

### **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**

#### **2.5.1 Budget**

Nil implication.

#### **2.5.2 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.

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### **5.0 ATTACHMENTS / TABLED DOCUMENTS**

**Attachment 1** – Minutes of the Audit & Risk Committee meeting held on 26 May 2015.

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### **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  
Anthony Robinson - Internal Auditor

Warwick Lawrence  
**MANAGER, ADMINISTRATION & GOVERNANCE**

# MINUTES

## *Audit & Risk Committee Meeting*

held in the Conference Room, Level 3, 5 Vuko Place, Warriewood on

***26 May 2015***

Commencing at 3.03pm

## **ATTENDANCE:**

### **Members of the Committee:**

Mr John Gordon  
Mr Robert Dobbie  
Cr Julie Hegarty  
Cr Bob Grace

### **Pittwater Council Officers:**

Mr Mark Ferguson, General Manager  
Mr Steve Evans, Director, Environmental Planning & Community  
Mr Warwick Lawrence, Manager Administration & Governance  
Mr Mark Jones, Chief Financial Officer  
Mr Paul Reid, Manager, Commercial Property & Projects  
Mr Steve Rawe, Manager, Corporate Development & HR  
Ms Bronwen Jewell, WHS Coordinator  
Mr Anthony Robinson, Internal Auditor  
Ms Marnie Van Dyk, Risk Officer  
Ms Pamela Tasker, Administration Officer / Minute Secretary

### **The following Invitees:**

Mr Gary Mottau, Director, Hill Rogers Spencer Steer (Auditors)



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## **1.0 Introduction of New Internal Auditor**

1. The Chair introduced Mr Anthony Robinson to the Committee. Mr Robinson joined Council as Internal Auditor on 4 May 2015.
2. Mr Robinson provided a brief biographical summary for the Committee.

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## **2.0 Apologies**

### **Notes:**

1. No apologies were received.
2. The General Manager had advised previously that he would be late to the meeting due to another commitment.

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## **3.0 Declarations of Conflict / Pecuniary Interest**

1. Mr Gordon advised that due to his participation on Advisory Committees on both Warringah Council and Manly Council that he would not take part in any discussion on Fit for the Future LGA Reform or the Kimbriki Resource Recovery Centre.
2. Mr Mottau advised that Hill Rogers Spencer Steer were external auditors for Warringah Council, Manly Council and Kimbriki Waste Services and that he would not take part in any discussion on Fit for the Future LGA Reform or the Kimbriki Resource Recovery Centre.

### **Note:**

The Chair recommended that the Committee first consider Item 5.0, Overview of Current External Audit Plan.

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## **5.0 Overview of Current External Audit Plan**

### **Proceedings in Brief**

Mr Mottau, Director, Hill Rogers Spencer Steer, addressed the Committee on this item.

### **Action Items:**

- ***Financial statements to be tabled at the A&RC Meeting on 4 August 2015.***
- ***Committee to meet with the Chief Financial Officer one hour before that meeting to discuss the financial statements.***
- ***A reference to LGA Reform to be included in "Other Disclosures" if appropriate.***

**Notes:**

1. The Chair thanked Mr Mottau for his presentation.
2. Mr Mottau left the meeting at 3.35pm.
3. Mr Rawe and Ms Jewell joined the meeting at 3.36pm.

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## **4.0 Minutes of Previous Meeting**

### **COMMITTEE DECISION**

That the minutes of the Audit & Risk Committee Meeting held on 24 February 2015 be accepted as a true and accurate record of that meeting.

(Mr Dobbie / Cr Hegarty)

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## **7.0 Special Agenda Items**

### **7.1 Retro-Paid Loss Workers Compensation Scheme**

**Proceedings in Brief**

Ms Bronwen Jewell, WHS Coordinator, and Mr Steve Rawe, Manager – Corporate Development and HR, addressed the meeting on this item.

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### **COMMITTEE DECISION**

1. That the report be noted and accepted.
2. That Ms Jewell and Mr Rawe be thanked for their presentation.

(Mr Dobbie / Cr Hegarty)

**Notes:**

1. The General Manager joined the meeting at 3.50pm.
2. Ms Jewell and Mr Rawe left the meeting at 3.55pm.

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## **7.2 Property Management Policy**

**Proceedings in Brief**

Mr Paul Reid, Manager - Corporate Development & Commercial, addressed the meeting on this item. The Committee noted the quality of the draft policy document and noted some areas for potential further refinement and development of the policy.

**Action Items:**

- *That the Property Management Policy includes Voluntary Planning Agreement policy guidelines*
- *That the objectives be reworded with reference to the Community Strategic Plan*
- *That Cr Hegarty provide a list of her concerns on this document to Mr Reid*
- *That a glossary or “definitions of terms” be included in the policy document*
- *That land classification be better delineated: Community Land or Operational Land*
- *That a Strategic Review of Council Land Holdings be undertaken and presented to Councillors on election of any new Council, ie: every four years*
- *That timelines be included in the flowcharts wherever possible*

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**COMMITTEE DECISION**

That the Policy Document be accepted subject to those amendments detailed above.

(Mr Gordon / Mr Dobbie)

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**7.3 Leases & Licences for Council Owned or Controlled Land**

**Proceedings in Brief**

Mr Paul Reid, Manager Corporate Development & Commercial, addressed the meeting on this item.

**Action Item:**

- *That an Internal Audit be undertaken every three (3) years to check that procedures are being followed (eg: details on current insurances, provision of accounts or other lease requirements).*

**Notes:**

1. The report was noted and Mr Reid was thanked for his presentations.
2. Mr Reid left the meeting at 4.46pm.

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**7.4 Determination of Debt Levels**

**Proceedings in Brief**

Mr Mark Jones, Chief Financial Officer, addressed the meeting on this item.

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**COMMITTEE DECISION**

1. That the report be noted.
2. That Mr Jones be thanked for his presentation.

(Cr Hegarty / Mr Dobbie)

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## **6.0 Matters Arising & Action Items from Minutes**

### **Proceedings in Brief**

Mr Anthony Robinson, Internal Auditor, addressed the meeting on this item.

### **Note:**

Item 6.0 Matters Arising & Action Items from Minutes was noted by the Committee.

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## **8.0 Risk Management Report**

### **Proceedings in Brief**

Ms Marnie Van Dyk, Risk Officer, addressed the meeting on this item.

### **Note:**

The report was noted and the Committee thanked Ms Van Dyk for her presentation.

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## **8.1 Child Care / Interaction Profile**

### **Proceedings in Brief**

The Chair addressed the meeting on this item.

### **Action Items:**

- *That consideration be given to how Council manages the risk associated with any Council Officer or any person associated with Council having contact with children, including during events or activities occurring on Council owned property.*
- 

## **9.0 Complaints & Compliments Register**

### **Proceedings in Brief**

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

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## **9.1 Report in relation to GIPA, PID and ICAC**

### **Proceedings in Brief**

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

### **Note:**

The Committee thanked Mr Lawrence on his presentations on Item 9.0 and Item 9.1

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## **10.0 Report on Internal Audit Activities**

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### **10.1 Internal Audit Manual**

#### **Proceedings in Brief**

Mr Anthony Robinson, Internal Auditor, addressed the meeting on this item. The Committee noted the coverage of the draft Internal Audit Manual and made certain recommendations for improvement.

#### **Action Items:**

- *That the methodology for follow up of internal audits is clarified by the Internal Auditor, e.g. audits rated 'inadequate' will be followed up via a comprehensive follow up audit within 6 – 12 months of finalisation*
- *That the Internal Auditor confirms the source of the template for the Internal Audit Manual by emailing the previous Internal Auditor, Ms Karen Farquhar*
- *That the term 'bi-annually' be amended to 'biennially' where relevant throughout the document*
- *That the title 'Division of Local Government' or 'DLG' be amended to 'Office of Local Government' or 'OLG' throughout the document*
- *That the title 'Internal Audit Annual Plan' in section 3.4 be amended to 'External Audit Annual Plan'*
- *That the numbering on page 20 of the manual be rectified*
- *That the reference to the daily completion of the Internal Audit time allocations sheet is removed, and the entire section revised for consistency*
- *That the title of Section 8.2 c) 'Internal Audit Annual Report' be amended to 'Audit & Risk Committee Annual Report' and that the content be revised for consistency*

#### **Note:**

The report was noted by the Committee subject to the changes detailed above.

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## 10.2 Implementation of Audit Recommendations

### **Proceedings in Brief**

Mr Anthony Robinson, Internal Auditor, addressed the meeting on this item.

### **Action Items:**

- *That the Internal Auditor investigates the feasibility of tasking audit recommendations to Business Unit managers via ECM to assist with implementation and tracking*
- *That the Internal Auditor liaises with the Risk Officer to integrate the likelihood and consequence scales in the risk assessment of individual audit issues. In addition to the overall issue risk rating of High, Medium or Low, outputs of the likelihood and consequence assessments should be included in separate columns in all future audit reports and implementation reports*
- *That the Internal Auditor revises the 'Timeframe' column of the implementation table so that the following information is present for each recommendation: date of initial management response (i.e. audit finalisation date); expected completion date; and period outstanding*
- *That the Internal Auditor colour codes the rows in the implementation report so that the reader can easily differentiate implemented and outstanding recommendations*
- *That the Internal Auditor presents the revised 2015 Internal Audit Program and accompanying Resource Allocation Report to the next Audit & Risk Committee meeting*

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## 11.0 General Business

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### 11.2 Assurance Map

### **Proceedings in Brief**

The Chair addressed the meeting on this item.

### **Action Item:**

- *Risk Officer and Internal Auditor to further investigate the benefits of compiling an Assurance Map for Pittwater Council*

### **Notes:**

1. Mr Gordon left the meeting at 6.07pm, having previously disclosed a potential conflict of interest in Fit for the Future LGA Reform and the Kimbriki Resource Recovery Centre and had elected to not participate in discussion on these items.
2. Mr Dobbie assumed the Chair for the remainder of the meeting.

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### **11.3 Kimbriki Resource Recovery Centre Update**

#### **Proceedings in Brief**

The General Manager addressed the meeting on this item.

#### **Notes:**

1. Mr Jones left the meeting at 6.10pm
2. Cr Hegarty left the meeting at 6.16pm

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### **11.1 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.

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### **12.0 Next Meeting**

The next meeting is scheduled to be held on Tuesday, 4 August 2015, commencing at 5.30pm in the 3<sup>rd</sup> Floor Conference Room at Pittwater Council, 5 Vuko Place, Warriewood.

**There being no further business  
the meeting closed at 6.21pm  
on Tuesday 26 May 2015.**



**SUMMARY OF ACTION ITEMS****5.0 - Overview of External Audit Plans:**

- *Financial statements to be tabled at the A&RC Meeting on 4 August 2014.*
- *Committee to meet with the Chief Financial Officer one hour before that meeting to discuss the financial statements.*
- *A reference to LGA Reform to be included in “Other Disclosures” if appropriate.*

**7.2 - Property Management Policy:**

- *That the Property Management Policy includes Voluntary Planning Agreement policy guidelines*
- *That the objectives be reworded with reference to the Community Strategic Plan*
- *That Cr Hegarty provide a list of her concerns on this document to Mr Reid*
- *That a glossary or “definitions of terms” be included in the policy document*
- *That land classification be better delineated: Community Land or Operational Land*
- *That a Strategic Review of Council Land Holdings be undertaken and presented to Councillors on election of any new Council, ie: every four years*
- *That timelines be included in the flowcharts wherever possible*

**7.3 - Leases & Licences for Council Owned or Controlled Land:**

- *That an Internal Audit be undertaken every three (3) years to check that procedures are being followed (eg: details on current insurances, provision of accounts or other lease requirements).*

**8.1 - Child Care / Interaction Profile:**

- *That consideration be given to how Council manages the risk associated with any Council Officer or any person associated with Council having contact with children, including during events or activities occurring on Council owned property.*

**10.1 - Internal Audit Manual:**

- *That the methodology for follow up of internal audits is clarified by the Internal Auditor, e.g. audits rated ‘inadequate’ will be followed up via a comprehensive follow up audit within 6 – 12 months of finalisation*
- *That the Internal Auditor confirms the source of the template for the Internal Audit Manual by emailing the previous Internal Auditor, Ms Karen Farquhar*
- *That the term ‘bi-annually’ be amended to ‘biennially’ where relevant throughout the document*
- *That the title ‘Division of Local Government’ or ‘DLG’ be amended to ‘Office of Local Government’ or ‘OLG’ throughout the document*

#### **10.1 - Internal Audit Manual (Continued):**

- *That the title 'Internal Audit Annual Plan' in section 3.4 be amended to 'External Audit Annual Plan'*
- *That the numbering on page 20 of the manual be rectified*
- *That the reference to the daily completion of the Internal Audit time allocations sheet be removed, and the entire section revised for consistency*
- *That the title of Section 8.2 c) 'Internal Audit Annual Report' be amended to 'Audit & Risk Committee Annual Report' and that the content be revised for consistency*

#### **10.2 - Implementation of Audit Recommendations:**

- *That the Internal Auditor investigates the feasibility of tasking audit recommendations to Business Unit managers via ECM to assist with implementation and tracking*
- *That the Internal Auditor liaises with the Risk Officer to integrate the likelihood and consequence scales in the risk assessment of individual audit issues. In addition to the overall issue risk rating of High, Medium or Low, outputs of the likelihood and consequence assessments should be included in separate columns in all future audit reports and implementation reports*
- *That the Internal Auditor revises the 'Timeframe' column of the implementation table so that the following information is present for each recommendation: date of initial management response (i.e. audit finalisation date); expected completion date; and period outstanding*
- *That the Internal Auditor colour codes the rows in the implementation report so that the reader can easily differentiate implemented and outstanding recommendations*
- *That the Internal Auditor presents the revised 2015 Internal Audit Program and accompanying Resource Allocation Report to the next Audit & Risk Committee meeting*

#### **11.2 - Assurance Map:**

- *Risk Officer and Internal Auditor to further investigate the benefits of compiling an Assurance Map for Pittwater Council*

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<b>C11.10</b>	<b>Minutes of the Leading and Learning Reference Group Meeting held on 27 May 2015</b>
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**Meeting:** Leading & Learning Committee

**Date:** 15 June 2015

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**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 27 May 2015 Meeting of the Leading & Learning Reference Group considered the following discussion topics:

- Community Strategic Plan and Delivery Program & Budget
  - NSW Government's Fit For The Future Local Government Reform
- 

**2.0 RECOMMENDATION**

**1. That Council note the Minutes of the Leading & Learning Reference Group Meeting held on 27 May 2015 that relate to the discussion on:**

- Community Strategic Plan and Delivery Program & Budget
- NSW Government's Fit For The Future Local Government Reform

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

**2.1 Community Strategic Plan and Delivery Program & Budget**

- That the members note the report and presentation.

**2.2 NSW Government's Fit for the Future Local Government Reform**

- That the Leading & Learning Reference Group:
  - o Notes the information update and attachments including Council's declared position
  - o Members will encourage their networks and associations to be involved during the consultation
- That the group recommends Council proactively emphasises its strategic areas for improvement for the future whilst demonstrating it already meets the set criteria for being Fit for the Future.

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### **3.0 BACKGROUND**

#### **3.1 PURPOSE**

To present to Council for consideration, the Minutes of Leading and Learning Reference Group Meeting held on 27 May 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 27 May 2015.

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## **6.0 SUSTAINABILITY ASSESSMENT**

A sustainability assessment is not required for Minutes of Meetings.

Report prepared by

Les Munn

**A/DIRECTOR, URBAN & ENVIRONMENTAL INFRASTRUCTURE**

# MINUTES

## Leading & Learning Reference Group

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

***27 May 2015***

Commencing at 4:00pm

**Attendance:****Members of the Committee:**

Cr Sue Young, Chairperson

**The following community representatives:**

Ms Suzanne Atteridge, Pittwater Resident Representative  
Ms Sandra Blamey, Pittwater Resident Representative  
Mr Gavin Butler, Newport Residents Association  
Mr Neil Evers, Aboriginal Support Group  
Mr Graeme Jessup, Sustainability Pittwater  
Mr Gareth Jones, Avalon Palm Beach Chamber of Commerce  
Mr Joseph Mills, Pittwater Resident Representative  
Mr Gary Grocott, Pittwater Resident Representative  
Mr David Shields, Bayview Church Point Residents Association  
Mr Tony Tenney, Clareville and Bilgola Plateau Residents Association  
Mr Andrew Tiede, Anglers Action Group (Sydney Northside)

**The following Council Advisors:**

Mr Les Munn, Acting Director, Urban & Environmental Assets  
Mr David Bremner, Community Engagement Officer  
Ms Tanja Ianosevici, Corporate Planner  
Ms Michelle Carter, Road Safety Officer  
Ms Sherryn McPherson, Administration Officer/Minute Secretary

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<b>LEADING &amp; LEARNING REFERENCE GROUP</b>
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## 1.0 Apologies

### **Notes**

1. Cr Young opened the meeting and welcomed the members and gave a brief outline of how the meeting would proceed.
  2. The following apologies were received and leave of absence was granted from the Leading & Learning Reference Group Meeting held on 27 May 2015:
    - Mr Frank Adshead, Mona Vale Residents Association
    - Mr Jim Boyce, Manly Warringah and Pittwater Historical Society
    - Mr David Hegarty, Scotland Island Residents Association
  3. The Reference Group members accepted the apologies.
- 

## 2.0 Declarations of Pecuniary and Non-Pecuniary Conflict of Interest

Nil.

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## 3.0 Confirmation of Minutes

### **REFERENCE GROUP RECOMMENDATION**

That the Minutes of the Leading & Learning Reference Group meeting held on 25 February 2015, 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 Gavin Butler / Ms Suzanne Atteridge)

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## 4.0 Discussion Topics

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## LL4.1 Community Strategic Plan and Delivery Program & Budget

### **Proceedings in Brief**

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

#### **Note:**

A welcome information pack was distributed to the reference group members and contained the following documents:

- Community Strategic Plan – *Pittwater 2025*
- Current pages from the Draft Delivery Program and Budget were also provided and included in the Agenda distributed to the members.
- A copy of the Council's Terms of Reference and Code of Conduct.
- Details Consent Form: Please sign this form and return to Council.
- Contact Form

### **Discussion Points**

#### **Q: What can we do to keep this group strategically focused?**

**A:** Reference Groups are a gathering of groups and associations in which Council distribute and update members on information relevant to the Pittwater LGA. The Reference Groups are also classified as a "*Think Tank*" and is not a decision making group. The discussion and reference points formulated and moved at the meeting are collated into a report that is endorsed by Council for further action.

Members were encouraged to nominate and present items at the Reference Group meetings that are not operational matters. In order for an item to be included on the agenda, members will be required to prepare a report 4 weeks in advance and communicate with Mr David Bremner – Community Engagement Officer and Ms Pamela Tasker – Minute Secretary for review, approval and inclusion. Members will be allocated approximately 5 minutes to present their item with additional time for further discussion. The item must be in relation to the Key Strategies for the Leading and Learning Reference Group.

The members having an opportunity to present was well received. Council has filtered a lot of information to the groups over the past few years and being given the opportunity to discuss these items with Council staff has been beneficial.

#### **Q: It is unclear through the matrix, where does the Economic Development sit in regards to the Key Directions?**

**A:** Economic Development is situated under Sustainable Towns & Villages, Integrating our built environment which has three strategies:

- Land Use & Development,
- Town & villages and
- Economic Development

Enhancing our Working and Learning has been split between Sustainable Towns & Villages and Leading and Learning. The current focus for Council in this area is the Place Planning Agenda which currently involves the Mona Place Plan as our town centre. Ingleside has a high planning focus. These are our key economic drivers in the area in regards to planning projects.

#### **Q: Is the Ingleside development included in one of the schemes?**

**A:** The Ingleside Community Reference Group was established under a separate resolution of Council to investigate planning of the Ingleside Land Release area and the group meets at key milestones for that project.

**Q: The title “Enhancing our working & learning”, can you please define what this means: who is working and who is learning is being enhanced?**

**A:** It is to enhance the working of Council with the community and encouraging a community that values lifelong learning with access to information and knowledge. For example on page 25 of the Community Strategic Plan the Coastal Environment Centre (CEC) is identified as a key facility to encourage community learning on sustainability. The CEC educates the community with an environmental focus. Council allocates staff to manage the facility and funding to educate and promote the CEC to the community. The CEC has regular school groups visit the centre and in 2014 had approximately 22,000 people come through this learning space to learn about our natural resources and tidal systems. Council also has other key facilities such as the Mona Vale Library and Avalon Community Library.

**Q: Does Council deliver everything in the Community Strategic Plan?**

**A:** The Community Strategic Plan is a long term planning document that outlines opportunities and challenges in delivering the Vision for Pittwater. Council is not solely responsible for the outcomes set within the Community Strategic Plan and Delivery Program and Budget, the objectives are set out in a format in which Council identifies that the community and council, council and State are key drivers.

**Q: What is Council’s expectation for the type of discussion formulated through the group? For example, should it be high, low or at a strategic level?**

**A:** The Reference Group is utilised as an avenue for feedback and input which goes into Council decisions that affect the Pittwater Local Government Area. It is predicted that these groups interact on a high level basis in a challenging and respectful framework and develop strategic ideas.

**Q: How often are the Community Strategic Plan and Delivery Program amended?**

**A:** The Community Strategic Plan is reviewed every four (4) years in line with the election cycle and provides a flexible framework to adapt to changing circumstances, with an extra review to occur within nine (9) months of the Council election. It is not a long term document. The Delivery Program defines where Council spends money on projects within those four (4) years and is amended every year.

**Reference Point:**

- *That the members note the report and presentation.*

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## LL4.2 NSW Government’s Fit for the Future Local Government Reform

Mr Les Munn, Acting Director Urban & Environmental Assets and Mr David Bremner, Community Engagement Officer addressed the meeting regarding the NSW State Government’s Fit for the Future campaign on local government reform.

### **Notes:**

Where we head to from here:

- Council submissions are to be sent by 25 May 2015 to IPART
- Conclusion of the Community Engagement is 5 June 2015
- Keep in touch and be involved via the Pittwater Council website, mail out system and social media.
- Report will go to a Council meeting on 15 June 2015
- Councils final submission will be made on 30 June 2015.

### **Discussion Points:**

**Q: What is Pittwater Council doing?**

**A:** Pittwater Council is in a process of consulting with the community. There was a Pittwater Council Fit for the Future public meeting held 19 May which was attended by Hon Rob Stokes MP. Council is working to engage with our community and at the same time, provide information that can encourage the community to have a say and provide feedback to the Council. The Council has consulted on 3 options (as indicated in the brochure). Council developed an evidence base to inform the community. Council has a stated position and has been seeking input from the community. This is not a campaign and Council is focused on gathering evidence through the KPMG research and through feedback from the community to determine what the final submission will be.

**Q: Does Council know what the residents want?**

**A:** Council is seeking feedback from residents through community and telephone surveys and via the Council website. Members are encouraged to take hardcopy surveys if they have not yet completed the survey.

**Q: Will the community's contribution have an impact and carry weight within Councils submission to IPART?**

**A:** At the Council meeting held on 7 April, Council resolved its position including asking the community for its views in regards to the 3 options. Council will consider the results of the community engagement at the Council meeting on 15 June 2015 prior to finalising its submission to the State Government by 30 June 2015.

### **Reference Points:**

- ***That the Leading & Learning Reference Group:***
  - ***Notes the information update and attachments including Council's declared position***
  - ***Members will encourage their networks and associations to be involved during the consultation***
- ***That the group recommends Council proactively emphasises its strategic areas for improvement for the future whilst demonstrating it already meets the set criteria for being Fit for the Future.***

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LL4.3 Storm Experiences and Communication
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### **REFERENCE POINT:**

- ***That this item be deferred until the next meeting***

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5.0 Business Arising
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Nil.

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## 6.0 Next Meeting

The next meeting of the Leading & Learning Reference Group is scheduled to be held at 4.00pm on Wednesday 26 August 2015.

**There being no further business the  
Leading & Learning Reference Group  
Meeting concluded at 6.00pm on  
Wednesday 27 May 2015.**

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## **Sustainable Towns and Villages Committee**

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### **12.0 Sustainable Towns and Villages Committee Business**

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<b>C12.1</b>	<b>N0210/14 - 5 Walter Road Ingleside - Construction and use of a private helipad</b>
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**Meeting:** Sustainable Towns & Villages Committee

**Date:** 15 June 2015

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**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:**

- To provide an effective development assessment and determination process
- 

## **1.0 EXECUTIVE SUMMARY**

### **1.1 SUMMARY**

The Development Unit at its meeting held on the 28 May 2015 considered the Assessing Officers report (refer **Attachment 1**) for determination of Development Application N0210/14 for Construction and use of a private helipad At 5 Walter Road, Ingleside NSW 2101

- 1.2 This application was initially called to Council by Cr Townsend and was considered by Council at its meeting held on 16 February 2015.
  - 1.3 Council resolved to defer consideration of the application for the applicant to obtain a comprehensive Flora and Fauna Assessment of noise and wind impacts from a suitably qualified ecological expert, of the helicopter movements above Katandra Reserve.
  - 1.4 A Flora and Fauna Assessment was provided to Council by ACS Environmental P/L and discussion of the various issues are contained within the Assessing Officer's report under heading "Section 9 - Discussion."
  - 1.5 No objectors were present at the DU meeting however the applicant's representative was present. The Development Unit considered the issues raised by the objectors in writing and the applicant's representative as well as the issues addressed in the Assessing Officer's report and supported the Officer's recommendation for approval subject to the conditions contained in the draft consent and a slight amendment to condition B3 to clarify helicopter movements at the site.
- 

## **2.0 RECOMMENDATION**

*That Council as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 grant consent to Development Application N0210/14 for Construction and use of a private helipad at 5 Walter Road, Ingleside NSW 2101 subject to the draft conditions of consent attached and the following amended condition of consent:-*

*Condition B3 – The maximum permissible helicopter flight movements on any particular day to be limited to four (4) flight movements. The weekly number of helicopter flight movements will be limited to seven (7) flight movements. For clarity, a single landing or take off is conserved one flight movement.*

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### **3.0 BACKGROUND**

#### **3.1 PURPOSE**

To seek endorsement of the Development Unit's recommendation following consideration of Development Application - N0210/14 for construction and use of a private helipad at 5 Walter Road Ingleside NSW 2101.

#### **3.2 BACKGROUND**

The Development Unit at its meeting held on 28 May 2015 considered the Development Officer's report (refer **Attachment 1**) for determination of Development Application N0210/14 for Construction and use of a private helipad at 5 Walter Road Ingleside NSW 2101.

Council considered this application at its meeting held on 16 February 2015 following a request by Cr Townsend.

Council resolved to defer consideration of the application for the applicant to obtain a comprehensive Flora and Fauna Assessment of noise and wind impacts from a suitably qualified ecological expert, of the helicopter movements above Katandra Reserve.

A Flora and Fauna Assessment was provided to Council by ACS Environmental P/L and the matter again reported to the Development Unit for an additional assessment of the application given the additional information received from both the applicant and objectors.

The Development Unit further considered the application and additional information and resolved to support the Assessing Officer's recommendation in its referral back to Council with a minor amendment to Condition B3 of the draft consent.

#### **3.3 POLICY IMPLICATIONS**

As this matter was previously called to Council by Cr Townsend, Council is required to now determine the application.

#### **3.4 RELATED LEGISLATION**

Council is 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 unless Council's decision is challenged in the Land and Environment Court.

##### **3.5.2 Resources Implications**

No implications.

### **4.0 KEY ISSUES**

- Outcomes of the expert Flora and Fauna Report provided
- Other issues as addressed within the assessing officer's report



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## **5.0 ATTACHMENTS / TABLED DOCUMENTS**

**Attachment 1:** Assessing Officer's report to the Development Unit meeting of 28 May 2015.

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## **6.0 SUSTAINABILITY ASSESSMENT**

The relevant sustainability assessments have been addressed in the attached assessing officer's report.

Report prepared by

Warwick Lawrence  
**MANAGER, ADMINISTRATION & GOVERNANCE**

**SUBJECT: N0210/14 - 5 Walter Road, Ingleside NSW 2101 - Construction And Use Of A Private Helipad**

**Meeting:** Development Unit

**Date:** 28 May 2015

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**SUMMARY OF RECOMMENDATION**

**Consent with Conditions**

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<b>REPORT PREPARED BY:</b>	<b>Michael Doyle</b>
<b>APPLICATION SUBMITTED ON:</b>	<b>26/06/2014</b>
<b>APPLICATION SUBMITTED BY:</b>	<b>BOSTON BLYTH FLEMING PTY LTD</b>
<b>OWNER(S):</b>	<b>TREVOR GROENEVELD</b>

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**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 N0210/14 for Construction and use of a private helipad At 5 Walter Road, Ingleside NSW 2101 subject to the draft conditions of consent attached.

Report prepared by  
Michael Doyle, Planner

Andrew Pigott  
**MANAGER, PLANNING & ASSESSMENT**

## ASSESSMENT REPORT

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**SUBJECT:** N0210/14 - 5 WALTER ROAD, INGLESIDE NSW 2101 (Lot 12 DP 30325)  
Construction and use of a private helipad

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**SUMMARY OF RECOMMENDATION:** CONSENT WITH CONDITIONS

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<b>REPORT PREPARED BY:</b>	Michael Doyle
<b>APPLICATION TYPE:</b>	
<b>APPLICATION SUBMITTED ON:</b>	26 June 2014
<b>APPLICATION SUBMITTED BY:</b>	BOSTON BLYTH FLEMING PTY LTD
<b>OWNER(S):</b>	MR TREVOR GROENEVELD
<b>ESTIMATED COST OF WORKS:</b>	\$ 5,000
<b>DETERMINATION LEVEL:</b>	Development Unit
<b>NO. OF SUBMISSIONS:</b>	Five

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### 1.0 SITE DETAILS

Development Application N0210/14 is for 5 Walter Road, Ingleside which is Lot 12 in Deposited Plan 30325. The site is a rectangular battle-axe lot. The site lies on Walter Rd's eastern side. From Walter Rd, the site is behind two inhabited lots. Another two inhabited lots also border the property. To the east, the site faces Katandra Bushland Sanctuary reserve.

Including the access handle, the site is 24,496m<sup>2</sup>. The site falls below street level, particularly on its eastern side where the land forms an escarpment. Houses on the western side of the site are approximately at least 200m away and 10m higher than the cleared, proposed area for the helipad.

The site is occupied by a two-storey attached dual occupancy, detached carport, tennis court, metal shed, septic tanks, driveway and other surfaced areas.

### 2.0 PROPOSAL IN DETAIL

The application seeks consent for the construction and use of a three metre diameter helipad for a Robinson R44 helicopter. The application makes clear that the helicopter, in relation to the helipad, would not be used for more than seven helicopter movements per week (that is, seven take-offs or seven landings). The application also includes an acoustic report which identifies proposed flight paths northeast, east and southeast.

### 3.0 STATUTORY AND POLICY CONSIDERATIONS

Under Pittwater Local Environmental Plan 1993, the site is zoned 1(a) - Non-urban 'a'. Pursuant to Clause 9 of this instrument, helipads are permissible with consent.

The following relevant state, regional and local policies and instruments apply:

- Environmental Planning and Assessment Act, 1979 (the EP&A Act)
- Environmental Planning and Assessment Regulation 2000 (the Regulation)
- 10/50 Vegetation Clearing Code of Practice
- Pittwater Local Environmental Plan 1993 (PLEP 1993) (applicable LEP)
- Local Environmental Plan 2014 (PLEP 2014) (commencing 27 June 2014)
- Pittwater 21 Development Control Plan (Pittwater 21 DCP)
  - Ingleside Locality
  - Geotechnical Risk Management Policy for Pittwater
  - Flood Risk Management Policy for Development in Pittwater

PLEP 2014 zones the site RU2 - Rural Landscape. Pursuant to Part 2 and the Land Use Table of this instrument, helipads are prohibited development. However, the development application was made under PLEP 1993 before PLEP 2014 commenced. As such, the proposed helipad remains permissible with consent, yet consideration will be given to PLEP 2014.

The site is also identified as either containing or subject to the following

- Bushfire-prone
- Sewer unavailable
- Land containing heathland/woodland vegetation

### 4.0 BACKGROUND

#### 11.03.14

The applicant elected to discuss the proposed helipad through Council's DA pre-lodgement paid service.

#### 26.06.14

The applicant lodged the subject development application. The application was referred to Council's Development Engineer and Natural Resources Officer for comment, and was notified in accordance with Council's notification policy.

Planning Officer Michael Doyle inspected the site on 18.07.14.

#### 12.07.14

Ms Louise Conn, 70 Lane Cove Rd, Ingleside and, on 13.07.14, Mr Bill & Ms Dauvaan Von Drehnen, 24 Walana Cr, Mona Vale made submissions raising concerns with the proposal.

On 21.07.14, the application was referred to Council's Environmental Health Officers for comment.

#### 26.09.14

The application was referred to Council's Land Release, Planning & Assessment team for comment.

#### 30.10.14

The application was considered at the Development Unit meeting.

- Ms Marcia Rackham, 122 Elimatta Rd, Mona Vale addressed the Development Unit panel raising concerns with the proposal.
- The applicant Mr Greg Boston addressed the panel supporting the proposal.

The panel decided to defer the application for the applicant and Council to undertake the following:

- The applicant is to revise the acoustic report to
  - Address concern with helicopter use potential impact on Mona Vale residents and, in particular, residents under extensions of the proposed flight paths and along ridgeline streets
  - Address Ingleside Planning Precinct and consider potential impacts of possible future land use
  - Clarify the assessment and make clear recommendations for the proposed helipad use
- Council is to
  - Notify the Mona Vale Residents Association
  - Notify the Katandra Bushland Reserve Trust
- Council is also to consider conditions
  - B6 – Modify condition so that a modification application, rather than a new development application, would be required for use of the helipad by any other helicopter than a Robinson R44
  - B16 – Erase requirement for compliance with Protection of the Environment Operations Act 1993 or, at least, specify that the 'helipad' and not 'the premises' must comply with this Act
  - B17 – Erase 20m setback requirement. The proposed setback was 18.4m.

Following the meeting, Ms Rackham made a submission raising concerns with the proposal.

#### 05.11.14

Council notified the Mona Vale Residents Association and the Katandra Bushland Reserve Trust. On 17.11.14, the Trust made a submission raising concerns with the proposal.

On 24.11.14, the application was referred to Council's Strategic Planner for application assessment on heritage grounds and Council's Natural Resources Officer for comment.

#### 10.12.14

The applicant submitted additional information. The application was referred to Council's Environmental Health Officers for comment.

Council requested the applicant submit other additional information. On 11.12.14, the applicant submitted additional information.

#### 05.02.15

The application was considered at the Development Unit meeting.

- Ms Marcia Rackham, 122 Elimatta Rd, Mona Vale addressed the Development Unit panel raising concerns with the proposal.
- The applicant Mr Greg Boston addressed the panel supporting the proposal.

The panel recommended that the for the application be approved subject to the following:

- **That the first page of the Conditions of Consent be amended to read:** Construction and use of a **private** helipad.
- **Amended Condition B6:** The northeasterly, easterly and southeasterly flight paths nominated in the Acoustic Report must be used. This consent does not authorise any other flight paths **or commercial use of the helipad for joy flights.**

#### 16.02.15

The application was considered at the Council meeting.

An alternate motion was presented which sought to clarify limiting the number of helicopter movements per week, to revise the hours of operation as til sunset, to reduce the life of the consent from five to three years, and to ensure compliance with Civil Aviation Regulations.

The alternate motion was unsuccessful. Council decided to defer the application for the applicant to obtain a comprehensive Flora and Fauna Assessment of noise and wind impacts, from a suitably qualified ecological expert, of the helicopter movements above Katandra Reserve.

26.03.15

Council officers inspected neighbouring Katandra Bushland Reserve.

09.04.15

The applicant submitted a Flora and Fauna Assessment. The Assessment was referred to Council's Natural Resources Officer for comment. The application, with reference to the Assessment, was also re-notified to all adjoining neighbours in accordance with Council's notification policy as well as to the Mona Vale Residents Association.

On 26.04.15, the Mona Vale Residents Association made a submission raising concerns with the proposal.

28.05.15

The application is considered at the Development Unit meeting.

## **5.0 NOTIFICATION**

Council notified 17 adjoining property owners.

A notification sign was displayed at the property for 14 days during the nominated notification period. The application was otherwise advertised in accordance with Council's Notification Policy.

Council received two submissions for this application. These submissions raised concerns with permissibility and compatibility with the surrounding area, safety, bushfire, privacy, noise, amenity and strategic land release.

The application was considered at the Development Unit meeting on 30.10.14. Ms Marcia Rackham, 122 Elimatta Rd, Mona Vale addressed the Development Unit panel raising concerns with flight paths, noise and notification. The panel decided to defer further considering the application so that Council may

- notify the Mona Vale Residents Association, and
- notify the Katandra Bushland Reserve Trust.

Following the meeting, Ms Rackham made her presentation to the panel as a written submission.

Following the meeting, the Katandra Bushland Reserve Trust made a submission raising concerns with noise, downdrafts, fauna (specifically Powerful Owls), heritage and amenity.

The application was considered at the Development Unit meeting on 05.02.15. Ms Marcia Rackham, 122 Elimatta Rd, Mona Vale addressed the Development Unit panel raising concerns with the proposal. The panel recommended that the application be approved subject to amended conditions making explicit that the helipad should only be authorised for personal use.

The application was considered at the Council meeting on 16.02.15. Council decided to defer the application so that the applicant to obtain a comprehensive Flora and Fauna Assessment.

Following the meeting, the applicant submitted a Flora and Fauna Assessment. The application, with reference to the Assessment, was re-notified to all adjoining neighbours in accordance with Council's notification policy as well as to the Mona Vale Residents Association. Subsequently, the Mona Vale Residents Association made a submission raising concerns with permissibility and compatibility with the surrounding area, safety and bushfire, potential refuelling accident,

vegetation clearing and compliance, helicopter 'movements' and compliance as well as the Flora and Fauna Assessment.

Altogether, Council has received five submissions to the proposal. The submissions and concerns are considered in the following assessment.

## 6.0 ISSUES

- PLEP 1993 and PLEP 2014
- 3.4 Notification
- A1.7 Considerations before consent is granted
- B1.3 Heritage Conservation - General
- B3.2 Bushfire Hazard
- B4.18 Heathland/Woodland Vegetation
- C5.10 Protection of Residential Amenity
- C5.17 Pollution control
- D6.5 Front building line
- D6.8 Site coverage - Non Urban General

## 7.0 PLEP 1993 AND PLEP 2014 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?

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

Issues marked with a Y may be applicable to the site but not this application.

Issues marked with an N are discussed in further detail in the discussion section below.

PLEP 1993 Clause	T	O	N	Standard	Proposal
9. Development control table	Y	Y	N		For comment, see 3.0 and 9.0 PLEP 1993 and PLEP 2014
10. Restrictions on certain development	Y	Y	Y	Helipads require Council consent.	Hence the subject application.
33. Preservation of trees or vegetation	Y	Y	Y		
39. Suspension of covenants, etc.	Y	Y	Y		
PLEP 2014 Clause	T	O	N	Standard	Proposal
Part 2 :Land use table	N	Y	N	Helipads are prohibited development.	For comment, see 3.0 and 9.0 PLEP 1993 and PLEP 2014
5.9 Preservation of trees or vegetation	-	-	N		For comment, see 9.0 C5.17

## 8.0 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?

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

Issues marked with a Y may be applicable to the site but not this application.

Issues marked with an N are discussed in further detail in the discussion section below.

Clause	T	O	N	Standard	Proposal
3.1 Submission of a Development Application and payment of appropriate fee	Y	Y	Y		
3.2 Submission of a Statement of Environmental Effects	N	Y	Y		SEE did not address all DCP clauses.
3.3 Submission of supporting documentation - Site Plan / Survey Plan / Development Drawings	N	Y	Y	Site plan (min. 1:200 scale). Schedule of Finishes.	Site plan was not to scale. No Schedule provided.
3.4 Notification	Y	Y	N		For comment, see 9.0 3.4
3.5 Building Code of Australia	Y	Y	Y		
3.6 State Environment Planning Policies (SEPPs) and Sydney Regional Environmental Policies (SREPs)	Y	Y	Y		None applicable.
4.1 Integrated Development: Water Supply, Water Use and Water Activity	-	-	-		
4.5 Integrated Development: Aboriginal Objects and Places	-	-	-		
4.6 Integrated Development - Protection of the Environment	-	-	-	Sch'd activities include >30 helicopter movements per week.	The application proposes 7 helicopter movements per week.
4.7 Integrated Development - Roads	-	-	-		
5.1 Referral to the Roads and Maritime Services under SEPP (Infrastructure) 2007	-	-	-		
5.2 Referral to the NSW Police Service	-	-	-		Helipad is inherently for private use (as opposed to a heliport). Referral considered unnecessary.
5.3 Referral to NSW Department of Environment and Climate Change (DECC)	-	-	-	Dev. nr • critical habitat, or • likely to sig'ly affect a threatened species, pop., or ecological community - or its habitat must be referred to NSW Dept. of Env't & CC DG.	The Kat. B. Res. Trust made a submission raising concern helicopter affecting Powerful Owls. On 09.04.15, the applicant submitted a Flora and Fauna Assessment. For comment, see B4.18



Clause	T	O	N	Standard	Proposal
A1.7 Considerations before consent is granted	Y	Y	N	(Considered by Council's Land Release Planner and the application assessment officer.)	For comment, see 9.0 A1.7
A4.6 Ingleside Locality	Y	Y	N		For comment, see A1.7
B1.3 Heritage Conservation - General	-	-	N		For comment, see 9.0 B1.3
B1.4 Aboriginal Heritage Significance	Y	Y	Y	(Considered by Council's Nat. Res. Officer.)	No apparent issues.
B3.1 Landslip Hazard	Y	Y	Y	(Considered by Council's Dev. Engineer.)	
B3.2 Bushfire Hazard	Y	Y	N		For comment, see 9.0 B3.2
B3.5 Acid Sulphate Soils	Y	Y	Y	(Considered by Council's Nat. Res. Officer.)	No issues. Acid Sulphate Region 5 only.
B3.6 Contaminated Land and Potentially Contaminated Land	-	-	-		
B3.19 Flood Hazard - Flood Category 1 - High Hazard - Other Development	Y	Y	Y	(Considered by Council's Dev. Engineer.)	
B4.18 Heathland/Woodland Vegetation	Y	Y	N		For comment, see 9.0 B4.18
B5.1 Water Management Plan	Y	Y	Y		
B5.2 Wastewater Disposal	Y	Y	Y		For comment, see 5.1
B5.3 Greywater Reuse	-	-	-		
B5.12 Stormwater Drainage Systems and Natural Watercourses	Y	Y	Y		
B5.14 Stormwater Drainage Easements (Public Stormwater Drainage System)	Y	Y	Y		
B8.2 Construction and Demolition - Erosion and Sediment Management	Y	Y	Y	(Considered by Council's Dev. Engineer.)	
B8.5 Construction and Demolition - Works in the Public Domain	Y	Y	Y	(Considered by Council's Dev. Engineer.)	
C5.1 Landscaping	Y	Y	Y	Variation - existing trees.	No proposed landscaping, but variation available.
C5.2 Safety and Security	Y	Y	Y		
C5.4 View Sharing	Y	Y	Y		
C5.5 Accessibility	Y	Y	Y		Not a public building. Clause is non-applicable.
C5.7 Energy and Water Conservation	Y	Y	Y		No habitable building proposed. Clause is non-applicable.
C5.8 Waste and Recycling Facilities	N	Y	Y	Garbage bin enclosure.	Control relates to buildings. Clause is non-applicable.
C5.9 Business Identification Signs	Y	Y	Y		None proposed.
C5.10 Protection of Residential Amenity	Y	Y	N		For comment, see 9.0 C5.10

Clause	T	O	N	Standard	Proposal
C5.11 Advertisements	Y	Y	Y		None proposed.
C5.14 Car/Vehicle/Boat Wash Bays	N	Y	Y		None proposed. Unsewered lot.
C5.15 Undergrounding of Utility Services	Y	Y	Y		Under this clause, proposed development is minor. Clause is non-applicable.
C5.16 Building Facades	Y	Y	Y		
C5.17 Pollution control	Y	Y	N	(Considered by Council's Environmental Health Officers and the planning/assessment officer.)	For comment, see C5.17
C5.18 Public Road Reserve - Landscaping and Infrastructure	Y	Y	Y		None proposed.
C5.19 Food Premises Design Standards	Y	Y	Y		None proposed.
C5.20 Liquor Licensing Applications	Y	Y	Y		None proposed.
C5.21 Plant, Equipment Boxes and Lift Over-Run	Y	Y	Y		None proposed.
D6.1 Character as viewed from a public place	Y	Y	Y		
D6.3 Building colours and materials	N	Y	Y		Conditioned.
D6.4 Height	Y	Y	Y		
D6.5 Front building line	N	Y	Y		For comment, see 9.0 D6.5
D6.6 Side and rear building line	Y	Y	Y		
D6.7 Building envelope	Y	Y	Y		
D6.8 Site coverage - Non Urban General	N	Y	Y		For comment, see 9.0 D6.8
D6.9 Site coverage - Blue Hatched Area	-	-	-		
D6.10 Fences - General	Y	Y	Y		None proposed.
D6.11 Fences - Flora and Fauna Conservation Areas	-	-	-		
D6.12 Construction, Retaining walls, terracing and undercroft areas	Y	Y	Y		

## 9.0 DISCUSSION

### PLEP 1993 and PLEP 2014

- Ms Lousie Conn, 70 Lane Cove Rd, Ingleside,
- Ms Marcia Rackham, 122 Elimatta Rd, Mona Vale, and
- the Mona Vale Residents Association

made submissions raising concerns with permissibility and compatibility with the surrounding area.

Ms Rackham commented that the application was made under the last day PLEP 1993 was in force. Ms Conn requested that, in light of new site zoning, Council consider the new zoning in the proposed helipad assessment.

The application was made under PLEP 1993 and must be assessed under PLEP 1993, however consideration is given to PLEP 2014. PLEP 2014 zones the site RU2 - Rural Landscape. This zone aims

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

The proposed helipad and its use is not inconsistent with the zone objectives. The site sits at the edge on top of the escarpment. Significant existing trees surrounding the edge of the proposed helipad shall screen the helipad from view from below the escarpment.

The proposed helipad does not raise visual character concerns. Consideration is also given to the proposed helipad with

- its limited number of movements, and
- easterly flight paths being immediately over the lower, neighbouring bushland reserve mitigating helicopter impacts.

Ms Conn commented that surrounding properties shall make applications for helipads in the future.

Any new applications would be made under PLEP 2014. PLEP 2014 prohibits helipads. This is a statutory/permissibility issue. Under PLEP 2014, no new helipads would be permitted in the RU2 Rural Landscape zone.

The Mona Vale Residents Association made a submission raising concerns with the Flora and Fauna Assessment regarding a helicopter 'movement' as comprising both one take-off and one landing (and, therefore, a return trip).

The initial application assessment referred to a movement as comprising both one take-off and one landing (and, therefore, a return trip). The Flora and Fauna Assessment appears to consider 'movement' in the same way.

The subject assessment and draft conditions of consent now make clear that a movement is a single interaction with the helipad, i.e. one take-off is one movement, and a landing would be a second movement. However, the Flora and Fauna Assessment's findings, based on the earlier understanding of 'movement', remain valid.

### **3.4 Notification**

Ms Marcia Rackham, 122 Elimatta Rd, Mona Vale made a submission raising concern with notification. Ms Rackham requested that Council notify the Mona Vale Residents Association and the Katandra Bushland Reserve Trust and with a detailed flight path map.

The development application acoustic report nominated three flight paths - northeast, east and southeast. The flight paths are immediately over the neighbouring bushland reserve. The report depicted the flight paths for approximately 500m in length. Between the flight paths and from the proposed helipad, there are properties approximately 350m away.

On 10.12.14 and 11.12.14, the applicant submitted additional information describing that, other than takeoff and landing, a helicopter must maintain

- 500 feet above ground level over bushland, and
- 1,000 feet above ground level over residential and populated areas.

The additional information confirmed that, on the northeast and eastern flight paths, the helicopter would be at least 500 feet above neighbouring properties after takeoff and before landing.

Notwithstanding that the helicopter may not reach required cruising height of 1,000 feet above ground level before travelling over residential and populated areas, the depicted flight paths easily enable understanding of continuing paths of travel. The flight paths are considered to be shown satisfactorily.

### **A1.7 Considerations before consent is granted**

1. Ms Lousie Conn, 70 Lane Cove Rd, Ingleside, made a submission raising concerns with noise, amenity and strategic land release.
2. Mr Bill & Ms Dauvaan Von Drehnen, 24 Walana Cr, Mona Vale, made a submission raising concerns with safety and noise.
3. Ms Marcia Rackham, 122 Elimatta Rd, Mona Vale, made a submission raising concerns with flight paths, noise and notification.
4. The Katandra Bushland Reserve Trust made a submission raising concerns with noise, downdrafts, fauna (specifically Powerful Owls), heritage and amenity.
5. The Mona Vale Residents Association made a submission raising concerns with safety and bushfire, vegetation clearing and compliance, helicopter 'movements' and compliance as well as the Flora and Fauna Assessment.

The aforementioned issues are addressed below.

#### **Helicopter flight: paths and times**

The development application acoustic report nominated three flight paths - northeast, east and southeast. The flight paths are immediately over the neighbouring bushland reserve. The reserve escarpment also helps ensure helicopter flight ground clearance.

For comment on Council's Environmental Health Officer's consideration of the application, see C5.17

The application was considered at the Council meeting on 16.02.15. An alternate motion was presented which revised the hours of operation as til sunset. The alternate motion was unsuccessful. Council decided to defer the application for the applicant to obtain a comprehensive Flora and Fauna Assessment.

The subsequent Flora and Fauna Assessment undertook physical and desktop surveys of the subject site and surrounding environment and the found that, subject to conditions limiting the

number of helicopter movements to seven per week and to daylight hours, the proposed helipad and its use would be unlikely to significantly impact on foraging or roosting threatened fauna. The Assessment also commented that a nesting pair of Powerful Owls in Nangana Road, Bayview has been reported and, therefore, a pair nesting in Katandra Bushland Reserve is most unlikely.

Should the application be approved, consent conditions shall limit the hours of operation to

- 7am to sunset on Monday to Saturday, and
- 8am to sunset Sundays and Public Holidays.

For Council's Natural Resources Officer's comment on fauna and flora, see B4.18

#### Ingleside Precinct Planning Project

The application was referred to Council's Land Release Planner who

- identified that 5 Walter Rd is in the Ingleside Land Release Area and, specifically, the North Ingleside sub-precinct,
- described that the Area is subject to a draft structure plan,
- found that, together with the site being on the Release Area eastern fringe and easterly flight paths, the proposed helipad would not significantly impact adjoining landowners' privacy in the future, and
- was satisfied with Council's Environmental Health Officer's consideration of the application and proposed limits to helicopter movement and timing.

The application was considered at the Development Unit meeting on 30.10.14. The panel decided to defer the application for the applicant to address Ingleside Planning Precinct and consider potential impacts of possible future land use.

On 10.12.14, the applicant submitted additional information including the following:

*We note that the land generally to the east of the site and over which the flight paths are identified is outside the Planning Precinct. We acknowledged that the Copper [acoustic] report and associated development application relies on the established spatial relationship of adjoining residential receivers and that this is likely to change should the subject and adjoining properties be developed in accordance with the Ingleside Structure/ Precinct Plan.*

*In this regard it is considered appropriate to impose a condition of consent requiring the use to cease and the consent be surrendered upon the granting of development consent for a residential use on any immediately adjoining property in accordance with the Ingleside Land Release/ Precinct Plan.*

The northeast flight path is over 7 and 9 Walter Rd. Although the flight path is primarily over bushland on the properties, future residential zoning could lead to dwellings within close proximity to the proposed helipad and may lead to noise impacts.

Should the application be approved, consent conditions shall specify that the helipad use is predicated on rural and rural-residential neighbouring land, and not residential neighbouring land and its associated distances to the subject site and densities. Therefore, in light of the Ingleside Land Release/Precinct Plan process, this consent is limited to a period of 5 years from the date of this consent. Prior to the expiry date of this consent, the applicant will be required to submit a modification application for any continuance of the use.

Council's Land Release Planner's full comments are included as Attachment A.

#### **B1.3 Heritage Conservation - General**

The Katandra Bushland Reserve Trust made a submission raising concerns that the reserve is nominated as a local heritage item.

The application was referred to Council's Strategic Planner who

- discussed that the Reserve is significant historically and scientifically, but
- found that there would be no adverse impact to the Reserve's historical significance; any adverse impact on the natural significance of the Katandra Bushland Sanctuary would be considered by Council's Natural Resources Officer.

Council's Strategic Planner's full comments are included as Attachment B.

### **B3.2 Bushfire Hazard**

Ms Louise Conn, 70 Lane Cove Rd, Ingleside, made a submission raising concern that sparks or a crash would increase bushfire risk to Katandra Bushland Sanctuary.

The Mona Vale Residents Association made a submission raising concerns with any fuel being stored and bushfire risk.

The application does not propose a shed or liquid storage. A new shed would require a new application, being either a complying development application or development application.

The application was referred to the Rural Fire Service. The Service wrote that 'the Service has reviewed the plans and documents received for the proposal and subsequently raise no concerns or issues in relation to bush fire'.

### **B4.18 Heathland/Woodland Vegetation**

Council's Development Assessment team has referred the application to Council's Natural Resources Officer three times.

1. Council's Natural Resources Officer initially considered the proposed helipad in terms of its construction and had no concerns.
2. The Katandra Bushland Reserve Trust made a submission raising concerns with noise, downdrafts, fauna (specifically Powerful Owls) and amenity. Council's Natural Resources Officer then requested the applicant provide an Ecological Impact Assessment, however Council's Development Assessment team believed information on the helicopter downdraft could satisfactorily find whether fauna would be affected.
3. Council considered the application and deferred its determination for the applicant to submit a Flora and Fauna Assessment. The Mona Vale Residents Association made a submission raising concerns with this Assessment, however Council's Natural Resources Officer considered the Assessment and found, with conditions further limiting the helipad use to daylight hours, the application was acceptable.

The following discussion includes the aforementioned points in detail:

Ms Louise Conn, 70 Lane Cove Rd, Ingleside raised concern with noise pollution and potential adverse effect on neighbouring homes with livestock/horses.

Council's Natural Resources Officer commented:

*The property contains a modified landscape with a large cleared area where the proposed works are to take place. The proposed works include construction and use of a helipad. There are no trees or bushland vegetation in the location of the proposed works and none that will be impacted by it.*

The Katandra Bushland Reserve Trust made a submission raising concerns with noise, downdrafts, fauna (specifically Powerful Owls) and amenity.



Council's Natural Resources Officer considered the submission and revised their comments with the following:

*Bushland is located to the east in Katandra Sanctuary, and impacts to the habitat and wildlife through activity of future helicopter use are unknown and have not been assessed.*

*The Civil Aviation Safety Authority states on their any proposal for airspace change which may cause a 'noise' effect on wildlife must be further examined. Noise, wind and direct interactions with wildlife from the helicopter may disrupt breeding cycles, habitat, migratory patterns or feeding patterns. Therefore an Ecological Impact Assessment is required to be provided as additional information which determines any impacts or environmental issues with relation to fauna from the construction of the helipad and future helicopter use in the vicinity of the adjacent bushland within Katandra Sanctuary. If it is determined seven part tests are required then these should also be undertaken and results included with the assessment report.*

Council's Planning & Assessment team considered the issue, as well as that

- Powerful Owls are not a threatened species. Powerful Owls are a vulnerable species, and
- Proposed helicopter use is not frequent. Should the application be approved, helicopter movements (take-offs or landings) shall be limited to
  - seven per weekas well as, within this,
  - two per dayand determined that an Ecological Impact Assessment could be negated by additional information comprising
- The zone of influence of the helicopter (i.e. the downwash of its blades), and
- The departure/landing angles of the helicopter.

This information, together with knowing the bushland topography, can show whether the tops of trees would be affected by the helicopter downwash.

On 11.12.14, the applicant submitted additional information:

*I am providing you the very short answer to your question on downwash of the rotor blades. Helicopter principles of flight are complex but please understand that the long answer would completely substantiate the short.*

*The downwash of the blades is minimal outside of 1 to 1.5 rotor blade disc diameter. The diameter of the R44 rotor blade is 33 feet. So, very conservatively, when the aircraft is 50 feet [15.24m] in the air above the ground or an object, the downwash of the rotor blades is negligible.*

*The boundary of the Katandra Bushland Reserve is approximately 330 feet from the proposed Helipad on the E Flight Path and 400 feet on the NE Flight Path on downward sloping terrain. The proposed departure and landing angles of 16 degrees would achieve 100 feet [30.5m] above ground at the boundary on the E Flight Path and 120 feet [36.6m] above ground at the boundary on the NE Flight Path without consideration of the downward sloping terrain. I believe the sloping terrain and crossing the boundary at twice the required height will compensate for the height of the trees but that needs to be substantiated. I am confident using this information in addition to the bushland topography will mitigate the concern about downwash impact on the Powerful Owl.*

*Please be advised that a 16 degree departure/ approach angle is very normal for a helicopter landing in a confined area. It also is the angle required to meet the previous requirement in relation to overflight of depicted properties. The Robinson R44 has the ability to tower out of the Ingleside Helipad at gross weight and 30 degrees C vertically to 500 feet above ground level without problem. It has the same ability on approach. This is not something I am recommending but the aircraft does have this capability.*

The applicant describes, when the helicopter is 50 feet (15.24m) in the air, the downwash is negligible.

There are trees surrounding the site's cleared area on the northern boundary and 20m from the proposed helipad. The eastern boundary is further away at approximately 76m.

The tree tops are estimated to be

- 15m above ground level along the proposed NE flight path at the northern boundary, and
- 10m above ground level along the proposed E flight path 20m away.

Therefore, the estimated helicopter clearance is

- 15.5m above tree tops along the proposed NE flight path at the northern boundary, and
- 26.6m above tree tops along the proposed E flight path 20m away, let alone at the eastern boundary shared with the Katandra Bushland Reserve 76m away and let alone the reset of the Reserve and escarpment.

Over the course of the application, Planning Officer Michael Doyle visited Bankstown City Airport and observed Robinson R44 helicopter, and similar helicopters', movements. Based on these observations of helicopter start-up, take-off, return and shut-down, I can confirm the application, and its acoustic report and additional information, that downdraft is negligible. Helicopter speed, even as a part of take-off (i.e. the helicopter from standstill and while it is accelerating until it reaches approximately 500 feet) or landing, means the helicopter's effects while overhead is only seconds in length. Helicopter elevation, paired with its apparent size and power, makes its downdraft minor. The helicopter's effects on trees, even if closer than clearance it gains through the helipad's distance to trees and boundaries, would not be more than a gust on a windy day.

Helicopter noise is considered in light of proposed helicopter use being infrequent. Should the application be approved, helicopter movements (take-offs or landings) shall be limited to

- seven per week
- as well as, within this,
- two per day.

Further, the Robinson R44's size and power, with respect to helicopter range, is on the lower end, and any helicopter flying to and from the site would not sustain a position at a single point. Helicopter flight would be continuous. Thus, the proposed helicopter type paired with, should the application be approved, permitted frequency and the nature of flight reduces any physical or noise impacts.

The application does not involve the clearing of vegetation or, aside from the physical helipad, any other on-the-ground changes to the site. The application is considered to maintain existing site conditions. Thus, the application is not considered to be inconsistent with this clause's development controls and outcomes but, where the application has not included an Environmental Impact Assessment and where additional information has not been made directly through an amended acoustic report, the application's technical and outcome compliance is considered to be neutral or 'N/A' in this instance.

The application was considered at the Council meeting on 16.05.15. Council decided to defer the application for the applicant to obtain a comprehensive Flora and Fauna Assessment of noise and wind impacts, from a suitably qualified ecological expert, of the helicopter movements above Katandra Reserve.

The applicant submitted a Flora and Fauna Assessment. The Mona Vale Residents Association made a submission raising concerns with the proposal.

Council's Natural Resources Officer considered the Assessment and commented:  
*A Flora & Fauna and Biodiversity Impact Assessment has been submitted (ACS Environmental*



*P/L, April 2015) which assesses the impacts of the proposed construction and operation of the helipad at the subject property. Flora and Fauna surveys were undertaken for the subject area and surrounds. 19 native fauna species were recorded. Two threatened fauna species were recorded, Little Bentwing Bat and Eastern Bentwing Bat.*

*It was concluded that roosting is taking place some distance from the site as no potential habitat (large caves) are known in the immediate area and they have been recorded co-habiting in Avalon. Seven-part tests were performed for five species – Eastern Bentwing Bat, Little Bentwing Bat, Eastern Pygmy Possum, Grey-headed Flying-fox and the Powerful Owl. The conclusion for all tests was that it is considered unlikely that the proposal to construct a helipad limiting helicopter movements to seven a week during daylight hours will have any significant impact on the above mentioned species including the Powerful Owl.*

*It was also considered unlikely that there will be any significant impact by the proposed helicopter movement on any of the other listed threatened fauna, and as such, Species Impact Statements are not required.*

*There are no further natural environment issues.*

#### **C5.10 Protection of Residential Amenity**

Ms Lousie Conn, 70 Lane Cove Rd, Ingleside and Ms Marcia Rackham, 122 Elimatta Rd, Mona Vale each made submissions raising concerns with flight path.

Mr Bill & Ms Dauvaan Von Drehnen, 24 Walana Cr, Mona Vale, also made a submission raising concerns with flight paths and privacy.

The development application acoustic report nominated easterly flight paths. On 10.12.14 and 11.12.14, the applicant submitted additional information describing that, other than takeoff and landing, a helicopter must maintain

- 500 feet above ground level over bushland, and
- 1,000 feet above ground level over residential and populated areas.

The additional information confirmed that, on the northeast and eastern flight paths, the helicopter would be at least 500 feet above neighbouring properties after takeoff and before landing.

Although the report does not make clear that, particularly along the southeastern flight path, the helicopter would have a cruising height of 1,000 feet above ground level before travelling over residential and populated areas,

- the flight paths as immediately over the neighbouring bushland reserve and
- the escarpment

help ensure helicopter flight ground clearance and reduced effect on neighbours. The applicant also included that:

*The boundary of the Katandra Bushland Reserve is approximately 330 feet from the proposed Helipad on the E Flight Path and 400 feet on the NE Flight Path on downward sloping terrain. The proposed departure and landing angles of 16 degrees would achieve 100 feet above ground at the boundary on the E Flight Path and 120 feet above ground at the boundary on the NE Flight Path without consideration of the downward sloping terrain.*

The proposed helicopter would meet take-off and landing height requirements ordinarily, yet the escarpment serves as a further bonus.

On visual privacy grounds, take-off and landing clearance with respect to neighbouring dwellings is also considered sufficient.

### **C5.17 Pollution control**

Ms Lousie Conn, 70 Lane Cove Rd, Ingleside and Mr Bill & Ms Dauvaan Von Drehnen, 24 Walana Cr, Mona Vale made submissions raising concerns with noise.

Council's Environmental Health Officer considered the development application and was satisfied that, subject to the recommended conditions of consent limiting

- hours of operation,
  - number of movements per day and per week, and
  - possibly limiting the length of time the consent remains active,
- the proposal is reasonable.

Council's Environmental Health Officer recommends a condition of consent to cease the use of the helipad if there is any future residential approval granted in the adjoining area. For further comment, see A1.7 and B4.18

Should the application be approved, conditions of consent shall also include that noise from the operation of any plant or equipment for the helipad shall comply with the noise provisions of the Protection of the Environment Operations Act, 1993.

The Mona Vale Residents Association made a submission raising concerns with potential refuelling accident.

Should the application be approved, in addition to POEO Act 1993 compliance, consent conditions shall forbid land and water pollution.

The Mona Vale Residents Association made a submission also raising concerns with vegetation clearing and compliance.

The application does not involve the clearing of vegetation. Unauthorised vegetation clearing represents an environmental compliance issue separate to the subject application.

### **D6.5 Front building line**

The site is a battle-axe block.

The application shows the proposed helipad's location only approximately. This is measured to be 18.4m. At the Development Unit meeting on 30.10.14, the applicant requested that there be no condition of consent requiring a 20m setback. The 1.6m difference, in light of the 20m requirement, does not have any discernible effect. The proposed helipad position is acceptable.

### **D6.8 Site coverage - Non Urban General**

'Site area' means the area of land (excluding any access handle). 'Site coverage' means the part of the site on which buildings are situated (for the purposes of this definition, 'buildings' includes garages, tennis courts, carports... hard surface recreation areas... other appurtenant buildings and paved areas, such as driveways).

#### **Development outcomes**

Development outcomes relate to Locality character including its rural and bushland attributes, development in scale with and minimising impact on the natural environment and features, and water infiltration to the water table.

### Development controls

On land zoned Non Urban other than within the blue hatch area, the maximum site coverage shall be:

- For Residential Development\* - 400 sq.m + 4% of the site area;
- Other non-residential development permissible with consent in the area except agriculture, agricultural sheds used for a rural industry - 6% of the site area.

\*Residential development in this clause includes dwellings, buildings and structures such as garages, home workshops, storage sheds and the like that are ordinarily incidental or subsidiary to or attached to a dwelling.

There are site coverage controls for horticultural uses and sheds for agricultural and rural industry purposes, however the subject site is identified as primarily a dual occupancy residential use.

The use of porous materials and finishes is encouraged where appropriate.

Any alterations or additions to an existing dwelling can not extend beyond the maximum site coverage permitted in the above table.

### Variations

1. A reduced site coverage may apply where a site is located on environmentally sensitive or steeply sloping land, or where its development potential is restricted in some other way.
2. Dams, ponds, on-site detention tanks, the water surface area of swimming pools and water tanks that provide reserve capacity and an approved adaptor (where necessary) for fire fighting purposes or waste water treatment systems are exempted from site coverage.
3. Driveways, porous and soft surface areas that permit the infiltration of surface water into the substrata are not included in site coverage.

### Discussion

Site area (excluding the access handle) is 20,241.2m<sup>2</sup>. On this site, the maximum site coverage permitted for residential development is 1,209.6m<sup>2</sup>.

Existing site coverage is calculated to be 2,069.4m<sup>2</sup>, however Variation 2 may be applied to exclude the two septic tanks, and Variation 3 may be applied to exclude the gravel portion of driveway. Together, existing site coverage becomes considered to be 1,914.3m<sup>2</sup>, however the site coverage continues to exceed permitted site coverage by 704.7m<sup>2</sup>.

The proposed helipad is 7.1m<sup>2</sup>. This represents only 0.03% of site area. The proposed helipad would not reduce vegetation and is not considered to reduce the rural or bushland character of the Locality aesthetically. The proposed helipad is not considered to be inconsistent with this clause's development outcomes.

## **10.0 CONCLUSION**

The Development Application has been assessed in accordance with the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, Pittwater Local Environmental Plan, Pittwater 21 DCP and other relevant policies as listed as item 3.0.

The proposal is consistent with the relevant statutory and policy controls and outcomes. The impacts of the helipad, and its use by a Robinson R44 helicopter, to the natural environment, local area, public domain, neighbouring properties and the property itself are acceptable subject to the recommended conditions. The impacts of the helicopter to residents and wildlife, currently and into the future, would be satisfactorily reduced through conditions of consent limiting the weekly and daily number of helicopter trips and times as well as a condition of consent limiting the number of years the helipad may be first used under this consent to 5 years. The application is recommended for approval.

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## **RECOMMENDATION OF PLANNER**

That Council as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 grant consent to Development Application N0210/14 for the helipad at 5 Walter Road, Ingleside subject to the conditions of consent.

### **Report prepared by**

Michael Doyle  
**Planner**

**Date:** 07.05.15

CONSENT: N0210/14

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)

NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

# DRAFT

Applicant's Name and Address:

**BOSTON BLYTH FLEMING PTY LTD  
1/9 NARABANG WAY, BELROSE NSW 2085**

Being the applicant in respect of Development Application **N0210/14**

Pursuant to section 80(1) of the Act, notice is hereby given of the determination by Pittwater Council, as the consent authority, of Development Application **N0210/14** for:

**Construction and use of a private helipad**

At: **5 WALTER ROAD, INGLESIDE NSW 2101 (Lot 12 DP 30325)**

**Decision:**

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

1. 'Plan of details and levels over lot 12 in DP 30 325 5 Walter Road Ingleside' which formed part of the development application.
2. 'Acoustic assessment - Proposed helicopter landing site 5 Walter Road, Ingleside', reference no. 44.5131.R1:MSC, prepared by The Acoustic Group, dated 26 June 2014.
3. Geotechnical Risk Management for Pittwater letter, reference no. MP 29 501, prepared by Jack Hodgson Consultants P/L, dated 25 June 2014.
4. 'Flora & Fauna and Biodiversity Impact Assessment' for Proposed Helipad at 5 Walter Road, Ingleside', prepared by ACS Environmental P/L, dated April 2015.

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

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

Endorsement of date of consent:

Mark Ferguson  
GENERAL MANAGER

Per:

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## Conditions of Approval

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

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

### A. Prescribed Conditions:

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

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

5. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  1. in the case of work for which a principal contractor is required to be appointed:
    - i. The name and licence number of the principal contractor, and
    - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
  2. in the case of work to be done by an owner-builder:
    1. The name of the owner-builder, and
    2. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
6. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further

# DRAFT

work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

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

Note: This condition does not apply in relation to Crown building work that is certified, in accordance with Section 116G of the Act, to comply with the technical provisions of the States building laws.

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

1. This approval/consent relates only to the new work nominated on the approved consent plans and does not approve or regularise any existing buildings or structures within the property boundaries or within Council's road reserve.
2. The hours of operation are limited to
  - 7am to sunset on Monday to Saturday, and
  - 8am to sunset Sundays and Public Holidays.
3. The maximum permissible helicopter flight movements on any particular day to be limited to two (2) of each. The weekly number of helicopter flight movements will be limited to seven (7). For clarity, a single landing OR take off is considered one flight movement.
4. No dust issues are to arise between the subject and adjoining properties from the operation of the helipad.
5. This development consent relates to the use of the helipad by a Robinson R44 type of helicopter only. A modification application shall be submitted to Pittwater Council for either
  - any use of the helipad for another model of helicopter, or
  - any amendment to these conditions of consent.
6. The northeasterly, easterly and southeasterly flight paths nominated in the Acoustic Report must be used. This consent does not authorise any other flight paths or commercial use of the helipad for joy flights.
7. The helipad use is predicated on rural and rural-residential neighbouring land, and not residential neighbouring land and its associated distances to the subject site and densities. Therefore, in light of the Ingleside Land Release/Precinct Plan process, this consent is limited to a period of 5 years from the date of this consent. Prior to the expiry date of this consent, the applicant will be required to submit a modification application for any continuance of the use.
8. DELETED
9. DELETED

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10. If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Aboriginal Heritage Office (AHO) and Office of Environment and Heritage (OEH) are to be notified.
11. In accordance with Pittwater Councils DCP Control B4.22 Protection of Trees and Bushland Vegetation, all existing trees as indicated in the Survey Plan and/or approved Landscape Plan shall be retained except where Council's prior written consent has been obtained, for trees that stand within the envelope of approved development areas and removal is approved through an arborist report. For all other tree issues not related to a development application, applications must be made to Council's Tree Management Officers.
12. Prior to the completion of works, all declared noxious weeds are to be removed/controlled in accordance with the Noxious Weeds Act 1993. Environmental weeds are to be removed and controlled. Refer to Pittwater Council website [http://www.pittwater.nsw.gov.au/environment/noxious\\_weeds](http://www.pittwater.nsw.gov.au/environment/noxious_weeds) for noxious/environmental weed lists.
13. No environmental weeds are to be planted on the site. Refer to Pittwater Council website [http://www.pittwater.nsw.gov.au/environment/noxious\\_weeds](http://www.pittwater.nsw.gov.au/environment/noxious_weeds) for environmental weed lists.
14. Any new fencing (with the exception of swimming pool fencing) is to be made passable to native wildlife. Hole dimensions are to be a minimum of 150mm wide x 100mm high at ground level spaced at 6 metre intervals.
15. Domestic pet animals are to be kept from entering wildlife habitat areas at all times. Dogs and cats are to be kept in an enclosed area or on a leash such that they cannot enter areas of bushland or foreshore, unrestrained, on the site or on surrounding properties or reserves. Ferrets and rabbits are to be kept in a locked hutch/run at all times.
16. Any vegetation planted onsite outside approved landscape zones is to be consistent with:
  0. Species listed in the Ecological Sustainability Plan or Bushland Management Plan (if applicable)
  1. Species listed from the Endangered Ecological Community
  2. Locally native species growing onsite and/or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and Native Plants for Your Garden available on the Pittwater Council website [http://www.pittwater.nsw.gov.au/environment/species\\_lists](http://www.pittwater.nsw.gov.au/environment/species_lists)
17. No building materials or other materials are to be placed on Bushland vegetation. Sediment is not to leave the site or enter areas of Bushland vegetation, and the appropriate sediment fencing is to be installed.
18. Noise from the operation of any plant or equipment for the helipad shall comply with the noise provisions of the Protection of the Environment Operations Act, 1993.
19. No water pollution shall result from the operation of any plant or equipment or activity carried out in relation to the helipad.
20. The operation of any plant or equipment or any procedure carried out, in relation to the helipad, shall not cause land pollution.



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21. The construction and operation of the helipad and helicopter flight movements are at all times to comply with all relevant Civil Aviation Regulations (CAR) and CAAP 92-2(2) February 2014.

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

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

1. Submission of construction plans and specifications and documentation which are consistent with the approved Development Consent plans, the requirements of Building Code of Australia and satisfy all conditions shown in Part B above are to be submitted to the Principal Certifying Authority.

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

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

1. Any proposed demolition works shall be carried out in accordance with the requirements of AS2601-2001 *The Demolition of Structures*.

Amongst others, precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:

1. Protection of site workers and the general public.
2. Erection of hoardings where appropriate.
3. Asbestos handling and disposal where applicable.
4. Any disused service connections shall be capped off.

Council is to be given 48 hours written notice of the destination/s of any excavation or demolition material. The disposal of refuse is to be to an approved waste disposal depot.

2. A stamped copy of the approved plans is to be kept on the site at all times, during construction.
3. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
4. Sedimentation and erosion controls are to be effectively maintained at all times during the course of construction and shall not be removed until the site has been stabilised or landscaped to the Principal Certifying Authority's satisfaction.
5. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
6. No works are to be carried out in Council's Road Reserve without the written approval of the Council.
7. No skip bins or materials are to be stored on Council's Road Reserve.

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8. A clearly legible *Site Management Signs* to be erected and maintained throughout the course of the works. The sign is to be centrally located on the main street frontage of the site and is to clearly state in legible lettering the following:
  1. The builder's name, builder's telephone contact number both during work hours and after hours.
  2. That no works are to be carried out in Council's Road Reserve without the written approval of the Council.
  3. That a Road Opening Permit issued by Council must be obtained for any road openings or excavation within Council's Road Reserve associated with development of the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
  4. That no skip bins or materials are to be stored on Council's Road Reserve.
  5. That the contact number for Pittwater Council for permits is 9970 1111.

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

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

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

1. An Occupation Certificate application stating that the development complies with the Development Consent, the requirements of the Building Code of Australia and that a Construction Certificate has been issued must be obtained before the building is occupied or on completion of the construction work approved by this Development Consent.
2. Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained and provided to the Private Certifying Authority with the Occupation Certificate application.

## **G. Advice:**

1. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act, 1979* (as amended) and/or the conditions of this Development Consent may result in the serving of penalty notices (on-the-spot fines) under the summary offences provisions of the above legislation or legal action through the Land and Environment Court, again pursuant to the above legislation.
2. The applicant is also advised to contact the various supply and utility authorities, i.e. Sydney Water, Sydney Electricity, Telstra etc. to enquire whether there are any underground utility services within the proposed excavation area.
3. It is the Project Managers responsibility to ensure that all of the Component Certificates/certification issued during the course of the project are lodged with the Principal

# DRAFT

Certifying Authority. Failure to comply with the conditions of approval or lodge the Component Certificates/certification will prevent the Principal Certifying Authority issuing an Occupation Certificate.

4. In accordance with Section 95(1) of the Act, this consent will lapse if the development, the subject of this consent, is not physically commenced within 5 years after the date from which this consent operates.
5. To ascertain the date upon which the determination becomes effective and operates, refer to Section 83 of the *Environmental Planning and Assessment Act, 1979* (as amended).
6. Should any of the determination not be acceptable, you are entitled to request reconsideration under Section 82A of the *Environmental Planning and Assessment Act, 1979*. Such request to Council must be made in writing, together with appropriate fees as advised at the time of lodgement of such request, within 1 year from the date of determination.
7. If you are dissatisfied with this decision, Section 97 of the *Environmental Planning and Assessment Act, 1979*, gives you a right of appeal to the Land and Environment Court within 6 months of the date of endorsement of this Consent.
8. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Waters sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to the web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then see Building Developing and Plumbing then Quick Check, or telephone 13 20 92.
9. Portions of the site may be liable to flooding from the 1% AEP and the PMF (Probable Maximum Flood) and effective precautions should be taken by the owner(s) and/or occupier(s) of the building to reduce any potential risk to personal safety and to minimise any property damage to the structure, its fixtures and contents.

# DRAFT

Attachment A

## BUILT ENVIRONMENT - REFERRAL SHEET - STRATEGIC PLANNING / LAND RELEASE

**ATTENTION:** Land Release Planner

**Development Application No:** N0210/14

**Date Referred:** 26 September 2014 **Planner:** Michael Doyle

**Address:**  
5 WALTER ROAD  
INGLESIDE NSW 2101

Lot 12 DP 30325

**Applicant:**  
BOSTON BLYTH FLEMING PTY LTD

**Owner:** TREVOR GROENEVELD

**Description of Application:** Construction and use of a private helipad

### REFERRAL ASSESSMENT

The comments provided within this response are confined to a strategic context.

#### **Background**

The subject site, 5 Walter Road, is located within the Ingleside Land Release Area. The site is situated within the north-eastern portion of the precinct, referred to as the North Ingleside sub-precinct.

Ingleside was first identified for urban release in 1991 when the area was listed within the State government's Metropolitan Delivery Program. The boundary for the Ingleside Release Area is defined by the State government's Metropolitan Development Program. Several planning investigations of the area have commenced over the years however have not resulted in a zoning outcome for Ingleside.

#### **Precinct Planning Process**

In February 2013 Council resolved to be involved in a process called 'precinct planning' to investigate the development potential of Ingleside in conjunction with the then Department of Planning and Infrastructure and UrbanGrowth NSW. The Department of Planning & Environment are leading the planning investigations with inputs from Council and UrbanGrowth NSW.

The precinct planning process aims to ensure the orderly and efficient development of the land in accordance with statutory requirements. The process includes:

- Analysis of the environment and urban form to determine development parameters and issues that will need to be addressed before development application stage;
- Preparation of a statutory plan and detailed development control plan;
- Incorporating consideration of development feasibility and development processes into land use and infrastructure planning;
- Co-ordinating infrastructure provision and agency requirements, including establishing funding arrangements;
- A comprehensive approach to community engagement throughout the process, in addition to statutory public exhibition of the draft precinct planning package; and
- Obtaining precinct-level approvals for relevant integrated development and other statutory requirements, where appropriate.

# DRAFT

## **Status of investigations**

The Ingleside project team are currently finalising a draft structure plan to present to the community in November 2014. Feedback from state agencies and community will be sought at this time. The feedback received will be used to finalise the structure plan and develop a draft zoning instrument and development control plan. The zoning instrument will identify where housing, retail, commercial, recreation and conservation lands will be located. It is anticipated that the draft zoning instrument, together with a development control plan, developer contributions plan and infrastructure delivery plan, will be publicly exhibited in early 2015. It is anticipated that the final plan for Ingleside will be gazetted in mid-2015.

## **Comments in relation to development application**

Given that the outcomes of the planning investigations will not be known until a statutory planning instrument is gazetted, a development application may be approved, provided it is permissible under instrument in force at the time of lodgement. In this regard, it is noted that this application was lodged prior to PLEP 2014 coming into force, and under PLEP 2014 the proposal would not be permissible in the RU2 Rural Landscape zone. Under the former PLEP 1993 however a helipad is permissible in the 1(a) Non-Urban A zone as an ancillary use to a dwelling house.

It is acknowledged that one submission has raised concerns in relation to the future compatibility of the proposed helipad within a potential residential area. In this regard, the following comments are provided:

- The subject site is located on the eastern fringe of the Release Area, immediately adjoining Katandra Bushland Sanctuary, with the nominated flight paths being to the north, north-east and south-east over the Sanctuary. Subject to conditions of consent limiting the use of the helipad to the nominated flight paths, Land Release is satisfied that the development, if approved, would not have significant impacts the privacy of the adjoining landowners in the future.
- In relation to noise, it is noted that the development proposal is supported by an Acoustic Assessment. In addition, Council's Environmental Health Officer has considered the proposal and is satisfied that noise concerns can be satisfactorily addresses through the imposition of conditions limiting the timing and number of helicopter movements. Given this, Land Release is satisfied that resultant noise from the use of the helipad is unlikely to significantly impacts on the amenity of future adjoining residents.

## **OUTCOMES**

As the outcomes of the planning investigations for Ingleside are, at this time, still unknown, it would premature to impose a time-limited consent.

Therefore subject to the imposition of conditions of consent addressing helicopter flights paths, hours of use and quantum of movements daily as outlined above, it is considered that the proposed development is unlikely to have significant impacts on the amenity of future residents in the area.

**Officer: Tija Stagni, Senior Planner Land Release**

**Date: 16 October 2014**

# DRAFT

Attachment B

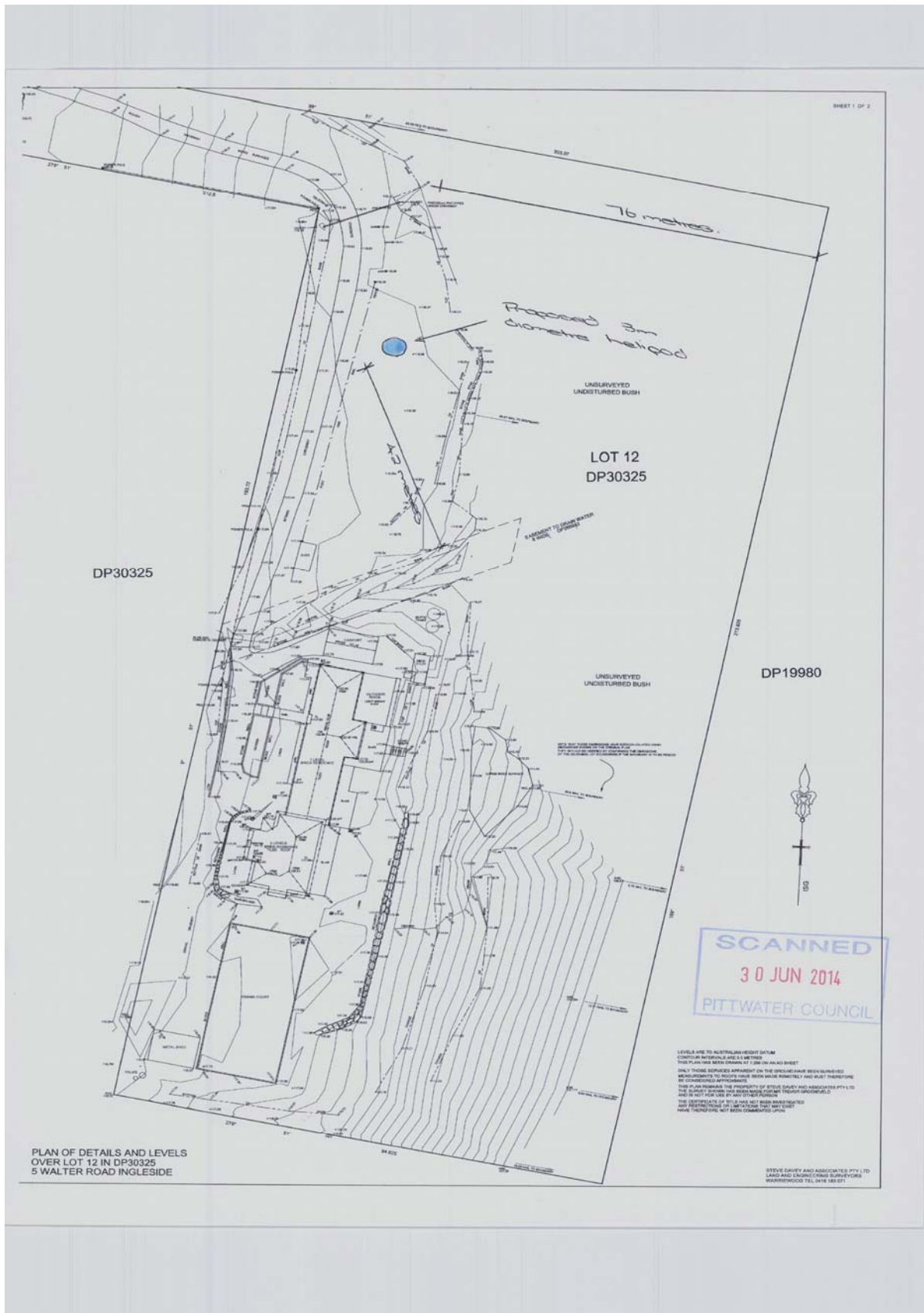
## HERITAGE REFERRAL SHEET

<b>Application no.</b>	N0210/14
<b>Address</b>	5 Walter Road, Ingleside
<b>Planner</b>	Michael Doyle
<b>Applicant</b>	Boston Blyth Fleming
<b>Details of proposal</b>	Construction and use of a private helipad
<b>Reason for referral</b>	The proposal is in the vicinity of a recommended nominated item (Katandra Bushland Sanctuary) from the draft Pittwater Community Based Heritage Study.
<b>Item(s) of significance</b>	<u>Katandra Bushland Sanctuary (2270158)</u> <i>Katandra Sanctuary is historically significant locally as an example of philanthropy in nature conservation as an area of privately owned land partly donated, partly sold to the NSW Government for nature conservation and education. It has historical associations with the late Harold Seymour, who was passionate about nature conservation in the area. The sanctuary has local aesthetic and educational / scientific / research significance derived from its remnant native plant communities and fauna habitat value. It is dedicated to the study and preservation of native flora and fauna of the Hawkesbury Sandstone country.</i>
<b>Statement of Effects</b>	The Statement of Environmental Effects does not address the nearby recommended nominated item. The list of recommended nominated items was not public at the time this DA was submitted.
<b>Site inspection</b>	A site inspection has not been carried out due to the nature of the recommended nominated item and the reasons for its significance. The images taken as part of a site inspection carried out on 18 July 2014 have been used as a reference. The <i>Illustrated Burra Charter</i> , the <i>Australian Natural Heritage Charter</i> , the <i>NSW Natural Heritage Principles</i> and the NSW Heritage Office's <i>Assessing Heritage Significance</i> have been consulted when considering this application.
<b>Conclusion</b>	<p>The Katandra Bushland Sanctuary is a recommended nominated item from the draft Pittwater Community Based Heritage Study. It is historically significant as an example of philanthropy by Harold Seymour, who lived on the property until he dedicated it to the people of NSW. The site also has aesthetic and education/scientific/research significance due to the presence of native flora and fauna species.</p> <p>The proposed helipad is not anticipated to impact on the historical significance of Katandra Bushland Sanctuary as an act of philanthropy for nature conservation or the historical association with Harold Seymour is not diminished. There are no objections on heritage grounds in this regard.</p> <p>In regards to the educational/scientific/research significance, it may that the proposed helipad could impact on the natural significance of the place, in particular the fauna present in the Katandra Bushland Sanctuary. However, no documentation has been provided as part of this development application assessing the impact on the nearby native fauna. Therefore it is considered most appropriate for Council's Natural Resources Officer to comment on the impact of the proposed development on Katandra Bushland Sanctuary's natural heritage significance.</p>
<b>Assessing Officer</b>	Keeley Allen, Strategic Planner





# NOTIFICATION PLAN





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<b>C12.2</b>	<b>N0450/14 - 15 Calvert Parade Newport - Demolition of existing dwelling &amp; construction of new two storey plus basement dwelling with garage, swimming pool and associated landscape works</b>
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**Meeting:** Sustainable Towns & Villages Committee

**Date:** 15 June 2015

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**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:**

- To provide an effective development assessment and determination process
- 

## **1.0 EXECUTIVE SUMMARY**

### **1.1 SUMMARY**

The Development Unit at its meeting held on 28 May 2015 considered the Assessing Officer's report (refer **Attachment 1**) for determination of Development Application N0450/14 for demolition of existing dwelling & construction of new two storey plus basement dwelling with garage, swimming pool and associated landscape works at 15 Calvert Parade, Newport NSW 2106

- 1.2 It is a policy requirement of the NSW Department of Planning that applications involving a variation to a development standard of more than 10% be referred to the elected Council for determination.

This application seeks to vary the development standard for height by 12.3%.

- 1.3 Discussion in relation to these variations is contained within Section 8.0 (Discussion of Issues) of the Assessing Officer's report.

- 1.4 Five (5) objectors and the applicant were present at the meeting. The Development Unit considered the issues raised by the objectors and the applicant as well as the issues addressed in the Assessing Officer's report and supported the Officer's recommendation for approval subject to the conditions contained in the draft consent.
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## **2.0 RECOMMENDATION**

*That Council as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 grant consent to Development Application N0450/14 for demolition of existing dwelling & construction of new two storey plus basement dwelling with garage, swimming pool and associated landscape works at 15 Calvert Parade, Newport NSW 2106 subject to the draft conditions of consent attached.*

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### **3.0 BACKGROUND**

#### **3.1 PURPOSE**

To seek endorsement of the Development Unit's recommendation following consideration of Development Application N0450/14 for demolition of existing dwelling & construction of new two storey plus basement dwelling with garage, swimming pool and associated landscape works at 15 Calvert Parade, Newport NSW 2106.

#### **3.2 BACKGROUND**

The Development Unit at its meeting held on 28 May 2015 considered the Development Officer's report (refer **Attachment 1**) for determination of Development Application N0450/14.

Despite the height variation to policy of 12.3% the Development Unit considered that the merits of the application warranted support of the Assessing Officer's recommendation for approval (refer to discussion at Section 8.0 of the Assessing Officer's report)

#### **3.3 POLICY IMPLICATIONS**

The NSW Department of Planning requires that applications involving a variation to a development standard of more than 10% be referred to the elected Council for determination.

#### **3.4 RELATED LEGISLATION**

Council is 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 unless Council's decision is challenged in the Land and Environment Court.

##### **3.5.2 Resources Implications**

No implications.

### **4.0 KEY ISSUES**

- Variation of the Development standard for height
- Other issues as addressed within the assessing officer's report

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### **5.0 ATTACHMENTS / TABLED DOCUMENTS**

**Attachment 1:** Assessing Officer's report to the Development Unit meeting of 28 May 2015.

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### **6.0 SUSTAINABILITY ASSESSMENT**

The relevant sustainability assessments have been addressed in the attached assessing officer's report.

Report prepared by

Warwick Lawrence

**MANAGER, ADMINISTRATION & GOVERNANCE**

**SUBJECT: N0450/14 - 15 Calvert Parade, Newport NSW 2106 - Demolition Of Existing Dwelling & Construction Of New Two Storey Plus Basement Dwelling With Garage, Swimming Pool And Associated Landscape Works**

**Meeting:** Development Unit

**Date:** 28 May 2015

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**SUMMARY OF RECOMMENDATION**

**Consent with Conditions**

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<b>REPORT PREPARED BY:</b>	<b>Angela Brown</b>
<b>APPLICATION SUBMITTED ON:</b>	<b>8/12/2014</b>
<b>APPLICATION SUBMITTED BY:</b>	<b>MOLNAR FREEMAN ARCHITECTS P/L</b>
<b>OWNER(S):</b>	<b>DANINA D ANDERSON</b>

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**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 N0450/14 for demolition of existing dwelling & construction of new two storey plus basement dwelling with garage, swimming pool and associated landscape works at 15 Calvert Parade, Newport NSW 2106 subject to the draft conditions of consent attached.

Report prepared by  
Angela Brown, Planner

Andrew Pigott  
**MANAGER, PLANNING & ASSESSMENT**

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**SUBJECT: N0450/14 - 15 CALVERT PARADE, NEWPORT NSW 2106 demolition of existing dwelling & construction of new two storey plus basement dwelling with garage, swimming pool and associated landscape works**

**Determination Level:** Council

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**SUMMARY OF RECOMMENDATION:** CONSENT WITH CONDITIONS

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**REPORT PREPARED BY:** Angela Brown

**APPLICATION SUBMITTED ON:** 8 December 2014

**APPLICATION SUBMITTED BY:** MOLNAR FREEMAN ARCHITECTS PTY LTD  
18 GLEBE ST  
EDGECLIFF NSW 2027

**OWNER(S):** DANINA DUPAIN ANDERSON

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#### **1.0 SITE DETAILS**

The site is known as 15 Calvert Parade, Newport and has a legal description of Lot 1 in Deposited Plan 515891. The site is irregular in shape and has a total area of 703.4m<sup>2</sup>. The site is located on the eastern side of Calvert Parade and pedestrian access is gained via the 16.235m wide frontage of Calvert Parade to the west and via a pedestrian path accessed from Newport Beach to the east. There is currently no formal vehicular access to the site. From Calvert Parade the site rises slightly and then falls considerably towards the rear boundary to the east, with a slope of approximately 88%. The site is currently occupied by a single dwelling. The property is surrounded by residential properties to the north, south and west, with Newport Beach located to the east of the site.

## 2.0 PROPOSAL IN DETAIL

The applicant seeks consent for the following works:

- Demolition of the existing dwelling;
- Construction of a new two-three storey dwelling comprising of:
  - A Passenger Lift through all three levels;
  - Basement Level  
Attached Double Garage, Bin Store, Plant Room, Laundry, Living area with Kitchenette, Bedroom 3, Bathroom and Photo Archive Room, Pool Equipment Room and terrace to the north-east;
  - Ground Level  
Bedroom 2, Study, WC, Living Room, Kitchen with Pantry, Dinning area, partially enclosed courtyard to the north and an attached terrace to the north-east;
  - First Floor Level  
Bedroom 1 with Walk-in Robe, WC, En-suite with attached terrace and attached terrace to the north-east;
- Construction of an in-ground swimming pool at basement level to the north-east;
- Construction of a new access driveway and internal driveway;
- New front boundary fence;
- Associated Landscaping.

## 3.0 STATUTORY AND POLICY CONSIDERATIONS

The site is zoned E4 - Environmental Living under Pittwater Local Environmental Plan 2014. Pursuant to the land use table in Part 2 of this instrument, the proposed development being demolition, a new dwelling and swimming pool is permissible with consent.

The following relevant state, regional and local policies and instruments apply:

- 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 No 71 - Coastal Protection (SEPP 71)
- Pittwater Local Environmental Plan 2014 (PLEP 2014)
  - Acid Sulphate Soils Map - Class 5
  - Biodiversity Map
  - Foreshore Building Line Map
  - Geotechnical Hazard Map
  - Height of Buildings Map - 8.5m
  - Lot Size Map - 700m<sup>2</sup>
- Pittwater 21 Development Control Plan (P21 DCP)
  - Newport Locality
  - Geotechnical Risk Management Policy for Pittwater
  - Coastline Risk Management Policy for Development in Pittwater.

Pittwater 21 DCP identifies the land as being the following:

- Landslip Prone;
- Coastal Erosion/Wave Inundation.

#### **Variation to development standards:**

The proposed development seeks a variation to the building height under Clause 4.3 of PLEP 2014. The applicant seeks to vary the development standard by 12.3%. See discussion in Section 8.0.

#### **4.0 BACKGROUND**

##### 12 December 2013

Development Application N0235/13 for alterations and additions to the existing dwelling at the subject site was approved by the Development Unit under delegated authority.

##### 08 December 2014

Development application N0450/14 for demolition of existing dwelling and construction of a new dwelling with garage, swimming pool and associated landscape works was lodged with Council. The application notified to the adjoining property owners in accordance with Council's policy. The application was referred to Council's Senior Development Engineer, Natural Environment Officer, Reserves and Recreation Unit and Strategic Planning Unit for comments and/or recommendation. The site was inspected on 13/02/2015.

##### 17 March 2015

Additional information was requested for the applicant to erect height poles in order to determine the impact of the proposal.

##### 31 March 2015

Additional information was received in which the applicant provided certification that the height poles had been erected in accordance with the requirements.

#### **5.0 NOTIFICATION**

The application was notified to ten (10) adjoining property owners for a period of twenty-one (21) days from 15 December 2014 through to 05 January 2015 in accordance with Council's Notification Policy. During this time, four (4) submissions were received from and on behalf of the owners of 17 and 19 Calvert Parade.

These submissions raised concerns with regard to the following:

- Notification period;
- View Loss (from proposed development and proposed landscaping/trees);
- Visual privacy;
- Noise impact and visual amenity concerns regarding the location of Air Conditioning Unit;
- Boundary fencing.

## 6.0 ISSUES

- 4.6 Exceptions to development standards
- 7.8 Limited development on foreshore area
- 3.4 Notification
- B1.3 Heritage Conservation - General
- B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land
- C1.3 View Sharing
- C1.4 Solar Access
- C1.5 Visual Privacy
- C1.25 Plant, Equipment Boxes and Lift Over-Run
- D10.4 Building colours and materials
- D10.7 Front building line (excluding Newport Commercial Centre)
- D10.8 Side and rear building line (excluding Newport Commercial Centre)
- D10.11 Building envelope (excluding Newport Commercial Centre)
- D10.13 Landscaped Area - Environmentally Sensitive Land
- D10.14 Fences - General
- SEPP No 71 - Coastal Protection

## 7.0 COMPLIANCE TABLE

- T - Can the proposal satisfy the technical requirements of the control?
- O - Can the proposal achieve the control outcomes?
- N - Is the control free from objection?

Control	Standard	Proposal	T	O	N
<b>Pittwater Local Environmental Plan 2014</b>					
2.7 Demolition requires development consent			Y	Y	Y
Zone E4 Environmental Living			Y	Y	Y
4.3 Height of buildings		Maximum Height - 9.55m above existing ground level.  The applicant seeks a variation to the Development Standard. See Clause 4.6 for further discussion.	N	Y	Y
4.6 Exceptions to development standards		The proposed development seeks a variation to the building height under Clause 4.3 of PLEP 2014. The applicant seeks to vary the development standard by 12.3%. See discussion in Section 8.0.	Y	Y	Y

Control	Standard	Proposal	T	O	N
5.5 Development within the coastal zone			Y	Y	Y
5.10 Heritage conservation		See further discussion under Clause B1.3.	Y	Y	Y
7.1 Acid sulfate soils		<i>Acid Sulphate Region 5</i>	Y	Y	Y
7.2 Earthworks			Y	Y	Y
7.5 Coastal risk planning			Y	Y	Y
7.7 Geotechnical hazards			Y	Y	Y
7.8 Limited development on foreshore area			Y	Y	Y
7.10 Essential services			Y	Y	Y
<b>Pittwater 21 Development Control Plan 2014</b>					
3.1 Submission of a Development Application and payment of appropriate fee			Y	Y	Y
3.2 Submission of a Statement of Environmental Effects			Y	Y	Y
3.3 Submission of supporting documentation - Site Plan / Survey Plan / Development Drawings			Y	Y	Y
3.4 Notification		See discussion in Section 8.0.	Y	Y	N
3.5 Building Code of Australia			Y	Y	Y
A1.7 Considerations before consent is granted			Y	Y	Y
A4.10 Newport Locality			Y	Y	Y
B1.3 Heritage Conservation - General		See discussion in Section 8.0.	Y	Y	Y
B1.4 Aboriginal Heritage Significance		<i>No apparent issues.</i>	Y	Y	Y
B3.1 Landslip Hazard			Y	Y	Y
B3.3 Coastline (Beach) Hazard			Y	Y	Y
B3.6 Contaminated Land and Potentially Contaminated Land			Y	Y	Y
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land		See discussion in Section 8.0.	Y	Y	Y
B5.2 Wastewater Disposal			Y	Y	Y
B5.4 Stormwater Harvesting			Y	Y	Y
B5.8 Stormwater Management - Water Quality - Low Density Residential			Y	Y	Y
B5.10 Stormwater Discharge into Public Drainage System			Y	Y	Y
B6.3 Internal Driveways - Low Density Residential			Y	Y	Y
B6.5 Off-Street Vehicle Parking Requirements - Low Density Residential			Y	Y	Y
B8.1 Construction and Demolition - Excavation and Landfill			Y	Y	Y



Control	Standard	Proposal	T	O	N
B8.2 Construction and Demolition - Erosion and Sediment Management			Y	Y	Y
B8.3 Construction and Demolition - Waste Minimisation			Y	Y	Y
B8.4 Construction and Demolition - Site Fencing and Security			Y	Y	Y
B8.5 Construction and Demolition - Works in the Public Domain			Y	Y	Y
C1.1 Landscaping		<i>For comment see B4.5</i>	Y	Y	Y
C1.2 Safety and Security			Y	Y	Y
C1.3 View Sharing		See discussion in Section 8.0.	N	Y	N
C1.4 Solar Access		See discussion in Section 8.0.	Y	Y	Y
C1.5 Visual Privacy		See discussion in Section 8.0.	Y	Y	N
C1.6 Acoustic Privacy		A submission has been received which raises concerns regarding the location of the air conditioning unit.  See Control C1.25 for further discussion.	Y	Y	N
C1.7 Private Open Space			Y	Y	Y
C1.12 Waste and Recycling Facilities			Y	Y	Y
C1.13 Pollution Control			Y	Y	Y
C1.17 Swimming Pool Safety			Y	Y	Y
C1.23 Eaves			Y	Y	Y
C1.24 Public Road Reserve - Landscaping and Infrastructure		The applicant seeks consent to construct a new access driveway on the road reserve area which shall be subject to Section 139 consent. No other works are proposed in the road reserve, the existing street trees are to be retained and the proposed development shall not impact on future construction of a 1.5m footpath.	Y	Y	Y
C1.25 Plant, Equipment Boxes and Lift Over-Run		See discussion in Section 8.0.	Y	Y	N
D10.1 Character as viewed from a public place			Y	Y	Y
D10.3 Scenic protection - General			Y	Y	Y
D10.4 Building colours and materials		See discussion in Section 8.0.	N	Y	Y
D10.7 Front building line (excluding Newport Commercial Centre)		See discussion in Section 8.0.	N	Y	Y
D10.8 Side and rear building line (excluding Newport Commercial Centre)		See discussion in Section 8.0.	N	Y	Y

Control	Standard	Proposal	T	O	N
D10.11 Building envelope (excluding Newport Commercial Centre)		See discussion in Section 8.0.	N	Y	Y
D10.13 Landscaped Area - Environmentally Sensitive Land		Minimum Landscaped Area - 60% or 422.04m <sup>2</sup> with permitted variations.  See discussion in Section 8.0.	Y	Y	Y
D10.14 Fences - General		See discussion in Section 8.0.	Y	Y	N
D10.16 Construction, Retaining walls, terracing and undercroft areas			Y	Y	Y
<b>State Environmental Planning Policies and other</b>					
SEPP No 71 - Coastal Protection			Y	Y	Y
SEPP (Building Sustainability Index: BASIX) 2004		BASIX Certificate: 577887S, dated 02 December 2014	Y	Y	Y

## 8.0 DISCUSSION OF ISSUES

### • 4.6 Exceptions to development standards

Clause 4.3 of PLEP 2014 requires a maximum building height of 8.5m above the existing ground level. Section (2D) of Clause 4.3 allows consideration of a variation of the control up to a maximum of 10m where the building footprint is situated on a slope in excess of 16.7° or 30%. The site is considered to be steeply sloping, with a significant fall from the centre of the site down towards the eastern rear of the site, however the proposed development is primarily located to the west of the site where the land is predominantly flat. The building footprint of the development has a slope of approximately 9.7% and the variation is not applicable. The development proposes a maximum building height of 9.55m and as such the applicant seeks to vary the development standard which requires the application of Clause 4.6 – Exceptions to development standards. Clause 4.6 (3) states:

*Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*  
*(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*  
*(b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

The applicant has submitted a written statement to support why compliance with the development standard is unreasonable and justification for the request to vary the standard. Clause 4.6 (4) states:

*Development consent must not be granted for development that contravenes a development standard unless:*  
*(a) the consent authority is satisfied that:*  
*(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*  
*(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*  
*(b) the concurrence of the Director-General has been obtained.*

Council's assessment of the Clause 4.6 variation request is as follows:

### **Development Standard to be Varied**

Pittwater Local Environmental Plan 2014 Clause 4.3 – Height of Buildings states:

*“The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.”*

The maximum building height for the subject site is 8.5 metres. The applicant seeks consent for demolition of the existing dwelling and construction of a new dwelling, attached double garage and swimming pool and the proposed maximum height of the development is 9.55m above existing ground level. As such, quantitatively, the applicant seeks to vary the development standard by approximately 12.3%.

### **Objectives of the Development Standard**

The objectives of Clause 4.3 – Height of Buildings are as follows:

- (a) to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,*
- (b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*
- (c) to minimise any overshadowing of neighbouring properties,*
- (d) to allow for the reasonable sharing of views,*
- (e) to encourage buildings that are designed to respond sensitively to the natural topography,*
- (f) to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.*

### **Is compliance with the development standard unreasonable or unnecessary in the circumstances of this case**

The submitted Clause 4.6 request seeks to establish that requiring compliance with the development standard is in this instance unreasonable or unnecessary because the non-compliance is a result of the slope of the land and topography of the site, which is sited on a crest that falls to the street (west) and to the beach at the rear (east) as well as a cross-fall across the site from south to north, and because the extent of the non-compliance is minor as it only relates to a short length of the balcony roof. The variation request seeks to establish that there are environmental planning grounds to allow the variation and that the proposed development meets the objectives of development standard 4.3 – Height of Buildings and of the E4 zoning.

The objectives of Clause 4.3 – Height of Buildings in PLEP 2014 are addressed as follows:

- The proposed development is a maximum of three-storey with the lower level located partially in-ground. The desired character of the Newport locality states that dwellings should be a maximum of two-storey in a landscaped setting. However, due to the natural topography of the subject site and surrounding sites, in which the sites fall steeply to the rear yet also have a fall across the site from south to north, the character of the area is predominantly two and three storey developments. In particular the three (3) properties to the south of the subject site are all three (3) storey dwellings. As such the proposed development is considered to be consistent with the surrounding development, the existing character of the locality and the visual character of the surrounding dwellings as viewed from Newport Beach. Landscaping has been enhanced on site and integrated with the proposed development to minimise bulk and scale and ensure consistency with the desired character of the Newport locality.

- The maximum height of the proposed development shall be approximately 2.5m higher than the existing dwelling to the north, however the proposed development shall be sited substantially below the ridgeline of the adjoining dwelling to the south (as approved by development consent N0147/13), and shall sit below the existing dwellings located further to the south. The proposed height responds to the adjoining properties to the north and south to ensure the development is at an appropriate scale in accordance with the surrounding development, and shall continue the transition of development along the headland from the southern side of Calvert Parade to the northern lower side. As such the proposed development is considered to be compatible with the height and scale of the surrounding and nearby development.
- As discussed in controls C1.3 and C1.4, the proposed development is not considered to result in any unreasonable impacts upon the adjoining properties with regards to solar access and view loss, and it is considered that a reasonable sharing of views can be achieved. Furthermore, the portion of development that is non-compliant with the 8.5m height requirement shall not impact upon the views as discussed in C1.3.
- As a result of the unique topography of the site, where the site slopes gently from the street up to the centre of the site then steeply down to the rear as well as a cross-fall from south to north, a natural progression of development that steps down the site is difficult. In order to achieve a balance between the development of the site and maintaining the natural landform, in addition to compliance with Council's driveway gradients, the garage has been partially located in-ground at the front of the site, and the basement level has been located at the existing ground level at the rear of the site. As such the proposed development requires excavation to construct the basement level from the garage through to the rear of the development. The proposed development has been located partially in-ground in order to sit low on the site, ensure consistency with the surrounding development and to minimise amenity impacts, with particular regard to retaining views. The siting of the development and consideration of the foreshore building line allows for over 40% of the rear of the site to be retained in its natural form. While it is recognised that the proposal includes excavation, the extent of excavation varies between 1m to 3m for the majority of the development, with only a portion of the south-eastern corner requiring excavation deeper than 3m, and it is considered that the proposal has been designed in consideration of the natural topography as well as preserving the amenity of the adjoining properties and in the context of the surrounding developments which also include basement excavations.
- As discussed in control B1.3, while it is noted that the existing development may have some heritage significance, conditions have been recommended to ensure the heritage value of the property shall be documented for future reference. The subject site is not located within a heritage conservation area or within the immediate vicinity of any heritage items and it is considered that the proposed development will not adversely impact heritage significance in the Newport Beach locality. The proposal seeks to enhance the vegetation and landscaping on site including replacement planting of trees to be removed. The overall visual appearance of the proposed

development will be consistent with the surrounding built form and natural environment with the lower level vegetation at the rear of the site to be retained, and it is considered that the proposed development will not cause any adverse visual impacts on the natural environment, heritage conservation areas or heritage items.

Furthermore, the proposed development is consistent with the objectives of the E4 zone under Clause 2.1 of PLEP 2014 which aims to provide low-density residential development that is integrated with the landform and landscape, and does not have an adverse impact upon the aesthetic values of the foreshore, including Newport Beach and the headland. The proposed development provides for a single dwelling in the Newport locality, which shall not be out of place with the existing and approved residential development located along the headland above the beach. The foreshore vegetation shall be retained and enhanced, and landscaping shall be introduced into the site with the proposed development integrated into the landform.

It has been demonstrated above that whilst the proposal does not comply with the development standard, it succeeds in achieving the objectives of the control. In this regard, strict compliance with the development standard is considered unnecessary and unreasonable.

**Is there sufficient environmental planning grounds to justify contravening the development standard**

The following reasons are considered to be sufficient environmental planning grounds to vary the height of buildings development standard:

- The non-compliance is a result of the proposed upper level balcony roof. It is noted that the overall built form and external walls of the proposed development are fully compliant with the 8.5m height requirement with only a portion of the balcony roof breaching the development standard. The non-compliant components of the development are recessive elements to add articulation to the building façade as viewed from the public domain and shall not attribute to the overall built form or result in a detrimental visual impact;
- The overall height of the proposed development is consistent with the surrounding built form and is lower than the recently approved alterations and additions for the subject site;
- The proposed height of the development shall provide a progression between the adjoining property to the south (17 Calvert Parade) and north (13 Calvert Parade);
- The variation will not result in any adverse impacts upon the surrounding built and natural environment;
- The variation will not result in any unreasonable impacts upon the adjoining properties with regards to visual impact, solar access, visual privacy and view loss;
- The variation satisfies the objectives of Clause 4.3 – Height of Buildings and the objectives of the E4 zone under Clause 2.1 of PLEP 2014.

**Concurrence**

Concurrence of the Director-General has not been obtained. In accordance with Section 64 of the Environmental Planning and Assessment Regulation 2000, Planning Circular PS 08-003 – Variations to Development Standards provides notification that the Director-General's concurrence can be assumed in respect of any environmental planning instrument that adopts Clause 4.6 of the Standard Instrument. Pittwater Local Environmental Plan 2014 has adopted Clause 4.6 of the Standard Instrument for exceptions to development standards. The applicant has provided a written request to vary the development standard under Clause 4.6 and therefore the Director-General's concurrence can be assumed and is not required to be obtained.

In accordance with Clause 4.6 (5), it is considered that the non-compliance with the maximum height in this instance does not raise any matter of significance for State and Regional planning. Furthermore, it is considered that there would be little public benefit in maintaining strict compliance with the maximum height as prescribed in Pittwater LEP 2014 as the proposal is considerate of the surrounding built and natural environment and amenity to the public and private domain is considered to be reasonably maintained.

#### **Is contravention of the development standard justified**

Clause 4.6 (1) outlines the objectives of the Clause:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

The above assessment provides justification for the variation of Clause 4.3 – Height of Buildings by demonstrating that in this instance compliance with the development standard is unreasonable or unnecessary and there are sufficient environmental planning grounds to warrant variation of the development standard. It is considered that strict compliance of the development standard in this instance would be inconsistent with the objectives of Clause 4.6 as it would not allow for the flexible application of development standards where it is demonstrated that the development standard is unreasonable or unnecessary and there are sufficient environmental planning grounds to justify contravening the development standard.

In this regard, it is considered that the variation request is justified and well founded.

#### **Conclusion**

As discussed above, the non-compliance is in response to the slope of the site, which drops significantly to the rear of the site, and results in approximately 2.3m<sup>2</sup> of the balcony roof breaching the development standard. The removal of part of or the entire balcony roof would result in the development being fully compliant with the 8.5m maximum building height, however the proposed roof shall provide shading to the balcony and protection from the coastal elements and removal of the roof is not considered necessary. Council is satisfied that the exception to the development standard is justified and is of the opinion that granting of consent to the development application is consistent with the aims of Clause 4.6 as it allows for an appropriate degree of flexibility to development standards. The assessment has found that strict application of the development standard would be unreasonable and unnecessary given that the development will readily achieve the local planning objectives for the site.

- **7.8 Limited development on foreshore area**

The proposed new dwelling and associated works are not located within the foreshore area and therefore Clause 7.8 does not apply to those works, however there is an existing access pathway/stairs on the subject site within the foreshore area and the applicant seeks consent to extend the access pathway. These works are located within the foreshore area and as such Clause 7.8 is applicable to these works.

Clause 7.8 permits development within the foreshore area for the alteration or extension of a building (or structure) if the exceptional features of the site make it appropriate to do so. The existing access path is located within the foreshore area and provides pedestrian access from Newport beach to an existing lawn area on the site. The Proposed works are located partially within the area of the existing path and as such the applicant seeks to redirect the path for approximately 6m to travel around the new terrace area. The terrace is located behind the foreshore building line and considered to be compliant with the rear setback/foreshore building line. Due to the location of the existing path, the level of the proposed terrace and the steep slope of the site, particularly in this area of the site, the redirection of the path must be located within the foreshore area. It is therefore considered that the levels and other exception features of the site make the location of the path within the foreshore area appropriate and Clause 7.8 can be applied.

The path is located at natural ground level and as such will not attribute to bulk and scale or be visually obtrusive as viewed from the public domain and the waterway. Council's Catchment Management and Climate Change Unit and Natural Environment Officer raised no concerns with the proposed pathway and it is considered that the pathway shall not have an adverse effect on marine habitat, flora and fauna or drainage patterns. The proposed path extension shall not have a detrimental impact on the amenity or aesthetic appearance of the foreshore and it is considered that public access along the foreshore will not be compromised. The proposed path is considered to be consistent with the objectives of Clause 7.8 and the new access path is considered acceptable in this instance.

- **3.4 Notification**

A submission was received from 17 Calvert Parade which raised concerns regarding the length of the notification period and a submission was received on behalf of 19 Calvert Parade which raised concern with the lack of formal notification to the owners of the property.

Council's Notification Policy requires all adjoining land owners to be formally notified of a development application in writing. In addition other landowners can be included who, in Council's opinion, may be affected by the proposed development. In this instance, given the owner of 19 Calvert Parade was aware of the development and submitted a submission in response to the proposal, formal notification to the land owner of 19 Calvert Parade was not considered necessary.

The submission received from 17 Calvert Parade raised concern with the notification period being limited to fourteen (14) days given the time of year, being December and Christmas. Council recognises that over the Christmas and New Year period owners may not be present and extends the notification period to twenty-one (21) days at this time. The notification period was extended to twenty-one (21) days and an extension was granted for the neighbouring properties to submit any objections. All submissions have been considered in the assessment of this application.

- **B1.3 Heritage Conservation - General**

Previous Development Application N0235/13 revealed that the existing cottage at the subject site was previously owned by iconic Australian photographer Max Dupain and held that the property has heritage significance with regards to its association with Max Dupain and the Dupain Family. As such the application was referred to Council's Strategic Planning Department, and subsequently Council's Heritage Consultant, for comment and/or recommendations.

Council's Heritage Consultant recognises the extensive connection of the cottage with the iconic artist, however also acknowledges that the item is not formally listed as being an item of local heritage significance. Furthermore, Council currently undertook a Community Based Heritage Study Review which includes recommendations for new heritage items in which the subject site and existing cottage were not recommended for listing. Council's Heritage Consultant has requested an archival recording of the existing cottage prior to any works on site. Given the above it is considered that the proposed development and demolition of the cottage is acceptable provided a record of the existing cottage is kept. Should the application be approved, a condition of consent shall be applied to ensure an archival record is undertaken and submitted to Council prior to the commencement of any works.

- **B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land**

Council's Natural Environment Officer provided the following comments in regards to the proposed development:

*The property contains a modified landscape typical of a suburban garden. The proposed works are demolition of the existing dwelling and construction of a new dwelling. An arborist report has been submitted (Growing My Way, November 2014) which assesses three (3) Banksia trees potentially impacted by the proposed works. All trees are recommended for removal as the proposed building footprint and construction works will have a major encroachment on their tree protection zone. They have been given a medium retention value and exhibiting signs of decline. Their removal is approved subject to replacement planting of at least four (4) Banksia integrifolia. Removal of weed species will provide sufficient planting space for the replacement plants. A landscape plan has been submitted (spirit level, L100 B, 27/11/14) which shows removal of trees consistent with the arborist report and provides a good selection of native trees, shrubs and ground covers which will increase amenity and provide screening. This is acceptable with the addition of the four (4) replacement Banksias. There are no further natural environment issues.*

- **C1.3 View Sharing**

Submissions were received by and on behalf of the neighbouring properties to the south (17 and 19 Calvert Parade) which raised concerns regarding the view loss from the dwelling currently under construction at 17 Calvert Parade as a result of the proposed development. The submission on behalf of 19 Calvert Parade raised concerns with the eastern portion of the development and endorsed the objection by 17 Calvert Parade, which requested that the same view sharing scenario that was achieved between no.'s 17 and 19 Calvert Parade is maintained between 15 and 17 Calvert Parade.

The control aims to achieve a reasonable sharing of views amongst dwellings and ensure that views and vistas from the public domain are protected. It is considered that the proposed development shall not result in any view loss from the public domain, including the surrounding streets.

The proposed development shall sit approximately 2.1m below the height of the approved dwelling at 17 Calvert Parade and is setback a minimum of 7.5m behind the most eastern wall of the upper level of 17 Calvert Parade. As such it is considered that the proposed development at 15 Calvert Parade shall not result in any view loss impact upon the existing dwelling at 19 Calvert Parade as the development shall be screened by the approved development at 17 Calvert Parade.



The control states that all new development is to be designed to achieve a reasonable sharing of view available from surrounding properties, and where a view may be obstructed, built structures within the setback areas should maximise visual access through the use of open or transparent structures. The subject view is located to the north and north-east of the site and any view loss would be a result of the south-eastern portion of the development. The proposed development is fully compliant with the foreshore building line, with the south-eastern portion of the development setback a maximum of 6.8m behind the foreshore building line. As such the proposed dwelling is not located within the rear setback area.

The assessment of the view loss is made in relation to control C1.3 View Sharing and the planning principal developed by the Land and Environment Court identified within *Tenacity Consulting v Warringah [2004] NSWLEC 140*. Height poles have been erected by the applicant to demonstrate the built form of the development at the south-eastern corner, the portion of the development which shall impact most upon the existing views of 17 Calvert Parade.

#### **Step 1: Views to be affected**

The approved dwelling at 17 Calvert Parade is currently undergoing construction under development consent N0147/13. A site visit was conducted as the floor levels of the approved development have been constructed and therefore the impact of the proposed development in response to the approved development at 17 Calvert Parade can be assessed.

The approved dwelling at 17 Calvert Parade shall enjoy an expansive ocean view from the south-east to north, incorporating Bilgola Beach and Headlands to the far north-north-east and Newport Beach to the north. The eastern ocean view is uninterrupted and the beach and headland views are filtered views through the existing vegetation on 15 Calvert Parade and the existing Norfolk Island Pine trees located on the properties to the north, along the beach frontage. The affected view corridor is to the north and includes a densely vegetated filtered view to Newport Beach.

#### **Step 2: Location from which views are obtained**

The subject views are obtained across the common side boundary between 15 and 17 Calvert Parade, making the view susceptible and vulnerable to future development and vegetation on the subject site. The planning principal notes that views across side boundaries are more difficult to protect than views from front and rear boundaries and that *"the expectation to retain side views is often unrealistic"*. Given the lack of development on the subject site (being a modest single storey dwelling located to the front of the property) the approved dwelling would currently enjoy views from various rooms within the dwelling. These comprise of ocean views from the Level 1 pool area, ocean, headland and beach views from the Level 2 Living, Kitchen and Dining room, Lanai, pool and balcony area, a filtered beach and ocean view from the Level 2 internal courtyard, and ocean, beach and headland views from Level 3. Views are obtained from both a standing and seated position.

The objection's primary concern relates to the internal courtyard on Level 2 and a site inspection confirmed that the area from which the proposed development would have most impact would be the courtyard. The existing view from the courtyard and erected height poles can be seen in Figure 1.



Figure 1

### **Step 3: Extent of the impact**

As discussed above, the approved dwelling shall experience views from several areas of the development. It is considered that the proposed development shall not impact upon the existing views from the open plan living and dining area on Level 1, or the main private open spaces including the Level 2 Lanai and Balcony and the Level 1 Pool Area, and the main living and outdoor areas shall retain the existing views. Furthermore, the maximum height of the proposed development shall be RL28.12, with the eastern upper level balcony roof at RL 27.8. The floor level of Level 3 of the adjoining development shall be RL26.8 and as such the roof level shall sit approximately 1m and 1.3m above the floor level of the neighbouring dwelling. Therefore, it is considered that views over the development to the ocean, beach and headland in the distance from Level 3 shall largely be retained. The erection of the height poles has demonstrated that the proposal shall impact upon views from the internal courtyard at 17 Calvert Parade. The impact upon the courtyard is considered as follows.

The subject view is to the north and north-east and is a filtered view to Newport Beach and Bilgola Headland beyond through the existing vegetation on the subject site. The view is heavily filtered to the west, with lesser vegetation to the eastern side. The portion of development that shall impact upon the existing view is the first floor level, specifically the first floor level eastern balcony with roof above. The balcony shall extend across approximately half of the courtyard (the western side), with the north-eastern view to the Headland mostly retained. The height poles indicate that the view will remain visible between the top of the proposed balcony wall and the roof above, with visual access through the balcony to the northern view. The objector raised concerns regarding future screening on the balcony which could potentially block the view through the balcony. Therefore, for the purpose of the assessment it is important to also consider the impact on the basis that a screening device may be used to provide privacy. If the proposed balcony were to be screened or fully enclosed, it is demonstrated that part of the filtered view shall be lost. However the north-eastern view (the water and headland view) will be retained and it is considered that from the eastern side of the courtyard the existing view will be maintained. While it is acknowledged that the proposed development shall result in some impact upon the existing view from the courtyard area, it is recognised that the proposal also includes the removal of the existing canopy trees within this area which shall partly open up the view from the courtyard area.

The neighbouring dwelling shall experience significant views that will remain interrupted from the living areas and the primary outdoor spaces to the east. As discussed above, the view loss from the courtyard is where the site is most vegetated and the view is mostly filtered through the vegetation with no clear view of the beach or headland. The neighbouring courtyard is located within the centre of the dwelling between the living room and bedroom and is considered an internal courtyard. Given that the living area and main recreation areas will maintain the ocean, beach and headland views it is considered that the view loss from the courtyard would be minor.

#### **Step 4: Reasonableness of the proposal**

The objector argues that the courtyard and associated views are integral to the development, however it is noted that the proposed development shall result in a lesser impact from the courtyard to that which is currently approved on site under development consent N0235/13. Furthermore, the neighbouring development provides for substantial outdoor covered areas to the east of the dwelling where the development shall maximise the existing ocean, beach and headland views and solar access to the site, whereas sunlight to the courtyard shall be limited.

The submission puts forward that the deletion of the balcony would negate the view loss concerns and the balcony could be relocated to the north of the first floor bedroom. However, concern is raised with the relocation of the balcony to the northern side, as this is where the development is most visually prominent. The eastern portion of the development is largely compliant with Council's built form controls, and exceeds the foreshore building line setback by approximately 6.8m. The proposed balcony roof does result in a minor non-compliance with the maximum building height requirement, however this is limited to the northern side of the roof and this non-compliance has no direct result on the subject view loss. Relocation of the balcony would result in further non-compliance with the building height under Clause 4.3, and would attribute to additional bulk and scale as viewed from Newport Beach. The development as proposed has setback the first floor level to articulate the built form and minimise bulk and scale, with the balcony area located in the south-eastern corner where it can be partially screened. Due to the nature of the site, with a significant portion of the site being severely steeply sloping, areas that can be utilised for private open space are limited. Upper level eastern balconies are common in the surrounding developments in order to maximise the views to the east and north, and the proposed balcony shall provide for an upper level recreation space consistent with the character of the locality. The proposed first floor balcony is a width of 2.65m in order to provide a usable outdoor recreation space and is consistent with recommended design guidelines for balconies.

While it is considered that deleting the balcony or setting back the first floor of the dwelling would open up the view from the neighbouring property, the proposed dwelling has been designed in response to the approved alterations and additions under development consent N0235/13 and has been positioned to maximise solar access and achieve the views to the north and east. It is considered that deletion of the balcony or relocation of the upper floor would then compromise the amenity of the proposed development. In establishing the planning principal the Commissioner notes that: *"the notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment"*. As discussed, the dwelling at 17 Calvert Parade shall retain a substantial and expansive ocean, beach and headland view. While the proposed development may result in a portion of a filtered beach view being lost, the main eastern and northern views will be retained and the proposal will result in a lesser impact to that what is currently approved on site. It is considered that in this instance the proposal has been designed with maintenance of the surrounding views having been taken into consideration and in accordance with the outcomes and objectives of the locality controls in Pittwater 21 DCP. Given the above, the development is acceptable and it is considered that a reasonable sharing of views is achieved.

## **Conclusion**

The assessment demonstrates that the proposed development shall result in some view loss from the courtyard and it is acknowledged that the proposed development will have an impact upon the views gained from the neighbouring property at 17 Calvert Parade. However, in applying the above principals it is considered that the proposal does achieve a reasonable sharing of views for the following reasons.

The subject view is gained wholly across the common side boundary and is susceptible to future development, including an existing approval for alterations and additions to the property. In considering future development of the site, it must be acknowledged that the planning controls for the site anticipate development consistent with the requirements of PLEP 2014 and P21 DCP. The proposed development is consistent with the planning controls for the site, and in particular exceeds the minimum requirements with regards to the rear setback and foreshore building line. The proposal has been designed with the existing views of the neighbouring properties being taken into consideration, incorporating a setback consistent with the current approval and opening up the views by proposing an open balcony, in order to maintain a reasonable level of existing views while achieving a reasonable level of amenity for the proposed development. It is considered that the retention of the entire view from the internal courtyard is unrealistic and unreasonable, given that the courtyard is located in the centre of the dwelling, is gained across the side boundary and is not achieved under the existing approval for the subject site. While it is acknowledged that the courtyard will lose a portion of the view, this view is not considered to be iconic or significant and a substantial view corridor will be retained from the main living and outdoor space at the east of the dwelling to the ocean, beach and headland. In consideration of the above, the view loss impact upon 17 Calvert Parade is considered to be reasonable and the proposed design is acceptable as the development achieves equitable view sharing in accordance with control C1.3 of P21 DCP.

The submission also raised concerns regarding proposed trees within the area to the east of the development and potential view loss. The proposal requires the removal of two (2) trees within this area to accommodate the proposed development and proposes to plant two (2) new trees as replacement planting. The new trees will be located further to the east and are required in accordance with Council's landscaping policy to partially screen the built form as viewed from the public domain and soften the visual impact of the proposal. The trees are to be Coastal Banksias and shall mature to a height of between 7-10m. As the trees are located further to the east than the existing trees it is considered that they could potentially obstruct the view from the neighbouring property. Therefore, it is recommended that the most eastern proposed tree be relocated further north and downslope to minimise potential view loss yet ensure consistency with Council's landscaping requirements. The remaining tree shall be consistent with the existing planting in that area and is considered acceptable. A condition of consent shall be applied for one (1) tree to be relocated.

- **C1.4 Solar Access**

### **Proposed Development**

The principal living area of the proposed dwelling is located to the east with floor to ceiling windows and doors located along the eastern and northern elevations. As such it is considered that the primary living area of the proposed development shall received in excess of 3 hours of direct sunlight between 9am and 3pm in midwinter. The proposed main private open space is located in the north-eastern corner of the development in order to maximise solar access. Given the north-easterly orientation of the proposed terraced areas it is considered that the principal private open space shall also receive a minimum of 3 hours of sunlight between 9am and 3pm in midwinter.

#### Adjoining Properties

The subject site is orientated west to east and as such the proposal shall not result in any detrimental impacts upon the adjoining property to the north. The proposal shall result in some minor additional overshadowing to the property to the south, however it is also noted that overshadowing to some areas shall be reduced. The adjoining property to the south (17 Calvert Parade) is currently undergoing construction works in regards to development consent N0147/13. The existing dwelling has been demolished and the construction of a new dwelling is currently in progress. The approved plans for 17 Calvert Parade confirm that the principal living area of the development is located to the east of the dwelling on Level 2, this area includes an open plan living/dining/kitchen area. The living area has floor to ceiling windows and doors along the northern and eastern elevations. It is considered that proposed development shall cause some overshadowing to the northern windows in the afternoon, however the windows to the principal living area shall be able to achieve the minimum 3 hours of sunlight on 21 June as required by the control. The main private open space is also located to the east of the dwelling and it is considered that a minimum of 3 hours of solar access in midwinter can be achieved. As such the proposed development is not considered to result in any unreasonable impacts upon the adjoining properties with regards to solar access and the proposal is technically compliant with the control.

- **C1.5 Visual Privacy**

A submission has been received on behalf of the adjoining property to the south (17 Calvert parade) which raises concerns with regards to visual privacy.

The submission raises concerns regarding a garden seat and stepping stones located in the south-eastern corner. The proposed landscape plan shows the small stone bench/seat and stone stepping stones. The proposed seat is orientated towards the views to the beach and ocean and it is located adjacent to a 1.5m high boundary fence with vegetation and planting in between. It is considered that the proposed stone seat and stepping stones shall not result in any unreasonable impacts with regards to the visual privacy of the adjoining property to the south.

The submission also notes potential privacy impacts from the first floor level terrace. The design incorporates a planter box approximately 1.5m wide, at a height of 1m, on the southern end of the terrace to minimise overlooking into the neighbouring property. The proposed terrace is located adjacent to the internal courtyard on Level 2 of the neighbouring property. The terrace floor level is located at a level of RL24.8, with the top of the planter box at approximately RL25.8. The neighbouring courtyard is at RL24.00 and as such it is considered that planter box shall act as a privacy screen as viewed from the courtyard to the terrace. The submission raises concerns with overlooking from the terrace back towards the courtyard. Given the height and width of the planter box it is considered that visual privacy shall be maintained from a seated position. The subject and surrounding sites benefit from extensive beach and ocean views to the east and north. Given the nature and location of the site, there is a set precedent in the area with regards to the absence of privacy screens in order to preserve the views, and the developments along the cliff top are exposed and visible from the public domain. It is considered that the occupants of the terrace will be orientated to the north and east in order to maximise views, as such views to the south are not desirable and overlooking to this area will be minimal. The installation of a privacy screen would compromise the views from 17 Calvert Parade and for the above reasons it is considered that the planter box shall be adequate in providing a reasonable level of privacy between the properties. The Level 3 gallery area and bedrooms are located in excess of 9m of the proposed terrace and as such the location of the terrace is considered to provide enough spatial separation between Level 3 and the proposed development.

There is one (1) window located on the south elevation, however this window is located adjacent to the neighbouring en-suite highlight window and as such shall not impact upon visual privacy.



A combination of the proposed/existing planting and the existing fencing along the southern and northern boundaries shall ensure that visual privacy between the properties will be maintained.

- **C1.25 Plant, Equipment Boxes and Lift Over-Run**  
**and C1.6 Acoustic Privacy**

An objection has been received on behalf of the adjoining property to the south (17 Calvert Parade) which raises concerns with the location of the proposed air conditioning unit and the associated noise and visual amenity impact.

The control requires that air conditioning units are integrated into the design fabric of the built form of the building and located to protect the acoustic privacy of residents and neighbours. Where roof mounted equipment is proposed, the equipment is to be adequately screen from the adjoining properties.

The proposed air conditioning unit is located at First Floor Level, on the roof of the Ground Floor Level of the proposed development, approximately 17.8m from the front boundary. As such it shall not be readily visible from Calvert Parade or the public domain. The unit shall be partially screened by the Ground Floor roof parapet and it is considered that the unit has been integrated into the built form of the development. The unit is located adjacent to Bedroom 1 on Level 2 of 17 Calvert Parade. Bedroom 1 has one (1) window on the northern elevation and although the air conditioning unit is off-set from the window it will be visible from the bedroom window. The objection requested the unit be relocated to the internal of the proposed dwelling, however the applicant has argued that this would be unreasonable and cause difficulties for servicing the unit. It is considered that it is not necessary to relocate the unit within the building, however it is recommended that the unit be relocated on the roof. It is considered that moving the air conditioning unit 2.5m to the west shall increase the spatial separation between the unit and the bedroom window, minimising visual and noise impacts on the adjoining property. This would cause minimal disruption to the applicant and the design of the proposed development.

Control C1.6 relates to noise impacts from proposed noise generating plants including air conditioning units and pool filters. The control requires that the air conditioning unit shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary. No acoustic report has been provided regarding the air conditioning unit, however it is considered that this can be dealt with at Construction Certificate stage and as such it is recommended that a condition be applied for an acoustic engineer to certify that both the air conditioning unit and pool filter are in accordance with the maximum noise requirements of the control.

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

The proposed colours are as follows:

- Windows, Shutters and Louvres - Dark powdercoated aluminium or similar, or natural timber;
- Eaves - Stained timber and off-white painted;
- Roof Fascias and Balcony Walls - Rendered and painted off-white;
- Timber Post Screen - Timber or similar;
- External Walls - Brick or Similar, rendered and painted mid grey.

The proposed windows, shutters, screens and external walls are compliant with Council's control. The off-white colour proposed for the balcony walls and roof fascias is non-compliant and considered to be unacceptable given the visibility of the development as viewed from the public domain. The subject site is highly visible from Newport Beach and as such the proposed development, specifically the two main balconies on the eastern facade, shall be visually prominent. It is noted that the proposal shall be partially screened by the existing vegetation, however it is considered that the proposed white colour finish shall contrast with the vegetation and not blend with the surrounding (as the control requires). Therefore, it is considered that a dark and earthy tone is applied in order to soften the visual impact of the proposal and integrate the development with the surrounding natural environment. Should the application be approved, a condition of consent is recommended to ensure consistency with the control.

- **D10.7 Front building line (excluding Newport Commercial Centre)**

The minimum front building to Calvert Parade shall be 4.4m and the proposed development is technically non-compliant with the control. The non-compliance is a result of the proposed entry stairs, the ground level covered entrance terrace which shall extend along the western facade and act as a small balcony of Bedroom 2, a proposed planter box located in front of the Bedroom 2 balcony above the garage and a planter box at the south-western corner. The external walls of the dwelling are located a minimum of 6.5m from the front boundary (with the exception of a portion of basement wall which is located underground) and would be compliant with the control.

The proposed balcony and northern planter box are located above the proposed attached garage and shall assist in providing articulation to the front facade and integrate landscaping into the facade to break up the built form of the development as viewed from Calvert Parade. The proposed balcony shall be roofed and shall have vertical screens to provide privacy to the bedroom windows and entrance door. The incorporation of the planter box with the screens, and the design elements included on the western elevation, shall ensure the building has a high quality street presence in fitting with the existing streetscape and surrounding development. The proposed development shall be a maximum of three (3) storeys. The first floor level has been setback from the front and side boundaries to minimise the bulk and scale of the development as viewed from Calvert Parade and the garage and basement level is located partially underground, with the three-storey element mainly to the rear of the site where the land falls to the east. As such it is considered that the proposed development shall primarily appear as a two (2) storey development as viewed from the street frontage and in particular as approaching the site from the north and south. The front portion of the development is below the 8.5m height limit and the proposed development sits below the ridgeline of the approved dwelling to the south. The roof areas are sited at different heights, stepped in accordance with the slope of the street, and it is considered that the height responds to the adjoining properties to the north and south and ensures the development is at an appropriate scale in accordance with the surrounding development. The entrance terrace is located approximately 1m above ground level and shall not attribute to excessive bulk and scale. The proposal includes the provision of a canopy tree within the north-western corner of the site to screen the development as viewed from the northern side of the property. The proposed planter box to the south-west shall provide elevated plantings which shall contribute to further landscaping proposed within the front setback area to the south. The front setback area provides a good selection of landscaping which shall soften the visual impact of the development as viewed from the street and visually reduce the built form. As such it is considered that the proposed dwelling will not dominate the streetscape as it respects the scale of the adjoining properties and responds to the spatial characteristics of the surrounding built and natural environment. The proposed development is considered to be consistent with the outcomes of the control and the Newport locality which aims to integrate development with landscaping. The non-compliance is supported in this instance.

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

The alterations and additions propose minimum side setbacks of 1m to the south and 0.61m to the north. The external walls of the dwelling are a minimum setback of 1m to the south and 2.5m to the north and are technically compliant with the control, however the proposal includes ancillary development within the 2.5m northern setback area and as such the proposal is technically non-compliant with the control.

The non-compliant elements of the proposal are the courtyard stairs, outdoor shower and part of the terrace (all located at ground level), and on the basement level the pool equipment area, terrace and access stairs are located within the setback area. The first floor level is fully compliant with the minimum side setbacks.

The pool equipment room/storage area, terrace and side access stairs shall be located at the basement level and shall be below the existing ground level, with the stairs following the slope of the land, down towards the rear of the site. The proposed ground level ancillary development located along the northern elevation is primarily located at a level of RL21.5, approximately 1m above the existing ground level, with the courtyard stairs having a step up to the courtyard of 0.75m. As such the proposed development shall primarily be located 1m above the existing ground level and shall not attribute to the overall bulk and scale of the development. The ground level terrace shall have a balustrade approximately 1m high. The terrace shall extend to the east of the site where the land slopes significantly down towards the beach. As such the terrace proposes a height of 2m to 4.5m above the existing ground level, with the maximum height of 4.5m located to the north-eastern corner. The terrace is a minimum of 1.4m from the northern boundary. The proposed landscape plan shows that there shall be hedging located along the northern boundary for the full length of the terrace back to the internal courtyard. There is further planting proposed from the courtyard to the front western boundary which includes a selection of vegetation. The proposed hedging shall have a maturity height of between 3-5m and it is considered that the proposed landscaping shall screen the development as viewed from the neighbouring property and the public domain, soften the visual impact of the development and visually reduce the built form. Furthermore there is existing vegetation located to the east of the proposed development which shall be retained to assist in partially screening the development as viewed from the beach and water below. As discussed in controls C1.3, C1.4 and C1.5, the proposed development is not considered to result in any unreasonable impacts upon the adjoining properties with regards to visual privacy, solar access or view loss, and it is considered that a reasonable level of residential amenity shall be maintained. As discussed in control D10.7 the proposal shall enhance the existing streetscape and is considered to be in fitting with the surrounding development. The proposal includes the provisions of several canopy trees and new landscaping to integrate the development with the existing and proposed landscaping. The proposed development is considered to be consistent with the Newport locality and the outcomes of the control. Given that the main built form of the development is technically compliant with the control, and the ancillary components shall not be visually intrusive or have a detrimental impact upon the adjoining property, the minor non-compliance with the side setback is considered acceptable in this instance and the proposal is supported.

The site is subject to a foreshore building line and as such the rear setback is not applicable.



- **D10.11 Building envelope (excluding Newport Commercial Centre)**

The proposed development results in a minor breach of the prescribed building envelope due to the roof parapet on the southern elevation and the first floor terrace roof, however the control permits a variation for eaves or shading devices to extend outwith the building envelope. The first floor terrace roof is an eave extension of the first floor roof that shall extend over the northern terrace in order to provide shading in summer while maintaining sunlight in winter. The variation is considered to be applicable to the terrace roof and as such the roof is permitted outwith the building envelope. The minor breach on the south is due to a minor portion of the roof parapet extending outwith the prescribed building envelope. The proposed development has various levels of roof areas, all of which include a roof parapet and maintain the architectural style of the development. It is considered that given the 500mm roof parapet shall not negatively attribute to the bulk and scale of the development, shall visually compliment the other roofs of the development and shall not result in any detrimental impacts upon the adjoining properties, the minor non-compliance is acceptable in this instance.

- **D10.13 Landscaped Area - Environmentally Sensitive Land**

The proposed landscaped area is 374.2m<sup>2</sup> or 53.2%.

The landscaped area control requires that the minimum landscaped area shall be 60%. The control permits a variation to be applied to impervious areas less than 1m in width and up to 6% of the total site area for impervious landscape treatments and outdoor recreation areas. A reduction of 26m<sup>2</sup> (3.7%) can be applied to pathways less than 1m, including the stone garden steps to the front entrance. A variation of 21.8m<sup>2</sup> (3.1%) can be applied to the outdoor courtyard which is to be used for outdoor recreation. In applying the variation, the proposed development is considered compliant with a landscaped area calculation of 422.04m<sup>2</sup> or 60%. It is also noted that the proposal includes three (3) planter boxes above ground level which shall add an additional 10.88m<sup>2</sup> of landscaping to the site and would result in a total of 432.92m<sup>2</sup> or 61.55% of landscaping on site. As such the variations are supported and the proposal is considered compliant with the control.

- **D10.14 Fences - General**

An objection has been received regarding potential view loss from the side boundary fence.

No side fencing is proposed under the subject application. The side boundary fence was approved under development consent N0147/13 for 17 Calvert Parade to a height of 1.5m, and any amendments to the fence would be required to be addressed through a modification application to the development consent. A condition of consent shall be applied to ensure that no side boundary fencing is permitted under this application.

The subject application proposes a front fence along the frontage of Calvert Parade. The proposed fence shall be a timber post fence to a height of 1m above ground level. The proposed fence shall be open in style and is consistent with control.

- **SEPP No 71 - Coastal Protection**

The application has been assessed pursuant to the aims and objectives of SEPP 71 - Coastal Protection. The proposed development will retain foreshore access for the general public, and will not result in any view loss from the public domain. The proposal is considered to be in fitting with the surrounding area and the locality. The proposed works satisfy the matters for consideration under Clause 8 of SEPP 71.

## 9.0 CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, Pittwater Local Environmental Plan, Pittwater 21 Development Control Plan and other relevant policies as listed at item 3.0.

The assessment of the application has demonstrated that the proposal results in minor non-compliance with Council's requirements relating to height, front and side setbacks, and building envelope. The encroachments to the height, building envelope, and side and front boundary setbacks relate to ancillary structures and portions of the roof, and have been determined as being minor and result in no significant adverse impacts. Despite the minor non-compliances, the overall built form of the development is largely contained within the prescribed built form controls and the proposed development is considered to be consistent with the outcomes of each control and the desired character of the Newport locality.

The proposed development is considered to be consistent with the scale and density of the surrounding developments and in keeping with the established character of the area along the clifftop. The site is highly constrained by the natural escarpment to the east and the siting of the adjoining and surrounding properties, the proposal is considered to achieve a balance between the development of the site and maintenance of the natural landform.

The primary objections relating to impacts upon views from the adjoining southern property has been determined to be minor and the proposal is consistent with the level of impact that could reasonably be expected on the site, and which is demonstrated by the current approval on the subject site.

The application is therefore recommended for approval subject to the attached conditions of consent.

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### 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 N0450/14 for the demolition of the existing dwelling and construction of a new dwelling and swimming pool at 15 Calvert Parade, Newport subject to the conditions of consent.

It is noted that the proposed development seeks to vary development standard Clause 4.3 Height of Buildings by approximately 12.3% and therefore the application will be required to be determined by Council.

Report prepared by

Angela Brown  
**PLANNER**

Date: 13 May 2015

# DRAFT

**CONSENT NO: N0450/14  
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)  
NOTICE TO APPLICANT OF DETERMINATION  
OF A DEVELOPMENT APPLICATION**

Applicant's Name and Address:  
MOLNAR FREEMAN ARCHITECTS PTY LTD  
18 GLEBE ST  
EDGECLIFF NSW 2027

Being the applicant in respect of Development Application No N0450/14

Pursuant to section 80(1) of the Act, notice is hereby given of the determination by Pittwater Council, as the consent authority, of Development Application No **N0450/14** for:

**demolition of existing dwelling & construction of new two storey plus basement dwelling with garage, swimming pool and associated landscape works**

At: **15 CALVERT PARADE, NEWPORT NSW 2106 (Lot 1 DP 515891)**

**Decision:**

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

- **Architectural drawings DA02 through to DA11, all Revision B, dated 27 November 2014, prepared by Molnar Freeman Architects;**
- **Tree Assessment and Management Report, dated November 2014, prepared by Growing My Way Tree Services;**
- **Geotechnical Risk Management Report, Ref: 2013-139.2, dated November 2014, prepared by Crozier Geotechnical Consultants;**
- **BASIX Certificate: 577887S, dated 02 December 2014.**

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

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

Endorsement of date of consent \_\_\_\_\_

Mark Ferguson  
GENERAL MANAGER  
Per:

# DRAFT

## Conditions of Approval

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

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

### A. Prescribed Conditions:

1. All works are to be carried out in accordance with the requirements of the Building Code of Australia.
2. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
3. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - a) in the case of work for which a principal contractor is required to be appointed:
    - i) The name and licence number of the principal contractor, and
    - ii) The name of the insurer by which the work is insured under Part 6 of that Act.
  - b) in the case of work to be done by an owner-builder:
    - i) The name of the owner-builder, and
    - ii) If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
  - c) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under a or b above becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information
4. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
5. This approval/consent relates only to the new work nominated on the approved consent plans and does not approve or regularise any existing buildings or structures within the property boundaries or within Council's road reserve.
6. Any building work in relation to the development consent is to be carried out in accordance with the requirements of the Building Code of Australia.

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



# DRAFT

14. In accordance with Pittwater Councils DCP Control B4.22 Protection of Trees and Bushland Vegetation, all existing trees as indicated in the Survey Plan and/or approved Landscape Plan shall be retained except where Council's prior written consent has been obtained, for trees that stand within the envelope of approved development areas and removal is approved through an arborist report. For all other tree issues not related to a development application, applications must be made to Council's Tree Management Officers.
15. No water pollution shall result from the operation of any plant or equipment or activity carried out.
16. Noise from the operation of any plant or equipment at the premises shall comply with the noise provisions of the Protection of the Environment Operations Act, 1997.
17. No emissions causing air pollution shall be created by the operation of any plant equipment or any procedure carried out at the premise.
18. The operation of any plant or equipment or any procedure carried out at the premises shall not cause land pollution.
19. Pool fencing is to be designed, located and maintained in accordance with the Swimming Pools Act 1992, Regulation and Australian Standard 1926.1-2012, Safety barriers for swimming pools
20. A warning notice (resuscitation chart) and External Cardiac Compression Chart is to be affixed and maintained in a prominent location adjacent to the pool / spa.
  - a) The warning notice (i.e. sign) must contain all of the following words:
    - i) "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL" and
    - ii) "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES", and
    - iii) "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES",
  - b) In addition, the notice must contain a simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques (for infants, children and adults):
    - i) that are set out in accordance with the relevant provisions of that Guideline, and
    - ii) that comply with the other relevant guidelines of the Australian Resuscitation Council, and
    - iii) that are illustrated by drawings with key words only in bold print,
  - c) a statement to the effect that formal instruction in resuscitation is essential,
  - d) the name of the teaching organisation or other body that published the sign and the date of its publication.
21. New electrical connections are to be carried out using underground cabling.
22. Materials and colour schemes are to be in accordance with the sample scheme approved by Council, being a mid grey render for the external walls. Off-white is not acceptable for the roof fascias and balcony which are to be dark and earthy tones. The roof, roof fascias and balconies are to be of dark to mid grey, brown and-or green tones only. Not white or light coloured roof are permitted.
23. No side fencing along the southern boundary is approved under this consent.

# DRAFT

24. The commitments identified in the BASIX Certificate and on the plans or specifications are to be fulfilled and maintained for the life of the development.

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

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

1. Submission of construction plans and specifications and documentation which are consistent with the approved Development Consent plans, the requirements of Building Code of Australia and satisfy all conditions shown in Part B above are to be submitted to the Principal Certifying Authority.
2. The Principal Certifying Authority must be provided with a copy of plans that a Quick Check agent/Sydney Water has stamped before the issue of any Construction Certificate.
3. Prior to the issue of a Construction Certificate, the architectural drawings are to be amended to demonstrate the following:
  - The air conditioning unit located on the southern side of the first floor level (located on the ground level roof) is to be relocated a minimum of 2.5m to the west in order to minimise impacts upon the adjoining property to the south (17 Calvert Parade).
4. The person having the benefit of this consent is required to notify the Principal Certifying Authority to ensure that the following critical stage inspections are undertaken, as required under clause 162A(4) of the Environmental Planning and Assessment Regulation 2000:
  - a) after excavation for, and prior to the placement of, any footings, and
  - b) prior to pouring any in-situ reinforced concrete building element, and
  - c) prior to covering of the framework for any floor, wall, roof or other building element, and
  - d) prior to covering waterproofing in any wet areas, and
  - e) prior to covering any stormwater drainage connections, and
  - f) after building work has been completed and prior to any occupation certificate being issued in relation to the building.

To allow a Principal Certifying Authority to carry out critical stage inspections, at least 48 hours notice must be given before building work is commenced and prior to further work being undertaken.

5. Construction works approved by this consent must not commence until:
  - a) Construction Certificate has been issued by a Principal Certifying Authority
  - b) a Principal Certifying Authority has been appointed and Council has been notified in writing of the appointment, and
  - c) at least 2 days notice, in writing has been given to Council of the intention to commence work.

# DRAFT

6. Structural Engineering details relating to the new dwelling and associated works are to be submitted to the Accredited Certifier or Council prior to release of the Construction Certificate. Each plan/sheet is to be signed by a qualified practising Structural Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a corporate member and has appropriate experience and competence in the related field.
7. Prior to the issue of a Construction Certificate, an archival photographic recording exercise is to be undertaken and the photographic record is to be submitted to Council's Heritage officer to be archived.
8. Prior to the issue of a Construction Certificate, the approved landscape plan (spirit level, L100B, 27/11/14) is to be updated to reflect the following:
  - The proposed most eastern Banksia integrifolia tree located to the south-eastern corner of the development is to be relocated elsewhere on site, to the north of tree E07, in order to minimise any view loss as a result of the planting from the living room of the adjoining dwelling to the south (17 Calvert Parade).
  - The incorporation of four (4) Banksia integrifolia trees, in addition to the proposed trees, to be planted at the rear of the subject site.
9. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier.
10. Drainage plans including specification and details showing the site stormwater management are to be submitted to the Principal Certifying Authority. The drainage plans must be designed and implemented in accordance with the requirements of section 3.1.2 Drainage of the Building Code of Australia Housing Provision and AS/NZS 3500.3.2 - Stormwater Drainage
11. Civil engineering details of the proposed excavation/landfill are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Each plan/sheet is to be signed by a qualified practising Civil Engineer who has corporate membership of the Institution of Engineers Australia (M.I.E) or who is eligible to become a corporate member and has appropriate experience and competence in the related field.
12. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier.
13. The finished surface materials, including colours and texture of any building, shall be dark and earthy tones and/or natural materials. Colours and materials shall be non-glare and of low reflectivity. Off-white is considered to be too light and not dark and earthy. The colours for the roof fascias and balconies are to be dark and earthy tones. A satisfactory specification which achieves this shall be submitted to the Accredited Certifier or Council with the Construction Certificate application in the form of a Schedule of Finishes.
14. Plans and details demonstrating that the commitments identified in the BASIX Certificate that apply to the construction certificate or complying development plans and specifications are fulfilled.

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





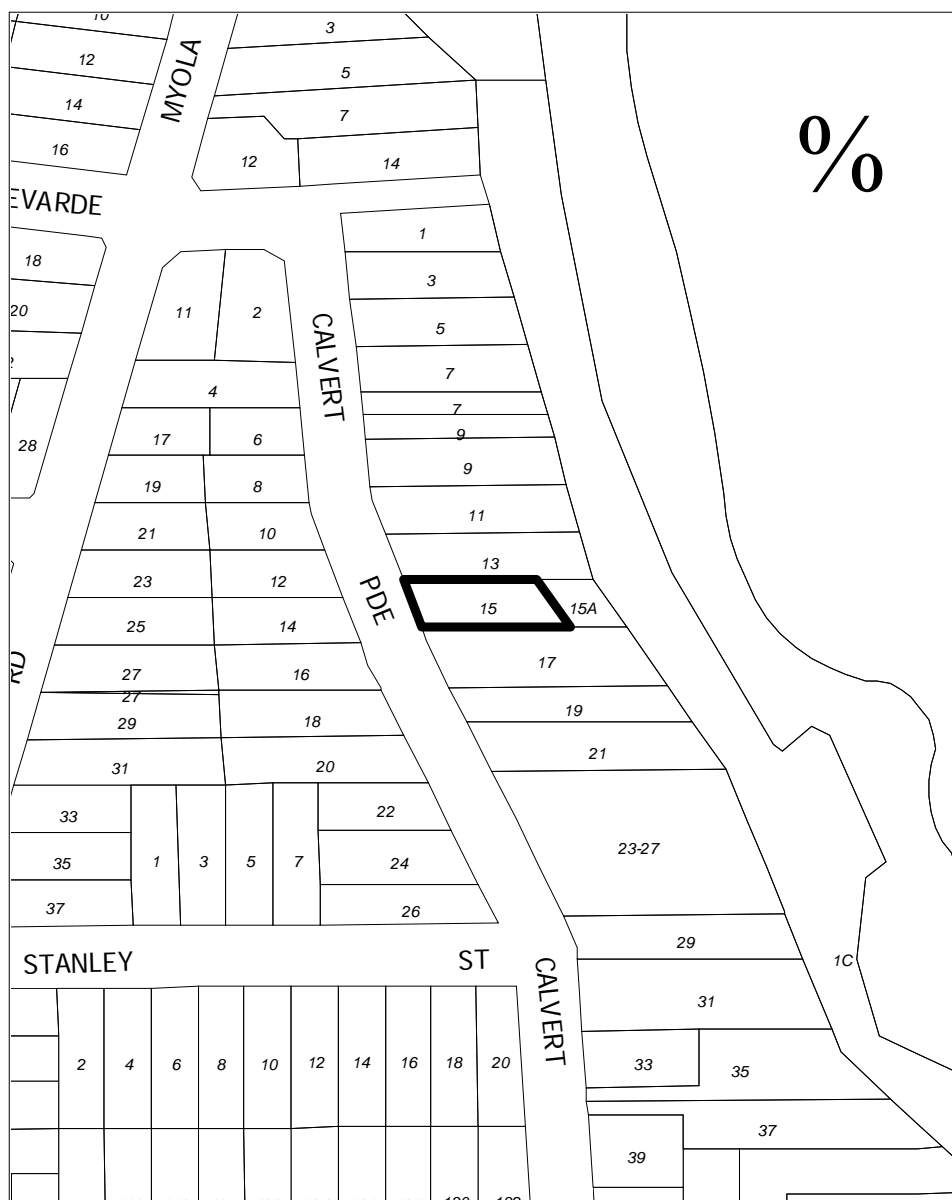








## LOCALITY MAP



## NOTIFICATION PLAN

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<b>C12.3</b>	<b>N0059/15 - 14 Suncrest Avenue Newport - Alterations and additions to the existing dwelling</b>
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**Meeting:** Sustainable Towns & Villages Committee

**Date:** 15 June 2015

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**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:**

- To provide an effective development assessment and determination process
- 

## **1.0 EXECUTIVE SUMMARY**

### **1.1 SUMMARY**

The Development Unit at its meeting held on 28 May 2015 considered the Assessing Officer's report (refer **Attachment 1**) for determination of Development Application N0059/15 for alterations and additions to the existing dwelling at 14 Suncrest Avenue, Newport.

1.2 This application has been called to Council by Cr Young.

1.3 Two (2) objectors and two (2) owners / applicants were present at the meeting. The Development Unit considered the issues raised by the objectors (which were mainly around shadowing and solar access and the height of the additions) and the applicants as well as the issues addressed in the Assessing Officer's report and supported the Officer's recommendation for approval subject to the conditions contained in the draft consent and the following additional conditions of consent:

B13. The existing lillipillies as located adjoining the south east corner of the existing dwelling (deck and living area) shall be pruned and maintained at a height consistent with the existing roof height in this corner of the dwelling.

E7. Certification is to be provided at the issue of an Occupation Certificate that condition B13 of this consent has been complied with.

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## **2.0 RECOMMENDATION**

*That Council as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 grant consent to Development Application N0059/15 for alterations and additions to the existing dwelling at 14 Suncrest Avenue Newport subject to the draft conditions of consent and the following additional conditions of consent:*

*B13. The existing lillipillies as located adjoining the south east corner of the existing dwelling (deck and living area) shall be pruned and maintained at a height consistent with the existing roof height in this corner of the dwelling.*

*E7. Certification is to be provided at the issue of an Occupation Certificate that condition B13 of this consent has been complied with.*



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### **3.0 BACKGROUND**

#### **3.1 PURPOSE**

To seek endorsement of the Development Unit's recommendation following consideration of Development Application N0059/15 for alterations and additions to the existing dwelling at 14 Suncrest Avenue Newport.

#### **3.2 BACKGROUND**

The Development Unit at its meeting held on 28 May 2015 considered the Development Officer's report (refer **Attachment 1**) for determination of Development Application N0059/15.

#### **3.3 POLICY IMPLICATIONS**

Cr Young has called the matter to Council in accordance with Council Policy.

#### **3.4 RELATED LEGISLATION**

Council is 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 unless Council's decision is challenged in the Land and Environment Court.

##### **3.5.2 Resources Implications**

No implications.

### **4.0 KEY ISSUES**

- All the key issues are addressed in the assessing officer's report

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### **5.0 ATTACHMENTS / TABLED DOCUMENTS**

**Attachment 1:** Assessing Officer's report to the Development Unit meeting of 28 May 2015.

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### **6.0 SUSTAINABILITY ASSESSMENT**

The relevant sustainability assessments have been addressed in the attached assessing officer's report.

Report prepared by

Warwick Lawrence

**MANAGER, ADMINISTRATION & GOVERNANCE**

**SUBJECT: N0059/15 - 14 Suncrest Avenue, Newport NSW 2106 -  
Alterations and Additions To The Existing Dwelling**

**Meeting:** Development Unit

**Date:** 28 May 2015

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**SUMMARY OF RECOMMENDATION**

**Consent with Conditions**

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<b>REPORT PREPARED BY:</b>	<b>Hugh Halliwell</b>
<b>APPLICATION SUBMITTED ON:</b>	<b>19/02/2015</b>
<b>APPLICATION SUBMITTED BY:</b>	<b>JOSHUA CHARLES WILES SHERRI LYN BUTLER</b>
<b>OWNER(S):</b>	<b>JOSHUA C WILES &amp; SHERRI L BUTLER</b>

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**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 N0059/15 for alterations and additions to the existing dwelling. at 14 Suncrest Avenue, Newport NSW 2106 subject to the draft conditions of consent attached.

Report prepared by  
Hugh Halliwell, Planner

Andrew Pigott  
**MANAGER, PLANNING & ASSESSMENT**



### **3.0 STATUTORY AND POLICY CONSIDERATIONS**

The site is zoned R2 Low Density Residential under Pittwater Local Environmental Plan 2014. Pursuant to the land use table in Part 2 of this instrument, alterations and additions are permissible with consent.

The following relevant state, regional and local policies and instruments apply:

- 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)
- Pittwater Local Environmental Plan 2014 (PLEP 2014)
  - Acid Sulphate Soils Map - Area 5
  - Geotechnical Hazard Map
  - Height of Buildings Map - I ~ 8.5m
  - Lot Size Map - Q ~ 700sqm
- Pittwater 21 Development Control Plan (P21 DCP)
  - Newport Locality
  - Geotechnical Risk Management Policy for Pittwater
  - Areas of habitat mapped as Flora and Fauna Conservation Areas

#### **Variation to development standards:**

The application of SEPP No. 1 is not required.

### **4.0 BACKGROUND**

N0059/15 was lodged at Council at 19/02/2015 and referred to Council's Development Engineer and Natural Resources Officer.

Development Application N0059/15 was referred to Council's Development Unit on 7 May, 2015. The recommendation made by the Development Unit was to defer the application in order for additional information to be provided and for members of the Development Unit to conduct site inspections at 13 and 17 Suncrest Avenue, Newport.

A search of Council's records revealed two (2) related documents.

- Development Application N0250/00
- 2001 Development Consent N0250/00

### **5.0 NOTIFICATION**

N0059/15 was notified from 25/02/2015 to 11/03/2015 to adjoining property owners in accordance with Council's notification policy. The site inspection on the 05/03/2015 confirmed the placement of the notification sign. During the notification period, four (4) submissions were received. Site visits were undertaken at all four objector's sites and their concerns have been considered in the assessment of this application. The issues raised in each of the submissions can be seen below.

12 Suncrest Avenue, Newport:

- Privacy;
- View sharing;
- The proposed height is not in keeping with the area.

13 Suncrest Avenue, Newport:

- Character of development;
- Loss of views;
- Visual privacy;
- Amenity;
- Solar access;
- Building envelope;
- Landscaping and vegetation;
- Duration of construction;
- Bulk and scale;
- Front building line;
- Statement of environmental effects;
- Discuss proposal with neighbours.

16 Suncrest Avenue, Newport:

- Visual privacy;
- Acoustic privacy;
- Character not in keeping with the area;
- Height and bulk;
- Side building line;
- Possible alternative design.

17 Suncrest Avenue, Newport:

- Solar access;
- Height of roof over rear deck.

## 6.0 ISSUES

- 4.3 Height of buildings
- A1.7 Considerations before consent is granted
- A4.10 Newport Locality
- B5.12 Stormwater Drainage Systems and Natural Watercourses
- C1.3 View Sharing
- C1.4 Solar Access
- C1.5 Visual Privacy
- C1.6 Acoustic Privacy
- C1.13 Pollution Control
- D10.1 Character as viewed from a public place
- D10.7 Front building line (excluding Newport Commercial Centre)
- D10.8 Side and rear building line (excluding Newport Commercial Centre)
- D10.11 Building envelope (excluding Newport Commercial Centre)
- D10.13 Landscaped Area - Environmentally Sensitive Land

## 7.0 COMPLIANCE TABLE

- T - Can the proposal satisfy the technical requirements of the control?
- O - Can the proposal achieve the control outcomes?
- N - Is the control free from objection?

Control	Standard	Proposal	T	O	N
<b>Pittwater Local Environmental Plan 2014</b>					
1.9A Suspension of covenants, agreements and instruments			Y	Y	Y
Zone R2 Low Density Residential			Y	Y	Y
4.3 Height of buildings		See 8.0 Discussion of Issues below.	Y	Y	N
4.6 Exceptions to development standards			-	-	-
5.10 Heritage conservation			Y	Y	Y
7.1 Acid sulfate soils		Council's Natural Resources Officer has provided the following comments:  <i>Acid Sulphate Region 5.</i>	Y	Y	Y
7.2 Earthworks			Y	Y	Y
7.6 Biodiversity protection			Y	Y	Y
7.7 Geotechnical hazards			Y	Y	Y
7.10 Essential services			Y	Y	Y
<b>Pittwater 21 Development Control Plan 2014</b>					

Control	Standard	Proposal	T	O	N
3.1 Submission of a Development Application and payment of appropriate fee			Y	Y	Y
3.2 Submission of a Statement of Environmental Effects			Y	Y	Y
3.3 Submission of supporting documentation - Site Plan / Survey Plan / Development Drawings			Y	Y	Y
3.4 Notification			Y	Y	Y
3.5 Building Code of Australia			Y	Y	Y
3.6 State Environment Planning Policies (SEPPs) and Sydney Regional Environmental Policies (SREPs)			Y	Y	Y
A1.7 Considerations before consent is granted		See 8.0 Discussion of Issues below.	Y	Y	N
A4.10 Newport Locality		See 8.0 Discussion of Issues below.	Y	Y	N
B1.3 Heritage Conservation - General			Y	Y	Y
B1.4 Aboriginal Heritage Significance		Council's Natural Resources Officer has provided the following comments:  <i>No apparent issues.</i>	Y	Y	Y
B3.1 Landslip Hazard			Y	Y	Y
B3.6 Contaminated Land and Potentially Contaminated Land			Y	Y	Y
B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor		Council's Natural Resources Officer has provided the following comments:  <i>The property contains a modified landscape typical of a suburban garden. The proposed works include a first floor addition to part of the existing dwelling and a roof over the existing deck. No trees require removal to accommodate the proposed works as it is all within the existing building footprint. Trees around the edge of the dwelling may require pruning which is acceptable. There are no further natural environment issues.</i>	Y	Y	Y
B5.2 Wastewater Disposal			Y	Y	Y
B5.10 Stormwater Discharge into Public Drainage System			Y	Y	Y
B5.12 Stormwater Drainage Systems and Natural Watercourses			Y	Y	Y
B8.3 Construction and Demolition - Waste Minimisation			Y	Y	Y

Control	Standard	Proposal	T	O	N
B8.5 Construction and Demolition - Works in the Public Domain			Y	Y	Y
C1.1 Landscaping		For comment see B4.4	Y	Y	Y
C1.2 Safety and Security			Y	Y	Y
C1.3 View Sharing		See 8.0 Discussion of Issues below.	Y	Y	N
C1.4 Solar Access		See 8.0 Discussion of Issues below.	Y	Y	N
C1.5 Visual Privacy		See 8.0 Discussion of Issues below.	Y	Y	N
C1.6 Acoustic Privacy		See 8.0 Discussion of Issues below.	Y	Y	N
C1.7 Private Open Space			Y	Y	Y
C1.12 Waste and Recycling Facilities			Y	Y	Y
C1.13 Pollution Control		See 8.0 Discussion of Issues below.	Y	Y	N
C1.19 Incline Passenger Lifts and Stairways			Y	Y	Y
C1.23 Eaves			Y	Y	Y
C1.25 Plant, Equipment Boxes and Lift Over-Run			Y	Y	Y
D10.1 Character as viewed from a public place		See 8.0 Discussion of Issues below.	Y	Y	N
D10.3 Scenic protection - General			Y	Y	Y
D10.4 Building colours and materials			Y	Y	Y
D10.7 Front building line (excluding Newport Commercial Centre)		See 8.0 Discussion of Issues below.	N	Y	N
D10.8 Side and rear building line (excluding Newport Commercial Centre)		See 8.0 Discussion of Issues below.	Y	Y	N
D10.11 Building envelope (excluding Newport Commercial Centre)		See 8.0 Discussion of Issues below.	N	Y	N
D10.13 Landscaped Area - Environmentally Sensitive Land		See 8.0 Discussion of Issues below.	N	Y	Y
D10.15 Fences - Flora and Fauna Conservation Areas			Y	Y	Y
D10.16 Construction, Retaining walls, terracing and undercroft areas			Y	Y	Y
<b>State Environmental Planning Policies and other</b>					
SEPP (Building Sustainability Index: BASIX) 2004			Y	Y	Y
EPA Act 1979 No 203 section 147 Disclosure of political donations and gifts			-	-	-

## 8.0 DISCUSSION OF ISSUES



- **4.3 Height of buildings**

12 Suncrest Avenue

The owner believes the proposed height of 8.5m is not in keeping with the area and will devalue the surrounding properties. Upon undertaking two site visits, the proposal for a second storey addition is reasonable and similar to many dwellings along Suncrest Avenue. Furthermore, the proposed 8.5m height complies with clause 4.3 Height of buildings in the Pittwater Local Environmental Plan 2014 (PLEP 2014). The increased height is to accommodate for a large family and to provide for an improved living space, which is not an unreasonable expectation. Height poles were erected on site to provide a better understanding of potential impacts as a result of the development. Photos were taken which provide a clearer understanding of this height concern.

13 Suncrest Avenue

Concern over the excessive height and bulk should not be considered reasonable, as the proposal complies with Council's 8.5m height limit and the second storey addition is a typical proposal for a residential area. There currently exists significant vegetation across the site which minimises any potential bulk and scale of the development and help blend in with the surrounding area. Therefore, the proposal is very much in keeping with the character of the immediate area and Newport Locality.

16 Suncrest Avenue

This submission has concerns over personal comfort being damaged due to an overwhelming height and bulk of the building. The proposed second storey addition will be successfully screened with the assistance of significant and dense vegetation currently in place between both properties. Furthermore, as already established the proposed height of 8.5m complies with Council's height restriction.

The proposal is very much consistent with the desired character of the Newport Locality. The proposal is being built on the existing footprint and vegetation will remain, therefore minimising any impacts as a result of bulk and scale.

17 Suncrest Avenue

The owner is concerned by the height of the roof over the rear verandah creating additional overshadowing. Refer to C1.4 Solar Access.

- **A1.7 Considerations before consent is granted**

The following plans, drawings 1692-5, 1692-8, 1692-9, 1692-10, all need to be updated prior to the issuing of a construction certificate. The proposed stairs in the south west corner need to be amended to reflect the changes made in the site plan (drawing no. 1692-1) to move the stairs away from the drainage easement as requested by Council's development engineer. This will be conditioned.

Issues were raised throughout the submissions which are not related to any particular control. These concerns can be found below.

13 Suncrest Avenue

Concern regarding the applicant making no attempt to discuss the proposal with the owner of 13 Suncrest Avenue has been raised. Whilst Council encourages discussion between neighbours prior to lodging an application, it is not a strict requirement.

The same submission is strongly against current vegetation and privacy screens between both properties. The neighbour believes the current vegetation, landscaping and privacy screens are all in contravention and breach of the current development application. It is noted that condition B.45 in the development consent for DA N0250/00, which was approved by Council, required additional suitable plantings with a mature height not exceeding the height of the building to screen the south eastern corner between 13 and 14 Suncrest Avenue. Ongoing issues relating to current vegetation and screen planting is unrelated to the current application and remains a compliance matter. The objector is advised to consult with Council's compliance unit to resolve this matter.

#### 16 Suncrest Avenue

This submission proposed an alternative design to the proposal put forward to Council by suggesting because the owners park one car on the street, that the second garage space could be used for added living space plus the rumpus room. This proposal is unreasonable, as Council requires two off-street parking spaces to be made available for the a large dwelling (2 bedrooms or more). Therefore taking away one car space would mean the off-street parking arrangements would not comply with Council policy.

- **A4.10 Newport Locality**

#### 13 Suncrest Avenue

Submission from the above property address believes the proposal does not achieve the desired future character of the locality. This is due to what the neighbour believes to be *"excessive height and bulk"* and being out of character with the streetscape. In response to this, the height and therefore bulk is not excessive, as the proposal is typical of a residential area such as Newport. The building footprint is not proposed to be increased and vegetation remains to minimise any adverse visual impacts from the street or from neighbouring properties. The accompanying photos will show this through the height poles which were requested.

#### 16 Suncrest Avenue

Submission submitted to Council argues that the added storey will make the subject dwelling three stories, which the submission says is not in keeping the street. It is acknowledged that three storey dwellings are not permitted in the Newport Locality. The lower ground floor of the existing dwelling consists of a double garage, laundry and foundation space. The lower ground floor is technically speaking a void and not a habitable space, so the dwelling is two stories rather than the three as argued by the neighbour at 16 Suncrest Avenue.

- **B5.12 Stormwater Drainage Systems and Natural Watercourses**

Amended plans show the stairs relocated clear of the drainage easement. This amendment is supported.

- **C1.3 View Sharing**

Two of the four submissions raised concerns about potential adverse impacts relating to view sharing. As a result of this, Council requested that height poles be erected to provide an indication of possible impacts on view sharing. Photos of these height poles can be seen below.















In a typical residential area, it is unrealistic to expect no overshadowing to occur as a result of development. It becomes a matter of mitigation rather than prevention, and in the case of this application, appropriate mitigation measures have been undertaken through design to ensure a reasonable outcome for the subject site and all adjoining properties.

- **C1.5 Visual Privacy**

Visual privacy concerns have been raised in three out of the four submissions.

12 Suncrest Avenue

The owner of the above property believes the development will adversely affect on their visual privacy. This property is over 10 metres from the proposed works with vegetation in between both properties. As a result, there is believed to be no adverse impacts on visual privacy.

13 Suncrest Avenue

The owner has stated that:

*"The proposed addition would severely impact my privacy in all areas of my front yard, rear deck, entrance, and both living/dining areas inside my home".*

The two east facing windows from the proposed addition are not principal living areas. One of these windows is for a bedroom and the other for a sun room. The windows to these two rooms will not directly overlook the living area of 13 Suncrest Avenue, as the dwelling is currently sited further back than the dwelling at 14 Suncrest. There is sufficient distance being approximately 9m between the proposed sun room window (W5). Bedroom 3 is not a principal living area and has a window with a sill height of approximately 1.4m which is considered reasonable.

16 Suncrest Avenue

The owners are of the belief that the proposal will negatively impact on visual privacy to three bedrooms as they face the proposed extension. At present there exists significant vegetation between both properties with limited views of the proposed second storey addition and the height poles which were erected. This can be seen in the photo below. To refuse this application or request amended plans to change the design would be unreasonable.

The photo overleaf is taken from outside the three bedrooms at 16 Suncrest Avenue.



- **C1.6 Acoustic Privacy**

16 Suncrest Avenue

This submission is concerned about constant drum practice noise already and the potential of another storey increasing that drum practice noise. It is unlikely that another storey will increase the noise generated from drum practice, as the number of occupants in the home will not increase. If the neighbour has further concerns about this they should communicate these to their neighbours.

- **C1.13 Pollution Control**

13 Suncrest Avenue

The owner is concerned about the noise generated as a result of construction throughout the building process. This will be conditioned to ensure building only occurs within the allowed days and timeframe.

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

13 Suncrest Avenue

Owner of 13 Suncrest Avenue believes the proposed development is out character with the developing streetscape. The neighbour has stated that there have 2 additions/redevelopments in 25 years out of the possible 18 homes, neither of which impinged on neighbours' amenity. The submission believes the proposal at 14 Suncrest Avenue negatively impacts on neighbouring properties. This is untrue as is evident in the remaining sections of this report. The character when viewed from the street is very much in keeping with the area with significant vegetation existing to soften any bulk and scale from the development. A condition ensuring dark, earthy tones and colours are to be used will be made to ensure there are no negative impacts from neighbouring properties or street.

- **D10.7 Front building line (excluding Newport Commercial Centre)**

The front building line is non-compliant. However, as this is an existing non-compliance and the proposal does not seek to encroach on this non-compliance, this is deemed to be acceptable and variation should be considered as a result.

13 Suncrest Avenue

A submission from the adjoining property at 13 Suncrest says that the accompanying plans do not clearly illustrate the extent of the variation sought. It is made clear on the plans that the extent of the variation sought is minor, particularly as non-compliance is existing. There will be no adverse impacts experienced by adjoining land owners as a result of this non-compliance.

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

16 Suncrest Avenue

The submission from the owner at 16 Suncrest Avenue has questioned the side building line and asked how close to the boundary they can build. Control D10.8 Side and rear building line states that the side setbacks must be at least 2.5m to at least one side and 1.0m for the other side. According to the plans accompanying the application, the side building lines are compliant.



**CONSENT NO: N0059/15**  
**ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)**  
**NOTICE TO APPLICANT OF DETERMINATION**  
**OF A DEVELOPMENT APPLICATION**

Applicant's Name and Address:  
Josh Wiles and Sherri Butler  
14 Suncrest Avenue  
Newport NSW 2106

Being the applicant in respect of Development Application No N0059/15

Pursuant to section 80(1) of the Act, notice is hereby given of the determination by Pittwater Council, as the consent authority, of Development Application No **N0059/15** for:

**alterations and additions to the existing dwelling.**

**At: 14 SUNCREST AVENUE, NEWPORT NSW 2106 (Lot 6 DP 31375)**

**Decision:**

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

- **Architectural Drawings 1692-1 Issue A through to 1692-7 Issue A, dated 07/04/2015, 1692-8 through to 1692-10, dated 10/10/2014, prepared by J.D. Evans and Company;**
- **Geotechnical Risk Management Report, J0361, prepared by White Geotechnical Group, dated 12 January 2015;**
- **BASIX Certificate, A209179, Dated 13 January 2015;**

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

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

Endorsement of date of consent \_\_\_\_\_

Mark Ferguson  
GENERAL MANAGER  
Per:













3. A certificate is to be provided from a Registered Surveyor, prior to the issue of an Occupation Certificate, confirming that the height of the roof over the rear verandah does not exceed RL 26.75m AHD.
4. Prior to issue of the Occupation Certificate, Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier.
5. Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained and provided to the Private Certifying Authority with the Occupation Certificate application.
6. Certification is to be provided that the commitments identified in the BASIX Certificate have been fulfilled.

**G. Advice:**

1. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act, 1979* (as amended) and/or the conditions of this Development Consent may result in the serving of penalty notices (on-the-spot fines) under the summary offences provisions of the above legislation or legal action through the Land and Environment Court, again pursuant to the above legislation.
2. Dial before you dig: Prior to excavation the applicant is advised to contact Australia's National Referral Service for Information on Underground Pipes and Cables telephone 1100 or [www.1100.com.au](http://www.1100.com.au)
3. It is the Project Managers responsibility to ensure that all of the Component Certificates/certification issued during the course of the project are lodged with the Principal Certifying Authority. Failure to comply with the conditions of approval or lodge the Component Certificates/certification will prevent the Principal Certifying Authority issuing an Occupation Certificate.
4. In accordance with Section 95(1) of the EPA Act 1979, this development consent lapses 5 years after the date from which this consent operates if the development is not commenced.
5. To ascertain the date upon which a consent operates, refer to Section 83 of the *Environmental Planning and Assessment Act, 1979* (as amended).
6. Should any of the determination not be acceptable, you are entitled to request reconsideration under Section 82A of the Environmental Planning and Assessment Act, 1979. Such request to Council must be made in writing, together with appropriate fees as advised at the time of lodgement of such request, within 6 months of the determination.
7. If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act, 1979, gives you a right of appeal to the Land and Environment Court within 6 months of the date of endorsement of this Consent.
8. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Waters sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to the web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then see Building Developing and Plumbing then Quick Check, or telephone 13 20 92.

## LOCALITY MAP



## NOTIFICATION PLANS









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<b>C12.4</b>	<b>N0117/15 - 9 Kennedy Place Bayview - Alterations and additions to the existing dwelling including a new upper floor</b>
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**Meeting:** Sustainable Towns & Villages Committee

**Date:** 15 June 2015

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**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:**

- To provide an effective development assessment and determination process
- 

## **1.0 EXECUTIVE SUMMARY**

### **1.1 SUMMARY**

The Development Unit at its meeting held on the 28 May 2015 considered the Assessing Officers report (refer **Attachment 1**) for determination of Development Application N0117/15 for alterations and additions to the existing dwelling including a new upper floor at 9 Kennedy Place, Bayview NSW 2104 subject to the draft conditions of consent attached.

- 1.2 It is a policy requirement of the NSW Department of Planning that applications involving a variation to a development standard of more than 10% be referred to the elected Council for determination. The proposed level 2 extension exceeds the 8.5m maximum permitted height by up to 2.3m or by 27.1%.
- 1.3 Discussion in relation to this variation is contained within Section 8.0 (Discussion of Issues) of the Assessing Officer's report.
- 1.4 The objector was not present at the DU meeting however the applicant's representative was present to answer questions. The Development Unit considered the issues raised by the objector in writing and the applicant's representatives as well as the issues addressed in the Assessing Officer's report and supported the Officer's recommendation for approval subject to the conditions contained in the draft consent.
- 

## **2.0 RECOMMENDATION**

*That Council as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 grant consent to Development Application N0117/15 for alterations and additions to the existing dwelling including a new upper floor at 9 Kennedy Place Bayview NSW 2104 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 – N0117/15.

### 3.2 BACKGROUND

The Development Unit at its meeting held on the 28 May 2015 considered the Development Officer's report (refer **Attachment 1**) for determination of Development Application N0117/15 for alterations and additions to the existing dwelling including a new upper floor at 9 Kennedy Place, Bayview NSW 2104

Despite the large height variation to policy of 27.1% the Development Unit considered that the merits of the application warranted support of the Assessing Officer's recommendation for approval. (Refer to discussion at Section 8.0 of the Assessing Officer's report)

### 3.3 POLICY IMPLICATIONS

The NSW Department of Planning requires that applications involving a variation to a development standard of more than 10% be referred to the elected Council for determination.

### 3.4 RELATED LEGISLATION

Council is 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 unless Council's decision is challenged in the Land and Environment Court.

#### 3.5.2 Resources Implications

No implications.

### 4.0 KEY ISSUES

- Variation of the Development standard for height
- Other issues as addressed within the assessing officer's report

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### 5.0 ATTACHMENTS / TABLED DOCUMENTS

**Attachment 1:** Assessing Officer's report to the Development Unit meeting of 28 May 2015.

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### 6.0 SUSTAINABILITY ASSESSMENT

The relevant sustainability assessments have been addressed in the attached assessing officer's report.

Report prepared by

Warwick Lawrence  
**MANAGER, ADMINISTRATION & GOVERNANCE**

**SUBJECT: N0117/15 - 9 Kennedy Place Bayview, NSW 2104 - Alterations and Additions to the existing dwelling including a new upper floor**

**Meeting:** Development Unit

**Date:** 28 May 2015

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**SUMMARY OF RECOMMENDATION**

**Consent with Conditions**

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<b>REPORT PREPARED BY:</b>	<b>Michael Doyle</b>
<b>APPLICATION SUBMITTED ON:</b>	<b>2/04/2015</b>
<b>APPLICATION SUBMITTED BY:</b>	<b>LEAH MARIE TOURISH</b>
<b>OWNER(S):</b>	<b>LEAH M TOURISH</b>

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**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 N0117/15 for alterations and additions to the existing dwelling including a new upper floor at 9 Kennedy Place, Bayview NSW 2104 subject to the draft conditions of consent attached.

Report prepared by  
Michael Doyle, Planner

Andrew Pigott  
**MANAGER, PLANNING & ASSESSMENT**



































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## **RECOMMENDATION OF PLANNER**

### **Report prepared by**

Michael Doyle  
**Planner**

**Date:** 20.05.15

























## LOCALITY MAP



## NOTIFICATION PLANS









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## **C12.5 Minutes of the Sustainable Towns and Villages Reference Group Meeting held on 20 May 2015**

**Meeting:** Sustainable Towns & Villages Committee

**Date:** 15 June 2015

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**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 20 May 2015 Meeting considered the following discussion topics:

- Community Strategic Plan and Delivery Program & Budget
  - NSW Planning System Overview
  - Mona Vale Place Plan
  - NSW Government's Fit for the Future Local Government Reforms
- 

### **2.0 RECOMMENDATION**

1. *That Council note the Minutes of the Sustainable Towns and Villages Reference Group Reference Group Meeting held on 20 May 2015 that relate to the discussion.*

2. *That Council note in particular the following Reference Points from that meeting:*

#### **2.1 Mona Vale Place Plan**

1. *That the update of the report provided by Ms Melinda Hewitt, Manager – Place Management be noted.*
2. *That the outcomes of the workshops as conducted during the meeting be recorded and reported to Council with the minutes.*

#### **2.2 Community Strategic Plan and Delivery Program & Budget**

1. *That the Reference Group notes the presentation by Mr David Bremner, Community Engagement Officer and the update on this item be noted.*
2. *That closing dates for public submissions to Council be extended to the Sunday evening following the close of business on Friday 22/5/15.*

#### **2.3 NSW Planning System Overview**

1. *That the verbal update provided by Mr Andrew Pigott, Manager – Planning & Assessment on this item be noted.*
2. *The group commended Mr Pigott on his succinct explanation in this report.*

## **2.4 NSW Governments Fit for the Future Local Government Reforms**

### **1. The Reference Group notes that the:**

- *information update and attachments including Council's declared position,*
- *details of the public meeting on the topic of Local Government Reform, and*
- *Members will encourage their networks and associations to be involved during the consultation.*

### **2. The group commend Council for the information provided to the community and professional / confident community engagement process.**

---

## **3.0 BACKGROUND**

### **3.1 PURPOSE**

To present to Council for consideration, the Minutes of Sustainable Towns and Villages Reference Group Meeting held on 20 May 2015 (refer **Attachment 1**).

### **3.2 BACKGROUND**

The Sustainable Towns and Villages Reference Group was established by Council to consider matters involving goals and initiatives contained in the key direction of Council's Strategic Plan – Integrating Our Built Environment.

The strategic objectives within the associated key direction are:

- Asset Management Coordination Strategy
- Energy Efficiency Strategy
- Land Use & Development Strategy
- Town & Village Strategy
- Transport & Traffic Strategy

To fulfil its role, the Sustainable Towns and Villages 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**

- Community Strategic Plan and Delivery Program & Budget
  - NSW Planning System Overview
  - Mona Vale Place Plan
  - NSW Government's Fit for the Future Local Government Reforms
- 

#### **5.0 ATTACHMENTS / TABLED DOCUMENTS**

**Attachment 1** – Minutes of the Sustainable Towns and Villages Reference Group Meeting held on 20 May 2015.

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#### **6.0 SUSTAINABILITY ASSESSMENT**

A sustainability assessment is not required for Minutes of Meetings.

Report prepared by

Steve Evans

**DIRECTOR, ENVIRONMENTAL PLANNING & ASSESSMENT**

# Minutes

## Sustainable Towns and Villages Reference Group

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

**20 May 2015**

Commencing at 4:00pm

## **Attendance**

### **Members of the Committee, namely**

Cr Grace, Chairperson

### **And one representative from the following organisations:**

Roslyn Marsh - Avalon Palm Beach Business Chamber Inc  
Ray Mills - Clareville and Bilgola Plateau residents association (CABPRA)  
Linda Haefeli - Climate Action Pittwater  
James Owen - Elanora Heights Resident's Association  
Jacqueline Marlow - Friends of Narrabeen Lagoon Catchment  
Marcia Rackham - Mona Vale Residents Association Inc  
Selena Webber - Newport Residents Association  
Merinda Rose - Palm Beach and Whale Beach Association Inc.  
Frances Jones - Scotland Island Residents Association (SIRA)  
Jennifer Knox - West Pittwater Community Association  
Sophie Butler - Pittwater Resident Representative  
Dale Cohen - Pittwater Resident Representative  
Billy Bragg - Pittwater Resident Representative  
Steven Koolloos - Pittwater Resident Representative

### **and the following Council Advisors**

Steve Evans - Director, Environmental Planning & Community  
Jane Mulroney - Manager, Community Engagement and Corporate Strategy  
David Bremner – Community Engagement Officer  
Melinda Hewitt – Manager, Place Management  
Paul William – Smith, Economic Development Coordinator  
Liz Cassis – Project Officer Enliven Pittwater  
Andrew Pigott – Manager, Planning and Assessment  
Sherryn McPherson - Administration Officer/Minute Secretary

All Pittwater Council's Agenda and Minutes are available on Pittwater's website at  
**[www.pittwater.nsw.gov.au](http://www.pittwater.nsw.gov.au)**



## **Sustainable Towns and Villages Reference Group Meeting**

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<b>3.0</b>	<b>Confirmation of Minutes</b>
<b>4.0</b>	<b>Discussion Topics</b>
STV4.3	Mona Vale Place Plan
STV4.1	Community Strategic Plan and Delivery Program & Budget
STV4.2	NSW Planning System Overview
STV4.4	NSW Government's Fit for the Future Local Government Reforms
<b>5.0</b>	<b>Emerging Business</b>
<b>6.0</b>	<b>Next Meeting</b>

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## 1.0 Apologies, Welcome and Introductions

### Notes

1. Cr Grace opened the meeting and welcomed the members and gave a brief outline of how the meeting would proceed.
  2. Nil Apologies.
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## 2.0 Declarations of Pecuniary Interest

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## 3.0 Confirmation of Minutes

### REFERENCE GROUP RECOMMENDATION

That the members accepted the Minutes of the Sustainable Towns and Villages Reference Group Meeting held on 18 February 2015, be confirmed as a true and accurate record of that meeting.

(Mr Ray Mills / Ms Jacqui Marlow)

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## 4.0 Discussion Topics

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### STV4.3 Mona Vale Place Plan

#### Proceedings in Brief

Ms Melinda Hewitt, Manager Place Management, Paul William-Smith, Economic Development Coordinator and Ms Liz Cassis Enliven Pittwater Project Officer addressed the meeting on this item.

A copy of the PowerPoint presentation given to the group at the meeting is attached to the minutes at **Attachment 1**.

#### Discussion Points:

**Q: What will happen with the Mona Vale Hospital?**

**A:** In relation to the future of Mona Vale town centre, the Hospital is an important employment hub and anchor. Council is working closely with the Mona Vale Chamber of Commerce focusing not only at the hospital but also medical services within the town centre and the role of the medical fraternity in the future vision for Mona Vale.

**Q: Will Council conduct a review and produce a traffic report for Mona Vale as part of this process?**

**A:** Yes there will be a traffic study undertaken. Council is meeting with Transport NSW regarding the development of the Bus Rapid Transport (BRT) and the impact this will have in town centre in relation to pedestrian activity and connectivity, active transport infrastructure, urban design and location for parking.

**Q: Has Council made progress in determining pedestrian friendly areas?**

**A:** Through this process and as a result of community feedback Council will be investigating Park Street and Bungan Street in particular, to become more pedestrianized. Further connections will be made in and around Waratah Street (which has been identified as a priority street) with a number of retailers open late at night. Darley Street will also be reviewed for connections between Park and Darley Street which will be a challenge due to private ownership and limited access ways.

**Q: Will the Roundabout situated at Park / Bungan Street remain as is?**

**A:** Changes to the roundabout will be investigated through a traffic study and urban form analysis. This item has been a popular topic through the community engagement process and it is not a desirable outcome to remove due to high volumes of traffic and speeding issues on these roads. Feedback received in the past from the community raised concerns regarding the speed of cars along Pittwater Road heading travelling to Church Point. It is also a high pedestrian traffic area that connects Bungan and Park Street with various desirable crossing lines.

**Q: Where will the new bus interchange be situated?**

**A:** It is proposed the main BRT bus stop will be situated at Village Park and Kitchener park however the interchanges and parking locations are still being investigated.

The Reference Group broke up into three (3) groups to discuss, provide feedback and a brief presentation on:

1. What is your vision and aspiration for the Mona Vale town centre?
2. Provide Council with:
  - 3 opportunities for Mona Vale Town Centre.
  - 3 Challenges for Mona Vale Town Centre.
3. As a result of your 3 opportunities, pick one (1) opportunity that is the most important for Council to progress in the next 12 months. The results are as follows:

<b>Mona Vale Town Centre</b>	<b>Result</b>
Vision	<ol style="list-style-type: none"><li>1. Hi Tech, inspirational, smart, green, sustainable, community / people, cohesive / connected, urban, plaza/ piazza / pedestrian</li><li>2. A hub for connecting people – friendly work, retail &amp; living spaces, an inspirational, smart, green, sustainable community.</li></ol>
Opportunities	<ul style="list-style-type: none"><li>• Tertiary education centre</li><li>• Pedestrianisation</li><li>• Public Spaces to dwell</li><li>• People friendly spaces</li><li>• Music</li><li>• Mixed use zoning for Darley St precinct</li><li>• Greening Mona Vale</li><li>• Marketing arts in light industrial area</li><li>• Re-route Pittwater Rd through Darley St</li><li>• Connect disparate zones together</li><li>• Pedestrian Hub</li><li>• Vibrant</li></ul>

Mona Vale Town Centre	Result
	<ul style="list-style-type: none"> <li>• Public Art</li> <li>• Human Scale – People centred</li> <li>• Cultured</li> <li>• Fun</li> <li>• Attractive / fabulous buildings</li> <li>• Hub for commercial / residential / business / transport / entertainment/ restaurants / bars / education</li> <li>• Arts Centre</li> <li>• Better use of Village Park</li> <li>• Density of dwellings in town centre</li> <li>• Connectivity with town centre and other parts of the community ie. Pittwater High School</li> <li>• Focus on heritage &amp; history</li> </ul>
Challenge	<ul style="list-style-type: none"> <li>• Spread of CBD and connectivity</li> <li>• Traffic &amp; parking</li> <li>• Village Park feels disconnected</li> <li>• Lack of interesting and cheap places to eat</li> <li>• Public transport – intra regional – supposed to be a regional hub</li> <li>• Can be stark</li> <li>• Short term tourist accommodation / conferencing</li> <li>• Housing variety</li> <li>• Link town centre to beach &amp; bay</li> <li>• A destination</li> <li>• Focus off cars</li> </ul>

#### REFERENCE POINT

1. That the update of the report provided by Ms Melinda Hewitt, Manager – Place Management be noted.
2. That the outcomes of the workshops as conducted during the meeting be recorded and reported to Council with the minutes.

(Mr Ray Mills / Mr James Owen)

**Note:**

At 4.30pm Ms Melinda Hewitt, Manager – Place Management left the meeting and did not return.

### STV4.1 Community Strategic Plan and Delivery Program & Budget

**Proceedings in Brief**

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

**Note:**

A welcome information pack was distributed to the reference group members and contained the following documents:

- Community Strategic Plan – *Pittwater 2025*

- Current pages from the Draft Delivery Program and Budget were also provided and included in the Agenda distributed to the members. This document is currently in draft with the consultation period closing on Friday, 22 May 2015. The full document can be downloaded from the website [www.pittwater.nsw.gov.au/yoursay](http://www.pittwater.nsw.gov.au/yoursay).
- A copy of the Council's Terms of Reference and Code of Conduct.
- Details Consent Form: Please sign this form and return to Council.

Members were encouraged to nominate and present items at the Reference Group meetings that are not operational matters. In order for an item to be included on the agenda, members will be required to prepare a report 4 weeks in advance and communicate with Mr David Bremner – Community Engagement Officer and Ms Sherryn McPherson – Minute Secretary for review, approval and inclusion. Members will be allocated approximately 5 minutes to present their item with additional time for further discussion.

### **Discussion Points:**

#### **Q: Can Council amend closing dates for documents on exhibition to Sundays?**

**A:** Submissions received after the closing date (which may be either the Saturday / Sunday) in majority of cases, will be accepted should a report still be in progress. Moving forward, Council will review closing date days to allow residents the weekend to respond to draft documents.

#### **Q: How does this group get a motion to Council?**

**A:** Reference groups are a gathering of groups and associations in which Council distribute and update members on information relevant to the Pittwater LGA. The reference groups are also classified as “A Think Tank” and not a decision making group. The discussion and reference points formulated and moved at the meeting are collated into a report that is endorsed by Council for further action.

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### **REFERENCE POINT**

1. That the reference group notes the presentation by Mr David Bremner, Community Engagement Officer and the update on this item be noted.
2. That closing dates for public submissions to Council be extended to close of business on the Sunday evening after COB Friday 22/5/15.

(Mr Roslyn Marsh / Ms Marcia Rackham)

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## **STV4.2 NSW Planning System Overview**

### **Proceedings in Brief**

Mr Andrew Pigott, Manager – Planning & Assessment addressed the meeting on this item.

The NSW planning system consists of a complex hierarchy of planning policy documents. The system is principally governed by two legislative documents which provide the overarching structure for planning in NSW. These documents are:

1. *The Environmental Planning and Assessment Act 1979 (EP&A Act); and*
2. *The Environmental Planning and Assessment Regulation 2000 (Regulation)*

The NSW Government prepares SEPPs to address and deal with specific planning issues that are of State or regional significance. SEPPs are wide ranging and cover a diverse assortment of issues.

LEPs through zonings, development standards and local provisions manage and control land use and development within the LGA and is supported by the DCP which provides detailed planning and design guidelines.

The NSW Government also influences and guides land use and development in Metropolitan Sydney by the use of a broad overarching strategic spatial plan called a Metropolitan Strategy. The current strategy, titled *A Plan for Growing Sydney*. *A Plan for Growing Sydney* sets out the NSW Government's vision for how to manage major population growth and change in Sydney over a 20 year period. Subregional plans for each of the 6 subregions set housing and employment targets for individual local councils in turn which directly influences the location of housing, employment, infrastructure and open space required to support expected population growth.

### **Discussion Points:**

**Q: Does the SEPP include Granny Flats?**

**A:** SEPP (Affordable Renting Housing) makes provision for Secondary Dwellings (granny flats) as complying development limited to specific locations (excluding land zoned E4 and E3) you can however construct Granny Flats through the Development Application process.

**Q: Can the SEPP's have priority over another SEPP?**

**A:** No but they sometime conflict.

**Q: How often is the LEP reviewed? 1993 - 2014**

**A:** It is a document that takes significant time to produce. The latest document was amended and released in 2014 superseding the previous LEP which was created in 1993. It has been 20 years since the last document was created. This is a document that does need to remain updated, contemporary and reflect community views and what the community needs.

**Q: Does the DCP hold as much weight as the LEP?**

**A:** The LEP is a statutory document, and the DCP is not. The LEP is a higher order piece of legislation. Section 79C of the Environmental Assessment Act states that DCP's are a guiding document and if there is a non compliance with a DCP control that may not mean reasons for rejection of the application if you can meet the outcome of the control and no particular and detrimental impact of that non compliance. A control contained in the LEP or a SEPP is rated much higher. Having said this, Council has been very successful in ensuring development adheres to the requirements outlined in the Pittwater 21 DCP.

**Q: Is there a push for high density or medium density housing?**

**A:** We have not reached that level of detail as yet. Once we know what our target will be, we can start to decipher how that will be accommodated in our area.

**Q: Has Ingleside been taken into consideration for future housing numbers and are they being incorporated into studies?**

**A:** Our current housing target is outlined in the 2007 / 2008 North East Sub Regional Strategy as 4600 new dwellings by 2031. This number does not include Ingleside. Our new target is likely to include Ingleside.

**Q: What is the timeframe for sub regional strategy?**

**A:** Preliminary works have commenced and this strategy may be available by end of 2015 and go on public exhibition.

**Q: Are Roads and Maritime Services involved in the creation for the Strategy?**

**A:** The government is working hard on getting all the key agencies involved such as RMS, Sydney Water in the high level strategic planning for coordination across the city.

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## REFERENCE POINT

1. That the verbal update provided by Mr Andrew Pigott, Manager – Planning & Assessment on this item be noted.
2. The group commended Mr Andrew Pigott – Manager, Planning and Assessment on his succinct explanation in this report.

(Ms Jacqui Marlow / Ms Merinda Rose)

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## STV4.4 NSW Government's Fit for the Future Local Government Reforms

### Proceedings in Brief

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

### Note:

Where we head to from here:

- Council submission is to be sent in on 25 May 2015 to IPART
- Conclusion of the Community Engagement on 5 June 2015
- Keep in touch and be involved via the Pittwater Council website, mail out system and social media.
- Report will go to a Council meeting on 15 June 2015
- Council's final submission will be made on 30 June 2015.

### Discussion Points:

**Q: Where did the 250,000 capacity come from? Was it calculated from square kilometres over population.**

**A:** The Independent Panel who recommended that the three (3) Northern Beaches Councils should amalgamate which adds up to approximately 250,000. Other Council areas in the Metropolitan area recommended to merge will establish different aggregated populations.

**Q: Is there other organisations similar to SHOROC in other LGA's?**

**A:** Yes, there are other ROCs, e.g. WESROC and SSROC.

**Q: How did the reform process start?**

**A:** The spectre of Council amalgamations has been on the table for many years across different political colours of Government. This particular round came from a resolution of the then Local Government and Shires Association. From the initial call to look at how Local Government can do better the Government engaged a 'Panel' that, after receiving submissions, made recommendations to Government, including certain amalgamations of Council areas and other 'reforms'. Pittwater accepted the majority of 'reform' initiatives but not the proposal to form a single Northern Beaches Council.

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## REFERENCE POINT

1. The Reference Group:
  - notes the information update and attachments including Council's declared position,
  - notes the details of the public meeting on the topic of Local Government Reform, and
  - members will encourage their networks and associations to be involved during the consultation.
2. The Group commend Council for the information provided to the community and professional / confident community engagement process.

(Ms Billy Bragg / Ms Merinda Rose)

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### 5.0 Emerging Business

Nil.

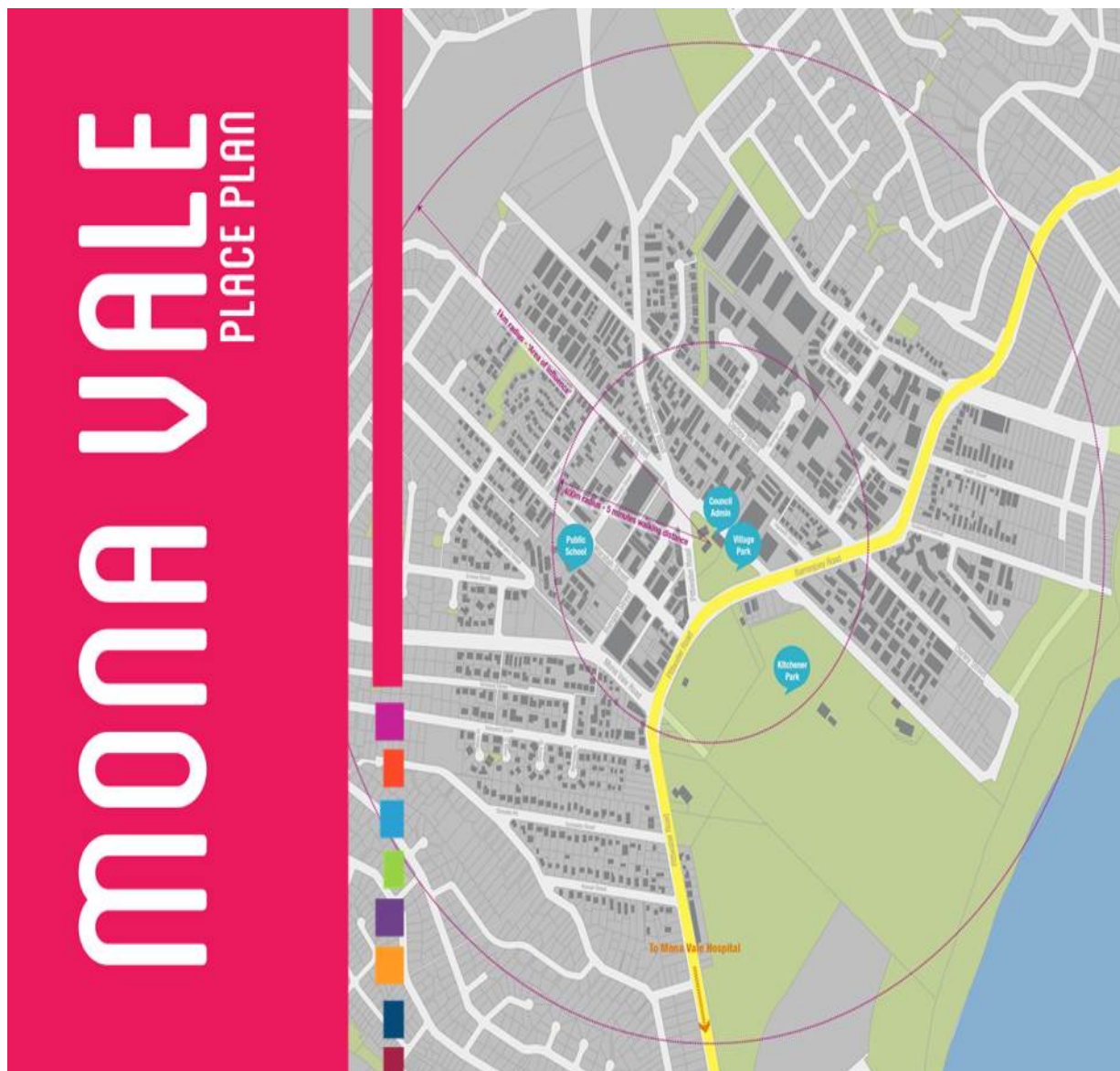
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### 6.0 Next Meeting

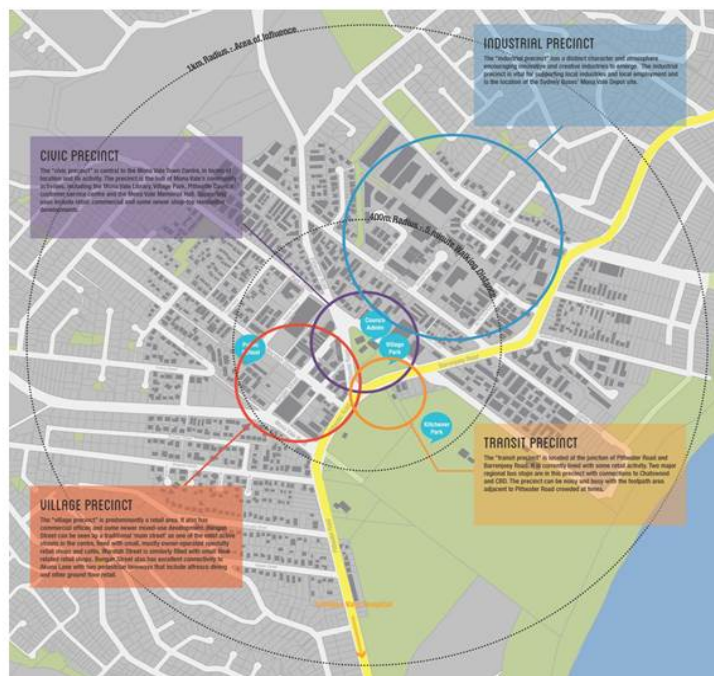
That the next meeting of the Sustainable Towns and Villages Reference Group will be held on 19 August 2015 at the Coastal Environment Centre commencing at 4.00pm.

**THERE BEING NO FURTHER BUSINESS  
THE MEETING CONCLUDED AT 6.17pm  
ON WEDNESDAY, 20 MAY 2015.**





# MONA VALE PLACE PLAN



## MONA VALE PLACE PLAN

Mona Vale Town Centre is undergoing a place planning process. Key opportunities and challenges include:



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URBAN FABRIC &  
PUBLIC REALM  
14-16 MAY

THE URBAN FABRIC IS THE PHYSICAL ASPECT OF URBAN LIFE:  
THE BUILDING TYPES, THOROUGHFARES, OPEN SPACE, STREETSCAPES AND FRONTAGES.

THURSDAY:	Q&A with panel of speakers @ Mona Vale Memorial Hall, 6.30 to 8pm
FRIDAY & SATURDAY OPEN-HOUSE:	Interactive facilitated workshops. Your chance to provide input for the future of Mona Vale @ Mona Vale Memorial Hall, 10am to 4pm
SATURDAY PLACEMAKING EVENT:	'Coffee & Chocolate Experience' pop up daytime event @ Mona Vale Library Laneway, 9:00am to 12:00pm

# MONA VALE PLACE PLAN

## Headlines so far

- Night Time Economy
- Lighting
- Connectivity (active transport)
- More people and activity
- Diversity in housing type and product
- Programming & Events
- Mona Vale Village Park

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**Council Meeting**

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**13.0      Adoption of Leading and Learning Committee  
Recommendations**

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**14.0      Adoption of Sustainable Towns and Villages Committee  
Recommendations**

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**App 1   Confidential Advice**

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