



# Agenda

## Council Meeting

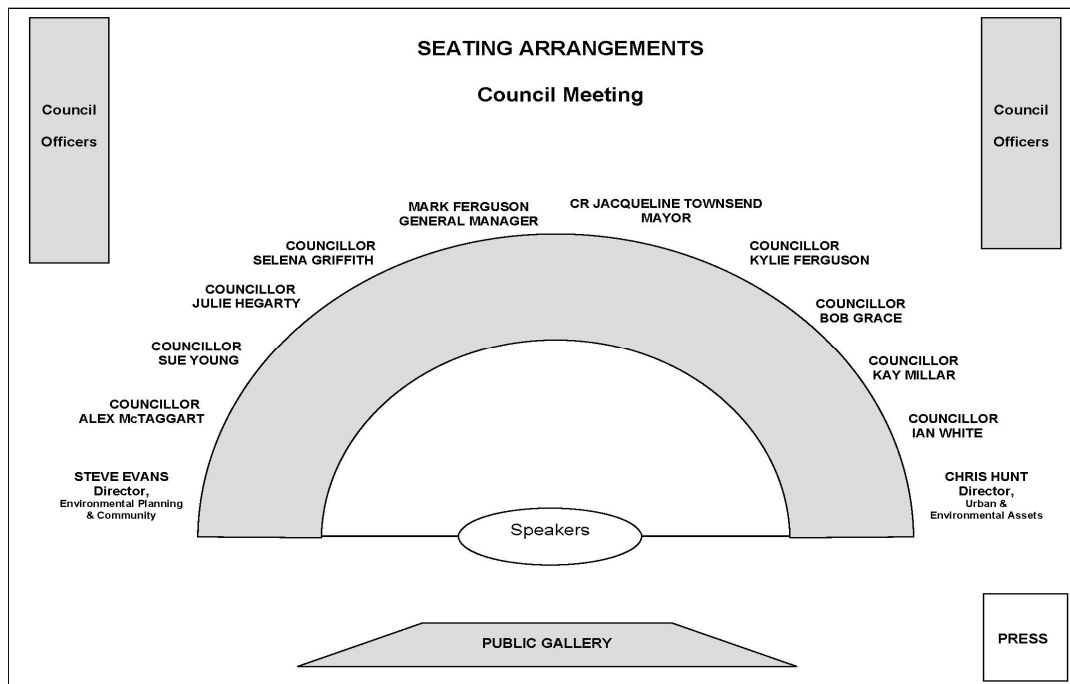
Notice is hereby given that a Council Meeting of Pittwater Council will be held at Mona Vale Memorial Hall on

***4 May 2015***

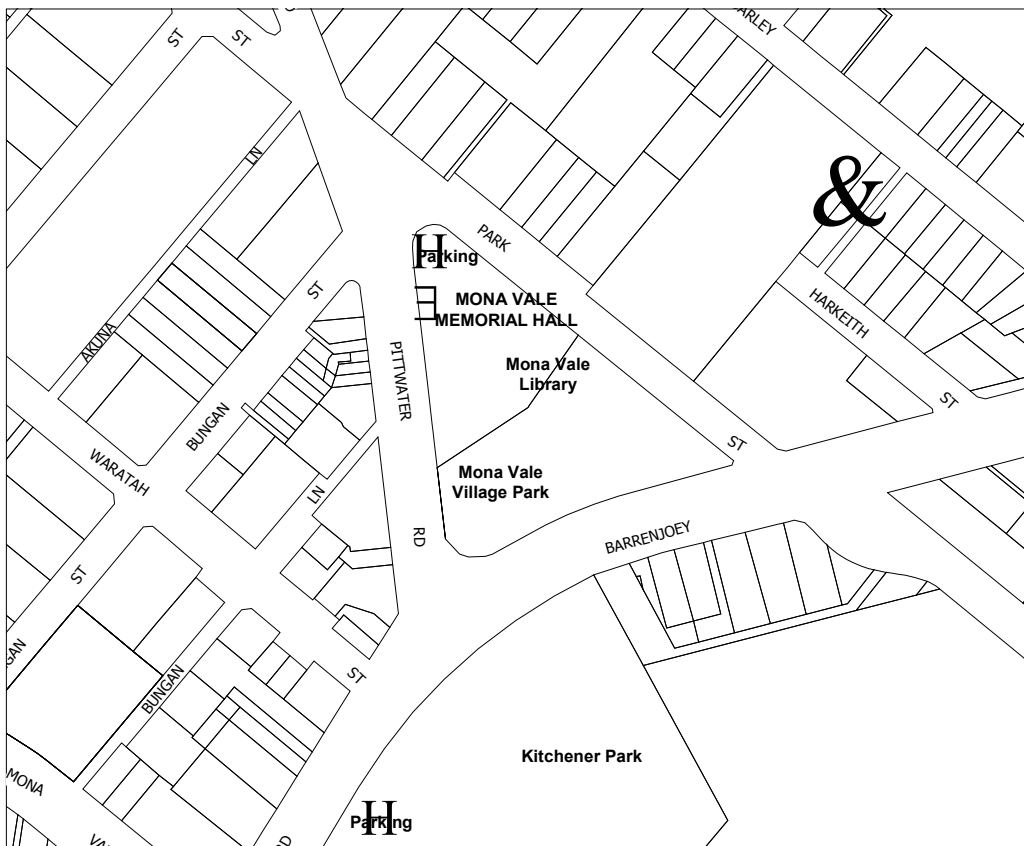
Commencing at 6.30pm for the purpose of considering the items included on the Agenda.

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)(c) 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
C9.1	Tender T03/14SHOROC - Provision of Minor Capital Works	10

Mark Ferguson  
**GENERAL MANAGER**



# Council Meeting

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**Appendix 1 – Confidential Advice**

**CONFIDENTIAL CLAUSE**

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

- (c) Information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting business or proposes to conduct business.

**Confidential Tender T03/14SHOROC - Provision of  
Minor Capital Works**

**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 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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### 2.0 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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### 3.0 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 20 April 2015.

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### 4.0 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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## **5.0 Councillor Questions with Notice**

Nil.

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## **6.0 Mayoral Minutes**

Nil.

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## **7.0 Business by Exception**

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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## **8.0 Council Meeting Business**

Nil.

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## **Connecting Communities Committee**

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## **9.0 Connecting Communities Committee Business**

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## **C9.1 Tender T03/14SHOROC - Provision of Minor Capital Works**

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**Meeting:** Connecting Communities Committee

**Date:** 4 May 2015

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### **COMMUNITY STRATEGIC PLAN STRATEGY:**

**Construction and maintenance of road infrastructure assets**

### **COMMUNITY STRATEGIC PLAN OBJECTIVE:**

SHOROC Tender T03/14 Provision of Minor Capital Works was conducted to renew the previous tender T31112SHOROC which had expired 31 December, 2014.

The provision of services as tendered will greatly benefit Pittwater Council in the construction of new urban infrastructure as well as maintaining those existing on the mainland, Scotland Island and the Western Foreshores.

These structures include:

- Traffic calming devices
- Footpaths and shared cycle ways
- Kerb and guttering
- Drainage structures (pits, pipes, easements, creeks)
- Soil stability and bank stabilisation
- Utility Restorations
- Road pavement
- Bridge building
- Streetscape works

### **DELIVERY PROGRAM ACTION:**

Servicing the Delivery Program and allocated budgets for 2015-2019 Capital Improvement Projects.

## **1.0 EXECUTIVE SUMMARY**

### **SUMMARY**

The need for this tender is primarily due to the expiration of the previously established regional contract for Minor Capital Works.

Participating Councils in this Tender include:

- Pittwater Council
- Mosman Municipal Council
- Manly Council
- Hornsby Council

This Tender will continue the success of the existing contract and complement the day labour workforce of the four participating councils.

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## **2.0 RECOMMENDATION**

*That the Recommendation contained in the Confidential Tender Assessment for T03/14 – Provision of Minor Capital Works contained within the Confidential Section of this Agenda, be adopted.*

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### **3.0 BACKGROUND**

#### **3.1 PURPOSE**

SHOROC, on behalf of Pittwater, Mosman, Manly and Hornsby Councils prepared a Request for Tender T03/14SHOROC – Provision of Minor Capital Works. Twenty-three (23) submissions were received from the following companies (in alphabetical order):

1. AJ Paving
2. Antouns Construction Pty Ltd
3. AAA Traffic Control Pty Ltd
4. Anzellotti Control Pty Ltd
5. Civil Works NSW Pty Ltd
6. Dialtone Traffic Control
7. Evolution Civil Maintenance
8. Foster Civil Contracting
9. Kelbon
10. Lloyd Drilling Constructions Pty Ltd
11. MacDonald Contracting Australia Pty Ltd
12. Mack Civil Pty Ltd
13. Northern Fencing Specialists Pty Ltd
14. Ozpave (Aust) Pty Ltd
15. Performance Concrete Pty Ltd
16. Retaining Specialists Pty Ltd
17. RFE Traffic Control
18. Roadworx
19. Sam The Paving Man Pty Ltd
20. SRS Roads Pty Ltd
21. Stateline Asphalt Pty Ltd
22. TGB & Son Pty Ltd
23. The Australian Grinding Company

#### **3.2 BACKGROUND**

Council has an ongoing need to manage items of infrastructure as they age, break and decay. In light of this, a tender to cover a range of concrete and asphalt works as well as landscaping and traffic controls was required to cover Council for ongoing maintenance and repair.

#### **3.3 POLICY IMPLICATIONS**

Council Policy - No. 193: Road Reserve and Streetscape Management Policy.

#### **3.4 RELATED LEGISLATION**

There are no legislative requirements that have prompted this report.

#### **3.5 FINANCIAL ISSUES**

##### **3.5.1. Budget**

A budget of approximately \$4 million annually is available, consisting of CIP and Maintenance budgets funded from Councils own funding sources and external grants, such as Roads to Recovery Program, Roads and Maritime Services (RMS), Regional Road Block Grants and Financial Assistance Grants (FAG).

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

The tender will provide a broad range of Civil Service Contractors at competitive pricing, further supplementing Council's own day labour workforce.

## **4.0 KEY ISSUES**

### **Tender process and assessment**

The tender process was conducted via an open invitation to the general public. Tenders were called in accordance with Section 55 of the Local Government Act and Clauses 168 and 177 of the Local Government Regulation. Tender documentation included the Conditions of Tender, the Specification, Schedules, General Conditions of Contract and Special Conditions of Contract.

Assessment of the Tenders was conducted by the Tender Evaluation Panel, and the findings and recommendations are contained within in the Confidential section of this agenda (**Appendix 1**).

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## **5.0 ATTACHMENTS / TABLED DOCUMENTS**

Confidential Tender Evaluation Report including Attachment 1 Evaluation Scoresheet and Attachment 2 Pricing

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## **6.0 SUSTAINABILITY ASSESSMENT**

### **6.1 GOVERNANCE & RISK**

#### **6.1.1 Community Engagement**

##### **Prior and during construction**

Prior notification of major works are conveyed via:

- Manly Daily Publication
- Direct notice to all Emergency Services as well as bus companies and Chambers of Commerce.
- Formal letterbox drops to residents immediately affected by the works.
- Variable Messaging Signage boards (VMS) on site 7 days prior to works.
- Council website and online notice boards by council Media Team.

##### **During Construction**

Direct engagement with the public/residents immediately affected are conducted on site and in some instances reinforced with letterbox drops explaining of progression and change to conditions of works.

#### **6.1.2 Risk Management**

During construction works the following risks will be managed by each individual contractor awarded on the panel:

- access to businesses/residential
- health & safety of the public from noise, dust, and traffic disruptions
- wet weather days may extend the construction period
- pedestrian & traffic control

The Risks associated with the works, including Work, Health and Safety, and all legal compliances are to be managed by the successful contractor selected for the individual works. Insurances including public liability, workers compensation and any other required insurances and will be monitored by Council's project coordinator throughout the term of the contract.



## 6.2 ENVIRONMENT

### 6.2.1 Environmental Impact

Specific Site Assessments are to be conducted by contractors responsible for individual projects awarded.

The following factors are considered as a minimum on typical projects:

- Soil stability & sediment control
- Waste management and hazardous materials controls
- Noise and dust suppression
- Public and worker health & safety

### 6.2.2 Mitigation Measures

Every project shall be assessed individually. Immediate and potential environmental impacts are taken into account and controlled. A Part 5 may be submitted for projects where potential environmental impacts are recognised, these are typically incorporated into the investigative and design process.

Where appropriate, selected contractors will be encouraged to use recycled products and whenever possible, reuse materials available from Council's Recycling Facility.

## 6.3 SOCIAL

### 6.3.1 Address Community Need & Aspirations

All CIP's benefit both the local and broader community, addressing the needs of Pittwater as well as visitors to our local area.

### 6.3.2 Strengthening local community

The construction and maintenance of road infrastructure assets will only:

- Improve drainage to problem areas
- Provide safer roads and traffic calming
- Provide safer pedestrian access and cycle ways
- Improve our local road infrastructure to anticipate and accommodate a growing community

## 6.4 ECONOMIC

### 6.4.1 Economic Development

Safer roads and improved community assets will serve a physical and visual attraction to Pittwater Council area as a place to live, visit and recreate.

Report prepared by  
James Phan, Senior Engineer – Works – Urban Infrastructure

Paul Reid  
**MANAGER, URBAN INFRASTRUCTURE**

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## **Natural Environment Committee**

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### **10.0 Natural Environment Committee Business**

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<b>C10.1</b>	<b>N0426/14 - 8 Paradise Avenue Avalon Beach - Alterations and additions to the dwelling</b>
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**Meeting:** Natural Environment Committee

**Date:** 4 May 2015

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

**COMMUNITY STRATEGIC PLAN OBJECTIVE:**

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

**DELIVERY PROGRAM ACTION:**

- Provide an effective development assessment and determination process
- 

## **1.0 EXECUTIVE SUMMARY**

### **1.1 SUMMARY**

The Development Unit at its meeting held on the 26 March 2015 considered the Assessing Officers report (refer **Attachment 1**) for determination of N0426/14 - 8 Paradise Avenue Avalon Beach - alterations and additions to the dwelling.

- 1.2 It is a policy requirement of the NSW Department of Planning that applications involving a State Environmental 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. The actual height variation recommended for approval of 9.67M is 13.8% greater than the standard. In addition the development has an encroachment into the foreshore area which exceeds the development standard by 22.5%. Notes in relation to these variations are contained within Section 8.0 (Discussion of Issues) of the Assessing Officer's report.
  - 1.3 Neither the applicant nor any objector were present at the meeting however the Development Unit considered the issues raised in the Assessing Officer's report and supported the officer's recommendation for approval subject to the conditions contained in the draft consent.
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## **2.0 RECOMMENDATION**

*That Council as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 grant consent to Development Application N0426/14 for alterations and additions to the dwelling at 8 Paradise Avenue Avalon Beach NSW 2107 subject to the draft conditions of consent attached.*

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## **3.0 BACKGROUND**

### **3.1 PURPOSE**

To seek endorsement of the Development Unit's recommendation following consideration of Development Application N0426/14 for alterations and additions to the dwelling at 8 Paradise Avenue Avalon Beach NSW 2107.

### 3.2 BACKGROUND

The Development Unit at its meeting held on the 26 March 2015 considered the Development Officer's report (refer **Attachment 1**) for determination of Development Application N0426/14 for alterations and additions to the dwelling at 8 Paradise Avenue Avalon Beach NSW 2107.

Despite the height and foreshore encroachment variations the Development Unit considered that the merits of the application warranted support of the Assessing Officer's recommendation for approval.

### 3.3 POLICY IMPLICATIONS

The NSW Department of Planning requires that applications involving a State Environmental 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.

### 3.4 RELATED LEGISLATION

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

### 3.5 FINANCIAL ISSUES

#### 3.5.1 Budget

No Implications unless Council's decision is challenged in the Land and Environment Court

#### 3.5.2 Resources Implications

No implications

### 4.0 KEY ISSUES

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

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### 5.0 ATTACHMENTS / TABLED DOCUMENTS

**Attachment 1** – Assessing Officer's report to the Development Unit meeting of the 26 March 2015

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### 6.0 SUSTAINABILITY ASSESSMENT

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

Report prepared by

Warwick Lawrence

**MANAGER, ADMINISTRATION & GOVERNANCE**

**SUBJECT: N0426/14 - 8 Paradise Avenue Avalon Beach - Alterations and additions to the dwelling**

**Meeting:** Development Unit

**Date:** 26 March 2015

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**SUMMARY OF RECOMMENDATION**

**Consent with Conditions**

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<b>REPORT PREPARED BY:</b>	<b>Michael Doyle</b>
<b>APPLICATION SUBMITTED ON:</b>	<b>25/11/2014</b>
<b>APPLICATION SUBMITTED BY:</b>	<b>STEWART DESIGN PTY LTD</b>
<b>OWNER(S):</b>	<b>TIMOTHY E PRESCOTT FRANCES T GEORGESON</b>

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**RECOMMENDATION OF DEVELOPMENT OFFICER / PLANNER**

That Council as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 grant consent to Development Application N0426/14 for alterations and additions to the dwelling at 8 PARADISE AVENUE AVALON BEACH NSW 2107 subject to the draft conditions of consent attached.

Report prepared by

Michael Doyle  
**PLANNER**

Andrew Pigott  
**MANAGER, PLANNING & ASSESSMENT**

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**SUBJECT: N0426/14 - 8 PARADISE AVENUE, AVALON BEACH NSW 2107 Alterations and additions to the dwelling**

**Determination Level:**

**Development Unit**

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**SUMMARY OF RECOMMENDATION:**

**CONSENT WITH CONDITIONS**

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**REPORT PREPARED BY:**

Michael Doyle

**APPLICATION SUBMITTED ON:**

25 November 2014

**APPLICATION SUBMITTED BY:**

STEWART DESIGN PTY LTD  
SUITE 17 PRINCES MARINA  
16 PRINCES STREET  
NEWPORT NSW 2106

**OWNER(S):**

MR TIMOTHY EDWARD PRESCOTT  
MS FRANCES THERESE GEORGESON

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## **1.0 SITE DETAILS**

Development Application N0426/14 is for 8 Paradise Avenue, Avalon which is Lot 46A in Deposited Plan 336 037. The site is on Paradise Ave's western side and, from a shared driveway, falls below street level and behind 6 Paradise Ave. The site becomes long and has a total site area of approximately 1,073m<sup>2</sup>.

- Between the front property line (the beginning of the driveway at the street) and rear property line (here considered as the mean high water mark), there is an approximate fall of 30m, equating to an average 29.5% slope.
- Over the existing and proposed building footprint, there is a 4.32m fall, equating to a 26.5% slope.

However, the application only included an incomplete survey and which used an assumed datum to establish height. In these circumstances, slope across the site cannot be verified.

The site is occupied by a detached carport, hardstand area, three-level dwelling, retaining walls, paved and decked areas, boatshed and jetty. The dwelling across its habitable rooms is only two-stories in any one place. Residential dwellings neighbour the property, and Pittwater Waterway lies behind the rear boundary to the west.

## 2.0 PROPOSAL IN DETAIL

The application seeks consent for alterations and additions to the existing dwelling. The proposed works include

- the internal alteration and reconfiguration of the existing dwelling, and
  - extension of the first floor,
- as detailed below, and are all within the existing dwelling footprint.

The application also proposes the addition of an outdoor deck at lower ground level, as detailed below.

### Roof

1. Partial replacement of existing roof to encompass extension works
2. Addition of tinted glass highlight windows (to complement existing)

### First Floor

1. Demolition of internal walls
2. Extension of current TV and Bedroom 1 westward over current ground floor area
3. Extension of current TV room northward over current ground floor area
4. Internal reconfiguration to provide 4 bedrooms, inclusive of master bedroom
5. Addition of main bathroom
6. Demolition of access bridge to eastern entrance, removal of door and replacement with window

### Ground Floor

1. Update existing entry
2. Replacement of outdoor area balustrade
3. Demolition of internal walls
4. Addition of 2 glazed timber bi-fold doors to western façade
5. Addition of 4 hardwood posts to support first floor extension
6. Internal reconfiguration to provide dining and study areas

### Lower Ground Floor

1. Addition of timber decking to extend westward
2. Internal reconfiguration and addition of fifth bedroom, ensuite, laundry and storage facilities

The proposal aims to retain existing vegetation on site and will maintain current access and parking provisions.

### 03.03.15

On 27.02.15, the applicant submitted additional information including amended plans which

- deleted **First floor** 2. bedroom 4 over current ground floor area, and
- reduced **Lower ground floor** 1. addition of timber decking.

### 3.0 STATUTORY AND POLICY CONSIDERATIONS

Under Pittwater Local Environmental Plan 2014, the site is zoned E4 Environmental Living. Pursuant to the land use table in Part 2 of this instrument, 'dwelling houses' and ancillary development is permissible with consent.

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

- Environmental Planning and Assessment Act, 1979 (the Act)
- Environmental Planning and Assessment Regulation 2000 (the Regulation)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX)
- State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55)
- State Environmental Planning Policy No 71 - Coastal Protection (SEPP 71)
- Pittwater Local Environmental Plan 2014 (PLEP 2014)
  - Acid Sulphate Soils Map - Area 5
  - Additional Permitted Uses Map - Area 23 (applicable to the waterway)
  - Biodiversity Map
  - Foreshore Building Line Map
  - Geotechnical Hazard Map - W Geotechnical Hazard H1
  - Height of Buildings Map - I 8.5m
  - Lot Size Map - Q 700m<sup>2</sup>
  - Pittwater 21 Development Control Plan (P21 DCP)
- Avalon Locality
  - Geotechnical Risk Management Policy for Pittwater
  - Estuarine Risk Management Policy for Development in Pittwater
  - Land within 40m of a waterway
  - Land subject to wave & tidal inundation
  - Land containing or adjoining Pittwater Spotted Gum Forest
  - Land containing areas of Saltmarsh Endangered Ec. Community and other foreshore vegetation other than mangroves
  - Land adjacent to estuarine wetlands, including Saltmarsh, Seagrass & Mangrove EECs, and Foreshore Habitat.

#### Variation to development standards:

1. proposed 0.06m increase, to a total 9.67m, in height (new total of 13.8% over dev. st.)
  2. proposed 1.9m<sup>2</sup> increase, to a total 75.9m<sup>2</sup>, in built upon area in foreshore area (new total of 22.5% over dev. st.)
- For comment, see 8.0 4.6



#### **4.0 BACKGROUND**

The application was notified in accordance with Council's notification policy.

The application was referred to Council's Development Engineer and Natural Resources Officer for comment.

The site was inspected on 09.12.14.

##### **03.03.15**

The assessment was first completed on 09.02.15. Council then requested the applicant submit additional information in the form of

1. amended plans deleting proposed first floor bedroom 4 so as to retain no more than two stories in any one place,
2. amended plans reducing the lower floor deck so as to reduce incursion into the foreshore area,
3. development drawings demonstrating the building envelope,
4. a site survey so as to establish ground level across the building envelope as relative to existing and proposed building height, and
5. a Schedule of Finishes.

The applicant subsequently submitted additional information comprising

1. amended plans reducing the first floor 3.7m extension over current ground floor area by deleting bedroom 4 yet replacing this room with a 1.5m wide balcony,
2. amended plans reducing the lower ground floor addition of timber decking by 0.8m so that the deck does not extend the building footprint more than 0.2m into the foreshore area,
3. *incomplete*
4. a Schedule of Finishes showing the proposed additions shall match the existing building which is finished in dark & earthy tones, and
5. an incomplete site survey although which verifies existing ground level with respect to the existing building.

The additional information would not affect Council's Development Engineer's and Natural Resources Officer's comments and the application was not referred again to Council's Development Engineer and Natural Resources Officer for comment.

The following assessment shall retain the original discussion from 09.02.15 before turning to the amended plans as assessed on 03.03.15.

##### **17.03.15**

The applicant subsequently submitted a Cl. 4.6 statement addressing the proposed lower ground floor deck's incursion into the foreshore area. This statement has been included in the following assessment.

#### **5.0 NOTIFICATION**

Council wrote to the owners of six immediately surrounding properties, as well as 35 Riverview Road, Avalon, to notify them of the proposal. A notification sign was displayed at the property on the street for 14 days. The application was otherwise advertised in accordance with Council's Notification Policy. Council has not received any submissions.

## 6.0 ISSUES

- 4.3 Height of buildings
- 4.6 Exceptions to development standards
- 7.8 Limited development on foreshore area
- B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community
- D1.11 Building envelope

## 7.0 COMPLIANCE TABLE

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

Control	Standard	Proposal	T	O	N
<b>Pittwater Local Environmental Plan 2014</b>					
1.9A Suspension of covenants, agreements and instruments		Site survey incomplete, yet works over ex. b. footprint.	-	-	-
Zone E4 Environmental Living	Zone objectives protect areas' aesthetic values and include residential development to a scale integrated with the landform and landscape.	For proposed dwelling integration with landform comment, see 4.3	Y	Y	Y
4.3 Height of buildings		For comment, see 8.0 4.3	N	Y	Y
4.6 Exceptions to development standards		1. proposed 0.06m increase, to a total 9.67m, in height (new total of 13.8% over dev. st.) 2. proposed 1.9m <sup>2</sup> increase, to a total 75.9m <sup>2</sup> , in built upon area in foreshore area (new total of 22.5% over dev. st.) For comment, see 8.0 4.6	Y	Y	Y
5.5 Development within the coastal zone			Y	Y	Y
5.10 Heritage conservation			-	-	-
7.1 Acid sulfate soils	(Considered by Council's Nat. Res. Officer.)	Acid Sulphate Region 5.	Y	Y	Y
7.2 Earthworks		LG floor, underhouse store not earthworks.	-	-	-
7.6 Biodiversity protection			Y	Y	Y
7.7 Geotechnical hazards			Y	Y	Y
7.8 Limited development on foreshore area		For comment, see 8.0 7.8	N	Y	Y
7.10 Essential services			Y	Y	Y
<b>Pittwater 21 Development Control Plan 2014</b>					
3.1 Submission of a Development Application and payment of appropriate fee			Y	Y	Y
3.2 Submission of a Statement of Environmental Effects		SEE did not address all relevant DCP provisions.	N	Y	Y

Control	Standard	Proposal	T	O	N
3.3 Submission of supporting documentation - Site Plan / Survey Plan / Development Drawings	1. Survey plan 2. Finishes Sch. 1. Possible variation - Works <25m <sup>2</sup>	<b>03.03.15</b> 1. Site survey incomplete, yet works over ex. b. footprint. 2. Finishes Sch..	N	Y	Y
3.4 Notification			Y	Y	Y
3.5 Building Code of Australia			Y	Y	Y
3.6 State Environment Planning Policies (SEPPs) and Sydney Regional Environmental Policies (SREPs)	SEPPs 71 and BASIX.		Y	Y	Y
4.1 Integrated Development: Water Supply, Water Use and Water Activity			-	-	-
4.2 Integrated Development: Rivers, Streams and Foreshores			-	-	-
4.3 Integrated Development: Fisheries Management			-	-	-
4.6 Integrated Development: Aboriginal Places of Heritage Significance and Aboriginal Objects			-	-	-
5.3 Referral to NSW Office of Environment and Heritage			-	-	-
A1.7 Considerations before consent is granted			Y	Y	Y
A4.1 Avalon Beach Locality		<b>03.03.15</b> For comment, see 4.3	Y	Y	Y
B1.3 Heritage Conservation - General			-	-	-
B1.4 Aboriginal Heritage Significance	(Considered by Council's Nat. Res. Officer.)	No apparent issues.	Y	Y	Y
B3.1 Landslip Hazard	(Considered by Council's Dev. Engineer.)		Y	Y	Y
B3.6 Contaminated Land and Potentially Contaminated Land			-	-	-
B3.7 Estuarine Hazard - Low density residential	(Considered by Council's Dev. Engineer.)		Y	Y	Y
B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community	(Considered by Council's Nat. Res. Officer.)	For comment, see 8.0 B4.7	Y	Y	Y
B4.19 Estuarine Habitat	(Considered by Council's Nat. Res. Officer.)	For comment see B4.7	Y	Y	Y
B5.2 Wastewater Disposal			Y	Y	Y
B5.3 Greywater Reuse			-	-	-
B5.11 Stormwater Discharge into Waterways and Coastal Areas			Y	Y	Y
B8.2 Construction and Demolition - Erosion and Sediment Management	(Considered by Council's Dev. Engineer.)		Y	Y	Y
B8.5 Construction and Demolition - Works in the Public Domain	(Considered by Council's Dev. Engineer.)		Y	Y	Y

Control	Standard	Proposal	T	O	N
C1.1 Landscaping	(Considered by Council's Nat. Res. Officer.)	For comment see B4.7	Y	Y	Y
C1.2 Safety and Security			Y	Y	Y
C1.3 View Sharing			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
C1.9 Adaptable Housing and Accessibility	Variation - Single dwelling		Y	Y	Y
C1.12 Waste and Recycling Facilities			Y	Y	Y
C1.13 Pollution Control			Y	Y	Y
C1.14 Separately Accessible Structures			-	-	-
C1.19 Incline Passenger Lifts and Stairways			-	-	-
C1.23 Eaves	All elevations - 450mm eaves	Northern elevation eaves approx. 300mm, however <ul style="list-style-type: none"> <li>existing dark colours lead to house in character with area, and</li> <li>BASIX Cert. obtained.</li> </ul>	N	Y	Y
C1.24 Public Road Reserve - Landscaping and Infrastructure			-	-	-
C1.25 Plant, Equipment Boxes and Lift Over-Run			-	-	-
D1.1 Character as viewed from a public place			Y	Y	Y
D1.5 Building colours and materials		<b>03.03.15</b>	Y	Y	Y
D1.8 Front building line			Y	Y	Y
D1.9 Side and rear building line	Advisory Notes - FBL applies for rear setback. See FBL clause	For comment, see 7.8	-	Y	Y
D1.11 Building envelope		For comment, see 8.0 D1.11	Y	Y	Y
D1.14 Landscaped Area - Environmentally Sensitive Land	Landscaped area - 60%	No site survey provided. L'scaped area cannot be established. Notwithstanding this, proposed lower ground floor deck extends built footprint only 9.4m <sup>2</sup> , or 0.9% of site area.	N	Y	Y
D1.16 Fences - Flora and Fauna Conservation Areas			-	-	-
D1.17 Construction, Retaining walls, terracing and undercroft areas			Y	Y	Y
D1.20 Scenic Protection Category One Areas		No screen planting between waterway and ex./proposed dw., however sufficient ex. l'scaping.	Y	Y	Y
D15.11 Waterfront lighting			-	-	-
D15.12 Development seaward of mean high water mark			-	-	-

Control	Standard	Proposal	T	O	N
<b>State Environmental Planning Policies and other</b>					
SEPP (Building Sustainability Index: BASIX) 2004			Y	Y	Y

## 8.0 DISCUSSION OF ISSUES

### • 4.3 Height of buildings

PLEP 2014 E4 - Environmental Living zone objectives include to protect an areas' aesthetic values and to ensure residential development is to a scale which integrates with the landform and landscape.

PLEP 2014 Clause 4.3 Height objectives include

- (a) to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,
- (b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development... and
- (e) to encourage buildings that are designed to respond sensitively to the natural topography.

PLEP 2014 also identifies the site's maximum building height is limited to 8.5m, although a building's maximum permissible building height may increase

- where the building is over significant slope, the height 'exceedence' is minor and all this clause's objectives are met, or
- under the powers of PLEP 2014 clause 4.6.

PDCP A4.1 Avalon Locality describes the area's desired character as made up of dwelling houses which are a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape.

The application proposes to the extend the existing building's top (first) floor above the middle (ground) and bottom (lower ground) floors. The application's Statement of Environmental Effects describes 'the works do not increase the height of the current building over the existing roof line, but the numeric height increases due to the slope of the land'.

The SEE describes that the proposed building will become 12m high, yet the proposed top floor is not considered to meet either the E4 zone or cl. 4.3 objectives. Proposed bedroom 4 leads to the building becoming three-stories in a single place and reduces the existing building's stepped appearance.

So as to restore the existing building's stepped appearance from the water to an acceptable level, the application should be amended deleting proposed bedroom 4 and the adjacent deck. The master bedroom and bedroom 3 western wall should form the building's top floor external wall, however I will accept a balcony no more than 1m wide after this wall.

The amended development drawings should also be accompanied by a site survey. At present, the development drawings show the existing and proposed roof line as RL10.6, however the SEE describes that the proposed building will become 12m high. The discrepancy is unclear. Additionally, in the absence of a site survey, site slope cannot be properly considered in whether to grant a building height variation. Variation to the maximum 8.5m building height can be considered further after the proposed building height (between the proposed roof line and existing ground level) is properly established.

New justification for the proposed building height exceedence can be drawn from the application's SEE but should be made in a Cl. 4.6 Statement and should refer to the new drawings. Additional information is sought.

### 03.03.15

The applicant submitted amended plans reducing the first floor 3.7m extension over current ground floor area by deleting bedroom 4 yet replacing this room with a 1.5m wide balcony. The applicant also submitted an incomplete site survey although which verifies existing ground level with respect to the existing building.

Between the plans and survey, the first floor extension is calculated to increase building height 0.06m to a total 9.67m.

Over the existing and proposed building footprint, there is a 4.32m fall, equating to a 26.5% slope. Where slope across the building footprint is less than 30%, the 9.67m height represents a variation to the 8.5m height development standard of 13.8% and the applicant must make a Cl. 4.6 statement.

For comment, see Cl. 4.6

- **4.6 Exceptions to development standards**

#### Clause 4.3 Height of buildings

##### **1. Development standard to be varied**

PLEP Part 4 Principal development standards Cl. 4.3 Height of Buildings states:

(1) The objectives of this clause are as follows:

- (a) to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,
  - (b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,
  - (c) to minimise any overshadowing of neighbouring properties,
  - (d) to allow for the reasonable sharing of views,
  - (e) to encourage buildings that are designed to respond sensitively to the natural topography,
  - (f) to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.
- (2D) Despite subclause (2), development on land that has a maximum building height of 8.5 metres shown for that land on the Height of Buildings Map may exceed a height of 8.5 metres, but not be more than 10.0 metres if:
- (a) the consent authority is satisfied that the portion of the building above the maximum height shown for that land on the Height of Buildings Map is minor, and
  - (b) the objectives of this clause are achieved, and
  - (c) the building footprint is situated on a slope that is in excess of 16.7 degrees (that is, 30%), and
  - (d) the buildings are sited and designed to take into account the slope of the land to minimise the need for cut and fill by designs that allow the building to step down the slope.

The first floor extension is calculated to increase building height 0.06m to a total 9.67m.

Over the existing and proposed building footprint, there is a 4.32m fall, equating to a 26.5% slope. Where slope across the building footprint is less than 30%, the 9.67m height represents a variation to the 8.5m height development standard of 13.8% and make a Cl. 4.6 statement and assessment necessary.

##### **2. Means to vary the development standard**

PLEP Part 4 Principal development standards Cl. 4.6 states:

(1) The objectives of this clause are as follows:

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

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

1. that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

2. that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider:

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone...

(8) This clause does not allow development consent to be granted for development that would contravene any of the following:

(a) a development standard for complying development,

(b) a development standard that arises... in connection with... State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004...

(c) clause 5.4.

### 3. The applicant's Cl. 4.6 statement

The applicant made a written request in the application's Statement of Environmental Effects and additional information covering letter justifying the height development standard contravention. The application described that

- The building height is entirely consistent with the height of the adjoining dwelling to the north and is positioned to the south so it does not overshadow. The dwelling to the south is located to the top of the lot and is not impacted,
- No views are impacted,
- The height exceedance is due to the slope of the land dropping away directly under the building together with extension of the existing roof line, and
- The proposal remains consistent with and promotes the objectives of the zone, and there are no negative impacts as a result of the non-compliance.

### 4. Cl. 4.6 assessment

The applicant has submitted amended plans reducing the first floor 3.7m extension over current ground floor area by deleting bedroom 4 yet replacing this room with a 1.5m wide balcony. The height standard non-compliance is existing and deleting bedroom 4 has reduced further non-compliance to only 0.06m. Deleting bedroom 4 has also restored the building's stepped appearance, in line with the slope, and which is no more than two stories in any one place. The slope over the building footprint is also recognised to be 26.5%, almost the required 30% figure for variation, and the proposed roof still sits below the existing canopy of surrounding trees. The proposed roof neither affects any views nor overshadow other properties.

The application is considered to sufficiently demonstrate

1. that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
2. that there are sufficient environmental planning grounds to justify contravening the development standard.

The proposed works are consistent with both the development standard and the zone objectives. The cl. 4.6 application is considered to be well-founded and is supported.

**Clause 7.8 Limited development on the foreshore area**

**1. Development standard to be varied**

PLEP Part 7 Additional local provisions Cl. 7.8 Limited development on the foreshore area states:

(1) The objectives of this clause are as follows:

- (a) to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area,
- (b) to ensure continuous public access along the foreshore area and to the waterway.

(2) Development consent must not be granted for development on land in the foreshore area except for the following purposes:

- (a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,
- (b) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).

(3) Development consent must not be granted under this clause unless the consent authority is satisfied that:

- (a) the development will contribute to achieving the objectives for the zone in which the land is located, and
- (b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and
- (c) the development will not cause environmental harm such as:
  - (i) pollution or siltation of the waterway, or
  - (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, or
  - (iii) an adverse effect on drainage patterns, or
  - (iv) the removal or disturbance of remnant riparian vegetation, and
- (d) the development will not cause congestion or generate conflict between people using open space areas or the waterway, and
- (e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and
- (f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and
- (g) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and
- (h) sea level rise, coastal erosion and recession, or change of flooding patterns as a result of climate change have been considered.



(4) In deciding whether to grant consent for development in the foreshore area, the consent authority must consider whether and to what extent the development would encourage the following:

- (a) continuous public access to and along the foreshore through or adjacent to the proposed development,
- (b) public access to link with existing or proposed open space,
- (c) public access to be secured by appropriate covenants, agreements or other instruments registered on the title to the land,
- (d) public access to be located above mean high water mark,
- (e) the reinforcing of the foreshore character and respect for existing environmental conditions.

The lower ground floor deck is calculated to increase built upon area in the foreshore area by 1.9m<sup>2</sup> (i.e. 0.6% of foreshore area). This contributes to a total 75.9m<sup>2</sup> (i.e. 22.5%) built upon area in the foreshore area and makes a Cl. 4.6 statement and assessment necessary.

#### **2. Means to vary the development standard**

PLEP Part 4 Principal development standards Cl. 4.6 enables the applicant to apply for, and a consent authority to grant, exception to a development standard.

#### **3. The applicant's Cl. 4.6 statement**

The applicant made a written request in an additional information letter justifying the foreshore building area development standard contravention. The statement described that:

- The existing dwelling was constructed before any LEP control was placed over the site in relation to foreshore setback zones, and that part of the dwelling was constructed within what is now the foreshore setback area,
- The variation sought is approximately 250mm beyond the existing building line and is to allow the minimum for an outward opening door,
- No works are required at ground level. The deck is cantilevered off the existing structure and well away from the water, and does not affect public access to the foreshore,
- There are no overlooking or view loss issues, and
- Amenity will not alter as the proposed deck is entirely consistent with the current design and character of the building. There are no negative impacts as a result of the non-compliance.

#### **4. Cl. 4.6 assessment**

The applicant has submitted amended plans which reduced the lower ground floor addition of timber decking by 0.8m, making the decking only extending out from under the middle floor deck (and thereby increasing the building footprint in the foreshore area) by approximately 0.2m for the width of the existing house. The proposed built upon area in the foreshore area is calculated to increase 1.9m<sup>2</sup> (i.e. 0.6% of foreshore area) and, although contributing to a total 75.9m<sup>2</sup> (i.e. 22.5%) built upon area in the foreshore area, the subject application only proposes a minor increase and the total development would have no unreasonable impact on foreshore or neighbours' amenity. The proposed deck is well away from the water, does not reduce public foreshore access and shall be hardly discernible when viewed from the water.

The application is considered to sufficiently demonstrate

1. that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
2. that there are sufficient environmental planning grounds to justify contravening the development standard.

The proposed works are consistent with both the development standard and the zone objectives. The cl. 4.6 application is considered to be well-founded and is supported.

- **7.8 Limited development on foreshore area**

Development consent must not be granted for development on land in the foreshore area except where an existing building's levels, depth or other exceptional features make alteration or extension wholly or partly in the foreshore area appropriate.

The application proposes a new deck on the lower ground floor. This deck extends between 1.8m and 2.8m from the existing building and appears wholly seaward of the foreshore building line. The SEE did not adequately justify the proposed deck.

So as to reduce incursion into the foreshore area, the proposed lower ground deck should be reduced so that it does not extend further seaward than the existing upper ground floor deck. The amended application should also justify the subsequent design in a separate Cl. 4.6 Statement. Additional information is sought.

**03.03.15**

The applicant submitted amended plans which reduced the lower ground floor addition of timber decking by 0.8m, making the decking only extending out from under the middle floor deck (and thereby increasing the building footprint in the foreshore area) by 0.2m.

The foreshore area is calculated to be approximately 336.8m<sup>2</sup>. The existing built upon area (excluding stairs/paths) in the foreshore area is calculated to be approximately 74.0m<sup>2</sup>. The proposed built upon area in the foreshore area is calculated to increase 1.9m<sup>2</sup> (i.e. 0.6% of foreshore area), making a total 75.9m<sup>2</sup> (i.e. 22.5%) built upon area in the foreshore area.

The existing building, on its middle (ground) floor, includes a large deck from the living areas and facing Pittwater Waterway. There are no building levels, depth or other exceptional site features which justify further incursion of building footprint into the foreshore area. A Cl. 4.6 statement is required.

For comment, see Cl. 4.6

- **B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community**

Council's Natural Resources Officer commented:

*The property contains a modified landscape which slopes down to Pittwater estuary and contains numerous native canopy trees.*

*The proposed works include internal alterations, partial new roof, new decking and floor extensions. The majority of the works are within the existing building footprint and do not require the removal of any existing trees or vegetation. There should be no negligible impacts to existing vegetation provided appropriate tree protection methods are adopted.*

*There are no further natural resource issues.*

- **D1.11 Building envelope**

Buildings must be sited within an envelope measured, at the side boundaries,

- from ground level,
- rising 3.5m, and
- at a 45 degree angle.

Variations include where there is significant slope across the building footprint and for a second storey where the existing dwelling is retained.

The amended development drawings should include, on the proposed western elevation, the building envelope. Additional information is sought.

### **03.03.15**

The applicant submitted an incomplete site survey although which verifies existing ground level with respect to the existing building.

The existing building, on its southern side, is calculated to extend outside the building envelope by 3.15m. The proposed building, on this southern side, is calculated to extend outside the building envelope by a further 1m, or 4.15m in total.

The application retains the existing dwelling. There is no neighbour immediately to the south and, as such, no overshadowing or privacy impacts. Variation can be made.

## **9.0 CONCLUSION**

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

The proposal is consistent with the relevant statutory and policy controls and outcomes. The impacts of the alterations and additions to the existing dwelling, including first floor extension and lower ground floor deck, to the natural environment, local area, public domain, neighbouring properties and the property itself are acceptable subject to the recommended conditions. The proposed building height and further incursion into the foreshore area do not have unreasonable impacts on the water or neighbouring properties. The building retains a stepped form in line with slope of the land and works are largely over the existing building footprint.

The application 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 Development Application N0426/14 for the alterations and additions to the existing dwelling at 8 Paradise Avenue, Avalon subject to the conditions of consent.

Report prepared by

Michael Doyle  
**PLANNER**

Date: 18 March 2015

# DRAFT

**CONSENT NO: N0426/14  
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)  
NOTICE TO APPLICANT OF DETERMINATION  
OF A DEVELOPMENT APPLICATION**

Applicant's Name and Address:  
STEWART DESIGN PTY LTD  
SUITE 17 PRINCES MARINA  
16 PRINCES STREET  
NEWPORT NSW 2106

Being the applicant in respect of Development Application No N0426/14

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 **N0426/14** for:

**Alterations and additions to the dwelling**

**At: 8 PARADISE AVENUE, AVALON BEACH NSW 2107 (Lot 46A DP 336037)**

**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: Dwg. no. 0001-0015, Job no. TF 146, Prepared by Stewart Design, Dated 15.02.2015.**
- **BASIX certificate: Cert. no. A 190 447, Prepared by Stewart Design Pty Ltd, Dated 04.03.2015.**
- **Geotechnical Assessment: Ref. no. 14 077 / GK / 1 Rev. 0, Prepared by GDK Keighran Geotechnics, Dated 24.10.2014.**
- **Schedule of finishes: Colour and Material Specifications for No.8 Paradise Avenue Avalon, prepared by Stewart Design, Dated 26.02.2005.**

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

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

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

Mark Ferguson  
GENERAL MANAGER  
Per:

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## Conditions of Approval

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

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

### A. Prescribed Conditions:

1. All works are to be carried out in accordance with the requirements of the Building Code of Australia.
2. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
3. A sign must be erected in a prominent position onsite only showing:
  - a) the name, address and telephone number of the Principal Certifying Authority for the work, and
  - b) the name of the principal contractor or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
  - c) that unauthorised entry to the work site is prohibited.The sign must 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.
4. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - a) in the case of work for which a principal contractor is required to be appointed:
    - i) The name and licence number of the principal contractor, and
    - ii) The name of the insurer by which the work is insured under Part 6 of that Act.
  - b) in the case of work to be done by an owner-builder:
    - i) The name of the owner-builder, and
    - ii) If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
  - c) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under a or b above becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information
5. 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.

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6. 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.
7. Any building work in relation to the development consent is to be carried out in accordance with the requirements of the Building Code of Australia.

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

1. 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.
2. If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Aboriginal Heritage Office (AHO) and Office of Environment and Heritage (OEH) are to be notified.
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.
9. No building materials or other materials are to be placed on foreshore / seagrass or other native vegetation. Sediment is not leave the site or enter areas of seagrass or its habitat.
10. As part of an integrated on-site stormwater management system, stormwater is to be discharged into the adjacent waterway with erosion minimisation facilities installed.

# DRAFT

11. In accordance with Pittwater Councils DCP Control B4.22 Protection of Trees and Bushland Vegetation, all existing trees as indicated in the Survey Plan and/or approved Landscape Plan shall be retained except where Council's prior written consent has been obtained, for trees that stand within the envelope of approved development areas and removal is approved through an arborist report. For all other tree issues not related to a development application, applications must be made to Council's Tree Management Officers.
12. All plumbing, electrical wiring and drainage fixtures are to be concealed and not exposed to public view.
13. Materials and colour schemes are to be in accordance with the samples submitted and approved by Council with the application.

## **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 person having the benefit of this consent is required to notify the Principal Certifying Authority to ensure that the following critical stage inspections are undertaken, as required under clause 162A(4) of the Environmental Planning and Assessment Regulation 2000:
  - a) after excavation for, and prior to the placement of, any footings, and
  - b) prior to pouring any in-situ reinforced concrete building element, and
  - c) prior to covering of the framework for any floor, wall, roof or other building element, and
  - d) prior to covering waterproofing in any wet areas, and
  - e) prior to covering any stormwater drainage connections, and
  - f) after building work has been completed and prior to any occupation certificate being issued in relation to the building.

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

3. Construction works approved by this consent must not commence until:
  - a) Construction Certificate has been issued by a Principal Certifying Authority
  - b) a Principal Certifying Authority has been appointed and Council has been notified in writing of the appointment, and
  - c) at least 2 days notice, in writing has been given to Council of the intention to commence work.
4. In accordance with section 34 of the Building and Construction Industry Long Service Payments Act 1986, the applicant must pay a long service levy at the prescribed rate of 0.0035 of the total cost of the work to either the Long Service Payment Corporation or Council for any work costing \$25,000 or more.

# DRAFT

5. A Certificate from 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, certifying the adequacy of the existing structure to support the additional loading is to be submitted to the Accredited Certifier or Council.
6. Plans and details demonstrating that the commitments identified in the BASIX Certificate that apply to the construction certificate plans and specifications are fulfilled.
7. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier.
8. Drainage plans including specification and details showing the site stormwater management are to be submitted to the Principal Certifying Authority. The drainage plans must be designed and implemented in accordance with the requirements of section 3.1.2 Drainage of the Building Code of Australia Housing Provision and AS/NZS 3500.3.2 - Stormwater Drainage
9. External glazing must be of low glare and reflectivity. The reflectivity index (expressed as a percentage of the reflected light falling upon any surface) of all external glazing is to have a maximum reflectivity index of 25%. Written confirmation of the reflectivity index of the material is to be submitted with the Construction Certificate. (Note: the reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement. This is to ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development)

Roofing materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and textures must be provided to the Certifying Authority.

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

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

1. 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.

2. 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.



# DRAFT

- 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.

- 3. A stamped copy of the approved plans is to be kept on the site at all times, during construction.
- 4. The following facilities must be provided on the site:
  - a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
  - b) a garbage receptacle for food scrapes and papers, with a tight fitting lid.

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.
- 5. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
- 6. 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.
- 7. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
- 8. Personnel with appropriate training, or demonstrated knowledge and experience in erosion and sediment control shall be responsible for supervising the installation and maintenance of approved erosion and sediment control measures – during and after construction and until the site has been restored to the satisfaction of council.
- 9. No works are to be carried out in Council's Road Reserve without the written approval of the Council.  
Note: Separate approval is required for access driveways, paths, connections to underground services (stormwater, gas, sewer, electricity, etc.), and landscaping works within Council's Road Reserve.
- 10. No skip bins or materials are to be stored on Council's Road Reserve.
- 11. 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 prior application and approval of a Road Opening Permit from 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.

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- 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.
12. No storage of building materials or building waste, excavated fill or topsoil storage is to occur within the dripline of trees shown on the approved landscape working drawing(s) as being retained or within protective fenced areas.
- Drainage is to be arranged such that fill, building materials or contaminants are not washed into protective fenced areas.
13. All works within 5 metres of the existing trees to be retained including pruning, demolition, excavation, civil works, fencing and the like must be carried out by hand. Should roots larger than 50mm be encountered all excavation works are to cease immediately and a qualified Arborist is to advise on the impacts of the roots removal on the tree's survival and report to the Principal Certifying Authority prior to works recommencing. If tree roots are present a pier and beam method of footing construction is to be adopted so as to bridge/span any identified lateral roots.
14. Demolition works must be carried out in compliance with *WorkCovers 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 to 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.  
Adjoining property owners are to be given at least seven (7) days notice in writing of the intention to disturb and remove asbestos from the development site.

## **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.

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3. Certification is to be provided that the commitments identified in the BASIX Certificate have been fulfilled.
4. Prior to issue of the Occupation Certificate, Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier.
5. The stormwater drainage system must be constructed and completed in accordance with the approved design and relevant Australian Standards.

A plan showing pipe locations and diameters of the stormwater drainage system, together with certification by a Licensed Plumber or qualified practicing Civil Engineer that the drainage system has been constructed in accordance with the approved design and relevant Australian Standards must be provided.

6. Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained and provided to the Private Certifying Authority with the Occupation Certificate application.

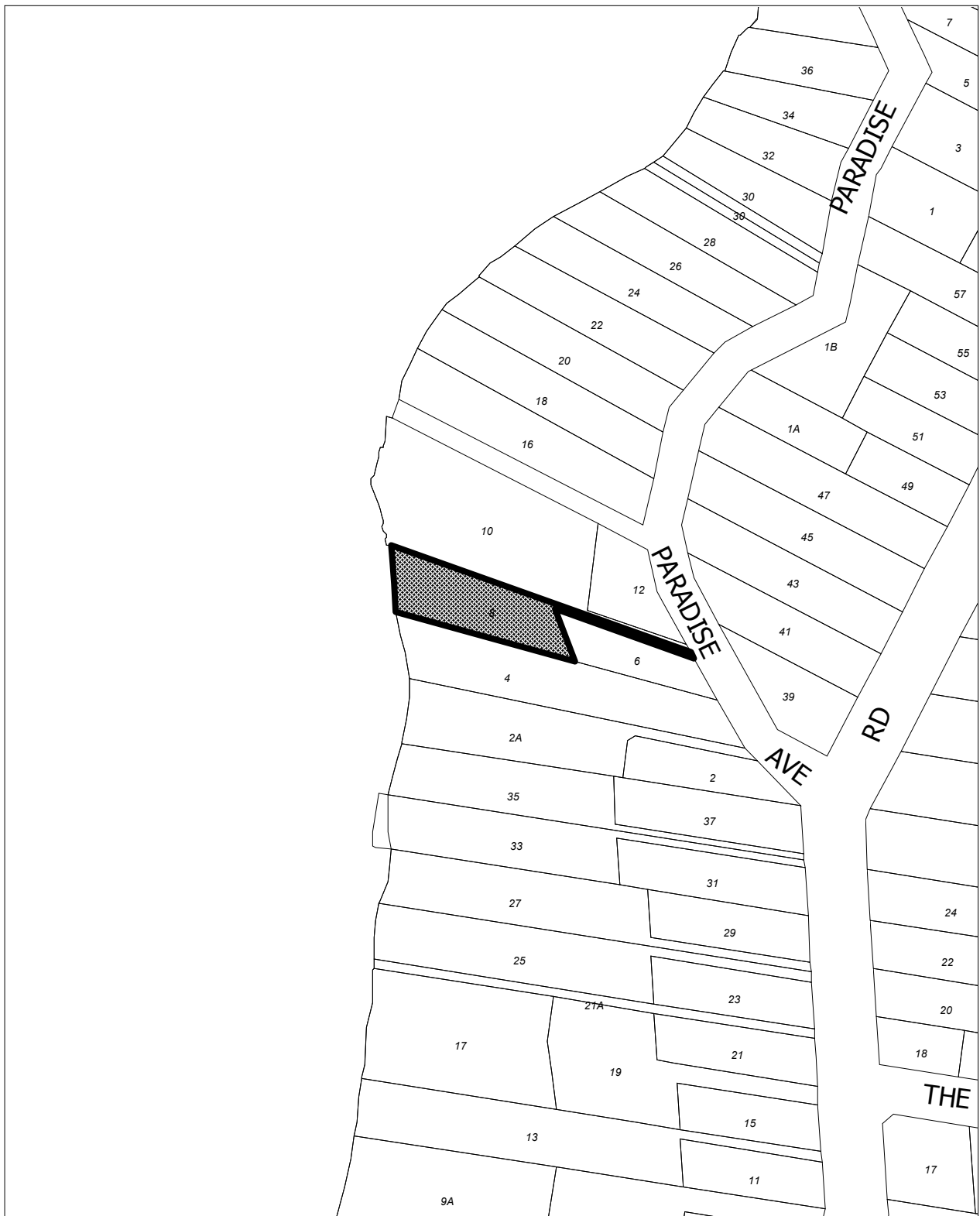
## G. Advice:

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

# DRAFT

9. 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*.
10. Pittwater Spotted Gum Forest Endangered Ecological Community as listed on Schedule 1 of the NSW Threatened Species Act 1995, or its habitat has been recorded on this property. Under the TSC Act it is an offence to harm Endangered Ecological Communities, Endangered Populations or Threatened Species. No unapproved site disturbance or other activities shall be carried out on the property which adversely impacts on threatened species or EEC's.

## LOCALITY MAP



## NOTIFICATION PLANS





Architectural elevation drawing of a building facade. The drawing includes the following annotations and callouts:

- RL 10.60**: Elevation marker on the left side.
- RL 9.0**: Elevation marker on the left side.
- RL 6.60**: Elevation marker on the left side.
- RL 3.80**: Elevation marker on the left side.
- Annotations:**
  - New roof to match existing roof
  - New half round guttering to be selected
  - Remove existing door and replace with new windows to match existing
  - New custom made timber windows to match existing
  - Proposed update to existing ground floor entry
  - Power Box

### East Elevation

STEWARTDESIGN

Architectural | Interior | Industrial | Graphic

Suite 17 Princes Marina  
16 Princes Street Newport  
Newport, Wales NP23 5BA  
P: 01690 5524  
F: 01690 5524  
E: solutions@stewarddesign.info

Client

Tim & Frances Prescott

Project

8 Paradise Avenue - House Alterations

Eng date

Proposed Changes To Elevation

Design by

David Stewart

Drawn by

Jack Lin

☒ Concept

☐ Quote

☐ Prototype

☐ Construction

All dimensions in millimetres unless otherwise stated.  
Written dimensions take precedence over scale.

Do not scale from drawing

15/02/2015

Scale

1:50

(A3)

Job No.

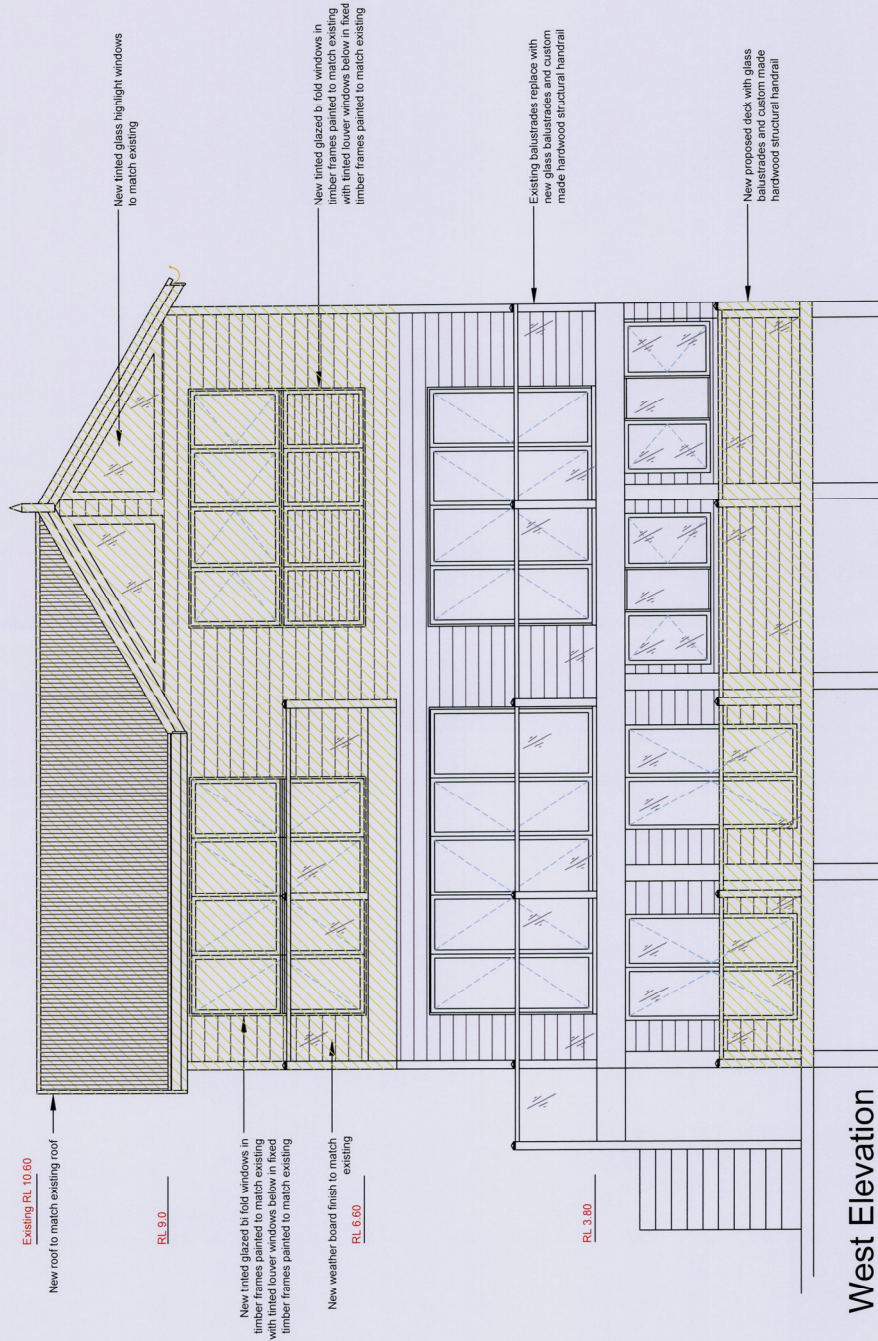
TF143

Eng no.

0012



NOTE: All work shall comply with the Building Code of Australia



<b>STEWARTDESIGN</b> Architectural   Interior   Industrial   Graphic	Client <b>Tim &amp; Frances Prescott</b>	Last Modified <b>15/02/2015</b>
	Project <b>8 Paradise Avenue - House Alterations</b>	Scale <b>1:50 (A3)</b>
	Dwg file <b>Proposed Changes To Elevation</b>	Job No <b>TF146</b>
	Dwg title <b>8 Paradise Avenue-V16.dwg</b>	Dwg no <b>0013</b>
Design by <b>David Stewart</b> Drawn by <b>Jack Lin</b>		
Do not scale from drawing All dimensions in millimeters unless otherwise stated Within dimensions that precede the word scale		
o STEWARTDESIGN		



NOTE: All the Building

North Elevation

North Elevation



South Elevation

<div>STEWARTDESIGN</div> <div>Architectural   Interior   Industrial   Graphic</div>	Suite 17 Princes Marina 16 Princes Street Newport NSW 2106 Australia P-61 2 9999 8514 F-61 2 9999 5524 E:solutions@stewartdesign.info		Client	Tim & Frances Prescott	<input checked="" type="checkbox"/> Concept	<input type="checkbox"/> Quote	<input type="checkbox"/> Prototype	<input type="checkbox"/> Construction	Last Modified
	Project		8 Paradise Avenue - House Alterations	All dimensions in millimetres unless otherwise stated. Written dimensions take precedence over notes.					Scale
	Dwg file		Proposed Changes To Elevation	Do not scale from drawing					Job No
	Designed by		David Stewart	Drawn by					Jack Lin
	Dwg no		0014	TF 145					1:100 (A3)

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<b>C10.2</b>	<b>Fire and Rescue NSW - Statutory Reporting of Fire Safety Investigations</b>
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**Meeting:** Natural Environment Committee

**Date:** 4 May 2015

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

**COMMUNITY STRATEGIC PLAN OBJECTIVE:** To protect environmentally sensitive areas and support the quality of beach, bush and water

**DELIVERY PROGRAM ACTION:** Manage Construction Certificate, Principal Certifying Authority process, building site service and management of inspection and Orders process

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## **1.0 EXECUTIVE SUMMARY**

### **1.1 SUMMARY**

Environmental Planning and Assessment Act, 1979 (the 'Act') requires Fire and Rescue NSW (FRNSW) to provide a report to Council on any adverse findings that have been identified after their investigation of a complaint from a member of the public. The inspections undertaken by FRNSW officers are a statutory obligation under the Act and are carried out without the prior knowledge of Council.

On receipt of a report from FRNSW, Council has a statutory obligation under the Act to report the matter to Council and carry out a further inspection of the particular building to determine if Council will issue a Notice of Proposed Order No.6 Fire Safety matters, under Section 121B of the Act.

FRNSW have forwarded two (2) Inspection Reports with recommendations to Council. The subject reports relate to:

- a complaint about the level of fire safety provided in the multi-unit housing development located at 60-62 Park Street Mona Vale (**Attachment 1**)
- a complaint about the level of fire safety provided in the Avalon Surf Life Saving Club building located at 558A Barrenjoey Road, Avalon Beach (**Attachment 3**)

Council's Building Surveyor has undertaken an inspection of each property which has confirmed the adverse findings in the FRNSW reports. As a result, Council has issued the owner of 60-62 Park Street Mona Vale (**Attachment 2**) and the owner of Avalon Surf Life Saving Club (**Attachment 4**) with a Notice of Proposed Order No. 6 under Section 121B of the Act.

FRNSW will be formally advised of the action taken and have been provided with a copy of each Notice of Proposed Order No. 6 that has been issued to owner of each building.

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## 2.0 RECOMMENDATION

1. *That Council note the FRNSW Inspection Reports dated 19 February 2015 and 27 February 2015*
  2. *That Council note the response to the FRNSW Inspection Reports, with the issue of a Notice of Proposed Order No. 6 under the provisions of the Environmental Planning and Assessment Act 1979 to the owners of 60-62 Park Street, Mona Vale and Avalon Surf Life Saving Club.*
  3. *That Council advise the Commissioner of FRNSW of the action taken.*
- 

## 3.0 BACKGROUND

In previous instances, FRNSW have elected to issue Orders directly to the building owners as opposed to forwarding an Inspection Report with recommendations to Council. FRNSW have revised their operation in dealing with investigation of complaints and are now electing to bring the matters to the attention of the relevant Council for inspection and initiation of Notice/Orders process under the Act.

### 3.1 PURPOSE

To satisfy the statutory requirement for Council to note the contents of the FRNSW inspection reports and recommendations and to demonstrate the subsequent action taken by Council in response by issuing Notices of Proposed Order No.6, under Section 121B of the Act, to the building owners.

### 3.2 BACKGROUND

#### **60-62 Park Street Mona Vale**

Council has received an Inspection Report and recommendations from FRNSW concerning the inadequate level of fire safety provided in the building at 60-62 Park Street Mona Vale (**Attachment 1**).

Council's Building Surveyor has carried out an inspection of the building in the presence of the Chairman of the Body Corporate and has determined that the level of fire safety provided in the building is not adequate.

A Notice of Proposed Order No. 6 under Section 121B of the Act has been issued to the building owner to engage a Building Certifier to prepare a report with recommendations to undertake upgrade works to rectify the current situation (**Attachment 3**).

The owner of the property has been in discussions with the original developer. The original developer has contacted Council on behalf of the owner and has advised that a report will be prepared in consultation with the original private certifier and that the report will be submitted to Council.

Current regulatory position is that a final Order No. 6, dated 23 April 2014 has been issued to the building owner in a form that is unchanged from that which was attached to the Notice of Proposed Order.

## **Avalon Surf Life Saving Club building located at 558A Barrenjoey Road, Avalon Beach**

Council has received an Inspection Report and recommendations from FRNSW concerning the inadequate level of fire safety provided in the Avalon Surf Life Saving Club at 558A Barrenjoey Road, Avalon Beach (**Attachment 2**).

Council's Building Surveyor has carried out an inspection of the building in the presence of the building caretaker and has determined that the level of fire safety provided in the building is not adequate.

The matter was discussed in detail with staff from Council's Commercial Property and Projects Business Unit on 4 March 2015. It is usual practise in such matters for Council to require the building owner to engage their own Building Certifier to prepare a report, although to minimise duplication and expenditure, Council's Building Surveyor undertook a comprehensive inspection of the building. As a result, a Notice of Proposed Order No. 6 under Section 121B of the Act was subsequently issued to the building owner (Council) to undertake specific upgrade works to rectify the current situation (**Attachment 4**).

Current regulatory position is that a final Order No. 6, dated 23 April 2014 has been issued to the building owner (Council) in a form that is unchanged from that which was attached to the Notice of Proposed Order.

The Director, Urban and Environmental Assets advises that works are proceeding to ensure compliance with the requirements of the final Order No. 6, dated 23 April 2014 as follows:

### *Stage 1*

*1a - Completed*

*1b - Completed*

*1c - A 2 week notice will be given for the Caretaker to cease residing at the Surf Club*

### *Stage2*

*2a - In progress*

*2b - Will be completed as part of fit out for restaurant*

*2c - Installation underway*

*2d - As part of fitout*

*2e - Architect advising on solution*

*2f – Completed, architect to certify*

*2g - Completed*

*2h - Ordered and awaiting delivery*

*2i - Completed*

*2j - Completed*

*2k - Completed*

*2l - Completed*

*2m - Certified by professional installer*

*3. Will be provided once all of the above completed*

*4. Waiting on the above.*

## **3.3 POLICY IMPLICATIONS**

Nil implication

### 3.4 RELATED LEGISLATION

Where FRNSW responds to a complaint and carries out an inspection of a building under Section 118L of the Act, the Commissioner of FRNSW is required to provide an Inspection Report and any recommendations to Council.

Where Council is in receipt of an Inspection Report from FRNSW, Section 121ZD of the Act requires the Council to:

- table the FRNSW Inspection Report at the next meeting of the Council,
- determine whether it will exercise its powers to give an Order No. 6 or 8 in the Table to section 121B of the Act;
- and subsequently advise the Commissioner of FRNSW of the action taken.

### 3.5 FINANCIAL ISSUES

#### 3.5.1 Budget

The cost of the rectification works to the Avalon Surf Life Saving Club building is being met by Council's General Reserve.

#### 3.5.2 Resources Implications

The required rectifications to the Avalon Surf Life Saving Club building will be carried out by a combination of 'in-house' and contract resources.

### 4.0 KEY ISSUES

- The level of fire safety provided in the building at 60-62 Park Street Mona Vale and the Avalon Surf Life Saving Club has been identified as being inadequate by officers of FRNSW and subsequently by Council's Building Surveyor.
- A Notice of Proposed Order No. 6 under the Act has been issued to the owner of each building to implement an upgrade process to ensure compliance.

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### 5.0 ATTACHMENTS / TABLED DOCUMENTS

**Attachment 1** – FRNSW Inspection Report dated 19 February 2015

**Attachment 2** – FRNSW Inspection Report dated 27 February 2015

**Attachment 3** – Council issued Notice of Proposed Order No. 6 dated 11 March 2015

**Attachment 4** – Council issued Notice of Proposed Order No. 6 dated 11 March 2015

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### 6.0 SUSTAINABILITY ASSESSMENT

#### 6.1 GOVERNANCE & RISK

##### 6.1.1 Community Engagement

The inspection of the private building by Council's Building Surveyor was undertaken in the presence of the Chairman of the Body Corporate for the development and he was made aware of Council's concerns at the time of the inspection. The Chairman of the Body Corporate confirmed that he was also present during the previous inspection by officers of FRNSW. The Strata Manager has also been advised of the issues.

### **6.1.2 Risk Management**

The buildings have been inspected by Council's Building Surveyor who has identified that the level of fire safety is not adequate to ensure the safety of persons in the event of a fire. Appropriate action has been taken with the issue of relevant Notice/Orders to make the buildings safe.

## **6.2 ENVIRONMENT**

### **6.2.1 Environmental Impact**

Nil.

### **6.2.2 Mitigation Measures**

The required rectifications to the Avalon Surf Life Saving Club building are included in the Council's Order and are being actioned in accordance with the specified timeframes, with a number of items already completed.

## **6.3 SOCIAL**

### **6.3.1 Address Community Need & Aspirations**

The level of fire and life safety provided to the occupants of the building at 60-62 Park Street Mona Vale and the Avalon Surf Life Saving Club is currently not adequate. Having identified the risk, a process of upgrading has been commenced with Council's issue of Notice/Orders No. 6 under the Act to the respective building owners.

### **6.3.2 Strengthening local community**

The Avalon Beach Surf Life Saving Club building provides an important venue for a range of community activities, which in turn provides another important community hub for Pittwater.

## **6.4 ECONOMIC**

### **6.4.1 Economic Development**

Not applicable

Report prepared by:

Darren Greenow  
Principal Development Compliance Officer

Jeff Lofts  
**MANAGER, ENVIRONMENTAL COMPLIANCE**





File Ref. No: BFS15/125 (7483)  
 TRIM Ref. No: D15/13676  
 Contact: Station Officer Paul Scott

19 February 2015

Pittwater Council  
 PO BOX 882  
 MONA VALE NSW 1660

Attn: Manager Compliance/Fire Safety

Email: [pittwater\\_council@pittwater.nsw.gov.au](mailto:pittwater_council@pittwater.nsw.gov.au)

Dear Sir/Madam,

**RE INSPECTION REPORT  
 60-62 PARK STREET MONA VALE**

Correspondence was received by Fire & Rescue NSW (FRNSW), on the 2 February 2015, in relation to the adequacy of the provision for fire safety in or in connection with the above building. The correspondence indicated that:

- The main entrance door of the central block, which incorporates an electronic lock, was broken and was unable to be opened.

An inspection of the above mentioned premises was conducted by FRNSW Officers of the Fire Safety Compliance Unit, in accordance with the provisions of Section 118L (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), on 18 February 2015.

The following details are provided for your information, in accordance with the provisions of Section 118L (4) and Section 121ZD (1) of the EP&A Act.

**COMMENTS**

The Infinity unit block consists of three blocks of four units, on top of a car park. The locking mechanism and the operation of the door had been repaired prior to FRNSW attendance.

Fire & Rescue NSW

ABN 12 593 473 110

[www.fire.nsw.gov.au](http://www.fire.nsw.gov.au)

Community Safety Directorate  
 Fire Safety Compliance Unit

Locked Bag 12  
 Greenacre NSW 2190

T (02) 9742 7434  
 F (02) 9742 7483

[bfs@fire.nsw.gov.au](mailto:bfs@fire.nsw.gov.au)

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The following items of concern were identified during the FRNSW inspection:

1. Clear space is not provided in front of the fire hydrant valves, in accordance with the requirements of Clause 3.5.1 (c) of Australian Standards (AS) 2419.1–2005 in the following locations;
  - a. At the fire hydrant booster assembly which is obscured by shrubbery; and
  - b. At the attack hydrant on the eastern walkway, due to a fence installed to delineate the garden bed from the pathway.
2. The boost and test pressure signage is installed behind shrubbery with no access, in contravention to the requirements of Clause 7.10 of AS 2419.1–2005;
3. The fire hydrant block plan is located behind shrubbery with no access, in contravention to the requirements of Clause 7.11 of AS 2419.1–2005;
4. Fire Safety Notices have not been installed within multiple exits in accordance with the requirements of Clause 183 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation);
5. Exit signage within the carpark does not clearly direct occupants to the nearest exits, in accordance with the requirements of Clause E4.5, NSW Clause E4.6 and Clause E4.8 of the Building Code of Australia (BCA);
6. Exit signage within the northern block, housing Units 9-12, directs occupants to the carpark and not to the road or an open space, in contravention to the requirements of Clause E4.5 of the BCA.

FRNSW is of the opinion that adequate provision for fire safety has not been made concerning the building.

## RECOMMENDATIONS

FRNSW recommends that:-

- a. Council inspect the premises and require item no. 1 through to item no. 6 of this report, and any other deficiency identified by Council, to be appropriately addressed.

This matter has been referred to Council, as it is considered Council is the Regulatory Authority in relation to this matter.

FRNSW awaits Council's advice regarding its determination in relation to this matter, in accordance with the provisions of Section 121ZD (4) of the EP&A Act.

Fire & Rescue NSW

ABN 12 593 473 110

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Community Safety Directorate  
Fire Safety Compliance Unit

Locked Bag 12  
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Should you have any enquiries regarding any of the above matters, please do not hesitate to contact the Fire Safety Compliance Unit. Please ensure in any future correspondence that you use FRNSW file reference BFS15/125 (7483).

Yours faithfully



John Bruscano  
Building Surveyor  
Fire Safety Compliance Unit

Fire & Rescue NSW

ABN 12 593 473 110

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Community Safety Directorate  
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 PO Box 882  
 Mona Vale NSW 1660  
 DX 9018, Mona Vale

Alison Domenici, Development Compliance Officer  
 8am to 5.30pm Mon-Thurs, 8am to 5pm Fri  
 Phone 9970 1184

11 March 2015

NOT0055/15

OWNERS OF STRATA PLAN 88954  
 Care of: STRATA PLUS  
 PO BOX H181  
 AUSTRALIA SQUARE NSW 1215

#### NOTICE OF PROPOSED ORDER

#### PREMISES: S/P 88954, 60-62 PARK STREET MONA VALE NSW 2103

This is an advice under Section 121H of the Environmental Planning & Assessment Act, 1979 (as amended), that Council intends to serve you with an Order under Section 121B of the Act. A draft copy of that Order is attached for your information.

The proposed Order requires that you comply with the directives set out in Schedule 1, within the times specified.

Pursuant to the provisions of the Act, you (or someone on your behalf) may make representations on the following matters:

1. Why the Order should not be served on you.
2. The terms of the Order.
3. The period for compliance with the Order.

Any representations made by you (or on your behalf) are required to be made in writing quoting reference number NOT0055/15 within 15 working days of date of this letter, marked to the attention of the abovementioned Officer.

Council will consider any representation received before deciding to issue the formal Order.

  
 Darren Greenow  
 PRINCIPAL DEVELOPMENT COMPLIANCE OFFICER

cc Fire and Rescue NSW  
 Locked Bag 12  
 GREENACRE NSW 2190

Cc Terry Ponton, Chairperson Body Corporate of Strata Plan 88954  
 pontonterry@hotmail.com

Email [pittwater\\_council@pittwater.nsw.gov.au](mailto:pittwater_council@pittwater.nsw.gov.au) Web [pittwater.nsw.gov.au](http://pittwater.nsw.gov.au)

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Avalon Customer Service Centre  
 59A Old Barrenjoey Road, Avalon

Support Services  
 Units 11, 12, 13 + 16/5 Vukob Place, Warriewood

Boondah Depot  
 1 Boondah Road, Warriewood



Alison Domenici, Development Compliance Officer  
8am to 5.30pm Mon-Thurs, 8am to 5pm Fri  
Phone 9970 1184

11 March 2015

NOT0055/15

OWNERS OF STRATA PLAN 88954  
Care of: STRATA PLUS  
PO BOX H181  
AUSTRALIA SQUARE NSW 1215

**DRAFT**

**ORDER NO 6 UNDER SECTION 121B  
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (as amended)  
PREMISES: S/P 88954, 60-62 PARK STREET MONA VALE NSW 2103**

Pittwater Council hereby orders you the OWNERS OF STRATA PLAN 88954, being the owners of the subject premises, to comply with the terms set out in Schedule 1 to this Order within the times specified in the schedule below.

The reasons why this Order is given to you are:

Council is in receipt of an Inspection Report from Fire and Rescue NSW dated 19 February 2015 that identified a number of fire safety concerns, following their investigation of a complaint.

An inspection carried out by a Council Officer on 3 March 2015, of common spaces and a sample of residential units of, 60-62 Park Street, Mona Vale, has revealed that provisions for fire safety or fire safety awareness within the building, are not adequate to prevent fire, suppress fire, or prevent the spread of fire to ensure the safety of persons in the event of a fire.

Council has concerns for the safety of any persons that occupy, frequent or pass through the building known as 60-62 Park Street, Mona Vale.

The following general fire safety observations were noted during the inspection, but do not limit the scope of fire safety concerns:

- Residential entry doors and doors required to separate different classifications of use do not close appropriately and/or do not adequately separate the bounding/fire-rated construction which can assist in early and rapid smoke migration and horizontal fire spread throughout the building in the event of a fire.
- That egress in the building was inappropriately identified in some instances, and not identified in others so that it would not assist in the safe evacuation of the occupants in the event of a fire emergency;
- That access to the fire-fighting equipment is obstructed. The obstructions could prevent the fire brigade from finding and using the equipment in the event of a fire emergency;
- That the premises does not have a current fire safety certification for installed fire safety measures. This may suggest that required fire measures are not being maintained to the degree necessary to ensure their reliable performance in the event of a fire;

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Boondah Depot  
1 Boondah Road, Warriewood



**DRAFT**

### Schedule 1

1. Engage the services of an A1 or A2 Accredited Certifier - Building Surveying, whom is accredited by the Building Professionals Board, to carry out a Building Code of Australia (BCA) fire safety audit and prepare an upgrade report for 60-62 Park Street, Mona Vale. Contact for Accredited Certifiers is <http://www.bpb.nsw.gov.au> or telephone 9895 5950.
2. The appointed Accredited Certifier is to carry out an inspection of the building and must specifically undertake an assessment against all deemed-to-satisfy (DTS) clauses within Sections C, D and E of the Building Code of Australia 2014, Volume 1, and Division 7: Miscellaneous fire safety offences of the Environmental Planning and Assessment Regulation 2000.
3. A checklist of these DTS provisions is to be prepared reflecting compliance, non-compliance or not applicable in the circumstances. The fire safety audit (checklist) is to be included in the report.
4. Having regard to the Performance Requirements of Sections C, D and E of the Building Code of Australia 2014 Volume 1, and Division 7: Miscellaneous fire safety offences of the Environmental Planning and Assessment Regulation 2000, the A1 or A2 Accredited Certifier, Building Surveying, is to incorporate the results of the fire safety audit of 60-62 Park Street, Mona Vale, into a **BCA Fire Safety Audit and Upgrade Report**. The Report is to be set out in sections as follows:
  - Scope of Report
  - BCA classification and building characteristics.
  - Audit and compliance checklist against DTS provisions of C, D & E of Building Code of Australia 2014, Volume 1.
  - Division 7: Miscellaneous fire safety offences of the Environmental Planning and Assessment Regulation 2000.
  - Recommendations and strategy to provide a scope of upgrade works so as to provide an adequate provision of fire safety to prevent fire, suppress fire, prevent the spread of fire and ensure or promote the safety of persons in the event of fire\*.
  - A schedule of proposed Essential Fire Safety Measures to be installed in the building, including their Standard of Performance, the version of the Standard of Performance, the relevant clause of the BCA.
  - A summary of recommended fire safety upgrade works to the building, with the intended timeframe for completion.

\*Where a building solution contained within the Building Code of Australia is not applied in the scope of upgrade works to address the non-compliances identified in the audit of 60-62 Park Street, Mona Vale such non-application must be justified.

Any BCA performance based solutions prepared by other stakeholders to address fire safety matters in the premises must be fully reviewed by the Accredited Certifier, accepted, incorporated and annexed into the final **BCA Fire Safety Audit and Upgrade Report**.

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5. The BCA Fire Safety Audit and Upgrade Report must be submitted to Council for its consideration prior to implementation of any proposed works and within sixty (60) days of the date of this Order.

**Failure to comply**

Failure to comply with this Order may result in Council instigating legal action under the provisions of the Environmental Planning and Assessment Act, 1979 (as amended), or the serving of penalty notices (on-the-spot fines) under the provisions of the Environmental Planning & Assessment Act Regulations.

**Right of appeal**

You are advised that you have a right of appeal to the Land and Environment Court against:

1. The Order.
2. A specified part of the Order.

An appeal to the Court must be lodged within twenty eight (28) days of the date of service of this Order.

**DRAFT**

Darren Greenow  
**PRINCIPAL DEVELOPMENT COMPLIANCE OFFICER**

cc Fire and Rescue NSW  
Locked Bag 12  
GREENACRE NSW 2190

Cc Terry Ponton, Chairperson Body Corporate to Strata Plan 88954  
pontonerry@hotmail.com



File Ref. No: BFS15/22 (7271)  
 TRIM Ref. No: D15/14666  
 Contact: Station Officer Paul Scott

27 February 2015

The General Manager  
 Pittwater Council  
 Unit 11, 5 Vuko Place  
 WARRIEWOOD NSW 2102

Attention: Manager Compliance/Fire Safety

Email: [pittwater\\_council@pittwater.nsw.gov.au](mailto:pittwater_council@pittwater.nsw.gov.au)

Dear Sir/Madam,

**RE: INSPECTION REPORT  
 Avalon Surf Life Saving Club  
 558a Barrenjoey Road Avalon**

Correspondence was received by Fire & Rescue NSW (FRNSW), on 9 January 2015, in relation to the adequacy of the provision for fire safety in connection with the above building. The correspondence indicated that:-

- There was insufficient water pressure and flow to the fire hose reels.

An inspection of the abovementioned premises was conducted by Fire & Rescue NSW (FRNSW) Officers of the Fire Safety Compliance Unit, in accordance with the provisions of Section 118L (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), on 13 February 2015.

The following details are provided for your information, in accordance with the provisions of Section 118L (4) and Section 121ZD (1) of the EP&A Act.

#### COMMENTS

At the time of the inspection, the projection of the water stream from the nozzle of the tested hose reel was approximately 8 metres. FRNSW was unable to perform a flow test of the fire hose reel installation, as suitable testing equipment is not available to confirm the adequacy of flow and pressure within the hose reel installation. In this regard, ensure that all essential services are maintained.

Fire & Rescue NSW

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 Fire Safety Compliance Unit

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The following items of concern were also identified during FRNSW's inspection:

1. The egress door installed within the storage room located on the ground floor at the southern end of the pavilion consisted of a keyed lock handle which is contrary to the requirements of Clause D2.21 of the Building Code of Australia (BCA);
2. The fire door providing separation between the boat storage and the path of travel leading from the stairs of level one, has not been provided with a door closer in accordance with Clause C3.11 of the BCA;
3. The exit door that provides egress towards the beach, adjacent to the concrete stairs of level one, does not open in the direction of egress in accordance with Clause D2.20 of the BCA.

FRNSW is of the opinion that adequate provision for fire safety has not been made concerning the building.

### RECOMMENDATIONS

FRNSW recommends that:

- a. Council inspect the premises and require item no. 1 through to item no. 3 of this report, and any other deficiency identified by Council, to be appropriately addressed.

This matter has been referred to Council, as it is considered Council is the Regulatory Authority in relation to this matter.

FRNSW awaits Council's advice regarding its determination in relation to this matter, in accordance with the provisions of Section 121ZD (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact the Fire Safety Compliance Unit. Please ensure in any future correspondence that you use FRNSW file reference BFS15/22 (7271).

Yours faithfully



Edren Ravino  
Building Surveyor  
Fire Safety Compliance Unit

Fire & Rescue NSW

ABN 12 593 473 110

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Community Safety Directorate  
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Alison Domenici, Building Surveyor  
8am to 5.30pm Mon-Thurs, 8am to 5pm Fri  
Phone 9970 1184

ABN61 340317871  
Telephone 02 9970 1111  
Facsimile 02 9970 1200  
Postal Address  
PO Box 882  
Mona Vale NSW 1660  
DX 9018, Mona Vale

11 March 2015

NOT0057/15

PITTWATER COUNCIL  
ATTENTION: PAUL REID  
PO BOX 882  
MONA VALE NSW 1660

#### NOTICE OF PROPOSED ORDER

PREMISES: Lot 202 DP 1107408, AVALON BEACH SLSC & RESERVE 558A BARRENJOEY  
ROAD AVALON BEACH NSW 2107

This is an advice under Section 121H of the Environmental Planning & Assessment Act, 1979 (as amended), that Council intends to serve you with an Order under Section 121B of the Act. A draft copy of that Order is attached for your information.

The proposed Order requires that you comply with the directives set out in Schedule 1, within the times specified.

Pursuant to the provisions of the Act, you (or someone on your behalf) may make representations on the following matters:

1. Why the Order should not be served on you.
2. The terms of the Order.
3. The period for compliance with the Order.

Any representations made by you (or on your behalf) are required to be made in writing quoting reference number NOT0057/15 within 15 working days of date of this letter, marked to the attention of the abovementioned Officer.

Council will consider any representation received before deciding to issue the formal Order.

Darren Greenow  
PRINCIPAL DEVELOPMENT COMPLIANCE OFFICER

**Copy to:**  
Fire and Rescue NSW  
Locked Bag 12  
GREENACRE NSW

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Support Services  
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Alison Domenici, Building Surveyor  
8am to 5.30pm Mon-Thurs, 8am to 5pm Fri  
Phone 9970 1184

11 March 2015

NOT0057/15

PITTWATER COUNCIL  
ATTENTION: PAUL REID  
PO BOX 882  
MONA VALE NSW 1660

**DRAFT**

**ORDER NO. 6 UNDER SECTION 121B  
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (as amended)**  
**PREMISES: Lot 202 DP 1107408, AVALON BEACH SLSC & RESERVE 558A BARRENJOEY  
ROAD AVALON BEACH NSW 2107**

Pittwater Council hereby orders you PITTWATER COUNCIL, being the owners of the subject premises, to comply with the terms set out in Schedule 1 to this Order within the times specified in the schedule below.

The reasons why this Order is given to you are:

A report issued by Fire & Rescue NSW (FRNSW) was received by Council on 27 February 2015, in relation to the adequacy of the provision for fire safety in connection with Avalon Surf Life Saving Club, 558a Barrenjoey Road, Avalon Beach. This document reported on an inspection of the premises conducted by FRNSW Officers of the Fire Safety Compliance Unit, in accordance with the provisions of Section 118L (1) of the Environmental Planning and Assessment Act 1979 (EP&A Act) on 13 February 2015.

The report identified items of fire safety concern and requested that Council carry out an inspection of the premises in relation to these concerns and any other potential deficiencies.

An inspection carried out by a Council Building Surveyor on 3 March 2015, of the premises of, 558A Barrenjoey Road, Avalon Beach, has revealed that provisions for fire safety or fire safety awareness within the building, are not adequate to prevent fire, suppress fire, or prevent the spread of fire to ensure the safety of persons in the event of a fire.

Council has concerns for the safety of any persons that occupy, frequent or pass through the building known as Avalon Surf Life Saving Club, 558A Barrenjoey Road, Avalon Beach.

The following general fire safety observations were noted during the inspection, but do not limit the scope of fire safety concerns:

- That the storage of flammable/combustible liquids is located in and around egress routes which could assist the spread of fire and generation of smoke and heat and toxic gases and not provide for the adequate protection for persons egressing from fire;
- That the construction of electrical distribution board contained in the egress routes potentially have the ability to not resist the spread of fire or limit the generation of smoke and heat and toxic gases;

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1 Boondah Road, Warriewood

**DRAFT**

- That part of the premises is used as a caretakers residence and is not provided with adequate means of egress and fire safety construction which would allow for the safe and adequate evacuation of the premises in the event of a fire emergency;
- That all doors to the required doors in the paths of travel and required exits were not fitted with single handed action devices without locking devices on the side of egress which would hinder a person(s) egressing using a path of travel to an exit/fire exit in an emergency;
- The sliding doors installed in paths of travel were of a heavy construction which could potentially impede the prompt egress of occupants in case of an emergency;
- The building has items stored in and around egress paths, this may impede egress and promote the severity of a fire;
- The stair treads of the fire escape stairs lack a slip resistant finish. This omission presents a risk to occupants slipping and injuring themselves whilst using the stairs;
- That egress in the building was inappropriately identified by incorrect positioned exit signage so that it would not assist in the safe evacuation of the occupants in the event of a fire emergency;
- The fire exit stair within the restaurant area does not provide acceptable provisions for access and egress to and from the building as it has defective handrails and stair risers. This defect poses a serious falling threat to persons using the stair not only in an emergency but in the general day to day access of floors;
- That there are no signs in the building which warn occupants against using lifts in the event of a building fire;
- The premises is not provided with appropriately operating fire fighting equipment to assist occupants to undertake fire-fighting operations on a fire;
- That the installed fire fighting apparatus for the fire brigade was not appropriately identified to the fire brigade to undertake fire-fighting operations on a fire;
- That installed fire exit signage was not installed in accordance with the Standard to which it was designed which would not assist in occupant safety within a building in a fire emergency situation;

#### Schedule 1

#### **Stage 1 – to be completed within 1 month from the date of the Order**

1. In accordance with FRNSW inspection of 13 February 2015 and Council's inspection of 3 March 2015, and in the interests of life safety for the occupants and persons that frequent, and/or pass through the building at Avalon Surf Life Saving Club, 558a Barrenjoey Road, Avalon Beach, the following works are to be carried out, within one (1) month from the date of this Order:
  - a. That egress paths/exits are to be kept free of obstructions/storage at all times;
  - b. That the storage of flammable liquids/combustible materials in the boat storage room is moved away from paths of egress. Details of the proposed position should be submitted to and approved by Council;
  - c. That the use of the caretaker room as a residential occupancy is ceased and returned to an office caretaker use;

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**DRAFT**

**Stage 2 – to be completed within 3 months from the date of the Order**

2. In accordance with FRNSW inspection of 13 February 2015 and Council's inspection of 3 March 2015, and in the interests of life safety for the occupants and persons that frequent, and/or pass through the building at Avalon Surf Life Saving Club, 558a Barrenjoey Road, Avalon Beach, the following works are to be carried out, within three (3) months from the date of this Order:
- a. That all electrical sub-boards and the like shall be enclosed by suitable non-combustible construction or a fire protective covering with openings suitably sealed against smoke spreading from the enclosure in accordance with clause D2.7 of the Building Code of Australia (BCA) and certification to be provided to Council by a suitably qualified person to confirm compliance with manufacturer's specification;
  - b. That the top riser to the stairs to the restaurant area is to be rectified so that the stair is provided with consistent risers and goings in accordance with D2.13 of the BCA;
  - c. That all treads and landings to all the stairways in the building shall be provided with a non-slip finish or an adequate non-skid strip near the edge of the nosings/landing in accordance with D2.13 of the BCA;
  - d. That the handrails to the restaurant stairs are to be repositioned to be in accordance with the requirements of D2.17 of the BCA;
  - e. That all doors leading to the required exits, including final doors, shall be openable by single handed downward action or pushing action in accordance with the requirements of D2.21 of the BCA. Locking snibs and drop-bolts are not permitted and are to be removed;
  - f. That all sliding doors forming part of the access to the required exit should be altered so that the door is able to be opened manually under a force of not more than 110 N. Provide certification to Council by a suitably qualified person to confirm compliance with manufacturer's specification;
  - g. That portable fire extinguishers shall be provided throughout the building to the requirements of Clause E1.6 of the BCA; and the relevant requirements of AS 2444. Provide certification to Council by a suitably qualified person to confirm compliance;
  - h. That signs warning against the use of lifts in the event of fire shall be provided in accordance with the requirements of Clause E3.3 of the BCA. Provide certification to Council by a suitably qualified person to confirm compliance;
  - i. That certification by an appropriately qualified person shall be submitted to Council, confirming that the hose reel system was designed and installed, to the appropriate legislative requirements at the time of installation and that the system currently achieves the appropriate adequate water pressure and flow. Note, further remedial upgrading works may be required to be carried out on the system depending upon the standard of installation and the level of performance offered by the current system;

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**DRAFT**

- j. That certification by an appropriately qualified person shall be submitted to Council confirming that the Emergency Lighting System installed within the building satisfies the requirements of Part E4 of the BCA. Note, upgrade works are required to ensure coverage as necessary to areas such as the airlock/lobbies to WC compartments;
  - k. That exit signs are to be removed from the following non-required inwardly opening access doors located:
    - (i) to the cafe area on the East elevation at ground floor;
    - (ii) to the corridor on the East elevation at ground floor;
  - l. That exit signs are to be installed directly above all required exit doors and be clearly visible from any part of the major egress routes, at heights specified in accordance with Clause E4.8 of the BCA and AS 2293.1 – 2005. Provide certification to Council by a suitably qualified person to confirm compliance;
  - m. That a suitable block plan is provided to the hydrant booster assembly in accordance with clause 7.11 of AS 2419.1-2005. Provide certification to Council by a suitably qualified person to confirm compliance;
- 3. Upon completion of the works required in items 2a, 2f - 2m, provide to Council a Final Fire Safety Certificate/Certification for the new/existing Fire Safety Measure/ upgraded item installed in the building.
  - 4. Display a copy of the Fire Safety Schedule and Final Fire Safety Certificate within the entry foyer to the club and restaurant.

**Failure to comply**

Failure to comply with this Order may result in Council instigating legal action under the provisions of the Environmental Planning and Assessment Act, 1979 (as amended), or the serving of penalty notices (on-the-spot fines) under the provisions of the Environmental Planning & Assessment Act Regulations.

**Right of appeal**

You are advised that you have a right of appeal to the Land and Environment Court against:

- 1. The Order.
- 2. A specified part of the Order.

An appeal to the Court must be lodged within twenty eight (28) days of the date of service of this Order.

**DRAFT**

Darren Greenow  
**PRINCIPAL DEVELOPMENT COMPLIANCE OFFICER**

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## 5. FIRE SAFETY SCHEDULE

Essential Fire Safety Measure	Standard of Performance	Existing / Proposed
Emergency lighting	BCA E4.2, E4.4 & AS/NZS 2293.1-2005	Proposed
Exit signs	BCA E4.5, E4.6 & E4.8, AS/NZS 2293.1-2005	Proposed
Fire hydrant systems	BCA E1.3, AS2419.1-2005	Existing/Proposed
Fire Stopping (protecting openings in fire resisting components of the building)	BCA C3.12, C3.15, C3.16, Specification C3.15 & AS 1530.4/AS 4072.1	Existing
Hose reel system	BCA E1.4 & AS2441 - 2005	Existing/Proposed
Portable fire extinguishers & Fire Blankets	BCA E1.6 & AS 2444-2001	Existing/Proposed
Non-combustible lining and smoke seals on electrical cupboards	BCA D2.7 – non-combustible linings and smoke seals on electrical cupboard	Proposed
Roller door – retaining open latch	Surf boat area – roller door only. Latch for chain to hold in the open position	Existing
Smoke detectors	AS 3786	Existing
Warning and operational signs	BCA E3.3	Proposed

Email [pittwater\\_council@pittwater.nsw.gov.au](mailto:pittwater_council@pittwater.nsw.gov.au) Web [pittwater.nsw.gov.au](http://pittwater.nsw.gov.au)

Mona Vale Customer Service Centre  
Village Park 1 Park Street, Mona Vale

Avalon Customer Service Centre  
59A Old Barrenjoey Road, Avalon

Support Services  
Units 11, 12, 13 + 16/5 Vuko Place, Warriewood

Boondah Depot  
1 Boondah Road, Warriewood



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<b>C10.3</b>	<b>Minutes of the Sydney Coastal Councils Group Ordinary Meeting of 14 March 2015</b>
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**Meeting:** Natural Environment Committee

**Date:** 4 May 2015

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**COMMUNITY STRATEGIC PLAN STRATEGY:** Beach & Coastal Management

**COMMUNITY STRATEGIC PLAN OBJECTIVE:** To protect and maintain a healthy coast (beaches, dunes, headlands and estuaries)

**DELIVERY PROGRAM ACTION:** Partner with other councils, SCCG and government agencies to integrate and complement regional initiatives.

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**1.0 EXECUTIVE SUMMARY**

**1.1 SUMMARY**

The minutes of each Sydney Coastal Councils Group meeting are reported for the information of Council in accordance with the SCCG Constitution and SCCG Strategic Plan.

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**2.0 RECOMMENDATION**

*That the Minutes of the Sydney Coastal Councils Group Ordinary Meeting of 14 March 2015 be noted.*

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**3.0 ATTACHMENTS / TABLED DOCUMENTS**

**Attachment 1:** SCCG Minutes of the Ordinary Meeting – 14 March 2015

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**4.0 BACKGROUND**

**4.1 PURPOSE**

To advise Council of the Minutes of the Sydney Coastal Councils Group Inc. (SCCG) Ordinary Meeting held on 14 March 2015 and hosted by Waverley Council.

**4.2 BACKGROUND**

The SCCG helps co-ordinate its 15 member councils to address environmental issues relating to the sustainable use and management of the Sydney urban coastal zone.

**4.3 POLICY IMPLICATIONS**

There are no implications for Council's policies arising from the minutes of the SCCG Ordinary Meeting held on 14 March 2015.

**4.4 RELATED LEGISLATION**

This report has not been prompted by a legislative requirement.

## **4.5 FINANCIAL ISSUES**

### **4.4.1 Budget**

The cost of Council's annual membership contribution to the SCCG has been included in the 2014/15 budget.

### **4.5.2 Resources Implications**

One Councillor delegate and one alternative Councillor delegate are nominated to represent Pittwater Council on the SCCG Full Group for a twelve month period commencing in September each year.

Staff delegates represent Council on the SCCG Technical Committee and Full Group as required and in accordance with their relevant areas of expertise.

## **5.0 KEY ISSUES**

### **5.1 Item 7.1 - NSW Marine Estate Management Authority**

Delegates received a presentation from Dr Rodney James, Manager Marine Planning (Fisheries NSW) in regard to the activities of the Marine Estate Management Authority (MEMA) during the past two years. MEMA's current priorities for 2015-16 include development of the Marine Estate Management Strategy by mid-2015 and the Hawkesbury Shelf Marine Bioregion Study by early 2016.

A number of issues were raised by delegates in regard to the success or otherwise of the MEMA structure, functions and responsibilities. Questions were asked in regard to the lack of certain expertise on the Expert Knowledge Panel, the jurisdictional boundaries of the Marine Estate and the co-ordination of MEMA activities with other organisations, in particular the SCCG.

Pittwater Council has been approached by the NSW Department of Primary Industries (Fisheries) to assist with the information collection phase of the Hawkesbury Shelf Marine Bioregion Study for marine ecosystems within and adjoining the Pittwater LGA.

### **Item 10.3 – Sydney's Salty Communities – Turning the Tide on Blue-Green Carbon**

The project is currently receiving applications for grant assistance from councils and other community organisations. Independent assessment of the applications will be undertaken by an expert reference group with multi-disciplinary expertise.

Pittwater Council has applied for two grants worth a total of \$130,000 to be matched dollar for dollar i.e. if successful, the total value of the projects will be \$260,000.

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## **6.0 SUSTAINABILITY ASSESSMENT**

A sustainability assessment is not required as a consequence of this minutes report.

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

Jennifer Pang  
**MANAGER, CATCHMENT MANAGEMENT & CLIMATE CHANGE**

Minutes1-15

**SYDNEY COASTAL COUNCILS GROUP Inc.  
MINUTES FOR THE ORDINARY MEETING  
OF SATURDAY 14 MARCH, 2015  
HOSTED BY WAVERLEY COUNCIL AT THEIR CHAMBERS  
BONDI ROAD AND PAUL STREET, BONDI JUNCTION  
12.00 PM**

**IN ATTENDANCE**

Cr. Mark Castle	Botany Bay Council
Cr. Brian Troy	Botany Bay Council
Cr. Irene Doutney	City of Sydney Council
Cr. John Matt	City of Sydney Council
Cr. Cathy Griffin	Manly Council
Cr. Barbara Arid	Manly Council
Mr. Peter Massey	North Sydney Council
Cr. Tom Sherlock	Mosman Council
Cr. Selena Griffith	Pittwater Council
Cr. Andrew Tsounis	Rockdale Council
Cr. Sue Heins	Warringah Council
Cr. Sally Betts	Waverley Council
Cr. Leon Goltsman	Waverley Council
Cr. Bill Mouroukas	Waverley Council
Ms. Emily Scott	Waverley Council
Cr. Lynne Saville	Willoughby Council
Cr. Wendy Norton	Willoughby Council
Cr. Greg Levenston	Woollahra Council
Emeritus Professor Bruce Thom AM	Honorary Member
Dr. Judy Lambert AM	Honorary Member
Ms. Wendy McMurdo	Honorary Member
Mr. George Copeland	Honorary Member
Mr. Geoff Withycombe	SCCG (EO)
Mr. Stephen Summerhayes	SCCG (MP&P)
Ms. Emma Norrie	SCCG (CPO)
Ms. Fiona Shadbolt	SCCG (MBR)
Dr. Rodney James	Fisheries NSW (for presentation)

**1. OPENING**

The meeting opened at 12.30pm.

Cr. Griffin (Vice-Chairperson) welcomed delegates and requested a round table introduction of delegates. Delegates welcomed Cr. Tsounis of Rockdale City Council as a first-time attendee.

An acknowledgement of Country was provided. Cr. Griffin thanked the Mayor, Cr. Sally Betts, Cr. Goltmans and Emily Scott for facilitating the pre meeting field trip of the world famous and award winning Bondi Beach embayment.



## 2. APOLOGIES

Cr. Linda Scott	City of Sydney Council
Dr. Ross McPherson	Hornsby Council
Cr. Barbara Arid	Manly Council
Cr. Sue Young	Pittwater Council
Mr. Paul Hardie	Pittwater Council
Cr. Geoff Stevenson (Chairperson)	Randwick Council
Cr. Lindsay Shirley	Randwick Council
Mr. David Dekel	Rockdale Council
Cr. Shane O'Brian (Mayor)	Rockdale Council
Cr. Lindsay Shurey	Randwick Council
Mr. David Dekel	Rockdale Council
Cr. Peter Towell	Sutherland Council
Cr. Vanessa Moskal	Warringah Council
Mr. George Cotis	Honorary Member
Mr. Phil Colman	Honorary Member

**Councils not represented at the meeting**  
Hornsby, Leichhardt, Randwick, and Sutherland

## 3. DECLARATION OF PECUNIARY INTERESTS

**Resolved that** the there was no declaration of pecuniary interests.

## 4. CONFIRMATION OF MINUTES

### 4.1 Minutes of the Ordinary Meeting of the SCCG held on 6 December 2014 at the City of Sydney Council.

**Resolved that** the Minutes of the Ordinary Meeting of the SCCG held on 6 December 2014 at the City of Sydney Council be confirmed. (Carried)

### 4.2 Minutes of the Technical Committee Meeting of the SCCG held on 11 December 2014 hosted by City of Sydney.

**Resolved that** the Minutes of the Technical Committee Meeting of the SCCG held on 11 December 2014 at the City of Sydney be received and noted. (Carried)

### 4.3 Minutes of the Technical Committee Meeting of the SCCG held on 19 February 2015 hosted by City of Sydney.

**Resolved that** the Minutes of the Technical Committee Meeting of the SCCG held on 19 February 2015 at the City of Sydney be received and noted. (Carried)

## 5. BUSINESS ARISING

Business arising from minutes other than those items listed below in Reports. Delegates were referred to the action list contained within the meeting notice memo.

## 6. CORRESPONDENCE

### 6.1 Sent and Received Correspondence

**Resolved that** the circulated “sent” and “received” correspondence be received and noted. (Carried)

### 6.2 SCCG correspondence from the last meeting

#### i. Shark Meshing Program (SMP) – Response from the Office of the Hon. Katrina Hodgkinson MP - Minister for Primary Industries

Correspondence received from Fisheries. Summary of key points in Letter:

- *The NSW Government shares the SCCG interest in mitigating the risk of shark interactions, whilst simultaneously minimising harm to marine animals.*
- *The SMP is currently managed in accordance with Joint Management Agreements (JMAs). JMAs are subject to periodic review.*
- *The JMAs seek a balance between reducing the environmental impacts of the program while reducing the chance of shark interactions at the State’s most popular beaches.*
- *The SMP is but one component of the Government’s Summer Shark Policy, which includes other awareness and educational initiatives to increase bather safety off NSW beaches (these listed)*
- *DPI is supportive of research proposals and similar initiatives that seek to increase bather safety through education and awareness.*
- *The Department also closely monitors, and will continue to monitor, developments in non-lethal alternatives to meshing, including aerial surveillance, electrical field devices, chemical deterrents and others.*
- *None of the existing non-lethal alternatives are yet sufficiently advanced or effective enough to warrant complete removal of the shark nets.*
- *The Premier and I have met separately with advocates of some of those alternative technologies. The NSW Government recently announced that if re-elected in March, we will allocate \$100,000 for a trial of innovative technologies, such as shark-detecting sonar technology, in a scientific manner agreed to by stakeholders.*
- *I have asked my Department to consult and negotiate on trials of alternative methods with advocates, proponents, and other stakeholders, particularly local councils and environmental non-government organisations (ENGOS).*
- *The SCCG provides an ideal platform for such consultation, and I am confident that the Department will provide the collaborative opportunities sought by both the SCCG and the ENGOS.*
- *Contact Senior Environmental Assessment Officer to discuss this matter further*
- *Thank you for your interest and support in this matter.*

Cr. Betts described Waverley’s initiatives to manage the risk of shark attack, including cameras in patrol towers which monitor the entire beach area and trialing drones. Council is also monitoring the presence of fishing vessels which may be attracting sharks and possible controls to mitigate this. Some sharks have been caught in nets, including one in Bondi whose teeth had been removed. Any marine life caught is removed by Fisheries for research.

SCCG will continue the discussion with Fisheries in relation to the SMP.

**Resolved that:**

- 1) The SCCG respond to the Minister’s letter by contacting the nominated Fisheries officer.
- 2) The secretariat report back to the next meeting on progress and outcomes.

#### ii. Annual Invitation for SCCG Consultation with Member Councils

The EO noted that we have written to members Council inviting a meeting with the SCCG Executive Committee delegates and the Executive Officer.

**Resolved that** the SCCG correspondence from last meeting be received and considered.

## 7. PRESENTATION

### 7.1 [NSW Marine Estate Management Authority](#) (presentation slides attached)

Dr Rodney James, Manager Marine Planning (Fisheries NSW) provided delegates with an update on recent activities of the Marine Estate Management Authority (MEMA).

Key achievements of MEMA in its last two years of operations include:

#### ***Marine Estate Management Act 2014***

The Act commenced 19 December 2014. Sets legal foundation for achieving MEMA's vision and the NSW Government's approach to managing the marine estate. Establishes MEMA, the Marine Estate Expert Knowledge Panel requires Marine Estate Management Strategy and Threat and Risk Assessment and provides for the management and establishment of marine parks and aquatic reserves.

#### ***Marine Estate Community Survey***

Approximately 1,700 randomly selected survey respondents. Broadly looked at values, threats and opportunities from a community perspective.

#### ***Threat and Risk Assessment Framework***

Framework or approach for identifying key environmental, economic and social threats to inform priority management areas. Due for release soon.

#### ***Ocean Beaches and Headlands assessment***

To inform future of shore-based recreational line-fishing activities on beaches and headlands in sanctuary zones of mainland marine parks.

#### **MEMA's priorities for 2015-16 include:**

- Implementation of the Threat and Risk Assessment Framework
- Development of the Marine Estate Management Strategy (due for release mid-2015)
- Hawkesbury Shelf Marine Bioregion Study – looking at options to enhance and conserve marine biodiversity:
  - information collection (January to May)
  - threat and risk assessment (June to July)
  - management options (July to November)
  - recommendations to Government (early 2016)

A copy of the presentation slides is attached to the minutes. The following discussion ensued:

**Cr. Sherlock:** Is the advisory nature of MEMA working?

**Dr James:** It is working in terms of coordinating the activities of agencies; has a strong, independent Chair, as well as the Chair of the Marine Estate Expert Knowledge Panel.

**Cr. Mant:** Is MEMA focused on marine parks, or it is an attempt to manage the entire marine estate as a single ecosystem?

**Dr James:** The intention is the latter – i.e. to achieve coordinated and coherent management of the entire marine estate.

**Prof Thom:**

- a. Is MEMA considering the effects of warming of ocean waters? At the 2014 meeting when Bill Talbot presented, the Group noted that there was no one on the Expert Knowledge Panel with expertise in oceanography.
- b. There are 600 land claims over beaches and seas along the NSW Coast. To what extent is this an issue for MEMA?

**Dr James:**

- a. The intent of the Expert Knowledge Panel was to call in expertise as required (The EO noted that this was the response the SCCG received when put to the Minister).
- b. The land claims issue has not been raised as yet, but is not necessarily outside the scope of MEMA.

**G. Withycombe:** The SCCG was significantly involved in the review and selection of the existing Aquatic reserves in Sydney as part of the research and nominations committee. At the time of selection numerous other sites were also identified worthy of selection as aquatic reserves.

- a. Why is the Hawkesbury Marine Bioregion Study focused on existing aquatic reserve only?
- b. How can the SCCG assist in the Study and be more actively involved?

**Dr James:**

- a. Existing aquatic reserves are highlighted as priority sites, because they are already reserves and there is a high degree of community interest in their management. There is also a commitment to look at other sites in the region.
- b. Recommended contacting Dr Bob Creese of Fisheries NSW who is the leader of this project.

**S. Summerhayes:** The Survey was a forced rank survey, based on predetermined questions, meaning there was limited scope for community input outside of those areas. What is your view on this?

**Dr James:** The survey was informed by a Literature Review the Marine Estate Expert Knowledge Panel and external expert contractor

Best to refer technical questions to Sarah Fairfull as the leader of the survey project for more specific answers.

**Dr Lambert:** Will the Authority address the definition of boundaries, particularly between State and Commonwealth zones and estuarine areas?

**Dr James:** The Authority does not define jurisdictional boundaries. Boundaries of the marine estate, including estuaries, are defined in the Marine Estate Management Act, broadly upstream to the tidal limit. The marine estate was defined broadly in the Act and there is a degree of jurisdictional overlap.

**Cr. Saville:** A recent international study on the effectiveness of marine parks found that long-standing, large and no-take parks were most effective. To what extent is the NSW Government taking account of this study, with a view to increase the size of marine parks?

**Dr James:** The study in question is widely known and this sort of information will also be taken into account in park management planning so far the focus has been on legislation, strategy and frameworks.

**Cr. Levenston:** Noting the similarities (and duplication) of interests between the MEMA and the SCCG, what opportunities are there for coordination between the two?

**Dr James:** There will likely be opportunities for coordination and collaboration between the two groups, including in the development and implementation of the Marine Estate Management Strategy.

**Resolved that:**

- 1) The presentation be heard and considered at the meeting.
- 2) Dr Rodney James be thanked for his attendance and presentation.
- 3) The SCCG write to the Minister for Primary Industries, the Environment Minister and the Chair of MEMA:
  - i) thanking them for Dr James' presentation

- ii) seeking involvement in and offering assistance in the information gathering phase of the Hawkesbury Marine Bioregion Study
- iii) Reiterating recommendation for oceanography expertise on marine Estate Expert Knowledge Panel
- 4) Contact Dr Bob Crease regarding the SCCG involvement in the Hawkesbury Marine Bioregion study.

## 8. ADMINISTRATIVE MATTERS

### 8.1 SCCG Strategic Plan (2015-2019)

The EO provided delegates with an overview of timing for the consultation phases heading to finalisation, as follows:

Activity	Duration	Date
Draft Plan (text only) to Directional Committee for consultation	1 week	20-31 Mar
Revised Draft (text only) to TC & FG for consultation	1 week	3-10 Apr
Collate TC & FG comments and finalise text	1 week	13-16 Apr
Distribute final draft Plan to GMs for formal endorsement	6 weeks	17 Apr-29 May
Work with Graphic Designer to design & format Plan	6 weeks	17 Apr-29 May
Final Plan to Executive for endorsement	1 week	1-5 Jun
Finalise formatting & design (print ready)	1 week	8-12 Jun
Arrange printing of Plan	1 week	15-18 Jun
Table final Plan at June FG meeting		19 Jun

**Resolved that:**

- 1) The Report be received and considered.
- 2) The SCCG undertake formal exhibition of the Strategic Plan with Member Councils from April to May, with the final Plan submitted to the June meeting of the FG for adoption (pending outcomes of final consultations).

### 8.2 SCCG Annual Survey 2014 – Outcomes Report

The CPO provided a brief overview of results from the 2014 Annual Survey. Key outcomes, recommendations and potential actions were discussed, to inform finalisation of the Outcomes Report.

**Resolved that:**

- 1) The CPO review and analyse feedback from Representatives.
- 2) The results together with proposed recommendations be considered.
- 3) The SCCG 2015 Action(s) Plans incorporate recommendations and actions from both the Technical Committee and Full Group.

### 8.3 Summerama 2015

The CPO provided an overview of outcomes from Summerama 2015. The Program saw over 5,000 participants across 60+ activities. Twelve of the 15 SCCG Member Councils participated in the 2015 program. Those Councils who didn't participate cited a lack of resources (staff/funds) or limited relevance to their local area.

The CPO also provided an overview of results from the Champion Survey conducted in February. Champions reported that participants were generally highly satisfied with the events. However the utility of the SCCG's promotional materials and event coordination activities was generally rated low, as Councils were capable of providing these services themselves. For many Councils, the program forms part of ongoing community engagement activities, for which they have existing promotional channels and administrative systems.

When questioned about the role that SCCG should play in future programs, Champions generally agreed that we should focus our efforts on facilitating networking and information exchange between Councils. Some Champions supported SCCG playing a greater role in assisting Councils to plan and deliver their events, while others supported SCCG developing and hosting regional events of our own and pursuing partnerships with organisations that can support and grow the program.

These recommendations will be taken into account in a comprehensive review of the program later in the year.

<b>Resolved that</b> the report be received and noted.
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## **9. EXTERNAL COMMITTEE REPORTS**

### **9.1 Greater Sydney Local Land Services – Local Government Advisory Committee**

No update provided

### **9.2 Joint Expert Maritime Working Group**

Cr. Griffin attended the Joint Maritime Working Group meeting Chaired by RMS on 24<sup>th</sup> Feb 2015 as the SCCG representative.

Cr. Griffin reported that verbal briefings were provided on a number of agenda items of interest to the SCCG members, including and briefing on the Sydney Harbour Foreshore Strategy. Although not part of the Planning reforms currently being considered by the NSW Government an interagency workshop was held to develop a new vision and strategy for the Sydney Harbour and Foreshore. This Interagency group consisted of members from RMS, DPI, DPC, Planning & Environment and is being coordinating with SHFA. Many issues were canvassed at this initial meeting including access to and across the harbour, land use, water use, asset management and divestment, boundaries. The group determined 'common ground' and identified contentious issues such as conflicting land and water uses and users.

Further consultation and feedback will occur in the near future with the strategy expected to be placed on exhibition in June 2015.

Other items address on the agenda were:

- Fisheries code and complying development
- Marine Estate Management Act 2014
- Boat Trailer parking initiatives
- RMS end of vessel life trials
- Regional Boating Plan
- Hawkesbury Shelf Bio- region assessment.

The following discussion ensued:

- Ms McMurdo questioned whether boat storage is an appropriate use of public land.

- Cr. Norton questioned who would be responsible for operating the boat storage facilities (Cr. Griffin advised that at this stage Maritime is simply seeking expressions of interest and this detail has not yet been determined)
- Cr. Sherlock noted that the issue is bigger than supply management, and that the focus should equally be on demand management, noting the apparent low use of vessels moored at sea.
- Cr. Mant noted a concern that the SHFA may be focused on exploiting development opportunities along the foreshore.
- Cr. Saville noted the number of separate developments occurring along the foreshore and the apparent lack of integration between them.

**Resolved that:**

- 1) Report received and noted
- 2) Additional information be sought on the Sydney Harbour Foreshore review and provided to member Councils.

## 10. REPORTS

### 10.1 Reforms to Coastal Management in NSW

Prof Thom provided delegates with an update on activities, including:

- Coastal sediment compartment approach – being advanced by the federal Department of Environment as an approach for states and local councils to consider for regional strategic planning.
- Attended Australian Coastal Councils conference in Victoria (hosted by the former Seachange Taskforce Group). The Group is expanding – now includes two of the ten Bayside Councils Melbourne – but Adelaide, Perth and Sydney have not joined. The nature of the conference was discussing State and Federal agendas. LGNSW President was present.
- NCCARF Phase 2 set up – directed to local government. Stakeholder workshop meetings, one being co-hosted by SCCG at Town Hall on Tuesday. Prof Thom chairs the technical review group. There is an opportunity for SCCG to transfer its knowledge.

**Resolved that:**

- 1) The report be received and noted.
- 2) Prof Bruce Thom AM provide the Group with an update of activities from the Coastal Expert Panel (where possible).
- 3) Through discussion, the SCCG determine additional actions to address Member Council issues and concerns.

### 10.2 SCCG Capacity Building Program

The CPO provided a brief update on the strategic planning process for the 2015 Capacity Building Program. Planning will draw upon results of the Annual Survey, our revised Strategic Plan, our existing activities and the current political climate.

Full Group and Technical Committee representatives have identified Integrated Water Management (IWM) as a key issue for Councils. As such, the first capacity building forum for 2015 will be on the topic of IWM and held in the first half of the year. Remaining activities will be determined based on outcomes of the 2014 Annual Survey and related workshops.

The CPO also tabled the [2015 Funding Guide](#) which includes details of over 60 grants and award opportunities for Councils and other coastal managers to advance sustainable coastal and estuarine management.

**Resolved that**

- 1) The report be received and considered.
- 2) The SCCG Funding Guide 2015 be formally sent to Member Councils for their utilisation and placed on the SCCG website for more general access.
- 3) The SCCG produce the 2016 Funding Guide in early 2016.

### **10.3 Sydney's Salty Communities – Turning the Tide on Blue-Green Carbon**

The Project Manager– Biodiversity Resilience, provided an update on project activities. This included a discussion of the role for Councillors to provide political support for projects advanced by Council officers.

The Expert Reference Group has been established and agreed Terms of Reference, met and provided feedback on grant guidelines. These Experts have also agreed to assist with the independent assessment of applications subject to their areas of expertise.

The Literature, Data and Practice review is proceeding and will provide guidance in terms of existing activity, knowledge and the gaps.

The project hosted a well attended grant development workshop to support the grant applications and to identify opportunities for collaboration between Council areas. Grants are due 30 March 2015. A supplementary round of grants will be available later in 2015 which will be supported by an adaptation tool SCCG will develop in collaboration with CSIRO.

A part time Project Officer has been recruited to support the Salty Communities project and will commence 25 March.

**Resolved that:**

- 1) The report be received and considered.
- 2) SCCG delegates assist with member council promotion of and participation in the project.
- 3) SCCG delegates consider the grant possibilities at their Environment Committee meeting(s) (or appropriate committee) with input from their Council officers.

### **10.4 Implementing and Embedding an Emergency Management Planning - a Health Check for Local Government" Project (new grant)**

This Item not addressed at meeting

#### **Reports 10.5 – 10.8 FOR INFORMATION ONLY**

**Resolved that** reports for 'information only' be received and noted (pending inquiry).

- 10.5 Beachwatch & Harbourwatch Programs Update (November – January)**
- 10.6 Greater Sydney Local Land Services Update**
- 10.7 NSW Department of Primary Industries Aquatic Pest and Health Update**
- 10.8 Key Activities Report for December 2014 - February 2015**



## 11. SCCG ADVOCACY

### 11.1 Top 5 Coastal Advocacy Issues 2015+

Cr. Goltsman led a discussion on coastal advocacy issues for 2015. A ballot paper was tabled, seeking delegates to rank key issues identified at the December meeting in order of priority. Cr. Goltman noted that the key advocacy campaign would also enable us to better communicate with the other councillors and community a clearer message to the about the roles and responsibilities of SCCG and promote the group. At present whilst we do a great job there is still somewhat some confusion about exactly why the SCCG is so important.

The following discussion ensued:

- Cr. Goltsman emphasised the need to break down big issues into smaller parts and for communications to follow the 'SUCCESS' model:
  - Simple,
  - Unexpected,
  - Concrete,
  - Credible,
  - Emotional,
  - Story
  - Sell.
- Cr. Mant noted that the approach of MEMA was about protecting the environment for the community, whereas the approach should be protecting the environment from the community.
- EO noted the desire to focus advocacy efforts on Real issues, Real people and Real change.
- Cr. Norton noted that the reason behind the identification of flood as a key advocacy issue was that Councils had recently had to review flood management plans and individual property exposure.
- Cr. Saville requested that the issues identified specifically refer to estuaries, in addition to coastal. The EO confirmed all when SCCG refers to coastal this always includes estuarine areas.
- Cr. Mant suggested taking a more strategic approach – what's the issue, what's our objective, what strategies will address that.
- The EO explained the context to this item. Coming out of the SCCG Strategic Plan Directional Committee and the 25 Year Anniversary Conference, it was suggested that the SCCG pick up a single issue to advocate on for each year. Issues were identified in the December meeting and these have been consolidated into the list on the ballot paper. Once an issue is agreed upon this will be directed to the Executive Committee for further deliberation – to break the issue down into workable parts.
- Cr. Betts identified sewage infrastructure as the major issue. Cr. Sherlock, Cr. Saville and Cr. Griffin agreed.
- Cr. Levenston expressed concern that this may be a distraction from the core business of the Group and will likely consume a significant portion of staff resources.
- The EO explained that advocacy is part of the core business of the Group and that the intention of the process was to allow greater focus our efforts, to ensure the most effective and efficient use of time and resources.

**Resolved that**

- 1) ballot responses be collated and tabled at the next Executive Committee meeting for determination of plans and next steps for the campaign.
- 2) Activities in relation to the 2015-2016 public advocacy campaign be reported to the next meeting.

## 11.2 Submissions

- SCCG Submission on Sydney Basin P/L Mineral Exploration Licence Applications

**Upcoming Submissions:**

- *Commonwealth Marine Reserves Review*
- *Public consultation on establishment of national parks*

**Resolved that:**

- 1) The update on recent and upcoming submissions be received and noted
- 2) The SCCG prepare submissions in relation to the Commonwealth Marine Reserves Review and the National Parks Review.

## 11.3 Sustainable Coastal Management: Policy recommendations to political parties contesting the 2015 NSW Election

The EO noted that two responses had been received so far. All responses received will be sent to MCs and put on our website prior to the election. ([Final responses here](#))

**Resolved that:**

- 1) The report be received and considered.
- 2) Responses be disseminated to Member Councils and local and regional stakeholders, and promote them publicly via our website prior to the election.

## 12. TREASURER'S REPORT

### 12.1 Finance Statements for period 1 July 2014 to 31 December 2014

Cr. Norton noted some discrepancies in the SCCG Income and Expenditure statement.

The acting Chair recommended that these statements be referred to the Executive committee.

**Resolved that** the SCCG (Full Group) delegate authority to the SCCG Executive Committee to review and consider approval of the December quarterly finance statement at their next meeting.

## 13. GENERAL BUSINESS

- **Cr. Heins – Minister's Award for Women in Local Government**

The MMP noted that Cr. Sue Heins recently won the Minister's Award for Women in Local Government. Cr. Heins was nominated by Jonathan O'Dea MP, Member for Davidson, in the "Elected Representatives" category. The award focuses on women in local government who have contributed at both council and community level to achieve beneficial outcomes.

**Resolved that** the SCCG congratulate Cr. Heins on her Award.

- **Departure of Stephen Summerhayes**

Cr. Griffin noted that Stephen (SCCG Manager for Projects and Programs) will be leaving the Group at the end of his contract and thanked him for his efforts.

SS thanked the Group for the opportunity to serve them. He said that he has put his heart and soul into the job because he believed in the Group and what it does. He will continue to contribute to the Group in some form into the future and looks forward to working with the Group and councils.

**Resolved that** the SCCG thank Stephen Summerhayes for his efforts and contribution to the Group.

- **Coastal information booklets**

Dr. Lambert, on behalf of Phil Colman, noted Phil's desire to develop a series of small, easily readable information booklets about coastal environments and coastal management to raise community awareness. The booklets could cover the following topics: mudflats, high energy beaches, mangroves areas etc. Phil and Peter Mitchell want to be leaders/contributors and are looking for a home to host the idea.

Cr. Griffin suggested to refer it to the Executive and consider it in the context of the Summerma review. Cr. Heins noted it may fit in with Salty Communities.

**Resolved that** the EO speak with Phil Colman to discuss ideas and potentials for a subsequently workshop with the CPO.

### 13.1 Remaining 2015 Meeting dates / Next Meeting

Proposed Dates	Proposed location
• Saturday 20 June at 12 noon	(City of Sydney)
• Saturday 19 September ( <b>AGM</b> ) at 12 noon	(Member Council) <i>(pre meeting field trip ?)</i>
• Saturday 5 December at 12 noon	(City of Sydney)

### 13.2 Items for Press Release

**Resolved that** items for press release be considered.

### 13.3 Agenda items for the next SCCG meeting

**Resolved that** delegates suggest additional agenda items including presentations for the next SCCG meeting proposed for 20 June 2015 starting at 12 noon.

### 13.4 Next Meeting

**Resolved that** the next meeting of the Group be held on 20 June 2015 at the City of Sydney (pending confirmation).

Cr. Griffin closed the meeting and thanked delegates for their attendance and contributions

The meeting closed at 3.50pm.

Confirmation of Minutes: .....

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## **Council Meeting**

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### **11.0 Adoption of Connecting Communities Committee Recommendations**

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### **12.0 Adoption of Natural Environment Committee Recommendations**

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## **Appendix 1 – Confidential Advice**

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