

#	Development Control	Amendments		Reason				
16	<u>B4.22 Preservation of Trees or Bushland Vegetation</u>	Under Exempt tree species <table><tr><td>Remove</td><td>Tree of Heaven – Ailanthus altissima Camphor Laurel – Cinnamomum camphora Honey Locust – Gleditsia triacanthos Broad-leaf Pepper Tree – Schinus terebinthifolius</td></tr></table>		Remove	Tree of Heaven – Ailanthus altissima Camphor Laurel – Cinnamomum camphora Honey Locust – Gleditsia triacanthos Broad-leaf Pepper Tree – Schinus terebinthifolius	These plants are noxious weeds and are covered under the <i>Noxious Weeds Act 1993</i>		
Remove	Tree of Heaven – Ailanthus altissima Camphor Laurel – Cinnamomum camphora Honey Locust – Gleditsia triacanthos Broad-leaf Pepper Tree – Schinus terebinthifolius							
17	B5.6 Rainwater tanks – Water Supply	Under Uses to which this control applies <table><tr><td>Insert</td><td>Dual occupancy (detached) Secondary dwelling</td></tr></table>		Insert	Dual occupancy (detached) Secondary dwelling	These uses are permissible in the zones to which this control applies (RU2 & R5)		
Insert	Dual occupancy (detached) Secondary dwelling							
18	B5.14 Stormwater Drainage Easements (Public Stormwater Drainage System)	Under Uses to which this control applies <table><tr><td>Insert</td><td>Dual occupancy (attached) Dual occupancy (detached)</td></tr></table>		Insert	Dual occupancy (attached) Dual occupancy (detached)	All other residential uses are included		
Insert	Dual occupancy (attached) Dual occupancy (detached)							
19	B6.1 Access Driveways and Works on the Public Road Reserve - Low Density Residential	Under Controls <table><tr><td>Remove</td><td>Note:</td></tr></table>		Remove	Note:	Administrative		
Remove	Note:							
20	B6.2 Access Driveways and Works on the Public Road Reserve- All Development other than Low Density Residential	Under Controls <table><tr><td>Remove</td><td>Note:</td></tr></table>		Remove	Note:	Administrative		
Remove	Note:							
21	B6.4 Internal Driveways - All Development other than Low Density Residential	Under Controls <table><tr><td>Remove</td><td>Note:</td></tr></table>		Remove	Note:	Administrative		
Remove	Note:							
22	B6.6 Off-Street Vehicle Parking Requirements - All Development other than Low Density Residential	Under Controls <table><tr><td>Remove</td><td>RTA</td></tr><tr><td>Insert</td><td>Roads and Maritime Services</td></tr></table>		Remove	RTA	Insert	Roads and Maritime Services	Change in State agencies
Remove	RTA							
Insert	Roads and Maritime Services							
23	B6.9 On-Street Parking Requirements	Under Uses to which this control applies <table><tr><td>Remove</td><td>Tourist and visitor accommodation</td></tr></table>		Remove	Tourist and visitor accommodation	This is not a use that has capacity to use the road reserve for its parking facilities		
Remove	Tourist and visitor accommodation							

#	Development Control	Amendments		Reason
24	B6.10 Transport and Traffic Management - All Development other than Low Density Residential	Under Controls		Change in State agencies
		Remove	Roads and Traffic Authority	
		Insert	Roads and Maritime Services	
25	C1.9 Adaptable Housing and Accessibility	Under Controls		Administrative
		Remove	SEPP	
		Insert	State Environmental Planning Policy	
26	C1.14 Separately Accessible Structures	Under Uses to which this control applies		Outbuildings are mentioned in the control, outbuildings are also part of the definition of Development ancillary to residential accommodation in A1.9
		Insert	Development ancillary to residential accommodation	
27	C1.23 Eaves	Under Uses to which this control applies		Residential flat buildings are mentioned in this control. All other residential uses are listed
		Insert	Attached dwellings Residential flat buildings Semi-detached dwellings	
28	C2.20 Public Road Reserve - Landscaping and Infrastructure	Under Controls		Administrative
		Remove	<u>Note:</u>	
29	C2.21 Food Premises Design Standards	Under Uses to which this control applies		The removed uses are listed in other Food Premises Design Standards controls (C3.19 and C5.19). The inserted use is a change of use for Business Development and should therefore have this control apply
		Remove	Industrial Development Other Development Rural Industry	
		Insert	Occupation/change of use of existing premises	
30	C3.12 Signage	Under Controls		Administrative
		Remove	Warriewood Valley	
		Insert	the Warriewood Valley Locality	
31	C3.13 Industrial Development Adjoining Residential Land	Under Controls		Administrative
		Remove	proposed and	

#	Development Control	Amendments		Reason								
32	C4.4 Subdivision - Public Roads, Footpath and Streetscape	<div>Under Controls</div> <table><tr><td>Remove</td><td>developer</td></tr><tr><td>Insert</td><td>applicant</td></tr></table>		Remove	developer	Insert	applicant	Administrative				
Remove	developer											
Insert	applicant											
33	C5.13 Telecommunications Facilities	<div>Under Controls</div> <table><tr><td>Remove</td><td>Note:</td></tr></table>		Remove	Note:	Administrative						
Remove	Note:											
34	C5.20 Liquor Licensing Applications	<div>Under Controls</div> <table><tr><td>Remove</td><td>Development land to which this control applies must comply with the requirements of:</td></tr><tr><td>Insert</td><td>Development to which this control applies must comply with the requirements of:</td></tr></table>		Remove	Development land to which this control applies must comply with the requirements of:	Insert	Development to which this control applies must comply with the requirements of:	Administrative				
Remove	Development land to which this control applies must comply with the requirements of:											
Insert	Development to which this control applies must comply with the requirements of:											
35	C6	<table><tr><td>Remove</td><td>Warriewood Valley Sector Development/Subdivision</td></tr><tr><td>Insert</td><td>the development of a sector, buffer area or development sites</td></tr></table>		Remove	Warriewood Valley Sector Development/Subdivision	Insert	the development of a sector, buffer area or development sites	Consistency with the <i>Pittwater LEP 2014</i>				
Remove	Warriewood Valley Sector Development/Subdivision											
Insert	the development of a sector, buffer area or development sites											
36	C6.1 Warriewood Valley Release Area (Stage One)	<div>Under Outcomes</div> <table><tr><td>Remove</td><td>Compliance with the requirements of the Appendix 4 - Warriewood Valley Stage One Release Planning Context and Criteria.</td></tr><tr><td>Insert</td><td>Consideration of the requirements of the Appendix 4 - Warriewood Valley Stage One Release Planning Context and Criteria.</td></tr></table> <div>Under Controls</div> <table><tr><td>Remove</td><td>The application must comply with the controls contained in <u>Appendix 4 - Warriewood Valley Stage One Release Planning Context and Criteria.</u></td></tr><tr><td>Insert</td><td>The application must consider the intent of Appendix 4 – Warriewood Valley Stage One Release Planning Context and Criteria</td></tr></table>		Remove	Compliance with the requirements of the Appendix 4 - Warriewood Valley Stage One Release Planning Context and Criteria.	Insert	Consideration of the requirements of the Appendix 4 - Warriewood Valley Stage One Release Planning Context and Criteria.	Remove	The application must comply with the controls contained in <u>Appendix 4 - Warriewood Valley Stage One Release Planning Context and Criteria.</u>	Insert	The application must consider the intent of Appendix 4 – Warriewood Valley Stage One Release Planning Context and Criteria	Stage One of Warriewood Valley has been developed
Remove	Compliance with the requirements of the Appendix 4 - Warriewood Valley Stage One Release Planning Context and Criteria.											
Insert	Consideration of the requirements of the Appendix 4 - Warriewood Valley Stage One Release Planning Context and Criteria.											
Remove	The application must comply with the controls contained in <u>Appendix 4 - Warriewood Valley Stage One Release Planning Context and Criteria.</u>											
Insert	The application must consider the intent of Appendix 4 – Warriewood Valley Stage One Release Planning Context and Criteria											
37	C6.6 Bushfire Protection - Warriewood Valley Release Area	<div>Under Land to which this control applies</div> <table><tr><td>Remove</td><td>Land identified as being within the Warriewood Valley Land Release Area - P21DCP-BCMDCP055</td></tr><tr><td>Insert</td><td>Land identified as being within the Warriewood Valley Land Release Area – P21DCP-BCMDCP055, and Land identified on the certified Pittwater LGA bushfire prone land map – P21DCP-BCMDCP006 Land identified in the certified Pittwater LGA bushfire prone land map – P21DCP-BCMDCP006 - within the Warriewood Valley Land Release Area – P21DCP-BCMDCP055</td></tr></table>		Remove	Land identified as being within the Warriewood Valley Land Release Area - P21DCP-BCMDCP055	Insert	Land identified as being within the Warriewood Valley Land Release Area – P21DCP-BCMDCP055, and Land identified on the certified Pittwater LGA bushfire prone land map – P21DCP-BCMDCP006 Land identified in the certified Pittwater LGA bushfire prone land map – P21DCP-BCMDCP006 - within the Warriewood Valley Land Release Area – P21DCP-BCMDCP055	Refining ‘Land to which this control applies’ to exclude land not identified as bushfire prone. This removes the application of the control to land that is not identified as bushfire prone				
Remove	Land identified as being within the Warriewood Valley Land Release Area - P21DCP-BCMDCP055											
Insert	Land identified as being within the Warriewood Valley Land Release Area – P21DCP-BCMDCP055, and Land identified on the certified Pittwater LGA bushfire prone land map – P21DCP-BCMDCP006 Land identified in the certified Pittwater LGA bushfire prone land map – P21DCP-BCMDCP006 - within the Warriewood Valley Land Release Area – P21DCP-BCMDCP055											
38	C6.10 Ecologically Sustainable Development - Warriewood Valley Release Area - Residential Sectors, Buffer Areas or Development Sites	<div>Under Controls</div> <table><tr><td>Remove</td><td>for further information on BASIX see www.BASIX.nsw.gov.au</td></tr></table> <div>Under Advisory Notes</div> <table><tr><td>Insert</td><td>For further information on BASIX see www.BASIX.nsw.gov.au</td></tr></table>		Remove	for further information on BASIX see www.BASIX.nsw.gov.au	Insert	For further information on BASIX see www.BASIX.nsw.gov.au	Administrative Administrative				
Remove	for further information on BASIX see www.BASIX.nsw.gov.au											
Insert	For further information on BASIX see www.BASIX.nsw.gov.au											
39	C6.15 Warriewood	Under Controls		Administrative								

#	Development Control	Amendments		Reason
	Valley Release Area Focal Neighbourhood Centre	Remove	(Refer to Ingleside/Warriewood Urban Land Release Area Demographic and Facility/Service Needs Studies (December, 1994)).	Administrative
		Under Advisory Notes		
		Insert	Refer to Ingleside/Warriewood Urban Land Release Area Demographic and Facility/Service Needs Studies (December, 1994)	
40	C6.20 Water Management for Development in Warriewood Valley Release Area	Under Uses to which this control applies		Control related to developed sectors
		Remove	Subdivision Development/subdivision of a sector, buffer area or development sites in a Release area	Inconsistencies between the <i>Pittwater LEP 2014</i> and definitions relating to Warriewood Valley
		Insert	Development ancillary to residential accommodation	
		Under Controls		Inconsistencies between the <i>Pittwater LEP 2014</i> and definitions relating to Warriewood Valley
		Remove	<u>Single Dwellings</u>	
		Insert	<u>All development other than residential flat buildings, multi dwelling housing, seniors housing and shop top housing</u>	
				Inconsistencies between the <i>Pittwater LEP 2014</i> and definitions relating to Warriewood Valley
		Remove	<u>Residential flat buildings and multi dwelling housing</u>	
		Insert	<u>Residential flat buildings, multi dwelling housing, seniors housing and shop top housing</u>	
				Inconsistencies between the <i>Pittwater LEP 2014</i> and definitions relating to Warriewood Valley
		Remove	Each multi unit housing development	
		Insert	Each development	
41	C6.23 Landscaped Area (Sector, Buffer Area or Development Site) - Warriewood Valley Release Area	Under Controls		Administrative
		Remove	Sector, <u>Buffer</u> Area or development <u>site</u> .	
		Insert	sector, <u>buffer</u> Area or development <u>site</u> .	
42	C6.24 Buffer Area 1a to 1m - Additional Specifications Controls - Warriewood Valley Release Area	Under Outcomes		Administrative
		Remove	(C6.7 Outcome – <i>slightly amended</i>)	

#	Development Control	Amendments		Reason
43	C6.25 Sector 901A to 901G - Additional Specifications Controls - Warriewood Valley Release Areas	Under Advisory Notes		Consistency with <i>Pittwater LEP 2014</i>
		Remove	Warriewood Valley Sector Development/Subdivision	
		Insert	Development of a sector, buffer area or development sites	
44	<u>D1.1 Character as viewed from a public place</u>	Under Uses to which this control applies Insert Waste water disposal system		Consistency with other Character viewed from a public place controls for other Localities
45	<u>D1.9 Side and rear building line</u>	Under Controls		Administrative
		Remove	The minimum side and rear <u>building</u> line for built structures including pools and carparks, other than driveways, fences and retaining walls, shall be in accordance with the following table.	
		Insert	The minimum side and rear <u>building</u> line for built structures including pools and parking structures, other than driveways, fences and retaining walls, shall be in accordance with the following table.	
46	<u>D1.12 Building envelope - Avalon Beach Village</u>	Under Controls		Administrative
		Remove	Note the planes are measured from a height of 4.2 metres above ground level (existing) at the boundary line to the maximum <u>building</u> height (refer to <i>Pittwater Local Environmental Plan 2014</i>).	
		Insert	The planes are measured from a height of 4.2 metres above ground level (existing) at the boundary line to the maximum <u>building</u> height (refer to <i>Pittwater Local Environmental Plan 2014</i>).	
47	<u>D1.13 Landscaped Area - General</u>	Under Uses to which this control applies Insert Dual occupancy (detached)		Consistency with other Landscaped area controls
48	<u>D1.14 Landscaped Area - Environmentally Sensitive Land</u>	Under Uses to which this control applies Insert Dual occupancy (detached)		Consistency with other Landscaped area controls
49	<u>D2.6 Side and rear building line</u>	Under Controls		Administrative
		Remove	The minimum side and rear <u>building</u> line for built structures including pools and carparks, other than driveways, fences and retaining walls, shall be in accordance with the following table.	
		Insert	The minimum side and rear <u>building</u> line for built structures including pools and parking structures, other than driveways, fences and retaining walls, shall be in accordance with the following table.	
50	<u>D2.8 Landscaped Area - Environmentally Sensitive Land</u>	Under Uses to which this control applies		Consistency with other Landscaped area controls
		Insert	Dual occupancy (detached)	

#	Development Control	Amendments		Reason
51	<u>D2.9 Landscaped Area - Non Urban</u>	Under Uses to which this control applies		Secondary dwellings are permissible in the RU2 zone, which is in these Localities Administrative
		Insert	Secondary dwelling was added	
		Under Controls		
		Remove	Sheds used for the purpose of agriculture or for the purpose of a rural industry, with a maximum of 200 square metres are permitted in addition to non-landscaped areas permitted in the above table.	
		Insert	Sheds used for the purpose of agriculture or for the purpose of a rural industry, with a maximum of 200 square metres, are permitted in addition to non-landscaped areas outlined in the above table.	
52	<u>D3.7 Side and rear building line</u>	Under Controls		Administrative
		Remove	The minimum side and rear <u>building</u> line for built structures including pools and carparks, other than driveways, fences and retaining walls, shall be in accordance with the following table.	
		Insert	The minimum side and rear <u>building</u> line for built structures including pools and parking structures, other than driveways, fences and retaining walls, shall be in accordance with the following table.	
53	<u>D3.10 Landscaped Area - General</u>	Under Uses to which this control applies		Consistency with other Landscaped area controls
		Insert	Dual occupancy (detached)	
54	<u>D3.11 Landscaped Area - Environmentally Sensitive Land</u>	Under Uses to which this control applies		Consistency with other Landscaped area controls Administrative
		Insert	Dual occupancy (detached)	
		Remove	Advisory Notes To determine which area on the Landscaped Area Map that applies to your property, please use the property search function via Council's ePlanning Portal or call the Assistant Development Officers on 9970 1674.	
55	<u>D4.6 Side and rear building line</u>	Under Controls		Administrative
		Remove	The minimum side and rear <u>building</u> line for built structures including pools and carparks, other than driveways, fences and retaining walls, shall be in accordance with the following table.	
		Insert	The minimum side and rear <u>building</u> line for built structures including pools and parking structures, other than driveways, fences and retaining walls, shall be in accordance with the following table.	
56	<u>D4.9 Landscaped Area - General</u>	Under Uses to which this control applies		Consistency with other Landscaped area controls
		Insert	Dual occupancy (detached)	
57	<u>D4.10 Landscaped Area - Environmentally Sensitive Land</u>	Under Uses to which this control applies		Consistency with other Landscaped area controls
		Insert	Dual occupancy (detached)	

#	Development Control	Amendments		Reason
58	<u>D5.6 Side and rear building line (Excluding Elanora Heights Village Centre)</u>	Under Controls		Administrative
		Remove	The minimum side and rear <u>building</u> line for built structures including pools and carparks, other than driveways, fences and retaining walls, shall be in accordance with the following table.	
		Insert	The minimum side and rear <u>building</u> line for built structures including pools and parking structures, other than driveways, fences and retaining walls, shall be in accordance with the following table.	
59	<u>D5.10 Landscaped Area - Non Urban</u>	Under Uses to which this control applies		Secondary dwellings are permissible in the RU2 zone, which is in these Localities
		Insert	Secondary dwelling	
		Under Controls		Administrative
		Remove	Sheds used for the purpose of agriculture or for the purpose of a rural industry, with a maximum of 200 square metres are permitted in addition to non-landscaped areas permitted in the above table.	
		Insert	Sheds used for the purpose of agriculture or for the purpose of a rural industry, with a maximum of 200 square metres, are permitted in addition to non-landscaped areas outlined in the above table.	
60	<u>D5.43 Vehicular Access - Elanora Heights Village Centre</u>	Under Controls		Administrative
		Remove	a proper traffic analysis	
		Insert	a traffic analysis prepared by a suitably qualified professional	
61	<u>D8.6 Side and rear building line</u>	Under Controls		Administrative
		Remove	The minimum side and rear <u>building</u> line for built structures including pools and carparks, other than driveways, fences and retaining walls, shall be in accordance with the following table.	
		Insert	The minimum side and rear <u>building</u> line for built structures including pools and parking structures, other than driveways, fences and retaining walls, shall be in accordance with the following table.	
62	<u>D9.16 Character of the Public Domain - Mona Vale Commercial Centre</u>	Under Controls		Administrative
		Remove	developer	
		Insert	applicant	
63	<u>D10.8 Side and rear building line (excluding Newport Commercial Centre)</u>	Under Controls		Administrative
		Remove	The minimum side and rear <u>building</u> line for built structures including pools and carparks, other than driveways, fences and retaining walls, shall be in accordance with the following table.	
		Insert	The minimum side and rear <u>building</u> line for built structures including pools and parking structures, other than driveways, fences and retaining walls, shall be in accordance with the following table.	
64	<u>D10.9 Setbacks (Newport Commercial Centre)</u>	Under Controls		Administrative
		Remove	New development on Barrenjoey Road is to be set back the front building line 3.5 metres from the front boundary	
		Insert	The front building line of new development on Barrenjoey Road is to be set back 3.5 metres from the front boundary.	

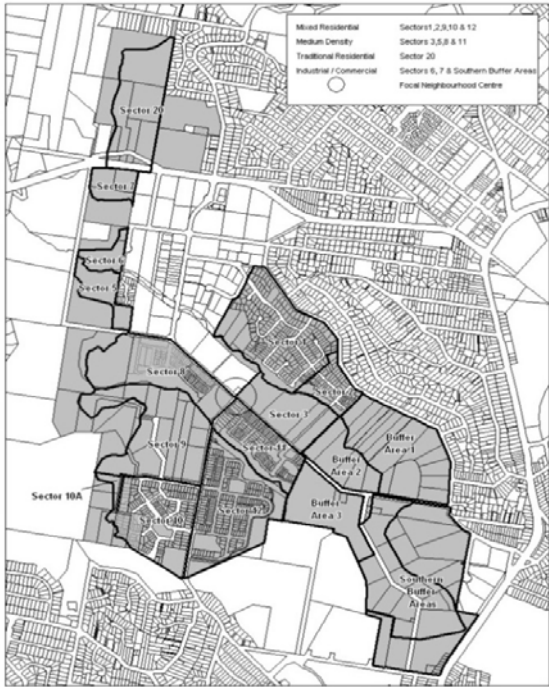
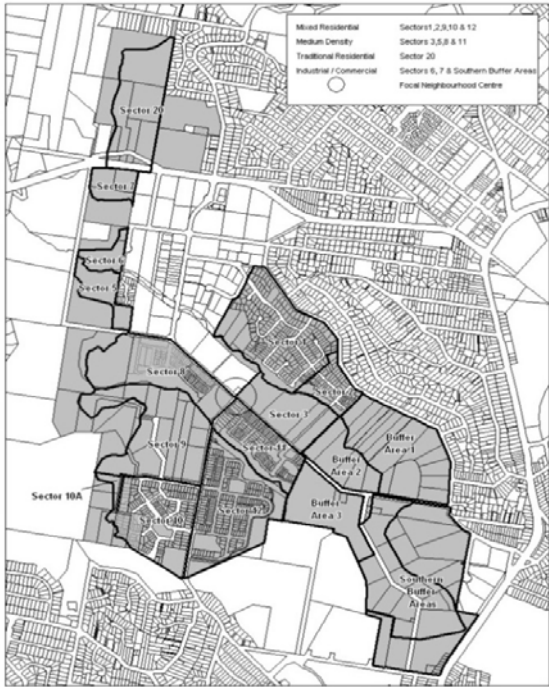
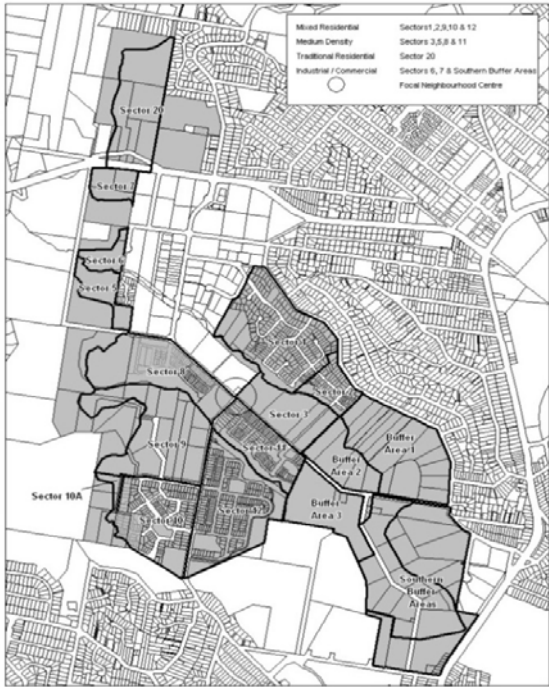
#	Development Control	Amendments		Reason				
65	<u>D10.12 Landscaped Area - General</u>	Under Uses to which this control applies <table><tr><td>Insert</td><td>Dual occupancy (detached)</td></tr></table>		Insert	Dual occupancy (detached)	Consistency with other Landscaped area controls		
Insert	Dual occupancy (detached)							
66	<u>D10.13 Landscaped Area - Environmentally Sensitive Land</u>	Under Uses to which this control applies <table><tr><td>Insert</td><td>Dual occupancy (detached)</td></tr></table>		Insert	Dual occupancy (detached)	Consistency with other Landscaped area controls		
Insert	Dual occupancy (detached)							
67	<u>D11.7 Side and rear building line</u>	Under Controls <table><tr><td>Remove</td><td>The minimum side and rear building line for built structures including pools and carparks, other than driveways, fences and retaining walls, shall be in accordance with the following table:</td></tr><tr><td>Insert</td><td>The minimum side and rear building line for built structures including pools and parking structures, other than driveways, fences and retaining walls, shall be in accordance with the following table:</td></tr></table>		Remove	The minimum side and rear building line for built structures including pools and carparks, other than driveways, fences and retaining walls, shall be in accordance with the following table:	Insert	The minimum side and rear building line for built structures including pools and parking structures, other than driveways, fences and retaining walls, shall be in accordance with the following table:	Administrative
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Insert	The minimum side and rear building line for built structures including pools and parking structures, other than driveways, fences and retaining walls, shall be in accordance with the following table:							
68	<u>D11.12 Fences - General</u>	Under Variations <table><tr><td>Remove</td><td>Note: See also controls relating to gated access points in section B: Access Driveways and Offstreet Parking</td></tr><tr><td>Insert</td><td>See also controls relating to gated access points in Part B: Access Driveways and Offstreet Parking</td></tr></table>		Remove	Note: See also controls relating to gated access points in section B: Access Driveways and Offstreet Parking	Insert	See also controls relating to gated access points in Part B: Access Driveways and Offstreet Parking	Administrative
Remove	Note: See also controls relating to gated access points in section B: Access Driveways and Offstreet Parking							
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69	<u>D12.6 Side and rear building line</u>	Under Controls <table><tr><td>Remove</td><td>The minimum side and rear <u>building</u> line for built structures including pools and carparks, other than driveways, fences and retaining walls, shall be in accordance with the following table.</td></tr><tr><td>Insert</td><td>The minimum side and rear <u>building</u> line for built structures including pools and parking structures, other than driveways, fences and retaining walls, shall be in accordance with the following table.</td></tr></table>		Remove	The minimum side and rear <u>building</u> line for built structures including pools and carparks, other than driveways, fences and retaining walls, shall be in accordance with the following table.	Insert	The minimum side and rear <u>building</u> line for built structures including pools and parking structures, other than driveways, fences and retaining walls, shall be in accordance with the following table.	Administrative
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Insert	The minimum side and rear <u>building</u> line for built structures including pools and parking structures, other than driveways, fences and retaining walls, shall be in accordance with the following table.							
70	<u>D12.9 Landscaped Area - General</u>	Under Uses to which this control applies <table><tr><td>Insert</td><td>Dual occupancy (detached)</td></tr></table>		Insert	Dual occupancy (detached)	Consistency with other Landscaped area controls		
Insert	Dual occupancy (detached)							
71	<u>D12.10 Landscaped Area - Environmentally Sensitive Land</u>	Under Uses to which this control applies <table><tr><td>Insert</td><td>Dual occupancy (detached)</td></tr></table>		Insert	Dual occupancy (detached)	Consistency with other Landscaped area controls		
Insert	Dual occupancy (detached)							
72	<u>D13.6 Side and rear building line</u>	Under Controls <table><tr><td>Remove</td><td>The minimum side and rear building line for built structures including pools and carparks, other than driveways, fences and retaining walls, shall be in accordance with the following table</td></tr><tr><td>Insert</td><td>The minimum side and rear building line for built structures including pools and parking structures, other than driveways, fences and retaining walls, shall be in accordance with the following table</td></tr></table>		Remove	The minimum side and rear building line for built structures including pools and carparks, other than driveways, fences and retaining walls, shall be in accordance with the following table	Insert	The minimum side and rear building line for built structures including pools and parking structures, other than driveways, fences and retaining walls, shall be in accordance with the following table	Administrative
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Insert	The minimum side and rear building line for built structures including pools and parking structures, other than driveways, fences and retaining walls, shall be in accordance with the following table							

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73	<u>D14.7 Front building line</u>	Under Variations		Administrative
		Remove	For properties that front Bruce Street and no. 77-79 Narrabeen Park Parade, Warriewood, rear open decks may be permitted within the foreshore <u>building</u> line to a maximum height of 2 metres provided views not obstructed.	
		Insert	For properties that front Bruce Street and no. 77-79 Narrabeen Park Parade, Warriewood, rear open decks may be permitted within the foreshore <u>building</u> line to a maximum height of 2 metres provided views are not obstructed.	
74	<u>D14.8 Side and rear building line</u>	Under Controls		Administrative
		Remove	The minimum side and rear <u>building</u> line for built structures including pools and carparks, other than driveways, fences and retaining walls, shall be in accordance with the following table.	
		Insert	The minimum side and rear <u>building</u> line for built structures including pools and parking structures, other than driveways, fences and retaining walls, shall be in accordance with the following table.	
75	<u>D14.14 Landscaped Area - Non Urban</u>	Under Controls		Administrative
		Remove	Sheds used for the purpose of agriculture or for the purpose of a rural industry, with a maximum of 200 square metres are permitted in addition to non-landscaped areas permitted in the above table.	
		Insert	Sheds used for the purpose of agriculture or for the purpose of a rural industry, with a maximum of 200 square metres, are permitted in addition to non-landscaped areas outlined in the above table.	
76	<u>D15.7 Side and rear building line</u>	Under Controls		Administrative
		Remove	The minimum side and rear <u>building</u> line for built structures including pools and carparks, other than driveways, fences and retaining walls, shall be in accordance with the following table.	
		Insert	The minimum side and rear <u>building</u> line for built structures including pools and parking structures, other than driveways, fences and retaining walls, shall be in accordance with the following table.	
77	<u>D15.15 Waterfront development</u>	Under Controls		Administrative
		Remove	Note: Structures below mean high water mark may require Council approval, and a permit from the Department of Primary Industries. Owners consent may also be required from the Department of Lands.	
		Under Advisory Notes		
		Insert	Structures below mean high water mark may require Council approval, and a permit from the Department of Primary Industries. Owners consent may also be required from the Department of Lands.	
78	<u>D15.17 Moorings</u>	Under Uses to which this control applies		The <i>Pittwater LEP 2014</i> contains separate definitions for the uses mentioned in the control
		Remove	Other Development	
		Insert	Marina Mooring Mooring pen	

#	Development Control	Amendments		Reason
79	<u>D15.18 Seawalls</u>	Under Variations		To ensure that seawalls are environmentally friendly in accordance with this guide Changes in State Departments To ensure that seawalls are environmentally friendly in accordance with this guide (moved to Variations)
		Insert	xii. compliance with <i>Environmentally Friendly Seawalls – A Guide to improving the Environmental Value of Seawalls and Seawall-lined Foreshores in Estuaries</i> (Sydney Metropolitan Catchment Management Authority 2009).	
		Remove	Department of Environment and Climate Change	
		Insert	Office of Environment and Heritage	
		Under Advisory Notes		
Remove	Advisory Notes For further information on seawalls see <i>Environmentally Friendly Seawalls – A Guide to improving the Environmental Value of Seawalls and Seawall-lined Foreshores in Estuaries</i> from Sydney Metropolitan Catchment Management Authority (SMCMA) available at their website.			
80	<u>D15.21 Charter boat facilities</u>	Under Uses to which this control applies		The <i>Pittwater LEP 2014</i> contains separate definitions for these uses mentioned in this control
		Remove	Other	
		Insert	Boatshed Charter and tourism boating facility Marina	
81	<u>D16.3 Front building lines</u>	Under Controls		Administrative Consistency with other Localities The <i>Pittwater LEP 2014</i> contains separate definitions for seniors housing
		Remove	For residential development the following minimum front setbacks shall apply:	
		Insert	For all development the following minimum front setbacks shall apply:	
		Remove	Covered carspace structures	
		Insert	Covered parking structures	
		Remove	Residential flat buildings and multi dwelling housing must be designed to incorporate modulated facade design and presentation to the streetscape.	
		Insert	Residential flat buildings, seniors housing and multi dwelling housing must be designed to incorporate modulated facade design and presentation to the streetscape.	
		82	<u>D16.4 Side and rear building lines - Warriewood Valley Residential Sectors</u>	
Remove	For dual occupancy, a minimum side boundary setback of 2.5m applies to at least one (1) side boundary.			
Insert	For all development, a minimum side boundary setback of 2.5 metres applies to at least one (1) side boundary.			
Remove	For dual occupancy (detached), the minimum setback to the other side boundary shall be 900mm, and the minimum roof projection setback shall be 675mm, unless zero lot line is incorporated.			
Insert	For development that is not attached to another development on a side boundary, the minimum setback to the other side boundary shall be 900mm, and the minimum roof projection setback shall be 675mm, unless a zero lot line is			

#	Development Control	Amendments		Reason
			incorporated.	
83	<u>D16.5 Building Envelope - Warriewood Valley Residential Sectors</u>	Under Uses to which this clause applies InsertSeniors housing		The <i>Pittwater LEP 2014</i> contains separate definitions for this use
84	<u>D16.6 Landscaped Area - Warriewood Valley Residential Sectors</u>	Under Uses to which this control applies RemoveSubdivision Development/subdivision of a sector, buffer area or development sites in a Release area InsertDevelopment ancillary to residential accommodation		Consistency with all other Localities
		Under Controls RemoveSingle Dwellings InsertAll development other than residential flat buildings, multi dwelling housing, shop top housing and seniors housing		Inconsistencies between the <i>Pittwater LEP 2014</i> and definitions relating to Warriewood Valley
		RemoveResidential Flat Buildings, Multi Dwelling Housing and Shop Top Housing InsertResidential flat buildings, multi dwelling housing, shop top housing and seniors housing		Inconsistencies between the <i>Pittwater LEP 2014</i> and definitions relating to Warriewood Valley
		InsertSplit Zones On lots where there is a split zoning and part of the lot is zoned RE1 Public Recreation, E2 Environmental Conservation or SP2 Infrastructure, the calculation for total landscaped area will be based only on that area <u>not</u> zoned RE1 Public Recreation, E2 Environmental Conservation or SP2 Infrastructure, and will not be based on the site area of the whole lot.		Consistency with all other Localities
		Under Advisory Notes RemoveSplit Zones On lots where there is a split zoning and part of the lot is zoned RE1 Public Recreation, E2 Environmental Conservation or SP2 Infrastructure, the calculation for total landscaped area will be based only on that area <u>not</u> zoned RE1 Public Recreation, E2 Environmental Conservation or SP2 Infrastructure, and will not be based on the site area of the whole lot.		Consistency with all other Localities
85	<u>D16.7 Fences - Warriewood</u>	Under Uses to which this control applies InsertDevelopment ancillary to residential accommodation		Fences are an ancillary use

#	Development Control	Amendments		Reason																
	<u>Valley Residential Sectors</u>																			
86	<u>D16.9 Utilities and Telecommunication Services</u>	<p>Under Uses to which this control applies</p> <table><tr><td>Insert</td><td>Dual occupancy (attached) Dual occupancy (detached) Secondary dwelling</td></tr></table>		Insert	Dual occupancy (attached) Dual occupancy (detached) Secondary dwelling	Control applies to all other residential uses														
Insert	Dual occupancy (attached) Dual occupancy (detached) Secondary dwelling																			
87	<u>D16.11 Location and design of carparking facilities - Warriewood Valley Residential Sectors</u>	<p>Under Controls</p> <table><tr><td>Remove</td><td>Covered carspace structures such as garages and carports must be setback a minimum of 5.5m or 6.5m from the front property boundary. (Refer to front building setbacks listed in this DCP).</td></tr><tr><td>Insert</td><td>Covered parking structures such as garages and carports must be setback a minimum of 5.5 metres or 6.5 metres from the front property boundary (Refer to front building setbacks listed in this DCP).</td></tr></table>		Remove	Covered carspace structures such as garages and carports must be setback a minimum of 5.5m or 6.5m from the front property boundary. (Refer to front building setbacks listed in this DCP).	Insert	Covered parking structures such as garages and carports must be setback a minimum of 5.5 metres or 6.5 metres from the front property boundary (Refer to front building setbacks listed in this DCP).	Administrative												
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Insert	Covered parking structures such as garages and carports must be setback a minimum of 5.5 metres or 6.5 metres from the front property boundary (Refer to front building setbacks listed in this DCP).																			
88	Appendix 1	<p>Under 2.1 Why is a Notification Letter Required?</p> <table><tr><td>Remove</td><td>Council's offices</td></tr><tr><td>Insert</td><td>Council's Customer Service Centres</td></tr></table> <p>Under 4.3 How will Advertised, Designated and Integrated development be notified?</p> <table><tr><td>Remove</td><td>4.3 How will Advertised, Designated and Integrated development be notified? All Advertised, Designated and Integrated Development is required to be individually advertised for 31 days.</td></tr><tr><td>Insert</td><td>4.3 How will Advertised, Designated and Integrated Development be notified? All Advertised, Designated and Nominated Integrated Development is required to be individually advertised for 31 days.</td></tr></table> <p>Under 6.0 People Making Submissions</p> <table><tr><td>Remove</td><td>Online Application Tracking Service</td></tr><tr><td>Insert</td><td>ePlanning Portal</td></tr></table> <table><tr><td>Remove</td><td>Application Search</td></tr><tr><td>Insert</td><td>The ePlanning Portal</td></tr></table>		Remove	Council's offices	Insert	Council's Customer Service Centres	Remove	4.3 How will Advertised, Designated and Integrated development be notified? All Advertised, Designated and Integrated Development is required to be individually advertised for 31 days.	Insert	4.3 How will Advertised, Designated and Integrated Development be notified? All Advertised, Designated and Nominated Integrated Development is required to be individually advertised for 31 days.	Remove	Online Application Tracking Service	Insert	ePlanning Portal	Remove	Application Search	Insert	The ePlanning Portal	<p>Consistency with Council's other documents</p> <p>Consistency with the <i>Environmental Planning and Assessment Act 1979</i></p> <p>Administrative</p> <p>Administrative</p>
Remove	Council's offices																			
Insert	Council's Customer Service Centres																			
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Insert	ePlanning Portal																			
Remove	Application Search																			
Insert	The ePlanning Portal																			
89	Appendix 2	<p>Under Protection of Heritage</p> <table><tr><td>Remove</td><td>This body formulated and adopted what is called "The Burra Charter" in 1977, which outlines and explains the principles and procedures which should be taken into account when conserving important places or heritage items.</td></tr><tr><td>Insert</td><td>This body formulated and adopted what is called "The Burra Charter" in 1977 (most recent edition: 2013), which outlines and explains the principles and procedures which should be taken into account when conserving important places or heritage items.</td></tr></table>		Remove	This body formulated and adopted what is called "The Burra Charter" in 1977, which outlines and explains the principles and procedures which should be taken into account when conserving important places or heritage items.	Insert	This body formulated and adopted what is called "The Burra Charter" in 1977 (most recent edition: 2013), which outlines and explains the principles and procedures which should be taken into account when conserving important places or heritage items.	Updating reference												
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#	Development Control	Amendments	Reason				
90	Appendix 3	Under 1.8 How this Appendix Works	Administrative				
		<table><tr><td>Remove</td><td>A useful reference list, Glossary, and other secondary information including Vegetation Precincts, a list of noxious weeds and information regarding waste management plans are contained at the back of this Appendix.</td></tr><tr><td>Insert</td><td>A useful reference list, Glossary, and other secondary information including Vegetation Precincts, information on noxious weeds and information regarding waste management plans are contained at the back of this Appendix.</td></tr></table>	Remove	A useful reference list, Glossary, and other secondary information including Vegetation Precincts, a list of noxious weeds and information regarding waste management plans are contained at the back of this Appendix.	Insert	A useful reference list, Glossary, and other secondary information including Vegetation Precincts, information on noxious weeds and information regarding waste management plans are contained at the back of this Appendix.	
		Remove	A useful reference list, Glossary, and other secondary information including Vegetation Precincts, a list of noxious weeds and information regarding waste management plans are contained at the back of this Appendix.				
Insert	A useful reference list, Glossary, and other secondary information including Vegetation Precincts, information on noxious weeds and information regarding waste management plans are contained at the back of this Appendix.						
<table><tr><td>Remove</td><td><div><p>Warriewood Valley Sector Map</p></div></td><td>Update reference</td></tr></table>	Remove	<div><p>Warriewood Valley Sector Map</p></div>	Update reference				
Remove	<div><p>Warriewood Valley Sector Map</p></div>	Update reference					

#	Development Control	Amendments		Reason
		Insert	<p>Original Warriewood Valley Sector Map (Based on the Warriewood Valley Urban Land Release Planning Framework 1997 and Draft STP Buffer Sector Planning Framework 2001)</p>	
		Under 2.3 Types of Development		
		Remove	This form of development comprises a mix of housing forms e.g. detached and attached dwellings, and multi dwelling housing,	<p>Inconsistencies between the <i>Pittwater LEP 2014</i> and definitions relating to Warriewood Valley</p> <p>Inconsistencies between the <i>Pittwater LEP 2014</i> and definitions relating to Warriewood Valley</p> <p>Inconsistencies between the <i>Pittwater LEP 2014</i> and definitions relating to Warriewood</p>
		Insert	This form of development may comprise of a mix of housing forms e.g. dwelling houses, dual occupancies, multi dwelling housing, and residential flat buildings	
		Remove	Medium density development tends to be dominated by multi dwelling housing. This means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building	
		Insert	Medium density development tends to be dominated by multi dwelling housing, attached dwellings and residential flat buildings.	
		Remove	These lot types could incorporate a range of dwellings types, including detached dwellings, attached dwellings, and multi dwelling housing such as terrace housing and townhouses.	

#	Development Control	Amendments		Reason
		Insert	These lot types could incorporate a range of dwellings types, including but not limited to dwelling houses, dual occupancies, multi dwelling houses and residential flat buildings.	Valley Consistency with <i>Pittwater LEP 2014</i>
		Under Glossary		
		Remove	Detached dwelling: means a dwelling that is not attached to another dwelling. Natural Ground Level: means the actual physical level of the land at the time this Appendix was adopted, excluding areas of fill or excavation. In these areas the natural ground level shall be determined by interpolation of existing natural ground level surrounding the disturbed area, and confirmed by survey at subdivision stage. Wall Height: means the average vertical distance between the natural ground level (prior to any excavation or filling) and the underside of the roof, at any point on the building.	Update reference
		Under Vegetation Precincts		
		Insert	Warriewood Valley Landscape Masterplan and Design Guidelines Further information regarding landscaping in the public domain, including appropriate native species, can be found in the <i>Warriewood Valley Landscape Masterplan and Design Guidelines (Public Domain)</i> .	Noxious weeds list is extensive and updated regularly
		Under Noxious Weeds		
		Remove	All text under this heading (pages 28-29 inclusive)	New document has been produced
		Insert	For a list of noxious weeds in Pittwater, see the Department of Primary Industries website: http://www.dpi.nsw.gov.au/agriculture/pests-weeds/weeds/noxweed	
		Under Waste Management Report		
		Remove	Council and the Northern Sydney Waste Board have copies of a package titled "Waste Planning Guide for Development Applications: planning for less waste". The package will assist in the preparation of a waste management plan. It also contains the waste management plan forms.	
		Insert	Refer to <i>Model Waste Not DCP Chapter 2008</i> from the NSW Environmental Protection Agency for guidance when preparing a waste management plan.	
92	C6.9 Pedestrian and Cycling Network – Warriewood Valley Release Area	Under Controls		Amend to include correct reference
		Remove	Reference should be made to Warriewood Valley Section 94 Contributions Plan and Warriewood Valley Roads Masterplan for further information.	
		Insert	Reference should be made to Warriewood Valley Landscape Masterplan & Design Guidelines (public Domain) for further information.	

C12.4	BC0030/14 - 117 Pacific Road Palm Beach - Proposed retention of a Brushwood fence
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Meeting: Sustainable Towns and Villages Committee

Date: 15 December 2014

STRATEGY: Development Unit

ACTION: Provide an effective development assessment and determination process

PURPOSE OF REPORT

- To inform the Committee of the Development Unit's recommendation following consideration of Building Certificate Application BC0030/14 - for retention of a Brushwood fence at 117 Pacific Road, Palm Beach.
- To provide an update on the matter following deferral from the 13 October 2014 Council meeting;

1.0 BACKGROUND

- 1.1 The Development Unit, at its meeting held on Thursday, 28 August 2014 considered the Development Officer's report (refer **Attachment 2**) for determination of Building Certificate Application BC0030/14 - for the retention of a Brushwood fence at 117 Pacific Road, Palm Beach.
- 1.2 The matter was considered at the Council meeting dated 13 October 2014 (cover report at **Attachment 1**) where it was resolved to defer the matter. The committee recommendation for this item is reproduced below:
 1. *That this application be deferred for one month to enable the applicant be invited to have discussions with the objector with a view to a compromise on this matter.*
 2. *That in the event of an agreement between the parties the building certificate application be determined under staff delegation.*
- 1.3 On 27 October 2014 the objector's legal representative submitted documentation to Council outlining a suggested compromise whereby the westernmost panels of the fence would be removed, with the remainder of the fence being retained unaltered.
- 1.4 The documentation submitted included a response letter from the applicant's legal representative confirming that the applicant does not wish to enter into such a compromise.
- 1.5 On 28 October 2014 Council received notification of a Class 1 appeal to the Land and Environment Court based on the deemed refusal of the matter. Council filed a Statement of Facts and Contentions with the Court on 25 November 2014. The matter is listed for a Section 34 hearing on 16 February 2015.
- 1.6 On 20 November 2014 a further on-site inspection was carried out by Council officers and Council's legal representatives. An internal inspection from the objector's property was also carried out at this time. Prospects advice from Council's legal representatives will be provided to Councillors under separate cover.

2.0 REASON FOR REFERRAL TO COUNCIL

- 2.1 Councillor Grace called the matter to Council. Following consideration of the matter at the 13 October 2014 Council meeting the matter was deferred and was requested to return the following month.

3.0 DEVELOPMENT UNIT DELIBERATIONS

- 3.1 The Development Unit at its meeting held on the 28 August 2014 resolved to endorse the Assessing Officer's recommendation and refer to Council recommending the issuing of a Building Certificate for application BC0030/14 – 117 Pacific Road, Palm Beach for retention of a Brushwood fence as per the Draft Determination.

4.0 ISSUES

- The Building Certificate application seeks the regularisation of a 1.8 metre high brushwood fence which was erected without development consent.

5.0 SUSTAINABILITY ASSESSMENT

- 5.1 The relevant Environmental, Social and Economic issues have been addressed within the attached report.

6.0 EXECUTIVE SUMMARY

- 6.1 The Development Unit, at its meeting held on Thursday, 28 August 2014 considered the Development Officer's report (refer **Attachment 2**) for determination of Building Certificate Application BC0030/14 - for the retention of a Brushwood fence at 117 Pacific Road, Palm Beach and resolved to refer the matter to Council recommending endorsement of the Assessing Officer's recommendation as per the Draft Determination.
- 6.2 The matter was considered at the Council meeting dated 13 October 2014 and resolved to defer the matter, and have it returned to a later meeting. The matter is returned accordingly.

RECOMMENDATION

That Council as the consent authority pursuant to Section 149 of the Environmental Planning and Assessment Act 1979 grant consent to Building Certificate Application BC0030/14 for retention of a Brushwood fence at 117 Pacific Road, Palm Beach as per the draft determination and issue a Building Certificate accordingly.

Report prepared by
Cheryl Williamson, Senior Planner

Andrew Pigott
MANAGER, PLANNING & ASSESSMENT

SUBJECT: BC0030/14 - 117 Pacific Road Palm Beach - Proposed retention of a Brushwood fence**Meeting:** Sustainable Towns and Villages Committee**Date:** 13 October 2014

STRATEGY: Development Unit**ACTION:** Provide an effective development assessment and determination process

PURPOSE OF REPORT

To inform the Committee of the Development Unit's recommendation following consideration of Building Certificate Application BC0030/14 - for retention of a Brushwood fence at 117 Pacific Road, Palm Beach.

1.0 BACKGROUND

- 1.1 The Development Unit, at its meeting held on Thursday, 28 August 2014 considered the Development Officer's report (refer **Attachment 1**) for determination of Building Certificate Application BC0030/14 - for the retention of a Brushwood fence at 117 Pacific Road, Palm Beach.

2.0 REASON FOR REFERRAL TO COUNCIL

- 2.2 Councillor Grace called the matter to Council.

3.0 DEVELOPMENT UNIT DELIBERATIONS

- 3.1 The Development Unit at its meeting held on the 28 August 2014 resolved to endorse the Assessing Officer's recommendation and refer to Council recommending the granting of consent for application BC0030/14 – 117 Pacific Road, Palm Beach for retention of a Brushwood fence as per the Draft Determination.
- 3.2 The Development Unit heard from the applicant's consultant on this matter who supported the assessing officer's recommendation.

4.0 ISSUES

- Building Certificate application seeks the regularisation of a 1.8 metre high brushwood fence which was erected without development consent.
- Separate to that now under review, the site includes an approved section of Brushwood fencing located along the southern side of the site including a portion of the driveway.

5.0 SUSTAINABILITY ASSESSMENT

- 5.2 The relevant Environmental, Social and Economic issues have been addressed within the attached report.

6.0 EXECUTIVE SUMMARY

- 6.1 The Development Unit, at its meeting held on Thursday, 28 August 2014 considered the Development Officer's report (refer **Attachment 1**) for determination of Building Certificate Application BC0030/14 - for retention of a Brushwood fence at 117 Pacific Road, Palm Beach and resolved to refer the matter to Council recommending endorsement of the Assessing Officer's recommendation as per the Draft Determination.

RECOMMENDATION

That Council as the consent authority pursuant to Section 149 of the Environmental Planning and Assessment Act 1979 grant consent to Building Certificate Application N0030/14 for retention of a Brushwood fence at 117 Pacific Road, Palm Beach as per the draft determination.

Report prepared by

Warwick Lawrence
MANAGER – ADMINISTRATION & GOVERNANCE

**DU 3.7 BC0030/14 – 117 Pacific Road, Palm Beach NSW 2108
Proposed retention of a Brushwood fence****Meeting:** Development Unit**Date:** 28 August 2014

SUMMARY OF RECOMMENDATION**Issue Building Certificate**

REPORT PREPARED BY:	Cheryl Williamson/Wal Dover
APPLICATION SUBMITTED ON:	26/3/2014
APPLICATION SUBMITTED BY:	RICHARD & JAN FREEMANTLE
OWNER(S):	RICHARD & JAN FREEMANTLE

RECOMMENDATION OF DEVELOPMENT OFFICER / PLANNER

That Council as the consent authority pursuant to Section 149 of the Environmental Planning and Assessment Act 1979 grant consent to Building Certificate Application BC0030/14 for the retention of a Brushwood fence at 117 Pacific Road, Palm Beach.

Report prepared by

Cheryl Williamson, Senior Planner
Wal Dover, Senior Building Surveyor

Andrew Pigott
MANAGER, PLANNING & ASSESSMENT

SUBJECT: BC0030/14 – 117 Pacific Road, Palm Beach (Lot 1 DP 650029) - Building Certificate for a Brushwood Fence.

SUMMARY OF RECOMMENDATION

ISSUE BUILDING CERTIFICATE

REPORT PREPARED BY:	Cheryl Williamson and Wal Dover
APPLICATION SUBMITTED ON:	20/3/2014
APPLICATION SUBMITTED BY:	RICHARD & JAN FREEMANTLE PO BOX 214 NORTHBRIDGE NSW 1560
OWNER(S):	FREEMANTLE, RICHARD (Own) FREEMANTLE, JANICE (Own)

1.0 SITE DETAILS

The site is legally referred to as Lot 1 in Deposited Plan (DP) 650029 and is known as 117 Pacific Road, Palm Beach. The site is located on the eastern side of Pacific Road and is irregularly shaped with a 51 metre access handle from Pacific Road leading to a generally rectangular site area of approximately 1,289m².

A decrease of approximately 25 metres occurs from the boundary with Pacific Road and the easternmost corner of the site, resulting in a 21% or 12 degree slope. The site is occupied by a detached two storey dwelling, located within the eastern (rear) portion of the site. Separate to that now under review, the site includes an approved section of brushwood fencing located along the southern side of the site including a portion of the driveway.

Surrounding sites also comprise residential properties. A number of similar brushwood fences, located much closer to the public domain than that now under review, are present within the locality. Examples can be seen at 68, 69, 71, 73, 75, 107, 108A and 125A Pacific Road.

2.0 PROPOSAL IN DETAIL

The subject Building Certificate application seeks the regularisation of a 1.8m high brushwood fence which was erected without development consent. The fence comprises a 28.5 metre section along the easternmost part of the northern side of the site's access handle, and an 8 metre section along the site's western boundary, adjacent to neighbouring property 119 Pacific Road.

Figures 1, 2 and 3 below demonstrate the location and appearance of the subject fence:

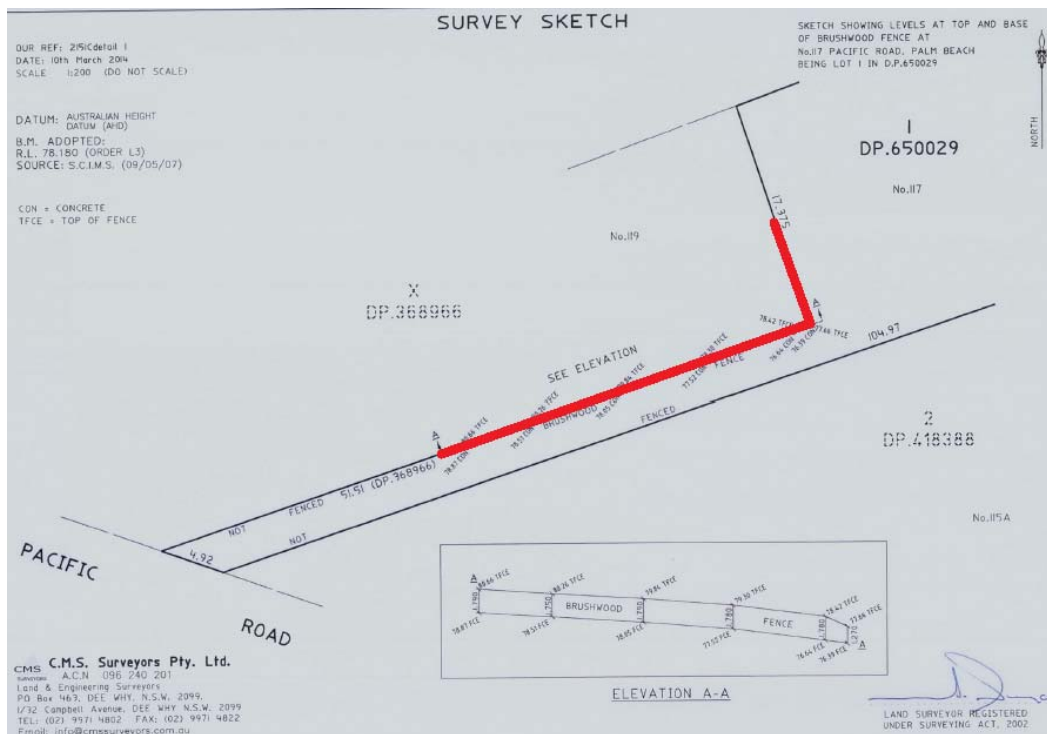


Figure 1: Location of subject fencing



Figure 2: Section of fencing along northern side of access handle



Figure 3: Section of fence along western boundary between nos. 117 and 119 Pacific Road

3.0 BACKGROUND

The subject Building Certificate application was received on 20 March 2014. The application was publicly notified in line with Council's notification policy. The application was referred to Council's Heritage Officer for comments and/or recommendations.

A site inspection of the exterior areas of the subject site and the immediate vicinity was carried out on 30 June 2014 and an inspection of the internal and external areas of 119 Pacific Road, the western neighbouring property, was carried out on 17 July 2014.

4.0 NOTIFICATION

The Building Certificate application was publicly notified to six (6) neighbouring properties for a period of 14 days between 8 April 2014 and 22 April 2014. As a result of this notification, five (5) submissions were received. The matters raised are outlined below and are followed by Council's response:

- **Approval would set a precedent for other sites to erect brushwood fences**
Response: Other sites would be entitled to erect boundary fences without Council approval subject to compliance with the criteria of SEPP (exempt and complying development codes). Otherwise, a development application would be required, which would consider such a structure on its individual merits, taking into account the relevant planning policies and constraints of the site.
- **Loss of views from the public domain**
Response: The fence does not impede views of the ocean from Pacific Road. Refer to Section 9.0 below.
- **The fence has been constructed without the appropriate approval; Council should not now agree, retrospectively, to approve the structure.**
Response: Section 149 of the Environmental Planning and Assessment Act 1979 permits consideration of a building certificate application for works which have already been carried out. The subject application is a building certificate application.

- The fence breaches LEP, DCP and SEPP planning controls.**
Response: Compliance with the provisions of Pittwater LEP 2014 and Pittwater 21 DCP are outlined below within the compliance table and within Section 9.0 of this report. As a Building Certificate, the development is not obliged to comply with the provisions of SEPP (Exempt and Complying Development Codes) 2008.
- There is insufficient detail to enable to assessment of the building certificate application.**
Response: The information submitted is considered sufficient and given that the subject fence is in situ, it is possible to evaluate the impacts of this.
- The structure causes considerable impact to the use and amenity of the neighbouring property**
Response: The level of impact to the western neighbouring site is considered to be minimal, and acceptable. Refer to Section 9.0 below for further discussion.
- A fence of this height and density is out of character within the Pacific Road area and Palm Beach locality.**
Response: Numerous brushwood fences of a similar height and density are evident within the locality. Many of these are much closer to the public domain and provide a significantly higher level of screening than the subject fence. Within Pacific Road itself, similar fences have been noted at 68, 69, 71, 73, 75, 107, 108A and 125A Pacific Road. Examples of these fences are shown below within figure 4. The fence can therefore be considered as characteristic of the existing locality.



75 Pacific Road



107 Pacific Road



48 Pacific Road



73 Pacific Road

Figure 4: Examples of existing brushwood fences within the locality.

- **The fence serves no purpose. It is unnecessary and should therefore be removed.**
Response: The assessment of an application for a fence, be it through a building certificate application or a development application, requires consideration of the impacts of a development, and need not take into account the reason why the structure is required by the applicant.
- **The fence blocks out light to 119 Pacific Road.**
Response: The fence is located south of 'Craboon' and does not throw shadows onto this site. Having visited this neighbouring site, it is held that a generous level of daylight to this property will remain.
- **The fence has a harmful impact on 'Craboon', a heritage listed building within 119 Pacific Road.**
Response: The fence is held to have an acceptable impact upon this neighbouring site and the subject site, both of which are heritage listed. Refer to Section 9.0 below for further discussion.

5.0 STATUTORY AND POLICY CONSIDERATIONS

Section 149 of the Environmental Planning and Assessment Act enables Council to grant a building certificate to the whole of, or to part of, a building. In this Act, a building is defined as:

***building** includes part of a building, and also includes any structure or part of a structure (including any temporary structure or part of a temporary structure), but does not include a manufactured home, moveable dwelling or associated structure or part of a manufactured home, moveable dwelling or associated structure.*

The subject fence forms a 'structure' and is eligible for consideration under the subject building certificate application.

Section 149D of the Act outlines the obligations of Council to issue building certificates and lists a number of criteria which, if met, must form the basis for a building certificate to be issued. These criteria are outlined below:

149D Obligations of council to issue building certificate

1. The council must issue a building certificate if it appears that:
 - (a) there is no matter discernible by the exercise of reasonable care and skill that would entitle the council, under this Act or the Local Government Act 1993:
 - (i) to order the building to be demolished, altered, added to or rebuilt, or
 - (ii) to take proceedings for an order or injunction requiring the building to be demolished, altered, added to or rebuilt, or
 - (iii) to take proceedings in relation to any encroachment by the building onto land vested in or under the control of the council, or
 - (iv) there is such a matter but, in the circumstances, the council does not propose to make any such order or take any such proceedings.

In order to ascertain whether the retention of the subject fence is appropriate, an assessment against Council's planning controls has been carried out (as would have been the case if a development application had been lodged for the fence prospectively). This assessment is detailed below within Sections 7.0 and 9.0 of this report.

6.0 DEVELOPMENT CONTROLS

The site is located within the E4: Environmental Living zone under the provisions of Pittwater Local Environment Plan 2014. Whilst not separately defined, the subject fence is considered to be a structure used ancillary to a dwelling house. Such development is permissible with consent within this zone.

The following relevant local and state policies apply to the subject development:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulations 2000;
- Pittwater Local Environmental Plan 1993;
- Pittwater Local Environmental Plan 2014;
- Pittwater 21 Development Control Plan.

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
Pittwater Local Environmental Plan 2014					
1.9A Suspension of covenants, agreements and instruments		None identified.	-	-	-
Zone E4: Environmental Living		The development is permissible with consent and consistent with the zone objectives.	Y	Y	Y
4.3 Height of buildings	Max. 8.5 metres	The fence is noted as 1.8 metres in height, which complies with this control. Submissions have been received objecting to the height of the fence. The fence height is consistent with Council's LEP and DCP control; refer to section 9.0 below.	Y	Y	N
4.6 Exceptions to Development Standards			-	-	-
5.10 Heritage conservation		The fence responds appropriately to its heritage context. Submissions have been received raising concern as to the impact on 'Craboon' within the western neighbouring site. Refer to Section 9.0 below.	Y	Y	N
7.1 Acid Sulfate soils			-	-	-

Control	Standard	Proposal	T	O	N
7.2 Earthworks			-	-	-
7.6 Biodiversity protection		The subject site is listed on the LEP Biodiversity map. The subject development is not considered to present any adverse impacts to the ecology, flora or fauna on the site. This fence has been located alongside a pre-existing fence.	Y	Y	Y
7.7 Geotechnical hazards			-	-	-
7.10 Essential Services			-	-	-
Environmental Planning and Assessment Model Provisions 1980					
Part III – 5. Consideration of certain applications		The site is not located within the Foreshore Scenic Protection Area. The fence is set back from Pacific Road by approximately 22 metres; it is visible from limited positions only and does not result in a material impact upon the character of the area.	Y	Y	Y
Part IV – 7. Foreshore Building Line		The site is not located adjacent to the foreshore.	-	-	-
Pittwater 21 Development Control Plan					
3.1 Submission of a development application and payment of an appropriate fee		Submissions have been received which state that there is not enough information within the application. It is considered however, that an appropriate level of information has been provided with the Building Certificate Application to enable assessment.	Y	Y	N
3.2 Submission of a Statement of Environmental Effects			-	-	-
3.3 Submission of supporting documentation – Site Plan/Survey Plan/Development Drawings			Y	Y	Y
3.4 Notification		The Building Certificate Application was publicly notified for a period of 14 days, in line with Council's notification policy.	Y	Y	Y
3.5 Building Code of Australia			Y	Y	Y

Control	Standard	Proposal	T	O	N
3.6 State Environmental Planning Policies (SEPPs) and Sydney Regional Environmental Policies (SREPs)		The fence does not form exempt or complying development under SEPP (Exempt and Complying Development Codes) 2008 as the subject site and neighbouring site are heritage listed.	-	-	-
4.1 Integrated Development: Water supply, water use and water activity			-	-	-
4.6 Integrated Development: Aboriginal Places of Heritage Significance and Aboriginal Objects			-	-	-
4.8 Integrated Development – Roads			-	-	-
5.3 Referral to NSW Office of Environment and Heritage			-	-	-
5.4 Referral to the NSW Office of Water and NSW Health			-	-	-
A1.7 Considerations before consent is granted		This assessment includes consideration of section 79C of the Environmental Planning and Assessment Act 1979, Pittwater LEP 2014, Pittwater 21 DCP and the desired character of the area.	Y	Y	Y
A4.12 Palm Beach Locality		The description of desired character contained within this control seeks new development to blend appropriately with the natural landscape and minimise bulk and scale where possible. Dark and earthy colours are preferred and the protection of heritage significance is sought. The development is held to be consistent with this stated desired character of the Palm Beach locality. Submissions have been received which raise concern that the fence is out of character with the locality. It is held to be consistent with the surrounding character however, and numerous similar brushwood fences have been identified within Pacific Road.	Y	Y	N

Control	Standard	Proposal	T	O	N
		Further discussion on heritage impacts can be found within Section 9.0 below.			
B1.1 Heritage Conservation – Heritage items, heritage conservation areas and archaeological sites listed in Pittwater Local Environmental Plan 2014		<p>The subject site and western neighbouring site are listed as heritage items. The control requires compliance with the provisions of Pittwater LEP 2014 and that new development respects the character and fabric of heritage items.</p> <p>Submissions have been received raising concerns in this regard. Refer to Section 9.0 below.</p>	Y	Y	N
B1.4 Aboriginal Heritage Significance		No apparent issues	-	-	-
B3.1 Landslip Hazard			-	-	-
B3.6 Contaminated Land and Potentially Contaminated Land			-	-	-
B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor		<p>The fence does not have an adverse impact upon flora or fauna in the locality.</p> <p>The control states that where fencing is proposed, this is to be made passable to native wildlife. The variations within the control state however that this can be varied if it is upon a part of the site which will not impede the movement of wildlife.</p> <p>The subject fence occupies approximately half of the northern boundary of the access handle and approximately half of the site's western boundary with the western neighbour. It does not relate to the total boundary of the site, and wildlife is still able to move between the sites.</p>	N	Y	Y

Control	Standard	Proposal	T	O	N
B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor (Continued)		The subject fence has been sited directly adjacent to an existing open metal fence which includes gaps of approximately 50mm; this is less than the 150mm suggested within the control. In the event that the fence had not been erected, or were now removed, the pre-existing fence would not have permitted the passage of wildlife in this area of the site.			
B5.2 Wastewater disposal			-	-	-
B5.3 Greywater Reuse			-	-	-
B5.4 Stormwater Harvesting			-	-	-
B5.7 Stormwater Management – On-Site Stormwater Detention			-	-	-
B5.8 Stormwater Management – Water Quality – Low Density Residential			-	-	-
B5.10 Stormwater Discharge into Public Drainage System			-	-	-
B5.12 Stormwater Drainage Systems and Natural Resources			-	-	-
B5.13 Development on Waterfront Land			-	-	-
B6.1 Access Driveways and Works on the Public Road Reserve		The fence does not impede the existing access driveway	-	-	-
B6.3 Internal Driveways – Low Density Residential			-	-	-
B6.6 Off-Street Vehicle Parking Requirements – All Development other than Low Density Residential			-	-	-
B8.1 Construction and Demolition – Excavation and Landfill			-	-	-
B8.2 Construction and Demolition – Erosion and Sediment Management			-	-	-
B8.3 Construction and Demolition – Waste Minimisation			-	-	-
B8.4 Construction and Demolition – Site Fencing and Security		The application relates to a permanent boundary fence rather than construction fencing.	-	-	-
B8.5 Construction and Demolition – Works in the Public Domain			-	-	-
B8.6 Construction and Demolition – Traffic Management Plan			-	-	-

Control	Standard	Proposal	T	O	N
C1.1 Landscaping		<p>The fence does not materially affect or jeopardise the existing landscaping on the subject site or adjacent site, including the adjacent mature gum trees.</p> <p>The control refers to the screening of the front boundary, and suggests landscaping rather than built structures. In this instance, the northern boundary of the access road is considered a side boundary, and this control is therefore not relevant to the subject fence.</p>	Y	Y	Y
C1.2 Safety and Security		The fence does not obscure views from the house along the access drive. The fence provides territorial reinforcement and does not include areas which could readily be used for concealment.	Y	Y	Y
C1.3 View Sharing		<p>The fence allows a satisfactory level of view sharing.</p> <p>Submissions raising concerns relating to a loss of view from the public and private domain have been received. Refer to Section 9.0 below.</p>	Y	Y	N
C1.4 Solar Access		The orientation of the site is such that shadows from the fence will largely fall upon the site's own access driveway and the fencing/landscaping on the southern side of the driveway. The fence does not result in the undue loss of sunlight to neighbouring residential properties.	Y	Y	N

Control	Standard	Proposal	T	O	N
C1.4 Solar Access (Continued)		Submissions have been received which state that the fence blocks out daylight to the western neighbouring property. There are three windows located adjacent to the fence; a multi-paned secondary window to the kitchen, a small bathroom window and a glazed door at the end of a hallway. The kitchen primarily receives its daylight from the glazed doors to the north east, and the bathroom and hallway are not considered as habitable areas; the impacts in this regard are considered to be acceptable.			
C1.5 Visual Privacy		It is understood that the fence has been erected to increase the level of visual privacy between the subject site and the western neighbouring site.	Y	Y	Y
C1.6 Acoustic Privacy			-	-	-
C1.7 Private Open Space			-	-	-
C1.9 Adaptable Housing and Accessibility			-	-	-
C1.12 Waste and Recycling Facilities			-	-	-
C1.13 Pollution Control			-	-	-
C1.14 Separately Accessible Structures			-	-	-
C1.16 Development ancillary to residential accommodation – Tennis Courts			-	-	-
C1.19 Incline Passenger Lifts and Stairways			-	-	-
D12.1 Character as viewed from a public place		The fence is set back from Pacific Road by approximately 22 metres; it is visible from limited positions only and does not result in a material impact upon the overall character of the area.	Y	Y	N

Control	Standard	Proposal	T	O	N
D12.1 Character as viewed from a public place (Continued)		Submissions have been received which raise concerns that the fence is out of character and results in the loss of a view from a public place; this is not considered to be the case; refer to Section 9.0 below.			
D12.3 Building colours and materials		The fence is constructed in Brushwood which is a natural finish and a suitably dark colour. This material is appropriate for fencing in this locality.	Y	Y	Y
D12.5 Front building line		The fence is wholly located behind the front building line.	Y	Y	Y
D12.6 Side and rear building line		The control excludes fences from the side boundary requirements and as such the location of the fence along the boundary is compliant. The outcomes of the control require consideration of the desired character of the area and the equitable preservation of views from public and private spaces. This is discussed further within Section 9.0 below.	Y	Y	Y
D12.8 Building envelope		The fence is 1.8 metres high and complies with the building envelope control.	Y	Y	Y
D12.10 Landscaped Area – Environmentally Sensitive Land		The fence does not alter the amount or type of landscaping on the site.	Y	Y	Y
D12.12 Fences – Flora and Fauna Conservation Areas		The development complies; refer to Section 9.0 below.	Y	Y	Y
D12.13 Construction, Retaining walls, terracing and undercroft areas			-	-	-
D12.14 Scenic Protection Category One Areas		The development complies in this regard; refer to Section 9.0 below.	Y	Y	Y

8.0 ISSUES

- Comments from Council's Building Surveyor
- 5.10 Heritage Conservation
- C1.3 View Sharing
- D12.12 Fences – Flora and Fauna Conservation Areas
- D12.14 Scenic Protection Category One Areas

9.0 DISCUSSION OF ISSUES

Comments from Council's Building Surveyor

1. Reason for Report

To determine a Building Certificate application for a brushwood fence erected without prior approval of Council when Council consent was necessary due to the adjoining premises at 119 Pacific Road, Palm Beach (known as Craboon) containing heritage items.

2. Site Details

Building Certificate application BC0030/14 has been received from R & J Freemantle, owners of 117 Pacific Road, Palm Beach for approval of a 26m x 1.8 brushwood fence erected without consent of Council.

The fence has been erected on part of the northern side of the access driveway to the battle axe allotment at No 117, being part of the southern boundary of 119 Pacific Road.

The fence commences approximately 26m from the front boundary of the allotment and extends for a distance of 26m to the end of the access driveway.

In addition a small 2m section of brushwood fence is erected on the site's western boundary being the rear boundary of No 119.

A survey report by CMS Surveyors Pty Ltd indicated the fence has been erected accurately on the common boundaries as described and an inspection of the fencing indicates it to be in a good state of repair.

It should be noted that a 20m brushwood fence approved by Council in 2008 is erected on part of the southern boundary of the same access driveway but within the allotment area.

3. Issues

(Discussed more fully in the body of the attached Town Planners Report).

Support for the Application

- (i) Supporting comments on behalf of the applicant have been received from Mr Brian McDouall of CCG Architects who states inter alia:-

"The house Craboon is architecturally significant due to its stone construction, battered gables and porch with stone piers which represents design from the 1930's.

However, additions and alterations built about 2006 have almost completely obscured the view of the cottage. The extent of these works is such that the significance of Craboon which was derived from its simplicity, as a small holiday cottage, has been lost.

There is no physical impact on Craboon resulting from the erection of the brush fence.

Furthermore the brush fence is a very appropriate choice that blends with the Palm Beach landscape character and is quite common throughout the area".

(ii) Mr Robert Moore – Council Heritage Architect

Comments inter alia as follows:

“The heritage item Craboon, has until now “borrowed” the landscape and space of the driveway to the house at 117 which contributed to the pleasantness and amenity of its setting.

Whilst the fence clearly has impacts, I do not agree that the heritage interests of the matter are such that the removal of the fence can be required on heritage grounds.

I do not accept that the heritage significance of Craboon has been extinguished by development that has taken place”.

OBJECTION

A letter of objection, on behalf of the owners of 119 Pacific Road has been received from Mr John Rose of TKD Architects stating inter alia that:

- (i) The view of the cottage from the public realm is clearly compromised by the solidity and height of the fence.
- (ii) The fence would not have been allowed by Council as part of the assessment of DA 0121/06 for Craboon (additions and alterations).
- (iii) The fence has a detrimental impact on the considered modulation of built form and landscape design of 119.
- (iv) The fence is of an inappropriate scale when viewed from 119 impacting upon garden growth, views, light, ventilation and the overall amenity of the occupants.
- (v) The fence provides no utility and has no apparent purpose needed by the occupants of 117 Pacific Road.

Comment

The brush wood fence is a common form of fencing in the locality and blends into the Palm Beach landscape. It establishes a consistent and harmonious character with the brush fence already erected on the south side of the driveway and provides a neat and attractive approach to the house at 117 Pacific Road.

The fence complies in all respects in what would ordinarily be required by Council in a similar situation.

Craboon is located well down the allotment from Pacific Road and a casual observer from the street would find it difficult to identify the heritage significance of the building with or without a fence.

It is considered the brush fence does not have any significant negative impact on the heritage items of the cottage.

RECOMMENDATION

The brushwood fence as described be approved.

5.10 Heritage Conservation

Both the subject site and the western neighbouring site are identified as heritage items within the Pittwater LEP 2014. Notwithstanding this, both the subject site and the western neighbouring site include contemporary buildings, and these are the buildings which are most immediately apparent from the public domain. 'Craboon', a 1930s sandstone cottage, is located within the rear portion of 119 Pacific Road; glimpses of the roof of this element are visible from Pacific Road.

Clause 5.10 of the Pittwater LEP 2014 seeks to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, setting and views.

The building certificate application is accompanied by a report on the environmental and heritage impacts of the fence authored by Caldis Cook Group Architects. The report concludes that the fence does not harm the physical fabric of the neighbouring sandstone cottage (Craboon) and that the fence does not harm the heritage character of the sandstone cottage given the contemporary additions added to the site in the past decade.

The owner of this neighbouring site has objected to the retention of the fence and has provided a response to this report authored by Tanner Kibble Denton Architects. In this response, the author opines that the fence has an adverse impact upon the heritage significance of 'Craboon' as it screens the building from public view.

The application documents including both of the aforementioned reports was referred to Council's Heritage Advisor who notes:

"I do not agree that the heritage interests of the matter are such that the removal of the fence can be required on heritage grounds."

and:

"I do not accept the arguments that the heritage significance of 'Craboon' has been extinguished by the development that has taken place".

In considering all three viewpoints on this matter, it is held that the fence does not have an unacceptable level of impact upon the heritage significance of 'Craboon' or on the remainder of the two heritage listed sites. The fence does not interfere with the fabric of the building and provides an appropriate visual response to it.

C1.3 View Sharing

The control requires a reasonable sharing of views amongst dwellings and that views and vistas from public places are protected and maintained.

Views from 119 Pacific Road (private views)

The orientation of 119 Pacific Road and the buildings therein are such that views are primarily gained to the north east of the site (towards Palm Beach). Both the 1930s sandstone cottage and the more contemporary two storey dwelling at the front of the site are oriented to maximise views in this direction as far as possible.

The subject fence is located to the south and west of this neighbouring site, and both the sandstone cottage and the contemporary house can be said to have 'turned their back' on these aspects. This is evidenced by the fact that only secondary windows are located along the southern boundary and that a solid 20 metre wall has been constructed along this boundary. Figure 5 below demonstrates the relationship between the living areas of 119 Pacific Road and the subject fence:

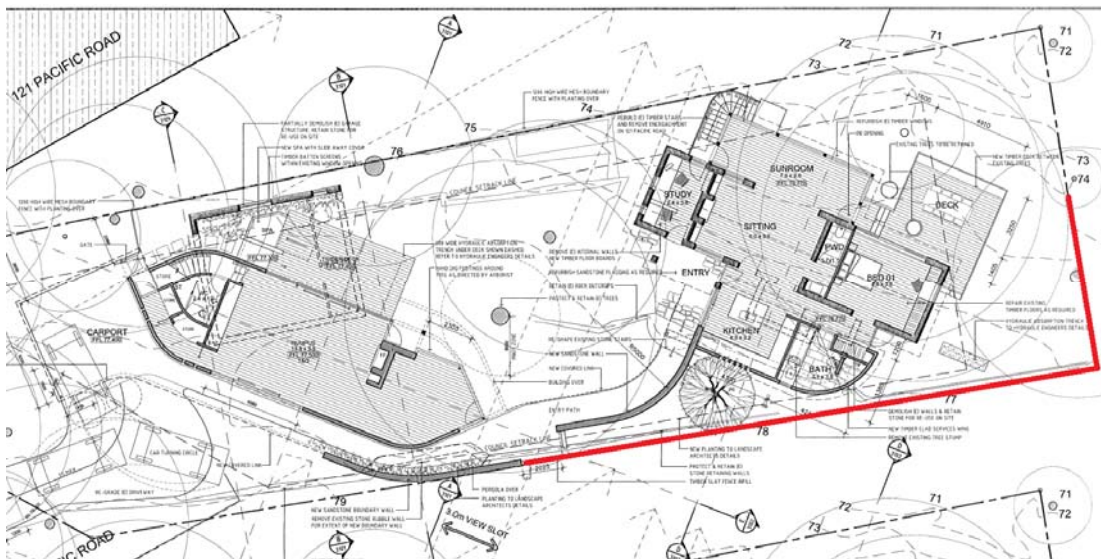


Figure 5: Relationship between living areas of 'Craboon' and subject fence.

The view from the primary living areas of 'Craboon' can be seen within figure 14 below. In light of the above, it is held that the impact of the development on the views achieved from 'Craboon' is acceptable.

Outlook

The owner of 119 Pacific Road also raises concern regarding a loss of outlook (as distinct from views) from 'Craboon' as a result of the fence. This neighbour notes that views of landscaping could previously be achieved from the kitchen and hallway areas which have now been replaced by the fence. While this was indeed apparent when visiting this site, this is not considered to be unreasonable; these are secondary windows or windows to non-habitable rooms and the overall amenity of 'Craboon' is not unduly compromised. Figures 8 and 9 below demonstrate this relationship:



Figure 8: Secondary kitchen window

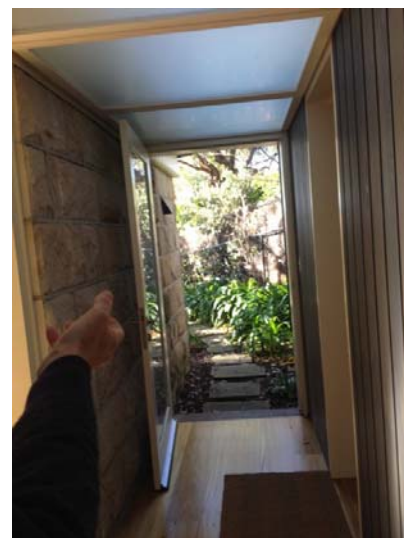


Figure 9: Glazed door within hallway

Views from Pacific Road (public views)

The subject fence is set back from the roadway by approximately 22 metres and is not immediately apparent when walking or driving along the road. The fence is not held to result in an undue loss of views from the public domain for the following reasons:

- With the exception of the two concrete driveways, the front setback along this part of Pacific Road is well vegetated with mature landscaping. Any ocean views appear as glimpses only, rather than as a wide, unobstructed view;
- The fence sits in front of 'Craboon' at a lower height than this building's ridgeline; the absence of the fence would not therefore open up a view from the public domain as this is already obstructed in part by existing buildings.
- The fence is of a dark colour and constructed in a natural material; it recesses appropriately with the existing surrounding natural environment.

The following photos demonstrate the view from the public domain:



Figure 10: View from western end of driveway of 117 Pacific Road



Figure 11: View from western end of driveway of 115A Pacific Road



Figure 12: View from Pacific Road adjacent to 113 Pacific Road

The fence is held to have appropriate impacts regarding the sharing of public views.

D12.12 Fences – Flora and Fauna Conservation Areas

Outcomes of the control

The outcomes of the control seek to ensure that fences are suitably screened from public view, compliment and conserve visual character, maintain an open view to any waterway and ensure heritage significance is protected. The outcomes also seek to ensure safe and unhindered travel for native wildlife

The subject fence is located approximately 22 metres back from Pacific Road and is not immediately apparent when walking or driving along this part of the road. Other than the two adjacent concrete driveways, the front boundary setback of Pacific Road is well vegetated, and the fence can be seen from limited views only. It is not considered therefore, to cause a significant impact to the character of the surrounding area.

The fence does not obstruct public views from Pacific Road to the ocean. As can be seen within figure 13 below, the fence is located in front of, and at a lower height than, an existing building.

The fence is not held to have a harmful impact on the heritage significance of either the subject site, or the western neighbouring site, both of which are heritage listed. Further discussion on this can be found above.

The subject fence, while solid in construction, has not prevented the free passage of wildlife. The pre-existing fence along this boundary (a lower, open metal fence) has gaps of approximately 50mm, which is far less than the 150mm specified within the control. In the event that the fence had not been erected or were now removed, no change to the passage of native wildlife would therefore occur.

Technical requirements of the control

The control provides different requirements for front, side and rear fences, and a differentiation is also made between side fences which are within the front building setback (section (a) of the control) and side fences up to the front building line (section (b) of the control). As a battleaxe lot, there is ambiguity here, as the subject fence is well behind the front building setback of Pacific Road and well behind the front building line of 119 Pacific Road, but before the front building line of the house on the subject site.

Section (b) of the control states:

'Fencing is permitted along the rear and side boundaries (other than within the front building setback) to a maximum height of 1.8 metres).'

The subject fence is held to be located along a side boundary and set much further back than the front building setback of 6.5 metres to Pacific Road, and section (b) is therefore held to be most applicable control in this instance. This permits a maximum height of 1.8 metres and the development complies with this.

For fencing in Category 1 and 2 areas, the control requires side and rear fences to be constructed of dark coloured materials and not to obstruct the passage of wildlife. The pre-existing fence did not permit the passage of wildlife (as its gaps are approximately 50mm in diameter) and the presence of this new fence does not therefore hinder wildlife.

D12.14 Scenic Protection Category One Areas

The outcomes of this control seek the integration of new development with the desired character of the locality and with the natural environment. The subject fence is held to be consistent with the character of the locality, in terms of its height and nature, which is similar to many other fences within the Pacific Road locality (refer to figure 4 above). The installation of the fence has not involved the removal of any trees or vegetation and is not likely to jeopardise the health of any remaining vegetation, including the adjacent gum trees.

The outcomes also seek to preserve views, from public and private places. As can be seen within figure 13 below, the height of the fence, as viewed from the public domain, is lower than the ridge height of 'Craboon' on 119 Pacific Road; this fence has not obstructed public views through the site to the water; the absence of the fence would not increase views.



Figure 13: View from western end of 115A Pacific Road driveway, looking north east

In terms of private views, a site visit to 119 Pacific Road has revealed that views associated with 'Craboon' are gained primarily to the north east, and are therefore unobstructed by the fence which runs along the southern and western boundaries of this neighbouring site. Figure 14 below demonstrates the primary view from the balcony of 'Craboon' and figure 15 below demonstrates that no loss of view to the east will occur from the subject fence:



Figure 14: View from balcony of 'Craboon' looking north east



Figure 15: View from balcony of 'Craboon' looking east towards subject site.

The control seeks to ensure that development consists of unobtrusive, non-reflective, dark and earthy materials and colours, which blend into natural environment. The subject brushwood fence meets each of these criteria.

10.0 CONCLUSION

The subject Building Certificate application seeks the regularisation of an existing 1.8 metre high Brushwood fence which has been erected along part of the subject site's boundaries without development consent.

Section 149 of the Environmental Planning and Assessment Act 1979 permits and obligates Council to issue a Building Certificate provided that there are no reasons for the subject development to be considered inappropriate. As has been demonstrated above, the subject development has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979, Pittwater Local Environmental Plan 2014, Pittwater 21 DCP and other relevant Council policies; the development has been found to be appropriate in this regard.

The resulting development does not result in unreasonable or unsafe impacts to the character of the area, neighbouring amenity or the natural environmental. Accordingly, it is recommended that the Building Certificate be issued.

RECOMMENDATION OF DEVELOPMENT OFFICERS

That Council as the consent authority pursuant to Section 149 of the Environmental Planning and Assessment Act 1979 grant consent to Building Certificate Application BC0030/14 for the retention of a 28.5 metre section of brushwood fence along the access driveway to 117 Pacific Road, Palm Beach, together with a 2 metre section on the site's western boundary.

Report prepared by
Cheryl Williamson, Senior Planner
Wal Dover, Senior Building Surveyor

Andrew Pigott
MANAGER, PLANNING & ASSESSMENT

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C12.5 Submission on the proposed amendments to SEPP 65

Meeting: Sustainable Towns and Villages Committee

Date: 15 December 2014

STRATEGY: Land Use & Development

ACTION: To effectively respond to state and regional planning initiatives

PURPOSE OF REPORT

The purpose of this report is to update Council on the Department of Planning and Environment's (DP&E) progress on reviewing SEPP 65 and the Residential Flat Design Code and report to Council the submission made in response to the proposed amendments.

1.0 BACKGROUND

- 1.1 The State Government introduced the State Environmental Planning Policy No. 65 Design Quality of Residential Flat Buildings (SEPP 65) and the Residential Flat Design Code in 2002. The policy aims to improve the design quality of residential flat buildings in NSW.
- 1.2 A discussion paper (SEPP 65 and Residential Flat Design Code Review November 2011) was exhibited between November 2011 and February 2012, at which point Council made a submission.
- 1.3 A number of changes to SEPP 65, together with the new Apartment Design Guide (which replaces the Residential Flat Design Code), went on exhibition between September and October 2014.
- 1.4 A submission (refer **Attachment 1**) to the proposed amendments was prepared and forwarded to the DP&E on 30 October 2014.

2.0 ISSUES

- 2.1 SEPP 65 and the Apartment Design Guide apply principles for good apartment design and provide guidance for evaluating the merit of design solutions. The legislative requirements and overall quality of SEPP 65 and the Apartment Design Guide has impacts on Council's ability to achieve good outcomes for the community.
- 2.2 Proposed changes to SEPP 65 include:
 - Expanding the policy to include shop top housing and mixed use developments;
 - Giving councils the ability to appoint design review panels;
 - Making certain design criteria in the Apartment Design Guide prevail over council requirements;
 - Reducing car parking requirements near train stations and light rail stops; and
 - Clarifying relationship with BASIX (the Building Sustainability Index).
- 2.2 Proposed changes to the Residential Flat Design Code include:
 - Replacing the Residential Flat Design Code with the Apartment Design Guide with increased emphasis on outcomes to allow alternative solutions and greater innovation;
 - The Apartment Design Guide sets out performance criteria and lists acceptable solutions as well as possible alternative solutions;
 - Greater flexibility to tailor design solutions;

- Options to reduce car parking requirements near train stations and light rail stops;
 - A minimum size for studio apartments of 35 square metres (in addition to already existing minimum sizes for 1, 2 and 3 bedroom apartments); and
 - Performance criteria and design solutions for adaptive reuse.
- 2.3 The submission (**Attachment 1**) outlines a number of the general and specific responses to the proposed amendments.
-

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

Design quality of apartment buildings affects the way people live their lives and has impacts on the community in both the short and long term. Good design outcomes enhance the quality of life for residents and promotes social interaction while minimising potential conflict and nuisance.

3.2 Valuing & Caring for our Natural Environment (Environmental)

Design quality of apartment buildings affects the way people live their lives and has impacts on the natural environment in both the short and long term. Good design outcomes minimise the use of resources and responds to the environmental character of the surroundings.

3.3 Enhancing our Working & Learning (Economic)

Design quality of apartment buildings affects the way people live their lives and has impacts on the economy in both the short and long term. Good design outcomes minimise the running cost of developments.

3.4 Leading an Effective & Collaborative Council (Governance)

Design quality of apartment buildings affects the way people live their lives and the legislative requirements and overall quality of SEPP 65 and the Apartment Design Guide has impacts on Council's ability to achieve good outcomes for the community.

3.5 Integrating our Built Environment (Infrastructure)

Design quality of apartment buildings affects the way people live their lives and the legislative requirements and overall quality of SEPP 65 and the Apartment Design Guide has impacts on the built environment in Pittwater. Good design outcomes will help ensure that new infrastructure is sustainable.

4.0 EXECUTIVE SUMMARY

- 4.1 A number of changes to SEPP 65, together with the new Apartment Design Guide (which replaces the Residential Flat Design Code), went on exhibition between September and October 2014.
- 4.2 A submission (**Attachment 1**) to the proposed amendments was prepared and forwarded to the DP&E on 30 October 2014.

- 4.3 SEPP 65 and the Apartment Design Guide apply principles for good apartment design and provide guidance for evaluating the merit of design solutions. The legislative requirements and overall quality of SEPP 65 and the Apartment Design Guide has impacts on Council's ability to achieve good outcomes for the community.
- 4.4 The submission (**Attachment 1**) outlines a number of the general and specific responses to the proposed amendments.
-

RECOMMENDATION

That Council endorses the submission outlined in **Attachment 1**.

Report prepared by
Andreas Olsen – Senior Strategic Planner

Andrew Pigott
MANAGER, PLANNING & ASSESSMENT

**SUBMISSION ON
SEPP 65 AND THE RESIDENTIAL FLAT DESIGN CODE
by Pittwater Council**

Pittwater Council welcomes the opportunity to comment on the proposed amendments to SEPP No 65-Design Quality of Residential Flat Development (SEPP) and the Residential Flat Design Code (proposed Apartment Design Guide) (ADG) and work with the Department of Planning and Environment to address the local issues facing residential flat development targeted by this state policy and associated design guide.

The following section outlines a number of the general and specific responses by Pittwater Council to the proposed amendments. Where Council neither strongly agreed nor strongly disagreed the issues are not included in the submission and, as a result, specific sections of the proposed amendments are not addressed.

KEY ISSUES

REVIEW PROCESS

It is acknowledged that the quality of apartment design has improved markedly since the introduction of the SEPP and the Residential Flat Design Code in 2002. However, it is still considered that there are areas in need of improvements and the primary focus on housing delivery throughout the review process has been disappointing. In particular, the State Government's reluctance to introduce any meaningful sustainability requirements through the SEPP (Building Sustainability Index: BASIX) 2004 (BASIX) makes it hard for the SEPP and ADG to achieve improvements "*for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design*", set out in Aims and objectives 2(2) of the SEPP.

SEPP 65

Clause 2 Aims, objectives etc

"Facilitate the timely and efficient assessment of applications for residential flat buildings" should not be included under aims and objectives. It is a separate issue that is not relevant to design quality and the inclusion could make design outcomes worse.

Clause 4 Application of Policy

The inclusion of shop top housing and mixed use developments with a residential accommodation component to be covered by the SEPP is generally supported. However, shop top housing developments are currently only permissible on land zoned for business purposes in Pittwater LGA. Council's DCP controls for business zoned land varies significantly from controls relating to residential zoned land which will create inconsistencies with a number of sections in the ADG (such as 3D Communal and public urban space, 3E Deep soil zones, 3F Visual Privacy and Landscape design). Better clarification in the ADG on business zoned and residentially zoned land would be beneficial as well as further guidance relating to retail and commercial ground floor uses.

It is also considered that Council's controls should prevail in its entirety where a detailed development document has been created (such as a master plan), responding to the local character and constraints (such as flooding, topography etc.). Pittwater Council have several master plans already guiding development for the town centres and is looking to develop similar planning documents for the remaining centres across the LGA. The SEPP should include provisions that allow the master plan (aspects included in Council's LEP and DCP) to be the primary planning instrument guiding the development in these areas, with the ADG guiding aspects of the development not included otherwise.

Clause 6 Relationship with other environmental planning instruments

Clarification of the relationship between the SEPP and BASIX is commended, however relying on BASIX to cover overlapping areas is considered insufficient as the BASIX, in its current form, is inadequate in achieving significant water and energy reductions.

Clause 6A Development control plans cannot be inconsistent with Apartment Design Guide

The suspension of Council's DCP controls for certain aspects of the ADG is not supported. General guidelines provided by the State government are considered helpful and generally supported, however the ability to articulate and enforce appropriate local controls is considered essential for Local Governments. Balconies and private open space is of a particular concern.

Standards that cannot be used as grounds to refuse development consent or modification of development consent

Standards that cannot be used as ground to refuse development consent is not supported in principle. The SEPP and ADG are about design quality and discretionary development standards are only effective in preventing council planners from achieving high quality design outcomes.

Design Review Panels

Council does not currently use design review panels. Before the introduction of design review panels, Pittwater experimented with a similar setup but found that the advisory panel did not prove as useful as intended.

Council currently focuses its resources on educating staff to make quality decisions when assessing development applications, such as applying the SEPP and the RFDC. As a result, Pittwater will not look to establish a design review panel in the near future but acknowledges that from time to time advisory comments from a design review panel could prove useful in certain complex applications. If a structure was set up to allow local councils to use a design review panel on a case-by-case basis, without the associated ongoing costs and administration, Pittwater Council would reconsider its current position depending on the structure put in place.

APARTMENT DESIGN GUIDE

General

The shift to a performance based approach is supported in principle. However, assessment against the performance criteria of the ADG will increase the time required to adequately assess development applications. It is considered appropriate that councils are allowed to increase the fees for applications being assessed against the SEPP and ADG to meet the cost of the increased workload.

It is noted that a number of the figures in individual sections do not conform with other sections contained within the ADG (e.g. Figure 3D.3 does not provide any separation distance to the eastern side boundary). To avoid confusion in the application of the ADG, increased consistency of figures throughout the document would be beneficial.

3B Orientation

Orientation is good in theory but experiences from Pittwater LGA suggest that often there are too many site constraints, effectively making it impossible to achieve. Further emphasis on dual aspects in the ADG would help address a number of issues, including 4L Solar and daylight access and 4Q Natural ventilation.

3D Communal and public open space

With the inclusion of shop top housing and mixed use developments in the SEPP, the requirements for communal and public open space are found to be too prescriptive. Introducing a sliding scale for different types of developments would ensure the requirements are reasonable and achievable for different types of developments under the SEPP.

While the overall emphasis should be put on private open space and balconies, the link to communal open space should be further clarified (what level of increase in balcony sizes is considered reasonable if no communal space is provided etc.).

Communal outdoor play areas are essential for families and children. The ADG should require such areas for larger developments.

3E Deep soil zones

With the inclusion of shop top housing and mixed use developments to the SEPP, the one size fits all approach to deep soil zones becomes problematic. It is considered that town centre developments on business zoned land will struggle to provide the amount of deep soil zones set out in the ADG. Conversely, in a suburban context this deep soil zone requirement is considered inadequate, not providing the required landscaping and screening of the built form. The landscape character of Pittwater LGA increases the importance of canopy trees and, as a result, the deep soil zone requirements should reflect the existing character of residentially zoned land. Introducing a sliding scale for deep soil zones (relating to zoning or types of development) would ensure the requirements are reasonable and achievable for different contexts under the SEPP.

Also, an inherent conflict exists between the definition of Deep soil (including minimum dimensions) and Table 1 in 3E (which applies smaller dimensions for deep soil zones).

4A Apartment mix

More emphasis should be put on apartment mix to achieve a variety of choices and price points. Developments across Pittwater LGA have often provided only small and medium apartment sizes. It should be a requirement that developments with 10 or more dwellings provide 10% studio apartments, 10% 1 bedroom apartments, 10% 2 bedroom apartments and 10% 3 bedroom apartments. This would ensure housing diversity and support equitable housing access while allowing the market to dictate the remaining 60%.

4P Private open space and balconies

The requirements for private open space and balconies in the ADG are considered inadequate and councils DCPs should prevail to allow for controls responding to local conditions and desired future character of individual localities. While the overall emphasis should be put on private open space and balconies, the link to communal open space should be further clarified (what level of increase in balcony sizes is considered reasonable if no communal space is provided etc.).

4Q Natural ventilation

Natural ventilation should be strongly encouraged and that the requirement for 60 percent of apartments to be naturally ventilated should be increased. The ADG should include requirements for a percentage of non-habitable rooms to be naturally ventilated and dual aspects should be further emphasised.

4S Acoustic privacy

Performance criteria 4S-2 appears to focus on the individual layout in isolation. These principles should be expanded to include neighbouring dwellings (across common walls and separation spaces) to encourage the “co-location” of noisy spaces (e.g. kitchens to face kitchens). This will ensure that acoustic amenity impacts are addressed holistically.

C12.6	Submission on the Review of the Flying Fox Camp Management Policy
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Meeting: Sustainable Towns and Villages Committee

Date: 15 December 2014

STRATEGY: Flora & Fauna

ACTION: To sustainably manage urban forest tree canopy and native bushland

PURPOSE OF REPORT

To present for the consideration of Council a submission in response to the proposed Changes to the Draft Flying Fox Camp Management Policy.

1.0 BACKGROUND

- 1.1 The policy encourages land managers to prepare camp management plans for sites where the local community is affected. A Camp Management Plan explores a range of management options and encourages ongoing engagement with communities to achieve acceptable solutions. The focus of the review of the policy is the protecting human health and managing impacts on the community.
- 1.2 The Draft Flying-fox Camp Management Policy 2014 differs from the current 2007 Policy in its focus on minimising the impacts of camps on people; its longer term approach to camp management and streamlining of licensing; and its acknowledgement that camp dispersal may be a successful way to remove impacts on local communities.

2.0 ISSUES

- 2.1 The Policy seeks to remove the frustration of continuous licensing approvals being required for management of problem flying fox camps.
- 2.2 Whilst the policy provides a range of options for Flying-fox cam management. It leaves the technical details to the relevant lands manager. Given the failure in many camp management dispersals it does not address the need for research and improvements in the development of successful management actions which is beyond land managers' capability.
- 2.3 There are no criteria for assessing public health risks, particularly those around chronic sleep deprivation and stress from issues such as reduced property values, loss of amenity, etc.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

The focus of the review is to change the intent of the policy to focus on management of problem Flying-fox camps where there are issues for residents. Its stated primary focus is now public health and to minimise the impact on communities.

3.2 Valuing & Caring for our Natural Environment (Environmental)

The review of the Flying Fox Camp Management Policy seeks to manage this threatened species with a focus on survival of the species.

3.3 Enhancing our Working & Learning (Economic)

The review of the Flying Fox Camp Management Policy will have minimal impact on the local economy, employment or educational opportunities.

3.4 Leading an Effective & Collaborative Council (Governance)

The review provides an opportunity for Council to be proactive and clearly outline the issues and concerns we foresee before the state wide implications. The review seeks to streamline licensing and assessment processes associated with undertaking camp management actions.

3.5 Integrating our Built Environment (Infrastructure)

The review of the Flying Fox Camp Management Policy provides Council with an opportunity to raise concerns with the Office of Environment and heritage regarding the recommendations and deficiencies in the code.

4.0 EXECUTIVE SUMMARY

- 4.1 The focus of the review of the policy is the protecting human health and managing impacts on the community.
- 4.2 The proposed management plans provide a longer term approach to camp management and streamlining of licensing; and its acknowledgement that camp dispersal may be a successful way to remove impacts on local communities.

RECOMMENDATION

- 1. That the information provided in the report be noted.
- 2. That the submission outlined in **Attachment 1** to the Office of Environment and Heritage, be endorsed by Council.

Report prepared by

Mark Beharrell
MANAGER, NATURAL ENVIRONMENT & EDUCATION

(refer paper Billie Roberts and Peggy Eby June 2013). The Botanic Gardens Camp was far removed from adjoining residents and as such the form of dispersal could be readily utilised and there were few immediate alternative locations that could be problematic. This underlines key issue not addressed in the policy, that of developing, implementing and monitoring successful intervention measures. There is a dearth of research and limited coordination in studying the species to develop improved management options that are likely to be effective without the significant risks that currently exist.

Without a proactive science based program of research and monitoring the ongoing management of problem colonies is likely to remain ad hoc, with mistakes being repeated. This incurs not only significant problems for the animals and the residents impacted by their presence, but significant and costly ongoing management for local Council's and other land managers.

Overall it will be beneficial that management is to be streamlined with the level of licensing and reporting reduced in undertaking management actions. The previous situation has led to frustration for all stakeholders in camp management. Given that season issues dramatically reduce the timeframes in which actions can be undertaken it makes sense to have a situation where several management actions addressed and can be approved at the one time.

2. Human Health

It is understandable that minimising any public health aspects is the overriding purpose of the draft policy. However, this issue is neither well reported nor described by any of the various agencies responsible for public health. There are several issues relating to public health that need to be supported beyond the terms of the policy these include:

- a. There is minimal monitoring of the spread of disease within the Flying-fox population across NSW;
- b. Disease is only one health aspect, other chronic issues such as sleep deprivation and disturbance are specific to individuals and their long-term consequences are not well understood;
- c. Additionally, ongoing stress from lack of amenity, potentially reduced property values, etc. is not easy to monitor and not readily accepted.

Overall these criteria need to be included as a trigger into the management of a colony and the level of management required. All camp sites have site specific (e.g. number of residents affected, size of the colony, size of bushland patch/reserve, etc.) which also need to be considered in terms of human health.

3. Management Methods

There is no recognition or responsibility for the State or the Commonwealth to develop or at least assist in investigating improved management options or developing an understanding of the Flying –Fox behaviour to assist in management of colonies.

Clearly these issues are beyond the ability of individual Council's and many land managers to develop, they lack knowledge in this area which obviously contributes to the ongoing failure of the majority management attempts. This lack of certainty impacts of management on residents, the community in general, the land management agency and the animals themselves. This lack of concise and clear management options increases anxiety for all stakeholders and means these issues are drawn out, particularly for existing camps.

The policy also recommends the use of Fly-fox experts. In Pittwater Council's experience these are hard to pin down and all seem to have a difference in opinion. There is little uniformity in

there consideration of management, with the only common theme being that no one knows what exactly will happen. Potentially an expert panel would be a possible way to ensure effective risk based management of camps.

4. Seasonal Issues

If management actions are not to occur because of seasonal issues such as maternity or temperature, the policy needs to state this. Currently the wording is vague "not recommended", when to date land managers have had to abide by these criteria and clearly animal welfare issues are at stake.

5. Camp Management Template

This contains some onerous and potentially costly requirements, particularly around monitoring. Many of these requirements are beyond the capabilities of Local Government in terms of expertise and cost. Once again these issues must be site specific and may require different levels of assessment based on the individual case. In some instances for example there may be other agencies undertaking monitoring which could cover other land managers, but there is no centralised collation of who is doing what.

6. Timeframes

There is some uncertainty around the timing of various activities that needs to be resolved. For example Councils would generally prepare a draft document which would then be placed on public exhibition, can this document be assessment by the Office of Environment and Heritage concurrently with the exhibition period. Can relevant licenses be applied for due the public consultation period?

Obviously these issues have come about because of the new direction within the Policy and can be resolved during its implementation and included during any review. But again given the short period where management can be undertaken it is important to streamline the process.

Council would welcome the opportunity to discuss this further.

Yours sincerely



Chris Hunt

ACTING GENERAL MANAGER

CC The Hon. Rob Stokes, MP – Minister for the Environment

C12.7	NSW Government Coastal Management Reforms - Stage 2 and Coastal Hazard Planning Circular
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Meeting: Sustainable Towns & Villages Committee

Date: 15 December 2014

STRATEGY: Beach & Coastal Management
Risk Management Co-ordination
Sustainability & Climate Change Co-ordination
Land Use and Development

ACTION: Provide planning, design, investigation and management of beaches, coastline and estuaries.
Ongoing compliance with Council's statutory obligations and to properly discharge Council's common law duty of care to the community when managing risks.
Co-ordinate review of LEP/DCP to include sustainability and climate change initiatives and provisions.
Respond to reforms in Planning process and advocate on behalf of Council.

PURPOSE OF REPORT

To advise Council of a range of legislative, policy and planning reforms in regard to the management of the NSW coastal zone, recently announced by the NSW Minister for the Environment and known as the Stage 2 Coastal Management Reforms.

1.0 BACKGROUND

At council meetings held on 3 December 2012 and 6 May 2013 Pittwater Council considered reports dealing with a raft of legislative amendments, new policy direction and supporting guidelines introduced to amend the Stage 1 Coastal Management Reforms when the Liberal Government came to power in NSW.

Changes to the reforms (originally introduced by the former Labor Government) included repealing the NSW Sea Level Rise Policy Statement (2009), amending the *Coastal Protection Act 1979*, removing the requirement for certain information to do with the assessed vulnerability of coastal lands to be included on section 149 certificates and advising councils to consider adopting sea level rise projections widely accepted by competent scientific opinion.

At the 23rd NSW Coastal Conference held in November, the Minister for the Environment announced that he considered that all the actions outlined as a part of the Stage 1 Coastal Reforms had now been completed and that the NSW Government would introduce far-reaching reforms to coastal management in NSW as a part of the Stage 2 reform process.

In accordance with Council's previous resolution (Item C9.3, of the Natural Environment Committee meeting of 3 December 2012) the following information on the progress of the Stage 2 Coastal Management Reforms is provided for the consideration of Council.

1.1 Actions Undertaken as a Part of the Stage 1 Coastal Management Reforms

Supporting actions necessary to implement the Stage 1 Coastal Management Reforms undertaken by the Minister and the relevant state agencies have included:

- identifying authorised beach locations which are coastal locations susceptible to severe coastal erosion impacts under current conditions;
- issuing s117 Directions to coastal councils with authorised locations to prepare Coastal Erosion Emergency Action Sub-plans and Coastal Zone Management Plans for their authorised beaches;
- making provisions and providing guidance to enable affected landowners to undertake temporary coastal protection works to protect private properties at risk from coastal erosion hazards;
- establishing the NSW Coastal Panel to provide expert advice to the Minister and coastal councils and to act as a consent authority for coastal protection works where councils do not have in place certified coastal zone management plans;
- preparing a business case for an expert advice centre, as proposed by the NSW Chief Scientist and Engineer, to provide independent advice to councils and assist them in determining their future coastal hazards that reflect their local conditions;
- preparing a fact sheet for communities on the roles of the SES and councils in coastal erosion emergency management, to clarify the existing arrangements;
- amending the range of statutory and non-statutory guidelines prepared in support of the *Coastal Protection Act 1979* to reflect the recent amendments to the CP Act in regard to temporary coastal protection works and in regard to notations required on planning certificates issued under section 149 of the *Environmental Planning and Assessment Act 1979*;
- establishing the coastal expert panel to guide and assist the NSW government in developing the Stage 2 Coastal Management Reforms; and
- issuing a planning circular stipulating the disclosures that councils should make on section 149 certificates relating to coastal hazards such as projected sea level rise impacts (Coastal hazard notations on section 149 planning certificates, issued 13 November 2014).

2.0 ISSUES

The Minister for the Environment announced in a press release dated 17 November 2014 (see **Attachment 1**) that there would be three major aspects to the Stage 2 reform package:

- replace the current *Coastal Protection Act 1979* with a new Coastal Management Act drafted to be less complex and a better fit with land use planning and local government legislation;
- prepare a new coastal management manual and introduce new arrangements to better support council decision making, including improved technical advice; and
- develop a clear system for funding and financing coastal management actions.

These elements of the Stage 2 reform process, as well as the recently issued Coastal Hazard Planning Circular, are discussed in further detail below.

2.1 Planning Circular – Coastal Hazard Notations on Section 149 Planning Certificates

A planning circular was issued by the NSW Government on 13 November 2014 to provide councils with guidance on section 149 planning certificate notations relating to coastal hazards (see **Attachment 2**) and finalises one of the initiatives announced as a part of the Stage 1 Coastal Management Reforms.

Council had previously made a submission on a draft version of the Planning Circular which was exhibited in February 2014. Some of the matters raised in Council's submission have been addressed in the Planning Circular as issued.

Section 149 planning certificates are issued by councils and disclose information about a parcel of land including the zoning of the land, hazards affecting the land and any restrictions on development

There are two types of planning certificate issued under section 149 of the *Environmental Planning and Assessment Act 1979*:

- Section 149(2) certificates identify whether land is subject to policies or plans which restrict development and must address these matters as prescribed by the *Environmental Planning and Assessment Regulation 2000*. A section 149(2) planning certificate must be obtained by anyone selling land in NSW.
- Section 149(5) certificates include details of other matters affecting the land which may also be disclosed at the discretion of a council and do not necessarily form part of a Contract for Sale of land.

The planning circular now requires councils to clearly identify the type of hazard affecting the land and whether the land has a current or future exposure to that hazard. The circular also cautions that councils should only disclose information on planning certificates when it is sufficiently accurate, complete and reliable. Information of a general nature that does not directly affect a specific parcel of land is recommended to be communicated by other means, such as the council's website.

The NSW Department of Planning & Environment defines current exposure to a coastal hazard as where land is currently threatened by a hazard or there is a likelihood that the hazard will occur during a probable event such as a storm. Examples include land in an immediate coastal erosion area or land where there is a 1-in-100 year flood probability today.

Future exposure to a hazard is defined as where a hazard may arise in the future but the land is not at risk from the hazard now. Examples include coastal land which is experiencing long-term shoreline recession and land which will be exposed to flooding or inundation in the future due to projected sea level rise.

Suggested wording to be included on planning certificates for current and future hazards has been included in the Planning Circular. Councils have been advised to identify whether a hazard affecting the land is a current or future hazard, as a matter of priority.

Pittwater Council will be required to make the distinction between a current and future hazard where it has adopted a relevant policy or development control relating to the land and the policy or development control arises due to a coastal hazard. A number of Council's policies currently fall into this category and will be addressed as follows:

Coastline Hazards

Pittwater LEP 2014 identifies land affected by coastline hazards including wave inundation, coastal erosion/wave inundation and bluff/cliff instability. Council has adopted a coastline risk management policy and a geotechnical risk management policy addressing the appropriate management of risks associated with these coastal hazards and also applies development controls under the provisions of Pittwater 21 DCP to land affected by these hazards.

Whilst climate change impacts, in particular sea level rise, are required to be considered when planning for and designing development proposed on affected properties, all the land identified on Council's Coastline Hazard Map is subject to current coastal hazards. As such only a current hazard notation will be required on planning certificates for land identified as affected by coastline hazards.

Estuarine Hazards

Council has adopted an estuarine risk management policy addressing the appropriate management of risks associated with estuarine hazards including tidal inundation and wave action. Development controls are applied under the provisions of Pittwater 21 DCP including a minimum floor level control known as an Estuarine Planning Level (EPL).

Existing EPLs (2004) have been calculated to include a 0.2m allowance for projected sea level rise and land that has both a current and future exposure to coastal hazards is therefore likely to be included. A review of EPLs and affected land around the Pittwater waterway incorporating sea level rise projections in accordance with Council's adopted sea level rise planning benchmarks is currently being prepared and is anticipated to be exhibited in early 2015 as a part of the Pittwater Foreshore Mapping of Sea Level Rise Impacts study.

The new mapping will distinguish between land that has a current or future exposure to estuarine hazards and will therefore readily support the guiding principles for coastal hazards disclosure outlined in the Planning Circular. In the interim, the consultant involved with the project (Cardno NSW/ACT Pty Ltd) was engaged to review the existing database and mapping in order to separate, if possible, current and future exposure to coastal hazards for the purposes of complying with the Planning Circular.

This work has now been completed and Council has received revised databases that will enable it to comply with the requirements of the Planning Circular. Mapping in Council's GIS will also need to be amended to properly identify the land in each category.

Floodplain Hazards

Council has adopted a floodplain risk management policy which takes into consideration the management of risks associated with coastal hazards including flood hazards influenced by oceanic processes and events. Development controls are applied under the provisions of Pittwater 21 DCP to land affected by these hazards.

Whilst climate change impacts (in particular sea level rise, increased rainfall intensity and greater runoff volumes) are required to be considered when planning for and designing development proposed on affected properties, all the land identified by Council's Flood Hazard Mapping is subject to a current exposure where coastal hazards apply. As such only a current hazard notation will be required on planning certificates for land identified as affected by the relevant flood hazards.

2.2 A New Coastal Management Act

Originally enacted as companion legislation to the *Environmental Planning & Assessment Act 1979*, the *Coastal Protection Act 1979* (CP Act) has become increasingly complex as a result of amendments intended to keep it relevant and effective in a rapidly evolving broader legislative and policy context.

Ongoing reforms for local government and the planning system in NSW, a suite of statutory instruments regulating land use planning in the coastal zone and the associated Ministerial Directions and statutory guidelines have increased ambiguity and confusion in interpreting and administering the CP Act.

The NSW Government considers that the CP Act is no longer fit for purpose and will seek to replace it with a new Coastal Management Act that is less complex and a better fit with land use planning and local government legislation. The Office of Environment & Heritage (OEH) website states that the new Act will establish:

- modernised statutory objectives that better communicate the Government's vision for coastal management and which are more relevant to the current regulatory frameworks for local government and land use planning
- requirements for state, regional and local land use planning instruments to give effect to the Act's statutory objectives
- new provisions requiring councils to undertake coastal zone management planning within the local government Integrated Planning and Reporting framework - this will mean that for the first time, coastal management needs will be mainstreamed into, and able to inform and be informed by councils' overall service delivery and asset management planning responsibilities. Transition to these new arrangements will occur over a number of years.
- provisions for a new statutory coastal management manual that will consolidate the body of existing guidelines and fill critical gaps identified by councils - it will also establish the coastal management planning requirements to be met by councils under the Integrated Planning and Reporting framework
- a new independent coastal advisory body, that will be appointed on the basis of skills and expertise, and will provide advice to the Minister on matters relevant to the operation of the Act.

The public will be able to provide input to the proposed new Coastal Management Act through a draft exposure Bill that will be released for public exhibition in mid-2015.

2.3 Improving Support and Guidance for Local Government

In order that councils may better manage existing and emerging coastal hazards and maintain important coastal and estuarine values, the NSW Government will work in partnership with coastal councils to provide improved support and guidance.

A new coastal management manual will be developed which will consolidate current guidelines and will fill critical planning and management information gaps inherent in existing guiding documents.

The new manual is intended to provide a single, consolidated source of guidance and will include a decision support framework that will assist councils to develop coastal management strategies that are transparent, defensible, feasible and proportionate to the risks associated with coastal hazards.

Arrangements will also be put in place to enable councils to commission periodic technical advice or reviews from independent experts on matters such as sea level rise. Together with existing information, operational guidance and technical support provided by OEH the government believes this advice will assist councils to identify relative levels of risk in coastal areas and communicate this to their communities.

The Minister for the Environment has also announced the establishment of a new independent advisory body to provide advice and technical guidance to both the state and local government on planning and management issues in the NSW coastal zone as well as matters relevant to the operation of the new Coastal Management Act.

2.4 Funding and Financing Arrangements

The NSW Government will also provide guidance on identifying sustainable funding and financing arrangements for coastal management activities through a funding and financing 'tool kit' that will form part of the new coastal management manual.

In recognition that the costs of coastal management actions often exceed coastal councils' capacity to pay, the new arrangements will be based upon a set of cost sharing principles to identify who benefits from proposed coastal management actions and therefore who should contribute to the costs of the actions. Information on the OEH website states that these principles will ensure that cost sharing arrangements will:

- fairly apportion the costs of coastal management actions between the beneficiaries of those actions
- include the full capital and ongoing expenditure associated with coastal management actions
- encourage the most efficient and effective way to deliver actions
- be simple to administer
- be decided in consultation with relevant parties, are transparent and reviewed regularly
- be aligned with local and strategic objectives.

2.5 Transitional Arrangements for Coastal Zone Management Planning

In acknowledgment that many coastal councils are preparing coastal zone management plans (CZMPs) under existing legislative and statutory guidance arrangements, NSW Government agencies will continue to work with councils to transition CZMPs into the local government Integrated Planning and Reporting (IPR) framework.

The state government proposes that the integration of coastal zone management planning into the IPR framework will utilise the IPR plan review points scheduled for 2016-17 and 2020-21.

Pittwater Council has received Ministerial Direction to prepare CZMPs for its authorised beach locations at Bilgola Beach and Mona Vale Basin Beach. Council has been successful in gaining funding for this purpose under the NSW Coastal Management Program and sufficient funds are available to complete the project.

Under the Stage 2 reforms the Minister has announced that councils who are preparing CZMPs under Ministerial Direction should aim to submit their plans as soon as possible and no later than 30 June 2015. From 1 July 2015 councils subject to a Ministerial Direction will not be eligible for Coast and Estuary Management Program grants if proposed works are not consistent with a certified plan.

Council staff are currently conferring with OEH staff in order to finalise the Pittwater Coastline Hazard Definition and Climate Change Vulnerability Study and have the CZMPs for Bilgola Beach and Mona Vale Basin Beach completed in order to meet the Minister's certification schedule.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

- 3.1.1 Communication of the risks associated with natural coastal hazards, particularly those hazards likely to be exacerbated by sea level rise, can raise community awareness thereby reducing the potential risk to life and property and increasing the overall resilience of our coastal communities.
- 3.1.2 Community engagement and the transparent implementation of the new coastal management framework is a strong underlying theme of the Stage 2 reforms.

3.2 Valuing & Caring for our Natural Environment (Environmental)

- 3.2.1 Evaluating and accommodating projected climate change in coastal planning and management strategies can help to reduce potentially devastating impacts upon inter-tidal ecosystems, groundwater dependent ecosystems, wetlands, riparian corridors, water quality and foreshore erosion.

3.3 Enhancing our Working & Learning (Economic)

- 3.3.1 By ensuring that adequate planning provisions are in place to address the risks associated with natural hazards, especially those likely to be exacerbated by climate change, governments can reduce uncertainty surrounding the development potential of affected properties and thereby increase opportunities for development investment.
- 3.3.2 New funding and financing arrangements proposed as a part of the Stage 2 reform process should lead to more equitable cost sharing for coastal management activities.

3.4 Leading an Effective & Collaborative Council (Governance)

- 3.4.1 In preparing policies and development controls to accommodate changing future risks associated with sea level rise impacts, Council will need to be mindful of its duty of care in appropriately managing risks to life and property and complying with the guidance provided by relevant gazetted management manuals in order to gain indemnity under the provisions of section 733 of the *Local Government Act 1993*.
- 3.4.2 The collaborative and supportive partnership approach proposed by the NSW Government as a part of the Stage 2 reform process is a refreshing development in the management of the many complex, difficult and expensive issues that arise for NSW coastal councils.

3.5 Integrating our Built Environment (Infrastructure)

- 3.5.1 Council will need to determine appropriate strategies to manage current and future risks associated with natural coastal hazards to enable development to proceed on affected lands whilst it remains reasonable and feasible to do so.
- 3.5.2 Many Council assets and much existing public infrastructure are likely to be impacted by coastal hazards exacerbated by climate change in the mid to long-term future.

4.0 EXECUTIVE SUMMARY

- 4.1 The NSW Government has introduced a range of far-reaching legislative, policy and planning changes, known as the Stage 2 Coastal Management Reforms, for the ongoing management of the NSW coastal zone.
- 4.2 Reforms announced by the Minister for the Environment on 17 November 2014 include:
 - Replacing the current Coastal Protection Act with a new Coastal Management Act;

- Introducing arrangements to better support council decision making, including a new coastal management manual; and
 - Developing a clear system for equitably funding and financing coastal management actions
- 4.3 The Department of Planning & Environment has issued a Planning Circular dealing with coastal hazard notations on section 149 planning certificates which will require councils to make a clear differentiation between a current and future exposure to coastal hazards when making disclosures on planning certificates.

RECOMMENDATION

1. That the update report on the Stage 2 Coastal Management Reforms announced by the NSW Government and the Coastal Hazard Planning Circular issued by the NSW Department of Planning & Environment be noted.
2. That Planning Certificates issued by Pittwater Council under Section 149 of the *Environmental Planning and Assessment Act 1979* be prepared in accordance with the relevant requirements and suggested wording of the Planning Circular – Coastal Hazard Notations on Section 149 Planning Certificates issued on 13 November 2014.
3. That the Coastal Zone Management Plans for the authorised locations at Mona Vale Basin Beach and Bilgola Beach be completed in accordance with the Ministerial Direction and the Ministers proposed schedule.
4. That further details on the progress and implementation of the Stage 2 Coastal Management Reforms be reported to Council as and when the information is available.

Report prepared by
Paul Hardie – Principal Officer – Coast & Estuary

Jennifer Pang
MANAGER, CATCHMENT MANAGEMENT AND CLIMATE CHANGE

Monday 17 November 2014

A NEW VISION FOR OUR COAST

Environment Minister Rob Stokes has announced the NSW Government's far-reaching reforms to coastal management in NSW.

Mr Stokes said the Government will introduce simple new legislation, improved technical support for councils and clear funding arrangements.

Mr Stokes said there are three major aspects to the reform package:

- Replacing current laws with a new coastal management Act - which will be less complex, and a better fit with land use planning and local government legislation;
- New arrangements to better support council decision making, including a new coastal management manual and improved technical advice; and
- Developing a clear system for funding and financing coastal management actions.

"Our coastline contains some of the most beautiful and unique environments in NSW, but it is facing unprecedented pressures," Mr Stokes said.

"The 35-year-old Coastal Protection Act no longer achieves the integrated and balanced management we need.

"The new Act will require councils to undertake coastal zone management planning within the local government framework and put coastal management needs at the core of councils' planning responsibilities.

"Councils under ministerial direction to prepare coastal zone management plans should continue to do so, and the Government expects they will be submitted as soon as possible.

"The reforms will also focus on improving support for councils to ensure they have the best available information and technical advice to make well-informed decisions for their communities.

"We will establish a new independent advisory body to inform councils on solutions for their communities, while also improving the delivery of technical guidance and support we currently provide.

"Finally, these reforms will address the key issue of funding for coastal management strategies, which can be expensive and go beyond councils capacity to pay.

"We will have a new approach with agreed cost sharing principles, options for financing and a new 'tool kit' to assist councils with these options.

"The Government has promised to deliver a modern, coherent coastal management framework that can respond to our current needs and meet our future challenges.

"The reforms I am announcing today deliver on that promise, allowing us to manage the coast's unique environmental, social and economic values in a planned and strategic way for future generations."

The public will be invited to have their say when an exposure draft Bill is released in the middle of next year, before the legislation comes before Parliament by the end of 2015.

For more information visit <http://www.environment.nsw.gov.au/coasts/coastreforms.htm>

Media: Andrew Priestley 0417 551 706

PLANNING circular

PLANNING SYSTEM

Coastal hazard notations

Circular PS 14-003

Issued 13 November 2014

Related

Coastal hazard notations on section 149 planning certificates

The purpose of this circular is to provide councils with guidance on section 149 planning certificate notations relating to coastal hazards.

Introduction

The NSW Government has identified a need to improve the way councils disclose coastal hazard information in planning certificates.

The Circular aims to ensure information on coastal hazards is relevant and clearly articulated.

Coastal hazard definition

A 'coastal hazard' has the same meaning as the *Coastal Protection Act 1979* and also includes any flood hazard influenced by oceanic processes or oceanic events.

This expanded definition is necessary to ensure that any flooding which is influenced by oceanic processes or events is also considered.

In this circular, 'coastal hazard' therefore means:

- a) beach erosion;
- b) shoreline recession;
- c) coastal lake or watercourse entrance instability;
- d) coastal inundation;
- e) coastal cliff or slope instability;
- f) tidal inundation;
- g) erosion caused by tidal waters, including the interaction of those waters with catchment floodwaters; and
- h) flood hazard influenced by oceanic processes (e.g. tides) or oceanic events (e.g. storm surge).

Section 149 planning certificates

Planning certificates are a means of disclosing information about a parcel of land. There are two types of information in planning certificates:

information under section 149(2) and information under section 149(5). The 'sections' refer to sections of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

A planning certificate under section 149(2) will disclose matters relating to the land, including whether or not the land is affected by a policy that restricts the development of land. Those policies can be based on identified risks (*Environmental Planning and Assessment Regulation 2000*, schedule 4, clause 7), and whether development on the land is subject to flood related development controls (EP&A Regulation, schedule 4, clause 7A).

A planning certificate may also include information under section 149(5). This allows a council to provide advice on other relevant matters affecting land. This can include past, current or future issues.

Inclusion of a planning certificate containing information prescribed under section 149(2) is a mandatory part of the property conveyancing process in NSW. The conveyancing process does not mandate the inclusion of information under section 149(5) but any purchaser may request such information be provided, pending payment of a fee to the issuing council.

Planning certificates may, however, be purchased from a council by anyone, at any time and for any purpose.

Planning certificates disclose the relevant information, policies and land-use controls that apply at the time of issue.

Identification of coastal hazards

The NSW coast is dynamic and complex. A range of forces and events can generate a coastal hazard. For

example, a storm event or events can cause a shoreline to change or move or a coastal area to be inundated.

If the position of the shoreline moves, then the shoreline-related hazards will also move. In this way certain land and assets will be exposed to a coastal hazard now, and adjoining land and assets may become exposed to that same coastal hazard in the future as the shoreline changes. This is called 'hazard migration'.

Because hazards can migrate over time, coastal land may have a current exposure to a coastal hazard and/or a future exposure to a coastal hazard.

On a stretch of sandy coast exposed to open ocean forces, hazard migration tends to be the result of irregular episodic events with intervening periods of relative stability in the shoreline position.

Hazard migration can also occur on coasts with rock cliffs or foredune escarpments. Events such as cliff collapse can potentially place both life and property at risk, although the frequency may be most uncertain.

Councils usually acquire information on coastal hazards through studies conducted by qualified professionals, and these studies are typically commissioned from time to time to ensure council information is updated. Cost and other considerations may mean that studies are initiated a number of years apart.

The challenge this creates is one of maintaining currency in the data related to coastal hazards.

When studies are only commissioned periodically, and when coastal hazards occur as irregular and episodic events, there is always a possibility that the real-time state of coastal land will have changed before the next study can be conducted. A study of coastal hazards, and any policy or instrument based on that study, need to be seen as a point-in-time assessment.

When a planning certificate identifies that the land is the subject of a policy or development control due to the exposure of the land to a coastal hazard, it should be seen as simply disclosing the existence of the policy or planning control which was adopted by council. It should not be seen as disclosing the current extent of the hazard itself. For any parcel of land, the exposure to a hazard can change suddenly and intermittently. Interested parties should make other inquiries to establish the current day exposure of that land to hazards and not rely on a planning certificate alone.

For the reasons above, care needs to be taken when communicating that information.

A key distinction that should be articulated on planning certificates is whether the policy or development control adopted by council is in response to:

- a current exposure to a coastal hazard; or

- a future exposure to a coastal hazard identified in the adopted study.

In the absence of such a distinction being made, the reader of a planning certificate may interpret a non-specific disclosure that the land has 'an exposure to a coastal hazard' as indicating that the land has a *current* exposure to a coastal hazard, even if that is not the case.

It is also helpful to give the reader a clear indication of the currency of the information. This might be done by articulating the date on which the study was adopted.

Identifying the future state of coastal land can be based on extrapolating historic patterns (such as shoreline recession or geomorphic trends) plus scientific modelling (such as sea level rise and climate variability). Those physical processes can, separately or in combination, alter where and when coastal hazards occur.

In the interests of transparency, it is good practice to clearly state the variables which have been considered and the assumptions on which the analysis relies. This information should be readily accessible as an adjunct to information presented in a planning certificate.

Current exposure to a coastal hazard

'Current exposure to a coastal hazard' refers to a situation where land is identified, through an adopted evidence-based study, as being exposed to the hazard at the time the study was prepared.

For example, land which would be subject to beach erosion if a prescribed storm ('the design event') occurred today would be land with a current exposure to a coastal hazard.

Future exposure to a coastal hazard

'Future exposure to a coastal hazard' refers to a situation where land is identified in an adopted study as being exposed to the hazard at some point in the future.

For example, if the shoreline and related coastal hazards migrate landward over time, then land which is not currently exposed to beach erosion may become exposed to that hazard in the future.

Probability of occurrence

A common misperception is that a '1 in 100 year' coastal flood, inundation or erosion event means that exposure to that hazard will be 100 years in the future.

A '1 in 100 year coastal flood' or a '1 in 100 year erosion event' are recurrence interval metrics. They do not predict when the event will occur but rather they tell us how likely they are to occur in any year.

This means, if a property is exposed to the 1 in 100 year coastal flood hazard today, then it has a 'current

exposure to a coastal hazard' and that exposure has a 1 per cent probability of occurring in any year.

Planning Certificates: Information under Section 149(2)

The information to be included in a planning certificate under section 149(2) is outlined in the Regulation. It includes the mandatory disclosure of matters relating to the land, such as whether a policy restricts development on land due to a hazard.

Where a relevant policy or development control does relate to the land and the policy or development control arises due to a coastal hazard, then notations should:

- clearly identify the type of hazard(s); and
- for each hazard identified, classify whether that hazard is a current or future hazard.

The benefit of introducing such a distinction 'up front' in a planning certificate is that people can be clear on the nature and timing of the risk.

Suggested wording for current hazards

If a relevant policy or development control applies to the land because of a current exposure to a coastal hazard, it is suggested that councils include a notation on the planning certificate in the following form:

'This land has been identified in the [*insert name of council policy or development control*] as having a current exposure to [*insert type of hazard(s)*]. The [*insert name of council policy or development control*] is based on a study dated [*insert date adopted by council*] and reflects information available at the time. Contact council for more information.'

Suggested wording for future hazards

If a relevant policy or development control applies to the land because of a future exposure to a coastal hazard, it is suggested that councils include a notation on the planning certificate in the following form:

'This land has been identified in the [*insert name of council policy or development control*] as having a future exposure to [*insert type of hazard(s)*]. The [*insert name of council policy or development control*] is based on a study dated [*insert date adopted by council*] and reflects information available at the time. Contact council for more information.'

Councils should, as a priority, take all necessary steps to be able to identify the type of coastal hazard affecting the land and to stipulate whether it is a current or future hazard. In the short term, if a council is not in a position to clearly identify whether a hazard is a current or future hazard, the council should clearly note this on the certificate.

The implementation of these changes is a necessary improvement in how councils disclose information about coastal hazards. The option to amend Schedule 4 of the *Environmental Planning and Assessment Regulation 2000* to achieve the necessary changes to coastal hazard notations on planning certificates can be considered in the future if required.

Planning Certificates: Information under Section 149(5)

Under section 149(5), the content of planning certificates may also include advice on such other relevant matters affecting the land of which the council may be aware.

Councils need to take reasonable care, in terms of content and timing, when disclosing information about current and future coastal hazards to the community.

The following principles are equally relevant to current and future hazards but the discussion focuses on future hazards to enhance clarity and understanding.

Timely disclosure is important. Counter-balancing the need to disclose information as soon as possible is the need to ensure that the disclosure is a matter that affects the land and that the attributes of the information are sufficient to warrant disclosure.

This leads to two guiding principles for coastal hazards disclosure in planning certificates.

- Firstly, if (in the opinion of the relevant council) the information is sufficiently accurate, complete and reliable¹, such that it allows the characteristics of the hazard to be described and understood, and if the matter affects the land, then the information should be included in a planning certificate under section 149(5).
- Secondly, if (in the opinion of the relevant council) the above test has been satisfied and a constraint on development is warranted, then the council should take steps to include relevant provisions within a local environmental plan and/or development control plan, or adopt a policy² that manages development on the land. If the policy or plan restricts development on the land, then the disclosure of the matter should more appropriately occur on a planning certificate under section 149(2) once the policy or plan is formally adopted by council.

Section 149(5) provides the means for a council to disclose information about a hazard from the time a council comes into knowledge regarding the existence

¹ Accuracy and completeness would be enhanced by a competent process of assessment (e.g. as described in the Guidelines for Preparing Coastal Zone Management Plans 2013 or the NSW Floodplain Development Manual 2005). Reliability would be enhanced by credible and broadly accepted scientific and coastal engineering advice.

² 'Policy' refers to any document adopted by a council to inform its planning and decision making.

and extent of that hazard (typically evidenced by the adoption by council of a completed investigation or study), and the time a council has a policy or planning instrument to manage that hazard.

Councils should also be aware of the 'good faith' liability protections afforded them by section 149(6) of the *Environmental Planning and Assessment Act 1979*, and section 733 of the *Local Government Act 1993*.

Councils intending to provide the community with ongoing and general advice about research and analysis relating to coastal hazards should consider disseminating that information via the council website.

Coastal Councils of NSW

Auburn City Council
Ballina Shire Council
Bankstown City Council
Bega Valley Shire Council
Bellingen Shire Council
Burwood Council
Byron Shire Council
Canterbury City Council
City of Canada Bay Council
Clarence Valley Council
Coffs Harbour City Council
Council of the City of Sydney
Eurobodalla Shire Council
Fairfield City Council
Gosford City Council
Great Lakes Council
Greater Taree City Council
Hawkesbury City Council
Hurstville City Council
Kempsey Shire Council
Kogarah City Council
Lake Macquarie City Council
Lane Cove Municipal Council
Leichhardt Municipal Council
Manly Council
Marrickville Council
Mosman Municipal Council
Nambucca Shire Council
Newcastle City Council
North Sydney Council
Parramatta City Council
Pittwater Council
Port Macquarie-Hastings Council
Port Stephens Council
Randwick City Council
Richmond Valley Council
Rockdale City Council
Ryde City Council
Shellharbour City Council
Shoalhaven City Council
Strathfield Municipal Council
Sutherland Shire Council
The Council of the City of Botany Bay
The Council of the Municipality of Ashfield
The Council of the Municipality of Hunters Hill
The Council of the Municipality of Kiama
The Council of the Shire of Hornsby

The Hills Shire Council
Tweed Shire Council
Warringah Council
Waverley Council
Willoughby City Council
Wollongong City Council
Woollahra Municipal Council
Wyong Shire Council

Further Information

Relevant legislation is available online at <http://www.legislation.nsw.gov.au>

For further information please contact the Department of Planning and Environment's information centre on 1300 305 695.

Department of Planning and Environment circulars are available online at <http://www.planning.nsw.gov.au/circulars>

Authorised by:

Carolyn McNally
Secretary

Important note: This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

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C12.8	Minutes of the Pittwater Traffic Committee Meeting held on 27 November 2014
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Meeting:	Sustainable Towns and Villages Committee	Date:	15 December 2014
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STRATEGY: Traffic and Transport

ACTION: Provide planning, design, investigation and management of traffic and transport facilities.

PURPOSE OF REPORT

To present to Council for consideration, the Traffic Committee Minutes of 27 November 2014 (held electronically).

1.0 BACKGROUND

- 1.1 The Traffic Committee recommendations for the Traffic Committee of 27 November 2014 (held electronically - refer **Attachment 1**) are referred to Council for consideration. In accordance with the delegation of the Roads and Maritime Services (RMS) of NSW to Council, Council must consider the advice of the Traffic Committee before making a decision with respect to the management of traffic in Pittwater.

2.0 ISSUES

2.1 **Item 1.1: Minutes of the Pittwater Traffic Committee Meeting held on 27 November 2014**

Proposed parking restrictions in Coronation Street (4 car park spaces) for the use of Palliative Care staff for a period of 12 months during the construction of the new Northern Community Health Centre at Mona Vale Hospital (refer Traffic Committee report included in **Attachment 2**). **The Traffic Committee decision supports the proposed temporary parking restrictions, however it does not support the request to install lockable bollards for the proposed parking spaces, as the RMS did not support the use of these devices in on-street parking due to operational and safety reasons.**

3.0 SUSTAINABILITY ASSESSMENT

A sustainability assessment is not required for Minutes of Meetings.

4.0 EXECUTIVE SUMMARY

- 4.1 To present to Council the recommendations of the Traffic Committee contained in the minutes of the meeting of 27 November 2014 (held electronically) for Council's consideration.
-

RECOMMENDATION

That the Traffic Committee recommendations contained in the Minutes of the Meeting of 27 November 2014 (held electronically) be adopted.

Report prepared by
Ricky Kwok - Civil Design & Traffic Engineer - Strategy, Investigation and Design

Mark Shaw
MANAGER, URBAN INFRASTRUCTURE

Minutes

Pittwater Traffic Committee Meeting

Notice is hereby given that a Traffic Committee meeting of Pittwater Council will be held electronically on

27 November 2014

Responses to be submitted prior to Monday, 1 December 2014 for the purpose of considering the item included in the Agenda

ATTENDANCE:**Voting Members of the Committee, namely:**

Cr Susan Young – Chairperson

Mr Andrew Johnston - Representative on behalf of Member for Pittwater

Mr Alex Coates - Roads and Maritime Services (RMS) Traffic

Sergeant Nino Jelovic - NSW Police (Northern Beaches)

And Non Voting Representatives from Bus Providers including State Transit Authority

Mr Wade Mitford - State Transit Authority

Mr Richard Bowron - Forest Coachlines

Council Staff:

Mr Mark Shaw – Manager, Urban Infrastructure

Mr Ricky Kwok - Civil Design & Traffic Engineer

Ms Michelle Carter - Road Safety Officer

Ms Sherryn McPherson - Administration Officer / Minute Secretary

PITTWATER TRAFFIC COMMITTEE MEETING

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1.0 Committee Business

TC1.1 Coronation Street, Mona Vale - Proposed Temporary Parking Restrictions

COMMITTEE RECOMMENDATION

That the Traffic Committee supports the proposed temporary parking restrictions in Coronation Street during the construction of the Northern Community Health Centre for a period of 12 months

1. Council to install 'No Parking Palliative Care Vehicles Excepted' for 4 car park spaces located at the eastern end of the 90° angle parking area replacing the existing 2P 8.30am-6pm, Mon-Fri and 8.30am-12.30pm, Sat restrictions.
2. That the Traffic Committee recommends that all Council's costs relating to implementing this proposal are to be borne by Northern Beaches Health Service.

Note:

That Mr Alex Coates, Roads and Maritime Services (RMS) noted that the RMS objects to the use of removable bollards in on-street parking due to operational and safety reasons. The request from the Northern Beaches Health Service to install lockable bollards to ensure access for Palliative Care staff only was subsequently removed from the Traffic Committee recommendation.

(Mr Alex Coates / Mr Andrew Johnston)

2.0 Next Meeting

The next meeting of the Traffic Committee is scheduled to be held on Tuesday, 10 February 2015 in the Level 3 Conference Room, 5 Vuko Place, Warriewood commencing at 1.00pm.



REPORT TO TRAFFIC COMMITTEE

Subject: Coronation Street, Mona Vale - Proposed Temporary Parking Restrictions

Meeting: Traffic Committee

Date: 26 November 2014

EXECUTIVE SUMMARY

BACKGROUND

Council has received a request from the Northern Beaches Health Service to provide temporary parking in Coronation Street for their Palliative Care staff due to loss of off street parking facilities for the Palliative Care Unit during the construction of the new Northern Community Health Centre (NCHC) at Mona Vale Hospital.

LOCATION

- Coronation Street is a collector road with a 50kph speed limit, and a 14.5m wide sealed carriageway between kerbs
- Mona Vale Hospital is located on the northern side of Coronation Street with adjacent 2 hour parking restrictions (8.30am-6pm, Mon-Fri and 8.30am-12.30pm, Sat), within the 90° angle parking area, and there is unrestricted parallel parking on the southern side.
- Robert Dunn Reserve and the dog exercise area are located on the eastern side of Narrabeen Park Parade. The adjacent 90° angle parking area is mainly unrestricted but it also includes a section with 4 hour parking restrictions (6am-6pm Everyday). There is unrestricted parallel parking on the western side.
- The 155 bus service operates along Coronation Street, and bus stops are located on both sides of the road, outside the entrance to the Hospital.

ISSUES

- The Cora Adcock Palliative Care Unit provides community palliative care and day respite care for carers and clients, and therefore accessible parking near the building is extremely important.
- There is an existing patient drop off area and 4 car parking spaces provided for community nursing staff outside the Palliative Care Unit on the hospital land.
- Site fencing will be installed around the NCHC site during construction, resulting in the loss of the 4 car park spaces for Palliative Care staff. The fencing will also prevent staff using nearby parking facilities outside the Beachside Rehabilitation Unit.
- It is anticipated that alternative arrangements for the Palliative Care staff parking would be required when construction works commence in January 2015.
- Council proposes to provide temporary parking for the use of Palliative Care staff in the parking area in Coronation Street for a period of 12 months during the construction of the NCHC. It is proposed that 4 car park spaces located at the eastern end of the 90° angle parking area (2P 8.30am-6pm, Mon-Fri and 8.30am-12.30pm, Sat) be changed to 'No Parking Palliative Care Vehicles Excepted' (refer plan included in Attachment 1). Should there be issues regarding enforcement of the proposed restrictions, Council would permit the Northern Beaches Health Service to install lockable bollards for the car park spaces.

- It is considered reasonable that the request be granted to ensure parking for nursing staff in order to maintain the services provided by the Palliative Care Unit during the construction of the NCHC.

RECOMMENDATION

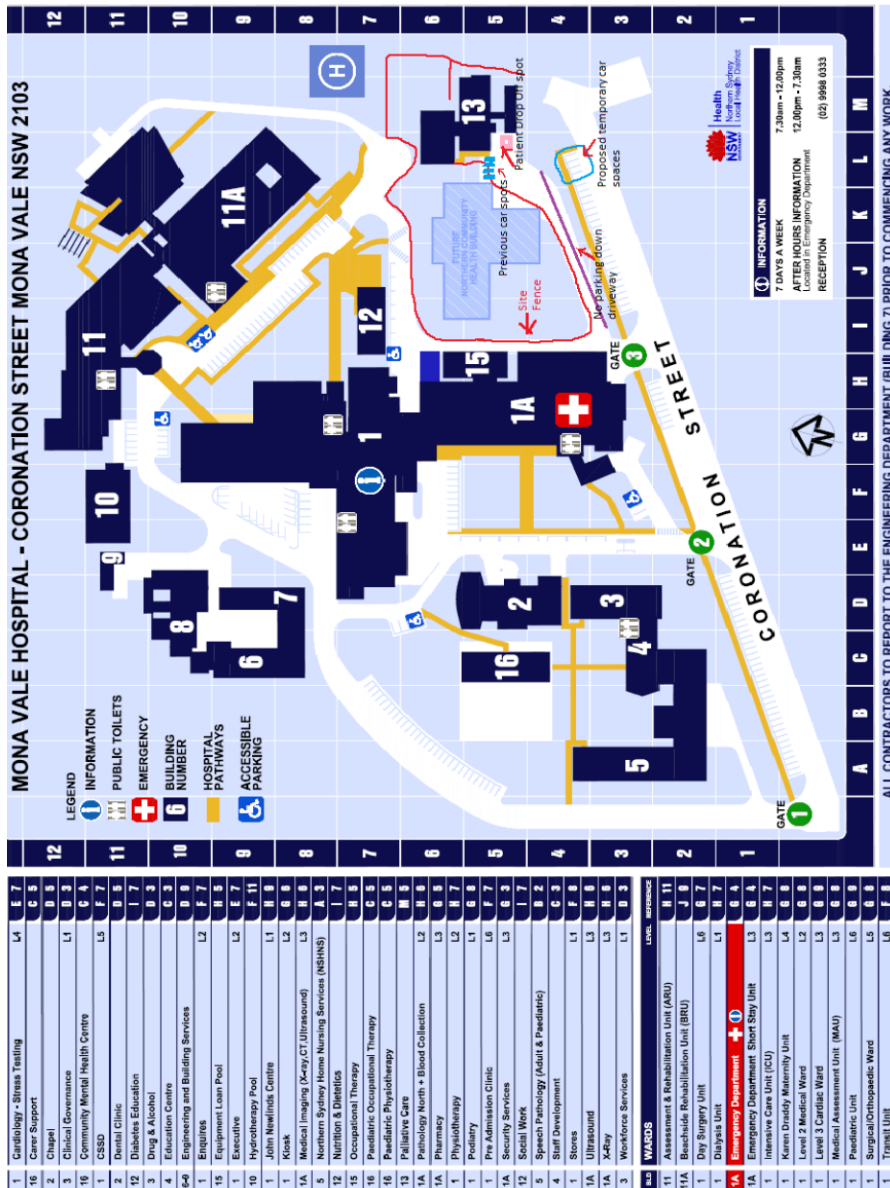
That the Traffic Committee supports the proposed temporary parking restrictions in Coronation Street during the construction of the Northern Community Health Centre for a period of 12 months

1. Install 'No Parking Palliative Care Vehicles Excepted' for 4 car park spaces located at the eastern end of the 90° angle parking area replacing the existing 2P 8.30am-6pm, Mon-Fri and 8.30am-12.30pm, Sat restrictions.
2. Allow Northern Beaches Health Service to install lockable bollards for the 4 car park spaces should there be issues regarding enforcement of the proposed restrictions.

Report prepared by

Ricky Kwok

Civil Design & Traffic Engineer – Strategy, Investigation & Design



C12.9	Minutes of the Ingleside Community Reference Group Meeting held on 18 November 2014
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Meeting: Sustainable Towns & Villages Committee

Date: 15 December 2014

STRATEGY: Corporate Management

ACTION: Maintain and Service Council's Range of Committees

PURPOSE OF REPORT

To present to Council the Minutes of the Ingleside Community Reference Group Meeting held on 18 November 2014 (refer **Attachment 1**).

1.0 BACKGROUND

1.1 At its meeting of 24 June 2013, Council resolved (in part) as follows:

- "1. That the establishment of the Ingleside Community Reference Group for the Ingleside Precinct Plan in accordance with 3.5 of this report be endorsed and the attached Terms for Reference be adopted.*
- 2. That an Expression of Interest for the membership of the Ingleside Community Reference Group be called."*

1.2 The Ingleside Community Reference Group was established to provide a forum for discussion between Council, the Ingleside Project Control Group and Precinct Working Group (comprising officers from the Department of Planning & Infrastructure, UrbanGrowth NSW and Pittwater Council), the community and other interested groups on a range of issues throughout the various stages of the Precinct Planning Process. The Reference Group brings together the expertise and diverse community knowledge required to suitably manage any potential release of land in Ingleside.

1.3 To fulfil its role, the Ingleside Community Reference Group is to:

- provide a safe and equitable forum where members, derived from registered community groups, community organisations and Pittwater residents, have equal opportunity to contribute and be involved in discussions with the Ingleside Project Team on relevant issues;
 - complement other elements of the broader consultation framework established for the Ingleside Precinct Planning project;
 - act as another mechanism through which Council and the Ingleside Project Team can bring items where consultation is required;
 - be a means of identifying innovative ideas that can enhance the precinct planning for Ingleside.
-

2.0 ISSUES

2.1 Item 5.1 of the Ingleside Community Reference Group Agenda involved the presentation of the key findings that informed the development of the draft Structure Plan. Reference Group members and Councillors were provided this opportunity to gain feedback ahead of the community workshop sessions beginning on 27 November 2014. This plan identifies various proposed land uses in the Ingleside precinct.

Presentations were from:

- Cox Richardson Architects - the master planning consultant commissioned to develop the Structure Plan
- Ecological Australia – Biodiversity, creek line corridors and bushfire risk assessment
- AECOM – Traffic and transport
- Cardno – Infrastructure delivery

These presentations are available on the Ingleside Planning website:

www.inglesideplanning.com.au/

- 2.2 A memo from the Manager of Planning & Assessment is included within the Reference Group minutes, clarifying that sustainability was included in the brief to the infrastructure delivery consultant.

3.0 SUSTAINABILITY ASSESSMENT

- 3.1 This report does not require a sustainability assessment.

4.0 EXECUTIVE SUMMARY

- 4.1 The most recent Ingleside Community Reference Group's meeting was held on Tuesday 18 November 2014.
- 4.2 The Reference Group members were informed of the draft Structure Plan and key consultants' findings that led to the development of this plan.

RECOMMENDATION

That the Minutes (refer **Attachment 1**) of the Ingleside Community Reference Group meeting of 18 November 2014 be noted.

Report prepared by
Robert Platt, Land Release Planner

Andrew Pigott
MANAGER PLANNING & ASSESSMENT

Minutes

Ingleside Community Reference Group

18 November 2014

Held at Pittwater Rugby Park, North Narrabeen.

Commenced at 4.02pm.

Attendance:**Members of the Committee:**

Cr Julie Hegarty, Chairperson
Mr David Seymour, Katandra Bushland Sanctuary
Mr John Simmonds, Sydney Conference Training Centre
Mr David Palmer, Pittwater Natural Heritage Association
Mr Dick Clarke, Elanora Heights Residents Association
Mr Stephen Choularton, Bayview & Ingleside Residents Association
Mr Glen Ilic, Wilga Wilson Residents Association
Ms Linda Haefeli, Climate Action Pittwater
Ms Roberta Conroy, Bayview – Church Point Residents Association
Ms Jacqui Marlow, Friends of Narrabeen Lagoon Catchment
Mr Dennis White, Wirreanda Valley Residents Association
Ms Anne Jeffrey, Bayview Heights Estate Owners Group

Councillors:

Cr Jacqueline Townsend (Mayor)
Cr Kylie Ferguson (Deputy Mayor)
Cr Kay Millar
Cr Sue Young

Technical Advisors (non-voting):

Ms Liz Gonzalez, NSW DP&E
Mr Paul Robilliard, NSW DP&E
Mr Ian Connolly, Cox Architects
Mr Rob Strang, Cox Architects
Mr Dan Riley, AECOM
Mr Andy Yung, AECOM
Mr Sean Porter, Cardno
Mr Steven Ward, EcoLogical Australia
Mr Brendan Blakely, Elton Consulting
Ms Jessica McGovern, Elton Consulting

Council Advisors (non-voting):

Mr Mark Ferguson, General Manager
Mr Chris Hunt, Director, Urban & Environmental Assets
Mr Lindsay Godfrey, Acting Director, Environmental Planning & Community
Mr Andrew Pigott, Manager, Planning & Assessment
Mr Mark Beharrell, Manager, Natural Environment & Education
Ms Melinda Hewitt, Manager, Place Management
Ms Jane Mulroney, Manager, Community Engagement & Corporate Strategy
Ms Liza Cordoba, Principal Officer – Land Release
Ms Tija Stagni, Senior Strategic Planner – Land Release
Ms Anja Ralph, Strategic Planner – Land Release
Mr Robbie Platt, Strategic Planner – Land Release
Ms David Bremner, Community Engagement Officer
Ms Pamela Tasker, Minute Secretary / Administration Officer
Ms Lisa Walker, Minute Secretary / Administration Officer

Observers:

Mr Shane Mohebbaty, Sunland Group

Ingleside Community Reference Group Meeting

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1.0 Apologies

1. Apologies were received from the following members and leave of absence from the Ingleside Community Reference Group Meeting was granted:
 - Mr Stephen Smith, Wirreanda Valley Residents Association
 - Mr Conrad Grayson, Pittwater Resident Representative
 - Mr Ian Longbottom, Galstaun College
 - Mr Chris Hornsby, Warriewood Valley Residents Association
 2. Mr Philip Rosati, Pittwater Resident Representative, has tendered his resignation as he has moved away from the area.
-

2.0 Declarations of Pecuniary Interest/Non-Pecuniary Conflict of Interest

At the meeting held on 30 October 2013, the Probity Advisor stated that members need only declare their pecuniary interests should circumstances have changed since their original declaration.

Mr Stephen Choularton declared such a change in his pecuniary interest occasioned by the release of the draft Structure Plan. The reason provided by Mr Choularton was:

"My family owns property currently shown within the medium density zone."

3.0 Confirmation of Minutes

COMMITTEE RECOMMENDATION

That the Minutes of the Ingleside Reference Group Meeting held on 8 October 2014 be accepted as a true and accurate record of the proceedings of that meeting.

(Mr Choularton / Ms Conroy)

4.0 Business Arising

4.1 Letter to Green Building Council of Australia

At the last meeting on 8 October 2014 a presentation was given to reference group members by the Green Building Council of Australia. Following this presentation the chair requested a letter be sent to thank the Green Building Council. This letter was provided to members in Appendix 2 of the Agenda.

5.0 Discussion Topics

5.1 Draft Structure Plan and status of technical consultants studies to date

The Chair introduced Mr Brendan Blakely from Elton Consulting and vacated the chair for this item.

Welcome from Elton Consulting

Elton Consulting have been engaged to facilitate the Ingleside community workshops. Mr Brendan Blakely from Elton Consulting welcomed reference group members and provided a brief overview of this agenda item.

Welcome from the Department of Planning & Environment:

Mr Paul Robilliard of the Department of Planning & Environment (DPE) thanked everyone for their attendance at the meeting.

Today's presentations from the consultants are the first opportunity to see the work that has been done since the initial community workshop sessions in March. The Precinct Working Group wanted to brief reference group members on the development of the draft Structure Plan and seek feedback ahead the second round of community workshops commencing on 27 November 2014. The draft Structure Plan presented to reference group members is still quite high level and does not yet drill down to things like road layouts or lot sizes. The intention is to refine the plan following feedback from the community and go on statutory exhibit in the first half of next year. This timetable is subject to the State Government election in March 2015.

Mr Robilliard offered some clarification on what the draft Structure Plan had identified for Wirreanda Valley. The plan does not propose any intense urban development in the area but investigations into appropriate development controls are underway to determine suitable minimum lot sizes based on further land capability assessment. These development controls would be exhibited with the overall package in the first half of next year.

Q: About 3 years ago Wirreanda Valley residents met with Council and the DPE. At the time there was talk about reducing the minimum lot sizes from 2ha to 1 acre. Is this still the case?

A: We don't know yet what the minimum lot size in this area will be. Infrastructure servicing and land capability are obvious constraints which restrict intense urban development. We are working with Council and our consultants to determine a sustainable land use outcome in Wirreanda Valley which will include reviewing appropriate minimum lot sizes. As mentioned earlier, these draft development controls will be exhibited with the overall package in the first half of next year.

Summary of First Round of Community Workshops:

Mr Blakely summarised the feedback that was received at the first round of community workshops. Several maps were produced by Elton Consulting identifying key themes on issues such as traffic & transport, retail & community centres, and green corridors. Three map options were developed from this feedback.

At the first round of workshop sessions, participants told us what was important to them in any new community in Ingleside. Feedback from the sustainability principles task has led to the development of the following vision statement:

***Ingleside: A connected, liveable and sustainable community
that embraces and respects its landscape setting.***

The Draft Structure Plan:

Cox Richardson Architects have been engaged as the master planning consultants for this project. Their role is to synthesise the inputs from consultants and the community to develop a Structure Plan for the precinct.

Mr Ian Connolly of Cox summarised the inputs from consultants to date that have led to the development of the draft Structure Plan presented to reference group members.

Water:

The 100 year flood levels have been mapped and riparian corridors identified. There are two major creeks to be considered in terms of flood and water quality as density pressures increase. Minimum riparian corridors widths will be determined by the classification of the stream.

Green spaces:

Areas for conservation have been overlayed with open space and riparian corridors. Bushfire setbacks are being established around areas of significant vegetation.

Q: Many of the wildlife corridors identified appear to be on private land. How does the new 10/50 bushfire code affect this?

A: It is acknowledged that the 10/50 Code will have implications for long term environmental conservation. As the Code is still relatively new, all of its implications have not yet been realised. It's important to remember that the Code does not give landowners carte blanche for the removal of all vegetation. The 10/50 legislation overrides all Council controls. Bio banked land is excluded from this Code however bio-certified land is not. There is a good chance that it will be change in a future review of the Code.

We are still determining how the Code will impact land for conservation in private ownership. There may be conservation controls that we can investigate but the mechanisms have not yet been established.

Q: Why are some conservation areas in Wirreanda Valley shown on five private properties currently used for light industry?

A: We attempted to locate the majority of conservation lands on properties in public ownership but this was not always possible. We will revisit the lands identified for conservation in Wirreanda Valley to check current ownership arrangements.

Q: Will the wildlife corridor be severed at 120 Mona Vale Road?

A: The RMS are investigating wildlife underpasses/overpasses in this area. These underpasses/overpasses should be appropriately located with wildlife corridors through the precinct.

Q: How do you deliver the green corridors in relation to private land?

A: Most of the areas shown for conservation are in public ownership. Most of the areas for open space will be identified in the Section 94 Plan and will be purchased progressively from those funds.

Servicing:

- There are issues servicing Wirreanda Valley.
- The RMS recently exhibited their preferred option for upgrading Mona Vale Road.
- We have attempted to centrally locate community facilities and co-locate open space and schools.

Scale of development:

- The draft Structure Plan proposes approximately 3000 dwellings overall.
- Pockets of medium density are proposed in some areas in North and South Ingleside. This built form will be softened through the use of appropriate setbacks and landscaping.
- Parts of Wirreanda Valley, North Ingleside and Bayview are proposed to retain a rural land use.
- Low density equates to approximately 12 dwellings per hectare (gross area).
- Medium density equates to approximately 25 dwellings per hectare (gross area).

Q: Development in these areas starts out looking good but deteriorates throughout the life of the development. If Council is responsible for long term compliance won't it be ratepayers picking up the tab for landscaping and maintenance?

A: We will work with Council to implement appropriate development controls to make the development sustainable. Council will manage the suburb as it does in all parts of Pittwater.

Q: Will there be a style or design guide governing the character of the development, the implementation of colours, setbacks and streetscape design?

A: This is something that is done throughout Pittwater through the implementation of DCP controls. It is acknowledged that this may be a bit harder with fractured land ownership but we can attempt to control the character of the area through the development controls we develop.

Q: Is there any point imposing development controls through a DCP if they can be circumvented under the SEPP Exempt and Complying Development Code? I recognise that code development is less of a problem with medium density as SEPP 65 applies.

A: There are limitations to the use of complying development on environmentally sensitive land. There may be opportunities to restrict the use of the code SEPP in escarpment protection areas.

Q: We would like to see ecologically sustainable design principles governing this development. Have you investigated on-site energy generation initiatives?

A: That would be difficult with the densities proposed in the draft Structure Plan. Renewable energy providers need a critical mass to make such initiatives economically viable. The GreenStar Communities certification tool is being investigated for this project.

Q: A neighbourhood centre should be big enough to cater for local's needs and prevent them from having to drive to Mona Vale or Warriewood? It needs to have an anchor tenant and should incorporate a medical centre.

A: There needs to be a trade-off. As a neighbourhood centre gets bigger you need more space for parking. The draft Structure Plan accommodates a small convenience store.

Q: There has been talk of mature trees screening buildings in areas of medium density. This presupposes that you can get those trees to grow. Has the geology of the area been taken into consideration?

A: Yes, however landscape planting is only one aspect used to soften the built form. The height of trees and depth of setbacks will both contribute to producing an attractive streetscape.

Mr Blakely summarised some of the principles for medium density development that the community acknowledged were important at the first round of workshops.

- Ingleside has a distinct look – its character should be maintained. It should not mirror the character of other areas.
- The bulk and scale of medium density development particularly along Mona Vale Road needs to be screened.
- For landscaping to be effective it needs to consider the geology of the area.

It was suggested that the Viridian development at 1580 Pittwater Road (next to Mona Vale Golf Club) was a good example of the façade being softened by a combination of effective landscaping and setbacks.

Biodiversity, Riparian Corridors and Bushfire Assessment Presentation

EcoLogical Australia have been engaged to undertake an assessment of the ecology, riparian corridors and bushfire risk within the investigation area.

Dr Steven Ward updated members on the work completed to date and the investigations into biodiversity certification:

- Biodiversity surveys were completed in late 2013/early 2014 and a desktop review of previous studies and literature was undertaken.
- 10 different vegetation types were identified in the precinct, two of which are endangered ecological communities being the Duffy's Forest and Coastal Upland Swamp communities.
- Two threatened plant species were identified: *Grevillea caleyi* and *Microtis angusii*.
- Multiple threatened fauna species identified within the precinct.
- Legislation will determine the minimum riparian corridor width.
- Initial asset protection zones have been identified.
- Biodiversity certification is being investigated for this precinct. This process is administered by the Office of Environment and Heritage (OEH) under the Threatened Species Conservation Act. If biodiversity certification is conferred on the precinct there is no need for further biodiversity investigations at the subdivision stage. It streamlines the process and provides a biodiversity outcome across the whole precinct instead of dealing with it on a site by site basis. Initial calculations into biodiversity certification indicate a shortfall in required species and ecosystem credits. Options to deal with this shortfall in credits include:
 - Modifying the development footprint to reduce the area of land to be developed and increase the area of land to be conserved.
 - Seek additional land for conservation outside of the precinct which would need to be purchased and conserved in perpetuity.
 - Provide a financial contribution to OEH calculated based on the size of the credit deficit and credit types.

Q: How do we secure biodiversity corridors on private land?

A: There are a number of options to secure conservation of the biodiversity corridor. It could be done through planning controls, zoning a property E2 and bringing the land into public ownership so it is managed by Council. Bio-banking is also an option.

Q: Will there be houses in the green corridors?

A: No. Asset protection zone requirements around buildings in bushfire prone areas would negate the effectiveness of corridors.

Q: There is an existing riparian corridor through Wirreanda – why is this not shown?

A: This map only shows those conservation areas generating bio-certification credits. It does not show all land already conserved which cannot be used to generate credits.

Q: Will the green zone along Mona Vale Road disappear with the road upgrade?

A: The RMS are investigating their own biodiversity offset process for the Mona Vale Road upgrade but not certain about the future of this particular green zone.

- Q:** A walking track from Wilga Wilson through to the Baha'i Temple giving access across the golf course would be fantastic. Perhaps even a walking track from Baha'i to the coast could be incorporated?
- A:** Multi-purpose corridors that include cycle paths, wildlife corridors and creek lines are being investigated.
- Q:** Not all green corridors link to National Parks, Katandra Bushland Sanctuary or Ingleside Chase Reserve. Are they just being left as dead ends?
- A:** Connectivity is always a challenge. Investigations into the connectivity and functionality of wildlife corridors are continuing.

Traffic and Transport Assessment:

AECOM have been engaged to investigate traffic, transport, noise and vibration for the Ingleside precinct.

Mr Dan Riley of AECOM advised that they had conducted a high level review and a more detailed review would be undertaken once the draft Structure Plan is refined. Consideration has been given to implications resulting from the new hospital, rapid bus transit upgrades and density increases.

The detailed review will, among other things, include investigations and recommendations for a vehicular connection between Wirreanda Valley and North Ingleside and options for Powderworks Road. AECOM are continuing to work with the RMS on the Mona Vale Road upgrade which will inform AECOM's detailed report.

- Q:** Would it be worthwhile to contact Forest Coach Lines? They have a consultant currently researching bus routes connecting Mona Vale to Macquarie Park.
- A:** Yes. We are also working with Transport NSW but they need to know detailed information on dwelling numbers to develop a strategy for the precinct. This information will be provided to them when it is finalised.
- Q:** There is a lack of public transport to Ingleside. Will you be doing a mapping overlay and letting us know what is planned? You should also consider the traffic implications for intersections outside the precinct.
- A:** As mentioned earlier, public transport is hard to plan for until information on dwelling numbers is finalised. Our modelling will consider traffic forecasts and volumes for the wider area including Garden Street and Cabbage Tree Road.
- Q:** Forest Coaches used to provide a service from Narrabeen to St Ives, but the service was curtailed when Forest Coach Lines was sold to the State Government. We need a public transport link between Ingleside and Narrabeen. Would it be possible to expand the network to what it was before, ideally with connectivity through to St Ives?
- A:** We are investigating the need for extensions to existing routes. Transport NSW does have plans for an extension and AECOM is looking at which roads are suitable for bus routes.
- Q:** Will noise attenuation measures be implemented along Mona Vale Road?
- A:** This will be investigated.
- Q:** Apart from capacity what methodology do you use to assess roads?
- A:** We look at the form and function of the road and use detailed traffic forecasting across the area. Travel time estimates, intersection modelling and potential upgrade requirements under various scenarios are also used.
- Q:** In Ingleside there are currently only two buses on Saturday and none on Sunday. You cannot live in Ingleside at present without a car. There is a desperate need for public transport services.

Note:

This comment was not responded to at the meeting. Nonetheless the comment is noted.

Infrastructure Delivery

Cardno has been engaged to investigate infrastructure delivery in the precinct.

Mr Sean Porter advised that Cardno is in talks with various infrastructure providers and that more progress can be made when there is more certainty around dwelling yields.

Sydney Water:

Water delivery to South Ingleside presents few problems. There are physical barriers to water delivery in parts of North Ingleside that need further investigation. It is uneconomic for Sydney Water to service Wirreanda Valley based on proposed development yields. Any development there will remain dependent on on-site treatment measures.

Ausgrid:

It is considered unlikely that another substation will be required in the Ingleside precinct. Ausgrid are undertaking a detailed analysis based on proposed development yields.

Jemena / Telstra / NBN providers:

Advice on infrastructure delivery from these providers will be provided once there is more certainty around dwelling yields.

Q: Has there been consideration of sustainable infrastructure?

A: That wasn't in our brief.

Reference group member expressed disappointment that sustainability wasn't included in the infrastructure delivery brief.

Mr Robilliard advised that there are a number of options that can be looked at in terms of sustainable infrastructure provision, but it comes down to feasibility and costing. This does not preclude green initiatives.

Q: Has any thought been put into shared trenching arrangements to reduce costs?

A: This is certainly an opportunity that will be considered.

Q: Is there some incentive program that will encourage developers to assist in the provision of sustainable infrastructure? Maybe through the S94 mechanism?

A: S94 costings are still being investigated but we can take that on board.

Mr Pigott advised that from initial investigations it looks like the \$30,000 S94 cap will need to be exceeded. The State Government could then fund the gap between the actual contribution and the cap. This may increase risks to all parties involved but it will be investigated. It is not a sure thing as it is subject to budgets, changes in government and changing economic priorities but we will be maintaining a dialogue around that issue.

The Chairperson thanked all presenters on behalf of reference group members. The presentations were considered interesting and valuable and they raised a lot of new questions and identified issues requiring further clarification. Now is the time to get the rest of the community involved in planning what they want for the future of Ingleside.

Note:

Following the meeting, a memo was distributed to Ingleside Community Reference Group members and Councillors dated 21 November 2014 clarifying that sustainability considerations are included in the infrastructure delivery brief (see memo in **Appendix 1**).

5.2 Dissemination of information to their respective associations

Reference group members were encouraged to disseminate the information provided at this meeting to their respective resident associations and the greater community. Members were also asked to encourage people to attend the upcoming workshops and to access the website which contains copies of all the consultant summary reports. There are also lots of opportunities for people to have their say via the website and the workshops.

5.3 Community workshop schedule

The first workshop on 27 November 2014 is full. Places are still available on 29 November and 3 December 2014. Bookings can be made via the Ingleside Planning website (see link below):

<http://www.inglesideplanning.com.au/>

6.0 General Business

Nil.

7.0 Next Meeting

Early 2015 - date to be advised.

**There being no further business the meeting of the
Ingleside Community Reference Group was concluded
at 6.19pm on Wednesday, 18 November, 2014**



Memorandum

To: Councillors and Ingleside Community Reference Group Members

Cc: Mark Ferguson - General Manager, Lindsay Godfrey - A/Director Environmental Planning & Community, Chris Hunt - Director Urban & Environmental Assets, Mark Beharrell - Manager Natural Environment & Education, Mark Shaw - Manager Urban Infrastructure, Jane Mulroney - Manager Community Engagement & Corporate Strategy, Melinda Hewitt - Manager Place Management

From: Andrew Pigott, Manager Planning & Assessment

Date: 21 November 2014

Subject: Clarification in relation to Ingleside Infrastructure & Service Delivery brief

I refer to the Ingleside Community Reference Group meeting of 18 November 2014, in particular a response made by the consultant preparing the Infrastructure and Service Delivery Strategy for the Ingleside Precinct. At this meeting, the consultant stated that sustainability is not a part of his brief. This is incorrect.

The brief specifically states:

"Embed within the Infrastructure Deliver Plan objectives for sustainable provision and use of services..."

Discussions with service providers are still underway and the consultant has now been reminded that their brief contains sustainability considerations and these must be at the forefront of these discussions.

Additionally, the Transport Consultant and the Hydrology Consultant are preparing Sustainable Active Transport and Water Cycle Management Strategies respectively for implementation within the Ingleside Precinct. These will be incorporated into the Infrastructure and Service Delivery Strategy for the Ingleside Precinct.

Regards,

Andrew Pigott

MANAGER PLANNING & ASSESSMENT

C12.10	Minutes of the Sustainable Towns and Villages Reference Group Meeting 19 November 2014
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Meeting: Sustainable Towns and Villages Committee **Date:** 15 December 2014

STRATEGY: Corporate Management

ACTION: Maintain and Service Council's Range of Committees

PURPOSE OF REPORT

To present to Council for consideration, the Minutes of Sustainable Towns and Villages Reference Group Meeting held on 19 November 2014 (refer **Attachment 1**).

1.0 BACKGROUND

- 1.1 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.
- 1.2 The strategic objectives within the associated key direction are:
- Asset Management Coordination Strategy
 - Energy Efficiency Strategy
 - Land Use & Development Strategy
 - Town & Village Strategy
 - Transport & Traffic Strategy
- 1.3 To fulfil its role, the 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.

2.0 ISSUES

- 2.1 The 19 November 2014 Meeting considered the following discussion topics:
- STV4.1 2013-2014 Annual Report
 - STV4.2 Community Survey 2014 Report
 - STV4.3 Local Government Reforms - Fit for the Future
 - STV4.4 Draft Pittwater Community Based Heritage Study Review update
 - STV4.5 Amendments to the Pittwater Local Environmental Plan (LEP) 2014
 - STV4.6 1200sqm Subdivision Control Review update
 - STV4.7 Update on Ingleside Precinct Planning Process
 - STV4.8 Steps to a Sustainable Home Update

- 2.2 As recorded in the Minutes, these topics were well researched and well received and generated a high degree of interest and robust discussion.

3.0 SUSTAINABILITY ASSESSMENT

This report does not require a sustainability assessment.

4.0 EXECUTIVE SUMMARY

- 4.1 To present to Council the outcome of discussion papers on Strategic issues and to present Reference Points of the Sustainable Towns and Villages Reference Group contained in the minutes of the meeting of 19 November 2014.

RECOMMENDATION

That Council note the Minutes of the Sustainable Towns and Villages Reference Group Meeting held on 19 November 2014 and specifically the Reference Points below:

- **2013-2014 Annual Report**

That the 2013 - 2014 Annual Report for the financial year ending 30 June 2014 be noted.

- **Community Survey 2014 Report**

1. That the information provided in the Community Survey Report be noted.
2. That the committee congratulates the Council on this survey.

- **Local Government Reforms - Fit for the Future**

1. That the discussion regarding the content of this report will occur during the meeting of this Reference Group on 19 November 2014.
2. That additional Fit for the Future key (brief) messages be provided to the community at appropriate stages in the process.

- **Draft Pittwater Community Based Heritage Study Review update**

That the verbal update on this report be noted.

- **Amendments to the Pittwater Local Environmental Plan (LEP) 2014**

That the verbal update on this report be noted.

- **1200sqm Subdivision Control Review update**

1. That the report be noted
2. That the Sustainable Towns and Villages Reference Group members disseminate information about the 1,200sqm Subdivision Control Review
3. That the Sustainable Towns and Villages Reference Group be kept updated regarding the progress of the 1,200sqm Subdivision Control Review.

- **Update on Ingleside Precinct Planning Process**

1. That the update on the progress of the Ingleside Precinct Planning process be noted.

2. That Reference Group members continue to encourage their respective associations and groups to stay informed of the progress of the Ingleside Precinct Planning process via the Ingleside website and be encouraged to attend the future community workshops.

- **Steps to a Sustainable Home Update**

That the verbal update on this item be noted.

Report prepared by

Steve Evans

DIRECTOR, ENVIRONMENTAL PLANNING & COMMUNITY

Minutes

Sustainable Towns and Villages Reference Group

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

19 November 2014

Commencing at 4.00pm

Attendance:

Cr Grace, Chairperson

And one representative from the following organisations:

Mr Peter Mayman - Avalon Preservation Association
Mr Stephen Richmond - Bayview - Church Point Residents Association
Mr Tony Tenney - Clareville and Bilgola Plateau Residents Association
Mr Dick Clarke - Elanora Heights Residents Association
Ms Jacqui Marlow - Friends of Narrabeen Lagoon Catchment Committee
Mr Mark Horton – Mona Vale Residents Association
Ms Selena Webber - Newport Residents Association
Ms Merinda Rose - Palm Beach & Whale Beach Association
Ms Kim Jones - Pittwater Business Limited
Mr Greg Roberts - Scotland Island Residents Association
Ms Jennifer Knox - West Pittwater Community Association
Mr James Vosper - Pittwater Resident Representative

and the following Council Advisors

Mr Lindsay Godfrey, Acting Director, Environmental Planning & Community
Ms Jane Mulroney, Manager, Community Engagement and Corporate Strategy
Mr David Bremner, Community Engagement Officer
Mr Andrew Pigott, Manager - Planning & Assessment
Ms Liza Cordoba, Principal Officer Land Release
Ms Anne-Maree Newbery, Principal Planning Officer
Ms Keeley Allen, Planner (Strategic)
Ms Sherryn McPherson, Administration Officer/Minute Secretary

Sustainable Towns and Villages Reference Group Meeting

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STV4.5	Amendments to the Pittwater Local Environmental Plan (LEP) 2014	
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STV4.1	2013-2014 Annual Report	
STV4.2	Community Survey 2014 Report	
5.0	Emerging Business	
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1.0 Apologies

Apologies were received from

- Mr Steve Evans, Director Environmental Planning & Assessment
- Mr Ray Mills - Clareville and Bilgola Plateau Residents Association
- Mr Mark Wadsworth – Mona Vale Residents Association
- Mr Geoff Sheppard - Pittwater Resident Representative
- Mr Steven Koolloos - Pittwater Resident Representative
- Ms Linda Haefeli - Climate Action Pittwater
- Mr Peter Cotton - Pittwater Resident Mirvac
- Ms Ruth Gaines - SIRA / Pittwater Resident

and leave of absence was granted from the Sustainable Towns and Villages Reference Group Meeting held on 19 February 2014.

2.0 Declarations of Pecuniary Interest

Nil.

3.0 Confirmation of Minutes

REFERENCE GROUP RECOMMENDATION

That the Minutes of the Sustainable Towns and Villages Reference Group Meeting held on 20 August 2014, be confirmed as a true and accurate record of that meeting after noting that Item STV4.5 - 1200sqm minimum subdivision standard project - Strategy on Page 12 should have read:

“Q: How was the initial 1200sqm established?”

A: The 1200sq metre subdivision standard was established through the Barrenjoey Peninsula – West Pittwater Sensitive Areas Study which was undertaken by Warringah Council prior to Pittwater seceding”.

(Mr Stephen Richmond / Mr Peter Mayman)

4.0 Discussion Topics

STV4.3 Local Government Reforms - Fit for the Future

Proceedings in Brief

Mr Lindsay Godfrey, Acting Director, Environmental Planning & Community addressed the meeting on this item. Copies of the Strong Independent Local brochure and Mike Baird MP Media Release are attached to the minutes at **Attachment 1**.

Discussion Points:

Q: It has been stated that Warringah Council are for amalgamations of Councils and are writing submissions proving they are both Fit for Future independently and together with Manly and Pittwater to form a mega Council. If they are heavily supporting the possibilities of merging, can they submit additional documentation recommending merging with Manly and Pittwater Councils?

A: Yes, Warringah Council is able to submit additional documentation supporting becoming one Northern Beaches Council.

Q: What does Fit for the Future mean and why is the Government trying to enforce that the number of Councils reduce and become mega councils?

A: The Government is focusing on reducing the number of Councils from 41 to approximately 18 mega Councils.

A Fit for the Future council is one that is:

- Sustainable;
- Efficient;
- Effectively manages infrastructure and delivers services for communities;
- Has the scale and capacity to engage effectively across community, industry and government.

The Government has developed this definition of a Fit for the Future Council, based on the research, analysis and conclusions of the work of Destination 2036, Independent Local Government Review Panel and the NSW Treasury Corporation.

All councils are being asked to prepare a submission by 30 June 2015, which will be assessed by a panel of independent experts. Having the right scale and capacity is the first step in becoming Fit for the Future. Some Councils may already meet the scale criteria. Others will need to consider structural changes to help them become Fit for the Future. Councils who are already functioning well may develop strategies to strengthen their operations and improve efficiencies.

Fit for the Future proposals will be assessed by an independent Expert Panel. The Panel will be supported by a Technical Panel, with key experts able to analyse council submissions. The Panel will make recommendations to the Minister for Local Government before the end of 2015, on which councils it considers are Fit for the Future.

The Council does support some of the recommendations of the independent panel except for the amalgamations. There can be positive reforms in the local government sector but not necessarily achieved by bigger is better.

Q: What happened to the previous campaign which contained “no forced amalgamations”, has the change in political climate effected this?

A: Elections next March may change the language and could possibly increase the likelihood of forced amalgamations of councils.

Q: What is the benchmark for Councils to be fit for the future?

A: All councils are being asked to prepare a submission by 30 June 2015, which will be assessed by a panel of independent experts. Having the right scale and capacity is the first step in becoming Fit for the Future. Some Council's may already meet the scale criteria. Others will need to consider structural changes to help them become Fit for the Future.

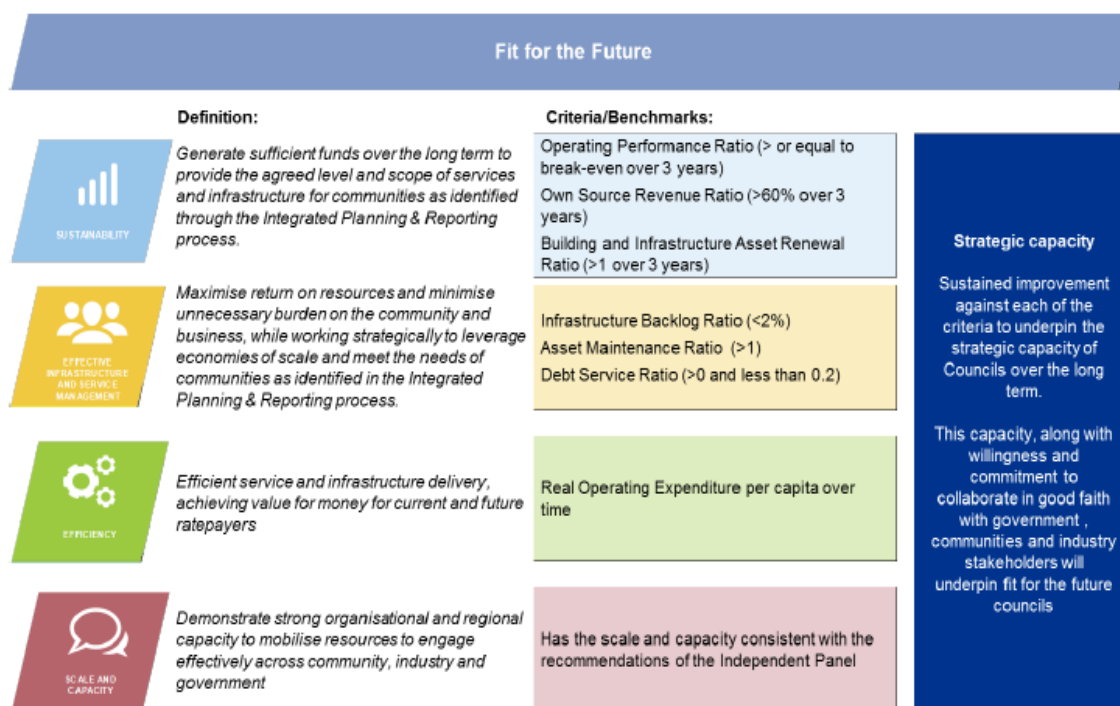
The Office of Local Government has developed criteria and certain benchmarks for a Fit for the Future council. These have been based on the work of the Independent Local Government Review Panel and have been reviewed by the Independent Pricing and Regulatory Tribunal (IPART).

Scale and capacity

Scale is a key component of strategic capacity – both in creating individual councils with the resources and skills to provide leadership on regional planning and to advocate on behalf of communities by creating a system of local government where State and Local Government can work together effectively.

The Scale is yet to be determined as the recommendation put forward by the independent was not endorsed however is expected to be between 200 – 250,000 residents.

Fit for the Future councils – criteria and benchmarks



The Office of Local Government has developed criteria and certain benchmarks for a Fit for the Future council. These have been based on the work of TCorp and the Independent Local Government Review Panel and have been reviewed by the Independent Pricing and Regulatory Tribunal (IPART).

Q: Will the Government look more favourably on amalgamated Councils and provide additional assistance over Councils that remain independent?

A: The benefits for Fit for the Future Councils will be:

- Simplified reporting requirements and more flexibility with procurement
- Cheaper Finance (access to \$600m pool of funds)
- Priority access to state funding
- Options for additional planning powers
- Access to a streamlined IPART process for setting rates
- One of funding of up to \$22.5m (for NB \$13.5m)

If you can demonstrate that you can meet strategic scale and capacity, Councils will remain eligible for the above loans and packages.

REFERENCE POINT

1. That the discussion regarding the content of this report will occur during the meeting of this Reference Group on 19 November 2014.
2. That additional Fit for the Future key (brief) messages be provided to the community at appropriate stages in the process.

(Mr Dick Clarke / Ms Kim Jones)

STV4.8 Steps to a Sustainable Home Update

Proceedings in Brief:

Ms Rebecca Jones, Principal Officer, Sustainability and Mr Greg Roberts, Scotland Island Residents Association addressed the reference group on this item. A copy of the Powerpoint presentation by Ms Jones is attached to the minutes at **Attachment 2**.

REFERENCE POINT

That the verbal update on this item be noted.

(Ms Kim Jones / Ms Selena Webber)

STV4.4 Draft Pittwater Community Based Heritage Study Review update

Proceedings in Brief

Ms Anne-Maree Newbery, Principal Planner (Strategic) addressed the meeting on this item.

As a result of the public exhibition, 57 written submissions were received. Further, members of the Heritage Study Working Group were invited to provide comments specifically on the Thematic History (Chapter 3 of the draft Pittwater Community Based Heritage Study Review report) and three responses were received.

All submissions were provided to City Plan Heritage for review and consideration, and appropriate amendments are being made to the draft Pittwater Community Based Heritage Study Review.

City Plan Heritage are currently preparing the final draft Pittwater Community Based Heritage Study Review to present to Council for adoption.

Should Council adopt the draft Pittwater Community Based Heritage Study Review, the statutory process for amending the Pittwater LEP 2014 and heritage controls, and Appendix 2 (Heritage Conservation), in the Pittwater 21 DCP, will be commenced. This will include a further (statutory) public exhibition of the draft Pittwater LEP 2014 and draft Pittwater 21 DCP.

Discussion Points:

Q: When was additional information sought from working group members?

A: Council forwarded letters/ emails to members of the Heritage Study Working Group on the 17 September 2014.

Q: Will Council be reviewing the recommendations provided by the consultants for Community Based Heritage Study and placing back on Public Exhibition prior to implementing due to the amount of errors contained in the document? For e.g. Bayview Baths was omitted from the Draft, it would be good for it be reinstated.

A: Yes, the Report will be reviewed and amended prior to being reported to Council. At this stage it is not proposed that this document will be placed back on another Public Exhibition prior to being reported to Council. However, depending on the recommendation endorsed by Council, further action may be taken prior to being implemented.

REFERENCE POINT

That the verbal update on this report be noted.

(Mr Stephen Richmond / Ms Merinda Rose)

STV4.5 Amendments to the Pittwater Local Environmental Plan (LEP) 2014
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Proceedings in Brief

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

The process for amending the Lot Size Map has commenced. A report was being presented to Council on 17 November 2014 with a recommendation that the draft Lot Size Map be sent to the DP&E for a Gateway Determination.

Council endorsed the recommendation relevant to the draft Lot Size Map. Accordingly, the planning proposed will be sent to the DP&E for a Gateway Determination to certify the commencement of a statutory public exhibition.

A statutory public exhibition of the draft Lot Size Map will then be undertaken.

Discussion Points:

Q: In reference to Clause 7.8 on page 40 of the Agenda, does the response on this item mean that the Government has not endorsed Councils recommendation?

A: In adopting the LEP, Council resolved to make a change to clause 7.8 and strengthen the clause so that applicants could not introduce items into the foreshore building line. The Parliamentary Council in reviewing the LEP did not support the amendment to that clause and reinstated the standard clause. Council will attempt to have our clause reinstated by lodging a Planning Proposal.

Q: On page 43 of the agenda, the last paragraph refers to a meeting on 8 October 2014 between Council and DP&E to discuss the matters contained in the letter. What was the result of this meeting and were all items resolved?

A: Outstanding issues were addressed and the Department indicated support some changes but not all. Council is still waiting for a formal response on issues discussed. Once an answer has been provided, amendments to address changes made by the Department Post Council adoption and prior to formal State Election can be initiated.

Q: Will the rezoning for Ingleside part of a new LEP?

A: This will be an additional process either via a SEPP or LEP amendment.

Q: The letter regarding the desired future character for Pittwater, can you please clarify if this been removed from the LEP?

A: The draft LEP incorporated desired future character of localities which Council was previously advised as being permitted. The Department and Parliamentary Council are responsible for drafting legislation and have subsequently advised that reference to desired character is not allowed. Pittwater referred to other Councils whose LEP are similar and include zone objectives that referred to character in the area. In this instance, they are not likely to reinstate these objectives.

REFERENCE POINT

That the verbal update on this report be noted.

(Mr Peter Mayman / Ms Jennifer Knox)

STV4.6 1200sqm Subdivision Control Review update

Proceedings in Brief

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

Pittwater Council's planning documents contain inconsistent information about the minimum lot size in low density residential areas. The Pittwater Local Environmental Plan 2014 (Pittwater LEP 2014) states the minimum lot size for low density residential areas is either 700sqm or 550sqm depending on whether the land is located north or south of Mona Vale Road. In addition, Pittwater 21 Development Control Plan (Pittwater 21 DCP) states that a policy of 1,200sqm applies to areas identified by Council as environmentally sensitive. This inconsistency is longstanding, having been in place for over 20 years.

Council is considering two options moving forward:

- Option 1: Introduce a 1,200sqm minimum lot size into the Pittwater LEP 2014 and remove the 1,200sqm subdivision control from the Pittwater 21 DCP
- Option 2: Retain a 700sqm/550sqm minimum lot size and remove the 1,200sqm subdivision control from the Pittwater 21 DCP.

Maintaining our current planning regime is not an option due to the inconsistency and confusion it causes. Furthermore, the 1,200sqm subdivision control in the Pittwater 21 DCP does not have statutory weight.

The closing date for submissions is Saturday 6 December. All submissions received during the public exhibition period will be reviewed and considered as part of the 1,200sqm Subdivision Control Review

Following the public exhibition period, Council's Strategic Planners will determine which option will be pursued. The recommendation of Council's Strategic Planners will be reported to Council and, should the recommendation be endorsed, the process of amending the LEP and the DCP will commence.

Discussion Points:

Q: Why is it important to include this into the LEP?

A: The LEP has a minimum subdivision lot size map to ensure consistency between statutory documents and controls. The current scenario is that property can have 2 different minimum controls that will apply. The inconsistency creates confusion and uncertainty.

Q: If Council does not receive enough positive feedback from the community to support these options, will this still be incorporated into the LEP?

A: This is a genuine consultation and Council are seeking feedback from the community regarding future amendment options for the 1200sqm subdivision control.

REFERENCE POINT

1. That the report be noted
2. That the Sustainable Towns and Villages Reference Group members disseminate information about the 1,200sqm Subdivision Control Review
3. That the Sustainable Towns and Villages Reference Group be kept updated regarding the progress of the 1,200sqm Subdivision Control Review.

(Ms Merinda Rose / Ms Jennifer Knox)

STV4.7 Update on Ingleside Precinct Planning Process

Proceedings in Brief

Mr Andrew Pigott, Manager, Planning and Assessment and Ms Liza Cordoba, Principal Planner Land Release addressed the meeting on this item.

Based on the three 'mud-map' options in Elton's *Workshops Outcomes Report* and other work from all technical consultants, the master planner has identified the potential land use arrangements in the precinct. These arrangements are being tested by consultants.

At the Ingleside Community Reference Group meeting of 18 November, the project team and key consultants will present the key findings of investigations to date.

Workshops with the broader community have now been scheduled and reference group members are encourage to attend and participate at the workshops.

A copy of the Draft Structure Plan – Ingleside Precinct displayed to the group during this discussion is attached to the minutes at **Attachment 3**.

REFERENCE POINT

1. That the update on the progress of the Ingleside Precinct Planning process be noted.
2. That Reference Group members continue to encourage their respective associations and groups to stay informed of the progress of the Ingleside Precinct Planning process via the Ingleside website and be encouraged to attend the future community workshops.

(Mr Dick Smith / Mr Anthony Edye)

STV4.1 2013-2014 Annual Report

Proceedings in Brief

Ms Jane Mulroney, Manager Community Engagement and Corporate Strategy addressed the meeting on this item.

The Annual Report has been prepared in accordance with the requirements of Section 428 of the Local Government Act 1993 and Section 217 of the Local Government (General) Regulation 2005.

A copy of the 2013-2014 Annual Report is available on the Pittwater Council Website at:
http://www.pittwater.nsw.gov.au/council/publications/annual_report

REFERENCE POINT

That the 2013 - 2014 Annual Report for the financial year ending 30 June 2014 be noted.

(Ms Kim Jones / Mr James Vosper)

STV4.2 Community Survey 2014 Report

Proceedings in Brief

Ms Jane Mulroney, Manager Community Engagement and Corporate Strategy addressed the meeting on this item.

Council conducted two community surveys in July 2014 with 800 residents in total via the telephone. These surveys provide vital information to Council regarding residents' satisfaction levels with our services & facilities as well as helping us to track the progress of the Community Strategic Plan (Pittwater 2025) indicators. Council utilises the results to improve our services and facilities and to better meet the expectations of the community.

REFERENCE POINT

1. That the information provided in the Community Survey Report be noted.
2. That the committee congratulates the Council on this survey.

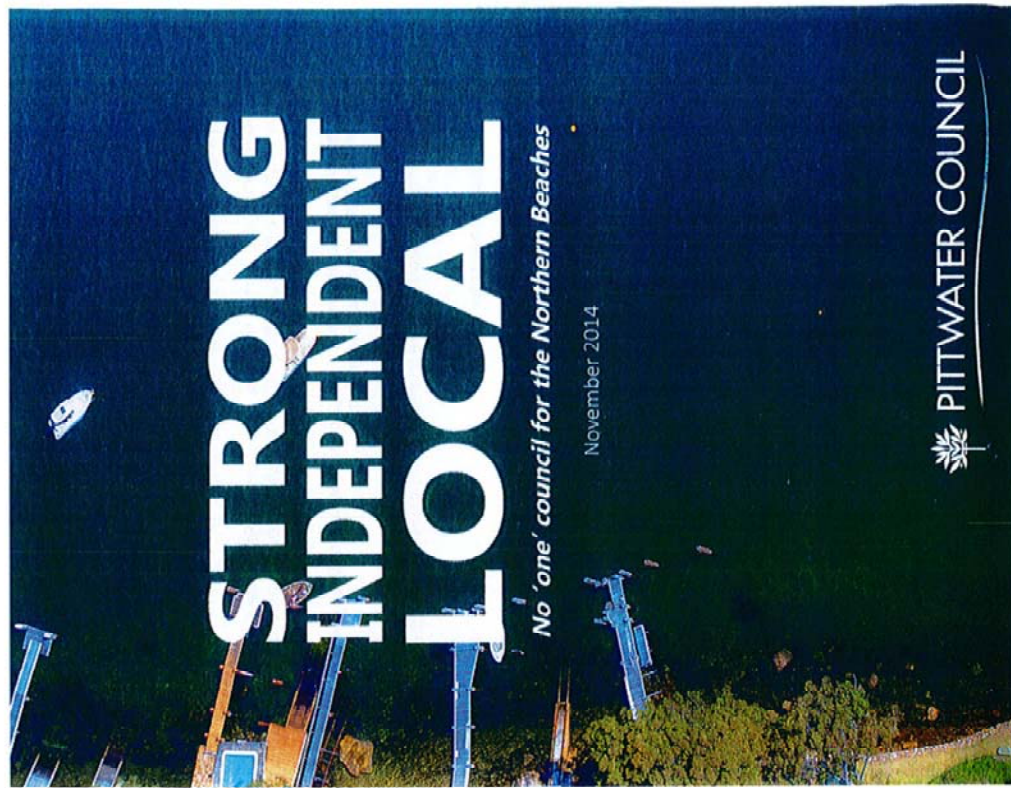
(Ms Selena Webber / Ms Kim Jones)

5.0 Emerging Business

The Sustainable Towns and Villages reference group meeting schedule for 2015 is as follows:

- 18 February 2015
- 20 May 2015
- 19 August 2015
- 18 November 2015

**THERE BEING NO FURTHER BUSINESS
THE MEETING CONCLUDED AT 6.11PM
ON WEDNESDAY, 19 NOVEMBER 2014.**



It's up to you of your councillors or local MPs

Northern Ward Councillors



Cr Bob Grace
0416 222 103



Cr Selena Griffith
0481 000 369



Cr Alex McTaggart
0411 779 585

bob_grace@pittwater.nsw.gov.au
selena_griffith@pittwater.nsw.gov.au
alex_mctaggart@pittwater.nsw.gov.au

Central Ward Councillors



Cr Sue Young
0481 000 167



Cr Ian White
0437 495 196



Cr Kylie Ferguson
Deputy Mayor
0481 000 170

sue_young@pittwater.nsw.gov.au
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kylie_ferguson@pittwater.nsw.gov.au

Southern Ward Councillors



Cr Jacqueline Townsend
Mayor
0427 959 631



Cr Julie Hegarty JP
0400 341 168



Cr Kay Millar
Deputy Mayor
0481 000 377

jacqueline_townsend@pittwater.nsw.gov.au
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kay_millar@pittwater.nsw.gov.au

Please note- Messages sent via SMS to the Mayor will not be received- please call or email.

Relevant MPs

NSW Minister for Local Government
The Hon. Paul Toole MP
(02) 6332 1300
paul.toole@parliament.nsw.gov.au

Member for Pittwater
The Hon Rob Stokes
(02) 9999 3599
pittwater@parliament.nsw.gov.au

NSW Premier
The Hon. Mike Baird, MP
(02) 9976 2773
manly@parliament.nsw.gov.au

No to 'one' council for the Northern Beaches

Pittwater Council is very supportive of 'effective' reform of local government.

Our Council unanimously reconfirmed its objection to the NSW Government proposal –that Pittwater merge with Manly and Warringah councils to form one Northern Beaches council –at the 13 October Council meeting.

The proposed merger is part of the NSW Government's *Fit for the Future* reform package, which aims to reduce the total number of Sydney metropolitan councils from 41 to 18.

There is no evidence to show that a mega council would deliver lower rates and better service to the Pittwater community.

Although we do not support the government's proposal to merge, Pittwater Council does agree with the majority of the 65 recommendations made by the independent review panel in 2013.

We support improvements to:

- Integrated fiscal reporting
- Redistribution of grants
- Community consultation
- Remuneration of councillors
- Regional representation through a joint organisation.

Based on strong community sentiment, we remain wholeheartedly committed to a strong and independent Pittwater, providing local representation and delivery of services to our community.

Although Pittwater Council doesn't agree to one council, we will respond to the NSW Government and demonstrate how we intend to be 'fit for the future'. We will complete a self-assessment and meet with our neighbouring councils with a view to developing a viable option for the Northern Beaches.

Any reform proposals emerging from discussions will be reported to the community at Council meetings and through our website and e-newsletter. Council will continue to consult with you – the Pittwater community –and we want to hear your views.

For background information, FAQs & reform updates:
pittwater.nsw.gov.au/reform

What has the NSW Government asked Pittwater Council to do?

To merge with Manly and Warringah Council to form one Northern Beaches mega council.

Undertake a formal self-assessment using a new *Fit for the Future* assessment tool.

Discuss ideas and options with neighbouring local government areas.

Prepare a submission by 30 June 2015, demonstrating ability to meet 'scale and capacity' criteria.

What is Pittwater Council's position?

Council rejects the proposal.

We will undertake the self-assessment.

We will talk with neighbouring councils about reform options but 'one council' will not form the basis of these discussions.

Any proposals emerging from discussions will be reported to Council for its consideration.

Council will seek feedback from the community.

We will prepare our submission based on community feedback and Council's direction.

Why one council won't work for Pittwater?

- Will not improve financial sustainability
- Given the absence of economies of scale, cost reductions won't occur
- Given diverse socio-economic profiles, there's no evidence of a strong joint 'communities of interest'



Sustainability in Pittwater

A need for integration

Less talk more action

Longer term strategies

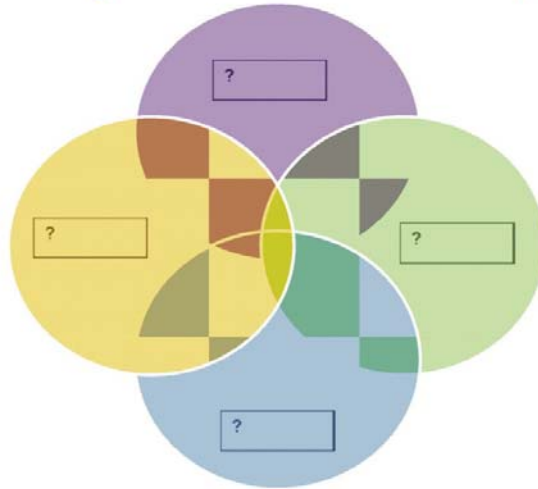


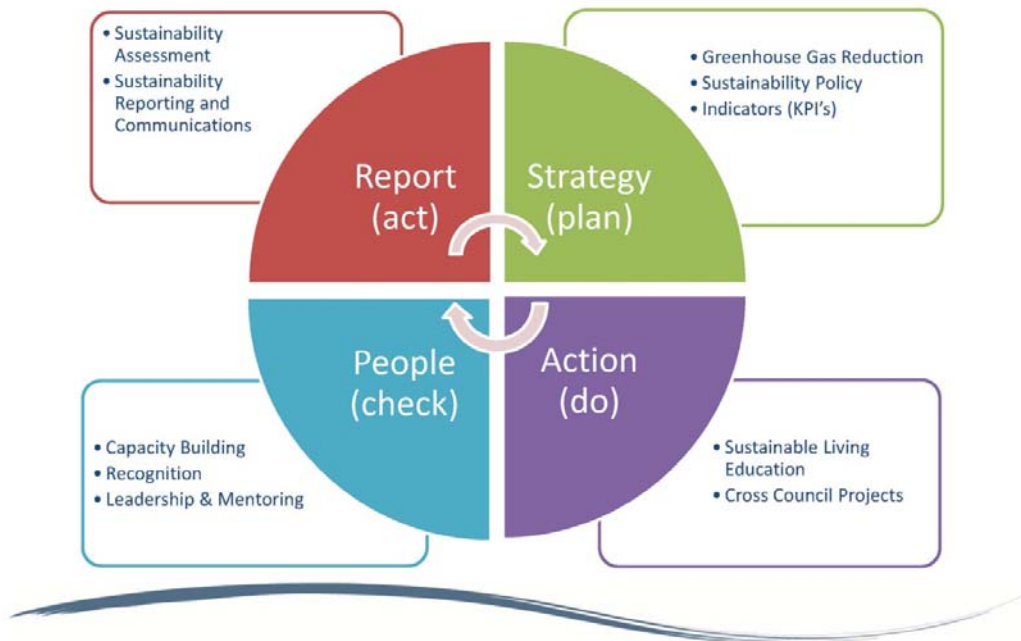
Definitions of Sustainability

"meeting the needs of the present without compromising the ability of future generations to meet their own needs" - 1987 Brundtland Commission

*"a process of continuous learning, **improvement** and reflection on our **needs** for individual and community wellbeing while ensuring the **viability** and functioning of the natural world" — Pittwater 2025*

Quadruple Bottom Line (QBL)





Speed Date A Sustainability Expert



***Connecting Pittwater residents with
leading sustainable designers and experts***



WHAT?

An engaging & fun event
Expert advice
on sustainable homes & living
Networking opportunities

WHO?

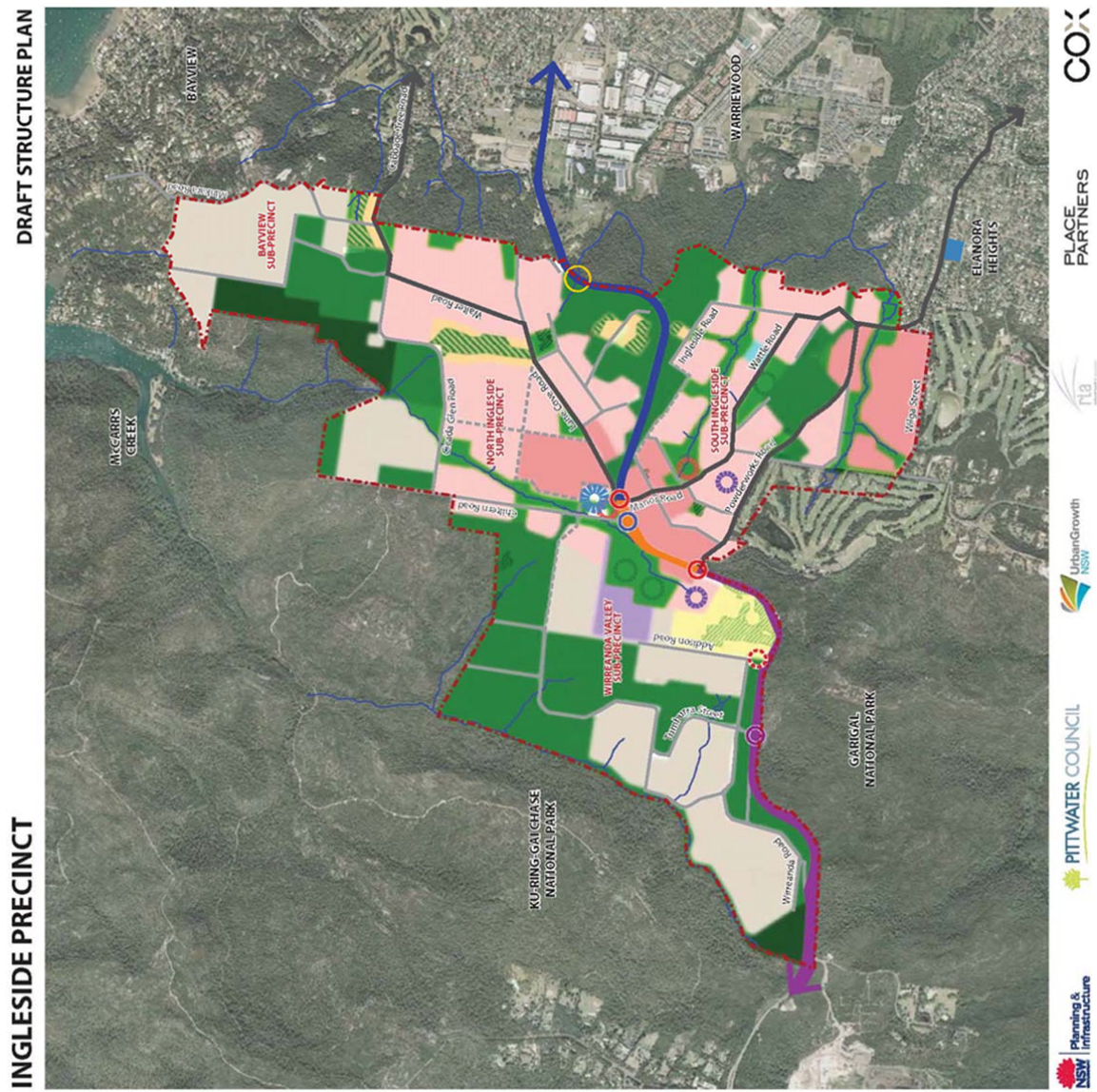
Pittwater residents
Architects, Builders & experts
Council staff

WHEN?

Start planning NOW
Event March 2015

WHERE?





Council Meeting

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

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

Appendix 1 – Confidential Advice
