



Central Coast Council  
Business Paper  
Ordinary Council Meeting  
**22 July 2019**





# COMMUNITY STRATEGIC PLAN 2018-2028

**ONE – CENTRAL COAST IS THE COMMUNITY STRATEGIC PLAN (CSP) FOR THE CENTRAL COAST LOCAL GOVERNMENT AREA**

**ONE – CENTRAL COAST DEFINES THE COMMUNITY'S VISION AND IS OUR ROADMAP FOR THE FUTURE**

**ONE – CENTRAL COAST BRINGS TOGETHER EXTENSIVE COMMUNITY FEEDBACK TO SET KEY DIRECTIONS AND PRIORITIES**

One - Central Coast will shape and inform Council's business activities, future plans, services and expenditure. Where actions are the responsibility of other organisations, sectors and groups to deliver, Council will work with key partners to advocate on behalf of our community.

Ultimately, every one of us who live on the Central Coast has an opportunity and responsibility to create a sustainable future from which we can all benefit. Working together we can make a difference.

## RESPONSIBLE

**WE'RE A RESPONSIBLE COUNCIL AND COMMUNITY, COMMITTED TO BUILDING STRONG RELATIONSHIPS AND DELIVERING A GREAT CUSTOMER EXPERIENCE IN ALL OUR INTERACTIONS.**

We value transparent and meaningful communication and use community feedback to drive strategic decision making and expenditure, particularly around the delivery of essential infrastructure projects that increase the safety, liveability and sustainability of our region. We're taking a strategic approach to ensure our planning and development processes are sustainable and accessible and are designed to preserve the unique character of the coast.

**Good governance and great partnerships**

**G2** Communicate openly and honestly with the community to build a relationship based on transparency, understanding, trust and respect

There are 5 themes, 12 focus areas and 48 objectives



All council reports contained within the Business Paper are now aligned to the Community Strategic Plan. Each report will contain a cross reference to a Theme, Focus Area and Objective within the framework of the Plan.

The infographic details the following structure:

- THEME: BELONGING**
  - Focus Area: Our Community (Objectives G1, G2, G3, G4)
  - Focus Area: Community Connection and Local Identity (Objectives G5, G6, G7, G8)
- THEME: SMART**
  - Focus Area: A Growing and Competitive Region (Objectives G9, G10, G11, G12)
  - Focus Area: A Place of Opportunity for People (Objectives G13, G14, G15, G16)
- THEME: GREEN**
  - Focus Area: Environmental Outcomes for the Future (Objectives G17, G18, G19, G20)
  - Focus Area: Increased and Protected Natural Beauty (Objectives G21, G22, G23, G24)
- THEME: RESPONSIBLE**
  - Focus Area: Good Governance and Great Partnerships (Objectives G25, G26, G27, G28)
  - Focus Area: Believing in Essential Infrastructure (Objectives G29, G30, G31, G32)
  - Focus Area: Balanced and Sustainable Development (Objectives G33, G34, G35, G36)
- THEME: LIVEABLE**
  - Focus Area: Reliable Public Transport and Smart Mobility (Objectives G37, G38, G39, G40)
  - Focus Area: Safe and Healthy Living (Objectives G41, G42, G43, G44)
  - Focus Area: Healthy Lifestyles for a Thriving Community (Objectives G45, G46, G47, G48)





# Meeting Notice

**The Ordinary Council Meeting  
of Central Coast Council  
Will be held in the Council Chamber  
2 Hely Street, Wyong on  
Monday, 22 July 2019 at 6.30pm**

for the transaction of the business listed below:

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Gary Murphy  
**Chief Executive Officer**

**Item No:** 1.1  
**Title:** Disclosure of Interest  
**Department:** Governance

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22 July 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-01 - D13582338

Chapter 14 of the *Local Government Act 1993* ("LG Act") regulates the way in which the councillors and relevant staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public functions.

Section 451 of the LG Act states:

- (1) *A councillor or a member of a council committee who has a pecuniary interest in any matter with which the council is concerned and who is present at a meeting of the council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.*
- (2) *The councillor or member must not be present at, or in sight of, the meeting of the council or committee:*
  - (a) *at any time during which the matter is being considered or discussed by the council or committee, or*
  - (b) *at any time during which the council or committee is voting on any question in relation to the matter.*
- (3) *For the removal of doubt, a councillor or a member of a council committee is not prevented by this section from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or member has an interest in the matter of a kind referred to in section 448.*
- (4) *Subsections (1) and (2) do not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting, if:*
  - (a) *the matter is a proposal relating to:*
    - (i) *the making of a principal environmental planning instrument applying to the whole or a significant part of the council's area, or*
    - (ii) *the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area, and*
  - (a1) *the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person*



## 1.1 Disclosure of Interest (contd)

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*(whose interests are relevant under section 443) in that person's principal place of residence, and*

- (b) the councillor made a special disclosure under this section in relation to the interest before the commencement of the meeting.*
- (5) The special disclosure of the pecuniary interest must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and must:*
  - (a) be in the form prescribed by the regulations, and*
  - (b) contain the information required by the regulations.*

Further, the Code of Conduct adopted by Council applies to all councillors and staff. The Code relevantly provides that if a councillor or staff have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed as well as providing for a number of ways in which a non-pecuniary conflicts of interests might be managed.

### **Recommendation**

***That Council and staff now disclose any conflicts of interest in matters under consideration by Council at this meeting.***

### **Attachments**

Nil

**Item No:** 1.2  
**Title:** Confirmation of Minutes of Previous Meetings  
**Department:** Governance

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22 July 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-01 - D13582342



### **Summary**

Confirmation of minutes of the Ordinary Meeting of the Council held on 8 July 2019.

A motion or discussion with respect to the Minutes is not order except with regard to their accuracy as a true record of the proceedings.

### **Recommendation**

***That Council confirm the minutes of the Ordinary Meeting of the Council held on 8 July 2019.***

### **Attachments**

**1** MINUTES - Ordinary Meeting Meeting - 8 July 2019      D13601051



## Central Coast Council

Minutes of the  
**Ordinary Council Meeting**  
Held in the Council Chamber  
2 Hely Street, Wyong  
on 8 July 2019

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### Present

Mayor Jane Smith and Councillors Greg Best, Jillian Hogan, Kyle MacGregor, Troy Marquart, Chris Burke, Bruce McLachlan, Louise Greenaway, Jeff Sundstrom, Richard Mehrtens and Lisa Matthews.

### In Attendance

Julie Vaughan (Acting Chief Executive Officer), Boris Bolgoff (Director Roads, Transport, Drainage and Waste), Phil Cantillon (Acting Director Connected Communities), Scott Cox (Director Environment and Planning), Jamie Loader (Acting Director Water and Sewer), Evan Hutchings (Director Governance), Ricardo Martello (Executive Manager Innovation and Futures) and Craig Norman (Chief Finance Officer).

The Mayor, Jane Smith, declared the meeting open at 6.30pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

The Mayor, Jane Smith read an acknowledgement of country statement.

The reports are recorded in their correct agenda sequence.

### Apologies

**Moved:**            **Councillor MacGregor**  
**Seconded:**       **Councillor Marquart**

### Resolved

**604/19     That the apology from Councillors Gale Collins and Vincent be accepted.**

**For:**  
**Unanimous**



**Leave of Absence**

Councillors Holstein and Pilon were granted a Leave of Absence at the meeting of 11 June 2019 for the period of 8 July 2019 to 15 July 2019.

**Moved:**            **Councillor McLachlan**

**Seconded:**      **Councillor Burke**

**Resolved**

**605/19**      **That Council accept the following leave of absence request;**

- **Councillor Marquart for the Ordinary Meeting 22 July 2019**

**For:**

**Unanimous**

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**1.1            Disclosures of Interest**

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**Item 4.3    Landcare Program Strategy**

Councillor Sundstrom declared a less than significant non pecuniary interest in the matter as he is a participant in Copacabana Dune Care. Councillor Sundstrom chose to remain in the chamber as he will make his deliberations based only on the merits of the motion and the benefit to the community.

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as she is currently participating in bush care on occasions and is also a former member of Landcare NSW State Executive. Councillor Greenaway chose to remain in the chamber as the conflict is minor and will not affect her ability to discharge her public duty.

**Item 4.5    Draft Climate Change Policy - Community Consultation Submissions Report**

Councillor McLachlan declared a pecuniary interest in the matter as he has received written advice from his insurance broker will have a negative effect on his property. Councillor McLachlan left the chamber at 7.05pm, returned at 7.44pm and did not participate in discussion and voting.

Councillor Matthews declared a pecuniary interest in the matter as her insurance premiums maybe effected as a result of this policy. Councillor Matthews left the chamber at 7.05pm, returned at 7.44pm and did not participate in discussion and voting.

Councillor Best declared a less than significant non pecuniary interest in the matter as his household insurances will likely significantly increase due to this policy. Councillor Best chose to remain in the chamber as the outcome will also impact some 40,000 other residents.

**Item 8.1 Deferred Item - Notice of Motion - San Remo BMX Park – Congratulations**

Councillor Hogan declared a less than significant non pecuniary interest in the matter as the organisation that she works for was a partner in the development of the BMX park. Councillor Hogan chose to remain in the chamber and participate in discussion and voting and will manage the conflict by highlighting the benefit of partnerships as she has no personal interest in BMX.

**Moved:** Councillor Burke  
**Seconded:** Councillor MacGregor

**Resolved**

**606/19 That Council receive the report on Disclosure of Interest and note advice of disclosures.**

**For:**  
**Unanimous**

**1.2 Confirmation of Minutes of Previous Meetings**

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**Moved:** MacGregor  
**Seconded:** Burke

**Resolved**

**607/19 That Council confirm the minutes of the Ordinary Meeting of the Council held on 24 June 2019.**

**For:**  
**Unanimous**

**1.3 Notice of Intention to Deal with Matters in Confidential Session**

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**Moved:** Councillor Matthews  
**Seconded:** Councillor MacGregor

**Resolved**

**608/19 That Council receive the report and note that no matters have been tabled to deal with in a closed session.**

**For:**  
**Unanimous**

**Procedural Motion – Exception**

**Moved:** Councillor MacGregor

**Seconded:** Councillor Burke

**Resolved**

**609/19** *That with the exception of the following reports, Council adopt the recommendations contained in the remaining reports:*

*Item 2.1 - Mayoral Minute - Consolidated LEP and Deferred Matters*

*Item 4.3 - Landcare Program Strategy*

*Item 4.4 - Draft Greener Places Strategy*

*Item 4.5 - Draft Climate Change Policy - Community Consultation Submissions Report*

*Item 4.7 - Appointments to the Social Inclusion and Town Centre Advisory Committees*

*Item 5.1 - Response to Mayoral Minute - Reports on Biodiversity from UN and NSW Government*

*Item 5.2 - Family and Domestic Violence*

*Item 8.1 - Deferred Item - Notice of Motion - San Remo BMX Park - Congratulations*

*Item 8.2 - Notice of Motion - Ratepayers Red Bin Reduction*

*Item 8.3 - Notice of Motion - Speeding Cars in Kanwal*

*Item 8.5 - Notice of Motion - SEPP 14 Wetland Warnervale*

**610/19** *That Council adopt the following items en-masse and in accordance with the report recommendations:*

*Item 3.1 - Development Application DA55060/2018 - 759 George Downes Drive, Kulnura - Use as an Animal Boarding Establishment*

*Item 3.2 - Local Environmental Plan Amendment (Planning Proposal) Request - Lot 30 DP 1172696 (356 Manns Road) West Gosford*

*Item 4.1 - Councillor Professional Development Policy and Procedure for Councillors*

*Item 4.2 - Outcomes of the Public Exhibition of Miscellaneous Amendment to GLEP2014 and WLEP2013*

*Item 4.6 - Meeting Record of the Catchments and Coast Committee Tuggerah Lakes held on 1 May 2019*

*Item 5.3 - Meeting Record of the Pedestrian Access and Mobility Advisory Committee held on 14 May 2019*

*Item 8.4 - Notice of Motion - Pacific Highway Upgrade Wyong*

*Item 8.6 - Notice of Motion - Support for National Town Crier Championships*

**For:**

**Unanimous**



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**2.1 Mayoral Minute - Consolidated LEP and Deferred Matters**

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**Moved:** Mayor Smith  
**Seconded:** Councillor Burke

**Resolved**

**611/19 That this matter be deferred to the Ordinary Meeting to be held 22 July 2019.**

**For:** Mayor Smith and Councillors Matthews, Mehrstens, Sundstrom, Greenaway, McLachlan, Burke, MacGregor and Hogan  
**Against:** Councillors Marquart and Best

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**3.1 Development Application DA55060/2018 - 759 George Downes Drive, Kulnura - Use as an Animal Boarding Establishment**

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**Moved:** Councillor MacGregor  
**Seconded:** Councillor Burke

**Resolved**

**612/19 That Council grant a time limited consent for a period of twelve (12) months subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant issues.**

**613/19 That Council advise those who made written submissions of its decision.**

**For:**  
**Unanimous**

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**3.2 Local Environmental Plan Amendment (Planning Proposal) Request - Lot 30 DP 1172696 (356 Manns Road) West Gosford**

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**Moved:** Councillor MacGregor  
**Seconded:** Councillor Burke

**Resolved**

**614/19 That Council, pursuant to Section 3.33 of the Environmental Planning and Assessment Act, 1979, prepare a Planning Proposal to amend Schedule 1, Clause 10(2) of Gosford Local Environmental Plan 2014, to increase the maximum floor area permissible for specialised retail premises on Lot 30 DP 1172968, Manns Road, West Gosford from 12,000m<sup>2</sup> to 16,000m<sup>2</sup>**

- 615/19 ***That Council, pursuant to Section 3.34 of the Environmental Planning and Assessment Act, 1979, forward the Planning Proposal to the Minister requesting a Gateway Determination***
- 616/19 ***That Council request delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979***
- 617/19 ***That Council undertakes public authority and community consultation in accordance with the Gateway Determination requirements***
- 618/19 ***That Council considers a further report on the results of public authority and community consultation***

***For:***

***Unanimous***

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**4.1 Councillor Professional Development Policy and Procedure for Councillors**

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***Moved: Councillor MacGregor***

***Seconded: Councillor Burke***

***Resolved***

- 619/19 ***That Council adopt the Councillor Professional Development Policy as set out in Attachment 1.***

***For:***

***Unanimous***

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**4.2 Outcomes of the Public Exhibition of Miscellaneous Amendment to GLEP2014 and WLEP2013**

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***Moved: Councillor MacGregor***

***Seconded: Councillor Burke***

***Resolved***

- 620/19 ***That Council support the planning proposal as exhibited.***
- 621/19 ***That Council request the Chief Executive Officer exercise the delegation issued by the Department of Planning and Environment (11 December 2018) for the Miscellaneous Amendment and proceed with the steps for drafting and making of Amendment No. 38 to Gosford Local Environmental Plan, and Amendment No. 36 to Wyong Local Environmental Plan 2013.***

**622/19 That Council advise all those who made a submission of the decision.**

**For:**

**Unanimous**

#### **4.3 Landcare Program Strategy**

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Councillor Sundstrom declared a less than significant non pecuniary interest in the matter as he is a participant in Copacabana Dune Care. Councillor Sundstrom chose to remain in the chamber as he will make his deliberations based only on the merits of the motion and the benefit to the community.

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as she is currently participating in bush care on occasions and is also a former member of Landcare NSW State Executive. Councillor Greenaway chose to remain in the chamber as the conflict is minor and will not affect her ability to discharge her public duty.

**Moved: Mayor Smith**

**Seconded: Councillor Greenaway**

**Resolved**

**623/19 That Council endorse the draft Central Coast Council Landcare Program Strategy, for the purposes of community consultation.**

**624/19 That the draft Central Coast Council Landcare Program Strategy be placed on public exhibition for a period of 28 days.**

**625/19 That a further report come back to council reporting on the outcomes of the community consultation by the end of November 2019.**

**626/19 That the report to come back to Council also;**

**a Provides a comparison of other Council's expenditure and resourcing on the volunteer programs on a per population basis**

**b identifies additional funding to be allocated to support and increase the number of volunteer groups.**

**For:**

**Unanimous**



**4.4 Draft Greener Places Strategy**

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**Moved:** Mayor Smith  
**Seconded:** Councillor Mehrtens

**Resolved**

- 627/19** That Council endorse the draft Central Coast Greener Places Strategy for the purpose of public exhibition.
- 628/19** That Council exhibit the draft Central Coast Greener Places Strategy for a period of 28 days.
- 629/19** That Council consider a further report on the outcomes of the community consultation by the end of November 2019.
- 630/19** That the report to come back to Council also identifies two pilot projects (one in the north and one in the south) to undertake in partnership with communities focused on greening their neighbourhoods within the current financial year (2019/2020).

**For:**  
**Unanimous**

**4.5 Draft Climate Change Policy - Community Consultation Submissions Report**

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Councillor McLachlan declared a pecuniary interest in the matter as he has received written advice from his insurance broker will have a negative effect on his property. Councillor McLachlan left the chamber at 7.05pm, returned at 7.44pm and did not participate in discussion and voting.

Councillor Matthews declared a pecuniary interest in the matter as her insurance premiums maybe effected as a result of this policy. Councillor Matthews left the chamber at 7.05pm, returned at 7.44pm and did not participate in discussion and voting.

Councillor Best declared a less than significant non pecuniary interest in the matter as his household insurances will likely significantly increase due to this policy. Councillor Best chose to remain in the chamber as the outcome will also impact some 40,000 other residents.

**Moved:** Mayor Smith  
**Seconded:** Councillor MacGregor

- 1** That Council adopt the draft Central Coast Climate Change Policy, as amended. Specific amendments include:
- a** Policy Item A - Policy Summary was amended and included an additional summary statement.

- b Policy Item B - Policy Background was renamed to Policy Context and the Policy Background statements were amended.  
Reference to global scientific consensus was deleted (B1).  
Reference to global private investment was deleted (B8).
- c Policy Item C – Purpose was amended and streamlined from 5 purpose statements to 4.
- d Policy Item C – Strategic Principles was amended to ensure clarity.
- e Policy Item D – Commitment Statements were amended to reflect the community feedback such as the removal of planned retreat and focused on adaptation planning. The statements were reduced from 22 to 19 Commitment Statements and categorised into four themes (governance; risk management and resilience planning; and energy and emissions reduction).
- f Policy Item E – Policy Implementation was amended to outline Council's implementation pathway.
- g Policy Item F – Definitions was updated to include 'shared responsibility' and RCP 8.5 was omitted.

- 2 That Council advise all those who made a public submission of the decision.
- 3 That Council review the Central Coast Climate Change Policy in each new Council term.
- 4 That Council commence the development of the place based Climate Change Action Plan and adaptation planning in partnership with the community.
- 5 That Council commend Council staff for their work on developing and exhibition the draft Climate Change Policy.

Amendment Moved: Councillor Marquart

Amendment Seconded: Councillor Burke

- 1 That Council adopt the draft Central Coast Climate Change Policy, as amended. Specific amendments include:
  - a Policy Item A - Policy Summary was amended and included an additional summary statement.
  - b Policy Item B - Policy Background was renamed to Policy Context and the Policy Background statements were amended.  
Reference to global scientific consensus was deleted (B1).  
Reference to global private investment was deleted (B8).
  - c Policy Item C – Purpose was amended and streamlined from 5 purpose statements to 4.
  - d Policy Item C – Strategic Principles was amended to ensure clarity.
  - e Policy Item D – Commitment Statements were amended to reflect the community feedback such as the removal of planned retreat (this means the removal of planned retreat in all forms including Time Limited and Triggered Development Approvals and the adoption of development constraints that lead to the sterilization of land from future development) and focused on adaptation planning. The statements were reduced from 22 to 19 Commitment Statements and categorised into four themes (governance; risk management and resilience planning; and

- energy and emissions reduction).
- f Policy Item E – Policy Implementation was amended to outline Council's implementation pathway.
  - g Policy Item F – Definitions was updated to include 'shared responsibility' and RCP 8.5 was omitted.
- 2 That Council advise all those who made a public submission of the decision.
  - 3 That Council review the Central Coast Climate Change Policy in each new Council term.
  - 4 That Council commence the development of the place based Climate Change Action Plan and adaptation planning in partnership with the community.
  - 5 That Council commend Council staff for their work on developing and exhibition the draft Climate Change Policy.

For:  
Councillors Burke, Marquart and Best

Against:  
Mayor Smith and Councillors Mehrtens,  
Sundstrom, Greenaway, MacGregor and  
Hogan

A division was called by Councillors Marquart, Burke and Best

For:  
Councillors Burke, Marquart and Best

Against:  
Mayor Smith and Councillors Mehrtens,  
Sundstrom, Greenaway, MacGregor and  
Hogan

The amendment was put to the vote and declared LOST. The motion was then put.

**Moved: Mayor Smith**  
**Seconded: Councillor MacGregor**

**Resolved**

- 631/19 That Council adopt the draft Central Coast Climate Change Policy, as amended. Specific amendments include:**
- a Policy Item A - Policy Summary was amended and included an additional summary statement.**
  - b Policy Item B - Policy Background was renamed to Policy Context and the Policy Background statements were amended. Reference to global scientific consensus was deleted (B1). Reference to global private investment was deleted (B8).**
  - c Policy Item C – Purpose was amended and streamlined from 5 purpose statements to 4.**
  - d Policy Item C – Strategic Principles was amended to ensure clarity.**
  - e Policy Item D – Commitment Statements were amended to reflect the community feedback such as the removal of planned retreat and focused on adaptation planning. The statements were reduced from 22**

*to 19 Commitment Statements and categorised into four themes (governance; risk management and resilience planning; and energy and emissions reduction).*

*f Policy Item E – Policy Implementation was amended to outline Council’s implementation pathway.*

*g Policy Item F – Definitions was updated to include ‘shared responsibility’ and RCP 8.5 was omitted.*

**632/19** *That Council advise all those who made a public submission of the decision.*

**633/19** *That Council review the Central Coast Climate Change Policy in each new Council term.*

**634/19** *That Council commence the development of the place based Climate Change Action Plan and adaptation planning in partnership with the community.*

**635/19** *That Council commend Council staff for their work on developing and exhibition the draft Climate Change Policy.*

**For:**

**Mayor Smith and Councillors Mehrtens, Sundstrom, Greenaway, MacGregor and Hogan**

**Against:**

**Councillors Burke, Marquart and Best**

**4.6 Meeting Record of the Catchments and Coast Committee Tuggerah Lakes held on 1 May 2019**

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**Moved:** **Councillor MacGregor**

**Seconded:** **Councillor Burke**

**Resolved**

**636/19** *That Council note the Meeting Record of the Catchments and Coast Committee Tuggerah Lakes held on 1 May 2019 that is Attachment 1 to this report.*

**For:**

**Unanimous**

**4.7 Appointments to the Social Inclusion and Town Centre Advisory Committees**

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**Moved:** **Councillor Matthews**

**Seconded:** **Councillor MacGregor**

**Resolved**

- 637/19** *That Council appoint the following Councillor representatives on the Social Inclusion Advisory Committee;*
- *Councillor MacGregor*
  - *Councillor Holstein*
  - *Councillor Hogan*
  - *Councillor Pilon*
- 638/19** *That Council appoint the following Councillor representatives on the Town Centre Advisory Committee;*
- *Mayor Smith*
  - *Councillor Holstein*
  - *Councillor Matthews*
  - *Councillor Mehrtens*
  - *Councillor Burke*
- 639/19** *That Council endorse the applicants recommended for the Social Inclusion Advisory Committee as at the confidential attachment that is Attachment 3 to this report titled "Social Inclusion Advisory Committee – EOI Applications Evaluations".*
- 640/19** *That Council endorse the applicants recommended for the Town Centre Advisory Committee as at the confidential attachment that is Attachment 4 to this report titled "Town Centre Advisory Committee – EOI Applications Evaluations".*
- 641/19** *That Council resolve, pursuant to s10A(2)(a) of the Local Government Act 1993, that Attachments 3 and 4 to this report remain confidential as they contain personnel matters concerning particular individuals (other than councillors), and because consideration of the matter in open Council would be, on balance, contrary to the public interest as it may compromise the personal information of Central Coast community members.*

**For:**  
**Mayor Smith and Councillors Matthews, Mehrtens, Sundstrom, Greenaway, McLachlan, Burke, MacGregor, Hogan and Best**

**Against:**  
**Councillor Marquart**

**5.1 Response to Mayoral Minute - Reports on Biodiversity from UN and NSW Government**

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**Moved:** **Mayor Smith**  
**Seconded:** **Councillor MacGregor**

**Resolved**

**642/19 That Council receive the report on Response to Mayoral Minute – Reports on Biodiversity from UN and NSW Government.**

**For:**  
**Mayor Smith and Councillors Matthews,**  
**Mehrtens, Sundstrom, Greenaway,**  
**McLachlan, Burke, MacGregor and Hogan**

**Against:**  
**Councillor Best**

**Abstain:**  
**Councillor Marquart**

## **5.2 Family and Domestic Violence**

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**Moved: Councillor Sundstrom**  
**Seconded: Councillor Greenaway**

**Resolved**

**643/19 That Council receive the report on Family and Domestic Violence.**

**For:**  
**Unanimous**

## **5.3 Meeting Record of the Pedestrian Access and Mobility Advisory Committee held on 14 May 2019**

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**Moved: Councillor MacGregor**  
**Seconded: Councillor Burke**

**Resolved**

**644/19 That Council receive the report on Meeting Record of the Pedestrian Access and Mobility Advisory Committee held on 14 May 2019.**

**For:**  
**Unanimous**

## **7.1 Question with Notice - Provision of services to homeless and disadvantaged in Toukley area**

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The following question was submitted by Councillor Doug Vincent:

Could staff please advise if they are aware of the local community groups that are trying to provide services to the homeless and disadvantaged in the Toukley area, at 15 Yaralla Rd

It is my understanding that not for profit community groups are inquiring about 15 Yaralla Rd Toukley, which I believe Council currently owns, with the view of utilising the property to help the homeless and disadvantaged in that area.

Could staff please advise if:

- a) 15 Yaralla road Toukley is scheduled for demolition in the near future
- b) If the building is scheduled for demolition, can a halt be put on the demolition until further discussions are held with relevant local stakeholders.

### **Response**

The Acting Director Connected Communities, Mr Phil Cantillon provided the following response;

*The dilapidated property 15 Yaralla Road, Toukley, is scheduled to be demolished this financial year.*

*However Council is aware of the requests from local community groups to utilise the cottage and staff are currently working with the relevant groups to seek a way forward, and as such demolition plans have been halted and will not commence while this process is underway.*

### **7.2 Question with Notice - Carters Road Parking and Intersection Upgrades**

The following question was submitted by Councillor Doug Vincent:

Carters Road at Lake Munmorah is heavily congested in the mornings and afternoons as there are two primary schools, two high schools and local residents that utilise the local government road and parking areas.

Carters Road also has one entry and exit point onto the Pacific Highway, which exacerbates the current congestion and resulting safety issues.

Could staff please provide an update on the Carters Road parking and intersection upgrades, which were passed as an amendment in the Central Coast Councils 2018/19 annual operational budget.

### **Response**

The Director Roads Transport Drainage and Waste, Mr Boris Bolgoff provided the following response;

*The answer to this question is yes. However it is understood that the Councillor would likely be seeking further information. Further information will be provided to the Councillor through the Councillor request process.*

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**7.3 Question with Notice - Terrigal Rockpool Renovation Project**

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The following question was submitted by Councillor Jeff Sundstrom:

Regarding the Terrigal Rockpool renovation project.

Is it correct to say that the old structure will be demolished and replaced?

Further, is it proposed to replicate (as far as possible) the original design or are there to be modifications to what originally served the community for decades?

**Response**

The Director Environment and Planning, Mr Scott Cox provided the following response;

*The Terrigal Rock Pool project is for demolition of the old structure and to replace it with a similar structure with the same size and characteristics. It is a renewal of the original facility, not an upgrade.*

*The look and shape of the replacement wall will be similar to the original but with current design specification to ensure the structure will not fail under storm swells.*

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**7.4 Question with Notice - Night time Economy and Live Music Strategies**

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The following question was submitted by Councillor Kyle MacGregor:

Can council provide an update on the progress of the night time economy and live music strategies including a timeline of when they are likely to be brought before council to go out to community consultation and for final adoption?

**Response**

The Acting Director Connected Communities, Mr Phil Cantillon provided the following response;

*Council is currently finalising the engagement timeframes for developing our Evening & Night-time Economy Strategy. Supporting existing and expanding future live music opportunities will be a key component of the Strategy development. An holistic approach will be taken to combine live music within a broader Evening & Night-time Economy Strategy as it is recognised as a key enabler for evening and night-time economic growth.*

*The intent is to complete extensive community and business engagement throughout October and November 2019, with a draft Strategy developed for March 2020. This will then be further tested with our community prior to formal adoption by Council in June 2020.*

*Councillors will be briefed and engaged regularly throughout the process to provide necessary input into the Strategy, prior to the community engagement period and as the draft Strategy is developed.*



## **7.5 Question with Notice - Rate Harmonisation Consultation**

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The following question was submitted by Councillor Kyle MacGregor:

How is council planning on conducting community consultation around rate harmonisation prior to the determination on the rate harmonisation which has now been put back by one year?

### **Response**

The Chief Financial Officer, Mr Craig Norman provided the following response;

*This is a complex question requiring research and resources to provide an appropriate response. At this time we are obtaining legal advice on the impact of the Local Government Amendment Bill 2019 on Rate Harmonisation. Further we are seeking clarity on whether proposed recommendations stated in the IPART Final report into the Local Government Rating System will be legislated. The report is out for consultation and does not close until 13<sup>th</sup> September 2019.*

*Both items listed will have an impact on the implementation of Rates Harmonisation and will consequentially impact the approach to community consultation. As a result it is not possible to provide a response for this Council meeting and it is proposed to provide an updated response for inclusion in the Business Paper for the meeting of 26 August 2019.*

## **8.1 Deferred Item - Notice of Motion - San Remo BMX Park - Congratulations**

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Councillor Hogan declared a less than significant non pecuniary interest in the matter as the organisation that she works for was a partner in the development of the BMX park. Councillor Hogan chose to remain in the chamber and participate in discussion and voting and will manage the conflict by highlighting the benefit of partnerships as she has no personal interest in BMX.

**Moved:** Councillor Hogan  
**Seconded:** Councillor MacGregor

### **Resolved**

**645/19 That Council receive the report on Deferred Item – Notice of Motion – San Remo BMX Park – Congratulations.**

**646/19 That Council notes the ‘signature’ sports facility located at Highview Avenue San Remo; commonly known as the Extreme Sports Park and its transformation to the San Remo BMX Park.**

**647/19 That Council is to be congratulated for the work undertaken, against all adversity from previous Councils, in successfully providing a state of the art facility for not just the region, but the state.**

- 648/19** *That Council acknowledge staff for their vision, determination, expertise and sheer hard work in progressing the track and working closely with the community to develop the track and club.*
- 649/19** *That Council notes with appreciation that this facility has been designed as a state level track where riders at all levels from novice to professionals can ride, compete and succeed.*
- 650/19** *That Council acknowledges the significant contribution made by local community organisation's and residents who have helped to make the park a reality.*
- 651/19** *That Council recognises that investing in community projects such as the San Remo BMX Park, builds stronger and safer communities, contributes to the local economy, highlights the strength of the Coast, boosts tourism and creates stronger families.*
- 652/19** *That Council recognises this model as a fantastic example of best practice and what can be achieved when Council and community truly work together for the greater good and into the future.*

**For:**

**Unanimous**

## **8.2 Notice of Motion - Ratepayers Red Bin Reduction**

Moved: Councillor Best

Seconded: Councillor Marquart

- 1 *That Council notes public consultation to develop Council's Waste Strategy has commenced and that it highlights the need to reduce the reduction of the waste stream to landfill via the Red Bin System.*
- 2 *That further, Council notes that a number of sister Councils have already sought to significantly reduce their scheduled Red Bin Pick Up Cycle (i.e. weekly to fortnightly)*
- 3 *That as the Central Coast is a rapidly growing family Region with high waste and recycling needs, Council now 'rules out' reducing the kerbside Red Bin Pick Up Cycle.*

**For:**

Councillors McLachlan, Burke, Marquart and Best

**Against:**

Mayor Smith and Councillors Matthews, Mehrtens, Sundstrom, Greenaway, MacGregor and Hogan

A division was called by Councillors Best and Marquart.

**For:**

Councillors McLachlan, Burke, Marquart and

**Against:**

Mayor Smith and Councillors Matthews,

Best

Mehrtens, Sundstrom, Greenaway,  
MacGregor and Hogan

The motion was put to the vote and declared LOST.

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### 8.3 Notice of Motion - Speeding Cars in Kanwal

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**Moved:** Councillor MacGregor

**Seconded:** Councillor Greenaway

#### **Resolved**

**653/19** That Council note ongoing residents concern and activism around the issue of speeding motorists in the Kanwal area and work co-operatively with local residents to remedy this issue.

**654/19** That Council note the new [change.org](https://www.change.org) petition by local residents to introduce further speed mitigation devices in the Kanwal area to protect local residents safety, particularly children in the nearby school and homes.

**655/19** That Council liaise with residents residing within Pearce Road, Walker Avenue, Craigie Avenue, Wahroonga Road, Edna Avenue, Stanley Street, Stelling Avenue and Swan Street as identified in the change.org petition in relating to traffic and road safety concerns and undertake a traffic survey to gather data on the volume and speed of vehicles. The results of these traffic surveys are invaluable in assisting Council determine the most appropriate course of action to address any identified issues.

**656/19** That Council undertake appropriate consultation with key residents and take appropriate action which is also to include a public meeting.

**For:**

**Unanimous**

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### 8.4 Notice of Motion - Pacific Highway Upgrade Wyong

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**Moved:** Councillor MacGregor

**Seconded:** Councillor Burke

#### **Resolved**

**657/19** That Council write to the Premier Hon. Gladys Berjiklian and the Minister for Roads Hon. Paul Toole requesting an update on the upgrade of the Pacific Highway through Wyong (from Johnsons Road Tuggerah to Cutler Drive Wyong) that was announced in February 2018.

**658/19 That Council request that this upgrade be conducted as soon as possible noting community interest in seeing the upgrade to not only this major road but many other roads in the northern end of our LGA.**

**For:**

**Unanimous**

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**8.5 Notice of Motion - SEPP 14 Wetland Warnervale**

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**Moved: Councillor Greenaway**

**Seconded: Councillor MacGregor**

**Resolved**

**659/19 That a report be prepared and submitted to Council on the following:**

- a Council undertaking remediation on land that was formerly part of Lot 26 DP 1159349 that was reportedly cleared in or around August/September 2015 and subject to correspondence with the Department of Planning.**
- b Council developing a replanting plan in consultation with an ecologist prior to undertaking the remediation in minute number 659/19 part A above with such a plan specifying the proposed planting (species, size, number and location) as well as measures to ensure the plants are properly established and monitored.**

**660/19 That Council request the Chief Executive Officer;**

- a Ensure that Council not cause or permit mowing, slashing or trimming of vegetation within 100 metres of the land referred to in minute number 659/19 part A without first obtaining consent or carrying out environmental assessment as required under the EP&A Act.**
- b Ensure that Development applications and/or any activities (as defined under the EP&A Act) on land owned or under the care control and management of Council within 200 metres of the northern boundary of Warnervale Airport and 200 metres from the southern end of the runway are referred to Council for determination.**

**661/19 That the report referred to in minute item 659/19 above be submitted to the Ordinary Council Meeting on or prior to 26 August 2019.**

**For:**

**Mayor Smith and Councillors Matthews, Mehrstens, Sundstrom, Greenaway, MacGregor and Hogan**

**Against:**

**Councillors McLachlan, Burke, Marquart and Best**

**8.6 Notice of Motion - Support for National Town Crier Championships**

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**Moved:** Councillor MacGregor

**Seconded:** Councillor Burke

**Resolved**

**662/19 That Council;**

**a Support Mr Stephen Clarke as officially representing Central Coast Council at the Annual National Town Criers' Championships.**

**b Allocate the sum of \$1,000.00 each calendar year towards the expenses for Mr Stephen Clarke to represent Central Coast Council at the Annual National Town Criers' Championship, subject to his on-going role as the Town Crier.**

**663/19 This annual allocation be reviewed after five (5) years in 2023.**

**For:**

**Unanimous**

**The Meeting** closed at 9.10 pm.



**Item No:** 1.3  
**Title:** Notice of Intention to Deal with Matters in Confidential Session  
**Department:** Governance

---

22 July 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-01 - D13582347

## Summary

It is necessary for the Council to adopt a resolution to formalise its intention to deal with certain matters in a closed and confidential Session. The report is incorporated in the "Confidential" business paper which has been circulated.

The *Local Government Act 1993* requires the Chief Executive Officer to identify those matters listed on the business paper which may be categorised as confidential in terms of section 10A of the *Local Government Act 1993*. It is then a matter for Council to determine whether those matters will indeed be categorised a confidential.

## Recommendation

***That Council receive the report and note that no matters have been tabled to deal with in a closed session.***

## Context

Section 10A of the *Local Government Act 1993* (the Act) states that a Council may close to the public so much of its meeting as comprises:

- 2(a) *personnel matters concerning particular individuals (other than Councillors),*
- 2(b) *the personal hardship of any resident or ratepayer,*
- 2(c) *information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,*
- 2(d) *commercial information of a confidential nature that would, if disclosed:*
  - (i) *prejudice the commercial position of the person who supplied it, or*
  - (ii) *confer a commercial advantage on a competitor of the Council, or*
  - (iii) *reveal a trade secret,*
- 2(e) *information that would, if disclosed, prejudice the maintenance of law,*

### **1.3 Notice of Intention to Deal with Matters in Confidential Session (contd)**

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- 2(f) matters affecting the security of the Council, Councillors, Council staff or Council property,*
- 2(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,*
- 2(h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.*

It is noted that with regard to those matters relating to all but 2(a), 2(b) and 2(d)(iii) it is necessary to also give consideration to whether closing the meeting to the public is, on balance, in the public interest.

Further, the Act provides that Council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public (section 10A(3)).

As provided in the Office of Local Government Meetings Practice Note August 2009, it is a matter for the Council to decide whether a matter is to be discussed during the closed part of a meeting. The Council would be guided by whether the item is in a confidential business paper, however the Council can disagree with this assessment and discuss the matter in an open part of the meeting.

#### **Attachments**

Nil



**Item No:** 2.1  
**Title:** Deferred Item - Mayoral Minute - Consolidated LEP and Deferred Matters  
**Department:** Councillor

---

22 July 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13602073

Author: Jane Smith, Mayor

### **Report Purpose**

At the Council Meeting of 8 July 2019, Council resolved:

611/19 *That this matter be deferred to the Ordinary Meeting to be held 22 July 2019.*

### **Recommendation**

- 1 That Council receive the report on Deferred Item - Mayoral Minute - Consolidated LEP and Deferred Matters.**
- 2 That Council note that Council has resolved to exhibit the Draft Urban Spatial Plan - A Framework for the Local Strategic Planning Statement to provide a spatial framework to guide the Central Coast Region's future growth and development over the next 20 years.**
- 3 That Council note that this will in effect commence the process of developing a Comprehensive LEP and DCP for the Central Coast**
- 4 That Council proceed with the current Planning Proposal - Central Coast Consolidated LEP (SI\_2017\_CCOAS\_001\_01) only in relation to the Deferred Areas in the former Gosford LGA, with the Planning Proposal reduced in scope to an amendment to Gosford LEP 2014 in relation to the Deferred Matters**
- 5 That Council provide a further briefing to Councillors about matters relating to the Deferred Matters in the former Gosford LGA before finalising the amendment to the Gosford LEP 2014**
- 6 That Council carry forward the extensive work undertaken in preparation of the draft Consolidated LEP and DCP for consideration in developing the Comprehensive LEP and DCP**
- 7 That Council write to the Minister for Planning advising of this decision of Council in relation to Planning Proposal - Central Coast Consolidated LEP (SI\_2017\_CCOAS\_001\_01)**



**2.1 Deferred Item - Mayoral Minute - Consolidated LEP and Deferred Matters  
(contd)**

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- 8** *That Council request that the CEO provide a briefing to Councillors by end of August, 2019 on proposed community engagement in the development of the Central Coast Comprehensive LEP*
- 9** *That Council request that the CEO provide a draft Community Engagement Plan for the development of the Comprehensive LEP for adoption by Council by the end of November, 2019.*

**Attachments**

- 1** Mayoral Minute - Consolidated LEP and Deferred Matters      D13604147

**Item No:** 2.1  
**Title:** Mayoral Minute - Consolidated LEP and Deferred Matters



8 July 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-01 - D13591549

Author: Jane Smith, Mayor

On 23 November 2016, under Administration, Council resolved to prepare a Planning Proposal to consolidate the provisions of the Local Environmental Plan (LEP) operating across the Central Coast Local Government Area (LGA). Council, under the Administrator, also resolved to prepare a consolidated Development Control Plan (DCP) to harmonise planning controls.

The Gateway Determination Report prepared by the Department of Planning (dated 26/10/17) notes the following:

- *The planning proposal is primarily a consolidation and is not a comprehensive review of planning provisions*
- *The need for the planning proposal arises from the Council's intent to create a single Standard Instrument (SI) compliant LEP for the newly amalgamated council area. While the existing instruments can continue to operate and there has been no directive from the State to undertake consolidation.*
- *An additional need for the planning proposal arises due to the large areas of land deferred from GLEP 2014, the planning provisions for which are still contained in the deemed environmental planning instruments Gosford Planning Scheme Ordinance (PSO) and Gosford Interim Development Order (IDO) 122. These instruments could also continue to operate however the advantages of converting this land into an SI instrument include modernisation, simplification and standardisation, electronic mapping and ease of access (note that the PSO and IDO are not contained on the NSW Legislation website).*
- *Development Standards.....Some changes are also proposed to development standards (SI LEP Part 4). Council's 4<sup>th</sup> principle for this section ("flexibility") states that where choices existed Council has chosen the most flexible or "generous" approach.*
- *While Council has stated the amendment of Minimum Lot Size in the R2 from 550 m<sup>2</sup> to 450 m<sup>2</sup> is "necessary", it is not. The use of map layers in SI LEPs mean that there may be multiple development standards within a particular zone. It is also noted that in the report to Council supporting the commencement of the planning proposal (23 December 2016), a proposed outcomes was to retain current development standards mapped within GLEP 2014 and WLEP 2013.*
- *Council's proposal could see an increase in density in certain urban areas (eg. R2 in Gosford) ... due to the proposed reduction in minimum lot size.*
- *SEPP 19 – Bushland in Urban Areas. Clause 10(b) of the SEPP requires a Council to give*

**2.1 Mayoral Minute - Consolidated LEP and Deferred Matters (contd)**

*priority to retaining urban bushland. The assessment in the planning proposal needs to be updated to consider this given proposals relating to minimum lot sizes in the low density zone in the former Gosford which could see loss of urban bushland.*

The draft CCLEP and CCDCP were placed on exhibition from **6 December 2018 to 28 February 2019**.

There have been considerable concerns within communities in the former Gosford LGA about the impacts of proposed changes under the draft Consolidated LEP – including the impact on reduction of lot sizes in R2 resulting in increased density, potential loss of urban bushland and increased infrastructure requirements as a result.

Council is currently beginning the process of preparing a Comprehensive Local Environmental Plan (LEP) and Development Control Plan (DCP).

**Draft Urban Spatial Plan - A Framework for the Local Strategic Planning Statement**

At the Council meeting held on 24 June, 2019, Council resolved to exhibit the Draft Urban Spatial Plan.

The report to Council included the following:

*The draft Urban Spatial Plan (draft Plan) is Council's vision for growing the Central Coast in a sustainable manner that enhances its character, preserves its natural attributes and improves our quality of life. It aims to provide a spatial framework to guide the Central Coast Region's future growth and development over the next 20 years.*

*Following exhibition of the draft Plan (Stage One), Council will develop with the community a Local Strategic Planning Statement (LSPS) which meets Council's legal obligation under the Environmental Planning and Assessment Act 1979 to deliver an LSPS (Stage Two) by July 2020.*

*The LSPS is the primary strategic tool to express the desired future for the LGA as a whole, and specific areas over the next 20 years. It is a legal requirement under Part 3B of the Environmental Planning & Assessment Act. 1979.*

*Council will identify the planning priorities for each of the 8 planning precincts through a series of 'place' based workshops as part of a future review of the LSPS, which will be integrated into the development of the next Community Strategic Plan (2020-2021), and will inform the development of a Comprehensive Local Environmental Plan.*

*As part of a separate process, place based character statements will be developed under a comprehensive review of the Central Coast Development Control Plan.*

**2.1 Mayoral Minute - Consolidated LEP and Deferred Matters (contd)**

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*I formally move:*

**That Council:**

- 1 Note that Council has resolved to exhibit the Draft Urban Spatial Plan - A Framework for the Local Strategic Planning Statement to provide a spatial framework to guide the Central Coast Region's future growth and development over the next 20 years.**
- 2 Note that this will in effect commence the process of developing a Comprehensive LEP and DCP for the Central Coast**
- 3 Proceed with the current Planning Proposal - Central Coast Consolidated LEP (SI\_2017\_CCOAS\_001\_01) only in relation to the Deferred Areas in the former Gosford LGA, with the Planning Proposal reduced in scope to an amendment to Gosford LEP 2014 in relation to the Deferred Matters**
- 4 Provide a further briefing to Councillors about matters relating to the Deferred Matters in the former Gosford LGA before finalising the amendment to the Gosford LEP 2014**
- 5 Carry forward the extensive work undertaken in preparation of the draft Consolidated LEP and DCP for consideration in developing the Comprehensive LEP and DCP**
- 6 Write to the Minister for Planning advising of this decision of Council in relation to Planning Proposal - Central Coast Consolidated LEP (SI\_2017\_CCOAS\_001\_01)**
- 7 Request that the CEO provide a briefing to Councillors by end of August, 2019 on proposed community engagement in the development of the Central Coast Comprehensive LEP**
- 8 Request that the CEO provide a draft Community Engagement Plan for the development of the Comprehensive LEP for adoption by Council by the end of November, 2019.**

**Attachments**

*Nil.*



**Item No:** 3.1  
**Title:** DA/1484/2018 - Boarding House containing 24 rooms and Manager's residence - 15 Leppington Street, Wyong  
**Department:** Environment and Planning

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22 July 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13474691  
Author: Shannon Butler, Senior Development Planner  
Manager: Andrew Roach, Unit Manager, Development Assessment  
Executive: Scott Cox, Director Environment and Planning

### Summary

A Development Application has been received for the demolition of existing structures and construction of a boarding house containing 24 rooms and a Manager's residence on Lot: 341 DP: 557761, No. 15 Leppington Street, Wyong.

The Development Application has been reported to Council for the following reasons:

1. The application has been called to Council by Councillors MacGregor and Greenaway; and;
2. In accordance with Council's adopted *Policy for Determining Development Applications Subject to Significant Public Objections* any application receiving 15 or more submissions is to be reported to Council. The application received 40 submissions from 29 households objecting to the proposal.

The application has been examined having regard for the matters for consideration detailed in section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

<b>Applicant</b>	Smith & Tzannes
<b>Owner</b>	North 62 P/L
<b>Application No</b>	DA/1484/2018
<b>Description of Land</b>	Lot 341 DP 557761, 15 Leppington Street, Wyong
<b>Proposed Development</b>	Demolition of Existing Single Storey Dwelling and Construction of a Boarding House Containing 24 Rooms and a Manager's Residence utilising the provisions of <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i>
<b>Site Area</b>	1,502m <sup>2</sup>
<b>Zoning</b>	R2 Low Density Residential
<b>Existing Use</b>	Single storey dwelling and detached garage
<b>Employment Generation</b>	No
<b>Estimated Value</b>	\$2,421,898.00

**3.1 DA/1484/2018 - Boarding House containing 24 rooms and Manager's residence - 15 Leppington Street, Wyong (contd)**

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**Recommendation**

- 1 That Council grant consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant issues.**
- 2 That Council advise those who made written submissions of its decision.**

**Precis:**

<b>Proposed Development</b>	Demolition of existing structures and construction of a boarding house containing 24 rooms and a Manager's residence utilising the provisions of <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i> .
<b>Permissibility and Zoning</b>	The subject site is zoned R2 Low Density Residential under the provisions of <i>Wyong Local Environmental Plan 2013</i> . The proposed development is defined as a boarding house which is permissible within the zone with the consent of Council; however, the proposal relies upon the provisions of <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i> .
<b>Relevant Legislation</b>	<ul style="list-style-type: none"> <li>• <i>Environmental Planning and Assessment Act 1979</i></li> <li>• <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i> (SEPP ARH)</li> <li>• <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i></li> <li>• <i>State Environmental Planning Policy No. 55 – Remediation of Land</i> (SEPP 55)</li> <li>• <i>State Environmental Planning Policy (Coastal Management) 2018</i></li> <li>• <i>Wyong Local Environmental Plan 2013</i> (WLEP 2013)</li> <li>• <i>Draft Central Coast Local Environmental Plan 2018</i> (Draft CCLEP 2018)</li> </ul>

**3.1 DA/1484/2018 - Boarding House containing 24 rooms and Manager's residence - 15 Leppington Street, Wyong (contd)**

<b>Current Use</b>	Single storey dwelling house and detached garage
<b>Integrated Development</b>	No
<b>Submissions</b>	40 submissions from 29 households

**Variations to Policies**

Nil

**The Site**

The site is legally known as Lot 341 DP 557761 and commonly known as No. 15 Leppington Street, Wyong. The site is located on the eastern side of Leppington Street and has an area of 1,502m<sup>2</sup>, a front boundary frontage of 21.8 metres and side boundaries of 70.1 metres in length. The site has a fall from front to rear of approximately 800mm.

The site is currently occupied by a single storey dwelling house and a detached double garage located within the front setback.



**Figure 1 – Aerial photograph of subject site**





**Figure 2 – View of site from Leppington Street**

### **Surrounding Development**

The site is bounded to the east by large residential allotments containing single storey dwellings fronting Marathon Street. It is bounded to the south by a large allotment containing a single storey dwelling and ancillary structures. The site adjoins three small allotments to the north containing single storey dwellings. To the west (on the opposite side of Leppington Street) all allotments contain single storey dwellings.

The land to the north, east and south of the site is zoned R2 Low Density Residential under the provisions of *Wyong Local Environmental Plan 2013* (WLEP 2013). The property located directly opposite the site and those to the north, on the opposite side of Leppington Street, are zoned R3 Medium Density Residential. This R3 Medium Density Residential zoning continues to the west to Byron Street (refer figure 3).

Three adjoining properties to the north contain a common driveway located immediately adjacent to the northern boundary of the subject land. The adjoining property to the south contains a large metal shed located adjacent to the boundary (which is located alongside approximately 50% of the side boundary of the subject property).

The subject site is located approximately 670 metres from the Wyong Town Centre, which contains shops and medical services. The site is located 300 metres from bus stops located on Warner Avenue. These bus stops are serviced by buses travelling to Westfield Tuggerah and the Lake Haven Shopping Centre.



### 3.1 DA/1484/2018 - Boarding House containing 24 rooms and Manager's residence - 15 Leppington Street, Wyong (contd)

Further, the site is located approximately 600 metres from the Wyong Railway Station which is serviced by trains travelling to Sydney and Newcastle. It is noted that there are a number of sporting facilities in the vicinity of the site, such as Baker Park, Wyong Public Swimming Pool and the Wyong Bowling Club.



Figure 3 – Zoning of the site and surrounding properties

#### The Proposed Development

The Development Application seeks consent for the demolition of the existing dwelling house and detached garage and the construction of a two storey boarding house containing 24 rooms and a Manager's residence utilising the provisions of *State Environmental Planning Policy (Affordable Rental Housing) 2009* (SEPP ARH).

The boarding house is proposed in the form of two buildings with a central communal open space area. An undercroft car parking area is proposed below the front building containing 13 resident car parking spaces and one car parking space for the on-site manager. A room to accommodate the on-site manager is proposed at the front of the site.

The boarding rooms are proposed to be double rooms, each accommodating a maximum of two lodgers. Each room is proposed to contain a kitchenette and bathroom facilities. A common living room is proposed on the ground floor to cater for residents.

The proposal was amended during the assessment phase to provide additional privacy screening measures on the rear elevation, additional landscaping and an additional setback for the pedestrian access pathway located adjacent to the southern boundary in response to concerns raised by Council staff and residents during the notification period.

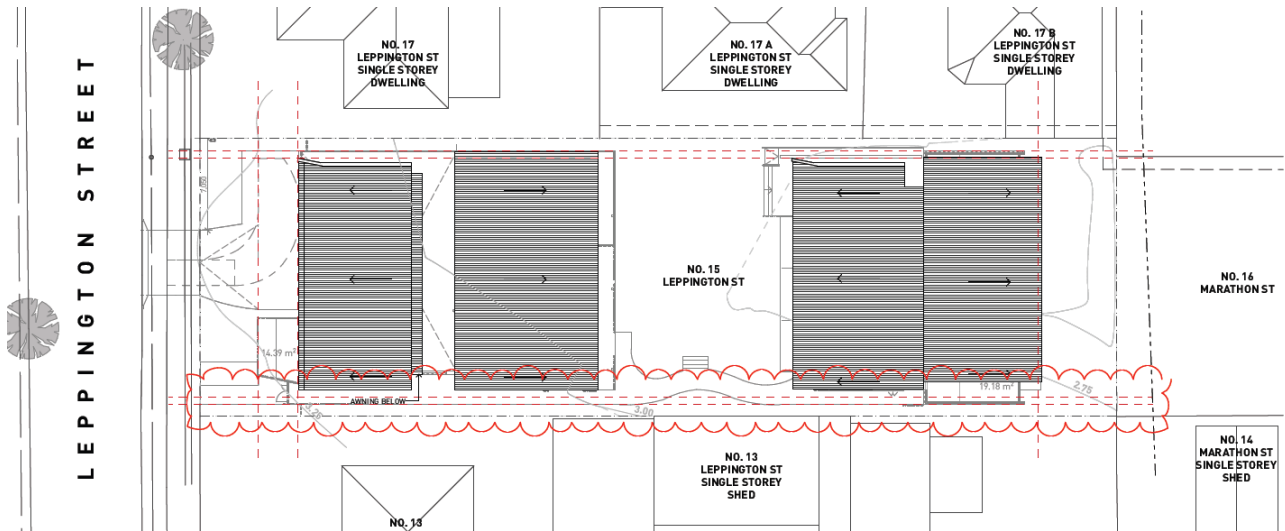


Figure 4 – Proposed Site Plan



Figure 5 – Perspective from Leppington Street

## History

A pre-lodgement meeting was held with the applicant on 26 June 2018 to discuss the proposal and provide preliminary feedback (PL/119/2018).

## Submissions

In accordance with Wyong Development Control Plan 2013 (WDCP 2013) – Chapter 1.2 – Notification of Development Proposals, the application was publicly exhibited from 10 January 2019 until 1 February 2019.

### **3.1 DA/1484/2018 - Boarding House containing 24 rooms and Manager's residence - 15 Leppington Street, Wyong (contd)**

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Following representations from the community raising concern about the scope of properties notified, the application was further notified to a greater number of properties with an extended closing date of 15 February 2019.

A total of 40 submissions from 29 households objecting to the proposal were received in relation to the development application.

The general issues in relation to the proposal are as follows:

- *The proposal provides only 14 car parking spaces, five motorcycle spaces and five bicycle spaces and it is proposed that each of the 24 rooms will contain up to two lodgers.*

#### Comment

*State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH)* requires that car parking for boarding houses be provided at the rate of at least 0.5 parking spaces per boarding room where the development is not carried out by or on behalf of a social housing provider. In addition, one car parking space is required to be provided for the on-site manager.

The proposal comprises 24 boarding rooms, requiring 12 car parking spaces and one car parking space is required for the on-site manager (a total requirement of 13 car parking spaces). The proposal provides 14 car parking spaces, which includes a parking space for the on-site manager. As such, the proposed development complies with the number of car parking spaces required under SEPP ARH.

It should be noted that under clause 29 of SEPP ARH the proposal cannot be refused on the grounds of car parking if the minimum standard imposed by the SEPP is complied with.

- *The construction period will result in a number of construction vehicles using the roads. Council needs to impose traffic controls in this regard.*

#### Comment

A condition of consent is recommended requiring the submission of a Traffic Control Plan which will outline the management of construction vehicles in the public domain and within the site. This plan is to be submitted to Council for approval prior to the commencement of any works on site.

- *The submitted waste management plan underestimates the amount of asbestos contained within the existing dwelling.*

#### Comment

### 3.1 DA/1484/2018 - Boarding House containing 24 rooms and Manager's residence - 15 Leppington Street, Wyong (contd)

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Council staff noted that the extent of demolition waste estimated in the Waste Management Plan was underestimated (particularly asbestos). The applicant has submitted an amended Waste Management Plan which provides a more realistic estimate of demolition waste, including asbestos. A condition of consent is recommended requiring compliance with the amended Waste Management Plan.

- *The seven red waste bins and six recycling bins shown on the plans do not appear to be adequate to cater for up to 50 residents.*

#### Comment

The proposed development will be required to provide 4 x 360 Litre shared mixed Mobile Garbage Bins (MGB's) serviced weekly, 3 x 360 Litre shared recyclable MGB's serviced fortnightly and 2 x 240 Litre green waste MGB's serviced fortnightly. It is acknowledged that boarding houses have lower waste generation rates than similar sized conventional residential developments. Amended plans have been submitted which show that the required number of bins can be accommodated in the bin storage area adjacent to the car parking area.

- *There are existing problems in the locality relating to the adequacy of water, sewage and drainage infrastructure and the proposal will worsen these problems. The development will result in further pressure in the already failing infrastructure.*

#### Comment

In relation to sewage, Council's 225mm vitrious cement (VC) sewer gravity main traverses the rear of the property. Connection is available to the existing sewer junction provided onsite.

With regard to drainage, the site falls to the rear. A one metre wide inter-allotment drainage easement exists along the northern boundary of the adjacent property. A surface drainage inlet pit is available for connection at the rear of the property. In accordance with the 88B instrument relating to the drainage easement, the applicant can use this pipeline to drain stormwater from the subject site.

Additionally, on-site detention (OSD) will be required to limit post development flowrates to pre-development flowrates for a range of storm events up to 100% Average Exceedance Probability (AEP) events. This will ensure that the proposed development will not adversely impact the capacity of downstream drainage infrastructure or properties.

It is considered the existing infrastructure has the ability to cater for the additional demand created by the development.

- *The site is located within the Coastal Environment Area under SEPP (Coastal Management) 2018 and the proposal is not compatible with the requirements of the SEPP.*

### 3.1 DA/1484/2018 - Boarding House containing 24 rooms and Manager's residence - 15 Leppington Street, Wyong (contd)

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#### Comment

The subject site is identified as being located within the Coastal Environment Area pursuant to SEPP (Coastal Management) 2018. The proposal has been considered against Clause 13 of the SEPP (refer Attachment 2 of this report) and is considered to be satisfactory. The proposal is not likely to cause adverse impacts on the biophysical, hydrological and ecological environment and is not likely to have an adverse impact on native vegetation and fauna. Further, the proposal does not contain any Aboriginal cultural heritage items or places.

- *The proposed boarding house is out of character for the area.*

#### Comment

The proposal has been considered against Clause 30A of SEPP ARH which states that a consent authority must not consent to development to which the Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.

The visual catchment of the site comprises a mixed residential character which contains single dwellings, dual occupancies and multi-dwelling housing. The locality is undergoing a gradual transition from primarily single-storey detached dwellings to other forms of residential development such as dual occupancies and multi-dwelling residential developments. Whilst the subject land is zoned R2 Low Density Residential the land immediately opposite and further to the north-west is zoned R3 Medium Density Residential. The proposed development has a two-storey presentation to the public domain with undercroft car parking. The front setback area is proposed to be suitably landscaped to soften the appearance of the development and the proposed front setback is consistent with the immediately adjoining dwellings.

Consideration of the proposal against Clause 30A of the SEPP and relevant NSW Land and Environment Court case law is outlined in more detail later in the report.

- *The boarding house should be amended to be decreased in size to 12 rooms.*

#### Comment

It is noted that SEPP ARH was amended on 28 February 2019 to insert clause 30AA. This clause states that "*a consent authority must not grant development consent to a boarding house on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone unless it is satisfied that the boarding house has no more than 12 boarding rooms*".

However, clause 54C of SEPP ARH provides savings and transitional provisions which allow for a development application that was lodged with Council prior to the amendment, but not yet determined, to be assessed and determined as if the amending SEPP had not

### 3.1 DA/1484/2018 - Boarding House containing 24 rooms and Manager's residence - 15 Leppington Street, Wyong (contd)

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commenced. The development application was made on 14 December 2018 therefore this clause does not apply to the proposed development.

- *A boarding house will accommodate a variety of persons with various needs such as homeless, drug affected and will probably be itinerant in nature. It is unclear whether the on-site manager will be able to keep them under control.*

#### Comment

There is no evidence that has been submitted to demonstrate that the boarding house will accommodate people such as those that are homeless, drug affected or itinerant in nature. The boarding house is capable of accommodating young professionals, single parents, older single people and middle to low-income workers.

The applicant has submitted a Plan of Management (PoM) for the proposed boarding house which outlines the measures to be taken to assist in ensuring that the residential amenity of the locality is not adversely impacted by the boarding house. The PoM outlines measures including the responsibilities of the boarding house manager, resident responsibilities, and measures for addressing all complaints and disputes and safety and security measures. A condition of consent is recommended requiring implementation of the PoM and the use of tenancy agreements which make residents aware that anti-social behaviour may result in eviction from the facility.

- *Leppington Street is already full of parked cars. Vehicles have to travel one in line to use the road. The boarding house will worsen this situation.*

#### Comment

This is an existing situation that has not been created by the proposed development and there is no evidence to suggest that the proposed development will have a negative impact on the current situation.

Notwithstanding the above, the proposed development complies with the number of car parking spaces required under SEPP ARH. Based on 24 boarding rooms and one manager's residence, a minimum of 12.5 (rounded to 13) car parking spaces are required and 14 spaces are proposed. In the event that compliance with this requirement is achieved, car parking cannot be used as a basis to refuse consent to the proposed development.

- *There is an approved boarding house at No. 31 Boyce Avenue which is located within one kilometre of the proposed development.*

#### Comment

The proximity of the proposed boarding house to another boarding house is not a matter for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* and

### 3.1 DA/1484/2018 - Boarding House containing 24 rooms and Manager's residence - 15 Leppington Street, Wyong (contd)

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there are no restrictions in place to prevent the clustering of boarding houses. It is noted that boarding houses are permissible with consent within the R2 Low Density Residential zone, pursuant to *Wyong Local Environmental Plan 2013* and under the provisions of SEPP ARH. The application has been assessed by Council's Social Planner and no concerns were raised in relation to the proximity of the proposed boarding house to the approved boarding house at No. 31 Boyce Avenue.

- *A development of this nature would have an adverse impact on property values in and around the development.*

#### Comment

This is not a matter for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*. Further, no evidence has been provided to substantiate this claim.

- *It is unclear what ages the development is catering for.*

#### Comment

The submitted Social Impact Assessment (prepared by Judith Stubbs and Associates, dated November 2018) states that the proposed boarding house is likely to provide flexible accommodation for students, casual workers and lower income earning singles with a range of ages being catered for.

- *The existing block with a size of 1502m<sup>2</sup> contains only a small dwelling and leaves a large area to absorb surface water. It is now proposed to have only 25% deep soil area which will result in additional drainage problems in the area.*

#### Comment

It is acknowledged that the development will result in an increased extent of impervious area across the site. As previously discussed, on-site detention (OSD) will be required to limit post development flowrates to pre-development flowrates for a range of storm events up to the 100% Average Exceedance Probability (AEP) storm event. This will ensure that the proposed development will not adversely impact the capacity of downstream drainage infrastructure or properties.

Appropriate conditions of consent are recommended in relation to the requirements for an on-site detention system (see condition Nos. 2.8 and 5.14).

- *Concern is raised in relation to the lack of privacy to the rear of the development. The landscaping screening will take a number of years to establish.*

#### Comment

### 3.1 DA/1484/2018 - Boarding House containing 24 rooms and Manager's residence - 15 Leppington Street, Wyong (contd)

This matter was drawn to the applicant's attention and amended plans were submitted depicting full height vertical privacy screening to the upper floor balconies which will cover a significant part of the bedroom windows. Combined with the proposed landscaping and 6m rear setback, the proposed development is considered satisfactory in relation to privacy impacts on properties adjoining the rear of the subject site.

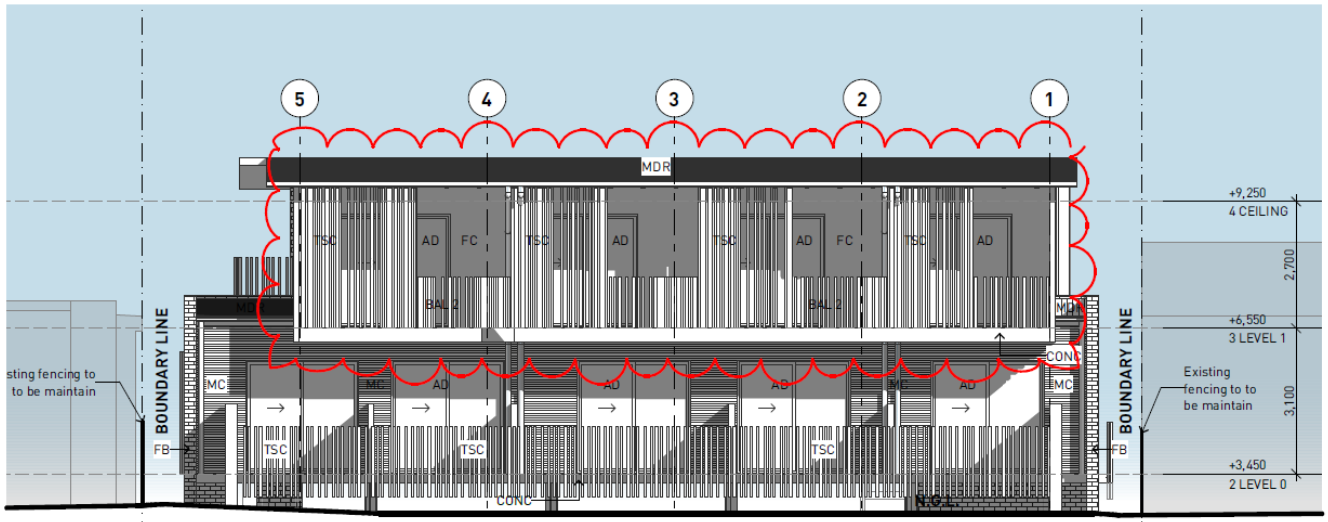


Figure 6 – East elevation of rear building depicting added privacy screening

- *The Social Impact Assessment states that 'no negative impacts have been identified'. Just because they have not been identified does not mean they will not exist.*

#### Comment

The submitted Social Impact Assessment has been prepared based on the plans and documentation provided to the Social Planning consultant and on the assumption that the measures outlined in the Plan of Management and House Rules are implemented and enforced.

It is noted that there were a number of potential impacts identified by nearby residents during the community consultation period, such as: the development being out of character for the area, parking/traffic congestion, anti-social behaviour of residents, waste management, privacy, flooding and suitability of drainage and sewer infrastructure in the locality. It is a fact that unforeseen issues can arise but it is the responsibility of the boarding house manager to manage and mitigate against some of these issues.

- *The survey conducted which informed the Social Impact Assessment was carried out on a Sunday morning with only a 49% participation rate. This is inadequate to gauge the feeling of home owners.*



### 3.1 DA/1484/2018 - Boarding House containing 24 rooms and Manager's residence - 15 Leppington Street, Wyong (contd)

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#### Comment

It is noted that the initial survey which informed the Social Impact Assessment was conducted on a Sunday morning and achieved a participation rate of 49%. Following the initial survey, Council staff requested that the Social Impact Assessment consultation be expanded. The applicant has provided evidence that further door knocking/community engagement was carried out on four additional occasions, being Thursday 7 February 2019, Thursday 14 February 2019, Tuesday 26 February 2019 and Tuesday 30 April 2019. As such, consultation/door knocking has now been undertaken on one weekend day (Sunday), two Tuesdays and two Thursdays in order to maximise potential for engagement.

Although there is no requirement in the Social Impact Assessment to conduct further consultation, the further door knocking was recommended by Council's Social Planner and was considered by the applicant to be warranted given the nature of the proposal.

Council's Social Planner was supportive in relation to the approach adopted in relation to the additional door knocking carried out by the applicant and the increased participation rate achieved as a result of the further door knocking campaign.

The applicant's records indicate that as a result of the combined four dates of further door knocking, 60% of residents in the target area were available and participated in discussion. The applicant advised that discussions were held at length with the concerned residents (who were available) to help explain and mitigate any issues which were raised. The applicant also distributed a 'community information package' to some residents (which was provided to Council also).

It should be noted that during the community consultation, a total of 31 residents were interviewed. Of the 31 residents interviewed, 10 were owner occupiers and 21 were tenants. From this door-knock campaign it was evident that twice as many tenants resided in Leppington Street than did owner occupiers (a ratio of 2:1).

- *Concern is raised in relation to asbestos removal during demolition.*

#### Comment

It is acknowledged that the existing dwelling to be demolished is likely to contain asbestos. A condition of consent is recommended requiring that any demolition involving asbestos be carried out in accordance with the *Work Health and Safety Act 2017*. The condition states that the person having the benefit of the consent must ensure that the removal of asbestos is carried out by a licensed asbestos removalist.

- *The acoustic report does not take into consideration any future dwelling that may be built to the rear of the properties fronting Marathon Street. Noise levels should be revisited as should privacy screening from the second floor balconies.*

### 3.1 DA/1484/2018 - Boarding House containing 24 rooms and Manager's residence - 15 Leppington Street, Wyong (contd)

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#### Comment

It is not possible to predict or assume the form of surrounding development in the future for the purpose of informing an acoustic assessment. The acoustic assessment outlines methods of construction to be adopted to minimise the transmission of noise to adjoining properties. Further, a number of recommendations are made in relation to car park activity, use of the common room and outdoor plant and equipment. The acoustic report has been assessed by Council's Senior Environmental Health Officer and is considered satisfactory subject to a condition of consent requiring compliance with the recommendations of the assessment.

- *Council should ensure as a minimum, that all recommended measures in the acoustic report are reflected in conditions of consent.*

#### Comment

A condition of consent is proposed requiring that all recommendations contained within the submitted acoustic report be complied with during the operation and on-going use of the development. It is noted that a number of the recommendations of the acoustic assessment mirror the contents of the Plan of Management, particularly with respect to the use of the common room (see condition No. 6.21).

- *The submitted shadow diagrams fail to consider the land at the rear of No. 16 Marathon Street.*

#### Comment

The submitted shadow diagrams adequately reflect the location of the existing structures of the adjoining property to the rear (No. 16 Marathon Street). Given the orientation of the site, the proposed development only results in overshadowing impact on this adjoining property in the late afternoon hours (2:00pm to 3:00pm on 21 June).

The impact of the proposal on solar access for the adjoining properties has been considered with regard to the relevant solar access control within Wyong Development Control Plan – Chapter 2.4 – Multiple Dwelling Residential Development which states the following:

*"New development shall have due regard for maintaining solar access to adjoining properties and not cause overshadowing. At least 75% of required private open space areas on adjoining lands shall receive at least three hours unobstructed sunlight between the hours of 9am and 3pm on June 21."*

The proposal results in some impact on the adjoining properties to the south and east of the site, however, over 75% of the required private open space on adjoining lands will receive over three hours of unobstructed sunlight between 9am and 3pm on 21 June.

### **3.1 DA/1484/2018 - Boarding House containing 24 rooms and Manager's residence - 15 Leppington Street, Wyong (contd)**

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- *The Flood Risk Management Plan submitted with the application states that the extent of earthworks associated with the proposal were not known at the time of preparing the report. This report should be updated now that the extent of earthworks is known.*

#### Comment

The submitted Flood Risk Management Plan has been assessed in conjunction with the amended plans which identify the extent of earthworks to be carried out as part of the development. It was concluded that the proposed development will have a negligible impact on the behaviour of flood waters elsewhere within the floodplain.

- *The development does not take the Draft Central Coast Local Environmental Plan 2018 into consideration.*

#### Comment

Whilst the Statement of Environmental Effects does not take the draft Central Coast Local Environmental Plan (CCLEP) into consideration, Council has taken the draft instrument into consideration in its assessment of the application.

- *The area is not suitable for a boarding house as there is a pre-school, a primary school, playing fields, a public swimming pool and bowling club in close proximity to the site.*

#### Comment

There are no provisions in SEPP ARH which prevent a boarding house from being located within close proximity to community facilities such as those stated. To the contrary, it is considered that the public facilities in proximity to the site, such as the swimming pool, sporting fields (Baker Park) and bowling club will provide for leisure activities for the benefit of future residents of the boarding house.

- *There are no pedestrian walkways in the street or surrounding streets.*

#### Comment

A condition of consent is recommended requiring the construction of a concrete footpath of 1.5 metres in width for the full street frontage of the development. It is noted that the locality is currently in transition and where the intensity of the use of surrounding sites is proposed Council will require similar provisions across the frontages of those sites.

- *The development will result in 25 extra bins being placed on the kerbside for collection.*

### 3.1 DA/1484/2018 - Boarding House containing 24 rooms and Manager's residence - 15 Leppington Street, Wyong (contd)

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#### Comment

As previously discussed, the development will require 4 x 360 Litre shared mixed Mobile Garbage Bins (MGB's) serviced weekly, 3 x 360 Litre shared recyclable MGB's serviced fortnightly and 2 x 240 Litre green waste MGB's serviced fortnightly resulting in seven bins kerbside at any one time. Therefore, the maximum number of bins to be presented for kerbside collection for the development at any one time will be seven, given the servicing of green waste and recycling bins on alternate weeks.

- *Concern is raised in relation to the safety of the community given the likely residents of the boarding house.*

#### Comment

There is no evidence to support the claim that the safety of the community will be at risk from future residents of the proposed boarding house. The applicant has advised that potential occupants will undergo a rigorous screening process, including an interview with boarding house management, and will be required to supply relevant references as part of their tenancy application. In addition, the facility is required to operate under the provisions of the *Boarding Houses Act 2012*, which provides suitable parameters for the operation of boarding houses in NSW.

- *A development of this nature being so close to existing neighbours will generate a lot of noise and will disrupt the lives of those people.*

#### Comment

The acoustic impact of the proposed development has been considered as part of the assessment of the application. This assessment also considered the findings and recommendations of the acoustic assessment prepared by PKA Acoustic Consulting. The Plan of Management (PoM) contains reasonable hours of use of recreational areas and the communal room (restricting their use beyond 8.30pm) which is considered reasonable in terms of mitigating any impacts on the amenity of the surrounding neighbourhood.

Conditions of consent are recommended requiring compliance with the PoM and *Boarding Houses Act 2012* which will result in the boarding house being required to operate in a manner that does not significantly impact upon residential amenity.

The acoustic assessment also considered noise generation from waste servicing of the development. The assessment concluded that the proposed method was suitable and that as an essential service for any development is not subject to noise regulation.

- *Leppington Street is poorly lit at night and having a large number of temporary residents living in the proposed development presents an unnecessary risk.*

### 3.1 DA/1484/2018 - Boarding House containing 24 rooms and Manager's residence - 15 Leppington Street, Wyong (contd)

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#### Comment

There is no evidence to suggest that future residents will provide a risk to other residents in the neighbourhood.

- *The development will increase the amount of traffic on Leppington Street. The street is currently used as a 'rat-run' to avoid the traffic on the Pacific Highway and the road surface is in a very poor condition.*

#### Comment

It is considered that the additional traffic generated by the development can be catered for in the existing road network. The state of the current road surface of Leppington Street is an existing situation which will not be significantly worsened by the proposed development.

- *The local area is characterised mainly by older couples and older singles. The proposed development provides for only two accessible rooms. This does not fit with the needs of the local demographic.*

#### Comment

The applicant has submitted an Access Report, prepared by Ergon Consulting, dated 16 November 2018, which states that in accordance with Table D3.1 of the Building Code of Australia, the development requires the provision of two accessible sole occupancy units. The submitted plans depict two compliant accessible rooms.

- *Wyong is already well serviced for social housing with 12.4% of properties being social housing compared to 3.4% for the Local Government Area. The requirement for further affordable housing in the suburb is debatable.*

#### Comment

The submitted SIA, prepared by Judith Stubbs and Associates, dated November 2018, outlines that at the time of the 2016 Census, the supply of social housing in the Central Coast LGA was less than Greater Sydney at 3.4% of occupied private dwellings compared with 4.6%. Further, the SIA outlines that across the Central Coast local government area (LGA) at the time of Census 2016, there were a total of 136 persons enumerated in a 'Boarding house, private hotel', representing 0.04% of the resident population of the area.

In 2016, the Australian Bureau of Statistics (ABS) data indicated that there were nine 'boarding house, private hotels' in the Central Coast LGA and no boarding houses/private hotels were enumerated in Wyong suburb. By comparison, 0.15% of the population of Greater Sydney was counted in boarding houses or private hotels, suggesting that Central Coast LGA is under supplied with this form of accommodation.

### Submissions from Public Authorities

NSW Police – The application was referred to NSW Police for comment. To date, comments have not been received despite two follow-ups being made with the NSW Police. Under the Consultation Protocol between Tuggerah Lakes Local Area Command and Council, no objection can be assumed if Council does not receive a response from NSW Police within the nominated 28 day period.

### Internal Consultation

The application was referred to the following officers for comment:

Senior Urban Designer – The application was referred to Council's Senior Urban Designer given the nature of the proposal and the following comments were provided:

- a) **Building Height** – the proposed boarding house is two storeys in height. It is noted that most dwellings in the street are single storey, however two storeys is not out of character with a low density residential area, therefore, this height is considered acceptable.*
- b) **Bulk and Scale** – the proposed development is separated into two buildings of two storeys each with landscaped communal open space located in between the buildings. Therefore the building form of the development is broken up into smaller parts which are similar in scale to a lower density residential area. Open air walkways on the second level of each building further assist in separating and reducing the overall bulk and scale of the development.*
- c) **Appearance** – the proposed boarding house has a domestic appearance that is sympathetic to the surrounding residential development. Roofs are gently pitched with eaves that provide a shadow line and protection from the elements. Cladding materials are face brick or fibre cement which is similar to the cladding used in the surrounding residential buildings. East and western elevations have glass sliding doors which open out on to balconies or private decks, providing a human scale to the development. North and south elevations are further articulated with timber screens which are a common feature in residential areas. A timber screen fence and sliding gate is provided at the front road boundary which is consistent with domestic construction.*
- d) **Safety in Design** - Sliding glass doors opening out on to balconies or decks provide amenity for the residents and passive surveillance of the street and communal spaces within the development.*
- e) **Landscaping** – the amended plans refer to landscaping to be provided along the boundaries and in communal open space areas. The landscaping plan outlines suitable proposed landscaping to soften the appearance of the development from the public domain.*

*In terms of urban design, the design of the proposed boarding house has been well considered to be compatible with the surrounding residential area.*

### **3.1 DA/1484/2018 - Boarding House containing 24 rooms and Manager's residence - 15 Leppington Street, Wyong (contd)**

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*Multiple design features have been employed to reduce the apparent scale of the development and ensure consistency with the surrounding character.*

Senior Development Engineer – The development application has been assessed by Council's Senior Development Engineer and no objection was raised subject to conditions.

Social Planner – The development application has been assessed by Council's Social Planner and no objection was raised subject to conditions.

Senior Environmental Health Officer – The development application has been assessed by Council's Senior Environmental Health Officer and no objection was raised subject to conditions.

Waste Management Assessment Officer – The development application has been assessed by Council's Waste Management Assessment Officer and no objection was raised subject to conditions.

Contributions Officer – The development application has been assessed by Council's Contribution Officer and no objection was raised subject to a recommended condition requiring the payment of development contributions under the provisions of the Wyong District Section 7.11 Contributions Plan.

#### **Ecologically Sustainable Principles:**

The proposal has been assessed having regard to ecologically sustainable development principles and is considered to be consistent with the principles.

The proposed development is considered to incorporate satisfactory stormwater, drainage and erosion control and the retention of vegetation where possible and is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for future generations.

The proposal does not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments. The proposed development is considered to be consistent with the above principles.

#### **Climate Change**

The potential impacts of climate change on the proposed development have been considered by Council as part of its assessment of the application.

This assessment has included consideration of such matters as potential rise in sea level; potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought, flood and coastal erosion; as well as how the proposed

### 3.1 DA/1484/2018 - Boarding House containing 24 rooms and Manager's residence - 15 Leppington Street, Wyong (contd)

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development may cope/combat/withstand these potential impacts. The proposed development is considered satisfactory in relation to climate change.

#### **Assessment:**

Having regard for the matters for consideration detailed in Section 4.15 of the *Environmental Planning and Assessment Act 1979* and other statutory requirements, Council's policies and Section 10.7 Certificate details, the assessment has identified the following key issues, which are elaborated upon for Council's information. Any tables relating to plans or policies are provided as an attachment.

#### **Provisions of Relevant Instruments/Plans/Policies:**

##### **Wyong Local Environmental Plan 2013**

###### Zoning and Permissibility

The subject site is zoned R2 Low Density Residential under the provisions of *Wyong Local Environmental Plan 2013* (WLEP 2013). The proposed development is most accurately defined as follows:

###### ***Boarding house*** means a building that:

- (a) is wholly or partly let in lodgings, and
- (b) provides lodgers with a principal place of residence for 3 months or more, and
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers, but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

Development for the purpose of a boarding house is permissible with consent in the R2 Low Density Residential zone. However, the application relies on the provisions of *State Environmental Planning Policy (Affordable Rental Housing) 2009* (SEPP ARH). The assessment of the proposed development against SEPP ARH prevails over WLEP 2013.

The R2 Low Density Residential zone is based on the following objectives:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provides facilities or services to meet the day to day needs of residents.



### 3.1 DA/1484/2018 - Boarding House containing 24 rooms and Manager's residence - 15 Leppington Street, Wyong (contd)

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- *To maintain and enhance the residential amenity and character of the surrounding area.*
- *To provide a residential character commensurate with a low density residential environment.*

The proposal will assist in providing for the housing needs of the community by providing a form of housing which has been identified as being under supplied within the Central Coast Local Government Area (source: Social Impact Assessment prepared by Judith Stubbs and Associates). The proposal will maintain and enhance the residential amenity and character of the surrounding area through the provision of a built form which resembles a two storey dwelling when viewed from the public domain. The proposal provides for a floor space ratio of 0.5:1 and a maximum building height of 7.9 metres, which is consistent with a low density residential zone. Accordingly, the proposal is considered satisfactory with regard to the objectives of the R2 Low Density Residential zone.

#### Clause 7.1 Acid Sulfate Soils

The subject site is identified as containing class three and five acid sulfate soils. In accordance with the provisions of Clause 7.1 of WLEP, the applicant has submitted an acid sulfate soils management plan. There is no excavation proposed which will exceed one metre in depth, therefore, no further investigation is required.

#### Clause 7.2 Flood Planning

The subject site is identified as flood affected land therefore the provisions of Clause 7.2 of WLEP are to be taken into consideration. Subclause 3 states that development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- (a) is compatible with the flood hazard of the land, and*
- (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) incorporates appropriate measures to manage risk to life from flood, and*
- (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

The site is identified on Council's mapping system as being affected by mainstream flooding from Wyong River. The lot is affected by the 1% average exceedance probability (AEP) and probable maximum flood (PMF) events. The Wyong River Flood study identifies the designated (1% AEP) flood level as 2.95m AHD.

### **3.1 DA/1484/2018 - Boarding House containing 24 rooms and Manager's residence - 15 Leppington Street, Wyong (contd)**

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The applicable flood planning level (FPL) = 1% AEP + 500mm freeboard = resulting in a minimum required habitable floor area of 3.45m AHD.

Council's mapping identifies the land as being located within "Flood Precinct 2" (low hazard flooding). A boarding house is identified as medium to high density residential development. The prescriptive flood matrix chart requires a "Performance Based Flood Assessment Report" to be undertaken in accordance with Clause 3.2 and Appendix C to support the application.

A Floodplain Risk Management Report has been prepared by ACOR Consulting Engineers to support the application and to address the requirements within DCP 2013 – Chapter 3.3 – Floodplain Management.

The report concludes that the proposed development will have negligible impact on the behaviour of floodwaters elsewhere within the floodplain. An acceptable safe low hazard evacuation route (vehicle & foot) is available during both the 1% AEP and PMF events along Leppington Street to the north. Therefore, the proposal is considered satisfactory with regard to Clause 7.2 of WLEP 2013.

#### Clause 7.9 Essential Services

Clause 7.9 of WLEP 2013 states that development consent must not be granted to development unless the consent authority is satisfied that services essential for the development are available or that adequate arrangements have been made to make them available when required. There is adequate water and sewer infrastructure in the locality which can be connected to. It is proposed that stormwater drainage will occur to the rear of the site to an easement over the rear property. Vehicular access is proposed to Leppington Street via a two-way driveway. Accordingly, the proposal is considered satisfactory with regard to clause 7.9 of WLEP.

#### **State Environmental Planning Policies (SEPP)**

##### State Environmental Planning Policy (Affordable Rental Housing) 2009

Whilst development for the purpose of a boarding house is permissible in the R2 Low Density Residential zone under the provisions of WLEP 2013, the proposal seeks to rely on the provisions of SEPP ARH 2009, which provides a set of development controls that differ from the controls that Council would rely upon in a merit assessment such as car parking.

SEPP ARH 2009 identifies that "Division 3 – Boarding Houses" applies to land to any of the following zones or any equivalent land use zones:

- (a) Zone R1 General Residential,
- (b) Zone R2 Low Density Residential,
- (c) Zone R3 Medium Density Residential,
- (d) Zone R4 High Density Residential,

**3.1 DA/1484/2018 - Boarding House containing 24 rooms and Manager's residence - 15 Leppington Street, Wyong (contd)**

- (e) Zone B1 Neighbourhood Centre,
- (f) Zone B2 Local Centre,
- (g) Zone B4 Mixed Use

Clause 27 of SEPP ARH 2009 further provides:

*(1) This Division applies to development, on land to which this Division applies, for the purposes of boarding houses.*

*(2) Despite subclause (1), this Division does not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone in the Sydney region unless the land is within an accessible area.*

The subject site is zoned R2 Low Density Residential and the former Wyong Local Government Area is located in the Sydney Region (as defined by the SEPP). The land is located in an accessible area as it is within 800 metres of a suitable train station (Wyong Railway Station) and meets the definition of 'accessible area'. Therefore, the proposal satisfies subclause 27(2).

Clause 29 of SEPP ARH 2009 contains development standards that cannot be used to refuse consent. The proposal has been assessed against these standards and complies. Clause 30 sets out additional standards for boarding houses which relate to the requirement for a communal living area, minimum area for a boarding room, occupancy rates, bathroom and kitchen facilities, bicycle facilities and character. The proposed development complies with the additional standards.

Clause 29 – Standards that cannot be used to refuse consent

<b>Development Standard</b>	<b>Requirement for Proposed Development</b>	<b>Proposed</b>	<b>Compliance</b>
<p><b>Floor Space Ratio</b></p> <p>(1) A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than:</p> <p>(a) the existing</p>	<p>The site is not subject to an FSR standard under WLEP 2013.</p> <p>The highest form of residential development permitted under WLEP 2013 within the R2 Low Density Residential zone is a dual occupancy.</p> <p>The only provision relating to FSR in an R2 Low Density Residential zone is that which is</p>	<p>The proposed FSR is 0.5:1, which is considered satisfactory on merit for the following reasons:</p> <ul style="list-style-type: none"> <li>• The proposal provides for a density that is commensurate with the character of the locality.</li> <li>• The proposal provides for</li> </ul>	<p>Yes</p>

## 3.1

**DA/1484/2018 - Boarding House containing 24 rooms and Manager's residence - 15 Leppington Street, Wyong (contd)**

<b>Development Standard</b>	<b>Requirement for Proposed Development</b>	<b>Proposed</b>	<b>Compliance</b>
<p>maximum floor space ratio (FSR) for any form of residential accommodation permitted on the land, or</p> <p>(b) if the development is on land within a zone in which no residential accommodation is permitted - the existing maximum floor space ratio for any form of development permitted on the land, or</p> <p>(c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus:</p> <p>(i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or</p> <p>(ii) 20% of the existing maximum floor space ratio, if the existing</p>	<p>specified within WDCP Chapter 2.3 – Dual Occupancy which states that the maximum permitted FSR for dual occupancy development is 0.5:1 where the site is not subject to a maximum FSR under WLEP 2013. This FSR can be used as a guide for the desirable bulk and scale of development anticipated in an R2 Low Density Residential zone.</p>	<p>affordable housing within close proximity to services and public transport.</p>	

## 3.1

**DA/1484/2018 - Boarding House containing 24 rooms and Manager's residence - 15 Leppington Street, Wyong (contd)**

<b>Development Standard</b>	<b>Requirement for Proposed Development</b>	<b>Proposed</b>	<b>Compliance</b>
maximum floor space ratio is greater than 2.5:1.			
<b>Building height</b> (2)(a) if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land.	The site is not mapped as being subject to a maximum permitted building height under WLEP 2013.	The maximum proposed height of the building is 7.4 metres. This height is considered satisfactory having regard for the objectives of the zone, the proposed bulk and scale and preservation of amenity to adjoining properties.	Yes
<b>Landscaped area</b> (b) if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,	Landscape treatment within front setback to be compatible with the streetscape.	The proposed landscape treatment in the front setback is consistent with the surrounding developments. The proposal includes the planting of two semi-advanced street trees and low level shrubs to soften the appearance of the building.	Yes
<b>Solar access</b> (c) where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,	Communal living room to receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.	The proposal includes a communal living room to the centre of the northern side of the site. The communal living room will receive over 3 hours of direct sunlight between 9am and 3pm in mid-winter.	Yes
<b>Private open space</b> (d) if at least the following private open			Yes

## 3.1

**DA/1484/2018 - Boarding House containing 24 rooms and Manager's residence - 15 Leppington Street, Wyong (contd)**

<b>Development Standard</b>	<b>Requirement for Proposed Development</b>	<b>Proposed</b>	<b>Compliance</b>
<p>space areas are provided (other than the front setback area):</p> <p>(i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers,</p> <p>(ii) if accommodation is provided on site for a boarding house manager—one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation,</p>	<p>A single open space area is required of a minimum of 20 square metres with a minimum dimension of 3 metres.</p> <p>Accommodation is proposed on site for a boarding house manager and</p>	<p>A communal open space area is proposed to the centre of the site with an area of 218.68m<sup>2</sup> and a minimum dimension of over 3m.</p> <p>A private open space area is proposed with an area of 14.39m<sup>2</sup> with a minimum dimension exceeding 2.5 metres.</p>	
<p><b>Parking</b></p> <p>(e) (i) in the case of development carried out by or on behalf of a social housing provider in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and</p> <p>(ii) in the case of development carried out by or on behalf of a social housing provider not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and</p>	<p>The development is not carried out by or on behalf of a social housing provider. Therefore, at least 0.5 car parking spaces are required for each boarding room. Based on the 24 rooms proposed, a minimum of 12 car parking spaces are required for residents. In addition, one car parking space is required for the on-site manager.</p>	<p>A total of 14 car parking spaces are proposed which achieves compliance.</p>	<p>Yes</p>

## 3.1

**DA/1484/2018 - Boarding House containing 24 rooms and Manager's residence - 15 Leppington Street, Wyong (contd)**

<b>Development Standard</b>	<b>Requirement for Proposed Development</b>	<b>Proposed</b>	<b>Compliance</b>
<p>(iia) in the case of development not carried out by or on behalf of a social housing provider—at least 0.5 parking spaces are provided for each boarding room, and</p> <p>(iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,</p>			
<p><b>Accommodation size</b></p> <p>(f) if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:</p> <p>(i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or</p> <p>(ii) 16 square metres in any other case.</p>	<p>Rooms are required to be 16 square metres in any other case.</p> <p>Each room is proposed to accommodate two persons.</p>	<p>The proposed room sizes range from 16.47m<sup>2</sup> to 23.15m<sup>2</sup>.</p>	<p>Yes</p>
<p>(3) A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any</p>	<p>Private kitchen and bathroom facilities may be provided in boarding rooms but it is not required.</p>	<p>All rooms have private kitchen and bathroom facilities.</p>	<p>Yes</p>

**3.1 DA/1484/2018 - Boarding House containing 24 rooms and Manager's residence - 15 Leppington Street, Wyong (contd)**

<b>Development Standard</b>	<b>Requirement for Proposed Development</b>	<b>Proposed</b>	<b>Compliance</b>
boarding room.			

Clause 30 – Standards for Boarding Houses

<b>Development Standard</b>	<b>Requirement for Proposed Development</b>	<b>Proposal</b>	<b>Compliance</b>
(1) A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:			
(a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,	A communal living room is required given that there are 24 rooms.	The boarding house has 24 rooms and a common living room is provided.	Yes
(b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,	No rooms to exceed 25 square metres in size.	No boarding house room exceeds 23.15m <sup>2</sup> .	Yes
(c) no boarding room will be occupied by more than 2 adult lodgers,	No rooms to be occupied by more than 2 adult lodgers.	All rooms are proposed to accommodate two lodgers.	Yes
(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each	Adequate bathroom and kitchen facilities required in the boarding house.	Each room has these facilities.	Yes



## 3.1

**DA/1484/2018 - Boarding House containing 24 rooms and Manager's residence - 15 Leppington Street, Wyong (contd)**

<b>Development Standard</b>	<b>Requirement for Proposed Development</b>	<b>Proposal</b>	<b>Compliance</b>
<p>lodger,</p> <p>(e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,</p> <p>(f) (Repealed)</p> <p>(g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use,</p> <p>(h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.</p>	<p>The boarding house has capacity to accommodate 48 lodgers, therefore a boarding room is required for an on-site manager.</p> <p>N/A</p> <p>Five bicycle parking spaces and five motorcycle spaces are required.</p>	<p>The boarding house has a maximum proposed capacity of 48 lodgers and accommodation is proposed for a site manager.</p> <p>N/A</p> <p>The proposal includes five motorcycle parking spaces and five bicycle parking spaces.</p>	<p>Yes</p> <p>Yes</p>
<p>(A) A consent authority must not consent to development to which this Division applies unless it has taken into consideration</p>	<p>Consent authority to consider compatibility with character of area.</p>	<p>The proposal is considered to be compatible with the character of the local area. See discussion below.</p>	<p>Yes</p>

**3.1 DA/1484/2018 - Boarding House containing 24 rooms and Manager's residence - 15 Leppington Street, Wyong (contd)**

<b>Development Standard</b>	<b>Requirement for Proposed Development</b>	<b>Proposal</b>	<b>Compliance</b>
whether the design of the development is compatible with the character of the local area.			

Clause 30A – Character of Local Area

Clause 30A of SEPP ARH states the following in relation to character of the local area:

*A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.*

In determining whether the design of the development is compatible with the character of the local area, consideration was given to the NSW Land and Environment Court case law: *Kevin Gregory and Patricia Gregory v Central Coast Council [2017] NSWLEC 1400*. To establish compatibility with the character of the local area, the following questions were considered by the Commissioner in that matter:

***Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.***

***Is the proposal's appearance in harmony with the buildings around it and the character of the street?***

In considering the proposal's physical impacts, appropriate regard must be given to matters such as noise, overlooking, overshadowing and constraining development potential. With regard to noise, the development is designed to have the private open space areas predominately orientated to within the development, with the exception to those located to the rear. Assuming that the measures outlined in the plan of management are adopted by the boarding house manager, the development is considered satisfactory in relation to noise impact.

With regard to overlooking, it is noted that there are no windows or private open space areas located on side elevations with a direct line of sight to adjoining properties. The applicant has amended the proposal to provide additional privacy screening devices to the rear (eastern) elevation. Combined with the proposed landscaping, the proposed privacy protection measures are considered satisfactory to mitigate against overlooking impacts.

In relation to overshadowing, the proposal results in some impact on the adjoining properties to the south and east of the site, however, over 75% of the required private open space on adjoining lands will receive over three hours of unobstructed sunlight between 9am and 3pm on 21 June.

### **3.1 DA/1484/2018 - Boarding House containing 24 rooms and Manager's residence - 15 Leppington Street, Wyong (contd)**

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It is considered that the proposed development will not result in constraining development on any of the adjoining properties and will not render any of the adjoining properties isolated and incapable of meeting their development potential. The proposal's physical impacts on surrounding development are regarded as being acceptable.

In considering whether the proposal's appearance is in harmony with the buildings around it and the character of the street, appropriate regard must be had for the form of surrounding development. The immediate locality comprises a mix of single dwellings, dual occupancies, multi-dwelling housing and a residential flat building (on Warner Avenue).

It is noted that the eastern side of Leppington Street is zoned R2 Low Density Residential and the western side of Leppington Street is zoned part R2 Low Density Residential and part R3 Medium Density Residential. The locality can be described as being in a gradual transition from a predominately single dwelling pattern of development to higher density residential development and there are examples of urban renewal in the immediate area.

The proposed development present as a two storey structure to the public domain with undercroft car parking. The proposed built form comprises two buildings and in terms of massing and bulk and scale, is not inconsistent with the character of the area. Suitable landscaping is proposed within the front setback comprising a mix of shrubs to soften the appearance of the development.

The adjoining dwelling to the north has a front setback of approximately 6.5 metres and the adjoining dwelling to the south has a front setback of approximately 8.7 metres. The front setback of the proposed boarding house, being 7.5 metres will act as a transition between the two adjoining dwellings on either side.

It is considered that the proposed built form is consistent with the mixed residential character of the locality which is gradually transitioning to a higher density of residential built form.

#### Introduction of Clause 30AA

It may be noted that SEPP ARH 2009 was modified on 28 February 2019 to introduce clause 30AA which states that a consent authority must not grant development consent to a boarding house on land within zone R2 Low Density Residential or within a land use zone that is equivalent to that zone unless it is satisfied that the boarding house has no more than 12 boarding rooms. The proposed boarding house contains 24 rooms. However, clause 54C applies and provides the following:

#### **54C Savings and transitional provisions—2019 amendment**

- (1) *This clause applies to a development application that was made before the commencement of the amending SEPP and was not determined by a consent authority or, if appealed, not finally determined by a court before that commencement.*

### **3.1 DA/1484/2018 - Boarding House containing 24 rooms and Manager's residence - 15 Leppington Street, Wyong (contd)**

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- (2) *The application must be determined by applying all provisions of this Policy as if the amending SEPP had not commenced.*
- (3) *In this clause, the amending SEPP means State Environmental Planning Policy (Affordable Rental Housing) Amendment (Boarding House Development) 2019.*

The development application was made on 14 December 2018, prior to the commencement of the amending SEPP on 28 February 2019. Therefore, the application must be determined as if the amending SEPP had not commenced.

#### State Environmental Planning Policy (Coastal Management) 2018

The aim of the SEPP is to protect the values, assets and features of state waters, estuaries, coastal lakes and coastal lagoons and the natural features on the adjoining land. The Coastal Environment Area map is made up of state waters and estuaries and a 100m landward area; coastal lakes and coastal lagoons and a 500m landward area; and sensitive coastal lakes and coastal lagoons and a 500m landward area, plus any additional catchment area. The subject site has been identified as being located within the Coastal Environment Area.

The proposal has been considered against the aims of the policy and is considered satisfactory. The proposal does not threaten any environmental assets of the coast and is considered satisfactory with regard to the aims and objectives of the policy.

In accordance with Clause 13 the matters for consideration are to be taken into consideration by the consent authority when it determines a development application to carry out development on land to which the SEPP applies. The proposed development has satisfactorily addressed the matters for consideration outlined in Clause 13. The proposal does not include any building works that would adversely impact visual amenity, accessibility or functioning of the foreshore area.

Clause 13 outlines that consideration must be given to whether the proposed development is likely to cause an adverse impact on aboriginal cultural heritage, practices and places. The subject site has not been identified as containing any items of Aboriginal cultural heritage.

A compliance table addressing Clause 13 of the SEPP has been included within Attachment 2.

#### State Environmental Planning Policy No. 55 – Remediation of Land

In accordance with the provisions of *State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land* the consent authority must not consent to the carrying out of any development on land unless it has considered if the land is contaminated and if so, after remediation, if it will be suitable for the intended purpose. The subject site has a history of residential use and is unlikely to be contaminated. Conditions of consent are recommended in relation to the removal and disposal of asbestos encountered during the demolition phase. The proposal is considered satisfactory with regard to SEPP No. 55 – Remediation of Land.

### **3.1 DA/1484/2018 - Boarding House containing 24 rooms and Manager's residence - 15 Leppington Street, Wyong (contd)**

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#### State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The application is supported by a BASIX certificate which confirms the proposal will meet the NSW government's requirements for sustainability. The proposal is considered to be consistent with the requirements of SEPP Basix.

#### **Draft Central Coast Local Environmental Plan 2018**

Draft Central Coast Local Environmental Plan 2018 (Draft CCLEP) was exhibited from 2 December 2018 until 28 February 2019 and will replace the planning instruments relating to the former Local Government Areas. Under the provisions of Draft CCLEP, the site retains its R2 Low Density Residential zoning and development for the purpose of a boarding house remains permissible. There are no additional or amended clauses or provisions warranting further discussion. Accordingly, the proposal is considered satisfactory with regard to Draft CCLEP.

#### **Wyong Development Control Plan 2013**

##### Chapter 2.4 – Multiple Dwelling Residential Development

As the proposal relies upon the provisions of SEPP ARH 2009, the WDCP 2013 is not strictly applicable. However, the proposal has been assessed against the requirements of *Chapter 2.4 – Multiple Dwelling Residential Development* for guidance in aspects in which the SEPP is silent. The proposal is considered satisfactory in this regard (refer Attachment No. 3).

##### Chapter 3.1 – Site Waste Management

The proposal has been designed with regard for Chapter 3.1 – Site Waste Management. A suitable Waste Management Plan was submitted with the application in accordance with the WDCP 2013 which was considered satisfactory by Council's Waste Management Assessment Officer.

##### Chapter 3.6 – Preservation of Trees or Vegetation

The proposal includes the removal of one existing tree located to the rear of the site, therefore, the application has been considered against the requirements of *Chapter 3.6 – Preservation of Trees or Vegetation*. The proposed tree removal has been considered against the assessment criteria for development applications and is considered satisfactory. The submitted landscaping plan depicts four native replacement tree plantings within the site to offset the loss of the existing tree.

#### **Likely Impacts of the Development:**

##### **Built Environment**

### **3.1 DA/1484/2018 - Boarding House containing 24 rooms and Manager's residence - 15 Leppington Street, Wyong (contd)**

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The immediate surrounding locality can be described as having a mixed residential character and the proposed boarding house is not inconsistent with this character.

The proposed built form is two storeys and does not contain any windows or balconies on the side elevations. The impacts of the development are largely focused internally to the site.

The front building presents to Leppington Street (and the public domain) as being commensurate with a two storey dwelling and there is suitable landscaping proposed within the front setback area to soften the appearance of the development. The proposal is considered to be suitable with regard to the context and setting of the subject site and is considered to be in keeping with the character of the area.

A thorough assessment of the proposed development's impact on the built environment has been undertaken in terms of *State Environmental Planning Policy (Affordable Rental Housing) 2009* (SEPP ARH) and *Wyong Local Environmental Plan 2013* (WLEP2013) compliance and in terms of the submissions received and it is considered the potential impacts are considered reasonable.

#### *Social Impacts*

The potential social impacts of the proposal have been discussed in consideration of submissions received against the proposal. The application has been reviewed by Council's Social Planner in consideration of the submitted Social Impact Assessment and Plan of Management and no objection was raised subject to recommended conditions.

It is acknowledged that boarding houses are an important source of accommodation and the need for affordable and low cost housing on the Central Coast is high. The provision of a mix of affordable housing is considered to be of social benefit rather than social impact.

#### *Economic Impacts*

Data from the Centre of Affordable Housing's *Local Government Housing Kit Database* for the former Wyong Local Government Area (LGA) indicates a moderate increase in housing in the LGA for very low, low and moderate income earners, with an overall increase of 5% between June 2011 and December 2016. This increase is significantly less than that in the Sydney Statistical Division (31.5%) and in NSW (22.8%). The proposed development will contribute to the affordable housing stock in the LGA.

It is estimated that there will be an additional need for around 5,800-6,700 studio, one and two bedroom dwellings for very low and low income renters over the next 15 years (source: *Planning Controls to Support Housing Affordability & Choice in Wyong Shire Study* (Judith Stubbs & Assoc, 2013)).

The proposed development will contribute to the supply of affordable rental housing in the locality and is considered to be satisfactory from an economic perspective.

### **3.1 DA/1484/2018 - Boarding House containing 24 rooms and Manager's residence - 15 Leppington Street, Wyong (contd)**

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#### **Access and Transport**

The site is located on Leppington Street, Wyong which intersects with Warner Avenue to the north and Panonia Road to the south. The site is located within walking distance of shops and services within the Wyong Town Centre

The site is located approximately 640 metres from the Wyong Railway Station which is serviced by trains travelling to Sydney and Newcastle. Further, the site is located approximately 330 from bus stops located on Warner Avenue which are regularly serviced by buses travelling to Westfield Tuggerah and Lake Haven Shopping Centre.

#### **Natural Environment**

The subject site has a gentle fall from front to rear of approximately 800mm and is largely cleared, with the exception of one tree located to the rear of the site. The existing tree is proposed to be removed as it is located within the proposed building footprint. A suitable landscaping plan has been submitted depicting proposed landscaping plantings to offset the loss of the existing tree and pervious area on the site. It is considered that the proposal will not result in any significant impact on the natural environment.

#### **Suitability of the Site for the Development:**

##### **Whether the proposal fits in the locality**

As discussed, the locality has a mixed residential character largely comprising single dwellings and dual occupancies. The proposal comprises two buildings and a communal open space area is proposed between the two buildings. It is considered that the proposed development is compatible with the mixed residential character of the locality which is in a gradual transition.

A review of Council's records identifies the following constraints:

- *Acid Sulfate Soils* - The subject site is identified as containing class three and five acid sulfate soils. In accordance with the provisions of Clause 7.1 of WLEP, the applicant has submitted an acid sulfate soils management plan. The plan identified that the site presented an exposure classification of B1 for concrete with the soil moderately aggressive to concrete and non-aggressive to steel structures. There is no excavation proposed which will exceed one metre in depth, therefore, no further investigation is required.
- *Flooding* – See detailed discussion on flood impact under Clause 7.2 of WLEP 2013.

There are no other constraints that would render the site unsuitable for development.

**3.1 DA/1484/2018 - Boarding House containing 24 rooms and Manager's residence - 15 Leppington Street, Wyong (contd)**

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**Any Submission made in Accordance with this Act or Regulations**

The application was not required to be referred to any public authorities.

**The Public Interest: (s4.15(1)(e)):**

The approval of the application is considered to be in the public interest. The proposal will assist in the provision of affordable housing for a variety of people in the locality, which is in close proximity to transport, shops, sporting facilities and recreational facilities.

**Other Matters for Consideration:**

*Section 7.11 Contributions*

The site falls under Wyong Districts Section 7.11 Contributions Plan (& Shire Wide Section 7.11 Plan). The contributions have been calculated based on 24 boarding house rooms, with a credit for the existing serviced lot. The site manager's room has been included in the room calculations (Condition No. 2.2).

*Water and Sewer Contributions*

There will be additional water contributions applicable under the relevant Development Servicing Plan for the area. Section 306 requirements are also applicable in accordance with the *Water Management Act 2000*.

**Conclusion:**

The Development Application has been assessed in accordance with s. 4.15 of the EP&A Act and all relevant instruments and polices. The proposed development is considered suitable for the site as it provides for additional supply of affordable housing in an accessible locality. The public submissions have been addressed via a combination of design alterations and conditions where appropriate. The proposal complies with the relevant provisions of SEPP ARH 2009 and accordingly is recommended for approval subject to the conditions attached to this report.

**REASONS FOR DECISION**

The reasons for the decision as recommended in the assessment of the development application are as follows:

- 1) The proposal is considered satisfactory under the heads of consideration set out in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.
- 2) The proposal is considered satisfactory under the provisions of *State Environmental Planning Policy (Affordable Rental Housing) 2009*.



**3.1 DA/1484/2018 - Boarding House containing 24 rooms and Manager's residence - 15 Leppington Street, Wyong (contd)**

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- 3) The proposal is considered satisfactory under the provisions of *State Environmental Planning Policy (Coastal Management) 2018*.
- 4) The proposal is considered satisfactory under the provisions of *State Environmental Planning Policy No. 55 – Remediation of Land*.
- 5) The proposal is considered satisfactory with regard to *Wyong Local Environmental Plan 2013* with regard to permissibility, zone objectives, and acid sulfate soils, flood planning and essential services.
- 6) The proposal is considered satisfactory with regard to the provisions of *Draft Central Coast Local Environmental Plan 2018*.
- 7) The proposal is considered satisfactory in relation to the requirements of *Wyong Development Control Plan – Chapter 2.4 – Multiple Dwelling Residential Development, Chapter 2.11 – Parking and Access, Chapter 3.1 – Site Waste Management and Chapter 3.6 – Preservation of Trees or Vegetation*.

**Attachments**

<b>1</b>	Draft Conditions of Consent	D13422325
<b>2</b>	SEPP (Coastal Management) Table of Compliance	D13524552
<b>3</b>	WYONG DCP Chapter 2.4 Multiple Dwelling Housing - Table of Compliance	D13524570
<b>4</b>	Development Plans and Amended Landscaping Plan	D13604462

**Date:** 19 December 2018  
**Responsible Officer:** Shannon Butler  
**Location:** 15 Leppington Street, WYONG  
 Lot 341 DP 557761  
**Owner:** North 62 Pty Ltd  
**Applicant:** Smith & Tzannes  
**Date Of Application:** 14 December 2018  
**Application No:** DA/1484/2018  
**Proposed Development:** Two Storey Boarding House with 24 Rooms with Manager  
 Accommodation  
**Land Area:** 1,502m<sup>2</sup>  
**Existing Use:** Single storey dwelling and detached garage

## 1. PARAMETERS OF THIS CONSENT

- 1.1. Implement the development substantially in accordance with the plans and supporting documents listed below as submitted by the applicant and to which is affixed a Council stamp "Development Consent" unless modified by any following condition.

### Architectural Plans by: Smith & Tzannes

Drawing	Description	Sheets	Issue	Date
DA-A-010	Site Plan	-	C	15/04/2019
DA-A-100	Level 0	-	C	15/04/2019
DA-A-101	Level 1	-	C	15/04/2019
DA-A-102	Roof Plan	-	B	27/02/2019
DA-A-200	North & South Elevations	-	C	15/04/2019
DA-A-201	East & West Elevations	-	C	15/04/2019
DA-A-202	Sections	-	B	27/02/2019
DA-A-802	Area Calculations	-	C	15/04/2019
DA-A-900	Finishes and Fence Details	-	B	27/02/2019

### Landscaping Plans by: RFA Landscape Architects

Drawing	Description	Sheets	Issue	Date
L-01	Landscape Plan	-	B	06/05/2019

### Supporting Documentation

Document	Prepared By	Date
Plan of Management	Judith Stubbs & Associates	November 2018 (As amended on 12 February 2019)

Acoustic Report	PKA Acoustic Consulting	22 February 2019
Waste Management Plan	Smith & Tzannes	February 2019

- 1.2 A Construction Certificate is to be issued by the Principal Certifying Authority prior to commencement of any construction works. The application for this Certificate is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000.
- 1.3 Prior to the occupation or use of the building/structure, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifying Authority.
- 1.4 Carry out all building works in accordance with the Building Code of Australia.
- 1.5 Comply with all commitments listed in BASIX Certificate as required under clause 97A of the *Environmental Planning and Assessment Regulation 2000*.
- 1.6 Where conditions of this consent require approval from Council under the Roads Act 1993, Local Government Act 1993 or Water Management Act 2000, a completed Subdivision Construction Certificate application form must be lodged with Council and be accompanied by detailed design drawings and supporting information. Upon submission to Council, fees and charges will be calculated in accordance with Council's Management Plan. The fees and charges must be paid prior to Council commencing the design assessment.

## 2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 2.1. All conditions under this section must be met prior to the issue of any Construction Certificate.
- 2.2 Pay developer contributions to Council as calculated in the formula below:

$$\text{Developer contribution} = \$61,631.47 \times \text{Current CPI} \div \text{Base CPI}$$

where "Current CPI" is the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Statistician at the time of payment of developer contributions pursuant to this condition, and "Base CPI" is the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Statistician at the date of this consent.

This condition is imposed pursuant to Section 7.11 or 7.12 of the *Environmental Planning and Assessment Act 1979*.

**Note:** Any works required for the development that are also identified in the relevant Contributions Plan may be subject to a credit in accordance with that Plan.

Any request for a credit for works to be carried out in accordance with the Plan must be requested and agreed to by Council via a Works-in-Kind Agreement prior to the commencement of any works.

2.3 Prior to the issue of a Construction Certificate, design drawings must be provided for the approval of the Accredited Certifier detailing the following requirements: -

- A minimum floor level of RL 3.45 metres Australian Height Datum (AHD) for all habitable rooms, as defined within the Building Code of Australia.

2.4 Prior to the issue of a Construction Certificate, detailed design drawings must be prepared for the approval of the Accredited Certifier by a suitably qualified Structural Engineer in accordance with the requirements of the Hawkesbury-Nepean Floodplain Management Steering Committee publication *Reducing Vulnerability of Buildings to Flood Damage – Guidance on Building in Flood Prone Areas*, for the following flooding characteristics applicable to the development:

- 1% AEP flood level of RL 2.95 metres AHD.
- Average flood velocity of 0.5 metres per second.

An appropriate factor of safety must be applied to the forces exerted by the 1% AEP flood before it is used in any structural calculations.

2.5 Prior to the issue of a Construction Certificate, design drawings and specifications must be submitted for the approval of the Accredited Certifier for the following flooding characteristics applicable to the development:

- All electrical outlets and fixtures below the 1% AEP flood level protected by a residual current device (safety switch).
- Flood compatible materials must be used for all building materials used or placed below the flood planning level.

2.6 Where conditions of this consent require approval from Council as the Roads Authority, a Subdivision Construction Certificate application must be lodged with Council and be accompanied by detailed design drawings and supporting information. Upon submission to Council, fees and charges will be calculated in accordance with Council's Management Plan. The fees and charges must be paid prior to Council commencing the design assessment.

2.7 The submission to Council of Civil Works design drawings and specifications detailing the following design requirements:

- Kerb and guttering for the full street frontage of the development.

- Up road pavement construction adjoining the proposed kerb and guttering.
- Concrete footpath 1.5 metres wide for the full street frontage of the development.
- Street trees at a maximum of 15.0 metre spacing.
- Pavement design catering for the expected vehicular loading.
- Vehicle access crossing.
- The restoration of any vehicle access rendered redundant by the development, to standard kerb and footpath formation.
- Any associated works to ensure satisfactory transitions to existing infrastructure.
- Adjustment to services as required.

Required design drawings are to be prepared in accordance with Council's *Civil Works Design Guidelines* and must be approved by Council as the Roads Authority prior to the issue of a Construction Certificate.

2.8 The submission to the Accredited Certifier of a detailed stormwater management plan featuring:

- Stormwater disposal to the inter-allotment drainage easement available at the rear of the property.
- The provision of an onsite stormwater detention system. The detention system must be designed to attenuate post developed flow rates to predevelopment flow rates for a full range of storm durations for the 5, 20 and 100 year average recurrence interval (ARI) design storms. The capacity of the existing inter-allotment drainage pipeline shall not be exceeded.
- Waste water from the visitor/wash down area must be connected to sewer and appropriate Trade Waste license obtained.

The plans must be prepared in accordance with *AS/NZS3500.3:2004* and Council's *Civil Works Design Guidelines*, and be approved by the Accredited Certifier prior to issue of the Construction Certificate.

2.9 Stormwater drainage works external to the site and discharging into a public system or public land requires approval from Council under Section 68 of the *Local Government Act 1993*. Detailed design drawings prepared in accordance with Council's *Civil Works Design Guidelines* must be approved by Council prior to the issue of a Construction Certificate. All other stormwater management works must be approved by the Accredited Certifier.

2.10 The submission to the Accredited Certifier of a detailed car parking design. The design shall include:

- Pavement marking, appropriate signage and physical controls detailed for the carpark, access driveway and circulation roads.
- Pavement design able to withstand anticipated vehicle loading.
- Wheel stops for all car parking spaces.
- The placement of clearance signage above the basement entry.

The design drawings shall be prepared in accordance with the requirements of AS/NZS 2890 – Parts 1, 2 and 6, and be approved by the Accredited Certifier prior to the issue of a Construction Certificate.

2.11 The developer must submit an application to Council under Section 305 of the Water Management Act 2000 for any requirements for the obtaining of a Section 307 Certificate of Compliance. The application must be made prior to the issue of the Construction Certificate. **Note:** The Section 305 Notice may contain requirements associated with the development that must be completed prior to the issue of the Construction Certificate.

2.12 An Unexpected Finds Management Plan must be developed and implemented prior to the issue of any Construction Certificate for the discovery of any asbestos fragments, or any other unexpected contamination during any future construction works at the site.

### 3. PRIOR TO COMMENCEMENT OF ANY WORKS

3.1. All conditions under this section must be met prior to the commencement of any works.

3.2. No activity is to be carried out on-site until the Construction Certificate has been issued, other than:

- a) Site investigation for the preparation of the construction, and / or
- a) Implementation of environmental protection measures, such as erosion control and the like that are required by this consent
- b) Demolition approved by this consent.

3.3. Appoint a Principal Certifying Authority for the building work:

- a) The Principal Certifying Authority (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.

- a) Submit to Council a Notice of Commencement of Building Works or Notice of Commencement of Subdivision Works form giving at least two (2) days' notice of the intention to commence building or subdivision work. The forms can be found on Council's website: [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au)
- 3.4. Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:
- a) The name, address and telephone number of the Principal Certifying Authority for the work; and
- a) The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
- b) That unauthorised entry to the work site is prohibited.
- c) Remove the sign when the work has been completed.
- 3.5 Prior to the demolition of nominated structures on site, all existing site services are to be disconnected, sealed and made safe. With regard to any sewer and water, service is to be disconnected by a licensed plumber and drainer with a Start Work Docket submitted to Council's Plumbing and Drainage Inspector as the Water and Sewer Authority. Cleanaway Customer Service Centre are also to be contacted on telephone number 1300 126 278 to arrange for the collection of the garbage bins.
- Any demolition work carried out is to be carried out in accordance with the requirements of AS 2601-2001 – The Demolition of Structures.
- 3.6 Undertake any demolition involving asbestos in accordance with the *Work Health and Safety Act 2017*.

The person having the benefit of this consent must ensure that the removal of:

- a) more than 10m<sup>2</sup> of non-friable asbestos or asbestos containing material is carried out by a licensed non-friable (Class B) or a friable (Class A) asbestos removalist, and
- b) friable asbestos of any quantity is removed by a licensed removalist with a friable (Class A) asbestos removal licence.

The licensed asbestos removalist must give notice to the regulator before work commences in accordance with Clause 466 of the *Work Health and Safety Regulation 2017*. 3.7

After all demolition works have been completed a "Clearance Certificate" from a suitably qualified occupational hygienist must be obtained, which demonstrates that all the asbestos material has been successfully removed from off the property.

- 3.8 Erosion and sediment controls must be provided on site prior to commencement of site development in accordance with the Landcom "*Soils and Construction*" Volume I, 4<sup>th</sup> Edition, March 2004: Managing Urban Stormwater (NSW Government 2004). Sediment control fencing must remain in place until such time as the site is landscaped or turf is established.

**Note:** Discharge of sediment from a site may be determined to be a pollution event under provisions of the *Protection of the Environment Operations Act 1997*. Enforcement action may commence where sediment movement produces a pollution event.

- 3.9 Prior to commencing any works upon public roads the developer and their contractor will be required to:
- Obtain a copy of the Council approved Civil Works plans and pavement design (if applicable).
  - Obtain a copy of Council's *Civil Works Design Guidelines*. This is Council's Specification for Civil Works and is available on Council's web site.
  - Arrange a meeting on-site with Council's Principal Development Construction Engineer on (02) 4350 5555.
- 3.10 Prior to works associated with development commencing, a dilapidation report must be prepared and submitted to Council as the Roads Authority. The required dilapidation report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, water supply, sewer works, street trees, street signs or any other Council assets in the vicinity of the development. **Note:** The report will be used by Council to determine the extent of damage arising from site and construction works.
- 3.11 Prior to works associated with the development commencing, a Plan of Management is to be submitted to and approved by Council as the Roads Authority for any works or deliveries that impact on any public roads or public land as a result of the construction of the development. The plan must include a Traffic Control Plan prepared by a person holding Roads and Traffic Authority (RTA) accreditation for selecting and modifying traffic control plans. Fees and charges are applicable to the review and approval of the required management plan in accordance with Council's Plan of Management.

## 4. DURING WORKS

- 4.1. All conditions under this section must be met during works.
- 4.2. Carry out construction or demolition works during the construction phase of the development only between the hours as follows:
- 7.00am and 5.00pm Monday to Saturday
- No construction or demolition works associated with the development are permitted to be carried out at any time on a Sunday or a public holiday.
- 4.3. During the construction phase of the development, if any Aboriginal object (including evidence of habitation or remains), is discovered during the course of the work:



- a) All excavation or disturbance of the area must stop immediately in that area, and
- a) The Office of Environment and Heritage must be advised of the discovery in accordance with section 89A of the *National Parks and Wildlife Act 1974*.

**Note:** If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the *National Parks and Wildlife Act 1974*.

- 4.4. Implement and maintain all erosion and sediment control measures at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
- 4.5. Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifying Authority or an officer of Council.
- 4.6. The minimum floor level of all habitable rooms is to be RL 3.45 metres AHD. Certification from a Registered Surveyor confirming that the minimum floor levels have been achieved must be submitted to the Principal Certifying Authority when the dwelling reaches floor level stage. **Note:** Framework associated with the building is not to be erected until such time as the floor level certification is received.
- 4.7. The developer is solely responsible for any costs relating to alterations and extensions of existing roads, drainage, water and sewer infrastructure and other utilities for the proposed development.
- 4.8. Other public authorities may have separate requirements and should be consulted prior to commencement of works in the following respects:
  - Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments;
  - AGL Sydney Limited for any change or alteration to gas line infrastructure;
  - Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements;
  - Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure.
- 4.9. During the construction phase of the development, downpipes and the associated stormwater disposal system is to be suitably connected to the site stormwater connection point immediately after the roof materials are positioned in order to prevent erosion of the site from roof water run-off. The Principal Certifying Authority for the development will not issue a compliance certificate for framing unless connection of the site stormwater (or temporary system) has occurred.

- 4.10 Re-use, recycle or dispose of all building materials during the demolition and construction phase of the development in accordance with the Waste Management Plan signed by Smith & Tzannes.

## 5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 5.1. All conditions under this section must be met prior to the issue of any Occupation Certificate.
- 5.2 Prior to the issue of an Occupation Certificate, any damage not shown in the Dilapidation Report submitted to and approved by the Principal Certifying Authority prior to site works commencing, will be assumed to have been caused as a result of the site works undertaken with respect to the development and must be rectified at the applicant's expense.
- 5.3 Prior to the issue of an Occupation/Subdivision Certificate, all electrical circuits below the 1% AEP flood level are to be provided with a residual current device.
- 5.4 Prior to the issue of the Occupation Certificate, the surcharge gully for the development must be at a minimum level of 3.1 metres AHD and all plumbing and waste fixtures must be at a minimum level of 3.25 metres AHD. Irrespective of the above a minimum of 150mm must be maintained between the gully and the lowest waste fixture.
- 5.5 Prior to the issue of an Occupation Certificate, all rainwater storage tanks must be installed with the stormwater inlet and outlets, air gap for mains water top up at a minimum level of 500mm above the 1% AEP flood. Where the stormwater outlet cannot be located 500mm above the flood level it must be fitted with a non return valve to prevent back flow in accordance with Council's rainwater tank installation guidelines.
- 5.6 Prior to the issue of an Occupation Certificate, the developer must comply with the requirements (including financial costs) of any relevant utility provider (for electricity, water, sewer, drainage, gas, telecommunications, roads, etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
- 5.7 Prior to the issue of an Occupation Certificate, the required rainwater tank is to be provided in the location as detailed within the approved development plans with suitable plumbing connections provided to collect rainwater from the roof area as detailed within the BASIX Certificate applicable to the development. The required rainwater tank is to be installed in accordance with the requirements of the National Plumbing and Drainage Code AS/NZS 3500 and shall be provided with first flow diversion devices fixed to all inflows and a functioning pressure pump plumbed to service all fixtures as detailed within the BASIX Certificate applicable to the development.

- The required tank must be controlled in order that supplemental flow from domestic mains does not take place until the capacity of the tank has been reduced to 20%.
- 5.8 The provision of any additional civil works required to ensure satisfactory transitions to existing work as a result of work conditioned for the development works are to be approved by Council as the Roads Authority prior to issue of the Occupation Certificate.
- 5.9 All works within the public road must be completed in accordance with the approved Civil Works design drawings and Council's *Civil Works Construction Specification* and be approved by Council as the Roads Authority prior to the issue of any Occupation Certificate.
- 5.10 The construction of the stormwater management system in accordance with the approved Stormwater Management Plan and AS/NZS 3500.3-2004. Certification of the construction by a suitably qualified consultant shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.
- 5.11 The construction of stormwater drainage works external to the site and discharging into a public system or public land in accordance with the approved Stormwater Management Plan and Council's *Civil Works Construction Specification*. All works must be approved by Council under Section 68 of the Local Government Act 1993 prior to issue of the Occupation Certificate. All other stormwater management works must be approved by the Principal Certifying Authority.
- 5.12 Prior to the issue of an Occupation Certificate, stormwater generated from roof areas of the building and any overflows from rain water tanks installed in conjunction with the development, is to be disposed of to the inter-allotment drainage easement servicing the allotment.
- 5.13 Prior to the issue of the final Occupation Certificate, a 'Restriction on the Use of Land' shall be created on the title of the land restricting any alteration to the on-site stormwater detention system. The terms of the Restriction are to be prepared to Council's standard requirements. Wyong Shire Council shall be nominated as the party to release, vary or modify the restriction.
- 5.14 Prior to the issue of the final Occupation Certificate, a 'Positive Covenant' shall be created on the title of the land requiring the registered proprietor to ensure the continued maintenance and performance of the on-site stormwater detention structure. The terms of the positive covenant are to be prepared to Council's standard requirements. Wyong Shire Council shall be nominated as the party to release, vary or modify the restriction.
- 5.15 The construction of the carpark and accesses in accordance with AS/NZS 2890 - Parts 1, 2 & 6. Certification of the construction of the carpark and associated accesses by a suitably qualified consultant shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

- 5.16 The car wash bay must be bunded in accordance with AS 1940–1993 and AS/NZS 4452–1997, covered and discharges directed to sewer in accordance with Council's Trade Waste requirements. A separate trade waste approval must be obtained prior to connection to the sewer.
- 5.17 The obtaining of a satisfactory final plumbing & drainage inspection advice or Section 307 Certificate of Compliance under the *Water Management Act 2000* for water and sewer requirements for the development from Wyong Shire Council as the Water Supply Authority, prior to issue of the Subdivision/Occupation Certificate. All works for the development must be approved by Council prior to the issue of a Certificate of Compliance.

## 6. ONGOING

- 6.1 The boarding house shall operate with 24 boarding rooms with a maximum of two lodgers within each room.
- 6.2 The boarding house shall operate in accordance with the *Boarding Houses Act 2012*.
- 6.3 The boarding house shall operate in accordance with the Plan of Management prepared by Judith Stubbs & Associates as amended on 12 February 2019.
- 6.4 The boarding house shall be managed by the on-site manager, as outlined within the Plan of Management submitted with the application. The boarding house manager shall be available at all times to ensure that the boarding house does not operate in a manner that disturbs residential amenity.
- 6.5 The boarding house manager or management agency shall undertake regular assessments of the rental levels for the local area to ensure that the boarding house is affordable for intended residents.
- 6.6 Residents are to be appointed through a vigorous screening process and interviews by the boarding house manager or managing agency.
- 6.7 The boarding house manager or managing agency shall consult with owners of adjoining properties on a regular basis and establish a complaints register to address any issues that arise such as noise, parking and other amenity impacts, to ensure the safety and security for both residents of the proposed development and local residents. Any breach would result in a breach of the tenancy agreement and may result in a termination of the contract.
- 6.8 The Plan of Management submitted with the application shall be implemented and use of tenancy agreements shall be implemented which makes residents aware that anti-social behaviour will not be tolerated and may result in eviction from the proposed development.

- 6.9 Community information and resources relating to services and facilities, local and Shire-wide events, is to be provided to all residents to enable increased connections and wider participation within the surrounding community. Appropriate links are to be established with local support services and human service agencies.
- 6.10 All stormwater treatment devices (including drainage systems, sumps and traps) must be regularly maintained in order to remain effective.
- 6.11 Garbage/recycling bins must not be permitted to encroach with the carpark or vehicle manoeuvring areas.
- 6.12 Store all waste generated on the premises in a manner so that it does not pollute the environment.
- 6.13 Transport all waste generated on the premises to a facility which is licensed to receive that material.
- 6.14 No obstructions to the wheel out of the waste bins are permitted including grills, speed humps, barrier kerbs, etc.
- 6.15 Comply with all commitments as detailed in the Waste Management Plan signed by Smith & Tzannes.
- 6.16 Locate the approved waste storage enclosure / area as indicated on Project / Drawing Number DA-A-800, Revision B, dated 27 February 2019, prepared by Smith & Tzannes.
- 6.17 Do not place or store waste material, waste product or waste packaging outside the approved waste storage enclosure.
- 6.18 Place the mobile garbage / recycling/ green waste containers at the approved location at the kerbside no earlier than the evening prior to the collection day and return to the approved waste bin storage enclosure no later than the evening on collection day. The residents, caretaker, owner are responsible for the placement and return of the mobile waste containers.
- 6.19 All waste generated on the premise shall be stored in a manner so that it does not pollute the environment.
- 6.20 All waste generated on the premise shall be transport to a facility which is licensed to receive that material.
- 6.21 The recommended actions specified in the Acoustic Report prepared by PKA Acoustic Consulting: DA Acoustic Report – Boarding House. 15 Leppington Street, Wyong. Dated 22 February 2019, ref: 11348 R01v2 must be complied with at all times after the Occupation Certificate has been issued.

**ADVISORY NOTES**

- 1 Prior to the commencement of detailed design works within any public road, contact should be made with the National Community Service "Dial before you Dig" on 1100 regarding the location of underground services in order to prevent injury, personal liability and even death. Enquiries should provide the property details and the nearest cross street/road.

The staff responsible for the preparation of the report, recommendation or advice to any person with delegated authority to deal with the application have no pecuniary interest to disclose in respect of the application.

.....  
Reporting Officer

.....  
Reviewing Officer

The staff authorised to determine the application have no pecuniary interest to disclose in respect of the application. The report is endorsed and the recommendation contained therein.

Approved/Refused:

..... Date \_\_/\_\_/\_\_

**Attachment 2 - SEPP (Coastal Management) 2018 – Table of Compliance**Clause 13 - Coastal Environment Area:

<b>Matters for Consideration</b>	<b>Compliance</b>
<i>(a) is not likely to cause adverse impacts on the biophysical, hydrological (surface and groundwater) and ecological environment, and</i>	The proposal is not likely to cause adverse impacts on the biophysical, hydrological or ecological environment.
<i>(b) is not likely to significantly impact on geological and geomorphological coastal processes and features or be significantly impacted by those processes and features, and</i>	The proposal will not result in any impact on geological or geomorphological processes.
<i>(c) is not likely to have an adverse impact on the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, having regard to the cumulative impacts of the proposed development on the marine estate including sensitive coastal lakes, and</i>	The proposal will not result in any impact on the water quality of the marine estate.
<i>(d) is not likely to have an adverse impact on native vegetation and fauna and their habitats, undeveloped headlands and rock platforms, and</i>	The proposal is not likely to have an adverse impact on native vegetation and fauna.
<i>(e) will not adversely impact Aboriginal cultural heritage and places, and</i>	The site does not contain Aboriginal cultural heritage items or places.
<i>(f) incorporates water sensitive design, including consideration of effluent and stormwater management, and</i>	The proposal incorporates water sensitive design measures.
<i>(g) will not adversely impact on the use of the surf zone.</i>	There will be no impact on the surf zone as a result of the proposal.

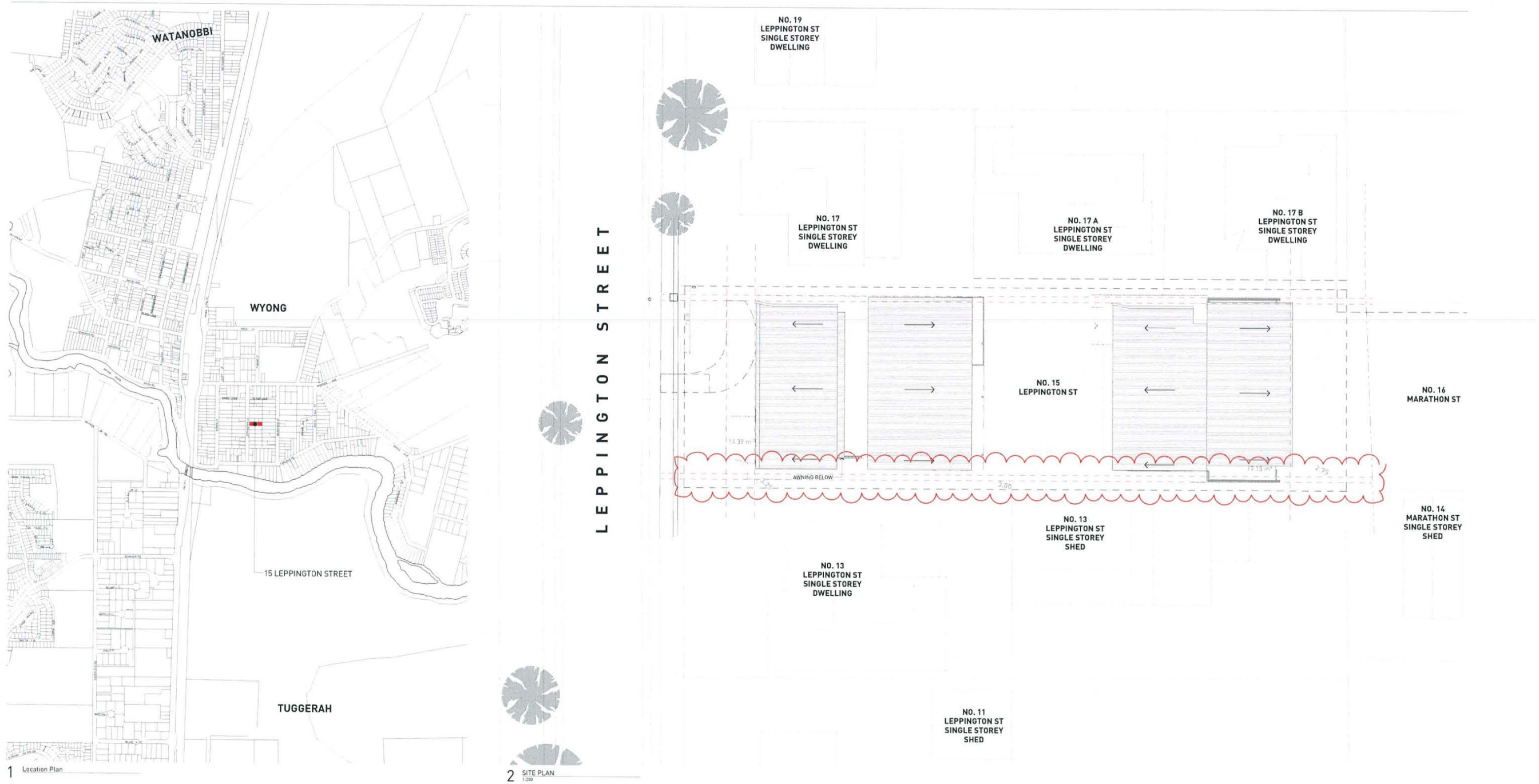
### Attachment 3 - Wyong Development Control Plan – Chapter 2.4 – Multiple Dwelling Residential Development – Table of Compliance

Requirement	Proposal	Compliance
<b>2.0 Context</b>		
Submission of a suitable site analysis to be provided with the development application (s2.1.1)	A suitable site analysis was submitted with the application.	Yes
Contextual analysis submitted addressing economic, social, environmental and urban design context (s2.1.2)	A suitable contextual analysis was submitted with the application.	Yes
<b>4.0 Built Form</b>		
<b>4.1 Construction and Appearance of Development</b>		
Buildings facades to be articulated in length and height, monotonous and unbroken lengths of wall >10m in length and >3m in height not permitted. Visual interest to be provided for two storey designs. (s4.1.1b)	The boarding house contains suitable articulation. There are no facades presenting to the public domain or adjoining properties which exceed 10m in length and 3m in height without articulation.	Yes
Garages shall not dominate the street elevations (s4.1.1c)	The car park entry point is not considered to be dominant element in the front façade as its appearance will be offset by a timber batten style wall.	Yes
Roof design to be related to the built form and size and scale of the building. (s4.1.2)	The roof design is typical of a contemporary dwelling design.	Yes
<b>4.2 Cut and Fill</b>		
Cut and fill considerations (s4.2)	The proposed cut and fill achieves compliance with the DCP controls.	Yes
<b>4.3 Building Lines</b>		
<b>Multiple Dwelling Housing &amp; RFB - No greater than 2 storeys in height (4.3.2)</b>		
Front setback: Category A: 7.5m Category B: 6.0m Category C: 4.5m or 6.0m	Leppington Street is a Category C road, therefore, a six metre front setback is applicable. The proposed front setback is 7.5 metres and is consistent with adjoining dwellings.	Yes
Side setbacks: 0.9m	The proposed side setbacks are a minimum of 900mm for the ground floor and 1.5m for the first floor.	Yes
Rear setback: 4.5m	The proposed rear setback is 6m.	Yes
Garages: 6.0m when direct access from road OR 7.5m for Category A roads.	The proposed entry to the car parking area is set back 7.5 metres.	Yes
Corner Allotments: 3.0m on side street.	N/A	N/A



<b>4.4 Transport Needs</b>		
<b>General Requirements (4.4.1)</b>		
Suitable landscaping screening to be provided where visible from street or adjoining properties.	Suitable landscape screening is proposed within the front setback.	Yes
All vehicles to enter and exit the site in a forward direction.	The car park design permits forward ingress and egress.	Yes
<b>4.5 Vehicular Access Design</b>		
Refer to s4.5.1 for general vehicular access design general requirements.	The proposal complies with the general vehicular access design general requirements.	Yes
<b>Ground Level Parking (4.5.2)</b>		
Minimum pavement width = 1 to 4 dwellings: 3.0m ≥ 5 dwellings: 3.5m 5.5m for first 6m on category A roads. Passing opportunities shall exist. (4.5.2b)	The proposed pavement width reduces to 4.8m.	Yes
Driveway to be offset a minimum 2.0 at front boundary and taper to 0.5m at front building line. This area to be suitably landscaped. (s4.5.2d)	The driveway is located to the centre of the site.	Yes
Garages shall be located behind the façade (4.5.2f)	The car parking area is not a typical garage and is considered satisfactory in the context of a boarding house proposal.	Yes
Garages visible from the street shall not exceed 50% of the lineal frontage (4.5.2g)	The car park entry occupies approximately 20% of the lineal frontage width.	Yes
<b>4.6 Pedestrian Access</b>		
See section 4.6 for requirements.	The proposal achieves compliance with the pedestrian access requirements.	Yes
<b>6.4 Privacy</b>		
Direct overlooking of internal living areas and private open space to surrounding dwellings shall be minimised.	Having regard for the extent of landscaping proposed and privacy protection measures proposed, there is no unreasonable direct overlooking of private open space of surrounding properties.	Yes
<b>6.5 Views</b>		
Developments should be designed to minimise view loss from adjoining and adjacent properties. (s9.4)	The proposal does not result in any view loss.	Yes

<b>7.0 Services</b>		
Details of services available and impacts on existing services to be provided.	Details of services and impacts on existing services have been provided.	Yes
Kerb and guttering to be provided along the street frontage unless unreasonable.	Kerb and guttering is existing along the site's frontage.	Yes
<b>8.0 Stormwater Management</b>		
Stormwater management plan to be submitted with the development application. (s7.3)	A suitable stormwater management plan was submitted with the application, which depicts stormwater disposal to the rear via an existing easement.	Yes
<b>9.0 Landscaping</b>		
A Landscape plan prepared by an approved consultant to be submitted with the development application.	A suitable landscaping plan was submitted with the application, prepared by a landscape architect.	Yes
Two semi-advanced trees per 15 metre frontage to be provided, details to be provided as part of landscape plan.	The landscaping plan depicts two semi-advanced street trees along the frontage.	Yes
<b>10.0 Sustainability</b>		
<b>10.1 Waste Management</b>		
<b>General Requirements (10.1.1)</b>		
Proposed development to comply with the requirements of Chapter 3.1 – Site Waste Management.	The proposed waste management arrangements are considered satisfactory.	Yes
<b>11.0 Safety and Security</b>		
CPTED principles should be taken into account	CPTED principles have been addressed in the submitted Social Impact Assessment.	Yes
<b>13.0 Aesthetics</b>		
<b>13.1 Fencing</b>		
Details of material, height, type and extent of all proposed fencing shall be shown on development application plans.	Suitable fencing details are depicted on the submitted landscaping plan.	Yes
Dividing fences shall not adversely affect flow of surface water or create flooding problems.	The proposed fencing will not adversely affect the flow of surface water.	Yes
Decorative fencing may be provided along the front boundary with a maximum height of 1.2m.	There is no decorative fencing proposed within the front setback area.	N/A



**General Notes**

1. NEVER scale off drawings, use figured dimensions only
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DOCUMENT  
**SITE PLAN**  
 DOCUMENT  
**DEVELOPMENT APPLICATION**  
 REV C 15-06-2019  
 STAGE  
**FOR DA - AMENDED PLANS**

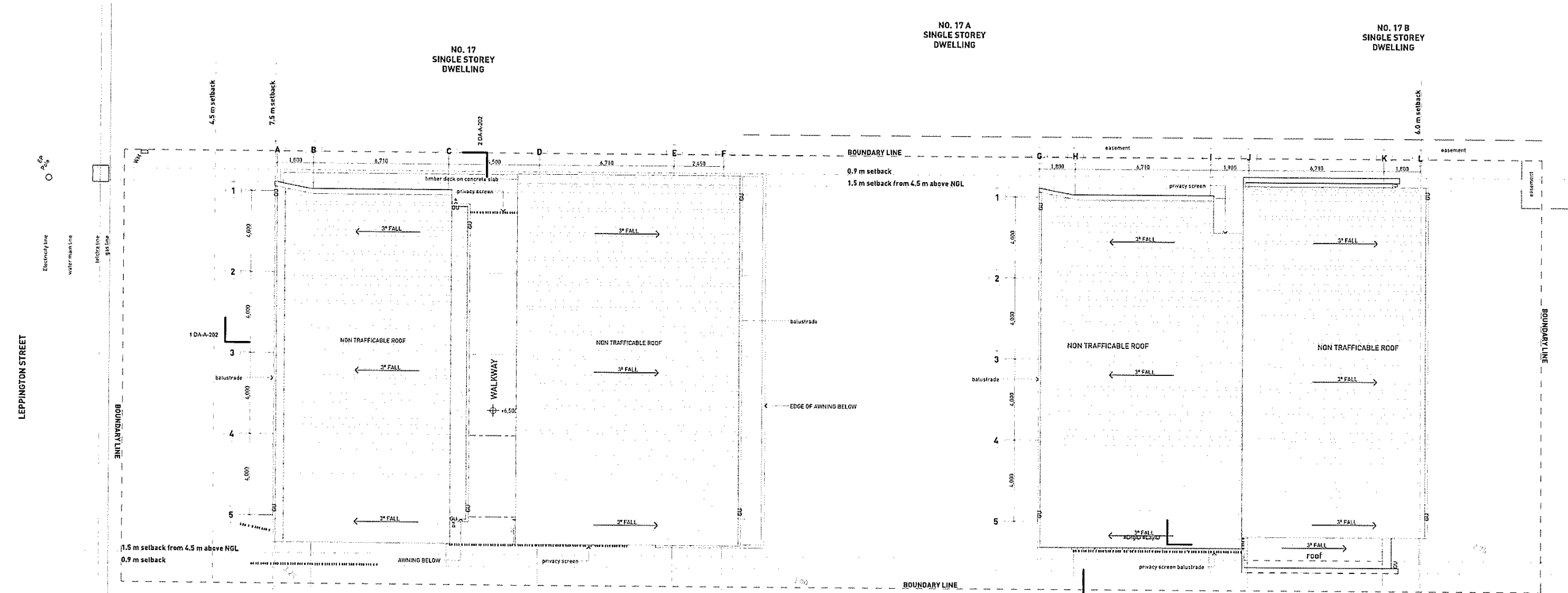
PROJECT  
**BOARDING HOUSE**  
 15 LEPPINGTON STREET, WYONG

CLIENT NORTH #2

ARCHITECTURE URBAN PLANNING  
 M5/147 McElroy St Alexandria NSW 2015  
 P 02 9516 2022 E email@smithtzannes.com.au  
 smithtzannes.com.au  
 Nominated Architect: Peter Smith (Reg 7024)



18\_018 DA-A-010



February 2018 BSA Reference 14238  
 Building Sustainability Assessments Ph: (02) 4362 3418  
 enquiries@buildingustainability.net.au www.buildingsustainability.net.au

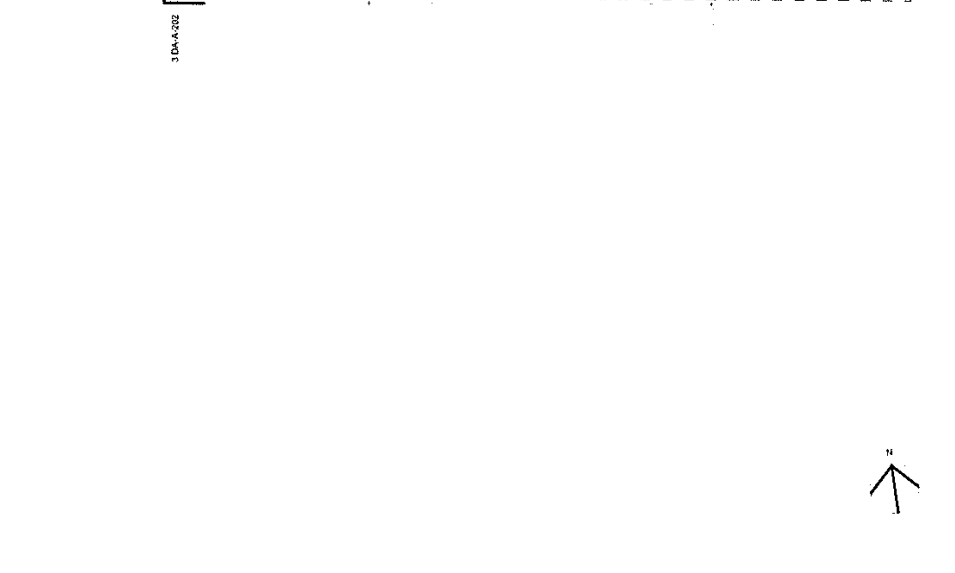
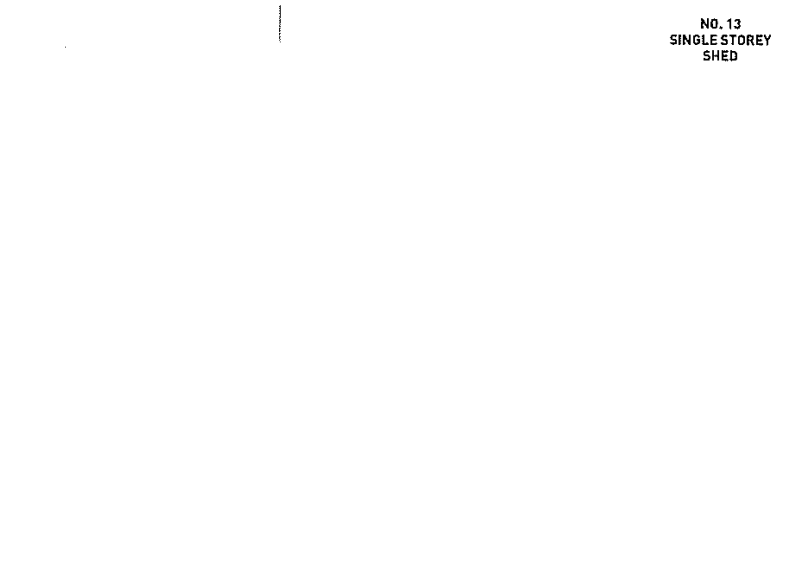
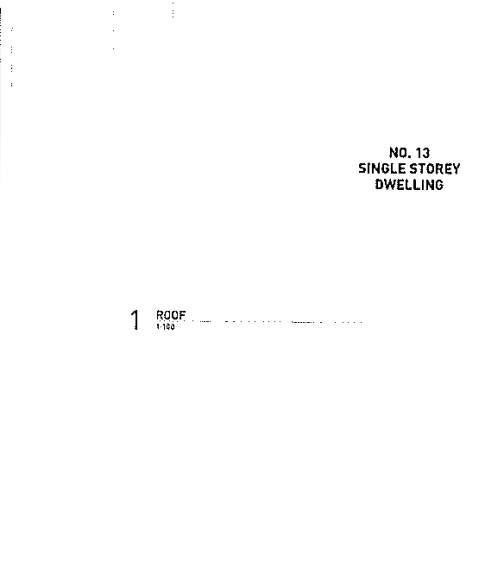
**Important Note**  
 The following specification was used to achieve the thermal performance values indicated on the Assessor Certificate and takes precedence over any other specification.  
 If different specification elements are specified then the Assessor Certificate is no longer valid.

**Thermal Performance Specifications (does not apply to garage)**

<b>External Wall Construction</b>	Added Insulation
Brick Veneer & Lightweight (1st floor)	R2.5
Cavity Brick (external ground floor walls)	R1.0
Plasterboard + stud + glassfibre (external walls to balcony)	R2.5
<b>Internal Wall Construction</b>	Added Insulation
Plasterboard on studs	none
Plasterboard + brick + studs + Plasterboard (party walls ground floor)	R1.0
Plasterboard + stud + stud + Plasterboard (party walls first floor)	R1.0
<b>Ceiling Construction</b>	Added Insulation
Plasterboard	R3.5 to ceiling adjacent to roof space and deck above
<b>Roof Construction</b>	Colour
Roof	Added Insulation
Roof	Any
Concrete	Fat = R1.0 (batten)
<b>Floor Construction</b>	Covering
Concrete	Added Insulation
Concrete	As drawn R1.0 to U17, 18, 19, 20, 21, 22, 23, 24 where open below

Windows	Glass and frame type	U Value	SHGC Range	Area sqm
Performance glazing Type A	640	0.44 - 0.54	U19, 10, 11, 12	
Performance glazing Type B	640	0.52 - 0.64	U19, 10, 11, 12	
Performance glazing Type A	360	0.21 - 0.25	U14, 13, 14, 15, 16, 21, 22, 23, 24	
Performance glazing Type B	360	0.27 - 0.33	U14, 13, 14, 15, 16, 21, 22, 23, 24	
ALM-02-01.A	Aluminum Type A Single clear	6.70	0.31 - 0.63	All other UPRs
ALM-02-01.A	Aluminum Type B Single clear	6.70	0.63 - 0.77	All other UPRs

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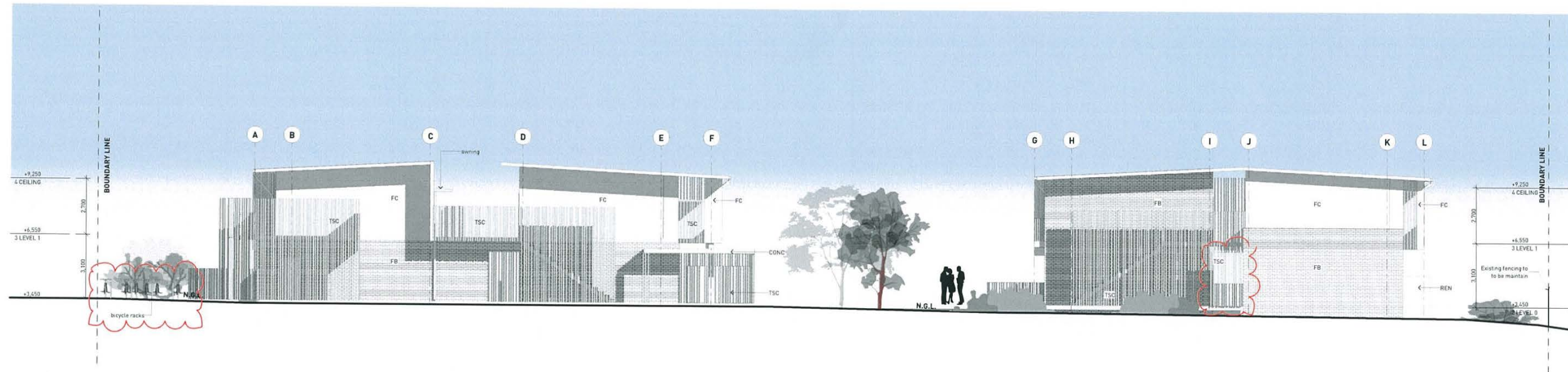
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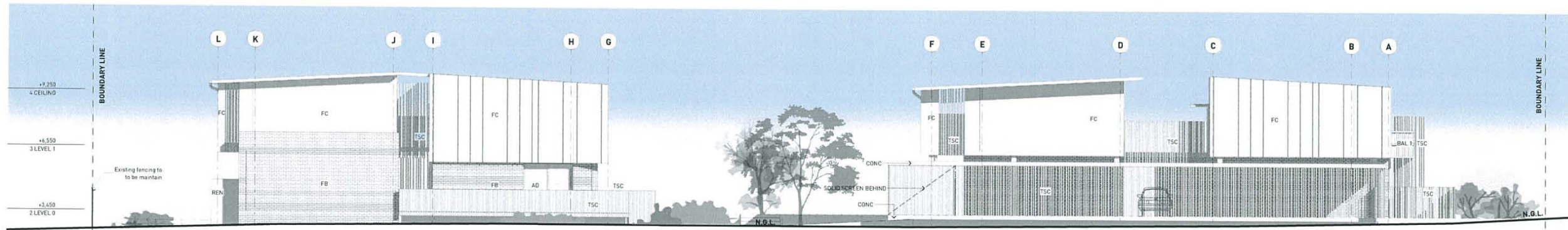
DOCUMENT <b>ROOF</b>	PROJECT <b>BOARDING HOUSE</b>
DOCUMENT <b>DEVELOPMENT APPLICATION</b>	15 LEPPINGTON STREET, WYONG
REYB 22-02-2019	CLIENT <b>NORTH42</b>
STAGE <b>FOR DA - AMENDED PLANS</b>	ARCHITECTURE URBAN PLANNING M/F/ACT Hooley St Alexandria NSW 2015 P 02 9516 2922 E email@smithtzannes.com.au smithtzannes.com.au Not a Noted Architect Peter Smith (Reg 7024)

18\_018 DA-A-102





1 SOUTH ELEVATION  
1:100



2 NORTH ELEVATION  
1:100

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**SELECTIONS LEGEND**

REFER TO SELECTIONS SCHEDULE FOR MORE DETAIL -

AD ALUMINIUM FRAMED DOOR  
 AW ALUMINIUM FRAMED WINDOW  
 BOL BOLLARD  
 BAL 1 METAL FRAME BALUSTRADE  
 BAL 2 TIMBER VENEER ALUMINIUM BALUSTRADE  
 BG BOX GUTTER  
 BLK BLOCKWORK  
 BK BRICKWORK  
 CAR CARPET

CL CLOTHES LINE  
 CONC CONCRETE  
 CFT CERAMIC FLOOR TILE FINISH  
 CWT CERAMIC WALL TILE FINISH  
 DW DISHWASHER  
 DP DOWNPIPE  
 EDB ELECTRICAL DISTRIBUTION BOARD  
 EXG EXISTING  
 F FRIDGE (REFRIGERATOR)  
 FB FACE BRICK

FC FIBRE CEMENT  
 FG FIXED GLASS  
 FL FLASHING  
 FR FIRE RATED  
 FW FLOOR WASTE  
 FFL FINISHED FLOOR LEVEL  
 FSL FINISHED SLAB LEVEL  
 GD GRATED DRAIN  
 GU GUTTER  
 HR HANDRAIL

HW HOT WATER UNIT  
 LAM LAMINATE FINISH  
 LDY LAUNDRY  
 MIB METER BOX  
 MDR METAL DECK ROOF  
 ML METAL LOUVRES  
 P PAINT  
 PAL PALLSADE FENCING  
 PAV PAVING  
 PB PLASTERBOARD

MSC MESH CAGE  
 REN RENDER  
 RL RELATIVE LEVEL (TO AHD)  
 RWD RAINWATER OUTLET  
 RWT RAINWATER TANK  
 SG STEEL GATE  
 SK SKIRTING  
 SKL SKY LIGHT  
 SP STONE PAVING  
 SRL STRUCTURAL RELATIVE LEVEL (TO AHD)

TIM TIMBER FLOORING  
 TSC TIMBER SCREEN  
 TDW TOP OF WALL  
 TRG TRANSLUCENT GLAZING (OPACURE)  
 TRP TRANSLUCENT PANEL (LIGHTWEIGHT)  
 WM WASHING MACHINE  
 WS WHEEL STOP

DOCUMENT  
**NORTH & SOUTH ELEVATION**

DOCUMENT  
**DEVELOPMENT APPLICATION**

REV C 15-04-2019

STAGE  
**FOR DA - AMENDED PLANS**

PROJECT  
**BOARDING HOUSE**

15 LEPPINGTON STREET, WYONG

CLIENT  
 NORTH 42

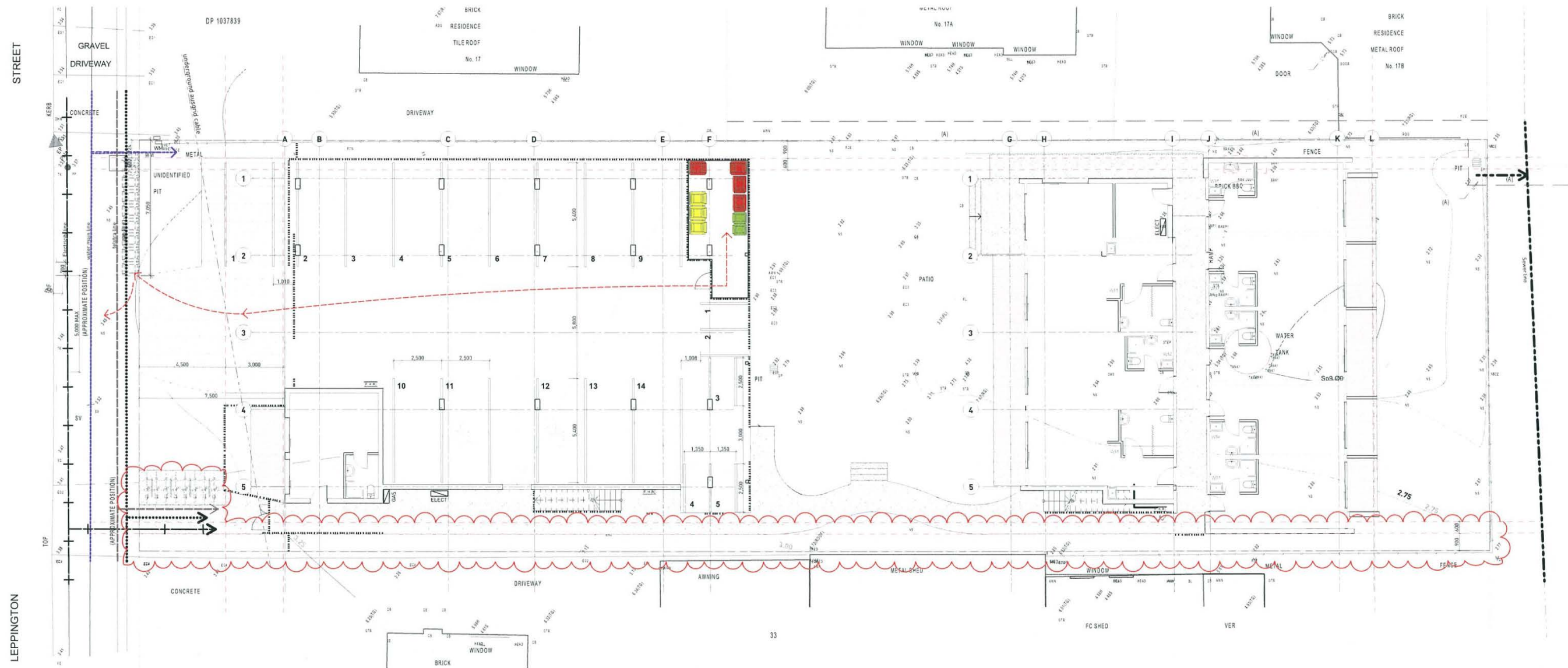
ARCHITECTURE URBAN PLANNING  
 #11147 McEvoy St Alexandria NSW 2015  
 P 02 9514 2022 E email@smithzannes.com.au  
 smithzannes.com.au  
 Nominated Architect: Peter Smith [Reg 7024]



18\_018 DA-A-200







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DOCUMENT  
**SERVICES PLAN**  
 DOCUMENT  
**DEVELOPMENT APPLICATION**  
 REV C 15-04-2019  
 STAGE  
**FOR DA - AMENDED PLANS**

PROJECT  
**BOARDING HOUSE**  
 15 LEPPINGTON STREET, WYONG  
 CLIENT NORTH 42

18\_018 DA-A-800

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190	195	200

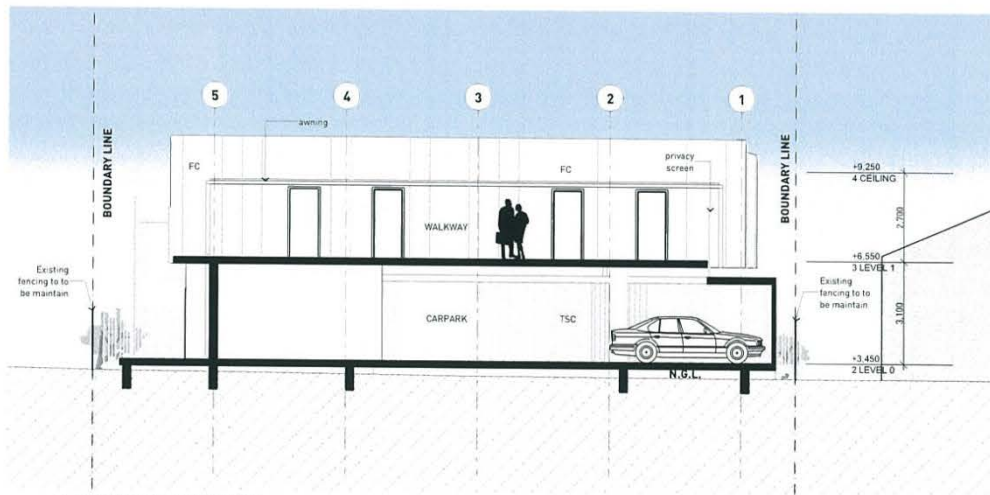
ARCHITECTURE URBAN PLANNING  
 M17147 McEvoy St Alexandria NSW 2015  
 P 62 9514 2022 E email@smithzannes.com.au  
 smithzannes.com.au  
 Nominated Architect Peter Smith (Reg 7024)



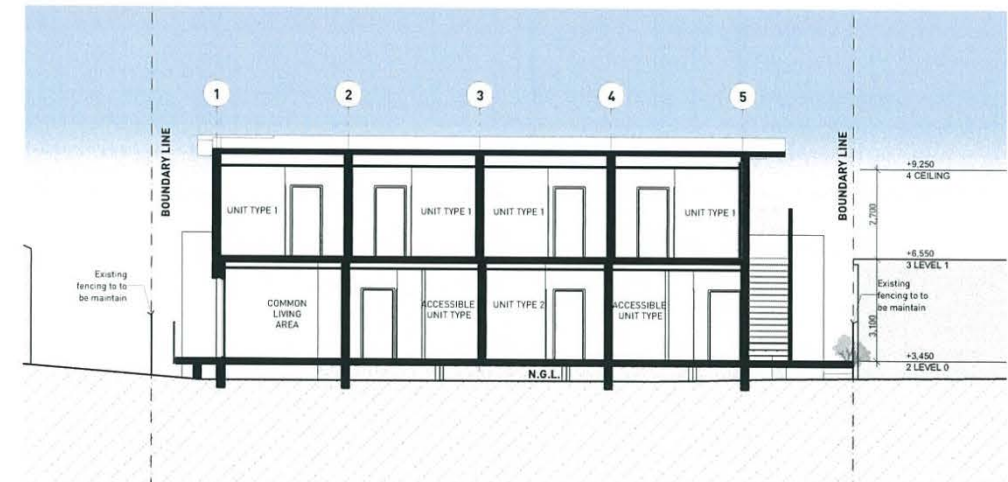




1 LONG SECTION  
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2 CROSS SECTION FRONT BUILDING  
1:100



3 CROSS SECTION REAR BUILDING  
1:100

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AW ALUMINIUM FRAMED WINDOW  
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BAL 1 METAL FRAME BALUSTRADE  
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BG BOX GUTTER  
BLK BLOCKWORK  
BK BRICKWORK  
CAR CARPET

CL CLOTHES LINE  
CONC CONCRETE  
CFT CERAMIC FLOOR TILE FINISH  
CW CERAMIC WALL TILE FINISH  
DW DISHWASHER  
DN DOWNPIPE  
EDB ELECTRICAL DISTRIBUTION BOARD  
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FW FLOOR WASTE  
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GD GRATED DRAIN  
GU GUTTER  
HR HANDRAIL

HW HOT WATER UNIT  
LAM LAMINATE FINISH  
LDY LAUNDRY  
MB METER BOX  
MDR METAL DECK ROOF  
P PAINT  
PAL PALLISADE FENCING  
PAV PAVING  
PB PLASTERBOARD

MSC MESH CAGE  
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TOW TOP OF WALL  
TRG TRANSLUCENT GLAZING (OPSCURE)  
TRP TRANSLUCENT PANEL (LIGHTWEIGHT)  
WM WASHING MACHINE  
WS WHEEL STOP

DOCUMENT  
SECTIONS

DOCUMENT  
DEVELOPMENT APPLICATION

REV B 27-02-2019

STAGE  
FOR DA - AMENDED PLANS

PROJECT

BOARDING HOUSE

15 LEPPINGTON STREET, WYONG

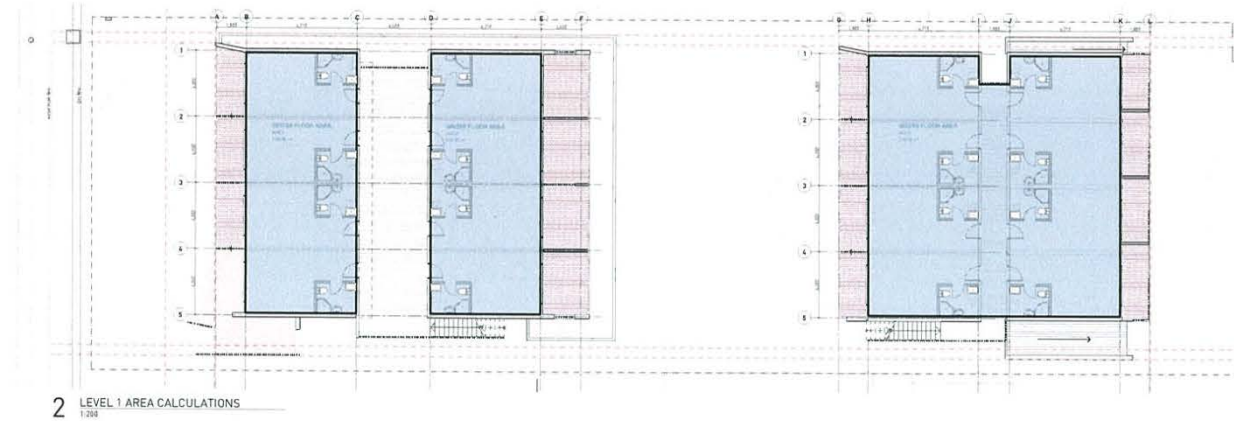
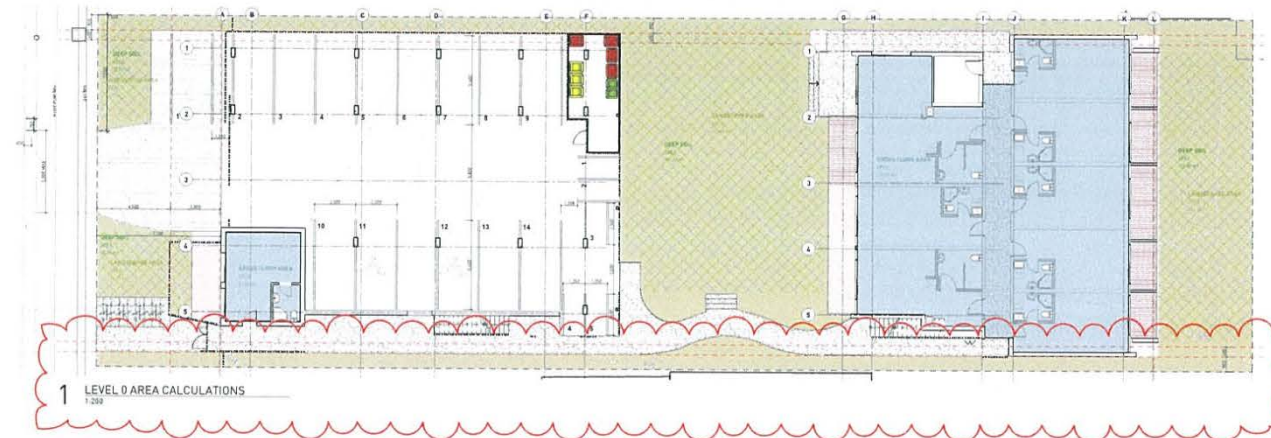
CLIENT NORTH 62

ARCHITECTURE URBAN PLANNING  
M17147 McEvoy St Alexandria NSW 2015  
P 02 9516 2022 E email@smithtzannes.com.au  
smithtzannes.com.au  
Nominated Architect: Peter Smith (Reg 7024)



18\_018 DA-A-202





**AREA CALCULATION AND COMPLIANCE**

GFA SCHEDULE				
TYPE	LEVEL	NAME	AREA	COMMENT
GROSS FLOOR AREA				
	LEVEL 0	GFA	299.77	
	LEVEL 1	GFA	449.34	
<b>TOTAL GFA</b>			<b>749.11 m<sup>2</sup></b>	COMPLIES
<b>PROPOSED FSR</b>	0.5:1			COMPLIES
SITE AREA				
			1502 m <sup>2</sup>	
<b>PERMISSIBLE FSR</b>	0.5:1			
<b>PERMISSIBLE GFA</b>			<b>751.00 m<sup>2</sup></b>	

LANDSCAPE AREA SCHEDULE			
TYPE	NAME	AREA	COMMENT
LANDSCAPED AREA			
	LANDSCAPE AREA	22.10	
	LANDSCAPE AREA	26.75	
	LANDSCAPE AREA	186.28	
	LANDSCAPE AREA	262.64	
<b>TOTAL LANDSCAPE AREA</b>		<b>497.77 m<sup>2</sup></b>	COMPLIES
<b>REQUIRED LANDSCAPE AREA</b>	25% OF 1502 m <sup>2</sup>	<b>375.50 m<sup>2</sup></b>	

DEEP SOIL AREA SCHEDULE			
TYPE	NAME	AREA	COMMENT
LANDSCAPED AREA			
	DEEP SOIL	17.77	
	DEEP SOIL	22.39	
	DEEP SOIL	100.85	
	DEEP SOIL	201.32	
<b>TOTAL DEEP SOIL AREA</b>		<b>342.33 m<sup>2</sup></b>	COMPLIES
<b>REQUIRED DEEP SOIL AREA</b>	50% OF 375.50 m <sup>2</sup>	<b>187.75 m<sup>2</sup></b>	

SCHEDULE		
NAME	NUMBER	COMMENT
BOARDING ROOMS	24	
MANAGER BOARDING ROOM	1	
CAR PARKING SPACES	14	COMPLIES
MOTORCYCLE PARKING SPACES	5	COMPLIES
BICYCLE PARKING SPACES	6	COMPLIES

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0	5	10
1:1000	1:500	1:200

DOCUMENT  
**AREA CALCULATIONS**  
DOCUMENT  
**DEVELOPMENT APPLICATION**  
REV C 15-06-2019  
STAGE  
**FOR DA - AMENDED PLANS**

PROJECT  
**BOARDING HOUSE**  
15 LEPPINGTON STREET, WYONG

CLIENT NORTH 42

ARCHITECTURE URBAN PLANNING  
M17147 McEvoy St Alexandria NSW 2015  
P 02 9516 2022 E email@smithtzannes.com.au  
smithtzannes.com.au  
Nominated Architect: Peter Smith (Reg 7024)



18\_018 DA-A-802





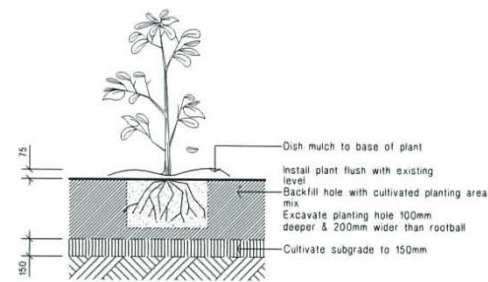
LANDSCAPE PLAN 1 : 100

LEGEND

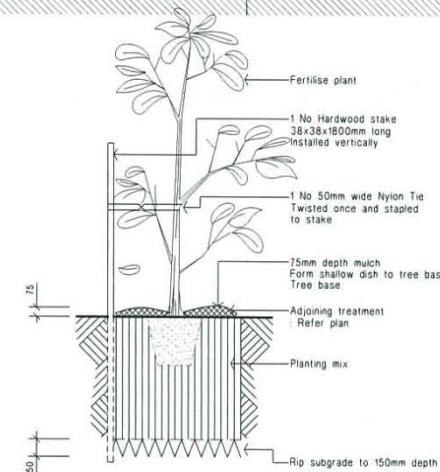
- turf**  
Excavate / grade all areas to be turfed to 120mm below required finished levels. Do not excavate within 1500mm of the trunk of any existing tree to be retained. Ensure that all surface water runoff is directed towards inlet pits, kerbs etc. and away from buildings. Ensure that no ponding will occur. Rip the subgrade to 150mm. Install 100mm depth of imported topsoil just prior to spreading the turf, spread "Shirley's No. 17 lawn fertilizer" over the topsoil at the recommended rate. Lay "Kikuyu" turf rolls closely butted. Fill and small gaps with topsoil. Water thoroughly.
- timber garden edging**  
Refer to detail.
- existing trees to be removed**
- stepping stones**  
Precast concrete stepping stones in decorative gravel mulch.
- selected paving**
- planting areas**  
Ensure that the mass planting areas have been excavated to 300mm below finished levels. Rip to a further depth of 150mm. Supply and install 300mm soil mix. Soil mix to comprise of one part approved compost to three parts topsoil. Topsoil shall be either imported topsoil or stockpiled site topsoil (if suitable i.e. No clay). Install 75mm depth of selected mulch.
- maintenance:**  
All landscape works are to be maintained for a period of three months from the date of practical completion. This includes all watering, weeding, spraying and re-mulching necessary to achieve vigorous growth. Any defects which arise during this period are to be rectified immediately. Any plants or areas of turf which fail during this period are to be replaced at no additional cost.
- fencing:**  
For all fencing types and materials refer to the Architects plans.

PLANT SCHEDULE

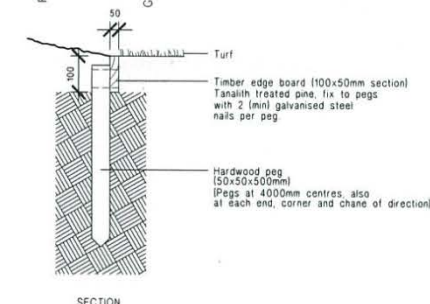
Code	Latin Name (Common Name - Mature Height)	Qty	Size	Stake
<b>Trees</b>				
B	Banksia integrifolia (Heath banksia - 8m)	2	35 litre	yes
M	Melaleuca quinquervia (Broad leaved paper bark - 10m)	2	35 litre	yes
<b>Shrubs</b>				
Ck	Callistemon 'Captain Cook' (Bottlebrush - 2m)	12	5 litre	-
Cwa	Callistemon 'White Anzac' (White Bottlebrush - 1.5m)	19	5 litre	-
De	Doryanthus excelsus (Gymea Lily - 1m)	4	15 litre	-
G	Grevillea 'Moonlight' (Moonlight Grevillea - 3m)	3	5 litre	-
Ghg	Grevillea 'Honey gem' (Grevillea - 3m)	1	5 litre	-
Gd	Gardenia augusta 'Florida' (Gardenia - 1.2m)	15	5 litre	-
Lc	Leptospermum 'Cardwell' (Dwarf Tea Tree - 2m)	3	5 litre	-
Muf	Metrosideros vitensis 'Figs fire' (MVA - 2m)	1	5 litre	-
Prr	Photinia 'Red Robin' (Photinia - 2.5m)	19	5 litre	-
Rph	Rapidoletis 'Oriental Pear' (Dwarf Indian Hawthorne - 1m)	9	5 litre	-
Sre	Syzygium australe 'Resilience' (Lilly Pilly - 3m)	67	5 litre	-
Sb	Syzygium 'Blaze' (Syzygium - 3m)	4	5 litre	-
Sc	Syzygium Cascade (Syzygium - 3.5m)	3	5 litre	-
Srf	Syzygium leucomanthi 'Royal flame' (Lilly Pilly - 2m)	16	5 litre	-
Srd	Streitzia reginae 'min bird' (Dwarf bird of paradise - 1m)	1	5 litre	-
Wz	Westringia 'Zena' (Westringia - 1m)	12	5 litre	-
Vo	Viburnum odoratissimum (Sweet viburnum - 3m)	28	5 litre	-
<b>Groundcovers</b>				
Dtr	Dianella tasmanica 'Tas Red' (Dianella - 0.45m)	7	150mm pot	-
Gpm	Grevillea 'Pink Midge' (Prostrate Grevillea - 0.3m)	2	150mm pot	-
Lrg	Liriope 'Evergreen Giant' (Giant Liriope - 0.5m)	12	150mm pot	-
Tj	Trachelospermum jasminoides (Star jasmine - 0.3m)	1	150mm pot	-



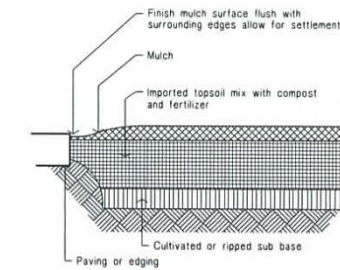
Planting in garden beds Detail. Not To Scale.



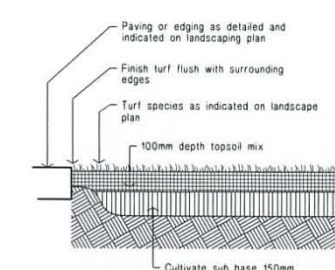
15 - 35 litre Tree planting Detail. Not To Scale.



Timber Edge Detail.



Ground preparation Planting area using imported topsoil Detail. Not To Scale.



Ground preparation Grassed area: turf using imported topsoil Detail. Not To Scale.

06.05.19 Revised DA Issue  
30.11.18 DA Issue  
DATE AMENDMENT

**RFA** RAY FUGGLE ASSOCIATES  
landscape architects  
email: RAY@fuggle.net.au  
p 02 8860 9022  
f 02 8860 9021  
m 0412 284 712  
a 76 003 773 039

Project:  
**PROPOSED BOARDING HOUSE**  
No. 15 Leppington Street,  
**WYONG**

Client:  
.....

Drawing Title:  
**LANDSCAPE PLAN**

Issue:	rev. DA	Date:	06/05/19	Issue No.:	B
File name:		Scale:	1:100 @ A1	Drawing No.:	
Drawn:	HK	Project No.:	4443b		
Checked:	RF				L-01





**Item No:** 3.2  
**Title:** DA/54334/18 - Proposed Dwelling, Carport & Swimming Pool at 48 High View Road Pretty Beach  
**Department:** Environment and Planning

---

22 July 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-01 - D13517697

Author: Ellin Blackwell, Building Surveyor

Manager: Brian Jones, Unit Manager, Environment and Compliance

Executive: Scott Cox, Director Environment and Planning

## Summary

An application has been received for a new three storey dwelling on a vacant site at No. 48 High View Road Pretty Beach. The application has been examined having regard to the matters for consideration detailed in Section 4.15 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and other statutory requirements.

A Councillor Business Update (CBU) was issued to the Councillors on the 11 January 2019. In response to the CBU, the development application has been called to Council by Councillor Sundstrom and Councillor Macgregor.

<b>Applicant</b>	The Pole Home Centre Pty Ltd
<b>Owner</b>	Mr M Simmonds & Mrs M Simmonds
<b>Application No</b>	DA54334/2018
<b>Description of Land</b>	Lot 44 S2 DP6552, 48 High View Road PRETTY BEACH
<b>Proposed Development</b>	New Dwelling, Carport & Swimming Pool
<b>Site Area</b>	777.7m <sup>2</sup>
<b>Zoning</b>	R2 Low Density Residential
<b>Existing Use</b>	Vacant Land
<b>Employment Generation</b>	Nil
<b>Estimated Value</b>	\$558,198.00

## Recommendation

- 1 That Council grant consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant issues.***
- 2 That Council advise those who made written submissions of its decision.***

**Precis:**

<b>Proposed Development</b>	New Dwelling, Carport and Swimming Pool
<b>Permissibility and Zoning</b>	<p>The subject site is zoned R2 Low Density Residential under <i>Gosford Local Environmental Plan 2014</i>.</p> <p>The proposed development is defined as a dwelling house which is permissible.</p>
<b>Relevant Legislation</b>	<p>The following planning policies and control documents are relevant to the development and were considered as part of the assessment.</p> <ul style="list-style-type: none"> <li>• <i>Environmental Planning &amp; Assessment Act 1979</i></li> <li>• <i>State Environmental Planning Policy (Coastal Management) 2018</i></li> <li>• <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i></li> <li>• <i>Gosford Local Environmental Plan 2014 (GLEP 2014)</i></li> <li>• <i>Gosford Development Control Plan 2013 (GDCP 2013)</i></li> <li>• <i>Draft Central Coast Local Environmental Plan (CCLEP)</i></li> </ul>
<b>Current Use</b>	Vacant Land
<b>Integrated Development</b>	No
<b>Submissions</b>	Ten (10) public submissions were received during the first notification period. Eleven (11) public submissions were received in the second public notification period.

**3.2 DA/54334/18 - Proposed Dwelling, Carport & Swimming Pool at 48 High View Road Pretty Beach (contd)**

**Variations to Policies**

Gosford Local Environmental Plan 2014

Clause	4.3 - Height of Buildings
Standard	Maximum Building Height – 8.5m
Departure basis	The proposal seeks a maximum height of 9.15m. It represents a variation of 0.65 m or 7.6% at the highest point.

Gosford Development Control Plan 2013

Clause	3.1.2.1 – Building Height
Standard	Maximum Building Height – 8.5m Maximum of three storeys where site constraints such as slope exist.
Departure basis	The proposal seeks a maximum height of 9.15m. It represents a variation of 0.65 m or 7.6% at the highest point. The dwelling is predominately two storey with a part three storey section to allow for the stair access to all levels.

Clause	3.1.3.1a – Front Setback
Standard	The permissible front setback is 7.1m. This is the average of the two adjoining properties (excluding the carport built forward of the boundary line) The permissible setback for a proposed carport structure shall be 1m behind the front boundary setback; in this case the carport should have a front setback of 8.1m
Departure basis	The proposal seeks a front setback of 1m to the front of the carport. It is a variation of 86%.

Clause	3.1.3.1c – Side Setback
Standard	The permissible side setback is 1.4m based on the wall height of 6.5m.
Departure basis	The proposal seeks a side setback of 1.225m for a wall length of three metres. This represents a variation of 0.175m or 12.5%. The variation occurs for a wall length of 3m which represents 10% of the length of the dwelling.

**3.2 DA/54334/18 - Proposed Dwelling, Carport & Swimming Pool at 48 High View Road Pretty Beach (contd)**

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**The Site**

The site is known as No. 48 High View Road, Pretty Beach and is located on the eastern side of High View Road. It site is rectangular in shape and has an overall area of 777.7m<sup>2</sup> with a street frontage of 12.825m and an average depth of 51.695m.

The site slopes from southwest (street level) to the northeast (rear boundary) at an average of approximately 30° and is mostly cleared (Photo 1).



**Photograph 1: Photo taken from the street looking eastwards down the property.**

### 3.2 DA/54334/18 - Proposed Dwelling, Carport & Swimming Pool at 48 High View Road Pretty Beach (contd)

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The site is undeveloped with a poor quality spotted gum tree approximately 9m high located within the allotment at the front of the property is to be removed. The tree is shown in the left side of Photograph 1. Near-by spotted gum trees located within the road reserve as detailed in Figure 1 are located far enough away from the proposed construction to not be adversely impacted by the works.



**Figure 1 – Aerial view of High View Rd with the site highlighted in light blue.**

The site is zoned R2 Low Density Residential under GLEP 2014.

The site is mapped as bushfire prone land on Councils maps. The proposal has been considered against the provisions of *Planning for Bush Fire Protection 2006* prepared by the NSW Rural Fire Service with the appropriate construction requirements of Bushfire Attack Level 19 to the south and west elevations and Level 12.5 to the north and east elevations to be included on any consent.

#### **Surrounding Development**

The surrounding development consists of single dwellings within the R2 zone. The dwellings are stepped down the hillside with decks/balconies to the rear taking advantage of the views to Brisbane Water and Bouddi National Park.

The surrounding residential development is characterised by a blend of one, two and three storey dwelling-houses ranging from modest holiday bungalow style homes to large contemporary dwellings (Figure 2).



3.2 DA/54334/18 - Proposed Dwelling, Carport & Swimming Pool at 48 High View Road Pretty Beach (contd)



Figure 2 – Aerial image of the surrounding residential development.

The Proposed Development

The proposal seeks the approval of a three storey dwelling, carport and swimming pool which will be located towards the front of the allotment with a twenty metre rear setback (see Figure 3). It is proposed to have two covered car parking spaces consisting of a double carport fronting High View Road.

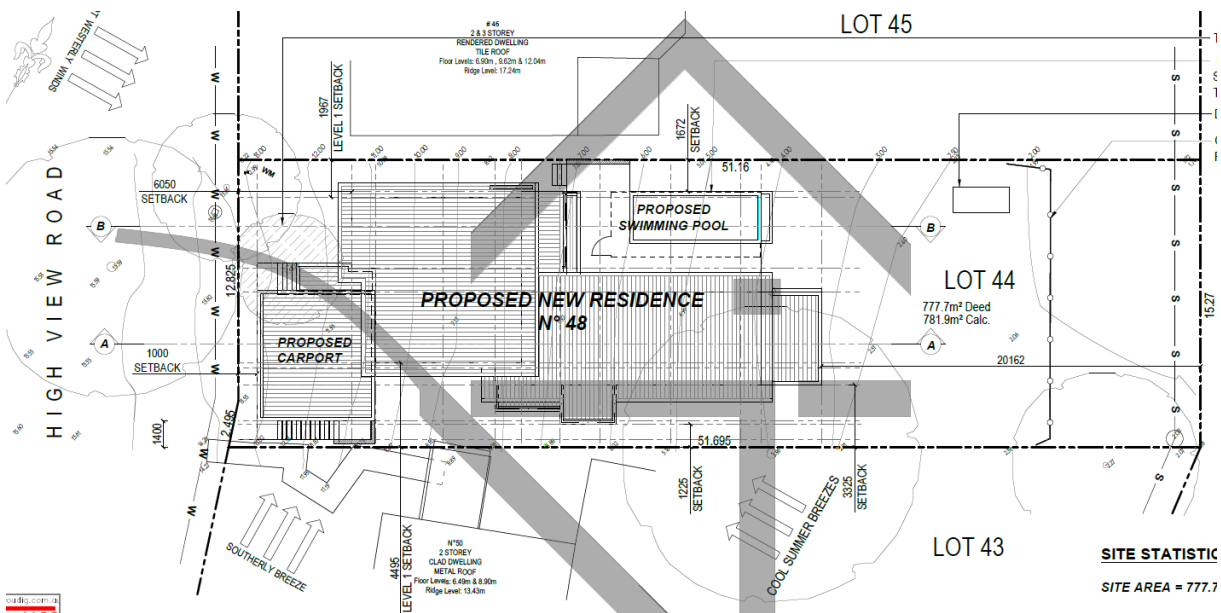
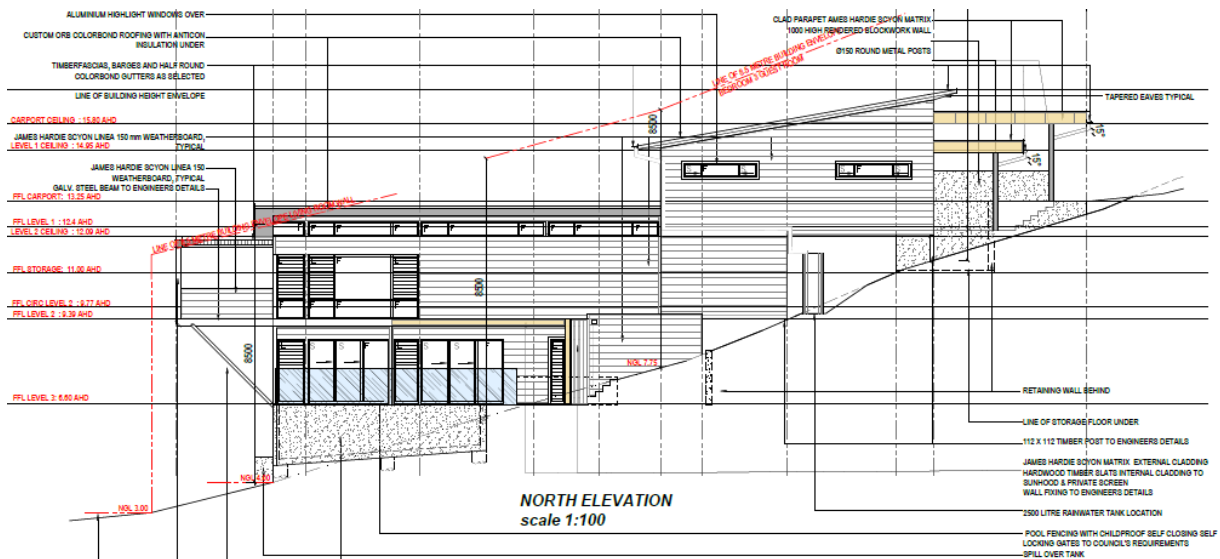


Figure 3: Site Plan No. 48 High View Road Pretty Beach







**Figure 6 – North elevation presenting building height encroachment**

## History

A two storey dwelling was granted development consent in 2001. The dwelling approved had an overall building height of 8.9m and a front setback of 0.5m to the garage.

The dwelling was never constructed and the development consent lapsed.

## Submissions

### Public Consultation

The development was first notified in accordance with Chapter 7.3 of GDCP 2013. The notification period was from 14 May 2018 to 28 May 2018. Council received a total of ten (10) submissions. Minor changes were then made to the application and it was re-notified from 21 September 2018 to 5 October 2018 with a total of eleven (11) submissions being received. A summary of the submissions are detailed below.

1. Inaccurate information submitted in the Statement of Environmental Effects

### Comment

An amended Statement of Environmental Effects (SEE) has been submitted which references the correct Development Control Plan and Local Environmental Plan, which more accurately describes the proposed development and nominates the correct building level's. The SEE now includes detailed requests for variations to the development standards and describes how the proposal meets and addresses the objectives. The amended SEE is considered accurate.

2. The development being over the height requirement

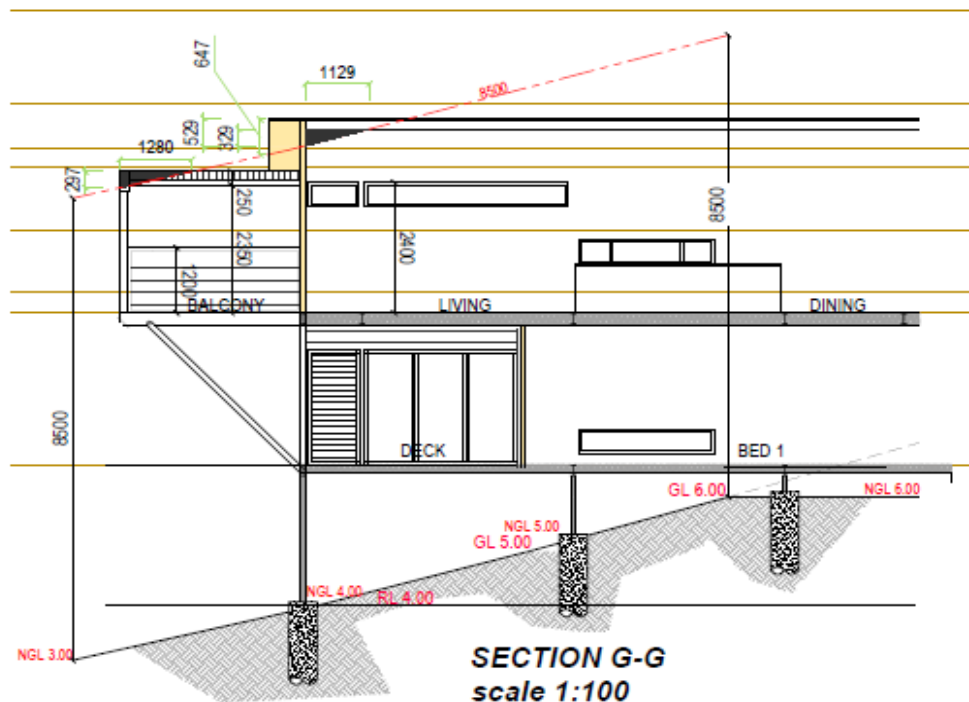
### 3.2 DA/54334/18 - Proposed Dwelling, Carport & Swimming Pool at 48 High View Road Pretty Beach (contd)

#### Comment

The statement by the customer is correct. The development proposes a minor variation to the height standards specified in the *GLEP 2014* and *GDCP 2013*. The variation occurs toward the middle of the allotment. The exceedance is 0.65m which represents a 7.6% variation to the numeric standard with the height being at the most 9.15m.

A sectional plan, (Figure 7) demonstrates the insignificant impact of the height variation. The encroachment would not be noticeable in the overall development as the extra height spans no more than 1.15m. The roofing encroachment is located towards the centre of the lot and does not cause any unreasonable amenity impacts to the neighbouring properties or public domain.

The development responds to the steep topography of the allotment by stepping down the site and using low environmental impact construction. The height of the building remains under the tree canopy and is in keeping with the height of dwellings that have been erected along the hillside of Pretty Beach.



**Figure 7 – Section drawing presenting building height encroachment**

3. Potential loss of view from No.52 High View Road

### 3.2 DA/54334/18 - Proposed Dwelling, Carport & Swimming Pool at 48 High View Road Pretty Beach (contd)

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#### Comment

A view sharing assessment was undertaken as part of the assessment specifically for the properties at No. 50, 52, 54, 56 & 58 High View Road.

The proposal has a rear setback of 20 metres allowing for significant view sharing corridor. Figure 8 gives an indication as to where the setback of the proposed dwelling will be built up to and also the extent of the unbuilt land. Chapter 3 of *GDCP 2013* allows for the dwelling to be built up to 6 metres from the rear boundary.



**Figure 8 – Indication of the siting of the proposed dwelling having a rear setback of 20m.**



**3.2 DA/54334/18 - Proposed Dwelling, Carport & Swimming Pool at 48 High View Road Pretty Beach (contd)**

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The ridge height of the rear part of proposed dwelling is approximately RL13.15m. The existing adjacent dwelling at No. 50 High View Road has a roof ridge height of RL13.43m. The view loss was assessed from the deck at the rear of the dwelling and all windows on the northern elevation of No. 52 currently are situated above the ridge height of the adjacent property at No. 50. The views from No. 52 will be maintained over the top of the proposed development at No. 48 High View Rd as can be seen in Photograph 2 & 3.



**Photograph 2: Deck of No. 52 High View Road positioned above the ridge line of No. 50 High View Rd.**



**Photograph 3: Dwelling No. 50 High View Rd with deck of No. 52 in the right hand top corner of the photo.**

4. Privacy loss

Comment

The height of the living areas and balconies allow for views to be maintained to Brisbane Water and Bouddi National Park over the rooftops of properties along Venice Road. The balustrading to the rear deck has been amended to ensure that it is not transparent and will provide screening to surrounding properties. The balcony is setback six (6) metres from the side and twenty (20) metres to the rear boundary and is fully compliant with the setback provisions of the *GDCP 2013*.

Existing mature trees located along the rear and side boundaries will assist by providing additional screening. The surrounding properties decks/balconies do not have privacy screens. Decks without privacy screens are consistent with surrounding dwellings.





**Photograph 4: A Photo taken from the highest point on the allotment of No. 48 High View Road having a relative level of approximately RL13.5m, the properties marked with a red X indicate the properties that have raised concerns with regards to privacy.**

Submissions were received from properties at No. 41, 42, 43, 44, 45 & 49 Venice Street Pretty Beach (see Photo 4).

The proposal has a rear deck with a floor level of RL9.39m AHD. The floor level is similar to that of the adjacent property No. 50 High View Rd being RL8.9m located approximately 7m from the proposed dwelling. Photograph 5 taken from the rear deck of No. 50 High View Rd. It demonstrates low level impacts to privacy will be caused to No. 41, 42, 43, 44, 45 & 49 Venice Street.



**Photograph 5: Photo taken from a standing position from No. 50 High View Rd, floor level RL8.9m**

### 3.2 DA/54334/18 - Proposed Dwelling, Carport & Swimming Pool at 48 High View Road Pretty Beach (contd)

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The topography of the lot is steep which naturally causes overlooking of the lower properties below. There is significant vegetation at the rear of the property that will be maintained.

The windows of level 1 of the proposal face east, include bedrooms only and are not considered to create unreasonable privacy issues due to the low use of these rooms.

The living area and deck are located further down the allotment giving them a lower floor height and reducing the privacy impact to adjacent properties at the rear. The living room windows facing east towards the Venice Street properties are screened by the proposed balustrading to the deck off this living area.

The twenty (20) metre rear setback proposed combined with the reduced floor height prevents any privacy impacts upon No. 42 & 44 Venice Street on the western side of Venice Street. Should any overlooking occur it will be of the street frontage and will not extend over the roof tops to the rear private open space areas.

As indicated in Photograph 6, the floor of the deck at No. 52 High View Rd sits above the dwelling at No. 50 High View Rd and the proposed dwelling at No. 48 High View Rd. The properties in Venice Street will remain protected by the existing vegetation. The solid balustrade will assist with maintaining privacy from the rear deck.



**Photograph 6: Photo taken from rear deck of No. 52 High View Rd, floor level approximately RL13.5m well above that of the proposed deck at No. 48 High View Rd being RL9.39m.**

Photographs 5 & 6, No. 50 High View Road and No. 49 Venice Street show existing vegetation. Private open space of No. 41, 43 & 49 Venice Street will be completely screened by vegetation. Vegetation will be retained providing privacy protection.



### 3.2 DA/54334/18 - Proposed Dwelling, Carport & Swimming Pool at 48 High View Road Pretty Beach (contd)

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The property located directly adjacent the rear boundary at No 45. Venice Street will receive partial screening by vegetation. There will be some unavoidable privacy impacts due to the proposed development being sited higher up the slope.

The balustrade on the deck located on the eastern elevation is proposed to be constructed from non-transparent materials preventing the direct overlooking of No. 41, 43, 45 & 49 Venice Street from a sitting position on the deck or a standing position in the living room.

#### 5. Non-compliance with Councils building envelope requirement

##### Comment

The proposal has a minor encroachment to the side boundary setback (0.175m) and a minor encroachment to the building height (0.65m) provision of Chapter 3 of the *GDCP 2013*. The front setback encroachment results from the dwelling being brought forward due to site constraints. The carport as proposed is open style and will not dominate the streetscape (see Site Plan in Figure 3).

The neighbouring property at No. 50 High View Road has a carport forward of the proposed carport of No. 48 High View Road.

The minor encroachment on the building envelope is considered acceptable. The assessment gave consideration to the topography of the site and the potential impact to neighbours with regards to overshadowing, privacy, view sharing and amenity. The assessment concluded that regardless of minor overshadowing, any impacts from the proposed development are reasonable for a dwelling given the residential nature of an area zoned R2 Low Density Residential.

#### 6. Size and bulk of the development

##### Comment

The proposal is consistent with development in the immediate vicinity and within the Pretty Beach/Killcare hillside locale. It incorporates a split level design that reduces the height and bulk by stepping down the site, provides for significant open space and landscaping areas with site coverage well under the permissible planning controls.

The proposal generally complies with the *GDCP 2013* planning controls, site coverage, rear setbacks and floor space ratios. The development is considered to be consistent with surrounding residential development in respect of building height, building setbacks, articulation and the building character being consistent with the Pretty Beach Woodland Hillside desired character. The bulk and nature of the proposed building is consistent with other development in the locality. It is therefore considered consistent with the character of the High View Road area. There is further information about the character assessment below in the report.

### 3.2 DA/54334/18 - Proposed Dwelling, Carport & Swimming Pool at 48 High View Road Pretty Beach (contd)

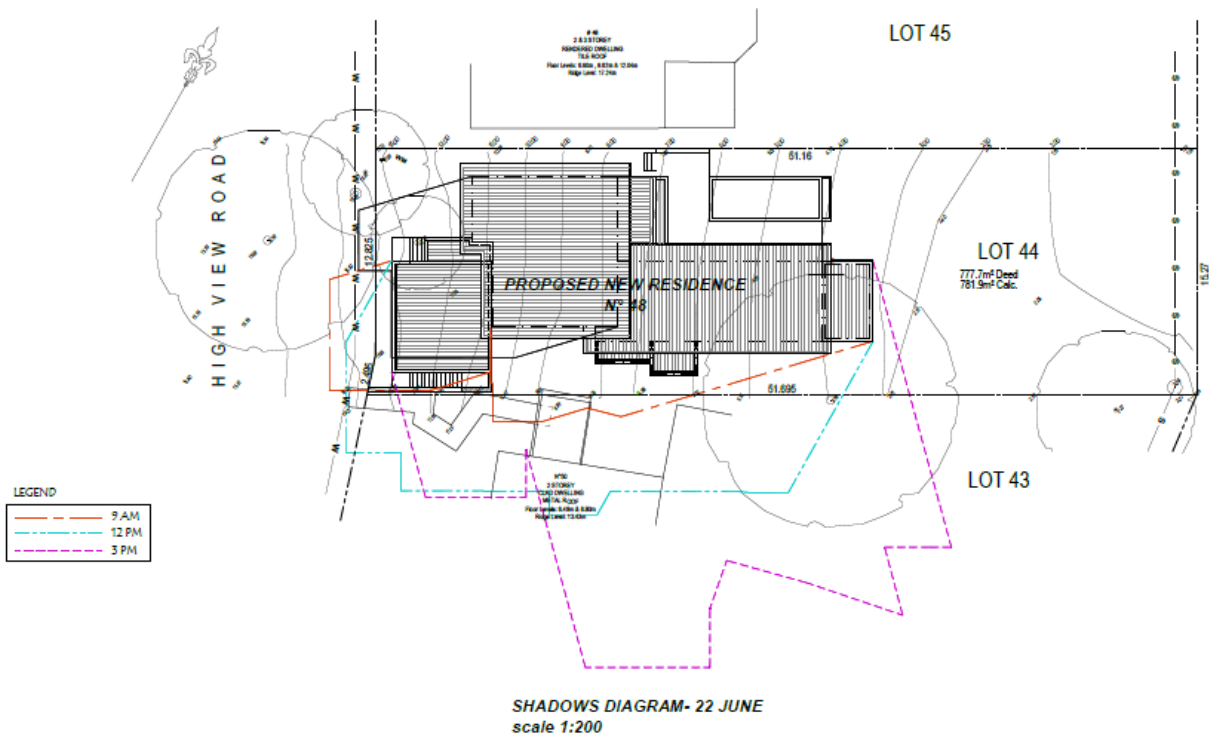
#### 7. Overshadowing

##### Comment

Chapter 3 of GDCP 2013, Sunlight Access requires that on June 21, 50% of the required principal private open space area for all dwellings should receive at least 3 hours of unobstructed sunlight access between 9am and 3pm.

The proposed dwelling will have no impact on the morning solar access to the principal open space of No. 50 High View Road between 9am and 12 midday. Overshadowing will occur from midday onwards due to the north-east / south-west orientation of the lots in this area. The shadow cast by the two storey home is acceptable.

The rear deck of No. 50 High View Road is shaded by its roof and only a portion of the staircase is afforded sunlight. As such the private open space of the dwelling will not be affected by the shadowing. See Fig 9 Shadow diagrams below.



**Figure 9 – Shadow diagrams detailing the solar access from midday on.**

#### 8. Noise from the swimming pool

##### Comment

Consideration was given to the objectors request to relocate the pool and have it positioned towards the rear of the property away from the adjacent bedroom.

### **3.2 DA/54334/18 - Proposed Dwelling, Carport & Swimming Pool at 48 High View Road Pretty Beach (contd)**

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The pool is moderate in size and is an appropriate ancillary development associated with a dwelling-house. The pool will be used for residential purposes only and it is anticipated that the noise generated from the pool would be consistent with noise generated by any residential property.

The pool filtration equipment and pump is proposed to be located within a pool pump enclosure under the deck on the southern side of the pool and situated in the middle of the property.

Condition 6.1 has been included in the draft consent conditions to require the pool filtration equipment and pump to be insulated or isolated so as not to create offensive noise.

#### **Internal Consultation**

##### Tree Assessment

There is one small native tree to be removed as part of this proposal. There is one tree on the adjacent property which requires a limb to be lopped.

Lopping the tree branch to the property boundary is exempt development due to the proximity to the proposed dwelling. The tree branch may only be pruned up to the property boundary.

Council's Tree Assessment Officer has reviewed the application and supports the proposed development subject to conditions relating to pruning and removal of lower over hanging branches to the neighbour's tree. A condition has been placed to require the replacement of a spotted gum tree prior to the issue of the Occupation Certificate. (Conditions 3.10, 3.11, 3.12, 4.15, 4.16 & 5.10)

#### **Ecologically Sustainable Principles:**

The proposal has been assessed having regard to ecologically sustainable development principles and is considered to be consistent with the principles.

The proposed development incorporates satisfactory stormwater drainage, erosion control measures that will be required during construction. It is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for future generations.

The proposal does not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments.

#### **Climate Change**

The potential impacts of climate change on the proposed development have been considered as part of its assessment of the application.

### 3.2 DA/54334/18 - Proposed Dwelling, Carport & Swimming Pool at 48 High View Road Pretty Beach (contd)

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The assessment included consideration to such matters as potential rise in sea level; potential for more intense and/or extreme weather conditions including storm events, bushfires, drought, flood and coastal erosion.

The proposed development is considered satisfactory in relation to climate change.

#### **Assessment:**

Having regard for the matters for consideration detailed in Section 4.15 of the *Environmental Planning and Assessment Act 1979* and other statutory requirements, Council policies and Section 10.7 Certificate details, the assessment has identified the following key issues.

#### ***State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004***

The application is supported by a BASIX certificate which confirms the proposal will meet the NSW government's requirements for sustainability, if built in accordance with the commitments in the certificate.

The proposal is considered to be consistent with the requirements of *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*.

#### ***State Environmental Planning Policy (Coastal Management) 2018***

The proposed development is consistent with the provisions of SEPP Coastal Management.

#### ***Gosford Local Environmental Plan 2014***

##### Permissibility

The subject site is zoned R2 Low Density Residential under *GLEP 2014*. The proposed development is defined as a Dwelling House which is permissible in the zone with consent.

##### Objectives of Zone

The objectives of the R2 Low Density Residential zone under *GLEP 2014* are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents. To ensure that development is compatible with the desired future character of the zone.*
- *To encourage best practice in the design of low-density residential development. To promote ecologically, socially and economically sustainable development and the need for, and value of, biodiversity in Gosford.*
- *To ensure that non-residential land uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for low-density housing.*

**3.2 DA/54334/18 - Proposed Dwelling, Carport & Swimming Pool at 48 High View Road Pretty Beach (contd)**

The proposal is consistent with the stated objectives of the zone and consistent with the principles of Ecologically Sustainable Development as specified within the *Local Government Act 1993*.

Development Standards

<b>Development Standard</b>	<b>Required</b>	<b>Proposed</b>	<b>Compliance with Controls</b>	<b>Variation %</b>	<b>Compliance with Objectives</b>
4.3 – Height of buildings	Maximum building height of 8.5 metres	9.15 metres to the ridge	No – see comments below	7.6 %	Yes – see comments below
4.4 – Floor space ratio	0.5:1 maximum	0.36:1	Yes		Yes

As shown in the above table, the proposal does not comply with the building height development standard permitted under GLEP 2014.

Clause 4.3 Mapped Height Variation

The applicant seeks a variation to Clause 4.3(2) of *GLEP 2014* in relation to the proposed maximum height of the dwelling. The overall height maximum is 9.15 metres. The mapped height limit is 8.5m, the proposed height is 9.15m which is 650mm over or an 7.6% variation.

The variation is considered minor (see Figure 7).

Clause 4.6 Exceptions to development standards

Clause 4.6 of GLEP 2014 requires consideration of the following:

1. *Has the applicant submitted a written request that seeks to justify the contravention of the development standard by demonstrating:*
  - a. *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
  - b. *that there are sufficient environmental planning grounds to justify contravening the development standard?*

The applicant has provided a detailed request to vary the mapped height development standard by the proposed 7.6%. The applicant suggests:

- The physical departure from the numerical measure is negligible. The height plane illustration prepared by the architect indicates that the portion of the dwelling house

### 3.2 DA/54334/18 - Proposed Dwelling, Carport & Swimming Pool at 48 High View Road Pretty Beach (contd)

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above the 8.5m plane entails a minor portion of the roofing over the front balcony only (refer Figure 7).

- The development responds to the steep topography of the site (approximately 30% fall) which makes designing within an 8.5m height plane somewhat restricting with most dwelling-houses established along the hillside of Pretty Beach breaching the 8.5m height plane. The dwelling-house has been designed to step down the slope of the land with a balance of pier and beam footing and a small section of excavation to allow a practical design whilst maintaining a low profile.
- The height of the buildings remains under the tree canopy and is compatible height of dwelling-houses that have been erected along the hillsides of Pretty Beach and Wagstaffe that are sited upon steep lots.
- The additional height provides an improved internal amenity for the dwelling-house whilst not imposing amenity impacts to the neighbours or the public domain.
- The roofing encroachment is located towards the centre of the lot and does not entail any unreasonable amenity impacts to the neighbouring properties or public domain.
- The area of the dwelling-house that project outside the height envelope includes a small portion located within the centre of the site that does not include floor area.
- The proposal represents a minor exceedance of 0.65m or 7.6% to the numeric 8.5m height of building development standard of the GLEP 2014. To demonstrate the insignificant impact of the variation the elevation is produced in Figure 7 (section G-G). The plans demonstrate that minor section of roof over the elevations would be unnoticeable in the development.

#### Comment

In terms of the proposed design, it is noted that the height exceedance is at 0.65m across the ridge situated in the middle of the allotment (see Figure 5, 6 & 7).

The height of the dwelling will be consistent with others on the hillside. The proposal meets the relevant zone objectives as it does not cause view loss impacts to the adjoining properties.

The proposed development is consistent with the height and scale of other dwellings within the immediate area. In addition, the development would not impose any additional detrimental impact on the amenity of residents in nearby dwellings

Having regard to the site factors, minimal impacts on the character of the area and that of the residents, the applicants request to vary the height development standard is considered reasonable.

### 3.2 DA/54334/18 - Proposed Dwelling, Carport & Swimming Pool at 48 High View Road Pretty Beach (contd)

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2. *Is the proposed development in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out?*

#### Comment

The development is consistent with the planned residential densities and heights of other dwellings in the surrounding area of the subject site.

The design is considered compatible with the desired future character of the locality.

The scale and bulk of the development is consistent with other development within the local area, in particular with dwellings erected along the Pretty Beach, Wagstaffe, Hardys Bay and Killcare hillsides. The development will not unreasonably impact on the amenity to the adjoining properties with regards to overshadowing, view sharing and privacy.

As the dwelling is compliant with the objectives of the GLEP 2014 R2 Low Density Residential Zone objectives, granting an approval is within the public interest.

3. *Has the concurrence of the Secretary been obtained?*

#### Comment

Planning Circular PS 18003 issued 21 February 2018 states that a delegate of Council may not assume the concurrence of the Secretary when considering exceptions to development standards under clause 4.6 if the development contravenes a numerical standard by greater than 10%. The purpose of the restriction is to ensure the variations greater than 10% are considered by the Council.

The dwelling and associated carport do not exceed the numerical standard by more than 10% and does not require variations greater than 10% to be considered by Council.

The development will not have unreasonable impacts on the neighbouring residents or character of the area and remains consistent with the objectives of the development standards and objectives of the R2 Low Density Residential zone under GLEP 2014

The requests for variations to Development Standards, *Building Height* and *Floor Space Ratio* under Clause 4.6 of GLEP 2014 are considered to be reasonable.

proposal is considered to have adequately justified the request for the variation and compliance with the development standards is unreasonable or unnecessary.

## **Gosford Development Control Plan 2013 (GDCP 2013)**

### **Chapter 2.1 Character**

The site is located within the Pretty Beach 4: Woodland Hillside precinct of Pretty Beach. The desired character of this precinct states:

*"Avoid disturbing natural slopes and trees by appropriate siting of structures plus low-impact construction such as suspended floors and decks rather than extensive cut-and-fill. On the steeper sites, locate parking next to the street in structures that are designed to blend with their natural setting. Avoid the appearance of a continuous wall of development along any street or hillside by locating buildings within setbacks that are similar to their surrounding properties, and by providing at least one wide side setback or stepping the shape of front and rear facades."*

The desired character of the area promotes residential properties with retention of the natural and scenic characters of wooded hillside properties.

The area has unformed road verges by retaining natural slopes and the continuity of the tree-canopy provided by existing remnants.

As shown in Photo 1, the site is predominately void of established vegetation through the centre. The proposal will require the removal of one poor quality spotted gum tree which is considered to be of low significance. All other quality vegetation will be retained with the siting of the dwelling being such that the construction will not adversely impact on these trees.

The dwelling is set down the hillside below street level and located with a front setback similar to the existing surrounding dwellings to avoid steep driveways that would visibly compromise the existing bushy hillside character. An open style carport in lieu of a garage is proposed consistent with that surrounding and in keeping with the existing woodland hillside character being *"garages are generally open carports sited beside the street, free-standing or attached to dwellings that are sited below the street"*.

The development is sympathetic to the natural environment, with earthworks being minimized by stepping the floor levels down the site. The proposal is in keeping with the existing character being *"medium-sized pole homes of two to three stepped storey's"*. The design includes suspended floors and decks set on poles which are stepped down the hillside.

The topography of the land and the design permits for a pool to be placed with minimal excavation being required. Further the dwelling has been designed to ensure limited retaining walls to side boundaries with the majority of retaining walls within the building envelope.



**3.2 DA/54334/18 - Proposed Dwelling, Carport & Swimming Pool at 48 High View Road Pretty Beach (contd)**

The scale and bulk of the dwelling is reduced by stepping floor-levels to follow the natural slope of the land and using irregular floorplans to create well-articulated forms. The dwelling will sit below that of the adjacent property at No. 46 High View Rd and will be inline with the natural slope of the land. The proposed dwelling will have a building height consistent with that at No. 50 High View Rd.

The proposed dwelling design has included features consistent with the desired character of the precinct.

**Chapter 3.1 Dwelling Houses, Secondary Dwellings & Ancillary Development**

<b>Chapter 3.1</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
Clause 3.1.2.1 Building Height	Three storeys on steeply sloping sites  8.5 metre maximum building height	The dwelling has three storeys in part to allow for the stair to access the levels  9.15 metres	Yes – comments below  No – comments below
Clause 3.1.2.2 Site Coverage	Maximum 60% site coverage on land size less than 450m <sup>2</sup>	Less than 40% site coverage	Yes
Clause 3.1.2.3 Floor Space Ratio	0.5:1 floor space ratio	0.36:1 floor space ratio proposed	Yes
Clause 3.1.3.1a – Front Setback	The permissible front setback is 7.1m. This is the average of the two adjoining properties  Garage setback to be setback 1.0 metre behind front boundary setback	1 metre to the front carport  Carport is forward of the proposed dwelling on the allotment	No – comments below  No – comments below
Clause 3.1.3.1b – Rear Setback	6m Rear setback to a private allotment with a wall height greater than 4.5m	20 metres	Yes

Chapter 3.1	Requirement	Proposed	Compliance
Clause 3.1.3.1c – Side Setback	Side boundary setback of the northern elevation is 1.625m (with a wall height of 7.4m) to southern boundary to dwelling 2.067m (with a wall height of 9.17m) upper floor butlers pantry is 1.4m (with a wall height of 6.5m).	Northern elevation - 1.672 metres  Southern elevation to dwelling – 3.325 metres  Upper floor butler's pantry - 1.225 metres	Yes  Yes  No – comments below
Clause 3.1.4.1	To encourage view sharing between properties	Meets the requirements for view sharing under the NSW Land and Environment Court Planning Principles	Yes
Clause 3.1.4.2 Visual Privacy	To minimise direct overlooking between main living areas and areas of principle private open space within the site and adjoining sites	Given the steep topography of the site, the proposal is considered to meet the requirements of this clause.	Yes
Clause 3.1.5 – Car Parking and Access	2 car spaces	2 car spaces	Yes
Clause 3.1.6 Earthworks, Structural Support and Drainage	Cut – 3m if more than 1m from the boundary	Less than 2 metres over the central portion of the development.	Yes
Clause 3.1.6.2 Retaining Walls and Structural Support	Retaining wall greater than 600mm in height shall be designed by a structural Engineer.	Architectural Plans note that Engineering details will be provided at CC stage, consent to be conditioned	Yes

#### Clause 3.1.2.1 Building Height

The proposed development seeks variation to the permitted number of storeys and the maximum building height.

Chapter 3.1 of GDCP 2013 permits 3 storeys on steeply sloping land and a maximum building height of 8.5m. The proposed development is 3 storeys in part with a maximum building height of 9.15 metres as shown in Figure 7.

### **3.2 DA/54334/18 - Proposed Dwelling, Carport & Swimming Pool at 48 High View Road Pretty Beach (contd)**

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The proposed multi-level design is consistent with other developments in the vicinity of the site given the topography of the area. As an example, the dwelling to the north has three levels.

The proposal when viewed from the High View Road would be perceived as having one level and is predominately two storey with a third storey being created by the placement of a stair well to enable access all levels. The proposed variation related to number of storeys is acceptable.

An assessment of the building height has been carried out under GLEP 2014. In terms of the proposed design, it is noted that the height exceedance is at 0.647m across the ridge and will be consistent to the height of other buildings on the hillside. The proposal meets the relevant zone objectives and does not cause view loss impacts to the adjoining properties.

The applicants request to vary the development standard would result in a dwelling which is consistent to the height and scale of other dwellings within the immediate area. It would not impose any detrimental impact on the amenity of residents in nearby dwellings.

The assessment identified the steepness of the site contributes to the difficulty in complying with the height controls and strict compliance with the set standards is not warranted.

Having regard to the site factors, minimal impact on the character of the area, the variation to the building height development standard is reasonable.

#### Clause 3.1.3.1a – Front Setback

The proposed development seeks variation for the front setback to High View Road.

Development of the subject lot is constrained due to the slope of the land, therefore car parking behind the required setback is impractical. The proposal is to have two parking spaces on the site which is adequate as High View Rd is narrow and street parking is limited. Garages and parking structures forward of the building line are a consistent part of the established High View Road streetscape.

The variation on the western boundary line where the proposed carport has a front setback of 1m in lieu of the required 8.1m, a variation of 86%. The proposed carport is an open style design and will not detract from the architectural merit of the existing streetscape. The steep topographical constraints restrict the ability the carports to be located behind the building line.

The property at No. 50 High View Road has an existing carport sited forward of the building line. The carport proposed at No. 48 High View Road is set back from the road way. A double carport was approved in 2007 at No. 44 High View Road with a zero front setback.

## **3.2 DA/54334/18 - Proposed Dwelling, Carport & Swimming Pool at 48 High View Road Pretty Beach (contd)**

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The proposed variation is considered to achieve the objectives of Chapter 3.1 of GDCP 2013 by ensuring the setback is compatible with adjacent development and complements the character and streetscape.

### Clause 3.1.3.1 – Side Setback

The proposed development seeks a variation to the permitted side boundary setbacks as a result of the building's height. In considering the requested variation, a review of the proposal in terms of the relevant objectives of Chapter 3.1 of GDCP 2013 is necessary. Relevant objectives of Chapter 3.1 are as follows:

- *To ensure that setbacks are compatible with adjacent development and complements the character, streetscape, public reserve, or coastal foreshore*
- *To protect the views, privacy and solar access of adjacent properties*
- *To maintain view corridors to coastal foreshores and other desirable outlooks*
- *To provide appropriate articulation of facades and horizontal elements reduce the appearance of bulk and provides visual interest to the building and subsequent streetscape where they face a street frontage/s.*

The side setbacks to the dwelling are generally compliant with the provisions of the *GDCP 2013* being 1.672 metres to the northern boundary and 3.325 metres to the southern boundary.

The butler's pantry wall is 1.225m in lieu of the required 1.4 m from the boundary which is a variation of 12.5%. The wall is compliant with the building height and will not create any overshadowing impacts. It also assists in providing articulation to the southern façade of the dwelling.

The extent of the encroachment only relates to a small section of the building having a depth of 3 metres. The encroachment on the building setback is unlikely to have any significant impact on the adjoining properties.

The proposed variation is considered to achieve the objectives of Chapter 3.1 of GDCP 2013.

### Clause 3.1.4.1 – View assessment

Clause 3.1.4.1 of Chapter 3.1 – Dwelling Houses, Secondary Dwellings and Ancillary Structures requires the design of new buildings to have regard to existing views enjoyed by surrounding properties.

The primary view lines of adjacent properties will be maintained where possible and view sharing will be maintained whilst not restricting the reasonable development of the site.

### 3.2 DA/54334/18 - Proposed Dwelling, Carport & Swimming Pool at 48 High View Road Pretty Beach (contd)

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For the purpose of this assessment, the planning principles established by the Land and Environment Court have been considered. The Court adopted a four-step assessment process for determining potential impacts on existing views and is detailed as follows.

Step 1: Determining the type of view to be affected.

The first step is to consider the type of view to be affected. Water views are valued more highly than land views. Whole views are valued more highly than partial views, eg. A water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

Step 2: Determining how reasonable it is to retain the view.

The second step is to consider from what part of the property the views are obtained. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant.

Step 3: Assessing the extent of the impact.

The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

Step 4: Assessing the reasonableness of the proposal.

The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact could be considered unreasonable.

With a complying proposal, the question should be, whether a more skillful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is "no", then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

#### No. 50 High View Road

The neighbour at No. 50 has lodged an objection relating to potential loss of view from the rear deck.

Step 1: Determining the type of view to be affected.

The view obtained to the north may be described as scenic. The distant water views as indicated in Photo 7 are obscured by development and cannot be considered to be iconic.

### 3.2 DA/54334/18 - Proposed Dwelling, Carport & Swimming Pool at 48 High View Road Pretty Beach (contd)

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Step 2: Determining how reasonable it is to retain the view.

The views are currently obtained from a sitting and standing position from the entertaining deck. The deck is located on the upper floor of the east elevation and is available across the side boundary of No. 48 High View Road over the subject site. It is not reasonable to retain the view as it is across a side boundary.

Step 3: Assessing the extent of the impact

The proposal will result in the loss of the view over an adjacent vacant lot with scenic views of native landscaping. The view to the north will be impacted. The influence on the views to the north east will be negligible. See Photo 7 & 8 below.



**Photograph 7: Views from upper level balcony to the north across the side boundary. This view will be affected.**



**Photograph 8: Views to the north east across the side boundary of No. 48 High View Rd. Partial view will be affected.**

Step 4: Assessing the reasonableness of the proposal.

The proposal seeks variation to the planning controls, with respect of the minor encroachment on the building height, side setback and the reduced front setback. These variations have no impact upon the expected view loss on the adjoining property.

The design has incorporated a twenty (20)m rear setback to assist in maintaining the existing corridor for views and landscaping. It demonstrates that the building design has considered and addressed the view sharing.

While the view loss to the north will be significant, it is obtained across a side boundary which is difficult to protect. The expectation to retain side views is unrealistic.

As shown above (Figure 1 and Photo 7), the objector's property is located south of the subject allotment and they are concerned about the view loss to the north (across a side boundary).

Assessment of the view loss for No. 50 High View Road is considered to be reasonable. The views from the deck will be impacted to the north, however, will be maintained to the north east due to the large rear setback of the proposal. The property enjoys the vegetation corridor across the rear of the site which will remain unaffected by the development.

The area of the development which affects the views is compliant with the development controls. It is considered that the proposal is satisfactory in this regard and the impact upon the northern view is reasonable.

### 3.2 DA/54334/18 - Proposed Dwelling, Carport & Swimming Pool at 48 High View Road Pretty Beach (contd)

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#### No. 52 High View Road

The neighbour at No. 52 has lodged an objection relating to potential loss of view from the rear deck, as the proposal will impact views currently obtained to the north.

Step 1: Determining the type of view to be affected.

The view is described as scenic with water views. The water views are distant and obscured by previous residential development. The views cannot be considered to be iconic.

Step 2: Determining how reasonable it is to retain the view.

The views are currently obtained from an entertaining deck on the upper floor of the east elevation of the residence. The view is obtained across the side boundary of No. 48 High View Road over the subject site.

Step 3: Assessing the extent of the impact.

The proposal allows for the views to be maintained (Photo 9). The views from the deck will not be affected by the proposal.

The view from the ground floor level deck to the north will be effected as indicated in Photo 10, with view to the north east past the proposal being retained. All views affected are attained across the side boundary. The view loss is considered negligible to minor.



**Photograph 9: Views from the entertaining deck of No. 52 High View Rd across the roof of No. 50 High View Rd.**





**Photograph 10: View from the lower ground level across the side boundary of No. 50 & 48 High View Rd**

Step 4: Assessing the reasonableness of the proposal.

The proposal seeks variation to the planning controls, with respect of the minor encroachment on the building height, side setback and the reduced front setback. These variations have no impact upon the expected view loss. The design has incorporated a twenty (20) metre rear setback to assist in maintaining the existing corridor for views and landscaping. The building design has considered and addressed the view sharing.

The assessment of the view loss of No. 52 High View Road concludes the impacts are reasonable. The views will be maintained for the top floor deck while views from the lower space that is a secondary living space, will only be lost to the North and will be maintained to the North East due to the large rear setback of the proposal.

#### No. 54 High View Road

The neighbour at No. 54 has lodged an objection relating to potential loss of view from the dwelling balcony, as the proposal will affect views currently obtained to the north.

Step 1: Determining the type of view to be affected.

The proposal will result in the loss of distant views, consisting of open space containing native vegetation. The view is described as scenic. There is no iconic view available.

Step 2: Determining how reasonable it is to retain the view.

**3.2 DA/54334/18 - Proposed Dwelling, Carport & Swimming Pool at 48 High View Road Pretty Beach (contd)**

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The views are currently obtained from a standing position from the entertaining deck. The deck is located on the upper floor of the east elevation of the residence and the view is obtained across the side boundary of No. 52 & 50 High View Road over the subject site at No. 48 High View Road.

Step 3: Assessing the extent of the impact.

The proposal allows for the views to be maintained (Photo 11 & 12). The site address currently enjoys some open sky and vegetation which will not be affected by the proposal.

The view from the deck to the north will be impacted as shown in Photo 11 & 12, with view to the north east past the proposal being retained. All views affected are attained across the side boundary. The view loss is considered minor.



**Photograph 11 & 12: Existing view from No. 54 High View Rd taken from the rear deck**



**Photograph 13 & 14: Proposed development indicated. Vegetation as shown will remain.**

Step 4: Assessing the reasonableness of the proposal.

Assessment of the view loss for No. 54 High View Road determines the impact to be reasonable. The affected view, shown in photos 13 & 14 (open sky) will be impacted to the north, however, maintained to the north east due to the large rear setback of the proposal. The property enjoys the vegetation corridor views across the rear of the site which will remain unaffected by the development.

The area of the development which affects the views is compliant with the development controls and has incorporated a large rear setback to allow for view sharing. It is considered that the proposal is satisfactory in this regard.

#### No. 56 High View Road

The neighbour at No. 56 has lodged an objection relating to potential loss of view from the rear deck, as the proposal will affect views currently obtained to the north.

Step 1: Determining the type of view to be affected.

The proposal will affect distant land and partial water views. The view is described as scenic. The views are not considered to be iconic due to the obstructions caused by previous developments.

Step 2: Determining how reasonable it is to retain the view.



### 3.2 DA/54334/18 - Proposed Dwelling, Carport & Swimming Pool at 48 High View Road Pretty Beach (contd)

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The views are obtained from the living room. The living room is located on the upper floor of the east elevation of the residence and the view is obtained across the side boundary of No. 48, 50, 52 & 54 High View Road.

Step 3: Assessing the extent of the impact.

The proposal will restrict the views as indicated in Photo 15. The site address currently enjoys distant land and partial water views that are obstructed by vegetation and multiple single dwellings between the property and Brisbane Water. The view to the north east past the proposal will be retained.

All views affected are gained across the side boundary. The view loss is categorized as moderate due to the small loss of water view.



**Photograph 15:** has been provided by the owner of No. 56 High View Rd, access to the property has not been obtained in order to verify the photo's authenticity ie. the height photo is taken from, or location within dwelling, or if any enlarging of view has occurred.



**Photograph 16:** taken from the carport of No. 58 High View Rd over the top of No. 56 High View Rd

Step 4: Assessing the reasonableness of the proposal.

### **3.2 DA/54334/18 - Proposed Dwelling, Carport & Swimming Pool at 48 High View Road Pretty Beach (contd)**

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The proposal seeks variation to planning controls, with respect of the minor encroachment on the building height, side setback and the reduced front setback. The variations to height is a minor component of the view loss. The design has incorporated a twenty (20) metre rear setback to assist in maintaining the existing corridor for views and landscaping.

As shown above (Photo 15), the objector's property is located south of the subject allotment and they are concerned about the view loss to the north across a side boundary.

Assessment of the view loss caused for No. 56 High View Road determines that the impact is considered to be reasonable. The views impacted are across a side boundary and have been available for a number of years due to the site at No 48 being undeveloped. The affected view will be lost to the north across a side boundary, however, maintained to the north east due to the large rear setback of the proposal. The property enjoys the vegetation corridor across the rear of the site which will remain unaffected by the development.

#### No. 58 High View Road

The neighbour at No. 58 has lodged an objection relating to potential loss of view from the rear deck, as the proposal will affect views currently obtained to the north.

Step 1: Determining the type of view to be affected

The view is described as scenic. There are no iconic views available.

Step 2: Determining how reasonable it is to retain the view.

The views are currently obtained from the entertaining deck. The deck is located on the upper floor of the north elevation of the residence and the view is obtained across the side boundary of No. 48 High View Road over the subject site.

Step 3: Assessing the extent of the impact

The proposal allows for the views indicated in Photo 17 to be maintained. The view from the deck to the north will be effected as indicated in Photo 18, with view to the north east past the proposal being retained. All views affected are attained across the side boundary. The proposal will result in the partial loss of water views and is considered moderate.



**Photograph 17: taken from the rear deck of No. 58 High View Rd**



**Photograph 18: taken from the rear deck of No. 58 High View Rd, this photo has been amended to include the proposed dwelling. The roof line has been marked in black.**



**Photograph 19: taken from the dining room of No. 58 High View Rd**

### **3.2 DA/54334/18 - Proposed Dwelling, Carport & Swimming Pool at 48 High View Road Pretty Beach (contd)**

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Step 4: Assessing the reasonableness of the proposal.

The proposal seeks variation to the planning controls, with respect of the minor encroachment on the building height, side setback and the reduced front setback. These variations have no impact upon the expected view loss on the adjoining property.

As shown above (Photo 17), the objector's property is located south of the subject allotment and they are concerned about the view loss to the north (across a side boundary).

The views are attained across a side boundary and the affected view from the rear entertaining deck and dining room will only be partially impacted. The view from the dining room will be maintained as detailed in Photo 19. The vegetation corridor across the rear of the site will remain unaffected by the development.

The assessment of the view impacts upon No. 58 High View Road are considered to be reasonable.

#### ***Chapter 6.4 Geotechnical Requirements for Development Applications***

The property is mapped as being in a medium & high hazard landslip risk area. The development proposal has been supported by an appropriate geotechnical report prepared by CkGeotech Reference CKG 0582-1, dated December 2017. The report provides an assessment of ongoing slope stability and provides recommendations on structural engineers design and is considered appropriate.

No further information is required in order to support the subject development application from a geotechnical perspective.

#### ***Chapter 7.2 Waste Management***

A Waste Management Plan has been submitted in support of the proposed development. Appropriate conditions have been included in the draft conditions of consent. (Condition 4.7)

#### ***Section 4.15(1)(b) of the EP&A Act 1979: the likely impacts of the development***

##### Built Environment

Given the position of the proposed dwelling on the allotment and separation distance to other dwellings, the proposal is considered to be suitable with regard to the context and setting of the subject site and is considered to be in keeping with the character of the area.

The assessment of the proposed development's impact on the built environment has been undertaken in terms of the GLEP 2014 and GDCP 2013 compliance. It is considered on balance, that the potential impacts are considered reasonable.



### 3.2 DA/54334/18 - Proposed Dwelling, Carport & Swimming Pool at 48 High View Road Pretty Beach (contd)

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#### Natural Environment

The proposal has minimized the site excavation by stepping the floor levels down the site and catering for the sloping topography. There will be some impacts due to the need for excavation. Earthworks will be minimal and centrally located within the site.

#### **Section 4.15(1)(c) of the EP&A Act 1979: the suitability of the site for the development**

A review of Council's records identifies the following constraints:

#### Bushfire

The subject site is mapped as being bushfire affected (see Fig 10). In this regard, the development proposal has been accompanied by a Bushfire Threat & Protection Assessment report prepared by Clark Dowdle & Associates, Referenced GO:21039A dated December 2017.

The building will need to be constructed to BAL 19 to the south and western elevations and BAL 12.5 to the north and eastern elevations bushfire resisting construction.

There are no other constraints that would render the site unsuitable for development.



**Figure 10 – Extract from Councils bushfire mapping with the site highlighted in blue**

#### **Section 4.15(1)(d) of the EP&A Act 1979: any submission made in accordance with this Act or Regulations**



The development application received eleven (11) public submissions which have been addressed previously in this report.

**Section 4.15(1)(e) of the EP&A Act 1979: the public interest**

The proposed development is seen to be in the public interest by providing assurance that the subject land is able to be developed in proportion to its site characteristics.

**Other Matters for Consideration**

*Development Contribution Plan*

The proposed development is not a development type that is subject to Section 7.11 of the EP&A Act development contributions. Therefore, no contributions are applicable.

*Water and Sewer Contributions*

The proposed development is not subject to Water & Sewer Contributions.

**Conclusion**

The development application has been assessed in accordance with Section 4.15 of the EP&A Act, and all relevant instruments and policies. The proposed development is considered suitable for the site despite the listed variations.

The proposal is therefore recommended for approval pursuant to Section 4.16 of the EP&A Act.

**Attachments**

- |          |                             |           |
|----------|-----------------------------|-----------|
| <b>1</b> | Draft Conditions of Consent | D13523545 |
| <b>2</b> | Development Plans           | D13523541 |

## Conditions

### 1. PARAMETERS OF THIS CONSENT

#### 1.1 Approved Plans and Supporting Documents

Implement the development substantially in accordance with the plans and supporting documents listed below as submitted by the applicant and to which is affixed a Council stamp "*Development Consent*" unless modified by any following condition.

##### Architectural Plans by: The Pole Home Centre

Drawing	Description	Sheets	Issue	Date
Simmonds Residence	Plan Set	1-16	E	14/11/18

1.2 Carry out all building works in accordance with the Building Code of Australia.

1.3 Comply with all commitments listed in the BASIX Certificate for the development as required under clause 97A of the Environmental Planning and Assessment Regulation 2000.

### 2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

2.1 All conditions under this section must be met prior to the issue of any Construction Certificate.

2.2 No activity is to be carried out on-site until the Construction Certificate has been issued, other than:

- a. Site investigation for the preparation of the construction, and / or
- b. Implementation of environmental protection measures, such as erosion control and the like that are required by this consent
- c. Demolition

2.3 Submit to Council as the Roads Authority an application for a vehicle access crossing including payment of the application fee.

### 3. PRIOR TO COMMENCEMENT OF ANY WORKS

3.1 All conditions under this section must be met prior to the commencement of any works.

3.2 Appoint a Principal Certifying Authority for the building work:

- a. The Principal Certifying Authority (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.
- b. Submit to Council a Notice of Commencement of Building Works or Notice of Commencement of Subdivision Works form giving at least two (2) days' notice of the intention to commence building or subdivision work. The forms can be found on Council's website: [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au)

- 3.3 Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:
- The name, address and telephone number of the Principal Certifying Authority for the work; and
  - The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
  - That unauthorised entry to the work site is prohibited
  - Remove the sign when the work has been completed.

- 3.4 Submit both a Plumbing and Drainage Inspection Application, with the relevant fee, and a Plumbing and Drainage Notice of Work in accordance with the Plumbing and Drainage Act 2011 (to be provided by licensed plumber). These documents can be found on Council's website at: [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au)

Contact Council prior to submitting these forms to confirm the relevant fees.

This condition only applies if installation / alteration of plumbing and / or drainage works proposed (excludes stormwater drainage). This condition does not apply to swimming pool plumbing that does not physically connect / break into the sewer system.

- 3.5 Provide and maintain a garbage receptacle at the work site until the works are completed. The garbage receptacle must have a tight fitting lid and be suitable for food scraps and papers.
- 3.6 Install run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:
- erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
  - diverting uncontaminated run-off around cleared or disturbed areas, and
  - preventing the tracking of sediment by vehicles onto roads, and
  - stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot
- 3.7 Provide certification to the Principal Certifying Authority that the structural engineer's details have been prepared in accordance with the recommendations of the geotechnical report(s) listed as supporting documentation in this development consent.
- 3.8 Erect a temporary hoarding or temporary construction site fence between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works, if the works:
- could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
  - could cause damage to adjoining lands by falling objects, or
  - involve the enclosure of a public place or part of a public place

**Note 1:** A structure on public land or on or over a public road requires the prior approval of the relevant authority under the [Local Government Act 1993](#) or the [Roads Act 1993](#), respectively.

**Note 2:** The [Work Health and Safety Act 2011](#) and [Work Health and Safety Regulation 2011](#) contain provisions relating to scaffolds, hoardings and other temporary structures.

- 3.9 Provide or make available toilet facilities at the work site before works begin and maintain the facilities until the works are completed at a ratio of one toilet plus one additional toilet for every twenty (20) persons employed at the site.

Each toilet must:

- a. be a standard flushing toilet connected to a public sewer, or
  - b. have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
  - c. be a temporary chemical closet approved under the *Local Government Act 1993*
- 3.10 Ensure that all parties / trades working on the site are fully aware of their responsibilities with respect to tree protection conditions.
- 3.11 Install trunk armour around the trunk of the large tree on the road reserve to protect it from damage during construction. Trunk armour can consist of palings at least 1.5m high and spaced a minimum 100mm apart around each trunk. The palings are to be secured by wire around the outside of the palings (not nailed) in a way which does not harm the tree.
- 3.12 Any street tree damaged during works must be immediately reported to Council, which may incur a compensation fee, rectifying and / or replaced with a tree of similar height and species at no cost to Council.

#### 4. DURING WORKS

- 4.1 All conditions under this section must be met during works.
- 4.2 Carry out construction or demolition works during the construction phase of the development only between the hours as follows:
- 7.00am and 5.00pm Monday to Saturday
- No construction or demolition works associated with the development are permitted to be carried out at any time on a Sunday or a public holiday.
- 4.3 During the construction phase of the development, if any Aboriginal object (including evidence of habitation or remains), is discovered during the course of the work:
- a. All excavation or disturbance of the area must stop immediately in that area, and
  - b. The Office of Environment and Heritage must be advised of the discovery in accordance with section 89A of the National Parks and Wildlife Act 1974.
- Note:** If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the National Parks and Wildlife Act 1974.
- 4.4 Implement and maintain all erosion and sediment control measures at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
- 4.5 Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifying Authority or an officer of Council.
- 4.6 Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with the Plumbing and Drainage Act 2011.

This condition only applies if installation / alteration of plumbing and / or drainage works proposed (excludes stormwater drainage).



- 4.7 Place all building materials, plant and equipment on the site of the development during the construction phase of the development so as to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure. Further, no construction work is permitted to be carried out within the road reserve unless the works are associated with a separate approval issued under the provisions of the *Roads Act 1993*.
- 4.8 Connect downpipes and the associated stormwater disposal system to the site stormwater connection point immediately after the roof materials are positioned in order to prevent erosion of the site from roof water run-off. The Principal Certifying Authority for the development must not issue a mandatory critical stage Compliance Certificate for framing unless connection of the site stormwater (or temporary system) has occurred.
- 4.9 Re-use, recycle or dispose of all building materials in accordance with the Waste Management Plan submitted with the subject application.
- 4.10 Erect or install prior to the swimming pool being filled with water all the required swimming pool safety barriers and gates in accordance with the approved plans and specifications and the provisions of the *Swimming Pools Act 1992*, *Swimming Pools Regulations 2018* and Australian Standard AS 1926.1-2012 including the display of an approved sign regarding pool safety and resuscitation techniques that contains all of the following information:
- "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL"
  - "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES"
  - "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900mm CLEAR OF THE POOL FENCE AT ALL TIMES" and
  - A simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques (for infants, children and adults)
- 4.11 Do not fill the swimming pool with water until the common boundary fence forming part of the pool enclosure has been installed with a minimum height of 1.8 metres when measured inside the pool enclosure in accordance with the provisions of Australian Standard AS 1926.1 2012. The maintenance and effectiveness of the fence is the responsibility of the pool owner whilst ever the pool exists.
- Alternatively, the pool must be fully enclosed by swimming pool safety fencing complying with the provisions of Australian Standard AS 1926.1-2012 in lieu of any boundary fencing.
- 4.12 Dispose filter backwash and overflow to the sewer. The sewer connection must be completed prior to the filling of the pool with water and in a manner that will not cause a nuisance, or where sewer is not available, the disposal of filter backwash must be discharged into a rubble absorption trench to the satisfaction of the Principal Certifying Authority.
- 4.13 No fill other than that as indicated within the approved plans is permitted to be placed upon the site.
- 4.14 Implement all recommendations of the geotechnical report(s) listed as supporting documentation in this development consent. Furthermore, the geotechnical engineer must provide written certification to the Principal Certifying Authority that all works have been carried out in accordance with the recommendations contained within the geotechnical report(s).
- 4.15 Pruning of lower branches over hanging new building from neighbors tree, must be undertaken in accordance with Australian Standard AS 4373-2007: *Pruning of amenity trees* by a qualified Arborist.
- 4.16 All care is to be taken not to damage tree roots when excavating within 4m of trees to be retained. Engage a qualified Arborist to consider before cutting tree roots that cannot be avoided.

## 5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 5.1 All conditions under this section must be met prior to the issue of any Occupation Certificate.

- 5.2 Submit a Certificate of Compliance for all plumbing and drainage work and a Sewer Service Diagram showing sanitary drainage work (to be provided by licensed plumber) in accordance with the Plumbing and Drainage Act 2011.
- This condition only applies if installation / alteration of plumbing and / or drainage works proposed (excludes stormwater drainage).
- 5.3 Complete the building in accordance with the relevant provisions and requirements of the National Construction Code Series.
- 5.4 Complete the building in accordance with the provisions of *Planning for Bush Fire Protection 2006 (NSW)* and the requirements of Australian Standard AS 3959-2009 - *Construction of Buildings in Bush Fire Prone Areas* and additional measures as contained within Appendix 3 of the *Planning for Bush Fire Protection Guidelines 2010*, for a Bush Fire Attack Level of BAL 19 to Southern and Western Elevations and BAL 12.5 to Northern and Eastern elevations.
- 5.5 Install the required rainwater tank in the location as detailed within the approved development plans with suitable plumbing connections provided to collect rainwater from the roof area as detailed within the BASIX Certificate applicable to the development. The required rainwater tank is to be installed in accordance with the requirements of the National Plumbing and Drainage Code Australian Standard AS 3500 and must be provided with first flow diversion devices fixed to all inflows and a functioning pressure pump plumbed to service all fixtures as detailed within the BASIX Certificate applicable to the development. The required tank must be controlled in order that supplemental flow from domestic mains does not take place until the capacity of the tank has been reduced to 20%.
- 5.6 Construct the vehicle access crossing in accordance with the vehicle access crossing Notice of Determination issued by Council.
- 5.7 Install a material or device to prevent the build-up of flammable material (such as leaf matter) within the roof gutters. The material or device must have a flammability index of not greater than 5 when tested in accordance with Australian Standard AS 1530.2-1993: *Methods for fire tests on building materials, components and structures - Test for flammability of materials*.
- 5.8 Drain all stormwater from impervious surface areas, including pathways and driveways, to the street kerb outlet / interallotment drainage easement serving the allotment / an infiltration trench.

**Note:** Infiltration trench details are to be designed by a practicing engineer experienced in hydraulics. The design details are to cater for a 1 in 20 year Annual Exceedance Probability (AEP) storm event and are to allow for a minimum setback of three (3) metres from any sewer main and lot boundaries.

- 5.9 Provide certification from a geotechnical engineer to the Principal Certifying Authority that all works have been carried out in accordance with the recommendations contained within the geotechnical report(s) listed as supporting documentation in this development consent.
- 5.10 Plant a replacement tree within the property.  
The replacement tree must be a Spotted Gum not to be located within an authority's service easement, or within 3m of an approved building.  
Where the replacement tree dies or is substantially damaged within five (5) years of planting, it must be replaced and maintained to maturity.

## 6. ONGOING OPERATION

- 6.1 Insulate and / or isolate the motor, filter, pump and all sound producing equipment or fitting associated with or forming part of the pool filtering system so as not to create an offensive noise to the occupants of the adjoining premises as defined in the *Protection of the Environment Operations Act 1997*.

## 7. PENALTIES

- 7.1 Failure to comply with this development consent and any condition of this consent may be a criminal offence. Failure to comply with other environmental laws may also be a criminal offence.

Where there is any breach Council may without any further warning:

- Issue Penalty Infringement Notices (On-the-spot fines);
- Issue notices and orders;
- Prosecute any person breaching this consent, and/or
- Seek injunctions/orders before the courts to retain and remedy any breach.

### Warnings as to Potential Maximum Penalties

Maximum Penalties under NSW Environmental Laws include fines up to \$1.1 Million and / or custodial sentences for serious offences.

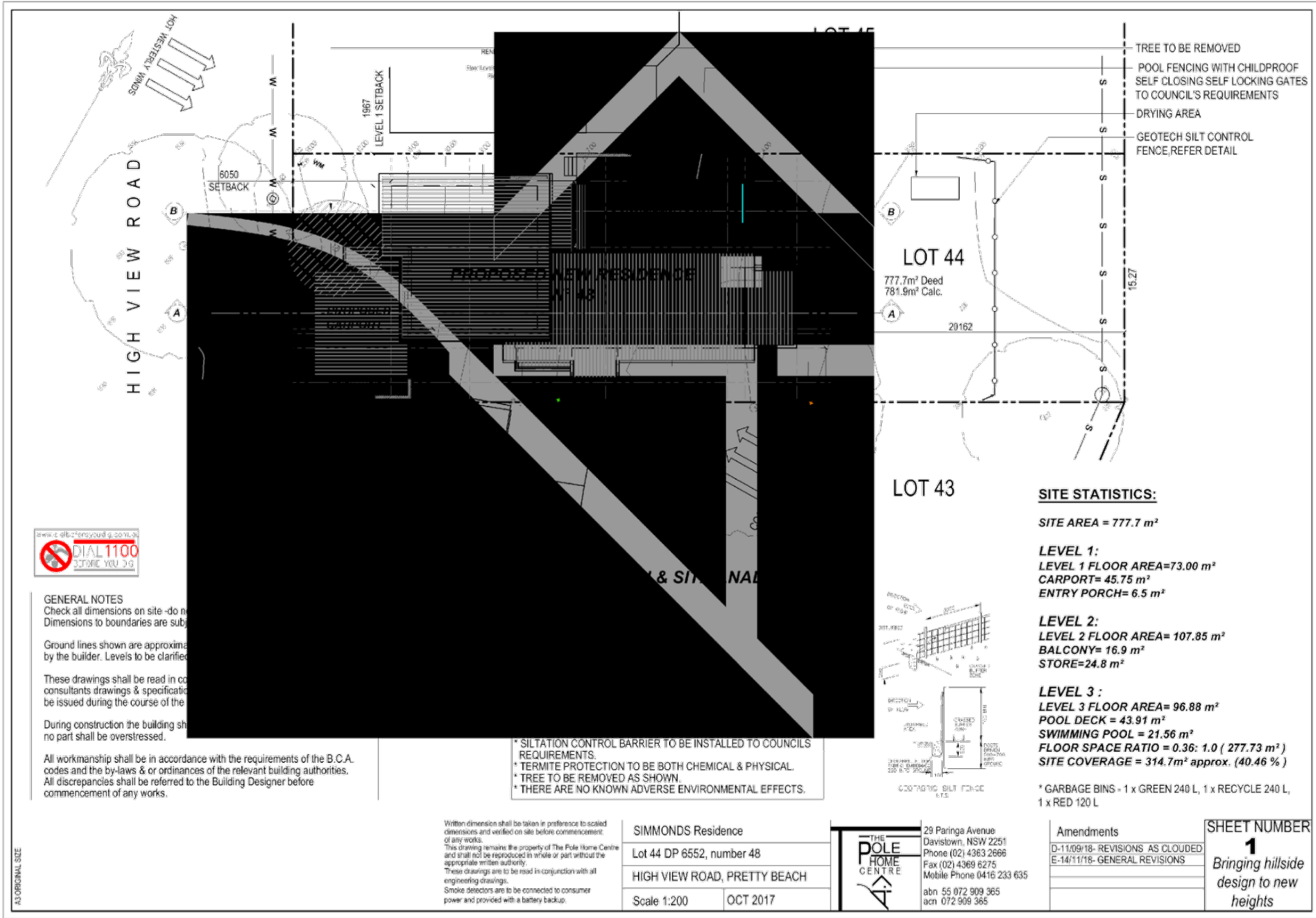
## ADVISORY NOTES

- Discharge of sediment from a site may be determined to be a pollution event under provisions of the *Protection of the Environment Operations Act 1997*. Enforcement action may commence where sediment movement produces a pollution event.
- The following public authorities may have separate requirements in the following aspects:
  - a. Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments
  - b. Jemena Asset Management for any change or alteration to the gas line infrastructure
  - c. Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements
  - d. Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure
  - e. Central Coast Council in respect to the location of water, sewerage and drainage services
- Carry out all work under this Consent in accordance with SafeWork NSW requirements including the *Workplace Health and Safety Act 2011 No 10* and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.
- Dial Before You Dig  
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- Telecommunications Act 1997 (Commonwealth)  
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.
- Install and maintain backflow prevention device(s) in accordance with Council's WS4.0 Backflow Prevention



Containment Policy. This policy can be found on Council's website:  
[www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au)

This condition only applies if installation / alteration of plumbing and / or drainage works proposed (excludes stormwater drainage).



**GENERAL NOTES**  
 Check all dimensions on site - do not rely on drawings.  
 Dimensions to boundaries are subject to survey.  
 Ground lines shown are approximate and to be confirmed by the builder. Levels to be clarified by the builder.  
 These drawings shall be read in conjunction with the consultants drawings & specifications. Any amendments to be issued during the course of the project.  
 During construction the building shall be supported so no part shall be overstressed.  
 All workmanship shall be in accordance with the requirements of the B.C.A. codes and the by-laws & or ordinances of the relevant building authorities. All discrepancies shall be referred to the Building Designer before commencement of any works.

- \* SILTATION CONTROL BARRIER TO BE INSTALLED TO COUNCILS REQUIREMENTS.
- \* TERMITE PROTECTION TO BE BOTH CHEMICAL & PHYSICAL.
- \* TREE TO BE REMOVED AS SHOWN.
- \* THERE ARE NO KNOWN ADVERSE ENVIRONMENTAL EFFECTS.

**SITE STATISTICS:**

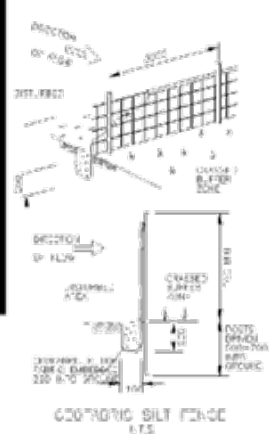
**SITE AREA = 777.7 m<sup>2</sup>**

**LEVEL 1:**  
**LEVEL 1 FLOOR AREA=73.00 m<sup>2</sup>**  
**CARPORT= 45.75 m<sup>2</sup>**  
**ENTRY PORCH= 6.5 m<sup>2</sup>**

**LEVEL 2:**  
**LEVEL 2 FLOOR AREA= 107.85 m<sup>2</sup>**  
**BALCONY= 16.9 m<sup>2</sup>**  
**STORE=24.8 m<sup>2</sup>**

**LEVEL 3 :**  
**LEVEL 3 FLOOR AREA= 96.88 m<sup>2</sup>**  
**POOL DECK = 43.91 m<sup>2</sup>**  
**SWIMMING POOL = 21.56 m<sup>2</sup>**  
**FLOOR SPACE RATIO = 0.36: 1.0 ( 277.73 m<sup>2</sup> )**  
**SITE COVERAGE = 314.7m<sup>2</sup> approx. (40.46 % )**

\* GARBAGE BINS - 1 x GREEN 240 L, 1 x RECYCLE 240 L, 1 x RED 120 L



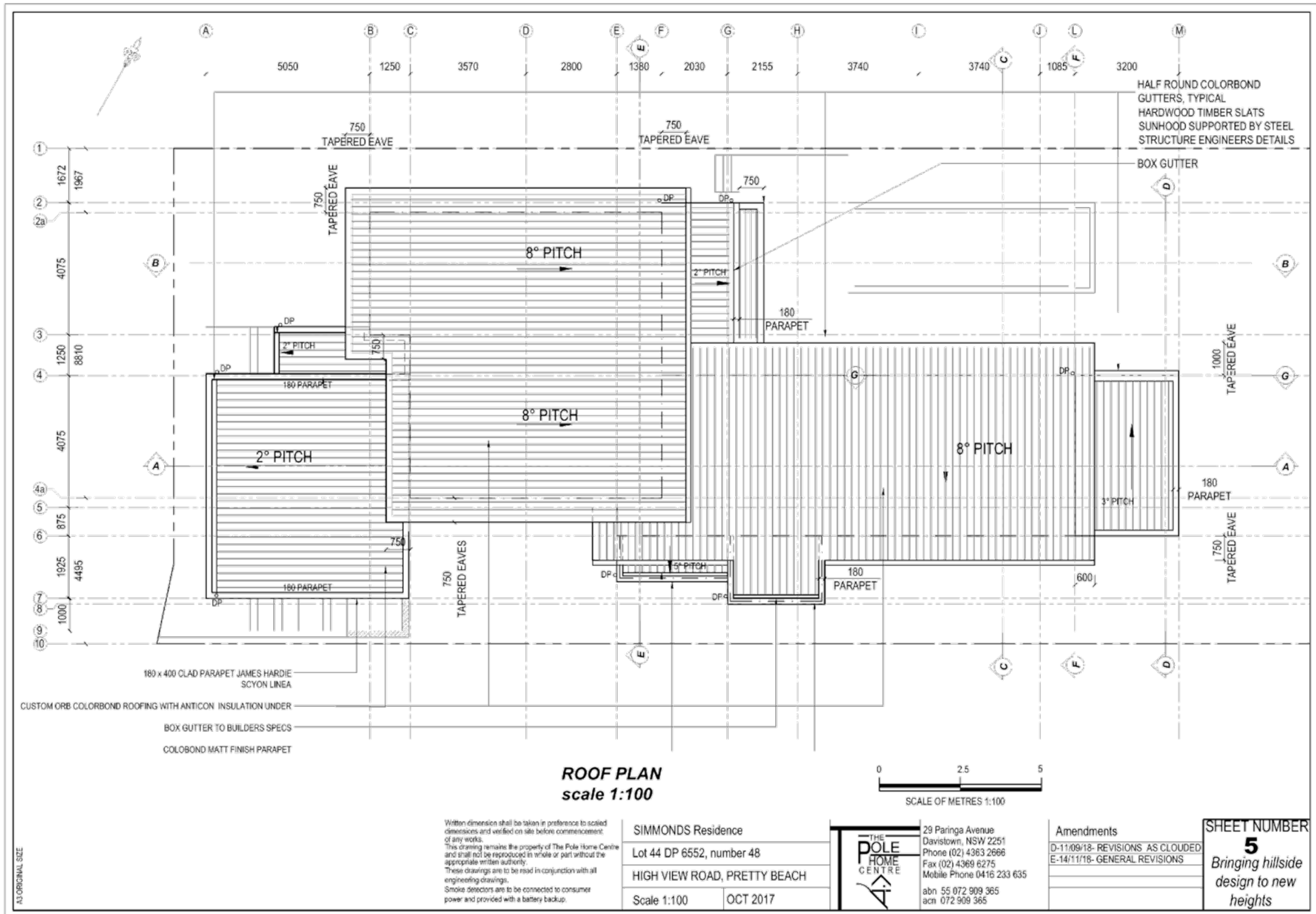
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**SIMMONDS Residence**  
 Lot 44 DP 6552, number 48  
 HIGH VIEW ROAD, PRETTY BEACH  
 Scale 1:200      OCT 2017

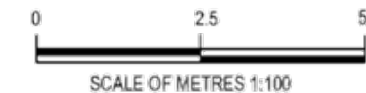
**THE POLE HOME CENTRE**  
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 Phone (02) 4363 2666  
 Fax (02) 4369 6275  
 Mobile Phone 0416 233 635  
 abn 55 072 909 365  
 acn 072 909 365

Amendments
D-11/09/18- REVISIONS AS CLOUDED
E-14/11/18- GENERAL REVISIONS

**SHEET NUMBER**  
**1**  
 Bringing hillside design to new heights



**ROOF PLAN**  
scale 1:100



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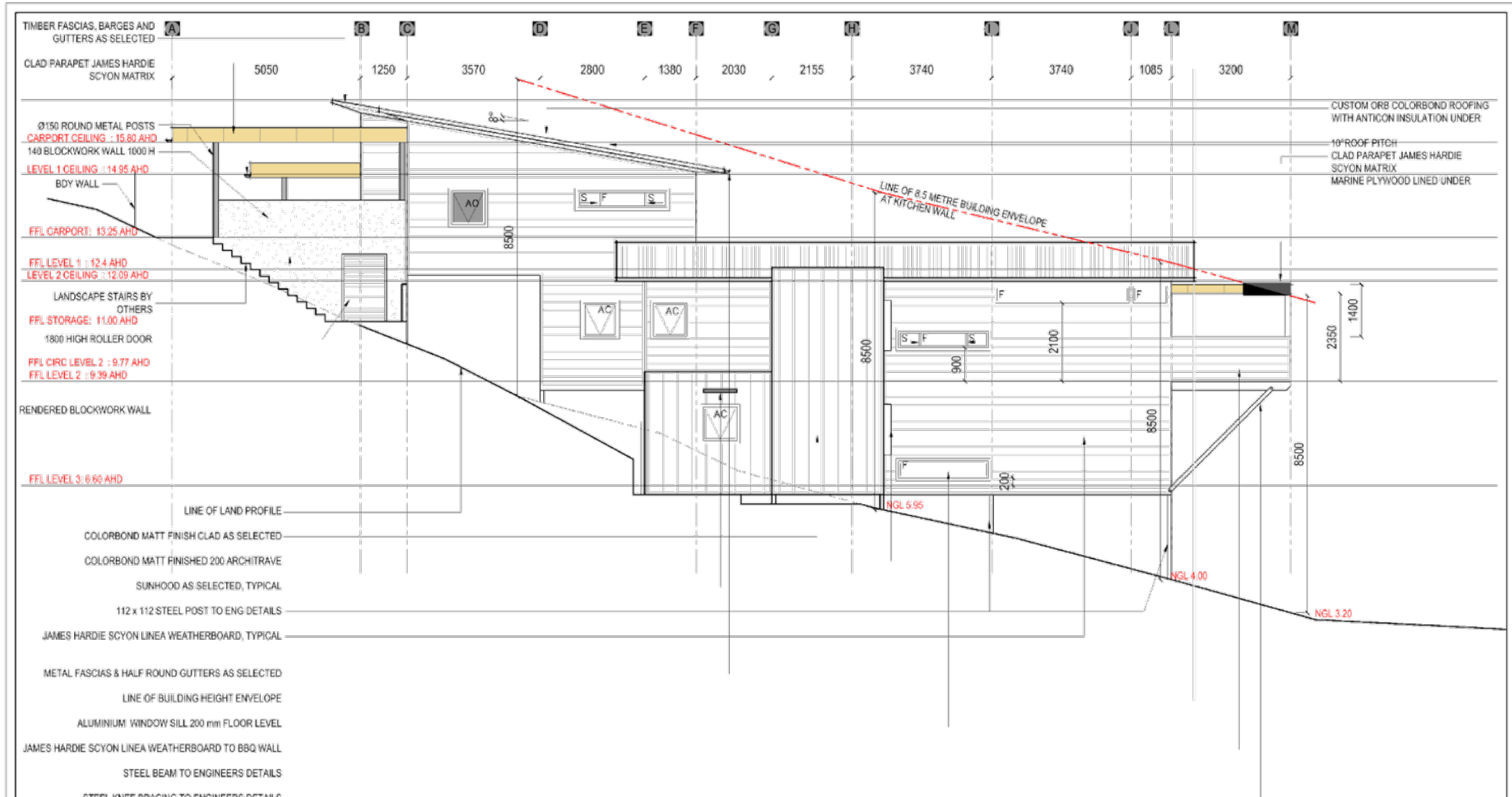
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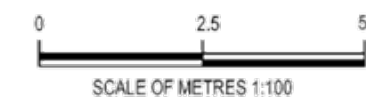
Amendments  
D-11/09/18- REVISIONS AS CLOUDED  
E-14/11/18- GENERAL REVISIONS

**SHEET NUMBER**  
**5**  
Bringing hillside  
design to new  
heights

A3 ORIGINAL SIZE



**SOUTH ELEVATION**  
scale 1:100

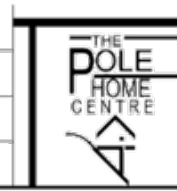


LEGEND	
6	WINDOWS & DOORS NUMBERS
8	BASIX NUMBERS
⊗	CEILING FAN
⊗	SMOKE DETECTOR
▨	BLOCKWORK WALL
▨	TIMBER STUD WALL
▨	INSULATION

A3 ORIGINAL SIZE

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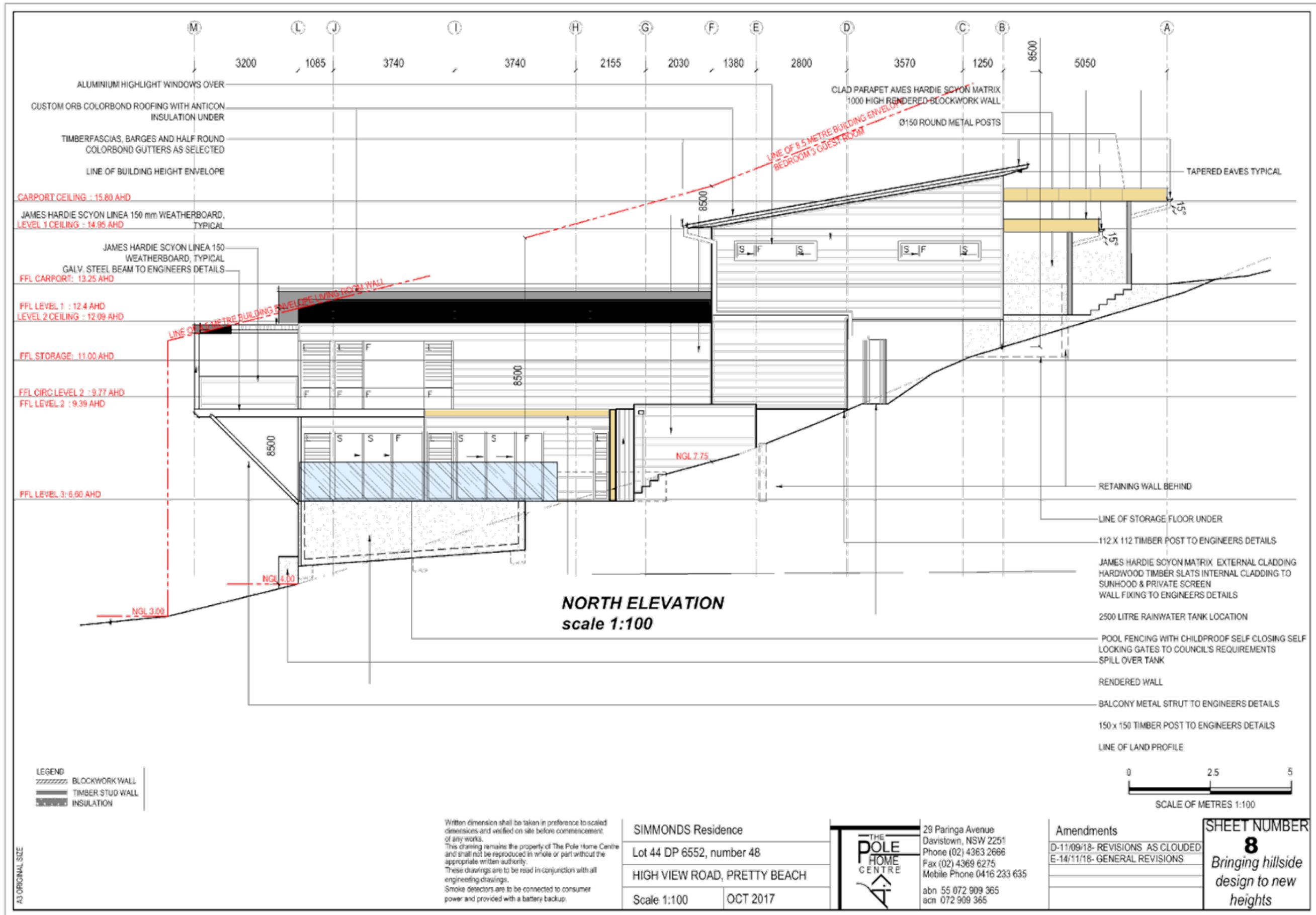
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Amendments  
D-11/09/18- REVISIONS AS CLOUDED  
E-14/11/18- GENERAL REVISIONS

**SHEET NUMBER**  
**6**  
Bringing hillside  
design to new  
heights







WINDOW SCHEDULE

Window number	1	2	3	4	5	6	7	8	9	10	11
Window size											
Window head	2100	2100	2100	2100	2100	2100	2100	2100	2100	2100	1500
Window type	aluminium framed fixed window	aluminium framed sliding doors	aluminium framed fixed window awning window	aluminium framed bifold doors	aluminium framed awning window	aluminium framed fixed & double hung	aluminium framed fixed window	aluminium framed stacker doors	aluminium framed sliding window (2x) fixed centre panel	aluminium framed awning window CLEAR GLASS	aluminium framed sliding window (2x) fixed centre panel
Window quantity	2	1	2	1	2	4	1	3	3	4	1
Window area(m <sup>2</sup> )	1.89	0.63	1.89	3.78	1.08	3.6	2.28	5.67	1.215	0.81	1.08

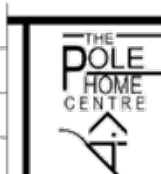
WINDOW SCHEDULE

Window number	12	13	14	15	16	17	18	19	20
Window size									
Window head	2100	2100	2100	2100	3200	2100	800	2550	2550
Window type	aluminium framed awning window opaque glass	aluminium framed louvre window	aluminium framed fixed windows	aluminium framed louvre window & fixed(as shown)	aluminium framed fixed window	aluminium framed louvre window & fixed(as shown)	aluminium framed FIXED window	aluminium framed FIXED window	aluminium framed FIXED window
Window quantity	1	4	1	1	3	1	1	1	1
Window area(m <sup>2</sup> )	0.81	1.89	1.44	4.05	1.82	7.665	1.215	1.62	0.405

A3 ORIGINAL SIZE

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Amendments


SHEET NUMBER  
**12**  
 Bringing hillside  
 design to new  
 heights



BASIX SCHEDULE						BASIX commitments schedule						Ref: number XXXXXXX		THERMAL COMFORT							
BASIX number	window number	orientation	glass & frame area	shading device	frame & glass type	BASIX number	window number	orientation	glass & frame area	shading device	frame & glass type	Insulation specified must be installed in accordance with part 3.12.1.1 of the Building Code of Australia		ENERGY COMMITMENTS							
1	13	Northeast	1.89 sqm	750 mm		15	10	Southeast	0.81 sqm	700 mm		LANDSCAPE Indigenous or low water use species of vegetation must be planted throughout 100 square metres of the site.		HOT WATER The applicant must install the following hot water system in the development, or a system with a higher energy rating: electric heat pump with a performance of 35 to 40 STCs or better							
2	2	Northeast	5.57 sqm	750 mm		16	11	Southeast	1.08 sqm	700 mm		FIXTURES Showerheads must have a minimum rating of 4 stars Toilet flushing systems are to have a minimum rating of 5 stars Kitchen & Bathroom taps must have a minimum rating of 3 stars		COOLING SYSTEM The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 living area: air conditioning ducting only; Energy rating: n/a							
3	13	Northeast	1.89 sqm	3.4 m		17	10	Southeast	0.81 sqm	700 mm		ALTERNATIVE WATER SUPPLY: 2500L WATER TANK REQUIRED		The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 bedroom: air conditioning ducting only; Energy rating: n/a							
4	4	Northeast	3.78 sqm	3.4 m		18	10	Southeast	0.81 sqm	700 mm		GLAZING Refer window schedule for glazing requirements		HEATING SYSTEM The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 living area: wood heater; Energy rating: n/a							
5	5	Northeast	1.08 sqm	700 mm		19	12	Southeast	0.81 sqm	700 mm		The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 bedroom: air conditioning ducting only; Energy rating: n/a		The wood heater must have a compliance plate confirming that it complies with the relevant Australian standards, and must be installed in accordance with the requirements of all applicable regulatory authorities.							
6	6	Northeast	3.5 sqm	900 mm		20	5	Southwest	3.5 sqm	750 mm		CONSTRUCTION		VENTILATION The applicant must install the following exhaust systems in the development: At least 1 Bathroom: no mechanical ventilation (ie. natural); Operation control: n/a							
7	7	Northeast	2.28 sqm	900 mm		21	1	Northwest	0.845 sqm	750 mm		Item		Kitchen: individual fan, ducted to facade or roof; Operation control: manual switch on/off							
8	13	Northeast	1.89 sqm	4.0 m		22	1	Northwest	0.845 sqm	750 mm		Additional insulation required		Laundry: natural ventilation only, or no laundry; Operation control: n/a							
9	8	Northeast	5.57 sqm	4.0 m		23	8	Northwest	5.57 sqm	750 mm		Other specs.		ARTIFICIAL LIGHTING							
10	5	Northeast	1.08 sqm	700 mm		24	13	Northwest	1.89 sqm	750 mm		floor - concrete slab on ground		Area							
11	6	Northeast	3.5 sqm	900 mm		25	8	Northwest	5.57 sqm	1.75 m		floor - suspended floor above enclosed sub-floor		Primarily lit by fluorescent or LED lamps							
12	14	Northeast	2.52 sqm	900 mm		26	13	Northwest	1.89 sqm	1.75 m		external wall - framed & clad		Dedicated fittings							
13	6	Northeast	3.5 sqm	900 mm		27	15	Northwest	1.89 sqm	1000 mm		internal wall shared with garage		Bedrooms							
14	18	Southeast	1.215 sqm	700 mm		28	16	Northwest	5.47 sqm	1000 mm		Ceiling & roof: flat ceiling, pitched roof		Living / dining rooms							
<p><b>WINDOWS NOTES:</b></p> <ul style="list-style-type: none"> <li>ALL WINDOWS MUST TO ACHIEVE THE FOLLOWING REQUIREMENTS: U-VALUE: 5.8, SHGC: 0.369 - 0.451 (ALUMINIUM, SINGLE, LOW-TO SOL LOW-E)</li> <li>ALL EXTERNAL WINDOWS &amp; DOOR ARE FRAMED WITH A SELECTED ARCHITRAVES</li> </ul>						29	17	Northwest	7.56 sqm	1000 mm		Ceiling & roof: flat ceiling, pitched roof		Kitchen		Bathrooms / toilets					
						30	13	Northwest	1.89 sqm	1000 mm		Ceiling & roof: flat ceiling, pitched roof		Laundry		Hallways					
						31	9	Northwest	1.215 sqm	1000 mm		Ceiling & roof: flat ceiling, pitched roof									
						32	9	Northwest	1.215 sqm	1000 mm		Ceiling & roof: flat ceiling, pitched roof									
						33	19	Southeast	1.62 sqm	1000 mm		Ceiling & roof: flat ceiling, pitched roof									
						34	20	Southeast	0.405 sqm	1000 mm		Ceiling & roof: flat ceiling, pitched roof									
						35	9	Southeast	1.215 sqm	1000 mm		Ceiling & roof: flat ceiling, pitched roof									
												27	15	Northwest	1.89 sqm	1000 mm					
												28	16	Northwest	5.47 sqm	1000 mm					
												29	17	Northwest	7.56 sqm	1000 mm					
												30	13	Northwest	1.89 sqm	1000 mm					

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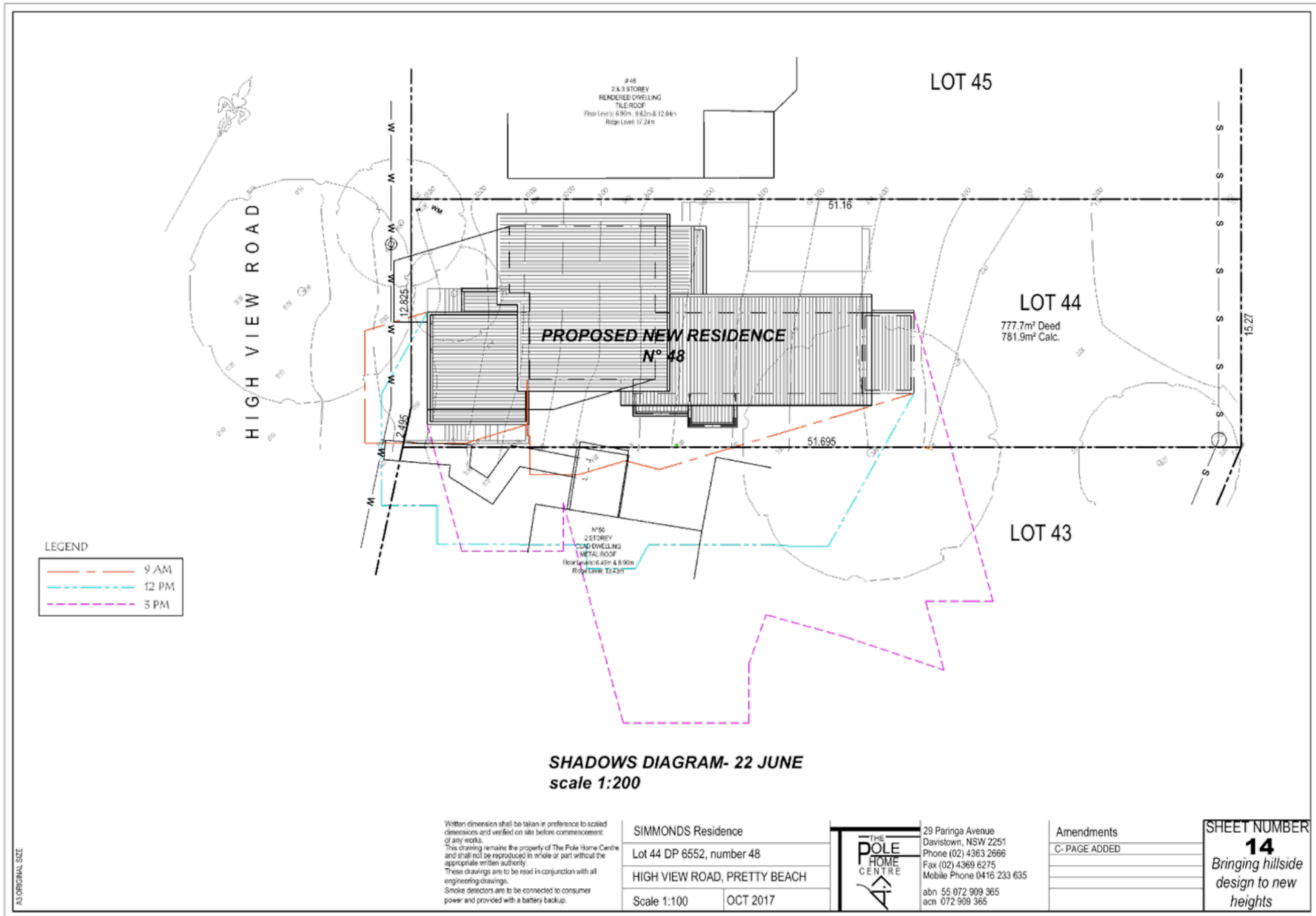
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Amendments


**SHEET NUMBER**  
**13**  
Bringing hillside  
design to new  
heights



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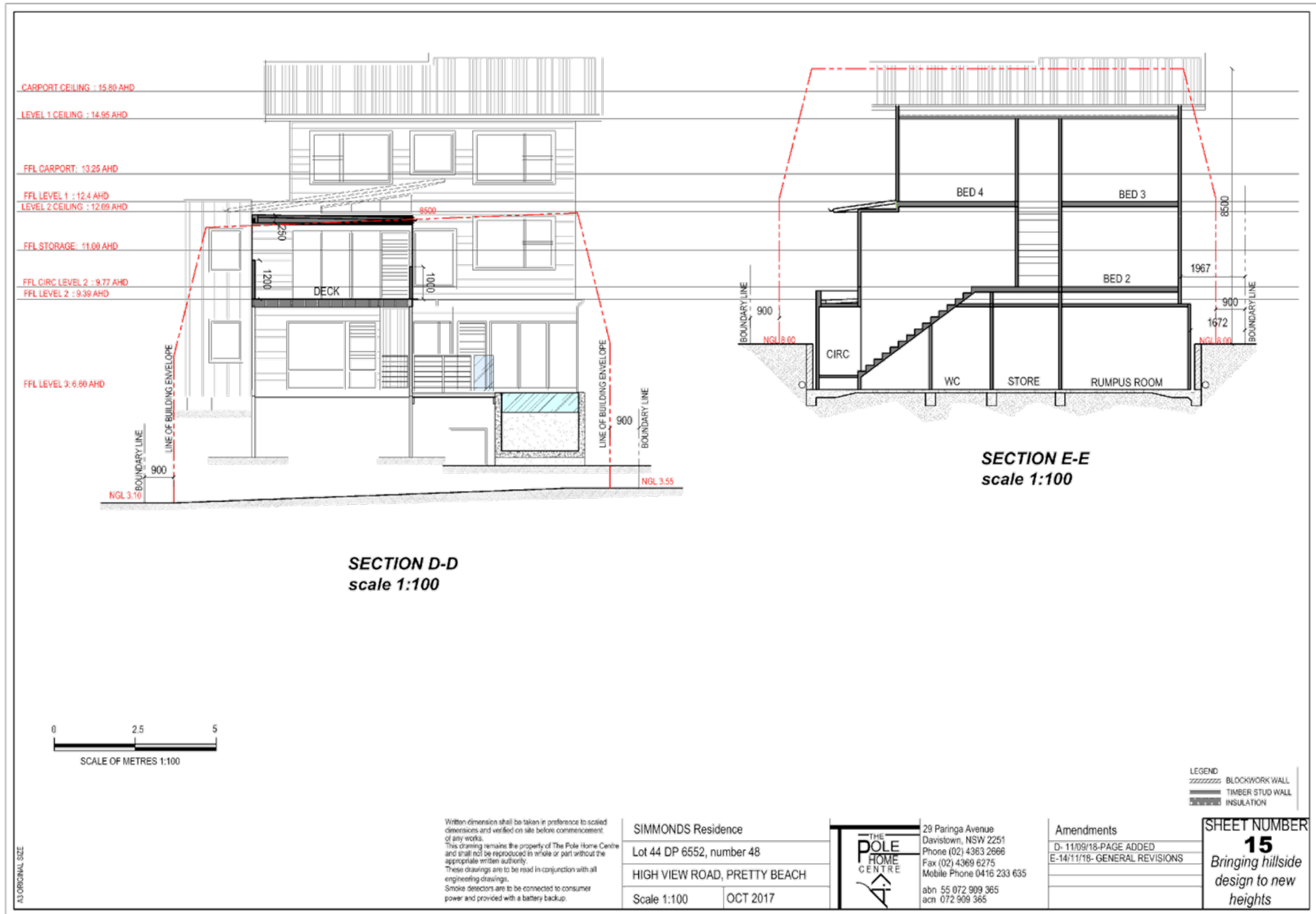
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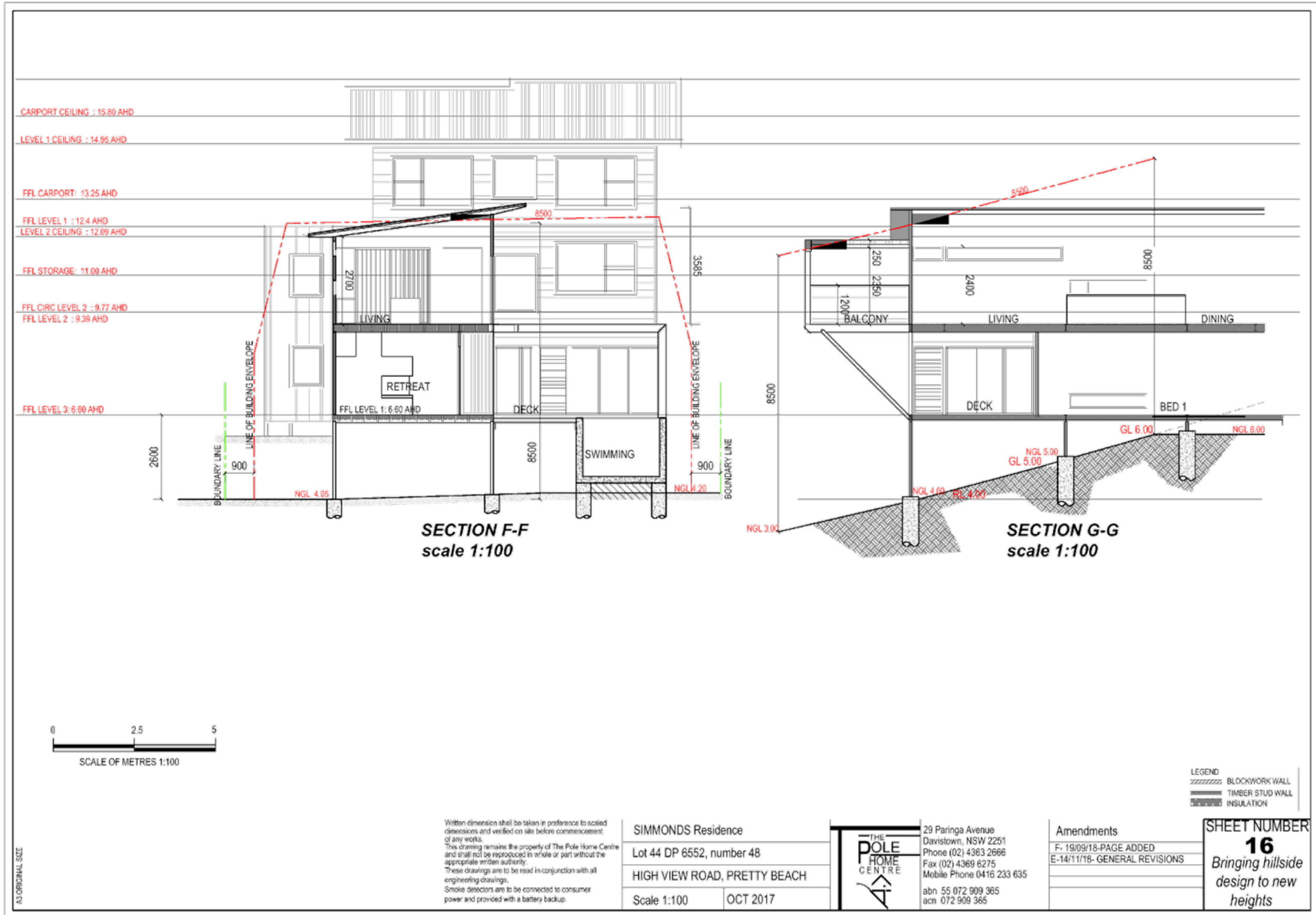
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Amendments  
C- PAGE ADDED

**SHEET NUMBER**  
**14**  
Bringing hillside design to new heights

A3 ORIGINAL SIZE







**Item No:** 4.1  
**Title:** Local Government NSW Annual Conference - Attendance and Voting  
**Department:** Governance

---

22 July 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-01 - D13579073

Author: Sarah Georgiou, Section Manager, Councillor Support

Manager: Shane Sullivan, Unit Manager, Governance and Business Services

Executive: Evan Hutchings, Director Governance

### **Report Purpose**

To determine the voting delegates for voting at the 2019 Local Government NSW Annual Conference on Policy Motions and for the Board election.

To consider Motions to be submitted for inclusion on the Conference Business Paper.

### **Recommendation**

- 1 That Council appoint seven delegates for voting on Policy Motions and for the election of Officer Bearers and the Board at the Local Government NSW Annual Conference 2019.**
- 2 That Council request the Chief Executive Officer notify Local Government NSW of those appointments no later than 5.00pm on Friday 20 September 2019.**
- 3 That Council consider any Motions submitted by Councillors for inclusion on the Conference Business Paper and advise Local Government NSW accordingly.**

### **Background**

The 2019 Local Government NSW Annual Conference (Conference) will be held 14 October 2019 to 16 October 2019 at the William Inglis Hotel, Warwick Farm. The Conference is the annual policy-making meeting as Local Government NSW (LGNSW) for NSW Local Councils, and enables Councillors across NSW to come together to share ideas and debate issues that shape Local Government.

Central Coast Council is an ordinary financial member of LGNSW for the 2019/20 financial year.

In considering the 2019 Council meeting dates at the meeting of 26 November 2018, Council resolved to include a meeting date of 7 October 2019 rather than the usual 14 October 2019 (second Monday of the month) to allow for Councillor attendance at the conference.

### **Voting Entitlements**

Central Coast Council has been advised that it is entitled to have seven voting delegates for each roll. Each financial member of LGNSW is entitled to a certain number of voting delegates based on the formula prescribed at Rule 23 of the Association's Rules.

A copy of the Rules may be found using this [link](#).

Subject to the LGNSW rules and Australian Electoral Commission requirements, a member may notify LGNSW of a change to the name of an already nominated voting delegate (a substitute delegate) if required.

### **Submitting Motions**

Councillors were invited to provide proposed Motions for the Conference by way of the Councillor Support Update on 21 June 2019. No motions were received (to be updated 11 July 2019). Council may determine to receive any further Motions at the 22 July 2019 Ordinary Council Meeting.

LGNSW have advised that proposed Motions should be strategic, affect members state-wide and introduce new or emerging policy issues and actions. Members are encouraged to review the [Action Report of resolutions from the 2018 Conference](#) before submitting Motions for the 2019 Conference. The Action Report is also available on the LGNSW Annual Conference webpage under 'Past Conference - 2018'.

The Board of LGNSW has resolved that Motions will be included in the Business Paper for the Conference only where they:

1. are consistent with the objects of the Association (see Rule 4 of the Association's rules);
2. relate to Local Government in NSW and/or across Australia;
3. concern or are likely to concern Local Government as a sector;
4. seek to advance the Local Government policy agenda of the Association and/or improve governance of the Association;
5. have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws);
6. are clearly worded and unambiguous in nature; and
7. do not express preference for one or several members over one or several other members.

For a Motion to be included in the Business Paper for the Conference the submitting member needs to provide accompanying evidence in support. Such evidence may include an extract of the minutes of the meeting at which the member resolved to submit the Motion for consideration by the Conference.



## 4.1 Local Government NSW Annual Conference - Attendance and Voting (contd)

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### Deadline for submitting motions

In line with the LGNSW rules, the latest date motions can be accepted for inclusion in the Conference Business Paper is midnight on Monday 29 August 2019.

### Important dates

In summary, the following deadlines are in place:

Deadline	Action
Monday 9 September 2019	Registration closes for Conference. 'Early Bird' rates will be available until a date to be confirmed.
Friday 20 September 2019	Deadline for members to provide names to LGNSW of delegates who will vote on Policy Motions and election of Office Bearers and the Board.
Monday 29 August 2019	The latest date motions can be accepted for inclusion in the Conference Business Paper.

### Financial Impact

Funding for attendances at the LGNSW Conference forms part of the budget that forms part of the adopted Operational Plan for the 2019-2020 year.

The provisions relating to Councillors attendance at the Conference are contained in clauses 58 and 59 of the Councillors Expenses and Facilities Policy as follows:

#### *Local Government NSW Annual Conference*

58. *Councillors will also be permitted to attend the Local Government NSW Annual Conference. Council will reimburse the cost of registration fees and where the conference is outside the local government area, the cost of travel, accommodation and meals not covered by the conference registration, subject to the provisions in 'Accommodation and meals'.*
59. *For the Local Government NSW Annual Conference, Council will meet the costs of the official conference dinner for an accompanying person of a Councillor.*

### Link to Community Strategic Plan

Theme 4: Responsible

### Goal G: Good governance and great partnerships

G1: Build strong relationships and ensure our partners and community share the



**4.1 Local Government NSW Annual Conference - Attendance and Voting  
(contd)**

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responsibilities and benefits of putting plans into practice.

**Attachments**

Nil



**Item No:** 4.2  
**Title:** Central Coast Flying-fox Management Strategy  
**Department:** Assets, Infrastructure and Business

---

22 July 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-01 - D13570244

Author: Rochelle Lawson, Senior Ecologist

Manager: Luke Sulkowski, Unit Manager, Natural and Environmental Assets

Executive: Scott Cox, Director Environment and Planning

## **Report Purpose**

The purpose of the report is for Council to consider the adoption of the Central Coast Flying-fox Management Strategy. The report also identifies the feedback received from community consultation on the draft strategy. This report recommends that Council endorse the Central Coast Flying-fox Management Strategy

## **Recommendation**

***That Council endorse the Central Coast Flying-Fox Strategy attached to the report.***

## **Background**

A single draft management strategy document was prepared for the four flying-fox camps known to be located within the Central Coast region. The purpose of the Strategy is to provide a framework for the consistent management of all flying-fox camps and their habitat in the Central Coast region. This includes all currently-active camps, historic camps which may become active in the future and any newly formed camps.

The Strategy is backed up by the latest scientific research and current best practice so that Council is in a position of knowledge and strength in being able to respond to community pressure to take action at individual camps. The Strategy clearly articulates management actions deemed acceptable and legal under current environmental legislation protecting flying-fox species.

## **Context**

Council resolved on 26 March 2018:

*200/18 That Council undertake community consultation regarding the Central Coast Flying-fox Management Strategy, for a period of 28 days;*

201/18 *That Council endorse the Central Coast Flying-fox Management Strategy subject to there being no significant objections.*

### **Public Consultation**

The Strategy was put on public exhibition for 28 days between 26 April 2018 to 23 May 2018. While on public exhibition, there were:

- 210 visits
- 61 informed visitors (downloaded a document, visited multiple project pages)
- 173 aware visitors (visited at least one page)
- Four (4) written submissions.

Public written submissions made the following points:

- reiterated the nationally significant status of flying-fox species and their protection under the EPBC Act;
- congratulated Council for preparing a strategy for such an important species;
- requested more Council support for wildlife carer organisations such as Wildlife ARC and WIRES, who deal with heat affected and injured bats;
- stressed the importance of protecting trees that currently provide flying-fox food resources; and
- expressed the need for a strategy to effectively respond in heat waves where thousands of animals could be killed in a single heat stress event.

The submissions have been taken into account when finalising the Strategy, however, specific management actions are not assigned to each camp in the Strategy, as that is the role of specific Camp Management Plans, which would use a template supplied by the Office of Environment and Heritage (OEH).

### **Agency Consultation**

The Department of Infrastructure – Lands & Forestry has been consulted throughout the Strategy development as one of the region's active camps is located on Crown Land (in North Avoca).

The Office of Environment & Heritage was requested to review the draft Strategy and has accepted it as a complying plan for the purpose of the Code of Practice.

At the same time as the Strategy was on public exhibition, the NSW Government released a draft 'Code of Practice Authorising Flying-fox Camp Management Actions 2018' for comment. The final Flying-fox Camp Management Code of Practice 2018 was released by the Office of Environment and Heritage on 4 December 2018.

As the Code of Practice provided a key piece of information on the allowable management activities at a flying-fox camp on public land, Council staff waited for the final Code of Practice to be released before finalising the Strategy and referring back to Council.

The Strategy has been updated with reference to the Code of Practice as well as to repealed and new legislation.

There were wording changes made to two sections of the document: Section 5 Management Opportunities and Section 6 Impact Assessment. The changes are summarised below and underlined.

*Section 5.2 Analysis of Camp Management Options  
Camp disturbance or dispersal (Level 3 actions)*

Camp dispersal is an action that aims to intentionally move entire camps from one location to another by clearing vegetation or dispersing animals through disturbance by noise, water, smoke or light. In a review of past flying-fox dispersal actions between 1990 and 2013, studies found that dispersal attempts were not successful in reducing the number of flying-foxes in a local area, even with substantial financial resourcing.

Camp dispersal is challenging for a number of reasons:

- it can be expensive and requires an on-going financial commitment
- dispersal may result in relocating the animals to nearby vegetation rather than resolving the issue and conflict locally. Past disturbances in Australia have always failed to remove flying-foxes from the local area
- it is not possible to predict where replacement camps would form
- attempts to disperse camps are often contentious in the local community
- disturbing flying-foxes may have an adverse impact on animal health
- the cumulative impacts of flying-fox camp dispersals may negatively impact on the conservation of the species and the ecosystem services that flying-foxes provide.

*Section 6*

*Table 19: Environmental approvals required for various management actions*

The impact assessment guidance for the various management actions has been updated to reflect what is allowable under the Code of Practice.

For Council, Level 1, 2 and 3 actions authorised by the Flying-fox Camp Management Code of Practice – no additional approval is required.

Actions not authorised by the Flying-fox Camp Management Code of Practice require consent - a Biodiversity Conservation Licence under the BC Act.

### **The Strategy**

The purpose of the Strategy is to plan for appropriate management actions in accordance with NSW legislation to reduce impacts of flying-fox camps on Central Coast residents.

There are three species that comprise the regional flying-fox population (black flying-fox, grey-headed flying-fox and little red flying-fox). The Strategy refers to all three species, except when specifically addressing the threatened species, the grey-headed flying-fox.

Flying-foxes are wild animals and highly dynamic in their migratory movements, search for food and selection of roosting areas. There is very little understanding on why flying-foxes select certain roosting areas, but recent research suggests that food shortages and proximity to secure food sources are significant factors. The number and size of flying-fox camps is constantly changing throughout NSW, and it is likely that more changes to camps will occur in the coming years.

Flying-foxes are considered 'keystone' species given their contribution to ecological services, health and biodiversity of Australia's bushland. Long-distance seed dispersal and pollination make flying-foxes critical to the long-term persistence of eucalypt forests, rainforests, woodlands and wetlands.

Food shortages occur during the winter months leading to short-term spikes in the Central Coast population from January to April/May as trees start to flower. Council acknowledges the conflict between residents and concentrated populations of flying-foxes at these times of food shortage.

Some of the key initiatives of the strategy include education/awareness, subsidies for property modification (e.g. car covers, double glazed windows, cleaning equipment), incident management, supporting research, appropriate land-use planning and creation of vegetation buffers.

### **Financial Impact**

There are no financial obligations for Council within the Strategy.

The Strategy puts Council and all other land managers (i.e. private residents, Department of Infrastructure – Lands & Forestry and other land owners) in a position of being eligible for State and Commonwealth funding for mitigation measures such as car and pool covers, cleaning services and habitat management. Without either a strategy or specific camp management plan, the funding is not accessible to anyone in the Central Coast region.

Funding opportunities may be enhanced by Council contributing matching funds towards nominated projects.

**Link to Community Strategic Plan**

Theme 3: Green

**Goal F: Cherished and protected natural beauty**

G-F1: Protect our rich environmental heritage by conserving beaches, waterways, bushland, wildlife corridors and inland areas, and the diversity of local native species.

**Attachments**

- 1 Final Flying Fox Strategy Enclosure D13570212



**Item No:** 5.1  
**Title:** Terrigal Water Quality Audit Program  
**Department:** Environment and Planning

---

22 July 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-01 - D13590527

Author: Sara Foster, Senior Advisor Policy and Projects

Executive: Scott Cox, Director Environment and Planning

## **Report Purpose**

The purpose of the report is to provide a progress update on the Terrigal Catchment Audit including details of progress, initial findings and outcomes. The initial period captured in the report is January 2019 to May 2019 however the audit is ongoing. In addition, the report provides background information on the Beachwatch Partnership Program, how the audit builds upon this program to include detailed monitoring and investigation at Terrigal, how the program integrates with additional work being undertaken by the NSW Government, and outcomes to date.

## **Recommendation**

***That Council receive and note the status report on Terrigal Water Quality Audit Program.***

## **Background**

Central Coast Council participates in the NSW Beachwatch Partnership Program (Beachwatch) – a water quality monitoring program designed to provide information on recreational water quality (swim safety). Data collected by Council as part of the program is used to inform the annual *NSW State of the Beaches Report*.

Since 2011-12, Terrigal Beach has received a "Poor" rating in the *NSW State of the Beaches Report*. Beachwatch uses long-term environmental trends to highlight areas of concern, which may then trigger further investigation. Beachwatch is not comprehensive enough to determine the source or scale of the factors affecting water quality which is why the Terrigal Catchment Audit was initiated.

In January 2019, Council commenced the Terrigal Catchment Audit. The aim of the audit is to assess microbial contamination as a risk to swim safety at Terrigal Beach and Terrigal Haven.

The Terrigal Catchment Audit is funded by Council. The NSW Government also committed \$500,000 to investigating water quality at Terrigal and the coastal lagoons. Council and the NSW Government are currently working towards integrating the two programs as part of the major audit program.



The *'Terrigal Beach Catchment Audit Report'* attached comments on initial outcomes of Council's program only. Initial outcomes are based on a small sample size of 20 days between January and May 2019, and measures of microbial concentration only. As yet, no indication of contaminant load (volume) from the catchment is available. Contaminant loads will be determined through further data collection and analysis by the NSW Government and subsequent reports will address this information.

It is important to note that the audit is continuing and as new or unforeseen results come to hand, the direction and outcomes of the audit may change.

Similarly, although microbial contamination may correlate with other factors that affect environmental health (e.g. elevated nutrient levels, suspended solids, chemical inputs), the current program does not address these broader environmental health concerns. These will be captured as part of major audit in partnership with the NSW Government.

### **Summary of Key Initial Outcomes & Actions**

- Between January and May 2019, Terrigal Beach and Terrigal Haven were rated as "Good" for swimming 94% and 84% of the time during dry and wet weather respectively.
- During dry weather, stormwater flows can occur for a variety of reasons including but not limited to garden watering systems, car washing, natural groundwater and underground springs. To date, dry weather flows were found to have some degree of microbial contamination at all stormwater pipes discharging to the beach, however this contamination varied and did not correspond to elevated results at the paired ocean locations (the beach). Consequently, there was minimal risk to swim safety associated with dry weather flows from stormwater drains. This is likely a result of low discharge volumes and effective dilution with ocean waters. Investigations are ongoing to assess if this remains the case long-term (a larger sample size is required) and during localised increases in population (e.g. long-weekends and school holidays). The NSW Government program will build upon this information by using more sophisticated methods to estimate volumes and potential sources of contamination (human, other animal).
- Regardless of the initial results which indicate minimal to no impact on recreational swim safety (swimming, surfing, canoeing etc.) in dry weather, catchment water quality and infrastructure investigations are being undertaken to assess potential sources of microbial contamination in stormwater, and where possible reduce the likelihood of cross-contamination between sewer and stormwater networks by upgrading infrastructure as required.
- Initial water quality samples from the catchment have led to the development of a *Priority Sub-catchment Sampling and Investigation Works Program* which is detailed in the report. Major investigations of stormwater will continue throughout the 2019-2020 financial year.

## 5.1 Terrigal Water Quality Audit Program (contd)

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The priorities identified in this document may change in future as more information comes to hand.

- As a result of initial CCTV inspections of stormwater and sewer networks, a number of pipes in the Terrigal Beach and Terrigal Haven catchment areas have been identified as being in poor condition. Details are provided in the *Infrastructure outcomes* section of the *'Terrigal Beach Catchment Audit Report'* attached. Whilst these pipes did not increase beach microbial presence and therefore did not pose a swim safety risk, they have been placed on a works program for upgrade.
- During wet weather, the ocean sites adjacent to the stormwater drains at Terrigal Beach T3-T9 ("7 drains") showed an increase in microbial contamination. Also when the lagoon was opened there was also an increase in microbial contamination along Terrigal Beach. Further catchment water quality and infrastructure investigations are being undertaken to assess potential sources of microbial contamination in stormwater at these locations.

Furthermore, Council is responding to information as it comes to hand with a collaborative working group which includes relevant staff from Waterways and Coastal Protection, Roads and Drainage, Water and Sewer and Communications. The working group meets fortnightly to discuss any issues identified and the corresponding actions required to rectify.

### **Recent pollution event – June 2019**

Between 24 June and 27 June 2019, a large storm event resulted in significant stormwater runoff from the catchment and the opening of Terrigal Lagoon. As a result of this event, high bacterial counts were recorded at multiple sampling points at Terrigal Lagoon, Terrigal Beach and Terrigal Haven. As a result, Council closed the beach between 25 June and 1 July 2019 until bacterial levels returned to a safe level. Investigation of the impacts of large wet weather events is ongoing. With more information, it may become clearer that the triggers for elevated bacterial loads under high rainfall conditions are different from those experienced under dry weather and light-moderate rain events. Council, in partnership with the NSW Government, will continue to investigate the impacts of large events and lagoon openings and report back to Council and the community in future reports.

### **Next Stage of Water Quality Audit**

The Terrigal Catchment Audit is an adaptively managed program, where audit direction is dictated by water quality results. After the initial audit, the program will progress to the major audit undertaken in partnership with the NSW State Government and Central Coast Council.

The major audit will assess; the off-shore zone where swimmers cross to Terrigal Haven, assess hydrological mechanisms driving microbial movement, reservoirs for bacteria and their response to environmental conditions, volume and microbial load or broader environmental impacts from other pollution sources in the catchment.

## **5.1 Terrigal Water Quality Audit Program (contd)**

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In addition, further sampling of ocean conditions is needed to fully understand the hydrodynamics of Terrigal Beach and Terrigal Haven in response to lagoon openings. The movement of lagoon discharge is likely affected by wind speed, wind direction, swell direction, long-shore drift and the discharge interaction with tide. Further testing is needed to assess how long water quality declines after lagoon opening under different environmental conditions and how this may affect swimming safety. Sampling at Terrigal Lagoon both in the receiving waters and the catchment will be addressed as a part of the major audit.

In relation to Terrigal Haven, water quality at the Marine Rescue requires more investigation to assess how water quality responds to a lack of water flushing due to the adjacent rock platform. The effect of reduced flushing at Terrigal Haven will be assessed as a part of the major audit and may be assisted by hydrodynamic modelling.

Furthermore investigation of the impacts of large wet weather events is ongoing and may prove to be the major source of microbial pollution in Terrigal. Central Coast Council alongside the NSW Government are addressing these issues, and these will be reported on as part of the major audit.

### **Link to Community Strategic Plan**

Theme 4: Responsible

### **Goal F: Cherished and protected natural beauty**

E2: Improve water quality for beaches, lakes and waterways by minimising pollutants and preventing litter entering our waterways.

### **Attachments**

**1** Attachment 1: Terrigal Catchment Audit Attached Under Separate Cover D13603580



**Item No:** 5.2  
**Title:** Response to Notice of Motion - Draft DCP Hazard Category Confirmation Motion  
**Department:** Environment and Planning

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22 July 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-07 - D13469756  
Author: Peter Sheath, Section Manager, Waterways  
Manager: Luke Sulkowski, Unit Manager, Natural and Environmental Assets  
Executive: Scott Cox, Director Environment and Planning

### **Report Purpose**

The purpose of this report is to provide a response in relation to minute items 112/19, 113/19, 114/19 and 115/19 adopted in Council's resolution of 11 February 2019, under the Draft DCP Hazard Category Confirmation Motion

### **Recommendation**

***That Council receive the report on the Draft DCP Hazard Category Confirmation Motion.***

### **Background**

Council at its meeting of 11 February 2019 considered a Notice of Motion - Draft DCP Hazard Category Confirmation Motion and resolved as follows:

- 112/19 That Council note the issues raised in terms of the draft chapter 3.1 and that Council request further Community Consultation on this draft chapter when the flood plain maps are available. The existing DCP controls for flooding will continue until this time.*
- 113/19 That Council request the Chief Executive Officer provide a report detailing how many properties currently zoned with development rights (residential or commercial type) will subsequent to the adoption of this policy fall in to categories H4 and above and face complete sterilization of development rights.*
- 114/19 That Council, referencing clause 4(c) advise what depth of flood they consider "safe access" for emergency vehicles, as enquiries with the relevant agencies have resulted in advice that "no official policy relating to depth of flood / safe access" currently exists.*

## 5.2 Response to Notice of Motion - Draft DCP Hazard Category Conformation Motion (contd)

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115/19 That Council consider and report on the requirement and impact of the requirement under clause 7 that all homes experiencing a flood depth of circa 20cm or greater (H2 category) must display a 600 x 600mm "Flood Danger" sign prominently on their property.

### Report

#### Resolution 112/19

In response to the public submissions a revised version of draft *Development Control Plan (DCP) Chapter 3.1- Floodplain Management* has been deferred to allow for community consultation along with associated flood mapping when complete.

The controls currently contained within *Wyong DCP 2013 Chapter 3.3 Floodplain Management* and *Gosford DCP 2013 Chapter 7.3 Water Cycle Management* will remain in operation until Council adopts a revised version of draft *Central Coast DCP Chapter 3.1 Floodplain Management*. A revised draft *Central Coast DCP Chapter 3.1 Floodplain Management* would be prepared when the revised flood hazard mapping has been made publically available.

#### Resolution 113/19

*Sterilisation*: No properties would be sterilised under the draft DCP Chapter 3.1- Floodplain Management as exhibited. No properties are sterilised under existing controls from Gosford DCP 2013 or Wyong DCP 2013.

The intent of the draft DCP Chapter is consistent with the NSW Government's *Flood Prone Land Policy*. It aims to avoid the unnecessary sterilisation of flood prone land and to encourage development on flood prone land that is compatible with the level of flood hazard, considering land use, building materials, access & evacuation, and wider flood impacts. The draft DCP provides a guide to appropriate development on a floodplain but has no power to prohibit development or prevent a development application from being lodged for a land use that is permissible on the land under the relevant Local Environmental Plan. The DCP provides a guide to the information required in support of applications on flood prone land and indicates where significant known flood hazards may make some forms of development impractical and not cost effective.

*Hazard Category H4*: Hazard categories H1 to H6 are the new industry standard for defining flood hazard, which Council has been applying in recent flood studies. Refer to attachment 1 - *Guideline 7-3: Flood Hazard*, Australian Institute for Disaster Resilience, Commonwealth of Australia, 2017.

H4 hazard generally refers to land where flood depth is greater than 1.2m but less than 2.0m. The level of hazard changes depending on the size of a flood and the specific location.

## **5.2 Response to Notice of Motion - Draft DCP Hazard Category Conformation Motion (contd)**

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It is not possible at present to provide statistics of the total number of properties affected by hazard category H4. Council does not presently have a continuous database of flood hazard mapping for the whole Central Coast. This mapping is being developed for exhibition with a revised version of the DCP Chapter.

### Resolution 114/19

The NSW State Emergency Service recommends that no one should drive through flood water, including their own staff. Floodwater is typically brown such that the depth of water cannot always be judged correctly, especially if a section of road has washed away.

According to the Australian Institute for Disaster Resilience hazard guidelines, roads inundated with still or slow moving flood water are generally safe for flood depths of up to 0.3m. Larger vehicles are considered unsafe in depths exceeding 0.5m.

### Resolution 115/19

The development condition requiring flood danger signage is not new. This is quoted from the WDCP 2013, Chapter 3.3 – Floodplain Management, where it was referring to sheds (ancillary structures up to 50m<sup>2</sup>).

In practice this condition has generally not been applied and will be removed from the revised version of draft DCP Chapter 3.1- Floodplain Management.

## **Link to Community Strategic Plan**

Theme 4: Responsible

### **Goal F: Cherished and protected natural beauty**

I1: Preserve local character and protect our heritage and rural areas including concentration of development along transport corridors and around town centres.

## **Attachments**

- 1** Australian Disaster Resilience Guideline 7 - 3 Flood Hazard (AIDR 2017) D13584120

Australian Disaster Resilience Handbook Collection

GUIDELINE 7-3

# Flood Hazard



Australian Institute for  
Disaster Resilience



# AUSTRALIAN DISASTER RESILIENCE HANDBOOK COLLECTION

## Flood Hazard

Guideline 7-3

Supporting document for the implementation of *Australian Disaster Resilience Handbook 7 Managing the Floodplain: A Guide to Best Practice in Flood Risk Management in Australia* (AIDR 2017)



**Australian Government**  
Attorney-General's Department

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# Handbook 7 Collection

## **Handbook 7**

Managing the Floodplain: A Guide to Best Practice in Flood Risk Management in Australia

### **Guideline 7-1**

Using the National Generic Brief for Flood Investigations to Develop Project Specific Specifications

For use with Template 7-4

### **Guideline 7-2**

Flood Emergency Response Classification of the Floodplain

### **Guideline 7-3**

Flood Hazard

### **Template 7-4**

Technical Project Brief Template

For use with Guideline 7-1

### **Guideline 7-5**

Flood Information to Support Land-use Planning

For use with Practice Note 7-7

### **Guideline 7-6**

Assessing Options and Service Levels for Treating Existing Risk

### **Practice Note 7-7**

Considering Flooding in Land-use Planning Activities

For use with Guideline 7-5

# Acknowledgements

Development of this guideline was overseen by the National Flood Risk Advisory Group (NFRAG), which is a reference group of the Australian – New Zealand Emergency Management Committee. NFRAG was chaired by Andrew Lea (State Emergency Service, Tasmania).

Duncan McLuckie (New South Wales Office of Environment and Heritage) led the project. The Water Research Laboratory of the University of New South Wales was commissioned to support development of the guideline. WMAwater Pty Ltd assisted by providing the sample figures in Appendix A.

This guideline was made possible by the financial contributions of the Australian Government Attorney-General's Department through the National Emergency Management Projects Program. The New South Wales Ministry of Police and Emergency Services assisted by administering this grant on behalf of NFRAG. The former Australian Emergency Management Institute and the Australian Institute for Disaster Resilience provided essential support for the project.

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# Preface

As outlined in *Australian Disaster Resilience Handbook 7 Managing the Floodplain: A Guide to Best Practice in Flood Risk Management in Australia* (ADR Handbook 7) (AIDR 2017), flooding is a natural phenomenon that occurs when water covers land that is usually dry. Floods can create hazardous conditions when communities are exposed to these conditions, creating a risk.

This technical guideline expands information on flood hazard provided in Chapter 5 of ADR Handbook 7, to provide a basis for quantifying the variations in flood hazard. Together with the technical guideline for flood emergency response classification of the floodplain, it replaces technical advice on flood hazard quantification provided in Appendix J of SCARM Report 73 (SCARM 2000).

This document was reviewed for consistency and republished in 2017 following development of the following supporting documents to ADR Handbook 7:

Guideline 7-5 Flood Information to Support Land-use Planning (AIDR 2017)

Guideline 7-6 Assessing Options and Service Levels for Treating Existing Risk (AIDR 2017)

Practice Note 7-7 Considering Flooding in Land-use Planning Activities (AIDR 2017)



# 1 Introduction

Floods create hazardous conditions to which humans are particularly vulnerable. If floodplains were unoccupied and unused, flooding would not create a risk to the community. It is the human interaction with the floodplain, and the associated exposure to flood hazard, that creates flood risk.

Fast-flowing shallow water or slow-flowing deep water can unbalance people and vehicles, and sweep them away. Similarly, floodwaters can result in significant impacts on the built environment. Structures can be undermined, or have their structural and non-structural elements damaged or destroyed by floodwater and debris. The contents of structures are generally vulnerable to contact with floodwater, and can also be severely damaged or destroyed.

Infrastructure required for community functioning is also vulnerable to flooding. Road surfaces and substructures, rail lines, airfields, and electrical, water, sewerage, stormwater and communication systems are all susceptible to damage from flooding. Moreover, human-made structures and development can exacerbate the damage caused by flooding. They may alter the paths, depths and velocities of flow, and add debris to floodwaters.

The safety of people, and the susceptibility of development and infrastructure to damage are primarily linked to flood behaviour, which will vary across the floodplain, between flood events of different sizes and across different floodplains. Therefore, it is important to understand the full range of potential flood behaviour to comprehend the vulnerability of the community to flooding. This understanding underpins decisions on managing flood risk.

*Australian Disaster Resilience Handbook 7 Managing the Floodplain: A Guide to Best Practice in Flood Risk Management in Australia (ADR Handbook 7) (AIDR 2017)* introduces and describes the need for quantifying flood

hazard as part of the floodplain-specific management process. ADR Handbook 7 introduces flood hazard as a concept and makes the following important definitions:

- **Hazard.** A source of potential harm or a situation with a potential to cause loss. In relation to this handbook, the hazard is flooding, which has the potential to cause damage to the community.
- **Flood hazard.** The potential loss of life, injury and economic loss caused by future flood events. The degree of hazard varies with the severity of flooding and is affected by flood behaviour (extent, depth, velocity, isolation, rate of rise of floodwaters, duration), topography and emergency management.

In managing flood risk through the floodplain-specific management process, flood hazard assessment assists with identifying the relative degree of flood hazard on a floodplain without the need to understand what is at-risk. Hazard mapping can support constraint mapping for strategic land-use planning in floodplain areas.

The definitions of hazard and flood hazard in ADR Handbook 7 clearly enunciate that flood hazard is independent of the population at-risk. The 'population at-risk' as a concept relates to flood risk and the translation of a hazard to result in a risk to a community. By way of illustration, a flood with high water depth (i.e. more than 2-metres deep) is hazardous whether people are on the floodplain or not. The flood risk comes from exposing people to that hazard.

A way to understand the vulnerability of people and/or the built environment to flood hazard is to identify specific flood parameters that can be measured consistently for a select range of flood events and to benchmark these parameters against thresholds. This meaningfully describes the danger of the flooding to people, buildings and infrastructure in the community.

This technical guideline provides supplementary advice to support ADR Handbook 7 by outlining methods to quantify flood hazard.



## 1.1 How to use this guideline

The following basic sections of this guideline help to assess flood hazard:

- **Section 2** describes how to determine flood behaviour parameters from flood studies (primarily based on flood depth and velocity).
- **Section 3** quantifies the flood hazard product. This can provide a useful method for categorising flood risk spatially.
- **Section 4** indexes a flood hazard product to hazard vulnerability curves for vehicles, people and buildings. These provide a basis for categorising the flood

hazard, based on a consideration of depth and velocity. It can inform spatial mapping of areas where conditions are hazardous to vehicles, people and structures. The appendix provides spatial examples of categorisation against the various thresholds.

- **Section 5** discusses other factors that in some situations, such as emergency planning and management, influence flood risk. These factors include isolation by floodwaters, the effective warning time available, the rate of rise of floodwaters and the time of day. They can influence the risk of people being exposed to hazardous flood behaviour in a flood event rather than necessarily altering hazard.

Figure 1 illustrates this procedure.

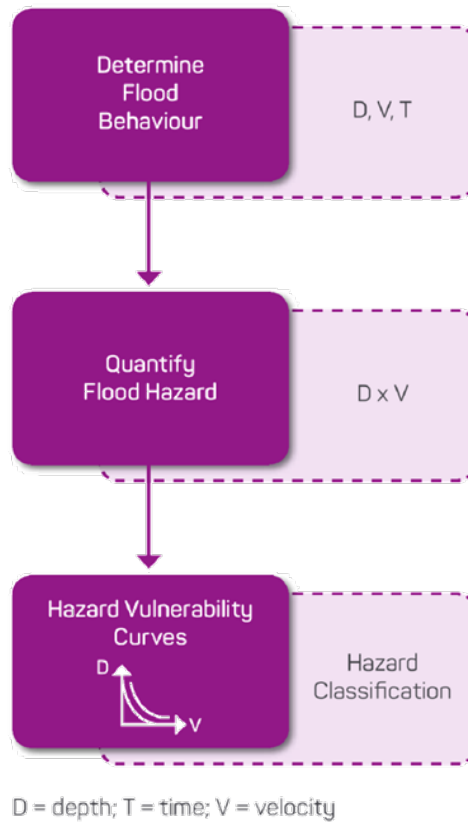


Figure 1: Process for quantifying flood hazard

## 1.2 Relationship to other guidelines and policies

This guideline provides technical advice on the quantification of flood hazard to support the general guidance on best practice in flood risk management outlined in ADR Handbook 7. This guideline, along with *Australian Disaster Resilience Guideline 7-2 Flood Emergency Response Classification of the Floodplain* (AIDR 2017), replaces the technical advice on flood hazard quantification provided in Appendix J of the SCARM Report 73 (SCARM 2000).

This guideline should be read in conjunction with ADR Handbook 7 and other relevant guidance material. Many of the terms used in this guideline are defined in ADR Handbook 7.

Further background technical information supporting the advice in this guide can be found in the report *Flood hazard* (Smith et al. 2014), prepared for the National Flood Risk Advisory Group.

This guideline does not provide policy guidance, which is dependent on the relevant flood risk management policies in place for different jurisdictions. It should not be used to supplant or circumnavigate such policies.

## 1.3 End uses considered in forming the guideline

ADR Handbook 7 highlights that understanding flood behaviour is essential for making informed decisions on managing flood risk. This includes comprehending the

range of potential flooding and the interaction of flooding with the landscape, which can result in varying degrees of hazard.

Effective flood risk management can enable a community to become as resilient as practicable to floods through informed prevention activities, and preparation for, response to and recovery from flooding. Studies that improve our knowledge of flood risk can provide the basis for making informed management decisions. The guideline considers that understanding the variation in flood hazard in different areas of the floodplain can aid decision making in the following areas:

- **Flood risk management.** The guideline provides information on the scale of, and drivers for, flood hazard to people, vehicles and buildings. This would influence decisions in relation to management of flood risk and the types of mitigation measures that may be considered to manage this risk.
- **Strategic and development scale land-use planning.** Information on where the varying degree of flood hazard to people, vehicles and buildings occurs across the floodplain is provided. This can be considered in setting strategic land-use directions for a community, where it can inform decisions on where to develop, what type of development is suited to particular areas (e.g. certain developments are less robust than others) and the development conditions necessary to limit the risks created by introducing new development.
- **Flood emergency response planning.** This guideline can inform the development of flood emergency response plans by providing advice on the variation of hazardous conditions to people, vehicles and buildings within the floodplain.

## 2 Determining flood behaviour parameters

### 2.1 Flood study

ADR Handbook 7, Chapter 5, describes the need to understand flood behaviour on the floodplain of interest. It highlights the importance of understanding flood behaviour for understanding and managing flood risk. This includes comprehending the:

- range of potential flooding and the implications of a changing climate
- flood function of the area, particularly conveyance and storage of water
- variation in flood hazard within the floodplain; this depends upon flow depth and velocity, and the interaction of the flood with the landscape, which can isolate areas from flood-free land and result in difficult evacuation situations.

Chapter 11 of ADR Handbook 7 further expands on the flood study investigations typically required to assess flood behaviour on the subject floodplain. Flood studies aim to provide an understanding of the full range of flood behaviour and consequences. They typically involve consideration of the local flood history, available collected data, and the development of models that are calibrated and verified, where possible, against historic flood events and extended to determine the full range of flood behaviour.

A range of analytical tools and approaches can be used to estimate and quantify flood behaviour in the study area. These tools are typically computer-based flood models and may vary in complexity to suit the complexity and scale of the subject floodplain. A detailed description of flood study outcomes is provided in Chapter 11 of ADR Handbook 7.

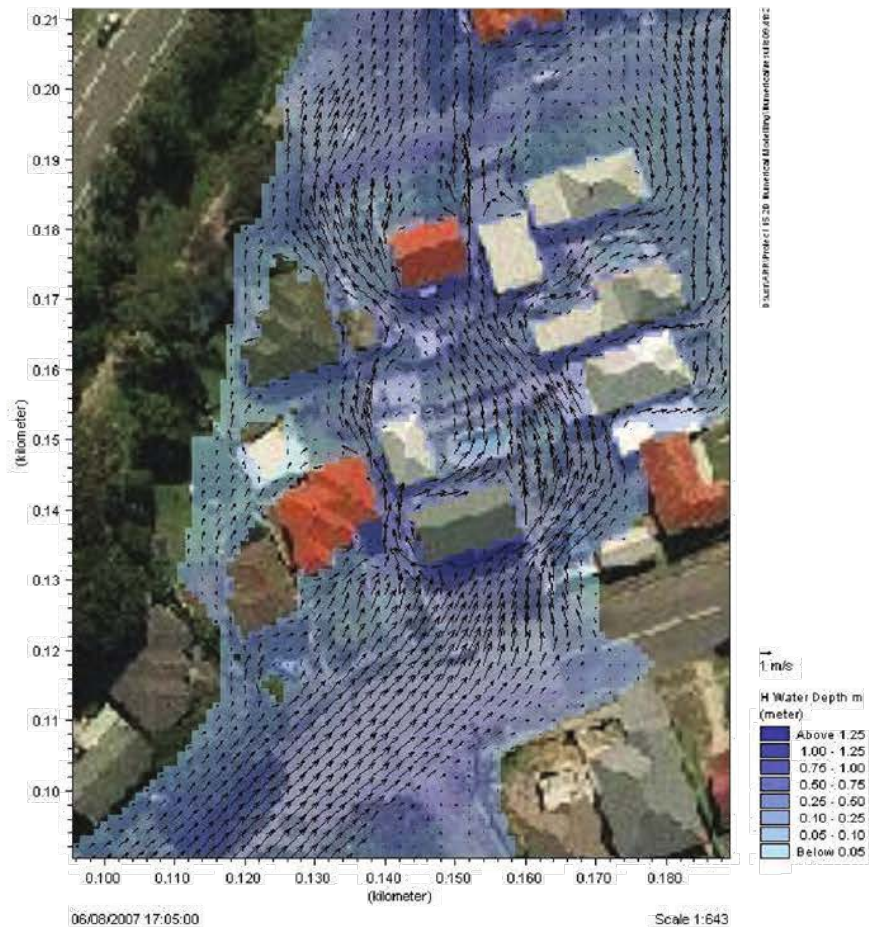
Fundamental to the estimation of flood hazard on a floodplain is the estimation of flood depth, flood velocity,

and depth and velocity in combination (see examples in Figure 2 and the appendix). The outputs of a flood study include the spatial resolution of flood depth and flood velocity estimates across the floodplain, and hence the description of the variability of flood hazard across the floodplain, at a scale that depends on the spatial resolution of the flood study models. Flood studies also allow the extent of flooding to be determined and provide information to determine where communities can be isolated by floodwaters (discussed further in Section 5).

### 2.2 Recommended flood events for hazard assessment

Flood hazard varies with flood severity (i.e. for the same location, the rarer the flood the more severe the hazard) and location within the floodplain for the same flood event. ADR Handbook 7 identifies that sound floodplain management practice should consider a full range of design flood probabilities to provide an overview of the full risk profile for the subject floodplain. Similarly, the variability of flood hazard should be assessed across a range of flood probabilities, as well as spatially across the floodplain.

Since there is typically some effort required to produce flood hazard estimates in addition to baseline flood risk information, flood hazard may be considered for a subset of the full range of flood probabilities developed for the flood study. It is recommended that, as a minimum, flood hazard mapping be produced for the design flood event (DFE), a flood smaller than the DFE, and the probable maximum flood or a representative extreme event. Flood hazard mapping of these events will provide land-use planners, flood risk managers and emergency managers with an overview of changes in the severity of flood hazard for a range of events.



Source: Modelled after Smith and Wasko (2012)

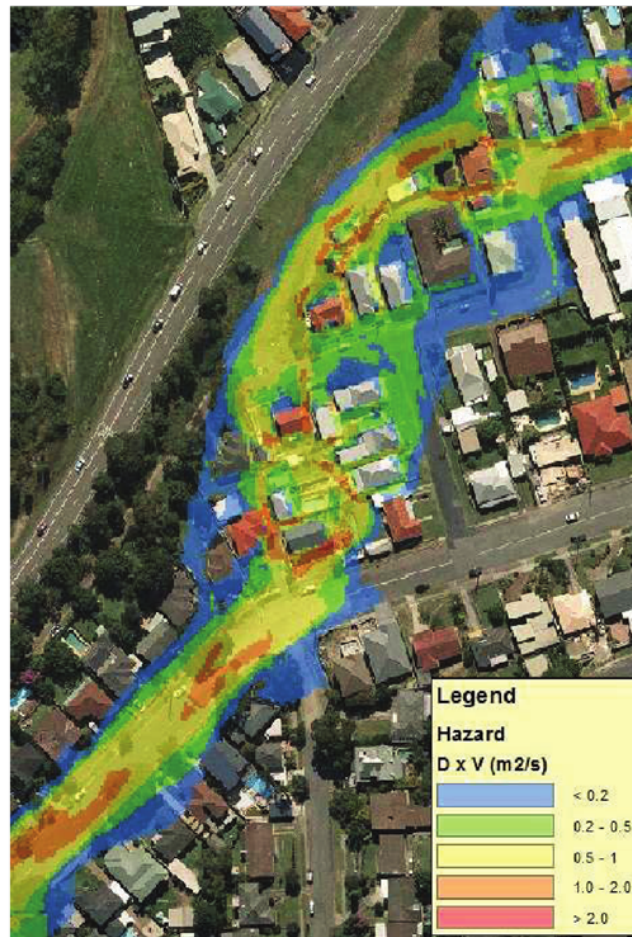
Figure 2: Example flood study results from a two-dimensional floodplain model



## 3 Quantifying flood hazard

Flood hazard is quantified by considering the flood depth and velocity in combination ( $D \times V$  product). When quantifying and classifying flood hazard, it is important to understand the relative degree of hazard and the underlying flood behaviour causing the hazard (e.g. high depth, high velocity, depth and velocity combined), as these may require different management approaches. Flood hazard can inform emergency and flood risk management for existing communities, and strategic- and development-scale planning for future areas.

Where the site under consideration is small and flood behaviour is relatively uniform, and a simplified method has been used to quantify the flood behaviour on the floodplain, it may be that a single point value of  $D \times V$  is appropriate. However, in cases where there is significant variability in the flood behaviour across the floodplain, a map of flood hazard assessing the spatial variability of flood hazard is more appropriate. An example of a flood hazard map showing the variability of  $D \times V$  across a floodplain is provided in Figure 3.



$D \times V$  = depth  $\times$  velocity; m<sup>2</sup>/s = square metres per second  
Source: Smith and Wasko (2012)

Figure 3: Example of peak modelled  $D \times V$

When interpreting flood hazard from model outputs, it is important to understand the underlying assumptions of the modelling approach and the effects this might have on flood hazard quantification. The modelling approach, model scale and resolution, and the associated level of topographic detail incorporated in a model, may all influence flood hazard estimates.

In some cases, larger resolution models may not be suitable for showing locations where localised high-hazard conditions might occur, such as near structures, across embankments or between buildings. Where detailed flood hazard estimates are required to support planning and management, a higher resolution of modelling and hazard analysis may be necessary. Further discussion of flood study outcomes is provided in Chapter 11 of ADR Handbook 7. Guidance on contemporary modelling approaches and the selection of model resolution is available in Babister and Barton (2012), with discussion on the influence of modelling approach and model resolution on flood hazard described in Smith and Wasko (2012) and Smith et al. (2014). Additional examples of flood hazard assessments conducted at various floodplain scales and model resolutions are provided in the appendix.

Where the timing aspects of flooding are important, especially as an input to emergency planning and management, a time-varying map of flood hazard can be developed. Many contemporary two-dimensional floodplain models can produce time-varying flood hazard maps as a standard output. The rate of rise of floodwaters at key locations on the floodplain and the duration of flooding above key flood hazard thresholds are important baseline information when considering isolation aspects of emergency management.

### 3.1 Peak flood hazard

On large floodplains—where the rate of rise and fall of the flood is slow, and the flood duration is weeks or months—it may be sufficient to assess flood hazard at the peak of the flood. However, in small- to medium-sized catchments, where flood levels rise and fall more rapidly, the timing aspects of the flood hydrograph require consideration. In these types of catchments, the maximum hazard value during a flood may not occur at the peak flow rate or the peak flood level, but on some combination of  $D$  and  $V$  during the flood event.

High values of  $D \times V$ , beyond important hazard thresholds, may often occur on the rising limb of a flood and are an important consideration in flood hazard assessments. For example, when considering the safety of a flood evacuation route, hazard values above the  $D \times V$  thresholds for vehicle stability may be exceeded before the peak of flood levels. This case is illustrated graphically in Figure 4 and Figure 5. In this case, the peak flood hazard value occurs at time (1), which is before the peak of the flood at time (2).

The example as presented reinforces that where flood behaviour changes quickly on the floodplain, flood hazard quantification should be assessed at all stages of the flood hydrograph, not just at the peak of the flood flow hydrograph or at the time of peak flood level.



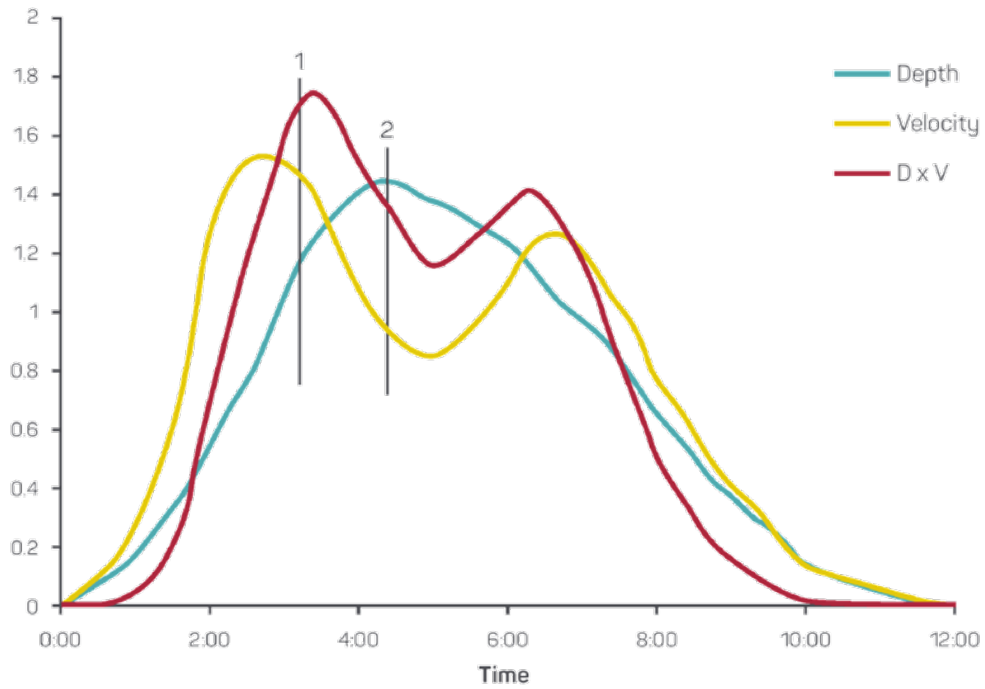
Time 1 – on rising limb of flood



Time 2 – at peak flood level

Figure 4: Peak hazard occurs at Time 1, before the peak flood level at Time 2





Note: Depth is measured in metres (m); velocity in m/s;  $D \times V$  in  $m^2/s$ .

Figure 5: Flood hydrographs for the subject floodplain in Figure 4

# 4 Indexing to flood hazard vulnerability curves

Once the flood hazard has been quantified and the timing aspects of flood hazard understood, the potential of the flood flows to cause damage or danger can be indexed against vulnerability curves linked to meaningful hazard thresholds.

The vulnerability of the community and its assets can be described by using thresholds related to the stability of people as they walk or drive through flood waters, or shelter in a building during a flood. The vulnerability to hazard will also be influenced by whether the primary consideration is, for example, strategic land-use planning, which is aimed at ensuring land use is compatible with the flood risk, or assessing development proposals or emergency management planning, which is aimed at addressing residual flood risks.

## 4.1 General flood hazard classification

A flood hazard assessment conducted as part of a flood study often provides baseline information for general consideration as part of an initial scoping exercise for a floodplain management study. In such a preliminary assessment of risks or as part of a constraints analysis for strategic land-use planning, a combined set of hazard vulnerability curves such as those presented in Figure 6 can be used as a general classification of flood hazard on a floodplain. Further information on the source of the hazard vulnerability curves presented in Figure 6 is available in Smith et al. (2014).

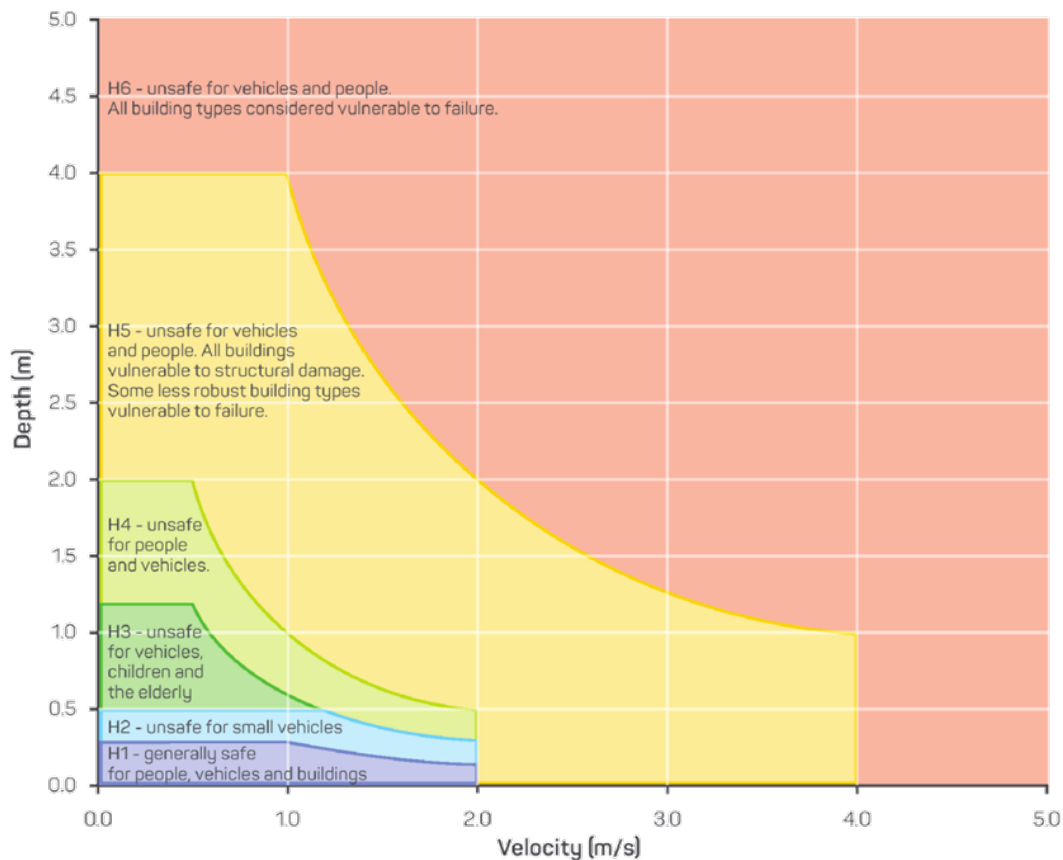


Figure 6: General flood hazard vulnerability curves

The combined flood hazard curves presented in Figure 6 set hazard thresholds that relate to the vulnerability of the community when interacting with floodwaters. The combined curves are divided into hazard classifications that relate to specific vulnerability thresholds as described in Table 1. Table 2 provides the limits for the classifications provided in Table 1.

A flood hazard map classified against these general vulnerability thresholds based on the flood behaviour derived using flow modelling for the example floodplain presented in Figure 3 is shown in Figure 7. Additional examples are provided in the appendix.

Table 1: Combined hazard curves – vulnerability thresholds

Hazard Vulnerability Classification	Description
H1	Generally safe for vehicles, people and buildings.
H2	Unsafe for small vehicles.
H3	Unsafe for vehicles, children and the elderly.
H4	Unsafe for vehicles and people.
H5	Unsafe for vehicles and people. All building types vulnerable to structural damage. Some less robust building types vulnerable to failure.
H6	Unsafe for vehicles and people. All building types considered vulnerable to failure.

Table 2: Combined hazard curves – vulnerability thresholds classification limits

Hazard Vulnerability Classification	Classification limit (D and V in combination) m <sup>2</sup> /s	Limiting still water depth (D) m	Limiting velocity (V) m/s
H1	$D \cdot V \leq 0.3$	0.3	2.0
H2	$D \cdot V \leq 0.6$	0.5	2.0
H3	$D \cdot V \leq 0.6$	1.2	2.0
H4	$D \cdot V \leq 1.0$	2.0	2.0
H5	$D \cdot V \leq 4.0$	4.0	4.0
H6	$D \cdot V > 4.0$	-	-

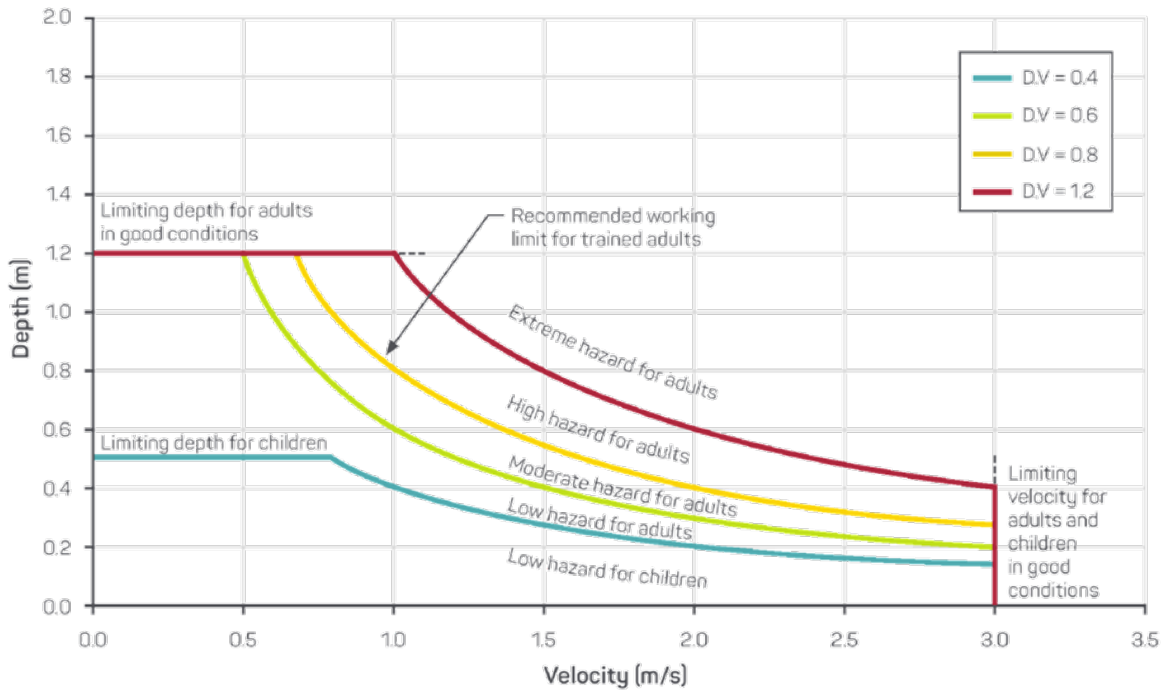


Source: Modelled after Smith and Wasko (2012)

Figure 7: Floodplain hazard classification map

In some instances, specific hazard classifications are more appropriate than the general curves suggested in Figure 6. For example, if the hazard assessment is required as the basis of an evacuation plan, then a hazard analysis should be guided by vulnerability curves specifically for people stability (Figure 8) and vehicle stability (Figure 9) to assess the suitability

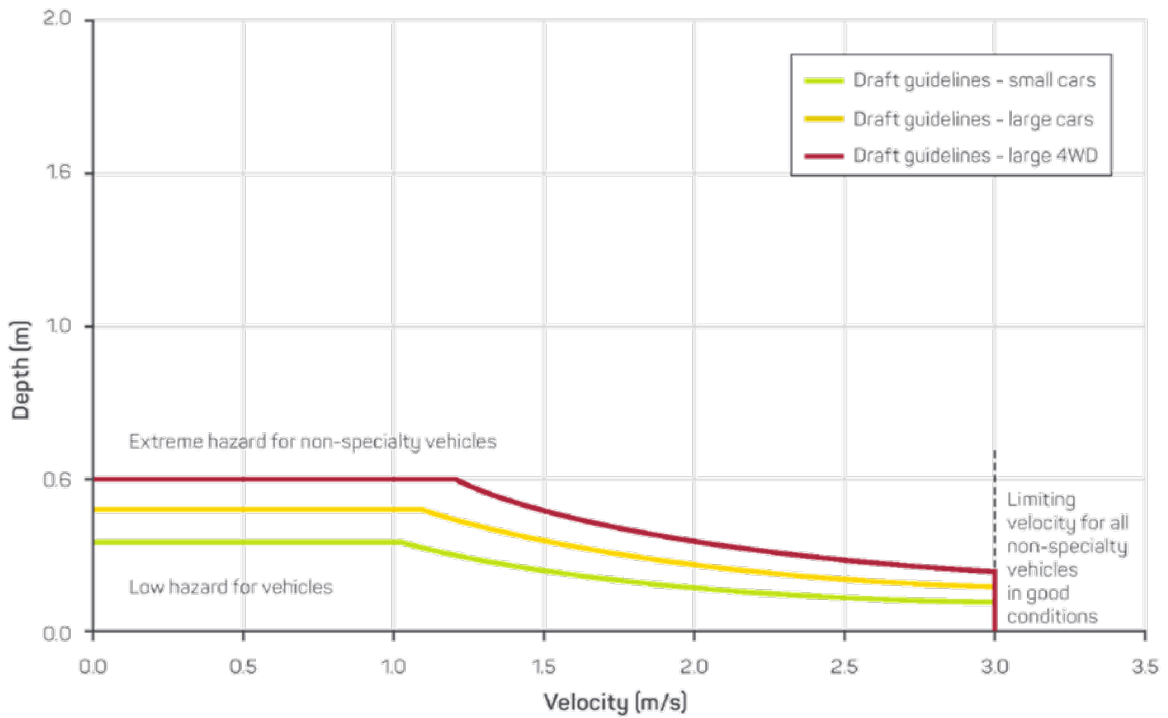
of various evacuation routes. Alternatively, if an assessment of buildings suitable for use as flood shelters is required, then the building stability curves presented in Figure 10 may be applied. Additional background information on these individual flood hazard curves is available in Smith et al. (2014).



D.V = depth × velocity

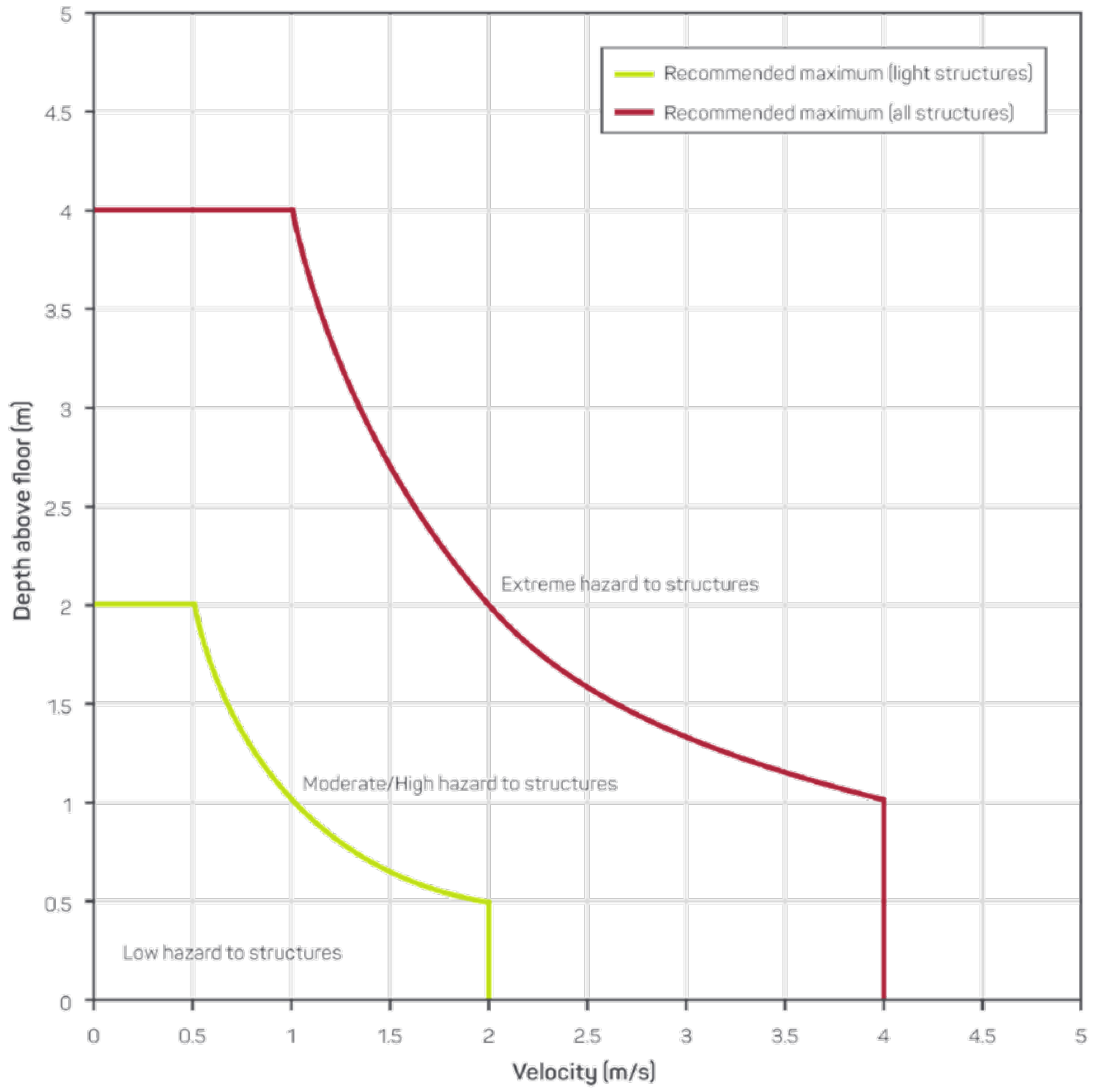
Source: Modelled after Cox et al. (2010)

Figure 8: Thresholds for people stability in floods



Source: Modelled after Shand et al. (2011)

Figure 9: Thresholds for vehicle stability in floods



Source: Modelled after Smith et al. (2014)

Figure 10: Thresholds for building stability in floods



# 5 Isolation, warning time, rate of rise and time of day

The effective warning time available to respond to a flood event, the rate of rise of floodwaters, the time of day a flood occurs, and isolation from safety by floodwaters and impassable terrain are all factors that may increase the potential for people to be exposed to hazardous flood situations. These factors are important considerations that influence the vulnerability of communities to flooding and are important considerations in managing flood risk.

## 5.1 Isolation

As outlined in Section 5.3.3 of ADR Handbook 7, flooding can isolate parts of the landscape and cut-off evacuation routes to flood-free land. This can result in dangerous situations, because people may see the need to cross floodwaters to access services, employment or family members. Many flood fatalities result from the interactions of people, often in vehicles, with floodwaters. Any situation that increases people's need to cross floodwaters increases the likelihood of an injury or fatality. ADR Handbook 7 recommends that the floodplain be classified by precinct or community based on flood emergency response categories. This classification is separate to the quantification of hazard outlined in this guideline and is addressed in the complementary *ADR Guideline 7-2 Flood Emergency Response Classification of the Floodplain*.

## 5.2 Effective warning time

As outlined in Section 5.3.4 of ADR Handbook 7, effective warning time is the time available for people to undertake appropriate actions, such as lifting or transporting belongings and evacuating. Lack of effective warning time can increase the potential for the exposure of people to hazardous flood situations. In contrast, having plenty of effective warning time provides the opportunity to reduce the exposure of people and their property to hazardous flood situations.

## 5.3 Rate of rise

Rate of rise of floodwaters is discussed in Section 5.3.5 of ADR Handbook 7. A rapid rate of rise can lead to people who are evacuating being overtaken or cut-off by rising floodwaters. It is often associated with high velocities, but it can be an issue if access routes are affected by flooding.

## 5.4 Time of day

The time of day influences where people are and what they are doing. This can influence their ability to receive any flood warnings and respond to a flood threat. Inability to receive and respond to a warning can increase the potential for people to be exposed to hazardous flood situations.



# Appendix

## Flood Hazard Examples

The following figures provide both a broad-scale and more localised example in the same floodplain of the base data (variation in velocity and depth across a floodplain) and hazard mapping using the categories outlined in this guideline. Examples are also given combining categories H2–H4, which relate to different scales of risk to people and vehicles, as this may be appropriate for some management techniques.

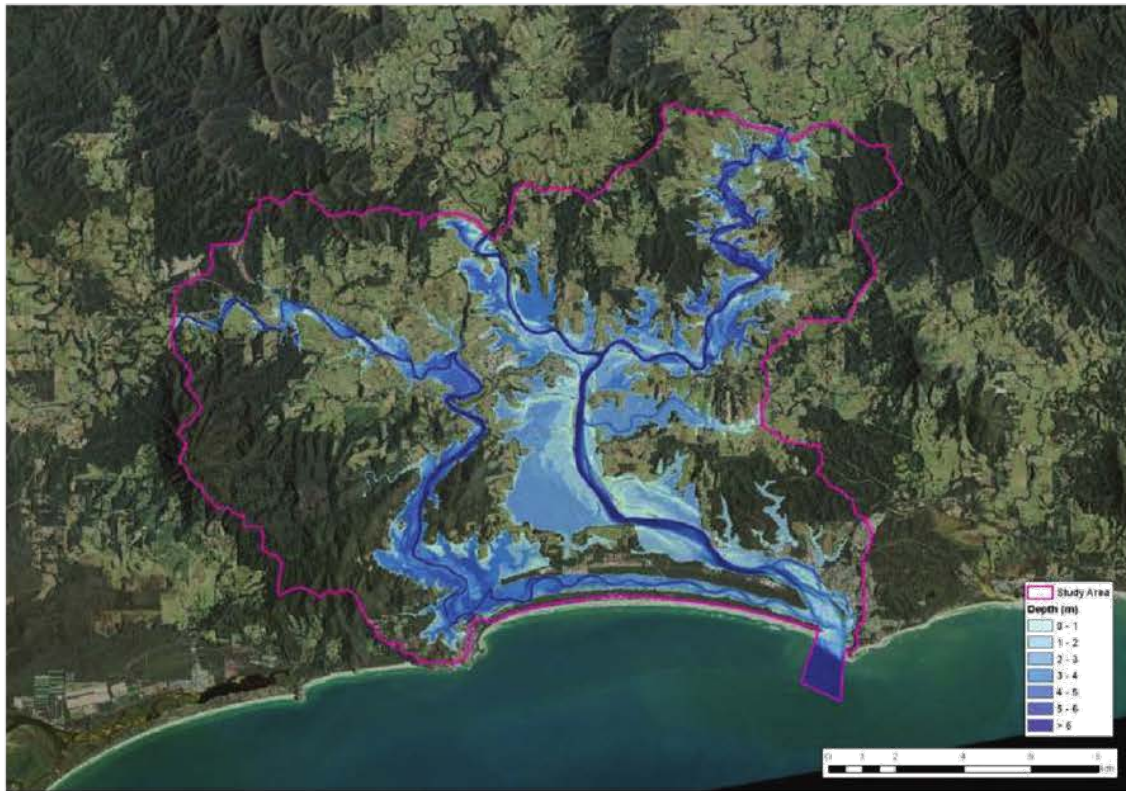


Figure A1: Flood depth variation within a broad floodplain

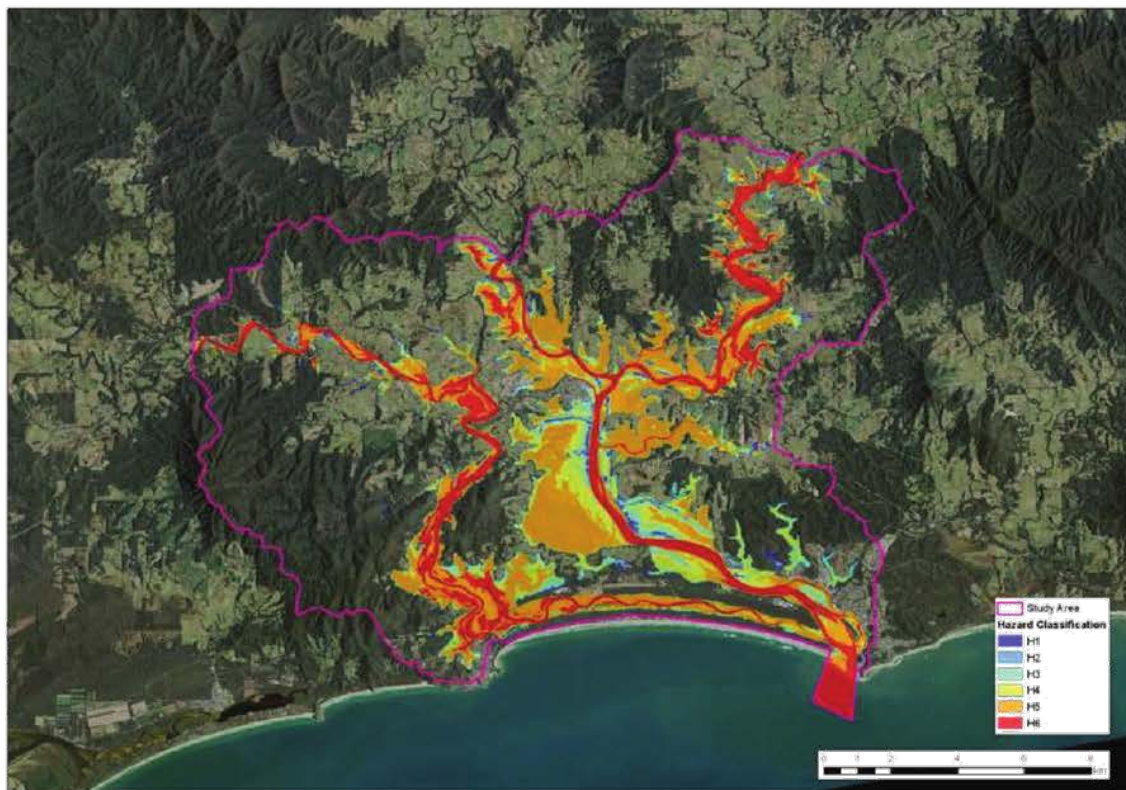


Figure A2: Flood hazards for categories H1 to H6 for a broad floodplain



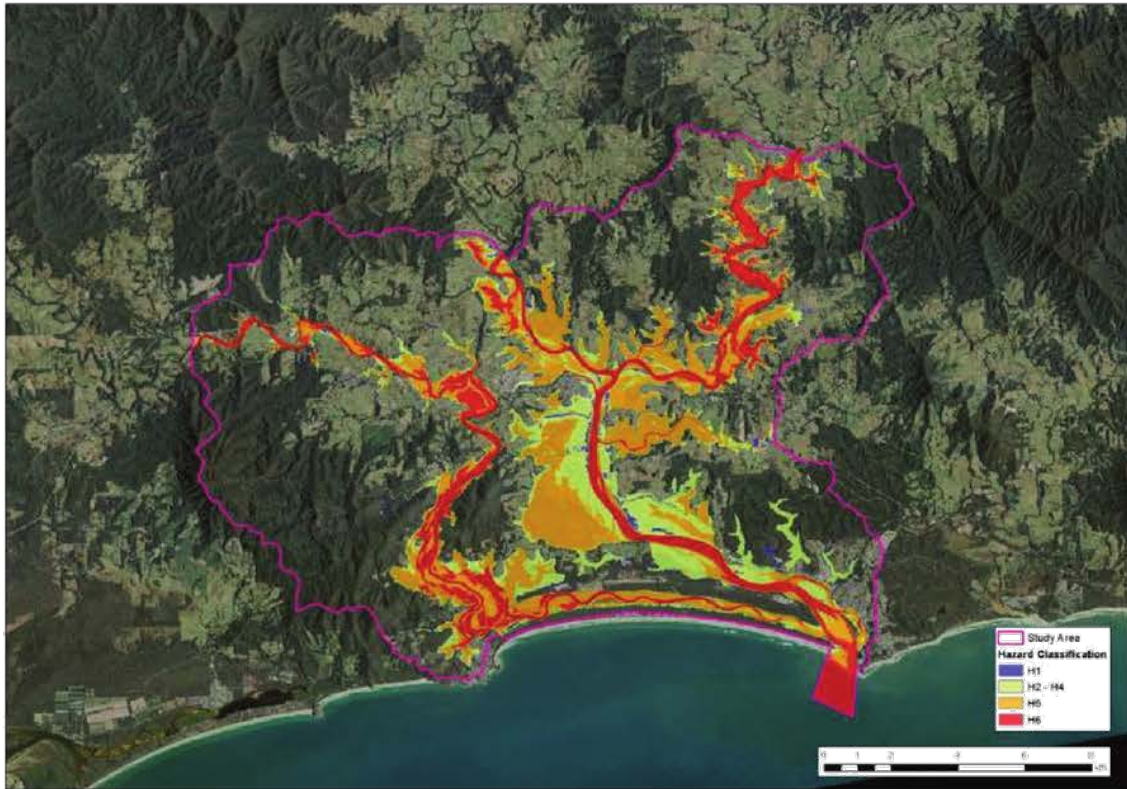


Figure A3: Flood hazards for categories H1, combined H2–H4, H5 and H6 for a broad floodplain

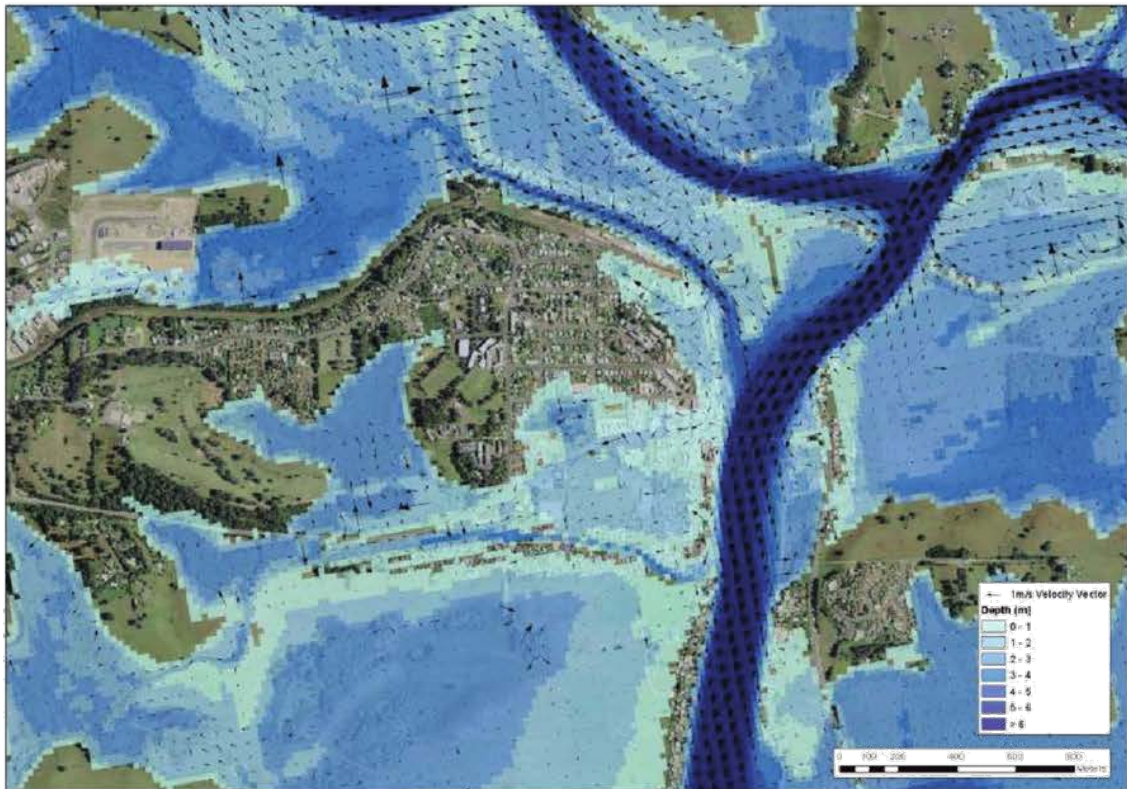


Figure A4: Velocity vectors and flood depths within a more localised area of floodplain



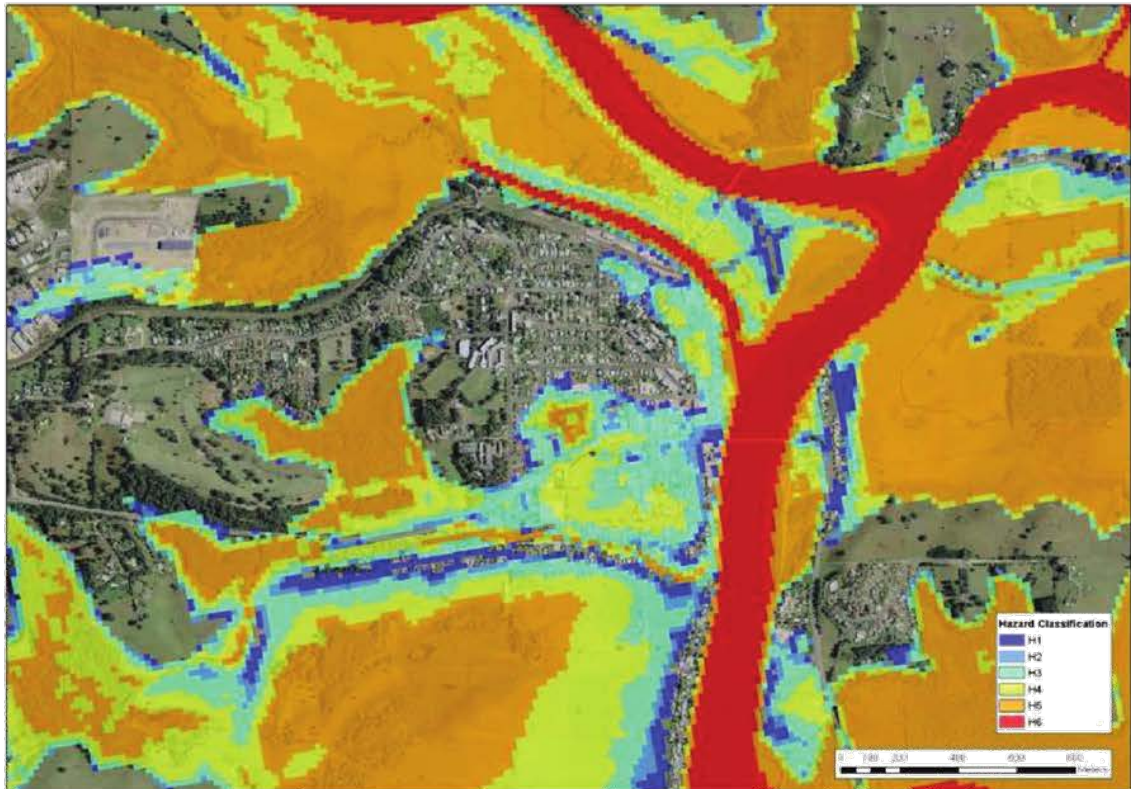


Figure A5: Flood hazards for categories H1–H6 for a more localised area of floodplain

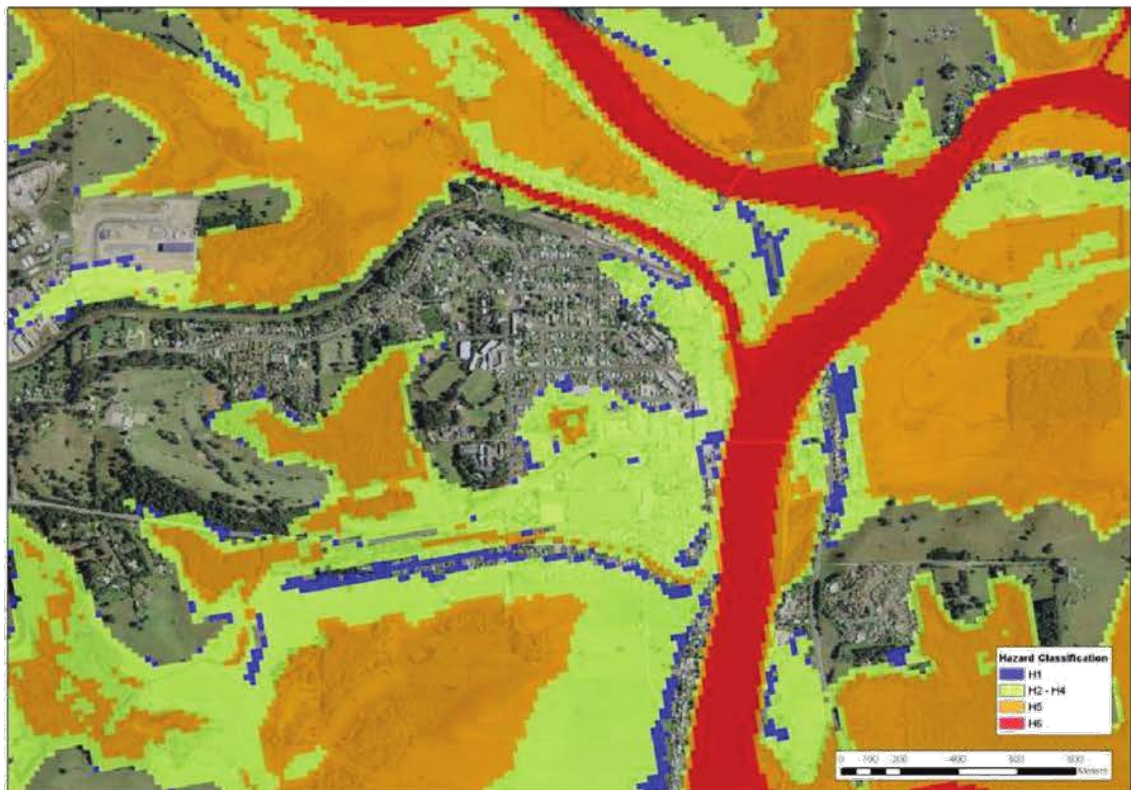


Figure A6: Flood hazards for categories H1, combined H2–H4, H5 and H6 for a more localised area of floodplain

## References

Australian Institute for Disaster Resilience (AIDR) 2017, *Handbook 7 Managing the Floodplain: A Guide to Best Practice in Flood Risk Management in Australia*, Melbourne.

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**Item No:** 5.3  
**Title:** Meeting Record of the Coastal Open Space System (COSS) Committee held on 29 May 2019  
**Department:** Environment and Planning

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22 July 2019 Ordinary Council Meeting

Trim Reference: F2018/00099 - D13581507

Manager: Luke Sulkowski, Unit Manager, Natural and Environmental Assets

Executive: Scott Cox, Director Environment and Planning

### **Report Purpose**

To note the Meeting Record of the Coastal Open Space System (COSS) Committee held on 29 May 2019.

### **Recommendation**

***That Council receive the report on Meeting Record of the Coastal Open Space System (COSS) Committee held on 29 May 2019 .***

### **Background**

The Coastal Open Space System (COSS) Committee held a meeting on 29 May 2019. The Meeting Record of that meeting is Attachment 1 to this report.

There are no actions recommended to Council. The Meeting Record is being reported for information only in accordance with the Terms of Reference.

### **Link to Community Strategic Plan**

Theme 4: Responsible

### **Goal G: Good governance and great partnerships**

G3: Engage with the community in meaningful dialogue and demonstrate how community participation is being used to inform decisions.

### **Attachments**

**1** COSS Committee Meeting Record - 29 May 2019      D13581516



# Coastal Open Space System (COSS) Committee Meeting Record 29 May 2019



<b>Location:</b>	Wyong Administration Building Level 2 Committee Room 2 Hely Street, Wyong	
<b>Date:</b>	29 May 2019	
<b>Time</b>	Started at: 4.05pm	Closed at: 6.26pm
<b>Chair</b>	Mayor Jane Smith	
<b>File Ref</b>	F2018/00099	

### **Present:**

Mayor Jane Smith, Councillor Chris Holstein (left 6.03pm), Councillor Louise Greenaway (arrived 4.07pm), Councillor Jeff Sundstrom, John Andrews, David Holland, Deb Holloman, Paul Links, Douglas Williamson, Barbara Wills, Gary Chestnut - non-voting (arrived 4.16pm)

### **External Representatives present:**

Stephen Atkins – National Parks and Wildlife Services (Hunter Central Coast Branch), Jonathon Eccles – Local Land Services (Greater Sydney), Rose Porter (on behalf of Joel Stibbard) – Biodiversity Conservation Trust (left 5.15pm)

### **Council Staff present:**

Scott Cox – Director Environment and Planning (arrived 4.43pm, left 5.45pm), Luke Sulkowski – Unit Manager Natural and Environmental Assets, Larry Melican – Section Manager Emergency Protection Natural Assets, Sharyn Styman – Environmental Management and Projects Officer (left 4.46pm), Scott Duncan – Section Manager Land Use and Policy, Dr Anumitra Mirti – Section Manager Environmental Strategies, Kelly Drover – Advisory Group Support Officer

## **Item 1 Welcome, Apologies and Acknowledgement of Country**

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Joel Stibbard – Biodiversity Conservation Trust

The Chairperson, Mayor Jane Smith declared the meeting open at 4.05pm and undertook an Acknowledgement of Country.

## **Item 2 Disclosures of Interest**

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The Mayor called for any declarations of interest.

No disclosures were noted.

## Coastal Open Space System (COSS) Committee Meeting Record 29 May 2019



### **Item 3 Confirmation of Previous Meeting Record**

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The Committee confirmed the Meeting Record from 27 March 2019.

The Committee reviewed the Action Log.

### **Item 4 COSS Logo and upcoming Strom Talk**

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The Mayor is hosting the inaugural Strom Talk on World Environment day (5 June 2019) to celebrate the natural environment of the Central Coast and the Coastal Open Space System.

### **Item 5 Discussion about Recreation and Management in COSS Lands and other Council managed natural reserves**

---

Sharyn Styman (Environmental Management and Projects Officer) provided the Committee with an update on the Mountain Bike Feasibility Study.

The Committee discussed that the Feasibility Study needs to include the cost of rehabilitation, education and compliance and that Council should be looking at locations off COSS land for mountain biking.

**Action:** Committee members to indicate their interest in participating in a Mountain Biking Focus Group, to the Advisory Group Support Officer by Wednesday 12 June. Advisory Group Support Officer to send reminder to Committee members when meeting record is distributed.

**Action:** The Committee requests a broader view of nature based recreation in COSS lands to be presented at the next meeting.

### **Item 6 Presentation on the Biodiversity Conservation Trust and its programs**

---

Rose Porter (on behalf of Joel Stibbard, Biodiversity Conservation Trust) provided a presentation to the Committee on the Trust and its programs.

Council is currently developing its Biodiversity Strategy and the Committee noted it would be worthwhile for discussions to be held between Council and Biodiversity Conservation Trust.

**Action:** Advisory Group Support Officer to circulate presentation to Committee Members.

### **Item 7 Finances (Action Items 47 and 48)**

---

Viv Louie – Unit Manager Financial Performance provided the following written update for the Committee:

#### **COSS Committee Action 47 (30 January 2019)**

*The Committee seek clarification whether the \$1.5million generating interest for POET is separate to or part of the \$5.7million current balance.*

## Coastal Open Space System (COSS) Committee Meeting Record 29 May 2019



### Response

The \$1.5 million which is generating interest for the POET is part of the restricted COSS funds.

### COSS Committee Action 48 (30 January 2019)

*An update to be provided at the next meeting how we might estimate the total amount of funds required in terms of the identified COSS land acquisitions.*

### Response

To provide an *estimate* of the value of the COSS land to be acquired we can provide the latest NSW Valuer General value for the parcels as this information is used to calculate rates. The current land values are dated 1 July 2016.

For any parcels where the NSW Valuer General has not provided Council with a land valuation surrounding parcels with similar zoning will need to be reviewed to provide an estimated land value. Pulling together this information for any identified COSS land for acquisition will take time, which is also dependant on the number of parcels identified.

The Committee had discussion about an approach that would estimate value per hectare and provide an average for acquisition of remaining land in COSS Strategy.

**Action:** The Committee requests staff to estimate the cost of acquisition of identified COSS lands and provide that estimate to the COSS Committee.

## Item 8 Update on Conservation Land Acquisitions

---

Larry Melican (Section Manager Emergency Protection Natural Assets) provided an update on the 16 properties identified on the shortlist. Letters have been sent out to property owners. 11 positive responses have been received showing preliminary interest, 7 in north and 4 in south. The 16 properties will total approximately 400 hectares.

## Item 9 Reflect on Progress in line with Terms of Reference and Action Plan

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Deferred to next meeting.

## Item 10 Update on Winney Bay

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Luke Sulkowski (Unit Manager Natural and Environmental Assets) gave an update on Winney Bay.

Noted that Winney Bay issue highlights need to consider appropriate tracks (scale and materials) and infrastructure in COSS and environmentally sensitive lands. Would be useful to have a guideline for future works.

The Committee expressed an interest in participating in a site visit to identify what types of tracks, materials and infrastructure are suitable for COSS lands with a view to developing a guideline.

## Coastal Open Space System (COSS) Committee Meeting Record 29 May 2019



**Action:** Staff to arrange an inspection of COSS lands (and National Parks for comparison) for interested Committee members to inspect what kinds of tracks, materials and infrastructure are suitable for COSS and environmentally sensitive lands. Photos to be made available for Committee members who are unable to attend.

### **Item 11 Opportunities to promote COSS Initiatives (Action Item 57)**

Larry Melican (Section Manager Emergency Protection Natural Assets) discussed previous COSS promotions and programs and the Draft Biodiversity Strategy 2019.

**Action:** On behalf of the Committee, staff request the PoET Management Committee consider allocating funds towards the promotion of COSS initiatives.

### **Item 12 A Presentation on the History of the Bonus Lot Provisions**

Scott Duncan (Section Manager Land Use and Policy) gave a presentation on the History of the Bonus Lot provisions.

Noted that Planning Staff could develop a conservation incentive clause to allow a similar outcome to the existing Bonus Lot provisions, however it would need to be based on the use of Voluntary Planning Agreements and would operate differently from the current provisions. There are some recommendations to develop such a clause in the Biodiversity Strategy. This does not form part of the Central Coast Consolidated LEP, but could be implemented by way of a separate Planning Proposal or through the Central Coast Comprehensive LEP process.

**Action:** Advisory Group Support Officer to distribute presentation to Committee members.

### **Item 13 Update from External Representatives**

#### **Local Land Services (Greater Sydney)**

- Jonathon Eccles gave an update on the Rabbit Haemorrhagic Disease Virus and release of RHDV1-K5 and advised that uptake has increased.
- There has been an increase in feral deer at MacMasters and Jilliby. Local Land Services (Greater Sydney) Biosecurity team are meeting with Council staff on how to manage this issue.
- A 6 weeks wild dog program has been completed west of the motorway.
- Cane Toads have been discovered at Woy Woy and Dooralong. The Biosecurity team have been laying traps for tadpoles.

#### **National Parks and Wildlife Services (Hunter Central Coast Branch)**

- Stephen Atkins gave an update that the Office of Environment and Heritage ceases to exist as of 1 July and will be absorbed into a new Planning and Industry department.
- An election commitment will see nearly \$150 million invested to improve visitor access to national parks over the next 4 years.



## Coastal Open Space System (COSS) Committee Meeting Record 29 May 2019



- The Government is also looking to significantly invest into roads and fire trails over the next few years.
- Gosford NPWS staff have now moved out of the CBD to Girakool (Somersby).
- The Bouddi National Park Plan of Management to go out on public exhibition end of June.
- A number of Hazard reduction burns have been taking place including Wyrabalong National Park which starts tomorrow.

### **Item 14            General Business and Close**

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Dr Anumitra Mirti (Section Manager Environmental Strategies) advised that as part of a pre-election commitment, Council received \$200,000 to do a Green Grid Plan. The new Minister is currently reassessing the grant that was given to the 11 Councils.

The meeting closed at 6.26pm

**Next Meeting:            Thursday 1 August 2019  
4pm – 6pm  
Central Coast Council Gosford Office  
Level 1 Committee Room  
49 Mann Street, Gosford**



**Item No:** 5.4  
**Title:** Grant Funding Update as at 30 June 2019  
**Department:** Innovation and Futures

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22 July 2019 Ordinary Council Meeting

Trim Reference: F2004/06322 - D13598273

Author: Louise Fisher, Chief External Funding Coordinator

Executive: Ricardo Martello, Executive Manager Innovation and Futures

### **Report Purpose**

To provide a quarterly report to Council on grant funding opportunities; and successful, unsuccessful and pending funding allocations at 30 June 2019.

### **Recommendation**

- 1 That Council receive the report on Grant Funding Update as at 30 June 2019.**
- 2 That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that Attachment 3 to this report remain confidential in accordance with section 10A(2)(d) of the Local Government Act as it contains commercial information of a confidential nature that would, if disclosed would confer a commercial advantage on a competitor of the Council and because consideration of the matter in open Council would on balance be contrary to the public interest as it would affect Councils ability to obtain value for money services for the Central Coast community.**

### **Background**

There are major funding opportunities available through the State and Federal Governments, and a significant amount of focus by Council staff has produced a large number of highly complex expressions of interests, business cases and applications.

A concise list of the major funding opportunities is provided as Attachment 1.

Two spreadsheets are attached to identify how much Central Coast Council has applied for; all projects applied for; successful grants received and unsuccessful applications (detailing reasons why if available). The following are attached:

- Applications for external funding where the outcome has been finalised – 31 March - 30 June 2019 – Attachment 2.
- Confidential - Applications for external funding that are still under consideration – 30 June 2019 – Attachment 3.

*Consideration of confidentiality*



## 5.4 Grant Funding Update as at 30 June 2019 (contd)

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It is recommended that the Attachment 3 to this report, External Funding Applications under consideration, remain confidential for the purposes of s. 11(3) of the *Local Government Act 1993*, on the grounds that it includes:

- 2(d) commercial information of a confidential nature that would, if disclosed:
  - (ii) confer a commercial advantage on a competitor of the Council,

In addition, release of the information in Attachment 3 would on balance be contrary to the public interest as it would affect Councils ability to obtain value for money services for the Central Coast community and may reveal commercial-in-confidence provisions of a government contract.

### Link to Community Strategic Plan

Theme 2: Smart

### Goal C: A growing and competitive region

C1: Target economic development in growth areas and major centres and provide incentives to attract businesses to the Central Coast.

### Attachments

<b>1</b>	Overview major funding opportunities as at 30 June 2019	D13603655
<b>2</b>	External Funding Applications where the outcome has been finalised - 31 March - 30 June 2019	D13604480
<b>3</b>	External Funding Applications under consideration – CONFIDENTIAL - 30 June 2019 -	D13598241

Overview of Major Funding Opportunities as at 30 June 2019



Central Coast Council  
Overview of Major Funding Opportunities  
Louise Fisher, Chief External Funding Coordinator  
30 June 2019



**Wyong Office:** 2 Hely St / PO Box 20 Wyong NSW 2259 | P 02 4350 5555

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Overview of Major Funding Opportunities as at 30 June 2019

## Major NSW Government Funding Opportunities

The following major funding opportunities are available through the State and Federal Governments including:

- **INSW ReStart NSW**
- **NSW Snowy Hydro Legacy Fund**
- **Federal Government – City Deal**

Council will actively seek to explore all opportunities for external funding for suitable priority projects and will continue to collaborate with key stakeholders to develop projects which benefit the Central Coast.

### Infrastructure NSW - ReStart NSW

There are 11 funding programs supported by INSW [Restart NSW](#):

1. **[Fixing Country Roads](#)** - Fixing Country Roads provides funding to local councils to repair and upgrade roads throughout regional NSW, with \$543 million reserved for projects that improve and build efficient freight transport networks to reduce costs for businesses.
2. **[Fixing Country Rail](#)** - Fixing Country Rail provides funding to rail infrastructure enhancement projects that eliminate connectivity constraints on the NSW regional rail network. It is designed to complement the Fixing Country Roads program to build an efficient freight transport network in regional NSW and reduce the cost to market for businesses.
3. **[Regional Growth Fund - Growing Local Economies](#)** - Growing Local Economies aims to turbocharge new regional economic opportunities and provide long-term growth benefits. Funding is available for projects of economic significance which could include, but are not limited to, road works, natural gas mains and pipelines, water supply, sewerage connections and telecommunications.
4. **[Regional Growth Fund - Environment and Tourism Fund](#)** - The \$300 million Regional Growth – Environment and Tourism Fund (RGETF) aims to increase tourist visitation by investing in regional environment and tourism infrastructure. It particularly focuses on assets that will grow and further diversify NSW regional economies.  
Council was successful in obtaining funding for both the \$4.62m Winney Bay Cliff Top Walk and the \$2.94m Proposed Boardwalk – Terrigal Beach to The Haven through this fund.



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## Overview of Major Funding Opportunities as at 30 June 2019

5. **[Regional Growth Fund - Resources for Regions](#)** - aims to address infrastructure constraints in mining-related communities
6. **[Safe and Secure Water](#)** - Safe and Secure Water is a \$1 billion fund securing water supply and sewerage services for NSW regional communities.  
Council has submitted a business case for \$6.1m for Mardi Water Treatment Plant Upgrade (25% of total project cost as per the program guidelines) through this program.
7. **[Housing Acceleration Fund](#)** - Established in 2012, with more than \$2 billion reserved to deliver critical enabling infrastructure to stimulate and accelerate housing development in NSW. The fund creates opportunities for releasing housing through upgrades to roads and other infrastructure.  
Council was successful in receiving funding for the detailed design and business case development for \$51m for Gosford CBD and Warnervale Town Centre Water and Sewer infrastructure through this project. Council is currently developing P90 business cases to support funding for the construction phase.
8. **Cobbora Transition Fund** – N/A
9. **Hunter Infrastructure and Investment Fund** – N/A
10. **[Regional Tourism Infrastructure](#)** - The Regional Tourism Infrastructure program funds critical visitor economy infrastructure projects, such as rail trails, airports and cruise terminals.
11. **Restart Illawarra** – N/A

**2018/19 outcome of INSW Restart NSW**

Central Coast has been allocated \$9m\* for 3 projects, listed below. Note: \*This figure does not include the \$51m W&S projects as they are currently in the business case phase.

## Central Coast - Restart NSW Local and Community Infrastructure Projects

Status	Funding Program	Project	Funding recipient	Restart Funds (\$million)
Funding announced	Regional Growth Fund - Environment and Tourism Fund	Winney Bay Cliff Top Walk	Central Coast Council	4.62
Funding announced	Regional Growth Fund - Environment and Tourism Fund	Proposed Boardwalk - Terrigal Beach to The Haven	Central Coast Council	2.94
Funding announced	Regional Growth Fund - Environment and Tourism Fund	Central Coast Marine Discovery and "Wonders of the Wreck"	Central Coast Marine Discovery Centre	1.50



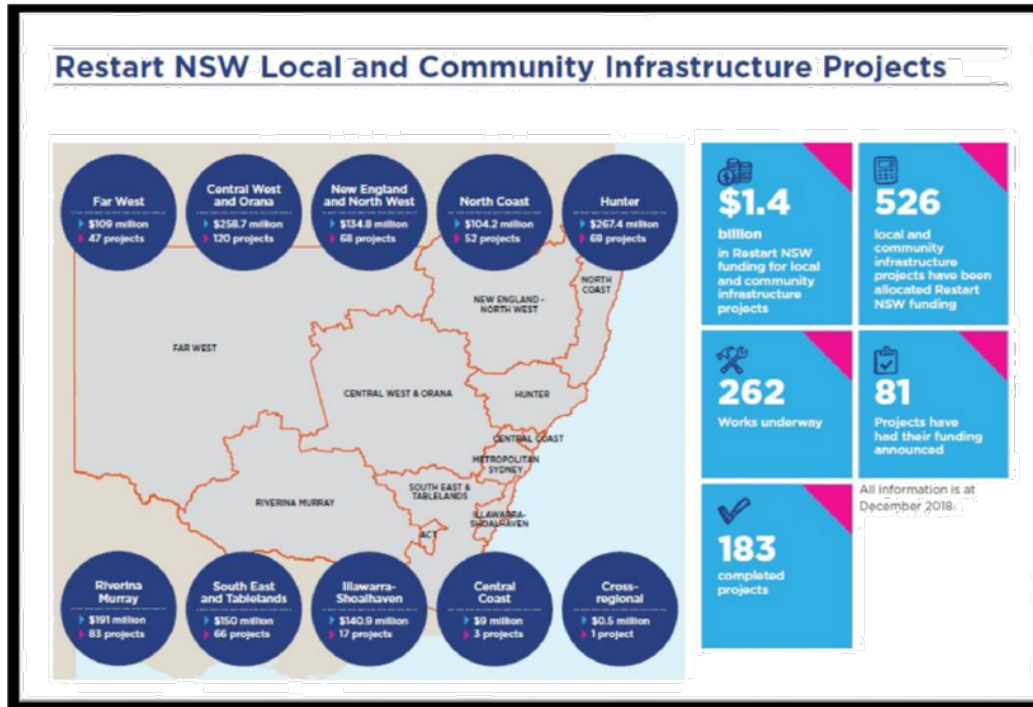
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## Overview of Major Funding Opportunities as at 30 June 2019

The map below highlights the funding allocated to NSW regions for Restart NSW Local and Community Infrastructure Projects.



## Snowy Hydro Legacy Fund

Sale of the NSW interest in the Snowy Hydro scheme to the Commonwealth Government has resulted in \$4.1 billion for regional areas of NSW to help to deliver critical infrastructure and priority initiatives identified in the 20-Year Economic Vision for Regional NSW, NSW State Infrastructure Strategy 2018–2038 and other long-term government plans.

Council in response to the announcement of the Snowy Hydro Legacy fund identified the following projects key enabling projects for the Central Coast:

- Somersby – Mt Penang Employment Precinct (Lead: Department of Planning and Environment)
- Tuggerah Activation Precinct (Lead: Central Coast Council)
- Gosford Hospital Health, Education and Research Precinct (Lead: Central Coast Local Health District)
- Gosford Cultural Precinct (Lead: Central Coast Council)



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## Overview of Major Funding Opportunities as at 30 June 2019

In October 2018, the NSW Government announced that the first priorities for the [Snowy Hydro Legacy Fund](#) investment include:

- Providing water security in priority catchments
- Improving rail and road passenger transport connections
- Improving freight linkages
- Improving digital connectivity across regional NSW
- Activating regional locations for increased business investment

Council continues to work collaboratively with the Central Coast Regional Leadership Executive Group (RLE) and regional stakeholders to develop regionally significant projects to provide enabling infrastructure, long term job creation initiatives and region-building projects.

### Regional Digital Connectivity program

The 2019/20 NSW Budget included the announcement of the [Regional Digital Connectivity program](#) which aims to bring faster, more reliable, widespread digital coverage to regional NSW under the \$4.2 billion Snowy Hydro Legacy Fund. The program focuses on three priority areas:

1. internet and data – closing the gap between metro and regional internet speeds, prices and reliability
2. farm and water – enabling our farmers to leverage agricultural technology (AgTech) to boost competitiveness, productivity and water management
3. mobile – eliminating mobile black spots where people live and work.

### Federal Government – City Deal

The Australian Government committed to the [Smart Cities Plan](#) in 2016. The Plan sets out the Government's vision for productive and liveable cities that encourage innovation, support growth and create jobs.

[City Deals](#) are the key mechanism for delivering on the Smart Cities Plan. They are a genuine partnership between the three levels of government and the community to work towards a shared vision for productive and liveable cities.

The Australian Government is also progressing a number of pilot [Regional Deals](#) that bring together all levels of government to deliver agreed outcomes in the region.



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External Funding Applications where the outcome has been finalised - 31 March - 30 June 2019											
										TOTALS as at 31 March 2019	
										\$ 131,510,621	\$ 87,345,755
Date	Application Type	Program	Funding Body	Project Name	Project Description	Total Project Budget	Funding Requested	Status	Notes	Unsuccessful	Funding Allocated
14-Sep-18	Application	Community Sports Infrastructure Grant Programme	Federal Government	Kanwal Oval Upgrades	Upgrade the irrigation system, drainage system and floodlights at Kanwal Oval	\$ 150,000	\$ 150,000	Funding Allocated	Allocated in second round of funding		\$ 150,000
		Metropolitan Greenspace Program	NSW Government	Central Coast Green Grid	Strategic planning to create Council's 'Green Grid'	\$ 200,000	\$ 2,000,000	Funding Allocated			\$ 200,000
	Application	Stronger Communities Fund	NSW Government	ex-HMAS Adelaide mast installation	ex-HMAS Adelaide mast installation	\$ 66,000	\$ 66,000	Funding Allocated			\$ 66,000
	Application	Stronger Communities Fund	NSW Government	Water fountain Frost Reserve, KINCUMBER	Water fountain Frost Reserve, Kincumber	\$ 10,000	\$ 10,000	Funding Allocated			\$ 10,000
	Application	Bridges Renewal Program	Federal Government	Akora Road bridge	The Akora Road bridge is a minor single span timber road bridge approximately 50 years old. Due to the poor structural condition, the bridge is currently closed to vehicles. Council has been receiving requests from business owners to re-open the bridge to vehicles, this grant funding would allow Council to construct a bridge which would allow vehicular traffic and facilitate higher productivity vehicle access.	\$ 692,000	\$ 346,000	Unsuccessful		\$ 346,000	
	Application	Bridges Renewal Program	Federal Government	Carrington Street bridge	The Carrington Street bridge is a minor single span timber road bridge approximately 45 years old. This bridge is no longer fit for purpose with the development of surrounding area attracting a high volume of traffic. This grant funding would allow Council to construct a bridge which provides an appropriate level of service to the traffic in the area.	\$ 775,000	\$ 387,500	Funding Allocated			\$ 387,500
12-Feb-18	Application	Housing Acceleration Fund	NSW Government	Warnervale Town Centre Water & Sewer Infrastructure	Design & Installation of Water Supply Trunk Mains, Sewer Pumps Stations and Sewer Mains to service new development in the Warnervale Town Centre. This project aims to accelerate the Warnervale Town Centre development in line with the North Wyong Structure Plan and Wyong Economic Development Strategy.	\$ 8,728,847	\$ 8,728,847	Funding Allocated	Initial funding is for the detailed design and business case as required for the NSW gateway process.		\$ 8,728,847
11-Oct-18	Application	Regional Communities Development Fund	NSW Government	Shared pathway on Malinya Road, Davistown	This project involves the construction of 600 metres of pedestrian and cycle pathway on Malinya Road Davistown from Henderson Road to Coolmal Avenue. Provision of this shared pathway will complete this missing link section of the Coastline Cycleway to connect to Davistown Road.	\$ 1,500,000	\$ 1,000,000	Unsuccessful		\$ 1,000,000	
11-Oct-18	Application	Regional Communities Development Fund	NSW Government	Shared Pathway Cresthaven Avenue, Bateau Bay	This project involves the construction of 1,120 metres of pedestrian and cycle pathway on Cresthaven Avenue, Bateau Bay from opposite Dunning Avenue to Sir Joseph Banks Drive at Cresthaven Shopping Centre. Provision of this shared pathway will link the sports fields through a large residential area to the local shopping centre thereby connecting communities.	\$ 1,250,000	\$ 1,000,000	Unsuccessful	Feedback is currently being sought	\$ 1,000,000	
11-Oct-18	Application	Regional Communities Development Fund	NSW Government	Road pavement upgrade Chain Valley Bay Road, Chain Valley Bay	Road pavement upgrade to provide an eight (8) metre wide pavement with associated centre and edge line markings, raised pavement markers and provision of a LED vehicle activated speed sign to provide improved access for bus services, emergency vehicles, residents and visitors.	\$ 1,350,000	\$ 1,162,500	Unsuccessful		\$ 1,162,500	
	Application	Australian Cricket Infrastructure Fund	Cricket Australia	EDSACC Cricket Practice Net Replacement	EDSACC Cricket Practice Net Replacement	\$ 34,300	\$ 34,300	Funding Allocated			\$ 34,300
	Application	Recreational Fishing Trusts	NSW Government	Gwandalan Jetty Accessibility Upgrades	Accessibility Upgrades to Gwandalan Jetty - Gwandalan Bowling Club Foreshore Reserve	\$ 24,300	\$ 24,300	Funding Allocated			\$ 24,300
	Application	Increasing Resilience to Climate Change Program	NSW Government	Woy Woy Adaptation Study	The study will develop a concept landform and drainage study for some foreshore areas on the Woy Woy Peninsula, including the Town Centre	\$ 150,000	\$ 120,000	Funding Allocated			\$ 113,600
<b>TOTALS 31 March - 30 June 2019</b>										<b>\$ 3,508,500</b>	<b>\$ 9,714,547</b>
<b>TOTALS Dec 2017 - 30 June 2019</b>										<b>\$ 135,019,121</b>	<b>\$ 97,060,302</b>



**Item No:** 5.5  
**Title:** Investment Report for June 2019  
**Department:** Finance

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22 July 2019 Ordinary Council Meeting

Trim Reference: F2004/06604 - D13594512

Author: Carlton Oldfield, Unit Manager, Financial Services

Executive: Craig Norman, Chief Financial Officer

### **Report Purpose**

To present the monthly report on the investment portfolio as required in accordance with cl. 212 of the *Local Government (General) Regulation 2005*.

### **Summary**

This report details Council's investments as at 30 June 2019.

### **Recommendation**

***That Council receive the report on Investment Report for June 2019.***

### **Background**

Council's investments are made in accordance with the *Local Government Act 1993*, *Local Government (General) Regulation 2005*, the investment policy adopted at the Ordinary Council Meeting on 27 November 2017, Ministerial Investment Order issued February 2011 and Division of Local Government (as it was then known) Investment Policy Guidelines published in May 2010.

### **Current Status**

Council's current cash and investment portfolio totals \$472.85million at 30 June 2019.

<b>Source of Funds</b>	<b>Value (\$'000)</b>
Investment Portfolio	\$455,661
Transactional accounts and cash in hand	\$27,191
<b>Total</b>	<b>\$472,852</b>

This investment report will focus on the investment portfolio of \$445.66 million.

Cash flows are managed primarily through term deposit and floating rate note maturities, with a net outflow of \$ 20.49 million in Council's total funds in June 2019.

## 5.5 Investment Report for June 2019 (contd)

Total net return on the portfolio for Council, in June was \$ 701K, comprising entirely of interest earnings. The total value of the Council's investment portfolio as at 30 June 2019 is outlined in Table 1 below.

**Table 1 – Portfolio movement**

Description	2017-18 Financial Year \$'000	Quarter 1  2018/19 \$'000	Quarter 2  2018/19 \$'000	Quarter 2  2018/19 \$'000	Quarter 4  2018/19 \$'000	FYTD  2018/19 \$'000
	Opening Balance	409,890	467,254	470,791	470,628	493,455
Movement for the period	57,364	3,537	-163	22,827	-47,794	-21,593
Closing Balance	467,254	470,791	470,628	493,455	445,661	445,661
Interest earnings	11,625	3,196	3,280	3,572	2,916	12,965

Council's investments are evaluated and monitored against a benchmark appropriate to the risk (Standard and Poor's BBB long term or above) and time horizon of the investment concerned. Council's investment portfolio includes rolling maturity dates to ensure that Council has sufficient funds at all times to meet its obligations. A summary of the term deposit and floating rate notes maturities are listed in Table 2 below.

**Table 2 - Investment Maturities**

Time Horizon	Percentage Holdings	Maturity on or before	Value \$'000
At Call	3.55%	Immediate	15,812
Investments			
0 - 3 months	30.68%	Sep-2019	136,750
4 - 6 months	16.83%	Dec-2019	75,000
7 - 12 months	27.85%	Jun-2020	124,098
1 - 2 years	8.75%	Jun-2021	39,000
2 - 3 years	5.61%	Jun-2022	25,000
3 - 4 years	2.24%	Jun-2023	10,000
4 - 5 years	4.49%	Jun-2024	20,000
<b>Total Investments</b>	<b>96.45%</b>		<b>429,848</b>
<b>Total Portfolio</b>	<b>100.00%</b>		<b>445,661</b>

The investment portfolio is concentrated in AA/A1 above (69.71%), A/A2-A1 (12.34%) and BBB/A2-A3 (17.73%).

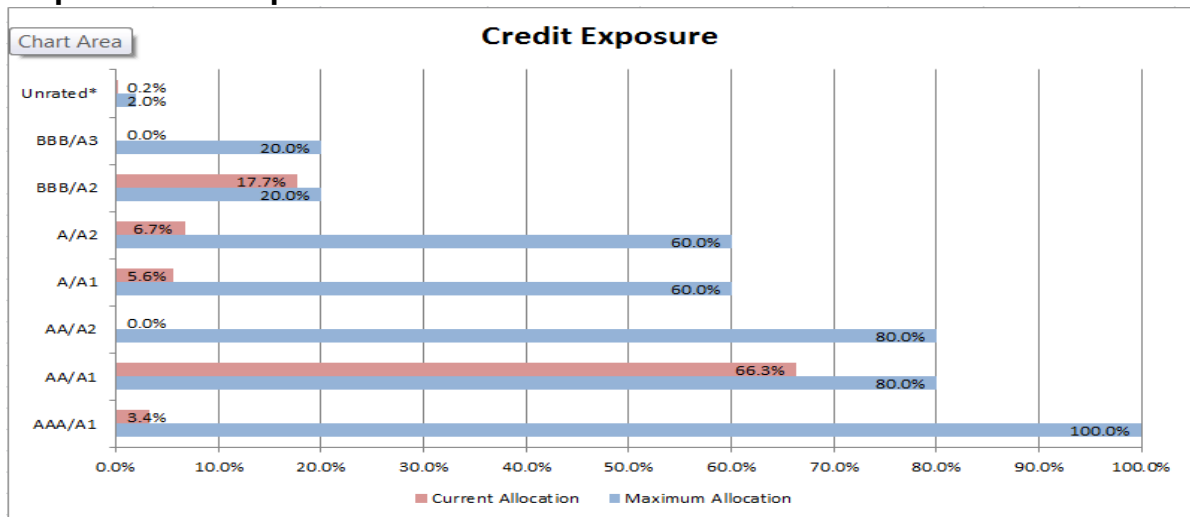
The investments in AA/A1 are of a higher credit rating and BBB/A2 represented the best returns at the time of investment within Policy guidelines. Financial institutions issuing fixed income investments and bonds are considered investment grade (IG) if its Long Term credit rating is BBB or higher by Standard and Poor (S&P).

## 5.5 Investment Report for June 2019 (contd)

Council continues to monitor the portfolio and manage investments taking into consideration credit ratings of financial institutions, interest rates offered for the maturity dates required and the amount of our investment portfolio already held with each financial institution.

The current spread of investments is listed in Graph 1 and counter party credit exposure is listed in Graph 2.

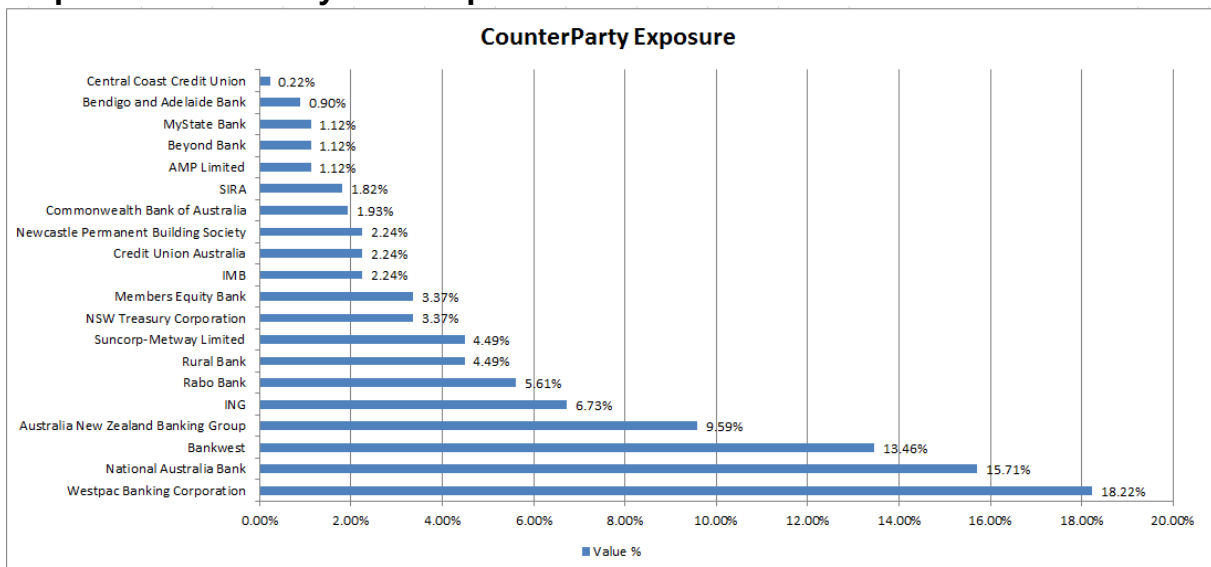
**Graph 1 – Credit Exposure**



\* **AA/A1:** Council has provided security for self-insurance by way of a term deposit invested in an ADI (with a short term S & P rating of A1) through State Insurance Regulatory Authority (formerly WorkCover NSW). This security has been included as part of Council's investment portfolio. Council regularly conducts a review to identify the optimal security providing Council with the best return possible.

\*\* **Unrated:** Unrated investment comprises of a term deposit with Central Coast Credit Union

**Graph 2 - Counter Party Credit Exposure**

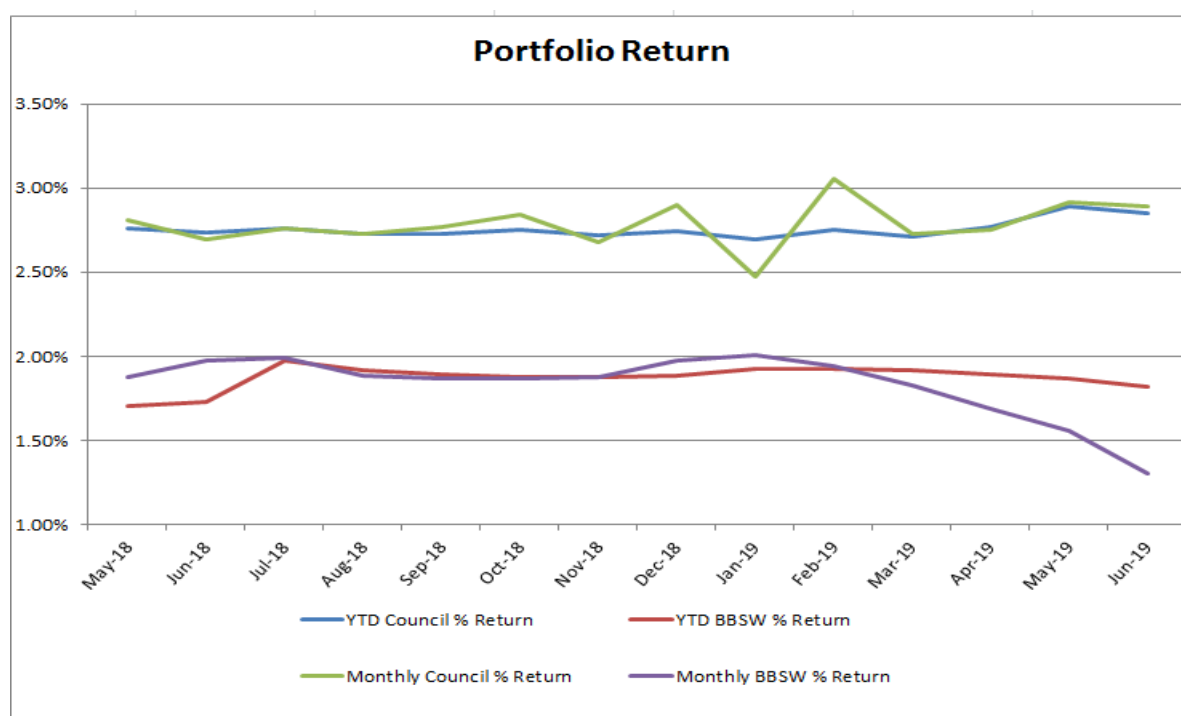


**Green Investments**

Council continues to look for 'Green' investment opportunities subject to prevailing investment guidelines. A list of current green investments held is contained on the investment listing, highlight in green. For the month of June, there have been no new green investments undertaken.

**Portfolio Return**

Interest rates on investments in the month, ranged from 2.01% to 3.50%, all of which exceeded the monthly Bank Bill Swap Rate (BBSW) benchmark of 1.30%. The annualised financial year to date return for June of 2.85% for Central Coast Council is favourable compared to benchmark bank bill swap (BBSW) *financial year to date* calculated Bank Bill Index of 1.82% as shown in Graph 3 - Portfolio returns.



**Council’s portfolio by Source of Funds**

Council is required to restrict funds received for specific purposes. Restricted funds consist of funds in the investment portfolio and in transactional accounts as follows:

Source of Funds	Value (\$'000)
Investment Portfolio	\$445,661
Transactional accounts and cash in hand	\$27,191
<b>Total</b>	<b>\$472,852</b>
Restricted Funds	\$406,087
Unrestricted Funds	\$66,765

Attachment 1 details Investments by Type held by Council at 30 June 2019 and Attachment 2 details Restrictions for Council by fund as at 31 May 2019

The restrictions for June 2019 will be finalised after completion of the financial statements for the year ending 30 June 2019.

**Link to Community Strategic Plan**

Theme 4: Responsible

**Goal G: Good governance and great partnerships**

G4: Serve the community by providing great customer experience, value for money and quality services.

**Attachments**

- |          |  |           |
|----------|--|-----------|
| <b>1</b> | Summary of Investments by Type at 30 June 2019 | D13594439 |
| <b>2</b> | Summary of restrictions as at 31 May 2019      | D13594439 |



**SUMMARY OF RESTRICTIONS as at 31 May 2019**

<b>FUND</b>	<b>SOURCE</b>	<b>Principal Amount \$'000</b>
<b>GENERAL FUND</b>	Cemeteries Surplus	769
	Contributions to works	7,068
	Developer Contributions	85,304
	Developer Contributions (Bonus Provisions)	4,918
	Developer Contributions (Prepaid)	1,802
	Developer Contributions (VPA)	2,535
	Holiday Park Surplus	10,290
	Internal commitments	84,160
	Other Crown Land	1,532
	RMS Advances	216
	Self Insurance	6,320
	Stormwater Levy	811
	Unexpended grants	14,267
	Waste Management (Tip Rehabilitation)	27,712
<b>TOTAL GENERAL FUND RESTRICTIONS</b>	<b>247,704</b>	
<b>Water FUND</b>	Developer Contributions	38,954
	Contributions to works	0
	Developer Contributions (Prepaid)	59
	Developer Contributions (VPA)	2,412
	Internal commitments	1,007
	Self Insurance	611
	Unexpended grants	2,355
<b>TOTAL WATER FUND RESTRICTIONS</b>	<b>45,397</b>	
<b>SEWER FUND</b>	Contributions to works	
	Developer Contributions	22,678
	Developer Contributions (VPA)	389
	Internal commitments	1,034
	Self Insurance	1,522
<b>TOTAL SEWER FUND RESTRICTIONS</b>	<b>25,623</b>	
<b>DRAINAGE FUND</b>	Contributions to works	100
	Developer Contributions	29,026
	Internal commitments	181
	Unexpended grants	0
<b>TOTAL SEWER FUND RESTRICTIONS</b>	<b>29,307</b>	
<b>DOMESTIC WASTE FUND</b>	Domestic Waste Management	57,021
	Unexpended grants	1,035
<b>TOTAL SEWER FUND RESTRICTIONS</b>	<b>58,055</b>	
<b>TOTAL RESTRICTED FUNDS</b>		<b>406,087</b>

**SUMMARY OF RESTRICTIONS as at 31 May 2019**

<b>FUND</b>	<b>SOURCE</b>	<b>Principal Amount \$'000</b>
<b>GENERAL FUND</b>	Cemeteries Surplus	769
	Contributions to works	7,068
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<b>SEWER FUND</b>	Contributions to works	
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	Unexpended grants	0
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<b>DOMESTIC WASTE FUND</b>	Domestic Waste Management	57,021
	Unexpended grants	1,035
<b>TOTAL SEWER FUND RESTRICTIONS</b>	<b>58,055</b>	
<b>TOTAL RESTRICTED FUNDS</b>		<b>406,087</b>



**Item No:** 6.1  
**Title:** QON - Q244/18 - LEP DCP  
**Department:** Environment and Planning

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22 July 2019 Ordinary Council Meeting

Trim Reference: F2018/00025-02 - D13576109  
Author: Peter Sheath, Section Manager, Waterways  
Manager: Luke Sulkowski, Unit Manager, Natural and Environmental Assets  
Executive: Scott Cox, Director Environment and Planning

## **6.1 QON - Q244/18 - LEP DCP**

The following question was asked by Councillor Bruce McLachlan at the Ordinary Meeting on 10 December 2018:

*I note that the draft LEP DCP asserts the previous policy of Gosford Council as assessing the ongoing viability of land below 4 metres AHD and the proposal is to do the same with the new LEP DCP subject to any changes precipitated by future climate change policy.*

*Has Council published any maps identifying any land or all land under the 4m AHD to which this assessment could apply?*

*Has Council identified how many commercial and residential lots are now subject to determination of future viability?*

*What does assessment of future viability mean?*

This question on notice was asked under the former Code of Meeting Practice.

The policy reference in question is taken from Section 6.7.7.6.4.C, Chapter 6.7, Water Cycle Management, of Gosford Development Control Plan (GDGP) 2013. This chapter lists several issues for consideration related to flood impacts of a development, one of them relates to the consideration of road access, as follows:

*"For low-lying land below RL 4.0m AHD the development applications must assess the ongoing viability of the land, including the viability of road access to the land, associated with the adopted sea level rise figure for planning purposes of +0.9m by the year 2100, assuming a design life for the development. This will be particularly relevant for low-lying coastal or estuarine development."*

Has Council published any maps identifying any land or all land under the 4m AHD to which this assessment could apply?

Maps of low-lying land: Former Gosford City Council published a set of sea level rise maps in 2009, which are available on the Central Coast Council website on the [Former Gosford Local](#)

[Government Area policies and codes](#) page. These maps relate to foreshore land around Brisbane Water up to a level of about 1.6m AHD, which show the increased inundation area on low-lying land from a King Tide based on 0.9m sea level rise.

Council does not have maps showing all low-lying land below 4.0m AHD. Council's on-line mapping tool in the former Gosford City Council LGA has ground level 1m contour interval mapping; the 4m contour could be used by the public to identify low-lying land. Council's on-line mapping tool in the north does not presently include ground level contour data.

Has Council identified how many commercial and residential lots are now subject to determination of future viability?

Council presently does not have statistics of numbers of lots potentially affected by possible future sea level rise scenarios.

What does assessment of future viability mean?

This chapter of the GDCP was drafted 10 years ago and is still current. At the time of drafting, the State Government had mandated sea level rise planning targets of 0.9m by 2100. In that context assessment of future viability (or ongoing viability as it is referred to in the GDCP) would apply to those areas affected by a sea level rise planning target of 0.9m by 2100.

## **Attachments**

*Nil.*



**Item No:** 6.2  
**Title:** QON - Q11/19 - Draft DCP  
**Department:** Environment and Planning

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22 July 2019 Ordinary Council Meeting

Trim Reference: F2018/00025-02 - D13576090  
Author: Peter Sheath, Section Manager, Waterways  
Manager: Luke Sulkowski, Unit Manager, Natural and Environmental Assets  
Executive: Scott Cox, Director Environment and Planning

## **6.2 QON - Q11/19 - Draft DCP**

The following question was asked by Councillor Troy Marquart at the Ordinary Meeting on 29 January 2019:

*The draft DCP includes Flood Hazard Categories (H1 to H6). When will the required Hazard Category maps for each Ward area be released to Councillors and the general Central Coast public for review, so the scale of the properties affected under this hazard zoning can be confirmed?*

This question on notice was asked under the former Code of Meeting Practice.

Council's existing flood information database includes data for flood depths and velocities at any specific location. Council officers are presently working on a project to convert this existing flood data to the new flood hazard mapping format (H1-H6) in accordance with new guidelines (Guideline 7-3: Flood Hazard, Australian Institute of Disaster Resilience, 2017).

The new hazard mapping does not change the extent, depth or velocity of floodwaters at any property location. Rather it is just a more helpful way of describing and understanding the hazard at any particular location.

Flood hazard mapping (H1-H6) has been included in several of Council's current flood study projects. None of these new flood study projects have been adopted by Council at this stage.

The first two of these new studies that will come to Council will be the Ourimbah Creek Floodplain Risk Management Plan and the Wyong River Floodplain Risk Management Plan. Note that the flood data used from these two Floodplain Risk Management Plans was carried out in the previous flood study stage in 2013 and 2014 respectively. These documents and mapping will be made available on Council's website after adoption by Council. A Councillor briefing is scheduled on 29 July 2019, which will include information on flood hazard mapping.

Detailed flood mapping is still not yet available for the whole Central Coast area (1,681km<sup>2</sup>).

As new flood studies are prepared in future, either to update old flood studies or to prepare mapping for areas not previously studied, then flood hazard mapping will be prepared in accordance with the new Flood Hazard guideline.

**Attachments**

*Nil.*





**Item No:** 6.3  
**Title:** QON - Q35/19 - Disability Employment  
**Department:** People and Culture

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22 July 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-07 - D13572327

Author: Karina Curtis, Executive Assistant to Executive Manager, People and Culture

Executive: Krystie Bryant, Executive Manager, People and Culture

### **6.3 QON - Q35/19 - Disability Employment**

The following question was asked by Councillor Hogan at the Ordinary Meeting on 25 February 2019:

*Could staff please provide a score card of how we are progressing with increasing employment opportunities for people with disability?*

This question on notice was asked under the former Code of Meeting Practice.

In addition, Council is actively working to execute the Disability Inclusion Action Plan to increase inclusivity and opportunities for people with a disability. Council has an EEO management plan, the content of which is incorporated into the Workforce Management Strategy to ensure its integration into the way we work at Central Coast Council.

#### **Recent Highlights**

- Key accessibility statements have been included on all recruitment advertisements to support and provide reasonable adjustments throughout the application and recruitment processes for people with a disability.
- Council has redesigned and re-launched the work experience program to include a focus on students with a disability with the first placement having commenced in June 2019.
- Council has commenced investigation of exemptions from the antidiscrimination board to pursue the advertisement of targeted positions for people with a disability.

Council is also working to increase the accessibility and inclusivity of our organisation and community through recent training and education initiatives for staff, including:

- Auslan training for key front facing staff
- Universal Design training for staff within the organisation responsible for development projects within the community

#### **Attachments**

*Nil.*



**Item No:** 6.4  
**Title:** QON - Q36/19 - Aboriginal Employment  
**Department:** People and Culture

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22 July 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-07 - D13572335

Author: Karina Curtis, Executive Assistant to Executive Manager, People and Culture

Executive: Krystie Bryant, Executive Manager, People and Culture

#### **6.4 QON - Q36/19 - Aboriginal Employment**

The following question was asked by Councillor Hogan at the Ordinary Meeting on 25 February 2019:

*Could staff please provide a score card of how we are progressing with increasing employment opportunities for Aboriginal people?.*

This question on notice was asked under the former Code of Meeting Practice.

Council has an EEO management plan, the content of which is incorporated into the Workforce Management Strategy to ensure its integration into the way we work at Central Coast Council. An important feature of this strategy is a commitment to implementing programs that promote equal employment opportunity for Aboriginal and Torres Strait Islanders.

#### **Recent Highlights**

- Council has engaged an Aboriginal Employment consultant to commence the development of an Aboriginal employment and engagement strategy.
- Key statements have been placed on all recruitment advertisements encouraging the application of Indigenous Australians and people from diverse backgrounds to be part of our inclusive team.
- Education for key staff to ensure that our recruitment approach remains free from any unconscious bias or real/perceived barriers in applying for roles.
- Council has commenced investigation of exemptions from the Antidiscrimination board to advertise targeted positions for Aboriginal and Torres Strait Islander people.

#### **Attachments**

*Nil.*



**Item No:** 6.5  
**Title:** QON - Q68/19 - Carbon Emissions  
**Department:** Innovation and Futures

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22 July 2019 Ordinary Council Meeting

Trim Reference: F2019/00042 - D13579529

Author: Ewan Willcox, Energy Manager

Executive: Ricardo Martello, Executive Manager Innovation and Futures

## **6.5 QON - Q68/19 - Carbon Emissions**

The following question was asked by Councillor Marquart at the Ordinary Meeting on 8 April 2019:

*Council staff have quoted exact carbon emission reductions that will be achieved in recent reports created for the City Power Partnership Pledges and the Draft Climate Change Policy. To table reductions the base or current emissions must have been calculated or the suggested emission reductions could not be accurate. What was the exact carbon dioxide equivalent emission tonnage output in the Central Coast Council area in 2018?*

This question on notice was asked under the former Code of Meeting Practice.

Council has been tracking its greenhouse gas emissions since the amalgamation (financial year 2016/17). Carbon footprints for both 2016/17 and 2017/18 have been completed using a combination of measured and estimated data in accordance with industry best practices.

The estimates for the Cities Power Partnership Pledges were based on the 2016/17 inventory data.

The following are the inventories for each respective year:

- 2016/17 – 189 kilo Tonnes of CO<sub>2</sub>-e
- 2017/18 – 187 kilo Tonnes of CO<sub>2</sub>-e

Please note:

- Central Coast Council has a far more diverse range of operations than most Councils in Australia (including the operation of landfills and water and sewage services) and serves a large population base.
- This data includes emissions from landfills, wastewater treatment, electricity (including streetlights), natural gas, LPG and fuels associated with the operation of vehicles.”
- Currently excluded are the emissions associated with the operation of third-party waste collection trucks, working on behalf of Council.
- The carbon footprint is for Council’s operations only and does not include any community data.

### **Attachments**

*Nil.*



**Item No:** 6.6  
**Title:** QON - Q96/19 - Safety Concerns of Tree in Erina  
**Department:** Roads Transport Drainage and Waste

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22 July 2019 Ordinary Council Meeting

Trim Reference: F2019/00042 - D13581004

Author: Stephen Dignam, Unit Manager

Executive: Boris Bolgoff, Director Roads Transport Drainage and Waste

## **6.6 QON - Q96/19 - Safety Concerns of Tree in Erina**

The following question was asked by Councillor Rebecca Gale Collins at the Ordinary Meeting on 13 May 2019 :

*Can Council investigate the Eucalyptus tree with 35% lean out the front of 62 Thames Drive in Erina?*

This question on notice was asked under the former Code of Meeting Practice.

Council's Public Tree Assessment Officer conducted an inspection of the tree located on the road reserve at 62 Thames Drive, Erina on 27 May 2019 and found the tree to be in a satisfactory condition with a low risk of failure therefore no works are planned at this time. The growth pattern of this tree does not necessarily mean it is considered dangerous. A tree will compensate for a lean on the opposite side with root growth to assist with stabilisation.

### **Attachments**

*Nil.*



**Item No:** 6.7  
**Title:** QON - Q98/19 - Water Rates  
**Department:** Connected Communities

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22 July 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13596414

Author: Lisa Champion, Section Manager Customer Relationships

Manager: Sue Ledingham, Unit Manager Community Engagement

Executive: Phil Cantillon, Acting Director Connected Communities

## **6.7 QON - Q98/19 - Water Rates**

The following question was asked by Councillor Kyle MacGregor at the Ordinary Meeting on 13 May 2019:

*I have been anecdotally informed by a resident that an organisation in which they are involved were unable to pay in cash for their water rates at Wyong Council Office. They were instead redirected to Gosford Council Office if they intended to pay cash as Wyong Council Offices are only able to accept payment by credit card or electronic transfer via the internet.*

*Is this information supplied to me by the resident accurate and if it is, what is the reason for Wyong Council Office not accepting cash payments for water rates and instead redirecting residents paying their rates by other means?*

This question on notice was asked under the former Code of Meeting Practice.

This issue was investigated with Customer Service centres and no advice of this nature has been provided to customers, as all cash payments are accepted at Council's Administrative buildings. Council's Customer Service centres offer a range of payment options such as cash, cheque, credit card, EFTPOS and debit card at these locations.

This information is also available online:

<https://www.centralcoast.nsw.gov.au/residents/property/pay-rates-and-water-bills/payment-options>

### **Attachments**

*Nil.*



**Item No:** 6.8  
**Title:** QON - Q102/19 - Terrigal Stormwater Harvesting Scheme  
**Department:** Water and Sewer

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22 July 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-07 - D13604009

Author: Emily Haines, Executive Assistant

Executive: Jamie Loader, Acting Director Water and Sewer

## **6.8 QON - Q102/19 - Terrigal Stormwater Harvesting Scheme**

The following question was asked by Councillor Louise Greenaway at the Ordinary Meeting on 27 May 2019:

*The Terrigal storm water harvesting scheme funded by state and federal governments was originally touted as being expected to save 50.6 million litres of water a year. Now that Mangrove dam is down to 54% residents are wondering why the water from that scheme is not being utilised. Could this please be clarified?*

This question on notice was asked under the former Code of Meeting Practice.

The Stormwater Harvesting Scheme is designed to supply treated stormwater to three locations; Terrigal Crown Plaza, Terrigal Bowling Club and the Haven Oval. Presently, treated stormwater is only being utilised by Terrigal Crown Plaza. The supply of treated stormwater has recently been hampered by pump maintenance issues due to gravel and rock infiltration, however these issues have been rectified and the system is currently fully operational.

The treated stormwater water is not currently being used at the Terrigal Bowling Club or the Haven Oval due to unexpectedly high levels of salt in the harvested water. The cause for the high salt levels is assumed to be due to ocean spray that is being concentrated in stormwater run-off, however further investigations are now underway to confirm this and explore possible solutions to the problem. Council staff will continue to liaise with the relevant consumers to ensure that the benefits of the Storm Water Harvesting scheme are optimised.

### **Attachments**

*Nil.*





**Item No:** 6.9  
**Title:** QON - Q110/19 - Committees  
**Department:** Governance

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22 July 2019 Ordinary Council Meeting

Trim Reference: F2018/00220 - D13580002

Author: James Taylor, Section Manager, Governance

Manager: Shane Sullivan, Unit Manager, Governance and Business Services

Executive: Evan Hutchings, Director Governance

## **6.9 QON - Q110/19 - Committees**

The following question was asked by Councillor Lisa Matthews at the Ordinary Meeting on 11 June 2019:

*Can staff please list all of the committees, reference groups we currently have and advise how often each meet and makeup of community members, staff and Councillors?*

This question on notice was asked under the former Code of Meeting Practice.

Council has a number of Committees and Reference Groups, which provide advice and feedback to Council on a number of matters. An overview of these groups is included at Attachment 1 to this report.

The information has been extracted from the Terms of Reference (ToRs) for each group where applicable. Please note, some groups are yet to be established so their details are still To Be Confirmed (TBC). An explanation has been included to elaborate on this where required.

### **Attachments**

**1** Overview of Committees and Reference Groups      D13589067

Committee / Reference Group Name	Current Status	Meeting Frequency	Councillor Representatives	Community Representatives	Staff Members who attend as per Terms of Reference (ToRs)*
<b>Mangrove Mountain and Spencer Advisory Committee</b>	Established	Bi-monthly	5	11 (+1 observer)	4
<b>Status of Women Advisory Group</b>	Established	Bi-monthly	6	10 (4 vacant)	3
<b>Audit Risk and Improvement Committee</b>	Established	5 times/year	2 (+2 alternate Councillors)	3 Independent Members	5
<b>Catchments and Coast Committee – Tuggerah Lakes</b>	Established	Bi-monthly	4	6	4
<b>Catchments and Coast Committee – Brisbane Water and Gosford Lagoons</b>	Established	Quarterly	3	6	4
<b>Coastal Open Space System (COSS) Committee</b>	Established	Bi-monthly	4	6	7
<b>Employment and Economic Development Committee</b>	Established	Quarterly	7	5	2

\* Does not include administrative support staff who attend for minute taking, or internal and external experts who are asked to attend meeting on an ad hoc basis

<b>Committee / Reference Group Name</b>	<b>Current Status</b>	<b>Meeting Frequency</b>	<b>Councillor Representatives</b>	<b>Community Representatives</b>	<b>Staff Members who attend as per Terms of Reference (ToRs)*</b>
<b>Gosford CBD and Waterfront Advisory Committee</b>	Established	Quarterly	6	6	5
<b>Heritage Advisory Committee</b>	Established	Quarterly	5	10	4
<b>Pedestrian Access and Mobility Advisory Committee</b>	Established	Quarterly	4	4	4
<b>Tourism Advisory Committee</b>	Established	Quarterly	4	6	4
<b>Terrigal Water Quality Sub-Committee</b>	Established	Quarterly	2 (+2 from Catchments and Coast Committee)	6 (2x Terrigal Haven Supporters; 1x Terrigal Sea Urchins; 1x Waterwatch; 1x University of Newcastle; Office of Environment and Heritage)  (+6 from Catchments and Coast Committee)	8
<b>Crown Lands Negotiation Program Committee</b>	Established	As required	5	NIL	6

Committee / Reference Group Name	Current Status	Meeting Frequency	Councillor Representatives	Community Representatives	Staff Members who attend as per Terms of Reference (ToRs)*
<b>Gosford Foundation Trust Management Committee</b>	Established	As required	1	2	2
<b>Protection of the Environment Trust Management Committee</b>	Established	As required	1	3	3
<b>Local Traffic Committee</b>	Established	Monthly	1 (+1 alternate Councillor)	8 (3x Local Member Reps; 1x RMS Rep; 1x Police Force Rep; 1x Busways Rep; 1x Red Bus Rep; 1x Coastal Liner Rep)	5
<b>Community Strategic Plan Community Reference Group</b>	Established	Quarterly	All Councillors may attend	15	3
<b>Companion Animals Advisory Committee</b>	Pending (Membership applications closed 19 June and are currently under review)	TBC (at least once annually as per ToRs)	TBC (yet to be resolved by Council)	6 (TBC)	4
<b>Social Inclusion Advisory Committee</b>	Pending (Report expected to 8 July Council meeting to determine membership)	Bi-monthly	TBC (yet to be resolved by Council)	6 (TBC)	4

<b>Committee / Reference Group Name</b>	<b>Current Status</b>	<b>Meeting Frequency</b>	<b>Councillor Representatives</b>	<b>Community Representatives</b>	<b>Staff Members who attend as per Terms of Reference (ToRs)*</b>
<b>Town Centre Advisory Committee</b>	Pending (Report expected to 8 July Council meeting to determine membership)	Bi-monthly	TBC (yet to be resolved by Council)	10 (TBC)	4
<b>Playgrounds Committee</b>	Pending (Staff meeting to be held 27 June to progress – ToRs to be developed)	TBC	TBC	TBC	TBC
<b>Innovation and Futures Reference Group</b>	Pending (Resolved at 11 June Council meeting – ToRs to be developed)	TBC	TBC	TBC	TBC
<b>Water Management Advisory Committee</b>	Pending (Resolved at 11 June Council meeting – ToRs to be developed)	TBC	TBC	TBC	TBC
<b>Indigenous Coordination Committee</b>	Pending (Committee on hold as Council is currently in negotiation with DLALC)	TBC	TBC	TBC	TBC



**Item No:** 6.10  
**Title:** QON - Q112/19 - Liquid Trade Waste Policy  
**Department:** Water and Sewer

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22 July 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-07 - D13603900

Author: Emily Haines, Executive Assistant

Manager: Jamie Loader, Acting Director Water and Sewer

Executive: Jamie Loader, Acting Director Water and Sewer

## **6.10 QON - Q112/19 - Liquid Trade Waste Policy**

The following question was asked by Councillor Louise Greenaway at the Ordinary Meeting on 11 June 2019:

*Council's Liquid Trade Waste Policy specifically lists cat litter as a prohibited substance. Would it be possible to notify the Companion Animals Advisory Committee of this so when it convenes, the committee can address concerns of cat owners as to best practice for cat litter disposal?*

This question on notice was asked under the former Code of Meeting Practice.

This matter can be referred to the Companion Animals Advisory Committee once established, however it should be noted that the Liquid Trade Waste Policy does not apply to domestic sewage discharges.

### **Attachments**

*Nil.*



**Item No:** 6.11  
**Title:** QON - Q119-19 - Council Grants  
**Department:** Innovation and Futures

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22 July 2019 Ordinary Council Meeting

Trim Reference: F2004/06322 - D13598512

Author: Louise Fisher, Chief External Funding Coordinator

Executive: Ricardo Martello, Executive Manager Innovation and Futures

## **6.11 QON - Q119-19 - Council Grants**

The following question was asked by Councillor Kyle MacGregor at the Ordinary Meeting on 11 June 2019:

*Can Council please provide an update on the number of grants applied for by Central Coast Council split up by the ward they are in and the number of successful grant applications in the relevant ward over the past 12 months?*

This question on notice was asked under the former Code of Meeting Practice.

Central Coast Council is committed to delivering value for money projects across the Central Coast. To fulfil this commitment, Council will submit external funding applications as opportunities arise.

Analysis of recent external funding applications by Council Ward has been undertaken to respond to this question on notice. However, as applications and the allocation of funding are not determined in financial years the results shown are from 1 December 2017 to 30 June 2019. In this period, Council has applied for funding for 150 projects with \$97,001,702 of funding allocated to 93 projects.

<b>Council Ward</b>	<b>Funding Applications</b>	<b>Successful Applications</b>
LGA Wide	8	4
Budgewoi	14	6
Gosford East	48	37
Gosford West	39	21
The Entrance	22	13
Wyong	19	12
<b>Total</b>	<b>150</b>	<b>93</b>

## **Attachments**

*Nil.*



**Item No:** 6.12  
**Title:** QON - Q121/19 - Council Owned Machinery  
**Department:** Finance

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22 July 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-01 - D13581416

Author: Peter Armour, Unit Manager

Executive: Craig Norman, Chief Financial Officer

## **6.12 QON - Q121/19 - Council Owned Machinery**

The following question was asked by Councillor Hogan at the Ordinary Meeting on 11 June 2019:

*Does Council currently own any 'cherry pickers' or 'scissor lifts' i.e one or multiple AWP, EMP, or MEWP or does council hire these items of plant and machinery as required for works as they arise?*

This question on notice was asked under the former Code of Meeting Practice.

Council owns one 23-metre, truck mounted elevated work platform (EWP), predominantly utilised by Council's Tree Department and an 11-metre Aerial Work Platform (AWP) situated at Lake Haven Recreation Centre. Other EWP's and AWP's are hired for use upon demand.

### **Attachments**

*Nil.*



**Item No:** 7.1  
**Title:** Questions With Notice  
**Department:** Councillor

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22 July 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13605235

Authors: Councillors Jilly Pilon, Jeff Sundstrom, Jillian Hogan, Kyle MacGregor  
Louise Greenaway

## **7.1 Questions With Notice**

The following question was submitted by Councillor Jilly Pilon;

### **Funding from State Government's Coastal and Estuary Grant**

*Can you please advise if Central Coast Council recently applied for any funding from the \$80+ million available from the State Government's Coastal and Estuary Grants? If not, can you please explain why?*

Response provided by Executive Manager Innovation and Futures;

Council has applied for funding through the NSW State Government's Coastal and Estuary Grants for Wamberal Terminal Protection and Sand Nourishment Investigation and Design project.

As this application is under consideration for funding by the Department; project details are provided in Attachment 3 of the Grant Funding update as at 30 June 2019 report to OM 22 July 2019.

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The following question was submitted by Councillor Jilly Pilon;

### **Grants Officer Position**

*Can you also please advise if we still have a full time Grants Officer applying for all applicable funds? .*

Response provided by Executive Manager Innovation and Futures;

Council employs a full-time Chief External Funding Coordinator. Responsibilities for that position include the investigation of suitable funding opportunities for priority projects and the coordination of external funding applications developed by Unit Managers.

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The following question was submitted by Councillor Jeff Sundstrom;

### **90 Degree Parking in Copacabana**

*There have been a few (vehicular) near misses and some minor accidents at Copacabana*

## 7.1 Questions With Notice (contd)

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*recently. There are a few 90 degree parking spaces in front of the shops and across the road. People are reversing out of these spots and are unsighted as far as on-coming traffic is concerned. Has it ever been considered to have those spots designated as "rear to kerb" parking only? What was the result of any such considerations? If not can we look at the pros and cons of such an idea?*

Response provided by Director Roads Transport and Drainage;

Council Officers will investigate the suggestion to implement rear to kerb restrictions in the parallel parking adjacent to the shops and foreshore in Del Monte Place, Copacabana. This investigation will include consultation with shop/business owners and representatives of the Copacabana Community Association. Any changes to the existing parking signage would also require referral to the Local Traffic Committee for consideration and recommendation.

It is anticipated that this investigation, including consultation, may take up to three (3) months to finalise. The outcome of the investigation will be provided to the Councillor via the Councillor Request system.

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The following question was submitted by Councillor Jillian Hogan;

### **2018-19 Operational Plan Projected Expenditure**

*The 2018-2019 Operational Plan promised to deliver \$761.3M in essential services and capital works, while this year the forecast is \$792M – which is a 4% increase. What was our FTE change between June 2018 and June 2019, and will we expect our workforce to increase in line with projected expenditure?*

Response provided by Executive Manager People and Culture;

The variance between 18/19 and 19/20 FTE is an increase of 4.89%.

Part of the overall operational plan and budgeting process for 20/21 requires the organisation to consider workforce planning needs. This essentially allows Council to determine what the business is going to need in terms of the size and type of workforce required to achieve its objectives. It determines what mix of experience, knowledge, and skills are required, and it sequences steps to get the right number of right people in the right place at the right time. This is an annual activity and looks at a projection over the next 3-5 years.

It should be noted that the workforce planning exercise is based on known programs of work and does not cater for an deviation that may occur through the introduction of additional programs or initiatives put forward as part of any Council resolution.

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The following question was submitted by Councillor Jillian Hogan;

### **Lake Munmorah Regional Park Project**

## 7.1 Questions With Notice (contd)

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*Could staff please provide an update on how the Lake Munmorah Regional Park Project is progressing?*

Response to be provided by the Director Environment and Planning on or before the 22 July 2019 Ordinary Meeting.

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The following question was submitted by Councillor Kyle MacGregor;

### **Glyphosate Chemical Usage and Potential Trial of Alternative Weed Control Measures**

*Given that Blacktown Council and other organisations have committed to trying utilising alternative substances and methods to control weeds within their LGA or businesses would Central Coast Council considering conducting a trial similar to the five month trial that Blacktown City Council is currently trialling an organic alternative or alternative method to the use of Glyphosate chemicals?*

Response to be provided by Director Environment and Planning on or before the 22 July 2019 Ordinary Meeting.

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The following question was submitted by Councillor Kyle MacGregor;

### **Designs for Upgrade of Narara Skate Park**

*Is Council currently considering designs or submissions for the upgrade of Narara Skate Park from local residents, users of the facility and other stakeholders? In the event that we are how can stakeholders contact council to submit their designs and ideas for the skatepark and if we are not when is it likely that the community will be able to have some input over the design of any upgrade of this facility?*

Response to be provided by Director Environment and Planning on or before the 22 July 2019 Ordinary Meeting.

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The following question was submitted by Councillor Louise Greenaway;

### **Jack Grant Avenue and Sparks Road Level Bank**

*What are the dimensions of the levy bank in the vicinity of Jack Grant Ave and Sparks Rd Warnervale, what was purpose of its construction and is that purpose being fulfilled?*

Response to be provided by Director Environment and Planning on or before the 22 July 2019 Ordinary Meeting.

### **Attachments**

*Nil.*



**Item No:** 8.1  
**Title:** Notice of Motion - Integrity and Ethical Standards Unit  
**Department:** Councillor

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22 July 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13604853

Author: Jane Smith, Mayor

Mayor Jane Smith has given notice that at the Ordinary Meeting to be held on 22 July 2019 she will move the following motion:

### **Recommendation**

- 1 That Council note the objective of the Community Strategic Plan to 'communicate openly and honestly with the community to build a relationship based on transparency, understanding, trust and respect.**
- 2 That Council note that Councils of a similar size and scale have established Integrity Units for effective complaint management and organisational integrity.**
- 3 That Council supports the establishment of an Integrity and Ethical Standards Unit within the Governance Directorate at Central Coast Council for the investigation and resolution of complaints, organisational integrity, information integrity, ethics and accountability with the objective of ensuring decision making and Council processes are open, transparent and held to a high ethical standard.**
- 4 That Council request the Chief Executive Officer report back to Council by the end of August 2019 on a mechanism and process to establish this Unit with the report to include consideration of budget implications and input from the Audit, Risk and Improvement Committee.**

### **Background:**

Councils of similar size, scale and demographics to Central Coast Council have established Integrity Units to build community trust and confidence in the public sector by operating at the highest ethical standards.

Council is committed to conducting its business in a sound ethical manner, open and transparent decision-making and involving the community in the decision-making process. The Independent Commission Against Corruption (ICAC) believes one of the key components of good decision-making is information integrity.<sup>1</sup>

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<sup>1</sup> NSW ICAC, Prevention - Foundations for corruption prevention – Information Integrity - <https://www.icac.nsw.gov.au/prevention/foundations-for-corruption-prevention/information-integrity> 9 July 2019

ICAC also sets basic standards for organisations to manage conflicts of interest, gifts and benefits, outside employment, post-separation employment and community affiliations to prevent corruption.

### Best Practice Examples

The Northern Beaches Council has an Integrity and Complaints Unit whose role is the investigation and resolution of complaints, organisational integrity, ethics and accountability.<sup>2</sup> The Unit is located in the Corporate and Legal Directorate of Council which includes Governance and Risk, General Counsel; Chief Financial Officer and Financial Systems and Planning. Northern Beaches Council has 1788 employees (1,134FTE) and a population of just over 250,000. Northern Beaches Council has a Statement of Ethics<sup>3</sup>, readily available on their website that sets out clear roles and responsibilities in relation to Council procurement, expectation from suppliers, reporting wrongdoing, public interest disclosure, gifts and benefits, confidentiality, communication and post-separation employment.

The Unit has a staff of one Unit Head, two investigators and dedicated communications and administrative support. The unit is accountable for:

1. Positive customer experiences through excellence in complaints management
2. Building awareness through leadership and active engagement
3. Organisational performance through proactive business improvement
4. Empowering employees and enabling them to provide high quality services to Council and the community
5. Building strategic capacity and sustainability through robust policies and procedures.

Gold Coast Council has an Integrity and Ethical Standards Unit.<sup>4</sup> The Unit has a staff of 3 investigators, 1 Executive Coordinator and an Administration Officer. As well as investigation of complaints and allegations, the Unit is proactive in providing workshops and training for staff to manage conflicts of interest and information integrity. The Gold Coast has a staff of 3500 and a population of 560K. The Unit works closely with the Queensland Crime and Corruption Commission.

### Current state

Central Coast Council currently has a Senior Internal Ombudsman (part-time) and Assistant Internal Ombudsman position to service a staff of around 2400 and a population of over 335,000.

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<sup>2</sup> Northern Beaches Council, About Northern Beaches Council/Organisation Structure - <https://www.northernbeaches.nsw.gov.au/council/about-northern-beaches-council/organisation-structure> 9 July 2019

<sup>3</sup> Northern Beaches Council, Statement of Business Ethics - <https://www.northernbeaches.nsw.gov.au/sites/default/files/statement-business-ethics-2018.pdf> 9 July 2019

<sup>4</sup> Integrity and Ethical Standards Unit City of Gold Coast, Code of Conduct for Employees - <http://www.goldcoast.qld.gov.au/council/code-of-conduct-for-employees-402.html> 9 July 2019

## **8.1 Notice of Motion - Integrity and Ethical Standards Unit (contd)**

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According to Council's Policy for Complaint and Feedback Management<sup>5</sup>, Council's Internal Ombudsman is responsible for:

- investigation of sensitive complaints pertaining to Code of Conduct breaches (at the direction of the CEO) and Public Interest Disclosure.
- annual reporting to NSW Ombudsman.
- providing guidance with unreasonable complainant conduct.
- referring complaints to CEO, Group Leader or external agency where necessary.

Establishing an Integrity and Ethical Standards Unit will broaden the capacity of Council to effectively managing the integrity of Council in both a reactive (investigating complaints) and in a proactive way with training for staff and Councillors and procedures for managing conflicts of interest.

### **Attachments**

*Nil.*

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<sup>5</sup> Central Coast Council, Policies and Codes, Complaint Feedback Management Policy - <https://search.s.centralcoast.nsw.gov.au/documents/00/23/31/89/0023318993.pdf> p12, 9 July 2019





**Item No:** 8.2  
**Title:** Notice of Motion - Sculptures by the Sea  
**Department:** Councillor

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22 July 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13604934

Author: Jeff Sundstrom, Councillor

Councillor Sundstrom has given notice that at the Ordinary Council Meeting to be held on 22 July 2019 he will move the following motion:

***That Council requests the Chief Executive Officer to;***

- 1 Contact the organisers of Sculptures by the Sea in order to;***
- 2 Investigate suitable locations within our Central Coast LGA where the event might be relocated.***
- 3 Should staff identify suitable locations they should bring back a briefing and report (at the soonest possible opportunity) about the feasibility and possible costs associated with Council engaging with the organisers to stage the event.***
- 4 Should there be a suitable location and the concept is feasible & not at an unreasonable cost to our stakeholders Council should consider advancing the idea with the organisers.***

### **Councillors Note**

I note that there is controversy between Waverley Council and the organisers of the iconic event known as Sculptures by the Sea. The construction of a concrete pathway has made the traditional location no-longer suitable for the event. Newspaper reports indicate the organisers are actively looking for a new location.

### **Attachments**

*Nil.*