</p> <p>The amendments to the proposal have been discussed under the relevant heading later in this report.</p>	Y	Y	Y
D3.7 Side and rear building line	<p>Eastern setback – 3m</p> <p>Northern setback - Nil</p>	<p><u>Eastern setback</u></p> <p>Level 3 – 3m Level 4 – 1.7m to 3m Level 5 – 1.7m to 3m to 10.8m</p> <p><u>Northern setback</u> – Nil</p>	N	Y	N

Control	Standard	Proposal	T	O	N
D3.7 Side and rear building line (Cont'd)		Concern has been raised regarding the eastern setback of the development. The amendments to the proposal have been discussed under the relevant heading later in this report.			
D3.12 Fences - General			-	-	-
SEPP (Building Sustainability Index: BASIX) 2004			Y	Y	Y
Other State Environmental Planning Policies (SEPPs)			-	-	-

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

Complied by Gordon Edgar in August 2011

Amended by Amy Allen in November 2011

6.0 SITE DETAILS

The subject site is known as 223 Plateau Road, Bilgola Plateau. The legal description of the land is Lot 336, 337 and 338 in DP 16327. The Site is located on the eastern corner of Plateau Road and Grandview Parade.

The Site is wedge-shaped with a frontage of 16.13m to Plateau Road and a frontage of 38.6m to Grandview Parade. The Site has a total area of 862.8m². The Site is currently vacant. It appears to be used as an informal car parking area with part of its area covered in gravel. There are a total of 17 trees on the Site. All of them are native trees and they vary in height from 6m to 20m. Species include 9 x Red Bloodwoods, 7 x Sydney Red Gums and 1 x Scribbly Gum.

On the Grandview Drive road reserve immediately adjacent to the Site there are an additional 7 native trees including 4 x Sydney Red Gums and 3 x Red Bloodwoods. The Site slopes gently with a total fall of about 1m from the low point at the rear north-east corner to the north-west corner fronting Plateau Road.

Development in Plateau Road is characterised by 1 and 2 storey shop buildings and dwellings. Development in Grandview Drive is characterised by one and two storey dwellings. Adjoining the Site to the north is 215 Plateau Road, which contains a part 1 / part 2 storey brick shop building with a residence on the first floor. Adjoining the Site to the rear is a Right of Way approximately 3.6m wide. On the opposite side of the Right of Way from the site is 162 Grandview Drive, containing a 2 storey dwelling-house.

The neighbourhood shopping strip where the Site is located occupies Plateau Road at its junction with Grandview Drive. This small centre consists of 3 two storey shop buildings built with nil side setbacks and with consistently aligned front elevations. The front building setback of these existing buildings includes a 5m wide footpath area with outdoor dining associated with the café at the far north-eastern end. Other elements in the footpath area include small street trees, a public bin and an Australia Post postal box. The subject site makes up the far south-western end of this neighbourhood centre, including the corner of Grandview Drive and Plateau Road. 90 degree angle street parking is located along the Plateau Road frontage to this neighbourhood shopping strip.

7.0 PROPOSAL IN DETAIL

The applicant seeks consent for the following development:

- 3 storey shop top housing development comprising of:
 - 437m² of commercial/retail floor space
 - 4 x 3 Bedroom units and 1 x 2 Bedroom + study unit
- Two levels of basement carparking (total 32 car spaces), comprising of:
 - 18 spaces on Level 1 for residential purposes (inclusive of 4 car spaces in a double car stacker)
 - 11 spaces on Level 2 to service the retail floor (inclusive of 1 accessible space and 1 delivery space)
 - Waste garbage rooms
 - Lockable storage areas
 - Electrical, storage and plant rooms
 - Accessible WC
- Associated public domain and landscaping works including tree removal

8.0 BACKGROUND

Development application N0482/10 for 3 storey shop top housing development over 2 level basement parking was lodged on 19 August 2010. The Development Application was refused on the 16 August 2011 under delegated authority of the Development Unit for the following reasons:

1. *The development fails to satisfy the controls of Section B4.6 'Wildlife Corridors' of Pittwater 21 DCP due to an excessive canopy tree loss and inadequate replacement planting.*
2. *The proposal fails to comply with the controls and fails to satisfy the outcomes of Section C1.1 'Landscaping' of Pittwater 21 DCP due to an inadequate provision of landscaping associated with the residential use, the excessive canopy tree loss and inadequate replacement planting, the unsatisfactory treatment of the public domain and inadequate landscaping within the boundaries of the subject site.*
3. *The development does not adequately respond to Design Quality Principles 1, 2, 3, 6, 8, 9 and 10 of SEPP 65.*
4. *No draft plan of strata subdivision has been submitted with the development application. Consequently, the application has failed to demonstrate compliance with the requirements of Section B2.6 'Dwelling Density and Subdivision' of Pittwater 21 DCP.*
5. *The development does not comply with the applicable controls in Section C2.1 'Landscaping' of Pittwater 21 DCP nor does it satisfy the underlying outcomes of these controls.*
6. *The development does not comply with the controls and outcomes of Section C2.2 'Safety and Security' of Pittwater 21 DCP.*
7. *The proposal fails to comply with the requirements of Section C2.22 'Plant, Equipment Boxes and Lift Over-Run' of Pittwater 21 DCP.*
8. *The development does not comply with the controls and outcomes of Section D3.1 'Character as viewed from a public place' of Pittwater 21 DCP.*

9. *The development is not consistent with the controls and outcomes of Section D3.2 'Scenic Protection – General' of Pittwater 21 DCP.*
10. *The development does not comply with the maximum building height control and does not satisfy the underlying outcomes of Section D3.4 'Height – General' of Pittwater 21 DCP.*
11. *The development fails to satisfy the outcomes of D3.6 'Front Building Line' of Pittwater 21 DCP and fails to properly relate to established shopfront building setbacks of adjacent existing development on Plateau Road.*
12. *The development fails to adequately address the outcomes of Section D3.7 'Side and Rear Building Line' of Pittwater 21 DCP due to insufficient setbacks of the upper residential levels to the eastern boundary with the adjacent Right of Way and the adjoining Residential 2(a) zone.*
13. *The development does not comply with the controls of Section B8.5 'Construction and Demolition – Works in the Public Domain'.*
14. *The development is not consistent with the desired future character for the Bilgola Locality contained in Section A4.2 of Pittwater 21 DCP.*
15. *The development is likely to cause unacceptable privacy impacts on surrounding residential properties and would not comply with the controls of C1.5 'Visual Privacy' of Pittwater 21 DCP.*
16. *The development would not be in the public interest.*

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

The application of SEPP NO. 1 is not required.

10.0 EXISTING USE RIGHTS

Does the proposal rely on Existing Use Rights? No

11.0 DISCUSSION OF ISSUES

In undertaking a review of the determination, the reasons for refusal and affect of the proposed amendments are addressed in this section of the report. For reference, the original assessment has been included under each control identified by a shaded table. If any additional non compliances or issues arise from the amendments or further concerns are raised in public submissions they are also addressed in this section of the report.

- **REFUSAL REASON 1 - The development fails to satisfy the controls of Section B4.6 'Wildlife Corridors' of Pittwater 21 DCP due to an excessive canopy tree loss and inadequate replacement planting.**

ORIGINAL ASSESSMENT

Concern has been raised in objections regarding the excessive tree removal proposed. All of the 17 existing native trees on the site, as well as 2 trees in the public road reserve are proposed to be removed. Many of these trees are locally native species and some of them are highly visually significant. Council's Natural Resources Officer has advised the following:

"The property contains a modified landscape which has minimal understorey vegetation however contains a number of locally native remnant canopy trees. The site is currently vacant and used as an informal carpark for the adjacent retail premises. The proposed works involve construction of a shop top housing development consisting of retail/commercial space on the ground floor with 4 x 3 bedroom and 2 x 2 bedroom units over two upper levels and basement carparking for 31 vehicles. The site contains canopy trees but it is not recognised as an endangered ecological community or likely to provide core habitat for listed threatened species. Therefore, a Flora and Fauna Report is not deemed to be necessary.

An arborist report (Urban Forestry Australia August 2010) has been provided which assesses 24 trees, 17 of which are on the subject site and seven (7) are located in the Grandview Drive road reserve. All trees assessed are locally native and of these, five (5) are considered to be significant based on physical and ecological criteria. The entire group of trees has high visual amenity and landscape significance, as outlined in the report. Due to the large site coverage and scale of excavation required to construct the proposed underground carpark, the proposal will result in the removal of all 17 trees onsite including Tree 17 which is a highly significant tree. Tree 17 however has a number of defects including decay at the base of the trunk, at least two visible bracket fungi growing on large scaffolds and a number of wounds and deadwood in the canopy. It has been determined to have a ULE rating of 4C (removal in the short term). The tree is however also rated as significant based on its dimensions and habitat value, as well as landscape prominence. Two (2) trees are also required to be removed from the Council road reserve under the current proposal. Trees 23 and 24 are in the footprint of the driveway crossover leading into the proposed basement carpark. Tree 24 is rated significant based on dimensions and landscape significance but like Tree 17, it is highly defective with massive decay in the trunk and a portion of its roots and has a ULE rating of 4D. Any alternative driveway crossover along Grandview Drive would result in loss of at least two trees.

Owners consent for the removal of trees from the road reserve is required from Council's Tree Preservation Officers, and therefore the application will be referred to them for comment. A landscape plan (Trish Dobson Landscapes 1023/DA-L01a 19th August 2010) has been provided. Due to the large site coverage of the proposal, very limited opportunities exist for replacement tree planting and as such only three (3) trees have been provided, all of which will be located in the road reserve area. The proposed locations given the mature dimensions of the tree species may not be suitable, and this issue was referred to Council's Tree Preservation Officers for advice. Their advice was that these trees are not suitable for such a restricted planting space, and given that a underground services box is located within close proximity.

As the development is of a commercial nature and within a shopping centre, the landscape plan has been referred to Council's Principal Landscape Architect for comment. The proposal will inevitably result in significant and wholesale tree loss. As the property is zoned 3(c) (Neighbourhood Business), the allowable site coverage and obvious type of development does not allow much in the way of tree retention, particularly given the locations of the majority of the trees on the site. As this loss of existing trees is unfortunate but unavoidable, the focus should be on offsetting the loss of canopy.

This is not addressed at all in the application, and due to limited available space for tree replacement onsite as indicated on the landscape plan, offsite canopy replacement is the only option. It is therefore required that the applicant provide 19 locally native canopy trees to Council for planting in nearby reserves. This will be conditioned after advice from Council's Reserves and Recreation Unit on tree specifications."

In response to the March 2011 Amended Plans, Council's Natural Resources Officer provided the following additional comments:

"An amended landscape plan (Trish Dobson Drawing No. 1023/DA-L01B 22nd March 2011) has been provided. The new plan proposes five (5) new Angophoras and six (6) new Scribbly Gums all of which will be planted forward of the proposed building with the majority in the Council road reserve. Two (2) Angophoras will be located immediately on the corner of Plateau Road and Grandview Drive with the remainder further along Grandview Drive which will be planted within an area already containing five (5) existing trees. The new plan has been discussed with Council's Landscape Architect Mark Eriksson and Tree Preservation Officer Robert Clarke, and both are of the opinion that planting Angophoras in such a limited space which is to be used for commercial purposes would present long term issues with the ongoing management of these trees. They are also of the opinion that squeezing six (6) Scribbly Gums into an area already containing five existing canopy trees as well as a Telstra pit and services is inappropriate and the new trees would not thrive in this location.

The suggestion is that smaller trees should be planted on the corner area and a selection of native shrubs should be planted along Grandview Drive to provide some mid-storey screening. Due to the fact that Angophoras cannot be accommodated in the space available as the applicant has no intentions of reducing the built form in this area to provide more space, then the bulk and scale of the proposed building will not be softened. In addition, the loss of canopy cannot be compensated for onsite, placing more emphasis on the need for donation of canopy trees to Council for offsite planting and offsetting the canopy loss. However this is not a condition that can legally be enforced and as such cannot be relied upon and therefore a massive net loss of canopy is the result of the proposed works."

In response to the May 2011 Amended Plans and additional arborist report, Council's Natural Resources officer provided the following additional comments:

"I have reviewed the additional information recently submitted for the DA N0462/10 at 223 Plateau Road Bilgola Plateau. The applicant has provided amended plans and photomontages as well as an amended arborist report to address issues raised previously by Council. The amended arborist report (Urban Forestry Australia 28th April 2011) discusses the feasibility of retention of particular tree specimens onsite and on the road reserve. It is unclear as to why much of the reports discussion focuses on Tree 17, as despite Tree 17 being a highly significant specimen, Council has previously stated that it supports the removal of Tree 17 on the basis of the trees apparent structural defects rendering the tree a significant hazard if retained. This also applies to Trees 23 and 24 which are located on the road reserve, which the report also discusses - these trees were granted owners consent by Council to remove based on structural defects. The report seeks to justify the removal of these three trees, however their removal is already justified and supported by Council. Council has previously stated that due to the necessary removal of significant trees such as Tree 17, 23 and 24 this results in net loss of canopy with insufficient and inappropriately located replacement tree planting. Tree 5 is the tree that Council has suggested could be retained onsite. The report discusses Tree 5 briefly, and determines that it requires a 6.6 metre radial tree protection area, however no retention options are discussed and the amended plans do not indicate any attempt to retain it.

An amended landscape plan (Trish Dobson Drawing No. 1023/DA-L-01E 27th April 2011) indicates that some of the trees previously proposed to be planted in the road reserve (Scribbly Gums etc) have been deleted upon Council's advice. The plan still provides two (2) Angophora costata trees in the road reserve, one of which is located right on the corner of Plateau Road and Grandview Drive, and the other further along Grandview Drive. The proposed specimen on the corner may cause problems with restricting views when driving and observing signs, however I am not qualified to comment on this issue. Four (4) Tuckeroos have been now proposed in the road reserve strip. These are suitable species for shopping centres and are the most suitable for the site, however they do not adequately compensate for the loss of large eucalypt species as they do not provide canopy habitat nor do they have high landscape significance. The same principle applies to the proposed Water Gums in the rear, although they are technically trees they do not adequately compensate for the tree specimens to be removed. The Planting Schedule proposes 14 tree specimens, of which 12 are inadequate in terms of being equal tree replacement specimens.

The overriding issue of significant canopy tree loss and insufficient canopy tree replacement has not been addressed. With the current building footprint, there is simply not enough room to replace trees, other than squeezing some specimens into the road reserve, of which Council is responsible for future management."

The above comments are noted although it is important to also note that the reference above to the "allowable site coverage.....does not allow much in the way of tree retention" did not take into account the required ground level landscaped area of 175sqm, which does allow for the potential retention of Tree 5. In discussions prior to the formulation of the current amended plans, the Applicant and his representatives were advised that the proposal did not comply with the ground level landscaped area requirement (175sqm required, refer to discussion under C2.1) and, given this non-compliance, the onus was on the Applicant to provide an area of landscaping within the site that connected to the existing landscaping in the public domain that would have sufficient area for replacement planting of Sydney Red Gums to compensate for the total tree canopy loss on the site.

This would have been an acceptable alternative, if it could be demonstrated that no existing tree could be retained. The applicant was also asked to provide documented evidence from an arborist that it was not possible to retain any of the trees located on the site using an alternative design.

The now proposed smaller Tuckeroo trees are not considered to be successful in replacing the lost tree canopy such that it could be considered to be an acceptable alternative to requiring full numerical compliance with the ground level landscaped area control. The planting schedule in the amended landscape plan indicates that Tuckeroos have a maturing height of 7m. Such a tree would not provide a canopy that is comparable to that of a Sydney Red Gum, which has a maturing height of 20m, according to the submitted landscape plan. The development has a maximum height of 9.57m and would always visually dominate the Tuckeroos. The Applicant is now proposing the Tuckeroos because there is inadequate planting area for anything bigger. Clearly, the inadequacy of the proposed planting is the direct consequence of inadequate ground level landscaped area being provided within the development.

It should also be noted that the proposed ground floor (Level 3) being 1m below natural ground level removes any possibility of retaining any existing trees both within the Site and in the public domain adjacent to it. It also further restricts potential re-planting opportunities, both within the Site and in the immediately surrounding public domain.

The development is relying on the public domain for its landscaping rather than adding to and enhancing the public domain in any meaningful way with additional landscaped area in the site. The development involves a substantial shortfall of ground level landscaping within the site and has failed to provide a viable alternative landscape scheme to compensate for the lost tree canopy. In the context of the comprehensive tree removal proposed, this is unacceptable.

The additional arborist report received with the May 2011 Amended Plans does not examine the possibility of retaining just Tree 5 as requested. Instead, it concludes that it is not feasible to retain both Tree 5 and Tree 17. This is surprising given that Council officers have acknowledged that Tree 17 is not suitable for retention. Thus, notwithstanding the additional information that has been submitted, the Applicant has yet to provide any convincing evidence that the possibility of retaining Tree 5 and designing the development around it has ever been seriously considered, despite Council officers repeatedly requesting that this option be properly explored.

The relevant control within Section B4.6 that the development fails to adequately address is as follows:

Development shall not result in a significant loss of canopy tree cover or a net loss in native canopy trees.

The excessive canopy tree loss and inadequate replacement tree planting are recommended as reasons for refusal.

APPLICANTS RESPONSE/AMENDED PLANS

The applicant has responded by acknowledging that tree loss will occur and

"in determining the acceptability of the tree loss proposed considerable weight must be given to the zoning of the land, the commercial viability of the scheme were any of the trees to be retained and providing an outcome which reflects the orderly and economic use and development of the site."

The landscape plan has been amended to propose three new *Angophora costata* in the road reserve and three new Tuckeroos and two magnolias along the pedestrian walkway.

NATURAL RESOURCES OFFICERS COMMENTS

"I have reviewed the proposed Section 82A reconsideration for N0482/10 (223 Plateau Road Bilgola Plateau) and inspected the site. The proposal has been amended to provide additional landscaping to address the loss of trees from the site. In relation to the reason for refusal, my comments as presented in the original development application are still valid and can be summarised as follows:

*The proposed development will require the removal of 19 trees (including two from the Council road reserve), of which most of the trees are significant in size and are locally native species. The retention of any of the trees onsite (including Tree 5) will impact on the viability of the proposed development and therefore all trees are required to be removed. In order to safely retain Tree 5 (an *Angophora*) a Tree Protection Zone of 6.6 metres needs to be observed, which if applied limits the available floor space within the development. The site is zoned 3(c) (Neighbourhood Business "C") and as such the expectation is to use the site for commercial reasons. Given this, the chance of retention of any of the site trees given their locations, is marginal.*

The original proposal attempted to replant several trees in the Council road reserve adjoining the site, however the quantity and mature heights of the species proposed were inappropriate in context of a shopping centre and the safety concerns involved, as confirmed by Council's Principal Landscape Architect and Council's Tree Preservation Officers. Therefore a net loss of trees will occur and given the quantity (19) this is considered excessive, although appears unavoidable. This could be rectified by the applicant agreeing to donate trees or equivalent funds to Council for replacement trees to be planted in nearby reserves as has been done in similar net loss cases in the past, although previous legal advice has suggested that this cannot be enforced via condition by Council.

The newly amended landscape plan as currently submitted (Trish Dobson Drawing No. 1023/DA-L01F 6th September 2011) proposes three (3) new Angophora costata in the road reserve as well as three (3) new Tuckeroos which are deemed suitable for commercial centres. The plan also provides new understorey plantings including Grevilleas, Gynea Lilies and Lomandra grasses which will enhance the road reserve and provide some degree of screening to the building. The rear of the site is also suitably landscaped and screened. In terms of replacement trees, there is simply not enough space on the road reserve to accommodate any more large canopy trees and it is considered that the current landscape plan makes the best effort in a difficult situation given the site constraints. The landscape plan is considered to be acceptable.

Note that the previous reasons for refusal (in particular reasons 1 and 2) have not been fully satisfied however due to the nature of the proposal and zoning of the property they are unlikely to be able to be satisfied. A decision has to be made in the context of the proposal if these reasons have enough weight to warrant refusal."

ASSESSING OFFICERS COMMENTS

The objections received maintain concerns about the excessive tree loss on the site and potential impact on local fauna. The objective of control B4.6 Wildlife Corridors is the

Retention and enhancement of wildlife corridors ensuring/providing the connection of flora and fauna habitats

The control states that development shall not result in a significant loss of canopy cover or a net loss in native canopy trees which would in turn directly impact on habitat for locally native species, threatened species, endangered populations or endangered ecological communities.

While the site contains mature canopy trees, Council's Natural Resource officer has confirmed that it is not recognised as an endangered ecological community or likely to provide core habitat for listed threatened species. The assessing officer is satisfied that the proposal will not cause a significant adverse impact on wildlife corridors in the Bilgola Locality.

It is apparent from the original assessment and confirmed in the current assessment that there will be inevitable and extensive tree loss on this site and no opportunity for an equivalent number of replacement trees. The issue of tree removal and lack of replacement planting appears to be more related to impacts associated with visual amenity and landscape character. For this reason it should be addressed under C1.1 'Landscaping' and other built form controls where landscaping objectives relate to visual amenity and streetscape character.

Considering that the development will not create a significant adverse impact on wildlife corridors in the locality and performs against the control outcome the development can be supported under this control.

- **REFUSAL REASON 2 - The proposal fails to comply with the controls and fails to satisfy the outcomes of Section C1.1 'Landscaping' of Pittwater 21 DCP due to an inadequate provision of landscaping associated with the residential use, the excessive canopy tree loss and inadequate replacement planting, the unsatisfactory treatment of the public domain and inadequate landscaping within the boundaries of the subject site.**

ORIGINAL ASSESSMENT

Objections have raised concern over excessive tree loss from the site. Refer also to Sections B4.6 and C2.1 for other relevant discussion.

Controls in Section C1.1 of the DCP that are applicable to the residential component of the shop top housing development are as follows:

In all development a range of low lying shrubs, medium high shrubs and canopy trees shall be retained or provided to soften the built form.

Comment

As discussed above, the proposal fails to comply with this control by not retaining any trees nor properly investigating this possibility and designing the development around the trees. It also fails to meet this control as the proposed tree planting is inadequate in terms of the maturing height of many of the trees proposed to be planted not being in scale with the size of the building.

At least 2 canopy trees in the front yard and 1 canopy tree in the rear yard are to be provided on site. Where there are existing canopy trees, but no natural tree regeneration, tree species are to be planted to ensure the canopy is retained over the long term.

Comment

The 17 native trees on the Site and 2 native trees in the road reserve that are proposed to be removed include: 8 x Sydney Red Gums (*angophora costata*); 10 x Red Bloodwoods (*corymbia gummifera*); 1 x Scribbly Gum (*eucalyptus haemastoma*). 16 of these existing trees exceed a height of 7m. It is in this context that the proposed planting of 2 x Sydney Red Gums and 4 x Tuckeroos (maturing to a maximum 7m height) that it is evident that the existing tree canopy will be substantially lost. In addition, the selection of Tuckeroos as replacement trees is not appropriate and is guided purely by the lack of available planting space. No canopy trees are proposed to be planted in the "rear yard", which lies over the excavated basement area, has planter boxes cantilevered over it at upper levels and has dimensions of 3m x 11.5m. The proposed 2 x Sydney Red Gums are proposed to be planted in Council's road reserve, not on the Site. These problems are all indicative of the lack of site area at ground level available for the planting of trees. The development does not comply with this control.

Development shall provide for the reasonable retention and protection of existing significant trees, especially near property boundaries, and retention of natural features such as rock outcrops.

Comment

The proposal fails to retain any existing tree on the site and many of these are significant. It also fails to retain the natural ground level of the site when it is considered that this is possible to achieve. In particular, the retention of natural ground level adjacent to the existing shops fronting Plateau Road and at the western corner of the site is considered to be particularly important to allow the development to successfully integrate with the existing natural and built surroundings of the site.

Where there are no canopy trees the trees to be planted are to be of sufficient scale to immediately add to the tree canopy of Pittwater and soften the built form.

Comment

As previously discussed, whilst the 2 x Sydney Red Gums proposed are appropriate replacement species, an inadequate number of them are proposed and it is noted that the 2 to be planted would be planted within Council's road reserve and not on the Site. The Tuckeroos, with a maturing height of 7m, are not considered to be of a sufficient scale to replace the tree canopy lost as a result of this development as the development would be higher and would always be visually dominant over them.

For shop top housing, a minimum 4sqm planter or landscaped area is to be provided as a feature at the ground level of the front building facade.

Comment

It should be remembered that this control is intended to apply to the residential component of the shop top housing development. It could be reasonably assumed that this feature is intended to adorn the residential entry to the building. The proposed additional planted area between the driveway and the residential entry and containing the additional 2 Tuckeroos could be considered to comply with the terms of this control.

For shop-top housing, a minimum landscaped area of 20% of the site area, or 35sqm per dwelling, whichever is the greater, shall be provided.

Comment

It should be noted that Section C2.1 of the DCP has a very similarly worded control that also applies to the development but to the commercial component, whereas Control C1.1 applies to the residential component located on the first and second floor of the development (i.e. Levels 4-5). The essential difference between the 2 controls is that C1.1 requires 175sqm of landscaped area associated with the residential use on upper levels and C2.1 requires 175sqm of landscaped area at ground floor level.

Landscaped area is defined in the DCP as *"the area of a site which is, or is available to be predominantly vegetated."*

In response to this control, the May 2011 Amended Plans include 50.5sqm of landscaping in planter boxes 800mm deep on Level 4 and 44.55sqm of landscaping in planter boxes on Level 5. The total proposed landscaping associated with the residential component of the development is 95.05sqm. This represents a shortfall of 79.95sqm or a 45.7% variation from the standard.

The town planning consultant for the Applicant has argued that only Control C1.1 should be applied to the development and that the requirement in Control C2.1 of 175sqm of ground level landscaping associated with the commercial use *"..is in direct conflict with the C1.1 control and has not, in my dealings with Pittwater Council, ever been applied to the ground level of a shop top housing development."* If the landscaped area is calculated as the town planner for the Applicant has requested and all of the ground level landscaping associated with the commercial use of the development were also to be added to the total (80.95sqm) then the total landscaped area provided for the development would be 176sqm.

The above calculation would, on the surface, appear to be a numerical compliance with the control. However, a reading of Pittwater 21 DCP as a whole makes it clear that Control C1.1 specifically applies to the residential component of shop-top housing development and Control C2.1 specifically applies to the commercial component of the shop-top housing development and is intended to be in addition to the landscaping requirements of C1.1.

The reason this is considered to be the case is that the introduction page to the “C1 Design Criteria for Residential Development” section states that this part of the DCP *“contains general design criteria relating to residential development.”* It also includes a note which states *“Controls relating to the business/commercial portion of shop-top housing are contained in Part C2 Design Criteria for Business Development.”* A reciprocal note also appears in the introduction to the “C2 Design Criteria for Business Development” In addition, at the end of Section C1.1, an advisory note states *“For shop-top housing developments also refer to C2.1.”* A reciprocal advisory note also appears at the end of Section C2.1.

The abundance of advisory notes referred to above make it clear that the intention is that both C1.1 and C2.1 are to be referred to in the assessment of shop-top housing development. They do not conflict but are to be applied in addition to each other.

The merging of the C1.1/C2.1 controls and their misinterpretation by the Applicant's town planner is considered to result in the failure of the development to comply with the following C1.1 controls below that relate to the residential use:

“- For development containing 3 or more dwellings, permanent seating is to be provided in the landscaped area.

Above ground gardens are to be incorporated into each dwelling at all levels (other than ground floor). “

Permanent seating has been provided within the development at ground level, but not for the use of residents, the area is designated as a “commercial forecourt”. Noting that the permanent seating control applies to the residential component (as it only appears in C1.1 but not in C2.1) clearly, this permanent seating is intended to be a communal area for residents. Such an area has not been provided. There is no landscaped communal area provided for residents of the development. No above ground gardens are incorporated into Proposed Unit 03 on Level 4 at all. This is considered to be a result of the under-provision of landscaping at the upper levels. Proposed Unit 02 has very minimal above ground garden area that is only accessible through bedrooms. Its contribution to the amenity of the living areas of this unit would be minimal. These non-compliances are indicative that the controls envisage far more generous “above ground gardens” than what is proposed. When compared to the amount of floor area proposed on Levels 4 and 5, the above ground gardens on these floors appear to be marginalised and peripheral components of the development that are not substantive enough to satisfy the relevant design criteria.

The relevant outcomes of this section of the DCP are as follows:

“- A built form softened and complemented by landscaping.

Landscaping reflects the scale and form of development.

Development results in retention of existing native vegetation.

Landscaping results in the long-term retention of Pittwater's locally native tree canopy.

Landscaping enhances habitat and amenity value.”

All 17 native trees on the Site are proposed to be removed, the amount of upper floor planting is dwarfed by the proposed floor area on each floor and does not do enough to soften the bulk of the development nor provide acceptable above ground garden area for each dwelling. It is acknowledged that the landscaped area requirements for shop-top housing, if both C1.1 and C2.1 are applied together, is relatively significant for development on commercially zoned land. Thus, emphasis is placed on whether or not the proposal achieves the outcomes and intent of these controls over seeking strict numerical compliance. In this case, the development clearly does not satisfy these outcomes.

The proposal is recommended for refusal due to its failure to comply with the controls and outcomes of Section C1.1 'Landscaping' of the DCP.

APPLICANTS RESPONSE/AMENDED PLANS

The plans have been amended to provide a greater setback to level 5 to the Grandview Dr frontage to allow for additional area of planter boxes. The landscape plan has also been amended to provide additional landscaping in the road reserve to allow for three new *Angophora costata* and re arrange the pedestrian walkway/landscape scheme within the allotment.

NATURAL RESOURCES OFFICERS COMMENTS

See comments provided in section B4.6 'Wildlife Corridors' above.

ASSESSING OFFICERS COMMENTS

The approach taken in this assessment is to repeat the exercise of addressing the controls and outcomes as done in the original assessment considering the amendments proposed. The relevant controls are italicised below and each addressed accordingly:

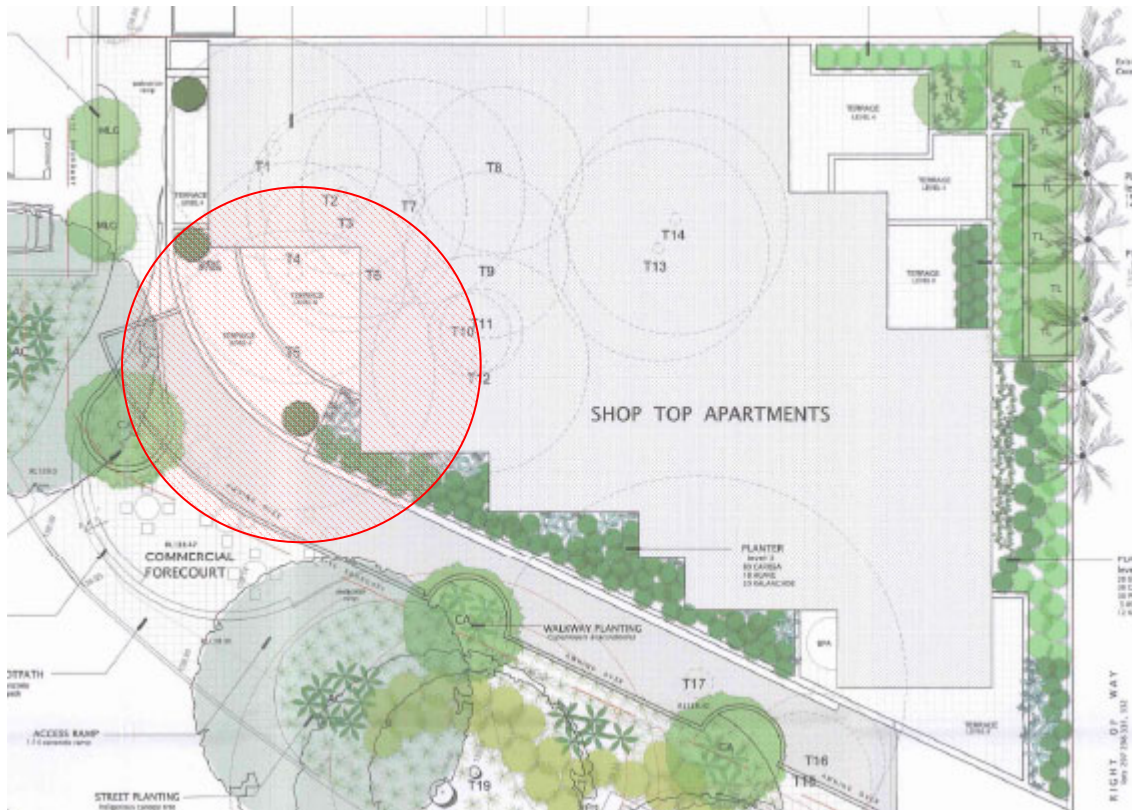
- *In all development a range of low lying shrubs, medium high shrubs and canopy trees shall be retained or provided to soften the built form.*
- *At least 2 canopy trees in the front yard and 1 canopy tree in the rear yard are to be provided on site.*
- *Where there are existing canopy trees, but no natural tree regeneration, tree species are to be planted to ensure the canopy is retained over the long term.*
- *Development shall provide for the reasonable retention and protection of existing significant trees, especially near property boundaries, and retention of natural features such as rock outcrops.*
- *Where there are no canopy trees the trees to be planted are to be of sufficient scale to immediately add to the tree canopy of Pittwater and soften the built form.*

The proposal does not retain existing mature canopy trees nor does it provide replacement canopy trees (greater than 8m in height) within the allotment. The development proposes a range and variety of low lying shrubs, medium to high shrubs and small trees along the pedestrian walkway, to the front façade of level 5 and within the entire eastern building setback. Five existing canopy trees are to be retained in the road reserve and an additional three canopy trees are proposed. It is apparent that there will be tree loss is inevitable on this site and no reasonable opportunity exists to accommodate an equivalent number of replacement trees. The extent of tree loss is mainly due to the removal of a cluster of trees in the north western portion of the site. The cluster is in a location that is within the most likely and viable development footprint for a shop top development.

The original assessment acknowledges that the removal of the cluster was acceptable except for Tree 5 which has high visual amenity and contributes to an important landscape character. Its location is more towards the junction of Plateau Rd and Grandview Dr. It was noted in the original assessment that there was a lack of investigation into the possibility of designing the development around Tree 5. The review assessment needs to establish whether there is opportunity for tree 5 to be retained and whether a redesign to accommodate this tree or provide additional landscape area within the site is a reasonable requirement.

Tree 5

Council's natural resource officer has advised that a 6.6m tree protection zone (TPZ) would be required to retain tree 5. The zone is indicated on the diagram below.



The effect of a TPZ is that no excavation or building could occur within the red hatched area which amounts to 136m². Taking into consideration the allotment boundaries and nature of use permissible on this site the retention of Tree 5 would significantly reduce the developable area, particularly the provision of parking in basement levels. While it is desirable to retain trees of this significance, it is simply not practical to retain Tree 5 as it would unreasonably hinder development on this site.

Additional at grade landscaping

The proposal relies entirely on the road reserve for mature canopy screening and it was suggested in the original assessment that additional at grade landscape area which could accommodate canopy may be able to be incorporated into the site.

If the development incorporated greater setbacks to the street, canopy trees could be accommodated within the site boundaries. These trees could supplement those within the road reserve and would contribute to a visually desirable streetscape. The effect of a greater street setback to accommodate additional trees would be a moderate reduction in retail and residential floor space and a significant reduction in basement floor space. Requiring greater setbacks to the building to provide more landscaping in this instance is considered unreasonable for the following reasons:

- Councils PLEP and PDCP have planned for the provision of shop top housing at the proposed density and size on this site as it is close to facilities and services. Significantly reducing floor area is considered to be contrary to the desired commercial and residential outcomes envisaged for this site.
- Eight canopy trees on the road reserve will contribute to softening the built form particularly when viewed from Grandview Dr. Relying on canopy in the road reserve is acceptable in this instance as it is in a commercial zone which allows 100% site cover and minimal building setbacks.

- The current scheme generally complies within the built form controls except height which exceeds 8.5m along the Grandview Dr façade to Level 5. Amendments have been made to provide a greater front setback and provide additional area for planter boxes. A tree has also been provided in the road reserve in the south eastern corner, which will at 14m high provide screening to the highest part of the development (9.32m).
- *For shop top housing, a minimum 4sqm planter or landscaped area is to be provided as a feature at the ground level of the front building facade.*
The landscape plan indicates a landscaped area within the site amounting to 11m² opposite the residential entry to the development. The proposal therefore complies with this control.
- *For shop-top housing, a minimum landscaped area of 20% of the site area, or 35sqm per dwelling, whichever is the greater, shall be provided.*

The amendments propose 97m² for planter boxes at a minimum depth of 800mm to accommodate vegetation. This control requires a minimum landscape area of 175m². As discussed previously there is little opportunity to provide additional landscaped area on the site and 97m² dedicated to residential component of the development is considered acceptable.

- *For development containing 3 or more dwellings, permanent seating is to be provided in the landscaped area.*

No communal landscaped area with seating allocated for shared residential use is provided in the development. It is considered that the commercial forecourt seating associated with the development along with Plateau Park (350m / 4 minutes walk) will provide adequate facilities for seating within a landscape area.

- *Above ground gardens are to be incorporated into each dwelling at all levels (other than ground floor)*

All units except Unit 3 incorporate an above ground garden/planter area. While this is a non compliance it is not considered to result in a significant impact enough to warrant refusal.

It is apparent that technical compliance with this control is unobtainable. In these circumstances a merit assessment against the following outcomes should be undertaken:

- *A built form softened and complemented by landscaping.*
- *Landscaping reflects the scale and form of development.*
- *Development results in retention of existing native vegetation.*
- *Landscaping results in the long-term retention of Pittwater's locally native tree canopy.*
- *Landscaping enhances habitat and amenity value*

Further to these objectives, for this particular site an acceptable outcome would be an achievement of a balance between the desired landscape character and reasonable development potential for the site. It is considered that the development can achieve this balance for the following reasons:

- 8 canopy trees (5 of which are existing) at 14m high will screen and soften the built form particularly along the Grandview Dr elevation.
- 14m high canopy along with small trees and medium shrubs provide a variety of landscaping which appropriately reflects the scale of the development.
- While the development does not result in the retention of existing native vegetation it has been demonstrated that retaining these trees is impractical and unreasonable given their location in the middle of the most viable development footprint.
- The development does not adversely impact on locally native habitats.
- Ultimately any permissible and complying development will affect the existing landscape character within the site.
- The development provides planned for retail services, dwellings and carparking on this site in a manner which improves pedestrian thoroughfare and maintains a reasonable landscape character in the public domain.

Considering that the development can perform against the control outcomes and achieve a reasonable balance between the zone and landscape objectives the non-compliances are not sufficient enough reason to warrant refusal of the development.

- **REFUSAL REASON 3 - The development does not adequately respond to Design Quality Principles 1, 2, 3, 6, 8, 9 and 10 of SEPP 65.**

ORIGINAL ASSESSMENT

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."

Rather than "responding to and contributing to its context", the subject proposal imposes on and takes away from its context. The site itself is heavily treed and the local character is dominated by low scale development and large native canopy trees in the front building setbacks and road reservations. The proposal removes all canopy trees on the site as well as trees on the adjoining road reserve. No evidence has been submitted to demonstrate that any attempt has been made to design the building such that even 1 tree on the site can be retained despite this being requested on numerous occasions.

The development provides the minimum required front setback rather than responding to the established 5m front building setback on Plateau Road, thus failing to respond to context. The required outdoor seating is provided within the public domain rather than within the site. This tends to alienate this public land from the public as it makes it appear as part of the private land surrounding the development.

The development also unnecessarily alters the natural topography of what is essentially a flat site by adopting a finished floor level for the ground floor (Level 3) that is almost 1m below natural ground level at Plateau Road. Further excavated area is then required to extend out into the public domain to accommodate the outdoor seating.

This creates a hard-edged urban character that is foreign to the character of this area and it also reduces the opportunity for canopy tree planting in front of the development or retaining any existing trees on the Site.

A further problem caused by the partially excavated ground floor is that the level change effectively separates the development and its associated outdoor seating from the adjoining shops and surrounding public domain, preventing the successful integration of the development with its surrounds. The neighbourhood shopping strip would have 2 distinct sections separated by what is essentially "dead space" comprised of ramping adjacent to an unarticulated external wall to a fire stair with no street edge activation. This would detract from the functionality and character of this existing neighbourhood shopping strip.

If such level changes are not genuinely necessary, then they should be avoided. It is not considered in this case that the level changes are necessary. Natural ground level falls gently as one travels south-east down Grandview Drive. These level changes can be dealt with by stairs and ramps that are internal to the development rather than changing levels in the public domain. It is more essential for Level 3 (i.e. Ground Floor) of the development to be at grade at the corner of Grandview Drive/Plateau Road and adjacent to the adjoining shops then at the south-east end of the Plateau Road frontage. It would appear that the only reason the floors have been lowered is in an attempt to reduce the level of non-compliance of the development with the maximum 8.5m height limit. This is not considered to be an acceptable design approach. The way the development integrates with the public domain is of paramount importance.

For the above reasons, the development is not considered to have adequately addressed this design quality principle.

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 maximum building height applicable for the Site is 8.5m (in accordance with D3.4 of the DCP). This building height would comfortably accommodate a 2 storey shop-top housing development with the required minimum floor to ceiling heights of 3.3m for the commercial floor and 2.7 for the residential floor as well as allowing design latitude for a sloping site and an appropriate roof element such as a parapet roof. On a flat site and taking into account minimum floor to ceiling height requirements in the Residential Flat Design Code and allowing for slab thickness, a 3 storey shop-top housing development cannot comply with the 8.5m height limit. The 8.5m height limit is considered to encourage 2 storey development.

The desired future character for the Bilgola locality is for one and two storey development. All of the existing shop buildings within the remaining sites in this neighbourhood strip are 2 storeys in height. They also have a consistent front setback to Plateau Road which is significantly greater than the proposed front setback of this higher and bulkier development.

It is considered that the combination of the 3 storey height (which is visible from both Plateau Road and Grandview Drive) and the inadequate setback to Plateau Road result in the development having an inappropriate amount of bulk. It is out of scale with surrounding development. For a development adjoining a low density 2(a) Residential zone and surrounded by one and 2 storey buildings, it is considered that a more modest scale of development would have been more appropriate.

The development is therefore considered to be unsatisfactory with regard to 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 development is not considered to adequately respond to this design quality principle. The development has adopted a front building setback to Plateau Road that is half of the front building setback of the adjoining existing shops within this neighbourhood strip. This inappropriate setback erodes the quality of the public domain and effectively divides the neighbourhood shopping strip into two parts by separating the existing shops from the active frontage of the development with a blank and unarticulated wall that abruptly terminates the footpath area outside the existing shops. The blank-walled fire stair well and ramping provides an unactivated building edge immediately adjacent to the existing shops. The more active edge to the development is located along Grandview Drive and away from the existing Plateau Road shops. Thus, the development fails to build on and add to the character of the existing streetscape by providing a natural continuation of the neighbourhood shopping strip.

The sunken area of outdoor seating encroaches significantly into the public domain and introduces a foreign hard-edged urban character to a small neighbourhood shopping strip located in an area dominated by native canopy trees and landscaped frontages. The inappropriate building alignment and excavation in the public domain significantly detracts from the quality of existing streetscape character of the locality and the neighbourhood shopping strip.

The development is therefore considered to be unsatisfactory with regard to 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 development is not considered to adequately respond to this design quality principle as the development does not comply with the minimum required ground level landscaped area (C2.1) involving a substantial numerical non-compliance with this control. A minimal amount of the site area is landscaped. The development instead relies primarily upon the surrounding public domain for landscaped area in which additional tree planting and ground covers are proposed. The tree loss resulting from this development will be substantial. The aesthetic and amenity impact of this tree removal and inadequate replacement is not considered to be acceptable.

In addition, the proposed partially excavated ground floor prevents the possible retention of Tree 5. Tree 5 is a visually significant Sydney Red Gum located on the western corner of the site and identified by Council officers as having the highest potential for retention of all of the 19 trees proposed to be removed. The Applicant was requested by Council officers to provide arborist advice demonstrating that investigations had been made into the possibility of retaining this tree and designing the development around it. As of the date of the writing this report, no such evidence has been submitted. The additional arborist report submitted with the May 2011 Amended Plans fails to address this issue properly, as discussed under Section B4.6 of this report.

It is not considered that the amended design incorporated in the May 2011 Amended Plans is the result of any genuine investigation into the potential for the retention of this tree, nor does it result in any meaningful or workable opportunity to compensate for the overall tree loss by replacement planting on the site.

As discussed elsewhere in this report, the Applicant has failed to properly consider opportunities for the retention of at least 1 tree on the site. Consequently, the design of the development displays a blatant disregard and disrespect for the existing streetscape and surrounding neighbourhood character, dominated by native canopy trees and landscaped settings.

The development is therefore considered to be unsatisfactory with regard to 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."

The development does not adequately respond to this design quality principle because the blind corner created by the development not being aligned with the existing shops is a potential concealment/entrapment spot, the relocated residential entry on the Grandview Drive frontage is too far away from the more heavily pedestrianised space along Plateau Road where there are greater opportunities for casual surveillance of this entry. It is also located directly opposite a Telstra box and heavily landscaped portion of the public domain which presents opportunities for concealment.

The protrusion of an excavated outdoor seating area associated with the development into the public domain has the potential to create confusion as to whether this is public or private space.

The development is therefore considered to be unsatisfactory with regard to this Design Quality Principle.

Principle 9: Social Dimension 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 development 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 not considered to adequately address this design quality principle as it provides four spacious 3 bedroom units and one spacious 2 bedroom + study unit. These units all appear to be aimed at the premium end of the unit market. The development therefore fails to provide a sufficient mix of housing that caters for different budgets and housing needs.

The development is therefore considered to be unsatisfactory with regard to this Design Quality Principle.

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 development fails to respond appropriately to this design quality principle as insufficient consideration has been made for the possible retention of at least one canopy tree on the site and insufficient ground level landscaped site area has been provided to provide workable replacement canopy tree planting. The provision of a minimal 3.5m setback to Plateau Road is not considered to be an appropriate response to the desirable elements of the existing streetscape of this neighbourhood shopping strip on Plateau Road.

The development is therefore considered to be unsatisfactory with regard to this Design Quality Principle.

APPLICANTS RESPONSE/AMENDED PLANS

The applicant believes the amendments made to the plans further enhance the design's performance against the design quality principles.

ASSESSING OFFICERS COMMENTS

Principle 1: Context

Considering the permissible land uses on this site, the context needs to be read in terms of existing natural and built features as well as the desired future character of the locality envisaged in council's policies.

To firstly address the natural features, the site incorporates clusters of significant canopy trees contributing to a valued landscape character which is replicated throughout the locality. The difficulty is that the existing landscape character on this site will inevitably change as the clusters are required to be removed due their location being in the most viable development footprint. As discussed previously, to force retention of canopy trees within the most viable development footprint is unreasonable particularly considering local planning controls and outcomes.

The development provides a response to the natural features by relying on eight significant canopy trees in the road reserve and three 7m high trees are proposed within the development site which will contribute to the landscaped streetscape. While providing at least one significant tree within the development site would be desirable it is simply not practical on this site and is not considered to reason enough to class the development as unsuccessfully responding to the natural features within the locality.

The existing built features include one and two storey single dwelling houses and 3 two storey shop top buildings which were most likely developed pre 1990s. This is the first site in the small commercial centre to be developed under the councils PDGP which was adopted in 2003. The issue that arises is that the controls and policies allow a development which is more dense (minimum retail area of 335m² in addition to up to five dwellings) to what is currently around the site being two storey single dwelling houses and small shop top housing developments. This is not to say that existing built features should be disregarded, it means that to respond to the built form context in this situation weight should be given to the desired future outcomes established in council's policies.

The clear built form characteristic along the small commercial centre is the consistently aligned front elevations. The development has been amended to provide a greater than required setback to be consistent with that established along Plateau Rd. A further issue raised in the original assessment was the change in level in the public domain which would separate the development from the existing shops preventing the successful integration of the development with its surrounds. The proposal still proposes a change in level (1m) between the existing walkway and area adjacent to the future retail premises. The level change is provided by 5 steps or a short ramp within the 5m wide path. The proposal also allows for a continuation of a pathway at the existing level around the site which gradually slopes and connects to the existing lower level towards the south east of the site. While the use of the ramp and/or stairs will force pedestrians to change level as they walk along the pathway, the magnitude of the change is not considerable enough to be perceived as an unreasonable interruption to pedestrian flow. Considering a level change would need to occur in any development due to the 1m fall across the site and is not an uncommon solution in other commercial centres in the area, it is not sufficient enough reason class the development as unresponsive to the local context.

The development satisfactorily responds to the existing context considering the permissible land uses, allowable built form envelope and character outcomes for the locality.

Principle 2: Scale

The development has been setback to be consistent with the established front elevations along Plateau Rd. It is considered that this addresses the bulk issue along the street frontage.

With regard to the height, the development has not been amended in the vertical plane and maintains a maximum height of 9.32m. While the lift over run is 9.57m it is not visible from the public domain and does not contribute to the scale of the development. The development complies with the height control where it fronts Plateau Rd, however begins to exceed the 8.5m limit as it fronts on to Grandview Dr to a maximum 820mm breach in the south eastern corner.

The plans have been amended to provide slightly greater setbacks to Grandview Dr on Level 5. The setbacks range from 5.5m to 8m and the additional area is to be replaced with planter boxes. The upper level will be visible from the public domain and a greater setback could have been accommodated to further reduce the scale of the development. Notwithstanding this the varied setback does reduce the perception of bulk as it heavily modulated and is not a straight continuous façade.

While the three storey development has a larger scale than the existing dwellings to the east the vertical scale of the development is addressed by providing a 3m side setback and an overall 7.5m buffer to 162 Grandview Dr. This buffer is important as it provides space and transition between the zone interface, minimising the impact between the two sites which have clearly different allowable built form.

If the development were to strictly comply with the height limit the scale of the development would be similar if not the same. Three storeys within a commercial centre is factor of designing within the controls while providing a viable development in terms of dwelling density and retail floor space. The scale is not considered to create adverse scale impacts to the extent it is inappropriate development in the locality.

Principle 3: Built Form

The development has been setback to be consistent with the established front elevations along Plateau Rd. It is considered that this provides the natural continuation of the neighbourhood shopping strip, contributing to the character of the streetscape. With regard to the excavated area in the public domain, this area of the development will aid in the activation of the retail frontages. It is not considered that it would be perceived as exclusively private as it would become the main public pedestrian route to access Plateau Rd from Grandview Dr or vice versa.

For these reasons it is considered that the development is an appropriate built form for the site considering its mixed use retail residential purpose.

Principle 6: Landscape

As discussed previously in this report, it is acknowledged that tree loss will occur and equivalent replacement planting is not possible. The development relies on existing and proposed canopy in the road reserve to maintain some landscape character and screen the development.

Significant canopy is not integrated into the development site as it would reduce the development viability and be contrary to the policy outcomes developed for the land use. It has been established that the retention of tree 5 could be achieved however it would be unreasonable for council to force this considering the substantial reduction in retail, residential and off street parking floor space.

In this instance the development needs to be assessed on its merits and as demonstrated previously, the design can achieve a landscape character appropriate for the use and that satisfactorily connects with the existing streetscape.

Principle 8: Safety and Security

The development has been setback to be consistent with the established front elevations along Plateau Rd reducing the opportunities for concealment. Both the residential and retail spaces are capable of passive surveillance of the public area. The residential entry is appropriately located along the Grandview Dr frontage with a secure lobby area allowing only access to private residents. The pedestrian pathway will be clearly perceived as a public walkway as it is a continuation of existing pathways.

The lower level commercial forecourt will be perceived as an area associated with the retail facilities however would not detract the pedestrians from walking through the site along the retail façade. Existing commercial centres within the local government area with similar configurations are successful as it encourages pedestrian transition through the site activating the retail frontages.

For these reasons it is considered that the development can perform against the design quality principle.

Principle 9: Social Dimension and Housing Affordability

It is agreed that the units appear to be aimed at the premium end of the unit market. This does not necessarily mean that the development does not respond to the social context. Bilgola Plateau is not characterised by medium density housing, the area is predominately single dwelling houses occupied by families. Even though the development does not provide any one bedroom units it does provide an alternative housing choice to a single dwelling house in the area. In this regard it is not considered that the development can be classed as inconsistent with the outcomes of this design principle.

Principle 10: Aesthetics

The development has been setback to be consistent with the established front elevations along Plateau Rd which is an appropriate response to the desirable elements of the existing streetscape. While the development is obviously a different more modern aesthetic to the existing development, it is one reasonably within the constraints of council's controls, suitable for the future use of the site.

- **REFUSAL REASON 4 - No draft plan of strata subdivision has been submitted with the development application. Consequently, the application has failed to demonstrate compliance with the requirements of Section B2.6 'Dwelling Density and Subdivision' of Pittwater 21 DCP.**

ORIGINAL ASSESSMENT

Under this section of the DCP, the commercial/retail component of the development must be calculated on the Gross Lettable Area (GLA) which must be a minimum of 25% of the gross floor area of the building.

Comment

The commercial floor space is 470sqm. The GFA of the entire development, as shown in the March 2011 amended plans is approximately 1,244.4sqm not including parking provided in excess of Council's requirements. The required minimum commercial floor space would be 311sqm. Thus, the development complies with this control.

Shop-top housing shall not have a density greater than 1 dwelling per 150 square metres of site area. This applies regardless of the number of bedrooms proposed in each dwelling.

Comment

The proposed 5 units complies with the maximum permitted density of 5 units. A further requirement is that, if subdivision is proposed, appropriate allocations of parking are to be within the same strata lots as units they serve and landscaping and other common areas must be allocated as common property.

Comment

No draft plan of strata subdivision has been submitted with the application. Consequently, the development application does not address all of the provisions of this section of the DCP.

This is recommended as a reason for refusal.

APPLICANTS RESPONSE/AMENDED PLANS

The applicant did not submit a draft plan of strata subdivision and requested a condition be imposed within the consent to submit one prior to the issue of Construction Certificate.

ASSESSING OFFICERS COMMENTS

The control requires assessment of the proposed parking allocations, landscaping and common areas which is usually indicated on a draft strata plan. It is apparent from the plans submitted that parking can be appropriately allocated to each dwelling and the retail area. Furthermore common areas and landscaped areas can also be easily identified. In this instance it is considered reasonable to require a draft strata plan prior to the issue of the construction certificate.

- **REFUSAL REASON 5 - The development does not comply with the applicable controls in Section C2.1 'Landscaping' of Pittwater 21 DCP nor does it satisfy the underlying outcomes of these controls.**

ORIGINAL ASSESSMENT

The following controls apply to the development:

A range of ground covers shrubs and trees shall be provided to soften the built form from the street.

Comment

As previously discussed elsewhere in this report, it is not considered that the proposed landscaping adequately softens the built form of this development when viewed from the street. This is largely a result of the inadequate landscaped area available at the front of the development. This failure results in a development that is out of character with the natural and built characteristics of the Bilgola Locality.

"For shop-top housing, a planter or landscaped area with minimum area of 4sqm is to be provided as a feature at the ground floor of the front building facade. This feature is to be positioned to soften any hard edges of the building including ramps, podiums or changes in levels."

Comment

It is acknowledged that the wording of this control is similar to a control appearing under Section C1.1 of the DCP. If the residential and commercial entries were located in the same location then it would be reasonable to treat the same landscape feature as satisfying both controls. The 4sqm mentioned in the control is a minimum area and it would be reasonable to assume that, if the "hard edges of the building including ramps, podiums or changes in levels" were extensive, as is the case with the subject proposal, then a more extensive landscaped feature would be required to soften these hard edges. The wording of the control makes it clear that hard edges created by ramps and changes in levels are undesirable and require landscaped treatment to "soften" their appearance. As Bilgola Plateau is not an urban area such as the Mona Vale town centre or Newport, the need to have appropriate landscaped treatment is even greater for this development than it would be for similar development in larger commercial centres.

Further applicable controls are as follows:

"For shop-top housing, a minimum landscaped area (at ground level) of 20% of the site area, or 35sqm per dwelling, whichever is the greater, shall be provided."

"Landscaping is to be provided at the front and rear of shop-top housing developments."

The relevant outcomes of the above controls are as follows:

"A built form softened and complemented by landscaping."

"Landscaping that reflects the scale and form of development."

Comment

It is acknowledged that the minimum landscaped area control is similar in its wording to that appearing in Section C1.1 of the DCP but the inclusion of the specification that this landscaping be "at ground level" distinguishes this control as separate and in addition to the C1.1 control (see further discussion under C1.1)

These controls would require the provision of 175sqm of ground floor level (i.e. Level 3 in the plans) landscaped area being provided at the front and rear of the development and within the boundaries of the Site. The May 2011 Amended Plans provide 80.95sqm of ground level landscaped area within the Site. No portion of this non-compliant landscaped area in the Site is suitable for appropriate replacement canopy trees.

In response to Council's concerns regarding this control, the Applicant has increased the floor space of the ground floor, reduced the rear landscaped area, pushed the commercial forecourt area further into the public domain and attempted to carry out necessary replacement planting (to compensate for massive tree loss proposed) predominantly on public land.

The argument by the Applicant that the 175sqm required landscaped area should be the total landscaped area on all floors is not accepted for reasons given in the discussion under C1.1 previously in this report. Whilst a reasonable numerical variation that addresses the intent of these controls would be considered, the response by the Applicant to this control illustrated by the May 2011 Amended Plans is not considered to be supportable.

The non-compliance of the originally submitted plans with this control was raised as a major concern in a letter to the Applicant dated 15 December 2010 and at a meeting with the architect and town planner for the Applicant in February 2011. The Applicant was requested to provide additional ground level (specifically, natural ground level) landscaped area within the site.

Tree 5 is a significant Sydney Red Gum located in the south-west corner of the site adjacent to the corner of Grandview Drive and Plateau Road. The Applicant was specifically requested to investigate the potential to retain this tree and make it a landscape feature of the development. To date, no arborist report addressing the possibility of achieving this outcome has been received. The assessing officer spoke to the arborist for the Applicant on the telephone on 6 April 2011 and she confirmed verbally that it would be possible for this tree to be retained with a reduction of the floor area of the building and an encroachment of the building on approximately 12% of the TPZ of 6.6m of this tree. She advised that this would make approximately 152sqm of the site around the tree unable to be built upon but in the context of the DCP requirement for 175sqm of ground level landscaped area, this is considered to be possible, reasonable and appropriate. Nothing submitted by the Applicant has demonstrated otherwise.

It was requested that Level 3 and the associated outdoor commercial forecourt not be excavated into the ground and be as close to the Plateau Road footpath level as possible to reduce the need for level changes and ramps and facilitate possible tree retention. In response, the May 2011 Amended Plans included Level 3 and the commercial forecourt partially below ground, as previously proposed.

The reason given for this was that it was necessary to achieve level access to the main residential entry lobby off Grandview Drive where natural ground level is lower. It is noted that the original plans located this lobby at the Plateau Road frontage and immediately adjacent to the adjoining shops and the fire stair was located off Grandview Drive. By swapping the location of the lobby and fire stairs the architect has created significant urban design problems described above. The preferred location for the residential entry lobby is off Plateau Road as it provides a continuation of the active street frontage at this location and provides good opportunity for better passive surveillance of this entry. It also removes the need for an unsightly fire stair at the most prominent part of the site on Plateau Road. The justification by the Applicant for the partially excavated Level 3 is therefore still not accepted.

The ground level landscaped treatment of the development and its relationship with the surrounding public domain is unsatisfactory for the following reasons:

- the ground level landscaped area involves a 53.7% numerical non-compliance with the minimum standard
- all native trees are being removed from the Site, many of which are significant
- the Applicant has not demonstrated that any attempt has been made to design the development to retain any trees, despite numerous requests by Council officers
- no attempt has been made to retain natural ground level on the Site at the Plateau Road frontage despite numerous requests by Council officers, and
- the proposed landscaping does not effectively soften and complement the built form and does not reflect the scale of the development proposed.

The non-compliance of the development with the controls and outcomes of this section of the DCP is recommended as a reason for refusal.

APPLICANTS RESPONSE/AMENDED PLANS

The plans have been amended to delete some landscaping within the site to provide a continuous public walkway and provide additional landscaped area within the road reserve. An additional *Angophora costata* is provided in the road reserve and two magnolias are proposed opposite the 90 degree angle parking.

NATURAL RESOURCES OFFICERS COMMENTS

See comments provided in section B4.6 'Wildlife Corridors' above.

ASSESSING OFFICERS COMMENTS

As with the discussion in C1.1 above the approach taken in this assessment is to repeat the exercise of addressing the controls and outcomes as done in the original assessment considering the amendments proposed.

- *A range of ground covers shrubs and trees shall be provided to soften the built form from the street.*

The proposal provides 3 Tuckeroos (7m), 2 Magnolias (3) and a variety of small to medium sized shrubs on the site. On the road reserve 3 existing Sydney Red Gums, 2 existing Red Bloodwoods and 3 new Sydney Red Gums along with small to medium sized shrubs are proposed. As established previously, to require additional landscaped area within the site along the front of the development is unreasonable considering the affect on developable floor space. It is considered that the range and variety and position of landscaping in the road reserve will aid in the visual softening of the built form.

- *For shop-top housing, a planter or landscaped area with minimum area of 4sqm is to be provided as a feature at the ground floor of the front building facade. This feature is to be positioned to soften any hard edges of the building including ramps, podiums or changes in levels*

A 7.5m² landscaped area incorporating 3m high Magnolias and shrubs is located next to the pedestrian ramp where the change in level occurs between the existing shops and the proposal. A 11m² area incorporating 2 Tuckeroos and shrubs lines the pedestrian walkway opposite the building façade. The development is considered to comply with this control.

- *For shop-top housing, a minimum landscaped area (at ground level) of 20% of the site area, or 35sqm per dwelling, whichever is the greater, shall be provided.*

The amendments propose 50.5m² landscaped area at ground level. This control requires a minimum landscape area of 175m². As discussed previously there is little opportunity to provide additional landscaped area on the site and the proposed scheme can adequately screen the development while still being appropriate for retail/public use.

- *Landscaping is to be provided at the front and rear of shop-top housing developments*

The site is a corner lot therefore there is no rear setback to accommodate landscaping. The eastern setback incorporates 5m high trees and the frontage includes 3 - 7m trees and 2 - 3m trees all at ground level. The landscaping on the actual site at ground level is minimal however as discussed previously requiring additional at grade landscaping including the retention of tree 5 would reduce overall floor space and unreasonably affect the provision of a viable commercial/residential development.

The objectives of this control are the same as C1.1 in that:

- *A built form softened and complemented by landscaping.*
- *Landscaping that reflects the scale and form of development*

The provision of 8 canopy trees (5 of which are existing) at 14m high along with small trees and medium shrubs provide a variety of landscaping which reflects the scale of the development and can soften the built form particularly along the Grandview Dr elevation.

For these reasons and those outlined in C1.1 above, the development can achieve the control outcomes and can be supported.

- **REFUSAL REASON 6 - The development does not comply with the controls and outcomes of Section C2.2 'Safety and Security' of Pittwater 21 DCP.**

ORIGINAL ASSESSMENT

This section of the DCP is based on CPTED Principles (Crime Prevention Through Environmental Design). These principles are divided into Surveillance, Access Control, Territorial Reinforcement and Space Management. These principles will be discussed in turn below.

Surveillance

Relevant controls are as follows:

"Buildings and the public domain are to be designed to allow occupants to overlook public places (streets, parking, open space etc) and communal areas to maximise casual surveillance."

In regard to this control and casual surveillance generally, it is considered that the residential entry should be located at the Plateau Road frontage, as originally proposed, rather than Grandview Drive as this area would have better opportunity for casual surveillance by people using the adjoining shops and cafe. The proposed Grandview Drive entry in the May 2011 Amended Plans is more isolated and located opposite the landscaped Grandview Drive road reservation.

The trees and Telstra box, being located directly opposite the entry, could be used as potential entrapment/concealment spots whereas, the previously proposed Plateau Road location (at a setback consistent with the adjoining shops) would have a more heavily frequented public space with clear sightlines in the public domain all around the entry.

"Development design and design of the public domain (including landscaping) is to minimise opportunities for concealment and avoid blind corners"

The development fails to satisfy this requirement as it fails to adopt a front building setback on Plateau Road that is consistent with the established front setback of the adjoining existing shops. Instead, the fire stairs of the development are located forward of the established building line jutting out into the footpath area and forming a blind corner at the boundary between the development and the existing shops. This is considered to be a highly unsatisfactory treatment of this space. This blind corner could become another potential entrapment/concealment spot or encourage loitering and/or graffiti. It would interrupt the line of sight along the row of shopfronts that would otherwise be available.

"Design landscaping and materials around dwellings and buildings, so that when it is mature it does not unreasonably restrict views of pathways, parking and open space areas."

The high density of vegetation proposed within the small area of public domain in the Grandview Drive road reservation, together with level changes, diminishes casual surveillance opportunities of the public spaces in front of the development generally. More appropriate landscaping would involve a larger area available for landscaping and less dense planting.

Access Control

"Building entrances are to be clearly visible from the street, easily identifiable and appropriately lit."

Concern is raised in regard to the proposed relocation of the residential entry to Grandview Drive opposite proposed high density landscaping in the Grandview Drive road reservation where this entry would not be greatly visible from the street. The more visible and easily identifiable location would be adjacent to the existing shops on the Plateau Road frontage where this entry was originally proposed to be located.

"Pedestrian access along the street frontage shall not be impeded by landscaping, street furniture or other restrictions."

In regard to this control, the inadequate setback to Plateau Road and ramping impedes pedestrian access around the development and from the existing shops to the corner of Grandview Drive and Plateau Road as only 1.25m wide ramps are provided for people moving both ways. In addition, it is noted that vehicles parked in the 90 degree angle parking invariably overhang the footpath area, thus further reducing the trafficable space for pedestrians.

Territorial Reinforcement

"Walkways and landscaping should be used to delineate site boundaries and direct visitors to the correct entrance and away from private areas."

The sunken commercial forecourt with outdoor seating, partially located within the public domain and partially within the site combined with the level change between this space and the remaining public domain is considered to create confusion as to whether this space is private or public land. In addition, it is considered to alienate public land from being accessible to and used by the public.

"Blank walls along all public places (streets, open space etc) shall be minimised."

The development presents a blank wall at the termination of the footpath in front of the existing shops adjoining the site. This blank wall is continued to the full 3 storey height of the development. It also presents a blank wall to Plateau Road and immediately adjacent to these shops. The proposal therefore fails to meet this control

Space Management

There are no issues raised in regard to this principle.

Given the above, the development is recommended for refusal due to its failure to comply with the controls of this section of the DCP as well as the underlying outcomes.

APPLICANTS RESPONSE/AMENDED PLANS

The applicant advises that the setback to Plateau Rd prevents potential areas for concealment and the residential entrance is appropriate.

ASSESSING OFFICERS COMMENTS

The development has been setback to be consistent with the established front elevations along Plateau Rd reducing the opportunities for concealment and anti social behaviour. Both the residential and retail spaces including entries are capable of passive surveillance of the public area including shop facades to the north. The residential entry is appropriately located along the Grandview Dr frontage with a secure lobby area allowing only access to private residents. The landscaped area opposite the entry could be an area for concealment however with the vehicular entrance, residential entry and retail frontage this area will be under surveillance at most times of the day.

The pedestrian pathway will be clearly perceived as a public walkway as it is a continuation of existing pathways. The lower level commercial forecourt will be perceived as an area associated with the retail facilities however would not detract the pedestrians from walking through the site along the retail façade. Existing commercial centres within the local government area with similar configurations are successful as it encourages pedestrian traffic through the area activating the street frontage.

- **REFUSAL REASON 7 - The proposal fails to comply with the requirements of Section C2.22 'Plant, Equipment Boxes and Lift Over-Run' of Pittwater 21 DCP.**

ORIGINAL ASSESSMENT

The development does not comply with this requirement. This is recommended as a reason for refusal.

APPLICANTS RESPONSE/AMENDED PLANS

The applicant has advised that the lift overrun is located centrally within the proposed roof form and will not be readily discernable from viewing points in the public and private domain.

ASSESSING OFFICERS COMMENTS

The control requires lift over-runs are to be integrated internally into the design fabric of the built form of the building.

The over run is 3m x 2.5m in area and 800mm high. The proposed over run does not comply with this control as it is not internally integrated into the roof as it protrudes from the flat roof by 800mm and exceeds the height limit by 1.07m. An alternative roof design achieving integration of the lift core would increase the height of the building across the majority of the site creating further non compliance.

The control aims to achieve the following outcomes:

- *To achieve the desired future character of the Locality.*
- *The bulk and scale of the built form is minimised.*
- *Equitable preservation of views and vistas to and/or from public/private places.*
- *To achieve reduction in visual clutter.*
- *The appropriate location and design of noise generating equipment.*

Consideration is given to the control outcomes and likely visual impacts of the over run when viewed from adjoining properties and the public domain. The over run is located 9.3m from Grandview Dr boundary, 21m from the Plateau Rd boundary, 15m from the neighbours at 162 Grandview Dr and 11m from the neighbours at 215 Plateau Rd. The sections provided show the viewing angle up from a person standing in the middle of Grandview Dr and the over run is not visible. Given the distances to the adjoining properties and public roads, the over run will not be visible from locations around the site at ground level.

At higher levels, say a second storey of a dwelling the over run may be visible however it would appear as connected to the development and not of a size and mass that would be classed as visual clutter.

For these reasons it is considered that the over run does not contribute to unreasonable visual impacts from adjoining properties and the public domain and therefore considered to achieve the control outcomes.

- **REFUSAL REASON 8 - The development does not comply with the controls and outcomes of Section D3.1 'Character as viewed from a public place' of Pittwater 21 DCP.**

ORIGINAL ASSESSMENT

Concern has been raised in objections regarding the impact of the development on the streetscape, the inconsistency of the development with surrounding buildings and the unacceptable relationship of the development with the public domain. Relevant controls in this section of the DCP include the following:

Buildings which front the street must have a street presence and incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with any design themes for the locality. Blank street frontage facades without windows are not permitted.

Comment

The development fails to adequately respond to the requirements of this control because it has failed to incorporate the established front building setback to Plateau Road of the other shops in this neighbourhood shopping strip. This is considered to be a design theme for this neighbourhood shopping strip.

This design flaw is exacerbated by the positioning of a fire stair well where the development adjoins the existing shops and protrudes into the front setback area on Plateau Road elevation such that two of its blank external walls are exposed to view from the public domain.

The bulk and scale of buildings must be minimised.

Comment

The development is not considered to have been sufficiently minimised due to the inadequate setbacks identified in this report and non-compliance with the maximum building height control.

Landscaping is to be integrated with the building design to screen the visual impact of the built form.

Comment

As discussed elsewhere in this report, insufficient ground level landscaping has been provided and it would appear that landscaping is more of an afterthought rather than being integrated into the building design as most of the landscaping proposed is occurring within the public domain and not the Site. It has been identified that the canopy trees proposed to be planted are inadequate in maturing height to be in scale with the building or compensate for the canopy trees to be removed. It therefore cannot be considered that the amended design responds adequately to this control.

The development is therefore recommended for refusal due to its failure to satisfy the controls and outcomes of this section of the DCP.

APPLICANTS RESPONSE/AMENDED PLANS

The applicant contends that the amendments and additional landscaping make the design visually acceptable when viewed from the public domain.

ASSESSING OFFICERS COMMENTS

The development has been setback to be consistent with the established front elevations along Plateau Rd which improves that developments compatibility with the existing streetscape.

The setbacks provided either exceed compliance or are appropriate for the zone. While part of the development exceeds the height limit the scale and massing is appropriate as it provides adequate setbacks and horizontal design features.

The landscaping within the site and road reserve can adequately screen development and while it is not fully integrated into the site it has been demonstrated that this is unfeasible on this particular site.

- **REFUSAL REASON 9 - The development is not consistent with the controls and outcomes of Section D3.2 'Scenic Protection – General' of Pittwater 21 DCP.**

ORIGINAL ASSESSMENT

Objections raise concern regarding the impact of the development on the natural environment. The control in this section of the DCP states the following:

"Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve."

The relevant underlying outcomes are as follows:

Achieve the desired future character of the Locality.

Scenic bushland and geographical landforms are the predominant features of Bilgola with the built form being the secondary component of the visual catchment.

Preserve scenic quality as part of the residential amenity.

Comment

The proposed removal of all of the existing trees on the site, some of which are highly visually significant in the streetscape, is considered to be contrary to this control.

The removal of the natural topography of the Site and the failure of the development to relate to the natural topography of surrounding public land is also considered to be contrary to the controls of this section of the DCP.

Whilst it is appreciated that the site is commercially zoned, the failure of the Applicant to demonstrate that a legitimate attempt to design the building around the possible retention of Tree 5, the failure of the amended landscape plan submitted to be in scale with the development or compensate for lost tree canopy due to lack of adequate ground level landscaped area are all indicative that the development does not satisfy the controls or outcomes of this section of the DCP.

The development is recommended for refusal for these reasons.

APPLICANTS RESPONSE/AMENDED PLANS

The applicant contends that the design is articulated, will sit below the tree canopy and will be a visually recessive built form particularly on the upper level.

ASSESSING OFFICERS COMMENTS

It has been established that the retention of the existing trees while unfortunate is unfeasible. The retention of tree 5 is unreasonable considering the large protection zone required and it effectively diminishing the principal developable area.

- **REFUSAL REASON 10 - The development does not comply with the maximum building height control and does not satisfy the underlying outcomes of Section D3.4 'Height – General' of Pittwater 21 DCP.**

ORIGINAL ASSESSMENT

Concern has been raised in objections regarding the non-compliance of the development with the maximum 8.5m building height control.

The maximum height of the development in the March 2011 Amended Plans (no sections or elevations submitted with the May 2011 Amended Plans) is 9.57m, which represents a numerical variation to this control of 12.6%.

As discussed elsewhere in this report, the ground level (Level 3) of the development has an inappropriate finished floor level approximately 1m lower than it would have been had this floor been at or closer to grade with the existing footpath at the front of the adjoining shops fronting Plateau Road. For a number of urban design reasons, it is important for this level to be consistent with ground level. This would increase the maximum height to a maximum possible height of 10.57m.

The Applicant has justified the height non-compliance using arguments such as the need to comply with SEPP 65 minimum floor to ceiling heights and that there are similar shop-top housing developments within the LGA that also do not comply with the height requirement. These are not considered to be legitimate planning arguments. The height non-compliance arises because the development is 3 storeys rather than 2 storeys in height.

The appropriateness of the height of the development needs to be assessed in the context of the surroundings of the site and how well the development responds to and integrates with its surroundings. The impacts of this additional height also need to be assessed and the development should otherwise meet the underlying outcomes of the control notwithstanding the numerical non-compliance.

The subject site is essentially flat. The most prominent part of the site and the part of the site where the development most needs to relate to in a sympathetic way is adjacent to the existing shops fronting Plateau Road. The inappropriately low finished floor level of Level 3 necessitates this space being used as a transient ramping area rather than an activated street frontage. It also results in unnecessary and inappropriate stepping, excavation and retaining walls in the public domain to accommodate the outdoor seating. The desire of the architect to reduce the numerical non-compliance with the height control by dropping the floor levels is considered to create significant and unacceptable urban design issues where the development impacts on the public domain the most, at ground level.

The relevant outcomes of the maximum height control are as follows:

To achieve the desired future character of the Locality.

Buildings should reinforce the bushland landform character of Pittwater and be designed to preserve and strengthen the bushland character.

To ensure sites are designed in scale with Pittwater's bushland setting and encourage visual integration and connectivity to the natural environment.

Buildings and structures below the tree canopy level.

The built form does not dominate the natural setting.

To encourage buildings that are designed to respond sensitively to natural topography.

All of the above objectives focus on the need to retain the natural bushland setting and the natural topography of the Site. The proposed development does not achieve this primarily because it involves excavation for no valid reason other than to reduce the apparent height of the building. The desired future character for the locality is for one and two storey buildings in a natural landscaped setting, integrated with the landform and landscape. Even with the sunken floor levels, the development dwarfs the adjoining shop buildings. If the development were to be raised 1m to address urban design issues at ground floor level, this inappropriate relationship would be exacerbated. The proposed building is considered to dominate its setting and modify the natural environment in an unacceptable way.

The 3 storey height of the building was raised as a concern in the Pre-DA meeting for this proposal in June 2010 as well as in a letter of issues in December 2010 and at a meeting in February 2011. In all instances, it was advised that it was not considered that 3 storeys was appropriate on this site and that the only instance of 3 storeys that might be acceptable is where none of the upper floor could be seen from anywhere in the public domain, such as a single penthouse unit with generous setbacks. In response to this advice, the May 2011 Amended Plans include 2 large apartments on the upper floor with slightly increased setbacks but which would still be visible from the public domain. The additional setbacks at this level are not considered to be adequate in reducing the bulk and scale of this development to an acceptable level.

The development is recommended for refusal as it does not comply with the control and underlying outcomes of this section of the DCP.

APPLICANTS RESPONSE/AMENDED PLANS

The applicant has advised that the top floor is light weight construction and glazed and additional articulation is provided by greater setbacks to the upper level. The non compliance is acknowledged and it is requested that the proposal be supported on merit.

ASSESSING OFFICERS COMMENTS

The building ranges in height from 8.37m to 9.32m from natural ground level and the lift over run is 9.57m from natural ground level. In establishing whether the height non compliance is acceptable or not and if further design changes are required consideration must be given to where the breach is occurring, what impacts it is creating and whether the development notwithstanding the technical non compliance can achieve the control outcomes.

The building begins to exceed the 8.5m height limit on the Grandview Dr elevation and increases to 9.32m at the south eastern corner of the building. It is noted that where the non compliance occurs the natural ground level at that location is not proposed to be altered i.e. excavated.

While the lift over run is 9.57m high it is a low lying rectangular element, centrally located and will not be visible from the street. For this reason it can be supported on merit.

Of concern is the height non compliance in the south eastern portion of the building and the visual impact of three storeys when viewed from Grandview Dr. The three storey scale of the development was a central issue in the original assessment and it was suggested that a substantial setback be provided to the third level to ensure it was not visible from the public domain. The level 5 plans have been amended to provide a slightly greater setback to Grandview Dr of 5.5m to 8m. It is noted that for the upper level to be obscured when viewed from Grandview Dr a minimum setback in the order of 9m - 10m would be required along the southern elevation.

The proposed saw tooth setback to level 5 including varied 5.5m – 8m setbacks reduces the perception of bulk as it heavily modulated and is not a straight continuous façade. The design has strong horizontal features and is not perceived as having an excessively vertical scale when viewed from the street. It is noted that if the development were to strictly comply with the height limit the scale and massing of the development would be similar if not the same.

The existing 11m – 14m canopy trees in the 8m wide road reservation between Grandview Dr and the development will also aid in screening the upper level from the public domain. The addition of a replacement angophora in the road reserve next to the right of carriageway will also provide screening of the three storey development from vantage points down Grandview Dr.

A 9m – 10m setback would further reduce the scale of the building however considering the landscaping and setbacks proposed the 820mm height non compliance is not of a magnitude that would warrant these further design changes.

Concealing the entire third floor is not considered to be necessary in this development as the very nature of the zone and the buildings purpose is to achieve a presence and provide services and housing for the future Bilgola Plateau community. The outcomes of the control aim to achieve a development which does not dominate the natural setting and respects the bushland character. Effort has been made to maintain the landscape character along the street and while the development will have a visual presence along the street frontage it is not of a scale which can be classed as inappropriate and dominating.

- **REFUSAL REASON 11 - The development fails to satisfy the outcomes of D3.6 'Front Building Line' of Pittwater 21 DCP and fails to properly relate to established shopfront building setbacks of adjacent existing development on Plateau Road.**

ORIGINAL ASSESSMENT

The proposed development provides the required minimum 3.5m front building setback stipulated under this section of the DCP to both Plateau Road and Grandview Drive.

Notwithstanding the numerical compliance with this control, the development is not considered to have provided a satisfactory front building setback that adequately addresses the underlying outcomes of this control. The minimum 3.5m front setback requirement is a minimum requirement, not a development right, and compliance with this minimum requirement does not necessarily guarantee that the front setback is satisfactory in every conceivable situation.

The circumstances of the subject site are such that it is considered that a front building setback of 6m from Plateau Road is more appropriate. The subject site is an undeveloped corner site that is situated at the south-west end of an existing strip of neighbourhood shops that incorporates a catering company, a veterinary clinic and a cafe, all fronting Plateau Road. There is 90 degree angle parking off Plateau Road and along the length of the neighbourhood shopping strip. The existing 2 storey commercial buildings are all built with a consistent front building line that numerically varies due to inconsistent alignments of front boundaries but is essentially a consistent building line to the observer on the street. If measured in relation to the front boundary of the subject site, this building line would be 6m measured from the front boundary of the Site. The width of the footpath in front of the existing shops is consistently 5m.

Because the first 1m of the proposed 3.5m front building setback runs across part of the 90 degree parking in front of the site, the footpath area in front of the development along Plateau Road is effectively only 2.5m wide. This compares with a consistent 5m wide footpath in front of all of the existing adjoining shops.

The proposed ramping further divides this footpath area into 2 x 1.25m wide ramps. Given the minimal width available to provide 2 ramps, there is insufficient width remaining to soften the hard edges created by these ramps with the provision of the required planter boxes. The treatment of the public domain at this critical point on Plateau Road is considered to be particularly unsatisfactory element of the development. It effectively divides the shopping strip into two parts with the existing shops and proposed shop frontage of this development divided by the blank and unactivated side elevation of a service fire stair well that juts out into the existing footpath area such that the unarticulated external walls of the stairs are highly visible both from the street and from the footpath area in front of the adjacent shops. In front of this service stair well is a hard-edged transient ramp area unadorned with any landscaping and 90 degree angle parking. The failure of the development to provide adequate landscaping to soften the appearance of the ramps and level changes is a direct result of inadequate ground level landscaped area and inadequate front setbacks to Plateau Road.

It is also noted that the March 2011 Amended Plans northern elevation is drawn in a deceptive manner and appears to indicate that the Plateau Road facade of the development is aligned with the adjacent existing shops when it clearly is not. The front wall of the development is 2.5m in front of the front wall of these shops as well as being one storey higher. In addition to this is a further 2.5m projection by the awning to the development.

Small street trees, a post box and bin are all located in the 5m wide footpath space in front of the existing shops on Plateau Road. The development proposal has incorporated such limited setbacks to Plateau Road that there would be no opportunity whatsoever for any planting or street furniture in front of the development at Plateau Road.

Although the public domain widens out at the corner of Plateau Road and Grandview Drive, the proposal takes advantage of this additional public space by pushing the sunken commercial forecourt seating area into the public domain at this point and proposing planting in the public domain to screen and soften the development. Thus the subject proposal not only takes possession of public land but also utilises public land to landscape around the building to screen and soften its appearance. This has been done because the proposed front building setback of 3.5m is inadequate for this purpose.

The relevant outcomes of the front building line controls are as follows:

Achieve the desired future character of the locality.

The desired future character states "*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*".

Comment

This is not achieved as the inadequate front setback and level changes proposed severely limits landscaping opportunities and alters the natural landform.

Equitable preservation of vistas to and/or from public/private places.

Comment

This is not achieved as the 3.5m setback to Plateau Road interferes with and imposes on the vista looking south-west along the line of the existing shops, as described above.

Vegetation is retained and enhanced to visually reduce the built form.

Comment

This is not achieved due to the failure of the proposal to retain any tree on the site and also necessitate additional tree removal in the public domain. In particular, a more appropriate front setback to Plateau Road and the corner of Plateau Road and Grandview Drive opens up the opportunity to retain Tree 5 - a visually significant Sydney Red Gum. *To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.*

Comment

This is not achieved, this development will severely erode the quality of the existing streetscape by completely removing all evidence of the natural environment from the site and parts of the public domain and introducing a building with an excessive scale and density that is completely overwhelming in scale for the small neighbourhood centre in which it is located.

To encourage attractive street frontages and improve pedestrian amenity.

Comment

This is not achieved for reasons stated above. The inadequate front setback especially erodes the quality of pedestrian amenity narrowing a 5m wide attractive public space in front of the existing shops with an active frontage down to a transient space consisting of 2 x 1.25m wide ramps in front of a blank, unactivated wall. The sunken commercial forecourt designed to service the development protrudes onto public land and creates a hard-edged urban character that is contrary to the heavily treed suburban character of the surrounding streetscape.

To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.

Comment

The development fails in many areas discussed above to respond to and relate to the existing environment on and around the site.

The Land and Environment Court Planning Principle for compatibility in the urban environment in the judgement by Senior Commissioner Roseth in *Project Venture Developments v Pittwater Council* [2005] NSWLEC 191 is relevant in considering the front setbacks, particularly given that the proposal is numerically compliant. In this judgment, Senior Commissioner Roseth made the following conclusion in regard to assessing the compatibility of a development with its surroundings:

"24. Where compatibility between a building and its surroundings is desirable, its two major aspects are physical impact and visual impact. In order to test whether a proposal is compatible with its context, two questions should be asked:

*Are the proposal's physical impacts on surrounding development acceptable?.....
Is the proposal's appearance in harmony with the buildings around it and the character of the street?*

*25. ... 26. For a new development to be visually compatible with its context, it should contain, or at least respond to, the essential elements that make up the character of the surrounding urban environment.... The most important contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by **building height, setbacks and landscaping**....*

*27.... 28. Front **Setbacks** and the way they are treated are an important element of urban character. Where there is a uniform building line, even small differences can destroy the unity....*

*29. **Landscaping** is also an important contributor to urban character. In some areas landscape dominates buildings, in others buildings dominate the landscape. Where canopy trees define the character, new development must provide opportunities for planting canopy trees."*

The above Planning Principle outlines why, in the case of the subject site, the application of the minimum 3.5m front setback is not appropriate. A uniform and more generous front setback has been established by the existing row of shops adjoining the site and fronting Plateau Road and this established setback should have been observed by the development.

Large native canopy trees dominate the landscape and streetscape of this locality. The proposed development is removing all 19 trees on the site and adjoining public domain and not providing adequate area for replacement canopy tree planting. It is considered that the reason that replacement planting is inadequate is because the front building setbacks of the development are inadequate. Consequently, a greater front setback to Plateau Road of 6m is appropriate and necessary in this instance.

The failure of the development to satisfy the outcomes of the front setback control and the failure of the development to respect existing street setbacks on Plateau Road are recommended as reasons for refusal.

APPLICANTS RESPONSE/AMENDED PLANS

Amended plans have been submitted to provide a 6.08m setback to the Plateau Rd frontage in response to the original assessment.

ASSESSING OFFICERS COMMENTS

The proposed amendments to the front setback to Plateau Rd provide a setback consistent with that established to the commercial premises to the north. This amendment improves the pedestrian thoroughfare through the small commercial strip by continuing the 5m wide pedestrian area and street trees.

The modified design still proposes a change in level (1m) between the existing walkway and area adjacent to the future retail premises. The level change is provided by 5 steps or a short ramp within the 5m wide path. The proposal also allows for a continuation of a pathway at the existing level around the site which gradually slopes and connects to the existing lower level towards the south east of the site.

Any design on this site would need to address a level change given that there is a 1m difference between the north western and south eastern corners of the allotment. While it may be more appropriate for the change to occur elsewhere it is not uncommon for public walkways adjacent to retail premises to be at a different level to an alternate thoroughfare. This is evident in developments where retail areas may be on a podium or sunken and demarcated usually by a low wall or ramp. This development provides a 35m distance of uninterrupted pedestrian walkway along the frontage to the retail floor space which connects visually and physically to the existing public domain.

With regard to the original assessment and issue of additional landscaping in the front setback, it has been discussed and demonstrated previously that this is unfeasible on this site considering the zone objectives and achieved landscaping outcomes.

The amended design respects the existing retail frontage and provides appropriate activation and public amenity within the setback and therefore considered to adequately achieve the control outcomes.

- **REFUSAL REASON 12 - The development fails to adequately address the outcomes of Section D3.7 'Side and Rear Building Line' of Pittwater 21 DCP due to insufficient setbacks of the upper residential levels to the eastern boundary with the adjacent Right of Way and the adjoining Residential 2(a) zone.**

ORIGINAL ASSESSMENT

An objection argues that the proposed zero setback to the eastern boundary (adjoining the Right of Way) is insufficient. It is argued by the Objector that the DCP requires a 3m setback where the development adjoins land zoned Residential or Open Space. Where the site is adjoining land zoned something other than Residential or Open Space, the setback requirement is Nil. Because, at this boundary, the subject site adjoins a Right of Way approximately 3.6m wide that is unzoned, the Applicant has treated the Nil setback requirement as applicable and has adopted a nil setback for the basement levels (i.e. Levels 1 and 2). The argument made by the objector includes reference to the Land and Environment Court Judgment by Justice Pearlman in *Modog Pty Ltd v Baulkham Hills Shire Council [2000] NSWLEC 180* in which she stated the following:

"22. In Auckland Lai v Warringah Shire Council (1985) 58 LGRA 276, Bignold J was required to construe the word "adjoins" in the phrase "the land is within or adjoins land zoned for urban uses" in SEPP 5 in its original form. He held at pp283-284, that the word bears its loose sense of "is near to" or "is neighbouring on" rather than its exact meaning of "is conterminous with". In Hornsby Shire Council v Malcolm (1986) 60 LGRA 429, the Court of Appeal also adopted a loose sense of the word rather than its exact meaning, and stressed that its meaning depended upon its context.

23. In the context of the purpose and object of SEPP 5, to which I have already referred, that is, to provide medium density development for housing older people and people with a disability in an urban setting, I respectfully adopt the loose meaning of the word "adjoins" as being "near to" or "in the neighbourhood of"."

It is agreed that, for the purposes of interpreting the side setback control, the development site is considered to be land adjoining the Residential 2(a) zone notwithstanding the fact that there is a 3m wide Right of Way in-between these two zones that is unzoned. The applicable side setback is therefore considered to be 3m from the south-eastern boundary.

In the originally submitted plans, there was a two and a half storey wall adjacent to this Right of Way. In the March 2011 Amended Plans and May 2011 Amended Plans however, at Ground/Commercial Level (i.e. Level 3), these plans are somewhat indistinct but appear to show the eastern side of the ramp to the basement as being at least partially open with only a small supporting wall towards the frontage of the site with Grandview Drive and also possibly a low wall on the boundary with the Right of Way. It also shows a 3m x 11.5m planter over the basement levels in the rear north-east corner of the site. Effectively, this gives a 3m building setback for the length of the ground level planter but the walls associated with the basement entry ramp and the ramp itself would not comply with the 3m setback provision.

The basement levels do not comply with the 3m side setback provision.

At Levels 4 and 5, the setbacks to the Right of Way are further extended such that only planter boxes and balcony edges protrude into the 3m setback to the Right of Way. However, as there is a dwelling on the opposite side of the Right of Way, the Right of Way is at a zone boundary and the development is non-compliant with height, further deletions and increased setbacks to the Right of Way should have been made for this development to be considered to be reasonable.

Relevant control outcomes in Section D3.7 of the DCP 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.*
- *Vegetation is retained and enhanced to visually reduce the built form.*
- *To ensure a landscaped buffer between commercial and residential zones is established.*

In order to achieve the above objectives, at the very minimum, the rear 3m wide ground level landscaped area should not be overhung by any structure above it so that a reasonable landscaped buffer of trees can grow in this location. Planter boxes encroaching on this 3m setback area are considered to be a variation and would not be supported. This would require the deletion of overhanging planter boxes on Level 4.

It is arguable that the 3m setback would not be sufficient to meet other landscaping requirements for this development and that a more substantial rear landscaped area should be created (Refer to C1.1, C1.5 and C2.1 for further discussion).

In relation to the setbacks of Level 5 of the development, it should be noted that this level is non-compliant with the maximum building height control. This non-compliance is discussed in more detail under Section D3.4 and C1.5 of this report. Submitted photo montages accompanying the March 2011 amended plans indicate that this level is highly visible from Grandview Drive with a full 3 storey chimney feature presenting to the adjoining residential zone over the Right of Way.

The Applicant was advised at a meeting in February 2011 that Level 5 would not be supported if it was visible from anywhere in the public domain. The proposed 3m setback of the non-compliant Level 5 to the Right of Way is not considered to be adequate. This setback of Level 5 should be increased until it can be demonstrated that it is not visible from the public domain. As a guide, a minimum setback of at least 9m to the eastern boundary should be observed on this level, as discussed in Section C1.5 of this report.

The Land and Environment Court Planning Principle for development in adjoining different zones in the judgement by Commissioner Bly in *Seaside Property Developments Pty Ltd v Wyong Shire Council [2004] NSWLEC 117* makes the following relevant conclusions:

"25. As a matter of principle, at a zone interface as exists here, any development proposal in one zone needs to recognise and take into account the form of existing development and/or development likely to occur in an adjoining different zone.....any development of this site must take into account its relationship to the 2(b) zoned lands to the east, south-east, south and south-west and the likely future character of those lands must be taken into account. Also, in considering the likely future character of development on the other side of the interface it may be that the development of sites such as this may not be able to achieve the full potential otherwise indicated by applicable development standards and the like."

No transition to the one and two storey dwelling-houses characteristic of the 2(a) zone has been provided. Instead, the upper floor, which does not comply with the maximum height control, is extended to within the 3m side setback requirement.

It is apparent that, even in the amended plans for the proposal, every attempt is being made to maximise the yield of the development within and beyond the constraints of the applicable standards. This is not considered to be an appropriate design approach to developing this site given its location and constraints which dictate a more modest development that is more responsive to, rather than being dominant over, the surrounding development and natural environment.

Given other significant concerns identified within this report and for the reasons outlined above, the proposed setback to the eastern boundary adjoining the Right of Way and Residential 2(a) zone is considered to be inadequate and the development is recommended for refusal as it fails to satisfy the requirements of this section of the DCP.

APPLICANTS RESPONSE/AMENDED PLANS

The applicant contends that the control allows a nil setback to the eastern boundary however the development has been designed to provide an appropriate zone interface.

ASSESSING OFFICERS COMMENTS

The applicable side setback in this scenario is 3m however it generally does not apply to basement levels. Setbacks are to external faces of walls and considering basement walls are not exposed nor do they contribute to visible massing nil setbacks are appropriate particularly on sites where substantial off street parking is required.

The edges of the proposed terraces to unit's 1 and 5 and planter boxes extend into the 3m setback. These are not considered to be walls as they are projecting elements containing terrace planting. While they should observe the 3m setback they do provide a break in the elevation, are not excessively bulky and are an acceptable way of providing landscaping in multi level development.

The height non compliance along the eastern elevation is 820mm above the maximum allowed. Level 5 has varied setbacks to the eastern elevation, partly 3m, 6.5m and 10m.

The portion of level 5 with a 3m setback is 9m in length and located towards the front of the site. While it does not form part of the site, the 4.5m wide right of carriageway does supplement the 3m setback, creating a zone interface buffer of 7.5m to 162 Grandview Dr. It is considered that the setbacks proposed to level 5 are acceptable and the projections within the 3m setback supportable given the interface distance, provision of above ground planting and visually articulated built form.

- **REFUSAL REASON 13 - The development does not comply with the controls of Section B8.5 'Construction and Demolition – Works in the Public Domain'.**

ORIGINAL ASSESSMENT

Concern has been raised in objections regarding pedestrian safety and amenity in the public domain. Section B8.5 of the DCP has the following controls that are applicable in the assessment of the development:

All works undertaken within the public road reserve must be protected in a manner to ensure pedestrian and vehicular safety at all times.

All works undertaken on the site or in the public road reserve must make provision for pedestrian and traffic flow and not adverse nuisance."

The proposal is considered to be unsatisfactory in relation to the above 2 controls. The combination of the inadequate setback to Plateau Road (as discussed under Section D3.6 of this report) and the adoption of a finished floor level of RL 138.47 at Level 3 (i.e. Ground Floor) which is 1m below the level of the footpath, necessitates a footpath already inconsistent in width compared to the adjoining footpath areas (2.5m width proposed compared to 5m width of footpath in front of adjoining shops) to be further divided into 2 x 1.25m wide ramps to accommodate the proposed level change.

The upper path allows pedestrians to walk to the corner of Grandview Drive and Plateau Road. This path is located directly adjacent to the kerb of the 90 degree parking on Plateau Road where cars tend to overhang this footpath, further reducing its effective width. The path travels around the proposed sunken outdoor seating forecourt with steps that are considered to pose a fall risk. As the steps are located within the public domain, this poses a potential liability risk to Council. There is inadequate space for planters to protect the level change exposing this area to full view from the street and presenting a hard urban edge which is not consistent with the character of the surroundings. No detail has been submitted showing how the level changes will be protected and what these future barriers will look like.

The proposed level changes in the public domain are not considered to be necessary. The level change around the proposed "commercial forecourt" effectively alienates public land from the public domain and creates the appearance that this area is to be used exclusively by the development although no formal leasing arrangement by Council of this land has been proposed.

It is not considered that adequate measures have been taken to prevent public nuisance being caused as a result of the proposed work in the public domain areas. The non-compliance of the development with the controls of this section of Pittwater 21 DCP is recommended as a reason for refusal.

APPLICANTS RESPONSE/AMENDED PLANS

The applicant contends that the development achieves the safety and amenity outcomes required by council.

ASSESSING OFFICERS COMMENTS

The front setback has been amended to provide a consistent setback with the established shops to the north. Furthermore additional street trees have been accommodated along the pathway. The level change is still proposed and as previously discussed is acceptable as it is provided over three alternative routes being 5 stairs, a ramp or a longer gradually sloping pathway within the public domain. The 1m level change is not of a magnitude that would result in a perceived disconnection along the shop frontages and create confusion for pedestrians.

- **REFUSAL REASON 14 - The development is not consistent with the desired future character for the Bilgola Locality contained in Section A4.2 of Pittwater 21 DCP.**

APPLICANTS RESPONSE/AMENDED PLANS

The applicant maintains that the development will not be perceived as inappropriate or jarring in the streetscape context.

ASSESSING OFFICERS COMMENTS

The desired future character statement for the Bilgola Locality states:

The Bilgola locality will remain primarily a low-density residential area with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. Secondary Dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport. The three distinct areas within the Bilgola locality (as identified in Bilgola Locality Map 2) will, by their unique differences, require differing and distinct degrees of control to ensure the individual characteristics and essence of each area are maintained and enhanced:

Plateau Area - Will provide for some dual occupancy development, on land that does not have tree canopy coverage, species and habitat diversity, or other constraints to development. Any multi unit housing will be located within and around commercial centres, public transport and community facilities. Retail, community and recreational facilities will serve the community.

The statement clearly envisages single dwelling houses among the landscape and mixed use multi unit development within the small commercial centre with direct access to public transport and community facilities. The development is within the commercial centre on a site allocated for the provision of retail facilities and additional housing and therefore consistent with the desired future character statement. While the built form is three storeys it is an appropriate scale for the zone in order to provide the facilities and housing planned for in councils policies.

- **REFUSAL REASON 15 - The development is likely to cause unacceptable privacy impacts on surrounding residential properties and would not comply with the controls of C1.5 'Visual Privacy' of Pittwater 21 DCP.**

ORIGINAL ASSESSMENT

The owner of 215 Plateau Road has expressed concern in regard to the potential privacy impacts of the development on future residential development on this adjoining property due to lack of separation. The Applicant was requested to amend the plans to address this issue as the originally submitted plans included a number of habitable room windows and balconies oriented toward the rear yard of this property.

The March 2011 amended plans and May 2011 Amended Plans have re-orientated the windows and balconies of the units toward Plateau Road, Grandview Drive or the eastern boundary of the site (adjoining the Right of Way). Level 4 of the development incorporates a rear balcony within 9m from the first floor windows of the dwelling at 162 Grandview Drive and within 7m of the rear yard and swimming pool area associated with this dwelling. It is considered that the proposal could reasonably address privacy concerns with regard to Level 4 with the reduction of the large balcony to the bedrooms of Unit 2 down to a maximum trafficable 2m depth. Unit 2 has another balcony attached to internal living areas so there is scope to reduce the secondary bedroom balcony to address privacy concerns. In addition, a 1m wide planter box should be added to the eastern edge of the balcony to Unit 1. Such modifications could be made conditions of consent in the event that the development is approved.

In relation to Level 5, it is considered that Unit 5 and its terrace are too close to the eastern boundary and should be either entirely deleted or set much further back from this boundary to reduce privacy impacts to the dwelling and rear yard at 162 Grandview Drive, reduce bulk and scale and height non-compliance. As all of Level 5 is a non-complying element of the development, it is not considered that any detrimental impact on the privacy of 162 Grandview Drive should be permitted. This privacy impact is a result of the excessive amount of the building that does not comply with the maximum height control as well as the inadequate setbacks of this part of the development to the eastern boundary. These issues are discussed in detail under Sections D3.4 and D3.7 respectively. Should a revised scheme for a reduced Level 5 be submitted, as a guide and in accordance with the minimum building separation requirements of the RFDC, no external wall or balcony edge of any unit on Level 5 should be closer than 9m (allowing for 3m ROC for 12m building separation) from the eastern boundary. Additional setbacks may be required to ensure that this level is not visible anywhere from the public domain.

Given that no such modifications have been made to the current design, the development is recommended for refusal due to unacceptable privacy impacts on adjoining properties caused by non-compliant elements of the building.

APPLICANTS RESPONSE/AMENDED PLANS

The applicant has advised that the intervening landscape elements and spatial separation provided to the dwelling to the east protects dwelling to east from privacy impacts.

ASSESSING OFFICERS COMMENTS

Unit 1

The southern and northern terraces are a minimum 9m to the upper floor windows and rear yard at 162 Grandview Dr. Along the eastern edges of the terraces are 1m - 1.5m wide planters in which 3m high screening vegetation will be planted. It is considered the spatial separation provided in addition to the landscaping can achieve an acceptable privacy scenario between the dwellings.

Of concern is the terrace off the living room and its visual proximity to the terrace in unit 2. It is recommended that the partition wall separating these terraces be of a minimum height of 1.7m or screening on top of the wall be provided. This could be incorporated into the conditions of consent.

Unit 2

The eastern terrace is a minimum 9m to the rear yard at 162 Grandview Dr. Along the eastern and northern edge of the terrace is a 1m - 2m wide planter in which 3m high screening vegetation will be planted. It is considered the spatial separation provided in addition to the landscaping can achieve an acceptable privacy scenario between the dwellings.

Unit 4

The window to bedroom 3 is located a minimum 15m to the rear yard at 162 Grandview Dr. While this window is directly above unit 2 terrace the solid wall 1.4m high will aid in preventing direct overlooking. It is considered the spatial separation provided in addition to solid masonry elements and landscaping can achieve an acceptable privacy scenario between the dwellings.

Unit 5

The windows to bedroom 1 and 3 are located a minimum 15m to the rear yard at 162 Grandview Dr. While these windows are directly above the terraces in units 1 and 2 the solid walls and balustrade at 1.4m high will aid in preventing direct overlooking.

The southern and northern terraces are a minimum 9m to the upper floor windows and rear yard at 162 Grandview Dr. Along the eastern edge of the northern terrace is a 1m wide planter in which 1m high screening vegetation will be planted. The plans do not show a planter provided along the eastern edge of the southern terrace however the elevations do indicate some planting along this edge. Considering that this edge of the terrace extends into the 3m setback and it is not clear as to whether a planter is proposed or not it is recommended that a 1m wide planter be provided along the eastern edge of the terrace through a condition of consent.

Subject to recommended conditions, it is considered the spatial separation provided in addition to the landscaping can achieve an acceptable privacy scenario between habitable and non habitable areas within the development site and adjoining dwellings.

- **REFUSAL REASON 16 - The development would not be in the public interest.**

APPLICANTS RESPONSE/AMENDED PLANS

The applicant has highlighted that the development will provide a quality built form outcome on the site, greater housing choice, improve commercial and retail viability in the neighbourhood centre and improve facilities in the public domain.

ASSESSING OFFICERS COMMENTS

Council has received five submissions objecting to the amended development. The concerns within the objections reiterate those raised to the original development. These concerns have been addressed throughout this report.

Development that would not serve the public interest is one where the likely impacts of the development would cause either unacceptable social, economic or environmental impacts affecting the wider community and public.

As discussed elsewhere in this report, the development is located on a site allocated for the provision of dwellings, services and facilities for the future Bilgola Plateau community. Additional retail floor space, denser housing and provision of off street parking is not a development which could be reasonably classed as having adverse social or economic impacts in the locality. On the contrary the development will service and benefit the community in the future. While the development does result in loss of trees on the site, their removal will not cause any unacceptable environmental impact such as destruction of habitats or wildlife corridors. This development is considered to be in the public interest as the likely social, economic or environmental impacts are acceptable.

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

ORIGINAL ASSESSMENT

The intended designation of use of the car spaces within the development has not been indicated on the plans, however, it could be reasonably assumed that the parking spaces on Level 1 would be for residential use whilst the parking on Level 2 is likely to be for commercial use.

On Level 1, a total of 19 car spaces are provided including a proposed double garage with a 2 level car stacker (designated as "storage" on the plans but capable of being used for car parking). Of these spaces, there are 2 disabled car spaces. For the residential component of the development, this represents an over-provision of residential parking by 7 car spaces.

On level 2, a total of 13 car spaces are provided including 1 loading/unloading space and 2 disabled spaces. This provision would meet the minimum requirements for the commercial component of the development.

Overall, the development includes an over-provision of parking by 7 car spaces, or 5 car spaces if the proposed double car stacker is treated as just a double garage.

Objections received raise concern over the off-street parking provision for the development. The owner of the adjoining commercial building at 215 Plateau Road raises concern that the existing 12 public parking spaces in front of the shopping strip on Plateau Road will be utilised by the future customers of the proposed commercial development on the subject site and this would render this existing public parking area insufficient to cater for the needs of the existing shops.

Whilst it is acknowledged that the future customers of the commercial component of the development may use the public parking spaces due to their more convenient location, they are within their rights to use this parking as it is public parking and not for the exclusive use by the other existing shops. It is noted that the front boundary of the Site actually falls over part of this 90 degree angle parking area and is therefore partly owned by the developer.

In order to encourage customers to use the underground parking within the development, a condition of consent should be adopted in the event that the development application is approved requiring signage clearly visible from the street indicating that customer parking is available within the basement.

ASSESSING OFFICERS COMMENTS

The proposal has been amended to reduce the total parking spaces from 34 to 29. This is a factor of the reduction in retail floor area, provision of a goods lift and additional storage areas in the basement levels. Concern has been raised regarding the lack of parking provided on the site. The proposed parking configuration is:

- Level 1 - 18 residential spaces (including 2 visitor spaces and 2 accessible spaces for the adaptable dwellings)
- Level 2 - 11 retail spaces (including an accessible space and delivery space)

The proposal exceeds the minimum parking requirement of PDGP by 6 spaces and therefore improves the existing parking situation in the area.

It is recommended conditions be incorporated into the consent requiring the provision of bicycle storage facilities, compliance with the relevant Australian Standards, stacked spaces relating to same dwelling and non obstruction of retail patron parking.

- **B6.10 Transport and Traffic Management - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy**

ORIGINAL ASSESSMENT

Objections raise concern that the Bilgola Plateau road system is already inadequate and that the additional traffic generated by this development would exacerbate an already unsatisfactory situation. A Traffic Report was submitted with the application. This report concludes that on a worst case scenario the development would generate approximately 62 peak hour vehicle trips with minimal impact on the surrounding road network or nearby intersections and junctions. This report has been assessed by Council's Development Engineer and no objection has been raised on traffic impact grounds. The development is therefore not considered to have a traffic impact that is so significantly detrimental to the surrounding street network as to warrant the refusal of the development for this reason.

ASSESSING OFFICERS COMMENTS

Objections maintain concerns that the development will generate traffic and have adverse impacts on the existing traffic situation at the junction of Plateau Rd and Grandview Dr. As discussed in the original assessment, the proposed impacts on the road network or nearby intersections will be minimal and are not of a magnitude that would warrant refusal of the development.

- **B8.1 Construction and Demolition - Excavation and Landfill**

ORIGINAL ASSESSMENT

The new owners of 162 Grandview Drive have raised concern that the depth of excavation required to construct the development may lead to damage to their property from vibration. This concern could be addressed by a condition of consent that requires the developer to prepare a dilapidation report prior to excavation occurring and if any damage to adjoining properties is identified as a result of the works the developer will be required to rectify and repair these works prior to receiving an Occupation Certificate.

Concerns have been raised regarding the potential impacts of excavation on the boundary on the structural integrity of adjoining properties. The submitted Geotechnical report makes a number of recommendations relating to the use of equipment and method of excavation. These concerns can be satisfied by conditions of consent requiring the development to be constructed in accordance with the Geotechnical report recommendations and the preparation of a dilapidation report.

- **A1.7 Considerations before consent is granted**

ORIGINAL ASSESSMENT

Concern was raised by objectors regarding the potential blockage of or damage to the Right of Way at the rear of the site during the construction process. Should the development be approved, this issue can be addressed by a condition of consent prohibiting this from occurring during the construction process.

Concern was raised by the owner of the adjoining commercial property at 215 Plateau Road that the orientation of the units on upper floor is towards his property relying on the airspace over his property for light, air and outlook and this would hinder the future development potential for shop-top housing of his property. This issue was raised with the developer in the letter of issues and at a meeting in February 2011. The development was subsequently amended to re-orientate towards the rear or south-eastern boundary of the site. This modification in the amended plans is considered to adequately address this issue.

Concern was raised by an objector that the development was not permissible as shop top housing as the residential component had to be "integrated" with the permissible commercial component and the proposed units could be used independently of the commercial floor space. In this regard, it is considered to be acceptable for the residential component of the shop-top housing development to be physically integrated with the permissible commercial component. The development is therefore considered to be a legitimate shop-top housing development and, therefore, permissible.

Concern has been raised in an objection that the proposed development is inconsistent with the locality statement and desired future character for the Bilgola locality. Section A4.3 of Pittwater 21 DCP contains the locality statement and desired future character for Bilgola. The desired future character is stated as being "The Bilgola 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." The locality statement is silent on the desired character of shop-top housing in the neighbourhood centres but it is clear that the proposed development fails to successfully achieve an adequate landscaped setting, nor does it successfully integrate with the landform and landscape. This is recommended as a reason for refusal.

Concern has been raised in objections that the proposal is an overdevelopment of the site. For the reasons detailed elsewhere in this report, it is agreed that this is the case. Concern has been raised in objections that the development is out of character with the Bilgola locality. It is agreed that this is the case.

Concern has been raised in objections that the Bilgola locality is already well served with commercial floor space and any additional commercial floor area would threaten the viability of the existing retail and commercial premises in the area. The land is zoned Neighbourhood Business 3(c) and commercial/retail premises are permissible in this zone. The viability of other retail/commercial premises is not a matter for consideration pursuant to Draft SEPP (Competition) 2010.

Concern has been raised in objections that Bilgola already has infrastructure problems with congested traffic and parking and insufficient pedestrian crossings. It is not considered that any of these existing issues would be legitimate reasons for refusal of the development. Traffic and parking issues are addressed elsewhere in this report.

Concern has been raised that the additional traffic generated by the development would threaten the local bus service. It is not agreed that this is a likely eventuality.

Objections have raised concern that the subject site should be purchased by Council and used as a public park. The land is not identified in Council's LEP as being reserved for the purpose of a public park, it is privately owned and commercially zoned land. No Council funds have been allocated towards the purchase of this property. This suggestion is not practical nor would it be reasonable.

Concern was raised in objections that the development would reduce the value of surrounding properties. No empirical evidence has been submitted to substantiate this claim.

Objections have queried whether any market research has been undertaken to ascertain whether there is a demand for any more shops in the locality. This is not considered to be necessary as the proposed commercial floor space is permissible in the zone and the subject site has been zoned for commercial purposes for many years.

An objection has raised concern that the development may have geotechnical impacts on existing development further down the escarpment on Grandview Drive. The subject site is not identified in Council's mapping system as subject to landslip or geotechnical risk.

ASSESSING OFFICERS COMMENTS

Many of the concerns raised in the objections relate to overdevelopment of the site, viability of existing commercial development and setting an undesirable precedent in the locality. As discussed elsewhere in this report, the development is consistent with the density and built form controls (except height) established in council local policies. For this reason the development is not considered to be an overdevelopment of the site, or setting a precedent inconsistent with development envisaged for the commercial centre and its surrounds.

Concern has been raised by the owners of 162 Grandview Dr regarding exhaust fans facing their property and potential for noise and fumes. An exhaust fan is located on the roof top adjacent to the lift over run and it is unclear from the documents as to where other exhaust fans are to be located. It is unlikely that fans and ventilation shafts would be located along the eastern elevation as retail floor area and dwellings face the boundary. An increase in car movements will increase car fumes on the site and surrounds it is considered that this is an inevitable and acceptable impact.

It is recommended that the consent incorporate conditions ensuring that the development comply with the provisions of the *Protection of the Environment Operations Act 1997*.

Concern has been raised by the owners of 225 Plateau Rd regarding the potential privacy impacts to their property. The dwelling is located across Grandview Dr approximately 25m from the boundary of the development site. It is considered that the spatial separation, in addition to the existing and proposed canopy within the road reserve will provide adequate protection to the living areas at 225 Plateau Rd.

Concern has been raised that the proposed glazed facades will cause a glare impact and may create a traffic hazard. The use of glass as a construction material is common and is manufactured to reduce reflectivity and glare. Considering the southern orientation of the glazed facades, location of roads and road reserve vegetation it is considered that it is highly unlikely that glare caused by the use of glass will create traffic hazards.

- **C1.4 Solar Access**

ORIGINAL ASSESSMENT

The owners of nearby properties including 188 Plateau Road have objected to the development on the grounds of loss of solar access. Shadow diagrams were submitted with the original plans but not with the March 2011 Amended Plans or the May 2011 Amended Plans.

The shadow diagrams accompanying the original plans indicated that this property, which is located diagonally opposite the subject site on the other side of Plateau Road, would not be affected by the development at any time during midwinter. Given that the March 2011 Amended Plans and May 2011 Amended Plans include greater setbacks from the street at the upper level compared to the original proposal, the extent of overshadowing resulting from the amended design would be less than that of the original scheme.

This impact is not considered to be significant nor would it be unreasonable.

ASSESSING OFFICERS COMMENTS

Concern has been raised by the owners of 225 Plateau Rd and 162 Grandview Dr relating to the overshadowing impacts of the development on their respective dwellings. While the development will overshadow 162 Grandview Dr in the afternoon hours, it complies with the control requirements of 3 hours between 9am and 3pm on June 21st. It is noted that the development will not affect the existing solar access to 225 Plateau Rd.

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 development has been amended to address some of the issues raised in the original assessment. Greater setbacks to the street and additional landscaping at grade and at upper levels have provided a design response more in keeping with the local context and council's controls. The review assessment has found that while it may be desirable to retain or replace the 19 canopy trees, this is impractical on this particular site. In forming this position consideration was given to the site zoning, viable developable area and local context. The development is an appropriate density and provides planned for facilities and services including off street parking for the locality. Effort has been made to improve the streetscape landscaping, noting that 5 existing canopy trees are to be retained contributing to effective screening of the built form.

The built form will be a different aesthetic to that existing however not to the extent that it is considered incompatible with the desired future character for the small commercial centre and its surrounds.

The amended plans have been considered under Section 82A Review of Determination and have sufficiently addressed the issues and requirements of PDCP and accordingly, the application is recommended for approval.

RECOMMENDATION OF DEVELOPMENT OFFICER / PLANNER

That Council as the consent authority pursuant to the provisions of section 82A of the Environmental Planning & Assessment Act, 1979, review the determination of Development Application N0482/10 for the construction of a 3 storey shop top housing development over 2 level basement parking at 223 Plateau Rd, Bilgola Plateau and issue development consent subject to the conditions contained in the Draft Determination attached.

Report prepared by

Amy Allen
SENIOR PLANNER

DRAFT DETERMINATION

**CONSENT NO: N0482/10
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)
NOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION**

Applicants Name and Address:
MERLIN FINANCIAL SOLUTIONS PTY LTD
42 HILLCREST AVENUE
MONA VALE 2103

Being the applicant in respect of Development Application No **N0482/10**

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 **N0482/10** for:

3 storey shop top housing development over 2 level basement parking

At: 223 PLATEAU ROAD, BILGOLA PLATEAU (Lot 336 DP 16327)

Decision:

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

**Architectural Plans Job J066-10 DA 00B, 01B, 02B, 03B, 04B, 05B, 06B, 07B, 09B and 10B all Dated March 2011 Prepared by Ray Fitz Gibbon Architects;
Landscape Plan 1023/DA-L01F Dated 6 September 2011 Prepared by Trish Dobson;
Accessibility Report for 219-223 Plateau Rd, Bilgola Dated 17 August 2010 Prepared by Accessibility Solutions Pty Ltd;
Arborist Report for 219-223 Plateau Rd, Bilgola Dated August 2010 Prepared by Urban Forestry Australia;
BASIX Certificate 330684M_02 Dated 29 November 2011;
Geotechnical Report Project: TGE21036 Dated 18 August 2010 Prepared by Taylor Geotechnical Engineering**

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

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

Endorsement of date of consent **Insert Date**

Mark Ferguson
GENERAL MANAGER
Per:

CONDITIONS OF APPROVAL

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

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

A. Prescribed Conditions:

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

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

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

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

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

1. The Stormwater Harvesting and Reuse Scheme shall be installed and operated in accordance with the accepted design, Environmental and Health Risk Management Plan, Operation and Maintenance Plan, Manufacturer's Specifications and associated operational guidelines.
2. As part of the integrated stormwater management plan, suitably positioned stormwater quality improvement devices shall be installed and operated in accordance with Manufacturer's Specifications and associated operational guidelines.
3. The internal driveway is to be constructed to an all weather standard finish to be of dark or earthy tones, line marked and signposted.
4. Security enclosed bicycle storage facilities must be provided within the building for the development at the rate of 1 bicycle rack (minimum of 4 bicycles) for the Business Development and 2 bicycle racks (minimum of 8 bicycles) for the Residential Development.
5. The design of all Parking Areas shall be in accordance with the current edition of Australian Standards:
 - AS/NZS 2890.1: Parking Facilities - Off-Street Car Parking
 - AS/NZS 2890.2: Parking Facilities - Off-Street Commercial Vehicle Facilities
 - AS 2890.3: Bicycle Parking Facilities
 - AS/NZS 2890.6; Off-Street parking for People with disabilities * except as qualified in this control.
6. The staked parking arrangement on Level 1 must ensure that each stacked car space (2 spaces) must relate and be allocated to the same dwelling.
7. Retail and/or Commercial patron parking is not to be restricted or obstructed (for example behind roller doors).
8. The development is to be constructed in accordance with the recommendations in the approved Geotechnical Report.
9. Noise from the operation of any plant or equipment at the premises shall not exceed criteria listed in the NSW Industrial Noise Policy January 2000.
10. No odour nuisance to the public or any adjoining premises shall be created by the operation of any plant or equipment or any procedure carried out at the premises.
11. No emissions causing air pollution shall be created by the operation of any plant or equipment or any procedure carried out at the premises.

12. The operation of any plant or equipment or any procedure carried out at the premises shall not cause land pollution.
13. 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.
14. 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.
15. Any vegetation planted outside approved landscape zones is to be consistent with:
 - a. Species listed in the Ecological Sustainability Plan or Bushland Management Plan
 - b. Species listed from the Endangered Ecological Community
 - c. Locally native species growing onsite and/or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and *Native Plants for Your Garden* link available from Council's website www.pittwater.nsw.gov.au
16. Over the life of the development all declared noxious weeds are to be removed/controlled in accordance with the Noxious Weeds Act 1993. Environmental weeds are to be removed and controlled. Refer to Pittwater Council website (www.pittwater.nsw.gov.au) for noxious/environmental weed lists.
17. No environmental weeds are to be planted on the site. Refer to Pittwater Council website (www.pittwater.nsw.gov.au) for environmental weed lists.
18. A minimum of 200mm clearance is to always be maintained to the tree trunk from proposed bearers, joists and other built form.
19. Unless specifically approved through development consent no mesh enclosing of the car parking spaces of any kind is permitted.
20. Garbage enclosures/stores shall be provided and maintained in accordance with the following:
 - a. A separate room or an appropriately constructed area is to be provided for the storage of garbage and recyclables.
 - b. The walls of the enclosure shall be cement rendered and steel trowelled to a smooth, even surface.
 - c. The floor shall be of impervious material coved at the intersection with the walls, graded and drained to an approved floor waste within the room/enclosure.
 - d. Stormwater shall not enter the floor of the garbage enclosure such that the sewer system may be contaminated by rainwaters.
 - e. Garbage and recycling rooms shall be vented to the external air by natural or artificial means. The installation and operation of the mechanical ventilation system shall comply with AS 1668, Parts 1 & 2.
 - f. The room used for the storage and washing down of garbage and recycling receptacles shall be constructed of solid material (brick, concrete blocks, structural fibrous cement or similar homogeneous material) so as to prevent the formation of cavities which become possible harborages for insects and vermin. Framing in timber is not permitted.
 - g. The garbage and recycling room shall be made vermin proof.
 - h. Hot and cold water hose cocks shall be located within a garbage enclosure or in close proximity to Council's satisfaction.

- i. The enclosure shall be of adequate size to accommodate the following bins numbers and capacity per dwelling:
 - i. 80 litres per household per week of garbage, and
 - ii. 70 litres per household per week of paper recyclables, and
 - iii. 70 litres per household per week of container recyclables.

The residential waste and recycling enclosure is to be physically separated from the commercial waste and recycling enclosure.

21. All utility services including overhead power supply and communication cables located in the adjacent road verge & those to service the development are to be placed and/or relocated underground for the total frontage of the development site to any public road at the full cost to the developer.
22. All sanitary drainage must be concealed in service ducts or otherwise hidden from external view to the satisfaction of the Responsible Authority.
23. The reflectivity index (expressed as a percentage of the reflected light falling upon any surface) of all external glazing is to have a maximum reflectivity index of 25%. Written confirmation of the reflectivity index of material is to be submitted with the Construction Certificate.
24. (Note: the reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement. This is to ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development).
25. New electrical connections are to be carried out using underground cabling.
26. Materials and colour schemes of the walls and roof are to be dark and earthy tones, namely mid to dark greys, greens or browns.
27. The commitments identified in the BASIX Certificate and on the plans or specifications are to be fulfilled and maintained for the life of the development.

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

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

1. Engineering plans including specifications and details of the on-site stormwater detention system, are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Such details are to be accompanied by a certification by a qualified experienced practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, confirming that the plans/details comply with B5.8 of Pittwater 21 DCP.

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

2. Drainage plans including specifications and details showing the site stormwater management are to be submitted to the Accredited Certifier with the Construction Certificate application. Such details are to be accompanied by a certificate from (as appropriate) either a Licensed plumber or qualified practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a Corporate member and has appropriate experience and competence in the related field,

that the stormwater management system complies with the requirements of section 3.1.2 Drainage of the Building Code of Australia Housing Provision and AS/NZS 3500.3.2 - Stormwater Drainage. The details shall include disposal of site stormwater (if the site is in a known slip area the stormwater disposal system must comply with the recommendations of a Geotechnical Engineers Report).

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

3. Plans and details demonstrating that the following issues have been addressed are to be submitted to the Accredited Certifier with the Construction Certificate application.
 - a. Driveway profiles must be obtained from Council for all access driveways across the public road verge to road edge. The driveway profiles provided by Council must be incorporated into and attached to design plans for the access driveway and internal driveway.
 - b. A Deed of Agreement indemnifying Council must be entered into for construction of a cosmetic access driveway across the public road verge (i.e. other than a plain concrete finish).
 - c. All construction of the access driveway across the public road verge must be undertaken by a Council authorised contractor.
 - d. Councils Fees and Charges apply to driveway profiles and Deed of Agreement for Access Driveway.
4. Directional signage that is clearly visible from the street is to be placed on the building stating that customer parking is available within the basement. Access by customers to this parking must be unobstructed and convenient. No barriers are to restrict access to the Level 2 parking for customers and visitors to the commercial uses within the development. Details demonstrating how the development complies with this condition are to be submitted with the Construction Certificate and are to be complied within for the life of the development.
5. Civil engineering details of the proposed excavation/landfill are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Each plan/sheet is to be signed by a qualified practising Civil Engineer who has corporate membership of the Institution of Engineers Australia (M.I.E) or who is eligible to become a corporate member and has appropriate experience and competence in the related field.
6. Submission of construction plans and specifications and documentation which are consistent with the approved Development Consent plans, the requirements of Building Code of Australia and satisfy all conditions shown in Part B above are to be submitted to the Principal Certifying Authority. This documentation is to include a draft strata subdivision plan which indicates the allocation of carparking, retail floor spaces, units and private outdoor areas and common areas.
7. The Accredited Certifier or Council must be provided with a copy of plans that a Quick Check agent/Sydney Water has stamped before the issue of any Construction Certificate.
8. The applicant is to consult with Sydney Water to establish whether there are any Section 73 Compliance Certificate requirements for this proposal, under the provisions of the *Sydney Water Act, 1994*. A copy of any Notice of Requirements letter which may be issued by Sydney Water, is to be provided to the Private Certifying Authority with the Construction Certificate application.

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

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

9. A contribution of \$45,000 is to be made to Cashier Code SOPS, pursuant to Section 94 of the *Environmental Planning and Assessment Act, 1979* (as amended), for Embellishment of Open Space, Bushland and Recreation in accordance with Section 94 Contributions Plan No.2. The Contributions Plan may be inspected at Pittwater Council, No 1 Park Street, Mona Vale. The Section 94 contribution is to be paid prior to issue of the Construction Certificate.

Where rates payable under Section 94 Contributions Plan No 2 are reviewed and varied, the applicant is to pay the contribution rate as specified in the plan as it exists at the time of contribution.

10. A contribution of \$10,000 is to be made to Cashier Code SLEL, pursuant to Section 94 of the *Environmental Planning and Assessment Act, 1979* (as amended), for Public Library Services in accordance with Section 94 Contributions Plan No.3. The Contributions Plan may be inspected at Pittwater Council, No 1 Park Street, Mona Vale. The Section 94 contribution is to be paid prior to issue of the Construction Certificate.
11. A contribution of \$17,500 is to be made to Cashier Code SCSF, pursuant to Section 94 of the *Environmental Planning and Assessment Act, 1979* (as amended), for Community Services Facilities in accordance with Section 94 Contributions Plan No.18. The Contributions Plan may be inspected at Pittwater Council, No 1 Park Street, Mona Vale. The Section 94 contribution is to be paid prior to issue of the Construction Certificate.
12. A contribution of \$25,000 is to be made to Cashier Code SVSS, pursuant to Section 94 of the *Environmental Planning and Assessment Act, 1979* (as amended), for providing improved Village Streetscapes in accordance with Section 94 Contributions Plan No.19. The Contributions Plan may be inspected at Pittwater Council, No1 Park Street, Mona Vale. The Section 94 contribution is to be paid prior to issue of the Construction Certificate.

Where rates payable under Section 94 Contributions Plan No 19 are reviewed and varied, the applicant is to pay the contribution rate as specified in the plan as it exists at the time of contribution.

13. A partition wall/screen is to be provided between the adjacent terraces of unit 1 and unit 2. The screen shall have a minimum height of 1.7m from the finished floor level of the terrace and must be solid or perforated panels or trellises which have a maximum of 25% openings and which are permanent and fixed and treated to be dark and earthy tones.
14. A 1m wide planter is to be provided on the southern terrace of unit 5 along the eastern edge and accommodate plantings at a maturity height of 1m.
15. Certification from the Accredited Access Adviser that design details and specifications comply with the Accessibility Control and the DA Access Report, must be submitted to the Accredited Certifier or Council with the Construction Certificate application.
16. The spa/pool must be covered and secured by a lockable child-safe structure (such as a door, lid, grille or mesh) in accordance with the prescribed standards which is:
 - a. of substantial construction and having no opening through which it is possible to pass a testing apparatus, and
 - b. fastened to the spa pool by a device that is itself of substantial construction and having no opening through which it is possible to pass a testing apparatus.

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

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

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

1. Applicants will be required to obtain prior to the issue of a Construction Certificate, a Section 139 Consent for Works on a Public Road Reserve issued by the Council under the provisions of Section 138 of the Roads Act 1993 for the design and construction of any works located on the road reserve including Access Driveways.
2. A dilapidation report is to be prepared at the developer's expense that includes a detailed photographic record of the pre-construction condition of all structures and trees on adjoining properties at 162 Grandview Drive, the Right of Way adjoining the eastern boundary of the site and 215 Plateau Road. A copy of the dilapidation report is to be provided to the PCA and all relevant property owners prior to commencement of works.
3. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
4. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
5. Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must preserve and protect the building from damage and, if necessary, underpin and support the adjoining building in an approved manner.
6. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
7. Sedimentation and erosion controls are to be effectively maintained at all times during the course of construction and shall not be removed until the site has been stabilised or landscaped to the Principal Certifying Authority's satisfaction.
8. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
9. 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.
10. 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.
11. The ongoing operation of Recycling and Waste Management Services is to be undertaken in accordance with the Waste Management Plan.
12. The site is to be fully secured by a fence to all perimeters to the site to prevent unauthorised access both during the course of the works and after hours.
13. No works are to be carried out in Council's Road Reserve without the written approval of the Council.

14. A Road Opening Permit, issued by Council, must be obtained for any road openings, or excavation within Council's Road Reserve associated with the development on the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
15. No skip bins or materials are to be stored on Council's Road Reserve.
16. A site fence and silt and sediment control fence is to be erected and maintained during the course of works along any street boundary and park/reserve boundary to the site.
17. A clearly legible *Site Management Sign* is to be erected and maintained throughout the course of the works. The sign is to be centrally located on the main street frontage of the site and is to clearly state in legible lettering the following:
 - (i) The builder's name, builder's telephone contact number both during work hours and after hours.
 - (ii) That no works are to be carried out in Council's Road Reserve without the written approval of the Council.
 - (iii) 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.
 - (iv) That no skip bins or materials are to be stored on Council's Road Reserve.
 - (v) That the contact number for Pittwater Council for permits is 9970 1111.
18. All construction in the public road reserve must be undertaken by a Council authorised contractor.
19. A satisfactory construction traffic management plan (CTMP) prepared by a suitably qualified traffic consultant is required to be submitted to the Private Certifying Authority prior to the commencement of any site works. The plan is to detail:
 - Quantity of material to be transported
 - Proposed truck movements per day
 - Proposed hours of operation
 - Proposed traffic routes, noting that 3 tonne load limits apply to some roads within Pittwater
20. Protection fencing measures (including sedimentation fences) are to be installed in accordance with all approved plans including those specified in the Arborist Report and/or Ecological Sustainability Plan or Bushland Management Plan. Protection measures are to be maintained for the duration of works. Protection fencing that is no longer required is to be removed once all works are completed.
21. As there are existing trees to be retained within 5 metres of proposed development works, all recommendations as outlined in the supplied arborist report by Urban Forestry Australia dated August 2010 are required to be complied with before and throughout the development period, particularly with regard to the following:
 - (i) Works, erection/demolition of structures, excavation or changes to soil levels within 5 metres of existing trees are not permitted unless part of the development as approved, and the storage of spoil, building materials, soil or the driving and parking of any vehicle or machinery within 5 metres of the trunk of a tree to be retained is not permitted
 - (ii) Where specified, tree guards are to be provided to all trees as indicated in the report, and are to be installed prior to the commencement of any work on the site. Tree guard materials and dimensions are specified in the arborist report,

- (iii) All works within 5 metres of existing trees including demolition, excavation, civil works, fencing and the like must be carried out by hand and under the supervision of an experienced and suitably qualified arborist. In the event that major structural or feeder roots are encountered, the arborist is to advise the builder to carry out appropriate action to ensure the retention of the tree,
- (iv) Signage is to be erected advising all contractors and visitors to the site that no works or storage are to take place within the dripline of existing trees.

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

Council acknowledges that the tree in conflict with the proposed/approved driveway is a poor/average specimen, however the removal of this tree would not/ is not considered an urgent matter for Council to attend to under normal tree maintenance circumstances therefore the removal of the tree to facilitate the construction of the driveway will be at your own expense. Please contact Council's Tree Preservation Officers for a list of approved Council contractors who must carry out the works.

- 22. During site excavation, topsoil which is to be used in later landscape works is to be stockpiled on site and stabilised during construction works. Stockpiles are to be stored outside of hazard areas and not located within the dripline of existing trees which are to be retained.
- 23. A stamped copy of the approved plans is to be kept on the site at all times, during construction.
- 24. Toilet facilities are to be provided in a location which will not detrimentally affect the amenity of any adjoining residents at or in the vicinity of the work site during the duration of the development.
- 25. Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must give the owner of the adjoining property at least seven (7) days written notice of their intention to excavate below the level of the base of the footing and furnish the adjoining property owner with particulars of the proposed work.
- 26. The Right of Way adjoining the eastern boundary of the site is not to be obstructed at any time during the construction process. Any damage to any structure or the surface of this Right of Way evidenced by a dilapidation report is to be repaired or replaced at the developer's expense.

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. Certification is to be provided to Private Certifying Authority by a qualified experienced practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, that the on-site detention system has been completed in accordance with the engineering plans and specifications required under this consent.
2. Certification is to be provided to the Principal Certifying Authority by a qualified experienced practicing Civil Engineer, with corporate membership of the Institute of Engineers Australia (M.I.E.), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, that the drainage/stormwater management system has been installed to the manufacturer's specification (where applicable) and completed in accordance with the engineering plans and specifications required under this consent.
3. A Certificate is to be submitted to the Principal Certifying Authority with the Subdivision Certificate application by a qualified practising Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a Corporate member and has appropriate experience and competence in the related field confirming to the satisfaction of the Private Certifying Authority that the driveway has been constructed in accordance with the approved plans and relevant conditions of Development Consent.
4. A certificate submitted by a Chartered Professional Engineer confirming to the satisfaction of the Principal Certifying Authority that the works in the public road reserve comply with Council requirements is to be provided with the Occupation Certificate application.
5. Prior to issue of an Occupation Certificate photographic evidence of the condition of the street trees and road reserve and area adjoining the site after the completion of all construction, must be submitted to the Principal Certifying Authority showing that no damage has been done and if damage has been done that it has been fully remediated. The photographs shall be accompanied by a statement that no damage has been done (or where damage has been remediated that Council has approved that work). In this regard Council's written agreement that all restorations have been completed satisfactorily must be obtained prior to the issue of any Occupation Certificate.
6. Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained and provided to the Private Certifying Authority with the Occupation Certificate application.
7. A landscape practical completion report is to be prepared by the consultant landscape architect/designer and submitted to the Principal Certifying Authority with the Occupation Certificate application. This report is to certify that all landscape works have been completed in accordance with the landscape working drawings and specifications.
8. 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.
9. A copy of the Section 73 Compliance Certificate issued under the provisions of the *Sydney Water Act, 1994*, is to be forwarded to Council or the Private Certifying Authority with the Occupation Certificate.
10. All 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.

11. Street numbers are to be affixed to the building prior to occupation.
12. Certification is to be provided that the commitments identified in the BASIX Certificate have been fulfilled.

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

1. The applicant is to lodge an application for a Subdivision Certificate with Council or an accredited certifier. The Subdivision Certificate is to be obtained prior to lodgement of the plans with the Land Titles Office.

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

2. A Section 73 Compliance Certificate issued under the provisions of the Sydney Water Act 1994 is to be provided to the Principal Certifying Authority with the Subdivision Certificate application.
3. The following documents and payments are to be submitted to Council in a single package to ensure the efficient release of the Subdivision Certificate:
 - a. Evidence of Payment of the Section 94 Contribution.
 - b. A copy of the Section 73 Compliance Certificate issued under the provisions of the Sydney Water Act, 1994.
 - c. Copies of the Subdivision Plans (original plus 9 copies).
 - d. The Private Certifying Authority Compliance Certificate. Each component of the works as outlined above are to be certified as being carried out in accordance with the relevant plans and documentation by suitably qualified professional persons as outlined in this development consent. The allocation of carparking, units and private outdoor areas and common areas are to be in accordance with this development consent.

G. Advice:

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

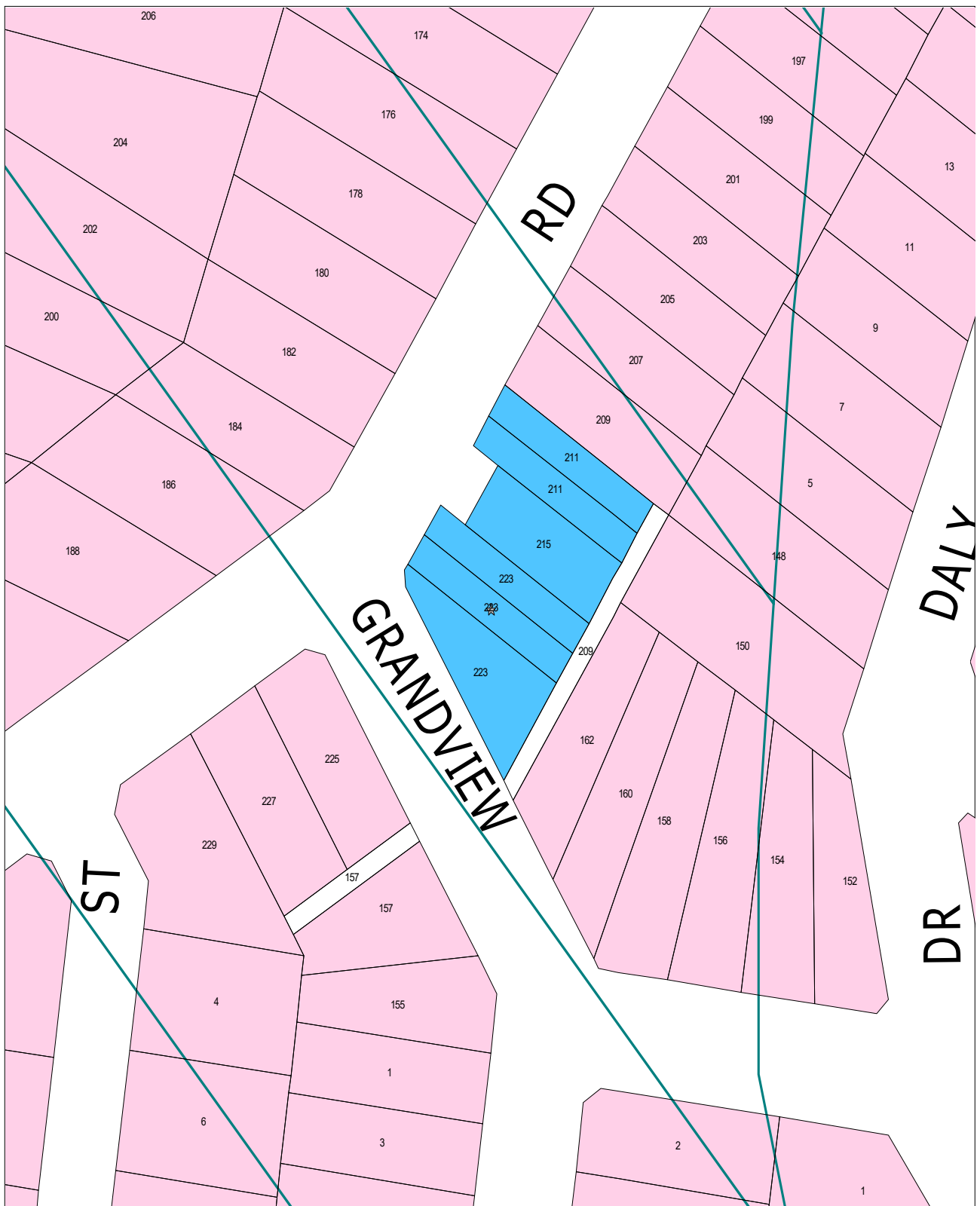
5. To ascertain the date upon which the determination becomes effective and operates, refer to Section 83 of the *Environmental Planning and Assessment Act, 1979* (as amended).
6. Should any of the determination not be acceptable, you are entitled to request reconsideration under Section 82A of the *Environmental Planning and Assessment Act, 1979*. Such request to Council must be made in writing, together with appropriate fees as advised at the time of lodgement of such request, within 1 year from the date of determination.
7. If you are dissatisfied with this decision, Section 97 of the *Environmental Planning and Assessment Act, 1979*, gives you a right of appeal to the Land and Environment Court within 12 months of the date of endorsement of this Consent.
8. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Waters sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to the web site at www.sydneywater.com.au then see Building Developing and Plumbing then Quick Check, or telephone 13 20 92.
9. You are reminded of your obligations under the objectives of the Disability Discrimination Act (DDA) 1992.

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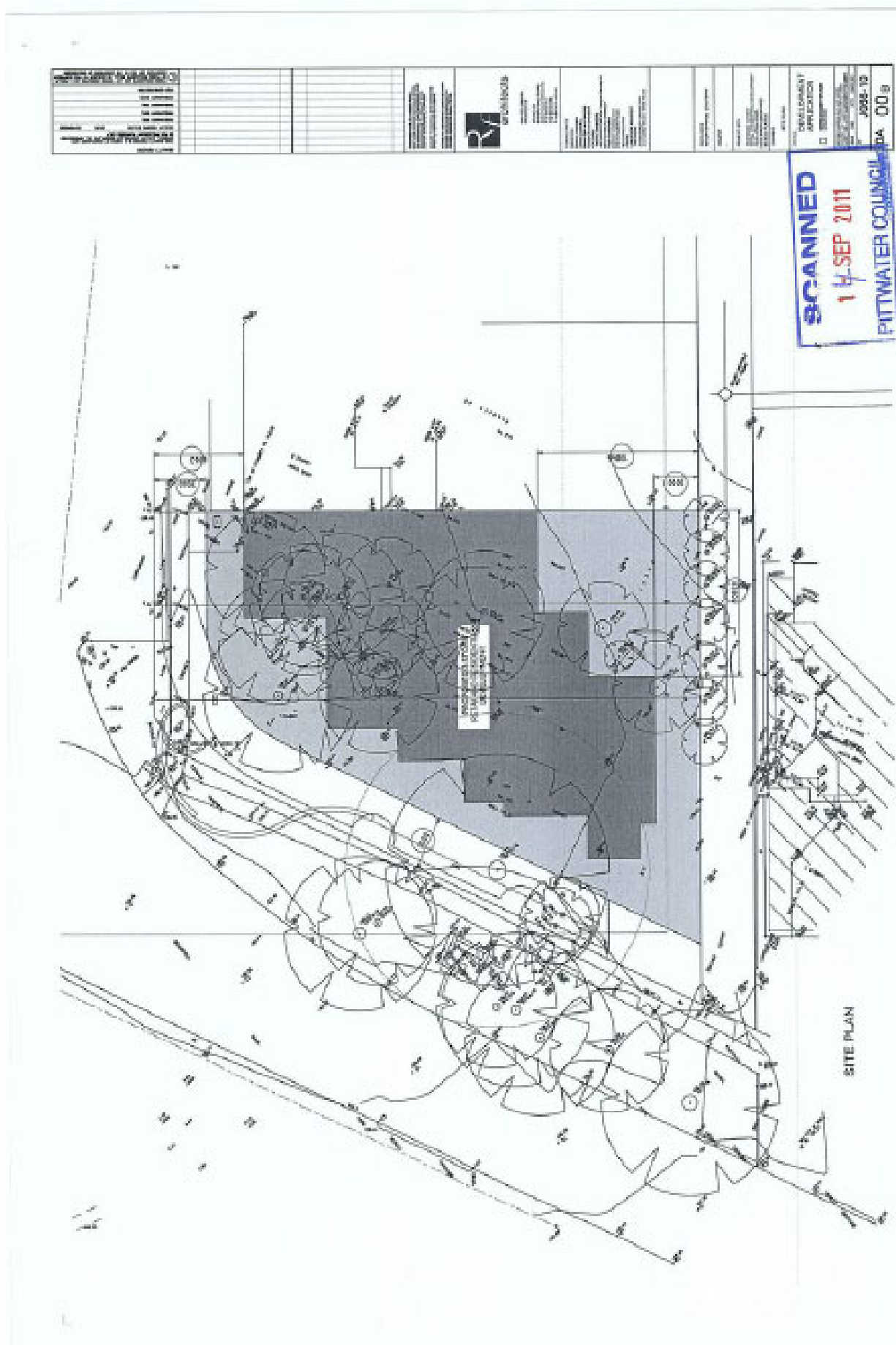
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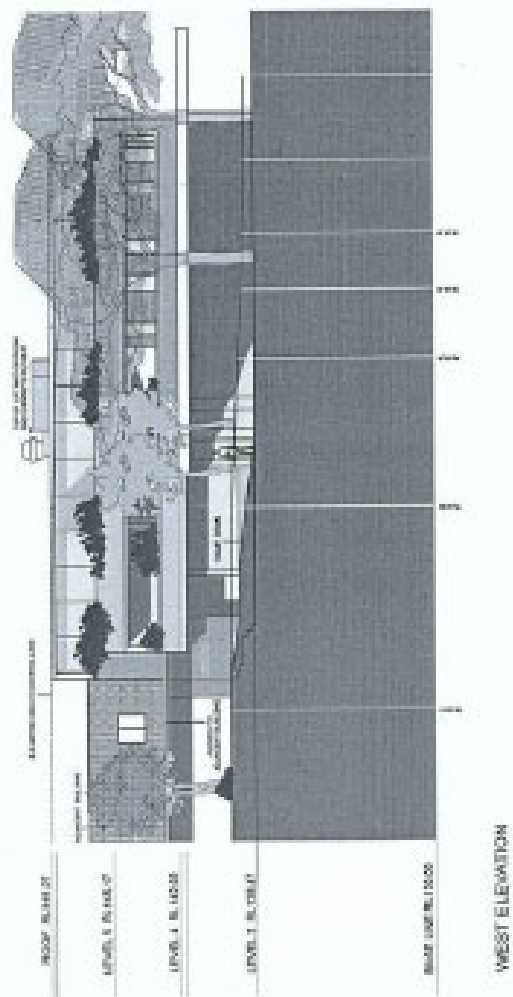
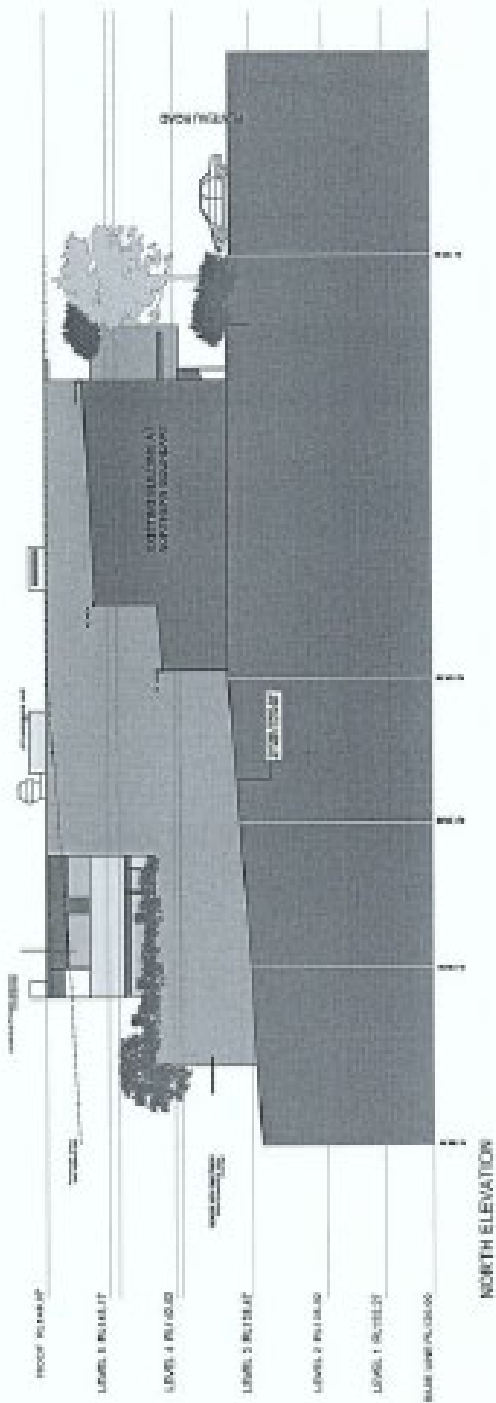
LOCALITY MAP



NOTIFICATION PLANS



PROJECT INFORMATION PROJECT NAME: ST. JOHN'S CATHEDRAL PROJECT ADDRESS: 1000 10th Ave S, Minneapolis, MN 55404 PROJECT NUMBER: 1000-10 PROJECT DATE: 10/10/10		ARCHITECT RYAN ARCHITECTS 1000 10th Ave S, Suite 100 Minneapolis, MN 55404 Phone: 612.338.1000 Fax: 612.338.1001 Email: info@ryanarchitects.com Website: www.ryanarchitects.com		DESIGNER RYAN ARCHITECTS 1000 10th Ave S, Suite 100 Minneapolis, MN 55404 Phone: 612.338.1000 Fax: 612.338.1001 Email: info@ryanarchitects.com Website: www.ryanarchitects.com		ENGINEER RYAN ARCHITECTS 1000 10th Ave S, Suite 100 Minneapolis, MN 55404 Phone: 612.338.1000 Fax: 612.338.1001 Email: info@ryanarchitects.com Website: www.ryanarchitects.com		PERMITTING RYAN ARCHITECTS 1000 10th Ave S, Suite 100 Minneapolis, MN 55404 Phone: 612.338.1000 Fax: 612.338.1001 Email: info@ryanarchitects.com Website: www.ryanarchitects.com		DATE 10/10/10	
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C11.2	N0339/11 - 514 Barrenjoey Road Avalon - Alterations and additions to the existing dwelling, new detached double garage and a new swimming pool
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Meeting: Planning an Integrated Built Environment Committee

Date: 19 December 2011

STRATEGY: Land Use and Development

ACTION: Provide an effective development assessment and determination process

PURPOSE OF REPORT

To inform the Committee of the Development Unit's recommendation following consideration of Development Application N0339/11 for alterations and additions to the existing dwelling, new detached double garage and a new swimming pool at 514 Barrenjoey Road Avalon.

1.0 BACKGROUND

- 1.1 The Development Unit, at its meeting held on Thursday, 8 December 2001 considered the Development Officer's report (Attachment 1) for determination of Development Application N0339/11 for alterations and additions to the existing dwelling, new detached double garage and a new swimming pool at 514 Barrenjoey Road Avalon.

2.0 REASON FOR REFERRAL TO COUNCIL

- 2.1 The Development Unit does not have delegated authority to approve an application with a variation to site cover of greater than 10%.

3.0 DEVELOPMENT UNIT DELIBERATIONS

- 3.1 Neither the applicants nor the objector attended the meeting however the Assessing Officer informed the Development Unit that both supported the recommendation.
- 3.2 The Development Unit considered the Assessing Officer's report and resolved to support the recommendation contained in the report for approval.

4.0 ISSUES

- Refer to Clause 3 of the assessing officers report.

5.0 SUSTAINABILITY ASSESSMENT

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

6.0 EXECUTIVE SUMMARY

- 6.1 The application was considered by the Development Unit at its meeting held on the 8 December 2011 and noting that neither the applicant or the objector were present, resolved to endorse the Assessing Officer's recommendation for approval subject to amendments to Conditions B16 and B17 and an additional Condition D13.

RECOMMENDATION

That the recommendation in the Development Officers Report be endorsed and Application N0339/11 - 514 Barrenjoey Road, Avalon (Lot 31 DP15295) for the alterations and additions to the existing dwelling, new detached double garage and a new swimming pool be granted development consent subject to the conditions contained in the Draft Determination and the following amended and additional conditions of consent:

Amended Conditions :

- B16** The roof to the garage is not to be trafficable and/or used for recreational purposes and no stair is to lead to the 600mm high planter wall around the garage roof.
- B17** The roof to the garage (RL45.17) is to become a roof top planter (maximum height of planter wall is RL45.77), with the entire area above the garage planted with vegetation with maturity heights of 2m - 3m. A minimum soil depth of 600mm is to be provided in the planter to accommodate the growth of the vegetation.

Additional Condition:

- D13** A dilapidation report is to be prepared at the applicant's expense that includes a detailed photographic record of the pre-construction condition of the boundary wall on the adjoining property at 512 Barrenjoey Rd, Avalon. A copy of the dilapidation report is to be provided to the PCA and all relevant property owners prior to commencement of works.

Report prepared by

Warwick Lawrence
DEVELOPMENT UNIT CHAIRMAN
MANAGER ADMINISTRATION AND GOVERNANCE

SUBJECT: N0339/11 - 514 Barrenjoey Road, Avalon (Lot 31 DP15295) Alterations and additions to the existing dwelling, new detached double garage and a new swimming pool

Determination Level: Development Unit

Date: 8 December 2011

SUMMARY OF RECOMMENDATION

CONSENT WITH CONDITIONS

REPORT PREPARED BY:	Amy Allen
APPLICATION SUBMITTED ON:	07/09/2011
APPLICATION SUBMITTED BY:	SARAH ROBERTA FREDLINE PAUL WILLIAM ROWLAND 514 BARRENJOEY ROAD AVALON 2107
OWNER(S):	ROWLAND, PAUL WILLIAM (OwnResOcc) FREDLINE, SARAH ROBERTA (OwnResOcc)

1.0 DEVELOPMENT CONTROLS

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

- Pittwater Local Environmental Plan (LEP) 1993
- Pittwater 21 Development Control Plan (Amendment 6)
- Geotechnical Risk Management Policy for Pittwater 2009
- State Environmental Planning Policy 71

The land is identified as having the following affectations:

- Subject to cliff instability;
- Coastal affected;
- Within the vicinity of a Heritage Item.

2.0 NOTIFICATIONS

Six (6) property owners' notified

One (1) submission received from 512 Barrenjoey Rd, Avalon

3.0 ASSESSMENT AND OBJECTOR ISSUES

- B6.1 Access Driveways and Works on the Public Road Reserve - Dwelling House and Dual Occupancy
- B4.3 Flora and Fauna Habitat Enhancement Category 2 Land
- C1.5 Visual Privacy
- D1.8 Front building line
- D1.9 Side and rear building line
- D1.10 Foreshore building line
- D1.14 Site coverage - Environmentally Sensitive Land
- Suggested Alternative Design

4.0 COMPLIANCE TABLE

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

O - Can the proposal achieve the control outcomes?

N - Is the control free from objection?

Control	Standard	Proposal	T	O	N
Development Engineer					
B3.4 Coastline (Bluff) Hazard			Y	Y	Y
B3.22 Flood Hazard - Flood Category 3 - All Development			-	-	-
B5.4 Stormwater Harvesting			Y	Y	Y
B5.7 Stormwater Management - On-Site Stormwater Detention			-	-	-
B5.8 Stormwater Management - Water Quality - Dwelling House, Dual Occupancy and Secondary Dwellings			-	-	-
B5.10 Stormwater Discharge into Public Drainage System			Y	Y	Y
B5.11 Stormwater Discharge into Waterways and Coastal Areas			-	-	-
B5.12 Stormwater Drainage Systems and Natural Watercourses			-	-	-
B5.13 Development on Waterfront Land			-	-	-
B6.1 Access Driveways and Works on the Public Road Reserve - Dwelling House and Dual Occupancy			-	-	-
B6.3 Internal Driveways - Dwelling Houses and Dual Occupancy			Y	Y	Y
B6.5 Off-Street Vehicle Parking Requirements - Dwelling Houses, Secondary Dwellings and Dual Occupancy			Y	Y	Y
B6.7 Access driveways and Works on Road Reserves on or Adjacent to a Main Road		Concern has been raised regarding the proposed location of the access driveway and retaining walls within the road reserve. See discussion later in report.	Y	Y	N
B8.1 Construction and Demolition - Excavation and Landfill			-	-	-
B8.2 Construction and Demolition - Erosion and Sediment Management			Y	Y	Y

Control	Standard	Proposal	T	O	N
B8.3 Construction and Demolition - Waste Minimisation			Y	Y	Y
B8.4 Construction and Demolition - Site Fencing and Security			-	-	-
B8.5 Construction and Demolition - Works in the Public Domain			Y	Y	Y
B8.6 Construction and Demolition - Traffic Management Plan			-	-	-
REF - Heritage					
B1.2 Heritage Conservation - Items in the vicinity of a heritage item, heritage conservation areas, archaeological sites or potential archaeological sites		<p>Council's Heritage Officer advised:</p> <p><i>The proposed works would not be visible from the heritage item (The Green Keeper House (2270013) which is located on the north-western side of the Avalon Golf Course) due to the distance between the subject site and the heritage item, as well as topography and vegetation.</i></p> <p>The Heritage Officer concluded that there are no objection on heritage grounds.</p>	Y	Y	Y
Natural Resources					
B1.4 Aboriginal Heritage Significance			Y	Y	Y
B3.5 Acid Sulphate Soils			Y	Y	Y
B4.3 Flora and Fauna Habitat Enhancement Category 2 Land		<p>Concern has been raised regarding the proposed lack of landscaping and the removal of a substantial locally native tree in the road reserve to accommodate the proposed driveway and garage location.</p> <p>See discussion later in report.</p>	Y	Y	N
C1.1 Landscaping			Y	Y	Y
Planner					
EPA Act Section 147 Disclosure of political donations and gifts			Y	Y	Y
3.1 Submission of a Development Application and payment of appropriate fee			Y	Y	Y
3.2 Submission of a Statement of Environmental Effects			Y	Y	Y
3.3 Submission of supporting documentation - Site Plan / Survey Plan / Development Drawings			Y	Y	Y
3.4 Notification			Y	Y	Y
3.5 Building Code of Australia			Y	Y	Y
4.5 Integrated Development: Aboriginal Objects and Places			-	-	-
4.7 Integrated Development - Roads			-	-	-
5.3 Referral to NSW Department of Environment and Climate Change (DECC)			-	-	-
A1.7 Considerations before consent is granted			Y	Y	Y

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			-	-	-
B5.11 Stormwater Discharge into Waterways and Coastal Areas			-	-	-
B5.12 Stormwater Drainage Systems and Natural Watercourses			Y	Y	Y
B5.13 Development on Waterfront Land			-	-	-
C1.2 Safety and Security			Y	Y	Y
C1.3 View Sharing		The proposed additions will not unreasonably affect views obtained from neighbouring properties.	Y	Y	Y
C1.4 Solar Access			Y	Y	Y
C1.5 Visual Privacy		Concern has been raised by the owners of 512 Barrenjoey Rd regarding privacy impacts from the proposed landscaped terrace above the garage and roof terrace. See discussion later in report.	N	Y	N
C1.6 Acoustic Privacy			Y	Y	Y
C1.7 Private Open Space			Y	Y	Y
C1.9 Adaptable Housing and Accessibility			Y	Y	Y
C1.12 Waste and Recycling Facilities			Y	Y	Y
C1.13 Pollution Control			Y	Y	Y
C1.14 Separately Accessible Structures		There is the potential for the lower ground floor rumpus room/laundry/bathroom to be used as a separately accessible structure or for separate habitation. It is recommended that a condition be included in the consent to ensure that this area is not used for separate habitation and never isolated by a wall or door etc. from the upper level.	Y	Y	Y
C1.17 Swimming Pool Safety		The swimming pool fencing and warning notices can be provided in accordance with the Swimming Pools Act, 1992 and Regulations subject to recommended conditions.	Y	Y	Y
C1.19 Incline Passenger Lifts and Stairways			-	-	-
C1.23 Eaves		The existing dwelling does not incorporate eaves as it has a parapet style flat roof which is a typical characteristic of an art deco designed building. Considering that the dwelling is to be retained, requiring eaves in this instance is unnecessary.	N	Y	Y
C1.24 Public Road Reserve - Landscaping and Infrastructure			Y	Y	Y

Control	Standard	Proposal	T	O	N
C1.25 Plant, Equipment Boxes and Lift Over-Run		It is not clear from the plans where the pool filter box is to be located. It is recommended a condition be included in the consent to ensure that certification be submitted prior to OC indicating that the acoustic impact to adjoining properties is acceptable.	Y	Y	Y
D1.1 Character as viewed from a public place		The proposed parking structure is not located behind the front building line. See discussion under control D1.8 Front Building Line.	N	Y	Y
D1.5 Building colours and materials		The proposed wall colour "Surfmist" does not comply with Council's colour palette for the locality. It is recommended a condition be incorporated into the consent requiring mid to dark tones only for the walls and roof.	N	Y	Y
D1.6 Height - General	8.5m	5.7m	Y	Y	Y
D1.8 Front building line	10m	Garage - 400mm to 1.4m Pool - 3m to 3.8m Pool terrace - 1.7m to 3m Concern has been raised regarding the location of the garage and pool in the front building line. See discussion later in report.	N	Y	N
D1.9 Side and rear building line	2.5m at least to one side; 1.0m for other side Rear - foreshore building line applies	North Pool - 2m Deck - 1m South Garage - 200mm Concern has been raised regarding the proposed side setback for the garage. See discussion later in report.	N	Y	N
D1.10 Foreshore building line		A small part of the proposed verandah structure is located between the eastern boundary and foreshore building line. See discussion later in report.	N	Y	Y
D1.11 Building envelope		Concern has been raised that the roof terrace over the dwelling is located outside the building envelope. The roof terrace has been deleted from the application.	Y	Y	N
D1.14 Site coverage - Environmentally Sensitive Land	Maximum site coverage of 40% Minimum landscaped area of 60% Existing Site Coverage – 51%	Site Coverage - 305m ² or 63.8% Landscaped Area - 172.6m ² or 36.2% Variations Recreational areas - 28.6m ² Paths - 8.8m ² Varied Site Coverage - 267.6m ² or 56% (With recommended conditioned reductions total varied site coverage is 53.6%)	N	Y	N

Control	Standard	Proposal	T	O	N
D1.16 Fences - Flora and Fauna Conservation Areas		It appears from the western elevation that a new fence/wall is to be located along the front boundary. It is recommended that a condition be incorporated into the consent to ensure that any front boundary fence or wall have a maximum height of 1.8 metres from natural ground level. It is considered that 1.8m is acceptable in this case as the site is located on a main road with high traffic noise and is a common built feature along the front boundaries of many sites along Barrenjoey Rd.	N	Y	Y
D1.17 Construction, Retaining walls, terracing and undercroft areas			Y	Y	Y
D1.20 Scenic Protection Category One Areas			Y	Y	Y
SEPP No 71 Coastal Protection		The proposed works are not located below MHWL therefore referral to Department of Planning and Infrastructure is not required. The proposed development can perform against the aims and objectives of SEPP 71.	Y	Y	Y
SEPP (Building Sustainability Index: BASIX) 2004		The BASIX commitments are achievable subject to recommended conditions.	Y	Y	Y
Other State Environmental Planning Policies (SEPPs)	State Environmental Planning Policy (Infrastructure) 2007	Section 101 of SEPP (Infrastructure) 2007 applies as the proposed dwelling is located adjacent to classified road being Barrenjoey Rd. The development can meet the requirements of the clause noting that the new development does not compromise the effective and ongoing operation and function of Barrenjoey Rd.	Y	Y	Y

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

5.0 SITE DETAILS

The site is known as Lot 31 in Deposited Plan (DP) 15295 No. 514 Barrenjoey Road, Avalon. The site is regular in shape, has a total area of 477.6m² and has a slight fall from the west to the east. To the west is Barrenjoey Rd where vehicular access is provided by a stone flagged driveway. Adjacent to the eastern boundary is a portion of vegetated Open Space and the Pacific Ocean beyond. Currently on the site is a single storey brick dwelling and strip driveway along the northern boundary to an attached garage at the rear. Lawn area and some small trees exist within the front building setback. The site is within a residential area which is characterised by weatherboard, brick and rendered one and two storey dwellings with decking.

6.0 PROPOSAL IN DETAIL

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

- New detached double garage with roof garden above
- New driveway crossing from Barrenjoey Rd and retaining walls
- New decking and entrance arrangement
- Convert existing garage on lower floor to rumpus room
- New verandah to the north east
- Minor internal reconfiguration
- New partially inground swimming pool
- Associated landscaping

7.0 BACKGROUND

Development application N0339/11 was notified to adjoining property owners for a period of 14 days in accordance with Councils notification policy. Amended plans were submitted on 3 November 2011 and were re-notified for 14 days.

The application was referred to councils engineer, natural resource and heritage officers for comment.

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

The application of SEPP NO. 1 is not required. See discussion under D1.10 Foreshore building line later in this report.

9.0 EXISTING USE RIGHTS

Does the proposal rely on Existing Use Rights? No

10.0 DISCUSSION OF ISSUES

• B6.1 Access Driveways and Works on the Public Road Reserve - Dwelling House and Dual Occupancy

Concern has been raised regarding the proposed location of the access driveway and retaining walls within the road reserve. The proposed driveway is located on the road reserve towards the south and is retained by two walls. The retaining walls allow for a driveway to access the partially excavated garage on the front boundary. The walls range in height from 250mm – 1.25m at the boundary. The neighbours are concerned that the walls will create unsafe vehicular access with restricted sightlines and unsafe pedestrian access.

Councils development engineer has assessed the application and is satisfied that the development performs against the control. Where the walls are at the highest is at the property boundary and they lower to at grade half way along the width of the road reserve. It is noted that currently vegetation on the road reserve adjacent to the front boundary restricts sight lines. An informal path between the vegetation on the road reserve has been created for pedestrians and it is considered that the development will not unreasonably impede on pedestrian traffic in that half the width of the road reserve will be at grade for passing pedestrians.

It is considered that the double width driveway and low nature of the retaining walls will allow for adequate sightlines for a car to safely reverse from the garage.

- **B4.3 Flora and Fauna Habitat Enhancement Category 2 Land**

Council's natural resources officer provided the following comments:

'The property contains a modified landscape with minimal vegetation particularly in the rear yard area. The proposed works involve alterations and additions to the dwelling, a new driveway, garage and swimming pool. The new driveway and garage will be located in an area currently containing a row of mixed species including Olive, Pittosporum and Oleander, which currently screen the dwelling. An existing Acacia tree on the road reserve is likely to require removal or at least be impacted by the driveway, and no arborist report has been submitted. Owners consent to remove has been sought from Council's Tree Preservation Officers and approved (by Andrew Thor).'

The proposed works appear to result in excessive site coverage with little room for landscaping, and the landscape plan (JD Evans Drawing No. 1348.15 16th November 2010) only indicates the provision of twenty small specimens of Hairpin Banksia and Boronia. The Hairpin Banksia reaches a height of 2-3 metres and does not really qualify as a canopy tree. Screening along the northern boundary is also minimal, with only three Boronias which grow to 1 metre in height provided.

Consideration should be given to incorporating more landscaping to the site, which may be achieved by reducing the site coverage and deleting/modifying some of the proposed design.

Amended Plans

An amended landscape plan is required to be submitted which demonstrates that the outcomes of the C1.1 Landscaping control in the Pittwater 21 DCP can be achieved, in particular the provision of three (3) locally native canopy trees as well as shrubs and groundcovers which will effectively screen the built form from the street and neighbouring properties.

The proposal has been amended and a landscape plan also provided upon request. The proposed swimming pool has now been set back from the front boundary which allows space for two canopy trees to be planted. The landscape plan (JD Evans and Co. Drawing No. 1348.15 2nd November 2011) provides three (3) new locally native eucalypts as canopy trees and has bulked up the screen planting using locally native shrubs. Screening has been adequately addressed as a result and the plan is considered to be acceptable.'

Concern has been raised regarding the proposed lack of landscaping and the removal of a substantial locally native tree in the road reserve to accommodate the proposed driveway and garage location. Council's natural resources officer has advised that Council has already approved the removal of the concerned tree. It is considered that the removal of the tree will not unreasonably impact on the streetscape or affect privacy and shadowing to the private open space of the adjoining property at 512.

Council requested the applicant submit an amended design to allow more landscaped area to provide three (3) locally native canopy trees. The amended plans provided additional landscape area within the front and side setback to allow for three canopy trees. As discussed later in the report, despite these amendments there is still excessive site coverage proposed particularly in the front building line. Further reduction in hard surface areas in the front building line is recommended which will improve the landscaping on the site. It is recommended that an updated landscape plan be submitted prior to CC to reflect the changes required by the conditions of consent.

- **C1.5 Visual Privacy**

Concern has been raised by the owners of 512 Barrenjoey Rd regarding privacy impacts from the proposed landscaped terrace above the garage and roof terrace above the dwelling. The dwelling roof terrace has been deleted from the application and it is recommended a condition be incorporated into the consent indicating that it does not form part of the approval.

The development proposes a trafficable roof terrace over the garage which is within 9m of the swimming pool and deck areas at 512 Barrenjoey Rd. The terrace incorporates planter boxes and a privacy screen along the southern edge. Concern has been raised that the screen on the boundary creates a bulk impact and solar access impacts to 512 Barrenjoey Rd.

The proposed garage has non compliant front and side setbacks and therefore no unreasonable amenity impacts to adjoining properties should arise from the structure. The trafficable roof creates an area where a user can directly overlook the adjoining pool and deck area and the proposed screening measures create bulk and solar access impacts to this area. For this reason a trafficable roof to the garage is not supported and it is recommended that the roof top be entirely landscaped. This can be conditioned within the consent and required to be reflected on an updated landscape plan prior to CC. Concern has been raised that the depth of soil on the garage roof is not sufficient to accommodate plantings. It is recommended that the conditioning of the roof top garden incorporate minimum depths of soil at 600mm to be filled into the planter.

The neighbours have also raised concern regarding the proposed stairs to the south providing access from the landscaped terrace to the side of the dwelling. The top of the stairs are at RL45 and step down to natural ground level at RL 44.17. At the top of the stairs users will be able to look over the existing boundary fence into the pool and deck area at 512 Barrenjoey Rd. Considering that the roof is to become landscaped garden and the stairs are an area of transition (not an area for recreation) to access the side of the dwelling the impact would not be sufficient enough to require a 2.6m high screen on the boundary which would inversely create solar access and bulk impacts for the neighbours.

- **D1.8 Front building line**

The proposed garage and pool are located within the front building line where 10m is required under the control. The variation to the control allows parking spaces in front of the building line where site constraints limit location and all other structures comply with the 10m setback. The location of the garage is supportable on merit given the site is relatively small in area, the development retains a single storey dwelling and garages on the front boundary are the dominant built form characteristic along this portion of Barrenjoey Rd.

The terrace/pool has a 1.7m to 3m setback and does not observe the required 10m setback. The setback does allow sufficient space for two canopy trees along the front boundary however the development still maintains excessive site coverage. As discussed later in this report, it is recommended that the pool and associated terracing be shifted and setback further to the east reducing hard surface areas and providing a greater front setback (5.2m – 6.4m). Subject to this design change being conditioned the proposed structures in the front building line can be supported on their merits.

- **D1.9 Side and rear building line**

Concern has been raised regarding the proposed side setback for the garage. The proposed garage has a 200mm setback to the southern boundary where the control requires a minimum 1m setback. The garage wall will not be easily visible from the adjoining property as it will be mostly screened by the existing wall on the common boundary. The trafficable garage roof creates direct overlooking opportunities to the main recreational area (pool and decking) at 512 Barrenjoey Rd.

As discussed previously in order to support the location of the garage (with a minimal setback) the development should not create any amenity impacts to the neighbouring property. For these reasons it is recommended that the roof is not trafficable and become a landscaped roof garden (planted area not lawn). Subject to this the development is considered to achieve the control outcomes and can be supported on merit.

- **D1.10 Foreshore building line**

A small part of the proposed verandah structure is located between the eastern boundary and foreshore building line where this is not permitted pursuant to clause 7(4) of the Model Provisions adopted by Pittwater Local Environmental Plan 1993. The applicant indicated that it is their intention not to build the verandah over the foreshore building line however a small portion on the amended plans is located over the line.

It is recommended that a condition be incorporated into the consent to ensure that the verandah structure is not to be constructed to the east of the foreshore building line. The building line is indicated as a straight line between the south eastern boundary corner of the site and 29.6m (measured from the front boundary) along the northern boundary.

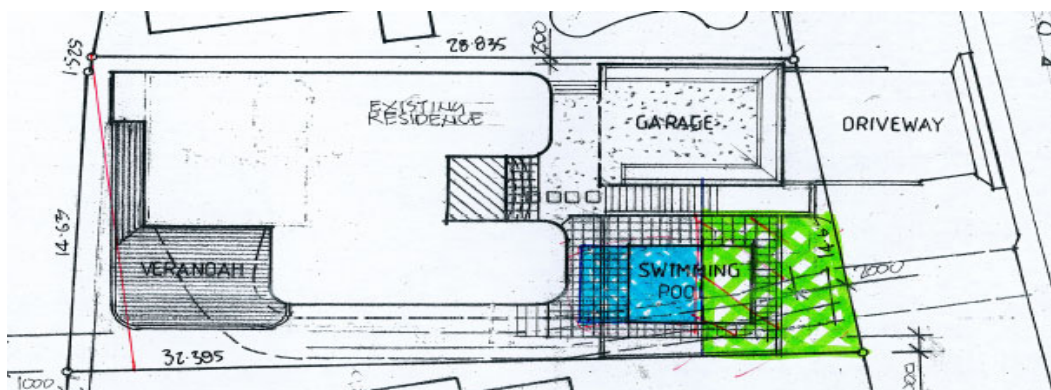
- **D1.14 Site coverage - Environmentally Sensitive Land**

The total site coverage proposed is 305m² or 63.8%. This is a significant non compliance with council's site coverage control which allows a maximum of 40%. It is acknowledged that the existing hard surface areas on site amount to 51% which is an existing non compliance with the DCP.

It was requested that the applicant amend the design to reduce the site coverage. The amended design reduced the area by 18m². It is considered that the amendments have not satisfactorily addressed the control in that the hard surface areas have not been reduced to an extent that would be acceptable on merit.

It is considered that a further setback to the terrace/pool from the front boundary would be acceptable. It would require the pool to be shifted 2m to the east and all associated terracing and coping be in line with the western edge of the relocated pool.

This is indicated on the diagram below (blue indicates new pool location and green indicates landscaped area):



This setback would reduce the site coverage to 285m² or 59.6% and with applicable variations it would take the coverage to 256m² or 53.6%.

It is recommended that conditions requiring the reduction in hard surface area and greater setbacks be incorporated into the consent. Conditioning these changes is considered to be a reasonable approach in that the development will still retain the large verandah to the east for private open space while minimising built form in the front building line and allowing a sufficient area for landscaping which is more consistent with the control outcomes.

- **Suggested Alternative Design**

The neighbours have suggested an alternative design solution to minimise the impacts to 512 Barrenjoey Rd. It is suggested that the garage and terrace be relocated to the northern side and the pool relocated to the southern side.

The privacy impacts created by the trafficable garage roof have been addressed by requiring the entire roof to be landscaped. It is not considered that the development subject to recommended conditions creates impacts to an extent that would warrant refusal of the application or require substantial design changes. For these reasons it is unreasonable for council to require substantial amendments to the design.

11.0 CONCLUSION

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

Despite some technical non compliance with the controls the development can perform against the policy outcomes. The dwelling is predominantly single storey and the structures within the front building line have been reduced in scale to allow for adequate landscaping to be provided. Accordingly, the application is recommended for approval.

RECOMMENDATION OF DEVELOPMENT OFFICER / PLANNER

That Council as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 grant consent to development application N0339/11 for alterations and additions to the existing dwelling, new detached double garage and a new swimming pool the at 514 Barrenjoey Road, Avalon subject to the attached draft conditions of consent.

Report prepared by

Amy Allen
SENIOR PLANNER

DETERMINATION

CONSENT NO: N0339/11
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)
NOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION

Applicants Name and Address:
SARAH ROBERTA FREDLINE
PAUL WILLIAM ROWLAND
514 BARRENJOEY ROAD
AVALON 2107

Being the applicant in respect of Development Application No **N0339/11**

Pursuant to section 80(1) of the Act, notice is hereby given of the determination by Pittwater Council, as the consent authority, of Development Application No **N0339/11** for:

Alterations and additions to the existing dwelling, new detached double garage and a new swimming pool

At: 514 BARRENJOEY ROAD, AVALON (Lot 31 DP 15295)

Decision:

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

Drawing No. 1348.1 - 1348.15 Dated 2 November 2011 Prepared by JD Evans and Company Pty Ltd;

Coastal Risk Report for 514 Barrenjoey Rd, Avalon Dated 28 January 2011;

Risk Analysis and Management Report Ref. MV 27351 Dated 6 December 2011 Prepared by Jack Hodgson Consultants Pty Ltd;

BASIX Certificate A122087 Dated 5 September 2011

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

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

Endorsement of date of consent **Insert Date**

Mark Ferguson
GENERAL MANAGER
Per:

CONDITIONS OF APPROVAL

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

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

A. Prescribed Conditions:

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

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

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

1. The Stormwater Harvesting and Reuse Scheme shall be installed and operated in accordance with the accepted design, Environmental and Health Risk Management Plan, Operation and Maintenance Plan, Manufacturer's Specifications and associated operational guidelines.
2. The Stormwater Harvesting and Reuse Scheme shall be maintained as appropriate in accordance with best practice to ensure optimum performance of the stormwater treatment system.
3. The internal driveway finish is:
 - a. to be a stable surface for all weather conditions
 - b. to be constructed of materials that blend with the environment and are of dark or earthy tones or natural materials.
4. 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.
5. At least three (3) locally native canopy trees are to be planted onsite to replace trees approved for removal. Canopy tree species are to be as per the approved Landscape Plan or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and the Native Plants for Your Garden link on Council's website http://www.pittwater.nsw.gov.au/environment/species_lists. All native trees are to be retained for the life of the development, or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.
6. Domestic pet animals are to be kept from entering wildlife habitat areas at all times. Dogs and cats are to be kept in an enclosed area or on a leash such that they cannot enter areas of bushland or foreshore, unrestrained, on the site or on surrounding properties or reserves. Ferrets and rabbits are to be kept in a locked hutch/run at all times.
7. Any vegetation planted onsite outside approved landscape zones is to be consistent with:
 - a. Species listed in the Ecological Sustainability Plan or Bushland Management Plan (if applicable)
 - b. Species listed from the Endangered Ecological Community
 - c. Locally native species growing onsite and/or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and Native Plants for Your Garden available on the Pittwater Council website http://www.pittwater.nsw.gov.au/environment/species_lists

8. Prior to the completion of works, all declared noxious weeds are to be removed/controlled in accordance with the Noxious Weeds Act 1993. Environmental weeds are to be removed and controlled. Refer to Pittwater Council website http://www.pittwater.nsw.gov.au/environment/noxious_weeds for noxious/environmental weed lists.
9. No environmental weeds are to be planted on the site. Refer to Pittwater Council website http://www.pittwater.nsw.gov.au/environment/noxious_weeds for environmental weed lists.
10. Any new fencing (with the exception of swimming pool fencing) is to be made passable to native wildlife. Hole dimensions are to be a minimum of 150mm wide x 100mm high at ground level spaced at 6 metre intervals.
11. Landscaping is to be implemented in accordance with the approved Landscape Plan (JD Evans and Co. Drawing No. 1348.15 2nd November 2011) and the landscape plan required by condition C4 of this consent. The new landscaping is to be approved as completed by the accredited certifier upon issue of the Occupation Certificate. This landscaping is to then be maintained for the life of the development.
12. Screen planting is to be provided, which after three years will, in conjunction with existing vegetation and canopy planting, screen at least 50% of the built form when viewed from the street and/or neighbouring properties. Species selection is to incorporate locally native species. The screen planting is to be maintained for the life of the development and is to be replaced if any part of it dies or is destroyed or removed.
13. In accordance with Pittwater Council's Tree Preservation Order, all existing trees as indicated in the Survey Plan and/or approved Landscape Plan shall be retained except where Council's prior written consent has been obtained, as trees stand within the envelope of approved development areas. For all other tree issues not related to a development application, applications must be made to Council's Tree Management Officers.
14. This approval/consent relates only to the new work nominated on the approved consent plans and does not approve or regularise any existing buildings or structures within the property boundaries or within Council's road reserve.
15. The spa/pool backwash and any overflow waters are to be disposed to the Sydney Water sewer.
16. The roof to the garage is not to be trafficable and/or used for recreational purposes.
17. The roof to the garage is to become a roof top planter, with the entire area above the garage planted with vegetation with maturity heights of 2m - 3m. A minimum soil depth of 600mm is to be provided in the planter to accommodate the growth of the vegetation.
18. The privacy wall located on the southern edge of the garage indicated on the approved plans does not form part of this consent.
19. No water pollution shall result from the operation of any plant or equipment or activity carried out.
20. The area described on the approved Lower Floor Plan as Rumpus Room, Laundry and Bathroom shall not be used for separate habitation and shall not be isolated by a wall or door etc. from the upper level.
21. Pool fencing is to be designed, located and maintained in accordance with the Swimming Pools Act 1992, Regulation and Australian Standard 1926.1-2007, Safety barriers for swimming pools

22. A warning notice (resuscitation chart) and External Cardiac Compression Chart is to be affixed and maintained in a prominent location adjacent to the pool / spa.
- a. The warning notice (i.e. sign) must contain all of the following words:
 - i. "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL"
 - ii. "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES", and
 - iii. "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES".
 - b. In addition, the notice must contain a simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques (for infants, children and adults):
 - i. that are set out in accordance with the relevant provisions of that Guideline,
 - ii. that comply with the other relevant guidelines of the Australian Resuscitation Council, and
 - iii. that are illustrated by drawings with key words only in bold print.
 - c. a statement to the effect that formal instruction in resuscitation is essential.
 - d. the name of the teaching organisation or other body that published the sign and the date of its publication.
23. The materials and colour schemes to the external walls and roof are to be dark and earthy tones (mid to dark grey, browns or greens). The proposed wall colour "Surfmist" is not permitted.
24. The verandah structure is not to be constructed to the east of the Foreshore Building Line. The Foreshore Building Line is identified as a straight line between the south eastern boundary corner of the site and 29.6m point (measured from the front boundary) along the northern boundary.
25. Any front boundary fence or wall shall have a maximum height of 1.8 metres from natural ground level and be externally treated to be a dark and earthy tone.
26. The roof terrace over the dwelling indicated on the approved plans does not form part of this consent.
27. The swimming pool is to be shifted 2m to the east and all associated terracing and coping is to be setback to be in line with the western edge of the relocated pool.
28. The area between the front boundary and the newly aligned pool/terracing is to be maintained at existing ground level and landscaped in accordance with conditions B11 and B12.
29. The commitments identified in the BASIX Certificate and on the plans or specifications are to be fulfilled and maintained for the life of the development.

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

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

1. Prior to issue of the Construction Certificate, Form 2 of the *Geotechnical Risk Management Policy for Pittwater* (Appendix 5 of P21 DCP) is to be completed and submitted to the principal certifying authority.
2. An approval under Section 138 of the *Roads Act* to construct an access driveway to the main road is to be submitted to the Accredited Certifier.
3. Applicants will be required to obtain prior to the issue of a Construction Certificate, a Section 139 Consent for Works on the Public Road Reserve issued by the Council under the provisions of Section 138 of the *Roads Act 1993* for the design and construction of any works on the road reserve including Access Driveways.
4. 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. These plans are to incorporate the conditioned relocation of the pool and terracing and include a landscape plan which incorporates the conditioned changes to the roof of the garage.
5. 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.

6. Structural Engineering details relating to the approved works are to be submitted to the Accredited Certifier or Council prior to release of the Construction Certificate. Each plan/sheet is to be signed by a qualified practising Structural Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a corporate member and has appropriate experience and competence in the related field.
7. Plans and details demonstrating that the commitments identified in the BASIX Certificate that apply to the construction certificate or complying development plans and specifications are fulfilled.

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

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

1. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
2. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
3. 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:
 - The Builder's name, Builder's telephone contact number both during work hours and after hours.
 - That no works are to be carried out in Council's Road Reserve without the written approval of the Council.
 - That a Road Opening Permit issued by Council must be obtained for any road openings or excavation within Council's Road Reserve associated with development of the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
 - That no skip bins or materials are to be stored on Council's Road Reserve.
 - That the contact number for Pittwater Council for permits is 9970 1111.
9. During site excavation, topsoil which is to be used in later landscape works is to be stockpiled on site and stabilised during construction works. Stockpiles are to be stored outside of hazard areas and not located within the dripline of existing trees which are to be retained.
10. A stamped copy of the approved plans is to be kept on the site at all times, during construction.
11. Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must give the owner of the adjoining property at least seven (7) days written notice of their intention to excavate below the level of the base of the footing and furnish the adjoining property owner with particulars of the proposed work.

12. Demolition works must be carried out in compliance with WorkCovers *Short Guide to Working with Asbestos Cement* and Australian Standard AS 2601 2001 The Demolition of Structures.

The site must be provided with a sign containing the words **DANGER ASBESTOS REMOVAL IN PROGRESS** measuring not less than 400mm x 300mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility.

All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifying Authority, all receipts issued by the receiving tip as evidence of proper disposal.

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

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

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

1. Prior to issue of the Occupation Certificate, Form 3 of the *Geotechnical Risk Management Policy* (Appendix 5 of P21 DCP) is to be completed and submitted to the Principal Certifying Authority.
2. 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. The dwelling is to have approved hard-wired smoke alarms installed and maintained over the life of the development. All hard-wired smoke alarms are to be Australian Standard compliant and must be installed and certified by any appropriately qualified electrician prior to the issue of any Occupation Certificate.
4. A qualified acoustic engineer is to certify that the maximum noise level associated with the pool filter does not exceed 5dB(A) above ambient background level, when measured from any adjoining premises.
5. Certification is to be provided that the commitments identified in the BASIX Certificate have been fulfilled.

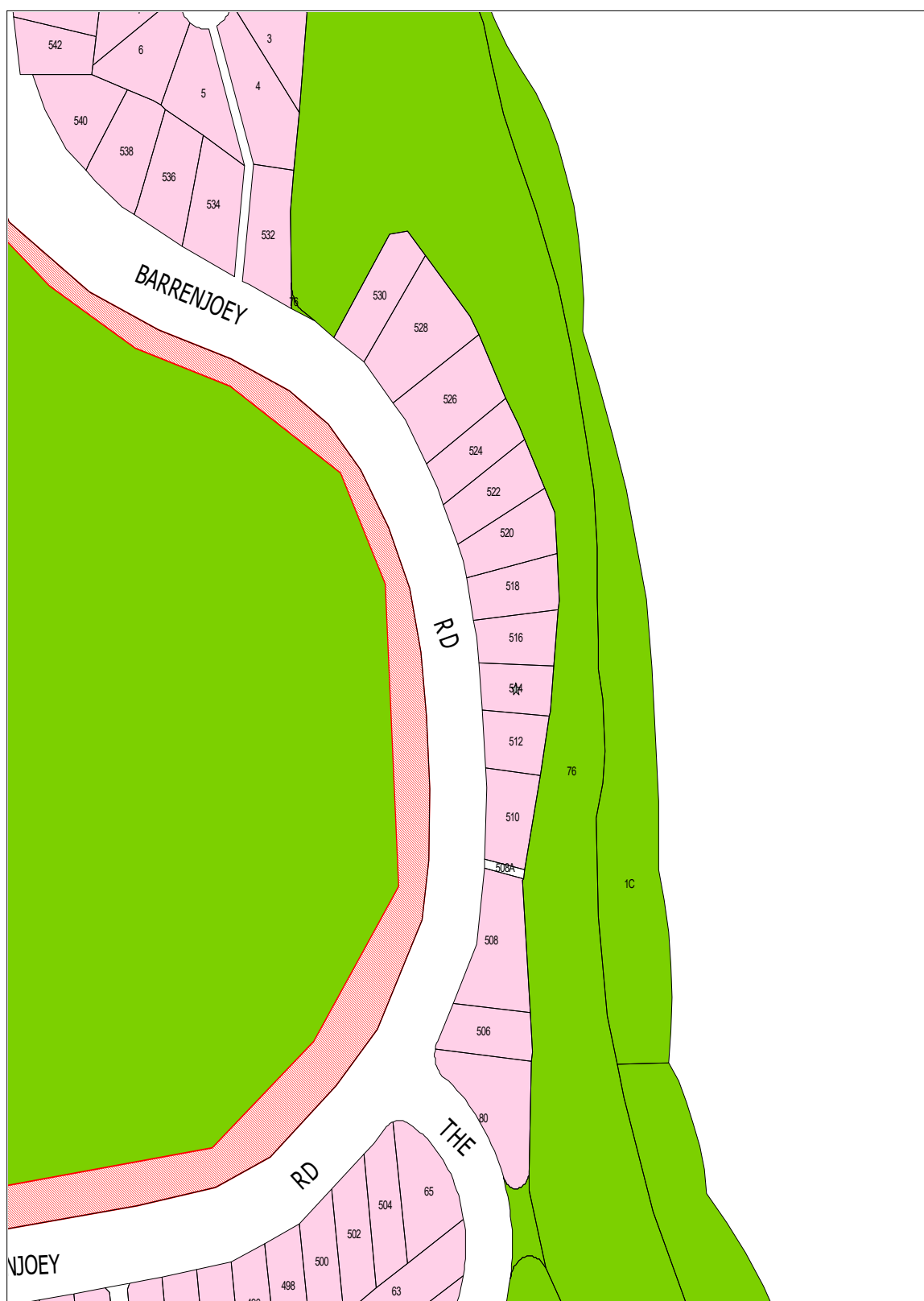
F. Matters to be satisfied prior to the issue of Subdivision Certificate:

Nil

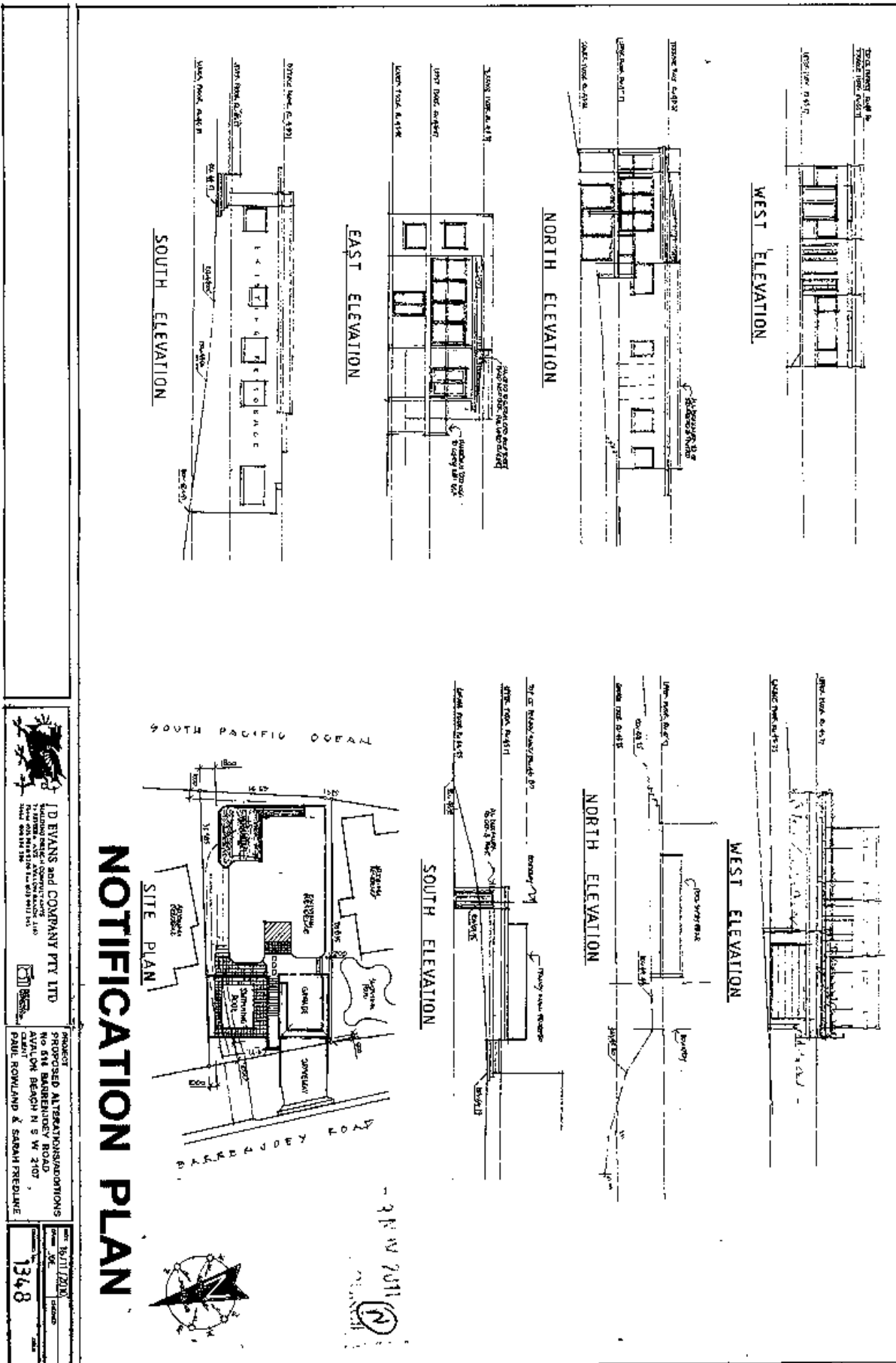
G. Advice:

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

LOCALITY MAP



NOTIFICATION PLAN



C11.3	N0318/08/S96/2- 22 Morella Road and 20 Morella Road, Whale Beach - Modification to remove the approved shared elements of the inclinator with 20 Morella Road and deletion of Condition E5
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Meeting: Planning an Integrated Built Environment Committee

Date: 19 December 2011

STRATEGY: LAND USE AND DEVELOPMENT

ACTION: Provide an effective development assessment and determination process

PURPOSE OF REPORT

To inform the Committee of the Development Unit's recommendation following consideration of Development Application Section 96 – N0318/08/S96/2 – 22 Morella Road, Whale Beach and 20 Morella Road, Whale Beach – Modification to remove the approved shared elements of the inclinator with 20 Morella Road and deletion of Condition E5.

1.0 BACKGROUND

- 1.1 The Development Unit, at its meeting held on Thursday 17 November 2011 considered the Development Officer's report (**Attachment 1**) for determination of Development Application Section 96 – N0318/08/S96/2 – 22 Morella Road, Whale Beach and 20 Morella Road, Whale Beach – Modification to remove the approved shared elements of the inclinator with 20 Morella Road and deletion of Condition E5.

2.0 REASON FOR REFERRAL TO COUNCIL

- 2.1 Cr Hegarty has called this item to Council for determination.

3.0 DEVELOPMENT UNIT DELIBERATIONS

- 3.1 The Applicant, her solicitor and two objectors addressed the Development Unit on the application.
- 3.2 The Development Unit considered the issues raised by the speakers and after careful consideration of all arguments resolved to endorse the Assessing Officer's recommendation and the Section 96 – Modification of N0318/08/S96/2 was subsequently refused by the Development Unit.

4.0 ISSUES

- Use of the road reserve
- Section 96 (2) Modification
- C1.19 Incline Passenger Lifts and Stairways

5.0 SUSTAINABILITY ASSESSMENT

- 5.1 This Report does not require a Sustainability Assessment.
-

6.0 EXECUTIVE SUMMARY

- 6.1 The Application was considered by the Development Unit at its meeting on 17 November 2011 and after hearing from the Applicant and Objectors, endorsed the Assessing Officer's recommendation. Development Application Section 96 – N0318/08/S96/2 – 22 Morella Road, Whale Beach and 20 Morella Road, Whale Beach – modification to remove the approved shared elements of the inclinator with 20 Morella Road and deletion of Condition E5 - was subsequently refused by the Development Unit.
-

RECOMMENDATION

That the recommendation in the Development Officers Report be endorsed and Development Application Section 96 – N0318/08/S96/2 – 22 Morella Road, Whale Beach and 20 Morella Road, Whale Beach – Modification to remove the approved shared elements of the inclinator with 20 Morella Road and deletion of Condition E5 - be refused subject to the draft notice of refusal and the following additional reason:

Additional Reason for Refusal

The application is not consistent with the requirements of Control C1.19 of Pittwater 21 DCP with respect to Incline Passenger Lifts.

Report prepared by

Warwick Lawrence
DEVELOPMENT UNIT CHAIRMAN
MANAGER, ADMINISTRATION & GOVERNANCE

SUBJECT: SECTION 96 (2) - N0318/08/S96/2- 22 Morella Road, Whale Beach (Lot 107 DP15376) and 20 Morella Rd, Whale Beach (Lot 2 DP526531) - Modification to remove the approved shared elements of the inclinor with 20 Morella Road and deletion of Condition E5

Determination Level: Development Unit

Date: 17 November 2011

**SUMMARY OF RECOMMENDATION
REFUSAL**

REPORT PREPARED BY:	Sophie Garland
APPLICATION SUBMITTED ON:	13/09/2011
APPLICATION SUBMITTED BY:	BELINDA ROBSON 22 MORELLA ROAD WHALE BEACH 2107
OWNER(S):	BELINDA ROBSON(Own) ANTHONY ROBSON (Own)

1.0 DEVELOPMENT CONTROLS

Numbers 20 and 22 Morella Road are zoned Residential 2(a) pursuant to Pittwater Local Environmental Plan 1993. The proposed works are permissible with development consent. The proposal is also subject to the provisions of the Draft Pittwater 21 Local Environmental Plan, Pittwater 21 Development Control Plan, and Geotechnical Risk Management Policy for Pittwater 2007 and Planning for Bushfire Protection (2006). Both sites are identified as being within:

- Area 1 Dual Occupancy prohibited area;
- Pittwater LGA affected by landslip;
- Bushfire prone land
- Within the vicinity of a heritage item at no. 25 Bynya Rd;
- Habitat category 2 land;
- Wildlife Corridor and Native Wildlife Protection area.

2.0 NOTIFICATIONS

Nine property owners notified
One submission received from 20 Morella Rd.

3.0 ISSUES

- Use of the Road Reserve
- Section 96 (2) Modification
- C1.19 Incline Passenger Lifts and Stairways

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			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B3.22 Flood Hazard - Flood Category 3 - All Development			-	-	-
B8.1 Construction and Demolition - Excavation and Landfill			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B8.2 Construction and Demolition - Erosion and Sediment Management/Waste Minimisation/Site Fencing and Security			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B8.3 Construction and Demolition - Waste Minimisation			-	-	-
B8.4 Construction and Demolition - Site Fencing and Security			-	-	-
B8.5 Construction and Demolition - Works in the Public Domain			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B8.6 Construction and Demolition - Traffic Management Plan			-	-	-
REF - Heritage					
B1.2 Heritage Conservation - Items within the vicinity of a heritage item or area		Site is in the vicinity of the heritage-listed house at 25 Bynya Road, which adjoins the site at its northwestern corner. No issues raised by Council's Heritage Officer as the proposal will have no adverse impact on the heritage significance of 25 Bynya Road.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
REF - Landscape					
C1.1 Landscaping			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
REF - Bushfire					
B3.2 Bushfire Hazard		Referred to RFS and no issues raised.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
REF - Natural Resources					
B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Control	Standard	Proposal	T	O	N
REF - Planner					
3.1 Submission of a Development Application and payment of appropriate fee	Owners Consent for lodgement of application for works over adjoining property.	Owners consent was obtained for the original development application for the construction of landings and associated use of the inclinator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.1 Submission of a Development Application and payment of appropriate fee (Cont'd)		Comments have been provided with this modification, which state that the application as approved did not propose works to no. 20 and the property should not have formed part of the approval documents being the consent as issued. Therefore, the applicant believes that no owners consent was or is now required. See discussion below.			
3.2 Submission of a Statement of Environmental Effects			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.3 Submission of supporting documentation - Site Plan / Survey Plan / Development Drawings			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.4 Notification			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.5 Building Code of Australia			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.3 Referral - NSW Dept of Environment and Conservation			-	-	-
A1.7 Considerations before consent is granted			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B3.2 Bushfire Hazard			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B3.5 Acid Sulphate Soils			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B3.6 Contaminated Land and Potentially Contaminated Land			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C1.1 Landscaping			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C1.2 Safety and Security			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C1.3 View Sharing			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C1.4 Solar Access			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C1.5 Visual Privacy		Shared inclinator. Landscaping could sufficiently screen adjoining dwellings in the future to maintain privacy if necessary.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C1.6 Acoustic Privacy			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C1.7 Private Open Space		Existing private open space will not be affected by the proposal.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C1.9 Accessibility			-	-	-
C1.13 Pollution Control			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Control	Standard	Proposal	T	O	N
C1.19 Incline Passenger Lifts and Stairways		Refer to Discussion of issues.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D12.1 Character as viewed from a public place			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D12.3 Building colours, materials and construction			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D12.5 Front building line		Nil setback, proposed inclinator is to be constructed 1.5 metres from the kerb on the road reserve and replace existing concrete access stairs. Advice from Council's property department is provided below, see 3.1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D12.6 Side and rear building line	2.5m to at least one side; 1.0m for the other 6.5 rear	South-Varying from nil to 0.625m North-12.5m to the proposed inclinator Rear- 4.1m to the proposed inclinator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D12.10 Site coverage - Environmentally Sensitive Land		Site coverage maintained.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D12.13 Retaining walls, terracing and undercroft areas		None proposed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D12.14 Scenic Protection Category One Areas			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other State Environmental Planning Policies (SEPPs)			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

Prepared by Sophie Garland on 16 September 2009 and amended by Sophie Garland on 30 June 2011

Further amendments made by Sophie Garland in bold 12 October 2011 reflecting additional issues relating to currently proposed modifications.

5.0 SITE DETAILS

Number 22 Morella Road is 473m², generally rectangular and located on the high side of Morella Road with an easterly aspect. A two and three storey dwelling and attached stone and timber residence occupy the middle and rear of the site. A garage has also been developed at the front of the site with vehicle access to the structure provided directly off Morella Road. Pedestrian access to the site is provided via a staircase adjoining the southern common boundary to No.20 Morella Road. Given the steepness of the site towards Morella Road access to the staircase is provided well within the road reserve. Limited vegetation is provided on site and several exposed rock areas are present. To the north of the site are an existing one and two storey brick and timber dwelling.

The site at 20 Morella Road is 844.237m², regular in shape and has an easterly aspect. There is currently a two storey brick and timber dwelling with attached garage. Pedestrian access is via an existing concrete stairway from the kerb of Morella Road. There is significant vegetation to the rear of the property as well as rock platforms. To the south is a similar two-storey dwelling with access from Bynya Road. The property to the west is currently vacant.

6.0 PROPOSAL IN DETAIL

The applicant seeks consent for modification of development consent N0318/08 which approved the construction of a new inclinator to be shared by numbers 20 and 22 Morella Rd. The applicant has requested the following modifications to the original development consent:

1. Deletion of reference to the Development Consent relating to No. 20 Morella Rd;
2. Modification of the Development Consent to reference amended plans: sheet 1 of 2 and sheet 2 of 2 prepared by P.R. King and Sons Pty Ltd amendment A dated 7/9/11 which details the removal of the approved access landings to no. 20 Morella Rd;
3. Deletion of condition E5 of the original development consent, which required: *Details are to be provided to principal certifying authority demonstrating that an easement benefiting the property owner(s) of 20 Morella Road, Whale Beach has been created to entitle that owner(s) use of the inclinator and landing areas. In this regard, use of the inclinator by both property owners is to be used in accordance with this approval.*

7.0 BACKGROUND

The Development Unit approved development Application N0318/08 for the Construction of an inclinator at 22 Morella Rd, Whale Beach and 20 Morella Rd, Whale Beach and consent issued dated 10 October 2008.

A previous Section 96 Modification application was reported to the Development Unit on the 25th March 2010. The recommendation for approval was not endorsed at this meeting and the application was deferred to allow *further negotiations to explore opportunities to achieve a workable inclinator sharing arrangement between the owners of no. 20 and 22 Morella Rd, Whale Beach*. No further information was received by Council and as a result the application was reported back to the Development Unit on the 11th August 2011 with a recommendation for refusal.

The recommendation was endorsed and Application Section 96 -N0318/08/S96/1 - 22 Morella Road, Palm Beach (Lot 107 DP 15376) for modification to remove the approved shared elements of the inclinator with 20 Morella Rd and deletion of Condition E5 was **refused** under the Delegated Authority of the Development Unit and subject to the reasons for refusal below:

1. *The proposed modifications are unable to be approved in the current form, as an agreement has not been achieved between the owners of 22 and 20 Morella Road to achieve a mutually workable inclinator sharing arrangement.*
2. *The Application has not been supported by the submission of owners consent in relation to the property at 20 Morella Road concerning the deletion of the inclinator connection points and requirement for an easement in respect to this property.*
3. *The development as proposed to be modified would not be substantially the same development as the development for which the original development consent was issued.*

Following the issue of the refusal to the applicants, it was advised that if they wished to pursue a single use inclinator for their property at 22 Morella Rd, a new development application should be lodged. The Section 96 (2) Modification Application that is the subject of this assessment report was lodged on 13 September 2011 which proposes the same modifications which were refused under the delegated authority of the Development Unit on 11 August 2011. The subject application is accompanied by further argument for the approval of the modification including a legal opinion and addressed the reasons for refusal.

10.0 DISCUSSION OF ISSUES

Use of the Road Reserve

Urban Infrastructure issued a section 139 approval for works on Road Reserve for the original development application. Council's property department also advised that the road reserve is not required to be purchased in order for the proposal to proceed. Given the changes to original approval, the modification application was referred to Council's Property Department and Urban Infrastructure. It was advised, there were no issues with the use of the road reserve so long as a Section 139 certificate was obtained prior to any construction works.

Inclusion of 20 Morella Rd, Whale Beach in consent documents and owners consent:

The original application sought consent for the construction of an inclinator to be shared by the properties 22 and 20 Morella Rd, Whale Beach and included the construction of two (2) access points across the shared boundary and onto no. 20. Due to the shared nature of the proposal, the construction of landings on the property at no. 20 and the crossing of the cart over the boundary, a letter of support was submitted with the original application from the owners of no. 20.

The recently submitted modification application includes a statement that the original application did not involve works to no. 20 and hence the property should not be included on the issued development consent. The original submitted development drawings did show the landings on no. 20 Morella Rd to be 'possible'. However, amended plans were submitted on the 20/8/2008 and subsequently formed part of the approved stamped set of drawings issued with the consent. The consent issued expressly identified both 20 and 22 Morella Rd as the properties benefitting from the consent. The landings on number 20 are clearly marked and RLs provided, they are not 'possible' landings as indicated in the submitted statement.

Furthermore, the submitted Statement of Environmental Effects references the inclinator as being shared within the description of proposed works. The justification provided for the side boundary non-compliance to the inclinator explicitly states that the applicants are seeking an exemption from the 2m setback required as the inclinator will be shared by the property at no. 20.

In addition, the approved and the submitted plans for the subject modification include 44 proposed Lily Pilly's located on the properties of both 20 and 22 Morella Rd. Therefore, not only were there proposed landings to no. 20 but also a significant amount of landscaping hence the inclusion of the adjoining as part of the development consent.

Section 96 (2) Modification Application- Whether the development is 'substantially' the same?

Section 96 (2)(a) of the EPA Act 1979 requires that *the consent authority be satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all)...*

The original approval was for a shared inclinator to be used by the properties at 20 and 22 Morella Rd and included the construction of landings over the common. The application to modify consent N0318/09, refused in August 2011 was not considered substantially the same development as approved by virtue of the inclinator no longer benefitting no. 20 Morella Rd. The applicant has provided an argument as to how the proposed modification is considered to be substantially the same development.

The general terms of the applicants argument is that, *the development would remain as a proposal to construct alternative pedestrian access to a steep site that would have minimal effect on the built or natural environment. The applicant also argues that regard should be given to the change in circumstances and context in the granting of development consent being the changed in ownership of the land (22 Morella Rd) and the particular circumstances that have resulted.*

The change in ownership of the land is not considered to be valid reason as to why the proposed modification is considered to be substantially the same development and as discussed below, the proposed modification is not substantially the same development to that which consent was granted.

In considering the above arguments, reference is made to the judgment of Moto Projects (No 2) Pty Ltd V North Sydney (1999) which sets out the following test for determining if a section 96 application is substantially the same as the original approval:

Is the modified development 'essentially or materially' the same as the approved development. Such a comparative task must involve an appreciation, qualitative, as well as quantitative, of the development being compared in their proper contexts (including the contexts in which the development consent was granted).

The level of qualitative difference is evident when considering the material and essential features of the approved development. In this subject modification, the inclinator is changing from one, which is to be shared by two properties to a single use inclinator for the use of no. 22 only. The proposal also involves the removal of the access landings to no. 20, which was considered an essential feature of the shared inclinator development consent.

When considering the context in which development consent was granted, the shared inclinator was consented to, with a minimal setback to the common boundary as the basis of the sharing arrangement. The subject modification removes this shared element and hence materially changes the approved development. The proposed changes to the approval, involve eliminating the shared elements of the inclinator, and as such, changes are considered to result in an exclusive use inclinator to no.22. The shared access arrangement was an essential and material feature of the approved development. The modification is therefore, not considered to be substantially the same development as originally consented to. The modification powers of Section 96 (2) of EPA Act 1979 are not available in this instance and the modification application is recommended for refusal.

C1.19 Incline Passenger Lifts and Stairways

The original development application approved a shared inclinator to be constructed between the properties 20 and 22 Morella Rd. The inclinator was to be constructed primarily on no. 22 with access bridges provided over the shared boundary to no. 20. Control C1.19 permits a reduction in the required 2m setback from the side boundary where an inclinator is to be shared by two adjoining properties. The approval of the development application was subject to this provision and was approved on the basis that the inclinator be shared. The impact to the adjoining properties in terms of noise and privacy and the non-compliance with the setback requirement was not considered to be problematic in the circumstances where that neighbour received the benefit of the use of the inclinator as well as the proposed screen planting on both properties.

The subject modification was submitted by the owners of no. 22. It proposes to remove all the approved access to number 20 from the inclinator and construct the inclinator for the use of number 22 Morella Rd only. The inclinator is proposed to remain in the same location as the approved shared inclinator.

It is noted, that there was no consultation with the neighbor prior to lodging this application, and to their knowledge a shared inclinator was still the proposal for the sites. With the removal of the shared elements and access such, an arrangement cannot be consented to where the inclinator is for the sole use of no. 22. As discussed above, the Development Unit deferred the modification application to allow for further negotiations between the neighbours and the application was subsequently refused due to no agreement being reached. The applicant has been advised to submit a separate development application for a new inclinator, which would be assessed on its merits with no reference made to a shared inclinator situation.

It is acknowledged that access to both sites is difficult and a shared inclinator would be an appropriate method to provide access to both sites. Furthermore, the proposed landscaping used as a privacy mechanism for the subject sole property use inclinator cannot be supported given there has been no agreement from no. 20 to plant the Lilly Pilly's on their property. The option of a boundary fence has also been suggested during the assessment process of the subject and previous application to provide privacy to no. 20. However, a standard 1.8m boundary fence is not considered to provide adequate privacy given the height from natural ground level in which the inclinator rail will sit, in excess of 1.6m from NGL. The consent for the shared inclinator is valid and such a development is still able to be completed. However, the removal of the shared elements from the consent without the agreement of all parties cannot be supported and is not considered to be substantially the same development as approved.

11.0 CONCLUSION

The Section 96 (2) Modification 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 provided argument from the applicant that the subject modification is considered to be substantially the same development as approved is not agreed with. The proposal will result in a situation where the development will not be materially the same development as approved and the shared elements of the inclinator will be removed fundamentally changing the context in which approval was granted.

The removal of the shared elements of the inclinator will result in impacts to the adjoining properties, which were originally supported on the basis of the inclinator being shared.

The proposal does not comply with the relevant controls of Pittwater 21 DCP in terms of the proposed setback to the side boundary and without agreement from the neighbor in which the approved inclinator was to be shared with. The removal of the shared elements of the inclinator cannot be supported. Therefore, the proposal to modify the consent to remove the shared elements of the inclinator as well as the removal of related conditions regarding the creation of easements is recommended for refusal.

RECOMMENDATION OF DEVELOPMENT OFFICER / PLANNER

That Council as consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 refuse the Section 96 Modification application of Development Application N0318/08 for the deletion of condition E5 as well as the inclinator 22 Morella Rd, Palm Beach no longer being shared with 20 Morella Rd for the reasons outlined in the attached notice of refusal.

Report prepared by

Sophie Garland
SENIOR PLANNER

DRAFT DETERMINATION

REFUSAL

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED) NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

Applicants Name and Address:

BELINDA ROBSON
22 MORELLA RD,
WHALE BEACH

Being the applicant in respect of Section 96 Modification application N0318/08

Pursuant to section 80(1) of the Act, notice is hereby given of the determination by Pittwater Council, as the consent authority, of the Section 96 Modification Application for:

The deletion of condition E2 and removal of the shared elements of the approved inclinor

At: 22 AND 20 MORELLA ROAD, WHALE BEACH

Decision:

The Section 96 Modification Application has been refused for the following reasons:

1. The proposed modifications are unable to be approved in the current form as no agreement has been achieved between the owners of 22 and 20 Morella Rd to achieve a mutually workable solution;
2. No owners consent has been provided to delete the approved access ways or easement at 20 Morella Rd.
3. The proposed modifications to the development are not substantially the same development for which the original approval was granted.

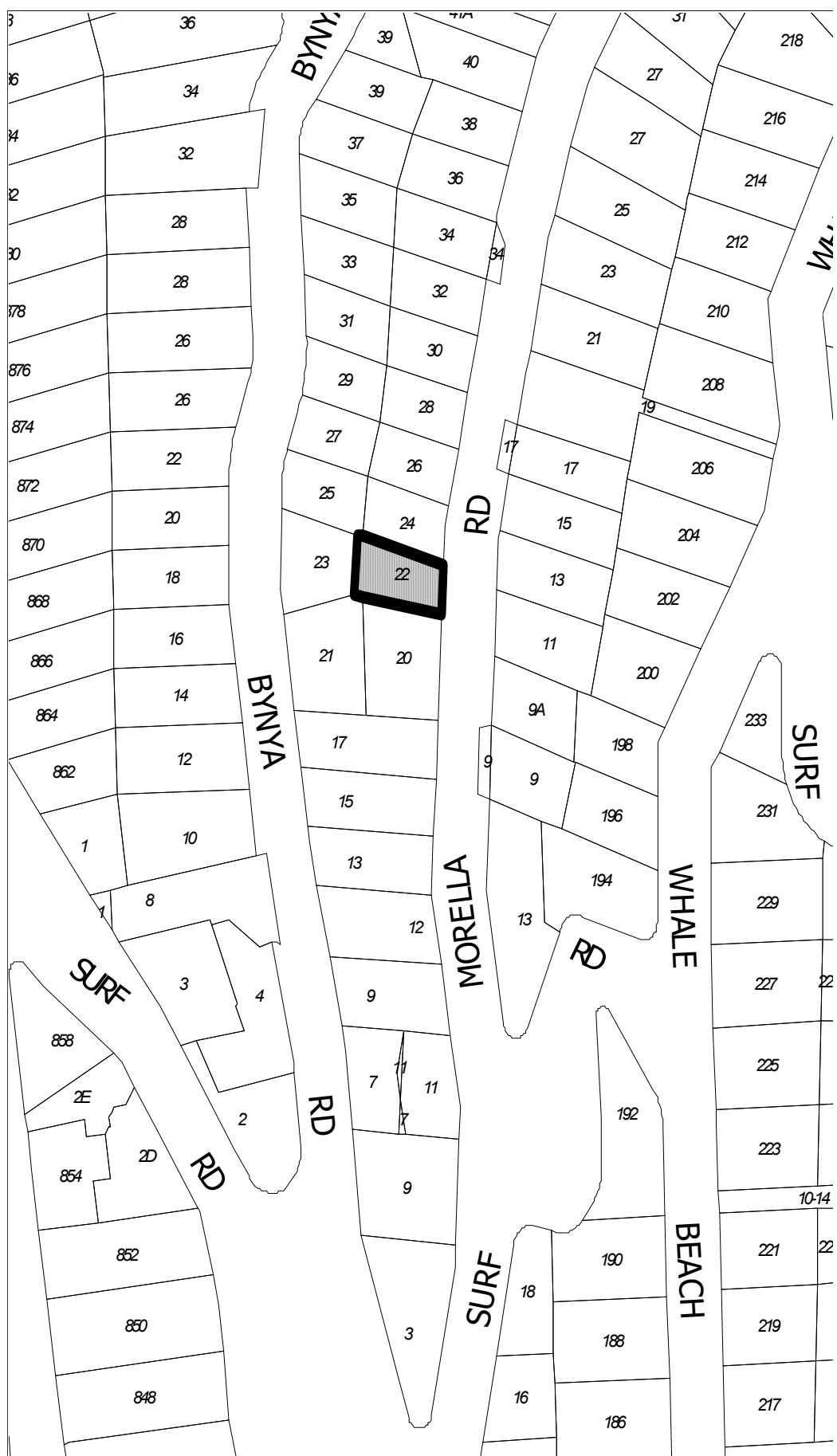
Notes:

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.

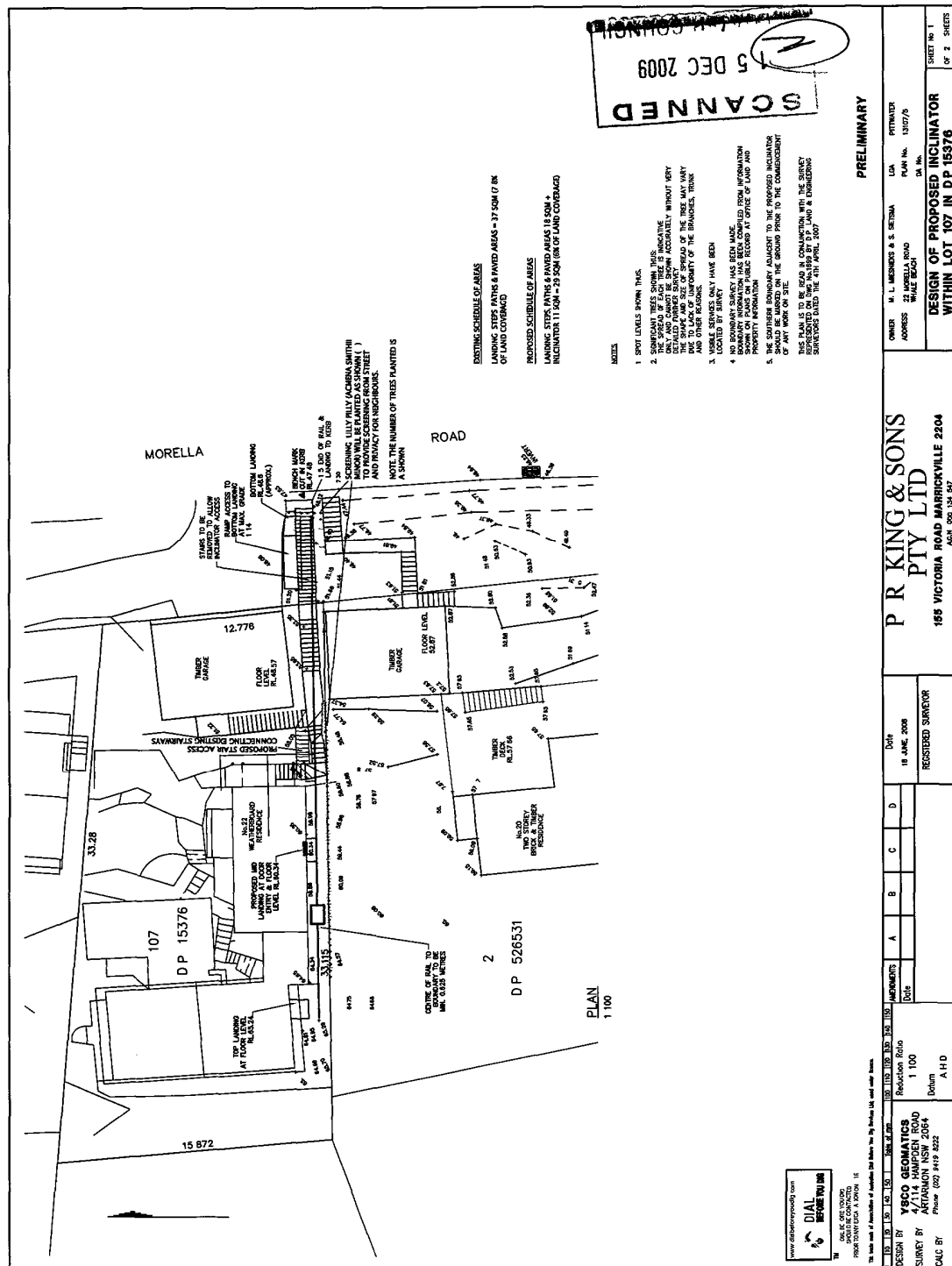
Mark Ferguson
GENERAL MANAGER

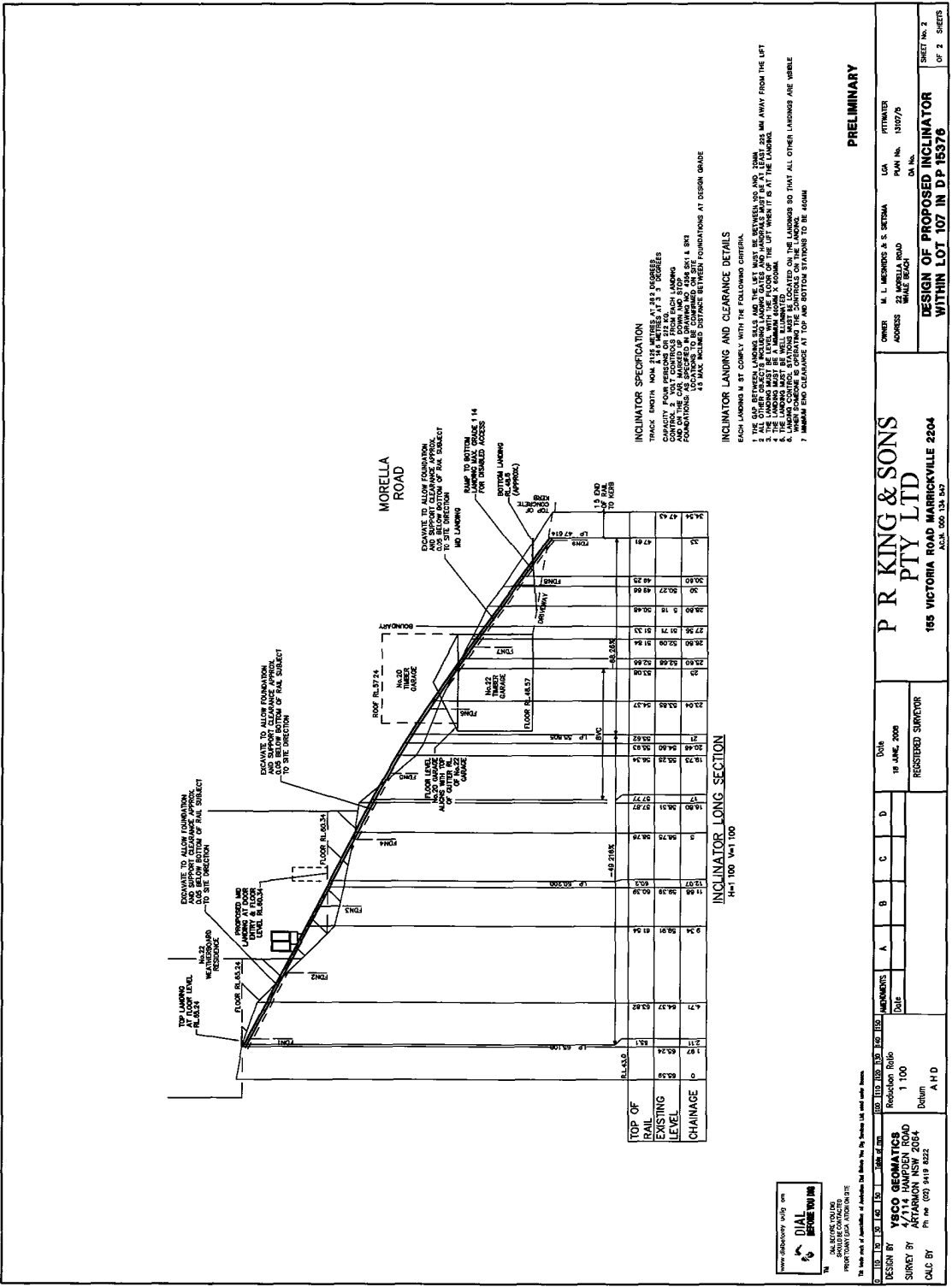
Per:
Date:

LOCALITY MAP



NOTIFICATION PLANS





C11.4	N0278/11 - 10 Bynya Road Palm Beach - Demolition of the existing dwelling and the construction of a new multi level dwelling
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Meeting:	Planning an Integrated Built Environment Committee	Date:	19 December 2011
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STRATEGY: Land Use and Development

ACTION: Provide an effective development assessment and determination process

PURPOSE OF REPORT

To inform the Committee of the Development Unit's recommendation following consideration of Development Application N0278/11 for the demolition of the existing dwelling and the construction of a new multi level dwelling at 10 Bynya Road Palm Beach

1.0 BACKGROUND

- 1.1 The Development Unit, at its meeting held on Thursday, 8 December 2011 considered the Development Officer's report (Attachment 1) for determination of Development Application N0278/11 for the demolition of the existing dwelling and the construction of a new multi level dwelling at 10 Bynya Road Palm Beach

2.0 REASON FOR REFERRAL TO COUNCIL

- 2.1 The applicant has the matter listed for hearing in the Land and Environment Court. Legal Advice is included in the Confidential section of this Agenda.

3.0 DEVELOPMENT UNIT DELIBERATIONS

- 3.1 Two objectors addressed the Development Unit on the non-compliances relating to this application and specifically in relation to solar access, bulk and scale and set back.
- 3.2 The applicants were not present at the meeting.
- 3.3 The Development Unit considered the issues raised by the objectors and resolved to support the Assessing Officer's recommendation for refusal.

4.0 ISSUES

- Refer to Section 3 of the Assessing Officer's report

5.0 SUSTAINABILITY ASSESSMENT

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

6.0 EXECUTIVE SUMMARY

- 6.1 The application was considered by the Development Unit at its meeting held on the 8 December 2011 and after hearing from the objectors and noting that the applicants were not present at the meeting, endorsed the Assessing Officer's recommendation for refusal.

RECOMMENDATION

That the recommendation in the Development Officers Report be endorsed and Application N0278/11 - 10 Bynya Road, Palm Beach (Lot 142 DP14961) for the demolition of the existing dwelling and the construction of a new multi level dwelling be refused subject to the Reasons for Refusal contained in the Draft Determination.

Report prepared by

Warwick Lawrence
DEVELOPMENT UNIT CHAIRMAN
MANAGER ADMINISTRATION AND GOVERNANCE

SUBJECT: N0278/11 - 10 Bynya Road, Palm Beach (Lot 142 DP14961) Demolition of the existing dwelling and the construction of a new multi level dwelling

Determination Level: Development Unit

Date: 8 December 2011

SUMMARY OF RECOMMENDATION

REFUSAL

REPORT PREPARED BY:	Amy Allen
APPLICATION SUBMITTED ON:	26/07/2011
APPLICATION SUBMITTED BY:	CHARMAINE PANG C/- BATES SMART 243 LIVERPOOL STREET EAST SYDNEY 2010
OWNER(S):	MERRIN, VENESSA MAGDALEN (OwnResOcc)

1.0 DEVELOPMENT CONTROLS

The following planning legislation, environmental planning instruments, development control plans and policies apply to the Site:

- Environmental Planning and Assessment Act 1979, as amended
- State Environmental Planning Policy (BASIX) 2004
- State Environmental Planning Policy No. 55 (Remediation of Land)
- Pittwater Local Environmental Plan 1993 ("PLEP")
 - The Site is zoned 2(a) (Residential)
- Pittwater 21 Development Control Plan – Amendment 6 ("PDCP")
- Geotechnical Risk Management Policy for Pittwater 2009

2.0 NOTIFICATIONS

The DA was advertised for 14 days from 29 July 2011 until 12 August 2011. As a result of the notification process, three (3) objections were received.

3.0 ASSESSMENT AND OBJECTOR ISSUES

- B5.10 Stormwater Discharge into Public Drainage System
- B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor
- B1.3 Heritage Conservation – General
- C1.4 Solar Access
- C1.24 Public Road Reserve - Landscaping and Infrastructure
- D12.1 Character as viewed from a public place; D12.14 Scenic Protection Category One Areas
- D12.4 Height
- D12.5 Front 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
Development Engineer					
B3.1 Landslip Hazard			Y	Y	Y
B3.22 Flood Hazard - Flood Category 3 - All Development			-	-	-
B5.4 Stormwater Harvesting			Y	Y	Y
B5.7 Stormwater Management - On-Site Stormwater Detention			Y	Y	Y
B5.8 Stormwater Management - Water Quality - Dwelling House, Dual Occupancy and Secondary Dwellings			Y	Y	Y
B5.10 Stormwater Discharge into Public Drainage System		The development requires a stormwater easement from the downstream property. No evidence has been provided indicating a stormwater easement has or will be obtained. See discussion under the relevant heading later in this report.	N	N	Y
B5.12 Stormwater Drainage Systems and Natural Watercourses			-	-	-
B6.1 Access Driveways and Works on the Public Road Reserve - Dwelling House and Dual Occupancy			-	-	-
B6.3 Internal Driveways - Dwelling Houses and Dual Occupancy			Y	Y	Y
B6.5 Off-Street Vehicle Parking Requirements - Dwelling Houses, Secondary Dwellings and Dual Occupancy			Y	Y	Y
B8.1 Construction and Demolition - Excavation and Landfill			Y	Y	Y
B8.2 Construction and Demolition - Erosion and Sediment Management			Y	Y	Y
B8.3 Construction and Demolition - Waste Minimisation			Y	Y	Y
B8.4 Construction and Demolition - Site Fencing and Security			-	-	-
B8.5 Construction and Demolition - Works in the Public Domain			Y	Y	Y

Control	Standard	Proposal	T	O	N
B8.6 Construction and Demolition - Traffic Management Plan			-	-	-
Bushfire					
B3.2 Bushfire Hazard		The application was referred to the NSW RFS who have recommended conditions be incorporated into any consent issued.	Y	Y	Y
Natural Resources					
B1.4 Aboriginal Heritage Significance			Y	Y	Y
B3.5 Acid Sulphate Soils			Y	Y	Y
B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor		Council's natural resource officer has provided comments on the proposal and concern has been raised regarding landscaping along the northern boundary. See discussion under the relevant heading later in this report.	Y	Y	N
C1.1 Landscaping			Y	Y	Y
Planner					
EPA Act Section 147 Disclosure of political donations and gifts			-	-	-
3.1 Submission of a Development Application and payment of appropriate fee			Y	Y	Y
3.2 Submission of a Statement of Environmental Effects			Y	Y	Y
3.3 Submission of supporting documentation - Site Plan / Survey Plan / Development Drawings			Y	Y	Y
3.4 Notification			Y	Y	Y
3.5 Building Code of Australia			Y	Y	Y
4.5 Integrated Development: Aboriginal Objects and Places			-	-	-
4.6 Integrated Development - Protection of the Environment			-	-	-
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		Submissions have been received raising concern that the existing dwelling is a potential heritage item of local heritage significance. The application was referred to Council's Heritage Advisor. See comments under the relevant heading later in report.	Y	Y	N

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		The dwelling has been designed to minimise impact on views obtained by adjoining properties.	Y	Y	N
C1.4 Solar Access		<p>The development does not comply with the solar access provisions of PDCP.</p> <p>Concern has been raised in objections regarding the overshadowing impact to 8 Bynya Rd, particularly as it arises from non compliant built form.</p> <p>See discussion under the relevant heading later in report.</p>	N	N	N
C1.5 Visual Privacy		<p>The development incorporates privacy screening to decks and stairways. The proposed privacy screens are excessive in height and size.</p> <p>It is recommended that conditions indicating the height and materiality of the screens be incorporated into any consent issued.</p>	Y	Y	Y
C1.6 Acoustic Privacy			Y	Y	Y
C1.7 Private Open Space		The proposed ground floor deck will function as the principal private open space.	Y	Y	Y
C1.9 Adaptable Housing and Accessibility			-	-	-
C1.12 Waste and Recycling Facilities			Y	Y	Y
C1.13 Pollution Control			Y	Y	Y
C1.14 Separately Accessible Structures		None proposed	-	-	-
C1.17 Swimming Pool Safety		None proposed	-	-	-
C1.19 Incline Passenger Lifts and Stairways		None proposed	-	-	-
C1.23 Eaves	450mm eaves on all elevations	The design of the proposed dwelling does not incorporate eaves on all elevations. Additional shading devices are incorporated into the design to achieve the same outcome. The proposal is considered satisfactory in this regard.	N	Y	Y

Control	Standard	Proposal	T	O	N
C1.24 Public Road Reserve - Landscaping and Infrastructure		The application proposes works within the public road reserve. Council's property department has provided comments. See discussion under the relevant heading later in report.	N	Y	Y
C1.25 Plant, Equipment Boxes and Lift Over-Run			Y	Y	Y
D12.1 Character as viewed from a public place D12.14 Scenic Protection Category One Areas		The proposed dwelling results in unacceptable bulk and scale impacts when viewed from the street. See discussion under D12.5 Front building line later in report.	N	N	Y
D12.3 Building colours and materials	External colours and materials shall be dark and earthy tones	The proposed dwelling is to be constructed of natural stone and timber cladding. No specific colour scheme is submitted. It is recommended that a satisfactory colour schedule be submitted prior to the issue of Construction Certificate.	Y	Y	Y
D12.4 Height	Maximum – 8.5m Variation up to 10m is allowed on this site.	Maximum Height - 10.52m in south western corner See discussion under the relevant heading later in report.	N	N	N
D12.5 Front building line	6.5m or established building line, whichever is the greater	Varied 0m to 1.6m over both levels Concern has been raised in an objection regarding the proximity of the new dwelling to the road. See discussion under relevant heading later in report.	N	N	N
D12.6 Side and rear building line	2.5m to one side and 1m to the other 6.5m to the rear	South - varied 1.3m to 3.6m North - varied 1.9m to 3m Rear- 24.5m The proposed breach in the north eastern corner of the dwelling is supportable on merit considering it is a small wedge shaped area which is not contributing to any unreasonable impact.	N	Y	Y
D12.8 Building envelope	The development is to be sited within a building envelope projected 45 degrees from a height of 3.5 metres.	The proposal results in significant building envelope breach on the southern elevation. Concern has been raised in objections regarding the bulkiness of the dwelling. See discussion under the relevant heading later in report.	N	N	N

Control	Standard	Proposal	T	O	N
D12.10 Site coverage - Environmentally Sensitive Land	Maximum Site Coverage – 40% Minimum Landscaped Area – 60%	Site coverage – 32.5% Landscape area – 67.5%	Y	Y	Y
D12.12 Fences - Flora and Fauna Conservation Areas		None proposed	-	-	-
D12.13 Construction, Retaining walls, terracing and undercroft areas		A new retaining wall is proposed within the road reserve, see discussion under C1.24 Public Road Reserve - Landscaping and Infrastructure later in this report.	Y	Y	Y
SEPP (Building Sustainability Index: BASIX) 2004		The development can achieve the BASIX commitments subject to conditions being incorporated into any consent issued.	Y	Y	Y
Other State Environmental Planning Policies (SEPPs)			Y	Y	Y

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

5.0 SITE DETAILS

The site comprises Lot 142 in DP 14961 known as 10 Bynya Rd, Palm Beach. The Site is located on the western side of Bynya Rd. The Site is regular in shape and has an area of 1031m². The Site has a frontage of 17.6m to Bynya Rd, a southern boundary of 49.22m, a western boundary of 24.385m and a northern boundary of 49.78m. The Site falls from the street at the eastern boundary to the western boundary with a site slope of approximately 51%. The Site currently contains a single storey stone cottage with an attic and timber extension to the west, decks and a pathway along the northern boundary. To the rear of the cottage is a series of sandstone walls creating landscaped terrace areas and the lower portion of the site contains some significant canopy trees. The road reserve is partially levelled and paved with a low irregular stone retaining wall and landscaped area accommodating four street trees.

6.0 PROPOSAL IN DETAIL

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

- Demolition of the existing dwelling
- Excavation
- Construction of a new dwelling, comprising of:
 - Lower Ground Floor including three bedrooms (one with ensuite and walk in robe), bathroom, wet bar, stores and west facing decks
 - Ground Floor including double garage, entry foyer, open plan kitchen, dining and living, TV room, laundry and west facing deck
 - First Floor including master bedroom (with ensuite and walk through robe), wet bar, WC office and east facing deck
- Works within the road reserve including a retaining wall, pathways and landscaping
- Water tanks and a photovoltaic system
- Landscaping

7.0 BACKGROUND

- The DA was referred to Council's Development Engineers, Council's Natural Resources Department, Council's Property Department, Council's Heritage Advisor and the NSW Rural Fire Service.
- The DA was advertised for 14 days from 29 July 2011 until 12 August 2011. As a result of the notification process, three (3) objections were received.
- On 4 October 2011 Council sent a letter to the applicant raising issues and requesting Additional Information be submitted.
- On 28 October 2011, the Applicant lodged a Class 1 Appeal with the NSW Land & Environment Court against Council's deemed refusal of the DA.

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

The application of SEPP NO. 1 is not required.

9.0 EXISTING USE RIGHTS

The proposal does not rely on Existing Use Rights.

10.0 DISCUSSION OF ISSUES

• B5.10 Stormwater Discharge into Public Drainage System

Council's Development Engineer has provided the following comments:

'The proposed stormwater disposal system involves a proposed stormwater easement from the downstream property. No confirmation has been given that the easement will be granted.'

Please submit relevant information which confirms that the easement will be granted, otherwise alternative stormwater disposal system will be required and be endorsed by the Geotechnical engineer.'

No evidence has been provided indicating a stormwater easement has or will be obtained and details of an alternative disposal system have not been submitted. Considering no adequate provision has been made for stormwater disposal the proposal cannot be supported.

• B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor

Council's Natural Resource Officer provided the following comments:

'The property contains a modified landscape although more natural vegetation occurs at the rear of the site. The proposed works involve the demolition of the existing dwelling and construction of a new dwelling and garage. This will be located in a similar but slightly larger footprint. The vegetation currently in the vicinity of the dwelling consists of mainly exotic shrubs and palms, and does not contain any native trees or significant vegetation. Lower down at the rear of the site, native trees exist, however these will not be impacted by the proposed works and will be safely retained. Therefore no arborist report is required.'

The landscape plan (Nicholas Bray Landscapes Drawing No. L01F 27th June 2011) indicates the native trees to be retained as well as providing supplementary planting with suitable locally native species as listed. Screening will be addressed using Lilli Pilli's and Waterhousia, as well as retaining most of the existing screening in some locations. All species and locations propose are considered suitable and acceptable, and the landscape plan is supported.'

Concern has been raised in an objection relating to the proposed landscaping along the northern and southern boundaries and it not in keeping with the existing open landscape character. The slope to the rear of the properties along the western side of Bynya Rd has an open terrace landscape character and the application proposes hedge boundary planting along part of the side boundaries.

The species proposed are Lilli Pilli's, black wattle and melaleucas that have maturity height of 5m – 6m. It is noted that the height of the plants will not affect views. Council's natural resource officer advised that the species proposed are locally native, are appropriate for screening purposes and commonly used in the locality.

Council's policies require screen planting and encourage landscaping within boundary setbacks. The proposed landscape scheme is within the private allotment boundaries and is not considered to create any unreasonable impact on the landscape character when viewed from adjoining properties or the public domain.

- **B1.3 Heritage Conservation – General**

Council's Heritage Advisor, Robert Moore, inspected the site on Thursday, 6 October 2011 and provided the following comments:

'The inspection revealed that the dwelling is not of such integrity that opposition of its demolition can be substantiated on heritage grounds. However, the house is representative of a type that is of local interest; therefore, prior to its demolition, the dwelling should be recorded and included Council's Local History Collection.'

The dwelling is single-storey sandstone dwelling that appears to have been constructed c. 1920s-30s. Given its location and outlook over Pittwater, it is likely that the dwelling was an early holiday cottage.

The integrity of the dwelling has been diminished by subsequent alterations and additions, including a substantial renovation at the back of the dwelling and extensive internal modifications, whereby most of the original internal features have been removed. While the stonework on the outside of the dwelling is generally of good quality, there have been major intersections of lesser quality stonework at the front of the house and on the southern wall, and the back wall has been removed to facilitate the extension.

It is recommended that the recording is submitted in digital format and consists of basic 1:100 drawings (plans, elevations and sections), an album of photographs (including those taken during the dismantling/demolition stage), and background history. The recording should clarify the story of the house, depict its fabric, explain why Council has agreed to its demolition, and record its form and character. It is also recommended that the stonework and stone on site is reused or recycled as it is in very good condition.

Conclusion - Any consent should be accompanied by a condition stating that the dwelling is to be recorded, that the recording is submitted in digital format and included in Councils Local History Collection, and that the stonework and stone on site is to be reused or recycled.'

The recommendations from the Heritage Advisor should be conditions incorporated into any consent issued.

• **C1.4 Solar Access**

Concern has been raised in objections regarding the overshadowing impact to 8 Bynya Rd. The control requires:

- *The main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.*
- *Windows to the principal living area of the proposal, and windows to the principal living area of adjoining dwellings, are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st (that is, to at least 50% of the glazed area of those windows).*

The main private open space being the deck adjacent to the living room receives some sunlight at 9am and at 3pm however is self shadowed for the majority of the day. Considering that the sunlight received to the deck is comparable to the existing situation and results mainly from self shadowing the impact is acceptable.

The following assessment table indicates the existing and proposed levels of solar access to the glazed area of the principle living room windows at 8 Bynya Rd:

Time	Sunlight to glazed area of northern windows between 9am and 3pm on June 21 st		Sunlight to glazed area of western windows between 9am and 3pm on June 21 st		Comply under PDCA (50%)	Quality of Sunlight/ Impact
	Existing	Proposed	Existing	Proposed		
9am	39%	39%	0%	0%	N	Moderate
10am	39%	34%	0%	0%	N	Moderate
11am	21%	13%	0%	0%	N	Poor
12pm	20%	7%	0%	0%	N	Devastating
1pm	23%	0%	28%	0%	N	Devastating
2pm	39%	0%	76%	74%	N	Optimal
3pm	52%	9%	100%	96%	N	Optimal

Note: The calculations were based on the elevational shadow diagrams prepared by Bates Smart Dated 22 June 2011. The principle living room windows are identified as the north facing and west facing windows to the living/kitchen area at 8 Bynya Rd.

The development does not technically comply with the control in that 50% of the glazed area to the windows to the principal living area of 8 Bynya Rd does not receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st. It is important to note that the existing scenario also does not technically comply due to self shadowing and overshadowing from the existing dwelling at 10 Bynya Rd. Therefore technical compliance (50% of glazed area) is unlikely to ever be achieved on this site.

In light of this, the assessment needs to be approached in a qualitative manner rather than a quantitative manner by considering the difference between the existing and proposed sunlight hours and the reasonableness of the reduction in solar access on the neighbouring property. The planning principle established in *The Benevolent Society v Waverley Council* [2010] NSWLEC 1082 is used to assist in determining whether the impact is reasonable or not. The relevant principles and associated comments follow:

- **The ease with which sunlight access can be protected is inversely proportional to the density of development. At low densities, there is a reasonable expectation that a dwelling and some of its open space will retain its existing sunlight. (However, even at low densities there are sites and buildings that are highly vulnerable to being overshadowed.) At higher densities sunlight is harder to protect and the claim to retain it is not as strong.**

There is a reasonable expectation that the dwelling at 8 Bynya Rd will retain its existing sunlight given the low density residential character of the area. Despite this the neighbouring site is highly vulnerable to being overshadowed given the east - west allotment orientation and steep topography.

- **The amount of sunlight lost should be taken into account, as well as the amount of sunlight retained.**

The dwelling at 8 Bynya Rd:

- loses 1.5 hours of optimal sunlight between 12pm and 130pm
- retains 2 hours of moderate sunlight between 9am and 11am
- retains 1.5 hours of optimal sunlight between 130pm and 3pm.

It is noted that the window which is completely overshadowed between 12pm and 130pm as a result of the proposal, is on the northern elevation located towards the west. Its floor to ceiling, curtain wall design around the north western corner of the dwelling makes it the most important window for receiving high-quality solar amenity to the main habitable living area during mid winter.

- **Overshadowing arising out of poor design is not acceptable, even if it satisfies numerical guidelines. The poor quality of a proposal's design may be demonstrated by a more sensitive design that achieves the same amenity without substantial additional cost, while reducing the impact on neighbours.**

The development does not satisfy the numerical guidelines with regard to height (10.52m in south western corner) and building envelope (extensive breach on southern elevation). The non compliant portion of the built form contributes to the overshadowing of the north western window at 8 Bynya Rd. If compliance were achieved sunlight could be retained to part of the north western window between 12pm and 130pm.

It is acknowledged that full compliance with height and building envelope controls cannot be reasonably achieved on the site given the steep topography and the most practical and developable building footprint.

Notwithstanding this, opportunity of a more sensitive design and a more compliant development is available on this site. A greater setback to the upper floor to the southern boundary would allow some sunlight to be retained to the higher portion of the north western window at 8 Bynya Rd. The proposed upper level is to a large master bedroom (40m²) and yoga deck (30m²) in which a reduction in size by stepping in the southern wall would not radically reduce the amenity of these rooms, would not be of any substantial additional cost, however would reduce the solar amenity impact on the neighbours.

- **For a window, door or glass wall to be assessed as being in sunlight, regard should be had not only to the proportion of the glazed area in sunlight but also to the size of the glazed area itself. Strict mathematical formulae are not always an appropriate measure of solar amenity. For larger glazed areas, adequate solar amenity in the built space behind may be achieved by the sun falling on comparatively modest portions of the glazed area.**

The assessment table goes through the proportion of the glazed area in sunlight. Using a more qualitative approach to the proportions, a moderate area of glazing is in sunlight from 9am to 11am and a sizeable area from 130pm to 3pm. It could be said that 8 Bynya Rd receives 2 hours of average solar amenity and 1.5 hours of excellent solar amenity.

The quality of light is only considered average between 9am and 11am as it is mostly diffused and is not direct access contributing to good solar amenity in the built space behind the windows.

- **Overshadowing by fences, roof overhangs and changes in level should be taken into consideration. Overshadowing by vegetation should be ignored, except that vegetation may be taken into account in a qualitative way, in particular dense hedges that appear like a solid fence.**

Fences, roof overhangs and changes in level have be taken into consideration and vegetation ignored in this assessment.

The assessment against the principles indicates that the while the windows are partially in light for 3 hours the quality of the sunlight is significantly reduced between 12pm and 130pm. The reduction between 12pm and 130pm is caused by built form which is considerably outside council's height and envelope controls. Seeing that a more skilful design of the first floor could be reasonably accommodated which would allow the retention of some optimal sunlight to 8 Bynya Rd, the proposed development cannot be considered to maintain a reasonable level of solar access to existing residential properties. In this regard, the development cannot be supported.

- **C1.24 Public Road Reserve - Landscaping and Infrastructure**

Councils Property Department provided the following comments:

'Property Section has no issues with this proposal provided all construction is within the property boundaries. I note that a sandstone wall encroaches on to public land and the wall should be removed as part of the works.'

Clarification was sought from the Property Department as to which sandstone wall the advice referred to. The advice received was the wall extending along the southern boundary. It was also noted that any construction in the road reserve was not supported as the road reserve is level and accessible.

Considering this advice, the proposed removal and replacement of the retaining wall in the road reserve is not supported. It is recommended that the existing sandstone walls within the road reserve be retained and only driveway access, at grade pedestrian access and landscaping are permitted in the road reserve. These recommendations should form conditions which would be incorporated into any consent issued.

- **D12.4 Height**

The proposed height of the development is a maximum 10.52m in south western corner of the dwelling where the control allows a maximum 8.5m. The proposed building footprint is situated on a steep slope (greater than 30%) and therefore council's variation clause of the control allows a height up to a maximum of 10m for minor parts of the building provided the outcomes of this control are achieved. The outcomes of the control are:

- To achieve the desired future character of the Locality.
- Buildings should reinforce the bushland landform character of Pittwater and be designed to preserve and strengthen the bushland character.
- To ensure sites are designed in scale with Pittwater's bushland setting and encourage visual integration and connectivity to the natural environment.
- Building design, location and landscaping is to encourage view sharing between properties.
- Buildings and structures below the tree canopy level.
- Equitable preservation of views and vistas to and/or from public/private places.
- The built form does not dominate the natural setting.
- To encourage buildings that are designed to respond sensitively to natural topography.

The height non compliance occurs at the rear of the dwelling, where the natural ground level falls away quickly. It is acknowledged that height non compliances are to be expected along steep topographies and the area of non compliance is not necessarily creating impacts that fail against the abovementioned outcomes. The concern is the height in conjunction with the building envelope breach creates solar amenity impacts on the neighbouring property. Despite solar amenity not being a specific outcome of the control, the significant height non compliance cannot be considered to be acceptable if it is directly contributing to an adverse amenity impact. In this regard, the development cannot be supported under this control.

- **D12.5 Front building line; D12.1 Character as viewed from a public place; D12.14 Scenic Protection Category One Areas**

The proposal does not comply with the front building line control in that the proposed dwelling is located within the 6.5m building line with double storey elements on the front boundary. The dwelling has a nil setback to the garage and yoga deck structure and varied setbacks up to 1.6m to the rest of the dwelling. The variation to the control allows carparking structures with nil setbacks where it is a steeply sloping site provided that all other structures on the site satisfy or exceed the minimum building line applicable.

The ground and first floors other than the garage do not observe the 6.5m building line and on this particular site it is acknowledged that it would be unreasonable to expect full compliance on both levels with the 6.5m building line considering the slope and existing built form that addresses Bynya Rd. In assessing the merits of the proposal the following policy outcomes are considered:

- To achieve the desired future character of the Locality.
- Equitable preservation of views and vistas to and/or from public/private places.

- The amenity of residential development adjoining a main road is maintained.
- Vegetation is retained and enhanced to visually reduce the built form.
- Vehicle manoeuvring in a forward direction is facilitated.
- To preserve and enhance the rural and bushland character of the locality.
- 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.

The proposal cannot be said to achieve the outcomes and ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment for the following reasons:

- The proposed dwelling addresses Bynya Rd as an abrupt two storey scale on the front boundary creating a massing and bulk impact when viewed from the street.
- The solid roofing structure and balustrade of the yoga deck effectively enclose the area contributing to the perception of bulk and scale when viewed from Bynya Road in a north westerly direction.
- The existing streetscape character comprises of dwellings that address Bynya Rd with single storey elements on the boundary and second storey elements at setbacks generally 3.5m or greater from the front boundary making them recessive in nature and unimposing.
- No landscaping can be provided to alleviate the perception of bulk as there is a nil setback to the front boundary and the road reserve adjacent to the subject site and property to the south is dedicated for vehicular access.

The second storey does not sensitively respond to the existing built form character along Bynya Rd and the bulk is certainly not minimised. The location of the dwelling on the front building line creates a built form which dominates the streetscape and is inconsistent with the character envisaged in council's policies. In this regard, the development cannot be supported under this control.

• **D12.8 Building envelope**

The proposal results in a significant building envelope breach on the southern elevation and concern has been raised in objections regarding the bulkiness of the dwelling at this location and its subsequent overshadowing impacts. The proposed building footprint is situated on a steep slope (greater than 30%) and therefore council's variation clause of the control allows a merit assessment of the building envelope. The following outcomes of the control are the criteria for undertaking a merit assessment:

- 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 the 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.
- Equitable preservation of views and vistas to and/or from public/private places.
- To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to neighbouring properties.
- Vegetation is retained and enhanced to visually reduce the built form.

As discussed previously the proposed building envelope breach is directly contributing to overshadowing of the principle living room window at 8 Bynya Rd. For this reason the development cannot be said to achieve the outcomes in that the proposal does not ensure a reasonable level of solar access is maintained to neighbouring properties. In this regard, the development cannot be supported under this control.

11.0 CONCLUSION

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

The development does not comply with the built form provisions of PDCP and they directly contribute to unreasonable solar access impacts to the neighbouring property and visual bulk impacts when viewed from the street. A development more consistent with the controls could be accommodated on the site and would minimise these impacts. In this regard the current application is considered to be unacceptable and accordingly recommended for refusal.

RECOMMENDATION OF DEVELOPMENT OFFICER / PLANNER

That development application N0278/11 for the demolition of the existing dwelling and the construction of a new multi level dwelling at 10 Bynya Rd, Palm Beach is refused for the reasons outlined in the draft notice of determination.

Report prepared by

Amy Allen
SENIOR PLANNER

DRAFT DETERMINATION

REFUSAL

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED) NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

Applicants Name and Address:

CHARMAINE PANG
C/- BATES SMART 243 LIVERPOOL STREET
EAST SYDNEY 2010

Being the applicant in respect of Development Application No N0278/11

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:

Demolition of the existing dwelling and the construction of a new multi level dwelling

At:

10 BYNYA ROAD, PALM BEACH (Lot 142 DP 14961)

Decision:

The Development Application has been refused for the following reasons:

1. The development does not comply with the provisions of C1.4 Solar Access of PDCP in that the principal living area of 8 Bynya Rd does not receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st and the proposal does not demonstrate that appropriate solar access is achieved to the adjoining dwelling through the application of the Land and Environment Court planning principle for solar access.
2. The development does not comply with the provisions of D12.4 Height of PDCP and D12.8 Building envelope of PDCP and the non compliance is directly contributing to the unreasonable solar access impacts on the neighbouring property.
3. The development does not comply with the provisions of D12.5 Front building line of PDCP and D12.1 Character as viewed from a public place of PDCP in that the built form within the front setback results in unacceptable bulk and scale impacts inconsistent with the built form character along Bynya Rd.
4. The development does not comply with the provisions of B5.10 Stormwater Discharge into Public Drainage System of PDCP in that no adequate provision has been made for stormwater disposal.

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 6 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

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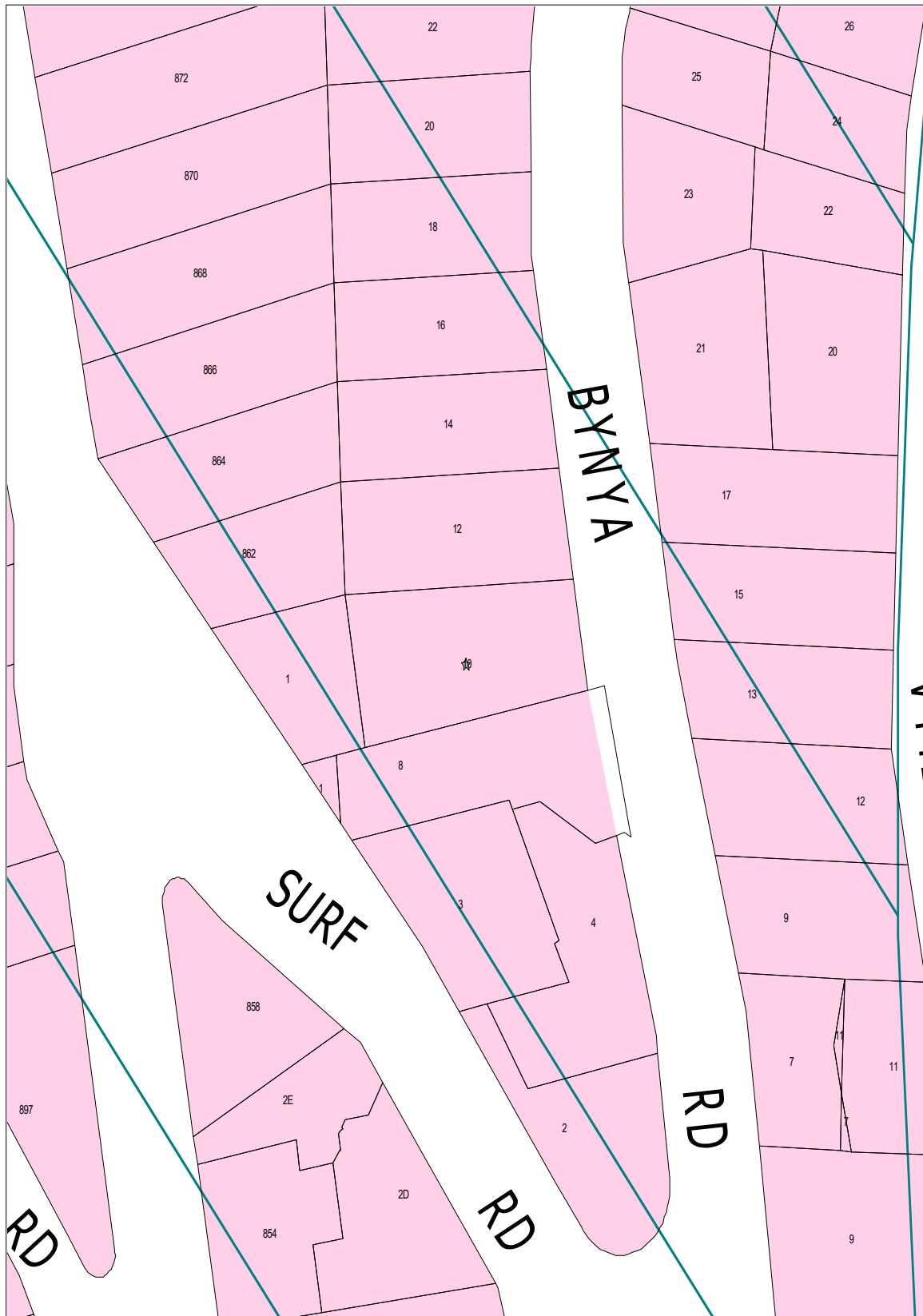
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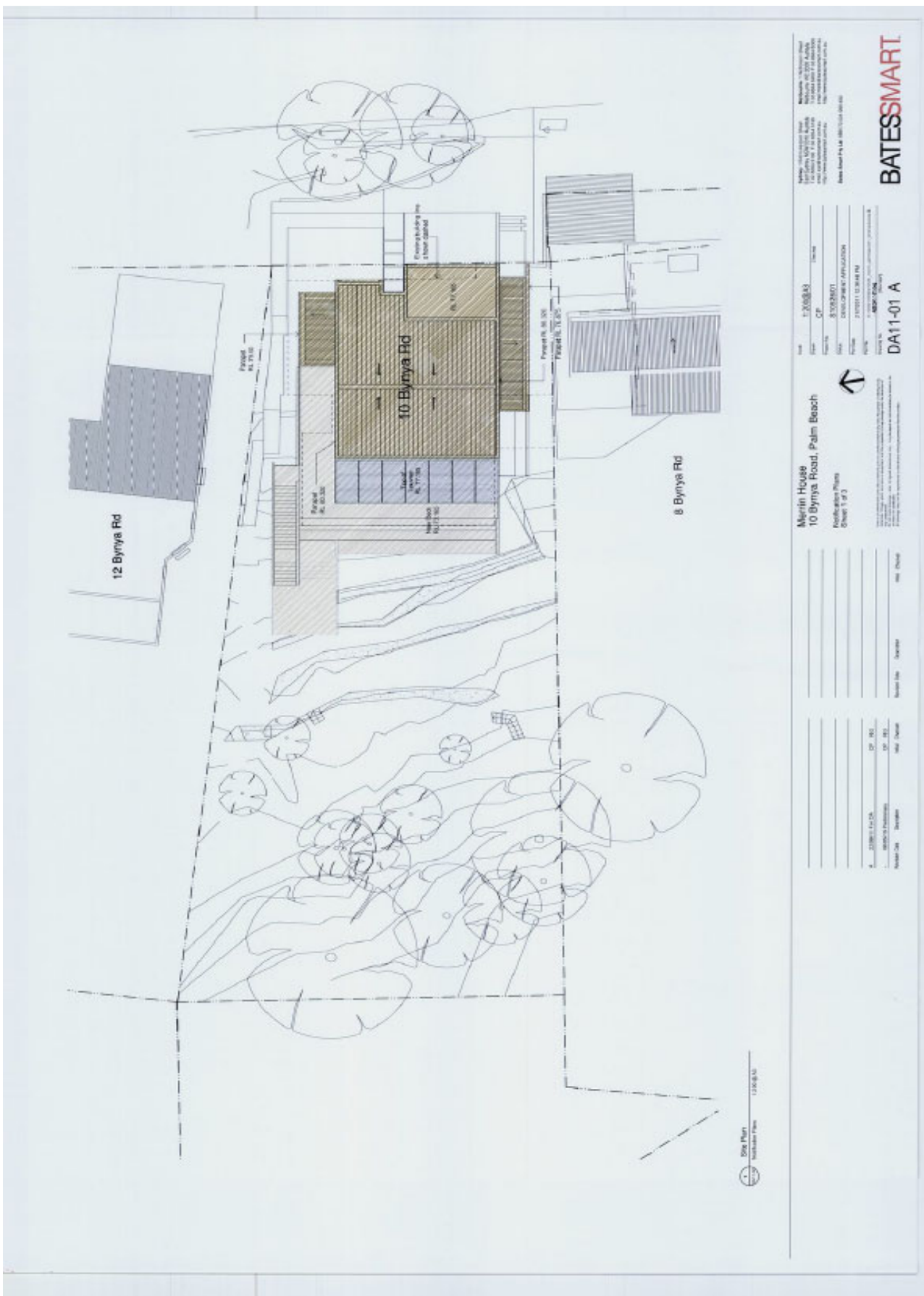
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LOCALITY MAP



NOTIFICATION PLANS



C11.5	N0238/11 - 141 George Street, Avalon - Alterations and additions to the existing dwelling
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Meeting: Planning an Integrated Built Environment Committee

Date: 19 December 2011

STRATEGY: Land Use Development

ACTION: Provide an effective development assessment and determination process

PURPOSE OF REPORT

To inform the Committee of the Development Unit's recommendation following consideration of Development Application N0238/11 for alterations and additions to an existing dwelling at 141 George Street Avalon.

1.0 BACKGROUND

The Development Unit, at its meeting held on Thursday, 8 December 2011 considered the Development Officer's report (**Attachment 1**) for determination of Development Application N0238/11 for alterations and additions to an existing dwelling at 141 George Street Avalon.

2.0 REASON FOR REFERRAL TO COUNCIL

- 2.1 The Development Unit does not have delegated authority to approve applications that breach the Foreshore Building Line by greater than 10%.

3.0 DEVELOPMENT UNIT DELIBERATIONS

- 3.1 The applicant's consultants addressed the Development Unit on this matter and sought the Development Unit's approval to delete condition B18 of the draft consent as the fence was now set back from the front boundary. The Development Unit considered the issues raised by the applicant's consultants and resolved to support the Assessing Officer's recommendation for approval after deleting Condition B18 from the Draft Consent.

4.0 ISSUES

- Foreshore Building Line encroachment, and
- Refer to 3.0 Issues in Assessing Officers report

5.0 SUSTAINABILITY ASSESSMENT

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

6.0 EXECUTIVE SUMMARY

- 6.1 The application was considered by the Development Unit at its meeting held on 8 December 2011 and after hearing from the applicant's consultants and noting that there were no objectors present, endorsed the Assessing Officer's recommendation for approval. Due to the breach in relation to the Foreshore Building Line the matter is now referred to Council for consideration.

RECOMMENDATION

That the recommendation in the Development Officers Report be endorsed and Application N0238/11 - 141 George Street, Avalon (Lot 1 DP204164) for alterations and additions to the existing dwelling be granted development consent subject to the conditions contained in the Draft Determination after the deletion of Condition B18.

Report prepared by

Warwick Lawrence
DEVELOPMENT UNIT CHAIRMAN
MANAGER ADMINISTRATION AND GOVERNANCE

**SUBJECT: N0238/11 - 141 George Street, Avalon (Lot 1 DP204164)
Alterations and additions to the existing dwelling.**

Determination Level: Development Unit

Date: 8 December 2011

SUMMARY OF RECOMMENDATION

CONSENT WITH CONDITIONS

Note: Changes in this report from the 13 October 2011 Development Unit Report are indicated in boxes which are shaded in Sections 7.0, 8.0, 10.0 and 11.0 later in this report. Changes in the compliance table are shown via the discussion in bold.

REPORT PREPARED BY: Ellie Robertson

APPLICATION SUBMITTED ON: 04/07/2011

APPLICATION SUBMITTED BY: CHARMION RACHEL LINDA TOLTZ
PO BOX 1258
MONA VALE 1660

OWNER(S): TOLTZ, CHARMION RACHEL LINDA (Own)



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); and
- State Environmental Planning Policy (BASIX) 2004.

2.0 NOTIFICATIONS

6 property owners notified
Two submissions received

3.0 ISSUES

- B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community
- B4.15 Saltmarsh Endangered Ecological Community
- B4.16 Seagrass Conservation
- B4.19 Estuarine Habitat
- B4.20 Protection of Estuarine Water Quality
- C1.1 Landscaping
- D1.1 Character as viewed from a public place
- D1.8 Front building line
- D1.9 Side and rear building line
- D1.10 Foreshore building line
- D1.11 Building envelope
- D1.14 Site coverage - Environmentally Sensitive Land

4.0 COMPLIANCE TABLE

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

O - Can the proposal achieve the control outcomes?

N - Is the control free from objection?

Control	Standard	Proposal	T	O	N
REF - Development Engineer					
B3.7 Estuarine Hazard - Residential Development: Dwelling House, Secondary Dwelling and Dual Occupancy			Y	Y	Y
B3.22 Flood Hazard - Flood Category 3 - All Development		Council's Development Engineer made the following comment with regard to the amended proposal: <i>"As discussed at the DU meeting in October 2011, there is no risk to the subject development from overland flow flooding from the council storm water system between 27/29 Careel Bay Crescent given the relative levels and the distance the subject development is from the pipe system."</i>	-	-	-
B5.4 Stormwater Harvesting			-	-	-
B5.8 Stormwater Management - Water Quality - Dwelling House, Dual Occupancy and Secondary Dwellings			-	-	-

Control	Standard	Proposal	T	O	N
B5.10 Stormwater Discharge into Public Drainage System			-	-	-
B5.11 Stormwater Discharge into Waterways and Coastal Areas			-	-	-
B5.12 Stormwater Drainage Systems and Natural Watercourses			-	-	-
B5.13 Development on Waterfront Land			-	-	-
B6.1 Access Driveways and Works on the Public Road Reserve - Dwelling House and Dual Occupancy			-	-	-
B6.3 Internal Driveways - Dwelling Houses and Dual Occupancy			-	-	-
B6.5 Off-Street Vehicle Parking Requirements - Dwelling Houses, Secondary Dwellings and Dual Occupancy			Y	Y	Y
B8.1 Construction and Demolition - Excavation and Landfill			-	-	-
B8.2 Construction and Demolition - Erosion and Sediment Management			Y	Y	Y
B8.3 Construction and Demolition - Waste Minimisation			Y	Y	Y
B8.4 Construction and Demolition - Site Fencing and Security			-	-	-
B8.5 Construction and Demolition - Works in the Public Domain			Y	Y	Y
B8.6 Construction and Demolition - Traffic Management Plan			-	-	-
REF - Health					
B5.2 Wastewater Disposal			-	-	-
B5.3 Greywater Reuse			-	-	-
REF - Natural Resources					
B1.4 Aboriginal Heritage Significance		<i>No apparent issues.</i>	Y	Y	Y
B3.5 Acid Sulphate Soils		<i>No issues. Acid Sulphate Region 5 only.</i>	Y	Y	Y
B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community			Y	Y	Y

Control	Standard	Proposal	T	O	N
B4.15 Saltmarsh Endangered Ecological Community			Y	Y	Y
B4.16 Seagrass Conservation			Y	Y	Y
B4.19 Estuarine Habitat			Y	Y	Y
B4.20 Protection of Estuarine Water Quality			Y	Y	Y
C1.1 Landscaping			Y	Y	Y
REF - Planner					
EPA Act Section 147 Disclosure of political donations and gifts			-	-	-
3.1 Submission of a Development Application and payment of appropriate fee			Y	Y	Y
3.2 Submission of a Statement of Environmental Effects			Y	Y	Y
3.3 Submission of supporting documentation - Site Plan / Survey Plan / Development Drawings			Y	Y	Y
3.4 Notification		Concerns raised by the adjoining neighbour at No.139 George Street regarding the size of the plans supplied with the notification of the amended proposal being too small to review the amendments. The notification letter sent out to neighbours stated that the full size plans were available for viewing at Council. This submission issue does not warrant the refusal of this application.	Y	Y	Y
3.5 Building Code of Australia			Y	Y	Y
4.5 Integrated Development: Aboriginal Objects and Places			-	-	-
4.7 Integrated Development - Roads			-	-	-
4.8 Integrated Development - Rivers, Streams and Foreshores			-	-	-
5.3 Referral to NSW Department of Environment and Climate Change (DECC)			-	-	-
A1.7 Considerations before consent is granted			Y	Y	Y
B1.3 Heritage Conservation - General			Y	Y	Y
B3.6 Contaminated Land and Potentially Contaminated Land			Y	Y	Y

Control	Standard	Proposal	T	O	N
B5.2 Wastewater Disposal			Y	Y	Y
B5.3 Greywater Reuse			-	-	-
B5.11 Stormwater Discharge into Waterways and Coastal Areas			-	-	-
B5.12 Stormwater Drainage Systems and Natural Watercourses			-	-	-
B5.13 Development on Waterfront Land			-	-	-
C1.2 Safety and Security			Y	Y	Y
C1.3 View Sharing		The proposed extension of the dwelling in the area of the ensuite bathroom on the first floor on the eastern side has the potential to cause some minor view loss from the adjoining property at No.135 George Street. It must be noted that no submissions were received in relation to view loss. It has been considered that the adjoining dwelling at No.135 George Street will maintain a significant amount of its view and the proposal development achieves a reasonable sharing of views. The proposal is considered reasonable.	Y	Y	Y
C1.4 Solar Access			Y	Y	Y
C1.5 Visual Privacy			Y	Y	Y
C1.6 Acoustic Privacy			Y	Y	Y
C1.7 Private Open Space			Y	Y	Y
C1.9 Adaptable Housing and Accessibility			-	-	-
C1.12 Waste and Recycling Facilities			Y	Y	Y
C1.13 Pollution Control			Y	Y	Y
C1.14 Separately Accessible Structures			-	-	-
C1.17 Swimming Pool Safety		Existing swimming pool on northern side of dwelling.	Y	Y	Y
C1.19 Incline Passenger Lifts and Stairways			-	-	-
C1.23 Eaves	Minimum 450mm	550mm with the exception of the proposed garage which does not incorporate eaves. However, the proposed garage is not a habitable room. Furthermore, the proposal meets the minimum requirements for solar access and overshadowing as documented in the BASIX Certificate and shadow diagrams provided in the application. The dwelling represents housing that reflects the coastal heritage and character of Pittwater. In this regard, the proposal is considered reasonable.	N	Y	Y
C1.24 Public Road Reserve - Landscaping and Infrastructure			-	-	-
C1.25 Plant, Equipment Boxes and Lift Over-Run			Y	Y	Y

Control	Standard	Proposal	T	O	N
D1.1 Character as viewed from a public place		The proposed garage is located forward of the front building line. See Section 10 for further discussion. Proposed garage located forward of the front building line. See Section 10 of this report for further discussion.	N	Y	Y
D1.5 Building colours and materials	Dark and earthy tones	Roof - Natural Slate - complies. Render - Dulux "Grey Mountain" - non-compliant. The proposed render colour Dulux "Grey Mountain" is not of dark and earthy tones. A condition of consent will be recommended for the colour of the render to be of dark and earthy tones.	N	Y	Y
D1.6 Height - General	Maximum height of 8.5 metres from natural ground level	Maximum height of dwelling: 7.6 metres	Y	Y	Y
D1.8 Front building line	6.5 metres or the established building line, whichever is the greater	5.1 - 6.6 metres The proposed garage results in a minor non-compliance with the front building line. See Section 10 for further discussion. 5 – 6.3 metres Amendments to the proposed garage result in a minor non-compliance with the front building line. See Section 10 of this report for further discussion.	N	Y	Y
D1.9 Side and rear building line	2.5 metres to one side, 1 metre to the other, 6.5 metres to the rear	Side (south): 1.2 - 11.5 metres Side (west): 1 - 1.8 metres Side/FBL (north): 5.8 - 8.8 metres from MHWM The proposed development has been correctly defined as alterations and additions and maintains the existing setbacks of the dwelling on the western and southern boundaries. The proposed development further encroaches the FBL on the northern side of the dwelling. Concerns have been raised regarding the encroachment of the FBL. See Section 10 for further discussion. Side (south): 0.5 - 11.5 metres Side (west): 1 - 1.8 metres Side/FBL (north): 5.9 - 9 metres from MHWM The proposed carport has been relocated an additional 0.5 metres from the MHWM. Concerns have been raised regarding the encroachment of the FBL. Concern has been raised by the adjoining neighbour at No.139 George Street regarding the setback of the proposed entry from the side boundary adjacent to the right of carriageway and driveway used by No.139 George Street. See Section 10 of this report for further discussion.	N	Y	N
D1.10 Foreshore building line		The proposed development further encroaches the FBL. Concerns have been raised regarding this issue. See Section 10 of this report for further discussion. The proposed development further encroaches the FBL. Concerns have been raised regarding this issue. See Section 10 of this report for further discussion.	N	Y	N

Control	Standard	Proposal	T	O	N
D1.11 Building envelope	Projections of 45 degrees from a height of 3.5 metres	<p>A minor encroachment of the building envelope occurs on the east and west elevations of the proposed development. Concerns have been raised regarding the bulk and scale of the proposal. See Section 10 of this report for further discussion.</p> <p>A minor encroachment of the building envelope occurs on the east and west elevations of the proposed development. Concerns have been raised regarding the bulk and scale of the development. See Section 10 of this report for further discussion.</p>	N	Y	N
D1.14 Site coverage - Environmentally Sensitive Land	<p>Maximum Site Coverage: 40%</p> <p>Minimum Landscaped Area: 60%</p>	<p>Existing Site Coverage: 70% (696sqm) Proposed Site Coverage: 52.5% (524sqm) Site coverage minus variation of up to 6% of the total site area comprising impervious treatments: 46.5%</p> <p>Concerns have been raised regarding site coverage. See Section 10 for further discussion.</p> <p>Site Coverage: 52% (520sqm)</p> <p>Site coverage minus variation of up to 6% of the total site area comprising impervious treatments: 46%</p> <p>Concerns have been raised regarding site coverage. See Section 10 for further discussion.</p>	N	Y	N
D1.15 Fences - General		<p>A 1.8 metre timber fence is proposed within the front building setback along the northern edge of the driveway and along the front boundary within 3 metres from the boundary adjacent to the waterway. To ensure an open view to and from the waterway is maintained, a condition of consent is recommended for the proposed timber fence to be no higher than 1 metre from existing ground level and for the timber fence on the eastern boundary to be setback a minimum of 3 metres from the northern boundary adjacent to the Careel Bay waterway.</p> <p>Fencing along the northern edge of the driveway has been deleted. Fencing behind sandstone wall has been deleted.</p> <p>Is proposed to rebuild the sandstone wall using the existing sandstone and to relocate the low sandstone wall to the front boundary.</p> <p>A new timber gate and sandstone piers are proposed along the front boundary to a maximum height of 1.6 metres. SEPP (Exempt and Complying Development Codes) 2008 allows for a front fence to be constructed on this site at a maximum height of 1.2 metres from existing ground level. In this regard, a condition of consent is recommended for the front gate fence and sandstone piers to be a maximum height of 1.2 metres from existing ground level.</p>	N	Y	Y

Control	Standard	Proposal	T	O	N
D1.17 Construction, Retaining walls, terracing and undercroft areas			Y	Y	Y
D1.20 Scenic Protection Category One Areas			Y	Y	Y
D1.21 Masterplan - Careel Bay			Y	Y	Y
D15.9 Public foreshore access			Y	Y	Y
D15.11 Waterfront lighting			Y	Y	Y
D15.12 Development seaward of mean high water mark			Y	Y	Y
D15.22 Masterplan - Careel Bay			Y	Y	Y
SEPP No 71 Coastal Protection		The proposed works satisfy the matters for consideration under Clause 8 of SEPP 71 Coastal Protection.	Y	Y	Y
SEPP (Building Sustainability Index: BASIX) 2004			Y	Y	Y
Other State Environmental Planning Policies (SEPPs)			Y	Y	Y

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

***Discussion in bold indicates changes to the compliance table relevant to the amended proposal.**

5.0 SITE DETAILS

The subject site has a legal description of Lot 1 DP 204164, commonly known as No.141 George Street, Avalon. The subject site has a frontage of 12.7 metres to George Street. The irregular shaped site is 998.6sqm in area. The site is relatively flat and adjoins Pittwater to the north. The site currently contains a part one part two storey dwelling and swimming pool. A right of carriageway and an easement for water run along the south-eastern boundary. The site is identified as being subject to wave action and tidal inundation and within the foreshore scenic protection area.

6.0 PROPOSAL IN DETAIL

The proposal involves alterations and additions to the existing dwelling house including internal reconfiguration, changes to fenestration, a significant extension of the dwelling to the south on the first floor level, an extension of the dwelling to the east on the ground and first floor levels, a new roof, demolition of the existing carport, a new vergola and changes to the outdoor recreational area on the northern side of the dwelling, a new garage and driveway, landscaping and associated site works.

7.0 BACKGROUND

Development Application N0238/11 was lodged with Council on 4 July 2011 for alterations and additions to the existing dwelling. The proposed development was notified in accordance with Council's notification policy for a period of 14 days beginning on 8 July 2011. As a result of the notification process, two submissions were received. The application was referred to Council's Development Engineer and Natural Resources Officer for comment. A site inspection was undertaken on 9 August 2011.

The application was heard at a Development Unit meeting on 13 October 2011 in which the following outcome was reached:

"That consideration of this item be deferred to allow the applicant an opportunity to further amend plans to address the foreshore building line development standard within the LEP and to provide further detail in relation to landscaping, and an arborist report with respect to the proposed removal of the Livistona Australis (Cabbage Tree Palm) adjacent to the foreshore."

The applicant submitted amended plans on 8 November 2011 and these plans were renotified in accordance with Council's notification policy for a further 14 days. As a result of the notification process, two further submissions were received.

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

The applicant has made an application for a development which exceeds a maximum development standard. Clause 6 of SEPP 1 states:

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

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

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

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

Development Standard to be Varied

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

Extent of variation: The northern portion of the dwelling, garage and swimming pool are located within the foreshore building line (FBL). The swimming pool is an existing structure.

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

- The proposed FBL setbacks are consistent with the setbacks established by dwelling houses and ancillary waterfront structures along this stretch of Careel Bay;
- The proposed works within the FBL have been designed to ensure they maintain a view sharing scenario and not give rise to any unacceptable view impacts;
- The proposed garage will allow for the removal of the paving turning area which extends up to the seawall and will be returned to soft landscaping. The proposed garage structure will have a landscaped roof which together with the additional landscaping to the north will soften and screen the structure when viewed from the waterway;
- The scale and form of the garage structure is not dissimilar to detached boat shed structures located within the FBL and within the sites visual catchment;
- No foreshore pedestrian access is impeded as a consequence of the works proposed with the application facilitating a significant reduction in hard paved areas within the FBL; and
- The proposed waterfront structures will not compromise the amenity of the foreshore area. The proposal is considered to be in keeping with the desired future character of the locality and a variation to this development standard should be supported.

Underlying Object or Purpose of the Standard

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

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

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

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

The objectives outlined in Control D1.10 Foreshore Building Line in Pittwater 21 DCP are addressed as follows:

To achieve the desired future character of the Locality – the proposal is consistent with the desired future character of the Avalon Beach locality in that the subject site will remain a low-density site with the proposed dwelling being a maximum of two storeys in a landscaped setting, integrated with the landform and landscape. The proposed development maintains a height limit below the tree canopy and is considered to be of minimal bulk and scale. Significant vegetation on site will be retained and enhanced as per the landscape plan provided with the application. The proposed dwelling is considered to be contemporary and utilises façade modulation and incorporates a shade element being the pergola located in the FBL.

To preserve and enhance local views of the foreshore to reinforce and protect the Pittwater's natural context and enhance legibility – it is considered that the proposed works will provide an aesthetically pleasing structure which is not out of character within the foreshore of Pittwater. Additional landscaping will add to the natural elements of Pittwater.

To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping – the proposal has been mindful to the existing views of the dwellings located behind it. It is considered that view sharing has been achieved in this instance.

To ensure the amenity of foreshore areas is enhanced and protected – a combination of the architectural style of the proposed works and landscaping will add to and enhance the amenity of the foreshore area.

To ensure that development adjacent to public domain elements such as rivers, foreshores, streets, parks, bushland reserves and other public open spaces, compliments the landscape character, public use and enjoyment of that land – the proposed residential development is not out of character for the locality. The proposal will compliment not only its associated street but will provide an aesthetically pleasing element to the foreshore.

The visual impact of development when viewed from the waterway is reduced – the proposed landscaping within the FBL area reduces the visual impact of the built form when viewed from the waterway. The visual impact of the garage is lessened with the inclusion of the “green roof”.

To achieve an uncluttered setback which enhances the legibility of the foreshore character of Pittwater – the removal of the existing open car parking area adjacent to the foreshore and proposed new garage contributes to achieving an uncluttered setback and enhances the open foreshore character.

To enhance the spaciousness and protect the vegetation, landforms and the natural landscape of the foreshore – spatial separation between the proposed works and the foreshore is enhanced with the removal of the existing open car parking area adjacent to the foreshore. The vegetation and natural landscape of the foreshore is enhanced and protected by the proposed landscaping behind the existing seawall.

To protect and improve pedestrian access along the foreshore, where applicable – the proposal does not impede upon pedestrian access along the foreshore.

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

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

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

The following is an assessment of the SEPP 1 Objection in relation to the amended scheme.

An amended SEPP 1 Objection has been provided by the applicant. The justification of the variation with regard to the amended proposal, provided by the applicant is as follows:

- The subject site is unique in that the entire street frontage is located within the prescribed FBL. Accordingly driveway access and informal driveway parking will always be located within the prescribed FBL. All other properties within the site visual catchment have vehicular access behind the prescribed building alignment

- The subject site is unique given its triangulated shape and cul-de-sac access arrangement. We note that the existing carport is at right angles to the driveway entrance making manoeuvring difficult. Accordingly vehicles are often parked on the driveway alignment in the exact location of the proposed open carport structure
- The works located within the FBL have been designed through detailed site and view line analysis to ensure that a view sharing scenario is maintained having regard to the view sharing principles established in the matter of Tenacity Consulting Pty Ltd vs Warringah Council [2004] NSWLEC140
- The works located within the FBL being the carport, roofed promenade and first floor ensuite have been designed to appear as lightweight structures which provide articulation and visual interest to the existing dwelling house. The existing gabled roof form has been preplaced with hipped roof elements to reduce the massing and prominence of the roof form as viewed from the waterway and adjoining residential properties. The first floor “master suite” wall alignment has been pushed back to comply with the FBL
- The location of the proposed carport will facilitate the removal of the paved turning area which extends up to the seawall with such area appropriately landscaped as detailed on the accompanying landscape plan. Such landscaping will also soften and screen the carport when viewed from the water with the landscaped roof providing for an appropriate aesthetic when viewed across from the property to the south
- No foreshore pedestrian access is impeded as a consequence of the works proposed with the application facilitating a significant reduction in the hard paved areas and improvement in the landscape quality of the site within the FBL
- The proposal provides for the retention of the existing *Livistona Australis* and the implementation of an enhanced site landscaped regime with the landscape outcome as it relates to the portion of the site within the FBL significantly enhanced, and
- The proposed works will not compromise the amenity of the foreshore area by way of privacy, overshadowing or view loss. The visual amenity of the foreshore area will however be significantly enhanced through the improvement in the architectural detailing and presentation and the dwelling and the provision of an enhanced landscaped regime as it presents to the foreshore. The development will sit within a landscape setting it being noted that the vegetated escarpment behind forms a backdrop to the site.

The objectives outlined in Control D1.10 Foreshore Building Line in Pittwater 21 DCP with regard to the amended proposal are addressed as follows:

- The amended proposal reduces the visual impact of the development when viewed from the waterway via a softening of the colonnade structure, opening up of the proposed carport and minor relocation of the carport by a further 0.5 metres from the MHWL, changes to the first floor layout resulting in the master suite portion being pushed back behind the FBL and retaining the existing balcony at this level and a minor change on the roof form on the eastern end of the dwelling from a gable to a hipped roof. A formal landscape plan proposes screen planting along the boundary adjacent to the seawall and proposes landscaping on the northern side of the carport.
- The amenity of the foreshore area will be enhanced and protected via the amended scheme with the inclusion of a formal landscape plan which includes screen planting along the foreshore, the removal of site coverage and replacement with soft landscaping within the FBL area. The amenity of the adjoining dwellings along the foreshore area will be maintained as the proposal is compliant with regard to solar access, visual and acoustic privacy and view sharing.

- The public domain elements adjacent to the subject site and proposed development are the water element of Pittwater and associated foreshore, the street element of George Street and the narrow area of public open space running along the foreshore adjacent to the street. The amended scheme is considered to compliment these elements via the proposed landscape plan, retaining the existing low sea wall, removing of existing excess hard surface within the FBL, the low sandstone front fence and via the condition consent for the height of the proposed front gate and sandstone piers to be no higher than 1.2 metres as discussed in the compliance table.
- The minor relocation of the carport by a further 0.5 metres from the MHWL and the proposed landscaping on the northern side of this predominantly open structure along with the removal of excess hard surface within the FBL, significant landscaping of the FBL area and the softening of the proposed colonnade structure is considered to achieve a FBL setback which appears to be orderly and uncluttered.
- The proposed landscaping within the FBL as will be implemented by the formal landscape plan is considered to achieve spaciousness and will protect vegetation with the retaining of the *Livistona Australis* which was proposed to be removed in the original scheme. Additional landscaping in the FBL setback area is considered to enhance the natural landscape of the foreshore and will compliment the significantly landscaped rise behind the dwelling.
- View sharing will continue to be achieved as a result of the amended proposal. The amended roof line on the eastern side of the dwelling will allow for an enlarged view corridor across the site for the dwellings located behind.
- Pedestrian access along the foreshore will remain unobstructed.

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

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

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

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

9.0 EXISTING USE RIGHTS

Does the proposal rely on Existing Use Rights? No

10.0 DISCUSSION OF ISSUES

B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community; B4.15 Saltmarsh Endangered Ecological Community; B4.16 Seagrass Conservation; B4.19 Estuarine Habitat; B4.20 Protection of Estuarine Water Quality; and C1.1 Landscaping

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

"The property contains a modified landscape consistent with a suburban garden. The proposed works consist of extensive alterations to the inside and outside of the existing dwelling, including hard landscaping works. Four (4) trees are proposed for removal. One is a locally native Cabbage Tree Palm however upon inspection of the property it appears in poor health and may be a potential hazard if it was to remain. This tree is approved for removal. The other three (3) trees are unidentified non-native species located near the front entrance and seawall, which are approved for removal. A landscape plan has been provided (Gartner Trovato Architects, DA-09, July 2011) which indicates the addition of new trees and vegetation but does not provide detail in terms of species. A new landscape plan including plant schedule is required to be produced prior to the issue of the Construction Certificate as conditioned below. The works will not impact on saltmarsh or other marine vegetation as the existing sea wall is to remain undisturbed and there is no aquatic vegetation in the vicinity of this."

"A new landscape plan (Selena Hannan Landscape Design Drawing No. LC01 A 31st October 2011) has been provided as part of an additional information request to sort out some outstanding issues. This plan supplements the existing landscaping with four (4) new trees and a selection of shrubs and groundcovers of which more than 80% are locally native species and are located to address screening requirements and soften the built form. The proposed landscaping will enhance the site and the plan is therefore approved. (M Hansen 28/11/11)"

D1.1 Character as viewed from a public place

The proposed garage is located forward of the front building line. The location of the existing dwelling and swimming pool do not allow for the garage to be located behind the front building line. The proposed development is supported on merit for the following reasons:

- The proposed garage is a single storey structure attached to the dwelling, is of minimal bulk and scale and is not the dominant site feature when viewed from a public place;
- The impact of the proposed garage is secondary to existing vegetation and will enhance the existing streetscape; and
- The garage will preserve district and local views and achieves the desired future character of the locality.
- In this regard, a variation to the control is supported and the proposal is considered reasonable.

The proposed carport remains located forward of the front building line. The carport has been amended to be a predominantly open structure on three sides with an open-style timber slatted door facing George Street for security. The carport remains a single storey structure, is mindful of view sharing and is considered to be of minimal bulk and scale. The landscaped "green roof" will remain and the carport will be softened by additional landscaping on the northern side of the dwelling allowing for the carport to be secondary to vegetation. Furthermore, proposed landscaping along the front boundary will ensure that the carport is not the dominant feature when viewed from a public place and is considered to enhance the streetscape. The amended carport is considered to achieve the desired future character of the Avalon locality. In this regard, a variation to the control is supported.

D1.8 Front building line

The proposed garage results in a minor non-compliance with the front building line. Locating a garage behind the front building line is difficult due to the irregular shape of the lot and the location of the existing dwelling and swimming pool. The proposed development is supported on merit for the following reasons:

- The proposed garage will provide an attractive street frontage and facilitates vehicle manoeuvring in a forward direction;
- Vegetation is retained and enhanced with the "green" roof of the garage which will visually reduce the impact of the built form; and
- The desired future character of the locality is achieved.
- In this regard, a variation to the control should be supported.

The amended carport results in a non-compliance with the front building line control. The amended carport is a predominantly open structure on three sides with an open-style timber slatted door facing George Street for security. Proposed landscaping along the northern side of the carport and along the front boundary as will be implemented via the landscape plan will ensure that the vegetation on site is enhanced and will reduce the visual impact of the built form. The contemporary style carport with a landscaped "green roof" is considered to provide an attractive element into the street frontage and facilitates vehicle manoeuvring in a forward direction. The amended carport is considered to achieve the desired future character of the Avalon locality. In this regard, a variation to the control is supported.

D1.9 Side and rear building line

The proposed development further encroaches the FBL on the northern side of the dwelling. Concerns have been raised regarding this non-compliance. The existing site is constrained by its irregular shape and the location of the existing dwelling and portions of the existing dwelling and swimming pool encroach the FBL. The proposed development is supported on merit for the following reasons:

- The proposed dwelling is well articulated and modulated and is of minimal bulk and scale;
- The proposal equitably preserves views from the public and private domain and is mindful of view sharing;
- A reasonable level of amenity, privacy and solar access is maintained to the site and adjoining properties and vegetation is retained and enhanced to reduce the visual impact of the built form; and
- The desired future character of the locality is maintained.
- This submission issue does not warrant the refusal of this application and in this regard, a variation to the control should be supported.

The amended carport has been relocated an additional 0.5 metres from the MHWL. Concerns have been raised regarding the encroachment of the FBL. The non-compliance with the FBL is addressed below in D1.10 Foreshore Building Line.

Concern has been raised by the adjoining neighbour at No.139 George Street regarding the setback of the proposed entry from the side boundary adjacent to the right of carriageway and driveway used by No.139 George Street. The corner of the eave of the proposed entry to the dwelling is 0.5 metres from the boundary and does not encroach upon the right of carriageway. The covered entry is a single storey element which is predominantly open and is considered to add minimal bulk and scale to the dwelling. The entry is mindful of view sharing from the public and private domain. It is considered that the non-compliant entry will maintain a reasonable level of amenity, privacy and solar access to the site and adjoining properties. Furthermore, the site will be significantly landscaped and will enhance the visual impact of the built form. It is considered that the proposal achieves the desired future character of the Avalon locality. In this regard, the amended proposal is considered reasonable and a variation to the control is supported.

D1.10 Foreshore building line

The proposed development further encroaches the FBL. Concerns have been raised regarding this non-compliance. The site is constrained due to the irregular shape of the lot and the location of the existing dwelling. Portions of the existing dwelling and outdoor recreational areas including the swimming pool currently encroach the FBL. The proposed development is supported on merit for the following reasons:

- The proposed development will preserve and enhance local views of the foreshore and encourages view sharing;
- The amenity of the foreshore area is enhanced, protected and compliments the landscape character, public use and enjoyment of that land;
- The visual impact of the proposed development when viewed from the waterway is considered to be minimal and an uncluttered setback is achieved.
- Vegetation and the natural foreshore is protected and pedestrian access along the foreshore is maintained; and
- The proposal satisfies the matters for consideration in Clause 8 of SEPP 71 Coastal Protection.
- The applicant has provided a SEPP 1 Objection with the application. It is considered above in Section 8.0 that the objection is well founded and is consistent with the aims of SEPP 1.

Therefore, this submission issue does not warrant the refusal of this application and a variation should be supported in this regard.

The amended proposal results in a continuation of the non-compliance with the FBL. Concerns have been raised regarding the non-compliance. The amended proposal has resulted in a softening of the colonnade on the northern side of the dwelling, changes to the first floor layout resulting in the master suite portion being pushed back behind the FBL and retaining the existing balcony at this level, pushing the carport back an additional 0.5 metres from the MHWM, a minor change to the roof form on the eastern end of the dwelling from a gable to a hipped roof and significant landscaping of the FBL area. The non-compliance with the FBL has been addressed under Section 8.0 STATE ENVIRONMENTAL PLANNING POLICY NO. 1 - DEVELOPMENT STANDARDS (SEPP No. 1) of this report in which the outcomes of this control are considered to be satisfied. In this regard, a variation to the control is supported.

D1.11 Building envelope

A minor encroachment of the building envelope occurs on the east and west elevations of the proposed development. Concerns have been raised regarding the bulk and scale of the proposal. The proposed development is supported on merit for the following reasons:

- The proposed dwelling is well articulated and modulated resulting in minimal bulk and scale
- The proposed development equitably preserves views from the public and private domain
- A reasonable level of privacy, amenity and solar access is maintained to the site and adjoining properties
- Vegetation will be retained and enhanced to reduce the visual impact of the built form via recommended conditions of consent, and
- The development maintains the desired future character of the locality.

In this regard, the proposal is considered reasonable on merit and a variation to the control should be supported.

Concerns have been raised with regard to the non-compliant building envelope. The amended proposal does not result in any additional areas of non-compliance in comparison to the original scheme. The amended proposal is considered to meet the outcomes of the building envelope control and a variation to the control is supported.

D1.14 Site coverage - Environmentally Sensitive Land

Concerns have been raised by the adjoining neighbour at No.29 Careel Bay Crescent regarding the proposed site coverage of the development. The proposed development with the applied variation results in a non-compliant site coverage however, the proposal significantly reduces the existing site coverage by approximately 172sqm. The proposed development is supported on merit for the following reasons:

- The proposed alterations and additions to the existing dwelling are well modulated and articulated resulting in minimal bulk and scale;
- Significant vegetation will be retained and enhanced via appropriate conditions of consent;
- A reasonable level of amenity and solar access will be maintained to the subject site and surrounding properties;
- The desired future character of the Avalon Beach locality will be maintained.
- In this regard, a variation to the control should be supported and the development is considered reasonable.

Concerns have been raised regarding the site coverage with regard to the amended scheme. The proposed development continues to result in a non-compliant site coverage however minor amendments to the carport have resulted in a minor reduction to the overall site coverage.

A search of Council records has revealed that all existing hard surface on the subject site has been authorised via past development consents and the proposed development genuinely does result in a significant reduction in the existing site coverage of the site. The amended proposal continues to satisfy the outcomes of the site coverage control and a variation to the control 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 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 development application is supported by a SEPP 1 Objection which is well founded and compliance with the foreshore building line control in this instance is considered to be unreasonable and unnecessary.

The proposal does not comply with the Side Building Line, Front Building Line, Foreshore Building Line, Site Coverage and Building Envelope controls' of the Avalon 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.

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

It is considered that the applicant has satisfactorily addressed the requests of the Development Unit from the meeting held on 13 October 2011. The amended scheme continues to result in non-compliance with a number of development controls. It is considered however, that the non-compliant aspects of the proposal continue to satisfy the outcomes of the relevant controls. Accordingly, the application 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 Development Application N0238/11 for alterations and additions to the existing dwelling at No.141 George Street, Avalon, subject to conditions of consent.

Report prepared by

Ellie Robertson
PLANNER

DRAFT DETERMINATION

**CONSENT NO: N0238/11
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)
NOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION**

Applicants Name and Address:

CHARMION RACHEL LINDA TOLTZ
PO BOX 1258
MONA VALE 1660

Being the applicant in respect of Development Application No **N0238/11**.

Pursuant to section 80(1) of the Act, notice is hereby given of the determination by Pittwater Council, as the consent authority, of Development Application No **N0238/11** for:

Alterations and additions to the existing dwelling.

At: 141 George Street, Avalon (Lot 1 DP 204164)

Decision:

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

Drawing No. DA-02, DA-03, DA-04, DA-05 and DA-06 all Issue C all prepared by Gartner Trovato Architects all dated 02.11.11, LC01 A prepared by Selena Hannan Landscape Design dated 31.10.11

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

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

Endorsement of date of consent _____

Mark Ferguson
GENERAL MANAGER
Per:

CONDITIONS OF APPROVAL

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

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

A. Prescribed Conditions:

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

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

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

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

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

1. If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Metropolitan Local Aboriginal Land Council (MLALC) and Department of Environment & Climate Change (DECC) are to be notified.
2. At least four (4) locally native canopy trees are to be planted onsite to replace trees approved for removal. Canopy tree species are to be selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and the Native Plants for Your Garden link on Council's website
http://www.pittwater.nsw.gov.au/environment/species_lists. All native trees are to be retained for the life of the development, or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.
3. Domestic pet animals are to be kept from entering wildlife habitat areas at all times. Dogs and cats are to be kept in an enclosed area or on a leash such that they cannot enter areas of bushland or foreshore, unrestrained, on the site or on surrounding properties or reserves. Ferrets and rabbits are to be kept in a locked hutch/run at all times.
4. Any vegetation planted onsite outside approved landscape zones is to be consistent with:
 - a. Species listed in the Ecological Sustainability Plan or Bushland Management Plan (if applicable)
 - b. Species listed from the Endangered Ecological Community
 - c. Locally native species growing onsite and/or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and Native Plants for Your Garden available on the Pittwater Council website
http://www.pittwater.nsw.gov.au/environment/species_lists
5. No building materials or other materials are to be placed on Bushland vegetation. Sediment is not to leave the site or enter areas of Bushland vegetation, and the appropriate sediment fencing is to be installed.
6. Prior to the completion of works, all declared noxious weeds are to be removed/controlled in accordance with the Noxious Weeds Act 1993. Environmental weeds are to be removed and controlled. Refer to Pittwater Council website
http://www.pittwater.nsw.gov.au/environment/noxious_weeds for noxious/environmental weed lists.
7. No environmental weeds are to be planted on the site. Refer to Pittwater Council website
www.pittwater.nsw.gov.au/environment/noxious_weeds for environmental weed lists.

8. There shall be no damage to intertidal habitats including rocky shores, seagrass beds, salt marshes or mangroves.
9. No building materials or other materials are to be placed on Saltmarsh or other foreshore vegetation. Sediment is not to leave the site or enter areas of Saltmarsh or other foreshore vegetation, and the appropriate sediment fencing is to be installed.
10. For the life of the development, swimming pool water must not be discharged directly into the natural waterway or Pittwater estuary.
11. Screen planting is to be provided, which after three years will, in conjunction with existing vegetation and canopy planting, screen at least 50% of the built form when viewed from the street and/or neighbouring properties. Species selection is to incorporate locally native species. The screen planting is to be maintained for the life of the development and is to be replaced if any part of it dies or is destroyed or removed.
12. This approval/consent relates only to the new work nominated on the approved consent plans and does not approve or regularise any existing buildings or structures within the property boundaries or within Council's road reserve.
13. Pool fencing is to be designed, located and maintained in accordance with the Swimming Pools Act 1992, Regulation and Australian Standard 1926.1~2007 Safety Barriers for swimming pools.
14. A warning notice (resuscitation chart) and External Cardiac Compression Chart is to be affixed and maintained in a prominent location adjacent to the pool / spa.
 - a. The warning notice (i.e. sign) must contain all of the following words:
 - i. "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL"
 - ii. "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES", and
 - iii. "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES".
 - b. In addition, the notice must contain a simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques (for infants, children and adults):
 - i. that are set out in accordance with the relevant provisions of that Guideline
 - ii. that comply with the other relevant guidelines of the Australian Resuscitation Council, and
 - iii. that are illustrated by drawings with key words only in bold print.
 - c. a statement to the effect that formal instruction in resuscitation is essential.
 - d. the name of the teaching organisation or other body that published the sign and the date of its publication.
15. The reflectivity index (expressed as a percentage of the reflected light falling upon any surface) of all external glazing is to have a maximum reflectivity index of 25%. Written confirmation of the reflectivity index of material is to be submitted with the Construction Certificate.
16. (Note: the reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement. This is to ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development).

17. Materials and colour schemes are to be in accordance with the samples submitted and approved by Council with the application with the exception of the colour of the render Dulux "Grey Mountain" which shall be amended to be of dark and earthy tones. The amended materials and colour scheme shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
18. The front gate fence and sandstone piers shall be a maximum height of 1.2 metres from existing ground level.
19. The commitments identified in the BASIX Certificate and on the plans or specifications are to be fulfilled and maintained for the life of the development.

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

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

1. A detailed landscape plan is required to be submitted prior to the issue of the Construction Certificate. The plan is to provide a plant schedule which specifies all new species, quantities and pot sizes so that the landscaping can be accurately audited by the certifier. As the site already contains non-native species, all new vegetation including at least four (4) new trees is to consist of locally native vegetation as per the species lists outlined on the Pittwater Council website.
2. Submission of construction plans and specifications and documentation which are consistent with the approved Development Consent plans, the requirements of Building Code of Australia and satisfy all conditions shown in Part B above are to be submitted to the Principal Certifying Authority.
3. The Accredited Certifier or Council must be provided with a copy of plans that a Quick Check agent/Sydney Water has stamped before the issue of any Construction Certificate.
4. 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.

5. Structural Engineering details relating to the approved works are to be submitted to the Accredited Certifier or Council prior to release of the Construction Certificate. Each plan/sheet is to be signed by a qualified practising Structural Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a corporate member and has appropriate experience and competence in the related field.
6. Plans and details demonstrating that the commitments identified in the BASIX Certificate that apply to the construction certificate or complying development plans and specifications are fulfilled.

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

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

1. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
2. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
3. 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:
 - The builder's name, builder's telephone contact number both during work hours and after hours.
 - That no works are to be carried out in Council's Road Reserve without the written approval of the Council.
 - That a Road Opening Permit issued by Council must be obtained for any road openings or excavation within Council's Road Reserve associated with development of the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
 - That no skip bins or materials are to be stored on Council's Road Reserve.
 - That the contact number for Pittwater Council for permits is 9970 1111.
9. During site excavation, topsoil which is to be used in later landscape works is to be stockpiled on site and stabilised during construction works. Stockpiles are to be stored outside of hazard areas and not located within the dripline of existing trees which are to be retained.
10. A stamped copy of the approved plans is to be kept on the site at all times, during construction.
11. 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. An Occupation Certificate application stating that the development complies with the Development Consent, the requirements of the Building Code of Australia and that a Construction Certificate has been issued must be obtained before the building is occupied or on completion of the construction work approved by this Development Consent.
2. All existing and /or proposed dwellings/sole occupancy units are to have approved hard-wired smoke alarms installed and maintained over the life of the development. All hard-wired smoke alarms are to be Australian Standard compliant and must be installed and certified by any appropriately qualified electrician prior to the issue of any Occupation Certificate.
3. Certification is to be provided that the commitments identified in the BASIX Certificate have been fulfilled.

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

Nil.

G. Advice:

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

5. To ascertain the date upon which the determination becomes effective and operates, refer to Section 83 of the *Environmental Planning and Assessment Act, 1979* (as amended).
6. Should any of the determination not be acceptable, you are entitled to request reconsideration under Section 82A of the *Environmental Planning and Assessment Act, 1979*. Such request to Council must be made in writing, together with appropriate fees as advised at the time of lodgement of such request, within 1 year from the date of determination.
7. If you are dissatisfied with this decision, Section 97 of the *Environmental Planning and Assessment Act, 1979*, gives you a right of appeal to the Land and Environment Court within 12 months of the date of endorsement of this Consent.
8. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Waters sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to the web site at www.sydneywater.com.au then see Building Developing and Plumbing then Quick Check, or telephone 13 20 92.

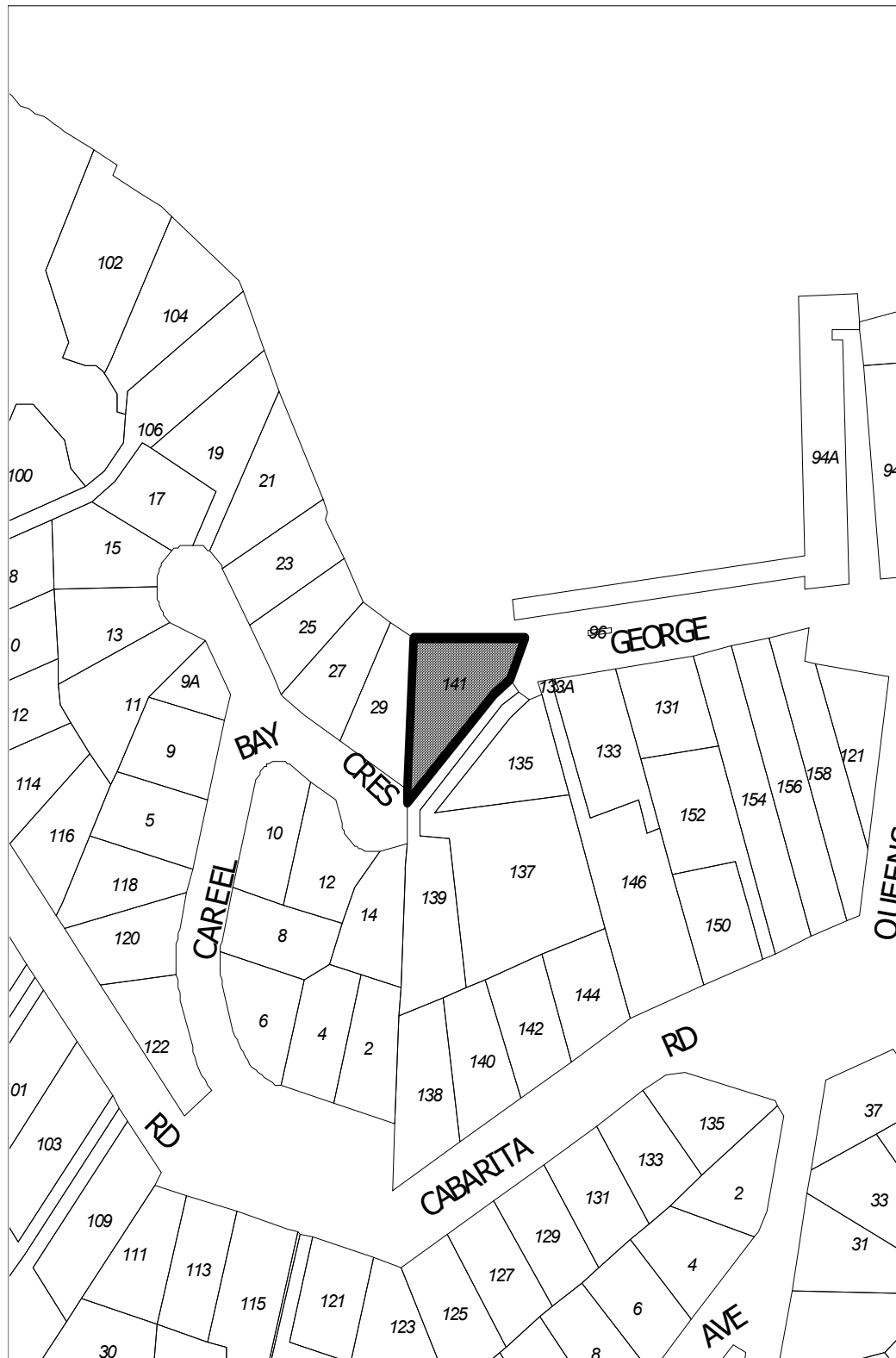
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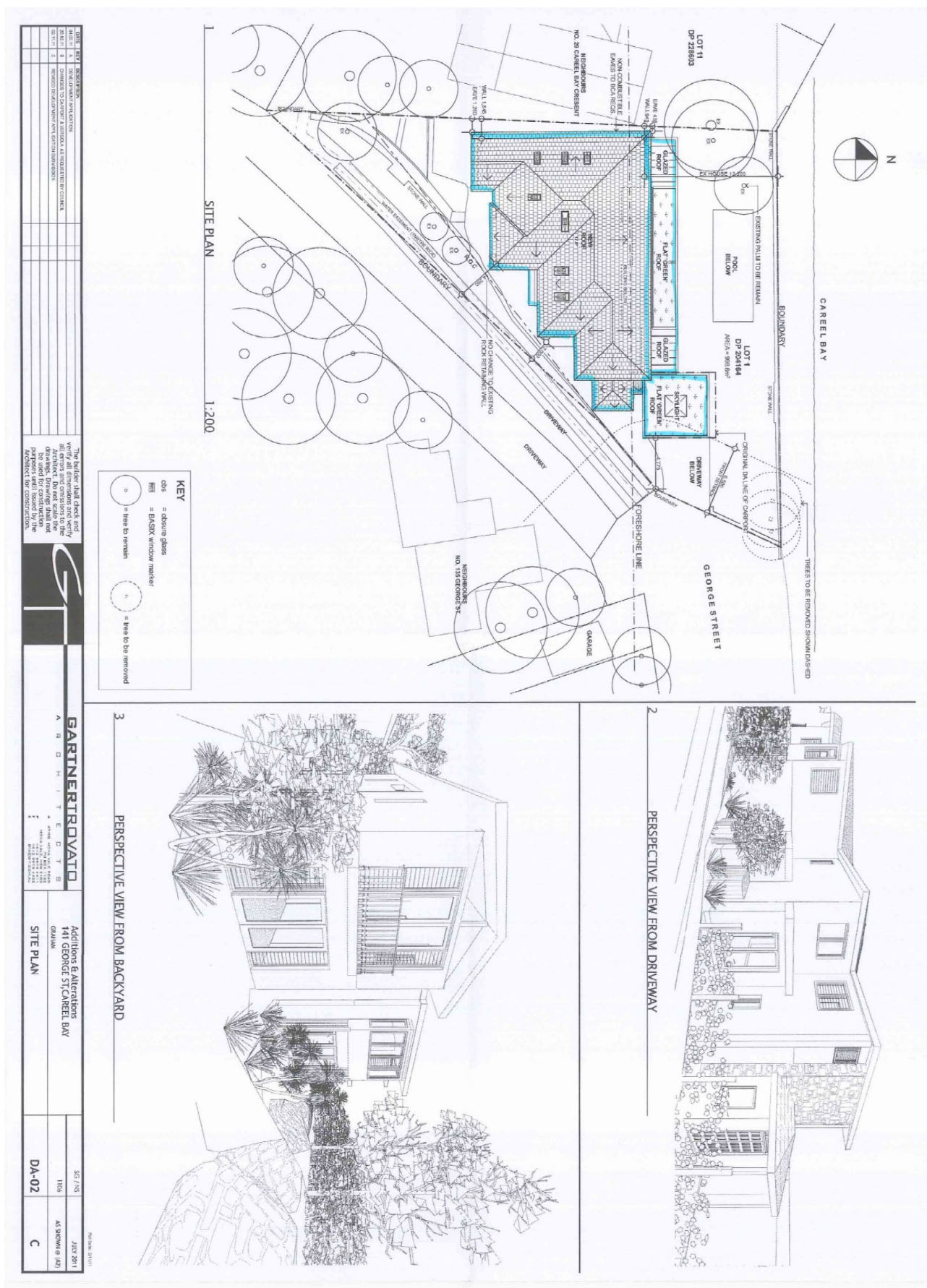
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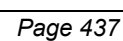
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LOCALITY MAP



NOTIFICATION PLANS





C11.6	N0290/11 - 32 Elvina Avenue Avalon - Demolition, a new dwelling and swimming pool
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Meeting: Planning an Integrated Built Environment Committee

Date: 19 November 2011

STRATEGY: Development Unit

ACTION: To provide an effective development assessment and determination process.

PURPOSE OF REPORT

To inform the Committee of the Development Unit's recommendation following consideration of Development Application N0209/11 for the demolition of the existing dwelling and construction of a new dwelling and swimming pool at 32 Elvina Avenue, Avalon.

1.0 BACKGROUND

- 1.1 The Development Unit, at its meeting held on Thursday, 17 November 2011 considered the Development Officer's report (**Attachment 1**) for determination of Development Application N0290/11 for the demolition existing dwelling and construction of a new dwelling and swimming pool at 32 Elvina Avenue, Avalon.

2.0 REASON FOR REFERRAL TO COUNCIL

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

3.0 DEVELOPMENT UNIT DELIBERATIONS

- 3.1 The applicant addressed the Development Unit on this matter and no objector was present.
- 3.2 The Development Unit resolved to endorse the assessing officer's recommendation subject to the draft Conditions of Consent.

4.0 ISSUES

- Delegation
- Site Cover

5.0 SUSTAINABILITY ASSESSMENT

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

6.0 EXECUTIVE SUMMARY

- 6.1 The application was considered by the Development Unit at its meeting held on Thursday, 17 November 2011. The applicant addressed the meeting but no objectors were present. The Development Unit endorsed the assessing officer's recommendation but was unable to approve the application as it is outside the delegation of the Development Unit to approve a variation to policy relating to site cover of greater than 10%.

RECOMMENDATION

That the recommendation in the Development Officer's Report be endorsed and Application N0290/11 -32 Elvina Avenue Avalon (Lot 60 DP 17177) for the demolition of the existing dwelling and construction of a new dwelling and swimming pool be granted consent pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to the conditions contained in the Draft Determination.

Report prepared by

Warwick Lawrence
Development Unit Chairman
MANAGER ADMINISTRATION AND GOVERNANCE

**SUBJECT: N0290/11 - 32 Elvina Avenue Avalon (Lot 60 DP 17177)
Demolition, a new dwelling and swimming pool**

Determination Level: Development Unit

Date: 17 November 2011

SUMMARY OF RECOMMENDATION

CONSENT WITH CONDITIONS

REPORT PREPARED BY: Ellie Robertson

APPLICATION SUBMITTED ON: 03/08/2011

APPLICATION SUBMITTED BY: SALLY GARDNER DESIGN & DRAFT
47 TOWRADGI STREET
NARRAWEENA 2099

OWNER(S): CULLEN, NICHOLAS MAX (Own)
JEAN, REBECCA (Own)



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); and
- State Environmental Planning Policy (BASIX) 2004.

2.0 NOTIFICATIONS

- 7 property owners notified
- Nil submissions received

3.0 ISSUES

- B4.6 Wildlife Corridors
- C1.1 Landscaping
- D1.9 Side and rear building line
- D1.14 Site coverage - Environmentally Sensitive Land

4.0 COMPLIANCE TABLE

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

O - Can the proposal achieve the control outcomes?

N - Is the control free from objection?

Control	Standard	Proposal	T	O	N
REF - Development Engineer					
B3.22 Flood Hazard - Flood Category 3 - All Development			-	-	-
B5.4 Stormwater Harvesting			Y	Y	Y
B5.7 Stormwater Management - On-Site Stormwater Detention			Y	Y	Y
B5.8 Stormwater Management - Water Quality - Dwelling House, Dual Occupancy and Secondary Dwellings			Y	Y	Y
B5.10 Stormwater Discharge into Public Drainage System			Y	Y	Y
B5.12 Stormwater Drainage Systems and Natural Watercourses			-	-	-
B6.1 Access Driveways and Works on the Public Road Reserve - Dwelling House and Dual Occupancy			Y	Y	Y
B6.3 Internal Driveways - Dwelling Houses and Dual Occupancy			Y	Y	Y
B6.5 Off-Street Vehicle Parking Requirements - Dwelling Houses, Secondary Dwellings and Dual Occupancy			Y	Y	Y

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			-	-	-
REF - Health					
B5.2 Wastewater Disposal			-	-	-
B5.3 Greywater Reuse			-	-	-
C5.17 Pollution control			-	-	-
REF - Natural Resources					
B1.4 Aboriginal Heritage Significance		<i>No apparent issues.</i>	Y	Y	Y
B3.5 Acid Sulphate Soils		<i>No issues - Acid Sulphate Region 5 only.</i>	Y	Y	Y
B4.6 Wildlife Corridors		See Section 10.	Y	Y	Y
C1.1 Landscaping		See Section 10.	Y	Y	Y
REF - Planner					
EPA Act Section 147 Disclosure of political donations and gifts			-	-	-
3.1 Submission of a Development Application and payment of appropriate fee			Y	Y	Y
3.2 Submission of a Statement of Environmental Effects			Y	Y	Y
3.3 Submission of supporting documentation - Site Plan / Survey Plan / Development Drawings			Y	Y	Y
3.4 Notification			Y	Y	Y
3.5 Building Code of Australia			Y	Y	Y
4.5 Integrated Development: Aboriginal Objects and Places			-	-	-
4.6 Integrated Development - Protection of the Environment			-	-	-
4.7 Integrated Development – Roads			-	-	-

Control	Standard	Proposal	T	O	N
5.3 Referral to NSW Department of Environment and Climate Change (DECC)			-	-	-
A1.7 Considerations before consent is granted			Y	Y	Y
B1.3 Heritage Conservation - General			Y	Y	Y
B3.6 Contaminated Land and Potentially Contaminated Land			Y	Y	Y
B5.2 Wastewater Disposal			Y	Y	Y
B5.3 Greywater Reuse			-	-	-
B5.12 Stormwater Drainage Systems and Natural Watercourses			-	-	-
C1.2 Safety and Security			Y	Y	Y
C1.3 View Sharing			-	-	-
C1.4 Solar Access			Y	Y	Y
C1.5 Visual Privacy			Y	Y	Y
C1.6 Acoustic Privacy		Should the application be approved, a condition of consent is recommended for a qualified acoustic engineer to certify that the maximum noise level associated with the pool filter does not exceed 5dB(A) above ambient background level, when measured from any adjoining premises.	Y	Y	Y
C1.7 Private Open Space			Y	Y	Y
C1.9 Adaptable Housing and Accessibility			-	-	-
C1.12 Waste and Recycling Facilities			Y	Y	Y
C1.13 Pollution Control			Y	Y	Y
C1.14 Separately Accessible Structures			-	-	-
C1.17 Swimming Pool Safety		A swimming pool is proposed in the rear yard.	Y	Y	Y
C1.19 Incline Passenger Lifts and Stairways			-	-	-
C1.23 Eaves	Minimum 450mm	450 - 2000mm	Y	Y	Y
C1.24 Public Road Reserve - Landscaping and Infrastructure			-	-	-
C1.25 Plant, Equipment Boxes and Lift Over-Run			Y	Y	Y
C5.21 Plant, Equipment Boxes and Lift Over-Run			Y	Y	Y
D1.1 Character as viewed from a public place			Y	Y	Y
D1.4 Scenic protection – General			Y	Y	Y
D1.5 Building colours and materials	Dark and earthy tones	Roof - Colorbond "Monument" - complies. Walls - Weatherboard cladding - no colour proposed.	N	Y	Y

Control	Standard	Proposal	T	O	N
D1.5 Building colours and materials (Cont'd)		A condition of consent is recommended for the proposed colour of the walls to be submitted to the satisfaction of the PCA prior to CC.			
D1.6 Height - General	Maximum height of 8.5 metres from natural ground level	Maximum height of 4.8 metres.	Y	Y	Y
D1.8 Front building line	6.5 metres or the established building line, whichever is the greater	6.5 metres	Y	Y	Y
D1.9 Side and rear building line	2.5 metres to one side, 1 metre to the other, 6.5 metres to the rear	<u>Dwelling</u> Side (north-east): 1 - 2.9 metres Side (south-west): 1 - 2.1 metres Rear: 10.5 metres <u>Swimming Pool</u> Side (south-west): 0.7 metres Rear: 2.5 metres The proposed dwelling results in a non-compliance with the side setback control on the north-east elevation and the proposed swimming pool does not satisfy the side setback or rear setback controls. See Section 10 of this report for further discussion.	N	Y	Y
D1.11 Building envelope	Projections of 45 degrees from a height of 3.5 metres	Complies.	Y	Y	Y
D1.14 Site coverage - Environmentally Sensitive Land	Maximum Site Coverage: 40% Minimum Landscaped Area: 60%	Site Coverage: 71% (394sqm) Site coverage minus variations of up to 6% of the site area comprising impervious landscaping treatments and impervious areas less than 1 metre in width: 56% The proposal results in a non-compliance with the site coverage control. See Section 10 of this report for further discussion.	N	Y	Y
D1.15 Fences - General			Y	Y	Y
D1.17 Construction, Retaining walls, terracing and undercroft areas			Y	Y	Y
SEPP (Building Sustainability Index: BASIX) 2004			Y	Y	Y
Other State Environmental Planning Policies (SEPPs)			Y	Y	Y

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

5.0 SITE DETAILS

The subject site has a legal description of Lot 60, DP 17177, commonly known as No.32 Elvina Avenue, Avalon. The site is 550.1sqm in area and is rectangular shape. The subject site has a frontage of 12.19m to Elvina Avenue. The site currently contains a one storey dwelling. The streetscape of Elvina Avenue is characterised by one and two storey residential dwellings.

6.0 PROPOSAL IN DETAIL

The proposal involves the demolition of the existing dwelling, the construction of a new single storey dwelling containing a kitchen/living area, four (4) bedrooms, bathroom, ensuite, office, laundry, garage/storage area, the construction of a new swimming pool, landscaping and associated site works.

7.0 BACKGROUND

Development Application N0290/11 for demolition, a new dwelling and swimming pool was lodged with Council on 3 August 2011. The application was notified to adjoining property owners for a total of 14 days from 9 August 2011 and in accordance with Council's notification policy. As a result of the notification process, no submissions were received. The application was referred to Council's Development Engineer and Natural Resources Officer for comment. A site inspection was undertaken on 26 August 2011.

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

The application of SEPP NO. 1 is not required.

9.0 EXISTING USE RIGHTS

Does the proposal rely on Existing Use Rights? No

10.0 DISCUSSION OF ISSUES

- **B4.6 Wildlife Corridors; and C1.1 Landscaping**

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

"The property contains a modified landscape typical of a domestic garden. The proposed works involve the demolition of the existing dwelling and construction of a new dwelling and swimming pool in the rear yard. Trees exist on the site and some are required to be removed to accommodate the works, however all trees proposed for removal are species either exotic and/or exempt from Council's Tree Preservation Order - this includes two Cocos Palms and a Magnolia in the front yard and a small lopped Jacaranda in the rear yard. There are large trees which are in the vicinity of the works, some of which are located on adjacent properties. In the front yard this includes a Spotted Gum to the south of the existing driveway strip to be removed. This driveway should be able to be removed without impact to this tree if removal is undertaken by hand within the tree's dripline. A large Melaleuca situated on the opposite side of the front yard (located on the neighbouring property) also has a small portion of the proposed new driveway within its dripline, again impacts should be minimal if excavation is undertaken by hand. A small Eucalypt species exists on the road reserve and is in the footprint of the required driveway crossover. It appears to be in poor condition and owners consent for its removal has been approved by Council's Tree Preservation Officer. A large Hills Fig is located in the rear yard of the neighbouring property to the south and has large diameter roots growing into the subject property in the vicinity of the proposed swimming pool. Severance of these roots is likely to cause detrimental impact to this tree, however it has been indicated that the neighbour wants the tree removed. If this is the case, written documentation of owners consent to remove the tree is required. Once this is provided, there are no objections to the removal of this tree.

A letter of owners consent has been received from the owners of 34 Elvina Avenue (Gerard Stitt 28th September 2011) and therefore removal of this tree is now approved. Landscaping is present on the site, however screening should be bulked up around the rear yard and side setbacks where possible. As the proposal is in excess of the permitted site coverage and involves a new dwelling, a landscape plan is required to be provided which demonstrates effective use of remaining soft landscape area with effective screening and enhancement of locally native vegetation.

A landscape plan (Jamie King Landscape Architect Drawing No. Sht-1 27th September 2011) has been provided upon request. The plan provides upgraded screening around the boundaries using appropriate species, most of which are locally native to supplement the existing. The landscape plan is considered to be acceptable in this regard. (M Hansen 19/10/11)"

- **D1.9 Side and rear building line**

The proposed dwelling results in a non-compliance with the side setback control on the north-east elevation. The subject site has a narrow width of 12.19 metres and is a relatively small lot with a site area of 550.1sqm. The proposed dwelling is a single storey structure which provides a satisfactory articulated and modulated facade. The dwelling satisfies the building height and envelope controls and is considered to be of minimal bulk and scale. No views are impacted upon from the public or private domain.

The proposal maintains a reasonable level of privacy, amenity and solar access to the dwelling and adjoining sites. Although some vegetation will be lost, Council's Natural Resources Officer has recommended a condition of consent for three (3) replacement canopy trees to be planted on the site to reduce the visual impact of the built form. A landscape plan has been provided with the application which demonstrates substantial landscaping of the site and will assist in providing an attractive streetscape. The proposal is considered to satisfy the desired future character of the Avalon Beach locality as the dwelling is a single storey structure within a landscaped setting. In this regard, a variation to the side building line control is supported.

The proposed swimming pool results in a non-compliance with the side and rear setback controls of 0.7 metres and 2.5 metres respectively. A condition of consent is recommended for the pool concourse, walkway or deck of the swimming pool to be a minimum 900mm clear of the south-west boundary.

With regard to the rear building line non-compliance, a 1m minimum setback from the boundary to the pool coping may be permitted subject to the following:

- Satisfactory landscaping within the setback from the pool or spa coping to the side or rear boundary;
- Council is satisfied that the adjoining properties will not be adversely affected;
- The pool or spa is not more than 1m above natural ground level;
- That the outcomes of this clause are achieved without strict adherence to the standards;
- Where the site constraints make strict adherence to the setback impractical; and
- Where strict compliance with these requirements will adversely impact on the views of adjoining residential properties.

In this regard, the landscape plan proposes significant screen planting along the north-western boundary which will maintain privacy and amenity between the swimming pool and the adjoining property to the north-west. This vegetation will aid in reducing the impact of the built form on the site. Solar access will not be affected as a result of the proposal. The proposed swimming pool is completely in-ground, resulting in minimal bulk and scale and having no impact on views. The desired future character of the locality is maintained. In this regard, a variation to the control is supported.

D1.14 Site coverage - Environmentally Sensitive Land

The proposal results in a non-compliance with the site coverage control of 71%. The site coverage with the applied variations of up to 6% of the site area comprising impervious landscaping treatments and impervious areas less than 1 metre in width reduce the site coverage to 56%.

The subject site is relatively small with an area of 550sqm. To reduce the site coverage of the lot, a condition of consent is recommended for the proposed swimming pool to be deleted and returned to soft landscaping and for the areas marked in red on the Landscape Plan Sht-1 prepared by Jamie King Landscape Architect dated 10/10/11 to be returned to soft landscaping. With the imposition of these conditions, the site coverage is reduced to 59% (325sqm).

The proposed dwelling is a single storey structure, compliant with building height and envelope. The dwelling is considered to be well articulated, modulated and is considered to be of minimal bulk and scale. The proposed dwelling receives a satisfactory amount of solar access and maintains adequate solar access to adjoining properties. It is considered that a reasonable level of amenity is maintained to the subject site and adjoining properties.

Some vegetation will be lost as a result of the proposal, however Council's Natural Resources Officer has recommended a condition of consent for three (3) canopy trees to be planted on the site. These trees together with the proposed landscaping will aid in visually reducing the impact of the built form. The deletion of the swimming pool and other nominated areas of hard surface returned to soft landscaping in conjunction with the proposed landscape plan will ensure that soft surface is maximised to provide for infiltration of water to the water table, stormwater runoff is reduced and will be appropriately managed.

It is considered that the proposal achieves the desired future character of the Avalon Beach locality as the dwelling is a single storey structure in a landscaped setting. The proposal supports the notion of a low density residential area and the "houses amongst the trees" concept. The dwelling utilises facade modulation and incorporate shade elements with a small deck located at the front of the dwelling and a larger entertaining deck to the rear.

With the imposition of the conditions of consent as discussed above, the proposal is considered to meet the outcomes of the site coverage control and a variation to the control 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 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 Building Line and Site Coverage controls' of the Avalon 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. Accordingly, the proposal is recommended for approval subject to conditions.

RECOMMENDATION OF DEVELOPMENT OFFICER / PLANNER

That Council, as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application N0290/11 for demolition and a new dwelling at No.32 Elvina Avenue, Avalon, subject to conditions of consent.

Report prepared by

Ellie Robertson
PLANNER

DRAFT DETERMINATION

**CONSENT NO: N0290/11
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)
NOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION**

Applicants Name and Address:
SALLY GARDNER DESIGN & DRAFT
47 TOWRADGI STREET
NARRAWEENA 2099

Being the applicant in respect of Development Application No N0290/11

Pursuant to section 80(1) of the Act, notice is hereby given of the determination by Pittwater Council, as the consent authority, of Development Application No N0290/11 for:

Demolition, a new dwelling and swimming pool.

At: 32 ELVINA AVENUE, AVALON (Lot 60 DP 17177)

Decision:

The Development Application has been determined by the granting of consent based on information provided by the applicant in support of the application, including the Statement of Environmental Effects, and in accordance with **Drawing No. A1, A2, A3, A4 and A5 all prepared by Sally Gardner Design and Draft all dated 15 July 2011, A6 and S2 prepared by Sally Gardner Design and Draft dated June 2011, Sht-1 prepared by Jamie King Landscape Architect dated 10/10/11** as amended in red (shown clouded) or as modified by any conditions of this consent.

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

Endorsement of date of consent **Insert Date**

Mark Ferguson
GENERAL MANAGER
Per:

CONDITIONS OF APPROVAL

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

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

A. Prescribed Conditions:

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

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

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

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

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

1. The Stormwater Harvesting and Reuse Scheme shall be installed and operated in accordance with the accepted design, Environmental and Health Risk Management Plan, Operation and Maintenance Plan, Manufacturer's Specifications and associated operational guidelines.
2. As part of the integrated stormwater management plan, suitably positioned stormwater quality improvement devices shall be installed and operated in accordance with Manufacturer's Specifications and associated operational guidelines.
3. The internal driveway finish is:
 - a. to be a stable surface for all weather conditions
 - b. to be constructed of materials that blend with the environment and are of dark or earthy tones or natural materials.
4. 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.
5. At least three (3) locally native canopy trees are to be planted onsite to replace trees approved for removal. Canopy tree species are to be as per the approved Landscape Plan or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping in the Native Plants for Your Garden link on Council's website www.pittwater.nsw.gov.au/environment/species_lists All native trees are to be retained for the life of the development, or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.
6. Domestic pet animals are to be kept from entering wildlife habitat areas at all times. Dogs and cats are to be kept in an enclosed area or on a leash such that they cannot enter areas of bushland or foreshore, unrestrained, on the site or on surrounding properties or reserves. Ferrets and rabbits are to be kept in a locked hutch/run at all times
7. Any vegetation planted onsite outside approved landscape zones is to be consistent with:
 - a. Species listed in the Ecological Sustainability Plan or Bushland Management Plan (if applicable)
 - b. Species listed from the Endangered Ecological Community
 - c. Locally native species growing onsite and/or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and *Native Plants for Your Garden* link available on the Pittwater Council website at www.pittwater.nsw.gov.au/environment/species_lists.

8. Prior to the completion of works, all declared noxious weeds are to be removed/controlled in accordance with the Noxious Weeds Act 1993. Environmental weeds are to be removed and controlled. Refer to Pittwater Council website (www.pittwater.nsw.gov.au/environment/noxious_weeds) for noxious/environmental weed lists.
9. No environmental weeds are to be planted on the site. Refer to Pittwater Council website (www.pittwater.nsw.gov.au/environment/noxious_weeds) for environmental weed lists.
10. Any new fencing (with the exception of swimming pool fencing) is to be made passable to native wildlife. Hole dimensions are to be a minimum of 150mm wide X 100mm high at ground level spaced at 6 metre intervals.
11. Landscaping is to be implemented in accordance with the approved Landscape Plan (Jamie King Landscape Architect Drawing No. Sht-1 27th September 2011). The new landscaping is to be approved as completed by the accredited certifier upon issue of the Occupation Certificate. This landscaping is to then be maintained for the life of the development.
12. Screen planting is to be provided, which after three years will, in conjunction with existing vegetation and canopy planting, screen at least 50% of the built form when viewed from the street and/or neighbouring properties. Species selection is to incorporate locally native species. The screen planting is to be maintained for the life of the development and is to be replaced if any part of it dies or is destroyed or removed.
13. In accordance with Pittwater Council's Tree Preservation Order, all existing trees as indicated in the Survey Plan and/or approved Landscape Plan shall be retained except where Council's prior written consent has been obtained, as trees stand within the envelope of approved development areas. For all other tree issues not related to a development application, applications must be made to Council's Tree Management Officers.
14. This approval/consent relates only to the new work nominated on the approved consent plans and does not approve or regularise any existing buildings or structures within the property boundaries or within Council's road reserve.
15. Pool fencing is to be designed, located and maintained in accordance with the Swimming Pools Act 1992, Regulation and Australian Standard 1926.1-2007, Safety barriers for swimming pools
16. A warning notice (resuscitation chart) and External Cardiac Compression Chart is to be affixed and maintained in a prominent location adjacent to the pool / spa.
 - a. The warning notice (i.e. sign) must contain all of the following words:
 - i. "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL"
 - ii. "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES", and
 - iii. "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES".
 - b. In addition, the notice must contain a simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques (for infants, children and adults):
 - i. that are set out in accordance with the relevant provisions of that Guideline,
 - ii. that comply with the other relevant guidelines of the Australian Resuscitation Council, and
 - iii. that are illustrated by drawings with key words only in bold print.

- c. a statement to the effect that formal instruction in resuscitation is essential.
 - d. the name of the teaching organisation or other body that published the sign and the date of its publication.
17. All sanitary drainage must be concealed in service ducts or otherwise hidden from external view to the satisfaction of the Responsible Authority.
 18. The reflectivity index (expressed as a percentage of the reflected light falling upon any surface) of all external glazing is to have a maximum reflectivity index of 25%. Written confirmation of the reflectivity index of material is to be submitted with the Construction Certificate.
 19. (Note: the reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement. This is to ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development).
 20. Materials and colour schemes are to be in accordance with the samples submitted and approved by Council with the application.
 21. The pool concourse, walkway or deck is to be a minimum 900mm clear of the south-west boundary.
 22. The swimming pool shall be deleted and returned to soft landscaping.
 23. The areas marked in red on Landscape Plan Sht-1 prepared by Jamie King Landscape Architect dated 10/10/11 shall be returned to soft landscaping.
 24. The commitments identified in the BASIX Certificate and on the plans or specifications are to be fulfilled and maintained for the life of the development.

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

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

1. Engineering plans including specifications and details of the on-site stormwater detention system, are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Such details are to be accompanied by a certification by a qualified experienced practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, confirming that the plans/details comply with B5.7 of Pittwater 21 DCP.
2. Note: Where Council is the Principal Certifying Authority, 3 sets of engineering plans are to be submitted.
3. Drainage plans including specifications and details showing the site stormwater management are to be submitted to the Accredited Certifier with the Construction Certificate application. Such details are to be accompanied by a certificate from (as appropriate) either a Licensed plumber or qualified practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a Corporate member and has appropriate experience and competence in the related field, that the stormwater management system complies with the requirements of section 3.1.2 Drainage of the Building Code of Australia Housing Provision and AS/NZS 3500.3.2 - Stormwater Drainage.

The details shall include disposal of site stormwater (if the site is in a known slip area the stormwater disposal system must comply with the recommendations of a Geotechnical Engineers Report).

4. Note: Where Council is the Principal Certifying Authority 3 sets of plans/specifications are to be submitted.
5. Applicants will be required to obtain prior to the issue of a Construction Certificate, a Section 139 Consent for Works on a Public Road Reserve issued by the Council under the provisions of Section 138 of the *Roads Act 1993* for the design and construction of any works located on the road reserve including Access Driveways.
6. Submission of construction plans and specifications and documentation which are consistent with the approved Development Consent plans, the requirements of Building Code of Australia and satisfy all conditions shown in Part B above are to be submitted to the Principal Certifying Authority.
7. The Accredited Certifier or Council must be provided with a copy of plans that a Quick Check agent/Sydney Water has stamped before the issue of any Construction Certificate.
8. 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.
9. 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.
 10. Structural Engineering details relating to the approved works are to be submitted to the Accredited Certifier or Council prior to release of the Construction Certificate. Each plan/sheet is to be signed by a qualified practising Structural Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a corporate member and has appropriate experience and competence in the related field.
 11. The finished surface materials, including colours and texture of any building, shall blend with the surrounding and/or natural materials. The finished surface materials shall be non-glare and of low reflectivity. A specification which achieves this shall be submitted to the Accredited Certifier or Council with the Construction Certificate application in the form of a *Schedule of Finishes*.
 12. Plans and details demonstrating that the commitments identified in the BASIX Certificate that apply to the construction certificate or complying development plans and specifications are fulfilled.

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

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

1. 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. When working within the drip line of the trees, hand digging is to occur in sensitive areas. No filling or compaction shall occur over tree roots within the area defined by the outer drip line of the crown. Root protection/ compaction mitigation in the form of planks or metal decking supported clear of the ground fixed to scaffolding is to be installed as required.
10. During site excavation, topsoil which is to be used in later landscape works is to be stockpiled on site and stabilised during construction works. Stockpiles are to be stored outside of hazard areas and not located within the dripline of existing trees which are to be retained.
11. A stamped copy of the approved plans is to be kept on the site at all times, during construction.

12. 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.
13. Demolition works must be carried out in compliance with WorkCovers *Short Guide to Working with Asbestos Cement* and Australian Standard AS 2601 2001 The Demolition of Structures.

The site must be provided with a sign containing the words DANGER ASBESTOS REMOVAL IN PROGRESS measuring not less than 400mm x 300mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility.

All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifying Authority, all receipts issued by the receiving tip as evidence of proper disposal.

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

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

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

1. Certification is to be provided to Private Certifying Authority by a qualified experienced practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, that the on-site detention system has been completed in accordance with the engineering plans and specifications required under this consent.
2. Certification is to be provided to the Principal Certifying Authority by a qualified experienced practicing Civil Engineer, with corporate membership of the Institute of Engineers Australia (M.I.E.), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, that the drainage/stormwater management system has been installed to the manufacturer's specification (where applicable) and completed in accordance with the engineering plans and specifications required under this consent.
3. 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.
4. 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.

5. A qualified acoustic engineer is to certify that the maximum noise level associated with the pool filter does not exceed 5dB(A) above ambient background level, when measured from any adjoining premises.
6. Certification is to be provided that the commitments identified in the BASIX Certificate have been fulfilled.

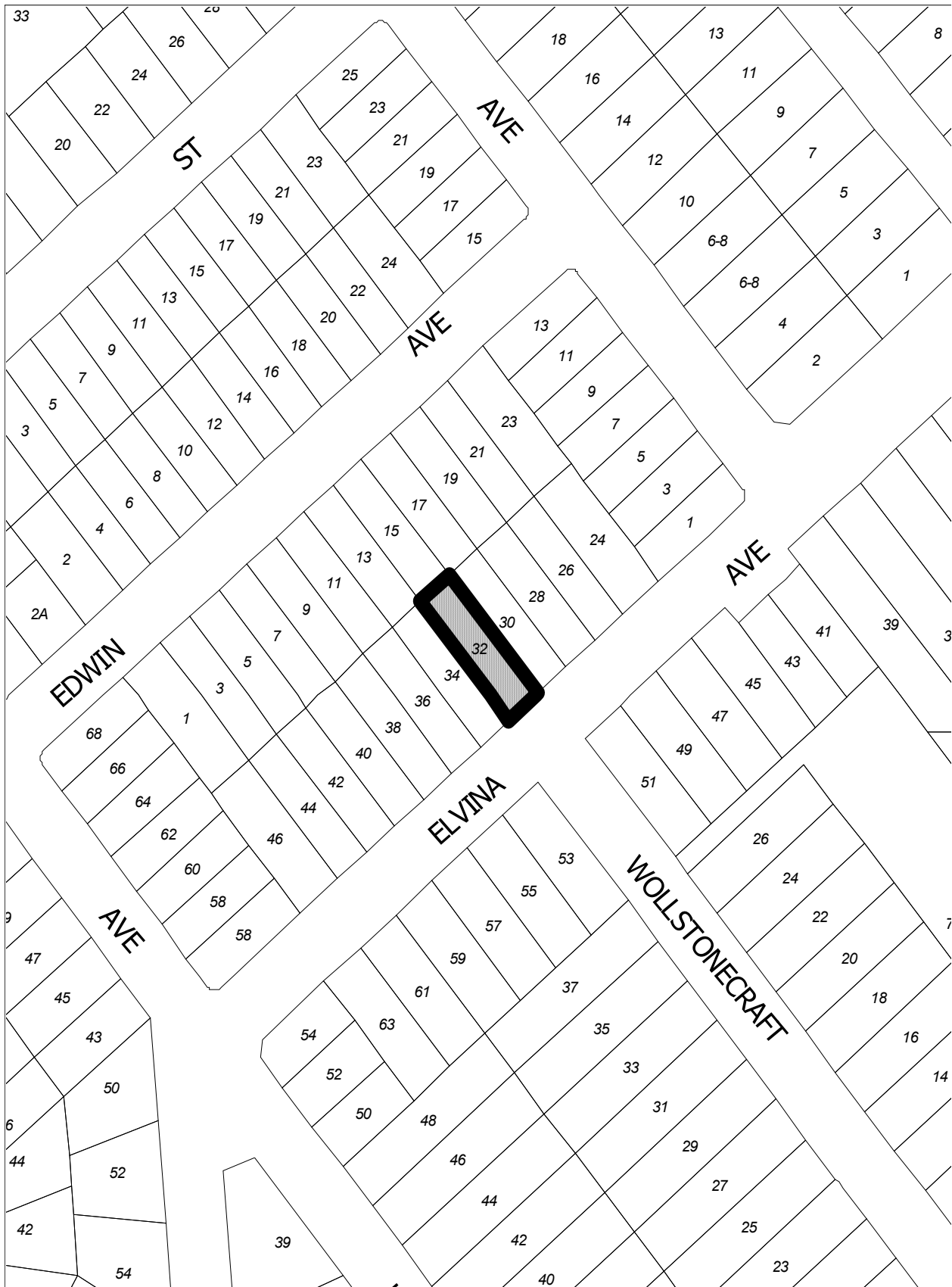
F. Matters to be satisfied prior to the issue of Subdivision Certificate:

Nil.

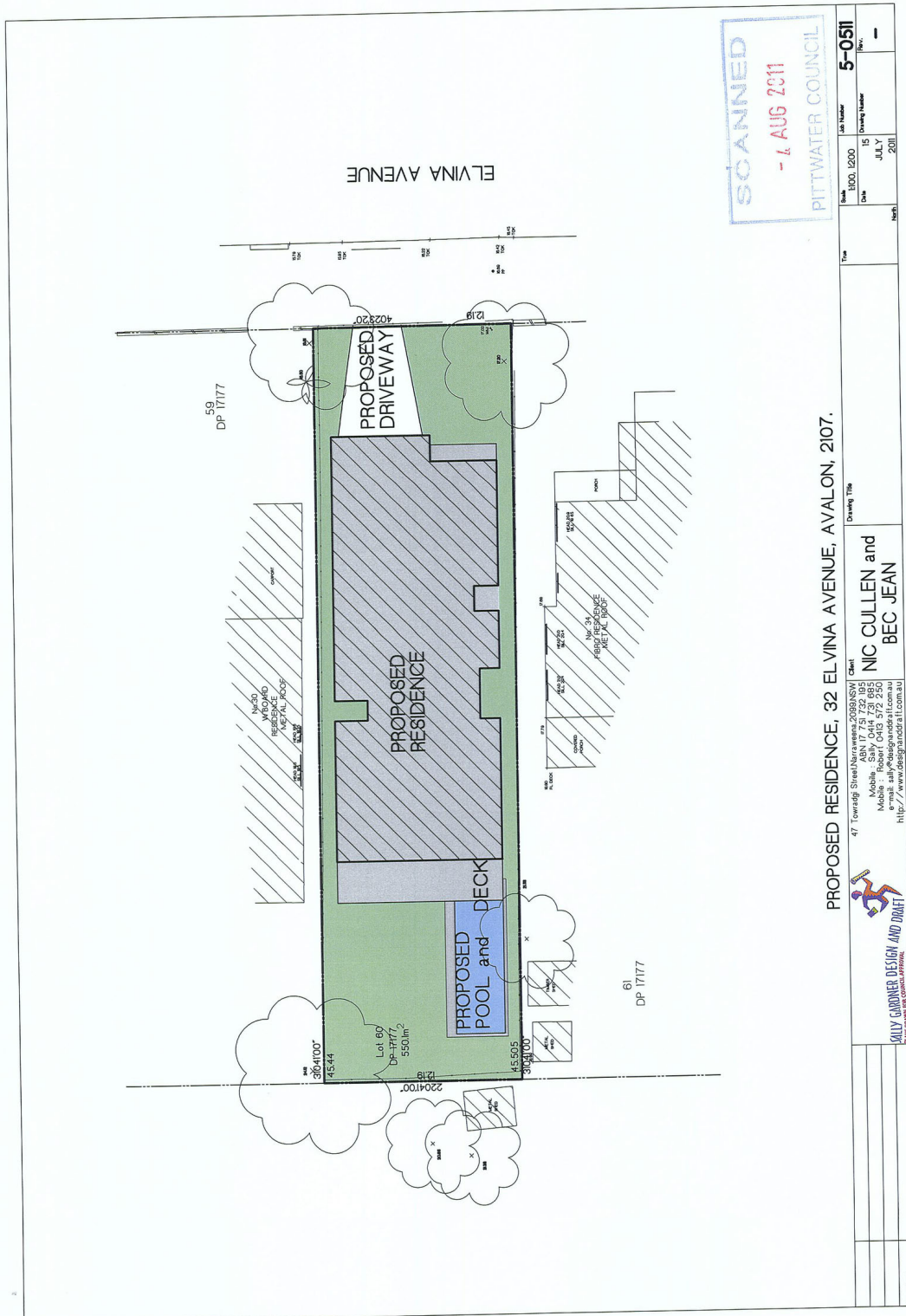
G. Advice:

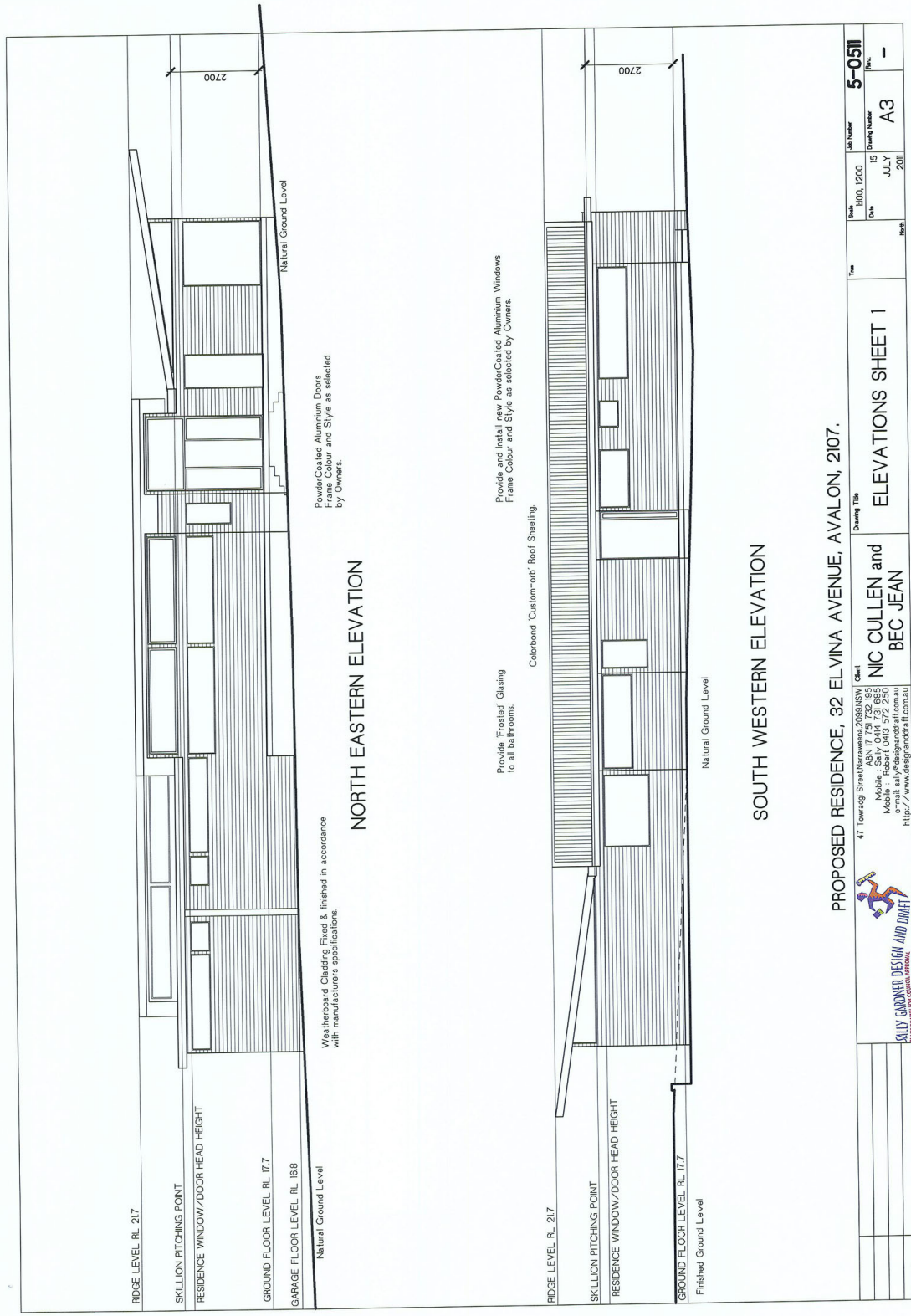
1. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act, 1979* (as amended) and/or the conditions of this Development Consent may result in the serving of penalty notices (on-the-spot fines) under the summary offences provisions of the above legislation or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

LOCALITY MAP



NOTIFICATION PLANS





PROPOSED RESIDENCE, 32 EL VINA AVENUE, AVALON, 2107.

 GULLY GARDNER DESIGN AND DRAFT <small>PLANNING CONSULTANTS</small>		NIC CULLEN and BEC JEAN		Drawing Title ELEVATIONS SHEET 1		Date 16.00. 1200	Job Number 5-0511
47 Towardg Street Narraweena, 2090, NSW Mobile: 0415 732 185 Mobile: Robert 0415 572 250 e-mail: gullygardnerdraft.com.au http://www.gullygardnerdraft.com.au		Client NIC CULLEN and BEC JEAN		Drawing Number A3		Date JULY 2011	Rev. -

C11.7 Draft Pittwater's Most Scenic Streets Register

Meeting: Planning an Integrated Built Environment Committee

Date: 19 December 2011

STRATEGY: Transport and Traffic
Vegetation
Risk Management

ACTION: To provide an effective and efficient network of roads, pathways, cycleways, public transport and waterborne transport systems, which meet community needs.

Sustainably manage areas of urban forest, bushland and waterways.
Effective management of risk to minimise threats and maximise opportunities.

PURPOSE OF REPORT

1. To report to Council the draft Pittwater's Most Scenic Streets Register which is a compilation of nominations received following a public call for submissions.
2. For Council to consider placing the *Pittwater's Most Scenic Streets Register* on public exhibition.

1.0 BACKGROUND

- 1.1 *The Council Report of 15 November 2010 requested the production of an iconic streets register, stating "The purpose of the Register is to allow Council to more effectively manage the preservation of the natural and cultural environmental features of Pittwater's public roads by defining what attributes are to be preserved and how the Council / Community is able to achieve this . . . Environmental features include: significant scenic views from the road (water or land) over private or public land, significant trees / bushland / landscaping on roads and significant topographical features. Cultural examples include: significant buildings/ structures on roads, significant streetscape overall appearance, heritage listed items and Aboriginal sites".*
- 1.2 In response to the Council's direction, promotional material was developed to provide the community with guidelines to enable them to nominate Pittwater's most scenic streets. At its meeting of 4 April 2011, Council resolved:
 - "1. That the promotional material, *Nominations for Pittwater's Most Scenic Streets*, be placed on public exhibition for six (6) weeks.
 2. That following the exhibition period, a list of streets be compiled and the draft register presented to Council for consideration together with an implementation strategy."

- 1.3 The promotional material was placed on public exhibition from 8 April until 20 May via Council's libraries, Customer Service Centres and the Pittwater website. The Manly Daily published "Beauty on a Register" by Danielle Nicastrì on 6 April; Council advertised in the Mayors Column, Manly Daily on 9 April; and the project was presented to the PIBE Reference Group on 18 May 2011.
- 1.4 The Strategy for managing Pittwater's streets including streets in the Pittwater's Scenic Streets Register is contained in the Road Reserve & Streetscape Management Policy and associated Guidelines, 2011 which is being presented to Council as a separate document by the Urban Infrastructure Unit. This will allow the documents to be cross referenced as well as independently updated if required.
- 1.5 Upon adoption of the Road Reserve & Streetscape Management Policy and associated Guidelines, it is intended to delete Policy 53 – 'Road Reserves – Private Use Of' and Policy 91 'Landscape Management Policy' along with a number of other road related policies.

2.0 ISSUES

The nomination form for streets for consideration in the Register requested residents submit the positive attributes of the street. Therefore Council received a number of additional submissions that contained issues of concern associated with the nominations. Concerns raised generally focused on:

- loss of coastal views due to tall hedging or bushland; and
- the need to protect and replace canopy trees

(see Summary of Submissions – **Attachment 1**).

2.1 Summary of Submissions

Streets Nominated for the Register

- As part of the nomination process for the streets on the *Pittwater's Most Scenic Streets Register* the community were asked to provide a written description of the features they would like preserved and to demonstrate the features in photographs. The following streets were nominated in the following suburbs:

- Avalon Beach / Clareville

- The Knoll
- Trappers Way
- Urara Road
- Chisholm Avenue
- Hilltop Road
- Riverview Road
- Riviera Road
- Telford Road
- Palmgrove Road
- Hudson Parade
- Ruskin Rowe
- The Outlook

- Bayview / Church Point

- Pittwater Road
- McCarrs Creek Road
- Captain Hunter Drive.

- Bilgola
 - Bilgola Avenue
 - Allen Avenue
 - The Serpentine
 - The Circle.
- Elanora Heights
 - Woorarra Avenue
- Mona Vale
 - Elimatta Road.
- Newport
 - Queens Parade.
- Palm Beach / Whale Beach
 - Barrenjoey Road
 - Beach Road
 - Ocean Road
 - Cynthia Road
 - Boanbong Road
 - Ebor Road
 - Ralston Road
 - McKay Road
 - Malo Road
 - Mitchell Road
 - Norma Road
 - Pacific Road
 - Rayner Road
 - Sunrise Road
 - Surf Road
 - The Strand
 - Whale Beach Road
 - Rockbath Road
 - Northview Road
 - Bynya Road
 - Morella Road
 - Florida Road
 - Northview Road
- Warriewood
 - Narrabeen Park Parade.
- The community responded positively to the project as demonstrated in the amount of work involved in providing the submissions and the thoughtful descriptions of the streets. In turn, it is important that the nominated streets are managed well to protect and enhance the identified qualities.
- Most of the streets nominated are located at the northern end of the peninsula despite the superb landscape features of the southern end, including street trees, individual specimens, Narrabeen Lagoon, Warriewood Wetlands and Warriewood Escarpment. This inconsistency will be adjusted over time as “it is intended that the register be updated as required” (Report 4 April 2011).

2.2 Submissions – Additional Issues Raised'

- Disruption of coastal views by tall hedging

The loss of coastal views due to tall hedging has been raised by residents in the Palm Beach and Whale Beach areas and Hudson Parade, Clareville. The popularity of hedging could be attributed to topographic and cultural influences. The abundance of old Oleander hedges indicates that the use of hedging has been popular for decades. Hedges are generally located on the nature strip along the front property boundaries. They tend to be more prolific on the lower side of the road where they create a physical barrier between private and public property. Thereby coastal views are available from the rear of homes, but denied to the public from the street. Where hedges and landscape plantings extend to near the road edges they potentially restrict pedestrian access and alienate the nature strip. This is more problematic near tight bends.

Almost all hedging plants require constant pruning to retain the desired height. Currently, the most popular hedging plant in the area is *Acmenia species*. The most problematic hedging plant is *Cupressus / Chamaecyparis species* which grow quickly and densely.

The *Tees Disputes Between Neighbours Amendment Act, 2006, amended 2010* responds to the antisocial aspects of hedging by enabling property owners to apply to the Court where a neighbour's high hedge is obstructing sunlight or views. This Act does not apply to Council owned land.

Response

- In response to hedging on private land, Council cannot legally remove hedges from private land or fully control residents' choice of plants. The removal of existing hedging on the nature strip is complex. Resources have not been allocated unless the hedges are obstructing pedestrian or vehicle access or affecting sight distance. The program would be extensive as it could not target individuals. Forced removals could result in considerable stress for some residents, particularly elderly residents. Some people could react by growing even taller 'spite hedges' inside their property boundary and Council has no control over this.
- In consideration of the above issues, it is suggested to implement a community awareness program that encourages residents to maintain the nature strip in a more equitable manner. Letters will be sent to residents from streets in the Register in the Palm Beach and Whale Beach areas requesting that they maintain hedges at an appropriate height (see **Attachment 2**). On a wider scale notices will be placed in the local paper and information distributed through Council's media tools.

It is recommended that these strategies be carried out on an annual basis – generally in late winter for pruning before spring new growth. This process will need to be reviewed in three years time to gauge its effectiveness.

- New hedging will be allowed provided it is maintained at fence height which is generally 1m across the front boundary for local roads and 1.83 metres for main roads and side boundaries in accordance with the Pittwater 21 DCP. Plantings could also reflect the slope of the land to help retain views. To assist in enforcing this, a stamped statement will be included on all Development Applications stating "This approval does not authorise any works on the adjacent road reserve/Council reserve". The stamp will apply to all new approved plans.

- Disruption of coastal views by bushland

The area where coastal views are blocked by bushland / heathland appears to be restricted to the streets immediately adjacent to the coastline due to dense vegetation growth. Locations mentioned in the submissions and nomination forms include Bilgola Headlands and lookouts, Bilgola Bends on Barrenjoey Road, The Serpentine, and Turimetta Headland.

Response

The Pittwater landscape is characterised by a range of vegetation communities. It is recommended that views be retained from designated lookout areas, which are any places that have infrastructure dedicated to views such as seating and constructed lookouts. In these areas, there should be a clear viewing window. Constructed lookouts are located at the following places:

- The Serpentine, North Bilgola Headland.
- Barrenjoey Road, Bilgola - two lookouts at Bilgola Bends one above the rock pool looking north over Bilgola Beach and one looking south over Newport Beach.
- Bungan Head Road, Newport – formalised area with seat above cliff face.
- Narrabeen Park Parade, Warriewood overlooking Warriewood Beach.
- Turrimetta Headland - two lookouts – one looking north over Warriewood Beach and one looking south over Turimetta Beach.
- Narrabeen Headland - two constructed lookouts – one looking south over the entrance to Narrabeen Lagoon and one looking north over Turimetta Beach.

Views will also be retained from a select number of designated functional areas within reserves that are suitable for weddings and whale watching. Management guidelines for reserves are identified through the plan of management process; however they may be relevant to streets where the viewing area is adjacent to the street. Key viewing areas include:

- Mona Vale Headland Reserve
 - Robert Dunn Reserve, Warriewood
 - Turimetta Headland – near constructed lookout looking north over Warriewood Beach
 - Narrabeen Headland – new picnic and BBQ area overlooking the entrance to Narrabeen Lagoon
- The management of coastal views needs to be carefully controlled to avoid pressure to clear for residents' views as this would potentially result in widespread clearing. It is recommended that coastal views be maintained from identified areas from public land for the benefit of the public, not from private properties.
 - Council will also consider existing view lines when considering regeneration works.
 - Canopy trees (unless noxious weed species), locally native species threatened species and endangered ecological communities will not be removed for views unless they have grown up in front of designated lookout areas. From the road reserve, an acceptable viewing window is between 1000mm and 2500mm from the ground level. This may include underpinning if viable.
 - Wildlife corridors will be retained and enhanced.

- Any reduction in vegetated areas along the coastline will be offset through regeneration / revegetation away from the coastline and through the Tree Replenishment Program.
- Ecological burning regimes will be reinstated with appropriate fire intervals
- It is noted that the coastal and other reserve walkways also provide a number of opportunities to experience spectacular views.
- Replenishment of canopy trees

Two submissions highlighted the value of Pittwater's canopy trees, particularly *Eucalyptus species* and *Corymbia maculata* (Pittwater Spotted Gum). Eucalypts and Corymbia provide a major component of Pittwater's landscape character. Pittwater Spotted Gum Forest is an endangered ecological community now only represented small by remnant forests in reserves and individual trees in residential areas. Many trees are now mature or over-mature and limited new trees have been planted to replace the existing trees. The time taken for a large canopy tree to grow to maturity is generally between 20 to 50 years.

However, the replacement of tall trees (30 metres or more tall) is potentially problematic due to management issues. Generally, residents' support trees, but not the larger canopy trees on their land or adjacent nature strip. Whereas replacing the species with another smaller tree may lead to local extinction of the endangered ecological communities.

Response

- In regard to trees in general, wherever possible and practical, the locally native species should be planted to ensure the continuation of vegetation type.
- Large trees need enough space to grow to maturity and to avoid potential impacts on the amenity of residents, infrastructure and utility services. The nature strip; in suitable locations, can provide the opportunity for canopy tree plantings as highlighted in several submissions. Species that drop limbs should be planted away from homes and pedestrian and vehicular areas.
- The Tree Replenishment Program will be promoted to the community with the aim of providing the means for Council and the community to work together to *sustainably manage areas of urban forest, bushland and waterways* (Pittwater 2020 Strategic Plan).

2.3 Implementation Strategies

- The *Road Reserve & Streetscape Management Guidelines, 2011* provides a range of strategies to manage the complexities associated with the management of road reserves.
- Key strategies to protect and enhance the identified qualities of streets nominated for the Pittwater's Scenic Streets Register
 - The streets will be promoted on Pittwater Council website and referenced by Council Officers and the community before undertaking work on the road reserve.
 - Residents / Associations who nominated a street for the Register will be invited to participate in the Tree Replenishment Program.

- All Development Applications will be stamped with the following text to highlight that Applications do not authorise works on the road reserve: “This approval does not authorise any works on the adjacent road reserve/Council Reserve”. .
- Residents of the streets on the Register in the Palm Beach and Whale Beach area will be sent a letter to encourage the provision of pedestrian access and views from the nature strip through controlling the location and height of hedging (see Attachment 2). A similar letter will be sent annually and promotional material distributed through the media for the next three years, and then assessed for effectiveness.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

- 3.1.1 Implementing the tree replenishment program and providing guidelines for the protection of coastal views will protect these important attributes in accordance with the Community’s vision for Pittwater as part of the strategic planning process which is “to be a vibrant sustainable community of connected villages inspired by bush, beach and water’.

3.2 Valuing & Caring for our Natural Environment (Environmental)

- 3.2.1 The Most Scenic Streets Register and Streetscape Management Policy and associated Guidelines will assist Council in the protection of environmentally sensitive vegetation communities and significant trees located on road reserves.

3.3 Enhancing our Working & Learning (Economic)

- 3.3.1 The Pittwater landscape, including its scenic streetscapes and its spectacular ocean, Pittwater, lagoon and bushland views are a major factor why people choose to live, work and recreate in Pittwater. The effective management and preservation of these important attributes helps to underpin the local economy.
- 3.3.2 An education program will encourage residents to manage the nature strip in a more equitable manner, particularly hedges, so that important scenic qualities are enhanced.

3.4 Leading an Effective & Collaborative Council (Governance)

- 3.4.1 Community input has been a fundamental part of compiling the Register and it is a recommendation of this Report that the Register be placed on public exhibition to seek broader community comment.

3.5 Integrating our Built Environment (Infrastructure)

- 3.5.1 Application of the Most Scenic Streets Register will assist Council to preserve and enhance the amenity of roads, to integrate vegetation on roads with than on adjacent property and to protect heritage items.

4.0 EXECUTIVE SUMMARY

- 4.1 Council has received submissions nominating 45 streets for inclusion in the Most Scenic Streets Register. The nominations have been compiled in a consistent format and it is recommended that this Register be placed on public exhibition.
- 4.2 A number of additional submissions raised concerns, based on:
- disruption of coastal views by tall hedging in the Palm Beach and Whale Beach areas;
 - disruption of coastal views by bushland from streets immediately adjacent to the coastline; and
 - the need to replenish canopy trees due to the aging of many trees.
- 4.3 Strategies to address these concerns are contained in the *Road Reserve & Streetscape Management Guidelines, 2011*.

RECOMMENDATION

That the draft Pittwater's Most Scenic Streets Register, as tabled at the meeting, be placed on public exhibition for eight (8) weeks, to allow for Christmas holidays, with a further report back to Council on submissions received.

Report prepared by
Jenny Cronan, Landscape Architect

Les Munn
MANAGER, RESERVES, RECREATION AND BUILDING SERVICES

Summary of submissions – general issues raised, excluding nominated streets

	Issue	Response
1	Request pruning on Bilgola North Headland. The views from the headland and lookout are totally obliterated by dense bushland. We have sat in the car and watched Bilgola Beach for 40 years. This is now impossible due to vegetation growth. I have arthritis and cannot walk to the lookout. I have experienced unpleasant encounter in bushland. As keen amateur astronomers we would like safe access to the headland for astronomy outings. Please could we have some logic in this? We love bushland but not deliberately planted in front of a beautiful view which seems to be the current fad in this area.	A plan of management will be prepared for the Headland addressing these issues.
2	Hedges on nature strips be approved and limited to species that will not grow to a height that will block views. Plantings on nature strips retain pedestrian access for local residents and tourists. This is particularly important on narrow, winding streets in the Palm Beach Whale Beach areas.	Council will write to all residents from the streets nominated in the Palm Beach & Whale Beach areas requesting access and hedging be addressed.
3	Agree with the streets register provided it doesn't limit the planting of native trees. Concerns regarding the loss of Pittwater Spotted Gum Forests due to old trees not being replaced.	Tree Replenishment Program introduced as part of the overall Strategy to address this issue.
4	Concerns regarding loss of ocean views from Barrenjoey Road. Suggest trimming foliage to restore views. This would add to tourist industry and economy of the Barrenjoey Road coastal communities. Other countries around the world take particular care in preserving views from their coastal drives.	Noted and addressed in the Strategy.
5	<p>1. Views are a very important aspect in Pittwater. Many streets in the in Palm Beach and Whale Beach area are iconic due to potential views from the street which are at present obscured by plants, particularly high hedges. The Policy should:</p> <ul style="list-style-type: none"> • Address the removal or reduction in height of existing view blocking hedges and plantings. • Iconic views must be considered and protected prior to the approval of any DA. • Give Council the power to instruct owners to remove all plantings on road reserves not approved by Council and that impinge on views at the landowners cost. <p>2. Natural streetscapes such as Urara Road & Ruskin Rowe, and numerous other similar streets, should be left "AS IS" and not be developed further. New works and plantings must fit into the existing streetscape.</p> <p>3. Council must take action to retrieve views lost through plants, particularly tall hedging.</p>	Refer to Response 2.
6.	DA approvals may be understood by residents to also approve works on the road reserve. This lack of clarity makes it impossible for Council to have structures or plantings removed. Council MUST instigate a system so that items are not automatically approved by mistake. Would not a "TICK BOX" (to remind the Officers to check for anything outside the property boundary that could be inadvertently approved) on the Officers guide sheet overcome this potential problem.	Stamp ordered saying "This approval does not authorise any works on the adjacent road reserve/Council Reserve". Once received, the stamp will apply to new approved plans. Ref: letter dated 9 June 2011 by Andrew Pigott.

	Issue	Response
7.	<p>Potential views from streets should be available for everyone to see and appreciate (photos provided). Views are blocked by indiscriminate planting on the nature strip and within the six metre building set back line. These plantings should be removed or maintained at one metre high.</p> <p>Inappropriate planting should be addressed, particularly Oleanders and Leyland Cypress.</p>	Refer to Response 2.
8.	<p>Recently, Council approved landscaping (retaining wall and hedge) on the nature strip in front of a property in Whale Beach Road, including a stone wall about a metre from the gutter leaving a small area for pedestrians on the Bicentennial Walkway. Rectifying this will be costly and require a fence to prevent pedestrians falling into the property's front yard.</p> <p>I was told that the hedge was approved provided it is kept to one metre high. The hedge is now well over a metre and blocking coastal views. When I spoke to a Council Officer, I was told that Council does not have the resources to police this.</p> <p>This type of approval must be stopped. Could I make a simple suggestion that Council staff only approve species on road reserves that do not grow above the approved height.</p>	Refer to Responses 2 and 6.
9.	Submission of PowerPoint presentation for Council Records providing images of key points along the Bayview / Church Point Foreshore Walk, including public reserves.	Noted. Thank you.
10.	Loss of views from parts of the Serpentine due to vegetation regrowth related to the Bicentennial Walkway. Vegetation needs to be kept pruned, particularly near the dangerous corner addressed.	Refer to draft Strategy chapter on Views.
11.	Request that all approved plans include a notation that council does not give automatic approval for works on the adjacent road reserve.	Refer to Response 6.
12.	<p>Request a tree replenishment program to maintain all streets and native vegetation, particularly streets in the Register.</p> <p>Request enforcement of the tree policy so that people cannot poison trees as has happened recently in Woorarra Avenue.</p> <p>Request the preservation and maintenance of remnant bushland.</p> <p>Request a PoM for the very small park at the top of the big hill in Woorarra Avenue that has many remnant trees as well as a remnant bushland.</p>	Refer to draft Strategy Chapter on Tree Replenishment Program.
13.	<p>Endorsement of Queens Parade East in the Register for its continuing daily use by walkers, motorists and tourists to the lookout, which is among the few remaining public vantage points from which Newport reef is visible. I commend Council for clearing the weeds which for many years blocked ocean views from this lookout. Now that it again gives a wonderful panoramic view of the ocean it is attracting regular visitors daily, especially during the rough seas recently.</p> <p>However, there have been problems with alcohol consumption at the lookout at night for many years. Some people still choose to bring alcoholic drinks there and foolishly climb the safety fence despite the dangers that involves.</p> <p>I have written before, requesting that the Queens Parade East Lookout area should be declared an alcohol free zone, so that such drinking becomes illegal. It will enable nearby residents to call the police when such drinking occurs, and it should also ensure that there is less littering of alcoholic drink bottles and cans.</p>	Alcohol Free zones are beyond the scope of this project. Request forwarded to relevant Unit.

Proposed letter to be sent to residents from Palm Beach & Whale Beach for streets on the Register

Dear Residents

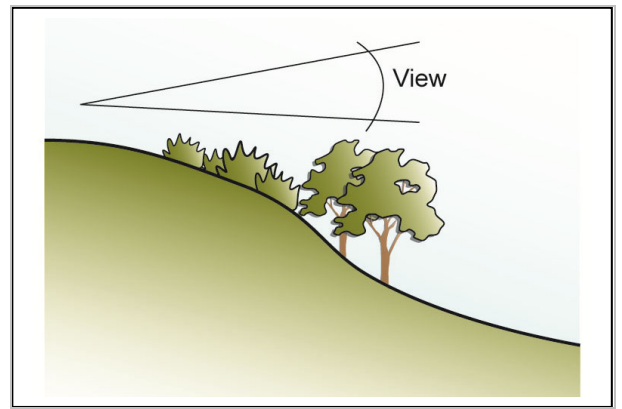
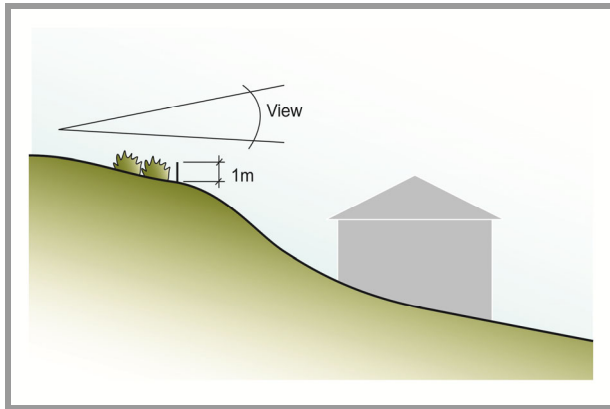
We are writing to draw your attention to a new document – *Road reserve & Streetscape Management Guidelines*. The document provides guidelines for the management of road reserves including the nature strip adjacent to your home.

The Guidelines were developed following assessment of issues raised by the community in conjunction with the *Pittwater's Most Scenic Streets Register*. In the Palm Beach and Whale Beach areas concerns stem from the narrow, winding roads; that can create access problems for motorists and pedestrians, and the loss of views from tall and/or inappropriately placed hedging.

The Palm Beach and Whale Beach communities share the common goal of enjoying the beauty of this locality – the natural environment and beaches, homes and gardens, canopy trees and the way the streets wind along the steep hillsides providing panoramic views of the ocean and estuary. Local streets play a major role in showcasing the area and contain some of the best ocean views.

To assist residents in looking after their streets, we are writing to all residents from streets listed in the *Pittwater's Most Scenic Streets Register* in the Palm Beach and Whale Beach areas to ask you to assess the nature strip adjacent to your property to see if there are elements that you can address for the benefit of the community. This can be done by using the following check list:

1. There should be a clear demarcation between private and public land so the community do not feel alienated from using public land. This can happen when the nature strip is landscaped as an extension of a garden and the boundaries are blurred. You can determine the approximate front boundary of your property by locating your water meter which is generally on the property boundary. Otherwise a surveyor can determine your legal property boundaries.
2. The main purpose of the 'nature strip' is to provide access for infrastructure and pedestrians. Generally, landscaping should leave a cleared area 1500 mm wide for pedestrian access. Sightlines are also required to ensure pedestrians and drivers can see oncoming traffic. This is particularly important in areas where the road is narrow and near tight bends or blind corners.
3. Front fences and all other built elements must be located on or within the property boundary. Front fences are generally limited to heights of one metre tall for local roads and 1.83 metres tall for main roads. Side fences are generally limited to 1.83 metres tall. Please refer to the Pittwater 21DCP for allowable fence heights for your street. The document is available on Council's website.
4. Hedging and dense plantings are to be located within or against the property boundary to screen the fence and kept to about the same height allowable for fences, as outlined above. Council encourages trees on the nature strip to provide amenity and shade, although permission must be sought first. Trees provide filtered views through the canopy, or it may be possible to prune lateral branches to maintain a viewing corridor of about 2.5metres from the ground level. Council provide advice and supply of trees for the nature strip through the Tree Replenishment Program.
5. In steep locations with panoramic views, where possible, please consider growing shorter plants near the road and tall plants further down the slope.



The diagrams above demonstrate how you can plan your garden and nature strip to accommodate views from the street.

We appreciate that residents willingly maintain the nature strip, and in the majority of cases, the nature strip has been landscaped and maintained in order to enhance the individual property and the streetscape. This benefits the wider community.

We understand that some of the landscaping practices that have resulted in reduced access or reduced views from the street may be the result of residents wanting to beautify their properties and/or gain privacy. However, these practices are becoming more widespread, and in the interests of retaining the natural beauty and scenic views of the Palm Beach and Whale Beach areas, we are asking for your assistance in following the above guidelines.

If you require assistance in addressing any issues regarding your nature strip please contact Council's Tree Preservation and Maintenance Officers at your convenience.

C11.8	Ocean Road, Palm Beach - Proposed 10kph Shared Zone - Ocean Place to Palm Beach Road
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Meeting:	Planning an Integrated Built Environment Committee	Date:	19 December 2011
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STRATEGY: **Traffic & Transport**

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

PURPOSE OF REPORT

1. To consider advice from the Roads & Maritime Services (RMS - previously RTA) that Council's application to extend the existing 10kph Shared Zone in Ocean Road from Ocean Place to Palm Beach Road has not been approved.
2. To consider still proceeding with the proposed speed humps component to improve safety.

1.0 BACKGROUND

- 1.1 Council, at its meeting of 18 July 2011, adopted the recommendations of the Traffic Committee meeting of 14 June 2011 (see **Attachment 1**) recommending support for a proposal to extend an existing 10kph Shared Zone in Ocean Road (Ocean Place to end of Ocean Road) along Ocean Road to Palm Beach Road and for the full length of Ocean Place (Florida Road to Ocean Road).
- 1.2 Council resolved, in part, as follows:
 - "1. That the Traffic Committee supports Council seeking RTA approval for the extension of the 10kph Shared Zone in Ocean Road, Palm Beach.
 2. That a 100mm high standard RTA speed hump be adopted as part of the traffic calming devices proposed."
- 1.3 Council has now received a response from the RMS (see **Attachment 2**) advising that Council's application for the proposed 10kph Shared Zone has not been approved as it fails to comply with several assessment criteria specified in RMS Guidelines.

2.0 ISSUES

2.1 Approval of 10kph Shared Zones

- The RMS is the approval authority.
- The approvals for this proposal that have not been granted by the RMS are for the reduced 10kph speed limit and for the shared zone classification that provides for pedestrians having priority over traffic.
- As approval has not been granted by the RMS, the speed limit in Ocean Road and Ocean Place is to remain the existing 40kph.

2.2 Pedestrian and Vehicular Safety

- The 10kph Shared Zone proposal originated from concerns voiced by the local community in respect to the inappropriate speeds of vehicles in these streets and the resultant potentially adverse safety impacts on the pedestrians who have to use the roadway. This continues to be the case.
- The 10kph speed proposal was supported by the community.
- The core element of the proposal was to be the provision of several speed humps (constructed to RMS standards) along Ocean Road and Ocean Place to act as physical deterrents to speeding vehicles in that the average vehicle speeds reduce to the 10kph speed limit proposed, and so improve safety for all road users.

2.3 Speed Humps

- Council is the approval authority for speed humps in any local road.
- Council, in supporting the overall 10kph Shared Zone proposal at its meeting of 18 July 2011, effectively approved the installation of the speed humps included in the overall Shared Zone proposal.
- If the approved speed humps were installed without the 10kph Shared Zone being created, there would still be a significant improvement in safety for all road users in Ocean Road and Ocean Place.
- Even though the 10kph Shared Zone has not been approved, the installation of the speed humps can still take place and hence are still recommended to proceed.

2.4 Project Funding

- In anticipation of RMS approval of the 10kph Shared Zone proposal, this project was included in Council's 2011/12 Delivery Plan to allow its installation this financial year.
- The funding in Council's Budget (\$35,000) is to cover the cost of the provision of the speed humps, which is the only construction work that Council would need to undertake. The only other work required for the proposed Shared Zone to be implemented (apart from the deletion of one existing marked pedestrian crossing) was the erection of appropriate signs by the RMS at its cost.
- If the construction of speed humps was not to proceed, then these funds would be re-allocated to another high priority traffic project in the next quarterly budget review.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

- 3.1.1 The implementation of the 10kph Shared Zone or construction of speed humps in these streets will improve safety for all sectors of the community and reduce the level of antisocial actions by some drivers.

3.2 Valuing & Caring for our Natural Environment (Environmental)

- 3.2.1 Not applicable.

3.3 Enhancing our Working & Learning (Economic)

- 3.3.1 Not applicable.

3.4 Leading an Effective & Collaborative Council (Governance)

- 3.4.1 The proposed Shared Zone or construction of speed humps has been supported by the community through a consultation process as a means to address safety concerns that the local community has for Ocean Road and Ocean Place.
- 3.4.2 Council has allocated funding in its 2011/12 Delivery Plan to enable construction work to proceed. Ongoing maintenance costs will be minimal and be included in Council's existing Traffic Lines & Signs and Pavement Maintenance budgets.

3.5 Integrating our Built Environment (Infrastructure)

- 3.5.1 The proposal will increase safety in these streets that will enhance the use of the public space for recreational purposes.

4.0 EXECUTIVE SUMMARY

- 4.1 Council has received advice from RMS that approval has not been granted to Council's application for a 10kph Shared Zone to be created in Ocean Road (Ocean Road to Palm Beach Road) and Ocean Place.
- 4.2 If the speed humps approved by Council as a component of the Shared Zone proposal were to be constructed without any reduction in the existing 40kph speed limit, the safety of all road users would still be significantly improved and the concerns of local residents in respect to speeding vehicles would be addressed.
- 4.3 Funding has been included in Council's 2011/2012 Delivery Plan for the construction of the speed humps.
- 4.4 Council may either choose to construct the speed humps using the allocated funding or to redirect these funds to another high priority traffic project in the next quarterly budget review.

RECOMMENDATION

- 1. That the advice from Roads & Maritime Services that it does not approve the creation of a 10kph Shared Zone in Ocean Road (Ocean Place to Palm Beach Road) and Ocean Place and that the existing 40kph speed limit will remain in place in these streets, be noted.
- 2. That, to address the community's concerns in respect to inappropriate traffic speeds in these streets, the construction of the speed humps in Ocean Road and Ocean Place as originally proposed as part of the 10kph Shared Zone Scheme and supported by the Traffic Committee will still proceed using the funding allocated in Council's 2011/12 Delivery Plan.

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

Mark Shaw
MANAGER, URBAN INFRASTRUCTURE

Subject: Ocean Road, Palm Beach - Proposed 10kph Shared Zone

Meeting: Traffic Committee

Date: 14 June 2011

EXECUTIVE SUMMARY

PURPOSE OF REPORT

To submit the proposal for an extension to an existing 10kph Shared Zone in Ocean Road, Palm Beach for consideration by Traffic Committee following public exhibition.

BACKGROUND

The proposal for the 10kph Shared Zone originates from requests by adjacent property owners for Council to take action to address their traffic and pedestrian safety concerns in the section of Ocean Road, between Ocean Place and Palm Beach Road, and in Ocean Place. The concept of traffic calming at this location is included in Council's draft Palm Beach Masterplan. Council has undertaken public consultation seeking comments on the proposal from the community to ascertain the level of public support.

- On 21 March 2011, Council resolved to place the Ocean Road 10kph Shared Zone on public exhibition and seek comments from the public.
- The public exhibition was advertised in the Manly Daily on 9 April 2011, and on the Pittwater website, advising that public consultation had commenced. Submissions were received until 9 May 2011.
- The Traffic Investigations Report and Concept Plan for the scheme was made available for viewing at Council's customer service centres in Avalon and Mona Vale, and also on Council's website. Copies will be tabled for the information of the Traffic Committee.
- The proposal was exhibited for a period of four weeks and written advice provided to both the Palm Beach Association and Sydney Buses.
- A total of six responses were received from the public consultation. Two responses were from residents or their agents within the section of Ocean Road subject to the proposal, two responses from local residents of Palm Beach, and two responses from members of the public who had family living in Palm Beach. All six of the respondents expressed support for the proposal. A written summary of issues raised is included in Attachment A.

ISSUES

There was strong support for the proposal of a 10kph Shared Zone; in Ocean Road, between Ocean Place and Palm Beach Road; and in Ocean Place, between Florida Road and Ocean Road; to improve pedestrian safety due to high traffic speeds in an area where there are large pedestrian movements. The need for an extension to the existing 10kph Shared Zone, is further substantiated due to the absence of footpaths, the arrangement of parking on both sides of the road and the shops being on the opposite side of the road to the beach.

A number of issues were raised in the submissions and some suggestions do not form part of the actual proposal. Council has noted all issues raised, however comments that are outside the scope of the proposal have not been considered in making the recommendations in this report.

There were concerns expressed by a member of the public regarding the speed which buses travel through the area and suggestion that implementation of the proposal should be enforced through greater policing, as they noted that there were instances where traffic speed is an issue in the existing 10kph Shared Zone along Ocean Road south of Ocean Place.

The safety of pedestrians is a priority in Shared Zones and there is a need to reduce traffic speeds of all vehicles in the area through the use of physical means such as speed humps. The speed humps will not significantly delay or impact overall bus travel times, as the affected area is located near the end of the bus route. Buses are also able to negotiate over the 100mm high speed hump at lower speeds, when the bus load is lower due to fewer passengers. Any additional discomfort or effect on passengers is considered insignificant in relation to existing conditions already experienced during the journey from the road geometry and terrain.

While a speed hump height of 75mm or less and length of at least 3.7m is generally recommended on bus routes, Council proposes to adopt the 100mm high standard RTA speed hump in the 10kph Shared Zone. The benefits are that it will be more effective to reduce the speeds of all vehicles; whereas adopting a lower speed hump height (while more sympathetic for bus passengers), would compromise the overall traffic calming effectiveness (and hence pedestrian safety), for the majority of traffic. Council considers that in this instance, the advantages of the proposal of maximising pedestrian safety outweigh any disadvantages.

RECOMMENDATION

1. That the Traffic Committee supports Council seeking RTA approval for the extension of the 10kph Shared Zone in Ocean Road, Palm Beach.
2. That a 100mm high standard RTA speed hump be adopted as part of the traffic calming devices proposed.
3. That letters be forwarded to respondents, affected property owners, the relevant community groups, advising the Traffic Committee recommendation prior to consideration of the matter by Council.

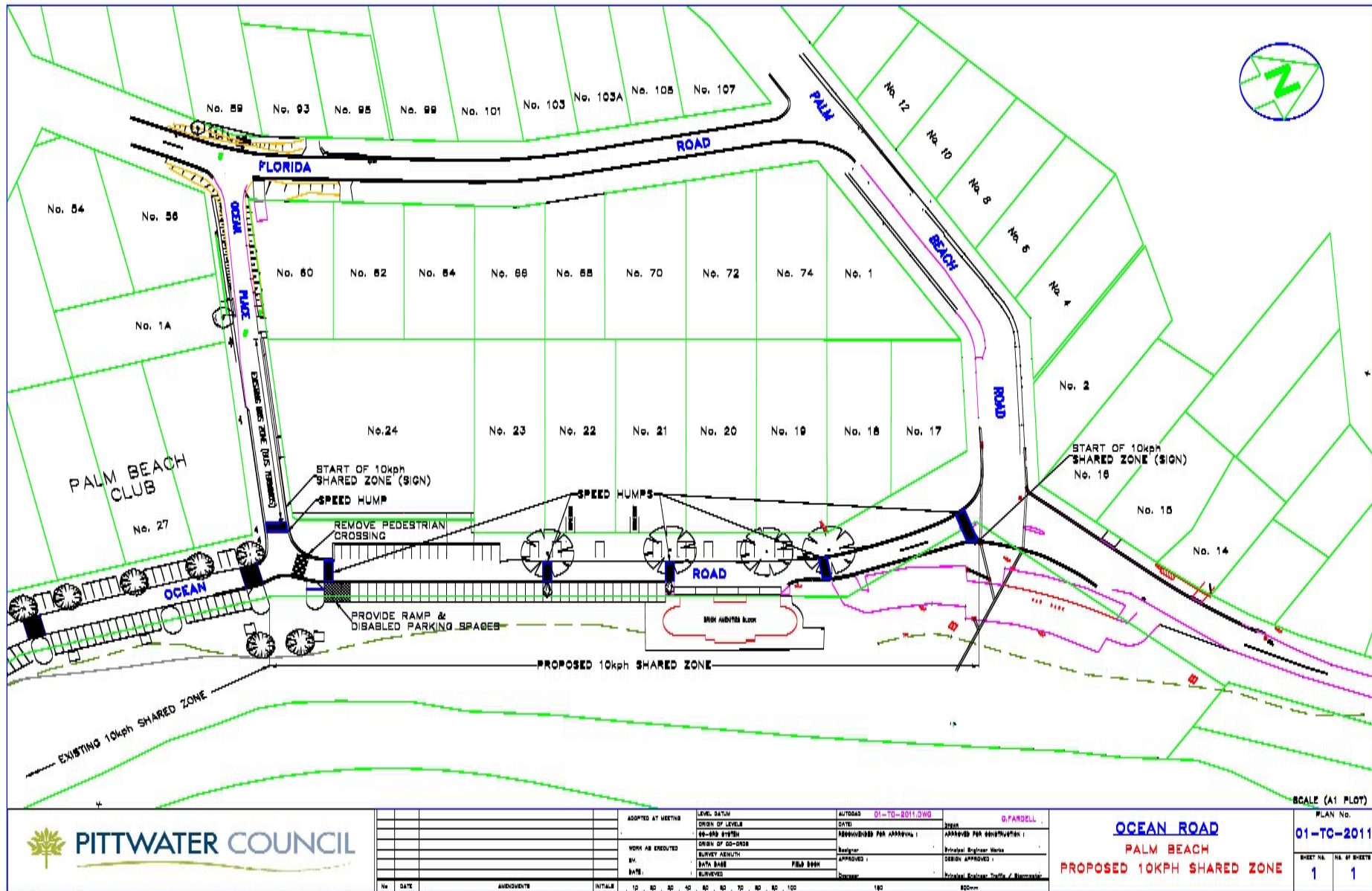
Report prepared by

Ricky Kwok
Civil Design & Traffic Engineer – Strategy, Investigation & Design

ATTACHMENT A – Summary of Submission

Summary of public comments received and Council response:

No.	Email/Letter/Phone	Summary of Comment	Council Response
1	Email	Supports proposal for 10kph shared zone.	Comments noted.
2	Letter	Committee for the Owners Corporation supports proposals to install speed humps and reduce speed limit.	Comments noted.
3	Email	Supports proposal for 10kph shared zone. Expresses that the size & steepness of the new speed humps must be adequate to be effective. Suggests that speed humps should also be installed on the approaches to the Palm Beach Road-Ocean Road intersection to prevent hoons from racing along this section road. Improve the existing zone south of Ocean Place by adding more speed humps and increasing the height/steepness.	Comments noted. Comments noted. Comments noted by Council, however suggestions are not part of this proposal. Comments noted by Council, however suggestions are not part of this proposal.
4	Online submission	Supports the implementation and policing of the 10kph shared zone, to slow down buses travelling in the area.	Comments noted.
5	Email	Supports the proposal, however would like the existing disabled parking spaces at the northern end of Ocean Road near the amenities block be retained for better access to these facilities.	The proposal includes the provision of 3 additional disabled parking spaces immediately north of Ocean Place. The existing disabled parking spaces at the northern end of Ocean Road near the amenities block will be retained.
6	Letter	Supports proposal for extension of 10kph shared zone.	Comments noted.



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GM11-PB10
Stephen Brown
Ph: 02 8849 2491



Transport
Roads & Maritime
Services

28 November 2011

The General Manager
Pittwater Council
PO Box 882
MONA VALE NSW 1660

Attention: Paul Davies

Re: Ocean Rd, Palm Beach – Request for 10 km/h Shared Zone

Dear Paul,

I refer to your letter and our subsequent site meeting regarding your request for provision of a 10km/h Shared Zone on Ocean Place and Ocean Road, between Palm Beach Road and Ocean Place. Reference is also made to the preliminary plans for the 10 km/h Shared Zone (Plan No. 01-TC-2011) and the subsequent "Traffic Investigations Report" provided by Ray Dowsett Traffic and Transport Planning Pty Ltd.

As you may be aware, the RTA's Policies and Guidelines detail a number of criteria that need to be addressed when considering a 10km/h shared zone. The proposed Shared Zone on Ocean Road and Ocean Place has been assessed in accordance with these criteria and the following comments are offered.

1. *A shared zone is to be less than 250m in length.*

The individual lengths of Ocean Place and Ocean Road are both less than 250m;

2. *A shared zone road environment is to be significantly changed from a normal road environment.*

The existence of footpaths, kerb and gutter and the bitumen pavement surface suggest a normal road environment;

3. *A shared road environment should be a self enforceable 10km/h speed zone.*

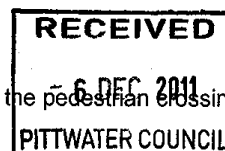
The proposed 100mm high speed humps are likely to significantly reduce the existing 85th percentile speed of 36 km/h;

4. *The traffic volume in a shared zone is to be less than 300vpd.*

The existing seven day AADT of 2,349 vehicles per day is well in excess of this;

5. *There are no designated pedestrian facilities within a shared zone.*

It is acknowledged that the proposed plans recommend removal of the pedestrian crossing, however footpaths remain on both Ocean Place and Ocean Road;



Roads & Maritime Services

27-31 Argyle Street, Parramatta NSW 2150 | PO Box 973 Parramatta CBD NSW 2124 | www.rms.nsw.gov.au | 132 213

6. *A shared zone must not have a footpath.*

While there is a section of Ocean Place which does not contain footpaths, the majority of Ocean Road and Ocean Place have footpaths in existence;

7. *Under the Australian Road Rules a shared zone must not have a kerb and gutter.*

Both Ocean Road and Ocean Place have kerb and gutter for the greater part of their lengths;

8. *Parking within a shared zone must be in accordance with Australian Road Rules. It must be within marked bays and have regulatory signs.*

Additional parking signage would be required to address this criterion.

As the proposed plans for the shared zone do not meet a number of the above criteria, the RTA cannot grant approval for a 10 km/h shared zone on Ocean Road, between Ocean Place and Palm Beach Road at this stage.

If you wish to discuss further, please contact Speed Management Officer, Stephen Brown on 02 8849 2491.

Yours sincerely,



Peter Carruthers
Speed Management Manager

C11.9	Proposed new telecommunications poles in Elanora Heights and Mona Vale
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Meeting: Planning an Integrated Built Environment Committee

Date: 19 December 2011

STRATEGY: Land Use & Development

ACTION: Provide an effective development assessment and determination process

PURPOSE OF REPORT

The purpose of the report is to inform Council of the key issues raised by the community with regard to the Ausgrid proposal to install two (2) new twenty five metre (25m) telecommunications poles in Pittwater and any response from Ausgrid.

1.0 BACKGROUND

- 1.1 Council received formal notification on 2 November 2011 from Ausgrid (formerly Energy Australia) of a proposal to install new telecommunications infrastructure in Elanora Heights and Mona Vale.
- 1.2 The first pole is proposed to be located in the road reserve near the corner of Kalang Road and St Andrew's Gate, on land adjoining the existing squash courts. This pole (inclusive of antennas) is proposed to be 25.5 metres tall.
- 1.3 The second pole is proposed to be located in the road reserve at the front of 74 Mona Vale Road, Mona Vale. This pole (inclusive of antennas) is also proposed to be 25.5 metres tall.
- 1.4 This issue was reported to Council on 21 November 2011. At this meeting, Council resolved as follows:
 1. *That the information in the report be noted.*
 2. *That Council write to Ausgrid and object to the excessive height and scale of the proposed towers and their inappropriate location.*
 3. *That any possible affected properties, community groups and Chambers of Commerce be urgently notified of this report and encouraged to submit a submission to Council and that these be then forwarded onto Ausgrid.*
 4. *That a further update be provided to Council by the last meeting of 2011 (being 19 December 2011) on any submissions received and any response from Ausgrid.*
- 1.5 Notification letters were sent to approximately 500 residents and other relevant parties on 23 November 2011. On the same day, a media release went out to inform the wider Pittwater community of the proposals.

- 1.6 In response to the letters and media release a total of 17 submissions were received at the time of finalisation of this report. One of the submissions was supported by 29 local residents and local MP Rob Stokes. The submissions received and Council's objection letter will be forwarded to Ausgrid.
- 1.7 To date no response has been received from Ausgrid.
- 1.8 The letters of objection from the community have been separately circulated to Councillors.
- 1.9 The key issues raised in the submissions are summarised in the following section.

2.0 ISSUES

2.1 Summary of key issues raised by the community

- 2.1.1 Visual impact – The proposed 25.5 metre tall poles and associated cabinets are inconsistent with the residential nature of surrounding development and cannot be softened with landscaping due to their excessive size and scale. The infrastructure is likely have a negative impact on the locality in terms of aesthetics and property prices.
- 2.1.2 Long-term health risks – The health impacts of long-term exposure to electromagnetic radiation are not well understood. Current studies are based on present available evidence, not long-term data.
- 2.1.3 Cumulative impacts – It is likely that other infrastructure will be co-located on the proposed poles in the future, having a cumulative effect in terms of visual impact and electromagnetic radiation emissions. In Elanora Heights, Ausgrid proposes to locate the infrastructure next to the squash court which houses a number of existing antennas. The proposed infrastructure would add to the existing visual clutter and contribute to existing levels of electromagnetic radiation emissions from the site.
- 2.1.4 Inappropriate location – The proposed location of the infrastructure is surrounded by residential dwellings, schools and preschools. Given the issues raised above, greater efforts should be made to find other more appropriate locations. Residents reject Ausgrid's claim that other more appropriate locations could not be found.
- 2.1.5 Traffic issues – In relation to Mona Vale, the proposed infrastructure would be a potential traffic hazard due to its proposed location on the crest of Mona Vale Road. The proposed works area has been the site of numerous car accidents over the years. In the case of a collision, there is a risk that the pole could fall and cause significant damage to nearby residential dwellings. The infrastructure would also create difficulties for cars entering and exiting from adjacent properties.
- 2.1.6 Insufficient level of public consultation – Many residents who live in close proximity to the proposed infrastructure advise that they did not receive formal notification from Ausgrid, including residents who live directly opposite the proposed works area.
- 2.1.7 Insufficient documentation provided by Ausgrid – The photomontages are misleading. The visual impact of the infrastructure is likely to be far greater than the images portray. Furthermore, Ausgrid did not provide sufficient justification as to why these particular sites were selected.
- 2.1.8 Vandalism – The proposed cabinets are likely to be a target for vandals. This would add to the negative visual impact of the infrastructure.

- 2.1.9 Other issues – The infrastructure may interfere with local radio, television and satellite reception.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

- 3.1.1 The significant visual impact of the proposed poles may have a detrimental impact on the health and well being of the local community.

3.2 Valuing & Caring for our Natural Environment (Environmental)

- 3.2.1 The poles will have an adverse impact on a wide visual catchment.

3.3 Enhancing our Working & Learning (Economic)

- 3.3.1 The proposed communications facilities may encourage a greater level of energy efficiency through the deployment of 'smart technologies' which enable households to manage their electricity consumption and carbon emissions. However, the visual impact of the poles is considered to outweigh such benefits.

3.4 Leading an Effective & Collaborative Council (Governance)

- 3.4.1 The decision making process should include appropriate consideration of community concerns. As such, Council will forward community responses to the proposed poles to Ausgrid for their consideration.

3.5 Integrating our Built Environment (Infrastructure)

- 3.5.1 The proposed communications facilities are likely to be beneficial to the local electricity network by improving efficiency of supply and network planning.

4.0 EXECUTIVE SUMMARY

- 4.1 Council has received notification, from Ausgrid of a proposal to install two 25.5 metre tall telecommunications poles in Pittwater.
- 4.2 At its meeting of 21 November 2011, Council resolved to notify surrounding properties and other relevant parties of the proposals and to invite submissions.
- 4.3 A total of 17 submissions were received from the community at the time of finalisation of this report, expressing deep concerns with the proposals due to their excessive height and scale and inappropriate location.
- 4.4 The community submissions will be forwarded on to Ausgrid, along with Council's own objection to the proposals (**Attachment 1**).

RECOMMENDATION

1. That the information in the report be noted.
2. That Council forward a written submission to Ausgrid objecting to the excessive height and scale of the proposed towers and their inappropriate location. Submissions received from the community will also be forwarded to Ausgrid.

Report prepared by
Sarah Sheehan, Assistant Strategic Planner

Lindsay Dyce
MANAGER, PLANNING AND ASSESSMENT

20 December 2011

Jacqueline Crompton
Wimax Community Relations Manager
Ausgrid
570 George Street
SYDNEY NSW 2000

Dear Jacqueline

Re: Proposed Smart Grid communications facility at Elanora Heights

Thankyou for notifying Council of the Ausgrid proposal to install a 25.5 metre-tall monopole and associated infrastructure in the road reserve near the corner of Kalang Road and St Andrews Gate, Elanora Heights.

Council acknowledges that under current legislation the proposal is not subject to Council approval. However, Council maintains that a development application should be lodged for the proposal given its excessive height and its location in close proximity to residential dwellings.

Council strongly objects to the proposal on the grounds that the design and location of the monopole is inconsistent with the principles set out in the NSW Telecommunications Facilities Guidelines (2010).

Principle 1: A telecommunications facility is to be designed and sited to minimise visual impact.
At 25.5m high, the proposed pole could not be said to minimise visual impact in any way. The proposed pole would be approximately 15m higher than any other structure in the vicinity. It is not possible to mitigate the visual impact of the structure. Therefore the structure would become the dominant structure in the visual catchment. There are few buildings in the entire local government area that will compare to the height of the proposed poles.

The visual impact of the proposed pole is compounded by its location in close proximity to residential dwellings. This will have a significant impact on the amenity of the existing residents.

Principle 2: Telecommunications facilities should be co-located wherever practical.
The proposed pole is a new standalone monopole. While it is apparent that efforts have been made by Ausgrid to examine alternatives, greater evidence should be provided to demonstrate why alternative smaller or co-located facilities could not be used.

Further to the above, Council is concerned that, if these pole is erected, numerous carriers will want to co-locate on the new infrastructure, leading to a bulkier and more cluttered pole.

A number of local residents have also written to Council expressing deep concerns about the proposal due to the excessive height and scale and inappropriate location. I have attached these objection letters for your review.

Should you wish to discuss this matter further, please contact Sarah Sheehan on sarah_sheehan@pittwater.nsw.gov.au or 9970 1154.

Yours sincerely

Mark Ferguson
General Manager

20 December 2011

Jacqueline Crompton
Wimax Community Relations Manager
Ausgrid
570 George Street
SYDNEY NSW 2000

Dear Jacqueline

Re: Proposed Smart Grid communications facility at Mona Vale

Thankyou for notifying Council of your intention to install a 25.5 metre tall monopole and associated infrastructure in the road reserve near the corner of Mona Vale Road and Foley Street, Mona Vale.

Council acknowledges that under current legislation the proposal is not subject to Council approval. However, Council maintains that a development application should be lodged for the proposal given its excessive height and its location in close proximity to residential dwellings.

Council strongly objects to the proposal on the grounds that the design and location of the monopole is inconsistent with the principles set out in the NSW Telecommunications Facilities Guidelines (2010).

Principle 1: A telecommunications facility is to be designed and sited to minimise visual impact.

At 25.5m high, the proposed pole could not be said to minimise visual impact in any way. The proposed pole would be approximately 15m higher than any other structure in the vicinity. It is not possible to mitigate the visual impact of the structure. Therefore the structure would become the dominant structure in the visual catchment. There are few buildings in the entire local government area that will compare to the height of the proposed poles.

The visual impact of the proposed pole is compounded by its location in close proximity to residential dwellings. This will have a significant impact on the amenity of the existing residents.

Principle 2: Telecommunications facilities should be co-located wherever practical.

The proposed pole is a new standalone monopole. While it is apparent that efforts have been made by Ausgrid to examine alternatives, greater evidence should be provided to demonstrate why alternative smaller or co-located facilities could not be used.

Further to the above, Council is concerned that, if these pole is erected, numerous carriers will want to co-locate on the new infrastructure, leading to a bulkier and more cluttered pole.

A number of local residents have also written to Council expressing deep concerns about the proposal due to the excessive height and scale and inappropriate location. I have attached these objection letters for your review.

Should you wish to discuss this matter further, please contact Sarah Sheehan on sarah_sheehan@pittwater.nsw.gov.au or 9970 1154.

Yours sincerely

Mark Ferguson
General Manager

C11.10	Proposed Re-zoning and Re-classification of Land at Kitchener Park - Owner's Consent to Lodge Planning Proposal
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Meeting: Planning an Integrated Built Environment Committee

Date: 19 December 2011

STRATEGY: Recreational Management

ACTION: Provide planning, design, investigation and management of recreation facilities

PURPOSE OF REPORT

To seek Owner's Consent to submit a Planning Proposal (re-zoning and re-classification) of certain land at Kitchener Park to provide funding with which to undertake Community Benefit Improvement Works identified in the adopted Plan of Management

1.0 BACKGROUND

- The purpose of this report is for Council to formally consider granting Owner's Consent to the submission of a Planning Proposal (re-zoning and re-classification application) to formally re-zone and re-classify certain land owned by Council in order to realise its value and contribute funding towards the development of Community Benefit Improvements.
- The subject land comprises part of Kitchener Park, Mona Vale, an under-utilised area of Open Space that is currently classified as "Community Land" under the provisions of the Local Government Act. It is proposed to re-zone this land, by way of an amending Local Environmental Plan, to permit appropriate residential (multi-unit housing) development, consistent with the adjoining residential land uses and to re-classify the land as "Operational Land" to permit its future divestment.
- Currently, the subject site cannot be divested. It must first be re-classified as "operational" land (and ideally, re-zoned to maximise its value in the market and reduce risk) and discharge any trusts by way of an amending Local Environmental Plan.
- This report seeks Council's agreement to grant Owner's Consent to lodge the statutory re-zoning and re-classification process as described by the Gateway Determination procedures adopted by the NSW Department of Planning & Infrastructure under Section 56 of the Environmental Planning & Assessment Act.

2.0 ISSUES

2.1 Kitchener Park Plan of Management

Council adopted the Kitchener Park Plan of Management in September, 2009. The Plan of Management confirms Council's commitment that any funds derived from the divestment of this land will be used to embellish Kitchener Park. Council resolved to adopt the Plan of Management – the Plan noted that an additional source of funding for these identified works "will be explored through the potential sale of these parcels..."

The funds will be tied to a specific purpose, being those works described in the Plan of Management (and undertaken in priority order, as funds permit), primarily the Skate Park and associated works. Funding from the rezoning will enable Council to achieve a number of tangible and intangible benefits, including:

Tangible Benefits

- The skate park is a physical asset that provides the infrastructure to support a range of skate/BMX activities at multiple levels of experience from beginner through to elite/national level competition and demonstration events
- The youth drop-in centre/retail outlet is also a physical asset that provides an interactive meeting place for youth, a centralised location to conduct events, as well as a retail facility, the proceeds from which can in part be used to support the ongoing activities and maintenance of the facility.

Intangible Benefits

The facility provides a raft of intangible benefits ranging from:

- Youth interaction, engagement and networking
- Counselling and mentoring
- Healthy bodies and minds through participation in structured and free form sport activities
- Combat child and youth obesity through activities that youth closely relate to and enjoy
- Improved well-being and intervention through role models (focus on youth depression - suicide)
- Reduce shopping centre and streetscape vandalism and other anti-social behaviours and the costs involved
- Role models, mentoring & peer support to help develop responsible citizens of the future
- Community integration and recognition of skill sets of youth
- Provide career and lifestyle opportunities for the future through increased recognition of these forms of sport and leisure activities.
- Will likely become a tourist attractor given its unique attributes and elite competition capabilities
- Financial – reduced damage, flow on retail and social support service opportunities

The total financial value of the above community benefits are listed below:

Upgrade Kitchener Park parking area utilised by both transit public and sports field recreation attendees including expansion of area as per Plan of Management and upgrade of entryways and ancillary landscaping	\$1,381,100
Upgrade of local cricket nets and facilities generally (nets, associated picnic area, shelters, bbqs	\$230,000
Construction of regional skate facility and improvements to Kitchener Park as outlined in the adopted Plan of Management	\$2.3-\$2.5m
Creekline rehabilitation – water quality to beach from residential housing	\$275,000- \$1m

The Plan of Management identifies the potential divestment of this Council-owned land adjoining Kitchener Park that could provide funding for the embellishment of Kitchener Park in accordance with the Plan.

Council has been consulting widely with the community as part of the development of the 2012-2016 Social Plan. These consultations have continued to identify a strong need to provide positive recreational precincts for your people. A lack of recreational opportunities for young people has been consistently identified in Council's Social Plans since 1999 and in many Youth Fora since then.

The proposed Youth Precinct/Skate Park at Kitchener Park provides an opportunity to assist in addressing this need for young people in Pittwater. A Skate Park and associated facilities has been widely supported by the community at public meetings and in public submissions on the Plan of Management. Further, one of Councils' strategies to meet the recreational needs of young people is to create Youth Precincts centred on skate parks at Avalon and Mona Vale (reference Pittwater Council Management Plan 2008-12). Upgrading the existing Youth Precinct / Skate Park is a high priority under the Plan of Management – the investigation into the potential disposal of Lots 2 and 3 is also identified as a high priority.

The Youth Precinct/ Skate Park will occupy the site of the existing skating facility (part of which has been closed to ensure public safety). It should be noted that this site represents the most appropriate site for such a facility, being removed from adjoining residential development, being in close proximity to public transport and having the additional benefit of being located directly across Pittwater Road from Mona Vale Police Station.

Kitchener Park is highly valued by the community for its wide variety of passive and active recreational activities. However, almost all recreational facilities in Kitchener Park require upgrading due to their age and condition. Council's capacity to undertake all of the works identified in the Plan of Management to ensure the ongoing functioning of Kitchener Park as a regional sporting and recreational facility is limited and requires additional funding to supplement Council's resources.

The Plan of Management identified the re-zoning (and re-classification) of certain under-utilised lands as a viable funding source. This funding stream becomes imperative in view of the unsuccessful applications (two) to the Federal Government for grant monies. An Expression of Interest has recently been lodged for grant funding – at this time, the outcome is not known.

The subject lands are described as:

Land	Zoning	Classification	Proposed Zoning	Proposed Classification
Lot 2, DP 110299	9(a) Reservation – Open Space (deemed 6(a) Existing Recreation)	Community	Zoning to permit medium density housing	Operational
Lot 3, DP 251053	6(a) Existing Recreation	Community	Zoning to permit medium density housing	Operational

2.2 Classification

Section 25 of the Local Government Act, 1993 requires that all public land must be classified as either "Community" or "Operational" land within the meaning of the Act.

The subject site is classified as “Community” land – Council does not have the ability to “deal” (ie exchange, transfer or divest) this land until it is re-classified as “Operational” land. The re-classification of “Community” land to “Operational” land can be achieved by means of an amending Local Environmental Plan (that is, a “Spot Re-zoning” under Section 27 of the Local Government Act). A Local Environmental Plan that re-classifies “Community” land to “Operational” land may make provision that these lands cease to be public reserves and that they are also discharged from any trusts, dedications, restrictions and covenants affecting that land. Lot 3 Kitchener Park is subject to a Declaration of Trust held by the Department of Planning & Infrastructure – negotiations with the Department have confirmed the Department’s commitment to release this parcel from the Trust. The Local Environmental Plan for re-zoning can include a provision to discharge a trust. This provision requires the approval of the Governor.

2.3 Process

In order to realise the financial benefits deriving from the future divestment of this land, certain resolutions are required from Council, namely to grant Owner’s Consent for the lodgement of a Planning Proposal to re-zone and re-classify this land. The Planning Proposal is to be separately tabled.

In order for Council to divest this land, it must firstly re-classify the subject site as “Operational” land so as to enable Council to “deal” with it (and to also effect a discharge of the trust over Lot 3 Kitchener Park) and to re-zone the land.

Section 30 of the Local Government Act provides that the making of such a Local Environmental Plan would have the effect that the land ceases to be public reserve and by the operation of the Plan, would be discharged from the trust affecting Lot 3 Kitchener Park, provided that the Plan specifically contains such a provision and the Governor has approved of the provision, prior to the making of the Plan. The Department of Planning & Infrastructure has indicated its commitment to support the embellishment of Kitchener Park by agreeing to extinguish the Declaration of Trust. Correspondence from the Department to confirm its position is soon anticipated.

The re-classification process requires (under Section 29 of the Local Government Act) that a public hearing is arranged in respect of the Planning Proposal. The public hearing must be chaired by an independent person and provides for community input to the re-classifications.

2.4 Standard Template LEP

Council considered a report on the Standard Template LEP on 17 October, 2011 whereby the process and timing for preparing the new Local Environmental Plan (LEP) was outlined. The recommendations made to Council in respect of this matter included provision for individual Planning Proposals (to amend the current LEP) to be made only under exceptional circumstances, such as proposals which demonstrate public benefit. In view of Councils’ previous decisions in respect of the Plan of Management for Kitchener Park, which centrally revolves about embellishing regionally significant public open space (Kitchener Park), then it is clearly demonstrated that the test of public benefit is met and that a Planning Proposal to amend the LEP should be supported.

The proposals to re-classify and re-zone this land to realise its value and thereby provide significant Community Benefit Improvements to the regionally significant Kitchener Park satisfies the exceptional circumstances for the making of Planning Proposals to amend the current LEP.

In order to deliver on public commitments to provide Community Benefit Improvements to Kitchener Park, re-zoning and re-classification of this surplus asset is a pre-requisite to future divestment. Accordingly, it is recommended that Council grants Owner's Consent to the submission of a Planning Proposal (to re-zone and re-classify the subject land) to facilitate this process.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

There is considerable positive public benefit from the conversion of an under-performing, under-utilised asset to an asset which will serve the broader community very well into the future. The broad range of Public Benefit Improvements can only be delivered by the divestment of this under-utilised asset – alternative funding streams have not been identified and the adopted Community Benefit Improvements will be delayed (and possibly deferred) without realising the value of these surplus parcels.

3.2 Valuing & Caring for our Natural Environment (Environmental)

The Planning Proposal has assessed potential impacts on the natural environment arising from the re-zoning of the land. The Planning Proposal confirms that natural environmental effects (at the rezoning stage) are not significant and that any mitigation of effects can be addressed at the Development Application stage.

3.3 Enhancing our Working & Learning (Economic)

Adopting the Planning Proposal to re-zone this surplus site will realise economic benefits that are otherwise dormant – the land has little utility value (the Plan of Management identified the land as being surplus to needs) and future divestment provides the only identifiable and available funding stream to deliver on the commitments contained within the Plans of Management for Community Benefit Improvements.

3.4 Leading an Effective & Collaborative Council (Governance)

The submission of a Planning Proposal to the NSW Department of Planning & Infrastructure is prescribed under the Environmental Planning & Assessment Act. The Planning Proposal has been prepared in accordance with legislative requirements and relevant procedural guidelines, such as Practice Notes issued by the Department.

3.5 Integrating our Built Environment (Infrastructure)

The Planning Proposal will allow Council to further enhance its public infrastructure works into the future and will provide significant infrastructure and public domain embellishments to the broader community.

4.0 EXECUTIVE SUMMARY

4.1 Proposed re-zoning and re-classification of certain land at Kitchener Park to provide funding with which to undertake community benefit works that are contained in the adopted Plan of Management.

4.2 The purpose of this report is for Council to formally grant Owner's Consent to the submission of a Planning Proposal (re-zoning and re-classification) to formally re-zone and re-classify certain land owned by Council to realise its value and contribute funding towards the development of community benefit improvements/works.

RECOMMENDATION

1. That Council grants Owner's Consent to the submission of the Kitchener Park Planning Proposal.
2. That Council delegates authority to the General Manager to execute all documentation, and make all applications required under this process
3. That Council notes the statutory process to be adopted for the re-zoning and re-classification, including the provision for a public hearing.
4. That all proceeds from any land sales within Kitchener Park be expended on Kitchener Park or Village Park improvements.

Report prepared by
Glenn Davis – Principal Officer Property

Paul Reid
MANAGER – CORPORATE STRATEGY & COMMERCIAL

C11.11 Elanora Heights Masterplan

Meeting: Planning an Integrated Built Environment
 Committee

Date: 19 December 2011

STRATEGY: **Town & Village Strategy**

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

PURPOSE OF REPORT

The purpose of this report is to provide a brief overview of the Elanora Heights Masterplan process to date, outline the revised strategy and timeline going forward and seek Council's endorsement of the Masterplan Options Report (**see tabled document**) for public exhibition.

1.0 BACKGROUND

1.1 On 15 August 2011 Council resolved the following:

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

1.2 In accordance with the above resolution of Council, Council staff sought expressions of interest from appropriate consultant firms to undertake the preparation of the Elanora Heights Village Centre Masterplan. After careful consideration of submissions, Council staff engaged GM Urban Design & Architecture Pty Ltd (GMU) as the consultant.

1.3 A project management group (PMG) was created to guide the masterplan process. The PMG includes a variety of staff across Council's Business Units to guide the process by providing technical advice.

1.4 After a project inception meeting and a site visit with the PMG, GMU first analysed the area and developed design principles that would be used for a community workshop with the local community and stakeholders. The community workshop was held on 12 October at the Elanora Heights Community Centre and was attended by 91 community members.

The exercises conducted on the night included testing and discussing a vision for the village centre as well as a set of ideas/strategies relating to uses, built form and landscape & public domain. In accordance with the project brief, GMU provided a report to the PMG covering the findings of the charrette in October 2011.

- 1.5 Further to the consultation undertaken at the community, Council staff spent a Saturday morning at the Elanora Heights Village Centre interviewing individuals from the community. In addition, an online survey was made available on Council's webpage for the public to make initial submissions.
- 1.6 Following on from the community input collected, GMU prepared preliminary draft concepts and, in conjunction with the PMG, developed two design options for the Elanora Heights Village Centre.

2.0 ISSUES

Given the substantial public interest in the masterplan project, the introduction of a Masterplan Options Report (**see tabled document**) is proposed to go on public exhibition to allow for further public participation at the design stage. This will help guide the preparation of the Masterplan to be reported back to Council in the new year.

It is proposed that following public exhibition and consideration of submissions, a final public domain landscape masterplan will be reported back to Council in March 2012 for adoption. The report will also include the preferred private domain masterplan and proposed Pittwater 21 DCP amendments to allow an updated built form in Elanora Heights Village Centre. The private domain masterplan and Pittwater 21 DCP controls will be subject to a final period of exhibition to allow for appropriate community input.

2.1 Time frame

The proposed time frame includes the following key components:

- Report to Council to endorse the Masterplan Options Report for public exhibition – December 2011
- Exhibition period (Masterplan Options Report) – December 2011 to February 2012 (49 days)
- Evaluation of community response – February 2012
- Preparation of Masterplan and revise the Landscape Public Domain Strategy – February/March 2012
- Report to Council to endorse the Masterplan for public exhibition and adopt the Landscape Public Domain Strategy – March 2012
- Exhibition period (Private Domain and recommended Pittwater 21 DCP amendments) – March 2012 to April 2012 (28 days)
- Evaluation of community response – April/May 2012
- Preparation of final Masterplan – April/May 2012
- Report to Council to adopt the Masterplan – May 2012

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

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

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

3.2 Valuing & Caring for our Natural Environment (Environmental)

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

3.3 Enhancing our Working & Learning (Economic)

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

3.4 Leading an Effective & Collaborative Council (Governance)

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

3.5 Integrating our Built Environment (Infrastructure)

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

4.0 EXECUTIVE SUMMARY

- 4.1 Council adopted the brief for the Elanora Heights Masterplan on 15 August 2011 after which Council staff engaged GM Urban Design & Architecture Pty Ltd (GMU) as the consultant.
- 4.2 GMU and Council staff conducted a community workshop on 12 October 2011 at the Elanora Heights Community Centre that was attended by 91 community members.
- 4.3 Using community input and consultation with the PMG, a Masterplan Options Report has been prepared by GMU for Council endorsement for public exhibition to allow for further public consultation.
- 4.4 A revision of the time frame for the masterplan project was necessary to allow for the increased public consultation.

RECOMMENDATION

1. That Council note the contents of the above report in relation to the master planning process and project timeline including 49 day exhibition period.
2. That Council endorse the Masterplan Options Report for public exhibition.

Report prepared by
Andreas Olsen, Strategic Planner.

Lindsay Dyce
MANAGER, PLANNING AND ASSESSMENT

C11.12	Minutes of the Pittwater Traffic Committee Meeting held on 29 November 2011
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Meeting: Planning an Integrated Built Environment Committee

Date: 19 December 2011

STRATEGY: Traffic and Transport

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

PURPOSE OF REPORT

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

1.0 BACKGROUND

- 1.1 The Traffic Committee recommendations for the Traffic Committee of 29 November 2011 (see **Attachment 1**) are referred to Council for consideration. In accordance with the delegation of the Roads and Maritime Services (replacing 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 4.3: Beaconsfield Street, Newport - Installation of 'Bus Zone'

Proposed 'Bus Zone' to improve safety and bus stop accessibility in response to request from the State Transit Authority.

2.2 Item 4.6: Hudson Parade, Clareville - 'No Parking' Restrictions (Reconsideration)

Item deferred by Council for further consideration by the Traffic Committee following additional submissions (Public Addresses) received at Council Meeting of 19 September 2011. The extent of the proposal and recommendation by the Traffic Committee is reduced.

2.3 Item 4.7: McCarrs Creek Road, Church Point - Proposed Changes to Parking Restrictions (Reconsideration)

Item deferred by Council for further consideration by the Traffic Committee following additional submissions (Public Addresses) received at Council Meeting of 19 September 2011. Proposed changes to parking restrictions to improve car parking accessibility in the evening for Church Point Permit holders in response to request from the offshore community. The Traffic Committee recommendation is unchanged.

2.4 Item 4.10: Elanora Road, Elanora Heights - Proposed Changes to Parking Restrictions

Changes to proposal adopted at Council Meeting of 18 July 2011 following request by local businesses. Proposed changes to parking restrictions to improve parking usage for local businesses, Day Care, and Elanora Heights Public School were agreed to by all parties.

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 29 November 2011 for Council's consideration.

RECOMMENDATION

That the Traffic Committee recommendations contained in the Minutes of the Meeting of 29 November 2011 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, Mona Vale Customer Service Centre, Village Park, Level 1, 1 Park Street, Mona Vale on

29 November 2011

Commencing at 1:10pm for the purpose of considering the items included on the Agenda.

Mark Shaw
MANAGER, URBAN INFRASTRUCTURE



Attendance:**Voting Members of the Committee are invited to attend, namely:**

Chairperson, Cr Julie Hegarty

Member for Pittwater, Ms Jill Dubois (excluding Development Matters)

Road and Maritime Services – Mr John Begley

Traffic NSW Northern Beaches – Sgt Matthew Thompson

And Non Voting Representatives from Bus Providers including State Transit Authority

State Transit Authority – Mr Wade Mitford

Council Staff:

Manager, Urban Infrastructure, Mark Shaw

Principal Engineer, Strategy Investigation and Design, Paul Davies

Civil Design & Traffic Engineer, Ricky Kwok

Administration Officer / Minute Secretary, Sherryn McPherson

All Pittwater Council's Agenda and Minutes are available on Pittwater's website at
www.pittwater.nsw.gov.au

Pittwater Traffic Committee Meeting

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1.0 Apologies

1. Apologies were received from:
Forest Coaches
2. The Traffic Committee Members accepted the apologies.

2.0 Declarations of Pecuniary Interest - Nil

3.0 Confirmation of Minutes

That the Minutes of the Traffic Committee Meeting held on 22 September 2011, be confirmed as a true and accurate record of that meeting.

(Mr John Begley / Ms Jill Dubois)

4.0 Committee Business

TC4.1 Warraba Road, North Narrabeen - 'No Stopping' Restrictions

COMMITTEE RECOMMENDATION

That the Traffic Committee supports the request to change the existing 'No Parking' restrictions on either side of the driveway of No.2 Warraba Road to 'No Stopping'.

(Mr John Begley / Ms Jill Dubois)

TC4.2 Robertson Road, Newport - Proposed Parking Restrictions**COMMITTEE RECOMMENDATION**

That the Traffic Committee supports the request from the Pittwater Presbyterian Kirk for 'No Parking Wedding or Funeral Vehicles Excepted' restrictions be provided from the existing double separation lines (outside the Kirk in Robertson Road) eastwards for a length of 10 metres.

(Cr Hegarty / Sgt Matthew Thompson)

TC4.3 Beaconsfield Street, Newport - Installation of 'Bus Zone'**COMMITTEE RECOMMENDATION**

That the Traffic Committee supports the request from the State Transit Authority to improve accessibility for the existing bus stop on the southern side of Beaconsfield Street, for the installation of a 'Bus Zone' east of driveway No.77 to west of driveway No.73

(Sgt Matthew Thompson / Mr John Begley)

TC4.4 Gondola Road, North Narrabeen - Parking Restrictions near Post Box**COMMITTEE RECOMMENDATION**

1. That the Traffic Committee supports the request from Australia Post for the 'No Parking Aust Post Vehicles Excepted 6pm - 8pm' restrictions to be implemented (in the first available parking space west of Pittwater Road) within the existing 1 hour parking area directly outside the local businesses in Gondola Road.
2. That Council supports relocation of the existing Post Box to a location close to the parking space provided.

(Mr John Begley / Ms Jill Dubois)

TC4.5	Warriewood Beach Access Road, Warriewood - Provision of 'Give Way' sign
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COMMITTEE RECOMMENDATION

That the Traffic Committee ***not support*** the installation of a 'Give Way' sign and holding line (installed approximately 13 metres from the start of the double separation closest to Narrabeen Park Parade at the acute curve) in the Warriewood Beach access road as requested by the Warriewood SLSC.

(Cr Hegarty / Sgt Matthew Thompson)

TC4.6	Hudson Parade, Clareville - 'No Parking' Restrictions
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COMMITTEE RECOMMENDATION

That the Traffic Committee supports the request from the residents for implementation of 'No Parking' restrictions west of No.139 (existing double separation lines) to east of driveway No.153 on the southern side of Hudson Parade.

(Cr Hegarty / Ms Jill Dubois)

TC4.7	McCarrs Creek Road, Church Point - Proposed Changes to Parking Restrictions
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Proceedings in Brief

Mr Michael Weiner and Mr Bill Gye addressed the meeting speaking against this item.

COMMITTEE RECOMMENDATION

1. That the Traffic Committee supports changes to parking restrictions along the section of McCarrs Creek Road covered by the Church Point Master Plan, from Cargo Wharf to the driveway to HolmePort Marina, to the following:
 - '4P 6am - 6pm Everyday Church Point Permit Holders Excepted' and
 - 'No Parking 6pm - 6am Everyday Church Point Permit Holders Excepted'.
2. That the existing parking restrictions on the rest of the area remains unchanged.
3. That the Committee notes ongoing community concerns in regards to the impact on parking in adjacent streets following changes to parking in the Church Point Reserve precinct and recommends any future changes to parking in the Church Point Reserve precinct be subject to public consultation and also consider adjacent local streets.

(Mr John Begley / Ms Jill Dubois)

TC4.8	Jacksons Road, Warriewood - 1 Hour Parking Restrictions
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COMMITTEE RECOMMENDATION

That the Traffic Committee supports the request by the Centro Management of Warriewood Square Shopping Centre for the provision of 1-hour parking (8.30am-6pm every day) on the northern side of Jacksons Road fronting the Shopping Centre.

(Mr John Begley / Sgt Matthew Thompson)

TC4.9	Crystal Street, Newport - 'No Parking' Restrictions
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COMMITTEE RECOMMENDATION

That the Traffic Committee supports the residents' request for 'No Stopping' restrictions to be implemented on the eastern side of Crystal Street, south of the entrance to the Crystal Bay Car Park.

(Sgt Matthew Thompson / Ms Jill Dubois)

TC4.10	Elanora Road, Elanora Heights - Proposed Changes to Parking Restrictions
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COMMITTEE RECOMMENDATION

That the Traffic Committee supports changes to the existing 90° angle parking on Elanora Road, as requested by the local community and shown on Council Plan 15-TC-2011.

1. Provide seven 30 minute parking spaces (7.30-10am and 2.30-6pm for school days), which revert to two hour parking (8.30am-6pm Mon-Fri and 8.30am-12.30pm Sat) on non-school days.
2. Provide six 3-hour parking spaces (8.30am-6pm Mon-Fri and 8.30am-12.30pm Sat).

(Ms Jill Dubois / Cr Hegarty)

5.0 General Business

Mona Vale Bus Interchange – Barrenjoey Road.

Action: Road and Maritime Services (RMS) Representative advised that RMS is seeking a letter from the State Transit Authority confirming they would be prepared to move the bus stop and re route bus services to suit. If this proceeds, it will have financial impact on Council in provisions of shelter, sheds etc., and adjustments to road infrastructure.

Avalon Parade, Avalon – Council raised the option as requested by resident to narrow the street and eliminate on street parking (at crest on curve near No 147 – 151).

Action – Council to investigate and prepare a report to be considered at the next Traffic Committee Meeting. This will be a future Agenda item.

Powderworks Road, Elanora Heights - Council raised the possibility of re routing the Bus Service out of the Elanora Heights Shopping Centre as suggested by Consultants preparing Masterplan.

Action: The State Transit Authority currently do not support the proposal and will require additional information before they would be able to further consider the relocation.

Ponderosa Parade, Warriewood – Council raised the issue of confusion by some drivers as to how to proceed through the heavy vehicle turning facility.

Action: The Committee supported the proposal to change the signage so the facility becomes a round-a-bout. This will not be a future Agenda Item.

Woorak Road, Palm Beach – Council raised a request from RMS for changes to proposed signage to allow approval of road closure as approved by Council in the Masterplan for Woorack Reserve.

Action: Council to provide RMS with amended signage plan showing 'No Through Road'. Signs to be provided.

6.0 Next Meeting

The next meeting of Traffic Committee is scheduled to be held on 14 February 2012 in the Conference Room, Level 3, 5 Vuko Place Warriewood commencing at 1.00pm.

**THERE BEING NO FURTHER BUSINESS
THE MEETING CONCLUDED AT 2.47PM ON
TUESDAY 29 NOVEMBER 2011**

C11.13	Minutes of the Planning an Integrated Built Environment Reference Group Meeting held on 16 November 2011
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Meeting: Planning an Integrated Built Environment Committee

Date: 19 December 2011

STRATEGY: Business Management

ACTION: Maintain and Service Council's Range of Committees

PURPOSE OF REPORT

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

1.0 BACKGROUND

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

2.0 ISSUES

- 2.1 **PIBE4.1 – Warriewood Valley Strategic Review**
- 2.2 **PIBE4.2 – Elanora Village Masterplan Update**
- 2.3 **PIBE4.3 – Findings of Council's Audit on Centres and Industrial Areas**
- 2.4 **PIBE4.4 – Sustainability Principles and Checklist Marketing Program and Content Update**
- 2.5 **PIBE4.5 – PIBE Reference Group Future Discussion Topics**
- That **Energy Efficiency** and **Asset Management** be the next discussion issues

3.0 SUSTAINABILITY ASSESSMENT

This report does not require a sustainability assessment.

4.0 EXECUTIVE SUMMARY

- 4.1 To present to Council the outcome of discussion papers on Strategic issues and to present Reference Points of the Planning an Integrated Built Environment Reference Group contained in the minutes of the meeting of 16 November 2011.

RECOMMENDATION

That the Minutes of the Planning an Integrated Built Environment Reference Group meeting of 16 November 2011 be noted.

Report prepared by

Steve Evans

DIRECTOR, ENVIRONMENTAL PLANNING & COMMUNITY

Minutes

Planning an Integrated Built Environment Reference Group

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

16 November 2011

Commencing at 4:08pm



Attendance:**Members of the Committee:**

Cr Bob Dunbar, Chairperson

Community Group Representatives:

Avalon Preservation Association, Mr Peter Mayman
Bayview – Church Point Residents Association, Mr Steve Richmond
Clareville and Bilgola Plateau Residents Association, Mr Ray Mills
Climate Action Pittwater, Mrs Linda Haefeli
Friends of Narrabeen Lagoon Catchment Committee, Ms Jacqui Marlow
Ingleside Residents Landcare Group Inc., Mr David Palmer
Newport Residents Association, Ms Selena Webber
Newport Residents Association, Ms Susan Young
Newport Residents Association, Mr Richard Links
Palm Beach & Whale Beach Association, Merinda Rose
Pittwater Resident Representative, Mr James Owen
Pittwater Resident Representative, Natasha Connelly
Scotland Island Residents Association, Mr Greg Roberts

Council Advisors:

Mr Lindsay Dyce, Planning and Assessment
Mr Andrew Pigott, Principal Strategic Planner
Ms Tiji Stagni, Assistant Planner Land Release
Mr Andreas Olsen, Strategic Planner
Ms Jane Mulroney, Community Engagement Officer – Corporate Strategy
Ms Sherryn McPherson, Administration Officer/Minute Secretary

All Pittwater Council's Agenda and Minutes are available on Pittwater's website at
www.pittwater.nsw.gov.au

Planning an Integrated Built Environment Committee Meeting

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

1.0 Apologies

1. Apologies were received from

Mr Geoff Sheppard, Clareville and Bilgola Plateau Residents Association
Ms Joy Nielsen - Purvis, West Pittwater Community Association
Ms Julia Alston, Pittwater Resident Representative
Ms Selena Griffith, Pittwater Resident Representative,

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

2. The Reference Group members accepted the apologies.
-

2.0 Declarations of Pecuniary Interest - Nil

3.0 Confirmation of Minutes

REFERENCE GROUP RECOMMENDATION

That the Minutes of the Planning an Integrated Built Environment Reference Group Meeting held on 17 August 2011 be confirmed as a true and accurate record of that meeting.

(Mr Ray Mills / Mr David Palmer)

4.0 Discussion Topics

PIBE4.1 Warriewood Valley Strategic Review

Proceedings in Brief

Ms Tija Stagni, Assistant Planner Land Release addressed the meeting on this Item.

Matters Arising from the Discussion:-

Q: Has sustainability principles been built into the Warriewood Strategic Plan?

A: Yes, sustainability principles have been built into the process. Landuse capabilities have been addressed prior to the review which include items such as environmental, social (infrastructure and services), economic (economic feasibility), demographic, vegetation and flooding have all been included as part of the review process.

There is an Urban design study that will outline the urban design density that is feasible.

Q: How can Council influence the technical design of those developing land in the Warriewood Valley?

A: Council will have the opportunity to address technical design issues once a Development Application has been submitted. Reasonable expectations on the land are set within the Controls of the DCP and it is then up to the developer to build within the Council Controls.

Q: Have they included specific housing for aged care in the Warriewood Valley?

A: There is a variation of housing to be developed in the area in order to suit the various needs of the community. There is currently 2 retirement villages built in Warriewood Valley and there is a further adaptable housing requirement for the area but is not currently included in the developers plans. Additional cycleways have been included in the planning for Warriewood Valley to accommodate for electronic scooters used by elderly residents.

Q: Will open space e.g. Sporting Grounds, be compromised due to the development?

A: The review will insure that sufficient open space and sporting grounds based on population will be retained.

Q: Referring to page 10 of the Agenda regarding undeveloped land within the Ingleside area, does Council monitor the site orientation on blocks?

A: Ingleside is being investigated for future potential however there are a large number of constraints in the area, for example height and sensitivity, bush fire, sustainability and economic issues.

Q: Why don't we pay attention to block orientation? Are we going to let developers make these choices or can Council enforce this.

A: There are various constraints in the area which include existing roads and creek corridors. Streets are oriented in a North West and South East orientation and this has happened as a result from the existing street and creek network. Sectors are shallow and dwellings that have been constructed to suit the existing orientation have worked well. Orientation is one of the sustainability criteria that needs to be considered as part of the green field development. The lay of the land and existing road network needs to be considered.

Q: What development is left to go into Warriewood Valley specifically adaptability and strengthening sustainability?

A: That is still yet to be decided from the review.

Q: Can we alter the DCP for new housing developments and provide the community with the opportunity to consider the option to build a secondary dwelling?

A: Planning will consider the idea to encourage houses to be adaptable for secondary dwellings. This puts additional pressure onto Council and would eventuate in Council implementing specific and strict requirements on dwellings resulting in fewer options for the community to design their own houses. However, Council are unlikely to mandate this as a requirement having regard for the associated additional building costs and potentially unwanted restrictions placed on “Mum and Dad” home builders.

Q: Is the Pittwater DCP Controls successful when appeals are made and presented at the Land and Environment Court?

A: Council DCP controls are consistently applied and are successfully used in defending appeals.

Q: Does a secondary dwelling get counted as an extra dwelling to help Pittwater achieve State Government housing targets?

A: Yes the secondary dwelling is counted.

Q: Are gardens required for the secondary dwelling?

A: Yes, gardens are a requirement.

Q: What is the current status for green star mechanism for the community? e.g. is there something similar to the State Government program which provides a specific criterion when developing / building new dwellings and what is the economic viability in terms of business, workspace, and supermarkets?

A: Green star communities is still under preparation and hasn't been released yet.

REFERENCE GROUP RECOMMENDATION

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

(Mr Peter Mayman / Mr Steve Richmond)

PIBE4.2 Elanora Village Masterplan Update

Proceedings in Brief

Mr Andrew Pigott, Principal Planning Officer (Strategic) addressed the meeting on this Item.

Council and appointed consultants GMU (Urban Design Consultants) are in the process of preparing a Draft Masterplan for Elanora Heights. A meeting has been scheduled on 17 November 2011 with consultants and Project Control Group (PCG) to discuss the Draft Masterplan and assess progress.

The document is scheduled to be reviewed by Council at the meeting in December and then the document will go onto public exhibition to seek comment from the community.

Matters Arising from the Discussion:

Q: Is there a blog available for the Community to comment on the Masterplan and provide feedback?

A: Yes our website contains provisions for the community to provide feedback.

Q: Will a Council Staff member liaise with the consultants in regards to Traffic Control?

A: Yes, Paul Davies - Principal Engineer, Strategy Investigation and Design will actively participate in the Traffic Control Program.

Q: How did Council choose the Consultants to develop the Masterplan?

A: Council recently reviewed its Procurement Policy which outlines a specific criteria and tender process when choosing consultants. A brief was sent out to various consultants and we have received responses from 5/6 which were extensively reviewed. The consultant chosen was based on which company will provide the best outcome for Council and the Community.

REFERENCE GROUP RECOMMENDATION

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

(Mrs Linda Haefeli / Ms Jacqui Marlow)

PIBE4.3 Findings of Council's Audit on Centres and Industrial Areas

Proceedings in Brief

Mr Andreas Olsen, Strategic Planner addressed the meeting on this Item.

Matters Arising from the Discussion:

Q: What is the Council comparing this data to?

A: Pittwater Council has not performed an Audit on Centres and Industrial areas before and this is the first snapshot available. If we were to perform this audit annually the data would be able to be used to identify trends etc.

Q: Shop Top Housing has increased significantly in the area over the last 10 years especially in the Avalon area, is this creating more vacancy?

A: Vacancy is not reflected in the numbers provided. Very few retail shop fronts are vacant in Avalon but more so relating to business sections. Retail in Avalon at this point has high levels of occupancy.

Q: What will the Council do with this information?

A: The Council will take this information into consideration when reviewing the Land Environment Plans (LEP) and ensure we do not rezone land and permanently affect what is already established and successful in the area. This could cause developments to over compete and accidentally eliminate businesses which are well established and successful. E.g. Auto repair businesses.

Q: What about land including waterways? e.g. Boatsheds

A: Council has not undertaken an audit of commercial areas outside the centres at this point.

REFERENCE GROUP RECOMMENDATION

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

(Ms Selena Webber / Ms Susan Young)

PIBE4.4 Sustainability Principles and Checklist' Marketing program and content Update

Proceedings in Brief

Mr Greg Roberts, PIBE Reference Group Member addressed the meeting on this Item and handed out a draft marketing document titled "Sustainable Building Checklist" – Pittwater Sustainability Principles for Residential Design and draft article.

A workshop will be organised to seek additional feedback from reference group members prior to the document being published and distributed to the public.

Matters Arising from the Discussion:

The primary audience that Council needs to focus on is builders, architects and real estates to assist with implementing and getting the message out into the community. However we will also be aiming to introduce this into education programs and projects within local schools. We will need to organise a specific format to assist teachers in educating the primary and secondary schools with a curriculum to teach the students on sustainability.

In January 2012 a workshop will be held to include any additional items that can be included in the document.

Q: Will the document be made available online?

A: Yes, the document will be made available for viewing online and will be reviewed, updated regularly and re-released annually. There will be a link located on the front page of the Pittwater Council website so the community can access it easily.

Q: If people put in a Development Application – should they receive a copy of this document?

A: Yes, the document is included with material provided to owners who undertake pre-lodgment meetings.

REFERENCE GROUP RECOMMENDATION

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

(Mr Richard Links / Ms Merinda Rose)

PIBE4.5 PIBE Reference Group Discussion Topics

Proceedings in Brief

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

Matters Arising from the Discussion:-

REMAINING TOPICS FOR DISCUSSION

Priority	Goals to be discussed	Reference Group Meeting In Which Goal Was Addressed	Business Unit Responsible
3	To encourage the use of public transport and alternative travel means	August 2011	Planning & Assessment
4	To maintain relevant facilities and services in Pittwater	February 2012	
5	To maintain public assets to an acceptable level		

TOPICS FOR DISCUSSION IN THE FUTURE

STRATEGY	Strategic Initiatives (Examples)	Priority
Asset Management Coordination	As per 5 above As per 4 above	February 2012
Energy Efficiency		
Land Use & Development	As per 4 above Local Environmental Plan	February / August 2012
Transport and Traffic	SHOROC presentation/ update on transport directions	SHOROC Update on Study 2012 Date to be advised

OTHER FUTURE TOPICS	Priority
Sustainability Update by Greg Roberts (Ongoing Item)	Standard Agenda Item
Produce a new LEP Briefing by Andrew Pigott	February 2012
Review of Pittwater's 2020 Community Strategic Plan	May 2012
Update on LEP after completion of Public Exhibition	August 2012

5.0 Emerging Business

6.0 Next Meeting

The proposed 2012 meetings schedule is as follows:

- *Wednesday, 15 February, 2012*
- *Wednesday, 16 May, 2012*
- *Wednesday, 15 August, 2012*
- *Wednesday, 21 November, 2012*

All meetings will be held at the Coastal Environment Centre, Lake Park Road, North Narrabeen commencing at 4.00pm.

**THERE BEING NO FURTHER BUSINESS
THE MEETING CONCLUDED AT 6.03
ON WEDNESDAY 16 NOVEMBER 2011.**

Council Meeting

12.0 Adoption of Governance Committee Recommendations

13.0 Adoption of Planning an Integrated Built Environment Committee Recommendations

14.0 Councillor Questions

15.0 Confidential Items – Appendix 1

Confidential Advice

**CONFIDENTIAL 'COMMERCIAL IN CONFIDENCE' ADVICE
TENDER T11112 SHOROC SUPPLY AND DELIVERY OF CCTV AND
STORMWATER MAINTENANCE**

CONFIDENTIAL 'COMMERCIAL IN CONFIDENCE' ADVICE

Item No: C9.1

Matter: Confidential 'Commercial In Confidence' Advice - Tender T11112
SHOROC Supply and Delivery of CCTV and Stormwater Maintenance.
Tender Evaluation

From: Mark Shaw
MANAGER – URBAN INFRASTRUCTURE

Meeting: Council

Date: 19 December 2011

The abovementioned matter is listed as Item No. C9.1 in Open Session in the Agenda.

The detailed analysis of the tenders is attached.

Mark Shaw
MANAGER – URBAN INFRASTRUCTURE

**CONFIDENTIAL 'COMMERCIAL IN CONFIDENCE' ADVICE - TENDER T11112 SHOROC
SUPPLY AND DELIVERY OF CCTV AND STORMWATER MAINTENANCE**

1.0 SCOPE OF WORKS

The scope of works required under the Tender is as follows:

The Tender covers a range of stormwater drainage works, surveying and investigation techniques including CCTV surveys of stormwater assets.

2.0 TENDERS RECEIVED

A total of 19 contractors collected the Tender documents.

Twelve (12) Tenders in total were received from:

#

- A&L Pipe Eye, T/a All about Pipes
- Aqua Assets Pty Ltd
- Barry Bros Specialised Services Pty Ltd
- R.A. Bell & Company Pty Ltd, T/a Bell Environment
- CMS Surveys Pty Ltd
- Durkin Construction Pty Ltd
- Environcivil NSW Pty Ltd
- ITS Trenchless Pty Ltd
- John Thomson Contracting Pty Ltd, T/a Pipe Solutions
- Total Drain Cleaning Services Pty Ltd
- Vekta Pty Ltd
- Veolia Water Network Services Pty Ltd

The Tender pricing break-up which contains the detailed scoring, the required service and associated estimated workload for each Council and what schedules each contractor tendered for are included in documents to be tabled at the meeting.

3.0 TENDER EVALUATION

3.1 Stage 1: Initial Cull

An initial cull was conducted by the Evaluation Panel to identify any nonconforming tenders.

The evaluation of the Tenders was based on Price, References, Quality Assurance, OH&S, Ecological Sustainable Development and Customer Service. The abovementioned tenderers apart from one meet the minimum requirements for acceptance as one of the panel tenderers.

Durkin Construction's submission was rejected by the panel, as they did not provide any supporting information in relation to the Warringah OH&S- 503 document. This was evaluated as a non-conforming Tender and was not considered.

3.2 Stage 2: Detailed evaluation of Tenders

Tenders underwent a detailed review and examination of their responses in respect to the applied weightings.

The results of the Tender evaluation are summarised in Attachment 3. The evaluation criteria and weighting comprised of the following:

- Price (60%)
- Referees (15%)
- Quality Assurance (5%)
- OH&S (5%)
- Ecological Sustainable Development (10%)
- Customer Service (5%)

3.3 Capability and Track Record / Experience

All qualifying tenderers were assessed to be capable in their respected field of specialisation and cross-referenced to the particular schedules they were tendering for, in which there were 18 schedules in total. No submissions were received for Schedules 15, 16 and 17. Further description is detailed in Attachment 2, showing which schedule each contractor tendered for.

The contract is for a period of two (2) years and consists of the following categories:

- Schedule 1 – CCTV Investigation;
- Schedule 2 – Combination Pipe Jetting;
- Schedule 3, 4, 5, 6 & 7 – Services Locating (Ground Penetrating Radar; Hand held services locator; Non-destructive excavation; Survey Work, including GPS; and CAD Drafting);
- Schedule 8, 9, & 10 – CDS, ECOSOL & NetTech Inspection & Cleaning;
- Schedule 11, 12 & 13 – Surveying (Total Station; GPS; and CAD Drafting);
- Schedule 14 – Gross Pollutant Trap Cleaning;
- Schedule 15, 16 & 17 – Pit & Lintel Repair & Reconstruction; and
- Schedule 18 – Pit Cleaning

3.4 Comments on Tender Evaluation

- The combined SHOROC Tender was initiated by member Councils focused on gaining value for money by testing the market for the supply CCTV and associated drainage works.
- All tenderers lodged confirming Tenders except Durkin Construction which was eliminated for the evaluation process.
- Tenderers provided rates for schedule items for their area of specialisation as per their tendered schedule items.
- There were 18 separate schedule items in which Schedule 15, 16 & 17 received no rates from the listed tenderers.

4.0 FINAL ANALYSIS AND RECOMMENDATION

At the conclusion of the Tender evaluation, eleven of the twelve tenderers provided confirming tenders and associated rates for their nominated schedules. As this is a panel source Tender to participating SHOROC Councils, all confirming tenderers are accepted for their respected schedules.

5.0 FINANCIAL ASSESMENT

The rates offered by the eleven recommended confirming tenderers are within the range, which is deemed to be commercially appropriate.

**CONFIDENTIAL 'COMMERCIAL IN CONFIDENCE' ADVICE
TENDER T31112 SHOROC SUPPLY AND DELIVERY OF CCTV AND
STORMWATER MAINTENANCE**

CONFIDENTIAL 'COMMERCIAL IN CONFIDENCE' ADVICE

Item No: C9.2

Matter: Confidential 'Commercial In Confidence' Advice - Tender T31112
SHOROC Supply and Delivery of Minor Works.

Tender Evaluation

From: Mark Shaw
MANAGER – URBAN INFRASTRUCTURE

Meeting: Council

Date: 19 December 2011

The abovementioned matter is listed as Item No. C9.2 in Open Session in the Agenda.

The detailed analysis of the tenders is attached.

Mark Shaw
MANAGER – URBAN INFRASTRUCTURE

CONFIDENTIAL 'COMMERCIAL IN CONFIDENCE' ADVICE - TENDER T31112SHOROC SUPPLY AND DELIVERY OF CCTV AND STORMWATER MAINTENANCE

1.0 SCOPE OF WORKS

The scope of works required under the Tender is as follows: The tender covers a range of concrete and asphalt works as well as landscaping and traffic controls.

2.0 TENDERS RECEIVED

Hljkw#; #hghu#h#wldz h#hflyhg#urp

- OZPAVE (AUSTRALIA), Pty Ltd.
- NORTHSHORE PAVING, CO Pty Ltd.
- STATELINE ASPHALT, Pty Ltd.
- PAVELINK, Pty Ltd.
- ROADWORK SOLUTIONS, Pty Ltd.
- ANZELOTTI CONSTRUCTIONS, Pty Ltd.
- KELBON PROJECT SERVICES, Pty Ltd.
- NORTHERN FENCING SPECIALISTS, Pty Ltd.

The Tender pricing break-up is provided in Annexure B, C, D, E, F, G, H and I, which contains the detailed scoring.

3.0 TENDER EVALUATION

3.1 Stage 1: Initial Cull

An initial cull was conducted by the Evaluation Panel to identify any non-conforming Tenders.

The evaluation of the Tenders was based on Price, References, Quality Assurance, OH&S, Ecological Sustainable Development and Customer Service. The abovementioned tenderers, apart from one, meet the minimum requirements for acceptance as one of the Panel tenderers.

Anzellotti Construction's submission was rejected by the Panel, as they did not provide any supporting information in relation to Quality Assurance, Ecological Sustainable Development and Customer Service. This was evaluated as a non-conforming Tender and was not considered.

3.2 Stage 2: Detailed Evaluation of Tenders

Tenders underwent a detailed review and examination of their responses in respect to the applied weightings.

The results of the Tender evaluation are summarised in Annexure B,C,D,E,F,G,H and I. The evaluation criteria and weighting comprised of the following:

- Price (60%)
- Referees (10%)
- Quality Assurance (5%)
- OH&S (10%)
- Ecological Sustainable Development (10%)
- Customer Service (5%)

3.3 Capability and Track Record / Experience

All qualifying tenderers were assessed to be capable in their respected field of specialisation and cross-referenced to the particular schedules they were tendering for, in which there were 8 schedules in total. Further description is detailed in Annexure B, C, D, E, F, G, H and I, showing which schedule each contractor tendered for.

The contract is for a period of two years with the option of a 1 year extension and consists of the following categories:

- Schedule B – Plant
- Schedule C – Concrete
- Schedule D – Asphalt
- Schedule E – Drainage
- Schedule F – Traffic Control
- Schedule G – Landscaping
- Schedule H – Paving
- Schedule I – Fencing

3.4 Comments on Tender Evaluation

- The combined SHOROC Tender was initiated by three member Councils (Pittwater Council, Manly Council and Mosman Council) focused on gaining value for money by testing the market for the supply of minor civil works.
- All tenderers lodged confirming Tenders, excepting Anzellotti Construction which was eliminated for the evaluation process.
- Tenderers provided rates for schedule items (categories) for their area of specialisation as per their tendered schedule items.

4.0 FINAL ANALYSIS AND RECOMMENDATION

At the conclusion of the Tender evaluation, seven of the eight tenderers provided confirming Tenders and associated rates for their nominated schedules. As this is a Panel source Tender to three participating SHOROC Councils, all confirming tenderers are accepted as outlined below for their respected schedules.

- | | |
|---|---------------------------|
| • OZPAVE (AUSTRALIA) Pty Ltd. | Schedule; C,D,E,F,G,H,I |
| • NORTHSHORE PAVING CO Pty Ltd. | Schedule; B,C,D,E,F,G,H |
| • STATELINE ASPHALT Pty Ltd. | Schedule; B,C,D,E,F,G,H |
| • PAVELINK Pty Ltd. | Schedule; C,H |
| • | |
| • ROADWORK SOLUTIONS Pty Ltd. | Schedule; F |
| • KELBON PROJECT SERVICES Pty Ltd. | Schedule; B,C,D,E,F,G,H,I |
| • NORTHERN FENCING SPECIALISTS Pty Ltd. | Schedule; I |

5.0 FINANCIAL ASSESSMENT

The rates offered by the seven recommended confirming tenderers are within the range, which is deemed to be commercially appropriate.

- Annexure B – Plant Score

Dry Hire					
CRITERIA	%	STATELINE ASPHALT	KELBON	ANZELLOTTI CONSTRUCTIONS	NORTHSHORE PAVING
Price	60	36.92	60.00	31.70	40.58
Referees	10	8.13	8.53	9.67	7.86
Quality Assurance	5	4.00	4.00	0.00	0.00
OH&S	10	5.00	5.00	5.00	5.00
Ecological Sustainable development	10	6.00	6.00	0.00	0.00
Customer Service	5	5.00	5.00	0.00	0.00
Total	100	65.06	88.53	46.36	53.44

Wet Hire				
CRITERIA	%	STATELINE ASPHALT	KELBON	ANZELLOTTI CONSTRUCTIONS
Price	60	45.71	60.00	54.34
Referees	10	8.13	8.53	9.67
Quality Assurance	5	4.00	4.00	0.00
OH&S	10	5.00	5.00	5.00
Ecological Sustainable development	10	6.00	6.00	0.00
Customer Service	5	5.00	5.00	0.00
Total	100	73.85	88.53	69.01

- Annexure C – Concrete Score

CRITERIA	%	Non compliant					
		Stateline Asphalt	Ozpave	Pavelink	KELBON	North Shore Paving	ANZELLOTTI CONSTRUCTIONS
Price	60						
Excavation 15m less than 50	10	10.00	1.23	1.64	3.36	1.95	2.82
Concrete Paving 15m less than 50	25	9.28	16.30	DNT	15.52	12.17	25.00
Kerb and gutter 15m less than 50 (ITEMS D TO P)	25	12.31	13.58	13.58	16.99	11.01	25.00
Referees	10	8.13	8.20	9.40	8.53	7.27	9.67
Quality Assurance	5	4.00	5.00	4.00	4.00	5.00	0.00
OH&S	10	5.00	5.00	5.00	5.00	10.00	5.00
Ecological Sustainable development	10	6.00	6.00	6.00	6.00	10.00	0.00
Customer Service	5	5.00	3.00	5.00	5.00	5.00	0.00
Total	100	59.73	58.30	44.62	64.40	62.39	67.49

- Annexure D - Asphalt Score

CRITERIA	%	Non compliant				
		Stateline Asphalt	Ozpave	Kelbon	North Shore Paving	ANZELLOTTI CONSTRUCTION
Price	60					
ASPHALT PATCHING Minor Road Works Minor & Major Footpath Works 15 to less than 50	40	23.64	23.64	33.55	16.74	40.00
SAWCUT EXISTING FOOTPATH PAVEMENT 15 to less than 50	20	20.00	11.63	12.81	9.11	18.09
Referees	10	8.13	8.20	8.53	7.27	9.67
Quality Assurance	5	4.00	5.00	4.00	5.00	0.00
OH&S	10	5.00	5.00	5.00	10.00	5.00
Ecological Sustainable development	10	6.00	6.00	6.00	10.00	0.00
Customer Service	5	5.00	3.00	5.00	5.00	0.00
Total	100	71.77	62.47	74.89	63.12	72.75

- Annexure E - Drainage Score

CRITERIA	%	Non compliant				
		Stateline Asphalt	Ozpave	Kelbon	North Shore paving	Anzellotti construction
Price	60					
Minor drainage works 15m less than 50m	30	30.00	22.76	11.19	11.35	18.39
Lintels	20	12.34	14.25	14.33	13.93	20.00
Pit Junctions	10	DNT	8.20	8.26	10.00	8.69
Referees	10	8.13	8.20	8.53	7.27	9.67
Quality Assurance	5	4.00	5.00	4.00	5.00	0.00
OH&S	10	5.00	5.00	5.00	10.00	5.00
Ecological Sustainable development	10	6.00	6.00	6.00	10.00	0.00
Customer Service	5	5.00	3.00	5.00	5.00	0.00
Total	100	70.47	72.40	62.32	72.55	61.74

• **Annexure F -Traffic Control Score**

		Non compliant						
CRITERIA		%	Stateline Asphalt	OZPAVE	Kelbon	North Shore Paving	Roadworks	Anzellotti Construction
Price		60						
A Hourly Rate	Traffic control for with two Traffic controllers. Rate to include all gear required for traffic control	25	10.36	14.04	12.08	7.88	25.00	12.95
B Hourly Rate	Traffic control for with three Traffic controllers. Rate to include all gear required for traffic control	15	8.44	9.39	7.50	4.95	15.00	8.28
C Hourly Rate	Traffic control per additional Traffic controller. Rate to include all gear required for traffic control	20	7.78	11.07	12.73	7.91	20.00	12.28
Referees		10	8.13	8.20	8.53	7.27	9.77	9.67
Quality Assurance		5	4.00	5.00	4.00	5.00	5.00	0.00
OH&S		10	5.00	5.00	5.00	10.00	10.00	5.00
Ecological Sustainable development		10	6.00	6.00	6.00	10.00	5.00	0.00
Customer Service		5	5.00	3.00	5.00	5.00	5.00	0.00
Total		100	54.71	61.70	60.84	58.01	94.77	48.18

- Annexure - G Landscape Score

CRITERIA	%	Non compliant				
		Stateline Asphalt	OZPAVE	Kelbon	North Shore Paving	Anzellotti Construction
Price	60					
Vegetation of Slopes 3 to 1 or Flatter	30	DNT	22.19	11.03	30.00	DNT
Vegetation of Slopes Steeper Than 3 to 1	5	DNT	4.94	1.56	5.00	DNT
Vegetation of Open Drains	5	DNT	5.00	2.94	2.62	0.00
Turfing	20	14.71	12.03	20.00	12.31	12.20
Referees	10	8.13	8.20	8.53	7.27	9.67
Quality Assurance	5	4.00	5.00	4.00	5.00	0.00
OH&S	10	5.00	5.00	5.00	10.00	5.00
Ecological Sustainable development	10	6.00	6.00	6.00	10.00	0.00
Customer Service	5	5.00	3.00	5.00	5.00	0.00
Total	100	42.84	71.36	64.07	87.19	26.86

- Annexure - H Paving Score

CRITERIA	%	Non compliant					
		Stateline Asphalt	OZPAVE	PAVELINK	Kelbon	North Paving Shore	Anzellotti Constructions Pty Ltd
Price Paving 15 less than 50	25	12.17	21.33	25.00	18.95	6.62	19.62
Price Paving stone 15 less than 50	25	DNT	18.13	25.00	20.20	6.34	17.84
Price Subbase 15 less than 50	10	4.00	5.35	10.00	10.00	0.92	9.72
Referees	10	8.13	8.20	9.13	8.53	7.27	9.67
Quality Assurance	5	4.00	5.00	4.00	4.00	5.00	0.00
OH&S	10	5.00	5.00	5.00	5.00	10.00	5.00
Ecological Sustainable development	10	6.00	6.00	6.00	6.00	10.00	0.00
Customer Service	5	5.00	3.00	5.00	5.00	5.00	0.00
Total	100	39.30	69.01	89.13	72.68	46.14	61.85

- Annexure - I Fencing Score

CRITERIA	%	Non compliant			
		Ozpave	Northern Fencing	Kelbon	Anzellotti Constructions Pty Ltd
Price	60	29.80	60.00	0.00	0.00
Referees	10	8.20	7.87	8.53	9.67
Quality Assurance	5	5.00	2.00	4.00	0.00
OH&S	10	5.00	3.00	5.00	5.00
Ecological Sustainable development	10	6.00	4.00	6.00	0.00
Customer Service	5	3.00	2.00	5.00	0.00
Total	100	57.00	78.87	28.53	14.67

**CONFIDENTIAL LEGAL ADVICE
N0278/11 - 10 BYNYA ROAD PALM BEACH
DEMOLITION OF THE EXISTING DWELLING AND
CONSTRUCTION OF A NEW MULTI LEVEL DWELLING**

CONFIDENTIAL LEGAL ADVICE

Item No: C11.4

Matter: N0278/11 - 10 Bynya Road Palm Beach - Demolition of the existing dwelling and the construction of a new multi level dwelling

From: Lindsay Dyce
MANAGER, PLANNING AND ASSESSMENT

Meeting: Council

Date: 19 December 2011

The abovementioned matter is listed as Item No. C11.4 in Open Session in the Agenda.

Please find attached Legal Prospects Advice received from Mallesons Stephen Jaques in relation to the above matter.

Lindsay Dyce
MANAGER, PLANNING AND ASSESSMENT

MALLESONS STEPHEN JAQUES

Confidential communication

Attention: Amy Allen

7 December 2011

The General Manager
Pittwater Council
DX 9018
MONA VALE

Dear Sir

Pittwater Council ats Merrin: LEC Proceedings No. 10981 of 2011
Property: 10 Bynya Road, Palm Beach
Prospects Advice

Attached is our advice to Council which is the subject of Legal Professional Privilege unless disclosed to third parties. Please ensure that this remains a **confidential** item.

Following consideration of this advice, we would be grateful for your further instructions.

Yours faithfully



Debra Townsend
Partner
Direct line +61 2 9296 2341
Email debra.townsend@malleasons.com

Att.

MALLESONS STEPHEN JAUQUES

Confidential communication

Attention: Amy Allen

7 December 2011

The General Manager
Pittwater Council
DX 9018
MONA VALE
By email: amy.allen@pittwater.nsw.gov.au

Dear Sir

Pittwater Council ats Merrin: LEC proceedings No. 10981 of 2011
Property: 10 Bynya Road, Palm Beach
Prospects Advice

Development Application 2011/278

The development proposed by Development Application 2011/278 ("DA 278/11") is for the demolition of the existing house and garage and construction of a new dwelling house and garage at 10 Bynya Road, Palm Beach ("Development").

Date of Lodgement of Application

26 July 2011.

Date of Lodgement of Appeal

The Applicant appealed on 28 October 2011 against the deemed refusal of DA 278/11 under section 97(1) of the *Environmental Planning and Assessment Act 1997*.

Date of Report

A report has been prepared by Senior Planner, Amy Allen for determination by the Development Unit on 8 December 2011 ("Assessment Report"). The recommendation in the Assessment Report is for refusal of DA 278/11.

Council Decision

The Council has not yet determined this matter.

Hearing

The matter is a Class 1 Residential Development Appeal and has been set down for a conciliation conference on site on 6-7 February 2012 under section 34AA of the *Land and*

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MALLESON'S STEPHEN JAUQUES

Pittwater Council

7 December 2011

Environment Court Act 1979. Under s34AA(2), if no agreement at the conciliation conference is reached, the Commissioner who presides over the conciliation conference must terminate the conciliation conference and dispose of the proceedings:

- (i) following a hearing held forthwith, or
- (ii) if the parties consent, on the basis of what has occurred at the conciliation conference.

Issues

Attached is a copy of the Respondent's Statement of Facts and Contentions. We note that the Applicant has elected not to file a Statement of Facts and Contentions in reply. The town planning experts for the Applicant and the Council are to joint conference on the issues in dispute and to file and serve their joint report by 20 December 2011.

The issues raised are those outlined in the Respondent's Statement of Facts and Contentions and are as follows:

- 1 The Development results in unacceptable solar access impacts on the neighbouring property;
- 2 The Development results in unacceptable bulk and scale impacts when viewed from the street; and
- 3 No adequate provision has been made for stormwater disposal.

Opinion on Prospects

The unacceptable solar access and bulk and scale impacts of the proposed Development are capable of resolution by modifications to the floor plan of top level of the Development to increase the setback from the front building line and a more skilful complying design within the height and envelope controls on the rear southern and western elevations. If the Applicants are prepared to make acceptable amendments to the first floor plan of the Development there are good prospects of the appeal being resolved at or before the conciliation conference. To date, the Applicants have been reluctant to make any amendment to the proposed Development to accommodate the concerns of both the neighbouring residents at 8 Bynya Road, Palm Beach and the Council. In the event that the Applicants maintain this position and the matter proceeds to arbitration before the Commissioner, the Council's success in the matter will depend largely on the view the Court adopts and the weight it gives to the solar access and bulk and scale issues.

However, we consider that Council has reasonable prospect of succeeding in having the development suitably modified to accommodate or mitigate some of its concerns.



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MALLESON'S STEPHEN JAQUES

Pittwater Council

7 December 2011

Solar access

The Assessment Report identifies that the solar access impacts to 8 Bynya Road, which lies directly adjacent to the Property on its southern boundary, do not comply with the control C1.4 Solar Access in Pittwater 21 Development Control Plan

While technical compliance with the control is already breached by the existing dwelling at 10 Bynya Road, the Development results in the almost complete shadowing of the northern windows between 12pm and 3pm on June 21st and the complete shadowing of the north western windows between 12pm and 1pm on June 21st.

Council's argument is supported by the objections of the residents of 8 Bynya Road who have engaged their own experts to prepare reports and shadow diagrams which further support the Council's argument. We note that the experts engaged by the residents of 8 Bynya Road, Palm Beach will be available at the hearing date to provide evidence in respect of solar access impacts which, if the Commissioner allows this evidence to be heard, will strengthen the Council's case.

Bulk and Scale

The Development does not comply with D12.5 Front Building Line control which requires that the dwelling is located 6.5m from the front boundary. The Development has a nil setback from the front boundary to the garage and yoga deck structure at both the ground and first floors and varied setbacks up to 1.6m for the rest of the dwelling. Increasing the front boundary setback can only be successfully achieved if part of the upper level is removed. Moving the upper level towards the rear is not a suitable option as it would only serve to exacerbate the overshadowing impacts on 8 Bynya Road to the south. For this reason, the Court may take the view that the front of the nil setback is acceptable.

Mediation

Under the Class 1 Residential Appeals process which commenced in February 2011, the matter will commence on site on 6 February 2012 as a conciliation conference. If the matter is not resolved at this time, it will proceed straight to an arbitration or hearing on site at which the Commissioner will determine the appeal. Accordingly, the Council officer in attendance must have delegation to instruct us to settle the matter at conciliation if an acceptable compromise is offered by the Applicants. However, the matter must be prepared in anticipation that it may proceed to hearing on the date of the conciliation.

Estimate of Fees

In accordance with your fee arrangements we estimate that the likely amount of costs and disbursements for a defended hearing would be \$25,000 (excluding barristers and



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MALLESONS STEPHEN JAQUES

Pittwater Council

7 December 2011

consultant/court appointed experts fees). Michael Staunton of counsel has been engaged to advise and to represent Council at the s34AA conference on 6 and 7 February 2011. Senior Planner, Amy Allen, will provide expert evidence for Council.

Should the Council negotiate consent orders or a s34 agreement with the Applicant prior to February 2011, we estimate that the likely amount of costs, disbursements and service charges will be significantly reduced.

Recommendation

Subject to the qualification below, Council should defend this appeal.

In the event that the Applicants are prepared to amend the proposed development so as to accommodate the Council's concerns prior to the hearing date in February, we would recommend the Council consider reaching settlement on these issue prior to the conciliation conference in February. If this is achieved, these proceedings can be promptly resolved with a significant savings in legal costs.

Yours faithfully



Debra Townsend
Partner
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