

- > *Nature Conservation Trust Act 2001*
- > *Threatened Species Conservation Act 1995*
- > *Threatened Species Conservation (Biodiversity Banking) Regulation 2008*
- > *Road Transport Act 2013*
- > Standard Instrument – Principal Local Environment Plan
- > Australian Standard AS 4373-2007 *Pruning of Amenity Trees*

## 4 Access to the 10/50 Code

The 10/50 Code of Practice is available from the NSW Rural Fire Service website at [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au) or as a hard copy from the local NSW RFS district office at no charge to any owner of land situated within the 10/50 Clearing Entitlement Area.

## 5 The 10/50 Code of Practice

### 5.1 Compliance and enforcement

If an owner of land in a 10/50 vegetation clearing entitlement area carries out vegetation clearing work for which an approval, consent or other authorisation is required, and the work is carried out without that approval, consent or authorisation and other than in accordance with the 10/50 Code, then offence provisions and any available remedies will apply, under relevant legislation.

Vegetation clearing that is carried out in accordance with this 10/50 Code is considered to be authorised clearing under NSW legislation.

### 5.2 Application of land to the 10/50 Code

Vegetation clearing under this 10/50 Code may only be undertaken on parcels of land that contain land mapped as 10/50 Vegetation Clearing Entitlement land. This may apply to public or private lands.

### 5.3 Determining if your land is mapped as 10/50

An online assessment tool is available on the NSW RFS website at [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au) and allows a landowner to conduct a self-assessment as to whether their land falls within the 10/50 Vegetation Clearing Entitlement Area and complies with the requirements of this 10/50 Code. *Note: this map will be available once the 10/50 Code is finalised.*

### 5.4 Landowners consent

The clearing of vegetation under this 10/50 Code can only be conducted with the consent of the landowner. It is not permissible to clear any land without the owner's consent:

- > Tenants must obtain approval from the landowner prior to commencing any clearing works.
- > Landowners may not clear adjoining land without the approval of the landowner

Where a single tree trunk occurs across two or more properties, the approval of all landowners is required for removal of the tree.

## 6 Buildings

### 6.1 Types of buildings to which the 10/50 Code applies

This 10/50 Code applies to vegetation adjacent to external walls of a building containing habitable rooms that comprises, or is part of, residential accommodation or a high-risk facility.

This section does not apply to a building containing habitable rooms if there is no development consent or other lawful authority under the *Environmental Planning and Assessment Act 1979* for the use of those rooms as habitable rooms.

### 6.2 External walls

External walls refer to the external walls of a building containing habitable rooms and includes permanent fixed structures such as decks and garages that are attached to the building.

### 6.3 Habitable rooms

A building containing habitable rooms requires that:

- (a) For the purpose of residential accommodation (including tourist and visitor accommodation, caravans and manufactured homes):
  - > the building contain one or more rooms designated and approved as bedrooms for sleeping. Vegetation clearing is not provided under this 10/50 Code for associated adjoining buildings that do not contain habitable rooms.
- (b) For the purpose of a child care centre:
  - > the building contain one or more rooms designed and approved for the purpose of the supervision and care of children. Vegetation clearing is not provided under this 10/50 Code for associated adjoining buildings that do not accommodate children, such as external storerooms.
- (c) For the purpose of a school:
  - > the building contain one or more rooms designed and approved for the purpose of accommodating children. Vegetation clearing is not provided for under this 10/50 Code for associated adjoining buildings that do not accommodate children, such as external restrooms or storerooms.
- (d) For the purpose of a hospital:
  - > the building contain one or more rooms designed and approved for the purpose of accommodating patients, or providing sleeping facilities for hospital staff. Vegetation clearing is not provided for under this 10/50 Code for associated adjoining buildings that do not accommodate patients such as cafeterias or ancillary hospital buildings such as maintenance storerooms.

### 6.4 Residential accommodation

For the application of this 10/50 Code residential accommodation is accommodation that includes:

- > Residential accommodation
- > Tourist and visitor accommodation

- > Caravans installed or placed in caravan parks, and
- > Manufactured homes installed in manufactured home estates

within the meaning of the *Standard Instrument – Principal Local Environment Plan*. Further information is located at Attachment A.

## 6.5 High-risk facility

For the purpose of this 10/50 Code a high-risk facility includes:

- > Childcare centres
- > Schools, and
- > Hospitals

within the meaning of the *Standard Instrument – Principal Local Environment Plan*. Further information is located at Attachment A.

# 7 Vegetation clearing provisions

## 7.1 Clearing distance

A landowner may carry out the following vegetation clearing work on their own land:

- > the removal, destruction (by means other than fire) or pruning of any vegetation (including trees) within 10 metres; and
- > the removal, destruction (by means other than fire) or pruning of any vegetation, (except for trees) within 50 metres

of an external wall of a building containing habitable rooms that comprises or is part of residential accommodation for a high-risk facility.

It does not matter whether the residential accommodation or high-risk facility is located on the owner's land or adjoining land. The allowable distances apply irrespective of whose land the residential accommodation or high risk facility occurs on.

*Note: a person may not clear adjoining land or any other land without the approval of the landowner.*

## 7.2 The type of vegetation that can and cannot be cleared, including the types of trees

All types of vegetation may be cleared other than mangroves and salt marsh on public land.

## 7.3 The circumstances in which vegetation should be pruned and not entirely removed

Any vegetation may be pruned other than trees greater than 10 metres from the residence.

The pruning of trees must be undertaken in accordance with AS 4373-2007 *Pruning of Amenity Trees*.

## 7.4 Use of herbicides

Herbicides may only be used in accordance with the following conditions:

- > Only herbicides registered by the Australian Pesticide and Veterinary Medicines Authority ([www.apvma.gov.au](http://www.apvma.gov.au)) may be used unless otherwise specified in a permit.
- > Users must read the label on the herbicide each time before using.
- > Users must not store, use or dispose of any herbicide that contravenes the instruction for that product.
- > Users must adhere to instructions on the herbicide label, unless otherwise specified in a permit.
- > Users must not, without a reasonable excuse, keep a herbicide in a container without an approved label attached to the container.
- > Users must not use a herbicide in a manner which risks injury to any other person or the property of another person.
- > Users must not use a herbicide in a manner which harms any non-target plant.
- > Users must not dispose of herbicide waste in a manner that risks injury to the environment, including water bodies.
- > Users must not allow herbicides to leak, spill or otherwise escape in a manner that risks injury to the environment including water bodies.

## **7.5 Managing soil erosion and landslip risks**

To manage soil erosion and landslip risks:

- > there is to be no disturbance of the soil profile
- > all topsoil must remain on the soil surface, and
- > the use of graders, ploughs and dozers to clear land under this 10/50 Code is not permitted.

In addition, tree removal is not permitted on slopes greater than 18° within areas identified as State Vulnerable Land, except in accordance with conditions identified in a Geotechnical Engineer Assessment Report undertaken for that purpose.

Pruning of trees is only permitted on slopes greater than 18° (within areas identified as State Vulnerable Land) if at least 75% of the original canopy cover is retained, except in accordance with conditions identified in a Geotechnical Engineer Assessment Report undertaken for that purpose.

## **7.6 Protection of riparian buffer zones**

The clearing of vegetation is not allowed within 10 metres of a Prescribed Stream as identified by the Office of Environment and Heritage.

The distance (metres) is measured from the highest bank or tidal limit if there is no defined high bank. This applies to either side of the Prescribed Stream.

## **7.7 Protection of Aboriginal and other cultural heritage**

Clearing may not be carried out within areas identified by the Office of Environment and Heritage as containing Aboriginal or other cultural heritage, except in accordance with conditions provided by the Office of Environment and Heritage for that purpose.

## **7.8 Protection of vegetation to which a legal obligation exists to preserve that vegetation by agreement or otherwise**

Vegetation may not be cleared if the owner of the land on which vegetation clearing work may be carried out is under a legal obligation to preserve that vegetation by agreement or otherwise.

Clearing under this 10/50 Code cannot be inconsistent with any of the following (but not limited to) land management agreements that have been entered into and that apply to:

- > any conservation agreement entered into under Division 12 of Part 4 of the *National Parks and Wildlife Act 1974*,
- > any property agreement entered into under Part 5 of the *Native Vegetation Conservation Act 1997*,
- > any Trust Agreement entered into under Part 3 of the *Nature Conservation Trust Act 2001*,
- > any property management plan approved by the Director-General of the NSW National Parks and Wildlife Service under section 91 of the *Threatened Species Conservation Act 1995*, or
- > any Property Vegetation Plan agreement entered into under Part 4 of the *Native Vegetation Act 2003*, or
- > any Biobanking Agreement entered into under Part 3 of the *Threatened Species Conservation (Biodiversity Banking) Regulation 2008*.

## ATTACHMENT A

### Additional information regarding residential accommodation and high-risk facilities

The following information is provided to assist users of this 10/50 Code identify whether their particular building constitutes residential accommodation, tourist and visitor accommodation, caravan within a caravan park, manufactured home within a manufactured home estate, child-care centre, school, or a hospital.

It is taken from the Dictionary of the Standard Instrument – Principal Local Environment Plan and is current for 1 July 2014. It is provided as a guide only and users should refer to the Instrument at

[http://www.austlii.edu.au/au/legis/nsw/consol\\_reg/silep531/](http://www.austlii.edu.au/au/legis/nsw/consol_reg/silep531/) or

<http://www.legislation.nsw.gov.au/maintop/view/inforce/epi+155a+2006+cd+0+N>

to ensure the information is the most current version.

### Residential Accommodation includes:

1. Residential accommodation within the meaning of the *Standard Instrument – Principal Local Environment Plan* including:
  - attached dwellings
  - boarding houses
  - dual occupancies
  - dwelling houses
  - group homes
  - hostels
  - multi dwelling housing
  - residential flat buildings
  - rural worker's dwellings
  - secondary dwellings
  - semi-detached dwellings
  - seniors housing, and
  - shop-top housing.
2. Tourist and visitor accommodation within the meaning of the *Standard Instrument – Principal Local Environment Plan* including:
  - backpackers' accommodation
  - bed and breakfast accommodation
  - farm stay accommodation
  - hotel or motel accommodation, and
  - serviced apartments.
3. Caravans installed or placed in caravan parks within the meaning of the *Standard Instrument – Principal Local Environment Plan*.
4. Manufactured homes installed in manufactured home estates within the meaning of the *Local Government Act 1993* and defined as a self-contained dwelling (that is, a dwelling that includes at least one kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling:

- that comprises one or more major sections
- that is not a motor vehicle, trailer or other registrable vehicle within the meaning of the [Road Transport Act 2013](#), and
- includes any associated structures that form part of the dwelling.

**High-risk facility includes:**

1. Child-care centres within the meaning of the *Standard Instrument – Principal Local Environment Plan*, are defined as a building or place used for the supervision and care of children that:
  - provides long day care, pre-school care, occasional child care or out-of-school-hours care, and
  - does not provide overnight accommodation for children other than those related to the owner or operator of the centre,
 but does not include
  - a building or place used for home-based child care
  - an out-of-home care service provided by an agency or organisation accredited by the Children's Guardian
  - a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned
  - a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised
  - a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility
  - a service that is concerned primarily with the provision of:
    - lessons or coaching, or providing for participation in, a cultural, recreational, religious or sporting activity, or
    - private tutoring
  - a school, or
  - a service provided at exempt premises (within the meaning of Chapter 12 of the [Children and Young Persons \(Care and Protection\) Act 1998](#)), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.
1. Schools within the meaning of the *Standard Instrument – Principal Local Environment Plan*, are defined as a government school or non-government school within the meaning of the [Education Act 1990](#).
2. Hospitals within the meaning of the *Standard Instrument – Principal Local Environment Plan* are defined as a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following:
  - day surgery, day procedures or health consulting rooms
  - accommodation for nurses or other health care workers
  - accommodation for persons receiving health care or for their visitors

- shops, kiosks, restaurants or cafes or take away food and drink premises
- patient transport facilities, including helipads, ambulance facilities and car parking
- educational purposes or any other health-related use
- research purposes (whether or not carried out by hospital staff or health care workers or for commercial purposes)
- chapels
- hospices, and
- mortuaries.



## **Appendix 2**

### **Submission on the proposed 10/50 Vegetation Clearing Code of practice**

Mark Beharrell, Manager - Natural Environment & Education  
8am to 5:30pm Mon - Thurs, 8am to 5pm Fri  
Phone 9970 1368 Mobile 0438 265 769

16 July 2014

Manager Community Planning  
Locked Bag 17  
Granville  
NSW 2142

Dear Sir

**Re: Submission on the Proposed 10/50 Vegetation Clearing Code of Practice**

Thank you for the opportunity to make a submission regarding the proposed 10/50 Vegetation Clearing Code of Practice. Pittwater is defined by large areas of remnant urban forest and bushland, particularly its coastline featuring vegetated headlands and treed escarpments. It is difficult to predict the potential impact and change to the character of the area from the removal of tree removal and clearing restrictions, particularly as there has been no indication of the location of 10/50 Vegetation Clearing Entitlement Area.

Pittwater Council currently has approximately 1235 Ha of land identified as bushfire prone land much of this associated with the Ku-ring-gai National Park and peri-urban areas around Ingleside. However, there is also a significant number of properties identified via the Bush Fire Prone Land Mapping guidelines in urban areas where are large bush land reserves. Obviously there are large areas of the Pittwater Local Government Area that have a high bush fire risk and have been impacted over the years.

There are numerous issues which are inconsistent across the bushfire planning system particularly in urban and peri-urban areas. The code compounds current issues with the Bushfire Prone Land Mapping process which imposes generic rules on the mapping process. This mapping ignores aspect, slope and location in the landscape, particularly on the coastal fringe where the current mapping potentially overestimates the actual bush fire risk, particularly in largely urban areas.

Depending of the location of 10/50 Vegetation Clearing Entitlement Area and the level of uptake there is likely to be a significant impact of the natural environment. There is significant potential for impacts on threatened species and endangered ecological communities for example Pittwater Spotted Gum Forest which is mainly located on private land and mainly present as mature trees. Additionally, is there is significant potential to change the character of the Pittwater Local Government Area through removal of large section of the current urban forest.

There has been no appreciation or consideration of how the code will interact with new development assessment particularly environmental assessments. Development assessment will need to consider blanket removal of vegetation below 3m for lots for new homes in urban forests on standard suburban lots.

The code itself is simplistic with many issues that need to be addressed. These include:

- In section 7.5 it details soil erosion and landslip around slopes greater than 18 degrees as identified by the state vulnerable land maps. These maps are very unclear in the Sydney Metropolitan Area. Pittwater Council's current geotechnical risk policy contains significant, mapping of risk areas, will the code override or recognise this mapping? Previous geotechnical assessments undertaken by Council in relation to hazard reduction have indicated that landslip risk is exacerbated by removal of the ground cover vegetation more so than trees.

The slope issue is a significant anomaly where a property above vegetation with a high potential bush fire risk may be precluded from the code whilst a property with a much lower risk downslope can readily utilise the code. The issue of slope is also a fundamental problem with the development of bush fire prone land mapping.

- The Definition of a tree is inconsistent within other NSW state government legislation and there are also numerous multi stemmed tree species which is at odds with the definition.
- Who is responsible for enforcing the provisions of the code? The code makes reference to being authorised clearing under NSW Legislation. Will this be the *Environmental Planning and Assessment Act*? Therefore including many Councils Tree Preservation Orders and ultimately making Council responsible for compliance?
- Section 7.2 "all types of vegetation may be cleared other than mangroves and salt marsh on public land". Does this infer: that other vegetation on public land can be cleared; and that mangroves and saltmarsh on private lands can be cleared?
- Is it wise to allow the use of herbicide particularly given the potential management issues from broad acre application herbicide use, particularly in relation to spray drift, non-label uses, effect on non-target species, training requirements for broad acre use, etc. Large areas of herbicide treated vegetation left in situ to decompose are likely to be a significant bushfire risk.
- Section 7.8 does not include those properties where development conditions have been used as a legal obligation to preserve vegetation or other conservation measures.
- The code does not address the issue of ember attack which has been shown to be one of the most important issues associated with bush fire risk management.

Pittwater Council and the NSW Rural Fire Service expend considerable effort to mitigate and manage bush fire risk through development planning and hazard reduction. The issue of landowner preparedness has always been a problem. The hazard reduction certificates process could provide an appropriate system of managing risks on existing development. This could not only include similar measures to the code proposal but also incorporate other property preparedness issues such as fuel reduction and basic structural inadequacies of properties. This process would also negate the potential compliance conflicts and potentially address some of the ember attack issues.

If you have any queries regarding these issues please contact me to discuss.

Yours sincerely

Mark Beharrell  
**MANAGER NATURAL ENVIRONMENTAL AND EDUCATION**

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<b>C10.2: Submission on the proposed 10/50 Vegetation Clearing Code of Practice</b>
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**Meeting:** Natural Environment Committee

**Date:** 4 August 2014

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**COMMITTEE RECOMMENDATION**

1. That the information provided in the report and the potential serious consequences this will have for the Pittwater environment be noted.
2. That the submission outlined in Attachment 2 to the Manager - Community Planning, NSW Rural Fire Service expressing Pittwater's concerns, be endorsed by Council.
3. That Council make urgent representations to the Minister of Environment and the Minister for Emergency Services on the excessive extent of the 10/50 Vegetation Clearing Entitlement Area and the potential impacts of the draft code on the character of Pittwater.
4. That representation be also made to LGNSW, Sydney Metropolitan Mayors and Urban Forrest Australia to seek urgent modification or abandonment of the code.
5. That a report be brought back to Council in one month with options on mitigating the impact of this Code of Practice.

(Cr Townsend / Cr Young)

**Note:**

A division was duly taken resulting in the following voting:

**Aye (For)**

Cr Ferguson  
Cr Griffith  
Cr Grace  
Cr Hegarty  
Cr McTaggart  
Cr Millar  
Cr Townsend  
Cr White  
Cr Young

**No (Against)**

Nil

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## **Sustainable Towns and Villages Committee**

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

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<b>C12.1</b>	<b>Minutes of the Sustainable Towns and Villages Reference Group Meeting held on 20 August 2014</b>
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**Meeting:** Sustainable Towns and Villages Committee      **Date:** 15 September 2014

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**STRATEGY:** Corporate Management

**ACTION:** Maintain and Service Council's Range of Committees

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## **PURPOSE OF REPORT**

To present to Council for consideration, the Minutes of Sustainable Towns and Villages Reference Group Meeting held on 20 August 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 20 August 2014 Meeting considered the following discussion topics:
- STV4.1 Tree Removal in Pittwater LGA Update
  - STV4.2 Northern Beaches Health Services Redevelopment - Mona Vale Hospital Masterplan
  - STV4.3 Place Management & Enliven Pittwater Update
  - STV4.4 Pittwater Local Environmental Plan (LEP) 2014
  - STV4.5 1200sqm minimum subdivision standard project
  - STV4.6 Draft Pittwater Community Based Heritage Study Review update
  - STV4.7 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.

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### 3.0 SUSTAINABILITY ASSESSMENT

This report does not require a sustainability assessment.

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### 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 20 August 2014.
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### RECOMMENDATION

1. That Council note the Minutes of the Sustainable Towns and Villages Reference Group Meeting held on 20 August 2014 and specifically the Reference Points below:-:
  - **Tree Removal in Pittwater LGA Update & 10/50 Vegetation Clearing Code**
    1. That the presentation by Rennae Projeski and Mr Mark Beharrell on this item be noted.
    2. That all members report back to their associations and recommend that they also distribute this message and that it is recommended all associations write to the Premier, Environment Minister, Minister for Emergency Services and Local Member requesting amendment of the 10/50 Vegetation Clearing Code and requesting for consultation with the community regarding the Code because of the unintended consequences.
  - **Northern Beaches Health Services Redevelopment - Mona Vale Hospital Masterplan**
    1. That the presentation on this item be noted.
    2. That the group thank Mr Steven Hall and Mr Michael Player for the presentation on this item.
  - **Place Management and Enliven Pittwater**
    1. That the update on this item be noted.
    2. That the update on the Place Management and Enliven Pittwater update be deferred to the next Natural Environment Reference Group meeting in November.
  - **Pittwater Local Environmental Plan (LEP) 2014**
    1. That the verbal update by Ann-Maree Newbery and Andrew Pigott be noted.
    2. That this committee express its concerns regarding the actions taken by the Department unilaterally in regards to the amendments made without consulting Pittwater Council.
  - **1200sqm minimum subdivision standard project**

That the verbal update by Andrew Pigott be updated
  - **Draft Pittwater Community Based Heritage Study Review update**

That the verbal update by Andrew Pigott be updated

- **Steps to a Sustainable Home Update**

1. That the verbal update by Mr Roberts be noted.
2. The Reference Group commend the dedication and commitment by the Steps to a Sustainable Home work group led by Mr Roberts.
3. That the reference group members review the marketing strategy distributed at the meeting for the “Steps to a Sustainable Home” and provide feedback and forward an email to Mr Roberts.

and General Business

- **Northern Beaches Health Services Redevelopment Roadworks - Environmental Considerations**

That the Reference Group members encourage their associations to write to Roads and Maritime Services and provide comment regarding the Wakehurst Parkway and wildlife connectivity between Narrabeen Lagoon Catchment and Garrigal National Park prior to 28 August 2014.

Report prepared by

Steve Evans

**DIRECTOR, ENVIRONMENTAL PLANNING & COMMUNITY**

# **Minutes**

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

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

### **20 August 2014**

Commencing at 4.00pm



## **ATTENDANCE:**

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

Cr Grace, Chairperson

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

Mr Peter Mayman, Avalon Preservation Association  
Mr Graham Rayner, Bayview - Church Point Residents Association  
Mr Ray Mills, Clareville and Bilgola Plateau Residents Association  
Ms Linda Haefeli, Climate Action Pittwater  
Ms Jacqui Marlow, Friends of Narrabeen Lagoon Catchment Committee  
Mr Mark Wadsworth, 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  
Mr Peter Cotton, Pittwater Resident Representative  
Ms Jennifer Knox, West Pittwater Community Association  
Mr Geoff Sheppard, Pittwater Resident Representative  
Mr Steven Koolloos, Pittwater Resident Representative

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

Mr Steve Evans, Director, Environmental Planning & Community  
Ms Jane Mulroney, Manager, Community Engagement and Corporate Strategy  
Mr Andrew Pigott, Manager - Planning And Assessment  
Mr Lindsay Godfrey – Manager, Community & Library Services  
Ms Leeanne Kelly – Social Planning & Community Development Coordinator  
Ms Kelly Wilkinson, Executive Planner (Strategic)  
Ms Melinda Hewitt – Manager, Place Management  
Mr Mark Beharrell – Manager, Natural Environment  
Ms Ann-Maree Newbery – Principal Planner (Strategic)  
Ms Rennae Projeski – Education and Enforcement Supervisor  
Ms Sherryn McPherson, Administration Officer/Minute Secretary

## Sustainable Towns and Villages Reference Group Meeting

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<b>3.0</b>	<b>Confirmation of Minutes</b>	
<b>4.0</b>	<b>Discussion Topics</b>	
STV4.2	Northern Beaches Health Services Redevelopment - Mona Vale Hospital Masterplan	
STV4.1	Tree Removal in Pittwater LGA Update	
STV4.3	Place Management & Enliven Pittwater Update	
STV4.4	Pittwater Local Environmental Plan (LEP) 2014	
STV4.5	1200sqm minimum subdivision standard project	
STV4.6	Draft Pittwater Community Based Heritage Study Review update	
STV4.7	Steps to a Sustainable Home Update	
<b>5.0</b>	<b>Emerging Business</b>	
STV5.1	Northern Beaches Health Services Redevelopment Roadworks - Environmental Considerations	
<b>6.0</b>	<b>Next Meeting</b>	

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## **1.0 Apologies**

1. Apologies were received from

- Mr Anthony Edye, Climate Action Pittwater
- Mr Dick Clarke, Elanora Heights Residents Association
- Mr James Vosper, Pittwater Resident Representative
- 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. The Reference Group members accepted the apologies.

3. The Chair introduced and welcomed new Pittwater Council Staff Members Ms Ann-Maree Newbery, Principal Planner (Strategic) and Mr David Bremner (Community Engagement Officer) to the Sustainable Towns and Villages Reference Group Committee.

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## **2.0 Declarations of Pecuniary Interest**

Nil.

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## **3.0 Confirmation of Minutes**

### **REFERENCE POINT**

That the Minutes of the Sustainable Towns and Villages Reference Group Meeting held on 21 May 2014, be confirmed as a true and accurate record of that meeting.

(Mr Peter Mayman / Mr Steve Koolloos)

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## **4.0 Discussion Topics**

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<b>STV4.2</b>	<b>Northern Beaches Health Services Redevelopment - Mona Vale Hospital Masterplan</b>
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### **Proceedings in Brief**

The Chairperson introduced and welcomed Ms Heather Gough and Mr Michael Player from Northern Beaches Health Service Redevelopment (NBHSR) to the meeting whom will present this item.

Mr Steve Hall and Mr Michael Player addressed the meeting on behalf of the NBHSR and provided an update on the Mona Vale Hospital Masterplan. The current range of health services provided on the Northern Beaches need to be redesigned to support the changing needs of the local community. A new hospital for the Northern Beaches community will provide more complex health services at contemporary standards, with modern infrastructure that supports innovation, teaching and research. Local people will have excellent healthcare on their doorstep, with Northern Beaches Hospital and Mona Vale Hospital along with three new community health centres in Mona Vale, Seaforth and Brookvale. A copy of the presentation provided to the group is attached to the Minutes at **Attachment 1**.

### **Discussion Points:**

**Q:** What services will be available within the Urgent Care Facility?

**A:** The Urgent Care Facility will be open 24 hours and will be the equivalent of an advanced GP Clinic. It will be a self-presentation only clinic and will not accommodate for an Ambulance service. It will treat minor injuries and illnesses. E.g. children with chicken pox, colds and flu. Pathology (Blood Testing), x-rays and referrals.

**Q:** Residents are confused as to what services will be available at the new locations, in relation to the Maternity and Children's ward, where will they be situated within the redevelopment?

**A:** The Maternity, Paediatrics ward, Inpatient and overnight Acute Care services will be relocated to the new Northern Beaches Hospital.

A significant amount of community information campaigns have been completed in regards to distributing the information to the region.

Further information can be obtained from:

Website: [www.nbhsredev.health.nsw.gov.au](http://www.nbhsredev.health.nsw.gov.au)

Email: [northernbeaches.enquiries@hinfra.health.nsw.gov.au](mailto:northernbeaches.enquiries@hinfra.health.nsw.gov.au)

Phone: 02 9978 5410

In addition, two Information sessions will be scheduled to be held in conjunction with Roads and Maritime Services especially formulated for residents to drop in and ask questions.

**Q:** How will the hospital operate as a combined public and private hospital?

**A:** In regards to service, all emergency patients will be treated with priority. Public patients will be allocated assistance as normal and then be treated where possible. Depending on the treatment required (e.g. surgery) there is set targets with timeframes in which this service must be performed. The benefits of having private health care will provide those patients with the opportunity to select a particular surgeon.

The facility will be fully integrated with each room designed to cater for private patient standards however, there will be separate spaces allocated for Public and Private spaces. The services provided will depend on the patient's needs. There will not be quad rooms and are designing the hospital with majority of wards containing single and two bay beds.

**Q:** Will the new hospitals incorporate additional parking (e.g. Parking Stations) to ensure there is sufficient parking for the patients and visitors?

**A:** Yes the new hospitals will have changes made their car parking and public transport:

In regards to parking:

- Mona Vale Hospital: Each building and zone will require car parking incorporated into the design of the development. There are no plans to build a multi-story car park on site.
- Northern Community Health Centre: The services are currently already on the site however will be relocated into a new Community Health Centre which incorporates additional car parking. The services and clientele are already established and it is not predicted that the demand for parking will change greatly.

In regards to transport:

- Over all 400 million will be allocated for Roads
- \$125 million will be allocated to upgrading the Wakehurst Parkway (including flood prevention where possible) and will incorporate a Bus Rapid Transit Network and will interact between the new sites.

Roads and Maritime Services have created a Northern Beaches Action Plan and can provide further information. In addition, two Information sessions will be scheduled to be held in conjunction with NBHSR and Roads and Maritime Services especially formulated for residents to drop in and ask questions.

**Q:** With the redesign of the Hospital, will it require rezoning?

**A:** No, with the reallocation of current services provides space for the new facilities which can be introduced without affecting the site of the Hospital.

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#### REFERENCE POINT

1. That the presentation on this item be noted.
2. That the group thank Mr Steven Hall and Mr Michael Player for the presentation on this item.

(Mr Peter Mayman / Ms Selena Webber)

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#### STV4.1 Tree Removal in Pittwater LGA Update

##### **Proceedings in Brief**

Ms Rennae Projeski, Education and Enforcement Supervisor addressed the meeting on this item. Ms Projeski briefly explained that the roles of the Enforcement Officers is to investigate tree removal and if there is a breach which provides them an opportunity to either enforce on the spot fines (which must be proved without doubt) or are refer to the Court.

##### **Matters arising from the Discussion**

**Q:** What type of fines do Council enforce to residents breaking the law?

**A:** There are mainly two types of fines that Council enforce, which are:

- Tree removed as part of a building site that has consent will incur a \$750.
- Tree removed which is not part of a building site and has been removed without any approval, will incur an on the spot fine of \$1500.

The fines are enforced under the *Environmental Assessment Act*.

**Q:** Has Council prosecuted people through the courts successfully?

**A:** Yes, there has been instances of success through the Courts however, the outcome is sometimes not as effective as an on the spot fine.

**Q:** When people apply for approval to remove trees, how is this process assessed and are many of these applications refused?

**A:** Yes, a percentage of these applications are refused.

The applications are assessed by qualified staff under Tree Preservation and Bushland Management. The Applicant needs to provide supporting evidence and demonstrate why the tree should be removed and if it is problematic. A Council officer will assess the tree and on various occasions will organise for an Arborist to also attend the site to provide an additional report.

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### **Verbal Update on 10/50 Vegetation Clearing Code**

#### **Proceedings in Brief**

Mr Mark Beharrell - Manager, Natural Environment and Education addressed the meeting on this item. A copy of the vegetation PowerPoint presentation is attached to the minutes at **Attachment 2**

The chairperson updated the group on the report that went to the council meeting on Monday 4 August. A copy of the report and minute item is at **Attachment 3** of the minutes.

#### **Discussion Points:**

**Q: To further clarify, so if a tree is 10m from your property (not on your land and possibly on Councils reserve) can residents remove them?**

**A:** That is incorrect, this legislation only applies for trees on your property, however, if a tree is further than 10m from your habitable room yet 5m from your neighbours habitable room, then the tree can be removed.

**Q: Who has introduced this program?**

**A:** Minister for Emergency Service has introduced this legislation, Mr Stuart Ayres

**Q: Is there any provision to apply for an exemption with State Government for this legislation not to apply to Pittwater LGA?**

**A:** No, there is no provision for exemption. This new code overrides every act available.

**Q: Are other Councils concerned about the new code?**

**A:** Yes they are but Pittwater cannot comment on what actions they are taking in regards to this Code. A large % of Warringah and Mosman LGA is affected. Due the mention of Bushfire in the code, there is a little bit of hesitancy for all Councils to respond speaking against this item.

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### **REFERENCE POINT**

1. That the presentation by Ms Rennae Projeski and Mr Mark Beharrell be noted.
2. That all members report back to their associations and recommend that they also distribute this message and that it is recommended all associations write to the Premier, Environment Minister, Minister for Emergency Services and Local Member requesting amendment of the 10/50 Vegetation Clearing Code and requesting for consultation with the community regarding the Code because of the unintended consequences.

(Mr Peter Mayman / Mr Greg Roberts)

#### **Note:**

Ms Selena Webber (Newport Residents Association) left the meeting at 5pm and did not return.

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### STV4.3 Place Management & Enliven Pittwater Update

#### Proceedings in Brief

Ms Melinda Hewitt, Manager – Place Management addressed the meeting on this item. In April 2014, Pittwater Council established the new Place Management Business Unit. This Business Unit is one of fourteen business units within the organisational structure and will deliver on a number of key directions and strategies for the Pittwater Community including; economic development, place planning for town and village centres, delivering and supporting events and arts and cultural outcomes across Pittwater.

The Enliven Pittwater Strategy is one of the functions of the Place Management Business Unit. Enliven Pittwater has recently reached its one year anniversary with over 30 outcomes delivered during that time.

The group received an update and invitation to:

- **Mona Vale Long Lunch, 20 September 2014**

A growing local economy is critical to building a vibrant community. The event will be held in Bungan Lane, Mona Vale from 11am to 4pm and will transform the village into a retail / entertainment hub offering pedestrians the chance to access and experience the village in a pleasurable way.

For More information about the Enliven Mona Vale Long Lunch go to:

Website: [businessinpittwater.com.au](http://businessinpittwater.com.au)

Contact: The Place Management Team on [enliven@pittwater.nsw.gov.au](mailto:enliven@pittwater.nsw.gov.au)

Phone: 02 9970 1111

- **Village Economies Summit, 18 – 20 September 2014**

Pittwater Council is committed to creating places where the community want to live, work, play and shop. The Village Economies Summit is an exciting three day event for business and community to be held in Mona Vale.

On Friday, 19 September 2014 the Village Economies Summit will showcase Mona Vale to visitors outside the area and includes a series of talks on place making, tourism, and creative industries from expert presenters as well as providing a great opportunity for business to network and promote their products and services.

For More information about the Village Economies Summit and ticket sales, go to:

Website: [businessinpittwater.com.au](http://businessinpittwater.com.au)

Contact: The Place Management Team on [enliven@pittwater.nsw.gov.au](mailto:enliven@pittwater.nsw.gov.au)

Phone: 02 9970 1111

Further information on the Mona Vale Long Lunch and Village Economies Summit is attached to the minutes at **Attachment 4**.

There are a significant number of 'Place Management / Place Making' definitions however all recognise the purpose of 'Place' and the value of people's connection to place. The diagram on the following page, developed by Project for Public Spaces organisation (PPS), depicts the way in which places can be characterised using the four quadrants of key attributes to 'successful' places.



This model and approach provides a good foundation for understanding and planning for places in Pittwater.



The group received an exercise to complete utilizing the above 'Place' diagram and perform a Place Audit of precincts within Mona Vale and report results back to the Place Management team. A copy of the Place Audit is attached to the minutes at **Attachment 5**.

### **Discussion Points:**

#### **Q: Does the exercise include pedestrian precincts?**

**A:** Yes, it is important to do temporary interventions, investigate permanent closures (temporarily) and review the response. The purpose is to recognise the purpose of 'Place' and the value of people's connection to place. Engagements will be ongoing. This will start in September and review how people connect a build evidence for further recommendations prior to reporting to Council.

#### **Q: Are Councils making any decisions at the Village Economy Summit?**

**A:** No, Mona Vale will be utilised as a case study for the Summit but will not formulate decisions as a result. It is initially to research and collate responses from residents over a period of six months and inviting the community to get engaged around Mona Vale. All Reference Group members are encouraged to attend.

#### **Q: Will the Village Economy Summit include information on the Future Cities program?**

**A:** The Future Cities is collaboration with University of Sydney (this incorporates a Centre for American studies within the University for State Government) and Pittwater is one of six Councils selected to participate in this program in the form of a workshop and will be going on a study tour in November. Mona Vale is our chosen project and using this as a case study whilst working with the Future Cities program.