
C11.5	Minutes of the Audit and Risk Committee Meeting held on 24 February 2015
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Meeting: Leading & Learning Committee

Date: 16 March 2015

COMMUNITY STRATEGIC PLAN STRATEGY: Corporate Management

COMMUNITY STRATEGIC PLAN OBJECTIVE:

To provide leadership through ethical, accountable and legislative decision making processes.

DELIVERY PROGRAM ACTION: Maintain and service Council's range of Committees

1.0 EXECUTIVE SUMMARY

1.1 SUMMARY

To present to Council the Minutes of the Audit & Risk Committee for the meeting held on 24 February 2015.

2.0 RECOMMENDATION

That the Minutes of the Audit and Risk Committee Meeting held on 24 February 2015 be noted.

3.0 BACKGROUND

3.1 PURPOSE

To present to Council the Minutes of the Audit & Risk Committee for the meeting held on 24 February 2015.

3.2 BACKGROUND

Council approved the establishment of an Internal Audit Committee at its meeting held on 16 November 2009. The Committee plays a pivotal role in the governance framework to provide Pittwater Council with independent assurance and assistance on risk management, control, governance and external accounting responsibilities. This Committee was subsequently renamed the Audit & Risk Committee. The original Audit & Risk Committee Charter required the Committee to report to Council "at least annually".

At its meeting on 15 February 2012, the Audit & Risk Committee amended resolved that:

Minutes of the Audit & Risk Committee Meetings are to be reported to Council on a quarterly basis and so be placed on the public record.

and

The Audit & Risk Committee Charter ... to be reviewed and revised by the Committee ... and submitted for approval by Council at the first availability.

As a result the Audit & Risk Committee Charter was revised to reflect quarterly reporting to Council. Council endorsed an updated Audit & Risk Committee Charter at its meeting held on 16 June 2014.

3.3 POLICY IMPLICATIONS

As per the Audit & Risk Committee Charter.

3.4 RELATED LEGISLATION

As per the Audit & Risk Committee Charter.

3.5 FINANCIAL ISSUES

3.5.1 Budget

Nil implication.

3.5.2 Resources Implications

Nil implication.

4.0 KEY ISSUES

Per the revised Audit & Risk Committee Charter the Minutes of the Audit & Risk Committee Meetings shall be reported to Council on a quarterly basis.

5.0 ATTACHMENTS / TABLED DOCUMENTS

Attachment 1 – Minutes of the Audit & Risk Committee meeting held on 24 February 2015.

6.0 SUSTAINABILITY ASSESSMENT

6.1 Leading an Effective & Collaborative Council (Governance)

The Audit & Risk Committee plays a pivotal role in the governance framework to provide Council with independent assurance and assistance in the areas of risk management, control, governance and external accountability responsibilities.

6.2 GOVERNANCE & RISK

6.2.1 Community Engagement

Nil Implication.

6.2.2 Risk Management

The Audit & Risk Committee plays a pivotal role in the governance framework to provide Pittwater Council with independent assurance and assistance on risk management, control, governance and external accounting responsibilities.

6.3 ENVIRONMENT

6.3.1 Environmental Impact

Nil implication.

6.3.2 Mitigation Measures

Nil implication.

6.4 **SOCIAL**

6.4.1 **Address Community Need & Aspirations**

To inform the community on the governance framework in place to provide Pittwater Council with independent assurance and assistance on risk management, control, governance and external accounting responsibilities.

6.4.2 **Strengthening local community**

Effective risk management in all aspects of Council responsibilities.

6.5 **ECONOMIC**

6.5.1 **Economic Development**

Nil implication.

Report prepared by

Warwick Lawrence

MANAGER, ADMINISTRATION & GOVERNANCE

MINUTES

Audit & Risk Committee Meeting

held in the Kimbriki Eco House at Kimbriki Resource Recovery Centre,
Kimbriki Road, Ingleside, on

24 February 2015

Commencing at 3.43pm

ATTENDANCE:

Members of the Committee:

Mr John Gordon
Mr Robert Dobbie
Cr Julie Hegarty

Pittwater Council Staff:

Mr Mark Ferguson, General Manager
Mr Chris Hunt, Director, Urban & Environmental Assets
Mr Steve Evans, Director, Environmental Planning & Community
Mr Mark Jones, Chief Financial Officer
Mr Warwick Lawrence, Manager Administration & Governance
Mr Jeff Lofts, Manager Environmental Compliance and Waste
Ms Pamela Tasker, Minutes Secretary

Kimbriki Staff:

Mr Mark Winser, Senior Project Officer
Ms Penelope Jacobs, Eco House & Garden Co-ordinator

Audit & Risk Committee

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Notes:

1. At 2.37pm (prior to commencement of the meeting) Ms Penelope Jacobs, EcoHouse and Garden Co-ordinator, and Mr Mark Winser, Senior Project Officer, Kimbriki Resource Recovery Centre, addressed the meeting. A film providing an overview of operations at Kimbriki was shown, followed by a question and answer session and a tour of the facility.
2. The Audit & Risk Committee Meeting commenced at 3.43pm.

5.0 Special Agenda Items

5.1 Kimbriki AWT Project Update

Proceedings in Brief

Mr Mark Winser and Mr Jeff Lofts addressed the meeting on this item.

Notes:

1. The Chair thanked Mr Winser and Mr Lofts for the tour and presentation.
2. Mr Winser left the meeting at 3.57pm.

1.0 Apologies

COMMITTEE DECISION

That the apology received from Cr Grace be accepted and leave be granted from the Audit & Risk Committee Meeting held on 24 February 2015.

(Cr Hegarty / Mr Dobbie)

2.0 Declarations of Conflict / Pecuniary Interest

Notes:

1. Cr Hegarty made a precautionary disclosure of interest in Item 6.1 - *Ingleside Precinct Land Release Risk Issues*. Cr Hegarty is a member of the Joint Regional Planning Panel which may be appointed as the delegated authority on any future development decisions to be made in relation to this land.
2. Cr Hegarty made a precautionary disclosure of interest in relation to Item 6.2 - *Probity Advisors in relation to Council Owned Land*. Cr Hegarty is a member of the Joint Regional Planning Panel which may be appointed the delegated authority on any future development decisions to be made in relation to this land.
3. Mr Gordon made a precautionary disclosure of interest in that he had been appointed Chair of the Audit Committee for Camden Council.

3.0 Minutes of Previous Meeting

COMMITTEE DECISION

That the minutes of the Audit & Risk Committee Meeting held on 10 December 2014 be accepted as a true and accurate record of that meeting subject to noting the changes to the 2015 Meetings Schedule which is now confirmed as per Item 10 on the Agenda.

(Mr Dobbie / Cr Hegarty)

4.0 Matters Arising & Action Items from Minutes

Noted.

6.0 Risk Management

6.1 Ingleside Precinct Land Release Risk Issues

Proceedings in Brief

Mr Steve Evans, Director, Environmental Planning & Community, addressed the meeting on this item.

6.2 Probity Advisors in relation to Council Owned Land

Proceedings in Brief

Mr Steve Evans, Director, Environmental Planning & Community, addressed the meeting on this item.

COMMITTEE DECISION

1. That the information contained in the reports on Items 6.1 and 6.2 be noted.
2. That a report be brought back to the May meeting relating to how Section 94 developer contributions are dealt with on the Strategic Risk Register.
3. That the General Manager consider the engagement of a rotating panel of probity consultants to provide probity advice where required on Council projects.

(Mr Gordon / Cr Hegarty)

Action Items:

- ***That a report be brought back to the May meeting relating to how Section 94 developer contributions are dealt with on the Strategic Risk Register.***
- ***That the General Manager consider the engagement of a rotating panel of probity consultants to provide probity advice where required on Council projects.***

6.3 Enterprise Risk Management Update

Proceedings in Brief

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

7.0 Complaints & Compliments Register

Proceedings in Brief

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

7.1 Reports in relation to GIPA, PID and ICAC

Proceedings in Brief

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

8.0 Report on Internal Audit Activities

8.1 Internal Audit Resourcing

Proceedings in Brief

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

8.2 Implementation of Audit Recommendations

Action Item:

- ***The newly appointed Internal Auditor to revisit all Audit Recommendations to ascertain current status and ensure completion on outstanding recommendations.***
-

8.3 Internal Audit Plan 2015/16

Noted.

9.0 General Business

9.1 Fit for the Future Update

Proceedings in Brief

The General Manager provided a verbal update to members on the current status of the NSW State Government's proposed local government reform.

9.2 A&RC Operations Report 2014

Proceedings in Brief

The Chair addressed the meeting on this item.

10.0 Meetings Schedule 2015

The Audit & Risk Committee Meetings Schedule for 2015 was confirmed as follows:

Tuesday, 24 February, 2015 commencing at 3.00pm
Tuesday, 26 May, 2015 commencing at 3.00pm
Tuesday, 04 August, 2015 commencing at 5.30pm
Thursday, 19 November, 2015 commencing at 3.00pm

The next meeting is scheduled to be held at 3.00pm on Tuesday 26 May 2015 in the 3rd Floor Conference Room at Pittwater Council, 5 Vuko Place, Warriewood.

Action Item:

- ***The External Auditors are to be invited to the meeting on 26 May to discuss the progress on Special Schedule 7 prior to the finalisation of the Annual Financial Statements.***

Note:

Mr Warwick Lawrence advised the Committee of the exceptional work undertaken by Ms Tasker in the preparation and distribution of this Agenda. The Committee expressed its appreciation to the Minutes Secretary for doing an outstanding job in organising the Agenda in the absence of the Internal Auditor.

**There being no further business
the meeting closed at 5.02pm
on Wednesday 24 February 2015.**

ACTION ITEMS:**6.2 Probity Advisors in relation to Council Owned Land**

- *That a report be brought back to the May meeting relating to how Section 94 developer contributions are dealt with on the Strategic Risk Register.*
- *That the General Manager consider the engagement of a rotating panel of probity consultants to provide probity advice where required on Council projects.*

8.2 Implementation of Audit Recommendations

- *The newly appointed Internal Auditor to revisit all Audit Recommendations to ascertain current status and ensure completion on outstanding recommendations.*

10.0 Meetings Schedule 2015

- *The External Auditors are to be invited to the meeting on 26 May 2015 to discuss the progress on Special Schedule 7 prior to the finalisation of the Annual Financial Statements.*

C11.6	Minutes of the Leading and Learning Reference Group Meeting held on 25 February 2015
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Meeting: Leading & Learning Committee

Date: 16 March 2015

COMMUNITY STRATEGIC PLAN STRATEGY: Corporate Management

COMMUNITY STRATEGIC PLAN OBJECTIVE:

- To provide leadership through ethical, accountable and legislative decision-making processes
- To ensure local democratic representation
- To engage proactively with the community in a way that is consistent, appropriate and effective

DELIVERY PROGRAM ACTION:

- Maintain and Service Council's Range of Committees
-

1.0 EXECUTIVE SUMMARY

1.1 SUMMARY

The 25 February 2015 Meeting considered the following discussion topics:

- Enterprise Risk Management
 - Local Government Reform Update
 - Review of Reference Groups
 - Review of Leading and Learning Reference Group Reference Points
-

2.0 RECOMMENDATION

1. That Council note the Minutes of the Leading & Learning Reference Group Meeting held on 25 February 2015 that relate to the discussion on:

- Enterprise Risk Management
- Local Government Reform Update
- Review of Reference Groups
- Review of Leading and Learning Reference Group Reference Points

2. That Council note the following reference points from that meeting:

2.1 Enterprise Risk Management

That the members note the report and presentation and the ongoing development and implementation of an effective ERM policy and plan.

2.2 Review of Reference Groups

That the Leading and Learning Reference Group:

- Notes the summary of results provided
- Supports the renewal of the Community Reference Groups for a new two-year term commencing in May 2015
- Acknowledges a new Expression of Interest process will be undertaken and that existing members are encouraged to reapply.
- That a special process targeting students or younger people be investigated with a view to increasing youth participation in local government, thus providing an insight into issues of concern to young people.
- That Council investigate a community initiative such as a Youth Forum or high school students conducting a Business Week Event, as a method of involving students and younger people.

3.0 BACKGROUND

3.1 PURPOSE

To present to Council for consideration, the Minutes of Leading and Learning Reference Group Meeting held on 25 February 2015 (refer **Attachment 1**).

3.2 BACKGROUND

The Leading and Learning Reference Group was established by Council to consider matters involving goals and initiatives contained in the key directions 3 & 5 of Council's Strategic Plan – Leading and Learning

The strategic objectives within the associated key direction are:

- Corporate Management Strategy
- Disaster, Risk and Emergency Management Strategy
- Community Education and Learning Strategy

To fulfil its role, the Leading and Learning Reference Group provides:

- a link between Council and the community which enhances communication about the strategic direction of Council initiatives,
- input from Council and the community (historical, social and environmental) when considering possible solutions,
- consideration of implications from strategic initiatives and their likely impact on the local community; and feedback to Council on behalf of the community.

3.3 POLICY IMPLICATIONS

Nil

3.4 RELATED LEGISLATION

Nil

3.5 FINANCIAL ISSUES

3.5.1 Budget

Nil

4.0 KEY ISSUES

- Enterprise Risk Management
- Local Government Reform Update
- Review of Reference Groups
- Review of Leading and Learning Reference Group Reference Points

5.0 ATTACHMENTS / TABLED DOCUMENTS

Attachment 1 – Minutes of the Leading and Learning Reference Group Meeting held on 25 February 2015.

6.0 SUSTAINABILITY ASSESSMENT

A sustainability assessment is not required for Minutes of Meetings.

Report prepared by

Chris Hunt
DIRECTOR, URBAN & ENVIRONMENTAL INFRASTRUCTURE

MINUTES

Leading & Learning Reference Group

held at the Coastal Environment Centre, Lake Park Road, North
Narrabeen on

25 February 2015

Commencing at 4:03pm

Attendance:

Members of the Committee:

Cr Sue Young, Chairperson

The following community representatives:

Mr Frank Adshead, Mona Vale Residents Association
Ms Suzanne Atteridge, Pittwater Resident Representative
Mr Gavin Butler, Newport Residents Association
Ms Lynne Czinner, Warriewood Residents Association
Ms Margaret Makin, Bayview-Church Point Residents Association
Mr Peter Middleton, Pittwater Resident Representative
Mr Robert Moran, Pittwater Rotary / Precision Dynamics Discovery Shed
Ms Judy Readman, Scotland Island Residents Association
Mr Tony Tenney, Clareville and Bilgola Plateau Residents Association
Ms Dru Von Drehnen, Pittwater Resident Representative

The following Council Advisors:

Mr Chris Hunt, Director, Urban & Environmental Assets
Mr Warwick Lawrence, Manager, Administration & Governance
Ms Jane Mulroney, Manager, Community Engagement & Corporate Strategy
Mr David Bremner, Community Engagement Officer
Ms Rebecca Jones, Principal Officer, Sustainability
Ms Pamela Tasker, Administration Officer/Minute Secretary

LEADING & LEARNING REFERENCE GROUP MEETING

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1.0 Apologies

Notes:

The following apologies were received and leave of absence was granted from the Leading & Learning Reference Group Meeting held on 25 February 2015:

- Mr David Shields, Bayview Church Point Residents Association
- Mr Neil Evers, Aboriginal Support Group
- Mr Graeme Jessup, Sustainability Pittwater
- Ms Brigitte Mahler-Mills, West Pittwater Community Association

Ms Margaret Makin attended as the alternative delegate on behalf of the Bayview – Church Point Residents Association.

2.0 Declarations of Pecuniary and Non-Pecuniary Conflict of Interest

Nil.

3.0 Confirmation of Minutes

REFERENCE GROUP RECOMMENDATION

That the Minutes of the Leading & Learning Reference Group meeting held on 26 November 2014, copies of which were circulated to all Reference Group Members, be and are hereby confirmed as a true and accurate record of the proceedings of that meeting.

(Mr Peter Middleton / Mr Gavin Butler)

4.0 Discussion Topics

LL4.1 Enterprise Risk Management (ERM)

Proceedings in Brief

Mr Warwick Lawrence, Manager – Administration & Governance, addressed the meeting on this discussion topic. Mr Lawrence's address included a PowerPoint presentation which is at Appendix 1 to this report for the information of members.

Discussion Points:

Q: Will ERM include Governance training for the Boards of voluntary groups?

A: Community volunteer groups are separate to Council. We have working parties consisting of community group representatives and their role is to address certain issues. We also train volunteers in WH&S issues, but we do not provide specific Governance training. Incorporated bodies such as community volunteer groups and residents associations are covered under the Corporations Act and they do have responsibilities under that Act, but that is not through Council.

Q: How many risks are there on the Risk Register?

A: Approximately 23 identified so far. But this is a starting point only as it is early days and assessments will flow into the process to identify more risks. Our current focus is on the most urgent and at this level we are aiming for an overview. Too much detail and the number of trivial risks become overwhelming.

Q: Does it get down to anything basic, such as road signage maintenance?

A: That is more of an operational risk. Staff meetings are held to identify risks at the operational level but those risks wouldn't go on the Risk Register. Council conducts an enormous number of activities and the associated risks are covered by such things as safe work method statements, WH&S assessments, etc., depending on the type of risk potentially encountered.

Q: What about terrorist risks or bomb threats?

A: There is ongoing training of all staff specific to their roles. Operational Risk Profiles are used across Council to prioritise risks and identify areas of exposure which need to be addressed.

- The identification of risks also feeds into our Audit & Risk Committee. This Committee considers layers of Council operations, assisting us to identify potential risks and suggesting procedures designed to minimise and prevent exposure, or where risks have arisen the most appropriate way to deal with them.
- Council takes risk management very seriously and is constantly trying to reduce exposure, thus ensuring the health and wellbeing of our staff, our community and protecting Council from reputational and financial risks.
- Reports to Council have recently been amended so that risk is one of the elements clearly identified on every report on the Agenda. This keeps potential areas of vulnerability at the forefront for staff compiling the report and for Councillors considering that report at meetings.

Q: Does the ERM address the engineering risk associated with the new Council carpark in Mona Vale? Various traffic and pedestrian concerns have recently been receiving quite a bit of publicity.

- A:** Normally with a big project item the risk assessment is done in the planning stages. If something arises further down the track Council has the ability to remain adaptive. On the carpark we have taken action to respond to the concerns reported where appropriate. Any complaint received by Council presents a potential reputational risk and Council takes all such concerns seriously and responds accordingly. But issues such as this would not go onto the Risk Register. They would be addressed at an operational level to resolve the issues reported.

Reference Point:

- *That the members note the report and presentation and the ongoing development and implementation of an effective ERM policy and plan.*

5.0 Business Arising

5.1 Go-Get Shared Car Service Update

At the meeting held on 26 November 2014 the following Action Item was recorded during the presentation by Ms Rebecca Jones, Principal Officer - Sustainability:

- *Ms Jones is to follow up with SIRA to ascertain what problems were encountered with the GoGet shared car service at Church Point.*

Ms Jones addressed the meeting, reading an email received from Kate Humphreys at GoGet Car Share. A copy of that letter is at Appendix 2 for the information of members.

4.0 Discussion Topics

LL4.2 Local Government Reform Update

Mr Chris Hunt, Director – Urban & Environmental Assets, addressed the meeting regarding the NSW State Government's Fit for the Future campaign on local government reform.

Discussion Points:

- The low interest loan is being offered to councils as an incentive for amalgamation. It is disgraceful that it is not available to all Councils now, regardless of future mergers.
- The various surveys conducted have identified a strong feeling for independence in Pittwater. Results have been far more varied in other LGAs.
- Pittwater respondents identified their Council as very strong on customer service and financial sustainability. This indicates that this Council is in a strong position within their community.

- Q:** Are all councils being tarred with the same brush? The State Government assertion that local government is losing \$1m a day obviously does not apply to Pittwater.
- A:** They keep coming back to “scale and capacity”. All the northern beaches councils were seen as financially stable but this is not true of some of the poorer or more remote councils. It is easier for the State Government to deal with fewer mayors, fewer councils, fewer general managers. They believe they can be more effective dealing with a smaller cohort and can achieve more initiatives: planning and executing a project across one or two LGA’s is easier than across multiple LGAs.
- Q:** Victoria and Qld recently went through this exercise. Did amalgamation improve things?
- A:** We know Qld was a disaster with many councils now having to go to the expense of de-amalgamation. The WA State Government also tried but I understand they gave up on it as too hard.
- Q:** Will this be an issue at the NSW State election?
- A:** It would appear they have tried to keep it low profile although the media has shown a lot of interest. They have managed to put out a very positive spin on council amalgamations and local government reform in general. Many councils share Pittwater’s position that they remain independent.
- Q:** Are Warringah angling to be the premier northern beaches council?
- A:** Warringah Council at its meeting on 10 February 2015 reinforced its position that there be one Northern Beaches Council. This would have a current combined population of 250,000 (Manly + Warringah + Pittwater).

The Warringah Council Report also mentioned other options such as status quo; Manly + Warringah merge; Warringah + Pittwater merge; Split Warringah. An analysis by SGS Consultants was included.

This report also included the result of a Warringah commissioned phone survey of residents in Manly, Warringah and Pittwater.

If amalgamation is forced on us it will be a new council entity. We don’t know how it will be set up if it does happen.

- Q:** Submissions are due after the NSW State elections. Where does the Opposition stand on this? Have we seen any of their policy statements?
- A:** Only that they are against forced amalgamations.
- Further discussion, with some members asserting it was important for the community to put forward viable alternatives to one northern beaches super council, and others asserting that it was important that the community did not offer any concessions at this point but maintain their blanket opposition to any amalgamation.
 - Further comments on risk management and the carpark at Mona Vale: Any council will come in for criticism from time to time, but it is critical how we respond to that criticism. At present we have a situation where the complaints are receiving a lot of exposure, but the only public comment from Council is that there is some minor fine tuning being addressed. This kind of publicity may sway people still making up their minds as to the advantages and disadvantages of amalgamation. The problem is with public perception. Council is fixing the operational problems but it needs to inform the public of what is being fixed and how it is being fixed. It may be that Council needs professional advice on how to handle public relations.
 - Mr Hunt provided an outline of the project and the adjustments carried out to improve the carpark performance.

Q: Can we quantify the community feedback received so far? Have we really tested the community to the extent where we can claim they do not want to amalgamate with Warringah and Manly? And is the community resistance sufficient to threaten Rob Stokes at the upcoming election?

A: The Warringah SGS was certainly a valid sample of over 1200 respondents, but in terms of Pittwater we may need to go again with more specific questions. Full community engagement may not be achieved before the election, however, given the tight deadlines imposed on us.

- It is difficult for Council to provide too much targetted information to the community at this point as we don't yet know exactly what we are dealing with yet. The State Government will be providing much more information following the election and the true position should then be clear. Hopefully we will then know exactly what they have planned, but so much depends on how the election plays out and whether they can claim a mandate for sweeping reforms. They might be rethinking a lot of initiatives if the election runs close.

Q: How many people get the online media release? Will the Council response to Fit for the Future be included?

A: We have just under 4,000 subscribers. The Fit for the Future response will be included, and it will also be going in the newsletter, Manly Daily, a mail out, on Facebook, in fact in as many forums as possible.

Following is a link to the Warringah Council meetings page if you wish to download the SGS report which went to the meeting on 10 February:

<http://www.warringah.nsw.gov.au/your-council/meetings/council-meetings>

Following is a link to the Fit for the Future website:

<http://www.fitforthefuture.nsw.gov.au/>

LL4.3 Review of Reference Groups

Proceedings in Brief

Mr David Bremner, Community Engagement Officer, addressed the meeting on this discussion topic.

The evaluation survey distributed to all reference group members in December 2014 had a good response rate from current members of 80% (46/58) and included questions about:

- members' satisfaction of the operation of reference groups
- the most and least useful aspects of the groups
- suggestions to improve the reference groups
- which discussion topics were most productive and why.

Discussion Points:

- Members reported they were happy with the minuting of meetings. If someone had a problem with how something was recorded it was simply addressed at the following meeting.
- It was acknowledged that the group had moved away from specific Key Direction 3 & 5 topics this year because of other pressing issues, but in general members felt it had been good to be involved and to have had the opportunity to participate in matters such as the fight against the proposed amalgamations.
- Following appointment of representatives to the Reference Groups for the new term, we are looking at holding a general meeting for all new members across all four groups. This was clearly identified in the survey as being of value to members.
- Community group board's details need to be up to date for the roll out of the EoI. Community Engagement will be emailing groups in March to update the Community Group Register.

Q: The survey identified the wish to involve more youth in local government. Would it be worth approaching headmasters of secondary schools, maybe to nominate a Year 11 student to attend reference group meetings and put forward the youth viewpoint?

A: Past engagement with youth has indicated that reference group meeting involvement may not be the best format for them. Council is looking at other ways to involve younger people.

Q: What if it was a volunteer? The school could choose someone who would benefit from experience, someone with a particular focus on community engagement or local politics?

A: Young people will be encouraged to apply and can get involved like any other members of the general community. Interestingly there was discussion at the recent Connecting Communities Reference Group meeting that perhaps members themselves could go out to schools to explain how community activism works in local government.

- Young people out there are a lot smarter than many of us. If they want to join reference groups they should go through the same process and participate fully. Any other approach seems to be underestimating their abilities and what they have to offer us.
- Local government is an opportunity for high school students to learn what is happening at a local level and how they can get involved. It is a valuable introduction to how the community is engaged with Council in governance, the natural and built environment, and infrastructure such as roads and waste management.

REFERENCE POINTS:

➤ ***That the Leading and Learning Reference Group:***

- ***Notes the summary of results provided***
- ***Supports the renewal of the Community Reference Groups for a new two-year term commencing in May 2015***
- ***Acknowledges a new Expression of Interest process will be undertaken and that existing members are encouraged to reapply.***
- ***That a special process targeting students or younger people be investigated with a view to increasing youth participation in local government, thus providing an insight into issues of concern to young people.***
- ***That Council investigate a community initiative such as a Youth Forum or high school students conducting a Business Week Event, as a method of involving students and younger people.***

LL4.4 Leading & Learning Reference Group Reference Points

Proceedings in Brief

Mr David Bremner, Community Engagement Officer, addressed the meeting on this discussion topic.

Discussion Point:

- Reference points are picked up in the reports submitted to Council Meetings, and any decisions requiring further action at the instruction of Council are directed to appropriate staff, so it is important to formulate concise reference points.

5.0 Business Arising

1. The Chair thanked all members for their very valuable contribution to the Reference Group during this past term and strongly encouraged all sitting members to reapply for the new term.
2. The members thanked the Chair for all her efforts on behalf of the Leading & Learning Reference Group.
3. Mr Hunt, the Chair and members also expressed their appreciation to the Minutes Secretary.

6.0 Next Meeting

The next meeting of the Leading & Learning Reference Group is scheduled to be held at 4.00pm on Wednesday 27 May 2015.

**There being no further business the
Leading & Learning Reference Group
Meeting concluded at 6.21pm on
Wednesday, 25 February, 2015.**

Enterprise Risk Management

THE JOURNEY



 PITTWATER COUNCIL

Leading and Learning Reference Group
25 February 2015



What is Enterprise Risk Management

The holistic management of all risks within the organisation, not just insurable risks or occupational health and safety risks

NSW Department of Local Government Internal Audit 2008

Benefits

- make the best decisions
- maintain a positive public image and reputation
- effective allocation of resources
- spend Council money wisely
- protect people's safety
- limit exposure to litigation

Risk Definition

Risk = the effect of uncertainty on objectives

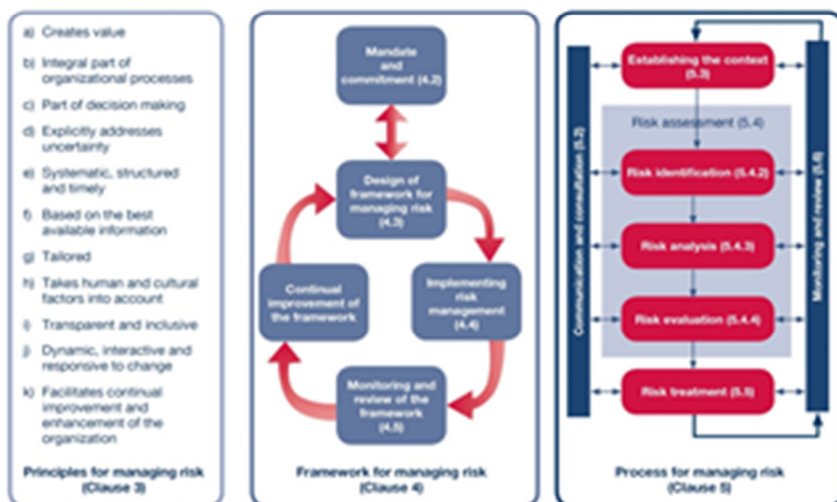
Positive & Negative
Consequences

Decision
Making

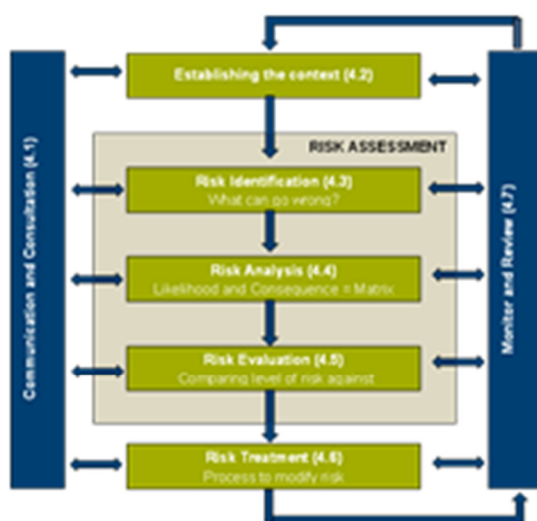
Business of the
Organisation

*An effect may be positive or a negative deviation
from the expected*

AS/NZS ISO 31000:2009



Risk Assessment




‘Whole of Council Approach’

- STRATEGIC - Senior Management Team - Community Strategic Plan
- BUSINESS UNIT - Business Unit Managers - Development Program
- OPERATIONAL - All levels - other activities (day to day, projects, events, etc) Reducing exposure to third party liability claims

Policy Statement

- Pittwater Council recognises that risk is inherent in all its functions and activities
- Council has adopted a proactive ERM Framework which will take a structured and innovative approach to the management of risk
- Council will incorporate Risk Management into all activities
- Consistent with the International Standard for Risk Management: AS/NZS ISO 31000:2009.

Policy Statement

- Pittwater Council recognises that risk is inherent in all its functions and activities
 - Council has adopted a proactive ERM Framework which will take a structured and innovative approach to the management of risk
 - Council will incorporate Risk Management into all activities
 - Consistent with the International Standard for Risk Management: AS/NZS ISO 31000:2009.
- 

From: GoGet Support
Sent: Monday, 5 January 2015 10:05 AM
To: Rebecca Jones, Sustainability, Pittwater Council
Subject: GoGet Pittwater Council enquiry

Hi Rebecca,

Many thanks for getting in touch. The pod up at Church Point was unfortunately before my time at GoGet, though it looks as though it operated from September 2008 to December 2011 and we had around 60 drivers and 35 households with a membership. The pod unfortunately looks like it did not perform as well as we had hoped, averaging around 2 hours of use per day (compared to a fleet average of between 5 and 6 hours/day) and we had some issues with flat batteries due to low use (our in-car computers have become more efficient since and the batteries can now sit unused for a few days longer without recording. One of the main issues we had was that the bays were not especially well marked/enforced and our bays were constantly taken by other vehicles and members had issues parking. Part of it was also just the lack of network surrounding the pod. We work best when there are a few vehicles in an area so that if a member cannot get their closest car, there are others within a close walk and members can rely on the service. Another issue we had was that the pod was so far from the rest of our network at that time, which created operational issues for our fleet support teams and awareness of car sharing was low. We are now operating a bit closer to Pittwater, and have just launched in Dee Why as part of a trial with Warringah Council and we will hopefully be expanding into other parts of that LGA before too long so we are much closer to you now.

Are the Council interested in looking at car sharing once again? We would certainly be keen to discuss it further if so.

Kind Regards,
Kate Humphreys
Location Specialist

*** *Get businesses on the bandwagon* ***

Businesses using GoGet save thousands each year on transport while helping to reduce congestion on our roads. If you think your company (or any other) could benefit from using GoGet, let us know. Just fill out this short form <http://is.qd/GoGetBiz> and we will get in touch with them.

Sustainable Towns and Villages Committee

12.0 Sustainable Towns and Villages Committee Business

C12.1	N0217/14 - 329 Barrenjoey Road Newport - Mixed use shop top housing, additional two storeys to create six residential units, excavation to the rear to create two levels of car parking (14 spaces) and internal alterations to the existing retail unit
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Meeting: Sustainable Towns and Villages Committee **Date:** 16 March 2015

COMMUNITY STRATEGIC PLAN STRATEGY: **Land Use & Development**

COMMUNITY STRATEGIC PLAN OBJECTIVE:

- To deliver a comprehensive suite of development controls that improve the liveability of the area

DELIVERY PROGRAM ACTION:

Provide an effective development assessment and determination process

1.0 EXECUTIVE SUMMARY

- 1.1 The Development Unit at its meeting held on the 26 February 2015 considered the Development Officer's report (refer **Attachment 1**) for determination of DA N0 217/14 for mixed use shop top housing, additional two storeys to create six residential units, excavation to the rear to create two levels of car parking and internal alterations to the existing retail unit at 329 Barrenjoey Road, Newport.
 - 1.2 This application has been called to Council by Cr Young.
 - 1.3 The Development Unit received representations from two (2) objectors and from the owner and his two (2) consultants. The objectors raised concerns regarding parking, flood hazard, setbacks, views and amenity.
 - 1.4 The Development Unit considered the issues raised in the Assessing Officer's report, issues raised by both the objectors and the applicant and his consultants, and were satisfied with the technical issues of the assessment and thus supported the officer's recommendation for approval subject to the conditions contained in the draft consent.
-

2.0 RECOMMENDATION

That the Development Officer's recommendation be endorsed and Development Application N0217/14 for alterations and additions to create a mixed use shop top housing development, including the construction of two additional storeys above the existing retail unit to accommodate six (6) residential apartments, excavation to the rear of the site to create two levels of car parking (14 spaces in total) and internal alterations to the ground level retail unit at 329 Barrenjoey Road Newport be granted consent subject to the draft conditions of consent attached.

3.0 BACKGROUND

3.1 PURPOSE

To seek endorsement of the Development Unit's recommendation following consideration of Development Application N0217/14 for alterations and additions to create a mixed use shop top housing development, including the construction of two additional storeys above the existing retail unit to accommodate six (6) residential apartments, excavation to the rear of the site to create two levels of car parking (14 spaces in total) and internal alterations to the ground level retail unit at 329 Barrenjoey Road Newport

3.2 BACKGROUND

The Development Unit at its meeting held on the 26 February 2015 considered the Development Officer's report (refer **Attachment 1**) for determination of DA N0 217/14 for mixed use shop top housing, additional two storeys to create six residential units, excavation to the rear to create two levels of car parking and internal alterations to the existing retail unit at 329 Barrenjoey Road, Newport.

The application was previously considered at the DU meeting held on the 11 December 2014 whereby it was resolved as follows:-

*That the recommendation in the Development Officer's report **not be endorsed** and application N0217/14 - 329 Barrenjoey Road, Newport NSW 2106 and construction of a shop top housing development above an existing commercial tenancy **be deferred** to address the carparking and access issues raised at the Development Unit meeting and for the Applicant to clarify vertical and horizontal separation with the courtyard at 11-15 Foamcrest Avenue, Newport adjacent to the northern corner of the subject site.*

As a consequence of this decision a series of amended drawings were submitted to Council to address the issues raised by DU.

The Development Unit received representations from two (2) objectors and from the owner and his two (2) consultants

The Development Unit considered the issues raised in the Assessing Officer's report, issues raised by both the objectors and the applicant and his consultants, and supported the officer's recommendation for approval subject to the conditions contained in the draft consent attached

3.3 POLICY IMPLICATIONS

Councillor Young has called the matter to Council in accordance with Council policy

3.4 RELATED LEGISLATION

Council are the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979.

3.5 FINANCIAL ISSUES

3.5.1 Budget

No implications on Council's budget unless Council is required to defend its decision in the Land and Environment Court.

3.5.2 Resources Implications

No implications

4.0 KEY ISSUES

The assessment issues are contained within Section 7 of the assessing officer's report

5.0 ATTACHMENTS / TABLED DOCUMENTS

Attachment 1 – Assessing Officer's report to the Development Unit meeting held on 26 February 2015.

6.0 SUSTAINABILITY ASSESSMENT

The relevant sustainability assessments have been addressed in the attached report.

Report prepared by

Warwick Lawrence
MANAGER, ADMINISTRATION & GOVERNANCE

SUBJECT: N0217/14 - 329 Barrenjoey Road Newport - Mixed use shop top housing, additional two storeys to create six residential units, excavation to the rear to create two levels of car parking (14 spaces) and internal alterations to the existing retail unit

Meeting: Development Unit

Date: 26 February 2015

SUMMARY OF RECOMMENDATION

Consent with Conditions

REPORT PREPARED BY:	Cheryl Williamson
APPLICATION SUBMITTED ON:	04/07/2014
APPLICATION SUBMITTED BY:	ARAM SANDALCIYAN
OWNER(S):	JANELLE M SANDALCIYAN ARAM SANDALCIYAN, KATINA ARAPIDIS, EMANUEL ARAPIDIS

RECOMMENDATION OF DEVELOPMENT OFFICER / PLANNER

That Council as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 grant consent to Development Application N0217/14 for Alterations and additions to create a mixed use shop top housing development. The development includes the construction of two additional storeys above the existing retail unit to accommodate six (6) residential apartments, excavation to the rear of the site to create two levels of car parking (14 spaces in total) and internal alterations to the ground level retail unit at 329 BARRENJOEY ROAD NEWPORT NSW 2106 subject to the draft conditions of consent attached.

Report prepared by
Cheryl Williamson, Senior Planner

Andrew Pigott
MANAGER, PLANNING & ASSESSMENT

SUBJECT: N0217/14 - 329 Barrenjoey Road, Newport for the construction of a shop top housing development above an existing commercial tenancy.

Determination Development Unit
Level:

Date: 26 February 2015

SUMMARY OF RECOMMENDATION

DEFERRED COMMENCEMENT CONSENT WITH CONDITIONS

REPORT PREPARED BY:	Cheryl Williamson
APPLICATION SUBMITTED ON:	4 July 2014
APPLICATION SUBMITTED BY:	ARAM SANDALCIYAN 15 PERONNE AVENUE CLONTARF NSW 2093
OWNERS:	EMANUEL ARAPIDIS KATINA ARAPIDIS ARAM SANDALCIYAN JANELLE SANDALCIYAN

The following report is based on the assessment report considered at the 11 December 2014 Development Unit meeting. Additions to this report are made using bold italicised text.

1. ISSUES

- 5.9 Preservation of trees and vegetation
- B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land
- 7.1 Acid Sulphate Soils
- 5.1 Referral to Roads and Maritime Services
- A4.10 Newport Locality
- B3.18 Flood Hazard – Flood Category 1 – High Hazard – Shop Top Housing, Business and Industrial Development
- D10.27 Design for Flooding (Newport Commercial Centre)
- C1.2 Safety and Security
- C1.6 Acoustic Privacy
- C1.9 Adaptable Housing and Accessibility
- C2.6 Adaptable Housing and Accessibility
- C1.23 Eaves
- C1.24 Public Road Reserve
- C2.20 Public Road Reserve – Landscaping and Infrastructure
- D10.1 Character as viewed from a public place
- D10.2 Character – Newport Commercial Centre
- D10.4 Building Colours and Materials
- D10.6 Height (Newport Commercial Centre)
- D10.9 Setbacks (Newport Commercial Centre)

- D10.20 Design of mixed use developments (Newport Commercial Centre)
- D10.24 Building depth and separation (Newport Commercial Centre)
- D10.28 Open Space (Newport Commercial Centre)
- D10.29 Landscaping (Newport Commercial Centre)
- D10.30 Facades (Newport Commercial Centre)
- D10.31 Ecological Sustainable Development Responsive Design (Newport Commercial Centre)
- D10.32 Solar access and ventilation (Newport Commercial Centre)
- D10.33 Privacy (Newport Commercial Centre)
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 55 – Remediation of Land

2. SITE DETAILS

The site is legally identified as Lot 53/5 of DP 6248 and is known as 329 Barrenjoey Road, Newport. It is regular in shape with an area of approximately 556m². It has a public frontage to the north western side of Barrenjoey Road and is surrounded on all other sides by residential and commercial uses. The site experiences a fall of approximately 4 metres from north west to south east resulting in a 8.6% or 5 degree slope.

The site currently comprises a single storey commercial building located in the southern portion of the site, which previously operated as a 'Liquorland' retail outlet. The remainder of the site comprises a concrete driveway and concrete hardstand parking area to the rear. The site is bounded at the rear by concrete and brick walls of varying heights.

This part of Barrenjoey Road forms part of the Newport Village Commercial Centre and surrounding uses on the northern and southern sides of Barrenjoey Road comprise predominantly commercial and retail uses. A number of these commercial uses include shop top housing above, and residential development is also the prevailing form of development within Foamcrest Avenue to the rear of the site.

3. PROPOSED DEVELOPMENT

The applicant seeks consent for the following development:

- Construction of two additional storeys above the existing single storey commercial tenancy to create six (6) residential apartments (2 x one bedroom, 3 x two bedroom and 1 x three bedroom);
- Excavation to the rear of the site to create two levels of car parking, accommodating 13 car parking spaces, garbage and storage areas;
- Alterations to the existing commercial unit including the reconfiguration of the north eastern external wall to allow for the creation of a compliant access driveway for the development.

Following the consideration of this matter at the 11 December 2014 Development Unit meeting, a series of amended drawings have been submitted. The most recent set of amended drawings (references on the first page of the draft notice of consent) include the following differences from the drawings originally considered:

Upper car park

- *The pedestrian pathway has been wholly separated from the vehicular access route through the use of bollards and solid walls;*
- *The car space for unit 2 has been widened from 3 metres to 3.4 metres;*
- *A separate garbage room has been reinstated where it had previously formed an open storage area;*
- *Bicycle racks are no longer proposed.*

Lower car park

- *A commercial garbage room has been converted into a storage room.*

First and second floor plans

- *Internal courtyards between the front and rear apartments have been widened to 9 metres;*
- *Changes to windows and privacy treatments are proposed within internal courtyards*
- *The glassline of the rear apartments has moved further to the rear, resulting in reduced amounts of private open space and reduced separation distances to the rear.*

4. STATUTORY CONSIDERATIONS/LAND AFFECTATIONS

The site is zoned B2: Local Centre under Pittwater Local Environmental Plan 2014. The subject development is consistent with the definition of *shop top housing*, which is expressly listed as being permissible with consent within the land use table for this zone.

The objectives of the B2 zone seek primarily to encourage retail, business, entertainment and community uses, as well as residential uses above street level where they are compatible with the site and the surrounding area. The objectives also seek to maximise employment and to promote public transport, cycling and walking. As the following report will demonstrate, the proposed development is consistent with each of the objectives of the B2 zone.

The following relevant state, regional and local policies and instruments apply to the proposed development:

- Environmental Planning and Assessment Act, 1979 (the Act)
- Environmental Planning and Assessment Regulation 2000 (the Regulation)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX)
- State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure)
- State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55)
- State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development (SEPP 65)
- Pittwater Local Environmental Plan 2014 (PLEP 2014)
 - Acid Sulphate Soils Map – Class 3
 - Height of Buildings Map – 11.5 metres

- Pittwater 21 Development Control Plan (P21 DCP)
 - Newport Locality
 - Flood Risk Management Policy for Development in Pittwater
- Newport Village Commercial Centre Masterplan

5. BACKGROUND

Prior development applications FA4/0094/95, FA4/0027/97, FA3/0059/98 and 0433/98 each relate to the prior use of the site as a retail liquor store. At the time of site inspection this use appeared to have ceased with the site being vacant.

The subject development application was lodged on 4 July 2014 and was referred to Council's Development Engineer, Natural Resources Officer and Floodplain Management Officer for comments and/or recommendations. The application was also referred to Roads and Maritime Services. The application was publicly notified in accordance with Council's notification policy and a site inspection was carried out on 15 July 2014.

A series of amendments were made during the course of the application resulting in the submission of an amended drawing set and additional documentation.

The application was considered by the Development Unit on 11 December 2014. At the meeting, an owner of Unit 6, 11-15 Foamcrest Avenue voiced objections to the proposal relating to a loss of visual and acoustic privacy, security concerns and the relationship of the Barrenjoey Road elevation to adjacent sites. A member of the Development Unit panel also raised concerns regarding the car parking layout and access arrangements into and out of the site. The Panel determined to defer the matter to allow for the car parking and access issues to be addressed and for clarification to be sought regarding the vertical and horizontal relationship between the proposed building and the courtyard of Unit 6, 11-15 Foamcrest Avenue.

On 29 December 2014, the applicant submitted amended and additional documents to Council to address the car parking and access concerns and to demonstrate the relationship between the proposed development and the courtyard of unit 6, 11-15 Foamcrest Avenue. A privacy screen to the rear balcony of the proposed unit 5 was also introduced at this point, as a way to assist with visual privacy concerns. These documents were provided to this neighbour (further details below) and a site visit to this neighbour's apartment and rear courtyard was carried out on 9 January 2015 (photos are provided within the discussion of clause D10.33 below).

Council's Urban Infrastructure team subsequently advised that concerns were still held regarding the car parking layout, due to the shared nature of the pedestrian walkway and the dimensions of the car space allocated to unit 2. A further set of amended drawings was submitted on 23 January 2015 in order to address the issues raised, and these include the separation of the pedestrian and vehicular access areas and the increased size of the unit 2 car space. Council's Urban Infrastructure Unit has since confirmed that the initial concerns raised have now been resolved.

6. NOTIFICATION

The application was notified to 175 adjoining property owners for a period of 31 days between 11 July 2014 and 11 August 2014 in accordance with Council's Notification Policy. A site notice was also displayed at the front of the site and an advertisement was placed in the local press. During this time, five (5) submissions were received, raising the following concerns:

- Lack of information regarding impacts on neighbouring sites
- Design of the Barrenjoey Road elevation and relationship with neighbouring facades
- Height, bulk and scale of the development
- Impact on visual privacy
- Loss of sunlight/daylight
- Lack of side setback within the third level of the development
- Actions of the developer during construction on different sites.

Concerns relating to the prior actions of a developer on an unrelated site cannot form a matter for consideration in the assessment of this matter. A series of conditions are recommended however, to minimise the disruption of construction works as far as possible for neighbouring properties. The remainder of the above issues are discussed within the below report.

Amended drawings and additional information were subsequently submitted to Council and these documents were forwarded to each of the five objectors. A further period for comment was provided, however no further submissions were received.

Amended and additional documents were received on 29 December 2014 following the Development Unit meeting and these documents were provided to the neighbour at Unit 6, 11-15 Foamcrest Avenue by mail and email on 6 January 2015. Further comment was invited and a further submission was received, raising the following concerns:

- ***Documentation misleading regarding floor levels of Barrenjoey Road elevation and rear balconies***
- ***Harm to character of Barrenjoey Road streetscape***
- ***Loss of visual privacy***
- ***Loss of acoustic privacy***
- ***Harm to outlook***
- ***Reduction in security of neighbouring property***

Each of these matters are further discussed within the below report.

7. ASSESSMENT ISSUES

Pittwater LEP 2014 and Pittwater 21 DCP Compliance Table

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

O - Can the proposal achieve the control outcomes?

N - Is the control free from objection?

PITTWATER LEP 2014					
Control	Standard	Proposal	T	O	N
1.9A Suspension of covenants, agreements and instruments			Y	Y	Y
Zone B2 Local Centre			Y	Y	Y
4.3 Height of buildings	11.5 metres above FPL	9.8 metres above FPL Refer to discussion within Sections 8 and 9 below.	Y	Y	Y
4.4 Floor space ratio			-	-	-
4.5A Density controls			-	-	-
4.6 Exceptions to development standards			-	-	-
5.9 Preservation of trees and vegetation		Refer to Section 8 below.	Y	Y	Y

5.10 Heritage conservation			Y	Y	Y
7.1 Acid sulphate soils		Refer to Section 8 below.	Y	Y	Y
7.2 Earthworks			Y	Y	Y
7.3 Flood planning		Refer to Section 8 below	Y	Y	Y
7.10 Essential services			Y	Y	Y
PITTWATER 21 DCP					
Control	Standard	Proposal	T	O	N
3.1 Submission of a development application			Y	Y	Y
3.2 Submission of a Statement of Environmental Effects			Y	Y	Y
3.3 Submission of supporting documentation		Refer to Section 8 below	Y	Y	N
3.4 Notification			Y	Y	Y
3.5 Building Code of Australia			Y	Y	Y
3.6 State Environmental Planning Policies		BASIX certificate submitted Refer to Sections 9, 10 & 11 below.	Y	Y	Y
5.1 Referral to Roads and Maritime Services		Refer to Section 8 below	Y	Y	Y
6.2 Section 94 contributions: Open space bushland and recreation		6 dwellings x \$9,000 = \$54,000	Y	Y	Y
6.3 Section 94 contributions: Public Library Services		6 dwellings x \$2,000 = \$12,000	Y	Y	Y
6.4 Section 94 contributions: Community Service Facilities		6 dwellings x \$3,500 = \$21,000	Y	Y	Y
6.5 Section 94 contributions: Village Streetscapes		6 dwellings x \$5,000 = \$30,000	Y	Y	Y
A1.7 Considerations before consent is granted			Y	Y	Y
A4.10 Newport locality		Refer to Section 8 below	Y	Y	Y
B1.3 Heritage conservation - general			Y	Y	Y
B1.4 Aboriginal heritage significance			Y	Y	Y
B2.6 Dwelling density and subdivision – shop top housing	Retail component min. 25% of total floorspace	22.6% - refer to Section 8 below.	N	Y	Y
B3.6 Contaminated land and potentially contaminated land		Refer to discussion Section 11 below.	Y	Y	Y
B3.18 Flood Hazard - Flood Category 1 - High Hazard - Shop Top Housing, Business and Industrial Development		Refer to Section 8 below	Y	Y	Y
B3.23 Climate Change (Sea Level Rise and Increased Rainfall Volume)		Refer to discussion of B3.18 in Section 8 below.	Y	Y	Y
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land		Refer to Section 8 below	Y	Y	Y
B5.2 Wastewater disposal			Y	Y	Y
B5.3 Greywater Reuse			-	-	-
B5.9 Stormwater Management - Water Quality - Other than Low Density Residential			Y	Y	Y
B5.10 Stormwater Discharge into Public Drainage System			Y	Y	Y

B6.2 Access Driveways and Works on the Public Road Reserve- All Development other than Low Density Residential			Y	Y	Y
B6.4 Internal Driveways - All Development other than Low Density Residential			Y	Y	Y
B6.6 Off-Street Vehicle Parking Requirements - All Development other than Low Density Residential		Refer to Section 8 below.	Y	Y	Y
B6.7 Access Driveways and Works on Road Reserves on or Adjacent to a Main Road			Y	Y	Y
B6.10 Transport and Traffic Management - All Development other than Low Density Residential			Y	Y	Y
B8.1 Construction and Demolition - Excavation and Landfill			Y	Y	Y
B8.2 Construction and Demolition - Erosion and Sediment Management			Y	Y	Y
B8.3 Construction and Demolition - Waste Minimisation			Y	Y	Y
B8.4 Construction and Demolition - Site Fencing and Security			Y	Y	Y
B8.5 Construction and Demolition - Works in the Public Domain			Y	Y	Y
B8.6 Construction and Demolition - Traffic Management Plan			Y	Y	Y
Design criteria for residential development:					
C1.2 Safety and security		Refer to Section 8 below.	Y	Y	N
C1.6 Acoustic privacy		Refer to Section 8 below.	Y	Y	N
C1.9 Adaptable housing and accessibility		Refer to Section 8 below.	Y	Y	Y
C1.12 Waste and recycling facilities			Y	Y	Y
C1.13 Pollution control			Y	Y	Y
C1.14 Separately accessible structures			-	-	-
C1.15 Storage facilities			Y	Y	Y
C1.18 Car/vehicle/boat wash bays			-	-	-
C1.19 Incline passenger lifts and stairways			-	-	-
C1.20 Undergrounding of Utility Services			-	-	-
C1.23 Eaves		Refer to Section 8 below.	N	Y	Y
C1.24 Public road reserve		Refer to Section 8 below.	N	Y	Y
C1.25 Plant, equipment boxes and lift overrun			Y	Y	Y
Design criteria for business development:					
C2.2 Safety and security			Y	Y	Y
C2.6 Adaptable housing and accessibility		Refer to Section 8 below.	Y	Y	Y
C2.9 Waste and recycling services			Y	Y	Y
C2.10 Pollution control			Y	Y	Y
C2.11 Business identification signs			-	-	-

C2.16 Undergrounding of utility services			-	-	-
C2.20 Public road reserve – landscaping and infrastructure		Refer to Section 8 below.	N	Y	Y
C2.22 Plant, equipment boxes and lift overrun			Y	Y	Y
Locality specific controls: Newport Locality					
D10.1 Character as viewed from a public place		Refer to Section 8 below.	Y	Y	N
D10.2 Character – Newport commercial centre		Refer to Section 8 below.	N	Y	N
D10.3 Scenic protection – general			Y	Y	Y
D10.4 Building colours and materials		Refer to Section 8 below.	N	Y	Y
D10.6 Height (Newport Commercial Centre)		Refer to Section 8 below	Y	Y	N
D10.9 Setbacks (Newport commercial centre)		Refer to Section 8 below	N	Y	N
D10.14 Fences - general			Y	Y	Y
D10.17 – Character of the public domain (Newport Commercial Centre)		Refer to discussion of C1.24 and C2.20 in Section 8 below.	N	Y	Y
D10.19 Subdivision and amalgamation (Newport Commercial Centre)			Y	Y	Y
D10.20 Design of mixed use developments (Newport Commercial Centre)		Refer to Section 8 below.	N	Y	Y
D10.21 Active Frontages (Newport Commercial Centre)			Y	Y	Y
D10.22 Arcades (Newport Commercial Centre)			-	-	-
D10.23 Building entries (Newport Commercial Centre)			Y	Y	Y
D10.24 Building depth and separation (Newport Commercial Centre)		Refer to Section 8 below.	N	Y	Y
D10.25 Roof form (Newport Commercial Centre)			Y	Y	Y
D10.26 Views (Newport Commercial Centre)			Y	Y	Y
D10.27 Design for flooding (Newport Commercial Centre)		Refer to Section 8 below.	Y	Y	Y
D10.28 Open space (Newport Commercial Centre)		Refer to Section 8 below	N	N	Y
D10.29 Landscaping (Newport Commercial Centre)			Y	Y	Y
D10.30 Facades (Newport Commercial Centre)		Refer to Section 8 below.	N	Y	Y
D10.31 Ecological Sustainable Development Responsive Design (Newport Commercial Centre)		Refer to Section 8 below.	Y	Y	Y
D10.32 Solar access and ventilation (Newport Commercial Centre)		Refer to Section 8 below.	Y	Y	N
D10.33 Privacy (Newport Commercial Centre)		Refer to Section 8 below.	Y	Y	N

8. DISCUSSION OF ISSUES

- **5.9 Preservation of trees and vegetation; and
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land; and**

There are no trees or significant landscaping within the subject site or on the adjacent Barrenjoey Road footway. A mature Eucalypt tree is located within the northern neighbouring site, 9 Foamcrest Avenue, directly adjacent to the northern boundary of the subject site. Due to the change in levels between these two sites the base of the tree sits higher than the level of the subject site, with its root structure already likely to be compromised by the presence of a concrete wall directly south of the trunk.

Council's Natural Resources Officer provides the following advice:

The property contains a vacant commercial shop and hardstand car parking area. The proposed works include additional storeys and underground parking area. Although there are no trees within the subject property one (1) tree exists in the neighbouring property to the rear and adjacent to the proposed underground parking. An arborist report is therefore required assesses all trees within 5 metres of the proposed works (specifically the tree in the neighbouring property to the rear of the site) is to be provided. The report is to determine the health, condition and Safe Useful Life Expectancy of the trees, and provide justified retention/removal recommendations as well as specify tree protection measures for each tree where applicable.

An Arborist report was subsequently received on 1 December 2014. Council's Natural Resources Officer provided the following further comments:

A Tree Management Plan has been submitted (Naturally Trees, 29/11/14) which assesses the tree in question to be in poor health and structural integrity and recommends removal of the tree due to safety reasons irrespective of the proposed works. This Plan was forwarded to Council's Tree Preservation Officer and they support the recommendations. Therefore removal of the tree is approved by Council however consent from the neighbouring property owner where the tree is located is required before works can commence. This has not been provided. A landscape plan has been submitted (Leech Harmon Architects, LC-01/SA-01, July 2014) which provides a good selection of native shrubs and ground covers. This is acceptable. There are no further natural resource issues.

In light of the above, the removal of the neighbouring tree is supported in principle. A letter, signed by the Secretary of the Body Corporate for this neighbouring site was submitted on 2 December 2014 by the applicant which states that the declining health and safety of the tree is known, and that its removal is already being considered. While this does not constitute a formal landowners consent, this gives a strong indication that such a consent would be forthcoming. For this reason a deferred commencement consent is recommended, which requires the submission of formal landowners consent to Council for the removal of this tree before the consent can become operational.

Within the documentation submitted to Council on 29 December 2014 was a further letter relating to owners consent for the removal of the tree on the adjoining site. This letter does not yet satisfy the requirements for owners consent however, and the initial deferred commencement recommendation therefore remains. In order for the owners consent to be accepted, the Strata Manager, in addition to the detail already provided, will be required to confirm that they have been granted delegation by the Owners Corporation to provide owners consent relating to areas of common property, and providing details of this delegation.

- **7.1 Acid sulphate soils**

The site is located within a Class 3 Acid Sulphate Soil zone and the proposed development involves the removal of the existing concrete slab and excavation works to create two levels of car parking. The LEP requires the provision of an Acid Sulfate Soils Management Plan, prepared in accordance with the Acid Sulfate Soils Manual. Council's Natural Resources Officer provides the following advice in this regard:

Acid Sulphate Region 3 and excavation works are proposed. Therefore prior to the issue of the Construction Certificate the applicant is to carry out an investigation to determine whether acid sulphate soils are present in the area to be excavated. If the investigation reveals acid sulphate soils are present, an acid sulphate soils management plan addressing management of acid sulphate soils during and following excavation is to be prepared by a suitably qualified consultant and submitted for approval prior to the release of the construction certificate.

A condition is included in this regard.

- **3.3 Submission of supporting documentation**

An objection has been received stating that an insufficient level of detail has been provided relating to the impact of the proposed development on neighbouring properties. The documentation is held to contain a sufficient level of information however, which permits the assessment of the application with regard to potential impacts upon neighbouring properties.

Additional documentation relating to the relationship of the proposed development with the neighbouring development to the north was submitted on 29 December 2014. Further discussion on the likely impacts of the development upon the northern neighbouring property is provided below.

- **5.1 Referral to Roads and Maritime Services**

The application triggers the requirements of clause 101 of SEPP (Infrastructure) 2007 and the application was accordingly referred to the Roads and Maritime Authority for review. A letter was received from RMS on 21 August 2014 confirming that there were no objections to the proposed development, and including a number of points for Council to consider in the assessment of the matter. These points have been incorporated as recommended conditions of consent.

- **A4.10 Newport Locality**

The character statement for the Newport locality seeks to ensure that any multi-unit housing is located within and around commercial centres, public transport and community facilities. The site is located within the Newport Village Commercial Centre and is accessed only onto Barrenjoey Road, which is a hub of commercial, retail and community uses and close to public transport links. The development is consistent with the desired future character of the locality.

- **B2.6 Dwelling Density and Subdivision – Shop Top Housing**

The technical requirements of this control suggest that the commercial/retail component of the development should account for at least 25% of the overall gross floor area of the building. The retail unit accounts for 22.6% of the total gross floor area. While this represents a minor deviation from the control, the tenancy will nonetheless continue to contribute to the viability of the commercial centre and may in fact be more successful given that it will now be directly accessible from the public domain. This arrangement is supported in this instance.

- **B3.18 Flood Hazard - Flood Category 1 - High Hazard - Shop Top Housing, Business and Industrial Development; and D10.27 Design for flooding (Newport Commercial Centre)**

Council's Floodplain Management section provided the following advice on the initially proposed development:

The development proposal for 329 Barrenjoey Road, Newport is for Shop Top Housing Development. This is classed as intensification of current use and therefore the climate change control B3.23 is enforceable.

Council was requested in April 2014 to provide FPL for the site, with no notation of what was planned. Council's advice contained the FPL without climate change as this was not requested.

The levels provide within the Taylor Consulting report are significantly lower than the flood levels with climate change

The site is classified as Category 1, High hazard. The property is not identified as being located in the floodway.

Based off the Category 1 – High Hazard classification a Flood Risk Management Report is to be submitted with any proposed development.

The information contained in the 'Flood Assessment – 329 Barrenjoey Road, Newport, by Taylor Consulting dated 4 July 2014' does not constitute as a Flood assessment and does not constitute as a Flood Risk Management Report for the purpose of this level of intensified development, with increased risk to life and property damage.

A Flood Risk Management Report is to be provided with this Development Application. In this regard it is apparent that there will need to be a significant change to the proposed application, in particular the proposed basement car park. The flood risk controls require the crest of the ramp into the basement to be at 5.5m AHD, which is a rise of approx 1.5m from the road level. It would appear difficult to achieve this given the site dimensions and the applicant needs to be advised accordingly.

This information was provided to the applicant and amended drawings and a Flood Risk Management Report were subsequently submitted. Council's Floodplain Management has reviewed these documents and has advised that while the development does not strictly comply with the flood planning DCP controls, the justifications given for this within the Flood Risk Management Report are acceptable, and a variation supported in this regard subject to conditions. These conditions are included within the recommended conditions of consent.

A submission received from Unit 6, 11-15 Foamcrest Avenue suggests that the car parking levels should be located lower, either partially underground or wholly underground, in order to address amenity concerns. The flood prone nature of the site precludes the further lowering of these levels, and such a change has not been sought.

- **B6.6 Off-Street Vehicle Parking Requirements – All Development other than Low Density Residential**

The application does not involve the loss of on-street parking spaces. The variations to the control state that for Newport Commercial Centre, no on-site parking is required for lots with vehicular access solely from Barrenjoey Road with a street frontage of less than 18 metres. The subject site is consistent with this, however, the proposed development includes 13 car parking spaces comprising 10 residential spaces, 2 commercial spaces and 1 visitor space. This is considered appropriate in ensuring that future residents, workers and visitors are able to park at the site without prejudicing the surrounding area.

Of the spaces, two are accessible, which exceeds the minimum requirement for 3% of the parking spaces to be accessible. While no parking for the retail tenancy is proposed, two commercial spaces are shown, for use by staff/deliveries, and on-street parking will remain available for customers. The site is also well served by public transport, forming an alternative way to reach the site. Bicycle spaces are provided within the upper car parking level of the development.

Within the amendments shown on the most recent drawing set, the previously proposed bicycles spaces have disappeared. A condition it recommended to ensure that bicycle parking is reinstated on the site. The amended car parking layout also increases the width of the car space allocated to unit 2, from 3 metres to 3.4 metres, addressing a prior concern of a panel member at the previous Development Unit meeting.

- **C1.2 Safety and Security**

Submissions have been received from the owner of Unit 6, 11-15 Foamcrest Avenue raising concerns that the height and proximity of the upper level balconies of the development could lead to a reduction in security as occupants would be able to jump over the balustrade into the adjacent courtyard. The additional information submitted by the applicant on 29 December 2014 indicates that the balustrade of this balcony would be slightly lower than the adjacent brushwood fence, and located approximately 1 metre away. It appears possible that a person could jump this distance into the adjacent courtyard.

In order to address this possibility a condition has been recommended for the north eastern portion of this balcony to be set at least 1.5 metres back from the north eastern boundary. This would increase the separation distance between this balcony and the neighbouring courtyard to 2 metres, which is considered to represent an improvement in the security of both properties while also maintaining a compliant and useable area of open space for this apartment.

- **C1.6 Acoustic Privacy**

Noise sensitive rooms have been located away from the Barrenjoey Road elevation as far as possible, however some living and bedroom areas are inevitably located on the site's south eastern (Barrenjoey Road) frontage. The proposed awning and the front setback of between 3.5 and 7.5 metres from the front boundary will assist in reducing the level of noise received from the roadway and pedestrian thoroughfare. This arrangement is similar to a number of other shop top housing and residential apartment developments also located along Barrenjoey Road. Conditions are included to ensure that the development as a whole complies with the Building Code of Australia and to ensure that noise from any plant or equipment is restricted.

Concerns have been raised by the owner of Unit 6, 11-15 Foamcrest Avenue regarding a reduction in acoustic privacy resulting from the proximity of the new upper level apartments and their balconies. The proposed balconies (subject to the stepping in of the nearest balcony by 1.5 metres), will be located 16 metres from the windows of this neighbouring apartment, which is considered satisfactory. While the courtyard of this neighbouring site will inevitably be located closer, this is considered reasonable in this instance, and not unlike other forms of residential development where areas of private open space are located adjacent to each other. The development continues to be considered satisfactory in this regard.

- **C1.9 Adaptable housing and accessibility (residential); and
C2.6 Adaptable housing and accessibility (commercial)**

The residential entry at ground level includes steps, however a chair lift has been included to provide equitable access. The parking areas include three accessible car spaces, and a level path of travel exists from these spaces to the building's lift core, which serves the upper levels of the building. Control C1.9 requires that at least 25% of shop top housing apartments are adaptable; two of the six apartments are shown to be adaptable, equating to 33%, which complies with the control.

The threshold of the reconfigured retail unit and the first 5 metres of its floorspace will be level with the public domain providing equitable access and an area inside the premises where all customers can be served and accommodated. It has not been possible to maintain this floor level for the whole of the retail unit due to flood planning restrictions, however this is held to be an acceptable solution in this instance. An accessible car space for visitors to the building has been proposed within the car parking area.

- **C1.23 Eaves**

The control seeks eaves of at least 450mm to all elevations, however the variations of the control permit the consideration of a variation where the development proposed is shop top housing. The design of the proposed shop top housing development is contemporary in nature and does not include eaves. The development will nonetheless integrate appropriately with the character of the surrounding area and provide appropriate levels of shading to the units, and a variation is warranted in this instance.

- **C1.24 Public road reserve; and
C2.20 Public road reserve – landscaping and infrastructure**

These controls requires that infrastructure including footpaths, kerbs, gutters, street lighting and public landscaping are provided for developments of 6 or more dwellings. The variations to the controls permit the waiving of this requirement however, if adequate infrastructure of this nature already exists. In this instance the infrastructure already in place along this part of Barrenjoey Road is sufficient, and no upgrade of this is required. A variation is supported on this basis.

- **D10.1 Character as viewed from a public place**

The Barrenjoey Road façade includes a satisfactory level of visual interest, modulation and design merit. The vehicular entry is recessed into the frontage to ensure that it does not form a dominating element, and the floor to ceiling glazing of the retail shopfront will allow for interaction between the public and private domain. The proposed awning provides a visual separation of the ground level commercial use and the residential upper levels, and the arrangement of upper level windows, blade walls and the recessing of the upper level from both the front boundary and the north eastern boundary add to the degree of modulation as seen from the wider area. The development will integrate successfully with the character of the surrounding area.

Submissions have been received from the owner of Unit 6, 11-15 Foamcrest Avenue relating to the relationship between the front facade of the proposed building and the adjacent buildings on Barrenjoey Road. The submission contends that the elevational drawings and photomontages are misleading, and that the first floor of the proposed building will not align with that of the buildings on either side. The submission contends that this would have an adverse visual impact upon the character of Barrenjoey Road. The applicant has advised that the submitted levels have been verified and that there is no basis for assuming that they are incorrect.

It is agreed that the new building will not strictly follow the horizontal first floor building lines established by the two storey shop top housing building to the south west and the single storey Pizza Hut building to the north east. A distance of 2 metres is proposed between the underside of the bulkhead of the retail tenancy and the upper hand rail of the balustrade of the first floor apartments; it would not be possible to align this precisely with the narrower balustrade of the south western building or the wider bulkhead of the north eastern neighbouring building.

Nor is this necessarily desired. The buildings on either side the site are older and the sites underdeveloped; the Masterplan for the commercial centre anticipates that these sites will be eventually redeveloped. When these neighbouring sites are redeveloped, they will be subject to the requirements of Council's flood planning controls which include an additional level for climate change which is applied when an intensification of development is proposed. It does not appear that these older buildings have been constructed in line with this flood planning level. When the neighbouring sites come to be redeveloped, they are also likely to be subject to these controls and are likely to result in floors at a similar level to those currently proposed on the subject site.

The submission states that the proposed floor to floor height of 4.3 metres between ground and first floor levels is excessive and should be lowered. This is misleading however; as can be seen on the section drawings, only the first 4.5 metres of the ground floor is at RL 4.26 (upon Council's request to ensure accessibility and the activation of the shopfront) with the majority of the ground level at RL 5.10, the flood planning level. The floor to ceiling heights of the lower and upper parts of the retail tenancy are 3.5 metres, which only just accords with the requirement for a 3.3 metre floor to ceiling height specified within control D10.20 of the DCP. The service zone for the provision of services and plant to the retail tenancy has been contained to the lower part of the shop so that the first floor level of the building can be positioned as low as possible (with the slab between ground and first floor shown as 200mm).

A reduction in the floor to ceiling heights of this tenancy would result in a less flexible space, and (depending on what extent of reduction was sought) potentially one which could not comply with the requirements of the Building Code of Australia. A reduction in the level of the first floor of the building is not considered necessary given the existing diverse context of the area as it currently exists and the likely future development of the locality. The development as a whole is compliant with the height controls pertaining to the site and this arrangement is supported.

- **D10.2 Character – Newport Commercial Centre**

The proposed development is generally in accordance with the approved Masterplan for Newport Commercial Centre. A retail tenancy is included as specified within the control, the proposal does not include light wells, and the Masterplan does not require the provision of an arcade through this site.

The control suggests that car parking must be provided below the ground level at the street boundary. In this instance there are two levels of car parking, one at the same level as the street level and one higher. These areas are located at the rear of the site where they are not visible from the public domain. It would not be possible to provide car parking below street level for this site due to flood planning restrictions. The location of the car parking in its proposed position will not cause harm to the visual amenity or safety of the locality and permits the provision of compliant car parking on the site. This arrangement is supported.

- **D10.4 Building colours and materials**

The schedule of finishes submitted with the application is generally in line with the technical requirements of the control, other than the cement render paint finish which is considered to be too light in colour. A condition is included to ensure that all finishes are dark, earthy and non-reflective, and for a revised Schedule of Finishes to form part of the Construction Certificate documentation.

- **D10.6 Height (Newport Commercial Centre)**

The development is consistent with each of the various height and front setback requirements specified within this control, as measured from an RL of 5.8 metres, which is the PMF flood planning level for the site. The only element which is located outside of this is a section of blade wall on the upper level, which provides visual articulation and reinforces the side setback on the north eastern side. This arrangement is supported.

- **D10.9 Setbacks (Newport Commercial Centre)**

Front setback

The development is setback from the front boundary by 3.5 metres in line with the control. This setback is at the same level as the footpath allowing the integration of the public and private domain.

Side setbacks

The control requires, in one place, a minimum 3 metre side setback to the uppermost level, and then goes on to suggest that side setbacks of 6 metres to both sides at the uppermost level are required. In this instance it would not be possible to provide 6 metre setbacks on both sides (the site is just over 12 metres in width), and the deletion of the entire upper level is not considered reasonable or necessary in this regard. A side setback of 3 metres has been provided to the frontmost part of the north eastern side however, in line with the first part of the control. The location of the setback on the north eastern side is consistent with the Newport Village Commercial Centre Masterplan, which anticipated the amalgamation of this and the south eastern neighbouring site and the retention of the lower building to the north east.

Rear setbacks

The control specifies a rear setback of 6 metres. While the lower level car parking areas will extend to the rear boundary, the two residential levels are separated from the rear boundary by a distance of 7.1 metres. The control clarifies that the 6 metre distance applies from the face of a building or balcony and the development is therefore held to be in line with the intent of this control.

While the most recent set of amended drawings shows the rear glass line of the first and second floors located closer to the rear boundary than was previously proposed, this is not supported and a condition to prevent this has been recommended.

- **D10.20 Design of mixed use developments (Newport Commercial Centre)**

The specific use of the commercial tenancy has not yet been nominated, but will allow for a variety of commercial uses. The floor to ceiling height of this tenancy varies between 2.7 and 3.6 metres in height; while part of this is less than the suggested 3.3 metre floor to ceiling height, the tenancy will nonetheless remain flexible in terms of its usage, and this is supported.

Further discussion relating to the floor to floor heights and floor to ceiling heights between the ground and first floors is provided above within D10.1.

The floor to ceiling heights of the majority of the two upper levels exceeds 2.7 metres as per the control, however there are small sections of the uppermost level where the floor to ceiling height is 2.5 metres. While slightly less than the suggested DCP control, this continues to comply with the Building Code of Australia requirements and relates to a bedroom area and a secondary living area only.

The entries into the residential component and retail component of the site are clearly separated and the residential entry is recessed making it subservient to the retail entry, as required within the control. Service areas are contained within the basement areas in order to minimise disturbance to residential properties as far as possible.

- **D10.24 Building depth and separation (Newport Commercial Centre)**

The overall depth of the building exceeds the suggested depths within this DCP control. The central portion of the first floor is 29.6 metres deep from glassline to glass line and the second floor level is 28.8 metres deep from glassline to glassline. This applies to the central area of the building only however, with open courtyards on either side of the building which break up the mass of the building and allow natural light, ventilation and outlook to each of the apartments. When taking these courtyards into account, the depth of each apartment complies with the suggested depths.

The development includes non-compliances with the suggested separation distances. The development will be built from boundary to boundary with zero setback to the north eastern and south western neighbouring properties. This arrangement can be expected for development in a commercial centre, and the achievement of compliant setbacks would render the site undevelopable.

A separation distance of 6.1 metres is shown between the rear balconies and the northern neighbouring property. This relationship is also supported on the basis that the south eastern side wall of this neighbouring property is largely blank. It is not anticipated that an undue level of overlooking between these properties would take place.

Within the most recent set of revised architectural drawings, the rear glass line of the two residential levels has been moved closer to the rear boundary, the first floor level is 2.4 metres closer and the second floor level is 400mm closer. This results in a reduced rear separation distance and a reduced amount of private open space for the four affected apartments. This is not supported and a condition to require the original setbacks to be reinstated is included within the consent.

Within the subject development, separation distances of 6.2 metres are proposed within the courtyards separating the front and rear apartments. This was raised with the applicant as an area of concern during the course of the application, and it was requested that the study areas of the rear apartments be deleted, to allow for a 9 metre separation distance. This would permit a higher level of visual and acoustic privacy between the units and would be likely to permit additional sunlight to reach the southern apartments and the south eastern neighbouring property. The amendments to the architectural drawings did not include this change, however this is held to be essential; a condition is therefore included to require this design amendment to be made prior to the issue of a Construction Certificate.

The most recent set of architectural drawings show a 9 metre separation distance within these courtyards, in line with the originally recommended condition of consent.

- **D10.26 Views (Newport Commercial Centre)**

A submission from Unit 6, 11-15 Foamcrest Avenue raises concerns regarding an impact upon outlook resulting from the proposed development. This control discusses views only and does not discuss outlook, with no separate control relating to outlook applicable.

As can be seen from the photos provided under the heading of D10.33 below, the outlook from this neighbouring apartment and courtyard is primarily of sky, with some areas of escarpment and treetops also visible from certain positions. This outlook occurs to the north east round to the south west (approximately 180 degrees). The subject site is located diagonally to the south, and part of the uppermost level of the proposed building will be visible from this neighbouring courtyard, reducing the level of outlook somewhat.

In light of the nature of the outlook enjoyed, the extent of this outlook from the neighbouring property, the extent of the outlook which would be interrupted and the fact that the proposed development is compliant with the applicable height control, the impact in this regard is held to be acceptable. It would not be reasonable to require the lowering of the building to such an extent as to maintain the status quo in this regard, when the Newport Commercial Centre Masterplan anticipates the redevelopment of the site in this way. Notwithstanding the presence of this building, this neighbour will continue to enjoy the same outlook from the north east round to the south east.

- **D10.28 Open space (Newport Commercial Centre); and
D10.29 Landscaping (Newport Commercial Centre)**

The controls seeks the provision of 15% of the site area as communal open space and the provision of deep soil planting within the development. The site currently comprises 100% site coverage with no landscaping and no deep soil provision. The proposed development does not include a communal open space area and does not include deep soil zones.

The proposal represents an infill development within an existing urban area and strict compliance in this regard is considered unreasonable in this instance. The development does however, include a 47.5m² landscaped area at the rear of the site, providing a vegetated buffer between the proposed development and the northern site. While not accessible for use as a communal area, this landscaping adds amenity value through improved outlook to the four rear facing apartments.

The size and location of the site and the provision of compliant car parking amounts means that there is no opportunity to provide deep soil planting in this instance. The only area where this could be accommodated would be within a small strip at the front of the site, between the retail entry and the footpath. However, this strip would not be likely to be able to accommodate a meaningful level of landscaping, would be susceptible to damage and would have the effect of screening the retail unit, reducing the level of interaction between the public and private domain.

The site is located in close proximity to areas of public open space however, including Newport Park and Newport Beach with its associated reserve. Given the constraints of the site, it is considered acceptable in this instance to allow the variation of this control. This is in line with the provisions of control D10.29 Landscaping, which states that:

'no landscaped area is required on lots with only one frontage to Barrenjoey Road'.

In terms of private open space, each of the six apartments includes areas of open space which exceed the minimum specified areas and depths. These range from areas of 13m² to 56m² and minimum depths between 3.1 metres and 5.5 metres.