northern beaches council

ATTACHMENT BOOKLET
Part 2

ORDINARY COUNCIL MEETING

TUESDAY 28 NOVEMBER 2017

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7.4 List of known Cemetery Friends' Groups

The following table lists some Friends' Groups believed to be currently active, with references to web pages in which the Groups have recently been cited

LOCATION	NAME AND REFERENCE
Castle Hill	Friends of Castle Hill Cemetery www.baulkhamhills.nsw.gov.au/community_services_facilities/cemetary.aspx
Castlereagh	Friends of Castlereagh (Anglican) Cemetery www.penrithcity.nsw.gov.au/index.asp
Deniliquin	Friends of Deniliquin Cemetery www.deniliquin.local-e.nsw.gov.au/files/4663/File/Min120406.pdf
Galong	Friends of Galong Cemetery www.stclement.com.au/cemetery.htm
Gore Hill	Friends of Gore Hill Cemetery P.O.Box 155 Lindfield 2070
Mays Hill	Friends of Mays Hill Cemetery www.mayshillcemetery.org
Newtown	Friends of Camperdown Cemetery www.cadigalwangal.com.au/index.php
Noraville	Friends of Noraville Cemetery. (in formation) www.wyong.nsw.gov.au/services/Cemetery_activities.html
Parramatta	Friends of All Saints Cemetery (Parramatta) www.parracity.nsw.gov.au/neighbourhood/parkcommit.html
Prospect	Friends of Saint Bartholomew's Church and Cemetery. www.blacktown.nsw.gov.au/.../july-06/become-a-friend-of-saint-bartholomews-and-enjoy-a-piece-of-history.cfm
Rookwood	Friends of Rookwood Inc. www.strathfieldhistory.org.au/Rookwood.htm
Temora	Friends of Temora Shire Cemeteries www.temora.nsw.gov.au/community/1099/1130.html
Waverley	Friends of Waverley Cemetery www.waverley.nsw.gov.au/cemetery/friends.htm
Wilberforce	Friends of Wilberforce Cemetery www.hawkesbury.net.au/community/hfhg/October2003.html

Such groups are often affiliated with the Royal Australian Historical Society or the Society of Australian Genealogists. Their websites are respectively

www.rahs.org.au
www.sag.org.au

Northern Beaches Council Community Consultation "Your Say Website"

Summary of Results Conservation Management Plan for the Mona Vale Cemetery

The website statistics are summarised in the following tables. There were 173 visits to the page, 77 informed actions (such as document downloads or review of FAQ's) and 3 formal submissions. The third submission was received in the week following the end of the exhibition period.

Local and State government stakeholders were contacted including Council's Heritage Planners, local Historians, Cemeteries and Crematoria NSW, the Office of Environment and Heritage, and the Office of Australian War Graves. Letters were also sent to surrounding residents inviting them to make a submission.

Widget Type	Engagement Tool Name	Visitors	Downloads/Views
Document	Conservation Management Plan 2017	45	55
Document	Plan of Management 2013	9	10
Document	Appendix B: Mona Vale General Cemetery SHI Form	4	5
Document	Appendix C: NT Index Card	2	2
Document	Appendix D: National Trust-Cemetery Conservation Guide	2	2
Document	Appendix A: The Burra Charter 2013 Adopted	2	2
Document	Plan of management Attachments 2013 (10 MB)	1	1
Document	Pittwater Council LEP 2014	0	0
Photo	Cemetery Map	18	19
FAQ	faqs	19	20
Key Dates	Key Date	1	1

INFORMED PARTICIPANTS	77
Informed Actions Performed	**Participants**
Viewed a video	0
Viewed a photo	18
Downloaded a document	51
Visited the Key Dates page	1
Visited an FAQ list Page	19
Visited Instagram Page	0
Visited Multiple Project Pages	70
Contributed to a tool (engaged)	2

Attachment A:

PITTWATER PARK, PALM BEACH PARKING DEMAND MANAGEMENT STRATEGY

The Pittwater Park, Palm Beach Parking Demand Management Strategies have been developed through the following principles, with principle one being the highest priority:

1. Prioritise the parking needs of local businesses within a 400m radius of them through increased provision of high turnover parking spaces within the existing parking opportunities.
2. Allowing for the parking needs of permanent off-shore residents while maintaining space for other users.
3. Ensure parking availability for local residents, recreational users and visitors to the area, observing Crown Land conditions of use.
4. Maximise availability of parking spaces through parking restrictions within Pittwater Park (south) car park to better manage peak parking demand.
5. Provide parking for commuters travelling between Central Coast and Palm Beach, where space allows.
6. Promote seasonable overflow parking alternatives to nearby sports fields and Governor Phillip Park.
7. Promote public transport mode of travel to Palm Beach, and between overflow parking and commercial areas/ferry wharf.
8. Ensure road safety in local streets and car parks is considered through all recommended strategies and that Roads and Maritime Services (RMS) Guidelines are adhered to at all times.

STRATEGY ONE

Improve accessibility through high turnover parking

1.1 Pittwater Park (south) – 78 car parking spaces, includes 3 accessibility spaces

1.1.1 32 4P (four hour) P Ticket, Northern Beaches Parking Permit parking spaces on eastern side between 6am – 9pm Saturday, Sunday and Public Holidays.

1.1.2 Two (2) P5 (five minute) parking spaces between 6am – 9pm every day. These will be located near the ferry wharf on the western side.

1.1.3 41 8P (8 hour) P Ticket, Northern Beaches Parking Permit parking spaces on western side everyday between 6am – 9pm Saturday, Sunday and Public Holidays.

- Existing conditions to remain for three (3) disabled spaces in Pittwater Park (south) as per Australian Road Rules.

1.2 Pittwater Park (north) – approx. 47 spaces

Great Mackerel Beach and Coasters Retreat residents

1.2.1 Seek approval through Department of Industry – Lands to implement a 12-month trial of Western Foreshore Permit in Pittwater Park (north). Subject to criteria established as per Item 1.2.4.

1.2.2 Implement 12-month trial of Western Foreshore Parking Permit for residents and ratepayers from Coasters Retreat and Great Mackerel Beach valid only for Pittwater Park (north), pending approval from Department of Industry – Lands. Subject to development of Northern Beaches Parking Strategy and review of parking permits schemes currently in operation.

1.2.3 Introduce annual parking fee for Western Foreshore Parking Permit if implemented permanently after 12-month trial. Fee to be determined with funding allocated to management of permit scheme and commuter infrastructure improvements.

1.2.4 Council to establish criteria for issuing of Western Foreshore Parking Permit through consultation with the community.
Note:
- One permit per property
- Permit not transferable between vehicles
- Permit linked to vehicle registration
- Vehicle must not occupy the same car parking space for more than 21 consecutive days

1.2.5 Remove Pay & Display and Northern Beaches Parking Permit permissions from Pittwater Park (north).

1.2.6 Implement time restrictions to existing two (2) P5 (five minute) parking spaces in Pittwater Park (north) to operate only between 6am –9pm everyday. Western Foreshore parking only between 9pm and 6am everyday.

- Existing conditions to remain for one (1) disabled spaces in Pittwater Park (north).

Note: Construction of Palm Beach Walkway
- Four (4) parking spaces will be removed permanently from Pittwater Park (north) to allow construction of the Palm Beach walkway.
- It is expected that seven (7) additional spaces will be temporarily unavailable during construction of the Palm Beach walkway as a site compound will be established in this area. These seven (7) spaces will be returned as Western Foreshore Permit Parking after construction.

STRATEGY TWO
Increase parking supply

2.1 Engage with Palm Beach Returned Services League (RSL) regarding future development to possibly incorporate a multi-story car park.

2.2 Promotion of vehicle parking in Iluka Reserve for Pay & Display ticket holders, Western Foreshore Permit holders and vehicles displaying a Northern Beaches Parking Permit.

2.3 Maintain boat trailer parking in Woorak Reserve, as per existing conditions.

2.4 Through construction of Palm Beach walkway, promote Governor Phillip Park as available car parking for visitors.

2.5 Investigate opportunities to increase parking in Governor Phillip Park through Palm Beach Masterplan.

2.6 Formalise and extend northwards the angled parking in the road reserve opposite the intersection of Iluka Road and Barrenjoey Road (stairway to McKay Reserve). Subject to funding.

STRATEGY THREE

Overflow parking demand management plan

Between October and April

3.1 Develop an overflow and holiday parking management plan between October and March utilising 181 car parking spaces located in Careel Bay car park with consideration of the following:

- **3.1.1** Remove 12P parking restriction for vehicles in Careel Bay car park between October and March. Caravans, boat and trailer parking excluded.
- **3.1.2** Negotiate use of Palm Beach Returned Services League (RSL) bus to provide transport between Careel Bay and Pittwater Park between October and March.
- **3.1.3** Promote the L90 and 199 public transport service between Careel Bay car park and Palm Beach.
- **3.1.4** Relocate outbound bus stop to the entrance of Careel Bay car park to improve access and connectivity.
- **3.1.5** Construct concrete bus stop pad to current DDA requirements and install bus shelter to support 3.1.4
- **3.1.6** Implement variable message sign on approach to Careel bay car park from the south to inform of parking conditions in Pittwater Park and use of 'park and ride' scheme between October and March.

STRATEGY FOUR

Provide for local business

4.1 Implement a 12m loading zone on eastern side of Barrenjoey Road (from driveway south of Barrenjoey House). Engage with all businesses in the vicinity regarding operational requirements.

4.2 Liaise with Australia Post to change existing Mail Zone parking restrictions in Iluka Road (outside Palm Beach Cellars) to support:

- **4.2.1** ¼ (15 minute) parking 8.30-5pm Everyday
- **4.2.2** Mail Zone 5pm – 7pm Everyday

STRATEGY FIVE

Encourage active and sustainable journeys

5.1 Promote use of L90 and 199 bus service to travel to Palm Beach to visitors and employees of local business.

5.2 Promotion of Governor Phillip Park as available parking for visitors, through construction of Palm Beach walkway.

5.3 Liaise with State Transit Authority, Transport for NSW, Palm Beach & Hawkesbury River cruises and Fantasea Cruising to improve bus and ferry connectivity through timetable changes.

STRATEGY SIX

Safer and more convenient parking, access and infrastructure

6.1 Barrenjoey Road

6.1.1 Mark parking bays in Barrenjoey Road in locations where existing kerb and gutter is in place.

6.1.2 Implement motor cycle parking between driveways of 1137 Barrenjoey Road and 1139 Barrenjoey Road to improve sight distance for vehicles exiting Pittwater Park (south) - loss of two (2) car parking spaces).

6.2 Iluka Road

6.2.1 Implement recommendations detailed in draft Bitzios Report:
- Parking bays in identified areas,
- Line marking in identified areas,
- Formal kerb and gutter in identified areas,
- Marked centre lines on curves in identified areas,
- Staggered parking bays,
- Formalise cross over locations,
- Include construction of footpaths to improve pedestrian access between Pittwater Park and Palm Beach ferry wharf in Northern Beaches Walking Plan.

6.3 Nabilla Road

6.3.1 Include construction of footpaths to improve pedestrian access between Pittwater Park and Palm Beach ferry wharf in Northern Beaches Walking Plan.

6.4 Pittwater park (north)

6.4.1 Formalise Pittwater Park (north) with marked bays. Funded through proposed Western Foreshore Parking Permit fees & charges, if implemented.

STRATEGY SEVEN

Maintain pedestrian, cyclist and traffic safety for road users at all times.

7.1 Improve pedestrian access through new kerb ramps at the intersection of Palm Beach Road and Barrenjoey Road.
7.2 Continued enforcement of local streets in the area to maintain safety by enforcing road rules.
7.3 Ensure that pedestrian safety and access in Iluka Road and Nabilla Road is maintained through proposed future introduction of kerb, gutter and footpaths.
7.4 Seek RMS approval to implement 10km Shared Zone in Pittwater Park (north and south), Lucinda Park, Woorak Reserve, Iluka Reserve and Governor Phillip Park.
7.5 Ensure that all disabled parking spaces comply with current RMS guidelines.
7.6 Ensure lighting is to current standards in car parks and roads.
7.7 Undertake signage audit to maintain compliance and road safety.

STRATEGY EIGHT

Signage and way finding initiatives

8.1 Improve the awareness of available car parking areas by providing a parking signage and way finder plan for public and private car parks in the area:

- Woorak Reserve and Lucinda Park parking areas,
- Lucinda Park car park,
- Pittwater Park (north and south),
- Governor Phillip Park,
- Barrenjoey Road, near McKay Reserve.

8.2 Provide way finder signage in Governor Phillip Park to provide guidance to pedestrians walking to Palm Beach ferry wharf.

8.3 Provide way finder signage to visitors to the Palm Beach area directing them to Governor Phillip Park, local business, parks, local amenities, beaches, etc.

8.4 Update parking signage for Iluka Park and Woorak Reserve car parking changes.

STRATEGY NINE

Partnership with local stakeholders

9.1 Partner with National Parks and Wildlife and Currawong to provide education and parking awareness to visitors to encourage behaviour change relating to parking and promote public transport access.

9.2 Partner with operators of Fantasea Ferries and Hawkesbury River Cruises to provide education and parking awareness to visitors to encourage behaviour change relating to parking and promote public transport access.

9.3 Partner with operators of holiday accommodation to provide education and parking awareness to visitors to encourage behaviour change relating to parking and promote public transport access.

9.4 Partner with various business owners and operators in the Palm Beach area to provide education and parking awareness to visitors to encourage behaviour change relating to parking and promote public transport access.

9.5 Liaise with Central Coast Council to provide education and parking awareness to visitors to encourage behaviour change relating to parking and promote public transport access to holiday makers traveling from Palm Beach ferry wharf to the Central Coast.

9.6 Liaise with users of Careel Bay sports ground regarding use of Careel Bay car park between October and April.

9.7 Develop Transport Access Guide (TAG) for distribution to holiday accommodation, The Basin, Currawong, local business, residents and the general community regarding parking in Palm Beach.

9.8 Palm Beach Sailing Club to provide dates of special events and sailing regattas three (3) months in advance to ensure sufficient boat trailer parking in Woorak Reserve and Iluka Reserve.

9.9 Council to communicate TAG through website, relevant apps and social media.

9.10 Establish working group consisting of representatives from Northern Beaches Council, Coasters Retreat Residents Association, Great Mackerel Beach Residents Association, Palm Beach Whale Beach Residents Association, local clubs and the business community to monitor 12 month trial of Western Foreshore Parking Permit and changes to parking conditions, as referred to in the Pittwater Park Parking Demand Management Strategy.

STRATEGY TEN

Northern Beaches Parking Permit

10.1 Implement changes to the availability Northern Beaches Parking Permits and make unavailable to those who do not live permanently in the Northern Beaches Local Government Area.
10.2 Investigate opportunities to introduce a digital parking permit scheme to replace the current method of distributing the Northern Beaches Parking Permit.

STRATEGY ELEVEN

Technology and enforcement

11.1 Implement technology solutions to improve the efficiency of parking management and to enhance community liveability (subject to cost/benefit analysis).
11.2 Undergo review of technology options available to better manage and enforce identified issues.
11.3 Liaise with Compliance officers to ensure parking is monitored.
11.4 Implement a seasonal Enforcement Office to manage and monitor parking operations in the Palm Beach area between October and April.
11.5 Encourage active and sustainable travel for seasonal Enforcement Office through use of E-bike, Opal Card and walking.

STRATEGY TWELVE

Parking availability for Central Coast commuters

12.1 Encourage alternative commuter opportunities between Friday evening and Monday morning, such as utilising public transport, car-pooling or driving home on these days.
12.2 Promote Iluka Reserve and Carrel Bay as available car parking at peak times.
12.3 Remove opportunities for Central Coast commuters to obtain a Northern Beaches Parking Permit through introduction of improved technology and methods relating to distribution of parking permits.

Pittwater Park
South Car Park

northern beaches council

Pittwater Park
North Car Park

northern beaches council

Barrenjoey Road

northern beaches council

northern beaches council

Palm Beach Parking Demand Management Strategy - Summary of Exhibition Period Community Engagement

	Submission Comments	
	Off-Shore comments	Council Response
1.	Thank you I believe this is a positive for the offshore community but am concerned as to how any illegal parking will be combated to maintain spaces for the offshore community. Mackerel Beach Association - The Western Foreshore Permit. We applaud this idea in principle; it has been a long time coming and addresses some of the issues we have faced. However, we have a few questions on its use: Who gets a permit? Current proposal is for one permit per household, permanent residents only. This seems unsuitable, as some households at Mackerel have two working adults, or with the recent growth of young families living there, school/shopping/doctor needs on top of transport for work. What about ratepayers whose principal place of residence is not at Mackerel? In many (most) cases, local councils in Sydney need parking permits restricted to individual vehicles whose primary place of residence is within that council's jurisdiction. Does that preclude their ownership of a WF permit?	Council will enforce the Western Foreshores parking through the use of special permits. To allow for the overall utilisation of the parking spaces only one dedicated parking permit will be provided per property, with other vehicles and non-permanent residents to use the untimed parking provided elsewhere in the area.

	Submission Comments	
	How do long term renters fit in? Are they considered residents by the definition here? Perhaps the parking rights could be assigned by the owners. Cost? Proposal 6.4 seems to suggest a fee for the permit. Surely this cannot be an extra cost to ratepayers, unless that cost is notional. NBC Permit as well? Just confirming that WF ratepayers will receive both a WF and NBC permit. We would suggest WF permits as follows: Two per household All ratepayers and long term renters At no extra cost One clarification – since we think owning a WF permit includes owning a NBC permit, then do all rights of NBC permits simply extend to WF permits? Coasters Retreat Association seeks the following changes to the Pittwater Park, Palm Beach Parking Demand Management Strategies. Delete Principle 5 "Provide parking for commuters travelling between Central Coast and Palm Beach, where space allows." There is no additional car parking space being provided and if it were it is required to meet the needs of offshore residents, local residents and local businesses as well as residents living in other parts of the NBC. Additional priority based on Strategy 11 and Strategy 12 to introduce a digital parking permit scheme to replace the current method of distributing the Northern Beaches Parking Permit and implement technology solutions to improve the efficiency of parking management.	The introduction of parking controls will allow for the management of the commuter use within the carpark and result in the commuter vehicles parking in un-restricted areas during weekends and Public Holidays.
2.	If only one parking sticker is available per household it should not be linked to a particular registration as many families have more than one motor vehicle available to them. Mackerel Beach Association - Northern Car Park The suggestion of a WF only car park is an excellent one, which we are very happy to see promoted by NBC. However, we are less impressed by using	To allow for the overall utilisation of the parking spaces only one dedicated parking permit will be provided per property, with other vehicles and non-permanent residents to use the untimed parking provided elsewhere in the area. Future works will include line marking and surface

	Submission Comments	
	the Northern Car Park in its current form. The main problems are: Storm surge on the western side – once or twice per year – can push the vehicles here around and cover them with waves of salt water. We accept that salt spray is a fact of life, but the sea wall on the Northern car park is not sufficient as it stands. We propose that the western side have some substantial storm surge protection implemented; for example, raising the sea wall, some kind of barrier, Otherwise the gain of a dedicated car park will be something of a poisoned chalice. Access via a single road (in and out) can get quite congested, but there seems to be no plans to improve access (for both Northern and Southern car parks). Is it feasible to consider a different access style, perhaps via a semi-circular drop off area? Number of places may be too small. By our calculations, after relining the spaces, we will have 40-45 spots. Number of likely permits is much more than this. This is somewhat mitigated by the use of NBC permits plus the parking option of the Southern car park, but it remains a question. On one hand, we need sufficient WF permits as discussed in point 1. However, we do not seem to have enough spaces for those that will need them. NB: The answer is not to restrict the issue of WF permits. Potential use as a long-term car park. There is a danger that WF residents simply park their cars in this spot and then use them rarely, so that the effective number of spaces is much less than the 40-45 mentioned above. This is of course the case already, but it will be worse if those spots are taken by "permanent" parking. We would suggest finding a way to monitor this so that these car owners (if they exist) can be incentivised to make way for others.	reconstruction. Not part of this project, and has been noted Number of permits are 1 per property and does not guarantee a space being available, just a dedicated area in which to find a space. Once full the resident will need to use a separate area for parking.
3.	1...park and ride facility 2..pre-purchase parking via net...3..privatise parking inspectors Mackerel Beach Association - Non-ratepayers and visitors	The parking provision with in the formed carparks will be actively managed by Council rangers until the Council has finalised the Parking Strategy across the whole of the Northern Beaches which will look at a range of measures to

	Submission Comments	
	One of the biggest bones of contention with parking at palm Beach has been the presence of non-ratepayers, either through non-resident parking permits (which we do not support) and local NBC permits purchased on the black market. Most of these seem to be Central Coast tradesmen who take as many as 25-30 spots per day, while ratepayers struggle to find spaces. In our view, this is the single biggest issue that needs to be solved, as it will immediately free up much of the congestion and promote fairness. However, there is little in this proposal to address this, other than some (good) high level ideas in Strategies 10-12. We would propose development of a couple of direct approaches to manage this issue in combination with the suggestions made in this study: Electronic linking of licence plates and permits Identification of non-ratepayers and the residents who have on-sold their permits. One issue that needs to be considered here is for those who have legitimate reason to park in the Palm Beach area for the short term. These might be family and other visitors (e.g., visiting Mackerel or The Basin), tradesmen who are working on the area (and can prove it), AirBnB/Stayz holiday makers to the area. We suggest the consideration of one-off visitor permits, perhaps issued daily or weekly, which restrict the length of time and vehicle to be used. These could be issued electronically or on paper, and monitored in the same way as other permits.	enforce compliance with the restrictions on parking. The items listed are of relevance to not only this area but across the whole local government area and has been noted for future strategy development.
4.	A family of 4 we have 3 cars needing parking in some shape and form near our home.1- I support the Western Foreshore parking permit it the North Carpark on the basis that it issued to a rateable household only. So that the pass may be used by cars in the household much the same as disability pass in a clear pouch with a suction sticker.2- I support the parking 4 hour zone on Barrenjoey road parallel to the South car park and down either side to approximately the RSL Club. This parking is also needed for Western Foreshore cars as an exception sign, on top of the 50 car spaces for Western	The strategy reflects the need for some property owners to utilise the onsite parking within their property or find other locations within the area to legally park their vehicles.

	Submission Comments	
	Foreshore residence in North Carpark. The parking is needed for the 120 residents at Coasters Retreat and Mackellar Beach .Council in point 2 of the plan refers to permanent residents. We are all permanent residents as we pay our rates or are it a council suggestion that we have an honour system where we pay rates based on occupation only. The inference in point 2 of plan that there is a formula based on 24/7 occupation of individuals dictates the number of spaces for WFR vehicles. Is this correct? 3-The issuing of Non-resident parking stickers at $500.00 principally for trades and builders and the $200.00 stickers for surf club ,fire brigade or others essential services should be monitored with an internal register at each surf club or essential Service Organisation and available at council to stop the on trading or illegal use of stickers as advertised on Gumtree and the Internet.4-I support amenities for visitors to Coasters Retreat residents longer than the permitted 4 hour parking taking into account a two ferry trip of 2 hours loss of a 1pm ferry unless in school holidays allowing a time of I hour free parking for our visiting family and friends .This time should be a minimum of 8 hours allowable under RMS guidelines.5-I support the use of the North Carpark but on the basis that storm and tempest disturbances such as sea weed and damage to residents cars are the responsibility of council over and above any vehicle insurance claim and liability	
	Mackerel Beach Association - Southern Car Park We have a number of questions and clarifications on the use of the Southern Car Park. We would request that these be made clear to all, but especially to those most affected, who are the Western Foreshore ratepayers. If our understanding is right with these, then we have two issues that we believe need to be addressed: (a) there seem to be too few WF/NBC permits and too many temporary spaces and (b) the rules here are quite complex, have not been explained well, and can easily be misunderstood and lead to disputes. Clarifications on WF permits: Is the western side ok at any time during peak periods?	Discussed in detail with the association and will need to have a fact sheet prepared on the way the system works when the Council adopts the plan.

	Submission Comments	
	Is there no M-F parking on eastern side during off-peak periods? Is it 2P on eastern side only during S-S-PH off-peak periods and is it only 6am-9pm? Is it 2P on eastern side only during peak periods (all days)? Is it 6am-9pm only on western side during non-peak periods (i.e., need to move overnight)? Clarifications on NBC permits: Is it 2P on eastern side only during peak periods? Is it 2P on eastern side only during S-S-PH off-peak periods? 6am-9pm? Is it 6am-9pm only on western side at all times? One small question: there is a proposed loading zone in front of Barrenjoey House which seems to be 24/7. Is this necessary ort can it be restricted just to business hours? One suggestion that has been made is an interesting one that we urge you to consider. The grassed area in front of Barrenjoey House is currently not well used and can get quite straggly and ill-tended in summer. Can NBC consider converting this to extra (45°angle) parking? While the current parallel street parking will be lost, using angle parking will potentially add another 12-15 spots, which might allow removal of some or all of the temporary parking currently designated in the Southern Car Park.	
5.	We are currently an owner at Mackerel Beach but not a permanent resident there. We split our time between elsewhere and Mackerel. Thank you for your efforts with the new strategy document. While we believe it is mostly well developed we have the following concerns: 1. Unfortunately strategy 10.1 would seem to say that non-resident ratepayers would not get the regular Northern Beaches Parking permits, and nowhere does it say explicitly that the Western Foreshore residents or ratepayers would get them. This is potentially a blow to owners like ourselves at Mackerel, but may also be an issue for residents who have more than one	The proposed trial of a Western Foreshore Permit is in addition to the Northern Beaches Council Parking permit.

	Submission Comments	
	car. "10.1 Implement changes to the availability Northern Beaches Parking Permits and make unavailable to those who do not live permanently in the Northern Beaches Local Government Area."	
	2. While most of the proposed parking changes are logical there is a substantial loss of parking from the existing areas. This includes the permanent loss of 4 parking spaces due to the creation of the walkway (1.2) and the effective loss of two parking spaces to 5 minute drop off spots in the Northern Car park (1.2.6). The general area also loses two spots to improve visibility for cars exiting the Southern Car park (6.1.2) and two parking spaces for a loading zone (4.1). The total loss of 6 spaces out of the 57 in the Northern car park alone is a significant reduction for such a scarce resource. Could consideration be given to changing the entry/exit points around to the Southern Car park?	The operation of the carpark will not change under this proposal. Further changes may be required once the overall Northern Beaches Council – Parking Strategy is released for public consultation during 2018.
	3. The intended forcing of ourselves and visitors to park so far away from Palm beach, especially at Careel Bay, where we would have concerns about security for any extended stay parking. We do appreciate that there is no real security at Palm Beach itself but at least there are lights and generally significant foot traffic that might mitigate vandalism and theft. The practicalities of using the remote parking areas with regards to turn-around times and coordination with bus and ferry services are going to be extremely problematic.	The options available for parking security in the area have been noted and there are several locations within the Palm Beach area. Careel Bay is intended for day trippers and casual parking only.
	4. The council document does not spell out any proposed changes to parking rules in Governor Philip Park. It at least must maintain the ability to have overnight parking.	Governor Philip Park is not affected by these changes.
	5. Finally we are a little concerned about a big-bang implementation of these strategies. It leaves little room for proving the efficacy of proposed changes or backtracking in the event of unintended consequences.	Council will continue to monitor parking in the area and will work with the local community following implementation.

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	(As an amusing aside - well I hope it is - the documents from the council say in several places "Non-resident parking permits not excepted." - rather than "accepted"!) Mackerel Beach Association - ***Barrenjoey Rd*** Similar to our comments on the Southern car park, we would like some clarification around the proposed parking on Barrenjoey Road. *This is potentially a fairly significant change* as Barrenjoey Road currently represents a lot of the overflow from the Northern and Southern car parks. We are quite concerned that the loss of these parking spaces will have a significant impact on accessibility for Western Foreshore residents, although the gain of the Northern car park may compensate for this. Two questions/clarifications only: Are WF and NBC permits of no use here at all? This area represents a lot to spaces to be taken away from overflow, particularly during peak weekend periods, just for the 13 or 14 businesses in the strip. What is the expected number of spaces to be freed up by doing this? Is this too many?	The changes can be reviewed and amended if necessary by Council following the standard Local Traffic Committee process. Both WF and NBC permits are not valid for on-road parking. Changes have been made to the proposal and as such the on street parking is to remain as per current conditions.
6.	Hi - I am very much opposed to the proposed changes as they are very detrimental to the communities at Coasters, The Basin. Currawong and Mackerel. I have drawn up a summary of the impacts and I will send it on the other form as an attachment. Mackerel Beach Association - Overflow at Iluka/Careel/Governor Phillip and Long Term Strategy Overflow parking needs to be managed carefully, as many Western foreshore residents are elderly and most have considerable shopping, luggage, pets, etc to transport. Situating overflow parking too far away, without services to	Council is looking at providing short term lockers at the Ferry wharf for the use of Western Foreshore residents where they have to parking in a satellite location due to parking demand.

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	connect to the wharf, will be a major inconvenience. The suggestion of overflow parking at Iluka Reserve, Careel Bay and Governor Phillip seems a reasonable one, but Iluka and Careel Bay car parks are not large and the long-term demand increases for parking in the area suggest that a different strategic solution is preferred. The summary document from NBC outlines this in Strategy 2 but we would strongly encourage much more work in this area. The current proposal may aim to solve the current problems but does not go into detail about the future The Governor Phillip car park usage via the walkway improves safety and probably helps to alleviate the overflow problems, but as discussed above it is not really a long-term solution. Finally, as noted above, transport to/from overflow areas needs to be managed in concert with this proposal. We suggest that serious consideration be given to setting up a shuttle bus service which covers transport from the overflow parking venues at suitable times, with the allowance for shopping, small items of equipment and potentially small pets to be transported as well. This may require a vehicle outfitted in such a way to have luggage space as well as personal transport.	
7.	As WF weekenders we are happy to have resident permits linked to the rego and the name of the rate payers. This should not be linked to the registered address as weekenders may need local parking permits elsewhere during the week. Eg City of Sydney only gives a permit if the car is registered to the resident's address. WF Weekenders/semi-retired part-time residents should definitely get a resident parking sticker as well as a Norther Beaches sticker - they pay the same rates and use fewer services like garbage etc. They should not be treated differently to full time residents. Procedure for ratepayers with vehicles registered to their work? Far too many 4 hour commercial spaces on the weekend for the handful of affected businesses; Barrenjoey House, Fish & Chip shop etc. Once the tradie utes and central coast commuters stop leaving their vehicles all	Council is looking at providing short term lockers at the Ferry wharf for the use of Western Foreshore residents where they have to parking in a satellite location due to parking demand. Northern Beaches Parking Permits will be available for all ratepayers, as per current arrangements. The introduction of a WFSP will not change this.

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	weekend there should be a lot less pressure. Why not try this first and then re-assess commercial demand? Lockers would need to be quite big to be effective. Where would they go? Would you have to pay to use them? Who looks after the kids and the elderly when you go to park the car? Not much shelter on the wharf in winter from the cold & wind on a Friday night. Seems too hard and potentially unsightly - we really need enough resident parking near the wharf. WF Residents and rate payers should be able to overflow park on Barrenjoey Rd as there are not enough spots in the Carpark, especially on weekends. The area around Careel Bay wharf gets very busy in summer with boat users. Are they proposing extra parking and a commuter wharf? Has that community been consulted? Working couples need 2 cars More express L90 buses? On the weekends they stop too frequently and are too slow to be viable from the city. Newport detour could be less frequent? Are you proposing one Resident and one Northern Beaches permit/household? I hope so. WF resident renters need access to resident parking. How to ensure that the rate payers/landlords/agents don't withhold their permits?	The frequency of the L90 is being increase to every 15 minutes in this area. The 199 Palm Beach to Manly service will also commence at the end of November 2017.
8.	As it stands the proposal looks to be pretty reasonable - however - for those of use ae Western Foreshore residents the issuing of only one parking permit per household could be very problematic for those permanent residents who own 2 cars. Has there been any consideration to retaining some long term parking (to be paid for of course) in Pittwater Park to cater for the tourists, holidaymakers etc. who stay at The Basin, Coasters Retreat, Currawong and Mackerel for extended times on holiday? It would be impossible for these people if they are restricted to 2P or 4P if there is no long term parking available in the streets nearby (especially 9.Barrenjoey Road). But if there are fewer visitors offshore, this could possibly impact the ferry service and the water taxi - all essential to	Other parking and travel options are available

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	our life at Mackerel. It would also mean a reduction in trade for local businesses as these long term visitors to the Western Foreshore provide quite a bit of business to Barrenjoey House and other local businesses.	
9.	I co-own a property at Great Mackerel Beach with 2 other owners. The restriction of 1 permit per property will impact on our use of this property. I know there are other properties at Mackerel Beach with multiple owners. Co-ownership of a property is good use of a resource. It has become a sharing economy! Please consider co-ownership and the restriction of one parking permit per property for off-shore residents.	Other parking and travel options are available
10.	I support the Coasters Retreat (Owners) Association in seeking the parking permit to be issued to ratepayers at Coasters and not to Council's definition of permanent residents. I support the Coasters Retreat (Owners) Association in seeking access to Pittwater Rd parking for Coasters Retreat residents/owners with the new sticker as well as the Northern Car Park. I support the Coasters Retreat (Owners) Association in lobbying the Council for improvements to the Northern car park to prevent the storm surge and spray that regularly damaged cars using this car park.	Only one permit will be issued for each property and does not guarantee a space with other options to be utilised within the Palm Beach area.
11.	Considerable work on Council's Draft proposal has been made by many of us here in the Mackerel Community and all this work has been included in the final formal submission to be provided by our MBA president, David Walsh. For example I have not made a separate submission. I believe the final MBA submission represents all members and so should carry much weight and be of great help to Council.	Noted.
12.	1. Delete Principle 5 “Provide parking for commuters travelling between Central Coast and Palm Beach, where space allows.” There is no additional car parking space being provided and if it were it is required to meet the needs of offshore residents, local residents and local businesses as well as residents living in other parts of the NBC. Additional priority based on Strategy 11 and Strategy 12 to introduce a digital parking permit scheme to replace the current method of distributing the Northern Beaches Parking	The introduction of parking controls will allow for the management of the commuter use within the carpark and result in the commuter vehicles.

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	Permit and implement technology solutions to improve the efficiency of parking management. 2. Strategy 1 34 2P (two hour) P Ticket, Northern Beaches Parking Permit and Western Foreshore Permit parking spaces on eastern side everyday between 6am – 9pm providing the Western Foreshores Parking Permit Holders are not restricted to 2 hours parking. 3. NO annual parking fee for Western Foreshore Parking Permit if implemented permanently after 12 month trial. Compliance officers to ensure parking is monitored (Strategy 11) will generate revenue from non-compliance fines for commuter infrastructure improvements. The Pittwater North Car Park is currently unsuitable for safe parking for resident's cars due to the proximity to the water, sea spray and sometimes waves breaking over the car park with resultant damage and deterioration to resident cars. 4. The Association rejects the strategy that proposes to introduce a fee to fund the line marking and sea wall necessary to make this a suitable car park for offshore residents leaving their cars there for days at a time. There are more properties than car spaces. 5. In inclement weather there must be access to the Pittwater (South) car park without restriction to only one side of this car park or to 4 hours maximum. It is requested that the current arrangement of short term parking on the Eastern side of the car park be reversed to the Western side. This is because the impact of salt and spray is less on the western side and this is mainly and issue for those residents parking overnight. Parking access for residents with the Western Foreshore sticker on their car is required due to the shortage of parking and the proposed changes to parking arrangements on Barrenjoey Road. The proposed restrictions at peak times and at weekends throughout the year make it extremely difficult for ratepayers having properties at Coasters Retreat to get shopping and other supplies from their cars to the ferry (there not being any commuter boat facilities at Palm Beach). Recognizing the issues with RMT and Barrenjoey Road the solution is to provide access to Western Foreshore permit holders (only one permit per household with a designated car) to all the 78 spaces in Pittwater	

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	Park (south) car park. 6. Investigate opportunities to increase parking in Governor Phillip Park through Palm Beach Masterplan as Priority 5 replacing the priority to find spaces for the Central Coast commuters. 7. Eliminate non-resident parking permits but have provision to issue NB parking permits to non-residents active in local clubs and RFS.	
13.	Not enough parking for W Foreshore residents in North car park and terrible ferry access for friends and family, guests, Currawong, and basin campers. Too many spaces for Barrenjoey house. Ferry services will lose money and have to hand over to Council service or be heavily subsidised. Simple solution is to not allow central coast tradies to buy parking permits thus liberating many spaces. Regards Dr Andrew Fulton	There are other options for parking within the area to accommodate the additional vehicles per household. It is encouraged that visitors use public transport, car share or park in other areas available to them with unrestricted parking.
14.	That parking for residents and ratepayers comes before non-rate payers as we are contributing to maintenance of the car park .Also as residents we should have the right to be assured that we will be able to get to our homes this is the responsibility of a council.	This is achieved through the use of the parking permits, and under the regulations governing parking Council cannot differentiate between residents and non-residents without implementing a residents parking scheme which is not part of this project
15.	I do not agree with this proposal for one parking permit per household. This does not allow persons who work in the city to drive to work, especially if they family members have jobs in separate directions. This makes it financially impossible to live and work from Mackerel Beach.	There are other options for parking within the area to accommodate the additional vehicles per household.
16.	I completely disagree. The Draft Palm Beach Parking Demand Management Strategy as it will be a complete disaster for residents and renters at Mackerel Beach and any of the other sites near Palm Beach i.e. the Basin. One parking spot per household is completely unfeasible, as is having to park far away and then get the bus with kids, dogs, luggage etc either in the heat of summer or the cold of winter. A lot of the residents of Mackerel are elderly, and need their parking spaces, all other home owners rent out their homes and this decision will not only negatively impact house prices, but also rentals in general. My family has had a house at mackerel for over 30 years, and having been travelling and parking there for all this time I can guarantee that this decision will be an absolute disaster if it goes through. Please don't do it.	Drop off spaces have been provided within both car park areas to assist if spaces are full at arrival time.

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17.	Comment on Palm Beach Parking Strategies. There are about 124 houses at Mackerel Beach and 49 at Coasters Retreat. That is about 173 ratepayers. Council proposes to allocate approximately 57 parking spaces for these ratepayers. That is clearly insufficient. More spaces should be allocated for off-shore ratepayers	Managing the existing carpark for all residents using the area. Without the investment in a multi-deck parking facility we have a finite resource to manage.
18.	-I have been a resident of Great Mackerel Beach for the past six plus years but as a renter and not a rate payer. There is a t least one other family here in the same position. There needs to be some accommodation made for such a position. -Western Foreshore residents need to be able to park anywhere in any timed zoned parking areas as is the case in all other councils. I've lived in other high tourist/traffic area councils and this is the case there (Coogee, Surry Hills, Bondi, Glebe, Balmain). Otherwise what you are effectively doing is stopping us parking at what is effectively our home parking area. This is unacceptable and to suggest we park at a distance and catch a bus is impractical and unfair. -I understand it is a complex issue and have read and agree with the proposals from the MBA	This is achieved through the use of the parking permits, and under the regulations governing parking Council cannot differentiate between residents and non-residents without implementing a residents parking scheme which is not part of this project
19.	RESIDENTS OF MACKEREL BEACH NEED PARKING!	Space has been provided on a first in basis.
20.	My entire family have grown up at Mackerel Beach. All of our holidays and important family events take place here, and have done for over 30 years. The whole spirit of this remote and tranquil community is that family and friends are always welcome to come and stay during holidays and weekends, and enjoy a safe and peaceful holiday for all ages. By reducing and restricting the parking allowance for Mackerel you will make a detrimental change for our family, our friends, and our neighbours. Not only are you making it impossible for visitors on weekends (short time frames and remote parking from the wharf is simply not feasible), but also the future livelihood of the	There are other options for parking within the area to accommodate the additional vehicles per household. It is encouraged that visitors use public transport, car share or park in other areas available to them with unrestricted parking.

	Submission Comments	
	residents - as the effects of this proposal will have a hugely negative impact on the property prices moving forward.	
21.	We are very concerned about and opposed to the proposal that would also effectively prevent us from using the WF carpark. The proposal to limit the WF permits to one per house and be non-transferrable would effectively discriminate against co-owners such as us. We understand that there is concern about transferrable passes being sold on the open market. We suggest that this could be readily overcome by Council registering the cars of owners that are entitled to display the WF permit. This could be done quite easily. While all three cars of our co-owners would be entitled to use the WF carpark, only one permit would be able to be used by our property at any one time. This would maintain an equitable right with other properties) while also allowing each co-owner to use this carpark during their weeks of occupation at Mackerel. Thus, this would place no more demand on the carpark than is currently proposed and, at the same time, would not prevent us using this carpark for 2/3 of the year, which would otherwise be the case. We are aware of other co-owned properties at Mackerel and the above-requested arrangement should equally apply to these properties as well. It would not seem onerous for Council to maintain a register of the co-owners vehicles (to prevent misuse) and to make the WF permits for these properties transferrable. We look forward to Council's favourable consideration.	There are other options for parking within the area to accommodate the additional vehicles per household. It is encouraged that visitors use public transport, car share or park in other areas available to them with unrestricted parking.
22.	I have been a part owner of property in Great Mackerel Beach for 20 years and I support Council's efforts to resolve the competing demand for parking at Pittwater Park. I make the following comments in response to the Palm Beach Management Strategies (the Strategy): Due to the location of the Pittwater Park car parks at the ferry wharf, their primary purpose is to service the ferry and provide access for off-shore residents (whether permanent or temporary) who have no alternative access to their properties. The ferry wharf is located at the edge of the local business	There are other options for parking within the area to accommodate the additional vehicles per household. It is encouraged that visitors use public transport, car share or park in other areas available to them with unrestricted parking.

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	precinct and while it is accepted that the car park should provide some short term parking, it is not its primary purpose. As such, the first principle of the Strategy should be "Providing for the parking needs of off-shore residents while maintaining space for other uses". To achieve this Principle, I support the trial of a Western Foreshore Parking Permit (Permit) which would enable unrestricted parking in Pittwater Park (North) carpark (57 spaces) and the western side of Pittwater Park Carpark (South) (41 spaces), the latter also being available to Northern Beaches Parking Permits. However, I do not support the proposed criteria in 1.2.4 for issuing the Permit. In particular, it should not be limited to one Permit per property, not transferable between vehicles and linked to registration. Some properties, such as mine, are shared between a numbers of owners. Our use of the property is allocated in accordance with a roster and we do not all use the property at the same time. Consequently, it would be very unfair if one of the owners was able to have a Permit and the other was not. Our preferred position is that two Permits per property be issued with the option of purchasing an additional Permit, if ownership of the property can be demonstrated. These could be linked to car registration and not transferable. Alternatively, if only one Permit is to be issued, it should be able to be linked to more than one vehicle (subject to that vehicle being registered to an owner of the Property) and be able to be transferred between vehicles. This would enable us to share the Permit, while ensuring that it is not used by non-residents of the Western Foreshore. I support the provision of two 5 minute spaces in Pittwater Park (North) to enable dropping off of people and goods; however, these should be available on weekends throughout the year. There is often no parking available on weekends and residents and overnight visitors catching the ferry usually have a large amount of “stuff” with them and it is not realistic to transport this from a car space at a further distance from the ferry or by bus. I note that there are some inconsistencies between the written document and the Maps and suggest that the same terms should be used in both	

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	documents and that these should be defined egg it is unclear what the term "non-resident parking permits not excepted" means.	
23.	We are concerned about the proposed changes to the Western Foreshore (WF) and Pittwater Park South (PPS) parking areas that would affect access to our property. We are one of three couples who own a property at Mackerel Beach and are reliant on having long day and overnight car parking close to the ferry wharf as we arrive and depart with a lot of food/equipment. We also have family members with limited mobility. Each couple has their own car with their own Northern Beaches Parking Permit which enables us to use both the WF and PPS carpark areas at various times on the weekend and also during the week. Except for one weekend a year in November, we do not use the house concurrently - each couple owns one car only.	There are other options for parking within the area to accommodate the additional vehicles per household. It is encouraged that visitors use public transport, car share or park in other areas available to them with unrestricted parking.
24.	We are aware that it is proposed to further reduce the longer day and overnight parking spaces in the PPS carpark. We accept that this may be a more equitable arrangement given the various competing demands on these spaces. However, we are very concerned about and opposed to the proposal that would also effectively prevent us from using the WF carpark.	Other parking and access arrangements have been provided as part of this project.
25.	As a resident of Great Mackerel Beach the parking close to the ferry is a paramount consideration. The suggested parking arrangements for off shore residents I believe are insufficient - my husband and I have very different routines so we would require 2 stickers for our household. Visitor parking is also not sufficient as he 2 hour restrictions would prevent anyone even coming for lunch let alone staying for a weekend. I would also suggest that non northern beaches residents should not be able to purchase or be given parking stickers as this makes it difficult to discern between legitimate requirements and non-essential parking requirements.	Other parking and access arrangements have been provided as part of this project. It is encouraged that visitors use public transport, car share or park in other areas available to them with unrestricted parking.
26.	Eradicating overnight parking at Palm Beach wharf will be detrimental to visitors, particularly such savour family who frequently visit Mackerel beach with an infant and toddler, making our visits to family much more difficult without the overnight parking	Other parking and access arrangements have been provided as part of this project. It is encouraged that visitors use public transport, car share or park in other areas available to them with unrestricted parking.

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27.	We would contend that all ratepayers at mackerel beach be provided parking stickers. We have two cars and are used at Mackerel 6 months of the year. By your apparent policy only "permanent" residents would get a single sticker. However all ratepayers there pay the same rates and therefore should be given the same entitlement to parking. Parking is already problematic enough before you take into account the changes you propose. Also as far as guest to our property are concerned this is hugely problematic in that they will have to park hundreds of meters away from the wharf. In our case we have elderly parents who often come to stay who will not be able to walk that distance and will no longer be able to stay with us.	Other parking and access arrangements have been provided as part of this project. It is encouraged that visitors use public transport, car share or park in other areas available to them with unrestricted parking.
29.	The changes to parking you propose seem to ONLY benefit local businesses to the detriment of local residents. The impacts to our family are; my family member may be unable to live there (and we will be unable to stay overnight to assist and provide company and care. The issue is not with local residents it is with Ettalong/Central Coast permit holders parking over the weekend. Please have another look at your proposal and consider other options as this makes no rational sense - local residents and their guests support local businesses, your proposal will see approximately 190 spaces for businesses. With more than one person per car, that amount of foot traffic cannot be serviced in those small businesses. Think long and hard about the impact to your constituents.	Other parking and access arrangements have been provided as part of this project. The proposed parking restrictions in Pittwater Park (south) will provide 4P and 8p parking every weekend and all public holidays. This will restrict vehicles parking all weekend and will ensure turnover for all users.
30.	To whom it may concern; the changes to parking at Palm Beach that you are proposing will significantly impact local residents and their guests. Your proposals will hinder the ability to remain permanent residents due to availability of car spaces and the reduction to 1 per household. Additionally for those of us who don't live there however regularly stay with family, will be unable to do so moving forward. The rental income will dry up - how do you attract renters when there is no car parking and they have to take all of their	Other parking and access arrangements have been provided as part of this project.

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	own groceries and belongings to a place not accessible by road? Finally what about those people that enjoy camping at the Basin that will no longer exist and will impact the funding for the protection of the national park. This proposal is not feasible, please consider the impacts and the additional problems this may cause.	
	On-Shore Comments	
31.	Having reviewed the plan for changes in parking I am encouraged at the improvement for resident temporary parking to visit the park and restaurants in that area. Well done.	Noted.
32.	Any expenditure allocated to the former Pittwater zone (essential services excepted) should be deferred until a final decision has been determined concerning the Pittwater annexation.	Noted.
33.	Principle 3 should out-rank all other principles. The Pittwater Park parking area is not a formal adjunct to the businesses, and it is not a private storage facility for cars owned by the occupants of houses that have no car access. Whilst it is a noble and helpful aim to assist these usages, these should not be ranked as the top priorities. Neither one of these usages is consistent with the principles of Crown land management. It seems there is too much 2P parking on the Peak Period map. The 2P only really suits those users choosing to remain nearby - it does not suit those who choose to venture onto the water (whether by ferry, or private boat), or those who choose to use the new walkway to explore more widely. The allocation of 2P shown for Off Peak Period might be a workable arrangement year-round, where the 4P still allows for the short-term customers of the shops, but also allows people to get onto the water for a while. The idea of a Western Foreshore Parking Permit appears to be a good one, but the creation of dedicated space (Pittwater Park North) to the total exclusion of all others, even just in the months of December and January, is a disproportionate allocation of preferred parking to this specific usage cohort. Another alternative might be to place the December - January dedicated	Other parking and access arrangements have been provided as part of this project. The proposed parking restrictions in Pittwater Park (south) will provide 4P and 8p parking every weekend and all public holidays. This will restrict vehicles parking all weekend and will ensure turnover for all users.

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	Western Foreshore Parking at the "McKay Reserve" location. Suitable co-operation between members of the offshore community could see these 15 spaces used for tandem "stack" parking, where an additional 15 spaces would then be created. The creation of 15 extra spaces in this way benefits all usage cohorts, but it is only the offshore users who "store" their cars for weeks at a time, who could avail themselves of this. That is not to say the Western Foreshore Permit should not have rights in Pittwater Park North - just that Pittwater Park North could be shared and not made the exclusive domain of offshore cohort. Another (small) cohort who could utilise the extended parking in Pittwater Park North are those NBC Parking Permit holders who are overnighting in their boat.	
34.	I would like to submit a suggestion to facilitate both parking and drop of visitors/luggage and residents at Palm Beach Ferry. Presently one has to drive in and back out as others are doing the same. It is a completely chaotic scene and dangerous with dozens of cars stopping then reversing with difficulty and more cars drive in to this cramped ferry terminal area. Whilst many pedestrians are trying to catch ferries. The grassed area to the south is unused as a picnic or leisure area and could be used at a small roundabout so the Cars can all be heading in the same and safer direction. Also, a 2 or 3 story parking station opposite the RSL Pacific Club (in the RSL parking area) could be a paying proposition and be enormously beneficial to local businesses as well as residents and visitors. As a former offshore resident and now resident of Palm Beach I would like to see businesses at Palm Beach prosper.	Two parking spaces will be available in Pittwater Park (south) to assist with luggage, etc. Council is looking at providing short term lockers at the Ferry wharf for the use of Western Foreshore residents where they have to parking in a satellite location due to parking demand. It is a recommendation in the strategy that the RSL investigate parking opportunities through future development. Are options are available
35.	Parking in Palm Beach Rd between Barrenjoey Rd and junction with Pacific Road should be restricted to 2 hrs for non-residents of this zone as the street fills with long time parkers particularly on weekends and in summer by vehicles dodging paying for parking at wharf. I often cannot park anywhere near my house for this reason even though I am a rate payer. The present arrangement is not fair to residents. Often Palm Beach Road is filled with	It is encouraged the Palm Beach residents make use of their garages for parking, or park within their property boundary.

	Submission Comments	
	tradies utes whose owners live on Central Coast and who dump their work utes in Palm Beach Road before they catch the ferry back to the Central Coast.	
36.	1. It has to be acknowledged that Palm Beach Parking is problematic given (a) the limited available space for car parking, and (b) Palm Beach is a major tourist attraction and is "at the end of the line". The problem needs to be addressed and resolved in a bold holistic manner and not with short term Band-Aid solutions. 2. Two principles should be followed. First, park and ride with a major car parking facility established at Avalon, Newport or even at Mona Vale close to the B Line bus terminus. Second, the differential in the cost of using the park and ride facility and parking at Palm Beach should be such as to provide (a) a real incentive to use the park and ride facility and (b) a real disincentive to park at Palm Beach. 3. Parking in Palm Beach Road between Barrenjoey Road and Pacific Road is hazardous in the summer months. The narrowness of the road and the state of the footpath adversely affects the flow of traffic and creates real safety risk for pedestrians. Significant parking charges should be imposed (except on local residents) to discourage lengthy day time parking and overnight parking on Palm Beach Road. The footpath requires a major upgrade (and widening where necessary). 4.Parking in Palm Beach Road and other residential streets in Palm Beach should be limited to 6 hours at all times during each 24 hour day , except for local residents.	1. Noted 2. Council will be making available the 181 car parking spaces located at the North Avalon sports ground for overflow parking during summer. The 199/L90 bus service will be available to connect to Palm Beach. 3. Minor footpath works will take place to provide a connection to the Palm Beach walkway. Any parking restrictions on local streets would apply to all users. 4. At this stage Palm Beach Road will remain as existing conditions.
37.	Whilst the demand for car parking in the Pittwater vicinity is evident, the solution of building a utilitarian car park structure for one sole use is antiquated. Rather, the proposal should be multi-faceted to provide public/commercial benefit - as opposed to being purely a car park. Pending relevant technical reports justifying any amenity impacts, the proposal should be designed in a manner to incorporate an open public roof space which could include public gardens or playgrounds or, for commercial and financial benefit, a small bar or cafe atop which would then serve as a	No car park development is being considered by Council. It is a recommendation in the strategy that the RSL investigate parking opportunities through future development.

	Submission Comments	
	greater incentive to use the car park itself and provide a revenue stream to update/maintain landscaped surrounds etc. The construction of a concrete car park, without any public or commercial benefit, is the wrong solution in this circumstance.	
38.	My approach is formed on the basis of a few key factors. One of the main issues to peak weekend traffic is the lack of somewhere to stop. A key factor in this is that long term and overnight users require access to water based transport, but not to shops - they needn't congest the current Palm Beach parking area - limit the short term, casual and visitor parking all others need One way of addressing this problem would be to split the load - establish the Barrenjoey wharf (Boathouse) wharf as an alternative - ideally a preferred option for overnight or offshore parkers - make use of the golf course side of the road for overnight parkers - allow them to access cost efficient long term stays under special pass - golf course users could also use the southern end - leave the main palm beach ferry car park for short term use ultimately I believe we should line both sides of the road with parking most visitor/tourists don't know where to stop so clog the roads and hold up all local traffic while they are looking for somewhere to stop Governor Philip park is a natural destination I believe we should create a tourism facility destination in the park this will focus the visitor traffic, also given them a certain place to stop Ideally, Governor Philip park would feature a destination facility which - showcases the indigenous history - explain the more recent history - explains the geography and how the tombola/ sand spit was formed - provide a true destination for visitors to the Northern Beaches	It is encouraged that visitors parking long-term in the area park in the un-restricted parking areas. Pittwater Park (south) will be made available for short term parking Saturday, Sunday and Public Holidays. Parking in Governor Phillip Park is not being considered during this project.

	Submission Comments	
	- a key point along the Palm Beach to Manly walk I would welcome the opportunity to elaborate on these ideas and explore them with Council. In the meantime thank you for the opportunity of contributing and for your consideration	
39.	We operate a ferry service from Palm Beach to Patonga leaving at 11am and returning at 3.30pm, also incorporating a Hawkesbury River tourist cruise. Most of my passengers during busy times, even a sunny winters day cannot find a park, I know this because some of them call and ask for advice in finding a park. So as expected I'm losing a lot of money. When council took on the task of car parking in Palm Beach I had every confidence in them to make more car parking available, not try to better manage the existing parking. If the new strategy for better managed car parking at Palm Beach goes ahead, where would I tell my passengers the best place to find a car park?, because it looks to me, (and I might be mistaken).. That there isn't one... If I have to tell my passengers to park their car many kilometres away and catch a bus, then they will not bother and leave the area. As I will have to do when the business has to stop due to a significant decrease in passenger numbers. Palm Beach needs more parking, not better managed parking. It is council's responsibility to provide this; it is inevitable that this will happen, whether this council gets it done or the next.	Pittwater Park (south) will be made available for short term parking Saturday, Sunday and Public Holidays. No car park development is being considered by Council. It is a recommendation in the strategy that the RSL investigate parking opportunities through future development. Council will work with business owners to provide information to visitors and customers on where to park in the area.
40.	I am not happy with your parking strategy for Palm Beach. You have completely neglected the concerns of residents in Nabilla Road. Our street community made a written email submission to Michelle Carter and Dick Persson on the 17th of January 2017 airing our issues with parking. Of the 10 dwellings in Nabilla Road 7 families signed the email, most permanent residents. We want some form of restricted parking in the peak and holiday periods in Nabilla Road just like you've proposed along Barrenjoey near the corner of Iluka and Barrenjoey Roads. The other option we would like is resident	Restricted parking is not being considered in Iluka Road or Nabilla Road at this stage. Residents parking permits are not an option as off-street parking is available for all residents. Council will promote Careel Bay car park as overflow parking during the peak summer period.

	Submission Comments	
	parking permits. All we can expect from your current plans as I understand them is that we will again be an overflow area for holiday-makers looking for parking, only now Nabilla Road will be the first place they look. If you think Strategy Three the Careel Bay proposal for parking will solve our problem I believe you are wrong. Consistency in parking regulations will make a difference and the areas bounded by Iluka, Woorak and Nabilla should get restricted or resident parking. Only then will the Careel Bay proposal make sense to holiday-makers who will try for closer parking.	
41.	I am not happy with your parking strategy for Palm Beach. The fact that the only mention of Nabilla Road in your strategy was for possible kerb and guttering and footpaths in the future indicates how little you take notice of local residents and their needs. Your strategy contravenes your stated Council Community Engagement Policy. "Council's commitment to … and its willingness to actively engage the community in its decisions" Most of the Nabilla Road community wrote to Pittwater Council in May 2015 over concerns that a ratepayer was allowed to fund the building of kerb and guttering in front of his residence resulting in the loss of several much-needed parking spaces. There was no consultation with other residents of Nabilla Road and we are dead against kerb and guttering or footpaths which would change the whole character of our street. With reference to your draft 6.3 Nabilla Road: Our road runs east-west and makes no contribution to better pedestrian access to Pittwater Park and the Ferry. Don't you mean Iluka and Barrenjoey Roads which both run north-south? Apart from kerbs and gutters, the last thing we want in our street is a footpath.	Council is working to develop the future footpath schedule for the northern beaches and will consider including footpaths in this location to improve pedestrian access to the ferry wharf. Council will investigate the history relating to the building of kerb and gutter.
42.	1. Concerns regarding the suggestion of Careel Bay parking for long term stays ie Basin Campers over the peak season. Greatly affects customer/tourist experience in Pittwater; Fantasea will lose patronage therefore business viability a. will there be adequate signage and notification to advocate the use of this facility and what will be in place to accommodate our customers regarding the	Council will work with business owners to provide information to visitors and customers on where to park in the area. Other parking and access arrangements have been provided as part of this project.

	Submission Comments	
	transportation of all their camp equipment? This requires consideration during peak season Basin camp ground is full to capacity daily. These happy campers also support the local businesses when they come across to PB for the day. NPWS will also be affected. Should parking facilities be made difficult for them patronage will in time stop. b. will transport/shuttle be a free service? c. how often would these services run to and from 2. Central Coast residents with work and family commitments on the Northern Beaches will also be greatly affected with inadequate parking facility available to them. With the advent of the proposed system and without adequate all day parking in and around the wharf Fantasea will lose patronage which will harm the business a. frequent buses connecting the ferries to all points south would assist to ease the parking pressure at Pittwater park b. frequent buses from Careel sports ground to wharf and beyond will be a necessity 3. Thought should also be given to the CC residents who have their livelihood here on the Northern beaches; though not rate payers they do support the local industries. 4. Fantasea carries over 200K+ people per annum across the waters a. ~40% are families and friends connecting and enjoying PB/CC for the day; b.~30% are commuters working on the northern beaches, please consider the effects of little to no parking allocation to their livelihood. They will be forced to consider pooling and making the long drive down the highway; more cars on the road less environmentally friendly. c. ~30% weekend day trippers exploring the peninsular and CC which brings revenue to local businesses 5. Peak season run from 1/10 through to Easter Monday Suggestion for NBC to look at long term impact on tourism to this area should the issue of long term parking facilities not be addressed. For tourism growth	

	Submission Comments	
	the transport infrastructure needs major improvements. Fantasea provides regular reliable speedy connections for the northern beaches to central coast; without regular reliable public transport (ie buses) the proposed car parking system will only keep local offshore residents and the small hand full of PB businesses satisfied short term.	
43.	I have heard that kerbing, guttering, and foot pathing Iluka and Nabilla road may be considered in the future. It is definitely not necessary. The fact that there are no curbs and gutters is the very charm of the street and it does not impinge on safety or access. It is a shame that curbing was permitted in front of the resident on the corner of Iluka and Nabilla Road. This view is shared by many on the street. Also, trailer Parking should have a designated area near the ramp parking and trailers should not be permitted to park freely on Nabilla Road.	Council will engage future with property owners regarding kerb and guttering and footpaths in these streets. Trailers can park on all roads if they are legally parked and registered.
44.	I need the Council to reconsider parking issues in and around Nabilla Road. Cars and trailers are left for days on end regularly and make residents and guests/carers parking tricky and sometimes impossible. There needs to better restricted timed parking. No overnight or week long spaces taken up by boat owners and ferry users. Especially as you're planning to put in restrictions nearer the wharfs and the ferries. So Nabilla will be the first unrestricted road people will use. We welcome safe footpaths and better/safer guttering. But please help us all share paradise more safely and conveniently, without unreasonable overuse and long term parking use of residential roads. Many thanks. Please also email back latest developments and keep local residents up to date.	Restricted parking is not being considered in Iluka Road or Nabilla Road at this stage. Trailers can park on all roads if they are legally parked and registered.
45.	I would also like to strongly disagree with any creation of resurfaced parking bays with huge numbers of signs going up in Iluka and Nabilla Roads. They would totally spoil the beautiful ambience and character of the area. The footpath doesn't need to be added in Nabilla Road as pedestrians would need to walk along Iluka to get to the ferry wharf. Adding more concrete or	Restricted parking is not being considered in Iluka Road or Nabilla Road at this stage. Council will engage future with property owners regarding kerb and guttering and footpaths in these streets.

	Submission Comments	
	resurfaced pathways would spoil the look and encourage more use. Please think of the least intrusive solutions so enable residents and guests/workers/carers safe and easy access to their homes at all times. How about a pay as you go shuttle bus at peak holidays and weekends from the larger parking facilities at Hitchcock Playing Fields and the tennis courts car park at Careel Bay. That'd help. Link up bus times to ferry times	
46.	I do not support Strategy 2; 2.1. A multi-story car park is out of character for the area. Let the parking in the area support what it can; people will learn to visit in off peak times and/or get the bus next time.	Noted.
47.	Localift is a collaborative mobility ecosystem for Smart Cities. We have extensive access to research around the world on mobility trends. We base this submission on our knowledge and expertise in this area. The suggestion a multi-level carpark will solve the problem is foolhardy and will not generate an economic return. Global research is totally consistent with the recognition that car ownership in Western countries has peaked and will reduce dramatically between 2017 and 2030. This will result in cities/local governments requiring less car parking than they have today and repurposing carparks to alternative community facilities/amenities. The challenge is the transitionary period over the next 5 years or so. A better alternative for NBC at Palm Beach in this time horizon is to encourage more Northern Beaches residents and visitors to travel together in fewer vehicles and by other means of transport. • Carpooling is the simplest option with short-term payback • Greater public transport usage is good if sufficient infrastructure and services exist • Encourage more people to use active transport - walk, run, cycle - additional cycling paths and secure bike parking can help this • Council provides free "last mile" transport to popular venues - such as the	Noted.

	Submission Comments	
	Hop Skip Drive service in Manly. This type of service can be extended to morning and evening peaks to make it easier for residents to get to bus stops/transit hubs. Localift has a solution which can help NBC with this problem. We don't need another carpark - it will be a waste of money that can be better spend on infrastructure which will have a much longer economic life.	
48.	Pittwater Park and Barrenjoey Rd near the Wharf is the "ground zero" of parking on the Pittwater side of Palm Beach. The Park and Road are currently being used as a commuter parking station for the Central Coast commuters and a private carpark for the off shore residents preventing everyone else from using the Park. Pittwater Park is Crown Land and for EVERYONE to share fairly. You cannot give exclusive rights to Pittwater Park carpark (north) to the Western Foreshore residents and allow unlimited parking on the western side of Pittwater Park (south). Pittwater Park (north and south) must have timed parking - 2P and 4P - every day in summer from December to end of April and on weekends and public holidays the rest of the year so that everyone can access the Park. Otherwise cars can be parked there all day, every day ALL YEAR!! The Commuters and the Western foreshore residents can park overnight - no problem - but MUST be gone during the day! I cannot understand how the ferry service can expand more and more without the provision of parking somewhere away from the wharf. If I go to Manly Wharf to use the ferry I don't expect or demand to be able to park close to the wharf, I know have to catch a bus, get a taxi, walk a fair distance or park in a parking area well away from the wharf. Same should apply here at Palm Beach Wharf. The Northern Beaches Parking Permit system is way too loose and open to abuse and rorting and must be strictly controlled. Enforcement of timed parking is essential - rangers must be as vigilant and strict as they are in Avalon. Everyone knows you'll get booked in Avalon if you overstay.	A permit will be introduced to western foreshore residents to provide a dedicated space to park. The introduction of parking controls will allow for the management of the commuter use within the car park and result in the commuter vehicles parking in un-restricted areas during weekends and Public Holidays. The 199 bus service will commence November 2017. Northern Beaches which will look at a range of measures to enforce compliance with the restrictions on parking. The items listed are of relevance to not only this area but across the whole local government area and has been noted for future strategy development.

	Submission Comments	
	Bus timetables must coincide with the ferry timetable so Commuters and offshore residents could park further away and get the bus which then aligns with a ferry. Information for visitors - such as places to park and facilities must be given as far back as Careel Bay playing fields, advising visitors that parking is very limited in Palm Beach so "Park and Ride" like you do for the Easter Show etc. Turnover of spaces is absolutely essential in Pittwater Park so EVERYONE gets a fair go at being able to use the park for recreation, walking, playing on the kids play equipment, admiring the view, reading, swimming, picnicking etc. etc. which is what it is meant to be used for. It's not a car storage area. Also I notice that the three disabled spaces seem to be used by the same cars/van (commuters & off shore residents with a disability permit) all the time for days on end. This is not how they're meant to be used. Again. they need to be shared fairly and thoughtfully.	
49.	This problem is all around Sydney and can only be solved by limiting the number of cars entering P.B. There is not enough parking in P.B.so we must stop cars coming to rather than trying to find a place for them when arrive.	Council will promote Careel Bay as overflow parking during the peak summer period.
50.	I am most understanding of Tony (fish and chip shop) and Jenny (Barrenjoey House) who would like more available parking for their potential customers and the problems their customers face when trying to find a place to park- in high summer totally impossible. I agree with others it is annoying that Central Coast people can obtain our Northern Beaches stickers which allows them to park 24/7. I sympathise with them also as they need to have their car available to drive to work once in Palm Beach. I would agree with your plan of 4 hour parking however as my property (which is very close to the ferry) only has two parking spaces available to us- when we have visitors we park on the street to allow them to park in our driveway. We would be appreciative if we could be given a "resident" parking sticker to allow us to park (one car) on the street for longer than 4 hours. Thank you for your time and interest in my opinion.	Northern Beaches which will look at a range of measures to enforce compliance with the restrictions on parking. The items listed are of relevance to not only this area but across the whole local government area and has been noted for future strategy development.

	Submission Comments	
51.	I have just had a look over the plans for the parking. I think it is crucially unfair for locals and beach goers who struggle finding any parking as it is always nearly full with majority of cars are picnicking on mackerel/basin or living on the coast. I would ask for 75% of all parking spaces to be 2, 3 or 4 hour maximum, including those with a sticker. Many tradesmen who reside on the central coast leave their cars here over the weekend and each week night from 4pm till 7am, taking up majority of spots, and limiting parking for people visiting the beach or local business. I know it is hard to please everyone, but it was never to support people living on the coast it was an amenity for the local area.	A permit will be introduced to western foreshore residents to provide a dedicated space to park. The introduction of parking controls will allow for the management of the commuter use within the car park and result in the commuter vehicles parking in un-restricted areas during weekends and Public Holidays.
52.	I agree that the parking at Pittwater Park needs to be freed up to solve the parking problems that make the area inaccessible. Locals should have more access, and parking should be made available for locals and short stay people while people who want to leave their cars longer should park at Careel Bay or somewhere south of Palm Beach and use the bus.. Certainly there should be no Pay and Display options at Pittwater Park, or no more than 12 hour. 72 hours would be outrageous. The week limit should have been elimated ages go Governor Phillip Park is already close to capacity and should not be seen as overflow. I have more to say and because it is nearly 5pm I send this and request an extension for the second submission part of my submission	The introduction of parking controls will allow for the management of the commuter use within the car park and result in the commuter vehicles parking in un-restricted areas during weekends and Public Holidays Council will promote Careel Bay as overflow parking during the peak summer period.
53.	My comments are concerning the proposed changes to car parking in the north and south car parks of Pittwater Park. I find it hard to believe that NBC is proposing that the northern carpark is to be exclusively for the use of Western Foreshore residents and further that the western side of the Southern carpark will have no time limit and NBC resident parking permits will be permitted which means that these 41 car spaces will be used for long term parking and car storage predominantly by Western Foreshore and Central	A permit will be introduced to western foreshore residents to provide a dedicated space to park. The introduction of parking controls will allow for the management of the commuter use within the car park and result in the commuter vehicles parking in un-restricted areas during weekends and Public Holidays.

	Submission Comments	
	Coast residents who, as everybody knows, either by NBC resident parking permits on the black market or are given them by friends who are NBC residents. So out of the 132 car parking spaces in the north and south carparks essentially only 32 spaces would be available for other NBC residents and visitors to Palm Beach. The above situation is a long way from a fair and equitable sharing of the 132 parking spaces in this Crown Land Reserve and is not only contrary to the stated aims of NBC but also contrary to the principles of Crown Land management and the Bitzios parking hierarchy concept. For there to be an equitable sharing and to comply with the principles of Crown Land management all the parking in Pittwater Park must be time limited.	Northern Beaches which will look at a range of measures to enforce compliance with the restrictions on parking. The items listed are of relevance to not only this area but across the whole local government area and has been noted for future strategy development.
54.	I recently had the opportunity with my family and overseas visitors to visit The Basin and Great Mackerel Beach by ferry. I have also walked from West Head to Mackerel Beach in the past. These places are truly Australian gems, and partly due to the appeal of remote access, from Palm Beach or West Head. Parking was difficult when we decided to take our overseas friends on this trip, naturally the public carpark was full so we parked some distance away and walked to the wharf. As a visitor, I do not mind walking a bit to get to the ferry, but this is not an option for many residents. I understand there are planned changes to parking which may affect residents - has this been considered? I would recommend against providing vehicular access from West Head to Great Mackerel Beach, as it would change its character forever. My preference is that consideration be given to the residents here as I'm not sure how Council intends for short term parking at Palm Beach to be viable. I would like to see some planning for a select number of permanent carparks for Great Mackerel residents at Palm Beach first and foremost, followed by an allocation of casual parking. Leaving the residents without parking options is not an option. I'm happy to reiterate my view over the phone if required.	A permit will be introduced to western foreshore residents to provide a dedicated space to park. The introduction of parking controls will allow for the management of the commuter use within the car park and result in the commuter vehicles parking in un-restricted areas during weekends and Public Holidays. Northern Beaches which will look at a range of measures to enforce compliance with the restrictions on parking. The items listed are of relevance to not only this area but across the whole local government area and has been noted for future strategy development. Council will promote Careel Bay as overflow parking during the peak summer period.

	Submission Comments	
55.	This is the second part of my submission. In the submission I sent just before 5 pm I asked for an extension of time. I will comment firstly on Attachment A Draft Summary of Pittwater Park, Palm Beach Parking Demand Management Strategy'. 3. Pittwater Park is Crown Land so the public should not be excluded from any part of it. Therefore I don't think that western foreshore residents should be granted it. I gather that this strategy allows them potentially 98 spaces out of 130. This seems a high proportion. Only residents whose house is their principal place of residence should be allowed a Western Foreshores permit. Western Foreshore people said they didn't like the north part of the park because the salt water blew onto their cars. They should be given fair consideration, however. They and the residents on the Eastern foreshore and the short term customers and short term visitors should be better off when we get rid of the long range parkers, like the Pay and Display people and Central Coast people that can clog up the park for days. A big problem is the way the Central Coast people leave their vehicles at Pittwater Park after work on Friday and leave them there till Monday morning thereby monopolising car spaces all weekend 6. Overflow parking should definitely not be promoted to Governor Phillip Park. Governor Phillip Park is getting close to capacity. It is our only place that still has a bit of open space. Don't let cars take up that place. PLEASE. STRATEGY ONE	A permit will be introduced to western foreshore residents to provide a dedicated space to park. The introduction of parking controls will allow for the management of the commuter use within the car park and result in the commuter vehicles parking in un-restricted areas during weekends and Public Holidays. Northern Beaches which will look at a range of measures to enforce compliance with the restrictions on parking. The items listed are of relevance to not only this area but across the whole local government area and has been noted for future strategy development. Other comments noted. Council appreciates the time taken to respond to us with comments and continued interest in this project.

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	1.1.1. If a local or a customer wants 3 hours, say to go to the beach or go on a boat or have a 3 hour lunch, unless there is a parking space on the western side of the south park they can't park on the east side because the limit it 2 hours in summer. They would look on the western side which only has 41 spaces. These 41 spaces are available to long term parkers as well as Eastern and Western Foreshore locals and visitors, so the chance of enjoying the beach or going on the water in a busy time is slim. In winter the chances may be better, but what if you want to go for 5 hours? This highlights the importance of eliminating all Central Coast parking from Pittwater Park and also Pay and Display parking for more than say 6 or 10 hours or less. Perhaps a handful of free parking spaces could be made available with a notice that says they're not for overnight stays. It is both outrageous and dopey that visitors can park using Pay and Display for up to a week at present. I have asked for the time to be shortened but to no avail. I have heard that 1.1.2 allows for 72 hours. This must be deleted from the strategy. Otherwise I don't think that we'll see any improvements. If collecting money for parking is being done as a money raiser by the Northern Beaches Council, it is totally inappropriate there. If Council had got rid of the long stayers ages ago Council might have saved a lot of money and we'd all be better off. There might have been no need for this plan or the Bitzios study that cost $50,000 and told us what we knew anyway. 1.2.6. I think that more than 5 minutes should be allowed for unloading and	

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	unloading at the wharf, and for meeting the ferry, especially as there may be a need to take the car away. For instance, two families with kids might be going camping at the Basin. They have to unload all their camping gear and organise themselves. That takes time. Then the drivers take the cars to Careel Bay to park them. I suggest 20 minutes. 1.4 -1.6 I suggest that these ideas don't get implemented until later if they become necessary. It's a pain having to find money for a parking meter when you just want to duck in to the shop for 5 minutes. STRATEGY TWO 2.4 and 2.5. No don't! Traffic should be encouraged to stay South or go South of Pittwater Park. We have a good and frequent bus service. Parking in all Palm Beach is limited and finite. 2.6 The McKay Reserve car park might be extended a bit but I don't value the idea of 'formalising'. STRATEGY THREE 3.1 I support this concept. I would like cars to be able to park near the bus stop east of the dog park, in the area where the trailers and boats and newly planted bush plants are. Have all avenues to make this happen been fully explored eg with RMS? At least I think that the bush planting program should be halted until the parking plan is implemented to leave that precious place open and available. There should be communication between silos. I would like this area near the bus stop available for parking as well as the soccer fields. It would be easier for people like Central Coast tradies to catch	

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	the bus from the Palm Beach ferry to their vehicle parked in this handy Careel Bay spot. If the strip was made wide enough, would RMS allow angle parking? This would deal with the trailer problem. It would be good if the L90 and future 199 could take people free between Careel Bay and Palm Beach. Not everyone has an Opal card. 3.1.4 I think that the outbound bus stop should stay where it is. STRATEGY FOUR 4.2 I would like the mail zone to stay the same. I like somewhere to park the car while I post a letter any time of the day, especially if there's no parking spot. STRATEGY FIVE 5.2. Definitely 'NO'! The walkway has nothing to do with it. It's needed. It's great it's happening! STRATEGY SIX I'm worried that these ideas might lead to over-development, --to pointless and expensive dollying-up, loss of character etc. 6.3 Nabilla Rd. This is a puzzle because Nabilla Rd is not between Pittwater Park and Palm Beach ferry wharf and it definitely does not need "construction of footpaths to improve pedestrian access". 6.4.1 I think that formalising Pittwater north with marked bays is a bad idea. It's fine as it is as long as there's space near the current driveway up the hill to turn	

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	around in. We probably fit in more cars without formal bays. STRATEGY SEVEN 7.3 No more kerb, gutter and footpaths are needed in Nabilla and Iluka Rd 7.4. Everyone knows you've got to go slowly there. We don't need a nanny state to impose a 10km shared zone or go on about compliance. We're big boys and girls now. Common sense is a good guide. STRATEGY EIGHT Some signage and wayfinding is appropriate but I think that Council is too big on signs and signage. Signs can be visual pollution. People come to Palm Beach because it's beautiful. It has a casual easy-going character and is not overdeveloped and dollied up and too suburban. So please don't spoil this. It used not to be overburdened with signs. Strategies 6, 7, and 8 could do this. We don't want kerbs and gutters or that useless and obstructive new lump of concrete at the entrance to the ferry wharf from Barrenjoey Rd. MISCELLANEOUS At present some landowners encroach on public land to the detriment of the public. They plant vegetation and do landscaping and put rocks and clutter on the nature strips outside their properties. This can stop the public walking or parking on this public land. They also plant to narrow roads and make them unsafe as well as blocking views even though they don't need to, to preserve privacy. eg Sunrise Rd, Nabilla Rd, Barrenjoey Rd, Iluka Rd, Pacific Rd, west end of Beach Rd and more. In places like Barrenjoey Rd opposite the Kindergarten it would be OK if they put their trees right against their front walls and left space for parked cars. Nabilla Rd is flat and free of kerb and	

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	guttering, so if some of the verge was cleared it could accommodate cars safely and easily This is relevant to your parking study. Many more parking spaces could be made available if road reserves became available. Please would Council be pro-active on this? I imagine, at first at least, a PR, awareness, community minded campaign to inspire people to clear their road reserves. At the Western end of Beach Rd near the Golf Course is a place where people park to go to the Pittwater beach. The neighbour on the south side of that space has planted a large garden and trees outside his wall on public land taking up important and valued parking land and viewing space. He can't even see it from inside his property. Many locals who live up on the hills of Palm Beach cannot access the beach or the shops or anything on the flat unless they have a car. So if there are no parking spaces they can't enjoy their own locality. Everyone else can, because they can come, even if there are no parking spaces, by bus or ferry. The narrow roads from the hills are not suitable for wheelchairs or prams or motorised scooters. In this day and age when we're conscious of giving people with disabilities equal opportunity, this needs to be taken into account. You don't need to be very disabled to be unable to walk to the jetty or beach and back, especially if you have a baby or a toddler or young children. Not so many people are on the beach alongside Pittwater Park these days. Maybe people have got discouraged because when they load the car with kids to have fun at the beach, when they get there is no car space to park in so they give up and don't try again. I wonder if it would be worthwhile giving Central coast and Western	

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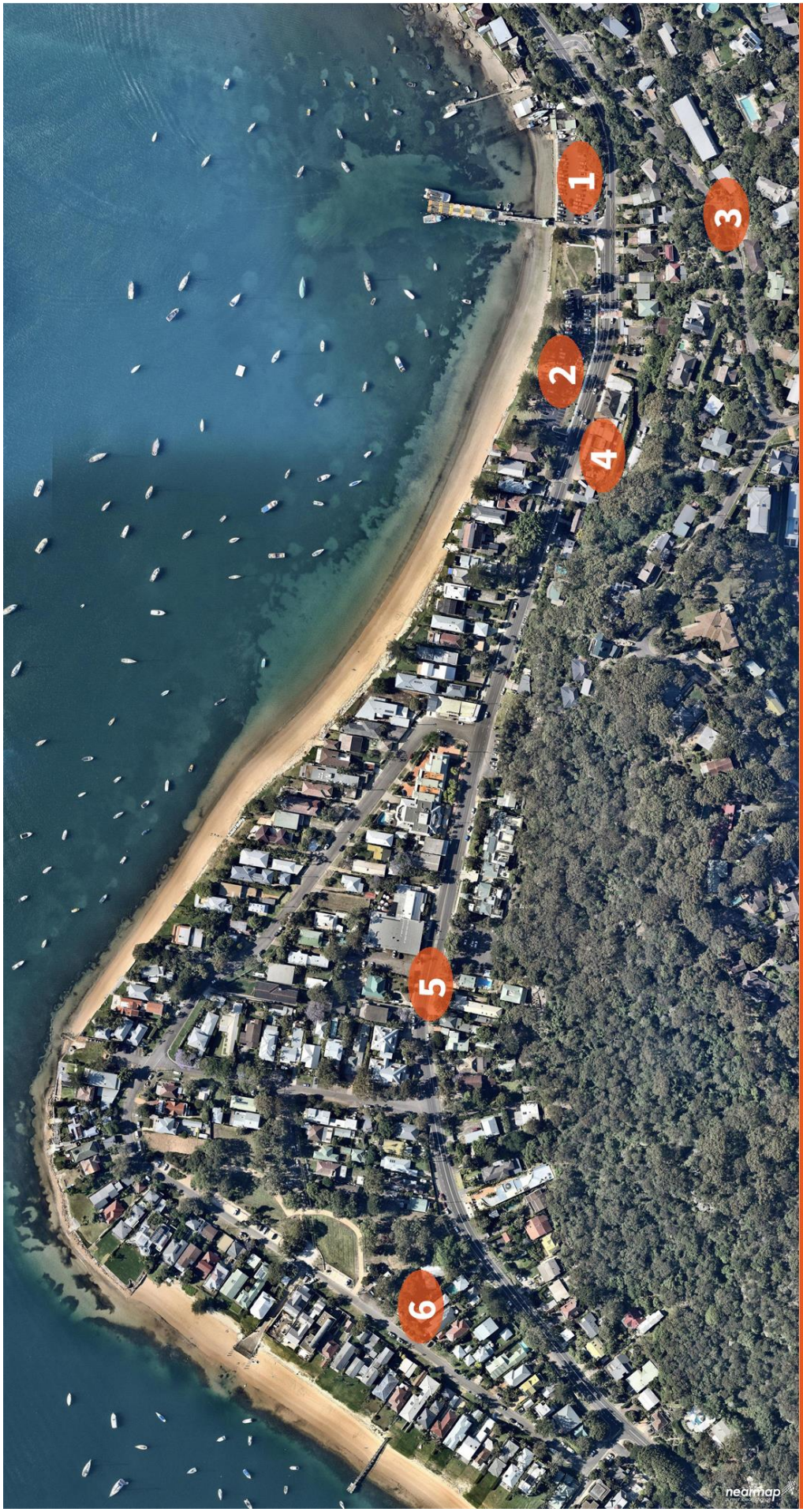
	Foreshore people access to one of the sheds on the jetty where they could put their stuff in if they had to get their car from Careel Bay or wherever, and they are on their own or couldn't take it by bus. Would a barrow be good to take stuff from jetty to bus and back? Would the Western Foreshore people like a tap and hose to hose the salt off their car after wild sou'westers? It's important that the grass and open space between north and south Pittwater Park is maintained. I love being able to see the boats and water from the road. Pittwater Park used to be grassy open space and pines and some playground. No cars.	



PITTWATER PARK PARKING DEMAND MANAGEMENT STRATEGY

Study Area

NORTHERN BEACHES COUNCIL

Legend

1: Pittwater Park car park (north)
2: Pittwater Park car park (south)
3: Palm Beach Road, to Pacific Road
4: Barrenjoey Road commercial area
5: Barrenjoey Road, including RSL car parks
6: Iluka Road, side streets and car parks

Northern Beaches Council
Compliance and Enforcement Policy

1. Introduction

Northern Beaches Council is an enforcement authority and its officers are required to make decisions and use discretion about appropriate enforcement action when non-compliant issues are identified.

Council also has a responsibility under section 8 of the Local Government Act 1993 to ensure its regulatory activities are carried out in a consistent manner and without bias.

Compliance and enforcement actions should be exercised to ensure the continued health and safety of the community whilst providing protection to the natural environment.

Council supports the positive assistance of the community in reporting issues of concern and undertakes to work collaboratively with the community to promote the benefits of compliance as a way of sustaining a safer quality of life for all.

The *'Enforcement Guidelines for Councils, December 2015'* and the *'Model Compliance and Enforcement Policy, December 2015'* both issued by the NSW Ombudsman have been used in the development of this Policy.

2. Purpose and scope

The purpose of this Policy is to provide structure for consistency and transparency in decision making, and to facilitate a proportional approach to compliance and enforcement. It is also intended to assist Council staff to act promptly, effectively and consistently in response to allegations of unlawful activity.

Council will monitor trends in the compliance and enforcement action taken and use this information to inform the development and delivery of educational materials to raise community awareness around minimising unlawful activities.

Unlawful activity – this expression includes any activity or work that has been or is being carried out contrary to the law, as well as any state of affairs where there has been or is a failure or unpreparedness to take action so as to be compliant with the law, as more fully described below:

- a contravention, breach or non-compliance with conditions of a development consent, approval, permit or licence
- a contravention, breach or non-compliance with an Act, regulation, environmental planning instrument or other instrument that controls and regulates the activity, work or state of affairs
- a failure to obtain any required development consent, approval, permit or licence in respect of the activity, work or state of affairs
- any other actionable contravention, breach or non-compliance with the law pertaining to one or more of the matters falling within the scope and operation of this Policy.

This Policy aims to provide guidance on:

- responding to reports alleging unlawful activity
- assessing whether reports alleging unlawful activity require investigation
- deciding on whether enforcement action is warranted
- options for dealing with confirmed cases of unlawful activity
- taking legal action
- implementing shared enforcement responsibilities
- involvement with Private Accredited Certifiers, and
- the role of the elected Councillors in enforcement.

This Policy outlines matters to be considered at the various stages of the enforcement process from the receipt and investigation of reports alleging unlawful activity, through to any

enforcement option Council will choose and whether to commence criminal or civil proceedings.

In certain circumstances Council will have shared enforcement responsibilities with other regulatory authorities. This Policy sets out a collaborative and cooperative approach to such matters. Advice and guidance is also provided on the role of Council in building and construction compliance matters where there is a private certifier involved, and the role of the elected Councillors in enforcement.

Responsible Council officers are not limited by this Policy in their use of discretion and exercise of official functions. The full circumstances and facts of each case need to be considered and a decision made on merit.

3. Organisational approach

Council will generally use a graduated approach to enforcement action. For example, Council may decide to issue a warning letter at first instance. In the event a warning letter fails to resolve the issue, Council may then decide to issue a Penalty Infringement Notice or a statutory Notice followed by an Order. Finally, Council may be left with no other option but to initiate some form of enforcement proceedings (such as a Court action) if compliance cannot be achieved by any other method.

In some situations the gravity of the incident or other circumstances necessitates that an escalated approach is inappropriate and immediate regulatory action is required e.g. where an activity is or is likely to result in a significant public health or public safety risk, or is or likely to cause significant environmental harm, or is a serious breach or disregard for the law. Circumstances may also exist where multiple actions are taken in conjunction with each other.

Enforcement guidelines will be developed to further assist officers when determining the most appropriate enforcement actions. All guidelines will facilitate a consistent approach in applying the provisions of this Policy, subject to the exercise of administrative discretion and the need to tailor the approach to the circumstances of the particular case, the public interest, and the allocation of Council's finite financial and human resources. The guidelines will be made available to the community on Council's website.

Compliance and enforcement action is important for any one or more of the following reasons:

- to prevent or minimise harm to health, welfare, safety, property or the environment
- to improve the safety and amenity of residents and visitors to the area
- for the collective good, the welfare of the community or the public interest
- to promote social policies (e.g. to preserve or protect the environment)
- to manage risks
- to uphold social order
- to encourage reports about possible unlawful activity from the community
- to educate the community of their legal obligations and how to comply
- to ensure the attainment of the aims, objectives and content of Council's strategic planning

Council undertakes both proactive and reactive compliance and enforcement activities. Proactive compliance includes various scheduled and programmed inspections of land, premises and works and structures in, on or over land (e.g. swimming pools, food premises, hoardings over footpaths) where the protection and maintenance of public safety is of the utmost paramount importance. Reactive compliance may occur in response to a report in which there is alleged or documented carrying out of an unlawful or otherwise irregular activity.

4. Application

This Policy applies to regulatory issues within Council's area of responsibility including, but not limited to:

- development and building control
- pollution control and environmental degradation or damage
- environmental health
- public health and safety
- waste water systems
- control over companion animals
- food safety
- fire safety
- tree preservation
- residential swimming pool safety
- Council reserves, assets and infrastructure
- noxious weeds.

This Policy does not formally apply to parking control as Penalty Infringement Notices are generally issued on the spot and Council has a contractual arrangement with the State Debt Recovery Office to deal with applications for internal review under the *Fines Act 1996*. In addition, certain other activities, such as noise, including, but not limited to offensive noise, are regulated wholly or partly by specific legislation which often sets out a code-like procedure to be followed as respects the regulation of the matter in question. Nevertheless, this Policy can be expected to provide guidance to Council officers in the course of the exercise of their administrative decision-making, irrespective of whether this Policy formally applies to the particular subject-matter.

5. Compliance and enforcement principles

The following principles underpin Council actions relating to compliance and enforcement:

Principle - Accountable and Transparent
Action:

- acting in the best interests of public health and safety and in the best interests of the environment
- ensuring accountability for decisions to take or not take action
- acting fairly and impartially and without bias or unlawful discrimination
- providing information about compliance and enforcement priorities and reasons for decisions to improve understanding and certainty and promote trust by the regulated community
- ensuring meaningful reasons for decisions are given to all relevant parties, particularly when there is a departure from this Policy
- acting on any complaints or concerns about the conduct of compliance officers in accordance with Council's complaints management Policy and procedures
- advising people and organisations subject to enforcement action of any avenues available to seek an internal or external review of a decision.

Principle - Consistent
Action:

- ensuring all compliance and enforcement action is implemented consistently
- encouraging reports about possible unlawful activity by acting reasonably in response to the circumstances and facts of each matter.

Principle - Proportional
Action:

- ensuring the level of enforcement action is proportionate to the level of risk and seriousness of the breach
- making cost-effective decisions about enforcement action

- taking action to address harm and deter future unlawful activity.

Principle - Timely Action:

- ensuring responses to reports alleging unlawful activity and decision making in relation to those are undertaken according to risk.

6. Responsibility

Council receives information about alleged unlawful activity from members of the public, contact from other government agencies and information gathered by its officers during proactive inspections.

All Council officers who deal with reports alleging unlawful activity are responsible for implementing this Policy. Council officers are also responsible for ensuring that any other possible unlawful activity identified as a result of an inspection, proactive enforcement or other activity is brought to the attention of the appropriate business unit of Council.

Council officers are required to:

- treat all relevant parties with courtesy and respect
- communicate with all relevant parties and provide feedback on the progress of an investigation and any reasons for delay without compromising the integrity of the investigation
- make full and proper records in relation to the assessment and investigation of reports alleging unlawful activity, including reasons for any decisions
- inform all relevant parties of reasons for decisions
- provide as much information as possible to all relevant parties about the outcomes of investigations to show that adequate and appropriate action was taken and/or is proposed to be taken in response to a report of alleged unlawful activity
- upon request provide information to all relevant parties about any avenues to seek an internal or external review of a decision.

All reports alleging unlawful activity are to be entered into the appropriate Council system and actioned in a timely manner by the appropriate business unit. Only Officers with appropriate delegations can undertake investigations or compliance and enforcement action in relation to this Policy.

7. Responding to concerns about unlawful activity

7.1 How reports alleging unlawful activity will be dealt with by Council

Council will record and assess every report alleging unlawful activity.

Generally speaking, Council's objectives when dealing with reports alleging unlawful activity are to:

- prevent or minimise harm to health, welfare, safety, property or the environment
- consider the broader public interest having regard to Council's priorities and its resources
- consider the report fairly and impartially.

Not all reports will warrant an investigation. A preliminary assessment of all matters will be made to determine the priority for a response, and whether investigation or other action is required. A priority matrix maybe developed to determine what matters are investigated.

An investigation of alleged unlawful activity may take a significant amount of time to complete, particularly where the issues are complex. Where Council decides to investigate a matter, it will give the person who reported the alleged unlawful activity regular feedback on

the progress of the investigation, and any reasons for delay. This does not mean that the individual can expect to be given details about every aspect of the investigation or information that would compromise the integrity of the investigation, or is restricted under data provisions or other restrictions.

Decisions about what action should be taken are made at the Council's discretion. This means the objective is that reports alleging unlawful activity will be resolved in accordance with the objectives of this Policy and not necessarily the person raising the matter.

Council staff will endeavour to manage the expectations of people who report alleged unlawful activity, and in particular explain that in the absence of sufficient evidence of unlawful activity, Council may be unable to take further action. It is acknowledged that Council does not have unlimited resources and powers to deal with reports alleging unlawful activity. If Council is unable to fully investigate or take action on a matter, the reasons will be explained to the person raising the matter.

While there are certain statutory requirements that must be met in relation to notices and orders, Council staff will ensure all explanatory communications are made in plain English and explain any technical language the law requires to be used.

7.2 Confidentiality of people who report allegations of unlawful activity

Generally people who report allegations of unlawful activity should expect their identities will remain confidential from the subject of their report. However, Council may have to disclose information that identifies them in the following cases:

- the disclosure is necessary to investigate the matter
- their identity has already been disclosed to the subject of their report directly or in a publicly available document
- the individual was consulted following receipt of a *Government Information (Public Access) Act 2009* application and did not object to the disclosure
- the individual consents in writing to their identity being disclosed
- the disclosure is required to comply with principles of procedural fairness
- the matter proceeds to court.

Council will take seriously any concerns an individual may have about their physical safety being endangered as a result of making a report. However, this may limit Council's ability to investigate the matter.

7.3 What Council expects from people who report allegations of unlawful activity

Council expects people who report allegations of unlawful activity will cooperate and act in good faith in respect of any investigations conducted by Council. This includes:

- providing a clear description of the problem and the resolution sought, if relevant
- giving all available and relevant information to Council, including any new information about the alleged activity that may become known to the person following the making of their report
- not giving any information that is intentionally misleading or wrong
- cooperating with Council's inquiries and giving timely responses to questions and requests for information
- treating Council's staff with courtesy and respect
- allowing the investigation to be completed without prematurely taking the matter to other agencies unless referred to by Council
- the customer may be required to provide a statutory declaration indicating their willingness to attend court, witness statements and record observations such as a noise diary.

If these expectations are not met, Council may need to set limits or conditions on the continuation of the investigation.

Any unreasonable conduct will be dealt with under the principles of the NSW Ombudsman's *Managing Unreasonable Complainant Conduct Manual 2012* and any applicable Council Policy.

7.4 What people can expect from Council staff

People who report alleged unlawful activity, as well as individuals or businesses that are subject to investigation and any enforcement action can expect that Council staff will:

- treat them with courtesy and respect
- advise the outcome of the allegation reported, including a full explanation of the reasons why that outcome was considered to be reasonable in the circumstances
- clearly explain decisions in plain English
- upon request, provide information about any relevant internal and external appeal processes that may be available
- carefully assess any new information provided by any person after a decision has been made and advise whether further action will be taken.

7.5 Complaints about Council's enforcement actions

Any complaints about Council's handling of reports alleging unlawful activity will be recorded separately and handled under Council's complaints management policies and procedures.

Where a person or organisation subject to enforcement action merely disputes Council's decision to take enforcement against them, they will be directed to make representations under any relevant internal and external appeal processes.

Council staff will act on any complaints about the conduct of compliance officers under Council's complaints management policies and procedures and the Code of Conduct.

7.6 Anonymous reports

Anonymous reports will be recorded and assessed under the above requirements. However, because it is not possible to seek clarification or additional information about a matter, it may be more difficult to evaluate the allegations and therefore these reports may not be suitable for investigation.

7.7 Unlawful activity outside business hours

Unlawful activity can occur outside business hours. In particular, Council may receive reports about matters such as offensive noise and failure to comply with limitations on hours of operation during nights and weekends.

An afterhours service is provided for those matters deemed to be a significant risk; otherwise matters are actioned the next business day.

7.8 Neighbour disputes

Council will at times receive reports from people involved in neighbour disputes seeking Council's involvement. When a dispute between two neighbours is a civil matter, Council will often have no authority to resolve the issue in dispute. Some reports will raise several matters, some of which will require Council's involvement and some of which will be personal to the parties.

Council staff will thoroughly assess such reports to determine whether there is evidence of any possible unlawful activity requiring action by Council. Care will be taken to explain which aspects of a report Council can deal with and which cannot be dealt with and why. Where possible, individuals will be provided with information about how to resolve neighbour disputes including referral information resources such as LawAccess NSW and Community Justice Centres.

It is possible one party will provide further information about a matter which changes Council's decision about whether it will become involved. In such circumstances, Council staff will carefully consider the matter before taking action and document reasons for the new decision. Relevant parties will be advised about the reasons Council has changed its position on a matter. Council staff will not change a decision about whether or not Council should be involved purely as a response to the conduct of an individual such as persistent demands or threats.

8. Investigating alleged unlawful activity

Whilst there is no proactive obligation on Council under most legislation, a preliminary assessment of all matters will be made to determine whether investigation or other action is required. Council will prioritise matters on the basis of risk to public safety, human health and the environment.

A triage or rating system for common non-compliance incidents maybe used to help with prioritising action.

If there is insufficient information in the report to undertake a preliminary assessment, further information may need to be sought from the person who made the report or an inspection undertaken. Council may not take action where there are sufficient private remedies available to the customer to resolve a matter. Such other remedies will be advised to the customer.

8.1 Circumstances where no action will be taken:

Council will take no further action if, following a preliminary assessment, it is identified that:

- Council does not have jurisdiction to investigate or is not the appropriate regulatory authority to take action on the issues raised. Where there is another appropriate authority or course of action, Council may bring the matter to the attention of that authority or provide information and contact details to the individual. For example Worksafe NSW for workplace safety matters, NSW Environment Protection Authority for possible environmental offences, Community Justice Centres NSW for personal disputes, and NSW Building Professionals Board for concerns about the conduct of a private accredited certifier
- The report relates substantially to a matter previously determined by Council and no new or compelling information is presented which would cause Council to change its earlier decision. In this case, staff will acknowledge the report and advise that no further action will be taken as no new information had been provided (other than where the person has previously been advised they would receive no further response)
- the allegations relate to a lawful activity (e.g. where there is an existing approval or the activity is permissible without Council approval or consent being required)
- the report is not supported with evidence or appears to have no substance
- the Executive Manager Environmental Compliance, General Counsel, General Manager Planning, Place and Community or the Chief Executive Officer determines that investigation or other action would have an unreasonable impact on resources and/or is unlikely to achieve an outcome sufficient to justify the expenditure of resources.

8.2 Relevant factors guiding decisions as to whether to investigate:

When deciding whether to investigate, Council will consider a range of factors including:

- does the activity have or is likely to have a significant detrimental effect on the environment or constitute a risk to public safety
- is the report premature as it relates to some unfinished aspect of work that is still in progress
- is the activity or work permissible with or without prior permission
- are all conditions of development consent being complied with

- the time elapsed since the reported events took place
- is there a more appropriate agency to investigate and deal with the matter
- has a pattern of conduct or evidence of a possible wide spread problem occurred
- the nature of previous reports recorded against the person or organisation currently reported
- does the report raise matters of special significance in terms of Council's existing priorities
- the extent of resource implications in relation to an investigation and any subsequent enforcement action
- is it in the public interest to investigate the report?

The above are factors for Council to consider and weigh in making a determination. Council officers are not limited in their use of discretion by these considerations and may decide to investigate based on these and other factors.

The objective of the processes Council staff use when investigating incidents of alleged unlawful activity is to:

- determine the cause of the incident
- determine if there has been a contravention of law, Policy or standards
- gather evidence to the required standard to support any required enforcement action
- determine any necessary action to mitigate the possibility of reoccurrence of similar incidents.

Any decision not to investigate an allegation of unlawful activity will be recorded in Council's document management system and the reasons for that decision clearly stated.

9. Taking enforcement action

When deciding whether to take enforcement action in relation to a confirmed case of unlawful activity, Council will consider the full circumstances and facts of the matter and the public interest. The following common considerations will assist Council staff in determining the most appropriate response in the public interest.

Considerations about the alleged offence and impact:

- the nature, extent and severity of the unlawful activity, including whether the activity is continuing
- the harm or potential harm to the environment or public health, safety or amenity caused by the unlawful activity
- the seriousness of the breach, including whether the breach is merely technical, inconsequential or minor in nature
- the time period that has lapsed since the date of the unlawful activity.

Considerations about the alleged offender:

- any prior warnings, instructions, advice issued to the person or organisation reported or previous enforcement action taken against them
- whether the offence was committed with intent
- whether the person or organisation reported has been proactive in the resolution of the matter and assisted with any Council requirements and instructions
- any mitigating or aggravating circumstances demonstrated by the alleged offender
- any particular circumstances of hardship affecting the person or organisation reported.

Considerations about the impact of any enforcement action:

- the need to deter any future unlawful activity
- whether an educative approach would be more appropriate than a coercive

approach in resolving the matter
- the prospect of success if the proposed enforcement action was challenged in court
- the costs and benefits of taking formal enforcement action as opposed to taking informal or no action
- what action would be proportionate and reasonable in response to the unlawful activity
- whether Council is prevented from taking action based on earlier advice given, i.e. whether an estoppel situation has been created.

Considerations about the potential for remedy:
- whether the breach can be easily remedied
- whether it is likely consent would have been given for the activity if it had been sought
- whether there is a draft planning instrument on exhibition that would make the unlawful use legal.

Considerations about the effect on public land:
- Where the unlawful activity has taken place or is taking place on the road reserve, a public reserve or bushland or Crown Land managed by Council, comments may be sought from the relevant Business Unit (land manager) with a view to assisting Council officers in determining the most appropriate response in the public interest.

9.1 Requirements of Council staff considering enforcement action

Prior to taking enforcement action, Council staff will take into account the above considerations as well as the evidence gathered during their investigation. Council staff must act impartially, be mindful of their obligations under Council's Code of Conduct and not act as a decision-maker in relation to any matter in which they have a personal interest. Enforcement action will not be taken purely as a response to the conduct of an individual such as persistent demands or threats.

Council officers are required to maintain records about critical thinking and decision-making processes in relation to reports alleging unlawful activity and any enforcement action, as well as records of interactions with relevant parties. Council staff will at all times adhere to Council's internal approval processes prior to the commencement of any enforcement action.

Council staff will take steps to ensure any enforcement action is taken against the correct person or organisation. Where there are multiple possible parties to an alleged unlawful activity, it may not be appropriate to take enforcement action against every person who may be liable for the alleged unlawful activity.

9.2 Legal or technical issues

Where legal and/or technical issues are in question, Council staff will consider whether legal advice or professional advice from duly qualified staff or other experts should be obtained and considered. Council may also require a person subject to possible enforcement action to obtain professional advice in relation to issues of concern to Council for assessment as to whether further action is required.

9.3 Council operations

The provisions of this Policy will apply where an unlawful activity has been carried out by Council (either by permanent staff or contractors). Notwithstanding this, any such matters deemed to present a serious threat to life safety or cause serious environmental harm will be reported in writing without delay to the Chief Executive Officer and the relevant General Manager.

10. Options for dealing with confirmed cases of unlawful activity

Council will adopt a graduated approach to deal with unlawful activity wherever possible unless there is little likelihood of compliance with such options. Council staff will use discretion to determine the most appropriate response to confirmed cases of unlawful activity and may take more than one approach.

Any enforcement action taken by Council will depend on the full circumstances and facts of each case, with any decision being made on the merits of the matter.

10.1 The nature and seriousness of the unlawful activity

In assessing the level of risk, Council staff will have regard to the matters for consideration specified in this Policy including but not limited to the impact the unlawful activity is causing on amenity or harm to the environment. If action is required, Council will consider what is reasonable in the circumstances and ensure the action is not disproportionate to the level of harm or damage arising from the unlawful activity.

10.2 Relevant factors

Where unlawful activity is identified, the seriousness of the unlawful activity will guide the appropriate enforcement response. The following factors are relevant to determining the significance of the unlawful activity.

Severity or **seriousness** of the unlawful activity, which includes:

- the degree of harm or potential harm resulting from the unlawful activity, including whether it seriously endangers human health or safety, the environment, or the economic or social fabric of the community
- whether any environmental harm caused by the unlawful activity is temporary or long lasting
- the magnitude or degree of non-compliance and whether the non-compliance is trivial or not
- whether the offence occurred on public lands and has harmed the value of those lands to the community
- the level of any unjust benefit to the alleged offender arising from the unlawful activity and whether the unlawful activity was motivated by financial gain.

Note. Certain legislation for example, the Protection of the Environment Operations Act and the Environmental Planning and Assessment Act, contain provisions setting out a hierarchy of seriousness within the framework of the statute. In such a case, the factors set out above are used to determine the significance of the unlawful activity in the context of the relevantly applicable statutory hierarchy and framework.

Public interest, including:

- the cost to the general community of the unlawful activity (e.g. whether the offence caused harm to public lands) and the cost of taking further action in response to the unlawful activity
- the need to deter an offender and the broader community from committing further offences of a similar nature in the future (particularly if the offence is prevalent)
- whether pursuing the unlawful activity would be of little or no utility (for example, where a change in the law is imminent which would make the activity lawful).

Aggravating or mitigating factors - this refers to the negative and positive circumstances surrounding the offender's commission of the offence, including:

- whether the alleged offender committed the unlawful activity deliberately or by mistake
- whether the alleged offender has shown a willingness to co-operate with Council and to comply in the future

- whether the alleged offender has a history of prior unlawful activity and, if so whether Council has taken action, whether the unlawful activity is continuing (the alleged offender has not ceased or abated the offence) and the length of time which has elapsed since the unlawful activity occurred.

The applicability of, and weight to be given to, each of the above factors will depend on the circumstances of each case. Investigating officers will make determinations on the level of significance with reference to manager support and review and legal advice where appropriate. Council officers will operate only within their delegated authority.

After the above factors have been considered, suspected unlawful activity will be classified as being of low, medium or high significance. This classification will guide the appropriate action to be taken. In all cases professional judgment will need to be exercised when making the classification.

Table 1 provides an example of a matrix which could be used in determining the significance of an unlawful activity in consideration of the factors listed above.

Table 1: Matrix in determining significance of unlawful activity

Severity/ seriousness	*Public interest*	*Aggravating or mitigating factors*	*Significance of unlawful activity*
Low to moderate harm	Public interest low due to minimal cost to the community and the "one-off" nature of the unlawful activity with minimal need for deterrence against further unlawful activity.	No significant aggravating factors; Offender co-operated with investigation.	LOW
Moderate, short-term loss of amenity; Low harm	Public interest likely to be moderate due to the need to deter the offender from further unlawful activity of this nature but little public perception of the unlawful activity.	No significant aggravating factors; Offender rectified unlawful activity quickly when notified by Council.	LOW
Moderate or high degree of harm	Public interest high due to the unlawful activity impacting on the amenity of several residential neighbours and the need to deter against further unlawful activity of this nature.	Significant aggravating circumstances due to offender knowingly committing the unlawful activity despite likely impacts.	HIGH
Large magnitude of unlawful activity; High level of unjust benefit; Low to moderate risk of harm	Public interest moderate due to the need to deter the offender against further unlawful activity of this nature,	Aggravating circumstances due to offender knowingly committing the unlawful activity for significant financial gain.	HIGH
High level of compliance with approval / consent	Public interest moderate due the need to deter the offender against further unlawful activity of this nature.	Minor aggravating circumstances due to offender submitting false and misleading information about the unlawful activity.	MEDIUM
Low level of compliance with approval / consent	Public interest high due to the high public perception of the unlawful activity and likelihood of the offender committing further unlawful activity.	No mitigating circumstances due to offender failure to acknowledge the unlawful activity and instigating measures to prevent further unlawful activity.	HIGH

EXAMPLE

11. Enforcement options

When unlawful activity has been identified, it is then necessary to determine the appropriate enforcement response for the particular unlawful activity. Enforcement options include actions to restrain or remedy unlawful activity, and actions to punish an offender. The range of enforcement options available to Council in ascending order of significance include:

- **Record of breach** – Council may decide to take no further action. This would occur in the case of very minor breaches only
- **Warning or advisory letter** – The purpose of such a letter is to encourage future compliance and caution that further action may be taken if considered necessary
- **Negotiation** – Council may negotiate with the alleged offender and provide written confirmation of commitments made
- **Letter requesting undertaking** – Council may issue a letter requesting an undertaking that corrective action will be taken within a certain timeframe
- **Penalty Infringement Notice (PIN)** – Council may issue PINs for offences listed in the Fixed Penalties Handbook
- **Order** – Council is empowered to issue Orders in appropriate circumstances (in most instances, proceeded by a notice of intention to give the Order) requiring certain things to be done to achieve compliance with the law
- **Court Order** – Council can initiate proceedings seeking an Order from the Court requiring certain things to be done to achieve compliance with the law
- **Criminal prosecution** – Council can initiate criminal proceedings in the Land and Environment Court or the Local Court.

The above enforcement options are not necessarily mutually exclusive. For example in some circumstances it may be appropriate to contemporaneously issue an Order as well as issue a PIN. Further, a graduated enforcement response may not be justified in circumstances where action is sort to resolve a critical safety concern or to avoid a decline in environmental quality.

11.1 Choosing the appropriate enforcement response

In all cases, Council will choose an enforcement response which is proportionate to the seriousness of the offence and which:

- sets a proper precedent for future cases
- is consistent with the intent and objectives of the relevant legislation
- is an appropriate use of Council resources
- does not adopt an unreasonable or extreme interpretation of a condition of approval or consent. Council will cast itself as the “reasonable person”
- is consistent with responses previously adopted for similar incidents.

Enforcement options which may be appropriate for unlawful activities determined to be of low, medium or high significance are set out below. It is important to remember that the following is a guide only and each case must be assessed on the particular facts.

Enforcement options for unlawful activities of *low significance* include the following:

- take no action but record the unlawful activity (only where the degree of harm and severity of the unlawful activity are low to very low, some mitigating circumstances exist, there are no aggravating circumstances, and the public interest does not compel further action)
- send an electronic caution notice or advisory letter to the alleged offender to encourage them to comply in the future
- negotiate a corrective action with the alleged offender and confirm commitments made in writing

- send a letter identifying the unlawful activity and requesting an undertaking that corrective action will be taken within a specific timeframe
- issue a PIN.

Enforcement options for unlawful activity of *medium significance* include the following:

- send an electronic caution notice or advisory letter to the alleged offender to encourage them to comply in the future
- negotiate a corrective action with the alleged offender and confirm commitments made in writing
- send a letter identifying the unlawful activity and requesting an undertaking that corrective action will be taken within a specific timeframe
- issue a PIN
- issue an Order, for example to cease specified activities, comply with a development consent or project approval, and/or provide a remedy or restraint of the alleged unlawful activity.

Enforcement options for unlawful activity of *high significance* include the following:

- issue a PIN
- issue an Order
- commence civil proceedings in the Land and Environment Court seeking Court Orders requiring certain things to be done to achieve compliance or to remedy or restrain an alleged unlawful activity
- commence criminal prosecution proceedings in the Land and Environment Court or in a Local Court.

It may be appropriate to use more than one enforcement option in some cases. If initial enforcement action does not achieve a satisfactory outcome, it may be necessary to proceed to a higher level of enforcement response. For example, if a warning letter does not achieve the desired response, it may be appropriate to give an Order or to seek an Order from the Court, or if an Order is not complied with it may be appropriate to bring enforcement or prosecution proceedings.

11.2 Penalty Infringement Notices (PIN)

PINs are a way of imposing a fine on a person who an authorised officer believes is guilty of an offence without Council commencing court proceedings against the individual.

Officers who issue PINs under the *Fines Act* 1996 must have regard to the guidelines issued by the Attorney General under section 19A(3) of the *Fines Act* 1996 entitled *Caution Guidelines* under the *Fines Act* 1996 in deciding whether to give a person a caution for an offence.

All representations by persons to whom a PIN has been issued, should be made to Revenue NSW. Where Revenue NSW does not have the authority to determine the matter, the representations will be referred to Council's internal Adjudication Panel for review and recommendation back to Revenue NSW. Any representations directly received by Council will be forwarded to Revenue NSW in the first instance and the person who made the representation informed of this action.

An internal Adjudication Panel will be convened in order to ensure:

- openness and transparency in the decision making process with regard to appeals and representations to a PIN
- a balanced assessment is made against each representation to a PIN and the State Guidelines and Council Policies are consistently and fairly considered and applied
- consistent outcomes on PIN matters.

11.3 Following up enforcement action

All enforcement action will be reviewed and monitored to ensure compliance with any undertakings given by the subject of enforcement action or advice, directions or Orders issued by Council. Reports alleging continuing unlawful activity will be assessed and further action taken if necessary. Council may continue to monitor a matter to ensure compliance outcomes are met. Should initial enforcement action be found to have been ineffective, Council staff will consider other enforcement options.

12. Taking legal action

The Council and its delegated staff will be guided by legal advice in deciding whether to commence criminal or civil proceedings and will consider the following issues.

12.1 Whether there is sufficient evidence to establish a case to the required standard of proof

Council considers the decision to take legal action a serious matter and as such will only initiate and continue proceedings once it has been established that there is admissible, substantial and reliable evidence to the required standard of proof.

12.2 Whether there is a reasonable prospect of success before a court

Council will consider if there is a reasonable prospect of success before a court. In making this assessment, Council staff will consider the availability, competence and credibility of witnesses, the admissibility of the evidence, all possible defences and any other factors which could affect the likelihood of a successful outcome.

12.3 Whether the public interest requires legal action be pursued

The principal consideration in deciding whether to commence legal proceedings is whether to do so is in the public interest. In making this determination, the same factors to be considered when taking enforcement action apply. The following considerations relate more specifically to the decision to commence legal proceedings and will assist Council and its delegated staff in making this determination:

- the availability of any alternatives to legal action
- whether an urgent resolution is required (court proceedings may take some time)
- the possible length and expense of court proceedings
- any possible counter-productive outcomes of prosecution
- what the effective sentencing options are available to the court in the event of conviction
- whether the proceedings or the consequences of any resulting conviction would be unduly harsh or oppressive
- the seriousness of the matter
- the need to provide a deterrent

12.4 Time within which to commence proceedings

Council staff must be aware of legislative time limits in which enforcement proceedings must be commenced. Sometimes legal action will be statute barred despite good evidence that unlawful activity has occurred.

13. Shared enforcement responsibilities

Some reports will raise matters involving shared regulatory responsibilities between Council and other authorities including Environment Protection Authority, NSW Police Force, Liquor and Gaming NSW, NSW Fair Trading, NSW Food Authority, Crown Lands, NSW Planning, Sydney Water, SafeWork NSW, Fire and Rescue NSW and the Building Professionals Board.

Council recognises that collaboration and cooperation between authorities to address issues of shared regulatory responsibility is the best approach. Where there are shared legislative responsibilities, Council staff will liaise with relevant authorities to establish:

- which authority will take the leading role on any joint investigation
- which activities each authority will carry out
- responsibilities for updating an individual where relevant
- protocols for exchanging confidential information between the relevant authorities.

Council will reasonably endeavour to respond to requests for information or assistance on joint regulatory matters in a timely manner.

14. Role of Council where there is a private accredited certifier

A private accredited certifier may be appointed by a property owner to act as the Principal Certifying Authority (PCA) for a development or to undertake an inspection of a swimming pool barrier under the provisions of the Swimming Pools Act.

Council retains its regulatory role and enforcement powers where a private accredited certifier has been appointed, however, it is primarily the responsibility of the private accredited certifier to ensure building and construction compliance for a development.

Private accredited certifiers have limited enforcement powers under relevant legislation. They have the power to issue a notice to the owner to comply with the conditions of consent or rectify any non-compliance with a swimming pool barrier as the case maybe. A copy of any notice issued by a private accredited certifier must be provided to Council for assessment as to whether Council will enforce the notice by subsequently issuing an Order or direction.

Council will work together with private accredited certifiers to resolve any issues when they arise to achieve compliance. Private accredited certifiers are regulated by NSW Building Professionals Board who is also responsible for the investigation of complaints concerning their conduct.

15. Role of Councillors in enforcement

Decision making relating to the investigation of reports alleging unlawful activity and taking enforcement action is the responsibility of appropriately authorised Council staff or the Council itself.

Individual elected Councillors do not have the right to direct Council staff in their day-to-day activities. Councillors can help individuals who raise concerns with them by satisfying themselves that Council's policies are being carried out correctly, however they cannot ignore or alter a Policy in order to satisfy the demands of individuals or special groups.

The Chief Executive Officer may present certain decisions to be ratified by the elected Council if this is necessary or desirable, and the Councillors may also have the right to call for a report about particular issues to a Council Meeting.

16. Delegations

Council staff delegations for taking action under this Policy are included in Council's Delegation Register.

17. Approval

This Policy was adopted at the Council Meeting on [enter date of Council meeting when the Policy was approved].

18. Review

This Policy will be reviewed every three years.

19. Other resources

The NSW Ombudsman website has the following helpful resources at www.ombo.nsw.gov.au:

- Managing unreasonable complainant conduct – a model Policy and procedure
- *Managing Unreasonable Complainant Conduct Manual* 2012
- *The Rights Stuff – Tips for making complaints and solving problems*
- *Effective complaint handling guidelines* – 2nd edition
- Managing information arising out of an investigation – Balancing openness and confidentiality
- *Reporting of progress and results of investigations*
- *Good Conduct and Administrative Practice*
- Options for Redress
- *Investigating Complaints – A manual for investigators*
- *Enforcement guidelines for Councils*
- *Better Service and Communication for Council.*

See also:

- Commonwealth Director of Public Prosecutions (2014), *Prosecution Policy of the Commonwealth: Guidelines for the making of decisions in the prosecution process*
- NSW Planning (2010), *Prosecution Guidelines.*

Summary of Submissions - Draft Compliance and Enforcement Policy

No	Issue	Response
1	Guidelines should form part of the Policy, including the *'Enforcement Guidelines for Councils, December 2015'* prepared by NSW Ombudsman. Guidelines should be available on Council's webpage. Need for the creation of decision support tools and the capturing of instances where discretion is exercised.	The Policy provides the structure for consistency and transparency in decision making to facilitate a proportional approach to compliance and enforcement. It is considered desirable to develop further tools in the form of guidelines to assist Council officers in delivering a consistent approach in applying the provisions of this Policy. The *'Enforcement Guidelines for Councils, December 2015'* prepared by NSW Ombudsman document has been used in the development of the Policy, although are not suitable for adoption due to lack of relevant detail to the operations of Council. In this regard, it is relevant to note that the NSW Ombudsman guidelines state 'These guidelines do not go into detail about available enforcement options under the various regulatory schemes that councils administer. They do not discuss legislative requirements other than to illustrate a point. Councils are encouraged to develop and keep updated guidelines for their staff engaged in specific enforcement roles.' Guidelines will be developed to document the operational requirements unique to Northern Beaches Council. The guidelines will underpin the consistent application of the Policy and will use tools such as various matrices to provide guidance with compliance and enforcement investigations. A number of guidelines will need to be developed to cover the diverse range of compliance and enforcement activities in Building Control, Environmental Health and Rangers. It is also relevant to consider and adopt opportunities for improvements in processes following the implementation of the Core Information Technology Systems due in the middle of December 2017. Guidelines will be subject to General Manager/CEO approval and a mechanism will be developed to record instances where discretion has varied the application of the guidelines due to the circumstances of the matter. Guidelines will need to be reviewed to respond to legislative changes or Court decisions, whilst always remaining consistent with the Policy. Guidelines will be made available on Council's webpage. **Policy amended**.
2	Need for community education and awareness. Community has a lack of knowledge about compliance and enforcement	The Environmental Compliance business unit will monitor compliance and enforcement investigations to identify themes for the development and delivery of educational information to raise community awareness. **Policy amended.**
3	Dedicated team required for quick	Specialist officers within Environmental Compliance

	investigation of environmental and ecological unlawful activities eg. Land clearing, waterway pollution and landfill. Response for afterhours reports.	and Natural Environment and Climate Change currently work closely together to provide a rapid response to investigations within sensitive environments. Rangers are being allocated to a particular Ward, working across a 7 day roster and will assist with first response. The Policy acknowledges an afterhours service is provided for matters deemed to be a significant risk, otherwise matters are actioned the next business day. Policy unchanged.
4	Need for proactive compliance assurance and monitoring of development consent conditions related to annual reporting requirements	Proactive and reactive activities and relevant examples are acknowledged in the Policy. These may be prioritised and enhanced overtime based on compliance and enforcement themes identified through implementation of the Policy. Policy unchanged
5	Need for an Internal Compliance and Enforcement Ombudsman to allow the person whom made the original report to Council to challenge the enforcement action decision	This measure is considered unnecessary. Council's systems include supervisor review and endorsement of decisions about enforcement action. Further, the Policy requires that a customer, who merely disputes the decision of Council to take enforcement action or not take enforcement action, is advised of their right to make representations under any relevant internal and legislated external appeal processes. Policy unchanged.
6	Formalise under a new heading, 'Rights and Responsibilities of Residents' timeframes for Council corresponding with community members making a report and the full disclosure of all correspondence between Council and persons the subject of investigation and private certifiers/other consultants. Where health and safety of neighbours is threatened or potentially threatened, full disclosure is required.	The Council's Customer Service Charter already outlines relevant timeframes for service. Roles and expectations of Council and other parties are detailed throughout the Policy. The Policy requires regular feedback on the progress of the investigation to be provided to customers, although details about every aspect of an investigation will not be provided. An application to access information can be made under *Government Information (Public Access) Act 2009.* Irrespective of unlawful activity, for incidents where health and safety of neighbours is threatened or potentially threatened, it is Council's practise to work closely with affected parties. In such cases, relevant information is shared by Council. Policy unchanged.
7	Concern about exercise of discretion by Council staff and concerns that residents are left out of negotiations with persons the subject of an investigation. Need for a decision matrix.	The purpose of the Policy is to provide a high level overarching structure for consistency and transparency in decision making and to facilitate a proportional approach to compliance and enforcement. The Policy identifies relevant factors for consideration in an investigation and details an example of a risk matrix however, as the nature and extent of unlawful activities can vary greatly, it is impractical to craft solutions for all matters in the Policy. Officers are trusted with the application of the Policy and will be assisted through the development of guidelines which will be applied when determining the most appropriate enforcement actions. Policy unchanged.

8	Include a safety assessment tool and not simply rely on advice from professionals engaged by the person the subject of the investigation	The Policy states that when dealing with reports of alleged unlawful activity Council's objectives are to prevent or minimise harm to health, welfare, safety, property or the environment. In cases where Council does not employ officers with specific qualifications that are relevant to evaluate a safety concern eg. Geotechnical or structural engineer, relevant legislation provides powers to Council to require owners of effected properties or those that have carried out unlawful activities to engage appropriately qualified persons to investigate safety concerns. The professional specialist prepares a report including observations and evaluation of the safety concerns with recommendations for any temporary and permanent remediation measures. The specialist professional report is provided to Council. The cost of engaging the professional is generally met by the owner and not by the community. Professional specialists including engineers and the like carry professional indemnity insurance. Safety considerations are appropriately identified and managed. This practice is also used for the construction of new developments. It is considered that this practice should continue. Policy unchanged.
9	Existing use rights under the Environmental Planning and Assessment Act should be addressed	Existing use rights is a defined planning concept which must first be established in a submission by the landowner/operator. The submission is assessed by Council's Strategic Planning Business Unit and may be accepted or denied. Where existing use rights have been acknowledged by Council for a particular property that set of circumstances becomes the benchmark from which to investigate any unlawful activity. It remains an option for a landowner to seek validation of an unlawful activity through an application process, typically via a Building Certificate application or a Development Application. This Policy does not have any relevance to the assessment and determination of either type of application and therefore is not suitable for inclusion. Policy unchanged.
10	Need for Council intervention where Private Certifiers are not responsive	The Policy details the role of private accredited certifiers. Where no response is made by the Private Certifier, Council retains its regulatory role and can take compliance and enforcement action. The guidelines will provide further clarification. Policy unchanged.
11	Use of modern investigation techniques including drones, infrared and video cameras	Council is committed to providing the tools to enable officers to be more effective in compliance and enforcement activities. Various technology devices are under consideration. Policy unchanged.
12	Seek changes to Environmental Planning and Assessment Act (EP&A Act) to give Council authority	Council is in regular contact with NSW Government and advocates on the need for legislative provisions to support effective compliance and enforcement

	to enforce stop work orders, take action against individual contractors who actively take part in unlawful bushland clearing, issue significant fines to serial offenders and force remediation works	outcomes. Council currently has powers under EP&A Act to issue orders to cease work, issue orders to require remediation of unlawful environmental impacts and issue Penalty Infringement Notices (on the spot fines). Council can commence a Court action where there is sufficient evidence available against any offenders. The Policy acknowledges a graduated approach to enforcement, and where orders have not been complied with, legal advice would be obtained to determine if appropriate to seek an order from the Court. Policy unchanged.
13	Implement provision of a central coordinator to assess level of urgency and action required.	The Policy adopts the current operational practice where a preliminary assessment of all matters is made to determine the priority for a response and the action required. Policy unchanged.
14	Prior environmental offences should be considered in conjunction with future assessment of development applications by same applicant	The Policy acknowledges in determining the significance of unlawful activity and the appropriate enforcement action, the relevance of aggravating factors such as whether the alleged offender has a history of prior unlawful activity. This Policy does not have any relevance to the assessment and determination of development applications. Policy unchanged.
15	Appalling, revenue raising and wasting Council and community time.	The purpose of compliance and enforcement action is to ensure the continued health and safety of the community whilst providing protection of the natural environment. It is acknowledged that some compliance and enforcement options involve a financial penalty. Policy unchanged.
16	Council should consult with NSW Government agencies to provide clarity around the shared enforcement responsibilities with other agencies	The Policy acknowledges that there are shared legislative enforcement responsibilities with other agencies and provides a commitment to liaise with the relevant agencies in such matters. Policy unchanged.
17	Council should review the draft policy from a resident/customer perspective when offered through the submission process	The Draft Compliance and Enforcement Policy has been placed on public exhibition and the various submissions have been considered in this report. This issue has been met. Policy unchanged.
18	Application of discretion as a reserved power to address extraordinary circumstances or cases. Appropriate records maintained where discretion is applied, decisions made, reasons for decisions and resulting outcomes.	The Policy encourages the use of officer discretion provided that the full circumstances and facts of each case are considered and a decision is made on merit. Council's systems include supervisor review and endorsement of decisions about enforcement action. Officers are trusted with the application of the Policy and will be assisted through the development of guidelines which will be applied when determining the appropriate enforcement actions. The Policy requires officers to make full and proper records in relation to the assessment and investigation of reports alleging unlawful activity, including reasons for decisions. Policy unchanged.

19	Issuing of Orders are not subject to the processes of a development application	The Orders process is a mechanism which enables Council in particular circumstances to require certain outcomes to be imposed on the recipient of the Order. The requirements of an Order generally require the 'undoing' of an unlawful action or the remedy of a consequence of an unlawful action. The Policy itself does not enable Council to issue Orders but rather, this power is contained within the various actual pieces of legislation. It is acknowledged that works or actions required to be carried out to comply with an Order, do not also then require a Development Application process. Typically works and actions required by an Order do not impose an impact to adjoining properties. Policy unchanged.
20	Lack of hazard identification and risk assessment methodologies	Hazard identification and risk management approach is already implemented across many areas of potential unlawful activity, such as the food safety program for food premises, the operation of private onsite waste water systems where the Sydney Water sewer system is not available and controls for properties affected by flood or geotechnical hazards. The specific detail of such measures is more appropriately documented elsewhere than in the Policy. Policy unchanged

willana associates

21 August 2017

The General Manager
Northern Beaches Council

By Email: Neil.Cocks@northernbeaches.nsw.gov.au

Attention Neil Cocks – Manager Strategic and Place Planning

Dear Mr Cocks,

28 Lockwood Avenue, Belrose: Statement of Proposed Public Benefits to be included in a future VPA

Willana Associates is the applicant for the recently submitted Planning Proposal Application for 28 Lockwood Avenue, Belrose (PEX2017/0007). We appreciate Council's initial comments and discussion regarding the intention to enter into a Voluntary Planning Agreement (VPA). In response, this letter provides a brief statement of potential public benefits proposed to be delivered through a future VPA process, in association with the submitted Planning Proposal.

1. Pedestrian Connections

The subject site previously contained the Belrose Library, which has since been relocated. Due to the previous use, the site contains well established pedestrian links from Lockwood Avenue to Glenrose Place. These provide efficient and safe connections from the residential areas to the south and west of the site, specifically to Glenrose Village Shopping Centre and the Glen Street Cultural Hub. The formalisation of a pedestrian link and the associated public benefits may be offered through a future VPA process.

2. Plaza

The Concept Master Plan prepared by DKO Architects and submitted with the Planning Proposal Application demonstrates the ability to provide a plaza concept adjoining commercial land uses, located near Glenrose Place. There is the opportunity to offer a high-quality, structured public open space, in the form of a plaza. A plaza would improve public domain to Glenrose Place. The Applicant would propose to design and construct the final plaza in line with Council requirements.

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3. Green Space

The current Planning Proposal Application and Concept Master Plan indicate the retention of the landscaped area in the south-eastern corner of the site. This land may be offered as a land dedication for a park to retain the natural setting and enhance the character of the locality.

4. Affordable Housing

Council's recently adopted Affordable Housing Policy seeks for affordable rental housing to be incorporated with planning proposals for urban renewal. There is potential for a percentage of the development to be provided as affordable rental housing.

The proposed public benefits will be subject to future negotiation and dependent on the preliminary outcomes of the submitted Planning Proposal. The above benefits are all considered to provide positive planning outcomes for the community in accordance with Council's Community Strategic Plan and Affordable Housing Policy.

We trust that the above assists in Council's and the public's consideration of the Planning Proposal. Subject to Council feedback in relation to the proposed benefits, the Applicant intends to submit a formal offer to enter into a planning agreement pursuant to Section 93F of the EP&A Act 1979, which outlines the details of the proposed benefits and identifies the circumstances which have given rise to the offer. Please do not hesitate to contact me on (02) 4929 6442 should you wish to discuss anything further.

Yours sincerely,
Willana Associates Pty Ltd

Nicholas Dowman
Senior Project Planner

DRAFT PLANNING PROPOSAL

28 Lockwood Avenue, Belrose

November 2017

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Part 1 – Intended Outcomes

The intended outcome of the Planning Proposal is to amend Warringah Local Environmental Plan 2011 (WLEP2011) for land known as 28 Lockwood Avenue, Belrose (Lot 1 DP1199795) to:

- Permit Residential flat buildings and multi dwelling housing only on that part of the land fronting Lockwood Avenue, Belrose.
- Prohibit the granting of development consent for a residential flat building or multi dwelling housing on the land unless floorspace equivalent to a minimum floorspace ratio of 0.5:1 is also provided for commercial premises on the site.

The proposal seeks to ensure that future site development is consistent with the B2 Local Centre zone objectives whilst acknowledging the streetscape characteristics of Lockwood Avenue.

Part 2 – Explanation of Provisions

The proposed amendment to WLEP2011 is:

- Amend Schedule 1 Additional Permitted Uses to include Residential flat buildings and multi dwellings
- Amend Schedule 1 Additional Permitted Uses Map as follows:

Map Sheet	Map Identification Number
Additional Permitted Uses Map APU_010A	1800_COM_APU_010A_010_@@@

- Insert an additional clause stating that consent must not be granted for a residential flat building unless a minimum Floor Space Ratio of 0.5:1 is provided on the site for commercial premises. Such a provision provides that a residential building cannot be the sole land use on the site and to remain consistent with the B2 Local Centre zone objectives.

Part 3 – Justification

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal is not the result of any strategic study or report, however due regard has been given to the Belrose Revitalisation Project and Masterplan prepared in 2013.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The land is currently zoned B2 Local Centre under the WLEP2011. The Planning Proposal is the only means by which additional uses can be made permissible on the site.

Section B – Relationship to strategic planning framework

3. Is the Planning Proposal consistent with the objective and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

A Plan for Growing Sydney

The Planning Proposal has been reviewed against the relevant Outcomes of the *A Plan for Growing Sydney,* the current Metropolitan Plan for Sydney. Released in 2014, the Plan identifies a number of strategic directions and specific policy settings with regards to transport, housing growth, employment and existing centres.

The Planning Proposal is consistent with a number of general goals of *A Plan for Growing Sydney*, in that it would: deliver new and more diverse housing; respond to a recognised need (and market demand) for housing in the locality, and provide new homes in close proximity to existing infrastructure and services.

Draft North District Plan

The Planning Proposal is consistent with a number of general directions/ priorities in the draft North District Plan (as revised November 2017). 28 Lockwood Avenue is identified in this plan as a local centre. In this regard the proposal will allow for employment generating use of the site while allowing for a redevelopment which is consistent with the local character of the Belrose centre.

4. Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?

A review has been undertaken of the Planning Proposal against certain policies and plans of Northern Beaches Council (including the former Warringah Council) as follows:

1. Warringah Employment Lands Study 2013

The *Warringah Employment Lands Study* was prepared for Warringah Council in 2013 by SGS Economics and Planning Pty Ltd. In this study, its 'Employment Precincts Context Plan' identified the Belrose Local Centre as a 'small village'. In relation to neighbourhood/ centres based planning, the study promotes 'co-location of employment uses with residential components so that people can work and live in an active urban environment'. The Planning

Proposal is consistent with study, seeking an active mix of living and working urban environments. Further, the Planning Proposal supports Strategy 8 of this study to 'revitalise neighbourhood centres'.

2. Warringah Community Strategic Plan

The Warringah Community Strategic Plan was formally adopted by Council in 2013. The Plan is built around themes of community, place, environment and leadership. The objectives and intended outcomes of the Planning Proposal support the Community Strategic Plan by enabling appropriate opportunity for employment growth within and around established centres that are well serviced by public infrastructure and transport. In particular, the Planning Proposal is considered to support the growth of the economy in a sustainable way by providing some flexibility in the future redevelopment of the land to allow additional residential development types consistent with the character of the area. The Planning Proposal also still assists in supporting the local employment sector by providing employment close to where people live.

3. Warringah Local Environmental Plan 2011

The site is currently zoned B2 Local Centre under WLEP2011. The objectives of the current zoning have been considered in relation to the proposed additional uses in the table below:

WLEP 2011 B2 Local Centre Zone				
Objective	**Consistent** **Yes**	**No**	**N/A**	**Comment**
To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.	✓			The proposal will maintain the existing permissibility of a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area while also allowing residential flat buildings and multi dwelling housing as additional use for buildings fronting Lockwood Avenue, Belrose. The proposal will restrict the future redevelopment of the total site for residential purposes by requiring a minimum level of commercial floorspace as part of any future redevelopment.
To encourage employment opportunities in accessible locations.	✓			The proposal encourages a mix of residential and employment opportunities considered appropriate in this location.
To maximise public transport patronage and encourage walking and cycling.	✓			The proposed additional uses will allow for facilities and services to be provided within walking distance of public transport.

To provide an environment for pedestrians that is safe, comfortable and interesting.				The Planning Proposal is to be accompanied by a Voluntary Planning Proposal including pedestrian connections generally in accordance with the Proponents submitted Statement of Public Benefit.
To create urban form that relates favourably in scale and in architectural and landscape treatment to neighbouring land uses and to the natural environment.			✓	The amended Planning Proposal provides for an urban form that relates favourably in scale and in architectural and landscape treatment to neighbouring land uses and to the natural environment.
To minimise conflict between land uses in the zone and adjoining zones and ensure the amenity of any adjoining or nearby residential land uses.			✓	The amended Planning Proposal minimises conflict between land uses in the zone by limiting the extent to which additional permissible uses are sought. Conflict between land uses and adjoining zones is also minimised and the maintenance of existing development standards ensures the amenity of any adjoining or nearby residential land uses.

5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is consistent with applicable State Environmental Planning Policies as shown in the following table.

Table 1. Compliance with State Environmental Planning Policies (SEPPs)

SEPPs (as at September 2017)		Applicable	Consistent
1	Development Standards	YES	YES
14	Coastal Wetlands	NO	N/A
19	Bushland in Urban Areas	YES	YES
21	Caravan Parks	YES	YES
26	Littoral Rainforests	NO	N/A
30	Intensive Agriculture	NO	N/A
33	Hazardous and Offensive Development	YES	YES
36	Manufactured Home Estates	NO	N/A
44	Koala Habitat Protection	YES	YES
47	Moore Park Showground	NO	N/A
50	Canal Estate Development	YES	YES
52	Farm Dams and Other Works in Land and Water Management Plan Areas	NO	N/A
55	Remediation of Land	YES	YES
62	Sustainable Aquaculture	YES	YES
64	Advertising and Signage	YES	YES
65	Design Quality of Residential Apartment Development	YES	YES
70	Affordable Housing (Revised Schemes)	YES	YES
71	Coastal Protection	NO	N/A
	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	NO	N/A
	(Affordable Rental Housing) 2009	YES	YES
	(Building Sustainability Index: BASIX) 2004	YES	YES
	(Exempt and Complying Development Codes) 2008	YES	YES
	(Housing for Seniors or People with a Disability) 2004	YES	YES
	(Infrastructure) 2007	YES	YES
	(Integration and Repeals) 2016	NO	N/A
	(Kosciuszko National Park – Alpine Resorts) 2007	NO	N/A
	(Kurnell Peninsula) 1989	NO	N/A
	(Mining, Petroleum Production and Extractive Industries) 2007	YES	YES
	(Miscellaneous Consent Provisions) 2007	YES	YES
	(Penrith Lakes Scheme) 1989	NO	N/A
	(Rural Lands) 2008	NO	N/A
	(State and Regional Development) 2011	YES	YES
	(State Significant Precincts) 2005	YES	YES
	(Sydney Drinking Water Catchment) 2011	NO	N/A
	(Sydney Region Growth Centres) 2006	NO	N/A
	(Three Ports) 2013	NO	N/A
	(Urban Renewal) 2010	NO	N/A
	(Western Sydney Employment Area) 2009	NO	N/A
	(Western Sydney Parklands) 2009	NO	N/A

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Yes. The Planning Proposal is consistent with applicable Section 117 Directions (as shown in Attachment 1). Comments on each of the applicable s. 117 Directions are provided in Table 2 below.

Table 2. Ministerial s.117 directions

Ministerial Direction	Comment
1. Employment and Resources	
1.1 Business and Industrial Zones	
A planning proposal must: (a) give effect to the objectives of this direction, (b) retain the areas and locations of existing business and industrial zones, (c) not reduce the total potential floor space area for employment uses and related public services in business zones, (d) not reduce the total potential floor space area for industrial uses in industrial zones, and (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning	The proposal will not alter the existing zoning of the site or the existing development standards for the site. The proposal will allow for a greater level of services and more diverse residential use whilst maintaining an appropriate requirement for commercial floor space associated with a local centre.
2 Environment and Heritage	
2.3 Heritage Conservation	
A planning proposal must contain provisions that facilitate the conservation of: (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area, (b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an	The subject property is not currently heritage listed, nor is it known to encompass any structures or archaeology worthy of conservation by way of related provisions in the Planning Proposal or any future LEP amendment. In addition, the proposed additional permitted uses will not alter any existing development standards that apply to the site.

3 Housing, Infrastructure and Urban Development	
3.1 Residential Zones	
A planning proposal must include provisions that encourage the provision of housing that will: (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) be of good design. A planning proposal must, in relation to land to which this direction applies: (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and (b) not contain provisions which will reduce the permissible residential density of land.	The proposal will not alter the existing B2 Local Centre zoning of the site. The proposal will allow for a greater level of services and more diverse residential use whilst maintaining an appropriate requirement for commercial floor space associated with a local centre. The proposal does not result in any reduction in the permissible residential density of land nor will the proposal reduce the potential for future development of the site for residential purposes.
6 Local Plan Making	
6.3 Site Specific Provisions	
A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either: (a) allow that land use to be carried out in the zone the land is situated on, or (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. A planning proposal must not contain or refer to drawings that show details of the development proposal.	The Planning Proposal will allow for additional uses to be permitted on the site by listing the uses in Schedule 1 of the WLEP2011. In particular, it is considered appropriate to allow for more flexibility in the range of residential accommodation types by limiting it to shop top housing across the whole site.

7 Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	
	The NSW Government's 'A Plan for Growing Sydney' identified the following key priorities: The Planning Proposal will provide a balanced planning regime for the site that will both support and encourage additional employment opportunities and Local Centre use in conjunction the a range of residential accommodation types.

Section C – Environmental, social and economic impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. While the site is well vegetated the land contains no mapped critical habitats, threatened species and or ecological communities. A number of trees on the site are of high landscape significance, contributing significantly to the character of this Local Centre, working in unison with tree planting on adjoining land uses. Concept Plans accompanying the Planning Proposal show the retention of these trees as well as additional planting to augment the landscape character of the Local Centre in future.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no specific environmental effects likely as a result of the Planning Proposal. While there are no known potential sources of contamination on the subject land the site adjoins a Service Station. A preliminary site investigation is identified as a requirement for further study associated with the Planning Proposal.

The Planning Proposal is unlikely to result in any land use conflicts with the immediate vicinity and therefore it is not expected to limit the ongoing use of the surrounding lands for the range of uses permitted in both the current B2 Local Centres zoning and the R2 Low Density Residential zoning. The proposal will complement the existing residential streetscape of Lockwood Avenue as well as allowing for opportunities for a range of non-residential uses associated with the Local Centre towards Glenrose Avenue and Glen Street. The changing environment of the area allows for a greater range and mix of future residential and commercial uses which will support the viability of the Belrose Local Centre.

9. Has the Planning Proposal adequately addressed any social and economic effects?

The Planning Proposal will contribute to a diversifying of the local economy by providing for greater and more appropriate flexibility of residential development types for the site and protecting employment opportunities which make a positive contribution to the local community by supporting local businesses and the community.

Section D – State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?
The additional permitted uses will not result in an increase in demand for public infrastructure.

Traffic and Parking

This Planning Proposal as recommended does not propose any change to development standards (e.g. height) that would increase the development capacity and likely traffic generation potential of the site. The proposed additional permitted uses envisage a more flexible range of residential development types rather than any significant increase in dwelling numbers. In this regard further detailed consideration of traffic and parking impacts would be considered in future Development Application assessment.

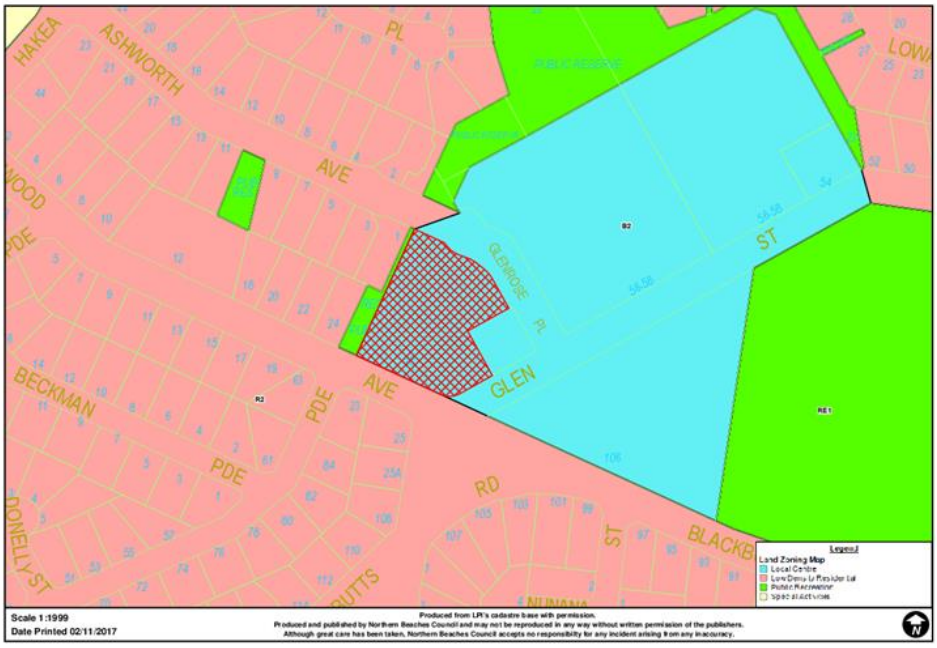
11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

No formal consultation has been undertaken with other State or commonwealth authorities. Where necessary, consultation with relevant authorities will be undertaken as required in accordance with initial Gateway determination. In particular the Environment Protection Authority is to be consulted to ensure any contamination investigations in accordance with Environment Protection Authority's requirements.

Part 4 – Maps

Map 1 – Site Identification and locality - Aerial Photo

Map 2 - Current Zoning and subject site shown as hatched



Part 5 – Community Consultation

Council placed the applicant's planning proposal on non-statutory public exhibition in accordance with Council's Community Engagement Policy from Saturday 26 August to Sunday 10 September 2017 (2 weeks). Notification included:

- A public notice in the Manly Daily notifying of the public exhibition on Saturday 26 August 2017;
- Letters to 209 land owners and occupiers in the vicinity of the subject site; and
- Electronic copies of the exhibition material on Council's website.

Two hundred and three (203) submissions were received opposing the proposal in response to the public exhibition period. Council's response to the submission is contained within the attached Council report of 24 October 2017. Two (2) submissions were received supporting the proposal.

The matters raised were of such significance, that the Planning Proposal as lodged by the proponent was not supported. The current Planning Proposal is an amended proposal involving no change to existing height controls on the site.

The Gateway determination will confirm the public consultation that must be undertaken. It is recommended that government agencies to be consulted include the Environment Protection Authority as the site adjoins a Service Station.

Part 6 – Project Timeline

Task	Anticipated timeframe
Referral to Department of Planning & Environment for Gateway determination	December 2017
Issue of Gateway determination	January 2018
Government agency consultation (if required)	January/ February 2018
Public exhibition period	March 2018
Consideration of submissions	March/ April 2018
Report to Council to determine Planning Proposal	May 2018
Submit Planning Proposal to the Department of Planning & Environment for determination	May 2018

Attachment 1 – Ministerial s.117 directions

Directions		Applicable	Consistent
1	**Employment and Resources**		
1.1	Business and Industrial Zones	YES	YES
1.2	Rural Zones	NO	N/A
1.3	Mining, Petroleum Production and Extractive Industries	NO	N/A
1.4	Oyster Aquaculture	NO	N/A
1.5	Rural Lands	NO	N/A
2	**Environment and Heritage**		
2.1	Environment Protection Zones	NO	N/A
2.2	Coastal Protection	NO	N/A
2.3	Heritage Conservation	YES	YES
2.4	Recreation Vehicle Areas	NO	N/A
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEP's	NO	N/A
3	**Housing, Infrastructure and Urban Development**		
3.1	Residential Zones	YES	YES
3.2	Caravan Parks and Manufactured Home Estates	NO	N/A
3.3	Home Occupations	NO	N/A
3.4	Integrating Land Use and Transport	NO	N/A
3.5	Development Near Licensed Aerodromes	NO	N/A
3.6	Shooting Ranges	NO	N/A
4	**Hazard and Risk**		
4.1	Acid Sulfate Soils	NO	N/A
4.2	Mine Subsidence and Unstable Land	NO	N/A
4.3	Flood Prone Land	NO	N/A
4.4	Planning for Bushfire Protection	NO	N/A
5	**Regional Planning**		
5.1	Implementation of Regional Strategies	NO	N/A
5.2	Sydney Drinking Water Catchments	NO	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	NO	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	NO	N/A
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	NO	N/A
5.6	Sydney to Canberra Corridor (Revoked 10 July 2008 See amended Direction 5.1)	NO	N/A
5.7	Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	NO	N/A
5.8	Second Sydney Airport: Badgerys Creek	NO	N/A
5.9	North West Rail Link Corridor Strategy	NO	N/A
5.10	Implementation of Regional Plans	NO	N/A
6	**Local Plan Making**		
6.1	Approval and Referral Requirements	NO	N/A
6.2	Reserving Land for Public Purposes	NO	N/A
6.3	Site Specific Provisions	YES	YES
7	**Metropolitan Planning**		
7.1	Implementation of A Plan for Growing Sydney	YES	YES
7.2	Implementation of Greater Macarthur Land Release Investigation	NO	N/A

Submission Matrix — Summary of Comments Based on Key Issues

Issue	Submission Content - Total 205 Submissions
Out of character with area (113 or 55% of submitters raised this issue in their submission)	• The Proposal is unsympathetic with, or disregards the low density/ single-level/ traditional family homes/ a place of many open, generous green spaces and large trees for the enjoyment of the local community/ a Village neighbourhood • This proposal does not reflect community values / Quality of life will be impacted/ Existing ambience (not over-developed, green family friendly atmosphere and great community spirit and peaceful) will be lost; Council must preserve and protect the current status quo/ protect from unsightly high rise developments/ maintain integrity of the local environment and the interests of the community; Belrose is not a transient neighbourhood • Ease of access and parking around the area and close proximity to bushland are valued parts of the desired character • The proposed footprint / building will look completely out of place in this area and would completely change the look and feel of the area • Belrose should not be compared to Dee Why or Brookvale and its established medium to high density housing/ We live in Frenchs Forest/Belrose because we don't want to live in a piece of "Chatswood look-alike" / Moving from a green tree filled area to a concrete jungle (looking like Hong Kong/ Singapore type lifestyle • The Proposal would change the nature of the entire western part of Frenchs Forest and a lot of Belrose forever. • We are already facing massive changes with plenty of high-rise apartments going up near the hospital. We have little choice but to accept that this area will become highly developed but leave Belrose for those residents who do not want to live in that kind of environment. Do we have to see this happen in all of our quieter areas. There are not many suburbs left like this. • 3 storey flats do not fit in with the typical dwellings in the Belrose area / No units over 3 storeys exist around Frenchs Forest, Belrose or Davidson. • A 15m high apartment building is out of scale, lack of privacy for most houses in the surrounding area; Multi dwelling/multi storey building or anything over 3 stories is out of keeping with the low density residential nature of the area and the surrounding buildings; Little high density housing at present/ • The proposed scale of the development is out of context/ does not integrate with the local environs/ local centre/ surrounding residential areas/ The proposal would dominate the new Glenrose Shopping Centre (being single above ground level) with the proposed 15m being higher than the shops by some 4m; • This is a village shopping centre which services the suburbs of Davidson & Belrose and needs to be kept that way. • The proposal would spoil all the planning that the council has made to make this area a friendly, social hub for the people of the area. • The proposal does not provide sufficient context to the surrounding area. Proximity of the site to services and facilities (shops, recreation education, community, public transport) is not in our view a reason to bypass community planning for a specific and unprecedented development. • This proposal undermines all the good that has been done so far to make Glenrose a community centre. • Proposal is inconsistent with recent redevelopment (Glenrose Shopping Centre, Glen Street Theatre and Library cultural precinct) which improve the area, tastefully and sympathetically designed to be a local neighbourhood 'community hub', with sufficient parking and safe pedestrian environments which encourage locals to gather & move around to various places by foot. If this development goes ahead, the area would become off limits to all but the residents, & the lovely green space would be lost. This would therefore defeat the whole purpose of planning the area to be fully 'community-friendly' rather than just for particular individuals. • The proposal would have a negative social impact on the community's social cohesion/ there are many associated problems that come with high density living areas; Experience living near large housing blocks is increased noise, disruption, crime rate, rubbish production and lowered quality of life. • There are more appropriate places for 15m housing blocks, closer to public transport, schools, hospitals and services that are not as available here • Two storey townhouses mixed with single story dwellings would be far more appropriate; An attractive "Close" at this site would be much more desirable • The area lends itself to a creative, innovative progressive and exciting solution in harmony with the area similar to Glen St Theatre. • This site would be better utilised as a low lying small business part of the Glenrose Precinct / a multi-purpose community facility / a play area or town square • Such a development would have a significant adverse impact on surrounding houses – some of which have already been disadvantaged by the size / height of the new Glenrose Shopping Centre/ Need to strike a balance between residential and community services.

	• The Proposal does not provide adequate accommodation for Retirees considering downsizing somewhere local with the same character. • The Planning Proposal does not achieve an appropriate built form and scale having regard to the size, topography and surrounding context of the site. We feel the proposal is attempting to "reverse engineer" the size of the site to force a proposed re-zoning; i.e. the size of the site should not be driving zoning amendments for the purposes of commercial profitability. • Increased housing in such a small area will cause increased traffic, pollution noise in the area. • The Proposal presents a danger to children & families getting to & from 2 preschools and the primary school in the immediate vicinity. • The area offers tranquillity and a sense of rurality that the surrounding areas were losing through development, and an escape from the city vibe, high rises and 'manicured' landscaped blocks. Development must add to the value of the area and not detract from it. • While more housing options are needed, this site is not the right location or fit. • The Proposal will destroy the suburbs' DNA struggles with the roads and infrastructure put in place 40 years ago;
Excessive height (102 or 50% of submitters raised this issue in their submission)	• Do not increase existing height limits in this area; A low rise (no more than 3 levels) development is more in keeping and can be supported by the local roads • The proposed 15m height is 77% / 6.5m higher than allowable / 3 - 5 storeys is overdevelopment and too high • 15m height is far too tall for the surrounding development and area/ will result in extra flats; very bulky negative visual impact; too overpowering; will dwarf surrounding buildings; disproportionate (40% increase); not reflect residents community/lifestyle and amenity values • The impacts of the height extends for the total mass of the building • Removing 1 storey may be close to a good community option for the site • Need to retain 8.5m especially to the west of the site adjoining residential homes & a kindergarten. Any part of the development which may reach up to 3 storeys & a probable 11.5m should be in the centre of the site or towards the Service Station • The height of the old library was a large enough footprint. • A more reasonable increase would be to 12m (41% above existing) more in keeping with nearby retail and community facilities. • The proposal does not satisfy the objectives of this height standard to minimise visual impact, disruption of views, loss of privacy and loss of solar access with unreasonable visual impact that is not like anything in Belrose • The height will cast further shadows at this intersection; it will overlook houses and a preschool. Perhaps townhouses would be more appropriate height • The proposal does not satisfy the objectives of this height standard to ensure that buildings are compatible with the height and scale of surrounding and nearby developments. Both 54 Glen Street and Glenrose Shopping Centre are well below 15m with sizable setbacks from other residential buildings. • There are no unit developments over 3 stories anywhere in the Frenchs Forest, Belrose or Davidson area. No residential buildings in the surrounding area exceed 2 storeys. • 15m is not in keeping with the B2 zoning • Council needs to stick to the current restrictions as developers will be continually seeking more and more and end up turning the area into another Chatswood. • Not only is the height inappropriate for Lockwood Ave but also for the whole area of Belrose, Davidson and Frenchs Forest • Should high rise apartment living be the intended direction of Belrose, then this should be expertly planned in consultation with the local community, and not by opportunistic and profit driven developers • 15m (5 stories) inappropriate for our community/area including consideration of vicinity/adjacency to new library and Glenrose village all of which seem lower than 15 metres/ Glenrose Shopping Centre is at the current height of 11.64m approved after years of consultation and changes • The proposal should be either no higher than the highest buildings; lower if the development is considered to be more bulky than those other buildings; or no higher than the height of the new shopping centre • Request that proposal be reframed in keeping with the local built environment (particularly the roof line)

	• This will take our privacy away from our back yard and also will be taking extra park land away from the area. • Request 9m maximum as this reflects the tone of the neighbourhood and future dwellings in the area should remain at this height. • The height restriction is in place to save the community from such proposals and should not be ignored • The height of the building should not be able to be increase due to the stresses on the infrastructure in the area. The schools, roads and free faculties such as the library will be under huge pressure from such a huge amount of people in the area.
Excessive density (33 or 16% of submitters raised this issue in their submission)	• A lesser number of apartments (20 or 25 max) should be considered alongside a better designed local green space for all families to utilise whilst promoting minimum extra traffic considerations/ reduce the number of apartments to be constructed by half • Too dense for the size of the site and the existing infrastructure constraints/ The site area would normally be for just 3-4 houses • 63 apartments and over 2500 square metres of commercial space together with 15m maximum height is not a community benefit (akin to 'overpopulation is good for the economy because sales go up'). It seeks to increase property value and is not good for the community. • The number of dwellings and type of property proposed are completely at odds with all dwellings in all surrounding streets for some distance. 63 dwellings comprising of a mix of 1, 2 & 3 bed apartments and multi dwelling housing is absurd under current zoning which prohibits all residential accommodation, except for shop top housing. • 63 units would overpopulate the area / will have a significant negative impact to the area such as traffic, massing of the development, streetscape of Lockwood Avenue, etc. This development should have more vistas from Lockwood Ave to Glenrose Place & Glenrose Shopping Centre. The massing of the development needs to be broken up to allow more accessibility (pedestrians movement) & air flow thru' maintaining established heights and retaining the streetscape of Lockwood Ave. • Increased density is not needed in a suburb that is basically full and established as a peaceful relaxed leafy low density environment. • The proposal claims to include a 'variety of dwelling types'. Where are the single level detached houses? • 63 dwellings is more than intended as "shop top" and is out of keeping with any other development within the existing environs. The difference between the original "shop top" proposal and the 63 dwelling proposal through its 4/3 level design and heavy footprint will have adverse impacts on the local environs. The higher density residential outcome sought in the Proposal does not offer support to the Glen Street Theatre revitalisation and the Glenrose Shopping Centre. The success or otherwise of both the theatre and shopping centre developments cannot and should not be predicated on future higher density housing on the old library site. Both amenities are designed to service the entire community as a whole. The project will not result in a net community benefit. 63 dwellings will be detrimental to the local environs and opportunistic and profit driven. A smaller "shop top" development would be supported which we believe was the public perception provided originally by the developer. • No other area in the vicinity will have the housing density comparable to the proposal in this location.
Excessive traffic/parking generation and Safety Issues (79 or 39% of submitters raised this issue in their submission)	• Belrose has no traffic signals, is a peaceful, single lane, leafy neighbourhood which would not cope with the prospect of an extra 120+ vehicles • Parking is already at a premium around 28 Lockwood Ave / streets are already at capacity. Glenrose Village Centre parking quickly fills up when there is no further parking available in the very small carpark area at Energize Gym & Glen St Theatre & when Lionel Watts Reserve has weekend sports and kerbside parking is full in Blackbutts Rd & Glen St. This then has an overflow which spills in to other surrounding streets. Currently there are 6 entry & exit points where the Caltex Service station, Gym carpark & Glenrose Village come together in Glen St. At any given time there can be cars, motorbikes, pushbikes, buses and delivery trucks which include Double B trucks heading in or out of the Unloading dock in Glenrose Place and these are all situated very close to one of the two pedestrian crossings in Glen Street. To entertain the idea that there will be no adverse traffic or parking issues is ludicrous. • Delays of 15-20 minutes are common in Glen St when buses are trying to navigate past parked cars on either side of the street. Proposal would greatly increase vehicular traffic in the area / will create too much traffic onto Glenrose Place/Glen St, which is already congested / it already can take 30 min to access Forest Way each morning from Glen or Adam Streets. • For 30m along front of the library there are children on bikes, children walking to tennis, teenagers walking to the shops and many pedestrians going to nearby facilities. 63 apartment would put pedestrians and young children in danger • In addition the junction where the servo, shopping centre, theatre converge is already a hazard for cars and more importantly pedestrians using the crossing.

	• The sporting field's library and theatre need more parking than provided already. Fix these issues before imposing more vehicle congestion on the area. • Existing car parking would be utilised by residents who own more than one car/ visiting "friends" would park on Lockwood or in the shopping centre. • The proposed number of dwellings, parking spaces and access location should be clearly stated in the Proposal. • More cars and services will make the more dangerous and more difficult for buses • The influx of 200 cars would be a major safety issue. Adding unnecessary traffic to a high pedestrian zone is a pedestrian (particularly child) safety issue. The proposal does not encourage a safe environment for using the Glen St Cultural Hub and Lionel Watts Oval. • Too many people and cars in an already crowded area. Infrastructure cannot deal with huge apartment buildings and the people and traffic they bring. Build something like this in Brookvale where we at least have roads to cope. • There is also limited parking on weekends when the sports fields are used and weekend mornings when there are more children and pedestrian traffic than usual. • Pedestrian and street flow is important now that the library at Glen Street has also been opened. The driveway access in and out near the service station can be "an accident waiting to happen". • Traffic currently is dangerous at the entrance to Woolworths/service station/library/gym. The proposed additional apartments and cars becomes an even bigger safety concern. • Street parking restrictions will need to be considered with this development in light of traffic and parking issues when the Glenrose shopping centre was being built • Off street parking needs of this building won't be met by the parking thus creating a lot of parking in the surrounding streets. • Increased traffic and congestion in Lockwood Ave, Blackbutts Rd and Glen Street is a concern as most future occupants will add 1 or 2 vehicles to the surrounding roads. Glen Street was never widened for the extra traffic ensued by extending Glenrose Village Shopping Centre plus extra services and relocation of the Library. • Vehicular access via Glenrose Place for on-site basement parking is an accident waiting to happen having observed the current vehicle access to the Shopping Centre via Glenrose Place with a busy loading dock and many near misses have witnessed involving large trucks / cars conflicting with pedestrians • The likely traffic increase will negatively impact on residents already facing long delays in trying to exit this area in morning peak hour along Glen St and Blackbutts Rd to Forestway and on to Warringah Rd. • The crossing in Lockwood Avenue would become even more dangerous for pedestrians and the many school children that use the crossing • Parking would become impossible for the many Church goers at St Stephens Church. • It is hard to see how the small roads around this area can support additional traffic. It is already a high traffic area coming off of Blackbutts Rd to Lockwood or turning off/on turn Lockwood from Glen Street • The limit to the main traffic roads has been reached so this proposal is unacceptable with the traffic generated by 63 extra dwellings following the redevelopment of the Glenrose Village which was initially refused partly on the grounds of unacceptable traffic generated by the proposal. • Glenrose Place is also a significant pedestrian entry point into Ashworth Avenue, including young children, The proposal does not appropriately minimises impacts regards appropriate residential/commercial interface • Traffic would increase to an unsafe proportion particularly with the already busy traffic areas with shops, professional suites, gym, theatre, Caltex servo, preschool, library for both vehicles and pedestrians. • Glen Street is already in desperate need of widening • Will visitors in the proposed development be expected to park in the Woolworths parking lot? What will Woolworths do if this eventuates? Invoke restrictions, barriers to entry, start charging? • Since the completion of the Glenrose shopping centre and Belrose library, a noticeable increase in traffic has occurred on local streets, including Glen St, Lockwood Ave and Blackbutts Road. Adding a significant number of dwellings (and thus vehicles) will make this traffic load much worse. The number of parked vehicles in local streets (as above but also along Athol St and Kalgal St) has also noticeably increased, and adding additional dwellings and commercial properties will make this problem worse.

	• Already there are problems with traffic held up entering and exiting the very busy petrol station, entering and exiting the popular shopping centre and also many pedestrians crossing Glen Street and Glenrose Place. • Whilst acknowledging the need for more medium density housing, this needs to occur along existing good public transport corridors, which this area is not!
Concept Plans (39 or 29% of submitters raised this issue in their submission)	• Judging by the photomontage/ artist impression this is a grossly overdevelopment for this site and our village feel/ is ghastly/ a monstrosity • It is not agreed that the design concept provides a framework that responds intelligently and sensitively to its location and urban context given that there are currently no buildings of this scale within the local area/ do not agree this is prepared following 'a detailed analysis of the Site and surrounding locality' • Inadequate documentation is provided to support statements made such as "minimal and appropriate environmental impacts and allows a more appropriate residential/commercial interface" and "provides the opportunity to retain existing vegetation and pedestrian links" "Develop without adverse traffic or parking impacts", "Maintain the residential amenity of existing properties surrounding the site" • The Concept Plan appears to misrepresent the actual site and the surrounding local character, traffic / is misleading • The proposed buildings are angular and harsh to look at compared to the complimentary new buildings that have considered colour and shape. • I think the floor plan of the building/ footprint takes up far too much of the total land space and needs to be scaled back/ need to soften the street scape view for residents and passers-by/ a small area of parkland proposed is insufficient compared to the amount being taken away • The view from Lockwood Ave fails to show the existing mature trees that elsewhere are stated to remain. These trees are in one document stated to be retained but this is not shown in the concept plans • Certainty of Public Benefits offered is queried /Lack of certainty in terms of such benefits is unacceptable. In this regard the pedestrian connections should be mandatory as it appears most unfortunate that the land was sold without a public easement to that effect. Access is greatly reduced in the absence of these connections. The suggestion of a 'Plaza' is nothing more than a means of customer access to shopfronts with minimal public amenity. The retentions of a wooded area in the South Eastern corner of the site should be considered mandatory. It provides important native fauna habitat and setback from the Service Station. The public benefit from the children's playground on former Library site should have been recognised in the Proposal. Development considered an exaggerated ambit claim • The suggested benefits of the proposed buildings are disputed: greenspace would be demolished by removal of many trees. • The suggested `plaza' is questionable as a benefit, especially when the Glenrose shopping centre and the construction of the new library provides to the publics' current and futures needs. The draft drawing of "plaza" contains overuse of concrete stairways/ The plaza area is not a benefit to local community, only to residents • Regards an offer of a pedestrian link through the site, this already exists along the North West in the pocket reserve and pathway and will have to remain on this Council land with no input from the development. • Concept Plans indicate a lower ground floor space predominately allocated to a gym with two small retail spaces. There are already 4 gyms with 1 km of this site the provision of additional gym is not keeping with the needs of the community. The floor space should be better allocated to a community facility. The FSR should not be changed. • There should be more emphasis on retaining and enhancing open space on the western boundary alongside existing residential homes that have always bordered on the B2 zoned site. • Property owners within a reasonable radius impacted by the proposal should be compensated. • The proposed building alignment is far too close to Lockwood Avenue. • Concept Plans don't show what 15m height looks like and don't clearly reference other nearby buildings in Lockwood Avenue. The height from roof top to kerb should be the same. • Sustainable design elements should be incorporated into future designs including northerly orientation, eaves or external shutters, well insulated windows and walls and non-combustible construction materials ;photo voltaic panels and/or solar hot water panels to demonstrate practical energy efficiency and low cost living as a model for future developments in the state. • Quality Workmanship needs to be guaranteed including sufficiently wide walkways and consideration of safety aspects of the pedestrian crossings, and drainage.

Precedence (6 submitters raised this issue in their submission)	• This proposal sets a precedent for the height of further proposals; if approved, will no doubt create an undesirable precedent for other similar applications • Examples given of other development as precedence for development envisaged in the Planning Proposal are inappropriate. The cited developments at Forestville overlook arterial and busy secondary roads whereas Lockwood Ave and Glen St are completely different suburban roads and not major thoroughfares. It is also questioned whether the example provided included both residential and commercial use as indicated in the Planning Proposal. Differences in height controls also cited • (Forestville Town Centre – 12m height and Belrose Centre -8.5m). Also Forestville is noted as being better serviced (3x the bus frequency) by public transport • More appropriate local comparisons may include 54 Glen Street (3 business and 9 unit, 8.5m); Seniors Living site on corner of Pringle Ave and Drew Place (6 units and compatible height); former Nursery at 32 Blackbutts Rd (6 townhouses, 2 storey)/ units such as above the shops at the corner of Yindela St and Pound Ave in Davidson (2 storey) • Proposal should not be approved to accommodate developers when normal residents cannot achieve the same. • The Proposal's reference to existing approved building heights as a precedence does not consider the well documented disputes and amendments for the now completed Glenrose Village including objections and denied permissions to build to these heights on that neighbouring site. • If a building of the scale that is being proposed here was deemed to be appropriate, then some explanation is required as to why these height restrictions were not lifted during the recent redevelopment at Glenrose Village? Given how recently those changes took place, surely this sets your precedent, as there has been no material change in circumstances during the intervening period? • Whilst investment and development within the suburb has been welcomed, we feel that this request far exceeds any preceding venture and would set a worrying precedent for this area moving forward. • Although Glenrose Village exceeds the stipulated height limits in some parts and is fully commercial, it is in no way up to the proposed 15m height proposed in this application.
Development History (24 or 12% of submitters raised this issue in their submission)	• Developer was aware of the height constraints at the time of purchase/ the developer should not have purchased the site with a view to such major departure from long standing zoning requirements • Queries are raised regards the ownership of the land and it's sale including any agreements with the Purchaser/ process from the sale of the land to the planning considered disgraceful and secretive • Previous community concerns with redevelopment of the Glenrose Shopping Centre are mentioned as a positive outcome in which initial concerns were heard and validated in the first proposal with amended plans approved for a more appropriate development • The library was sold off and new fantastic one was built that fits in with the surrounding area but this development does not fit in with the area. • It was understood that this was supposed to be a "town centre" of mostly commercial use - retail, professional offices/suites and the like with some possible residential use. To increase height and residential space is contrary to the original plan and zoning and will have a negative impact on the area especially with considerably increased residential proportion of development. • Using what was a public space for commercial gain is wrong, regardless of what "good" the profit used for, it's fundamentally wrong/ the community is being ripped off by yet another dodgy council deal. • Council should have dealt with the redevelopment of the site/ asset prior to its disposal and queries are raised as to whether council has been diligent in relation to its duty of care to constituents. It is submitted that the land has been sold for an amount that is less than half of what the worth would be if this plan is approved. It is suggested that further action may be taken in relation to the Council's handling and responsibilities of the sale and any lack of due diligence regards the public interest and an otherwise higher sale price. Perhaps it may be considered that Council has not met Best Practice requirements and are responsible to its constituents for the loss of income that would most certainly have some public benefit • Further investigation is sought to support the Proposal including further consultation as to why this previously public land parcel was sold by Council in a manner that ensures developer exploitation is avoided. • Proposal is an ambit ask of the developer • The former library site, including a small children's playground should be left as a park/ retained as a green area for everyone with the playground for the local kids/

	there has to be provision made for availability of open space and communal park area with play equipment/ the site could be turned it into a community centre • The old library site is a large block and the development there very much needs to deliver the commercial space that used to exist at the old Glenrose shops. This needs to be the focus for this development • The former Belrose library should be heritage listed as it holds strong cultural heritage values within the local community being used since 1979 holding many memories for most local of Belrose. The old library building is considered a prime and rare example of Government architecture of the 1970s.
Loss of Vegetation and Biodiversity (13 or 6% of submitters raised this issue in their submission)	• The existing library site encompasses a number of mature trees, distributed in small stands. It is difficult to envisage that these trees can or will be retained given the size and footprint of the re-proposal. As many tall trees on the sites as possible should be retained particularly in the south west corner as well as trees and vegetation running along Lockwood Ave • Loss of existing mature vegetation in the SE corner of the site is concern as it supports and contributes to essential buffers for noise from the shopping centre and carpark entry. Nesting kookaburras are also observed in these trees • The suburb cannot afford to lose any more trees/ Too many mature trees are already lost as a result of the Northern Beaches Hospital road upgrade project • The preservation of mature trees should take priority over height issues. • The submission claims that there is no native animal habitat but provides no study. • Biodiversity- assessment is required given the established vegetation onsite, connectivity with native vegetation including nearby National Park and records of various threatened species (NSW Bionet Atlas) in the vicinity; habitat for native animals including Kookaburra nestings are also cited in submissions Comment:
Pedestrian access (8 submitters raised this issue in their submission)	• Pedestrian connections through the site are long established and should be retained. However concern is raised that new pedestrian connection would be of lesser public benefit i.e. through a concrete jungle. • More detailed consideration is require to improve future access to local areas from Ashworth Ave/tennis courts/ Windara Reserve etc. and generally address access to the Shopping Centre, and new Library area from the immediate West. Belrose is a small, quiet, leafy, single lane suburb with no traffic lights. Elderly and young alike walk from Ashworth Avenue and surrounding streets, parents with prams, or persons in motorised mobility units use the footpaths and crossings. • The currently fencing surrounding the site cuts off a well-used pedestrian walkway in Glenrose Place to access Glenrose shopping centre. Can this be addressed so it is not such a hazard for pedestrians?
Public transport (7 submitters raised this issue in their submission)	• The Proposal's comments regarding transport links are considered overstated. Lack of direct buses to Manly, Dee Why or Brookvale are not acknowledged • The current services are not suitable to cater for higher density of living. • Services already overcrowded during peak hour with at least 100+ more residents the infrastructure is not there • There are limited to buses to the city and Chatswood, these buses are already with many people further down the line unable to fit on to the bus. Adding more units will only make this overcrowding worse, this development should not be approved with without corresponding improvements in public transport in the area. • The Proposal makes reference to the new B-line bus initiative, which is located many kilometres away from Belrose so as to make it completely irrelevant to this Proposal.
Need for Accessible and Affordable Housing (3 submitters raised this issue in their submission)	• It is important that at least some of the proposed dwellings are built to be accessible to people with limited mobility (including seniors) or who use wheelchairs. Given the site is so close to shops and amenities, this location would be ideal for wheelchair users. There is a great shortage of housing suitable for people with a disability and this development could be part of a solution. (link provided to Liveable Housing Guidelines -LHA) • Affordable housing at this location in Frenchs Forest is highly unlikely. • Need to ensure some of the units are quarantined for affordable housing/ low cost housing provided close to public transport and shops is appropriate/ Social Impact assessment is required.
Consultation process	• Inadequate consultation and insufficient information • Lack to time to respond to what is being proposed

(5 submitters raised this issue in their submission)	• Not enough publicity has been given this Proposal • Manly Daily not received in some instances • Details of what constitutes 'preliminary consultation' sought
Zone Objectives (5 submitters raised this issue in their submission)	• Proposal does not align with LEP Zone B2 Local Centre objectives as it substantially increases the number, density and height of the residential units. Contrary to Zone Objectives the proposal focuses on high density residential use and does not support diversified use sought in the zone objectives; does not create an environment for pedestrians that is safe, comfortable and interesting (see traffic and safety concerns below); does not minimise conflict between land uses in the zone and adjoining zones and ensures the amenity of any adjoining or nearby residential land use (noting site abuts residence at 1 Ashworth Avenue); proposed height and footprint not in keeping with surrounding properties and is of a scale which has not been approved anywhere else in the Belrose community. • The Proposal does not clearly demonstrate that it is the best means of achieving objectives or intended outcomes of the zone. In this regard is it noted that the B2 Zone Objectives do not overtly support residential accommodation. • Options for an alternate (residential) zone already existing are noted.
Strategic Context (7 submitters raised this issue in their submission)	• Council should not be allowed to grant permission to build 4 and 5 story dwellings on this site outside of its 3 identified growth areas (Frenchs Forest, Ingleside and Brookvale/Dee Why) which are focussed to support the State's Plan for a Growing Sydney. Belrose is not considered a high priority for Northern Beaches development, • There has not been any strategic study done on the impact such a big development will have on the surrounding area/ Claims that the proposal supports 'more homes near jobs' is not supported or evidenced, nor is there any study regards assertions that its 'located with access to jobs, services, housing and public transport (reducing) the number of trips generated by future development of the site'. • Allowing residential development would compromise the zoning objectives of the local centre/ To additionally permit multi dwelling housing and residential flat buildings would reduce the land allocated to a local commercial centre and the scope for local employment • Land zoned B2 Local centre is already limited in the locality and rezoning this land to allow residential development would reduce the limited area of land allocated to commercial use and community services. This would be contrary to the planning controls and not in the public interest in providing such land to serve the local community in terms of businesses and services. The subject site is suitably located and accessible for the ground floor use of commercial and related uses. • The proposal would reduce the available land for employment uses in the local centre. Belrose is reliant on its local centres (Zone B2) to provide local employment opportunities and commercial services and facilities to residents and visitors. • While the NSW Plan for a Growing Sydney looks at balancing Housing, Environment, Economy and Communities this Proposal fails on every one of the other criteria as there will be a negative impact on the Environment (tree loss); no Economic benefit (apart from Developer); and no Community benefit (except for persons who purchase a dwelling)
Commercial land and Employment (2 submitters raised this issue in their submission)	• Optional clause for minimum requirement for commercial floorspace - The basis if this clause is not understood with regard to a perceived lack of adequate market research and constraints on demand in the area for the substantial commercial floorspace proposed. • Economic Impact - assessment is required to justify the additional commercial floorspace in direct competition with other additional floorspace in nearby district centres including 3-8 km from the site. Potential economic impacts on Glenrose Centre also requires assessment including range of existing tenancies and the wide scope of potential future uses permitted in the zone. While Proposal states 'complementary to existing facilities … such as a Gym' it is note that a Gym is already provided. Detailed consideration under the Draft North District Plan (section 3.4.3 – Productivity Priority 3) required including supply and demand for commercial floorspace, accessibility, impacts on viability and vitality, public domain and net benefits.
Stormwater (2 submitters raised this issue in their submission)	• Stormwater and Drainage problems in Ashworth Avenue cul-de-sac are raised and concern raised regards the impact of the proposal on the stormwater system which has already been compromised by the development of the Glenrose Village area.
Impact on Schools (1 submission)	• Given increasing demand for Schools in area, the proposed development will negatively impact our struggling school system

Service Station (3 submitters raised this issue in their submission)	• The proposed development is inappropriate given the potential risks adjoining a Service Station • Support for the development conditional on the service station site being incorporated into future redevelopment. The removal of the service station for residential development is preferred given the potential explosive nature of current use so close to a dense residential development and minimise accident risk from vehicles leaving the station.
Kindergarten (2 submitters raised this issue in their submission)	• Access to kindergarten is inadequate and should allow a wider area as the map clearly shows that the full pathway should be accessible. The developers have appeared unaware of the needs of the kindergarten • Any future demolition and building process is a concern regards health and safety impact on the kindergarten playground during extended periods of the day including dust, noise, contamination and unauthorised access. • The hoarding and fencing of the site has made the kindergarten very difficult to access. This will only become worse during development including visiting families, staff and deliveries. • Updated site address and signage on Lockwood Ave and Glenrose Place is required to direct people to the kindergarten. There is no address for the Kindergarten that adequately allows access the kindergarten as access through Ashworth Ave cause congestion in that street. This could be a major issue if there were cause for us to have to call an ambulance or fire services. • Since the sale of the land, enrolments at the kindergarten have sharply declined with parent's stating their concerns regarding the adjacent development
Support for Planning Proposal (2 submitters raised no objection in their submission)	• Support for 4-8 storey apartment building 'low rise housing' with common area and parking for residents. • The Proposal is in character with area - the area needs more housing options and this is an ideal site for higher-density living.

NSW GOVERNMENT

Review of the Environmental Planning and Assessment Regulation 2000

Issues Paper
September 2017

September 2017
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Foreword

This issues paper seeks feedback from stakeholders to inform the Government's review of the *Environmental Planning and Assessment Regulation 2000* (the Regulation).

It has been seventeen years since the Regulation was first made and it has been amended on over 40 occasions since then. It is now due for a comprehensive review. This is an opportunity to remove any unnecessary complexities or outdated rules which make the system hard to use.

This review follows proposed changes to the Regulation's parent act, the *Environmental Planning and Assessment Act 1979* (EP&A Act). While the EP&A Act provides the overarching framework for the planning system in NSW, the Regulation supports the day-to-day requirements of this system. It supplements the broader provisions of the Act, and covers matters such as local environmental plans and development control plans, which are used by councils to manage growth and development through the use of land use zoning, development standards and other planning mechanisms. It also contains key operational provisions relating to the development assessment and consent process, requirements associated with development contributions, and fees for planning services.

Earlier in 2017, we asked for views on proposed updates to the EP&A Act. The amendments, which are expected to be considered by Parliament later this year, will help to create a planning system that enhances community participation, promotes strategic planning, increases probity and transparency in decision-making, and makes the planning system simpler and faster for all participants.

This will allow NSW to better accommodate growth, new housing, and economic development across the state, while protecting the environment.

The Department of Planning and Environment is considering feedback on these proposed changes from industry, community members and expert practitioners – council staff, planners, lawyers and consultants – about how to best implement the changes. This feedback is helping us to ensure the changes work in practice, and are flexible enough to meet the needs of different stakeholders.

At the same time, we are proceeding with a review of the Regulation. This review will provide a basis for a new Regulation that complements the updates to the EP&A Act.

We look forward to receiving your feedback, to help us to modernise the Regulation and make the planning system easier to navigate for all.

Anthony Roberts
Minister for Planning
Minister for Housing
Special Minister of State

Introduction

Overview of the current legislative framework

The EP&A Act is the primary legislation covering land use planning and development assessment in NSW. The Act sets out a framework which, among other things:

- Creates a system of land use plans and planning instruments that provide the context and rules for decision-making about development
- Makes local councils and the State Government jointly responsible for the preparation of those plans and the assessment of development
- Establishes assessment processes to suit the type and significance of development — from small-scale works to regionally and state significant development
- Ensures construction of development can be certified against set standards.

The Regulation is the EP&A Act's primary subordinate legislation. It commenced on 1 January 2001 and is due for review.

The Regulation contains key operational provisions for the NSW planning system, including those relating to:

- Planning instruments, including requirements and procedures for planning proposals and procedures for making and amending development control plans
- Procedures relating to development applications for local development and complying development certificates
- Existing uses and designated development
- Requirements for environmental assessment under Part 5 of the Act and applications for state significant infrastructure
- Environmental impact statements (requirements that apply to designated development, state significant development, state significant infrastructure, and certain other activities under Part 5 of the Act)
- Building regulation and subdivision certification, including provisions for construction certificates, occupation certificates and subdivision certificates, as well as fire safety and Building Code of Australia (BCA) matters
  - Note: the review of the Regulation will not examine these building and certification provisions, as broader building regulation reforms are being pursued separately (see 'Related initiative' Box 1 for further information)
- Fees and charges, including for development applications and building certificates, as well as other planning services
- Development contributions, including the preparation of contributions plans
- Planning certificates which provide information about land
- Other miscellaneous matters, including amounts for penalty notices (or fines) that may be issued for breaches of EP&A Act and the Regulation, provisions for planning bodies (the Planning Assessment Commission and Independent Hearing and Assessment Panels), development by the Crown, and record keeping requirements for councils.

This review of the Regulation follows on from a broader review of the EP&A Act, which will also result in some consequential changes to the Regulation (subject to the passage of the Environmental Planning and Assessment Bill 2017 through Parliament later this year). This will include elevating some regulatory provisions relating to community participation and the Planning and Assessment Commission to the EP&A Act. More information on the proposed updates to the EP&A Act can be found at: www.planning.nsw.gov.au/Policy-and-Legislation/Legislative-Updates.

Box 1: Related initiative – Reforms to strengthen NSW's building regulation and certification system

The Government is fast tracking reforms to building regulation by pursuing a separate package of amendments to the building regulation and certification provisions in the Regulation. The amendments will be subject to separate consultation, and will confirm the Government's commitment to achieve a better building regulation system for NSW and address safety issues relating to new and existing buildings.

The reforms are part of delivering on the Government's response to the Independent Review of the *Building Professionals Act 2005* (the Lambert Review). Further information on the Lambert Review, including the Government's response, can be found on the Department's website: www.planning.nsw.gov.au/Policy-and-Legislation/Buildings/Building-Regulation-and-Certification-Reform?acc_section=certifier_regulation_reform.

Key fire safety reform documents can also be accessed on the Department's website, at the above link.

Objectives of the review

The review of the Regulation presents an opportunity to build on the proposed changes to the EP&A Act and further improve the architecture of the planning system.

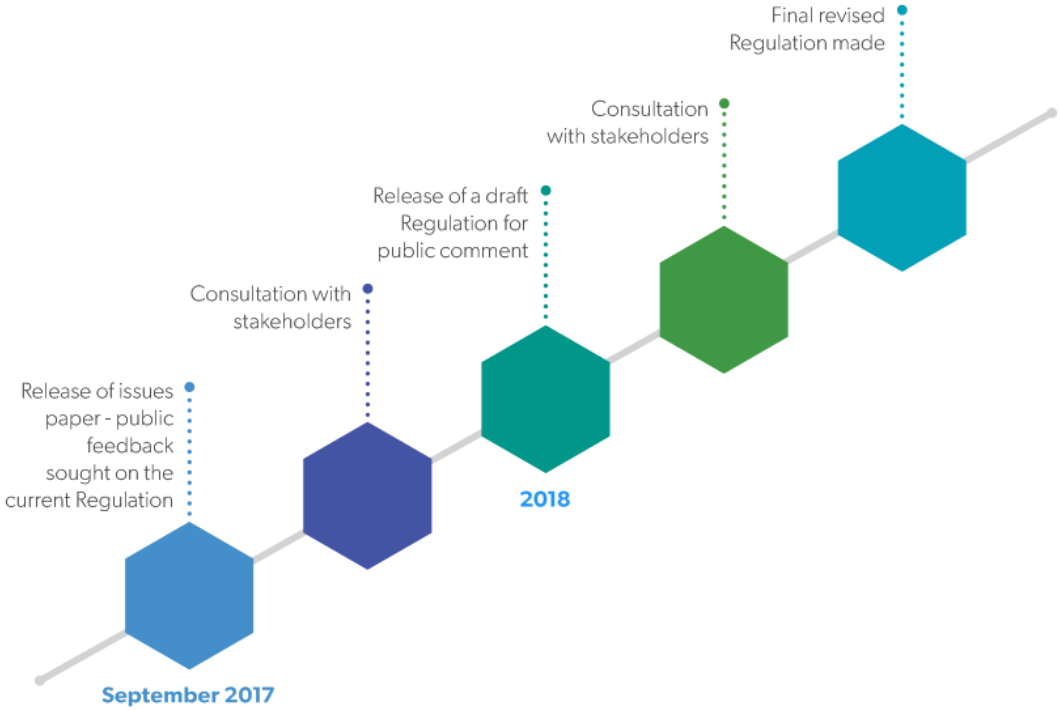
The objectives are to undertake a comprehensive review of the Regulation in order to:

- Reduce administrative burden and increase procedural efficiency
- Reduce complexity
- Establish a simpler, more modern and transparent planning system.

Stakeholder guide – responding to the issues paper

As a first step, the Department is seeking feedback from stakeholders on the current Regulation. Feedback received in response to this issues paper will be used to inform the preparation of a draft Regulation, which will be released for consultation in 2018. The key steps for the review of the Regulation, and the opportunities for stakeholders to provide input, are set out below.

Opportunities for stakeholder input



Questions to consider

The questions below have been included to provide guidance on the type of feedback the Department is seeking in relation to the current Regulation. However these are not exhaustive – we are interested in receiving any feedback you may have on the Regulation.

- Are there known issues or inefficiencies to address?
- Can the provisions be reformed to better achieve the objects of the EP&A Act and the Government's relevant policy priorities, including:
  - increasing housing supply to meet current and future needs of the State
  - facilitating faster and more efficient housing approvals, including through the uptake of the complying development pathway.
- Can the provisions be simplified, consolidated, or otherwise reformed to reduce regulatory and administrative burden?
- Are there digital solutions which could be used to make requirements easier to meet?

Box 2: Objects of the EP&A Act

The objects of the EP&A Act are:

- *To encourage:*
  - *The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment*
  - *The promotion and co-ordination of the orderly and economic use and development of land*
  - *The protection, provision and co-ordination of communication and utility services*
  - *The provision of land for public purposes*
  - *The provision and co-ordination of community services and facilities, and*
  - *The protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
  - *Ecologically sustainable development, and*
  - *The provision and maintenance of affordable housing*
- *To promote the sharing of the responsibility for environmental planning between the different levels of government in the State*
- *To provide increased opportunity for public involvement and participation in environmental planning and assessment.*

The draft Environmental Planning and Assessment Bill 2017 (exhibited in January this year) proposes some updates to modernise these objects. These updates are not intended to change the intent or effect of the objects, except for the inclusion of new objects in relation to heritage and good design. For more information on the proposed updates to the objects of the EP&A Act, visit www.planning.nsw.gov.au/Policy-and-Legislation/Legislative-Updates.

Box 3: How to make a submission

You can make a submission to provide feedback on the current Regulation in two ways. These are:

1. Complete the online feedback form available on the Department's website using the link www.planning.nsw.gov.au/regulationreview.
2. Email or forward a written submission to the Department at Regulation.Review@planning.nsw.gov.au.

Context – understanding the assessment pathways in the NSW planning system

The diagram on the next page describes the main planning assessment pathways in NSW.

This is provided to assist stakeholders in understanding the terminology used in this paper, the provisions of the current Regulation, and the issues that have been identified.

Box 4: The assessment pathways in the NSW planning system

Exempt development

Many types of minor renovations and small building projects don't need planning approval. This is called exempt development.

Development without consent

Some other types of development don't require a planning approval, but may still need another licence or permit from a public authority, and may need to undergo an environmental assessment.

This includes some low impact or routine activities such as development carried out by a public authority as part of its everyday responsibilities.

Complying development

Certain low impact development (e.g. alterations to residential dwellings) can be fast tracked for approval and don't require detailed assessment.

The development must meet specific criteria and requires a complying development certificate, which can be issued by a council or a private certifier.

Local development

Local development is all other development which is not classified as exempt or complying under the relevant Local Environmental Plan, and is not of regional or state significance. Local development is assessed by the council.

Some local development in Greater Sydney and Wollongong may be assessed by an IHAP.

Integrated development

Integrated development refers to local development which also requires a licence, permit or other approval from a public authority before consent can be granted e.g. aquaculture.

Designated development

Designated development is a category of local development which is subject to a higher level of assessment and scrutiny due to the potential risk it poses to the environment.

Depending on the capital investment value (CIV) and intensity of the development, it may instead be declared to be state significant development.

Regional development

This refers to development that is deemed to be regionally significant, due to its size, economic value or potential impacts. Extractive industries, waste facilities and marinas that are designated development also fall into this category.

Regional development is assessed by the local council and then determined by the relevant Joint Regional Planning Panel.

Updates to the EP&A Act have been proposed to refresh the thresholds for regional development, www.planning.nsw.gov.au/Policy-and-Legislation/Legislative-Updates.

State significant projects

Some large developments and infrastructure projects are deemed to be state significant due to their size, economic value or potential impacts. These applications are assessed by the Department and fall into one of two categories (see below).

State significant development (SSD)

Examples of SSD include educational facilities, large mining and extracting operations, and other developments which exceed a certain CIV or are in an environmentally sensitive area.

State significant infrastructure (SSI)

Examples of SSI include pipelines, water storage and treatment plants and road or rail infrastructure.

Existing Part 3A development

This refers to a historical type of development which is now classified as SSD or SSI. Part 3A was repealed in 2011, with transitional arrangements put in place. The Department's proposed amendments to the EP&A Act seek to end these transitional arrangements.

How to use this document

Box 5 outlines the overall structure of this issues paper, which is divided into:

- An introductory section examining opportunities to update the Regulation generally
- Sections examining existing provisions and identifying known issues with specific provisions of the Regulation.

Box 5: Structure of the Issues Paper

Sections as they relate to parts of the current Regulation Title of section:	Relates to:
This part of the issues paper relates to all aspects of the Regulation.	• Discusses opportunities to: – Modernise outdated provisions – Update definitions – Remove redundant provisions – Simplify and consolidate existing regulatory provisions as appropriate – Employ digital solutions to make requirements easier to meet.
Examining existing provisions and identifying known issues	
This part of the issues paper is broken down into sections relating to discrete parts of the Regulation, as outlined in Box 5 *Sections as they relate to parts of the current Regulation*.	• Outlines the key operational provisions of the current Regulation and seeks: 1. Stakeholder views on known issues with the current Regulation 2. Stakeholder feedback to help identify and provide feedback on other issues, including suggestions to: – Improve the function of key operational provisions – Reduce unnecessary regulatory and administrative burdens – Better achieve the Government's policy objectives.
Sections as they relate to parts of the current Regulation **Title of section:**	**Relates to:**
1. Planning instruments	• Part 2 Environmental planning instruments • Part 3 Development control plans.
2. Development assessment and consent Note: this section covers: • Local development • Regional development • State significant development (SSD), and transitional Part 3A projects.	• Part 1A Transitional Part 3A projects • Part 5 Existing uses • Part 6 Procedures relating to development applications • Schedule 1 Forms • Part 7 Procedures relating to complying development certificates • Part 13A Supplementary provisions for development requiring consent • Schedule 3 Designated development.

Box 5: Structure of the Issues Paper (cont.)

Sections as they relate to parts of the current Regulation Title of section:	Relates to:
3. Environmental assessment	• Part 10 state significant infrastructure • Part 14 Environmental assessment under Part 5 of the Act • Schedule 2 environmental impact statements (EISs). Note: Environmental impact statements are mandatory for state significant development, state significant infrastructure and designated development. An EIS may also required for other activities that are assessed under Part 5 of the Act.
4. Environmental assessment	• Part 10 state significant infrastructure • Part 14 Environmental assessment under Part 5 of the Act • Schedule 2 environmental impact statements (EISs). Note: Environmental impact statements are mandatory for state significant development, state significant infrastructure and designated development. An EIS may also required for other activities that are assessed under Part 5 of the Act.
5. Development contributions	• Part 4 Development contributions.
6. Fees and charges	• Part 15 Fees and charges.
7. Planning certificates	• Schedule 4 Planning certificates.
8. Environmental assessment	• Part 10 state significant infrastructure • Part 14 Environmental assessment under Part 5 of the Act • Schedule 2 environmental impact statements (EISs). Note: Environmental impact statements are mandatory for state significant development, state significant infrastructure and designated development. An EIS may also required for other activities that are assessed under Part 5 of the Act
9. Miscellaneous operational and administrative provisions	• Part 13 Development by the Crown • Part 16 Registers and other records • Part 16A Provisions arising from commencement of *Local Government and Environmental Planning and Assessment Amendment (Transfer of Functions) Act 2001* • Part 16B Planning bodies • Part 16C Paper subdivisions • Part 17 Miscellaneous • Schedule 3A Entertainment venues • Schedule 5 Penalty notice offences • Schedule 6 Special provisions relating to ski resort areas • Schedule 7 Savings and transitional provisions.

.Note: the review of the Regulation will not examine the building regulation and certification provisions in Part 8 (Certification of development), Part 9 (Fire safety and matters concerning the Building Code of Australia), or Part 12 (Accreditation of building products and systems), as broader building regulation reforms are being pursued separately (see 'Box 1: Related initiative' on page 4 for further information).

A more modern and accessible Regulation

The Regulation has not been comprehensively reviewed since it came into effect in 2001. As a result, it contains a number of outdated provisions and requirements that are no longer necessary.

Part of making the NSW planning system easier to use is updating these provisions and improving the structure of the Regulation. To help achieve this, the review will consider a range of updates and other housekeeping and structural changes, such as to:

- Simplify provisions to reduce administrative burden
- Standardise and consolidate provisions governing the administration of the planning system
- Update definitions and preliminary provisions in Part 1 of the Regulation
- Remove redundant provisions
- Update the numbering and names of parts, divisions, sections and schedules
- Refine some terms and definitions to clarify policy intent
- Update provisions to reflect advancements in technology, innovation, and communication methods, and the NSW Planning Portal, which provides online access to planning information, tools and services.

Box 6: Making a submission on a planning matter

Under the EP&A Act, interested members of the community can make submissions to planning authorities in relation to a range of planning matters, including individual development applications and planning instruments (e.g. local environmental plans).

While submissions are generally made by email, by post or online (e.g. via the Department's website), advancements in technology and communication methods mean that feedback on planning and development proposals can be provided in increasingly diverse ways.

The review of the Regulation provides an opportunity to outline the process and methods (or channels) for making a formal submission to a planning authority, including to clarify what requirements need to be met to ensure the submission is considered. This could include requirements for submissions to be made in writing, to be clearly marked as a submission and to include the submitters full name.

We want your feedback on the issue in Box 6, but also to help identify provisions in the Regulation which you think are outdated, administratively burdensome, or are no longer necessary.

For example, this could include unnecessary reporting requirements or provisions which have been superseded by the introduction of e-planning services or other advances in technology, innovation, and communication methods. The review provides an opportunity to update and simplify these types of provisions, including by using the NSW Planning Portal to improve accessibility of planning documents and reduce administrative burden.

Box 7: Examples of outdated/administratively burdensome provisions

Examples of outdated or administratively burdensome provisions in the Regulation include:

- Requirements for consent authorities to post notices of determination to submitters, where they have not opted to be contacted by email. This places a significant burden on consent authorities, who need to print and post a large number of documents to each submitter. The Regulation could instead allow for this notification to occur via email, with applicants and submitters invited to view the documents online via the Planning Portal. *See clauses 100 and 101 of the Regulation, and a more detailed explanation of this issue in section 2.5 of this paper.*
- Requirements for councils to maintain a copy of final voluntary planning agreements (known as VPAs) at their offices, rather than on the Planning Portal. *See clause 25F of the Regulation and section 5.2 of this paper.*
- Requirements for copies of environmental impact statements (EISs) and proposed modifications to state significant development to be made available for public inspection at the Sydney office of the Environment Centre (New South Wales) Pty Ltd (now known as the Nature Conservation Council). While any community organisation can house copies of these types of documents at their offices, it is probably unnecessary to have a regulatory requirement relating to one particular environmental group. EISs and other material associated state significant developments can already be accessed at the Department's offices and through the Planning Portal. *See clauses 235(c) and 240(d) of the Regulation.*

Are there other examples of outdated or administratively burdensome provisions that you've come across? Please let us know by making a submission.

Box 8: Related initiative - NSW Planning Portal and ePlanning Amendment Regulation

The NSW planning database has been established as an electronic repository of planning information, and the NSW Planning Portal is designed to be a single point of contact for advice, guidance, tools and services to help the community navigate and engage with the planning system.

In February this year, the draft Environmental Planning and Assessment Amendment (ePlanning) Regulation 2017 (ePlanning Amendment Regulation) was released for public consultation. The ePlanning Amendment Regulation proposes changes to the Regulation to support online lodgement of development applications and online notification and publication of development control plans and contributions plans via the NSW Planning Portal.

More information on the NSW Planning Portal and the ePlanning Amendment Regulation can be found at www.planningportal.nsw.gov.au.

Examining existing provisions and identifying known issues

This part of the issues paper outlines the key operational provisions of the current Regulation and sets out known issues with the current Regulation. We want your feedback on these issues, and we also want your help to identify and provide feedback on other issues. This could include suggestions to improve the function of key operational provisions, reduce unnecessary regulatory and administrative burdens, and better achieve the objects of the Act (these are outlined on page 6).

1. Planning instruments

The key land use planning instruments in NSW are environmental planning instruments (EPIs). The EP&A Act provides for two types of EPIs:

- Local environmental plans (LEPs), which deal with local planning matters and are prepared by relevant planning authorities (mainly councils and the Greater Sydney Commission) and made by the Minister
- State environmental planning policies (SEPPs), which deal with matters of state or regional significance and are prepared by the Minister and made by the Governor.

EPIs may be made for the purpose of achieving any of the objects of the EP&A Act, including by making provision for protecting the environment, controlling development, reserving land for public purposes and providing, maintaining, retaining, and regulating affordable housing.

The Act also provides for supplementary planning documents such as development control plans (DCPs). Unlike EPIs, DCPs are not legally binding, but can be prepared by councils to support and provide guidance on planning controls contained in EPIs. DCPs may identify more detailed development controls and standards for addressing development issues at a local level and achieving the aims of an EPI. These plans can be applied more flexibly than LEPs.

Box 9 outlines the provisions of the Regulation that are relevant to planning instruments.

Box 9: Provisions relating to planning instruments in the current Regulation

Environmental planning instruments

The Regulation contains limited provisions in relation to EPIs, as the Act prescribes the process for preparing, publicly exhibiting, making, reviewing and amending these instruments. The provisions are in Part 2 of the Regulation and include:

- Provisions to allow a joint regional planning panel (JRPP) to be a relevant planning authority for a proposed LEP
- A requirement for planning proposals identifying land for reservation to obtain concurrence of the public authority designated in a proposed LEP as being responsible for its acquisition
- Notification requirements where a council does not support a written request for the preparation of a planning proposal under Part 3 of the Act
- Provision for a relevant planning authority's costs and expenses of undertaking studies and other matters relating to a planning proposal to be dealt with via an agreement with the person who requested preparation of the planning proposal
- The continuation of former provisions for making and amending LEPs and various other saving and transitional provisions for EPIs, including clarification of the status of regional environmental plans (which are now deemed to be SEPPs under the Act).

Development control plans

While the Act outlines the purpose and status of DCPs, and their relationship to EPIs, the procedures for preparing, publicly exhibiting, making and amending DCPs are prescribed in the Regulation, along with other ancillary matters.

Specifically, Part 3 of the Regulation outlines:

- The prescribed form and content requirements of a DCP
- Public exhibition, public access and public submission provisions for a draft DCP
- Procedural requirements for a DCP to be made, amended, repealed, revoked and made available to the public and the Secretary
- Provisions for councils to request further DCP-related information and DCP assessment and preparation fees from landowners (for DCPs prepared by or on behalf of landowners under section 74D of the Act).

Box 10: Related initiative – Standard format Development Control Plans

The current variations in structure and format between DCPs can make them difficult to understand and apply. Such variations also limit the opportunity to embed DCP controls in the NSW Planning Portal alongside other planning controls, such as those included in LEPs.

To address this complexity and confusion, updates to the EP&A Act have been proposed to require DCPs to follow a standard format. This will improve consistency across local councils and improve user navigation of the planning system and its controls. It will also allow DCPs to be spatially represented on the NSW Planning Portal. A standard format for DCPs will be a critical step to reducing red tape for industry and increasing transparency for the community.

The Department will work with councils to develop an approach to how the standard format DCP could be implemented, to ensure DCPs have the right balance of consistency and flexibility to capture local contexts. This work will investigate how statewide and locally specific provisions could be constructed, and develop an appropriate online platform using the NSW Planning Portal.

Further information on this initiative can be found in the Summary of Proposals document exhibited with the draft Environmental Planning and Assessment Bill in January this year, www.planning.nsw.gov.au/Policy-and-Legislation/Legislative-Updates.

Issues relating to planning instrument provisions

1.1 Notification of determination

Where a council does not support a written request for the preparation of a planning proposal under Part 3 of the Act, it must notify the person in writing as soon as practicable. To provide greater certainty to the person applying, the review could consider prescribing a time period for giving this notice.
See clause 10A of the Regulation.

1.2 Requirements for exhibition of DCPs

After considering any submissions about a draft DCP, the Regulation allows a plan to be approved with any 'such alterations as the council thinks fit'. To improve transparency, the review could consider a requirement for the re-exhibition of an amended plan in certain circumstances. For example, re-exhibition could be required where amendments substantially alter the form or objectives of the draft DCP.
See clause 21 of the Regulation.

2 Development assessment and consent

Development that requires consent is assessed and determined under Part 4 of the EP&A Act. Box 11 outlines the provisions of the Regulation that are relevant to the development assessment and consent process, both for major projects (state significant development and transitional projects under Part 3A of the Act) and local development.

As state significant infrastructure and certain other activities are assessed under Part 5 of the EP&A Act, the assessment process for these activities is outlined in the following section of the paper (section 3).

Box 11: Provisions relating to the development assessment and consent process in the current Regulation

The provisions that are central to the development assessment and consent process can be found in:

- Part 1A which sets out procedures for assessing project and concept plan applications for transitional projects under Part 3A of the Act
- Part 6 which sets out development application procedures for development assessed under Part 4 of the Act, including provisions relating to:
  - Public participation
  - Rejection of development applications
  - Withdrawal of development applications
  - Requests for additional information
  - Procedures for amending a development application
  - For development applications relating to mining or petroleum development on strategic agricultural land—requirements for a gateway certificate or a site verification certificate
  - Development applications requiring concurrence
  - Development applications for integrated development
  - Prescribed timeframes for development application procedures
  - Extension, completion and modification of development consents
  - Procedures for calling in development as state significant development
  - Additional matters that consent authorities must consider when determining development applications in accordance with section 79C (1) (a) (iv) of the Act.
- Schedule 1 which sets out information and documentation requirements for development applications and complying development certificates
- Schedule 3 which lists classes of designated development
- Part 7 which sets out procedures for complying development.

Other relevant provisions are contained in:

- Part 5, which relates to the regulation of existing uses under section 108 (1) of the Act, with respect to:
  - The carrying out of alterations or extensions to or the rebuilding of a building or work being used for an existing use
  - The change of an existing use to another use
  - The enlargement or expansion or intensification of an existing use.
- Part 13A, which includes requirements to erect and maintain signage on sites where works are being undertaken pursuant to a development consent or complying development certificate.

Issues relating to development assessment and consent provisions

2.1 Prescribed policy guidance documents for state significant development

For state significant development, the current Regulation does not require an environmental impact assessment to consider factors referred to in applicable guidelines. Instead, consideration of these guidelines is generally required through the Secretary's Environmental Assessment Requirements (SEARs) for a particular project.

The review could consider introducing a regulatory requirement to ensure proponents for state significant developments consider and comply with key guidelines at an early stage (e.g. as part of the proponent's request for SEARs). This would streamline assessment requirements and provide more certainty to proponents around how particular issues are likely to be approached in the assessment and determination process, in advance of a request for SEARs. This would still allow project-specific SEARs to require consideration of additional relevant guidelines, to ensure that the level of environmental assessment of scrutiny is not reduced.

2.2 Provision for a modification application to be rejected or withdrawn

The Regulation allows a consent authority to reject a development application in certain circumstances, as outlined in clause 51. It also allows an applicant to withdraw a development application at any time prior to its determination, in accordance with clause 52.

These provisions do not currently extend to modification applications. The review provides an opportunity to address this gap, to provide an avenue for the formal rejection or withdrawal of these applications in appropriate circumstances.

2.3 Provision to allow for the surrender of a development consent or a Part 3A approval where one or more landowners do not consent

The surrender of a development consent or a transitional Part 3A approval requires consent of the landowners. This can be overly onerous, and sometimes impossible, where the making of the original development application did not require the owners' consent. For example, where the development application was for 'public notification development' under clause 49 of the Regulation, or consent was not required under clause 8F of the Regulation.

This causes an issue if more than one approval applies to the same activity on the same area of land. *See clauses 97 and 8P of the Regulation.*

2.4 Locating public exhibition requirements

Changes to the EP&A Act have been proposed to include mandatory community participation requirements, including minimum public exhibition requirements for development applications. These mandatory minimum requirements will be included in the Act itself, and will apply where a stricter minimum exhibition requirement is not already in place for a particular type of development.

There are currently a number of public exhibition requirements which apply to specific types of development (e.g. aquaculture), and are spread across a range of different instruments, including various State Environmental Planning Policies and the Regulation.

The review of the Regulation will consider streamlining and consolidating these requirements for greater clarity and ease of access.

Further information on the proposed community participation provisions can be found in the Summary of Proposals document exhibited with the draft Environmental Planning and Assessment Bill in January this year, www.planning.nsw.gov.au/Policy-and-Legislation/Legislative-Updates.

2.5 Requirements for notices of determination

Section 83 of the EP&A Act provides that a consent to a development application becomes effective and operates from the date endorsed on the notice of determination, which must be provided to the applicant and all submitters.

The requirements for what a notice of determination is to contain are set out in clauses 100 and 101 of the Regulation.

Box 12: Requirements for a notice of determination (clauses 100 and 101 of the Regulation)

Clauses 100 and 101 of the Regulation require the following information to be included in a notice of determination:

- The registered application number
- Whether the application has been granted or refused
- The conditions imposed under section 80A
- The reasons for the conditions
- The relevant plans endorsed by the consent authority
- The date on which the determination was made
- The date from which the development consent operates
- The date on which the development consent lapses
- Whether the applicant has a right to request a review under section 82A
- If the development involves a building but does not require a construction certificate, the class of building under the National Construction Code
- Whether the Planning Assessment Commission (PAC) has held a public hearing
- Other approval bodies which have given approval under section 93
- Whether the applicant has a right of review or a right of appeal against the determination
- Whether the objector has a right of appeal against the determination
- Where a section 94 or section 94A condition has been imposed, the specific public amenity or service in respect of which the condition is imposed (for section 94 conditions), the contributions plan or the reason why there is not contributions plan, the address where the contributions plan may be inspected.

These requirements are overly prescriptive and place a significant burden on consent authorities where submitters have not indicated that they can be contacted by email in accordance with section 153(1)(c) of the EP&A Act. In practice, this means that consent authorities need to print and post a large number of documents separately to each submitter.

The review could look at streamlining these requirements and allowing for this notification to occur via email, with applicants and submitters invited to view the notice of determination and the most relevant documents online via the Planning Portal.

The proposed updates to the EP&A Act would require all decision-makers to publish reasons for their decisions. This practice will provide greater transparency around how planning decisions are made and how community views have been taken into account, and may reduce the need for a number requirements in Box 12. The Department could consider requiring these reasons to be included in the notice of determination.

2.6 Notification of internal review decision

Clause 123G provides that, after a council determines an internal review under section 82A of the Act, written notice of the result must be provided to the applicant as soon as practicable. The Regulation does not currently require the council to notify any person who made a submission of the result of the review.

An amendment to include such a requirement could be considered as part of the review.

2.7 Classes of designated development

Designated development refers to high impact developments (e.g. those that are likely to generate pollution) or developments located in or near an environmentally sensitive area (e.g. a wetland). There are two ways a development can be categorised as designated development:

- The class of development can be listed in Schedule 3 of the Regulation as being designated development, or
- A Local Environmental Plan (LEP) or State Environmental Planning Policy (SEPP) can declare certain types of development to be designated.

If a development application is categorised as designated development, it is subject to a higher level of assessment and scrutiny due to the potential risk it poses to the environment. Specifically, a development application for designated development:

- Must be accompanied by an environmental impact statement (EIS)
- Must be publicly exhibited for at least 30 days
- Can be the subject of a merits appeal to the Land and Environment Court by objectors.

Examples of designated development include chemical factories, livestock intensive industries (e.g. feedlots and piggeries), large marinas, aircraft facilities, quarries, mining operations, and sewerage treatment works. In some cases, depending on the capital investment value and intensity of the development, it may otherwise be declared to be state significant development.

Historically, the classes of designated development under Schedule 3 of the Regulation corresponded closely to the activities listed in Schedule 1 of the *Protection of the Environment Operations Act 1997* (POEO Act), which require an environmental protection licence.

The review provides an opportunity to consider whether the current classes of designated development in Schedule 3 remain appropriate, and to review the level of alignment between these activities and those listed in Schedule 1 of the POEO Act.

2.8 Definition of an environmentally sensitive area in Schedule 3

As mentioned above, proximity to an environmentally sensitive area can trigger certain types of development to be classified as designated development under Schedule 3. This schedule of the Regulation defines the term 'environmentally sensitive area' to include:

(a) Land identified in an environmental planning instrument as an environment protection zone such as for the protection or preservation of habitat, plant communities, escarpments, wetland or foreshore or land protected or preserved under *State Environmental Planning Policy No 14—Coastal Wetlands or State Environmental Planning Policy No 26—Littoral Rainforests*, or

(b) Land reserved as national parks or historic sites or dedicated as nature reserves or declared as wilderness under the *National Parks and Wildlife Act 1974*, or

(c) An area declared to be an aquatic reserve under Division 2 of Part 5 of the *Marine Estate Management Act 2014*, or

(d) Land reserved or dedicated within the meaning of the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes, or

(e) Land declared as wilderness under the *Wilderness Act 1987*.

In addition, for certain types of projects, Schedule 3 also lists specific locations or environmental features that apply to make the proposal designated development. For example, any commercial poultry farm that requires development consent and is within a drinking water catchment will become a designated development, regardless of the size of the operation.

The Department would like to seek feedback from stakeholders on whether:

- The definition of 'environmentally sensitive area' in Schedule 3 remains appropriate
- The use of specific locations or environmental criteria for some classes of development should continue.

3 Environmental assessment

Environmental assessment for state significant infrastructure and certain other activities

Part 5 of the Act sets out requirements for certain 'activities' that are not otherwise assessed through the development assessment process under Part 4 but still need to undergo an environmental assessment before works can be undertaken. These activities are referred to as 'development without consent' and include:

- Activities undertaken by government departments or agencies as part of their everyday responsibilities that do not need development consent (e.g. water supply infrastructure being constructed by a water utility). Many of these activities can be carried out under the *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP).
- Some low impact or routine activities such as home businesses in a residential zone, environmental protection works in an environmental conservation zone, or markets in a public recreation zone. The LEP/SEPP that apply to the area or activity will list all developments that are permitted without consent. Where these activities need a licence, permit or other approval from a public authority under another statutory scheme, the public authority will also assess the environmental impact of the activity under Part 5 of the EP&A Act.

While all of these activities are subject to a level of environmental impact assessment, only some activities require an environmental impact statement (EIS). Generally, this includes activities which are likely to significantly affect the environment.

Requirements for environmental impact statements

An EIS is mandatory for designated development, state significant development and state significant infrastructure. An EIS may also be required for certain other activities under Part 5 of the Act.

Box 13 outlines the provisions of the Regulation that are relevant to environmental assessment.

Box 13: Provisions relating to environmental assessment in the current Regulation

Environmental assessment for state significant infrastructure and certain other activities

The provisions of the Regulation that are relevant to environmental assessment under Part 5 of the Act generally can be found in Part 14. This part prescribes:

- Certain works that are not considered activities and therefore do not require assessment under Part 5 of the Act
- The factors that need to be considered when assessing the impact of an activity on the environment (known as the Review of Environmental Factors (REF)
- Public participation and public access for EISs
- Reporting requirements for determining authorities
- Special provisions relating to fisheries management and the Australian Rail Track Corporation (ARTC).

Specific requirements for state significant infrastructure

The provisions of the Regulation that are specifically relevant to state significant infrastructure are included in Part 11. This part prescribes:

- Requirements for an application to carry out state significant infrastructure, including the ability to amend an application before it is determined
- Circumstances where the consent of the owner of the land on which state significant infrastructure is to be carried out is and is not required (e.g. consent is not required where the proponent is a public authority)
- Where the land owner's consent is not required—a requirement to notify the land owner or give notice in a newspaper circulating in the area in which the infrastructure is to be carried out
- Requirements for notification and public exhibition, and surrender of approvals or existing use rights
- A requirement for an EIS for state significant infrastructure on land less than 200 kilometres from the Siding Spring Observatory to take into consideration the Dark Sky Planning Guideline
- Timeframes for completion of the Secretary's environmental assessment report.

Box 13: Provisions relating to environmental assessment in the current Regulation (cont.)

Requirements for environmental impact statements

Schedule 2 of the Regulation includes requirements that apply to EISs generally, along with special provisions for state significant infrastructure.

Schedule 2 prescribes:

- Requirements for the Secretary's Environmental Assessment Requirements (commonly referred to as SEARs), including:
  - Those applying to the applicant or proponent responsible for preparing an environmental impact statement
  - Those applying to the Secretary of the Department of Planning and Environment and approval bodies, including a requirement for the Secretary to consult relevant public authorities in the preparation of environmental assessment requirements, and timeframes for notifying the applicant/proponent of the applicable environmental assessment requirements
  - Additional requirements for integrated development
- Form, content and preparation requirements for an EIS
- Provisions for the sale of copies of an EIS to members of the public
- Special provisions relating to state significant infrastructure, including a requirement for the proponent to consult further with the Secretary if an EIS is not submitted within two years of the environmental assessment requirements being issued.

Issue relating to environmental assessment provisions

3.1 Requirement for public agencies to make their environmental assessments publicly available

Clause 228 of the Regulation outlines the factors that a public agency must take into account when considering the environmental impacts of their activities pursuant to section 115 of the Act.

As there is no legislative requirement for these assessments to be recorded on a register or to be made publicly available, it can be difficult for the public (and other agencies and councils) to ascertain whether a Review of Environmental Factors has been done, and what the outcome of that assessment was.

To improve transparency, the review could consider inserting a requirement for public agencies to make their environmental assessments publicly available.

Box 14: Related initiative - Environmental Impact Assessment Improvement Project

The Department is currently reviewing EIA for state significant projects in NSW in response to feedback from stakeholders and the community ('the EIA Improvement Project').

The project is looking at the entire process for SSD and SSI projects, including project development, government agency and public consultation, exhibition of EISs, the assessment and determination of projects, and the post approval phase when projects are constructed and operated.

In October 2016, the Department released a discussion paper with ideas to improve the assessment of state significant projects, including:

- Earlier and better engagement with affected communities
- Improving the quality and consistency of EIA documents
- Developing a standard approach for applying conditions to projects
- Providing greater certainty and efficiency around decision-making, including assessment time frames
- Strengthening monitoring and reporting on project compliance
- Improving the accountability of EIA professionals.

Feedback received during the consultation period for the discussion paper helped to develop a series of draft guidelines, which were exhibited from 5 July to 1 September 2017. The Department is now reviewing submissions received during this period.

As part of the review of the Regulation, the Department will consider regulatory changes to support improvements to the EIA process proposed as part of this project.

To view the discussion paper and the draft guidelines, please visit the Department's website www.planning.nsw.gov.au/Policy-and-Legislation/Under-review-and-new-Policy-and-Legislation/Environmental-Impact-Assessment-Improvement-Project.

4. Fees and charges

The EP&A Act establishes a framework for consent authorities (including councils and the Department) to receive, process, assess and determine development applications. In doing so, a consent authority must assess each application on its merits. This involves a complete assessment of the likely social, environmental and economic impacts of each proposed development, including consideration of the principles of ecologically sustainable development and the public interest.

Along with the services associated with development applications, consent authorities also provide other planning services which have cost and resourcing implications, including receiving, processing, assessing and determining development applications. This includes the provision of planning certificates (as outlined in Section 6) and building certificates.

To meet the costs of providing various planning services to applicants, consent authorities charge fees which are set out in the Regulation.

Box 15: Provisions relating to fees and charges in the current Regulation

Part 15 of the Regulation sets:

- Fees for development applications assessed by local councils or IHAPS, including the development application fee, notification and advertising fees, and fees associated with referrals to state agencies
- Fees for development applications assessed by the Department (state significant development, state significant infrastructure and transitional Part 3A projects), including the development application fee, fees associated with modifying a development consent and fees for public hearings by the Planning Assessment Commission
- An additional fee for development or infrastructure exceeding an estimated cost of $50,000, to help fund planning reform in NSW
- Fees for building, occupation, construction and subdivision certificates
- Fees for planning certificates and site compatibility certificates
- Fees for a review of a determination or a review of a decision to reject a development application.

Some of these fees are based on the estimated cost of the development proposal or the capital investment value of the project being assessed, with a sliding scale used to calculate the fees payable. Other fees, such as those for subdivisions and marinas, include a base fee plus an additional fee which is multiplied according to the size of the development (e.g. the number of lots created by a subdivision). There are also a number of additional set fees applying to particular classes of development (e.g. those that are designated or integrated development), and applications requiring design review panel advice, advertising, or concurrence.

The review of the Regulation provides an opportunity to examine whether the existing fee regime remains appropriate. To assist with this review, the Department is seeking feedback on all fees and charges set out in Part 15 of the current Regulation.

5. Development contributions

Development contributions are payments made by a developer to a consent authority to contribute to shared local infrastructure, facilities or services and certain types of state infrastructure. Development contributions may be in the form of money, land, buildings, or works in kind.

The EP&A Act (Part 4, Divisions 6 and 6A) establishes the framework for development contributions, including:

- Section 94 contributions – direct charges on development which has a demonstrable nexus to the need for new local infrastructure, often charged on the basis of additional floor space or dwellings.
- Section 94A levies – an indirect levy on development charged as a proportion of the cost of works of development. There is no requirement for nexus between the development and the infrastructure funded by the levy to be demonstrated.
- Planning agreements – voluntary agreements (referred to as Voluntary Planning Agreements or VPAs) negotiated between the developer and the planning authority outlining the agreed developer contribution towards a public purpose. These are used as an alternative or in addition to other types of development contributions.

- Affordable housing contributions – levy collected by the council in designated areas where there is a demonstrated need for affordable housing.
- Special infrastructure contributions (SICs) – paid into an infrastructure fund established by the NSW Government for designated growth centres. SICs help to fund the regional infrastructure that supports different communities across the state.

The Regulation contains a range of additional requirements for development contributions. These are outlined in Box 16.

Box 16: Provisions relating to development contributions in the current Regulation

Part 4 of the Regulation includes provisions which relate to:

Voluntary Planning Agreements (VPAs)

- The form and subject matter that can be included in a VPA
- Making, amending and revoking VPAs
- The issue of practice notes on VPAs
- Requirements for public notice of VPAs, including the preparation of an explanatory note
- Requirements for both councils and the Secretary of the Department to keep a register of VPAs and make these registers publicly accessible.

Development consent contributions

- The indexation of monetary section 94 contributions
- How the proposed cost of development is to be determined by the consent authority for the purposes of section 94A contributions
- The maximum percentage of the proposed cost of carrying out development that may be imposed under a section 94A contribution.

Preparation of contributions plans

- The form of a contributions plan, including a requirement to have regard to any relevant practice notes
- A restriction providing that councils must not approve a contributions plan that is inconsistent with any direction issued under section 94E of the Act
- Requirements for what a contributions plan must include, such as the purpose of the plan, the land to which the plan applies, the relationship between the expected types of development and the demand for infrastructure, the formulas used for determining the contributions and the rates for different types of development.

Public participation

- Public exhibition of a draft contributions plan, including a requirement for copies to be made available to interested persons
- Provides for any person to make a submission on the draft contributions plan.

Approval, amendment and repeal of contributions plans

- Sets out the process for the approval, amendment, review and repeal of contributions plans by council.

Accounting of contributions and public access to records

- Requirements for councils to:
  - Maintain a contributions register
  - Maintain accounting records for contributions (section 94, section 94A and planning agreements) that are distinguishable from all other council money
  - Maintain records identifying the infrastructure for which the expenditure is authorised, the contributions received and any pooling or progressive application of the contributions
  - Disclose certain information for each contributions plan in the notes to its annual report, including the opening and closing balances, the total amounts received by way of monetary contributions, the total amount spent and the outstanding obligations of councils
  - Make their contributions plans, annual statements and contributions registers available for public access.

Issues relating to development contribution provisions

5.1 Practice notes for VPAs

Clause 25B(2) provides for the Secretary to issue practice notes to assist parties in the preparation of VPAs. However, the Regulation does not require consideration of these practice notes.

The review could consider amending the Regulation to ensure planning authorities and developers consider practice notes when parties enter into a VPA.

The Department exhibited a draft revised practice note for VPAs late last year, outlining fundamental principles and best practice in their use and administration (see Box 17). Among other things, the practice note recommends that explanatory notes accompanying VPAs are written in plain English. This aims to increase transparency and address stakeholder concerns that explanatory notes are often written in technical or legal terms that are difficult to understand.

5.2 Public inspection of draft and final planning agreements

The Regulation requires planning authorities to maintain a register of final planning agreements and have hard copies available for public inspection at their offices. In line with other initiatives to update the Regulation (described on page 10). The review will consider requiring all draft and final planning agreements to be exhibited on the Planning Portal, to improve accessibility and transparency around these agreements. *See clause 25F of the Regulation.*

5.3 Council policies on VPAs

The Regulation does not currently include a requirement for planning authorities to publish policies and procedures to guide and explain their use of VPAs.

The Department's draft practice note for VPAs recommends that planning authorities—particularly councils—publish policies addressing a range of fundamental principles for VPAs, including the circumstances in which an authority would ordinarily consider entering into a VPA, and how this fits within the context of its broader corporate strategic planning and land use planning policies.

It is intended that these policies would help to explain the role of VPAs in infrastructure delivery within a council's planning framework and set clear standards on the process and procedures for entering into a VPA with the council.

The review could consider introducing a regulatory provision to formalise this requirement, to increase accountability and transparency around public benefits that are funded and delivered through VPAs, and to provide greater certainty to developers. *See clause 25F of the Regulation.*

Box 17: Related Initiative - Policy framework for Voluntary Planning Agreements

The Department has exhibited a draft policy framework for VPAs, which is intended to improve transparency around the use of VPAs in the planning system and support their role in delivering strategically identified infrastructure needs for local communities. Although VPAs are an agreement between a planning authority and a developer, the community needs to be confident that VPAs are entered into on the basis of a fair, transparent and reasonable negotiation process, and with regard not only to the public benefit arising from the VPA, but also the broader planning impacts of the related development.

For further information on the draft policy framework for VPAs, please visit the Department's website, www.planning.nsw.gov.au/Policy-and-Legislation/Infrastructure/Improving-Voluntary-Planning-Agreements.

6. Planning Certificates

Planning certificates are a key source of information that the public can access about planning and other development controls applying to a specific parcel of land. Section 149(1) of the EP&A Act provides that any person may, on payment of the prescribed fee, apply to a council for a planning certificate with respect to any land within the area of the council.

Section 149(2) of the EP&A Act requires councils to include matters prescribed in the Regulation on a planning certificate, and section 149(5) allows councils to include advice on any other relevant matters affecting the land (e.g. advice in relation to development consents and relevant policies).

Planning certificates including only the prescribed matters set out in the Regulation are referred to as section 149(2) planning certificates, or basic planning certificates, and are required to be attached to contracts for the sale of land during conveyancing.

More comprehensive planning certificates which include both the information prescribed in the Regulation as well as advice on other matters affecting the land are often referred to as section 149(5) planning certificates or full planning certificates.

The information that is required to be included on a planning certificate is set out in detail in Schedule 4 of the Regulation (see Box 18). The intent of these provisions is to ensure that applicants and land owners have access to clear and accurate information about their land.

Box 18: Provisions relating to planning certificates in the current Regulation

Clause 279 of the Regulation requires information prescribed in Schedule 4 to be included on a planning certificate.

Schedule 4 includes matters relating to:

- Relevant environmental planning instruments and development control plans
- Zoning and land use provisions
- Complying development
- Coastal protection (including annual charges under the Local Government Act 1993 for certain coastal protection services)
- Mine subsidence
- Road widening and road realignment
- Hazard risk restrictions
- Flood-related development controls
- Land reserved for acquisition
- Contributions plans
- Biodiversity certified land
- Biobanking agreements
- Bushfire prone land
- Property vegetation plans
- Tree orders
- Directions under Part 3A
- Site compatibility certificates and conditions for affordable rental housing
- Paper subdivision information
- Site verification certificates
- Loose-fill asbestos insulation.

Issues relating to planning certificate provisions

The Department is aware of a number of issues with planning certificates, ranging from the type of information that is included on certificates to how that information is expressed. Many stakeholders have suggested that planning certificates lack consistency and can be lengthy and overly complex.

The Department is keen to hear stakeholder views on how these certificates can be improved. Stakeholders may like to consider the following key questions when providing feedback:

- What should the role of planning certificates be?
- What information should be included on planning certificates?
  - For example, should planning certificates identify whether a parcel of land is subject to a State Infrastructure Contribution (SIC) scheme, or is identified as 'potentially contaminated land'?
- Should the Regulation prescribe the language or format in which information should appear?
- Could hard copy planning certificates be replaced with an online system through the NSW Planning Portal?

7. Miscellaneous operational and administrative provisions

The Regulation contains a range of other miscellaneous provisions and schedules, which have not been discussed in the other sections of this paper. These are outlined in Box 19.

Box 19: Miscellaneous operational and administrative provisions in the current Regulation

Planning bodies

Part 16B of the Regulation sets out provisions for planning bodies and arbitrators set up by the Act, in particular for the Planning Assessment Commission (PAC), Independent Hearing and Assessment Panels (IHAPs), and other committees established by the Minister or the Secretary.

Specifically, Part 16B of the Regulation includes:

- Provisions regarding general procedures for planning bodies including quorum, presiding member, voting, public meetings, and transactions of business outside meetings or by telephone
- Provisions regarding remuneration of committee members, alternate committee members, minutes of meetings and provision of information by regional panels
- Provisions regarding workings of the PAC particularly with respect to attendance of witnesses, public hearings, notice of reviews and recommendations and reports by the PAC special provisions related to water approvals, and publication of evidence
- A provision setting out the information that IHAPs must provide to councils.

Paper subdivision provisions

Part 16C describes the form and procedure for developing or making amendments to a paper subdivision, and the process for seeking consent from co-owners by consent ballot. The term 'paper subdivision' is used to describe land containing lots which have recognition on paper but have yet to be developed.

Crown development provisions

Part 13 of the Regulation identifies the prescribed persons (or bodies) which benefit from the Crown development provisions in sections 89 and 89A of the Act of the Act. These Act provisions facilitate the approval process for Crown developments to assist in timely delivery of public infrastructure and services.

Part 13 also links the Building Code of Australia (BCA) to requirements under the Act for Crown building works be certified by or on behalf of the Crown as complying with the technical provisions of the state's building laws.

Registers and records

Section 100 of the Act requires councils to maintain a register containing prescribed details of development applications, development consents and complying development certificate applications, as well as any decisions on appeal from any determination. Part 16 of the Regulation prescribes the specific requirements for these registers, including the documents they must contain.

Entertainment venues

Schedule 3A contains provisions relating to the safe operating procedure of entertainment venues, including regulation of emergency evacuation plans for these venues.

Penalty notice offences

Schedule 5 specifies amounts for penalty notices (or fines) that may be issued for breaches of EP&A Act and the Regulation.

Special provisions relating to ski resort areas

Schedule 6 describes transitional arrangements for approvals which were granted for ski resort areas under Part 5 of the Act, including the circumstances in which a Part 5 approval is taken to be a development consent.

Box 19 : Miscellaneous operational and administrative provisions in the current Regulation (cont)

Saving, transitional and miscellaneous administrative provisions

Part 17 contains saving, transitional and miscellaneous administrative provisions. This includes clauses covering the following matters:

- Requirements for notification of proposals to constitute a development area
- Provisions concerning contributions plans for specific sites
- Consideration for prescribing guidelines for bush fire protection when assessing DAs
- Release area provisions under Sydney Regional Environmental Plan No. 30
- Specific application requirements for certain development in the North West and South West Growth Centres in Sydney
- Release of precincts for urban development for the Growth Centres SEPP
- Provisions enabling the Australian Rail Track Corporation Ltd, the Western Lands Commissioner, and certain other organisations such as universities to be treated as public authorities
- Provisions setting out the formula for assessment of loan commitments of councils
- Provisions setting out matters specified in a planning certificate in reference to Schedule 4 (discussed in the previous section)
- Application details and the prescribed form of a building certificate
- Requirements for orders relating to building work or subdivision work for which the consent authority is not the principal certifying authority
- Content requirements for compliance cost notices, and restrictions on the maximum amount that may be required to be paid
- Requirements for the Secretary to certify certain documents
- An offence for false or misleading statements in connection with a planning matter
- Provisions for issuing penalty notices under section 127A of the Act
- Various savings and transitional provisions.

Other savings and transitional provisions are also included in Schedule 7 of the Regulation.

Box 20: Related initiative – proposed changes to provisions of the EP&A Act relating to the PAC

Under the EP&A Act, the role of the PAC is to determine applications for state significant proposals under delegation from the Minister, and to provide independent expert advice (or review) on a range of planning and development matters.

As mentioned in the Introduction (see 'Overview of the current legislative framework'), the draft Environmental Planning and Assessment Bill 2017 (released for consultation in January this year) proposes a range of amendments to the EP&A Act. These include changes to provisions relating to the PAC.

For example, the draft Bill proposes changes to the PAC's name and functions, to reflect its independent, expert nature, and to emphasise its primary role of determining state significant proposals.

Subject to the passage of this Bill, changes to the Act will result in some consequential amendments to the provisions in Part 16B of the Regulation.

Box 21: Related initiative – changes to provisions of the EP&A Act relating to IHAPs

Under the EP&A Act, IHAPs are panels of independent experts that determine certain categories of development applications on behalf of a council, and provide other advice to council on planning proposals such as rezonings.

Under recent changes to the EP&A Act, determinative IHAPs will be mandatory for councils in the Greater Sydney Region and for Wollongong City Council from 1 March 2018. Each IHAP will consist of a chair, two other expert members and a community representative. The Act sets out some key requirements for how panels must operate. The panels will determine higher risk or more sensitive development applications, while routine development applications will be determined by council staff under delegation.

More information about these changes can be found on the Department's website at www.planning.nsw.gov.au/Assess-and-Regulate/Development-Assessment/Independent-Hearing-and-Assessment-Panels.

Box 22: How to make a submission

You can make a submission to provide feedback on the current Regulation in two ways. These are:

1. Complete the online feedback form available on the Department's website using the link www.planning.nsw.gov.au/regulationreview.
2. Email or forward a written submission to the Department at Regulation.Review@planning.nsw.gov.au.

For more information about the review of the Environmental Planning and Assessment Regulation 2000 visit www.planning.nsw.gov.au/legislative-updates

Northern Beaches Council Submission

Review of the Environmental Planning and Assessment Regulation 2000 – Issues Paper

Introduction

Northern Beaches Council appreciates the opportunity to make this submission on the NSW Government's Review of the Environmental Planning and Assessment Regulation 2000 (the Review). The exhibited Issues Paper provides a useful first stage in the Review process.

Council supports opportunities under the Review to remove any unnecessary complexities or outdated rules which make the system hard to use and to modernise the Regulation and make the planning system easier to navigate for all.

The stated objectives of the Review are also supported and Council expresses its interest in participating with the Department of Planning and Environment to undertake a comprehensive review of the Regulation in order to:

- Reduce administrative burden and increase procedural efficiency;
- Reduce complexity; and
- Establish a simpler, more modern and transparent planning system.

Council's submission at this initial stage in the Review raises various known issues or inefficiencies that should be addressed. It is understood that further opportunities for submissions will be provided to Council in 2018 to review proposed detailed changes to the Regulations.

The following comments are made with regards to the key operational provisions of the current Regulation.

1. Planning instruments

Council suggests that opportunities exist to more comprehensively integrate provisions for all notification processes under the Environmental Planning and Assessment Act (the Act). The Department's suggestion to prescribe a time period for giving notice under clause 10A of the Regulation (Notification when council does not support request to prepare planning proposal) is not supported, as a proper review needs to be undertaken and each planning proposal varies in its complexity. Provisions for the review of determinations of planning proposals appear to already provide the necessary level of certainty to the applicant / proponent.

Council suggests that certain guidelines that are critical to the preparation of planning instruments be referenced in the Act or Regulations, including 'A Guide to Preparing Planning Proposals' and 'A Guide to Preparing Local Environmental Plans'.

2017/430618

2 Development assessment and consent

Council considers that proposals to prescribe re-notification requirements for the exhibition of DCPs are unnecessary as Clause 21(1)(b) already provides for Council to make 'such alterations as the council thinks fit' (after considering any submissions about a draft DCP).

It is understood that re-exhibition would likely be required by Council where amendments substantially alter the form or objectives of the draft DCP. According to clause 21 of the Regulation any such alterations are to be made as the council thinks fit, incorporating its consideration of a re-notification without the need for more regulation.

In relation to suggestions in the Issues Paper regarding the notification of review decisions (p.18), Council advises that under its adopted DCP policy, any person who lodges a submission is notified of Council's determination of the application – including persons who made a submission in relation to an internal review under section 82A of the Act. In this regard no objection is raised to an amendment to include such a requirement for further consideration in the Review.

3 Environmental assessment

Provisions relating to environmental assessment under Part 5 of the Act will particularly benefit from review incorporating structural changes to simplify, consolidate and/or integrate provisions. It is understood that the Department is currently reviewing a number of related initiatives including the Environmental Impact Assessment Improvement Project, to which Council has previously contributed. Given the importance of these key operational provisions, Council staff across a range of Business Units have expressed great interest in further review in relation to their respective areas of responsibility at a later stage in the review process.

4. Fees and charges

Please refer to comment at point 1 above regarding Clause 11 of the Regulation.

5. Development contributions

Concern is raised regarding the ad-hoc manner in the review of the development contributions system generally. In the past year, changes were introduced regarding Voluntary Planning Agreements and the application of Local Infrastructure Growth Scheme (LIGS), now limited to specific precincts without benefit of a comprehensive review of the development contributions system.

The anomalies identified with the Department's Essential Works List and pre-requisite assessment by IPART if the contribution rate is above the 'cap' has implications for local communities. For example, it is considered unreasonable that the land upon which a community facility building is erected can be levied however the construction of the facility building itself cannot be levied as it is not in the Essential Works List. Similarly, where an IPART review of the Plan is required, Council cannot technically apply the contributions plan it may have adopted without the prior review of the plan by IPART. Additionally, the Department's 2005 Practice Notes for Development Contributions (July 2005) are outdated and in need of immediate review if for no other reason than to contemporise recent legislative reforms.

Council supports the accountability and transparency of the development contributions system including the Voluntary Planning Agreement pathway. Council should be responsible for the Registers and access to signed Voluntary Planning Agreements at its main office rather than on the Planning Portal. The accounting for the Special Contributions Areas Infrastructure Fund should also be transparent and readily accessible.

6. Planning Certificates

Council agrees with the views expressed in the Issues Paper that there are a number of issues with planning certificates, ranging from the type of information that is included on certificates to how that information is expressed. The language or format in which information appears on planning certificates across the state appears to vary considerably, notwithstanding that the information provided under section 149(2) is prescribed in the Regulation. The provision of a guideline document to accompany the prescribed matters would assist councils dealing with the language and format of the certificates. However, any changes to planning certificates systems must recognise and allow for the complexities and resources required to implement any operational reforms.

7. Miscellaneous operational and administrative provisions

It is anticipated that further consideration of these provisions will be provided at later stages of the Review.

Other Issues with draft Related Initiatives

It is understood that updates to the Act have been proposed to require DCPs to follow a standard format. This will improve consistency across local councils and improve user navigation of the planning system and its controls. It will also provide for a level of spatial representation of certain matters contained within DCPs. In this regard the Department is encouraged to work with councils to develop an approach to implement standard format DCPs whilst ensuring DCPs are not only consistent but also continue to capture local contexts.

Council generally supports a move towards the provision of information digitally e.g. the NSW Planning Portal. It is understood the NSW planning database has been established as an electronic repository of planning information, and the NSW Planning Portal is designed to be a single point of contact for advice, guidance, tools and services to help the community navigate and engage with the planning system. The significant burden on consent authorities to print and post a large number of documents to each submitter may be improved with opportunities to review detailed documents online via the Planning Portal.

Conclusion

The need to comprehensively review the Regulation is evident to simplify, consolidate, or otherwise reform legislation that came into effect in 2001. Council's submission concludes that opportunities exist to reduce regulatory and administrative burden and supports the view that digital solutions could be used to make these requirements easier to meet.

Council welcomes further opportunities to participate in the Review process, including consultation in the drafting of future changes to the Regulation and related initiatives.

Attachment 1: Public submissions

Submissions objecting to the Planning Proposal followed by Council's response to matters raised

NO.	MATTER
1.	Over development Excessive height Visual Impact Unacceptable Bulk Built form out of character Unacceptable traffic impact
2.	Excessive height Over development Unacceptable precedent Built form out of character Inadequate infrastructure capacity Visual Impact Unacceptable bulk Visual impact Inadequate access to transport
3.	Ad hoc change to LEP inappropriate.
4.	Built form out of character Excessive height Visual Impact Inadequate infrastructure capacity Over development Unacceptable traffic impact
5.	Over development Inadequate infrastructure capacity Unacceptable traffic impact Flora and fauna impact
6.	Unacceptable traffic impact Inadequacy parking provision

	Excessive height. Built form out of character Visual Impact Privacy impacts Inadequate infrastructure capacity
7.	Unacceptable traffic impact
8.	Unacceptable traffic impact Over development. Built form out of character Excessive height Inadequate infrastructure capacity
9.	Unacceptable traffic impact Excessive height Visual Impact Built form out of character Over development
10.	Built form out of character Unacceptable traffic impact Inadequate infrastructure capacity
11.	Unacceptable traffic impact Over development. Visual Impact
12.	Over development. Unacceptable traffic impact
13.	Excessive height Built form out of character Inadequate infrastructure capacity Wider cumulative impacts of proposal and Ingleside Precinct Unacceptable traffic impact
14.	Over development. Inadequate infrastructure capacity

	Unacceptable traffic impact
15.	Over development. Inadequate infrastructure capacity Unacceptable traffic impact Flooding Bushfire Road congestion (safety)
16.	Over development. Unacceptable traffic impact Inadequate infrastructure capacity Road congestion (safety)
17.	Over development. Unacceptable traffic impact Cumulative impacts
18.	Over development. Unacceptable traffic impact Inadequate infrastructure capacity
19.	Built form out of character Visual Impact Overshadowing Unacceptable traffic impact Inadequacy parking provision
20.	Unacceptable traffic impact Excessive height
21.	Inadequate infrastructure capacity Unacceptable traffic impact
22.	Excessive height
23.	Over development Visual Impact Housing affordability not a justification Inadequate infrastructure capacity
24.	Cumulative impacts

	Unacceptable traffic impact. Inadequate infrastructure capacity Visual Impact Built form out of character
25.	Built form out of character Excessive height Unacceptable traffic impact Over development Inadequacy parking provision Air quality Inadequate landscaping
26.	Inadequate infrastructure capacity Unacceptable traffic impact
27.	Over development Excessive height Unacceptable traffic impact Inadequate infrastructure capacity Housing affordability not a justification Affordable housing not a justification Dwelling target for Northern Beaches not a justification Flora and fauna impact
28.	Inconsistency with planning framework Inadequacy parking provision Unacceptable traffic impact Inadequate infrastructure capacity Over development Built form out of character Overshadowing
29.	Unacceptable Bulk Excessive height Over development Built form out of character Not in the public interest
30.	Not in the public interest Unacceptable traffic impact Inadequacy parking provision

	Corruption
31.	Inadequate infrastructure capacity Unacceptable traffic impact
32.	Over development Excessive height Inadequate infrastructure capacity Unacceptable traffic impact
33.	Inadequate infrastructure capacity Unacceptable traffic impact
34.	Excessive height Unacceptable traffic impact Inadequate infrastructure capacity
35.	Over development Excessive height Inadequate infrastructure capacity Built form out of character
36.	Excessive height Inadequate infrastructure capacity
37.	Built form out of character Excessive height Visual Impact Privacy impacts Inadequate infrastructure capacity Unacceptable traffic impact Inadequate access to transport Noise impact Flora and fauna impact
38.	Visual Impact Excessive height Built form out of character Over development Unacceptable traffic impact Inadequate infrastructure capacity
39.	Overshadowing Built form out of character Reduce surrounding property value Inadequate infrastructure capacity

40.	Over development Built form out of character Reduce surrounding property value
41.	Over development Built form out of character
42.	Built form out of character Inadequate access to transport Inadequate infrastructure capacity
43.	Visual Impact Privacy impacts Inadequate infrastructure capacity Inadequate access to transport Not in the public interest Excessive height
44.	Inconsistency with planning framework Overshadowing Unacceptable Bulk Built form out of character Over development
45.	Built form out of character Not in the public interest Inadequate infrastructure capacity Overshadowing Inconsistency with planning framework
46.	Built form out of character Inadequate infrastructure capacity
47.	Over development
48.	Inadequate infrastructure capacity Inadequacy parking provision Road congestion (safety)
49.	Planning Proposal should not be considered Inconsistency with planning framework Over development Built form out of character Unacceptable traffic impact
50.	Over development Flora and fauna impact Visual Impact

	Inconsistency with planning framework Not in the public interest Unacceptable precedent
51.	Built form out of character Inadequate infrastructure capacity Unacceptable traffic impact Planning Proposal should not be considered Inadequacy parking provision
52.	Inconsistency with planning framework Unacceptable traffic impact Planning Proposal should not be considered
53.	Unacceptable traffic impact Inadequate infrastructure capacity
54.	Planning Proposal should not be considered Inconsistency with planning framework Inadequate infrastructure capacity Unacceptable traffic impact Over development Excessive height Visual Impact Built form out of character
55.	Over development
56.	Over development
57.	Over development Inadequate infrastructure capacity
58.	Inadequate infrastructure capacity Over development
59.	Over development Excessive height Overshadowing Privacy impacts Built form out of character Inadequate infrastructure capacity Inadequate access to transport
60.	Built form out of character
61.	Built form out of character Privacy impacts

	Inconsistency with planning framework Unacceptable traffic impact Inadequate infrastructure capacity
62.	Over development Excessive height Inconsistency with planning framework Land dedication is creek line corridor Planning Proposal should not be considered
63.	Inconsistency with planning framework Inadequate infrastructure capacity Inadequate access to transport Unacceptable traffic impact Built form out of character Not in the public interest
64.	Over development Inadequate infrastructure capacity
65.	Inconsistency with planning framework Unacceptable precedent Planning Proposal should not be considered
66.	Inadequacy parking provision Inadequate access to transport
67.	Built form out of character Inadequate infrastructure capacity
68.	Inconsistency with planning framework Inadequate infrastructure capacity Overshadowing
69.	Unacceptable traffic impact Inadequate infrastructure capacity Inadequate access to transport Flooding Sewage Inconsistency with planning framework
70.	Over development Unacceptable traffic impact Inadequate infrastructure capacity
71.	Unacceptable traffic impact Inadequate infrastructure capacity Inconsistency with planning framework

72.	Inconsistency with planning framework Ad hoc change to LEP inappropriate. Visual Impact Unacceptable precedent Not in the public interest
73.	Over development Excessive height
74.	Unacceptable traffic impact Inadequate infrastructure capacity Inadequacy parking provision Excessive height Unacceptable precedent Built form out of character Noise impact Privacy impacts Overshadowing Inconsistency with planning framework
75.	Unacceptable Bulk Built form out of character Inadequate infrastructure capacity Inconsistency with planning framework Not in the public interest
76.	Inadequacy parking provision Unacceptable traffic impact Inadequate infrastructure capacity Built form out of character
77.	Inconsistency with planning framework Not in the public interest Unacceptable traffic impact Inadequate infrastructure capacity
78.	Over development Unacceptable traffic impact Inadequate infrastructure capacity
79.	Inconsistency with planning framework Built form out of character Inadequate infrastructure capacity Not in the public interest
80.	Over development Inadequate access to transport Inadequate infrastructure capacity Flora and fauna impact

81.	Built form out of character
82.	Inadequate infrastructure capacity Flora and fauna impact
83.	Inconsistency with planning framework Over development
84.	Unacceptable traffic impact
85.	Built form out of character Unacceptable traffic impact Inadequacy parking provision
86.	Built form out of character Unacceptable precedent Inadequate infrastructure capacity Inadequate access to transport
87.	Unacceptable traffic impact Built form out of character
88.	Over development Excessive height Built form out of character Inadequate infrastructure capacity
89.	Inconsistency with planning framework Ad hoc change to LEP inappropriate Not in the public interest Inconsistency with planning framework Ad hoc change to LEP inappropriate Not in the public interest Built form out of character Excessive height Inadequate access to transport Inadequate infrastructure capacity Dwelling yield 'deficit' in Warriewood Valley not justification for exceeding yield Unacceptable precedent
90.	Over development Excessive height
91.	Over development Excessive height Unacceptable traffic impact Visual Impact Not in the public interest

92.	Over development Excessive height
93.	Over development Excessive height
94.	Planning Proposal should not be considered Built form out of character Inconsistency with planning framework Unacceptable precedent Inadequate access to transport Inadequate infrastructure capacity Unacceptable traffic impact Not in the public interest
95.	Unacceptable traffic impact Over development Not in the public interest Inadequate infrastructure capacity
96.	Over development Not in the public interest Built form out of character
97.	Built form out of character Unacceptable traffic impact Inadequacy parking provision Inadequate infrastructure capacity
98.	Inadequate infrastructure capacity Unacceptable traffic impact
99.	Built form out of character Privacy impacts Unacceptable traffic impact Inadequate infrastructure capacity Unacceptable precedent
100.	Unacceptable traffic impact Inadequacy parking provision Inconsistency with planning framework Inadequate access to transport Inadequate infrastructure capacity
101.	Inadequate infrastructure capacity Ad hoc change to LEP inappropriate Unacceptable traffic impact Inadequate access to transport Excessive height

	Inconsistency with planning framework
102.	Built form out of character Unacceptable precedent Over development Unacceptable traffic impact Inadequate infrastructure capacity
103.	Visual Impact Inadequate infrastructure capacity Flora and fauna impact Excessive height Unacceptable Bulk Overshadowing Flooding Road congestion (safety) Inadequacy parking provision
104.	Excessive height Visual Impact Unacceptable Bulk Built form out of character Privacy impacts Inadequacy parking provision Road congestion (safety)
105.	Over development Built form out of character Unacceptable traffic impact Inadequate infrastructure capacity Inadequate access to transport Inconsistency with planning framework Excessive height
106.	Unacceptable traffic impact Inadequate access to transport Built form out of character
107.	Inconsistency with planning framework Not in the public interest Over development Ad hoc change to LEP inappropriate
108.	Unacceptable precedent Unacceptable traffic impact Inadequacy parking provision Built form out of character Inconsistency with planning framework

	Inadequate infrastructure capacity Planning Proposal should not be considered Not in the public interest
109.	Over development
110.	Over development Excessive height Inconsistency with planning framework Inadequate infrastructure capacity
111.	Inconsistency with planning framework Ad hoc change to LEP inappropriate Not in the public interest Over development Excessive height Unacceptable traffic impact Inadequate infrastructure capacity
112.	Unacceptable traffic impact Built form out of character
113.	Excessive height Inadequacy parking provision
114.	Over development Excessive height
115.	Inconsistency with planning framework Ad hoc change to LEP inappropriate
116.	Built form out of character Unacceptable traffic impact Inconsistency with planning framework
117.	Inadequate infrastructure capacity Overshadowing
118.	Inconsistency with planning framework Unacceptable traffic impact Inadequate infrastructure capacity Inadequate access to transport Inadequacy parking provision Visual Impact Ad hoc change to LEP inappropriate
119.	Inadequate infrastructure capacity Unacceptable traffic impact Not in the public interest
120.	Over development Inadequate infrastructure capacity

121.	Inadequate infrastructure capacity Inadequacy parking provision
122.	Built form out of character Inadequate infrastructure capacity Unacceptable traffic impact
123.	Over development Inadequate infrastructure capacity
124.	Unacceptable traffic impact Flooding Stormwater Inconsistency with planning framework Inadequate infrastructure capacity Excessive height
125.	Not in the public interest Over development Excessive height Flora and fauna impact Unacceptable traffic impact Inadequacy parking provision Affordable housing not a justification Built form out of character Unacceptable precedent Inadequate infrastructure capacity Road congestion (safety)
126.	Housing targets being achieved already Housing diversity already exists Not in the public interest Single ownership not a justification Inconsistency with planning framework Built form out of character Over development Inadequate infrastructure capacity Undermines Council's ability to deliver the required infrastructure Unacceptable traffic impact Bushfire Flooding Inadequacy parking provision Ad hoc change to LEP inappropriate

127.	Not in the public interest Inadequacy parking provision Inadequate infrastructure capacity
128.	Over development Excessive height Inadequacy parking provision
129.	Inconsistency with planning framework Not in the public interest Inadequate infrastructure capacity Undermines Council's ability to deliver the required infrastructure Unacceptable traffic impact Flooding
130.	Excessive height Unacceptable traffic impact Inadequate infrastructure capacity Inadequate access to transport Over development Inadequacy parking provision
131.	Not in the public interest
132.	Excessive height Inconsistency with planning framework
133.	Not in the public interest Waste Unacceptable traffic impact Over development Excessive height Planning Proposal should not be considered Flora and fauna impact Inadequate infrastructure capacity
134.	Over development Excessive height Unacceptable traffic impact Road congestion (safety) Not in the public interest
135.	Not in the public interest Inconsistency with planning framework Ad hoc change to LEP inappropriate Over development

136.	Over development Excessive height Inadequate infrastructure capacity
137.	Over development Excessive height Unacceptable traffic impact
138.	Inconsistency with planning framework Not in the public interest Ad hoc change to LEP inappropriate Inadequate access to transport Inadequate infrastructure capacity Single ownership not a justification Built form out of character Excessive height Unacceptable Bulk Unacceptable traffic impact Flooding
139.	Inadequate infrastructure capacity Inadequate access to transport
140.	Inadequate infrastructure capacity Unacceptable traffic impact Sewage Inconsistency with planning framework Not in the public interest
141.	Inconsistency with planning framework
142.	Over development Excessive height Inconsistency with planning framework
143.	Inconsistency with planning framework Unacceptable traffic impact Inadequate access to transport Excessive height Built form out of character
144.	Inconsistency with planning framework Built form out of character Not in the public interest Unacceptable traffic impact Overshadowing Affordable housing not a justification

145.	Inconsistency with planning framework Unacceptable traffic impact Road congestion (safety) Inadequate infrastructure capacity Over development Excessive height Built form out of character Dwelling yield 'deficit' in Warriewood Valley not justification for exceeding yield Unacceptable precedent
146.	Noise impact Air quality Road congestion (safety) Over development Excessive height Inadequate infrastructure capacity Affordable housing not a justification
147.	Inconsistency with planning framework Not in the public interest Excessive height Built form out of character
148.	Inconsistency with planning framework Over development Excessive height Unacceptable traffic impact Inadequate infrastructure capacity
149.	Planning Proposal should not be considered Over development Unacceptable traffic impact
150.	Not in the public interest Inadequate infrastructure capacity Flora and fauna impact
151.	Unacceptable traffic impact Excessive height Built form out of character Inconsistency with planning framework
152.	Over development Inadequate infrastructure capacity
153.	Inconsistency with planning framework Ad hoc change to LEP inappropriate Unacceptable traffic impact

	Unacceptable precedent Not in the public interest
154.	Over development Unacceptable traffic impact Inadequacy parking provision Excessive height
155.	Built form out of character Excessive height Unacceptable traffic impact Inadequate infrastructure capacity
156.	Over development Excessive height Built form out of character
157.	Over development Inconsistency with planning framework Ad hoc change to LEP inappropriate Excessive height Built form out of character Not in the public interest
158.	Over development Excessive height Inconsistency with planning framework Undermines Council's ability to deliver the required infrastructure Ad hoc change to LEP inappropriate Unacceptable precedent Not in the public interest
159.	Over development Excessive height Inconsistency with planning framework Undermines Council's ability to deliver the required infrastructure Ad hoc change to LEP inappropriate Unacceptable precedent Not in the public interest
160.	Inadequacy parking provision Road congestion (safety) Over development Unacceptable Bulk Built form out of character Flora and fauna impact Inadequate infrastructure capacity

161.	Over development Excessive height Inadequate infrastructure capacity Unacceptable traffic impact Sewage Built form out of character
162.	Planning Proposal should not be considered Inconsistency with planning framework Excessive height Not in the public interest Inadequate infrastructure capacity Unacceptable traffic impact
163.	Over development Flora and fauna impact Unacceptable traffic impact Noise impact Air quality
164.	Not in the public interest Over development Excessive height
165.	Inconsistency with planning framework Over development Unacceptable traffic impact Inadequate access to transport Built form out of character
166.	Over development Unacceptable traffic impact Inadequate infrastructure capacity Excessive height Overshadowing Inconsistency with planning framework Not in the public interest
167.	Inconsistency with planning framework Built form out of character
168.	Inconsistency with planning framework Flora and fauna impact Ad hoc change to LEP inappropriate Inadequate infrastructure capacity Inadequate access to transport Stormwater Not in the public interest

169.	Over development Unacceptable traffic impact Inadequate infrastructure capacity
170.	Inadequacy parking provision Road congestion (safety) Built form out of character Flora and fauna impact Inadequate infrastructure capacity Over development Excessive height
171.	Inconsistency with planning framework Flora and fauna impact Ad hoc change to LEP inappropriate Inadequate infrastructure capacity Inadequate access to transport Stormwater Affordable housing not a justification Not in the public interest
172.	Inconsistency with planning framework Inadequate infrastructure capacity Inadequacy parking provision Inadequate access to transport Ad hoc change to LEP inappropriate
173.	Unacceptable traffic impact Inadequacy parking provision Excessive height Built form out of character
174.	Inconsistency with planning framework Not in the public interest Unacceptable traffic impact Ad hoc change to LEP inappropriate
175.	Over development Height Unacceptable traffic impact
176.	Inconsistency with planning framework Increase in density disadvantages other land owners Over development Overshadowing Privacy impacts Visual Impact

	Unacceptable Bulk Undermines Council's ability to deliver the required infrastructure
177.	Inconsistency with planning framework Not in the public interest Unacceptable traffic impact Inadequate infrastructure capacity Visual Impact Built form out of character Unacceptable precedent Dwelling yield 'deficit' in Warriewood Valley not justification for exceeding yield Planning Proposal not on behalf or Council as stated Planning Proposal should not be considered

Matters raised objecting to the Planning Proposal and Council response

MATTERS	COUNCIL RESPONSE
Over development	Council agrees that there are no justifiable arguments to support progressing a Planning Proposal that will permit a density of 74 dwellings per developable hectare. This is completely outside the scale of anything considered as part of the Warriewood Valley Strategic Review Report endorsed by Council and the Department.
Excessive height	Council agrees that there are no justifiable arguments to support progressing a Planning Proposal that will permit building height of up to 17.5m. This is completely outside the scale of anything considered as part of the Warriewood Valley Strategic Review Report endorsed by Council and the Department.
Visual Impact	Agreed. The development of 4-5 storeys will create a visual impact along Garden Street, where 2 storey townhouses are located and are integrated into a landscape setting. The location of the apartment blocks on the higher proportion of the sites will increase adverse impacts.
Unacceptable Bulk	Agreed. The bulk massing does not allow the built form of the development to be integrated, and the presence of basement areas further reduces the ability of the landscape area to support tall canopy trees. The location of the apartment blocks on the higher proportion of the sites will increase adverse impacts.
Built form out of character	Agreed. The strategic review recommendations (as it applied to the properties the subject of this Planning Proposal application are 32 dwellings per developable hectare, 2 storey buildings fronting Garden Street and Orchard Street frontages with 3 storey buildings at the rear, and for individual properties able to develop on their own) followed extensive community consultation, and have been accepted by the Warriewood Valley community. The proposed residential flat buildings are significantly at odds with the existing character of the locality.

Unacceptable traffic impact	Agreed. A full transport modelling is required, taking into account the primary and secondary routes from the subject site to the state road network and accounting for the network impacts of the proposed Ingleside Land Release area through the eastern end of Garden Street.
Unacceptable precedent	Agreed. Should the Planning Proposal progress it would set an unacceptable precedent for the undeveloped land parcels in Warriewood Valley. The proposal is significantly at odds with Council's strategic planning framework and does not demonstrate sufficient merit. However, it is a statutory requirement that any Planning Proposal lodged with Council be assessed in accordance with the NSW Planning & Environment's *Planning Proposals: A guide to preparing planning proposals* (2016). If the Planning Proposal demonstrates strategic and site-specific merit, it should progress to a Gateway Determination.
Inadequate infrastructure capacity	Agreed. The information submitted in support of the Planning Proposal is insufficient to identify necessary infrastructure upgrades to support the additional proposed population. Ad hoc Planning Proposals undermine the orderly planning process and Council's ability to deliver the required infrastructure. The significant departure from the existing planning framework proposed within this Planning Proposal undermines the orderly and economic development of land and Council's capacity to align infrastructure delivery with forecasted growth.
Inadequate access to transport	Council recognises that access to public transport adjacent to the B-Line would be advantageous, however; the subject sites are located within a land release area with close proximity to public buses. The development is not considered unacceptable from a public transport access perspective.
Ad hoc change to LEP inappropriate	Planning Proposals are required for amending Local Environmental Plans and Council acknowledges the need and validity for landowners to pursue amendments. However, ad hoc Planning Proposals of this scale undermine the orderly planning process and Council's ability to deliver the required infrastructure.
Flora and fauna impact	The subject sites are zoned for residential development in accordance with the outcome of the Warriewood Valley Strategic Review and Addendum Report. The following recommendations are made in relation to the planning proposal: 1) That works (if any) requiring civil works in the creekline / stormwater infrastructure be subject to assessment by an ecologist and arborist. 2) That a Vegetation Management Plan be prepared for restoration of the riparian zone on 206 Garden Street. 3) That future development be in accordance with recommendations in a vegetation management plan and flora and fauna assessment Council has discussed biodiversity issues with OEH and are confident that these issues are not required to be addressed at the Planning Proposal stage.
Inadequacy parking provision	Not agreed. Council is confident that parking requirements can be adequately dealt with at the development assessment stage.
Privacy impacts	Agreed. The proposal fails to reduce the privacy impacts caused by the significant change in height. The location of the apartment blocks on the higher proportion of the sites will increase the impacts.
Cumulative impacts	Agreed. Ensuring development occurs in accordance with the strategic planning framework is essential to ensuring the

	cumulative impacts are considered.
Flooding	Not agreed. The response to flooding contained in the Planning Proposal is considered satisfactory to progress to the Gateway process.
Bushfire	It is agreed that compliance with *Planning for Bush Fire Protection 2006* will need to be demonstrated, however; Council is confident that this requirement can be sufficiently addressed following a Gateway Determination.
Road congestion (safety)	A full transport modelling is required, taking into account the primary and secondary routes from the subject site to the state road network and accounting for the network impacts of the proposed Ingleside Land Release area through the eastern end of Garden Street. However, it is Council's view that any safety concerns associated with any increase in traffic can be adequately addressed through infrastructure upgrades.
Overshadowing	Agreed. The proposal fails to reduce the overshadowing caused by the significant change in height. The location of the apartment blocks on the higher proportion of the sites will increase the impacts.
Housing affordability not a justification	Agreed. Council acknowledges that the adequate supply of housing puts downwards pressure on housing prices, however; the additional 102 dwelling will do very little to reduce housing affordability within the local government area or Sydney more broadly.
Air quality	Council considers that air quality issues can be sufficiently dealt with following a Gateway determination.
Inadequate landscaping	Agreed. The proposed streetscape design fails to demonstrate both how appropriate tree sizes can be incorporated to accommodate the scale of the built form.
Affordable housing not a justification	Agreed. The Warriewood Valley Strategic Review has already investigated the feasibility of an affordable housing target and rejected its inclusion, and the possibility of an uplift in dwelling densities and height which might have enabled such a target to be achieved. Changes to the strategic planning framework will be explored through the development of a comprehensive housing strategy and the affordable housing component should not be used as a justification to support this Planning Proposal.
Dwelling target for Northern Beaches not a justification	Agreed. The five year target of 3,400 new dwellings is based on the LGA's currently zoned land and dwelling forecast. Council does not require this Planning Proposal to meet this current target, and it should not be used as a justification to support this Planning Proposal.
Inconsistency with planning framework	Agreed. The Planning Proposal is substantially inconsistent with the strategic planning framework. Council considers that there are no justifiable arguments to support progressing a Planning Proposal that will permit building height of up to 17.5m and a density of 74 dwellings per developable hectare. This is completely outside the scale of anything considered as part of the Warriewood Valley Strategic Review Report endorsed by Council and the Department. Progressing the Planning Proposal will significantly undermine Council's strategic planning framework and has the potential to create a poor planning outcome. Additionally, Planning Proposals that are substantially inconsistent with Council's strategic

	planning framework undermines the public trust in the planning system.
Not in the public interest	Agreed. The proposal represents a private rather than a public benefit and is not considered to be in the public interest. Significant community opposition has been documented and included in the assessment of the Planning Proposal going before Council. The open space proposed to be dedicated to Council does not provide sufficient public benefit to the community. Conversely, it may pose a liability to Council if it accepts the open space offer as it contains the water management facilities that services the residential development facilitated by this Planning Proposal thereby requiring the Council to fund the maintenance of infrastructure specifically servicing a single development.
Corruption	A full assessment of the Planning Proposal (as lodged) will be undertaken in accordance with current legislative requirements and Council will make a determination whether or not to progress the application.
Noise impact	Council considers that noise issues can be sufficiently dealt with following a Gateway determination.
Planning Proposal should not be considered	Council has a statutory obligation to assess a Planning Proposal lodged by a landowner under the Environmental Planning & Assessment Act 1979.
Land dedication is creek line corridor	The proponent's offer to dedicate land to Council for open space comprises 2,945m^2 of inner creek corridor on 206 Garden Street (that is already identified for Council to purchase under the Section 94 Plan) and 405m^2 of outer creek corridor that will contain the water management facilities servicing this future residential development.
Sewage	Should the Planning Proposal proceed to a Gateway determination, advice should be sought from Sydney Water whether there is adequate capacity in the existing sewerage system to cater for additional loads and the systems environmental performance will not be compromised.
Dwelling yield 'deficit' in Warriewood Valley not justification for exceeding yield	Council confirms that there is no dwelling deficit based on projections relied upon in the strategic planning process.
Stormwater	Not agreed. Council acknowledges the lack of a stormwater line in Orchard Street, however; stormwater issues can be resolved at Development Assessment stage where a hydraulic study would be required, should the Planning Proposal progress.
Housing targets being achieved already	Agreed. The five year target of 3,400 new dwellings is based on the LGA's currently zoned land and dwelling forecast. Council does not require this Planning Proposal to meet this current target, and it should not be used as a justification to support this Planning Proposal.

Housing diversity already exists	The current planning controls applicable to the site already allows for a diverse range of housing options, including residential flat buildings. The Planning Proposal fails to provide adequate justification as to why such a significant departure from the existing planning framework is required. Following amalgamation Northern Beaches Council has not yet had the opportunity to develop a comprehensive housing strategy to "address housing diversity that is relevant to the needs of the existing and future local housing market" and therefore it is premature to support this Planning Proposal.
Single ownership not a justification	Agreed. The Warriewood Valley Strategic Review explored the possibility that the properties within sub-sector 901A amalgamate and develop as a sector at 36 dwellings per hectare. The land subject to the Planning Proposal does not constitute a sector developing together and does not justify any increase in dwelling yield.
Undermines Council's ability to deliver the required infrastructure	Agreed. Council raise concern regarding its ability to deliver the additional infrastructure above what has already been planned for under the strategic framework and Section 94 Plan for Warriewood Valley. Ad hoc Planning Proposals undermine the orderly planning process and Council's ability to deliver the required infrastructure.
Waste	Not agreed. Council considers that waste disposal issues can be sufficiently dealt with at the Development Application stage.
Increase in density disadvantages other land owners	Not agreed. The Planning Proposal seeks to increase development potential on the subject sites without adverse impacts on other land owners' dwelling yields.

Attachment 2 - Internal Referral Comments

BUSINESS UNIT	COMMENTS	RESPONSE
Landscape Architecture	**D16.1 Character as viewed from a public place** Of particular concern is the lack of landscape area to support tall canopy trees that would allow 4 - 5 storey developments to be integrated with the natural landscape. The dominant character presented within the Warriewood Valley area is the presence of 2-3 storey developments that are integrated within a treed landscape setting, where the landscape is dominant over the built form. The Indicative Site Plan where the 5 x 4 to 5 storey buildings are shown provides insufficient landscape zones to allow the establishment of tall canopy trees to be proportionate to the height and scale of the buildings. This is most evident along the internal road where the front setback depth will not support tall canopy trees. The development of 4-5 storeys will create a visual impact along Garden Street, where 2 storey townhouses are located and are integrated into a landscape setting. **C6.2 Natural Environment and Landscaping Principles** The bulk massing of the 4-5 storey development does not allow the built form of the development to be integrated, and the presence of basement areas further reduces the ability of the landscape area to support tall canopy trees. The deep soil area is predominately in one area, hence the distribution of tree planting amongst the 5 buildings is restricted, further illustrating the massing bulk of the built form. Under the Warriewood Valley Landscape Masterplan, the inner 25m of the riparian corridor is required to be provided for Council ownership, and this must be restored as a natural landscape and creekline corridor.	Agreed. The development of 4-5 storeys will create a visual impact along Garden Street, where 2 storey townhouses are located and are integrated into a landscape setting. The bulk massing of the 4-5 storey development does not allow the built form of the development to be integrated, and the presence of basement areas further reduces the ability of the landscape area to support tall canopy trees.
Water Management	1. As noted, the water management relies on obtaining 206 Garden Street. It may be difficult to fit the required infiltration facilities for water management on 2 Orchard/204 Garden Street with the current architectural plans. There is significant risk in accepting the proposal in the absence of any agreement/owners consent to use the land at 206 Garden Street. 2. Assuming the proponent is able to obtain owners consent to	Agreed. Relying on water management facilities on land without an owner's consent is unacceptable to Council.

	include 206 Garden Street in the proposal: a. The proposal intends to dedicate 3350sqm to Council following gazettal of the planning proposal. Council typically only accepts the 25m riparian zone, and will not accept any land that contains water management facilities to be maintained under Community Title. Council does not own and maintain water management facilities that have been built to benefit a single development. b. For the 25m riparian corridor, the developer would be conditioned as part of their Subdivision DA to rehabilitate the creekline corridor prior to dedication of the land to Council. Creek rehabilitation and water management works should be completed in order to sign off the Subdivision DA. Creek rehabilitation work might include bank stabilisation, weed removal and planting. c. The water management appears to be adequate, and in fact generous for this site. d. The impervious area calculation should include the creek riparian zone and private buffer. I am not concerned about the stated impervious area, given the size of the OSD/bio-basin. There are small design issues with the water management that could be resolved at DA stage. Otherwise, there is no reason why on the basis of water management (assuming owners consent from 206 Orchard Street) the planning proposal should be refused. The ownership and management of land containing water management facilities can be resolved as part of the DA (Council would not accept ownership of this land or the facilities). Given owner's consent from 206 Garden Street has not been obtained, there is a risk that the impervious area fraction for the site (if it only consisted of 2 Orchard St and 204 Garden St) will be too high and there will not be sufficient land area to carry out water management.	Agreed. Water management facilities are to be located fully on privately owned land and Council will not accept any land that contains water management facilities to be maintained under Community Title. The requirement to rehabilitate the 25m riparian corridor is noted. Noted. Design issues can be resolved at the DA stage. Noted. Without owner's consent from 206 Garden Street there is a risk that the impervious area fraction for the site (if it only consisted of 2 Orchard St and 204 Garden St) will be too high and there will not be sufficient land area to carry out water management.
Urban Design	The planning proposal proposes a significant increase to the development density (doubled) and building height (2 additional storeys). The proposal has direct access to bus services and is located within 5 minutes walking distance to the local IGA. However, it is further away from the nearby shopping centre (1.5 km) and proposed B-Line stop (2 km).	

	Specific urban design comments: 1. The proposal proposes a denser outcome which will result in a much more urban character to the site. It is important to make sure that the intended outcome as prescribed in the DCP can still be achieved. Treating the streets as people spaces, not just a place for cars, can shift the streetscape design to complement the built form outcome. The proposed 17m reserve, with trees on both sides of the footpath, will neither deliver streets with appropriate tree size complementary to the scale of the built form nor adequately address amenity for pedestrians/cyclists. Alternative treatments, such placement of trees between on-street parking spaces can offer opportunities to incorporate larger street trees whilst offering a clear space on the footpath. 2. The proposal shows a significant difference in proportion between single dwelling and the apartment block typology. Considering the proposed apartments are located at the higher ground, this arrangement can result in a jarring outcome. Specific design/architectural treatments for apartments, which visually reflect a proportion of a lower density residential typology on the street level, can help to restore the perception of 'balance'. Creating a stronger definition for the first two levels and dedicating individual direct entries from streets are some examples of design treatments which reflect townhouse characteristic at the ground level. 3. The proposal proposes a significant change in height. To reduce the potential view impact and manage building bulk, a much lighter form and recessive colour on the upper floor can be recommended. 4. A larger, more centralised open space will have much more potential for wider range of uses and natural surveillance. The proposed 'focal' park can be made larger/wider/longer instead of having a left over space around the creekline (beyond the prescribed corridor) as another park. 5. Better public domain and landscape design to complement the additional density and hard surfaces should be mandatory.	Agreed. The proposal proposes a denser outcome which will result in a much more urban character to the site than planned. The proposed streetscape design fails to demonstrate both how appropriate tree sizes can be incorporated to accommodate the scale of the built form and how adequate amenity for pedestrians/cyclists can be provided. Agreed. The location of the apartment blocks on the higher proportion of the sites will increase the visual impact. The concept design fails to demonstrate how a more balanced perception can be achieved to reflect townhouse characteristic at the ground level. The proposal fails to reduce the potential view impact and manage bulk caused by the significant change in height. The proposal fails to demonstrating high quality public domain and landscape design.
Flooding	The proposed development should be able to meet Council's flood related development controls, and there is no flood related reason why it should be refused at this stage. Flood affectation on the 3 properties is as follows:	It is noted that there is no flood related reason why the planning proposal should be refused at this stage.

	2 Orchard St – flood free 204 Garden St – a very small area is affected by the FPL and PMF. This is in the north-east corner of the property, and does not affect the actual proposed dwellings. 206 Garden St – Fern Creek flows along the northern boundary. The creek is subject to high hazard flooding and Flood Life Hazard Category H5, and the Flood Planning Area extends up to approximately 30m into the property. The proposed development allows for the 1% AEP flows to be carried within the public space corridors, and the lowest proposed floor level of 13.1m AHD is just above the Flood Planning Level (which is 0.5m above the 1% AEP level including climate change). The levels of driveway crests into the basement car parks are not specified, but these will also need to be above the FPL. The proposal specifies a buffer of at least 50m between the creek and any residential development on the site. It will also need to be demonstrated that there is no impact on flooding and no loss of flood storage below the 1% AEP flood level, (for residential development or otherwise). It is anticipated that this should be possible. It is noted that 206 Garden St is not currently owned by the applicant.	
Stormwater	The water management report prepared by Civil Certification proposes to divert upstream overland flow via a swale along the rear boundary and piping the stormwater flow to Orchard Street. There is no Council stormwater line in Orchard Street as such this proposal is not acceptable without installing stormwater drainage in Orchard Street. Also a hydraulic study to determine the downstream impacts on Councils drainage system will need to be completed at Development Application stage to determine if the downstream Council system has the additional capacity to handle the introduced upstream flows from the development.	The lack of a stormwater line in Orchard Street is noted. Stormwater issues can be resolved at Development Assessment stage where a hydraulic study would be required.
Traffic & Parking	**Traffic Generation** The subject site lies within Sector 901, and the Traffic Impact Assessment provided by ARC compares the likely impact of the planning proposal against the future traffic demand from land use assumptions identified in the Warriewood Valley Strategic Transport	

	Study (WVSTS), prepared by AECOM for the NSW Department of Planning and Infrastructure in 2011. Scenario 2 in the WVSTS is for the Future Residential Scenario, with the expected number of trips generated for existing occupied dwellings, committed development, and future dwellings in the Valley. The number of dwellings used for the modelling of Sector 901 was 420 dwellings. The Traffic Impact Assessment explains that the impact and trips generated by the proposed 178 dwellings is lower than the 420 dwellings used in the WVSTS, and the maximum 289 dwellings recommended for the Sector in the Warriewood Valley Strategic Review Addendum Report (WV SR Addendum) prepared by Council in 2014. Current forecasts for Sector 901, including the 76 dwellings approved for the site, is a total of 278 dwellings. The proposed 178 dwellings is less than the yield of 192 dwellings for Sector 901A, but would exceed the maximum dwellings recommended for Sector 901 in the WV SR Addendum by 91 dwellings. Intersections under Scenario 2 in the WVSTS would continue to perform at a good Level Of Service (A and B) except for the Garden Street/Powder Works Road intersection which only operates at a satisfactory Level Of Service (C) during the PM peak and is recommended to be upgraded, including the following improvements: - Provision of a dedicated right turn bay on Garden Street (southbound) with clearway on through lane (approx. 100m). - Lengthening of the left turn lane on Garden Street (northbound), removal of existing parking lanes (approx. 100m) - AM/PM parking restrictions on the approaches to the traffic signals - The existing angle parking area in Garden Street (east side north of traffic signals) be extended south as per Council's Concept Plan to provided for the approximate 20 lost parking spaces, to be included in the Warriewood Valley S94 Infrastructure Plan. If we only consider the proposed increase in dwellings in relation to the WVSTS, the required works along with the existing road network would accommodate the Scenario 2 development yield, and therefore also the proposed 178 dwellings.	

	However a recent review of the total dwelling numbers has indicated that the total dwellings planned or anticipated in the Warriewood Valley has already reached the maximum 2544 dwellings agreed by the RMS. The Roads and Maritime Services, in its response to the Warriewood Valley Strategic Review dated 12 October 2012, confirmed its support to the strategic review outcomes subject to an approved maximum of 2544 dwellings in the release area and no development in the Southern Buffer area. The concept proposal for 178 dwellings will result in additional dwellings in the Warriewood Valley compared to the WVSTS, and requires a reassessment of likely traffic impacts on the road network. The Traffic Report needs to include traffic modelling of the Pittwater Road-Warriewood Road and Pittwater Road-Mona Vale Road intersections that accounts for: Base Case – Warriewood Valley 2544 dwellings with Mona Vale Town Centre floorspace as anticipated by the Pittwater LEP 2014. In assessing the impacts of the increased dwelling density for the land, the traffic modelling scenarios should include with/without the development of Ingleside Precinct (3,400 dwellings) and Mona Vale Road upgrade. The Traffic Report by ARC indicates that they have requested the relevant data files from both Council and the RMS in order to undertake the required traffic modelling for the specified intersections however they were unable to obtain the information. The data for the traffic modelling is not available from Council with the data files to be sourced from AECOM directly. Subsequently ARC has tried to demonstrate the traffic impact of the increased dwellings proposed by estimating the additional vehicle trips generated by the proposal. It is estimated that an additional 5 vehicle trips per hour (vph) and 7 vph to the Pittwater Road & Mona Vale Road intersection in the AM and PM peak periods respectively; and an additional 13 vph and 11 vph in the AM and PM peak periods respectively to the Pittwater Road & Warriewood Road intersection. Based on this available information it is reasonable to conclude that these increases on their own are unlikely to significantly affect the operation of the intersections. However, it is important to note that the	Agreed. The Roads and Maritime Services, in its response to the Warriewood Valley Strategic Review dated 12 October 2012, confirmed its support to the strategic review outcomes subject to an approved maximum of 2544 dwellings in the release area and no development in the Southern Buffer area. The Traffic Report does not include the required traffic modelling of the Pittwater Road-Warriewood Road and Pittwater Road-Mona Vale Road intersections. Agreed. Intersection modelling (including Pittwater Road/Warriewood Road intersection, Pittwater Road/Jacksons Road intersection, and Pittwater Road/Mona Vale Road intersection as a minimum) is required for the predicted traffic volumes when all development planned in the Valley is in place, including anticipated traffic generated by development in Ingleside Precinct and Mona Vale Place, to ensure that the local road network has spare capacity to sufficiently cater for the traffic volumes generated by the development at an acceptable Level of Service. Noted. The data for the traffic modelling is not available from Council with the data files to be sourced from AECOM directly.

	WVSTS was undertaken in 2011 and does not take into account development anticipated in the Ingleside Precinct. The Traffic Impact Assessment also does not take into account any additional dwellings resulting from the Meriton Part 3A approval and rezoning of 120 Mona Vale Road, and the full impact of these developments cannot be determined without the required traffic modelling. Intersection modelling is required by the RMS (including Pittwater Road/Warriewood Road intersection, Pittwater Road/Jacksons Road intersection, and Pittwater Road/Mona Vale Road intersection as a minimum) is required for the predicted traffic volumes when all development planned in the Valley is in place, including anticipated traffic generated by development in Ingleside Precinct and to ensure that the local road network has spare capacity to sufficiently cater for the traffic volumes generated by the development at an acceptable Level of Service. In addition to the above the following comments below have been provided regarding the Planning Proposal: **Road system** The road system approved for the previous subdivision was designed as a local road (7.5m carriageway and 16m road reserve width) and is considered suitable for the new proposal. **On street parking** A minimum of 1 on street visitor parking space for every 2 dwellings is to be provided for a local road. Although the number of dwelling houses has increased from 27 single lot dwellings to 28, the existing road cross section allows for parking on both sides of the road which should accommodate the on street parking requirements. Visitor parking for the residential units need to be provided entirely on the private property. **Driveways** The WVRMP specifies that all driveways entering the street must be shared for a local road. Shared driveways are encouraged to maximise the opportunities for on-street kerbside parking.	Comments relating to the internal road system, on street parking and driveways are noted.
Section 94 Development	The Planning Proposal seeks to amend the dwelling yield provisions and the height of buildings map in the Pittwater LEP to permit an additional	

Contributions	102 dwellings on the development site. A draft Public Benefit offer has been submitted with the application. This offer identifies the following components which the Applicant seeks to confirm in a voluntary planning agreement with Council: • *"Dedication of 3,350m² of public open space, adjacent to Fern Creek valued at approximately $8,375,000 (based on $2,500/sqm). The open space is to be owned and maintained by Northern Beaches Council as an expansion of Warriewood District Park for the benefit of the local community.* • *Provision of 10% affordable housing in accordance with Council's Affordable Housing Policy (dated 30 May 2017). Details of the number and type of dwellings will be determined through the DA process and will be provided as a condition of consent."* The draft Public Benefit Offer identifies that the open space provides an expansion of the district park located at 9 Fern Creek Road. This statement is refuted as there are several properties between the proposed open space and the district park, one of which contains a recently approved 28-unit residential flat building. It is unclear how the proposed open space on the development site will provide an extension to the district park when they are not physically connected. The submitted Site Plan, drawing number PP016, identifies the 3,350m^2 of open space proposed to be dedicated to Council. This land includes the 2,945m^2 of inner creek corridor on 206 Garden Street required to be dedicated to Council by the *Warriewood Valley Section 94 Contributions Plan Amendment 16 Revision 2* (Section 94 Plan). This effectively means that the Applicant is proposing to dedicate an additional 405m^2 of open space to Council. This additional open space appears to be part of the outer creek corridor which the DCP, Section 94 Plan and Water Management Specification all require to be privately owned. The submitted Water Management Report, prepared by Civil Certification and dated 14 July 2017, identifies that the development's water management facilities will be contained within the area proposed to be dedicated to Council for open space. As identified in the referral response from Council's Project Leader – Water Management, Council will not accept the dedication of land that contains water management facilities servicing the adjacent development. The ownership and	Agreed. The land proposed to be dedicated to Council is not considered an expansion to the district park at 9 Fern Creek Road given the lack of physical connection. There are several properties between the proposed open space and the district park, one of which contains a recently approved 28-unit residential flat building. The land dedication is largely comprised of the inner creek corridor required to be dedicated to Council by the *Warriewood Valley Section 94 Contributions Plan Amendment 16 Revision 2* (Section 94 Plan). This effectively means that the Applicant is proposing to dedicate an additional 405m^2 of open space to Council. This additional open space appears to be part of the outer creek corridor which the DCP, Section 94 Plan and Water Management Specification all require to be privately owned. The submitted Water Management Report, prepared by Civil Certification and dated 14 July 2017, identifies that the development's water management facilities will be contained within the area proposed to be dedicated to Council for open space. Council will not accept the dedication of land that contains water management facilities servicing the adjacent development. The ownership and maintenance burden should remain in private ownership.

	maintenance burden should remain in private ownership. The dedication of the proposed open space does not address a demonstrated need for the community. The Section 94 Plan identifies a standards based approach for the provision of open space in Warriewood Valley. The Plan identifies that 5.84 hectares of open space are still to be delivered to cater for the demand generated by the 2,541 dwellings expected in Warriewood Valley. This comprises 1.69 hectares of passive open space and 4.15 hectares of active open space. The Pittwater Recreation Strategy as referenced in the Section 94 Plan, and more recently the Northern Beaches Sportsground Strategy, identify a shortage of active open space areas in the local government area. This highlights the importance of release areas such as Warriewood Valley providing sufficient active open space areas to meet the demand generated by the incoming population. The proposed dedication of 405m2 of outer creek corridor containing water management facilities does not address this shortfall. If approved, the application will exacerbate the shortage of playing fields in the area. The offer to dedicate 3,350m^2 of public open space does not provide a public benefit to the community and is not supported for the reasons identified above. <u>Traffic</u> Council's Traffic Engineer has identified that there are deficiencies with the submitted Traffic Report. The report is based on the finding of the Warriewood Valley Strategic Traffic Study completed with the Strategic Review in 2011 and does not consider the impacts of recent developments in and around the release area such as the Meriton Part 3A approval, the rezoning of 120 Mona Vale Road, the Ingleside land release investigations. An assessment of the traffic impacts of this development cannot be undertaken until a new traffic report is provided with updated modelling of a new base case that incorporates all development and expected development since 2011. The identification of additional traffic and transport infrastructure requirements generated by this Planning Proposal cannot be completed until an updated traffic report and modelling is received. <u>Economic Analysis Report</u> The submitted Economic Analysis Report prepared by HillPDA states:	Agreed. The dedication of the proposed open space does not address a demonstrated need for the community. The Section 94 Plan identifies that 5.84 hectares of open space are still to be delivered to cater for the demand generated by the 2,541 dwellings expected in Warriewood Valley. This comprises 1.69 hectares of passive open space and 4.15 hectares of active open space. The Pittwater Recreation Strategy as referenced in the Section 94 Plan, and more recently the Northern Beaches Sportsground Strategy, identify a shortage of active open space areas in the local government area. The proposed dedication of 405m2 of outer creek corridor containing water management facilities does not address this shortfall. If approved, the application will exacerbate the shortage of playing fields in the area. The offer to dedicate 3,350m^2 of public open space does not provide a public benefit to the community and is not supported.

	"In 2009 HillPDA conducted an independent review of the Warriewood Valley Section 94 Plan. The review found that the former Pittwater Council moderately underestimated the cost of future works required which created an undesirable situation for the Council escalating their exposure to financial risk. *The Council applied numerous initiatives to reduce development costs associated with the S94 Plan including the integration of infrastructure elements, the enabling of contributions through material public benefits, regular reviews and continuous monitoring of the S94 Plan in addition to timely and efficient infrastructure provision.* *However, there was still a shortfall for the remaining expenditure works which required a Warriewood Valley contribution rate of $62,930 per equivalent dwelling to be levied, well in excess of the $20,000 per equivalent dwelling cap"* To suggest that the contribution rate was $62,930 because the works items were undervalued is incorrect. Following the Strategic Review and the review of the Section 94 Plan, the then Minister for Planning and Environment issued a revocation direction removing the cap on Section 94 contributions in the release area to allow Council to levy for the full cost of the extensive infrastructure works required to support the future projected population. The Section 94 Plan financial model does not show a funding shortfall. The cost of works items in the Section 94 Plan are based on IPART's local infrastructure benchmark costs and where available, tenders for similar work recently completed by Council. The information submitted in support of the Planning Proposal is insufficient to identify necessary infrastructure upgrades to support the additional proposed population. In addition the open space proposed to be dedicated to Council does not provide sufficient public benefit to the community. The application is not supported.	Agreed. The information submitted in support of the Planning Proposal is insufficient to identify necessary infrastructure upgrades to support the additional proposed population. In addition the open space proposed to be dedicated to Council does not provide sufficient public benefit to the community. The application is not supported.

Attachment 3 - Referral Comments Received From State Agencies

PUBLIC AGENCY	COMMENTS	RESPONSE
Office of Environment & Heritage	**1.0 Biodiversity** The Planning Proposal report states that the subject site is located within an existing residential zone and most of the site has previously been cleared. The northern portion of the site adjoining Fern Creek is proposed to be preserved and enhanced as public open space for the community. The northern section of the site is mapped as containing a patch of Coastal Flats Swamp Mahogany Forest. This is likely to qualify as the endangered ecological community Swamp Sclerophyll Forest on Coastal Floodplains (Figure 1). OEH supports the retention and protection of this area through a proposed dedication of 3350m^2 of public open space to Northern Beaches Council. It is understood this will expand the Warriewood District Park to create a linked riparian reserve area. However, it is not clear that all the vegetation will form part of the dedicated area. OEH recommends that the report specifically address any impacts on this vegetation on the site and details how it will be retained and protected. The report states that flora and fauna within this portion of the site will not be adversely affected. There may however be habitat across the other parts of the site. There are records near the site for the Little Bentwing-bat and the Eastern Bentwing-bat. Hollow bearing trees, for example, could provide habitat for these species. OEH therefore recommends that the report include consideration of threatened flora or fauna habitat across the entire site. **2. 0 Flood Risk Management** The Planning Proposal report (August 2017), Table 7 states: *'Fern Creek and the surrounding open space located at the North of the site will be preserved and enhanced through the creation of a connected parkland. ..... a minor section in the north of the*	Council has discussed these issues with OEH and provides that whilst no assessment of potential impacts has been provided by the applicant, works do not appear to be proposed in areas of threatened species habitat. Furthermore, the site is already rezoned for medium density and an increase in density is unlikely to change the potential for impacts on threatened species matters. The following recommendations are made in relation to the planning proposal; 1) That works (if any) requiring civil works in the creekline / stormwater infrastructure be subject to assessment by an ecologist and arborist. 2) That a Vegetation Management Plan be prepared for restoration of the riparian zone on 206 Garden Street. 3) That future development be in accordance with recommendations in a vegetation management plan and flora and fauna assessment These issues are not required to be addressed at the Planning Proposal stage.

	site was identified as land affected by PMF flood level only. This affected section is located within the proposed parkland and residential development is not proposed'. The above statement is not entirely accurate as the Warriewood Valley Flood Study (April 2005) Figure 11, identifies the northern border of the site adjacent to Fern Creek as flood fringe in the 1% AEP and Figure 8 shows the extent of PMF in the north of the site. Moreover, the Warriewood Valley Strategic Review (November 2011) figure 6-1 shows the flood extent incorporating climate change impact. OEH acknowledges that, the Department of Planning and Environment (DPE) and former Pittwater Council (currently the Northern Beaches Council) jointly prepared the Warriewood Valley Strategic Review (Cardno, November 2011) as a comprehensive strategic review of the potential development of the whole Warriewood Valley. Therefore, OEH advises the proponent to utilise this Review by identifying the site category in accordance with the 'Developable Land Classification' outlined in Chapter 9 of the Review and apply the requirements of this category accordingly.	It is noted that OEH advises the proponent to utilise the most recent data from Cardno in 2011 to identify the site category in accordance with the 'Developable Land Classification' and apply the requirements of this category accordingly. Council is confident that this requirement will be able to be satisfied at the development application stage and there considers that there are no flood related reason why the planning proposal should be refused at this stage.
Environment Protection Authority	**1. Water Quality** The *NSW Water Quality Objectives* (WQO) provide a framework and benchmarks for the community uses and values of waterways and the water quality that is needed to support these. They were developed using the *Australian and New Zealand guidelines for fresh and marine water quality* (ANZECC Guidelines 2000) and are the NSW Government endorsed environmental values and long- term goals for NSW's surface waters. The planning proposal should deliver a sustainable development outcome that not only supports on-going improvement in the health of waterways but also allows the WQO to be met over time, where they are not currently being achieved. The proposal should deliver the following environmental principles: • Promote development that maintains, improves or restores water quality and waterway health to support the community's environmental values and uses of waterways. • Promotes integrated water cycle management that includes	

	sustainable water supply, wastewater and stormwater management and reuse and recycling initiatives where it is safe and practicable to do so and provides the best environmental outcome. These above principles underpin key sustainability priorities in the Draft North District Plan (Plan), in particular, *Maintain and improve water quality and waterway health'*. This is important for the proposal where waters flow into the Warriewood Wetlands. The proposal uses generic per cent load reductions targets including Gross Pollutants 90 per cent, TSS 85 per cent, TP 65 per cent and TN 45 per cent. These generic load reduction targets do not fulfil the existing requirements to achieve the WQO, do not reflect contemporary integrated water cycle management performance and are unlikely to deliver improvements in the health of waterways. Appropriate water quality targets should be developed to help support the WQO and inform whether the proposed mitigation measures including Water Sensitive Urban Design (WSUD) measures are adequate. Further information on contributing to improving the health of waterways through strategic planning can be found at: *http:llwww.environment.nsw.gov .aulwater/planningusingwqos .htm*. Contemporary approaches such as integrated water cycle management should also be encouraged as they can provide a least cost approach to: • meet waterway health and community urban amenity needs • reduce and safely convey local flood waters • increase potable demand reductions through the using of innovative lot and/or precinct scale alternative sources, including effluent recycling and stormwater harvesting and use. Water management techniques as proposed are reliant on effective and ongoing maintenance and monitoring. Council should explore opportunities through Section 94 contributions or Voluntary Planning Agreements to secure any management	The proposal uses generic per cent load reductions targets. These generic load reduction targets do not fulfil the existing requirements to achieve the WQO, do not reflect contemporary integrated water cycle management performance and are unlikely to deliver improvements in the health of waterways. Appropriate water quality targets should be developed to help support the WQO and inform whether the proposed mitigation measures including Water Sensitive Urban Design (WSUD) measures are adequate. Council acknowledges that the applicant hasn't done the best job of presenting the information in the water management report, but considers that they have met the requirements and will achieve improvements in water quality of site runoff compared to pre-development levels. This is also a requirement of the Warriewood Valley Water Management Specification. In Council's opinion, the proposal offer a suitable level of Water Sensitive Urban Design treatments and they have considered Integrated Water Cycle Management. When updating our water management policy and DCPs Council will investigate applying specific targets for individual catchments. Council believes that the Warriewood Valley Water Management Specification does meet the WQO because it requires no worsening of water quality (ie. to maintain).

	arrangements, financial contributions and accountable parties. This will ensure that the integrated system will have an effective funded governance structure in place to ensure these measures are maintained in perpetuity and will continue to meet the expected environmental performance outcomes into the future. Written advice should be sought from Sydney Water confirming whether there is adequate capacity in the existing sewerage system to cater for additional loads and the systems environmental performance will not be compromised. This includes sewage overflows from sewerage reticulation systems (for example, sewer pipes and pumping stations) and discharges from any sewage treatment plants (STP). For existing sewage treatment systems, the EPA's policy is that: • all reasonable and feasible measures should be utilised to minimise additional STP effluent loads to waters (for example, through sewage reuse and effluent recycling, treatment upgrades, etc) • there should be no increase to existing levels (that is, frequency and volume) of pollution of waters because of sewage overflows during wet or dry weather from the sewerage reticulation system (for example, through amplification of the reticulation system, reclaiming sewage transfer capacity by reducing stormwater ingress and silt levels in sewers, improved choke prevention programs, etc). Any planning controls should require the development of a Soil and Water Management Plan to inform any future development applications. This should be developed and implemented prior to construction and be in accordance with the *Managing urban stormwater: soils and construction, vol. 1 (Landcom 2004) and vol. 2 (A. Installation of services; B Waste landfills; C. Unsealed roads; D. Main Roads; E. Mines and quarries)* (DECC 2008). A copy of these guidelines can be obtained at: *http://www.environment.nsw.gov.au!stormwater/pub/ications. htm*.	Council will seek written advice

	2. **Contaminated Land Management** The planning proposal states that *"no change of land use is proposed for the site. It is highly unlikely the land would be subject to a level of contamination that would preclude its use for residential accommodation".* Land should not be rezoned or developed until the requirements of SEPP 55 are satisfied. SEPP 55 states that as part of the development process the following key considerations should be addressed when preparing an environmental planning instrument: • Whether the land is contaminated. • If the land is contaminated whether it is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes to which the land will be used. • If the land requires remediation; will be made suitable for any purpose for which the land will be used. In cases where land is potentially contaminated, the investigation and any remediation and validation work is to be carried out in accordance with the guidelines made or approved by the EPA under Section 105 of the *Contaminated Land Management Act 1997* and be in accordance with the requirements and procedures in the following : *Contaminated Land Management Act 1997 Contaminated Land Management Regulation 2013* • *State Environmental Planning Policy 55 – Remediation of Land.* Where uncertainty remains in relation to the suitability of land for its intended use then an Auditor accredited under the Contaminated Land Management Act (CLM Act) should be engaged. The Auditor could provide greater certainty for planning authorities and the community through the independent review of contaminated site assessment and remediation reports, and reports that validate the successful completion of the assessment or remediation.	In accordance with the Department's 'A guide to Preparing Planning Proposals', a study to ensure the provisions of SEPP 55 Remediation of Land are adhered to can be provided after a Gateway determination, were the application to be progressed.

	Any proposal to rezone land should be accompanied by a Stage 1 Preliminary Investigation. If this assessment identifies land that has a medium or high risk for land contamination, an Auditor should assess the adequacy of the assessment and whether remediation is required to ensure the site can be made suitable for its intended use. This may require a more detailed assessment (Stage 2 Detailed Investigation), Remediation Action Plan (RAP) and involvement of an Auditor. Rezoning should only be allowed to proceed provided measures are in place to ensure that the potential for contamination and the suitability of the land for any proposed use are assessed once detailed proposals are made. In accordance with SEPP 55 and its supporting guidance document *Managing Land Contamination - Planning Guidelines SEPP 55-Remediation of Land* suitable planning controls need to be determined and should be in place at the time of rezoning. This includes appropriate provisions in the LEP. Supporting guidance may also be provided in any accompanying DCP or Development Code. Where redevelopment results in a change to pre-existing contamination of the land so as to result in significant contamination, this has implications under the CLM Act. This relates to both a responsibility for contamination and for risks to health and the environment and needs to be considered in relation to any ongoing management responsibilities. The planning proposal should include appropriate information on contaminated land management and expectations across the priority growth area. To ensure planning authorities, land owners and developers are informed and fully understand contaminated land management expectations for lands across the growth area. **3. Waste Management** The planning proposal contains limited information on the future management of waste. The following guiding waste principles should be used to help inform future waste and resource recovery systems. These approaches would help deliver the *NSW Waste Avoidance and Resource Recovery (WARR) Strategy* 2014-2021. The NSW Government's Container Deposit Scheme will also roll out across	Council is confident that any waste management issues can be addressed after a Gateway determination.

	NSW from 1 December 2017. <u>1: Environmental sustainability and best practice</u> Developments will meet requirements for long-term environmental sustainability and best practice when: • systems are designed to maximise waste separation and resource recovery • innovative and best practice waste management collection systems and technologies are considered and supported where appropriate • flexibility in design allows for future changes in waste generation rates, materials collected and methods of collection. <u>2: Effective waste and resource management</u> Developments will achieve effective waste and resource management when: • waste services are provided in a seamless and timely manner • collection points, street widths and street configurations, especially in new subdivisions and precinct developments, allow for waste to be removed safely and conveniently • the distance residents must travel to dispose of waste is minimised and access is safe and easy for all residents • functional and convenient storage spaces are provided for waste and recycling, including temporary storage areas for bulky materials like cardboard boxes and bulky household waste. <u>3: Clean, safe and healthy living environments</u> Developments will protect and enhance the quality of life for the community when: • negative impacts on amenity for residents, neighbours and the public, such as visually unpleasant waste storage areas, noise fr.om waste collection including traffic noise and bad odours, are minimised • illegal dumping and litter from bins are minimised through good planning and installation of adequate storage and waste recovery infrastructure • safe and easy access to waste and recycling storage areas is provided for residents, tenants, building managers and collection contractors.	

	4: Affordability Developments will provide affordable living and working when: • careful design and construction prevents costly retrofits • operational waste management is cost-effective for residents and tenants. The EPA has developed information to improve waste management associated with new developments. The *Waste Not Development Control Plan Guideline* (EPA 2008) provides suggested planning approaches and conditions for planning authorities to consider at the development application phase in relation to waste minimisation and resource recovery. This includes consideration of demolition and construction waste and the provision of facilities and services to allow the ongoing separation, storage and removal of waste and recyclables. A copy of the guideline can be obtained at: *http://www.epa.nsw.gov.au/warrlocal/waste-plan -DAs. htm*. Council should also consult this guideline to assist in guiding the development of suitable waste management provisions in any proposed DCP. These provisions should include but not necessarily be limited to: • *Any waste generated during demolition and construction needs to be classified in accordance with the EPA's Waste Classification Guidelines and managed in accordance with that classification.* • *Waste management planning for the new development needs to consider the State Plan targets for waste reduction and resource recovery, along with any regional waste management strategies.* A key component of the above guideline includes the requirement of developers to submit a plan showing estimates of waste generation during demolition, construction and ongoing use of the site, as well as details on how these wastes will be sorted, stored and removed for recycling and/or disposal. There are a range of waste management guidelines and information available to assist in delivering the above principles. These can be	

	obtained at: *http://www.epa.nsw.gov.au/was te/index.htm*. In particular: • The *Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities* (EPA, December 2012). This guide can be accessed at: http://www.epa.nsw.gov.au/warr/BPGuideCIFacilities.htm. • The *Better Practice for Public Place Recycling* (DEC 2005) provides information on standards for recycling systems in public places, such as parks, shopping centres, footpaths, bus-stops, etc. This guideline can be accessed at: http://www .epa.nsw.gov.au/warr/publicrecycling.htm. • The *Better Practice Guide for Waste Management in Multi-Unit Dwellings (OECC 2008)* provides waste management strategies for multi-unit residential developments. This guide can be accessed at: http://www .epa.nsw.gov.au/warr/BetterPracticeMUD.htm. **4. Noise and Air Quality** The proposal appears to not assess any potential noise impacts for road traffic that could be generated by the proposal. With the proposal being traffic generating there should be an assessment of any potential road traffic noise impacts due to additional traffic on existing roads in accordance with the *NSW Road Noise Policy* (DECCW, 2011). These can be obtained at: *http://www. epa.nsw.gov.aulresourceslnoise/2011236nswroadnoisepo!icy.pdf.* Any planning controls should also recognise the *Interim Construction Noise Guidelines* (DECC 2009) to inform any future development applications. A copy of these guidelines can be obtained at: *http://www. epa.nsw.gov.aulresources/noise/09 265cng.pdf*. Actions promoting .connectivity to improve liveability in any future development will also contribute to reduced vehicle kilometres travelled and improved air quality. This includes integrating urban growth with public transport linked to active transport routes. This also includes requiring new precincts to have active transport	Council is confident that any Noise and Air Quality issues can be addressed after a Gateway determination.

	routes laid out prior to designing roads and allotments; and locating new residential development with ready access to employment and services by public and active transport. In addition, strategies to improve urban greening including areas along transport corridors also have air quality benefits and supported by the EPA. The planning proposal also provides an opportunity to drive approaches for the management and control of ozone and particle precursors (NOx, SOx, voe and particulates). This includes the following: • Wood heaters are the major human-made source contributing to elevated particle levels in Sydney in winter. Approaches undertaken in Sydney's Growth Centres have included restricting installation of wood heaters and open fire places and this approach is recommended in new urban developments. • Diesel and gas powered equipment used in construction can cause air pollution, which can be mitigated by requiring best management practices at the construction stage. Please refer to information available on the EPA website at: *http://www.epa.nsw.gov.au/air/managenonroaddiesel.htm*.	
Rural Fire Service	The New South Wales Rural Fire Service has reviewed the proposal and advises that a bush fire report should be prepared by a suitably qualified person that addresses any potential bush fire hazards in accordance with *Planning for Bush Fire Protection 2006*. In particular, the report should consider the future impact when Fern Creek is revegetated/rehabilitated to its full length upon further development within the Warriewood Valley Land Release Area.	Agreed. The RFS requires a bush fire report to address any potential bush fire hazards in accordance with *Planning for Bush Fire Protection 2006.* It is agreed that compliance with *Planning for Bush Fire Protection 2006* will need to be demonstrated, however; Council is confident that this requirement can be sufficiently addressed following a Gateway Determination.
Transport for NSW	TfNSW has reviewed the exhibited planning proposal documentation. On the basis that Council decides to progress this proposal, TfNSW requests that provisions for developer funded bus shelters along Garden Street is to be included in this proposal. In particular, provisions for bus shelters at TSN 210224 and TSN 210234, which are located along the site's frontage. The provision of this infrastructure would provide weather protection at these bus stops, which are expected to experience increased demand due to the additional dwellings from this proposal.	Noted. TfNSW requests that provisions for developer funded bus shelters along Garden Street is to be included in this proposal. It may be difficult for Council to demonstrate a nexus between a future DA for this development and the provision of these shelters. Council does not have any information to justify when an upgrade from a stop to a shelter is required. An alternate method of ensuring the delivery of these shelters by the developer could be via a planning agreement. Any

		additional shelters provided by the developer will not result in a reduction in the S94 cash contribution.
Roads & Maritime Services	Roads and Maritime raises no objection to the proposal due to the minor nature of development and associated traffic impacts. It is noted that the Warriewood Valley Roads Masterplan and associated Section 94 Contribution Plan are in place and identifies the traffic and transport works to accommodate the cumulative rezoning in the Warriewood Valley Release Area.	Council does not agree with the comments received from RMS. RMS supported the outcomes of the Warriewood Valley Strategic Review, provided that: 1. The maximum number of approved dwellings in the Warriewood study area does not exceed 2544 dwellings 2. No further development is approved for the area identified as the Southern Buffer Until further traffic modelling is carried out on the Pittwater Road/Warriewood Road and Pittwater Road/Mona Vale Road intersections. As a result of recent planning decisions, a total of 2569 dwellings are now planned in Warriewood Valley. In Council's opinion there has been no change in circumstances justifying abandoning the position above. A full transport modelling is required, taking into account the primary and secondary routes from the subject site to the state road network and accounting for the network impacts of the proposed Ingleside Land Release area through the eastern end of Garden Street. As a minimum, the reassessment of likely traffic impacts on the road network is to include traffic modelling of the Pittwater Road-Warriewood Road and Pittwater Road-Mona Vale Road intersections that accounts for: • Base Case – Warriewood Valley 2569 dwellings with Mona Vale Town Centre floorspace as anticipated by the Pittwater LEP 2014. • In assessing the impacts of the increased dwelling density for the land, the traffic modelling scenarios should include with/without the development of Ingleside Precinct (3,400 dwellings) and Mona Vale Road upgrade. • Additional dwellings as proposed by this Planning

Proposal

Attachment 1 – Summary of Submissions

A – Submissions In Support of Proposal

Submission Number	Comments	Response
2	*Having reviewed the documents we are of the view that the development has the potential to be a high quality outcome* *Surprised to learn that E4 Environmental Living zoning precluded the possibility of Seniors Living.* *The ability to increase the supply and diversity of residence …. To make better use of existing infrastructure within the Pittwater area is good policy*	Support
3	*I believe the development is sympathetic to the local environment… and most importantly will provide an opportunity for local seniors to remain in their area…*	Support
13	*As an affected land owner I would like to record my support for the proposal* (submitter owns one of the subject properties) *The high quality, niche scale (8 apartments on nearly 3,000 square metres) and low impact of the proposed development will in my view enhance the area…* *…to an area that is a short level walk on paved footpaths to public transport and Newport shops... proximity to Royal Prince Alfred Yacht Club and Princes Street Marina, which are also a short level walk of the proposed development are further reasons seniors living is appropriate* *The plans … of development indicate a height that does not exceed those of existing 2 storey residence to be replaced or the 3 storey residences nearby.* *Furthermore the proposed underground parking provide*	Support

	significant off street parking for both residents and visitors…	
27	*I urge the Council to support the draft planning proposal…* [*The development] is well designed by an extremely competent architect for a demographic that council often said it supports.* *The need for the amendment of the* (current LEP) *arose through a town planning 'clerical error' because previously the land was not environmentally sensitive land under* (the SEPP). *The planning proposal ought to be supported on the ground of consistency with objectives of the Environmental Planning and Assessment Act 1979, including promoting the social and economic welfare of the community and a better environment*, and *the promotion and co-ordination of the orderly and economic use and development of land*. (The SEPP) *requires seniors living dwellings to be located not more than 400 metres from public transport of facilities and services and the is accessible by means of a suitable access pathway. For this reason the approval of* (the development) *cannot be said to create a precedent for the whole of Crystal Bay*	Support

B – Neutral Submissions

Submission Number	Comments	Issue Raised
4	Reclaimed land from Crystal Bay is free from encumbrances and provides walking path along the bay and this approach should remain	Walking around Crystal Bay

Response

The informal walkway along Crystal Bay covers reclaimed land that is owned by Crown Land NSW. This walkway is not proposed to be impacted by the development. Further the foreshore building line on the properties themselves restricted development from the rear portion of the site.

C – Submission objecting to proposal

Submission Number	Comments	Issue Raised
1	*My wife and I object to the rezoning of these blocks on the following bases* *1 The area is a tidal inundation zone* *2 The scale of the project is too large for this sensitive and environmental stressed part of Pittwater… increase run off will put extra strain on already strained stormwater discharge* *3 The site is currently zoned E4 ENVIRONMENTAL LIVING… this is not appropriate for E4 nevermind R2* [density] *4 Corner of Bardo and Nooal is dangerous* *5 Crystal Bay area is frequented by young children who walk along bottom end of Bardo Road… additional traffic will be hazardous* *6 Significant loss of greenery along the Bardo/Nooal frontages*	Flooding/coastal inundation Environmentally sensitive area Stormwater run off Bulk/scale/design Density Dangerous intersection Traffic/Parking Vegetation removal
5	*Development is totally incompatible with the general residential amenity of the area* *The area is a sensitive environment…further development will place extra strain on the natural landscape*	Bulk/scale/design Sensitive environmental area Stormwater run off Crystal Bay Silting Traffic/parking

	…damaging impact on environmental quality of Crystal Bay through increased run off... carrying potential toxic and non toxic contaminants and sludge. This will cause extensive silting to Crystal Bay *Area suffers significant congestion due to excessive parking* *Seniors living…often rent out to accommodate transitory occupiers with individual need for private vehicles use which only adds to the congestion*	
6	*I wish to register my opposition* *I think replacing three existing residences with a development with 8 will change the character and feel of the area to its detriment.* *It will also increase traffic through Nooal St where my children walk*	Bulk/scale/design Traffic/parking
7	*I would like to register my objection* *The development's bulk, size and density is out of character for the area. The area is mostly single dwelling houses* *The development is non compliant for height.* *Local SEPP 5 development are not occupied by over 55s… used as a means to push through townhouse like development.* *Additional noise and volumes of traffic associated with 8 units replacing three.* *No footpath outside this development* *The area is sensitive foreshore environment* *Properties flood after very little rain*	Bulk/scale/design Density Height Sensitive environmental site Seniors living not being used by seniors Traffic/parking Noise Lack of footpaths Busy local street Stormwater runoff Flooding Dangerous intersection

	Inadequate offsite visitor parking *Situated on a blind corner with consistent fast moving traffic*	
8	*Totally oppose a rezoning as this is a residential area and unsuitable for the proposed change* *Since council have kerb and guttered… they have dramatically reduced amount of car parking in the area* *Council have also been giving approval to put granny flats* *These have dramatically increased congestion and population density which is spoiling area.*	Bulk/scale/design Traffic/parking Density Area not appropriate
9	*I oppose the re-zoning* *They* [the properties] *currently appear as just one house…. All houses are currently well hidden by mature well established trees* *Southern end of Nooal St has no parking…western end of Bardo is typically parked out... development would only bring more cars onto these narrow streets* *Nooal St/Bardo Rd intersection is a narrow 90 degree corner with limited visibility* *Necessary to pave southern side of Bardo Road... I object to even more paving replacing current green grass*	Bulk/scale/design Vegetation removal Traffic/parking Area not appropriate Busy local street Dangerous intersection
10	*We wish to lodge our objection* *It is to be noted that mention is made as to the owners of 2 and 4 Nooal street having purchased both properties with the intention of developing same as seniors housing. The Report goes on to state that at the time of purchase* ***both*** *properties the zoning was such that development for seniors housing was permissible with consent…states owners of both properties were unaware of change in zoning caused by the adoption by Council of PLEP*	Owner history Owners had time to object to rezoning in PLEP 2014 Spot rezoning to be avoided Bulk/scale/design Precedent.

	2014… gazetted in May 2014 and commenced operation 27 June 2014…. 2 Nooal Street…. as it would appear this property was purchased in September 2014 *.. it is safe to assume that the zoning certificate annexed to the contract as a statutory requirement would have advised the purchasers, at the time of exchange of contracts, as the zoning and permissible uses this property could have been put to. In other words, at the time of purchase 2 Nooal Street the purchaser should have known that seniors housing was not permitted.* *It is also to be noted that the owner of 4 Nooal St is a related party to the owner of 2 Nooal Street… Accordingly is reasonable to infer that the owner would have known at time of purchase of 2 Nooal Street that seniors housing was not permissible.* *The planning proposal… makes mention of the lengthy community consultation process Council engaged in prior to the gazettal of the PLEP. It is therefore reasonable to infer that the owners of both these properties had time to object to the terms of the PLEP.* *..agree with Council's reasoning and conclusions* [prelodgement meeting letter]*. That is the practice of spot rezoning is to be avoided. We also agree regardless of the alleged attributes of the site, the community expects this location to allow residential development such as dwelling houses and secondary dwellings.* *In any event, we believe that the proposed development… is patently unsuitable to this location. The height, bulk, form and mass of this development is not in keeping with surrounding permitted uses.* *The risk of rezoning and development of this site will of course create a precedent for future developments which would detract from the general amenity of this area.*	

	Note - Attached to this submission were property title and company record searches on the properties and related owners.	
11	*I object to the rezoning* *Bardo Rd is not a bitumen road. It has no kerb and guttering or footpath. It is a minor road down to the waters edge…it has a dangerous corner.* *If Council were to drive down... you will find several cars parking on the lawn in the front garden because of car parking restrictions in the street.* *…this is an overdevelopment of the land…and if rezoned the developer could by more property which would make the seniors living development rather large and overshadow properties*	Bardo Road is not a proper road Dangerous corner Parking/traffic Over development Overshadowing Bulk/scale/design
12	*Parking in the area as it currently stands is limited to say the least....the car parking for the residents and their visitors in our opinion is insufficient. Parking in Nooal Street is non-existent and illegal due to the width of the road.* *Traffic flow on Bardo Road and King Street currently incurs very heavy traffic… This development will result in more traffic flow to an already congested area…* *Only partial footpaths are in Nooal Street, Bardo Road, King Street* *My interpretation of seniors living is the elderly have close and easy access to public transport, local shops and facilities. .. They would have to walk approximately 400m to reach the closest but stop. The closest local shops are 800m from the proposed development. In my opinion I do not believe these distances fulfil the requirements on seniors living.*	Parking/traffic Footpaths lacking Site does not meet access requirements

14	*I would be in favour of allowing some discretionary flexibility in the planning laws to allow this development, I would be totally opposed to any general alteration to PLEP 2014 that would automatically permit such developments in E4 zoned property* *I find the assertion… that their proposed amendment 'will not create a precedent' unconvincing….* *There are, in fact, protected animals, nocturnal marsupials (as well as the birds who visibly regularly appear there) in the immediate vicinity of the development site… I would therefore urge extreme care be taken during demolition and construction no to damage nest… relocate any occupants in accordance with relevant laws and regulations.* *As a dog owner, I regularly walked my dog along the foreshore of Crystal Bay. I noticed this route is not only popular with …dog walkers...school children… While I am satisfied the proponents of this development intend to restore the foreshore access, I would therefore ask that some sort of provision be made for pedestrian access traffic during construction and associated activities.* *The reclaimed land... foreshore area adjacent to the proposed development site is frequently literally waterlogged, especially after heavy rain or unusually high tides* *This part of Newport suffers from a chronic shortage of on-street parking… and it is not uncommon for parking restrictions relating to blind corners or crests to be ignored* *Such a situation obtains with the section of Bardo Road between King Street and the corner of Nooal Street. This is a 'suicide corner'* *The local road system is in fact not capable of accommodating it existing traffic, particularly its frequent weekend influx, let alone any additional traffic… This problem must be solved before the*	Precedent issues Wildlife Walking around Crystal Bay Estuarine flooding Parking/traffic Dangerous corner

	proposal can be approved *It is stated… that there are 2 visitor spaces… this seems inadequate for any larger number of visitors*	
15	Submission has a cover letter indicating their reasons of objection are the same issues raised by submitter number 10 (Cover letter attached to submission 10)	See submission 10
16	*We object to the draft Planning Proposal* *In 2014 this area was deemed inappropriate for this type of development and nothing has changed since then to warrant overturning that decision,* *Currently Nooal Street is a busy thoroughfare… Resoni9ng this area to allow this type of development will inevitably lead to a significant increase in traffic.* *We are concerned that rezoning for Seniors housing and developments permitted under this definition will set a precedent*	Area not appropriate Traffic/Parking Precedent
17	*My wife and I are opposed to the rezoning* *We are of the opinion if the rezoning is approved for this developer the precedent will be set for future overdevelopment of the Pittwater foreshores and surrounding areas under the guise of seniors housing.* *At present the Northern Beaches infrastructure is struggling to cope with overdevelopment the likes of Warriewood Valley and soon to be Ingleside.*	Do not support Precedent Foreshore development Infrastructure Overdevelopment Develop strong guidelines to prevent overdevelopment
18	*We strongly object to the proposal for the rezoning* *In on our opinion the answer to the question of whether the current zoning be changed or not should be the same as if the same question was applied to all properties surrounding Crystal Bay*	Do not support Consider all properties the same No local benefit Traffic/parking Nooal/Bardo is a dangerous corner Lack of on-street parking

	The corner of Bardo & Nooal is renowned to be a hazardous corner & even with the more recent curb & guttering changes this has further reduce available parking the area. *Hence in our opinion the only benefits would be limited solely to the developers of that particular site, rather than all properties in the surrounding area.*	
19	*I wish to object to the proposal on the following grounds* • *Area is fragile environment* • *Does not conform to PLEP 2014* • *If approved open floodgates to other proposals* • *Car parking would create a problem for locals* *The local environmental plan is essential for the Council to have any control over the development of fragile areas.*	Do not support Area is fragile environment Outside PLEP Precedent Parking/traffic
20	*I wish to register my objection* *Council changed the zoning and permitted usage during the Pittwater Review of the Local Environmental Plan 2014 on the locale being predominantly low rise residential, which it still is. Changing the zoning back would set a precedent for the area and not in keeping with Council's own determination of the appropriate zoning for the area.* [Nooal Street] *is a short rather narrow street and the corner with Bardo Road is quite dangerous* *Both nearest exits roads to Barrenjoey Road are already congested*.	Object Zoning reflects Council's intention for low scale development Changing zoning would not be alignment with council policy Long term residents Bardo Road is narrow Parking/traffic Bardo/Nooal is a dangerous corner Traffic congestion
21	*The planning proposal for 66 Bardo Road and 2-4 Nooal Street Newport should be rejected because it will only ad to the over development which is ruining the suburb. The pressure on infrastructure is already too much. Street activity and parking has become a major problem and ANY new developments of this size must be rejected.*	Overdevelopment Traffic/parking Infrastructure Bulk/scale/design

22	*… I am a supported for good quality development. But this proposal does not seem to be about development. It is a bout rezoning (or amendment to the zoning) and that is the issue we had little information on when the project was introduced to us.* *We initially understood it was a Seniors Living development and was assured it met …. All the Seniors Living SEPP requirements. That's why I actually signed a simple statement, at an initial discussion with the owner/developer, stating that the issues I was focused on was related to amenity and landscaping. Upon receipt of information on the proposal from Council, it appears the application is about rezoning and unless that can be achieved, seniors living is not an approved usage and therefore development can never occur* *The letter* [from objector 10] *outlines their analysis of the issues and concludes the developer has overstated the issues regarding his statements that he was somehow disadvantaged (or prejudiced) by the fact he was unaware of the properties change to E4 zoning…* [the] *letter therefore seems to eliminate any argument the developer may have put to Council regarding the timing of zone changes* *The selective rezoning of a site independent of the analysis done for all areas such zoned can occasionally be logical but in most case it ignores the reasons why such a specific zone was established in the first place…. If any review is to occur of the E4 zone, then it should be across the entire Council E4 zoned land and not restricted to just a few blocks of land.* *Any development needs to be sensitive to ensure none of the existing landscaping is removed along the boundary and that landscaping is enhanced on completion.* *Swimming pools on the public foreshore are not acceptable* *..if approved the existing asphalt access into 66 Bardo Road needs to be removed and replanted*	Not against development Do not support Thought proposal was a DA and not a PP Lacking in justification for rezoning E4 should be considered holistically and not individually Bulk/scale/design Parking/traffic Construction impacts Foreshore access

	Another main concern relates to demolition and construction and the related dust and noise that will occur for approximately two years *Construction and contractor parking. This will be a major issue….There is limited parking now.* *…large delivery trucks...concrete pumping trucks entering this small dead end area, resulting in major disruption to residents who access to their homes is from this end of the street* (Bardo)	
23	*…this association opposes any change to the Pittwater LEP 2014 to allow the proposal to proceed* [PLEP 2014] *was introduced after extensive public consultation which commenced in March 2013…. And for the owners and their appointed town planners to now say they were unfairly treated as they were unaware of the LEP change is highly inappropriate and questionable* *The combined properties are located within 50 metres of the foreshore where dual occupancy was prohibited under PLEP 19993 and therefore the E4 Environmental Living is the appropriate zoning…* *Any granting of the spot rezoning request would establish a dangerous precedent* *A number of the nearby suburb precedents that are referred to in the application were approved a long time before the introduction of* [PLEP 2014]. *..the change into 'seniors living' would enable a greater density, bulk, scale, site coverage which would be out-of-step with all the neighbouring residences* *Demand for parking spaces in the area would be likely to increase if a SEPP HSPD development was permitted*	Do not support PLEP 2014 and community consultation Lack of justification for rezoning Property previous zonings Precedent Bulk/scale/design Traffic/parking Difference in standards

	Proposal is incompatible with the desired future character of the Newport locality especially in regard to character as viewed from a public place and foreshore scenic protection	
24	*We do not agree to support the draft Planning Proposal. This is mainly based on parking issues... the parking is totally inadequate.* *Other issues need to be addressed too* (issues not stated)	Do not support Parking/traffic
25	Joint submission with 24 – same as above	Same as above
26	*I wish to voice my disappointment with rezoning proposal for 66 Bardo Rd and 2-4 Nooal Street.* *…have enjoyed walking around the foreshore… to suddenly have an 'over 55s development' on the foreshore would be precedent and totally out of character with the environment. I object strongly to the size, number of dwelling and generally not in keeping with the area*.	Walking around Crystal Bay Bulk/scale/design Density Precedent Character
28	Note – this submission appears to be similar but not quite the same as submission 22 *However this issue is about rezoning (or an amendment to the zoning) and that is the issue was not disclosed to us when the project was introduced to us by the developer. When asked he stated that the development met all considerations for the site.* *We initially understood it was a Seniors Living development and was assured it met …. All the Seniors Living SEPP requirements. That's why I actually signed a simple statement, at an initial discussion with the owner/developer, stating that the issues I was focused on was related to amenity and landscaping and construction. Upon receipt of information on the proposal from Council, it appears the application is about rezoning and unless that can be achieved, seniors living is not an approved usage.*	Thought proposal was a DA and not a PP Lacking in justification for rezoning Vegetation removal/tree loss. Bardo Road western end. Construction Impacts

	We purchased our property in March 2014 ,just prior to the applicant purchasing across the road at 66 Bardo road and my notes from the time indicated quite clearly that both myself and my solicitor had looked at issues of constraints on surrounding development and were aware that the properties opposite our new house could not be further developed as they had an environmental zoning E4 *We took the appropriate steps to acquaint our selves as part of our purchase process with the zonings around us and the implications for further development. We were somewhat assured that no future block of units would be built across the one lane road at the rear of our land.* *The letter from* [submitter 10] *outlines their analysis of the issues and concludes that the developer has overstated the issues regarding his statements that he was somehow disadvantaged (or prejudiced) by the fact that he was unaware of the properties change to E4 zoning (and not allowing for Seniors Living) when he purchased the properties. We basically agree with their argument and can only restate that having purchased at around the same time as the developer we were aware that the property he purchased could not be redeveloped for units under its current zoning E4 as it had a direct affect on our decision to purchase in the area.* *Any development needs to be sensitive to ensure none of the existing landscaping is removed including mature trees along the boundary and that the landscaping is enhanced on completion* *Perhaps more car parking access can be from Nooal Street. However, if approved the existing asphalt access into 66 Bardo Road needs to be upgraded and any lighting at night needs to be sensitive to our properties bedrooms,* *Another main concern (if approved) relates to demolition and*	

	construction and the related dust and noise that will occur for approximately two years, *Construction and contractor parking, will be a major issue. There is effectively no parking in Nooal whatsoever. The only parking for contractors will be in the dead end of Bardo Road. …Also, this road provides access to the foreshore for recreation and walkers. Council and the developer needs to think seriously how contractor and construction traffic and parking will impact on local residents and visitors to that end of Bardo Road.*	

Response to issues raised

Issue	Response
Flooding/Coastal Inundation	The site is subject to coastal inundation.
Environmentally Sensitive Site	Agree. The site is environmentally sensitive. The proposal would be incompatible with the intent and objectives of the E4 Environmental Living zone.
Stormwater	The development will be required to meet the stormwater controls of the Pittwater 21 Development Control Plan. These can be managed through the development application process
Bulk/scale/design	Agree. The proposal is a large and bulky scale that is out of character with the surrounding area. It appears as a townhouse style development within an area of single dwellings.
Density	Agree. The proposal is not of a low density nature. The E4 zone's objectives and land uses intended for low density development while this proposes more than double density.
Traffic/parking	There will be minimal traffic impacts on the road network. The parking will also have to comply with the Pittwater 21 Development Control Plan standards and not the lesser standards of the SEPP. The concept plan indicates compliance with the 21 DCP. Works however will be required to widen and realign the current driveway through Bardo Road and upgrades to its intersection with Nooal Street.
Vegetation removal/loss	The site is relatively cleared from vegetation with a small clumping located in the Nooal Street road reserve and the road frontages of the subject properties. If the proposal was to proceed, Council would require new plantings on the site.
Crystal Bay Silting	Impacts from increased sediment and site disturbance can be managed during the construction stage.

Seniors Living not being occupied by seniors	Seniors living properties are required to have a condition placed on their title restricting living in them to only seniors or people with a disability and their families or careers. Such a condition would be placed on these properties if the proposal was to proceed.
Construction impacts – noise, dust, parking, deliveries	These issues can be managed through the construction stage with a construction management plan
Lack of footpaths	There is currently no footpath to the site. However the developer would be required to install footpaths to the bus stops in Gladstone Street to comply with access criteria.
Busy local street	The proposal's impact on the local road network is considered to be marginal.
Dangerous Intersection	Future works would be required to the intersection
Area not appropriate	Agree. Council has never regarded this area as an appropriate location for seniors living. Council generally supports well located seniors living closer to centres and major transport corridors.
Site and owner history	Agree. The purchase of 2 Nooal Street took place after the Pittwater Local Environmental Plan 2014 was gazetted and came into effect. The applicant would have had time to ascertain the potential changes and impacts of the new LEP.
Spot rezonings	Agree. Council does not agree with spot rezonings unless they can demonstrate sufficient merit. Spot rezonings can undermine orderly and economic planning. This proposal would undermine the *Pittwater Local Planning Strategy 2011*. This proposal does not demonstrate any merit.
Precedent	Agree. Allowing such a proposal to proceed would set a precedent and undermine the *Pittwater Local Planning Strategy 2011* and the PLEP 2014. It would open the E4 Environmental Living zone to development that is not in line with the objectives and intent of the zone.
Bardo Road West	The current shared driveway on the western portion of Bardo Road services a small number of dwellings. If the proposal was to proceed it would have to be upgraded to provide a minimum road width of 5.5-6m for two way traffic.
Overshadowing	The site only has an immediate adjoining neighbour to the north. Solar access can be maintained to this property.
Access requirements	The site is located just within 400m from the bus stops on Gladstone Street. Further, the developer would be required to provide footpaths from the site to the bus stops.
Foreshore development	Agree. The development would be inconsistent with the intent to restricting larger bulkier development around the foreshores of Pittwater. It would also set a potential precedent undermining the *Pittwater Local Planning Strategy 2011* and the PLEP 2014

	Swimming pools are however allowed forward of the foreshore building line.
Infrastructure	The site is serviced by electricity, water and has sewerage. The traffic impact is considered to be marginal on the road network.
Overdevelopment	Agree. The development density of the site would be more than double the intended density under the Pittwater Local Environmental Plan
Treat all properties the same/holistic approach to E4 zone	Agree. This proposal seeks to consider this site separately from the other properties zoned E4 Environmental Living in Crystal Bay and elsewhere under the PLEP 2014. This is not considered an appropriate response and derogates from the intent of the LEP. It also undermines the intent and objectives of the zone.
No local benefit	Agree. This proposal entirely represents a private benefit. There is no public benefit in the proposal.
Intention and aims of the zone/alignment with council policy	Agree. The intent of the E4 Environmental Living zone is to mark areas were low scale and low density residential development is appropriate in areas with environmental constraints. This development would breach the intent and an objective of the zone as well as Council's planning strategy.
Thought proposal was a development application and not a planning proposal	Council's letters to residents clearly indicate the proposal was for a planning proposal. Council has no control over the consultation the applicant may have undertaken prior to lodgement
Foreshore access/Walking around Crystal Bay	The proposal will not restrict access along the foreshore. The informal foreshore walk goes over reclaimed land that is owned by Crown Land NSW. The foreshore building line on the properties also restricts development on the rear portion of the subject properties A condition of consent could be imposed on the development at development application stage to keep the walkway open.
Character	Agree. The proposal is out of character with the area. It will appear as medium density development in an area intended for low density single dwellings.
Wildlife	The site is not identified as having endangered or threatened species on it. If possums or bandicoots are found they can be safely relocated.

Attachment 2 – External Referral Comments

AGENCY	COMMENTS	RESPONSE
Roads and Maritime Services	Raises no objection to the proposal as the traffic impacts on the local and regional road network would be minimal. The land use….is therefore a planning matter for Council to consider	Noted
Transport for New South Wales	TfNSW has reviewed the exhibited planning proposal documentation and have no comment.	Noted
Sydney Water	Due to the proximity of the proposed development to Sydney Water assets, we recommend that Council imposing the following conditions of consent: **Building Plan Approval** The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met. *The Sydney Water Tap in™ online self-service replaces our Quick Check Agents as of 30 November 2015.* The Tap in™ service provides 24/7 access to a range of services, including: building plan approvals connection and disconnection approvals diagrams	Noted. These matters can be dealt with through a condition of consent at the development application stage.

	trade waste approvals pressure information water meter installations pressure boosting and pump approvals changes to an existing service or asset, e.g. relocating or moving an asset. Sydney Water's Tap in™ online service is available at: https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm **Section 73 Certificate** A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water. It is recommended that applicants apply early for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design. Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.	

Attachment 3 – Internal Referral Comments

BUSINESS UNIT	COMMENTS	RESPONSE
Coast and Estuary	Information in regard to the estuarine wave action and tidal inundation affectation of the subject property as well as the applicable Estuarine Planning Level (EPL) was provided to the project architect on 19/05/2017. The concept plans lodged in support of the planning proposal utilise the correct EPL for the site at the specified distance from the foreshore edge. At RL 2.75m AHD, the minimum FFL for the lower ground floor levels of the seaward units is above the EPL and the development proposed is therefore able to comply with the relevant estuarine hazard controls.	It is not appropriate to change the planning controls that currently apply to this site to introduce vulnerable people into a site that is identified as hazardous.
Major Development	1) Provision of stormwater management in accordance with former Pittwater Council DCP 21, which will include the provision of water quality controls during pre and post construction . On site stormwater detention may also apply to control stormwater quantities post development. 2) The existing access way located within the Bardo Road reservation is to be reconstructed in accordance with Councils Auspec design document to a full width of 5-5.5m from the Bardo Road /Nooal Street intersection to the proposed access driveway . The new access way may require the construction of retaining walls and stormwater drainage controls. An Arborists advice on the impacts of this access way construction on adjoining trees is also required. Access grades are to comply with the relevant Australian Standards . 3) Additionally the existing vehicle crossing to No 66 Bardo Road	These matters can be dealt with at the development application stage.

	is to demolished and landscaped.	

Transport and Civil Infrastructure Assets	• Provision of footpath in Bardo Road sth side is supported.
	• Kerb ramp on south side of pedestrian crossing to be modified to meet accessibility standards
	• Bus stop upgrades including:
	  ○ extension of footpath on south side of Gladstone Street to provide all weather access to boarding point
	  ○ provision of tactiles at both existing stops in Gladstone St.
	  ○ and provision of seating and/or shelter at 62 Gladstone St bus stop.
	• Consideration may need to be given to upgrades to the narrow, single lane “shared driveway” from the public road carriageway in Bardo Road at cnr of Bardo Rd/Nooal St
		These matters can be dealt with at the development application stage

Transport Network	Transport Network requirements to meet strategic outcomes: • The footpath along the southern side of Bardo Road (1.5 metre width minimum) from the property pedestrian entry to the existing ramp at King Street • Pedestrian refuge compliance works at the roundabout – King Street and Bardo Road including ramps to comply (accessibility audit to confirm). • Extend footpath to the Gladstone Street boarding point (Westbound stop) including kerb adjustment to suit low floored buses. • Kerb adjustment to suit low floored buses Eastbound stop • All ramps to be complaint between the subject site and the transport stops. • Accessibility requirements at all crossing and transport collection points – Tactiles etc. • Pedestrian refuge compliance works at the roundabout – King	These matters can be dealt with at the development application stage

	Street and Gladstone Street including ramps to comply (accessibility audit to confirm) • Appropriately sized and positioned Bus Shelter at the eastbound bus stop in Gladstone Street.	