



Central Coast Council
Business Paper
Ordinary Council Meeting
12 August 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.



Meeting Notice

**The Ordinary Council Meeting
of Central Coast Council
will be held in the Council Chamber,
2 Hely Street, Wyong on
Monday 12 August 2019 at 6.30 pm,
for the transaction of the business listed below:**

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8.1 Meeting Records of the Crown Lands Negotiation Program Committee
held on 10 April, 7 May and 28 May 2019

Gary Murphy
Chief Executive Officer

Item No: 1.1
Title: Disclosures of Interest
Department: Governance



12 August 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13604851

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 Disclosures of Interest (contd)

(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



12 August 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13604852

Summary

Confirmation of minutes of the Ordinary Meeting of the Council held on 22 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 22 July 2019.

Attachments

1 MINUTES - Ordinary Meeting Meeting - 22 July 2019 D13606431



Central Coast Council

Minutes of the
Ordinary Council Meeting
Held in the Council Chamber
2 Hely Street, Wyong
on 22 July 2019

Present

Mayor Jane Smith and Councillors Greg Best, Jillian Hogan, Kyle MacGregor, Doug Vincent, Chris Burke, Chris Holstein, Bruce McLachlan, Jilly Pilon, Rebecca Gale Collins, Louise Greenaway, Jeff Sundstrom, Richard Mehrstens and Lisa Matthews.

In Attendance

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

The Mayor, Jane Smith, declared the meeting open at 6.31pm 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 Mayor, Jane Smith also acknowledged the connection that we all have to this land and place, and the shared responsibility that we have to care for and protect this land for future generations.

Reports are recorded in their correct agenda sequence.

Leave of Absence

Councillor Marquart was granted a Leave of Absence at the meeting of 8 July 2019 for the Ordinary Meeting 22 July 2019.

1.1 Disclosure of Interest

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

Councillor Hogan declared a less than significant non pecuniary interest in the matter as she has had contact from the developer and objectors. Councillor Hogan chose to remain in the chamber and participate in discussion and voting, as she doesn't have an interest and simply listened to concerns and will remain objective.

Councillor MacGregor declared a less than significant non pecuniary interest in the matter as he has spoken to and received correspondence from the applicant and objectors. Councillor MacGregor chose to remain in the chamber and participate in discussion and voting as the conversations and correspondence were for him to listen to concerns and not to declare a position or sway his views.

Councillor McLachlan declared a pecuniary interest in the matter as the applicant is a former client of his company. Councillor McLachlan left the chamber at 7.02pm, returned at 7.13pm and did not participate in discussion or voting.

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

Councillor MacGregor declared a less than significant non pecuniary interest in the matter as he has spoken to and received correspondence from the applicant and objectors. Councillor MacGregor chose to remain in the chamber and participate in discussion and voting as the conversations and correspondence were for him to listen to concerns and not to declare a position or sway his views.

Councillor Sundstrom declared a less than significant non pecuniary interest in the matter as he held meetings with residents to gather information and in response to them seeking him out. Councillor Sundstrom chose to remain the chamber and participate in discussion and voting as he will make all of his decisions based on the facts presented to him.

Item 5.4 - Grant Funding Update as at 30 June 2019

Mayor Smith declared a pecuniary interest in the matter as it references Central Coast Marine Discovery Centre of which she is a committee member. Mayor Smith chose to remain in the chamber and participate in discussion and voting as no decision was being made on the matter.

Moved: Councillor MacGregor
Seconded: Councillor Gale Collins

Resolved

664/19 That Council receive the report on Disclosure of Interest and note advice of disclosures.

For:
Unanimous

1.2 Confirmation of Minutes of Previous Meetings

Moved: Councillor Gale Collins

Seconded: Councillor MacGregor

Resolved

665/19 That Council confirm the minutes of the Ordinary Meeting of the Council held on 8 July 2019.

For:

Unanimous

1.3 Notice of Intention to Deal with Matters in Confidential Session

Moved: Councillor MacGregor

Seconded: Councillor Gale Collins

Resolved

666/19 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 Vincent

Seconded: Councillor Gale Collins

Resolved

667/19 That with the exception of the following reports, Council adopt the recommendations contained in the remaining reports:

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

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

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

Item 4.1 - Local Government NSW Annual Conference - Attendance and Voting

Item 5.1 - Terrigal Water Quality Audit Program

Item 5.4 - Grant Funding Update as at 30 June 2019

Item 8.1 - Notice of Motion – Integrity and Ethical Standards Unit

Item 8.2 Notice of Motion – Sculptures by the Sea

668/19 That Council adopt the following items en-masse and in accordance with the report recommendations:

- Item 4.2 Central Coast Flying-fox Management Strategy**
- Item 5.2 - Response to Notice of Motion - Draft DCP Hazard Category Conformation Motion**
- Item 5.3 - Meeting Record of the Coastal Open Space System (COSS) Committee held on 29 May 2019**
- Item 5.5 - Investment Report for June 2019**

For:

Unanimous

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

Moved: Mayor Smith

Resolved

669/19 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.

670/19 That Council note that this will in effect commence the process of developing a Comprehensive LEP and DCP for the Central Coast.

671/19 That Council note the proposed outcomes of the Consolidated LEP included "retention of current development standards mapped within the Gosford LEP 2014 and Wyong LEP 2013" as included in the Council report dated 23 November, 2016.

672/19 That Council note concerns that the draft Consolidated LEP varies development standards, in particular;

- a Reducing the minimum lot size in R2 from 550 sqm to 450 sqm**
- b Moving height controls in R2 from the LEP to the DCP**

673/19 That Council note concerns in mapping environmental lands across to less than equivalent zones in the new LEP.

674/19 That Council request the Chief Executive Officer provide a minimum of one day (or equivalent) Councillor workshop;

- a To gain a full understanding of implications of the proposed Consolidated LEP**
- b Consider submissions**
- c Discuss the process for the Comprehensive LEP including the community engagement process**

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

Against:
Councillors Gale Collins, Pilon and Best

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

Councillor Hogan declared a less than significant non pecuniary interest in the matter as she has had contact from the developer and objectors. Councillor Hogan chose to remain in the chamber and participate in discussion and voting, as she doesn't have an interest and simply listened to concerns and will remain objective.

Councillor MacGregor declared a less than significant non pecuniary interest in the matter as he has spoken to and received correspondence from the applicant and objectors. Councillor MacGregor chose to remain in the chamber and participate in discussion and voting as the conversations and correspondence were for him to listen to concerns and not to declare a position or sway his views.

Councillor McLachlan declared a pecuniary interest in the matter as the applicant is a former client of his company. Councillor McLachlan left the chamber at 7.02pm, returned at 7.13pm and did not participate in discussion or voting.

Moved: Councillor Best
Seconded: Councillor Gale Collins

Resolved

675/19 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.

676/19 That Council advise those who made written submissions of its decision.

For:
Mayor Smith and Councillors Matthews, Mehrtens, Sundstrom, Greenaway, Gale Collins, Pilon, Holstein, Burke, Hogan and Best

Against:
Councillors Vincent and MacGregor

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

Councillor MacGregor declared a less than significant non pecuniary interest in the matter as he has spoken to and received correspondence from the applicant and objectors. Councillor MacGregor chose to remain in the chamber and participate in discussion and voting as the conversations and correspondence were for him to listen to concerns and not to declare a position or sway his views.

Councillor Sundstrom declared a less than significant non pecuniary interest in the matter as he held meetings with residents to gather information and in response to them seeking him out. Councillor Sundstrom chose to remain the chamber and participate in discussion and voting as he will make all of his decisions based on the facts presented to him.

Moved: Councillor Sundstrom

Seconded: Councillor MacGregor

Resolved

677/19 That Council defer deliberation on Item 3.2 DA/54334/18 - Proposed Dwelling, Carport & Swimming Pool at 48 High View Road Pretty Beach until such time as interested Councillors and staff have had time to complete a site visit, with the site to include height poles if possible.

For:

Mayor Smith and Councillors Matthews, Mehrtens, Sundstrom, Holstein, Burke, Vincent, MacGregor and Hogan

Against:

Councillors Gale Collins, Pilon, McLachlan and Best

Abstained: Councillor Greenaway

4.1 Local Government NSW Annual Conference - Attendance and Voting

Moved: Mayor Smith

Seconded: Councillor Gale Collins

Resolved

678/19 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, as follows;

- **Mayor Smith**
- **Councillor Matthews**
- **Councillor Sundstrom**
- **Councillor Greenaway**
- **Councillor Gale Collins**
- **Councillor MacGregor**
- **Councillor Hogan**
- **Alternate - Councillor Mehrtens**

679/19 That Council request the Chief Executive Officer notify Local Government NSW of those appointments no later than 5.00pm on Friday 20 September 2019.

680/19 That Council consider any motions submitted by Councillors for inclusion on the Conference Business Paper and advise Local Government NSW accordingly.

For:

Unanimous

4.2 Central Coast Flying-fox Management Strategy

Moved: Councillor Vincent

Seconded: Councillor Gale Collins

Resolved

681/19 That Council endorse the Central Coast Flying-Fox Strategy attached to the report.

For:

Unanimous

5.1 Terrigal Water Quality Audit Program

Moved: Mayor Smith

Seconded: Councillor Greenaway

Resolved

682/19 That Council receive and note the status report on Terrigal Water Quality Audit Program

For:

Unanimous

5.2 Response to Notice of Motion - Draft DCP Hazard Category Conformation Motion

Moved: Councillor Vincent

Seconded: Councillor Gale Collins

Resolved

683/19 That Council receive the report on the Draft DCP Hazard Category Conformation Motion.

For:

Unanimous

5.3 Meeting Record of the Coastal Open Space System (COSS) Committee held on 29 May 2019

Moved: Councillor Vincent
Seconded: Councillor Gale Collins

Resolved

684/19 That Council receive the report on Meeting Record of the Coastal Open Space System (COSS) Committee held on 29 May 2019 .

For:
Unanimous

5.4 Grant Funding Update as at 30 June 2019

Mayor Smith declared a pecuniary interest in the matter as it references Central Coast Marine Discovery Centre of which she is a committee member. Mayor Smith chose to remain in the chamber and participate in discussion and voting as no decision was being made on the matter.

Moved: Councillor MacGregor
Seconded: Councillor Vincent

685/19 That Council receive the report on Grant Funding Update as at 30 June 2019.

686/19 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.

For:
Unanimous

5.5 Investment Report for June 2019

Moved: Councillor Vincent
Seconded: Councillor Gale Collins

Resolved

687/19 That Council receive the report on Investment Report for June 2019.

For:
Unanimous

8.1 Notice of Motion - Integrity and Ethical Standards Unit

Moved: Mayor Smith
Seconded: Councillor Hogan

Resolved

- 688/19** 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'.
- 689/19** That Council note that Councils of a similar size and scale have established Integrity Units for effective complaint management and organisational integrity.
- 690/19** 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.
- 691/19** That the Chief Executive Officer report back to Council by the end of October 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.

For:
Unanimous

8.2 Notice of Motion - Sculptures by the Sea

Moved: Councillor Sundstrom
Seconded: Councillor Vincent

Resolved

- 692/19** That Council request the Chief Executive Officer to contact the organisers of Sculptures by the Sea in order to express an interest in relocating the event within the Central Coast Local Government Area.
- 693/19** That Council request the Chief Executive Officer to identify suitable potential coastal locations and investigate the feasibility and costs of a similar type of event to be staged within Central Coast Local Government Area.
- 694/19** That Council request the Chief Executive Officer to provide a report back to Council to consider options for staging a similar type of event, including an estimate of costs.

For:

**Mayor Smith and Councillors Matthews,
Mehrtens, Sundstrom, Greenaway, Pilon,
McLachlan, Holstein, Burke, Vincent,
MacGregor, Hogan and Best**

Against:

Councillor Gale Collins

The Meeting closed at 8.20pm.



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

12 August 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13604854

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 the Council resolve that the following matters be dealt with in closed session, pursuant to s. 10A(2)(c) of the Local Government Act 1993 for the following reasons:

Item 8.1 - Meeting Records of the Crown Lands Negotiation Program Committee held on 10 April, 7 May and 28 May 2019

Reason for considering in closed session:

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

That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that this report and attachment 1 to this report remain confidential in accordance with section 10A(2)(c) of the Local Government Act as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business 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.

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,*
- 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: Sporting Facilities Categories and Lighting
Department: Environment and Planning

12 August 2019 Ordinary Council Meeting

Trim Reference: F2011/02560 - D13583727

Author: Brett Sherar, Unit Manager, Open Space and Recreation

Executive: Scott Cox, Director Environment and Planning

Report Purpose

The purpose of this report is to respond to minute item 326/19 from Ordinary Council Meeting of 29 April 2019 and minute item 525/19 from Ordinary Council Meeting of 11 June 2019 regarding lighting fees for sportsground users.

Recommendation

- 1** *That Council maintain the current fees and charges categorisations that were proposed for 2019/20 budget.*
- 2** *That Council maintain the current fees and charges process for floodlighting that were proposed for 2019/20 budget.*

Background

At its meeting held 29 April 2019, the Council resolved as follows:

326/19 *Floodlighting Cost*

That the lighting fees be reviewed and a report to be brought back to Council covering the following;

- i Netball courts to be reviewed as the charges are elevated compared with lighting charges on ovals.*
- ii The lighting fee for summer night time competitions to be reviewed as lights would be used from approximately 7.30pm onwards.*
- iii The lighting fee for summer training to be reviewed as lights may only be used for one (1) to two (2) hours, but are billed for the full period (4pm to 9.30pm)*

- iv *The lighting fee for winter training to be reviewed as lights may only be used for one (1) to two (2) hours, but are billed for the full period (4pm to 9.30pm)*
- v *An hourly lighting fee to be established.*

There are a number of reasons why Council does not provide an hourly lighting fee being:

- Council's floodlighting across the two former LGA's was established differently over a long period of time with a number of the facilities not currently being able to be managed remotely, requiring the timing of the floodlighting to be set manually. This means that the sites that are set manually by manual timer can only have one setting for the entire week and cannot vary dependant on days of the week.
- The electricity is only a small portion of the cost of providing lighting to sporting facilities. The cost of installation, maintenance, globe replacement, renewal and electricity contribute to the overall cost of providing lighting to sporting facilities.
- Initial start-up cost of lighting is much higher than the continued use and any fee that was full cost recovery for electricity would need to take into account initial hour then subsequent hours making the administration difficult.
- Overall administration of the bookings process. The current bookings process and structure of fees and charges were designed to minimise the amount of administration that is required to manage the complexity in booking 78 facilities with up to 9 grounds per facility for 25 hours per week, up to 7 days per week. With every booking there are multiple actions that need undertaking including invoicing, cross referencing usage times and previous booking requests. As the lighting fee is included in the booking fee there is only one entry and invoice, by having a separate lighting fee to the booking fee there would be multiple entries and invoices to be managed per booking.
- The training fee, including lighting, is only a contribution to the total cost of providing the facilities with the current overall income for sporting facilities being less than 8.6% of Council operational costs.
- In many shared facilities the lighting is not separately metered.

While Council could provide an hourly lighting fee with substantial investment in remote operating technology of the current manual operated floodlighting and increased administration cost, any savings to the users would depend on the fee that is set. While the floodlighting at sports facilities are not separately metered from the rest of the facility, they are the highest users of electricity on site and it is anticipated that if a cost recovery lighting fee was implemented, as is the case with many other council's, the cost of provision would increase.

2.1 Sporting Facilities Categories and Lighting (contd)

The anticipated full year's electricity costs for outdoor sporting facility is \$520,000 of an overall operational budgeted expenditure of \$8,678,289, with a total income from sports facilities bookings being \$742,673.

Netball training fees include lighting are not considered elevated compared to oval as they are 50% of the cost of hiring an oval and when you hire netball courts you have access to two courts, where as you pay per oval. The reason for providing two netball courts for one fee at complexes other than Baker Park, Gosford and Lemongrove is primarily due to the configuration of the netball court lighting.

At its meeting held 29 April 2019, the Council resolved as follows:

525/19 That Council defer action on resolution 328/19 below pending a further report to Council in relation to this matter.

Old Gosford LGA –

Davistown Oval, Eve Williams, Terry Oval, Fred Pinkstone, Kitchner Oval, Patrick Croke and Saratoga Oval

Old Wyong LGA –

Eastern Road Top Oval, Harry Moore Oval 3, Sir Joseph Banks Passive, Lakehaven 1 and 2, Mannering Park Oval, Norah Head Hockey Oval, Sohier Park 4, Tunkuwallin Oval 1 and 2, Tuggerah Oval 1 and Wadalba High School 3.

That these grounds revert back to a Level 3 ground and fees charged at a rate of \$858.87per ground.

In the process, aligning of the fees and charges for sporting facilities on the Central Coast, staff determined that based on a number of standard conditions and usage patterns that there would only need to be two categories of facilities, being Level 1 and Level 2. Council does not currently have a level 3 category.

These levels didn't include Woy Woy Oval and Central Coast Regional Sports as they are significantly different to the standard facilities that Council provides.

The reason council identified the two categories of fields, was due to the fact, that regardless of the infrastructure on the fields, the facilities are provided an equivalent level of maintenance. The determining factors are set out below:

Level One

Level one field include all or most of the following assets:

- Subsoil drainage
- Irrigation
- Competition or training standard lighting
- Functional amenities building

Level Two

Level two fields are the remainder, and while functional, they do not provide the same level of experience.

The only level two fields are:

- Buff Point Oval
- Davistown Oval
- Eastern Road Top Oval
- Eve Williams (Patonga)
- Fred Pinkstone
- Harry Moore Oval 3
- Sir Joseph Banks Oval (passive)
- Koala Park Oval
- Kitchener Park
- Lake Haven Oval 1 and 2
- Mannering Park Oval
- Norah Head Hockey Oval
- Saratoga Oval
- Sohier Park 3
- Sohier Park 4
- Terry Oval
- Tuggerah Dog Park
- Wadalba High School 3
- Warnervale Athletic Oval

These fields either lack important infrastructure, are only used for cricket (with limited access to amenities), preseason training (currently no charge), junior sport (which attracts a 50% discount), dog obedience or not currently use at all. The ones that are not formally used or charged for remain in Council's bookings system in case a request for their formal use for competition or training is received.

The only fields identified in the Notice of Motion 328/19 that are not in the level 2 category are Patrick Croke Oval and Tunkuwallin Oval 1 and 2. Each of these meet all or most of the criteria identified above.

The only fields included in level two that were not identified in Notice of Motion 328/19 were Buff Point Oval, Koala Park Oval, Sohier Park 3 and Warnervale Athletic Oval. While these fields meet some of the criteria for level 1, it was determined that they were closer to the level 2 facilities.

Comparison to neighbouring Councils

In preparing the report for these this notice of motions, fees and charges from neighbouring Councils were reviewed for comparative purposes:

2.1 Sporting Facilities Categories and Lighting (contd)

Lake Macquarie

Lake Macquarie Council uses a per person usage charge. The usage charge cost per season varies dependant on the facility quality and consist of the following:

- Seasonal playing fee per player over 18
- Seasonal training, including lighting, fee per player over 18
- Seasonal playing fee per player under 18
- Seasonal training, including lighting, fee per player under 18
- Lighting fees casual use

In summary, the cost of playing in Lake Macquarie including lighting regardless the sport is:

- \$92.00 a senior and \$55.00 for a junior per season for grade 1 grounds
- \$62.00 a senior and \$38.00 for a junior per season for grade 2 grounds
- \$41.00 a senior and \$27.00 for a junior per season for grade 1 grounds
- \$54.00 a senior and \$31.00 for a junior per season for netball courts

In comparison the average charge for a player using Central Coast Council sporting facilities is \$16.78 per season including lighting cost.

Hornsby

Hornsby has three classes of turf sporting facilities and two for netball. See table below for 2018/19 comparison to Central Coast Council Fees:

Facility	Hornsby Fee	Central Coast Fee
Level 1 Ground competition	\$8,040.00	\$1,330.00
Level 2 Ground competition	\$4,286.50	\$1,230.00
Level 3 Ground competition	\$2,138.00	N/A
Level 1 Ground Cricket competition	\$8,915.50	\$1,330.00
Level 2 Ground Cricket competition	\$3,069.00	\$1,230.00
Level 3 Ground Cricket competition	\$1,534.50	N/A
Level 1 Ground Lighting per hour	\$21.00	Included in hire fee
Level 2 Ground Lighting per hour	\$15.00	Included in hire fee
Netball Complex 33 Courts per season	\$34,040	\$2,490 – Wyong 30 courts
Level 1 Ground training	\$13.50/hr	\$1,230.00 includes lights
Level 2 Ground training	\$9.50/hr	\$1,230.00 includes lights
Level 3 Ground training	\$4.50/hr	N/A
Netball court other per court per hour	\$2.90	\$615/season/night including lights
Netball lighting small complex per hour	\$7.75 - \$10.75	N/A

2.1 Sporting Facilities Categories and Lighting (contd)

On the Central Coast training fees are seasonal and can be booked with or without lighting. To make a comparison, a club training two nights a week for four hours on a level one or two ground including lighting pays \$2,460 for the season of 24 weeks.

A club at Hornsby training two nights a week for four hours on a level one ground including lighting pays \$5,520 for the season of 20 weeks or \$3,920 for a level 2 ground.

Consultation

There was no additional consultation undertaking in preparing this report as it was to provide factual information to Council in response to two Notice of Motions.

Options

Lighting Cost

Option 1

- 1 Maintain the current fees and charges process for floodlighting that were implemented post amalgamation. **Recommended**

Reason

The lighting fee adopted was not set as a cost recovery for electrical use or full cost recovery. Like all other Central Coast Council sports fees it was set as a contribution to the cost of facility provision. The process was also adopted to minimise the amount of administration.

Option 2

- 2 Move to an hourly fee for lighting. **Not Recommended**

Reason

The current capacity to manage the floodlighting hourly across the Central Coast is not yet available and would require substantial capital works. It is also inefficient to administer requiring increased resources to manage. As the current fees are only a contribution, then a new fee structure would need to be determined.

Level 3 Grounds

Option 1

- 1 Maintain the current fees and charges categorisations that were implemented post amalgamation. **Recommended**

Reason

The level 2 categorisation was introduced to provide a lower cost for sporting facilities that do not have all the preferred infrastructure and don't provide the same level of experience as the level 1 grounds.

Option 2

- 2 Adopt the deferred resolution 328/19. **Not Recommended**

Reason

The need to separate the facilities which include the preferred infrastructure and provide the greater experience is already available with the two category system. The resolution without change would allocate a much lower charge to a couple of facilities that are of higher quality than other allocated to level 1 which could create equity issues.

Financial Impact

If the recommendations are adopted there would be no financial impact to the budget.

If option 2 is adopted for Lighting Costs, the cost to make the floodlighting capable of hourly charging is estimated at greater than \$130,000. There would also be an additional cost of administering the new lighting charge of an estimated \$45,000 per year.

If option 2 is adopted for Level 3 Grounds, there would be a reduction of income of an estimated \$5,300 per year.

Link to Community Strategic Plan

Theme 5: Liveable

Goal L: Healthy lifestyle for a growing community

L-L1: Promote healthy living and ensure sport, leisure, recreation and aquatic facilities and open spaces are well maintained and activated.

Risk Management

There is no corporate risk identified in relation to this report.

Critical Dates or Timeframes

There is no critical timeframes identified in relation to this report.

Attachments

Nil.

Item No: 2.2
Title: Outcomes of Public Exhibition of Draft DCP
Chapter "XX" - Tree and Vegetation Management
Department: Environment and Planning



12 August 2019 Ordinary Council Meeting

Trim Reference: F2014/00370-02 - D13535357

Author: Peter Kavanagh, Senior Strategic Planner

Manager: Matthew Prendergast, Unit Manager, Strategic Planning

Executive: Scott Cox, Director Environment and Planning

Report Purpose

The purpose of this report is for Council to consider the outcomes of the public exhibition of draft Development Control Plan Chapter "XX"- *Tree and Vegetation Management*, which has been prepared to replace both Chapter 3.6 Tree and Vegetation Management of *Wyong Development Control Plan 2013* and Chapter 6.6 Preservation of Trees or Vegetation of *Gosford Development Control Plan 2013*.

This report also recommends that Council adopt draft Development Control Plan Chapter "XX"- *Tree and Vegetation Management*.

Recommendation

- 1 That Council receive and note the outcomes of the public exhibition of draft Development Control Plan Chapter "XX"- Tree and Vegetation Management.**
- 2 That Council adopt draft Development Control Plan Chapter "XX"- Tree and Vegetation Management, as amended (Attachment 1), to be inserted as Chapter 3.6 within the Wyong Development Control Plan 2013 and Chapter 6.6 within the Gosford Development Control Plan 2013.**
- 3 That Council publish a public notice of its decision within 28 days.**
- 4 That Council provide the Planning Secretary with a copy of the Plan within 28 days of it coming into effect.**
- 5 That Council advise all those who made a submission of the decision.**

Background

At its meetings held 26 February 2018, the Council resolved to adopt a new Chapter 3.6 Tree and Vegetation Management of *Development Control Plan 2013 – Development Controls for Wyong Shire* (WDCP 2013). The amendments to that chapter of WDCP 2013 were to make

2.2 Outcomes of Public Exhibition of Draft DCP Chapter "XX" - Tree and Vegetation Management (contd)

that chapter consistent with Chapter 6.6 Preservation of Trees or Vegetation of the *Gosford Development Control Plan 2013* (GDPC 2013). The amended Chapter 3.6 of WDCP 2013 came into force on 8 March 2018.

At its meeting held 26 March 2018, the Council resolved as follows:

- 216/18 *Council notes that from 8 March 2018 the Wyong DCP provisions regarding tree management and protections are now the same as those in the Gosford DCP.*
- 217/18 *Council notes that this has achieved Council's aim of creating a consistent approach to tree management controls across the Central Coast LGA.*
- 218/18 *Council request the Acting CEO provide a detailed briefing on the proposed new "XX"- Tree and Vegetation Management Chapter using case studies so that Councillors may more fully understand the*
- stated benefits of the proposed new policy*
 - differences in application between the (now consistent) existing tree policy currently applying in the LGA*
 - discuss further opportunities for Councillor and community input into any new proposed tree policy.*
- 219/18 *Council receive a further report in one months' time on how Council staff have been resources to implement the new policy across the full LGA as opposed to just the Gosford part of the LGA.*
- 220/18 *That Council receive a further report in two weeks on the issues considered by Council on 26 February 2018, item 2.2 minute number 90/18.*

A briefing session on draft Chapter "XX" referred to in Resolution 218/18 was presented to Councillors on 7 May 2018. At this briefing, Councillors requested that staff consider additional amendments regarding practical exemptions from permit requirements for pruning, garden maintenance and exemptions afforded by other pieces of legislation. Additional information reports required by Resolutions 219/18 and 220/18 were provided to Council by the Asset, Infrastructure and Business Department.

Consistent with Council's desire to have both better alignment between the WDCP 2013 and GDPC 2013 and to better align with recent legislative reforms, draft "Chapter XX - *Tree and Vegetation Management*" was developed, to replace the existing Chapter 3.6 in WDCP 2013 and Chapter 6.6 in GDPC 2013. Both proposed Chapters were generically titled *Tree and Vegetation Management* and provide a single and consistent approach to tree and vegetation management across the Central Coast Local Government Area.

2.2 Outcomes of Public Exhibition of Draft DCP Chapter "XX" - Tree and Vegetation Management (contd)

At its meeting held 8 October, 2018, the Council resolved as follows:

- 1040/18 *That Council endorse for the purposes of public exhibition, draft "Chapter "XX" – Tree and Vegetation Management" to replace Chapter 3.6 Tree and Vegetation Management of Wyong Development Control Plan 2013 and Chapter 6.6 Preservation of Trees or Vegetation of Gosford Development Control Plan 2013, for a minimum period of 28 days.*
- 1041/18 *That Council consider a further report on results of the community consultation.*

The Report

Chapter "XX" will apply generally to the urban areas and the environmentally zoned lands of the Central Coast, referred to as "Non-Rural zones" by the "Vegetation SEPP".

Chapter "XX" identifies that Exemptions are available through a variety of existing NSW legislation provisions, including bushfire hazard reduction works, "10/50" clearing, other planning authority (DA or CDC), electricity network maintenance, State Emergency Service and other emergency work, approved forestry, survey work, conservation agreements, water management and roads approvals, etc. The Chapter also identifies minor works which may be carried out to enable residents to carry out normal garden maintenance.

Where no Exemption applies, a Permit may be issued by Council for the works, which may be subject to compliance with certain conditions. If clearing is proposed on land identified on the NSW Biodiversity Values Map, or exceeds a maximum area threshold, it is considered to exceed the Biodiversity Offset Scheme Threshold (BOS). In this case, an approval by the Local Land Service's Native Vegetation Panel is required.

Chapter "XX" also identifies that Council may issue development consent for minor clearing of land associated with new developments, or Aboriginal or European Heritage sites or items, where the clearing does not exceed the specified Biodiversity Offset Scheme Threshold (BOS).

Consultation

The Draft Development Control Plan Chapter, "XX", was exhibited between 8 November 2018 and 28 January 2019 (Attachment 2 – Exhibition Version). The exhibition was extended beyond the minimum 28 days as it occurred over the Christmas and January holiday period.

The exhibition was conducted utilising Council's Website and Administration Centres at Gosford and Wyong, via the Express Advocate Newspaper, as well as a mail-out to arborists registered on Council's Preferred Contractors List.

**2.2 Outcomes of Public Exhibition of Draft DCP
Chapter "XX" - Tree and Vegetation Management (contd)**

The exhibition material included the draft Chapter "XX", access to the remainder of each Development Control Plan, and an explanatory Fact Sheet detailing relevant issues and clarifying concepts and definitions.

Submissions were received via surface mail, and email via the submissions portal.

RESPONDENT'S ORIGIN	Submissions Originating from Northern Area	70
	Submissions Originating from Southern Area	122
	Unknown	7
	Reside outside of Central Coast	3
	Organisations	4
TOTAL		206

Key themes within the submissions are as follows:

1 Environmental and amenity concerns

The submissions indicate clear support (88.36%) for Council to maintain a policy which protects and enhances the environmental qualities of the Central Coast Region.

Response:

Chapter "XX" includes a statement that recognises the environmental values of trees in urban landscapes, and seeks to protect the "green infrastructure" and habitat values of the Central Coast. In terms of the number of times an issue was raised by submissions:

- General Support for a Tree Policy – no policy suggestions (2.58%);
- Happy with the current DCP (4.64%);
- Strong environmental concerns (46.65%); and/or
- Support the draft DCP with recommended changes, particularly to the qualification level appropriate to determine compliance with the draft Exemptions (40.21%).

2 Perceived "Conflict of Interest" where Exemptions are certified by externals

Approximately 72% of respondents raised the issue that Council should control the entire process to remove any "conflict of interest" for contractors, with Council Arborists issuing all Permits, i.e., No Exempt activities.

2.2 Outcomes of Public Exhibition of Draft DCP Chapter "XX" - Tree and Vegetation Management (contd)

Response:

Exemptions are already available under other legislation (such as the "10/50" bushfire hazard clearing entitlement areas). Council does not have authority to create a permit process where these exemptions are allowable under other legislation.

3 Respondents in support of the draft Policy raised issue with the "Council will be satisfied" draft Exemption Provisions, emphasising:

- Oppose Private Certification - Conflict of Interest / Unethical / Importance of Independent Assessment / Self-Certification results in neighbourhood disputes / Council abdicating it's responsibilities / Need to monitor vegetation loss (75.7%).
- Council should issue Permits / Review evidence before removal (54.8%).
- Oppose AQF3 / Minimum AQF5 should determine assessments (63.1%).
- Ecological Report/qualifications? – importance of habitat assessment (38.8%).
- Trim and prune, rather than remove (8.3%).
- Council needs to appropriately staff, fund and resource the implementation of the Policy (22.8%).

Response:

The community consultation process highlighted that the major area of community interest are the dead, dying or dangerous exemptions provided by the Vegetation SEPP, including the method by which Council would be "satisfied" in relation to these assessments.

Council staff have verified with NSW TAFE that the Australian Qualification Framework provides that AQF 3 is an arborist who has undertaken studies that provide expertise to:

- write a pruning specification, and or undertake or supervise implementation of a pruning specification; and
- undertake industry best practice hazard assessments – this training would inform pre-work assessments, and assessments of trees that have a compromised structure and now pose an unacceptable risk to life or property (e.g. storm damaged and/or windblown trees).

Therefore, whilst an AQF 5 consulting arborist can be engaged if desired, an AQF 3 trade level arborist is an appropriate qualification level to certify the exemptions available.

4 Opposition to any Tree Policy / Misunderstood Provisions

3.1% of respondents were totally opposed to a Tree Policy. 7.9% misunderstood how the Policy would apply.

2.2 Outcomes of Public Exhibition of Draft DCP Chapter "XX" - Tree and Vegetation Management (contd)

Response:

The Vegetation SEPP identifies where the Policy can apply, and does not have the power to "turn off" Exemptions which are allowable under other legislation. It is clear that the majority of respondents (88.36%) support Council maintaining a policy which protects and enhances the urban environmental qualities of the Central Coast Region.

Amendments to Draft Chapter "XX"

The following amendments are recommended in response to submissions:

1 Include more definitions and links to other legislation within the document, and additional supporting information on Council's website.

Comment:

The links to other legislation from the document will be able to be added once the adopted DCP Chapter is loaded to Council's website. Council will maintain supporting information on web pages to educate the public on biodiversity and tree management issues, including the process and application forms for Tree Permits.

For the convenience of landowners and other users of the system, the following definitions, sourced from relevant legislation and qualification frameworks, were added to the Chapter following public exhibition (within Section 5.0 Definitions):

- **consulting arborist** means a person who holds the Australian Qualification Framework (AQF) 5 Diploma in Horticulture (Arboriculture), or AQF 4 Certificate IV in Horticulture (Arboriculture) and is enrolled in the NSW TAFE AQF 5 Diploma in Horticulture (Arboriculture) course.
- **dead tree** means where the biological function of the tree has ceased, no leaves are present and there is visible evidence of trunk, root plate and canopy desiccation.
- **dying tree** means a tree which demonstrates reduced growth rates, sparse foliage and reduced response to damage or stress over subsequent growing seasons.
- **remove vegetation, removal of vegetation, vegetation removal and clear vegetation** mean any one or more of the following:
 - a cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the vegetation, or
 - b prune, lop or otherwise remove a substantial part of the vegetation.
- **risk to human life or property** means a tree with imminent (clear and immediate) potential to harm human health, life or that can damage property, as a

result of a sudden change to the stability of the tree through structural failure, either above or below ground.

- **shrub** means a woody plant which is smaller than a tree and has several main stems arising at or near the ground.
- **trade arborist** means a person who holds the Australian Qualification Framework (AQF) 3 Certificate III in Horticulture (Arboriculture).
- **tree** means a perennial plant with at least one self-supporting woody or fibrous stem, which:
 - a Is 3 metres or more in height; or
 - b Has a trunk diameter of 75 mm or more measured at 1.4 metres above ground level.
- **vegetation** means a tree or other vegetation, including understorey and groundcover plants, whether or not it is native to New South Wales (i.e., it was established in New South Wales before European settlement).

These inclusions will simplify the provisions and educate the users of the system.

2 **Remove references to Council's Significant Tree Register.**

Comment:

Although Council has recently adopted tree management provisions for the entire LGA which reflect those previously applying to the former Gosford City area (on 8 March 2018), there is currently no Significant Tree Register operating within the northern area (former Wyong Shire). Review of the southern Register, discloses that many of the trees listed are either located on public land, or are of advanced age and poor condition, nearing the end of their life expectancy. The significance and safety of individual trees, or stands of trees, on public land is an issue for assessment by Council or the relevant Agency landowner. In consideration of the new legislation, the mandatory exemptions, and the draft DCP provisions, the creation of a new Register for the LGA is not considered necessary as a Permit will be required for the removal of any tree which is not included within the allowable exemptions, including trees beyond the "3 metre Rule".

3 **Clarify the operation of the exemptions (Section 3), in particular:**

- a. **how Council "is satisfied", as required by the exemptions available under the "Vegetation SEPP" (Section 3.1 a ii and 3.1 a iii); and**
- b. **how "Exempted Works" under the DCP will operate (Section 3.2).**

Comment:

- a. *Section 3.1* details Exemptions available under the Vegetation SEPP, including:

- (i) under other legislation (requirements specified within);
- (ii) dead, or dying trees, not required as the habitat of native animals; and
- (iii) trees which are a risk to human life or property.

Chapter "XX" now provides that:

- 1 *In relation to 3.1 a ii and 3.1 a iii above, Council "will be satisfied" that the tree was dying or dead, or that the risk was imminent (clear and immediate potential), where evidence which addresses the information requirements specified on Council's website is secured from a (minimum) Trade (AQF3) Arborist, and retained by the landowner for a period of twelve (12) months, to be made available to Council on request (i.e. photographs and written expert advice of the tree species and condition).*
 - 2 *In relation to 3.1 a iii above, where the aforementioned risk is not of an imminent nature (clear and immediate potential to harm human health, life or damage property), Council is "not satisfied" and the Exemption does not apply. In this circumstance Council requires that an application for a Permit be submitted to remove the tree.*
 - 3 *Council encourages replacement native tree planting on site where appropriate.*
 - 4 *Evidence requirements do not apply where the works are required to be carried out for emergency purposes, e.g., authorised by the Police, Ambulance, SES, Fire Brigade, RFS, etc.*
- b. Section 3.2 "Exemptions under this DCP" has been refined to enable landowners to conduct domestic garden maintenance while protecting their assets in a simple and timely manner. Council's website will specify "evidence requirements" for removals and landowners are encouraged to provide replacement native tree planting on site, where appropriate. The eight additional exemptions identified in Section 3.2(a) through (h) include the "3 metre Rule" around approved buildings, the removal of dead and dying trees in R1, R2 and R3 Residential zones, and the removal of undesirable or weed species. They reflect the exemptions available under Council's existing DCP.

The "dead or dying" provision (Section 3.2(b)) is carried over from Council's existing DCP for the R1, R2 and R3 Residential zones in recognition of the densely developed and predominantly cleared character of privately owned lands within these zones. It also acknowledges that for the SEPP exemption (Section 3.1 (a)(i)) to be applied for dead or dying trees, Council must be satisfied by an Ecologist's report assessing the specific value of the individual tree "for the habitat of native animals". This level of analysis is considered appropriate for vegetation clearing within Environmental zones, or where the tree is a threatened species or habitat for threatened fauna, however the cost and delay of this process is generally considered unwarranted for unsafe trees

in residential areas. The important issue is the care of native animals prior to, during and following the removal process. Council's website will provide information for landowners to ensure that appropriate care can be made available for any resident animals.

Section 3.2 highlights the importance of correct identification of the tree species prior to any works being conducted, as incorrect identification may result in compliance action. Again, it clearly advises that these exemptions do not apply when the tree or vegetation species is:

- i. a threatened species; or*
- ii. a habitat tree for threatened fauna species; or*
- iii. part of an endangered ecological community;*

for which a Biodiversity Conservation Licence is required from NSW OEH;
or

- iv. the tree or vegetation to be removed or pruned is, or forms part of, a heritage item, an Aboriginal object, an Aboriginal place of heritage significance, or is within a heritage conservation area,*

for which the issue of a Permit (for minor maintenance works), or a development consent (significant works) is required from Council.

Overall, the proposed Exempted works have been simplified, having regard to submissions and stakeholder consultations, enabling landowners to carry out minor works without the need for a formal Permit process.

Councillor Briefing 3 June 2019

Councillors were briefed regarding the outcomes of the public exhibition on 3 June 2019. Key issues discussed were as follows:

- 1 Tree removal in "deferred matter lands" in the former Gosford LGA are regulated by Local Land Services not through Council's DCP controls. How do we make the DCP apply to deferred lands?**

Response:

All "deferred matter" lands in the former Gosford LGA are regulated under *Interim Development Order No 122 – Gosford*. These lands are not classified under the Standard Instrument Local Environmental Plan and are regulated by Part 5A of the *Local Land Services Act* (LLS Act). "Deferred matter" land will be identified on the Native Vegetation Regulatory Map under the LLS Act and will be categorised and

controlled according to the map method, with approval to be issued by the LLS Native Vegetation Panel.

Council's DCP controls will apply to these lands once they have been rezoned to a relevant Standard Instrument zone. This will occur with the finalisation of the Central Coast Local Environmental Plan.

2 Does the DCP require replacement plantings? How will this operate?

Response:

(Refer discussion above, under *Amendments to Draft Chapter "XX"*, on pages 6 & 7 of this report.)

An objective of Chapter "XX" (Section 1.1 b ii) is to:

ii) facilitate the removal of undesirable species, weeds, dangerous trees and inappropriate plantings, and to facilitate their replacement with suitable local native species.

This objective is reinforced through the Notes following each of the Exemption provisions in the text, e.g., as follows: *Council encourages replacement native tree planting on site where appropriate.* Replacement plantings are not *required*, as this would require that Council inspect and monitor every tree replacement planting across the LGA, and verify its ongoing survival to maturity. This would require significant staff resources. Further, on some sites there is insufficient space for replacement trees, and some landowners may opt to replace with native shrubs, which also contribute to urban health and habitat.

3 How will the dead and dying tree management provisions work, and what are the evidence collection responsibilities for landowners who are using the exemptions?

Response:

(Refer discussion above, under *Amendments to Draft Chapter "XX"*, on pages 6 & 7 of this report.)

Where an exemption is to be utilised, evidence (report and photographs identifying the tree species and condition) is to be retained by landowners for a period of 12 months, and made available to Council upon request. Council's website may provide additional information. The revised Chapter "XX" provides:

Notes:

- *In relation to 3.1 a ii and 3.1 a iii above, Council "will be satisfied" that the tree was dying or dead, or that the risk was imminent (clear and immediate potential), where evidence which addresses the information requirements specified on Council's website is secured from a (minimum) Trade (AQF3) Arborist, and retained by the landowner for a period of twelve (12) months, to be made available to Council on request (i.e. photographs and written expert advice of the tree species and condition).*
- *In relation to 3.1 a iii above, where the aforementioned risk is not of an imminent nature (clear and immediate potential to harm human health, life or damage property), Council is "not satisfied" and the Exemption does not apply. In this circumstance Council requires that an application for a Permit be submitted to remove the tree.*
- *Council encourages replacement native tree planting on site where appropriate.*
- *Evidence requirements do not apply where the works are required to be carried out for emergency purposes, e.g., authorised by the Police, Ambulance, SES, Fire Brigade, RFS, etc.*

4 What is the cost difference between AQF3 and AQF5 arborist assessment reports, and what are the appropriate qualifications to do this work?

Response:

It is noted that AQF3 Contractors do not currently provide written reports. AQF5 Consultant Reports can be several hundred to several thousand dollars, and can take weeks to prepare. Council is therefore currently developing a web-based standard form for the logging (and possible future submission) of the relevant information and photographs for dead and dying trees, and for trees presenting an imminent risk.

Market forces will determine the cost of assessments and the provision of appropriate documentation by assessors. An approximation based on previous reporting may be in the order of:

- AQF3 – up to \$300; and
- AQF5 - \$1500 or greater, subject to context.

Council staff have verified with NSW TAFE that the Australian Qualification Framework provides that AQF 3 is a trade level arborist who has undertaken studies that provide expertise to:

- write a pruning specification, and or undertake or supervise implementation of a pruning specification; and
- undertake industry best practice hazard assessments – this training would inform pre-work assessments, and assessments of trees that have a

compromised structure and now pose an unacceptable risk to life or property (e.g. storm damaged and/or windblown trees).

Therefore, whilst an AQF 5 arborist can be engaged, an AQF 3 trade level arborist is an appropriate qualification level to certify the exemptions, likely at a more affordable cost to ratepayers. Any abuse of the system adopted by Council, or obvious "conflict of interest", may result in compliance action.

5 How are clearing assessments done through the DA process and what role does the DCP provide?

Response:

The DCP provides information and guidance as to the approval paths required under current NSW legislation. The DCP permit and exemption provisions will apply only to pruning and vegetation removal on privately owned, currently developed lands, i.e., it applies to sites where development has already occurred through the Development Application (DA) or Complying Development Certificate (CDC) approval processes.

Applicants seeking development consent are required to submit information about the impact of the development proposal on existing trees and vegetation, which is assessed in accordance with Section 4.15 (previously s.79C) of the EPA Act. Should the proposed vegetation pruning or clearing exceed the Biodiversity Offsets Scheme (BOS) threshold, or occur on land identified by the Biodiversity Values Map (as defined by the Biodiversity Conservation Regulation 2017), the proponent must carry out a Biodiversity Assessment Method (BAM) assessment. The outcomes of the assessment are to be included in the Biodiversity Development Assessment Report (BDAR) which must be provided to the consent authority with the DA. The consent authority must consider the information in the BDAR when deciding whether to approve the development proposal and any appropriate conditions to mitigate the identified impacts.

Development Consent is also required for clearing vegetation that is a heritage item or that is located in a heritage conservation area, as well as vegetation that is an Aboriginal object or that is located in an Aboriginal place of heritage significance.

6 What sorts of uses would require vegetation permits for small scale clearing below BOS Scheme thresholds?

Response:

Clearing below the BOS threshold on land to which the DCP applies will require a Permit and would normally be of a small area. These types of clearing proposals could include the removal of the native shrub layer beneath existing canopy, or the

removal of a small stand of trees and other vegetation, unrelated to any particular development, or change in use of land. Reasons for undertaking such clearing works might include removing native vegetation to enable Exempt Development, such as for pizza ovens, BBQs, gazebos, cubby houses, gardens, landscape works, etc.

7 Will Council be policing unauthorised tree removal and how will be monitored?

Response:

Council will be policing unauthorised tree removal through a range of measures, including the current recruitment of a dedicated tree compliance officer, who will be able to continue to respond to concerned members of the public about perceived unauthorised tree removals.

The intended use of Council developed forms for both applications and exemptions will provide a consistent approach to considering the legality of tree works on private land, reducing the number of inspections required across the LGA, and quickening response times referred to above. The future lodgement of e-forms against the property will also assist in monitoring removal across the LGA. The information on the form will clearly identify the tree company that undertook the works, which will provide greater opportunity to take action against the contractors that carry out illegal tree works.

8 Councillors discussed current and proposed staff resources. How many staff will it take to run the policy and how many Arborists do we employ?

Response:

Council Arborists manage the processes for trees on both private and Council managed land across the LGA. Council currently employs eight arborists at various AQF levels, who inspect and assess private tree applications, monitor tree compliance, and address all public tree management. Staff also provide advice to Council projects and assess the impacts of Development Applications on vegetation. It is likely that an Ecologist will need to be appointed to focus on vegetation clearing proposals and illegal land clearing, and a tree compliance officer is currently being recruited. As the new policy is implemented and the new positions are appointed, continued monitoring of tree permit application numbers, public tree service requests, compliance and regulatory outcomes will be used to review the level of resourcing of Council's overall tree management program.

Financial Impact

There will be no financial impact should Council adopt the staff recommendation to adopt the draft Chapter 3.6 of the WDCP 2013 and draft Chapter 6.6 of the GDCP 2013. The

2.2 Outcomes of Public Exhibition of Draft DCP Chapter "XX" - Tree and Vegetation Management (contd)

operation of an Exemption and Permit system is addressed in Council's Operational Budget for 2019/2020.

Link to Community Strategic Plan

Theme 3: Green

Goal F: Cherished and protected natural beauty

G-F2: Promote greening and the wellbeing of communities through the protection of local bushland, urban trees, and expansion of the Coastal Open Space System (COSS).

Critical Dates or Timeframes

The *Environmental Planning and Assessment Regulation 2000* requires that Council:

- publish a public notice of its decision within 28 days; and
- provide the Planning Secretary with a copy of the Plan within 28 days of it coming into effect.

Conclusion

This report recommends that Council receive and note the outcomes of the public exhibition and adopt draft Development Control Plan Chapter "XX"- *Tree and Vegetation Management* (Attachment 1) to be inserted as the relevant Chapters within the WDCP 2013 and GDCP 2014.

Attachments

1	Chapter XX_Tree and Vegetation Management_Council	Provided under separate cover	D13565256
2	Draft Chapter XX_Tree and Vegetation Management_ExhVersion	Provided under separate cover	D13536198
3	Submissions Analysis_Table of Submissions	Provided under separate cover	D13582266



Item No: 2.3
Title: Appointments to the Companion Animals Advisory Committee
Department: Environment and Planning

12 August 2019 Ordinary Council Meeting

Trim Reference: F2019/00998 - D13591558

Manager: Brian Jones, Unit Manager, Environment and Compliance

Executive: Scott Cox, Director Environment and Planning

Report Purpose

The purpose of the report is for Council to consider the recommendations for appointment of community members to the Companion Animals Advisory Committee (CAAC).

Recommendation

- 1 That Council determine the Councillor representatives on the Companion Animals Advisory Committee.**
- 2 That Council endorse the recommendations included in the confidential attachment that is Attachment 1 to this report titled "Companion Animals Advisory Committee – EOI Application Evaluations".**
- 3 That Council resolve, pursuant to s10A(2)(a) of the Local Government Act 1993, that Attachment 1 to this report remain confidential as it contains 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.**

Context

At its Ordinary Meeting on 12 November 2018, Council resolved to establish a Companion Animals Advisory Committee (CAAC) in accordance with the below resolutions;

980/18 *That Council now establish a Companion Animal Advisory Committee (CAAC) similar to those currently operating at Willoughby, Woollahra and Bankstown.*

981/18 *That the CAAC become active at the completion of Councils' animal cares facility consultation process and subsequent report to council.*

2.3 Appointments to the Companion Animals Advisory Committee (contd)

- 982/18 *That Council request the Chief Executive Office provide a further report come back to Council with the terms of reference for the proposed committee.*
- 983/18 *That the Council notes that Councillor Best has indicated that he will be chairing any such Committee.*

In response to the above resolutions, advertising for the committee positions on the CAAC was undertaken as follows:

- Council's Website (EOI page): 3 June 2019
- Twitter posts: 3 June, 9 June, and 14 June 2019
- Facebook posts: 3 June and 12 June 2019
- Coast Community News: 13 June 2019
- Wyong Regional Chronicle: 5 June 2019
- Express Advocate: 6 June 2019
- Peninsula News: 11 June 2019

Applications closed on 19 June 2019 and a total of 5 applications were received. These applications were made available to Councillors via the Councillor Hub on 27 June 2019, with a notice featuring in the Councillor Support Update on 5 July 2019. The applications are also included in the confidential attachment that is Attachment 1 to this report.

All applications received have been reviewed by the Staff Convenor of CAAC, who considered each submission on its merit against the draft Terms of Reference for the Committee. The draft Terms of Reference for CAAC has also been included in this report at Attachment 2. The recommendation of the Staff Convenor is noted in the confidential attachment that is Attachment 1 to this report.

In accordance with Resolution 983/18, it is proposed that Councillor Best will be the Chairperson of CAAC. This will be confirmed at the inaugural meeting of the Committee and reported back to Council with the first Meeting Record.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

R-G1: Build strong relationships and ensure our partners and community share the responsibilities and benefits of putting plans into practice.

Attachments

- | | | |
|----------|---|-----------|
| 1 | Companion Animals Advisory Committee - EOI Applications -
CONFIDENTIAL | D13591792 |
| 2 | Draft Terms of Reference - Companion Animals Advisory Committee
(CAAC) | D13591801 |

Draft Terms of Reference – Companion Animal Advisory Committee (CAAC)

1. Role

Central Coast Council has an adopted Community Strategic Plan and Delivery Plan that will shape all activities and projects over the next four years. Council's Advisory Groups are an important mechanism for consultation, advice and feedback to Council staff on implementation and review of the Community Strategic Plan.

The role of the Advisory Group known as the Companion Animal Advisory Committee (CAAC) is to advise Council on matters relating to companion animal related functions.

The CAAC will operate in a non-regulatory, operational and/or advisory capacity and will only involve itself with individual aspects or issues specific companion animal related functional issues.

2. Responsibilities

The CAAC is responsible for providing advice and feedback to Council on:

- Development of strategic policies, programs, services and plans for effective management of companion animals.
- Provide strategic input and advice to Council on companion animal events and educational programs.
- To advise Council on delivery of effective and responsible animal care functions within the Local Government Area.

3. Membership, Voting and Quorum.

Membership

- No less than one (1) Councillor appointed for the term of the Council
- **Six** community representatives (voting members)
- **Councils Animal Management contractor representatives** (Non-voting members)

Community representatives shall be appointed by resolution of Council following advertisement for nominations. Nominations are to be in writing and will circulate in full to Councillors for evaluation and consideration. The CAAC is not involved in the evaluation or selection process, it is a matter for Council.

Draft Terms of Reference – Companion Animal Advisory Committee (CAAC)

The staff holding the following Central Coast Council positions may attend Advisory Group meetings:

- **Director Environment and Planning**
- **Unit Manager Environment and Certification**
- **Section Manager Community Safety**
- **Section Manager Contracts and Projects**

Council officers will provide professional advice and administrative support. Employees of the Council are not subject to the direction of the CAAC or any members of it. Staff attendance is at the discretion of the Chief Executive Officer.

Non-staff members are appointed to the CAAC are appointed for the remainder of the current Council term, although membership can be altered at any time by a resolution of Council.

Membership can be withdrawn by resolution of Council.

If a member misses three consecutive meetings without apology, their membership may be withdrawn and their position deemed vacant.

Casual Vacancy

A casual vacancy is caused by the resignation or death of a member or the withdrawal of membership. To fill a casual vacancy:

- The Advisory Group staff contact will report the vacancy to the Advisory Group and then to the next available Council meeting.
- If the member was nominated as a representative of an organisation, it will be recommended that the organisation be invited to nominate a replacement member.
- If the member was nominated as an individual, the original expressions of interest will be reviewed to identify an appropriate replacement member.
- Where there are no appropriate alternate nominations, expressions of interest will be called for to replace the member.
- Where the vacancy occurs within nine months of the end of the term of the Advisory Group the vacancy will not be filled.

Chairperson

The Chairperson is a Councillor. The Chairperson is to have precedence at the meeting and shall determine the order of proceedings, generally as set out in the Agenda.

Where the Mayor is appointed to be a delegate to an Advisory Group it is not necessary that the Mayor be the Chairperson.

Draft Terms of Reference – Companion Animal Advisory Committee (CAAC)

Convenor

A Central Coast Council staff position shall be nominated as convenor by the Chief Executive Officer. They will be a staff member responsible for coordinating the preparation of agendas, invitations and minutes (meeting records).

The Unit Manager Environment and Certification shall be the convenor of the Central Coast CAAC.

Voting

No formal voting rules apply.

As the CAAC has an advisory role, its recommendations are to be made by consensus. Where consensus cannot be reached, a vote may be taken at the request of the Chairperson. The vote will be carried by a majority of voting members. The meeting record would reflect this process.

Council is the decision making body and the CAAC provides recommendations for consideration.

The CAAC may agree to allow participation in meetings through conference calls and other technology. As no formal voting rules apply, there is no proxy voting.

Quorum

The Quorum for a meeting is half the CAAC voting membership plus one and must include at least one Councillor.

The Chairperson shall use their discretion to determine if a meeting should be postponed due to insufficient members being able to attend.

4. Meetings

- Meetings are held no less than annually;
- The Chairperson has the authority to call additional meetings;
- The agenda and meeting papers will be distributed to members at least three days prior to the meeting;
- Meetings will be recorded by the taking of minutes (meeting record) – the minutes will document agreed outcomes and will not record discussions.

Draft Terms of Reference – Companion Animal Advisory Committee (CAAC)

5. Communications and reporting

The agendas and meeting records of the CAAC will be stored as a permanent record of Council. All agendas and meeting records will be published on Council's website.

Where the CAAC recommends an action that is outside the delegation of staff to determine, a report will be provided to Council.

Staff will prepare the report that recommends that Council note the meeting record of the CAAC. Reporting of CAAC recommendations to Council will be reported as Committee Recommendations without change. Staff may provide professional commentary on the CAAC recommendation.

Council may, at its discretion, resolve to adopt some or all of the CAAC's recommendations.

Where the CAAC has not recommended an action, the meeting record will be reported to Council as an Information Report only.

6. Conduct

Code of Conduct training will be provided to all CAAC members, and must be completed prior to attending a meeting of the CAAC.

Each member of the CAAC will be provided with Council's adopted Code of Conduct and members are expected to act in a manner be consistent with the principles outlined in the Code of Conduct.

For the avoidance of doubt, members of the CAAC are not permitted to speak to the media or make representations on social media on behalf of Council or the CAAC unless approved by Council.



Item No: 2.4
Title: Management of the Obstacle Limitation Surface (OLS) at Central Coast Airport
Department: Governance

12 August 2019 Ordinary Council Meeting

Trim Reference: F2004/06700-02 - D13611807

Author: Janine McKenzie, Unit Manager, Business Enterprise

Executive: Evan Hutchings, Director Governance

Report Purpose

At its meeting of 8 July 2019 Council resolved, in part, that Council request the Chief Executive Officer 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 (minute number 660/19 part b).

The purpose of this report is to provide Council with the options and a recommendation on how to manage the risks to the safe operation of the Central Coast Airport in relation to the Obstacle Limitation Surface (OLS), including required consideration of that resolution.

The OLS describes a recommended gradient from land surrounding the airport above which the space should be clear of all obstacles, including vegetation and built infrastructure.

Recommendation

- 1** *That Council engage an external specialist to undertake an up-to-date survey and analysis of the Obstacle Limitation Surfaces at the southern and northern ends of the Central Coast Airport runway.*
- 2** *That Council commence the required environmental studies required to seek approval to manage the tree heights at the northern and the southern ends of the Central Coast Airport runway.*
- 3** *That Council submit an application to the Native Vegetation Panel to seek approval to reduce and maintain the height of the trees at the northern end of the runway to below the 3.33% OLS from the 210 metre permanent displaced threshold.*
- 4** *That Council submit the appropriate application to reduce and maintain the height of the trees at the southern end of the runway to 3.33% OLS from the runway end.*

2.4 Management of the Obstacle Limitation Surface (OLS) at Central Coast Airport (contd)

- 757/17 *That Council not approve any development at the Warnervale Airport which is not consistent with the WAR Act (1996).*
- 758/17 *That Council not immediately extend or remove the current 1196 metre runway.*
- 759/17 *That Council not alter the position, length, width, thickness or strength of the current runway.*
- 760/17 *That Council immediately suspend all works, land acquisitions and expenditure on the Central Coast Airport, except where those works are required by law or the suspension of those works would put Council in breach of existing contractual obligations and/or expose Council to claims for damages or variation under any such contract.*
- 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.*

There are no specific regulations governing OLS for ALAs. However, Civil Aviation Advisory Publication No 92-1: Guidelines for Aeroplane Landing Areas (CAAP 92-1) recommends a gradient of 5% for day operations and 3.3% for night operations. CAAP92-1 states that there is no legal requirement to observe the details set out in that publication and that decisions around the landing or taking off at an ALA are the responsibility of the pilot in command having regard to the circumstances of the proposed landing or take off.

Warnervale Air Pty Limited has requested to operate night flight training out of the Central Coast Airport. According to the Civil Aviation Amendment Order (no.R22) 2004 (CAO R22), for an ALA to be used for night flight training operations, it must meet all the general guidelines in the CAAP92-1 and the specifications in Appendix 1 of the CAAO R22. The Civil Aviation Safety Authority (CASA) needs to approve the ALA for night flight training operations.

Outside of the OLS recommendations, the Central Coast Airport does not meet some other general guidelines in the CAAP92-1, including the recommended runway width of 15 metres. The current runway width is 10 metres.

2.4 Management of the Obstacle Limitation Surface (OLS) at Central Coast Airport (contd)

Risk Assessment

A number of trees across Sparks Road from the northern end of the runway are impinging on the recommended OLS for both day and night operations.

Council has been managing this risk through a displaced threshold of 210m at the northern end of the runway. A displaced threshold is located at a point other than the physical end of the runway and it marks the earliest point at which the aircraft should touch the ground on landing or the latest point at which the aircraft should leave the ground on take off at that end of the runway. However, the trees have continued to grow and the risk of an aircraft collision with the tall trees has increased.

As the ALA is regularly used by student pilots of the flight training school, the risk is further increased. While there have been no incidents to date, both Council's airport operations staff and CCAC officers have observed aeroplanes on approach coming unsuitably close to the trees at the northern end of the runway.

Council staff have recently reviewed the public safety and operational risks associated with the management of the Obstacle Limitation Surface and considered further measures to mitigate these risks, including reducing the tree heights and further extending the displaced thresholds.

In undertaking this risk assessment, Council's airport operations staff have considered the OLS risks at both the northern and southern ends of the airport runway.

This risk assessment considers both the risk matrix in Council's Enterprise Risk Management Framework and the CASA Aviation Risk Matrix (see figures 3 and 4).

Identified hazard	Tall trees at the northern side of Sparks Road, infringing on OLS guidelines for runway 20 (RWY20) approach and runway 02 (RWY02) departures. Tall trees at the southern end of the runway in and around the Porters Creek Wetland infringing on the OLS guidelines for RWY02 approach and RWY20 departures.
Risk if occurs	There is a risk of an aircraft colliding with the tall trees at the northern and the southern ends of the airport.
Consequence if occurs	<input type="checkbox"/> Severe injury or possible death to aircraft occupants <input type="checkbox"/> Substantial damage to aircraft <input type="checkbox"/> Potential damage to vehicles and vehicle occupants on Sparks Road
Existing controls	<input type="checkbox"/> There is a permanent displaced threshold at the northern end of the runway (RWY20) of 210 metres, but not adequate to comply with OLS guidelines due to the height of the trees to the north of

2.4 Management of the Obstacle Limitation Surface (OLS) at Central Coast Airport (contd)

	<p>Sparks Road.</p> <ul style="list-style-type: none"> □ There is a temporary displaced threshold at the southern end of the runway at 86 metres, but this is not adequate to comply with the OLS guidelines. □ Current Notice to Airmen (NOTAM), as of 12 July 2019, states "Tall trees 92FT AGL 400m of DTHR RWY 20" under Aerodrome Obstacles. This identifies that there are 92 feet tall trees 400 metres from the displaced threshold at the northern end of the runway. This information will be included in the update to the En Route Supplement Australia (ERSA) in November 2019.
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Figure 3: Current risk rating as per Council’s Enterprise Risk Management Framework

Likelihood	Unlikely
Consequence	Catastrophic
Overall Rating	High

Council’s risk appetite statement regards this level of risk as unacceptable.

Figure 4: Current risk rating as per CASA’s Risk Matrix

Likelihood	Unlikely
Consequence	Severe
Overall Rating	High

CASA’s Risk Management Framework identified the principle of ALARP (as low as reasonably possible), and states “all efforts should be made to reduce the risks to the lowest level possible until a point is reached at which the cost of introducing a further safety measure significantly outweighs the benefit.” According to this framework a risk is tolerable if it is controlled to keep the residual risk ALARP.

Consultation

Council Officers have consulted CCAC, as a significant user of the airport, and officers from the Civil Aviation Safety Authority (CASA). See CASA letter attached of 5 March 2019, which is in response to safety concerns raised by a resident.

Council staff have also relied on survey data completed by Airport Surveys in October 2017, which provides information on obstacle distances and heights in relation to the OLS (see

2.4 Management of the Obstacle Limitation Surface (OLS) at Central Coast Airport (contd)

attachment 5). It should be noted that this information was commissioned for the development of the concept plan for the airport presented to Council in November 2017. As such, it was gathered in the context of the airport becoming a certified airport, so the commentary in the survey report is not completely relevant to an ALA. The only information relied on from this document for the current risk assessment is the height and distance from the clearway for the three obstacles with the most significant impact on the OLS.

For the purposes of this report, there is not expected to be a sufficient difference between the information in this survey and current data as to materially change the analysis being presented.

However, it is recommended that Council approves the commissioning of a new survey to confirm current obstacle heights and distances, as well as accurate altitudes at any potential displaced thresholds, before moving forward with any of the options present in this report.

Options

Analysis of the three most significant obstacles to the north of the airport shows that current gradient of approach is 7.00%. The most significant obstacles to the south of the runway show a gradient of approach of 5.82%.

More detail around these calculations is provided in Attachment 6 – OLS Calculations.

The below analysis discusses the available runway that remains as a result of the potential measures. Each aircraft has a specified landing distance required, which is a specification set at the aircraft's Maximum Take Off Weight (MTOW) and international standard atmospheric conditions.

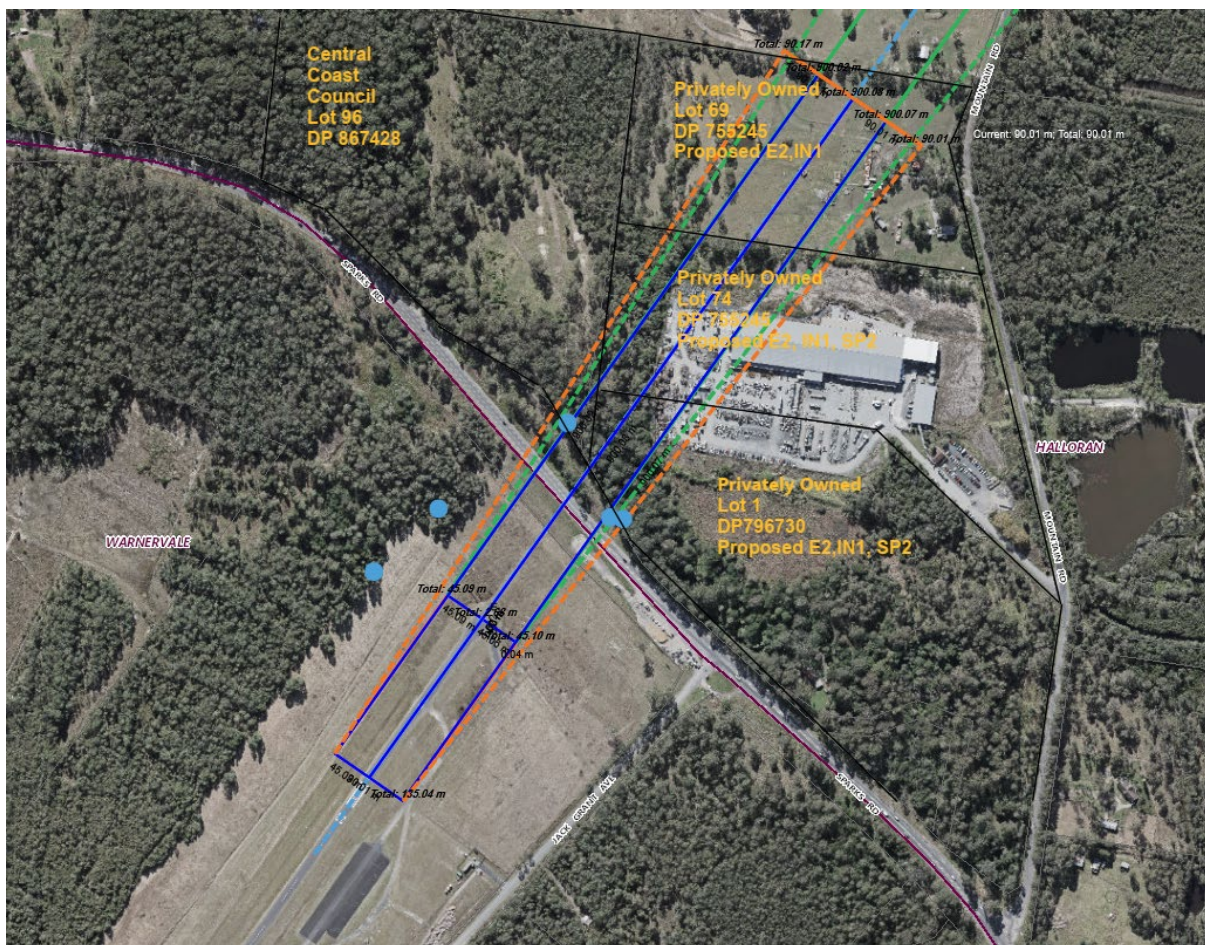
However, as the Central Coast Airport is regularly used by Warnervale Air Pty Limited for flight training, they have provided some information on what take off and landing distances would be required to operate their current fleet at their "worst case" atmospheric conditions. They use a number of aircraft for flight training, each with differing distance requirements. The aircraft in their fleet that needs the greatest Take-Off Distance Required (TODR) requires a take-off distance of 1,021m. Their most commonly used aircraft requires 729 metres for take-offs and 457 metres for landings.

Northern End of the Runway

The northern end of the airport is bordered by Sparks Road across from which is a mix of private and Council-owned land.

2.4 Management of the Obstacle Limitation Surface (OLS) at Central Coast Airport (contd)

Figure 5: OLS footprint at Northern end of the Airport



Option 1: Adjust the displaced threshold to accommodate the OLS guidelines.

In order to accommodate the recommended 3.33% OLS for night operations, the displaced threshold would need to be set at approximately 618.9 metres from the northern end of the runway. At this threshold there would be approximately 491.10 metres of usable runway.

In order to maintain a 5% OLS, which is recommended for day operations, the displaced threshold would need to be set at approximately 351.6 metres from the northern end of the runway. This would provide approximately 758.4 metres of usable runway.

Option 2 (recommended): Reduce the height of the obstacles to accommodate the OLS guidelines.

In order to accommodate the recommended 3.33% OLS for night operations, the most significant obstacles (trees) would need to be reduced in height from 26 - 27 metres to around 13-14 metres.

2.4 Management of the Obstacle Limitation Surface (OLS) at Central Coast Airport (contd)

As the trees in question are on private and Council-owned E2- zoned lands, it is expected that approval from the Native Vegetation Panel under Part 4 of the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (SEPP-V) would be required.

There is an exception to this requirement that could apply, which provides that an authority is not required under the SEPP-V for removal of vegetation that the Council is satisfied is a risk to human life or property. However, given that, in their letter of 5 March 2019, CASA have advised that although the airport may not meet the CAAP92-1 recommendations, they are satisfied that the deficiencies are being managed appropriately and no immediate action is required. It is not proposed that Council seek an exemption of the SEPP-V requirements, and, if this option is resolved, then seek approval for the tree height reduction from the Native Vegetation Panel would be sought.

As this option would both ensure that obstacles are outside the OLS at the northern end and maximise the available runway for take-offs and landings, it is considered that this option reduces the risks to as low as reasonably possible (ALARP). Therefore, this is the recommended option.

Option 3: Take no further action.

There is no requirement for Council to act to ensure that the OLS is managed to either 3.33% recommended for night operations or the 5% recommended for day operations. Regular users of the airport are aware and a NOTAM is in place which advises itinerant users, which will become part of the ERSA in November 2019.

However, if Council determines to maintain the current controls, then the risk rating will remain unchanged at High, which is an unacceptable level risk of under Council's Enterprise Risk Appetite Statement.

This option would also mean that Council, as an airport operator, has not applied the ALARP principle set out in CASA Risk Management Framework.

Southern End of the Runway

The southern end of the airport is bordered by the Porters Creek Wetland which is a SEPP Coastal Management Wetland.

While the tree heights are not as high risk currently as those on the northern end, it is recommended that Council consider the ongoing management of the trees for the longer term.

Option 1: Adjust the displaced threshold to accommodate the OLS guidelines.

In order to accommodate the recommended 3.33% OLS for night operations, the displaced threshold would need to be set at approximately 308.1 metres from the southern end of the runway. At this threshold there would be approximately 872.9 metres of usable runway.

2.4 Management of the Obstacle Limitation Surface (OLS) at Central Coast Airport (contd)

In order to maintain a 5% OLS, which is recommended for day operations, the displaced threshold would need to be set at approximately 140.4 metres from the northern end of the runway. This would provide approximately 1,040.6 metres of usable runway.

Option 2 (recommended): Reduce the height of the obstacles to accommodate the OLS guidelines.

In order to accommodate the recommended 3.33% OLS for night operations, the two most significant obstacles (trees) would need to be reduced in height from 14 - 16 metres and to around 5-7 metres.

The main species of tree in the wetland are Melaleucas, which do not grow to a height that would significantly impinge on the OLS. The Eucalypts at the south eastern corner of the airport are the ones that are identified as the significant obstacles in the survey. It is not clear whether these trees are located in the SEPP Wetland or in the 100m buffer area of the wetland.

There is a different approval pathway to manage the tree heights depending on whether the trees are in the SEPP Coastal Management Wetland or in the 100 metre buffer zone. It is recommended that a detailed survey be undertaken to identify exactly the height and location of the trees that impinge the OLS as a first step.

Similar to the northern end, this option would represent the measure that would reduce the risk to as low as reasonably possible, and accordingly is the recommended option.

However, as the trees in question are in or around a SEPP Wetland, it is recommended that Council commence the process to seek approval to manage the trees to the required heights and implement a temporary displaced threshold at approximately 140m in the interim.

If the environmental studies show that managing the tree heights will not be an option, then it will maintain the 140m displaced threshold. This will provide a 5% OLS, which is recommended for day operations.

Option 3: Take no further action.

Similar to the northern end, there is no requirement for Council to do anything in relation to the OLS. While the tree height issues are not as extreme as on the northern end, this would still result in the residual risk being unacceptable as per Council's Risk Appetite Statement and ALARP not being applied as per the CASA Risk Management Framework.

Conclusion

The trees on both the northern and southern end of the runway at Central Coast Airport are currently impinging on the recommended OLS for both day and night operations. These trees

2.4 Management of the Obstacle Limitation Surface (OLS) at Central Coast Airport (contd)

are subject to Council's resolution of 8 July 2019. While this can be managed by increasing the displaced threshold at each end, this will result in reduced runway length available overall.

Each aircraft has different take-off and landing runway length requirements, which also vary with atmospheric conditions.

While the decisions around landing and taking off at the airport are the responsibility of the pilot in command, it is recommended that Council undertake the required studies and applications to reduce the tree heights of those trees impinging on the OLS.

In view of the details contained in this report it is recommended that Council seek approval to manage the tree heights to allow for a 3.33% OLS while retaining the 210 metre permanent displaced threshold at the northern end, which would enable both day and night operations. As this recommendation provides the maximum runway length available for take-offs and landings, it is considered that these measures will reduce the risk to an acceptable medium rating under Council's Enterprise Risk Management Framework and is as low as reasonably possible (ALARP), which is the requirement of the Civil Aviation Safety Authority's (CASA) Risk Management Framework (see figures 6 and 7).

Financial Impact

The costs of the environment studies and applications are dependent on the approval pathway required. If all the recommendations are implemented the total costs including works is anticipated to be approximately \$100,000, based on quotes for similar works. Once the required studies and approval pathways are confirmed, the associated costs would be incorporated into the operational budget for the Airport as part of a Quarter 1 Adjustment.

Link to Community Strategic Plan

Theme 4: Responsible

Goal H: Delivering essential infrastructure

R-H4: Plan for adequate and sustainable infrastructure to meet future demand for transport, energy, telecommunications and a secure supply of drinking water.

2.4 Management of the Obstacle Limitation Surface (OLS) at Central Coast Airport (contd)

Residual Risk Management

Figure 6: Residual risk rating as per Council's Enterprise Risk Management Framework

Likelihood	Rare
Consequence	Catastrophic
Overall Rating	Medium

Council's risk appetite statement regards this level of risk as acceptable.

Figure 7: Residual risk rating as per CASA's Risk Matrix

Likelihood	Unlikely
Consequence	Rare
Overall Rating	High

While the risk is still considered high under the CASA Risk Management Framework, the recommended measures to manage the risk are considered to bring the residual risk to as low as reasonably possible (ALARP).

Attachments

1	Attachment 1 CAAP 92-1 - Guidelines for Aerodrome Landing Areas	D13612302
2	Attachment 2 CAO 92.2 Night Flight Operations	D13612307
3	Attachment 3 CASA Safety Risk Management Guide	D13612314
4	Attachment 4 Letter from CASA in response to resident safety issues – 5 Mar 2019	D13612316
5	Attachment 5 OLS Survey Data	D13612318
6	Attachment 6 OLS Calculations	D13612322

CIVIL AVIATION AUTHORITY**CIVIL AVIATION
ADVISORY PUBLICATION**

Date: July 1992 No: 92-1(1)

SUBJECT: GUIDELINES FOR AEROPLANE LANDING AREAS**IMPORTANT**

The information in this publication is advisory only. There is no legal requirement to observe the details set out in this publication. The Civil Aviation Regulations set out the legal requirements that must be complied with in relation to the subject matter of this publication. There may be a number of ways of ensuring that the requirements of the Civil Aviation Regulations are met. This publication sets out methods that may be used and which experience has shown should, in the majority of cases, ensure compliance with the Regulations. However, before using the information in this publication the user should always read the Civil Aviation Regulations listed in the reference section below to ensure that he or she complies with the legal obligations of the Regulations.

PURPOSE

Civil Aviation Regulation 92 (1) states that: "An aircraft shall not land at, or take-off from, any place unless: ... (d) the place... is suitable for use as an aerodrome for the purposes of the landing and taking-off of aircraft; and, having regard to all the circumstances of the proposed landing or take-off (including the prevailing weather conditions), the aircraft can land at, or take-off from, the place in safety."

Regulation 92 (1) does not specify the method of determining which "circumstances", other than the prevailing weather conditions, should be considered in any particular case. These matters are the responsibility of the pilot

in command and, in some circumstances, are shared with the aircraft operator.

These guidelines set out factors that may be used to determine the suitability of a place for the landing and taking-off of aeroplanes. Experience has shown that, in most cases, application of these guidelines will enable a take-off or landing to be completed safely, provided that the pilot in command:

- (a) has sound piloting skills; and
- (b) displays sound airmanship.

CANCELLATION

This is the second issue of CAAP 92-1, and supersedes CAAP 92-1(0).

REFERENCES

This publication should be read in conjunction with: Civil Aviation Regulations 92 (1), 93, 233 and 235; Civil Aviation Orders; and the Aeronautical Information Publication.

HOW TO OBTAIN COPIES OF THIS PUBLICATION

Copies of this publication may be obtained from:

Civil Aviation Authority Publications
Centre
607 Swanston Street
Carlton
Victoria 3053

Telephone (008) 331676
(008) 334191
(03) 342 2000

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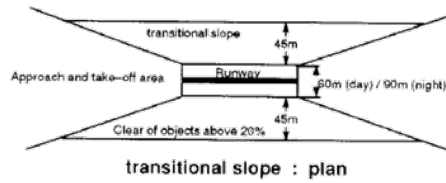


Figure 1 - Transitional Slope

1 - DEFINITIONS

1. In these guidelines, unless the contrary is stated:

“clearway” means an area in which there are no obstacles penetrating a slope of 2.5% rising from the end of the runway over a width of 45m;

“float plane” means any aeroplane designed for landing or taking-off from water;

“fly-over area” means a portion of ground adjacent to the runway strip which is free of tree stumps, large rocks or stones, fencing, wire and any other obstacles above ground but may include ditches or drains below ground level;

“landing area” (LA) means an area of ground suitable for the conduct of take-off and landing and associated aeroplane operations under specific conditions;

“lateral transitional slope” means a desirable area around all LA's which provides greater lateral clearance in the take-off and landing area and may reduce wind-shear when the runway is situated near tall objects such as trees and buildings. The dimensions of a suitable lateral transitional slope are shown in the following diagram;

“obstacle free area” means there should be no wires or any other form of obstacles above the approach and take-off areas, runways, runway strips, fly-over areas or water channels;

“runway” means that portion of the landing area which is intended to be used for the landing or take-off of aeroplanes;

“runway strip” means a portion of ground between the runway and fly-over area which is in a condition that ensures minimal damage to an aeroplane which may run off a runway during take-off or landing;

“water alighting area” means a suitable stretch of water for the landing or taking-off of a float plane under specific conditions.

2 - CONVERSION TABLE

2. Landing area gradients and splays expressed as a percentage, in accordance with ICAO practice, may be converted into ratios or angles using the following table:

Percentage	Ratios	Degrees & Minutes
1	1:100	0 34'
2	1:50	1 09'
2.5	1:40	1 26'
2.86	1:35	1 38'
3	1:33.3	1 43'
3.33	1:30	1 55'
5	1:20	2 52'
12.5	1:8	7 08'
20	1:5	11 18'

3 - WHICH AIRCRAFT MAY USE A LANDING AREA?

3. Use of landing areas other than aerodromes is not recommended for aircraft with a MTOW greater than 5700 kg.

4 - WHICH TYPES OF OPERATIONS MAY BE CONDUCTED FROM A LANDING AREA?

4. Aeroplanes engaged in the following operations may use a landing area:

- (a) private;
- (b) aerial work—excluding student solo flying and student dual flying prior to successful completion of the General Flying Progress Test; and
- (c) charter.

5 - RECOMMENDED MINIMUM PHYSICAL CHARACTERISTICS OF LANDING AREAS AND WATER ALIGHTING AREAS

5.1 Runway Width. For other than agricultural operations, a minimum width of 15 metres is recommended although aeroplanes with a MTOW below 2000kg can be operated safely on runways as narrow as 10 metres provided there is no or only light cross-wind. For agricultural operations, a 10 metre wide runway is the recommended minimum.

5.2 Runway Length. For other than agricultural operations by day, a runway length equal to or greater than that specified in the aeroplane's flight manual or approved performance charts or certificate of airworthiness, for the prevailing conditions is required (increasing the length by an additional 15% is recommended when unfactored data is used). For agricultural day operations, the minimum runway length is the greater of 75% of the take-off distance specified in the aeroplane's flight manual or approved performance chart for the prevailing conditions with the balance as clearway or the landing distance so specified.

5.3 Longitudinal Slope. The longitudinal slope between the runway

ends should not exceed 2%, except that 2.86% is acceptable on part of the runway so long as the change of slope is gradual. For agricultural operations, the slope should not exceed 12.5% for day and 2% for night operations: where the overall slope exceeds 2% the runway should only be used for one-way operations — downhill for take-off and uphill for landing.

5.4 Transverse Slope. The transverse slope between the extreme edges of the runway strip should not exceed 2.5% or 12.5% upward slope over the fly-over area. For agricultural day operations, the transverse slope should not be more than 3% over the runway and 5% over the runway strip.

5.5 Other Physical Characteristics. Both ends of a runway, not intended solely for agricultural operations, should have approach and take-off areas clear of objects above a 5% slope for day and a 3.3% slope for night operations. Other recommended landing area physical characteristics are shown on the following diagrams:

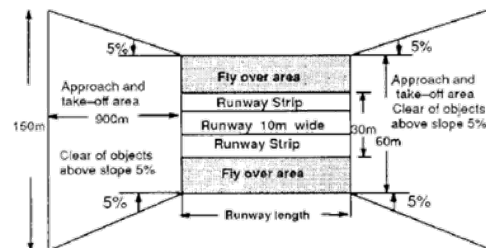


Figure 2A - Single engined and Centre-Line Thrust Aeroplanes not exceeding 2000 kg MTOW (day operations)

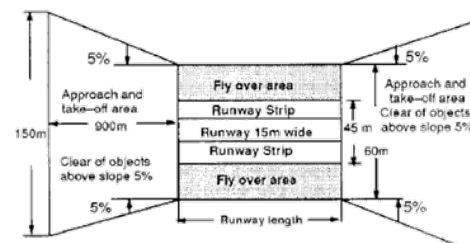


Figure 2B - Other Aeroplanes (day operations)

CAAP 92-1(1)

Guidelines for aeroplane landing areas

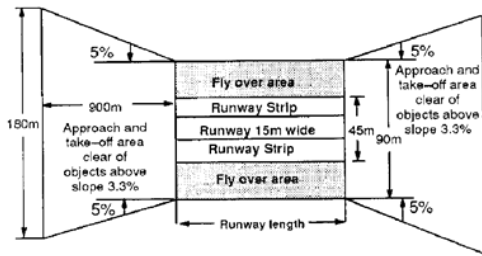


Figure 3 - Dimensions (night operations)

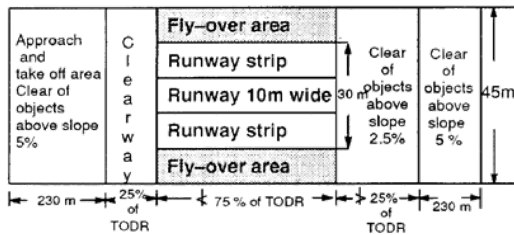


Figure 4 - Dimensions - agricultural day operations

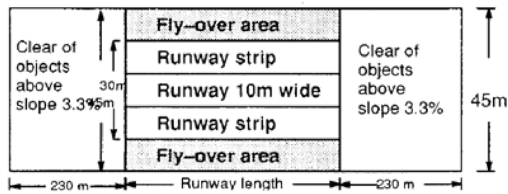
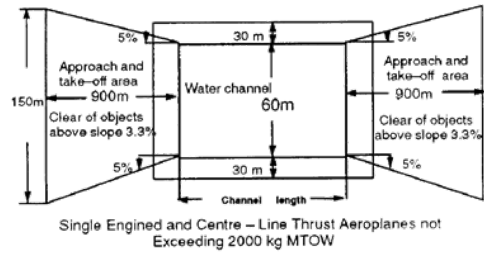


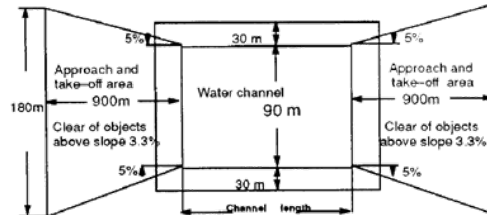
Figure 5 - Dimensions - agriculture night operations

5.6 Float plane alighting areas. For water operations, a minimum width water channel of 60 metres for day operations and 90 metres for night operations is recommended. The depth of water over the whole water channel should not be less than 0.3 metres below the hull or floats when the aeroplane is stationary and loaded to maximum take-off weight. An additional area, as shown in the following diagrams, provides a protective buffer for the water channel but need not consist of water. Where the additional area consists of water then it should be clear of moving objects or vessels under way. The centre line of a water channel may be curved, provided that the approach and take-off areas are calculated from the anticipated point of touchdown or lift-off.



Single Engine and Centre-Line Thrust Aeroplanes not Exceeding 2000 kg MTOW

Dimensions (day operations)



Single Engine and Centre-Line Thrust Aeroplanes not Exceeding 2000 kg MTOW

Dimensions (night operations)

Figure 6 - Float planes

6 - MARKING OF LANDING AREAS

6.1 Where extended operations are expected to be conducted at a landing area, the owner/operator is encouraged to provide markings similar to those found at government and licensed aerodromes. If markings are provided, they should follow the colours and specifications set out in AIP AGA. A suitable layout is shown at Figure 7.

6.2 Where runway markers are provided which are not flush with the surface, they should be constructed of a material that is not likely to damage an aircraft.

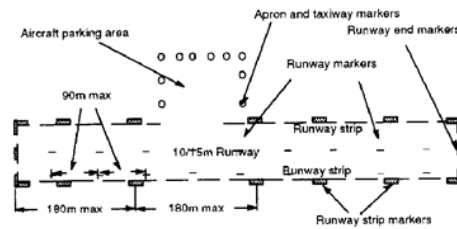


Figure 7 - Typical ALA layout and marking

7 - LIGHTING FOR NIGHT OPERATIONS

7.1 The recommended minimum lighting and layout is as follows:

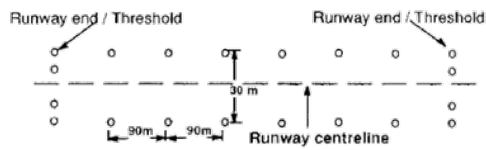


Figure 8 - Lighting for Night Operations

7.2 The lights should, under the weather conditions prevailing at the time of the flight, be visible from a distance of no less than 3000 metres.

7.3 Substitution of runway lights with reflectorised markers is permitted but not recommended by the Authority.

7.4 The different types of reflectorised markers vary in efficiency. Their luminosity can be affected by a number of factors, including equipment cleanliness/layout, the position/strength of the aircraft landing light(s) and meteorological conditions — especially cross winds on final.

7.5 The following lights should not be substituted by reflectorised markers:

- (a) runway end/threshold corner lights;
- (b) lights 90m from each runway end/threshold; and
- (c) lights nearest to the illuminated runway mid-length point.

8 - OTHER FACTORS THAT SHOULD BE CONSIDERED PRIOR TO USING A LANDING AREA

8.1 A pilot should not use a landing area or have an aeroplane engine running unless the aeroplane is clear of all persons, animals, vehicles or other obstructions.

8.2 A pilot should not use a landing area without taking all reasonable steps to ensure the physical characteristics and dimensions are satisfactory. For aerial work and charter operations the operator should provide evidence to the pilot on the suitability of a landing area prior to its use.

8.3 Runway lengths calculated for take-offs and landings should be increased by 50% for agricultural operations on one-way runways at night.

8.4 **Geographic Location.** A landing area should not be located:

- (a) within the area or in such close proximity as to create a hazard to aircraft conducting a published instrument approach, excluding the holding pattern; or
- (b) within any area where the density of aircraft movements makes it undesirable; or
- (c) where take-off or landing involving flight over a populated area creates an unnecessary hazard.

8.5 Except in an emergency, the consent of the owner/occupier is required before a landing area may be used.

8.6 If the proposed landing area is located near a city, town or populous area or any other area where noise or other environmental considerations make aeroplane operations undesirable, the use of such a landing area may be affected by the provisions of the *Commonwealth Environment Protection (Impact of Proposals) Act 1974* and parallel State legislation as well as other legislation. It is the responsibility of the pilot and/or operator to conform with these requirements.

8.7 A method of determining the surface wind at a landing area is desirable. A wind sock is the preferred method.

8.8 The surface of a landing area should be assessed to determine its effect on aeroplane control and performance. For example, soft surfaces or the presence of long grass (over 150mm) will increase take-off distances while moisture, loose gravel or any material that reduces braking effectiveness will increase landing distance.

9 - SURFACE TESTING OF A LANDING AREA

9.1 **Rough Surfaces.** The presence of holes, cracks and ruts will degrade aeroplane performance and handling and increase the possibility of structural damage. The smoothness of a runway

CAAP 92-1(1)

Guidelines for aeroplane landing areas

can be tested by driving a stiffly sprung vehicle along the runway at a speed of at least 75 kph. If this is accomplished without discomfort to the occupants, the surface can be considered satisfactory.

9.2 Soft, Wet Surfaces. A test vehicle as indicated in the table below should be driven in a zig-zag pattern at a speed not exceeding 15 kph along the full length and width of the runway. Particular attention should be paid to suspect areas with possibly three passes over these areas. If tyre imprints exceed a depth of 25mm the surface is not suitable for aircraft operations represented by the test vehicle. Experience may prove that for a certain type of aircraft (eg, an aircraft with small

wheels or high tyre pressure) operations are unsafe with a lesser imprint. Testing with a crowbar should also be done in several places along the runway to ensure that a dry surface crust does not conceal a wet base.

USER AIRCRAFT WEIGHT	SUGGESTED VEHICLE TO BE USED FOR TEST
1. MTOW not exceeding 2000kg	Fully laden utility, Landrover, station sedan.
2. MTOW 2001 kg to 3400kg	Fully laden 1.5 tonne truck or lightly laden 3 tonne truck.
3. MTOW 3401 kg to 5700kg	Fully laden 3 tonne truck

Attention should also be given to the remainder of the strip as this area is provided for run-off in the event of an abnormal take-off or landing.

Civil Aviation Amendment Order (No. R22) 2004

I, WILLIAM BRUCE BYRON, Director of Aviation Safety, on behalf of CASA, issue the following Civil Aviation Order under regulations 5.11, 5.16 and 303 of the *Civil Aviation Regulations 1988*.

[Signed Bruce Byron]

Bruce Byron
Director of Aviation Safety and
Chief Executive Officer

2 December 2004

1 Name of Order

This Order is the Civil Aviation Amendment Order (No. R22) 2004.

2 Commencement

This Order commences on gazettal.

3 Replacement of section 29.2 of the Civil Aviation Orders

Section 29.2 of the Civil Aviation Orders is omitted and a new section substituted as set out in Schedule 1.

Schedule 1 Substitution of section 29.2 of the Civil Aviation Orders

SECTION 29.2

AIR SERVICE OPERATIONS — NIGHT FLYING TRAINING

1 APPLICATION

This section applies to the conduct of night circuit operations in aircraft operated by licensed flying schools:

- (a) for the purpose of giving to the holder of a private pilot licence who does not hold an instrument rating, practical flight instruction necessary to qualify the licence holder for the privilege of acting as pilot in command by night; and
- (b) for the purpose of increasing the skill and experience of the holder of a private pilot licence to the standard required for the issue of a commercial pilot licence; and
- (c) for the purpose of practice flying by the holder of a private pilot licence or commercial pilot licence who does not hold an instrument rating.

2 OPERATING LIMITATIONS

2.1 Aerodromes

An aerodrome used for night flying training shall be:

- (a) a government or licensed aerodrome; or
- (b) an authorised landing area which meets the general guidelines in CAAP 92-1 and the specifications in Appendix I to this section, and which has been approved for night flying training operations by CASA; or
- (c) in the case of helicopters, an aerodrome or authorised landing area described in (a) or (b) above, or an authorised helicopter landing site which meets the guidelines in CAAP 92-2.

2.2 Airspace

Unless otherwise specified by CASA, night circuits shall not be conducted at a height less than 1 000 ft above aerodrome elevation. Operations shall be conducted within a radius of 3 miles from the aerodrome reference point and within the overlying airspace to a maximum of 1 500 ft above the aerodrome elevation.

2.3 Weather Conditions

Night circuit operations shall not be conducted in weather conditions less than a ceiling of 1 500 feet and visibility of 5 kilometres.

3 SUPERVISION OF OPERATIONS

3.1 Instructor in Charge

Night circuit operations shall be conducted under the supervision of a rated flight instructor appointed by the flying school to act as instructor in charge. The instructor in charge of night flying shall have logged a minimum of 20 hours night instructional experience and shall be:

- (a) in the case of aeroplanes — a person who holds a flight instructor (aeroplane) rating grade 1 or a flight instructor (aeroplane) rating grade 2; and
- (b) in the case of helicopters a person who holds a flight instructor (helicopter) rating and who has had his log book certified by a chief flying instructor in accordance with Appendix II to this section as competent to supervise night flying operations.

3.2 Duties of Instructor in Charge

- (1) The instructor in charge of night flying for each flying school shall supervise the operations conducted by the flying school aircraft and shall ensure that the requirements of this section are met.
- (2) At aerodromes where Air Traffic Control is in operation, the instructor in charge of night flying shall:
 - (a) provide advance notification of the programme of night flying operations to the appropriate employee of Air Traffic Control on duty and arrange for the provision of aerodrome lighting; and
 - (b) confer with Air Traffic Control regarding the implementation of the night flying programme with respect to other traffic, taxiways to be used, and temporary obstructions;
- (3) At aerodromes where Air Traffic Control is not in operation, the instructor in charge of night flying shall:
 - (a) if the aerodrome is located within an Aerodrome Flight Information Zone, notify Flight Service in advance regarding the night flying programme; and
 - (b) arrange for the provision of aerodrome lighting; and
 - (c) wherever practicable, obtain advice of planned night operations by other aircraft at the aerodrome and in consultation with other operators, determine the maximum number of flying school aircraft which can be operated safely in the circuit pattern having regard to taxiways available and movements of other aircraft.

4 AERODROME LIGHTING AND GROUND FACILITIES

4.1 Lighting

- (1) Aerodrome lighting in accordance with the minimum standard at Appendix I shall be provided for the duration of operations.
- (2) In the case of helicopters, aerodrome lighting as described in (1) above, or lighting which meets guidelines in CAAP 92-2.

4.2 Ground Facilities

- (1) Where a suitable standby power supply is not provided for fixed electric runway or HLS lighting, portable runway or HLS lighting shall be available for use in the event of a runway or HLS lighting power failure.
- (2) A suitable means of indicating the wind velocity to aircraft on the manoeuvring area and in flight shall be available.

5 AIRCRAFT EQUIPMENT

5.1 Instrumentation and Lighting

Aircraft shall be fitted with serviceable instrumentation and lighting as specified in section 20.18 for night V.M.C. aerial work and private operations, except that where passengers are not carried the requirement for passenger compartment lighting is waived.

5.2 Radio Equipment

Aircraft shall be fitted with serviceable radio communication equipment.

6 DELEGATIONS

Nothing in this section shall be construed so as to prevent a person specified in an instrument of delegation signed by CASA from exercising the powers and functions so delegated.

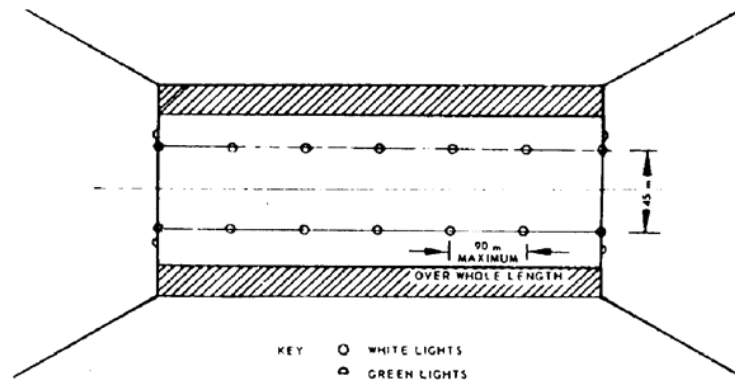


Fig 2 RUNWAY LIGHTING

1.3 Grades and Surfaces

- (1) The maximum allowable longitudinal grade between strip ends shall be 1:50 but longitudinal grade of up to 1:35 on any part of the strip be permitted if the change of grade is gradual.
- (2) The maximum allowable transverse grade shall be 1:40 over the central 45 metres of the strip width and 1:8 over the remainder, including the hachured areas shown in Figure 1.
- (3) The central 45 metres of the strip over its length shall be smooth. The run off areas, shown in Figure 1, shall be in such condition that an aircraft running over them following a swing on take-off or landing would not suffer damage.
- (4) Grass on a strip or runway surface shall not exceed 25 centimetres in height on the central 45 metres of the width.

1.4 Lighting

- (1) The minimum lighting shall be double row runway and threshold lighting in the configuration shown in Figure 2. Under the weather conditions prevailing at the time of flight, the white lights shall be visible for a distance of at least 4 kilometres, and the green lights for at least 2 kilometres.
- (2) Obstructions in close proximity to the strip and unserviceable portions of the movement area shall be marked with low intensity steady red lights.
- (3) A flashing amber or red light placed so as to be clearly visible to aircraft operating on the movement area and in the circuit traffic pattern shall be displayed on any vehicle operating on the movement area at night.

APPENDIX II

LOG BOOK CERTIFICATION FOR SUPERVISION OF NIGHT FLYING TRAINING

1 AEROPLANES

The certification required in accordance with paragraph 3.1 (b) of this section shall be made in the instructor's log book in the following form:

.....has demonstrated the ability to supervise the conduct of aeroplane night flying training operations and is certified to perform the duties of instructor in charge.

(Signature)
(Name of CFI)
(Licence Category) No.
(Date)

2 HELICOPTERS

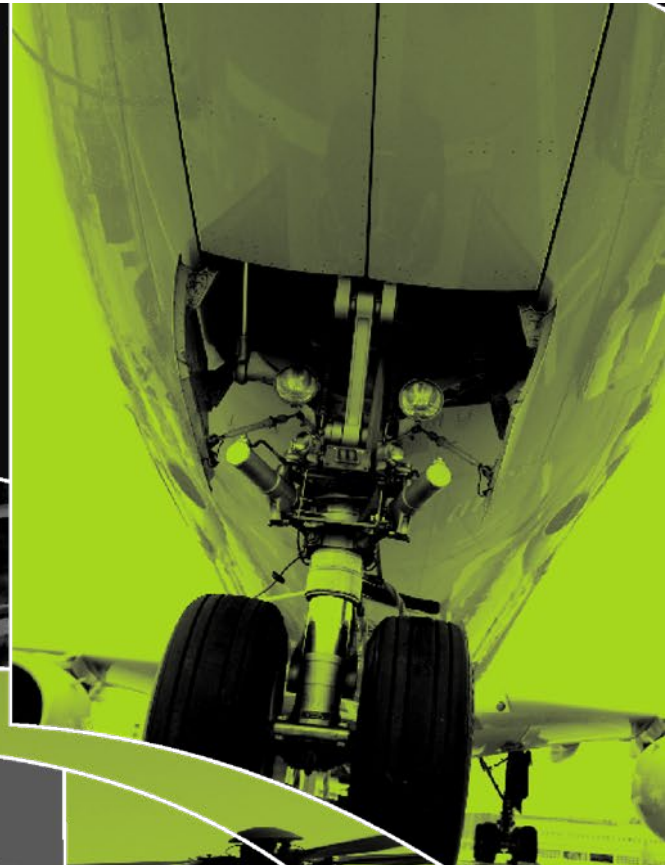
The certification required in accordance with paragraph 3.1 (c) of this section shall be made in the instructor's log book in the following form:

.....has demonstrated the ability to supervise the conduct of aeroplane night flying training operations and is certified to perform the duties of instructor in charge.

(Signature)
(Name of CFI)
(Licence Category) No.
(Date)



Australian Government
Civil Aviation Safety Authority



SMS FOR AVIATION—A PRACTICAL GUIDE
SAFETY RISK MANAGEMENT

3



Contents

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This kit is for information purposes only. It should not be used as the sole source of information and should be used in the context of other authoritative sources.

The case studies featuring 'Bush Air' and 'Bush Maintenance Services' are entirely fictitious. Any resemblance to actual organisations and/or persons is purely coincidental.
1105.1511

What is safety risk management?

Safety risk management: the identification, analysis and elimination (and/or mitigation to an acceptable or tolerable level) of the hazards, as well as the subsequent risks, that threaten the viability of an organisation. (ICAO Doc. 9859)

Before an SMS can be effectively built or improved, you must identify the safety hazards to your operation and ensure you have controls in place to manage risk. An SMS should be risk based. For example, the risks involved in operating helicopters regularly at low level are quite different to those of an RPT service, so each operator's SMS will need to reflect that.

Safety risk management is a careful examination of what, in your work, could cause harm, so that you can weigh up whether you have taken enough precautions, or should do more to prevent harm.

History shows that aircraft accidents not only ruin lives, but also affect business if output is lost, assets or equipment are damaged, insurance costs increase, or you have to go to court. Legally, you must assess the risks to safe operations in your workplace, and implement a plan to control those risks.

Safety risk management is a key component of an SMS and involves two fundamental safety-related activities:

1. Identifying safety hazards
2. Assessing the risks and mitigating them (reducing the potential of those risks to cause harm).

Identifying safety hazards

A hazard is anything that could cause harm, damage or injury, or have a negative consequence, such as bad weather, mountainous terrain, FOD, lack of emergency equipment, high workload/fatigue or use of alcohol and other drugs.

There are many ways of identifying hazards and quantifying risks, but to do it successfully you have to think laterally, unencumbered by past ideas and experiences. Operational hazards can be obvious, such as lack of training, or they may be subtle, such as the insidious effects of long-term fatigue.

There are several useful methods of identifying hazards:

- » Brainstorming - small discussion groups meet to generate ideas in a non-judgmental way
- » Formal review of standards, procedures and systems
- » Staff surveys or questionnaires
- » One person standing back from the operation and monitoring it critically and objectively
- » Internal or external safety assessments
- » Hazard reporting systems.

Hazard identification generally involves three steps:

1. Stating the generic hazard (hazard statement) e.g. fatigue/high workload, bad weather
2. Identifying specific components of the hazard e.g. errors because of fatigue
3. Identifying project-specific risk/s associated with each hazard e.g. maintenance errors resulting from fatigue, especially at times of Circadian low (2am-6am), CFIT, fuel exhaustion because of bad weather.

If you are a small aviation organisation with only a few staff, you simply need to apply discipline and make the time to examine all facets of your operations and identify their hazards. You need to either eliminate the hazards where possible, vary the operation, or redesign in a practical way to protect from the hazards. You need to be able to be satisfied that all risks are acceptable.

For larger organisations, setting up discussion groups with as many staff and line managers as possible is a good way of identifying hazards. The group discussions will also encourage staff to become more actively involved in establishing or improving your SMS.

To avoid accidents and incidents any organisation should have multiple layers of controls or defences in place. However, controls are never foolproof – for example, having well-trained maintenance engineers does not ensure that aircraft components are always fitted correctly, and standard operating procedures for flight crew are only as effective as those who follow them.

Regularly identify what defences you have against recognised safety hazards.



Six simple steps are suggested as an early warning safety system:

1. Identify safety hazards across your operations that could harm people, equipment, property or the environment.
2. Rank the likelihood and severity of these hazards
3. Identify the current defences/controls in place to manage them
4. Evaluate the effectiveness of each defence/control
5. Identify additional defences/controls where required
6. Record/(and continue to monitor) all this information in a hazard register.

Step 1: Identify safety hazards

Focus group discussions should ask participants to brainstorm the types of safety hazards they think may threaten the safety of passengers, employees or contractors. The group should also consider those hazards which could damage equipment, or harm the environment. For example, for flight crew, fuel exhaustion would be a hazard that could result in the loss of both an aircraft and its passengers. For maintenance engineers, fatigue might be a hazard during night shift operations.

There may also be systemic hazards – organisational factors that could result in the loss of an aircraft, or injury to or the death of passengers. These hazards include: insufficient training; lack of policies or procedures; and people not following these policies or procedures.

Step 2: Rank and assess the severity of the safety hazards

Assess the hazards critically. Factors to consider are the likelihood (how often the hazard might result in a safety occurrence), and the severity (how bad the outcome would be) of any consequences. For example, a serious in-flight fire might be an unlikely occurrence, but it would be catastrophic if it were to occur. It would rank above a bird strike which, although much more likely to occur, tends to be less severe. Keep the process simple and get global views about how significant an issue the hazard really is, in the context of all the hazards identified.

Step 3: Identify the controls/defences in place to manage the hazards

Once you list the hazards and rank their order of risk, you should identify possible defences (hazard controls) against them. One defence against an in-flight fire is a fire extinguisher; a defence against aircraft fuel contamination is correct fuel filtration procedures and regular fuel testing. This step should provide a list of current controls/defences against each hazard: some controls will defend against multiple hazards.

Step 4: Assess the effectiveness of the current controls/defences

How effective is each hazard control/defence? Would the control prevent the occurrence (i.e. does it remove the hazard?), or just minimise the likelihood or the consequence? You can determine how effective a hazard control is by asking, for example: 'Does the crew know how to use the fire extinguishers, and are the extinguishers correctly maintained?' You will then have a list of effective controls, as well as a list of which controls need improvement.

Step 5: Identify further controls/defences required

Examine each hazard and its control/s to determine whether the risk is adequately managed or controlled. If it is, the operation can continue. If not, consider how to improve the hazard control, or to remove or avoid the hazard entirely. For example, you could provide recurrent training for crew in the correct use of fire extinguishers.

You should manage the risk to a point of ALARP—as low as reasonably practicable. You should consider/apply all possible means of mitigation until the cost of mitigation is grossly disproportionate to the benefit you obtain.

In some instances, there could be a range of solutions to manage a risk. Typically, some are engineering solutions (e.g. redesign), which, although probably the most effective, may also be expensive. Others involve control (e.g. operating procedures) and personnel (e.g. training) and might be less costly. The solution need not be costly to be effective.

BUSH maintenance SERVICES

Bush Maintenance Services has a close call involving engine cowl fasteners. Trevor Brown, the safety officer and senior LAME, hears from the apprentice, Ryan Johnson, that an aircraft went out with the fasteners missing. The other LAME, Geoff White, was due to finish the service on his shift, but had footy practice for the finals that weekend, and left in a rush, saying over his shoulder as he raced out of the hangar, 'Mate, she's all done. Just give her a wipe-over; the doc will be here in the morning'. Ryan had done double shifts—16 hours straight—and had to have the Beechcraft finished for the local doctor to fly to the city in the morning. During the graveyard shift, he wipes away an oil leak on the hydraulics, but bone tired, does not notice the missing fasteners.

When the GP arrives in the morning, he discovers the missing fasteners on his walk-around, and is understandably unimpressed. 'If you can't get this right, what else have you missed?' he asks pointedly.

Bruce Jones calls a toolbox meeting. 'There are things that stand between us and an accident. We've got to make sure they're working properly. How do we learn from this, and make sure it doesn't happen again? Bush Air won't want us doing any more of their maintenance, nor will Outback Exploration, if we can't show more professionalism.'

Step 6: Record all this information in a hazard register

This is important not only for your internal risk management processes, but also in case you ever need to provide information to CASA, the ATSB or other regulators.

After completing these steps, you should have the following:

- » A list of safety hazards identified by employees, ranked in order of importance
- » A list of current controls/defences in place to manage these hazards
- » A list of further controls/defences required to improve safety across the operation
- » Staff involvement in identifying safety deficiencies and priority areas for improved risk management
- » Who is going to do it.



Hazard identification checklist

SMS	ITEMS
Hazard identification processes	<ul style="list-style-type: none"> » The organisation has established various ways to proactively identify hazards through discussion groups (confidential where possible – in some smaller organisations this may be difficult or impossible), reporting, or surveys. » The organisation uses the database of reported hazards to: <ul style="list-style-type: none"> - identify hot spots needing particular attention - conduct trend analysis which can help to improve hazard identification. » Procedures are maintained for the internal and external reporting and recording of hazards and other safety-related issues to enable analysis and organisational learning. » The organisation has processes in place to ensure identified hazards are dealt with in a timely manner, and the results of any actions are fed back to staff.

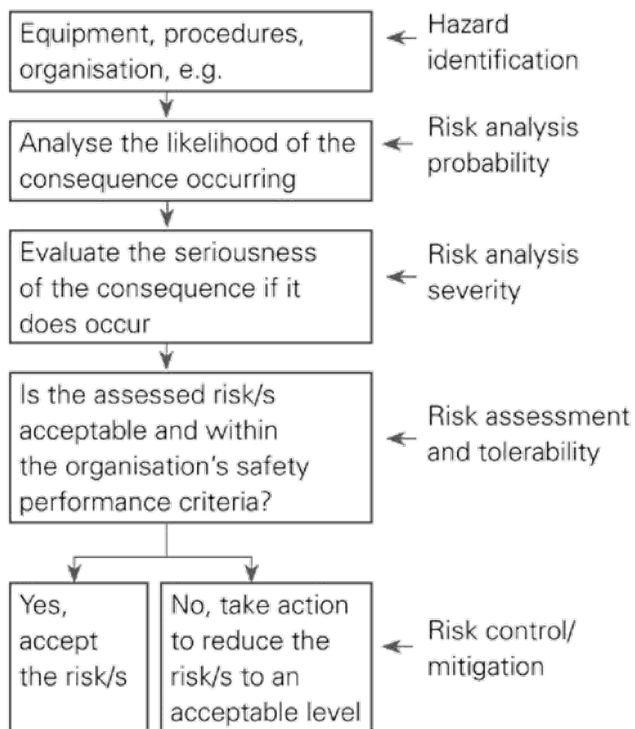


Risk assessment and mitigation

The term risk refers to the chance that somebody could be harmed by various hazards, together with an indication of how serious the harm could be.

Risk management is an integral component of safety management and involves five essential steps:

safety risk management



Don't overcomplicate the process. You should already have a good idea of the risks and of any control measures that you can easily apply. You probably already know whether, for example, you have employees who commute a long distance to work areas, or areas of maintenance which are more prone to risk. If so, check that you have taken reasonable precautions to avoid incidents.

If you run a small organisation and are confident you understand what's involved, you can do the assessment yourself. You do not have to be a risk specialist.

If you work in, or run a larger organisation, you can ask an advisor to help you. If you are not confident, ask someone competent for advice. In all cases, you should make sure that you involve your staff or their representatives in the process. They will have useful information about how the work is done that will make your risk assessments more thorough and effective.

Step 1: Identify the hazards

Work out how safe operations could be harmed. The hazard identification methods already mentioned are a good start. However, when you are in your workplace day after day, it is easy to overlook hazards, so here are some tips to help you identify the ones that matter:

- » Walk around your workplace looking for things that could reasonably be expected to cause harm. Involve your employees: they may have noticed things that are not immediately obvious to you.
- » Review your accident records—they can often help to identify less-obvious hazards.
- » Review previous safety occurrences and maintenance errors. These will help in understanding risks and their potential likelihood and consequences.
- » Review CASA or ATSB reports.
- » Ask similar organisations what they found and have done about it.

Example: One of the safety concerns for air transport operators is incorrect loading of passengers or freight on the aircraft, which can lead to accidents.

Step 2: Decide what might be harmed and how the harm might be caused

For each hazard you need to be clear about what might cause harm. This will then help you identify the best way to manage the risk. That doesn't mean listing everyone by name, but rather identifying groups of people (e.g. flight crew, cabin crew and passengers).

In each case, you should identify what might occur. You will also need to identify the possible reasons (root causes) of the hazard.

An online search for SMS software will provide numerous potential suppliers of affordable software to manage all this.

What?

Incorrect aircraft loading can affect the safety of flight crew, cabin crew, passengers on board and people on the ground.

Causes?

Incorrect aircraft loading can result from:

- » Poor weight and balance calculations
- » Failure to weigh baggage correctly
- » Miscommunication between flight crew and aircraft loading staff
- » Failure to secure freight properly
- » Loading of the wrong baggage/freight on the flight
- » Information entered incorrectly into the flight management system.

Identification of the severity/consequence of the event

Take into account any current mitigation measures and assess the severity in terms of the worst possible realistic scenario.

Level	Severity/ Consequence	Descriptor
5	Severe	Catastrophic (at least one fatality, huge financial loss)
4	Major	Major (extensive injuries to one or more people, major financial loss)
3	Moderate	Moderate (medical treatment required, high financial loss)
2	Minor	Minor (first aid treatment at the workplace, medium financial loss)
1	Negligible	Insignificant (no injuries, low financial loss)

Likelihood of occurrence

Take into account any current mitigation measures and assess the likelihood/probability of the risk occurring.

Level	Likelihood	Descriptor
5	Almost certain	Imminent—is expected to occur in most circumstances
4	Likely	Once in the next month, will probably occur in most circumstances
3	Possible	Once in the next 12 months, might occur at some time
2	Unlikely	Once in the next 1–5 years, could occur at some time
1	Rare	Once in the next 10 years—may occur only in exceptional circumstances

The safety manager/officer will enter the results into the safety report and hazard log.

Use the risk tolerability matrix to assess how tolerable the risk is using the results obtained from the assessment of the consequences and likelihood.

		Consequence					
		1	2	3	4	5	
Likelihood	5	Almost certain	6	7	8	9	10
	4	Likely	5	6	7	8	9
	3	Possible	4	5	6	7	8
	2	Unlikely	3	4	5	6	7
	1	Rare	2	3	4	5	6

> 7	Extreme risk	Detailed treatment plan required
6 to 7	High risk	Needs senior management attention and treatment plan as appropriate
4 to 5	Medium risk	Manager-level attention and monitoring as appropriate
< 4	Low risk	Manage by local-level procedures

The safety manager/safety officer will enter the results into the hazard register

Step 3: Evaluate the risks

Having identified the hazards, you then have to decide what to do about them. You must 'do everything reasonably practicable' to mitigate the risks of identified hazards. You can work this out for yourself, but the easiest way is to compare what you are doing with good practice and/or with what your competitors are doing.

Examine what you are already doing. Think about what controls you have in place and how the work is organised. Then compare this with good

practice and see if there is more you should be doing to bring yourself up to standard. Ask yourself:

- » Can I eliminate the hazard altogether? If not, how can I control the risks so that harm is unlikely?
- » Can I try a less risky option? Prevent access to the hazard? Reduce exposure to the hazard?

Improving safety need not cost an enormous amount. For instance, placing a mirror on a dangerous blind corner of the airport apron to help prevent vehicle accidents is a low-cost precaution, considering the risks. Failure to take simple precautions can be much more costly if an accident does happen.

Evaluate risk level – An important task in analysing risk is to determine the risk level based on its likelihood and consequence.

Likelihood consists of two parts:

- » The likelihood of a single event occurring
- » The likelihood of the event occurring based on exposure and repetition (how often the task is performed, such as cycles of aircraft maintenance etc.)

A simple way to determine the likelihood is to rank the hazard based on its potential frequency of occurrence. This can be done on a simple five-point scale, from 'rare' to 'almost certain'.

Consequence is the potential impact or outcome that may result from the hazard. This can range from insignificant to catastrophic.

Aircraft loading is a regular activity, so the likelihood of incorrect loading into the wrong hold is assessed as 'possible' and the potential consequence can be 'moderate', resulting in 'incorrect loading' being categorised as 'high', given the potential for damage to aircraft structure, or the aircraft being out of weight and balance tolerances.

Decide on precautions – Once you determine the risk levels, assess the safety defences or controls in place to work out how effective they are against the hazard or hazardous event.

Safety defences/controls in place to prevent incorrect aircraft loading:

- » Standard industry weights used for passengers
- » Securing cargo more effectively
- » Cargo and baggage weighed separately
- » Standard load sheet used by pilots to calculate weight and centre of gravity of the aircraft
- » Correctly calibrated scales

Step 4: Record your findings and implement them

Having assessed the risk and the defences in place, decide how to implement your risk management plans. You may avoid the risk, accept the risk in order to pursue an opportunity, remove the risk, or share the risk with another party (see ISO 31000:2009).

Putting the results of your risk assessment into practice will make a difference when looking after people and your business.

Record the results of your risk assessment and share them with your staff. It is important to document what you have done so that you can review it at a later date if anything changes.

A risk assessment does not have to be perfect, but it must be suitable and sufficient. You need to be able to show that:

- » you made a proper check
- » you asked who might be affected
- » you dealt with all the significant hazards, taking into account the number of people who could be involved
- » your precautions are reasonable and any residual risk is low
- » you involved your staff, or their representatives, in the process.

If, as in many organisations, you find that there are a number of improvements to be made, both large and small, do not try to do everything at once. Make a plan of action to deal with the most significant risks first. CASA inspectors acknowledge the efforts of aviation organisations that are clearly trying to make improvements.

However, you cannot continue operations if a risk is assessed as 'intolerable', until that risk is mitigated to acceptable level.

You need to allocate tasks to the right people, with timelines for getting the job done. One large successful operator makes sure things are done by having the CEO as the only person who can approve extensions. There must be a very good reason for any extension request.

A good plan of action often includes a mixture of different things. There may be a few cost-effective or easy improvements you can do quickly, perhaps as a temporary solution until more reliable controls are in place. Remember to prioritise and tackle the most important things first. As you complete each action, tick it off your plan.

While the majority of safety defences/controls in place were assessed as effective, additional measures are required, which are detailed in a risk management plan outlining short-and longer-term measures:

Short-term

- » Extra nets and straps to be made available to secure cargo correctly
- » Standard load sheet to be held in the cockpit at all times.

Long-term

- » Standard training for all people involved in baggage handling.

Step 5: Monitor the effectiveness of your implementation

Monitor your agreed implementation solutions to make sure they are working, and if they are not, reassess.

Step 6: Review your assessment and update if necessary

Few workplaces stay the same. Sooner or later, you will bring in new equipment and procedures which could lead to new hazards. It makes sense, therefore, to review what you are doing regularly. As a minimum, once a year you should review where you are, to make sure you are still improving, or at least not sliding back.

Review your risk assessment. Have there been any changes? Are there improvements you still need to make? Have your workers spotted a problem? Have you learnt anything from accidents or near misses? Make sure your risk assessment stays up to date.

When you are running a business it is all too easy to forget about reviewing your risk assessment, until something goes wrong and it is too late.

Set a review date for this risk assessment. Write it down and note it in your diary as an annual event, or enter it in your online calendar.

During the year, if there is a significant change, don't wait. Check your risk assessment and, where necessary, amend it. If possible, think about the risk assessment when you are planning the change – that way you can be more flexible and proactive.

Monitoring process documented:

- » Internal audit conducted every six months on aircraft loading procedures
- » Date for an independent annual audit noted in diary
- » Staff to be reminded formally at least twice in scheduled monthly safety briefings about the safety reporting process in place to report aircraft loading issues
- » Results of reports communicated to staff through company education program.

ALARP*

Where risk is concerned, there is no such thing as absolute safety. Risk management is often based on the concept of ALARP or 'as low as reasonably practicable'. There is wide acceptance that not all risk can be eliminated. There are practical limits to how far the industry and the community will go in paying to reduce adverse risks.

The concept of ALARP will be replaced by ALoS (acceptable level of safety) in the very near future.

The ALARP principle and cost-benefit analysis

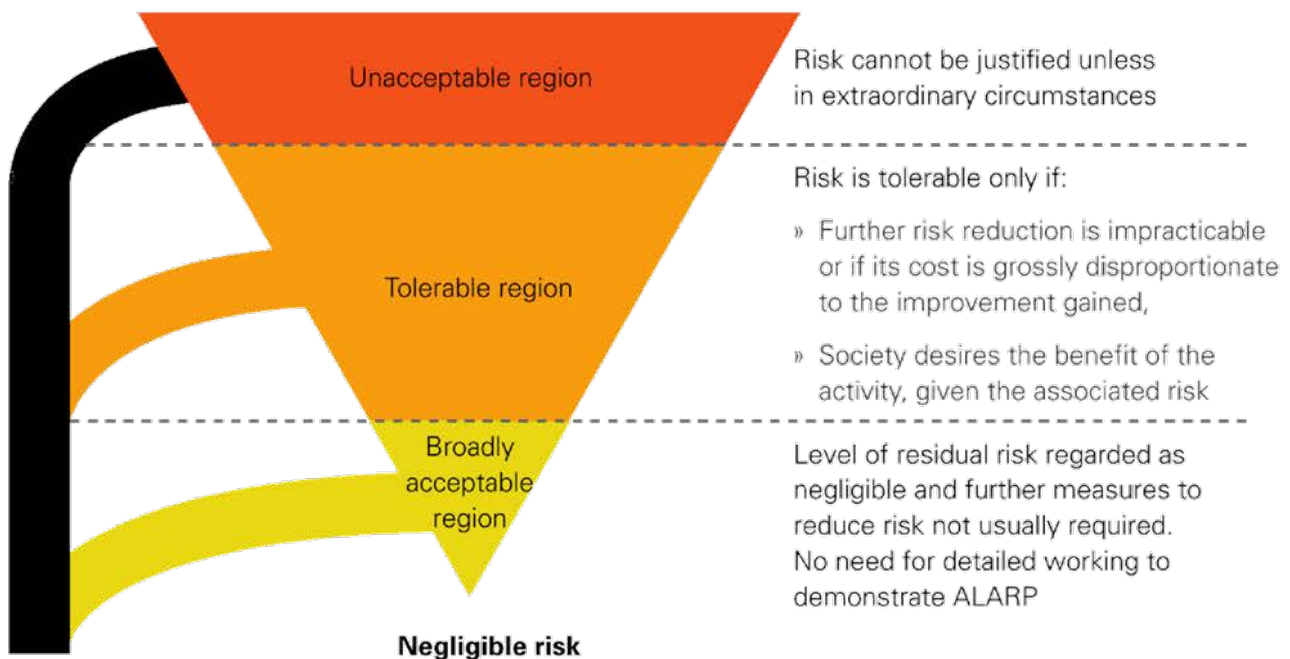
- » All efforts should be made to reduce risks to the lowest level possible until a point is reached at which the cost of introducing further safety measures significantly outweighs the safety benefit.
- » A risk should be tolerated only if it can be demonstrated that there is a clear benefit in doing so (i.e. there is a compelling operational need in the organisation).

The ALARP principle identifies three categories of risk:

1. **Unacceptable** Risks are classified as unacceptable regardless of the benefits associated with the activity. An unacceptable risk must be eliminated or reduced so that it falls into one of the other two categories, or there must be exceptional reasons for the activity or practice to continue.
2. **Tolerable** Risks that people are generally prepared to tolerate to secure their benefits. Tolerable risks must be properly assessed and controlled to keep the residual risk ALARP, and must be reviewed periodically to ensure they remain that way (e.g. the potential risk of pedestrians, walking between the terminal and the aircraft, being struck by a moving vehicle is only tolerated IF appropriate barricading, security escort and lighting are in place).

* the concept of ALARP will be replaced by ALoS (acceptable level of safety) in the very near future

The ALARP approach



3. **Broadly acceptable** Risks are considered sufficiently low and well controlled. Further risk reduction is required only if reasonably practicable measures are available. Broadly acceptable risks are those that people would regard as insignificant or trivial in their daily lives, or which exist, but have no practicable mitigator (e.g. most organisations accept that staff could be injured on their way to work, but have little control over what happens on public roads).

To determine whether a risk is tolerable (in the ALARP approach), you need to consider a number of criteria:

- » **Legal requirements** Aviation organisations must comply with applicable CASA and relevant state-based legislation. A control based on a legal requirement must always be considered 'reasonably practicable'.
- » **Expert judgement** A proposed control should be considered reasonably practicable if an appropriate group of experts has established it has a clear safety benefit, and the costs associated with its introduction are considered reasonable.

- » **Cost-benefit analysis** Where expert judgement or contemporary good practice does not provide clear evidence that a specific control or group of controls are reasonably practicable, a cost-benefit analysis may be necessary. This establishes whether the cost of implementing a specific control is grossly disproportionate to its safety benefit.
- » **Industry good practice** If the proposed control represents current, relevant, established good practice, that is sufficient evidence to conclude that it is reasonably practicable. For example, it:
 - complies with aviation industry standards, rules or procedures
 - is a practice of other operators that are similar in scale and operation to your own
 - is established and widely implemented in another industry sector
 - matches other countries' legislated enforcement of the practice
 - is proven to have demonstrably improved safety, or can be implemented without significant modification or cost.

ALARP application

1. Identification of hazard

A small certified aerodrome operator, located in outback Australia, identifies a safety hazard – wildlife wandering on to the runway, and potentially colliding with aircraft.

Hazard = wildlife on runway, specifically wallabies, feral camels and donkeys.

2. Decide who should be involved in the assessment process

Aircraft operations during taxiing, take-off and landing are exposed to this hazard. The hazard is caused by inconsistent wildlife management, seasonal conditions and the absence of a perimeter fence.

3. Evaluate the risks and decide on precautions

Discussions with aircraft operators and other stakeholders using the aerodrome reveal no identified incidents involving wildlife have resulted in a collision. However, over the last six months there have been five near-miss reports, two of which involved minor evasive action (braking by the pilot in command) to avoid collision. The risk is assessed as 'moderate', based on a combination of 'possible' (likelihood) and 'minor' (consequence).

The aerodrome operator decides that two controls could manage the risk: an improved wildlife management program, including possible seasonal eradication of animals; and constructing an airfield perimeter fence to prevent wildlife access.

The airport operator decides the airport perimeter fence is the most effective control of the two available, and applies ALARP to determine if this is justifiable. They consider the following to determine whether the risks are tolerable:

Legal requirements This is a certified aerodrome under CASR Part 139, with only one weekly RPT service and a variety

of charter and general aviation operations. Therefore, there is no explicit aviation regulatory requirement for a perimeter fence.

Expert judgement Stakeholders consulted about the possible construction of a fence agree that it is an effective control, but the fence must be maintained and inspected regularly.

Cost benefit analysis The cost of the perimeter fence construction and ongoing maintenance program is determined to be beyond the funds of the aerodrome operator, and local government is unable to assist with finances. The small number of incidents therefore suggests that the cost is not justifiable.

Industry practice A quick survey of similar-sized registered aerodromes suggests that not all have perimeter fences, and some are only partially fenced. While perimeter fencing is recommended, industry practice suggests that this is not consistent.

4. Record your findings and implement them

The aerodrome operator decides therefore that a perimeter fence is not justified, based on its cost to build, that such a fence is not consistent with industry practice, and that there is a limited risk of wildlife on the runway colliding with an aircraft. However, to ensure that the risks are 'acceptable' based on ALARP principles, they decide to improve wildlife management through a more targeted seasonal wildlife management program – keeping the grass down to minimise food supplies and regular sweeps of the runway to deter wildlife.

5. Review your assessment and update if necessary

They review the wildlife management program annually, with aerodrome users reminded to report wildlife activity on or near the aerodrome.

They also contact CASA for resources to assist in wildlife identification and management, and develop a wildlife hazard management plan.

 Risk mitigation checklist

SMS	ITEMS
Risk mitigation processes	<ul style="list-style-type: none"> » The organisation has a formal safety risk management process used to: <ul style="list-style-type: none"> - identify hazards associated with the organisation's operations - analyse and assess the risks associated with those hazards - implement controls to prevent future accidents, incidents or occurrences. » This safety risk management process meets the following risk management requirements to: <ul style="list-style-type: none"> - (a) communicate and consult - (b) establish the context - (c) identify risks - (d) analyse risks - (e) evaluate risks - (f) treat/mitigate risks - (g) monitor and review. » There is a formal record of each stage of the risk management process, including assumptions, methods, data sources, analysis, results and reasons for decisions.

Case study – fatigue risk management

What is fatigue?

Fatigue is an experience of physical and/or psychological weariness.

If you become fatigued, the effect can be the same as if you have consumed alcohol. Fatigue can, for example, affect your ability to react quickly to emergencies; communicate clearly and determine the safe limits of your actions; as well as your ability to operate productively.

Managing fatigue is an important component of safety management, given that it is a significant and preventable factor in transport incidents/accidents. For example, 20-30 per cent of road incidents and 5-15 per cent of all fatal road accidents involve driver fatigue.

What causes fatigue?

Both work-and non-work-related factors affect fatigue.

Work-related fatigue factors:

- » The hours you have to work (and the impact of these hours on the opportunity to sleep)
- » The timing and duration of breaks within shifts
- » The work you do
- » Your work environment.

Non-work-related fatigue factors:

- » Long commutes to and from work
- » Sleep disorders affecting the quantity and/or quality of your sleep recovery
- » Your family and social responsibilities
- » Having a second job.



Consequences of fatigue

General consequences can include:

- » Lapses in attention/concentration
- » Poor risk assessment, and incomplete or inaccurate assessment of potential consequences
- » Inefficiency in production, on-time performance, resource use (e.g. fuel), and/or motivation
- » Impaired or delayed decision making
- » A higher likelihood of focusing on the most obvious data or stimuli, to the exclusion of other equally important information.

The table below indicates the typical behavioural symptoms of fatigue. If an employee has experienced three or more of the specified symptoms in a 15-minute period they are likely to be fatigued.

Behavioural symptoms of fatigue

PHYSICAL SYMPTOMS	MENTAL SYMPTOMS	EMOTIONAL SYMPTOMS
» Yawning	» Difficulty concentrating on the current work task	» More quiet or withdrawn than normal
» Heavy eyelids	» Lapses in attention	» Lethargic or lacking in energy
» Eye rubbing	» Difficulty remembering what you are meant to be doing	» Lacking in motivation to do the task well
» Head drooping	» Failure to communicate important information to a colleague	» Irritable or bad-tempered behaviour with colleagues, family or friends
» Inappropriate or unintentional napping	» Failure to anticipate events or actions	
» Falling asleep	» Unintentionally doing the wrong thing (errors of commission)	
» Poor coordination	» Unintentionally failing to do the right thing (errors of omission)	

Fatigue management countermeasures

Counter measures to prevent fatigue-related errors are listed below:

Napping

Generally, the longer the nap the greater its recovery value. Naps should provide at least 20 minutes of sleep, but no longer than two hours, to be of the greatest benefit.

Longer naps can lead to 'sleep inertia' - the groggy feeling you have when someone wakes you up during a deep sleep. So, before returning to work after such a nap, people should have 10-20 minutes of 'recovery' to overcome the effects of sleep inertia.

Small- to medium-sized air transport operators do not currently need custom-built crew rest facilities for napping on their aircraft. Consider a simple but effective strategy used by one helicopter charter operator:

Napping facility

A Bankstown-based helicopter charter operator recognises that after long and demanding operations, its aircrew get into their cars and in some cases drive for up to two hours to get home. To offset the risk of fatigue, all aircrew have access to a dedicated rest facility located at the rear of the maintenance hangar. The chief pilot believes that this allows his crew to take naps, and is one of their most valuable fatigue countermeasures.

Supervisor and co-worker monitoring

If your workers are at increased risk of a fatigue-related error, you may be able to ask peers or supervisors to monitor fatigue-related behaviours. However, you need to guide people about what to look out for. You must provide this information in advance, to minimise misperceptions that people are being watched.

You can make monitoring as simple as more frequent verbal contact (for example, regularly throughout the shift), or you can make it more formal by mandating verified additional supervisory checks (at hourly intervals during night shift work, for example) for safety-critical duties.

NOTE

Maintenance engineer peer monitoring

Look out for the following symptoms that may indicate you or your co-workers are fatigued:

- » Communication that goes unanswered, or checklists that go unchecked
- » Diminished motor skills – writing that trails off into nothing, poor concentration, impaired driving skills
- » Obvious tiredness – drooping head, eyes half closed or staring
- » Diminished vision – difficulty in focusing
- » Slow reactions
- » Short-term memory problems – unable to remember information you have just been told
- » Channelled concentration – fixation on a single, possibly unimportant issue, neglecting others, and unable to maintain an overview of the job
- » Easily distracted by trivia or, at the other extreme, fixation on a single issue
- » Poor or clumsy handling of tools/operation of equipment
- » Increased mistakes – making poor decisions, or no decisions at all
- » Abnormal moods – mood swings, depressed, periodically elated and energetic, diminished standards.

If you notice any of these symptoms, what should you do?

- » Deal with the problem within your own team first by raising it (do not accuse) with the person concerned. 'I notice you are looking very tired; is everything OK?'
- » Try to find out why the person is fatigued
- » Ask how you can help
- » If the problem continues, reach agreement with the person that their supervisor should be involved to allow for more formal fatigue countermeasures
- » Emphasise that fatigue is a safety-critical issue, and work cannot continue until it is dealt with.

Task rotation and/or task reallocation

Task rotation has significant potential as a fatigue control measure. In many cases, workload can be made more engaging by varying the tasks undertaken across a shift.

Task rotation can be more difficult in small organisations with limited numbers of skilled staff. However, where you have groups of skilled staff, and particular rosters are known to be more susceptible to fatigue, or a safety-critical task is under time pressure, a tag team approach to the job can be useful. You might be able to alternate staff between doing the job and quality control cross-checking.

When fatigue-related symptoms are recognised, either by self-assessment or supervisor monitoring, consider task reallocation, especially where there are high risks to the individual, to peers, and/or to the general public.

For example, less risky tasks might be simple procedural tasks, word and data processing, quality checks and basic communication. This control only reduces exposure to high-impact hazards, but does not mitigate the fatigue itself.

Suitable overnight accommodation and meals

If your organisation conducts overnight operations, you may want to organise minimum accommodation requirements with your customers to ensure your staff have adequate food and rest facilities.

A small aircraft charter organisation has the following policy:

Minimum accommodation requirements for all overnight operations

To ensure aircrew have the best opportunity for good-quality sleep during overnight operations, they require the following minimum accommodation:

- » A single room for each aircrew member, which:
 - has easy access to the worksite
 - is air conditioned
 - is comfortable, clean and to a high standard.
 - has access to quality in-house meals.

If these minimum conditions are not met, please inform the chief pilot immediately.

Strategic use of caffeine

Caffeine can provide a short-term improvement in alertness. How intense and long lasting that effect is depends on how much caffeine the body is used to, and how often it is consumed. Not surprisingly, the more frequent and the higher the caffeine intake, the less noticeable will be the improvement in alertness, so it should only be used (with caution) as a contingency.

Regulatory requirements

Two principal regimes require Australian aviation operators to manage fatigue: the various state Occupational Health and Safety (OH&S) Acts and CASA regulations.

The various Occupational Health and Safety Acts adopt a generalised 'duty-of-care' approach – employers must ensure that their workplaces are as free from risk of harm as reasonably possible. The broad formulation of this duty covers the risks posed by fatigue.

Under CASA requirements, air transport operators can choose to operate entirely under prescriptive limits based on Civil Aviation Order (CAO) Part 48 Flight Time Limitations; apply for a standard industry exemption to CAO 48 and operate under a fatigue risk management system (FRMS); or operate under a combination of both (where some parts of the operation, one fleet for example, operate under an FRMS and the rest do not). There is also relevant material for maintenance organisations in Part 145.

SMS and FRMS compared

An FRMS is really a safety management approach to dealing with the risks imposed by fatigue, so there are similarities between the components of an SMS and FRMS, as shown on the next page.

Fatigue risk management system (FRMS)

Fatigue risk management systems are increasingly being adopted by air transport operators to control the risks of fatigue-related accidents and incidents. An FRMS is simply a component of the overall safety management system and includes controls such as:

- » **Policy and procedures** – documents how fatigue risk is managed and by whom
- » **Evaluation and review** – measures program effectiveness and recommends improvements
- » **Audit** – assesses operational compliance with the fatigue program policy, procedures documents and ongoing legislative requirements
- » **Record keeping** – provides documented evidence of fatigue risk management and is one element of an evaluation and review process
- » **Education and training** – trains individual employees and stakeholders to manage fatigue risk competently
- » **Communication and consultation** – communicates and coordinates information about fatigue.

An effective fatigue program requires multiple fatigue countermeasures or defences:

- » Provide sufficient sleep opportunities to all employees. Employees should take advantage of these. Adopting prescriptive duty time limitations and designing rosters to manage fatigue are other possible controls.
- » Ensure employees take responsibility for obtaining sufficient sleep, and report to you if that has not been possible. Encourage employees to report any fatigue risk issues through their direct supervisor, or by using a more formal safety occurrence report form.
- » Train your employees to recognise their own (and others'), fatigue-related behavioural symptoms, and manage them appropriately. Provide fatigue management training at induction, as well as ongoing fatigue management refreshers for employees, contractors and stakeholders.

This framework reduces the likelihood that an individual will be exposed to fatigue-related risk. However, fatigue-related risk cannot be eliminated. Implement countermeasures such as task rotation, task allocation, strategic use of caffeine, napping and co-worker/peer monitoring to reduce the risk of fatigue-related errors.

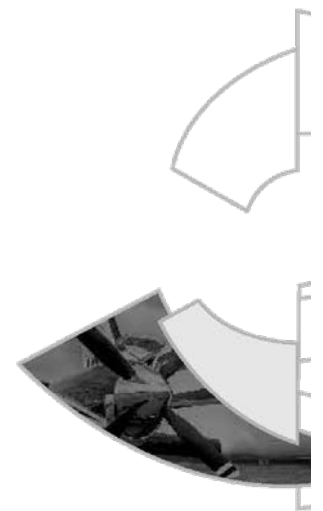
Once a fatigue-related incident has been reported, carry out a thorough investigation to identify any additional risk controls or risk management strategies required.

Busy lifestyles, long commuting distances and family responsibilities can lead to fatigue. Therefore, it is important to acknowledge that no one is immune to fatigue. All staff and contractors have a role to play in contributing to managing and mitigating its potentially hazardous effects.



TOOLKIT

SAFETY RISK MANAGEMENT



Index of toolkit items

This is your safety toolkit with some best-practice tips and practical tools that can be adapted to meet your organisation's needs. We hope you find them useful, whether you are further developing your SMS, starting an SMS from scratch, or simply looking for some ideas to improve your existing SMS.

This list summarises the checklists/templates you will find at the back of each of the respective booklets.

This is not an exhaustive list of resources.

There are many systems and products across various industries, so this toolkit can only include a very small sample of practices and/or tools for information.

Inclusion of materials does not imply endorsement or recommendation. Each organisation must select the most appropriate products for its individual and specific needs.

Booklet 1 – Basics

- » Jargon busters
- » References

Booklet 2 - Safety policy and objectives tools

- » SMS organisation checklist
- » Safety policy statement
- » Safety manager's job description
- » Role of the safety committee
- » SMS implementation plan
- » Ten steps to implementing an SMS
- » SMS gap analysis checklist
- » An effective emergency response plan (ERP)
- » Language and layout of procedures/documentation
- » Document register
- » Sample safety leadership rules
- » Aviation safety lifesavers policy
- » Just culture procedure

- » Appendix A – Workflow process for applying the just culture procedures
- » Appendix B – Bush Air counselling/discipline decision chart

Booklet 3 - Safety risk management tools

- » **Error prevention strategies for organisations**
- » **Risk register**
- » **Sample hazard ID**
- » **Guidance on job and task design**
- » **A six-step method for involving staff in safety hazard identification**
- » **Hazard reporting form**

Booklet 4 - Safety assurance tools

- » Generic issues to be considered when monitoring and measuring safety performance
- » Audit scope planner
- » Basic audit checklist
- » Information relevant to a safety investigation
- » Event notification and investigation report
- » Aviation safety incident investigation report
- » Corrective/preventative action plan
- » Checklist for assessing institutional resilience against accidents (CAIR)
- » Practical safety culture improvement strategy
- » Safety culture index

Booklet 5 - Safety promotion tools

- » How to conduct a training needs analysis
- » Sample safety information bulletin on fatigue
- » How to give a safety briefing/toolbox talk
- » Aviation safety toolbox talk
- » Safety briefing/toolbox meeting attendance form

Error prevention strategies for organisations

Three strategies aimed at error prevention, which is actually a form of risk mitigation, are briefly outlined below. These strategies are relevant to flight operations, air traffic control, or aircraft maintenance.

Error reduction strategies are intended to intervene directly at the source of the error itself, by reducing or eliminating the contributing factors to it. They seek improved task reliability by eliminating any adverse conditions leading to an increased risk of error. Error reduction is the most frequently used strategy.

- » Examples of error reduction strategies include improving the access to a part for maintenance, improving the lighting in which the task is to be performed and providing better training.

Error capturing assumes the error has already been made. The intent is to 'capture' the error before any adverse consequences of the error are felt. Error capturing does not directly reduce or eliminate the error.

- » Error capturing strategies include post-task inspection, verification or testing, for example, cross-checking a checklist. (However, a possible drawback to this error prevention strategy is that people may be less vigilant when they know there is an extra defence in place to capture their errors.)

Error tolerance refers to the ability of a system to accept an error without serious consequence. For example, as a strategy to prevent the loss of both engines on an aircraft involved in extended twin-engine operations, some regulatory authorities prohibit the same maintenance task being performed on both engines prior to a flight.

- » Examples of measures to increase error tolerance are the incorporation of multiple hydraulic or electrical systems on the aircraft, and a structural inspection program allowing multiple opportunities to detect a fatigue crack before it reaches critical length.

Guidance on error prevention/risk mitigation issues to be considered by organisations

ICAO advocates some fundamental strategies aimed at error prevention, which is a form of risk mitigation. These include:

- » An open and transparent error-reporting program (not one focusing on culpability and blame)
- » Human factors training provided with the specific application of error identification, capture and management
- » Non-jeopardy-based observational auditing programs that examine the threat and error management skills of safety-critical workers
- » The organisation advocating strict adherence to standard operating procedures (SOPs) and standard communication phraseology
- » Equipment design being human-centred
- » Systems to continually learn the lessons of previous occurrences
- » Consideration given to using automation where possible, particularly for routine and monotonous tasks relying heavily on operator vigilance.



Sample hazard ID

Hazard ID	Shift handover & fatigue			
Mitigators	Effectiveness	Reason	Further controls/defences required	Responsibility
Shift handover procedures	No	In a manual in Bruce's office – nobody reads them	Half-hour overlap between shifts to allow for proper briefing, and for log to be fully completed	Cheryl Jones
Shift handover log	No	Not in central enough place – goes missing	To be transferred to hangar PC, and completed online	Cheryl Jones
Regular staff safety meetings	No	Not held consistently enough	Schedule regular fortnightly toolbox meetings.	Trevor Brown (safety officer)
Rostering	No	Not enough staff to cover the required shifts	With planned growth, take on new staff	Bruce Jones
Recording	No	Ad hoc system – is only done sometimes	Hazard & risk register on hangar PC. Everyone gives and receives feedback	Trevor Brown & Cheryl Jones

Guidance on job and task design

Job and task design can contribute to system safety. Improving the design of jobs and tasks, and the workspaces in which they are performed, can significantly improve human performance and reduce the potential for human error.

Task design is essentially about matching the person and the task - making sure that tasks and activities are appropriate and suited to the human operator's or team's capabilities, limitations and personal needs. For example, tasks that involve excessive time pressure, complex sequences of operations, reliance on memory, are physically or mentally fatiguing etc. are likely to have a negative impact on performance.

A typical approach may be to:

1. identify safety-critical tasks, and those who perform them
2. design the task objectives, sequences and actions to be performed
3. structure the task so it supports the safe performance by the individual or team
4. consider the working environment so it supports the safe performance of the task
5. assess the potential risks associated with non compliance, human capabilities and limitations
6. implement risk management strategies to manage identified risks
7. evaluate safety performance against the stated objectives.

Examples of design elements that can be included are:

- » procedures and rules
- » equipment, tools and materials
- » human machine interface (HMI)
- » information requirements
- » manning and workload
- » workspace
- » capabilities and skills required
- » team structures
- » communication links
- » rostering
- » rewards and incentives
- » supervision.



A six-step method for involving staff in safety hazard identification

- » To avoid accidents and incidents, any organisation should have multiple layers of controls or defences. However, controls are never foolproof – for example, having well-trained maintenance engineers does not ensure that aircraft components are always fitted correctly. Standard operating procedures for flight crew are only as effective as those who follow them. Air transport operators and maintenance organisations should regularly identify what defences they have to contain recognised safety hazards as an early warning safety system.
- » To achieve this, six simple steps are suggested:
 1. Identify safety hazards across your operations that could harm people, equipment, property or the environment.
 2. Rank the likelihood and severity of these hazards
 3. Identify the current defences/controls in place to manage them

4. Evaluate the effectiveness of each defence/control
5. Identify additional defences/controls where required
6. Record all this information in a hazard register.

After completing these steps, you should have the following:

- » A list of safety hazards identified by employees, ranked in order of importance
- » A list of current controls/defences in place to manage these hazards
- » A list of further controls/defences required to improve safety across the operation
- » Staff involvement in identifying safety deficiencies and priority areas for improved risk management.





Hazard report form

Reported by:

Name: _____ Position: _____

Subject:

Workplace hazard Hazardous work practice Public hazard Aviation safety hazard

Description of hazard and any action taken:

Is further action required? Yes No

Reported to:

Aviation safety officer: _____

Safety committee/rep: yes/no

Reporting person's name: _____ Signature: _____

Date: _____

Supervisor use only

Date report received: _____

Action taken or recommended:

Date implemented: _____

Name: _____ Signature: _____







Australian Government
Civil Aviation Safety Authority

SYDNEY REGION

CASA Ref: D19/84792

5 March 2019

Councillor Jane Smith
Mayor
Central Coast Council

Via email: mayor@centralcoast.nsw.gov.au

Dear Councillor Smith

Warnervale Aerodrome

CASA has been approached by members of the public with concerns over the safety of operations at Warnervale Aerodrome.

As you would be aware, Warnervale Aerodrome is neither a registered nor certified aerodrome under part 139 of the Civil Aviation Safety Regulations (CASR). It therefore functions as an aeroplane landing area (ALA) under the provisions of paragraph 92 (1)(d) of the Civil Aviation Regulations (CAR) 1988.

Unlike registered and certified aerodromes, CASA has limited oversight of the safety of ALA facilities and infrastructure, and ultimate responsibility for the safety of ALA operations lies with the pilot in command of the aircraft. CASA has published Civil Aviation Advisory Publication (CAAP) 92-1 to assist pilots in the suitability of operations at an ALA. Although the CAAP is non-binding, it is considered the recommended standard for operations at ALAs.

CASA has not conducted a detailed assessment of the facilities at Warnervale Aerodrome, although a cursory review indicates that the ALA may not meet all the recommendations of CAAP 92-1 with regard to obstacle gradients and runway width. These deficiencies are being reviewed with the local operator, Warnervale Air Pty Ltd, and CASA is satisfied that they are being managed appropriately. Accordingly, no immediate action is required, and this information is for advice only.

CASA requests that Central Coast Council considers the recommendations of CAAP 92-1 in future planning.

Please feel free to contact this office should you have any queries.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Murray Collings', written over a light blue horizontal line.

Murray Collings
Regional Manager, Sydney

**WARNERVALE
AERODROME**

Runway Length : 1194 metres
Runway Strip Width : 80 metres

**RUNWAY : 02/20
(CODE 2 RUNWAY)**

RWY 02
TODA : 1254 metres
Take Off SFC Origin RL : 11.41 AHD
20 Threshold RL : 10.68 AHD
20 Threshold Displaced : 210m

Surveyor : Bryan Fitzgerald
Date of Survey : 25/10/2017



RWY 20
TODA : 1254 metres
Take Off SFC Origin RL : 5.26 AHD
02 Threshold RL : 5.26 AHD
02 Threshold Displaced : 0m

APPROACH / TAKE OFF SPECIFICATIONS USED FOR SURVEY

TAKE OFF SURFACES:	
80m	INNER EDGE
10%	DIVERGENCE
2500m	LENGTH
4%	GRADIENT

APPROACH SURFACES:		RWY 02	RWY 20
<i>(Non-Precision Inst Apch) (Non- Precision Inst Apch)</i>			
INNER EDGE		90m	90m
DIVERGENCE		15%	15%
LENGTH		2500m	2500m
GRADIENT		3.33%	3.33%
TRANSITIONAL SLOPE		1 in 5	1 in 5

TAKE-OFF RUNWAY No.	Surveyed Point No.	DESCRIPTION	DIST. FROM END OF CLEARWAY	HEIGHT OF OBSTACLE ABOVE CWY END	TAKE-OFF GRADIENT TO OBST.	OBST. R.L.	DIST. FROM START OF TAKE OFF	OFFSET FROM RWY C/L	RELATIONSHIP TO OBSTACLE LIMITATION SURFACES			
									4% Take Off grade	3.33% Apch grade	Transitional Surfaces	
02	1	EUC. TREE	121.4	26.65	21.96%	38.06	1374.9	59.0 R	OUTSIDE	16.3		Obstructs the Apch SFC
02	2	POWER POLE	109.5	10.82	9.89%	22.23	1363.0	50.2 R	6.4	0.9		Obstructs the Apch SFC
02	3	EUC. TREE	165.7	27.65	16.69%	39.06	1419.2	49.8 L	21.0	15.9		Obstructs the Apch SFC
02	4	EUC. TREE	12.1	19.94	N/A	31.35	1265.6	107.3 L	OUTSIDE			Obstructs Trans SFC by 7.5m
02	5	EUC. TREE	-90.0	22.59	N/A	34.00	1163.5	123.7 L	OUTSIDE			Obstructs Trans SFC by 7.2m
02	6	FENCE	3.3	1.54	N/A	12.95	1256.8	80.6 L	OUTSIDE			Below Trans SFC by 5.6m
02	7	FENCE	57.2	1.91	3.34%	13.32	1310.7	5.0 L		-6.3		
02	8	FENCE	40.2	2.19	5.45%	13.60	1293.7	83.2 R	OUTSIDE			Below Trans SFC by 5.5m
02	9	EUC. TREE	1610.5	69.37	4.31%	80.78	2864.0	160.0 L	5.0	9.5		Obstructs the Apch SFC
02	10	EUC. TREE	1440.8	61.31	4.26%	72.72	2694.3	355.2 R	OUTSIDE			Below Trans SFC by 5.4m
02	11	LEVEE BANK	25.7	1.37	5.34%	12.78	1279.2	58.5 R	OUTSIDE		-5.7	
02	12	ROAD - 4.5m HIGH	93.9	5.81	6.19%	17.22	1347.4	1.0 L	2.1	-3.6		Obstructs the Take off SFC
02	13	ROAD - 4.5m HIGH	81.1	5.71	7.05%	17.12	1334.6	47.1 R	2.5	-3.3		Obstructs the Take off SFC
02	14	ROAD - 4.5m HIGH	70.9	5.60	7.90%	17.01	1324.4	94.0 R	OUTSIDE			Below Trans SFC by 4.4m
02	15	BUILDING	324.6	11.76	3.63%	23.17	1578.1	56.0 R		-1.2	-5.3	
02	16	BUILDING	348.5	15.24	4.38%	26.65	1602.0	43.6 R		1.3	-2.6	Obstructs the Take off SFC
02	17	AERIAL ON SHED	394.4	27.88	7.07%	39.29	1647.9	133.5 R	OUTSIDE		8.5	Obstructs the Apch SFC

TAKE-OFF RUNWAY No.	Surveyed Point No.	DESCRIPTION	DIST. FROM END OF CLEARWAY	HEIGHT OF OBSTACLE ABOVE CWY END	TAKE-OFF GRADIENT TO OBST.	OBST. R.L.	DIST. FROM START OF TAKE OFF	OFFSET FROM RWY C/L	RELATIONSHIP TO OBSTACLE LIMITATION SURFACES			
									4% Take Off grade	3.33% Apch grade	Transitional Surfaces	
20	1	EUC. TREE	120.9	14.64	12.11%	19.90	1374.4	4.8 R	9.8	10.6		Obstructs the Apch SFC
20	2	EUC. TREE	134.0	16.72	12.48%	21.98	1387.5	16.6 L	11.4	12.3		Obstructs the Apch SFC
20	3	EUC. TREE	97.4	13.98	14.36%	19.24	1350.9	30.4 L	10.1	10.7		Obstructs the Apch SFC
20	4	EUC. TREE	89.4	20.96	N/A	26.22	1342.9	73.9 L	OUTSIDE			Obstructs Trans SFC by 14.9m
20	5	EUC. TREE	123.2	24.36	N/A	29.62	1376.7	112.7 L	OUTSIDE			Obstructs Trans SFC by 10.4m
20	6	EUC. TREE	66.4	24.19	N/A	29.45	1319.9	108.3 L	OUTSIDE			Obstructs Trans SFC by 11.3m
20	7	EUC. TREE	-85.1	19.36	N/A	24.62	1168.4	109.9 L	OUTSIDE			Obstructs Trans SFC by 5.4m
20	8	EUC. TREE	-25.2	12.32	N/A	17.58	1228.3	151.9 R	OUTSIDE			Below Trans SFC by 10.1m
20	9	POWER PYLON	7353.9	205.05	2.79%	210.31	8607.4	445.4 R	OUTSIDE	OUTSIDE		
20	10	RADIO MAST	7638.4	283.27	3.71%	288.53	8891.9	1164.2 R	OUTSIDE	OUTSIDE		
20	11	EUC. TREE	3659.8	77.66	2.13%	82.92	4913.3	75.1 L	OUTSIDE	OUTSIDE		

**WARNERVALE
AERODROME****RUNWAY : 02/20**
(CODE 2 RUNWAY)

Surveyor : Bryan Fitzgerald

Date of Survey : 25/10/2017

**TRANSITIONAL SURFACE****NOTE:** Calculations are based on a 1:5 Transitional Surface from the edge of the 80 metres wide Runway Strip.

RUNWAY No.	Surveyed Point No.	DESCRIPTION	PERP. DIST FROM 20 RWS END	OFFSET FROM C/L	HEIGHT ABOVE C/L	HEIGHT OF Trans SFC	HEIGHT	NOTES
							DIFF. + Above - Below	
02 - 20	1	Office Bldg - East Side	512	82.0	4.89	8.40	-3.51	
02 - 20	2	Palm Tree - East Side	499	96.5	8.43	11.30	-2.87	
02 - 20	3	Aerial - East Side	513	81.8	6.01	8.36	-2.35	
02 - 20	4	Shed - East Side	585	115.6	5.18	15.12	-9.94	
02 - 20	5	Hangar - East Side	571	135.6	6.41	19.12	-12.71	
02 - 20	6	Tree - West Side	649	136.3	11.84	19.26	-7.42	
02 - 20	7	Euc. Tree - West Side	941	158.5	22.13	23.70	-1.57	
02 - 20	8	Euc. Tree - West Side	311	120.1	14.82	16.02	-1.20	

20190722 AIA OLS Calculations- FINAL for Council Report

CAAP 92-1 Recommended OLS:	
Recommended OLS for Day Operations	5.00%
Recommended OLS for Night Operations	3.33%
Current Runway Length (m)	1,196

Northern End of the Runway										Current Gradient from Runway's Northern Edge			Current Gradient from Current Displaced Threshold			Required thresholds		Residual runway			Obstacle Height Reduction for no displaced threshold		Obstacle Height Reduction Required to Enable Current Displaced Threshold	
Takeoff runway	Description	Survey point	Obstacle description	Height of obstacle above northern edge of runway	Distance of obstacle from the edge of the clearway	Distance from northern edge of runway to edge of clearway	Distance of current displaced threshold from northern edge of the runway	Elevation (relative level) at northern runway edge	Elevation (relative level) of current northern displaced threshold	Distance of obstacle from runway's northern edge	Height of obstacle (above relative level)	Gradient	Distance of obstacle from current northern displaced threshold	Height of obstacle (above relative level)	Gradient	Threshold required for day operations (5%) <small>Assuming RL of runway end</small>	Threshold required for night operations (3.33%) <small>Assuming RL of runway end</small>	Southern displaced threshold that impacts point at which a take off can commence	Runway available for take off if 5% gradient is adopted	Runway available for take off if 3.33% gradient is adopted	Allowable height of obstacle for day operations (5%)	Allowable height of obstacle for night operations (3.33%)	Allowable height of obstacle for day operations (5%)	Allowable height of obstacle for night operations (3.33%)
02	Taking off towards to north	1	Tree	26.65	121.40	60.00	210.00	11.41	10.68	181.40	26.65	14.69%	391.40	27.38	7.00%	351.60	618.90	86.00	758.40	491.10	9.07	6.04	19.57	13.03
02	Taking off towards to north	2	Power pole	10.82	109.50	60.00	210.00	11.41	10.68	169.50	10.82	6.38%	379.50	11.55	3.04%	46.90	155.42	86.00	1,063.10	954.58	8.48	5.64	18.98	12.64
02	Taking off towards to north	3	Tree	27.65	165.70	60.00	210.00	11.41	10.68	225.70	27.65	12.25%	435.70	28.38	6.51%	327.30	604.63	86.00	782.70	505.37	11.29	7.52	21.79	14.51

Southern End of the Runway										Current Gradient from Runway's Southern Edge			Current Gradient from Current Displaced Threshold			Required thresholds		Residual runway			Obstacle Height Reduction for no displaced threshold		Obstacle Height Reduction Required to Enable Current Displaced Threshold	
Takeoff Runway	Description	Survey Point	Obstacle Description	Height of obstacle above southern edge of runway	Distance of obstacle from the edge of the clearway	Distance from southern edge of runway to edge of clearway	Distance of current displaced threshold from edge of the runway	Elevation (relative level) of southern runway edge	Elevation (relative level) of current southern displaced threshold	Distance of obstacle from runway's northern edge	Height of obstacle (above relative level)	Gradient	Distance of obstacle from current southern displaced threshold	Height of obstacle (above relative level)	Gradient	Threshold required for day operations (5%) <small>Assuming RL of runway end</small>	Threshold required for night operations (3.33%) <small>Assuming RL of runway end</small>	Nothern displaced threshold that impacts point at which a take off can commence	Runway available for take off if 5% gradient is adopted	Runway available for take off if 3.33% gradient is adopted	Height of obstacle for day operations (5%)	Height of obstacle for night operations (3.33%)	Height of obstacle for day operations (5%)	Height of obstacle for night operations (3.33%)
20	Taking off towards to south	1	Tree	14.64	120.90	60.00	86.00	5.26	5.69	180.90	14.64	8.09%	266.90	14.21	5.32%	111.90	258.74	15.00	1,069.10	922.26	9.05	6.02	13.35	8.89
20	Taking off towards to south	2	Tree	16.72	134.00	60.00	86.00	5.26	5.69	194.00	16.72	8.62%	280.00	16.29	5.82%	140.40	308.10	15.00	1,040.60	872.90	9.70	6.46	14.00	9.32
20	Taking off towards to south	3	Tree	13.98	97.40	60.00	86.00	5.26	5.69	157.40	13.98	8.88%	243.40	13.55	5.57%	122.20	262.42	15.00	1,058.80	918.58	7.87	5.24	12.17	8.11



Item No: 2.5
Title: Draft Central Coast Community Participation Plan
Department: Environment and Planning

12 August 2019 Ordinary Council Meeting

Trim Reference: F2018/01659 - D13584892

Author: Peter Kavanagh, Senior Strategic Planner
Scott Duncan, Section Manager, Land Use and Policy

Manager: Matthew Prendergast, Unit Manager, Strategic Planning

Executive: Scott Cox, Director Environment and Planning

Report Purpose

The purpose of this report is for Council to consider the draft Central Coast Community Participation Plan as required by the provisions of the *Environmental Planning and Assessment Act 1979*.

This report recommends that Council endorse the draft Central Coast Community Plan for the purposes of public consultation.

Recommendation

- 1 That Council endorse the draft Central Coast Community Participation Plan for the purposes of community consultation.**
- 2 That Council undertake community consultation of the draft Central Coast Community Participation Plan, for a period of 28 days in accordance with Schedule 1, Part 1, Division 1 (1) of the Environmental Planning and Assessment Act, 1979.**
- 3 That Council consider a further report on results of the community consultation.**

Background

Amendments to the *Environmental Planning and Assessment Act 1979* (EP&A Act) have introduced a new requirement for all NSW planning authorities, including local councils, to have a Community Participation Plan (CPP) in effect by 1 December 2019.

The amendments to the EP&A Act seek to recognise the importance of community participation because:

- It contributes to building community confidence in the planning system;

- Community participation creates a shared sense of purpose, direction and understanding of the need to manage growth and change, while preserving local character; and
- It provides an improved process that generates two-way engagement that recognises and embraces community knowledge, ideas and expertise.

A CPP is to detail how and when a planning authority (Council) will undertake community participation when exercising relevant planning functions.

Further, the EP&A Act requires a planning authority (Council) to have regard to the following considerations when preparing a CPP:

- (a) The community has a right to be informed about planning matters that affect it.
- (b) Planning authorities should encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning.
- (c) Planning information should be in plain language, easily accessible and in a form that facilitates community participation in planning.
- (d) The community should be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered.
- (e) Community participation should be inclusive and planning authorities should actively seek views that are representative of the community.
- (f) Members of the community who are affected by proposed major development should be consulted by the proponent before an application for planning approval is made.
- (g) Planning decisions should be made in an open and transparent way and the community should be provided with reasons for those decisions (including how community views have been taken into account).
- (h) Community participation methods (and the reasons given for planning decisions) should be appropriate having regard to the significance and likely impact of the proposed development.

A CPP must also include mandatory requirements that are detailed in Schedule 1 of the EP&A Act, including public exhibition periods and requirements for plans, development applications, and other matters, and the giving of reasons for decisions made by Council.

Draft Central Coast Council Community Participation Plan (CPP)

A draft Central Coast Council CPP has been prepared on the basis of the above considerations.

The draft CPP has been designed to make participation in planning clearer for the Central Coast community. It does this by setting out in one place how and when the community can participate in the planning system, Council's functions and different types of proposals.

The draft CPP also establishes our community participation objectives which we use to guide our approach to community engagement, as detailed within the Central Coast Engagement Framework (EF).

Consultation

Internal Consultation

Preliminary internal consultation has been undertaken with staff from those units most likely to be impacted by the draft Central Coast Council CPP, including Communications, Engagement and Development Assessment staff. Relevant comments have been included within the draft CPP attached to this report.

Councillor Briefing 15 July 2019

Councillors were briefed regarding the draft Community Participation Plan on 15 July 2019. Key issues discussed were as follows:

- 1 *Why doesn't the document include all of our practices when consulting the community? – e.g. who we write to and how to make submissions*

Response:

The methodology for engagement with the community and stakeholder groups on planning matters is detailed within Council's Engagement Framework which was adopted by Council in January, 2017. Due to the timeframe for adoption of the CPP (1 December 2019), the DPIE provided 2 options for Councils:

- a A standalone CPP which refers to Council's Engagement Framework and Notifications DCP; or
- b An integrated document.

The draft CC CPP reflects option A (standalone option) whereby it, identifies the principles within Council's Engagement Framework and references the DCP notification Chapters which provide the statutory public exhibition timeframes for the exhibition of Council's non-statutory documents.

The DPIE has advised that there will be no Notifications Section within the future Standard DCP Template, therefore as a part of the preparation of a Comprehensive DCP an amended and updated CPP would be prepared to reflect an integrated document.

2 *Will this information be on the Councillor "hub" and Council website?*

Response:

The draft CPP will be placed on the Councillor Hub and website as part of the exhibition process.

3 *Is the CPP just list of exhibition dates?*

Response:

The CPP identifies the principles for engagement and the periods Council will exhibit planning studies, applications, plans, etc.

Due to Council's adopted Engagement Framework there is no reason to develop another document that repeats how Council engages with the Community.

4 *We should take the time to review our Engagement Framework and include all the relevant information.*

Response:

This process will occur as part of the development of a Comprehensive DCP. It is noted that the Engagement Framework had been endorsed by the Council.

External Consultation

The draft Central Coast Council CPP is to be publicly exhibited for a period of 28 days, in accordance with Schedule 1, Part 1, Division 1 (1) of the EP&A Act.

This public exhibition will be conducted via notice published within the Central Coast Express Advocate as well as on Council's website, www.yourvoiceourcoast.com, with submissions being received until the close of the public exhibition period.

A further report will be furnished for Council's consideration at the completion of this exhibition period, following a review of any submissions received.

Financial Impact

There will be no financial impact associated with the exhibition of the draft Central Coast CPP which is not covered within existing unit budgets.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

R-G2: Communicate openly and honestly with the community to build a relationship based on transparency, understanding, trust and respect.

Critical Dates or Timeframes

Council is required to have a CPP finalised, uploaded to the Department of Planning, Industry and Environment eplanning portal and in effect by 1 December 2019. In order to meet this schedule, the proposed Timeframes are as set out below:

- Report draft to Council (this report): 12 August 2019
- Public Exhibition Period: 29 August to 26 September 2019
- Report Outcomes to Council for Adoption: 25 November 2019
- Upload adopted CC CPP to DPIE: 1 December 2019

Attachments

- 1** Draft Central Coast Community Participation Plan D13594206



Central Coast Council
Community Participation Plan

For Public Exhibition: September 2019



Draft Central Coast Council Community Participation Plan

Author: Peter Kavanagh, Senior Strategic Planner

Date: July 2019

Approved by: Matt Prendergast

Date of Approval: November 2019

Assigned review period: 5 years

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History of Revisions:

Version	Date	Authority	TRIM Doc. #

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Gosford Office: 49 Mann St / PO Box 21 Gosford NSW 2250 | P 02 4325 8222

E ask@centralcoast.nsw.gov.au | W www.centralcoast.nsw.gov.au | ABN 73 149 644 003

Introduction:

Central Coast Council has a responsibility to deliver the objectives of the Environmental Planning and Assessment Act 1979 (EP&A Act), including the promotion of orderly and economic use of land, facilitating ecologically sustainable development and promoting social and economic wellbeing. Community participation is an overarching term covering how we engage the community in our work under the EP&A Act, including strategy development, plan making and making decisions on proposed development.

The level and extent of community participation will vary depending on the community, the scope of the proposal under consideration and the potential impact of the decision. The community includes anyone who is affected by the planning system and includes individuals, community groups, Aboriginal communities, peak bodies representing a range of interests, businesses, other local government, and State and Commonwealth government agencies.

Community participation is important because:

- It contributes to building community confidence in the planning system;
- Community participation creates a shared sense of purpose, direction and understanding of the need to manage growth and change, while preserving local character; and
- It provides an improved process that generates two-way engagement that recognises and embraces community knowledge, ideas and expertise.

The draft Central Coast Community Participation Plan (CPP) is designed to make participation in planning clearer for the Central Coast community. It does this by setting out in one place how and when you can participate in the planning system, our functions and different types of proposals. This CPP also establishes our community participation objectives which we use to guide our approach to community engagement (detailed within the Central Coast Engagement Framework (EF), adopted January 2017).

The CPP is separated into three parts:

Part One: An outline of Council's community participation principles

Part Two: Minimum community participation requirements.

Part Three: Definitions of Planning Terms.

Part One

Community participation principles

Council has the very important responsibility of making decisions for and on behalf of the community, and as such, we are required to ensure that appropriate community input and/or statutory requirements are considered in that process. Operating as an 'open government' that prioritises transparency, collaboration and participation is a key priority for Council.

The following principles are designed to support Council's values and guide its approach to all community engagement activities under Council's Engagement Framework:

1 **Respect and Transparency**

- We will consult when needed and use the information gathered in a meaningful way
- We will respect your time and listen to you
- We will engage at a level that is appropriate to the possibility to influence
- We will share the responsibility, trust and transparency

2 **Access and Inclusion**

- We will seek a diversity of views and perspectives
- We will provide feedback to the community as to how their input contributed to decision-making
- We will endeavour to identify and remove barriers to participation
- We will use a range of opportunities and techniques to encourage participation, and increase awareness and understanding for all who may be affected by or interested in the outcome
- We will work in partnership with relevant community groups, State and Federal government, local government partners, and / or other stakeholders internally within Council

3 **Clarity**

- We will have genuine and open dialogue with the community
- We will clearly communicate the intention, scope and outcomes of the consultation
- We will use plain language and avoid jargon to provide clear explanation
- We will make information available in accessible formats

4 **Accountability and Improvement**

- We will seek to maintain consistent standards and levels of quality
- We will share results internally and work together to avoid duplication and 'over consultation'
- We will evaluate engagement efforts and consistently seek to learn and improve practice

5 Capacity

- We will build the community's capacity to contribute, by educating and empowering both the community and staff so that they may participate in meaningful, two-way collaboration.

Part Two

Minimum community participation requirements

Schedule 1 of the EP&A Act identifies minimum requirements for the public exhibition of strategic planning and policy documents, and applications submitted to Council for determination. These minimum requirements are set out below in Table 1. Submissions relating to applications and other exhibited documents must be made in writing and be lodged with the Council within the period specified in the notice (the exhibition period).

In relation to applications for development consent, and applications for the modification of a development consent which was publicly exhibited, Council will place notification in a local newspaper of:

- The land and the proposed development; and
- the decision; and
- the date of the decision; and
- the reasons for the decision (having regard to any statutory requirements applying to the decision); and
- how community views were taken into account in making the decision. This requirement may be satisfied by reference to any document that contains the reasons for the decision.

Following the merger of the Gosford City Council with the Wyong Shire Council to form Central Coast Council in May 2016, Council adopted a Notifications Policy (January 2017), which consolidates the provisions previously relating to the Gosford Local Environmental Plan (LEP) 2014 and the Wyong LEP 2013. The relevant Development Control Plans (DCPs) currently contain Notification Chapters with identical provisions:

- Gosford DCP, 2013 – Chapter 7.3; and
- Wyong DCP, 2013 – Chapter 1.2.

Council is in the process of preparing a consolidated LEP for the Central Coast. The draft Development Control Plan Chapter 2.1 – Notification of Development Proposals, which is proposed to support this consolidated LEP, includes minor updates to address the following:

- changes made to the Environmental Planning and Assessment Act in 2018; and
- Council's practice of advertising all development applications for secondary dwellings.

Table 1 identifies Council requirements for the public exhibition of documents and proposals.

Table 1: minimum community participation requirements

Mandatory Requirements (Schedule 1, Part 1, Division 1 (1) of the EP&A Act, 1979)	Minimum community participation requirement
Draft community participation plans	28 days
Draft local strategic planning statements	28 days
Planning proposals for local environmental plans subject to a gateway determination	28 days or: a) if a different period of public exhibition is specified in the gateway determination for the proposal—the period so specified, or b) if the gateway determination specifies that no public exhibition is required because of the minor nature of the proposal—no public exhibition.
Draft development control plans	28 days
Draft contribution plans	28 days
Application for development consent (other than for complying development certificate, for designated development or for State significant development)	14 days or: a) if a different period of public exhibition is specified for the application in the relevant community participation plan—the period so specified, or b) if the relevant community participation plan specifies that no public exhibition is required for the application—no public exhibition.
Application for development consent for designated development	28 days
Application for modification of development consent that is required to be publicly exhibited by the regulations	The period (if any) determined by the consent authority in accordance with the relevant community participation plan.
Environmental impact statement obtained under Division 5.1	28 days
From Council's Notification DCP	Minimum community participation requirement
<p>The instances and terms for the provision of Notification are identified within Appendix A to Council's Development Control Plans:</p> <ul style="list-style-type: none"> • Gosford DCP, 2013 – Chapter 7.3; and • Wyong DCP, 2013 – Chapter 1.2. <p>These DCPs are intended to be superceded by Development Control Plan Chapter 2.1 – Notification of Development Proposals upon enactment of the Central Coast Consolidated Local Environmental Plan.</p>	<p>Appendix A is presented in a Table format and identifies for various types of Development:</p> <ul style="list-style-type: none"> a) Whether a Notice of Exhibition will be published within a newspaper; b) Whether a Notice will be issued to adjoining owners; and c) The minimum period for exhibition and submissions <p>Council's practice of advertising all development applications for secondary dwellings will also be included in the Consolidated DCP Chapter 2.1.</p>
Non-Mandatory Timeframes	Minimum community participation requirement

Planning Strategies	28 days
Area / Structure Plans	28 days
Precinct / Masterplans	28 days
Public Domain Plans	28 days

Notes:

- 1 Clause 17 in Schedule 1 to the Act states that if a particular matter has a different exhibition or notification period that applies under Part 1 of Schedule 1, the longer period applies.
- 2 The period between 20 December and 10 January (inclusive) is excluded from the calculation of a period of public exhibition.

Part Three

Definition of planning terms

Planning Term	Definition
Contribution plan	A plan developed by councils for the purpose of gaining financial contributions from new development towards the cost of new and upgraded public amenities and/or services required to accommodate the new development
Designated development	Designated Development refers to developments that are high-impact developments (e.g. likely to generate pollution) or are located in or near an environmentally sensitive area (e.g. a coastal wetland)
Development control plan	A plan that provides detailed planning and design guidelines to support the planning controls in a LEP
Gateway determination	A gateway determination is issued by DPIE following an assessment of the strategic merit of a proposal to amend or create an LEP and allows for the proposal to proceed to public exhibition
Local environmental plan (LEP)	An environmental planning instrument developed by a local planning authority, generally a council. An LEP sets the planning framework for a Local Government Area
Regional strategic plan	20-year plans prepared by DPIE, that address the community's needs for housing, jobs, infrastructure and a healthy environment for a DPIE Region
State Environmental Planning Policy (SEPP)	An environmental planning instrument developed by the DPIE, that relates to planning matters that are state significant or are applicable across the state

Planning Term	Definition
State significant development (SSD)	Some types of development are deemed to have State significance due to the size, economic value or potential impacts that a development may have. Examples of possible SSD include: new educational establishments, hospitals and energy generating facilities
State significant infrastructure (SSI)	SSI includes major transport and services development that have a wider significance and impact than on just the local area. Examples of possible SSI include: rail infrastructure, road infrastructure and water storage and treatment plants
Planning Strategy	Broadly applicable documents prepared by Council that help shape the vision for the Central Coast region. They generally relate to a specific issue.
Area / Structure Plan	Sets the future land use structure and identifies the preferred urban structure for a precinct. They are prepared by Council, and provide illustrative layouts of future land use structure. A moderately detailed plan, i.e. provides recommendations for location of public facilities, but does not detail specific to the format of facilities or the material with which such facilities should be constructed.
Precinct / Master Plan	Prepared by Council, and providing guidance for potential development of a particular area within a precinct with development concepts and illustrations. Most often applies to commercial/retail centres. A highly detailed plan, e.g. provides recommendations for specific public facilities (such as a public boardwalk), but does not detail the material with which such facilities should be constructed.
Public Domain Plan	Prepared by Council, these plans establish design direction and general criteria to apply to design of the public space network. They provide illustrations of street furniture, materials to be used in public domain such as paving, street plantings and planter boxes etc. A very highly detailed plan, e.g. working towards implementation of public facilities recommended within a Masterplan, including selection of landscaping, paving and street furniture.



Item No: 3.1
Title: State of Environment Report Process
Department: Innovation and Futures

12 August 2019 Ordinary Council Meeting

Trim Reference: F2019/01057 - D13596789

Author: Sharon McLaren, Section Manager, Corporate Planning and Reporting

Manager: Sandi Dufficy, Acting Unit Manager, Corporate Strategy and Performance

Executive: Ricardo Martello, Executive Manager Innovation and Futures

Report Purpose

At its meeting held 27 May 2019, the Council resolved as follows:

409/19 Request the Chief Executive Officer to:

- i. Note the requirement under the Local Government Act (Sect 428A) for the preparation of a State of Environment Report (SoE Report) for the Central Coast in 2020.*
- ii. Benchmark the SoE Report (2020) against the most recent State of Environment Reports prepared by the former Gosford and Wyong Councils including consideration of models such as "Pressure – Status – Response" assessment.*
- iii. Provide a report to the last meeting in July, 2019 on the process of preparing the SoE Report (2020).*

Recommendation

That Council receive the report on State of Environment Report Process.

Update on Resolution No. 409/19

As part of Council's reporting requirements, under s. 428 of the Local Government Act 1993 ("LG Act"), an Annual Report must be prepared within 5 months after the end of each financial year. In addition to this, in the year of an ordinary election, under s. 428A of the LG Act, Council must include in its Annual Report a State of Environment Report relevant to the environmental objectives in the Community Strategic Plan (CSP).

The next local government election will be September 2020. This will mean that the Annual Report for 2019-20 must be prepared by 30 November 2020 and include a State of Environment Report (SoE 2020).

3.1 State of Environment Report Process (contd)

The process to develop the SoE 2020 will be as follows:

- 1 Define and identify indicator options. This will involve a review of the NSW Environment Protection Authority (EPA) State of Environment Report 2018, with consideration of the structure of the report, indicators, sources of information and the rating system that was applied. This will also assist in identifying synergies or linkages and determine where the EPA's indicators may also be applicable to Central Coast.
- 2 Confirm and gather available data. This will include a review of the State of Environment Reports completed by former Gosford City Council and Wyong Shire Council in 2012, again considering the structure of the reports, indicators, sources of information, rating systems applied, synergies between the two, and where possible enabling the comparison of indicators over time. The SoE 2020 will also consider and align with the work that is currently being done across the organisation in the development of relevant environmental policies and strategies.
- 3 Confirm indicators and report structure. Once all previous and current work has been reviewed the indicators and structure of the SoE 2020 will be determined.
- 4 Review and analysis with relevant Units. This will include collection, review and analysis of data with relevant Unit Managers and staff across the organisation.
- 5 Prepare SoE 2020. Once all information is collected the SoE 2020 will be prepared in conjunction with the Annual Report 2019-20 and End of Term Report.
- 6 Executive Leadership Team (ELT) review and approval. Once the SoE 2020 is prepared ELT will review, revise and approve.
- 7 Present to Council. The Annual Report 2019-20 will be presented to Council in November 2020, with the SoE 2020 and End of Term Report included.

Link to Community Strategic Plan

Theme 3: Green

Goal E: Environmental resources for the future

Goal F: Cherished and protected natural beauty

Theme 4: Responsible

Goal G: Good governance and great partnerships

Attachments

Nil.



Item No: 3.2
Title: Response to Notice of Motion - Littering and Dog Exercising
Department: Environment and Planning

12 August 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-01 - D13524642

Author: Grant Foster, Acting Section Manager Community Safety

Manager: Brian Jones, Unit Manager, Environment and Compliance

Executive: Scott Cox, Director Environment and Planning

Report Purpose

The purpose of this report is to provide further information in relation to resolutions 1122/2018 and 1123/2018 resolved at the 26 November 2018 Ordinary Meeting.

Recommendation

That Council note the report on resourcing requirements for the Rangers Section.

Background

At the Ordinary Meeting held on 26 November 2018 Council resolved as follows:

- 1119/18 *That Council acknowledge the amount of litter and plastic in the environment is an increasing problem, and is one of our fundamental responsibilities in the eyes of the community.*
- 1120/18 *That Council support in principle Option 2 of the Litter Report to assist staff in their efforts to raise awareness and education of the issue in the community and consider further implications to budget impacts in 2019.*
- 1121/18 *That Council acknowledge option 2 does not provide for increased funding for the Rangers and enforcement and is important factor in the reduction of litter.*
- 1122/18 *That Council request further information on the resourcing of the Rangers department to carry out the policy directives in Option 2, including litter blitzes, road side kerb litter, including a review and report of dog exercising options on our beaches from restricted times of 7pm - 7am.*
- 1123/18 *That Council consider how this complements the education activities of the waste contractor.*

Keep the Coast Clean

Option 2: (*Keep the Coast Clean*) proposes to conduct a community education program to inform the community of the impact of littering on the environment and how Council proposes to address the issue.

The *Keep the Coast Clean* education program proposes to focus on:

- Identification of environmental impacts of litter,
- Provision of information to the community about litter management programs, and
- Establishment of an understanding of methods to address the litter impacts.

Delivery of the program may include:

- Promotional material
- Media distribution
- Pop up stalls

The program proposes to target:

- Tourism areas,
- The educational sector
- Known litter hotspots
- Promotion of Litter Blitz day's
- Training for community and Council officers.

Council's Learning Community section, in conjunction with the Community Safety, propose to develop and deliver the *Keep the Coast Clean* program. It is suggested to deliver the program through community engagement activities in the 2020-2022 financial years.

The program reported to Council at the 26 November 2018 meeting a projected an expenditure of \$190,000 over a 3-5 year program. The program proposed appointment of a full-time litter educator to develop an education program specific to the Central Coast and to address community wishes.

The expenditure for *Keep the Coast Clean* will be listed in the draft capital expenditure program in November 2019.

Ranger litter patrols

The scope of Option 2 did not include additional Rangers for litter patrols. For Rangers to conduct dedicated litter patrols is beyond current budget allocations and will require budget adjustments. As an example, to employ an additional two Rangers for litter patrols on a full-time basis will require a further allocation of approximately \$200,000 per year.

3.2 Response to Notice of Motion - Littering and Dog Exercising (contd)

Limited targeted litter surveillance operations could be undertaken with the current staffing levels and during normal working hours. However, the capacity of the Council's Community Safety team to provide sufficient staffing would impact on the daily service delivery to the community.

Dog exercise options

Dog exercise options, including time restrictions on beaches will be reviewed as part of an off-leash dog strategy which is scheduled to commence in early 2020.

Link to Community Strategic Plan

Theme 4: Responsible

Goal H: Delivering essential infrastructure

R-H1: Solve road and drainage problem areas and partner with the State Government to improve road conditions across the region.

Attachments

Nil.



Item No: 3.3
Title: Meeting Record of the Heritage Advisory Committee held on 5 June 2019
Department: Environment and Planning

12 August 2019 Ordinary Council Meeting

Trim Reference: F2018/00102 - D13592655
Author: Rebecca Cardy, Heritage Officer
Manager: Matthew Prendergast, Unit Manager, Strategic Planning
Executive: Scott Cox, Director Environment and Planning

Report Purpose

To note the Meeting Record of the Heritage Advisory Committee held on 5 June 2019.

Recommendation

That Council receive the report on Meeting Record of the Heritage Advisory Committee held on 5 June 2019.

Background

The Heritage Advisory Committee held a meeting on 5 June 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

G1: Build strong relationships and ensure our partners and community share the responsibilities and benefits of putting plans into practice.

Attachments

1 Heritage Advisory Committee Meeting Record - 5 June 2019 D13592620

Heritage Advisory Committee Meeting Record 5 June 2019



Location:	Central Coast Council Wyong Office Level 2 Committee Room 2 Hely Street, Wyong	
Date:	5 June 2019	
Time	Started at: 4.02pm	Closed at: 6.01pm
Chair	Councillor Jeff Sundstrom	
File Ref	F2018/00102	

Present:

Councillor Louise Greenaway, Councillor Kyle MacGregor (arrived 4.17pm), Councillor Jeff Sundstrom, Warren Andrews, David Benwell, Walter Billington (arrived 4.08pm), Margot Castles (left 5.43pm), Gary Dean, Sandra Hunt-Sharman, Verena Mauldon, Joseph Murray, Prue Wyllie

Council Staff present:

Scott Cox – Director Environment and Planning (left 4.46pm), Gary Hamer – Section Manager Urban Growth Strategies, Rebecca Cardy – Heritage Officer, Zoie Magann – Advisory Group Support Officer

Item 1 Apologies and Acknowledgement of Country

Mayor Jane Smith, Richard Waterhouse, Kreenah Yelds, Scott Duncan – Section Manager Land Use and Policy

Councillor Jeff Sundstrom completed an Acknowledgement of Country statement.

Item 2 Disclosure of Interest

No disclosures were noted.

Item 3 Confirmation of Previous Meeting Record

The Advisory Group confirmed the Meeting Record from 13 March 2019.

The Advisory Group reviewed the Action Log.

Action: Heritage Officer to contact Walter Billington regarding the outcome of Action 35, and provide information about what funding is available.



Item 4 Ourimbah Masterplan

Gary Hamer (Section Manager Urban Growth Strategies) provided a presentation on the Ourimbah Landuse Strategy and Masterplan. The presentation identified heritage items in the area and informed the Advisory Group of the next steps for the Strategy.

Action: Heritage Officer to enquire about the heritage status of the Tall Timbers Hotel in Ourimbah and report back to the Advisory Group.

Action: Gary Hamer to follow up on status of land at Ourimbah Creek Road that was reclassified in the 2013 Wyong LEP as operational land.

Item 5 Heritage Trail Opportunities

Rebecca Cardy (Heritage Officer) provided the Advisory Group with an update on heritage trail and tourist drive opportunities following a meeting held with Carlyne Wildman (Section Manager Marketing and Brand).

It was noted that a mobile app is being developed for tourism opportunities on the Central Coast within the next 12 months, which would present a great opportunity to promote local history and heritage.

Action: Advisory Group members to forward any ideas on options for the app to the Advisory Group Support Officer for collating before the next meeting. Reminder to be sent out by staff.

Item 6 Gosford CBD Heritage Strategy Update – Community Engagement

Rebecca Cardy (Heritage Officer) provided an update on the Gosford CBD Heritage Strategy following the end of the public exhibition period. It was noted that most feedback was positive, with limited negative feedback received.

Item 7 Feedback from Heritage Festival

The Advisory Group discussed the outcomes of the Heritage Festival held 18 April – 19 May 2019. Some feedback noted was as follows.

- Chapman Building (Wyong): even though the wildlife show wasn't directly heritage related it was good for attracting visitors to a heritage building, pleased with turnout for event.
- St Paul's Church (Kincumber): approximately 70 people attended – mostly families, donations received.
- 'Back to Patonga' Day: more than 120 people attended, noted as highlight for many.
- Ferry tours: numbers higher than usual but unsure if this was related to festival as exit survey not completed.
- Shipbuilders Heritage Walk (Rotary Club of Kincumber): a few issues with timing (conflicted with Gosford show and meeting in Terrigal) but overall was regarded a success, improved facilities this year (2 shuttle buses instead of 1 and toilets available), signage could be improved next year as some people got lost.
- Norah Head Lighthouse: night tour held during full moon on Good Friday, turnout was good, most visitors were from Sydney and found out about the event via social media, tours resulted in return visitors which is very positive outcome.



- 'The Road to Cooranbean History Walk' (Brisbane Water Historical Society): over 30 people completed 2km walk with positive feedback received, will run again in future – looking into doing a night event.

David Benwell (Brisbane Water Historical Society) noted special thanks to Geoff Potter (Local History Librarian) for providing a short term loan of Agnes Fagan's Diary (1885) for display in the Henry Kendall Cottage temporary exhibition.

It was noted that despite communications for the Heritage Festival being restricted by timeframes, the events were successful and received relatively good attendance. The Advisory Group discussed future direction and if the same approach (development of a brochure) should be used again. It was agreed that the brochures were effective but further understanding of how people found out about events is required (groups were asked to collect feedback from event attendees – some of these are still being collated).

Item 8 Reflect on Progress in line with Terms of Reference and Action Plan

The Advisory Group reflected on their progress in line with the adopted Terms of Reference and Action Plan from the inaugural meeting held 4 July 2018. The Advisory Group agreed that their responsibilities as outlined in the Terms of Reference have been met through discussion of agenda items to date.

The Advisory Group discussed an Action Plan for the next 12 months and elected the below items for each agenda.

September 2019	December 2019	March 2020	June 2020
<ul style="list-style-type: none"> • Revisit Old Sydney Town • Local History Librarian presentation on collection and local history services and opportunities • Presentation on legislation/planning instruments and Council's approach to heritage items (what we are 'bound' by and what is 'best practice' (Gary Hamer) • Heritage Strategy Update 	<ul style="list-style-type: none"> • Heritage Strategy Update • Heritage Lists (is there anything missing? What do we value as community?) • Physical and cultural landscapes (eg. trees, Terrigal dam, rock platforms) • Significant tree register 	<ul style="list-style-type: none"> • Heritage Strategy Update 	<ul style="list-style-type: none"> • Heritage Strategy Update

Action: 'State Heritage Listing for Calga Aboriginal Site' to be added to a future agenda and relevant person to be invited to an Advisory Group meeting when appropriate.

Action: Heritage Officer to follow up with Geoff Potter (Local History Librarian) about current storage and future storage needs in preparation for next meeting.



Action: Heritage Officer to get further information about the station master's cottages in Ourimbah and Wyong and report back to the Advisory Group.

Action: Heritage Officer to follow up on possibility of the Advisory Group receiving a presentation on the Convict Trail, and reach out to Sarah Brookes (NPWS) about attending a future meeting.

Item 9 General Business and Close

Councillor Greenaway distributed a brochure titled 'Reimagining Old Sydney Town Precinct' for the Advisory Group's information.

The meeting closed at 6.01pm

Next Meeting: Wednesday 4 September 2019
4pm – 6pm
Central Coast Council Gosford Office
Level 1 Committee Room



Item No: 4.1
Title: QON - Q51/19 - Council Tree Policy
Department: Environment and Planning

12 August 2019 Ordinary Council Meeting

Trim Reference: F2018/00025-02 - D13597740

Author: Scott Irwin, Emergency Environmental Management Coordinator

Manager: Luke Sulkowski, Unit Manager, Natural and Environmental Assets

Executive: Scott Cox, Director Environment and Planning

4.1 QON - Q51/19 - Council Tree Policy

The following question was asked by Councillor Doug Vincent at the Ordinary Meeting on 11 March 2019:

Could staff please advise if there is still a Council policy to replace trees located on public land that have been poisoned, damaged or been removed without authorisation with 2 replacement trees.

For example:

- 1 Many trees on public land and reserves, at Norah Head, are continually being poisoned damaged or removed to the dismay of local residents and community groups*
- 2 Street trees, at Woongarra, have been removed or damaged and not replaced with suitable replacement trees*

This question on notice was asked under the former Code of Meeting Practice.

There is no policy that requires a two-for-one or any replacement of trees damaged on council managed land. Council replace trees where possible and if appropriate to the site.

Attachments

Nil.



Item No: 4.2
Title: QON - Q104/19 and Q116/19 - Central Coast Airport
Department: Governance

12 August 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13611690

Author: Shane Sullivan, Unit Manager, Governance and Business Services

Executive: Evan Hutchings, Director Governance

4.2 QON - Q104/19 and Q116/19 - Central Coast Airport

The following question Q104/19 was asked by Councillor McLachlan at the Ordinary Meeting on 27 May 2019:

In the interest of transparency, we have been putting things on the website for people to look at the airport there. There is a briefing there in confidential that I think we should put up there Warnervale Employment Zone Wyong Council Briefing and I think that's got a lot of information the public should be aware of including the outcomes for employment versus developing it or selling. Seeing as we have a resolution to sell the property the public should be aware of.

A further question Q116/19 was asked by Councillor McLachlan at the Ordinary Meeting on 11 June 2019:

With regards to my Question on Notice from last week could I please have a response to advise whether or not I can get the Wyong Employment Zone/Warnervale Councillor briefing put on the website?

Both these questions on notice were asked under the former Code of Meeting Practice.

The briefing referred to in the Questions on Notice was the recent subject of a formal application under the Government Information (Public Access) Act.

In determining that application, a redacted version of the briefing presentation was provided. This redacted version will be placed upon the Council website with other documents relating to the Airport which have been proactively released.

Attachments

Nil.



Item No: 4.3
Title: QON - Q105/19 - Donnison Street Railway Overpass
Department: Roads Transport Drainage and Waste

12 August 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13606083

Author: Jeanette Williams, Unit Manager, Roads Business Development and Technical Services

Executive: Boris Bolgoff, Director Roads Transport Drainage and Waste

4.3 QON - Q105/19 - Donnison Street Railway Overpass

The following question was asked by Councillor Holstein at the Ordinary Meeting on 27 May 2019:

Donnison Street railway overpass has been subjected to extensive graffiti and adhesive political signs. Can staff please address this issue?

This question on notice was asked under the former Code of Meeting Practice.

During July 2019 graffiti removal works were undertaken to remove the graffiti and political signs on the railway overpass at Donnison Street.

Attachments

Nil.



Item No: 4.4
Title: QON - Q108/19 - Tuggerawong Pathway
Department: Roads Transport Drainage and Waste

12 August 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13607649

Author: Jeanette Williams, Unit Manager, Roads Business Development and Technical Services

Executive: Boris Bolgoff, Director Roads Transport Drainage and Waste

4.4 QON - Q108/19 - Tuggerawong Pathway

The following question was asked by Councillor MacGregor at the Ordinary Meeting on 27 May 2019:

When will the final route/plans for the stage two of the Tuggerawong pathway be finalised and when is construction anticipated to begin on stage two of this essential piece of community infrastructure?

This question on notice was asked under the former Code of Meeting Practice.

The Tuggerawong shared pathway project comprises of five stages with Stage one works recently completed between Friday Street to Tuesday Street.

Community consultation for the remaining stages of the project which will extend the shared pathway for a further three kilometres to connect Tuesday Street, Tuggerawong through to Don Small Oval, Tacoma is planned to start in late August.

Following the community consultation process, the design plans will be finalised with construction works for Stage two scheduled within Council's Capital Works Program to commence in March 2020. These Stage 2 works will see the shared pathway extended from Tuesday Street to February Street.

Attachments

Nil.



Item No: 4.5
Title: QON - Q112/19 - Rawson Road and Ocean Beach Road
Department: Roads Transport Drainage and Waste

12 August 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13606117

Author: Jeanette Williams, Unit Manager, Roads Business Development and Technical Services

Executive: Boris Bolgoff, Director Roads Transport Drainage and Waste

4.5 QON - Q112/19 - Rawson Road and Ocean Beach Road

The following question was asked by Councillor Mehrtens at the Ordinary Meeting on 11 June 2019:

Did Council seek funding for the election announcement by the Federal Government for upgrades to the intersection at Rawson Road and Ocean Beach Road? What plans does Council have for these major road works?

This question on notice was asked under the former Code of Meeting Practice.

The upgrading of the Rawson Road and Ocean Beach Road intersection is of priority to Council to address congestion, traffic and safety concerns. This project is of some complexity due to the constrained environment which will require negotiation with utility providers and nearby property owners likely resulting in relocation/acquisition costs.

The Federal Government initiated the grant funding opportunity for the upgrade of this intersection, which resulted in an election commitment of \$16.5M, and will allow Council to upgrade this intersection and address community concerns.

Initial concept design proposals for the upgrading of this intersection has been undertaken, with the preferred option for a signalised intersection including pedestrian walk phasing. Discussions with utility providers and neighbouring property owners will be undertaken, prior to community consultation on the concept design taking place. It is anticipated that the community consultation will occur in late 2019 or early 2020.

Attachments

Nil.



Item No: 4.6
Title: QON - Q115/19 - Safety Concerns
Department: Roads Transport Drainage and Waste

12 August 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13606148

Author: Jeanette Williams, Unit Manager, Roads Business Development and Technical Services

Executive: Boris Bolgoff, Director Roads Transport Drainage and Waste

4.6 QON - Q115/19 - Safety Concerns

The following question was asked by Councillor Gale Collins at the Ordinary Meeting on 11 June 2019:

Can Council investigate safety concerns and possible need for Armco railing on Carlton Road in Erina Heights due to community concerns about recent accidents?

This question on notice was asked under the former Code of Meeting Practice.

Council has been successful in obtaining Safer Local Road grant funding of \$792,000 from the NSW Government to address safety concerns in Carlton Road, Holgate. Safety improvements have been identified for the bend in Carlton Road, between Central Coast Highway and the rear entrance to the Central Coast Grammar School.

The proposal includes the re-design and widening of the road to improve the road alignment as well as kerb and gutter, a shared pathway to the school, non-skid pavement and line marking. The project is estimated to cost a total of \$932,000, with Council providing the additional funding required to see this project come to fruition. The allocation of this additional funding was adopted by Council as part of the 2019/20 Operational Plan. A report to Council on this matter will be provided.

Construction of this project is scheduled to commence in November 2019.

Attachments

Nil.



Item No: 4.7
Title: QON - Q117/19 - Possible Recycling Program
Department: Roads Transport Drainage and Waste

12 August 2019 Ordinary Council Meeting

Trim Reference: F2018/00204 - D13588476

Author: Joanna Murray, Personal Assistant to Unit Manager, Waste and Business

Manager: Andrew Pearce, Unit Manager, Waste Services and Business Development

Executive: Boris Bolgoff, Director Roads Transport Drainage and Waste

4.7 QON - Q117/19 - Possible Recycling Program

The following question was asked by Councillor Vincent at the Ordinary Meeting on 11 June 2019:

Could staff please advise if it would be possible to run a 'Garbage Starver', 'Don't feed the red bin' or similar program, to further encourage residents to reduce waste going into the red bins and increase recycling?

This question on notice was asked under the former Code of Meeting Practice.

Central Coast Council currently conducts a wide range of initiatives to encourage residents to reduce waste to landfill and increase recycling. These include various ongoing and targeted educational/promotional campaigns and events undertaken directly by Council and in conjunction with its waste collection contractor.

During the month of June 2019, waste education programs were directly delivered to over 315 students from 9 schools and 65 adults who attended workshops. There were also 17,855 user visits to the 1Coast.com.au website which incorporates educational messaging on waste management services. There were also 6,023 people following the 1Coast Facebook page where regular waste avoidance and recycling messaging is communicated. 1,556 individual recycling bins were also inspected and tagged during the month as part of a campaign to reduce contamination rates of household recycling bins. Council was also successful in receiving a grant to implement a new program under the NSW EPA Love Food Hate Waste Program. This program will proactively work with households and businesses over a 2 year period to reduce food waste to general waste bins.

Council proposes to implement a wide range of new coordinated programs as part of the implementation of the proposed Central Coast Waste Strategy. The Strategy is under development throughout 2019 and will incorporate defined objectives and targets following on from extensive public consultation. Key actions will likely include the development and implementation of new coordinated communication and education campaigns that could include programs such as Garbage Starver.

Attachments

Nil.



Item No: 4.8
Title: QON - Q120/19 - Vegetation Clearing Entitlement
Department: Environment and Planning

12 August 2019 Ordinary Council Meeting

Trim Reference: F2019/00042 - D13597845

Author: Samantha Cummins, Personal Assistant to Unit Manager

Manager: Luke Sulkowski, Unit Manager, Natural and Environmental Assets

Executive: Scott Cox, Director Environment and Planning

4.8 QON - Q120/19 - Vegetation Clearing Entitlement

The following question was asked by Councillor Kyle MacGregor at the Ordinary Meeting on 11 June 2019:

Is number 3 Ethel Close Narara NSW 2250 within the 10/50 vegetation clearing entitlement area?

This question on notice was asked under the former Code of Meeting Practice.

The property at No. 3 Ethel Close Narara, NSW is located in a designated 10/50 vegetation entitlement clearing area. Any clearing is to be in accordance with the 10/50 Code of Practice available on the RFS website.

Attachments

Nil.



Item No: 5.1
Title: Questions with Notice
Department: Councillor

12 August 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13615983

Author: Bruce McLachlan, Councillor
Kyle MacGregor, Councillor
Jillian Hogan, Councillor

5.1 Questions with Notice

The following question was submitted by Councillor McLachlan:

Management of Vegetation regrowth - Tuggerah Lakes.

May Councillors be given an update on current policy re mowing of lakefront reserves, and management of regrowth of Casurina.

I am receiving resident concerns regarding the planting out of reserves, and affectations of view corridors to the waterfront.

In previous plantings of the reclaimed reserves at Tuggerah Parade The Entrance, the waterfront area become completely obscured by regrowth.

Can Councillors be advised of current management plans for the reserves.

This is a complex question requiring research and resources to provide an appropriate response. As a result it is not possible to provide a response for this Council meeting and it is proposed to provide the response by the Director of Environment and Planning for inclusion in the Business Paper for the meeting of 26 August 2019.

The following question was submitted by Councillor McLachlan:

Profit on Kiah Ridge airport purchase land.

When will Councillors and the public be advised of the final proceeds and profits from the sale of the Kiah Ridge airport opportunity purchase land, purchased by Mayoral minute by former WSC for a alternative airport site, then subsequently resold. May Councillors receive an update on the profit proceeds of sale, and any indication of purchasers intentions for the employment zoned land.

Response provided by the Director Governance:

The response to this question includes confidential information and will be provided to Councillors separately.

The following question was submitted by Councillor McLachlan:

Wrack - alternate commercial and remedial use for Coal Ash Dams?

Has Council ever considered alternate commercial use for harvested Wrack. In the economic development committee meeting the subject was raised regarding EPA tip fees, and the alternate use as mulch cover for the Coal Ash Dams, reducing the effects of wind blown coal ash pollution.

Would it be possible for staff to contact the Energy companies who operate the Coal Ash Dam sites, to discuss any possibility to use harvested Wrack as mulch cover to limit dust pollution on surrounding communities.

The answer will be provided the Director of Environment and Planning on or before the 12 August 2019 Ordinary Meeting.

The following question was submitted by Councillor MacGregor:

Council payments methods

Does Council utilise the post office or other third parties for the payment of bills or fees such as other major companies do? Further, what methods are currently available for residents to pay their council bills or fees and has council investigated or trialled additional or alternative options in the recent past?

Response provided by the Chief Financial Officer:

Council will issue in excess of 1,000,000 invoices/notices in 2019/2020 for rates charges, water charges and a large number of different services Council provides.

Council does use a number of third party organisations for facilitating payments on our behalf which is prevalent across large organisations. The payment methods that can be used to pay a Council Rates notice, Water notice, Invoice or other document are generally listed on the invoice/notice to the customer.

The current payment methods available to ratepayers to pay their Council Rates and Water notice are:

- Direct debit
- Online
- Telephone
- BPAY
- Centrepay

5.1 Questions with Notice (contd)

- Australia Post retail outlet
- Cheque
- In Person - cash, cheque and debit/credit card.

The last payment channel to be added was Centrepay prior to amalgamation. Council continually investigates different payment channel options that makes it easier for ratepayers/customers to transact with Council. Where our IT systems can be configured to accept different electronic payment methods from customers that is secure, reliable and affordable, we will pursue those opportunities to promote an efficient operation.

The following question was submitted by Councillor MacGregor:

International Mother Language Day

The 21st of February each year is the United Nations day of International Mother Language, councils of comparable size and scale are celebrating this day with various social and community initiatives and events, does Central Coast Council have any plans to celebrate International Mother Language day on the Central Coast in 2020?

Response provided by the Director Connected Communities:

There are no plans at this stage to host this event. Whilst we do offer linguistically diverse services for our multicultural community, we are still developing our limited resources relating to indigenous language, which was the focus for this year's International Mother Language Day.

Our existing diverse language resources currently include:

- English as a Second Language (ESL) Meet and Greet groups
 - ESL Advanced English/Business discussion group
 - International English Language Testing System (IELTS) information seminars
 - Read Around the World Storytime's in different languages
 - In branch collections in different languages
 - Boxes of books available for order from the State Library of NSW in different languages
-

The following question was submitted by Councillor Hogan:

Chain Valley Bay boat landing platform.

Chain Valley Bay Progress Association received a grant from the Lake Coal VPA Levy last year, to construct a boat landing platform adjacent to the boat ramp at Joshua Porter Reserve.

5.1 Questions with Notice (contd)

The group are still awaiting approval from Council and/or Crown Lands to commence construction.

Could staff please act on behalf of the group to obtain the necessary approvals as a matter of urgency so construction can commence?

The answer will be provided the Director of Environment and Planning on or before the 12 August 2019 Ordinary Meeting.

Attachments

Nil.

Item No: 6.1
Title: Rescission Motion - SEPP 14 Wetland Warnervale



12 August 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13612466
Author: Greg Best, Councillor
Bruce McLachlan, Councillor
Troy Marquart, Councillor
Jilly Pilon, Councillor
Rebecca Gale Collins, Councillor

Council, at the Ordinary Meeting held on 8 July 2019 gave consideration to a report regarding Notice of Motion – SEPP 14 Wetland Warnervale.

At that meeting, Council resolved as follows:

- 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.*

6.1 Rescission Motion – SEPP 14 Wetland Warnervale (contd)

A Rescission Motion has been received from Councillors Best, McLachlan, Marquart, Pilon and Gale Collins to be moved at the Ordinary Council Meeting of Council to be held on Monday, 12 August 2019, as follows:

MOVE that the following resolution carried at the Ordinary Meeting of Council held on 8 July 2019 be rescinded:

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.*

Councillors Note

Councillors the two maps below highlight the confusion between the parties as the first map with the blue insert has been provided by Senior Staff and the second map with the light green shading has been provided by CCAC. As can quite clearly be seen there is a significant difference between what the parties believe is the true situation.

With such confusion and ambiguity, we can not credibly progress such an action. As outlined in the Motion, there are significant impacts and liabilities that we must be across, not to

6.1 Recission Motion – SEPP 14 Wetland Warnervale (contd)

mention public safety. You may recall at the Council Meeting I asked for a map to assist in our decision however one was not able to be forthcoming.



Lot 26 DP1159349



6.1 Rescission Motion – SEPP 14 Wetland Warnervale (contd)

Should the above Rescission Motion be carried, further notice is given that Councillors Best, McLachlan, Marquart, Pilon and Gale Collins and will move the following motion:

MOVE

- 1 That Council recognises the concern and outrage that has arisen from the lack of consultation in response to minute items 659/19, 660/19 and 661/19 carried at the 8 July 2019 Ordinary Meeting.*

- 2 That a Councillor briefing and a high level meeting between Council Staff and the Central Coast Aero Club (CCAC) be arranged to better understand the impacts and risks to all parties associated with the actions described in minute items 659/19, 660/19 and 661/19 carried at the 8 July 2019 Ordinary Meeting.*

- 3 That Council further investigate:*
 - a what impacts the revegetation described in minute 659/19 may have on the value and usability of the adjoining Council asset.*

 - b the issues associated with bush fire impacts on the asset.*

- 4 That Council's duty of care be legally assessed around knowingly establishing vegetation in such close proximity to a Trainee Flight Corridor.*

- 5 That Council request the Chief Executive Officer provide a report on the findings of the actions detailed in items 2, 3, and 4 above, including indicative costs of the subject major revegetation.*

Attachments

Nil.

Item No: 7.1
Title: Notice of Motion - Warnervale Airport Hub Certainty
Department: Councillor



12 August 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13612469

Author: Greg Best, Councillor

Councillor Greg Best has given notice that at the Ordinary Council Meeting to be held on 12 August 2019 he will move the following motion:

- 1** *That having regard to the outstanding contribution the Central Coast Aero Club (CCAC) and associated airport user groups provide to our Community, Council now seek to provide assurances of continued operation through reviewing the current Airport Licence Agreement with a view to fast tracking its renewal, subject to agreeance between the parties.*
- 2** *That Council notes recent concerning media commentary and advice from CCAC that the 1996 WAR Act may now have been triggered, seriously constraining the CCAC's activities, placing in doubt the operations of our Central Coast Youth Air League and disrupting activities of our various emergency services organisations.*
- 3** *That Council recognises the State Government's original intention of this now 23 year old Legislation was not to cause unnecessary difficulty or hardship to our Community.*
- 4** *That as Council does not have the legislative jurisdiction to intervene, Council now directs the Mayor to seek an urgent meeting with the Minister for Planning and Public Spaces and a delegation of Representatives from CCAC, the Youth Air League, Emergency Services and Senior Council Officers with a view to working through the key issues at hand.*

Councillors Note

Colleagues, I believe it is incumbent upon Council to give our long standing Youth Air League & CCAC certainty around their future. Through recent media comments and matters in Chamber, the Community is now confused and outraged at Council's lack of consultation. As you are more than aware, I have sought on no fewer than five occasions through formal Rescission Motions to provide our Community with a consultative process.

All I have sought is to gauge the Community's view, we are well aware of individual views in the Chamber, however we have not yet provided the common courtesy of formal consultation'.

7.1 Notice of Motion - Warnervale Airport Hub Certainty (contd)

I do appreciate that the \$450,000.00 Warnervale Airport Master Plan has from time to time been informally seen on our website as a token of consultation.

Now to assist Councillors and indeed our Community I am attaching a direct link to this Master Plan that was developed by Staff under the good guidance of the then Administrator. Not only is Council unable to legislatively amend the War Act, it would appear to be politically paralysed. From my experience over the years, I have learnt that the Community will not stand for this and ultimately will send a very harsh message at the upcoming 2020 Election. As you will note in the Motion, I am simply seeking the Minister's guidance and intervention to assist our Community. In tandem with this, Council showing genuine intent while providing some certainty.

This can simply be achieved through developing the License Agreement with CCAC subject to the current Minister's WAR Act resolution / assistance .

Draft Central Coast Aviation Hub Concept Plan
Part 1 of 3 [LINK](#)

Draft Central Coast Aviation Hub Concept Plan
Part 2 of 3 [LINK](#)

Draft Central Coast Aviation Hub Concept Plan
Part 3 of 3 [LINK](#)

Attachments

Nil.

Item No: 7.2
Title: Notice of Motion - Raise the Rate
Department: Councillor



12 August 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13622787

Author: Jillian Hogan, Councillor

Councillor Jillian Hogan has given notice that at the Ordinary Council Meeting to be held on 12 August 2019 she will move the following motion:

- 1 That Council acknowledges the motion passed by the Australian Local Government Association (ALGA), calling to the Federal Government to 'Raise the Rate' for Newstart and Youth Allowance.**
- 2 That Council notes that at least 30 Councils have supported this motion and have made formal submissions to the Federal Government calling to 'Raise the Rate'**
- 3 That Council acknowledges that although Newstart and Youth Allowance are Federal Government programs, that Local Government has a role to play in advocating on behalf of its residents.**
- 4 That Council requests the Chief Executive Officer to make a formal submission appealing to the Minister to 'Raise the Rate' for Newstart and Youth Allowance.**
- 5 That the submission includes the rationale from a statistical, economic and social perspective relevant to the Central Coast region**
- 6 That the submission is reported back to Council by the end of September 2019.**
- 7 That Council recognises social issues such as unemployment, homelessness, lack of affordable housing, poverty and domestic violence have a profound impact on many of our residents and the broader community.**

Councillors Note

The Australian Local Government Association (ALGA), which represents every council in Australia, passed a motion to raise the Newstart Allowance at its national conference.

The motion said: "In light of the burden placed on local governments across Australia to respond to the needs and challenges of people living in poverty and homelessness, the National General Assembly calls on federal government to raise the Newstart Allowance to

7.2 Notice of Motion- Raise the Rate (contd)

the level of the [Henderson Poverty Line](#) to increase the wellbeing and life chances of many in our community.”

Attachments

Nil.