



PITTWATER COUNCIL

Pittwater Streetscape Management Guidelines

April 2012

Urban Infrastructure

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1 PITTWATER STREETSCAPE MANAGEMENT POLICY

1.1 Policy

The Streetscape Management Guidelines underpin the Pittwater Streetscape Management Policy adopted by Council on 2 April 2012 shown below:

1.2 ROAD RESERVE AND STREETSCAPE MANAGEMENT POLICY

**STRATEGY: TRANSPORT AND TRAFFIC
WATER MANAGEMENT
VEGETATION**

**BUSINESS UNIT: URBAN INFRASTRUCTURE
RESERVES RECREATION & BUILDING SERVICES**

RELEVANT LEGISLATION: *Local Government Act 1993*
Local Government (General) Regulations 2005
Roads Act 1993
Roads Regulation 2008

RELATED POLICIES: NIL

1. Objective

To manage Council's road reserves (and the public roads contained therein) so that they are functional, safe and convenient, add value to development of the Pittwater Local Government Area (LGA), support the land use functions and activities within the Pittwater LGA, improve the amenity and appearance of the streetscape and maintain and improve the environmental aspects of the streetscape.

2. Definitions

The road reserve is the strip of public land between abutting property boundaries, specifically gazetted for the provision of public right of way. It includes the road carriageway, as well as footpaths and verges.

A public road is defined under the *Roads Act 1993* as,

- (a) any road that is opened or dedicated as a public road, whether under this or any other Act or law, and
- (b) any road that is declared to be a public road for the purposes of this Act.

3. Policy Statement

Pittwater Council manages the public roads in the Pittwater local government area in accordance with the *Roads Act 1993*, *Local Government Act 1993*, *Local Government Regulation 1993*, *Environmental Planning & Assessment Act 1979* and *EPA Regulation 2000*.

All works and/or uses within a public road / road reserve are to comply with the following documents:

- 1. Pittwater Council's "Streetscape Management Guidelines"
- 2. Pittwater Council's Standard Drawings
- 3. Pittwater Council's design and construction specification, Nat-Spec

All works and or uses within a public road / road reserve require the written consent of Pittwater Council under Section 139 of the *Roads Act 1993*, apart from general maintenance of the nature strip which is encouraged to be carried out by adjoining property owners.

Application fees are to be paid to Pittwater Council for the processing of applications relating to any proposed works and/or uses in the road reserve.

No works and or uses are to be undertaken in the public road / road reserve until the appropriate application forms and fees have been lodged with Pittwater Council AND Pittwater Council has issued a written Section 139 consent.

Pittwater Council will undertake inspections to ensure that the works and or uses are being carried out in accordance with the relevant plans, specifications and conditions of the Section 139 consent.

4. Pittwater Streetscape Management Guidelines

The Pittwater Streetscape Management Guidelines provide guidance for council staff, local residents, and developers for works on the public road reserve and on the public stormwater drainage system.

The Pittwater Streetscape Guidelines are to be used in conjunction with:

- Pittwater Council Standard Drawings and
- Pittwater Council Design & Construction Specifications, NAT-SPEC.

The Pittwater Streetscape Guidelines are to be available on Council's internet and website allowing public access.

The Pittwater Streetscape Management Guidelines are a set of documents that may be amended from time to time to reflect changes in legislation, practice, expectations and processes. Approval of amendments to the Guidelines is managed through the Senior Management Team and approved by the General Manager.

5. Protocol

Ethics and Probity

General - The Council's activities are to be performed with integrity and in a manner able to withstand the closest possible scrutiny.

Conduct of Council Staff - Council Staff at all times are to conduct business that is ethical and of the highest integrity and are required to:

- treat applicants with equality and fairness
- not seek or receive personal gain
- maintain confidentiality of Commercial in Confidence information
- present the highest standards of professionalism and probity
- deal with applicants in an honest and impartial manner that does not allow conflicts of interest
- be able to account for all decisions and provide feedback on them

Conflict of Interests - A conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.

Council Staff are to avoid or appropriately manage any conflict of interest. The onus is on the Council Staff to identify a conflict of interest and take the appropriate action to manage the conflict

in favour of the public duty. Any conflict of interests must be managed to uphold the probity of Council decision making.

Standards - The Council's streetscape work activities are to be carried out to professional standards and in compliance with the:

- *Local Government Act 1993*
- Local Government (General) Regulation 2005
- *Roads Act 1993*
- Roads Regulation 2008

6. Managing Risk

Risk Management is to be appropriately applied at all stages of the process which must be properly planned and carried out in a manner that will protect and enhance the Council's capacity. These risks include, environmental, geotechnical, financial and environmental risks.

2 STRATEGY

2.1 Introduction

Pittwater Council has the care, control and management of the streetscape road reserve and stormwater systems in the Pittwater Local Government Area (LGA). With the exception of road pavement and associated traffic facilities on State Roads. The control of the public roads is governed by the *Roads Act 1993*, *Local Government Act 1993*, *Local Government Regulation 1993*, *Environmental Planning & Assessment Act 1979* and *EPA Regulation 2000*.

2.2 The Strategy Statement

The Pittwater Streetscape & Stormwater Management Guidelines is based on the concept that public roads and stormwater systems are developed, managed and maintained in a safe and practical way that:

- improves the amenity of Pittwater Council LGA;
- adds value for ratepayers and all road users;
- benefits the community; socially, economically and environmentally;
- supports the land use functions and activities within the Pittwater LGA;
- improve the amenity and appearance of the streetscape;
- provides sustainable, cost effective solutions;
- protect and conserve the natural environment;
- continually improve the aesthetics, public amenity, equity of access and safety of the road reserve: and
- provide management strategies in accordance with industry best practice.

3 DEFINITIONS / GLOSSARY

Access driveway - The structure for gaining vehicular access from the public road to private property.

Amenity - A tangible or intangible benefit, a pleasant quality that increases physical or material comfort

Asset Management - Management of infrastructure to ensure that the community's needs and expectations are supported.

Canopy - The crown of a tree, comprising smaller branches and leaves

Carriageway - The area of road reserve used for the movement or parking of vehicles measured from kerb to opposite kerb.

Construction Zone - The temporary use of the adjacent road verge for construction purposes but the zone does not extend to the kerb side parking area

Cosmetic Driveway - A driveway that is constructed in materials other than plain concrete e.g. pavers

Coloured Driveway - A driveway that has had a colour added to the plain concrete.

Council - Pittwater Council being the Council in charge of the Pittwater local government area.

Deciduous - A plant that sheds all its leaves at one time during the year, generally relating to the loss of leaves from trees in autumn

Dial Before You Dig - A free referral service for information on underground pipes and cables anywhere in Australia. The service is provided to assist in the prevention of damage, injury or death as a result of construction activities.

Driveway profile - The levels and gradients required for vehicles to access properties from the public road.

Engineering Plan Assessment Fees - Where construction works are to be undertaken on a public road, including road pavements, kerb and gutter, footpath, traffic facilities and hard landscaping including retaining walls; engineering plans are to be submitted to Council's Urban Infrastructure Unit for assessment. Fees are payable to Council for assessment and approval of designs for works in public roads.

Environmental Controls - Engineering controls to ensure silt and other contaminants do not leave the work site EG. siltation fencing.

Exotic - An introduced plant species that is not native to Australia

Footpath - Hard surface path; generally concrete or bitumen, within the nature strip

Footway - That part of a public road set aside or formed as a path or way for pedestrian traffic (whether or not it may also be used by bicycle traffic).

Geotechnical Investigation - Investigations undertaken by a qualified Geotechnical Engineer to ensure the risk of landslip is eliminated during and post construction works.

Hard landscaping - This term is used by landscape practitioners to describe civil works, for road reserves, this would include items such as pavements, kerb and gutters etc.

Hoarding - Where construction works causes obstruction to pedestrian or vehicular traffic in a public place, or if the works involve the enclosure of a public place, then a hoarding or temporary fence must be erected between the worksite and public place.

Layback – The transition between the road edge and the vehicle crossing

Local provenance - Genetic variability of a species influenced by the local soil and climate of the specific location

Locally native species - Plant species that originally occurred in a particular local area

Micro-climate - The immediate climatic conditions of a location influenced by aspect, sun, shade, reflected heat, wind exposure and water bodies.

NAT Spec - The design and construction specification for works in public roads

Nature strip / Verge - The part of the road reserve between the carriageway kerb and nearest boundary of the adjacent properties. The nature strip generally accommodates footpaths, street lights, street trees and landscaping driveways, and public utilities.

Public Road - Under the *Roads Act 1993*, a public road is defined as:

- a. any road that is opened or dedicated as a public road, whether under this or any other Act or law, and
- b. any road that is declared to be a public road for the purposes of this Act.

Road Opening Permit - A permit to open up the public road to undertake construction activities.

Road Reserve - The strip of public land between abutting property boundaries, specifically gazetted for the provision of public right of way. It includes the road carriageway, as well as footpaths and verges.

Roads Act 1993

“The objects of this Act are:

- a. to set out the rights of members of the public to pass along public roads, and
- b. to set out the rights of persons who own land adjoining a public road to have access to the public road, and
- c. to establish the procedures for the opening and closing of a public road, and
- d. to provide for the classification of roads, and
- e. to provide for the declaration of the TRMS and other public authorities as roads authorities for both classified and unclassified roads, and
- f. to confer certain functions (in particular, the function of carrying out road work) on the TRMS and on other roads authorities, and
- g. to provide for the distribution of the functions conferred by this Act between the TRMS and other roads authorities, and
- h. to regulate the carrying out of various activities on public roads.”

Pittwater Council is the roads authority for the Pittwater local government area under the terms of the *Roads Act 1993*.

Roads Act 1993 - Section 138

“Works and structures

A person must not:

- a. erect a structure or carry out a work in, on or over a public road, or
- b. dig up or disturb the surface of a public road, or
- c. remove or interfere with a structure, work or tree on a public road, or
- d. pump water into a public road from any land adjoining the road, or
- e. connect a road (whether public or private) to a classified road, otherwise than with the consent of the appropriate roads authority.”

Roads Act 1993 - Section 139 - The requirements for the issuing of consent by Council for works in the public road.

TRMS - Transport Roads & Maritime Services, formerly known as the Roads and Traffic Authority (RTA), is legislated as the organisation responsible for the control of traffic on all roads in New South Wales.

Skip Bin - A building waste container

Soft landscaping - This term is used by landscape practitioners to describe all facets relating to plants, mulch, grass, composts etc.

Species Native to Australia - Australian native plant species that have been planted in areas outside their naturally occurring range.

Streetscape - The appearance and functions contained within the road reserve in relation to the built form on private and public property. Streetscapes consist of landscaping, retaining walls, fencing, traffic treatments, paths, driveways, street surfaces and utility services.

TMP - Traffic Management Plan for applications involving temporary road or single lane closures.

Traffic Committee - The Pittwater Local Traffic Committee (LTC) is primarily a technical review committee that is required to advise the Council on traffic related matters, referred to it by Council. It is a TRMS committee that is administered by council.

Traffic Control Permit - A permit to control traffic for events, filming or construction on the road reserve

Tree Preservation Order - Council's Tree Preservation Order (TPO) covers the removal of trees and aims to retain as many healthy trees as possible within the area.

Understorey - The vegetation that occurs between the canopy and the ground.

Utility Services - Sydney Water, Energy Australia, AGL, Telstra, Optus

Vegetation - This is a broad term covering all the plants growing in an area

Vehicle crossing - The driveway within the road reserve, between the road edge / kerb and gutter and the property boundary

Work as executed drawing - Drawing(s) prepared by a Registered Surveyor showing the works that have been constructed within the road reserve as a result of urban development.

Work Zone - The temporary use of the kerb side parking lane or indented parking for construction purposes.

4 COUNCIL STREETSCAPE & STORMWATER ASSETS

4.1 Council owned and maintained streetscape and stormwater assets

Asset Class	Asset Class Breakdown
Road Pavements	Unsealed roads Unmade roads Sealed roads Road culverts
Constructed Footpaths	Footpaths Cycleways Shared facilities
Traffic and Transport Facilities	Traffic and street name signs Traffic lines Bus stops, shelters and seats Road furniture, guardrails
Traffic Controls	Traffic islands Roundabouts School zones
Drainage Network	Kerb and gutter Stormwater pits Piped drainage network Drainage systems including open channels, creeks and watercourses Flood mitigation structures Stormwater quality improvement devices
Structures	Pedestrian bridges Retaining walls Sea walls
Commercial Centre Streetscapes	
Street Tree Management	
Landscaping	

4.2 Council coordinates with other agencies on the following assets:

Street Lighting	Transport Roads & Maritime Services
	Ausgrid
	Gas - AGL
	Electricity - Ausgrid
Utility Services	Water - Sydney Water
	Sewer - Sydney Water
	Communications - Telstra/Optus
Classified Main Roads & Traffic Facilities	Transport Roads & Maritime Services

4.3 Variation

The Transport Roads & Maritime Services (TRMS) remains responsible for the road pavements and the discharge of stormwater on classified main roads (see Section 4.4).

- Sydney Water remains responsible for the stormwater culvert under Warriewood Square (Jacksons Road Warriewood) along the alignment of Narrabeen Creek.
- Property owner/s remain responsible for private roads and community title roads

4.4 Classified Main Roads (State Roads)

The classified main roads within the Pittwater LGA are:

- Pittwater Road - Narrabeen Lagoon bridge to the intersection of Barrenjoey Road, Mona Vale
- Wakehurst Parkway - Deep Creek Bridge to Pittwater Road, North Narrabeen
- Barrenjoey Road - Mona Vale to Palm Beach
- Ocean Road - Beach Road to Palm Beach Road, Palm Beach
- Beach Road - Barrenjoey Road to Ocean Road, Palm Beach

4.5 Classification of Local Roads

The TRMS requires that all the local roads in the Pittwater LGA be assigned a Road Hierarchy Classification that reflects their function (that may change over time) in the local road system.

The TRMS has established guidelines that define the classification system and criteria to be used to establish the function of the road.

The Road Hierarchy Classification system is:

- **Sub Arterial Road** (Regional Road) - connects the Arterial (classified) roads to areas of development or any traffic directly from one part of a region to another (eg. Powderworks Road)
- **Collector Road** - connects sub arterial roads to the local road system in developed areas eg. Avalon Parade, Beaconsfield Street
- **Local Road** - the subdivisional roads within developed areas and used as local access to properties

The Road Classification (reviewed at regular intervals) is used as one guide by Council when establishing future road infrastructure upgrade priorities and infrastructure design standards.

5 MANAGEMENT OF PUBLIC ROAD RESERVES

Road Reserves

Council is the Roads Authority and is responsible for the care and control of all public road reserves within the Pittwater Local Government Area other than:

Crown Roads, where the Minister is the Roads Authority

Road Pavements

The Council is the roads authority for all public road pavements within the Pittwater LGA other than:

- Classified Main Roads where the Roads and Traffic Authority is the Roads Authority

Footpath and Road Verge

The Council is the roads authority for all public road footpath areas within the Pittwater LGA.

- Council will ensure that all trees and other locally native species (except species listed in the Pittwater Exempt Species Table and the Noxious Weeds Act, 1993) are protected in accordance with legislative constraints;
- Council will consult residents before planting trees and vegetation on the nature strip in front of their homes to discuss the choice of species and to establish whether the resident will participate in tree care and maintenance.
- Where Council removes an existing tree, Council reserves the right to replace the tree with an appropriate species.
- Council may, at times, be required to remove trees due to their impact on community safety, impact on services and for access requirements

Advisory Note

The Crown Roads are few in number and generally Council acts as the roads authority except in the issue of property related matters.

6 MANAGEMENT OF PUBLIC STORMWATER SYSTEMS

Council is the authority responsible for all stormwater systems carrying stormwater from public lands installed in or on land by Council (whether or not the land is owned by the Council) other than:

- Stormwater systems solely carrying discharge from the portion directly under a classified main road
- Stormwater culvert under Warriewood Square along the alignment of Narrabeen Creek

Note:

Sydney Water remains responsible for the stormwater culvert under Warriewood Square (Jacksons Road, Warriewood) along the alignment of Narrabeen Creek and interrelating networks. Private connections remain the responsibility of the property owner.

Section 94 of the Roads Act 1993 states that:

A roads authority may, for the purpose of draining or protecting a public road, carry out drainage work in or on any land in the vicinity of the road.

Chapter 6 of the Local Government Act 1993 confers on Council the management and operation of storm water drainage facilities.

Chapter 7 of the Local Government Act 1993 sets out the regulatory functions of Council which includes the carrying out of stormwater drainage work. The regulatory functions are carried out in two main ways:

- **Approval** of works by Council, and
- Issuing of **Orders** by Council to do, or to stop doing something.

In accordance with the above mentioned legislation, any stormwater drainage works on the public road must be approved and managed by Council.

7 TRAFFIC MANAGEMENT

7.1 Traffic Responsibilities

The Transport Roads & Maritime Services (TRMS) is legislated as the organisation responsible for the control of traffic on all roads in New South Wales. Traffic is controlled by the installation of prescribed traffic control devices i.e. regulatory signs, parking signs or traffic control facilities, such as roundabouts and medians.

The TRMS has delegated certain aspects of the control of traffic on local roads to Councils. The TRMS manages traffic on the State's classified road network and is the authority in relation to traffic control lights.

Council is the Road Authority for all local roads in the Pittwater LGA (Roads Act) and has authority to undertake traffic management functions only on Local Roads in accordance with the Roads Act and the authority delegated to Council by the TRMS via Council's Local Traffic Committee (LTC).

- Council's traffic management functions are listed in Table 7.1.1
- The TRMS's traffic management functions are listed in Table 7.1.2

7.1.1 Pittwater Council Traffic Functions (Local Roads)

Traffic Function	LTC Support Required
Traffic lines/signs	Yes
Parking restrictions	Yes
Intersection control signs	Yes
Traffic Mirrors	Yes
Bus stops/zones	Yes
Work zones	Yes
Traffic control plans (partial & temporary road closures with traffic control)	Approval delegated to Council staff
Construction traffic management plans	No
Special events approval	No
Pedestrian facilities	Yes
Temporary traffic signals/work zone	Approval delegated to Council staff
Traffic calming schemes	Yes
Roundabouts/traffic islands	Yes
Bus routes	Yes
New roads	No

7.1.2 TRMS Traffic Functions (Local and Classified Roads) -

Traffic Function	LTC Support Required	Council Support Required
Traffic signals	No	Local Roads
Speed limits (general)	No	Local Roads
10kph Pedestrian Shared Zone (Local roads only)	Yes	Yes
40kph High Pedestrian Activity Zones (Local roads only)	Yes	Yes
3T Load limits (local roads only)	Yes	Yes
40kph School Zones	No	No
Speed/red light cameras	No	No

Bus lanes (Classified roads only)	No	No
Clear ways/transit lanes (Classified roads only)	No	No
B Double routes	Local Roads	Local Roads
Traffic lines/signs (Classified roads only)	No	No
Parking restrictions (Classified roads only)	No	No
Bus stops/zones (Classified roads only)	No	No
Pedestrian crossing facilities (Classified roads only)	No	No
Truck/bus restrictions	Local Roads	Local Roads
TCP/traffic restrictions (Classified roads only)	No	No
Traffic Mirrors (Classified roads only)	No	No
Work Zones (classified roads only)	No	No

Note:

LTC - Local Traffic Committee

TRMS - Transport Roads & Maritime Services

7.2 Pittwater Local Traffic Committee (LTC)

Under the provisions of the *Traffic Administration Act 1988*, the TRMS is empowered to delegate its functions to other public agencies, such as Council (*Section 50*).

The TRMS has delegated certain of its functions relating to local roads to Councils in accordance with the TRMS document '*Delegation of functions to regulate traffic (including the operation of local and regional traffic committees)*'

Council may only exercise their delegated function if Council first seeks the advice of the LTC prior to exercising their delegated functions.

The Pittwater Local Traffic Committee is a TRMS committee managed by the Council. It is primarily a technical review committee that is required to advise the Council on traffic related matters, referred to it by Council.

The Pittwater Local Traffic Committee consists of four formal members:

- one Councilor
- one representative of the Police Service
- one representative of the TRMS
- the Local Member of the NSW Parliament or their nominee

With additional non-voting members including:

- Bus operator representatives
- Council technical staff

Meetings are on a regular basis, usually two monthly or as required.

Residents are permitted to address the LTC in respect to the technical merits of any proposal on the agenda of the LTC meeting but must leave the meeting prior to the consideration by the LTC members of any agenda item.

Functions delegated to Council by the TRMS are:

- Authorisation of prescribed traffic control devices covered under Division 1 of Part 4 (Sections 50 to 55) of the Road Transport (Safety and Traffic Management) Act 1999 eg. parking restrictions, stop signs, traffic calming devices, roundabouts and traffic lines.
- Restriction of traffic under Division 2 of Part 8 (Sections 111 to 119) of the Roads Act.
- Authorisation of special event parking schemes under Division 2 of Part 5 (Clause 122,123) of the Road Transport Act on public roads other than classified roads

The Council cannot approve the prohibition of vehicular traffic (pedestrian or vehicular) on public roads eg. one way traffic, no right turn, no entry and speed limits/zones.

8 CONSENT TO UNDERTAKE WORKS ON PUBLIC ROAD RESERVE

Consent to undertake works on public infrastructure requires written approval as follows:

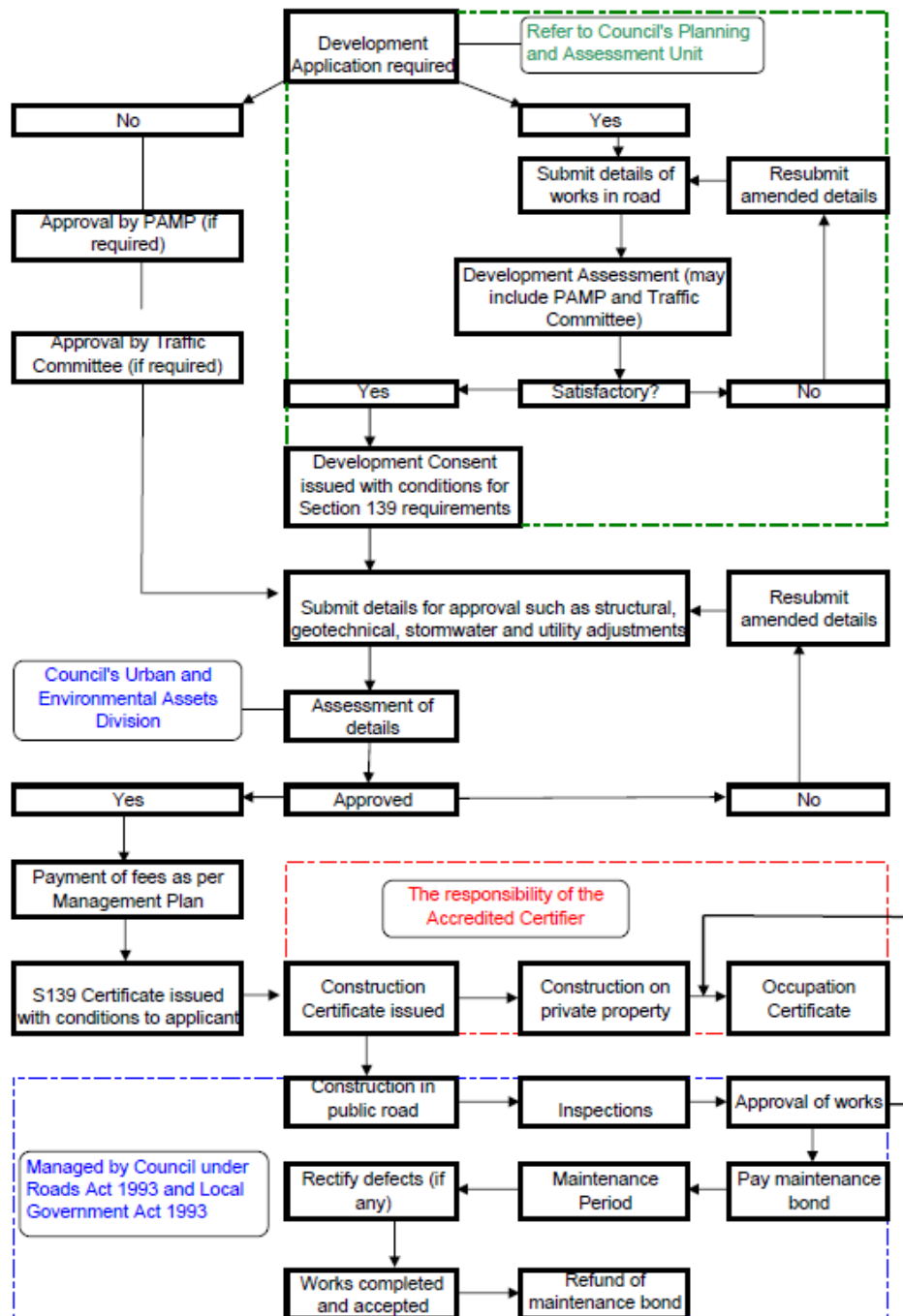
- On the Road Reserve - under *Sections 138 and 139 Roads Act 1993*
- On Public Lands - under *Section 68 Local Government Act*

Consent for public infrastructure works is required irrespective as to whether development consent has been obtained. Written consent must be obtained from Council prior to undertaking any works in public roads. For structures on classified roads TRMS consent must also be obtained.

Fees payable in relation to consents for works on a public road are as per the Fees and Charges Schedule from Council's annual Delivery Plan.

8.1 Consent Process for Works on Public Road Reserve and Public Lands

S139 Approval Process for Works in Public Roads



8.2 Procedure for Obtaining Consent (Approval) to Work on Public Road Reserve, Public Lands.

- a. Contact Council's Customer Service to discuss:
 - the proposal for works in the public road,
 - application forms to be submitted,
 - documentation to be submitted, including engineering plans (where necessary)
 - fees and charges
 - certification of the design and construction (where applicable)
- b. Complete all relevant application forms for proposed works (Application Forms, Deeds of Agreement and Contractor Lists)

Application forms must be accompanied by fees in accordance with Fees and Charges for service. These fees are non-refundable and cover Council's administration costs to process the application.
- c. Submit the application form(s), supporting documentation and application fees to Council.
- d. Upon receipt of the application, Council will assess it to determine if the application should be approved. Approximate assessment times for determination of applications:
 - Traffic Committee / Council - 4 months
 - PAMP / Council - 4 months
 - Urban Infrastructure - 1 to 4 weeks depending on size and complexity of project
- e. If approved, a written Section 139 Consent will be issued with conditions. Conditions will consist of, but not limited be to:
 - payment of further fees, depending on the nature of the work
 - hours of works
 - signage
 - maintenance of traffic and pedestrian movements
 - ensuring public safety
 - environmental controls
 - geotechnical investigation
 - insurances
 - repair of any damage caused as a result of the work
 - inspection regime
 - prior notice for inspections
 - certification of works
 - final inspection
 - maintenance period, maintenance bond
 - photos of infrastructure prior to works commencing
- f. Works shall not commence until written consent has been received from Council. The consent must be kept on site at all times during the works.

- g. Council may inspect the works to ensure compliance with relevant controls and specifications. Inspections will be subject to payment of fees as set out in the Pittwater Council Delivery Plan.

Notes:

1. Only property owners or their authorised agents may make applications.
2. Applications can only be made in relation to the public road adjacent to the applicant's property.
3. If required, an "Occupancy License" must be entered into with an appropriate yearly rental.

Approvals are required as per *Roads Act 1993* and *Local Government Act 1993*.

8.3 Assessment for Environmental Impacts

If removal or modification of trees and/or locally native vegetation is to be undertaken Council approval will also need to consider the impacts on species of flora/ fauna and that endangered ecological communities (EECs) are protected in line with the *NSW Threatened Species Act, 1995*.

Council will also consider landscaping/tree planting management as detailed in section 25 of this guideline.

8.4 Major Works Required Under Development Consent Or Local Improvements

All works are required to be certified by a professional engineer experienced in the work undertaken and certification forwarded to Council.

Council will undertake periodic inspections of the site; however, such inspections do not indicate approval or acceptance of the works.

8.5 Road Works

Road works are to be constructed in accordance with the approved plans and specifications.

All works are required to be certified by a professional engineer experienced in the work undertaken and certification forwarded to Council. Council will undertake periodic inspections of the site, however, such inspections do not indicate approval or acceptance of the works.

Twenty four hours notice is required for inspections by Council.

Further requirements for road works are detailed in Council's specification NAT-Spec (available from Council after payment of fee) and Council's Standard Drawings.

8.6 Traffic & Pedestrian Management around Work Sites

Work activities on the public road reserve must not interrupt the safe movement of pedestrians and traffic past the site of the works. Traffic control must be undertaken where necessary to ensure the safe movement of pedestrians and traffic.

The TMP is to be prepared in accordance with TRMS Guidelines by suitably qualified persons and may include the preparation of a traffic control plan (TCP), to control vehicular traffic on the roadway, to TRMS requirements. Note that for TRMS main roads, the applicant must obtain the approval of the TCP by the TRMS and submit a copy of the approval to Council with the application.

A Traffic Management Plan must be available on site throughout the work period and barricades, signs and other control devices must be in place as per this plan.

Fees and charges apply as per Pittwater Council Delivery Plan.

9 AUTHORISATION OF CONTRACTORS TO WORK ON PUBLIC INFRASTRUCTURE

Council authorises two classes of contractors permitted to work on public infrastructure:

- a. Minor contractors (access driveways and footpaths etc.).
Council maintains a list of authorised contractors who demonstrate compliance with public liability insurance and workers compensation insurance as well as providing quality workmanship to Council's standards.
- b. Major contractors (roads, pavements, kerb and gutter and drainage etc.).
Council's requirement prior to release of the Section 139 certification is that the contractor demonstrates competence in undertaking civil engineering construction and compliance with public liability insurance and workers compensation requirements.

Council will require demonstration of compliance prior to the release of the consent to undertake works.

9.1 Insurance Requirements for Contractors

A contractor working on the road reserve, public lands or public infrastructure must have in place:

- a. Workers Compensation Policy of insurance covering workers on the site and those workers who attend the site periodically.
- b. Public Liability Insurance Policy for an amount in respect of any one occurrence of not less than \$20 million.

The Contractor shall maintain the policies for the period the works are undertaken.

9.2 Work Health & Safety Requirements for Contractors

A Contractor working on the road reserve, public lands or public infrastructure located on private lands must have in place a Safe Work Method Statement for the activity being undertaken in terms of the legislative requirements, including Acts and Regulations, relating to work health and safety.

The Safe Work Method Statement must be available on the site of work and be available on request by a Council Officer.

9.3 Protection of People and Property

A Contractor working on the road reserve, public lands or public infrastructure must at all times:

- Provide all things and take all measures to protect people and property
- Avoid unnecessary interference with the passage of people and vehicles
- Prevent nuisance and unreasonable noise and disturbance and
- Have a traffic management plan, including a traffic control plan, in place

Without limitation, the Contractor is required where necessary, to provide all barricades, fencing, warning signs, lighting, traffic management, removal of obstructions and protection of utility services. Where the Contractor damages public property in undertaking works on public lands, the Contractor is required to make good and/or pay any compensation required at law.

10 INCIDENT MANAGEMENT ON A PUBLIC ROAD RESERVE

Where an incident occurs on a public road reserve, public lands or public infrastructure (eg. public stormwater system) the Council Road Reserve Management Engineer can be contacted via the Customer Service Centre to remedy the situation.

Council staff in attendance will determine if the incident is the responsibility of the Council, another authority or the responsibility of the property owner.

Such incidents include:

- Retaining wall collapse
- Road collapse
- Potholes in pavement
- Blocked stormwater pits and pipelines
- Fallen trees, etc.

Fallen power poles remain the responsibility of the energy authority.

11 CONTRIBUTIONS TOWARDS COST OF WORKS BY PROPERTY OWNERS

11.1 New Kerb and Gutter

Where new kerb and gutter is installed in locations where kerb and gutter did not previously exist, the adjacent property owner is required to contribute to the cost of the installation, up to the full length of the frontage to the property, at a \$rate/m set in Pittwater Council Delivery Plan.

Property owners of corner properties are not required to contribute to the cost of installation of kerb and gutter to the second frontage.

The contribution applies equally to all roads in the Pittwater Local Government Area including main roads.

11.2 Access Driveways and Gutter Crossings

Where a new or upgraded access driveway (driveway between gutter crossing and boundary) and/or gutter crossing is installed, the property owner is required to contribute 100% of the cost of the installation.

Where the access driveway is a shared driveway, the full contribution must be paid to Council prior to Council carrying out any work.

11.3 Works Required Under Development Consent

Where new or renewal works are to be constructed as a requirement of a development consent, the property owner, developer or builder is required to contribute 100% of the cost of the works.

12 ROAD RESERVE RESTORATION

12.1 Council Road Reserve Assurance Fee

For all Development Applications (DA) where the value of the works exceeds \$5,000, a Road Reserve Assurance Fee is to be paid on lodgement of the DA. The fee is for inspection of the road reserve adjacent to the development, prior and post development.

12.2 Restoration of Damage to Road Reserve

Where the road reserve is left in a poorer condition than the predevelopment condition, the property owner, developer or builder is required to contribute 100% of the cost of restorations.

12.3 Street Openings for Private Underground Utility Services

Prior to undertaking works associated with the installation and maintenance of utility services by contractors for private underground utility services in road reserves. Council must be contacted to allow the cost of restoration to be estimated and a fee applied. Approval is required under *Section 138 Roads Act 1993*.

All excavation for access to utility services must be:

- The minimum practical dimension to access the utility service
- Be cut square to the surface
- Be backfilled and compacted
- Be temporarily restored immediately on completion of utility service work to allow the safe passage of pedestrians and/or traffic
- All excavation must be restored and made good equivalent to the surrounding surface or alternatively arrangements made with Council for restoration

Council reserves the right to undertake the restoration of Council assets.

The cost of all restorations will be borne by the property owner/builder/contractor as per the rates set out in the fees and charges in Council's Delivery Plan.

All street openings, installations and restorations for underground services are to be in accordance with the Guide to Codes and Practices for Street Openings

Standards

- New South Wales Street Opening Conference - Guide to Codes and Practices for Street Openings
- NAT Spec specifications - Roads Opening and Restorations
- Australian Standard Traffic Control Devices
- Council Standard Drawings

12.4 Utility Services; Street Openings for Underground Utility Services

All utility street openings, installations and restorations for underground services are to be in accordance with the Guide to Codes and Practices for Street Openings

All excavation for access to utility services must be:

- The minimum practical dimension to access the utility service
- Be cut square to the surface
- Be backfilled and compacted
- Be temporarily restored immediately on completion of utility service work to allow the safe passage of pedestrians and/or traffic

Final restoration will be undertaken by Council or Council contractors under the direct instruction of Council. Fees for restoration will be charged as per Council's Fees and Charges in Council's Delivery Plan.

Standards

- New South Wales Street Opening Conference - Guide to Codes and Practices for Street Openings
- NAT Spec specifications - Roads Opening and Restorations
- Australian Standard Traffic Control Devices
- Council Standard Drawings

13 VERTICAL UTILITY SERVICE CONNECTIONS

Where a public utility connection is constructed to connect to a property elevated above the surface of the adjacent roadway and the connection requires the verge to be traversed, the connection is to be constructed so that the vertical section is recessed into the embankment and encased in concrete.

14 PRIVATE USE OF ROAD RESERVES

14.1 INTRODUCTION

Pittwater's topographic diversity provides residents and visitors with broad alternatives to suit their life styles and needs.

From the flat and even lands of Warriewood Valley to the steep and abrupt hills of Church Point and Whale Beach, the Pittwater area presents a very unique environmental quality for the enjoyment of all.

Pittwater's Public Road Network provides access for residents and visitors.

In all, the road network extends for approximately 243 kilometres. Many areas of road have been designed and established in old subdivisions with little consideration of the terrain in the area or of the need for future vehicular access to properties. This has often contributed to the provision of access to properties being made difficult by the steep characteristics of the terrain.

Considering the extent of the roads network, and making allowance for future road widening, it becomes apparent that areas of public road, not in public use, may be available to adjoining private property owners via consent or purchase.

In fact, many situations exist where in the past the Council has allowed property owners to construct vehicular accommodation (carports & garages) within areas of a road reserve. Also, many situations exist where property owners have made improvements to the road reserve, perhaps without approval, and in doing so have alienated public land for private use.

In 1994, and in response to the introduced Roads Act 1993, Pittwater Council adopted a Road Lease Policy. This guideline incorporates aspects of that original document, as well as providing further clarification and guidance on proposals concerning the road reserve fronting private property.

The aims and objectives of the guidelines is to continue with the provision of guidelines for private use of road reserves, together with the inclusion of issues that have arisen since 1994.

The guidelines will also provide for the assessment and determination of road closure and sale proposals, which provide a more permanent option to the consent to occupy (Licence) arrangements authorised under this guideline. This issue has developed rapidly in recent times, and is clear recognition of the Council's active property management role in determining future ownership of public road that is not likely to be put to public use.

Importantly, the guideline is designed to provide a more efficient and rapid solution to issues concerning private use of public road land matters, through the diversity of options covered by the guidelines.

14.2 Objectives

1. To permit use of Public Land (dedicated public road reserve) by private property owners on a uniform basis and in compliance with the Local Government Act and Roads Act 1993.
2. To provide a reasonable financial return to all ratepayers on Council owned assets used for private purposes.
3. To reduce Council's exposure to risks associated with the use of public land by formal tenure/occupation by consent to define responsibilities.

14.3 Principals

- The guidelines applies to all new and existing structures located on public road reserve, it being noted that since the commencement of the Roads Act 1993, permanent structures may not be authorised on any land other than purchased land.
- Consent for occupation of the road reserve (i.e. Licensed land) will not be considered if consent is requested in order to comply with Council's car parking requirements in Pittwater 21 DCP.
- In circumstances where an applicant wishes to use a portion of the road reserve for car parking purposes in association with a Development Application for the main dwelling, they be advised that they may apply to purchase the portion of road reserve in question and that a full assessment of the application will be followed, including public consultation, and that consent for the lodgement of a Development Application will be granted after exchanging of contracts and subject to settlement of the sale.
- All road closure applications will be assessed on their individual merits. Any proposal for road closure must take into consideration and allow for the provision of future pedestrian access, road widening and other urban infrastructure services.
- The General Manager shall have discretion to waive the requirements of these guidelines only in the circumstances of very minor encroachments.
- For the purposes of these guidelines the following interpretation applies:

14.3.1 'Permanent' Structure

- Any structure that Council deems to have an effective life of more than 5 years
- Requires significant structural and site works, eg retaining walls or suspended slab
- Is not readily able to be removed and the disturbed area would be difficult to restore
- Associated with a condition of consent for carparking to allow occupation of the main dwelling on the adjoining land.

Examples:

- Car stands requiring significant structural and site works
- Garages and carports of "permanent" construction
- Inclinator providing longer term pedestrian access
- Boundary fences

14.3.2 'Temporary' Structure

- Any structure that has an effective life of less than 5 years
- Does not require significant structural works
- Easily removed and area easily reinstated

- Not associated with a condition of consent for car parking to allow occupation of the main dwelling on the adjoining land.

Examples:

- Temporary inclinators such as those associated with construction works

14.4 Existing Minor Encroachments

Where it is found that an adjoining owner has an existing encroachment upon a road reserve and the encroachment is found to be of a minor nature, then staff shall notify Councillors of the encroachment. Councillors have 10 working days following an official inspection to request that the matter be called to Council for consideration. Should the notifying officer not be requested to bring this matter to Council then the matter shall be referred to Council's General Manager.

Either Council or the General Manager shall determine whether to:

- allow the encroachment to remain, at Council's discretion, without the requirement to purchase or lease the road reserve, or
- allow the encroachment to remain with the requirement to purchase or lease the road reserve, or
- issue an order for the encroachment to be removed.

Any decision by Council or the General Manager to take no action does not in any way formalise the encroachment nor does it constrain the Council from taking some other action in the future.

It is the encroaching owner's responsibility to provide a survey from a registered surveyor to define the encroachment(s) and the area of the encroachment(s) and to take out any necessary public liability insurances over the Council road reserve land.

For the purpose of these guidelines, a "minor encroachment" is defined as either or both:

- An enclosure by fencing with a total area of up to 10m².
- An encroachment of a permanent structure with a total area of up to 8m² including but not limited to a carport or garage or car stand area."

14.5 Consent to Occupy for Temporary Structures on Road Reserves under *Section 139 of Roads Act 1993*.

Council will, where appropriate consider issuing consent under section 139 of the Roads Act 1993 for the occupation of a temporary structure on road reserve subject to:

- A specific application being made to Council with the application fee of \$1,000 being paid prior to Council's formal agreement to consent. Upon consent being granted, a further \$3,500 is payable to Council, being a total of \$4,500 representing the minimum annual fee for the first year. Should the annual fee be more than \$4,500, then the outstanding balance shall be paid by the applicant prior to the issue of the consent.
- For subsequent years the minimum annual rental fee shall be \$1,200.
- The \$1,000 application fee is credited towards the first years rent upon execution of all consent documents.
- An application form for Consent under Section 139 of the Roads Act is attached to these guidelines as Appendix 1.

Should Section 139 consent be granted to the applicant for the subject property the applicant must comply with all covenants and conditions at all times otherwise this consent will be withdrawn by Council.

- Standard conditions for Consent under Section 139 of the Roads Act are attached to these guidelines as Appendix 2.
- The standard conditions of this Consent may be varied as required by Council as Roads Authority for each individual site as required.
- The General Manager has delegated authority and discretion in approving consents under section 139 of Roads Act 1993 over road reserves.
- A fee is payable annually in advance and will be determined on an area of encroachment basis. The rate per square metre being based on an annual rate of return on the calculated value of the subject land. This calculated value being an apportioned value based upon the Valuer General's value for the property to benefit from the consent.
- The required rate of return will be 10% per annum of the calculated value of the land the subject of the consent. However, please note the minimum annual fees as set out in 1.1.1. above.
- Upon transfer of title of the licensee's property, Council permits the assignment of the consent to successive owners without the need for a new application to be lodged. However, the responsibility for notifying Council of any transfer is the responsibility of the licensee.

That the General Manager may allow concessions on the annual fee under the following circumstances:

- For pensioners, a rebate of 50% will be applied.
- For owners who claim financial hardship, Council may negotiate extended payments in light of the individual circumstances.
- For owners whose actions on Council land provide a tangible benefit to the greater community, agreements providing for a cost/benefit off-set up to a maximum of 50% of the fee value may be negotiated.

Council can in no way guarantee any security of tenure and it should be understood that this consent can be terminated at any time following written notice.

14.6 Permanent Structures

Council will, where appropriate, consider the sale of public road reserve to an adjoining owner as a means of formalising permanent occupation for either as built or proposed permanent structures, subject to:

An application being made to Council with the appropriate fees to process the application.

No structures are to be erected on the subject portion of road reserve until title is transferred to the new owner, and only then under the terms and conditions established in the assessment process.

The land being sold at a price which reflects its current market value to be established by a registered valuer appointed by Council. The valuation will be on a "before and after" basis.

All such land disposals may include restrictions on the use of the additional land for subdivisional, dual-occupancy purposes or building purposes.

All costs associated with actions to dispose of public road are to be borne by the purchaser - The form 'Information for Applicants on Proposed Road Closure and Sale Procedures' is attached as Appendix 3, and provides an outline of the procedure for road closure.

That funds obtained from the sale of road reserves be used in accordance with the provisions of Section 43 of the Roads Act 1993, that is, for acquiring land for roads or for carrying out road works.

It is a condition of sale that upon settlement the two parcels of land will be consolidated into one.

14.7 Use of Footpath for Cafes, Restaurants, Merchandise and Short Term Use

- a. Section 125 of the Roads Act 1993 provides that Council may approve the use of part of the footpath for restaurant purposes.
- b. Section 126 and 139 of the Roads Act 1993 provides that Council may approve and charge rent for the erection of structures for the purposes of selling articles or service.
- c. Applications for the private use of footpaths should be made to Council in the prescribed Permit Application forms, together with an application fee as fixed by Council from time to time.
- d. Assessment of Permit Applications will consider the Guidelines for Footpath Use as shown on the appropriate Application form for type of use.
- e. As standard conditions, other than outdoor dining, a Permit will require:
 - (i) Payment of the Permit Fee
 - (ii) Submission of an application form
 - (iii) Define area and type of use
 - (iv) Other standardised conditions addressing obligations in terms of public liability, insurance, hours of operation, maintenance of equipment, off footpath storage, keeping the area clean, no cooking on footpath
 - (v) Term of Permit Approval — 1 year trial, appropriate fee paid annually for a maximum of 5 years thereafter, a new application is required to be lodged, approval obtained and fee paid as set by Council from time to time.
- f. As standard conditions, for outdoor dining, a Permit will require:
 - (i) Payment of the Permit Fee
 - (ii) Submission of an application form
 - (iii) Define area and type of use
 - (iv) Other standardised conditions addressing obligations in terms of public liability insurance, maintenance of equipment, off footpath storage, keeping the area clean, no cooking on footpath
 - (v) Notification of application for a period of 14 days to be displayed on the premises. Should there be objections received, the application will be forwarded to Council's Pittwater Asset Management Panel (PAMP)
 - (vi) Term of Permit Approval — 1 year trial, appropriate fee paid annually for a maximum of 5 years thereafter, a new application is required to be lodged, approval obtained and fee paid as set by Council from time to time
- g. A Permit becomes operative for a period of 5 years only and appropriate fee paid annually. A new application is required to be lodged, approval obtained and fee paid as set by Council from time to time.
- h. The Permit holder will be required to display the Permit details in such a way as to be clearly visible to the public.
- i. Permit Fees shall be established by Market Rental Valuation for the discrete commercial areas of Palm Beach, Avalon, Newport and Mona Vale and generally for other areas of Pittwater. Such Valuation shall be made by a qualified Registered Valuer and set from time

- to time in Council's Management Plan. The Valuer, when carrying out such valuations will consider:
- (i) Weather conditions
 - (ii) The expense of servicing outdoor eating areas.
- j. Council authorises the General Manager, to consider the variation of Permit Fees under the circumstances that provide for a Permit holder to make "in kind" payment of Permit fees towards:
- (i) Contributions towards improvements in landscaping in the locality.
 - (ii) Contributions towards improvements in footpath paving in the locality.
 - (iii) Contributions towards improvements to the streetscape of the area.
- k. Permit Fees collected by the Council shall be held in a restricted asset fund for the respective commercial centre area, and the Council shall consider the allocation of such funds, in consultation with local community groups, towards improvements within the commercial centre area.
- l. That with regard to applications for short term leasing of outdoor eating areas, the following conditions apply:
- 1. That the maximum permissible time span for any individual short term booking be one month.
 - 2. That the fee to be charged be 100% of the commercial rate for that area with no discount for inclement weather.
 - 3. That in all instances, a booking fee is to be charged for each and every application and a security bond is to be lodged.
 - 4. That the necessary insurances be provided with each individual booking.
 - 5. That the minimum value equating to any temporary bookings be \$200.
 - 6. That schools, non-profit clubs, charities and other non-profit organisations be exempt from the licence fee for the use of such an area, however the normal booking fee be reduced to \$25 and the bond still apply. (OM 23.10.2000)
 - 7. Fees and Charges apply as per Pittwater Council Delivery Plan.

**APPLICATION FOR CONSENT FOR STRUCTURE TO OCCUPY ROAD RESERVE UNDER
SECTION 139, ROADS ACT 1993**

Property Address:

Property Owner:

Applicant (if other than owner):

Contact details (Phone, Fax, Mobile):

Comments to support Application:

Property Owner's/Applicant's Signature

Date

**PLEASE READ THE ATTACHED NOTES ON FOR INSTRUCTIONS AND
INFORMATION ON THIS APPLICATION FOR CONSENT**

14.8 Standard Conditions

CONSENT UNDER SECTION 139 OF THE ROADS ACT 1993

A. NOTATIONS

- A1. This Consent is granted pursuant to Part 9 Division 3 of the Roads Act 1993.
- A2. The Council consents to the Applicant (.....) using the land, as marked on the attached survey prepared by (.....), being Council owned road reserve,
For (.....).
- A3. In accordance with section 140 of the Roads Act 1993, the Council can revoke this consent at any time and for any reason by serving a written notice on the Applicant. If the Council revokes this consent the Applicant will remove, at the Applicant's own expense any building, structures, fences or improvement erected on the land and make good all damage done to the land and/or the public road and if the Applicant fails to do so then the Council may do such work as it deems necessary and the cost incurred in so doing shall be paid by the Applicant to the Council and all materials removed from the land will be the property of the Applicant.

B. MATTERS TO BE SATISFIED PRIOR TO THE RELEASE OF THE CONSENT

C. PRESCRIBED CONDITIONS

- C1. The applicant is to pay to the Council the annual fee of (\$). The first annual fee is to be paid within 28 days of the endorsement date of this consent. The amount is to be adjusted annually in accordance with Council's guideline on Private Use of Road Reserves on written notice.
- C2. The Applicant will pay the proper authorities all water rates, excess water, meter rents, Council rates and land tax should the land the subject of this consent be or become rateable or taxable. If the Applicant fails to make these payments the Council may make the payments and recover the sum paid from the Applicant after written notice.
- C3. The Applicant will not do or allow to be done any of the following:
- (a) use the land other than for (.....).
 - (b) use the land or any part thereof for any noxious, immoral, offensive or unlawful purposes;
 - (c) Bring to do or keep anything on the land which may conflict with the laws or regulations relating to fires or any insurance policy upon the land or regulations or ordinances of any public authority for the time being in force or use chemicals, burning fluids, acetylene gas or alcohol in lighting of the land; and
 - (d) paint, affix or erect on any part of the land any signs or advertisements without the Council's prior written consent.

- C4. The Applicant shall at all times keep the land and all improvements, fixtures and fittings on it clean and in good repair.
- C5. The Applicant shall duly comply with and observe all notices received from any statutory or public authority relating to the land or the nature or use carried out on it and will comply with the requirements of such notices at its own expense.
- C6. The Applicant is liable for and indemnifies the Council against all losses, damages, costs, expenses and other liabilities arising from or incurred in connection with:
- (a) damage, loss, injury or death caused or contributes to by the act, negligence or default of the Applicant or of the Applicant's employees and agents or by faulty fittings or fixtures brought upon or affixed to the land by the Applicant; and
 - (b) the Council doing anything which the applicant must do under this consent but has not done or has not done properly.
- C7. The Applicant releases the Council from, and agrees that the Council is not liable for, any losses, damages, costs, expenses or other liabilities arising from or incurred in connection with:
- (a) damage, loss, injury or death unless it is caused by the Council's act, negligence or default; and
 - (b) anything the Council is permitted or required to do under this consent.
- C8. Each indemnity is independent from the Applicant's other obligations and continues during the consent and after it is revoked. The Council may enforce an indemnity before incurring expense after written notice.
- C9. No act, matter or thing whatsoever shall at any time be done in or upon the land which shall or may be or grow to the annoyance, nuisance, grievance, damage or disturbance of the occupiers or owners of the properties adjoining the land.
- C10. Any damage caused to:
- (a) any property or person; or
 - (b) any part of the road or public places including the road surfaces, footpaths, kerbing, guttering, drains, gullies or other constructions vested in or under the control of the Council,
- by reason of any work done by the Applicant shall be made good by the Applicant to the satisfaction of the Council after written notice and if the Applicant fails to do so then the Council may make good such damage and the cost incurred in so doing shall be paid by the Applicant to the Council.
- C11. If the Council does any work under this consent and the costs of that work are payable by the Applicant, a certificate from an engineer for the Council duly served shall be final and conclusive as to the cost of the work.
- C12. The Applicant shall not knowingly permit the sale of any intoxicating liquor on the land, nor permit any person to take onto the land or consume thereon any intoxicating liquor without the consent of the Council.

- C13. The Applicant must maintain public liability insurance coverage to protect the Council against any claim arising for damages throughout the term of the consent. A copy of the relevant documentation must be provided to Council.
- C14. The Council may enter and inspect the land when and so often as the Council may require and without previous notice but thereafter advise the applicant.
- C15. The Council's right to enter and repair after written notice shall extend to affecting all repairs, painting, cleaning or other work of whatsoever kind which it shall deem expedient.
- C16. Notwithstanding any implication or rule of law to the contrary the Council shall not be liable for any damage or loss the Applicant may suffer by the act, default or neglect of any other person or by reason of the Council neglecting to do something to the land which as between the Council and Applicant it might be legally liable to do.

14.9 Information for Applicants on Proposed Road Closure and Sale Procedures

Please ensure that you read this information sheet prior to lodging a road closure application. Do not hesitate to ask any questions of Council Staff.

Council generally requires applications that propose closing a section of road across the whole frontage of a block of land, rather than the encroachment itself. This helps maintain reasonable continuity of property boundaries.

To assist Council in determining the merit of any application, an identification survey plan showing boundaries, retaining walls and encroachments on road reserves. Should this survey not provide sufficient information to allow a full merit based assessment of the application it shall be referred back to the applicant before any further consideration is given. This can result in substantial delays for the applicant.

It is important to know up front that Council requires all costs associated with pursuing a road closure and sale to be paid by the applicant. Estimated costs for the road closure and sale are discussed later in this form.

Following receipt of your Road Closure Application fee and this form, signed by the owner of the property, which requests Council to consider the closing and sale of a section of public road to you, the following action is undertaken:

1. An initial Planning Review will be undertaken by Council's Planning and Assessment Unit as to compliance with the relevant DCP and other planning considerations.
2. Should you wish to proceed with the application, Council officers will consult with other areas of Council (eg Natural Resources Unit, Urban Infrastructure Unit) to seek their comments on the proposal.
3. Comments will also be sought on the proposal from Sydney Water, Natural Gas Co, Sydney Electricity, Telstra and Council's Engineers advising of any easements or other requirements.
4. When that information is received, the proposal is submitted to a meeting of Council for consideration.
5. If agreed by Council, an Application is then lodged by Council with the Land & Property Management Authority, who then notifies surrounding property owners and Service Authorities of the proposal and advertises the proposal in a local newspaper for public comment.
6. The Department will advise Council following this consultation of any objections or problems which must be overcome before the proposal may proceed.

7. Council will negotiate to overcome any objections, and upon resolving the objections and receiving notice from the Department that the objections have been withdrawn (or not pressed) and the proposal may proceed, Council will;
- A. Advise you that approval has been received for the proposal to proceed. It is important that you are aware of the costs of the exercise. The estimated associated costs are made up as follows;

ROAD CLOSURE RESERVE APPLICATIONS			
Description / Item	FEE	GST	TOTAL FEE
	Excluding GST	(If applicable)	Including GST
Establishment Fee (includes planning review)	\$1,090.91	\$109.09	\$1,200.00
Council's processing Fee	\$4,545.55	\$454.45	\$5,000.00
Road Closure application fee – Dept of Lands (at cost) Estimate Only	\$800.00	\$80.00	\$880.00
Surveying Costs (at cost) Estimate Only	\$3,181.82	\$318.18	\$3,500.00
Land Titles Office registration Costs (at cost) Estimate Only	\$1,000.00		\$1,000.00
Valuation Costs Estimate Only	\$2,272.73	\$227.27	\$2,500.00
Council Legal Costs Estimate Only	\$4090.91	\$409.09	\$4,500.00

NOTE: These costs do not include the sale price of the land which is an additional cost. The costs are estimated costs only and the actual cost may exceed or fall below the figures shown above

The process for payment of these costs is as follows:

Step 1.

Payment of non-refundable Establishment Fee
which includes an initial Planning Review..... \$1,200

Step 2.

Should the applicant still wish to proceed with the
Road Closure application, payment of Processing Fee..... \$5,000

Step 3.

Should the Council approve lodgement of Road Closure
Application with Department of Lands, the balance of fees
(as indicated above) to be paid on exchange

- B. Council will arrange for the preparation of a new Deposited Plan defining the proposed closure area and incorporating any required easements. Council may also place restrictions on the use of this land to prohibit its use for future subdivision, dual occupancy or building purposes etc.

- C. Council will commission a market valuation of the land on a “before and after” valuation basis however, this step will only be taken when the closure process has reached a stage where the outcome of the application is known.
6. We will then need to meet and discuss the proposed sale arrangements. The result of these negotiations will be reported to Council for consideration and determination.
 7. The survey plan is then lodged with the Property Information NSW for registration, and a registered copy filed with the Department of Land & Water Conservation, who will then complete the formal closure of the road.
 8. The Certificate of Title for the land (ie the closed section of public road) is then issued to Council, following which Council will instruct its solicitors to proceed with the actual sale of the land to you.
 9. It is a condition of sale that upon settlement the two parcels of land be consolidated into one and that a re-zoning application is made within 12 months of settlement.

This process of closing a section of public road is lengthy, we estimate that it can take up to 12 months, although not in all cases.

Staff will be pleased to meet you, either at Council's Offices or on site to discuss possible options and to answer any questions you may have.

PLEASE NOTE: **The sale of the subject portion of road reserve is dependent upon Council's consideration and there is no guarantee of the sale being approved.**

The costs are estimated costs only and the actual cost may exceed or fall below the figures shown above.

14.10 Application for Road Closure

Application for Road Closure

I, , have read and understood the enclosed ***“Information For Applicants on Proposed Road Closure and Sale Procedures”*** and request Pittwater Council to consider a road closure and sale of land adjacent to

.....

.....

.....

NAME:.....

PROPERTY STREET ADDRESS:.....

POSTAL ADDRESS:.....

PHONE: No. (W).....(H).....(Mob.).....

Signature:..... **Date:**.....

**SURVEY PLAN OF SUBJECT LAND AND COMMENTS
IN SUPPORT OF APPLICATION
MUST BE ATTACHED TO THIS FORM**

15 TEMPORARY USE OF ROAD RESERVE FOR CONSTRUCTION RELATED ACTIVITIES

15.1 Skip Bin / Building Waste Container on Road Reserve

A skip bin and/or building waste container may be placed for a maximum period of 14 days per placement. The container must be placed on road verge clear of traffic and so as not to impede the movement of pedestrians past the location, or on road pavement so as not to impede the safe movement of pedestrians or traffic.

Where the proposal to place a skip bin / building waste container is at a location that may impede the pedestrian and/or traffic flows, a Traffic Control Plan must be lodged with the application.

Under *Section 139 Roads Act 1993* written approval required prior to placement. Consent from Council must be sought via an *“Application to Stand Skip Bin/Building Waste Container”* and the appropriate fees paid. A late fee is payable in addition to the cost of the consent, if the consent is sought after placement of the bin/container.

Fees and charges apply as per Pittwater Council Delivery Program.

A skip bin/waste container is not permitted to be placed on the road pavement of a main road. These roads are Wakehurst Parkway, (Pittwater Road to Deep Creek), Mona Vale Road, Pittwater Road (Wakehurst Parkway to Barrenjoey Road) and Barrenjoey Road.

15.2 Stand Construction Plant on Road Reserve

If there is a need to operate a crane, concrete pump, or any other plant or machinery on a public road, permission must be sought from Council via an *“Application to Stand Construction Plant on a Public Road”* and the appropriate fees paid. Under *Section 139 Roads Act 1993* written approval is required prior to standing plant. A late fee is payable in addition to the cost of the permit, if the permit is sought after the operation has commenced.

Construction Plant may be placed for a maximum period of 72 hours per placement on road verge clear of traffic and so as not to impede the movement of pedestrians past the location, or on road pavement so as not to impede the safe movement of pedestrians or traffic.

Where the proposal to stand plant is at a location that may impede the pedestrian and/or traffic flows a Traffic Management Plan must be lodged with the *“Application to Stand Construction Plant on a Public Road”*.

Fees and charges apply as per Pittwater Council Delivery Program.

15.3 Stand Shipping Container / Work Shed on Road Reserve

Should construction work require the placement of a container or work shed on a public road, permission from Council must be sought via an *“Application to Stand Container/Work shed on Public Road”* and the appropriate fees paid. Under *Section 139 Roads Act 1993* written approval is required prior to placement. A late fee is payable in addition to the cost of the permit, if the permit is sought after placement of a container or work shed on a public road.

A shipping container/work shed may be placed on road verge clear of traffic and so as not to impede the movement of pedestrians past the location, or on road pavement so as not to impede the safe movement of pedestrians or traffic.

Where the proposal to stand shipping container/work shed is at a location that may impede the pedestrian and/or traffic flows, a Traffic Management Plan must be lodged with the application to stand shipping container/work shed on a Public Road.

Fees and charges apply as per Pittwater Council Delivery Program

15.4 Construction Zones on Footpath Area of Road Reserve

A Construction Zone allows the temporary use of the adjacent road verge, between the road pavement (includes road shoulder for unkerbed roads) and the property boundary, for construction purposes where insufficient area is available within the property. The developer or builder may request the use of additional space via an *“Application for Construction Zone in a Public Road”*. The application is to be accompanied by a plan showing the proposed location and hours of use. Under *Section 139 Roads Act 1993* written approval is required prior to establishment.

A Construction Zone must be located on the road verge clear of traffic and so as not to impede the movement of pedestrians past the location or to cause pedestrians to walk on the road.

Fees and charges apply as per Pittwater Council Delivery Program.

15.5 Work Zones on Road Reserve

A work zone must be located on road pavement (includes road shoulder in unkerbed roads) so as not to impede the safe movement of pedestrians or traffic. A work zone allows the temporary use of the road shoulder **and** kerb side lane for construction purposes. The Developer or Builder may request the use of additional space via an *“Application for Work Zone in a Public Road”*. The application is to be accompanied by a plan showing the proposed location and hours of use. A Traffic Management Plan must be lodged with the application to install a work zone. A work zone application will be considered by the Pittwater Traffic Committee and depending on timing an allowance of approximately two months should be allowed for the application to be processed.

Council will install the appropriate zoning signage once consent is given by the Traffic Committee.

Under *Section 139 Roads Act 1993* written approval is required prior to establishment

Fees and charges apply as per Pittwater Council Delivery Program

A Work Zone located on main roads; Wakehurst Parkway, Mona Vale Road, Pittwater Road and Barrenjoey Road must be referred to the Roads and Traffic Authority for approval.

15.6 Temporary Fencing and Hoardings on Road Reserve

If construction works are likely to cause obstruction to pedestrian or vehicular traffic in a public place, or if the works involve the enclosure of a public place, then a hoarding or temporary fence must be erected between the work site and the public place. The prime objectives of a hoarding are safety and protection of the public. Consent from Council must first be sought via an *“Application for Temporary Fencing and Hoarding on Public Road”* and the appropriate fees paid. The application must be accompanied by a plan indicating the proposed location and size of the hoarding. Under *Section 139 Roads Act 1993* written approval is required prior to erection.

Temporary fencing and/or hoardings must be located on road verge clear of traffic and so as not to impede the movement of pedestrians past the location, or to force pedestrians to walk on the road pavement. The fencing or hoarding must be constructed so as to protect the public from the works activity. Australian Standard *AS 4687-2007 - Temporary Fencing and Hoardings* should be followed when designing and constructing construction fencing or hoarding. There are three types of Hoarding - A, B or C and these are detailed as per AS 4687-2007.

Fees and charges apply as per Pittwater Council Delivery Program

15.7 Temporary Road Closure (Full or Partial) for Construction

Temporary road closure for construction purposes will be considered in cases where other construction options are not available.

A Traffic Management Plan, prepared by a suitably qualified person, must be lodged with the application for a full or partial road closure of a periodic nature for construction purposes.

An application for a temporary road closure for construction purposes will be considered by the Pittwater Traffic Committee and depending on timing an allowance of approximately two months should be allowed for the application to be processed.

Council approval is required prior to implementation under *Part 8 Roads Act 1993*

Fees and charges apply as per Pittwater Council Delivery Program

15.8 Temporary Road Closure (Partial or Full) for Events

Temporary road closure for events will be accepted in cases where other options are not available.

A Traffic Management Plan, prepared by a suitably qualified person, must be lodged with the application for a full or partial road closure of a periodic nature for event purposes.

An application for a temporary road closure for event purposes will be considered by the Pittwater Traffic Committee and depending on timing an allowance of approximately three months should be allowed for the application to be processed

Council approval is required prior to implementation under Part 8 Roads Act

Fees and charges may apply as per Pittwater Council Delivery Program

15.9 Traffic Control Devices for Works on Roads

All traffic control for works on Council local and regional roads is to be in accordance with Australian Standards, AustRoads and Transport, Roads & Maritime Services Guidelines. Traffic Management Plans must be in place and followed.

Standards

- Australian Standard - *Manual of uniform traffic control devices - Traffic control devices for works on roads*
- Transport Roads & Maritime Services Supplement to Australian Standard
- Transport Roads & Maritime Services Manual - Traffic control at work sites
- Council Standard Drawings and Templates

Under *Section 139 Roads Act 1993* written approval required prior to implementation of traffic control on public roads.

Fees and charges may apply as per Pittwater Council Delivery Program

16 ACCESS DRIVEWAYS AND WORKS ON THE PUBLIC ROAD RESERVE

16.1 Access Driveway - Application for Location and Profile

Access driveways (including those serving more than one property) include the driveway pavements, gutter crossings, stormwater drainage, supporting retaining walls, suspended slabs and related structures located on the public road reserve between the road edge and property boundary as illustrated in Pittwater Council's Standard Drawings.

Where there is an existing driveway and the applicant proposes to retain the existing driveway, the applicant will be required to demonstrate compliance with these guidelines.

Applicants are required to obtain approval for all new or modified driveways within the road reserve. Access driveways are to be designed and constructed in accordance with the requirements of these guidelines and Pittwater 21 DCP. Where applications for an access driveway have not addressed the location and profile within the road reserve appropriately, the

applicant will be required to obtain the location and profile information and insert this data into the design submission.

The cost for the design, construction and ongoing maintenance of a driveway access to private property is borne by the owner or joint owners in the case of multiple access driveways (refer to Section 16.2).

Written Council approval under *Section 139 Roads Act 1993* is required prior to commencement of works:

- Firstly an *“Application for Access Driveway Profiles”* (Form No. UI 301) must be lodged. Completion of the form and return to a Customer Service Centre with payment of the appropriate fee then generates a response from Council as to the type of the driveway to be used and the dimensions in plan.
- When construction of the driveway is proposed, consent for construction is required via an *“Application for Section 139 Consent to Work in a Public Road Reserve (including Driveways)”* (Form No. UI 311), which must be lodged with Council and accompanied by the appropriate fee.
- The application will be assessed by Council and if approved, a Section 139 Consent with conditions will be issued for the works. Note that construction can only be carried out by a *“Council Approved Concrete Contractor”*.
- Customers who wish to have a coloured driveway in lieu of a standard concrete driveway are required to complete a *“Deed of Agreement for Coloured Driveway”* (Form No. UI 303) and pay the appropriate fee. For Customers who wish to have a driveway constructed with bricks, pavers, patterned, stamped, sealed or stenciled in lieu of a standard concrete driveway, a *“Deed of Agreement for Cosmetic Driveway”* (Form No. UI 304) is required to be completed and the appropriate fee paid. These Deeds cover the section of the driveway between the property boundary and the roadway/kerb and gutter.
- In some situations where a driveway has been constructed as a coloured/cosmetic driveway without authorisation and Council considers it to be of an acceptable standard, Council may allow it to remain subject to the property owner of the unauthorised driveway completing a *“Deed of Agreement for Unauthorised Driveway Indemnifying Council”* (Form No. UI 305) and paying the appropriate fee.

Fees and charges apply as per Pittwater Council Delivery Program

Forty eight hours notice is required for a formwork inspection by Council prior to pouring of concrete for the driveway.

A final inspection will be carried out by Council to check that the works have been completed in accordance with these guidelines and any restorations within the public road have been completed.

16.2 Multiple Access Driveways

In the case of multiple access driveways: -

1. The owners of properties served by multiple access driveways meet the full cost of construction and maintenance of these crossings in accordance with Council's standard requirements.
2. Where these crossings are regularly used by garage, sullage and/or general delivery vehicles, Council may meet the cost of routine maintenance as distinct from capital replacement or work of a capital nature.

3. Construction or reconstruction work is to be approved by Council, and should damage to or obstruction of Council's road and/or drainage facilities occur, as a result of such construction or reconstruction, Council may execute any necessary repairs to public property and recover the cost from the responsible owners.

17 STREET NAME AND COMMUNITY FACILITY SIGNS

The installation of street name and community facility signs, where approved by Council, is to be in accordance with Australian Standard AS1742.5 - Manual of uniform traffic control - Part 5: Street name and community facility name signs, Council standard drawings and templates

Written Council approval under Section 139 Roads Act is required prior to installation of signs. The applicant will be responsible for the cost of producing and installation of new signage by Council.

Fees and charges apply as per Pittwater Council Delivery Program.

18 BICYCLE FACILITIES

This guideline generally relates to works by a contractor or developer as part of a development consent.

The design and construction of bicycle facilities is to be in accordance with Australian Standard AS1742.9 - Manual of uniform traffic control devices - Part 9: Bicycle facilities, AustRoads, Transport Roads & Maritime Services Guidelines and Council standard drawings and templates

Written Council approval under Section 139 Roads Act is required prior to installation

Fees and charges apply as per Pittwater Council Delivery Program.

19 PEDESTRIAN CONTROL AND PROTECTION

The design and installation of pedestrian control and protection facilities is to be in accordance with Australian Standards, AustRoads and Transport Roads & Maritime Services Guidelines:

- Australian Standard AS1742.10 - Manual of uniform traffic control devices - Part 10: Pedestrian control and protection;
- AustRoads - Guide to Traffic Management;
- Transport Roads & Maritime Services Standard Supplement AS1742 and
- Council Standard Drawings and Templates

Applications will require Pittwater Traffic Committee endorsement and Council approval under Section 139 Roads Act prior to starting construction.

Fees and charges apply as per Pittwater Council Delivery Program.

20 PARKING CONTROLS

Public Road Reserve

This guideline applies to works on the public road reserve by developer/contractor as part of development consent.

The installation of parking control devices is to be in accordance with Australian Standards, AustRoads and Transport Roads & Maritime Services Guidelines:

- Australian Standard - Manual of uniform traffic control devices - Part 10: Parking controls;
- AustRoads - Guide to Traffic Management;
- Transport Roads & Maritime Services Standard Supplement
- Council Standard Drawings and Templates.

Applications will require Pittwater Traffic Committee endorsement and Council approval under Section 139 Roads Act prior to starting construction.

Fees and charges apply as per Pittwater Council Delivery Program.

21 LOCAL AREA TRAFFIC MANAGEMENT

This guideline applies to works by developer/contractor as part of development consent and works by Council.

The design and installation of control facilities is to be in accordance with Australian Standards, AustRoads and Transport Roads & Maritime Services Guidelines:

- Australian Standard - Manual of uniform traffic control devices - Part 13: Local Area Traffic Management;
- AustRoads - Guide to Traffic Management;
- Transport Roads & Maritime Services Standard Supplement
- Council Standard Drawings and Templates

Applications (using the appropriate Council forms) must be supported by a traffic management plan and construction plans and will require Pittwater Traffic Committee endorsement and Council approval under Section 139 Roads Act prior to starting construction

Fees and charges apply as per Pittwater Council Delivery Plan

22 CONVEX SAFETY MIRRORS

Where concealed driveways exist individual residents may apply to council to erect a mirror to improve the safety of those particular driveways.

Applications will require Pittwater Traffic Committee endorsement and Council approval under Section 139 Roads Act prior to starting construction.

If an application is successful the cost of purchase, installation and future maintenance of the mirror will be borne by the resident and lease agreement entered into.

The installation of Convex Safety Mirrors shall be in accordance with the Transport Roads & Maritime Services Manual on Convex Safety Mirrors and Council Standard Drawings and Templates.

Fees and charges apply as per Pittwater Council Delivery Plan.

23 DIRECTIONAL FINGER SIGNS

1. Location to which this specification applies

- Road reserve – on existing street name sign poles.

2. When does this specification apply?

- A written application is made to Council requesting a sign be provided on an existing street name sign pole to direct people to a facility which primarily functions as a community service (eg. sports club, school) and not to a facility used by the public with primarily a commercial function.

3. Specification

- The maximum number of standard signs permitted on any one pole is three (3) including the street name sign
- Signs only to be installed where there is an existing street name sign
- A minimum of 2.1 metre clearance is required between the ground level and the bottom of the lowest sign. Where compliance requires the provision of a new pole the full cost is to be borne by the applicant
- Signs will only be considered for community related facilities such as Council buildings, sports clubs, community clubs, churches, schools etc.
- Sign location is to be determined by Council (generally to be located at the nearest major intersection).
- Maximum one sign per facility.

4. Standards

- Sign is to comply with Council's current standards and consist only of letters (black text on white background). Organisational logos are not permitted.
- Council to approve wording to be used.

5. Approval required

- Written approval of Council required.
- Written applications to be lodged with suggested wording/location.
- Conditions of approval include:
 - New and replacement cost of signs (if damaged, defaced or missing) is to be paid in advance by applicant, subject to Council approval for sign to be replaced.

- Council, with 14 days written notice to applicant, may rescind its approval of the sign for any reasons and remove the sign.

6. Forms

- Nil.

7. Fees and charges

- Installation fee set by Council at the time of any approval of the application (Council invoice issued) is to be paid in full prior to Council erecting an approved sign.
- Installation fee is to cover the full cost of provision and installation of the sign, including cost of new pole to provide for minimum pedestrian clearance height if required.

8. Variation

- An installation fee is not payable for signs for Council or emergency services facilities.

9. Advisory notes

- Approval to be issued by Council's Traffic Officer.

24 KERB NUMBERING OF PROPERTY

A property owner may choose to install kerb numbering. Kerb numbering of a property shall be painted on the kerb side vertical face directly adjacent to the driveway to the property and be reflective white on a black background. The installation of kerb numbering of a property is not compulsory.

The installation of kerb numbering is in addition to the requirement for the display of the property numbering on the building or the fence fronting the street in accordance with Section 124, Item 8, of the Local Government Act.

Council Approval is not required.

25 STORMWATER DRAINAGE

Where stormwater drainage construction works are proposed on a Public Road Reserve, consent for construction is required via an "Application for Section 139 Consent to Work in a Public Road Reserve (including Driveways)" - Form No. UI 311. This must be lodged with Council and accompanied by the appropriate fees and charges as set out in Pittwater Council's Delivery Program.

Stormwater drainage works on a Public Road Reserve include (but are not limited to):

- a. The connection of private roof and surface stormwater drainage systems to Council's (public) drainage system.
- b. The construction of a new private drainage system to service a driveway access.
- c. The adjustment and/or relocation of existing public or private stormwater drainage systems.
- d. The construction of a new public drainage system (eg pits and pipelines) to connect into an existing public drainage system.
- e. The relocation of existing public or private drainage infrastructure.

- f. The construction of water sensitive urban design (WSUD) stormwater quality system (eg rain garden, bio-retention swale and pipelines) to connect into an existing public drainage system.

25.1 Private roof and surface stormwater drainage system connection to Council's (public) stormwater drainage system

25.1.1 Connection to Kerb and Gutter

Where the stormwater drainage system is to be connected to the kerb of a public roadway:

- a. Its discharge is not to exceed a rate of 30 litres per second (l/s) in a 100 year ARI storm event per property.
- b. The number of outlets to the kerb should be limited to the minimum practically possible (typically one per property).
- c. Connection is to be within 15m of the subject property.
- d. Where the line extends in front of an adjoining property the line is to be within 0.5m of, and parallel to, the kerb and access for cleaning (screw cap) is to be provided at any bend greater than 40 degrees.
- e. For low traffic residential areas, drainage conduits across the footpath/verge area discharging to the kerb shall be sewer grade PVC pipe (maximum diameter 100mm). The kerb outlet for the 100mm PVC pipe shall have a Kerb Adaptor Socket that provides a minimum 75mm of concrete cover above the adaptor through the kerb.
- f. In high traffic residential areas or commercial / industrial areas, drainage conduits across the footpath/verge area discharging to the kerb shall be a 125 x 75 (high) x 6mm (thick) galvanised rectangular hollow section (RHS) is to be used. The section must be cut off flush to the face of kerb and the kerb reinstated with concrete.
- g. Where multiple pipes/RHS's are required across the footpath, the conduits shall be separated to provide a minimum 150mm gap at each kerb outlet. The new kerb over the multiple openings shall be strengthened by a 12mm galvanised reinforcing bar across the top of the opening centrally located to ensure an integral concrete kerb unit is achieved.

25.1.2 Connection to Council Stormwater Pipeline

Council does not generally allow for the direct connection of a private drainage system to a Council Stormwater pipeline unless the pipeline has been specifically designed and manufactured to allow this type of connection.

To connect the private drainage system to Council's Stormwater system, a new drainage pit will need to be constructed through the Council system in accordance with Council's standard drawings. Note that saddle pits are not allowed.

A direct connection will be considered under the following circumstances:

- a. A new pit cannot be constructed to provide connection due to site constraints.
- b. The private pipeline diameter is 150mm or less.
- c. Connection is only made into the top, or top 1/3 of Council's pipe.
- d. Only one connection per property.

- e. The new pipeline connection is trimmed and is not permitted to extend through and protrude into Council's pipe.
- f. The connection is fully sealed.
- g. Inspection and certification by a qualified experience civil engineering that the connection has been constructed in an appropriate manner and that the integrity of the pipeline has not been compromised. The certification is to include photo and/or video (eg CCTV) evidence will be required to confirm proper installation.
- h. The completed installation is inspected by Council prior to backfilling.

25.1.3 Connection to Council Stormwater Pit

A private drainage system is permitted to connect into an existing Council stormwater pit provided the existing pit connection is to be within 15m of the subject property.

Notwithstanding this, a private drainage system is required to connect into an existing Council stormwater pit if the discharge rate is greater than 30 l/s in a 100 year ARI storm event per property, provided the existing pit connection is within 15m of the subject property.

Should there not be an existing Council stormwater pit within 15m, an extension of the existing Council drainage system will be required (at the applicants cost) to outside the subject property to which the private drainage system is to be connected. The extension pipeline is to be a minimum 375mm diameter spigot and socket rubber ring jointed reinforced concrete pipe (RRJRC) of appropriate class. The pit is to be a grated 2.4m extended kerb inlet pit in accordance with Council's standard drawings.

The private drainage system connecting pipe is to be cut off flush with the pit wall and the wall repaired with concrete/mortar so that the finished surfaces are sealed, flush and smooth.

25.1.4 Connection to Road Shoulder Table Drain (Drainage Swale)

Where connection of a private drainage system is required to the road shoulder table drain (drainage swale) where kerb connection is not available:

- a. Its discharge is not to exceed a rate of 30 litres per second (l/s) in a 100 year ARI storm event per property.
- b. Stormwater outlets into the road shoulder are to be located to Council's satisfaction and ensure that the stormwater is adequately dispersed to reduce flow velocities to prevent scour, be safe by not creating a hazard for pedestrians or motorists, and be easily maintained.

Where circumstances permit, should an existing driveway be constructed with a layback crossing, the layback shall be extended to provide a section of kerb and gutter (say 2m long) to provide a section of kerb for the private drainage system to connect to.

Also, at the discretion of the applicant, a short section of kerb and gutter may wish to be constructed along the property frontage to which the private drainage system is to be connected. In this circumstance, Council will provide the design alignment of the proposed kerb and gutter.

25.2 Design and Construction of Stormwater Drainage System

Where an applicant proposes to construct a private drainage system within a public road (e.g. as part of an access driveway approval) or extend or modify Council's existing stormwater drainage system, the design and construction of stormwater drainage system is to be in accordance with the appropriate BCA, Australian Standards, Pittwater 21 DCP control, NAT Spec and Industry best practice guidelines/manuals, including:

- AS3500 – Plumbing and drainage – Part 3: Stormwater Drainage

- IEAust - Australian Rainfall and Runoff – A Guide to Flood Estimation -1998 (AR&R)
- IEAust - Australian Runoff Quality – A Guide to Water Sensitive Urban Design (ARQ)
- NAT Spec
- AS3725:2007– Design and Installation of Buried Concrete Pipes
- Pittwater 21 DCP – Section B5
- Council Standard Drawings

Council's approach to the management of the stormwater drainage system is through the Major/Minor concept (as described in AR&R) for its piped urban drainage design. The Minor Stormwater Drainage System refers to the underground piped system, which shall be designed to cater for a 20 year ARI flood event.

The Major Stormwater Drainage System refers to overland flow paths designed to convey major storm flows when the capacity of the minor system is exceeded. Major Stormwater Drainage systems shall be designed to cater for the 100 year ARI storm event.

The Minor Stormwater Drainage System may in some instances be required to accommodate higher flow rates if the Major Stormwater Drainage System cannot safely or adequately carry the required flow rate.

Piped stormwater drainage systems can usually be categorised as:

- public stormwater drainage system - this system accepts stormwater discharges from both public and private lands;
- private stormwater drainage system - this system accepts stormwater discharges from private land only.

Where the applicant proposes to construct the public stormwater drainage system, the minimum sized pipe is to be 375mm diameter. The piped drainage system shall be constructed using the appropriate class of RRJRCP. Drainage pit design and construction should be in accordance with Council Standard Drawings unless circumstances dictate otherwise.

The design of stormwater systems is also to be undertaken on the basis that the proposed work is not to have an adverse impact on adjoining land/properties. All drainage works are to be designed to be visually unobtrusive and sympathetic with the environment.

25.3 Inspections and Certification

Stormwater works are to be constructed in accordance with the approved plans and specifications.

All works are required to be certified by a professional engineer experienced in the work undertaken and certification forwarded to Council. Council will undertake periodic inspections of the works, however, such inspections do not indicate approval or acceptance of the works.

Periodic inspections will require 48 hours notice at the following hold points:

1. Connection to kerb - stormwater pipe laid in position prior to pipe backfill and kerb concrete pour.
2. Connection to Council stormwater pipeline – complete installation prior to backfilling.

3. Connection to road shoulder table drain - stormwater pipe laid in position prior to pipe backfill and works progressing.
4. Rubber ring jointed reinforced concrete pipe laid and jointed, including associated subsoil drains and bulkheads, prior to backfill
5. Subsoil drains:
 - i. Trenched excavation
 - ii. Pipes laid
 - iii. Filter material placed
6. Concrete formwork, reinforcement, cores, fixings and embedded items fixed in place prior to concrete pour for all concrete works including pits, base slabs, wing walls etc.
7. Earthworks for inlet / outlet channels
8. Backfilling (material and compaction)
9. Evaluation of finished surfaces and final inspection

Final inspection will be carried out by Council to certify that the works have been completed in accordance with the Consent to undertake works.

All inspections of the works to be undertaken by Council Engineering Officer or Engineer to confirm works are undertaken in accordance with the Council approval.

26 LANDSCAPING/ TREE PLANTING MANAGEMENT RESPONSIBILITIES

26.1 Residents' Responsibilities

All landscaping alterations on the road reserve must be approved by Council (*Roads Act, 1993* s.138).

- All works on road reserves will require the resident to submit an application form (UI Form 311) (*Roads Act, 1993* s. 139).
- Once approval has been granted for works on the road reserve, the resident is obliged to maintain the road reserve (*Roads Act, 1993* s. 142).
- Any application under this guideline, together with the required application fee must provide a suitable site plan showing the area to be landscaped, the name of the plants to be used and full details on the proposed treatment.
- Requests will be considered on individual merits.
- Failure to obtain the appropriate permits and consent prior to the commencement of any development work may result in legal action being taken and fines issued.

26.2 Essential Criteria

In the case of development of the road reserve, land use must:

- Not hinder or interfere with pedestrian or vehicle access;
- Allow for future infrastructure (kerb, gutter, footpath etc.)
- Be for landscaping purposes;
- Not diminish pedestrian or vehicle access for the public;
- All vegetation to be planted must be approved by Council and listed as approved in Council's Native Plants information booklet;
- Not adversely affect the natural environment, the heritage significance of the heritage items or heritage conservation areas or identified qualities of streets on the Pittwater's Most Scenic Streets Register.
- Retain local native vegetation on road reserve.

Activities that are prohibited on the road reserves without Council Approval include, but are not limited to, the following list:

- The topography of the road reserve must not be altered;
- Dumping of refuse;
- Private alienation or encroachment;
- Pedestrian or vehicle obstacle or obstruction;
- Unleashed dogs and cats;
- Damage or disruption to public infrastructure;
- Removal of trees and/or locally native vegetation; and
- Removal of landscape features such as bushrock;
- Planting of noxious weeds and species from the Exempt Species List

26.3 Pedestrian Access

The placement of trees and vegetation will allow for pedestrian access of 1500mm wide within the nature strip and generally adjacent to the road edge. Hedging and dense plantings will be located against the property boundary and maintained at about the permissible fence height. (Permissible fence heights are provided in the Pittwater 21 DCP).

26.4 Tree Preservation Order

All trees and vegetation (except species listed in the Exempt Species Table) on public and private land are protected by the Pittwater Council Tree Preservation Order.

The costs for non-essential tree works is the responsibility of the resident.

26.5 Pittwater 21 Development Control Plan

Works on the road reserve must comply with the Pittwater 21 DCP – Design Criteria for Works on the Public Road Reserve – Landscaping and Infrastructure, as follows:

- C1.24 Residential Development
- C2.2 Business Development
- C3.18 Light Industrial Development
- C4.4 Land Subdivision
- C5.18 Other Development

26.6 Pittwater's Most Scenic Streets Register

As part of the development of the Guideline, streets were nominated that contain outstanding qualities and best represent the local character. The nominated streets are contained in the Pittwater's Most Scenic Streets Register. Additional guidelines are provided for streets in the Register to help ensure that their identified qualities are conserved and enhanced. Refer to Pittwater's Most Scenic Streets Register which is separately bound.

Internet Links

Listed Noxious Weeds for Pittwater

http://www.pittwater.nsw.gov.au/environment/noxious_weeds/listed_noxious_weeds_for_pittwater_council

Pittwater Council - Exempt Species Table

http://www.pittwater.nsw.gov.au/environment/tree_information/tree_preservation_order/exempt_species_table

Pittwater Council - Tree Preservation Order

http://www.pittwater.nsw.gov.au/environment/tree_information/tree_preservation_order

Pittwater 21 Development Control Plan –Design Criteria for Works on the Public Road Reserve - Landscaping and Infrastructure

<http://203.56.193.25/internet/Modules/documentmaster/ViewDocumentFTP.aspx?key=3n7PSjWwIQdTprcXajQoxA%3d%3d>

Noxious Weeds Act, 1993

http://www.austlii.edu.au/au/legis/nsw/consol_act/nwa1993182/

27 ECOLOGICAL CONSIDERATIONS

27.1 Endangered Ecological Communities

Endangered ecological communities (EECs) and Threatened Species of flora and fauna are protected under the *NSW Threatened Species Act, 1995*. Where these are present an appropriate approval will be required, initial advice can be obtained from Council.

27.2 Habitat Trees, Vegetation and Wildlife Corridors

Many areas within Pittwater act as a corridor for wildlife, connecting animals and plant populations and providing supplementary feeding areas. The preference for locally native species will provide food and shelter for a variety of native fauna, promoting long term viability of native fauna populations and will ensure the natural character of the LGA is retained.

In areas containing remnant vegetation, particularly where streets surround or link bushland reserves, the retention of groundcovers, fallen logs, leaf litter and bush rock is required as habitat for ground native fauna.

Isolated trees may provide links to remnant bushland for the benefit of native fauna. In appropriate locations, consideration will be given to retaining trees with hollows where practical to retain habitat. Council's Tree Preservation and Management Officer will assess trees for their value for fauna.

Consideration will be given to the local context, the width of the road reserve and the ability to maintain vehicle and pedestrian vision from driveways.

Where native vegetation and trees are to be removed the the relevant approval will be required.

Internet Links

Native Fauna Draft Plan of Management

<http://203.56.193.25/internet/Modules/documentmaster/ViewDocumentFTP.aspx?key=QgfFpz2UmQ1TprcXajQoxA%3d%3d>

Habitat and Wildlife Corridors Conservation Strategy and Wildlife Corridors Location Map.

http://www.pittwater.nsw.gov.au/environment/bushland/wildlife_corridors

Pittwater 21 DCP, Section 4.6 Wildlife Corridors

<http://203.56.193.25/internet/Modules/documentmaster/ViewDocumentFTP.aspx?key=WVenD%2bzH2udTprcXajQoxA%3d%3d>

Help with planting in your garden

http://www.pittwater.nsw.gov.au/environment/plants__and__animals/native_plants

Booklet: "Native Plants for Your Garden"

<http://203.56.193.25/internet/Modules/documentmaster/ViewDocumentFTP.aspx?key=fDIVV80bVjZTprcXajQoxA%3d%3d>

27.3 Weeds

Residents will contact Council prior to removing because:

- all locally native species on the road reserve are protected and degraded areas may contain locally native species that are mixed in with the weeds; and
- weeds can be difficult to distinguish from locally native species; and

- weeds may provide habitat and/or shelter for native fauna including threatened species.

Weed infestations are managed using techniques that minimise negative environmental impacts or techniques that aim to reduce reinfestation of undesirable species through the establishment of more favourable plant species.

Links

Pittwater Council A-Z list of weeds, Listed Noxious Weeds for Pittwater Council
http://www.pittwater.nsw.gov.au/environment/noxious_weeds

Noxious Weeds Act, 1993

http://www.austlii.edu.au/au/legis/nsw/consol_act/nwa1993182/

27.4 Sustainable Practices

Sustainable practices that can be achieved through soft landscaping include:

- Promote locally native species;
- Provide fauna habitat and linkages;
- Promote drought tolerant locally native species;
- Avoid tree species that require high levels of maintenance;
- Transplant vegetation where possible;
- Design and position plants to avoid disturbing the hydrological cycle;
- In suitable areas, street trees and plants can be integrated into water sensitive urban design (WSUD); and
- provide amelioration of adverse environmental impacts.

WSUD reduces the increased amount of stormwater from large impervious areas of the street and helps to prevent water borne pollutants from entering receiving waters. Pollutants include sediments, metals and hydrocarbons. WSUD is most effective in areas where stormwater contains pollutants such as industrial areas.

28 CULTURAL AND HERITAGE CONSIDERATIONS

28.1 Aboriginal Cultural and Heritage Items

Pittwater is within the homeland of the Guringgai people. There are 116 known Aboriginal heritage sites within Pittwater. In addition to the known sites, there are many areas that have the potential for uncovering further archaeological evidence. Consideration will be given to conserving Aboriginal cultural and heritage items, as follows:

- prior to the commencement of works the Aboriginal Register shall be checked by the appropriate Planning Officer; and
- should Aboriginal cultural material or heritage items be found, all work shall cease and the National Parks and Wildlife Service and the Metropolitan Local Aboriginal Land Council notified immediately in accordance with the *National Parks and Wildlife Act, 1974*.

28.2 Non indigenous Cultural and Historical Items

Consideration will be given to conserving and enhancing Pittwater's heritage and cultural traditions, as follows:

- Pittwater Iconic Streets Register.

- assessments will be made of the heritage values of the street and its surrounds before new works and maintenance are carried out in heritage or cultural areas to ensure new works are sensitive to and enhance the locality's sense of place;
- the Pittwater Local Environmental Plan Schedule 9 Heritage Inventory will be referenced when carrying out works in the vicinity of cultural or heritage items;
- the Pittwater's Most Scenic Streets Register will be referenced before carrying out work in these streets and new works will enhance the values provided in the nominations.
- further information may be sought from Council's library; particularly images that capture the essence of the traditional beachside streetscapes;
- the Tree Replenishment Program will cover heritage and cultural plantings as well as locally native species, and be used as a tool to enhance the sense of place, as appropriate. (See Chapter 6).

Internet Links

Pittwater Local Environmental Plan

<http://portal.pittwater.nsw.gov.au/internet/Modules/documentmaster/ViewDocumentFTP.aspx?key=FyGKMRn7FB5TprcXajQoxA%3d%3d>

29 PITTWATER'S MOST SCENIC STREETS

Pittwater's Most Scenic Streets Register has been prepared to document the qualities of the most scenic streets as provided by the community and in accordance with the vision from the Pittwater 2020 Strategic Plan:

To be a vibrant sustainable community of connected villages inspired by bush, beach and water.

The identified characteristics of the streets will be conserved and protected. This will be achieved by the following guidelines:

- maintain the streets in accordance with the identified qualities and landscape character as provided in the nomination forms;
- maximise ecological benefits - conserve and enhance locally native species, promote wildlife corridors, conserve soil profiles, protect stream flows and enhance biodiversity where appropriate;
- implement the Tree Replenishment Program for appropriate streets for both cultural plantings and locally native species;
- conserve built elements and heritage items that have been recognised for their special qualities;
- encourage the community to integrate buildings and associated infrastructure on private land to be sympathetic with the streetscape and to complement the identified qualities and landscape character;
- encourage the removal or pruning of existing hedging that blocks views through an community awareness program;
- prohibit the planting of hedging that blocks views; and
- protect and enhance existing views through bushland / heathland at key vantage points from the road reserve in coastline streets.

It is intended that the Register be retained on the Pittwater Council website and be promoted as required.

29.1 List of Streets in the Pittwater's Most Scenic Streets Register

Street	Candidate for the proposed Tree Replenishment Program	Protect coastal views – being reduced by bushland	Protect coastal views – being reduced by tall hedging	Protect cultural and heritage items
AVALON / CLAREVILLE				
The Knoll				
Trappers Way	√			
Urara Road	√			
Chisholm Avenue	√			√
Hilltop Road				
Hudson Parade	√	√	√	
Riverview Road	√			
Riviera Road	√			
Ruskin Rowe	√			√
Telford Road (private)				√
Palmgrove Road	√			√
The Knoll	√			
The Outlook	√			
Urara Road	√			
BILGOLA				
Bilgola Avenue Allen Avenue				√
The Serpentine		√		√
The Circle				
CHURCH POINT				
Captain Hunter Drive	√			
Pittwater Road and McCarrs Creek Road	√			
ELANORA				
Woorarra Avenue	√			
MONA VALE				
Elimatta Road	√			
NEWPORT				

Queens Parade	√			√
PALM BEACH / WHALE BEACH				
Barrenjoey Road	√		√	
Beach Road and Ocean Road			√	√
Cynthia, Boanbong, Ebor & Ralston Roads	√		√	
Malo Road			√	
Mitchell Road			√	√
Norma Road			√	
Pacific Road			√	
Rayner Road			√	
Rockbath Road			√	√
Sunrise Road and Northview Road			√	
Surf Road			√	
The Strand			√	√
Whale Beach Road		√	√	
WARRIEWOOD				
Narrabeen Park Parade	√	√		

30 TREE REPLENISHMENT PROGRAM

The Tree Replenishment Program aims to promote:

- locally native tree species, particularly canopy trees;
- associated vegetation communities where appropriate;
- heritage and cultural plantings where appropriate, particularly the Norfolk Island Pines;
- landscaping of adjoining properties in accordance with the most appropriate vegetation type.
- streets where locally native species dominate and streets listed on Pittwater's Most Scenic Streets Register will be considered initially for their suitability to accommodate the Program;
- streets where cultural species provide a distinctive sense of place will be considered by the Tree Management and Preservation Officer and Council's Landscape Architect for their suitability to accommodate the program;
- residents of candidate streets will be contacted by Council's Tree Preservation and Maintenance Officer to gauge their receptiveness to the Program. It is necessary for residents to support the Program because it is found that unless residents accept the tree, it will not survive; and
- the Program will be promoted to all residents in the street to try and achieve a consistent outcome along the length of the street.

There are a number of considerations to take into account in implementing the Program due to complexities relating to larger canopy trees and isolated trees:

- The growing conditions in an urban setting are very different from natural conditions. Streets offer limited space, the soil is often compacted and contains high soil nutrient levels and the drainage patterns have altered. Often the locally native species will not cope with these restrictions and species native to Australia or exotics may need to be considered.
- Many trees in Pittwater are over-mature with large areas of die-back, increasing tree branch failure and overall decline. Fortunately most remnant forests occur within conservation reserves where their management is not as challenging as street trees.
- Many new tree plantings do not survive, particularly if the young tree is blocking views. The associated community awareness program should highlight that canopy trees frame views and that young trees; with lower canopies, may block views until they are mature when the canopy is higher.

31 STREET TREE AND VEGETATION SELECTION

31.1 Street Tree and Vegetation Selection

The following steps will apply to determine the most suitable tree and vegetation species for the street:

1. the locally native species based on vegetation mapping;
2. the type of tree or plant depending on the local context;
3. tree species in relation to the site conditions and the required tree size; and
4. tree species from the Preferred Species List.

31.1.1 Determining the Locally Native Species Based on Vegetation Mapping

Pittwater has a unique character based on the distinctive natural features and dominance of the urban forest, thereby locally native canopy species and vegetation will be the preferred species

and promoted over species native to Australia or exotic species (excepting heritage or cultural species in appropriate locations).

The local native species can be sourced from the Draft *Pittwater Vegetation Classification and Mapping, 2011* document and associated electronic mapping.

Council's Bushland Management Officer and Tree Preservation and Maintenance Officer will be responsible for nominating the most suitable tree species within bushland areas and identify areas for special projects grant funding.

31.1.2 Determining the Most Suitable Type of Vegetation Based on the Context

In areas where the locally native species may not be appropriate, Tree selection will involve selecting the most appropriate species in relation to the context, or sense of place, given environmental, cultural and functional considerations.

Pittwater is divided into 16 localities, each being recognisable as distinct in terms of its land uses, geography and social character. The localities include:

- Avalon Beach Locality
- Bayview Heights Locality
- Bilgola Locality
- Church Point and Bayview Locality
- Elanora Heights Locality
- Ingleside Locality
- Ku-Ring-Gai Chase National Park Locality
- Lower Western Foreshores and Scotland Island Locality
- Mona Vale Locality
- Newport Locality
- North Narrabeen Locality
- Palm Beach Locality
- Upper Western Foreshores Locality
- Warriewood Locality
- Waterway Locality
- Warriewood Valley Land Release Area

A description of the 'desired characteristics' for each area is available from the Pittwater 21 Development Control Plan, Part D. This includes a description of the locality and controls that aim to prevent development from diminishing the identified character of the locality including the streetscape.

In some areas, locally native species may not provide the amenity required, particularly where the environment has been highly modified. Consideration should also be given to the life expectancy of species according to their proposed function.

In residential areas, Council Tree Preservation and Maintenance Officer will be responsible for identifying the locations where alternatives to locally native species should be considered. In sensitive natural areas, Council's Bushland Management Officers will be consulted.

In villages, commercial areas, industrial areas or high use pedestrian areas consideration will be given to species that provide specific functions such as trees with wide, dense canopies that provide shade and reduce glare and ultra-violet radiation.

Deciduous trees do not fit as well within the context of Pittwater's natural environment. However, they may be considered in areas away from bushland. The benefits of deciduous trees include the provision of summer shade and winter sun and seasonal features such as colours and textures.

31.1.3 Gateways

Gateways should be planned from a hierarchical perspective.

There are four vehicle entrances to the Pittwater area; being Pittwater Road (at Narrabeen Bridge) and Ocean Street Narrabeen from the south and Wakehurst Parkway and Mona Vale Road from the west. These gateways provide an opportunity to promote the local government area to visitors and provide a sense of arriving home for residents.

Secondary gateways are located at entrances to suburbs and retail or commercial centers. Each suburb has a distinctive appearance as outlined in the Pittwater DCP21. The third category is gateways for regional facilities such as beaches, parks and sporting complexes.

In areas near bushland, locally native species are preferable. Villages, commercial or sporting areas may have an existing distinctive appearance, which could be contrasted with the surrounding areas. Trees with a distinctive form or appearance may be considered; except known invasive or weed species, to create landmarks or focal points by contrasting species and layouts with those in adjacent streets.

31.1.4 Determining the Most Suitable Type of Vegetation Based on Required Plant Size, Aesthetics and the Site Conditions

Tree and vegetation selection will involve selecting the most appropriate species in relation to the required plant size, aesthetics and growing conditions. Consideration will be given to the following:

- Species size – mature height and canopy spread
- Species structure – whether the form is upright or twisted like an Angophora, whether the canopy is broad, narrow, open or dense.
- Features – bark texture, leaf colour, fruit and flowers
- Suitability to the local climate and microclimates – shade, heat, humidity, prevailing winds, salt laden air and wind tunnels.
- Future maintenance requirements – avoid species that are susceptible to pests and disease to reduce maintenance and chemical use.
- Habitat requirements – species that support native fauna
- Weed species or species that have the potential to self propagate and invade bushland areas are prohibited. A weed risk assessment should be undertaken for any new plants that become available by a Bushland Management Officer.
- Species that create nuisance will be avoided. This includes species that drop large limbs, fruit, and hard spherical seeds that could lead to trip hazards or pollen that may trigger allergies. The most problematic species in relation to asthma are Plane trees, Birch trees and Cypress species.
- Species with large and vigorous root systems may cause significant damage and should be avoided near underground services.
- Consideration will be given to overhead/adjacent/underground services and structures.
- Bushfire risk – species will be selected with consideration to bushfire risk given some species can exacerbate the risk of bushfire

31.1.5 Determining the Most Suitable Type of Vegetation from Pittwater Council's Preferred Species List

The Preferred Species List provides suitable alternatives to the locally native species. The List is subject to ongoing trials and assessment with individual species being added or deleted as required.

Internet Links

Pittwater 21 Development Control Plan, Part D.

<http://203.56.193.25/internet/Modules/documentmaster/ViewDocumentFTP.aspx?key=REx1qPKVUeNTprcXajQoxA%3d%3d>

Habitat and Wildlife Corridors Conservation and Wildlife Corridors Location Map

http://www.pittwater.nsw.gov.au/environment/bushland/wildlife_corridors

Pittwater Council - *Exempt Species Table*

http://www.pittwater.nsw.gov.au/environment/tree_information/tree_preservation_order/exempt_species_table

Pittwater Council – Native Plants for Your Garden

http://www.pittwater.nsw.gov.au/environment/species_lists

Preferred Species List - contact Council's Tree Maintenance and Preservation Officer.

31.2 Determining the Monetary Value of Trees

The two main recognised formulas in Australia for determining a monetary value of trees are the 'Thyer Tree Valuation Method' and the 'Revised Burnley Method of Tree Valuation'. These methods are useful in providing an understanding of the value of trees, rather than providing a legal tool. Valuing a tree is useful when considering whether to remove or repair a damaged tree or to assess the scope of damage when a tree has been vandalised.

Council's Tree Preservation and Maintenance Officers currently reference the Thyer Tree Valuation Method. This method uses four factors to establish a significance index for each tree based on its size, age, physical assessment and social benefit.

Links

Thyer Tree Valuation Method

<http://peterthyer.com/>

Pittwater Local Environmental Plan, 1993, schedule 9 Heritage Inventory

<http://portal.pittwater.nsw.gov.au/internet/Modules/documentmaster/ViewDocumentFTP.aspx?key=FyGKMRn7FB5TprcXajQoxA%3d%3d>

31.3 Tree and Vegetation Sourcing, Procurement and Quality

Vegetation will be sourced from growers / suppliers whose stock meets best practice guidelines and the production benchmarks of NATSPEC *Specifying Trees – a Guide to Assessment of Tree Qualities*.

Trees, in particular, will be selected according to the required shape based on the trunk and branch structure and root formation.

Where required, locally native species should be obtained and sourced from seed obtained locally. The sourcing of local provenance plants involves collecting local seeds and organizing for the plants to be grown.

Links

Nurseries that Supply Local Native Plants

http://www.pittwater.nsw.gov.au/environment/plants__and__animals/native_plants/nurseries_who_supply_local_native_plants

32 DESIGN GUIDELINES FOR TREE AND LANDSCAPE PLANTING

32.1 Street Tree Layout

The location and spacing of street trees will take into consideration the nature strip width, existing vegetation, underground services, overhead wires, set backs and vehicle clearances. Pedestrian access must be considered with a clear width for pedestrian access of 1.5m between the kerb and the planting or between the planting and the nearest obstruction to pedestrian passage. Plantings should be reasonably consistent on both sides of the street, planted close enough to create a repetition of the tree's form and overlapping canopy. The layout may be symmetrical, asymmetrical or a natural area depending on context:

- Natural areas and wildlife corridors should be regenerated or revegetated. Where possible, trees should be planted close together to interlock and provide continuous cover as habitat and corridors for native fauna. Understory species may also be planted to increase habitat

value. Consideration will be given to providing pedestrian access and sight lines for oncoming vehicles.

- Formal avenues generally consist of a single species with a straight, single trunk, overlapping canopy and symmetrically placed. Formal avenues are rare in Pittwater, being most suitable for village or commercial areas.
- Informal plantings generally consist of a single species or multiple species arranged asymmetrically. Multiple species should be similar in form to create a coherent streetscape. Plant in groups of three or five.

32.2 Garden and Bushland Contribution

Trees and plants in private gardens and adjacent reserves make a significant contribution to the streetscape.

Residents are encouraged to plant trees, particularly locally native species in front gardens, particularly near the nature strip. These trees will assist to create a leafy streetscape while avoiding infrastructure easements.

32.3 Tree Spacing

Large trees with broad spreading canopies contribute significantly to the streetscape. However large trees are more likely to cause damage and nuisance when inappropriately located. Consideration will be given to selecting the most appropriate tree species for the function and physical conditions of the site. Trees will be spaced with consideration given to the location of infrastructure and in accordance with how the street functions. Table 3 provides a general guide to tree spacing. Pedestrian access must be considered with a clear width for pedestrian access of 1.5m between the kerb and the planting or between the planting and the nearest obstruction to pedestrian passage.

32.3.1 General guide to tree spacing

Tree or plant size	Height	Crown width	Linear spacing	Distance from the kerb	Utility junction box, manhole, pole or aerial feeder line	Distance from intersection on inside of a left hand curve	Pedestrian movements
Shrubs or small trees	Tree 6 - 8m	5m	5-7m	0.9m	5m	15m	1.5m
Medium trees	10 - 12m	8m	7-10m	0.9m	5m	15m	1.5m
Large trees	16 - 30m	16m	10-15m	1.5m	7m	15m	1.5m

33 TREE MAINTENANCE

33.1 General Maintenance

33.1.1 Establishment Maintenance

Council will inspect and water all new street trees until the trees are established. This generally takes approximately 2 – 3 months. Residents may also water street trees during their establishment by arrangement with Council. Residents are encouraged to water trees and plants as required on an ongoing basis.

33.1.2 Ongoing Maintenance

Council Tree Preservation and Maintenance Officer will assess street trees and record information on the age, species, position and condition of the tree.

Works will be carried out by Council approved contractors in accordance with Work Cover and relevant Australian Standards. Maintenance will include, but is not limited to the following list:

- tree planting;
- tree removals due to dangers, undesirable species or dead trees;
- tree pruning - dead wood removal, branch pruning and crown lifting;
- root pruning near infrastructure as required;
- inspect tree for pest and disease;
- watering;
- service clearance where required;
- replenish mulch;
- control weeds; and
- fertilise.

Internet Link

Tree Works on Council Land

http://www.pittwater.nsw.gov.au/environment/tree_information/tree_works_on_council_land

33.2 Street Tree Planting

Residents must not plant trees on the nature strip without first consulting Council's Tree Preservation and Maintenance Officer to discuss species selection.

Tree planting will be in accordance with Pittwater Council Tree Planting Check List. The Check List can be discussed with Council's Tree Preservation and Maintenance Officer. The List was adopted from State Wide Best Practice Manual which provides guidelines to assist with long term liability, infrastructure planning and maintenance cost protection. The type of infrastructure most impacted by trees includes pathways, powerlines, walls and underground services.

Trees will be suitably protected with stakes, webbing and tree guards where necessary.

33.3 Unauthorised Street Tree Planting

An unauthorised street tree planting will constitute any one of the following:

- a tree planted without approval by Council's Tree Preservation and Maintenance Officer;
- a tree listed on Council's *Exempt Species List* or *Noxious Weed Act 1993*;
- trees incorrectly located on the nature strip;
- tree obscuring pedestrian access or vehicle sight;

- tree species that will impact on power lines or services.

Unauthorised street trees will be removed or transplanted at the discretion of Council's Tree Preservation and Maintenance Officer. The Officer will discuss the proposed removal of the tree with the adjoining resident before determining an appropriate action.

Unauthorised street trees may be retained subject to certain conditions being met.

Internet Links

Pittwater Council - Exempt Species Table

http://www.pittwater.nsw.gov.au/environment/tree_information/tree_preservation_order/exempt_species_table

33.4 Street Tree Removal

Owing to the hazardous nature of the task, residents will not be granted permission to remove or prune street trees and offenders may be fined or prosecuted.

Trees may be removed or pruned where the species is deemed inappropriate or there are safety issues. Situations where pruning or removing trees may be considered by Council include:

- dead trees, although consideration will be given to retaining dead trees with hollows for habitat where appropriate;
- structurally weak trees that may place the public at risk;
- trees that restrict access or vision for motorists or pedestrians;
- trees that obstruct essential works on the road reserve; and
- trees that impact on overhead power lines and are unsuitable for 'directional' pruning.

Street trees may not be removed due to the following:

- obscuring views from private property;
- creating shade;
- blocking non-essential access;
- health issues (without medical report);
- personal likes or dislikes;
- shedding of bark and leaves;

33.5 Street Tree Pruning

Residents do not have the legal right to prune street trees.

Council is responsible for pruning all street trees. Pruning trees is a skilled task with specific safety requirements. Works will be undertaken by Pittwater Council trained staff or an approved arborist / contractor in accordance with Australian Standard 4373 (2007) *Pruning of Amenity Trees*.

The pruning of a tree must not be detrimental to the health of the tree, and may only be considered for the following reasons:

- public safety;
- pedestrian and traffic hazards;
- managing health and well-being of the tree;
- removing dead, dying or pest infected limbs or branches; and
- clearance for services.

Approval for non-essential or cosmetic pruning must be submitted to Council Tree Preservation and Maintenance Officer for consideration. The applicant is to supply a signed agreement from surrounding residents and/or stakeholders that may be affected by any pruning or removal prior to consent being granted. The applicant is responsible for all costs.

33.6 Trees and Services

33.6.1 Overhead Services

Ausgrid is the current authority responsible for power line infrastructure maintenance in the Pittwater area. Tree works required under the *Electricity Supply Act 1995* are exempt from Council's Tree Preservation Order and Ausgrid may clear near power lines without consulting Council. Council has entered into a cost sharing process with Ausgrid to replace some of the trees that have been damaged by pruning around wires.

Tree selection near or under overhead services will consider the best species for the location. Some tree species will retain their true form better than others when pruned. Therefore consider the eventual height, branching habit and tolerance to directional pruning.

Where the shapes of existing trees has been destroyed by pruning or lopping, consider replacing the tree

33.6.2 Underground Services

Care must be taken when digging or excavating due to the possibly of underground services. The location of underground pipes and cables for services such as like gas, electricity, water and telecommunications must be sought from 'Dial Before You Dig' before works commence. Works should be planned at least a week in advance with information sought by phone enquiry on 1100 or submitting a request online.

Each asset owner will provide specifications on the safe distances for excavating when in the vicinity of their networks.

When excavating close to underground networks, dig by hand not machine.

Internet Links

Dial Before You Dig
www.dialbeforeyoudig.com.au

33.7 Solar Access

Request for pruning trees on public land for solar access will be considered where it is proven that:

- Council's Tree Preservation and Management Officer is satisfied that the required works will not impact on the health and stability of the tree;
- the percentage of the tree to be pruned will be determined by Council Tree Preservation and Management Officer;
- an agreement is in place with neighbouring properties who may be affected; and
- proposed works are carried out by a Council approved contractor. The cost of the work will be the responsibility of the applicant

Internet Links

Pittwater 21 DCP – Part C – Development Type Controls – Design Criteria - Solar Access

34 TREE AND BUSHLAND MANAGEMENT RELATING TO VIEWS

Throughout most of the Pittwater area filtered views of the ocean, estuary and lagoon are available through the tree canopy due to the Peninsula's steep topography and the open canopy of the dominant trees; the Eucalypt and Corymbia.

Panoramic coastal views have been reduced from streets adjacent to the coastline due to development of the built environment and vegetation growth. Tall hedging has obscured ocean views in the Palm Beach / Whale Beach areas and dense heathland / bushland has obscured views through reserves located between the street and ocean.

34.1 Managing Views in Relation to the Tree Replenishment Program

The implementation of the proposed Tree Replenishment Program should be carefully managed to avoid adversely impacting on public view corridors and access needs. Considerations include:

- where practical, tree planting and areas of pro-active regeneration will be defined;
- natural regrowth in reserves will be managed in accordance with the plan of management objectives and relevant legislative requirements; and
- views will be considered

34.2 Views from the Private Domain Will Not be Considered

As a rule, trees and locally native shrub species will not be removed for the purpose of improving private views. The assessment of views from streets will not take into account the views from adjacent private properties.

The Pittwater DCP 21, Part B relates to vegetation.

The Pittwater DCP 21 considers views from private property, Refer to Part C – Development Type Controls - Design Criteria – View Sharing

- C1.3 Residential Development
- C2.5 Business Development
- C3.3 Light Industrial Development
- C5.4 Other Development

Trees and vegetation on road reserves continues to be vandalised to obtain views from private properties. The most common forms of vandalism are tree poisoning and clearing for water views. It is concerning that persons undertake these acts to the detriment of the wider community and local environment. Council will continue to protect trees from vandalism, including:

- reports of tree vandalism will be investigated by Council's Tree Preservation and Management Officers. Where required, information and evidence will be forwarded to Council's Compliance Section for further action and prosecution as required; and
- in accordance with Council Policy No 111, tree vandalism and damage on public land may be sign posted. Rewards of up to \$10,000 will be offered for information that leads to the successful prosecution of offenders.

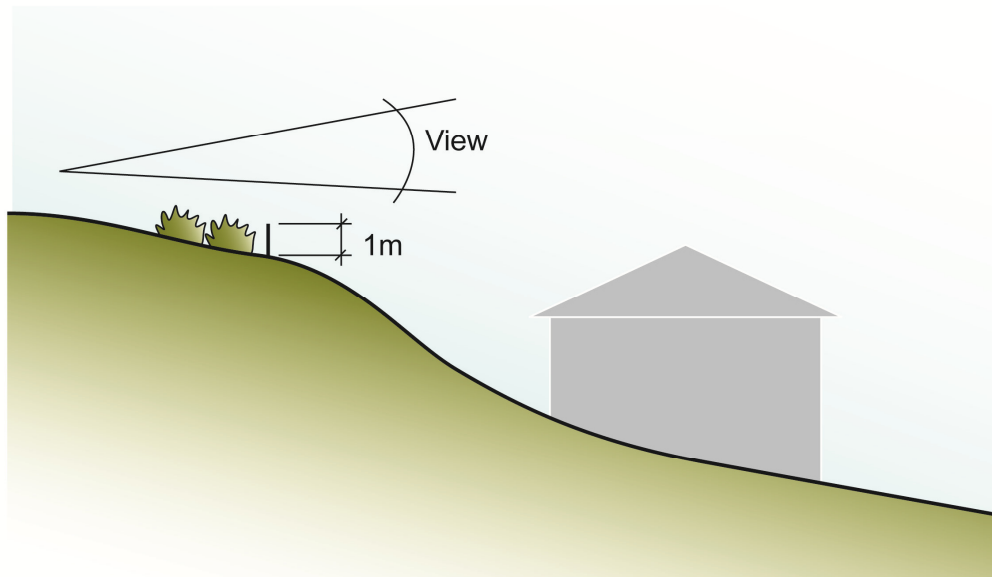
34.3 Coastal Views Obscured by Hedging

Hedging has been used extensively in the Palm Beach and Whale Beach areas to delineate private land from the road reserve. Most commonly hedging is located on the nature strip to

provide a privacy screen for properties on the lower side of the road reserve. When hedging is not maintained at an appropriate height in these locations, it may obscure coastal views from the road reserve. Residents are asked to be mindful that the nature strip, although maintained by adjoining property owners, is part of the public domain and consideration is to be given to the public's right of use, for instance:

- Plantings and structures including retaining walls, on the nature strip must not block pedestrian or vehicle access;
- Hedging on the nature strip is to be planted adjacent to and against the property boundary. The front fence and built elements are required to be located within the property boundary. Hedges will be maintained at approximately the fence height. Hedge height restrictions will be managed in conjunction with the Development Application process for new hedging and through an education program for existing hedging. The Pittwater 21 DCP, Part D provides allowable fence heights for specific locations. Generally fence height for the front of a property is one metre unless on a main road or arterial road. See link at the end of this section;
- Approval for works through the Development Application process does not provide approval for works on the adjacent road reserve without written approval. To highlight this, all new approved plans will contain the following stamp: "This approval does not authorise any works on the adjacent road reserve/Council reserve";
- Council reserves the right to remove or reduce the height of any hedge deemed inappropriate or where it has been planted without Council approval. Examples include but are not limited to where the hedge is not against the property boundary, is blocking vehicle or pedestrian access or blocking sight lines or the plants are listed in the Exempt Species List or Noxious Weed List;
- Species from the Exempt Species List and Noxious Weed List are not permitted to be planted on the nature strip. These species are also discouraged on private property.
- A public awareness program will target the residents of streets listed in the Pittwater's Most Scenic Streets Register where hedging is an issue. On a wider scale notices will be placed in the local paper and through Council's media tools including the Pittwater Report, monthly online newsletter and website;
- The Pittwater 21 DCP Part D provides management controls for views for each locality. The key points for the Palm Beach Locality include:
 - "To preserve and enhance district and local views which reinforce and protect Pittwater's natural context".
 - "Equitable preservation of views and vistas to and/or from public private places".
 - "Front fences and side fences (within the front building setback) shall:
 - be compatible with the streetscape character, and
 - not obstruct views available from the road.
 - "To ensure an open view to and from the waterway is maintained."
 - "Landscaping is to screen the fence on the road side. Such landscaping is to be trimmed to ensure clear view of pedestrians and vehicles travelling along the roadway, for vehicles and pedestrians exiting the site".

- “To preserve and enhance district and local views which reinforce and protect the Pittwater’s bushland landscape and urban form to enhance legibility.”

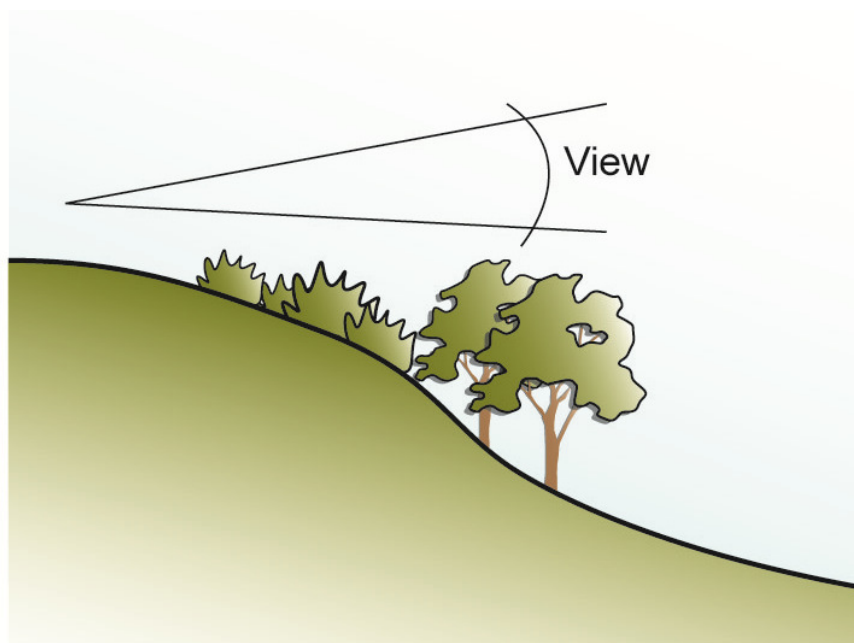


34.3.1 Diagram of Appropriate Hedge Height

34.4 Coastal Views Obscured by Bushland or Heathland

In consideration of dense bushland or heathland that has obscured coastal views from streets adjacent to the coastline:

- Views will be retained from designated lookout areas, which are any places that have infrastructure dedicated to views such as seating and constructed lookouts. In these areas, there should be a clear viewing window. Constructed lookouts are located at the following places:
 - The Serpentine, North Bilgola Headland.
 - Barrenjoey Road, Bilgola - two lookouts at Bilgola Bends one above the rock pool looking north over Bilgola Beach and one looking south over Newport Beach.
 - Bungan Head Road, Newport – formalised area with seat above cliff face.
 - Narrabeen Park Parade, Warriewood overlooking Warriewood Beach.
 - Turrimetta Headland - two lookouts – one looking north over Warriewood Beach and one looking south over Turrimetta Beach.
 - Narrabeen Headland - two constructed lookouts – one looking south over the entrance to Narrabeen Lagoon and one looking north over Turrimetta Beach.
- Views will also be retained from a select number of designated functional areas within reserves that are suitable for weddings or whale watching. Management guidelines for reserves will be identified through the plan of management process. Viewing areas from these reserves, may be relevant when located adjacent to the street. Key viewing areas include:
 - Mona Vale Headland Reserve
 - Robert Dunn Reserve, Warriewood
 - Turrimetta Headland – near constructed lookout looking north over Warriewood Beach
 - Narrabeen Headland – new picnic and BBQ area overlooking the entrance to Narrabeen Lagoon
- the lower branches of street trees may be pruned to provide suitable clearance; generally three metres. This can be achieved by pruning the tree during the early years to produce a higher canopy. This will assist in retaining views because the open canopy of Eucalypt and Corymbia species provide filtered views; and
- given the steeper terrain characteristics of Pittwater the natural slopes of streets adjacent to the coastline will be used to promote a transition of tree and shrub heights in identified areas. Where practical taller plantings will be further down the slope with low shrubs closer to the road or pathways. (This excludes areas with Endangered Ecological Communities and Threatened Species etc).



34.4.1 Diagram of Appropriate Vegetation Height for Key Locations

Internet Links

Pittwater DCP 21, Part C Development Type Controls – Design Criteria – View Sharing
<http://203.56.193.25/internet/Modules/documentmaster/ViewDocumentFTP.aspx?key=WVenD%2bzH2udTprcXajQoxA%3d%3d>

Listed Noxious Weeds for Pittwater
http://www.pittwater.nsw.gov.au/environment/noxious_weeds/listed_noxious_weeds_for_pittwater_council

Pittwater Council - *Exempt Species Table*
http://www.pittwater.nsw.gov.au/environment/tree_information/tree_preservation_order/exempt_species_table

Public Property Vandalism – Reward for Successful Prosecution Policy (Policy 111)
<http://203.56.193.25/internet/Modules/documentmaster/ViewDocumentFTP.aspx?key=1J8Yv2tyusM3LZZ4pm5FSQ%3d%3d>

35 BUSHLAND AND TREE RISK MANAGEMENT

35.1 Public Liability

All claims for property damage or personal injury will be forwarded to Council's Risk Management and Insurance Officer for evaluation, following preliminary evaluation by Council's Tree Preservation and Management Officers.

Council Tree Preservation and Management Officers will provide advice to Council's Risk Management and Insurance Officer.

Claims for damage to sewer / drainage pipes against Council will be reviewed by Council's Tree Preservation and Management Officer and Council's Risk Management and Insurance Officer.

The complainant must provide evidence of the damage caused by the trees. The following information is required:

1. Conclusive evidence that the tree on the road reserve is the cause of any problems to the water service and /or drains. Evidence could include a video or inspection of excavation work.
2. The location of the problem on the road reserve.
3. Whether any of the pipes are earthenware or PVC.
4. History of previous problems and /or plumbing works.

Council Tree Preservation and Management Officers and Council's Risk Management and Insurance Officer will determine the course of action for each claim.

35.2 Bushfire

The local land owner is responsible for managing an Asset Protection Zone under the direction of the Rural Fires Act 1997 (s. 16). The Rural Fire Service of NSW is responsible for:

- providing advice
- assessment for fuel reductions

Road reserves are required to provide adequate access for fighting bushfire outside the property boundaries and water supply for bushfire suppression operations.

Planning for Bushfire Protection, 2010 provides guidelines including road widths and clearances for recognized fire trails.

Related Documents

Bushfire Prone Land Map

Warringah Pittwater Fire Risk Management Plan June 2010

Internet Links

Bushfire Consultants

Rural Fires Services website

Planning for Bushfire Protection, 2010

Internet links to the above documents are available from:

http://www.pittwater.nsw.gov.au/building_and_development/controls_and_policies/bushfire_prone_land

36 WALKING TRACK SIGNS

36.1 Location

- Any public land or land over which an easement for access exists in favour of Council.

36.2 When does this specification apply?

- At Council's discretion where an existing, regularly used access track is located.
- An access track is any track that does not exist as a continuous concrete footpath (can include steps) constructed to Council's footpath standards for the full length between road pavements/footpaths on roads.
- Following Council assessment that the access track provides a community benefit.

36.3 Specification

- Track is to be assigned a class rating (number shown on sign) in accordance with the National Parks walking track classification system.
- Warning symbols applicable to each track are to be selected from the template and shown on the sign.
- Sign is to include the name of the street it leads to.
- Standard signs to be erected at both ends of the track where it meets each road.

36.4 Standard

- Standard sign template.



36.5 Approvals

- All signs being the responsibility of Urban Infrastructure (tracks directly connecting two or more public roads) to be approved for installation by the Manager, Urban Infrastructure.
- Signs for tracks on reserves and tracks leading directly to the foreshore or a reserve to be approved for installation by either the Manager, Reserves & Recreation or Manager, Natural Environment & Education