

# **Agenda**

## **Council Meeting**

Notice is hereby given that a Council Meeting of Pittwater Council will be held at Mona Vale Memorial Hall on

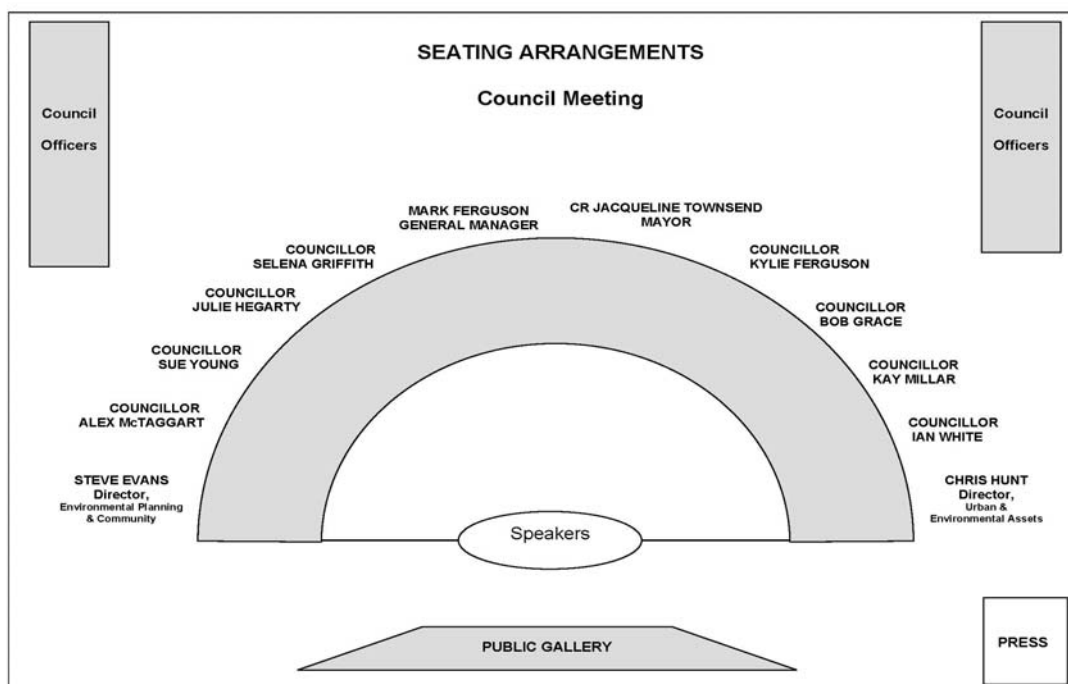
**18 August 2014**

Commencing at 6.30pm for the purpose of considering the items included on the Agenda.

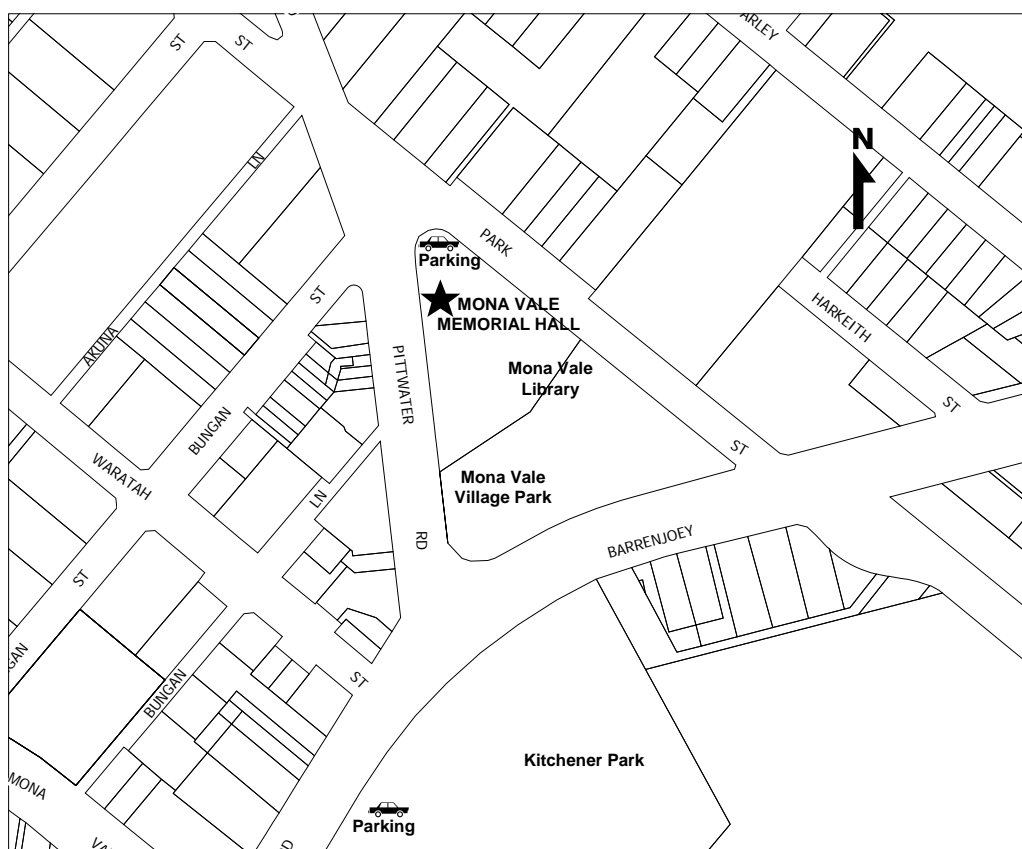
Mark Ferguson  
**GENERAL MANAGER**



## Seating Arrangements



## Meeting Location



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

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## **Acknowledgement of Country**

**Pittwater Council honours and respects the spirits of the Guringai people.**

**Council acknowledges their traditional custodianship of the Pittwater area.**

## **Statement of Respect**

**Pittwater Council promotes and strives to achieve a climate of respect for all and endeavours to inspire in our community shared civic pride by valuing and protecting our unique environment, both natural and built, for current and future generations.**

**We, the elected members and staff of Pittwater Council, undertake to act with honesty and integrity, to conduct ourselves in a way that engenders trust and confidence in the decisions we make on behalf of the Pittwater Community.**

## IMPORTANT NOTE FOR COUNCILLORS

The Council has received Confidential Advice in relation to the matters listed below which is attached as **Appendix 1 to Councillor's Agenda on yellow paper**. It is important that Councillors read these documents prior to determining the matters. Should the Council wish to consider the Confidential Advice during the course of the meeting, the following procedure should be followed:

1. Any persons wishing to address the Council are invited to address the Council in Open Session, so that the general (non-confidential) issues relating to the matter are debated in Open Session.
2. Should the Council wish to consider the Confidential Advice at any time during the debate, the Council should resolve into Committee of the Whole in Closed Session in accordance with Section 10A(2)(d) of the Local Government Act 1993, and debate the Confidential Advice and any related issues in a Closed Forum, with the Press and Public excluded. The Council does not have to make any resolution whilst in Committee of the Whole in Closed Session.
3. Following conclusion of the Confidential discussion concerning the Confidential Advice the Council should resolve back into Open Session to continue the debate as required, excluding any reference to the Confidential Advice. Once again it is noted that the debate in Open Session should centre around the general (non-confidential) issues associated with the matter.
4. The Council should then determine the matter in Open Session.

The Reports on the items below are listed in Open Session in the Agenda:

Item No	Item	Page No
C11.4	Tender T01/14SHOROC - Provision of cash collection services to Pittwater, Manly, Mosman and Willoughby City Councils	59

Mark Ferguson  
**GENERAL MANAGER**



# Council Meeting

## TABLE OF CONTENTS

Item No	Item	Page No
<b>Council Meeting</b>		
1.0	Public Forum	7
2.0	Resident Questions	8
3.0	Apologies	9
4.0	Declarations of Pecuniary and Conflict of Interest including any Political Donations and Gifts	9
5.0	Confirmation of Minutes	10
6.0	Public Addresses	10
7.0	Councillor Questions with Notice	11
8.0	Mayoral Minutes	11
9.0	Business by Exception	11
10.0	Council Meeting Business	11
C10.1	Notice of Motion - Pittwater Unleashed Report	12
<b>Leading and Learning Committee</b>		
11.0	Leading and Learning Committee Business	13
C11.1	Investment Balances for the Month of July 2014	14
C11.2	Quarterly Budget Review Statement for the Quarter Ending 30 June 2014	20
C11.3	Annual Financial Statements 2013-14 - Submission To Auditor	53
C11.4	Tender T01/14SHOROC - Provision of cash collection services to Pittwater, Manly, Mosman and Willoughby City Councils	59
C11.5	Ocean Swim Series 2014/15	63
C11.6	Report on Velo-City Global Conference, Adelaide 27 - 30 May 2014	68
C11.7	Arts and Culture Awards & Summit, 26 - 27 May 2014	73
C11.8	Report on Australian Local Government Association (ALGA) National General Assembly (NGA)	77

Item No	Item	Page No
<b>Sustainable Towns and Villages Committee</b>		
<b>12.0</b>	<b>Sustainable Towns and Villages Committee Business</b>	<b>80</b>
C12.1	N0097/14 - 78 Prince Alfred Parade, Newport - swimming pool and associated landscaping	81
C12.2	N0378/13 - 11 Corniche Road, Church Point NSW 2105 - S82A Reconsideration of application for demolition of the existing dwelling and the construction of a new dwelling and swimming pool	111
C12.3	N0044/14 – 3 Cook Terrace, Mona Vale NSW 2103 – Subdivision of an existing detached dual occupancy	138
<b>Council Meeting</b>		
<b>13.0</b>	<b>Adoption of Leading and Learning Committee Recommendations</b>	<b>153</b>
<b>14.0</b>	<b>Adoption of Sustainable Towns and Villages Committee Recommendations</b>	<b>153</b>
<b>Appendix 1 - Confidential Advice</b>		

#### **CONFIDENTIAL CLAUSE**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act 1993, which permits the Council to close the meeting to the public for business relating to the following: -*

- (d) *Commercial information of a confidential nature that would, if disclosed:-*
- prejudice the commercial position of the person who supplied it; or*
  - confer a commercial advantage on a competitor of the Council; or*
  - reveal a trade secret.*

Confidential Information

- Tender T01/14SHOROC - Provision of cash collection services to Pittwater, Manly, Mosman and Willoughby City Councils

**The Senior Management Team  
has approved the inclusion of  
all reports in this agenda.**

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## Council Meeting

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### 1.0 Public Forum

#### GUIDELINES FOR RESIDENTS - PUBLIC FORUM

##### Objective

**The purpose of the Public Forum is to gain information or suggestions from the community on new and positive initiatives that Council can consider in order to better serve the Pittwater community.**

- The Public Forum is not a decision making forum for the Council;
- Residents should not use the Public Forum to raise routine matters or complaints. Such matters should be forwarded in writing to Council's Customer Service Centres at Mona Vale or Avalon where they will be responded to by appropriate Council Officers;
- There will be no debate or questions with, or by, Councillors during/following a resident submission;
- Council's general meeting procedures apply to Public Forums, in particular, no insults or inferences of improper behaviour in relation to any other person/s is permitted;
- No defamatory or slanderous comments will be permitted. Should a resident make such a comment, their submission will be immediately terminated by the Chair of the Meeting;
- Up to 20 minutes is allocated to the Public Forum;
- A maximum of 1 submission per person per meeting is permitted, with a maximum of 4 submissions in total per meeting;
- A maximum of 5 minutes is allocated to each submission;
- Public submissions will not be permitted in relation to the following matters:
  - Matters involving current dealings with Council (eg. development applications, contractual matters, tenders, legal matters, Council matters under investigation, etc);
  - Items on the current Council Meeting agenda;
- The subject matter of a submission is not to be repeated by a subsequent submission on the same topic by the same person within a 3 month period;
- Participants are not permitted to use Council's audio visual or computer equipment as part of their submission. However, photographs, documents etc may be circulated to Councillors as part of the submission;
- Any requests to participate in the Public Forum shall be lodged with Council staff by 12 noon on the day of the Council Meeting. To register a request for a submission, please contact Warwick Lawrence, phone 9970 1112.

Mark Ferguson  
**GENERAL MANAGER**

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## 2.0

## Resident Questions

### RESIDENT QUESTION TIME

#### Objective

**The purpose of Resident Question Time is to provide the community with a forum to ask questions of the elected Council on matters that concern or interest individual members of the community.**

The following guidelines apply to any person addressing a Council / Committee meeting in relation to a Resident Question:

1. *Residents Question Time is conducted at the commencement of the second Council Meeting of the month and prior to the handling of General Business.*
2. *A maximum of 10 minutes is allocated to Residents Question Time.*
3. *Each Resident is restricted to two (2) questions per meeting.*
4. *All questions are to be in writing or made electronically and lodged with the General Manager no later than 6.15pm on the day of the Council meeting at which it is to be considered.*
5. *Questions must be precise and succinct and free of ambiguity and not contain any comments that may be offensive, defamatory or slanderous in any way.*
6. *A brief preamble may accompany the question to clarify the issue however only the actual question will be included in the minutes of the Council meeting.*
7. *Responses to residents questions made at the meeting will also be included in the minutes of the Council meeting.*
8. *Resident's questions taken on notice shall be the subject of a report to Council setting out both the question and response and shall be included in the agenda at the second meeting of the month following the resident's question.*
9. *There will be no debate or questions with, or by, Councillors during / following a resident question and response.*

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### **3.0 Apologies**

Apologies must be received and accepted from absent Members and leave of absence from the Council Meeting must be granted.

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### **4.0 Declarations of Pecuniary and Conflict of Interest including any Political Donations and Gifts**

**Councillors are advised of the following definitions of a "pecuniary" or "conflict" of interest for their assistance:**

\* Section 442 of the Local Government Act, 1993 states that a "pecuniary" interest is as follows:

*"(1) [Pecuniary interest] A Pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.*

*(2) [Remoteness] A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter."*

**Councillors should reference the Local Government Act, 1993 for detailed provisions relating to pecuniary interests.**

\* Council's Code of Conduct states that a "conflict of interest" exists when you could be influenced, or a reasonable person would perceive that you could be influenced by a personal interest when carrying out your public duty.

**Councillors are also reminded of their responsibility to declare any Political donation or Gift in relation to the Local Government & Planning Legislation Amendment (Political Donations) Act 2008.**

\* A reportable political donation is a donation of:

- \$1,000 or more made to or for the benefit of the party, elected member, group or candidate; or
- \$1,000 or more made by a major political donor to or for the benefit of a party, elected member, group or candidate, or made to the major political donor; or
- Less than \$1,000 if the aggregated total of the donations made by the entity or person to the same party, elected member, group, candidate or person within the same financial year (ending 30 June) is \$1,000 or more.

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## 5.0 Confirmation of Minutes

“Councillors are advised that when the confirmation of minutes is being considered, the only question that can arise is whether they faithfully record the proceedings at the meeting referred to. A member of a council who votes for the confirmation of the minutes does not thereby make himself a party to the resolutions recorded: **Re Lands Allotment Co (1894) 1 Ch 616, 63 LJ Ch 291.**”

Minutes of the Council Meeting held on 4 August 2014.

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## 6.0 Public Addresses

The following guidelines apply to any person addressing a Council / Committee meeting in relation to an item on the Council / Committee meeting agenda:

1. *A member of the public may be granted leave to address a meeting of Council or a Committee, where such a request is received by the General Manager no later than 3.00pm on the day of the meeting. This is subject to:*
  - (a) *A maximum of up to six speakers may address on any one item, with a maximum of three speakers in support of the recommendation in the report, and three speakers in opposition.*
  - (b) *A limitation of three minutes is allowed for any one speaker, with no extensions.*
  - (c) *An objector/s to a development application is to speak first with the applicant always being given the right to reply.*

*Exceptions to these requirements may apply where:*

- (a) *The Meeting specifically requests that a person be interviewed at a meeting.*
  - (b) *The Meeting resolves that a person be heard at the meeting without having given prior notice to the General Manager*
2. *Once a public/resident speaker has completed their submission and responded to any Councillor questions, they are to return to their seat in the public gallery prior to the formal debate commencing.*
3. *No defamatory or slanderous comments will be permitted. Should a resident make such a comment, their address will be immediately terminated by the Chair of the meeting.*
4. *Council's general meeting procedures apply to Public Addresses, in particular, no insults or inferences of improper behaviour in relation to any other person is permitted.*
5. *Residents are not permitted to use Council's audio visual or computer equipment as part of their address. However, photographs, documents etc may be circulated to Councillors as part of their address.*

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<b>7.0</b>	<b>Councillor Questions with Notice</b>
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<b>8.0</b>	<b>Mayoral Minutes</b>
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<b>9.0</b>	<b>Business by Exception</b>
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Items that are dealt with by exception are items where the recommendations contained in the reports in the Agenda are adopted without discussion.

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<b>10.0</b>	<b>Council Meeting Business</b>
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<b>C10.1</b>	<b>Notice of Motion - Pittwater Unleashed Report (Motion submitted by Cr White)</b>
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**Meeting:** Council Meeting

**Date:** 18 August 2014

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## **NOTICE OF MOTION**

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### **1.0 BACKGROUND**

Council is in receipt of a submission from the "Pittwater Unleashed" group with regard to the lack of permitted access to ocean beaches within the local government area for unleashed dogs.

This submission represents a desire shared by a number of Pittwater residents who are seeking unleashed dog access to ocean beaches.

Many of our companion animal regulations have not been reviewed for a while and an investigation of the proposal from "Pittwater Unleashed" in line with a review of current policies would be timely.

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### **Motion**

1. That Council staff review the submission from the "Pittwater Unleashed" group and prepare a report to Council responding to the issues raised.
2. That research into how other coastal metropolitan Councils deal with dog access to beaches be included within the report.

**Cr Ian White**



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## **Leading and Learning Committee**

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### **11.0      Leading and Learning Committee Business**

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## **C11.1 Investment Balances for the Month of July 2014**

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**Meeting:** Leading and Learning Committee

**Date:** 18 August 2014

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**STRATEGY:** Business Management

**ACTION:** To Provide Effective Investment of Council's Funds

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### **PURPOSE OF REPORT**

To advise on the status of Council's Investment Balances as at 31 July 2014.

#### **1.0 BACKGROUND**

- 1.1 As provided for in Regulation 212 of the Local Government (General) Regulation, 2005, a report listing Council's investments (refer **Attachment 1**) must be presented.

#### **2.0 ISSUES**

##### **2.1 MONTHLY RETURN**

Investment return for the month of July 2014:

Term deposits interest income:	<u>\$89,262</u>
Net investment return for July 2014:	\$89,262

##### **YEAR TO DATE RETURN**

Investment return year to date July 2014:

Term deposits interest income:	<u>\$89,262</u>
Net investment return year to date:	\$89,262

Projected investment return budget for financial year: \$1,250,000

##### **2.2 PERFORMANCE OF COUNCIL'S PORTFOLIO FOR THE LAST FIVE YEARS**

Annual returns of Council's portfolio for the last five years:

<b>Year to</b>	<b>Net Return</b>	<b>Return on average funds invested</b>
June 2011	\$ 1,521,223	5.9%
June 2012	\$ 1,679,693	6.4%
June 2013	\$ 1,656,908	4.8%
June 2014	\$ 1,227,105	3.8%
July 2014	\$ 89,262	3.6%
Projected Budget	\$ 1,250,000	4.0%

Note: Net investment return includes interest income and capital movements.

### **3.0 RESPONSIBLE ACCOUNTING OFFICER CERTIFICATION**

- 3.1 The Responsible Accounting Officer certifies that all investments have been made in accordance with Section 625 of the Local Government Act, 1993, the Local Government (General) Regulations, and Council's Investment Policy (No 143).
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### **4.0 SUSTAINABILITY ASSESSMENT**

This report does not require a sustainability assessment.

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### **5.0 EXECUTIVE SUMMARY**

- 5.1 The net investment return as at 31 July 2014 is \$89,262.
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### **RECOMMENDATION**

That the information provided in the report be noted.

Report prepared by  
Renaë Wilde, Senior Project Accountant

Mark Jones  
**CHIEF FINANCIAL OFFICER**



# PITTWATER COUNCIL

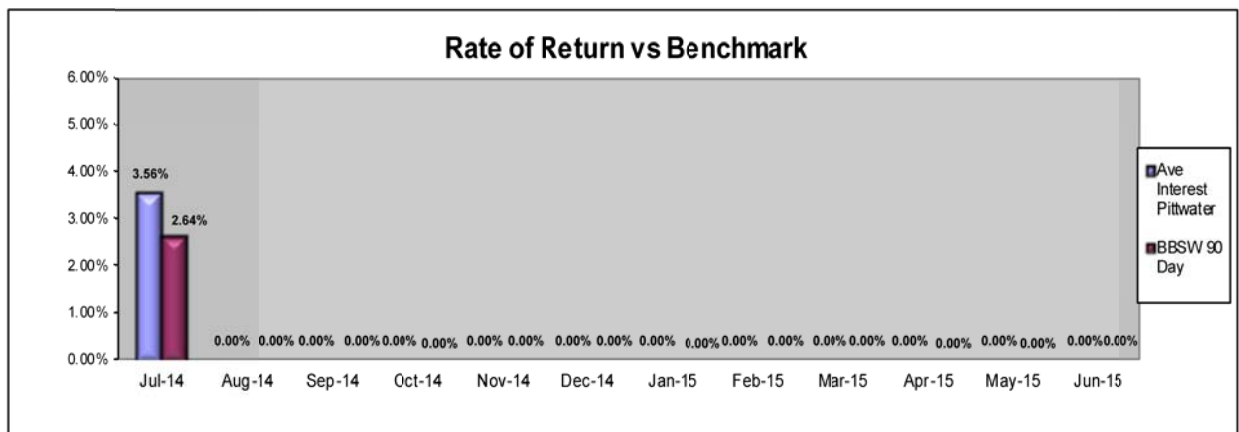
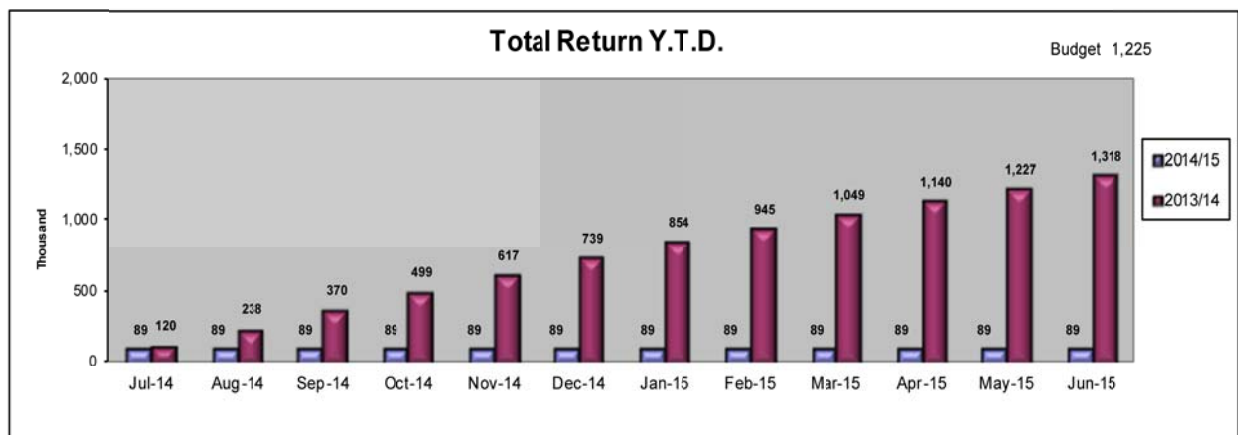
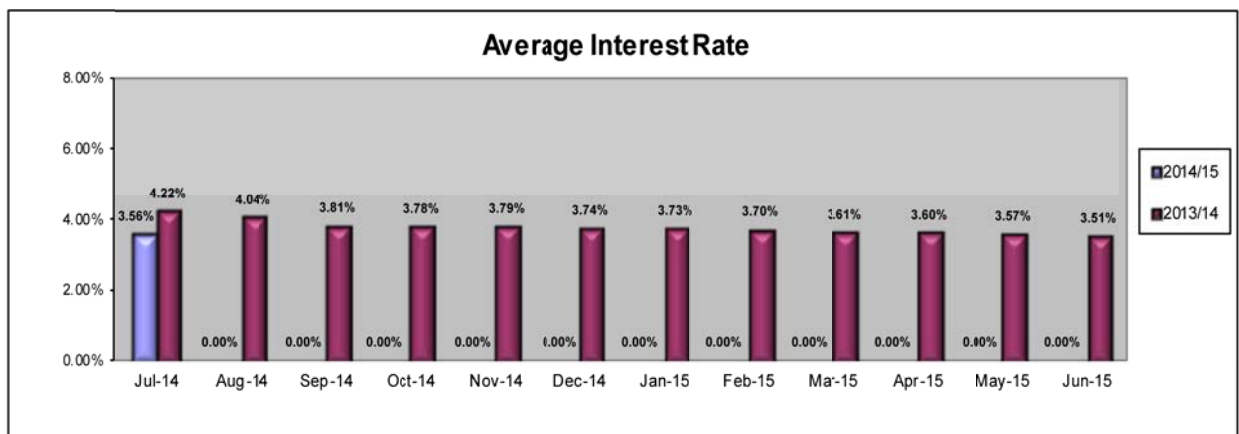
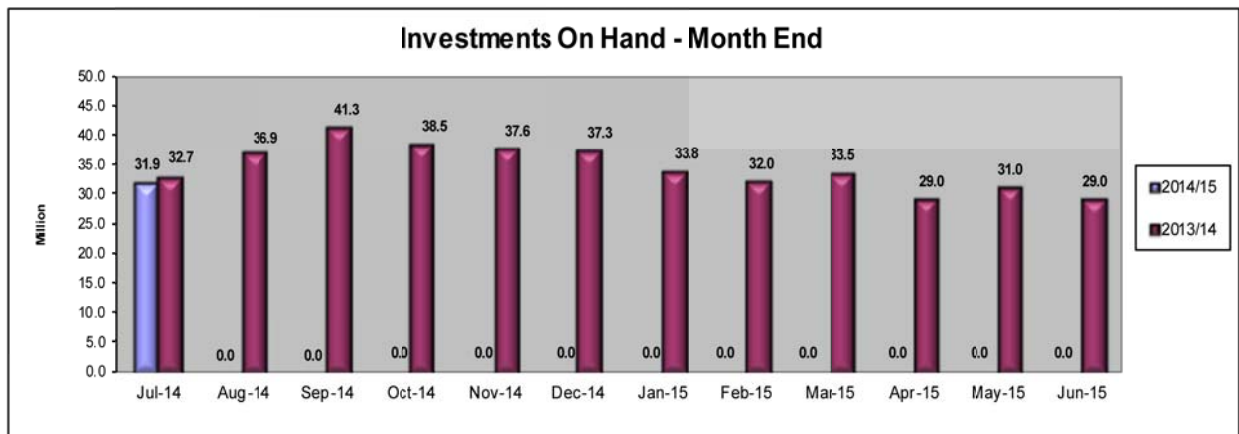
## INVESTMENT BALANCES

As at 31st July 2014

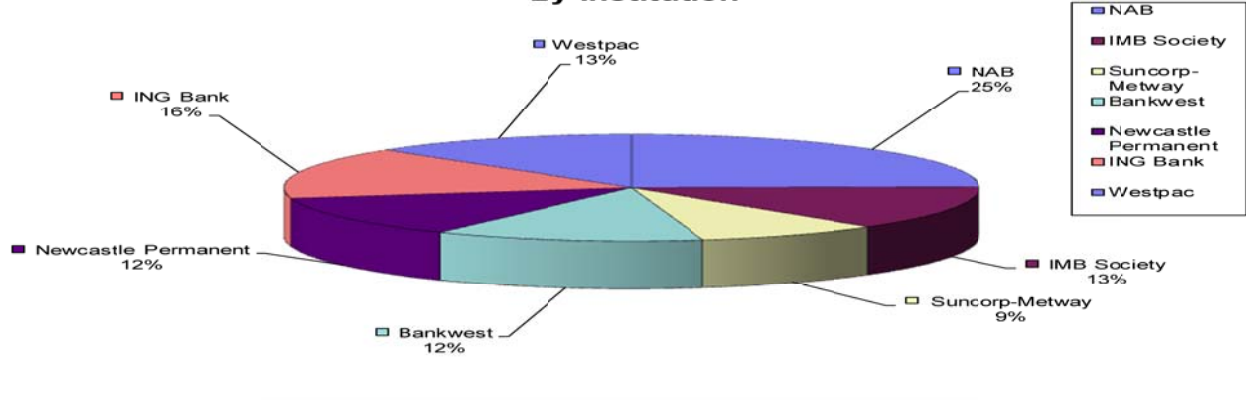
TYPE	INSTITUTION	Rating	AMOUNT \$	DATE INVESTED	MATURITY DATE	TERM (DAYS)	INTEREST RATE
At Call	NAB	AA-	3,400,000.00 *	At Cal	At Call	1	3.00%
<b>At Call Total</b>			<b>3,400,000.00</b>				
Term Dep	IMB Society	BBB	750,000.00	17-Jun-14	13-Oct-14	118	3.50%
Term Dep	IMB Society	BBB	1,000,000.00	23-Jun-14	3-Nov-14	133	3.50%
Term Dep	IMB Society	BBB	1,000,000.00	21-Jul-14	8-Dec-14	140	3.50%
Term Dep	IMB Society	BBB	1,000,000.00	28-Jul-14	17-Nov-14	112	3.50%
Term Dep	IMB Society	BBB	500,000.00	28-Jul-14	5-Jan-15	161	3.50%
<b>Investee Total</b>			<b>4,250,000.00</b>				
Term Dep	Suncorp-Metway	A+	750,000.00	28-Apr-14	25-Aug-14	119	3.50%
Term Dep	Suncorp-Metway	A+	1,000,000.00	28-May-14	22-Sep-14	117	3.50%
Term Dep	Suncorp-Metway	A+	1,000,000.00	2-Jun-14	1-Dec-14	182	3.60%
<b>Investee Total</b>			<b>2,750,000.00</b>				
Term Dep	Bankwest	AA-	1,000,000.00	11-Mar-14	5-Aug-14	147	3.50%
Term Dep	Bankwest	AA-	1,000,000.00	27-May-14	18-Aug-14	83	3.50%
Term Dep	Bankwest	AA-	1,000,000.00	2-Jun-14	15-Sep-14	105	3.50%
Term Dep	Bankwest	AA-	1,000,000.00	23-Jul-14	10-Nov-14	110	3.38%
<b>Investee Total</b>			<b>4,000,000.00</b>				
Term Dep	Westpac	AA-	1,000,000.00	12-May-14	12-Aug-14	92	3.54%
Term Dep	Westpac	AA-	1,000,000.00	30-May-14	29-Sep-14	122	3.57%
Term Dep	Westpac	AA-	1,000,000.00	2-Jun-14	29-Sep-14	119	3.57%
Term Dep	Westpac	AA-	1,000,000.00	4-Jun-14	13-Oct-14	131	3.56%
<b>Investee Total</b>			<b>4,000,000.00</b>				
Term Dep	Newcastle Permanent	BBB+	1,000,000.00	28-May-14	8-Sep-14	103	3.50%
Term Dep	Newcastle Permanent	BBB+	1,000,000.00	30-Jun-14	20-Oct-14	112	3.45%
Term Dep	Newcastle Permanent	BBB+	1,000,000.00	14-Jul-14	27-Oct-14	105	3.50%
Term Dep	Newcastle Permanent	BBB+	1,000,000.00	21-Jul-14	27-Oct-14	98	3.50%
<b>Investee Total</b>			<b>4,000,000.00</b>				
Term Dep	ING Bank	A-	1,000,000.00	17-Feb-14	11-Aug-14	175	3.70%
Term Dep	ING Bank	A-	1,000,000.00	3-Mar-14	7-Oct-14	218	3.80%
Term Dep	ING Bank	A-	1,000,000.00	17-Mar-14	15-Sep-14	182	3.67%
Term Dep	ING Bank	A-	500,000.00	10-Jun-14	8-Dec-14	181	3.62%
Term Dep	ING Bank	A-	500,000.00	27-Jun-14	15-Dec-14	171	3.63%
Term Dep	ING Bank	A-	1,000,000.00	28-Jul-14	27-Jan-15	183	3.46%
<b>Investee Total</b>			<b>5,000,000.00</b>				
Term Dep	NAB	AA-	1,000,000.00	28-Aug-13	1-Sep-14	369	3.90%
Term Dep	NAB	AA-	1,000,000.00	26-May-14	25-Aug-14	91	3.50%
Term Dep	NAB	AA-	500,000.00	26-May-14	24-Nov-14	182	3.60%
Term Dep	NAB	AA-	1,000,000.00	3-Jun-14	2-Feb-15	244	3.61%
Term Dep	NAB	AA-	500,000.00	14-Jul-14	5-Jan-15	175	3.60%
Term Dep	NAB	AA-	500,000.00	23-Jul-14	8-Dec-14	138	3.50%
<b>Investee Total</b>			<b>4,500,000.00</b>				
July BBSW Close							2.64%
<b>TOTAL INVESTMENTS</b>			<b>\$31,900,000.00</b>				

Note: Investments denoted with an \* are held in Cash and Cash Equivalents in Council's Balance Sheet along with Cash at Bank and Floats.

All other investments are held as Investment Securities in Council's Balance Sheet

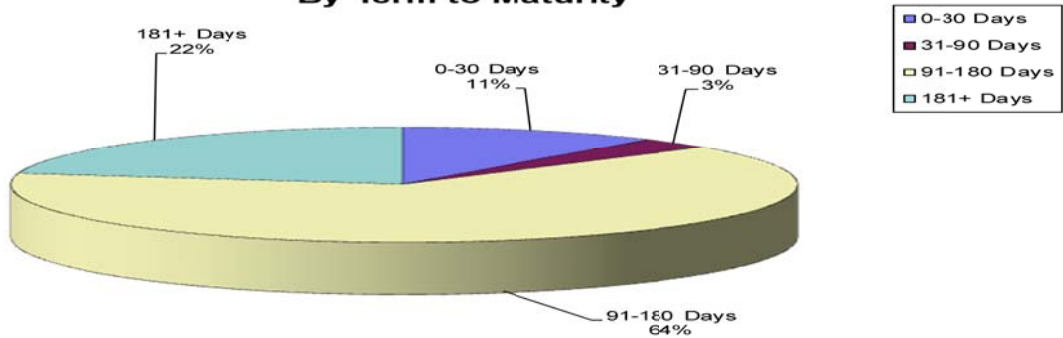


**Pittwater Council Investment Portfolio  
By Institution**



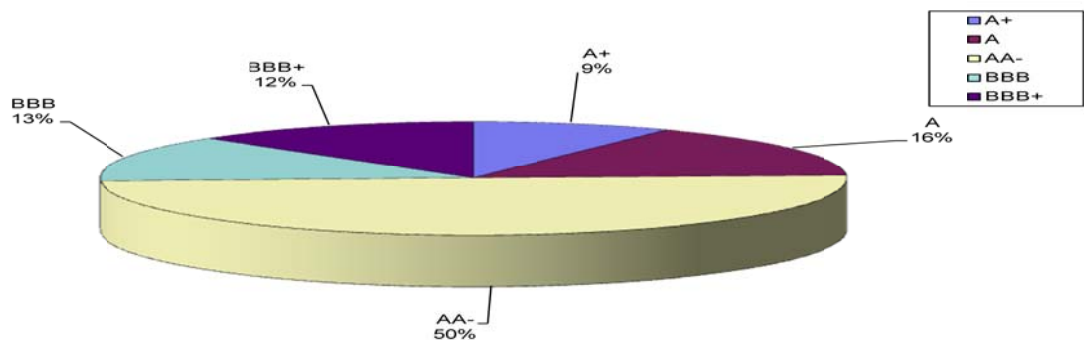
**Note: Council Policy - No Institution can hold more than 25% of Council's Total Portfolio**

**Pittwater Council Investment Portfolio  
By Term to Maturity**

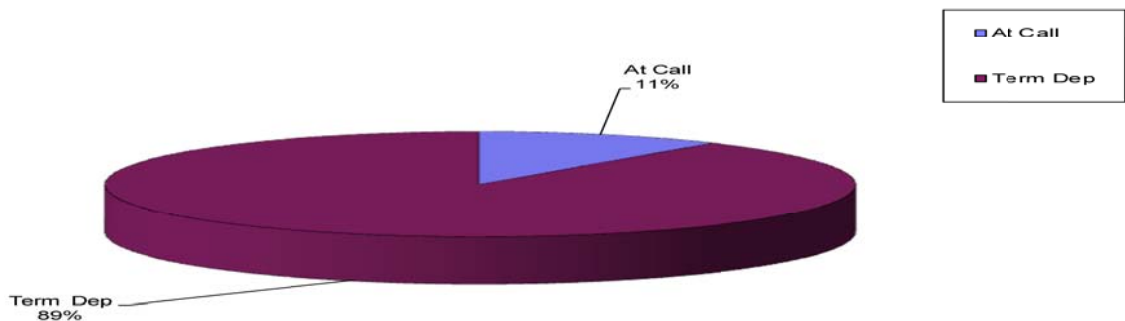


**Note: Council Policy - No Term to Maturity can be greater than two years**

**Pittwater Council Investment Portfolio  
By Institution Rating**



**Pittwater Council Investment Portfolio  
Type of Investment**



## Investment Information:

### Types of Investments -

**At Call** refers to funds held at a financial institution and can be recalled by Council either same day or on an overnight basis.

A **Term Deposit** is a short term deposit held at a financial institution for a fixed term and attracting interest at a deemed rate.

### Credit Rating Information -

Credit ratings are generally a statement as to the institutions credit quality.

Ratings ranging from BBB- to AAA (long term) are considered investment grade.

A general guide as to the meaning of each credit rating is as follows:

AAA	<i>Extremely strong capacity to meet financial commitments (highest rating)</i>
AA	<i>Very strong capacity to meet financial commitments</i>
A	<i>Strong capacity to meet financial commitments, but somewhat more susceptible to adverse economic conditions and changes in circumstances</i>
BBB	<i>Adequate capacity to meet financial commitments with adverse economic conditions or changing circumstances more likely to lead to a weakened capacity of the obligor to meet its financial commitments</i>
BB	<i>Less vulnerable in the near term, but faces major ongoing uncertainties and exposures to adverse business, financial, and economic conditions</i>
B	<i>More vulnerable to non-payment than obligations rated 'BB', but the obligor currently has the capacity to meet its financial commitment on the obligation</i>
CCC	<i>Currently vulnerable, and is dependent upon favourable business, financial, and economic conditions to meet its financial commitments</i>
CC	<i>Currently highly vulnerable</i>
C	<i>Highly likely to default</i>
D	<i>Defaulted</i>

The **Bank Bill Swap Rate (BBSW)** is the average mid rate, for Australian Dollar bills of exchange, accepted by an approved bank, having regard to a designated maturity.

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<b>C11.2</b>	<b>Quarterly Budget Review Statement for the Quarter Ending 30 June 2014</b>
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**Meeting:** Leading & Learning Committee

**Date:** 18 August 2014

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**STRATEGY:** Business Management

**Action:** To provide quarterly and annual budgets and financial statements

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## **PURPOSE OF REPORT**

To provide Council with the financial results for the quarter ending 30 June 2014 of the 2013/2014 Financial Year, as per Local Government (General) Regulations Clause 203. These Reports are to be produced and reported, *"No later than 2 months after the end of each quarter (except the June quarter), and the Responsible Accounting Officer of a Council must prepare and submit to the council a budget review statement."*

### **1.0 BACKGROUND**

- 1.1 The Integrated Planning and Reporting Framework as developed by the Division of Local Government requires Council to use a minimum standard of reporting that will assist in adequately disclosing its overall financial position and additionally provide sufficient information to enable informed decision making while ensuring transparency.

This reporting requirement, known as the Quarterly Budget Review Statement (QBRS) will facilitate progress reporting against the original and revised budgets at the end of a quarter. They will also provide explanations for major variations that result in budgetary changes and enable the Responsible Accounting Officer (RAO) to indicate whether the Council will be in a satisfactory financial position at the end of the Financial Year.

For the information of Council and the Community, the Original 2013/2014 Budget was adopted by Council as part of the 2013-2017 Delivery Program & Budget on 24 June 2013. The Revised 2013/14 Budget (March Quarterly Budget Review) was adopted by Council on 19 May 2014, and has been transferred to the Revised Budget column in this report.

- 1.2 Council's reporting structure undertakes a dual format of both financial and strategic information which includes:
- Budget Review Statement
  - Performance Indicators
  - Summary of Financial Statements
  - Financial Statements (Consolidated, Operating, Cash flow, Reserve Balance, Balance Sheet),
  - Total Works Program (Including Capital Budget Review Statement)
  - Loan Projections
  - Special Rates Variation and Stormwater Management Service Charge
  - Developer Contribution Plans
  - Consultancy and Legal Expenses
  - Key Directions and Associated Strategies



## **2.0 ISSUES**

### **2.1 Responsible Accounting Officer (RAO) Budget Review Statement**

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005.

"It is my opinion as the Chief Financial Officer that the Quarterly Budget Review for Pittwater Council for the quarter ended 30/6/14 indicates that Council's financial position at 30/6/14 is sound."

*Mark Jones - Chief Financial Officer (4/8/14)*

"This position is summarised in the performance indicators of 2.2 of this report."

#### **Investment Statement**

The Responsible Accounting Officer (ROA) certifies that all funds including those under restriction have been invested in accordance with Section 625 of the Local Government Act, 1993 the Local Government (General) Regulations, and Council's Investment Policy (No 143).

Such restricted (External & Internal) funds amount to \$24.235 million and form part of Council's total funds invested that amount to \$31.321 million as at 30th June 2014 (as per Council's June Investment Report).

#### **Cash (Bank) Statement**

The Responsible Accounting Officer (ROA) certifies that Council's Bank Statement has been reconciled up to and including the 30th June 2014 and the closing balance of cash of \$31.321 million forms part of Council's Current Assets on Council's Balance Sheet.

#### **Reconciliation Statement**

The Responsible Accounting Officer (ROA) certifies that the Year to Date (YTD) Cash and Investments (as per Council's Balance Sheet) have been reconciled with funds invested and those held at cash at bank. The table below outlines Council's Cash and Investment reconciliation.

#### **Cash & Investment Reconciliation as at 30th June 2014**

Total Cash on Hand	9,950
Council's Bank Account Ledger	2,311,288
Investments	29,000,000
<b>Total Cash &amp; Investments</b>	<b>31,321,238</b>

## 2.2 Performance Indicators

In assessing an organisations financial position, there are a number of performance indicators that can assist to easily identify whether or not an organisation is financially sound. These indicators and their associated benchmarks, as stipulated by the Division of Local Government are set out below.

#	Performance Indicator	2013/14 <i>Actual</i>	2012/13 <i>Actual</i>	2011/12 <i>Actual</i>	Local Government Bench Mark
1	Operating Result (before Capital amounts)	\$872,000 Surplus	\$2.407m Surplus	\$1.106m Surplus	Surplus
2	Consolidated Result	\$310,000 Surplus	\$384,000 Surplus	\$579,000 Surplus	N/A
3	Operating Performance Ratio*	0.54%	1.38%	-0.49%	>0%
4	Own Source Operating Revenue Ratio*	91.24%	78.84%	94.89%	>60%
5	Unrestricted Current Ratio	2.31:1	3.24:1	2.59:1	>1.50:1
6	Debt Service Cover Ratio*	461.37%	603.24%	598.00%	>200%
7	Rates, Annual Charges, Interest & Extra charges outstanding ratio	4.54%	5.26%	5.49%	<5%
8	Cash Expense Cover Ratio*	5.32	6.26	6.61	>3.00

**\*Note:** these indicators are new as per the requirements under the Local Government code of Accounting Practice.

### 1. Operating Result (before Capital Contributions)

The Operating result is the Profit or Loss that Council makes from normal Operations (Excluding expenditure on Capital items). A Surplus is a positive financial indicator.

### 2. Consolidated Result

The Consolidated Result is the increase or call on Council funds which shows the source and application of both Operating and Capital Income and Expenditure along with transfers to and from Reserves applicable to those activities. A Surplus is a positive financial indicator.

### **3. Operating Performance Ratio \***

This ratio measures Council's overall net operating result and whether operating expenditure is contained within operating revenues. A ratio greater than zero is a positive financial indicator.

### **4. Own Source Operating Revenue Ratio \***

This is a measure of the proportion of Council's own source of revenue such as rates, fee and charges, interest income etc. as compared to total revenue which includes grants and contributions. This ratio measures financial flexibility and Council's degree of reliance on external funding. A higher ratio is a positive financial indicator.

### **5. Unrestricted Current Ratio**

The Unrestricted Current ratio is the ratio of Unrestricted Cash Assets held that are available to meet any current liabilities. The above ratio indicates that Council currently projects to have \$2.31 (excluding externally restricted funds such as S94 and grant monies) available to service every \$1 of debt as it falls due at the end of the financial year. A ratio greater than 1.50 is a positive financial indicator.

### **6. Debt Service Cover Ratio \***

This ratio measures the availability of operating cash (excluding capital items, interest and depreciation) to service debt including principal and interest repayments. A higher ratio is a positive financial indicator.

### **7. Rates, Annual Charges, Interest & Extra Charges Outstanding Ratio**

This ratio measures the amount of rates and annual charges outstanding as a percentage of total rates and annual charges. This ratio indicates the dependency of Rates and Annual charges over Council's total Revenue from continuing operations. A lower ratio is a positive financial indicator.

### **8. Cash Expense Cover Ratio \***

This ratio is a measure of cash liquidity available to pay for operations and financing activities. It indicates the amount of months that council can pay its immediate expenses without any additional cashflow. A higher ratio is a positive financial indicator.

## 2.3

**Summary of Financial Statements****2013-14 Statement of Consolidated Financial Position**

Consolidated Statement shows the source and application of both Capital & Operating Income and Expenditure along with the movements in Reserves.

	(\$ '000)
Total direct income (Operating & Capital)	80,922
Total transfer from Reserves	17,971
<b>Total income</b>	<b>98,893</b>
Total direct Expenditure ( Operating & Capital Expenditure)	96,247
Total transfers to Reserves	11,098
<b>Total Expenditure</b>	<b>107,345</b>
<b>Add Back Depreciation - Non Cash</b>	<b>8,761</b>
<b>Increase in Council Funds (Includes Operating Results before Capital of \$872,000)</b>	<b>310</b>

**2013-14 Income Statement**

Income statement shows the extent to which community equity has changed by net result of ordinary activities during year.

	(\$ '000)
Operating Income	73,757
Operating Expenditure	72,885
<b>Operating Results before Capital</b>	<b>872</b>
Capital Income (Grants and Contributions)	3,873
<b>Changes in Net Assets – Resulting from Operations</b>	<b>4,745</b>

**2013-14 Statement of Cashflows**

The statement of cash flows shows the nature and amount of council's cash inflows and outflows for all activities.

	(\$ '000)
Cash inflows	81,822
Cash outflows	86,086
<b>NET Inflows/(Outflows)</b>	<b>-4,264</b>
Funds Carried Forward from Prior year	35,585
<b>Total General Fund</b>	<b>31,321</b>

**2013-14 Balance Sheet**

The Balance sheet shows council's assets & liabilities which make up community equity.

	(\$ '000)
Current Assets (Includes Cash Assets of \$31,321)	35,227
Non Current Assets	1,060,892
<b>Total Assets</b>	<b>1,096,119</b>
Current Liabilities	15,244
Non Current Liabilities	14,206
<b>Total Liabilities</b>	<b>29,450</b>
<b>Net Community Assets</b>	<b>1,066,669</b>
Balance at Beginning of the year	1,061,924
Net results	4,745
<b>TOTAL COMMUNITY EQUITY</b>	<b>1,066,669</b>

<b>Pittwater Council</b> <b>Budget Review for the quarter ended - 30 June 2014</b> <b>Consolidated Statement</b> \$000's								
	Original Budget	Approved Changes	Sept 2013 Variations	Dec 2013 Variations	Mar 2014 Variations	Revised Budget	June 2014 Actual	June 2014 Variations
Direct Income								
User Fees	13,025	0	-516	453	237	13,199	13,261	63
Regulatory Fees	1,367	0	45	104	63	1,579	1,777	199
Regulatory Fines	2,713	0	-3	-10	50	2,750	2,876	125
Operating Grant Transfers	3,126	0	-833	444	477	3,214	2,660	-554
Capital Grant Transfers	980	0	1,013	-253	0	1,740	1,183	-557
Capital Contributions	4,345	0	444	0	0	4,789	4,766	-23
Operating Contributions	847	0	209	0	0	1,056	1,001	-55
Rates Income	37,515	0	0	0	0	37,515	37,499	-16
Domestic Waste Charges	11,803	0	0	0	0	11,803	11,825	21
Return on Investments & Other Interest Income	1,405	0	0	0	0	1,405	1,508	103
Rebates Income	359	0	-41	0	0	318	318	0
Other Income	451	0	12	89	143	694	812	117
Capital Sales	2,073	0	-527	0	12	1,558	1,438	-120
<b>Total Direct Income</b>	<b>80,009</b>	<b>0</b>	<b>-196</b>	<b>826</b>	<b>982</b>	<b>81,621</b>	<b>80,922</b>	<b>-698</b>
Reserve Transfer								
Transfer From Reserve-S94	9,249	1,058	-4,120	-265	-30	5,891	3,100	-2,792
Transfer From Reserve-Other	13,528	1,759	1,119	340	210	16,956	14,872	-2,085
<b>Total Transfer From Reserves</b>	<b>22,777</b>	<b>2,817</b>	<b>-3,000</b>	<b>75</b>	<b>180</b>	<b>22,848</b>	<b>17,971</b>	<b>-4,877</b>
Direct Expenditure								
Salaries & Wages	22,843	0	-524	17	1	22,336	22,086	-250
Other Employee Costs	7,641	0	-317	23	-197	7,149	6,846	-303
Materials	2,829	0	-468	123	-741	1,744	2,011	267
Stores	180	0	-2	-1	-5	172	299	127
Minor Plant Purchases	36	0	-3	3	104	140	148	8
Plant & Equipment	2,252	0	2	132	2	2,387	2,361	-26
Contract Services External	29,646	2,477	-1,621	-125	1,258	31,635	26,638	-4,997
Depreciation Expense	8,607	0	0	217	0	8,825	8,761	-63
Interest Expense	855	0	66	0	-50	871	868	-3
Professional Expenses	4,445	0	-38	506	-135	4,778	5,051	273
Legal Expenses	1,000	0	100	0	2	1,102	983	-118
Bad & Doubtful Debts	336	0	-25	0	0	311	189	-122
Leases/Rentals/Hire/Licences	749	0	-32	3	17	737	788	51
Public Utilities	2,018	0	0	-33	41	2,027	2,058	31
Communications	632	0	1	16	18	668	613	-55
Advertising	287	0	-15	1	40	313	442	129
Insurance	996	0	0	0	51	1,047	1,116	69
Banking	195	0	0	0	0	195	214	18
Other Expenses	520	0	-62	-26	42	473	417	-56
Office Expenses	437	0	0	25	35	497	628	131
Sundry Services/Waste Disposal	4,956	0	30	96	2	5,084	5,606	522
Memberships	114	0	-1	0	-5	108	79	-29
Levies/Contributions/Subsidies	3,642	0	-283	-240	0	3,119	2,934	-184
Capital Purchases/Payments	4,971	340	115	102	121	5,649	5,110	-540
<b>Total Direct Expenditure</b>	<b>100,188</b>	<b>2,817</b>	<b>-3,077</b>	<b>838</b>	<b>601</b>	<b>101,367</b>	<b>96,247</b>	<b>-5,120</b>
Reserve Transfer								
Transfer To Reserve-S94	1,510	0	0	0	0	1,510	1,224	-286
Transfer To Reserve-Other	9,635	0	-118	285	535	10,337	9,874	-463
<b>Total Transfer to Reserves</b>	<b>11,145</b>	<b>0</b>	<b>-118</b>	<b>285</b>	<b>535</b>	<b>11,847</b>	<b>11,098</b>	<b>-749</b>
<b>Increase/(call) on Council Funds(inc Dep'n)</b>	<b>-8,547</b>	<b>0</b>	<b>-2</b>	<b>-222</b>	<b>26</b>	<b>-8,745</b>	<b>8,451</b>	<b>294</b>
<b>Add back Depreciation - Non Cash</b>	<b>8,607</b>	<b>0</b>	<b>0</b>	<b>217</b>	<b>0</b>	<b>8,825</b>	<b>8,761</b>	<b>-63</b>
<b>Increase/(call) on Council Funds</b>	<b>60</b>	<b>0</b>	<b>-2</b>	<b>-5</b>	<b>26</b>	<b>79</b>	<b>310</b>	<b>231</b>

As indicated in the above columns:

1. The "Original" Budget (+/-) the "Approved" Changes equals the "Revised" Budget
2. The difference between Councils Revised budget & year-end Actuals are shown in the June 2014 Variation Column.
3. The above June 2014 Variations are explained below

## Consolidated Financial Statement Variance analysis

The Consolidated Financial result for the year ended 30 June 2014 is a surplus of uncommitted funds of \$310,000. This surplus includes unspent Council General funds of \$229,000 to be revoted to the 2014-15 Financial Year. The revotes include IT equipment & Plant Purchases of \$229,000. Excluding revotes, the surplus amounts to \$81,000. This represents a minor variance against the March quarterly review, which provided a surplus of \$79,000.

The variance from March Budget to Actual can be mainly attributed to: -

Budgeted Consolidated Result as per the Adopted March Budget - Y/E 30 June 2014 Increase of Council Funds \$		79
Budget to Actual Variance		\$000's
<b>INCOME</b>		
Increased User Fees mainly relating to Parking Fee's, Cemetery and Film/Parking Permits Income	\$	63
Increased Regulatory Fee's mainly relating to DA's, Inspection and Permit Fee Income	\$	199
Increased Regulatory Fines mainly relating to Infringement Fines Income	\$	125
Reduced Operating Grant Income mainly relating to the timing of payments of the Financial Assistance Grant and Grants associated with Mona Vale/Bayview & Avalon/Palm Beach Flood studies	-\$	554
Reduced Capital Grant Income mainly relating to WASIP & Avalon Surf Club Contribution (Budget classified as Grant should be Contribution)	-\$	557
Increased Return on Investments Income mainly relating to additional average funds held throughout the year	\$	103
Reduced Capital Sales Income mainly relating to the timing of Plant sales	-\$	120
<b>EXPENDITURE</b>		
Reduced Salary & Wage costs mainly relating to the delay in filling vacancies and the use of temporary staff for Parking Control and Land use planning	\$	250
Reduced Other Employee costs mainly relating to Employee Leave Entitlement obligations being reduced due to Year End adjustments relating to Accounting Standards	\$	303
Reduced Materials & Contract Services External mainly relating to costs associated with the Palm Beach Wharf, Church Point Seawall, Narroy Rd Nareen Creek, Macpherson Street Bridge, Boondah Road, & Bungan Lane Carpark Works being delayed (these works will be carried forward to the 14/15 FY)	\$	4,621
Additional Professional Expenditure mainly relating to costs associated with the Mona Vale Carpark, Macpherson Street Bridge & Footpath, Palm Beach Wharf designs, Parking Control & Land use planning	-\$	273
Reduced Legal Expenditure mainly relating to Planning & Development	\$	118
Additional Waste Disposal mainly relating to works associated with Streetscape, Cemetery, Carpark improvements and Boondah Road	-\$	522
Reduced Capital Purchases mainly relating to IT and Plant purchases (\$229K revoted to 14/15)	\$	540
Reduced Other Expenditure mainly relating to Communications costs	\$	63
<b>RESERVE MOVEMENTS</b>		
Reduced Transfers from Reserve - S94 mainly relating to Bungan Lane Car Park and Macpherson St Bridge & Footpath works (These works to be carried forward to the 14/15 Financial Year)	-\$	2,792
Reduced Transfers from Reserve - Other mainly relating to works associated with Palm Beach Wharf, Church Point seawall, Narroy Road Nareen Creek, & Enliven Program works (These works to be carried forward to the 14/15 Financial Year)	-\$	2,085
Reduced Transfers to Reserve - S94 mainly relating to decrease in S94 Income received in 2013/14	\$	286
Reduced Transfers to Reserve - Other mainly relating to reduced transfers to Sydney Lakeside & General Reserves	\$	463
<b>NET Changes</b>	<b>\$</b>	<b>231</b>
<b>Actual Consolidated Result year ending 30 June 2014 - Increase of Council Funds</b>		<b>\$ 310</b>

## 2.5 Operating Statement

An operating statement reflects an organisations revenues and expenses for a particular period, in Council's circumstances a financial year. Once expenditure items have been subtracted from revenues a net position (operating result) for the period is established.

<b>Pittwater Council</b> <b>Budget Review for the quarter ended - 30 June 2014</b> <b>Operating Statement</b> Annual Budget - \$000's								
	Original Budget	Approved Changes	Sept 2013 Variations	Dec 2013 Variations	Mar 2014 Variations	Revised Budget	June 2014 Actual	June 2014 Variation
<b>Direct Income</b>								
User Fees	13,024	0	-515	453	237	13,198	13,261	62
Regulatory Fees	1,367	0	45	104	63	1,579	1,777	199
Regulatory Fines	2,713	0	-3	-10	50	2,750	2,876	125
Operating Grant Income	3,126	0	-833	444	477	3,214	2,472	-742
Operating Contributions	847	0	209	0	0	1,056	1,001	-55
Rates Income	37,515	0	0	0	0	37,515	37,499	-16
Domestic Waste Charges	11,803	0	0	0	0	11,803	11,825	21
Return on Investments & Other Interest Income	1,405	0	0	0	0	1,405	1,508	103
Other Income	451	0	12	89	143	694	812	117
Profit / (Loss) on Sale of Assets	503	0	-216	0	0	287	271	-16
Gain from Joint Venture Assets	909	0	-41	0	0	868	196	-672
<b>Total Direct Income</b>	<b>73,663</b>	<b>0</b>	<b>-1,341</b>	<b>1,078</b>	<b>970</b>	<b>74,370</b>	<b>73,496</b>	<b>-874</b>
<b>Internal Income</b>								
Plant Hire/Service Agreement - Capital Works	125	0	0	0	0	125	261	136
<b>Total Internal Income</b>	<b>125</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>125</b>	<b>261</b>	<b>136</b>
<b>Direct Expenditure</b>								
Salaries & Wages	21,977	0	-524	17	1	21,470	21,384	-86
Other Employee Costs	7,366	0	-317	23	-197	6,875	6,635	-239
Materials	1,121	0	0	-15	-130	977	1,098	121
Stores	180	0	-2	-1	-5	172	237	64
Minor Plant Purchases	36	0	-3	3	104	140	148	8
Plant & Equipment	2,252	0	2	34	2	2,289	2,286	-3
Contract Services External	10,280	0	420	427	338	11,465	11,725	260
Depreciation Expense & Ammortisation	8,747	0	0	218	0	8,965	8,902	-63
Interest Expense	855	0	66	0	-50	871	868	-3
Professional Expenses	4,031	0	13	497	-135	4,406	4,166	-240
Legal Expenses	1,000	0	100	0	2	1,102	982	-120
Bad & Doubtful Debts	336	0	-25	0	0	311	189	-122
Leases/Rentals/Hire/Licences	749	0	-32	-22	17	712	605	-107
Public Utilities	2,018	0	0	-33	41	2,027	2,057	30
Communications	632	0	1	16	18	668	612	-56
Advertising	287	0	-15	1	40	313	441	128
Insurance	996	0	0	0	51	1,047	1,116	69
Banking	195	0	0	0	0	195	214	18
Other Expenses	520	0	-62	-26	42	473	409	-64
Office Expenses	437	0	0	25	35	497	614	118
Sundry Services/Waste Disposal	4,956	0	30	21	2	5,009	5,206	197
Memberships	114	0	-1	0	-5	108	85	-23
Levies/Contributions/Subsidies	3,642	0	-283	-240	0	3,119	2,907	-212
<b>Total Direct Expenditure</b>	<b>72,728</b>	<b>0</b>	<b>-633</b>	<b>944</b>	<b>170</b>	<b>73,210</b>	<b>72,885</b>	<b>-325</b>
<b>Operating Results before Capital</b>	<b>1,060</b>	<b>0</b>	<b>-709</b>	<b>134</b>	<b>800</b>	<b>1,285</b>	<b>872</b>	<b>-413</b>
Grants & Contributions - Capital	2,325	1,457	-41	-212	0	3,529	3,873	344
Material Public Benefits - S94	0	0	0	0	0	0	0	0
<b>Change in Net Assets - from Operations</b>	<b>3,385</b>	<b>1,457</b>	<b>-750</b>	<b>-78</b>	<b>800</b>	<b>4,814</b>	<b>4,745</b>	<b>-69</b>

As indicated in the above columns:

1. The "Original" Budget (+/-) the "Approved" Changes equals the "Revised" Budget
2. The difference between Councils Revised budget & year-end Actuals are shown in the June 2014 Variation Column.
3. The above June 2014 Variations are explained below in 2.6

## 2.6 Operating Financial Statement Variance analysis

The Actual Operating Result before Capital for the financial year 2013/2014 is a surplus of \$872,000. This represents a negative variance of \$413,000 compared to the previously adopted budget (March quarterly review) of \$1.285 million.

The variance from March Budget to Actual can be mainly attributed to: -

Budgeted Operating Results before Capital as per Adopted March Budget for the year ending 30/6/14		\$	1,285
Budget to Actual Variance			\$000's
INCOME			
Increased User Fees mainly relating to Parking Fee's, Cemetery and Film/Parking Permits Income		\$	62
Increased Regulatory Fee's mainly relating to DA's, Inspection and Permit Fee Income		\$	199
Increased Regulatory Fines mainly relating to Infringement Fines Income		\$	125
Reduced Operating Grant Income mainly relating to the timing of payments of the Financial Assistance Grant and Grants associated with Mona Vale/Bayview & Avalon/Palm Beach Flood studies		-\$	742
Increased Return on Investments Income mainly relating to additional average funds held throughout the year		\$	103
Reduced Gain from joint venture assets mainly relating to Kimbriki & Rural Fire Service		-\$	672
EXPENDITURE			
Reduced Salary & Wage costs mainly relating to the delay in filling vacancies and the use of temporary staff for Parking Control and Land use planning		\$	86
Reduced Other Employee costs mainly relating to Employee Leave Entitlement obligations being reduced due to Year End adjustments relating to Accounting Standards		\$	239
Additional Materials & Contract Services External mainly relating to coast associated with Tree removal and maintenance, Restorations, and Streetscape maintenance		-\$	420
Reduced Professional Expenditure mainly relating to WASIP, Parking Control and Flood Study Works		\$	241
Reduced Legal Expenditure mainly relating to Planning & Development		\$	120
Additional Waste Disposal mainly relating to works associated with Streetscape & the Cemetery		-\$	197
Reduced Levies/Contributions mainly relating to the classification of Contributions to Professional Expenditure		\$	212
Reduced Other Expenditure mainly relating to a reduction in Bad & Doubtful debts that have now had collection arrangements established		\$	231
NET Changes		-\$	413
Actual Operating Results before Capital for the year ending 30 June 2014 Surplus		\$	872



## 2.7 Cash Flow Statement and Reserves Balances

The actual total General Fund for the year ended 30 June 2014 stands at \$31.321 million. Compared to the previously adopted budget (March quarterly review) this amount is an increase of \$5.584 million. This is mainly attributed to Capital Works (Bungan Lane Car Park, Palm Beach Wharf Upgrade, MacPherson St Bridge & Footpath, Church Point Seawall) not completed and carried forward to 2014/15.

<b>Pittwater Council</b> <b>Budget review for the quarter ended - 30 June 2014</b> <b>Cash Flow Statement</b>								
	\$000's							
	Original Budget	Approved Changes	Sept 2013 Variations	Dec 2013 Variations	Mar 2014 Variations	Revised Budget	June 2014 Actual	June 2014 Variation
<b>Cash Inflows</b>								
Rates & Domestic Waste	49,190	0	0	0	0	49,190	50,023	833
Grants	4,105	0	-224	323	472	4,676	4,176	-500
User Charges	13,025	0	-516	453	237	13,199	13,126	-73
Regulatory Fees & Fines	4,079	0	42	94	114	4,329	4,655	326
Contributions & Donations	847	0	653	0	0	1,500	1,523	23
Return on Investments & Other Interest Income	1,405	0	0	0	0	1,405	1,665	260
Sale of Assets (Excluding Land)	2,073	0	-528	0	13	1,558	1,438	-120
Sale of Land	0	0	0	0	0	0	0	0
Other	810	0	-29	89	143	1,013	1,104	91
S94 Contributions Received	1,345	0	0	0	0	1,345	1,224	-121
Proceeds from loan	3,000	0	0	0	0	3,000	3,000	0
GST Net Inflow	0	0	0	0	0	0	-111	-111
<b>Total Inflows</b>	<b>79,879</b>	<b>0</b>	<b>-602</b>	<b>959</b>	<b>979</b>	<b>81,215</b>	<b>81,822</b>	<b>607</b>
<b>Cash Outflows</b>								
Employee Salary & Wages	22,842	0	-524	17	0	22,335	22,013	-322
Employee Other Costs	7,255	0	-337	69	-219	6,768	6,985	217
Insurance Claims/Premiums	996	0	0	0	51	1,047	1,130	83
Levies & Contributions	3,642	0	-283	-240	0	3,119	2,374	-745
Materials/Stores/Contracts	50,585	2,477	-2,543	206	-553	50,172	46,469	-3,703
Legal Expenses	1,000	0	100	0	2	1,102	983	-119
Loan Interest Repayments	855	0	65	0	-49	871	865	-6
Loan Principal Repayments	1,184	0	0	0	0	1,184	1,178	-6
Purchase Of Assets	3,788	340	115	101	121	4,465	4,088	-377
<b>Total Outflows</b>	<b>92,147</b>	<b>2,817</b>	<b>-3,407</b>	<b>153</b>	<b>-647</b>	<b>91,063</b>	<b>86,086</b>	<b>-4,977</b>
Net Inflows/(Outflows)	-12,268	-2,817	2,805	806	1,626	-9,848	-4,264	5,584
Funds Carried Forward from Prior Year	31,496	4,089	0	0	0	35,585	35,585	0
<b>Total General Fund</b>	<b>19,228</b>	<b>1,272</b>	<b>2,805</b>	<b>806</b>	<b>1,626</b>	<b>25,737</b>	<b>31,321</b>	<b>5,584</b>
Less Restricted Assets	3,156	1,163	3,931	264	29	8,543	11,248	12,155
Less Unexpended Grants	700	0	0	0	0	700	1,531	721
Less Internal Reserves	9,915	539	-1,048	-54	324	9,676	11,456	14,282
<b>Increase/(call) on Council Funds</b>	<b>5,457</b>	<b>-430</b>	<b>-78</b>	<b>596</b>	<b>1,273</b>	<b>6,818</b>	<b>7,086</b>	<b>-21,574</b>

The Total Projected General Fund Results, as shown above for the financial year ending 30 June 2014 are made up of Externally Restricted (generally third party related with legislative restrictions), Internally Restricted (generally Council imposed restrictions for specific works) and Available Cash as outlined in the Reserve Balances (Cash & Investments Budget Review Statement) below.

<b>Pittwater Council</b> <b>Budget review for the quarter ended - 30 June 2014</b> <b>Reserve Balances</b> <b>(Cash &amp; Investments Budget Review Statement)</b>								
	Original Budget	Approved Changes	Sept 2013 Variations	Dec 2013 Variations	Mar 2014 Variations	Revised Budget	June 2014 Actual	June 2014 Variation
<b>Externally Restricted</b>								
Section 94	571	922	4,120	265	30	5,908	8,413	2,506
Domestic Waste Management	2,508	-92	0	0	0	2,548	2,731	183
Stormwater Levy	77	10	0	0	0	87	104	17
Grants	800	0	0	0	0	800	1,531	731
<b>Total Externally Restricted</b>	<b>3,956</b>	<b>840</b>	<b>4,120</b>	<b>265</b>	<b>30</b>	<b>9,343</b>	<b>12,779</b>	<b>3,436</b>
<b>Internally Restricted</b>								
Avalon Surf Club Loan	0	0	269	-100	0	169	161	-8
Bungan Lane Car Park	0	15	-15	0	0	0	100	100
Capital Works Reserve	0	0	0	0	0	0	230	230
Caravan Park Capital Works	517	16	-238	0	-82	214	37	-177
Caravan Park Loan	15	-15	116	0	-116	0	0	0
Cemetery Reserve	2,911	-357	80	-100	51	2,584	2,681	98
Church Point Carpark	654	5	0	30	0	690	684	-6
Commercial Centres Outdoor Seating	368	18	-270	0	0	116	270	153
Community Centre Trusts	0	3	0	0	0	3	9	6
Election Reserve	75	0	0	0	0	75	75	0
Employee Leave Entitlement	1469	138	0	0	0	1,607	1,569	-38
Environmental Infrastructure Levy	79	15	0	0	0	94	329	235
Environmental Levy (Escarpment)	174	9	-30	0	0	152	176	24
General Reserve	936	632	-544	218	472	1,715	1,938	222
Governor Phillip Park Dunes Rest	0	160	-153	-7	0	0	35	35
Narrabeen Synthetic Sports Field	0	154	0	0	0	154	183	29
Lagoon Entrance Clearing	75	-75	0	55	0	55	55	0
Marine Infrastructure	94	1	40	-35	0	100	63	-37
Other	928	-96	-61	-121	0	650	613	-37
Restoration Reserve	0	115	0	0	0	115	0	-115
RMS Contribution	456	-255	0	1	0	202	302	100
Road Reserve	306	-91	-153	-23	0	40	139	99
Special Rates Variation	24	0	0	0	0	146	1,024	878
Strategic Property Rationalisation Reserve	81	0	0	0	0	81	81	0
Tennis Liason Trust Fund	239	-35	-90	27	0	141	155	14
Trust and Bonds (eg. Tree and Footpath)	414	60	-1	2	-2	473	547	74
<b>Total Internally Restricted</b>	<b>9,815</b>	<b>418</b>	<b>-1,049</b>	<b>-53</b>	<b>323</b>	<b>9,576</b>	<b>11,456</b>	<b>1,879</b>
<b>Total Restricted</b>	<b>13,771</b>	<b>1,702</b>	<b>2,882</b>	<b>211</b>	<b>353</b>	<b>18,919</b>	<b>24,235 *</b>	<b>5,316</b>
Available Cash	5,457	-430	-77	595	1,273	6,818	7,086	268
<b>Total General Fund (Cash Flow Statement)</b>	<b>19,228</b>	<b>1,272</b>	<b>2,805</b>	<b>806</b>	<b>1,626</b>	<b>25,737</b>	<b>31,321</b>	<b>5,584</b>

As indicated in the above columns:

1. The "Original" Budget (+/-) the "Approved" Changes equals the "Revised" Budget
2. The difference between Councils Revised budget & year-end Actuals are shown in the June 2014 Variation Column.
3. The above June 2014 Variations are explained below

The movement from Council's March Budget Review Total Restricted Reserve position as at 30 June 2014 (\$18.919 million) as against Council's actual Total Restricted Reserve Balance as at 30 June 2014 of \$24.235 million is shown below:

<b>Total Restricted Reserve Balance as per the March Budget for the year ending 30/6/14</b>	<b>\$ 18,919</b>
<b>Budget to Actual Variance</b>	<b>\$000's</b>
Additional Externally Restricted Reserve - S94 mainly relating to Bungan Lane Carpark and Macpherson Street Bridge works	\$ 2,506
Additional Externally Restricted Reserve - Domestic Waste Management	\$ 183
Additional Externally Restricted Reserve - Grants mainly relating to the delay in WASIP & Flood Study works	\$ 732
Additional Internally Restricted Reserves - Capital Revotes mainly relating to IT and Plant purchases Capital Revotes	\$ 229
Additional Internally Restricted Reserves - Commercial Centres Outdoor Seating mainly Relating to timing of Enliven Project works	\$ 153
Additional Internally Restricted Reserves - Environmental Infrastructure Levy Loan mainly relating to Church Point Seawall upgrade works	\$ 235
Additional Internally Restricted Reserves - General mainly relating to unused General Reserve	\$ 222
Additional Internally Restricted Reserves - Special Rates Variation mainly relating to Palm Beach wharf and Church Point seawall works	\$ 878
Additional Internally Restricted Reserves - Other mainly relating to Bonds, RMS Contribution and Cemetery Reserves	\$ 178
<b>Actual Total Restricted Reserve Balance for the year ending 30/6/2014</b>	<b>* \$ 24,235</b>

## 2.8 Balance Sheet

Council's total increase in equity for the year ending 30 June 2014 is \$4.745 million (net change in assets resulting from operations) the increase of Total Equity is \$1.067 billion.

<b>Pittwater Council</b> <b>Balance Sheet</b> <b>Budget Review for quarter ended 30 June 2014</b>			
Actual 30/06/2014 \$'000's		Projected 30/06/2014 \$'000	Actual 30/06/2013 \$'000
<b>CURRENT ASSETS</b>			
4,821	Cash Assets	995	4,335
26,500	Investments	24,742	31,250
3,807	Receivables	3,589	3,777
51	Inventories	60	59
48	Other	350	879
0	Non Current Assets held for sale	0	0
<u>35,227</u>	<b>TOTAL CURRENT ASSETS</b>	<u>29,736</u>	<u>40,300</u>
<b>NON-CURRENT ASSETS</b>			
0	Investments	0	0
977	Receivables	968	968
0	Inventories	0	0
1,048,625	Infrastructure Property, Plant and Equipment	1,053,055	1,035,914
6,638	Investments Accounted for using the Equity Method	6,789	6,789
1,840	Investment Property	1,800	1,800
2,812	Intangible Assets	2,811	2,952
<u>1,060,892</u>	<b>TOTAL NON-CURRENT ASSETS</b>	<u>1,065,423</u>	<u>1,048,423</u>
<u>1,096,119</u>	<b>TOTAL ASSETS</b>	<u>1,095,159</u>	<u>1,088,723</u>
<b>CURRENT LIABILITIES</b>			
6,312	Payables	5,166	5,131
1,284	Interest Bearing Liabilities	1,269	1,340
7,648	Provisions	7,810	7,883
<u>15,244</u>	<b>TOTAL CURRENT LIABILITIES</b>	<u>14,245</u>	<u>14,354</u>
<b>NON-CURRENT LIABILITIES</b>			
14,011	Interest Bearing Liabilities	14,021	12,290
195	Provisions	155	155
<u>14,206</u>	<b>TOTAL NON-CURRENT LIABILITIES</b>	<u>14,176</u>	<u>12,445</u>
<u>29,450</u>	<b>TOTAL LIABILITIES</b>	<u>28,421</u>	<u>26,799</u>
<u>1,066,669</u>	<b>NET ASSETS</b>	<u>1,066,738</u>	<u>1,061,924</u>
<b>EQUITY</b>			
1,066,669	Accumulated Surplus/ ( Deficit )	1,066,738	1,061,924
	Asset Revaluation Reserve		
<u>1,066,669</u>	<b>TOTAL EQUITY</b>	<u>1,066,738</u>	<u>1,061,924</u>

## 2.9 Total Works Program Including Capital Budget Review Statement

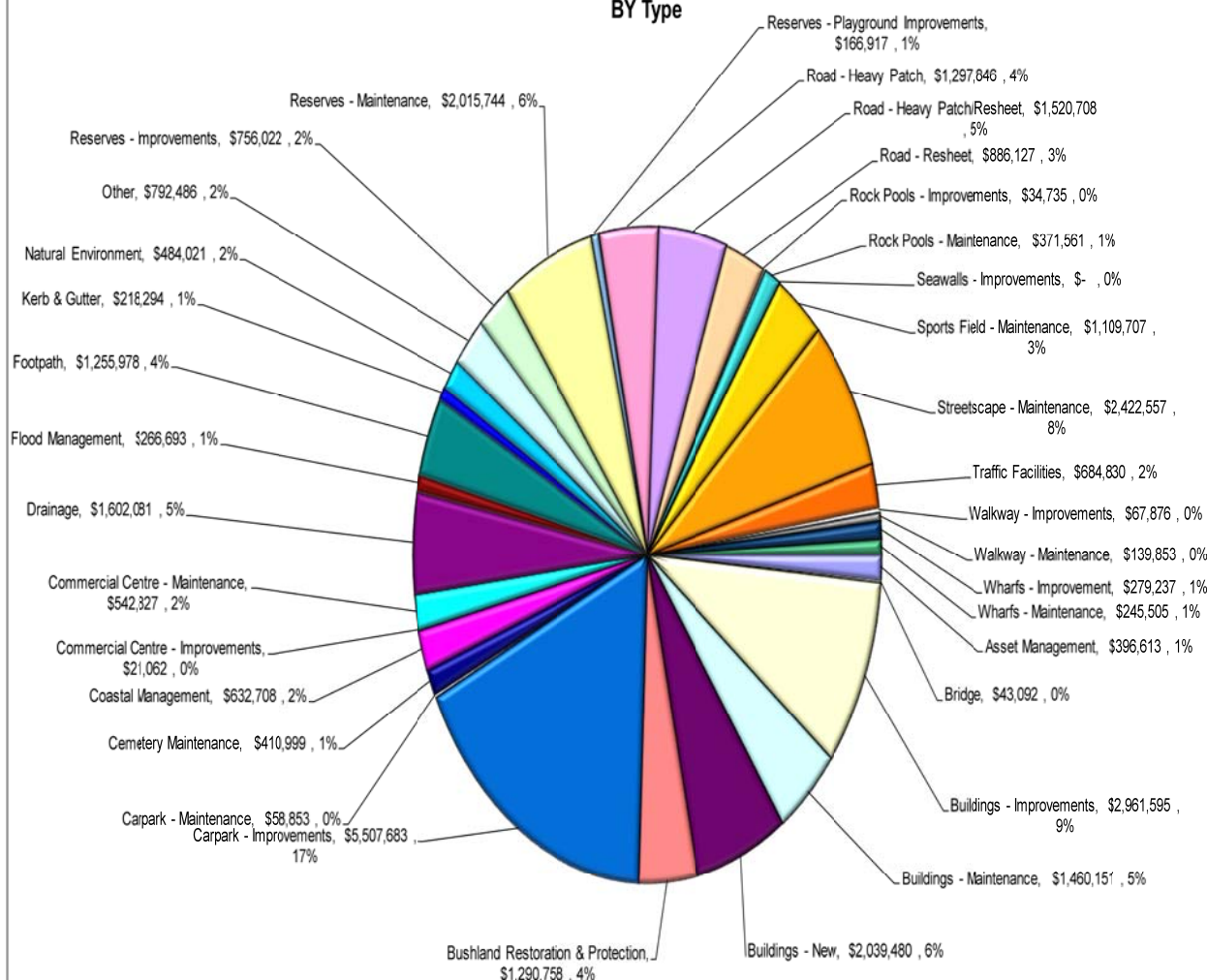
Council's Total Works Program including Maintenance and Capital (Renewals, Upgrades & New) expenditure amounts to \$31.985 million for the 2013-14 financial year. This expenditure has been categorised below in terms of budgeted expenditure by *Type*, associated *Funding* and by budgeted and actual expenditure by *Strategy* and *Key Direction*.

### Pittwater Council Total Major Works Program - By Type of Expenditure 2013/14 Actual's

Carpark - Improvements	\$	5,507,683	17.22%
Buildings - Improvements	\$	2,961,595	9.26%
Streetscape - Maintenance	\$	2,422,557	7.57%
Buildings - New	\$	2,039,480	6.38%
Reserves - Maintenance	\$	2,015,744	6.30%
Drainage	\$	1,602,081	5.01%
Road - Heavy Patch/Resheet	\$	1,520,708	4.75%
Buildings - Maintenance	\$	1,460,151	4.57%
Road - Heavy Patch	\$	1,297,846	4.06%
Bushland Restoration & Protection	\$	1,290,758	4.04%
Footpath	\$	1,255,978	3.93%
Sports Field - Maintenance	\$	1,109,707	3.47%
Road - Resheet	\$	886,127	2.77%
Other	\$	792,486	2.48%
Reserves - Improvements	\$	756,022	2.36%
Traffic Facilities	\$	684,830	2.14%
Coastal Management	\$	632,708	1.98%
Commercial Centre - Maintenance	\$	542,827	1.70%
Natural Environment	\$	484,021	1.51%
Cemetery Maintenance	\$	410,999	1.28%
Asset Management	\$	396,613	1.24%
Rock Pools - Maintenance	\$	371,561	1.16%
Wharfs - Improvement	\$	279,237	0.87%
Flood Management	\$	266,693	0.83%
Wharfs - Maintenance	\$	245,505	0.77%
Kerb & Gutter	\$	218,294	0.68%
Reserves - Playground Improvements	\$	166,917	0.52%
Walkway - Maintenance	\$	139,853	0.44%
Walkway - Improvements	\$	67,876	0.21%
Carpark - Maintenance	\$	58,853	0.18%
Bridge	\$	43,092	0.13%
Rock Pools - Improvements	\$	34,735	0.11%
Commercial Centre - Improvements	\$	21,062	0.07%
Seawalls - Improvements	\$	-	0.00%
<b>Total</b>	<b>\$</b>	<b>31,984,599</b>	<b>100%</b>

2013/14 Actual Expenditure - By Major Categories					
Infrastructure Based			Recreational/Environmenta/Education Based		
Roads & Carparks	\$	12,729,102	Natural Environment	\$	1,982,508
Commercial Centres	\$	563,889	Reserves & Sportsfeilds	\$	4,048,390
Drainage & Flooding	\$	2,000,978	Coastal	\$	1,039,004
Buildings	\$	6,593,430	Wharfs	\$	524,742
Footpaths	\$	1,255,978	Other	\$	792,486
Other	\$	454,091			
<b>Total</b>	<b>\$</b>	<b>23,597,469</b>	<b>Total</b>	<b>\$</b>	<b>8,387,130</b>

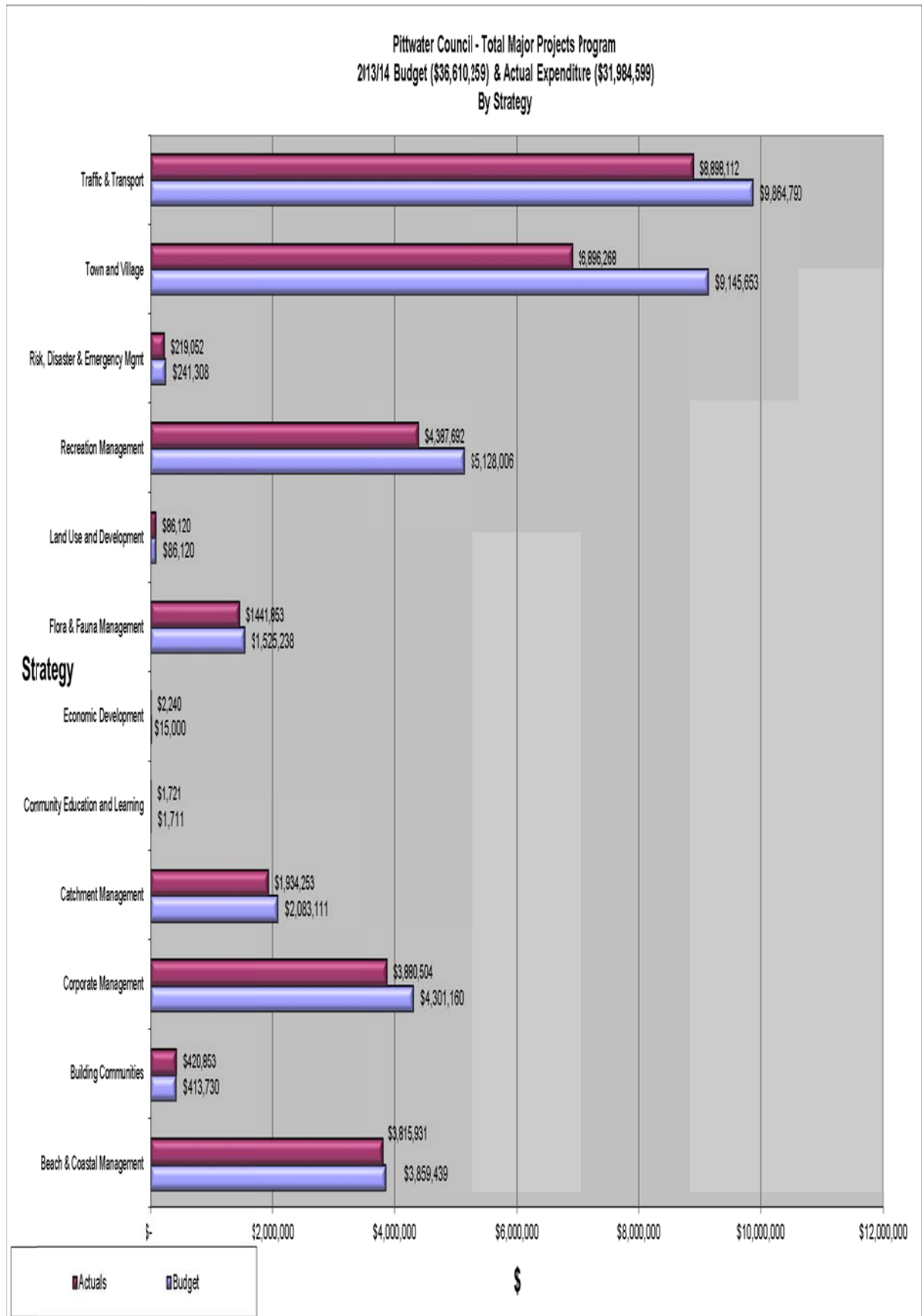
**Pittwater Council - Total Major Projects Program  
2013/14 Actual Expenditure (\$31,984,599)  
BY Type**

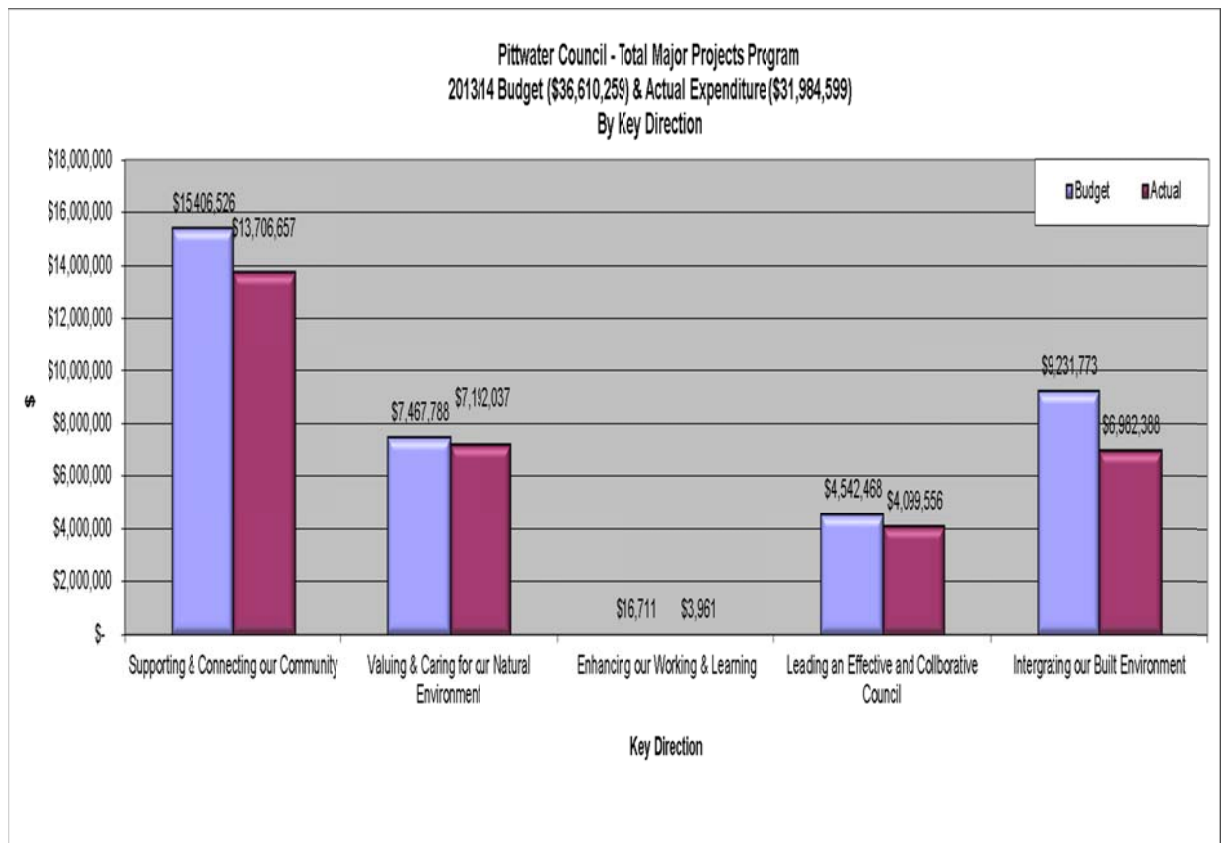


2013/2014					
PROPOSED REVOTES					
Description of Work	Projected Total Budget	s94 Funded Projects	SRV Funded Projects	Other Contributions	Funding Provider
<b>Urban Infrastructure</b>					
Bungan Lane Car Park	2,182,875	2,182,875	0	0	S94 Plan 1
Boondah Road from MacPherson St WWood	136,585	136,585	0	0	S94 WWV
Bridge, Road & Utility Relocation Narrabeen Ck WWood	456,908	456,908	0	0	S94 WWV
Narroy Road Footpath Stage 3 Nareen Creek	138,112	0	138,112	0	SRV
<b>Total Urban Infrastructure</b>	<b>2,914,480</b>	<b>2,776,368</b>	<b>138,112</b>	<b>0</b>	
<b>Reserves Recreation</b>					
Governor Phillip Park Footpath Construction	54,050	0	0	54,050	Gov Phlp Pk Res
Keeping Villages and Surrounding Areas Beautiful	30,156	0	30,156	0	SRV
Facilities and Services at Beaches (Extension of Lifeguard Services)	12,091	0	12,091	0	SRV
<b>Total Reserves &amp; Recreation</b>	<b>96,297</b>	<b>0</b>	<b>42,247</b>	<b>54,050</b>	
<b>Commercial Property/Projects &amp; Other</b>					
Boating Infrastructure	29,749	0	29,749	0	SRV
Palm Beach Wharf	396,105	0	396,105	0	SRV
Church Point Seawall	223,857	0	223,857	0	SRV
Church Point Seawall (Works)	224,597	0	0	224,597	El Levy
Bushland Risk Management	24,806	0	24,806	0	SRV
Ingleside Chase Mountain Bike Track	17,300	0	0	17,300	Escarpment Levy
Enliven Pittwater Project	164,601	0	0	164,601	Outdoor Seating
<b>Total Commercial Property/Projects &amp; Other</b>	<b>1,081,015</b>	<b>0</b>	<b>674,517</b>	<b>406,498</b>	
<b>GRAND TOTAL - REVOTES</b>	<b>4,091,792</b>	<b>2,776,368</b>	<b>854,876</b>	<b>460,548</b>	

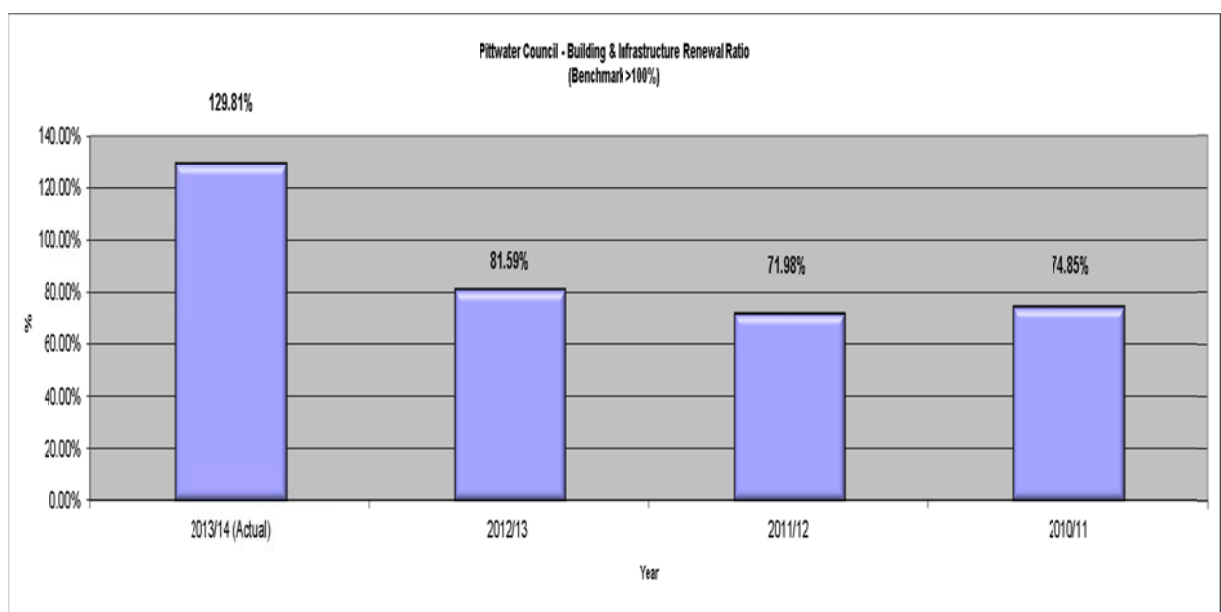
## Total Major Projects Program Summary by Strategy

Total Major Projects Program has been categorised below by budgeted and actual expenditure in *Strategies*.





As a part of Council's Major Projects Program it has been recognised that more funds are required to be spent in the area of Building and Infrastructure Renewal in order for Council to achieve the industry benchmark of 100%. This benchmark reflects that for every \$1 of depreciation associated with Buildings and Infrastructure, Council's should be spending at least \$1 in renewals. Historically, Council has been below this benchmark but with the injection of funds raised via the Special Rate Variation into the area of Building and Infrastructure renewal this ratio has improved to be projected above the industry benchmark at financial year end. Council's Building and Infrastructure Renewal ratios are shown below.





**Pittwater Council**  
**Budget review for the quarter ended - 30 June 2014**  
**Capital Budget Review Statement**

	Original Budget	Approved Changes	*Sept 2013 Variations	Dec 2013 Variations	Mar 2014 Variations	Revised Budget	June 2014 Actual	June 2014 Variation
<b>Capital Funding</b>								
Rates & Other Untied Funding	2,582	0	890	73	219	3,691	3,483	-208
Capital Grants & Contributions	980	0	760	-253	0	1,740	1,092	-648
Reserves:								
- External Restrictions/Reserves	9,456	1,097	-4,385	-265	-10	6,158	3,382	-2,776
- Internal Restrictions/Reserves	5,692	1,017	2,442	339	210	9,361	8,507	-854
New Loans	6,900	363	-1,348	0	0	5,915	5,915	0
Receipts from Sale of Assets								
- Plant & Equipment	1,410	0	0	0	0	1,410	1,289	-121
- Land & Buildings	664	0	-528	0	12	148	148	0
Other Funding	0	0	0	0	0	0	0	0
<b>Total Capital Funding</b>	<b>27,684</b>	<b>2,477</b>	<b>-2,169</b>	<b>-106</b>	<b>431</b>	<b>28,423</b>	<b>23,816</b>	<b>-4,607</b>
<b>Capital Expenditure</b>								
New Assets								
- Plant & Equipment	0	0	0	0	0	0	0	0
- Land & Buildings	2,726	363	-1,345	-20	190	1,914	2,062	148
- Roads	5,145	1,078	-4,666	0	0	1,557	964	-593
- Footpaths	0	0	30	0	0	30	13	-17
- Drainage	0	0	0	0	0	0	0	0
- Foreshore Assets	261	0	70	25	-9	347	323	-24
- Natural Assets	0	0	0	0	0	0	0	0
- Recreational Assets	35	0	0	-8	29	56	42	-14
- Carpark	6,360	0	136	0	0	6,496	4,627	-1,869
- Other	358	0	-32	2	0	328	145	-183
Renewal & Upgrades of Assets								
- Land & Buildings	1,424	0	2,037	-339	19	3,141	2,980	-161
- Roads	1,769	170	36	27	80	2,082	2,147	65
- Footpaths	888	0	435	0	0	1,323	1,058	-265
- Drainage	1,109	39	42	-174	11	1,027	1,046	19
- Foreshore Assets	574	811	168	38	0	1,591	750	-841
- Natural Assets	517	0	100	50	-10	657	715	58
- Recreational Assets	372	0	197	91	0	660	583	-77
- Carpark	840	0	15	0	0	855	701	-154
- Other	334	16	259	100	0	709	554	-155
<b>Total Capital Works</b>	<b>22,712</b>	<b>2,477</b>	<b>-2,518</b>	<b>-208</b>	<b>310</b>	<b>22,773</b>	<b>18,709</b>	<b>-4,065</b>
Other								
- Plant & Equipment Replacement	3,788	340	115	102	121	4,466	3,923	-542
Loan Repayments (Principal)	1,184	0	0	0	0	1,184	1,184	0
Other Capital Expenditure	0	0	0	0	0	0	0	0
<b>Total Capital Expenditure</b>	<b>27,684</b>	<b>2,817</b>	<b>-2,403</b>	<b>-106</b>	<b>431</b>	<b>28,423</b>	<b>23,816</b>	<b>-4,607</b>

As indicated in the above columns:

1. The "Original" Budget (+/-) the "Approved" Changes equals the "Revised" Budget
2. The difference between Councils Revised budget & year-end Actuals are shown in the June 2014 Variation Column.
3. The above June 2014 Variations are explained below

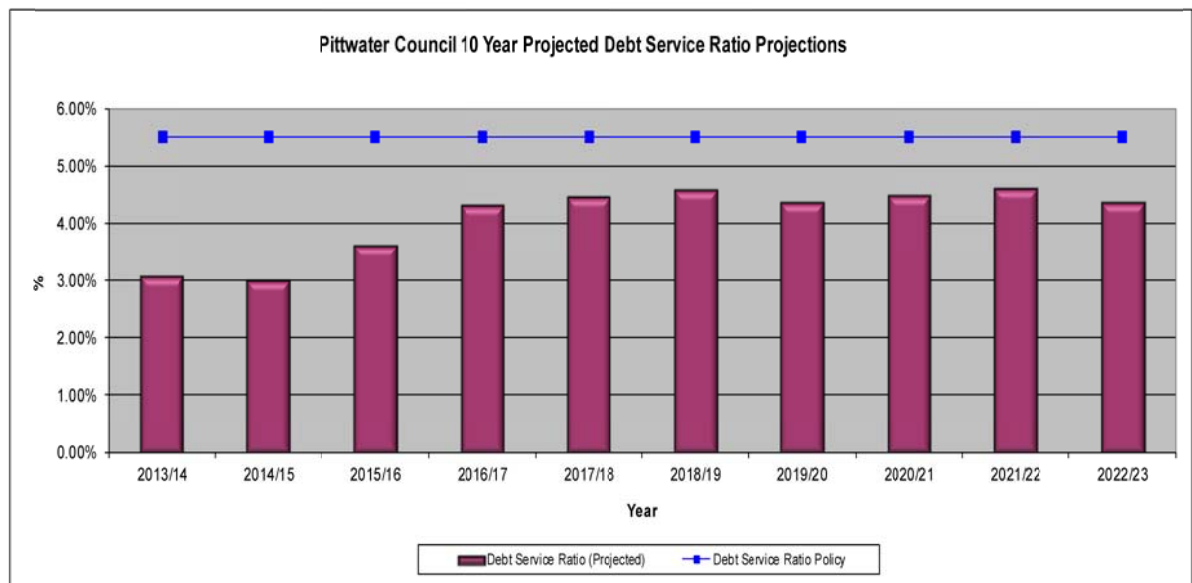
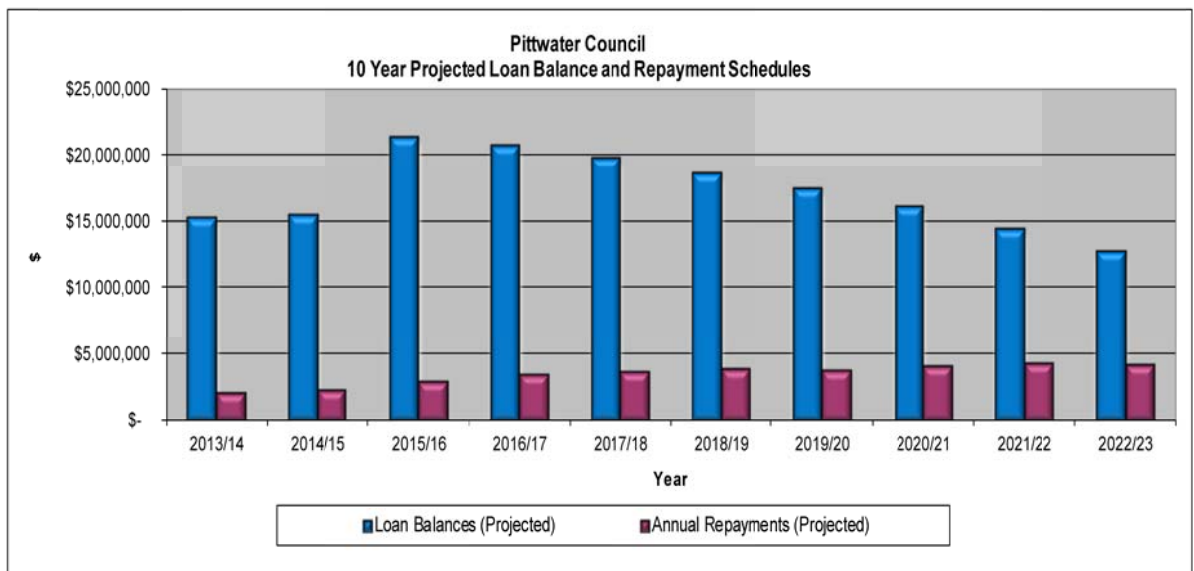
<b>Capital Expenditure as per Adopted March Budget for the year ending 30/6/14</b>		<b>\$ 28,423</b>
<b>Budget to Actual Variance</b>		<b>\$000's</b>
Reduced New Capital Expenditure on Roads mainly relating to the timing pf Boondah Rd & Macpherson St works	-\$	593
Reduced New Capital Expenditure on Carpark mainly relating to the timing of Bungan Lane Carpark works	-\$	1,869
Reduced Renewal/Upgrade Capital Expenditure on Footpaths mainly relating to the timing of Governor Phillip Park and Narroy Road Footpath works	-\$	265
Reduced Renewal/Upgrade Capital Expenditure on Foreshore Assets mainly relating to the timing of Palm Beach Wharf & Church Point Seawall works	-\$	841
Reduced Capital Expenditure on Plant & Equipment Replacement mainly relating to the timing of Plant & IT Purchases	-\$	542
Reduced Other Assets Expenditure mainly relating to the timing of Enliven & WASIP Program works	-\$	497
<b>Actual Capital Expenditure for the year ending 30 June 2014</b>		<b>\$ 23,816</b>

## 2.10 Loan Projections

Council's estimated loan balances, principal and interest repayments and debt service ratio (loans only excluding finance lease) are demonstrated below for the next ten years based on the 2014-18 Delivery Program & Budget. As indicated, Council's Loan program is increasing in order to support Council's infrastructure renewal needs and commercial opportunities. Although increasing, the debt service ratio remains well within Council's Policy and well within financially sustainable parameters.

Year	New Loan	Loan Balance	Projected Principal	Projected Interest	Projected Repayment	Debt Service
	Borrowings	at Financial Year End	Repayments	Repayments	Annually	Ratio
2013/14	\$ 3,000,000	\$ 15,295,239	\$ 1,180,999	\$ 850,658	\$ 2,031,657	3.08%
2014/15	\$ 1,500,000	\$ 15,512,638	\$ 1,276,930	\$ 949,972	\$ 2,226,902	2.99%
2015/16	\$ 7,600,000	\$ 21,356,753	\$ 1,755,885	\$ 1,180,068	\$ 2,935,953	3.61%
2016/17	\$ 1,500,000	\$ 20,700,490	\$ 2,156,262	\$ 1,288,013	\$ 3,444,275	4.32%
2017/18	\$ 1,500,000	\$ 19,800,072	\$ 2,400,418	\$ 1,256,684	\$ 3,657,102	4.47%
2018/19	\$ 1,500,000	\$ 18,637,929	\$ 2,662,143	\$ 1,197,907	\$ 3,860,050	4.58%
2019/20	\$ 1,500,000	\$ 17,500,981	\$ 2,636,948	\$ 1,143,070	\$ 3,780,018	4.37%
2020/21	\$ 1,500,000	\$ 16,095,610	\$ 2,905,372	\$ 1,087,558	\$ 3,992,930	4.49%
2021/22	\$ 1,500,000	\$ 14,403,111	\$ 3,192,499	\$ 1,013,255	\$ 4,205,754	4.60%
2022/23	\$ 1,500,000	\$ 12,724,551	\$ 3,178,560	\$ 924,405	\$ 4,102,964	4.36%

*Note: the above debt service ratio is in the old format to provide consistency through all 2013/14 Quarterly Budget Reviews.*



## 2.11 Special Rates Variation Levy

In order for Pittwater Council to remain a strong, independent and sustainable Council in 2011 an application was submitted to IPART for a Special Variation to Council's rates. This application was subsequently approved in full allowing for a cumulative growth in Council's rates of 7.8% in 2011/12, 7% in 2012/13 and 6% in 2013/14 (including CPI increases).

Council's Special Rate Variation (SRV) will provide funds for a wide range of Infrastructure Works and Environmental Programs that will progressively improve both our 'urban' and 'natural' environment. The schedule of works and programs will be overseen through the Special Rate Variation (SRV) Advisory Committee.

The 2013/14 list of funds and SRV works are shown below. .

<b>Opening Reserve Balance as at 01/07/13</b>	<b>840,951</b>
Actual Income 2013/2014	3,935,213
Actual Expenditure 2013/2014 (as shown below)	3,752,268
<b>Projected Budget Reserve Balance for the year ended 30 June 2014 (restricted)</b>	<b>1,023,896</b>

<b>Special Rates Variation Works</b>	<b>Budget</b>	<b>YTD Actuals</b>
Kananook Avenue Bayview – Pittwater Rd to Tamina St	22,201	22,201
Lane Cove Road Ingleside - View Rd to Walter Rd	86,171	86,171
Loombah Street Bilgola Plateau – Prince Alfred Pde to Cooina Pl	51,288	51,288
Myola Road Newport – Bungan Head Rd south to Bungan Head Rd	36,207	36,207
Loquat Valley Road Bayview – Kookaburra Cl to Lentara Rd	78,154	78,154
Narla Road Bayview – Ilya Rd to Lentara Rd	54,652	54,652
Pacific Road Palm Beach – House 145 to house 111	70,746	70,746
Pacific Road Palm Beach – House 111 to Ralston Rd	36,364	36,364
Queens Avenue Avalon – Elvina Av to Net Rd	53,636	53,636
Ponderosa Parade Warriewood – Jubilee Ave roundabout to Macpherson St	40,909	40,909
Beaconsfield Street Newport – Barrenjoey Rd to Crescent Rd	112,691	112,691
Carefree Road North Narrabeen – House 24 to Woorarra Rd	28,757	28,757
Dress Circle Road Avalon – Old Barrenjoey Rd to Bellevue Ave	37,503	37,503
Elanora Road, Elanora Heights (Stage 1) – School program priority 1	73,967	73,967
Barrenjoey Road, North Avalon – east side Whale Beach Road to Careel Head Road (kerb and gutter not)	80,000	80,000
Bishop Street, Newport – east side Bardo Road to Queens Parade (kerb and gutter not)	44,801	44,801
Grandview Drive, Newport – further stage	162,748	162,748
Waratah Street, Mona Vale - north side Maxwell Street to No. 75	62,845	62,845
Narroy Rd Footpath Stage 3 Nareen Creek	145,305	7,193
Drainage projects (to be identified) - as per Council's adopted Implementation Plan	101,286	101,286
Survey of drainage projects (contract)	5,435	5,435
Walworth Avenue, Newport flood mitigation works	120,244	120,244
Sportsfield and Open Space Improvements	47,200	47,200
Avalon Surf Club Construction	909,386	909,386
Boating Infrastructure	107,500	77,751
Des Creagh Reserve, North Avalon – asphalt resurfacing, kerb & gutter construction	96,348	96,348
Newport Beach Carpark Improvement	44,893	44,893
Facilities and services at beaches (Dune Restoration)	56,547	56,547
Mona Vale Dune Restoration	57,198	57,198
Currawong Reserve Foreshore Stabilisation	58,665	58,665
North Avalon Beach Dune Restoration	47,592	47,592
Cleanliness of beaches and ocean pools	40,069	40,069
Bushland Risk Management	76,323	51,517
Palm Beach Wharf	451,926	55,821
Church Point Seawall	223,857	-
Bushland Reserves Restoration of Major Reserves	104,487	104,487
Regeneration & Enhancement of Wildlife Corridors	39,486	39,486
Managing natural hazards (Bushfire)	79,381	79,381
Bushfire Asset Protection Zones	15,601	15,601
Managing and protecting creeks & waterways	98,821	98,821
Bushland Reserves Restoration of Minor Reserves	69,576	69,576
Energy saving initiatives and retrofits	4,500	4,500
Avalon Rec Centre Solar PV	42,427	42,427
Avalon Surf Club Solar PV	1,413	1,413
CEC Pelican Path Electrical	64,510	64,510
Water saving and re-use initiatives	62,813	62,813
Keeping Villages and Surrounding Areas Beautiful	88,226	57,967
Facilities and Services at Beaches (Extension of Lifeguard Services)	106,296	94,205
Protecting Native Plants and Animals	63,102	63,102
Noxious and Environmental Weed Eradication	25,522	25,522
Community Bushcare Program	17,672	17,671
<b>Total Special Rates Variation Works</b>	<b>4,607,247</b>	<b>3,752,268</b>

## 2.12 Stormwater Management Service Charge

The Stormwater Management Service Charge Program (based on Section 496A to the Local Government Act 1993 made by the Local Government Amendment (Stormwater) Act 2005 and in accordance with clauses 125A, 125AA, 200A and 217 of the Local Government (General) Regulation 2005) is levied on rateable urban land that is categorised for rating purposes as residential or business (excludes vacant land – see definition in the Act). The charge levied is:

- \$25 for land categorised as residential
- \$12.50 per residential strata lot
- \$25 per 350 square metres (or part thereof) for land categorised as business
- Pro-rata apportionment for business strata complexes.

The purpose of the service charge is to fund both capital projects and recurrent expenditure relating to new or additional stormwater management services to eligible land within the 23 sub-catchments within Pittwater by taking a 'global' approach to stormwater services and ensuring a reasonable equitable distribution of Stormwater Management Services over time.

The Stormwater Management Service Charge Annual Works Program is set out below:

<b>Opening Reserve Balance as at 01/07/13</b>	<b>107,619</b>
Actual Income 2013/2014	548,053
Actual Expenditure 2013/2014 (as shown below)	551,634
<b>Projected Budget Reserve Balance for the year ended 30 June 2014 (restricted)</b>	<b>104,038</b>

<b>Stormwater Management Service Charge</b>	<b>Budget</b>	<b>YTD Actuals</b>
Flood management - North Arm flood mit works	42,160	42,160
S/W Infrastructure Improvements Minor Catchments	30,885	30,885
S/W Pit Improvements - General Various locations	56,928	56,928
S/W Hillslope Rd Newport - Drainage Pit	8,607	8,607
S/W Foxall/Wesley Rds Mona Vale Drainage Pits	14,800	14,800
S/W Cabbage Tree Rd Drainage Pit	9,141	9,141
S/W Prosperity Pde WW Drainage Pipe Reline	12,005	12,005
S/W Asset Management - CCTV condition assessment inspection	16,275	16,275
S/W Capital Works & Emergency Program	50,387	50,387
Kywong Reserve Elanora Heights - Creekline Rehab	13,836	13,836
S/W Bishop St Newport Drainage	47,410	47,410
S/W Ruskin Rowe Drainage Channel embankment wall	18,534	18,534
Community & Industry S/W Pollution Education	10,632	10,632
S/W Quality Treatment Device Improvements	163,996	163,996
Bardo Road Stormwater Drainage	36,000	36,000
Lisa Place Bilgola Drainage Works	20,038	20,038
<b>Total Stormwater Management Service Charge</b>	<b>551,634</b>	<b>551,634</b>

## 2.13 Developer Contribution Plans

Developer Contributions are monetary contribution levied on developers at the development applications stage to pay for a proposed increase in demand for public services, such as roads and parks.

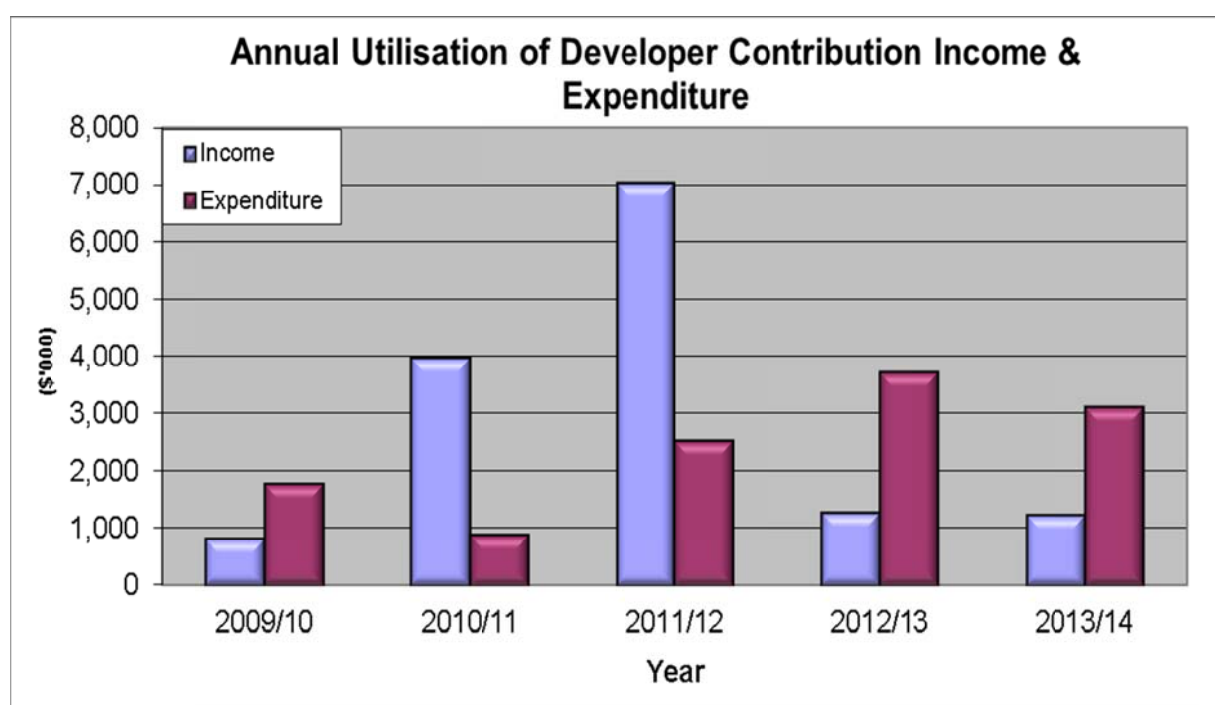
Council has a number of contribution plans, each containing income projections and work programs, enabling a financial strategy to efficiently and equitably administer the funds. A summary detailing the balances and projected income and expenditure for the current year of the various plans is contained within the table below:

DEVELOPER CONTRIBUTION PLANS	Actual			
	Plan Balance as at 30/06/13	Expenditure for 2013/14	Income for 2013/14	Plan Balance as at 30/06/14
Community Service Facilities	\$ 108,379	\$ 209,434	\$ 130,841	\$ 29,786
Mona Vale Car Parking	\$ 3,435,499	\$ 1,052,625	\$ 112,794	\$ 2,495,668
Newport Car Parking	\$ 96,464	\$ -	\$ 3,415	\$ 99,879
Open Space	\$ 608,675	\$ 537,817	\$ 362,652	\$ 433,510
Village Streetscape	\$ 490,724	\$ 164,576	\$ 196,944	\$ 523,092
Public Libraries	\$ 225,920	\$ 100,000	\$ 80,150	\$ 206,070
Warriewood Valley	\$ 5,323,703	\$ 1,035,082	\$ 336,766	\$ 4,625,387
<b>Totals</b>	<b>\$ 10,289,364</b>	<b>\$ 3,099,534</b>	<b>\$ 1,223,562</b>	<b>\$ 8,413,392</b>

Note: Income relates to both receipt of contributions and interest.

Council is required to undertake financial management of developer contributions as the authority responsible for most of the communities' infrastructure and regional facilities. The timing of the capital expenditure is heavily dependent upon the levels of development and contributions received.

To demonstrate Pittwater Council's financial management of developer contributions, a comparison of income (contributions received) versus expenditure for the provision of community facilities is shown in the graph below.



## 2.14 Consultancy and Legal Expenses

As a part of Council's Quarterly Budget Review Statement, expenditure associated with Consultancies and Legal Expenses are to be disclosed. Accordingly, YTD expenditure associated with Consultancies and Legal Fees are as follows:

Expenditure	Expenditure YTD	Budgeted (Y/N)
<b>Consultancies</b>	\$5,052,083	Yes – Budget \$4,778,410
<b>Legal Fees</b>	\$983,495	Yes – Budget \$1,102,000

The Actual Consultancies for the 2013/14 Financial year is \$5,052,083.

The Actual Legal Fees for the 2013/14 Financial year is \$983,495.

## Contracts and Other Expenses

As a part of Council's Quarterly Budget Review Statement, a list of Contracts that **exceed \$50,000** and that have been entered into during the June 2014 Quarter and have yet to be fully performed are to be disclosed (*excluding contracts selected from Council's preferred supplier list and those associated with employment*). Accordingly, a list of such Contractors is as follows:

### Contracts entered into in the June 2014 Quarter (exceeding \$50,000)

Contractor	Detail & Purpose	Contract Value	Start	Duration	Budget (Y/N)
<b>NIL</b>					

In determining Council's Original Budget and subsequent Budget Reviews an overall budget is assigned to functions of Council that incorporate a number of contracts to fulfil to projected works associated with that function of Council. Contracts that are undertaken throughout the year that give rise to an increase in the overall contractors budget assigned to a function of Council are required to be separately disclosed. Accordingly, a list of Contracts associated with a budgetary increase is listed below (*note: if no contracts are listed below, all contracts let during the Quarter have not given rise to a budgetary increase and have been facilitated with the Original or previous Quarterly Budgetary Reviews*):

### Contracts entered into in the June 2014 Quarter that gave rise to an increase in the Budget.

Contractor	Detail & Purpose	Contract Value	Start	Duration	Budget (Y/N)
<b>NIL</b>					

### 3.0 KEY DIRECTIONS AND ASSOCIATED STRATEGIES

Over the last two years Pittwater Council, in collaboration with the Local Community, developed Pittwater 2020, the first of its kind. This strategic plan provides an overarching framework to proactively respond to the community aspirations and desires.

The Strategic Plan articulates the community vision for what Pittwater should be like in 2020 and outlines five interlinked and independent key directions and their associated strategies under which all planning will occur. The 12 key strategies have been developed providing the operational mechanism – vision, objectives, initiatives and measures – to achieve the inspirational goals and targets.

Accordingly, in an effort to assist Council's Strategic Plan and associated vision the 2013/14 budget, in addition to traditional financial reporting formats, has been broken down based upon the key five directions and their 12 associated strategies.

For information for the community the net consolidated position of each key direction and strategies are outlined below:

#### 5 Key Directions - Net Budget Position:

### 3.1 Supporting & Connecting our Community (Social)

3.1.1 The net impact of the 2013/14 Actuals for this key direction is a cost of \$11.149 million.

This net cost includes:	
Operating Expenditure	\$19.716 million
Capital Expenditure	\$5.969 million
Income	(\$5.732) million
Transfer from Reserve*	(\$9.409) million
Transfer to Reserve*	\$605,000
Net Cost to Council	\$11.149 million

### 3.2 Valuing & Caring for our Natural Environment (Environmental)

3.2.1 The net impact of the 2013/14 Actuals for this key direction is a cost of \$5.239 million.

This net cost includes:	
Operating Expenditure	\$5.831 million
Capital Expenditure	\$4.629 million
Income	(\$2.330) million
Transfer from Reserve*	(\$3.485) million
Transfer to Reserve*	\$594,000
Net Cost to Council	\$5.239 million



### 3.3 Enhancing our Working & Learning (Economic)

3.3.1 The net impact of the 2013/14 Actuals for this key direction is a cost of \$2.277 million.

This net cost includes:	
Operating Expenditure	\$2.921 million
Capital Expenditure	\$302,000
Income	(\$572,000)
Transfer from Reserve*	(\$447,000)
Transfer to Reserve*	\$74,000
Net Cost to Council	\$2.277 million

### 3.4 Leading an effective & Collaborative Council (Governance)

3.4.1 The net impact of the 2013/14 Actuals for this key direction is income of \$20.459 million.

This net income includes:	
Operating Expenditure	\$24.672 million
Capital Expenditure	\$7.183 million
Income	(\$52.624) million
Transfer from Reserve*	(\$7.934) million
Transfer to Reserve*	\$8.244 million
Net Income to Council	(\$20.459) million

### 3.5 Integrating our Built environment (Infrastructure)

3.5.1 The net impact of the 2013/14 Actuals for this key direction is a cost of \$1.486 million.

This net cost includes:	
Operating Expenditure	\$19.431 million
Capital Expenditure	\$5.735 million
Income	(\$19.664) million
Transfer from Reserve*	(\$5.599) million
Transfer to Reserve*	\$1.582 million
Net Cost to Council	\$1.486 million

*\*Note: Transfers to and from Reserve represent funds acquired in the current and/or prior financial years but are utilised or placed into reserve in the current financial year.*

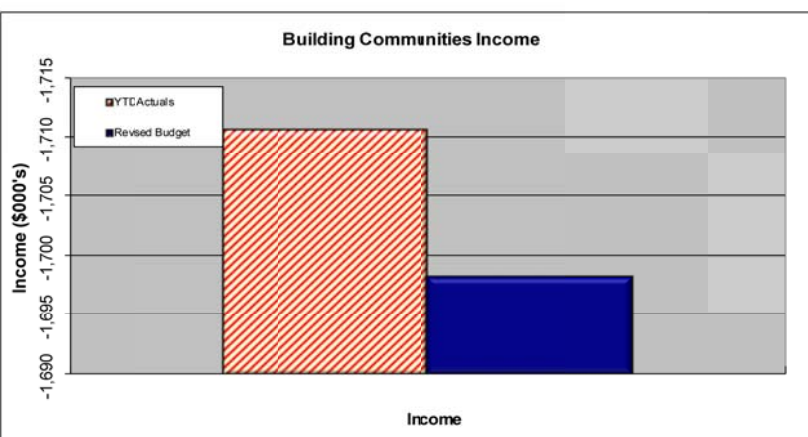
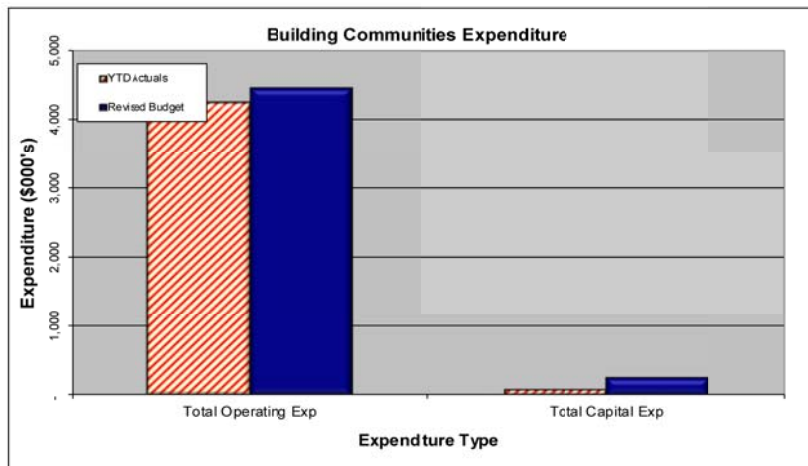
## 12 Strategies - Net Budget Position: BUILDING COMMUNITIES

### STRATEGY

#### Building Communities

Operating Expenditure	YTD Actuals -\$000's	Total Revised Budget -\$000's
Salaries and Wages	2,147	2,271
Other Employee Costs	506	582
Materials and Contracts	854	862
Depreciation	0	0
Interest	0	0
Other Costs	743	731
<b>Total Operating Exp</b>	<b>4,249</b>	<b>4,447</b>
<b>Capital Expenditure</b>		
Capital Asset Acquisitions	74	81
Capital Works Programs	0	165
Capital Material Public Benefits	0	0
Loan Repayments	0	0
<b>Total Capital Exp</b>	<b>75</b>	<b>246</b>
<b>Income (Op &amp; Cap)</b>		
User Fees	(958)	(977)
Fees and Charges	(106)	(56)
Grant Transfers	(507)	(501)
Contributions	(126)	(140)
Rates Income	0	0
Domestic Waste Charge	0	0
Return on Investments & Other	0	0
Other Income	(14)	(25)
Capital Assets Disposals	0	0
<b>Total Income (Op &amp; Cap)</b>	<b>(1,711)</b>	<b>(1,698)</b>
<b>Transfers from Reserves</b>	<b>(142)</b>	<b>(300)</b>
<b>Transfers to Reserves</b>	<b>132</b>	<b>140</b>
<b>Net Cost* / (Income)</b>	<b>2,603</b>	<b>2,835</b>

\* Net Cost Funded By Rates



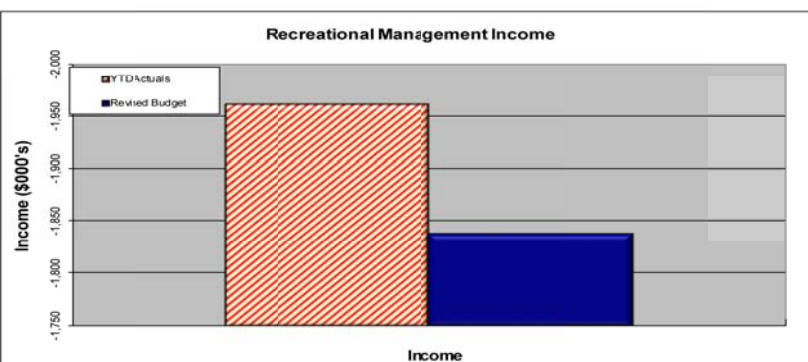
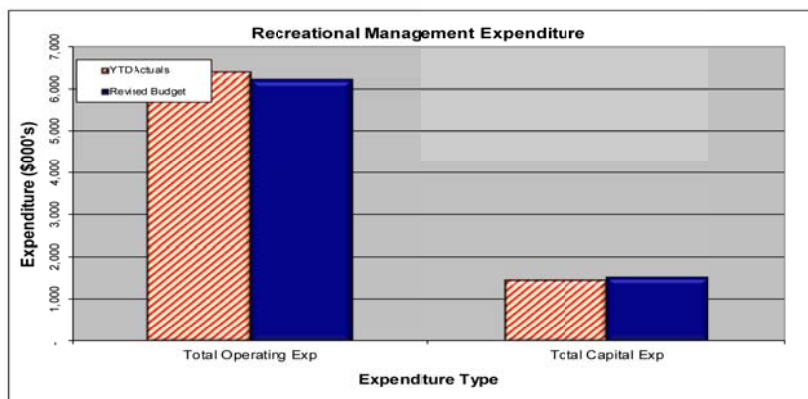
## RECREATIONAL MANAGEMENT

### STRATEGY

#### Recreational Management

Operating Expenditure	YTD Actuals -\$000's	Total Revised Budget -\$000's
Salaries and Wages	2,287	2,235
Other Employee Costs	608	665
Materials and Contracts	1,776	1,674
Depreciation	1,092	1,101
Interest	0	0
Other Costs	620	534
<b>Total Operating Exp</b>	<b>6,383</b>	<b>6,209</b>
<b>Capital Expenditure</b>		
Capital Asset Acquisitions	0	0
Capital Works Programs	1,446	1,512
Capital Material Public Benefits	0	0
Loan Repayments	0	0
<b>Total Capital Exp</b>	<b>1,446</b>	<b>1,512</b>
<b>Income (Op &amp; Cap)</b>		
User Fees	(1,664)	(1,537)
Fees and Charges	0	0
Grant Transfers	(30)	(35)
Contributions	(137)	(90)
Rates Income	0	0
Domestic Waste Charge	0	0
Return on Investments & Other	0	0
Other Income	(130)	(176)
Capital Assets Disposals	0	0
<b>Total Income (Op &amp; Cap)</b>	<b>(1,961)</b>	<b>(1,837)</b>
<b>Transfers from Reserves</b>	<b>(2,573)</b>	<b>(1,412)</b>
<b>Transfers to Reserves</b>	<b>203</b>	<b>159</b>
<b>Net Cost* / (Income)</b>	<b>3,498</b>	<b>4,631</b>

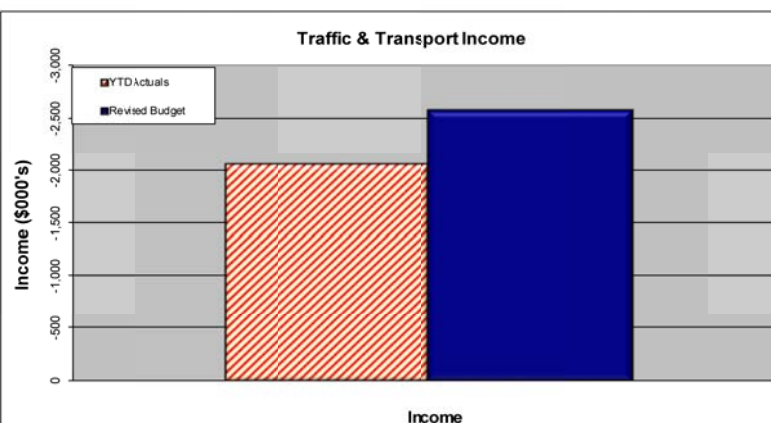
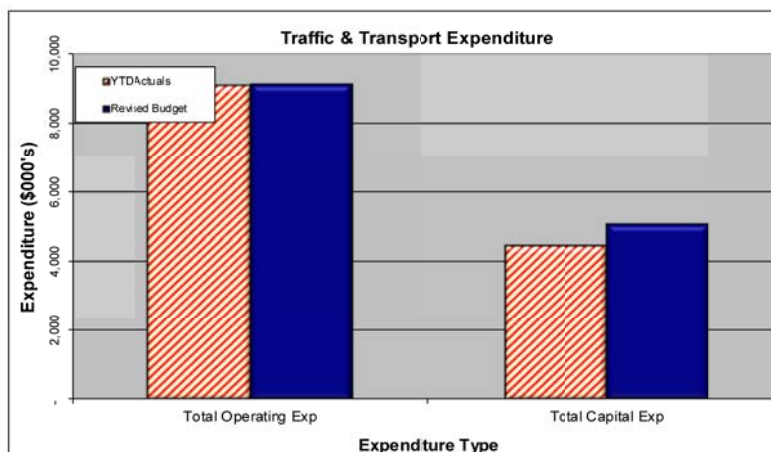
\* Net Cost Funded By Rates



## TRAFFIC AND TRANSPORT

STRATEGY Transport & Traffic		
Operating Expenditure	YTD Actuals -\$000's	Total Revised Budget -\$000's
Salaries and Wages	1,851	1,988
Other Employee Costs	616	694
Materials and Contracts	1,383	1,273
Depreciation	3,633	3,673
Interest	0	0
Other Costs	1,601	1,488
<b>Total Operating Exp</b>	<b>9,083</b>	<b>9,115</b>
<b>Capital Expenditure</b>		
Capital Asset Acquisitions	0	0
Capital Works Programs	4,448	5,068
Capital Material Public Benefits	0	0
Loan Repayments	0	0
<b>Total Capital Exp</b>	<b>4,448</b>	<b>5,068</b>
<b>Income (Op &amp; Cap)</b>		
User Fees	(216)	(226)
Fees and Charges	(273)	(217)
Grant Transfers	(822)	(871)
Contributions	(747)	(1,265)
Rates Income	0	0
Domestic Waste Charge	0	0
Return on Investments & Other	0	0
Other Income	(2)	0
Capital Assets Disposals	0	0
<b>Total Income (Op &amp; Cap)</b>	<b>(2,060)</b>	<b>(2,578)</b>
<b>Transfers from Reserves</b>	<b>(6,694)</b>	<b>(3,789)</b>
<b>Transfers to Reserves</b>	<b>270</b>	<b>735</b>
<b>Net Cost* / (Income)</b>	<b>5,048</b>	<b>8,550</b>

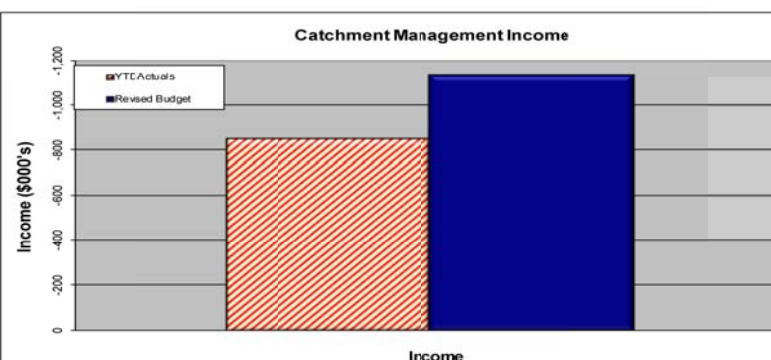
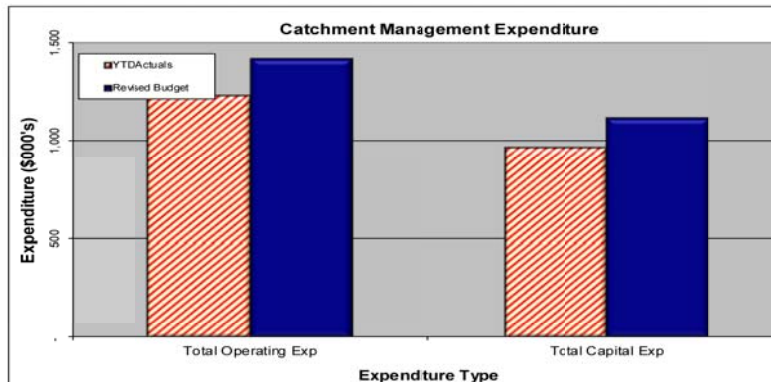
\* Net Cost Funded By Rates



## CATCHMENT MANAGEMENT

STRATEGY Catchment Management		
Operating Expenditure	YTD Actuals -\$000's	Total Revised Budget -\$000's
Salaries and Wages	597	443
Other Employee Costs	172	132
Materials and Contracts	194	254
Depreciation	0	0
Interest	0	0
Other Costs	270	590
<b>Total Operating Exp</b>	<b>1,233</b>	<b>1,419</b>
<b>Capital Expenditure</b>		
Capital Asset Acquisitions	0	0
Capital Works Programs	966	1,115
Capital Material Public Benefits	0	0
Loan Repayments	0	0
<b>Total Capital Exp</b>	<b>966</b>	<b>1,115</b>
<b>Income (Op &amp; Cap)</b>		
User Fees	(23)	(45)
Fees and Charges	0	0
Grant Transfers	(263)	(553)
Contributions	(17)	0
Rates Income	(539)	(539)
Domestic Waste Charge	0	0
Return on Investments & Other	0	0
Other Income	(9)	(1)
Capital Assets Disposals	0	0
<b>Total Income (Op &amp; Cap)</b>	<b>(852)</b>	<b>(1,138)</b>
<b>Transfers from Reserves</b>	<b>(791)</b>	<b>(865)</b>
<b>Transfers to Reserves</b>	<b>594</b>	<b>594</b>
<b>Net Cost* / (Income)</b>	<b>1,150</b>	<b>1,125</b>

\* Net Cost Funded By Rates



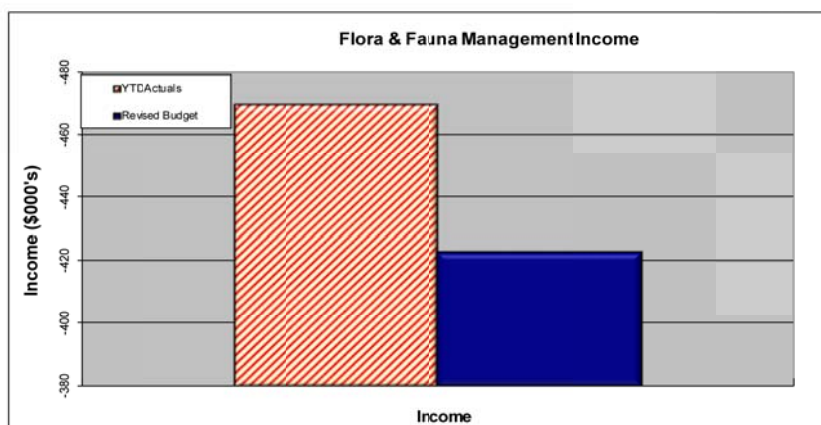
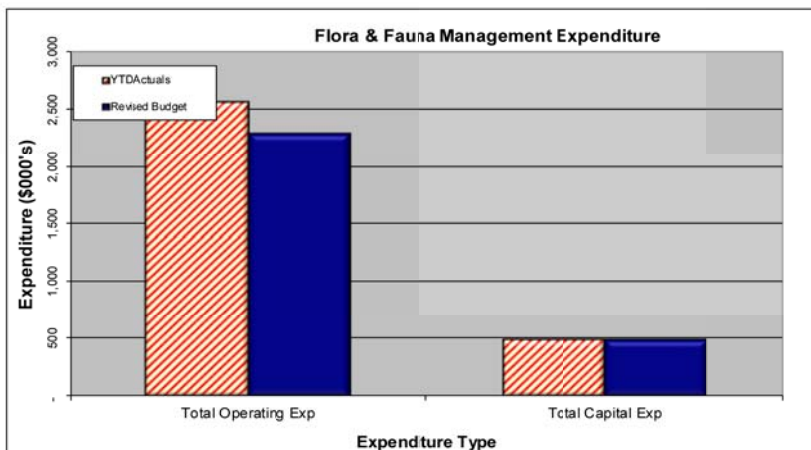
## FLORA AND FAUNA MANAGEMENT

### STRATEGY

#### Flora & Fauna Management

Operating Expenditure	YTD Actuals -\$000's	Total Revised Budget -\$000's
Salaries and Wages	963	866
Other Employee Costs	257	239
Materials and Contracts	1,191	996
Depreciation	0	0
Interest	0	0
Other Costs	152	192
<b>Total Operating Exp</b>	<b>2,564</b>	<b>2,293</b>
<b>Capital Expenditure</b>		
Capital Asset Acquisitions	0	0
Capital Works Programs	494	487
Capital Material Public Benefits	0	0
Loan Repayments	0	0
<b>Total Capital Exp</b>	<b>494</b>	<b>487</b>
<b>Income (Op &amp; Cap)</b>		
User Fees	(0)	0
Fees and Charges	(64)	(52)
Grant Transfers	(372)	(335)
Contributions	0	0
Rates Income	0	0
Domestic Waste Charge	0	0
Return on Investments & Other	0	0
Other Income	(33)	(36)
Capital Assets Disposals	0	0
<b>Total Income (Op &amp; Cap)</b>	<b>(470)</b>	<b>(423)</b>
<b>Transfers from Reserves</b>	<b>(412)</b>	<b>(1,613)</b>
<b>Transfers to Reserves</b>	<b>0</b>	<b>0</b>
<b>Net Cost* / (Income)</b>	<b>2,176</b>	<b>745</b>

\* Net Cost Funded By Rates



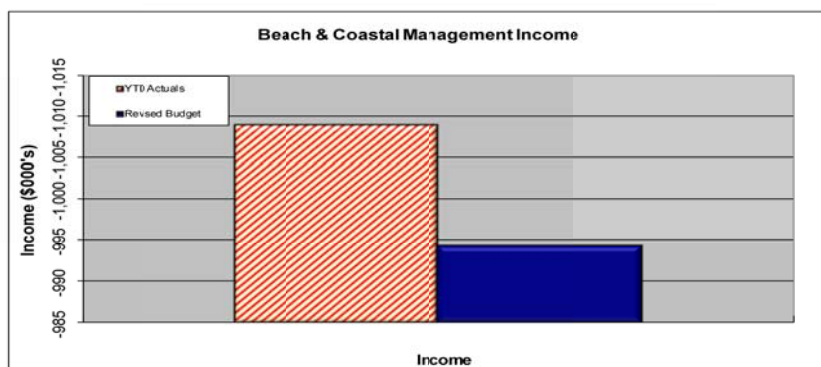
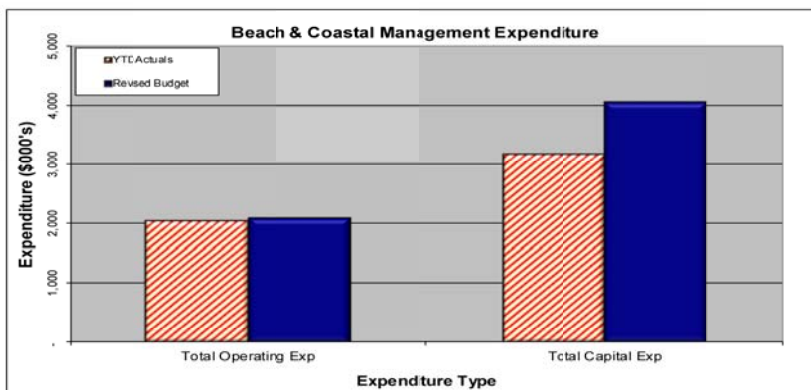
## BEACH AND COASTAL MANAGEMENT

### STRATEGY

#### Beach & Coastal Management

Operating Expenditure	YTD Actuals -\$000's	Total Revised Budget -\$000's
Salaries and Wages	517	540
Other Employee Costs	139	155
Materials and Contracts	1,165	1,098
Depreciation	0	0
Interest	0	0
Other Costs	213	292
<b>Total Operating Exp</b>	<b>2,033</b>	<b>2,085</b>
<b>Capital Expenditure</b>		
Capital Asset Acquisitions	0	0
Capital Works Programs	3,170	4,048
Capital Material Public Benefits	0	0
Loan Repayments	0	0
<b>Total Capital Exp</b>	<b>3,170</b>	<b>4,048</b>
<b>Income (Op &amp; Cap)</b>		
User Fees	0	0
Fees and Charges	0	0
Grant Transfers	(229)	(594)
Contributions	(780)	(400)
Rates Income	0	0
Domestic Waste Charge	0	0
Return on Investments & Other	0	0
Other Income	(1)	0
Capital Assets Disposals	0	0
<b>Total Income (Op &amp; Cap)</b>	<b>(1,009)</b>	<b>(994)</b>
<b>Transfers from Reserves</b>	<b>(2,281)</b>	<b>(3,170)</b>
<b>Transfers to Reserves</b>	<b>0</b>	<b>0</b>
<b>Net Cost* / (Income)</b>	<b>1,913</b>	<b>1,969</b>

\* Net Cost Funded By Rates





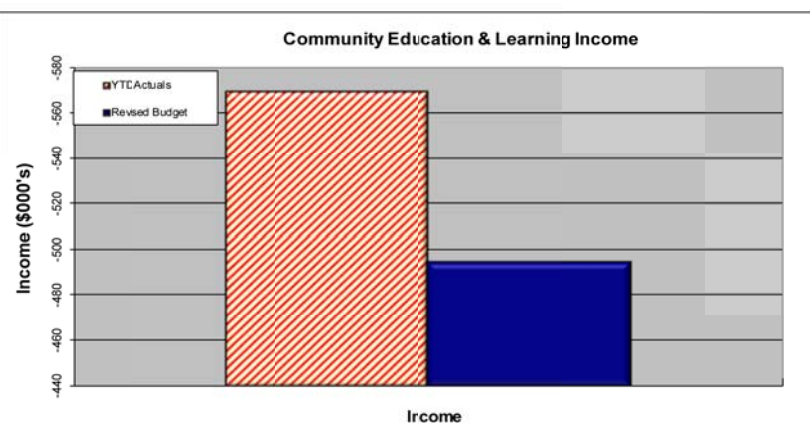
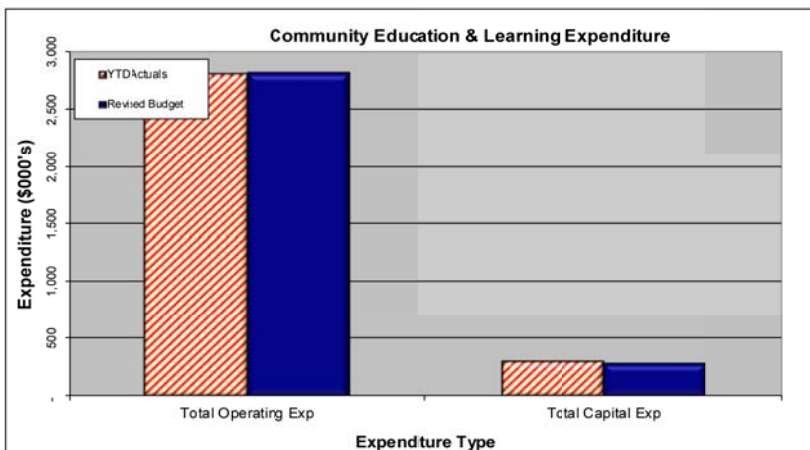
## COMMUNITY EDUCATION AND LEARNING

### STRATEGY

#### Community Education & Learning

Operating Expenditure	YTD Actuals -\$000's	Total Revised Budget -\$000's
Salaries and Wages	1,505	1,537
Other Employee Costs	417	445
Materials and Contracts	118	117
Depreciation	207	215
Interest	12	12
Other Costs	548	489
<b>Total Operating Exp</b>	<b>2,807</b>	<b>2,816</b>
<b>Capital Expenditure</b>		
Capital Asset Acquisitions	290	280
Capital Works Programs	11	0
Capital Material Public Benefits	0	0
Loan Repayments	0	0
<b>Total Capital Exp</b>	<b>302</b>	<b>280</b>
<b>Income (Op &amp; Cap)</b>		
User Fees	(243)	(170)
Fees and Charges	(26)	(25)
Grant Transfers	(209)	(215)
Contributions	(74)	(80)
Rates Income	0	0
Domestic Waste Charge	0	0
Return on Investments & Other	0	0
Other Income	(18)	(4)
Capital Assets Disposals	0	0
<b>Total Income (Op &amp; Cap)</b>	<b>(570)</b>	<b>(495)</b>
Transfers from Reserves	(447)	(492)
Transfers to Reserves	74	80
<b>Net Cost* / (Income)</b>	<b>2,165</b>	<b>2,188</b>

\* Net Cost Funded By Rates



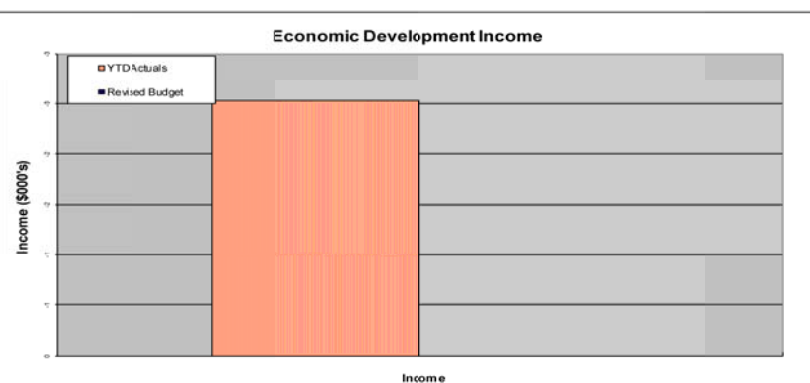
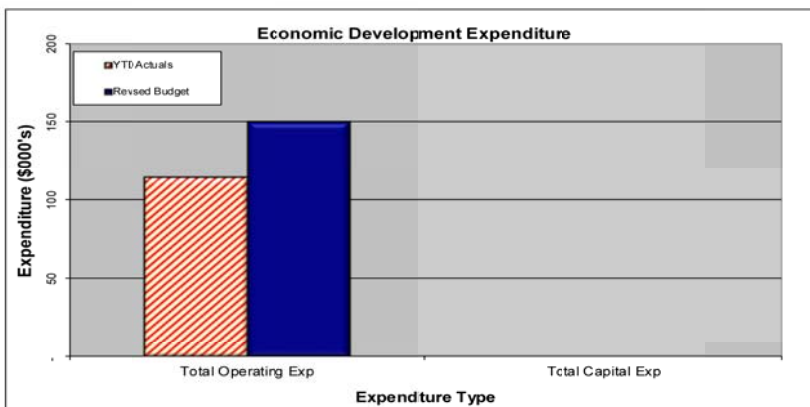
## ECONOMIC DEVELOPMENT

### STRATEGY

#### Economic Development

Operating Expenditure	YTD Actuals -\$000's	Total Revised Budget -\$000's
Salaries and Wages	11	8
Other Employee Costs	1	2
Materials and Contracts	2	14
Depreciation	0	0
Interest	0	0
Other Costs	100	126
<b>Total Operating Exp</b>	<b>114</b>	<b>150</b>
<b>Capital Expenditure</b>		
Capital Asset Acquisitions	0	0
Capital Works Programs	0	0
Capital Material Public Benefits	0	0
Loan Repayments	0	0
<b>Total Capital Exp</b>	<b>0</b>	<b>0</b>
<b>Income (Op &amp; Cap)</b>		
User Fees	(3)	0
Fees and Charges	0	0
Grant Transfers	0	0
Contributions	0	0
Rates Income	0	0
Domestic Waste Charge	0	0
Return on Investments & Other	0	0
Other Income	0	0
Capital Assets Disposals	0	0
<b>Total Income (Op &amp; Cap)</b>	<b>(3)</b>	<b>0</b>
Transfers from Reserves	0	0
Transfers to Reserves	0	0
<b>Net Cost* / (Income)</b>	<b>112</b>	<b>150</b>

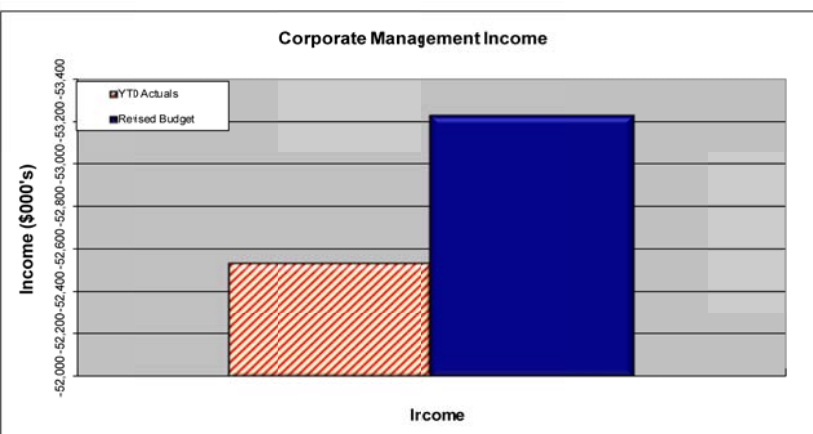
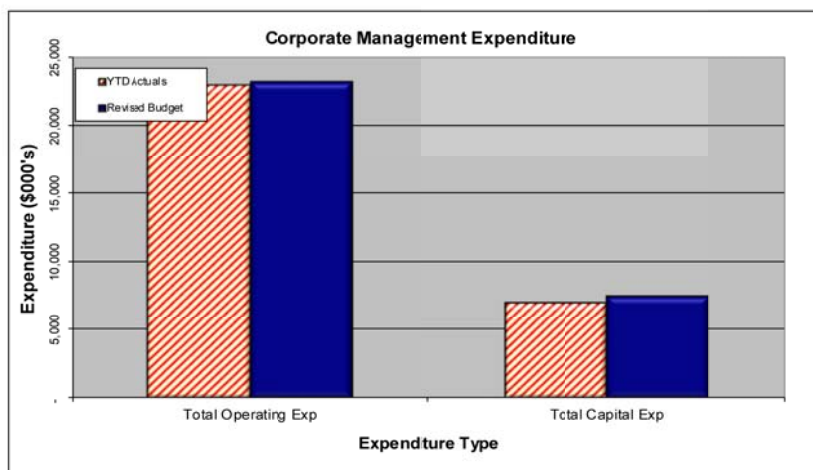
\* Net Cost Funded By Rates



## CORPORATE MANAGEMENT

STRATEGY Corporate Management		
Operating Expenditure	YTD Actuals -\$000's	Total Revised Budget -\$000's
Salaries and Wages	6,955	6,938
Other Employee Costs	2,416	2,370
Materials and Contracts	2,221	2,448
Depreciation	3,756	3,903
Interest	856	859
Other Costs	6,787	6,698
<b>Total Operating Exp</b>	<b>22,991</b>	<b>23,215</b>
<b>Capital Expenditure</b>		
Capital Asset Acquisitions	3,423	3,967
Capital Works Programs	2,371	2,355
Capital Material Public Benefits	0	0
Loan Repayments	1,184	1,184
<b>Total Capital Exp</b>	<b>6,978</b>	<b>7,506</b>
<b>Income (Op &amp; Cap)</b>		
User Fees	(7,115)	(7,439)
Fees and Charges	(133)	(153)
Grant Transfers	(1,360)	(1,798)
Contributions	(3,209)	(3,157)
Rates Income	(36,960)	(36,976)
Domestic Waste Charge	0	0
Return on Investments & Other	(1,508)	(1,405)
Other Income	(807)	(741)
Capital Assets Disposals	(1,438)	(1,558)
<b>Total Income (Op &amp; Cap)</b>	<b>(52,530)</b>	<b>(53,228)</b>
<b>Transfers from Reserves</b>	<b>(7,849)</b>	<b>(11,937)</b>
<b>Transfers to Reserves</b>	<b>8,244</b>	<b>8,078</b>
<b>Net Cost* / (Income)</b>	<b>(22,166)</b>	<b>(26,366)</b>

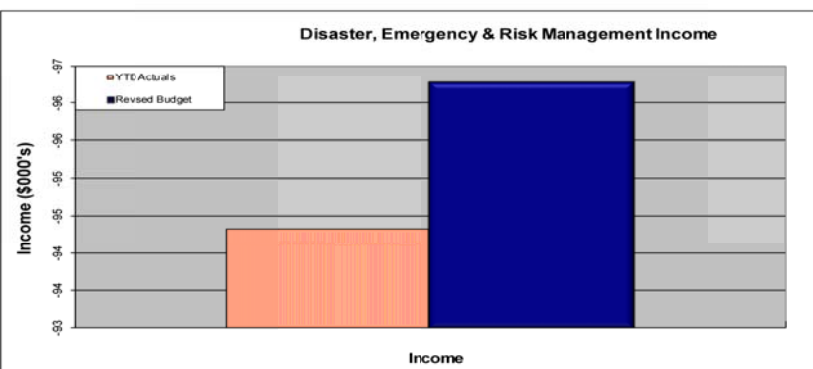
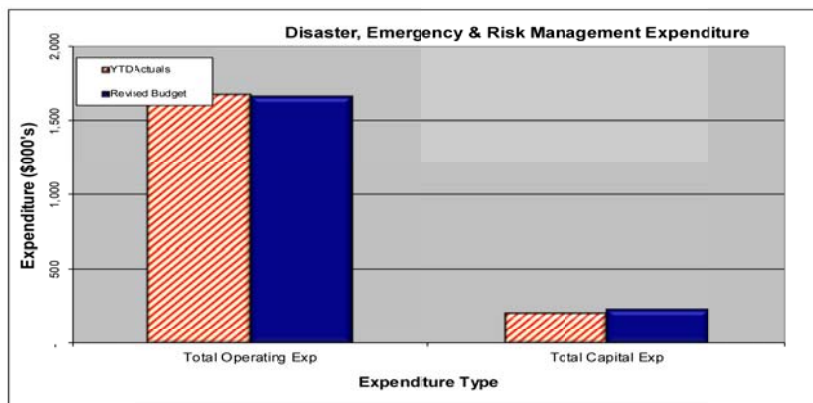
\* Net Cost Funded By Rates



## DISASTER, EMERGENCY AND RISK MANAGEMENT

STRATEGY Disaster, Emergency & Risk Management		
Operating Expenditure	YTD Actuals -\$000's	Total Revised Budget -\$000's
Salaries and Wages	171	122
Other Employee Costs	39	34
Materials and Contracts	0	1
Depreciation	0	0
Interest	0	0
Other Costs	1,470	1,512
<b>Total Operating Exp</b>	<b>1,680</b>	<b>1,669</b>
<b>Capital Expenditure</b>		
Capital Asset Acquisitions	0	0
Capital Works Programs	205	230
Capital Material Public Benefits	0	0
Loan Repayments	0	0
<b>Total Capital Exp</b>	<b>205</b>	<b>230</b>
<b>Income (Op &amp; Cap)</b>		
User Fees	0	0
Fees and Charges	0	0
Grant Transfers	(50)	(52)
Contributions	(44)	(44)
Rates Income	0	0
Domestic Waste Charge	0	0
Return on Investments & Other	0	0
Other Income	0	0
Capital Assets Disposals	0	0
<b>Total Income (Op &amp; Cap)</b>	<b>(94)</b>	<b>(96)</b>
<b>Transfers from Reserves</b>	<b>(85)</b>	<b>(133)</b>
<b>Transfers to Reserves</b>	<b>0</b>	<b>0</b>
<b>Net Cost* / (Income)</b>	<b>1,706</b>	<b>1,669</b>

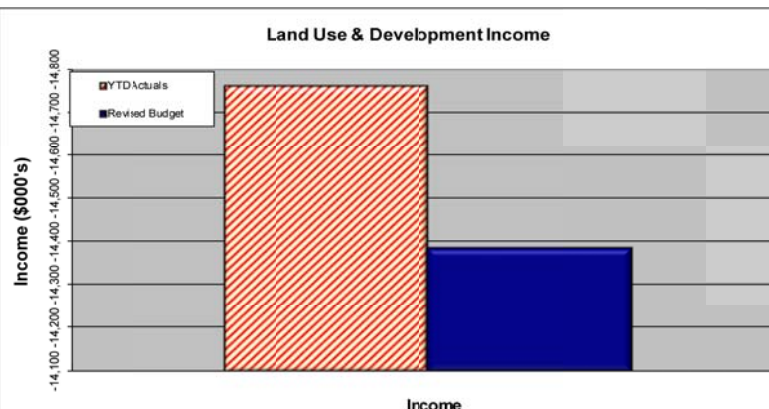
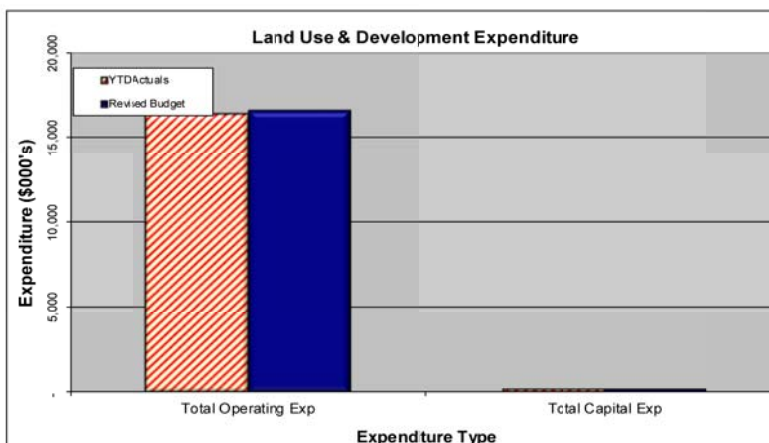
\* Net Cost Funded By Rates



## LAND USE AND DEVELOPMENT

STRATEGY Land Use & Development		
Operating Expenditure	YTD Actuals -\$000's	Total Revised Budget -\$000's
Salaries and Wages	3,310	3,410
Other Employee Costs	1,070	1,157
Materials and Contracts	5,665	5,617
Depreciation	0	0
Interest	0	0
Other Costs	6,342	6,393
<b>Total Operating Exp</b>	<b>16,387</b>	<b>16,578</b>
<b>Capital Expenditure</b>		
Capital Asset Acquisitions	50	50
Capital Works Programs	87	100
Capital Material Public Benefits	0	0
Loan Repayments	0	0
<b>Total Capital Exp</b>	<b>137</b>	<b>150</b>
<b>Income (Op &amp; Cap)</b>		
User Fees	(1,007)	(808)
Fees and Charges	(1,180)	(1,076)
Grant Transfers	(1)	0
Contributions	(633)	(669)
Rates Income	0	0
Domestic Waste Charge	(11,825)	(11,803)
Return on Investments & Other	0	0
Other Income	(115)	(30)
Capital Assets Disposals	0	0
<b>Total Income (Op &amp; Cap)</b>	<b>(14,760)</b>	<b>(14,386)</b>
<b>Transfers from Reserves</b>	<b>(86)</b>	<b>(290)</b>
<b>Transfers to Reserves</b>	<b>1,304</b>	<b>1,511</b>
<b>Net Cost* / (Income)</b>	<b>2,982</b>	<b>3,563</b>

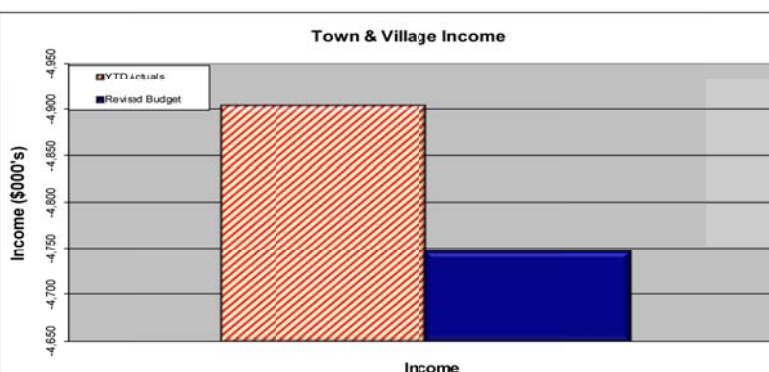
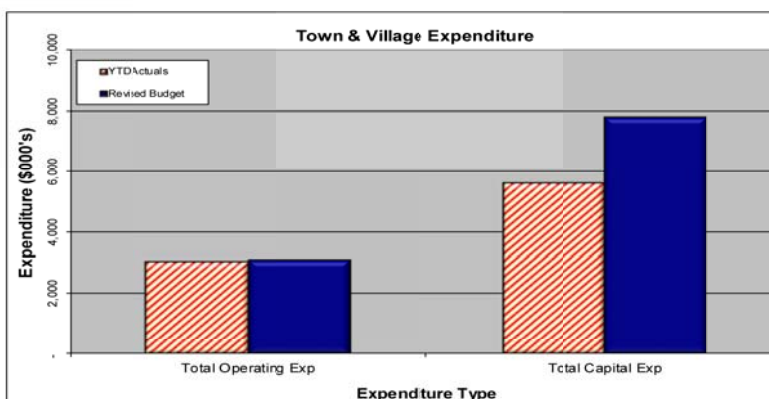
\* Net Cost Funded By Rates



## TOWN AND VILLAGE

STRATEGY Town & Village		
Operating Expenditure	YTD Actuals -\$000's	Total Revised Budget -\$000's
Salaries and Wages	1,070	1,113
Other Employee Costs	393	399
Materials and Contracts	633	565
Depreciation	73	74
Interest	0	0
Other Costs	874	940
<b>Total Operating Exp</b>	<b>3,044</b>	<b>3,091</b>
<b>Capital Expenditure</b>		
Capital Asset Acquisitions	89	87
Capital Works Programs	5,510	7,694
Capital Material Public Benefits	0	0
Loan Repayments	0	0
<b>Total Capital Exp</b>	<b>5,598</b>	<b>7,782</b>
<b>Income (Op &amp; Cap)</b>		
User Fees	(2,032)	(1,996)
Fees and Charges	(2,870)	(2,750)
Grant Transfers	0	0
Contributions	0	0
Rates Income	0	0
Domestic Waste Charge	0	0
Return on Investments & Other	0	0
Other Income	(1)	0
Capital Assets Disposals	0	0
<b>Total Income (Op &amp; Cap)</b>	<b>(4,904)</b>	<b>(4,747)</b>
<b>Transfers from Reserves</b>	<b>(5,512)</b>	<b>(7,812)</b>
<b>Transfers to Reserves</b>	<b>277</b>	<b>318</b>
<b>Net Cost* / (Income)</b>	<b>(1,497)</b>	<b>(1,368)</b>

\* Net Cost Funded By Rates



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## 4.0 EXECUTIVE SUMMARY

4.1 In providing the Council with the financial results for the period ending 30 June 2014 the following information should be noted:

- The Actual Consolidated financial result for the year ending 30 June 2014 is an increase on Council funds of \$310,000. Excluding General Fund revotes the surplus amounted to \$81,000. Compared to the previously adopted budget of \$79,000 this amounts to an increase of \$2,000.
- The Actual Operating result before capital for the year ending 30 June 2014 is a surplus of \$872,000. Compared to the previously adopted budget of \$1.285 surplus this amounts to an decrease of \$413,000.
- The Actual Total Capital Expenditure stands at \$23.816 million for 2013/14. Compared to the previously adopted budget figure of \$28.423 million this amounts to a decrease of \$4.607 million.
- The Actual cash and investment position at 30 June 2014 is \$31.321 million. Compared to the previously adopted budget figure of \$25.737 million this amounts to an increase of \$5.584 million.

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## RECOMMENDATION

1. That the financial results for the period ending 30 June 2014 be noted.
2. That Council approves the Revote of Reserve funds of \$4.092 million for major works (as per item 2.9 of this Report) to be carried forward to the 2014/2015 Financial Year.
3. That Council approves the Revote of General funds to be carried forward to the 2014/2015 Financial Year for the following items:
  - IT Purchases \$100,000
  - Plant Purchases \$129,557

Report prepared by  
Myles Thana, Management Accountant

Mark Jones  
**CHIEF FINANCIAL OFFICER**



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<b>C11.3</b>	<b>Annual Financial Statements 2013-14 - Submission To Auditor</b>
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<b>Meeting:</b>	Leading and Learning Committee	<b>Date:</b>	18 August 2014
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**STRATEGY:**     **Business Management**

**ACTION:**         Produce monthly, quarterly and annual budgets and statements

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## **PURPOSE OF REPORT**

To authorise the referral of the Annual Financial Reports for 2013/14 to Council's Auditor.

### **1.0 BACKGROUND**

- 1.1 Section 413, 415 and 416 of the Local Government Act 1993 require Council's General Purpose and Special Purpose Annual Financial Reports for 2013/14 to be prepared, referred to audit and audited by 31 October 2014.

In regard to this process, Council is required to authorise the referral of the Financial Reports to Council's Auditor. The General Purpose Report covers Council's general operations and the Special Purpose Report covers Council's Business Activity (Caravan Park Operations) pursuant to the requirements of the National Competition Policy.

- 1.2 Section 413 of the Local Government Act 1993 states that the Financial Reports must be accompanied by a Statement of Council's opinion (refer **Attachment 1 & 2**) made pursuant to a resolution of Council and signed by:
- The Mayor
  - At least one other Councillor
  - The General Manager, and
  - The Responsible Accounting Officer (Chief Financial Officer)

### **2.0 ISSUES**

#### **2.1 Tabling of Annual Financial Reports**

- 2.1.1 As the Financial Reports are subject to final audit, they are tabled at this meeting for Council's inspection.
- 2.1.2 Section 418 of the Local Government Act 1993 states that as soon as practicable but not more than 5 weeks after the Audit Report is received, Council must give notice that a Meeting will be held to present the Financial Reports and the Auditor's Report to the public. Such public notice must include a summary of the Financial Reports.
- 2.1.3 Council's Auditor may be invited in writing to the meeting to present his report.

## 2.2 Financial Position of Council as at 30 June 2014

2.2.1 The Annual Financial Reports for 2013/14 show that Council has achieved:

- **A Net Operating Result (Surplus) (before Capital Amounts) of \$872,000** reflecting:

<b>Income from Continuing Operations</b> excluding Capital Items (rates, fees and charges, interest, operating grants etc.)	<b>\$73.211M</b>
<b>Expenses from Continuing Operations</b> (wages, depreciation, materials etc.)	<b>\$72.339M</b>
<b>Net Operating Result</b> (Before Capital Items)	<b>\$ 0.872M</b>

- **An improvement in Net Assets resulting from Operations (including Capital items) of \$4.745M.**
- **Total Cash and Investments as at 30<sup>th</sup> June 2014 amounting to \$31.321M.**

## 2.3 Financial Performance Indicators of Council as at 30 June 2014

As a part of Pittwater Council's Annual General Purpose Financial Statements a number of Local Government Industry Indicators are included to demonstrate how Council is performing as against Industry Benchmarks.

Pittwater Council's Indicators are as follows:

**2.3.1 Operating Performance Ratio - 0.54%** (Industry benchmark 0.00%). This ratio measures Council's overall net operating result and whether operating expenditure is contained within operating revenues. This figure is a decrease on last year's ratio of 1.38 due to an increase in operating expenditures such as depreciation, material and contracts and borrowing costs.

**2.3.2 Own Source Operating Revenue Ratio - 91.24%** (Industry benchmark 60.00%). This is a measure of the proportion of Council's own source of revenue such as rates, fees and charges, interest income etc. as compared to total revenue which includes grants and contributions. This ratio measures financial flexibility and Council's degree of reliance on external funding. This figure has increased on last's years figure due to a high level of grants and contributions being received in 2012/13.

**2.3.3 Unrestricted Current Ratio - 2.31:1.** (Industry benchmark 1.50:1). This ratio measures Council's unrestricted Current Assets that are available to meet Current Liabilities. The Unrestricted Current Ratio is used to assess the adequacy of working capital and the ability of Council to satisfy its financial obligations in the short term. Council's strong ratio of 2.31:1 means that for every \$1 of Current Liabilities owed by the Council, there is an available \$2.31 in Current Assets to meet such Liabilities. This figure is a decrease on last year's ratio of 3.24:1 due to an increase in current liabilities associated with the timing of payables for projects such as Bungan Lane Carpark and a decrease in cash assets loan funds which have now been expensed for works such as the Bungan Lane Carpark Project.

**2.3.4 Debt Service Cover Ratio - 461.37%** (Industry benchmark min. 200%). This ratio measures the availability of operating cash (excluding capital items, interest and depreciation) to service debt including principal and interest repayments. Council's ratio indicates that it has 4.61 times the amount it requires in operating cash to service its loan obligations. This figure is a decrease on last year's ratio of 603.24% (6.03 times) as a result of Council's planned increase in its borrowings.

**2.3.5 Rates, Annual Charges, Interest & Extra Charges Outstanding Percentage – 4.54%.** (No Industry Benchmark) This ratio measures the amount of rates and annual charges outstanding as a percentage of total rates and annual charges. This figure is a decrease from last year's figure of 5.26% which is a reflection of Council's effective strategies in collecting of outstanding charges.

**2.3.6 Cash Expense Cover Ratio – 5.32** (Industry benchmark Min. 3.00). This ratio is a measure of cash liquidity available to pay for operations and financing activities. It indicates the amount of months that Council can pay it's immediate expenses without any additional cashflow. This figure is a decrease from last year's ratio of 6.26 due to reduction in cash assets associated with loan funds which have now been expensed for works such as the Bungan Lane Carpark Project.

As a part of Pittwater Council's Annual Special Purpose Financial Statements a number of Local Government Industry Indicators are included to demonstrate how Council is performing as against Industry Benchmarks.

Pittwater Council's Indicators are as follows:

**2.3.7 Building and Infrastructure Renewal Ratio – 129.81%** (Industry benchmark 100.00%). This ratio measures Council's rate at which these assets are being renewed relative to the rate at which they are depreciating. This figure is an increase from last year's ratio of 81.60% based on Council's focus on infrastructure renewal including the additional injection of funds from Council's Special Rate Variation and loan borrowings.

**2.3.8 Infrastructure Backlog – 0.21** (Industry benchmark Max. 0.02). This ratio measures Council's infrastructure backlog amount as a proportion against the total value of Council's infrastructure. This figure is a decrease from last year's ratio of 0.22. This ratio requires continual focus and has been recognised as an industry wide issue.

**2.3.9 Asset Maintenance Ratio - 0.73** (Industry benchmark min. 1.00). This ratio measures Council's actual annual maintenance expenditure as against the required maintenance expenditure. This figure is the same as last year's ratio of 0.73. This ratio requires continual focus and has been recognised as an industry wide issue.

**2.3.10 Capital Expenditure Ratio - 2.41** (Industry benchmark min. 1.10). This ratio measures Council's extent to which it is expanding its assets base through capital expenditure on both new assets and the replacement and renewal of existing assets. This figure is a decrease from last year's ratio of 3.33 due to Council adding the value of McCarrs Creek Road to its accounts (approx. \$11 million) in 2012/13. In addition this figure is higher than that of the renewal ratio as Council is expending considerable funds on new assets associated with Warriewood Valley.

## **2.4 Audit and Risk Committee**

**2.4.1** The 2013/14 Annual Financial Accounts were presented to Council's Audit and Risk Committee on the 6<sup>th</sup> August 2014. The Audit and Risk Committee have verbally endorsed Council's Financial Accounts and written comments will be included as part of the Report to Council for the Presentation of Council's Annual Financial Accounts for 2013/14 in September 2014

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### **3.0 SUSTAINABILITY ASSESSMENT**

The foundation of Council's 2020 Strategic Plan and subsequent organisational structure is built around 5 Sustainability principles listed below. Council continues to strive toward being a leader within the field of sustainability within Pittwater.

#### **3.1 Supporting & Connecting our Community (Social)**

No direct impact on Supporting & Connecting our Community.

#### **3.2 Valuing & Caring for our Natural Environment (Environmental)**

No direct impact on Valuing & Caring for our Natural Environment.

#### **3.3 Enhancing our Working & Learning (Economic)**

No direct impact on Enhancing our Working & Learning.

#### **3.4 Leading an Effective & Collaborative Council (Governance)**

The 2012/13 Financial Results provide a financial basis for Council and Council staff in the delivery of sustainable services to the community .

#### **3.5 Integrating our Built Environment (Infrastructure)**

No direct impact on integrating our Built environment.

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### **4.0 EXECUTIVE SUMMARY**

#### **4.1 The Annual Financial Reports for 2013/14 show that Council has achieved:**

- A Net Operating Result (Surplus) (before Capital Amounts) of \$ 872,000.
  - An Operating Performance Ratio of 0.54%
  - An Own Source Operating Revenue Ratio of 91.24%.
  - An Unrestricted Current Ratio of 2.31:1.
  - Debt Service Cover Ratio of 461.37%
  - An Outstanding Rates percentage of 4.54%.
  - A Cash Expense Cover Ratio of 5.32.
  - Building and Infrastructure Renewal Ratio of 129.81%
  - Infrastructure Backlog of 0.21
  - Asset Maintenance Ratio of 0.73
  - Capital Expenditure Ratio of 2.41
- 

### **RECOMMENDATION**

1. That the Annual Financial Reports for 2013/14 be adopted.
2. That the Mayor, Councillor, General Manager and Chief Financial Officer be authorised to sign the necessary Financial Statements.
3. That the Annual Financial Reports for 2013/14 be referred to Council's Auditor.
4. That on receipt of the Audited Reports, a copy is forwarded to the Department of Local Government and the Australian Bureau of Statistics.
5. That Council's Auditor be invited in writing to attend the appropriate meeting to present his Report to the Council.

Report prepared by

Mark Jones  
**CHIEF FINANCIAL OFFICER**

## **Pittwater Council**

### **General Purpose Financial Report**

for the financial year ended 30 June 2014

### **Statement by Councillors and Management**

made pursuant to Section 413(2)(c) of the Local Government Act 1993 (as amended)

**The attached General Purpose Financial Report has been prepared in accordance with:**

- The Local Government Act 1993 (as amended) and the Regulations made there under,
- The Australian Accounting Standards and professional pronouncements, and
- The Local Government Code of Accounting Practice and Financial Reporting.

**To the best of our knowledge and belief, this Report:**

- presents fairly the Council's operating result and financial position for the year, and
- accords with Council's accounting and other records.

**We are not aware of any matter that would render this Report false or misleading in any way.**

**Signed in accordance with a resolution of Council made on 18<sup>th</sup> August 2014.**

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Jacqueline Townsend  
**MAYOR**

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**COUNCILLOR**

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Mark Ferguson  
**GENERAL MANAGER**

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Mark Jones  
**RESPONSIBLE ACCOUNTING OFFICER**

## **Pittwater Council**

### **Special Purpose Financial Reports**

for the financial year ended 30 June 2014

### **Statement by Councillors and Management**

made pursuant to the Local Government Code Of Accounting Practice and Financial Reporting

**The attached Special Purpose Financial Reports have been prepared in accordance with:**

- NSW Government Policy Statement “*Application of National Competition Policy to Local Government*”.
- Department of Local Government Guidelines “*Pricing & Costing for Council Businesses: A Guide to Competitive Neutrality*”.
- The Local Government Code of Accounting Practice and Financial Reporting.
- The NSW Office of Water (Department of Environment, Climate Change and Water) Guidelines – “*Best Practice Management of Water and Sewerage*”.

**To the best of our knowledge and belief, these Reports:**

- Present fairly the operating result and financial position for each of Council’s declared Business Activities for the year, and
- Accord with Council’s accounting and other records.

**We are not aware of any matter that would render the Reports false or misleading in any way.**

**Signed in accordance with a resolution of Council made on the 18<sup>th</sup> August 2014.**

---

Jacqueline Townsend  
**MAYOR**

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**COUNCILLOR**

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Mark Ferguson  
**GENERAL MANAGER**

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Mark Jones  
**RESPONSIBLE ACCOUNTING OFFICER**

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<b>C11.4</b>	<b>Tender T01/14SHOROC - Provision of cash collection services to Pittwater, Manly, Mosman and Willoughby City Councils</b>
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**Meeting:** Leading and Learning Committee

**Date:** 18 August 2014

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**STRATEGY:** Economic Development

**ACTION:** Establish a program of effective cost reduction through continuous monitoring of costs and sustainable purchasing

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## **PURPOSE OF REPORT**

To consider in accordance with Clause 177 of the Local Government (General) Regulation, the Tender Evaluation Panel's (TEP) recommendations following its assessment of the tenders received for Tender T01/14SHOROC – Provision of Cash Collection Services for Pittwater, Manly, Mosman and Willoughby City Councils.

### **1.0 BACKGROUND**

- 1.1 Councils collect revenue from various sources during the course of a day and have an ongoing requirement for the secure transport and remit of this revenue to financial institutions. Collections may occur from Council offices, businesses, parking stations, parking meters, and mute coin processing.
- 1.2 Pittwater Council currently uses various contractors for this service. Through this tender it is envisaged that Council could consolidate all required services through the one provider.
- 1.3 In this instance, Council has joined with Manly, Mosman and Willoughby City Councils to tender for Cash Collection Services with a view to creating better service delivery outcomes for the four participating councils.
- 1.4 All available extensions for the current contract for cash Collection Services expires on the 31<sup>st</sup> August, 2014.

### **2.0 ISSUES**

#### **2.1 Tender Process and Assessment**

The tender process was via an open invitation to the market and called in accordance with Section 55 of the Local Government Act and Clause 177 of the Local Government Regulation. Tenders were to be on a schedule of Rates basis.

The tender process was facilitated for the four participating councils by Peter Baartz, Senior Officer, Procurement & Fleet. Tender documentation included the Conditions of Tender, Tender Schedules, the Services Specification, General Conditions of Contract and Special Conditions of Contract.

#### **2.2 Call for and receipt of tenders**

##### **Tender Advertising and Closing date**

- Tenders were advertised by open tender via the Sydney Morning Herald and the Manly Daily on 3 May 2014 and via Tenderlink on 8 May, 2014.
- The closing date for receipt of Tenders was 10.00 am, Thursday 29 May, 2014.

## Receipt of Tenders

As per the call for tenders, the tenders could be received via Council's Tender Box located at Mona Vale or via Council's Tenderlink portal prior to the specified tender closing time/date of 10.00 am, Thursday, 29 May 2014.

### 2.3 Tender Opening & List of Tenders Received

At the specified tender opening time, four (4) tenders were received via Tenderlink and were duly registered by Council. Tenderers are listed in no particular order, as follows:

#### Tenderers:

- TDN Group Pty Limited
- Knightguard Protection Services Pty Limited
- ECS International Security
- ARA Security Services Pty Limited

No tenders were received via the Tender Box at located at Mona Vale.

### 2.4 Outline of Tender evaluation process

Tenders contain commercial in confidence information. As such under Section 10A(2) of the Local Government Act the detailed assessment of tenders is included in the confidential section of this Agenda.

A Tender Evaluation Panel (TEP) was specifically formed to confidentially assess the tenders received. The TEP has provided a confidential assessment with covering report and recommendations for formal consideration by Council. The TEP takes into consideration the following steps as part of its confidential assessment:

- Probity checks including a declaration as to any conflict of interest or pecuniary interest associated with the tender.
- Initial assessment & cull – this assesses compliance with the call for tender requirements, any company not conforming is culled (not considered further) from the next stages of the tender assessment process
- Detailed assessment of remaining tenders then takes place, including performance against the tender evaluation criteria. The tender was assessed using the following criteria:

#### Mandatory Criteria

Mandatory Criteria	Schedule	
Compliance with Conditions of Tender and submission of all documentation required by the Invitation to tender	Submission of all completed Forms	Pass/Fail
Form of Tender	Form 1	Pass/Fail
Financial & Corporate Capacity	Form 2	Pass/Fail
Compliance with Work Health and Safety legislation and the requirements of Workcover Authority	Form 7	Pass/Fail
Insurances	Form 8	Pass Fail
Departures, Qualifications and Compliance with Specification	Form 10	Pass/Fail



## Scored Criteria

Scored Criteria	Schedule	%
The fees, rates and prices	Form 1	30
Key personnel including key personnel of sub-contractors	Form 2	15
Demonstrated past experience in performing the Services required in this tender and value added services	Form 3	30
Quality assurance system and procedures	Form 6	10
Environmental sustainability and social equity	Form 9	5
Methodology	Form 11	10

### 3.0 SUSTAINABILITY ASSESSMENT

#### 3.1 Supporting & Connecting our Community (Social)

3.1.1 The cash collection process forms an integral part of the financial system that provides for the services provided to the broader community by Council and contributes directly to the operational cost of services that are available to all users.

#### 3.2 Valuing & Caring for our Natural Environment

3.2.1 The tender documentation also included a questionnaire covering aspects of environmental sustainability. Tenderers provided information relating to products used, waste management, energy and water efficiency as well as recycling and were scored accordingly.

#### 3.3 Enhancing our Working & Learning (Economic)

3.3.1 This tender supports the Council and the communities' economic outcomes by providing a competitive opportunity to provide products and services to Pittwater.

#### 3.4 Leading an effective and Collaborative Council (Governance)

3.4.1 Council provides a range of services for the community and resources these through a combination of internal and external providers

3.4.2 The tender process enables Council to seek competitive prices from the market to resource its external providers of the supply of goods and services.

3.4.3 The calling for and assessment of Tenders is in accordance with Section 55 of the Local Government Act and the Local Government (General) Regulation.

3.4.4 Members of the Tender Evaluation Panel (TEP) are required to make a declaration in regard to any conflict or pecuniary interest

3.4.5 The tenders received are assessed by a specifically convened Tender Evaluation Panel against the pre-determined mandatory and weighted criteria

3.4.6 The Tender assessment and recommendations are reported to Council for formal consideration and are assessed against organisational and product information, systems, policy, capacity to deliver and experience.

### **3.5 Integrating our Built Environment (Infrastructure)**

- 3.5.1 The effective and cost efficient collection of cash from Council facilities and parking machines is essential to ensure the communities assets are sustainably managed and operated.

### **4.0 EXECUTIVE SUMMARY**

- 4.1 Pittwater Council, on behalf of Manly, Mosman and Willoughby City Councils prepared a Request for Tender T01/14SHOROC - Provision of cash collection services to Pittwater, Manly, Mosman and Willoughby City Councils.

- 4.2 Four (4) Tender submissions were received from:

TDN Group Pty Limited

Knightguard Protection Services Pty Limited

ECS International Security

ARA Security Services Pty Limited

- 4.3 The Tender Evaluation is presented to Council for consideration in the confidential section of this Agenda.

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### **RECOMMENDATION**

That the recommendation contained in the Confidential Tender Assessments for T01/14 SHOROC - Provision of cash collection services to Pittwater, Manly, Mosman and Willoughby City Councils be adopted.

Report prepared by  
Peter Baartz – Senior Office, Procurement & Fleet

Jeff Lofts

**MANAGER - ENVIRONMENTAL COMPLIANCE AND WASTE**

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## **C11.5 Ocean Swim Series 2014/15**

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**Meeting:** Leading and Learning Committee

**Date:** 18 August 2014

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**STRATEGY:** Building Communities

**ACTION:** Support a range of local community organisations

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### **PURPOSE OF REPORT**

To seek endorsement from Council for financial support towards the 2014/15 Ocean Swim Series.

#### **1.0 BACKGROUND**

- 1.1 Council has been approached by Mr Rob Berry on behalf of Bilgola, Avalon Beach, Mona Vale, Newport and Whale Beach Surf Lifesaving Clubs for financial support of \$5,000 toward the 2014/15 Ocean Swim Series (refer **Attachment 1**).
- 1.2 For the past two years Council has provided financial support for the event which is a series of 5 ocean swims conducted between December and January at five beaches (Bilgola, Avalon Beach, Mona Vale, Newport and Whale Beach) in Pittwater. Over 50% of entrants in this event live outside of the northern beaches (refer **Attachment 2**).

#### **2.0 ISSUES**

- 2.1 Council has provided financial support with a payment of \$5,000 for each of the past two years. This money has been spent on a series of promotional strategies (advertising in print media, flyers, banners) and a prize (air fares and accommodation in Ballina) for the series winner. In addition to financial support Council has assisted with media, placement of advertising in Council publications and some design and layout for promotional mediums.
- 2.2 According to the Surf Club Subsidy report presented to Council on 16 September 2013, Council provides the following annual subsidies to Surf Clubs:

Grant to each surf club	\$7,486	(total \$67 374)
Payment to SLSNB	\$6,236	
Payment to Warringah Surf Rescue	\$6,236	

A rates subsidy is given to Palm Beach Surf Club (\$36 362) and Whale Beach Surf Club (\$10 271).

The report also notes capital expenditure on Surf Club buildings for 2013/14 (\$2,644,729) and free parking stickers (\$421 760).

- 2.3 Revenue is generated by the Ocean Swim Series for Surf Clubs. Mr Berry noted in his letter that the event generated an income of \$76,000 from entry fees plus income from sponsor funding. He was unable to provide a profit and loss statement to Council but did provide further background information about revenue (See Attachment 2). He further explained that there were some expenses such as marquees, provision of water and lifeguards.
- 2.4 The event organisers also conduct a BBQ on the day which also generates income for each of the clubs.
- 2.5 Under Policy 18 – Parking – Issue of Annual Permits – Waiving of Parking Fees, Council waives all parking fees for this event. An approximate value on the parking fees that Council forgoes due to this waiving of parking fees is \$6,000- \$10,000 per event. Therefore over the five events Council forgoes approximately \$30,000 - \$50,000.
- 2.6 The benefits for Council being involved in this event include:
- Council exposure as a sponsor through the promotional campaign implemented by organisers.
  - Supporting events that will have large community benefit for the residents of Pittwater
  - Being promoted as a destination for ocean swimming and similar activities
  - Recognition of the contribution made by Surf Clubs to the community to ensure the safety of our beaches and in terms of the social fabric of the community.

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### **3.0 SUSTAINABILITY ASSESSMENT**

#### **3.1 Supporting & Connecting our Community (Social)**

- 3.1.1 Surf Life Saving Clubs bring enormous benefits to the community. The Ocean Swim Series provides an opportunity for the community to participate in Ocean Swimming

#### **3.2 Valuing & Caring for our Natural Environment (Environmental)**

- 3.2.1 Council will provide advice to ensure that sustainable event management practices are implemented.

#### **3.3 Enhancing our Working & Learning (Economic)**

- 3.3.1 Events such as this enable surf clubs to raise funds to support their ongoing activities.

#### **3.4 Leading an Effective & Collaborative Council (Governance)**

- 3.4.1 Council is keen to work in collaboration with local groups to promote community initiatives that will contribute to the well-being of the Pittwater community.

#### **3.5 Integrating our Built Environment (Infrastructure)**

- 3.5.1 None

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### **4.0 EXECUTIVE SUMMARY**

- 4.1 Pittwater Surf Lifesaving Clubs have requested funding of \$5,000 to assist with the promotional activities of the Ocean Swim Series. We currently provide financial subsidies to the Surf Clubs as well as waiving parking fees for carnivals and special events, however supporting the Ocean Swim Series recognises the contribution of the Surf Clubs within our community and provides sponsorship exposure for Council.

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## RECOMMENDATION

1. That Council assist the organisers to promote their event through the normal communication channels (community noticeboard, local magazines, e-newsletter, calendar of events, website, Mayoral Column, social media, media releases).
2. That Council assist with any layout and design of promotional materials.
3. That Council waive any fees associated with erection of banners advertising the event.
4. That Council provide \$5000 towards advertising expenses for this event.
5. That given Council's financial contribution to this event, Council Policy No 18: Parking – Issue of Annual Permits – Waiving of Parking Fees not apply to the 2014 Ocean Swim Series and that the policy be amended accordingly for future Ocean Swim Series events.

Report Prepared by

Jane Mulroney

**MANAGER COMMUNITY ENGAGEMENT & CORPORATE STRATEGY**

## PITTWATER SURF LIFESAVING CLUBS

## OCEAN SWIM SERIES

2014/2015

Bilgola. Avalon Beach. Mona Vale.  
Newport. Whale BeachCouncillor Jacque Townsend  
MAYOR of PITTWATER

Monday, 12 May 2014

*Dear Mayor,*

Our Clubs benefited from the second series of ocean swims conducted as fund raising events over the summer just past. Although we had adverse conditions for three of the five events with Bilgola being cancelled because of dangerous surf and numbers were down for Avalon and Whale Beach, Clubs welcomed the income. Entries were around 3500 overall with combined income for the 5 Clubs of close to \$120,000 , before expenses.

Promotional efforts were considered worthwhile with advertising, websites, email, Facebook, newsletters and other activities. This promotion activity was enabled through the sponsorship support of the Council with a \$5000 Grant.

Over 50% of swim entrants live outside the Northern Beaches suburbs. The winner of the travel prize was a man from the Southside of the Harbour who wrote of his appreciation of the events and the prize. We plan to again offer this appealing prize which includes entry in the Bryon Bay Classic Swim which generates funds for that Surf Lifesaving Club.

We want to continue our fundraising events and widely promote the Series in 2014/15. We ask if Pittwater Council will again sponsor the Series with a \$5000 grant which would be a significant contribution in helping the cost of promotion of the Pittwater Ocean Swim Series.

We would appreciate Council consideration and response over the next month or two so we can then action our plan to ensure another successful fundraising Ocean Swim Series.

On behalf of the Event Organisers and our Pittwater Surf Lifesaving Clubs  
*Yours sincerely,*

Rob Berry 0413 659 000

[robb@berrypromo.com](mailto:robb@berrypromo.com)

113 Cabarita Road Avalon 2107

## PITTWATER SURF LIFESAVING CLUBS 2014/2015

## OCEAN SWIM SERIES

**OBJECTIVE:**

The Clubs jointly undertook to promote the Pittwater Ocean Swim Series with the assistance of \$5000 funding from Pittwater Council.

These events are primarily fund-raisers for each Club and in the main, they attract keen recreational swimmers from across Sydney.

The majority live in suburbs other than the Northern Beaches

**THE EVENTS WERE:**

BILGOLA Sunday Dec 8th

NEWPORT Sunday Jan 5<sup>th</sup>

AVALON Sunday Jan 12<sup>th</sup>

MONA VALE Sunday Jan 19<sup>th</sup>

PALM BEACH to WHALE BEACH Sunday Jan 26 Australia Day (The 40<sup>th</sup> BIG SWIM)

**ENTRIES AND NET INCOME:****BILGOLA**

Event cancelled because of dangerous seas and then conducted in March.

Entry income \$4560

Entries 152 Income \$ 1200

**NEWPORT**

Entries 698 Income \$12,519

**AVALON**

Entries 449 Income \$ 6484

**MONA VALE**

Entries 510 Income \$ 8850

**WHALE BEACH**

Expenses \$32,000 totally covered by sponsor.

Entries 1321 Income \$47,000

**Total net income for 5 Clubs \$76,000**  
Plus varied income for each from sponsor funding

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<b>C11.6</b>	<b>Report on Velo-City Global Conference, Adelaide 27 - 30 May 2014</b>
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**Meeting:** Leading and Learning Committee

**Date:** 18 August 2014

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**STRATEGY:** Corporate Management

**ACTION:** To report on the Velo-City Global Conference held in Adelaide from 27-30 May 2014 attended by Councillor Townsend.

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## **PURPOSE OF REPORT**

To advise Council of Councillor Townsend's report following her attendance at the Velo-City Global Conference held in Adelaide from 27-30 May 2014.

### **1.0 BACKGROUND**

- 1.1 Council's Policy No 145 – Policy for the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors provides that:

*'Conference Reporting:*

*Following attendance at a Conference authorised under this Policy, the relevant Councillor is required to submit a report of approximately one page in length to the community via the Council's Agenda papers on the outcomes of the Conference, with particular emphasis as to any outcomes affecting Pittwater.'*

- 1.2 The General Manager, under delegated authority, authorised Councillor Townsend's attendance at the Velo-City Global Conference held in Adelaide from 27-30 May 2014.
- 1.3 This report is submitted by Councillor Townsend.

### **2.0 ISSUES**

- 2.1 Reporting on attendance at conferences.
- 

### **3.0 SUSTAINABILITY ASSESSMENT**

#### **3.1 Supporting & Connecting our Community (Social)**

The report will have no impact on this Strategy.

#### **3.2 Valuing & Caring for our Natural Environment (Environmental)**

The report will have no impact on this Strategy.

#### **3.3 Enhancing our Working & Learning (Economic)**

The report will have no impact on this Strategy.

#### **3.4 Leading an Effective & Collaborative Council (Governance)**

This report is in response to Council's Policy 145 – Policy for the Payment of expenses and Provision of Facilities to the Mayor and Councillors – Conference Reporting.

#### **3.5 Integrating our Built Environment (Infrastructure)**

The report will have no impact on this Strategy.



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#### **4.0 EXECUTIVE SUMMARY**

- 4.1 Council's Policy No 145 – Policy for the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors – provides that following attendance at a Conference authorised under this Policy the relevant Councillor is required to submit a report of approximately one page in length to the community via the Council's Agenda papers on the outcomes of the Conference, with particular emphasis as to any outcomes affecting Pittwater.
- 4.2 Councillor Townsend's report, following her attendance at the Velo-City Global Conference held in Adelaide from 27-30 May 2014 is attached (refer **Attachment 1**) for Council information.

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#### **RECOMMENDATION**

That the attached report be noted.

Report prepared by  
Kim Reading - Executive Assistant, Mayor & Councillors

Warwick Lawrence  
**MANAGER, ADMINISTRATION & GOVERNANCE**

## **VELO-CITY GLOBAL CONFERENCE, ADELAIDE 27 - 30 MAY 2014**

The Lord Mayor of City of Adelaide welcomed delegates to the Velo-city Global Conference Adelaide 2014 declaring the City of Adelaide is committed to becoming the best cycling city in the southern hemisphere. After 5 days in Adelaide, I can report Adelaide City is certainly on its way to holding this title.

### **Conference background**

The Velo-City Global 2014 was a celebration of cycling. It is an annual global conference, this time held for the first time in Australia during the week 27 to 30 May 2014. The conference was all about exchanging information on cycling and having access to the best local voices and experts from around the world.

To date, Adelaide has achieved a lot with progressing itself in becoming a livable city. It has the longest linear park featuring a continuous 33 kilometre walking and cycling trail. The State Government has invested \$27 million with more than 1170 kilometres of off-road bike facilities and on-road bike lanes in greater Adelaide with around 10,000 people commuting by bike to the city each day. The government has also invested in cycling facilities and events that benefit visitors and its local community.

The conference highlighted how cycling is part of sustainable cities – worldwide. The conference covered human rights and culture, mobility, energy, environment, health, economy and time and space. This year Adelaide included place making in the discussions.

The presenters were Councillors, Mayors and Deputy Mayors from around the World, Planners, Engineers, General Managers, State Government officers, International Government officers, National and International cycling campaigners, the Danish Cyclists' Federation, University lecturers, Sustainable Transport Consultants and many, many others.

From the sessions to choose, I spent my time learning how Australian and International local governments have moved towards capacity building for active mobility within their local government areas. I learnt many have commenced working on a complementary system for integrated transport. With roads becoming more congested and the lack of space to build more roads and parking, people are moving towards more walking and cycling to get around. In Queensland and South Australia there is a push to see more children riding to school through school lead initiatives or through partnerships with the school, state and local governments.

### **The Urban Challenge**

The urban challenge is with the increase in density. The question is, how do we design our community spaces as shared areas? Our community spaces have to work for many groups and cooperation is needed to achieve harmony in contested spaces. Roads are classed as community spaces. Separation of all modes of transport has caused problems in communities and the public space is the last frontier of sharing. We are challenged to create intelligent environments through guidelines and not separation. Looking at our culture and heritage of our environment builds the community.

The City of Yarra (VIC) has high rates of cycling and walking. Up to 19.4% ride to work. They have used the international guidelines for traffic lane widths to narrow vehicle lanes to allow them to incorporate bike lanes. They have allowed a .5m buffer between the bike lane and vehicle lane to absorb car-door opening space. The City of Yarra has used walking and cycling facilitates to slow traffic down in their streets. The speed limit on Yarra's streets is 40km. Signs are placed at the start of an area.

GTA Consultants are targeting 30km speed limits on non-arterial road to reclaim residential streets. The State of Victoria is reviewing its speed limits. To date, that has resulted in 27% reduction at certain locations. WHO 2008 data probability found levels of fatalities are raised with higher speed limits. Inner city councils in Victoria are now 40k per hour.

In Canada, streets are for people - linking people to place. Speed management measures are an integral part of a cycle safety strategy.

In Albany WA, the community developed its cycle program with consultants and has received 3 year funding from the Government.

## **Learnings**

I learnt there is no silver bullet in building good cycling and walking infrastructure; you have to start by looking at your environment. Not every area has space to build separate lanes for different modes of transport. We need to be more efficient with how we use our community space. In village centres, schools and residential areas we need to look at them as nodes. Linkages to these nodes are best to have appropriate separations. However, best practice is that the nodes need to be 30k to cater for people and cars.

Phil Gray from GTA Consultants said we need the skills of sociologists, urban designers and psychologists, not engineers, to build our community spaces as it needs to respond to the user's behaviour. The City of Melbourne's safety plan was approached with a behavioural application. Any change should first start with a trial to gauge support for the change in use of community space before hard infrastructure is installed.

The Project for Public Spaces starts with the power of 10 exercises. They looked at 10 reasons to be in that place. They found slower places are more engaging as people start looking at streets as places and they stop to visit shops and other local businesses. Place making planning through community design is best used rather than the traditional method of engineering design. You are best to start with defining the space and look at who the stakeholders of that space are. Livable streets were the New York City Streets renaissance. Splash Adelaide is an example of a place lead project. Building capacity with the community as partners to implement projects. Your projects should be *place lead* and not *project lead*. You have to change the culture of your organisation to create place. Urban designers must plan together with the community. When parking is an issue in a community then it doesn't have a bigger vision for itself.

## **Where to from here**

So what is the future of our cities?

We have to start building 21<sup>st</sup> century cities. Bike lanes need to be basic infrastructure for the future. Car focus strategies will get us nowhere. Planners need to keep up with the changes and adapt. We need to improve public transport like with BRTs. When looking at transport infrastructure we must use various techniques depending on street size and usage. It takes passion to transform, vision and political courage. Use data collection to create and do lots of consultation.

Cycling is now considered the engine for financially and socially sustainable cities. We should be making cities for people and not for cars. Bikes drive through, stop and participate with the surrounds and provide livability. What makes a city work is mobility. Denmark studies show that cycling is good for business. Reallocating space from one purpose to another. Movable bike racks outside shops provide convenient bike parking near the shops and can be removed after hours. This system provides flexi-parking for bikes.

New research on health impacts of land use found a healthy built environment involves walkability and cycling. There are significant health and costs benefits in an active environment. Active transportation is paramount with evidence suggesting there will be a two thirds reduction in car use in the future. Data has shown that business revenue increases with active transport as people will shop locally. What we build affects our environment. Proximity and connectivity impacts active transportation of our suburbs. Consider an audit of your streetscapes and use scenario planning processes to plan and change usage. You must put evidence around change.

The Heart Foundation was awarded for its Health Plan for Design.

Christchurch transport strategic plan provides good cycle design guidelines.

### **Personal outcomes**

This conference was an amazing insight into place planning around transport infrastructure. The health and happiness benefits gained from active transportation were supported by evidence and research.

I personally experienced the joy and ease of moving around a city and its surrounding suburbs by bicycle and had an amazing time with Mayors and experts from around the World who jump on a bike dressed as we would jump in our cars. I was opened to the commuting ease of dedicated cycle paths and left Adelaide wondering why we here in Sydney metro continue to ignore the efficiency of commuting by bike.

My attendance at this conference has equipped me with developing and driving the benefits of building an efficient active transportation network in Pittwater.

Jacqueline Townsend  
**Mayor**

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## **C11.7 Arts and Culture Awards & Summit, 26 - 27 May 2014**

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**Meeting:** Leading and Learning Committee

**Date:** 18 August 2014

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**STRATEGY:** Corporate Management

**ACTION:** To report on the Arts and Culture Awards and Summit held in Sydney on 26 and 27 May 2014.

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### **PURPOSE OF REPORT**

To advise Council of Councillor Townsend's and Councillor Ferguson's combined report following their attendance at the Arts and Culture Awards and Summit held in Sydney on 26 and 27 May 2014.

#### **1.0 BACKGROUND**

- 1.1 Council's Policy No 145 – Policy for the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors provides that:

*'Conference Reporting:*

*Following attendance at a Conference authorised under this Policy, the relevant Councillor is required to submit a report of approximately one page in length to the community via the Council's Agenda papers on the outcomes of the Conference, with particular emphasis as to any outcomes affecting Pittwater.'*

- 1.2 The General Manager, under delegated authority, authorised Councillor Townsend's and Councillor Ferguson's attendance at the Arts and Culture Awards and Summit held in Sydney on 26 and 27 May 2014.
- 1.3 This report is submitted by Councillor Townsend and Councillor Ferguson.

#### **2.0 ISSUES**

- 2.1 Reporting on attendance at conferences.
- 

#### **3.0 SUSTAINABILITY ASSESSMENT**

##### **3.1 Supporting & Connecting our Community (Social)**

The report will have no impact on this Strategy.

##### **3.2 Valuing & Caring for our Natural Environment (Environmental)**

The report will have no impact on this Strategy.

##### **3.3 Enhancing our Working & Learning (Economic)**

The report will have no impact on this Strategy.

##### **3.4 Leading an Effective & Collaborative Council (Governance)**

This report is in response to Council's Policy 145 – Policy for the Payment of expenses and Provision of Facilities to the Mayor and Councillors – Conference Reporting.

### 3.5 Integrating our Built Environment (Infrastructure)

The report will have no impact on this Strategy.

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## 4.0 EXECUTIVE SUMMARY

- 4.1 Council's Policy No 145 – Policy for the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors – provides that following attendance at a Conference authorised under this Policy the relevant Councillor is required to submit a report of approximately one page in length to the community via the Council's Agenda papers on the outcomes of the Conference, with particular emphasis as to any outcomes affecting Pittwater.
  - 4.2 Councillor Townsend's and Councillor Ferguson's combined report, following their attendance at the Arts and Culture Awards and Summit held in Sydney on 26 and 27 May 2014 attached (refer **Attachment 1**) for Council information.
- 

## RECOMMENDATION

That the attached report be noted.

Report prepared by  
Kim Reading - Executive Assistant, Mayor & Councillors

Warwick Lawrence  
**MANAGER, ADMINISTRATION & GOVERNANCE**

**ARTS & CULTURE AWARDS & SUMMIT 2014****Day One**

I had the opportunity of attending day one of the Local Government Arts & Culture Awards and Summit 2014. It was a joy to have this wonderful event opened by our very own Cr Julie Hegarty, Board Member of LGNSW.

A highlight for me was seeing the case study presentation on Enliven Pittwater by Melinda Hewitt, Manager Place Management in the Developing Creative Industries category. It was also a highlight to hear the positive comments on Enliven made to me by the Festival Director, Vivid Ideas, Jess Scully after the presentation. These comments demonstrated to me the value of this program to Pittwater LGA.

The presentations on the opening day of the Summit were impressive and made me proud to be part of Local Government in NSW. Council case studies were given in the following categories:

- Aboriginal Arts and Culture
- Performing Arts Initiatives
- Cultural Tourism, Festivals and Events
- Accessible Arts
- Creative Ageing and Arts in Health
- Building Capacity of the Arts and Cultural Sector
- Environmental Arts
- Integrated Cultural Planning and Policy

It was amazing to hear from councils on the work they are creating and the support given to arts and cultural events in their communities across the above categories.

In the evening I enjoyed the session, Candy Chang: on making art to make a difference event at the goodwill of Place Partners.

I left the summit knowing Pittwater Council is among the leaders in local government bringing to its community, a quality arts and culture program.

I would also like to thank LGNSW for hosting these awards and the summit 2014 where we all have the opportunity to learn from each other.

Jacqueline Townsend  
**Mayor**

## **Day Two**

It was my pleasure to be able to attend the second day of the Arts and Cultural Summit on 27 May, where Zoe Johnson presented our Arts Paper.

The conference was invaluable in my understanding of Place Making, where we discussed the following;

### Place Making

- Liveable, unique, based on people and how they use the space.
- Places that Councils want to develop.
- Ability to identify areas that fail.
- Places that you want to be and feel safe and that are part of this community.

How do we do it and do it well? We need to work collaboratively, with business and people. It's about the relationship with its use, with walk ability and bikes.

How do you get there? Focus on design principles; Polite design and integrated public art.

What are the outcomes of Place Making?

- Beautification and activation
- Less graffiti
- Improved safety

I attended the following sessions:

- Young People and the Arts
- Creative Use of Vacant Spaces
- Public Art and Place Making
- Cultural Facilities - New and Improved

All of the above sessions were relevant in regard to the directions of Enliven including using spaces differently, that is activating places which have a negative use and turning them around.

I walked away from the Summit with a greater understanding of what we can do in Pittwater.

The conference closed with a dinner where Pittwater Council was successful in winning an award for the Arts Paper.

Cr Kylie Ferguson  
**Deputy Mayor**



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<b>C11.8</b>	<b>ALGA NGA - Report on Attendance at Conference - Cr Townsend</b>
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**Meeting:** Leading and Learning Committee

**Date:** 18 August 2014

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**STRATEGY:** Corporate Management

**ACTION:** To report on the Australian Local Government NGA held in Canberra on 15-18 June 2014.

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## **PURPOSE OF REPORT**

To advise Council of Councillor Townsend's report following attendance at the Australian Local Government NGA held in Canberra on 15-18 June 2014.

### **1.0 BACKGROUND**

- 1.1 Council's Policy No 145 – Policy for the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors provides that:

*'Conference Reporting:*

*Following attendance at a Conference authorised under this Policy, the relevant Councillor is required to submit a report of approximately one page in length to the community via the Council's Agenda papers on the outcomes of the Conference, with particular emphasis as to any outcomes affecting Pittwater.'*

- 1.2 The General Manager, under delegated authority, authorised Councillor Townsend's attendance at the Australian Local Government NGA held in Canberra on 15-18 June 2014.
- 1.3 This report is submitted by Councillor Townsend.

### **2.0 ISSUES**

- 2.1 Reporting on attendance at conferences.
- 

### **3.0 SUSTAINABILITY ASSESSMENT**

#### **3.1 Supporting & Connecting our Community (Social)**

The report will have no impact on this Strategy.

#### **3.2 Valuing & Caring for our Natural Environment (Environmental)**

The report will have no impact on this Strategy.

#### **3.3 Enhancing our Working & Learning (Economic)**

The report will have no impact on this Strategy.

#### **3.4 Leading an Effective & Collaborative Council (Governance)**

This report is in response to Council's Policy 145 – Policy for the Payment of expenses and Provision of Facilities to the Mayor and Councillors – Conference Reporting.

#### **3.5 Integrating our Built Environment (Infrastructure)**

The report will have no impact on this Strategy.

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#### **4.0 EXECUTIVE SUMMARY**

- 4.1 Council's Policy No 145 – Policy for the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors – provides that following attendance at a Conference authorised under this Policy the relevant Councillor is required to submit a report of approximately one page in length to the community via the Council's Agenda papers on the outcomes of the Conference, with particular emphasis as to any outcomes affecting Pittwater.
- 4.2 Councillor Townsend's report, following her attendance at the Australian Local Government NGA held in Canberra on 15-18 June 2014 is attached (refer **Attachment 1**) for Council information.

---

#### **RECOMMENDATION**

That the attached report be noted.

Report prepared by  
Kim Reading - Executive Assistant, Mayor & Councillors

Warwick Lawrence  
**MANAGER, ADMINISTRATION & GOVERNANCE**

## **AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT, 15 TO 18 JUNE 2014**

“Getting Down to Business” was the theme of the 2014 National General Assembly of Local Government.

This Assembly started taking us back to the future on Constitutional recognition. Dr Felicity-Ann Lewis opened, outlining the path taken towards Constitutional reform and where we are now in light of the Federal Government’s decision to drop the reform.

Local Government in the Federation has not progressed and it is extremely unlikely any progression towards Constitutional recognition will be made in the next decade and beyond.

The SHOROC Board meet with our Federal members. As President, I raised with the Speaker of the House of Representatives Bronwyn Bishop the uncertainty around direct funding by the Federal Government to Local Government. We agreed the Commonwealth funding projects such as Roads to Recovery are very important to councils and should continue. Madam Speaker confirmed the Commonwealth can and will continue to fund these programs through the State and it was up to Local Government to lobby the States to ensure this funding gets through as intended by the Commonwealth.

Also raised with Madam Speaker was the concern for the Northern Beaches community in maintaining social infrastructure and the indexation of Commonwealth Financial Assistance Grants.

The SHOROC Board also met with our Prime Minister where we discussed the roll-out of the NBN along with potential Commonwealth funding for the proposed tunnel that is being advocated by Premier Baird. The Prime Minister said should the feasibility study stack up; the Commonwealth would liaise with the State in looking for funding to contribute towards the construction of the tunnel.

There were nearly 100 motions considered at the Assembly with much debate across a range of priorities for local government. Pittwater Council submitted a motion to the Assembly for consideration. Our motion, supported by Manly, Willoughby, Rockdale and Lake Macquarie Councils, resolved and carried, that the NGA call on the Australian Government to develop and fund a national action plan that will deliver a consistent and coordinated approach, across all jurisdictions, to natural hazard management and climate adaption in the coastal zone.

Similar motions moved and carried supported the call for a National Coastal Policy and Management of our coastal zone in a changing climate.

One resolution of particular interest to Pittwater Council is for the National Congress to call on the Australian Government to implement a Water and Sewerage Infrastructure support program to run parallel to the Roads to Recovery program.

It was by no means a dynamic conference, but presented an opportunity to network with our SHOROC members and neighbouring Met North and Sydney Metro councils and to meet with our local Federal Members to discuss regional issues in their offices at Parliament House.

Cr Jacqueline Townsend  
**Mayor**

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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>N0097/14 - 78 Prince Alfred Parade, Newport - swimming pool and associated landscaping</b>
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**Meeting:** Sustainable Towns and Villages Committee

**Date:** 18 August 2014

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**STRATEGY:** Development Unit

**ACTION:** Provide an effective development assessment and determination process

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## **PURPOSE OF REPORT**

To inform the Committee of the Development Unit's recommendation following consideration of Development Application N0097/14 - for a swimming pool and associated landscaping at 78 Prince Alfred Parade, Newport.

### **1.0 BACKGROUND**

- 1.1 The Development Unit, at its meeting held on Thursday, 10 July 2014 considered the Development Officer's report (refer **Attachment 1**) for determination of Development Application N0097/14 - for a swimming pool and associated landscaping at 78 Prince Alfred Parade, Newport.

### **2.0 REASON FOR REFERRAL TO COUNCIL**

- 2.1 It is a policy requirement of the NSW Department of Planning that applications involving a State Environment Planning Policy No 1 (SEPP 1) objection supporting a variation to a development standard of more than 10% be referred to the elected Council for determination.
- 2.2 This application involves the construction of a new swimming pool and associated landscaping within the foreshore building line and the waterway. The area within the foreshore building line which will be disrupted is such that will require a variation to the development standard of approximately 21%.

### **3.0 DEVELOPMENT UNIT DELIBERATIONS**

- 3.1 The Development Unit at its meeting held on the 10 July 2014 resolved to endorse the Assessing Officer's recommendation and refer to Council recommending the granting of consent for application N0097/14 - 78 Prince Alfred Parade, Newport for a swimming pool and associated landscaping subject to the conditions contained in 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 within the foreshore building line
- SEPP 1 variation greater than 10%

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## **5.0 SUSTAINABILITY ASSESSMENT**

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

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## **6.0 EXECUTIVE SUMMARY**

- 6.1 The Development Unit, at its meeting held on Thursday, 10 July 2014 considered the Development Officer's report (refer **Attachment 1**) for determination of Development Application N0097/14 - for a swimming pool and associated landscaping at 78 Prince Alfred Parade, Newport and resolved to refer the matter to Council recommending endorsement of the Assessing Officer's recommendation subject to the conditions contained in the Draft Determination.

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## **RECOMMENDATION**

That Council as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 grant consent to Development Application N0097/14 for the construction of a swimming pool and associated landscaping at 78 Prince Alfred Parade, Newport subject to the conditions of consent contained within the draft determination.

Report prepared by

Warwick Lawrence

**MANAGER – ADMINISTRATION & GOVERNANCE**

**SUBJECT: N0097/14 - 78 Prince Alfred Parade, Newport - swimming pool and associated landscaping**

**Meeting:** Development Unit

**Date:** 10 July 2014

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**SUMMARY OF RECOMMENDATION**

**CONSENT WITH CONDITIONS**

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**REPORT PREPARED BY:** Angela Brown

**APPLICATION SUBMITTED ON:** 9 April 2014

**APPLICATION SUBMITTED BY:** Peter Maitz  
C/- Vaughan Milligan Development Consulting  
Pty Ltd  
PO Box 49  
NEWPORT NSW 2106

**OWNER(S):** Peter Maitz

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**RECOMMENDATION OF DEVELOPMENT OFFICER / PLANNER**

That Council as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 grant consent to Development Application N0097/14 for the construction of a swimming pool and association landscaping at 78 Prince Alfred Parade, Newport subject to conditions of consent.

Report prepared by  
Angela Brown, Planner

Andrew Pigott  
**MANAGER, PLANNING & ASSESSMENT**

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**SUBJECT: N0097/14 - 78 PRINCE ALFRED PARADE, NEWPORT NSW 2106 swimming pool and associated landscaping**

**Determination Level:**

**Development Unit**

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**SUMMARY OF RECOMMENDATION:**

**CONSENT WITH CONDITIONS**

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**REPORT PREPARED BY:**

Angela Brown

**APPLICATION SUBMITTED ON:**

9 April 2014

**APPLICATION SUBMITTED BY:**

Peter Maitz  
c/- Vaughan Milligan Development Consulting  
PO BOX 49  
Newport  
NSW 2106

**OWNER(S):**

PETER KARL MARIA MAITZ

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## **1.0 SITE DETAILS**

The site is known as 78 Prince Alfred Parade, Newport and has a legal description of Lot 9 in Deposited Plan 13457 and Lot B in Deposited Plan 403392. The site is irregular in shape and has a total area of 1153.8m<sup>2</sup>. Vehicular and pedestrian access is gained via the frontage of Prince Alfred Parade with direct access to Pittwater waterway to the rear. The site is located on the western side of Prince Alfred Parade and experiences a fall of 16.5m from the eastern front boundary of the site, down towards the western rear boundary of the site, with a slope of approximately 28%. The site is currently occupied by a single dwelling with attached garage, a boatshed with rooftop terrace, a concrete ramp and jetty. The property is surrounded by residential dwellings to the north, east and south and adjoins Pittwater waterway to the west.

## **2.0 PROPOSAL IN DETAIL**

The applicant seeks consent for the following works:

- Construction of a new swimming pool and associated landscaping;
- Replacement of existing concrete parking area with lawn.



### 3.0 STATUTORY AND POLICY CONSIDERATIONS

The site is zoned 2(a) Residential under the provisions of the Pittwater Local Environmental Plan 1993. Pursuant to Clause 9 of this instrument, the proposed development being a swimming pool and landscaping is permissible with consent. Under the Pittwater Local Environmental Plan 2014 (in force 27 June 2014) the site is zoned E4 - Environmental Living and the proposed development would remain permissible with consent.

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

- Environmental Planning and Assessment Act, 1979;
- Environmental Planning and Assessment Regulation 2000;
- State Environmental Planning Policy No 1 - Development Standards;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy No 71 - Coastal Protection;
- Pittwater Local Environmental Plan 1993;
  - Area 1 Dual Occupancy Map;
- Pittwater Local Environmental Plan 2014 (in force 27 June 2014);
- Pittwater 21 Development Control Plan;
  - Newport Locality;
  - Geotechnical Risk Management Policy for Pittwater.

Pittwater 21 DCP identifies the land as being the following:

- Landslip Prone;
- Within a Foreshore Scenic Protection Area;
- Wave Action & Tidal Inundation;
- Adjoining or containing Pittwater Spotted Gum Forest;
- Containing areas of Saltmarsh Endangered Ecological Community;
- Adjacent to Estuarine Wetlands, Saltmarsh, Seagrass & Mangrove EEC's and Foreshore Habitat.

#### **State Environmental Planning Policy No. 1 - Development Standards (SEPP No. 1)**

The applicant seeks to vary a development standard which requires the application of SEPP No. 1. Clause 6 of SEPP 1 states:

*Where development could, but for any development standard, be carried out under the Act (either with or without the necessity for consent under the Act being obtained therefore) the person intending to carry out that development may make a development application in respect of that development, supported by a written objection that compliance with that development standard is unreasonable or unnecessary in the circumstances of the case, and specifying the grounds of that objection.*

The applicant has submitted a written objection to support why compliance with the development standard is unreasonable and unnecessary. Clause 7 of SEPP 1 states:

*Where the consent authority is satisfied that the objection is well founded and is also of the opinion that granting of consent to that development application is consistent with the aims of this Policy as set out in clause 3, it may, with the concurrence of the Director, grant consent to that development application notwithstanding the development standard the subject of the objection referred to in clause 6.*

Council's assessment of the SEPP 1 Objection is as follows:

**Development Standard to be Varied**

Environmental Planning and Assessment Model Provisions 1980 as adopted by Pittwater Local Environmental Plan (PLEP) 1993 – Part IV – General Amenity and Convenience – Clause 7(4) Foreshore Building Line states:

*"A building shall not be erected between a foreshore building line and a bay, river, creek, lake or lagoon in respect of which the line is fixed."*

The applicant seeks consent for the construction of a new swimming pool and associated landscaping on the land between the foreshore building line and waterway.

The area between the foreshore building line and the waterway is approximately 270.6m<sup>2</sup>. The total area of the proposed works which encroaches over the FSBL is 58m<sup>2</sup>. Quantitatively, the proposed works will disrupt an area of 58m<sup>2</sup> within the foreshore area, and as such the applicant seeks to vary the development standard by approximately 21%.

**Underlying Object or Purpose of the Standard**

There are no underlying objectives of the development standard specified in Clause 7 of the Model Provisions, however it is listed in a section of the PLEP titled General Amenity and Convenience. For the purpose of this assessment, this title along with the aims and objectives of the foreshore building line control D10.10 within P21 DCP are used as a guide to determine the reasonableness of the works proposed within the foreshore building line:

- *To achieve the desired future character of the Locality;*
- *To preserve and enhance local views of the foreshore to reinforce and protect Pittwater's natural context and enhance legibility;*
- *To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping;*
- *To ensure the amenity of foreshore areas is enhanced and protected; To ensure that development adjacent to public domain elements such as rivers, foreshores, streets, parks, bushland reserves and other public open spaces compliments the landscape character, public use and enjoyment of that land;*
- *The visual impact of development when viewed from the waterway is reduced;*
- *To achieve an uncluttered setback which enhances the legibility of the foreshore character of Pittwater;*
- *To enhance the spaciousness and protect the vegetation, landforms and the natural landscape of the foreshore;*
- *To protect and improve pedestrian access along the foreshore, where applicable.*

Consideration has also been given to the Pittwater Local Environmental Plan 2014 (in force 27 June 2014) which details provisions for development within the foreshore area. Under Pittwater LEP 2014 (in force 27 June 2014), the construction of a swimming pool within the foreshore area is permitted with development consent, provided the site characteristics make it appropriate to do so and that the development is compatible with the surrounding area, ensures foreshore public access is maintained and does not have an adverse impact on the amenity or appearance of the foreshore.

**Is compliance with the development standard unreasonable or unnecessary in the circumstances of this individual proposal**

The NSW Land and Environment Court case, *Webhe v Pittwater* [2007] NSWLEC 827 outlines a number of methods to establish if strict compliance with the development standard is considered unreasonable or unnecessary. The submitted SEPP 1 Objection seeks to establish that requiring compliance with the development standard in this instance is unreasonable or unnecessary because the proposed works are located behind the existing retaining walls and will be largely screened from view by existing and proposed vegetation, and the objectives of the development standard are achieved notwithstanding the non-compliance. *Webhe v Pittwater* [2007] NSWLEC 827 provides the following guidance when applying this method of assessment:

*The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served).*

The objectives outlined in Control D10.10 Foreshore Building Line in Pittwater 21 DCP are addressed as follows:

- The proposed swimming pool is located primarily at natural ground level and behind the existing retaining walls on site. As such the proposed development will remain below tree canopy height and will be integrated into the existing landform. The existing vegetation and significant trees on site are to be retained and the proposal allows for the provision of new planting within the foreshore area to screen the existing and proposed development on site. The proposed colour scheme is to be natural and earthy with the use of glazing to blend in with the natural environment. The proposed development is considered to be consistent with the desired character of the Newport locality.
- The proposed swimming pool is located at natural ground level and as such view sharing is maintained to the subject site and adjoining properties. It is considered that the proposed development will allow for the preservation of local views of the foreshore and will be sufficiently integrated into the natural and existing built landscape. The applicant proposes natural materials of earthy tones to further harmonise with the surroundings.
- The proposed development is located wholly on private land and will not impact on the amenity of the foreshore area. The proposed development is located behind an existing retaining wall and will not impede upon pedestrian access along the foreshore, as such the proposal is consistent with the existing built form of the site and is considered to be consistent with the established built form found along the foreshore area.
- The development as a whole responds to the waterway frontage by locating the swimming pool behind the existing structures and retaining the existing landscaping and character of the site. The proposal does not prevent or restrict public use of the waterway or the foreshore area.
- The proposal has been designed to minimise bulk and scale, by locating the swimming pool behind the existing retaining walls to the rear portion of the foreshore area and reducing the size of the pool in response to the previous refusal for a swimming pool on the subject site. The development proposes natural and earthy tones and materials to blend the

built form among the natural context and reduce the visual impact. Given that the proposed pool is located behind the existing structures and additional landscaping is proposed in the foreshore area to screen the foreshore development, the proposed development does not attribute to excessive bulk and scale when viewed from the waterway.

- The proposed development has been integrated into the existing landform of the site to minimise the impact of the proposal as viewed from the waterway and observes a similar setback to the development of the adjoining properties and nearby structures. It is considered that the proposed development will not be detrimental to the foreshore area as it is consistent with the existing character of the foreshore area and will not result in an uncluttered foreshore setback.
- The application was supported by an Arborist report which recommends the retention of the significant trees within the vicinity of the proposed works and the existing vegetation and planting on site is to be retained, including the relocation of an existing frangipani tree. The applicant has proposed additional plantings within the foreshore area which are a selection of native species and it is considered that the natural landscape of the foreshore area will be enhanced.



Figure 1 - View of foreshore area and proposed location of pool as viewed from the Pittwater waterway, looking in an easterly direction.

With regard to the development of the swimming pool within the foreshore building line, it is considered that strict compliance with the development standard is in this instance unreasonable as in-ground swimming pools are permitted in accordance with Control D10.10 Foreshore Building Line of Pittwater 21 DCP. Furthermore, it has been demonstrated above that whilst the proposal does not comply with the development standard, it succeeds in achieving the relevant outcomes of the control. In this regard, strict compliance with the development standard is considered unnecessary and unreasonable.

In accordance with Clause 8 of SEPP 1, it is considered that the non-compliance with the FSBL does not raise any matter of significance for State and Regional planning. Furthermore, it is considered that there would be little public benefit in maintaining strict compliance with the FSBL as prescribed in Pittwater LEP 1993 as the proposal is mindful of the surrounding natural elements including the foreshore of Pittwater, amenity to the public and private domain is considered to be reasonably maintained, the visual impact of the proposal is minimal when viewed from the waterway and foreshore access will remain available to the general public.

**Is compliance with the development standard consistent with the aims of SEPP 1**

Clause 3 outlines the aims of SEPP 1 as:

*... flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in section 5 (a) (i) and (ii) of the Act.*

It is considered that strict compliance of the development standard in this instance would be inconsistent with the aims of SEPP 1 as it would not allow for the flexible application of planning controls where compliance with the control would be unreasonable or unnecessary and it would not encourage the attainment of orderly and economic development of the site.

In this regard, it is considered that the objection is well founded.

**Conclusion**

Council is satisfied that the objection is well founded and is of the opinion that granting of consent to the development application is consistent with the aims of the Policy as it allows for the flexible application of planning controls and the orderly and economic development of the site. The assessment has found that strict application of the development standard would be unreasonable and unnecessary given that the development will readily achieve the local planning objectives for the site. Furthermore, it is considered that the development will not impact on the natural foreshore or the amenity of the foreshore area and public access along the foreshore will be maintained and as such the proposal would be consistent with the foreshore development standard and objectives in the Pittwater LEP 2014 (in force 27 June 2014) for a swimming pool within the foreshore area.

#### 4.0 BACKGROUND

3 November 2006

Council approved Development Application N0436/06 for alterations and additions to the existing dwelling at 78 Prince Alfred Parade.

24 June 2013

Building Certificate BC0043/13 was issued with respect to a timer cabana above the existing boatshed at 78 Prince Alfred Parade.

11 October 2013

Development Application N0202/13 for the construction of a swimming pool and associated landscaping at 78 Prince Alfred Parade was refused by Council. The application was refused as the proposal was considered to result in overdevelopment of the foreshore area and an unacceptable visual impact as viewed from the waterway, and was inconsistent with Control D10.10 Foreshore Building Line and D10.13 Site coverage.

09 April 2014

Development Application N0097/14 for the construction of a swimming pool and associated landscaping at the subject site was lodged with Council. The application was notified to the adjoining property owners in accordance with Council's policy. The application was referred to Council's Senior Development Engineer and Natural Resources Officer for comments and/or recommendation. The site was inspected on 24/04/2014 and 19/06/2014. Subsequent to the previous application refusal the design has been revised and includes reduction to the overall size and relocation of the pool.

#### 5.0 NOTIFICATION

Five (5) adjoining property owners were notified for a period of fourteen days from 14 April to 28 April 2014. During this time, one (1) submission was received from No. 76 Prince Alfred Parade which raised concerns with the noise and location of the pool pump and pool gas heater.

#### 6.0 ISSUES

- D10.13 Site coverage - Environmentally Sensitive Land

#### 7.0 COMPLIANCE TABLE

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

Control	Standard	Proposal	T	O	N
<b>Pittwater Local Environmental Plan 1993</b>					
33. Preservation of trees or vegetation			Y	Y	Y
5 Consideration of certain applications			Y	Y	Y

Control	Standard	Proposal	T	O	N
7 Foreshore building line		The proposed works are located between the foreshore building line and the MHWB boundary. A SEPP 1 objection has been provided and assessed under Section 3.0 of this report.	N	Y	Y
<b>Pittwater 21 Development Control Plan</b>					
3.1 Submission of a Development Application and payment of appropriate fee			Y	Y	Y
3.2 Submission of a Statement of Environmental Effects			Y	Y	Y
3.3 Submission of supporting documentation - Site Plan / Survey Plan / Development Drawings			Y	Y	Y
3.4 Notification		<p>The application was notified to adjoining property owners for a period of fourteen (14) days from 14 April through to 28 April 2014 in accordance with Council's Notification Policy.</p> <p>A site inspection confirmed the placement of the notification sign during this time.</p>	Y	Y	Y
3.5 Building Code of Australia		A condition shall be applied that all structures shall comply with the relevant provisions of the Building Code of Australia.	Y	Y	Y
4.8 Integrated Development - Rivers, Streams and Foreshores		The proposed development is located within 40m of Pittwater waterway. Section 39 of the Water Management (General) Regulation 2011 provides exemptions for residential and ancillary development within 40m of the waterbody. The swimming pool is considered to be an ancillary structure in association with the residential use of the property and as such the application is considered exempt from the provisions of the Water Management Act 2000.	-	-	-



Control	Standard	Proposal	T	O	N
A1.7 Considerations before consent is granted	Before granting development consent, Council must be satisfied that the development is consistent with Pittwater LEP 1993; the desired character of the Locality; and the development controls applicable to the development. Council will also have regard to Section 79C of the Environmental Planning and Assessment Act 1979.	The application has been assessed with regard to Pittwater LEP 1993, the Pittwater Local Environmental Plan 2014 (in force 27 June 2014), the desired character of the Locality, and the development controls applicable to the development.	Y	Y	Y
B1.3 Heritage Conservation - General		The subject site does not contain any known items of heritage significance, and is not located in the vicinity of any or a conservation area.	Y	Y	Y
B1.4 Aboriginal Heritage Significance		Council's Natural Resources Officer provided the following comments:  <i>No apparent issues.</i>	Y	Y	Y
B3.1 Landslip Hazard			Y	Y	Y
B3.5 Acid Sulphate Soils		Council's Natural Resources Officer provided the following comments:  <i>No issues. Acid Sulphate Region 5 only.</i>	Y	Y	Y
B3.6 Contaminated Land and Potentially Contaminated Land			Y	Y	Y



Control	Standard	Proposal	T	O	N
B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community		<p>Council's Natural Resources Officer provided the following comments:</p> <p><i>The property contains a modified landscape typical of a suburban garden. The proposed works include construction of a pool and associated landscaping in the rear yard. There are no trees or vegetation within the proposed works area however there are two (2) trees in the neighbouring yard within close proximity. An arborist report has been submitted (Landscape Matrix Pty Ltd, 26 March 2014) which assesses these two (2) trees – Spotted Gum and Jacaranda. The report finds that both trees can be safely retained. Due to the close proximity of the works to Tree 2, tree protection measures have been recommended during construction works to ensure its safe retention. These are supported and the report approved. A landscape plan has been submitted (sitedesign studios, LP 01, 2/12/13) which provides a good selection of native shrubs and ground covers and allows for retention of existing protected trees however the location of the proposed plantings has not been defined. Therefore before issue of the Construction Certificate an amended landscape plan is required to be submitted which provides a key for each proposed species to match the site plan symbols for the different proposed plantings. There are no further natural resource issues.</i></p>	Y	Y	Y
B4.19 Estuarine Habitat		For comment see B4.7	Y	Y	Y
B4.20 Protection of Estuarine Water Quality		For comment see B4.7	Y	Y	Y
B5.2 Wastewater Disposal		The subject site is able to be connected to Sydney Water Sewerage System.	Y	Y	Y
B8.1 Construction and Demolition - Excavation and Landfill			Y	Y	Y
B8.2 Construction and Demolition - Erosion and Sediment Management			Y	Y	Y

Control	Standard	Proposal	T	O	N
B8.4 Construction and Demolition - Site Fencing and Security			Y	Y	Y
B8.5 Construction and Demolition - Works in the Public Domain			Y	Y	Y
C1.1 Landscaping		<i>For comment see B4.7</i>	Y	Y	Y
C1.3 View Sharing			Y	Y	Y
C1.4 Solar Access		The proposed swimming pool is considered to be in-ground and located at existing ground level, it is considered that the proposed development will not result in any unreasonable impacts upon the subject site or adjoining properties with regards to solar access.	Y	Y	Y
C1.5 Visual Privacy		The proposed development is not considered to result in any unreasonable impacts upon the adjoining properties with regards to visual privacy. Visual privacy to the proposed swimming pool will be maintained through proposed planting along the northern side boundary.	Y	Y	Y
C1.6 Acoustic Privacy	Noise generating plants including pool/spa motors, air conditioning units and the like shall not produce noise levels that exceed 5dB(A) above the background noise when measured from the nearest property boundary.	A submission was received from the neighbouring property at No. 76 Prince Alfred Parade which raised concerns regarding the noise from the pool pump and gas heater. Should the application be approved, a condition of consent is recommended to ensure that the maximum noise level associated with the pool filter and heater does not exceed 5dB(A) above ambient background level, when measured from any adjoining properties.	Y	Y	N
C1.7 Private Open Space	A minimum 80m <sup>2</sup> of private open space is to be provided that maintains good solar orientation and privacy for the occupants.	The proposed development provides multiple areas utilised for private open space.	Y	Y	Y
C1.13 Pollution Control			Y	Y	Y
C1.17 Swimming Pool Safety		The proposed swimming pool is considered to be consistent with the <i>Swimming Pools Act, 1992</i> and other relevant regulations.  Should the application be approved, a condition of consent shall be applied to ensure consistency with the control.	Y	Y	Y
D10.1 Character as viewed from a public place			Y	Y	Y

Control	Standard	Proposal	T	O	N
D10.4 Building colours and materials	Building colours and materials shall be dark and earthy tones.	The proposed pool and deck coping will be finished in dark and earthy colours to blend in with the natural environment. The proposed pool wall will be clad in sandstone to ensure consistency with the existing retaining walls and control D10.16, where preference is given to sandstone for retaining structures visible from the waterway.	Y	Y	Y
D10.5 Height (excluding Newport Commercial Centre)	The maximum height of a building or structure shall be 8.5m above natural ground level.	The maximum height of the proposed development is 2.75m above the approximate natural ground level and 1.61m from the existing finished ground level.	Y	Y	Y
D10.7 Front building line (excluding Newport Commercial Centre)		The proposed swimming pool is located to the rear of the property and the front building line is considered non-applicable. The proposal includes the replacement of an existing paved area to landscape within the front setback area. These works are considered to be permitted in the front setback area and the front building line control non-applicable, the existing front building line will not alter as a result of the proposed development.	-	-	-
D10.8 Side and rear building line (excluding Newport Commercial Centre)	The minimum side setbacks shall be 1m to one side, 2.5m to the other.  The minimum rear setback shall be 6.5m.	The proposed development shall have side setbacks of 1m to the north, and 7.5m to the south and is compliant with the control.  The rear setback is not applicable as the site is subject to a Foreshore Building Line.	Y	Y	Y

Control	Standard	Proposal	T	O	N
D10.10 Foreshore building line	<p>Development is prohibited between the foreshore building line and property boundary adjacent to the waterway, except development for the purpose of the following:</p> <ul style="list-style-type: none"> <li>• Boating facilities;</li> <li>• An in-ground swimming pool at natural ground level;</li> <li>• Fencing;</li> <li>• Works to enable pedestrian access; and</li> <li>• Seawalls.</li> </ul>	<p>The proposed swimming pool is located within the area between the foreshore building line (FSBL) and the waterway. In-ground swimming pools are permitted between the foreshore building line and the waterway.</p> <p>The proposed pool is located on the lawn area to the west of the dwelling in which the existing ground level is approximately 4.04m-4.44m AHD. The finished level of the pool coping is 4.45m AHD and as such the pool is primarily below ground (approximately 90% of the pool would be below the existing ground level) and would be considered to be an in-ground pool. It is noted that the existing foreshore area has developed over time and consists of landscaped terraced areas with associated retaining walls and as such the natural ground level is not apparent. An approximation of the natural ground level, based on information from the survey plan and Council's topographical map, indicates that as measured from natural ground level the proposed pool would predominantly remain below ground, with approximately 70% of the pool considered to be in-ground.</p> <p>An assessment of the proposed development within the FSBL has been addressed under Section 3.0 of this report in which the outcomes of this control are considered to be satisfied. In this regard, a variation to the control is supported.</p>	Y	Y	Y
D10.13 Site coverage - Environmentally Sensitive Land	<p>Maximum site coverage shall be 40%.</p> <p>Minimum landscaped area shall be 60%.</p>	<p>The proposed site coverage shall be 45% with permitted variations and is technically non-compliant with the control.</p> <p>See discussion further in report.</p>	N	Y	Y
D10.16 Construction, Retaining walls, terracing and undercroft areas		The applicant proposes to clad the pool wall in sandstone to fit in with the existing sandstone retaining walls and maintain consistency with the control.	Y	Y	Y

Control	Standard	Proposal	T	O	N
D10.18 Scenic Protection Category One Areas		The applicant has located the proposed pool behind the existing retaining walls to minimise the visual impact of the proposal as viewed from the waterway. Furthermore, existing vegetation is to be retained and screen planting is proposed within the foreshore area between the waterway and the proposed pool to soften the visual impact of the proposal as viewed from the waterway.	Y	Y	Y
D15.9 Public foreshore access			Y	Y	Y
D15.11 Waterfront lighting			-	-	-
D15.12 Development seaward of mean high water mark		No works are proposed seaward of mean high water mark.	-	-	-
<b>Relevant State Controls</b>					
Coastal Protection		The application has been assessed pursuant to the aims and objectives of SEPP 71 - Coastal Protection. The proposed development will retain foreshore access for the general public, and will not result in any view loss from the public domain. The proposal is considered to be in fitting with the surrounding area and the locality. The proposed works satisfy the matters for consideration under Clause 8 of SEPP 71.	Y	Y	Y
(Building Sustainability Index: BASIX) 2004		BASIX Certificate: A186287, dated 08 April 2014.	Y	Y	Y

## 8.0 DISCUSSION OF ISSUES

- **D10.13 Site coverage - Environmentally Sensitive Land**

The site coverage control requires that the maximum site coverage shall be 40% and the minimum landscaped area shall be 60%. The existing site coverage is significantly over the permitted 40% maximum site coverage of the control at 57% or 657m<sup>2</sup>. The applicant has proposed to remove a portion of the existing paving/driveway and replace it with landscaped area to offset the additional hard surface from the proposed swimming pool which will result in an overall reduction of hard surface area to the site. The development proposes a non-compliant site coverage calculation of 53.5% or 617.28m<sup>2</sup>. A variation can be applied to impervious areas less than 1m in width and up to 6% of the total site area for impervious landscape treatments. A reduction of 28.08m<sup>2</sup> can be applied for pathways less than 1m and the full variation of 69.22m<sup>2</sup> can be applied to the outdoor recreational areas. In applying the variation, the proposed development remains non-compliant with a site coverage calculation of 45% or 519.98m<sup>2</sup>.

The non-compliance with the control is considered acceptable on merit as the proposed development will not create adverse built or environmental impacts on the subject site or surrounding properties and will overall decrease the hard surface area. The proposal is in fitting with the existing built form of the water frontage and surrounding properties, and is consistent with the desired future character of the Newport locality, promoting development within a landscape setting and integrated into the existing landform.

The proposed development is not considered to result in any unreasonable impacts upon the adjoining properties with regards to solar access, visual privacy and view loss and a reasonable level of amenity is maintained. The existing vegetation is to be retained and will be enhanced by the provision of native planting within the foreshore area to visually reduce the built form. As such it is considered that the natural and landscape character will be retained. Council's Development Engineer raised no concerns with regards to stormwater management and the hard surface area is overall reduced by approximately 40m<sup>2</sup>, increasing soft surface area and minimising stormwater run-off. The applicant has tried to minimise the impact of the proposed development through the existing and proposed landscaping and location of the pool behind the existing structures. In this regard, the proposed development is considered to be consistent with the outcomes of the control and is supported on merit.

## 9.0 CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, Pittwater Local Environmental Plan 1993, Pittwater 21 DCP and the draft Pittwater Local Environmental Plan and other relevant Council policies.

The proposal is permissible within the 2(a) Residential zone as defined by Pittwater Local Environmental Plan 1993. The applicant has considered the impact of the proposal and re-assessed the design by reducing the size of the pool and relocating it further from the waterway to minimise the bulk and scale of the proposal as viewed from the public domain and the Pittwater waterway. The development application is supported by a SEPP 1 Objection which is well founded and compliance with the foreshore building line control in this instance is considered to be unreasonable and unnecessary.

The proposal is considered to be consistent with the relevant statutory and policy controls and outcomes. The impacts of the proposed swimming pool and landscaping have been addressed and considered to result in an acceptable impact subject to the recommended conditions. Accordingly, the application is recommended for approval.

#### **RECOMMENDATION OF DEVELOPMENT OFFICER/PLANNER**

That Council as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 grant consent to development application N0097/14 for the construction of a swimming pool and associated landscaping at 78 Prince Alfred Parade, Newport subject to conditions of consent.

Report prepared by

Angela Brown  
**PLANNER**

Date: 1 July 2014

# DRAFT

**CONSENT NO: N0097/14  
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)  
NOTICE TO APPLICANT OF DETERMINATION  
OF A DEVELOPMENT APPLICATION**

Applicant's Name and Address:

Peter Maitz  
c/- Vaughan Milligan Development Consulting  
PO BOX 49  
Newport  
NSW 2106

Being the applicant in respect of Development Application No N0097/14

Pursuant to section 80(1) of the Act, notice is hereby given of the determination by Pittwater Council, as the consent authority, of Development Application No **N0097/14** for:

**swimming pool and associated landscaping**

**At: 78 PRINCE ALFRED PARADE, NEWPORT NSW 2106 (Lot 9 DP 13457)**

**Decision:**

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

**Architectural drawings LP01 and LP02, prepared by Site Design Studios, dated 02 December 2013;**

**Arboricultural Impact Report, prepared by Landscape Matrix Pty Ltd, dated 26 March 2014;**

**Geotechnical Risk Management Report, Reference: MO 28816, prepared by Jack Hodgson Consultants Pty Ltd, dated 19 April 2013;**

**BASIX Certificate: A186287, dated 08 April 2014.**

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

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

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

Mark Ferguson  
GENERAL MANAGER  
Per:



# DRAFT

## Conditions of Approval

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

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

### A. Prescribed Conditions:

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

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

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

# DRAFT

6. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
7. The hours of construction are restricted to between the hours of 7.00am and 5.00pm Monday - Friday and 7.00am to 1.00pm on Saturdays. No works are to be carried out on Sundays or Public Holidays. Internal building work may be carried out at any time outside these hours, subject to noise emissions from the building or works not being audible at any adjoining boundary.

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

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

1. This approval/consent relates only to the new work nominated on the approved consent plans and does not approve or regularise any existing buildings or structures within the property boundaries or within Council's road reserve.
2. If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Metropolitan Local Aboriginal Land Council (MLALC) and Department of Environment & Climate Change (DECC) are to be notified.
3. Prior to the completion of works, all declared noxious weeds are to be removed/controlled in accordance with the Noxious Weeds Act 1993. Environmental weeds are to be removed and controlled. Refer to Pittwater Council website [http://www.pittwater.nsw.gov.au/environment/noxious\\_weeds](http://www.pittwater.nsw.gov.au/environment/noxious_weeds) for noxious/environmental weed lists.
4. No environmental weeds are to be planted on the site. Refer to Pittwater Council website [www.pittwater.nsw.gov.au/environment/noxious\\_weeds](http://www.pittwater.nsw.gov.au/environment/noxious_weeds) for environmental weed lists.
5. Domestic pet animals are to be kept from entering wildlife habitat areas at all times. Dogs and cats are to be kept in an enclosed area or on a leash such that they cannot enter areas of bushland or foreshore, unrestrained, on the site or on surrounding properties or reserves. Ferrets and rabbits are to be kept in a locked hutch/run at all times.
6. Any vegetation planted onsite outside approved landscape zones is to be consistent with:
  - a) Species listed in the Ecological Sustainability Plan or Bushland Management Plan (if applicable)
  - b) Species listed from the Endangered Ecological Community
  - c) Locally native species growing onsite and/or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and Native Plants for Your Garden available on the Pittwater Council website [http://www.pittwater.nsw.gov.au/environment/species\\_lists](http://www.pittwater.nsw.gov.au/environment/species_lists)
7. No building materials or other materials are to be placed on Bushland vegetation. Sediment is not to leave the site or enter areas of Bushland vegetation, and the appropriate sediment fencing is to be installed.
8. There shall be no damage to intertidal habitats including rocky shores, seagrass beds, salt marshes or mangroves.

# DRAFT

9. For the life of the development, swimming pool water must not be discharged directly into the natural waterway or Pittwater estuary.
10. The spa/pool backwash and any overflow waters are to be disposed to the Sydney Water sewer.
11. In accordance with Pittwater Council's DCP Control B4.22 Protection of Trees and Bushland Vegetation, all existing trees as indicated in the Survey Plan and/or approved Landscape Plan shall be retained except where Council's prior written consent has been obtained, for trees that stand within the envelope of approved development areas and removal is approved through an arborist report. For all other tree issues not related to a development application, applications must be made to Council's Tree Management Officers.
12. Pool fencing is to be designed, located and maintained in accordance with the Swimming Pools Act 1992, Regulation and Australian Standard 1926.1-2012, Safety barriers for swimming pools
13. A warning notice (resuscitation chart) and External Cardiac Compression Chart is to be affixed and maintained in a prominent location adjacent to the pool / spa.
  - a) The warning notice (i.e. sign) must contain all of the following words:
    - i) "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL" and
    - ii) "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES", and
    - iii) "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES",
  - b) In addition, the notice must contain a simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques (for infants, children and adults):
    - i) that are set out in accordance with the relevant provisions of that Guideline, and
    - ii) that comply with the other relevant guidelines of the Australian Resuscitation Council, and
    - iii) that are illustrated by drawings with key words only in bold print,
  - c) a statement to the effect that formal instruction in resuscitation is essential,
  - d) the name of the teaching organisation or other body that published the sign and the date of its publication.
14. Materials and colour schemes are to be in accordance with the sample scheme approved by Council, being sandstone cladding for the pool wall, and dark and earthy tones for the pool and deck.
15. The commitments identified in the BASIX Certificate and on the plans or specifications are to be fulfilled and maintained for the life of the development.

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

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

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

# DRAFT

2. The Accredited Certifier or Council must be provided with a copy of plans that a Quick Check agent/Sydney Water has stamped before the issue of any Construction Certificate.
3. Structural Engineering details relating to the swimming pool are to be submitted to the Accredited Certifier or Council prior to release of the Construction Certificate. Each plan/sheet is to be signed by a qualified practising Structural Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a corporate member and has appropriate experience and competence in the related field.
4. Prior to issue of the Construction Certificate, Form 2 of the *Geotechnical Risk Management Policy for Pittwater* (Appendix 5 of P21 DCP) is to be completed and submitted to the Principal Certifying Authority.
5. An amended landscape plan is required to be submitted which provides a key for each proposed species to match the site plan symbols for the different proposed plantings.
6. Civil engineering details of the proposed excavation/landfill are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Each plan/sheet is to be signed by a qualified practising Civil Engineer who has corporate membership of the Institution of Engineers Australia (M.I.E) or who is eligible to become a corporate member and has appropriate experience and competence in the related field.
7. Plans and details demonstrating that the commitments identified in the BASIX Certificate that apply to the construction certificate or complying development plans and specifications are fulfilled.

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

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

1. Any proposed demolition works shall be carried out in accordance with the requirements of AS2601-2001 *The Demolition of Structures*.  
  
Amongst others, precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:
  - a) Protection of site workers and the general public.
  - b) Erection of hoardings where appropriate.
  - c) Asbestos handling and disposal where applicable.
  - d) Any disused service connections shall be capped off.  
Council is to be given 48 hours written notice of the destination/s of any excavation or demolition material. The disposal of refuse is to be to an approved waste disposal depot.
2. A stamped copy of the approved plans is to be kept on the site at all times, during construction.
3. Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must give the owner of the adjoining property at least seven (7) days written notice of their intention to excavate below the level of the base of the footing and furnish the adjoining property owner with particulars of the proposed work.

# DRAFT

4. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
5. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
6. Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must preserve and protect the building from damage and, if necessary, underpin and support the adjoining building in an approved manner.
7. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
8. Sedimentation and erosion controls are to be effectively maintained at all times during the course of construction and shall not be removed until the site has been stabilised or landscaped to the Principal Certifying Authority's satisfaction.
9. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
10. The site is to be fully secured by a fence to all perimeters to the site to prevent unauthorised access both during the course of the works and after hours.
11. No works are to be carried out in Council's Road Reserve without the written approval of the Council.
12. No skip bins or materials are to be stored on Council's Road Reserve.
13. A clearly legible *Site Management Sign* is to be erected and maintained throughout the course of the works. The sign is to be centrally located on the main street frontage of the site and is to clearly state in legible lettering the following:
  - a) The builder's name, builder's telephone contact number both during work hours and after hours.
  - b) That no works are to be carried out in Council's Road Reserve without the written approval of the Council.
  - c) That a Road Opening Permit issued by Council must be obtained for any road openings or excavation within Council's Road Reserve associated with development of the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
  - d) That no skip bins or materials are to be stored on Council's Road Reserve.
  - e) That the contact number for Pittwater Council for permits is 9970 1111.
14. As there are existing trees to be retained within 5 metres of proposed development works, all recommendations as outlined in the supplied arborist report by Landscape Matrix Pty Ltd, dated March 2014 are required to be complied with before and throughout the development period, particularly with regard to the following:

# DRAFT

- a) Works, erection/demolition of structures, excavation or changes to soil levels within 5 metres of existing trees are not permitted unless part of the development as approved, and the storage of spoil, building materials, soil or the driving and parking of any vehicle or machinery within 5 metres of the trunk of a tree to be retained is not permitted;
- b) Where specified, tree guards are to be provided to all trees as indicated in the report, and are to be installed prior to the commencement of any work on the site. Tree guard materials and dimensions are specified in the arborist report;
- c) All works within 5 metres of existing trees including demolition, excavation, civil works, fencing and the like must be carried out by hand and under the supervision of an experienced and suitably qualified arborist. In the event that major structural or feeder roots are encountered, the arborist is to advise the builder to carry out appropriate action to ensure the retention of the tree.
- d) Signage is to be erected advising all contractors and visitors to the site that no works or storage are to take place within the dripline of existing trees.
- e) Any changes or alterations made to the tree management recommendations as outlined by the arborist report due to the discovery of new structural roots or underground services during development works must be reported to the Principal Certifying Authority prior to works recommencing.

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

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

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

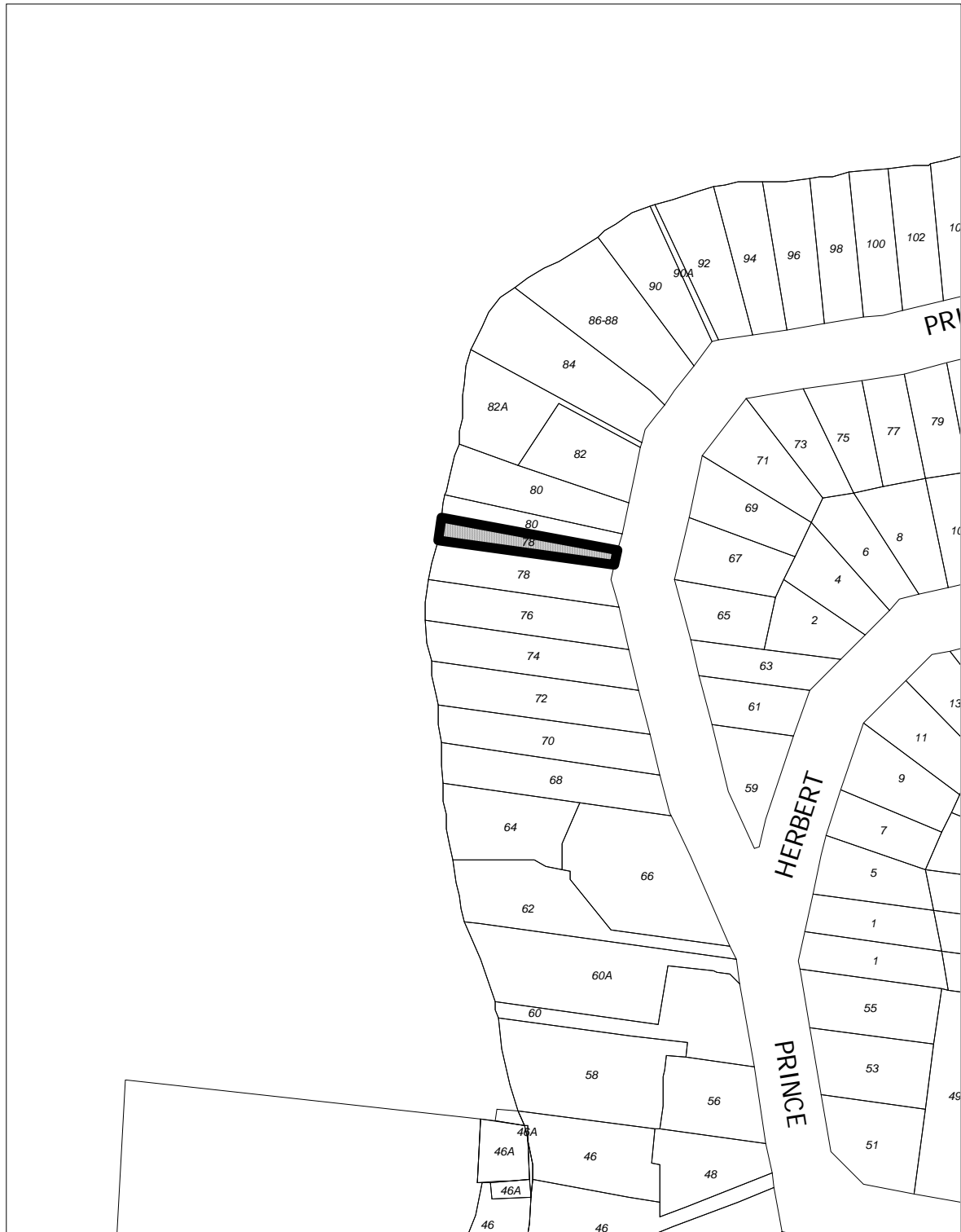
- 1. An Occupation Certificate application stating that the development complies with the Development Consent, the requirements of the Building Code of Australia and that a Construction Certificate has been issued must be obtained before the building is occupied or on completion of the construction work approved by this Development Consent.
- 2. Prior to issue of the Occupation Certificate, Form 3 of the *Geotechnical Risk Management Policy* (Appendix 5 of P21 DCP) is to be completed and submitted to the Principal Certifying Authority.
- 3. Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained and provided to the Private Certifying Authority with the Occupation Certificate application.
- 4. A qualified acoustic engineer is to certify that the maximum noise level associated with the pool filter and heater does not exceed 5dB(A) above ambient background level, when measured from any adjoining premises.
- 5. Certification is to be provided that the commitments identified in the BASIX Certificate have been fulfilled.

# DRAFT

## G. Advice:

1. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act, 1979* (as amended) and/or the conditions of this Development Consent may result in the serving of penalty notices (on-the-spot fines) under the summary offences provisions of the above legislation or legal action through the Land and Environment Court, again pursuant to the above legislation.
2. The applicant is also advised to contact the various supply and utility authorities, i.e. Sydney Water, Sydney Electricity, Telstra etc. to enquire whether there are any underground utility services within the proposed excavation area.
3. It is the Project Managers responsibility to ensure that all of the Component Certificates/certification issued during the course of the project are lodged with the Principal Certifying Authority. Failure to comply with the conditions of approval or lodge the Component Certificates/certification will prevent the Principal Certifying Authority issuing an Occupation Certificate.
4. In accordance with Section 95(1) of the Act, this consent will lapse if the development, the subject of this consent, is not physically commenced within 5 years after the date from which this consent operates.
5. To ascertain the date upon which the determination becomes effective and operates, refer to Section 83 of the *Environmental Planning and Assessment Act, 1979* (as amended).
6. Should any of the determination not be acceptable, you are entitled to request reconsideration under Section 82A of the *Environmental Planning and Assessment Act, 1979*. Such request to Council must be made in writing, together with appropriate fees as advised at the time of lodgement of such request, within 1 year from the date of determination.
7. If you are dissatisfied with this decision, Section 97 of the *Environmental Planning and Assessment Act, 1979*, gives you a right of appeal to the Land and Environment Court within 6 months of the date of endorsement of this Consent.
8. This approval does not prejudice any action in respect of upgrading the building pursuant to the provisions of the Section 121B of the *Environmental Planning and Assessment (Amendment) Act, 1997*.

## LOCALITY MAP





[illegible]



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<b>C12.2</b>	<b>N0378/13 - 11 Corniche Road, Church Point NSW 2105 - S82A Reconsideration of application for demolition of the existing dwelling and the construction of a new dwelling and swimming pool</b>
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**Meeting:** Sustainable Towns & Villages Committee

**Date:** 18 August 2014

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**STRATEGY:** Development Unit

**ACTION:** Provide an effective development assessment and determination process

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## **PURPOSE OF REPORT**

To inform the Committee of the Development Unit's recommendation following consideration of Development Application N0378/13 for a S82A Reconsideration of an application for demolition of the existing dwelling and the construction of a new dwelling and swimming pool at 11 Corniche Road, Church Point.

### **1.0 BACKGROUND**

1.1 The Development Unit, at its meeting held on Thursday, 31 July 2014 considered the Development Officer's report (refer **Attachment 1**) for determination of Development Application N0378/13 for a S82A Reconsideration of an application for demolition of the existing dwelling and the construction of a new dwelling and swimming pool at 11 Corniche Road, Church Point.

### **2.0 REASON FOR REFERRAL TO COUNCIL**

2.1 Under the Act a review of a decision must be taken by the next higher level of delegation.

### **3.0 DEVELOPMENT UNIT DELIBERATIONS**

3.1 The Development Unit heard from the Applicant in relation to this matter who supported the assessing officer's recommendation.

3.2 The Development Unit at its meeting held on the 31 July 2014 considered this application and resolved to endorse the assessing officers recommendation and to refer the matter to Council recommending the granting of consent subject to the conditions contained in the draft determination

### **4.0 ISSUES**

- Height
- Side set backs
- Building envelope

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## **5.0 SUSTAINABILITY ASSESSMENT**

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

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## **6.0 EXECUTIVE SUMMARY**

- 6.1 The Development Unit, at its meeting held on Thursday, 31 July 2014 considered the Development Officer's report (refer **Attachment 1**) for determination of Development Application No378/13 for a S82A Reconsideration of an application for demolition of the existing dwelling and the construction of a new dwelling and swimming pool at 11 Corniche Road, Church Point
- 6.2.1 The applicant supported the assessing officer's recommendation and the Development Unit resolved to also support the assessing officer's recommendation and to refer the matter to Council recommending approval subject to the draft conditions of consent.

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## **RECOMMENDATION**

That the S82A Reconsideration of Development Application N0378/13 at 11 Corniche Road, Church Point NSW 2105 for the demolition of an existing dwelling, construction of a new dwelling and swimming pool be approved subject to the conditions contained in the Draft Determination (refer attachment 1).

Report Prepared by

Warwick Lawrence

**MANAGER – ADMINISTRATION & GOVERNANCE**

**SUBJECT: N0378/13 - 11 Corniche Road, Church Point NSW 2105 – S82A Reconsideration of application for demolition of the existing dwelling and the construction of a new dwelling and swimming pool**

**Meeting:** Development Unit

**Date:** 31 July 2014

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**SUMMARY OF RECOMMENDATION**

**Consent with Conditions**

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<b>REPORT PREPARED BY:</b>	Gina Hay
<b>APPLICATION SUBMITTED ON:</b>	17 June 2014
<b>APPLICATION SUBMITTED BY:</b>	JAMES DE SOYRES & ASSOCS PTY LTD
<b>OWNER(S):</b>	MATTHEW J C SWANN & MARGARET J HEINE

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**RECOMMENDATION OF DEVELOPMENT OFFICER / PLANNER**

That Council as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 grant consent to S82A Reconsideration of Development Application N0378/13 for demolition of the existing dwelling and the construction of a new dwelling and swimming pool at 11 Corniche Road, Church Point NSW 2105 subject to the conditions of consent.

Report prepared by  
Gina Hay, Executive Planner

Andrew Pigott  
**MANAGER, PLANNING & ASSESSMENT**

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**SUBJECT: N0378/13 - 11 CORNICHE ROAD, CHURCH POINT NSW 2105 S.82A**  
**Reconsideration of application for demolition of the existing dwelling and the construction of a new dwelling and swimming pool.**

**Determination Level:**

**Development Unit**

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**SUMMARY OF RECOMMENDATION:**

**CONSENT WITH CONDITIONS**

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**REPORT PREPARED BY:**

Gina Hay

**APPLICATION SUBMITTED ON:**

17 June 2014

**APPLICATION SUBMITTED BY:**

James de Soyres & Associates  
PO BOX 657  
Newport  
NSW 2106

**OWNER(S):**

MS MARGARET JANE HEINE  
MR MATTHEW JASPER CHARLES SWANN

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## **1.0 SITE DETAILS**

The site is known as 11 Corniche Road Church Point and has a legal description of Lot 12, DP 11518. The site is located on the low side of the street and enjoys views north to Pittwater. To the east and west are similar single dwellings with more single dwellings to the south on the other side of the road and up the hill. There is no significant vegetation on the site. The site has a slope in excess of 30% and a stated area of 793.6m<sup>2</sup>.

## **2.0 PROPOSAL IN DETAIL**

The proposal is a S.82 A Reconsideration of Determination for the demolition of existing structures on site and the erection of a new dwelling and swimming pool. The new dwelling is sited over three levels and includes the removal of the existing driveway and its replacement with a compliant drive.

## **3.0 STATUTORY AND POLICY CONSIDERATIONS**

The site is zoned Residential 2(A) under Pittwater LEP 1993. Pursuant to Clause 9 of this instrument, demolition of structures and the erection of a new dwelling and swimming pool are permissible with consent.

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

- Environmental Planning and Assessment Act, 1979 ( the EPA Act)
- Environmental Planning and Assessment Regulation 2000 (the Regulation)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX)
- Pittwater Local Environmental Plan 1993 (PLEP 1993) Dual
- Occupancy Area 1
- Draft Local Environmental Plan 2013 (DLEP 2013) Pittwater 21
- Development Control Plan (Pittwater 21 DCP)
  - Church Point & Bayview Locality
  - Geotechnical Risk Management Policy for Pittwater



## State Environmental Planning Policy No. 1 - Development Standards (SEPP No. 1)

The application of SEPP No. 1 is not required.

### 4.0 BACKGROUND

**N0069/09:** for a new dwelling on site was approved under delegated authority on 10 August 2009. This consent has not been activated and is due to lapse on 10 August 2014.

**N0378/13:** Application for a new dwelling and driveway on the subject site was refused consent by Council's Development Unit on 17 April 2014 for the following reasons:

1. *The development does not comply with the controls and outcomes of D4.4 and D4.8 of the Pittwater 21 DCP.*
2. *The development is likely to have unreasonable impacts on water views from the public domain.*

### 5.0 NOTIFICATION

The application was notified to seven (7) adjoining property owners for a period of fourteen (14) days from 24 June – 8 July 2014 in accordance with Council's Notification Policy. During this time, one (1) submission was received.

This submission raised no concerns with regard to the proposal and states that in their opinion the planned development addresses previous concerns with the proposal.

### 6.0 ISSUES

- D4.4 Height
- D4.6 Side and Rear Setbacks
- D4.8 Building Envelope

### 7.0 INTERNAL REFERRALS

*Development Engineer :* I have reviewed the Section 82A Reconsideration for N0378/14 (11 Corniche Road, Church Point). All comments for the original application still apply.

*Natural Resources:* I have reviewed the Section 82A Reconsideration for N0378/14 (11 Corniche Road, Church Point). The arborist report from the original application is still applicable and the same landscape plan has been submitted. Therefore all comments for the original application apply including the condition for the landscape plan to be amended to include one (1) additional locally native canopy species which will mature at a height of no less than 8.5 metres . There are no further natural resource comments.

### 8.0 COMPLIANCE TABLE

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

Control	Standard	Proposal	T	O	N
<b>Pittwater Local Environmental Plan 1993</b>					
9. ZONE No. 2(a) (RESIDENTIAL "A")			Y	Y	Y
33. Preservation of trees or vegetation			Y	Y	Y

39. Suspension of covenants, etc.			Y	Y	Y
46. Provision of adequate water and sewerage services			Y	Y	Y
5 Consideration of certain applications			Y	Y	Y
<b>Pittwater 21 Development Control Plan</b>					
3.1 Submission of a Development Application and payment of appropriate fee			Y	Y	Y
3.2 Submission of a Statement of Environmental Effects			Y	Y	Y
3.3 Submission of supporting documentation - Site Plan / Survey Plan / Development Drawings			Y	Y	Y
3.4 Notification			Y	Y	Y
3.5 Building Code of Australia			Y	Y	Y
A1.7 Considerations before consent is granted			Y	Y	Y
B1.3 Heritage Conservation - General			Y	Y	Y
B1.4 Aboriginal Heritage Significance		No apparent issues.	Y	Y	Y
B3.1 Landslip Hazard			Y	Y	Y
B3.5 Acid Sulphate Soils		No issues. Acid Sulphate Region 5 only.	Y	Y	Y
B3.6 Contaminated Land and Potentially Contaminated Land			-	-	-



B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community		<p>The property contains a modified landscape typical of a suburban garden and is steeply sloping away from the road. The proposed works include demolition of the current dwelling and construction of a new dwelling. An arborist report has been provided (Bluegum, September 2013) which assesses three (3) trees potentially impacted by the proposed works. All three are located on the road reserve and are to be retained. This was referred to Council's Tree Preservation Officer for comment and all arborist recommendations are supported. A landscape plan has been submitted (Trish Dobson, DA-L01, 13/12/13) which provides a good selection of small trees, shrubs and ground covers which will increase amenity and provide screening. The plan also requires at least one (1) canopy tree for the rear yard which will reach a height of at least 8.5m when mature. Therefore before issue of the Construction Certificate an amended landscape plan should be submitted that provides at least one (1) native canopy tree for the rear yard which will reach a height of at least 8.5m when mature. There are no further natural resource issues.</p>	Y	Y	Y
B5.2 Wastewater Disposal			Y	Y	Y
B5.4 Stormwater Harvesting			Y	Y	Y
B5.8 Stormwater Management - Water Quality - Dwelling House, Dual Occupancy and Secondary Dwellings			Y	Y	Y
B5.10 Stormwater Discharge into Public Drainage System			Y	Y	Y
B6.1 Access Driveways and Works on the Public Road Reserve - Dwelling House and Dual Occupancy			Y	Y	Y
B6.3 Internal Driveways - Dwelling Houses and Dual Occupancy			Y	Y	Y
B6.5 Off-Street Vehicle Parking Requirements - Dwelling Houses, Secondary Dwellings and Dual Occupancy			Y	Y	Y
B8.1 Construction and Demolition - Excavation and Landfill			Y	Y	Y
B8.2 Construction and Demolition - Erosion and Sediment Management			Y	Y	Y

B8.3 Construction and Demolition - Waste Minimisation			Y	Y	Y
B8.5 Construction and Demolition - Works in the Public Domain			Y	Y	Y
C1.1 Landscaping		For comment see B4.7	Y	Y	Y
C1.2 Safety and Security			Y	Y	Y
C1.4 Solar Access			Y	Y	Y
C1.5 Visual Privacy			Y	Y	Y
C1.6 Acoustic Privacy			Y	Y	Y
C1.7 Private Open Space			Y	Y	Y
C1.12 Waste and Recycling Facilities			Y	Y	Y
C1.13 Pollution Control			Y	Y	Y
C1.17 Swimming Pool Safety			Y	Y	Y
C1.23 Eaves			Y	Y	Y
C1.24 Public Road Reserve - Landscaping and Infrastructure					
D4.1 Character as viewed from a public place			Y	Y	Y
D4.3 Building colours and materials	Dark and earthy tones	Proposed colours are Roofing - Colorbond "Woodland Gray" Walls Resene "Double Tapa", "Triple Ash" and "Gravel".  All shades are dark and neutral and in accordance with Council's preferred colour palette.	Y	Y	Y
D4.4 Height	8.5 metres maximum height, with a variation to 10 metres where the proposed footprint has a slope exceeding 30%	Proposal breaches the maximum height of 10 metres at the eaves on the north-eastern façade over Bedroom 1, by 300mm. This is discussed in detail in the body of the report.	N	Y	Y
D4.5 Front building line	6.5 metres minimum front building line	8 metre front building line	Y	Y	Y
D4.6 Side and rear building line	1 metre to one side, 2.5 metre to the other, 6.5 metres to the rear.	Rear setback 23 metres. North-eastern setback minimum of 1 metre. North-western setback 2.5 metres, however, a portion of the entry foyer and laundry has only a 2 metre setback. This is discussed in the body of the report.	N	Y	Y
D4.8 Building envelope	Building envelope projected 45 degrees from a height of 3.5 metres	Proposal breaches envelope on eastern and western sides. See discussion in the body of the report.	N	Y	Y
D4.10 Site coverage - Environmentally Sensitive Land	40% site coverage, 60% landscaped area	Site coverage - 299.35m <sup>2</sup> , 37.7%, landscaped area 62.3%			
D4.12 Fences - Flora and Fauna Conservation Areas			Y	Y	Y
D4.13 Construction, Retaining walls, terracing and undercroft areas			Y	Y	Y

D4.14 Scenic Protection Category One Areas			Y	Y	Y
<b>Relevant State Controls</b>					
(Building Sustainability Index: BASIX) 2004			Y	Y	Y

## 9.0 S.82A ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)

This is an application made under the provisions of S.82 A of the Environmental Planning & Assessment Act, 1979 which allows for the reconsideration of a determined application, provided the following is achieved:

- The proposal is not complying development, integrated development or designated development;
- The timeframe for making the review is within that specified within Section 97 of the EPA Act (being 6 months from the date of determination).

In this instance, the application was determined on 17 April 2014 and the application was made on 17 June 2014. As such the application was made within the specified time. The application is not complying, designated or integrated development.

Council may make a review if the following is achieved:

- Notification has been conducted in accordance with the regulations or a DCP;
- Council has considered all submissions made;
- Council is satisfied that any amendments made to the proposal are substantially the same as the original application.

Notification was carried out in accordance with the provisions of Appendix 1 of Pittwater 21 DCP. One submission, in support of the proposal was received. The amendments made to the development do not radically alter the original proposal, which was for a detached single dwelling over three levels with garage and new driveway.

As such the provisions of S.82A have been met and Council can conduct a review of the determination.

## 10.0 DISCUSSION OF ISSUES

### D4.4 Height

The proposal has a height of between 8.5 & 10.3 metres. On sites where the slope is 30% or greater, Council's controls allow for a variation to the 8.5 metre height limit where the following is achieved:

- the outcomes of this control are achieved,
- the building footprint is situated on a slope in excess of 16.7 degrees (i.e. 30%),
- the visual bulk of the development is minimised, particularly when viewed from down slope,
- buildings are sited and designed to take into account the slope of the land to minimise the need for cut and fill by designs which allow the building to step down the slope.

The proposal is considered to comply with the outcomes of the control. The site has a slope in excess of 30% and the breach of the 8.5 metre height limit is minor and limited to the outward edge of the uppermost bedroom, which does not stretch the full length of the site. There is a slight breach of the 10 metre height limit along the western façade of the uppermost level, by a maximum of 300mm. This breach is very minor in nature and it is not considered that it will read as a breach of the building height. It does not contribute to privacy issues, view loss or reduction

in solar access to neighbouring properties, and a variation is supported in this regard.

This breach of the height limit does not have any impact on the appearance of the building from the street, as the apex of the roof, which is the overall high point with an RL of 37.1 sits forward of this point. The building does step down the site, and from the road maintains the stepped down streetscape pattern evident in the dwellings on either side. It should be noted that the highest overall point of the building, being the roof RL of 37.1, has been reduced 600mm in height under the current proposal.

As such, it is considered that the proposal is in accordance with the outcomes of the control, and a variation to 10 metres is acceptable on merit.

#### **D4.6 Side and rear setbacks**

Council's controls state that there should be a minimum side setback of 1 metre on one side, and 2.5 metres on the other. This is to ensure adequate separation between buildings and also, where views are available from the street, to retain view corridors between dwellings.

In this instance, a portion of the building, being the north western façade of the foyer on level 2 and the laundry on level 1, breach the 2.5 metre setback that the majority of the building has on this side. It should be noted that the breach on this side is mirrored on the north eastern side by an increase in the 1 metre setback.

It is generally accepted that buildings should maintain a consistent side building line in order to maximise view opportunities from the public domain. While in this instance a consistent 2.5 metre building line has not been obtained along the north western façade it is considered that view opportunities will not be lost. The submitted plans indicate that the height of the roof above the foyer is RL 33.7, while the road at the front of the site on the north-western boundary has an RL of 35.130. When you consider that the majority of people passing the site would be 1.5 metres or taller, this gives an effective height of RL 36.63, or 2.93 metres above the height of the foyer roof. It is considered that this height is such that views towards Pittwater from the public domain will be retained over the top of this element of the building. In this regard, it should be noted that at present, panoramic views of Pittwater are obtained over the top of the existing dwelling, whose ridgeline has an RL of 33.03.

As such, it is considered that the slight breach of the 2.5 metre side setback is acceptable on merit, as it does not remove view opportunities from the street frontage.

#### **D4.8 Building envelope**

The proposal breaches the building envelope on both the north-eastern and north-western facades, with the north-eastern facade more greatly affected. On the north-western facade, the building breaches the building envelope along the upper section of the top floor with an additional breach along the upper section of the living room and foyer. On the north-eastern side, the proposal breaches the building envelope significantly, with Bed 1 being completely outside the building envelope and a lesser breach occurring along the wall of the garage. .

A variation to the control may be supported to the control where the following conditions apply:

- Does the building footprint have a slope > 30%?
- Do eaves or shading devices breach the envelope?
- Is the existing dwelling retained with a second story addition?
- Do the above site characteristics / design elements warrant a variation?

The building footprint has a slope in excess of 30%, and it is considered that the design of the building, combined with the site characteristics warrants the application of the variation. The areas in breach of the building envelope are sited in the middle of the building and adjacent to the neighbouring dwellings. They do not cause additional overshadowing to neighbouring properties and do not add to the bulk and scale of the building when viewed from the street due to the slope of the land and the use of a staggered side elevation. It should also be noted that due to the topography of the site, even elements that exceed the minimum side setback, such as the uppermost element north western façade, which has a setback of between 3.5 – 6 metres, breaches the building envelope.

One of the previous reasons for refusal related to the fact that aspects of the building which breached the building envelope were also seen to be contributing to the loss of view opportunities from the street. The redesign of the building has ensured that while there are still breaches of the building envelope, it is not considered that these will reduce such opportunities and as such a variation is supported in this instance.

## **11.0 CONCLUSION**

The Development Application has been assessed in accordance with the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, Pittwater Local Environmental Plan 1993, Pittwater 21 DCP and Draft Pittwater Local Environmental Plan 2014 and other relevant Council policies.

The proposal is permissible within the 2(a) zone as defined by Pittwater Local Environmental Plan 1993 and is considered to be acceptable and consistent with the controls, outcomes and variations for development within the zone and locality as discussed within this report. While there are some non-compliances with Council controls, the building has been redesigned so as to provide for a better outcome with regard to height, side setback and building envelope non-compliances. As such, the proposal is deemed to be in accordance with the outcomes of the controls listed in Pittwater 21 DCP and as such is recommended for approval.

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## **RECOMMENDATION OF DEVELOPMENT OFFICER/PLANNER**

That Council, as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, grant consent to S.82A reconsideration of development application N0378/13 for demolition of existing structures and erection of a new dwelling and swimming pool at 11 Corniche Road Church Point subject to conditions of consent.

Report prepared by

Gina Hay  
**EXECUTIVE PLANNER**

Date: 18 July 2014

**CONSENT NO: N0378/13  
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)  
NOTICE TO APPLICANT OF DETERMINATION  
OF A DEVELOPMENT APPLICATION**

Applicant's Name and Address:  
James de Soyres & Associates  
PO BOX 657  
Newport  
NSW 2106

Being the applicant in respect of Development Application No N0378/13

Pursuant to section 80(1) of the Act, notice is hereby given of the determination by Pittwater Council, as the consent authority, of Development Application No **N0378/13** for:

**Demolition of the existing dwelling and the construction of a new dwelling and swimming pool.**

**At: 11 CORNICHE ROAD, CHURCH POINT NSW 2105 (Lot 12 DP 11518)**

**Decision:**

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

**Drawings DA-01, DA-02, DA-11, DA-12, DA-13, DA-14, DA-21 DA-22, DA-23, DA25, DA-31, DA-32, DA-33 & DA-34, all dated 05/06/2014, Landscape Plan DA-L01 dated 13.12.13 all drawn by James De Soyres and Associates.**

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

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

Endorsement of date of consent

Mark Ferguson  
GENERAL MANAGER  
Per:

## Conditions of Approval

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

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

### A. Prescribed Conditions:

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

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

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



6. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
7. The hours of construction are restricted to between the hours of 7.00am and 5.00pm Monday - Friday and 7.00am to 1.00pm on Saturdays. No works are to be carried out on Sundays or Public Holidays. Internal building work may be carried out at any time outside these hours, subject to noise emissions from the building or works not being audible at any adjoining boundary.

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

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

1. If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Metropolitan Local Aboriginal Land Council (MLALC) and Department of Environment & Climate Change (DECC) are to be notified.
2. Prior to the completion of works, all declared noxious weeds are to be removed/controlled in accordance with the Noxious Weeds Act 1993. Environmental weeds are to be removed and controlled. Refer to Pittwater Council website [http://www.pittwater.nsw.gov.au/environment/noxious\\_weeds](http://www.pittwater.nsw.gov.au/environment/noxious_weeds) for noxious/environmental weed lists.
3. No environmental weeds are to be planted on the site. Refer to Pittwater Council website [www.pittwater.nsw.gov.au/environment/noxious\\_weeds](http://www.pittwater.nsw.gov.au/environment/noxious_weeds) for environmental weed lists.
4. Any new fencing (with the exception of swimming pool fencing) is to be made passable to native wildlife. Hole dimensions are to be a minimum of 150mm wide x 100mm high at ground level spaced at 6 metre intervals.
5. Domestic pet animals are to be kept from entering wildlife habitat areas at all times. Dogs and cats are to be kept in an enclosed area or on a leash such that they cannot enter areas of bushland or foreshore, unrestrained, on the site or on surrounding properties or reserves. Ferrets and rabbits are to be kept in a locked hutch/run at all times.
6. Any vegetation planted onsite outside approved landscape zones is to be consistent with:
  - a) Species listed in the Ecological Sustainability Plan or Bushland Management Plan (if applicable)
  - b) Species listed from the Endangered Ecological Community
  - c) Locally native species growing onsite and/or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and Native Plants for Your Garden available on the Pittwater Council website [http://www.pittwater.nsw.gov.au/environment/species\\_lists](http://www.pittwater.nsw.gov.au/environment/species_lists)
7. No building materials or other materials are to be placed on Bushland vegetation. Sediment is not to leave the site or enter areas of Bushland vegetation, and the appropriate sediment fencing is to be installed.
8. The spa/pool backwash and any overflow waters are to be disposed to the Sydney Water sewer.

9. The Stormwater Harvesting and Reuse Scheme shall be installed and operated in accordance with the accepted design, Environmental and Health Risk Management Plan, Operation and Maintenance Plan, Manufacturer's Specifications and associated operational guidelines.
10. As part of the integrated stormwater management plan, suitably positioned stormwater quality improvement devices shall be installed and operated in accordance with Manufacturer's Specifications and associated operational guidelines.
11. As part of an integrated on-site stormwater management system, stormwater is to be discharged by direct connection into the inter-allotment drainage easement.
12. The internal driveway finish is:
  - a) to be a stable surface for all weather conditions
  - b) to be constructed of materials that blend with the environment and are of dark or earthy tones or natural materials.
13. To satisfy the off-street parking requirements for development, the minimum number of 2 vehicle space requirements shall be provided.  
  
These spaces are to be provided and retained over the life of the development.
14. Landscaping is to be implemented in accordance with the approved Landscape Plan (*Trish Dobson, 13/12/13*) and including the one (1) additional locally native canopy tree to be added before issue of the Construction Certificate. The new landscaping is to be approved as completed by the accredited certifier upon issue of the Occupation Certificate unless further conditions regarding the completion timeframe are imposed. This landscaping is to then be maintained for the life of the development.
15. In accordance with Pittwater Council's DCP Control B4.22 Protection of Trees and Bushland Vegetation, all existing trees as indicated in the Survey Plan and/or approved Landscape Plan shall be retained except where Council's prior written consent has been obtained, for trees that stand within the envelope of approved development areas and removal is approved through an arborist report. For all other tree issues not related to a development application, applications must be made to Council's Tree Management Officers.
16. Pool fencing is to be designed, located and maintained in accordance with the Swimming Pools Act 1992, Regulation and Australian Standard 1926.1-2012, Safety barriers for swimming pools
17. A warning notice (resuscitation chart) and External Cardiac Compression Chart is to be affixed and maintained in a prominent location adjacent to the pool / spa.
  - a) The warning notice (i.e. sign) must contain all of the following words:
    - i) "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL" and
    - ii) "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES", and
    - iii) "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES",
  - b) In addition, the notice must contain a simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques (for infants, children and adults):
    - i) that are set out in accordance with the relevant provisions of that Guideline, and that
    - ii) comply with the other relevant guidelines of the Australian Resuscitation Council, and
    - iii) that are illustrated by drawings with key words only in bold print,

- c) a statement to the effect that formal instruction in resuscitation is essential,
  - d) the name of the teaching organisation or other body that published the sign and the date of its publication.
18. New electrical connections are to be carried out using underground cabling.
  19. Materials and colour schemes are to be in accordance with the sample scheme approved by Council.
  20. Roofs to all structures are to be of dark or mid grey, brown and/or green tones only. No white or light coloured roofs are permitted.
  21. The commitments identified in the BASIX Certificate and on the plans or specifications are to be fulfilled and maintained for the life of the development.

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

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

1. Submission of construction plans and specifications and documentation which are consistent with the approved Development Consent plans, the requirements of Building Code of Australia and satisfy all conditions shown in Part B above are to be submitted to the Principal Certifying Authority.
2. The Accredited Certifier or Council must be provided with a copy of plans that a Quick Check agent/Sydney Water has stamped before the issue of any Construction Certificate.
3. Prior to issue of the Construction Certificate, Form 2 of the *Geotechnical Risk Management Policy for Pittwater* (Appendix 5 of P21 DCP) is to be completed and submitted to the Principal Certifying Authority.
4. Therefore before issue of the Construction Certificate an amended landscape plan should be submitted that provides at least one (1) native canopy tree for the rear yard which will reach a height of at least 8.5m when mature.
5. Drainage plans including specifications and details showing the site stormwater management are to be submitted to the Accredited Certifier with the Construction Certificate application. Such details are to be accompanied by a certificate from (as appropriate) either a Licensed plumber or qualified practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a Corporate member and has appropriate experience and competence in the related field, that the stormwater management system complies with the requirements of section 3.1.2 Drainage of the Building Code of Australia Housing Provision and AS/NZS 3500.3.2 - Stormwater Drainage. The details shall include disposal of site stormwater (if the site is in a known slip area the stormwater disposal system must comply with the recommendations of a Geotechnical Engineers Report).

Note: Where Council is the Principal Certifying Authority 3 sets of plans/specifications are to be submitted.



6. Plans and details demonstrating that the following issues have been addressed are to be submitted to the Accredited Certifier with the Construction Certificate application.
  - a) Driveway profiles must be obtained from Council for all access driveways across the public road verge to road edge. The driveway profiles provided by Council must be incorporated into and attached to design plans for the access driveway and internal driveway.
  - b) A Deed of Agreement indemnifying Council must be entered into for construction of a cosmetic access driveway across the public road verge (i.e. other than a plain concrete finish).
  - c) All construction of the access driveway across the public road verge must be undertaken by a Council authorised contractor.
  - d) Council's Fees and Charges apply to driveway profiles and Deed of Agreement for Access Driveway.
7. Applicants will be required to obtain prior to the issue of a Construction Certificate, a Section 139 Consent for Works on a Public Road Reserve issued by the Council under the provisions of Section 138 of the *Roads Act 1993* for the design and construction of any works located on the road reserve including Access Driveways.
8. Plans and details demonstrating that the commitments identified in the BASIX Certificate that apply to the construction certificate or complying development plans and specifications are fulfilled.

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

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

1. Any proposed demolition works shall be carried out in accordance with the requirements of AS2601-2001 *The Demolition of Structures*.  
  
Amongst others, precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:
  - a) Protection of site workers and the general public. b) Erection of hoardings where appropriate.
  - c) Asbestos handling and disposal where applicable.
  - d) Any disused service connections shall be capped off.

Council is to be given 48 hours written notice of the destination/s of any excavation or demolition material. The disposal of refuse is to be to an approved waste disposal depot.
2. A stamped copy of the approved plans is to be kept on the site at all times, during construction.
3. Toilet facilities are to be provided in a location which will not detrimentally affect the amenity of any adjoining residents at or in the vicinity of the work site during the duration of the development.
4. Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must give the owner of the adjoining property at least seven (7) days written notice of their intention to excavate below the level of the base of the footing and furnish the adjoining property owner with particulars of the proposed work.

5. A construction management plan shall be prepared and complied with during construction that details how and when truck movements will occur and provide contact details for neighbouring properties to be advised if required.
6. All excavated material is to be removed from the site.
7. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
8. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
9. Waste materials generated through demolition, excavation and construction works are to be minimised by re-use on site, recycling or where re-use or recycling is not practical, disposal at an appropriate authorised waste facility.

All waste dockets and receipts regarding demolition, excavation and construction waste are to be retained on site to confirm which facility received the material for recycling or disposal.

The ongoing operation of Recycling and Waste Management Services is to be undertaken in accordance with the Waste Management Plan.
10. No works are to be carried out in Council's Road Reserve without the written approval of the Council.
11. A Road Opening Permit, issued by Council, must be obtained for any road openings, or excavation within Council's Road Reserve associated with the development on the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
12. No skip bins or materials are to be stored on Council's Road Reserve.
13. A clearly legible *Site Management Sign* is to be erected and maintained throughout the course of the works. The sign is to be centrally located on the main street frontage of the site and is to clearly state in legible lettering the following:
  - a) The builder's name, builder's telephone contact number both during work hours and after hours.
  - b) That no works are to be carried out in Council's Road Reserve without the written approval of the Council.
  - c) That a Road Opening Permit issued by Council must be obtained for any road openings or excavation within Council's Road Reserve associated with development of the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
  - d) That no skip bins or materials are to be stored on Council's Road Reserve.
  - e) That the contact number for Pitwater Council for permits is 9970 1111.
14. All construction in the public road reserve must be undertaken by a Council authorised contractor.

15. As there are existing trees to be retained within 5 metres of proposed development works, all recommendations as outlined in the supplied arborist report by Bluegum, dated September 2013 are required to be complied with before and throughout the development period, particularly with regard to the following:
- a) Works, erection/demolition of structures, excavation or changes to soil levels within 5 metres of existing trees are not permitted unless part of the development as approved, and the storage of spoil, building materials, soil or the driving and parking of any vehicle or machinery within 5 metres of the trunk of a tree to be retained is not permitted;
  - b) Where specified, tree guards are to be provided to all trees as indicated in the report, and are to be installed prior to the commencement of any work on the site. Tree guard materials and dimensions are specified in the arborist report;
  - c) All works within 5 metres of existing trees including demolition, excavation, civil works, fencing and the like must be carried out by hand and under the supervision of an experienced and suitably qualified arborist. In the event that major structural or feeder roots are encountered, the arborist is to advise the builder to carry out appropriate action to ensure the retention of the tree.
  - d) Signage is to be erected advising all contractors and visitors to the site that no works or storage are to take place within the dripline of existing trees.
  - e) Any changes or alterations made to the tree management recommendations as outlined by the arborist report due to the discovery of new structural roots or underground services during development works must be reported to the Principal Certifying Authority prior to works recommencing.
16. Demolition works must be carried out in compliance with WorkCover's *Short Guide to Working with Asbestos Cement* and Australian Standard AS 2601 2001 *The Demolition of Structures*. The site must be provided with a sign containing the words *DANGER ASBESTOS REMOVAL IN PROGRESS* measuring not less than 400mm x 300mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed of at a lawful waste disposal facility. All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifying Authority, all receipts issued by the receiving tip as evidence of proper disposal.

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

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

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

1. An Occupation Certificate application stating that the development complies with the Development Consent, the requirements of the Building Code of Australia and that a Construction Certificate has been issued must be obtained before the building is occupied or on completion of the construction work approved by this Development Consent.



2. All existing and /or proposed dwellings/sole occupancy units are to have approved hard-wired smoke alarms installed and maintained over the life of the development. All hard-wired smoke alarms are to be Australian Standard compliant and must be installed and certified by any appropriately qualified electrician prior to the issue of any Occupation Certificate.
3. Prior to issue of the Occupation Certificate, Form 3 of the *Geotechnical Risk Management Policy* (Appendix 5 of P21 DCP) is to be completed and submitted to the Principal Certifying Authority.
4. Certification is to be provided to the Principal Certifying Authority by a qualified experienced practicing Civil Engineer, with corporate membership of the Institute of Engineers Australia (M.I.E.), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, that the drainage/stormwater management system has been installed to the manufacturer's specification (where applicable) and completed in accordance with the engineering plans and specifications required under this consent.
5. For internal driveways in difficult and/or steep terrain a Certificate is to be submitted to the Principal Certifying Authority with the Subdivision Certificate application by a qualified practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a Corporate member and has appropriate experience and competence in the related field confirming to the satisfaction of the Private Certifying Authority that the driveway has been constructed in accordance with the approved plans and relevant conditions of Development Consent.
6. A certificate submitted by a Chartered Professional Engineer confirming to the satisfaction of the Principal Certifying Authority that the works in the public road reserve comply with Council requirements is to be provided with the Occupation Certificate application.
7. Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained and provided to the Private Certifying Authority with the Occupation Certificate application.
8. A qualified acoustic engineer is to certify that the maximum noise level associated with the pool filter does not exceed 5dB(A) above ambient background level, when measured from any adjoining premises.
9. Certification is to be provided that the commitments identified in the BASIX Certificate have been fulfilled.

#### G. Advice:

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

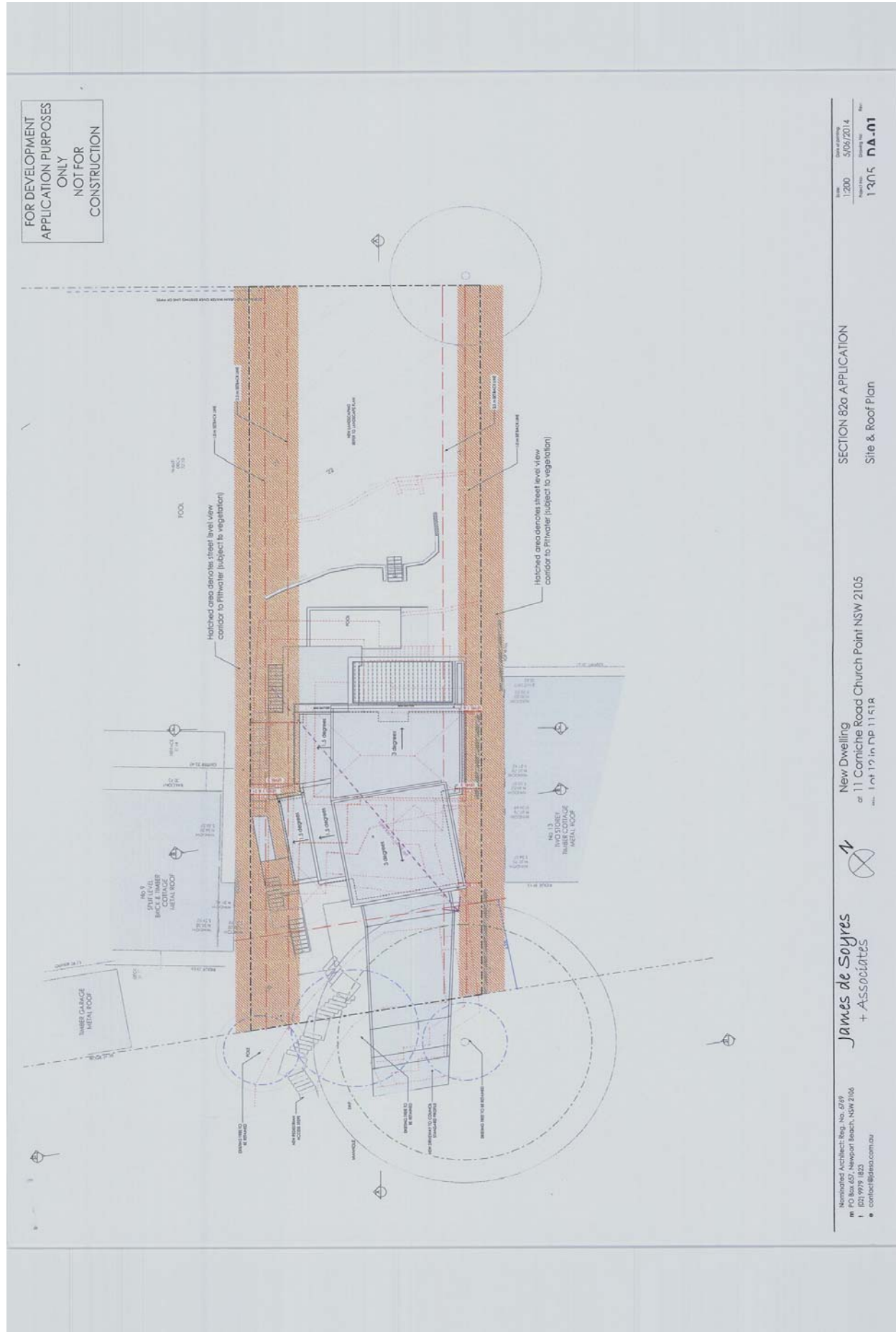
4. In accordance with Section 95(1) of the Act, this consent will lapse if the development, the subject of this consent, is not physically commenced within 5 years after the date from which this consent operates.
5. To ascertain the date upon which the determination becomes effective and operates, refer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

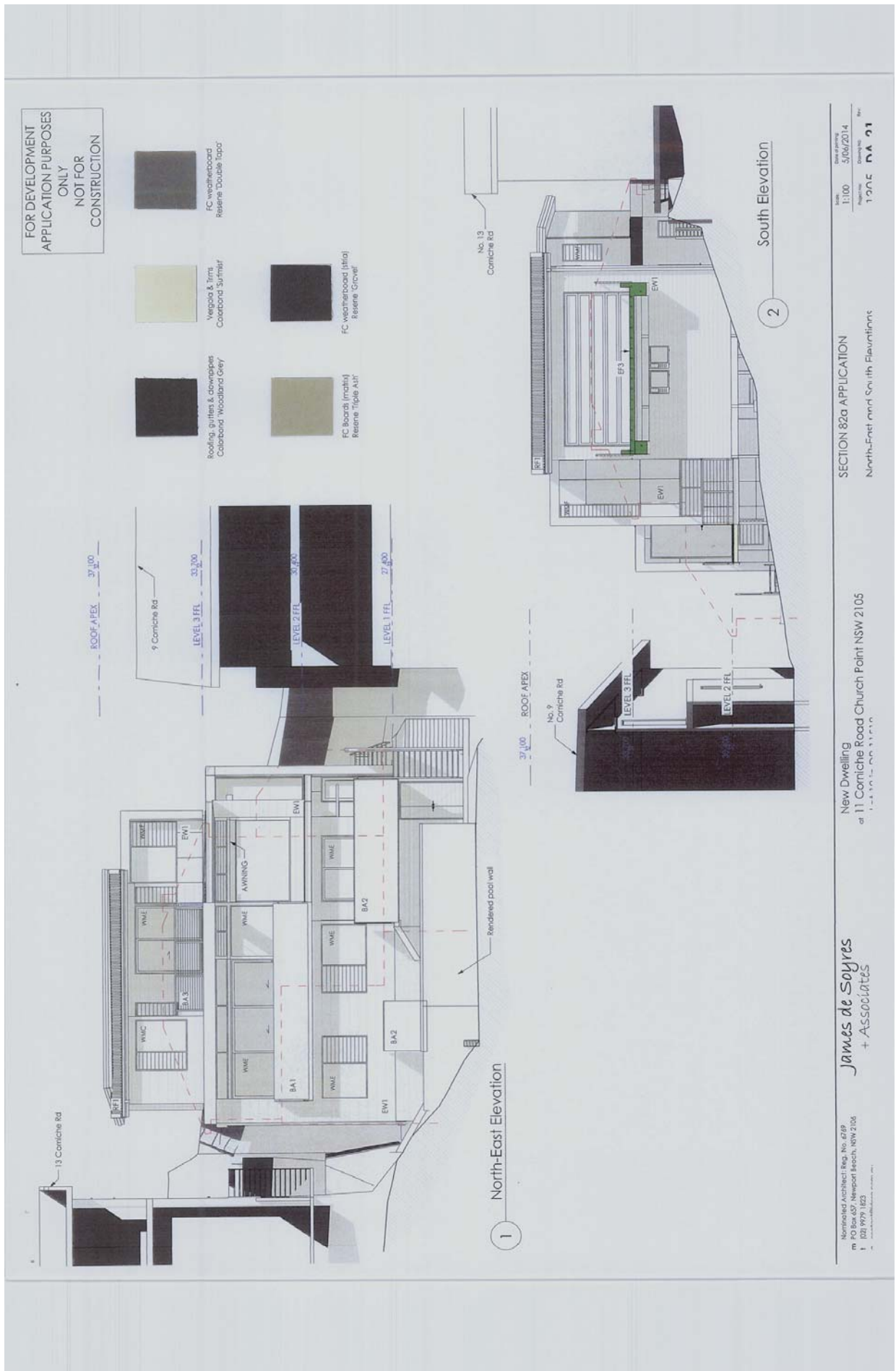


## LOCALITY MAP

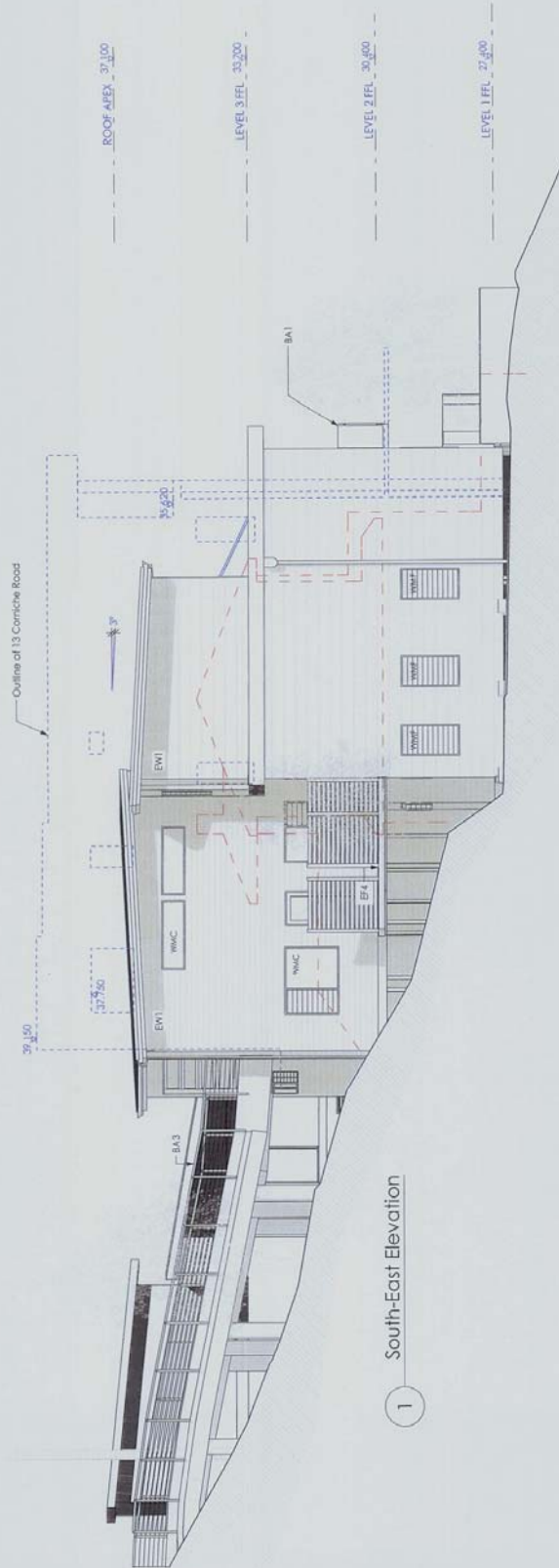


# NOTIFICATION PLANS





FOR DEVELOPMENT  
APPLICATION PURPOSES  
ONLY  
NOT FOR  
CONSTRUCTION



1 South-East Elevation

Scale  
1:100  
Date of printing  
30/06/2014  
Drawing No.  
10101  
Rev.  
01

SECTION 82a APPLICATION  
South-East Elevation

New Dwelling  
at 11 Corniche Road Church Point NSW 2105

James de Soyres  
+ Associates

Notified Architect Reg. No. 4269  
m PO Box 457 Newport Beach, NSW 2104  
t (02) 9979 1825  
e james@jamesde-soyres.com.au

North-West Elevation

Scale:	Date of drawing
1:100	5/06/2014

SECTION 82a APPLICATION  
North-West Fluvation

New Dwelling  
at 11 Corniche Road Church Point NSW 2105  
1 4 3 0 4 0 0 1 2 1 0

James de Soyres  
+ Associates

Nominated Architect: Reg. No. 6769  
m PO Box 657, Newport Beach, NSW 2106  
! (02) 9979 1823  
a [concrete@bluewin.com.au](mailto:concrete@bluewin.com.au)



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<b>C12.3</b>	<b>N0044/14 – 3 Cook Terrace, Mona Vale NSW 2103 – Subdivision of an existing detached dual occupancy</b>
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**Meeting:** Sustainable Towns & Villages Committee

**Date:** 18 August 2014

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**STRATEGY:** Development Unit

**ACTION:** Provide an effective development assessment and determination process

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## **PURPOSE OF REPORT**

To inform the Committee of the Development Unit's recommendation following consideration of Development Application N0044/14 for the subdivision of an existing detached dual occupancy at 3 Cook Terrace, Mona Vale.

### **1.0 BACKGROUND**

- 1.1 The Development Unit, at its meeting held on Thursday, 31 July 2014 considered the Development Officer's report (**Attachment 1**) for determination of Development Application N0044/14 for the subdivision of an existing detached dual occupancy at 3 Cook Terrace, Mona Vale.

### **2.0 REASON FOR REFERRAL TO COUNCIL**

- 2.1 It is a policy requirement of the NSW Department of Planning that applications involving a SEPPNo1 objection supporting a variation to a development standard of more than 10% be referred to the elected Council for determination.
- 2.2 This application involves the subdivision of a dual occupancy which when effected creates lots sizes significantly less than the minimum provided for in the relevant control. The variation proposed for lot 1 is 48% and for lot 1 is 33% smaller than the minimum lot size in the development standard in the planning control.

### **3.0 DEVELOPMENT UNIT DELIBERATIONS**

- 3.1 The Development Unit at its meeting held on the 31 July 2014 resolved to endorse the assessing officer's recommendation and refer the matter to Council recommending development consent with the inclusion of the prescribed conditions of consent within Part A (which was omitted from the Assessing Officer's report) and the following amended condition of consent be incorporated into the draft determination:-

**F7** Appropriate easements and rights of carriage way are to be created where services lines, drainage lines or driveways pass through private property other than the lot which they benefit. This can be advised through the registration of the Plan of Subdivision.

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#### 4.0 ISSUES

- Variation to minimum lot sizes

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#### 5.0 SUSTAINABILITY ASSESSMENT

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

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#### 6.0 EXECUTIVE SUMMARY

- 6.1 The Development Unit, at its meeting held on Thursday, 31 July 2014 considered the Development Officer's report (refer **Attachment 1**) for determination of Development Application N0044/14 for the subdivision of an existing detached dual occupancy at 3 Cook Terrace, Mona Vale.
- 6.2 It is a policy requirement of the NSW Department of Planning that applications involving a SEPPNo1 objection supporting a variation to a development standard of more than 10% be referred to the elected Council for determination.
- 6.3 The development Unit resolved to support the Assessing officer's recommendation subject to the amendments referred to in Section 3.1 of this report and to refer the matter to Council recommending Development Consent to the application.

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#### RECOMMENDATION

That application N0044/14 at 3 Cook Terrace, Mona Vale NSW 2103 for the subdivision of an existing detached dual occupancy be granted **development consent** subject to the inclusion of the prescribed conditions of consent within Part A and the following amended condition of consent be incorporated into the Draft Determination:

- F7** Appropriate easements **and rights of carriageway** are to be created where service lines, drainage lines **or driveways** pass through private property other than the lot which they benefit. This can be advised through the registration of the Plan of Subdivision.

Warwick Lawrence

**DU Chairman and  
MANAGER – ADMINISTRATION & GOVERNANCE**

**SUBJECT: N0044/14 - 3 Cook Terrace, Mona Vale NSW 2103 -  
Subdivision of an existing detached dual occupancy**

**Meeting:** Development Unit

**Date:** 31 July 2014

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**SUMMARY OF RECOMMENDATION**

**Consent with Conditions**

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<b>REPORT PREPARED BY:</b>	Gina Hay
<b>APPLICATION SUBMITTED ON:</b>	19/02/2014
<b>APPLICATION SUBMITTED BY:</b>	ADAM CLERKE SURVEYORS PTY LTD
<b>OWNER(S):</b>	SALVATORE DI MAIO & NELLA C DI MAIO

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**RECOMMENDATION OF DEVELOPMENT OFFICER / PLANNER**

That Council as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 grant consent to Development Application N0044/14 for Subdivision of an existing detached dual occupancy at 3 Cook Terrace, Mona Vale NSW 2103 subject to the draft conditions of consent attached.

Report prepared by  
Gina Hay, Executive Planner

Andrew Pigott  
**MANAGER, PLANNING & ASSESSMENT**



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**SUBJECT: N0044/14 - 3 COOK TERRACE, MONA VALE NSW 2103 Subdivision of an existing detached dual occupancy**

**Determination Level:**

**Senior/Executive Officer**

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**SUMMARY OF RECOMMENDATION:**

**CONSENT WITH CONDITIONS**

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**REPORT PREPARED BY:**

Gina Hay

**APPLICATION SUBMITTED ON:**

19 February 2014

**APPLICATION SUBMITTED BY:**

Adam Clerke Surveyors Pty Ltd  
PO BOX 175  
Newport  
2106

**OWNER(S):**

SALVATORE DI MAIO  
MS NELLA CHRISTINE DI MAIO

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## **1.0 SITE DETAILS**

The site is known as 3 Cook Terrace, Mona Vale, with a legal description of Lot 39, DP16692. There is an existing dual occupancy development on the site which was granted consent in 1991 under Development Application 91/209. The site has a stated area of 569.2m<sup>2</sup>.

## **2.0 PROPOSAL IN DETAIL**

The proposal is an application for a Torrens Title subdivision of the existing dual occupancy development into two lots. Lot 1, at the front of the site will have a stated area of 345.6m<sup>2</sup> including the right of carriageway and easements. Lot 2, at the rear of the site will have a stated area of 223.6m<sup>2</sup>.

## **3.0 STATUTORY AND POLICY CONSIDERATIONS**

The site is zoned Residential 2(a) under Pittwater LEP 1993. Pursuant to Clause 9 of this instrument, subdivision is permissible with consent. Subdivision of a previously approved Dual Occupancy Development is permissible pursuant to Clause 21F of the instrument.

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

- Environmental Planning and Assessment Act, 1979 ( the EPA Act)
- Environmental Planning and Assessment Regulation 2000 (the Regulation)
- State Environmental Planning Policy No 1 - Development Standards (SEPP 1)
- Pittwater Local Environmental Plan 1993 (PLEP 1993)
  - Dual Occupancy Area 1
- Local Environmental Plan 2014 (LEP 2014)
- Pittwater 21 Development Control Plan (Pittwater 21 DCP)
  - Mona Vale Locality

**State Environmental Planning Policy No. 1 - Development Standards (SEPP No. 1)**

The aim of SEPP no. 1 is to:

*Provide flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in Section 5(a) (i) and (ii) of the Act as follows:*

*(a) to encourage:*

*(i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment.*

*(ii) the promotion and co-ordination of the orderly and economic use and development of land.*

Development standard to be varied:

The Development Standard proposed to be varied is Clause 11(3) which states:

*A person shall not subdivide land within Zone No 2 (a) or 2 (b) generally south of Mona Vale Road, Ingleside and Mona Vale, unless:*

*(a) each allotment with road frontage created by the subdivision will have an area of not less than 550 square metres within Zone No 2 (a) or 2 (b), and*

*(b) each internal or hatchet shaped allotment created by the subdivision will have an area of not less than 660 square metres, exclusive of any access corridor and the whole of the allotment will be within Zone No 2 (a) or 2 (b).*

The planning control is considered to be a development standard as it sets a numeric control on the size of the lots to be created.

The purpose of the standard is to provide a minimum acceptable site area in the subject locality to ensure that future development is consistent with existing development and the desired future character of the locality. .

Extent of variation:

Lot 1 has a proposed area of 345.6m<sup>2</sup>, although when the Right of Carriageway to the rear lot is removed, it is calculated as having an area of 267.3m<sup>2</sup>. This is a variation of 48% on the minimum lot size of 550m<sup>2</sup> for lots with road frontage.

Lot 2 has a proposed area of 223.6m<sup>2</sup>, which is a variation of 33% on the minimum lot size of 660m<sup>2</sup> for rear (internal) lots.

Applicant's justification of variation:

The applicant justifies the breach of the control as follows:

The proposed subdivision is of an existing dual occupancy, which will not impact on the surrounding locality, and is consistent with the form and lot sizes with adjoining and surrounding properties.

Concurring authority:

None.

Consideration of SEPP 1 objection:

The area in which the subject property is located is characterised by a mix of dwelling styles including dual occupancy developments and single dwelling houses. The applicant has submitted details showing the subdivision of an additional seven (7) similar dual occupancy developments within a 100 metre radius of the subject site. The existing development on the land is a dual occupancy approved by Council under the controls applicable at that time and although both the construction and subdivision of new dual occupancy development in this locality is now prohibited under Pittwater LEP 1993, Clause 21(F)(3) of the LEP allows existing dual occupancies to be subdivided subject to criteria that this application complies with. Accordingly, it is considered that the proposed development complies with clause 3 of SEPP No. 1 and section 5(a)(i) and (ii) of the EP&A Act 1979.

It is considered that the development standard in this application is unreasonable and unnecessary for the following reasons:

- The existing dual occupancy was built and approved by Council under the relevant controls at that time.
- The subject development has been built and has operated for a number of years without any problems or complaints, and no further construction is proposed.
- Clause 21F(3) of the LEP allows existing dual occupancy development to be subdivided subject to criteria that this application complies with, as stated later in the report.

Based on the above, it is considered that the objection is well founded and strict compliance with the standard is unreasonable and unnecessary.

#### 4.0 BACKGROUND

**Development Application 91/209:** Consent was granted for the construction of a detached dual occupancy on the subject site on 18 July 1991.

#### 5.0 NOTIFICATION

The application was notified to seven (7) adjoining property owners for a period of fourteen (14) days from 3-17 March 2014 in accordance with Council's Notification Policy. During this time, no submissions were received.

#### 6.0 ISSUES

- 21F. Dual occupancy subdivision

#### 7.0 COMPLIANCE TABLE

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

Control	Standard	Proposal	T	O	N
<b>Pittwater Local Environmental Plan 1993</b>					
10. Restrictions on certain development			Y	Y	Y
11. Subdivision in residential zones			-	-	-
21F. Dual occupancy subdivision		See assessment in the body of the report.	Y	Y	Y

Control	Standard	Proposal	T	O	N
33. Preservation of trees or vegetation			Y	Y	Y
39. Suspension of covenants, etc.			Y	Y	Y
46. Provision of adequate water and sewerage services			Y	Y	Y
5 Consideration of certain applications			Y	Y	Y
Subdivision - New Roads			-	-	-
<b>Pittwater 21 Development Control Plan</b>					
3 ADMINISTRATIVE CONTROLS					
3.1 Submission of a Development Application and payment of appropriate fee			Y	Y	Y
3.2 Submission of a Statement of Environmental Effects			Y	Y	Y
3.3 Submission of supporting documentation - Site Plan / Survey Plan / Development Drawings			Y	Y	Y
3.4 Notification			Y	Y	Y
4 INTEGRATED DEVELOPMENT					
5 REFERRALS					
6 SECTION 94 CONTRIBUTIONS					
6.2 Section 94 Contributions - Open Space Bushland and Recreation	\$9,000 payable for one additional dwelling	Condition to be included. Advice from S.94 Officer states that S.94 is required.	Y	Y	Y
6.3 Section 94 Contributions - Public Library Services	\$2,000 payable for additional dwelling.		Y	Y	Y
6.4 Section 94 Contributions - Community Service Facilities	\$3,500 payable for additional dwelling		Y	Y	Y
6.5 Section 94 Contributions - Village Streetscapes	\$5,000 payable		Y	Y	Y
A1 INTRODUCTION					
A1.7 Considerations before consent is granted			Y	Y	Y
B2.2 Land Subdivision - Residential Zoned Land		Proposal does not comply with the standards contained in the control, however it is permitted under the auspices of Clause 21(F) of the Pittwater LEP 1993, which takes primacy.	N	Y	Y
B6.2 Access Driveways and Works on the Public Road Reserve- All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy			Y	Y	Y
B6.4 Internal Driveways - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy			Y	Y	Y

Control	Standard	Proposal	T	O	N
B6.6 Off-Street Vehicle Parking Requirements - All Development other than Dwelling Houses, Secondary Dwelling and Dual Occupancy			Y	Y	Y
B8.5 Construction and Demolition - Works in the Public Domain			Y	Y	Y
C4.1 Land Subdivision - Protection from Hazards			Y	Y	Y
C4.2 Land Subdivision - Access Driveways and Off-Street Parking Facilities			Y	Y	Y
C4.5 Land Subdivision - Utility Services			Y	Y	Y
C4.6 Service and delivery vehicle access in land subdivisions			Y	Y	Y
C4.7 Land Subdivision - Amenity and Design			Y	Y	Y
C4.8 Land Subdivision - Landscaping on the Existing and proposed public road reserve frontage to subdivision lots			Y	Y	Y
D9.1 Character as viewed from a public place			Y	Y	Y
D9.2 Scenic protection - General			Y	Y	Y

## 8.0 DISCUSSION OF ISSUES

### • 21F. Dual occupancy subdivision

Council must not grant consent for the subdivision of a dual occupancy unless the following can be satisfied.

*(1) On and after the day on which Pittwater Local Environmental Plan 1993 (Amendment No. 11) commences, consent must not be granted for a subdivision which creates separate allotments for each of the two dwellings resulting from dual occupancy development carried out in accordance with this Division.*

*(2) The separate occupation of the proposed lots illustrated by a proposed strata plan relating to the two dwellings resulting from any such dual occupancy development is prohibited.*

*(3) This clause does not apply to any two dwellings resulting from development carried out pursuant to a consent:*

*(a) granted in accordance with this Division later than 14 days after Pittwater Local Environmental Plan 1993 (Amendment No. 11) was first exhibited under the Act, but only if the application for the consent was made before the expiration of that 14 day period; or*

*(b) granted in accordance with this Division on or after 3 March 1995 and before the expiration of that 14 day period; or*

*(c) granted before 3 March 1995 in accordance with Sydney Regional Environmental Plan No. 12 - Dual Occupancy and Part 3 of State Environmental Planning Policy No. 25 - Residential Allotment Sizes and Dual Occupancy Subdivision; or*

*(d) granted on or after 3 March 1995 in accordance with Sydney Regional Environmental Plan No. 12 - Dual Occupancy and Part 3 of State Environmental Planning Policy No. 25 - Residential Allotment Sizes and Dual Occupancy Subdivision as continued in force for certain development applications made before that date by clause 8 (Savings) of Pittwater Local Environmental Plan 1993 (Amendment No. 6).*

The erection of an detached dual occupancy development on the subject site was approved by Council on 18 July 1991, pursuant to Sydney Regional Environmental Plan No.12 – Dual Occupancy and Part 3 of State Environmental Planning Policy No. 25 – Residential Allotment Sizes and Dual Occupancy Subdivision. While Clause 21F(1) of the Pittwater LEP 1993 states that subdivision of dual occupancy is prohibited, Clause 21F(3) permits a variation to this under certain circumstances including where a dual occupancy development was granted consent prior to 3 March 1995 under the provisions of SREP 21 and SEPP 25, as this dual occupancy was.

At the time at which the original application was assessed and approved, the subdivision of dual occupancy development was permissible with consent, pursuant to Clause 11 of State Environmental Planning Policy No. 25 – Residential Allotment Sizes and Dual Occupancy Subdivision, as follows;

*Where under an environmental planning instrument dual occupancy development is permissible with or without the consent of the Council, a person may with the consent of that Council subdivide the dual occupancy (including any land on which that development is or is to be erected).*

As Clause 11 of SEPP No.25 did not differentiate between the different forms of subdivision, it is considered that all forms of subdivision, including Strata and Torrens Title, were permissible with the consent of Council and as such the proposal is permissible and in accordance with the variation granted under Clause 21F(3) of the Pittwater LEP 1993.

## **9.0 CONCLUSION**

The Development Application has been assessed in accordance with the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, Pittwater Local Environmental Plan 1993, Pittwater 21 DCP and the draft Pittwater Local Environmental Plan and other relevant Council policies.

While the construction and subdivision of dual occupancy development is no longer permitted in the locality, the subject dual occupancy development was constructed with consent under a former planning regime, and Clause 21F of Pittwater LEP 1993 makes provision for the subdivision of such dual occupancies. Despite the non-compliance with Council's current minimum lot sizes, the SEPP 1 objection is considered to be well founded and the proposal is considered to be acceptable and consistent with the controls, outcomes and variations for development within the zone and locality as discussed within this report. As such the proposal is recommended for consent.

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## **RECOMMENDATION OF DEVELOPMENT OFFICER/PLANNER**

That Council as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 grant consent to Development Application N0044/14 for the subdivision of the existing dual occupancy development at 3 Cooks Road, Mona Vale subject to the conditions of consent.

Report prepared by

Gina Hay  
**EXECUTIVE PLANNER**

Date: 23 July 2014

# DRAFT

**CONSENT NO: N0044/14  
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)  
NOTICE TO APPLICANT OF DETERMINATION  
OF A DEVELOPMENT APPLICATION**

Applicant's Name and Address:  
Adam Clerke Surveyors Pty Ltd  
PO BOX 175  
Newport  
2106

Being the applicant in respect of Development Application No N0044/14

Pursuant to section 80(1) of the Act, notice is hereby given of the determination by Pittwater Council, as the consent authority, of Development Application No **N0044/14** for:

**Subdivision of an existing detached dual occupancy**

At: **3 COOK TERRACE, MONA VALE NSW 2103 (Lot 39 DP 16692)**

**Decision:**

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

**Plan ref 19393 drawn by Adam Clerke Surveyors and dated 24/1/14**

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

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

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

Mark Ferguson  
GENERAL MANAGER  
Per:



# DRAFT

## Conditions of Approval

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

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

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

1. All utility services including overhead power supply and communication cables to service the lots to be created are to be placed underground within the proposed reserve within the developed land and within the lots created within the subdivision.

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

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

1. No works are to be carried out in Council's Road Reserve without the written approval of the Council.

### **F. Matters to be satisfied prior to the issue of Subdivision Certificate:**

1. A contribution of \$9,000 is to be made to Cashier Code SOPS, pursuant to Section 94 of the *Environmental Planning and Assessment Act, 1979* (as amended), for Embellishment of Open Space, Bushland and Recreation in accordance with Section 94 Contributions Plan No. 2. The Contributions Plan may be inspected at Pittwater Council, No 1 Park Street, Mona Vale. The Section 94 contribution is to be paid prior to issue of the Subdivision Certificate.

Where rates payable under Section 94 Contributions Plan No 2 are reviewed and varied, the applicant is to pay the contribution rate as specified in the plan as it exists at the time of contribution.

2. A contribution of \$ 2,000 is to be made to Cashier Code SLEL pursuant to Section 94 of the *Environmental Planning and Assessment Act, 1979* (as amended), for Public Library Services in accordance with Section 94 Contributions Plan No.3. The Contributions Plan may be inspected at Pittwater Council, No 1 Park Street, Mona Vale. The Section 94 contribution is to be paid prior to issue of the Subdivision Certificate.
3. A contribution of \$ 3,500 is to be made to Cashier Code SCSF pursuant to Section 94 of the *Environmental Planning and Assessment Act, 1979* (as amended), for Community Service Facilities in accordance with Section 94 Contributions Plan No. 18. The Contributions Plan may be inspected at Pittwater Council, No 1 Park Street, Mona Vale. The Section 94 contribution is to be paid prior to issue of the Subdivision Certificate.
4. A contribution of \$5,000 is to be made to Cashier Code SVSS, pursuant to Section 94 of the *Environmental Planning and Assessment Act, 1979* (as amended), for improved Village Streetscapes in accordance with Section 94 Contributions Plan No. 19. The Contributions Plan may be inspected at Pittwater Council, No 1 Park Street, Mona Vale. The Section 94 contribution is to be paid prior to issue of the Subdivision Certificate.

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Where rates payable under Section 94 Contributions Plan No 19 are reviewed and varied, the applicant is to pay the contribution rate as specified in the plan as it exists at the time of contribution.

5. The applicant is to lodge an application for a Subdivision Certificate with Council or an accredited certifier. The Subdivision Certificate is to be obtained prior to lodgement of the plans with the Land Titles Office.

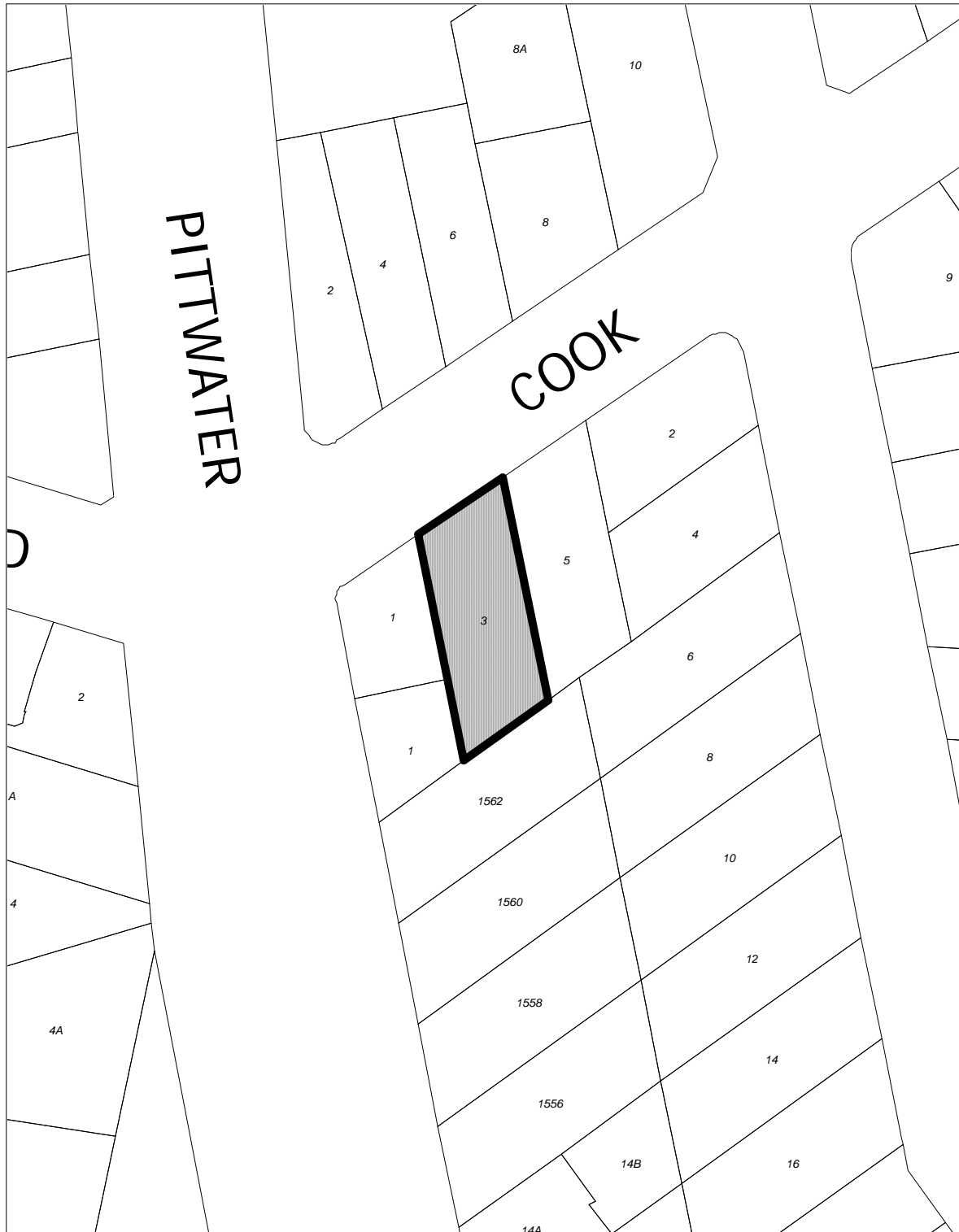
Note: In the case of Strata Subdivision Plans the Subdivision Certificate may also be issued by an accredited certifier.

6. A plan showing details of the location of separate water, sewerage, electricity and telephone services to each lot is to be submitted to the Principal Certifying Authority, with the Subdivision Certificate application.
7. Appropriate easements are to be created where service lines or drainage lines pass through private property other than the lot which they benefit. This can be advised through the registration of the Plan of Subdivision.

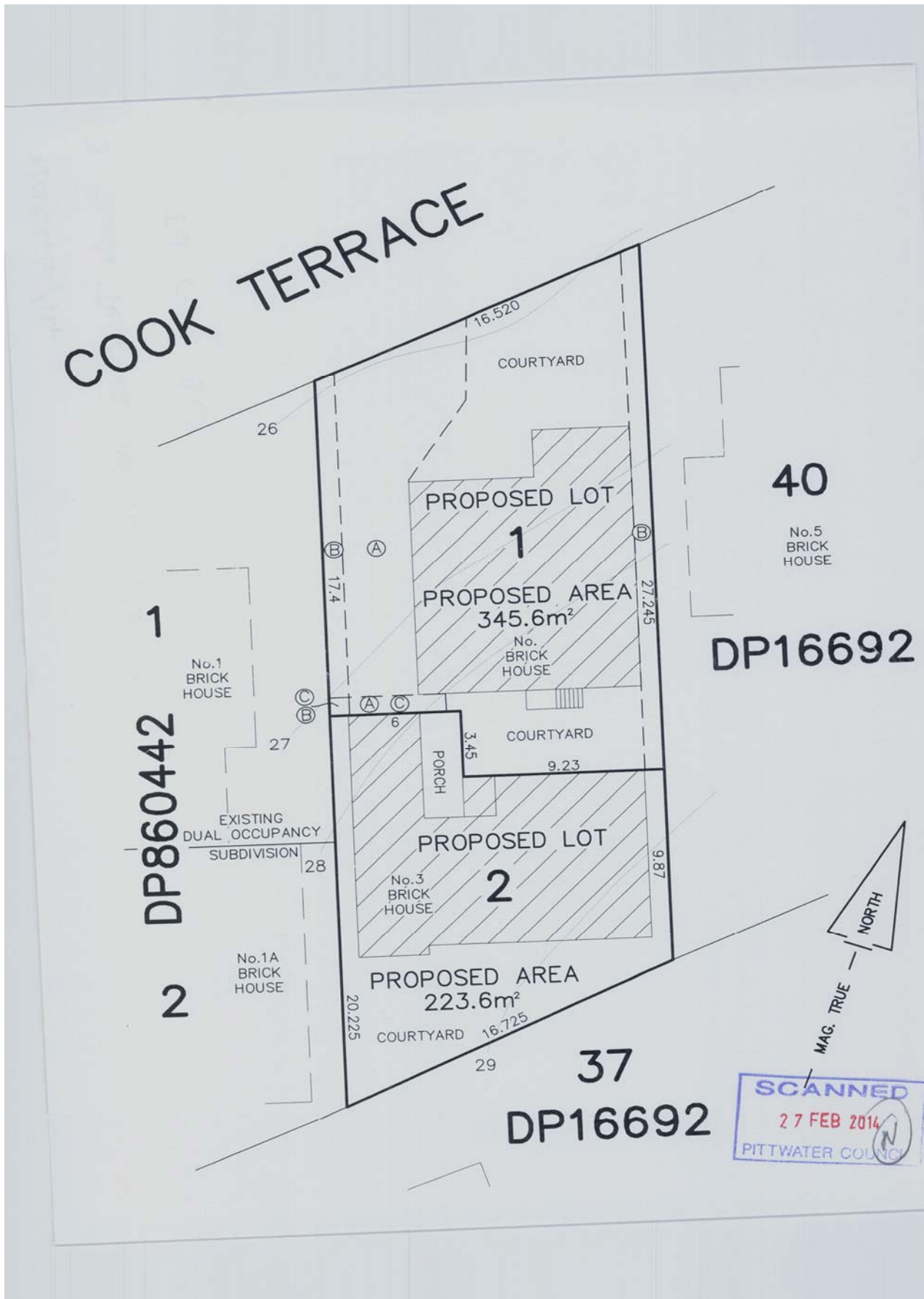
## G. Advice:

1. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act, 1979* (as amended) and/or the conditions of this Development Consent may result in the serving of penalty notices (on-the-spot fines) under the summary offences provisions of the above legislation or legal action through the Land and Environment Court, again pursuant to the above legislation.
2. In accordance with Section 95(1) of the Act, this consent will lapse if the development, the subject of this consent, is not physically commenced within 5 years after the date from which this consent operates.
3. To ascertain the date upon which the determination becomes effective and operates, refer to Section 83 of the *Environmental Planning and Assessment Act, 1979* (as amended).
4. Should any of the determination not be acceptable, you are entitled to request reconsideration under Section 82A of the *Environmental Planning and Assessment Act, 1979*. Such request to Council must be made in writing, together with appropriate fees as advised at the time of lodgement of such request, within 1 year from the date of determination.
5. If you are dissatisfied with this decision, Section 97 of the *Environmental Planning and Assessment Act, 1979*, gives you a right of appeal to the Land and Environment Court within 6 months of the date of endorsement of this Consent.

# LOCALITY MAP



# NOTIFICATION PLANS



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**Council Meeting**

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

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

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