



Central Coast Council
Business Paper
Ordinary Council Meeting
26 August 2019





ONE

COMMUNITY STRATEGIC PLAN 2018-2028

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

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

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

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

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

RESPONSIBLE

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

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

 **Good governance and great partnerships**

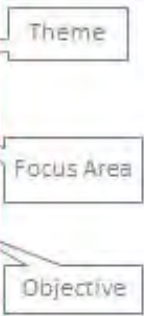
G2 Communicate openly and honestly with the community to build a relationship based on transparency, understanding, trust and respect

There are 5 themes, 12 focus areas and 48 objectives



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

The infographic is a grid with 5 main themes, each with 2 focus areas and 4 objectives. The themes are: BELONGING, SMART, GREEN, RESPONSIBLE, and LIVEABLE. Each theme has a specific icon and color scheme. The 'RESPONSIBLE' theme is highlighted in purple and includes focus areas like 'Good Governance and Great Partnerships', 'Efficient Essential Infrastructure', and 'Balanced and Sustainable Development'. The 'LIVEABLE' theme is highlighted in blue and includes focus areas like 'Support a Vibrant and Thriving Community', 'Improve the Quality of Life for All', and 'Be a Great Place to Live, Work and Invest'. The 'SMART' theme is highlighted in blue and includes focus areas like 'A Growing and Thriving Local Economy' and 'A Place of Opportunity for People'. The 'GREEN' theme is highlighted in green and includes focus areas like 'Support a Vibrant and Thriving Community' and 'Improve the Quality of Life for All'. The 'BELONGING' theme is highlighted in orange and includes focus areas like 'Support a Vibrant and Thriving Community' and 'Improve the Quality of Life for All'.



Meeting Notice

**The Ordinary Council Meeting
of Central Coast Council
will be held in the Council Chamber
2 Hely Street, Wyong on
Monday, 26 August 2019 at 6.30pm**

for the transaction of the business listed below:

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Gary Murphy
Chief Executive Officer

Item No: 1.1
Title: Confirmation of Minutes of Previous Meetings
Department: Governance



26 August 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13607167

Summary

Confirmation of minutes of the Ordinary Meeting of the Council held on 12 August 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 12 August 2019.

Attachments

1 MINUTES - Ordinary Meeting - 12 August 2019 D13627695



Central Coast Council

Minutes of the
Ordinary Council Meeting

Held in the Council Chamber
2 Hely Street, Wyong
on 12 August 2019

Present

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

In Attendance

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

The Mayor, Jane Smith, declared the meeting open at 6.56pm 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.

At the commencement of the ordinary meeting report no's 1.1, 1.2, 1.3, 2.4, 6.1 and 7.1 were dealt with first then the remaining reports in order. However for the sake of clarity the reports are recorded in their correct agenda sequence.

Apologies:

Moved: **Councillor Burke**
Seconded: **Councillor Sundstrom**

Resolved

That the apology from Councillors Gale Collins and Holstein be accepted.

For:
Unanimous

1.1 Disclosures of Interest

Item 2.1 - Sporting Facilities Categories and Lighting

Councillor Vincent declared a less than significant non pecuniary interest in the matter as his family members use and appreciate sporting facilities. Councillor Vincent chose to remain in the chamber and participate in discussion and voting, as he will manage the conflict.

Councillor MacGregor declared a less than significant non pecuniary interest in the matter as he has played amateur and club sport in the past and will continue to do so. Councillor MacGregor chose to remain in the chamber and participate in discussion and voting as his involvement in sport does not provide a conflict and he does not derive an income from it and is an amateur player.

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as her family members use and appreciate sporting facilities. Councillor Greenaway chose to remain in the chamber and participate in discussion and voting as the interest is insignificant and will not affect her ability to exercise her duties in an unbiased way.

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

Councillor Vincent declared a less than significant non pecuniary interest in the matter as he has family that have visited the Warnervale Airport on excursions. Councillor Vincent chose to remain in the chamber and participate in voting, as his family are not members of the Aero club and do not have business interests at the Warnervale airport site.

Item 6.1 - Rescission Motion - SEPP 14 Wetland Warnervale

Councillor Vincent declared a less than significant non pecuniary interest in the matter as he has family that have visited the Warnervale Airport on excursions. Councillor Vincent chose to remain in the chamber and participate in voting, as his family are not members of the Aero club and do not have business interests at the Warnervale airport site.

Item 7.1 - Notice of Motion - Warnervale Airport Hub Certainty

Councillor Vincent declared a less than significant non pecuniary interest in the matter as he has family that have visited the Warnervale Airport on excursions. Councillor Vincent chose to remain in the chamber and participate in voting, as his family are not members of the Aero club and do not have business interests at the Warnervale airport site.

Moved: Councillor MacGregor

Seconded: Councillor Hogan

Resolved

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 Pilon
Seconded: Councillor MacGregor

Resolved

- 1 That Council amend the minutes to reflect the disclosure of interest of Mayor Smith to be a less than significant interest.**
- 2 That Council confirm the minutes of the Ordinary Meeting of the Council held on 22 July 2019.**

For:
Unanimous

1.3 Notice of Intention to Deal with Matters in Confidential Session

Moved: Councillor Hogan
Seconded: Councillor MacGregor

Resolved

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

For:	Against:
Mayor Smith, Councillors Matthews, Mehrtens, Sundstrom, Greenaway, Burke, Vincent, MacGregor and Hogan	Councillors Pilon, McLachlan, Marquart, and Best

Procedural Motion

Councillor Best left the chamber at 8.15pm and did not participate in discussion or voting.

Moved: Mayor Smith
Seconded: Councillor Matthews
Resolved

That Council suspends standing orders to consider a motion of condolence for Allan Cook.

For:
Unanimous

Procedural Motion

Councillor Best left the chamber at 8.15pm and did not participate in discussion or voting.

Moved: Councillor Matthews

Seconded: Mayor Smith

Resolved

That Council observe one minute silence out of respect for Allan Cook, former Lifeguard Supervisor.

For:

Unanimous

1.4 Mayoral Minute - Council Motions to be Considered at Local Government NSW Annual Conference 2019

Councillor Best left the chamber at 8.15pm and returned to the chamber at 8.33pm

Moved: Mayor Smith

Resolved

1 That Council support, in principle, the following topics to be submitted as motions for the Local Government NSW Annual Conference 2019 consistent with the background notes:

- i Private certification in the building industry***
- ii Consultant reports in the development process***
- iii Weed management by Councils***
- iv Short Term Rental Accommodation***
- v State Government 20-year Waste Strategy***
- vi 5G rollout***
- vii Plans of Management for Crown Land***

2 That Council circulate the proposed wording of the motions to all Councillors by Wednesday, 14 August 2019 for input.

3 That Council authorise the Chief Executive Officer and Mayor to finalise wording and submit the motions to Local Government NSW by Monday 19 August 2019.

For:

Unanimous

Procedural Motion – Exception

Moved: Councillor MacGregor

Seconded: Councillor Sundstrom

Resolved

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

- Item 1.4 - Mayoral Minute - Council Motions to be Considered at Local Government NSW Annual Conference 2019***
- Item 2.1 - Sporting Facilities Categories and Lighting***
- Item 2.2 - Outcomes of Public Exhibition of Draft DCP Chapter "XX" - Tree and Vegetation Management***
- Item 2.3 - Appointments to the Companion Animals Advisory Committee***
- Item 2.4 - Management of the Obstacle Limitation Surface (OLS) at Central Coast Airport***
- Item 3.1 - State of Environment Report Process***
- Item 3.2 - Response to Notice of Motion - Littering and Dog Exercising***
- Item 6.1 - Rescission Motion - SEPP 14 Wetland Warnervale***
- Item 7.1 - Notice of Motion - Warnervale Airport Hub Certainty***
- Item 7.2 - Notice of Motion - Raise the Rate***

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

- Item 2.5 - Draft Central Coast Community Participation Plan***
- Item 3.3 - Meeting Record of the Heritage Advisory Committee held on 5 June 2019***
- Item 8.1 - Meeting Records of the Crown Lands Negotiation Program Committee held on 10 April, 7 May and 28 May 2019***

For:
Unanimous

Procedural Motion

Moved: Mayor Smith
Seconded: Councillor MacGregor

Resolved

That Council bring items 2.4, 6.1 and 7.1 forward in the agenda due to the public interest.

2.1 Sporting Facilities Categories and Lighting

Councillor Vincent declared a less than significant non pecuniary interest in the matter as his family members use and appreciate sporting facilities. Councillor Vincent chose to remain in the chamber and participate in discussion and voting, as he will manage the conflict.

Councillor MacGregor declared a less than significant non pecuniary interest in the matter as he has played amateur and club sport in the past and will continue to do so.

Councillor MacGregor chose to remain in the chamber and participate in discussion and voting as his involvement in sport does not provide a conflict and he does not derive an income from it and is an amateur player.

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as her family members use and appreciate sporting facilities. Councillor Greenaway chose to remain in the chamber and participate in discussion and voting as the interest is insignificant and will not affect her ability to exercise her duties in an unbiased way.

Councillor Best returned to the chamber at 8.33pm during debate on this item.

Moved: Councillor MacGregor

Seconded: Councillor Vincent

Resolved

- 1 That Council note the report on Sporting Facilities Categories and Lighting.**
- 2 That Council request the Chief Executive Officer to provide a report with a view to reducing the seasonal rates for 3 hours per night and 6 hours per night in the 2020/21 financial year.**
- 3 That Council classify the following grounds as Level 3 grounds and fees and charges at a rate of \$858.87 per ground as from 2019/20 financial year:**
 - Old Gosford LGA - Davistown Oval, Eve Williams Oval, Terry Oval, Fred Pinkstone, Kitchener 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**
- 4 To improve cost effectiveness for Council staff and sports administrators the Central Coast Sports Council Executive would like to pursue the matter of ground allocation and invoicing with council staff when convenient.**

For:

Unanimous

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

Moved: Councillor Hogan

Seconded: Councillor Mehrrens

- 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, 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 with the following amendments:
- a. Insert the following paragraph in "1.0 Introduction":
 - i. "Trees which are identified as having local significance on the Central Coast are listed on Council's Significant Tree Register. Council or the community have identified these trees as they have significant amenity values or are functionally important links in the wildlife food chain Council encourages pruning and retention of these trees rather than removal. Except as provided by Section 3 Exemptions, a permit is required for removal of listed trees. Council's Significant Tree Register can be accessed on Council's website at <https://www.centralcoast.nsw.gov.au/residents/property/trees-and-gardens>"
 - b. Replace all references to AQF3 Trade Arborists with AQF5 Consulting Arborists.
 - c. Replace all references to "encouraging" replacement plantings to "requiring" replacement plantings, with replacement trees to be planted by Council and equivalent to those removed under the permit scheme and in addition to planned planting.
- 2 That provision be made to expand the Significant Tree Register to include trees located in the former Wyong Shire and to allow for Council staff or members of the community to nominate trees for inclusion on the register including trees of cultural significance and heritage (i.e. trees of cultural significance at Budgewoi).
- 3 That Council request the Chief Executive Officer provide a report to Council in 6 months' time providing a review of the workload of the tree compliance officer.
- 4 That permit processes be streamlined to minimise any potential cost to ratepayers in the reporting and application process.
- 5 That Council publish a public notice of its decision within 28 days.
- 6 That Council provide the Planning Secretary with a copy of the Plan within 28 days of it coming into effect.
- 7 That Council advise all those who made a submission of the decision.

Amendment Moved: Councillor Best

Amendment Seconded: Councillor Marquart

- 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.

For:
Councillors McLachlan, Burke, Marquart and Best.

Against:
Mayor Smith, Matthews, Mehrtens, Sundstrom, Greenaway, Pilon, Vincent, MacGregor and Hogan.

The Amendment was put to the vote and declared LOST.

Moved: Councillor Hogan
Seconded: Councillor Mehrtens

Resolved

- 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, 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 with the following amendments:
 - a. Insert the following paragraph in "1.0 Introduction":
 - i. "Trees which are identified as having local significance on the Central Coast are listed on Council's Significant Tree Register. Council or the community have identified these trees as they have significant amenity values or are functionally important links in the wildlife food chain Council encourages pruning and retention of these trees rather than removal. Except as provided by Section 3 Exemptions, a permit is required for removal of listed trees. Council's Significant Tree Register can be accessed on Council's website at <https://www.centralcoast.nsw.gov.au/residents/property/trees-and-gardens>"
 - b. Replace all references to AQF3 Trade Arborists with AQF5 Consulting Arborists.
 - c. Replace all references to "encouraging" replacement plantings to "requiring" replacement plantings, with replacement trees to be planted by Council and equivalent to those removed under the permit scheme and in addition to planned planting.
- 8 That provision be made to expand the Significant Tree Register to include trees located in the former Wyong Shire and to allow for Council staff or members of the community to nominate trees for inclusion on the register including trees of cultural significance and heritage (i.e. trees of cultural significance at Budgewoi).

- 9 ***That Council request the Chief Executive Officer provide a report to Council in 6 months' time providing a review of the workload of the tree compliance officer.***
- 10 ***That permit processes be streamlined to minimise any potential cost to ratepayers in the reporting and application process.***
- 11 ***That Council publish a public notice of its decision within 28 days.***
- 12 ***That Council provide the Planning Secretary with a copy of the Plan within 28 days of it coming into effect.***
- 13 ***That Council advise all those who made a submission of the decision.***

For:

**Mayor Smith, Councillors Mehrstens,
Sundstrom, Greenaway, Pilon, McLachlan,
Vincent, MacGregor and Hogan.**

Against:

**Councillors Matthews, Burke, Marquart
and Best**

2.3 Appointments to the Companion Animals Advisory Committee

Moved: Councillor Best
Seconded: Councillor Hogan

Resolved

- 1 ***That Council appoint the following Councillors as representatives on the Companion Animals Advisory Committee;***
 - Councillor Best (Chairperson)***
 - Councillor MacGregor***
 - Councillor Sundstrom***
 - Councillor Hogan (Alternative)***
- 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.***

For:

**Mayor Smith, Councillors Sundstrom,
Greenaway, Pilon, McLachlan, Burke,
MacGregor, Hogan and Best.**

Against:

**Councillors Matthews, Mehrstens,
Marquart and Vincent.**

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

Councillor Vincent declared a less than significant non pecuniary interest in the matter as he has family that have visited the Warnervale Airport on excursions. Councillor Vincent chose to remain in the chamber and participate in voting, as his family are not members of the Aero club and do not have business interests at the Warnervale airport site.

Moved: Mayor Smith
Seconded: Councillor Vincent

- 1 That Council engage an external specialist to undertake an up-to-date survey and analysis of the Obstacle Limitation Surfaces (OLS) at the southern and northern ends of the Central Coast Airport runway for both the 5% OLS and 3.33% OLS.
- 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 request the Chief Executive Officer to provide a further report on the outcomes of (1) and (2) as soon as possible.

For: Mayor Smith, Councillors Matthews, Mehrtens, Sundstrom, Vincent, MacGregor and Hogan.
Against: Councillors Pilon, McLachlan, Burke, Marquart and Best.

Abstained: Councillor Greenaway.

A division was called by Councillors Burke and Marquart.

For: Mayor Smith, Councillors Matthews, Mehrtens, Sundstrom, Vincent, MacGregor and Hogan.
Against: Councillors Pilon, McLachlan, Burke, Marquart and Best.

Abstained: Councillor Greenaway.

Amendment Moved: Councillor Best
Amendment Seconded: Councillor Burke

- 1 That Council now better understand and appreciates the community concerns around this issue and the significant safety and possible liabilities that exist.
- 2 That Council now seek to deal with the matter to trim the offending vegetation that has been identified by Central Coast Aero Club and staff expeditiously/immediately subject to an urgent high level independent opinion that Council can legally proceed on.
- 3 That Council request the Chief Executive Officer to carry out the outcomes and report back to Council.

The Mayor declared the motion as unclear and therefore the motion was LAPSED.

Motion of Dissent

Moved: Councillor Best
Seconded: Councillor McLachlan

That the meeting dissent from the Chairperson's ruling in respect of the decision to rule the amendment moved by Councillor Best and seconded by Councillor Burke as unclear and therefore unable to be put to the meeting.

For: Councillors Pilon, McLachlan, Burke, Marquart and Best.
Against: Mayor Smith, Councillors Matthews, Mehrtens, Sundstrom, Greenaway, Vincent, MacGregor and Hogan.

The motion of dissent was put to the vote and declared LOST.

Amendment Moved: Councillor Greenaway
Amendment Seconded: Councillor Best

- 1 *That this motion relates to safety and is not an indication in any way of Councils future intentions in respect to the airport.*
- 2 *That Council engage an external specialist to undertake an up-to-date survey and analysis of the Obstacle Limitation Surfaces (OLS) at the southern and northern ends of the Central Coast Airport runway for both the 5% OLS and 3.33% OLS.*
- 3 *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.*
- 4 *That Council request the Chief Executive Officer to provide a further report on the outcomes of (1) and (2) as soon as possible.*

For: Councillors Greenaway and Vincent.
Against: Mayor Smith, Councillors Matthews, Mehrtens, Sundstrom, Pilon, McLachlan, Burke, Marquart, Hogan and Best.

Abstained: MacGregor.

The Amendment was put to the vote and declared LOST.

Moved: Mayor Smith
Seconded: Councillor Vincent

Resolved

- 1 ***That Council engage an external specialist to undertake an up-to-date survey and analysis of the Obstacle Limitation Surfaces (OLS) at the southern and northern ends of the Central Coast Airport runway for both the 5% OLS and 3.33% OLS.***

- 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 request the Chief Executive Officer to provide a further report on the outcomes of (1) and (2) as soon as possible.***

For:
Mayor Smith, Councillors Matthews, Mehrtens, Sundstrom, Vincent, MacGregor and Hogan

Against:
Councillors Pilon, McLachlan, Burke, Marquart and Best

Abstained:
Councillor Greenaway

A division was called by Councillors Burke and Marquart.

For:
Mayor Smith, Councillors Matthews, Mehrtens, Sundstrom, Vincent, MacGregor and Hogan

Against:
Councillors Pilon, McLachlan, Burke, Marquart and Best

Abstained:
Councillor Greenaway

2.5 Draft Central Coast Community Participation Plan

This item was resolved by the exception method.

Moved: Councillor MacGregor
Seconded: Councillor Sundstrom

Resolved

- 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.***

For:
Unanimous

3.1 State of Environment Report Process

Moved: Mayor Smith
Seconded: Councillor MacGregor

Resolved

- 1 That Council note the report on the State of Environment Report (SoE) Process.**
- 2 That Council request the Innovation and Futures Reference Group, or equivalent, consider the format of the Proposed SoE Report.**
- 3 That Council request the CEO provide a further report on the SoE Report in February 2020.**
- 4 That Council request the CEO provide a draft SoE Report to the first Council meeting in August, 2020 for adoption as part of the Annual Report required for the Integrated Planning and Reporting (IPR) Framework.**

For:

Unanimous

3.2 Response to Notice of Motion - Littering and Dog Exercising

Moved: Councillor McLachlan

Seconded: Councillor Best

Resolved

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

For:

Unanimous

3.3 Meeting Record of the Heritage Advisory Committee held on 5 June 2019

This item was resolved by the exception method.

Moved: Councillor MacGregor

Seconded: Councillor Sundstrom

Resolved

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

For:

Unanimous

6.1 Rescission Motion - SEPP 14 Wetland Warnervale

Councillor Vincent declared a less than significant non pecuniary interest in the matter as he has family that have visited the Warnervale Airport on excursions. Councillor Vincent chose to remain in the chamber and participate in voting, as his family are not members of the Aero club and do not have business interests at the Warnervale airport site.

Moved: Councillor Best

Seconded: Councillor Marquart

That Council rescind the following resolution carried at the Ordinary Meeting of Council held on 8 July 2019:

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

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

660/19 That Council request the Chief Executive Officer;

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

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

For:
Councillors Pilon, McLachlan, Burke, Marquart
and Best

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

The Motion was put to the vote and declared LOST.

The meeting adjourned at 7.57pm and resumed at 8.11pm.

Procedural Motion

Councillors Pilon, McLachlan, Marquart, Burke and Vincent left the Chambers during the adjournment at 7.57pm and did not participate in discussion or voting on the Procedural Motion.

Moved: Mayor Smith

Resolved

That Council proceed with Item 7.1 – Notice of Motion – Warnervale Airport Hub Certainty.

**For:
Unanimous**

7.1 Notice of Motion - Warnervale Airport Hub Certainty

Councillor Vincent declared a less than significant non pecuniary interest in the matter as he has family that have visited the Warnervale Airport on excursions. Councillor Vincent chose to remain in the chamber and participate in voting, as his family are not members of the Aero club and do not have business interests at the Warnervale airport site.

Councillor McLachlan returned to the chamber at 8.12pm during debate on this item.

Councillors Burke, Pilon, Marquart and Vincent returned to the chamber at 8.13pm during debate on this item.

Moved: Councillor Best
Seconded: Councillor McLachlan

Resolved

- 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.**

For:
Mayor Smith, Councillors Matthews, Mehrtens, Sundstrom, Pilon, McLachlan, Marquart, Vincent, MacGregor, Hogan and Best

Abstained:
Councillor Greenaway and Burke.

7.2 Notice of Motion - Raise the Rate

Councillor Best left the chamber at 9.50pm during this item and did not return.

Moved: Councillor Hogan
Seconded: Councillor Vincent

Resolved

- 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.**

For:
Mayor Smith, Councillors Matthews, Mehrtens, Sundstrom, Greenaway, Vincent, MacGregor and Hogan.

Against:
Councillors Pilon, McLachlan, Burke and Marquart.

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

This item was resolved by the exception method.

Moved: *Councillor MacGregor*

Seconded: *Councillor Sundstrom*

Resolved

- 1** *That Council receive the report on Meeting Records of the Crown Lands Negotiation Program Committee held on 10 April 2019, 7 May 2019, and 28 May 2019.*

- 2** *That Council resolve, pursuant to s10A(2)(c) of the Local Government Act 1993, that this report and attachments remain confidential 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.*

For:

Unanimous

The Meeting closed at 9.53 pm.



Item No: 1.2
Title: Notice of Intention to Deal with Matters in Confidential Session
Department: Governance

26 August 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13607172

Summary

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

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

Recommendation

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

Context

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

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

1.2 Notice of Intention to Deal with Matters in Confidential Session (contd)

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

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

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

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

Attachments

Nil



Item No: 2.1
Title: Deferred Item - DA/54334/18 - Proposed Dwelling, Carport & Swimming Pool at 48 High View Road, Pretty Beach
Department: Environment and Planning

26 August 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13623147
Author: Ellin Blackwell, Building Surveyor
Manager: Brian Jones, Unit Manager, Environment and Compliance
Executive: Scott Cox, Director Environment and Planning

Summary

At its meeting held 22 July 2019, the Council resolved as follows:

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.

Recommendation

- 1 That Council note the deferred DA/54334/18 – Proposed Dwelling, Carport & Swimming Pool at 48 High View Road, Pretty Beach which is Attachment 1.**
- 2 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.**
- 3 That Council advise those who made written submissions of its decision.**

Attachments

- 1 22 July 2019 Ordinary Meeting Report - DA/54334/18 - Proposed Dwelling, Carport and Swimming Pool at 48 High View Road, Pretty Beach** D13623287



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

22 July 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-01 - D13517697
 Author: Ellin Blackwell, Building Surveyor
 Manager: Brian Jones, Unit Manager, Environment and Compliance
 Executive: Scott Cox, Director Environment and Planning

Summary

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

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

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

Recommendation

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

Precis:

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

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

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

Variations to Policies

Gosford Local Environmental Plan 2014

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

Gosford Development Control Plan 2013

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

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

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

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

The Site

The site is known as No. 48 High View Road, Pretty Beach and is located on the eastern side of High View Road. It site is rectangular in shape and has an overall area of 777.7m² with a street frontage of 12.825m and an average depth of 51.695m.

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



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

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

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



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

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

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

Surrounding Development

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

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

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



Figure 2 – Aerial image of the surrounding residential development.

The Proposed Development

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

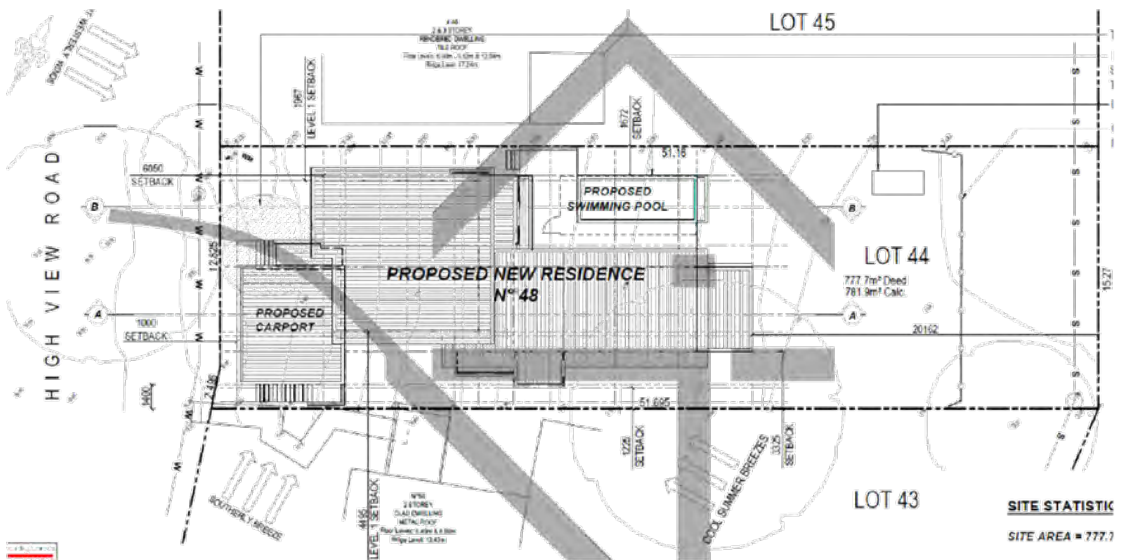


Figure 3: Site Plan No. 48 High View Road Pretty Beach

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

The proposed dwelling will be of a split level contemporary design over three levels consistent with hillside developments. The split level design reduces the height, bulk and minimizes the presentation of the dwelling when viewed from the street.

The design of the dwelling incorporates various cladding finishes utilising an appropriate schedule of finishes that is compatible with the contemporary dwellings erected in the locality. (see Figure 4, 5 & 6).

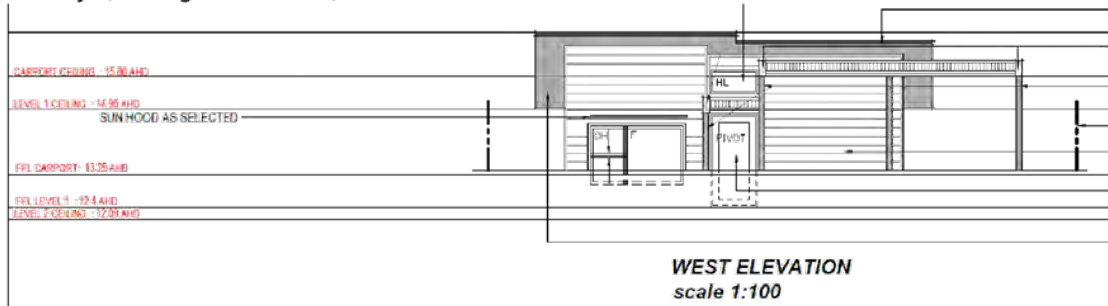


Figure 4 – West elevation which fronts the street.

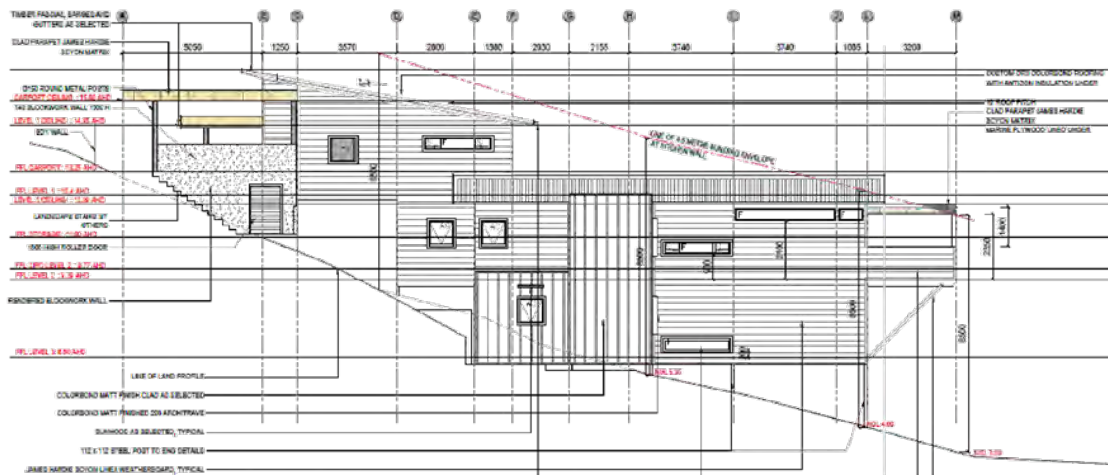


Figure 5 – South elevation of the proposed dwelling

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

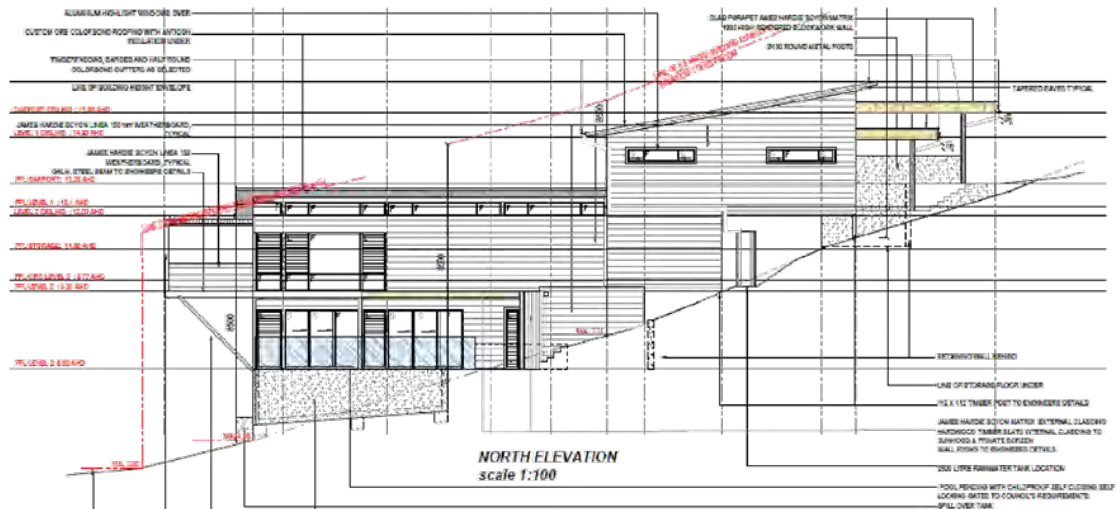


Figure 6 – North elevation presenting building height encroachment

History

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

The dwelling was never constructed and the development consent lapsed.

Submissions

Public Consultation

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

1. Inaccurate information submitted in the Statement of Environmental Effects

Comment

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

2. The development being over the height requirement

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

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

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

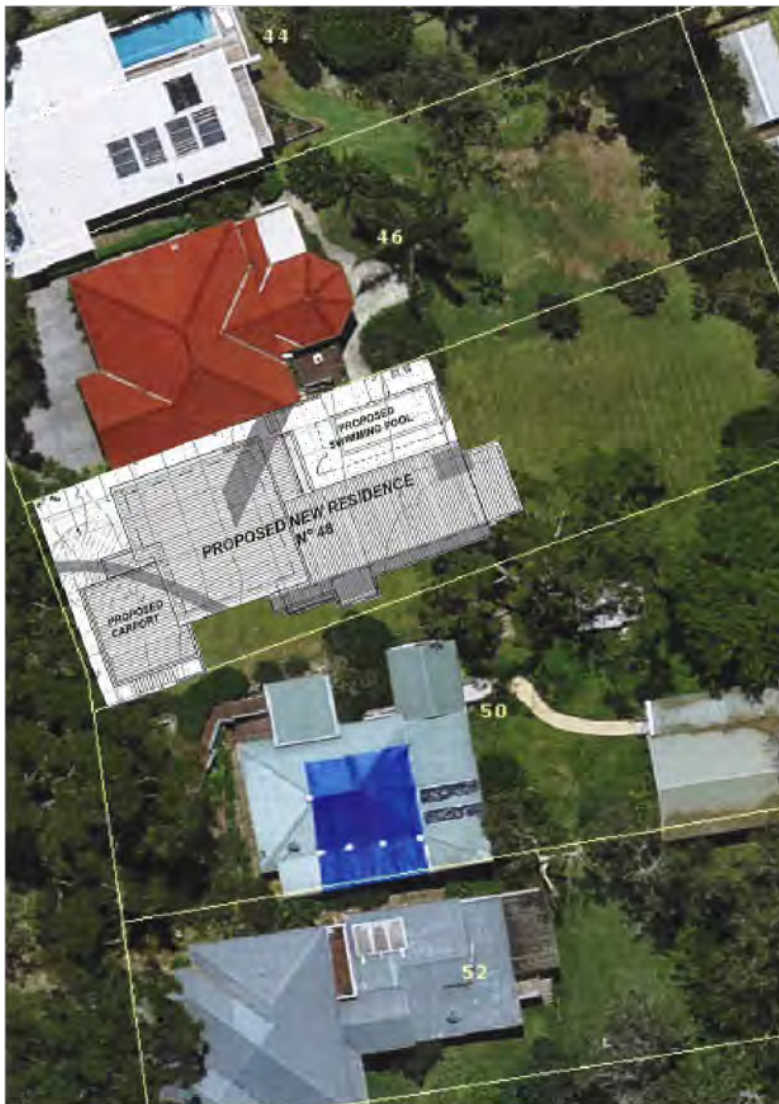


Figure 8 – Indication of the siting of the proposed dwelling having a rear setback of 20m.

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

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



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

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

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

4. Privacy loss

Comment

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

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

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



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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

5. Non-compliance with Councils building envelope requirement

Comment

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

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

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

6. Size and bulk of the development

Comment

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

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

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

7. Overshadowing

Comment

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

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

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

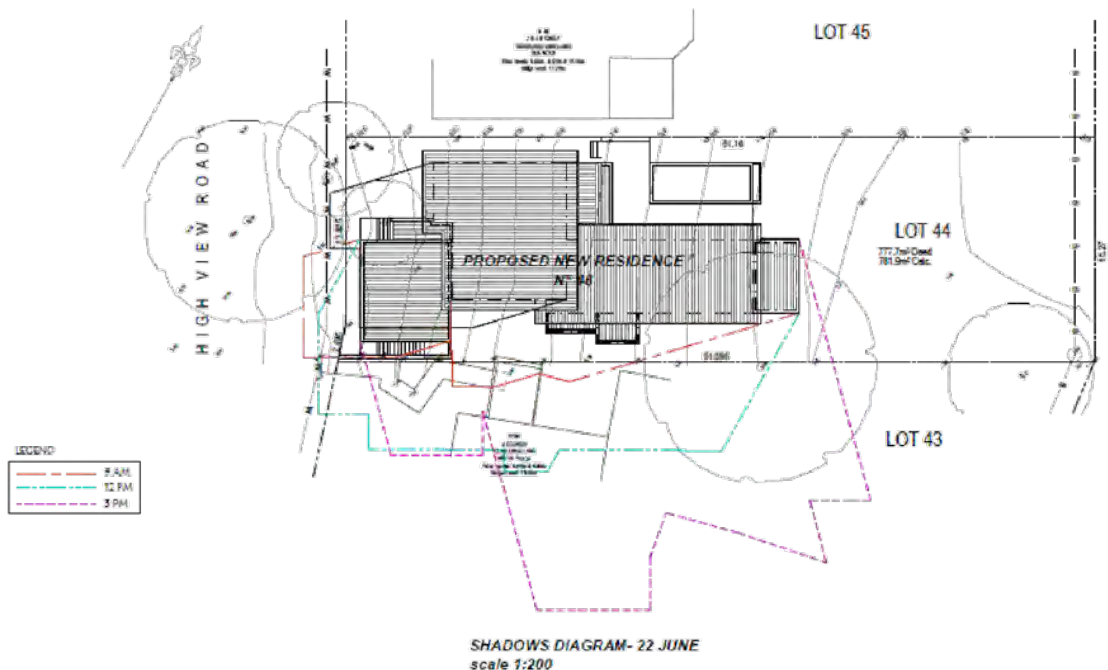


Figure 9 – Shadow diagrams detailing the solar access from midday on.

8. Noise from the swimming pool

Comment

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

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

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

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

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

Internal ConsultationTree Assessment

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

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

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

Ecologically Sustainable Principles:

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

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

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

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

Climate Change

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

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

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

Assessment:

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

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

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

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

State Environmental Planning Policy (Coastal Management) 2018

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

Gosford Local Environmental Plan 2014Permissibility

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

Objectives of Zone

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

- *To provide for the housing needs of the community within a low density residential environment.*

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

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

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

Development Standards

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

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

Clause 4.3 Mapped Height Variation

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

The variation is considered minor (see Figure 7).

Clause 4.6 Exceptions to development standards

Clause 4.6 of GLEP 2014 requires consideration of the following:

1. Has the applicant submitted a written request that seeks to justify the contravention of the development standard by demonstrating:
 - a. that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

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- b. *that there are sufficient environmental planning grounds to justify contravening the development standard?*

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

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

Comment

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

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

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

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

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

Comment

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

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

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

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

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

Comment

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

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

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

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

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

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

Gosford Development Control Plan 2013 (GDGP 2013)**Chapter 2.1 Character**

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

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

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

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

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

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

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

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

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

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

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

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

Chapter 3.1 Dwelling Houses, Secondary Dwellings & Ancillary Development

Chapter 3.1	Requirement	Proposed	Compliance
Clause 3.1.2.1 Building Height	Three storeys on steeply sloping sites 8.5 metre maximum building height	The dwelling has three storeys in part to allow for the stair to access the levels 9.15 metres	Yes – comments below No – comments below
Clause 3.1.2.2 Site Coverage	Maximum 60% site coverage on land size less than 450m ²	Less than 40% site coverage	Yes
Clause 3.1.2.3 Floor Space Ratio	0.5:1 floor space ratio	0.36:1 floor space ratio proposed	Yes
Clause 3.1.3.1a – Front Setback	The permissible front setback is 7.1m. This is the average of the two adjoining properties Garage setback to be setback 1.0 metre behind front boundary setback	1 metre to the front carport Carport is forward of the proposed dwelling on the allotment	No – comments below No – comments below
Clause 3.1.3.1b – Rear Setback	6m Rear setback to a private allotment with a wall height greater than 4.5m	20 metres	Yes
Clause 3.1.3.1c – Side Setback	Side boundary setback of the northern elevation is 1.625m (with a wall height of 7.4m) to southern boundary to dwelling 2.067m (with a wall height of 9.17m) upper floor butlers pantry is 1.4m (with a wall height of 6.5m).	Northern elevation - 1.672 metres Southern elevation to dwelling – 3.325 metres Upper floor butler's pantry - 1.225 metres	Yes Yes No – comments below

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

Chapter 3.1	Requirement	Proposed	Compliance
Clause 3.1.4.1	To encourage view sharing between properties	Meets the requirements for view sharing under the NSW Land and Environment Court Planning Principles	Yes
Clause 3.1.4.2 Visual Privacy	To minimise direct overlooking between main living areas and areas of principle private open space within the site and adjoining sites	Given the steep topography of the site, the proposal is considered to meet the requirements of this clause.	Yes
Clause 3.1.5 – Car Parking and Access	2 car spaces	2 car spaces	Yes
Clause 3.1.6 Earthworks, Structural Support and Drainage	Cut – 3m if more than 1m from the boundary	Less than 2 metres over the central portion of the development.	Yes
Clause 3.1.6.2 Retaining Walls and Structural Support	Retaining wall greater than 600mm in height shall be designed by a structural Engineer.	Architectural Plans note that Engineering details will be provided at CC stage, consent to be conditioned	Yes

Clause 3.1.2.1 Building Height

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

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

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

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

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

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

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

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

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

Clause 3.1.3.1a – Front Setback

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

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

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

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

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

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

Clause 3.1.3.1 – Side Setback

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

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

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

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

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

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

Clause 3.1.4.1 – View assessment

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

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

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

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

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

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

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

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

Step 3: Assessing the extent of the impact.

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

Step 4: Assessing the reasonableness of the proposal.

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

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

No. 50 High View Road

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

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

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

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

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

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

Step 3: Assessing the extent of the impact

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



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

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

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

Step 4: Assessing the reasonableness of the proposal.

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

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

While the view loss to the north will be significant, it is obtained across a side boundary which is difficult to protect. The expectation to retain side views is unrealistic.

As shown above (Figure 1 and Photo 7), the objector's property is located south of the subject allotment and they are concerned about the view loss to the north (across a side boundary).

Assessment of the view loss for No. 50 High View Road is considered to be reasonable. The views from the deck will be impacted to the north, however, will be maintained to the north east due to the large rear setback of the proposal. The property enjoys the vegetation corridor across the rear of the site which will remain unaffected by the development.

The area of the development which affects the views is compliant with the development controls. It is considered that the proposal is satisfactory in this regard and the impact upon the northern view is reasonable.

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

No. 52 High View Road

The neighbour at No. 52 has lodged an objection relating to potential loss of view from the rear deck, as the proposal will impact views currently obtained to the north.

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

The view is described as scenic with water views. The water views are distant and obscured by previous residential development. The views cannot be considered to be iconic.

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

The views are currently obtained from an entertaining deck on the upper floor of the east elevation of the residence. The view is obtained across the side boundary of No. 48 High View Road over the subject site.

Step 3: Assessing the extent of the impact.

The proposal allows for the views to be maintained (Photo 9). The views from the deck will not be affected by the proposal.

The view from the ground floor level deck to the north will be effected as indicated in Photo 10, with view to the north east past the proposal being retained. All views affected are attained across the side boundary. The view loss is considered negligible to minor.



Photograph 9: Views from the entertaining deck of No. 52 High View Rd across the roof of No. 50 High View Rd.

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



Photograph 10: View from the lower ground level across the side boundary of No. 50 & 48 High View Rd

Step 4: Assessing the reasonableness of the proposal.

The proposal seeks variation to the planning controls, with respect of the minor encroachment on the building height, side setback and the reduced front setback. These variations have no impact upon the expected view loss. The design has incorporated a twenty (20) metre rear setback to assist in maintaining the existing corridor for views and landscaping. The building design has considered and addressed the view sharing.

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

The assessment of the view loss of No. 52 High View Road concludes the impacts are reasonable. The views will be maintained for the top floor deck while views from the lower space that is a secondary living space, will only be lost to the North and will be maintained to the North East due to the large rear setback of the proposal.

No. 54 High View Road

The neighbour at No. 54 has lodged an objection relating to potential loss of view from the dwelling balcony, as the proposal will affect views currently obtained to the north.

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

The proposal will result in the loss of distant views, consisting of open space containing native vegetation. The view is described as scenic. There is no iconic view available.

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

The views are currently obtained from a standing position from the entertaining deck. The deck is located on the upper floor of the east elevation of the residence and the view is obtained across the side boundary of No. 52 & 50 High View Road over the subject site at No. 48 High View Road.

Step 3: Assessing the extent of the impact.

The proposal allows for the views to be maintained (Photo 11 & 12). The site address currently enjoys some open sky and vegetation which will not be affected by the proposal.

The view from the deck to the north will be impacted as shown in Photo 11 & 12, with view to the north east past the proposal being retained. All views affected are attained across the side boundary. The view loss is considered minor.



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

Photograph 11 & 12: Existing view from No. 54 High View Rd taken from the rear deck



Photograph 13 & 14: Proposed development indicated. Vegetation as shown will remain.

Step 4: Assessing the reasonableness of the proposal.

Assessment of the view loss for No. 54 High View Road determines the impact to be reasonable. The affected view, shown in photos 13 & 14 (open sky) will be impacted to the north, however, maintained to the north east due to the large rear setback of the proposal. The property enjoys the vegetation corridor views across the rear of the site which will remain unaffected by the development.

The area of the development which affects the views is compliant with the development controls and has incorporated a large rear setback to allow for view sharing. It is considered that the proposal is satisfactory in this regard.

No. 56 High View Road

The neighbour at No. 56 has lodged an objection relating to potential loss of view from the rear deck, as the proposal will affect views currently obtained to the north.

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

The proposal will affect distant land and partial water views. The view is described as scenic. The views are not considered to be iconic due to the obstructions caused by previous developments.

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

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

The views are obtained from the living room. The living room is located on the upper floor of the east elevation of the residence and the view is obtained across the side boundary of No. 48, 50, 52 & 54 High View Road.

Step 3: Assessing the extent of the impact.

The proposal will restrict the views as indicated in Photo 15. The site address currently enjoys distant land and partial water views that are obstructed by vegetation and multiple single dwellings between the property and Brisbane Water. The view to the north east past the proposal will be retained.

All views affected are gained across the side boundary. The view loss is categorized as moderate due to the small loss of water view.



Photograph 15: has been provided by the owner of No. 56 High View Rd, access to the property has not been obtained in order to verify the photo's authenticity ie. the height photo is taken from, or location within dwelling, or if any enlarging of view has occurred.



Photograph 16: taken from the carport of No. 58 High View Rd over the top of No. 56 High View Rd

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

Step 4: Assessing the reasonableness of the proposal.

The proposal seeks variation to planning controls, with respect of the minor encroachment on the building height, side setback and the reduced front setback. The variations to height is a minor component of the view loss. The design has incorporated a twenty (20) metre rear setback to assist in maintaining the existing corridor for views and landscaping.

As shown above (Photo 15), the objector's property is located south of the subject allotment and they are concerned about the view loss to the north across a side boundary.

Assessment of the view loss caused for No. 56 High View Road determines that the impact is considered to be reasonable. The views impacted are across a side boundary and have been available for a number of years due to the site at No 48 being undeveloped. The affected view will be lost to the north across a side boundary, however, maintained to the north east due to the large rear setback of the proposal. The property enjoys the vegetation corridor across the rear of the site which will remain unaffected by the development.

No. 58 High View Road

The neighbour at No. 58 has lodged an objection relating to potential loss of view from the rear deck, as the proposal will affect views currently obtained to the north.

Step 1: Determining the type of view to be affected

The view is described as scenic. There are no iconic views available.

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

The views are currently obtained from the entertaining deck. The deck is located on the upper floor of the north elevation of the residence and the view is obtained across the side boundary of No. 48 High View Road over the subject site.

Step 3: Assessing the extent of the impact

The proposal allows for the views indicated in Photo 17 to be maintained. The view from the deck to the north will be effected as indicated in Photo 18, with view to the north east past the proposal being retained. All views affected are attained across the side boundary. The proposal will result in the partial loss of water views and is considered moderate.

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



Photograph 17: taken from the rear deck of No. 58 High View Rd



Photograph 18: taken from the rear deck of No. 58 High View Rd, this photo has been amended to include the proposed dwelling. The roof line has been marked in black.



Photograph 19: taken from the dining room of No. 58 High View Rd

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

Step 4: Assessing the reasonableness of the proposal.

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

As shown above (Photo 17), the objector's property is located south of the subject allotment and they are concerned about the view loss to the north (across a side boundary).

The views are attained across a side boundary and the affected view from the rear entertaining deck and dining room will only be partially impacted. The view from the dining room will be maintained as detailed in Photo 19. The vegetation corridor across the rear of the site will remain unaffected by the development.

The assessment of the view impacts upon No. 58 High View Road are considered to be reasonable.

Chapter 6.4 Geotechnical Requirements for Development Applications

The property is mapped as being in a medium & high hazard landslip risk area. The development proposal has been supported by an appropriate geotechnical report prepared by CkGeotech Reference CKG 0582-1, dated December 2017. The report provides an assessment of ongoing slope stability and provides recommendations on structural engineers design and is considered appropriate.

No further information is required in order to support the subject development application from a geotechnical perspective.

Chapter 7.2 Waste Management

A Waste Management Plan has been submitted in support of the proposed development. Appropriate conditions have been included in the draft conditions of consent. (Condition 4.7)

Section 4.15(1)(b) of the EP&A Act 1979: the likely impacts of the development**Built Environment**

Given the position of the proposed dwelling on the allotment and separation distance to other dwellings, the proposal is considered to be suitable with regard to the context and setting of the subject site and is considered to be in keeping with the character of the area.

The assessment of the proposed development's impact on the built environment has been undertaken in terms of the GLEP 2014 and GDCP 2013 compliance. It is considered on balance, that the potential impacts are considered reasonable.

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

Natural Environment

The proposal has minimized the site excavation by stepping the floor levels down the site and catering for the sloping topography. There will be some impacts due to the need for excavation. Earthworks will be minimal and centrally located within the site.

Section 4.15(1)(c) of the EP&A Act 1979: the suitability of the site for the development

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

Bushfire

The subject site is mapped as being bushfire affected (see Fig 10). In this regard, the development proposal has been accompanied by a Bushfire Threat & Protection Assessment report prepared by Clark Dowdle & Associates, Referenced GO:21039A dated December 2017.

The building will need to be constructed to BAL 19 to the south and western elevations and BAL 12.5 to the north and eastern elevations bushfire resisting construction.

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

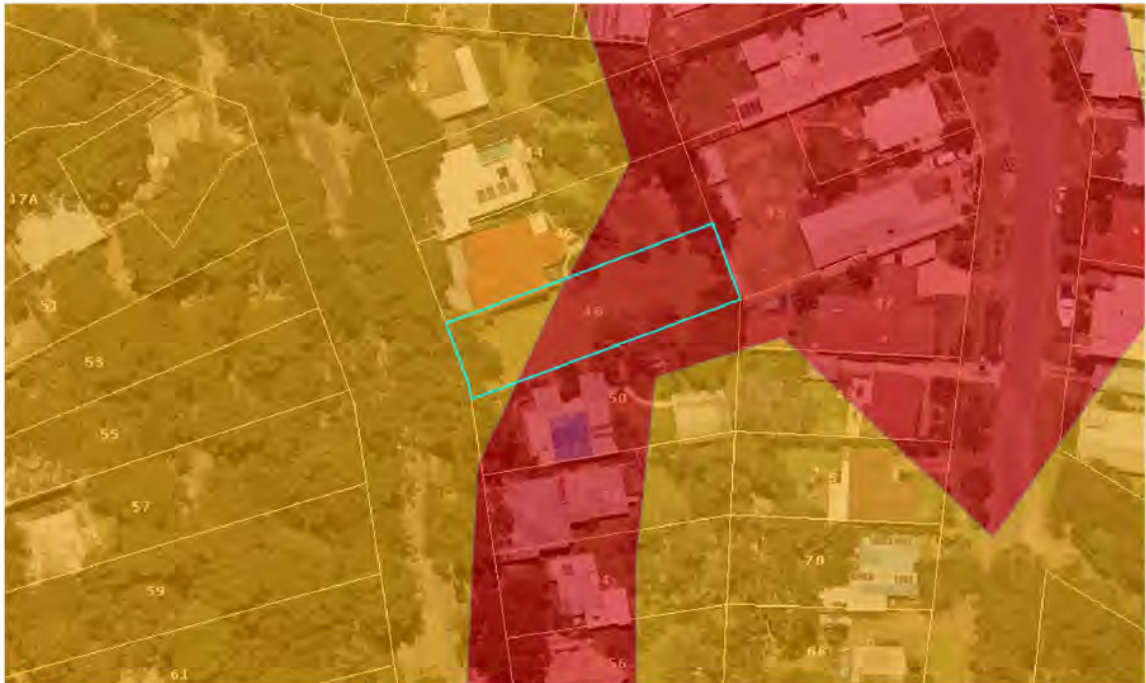


Figure 10 – Extract from Councils bushfire mapping with the site highlighted in blue

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

Section 4.15(1)(d) of the EP&A Act 1979: any submission made in accordance with this Act or Regulations

The development application received eleven (11) public submissions which have been addressed previously in this report.

Section 4.15(1)(e) of the EP&A Act 1979: the public interest

The proposed development is seen to be in the public interest by providing assurance that the subject land is able to be developed in proportion to its site characteristics.

Other Matters for Consideration*Development Contribution Plan*

The proposed development is not a development type that is subject to Section 7.11 of the EP&A Act development contributions. Therefore, no contributions are applicable.

Water and Sewer Contributions

The proposed development is not subject to Water & Sewer Contributions.

Conclusion

The development application has been assessed in accordance with Section 4.15 of the EP&A Act, and all relevant instruments and policies. The proposed development is considered suitable for the site despite the listed variations.

The proposal is therefore recommended for approval pursuant to Section 4.16 of the EP&A Act.

Attachments

- | | | |
|----------|-----------------------------|-----------|
| 1 | Draft Conditions of Consent | D13523545 |
| 2 | Development Plans | D13523541 |

Attachment 1Draft Conditions of Consent

- 5.2** Submit a Certificate of Compliance for all plumbing and drainage work and a Sewer Service Diagram showing sanitary drainage work (to be provided by licensed plumber) in accordance with the Plumbing and Drainage Act 2011.
- This condition only applies if installation / alteration of plumbing and / or drainage works proposed (excludes stormwater drainage).
- 5.3** Complete the building in accordance with the relevant provisions and requirements of the National Construction Code Series.
- 5.4** Complete the building in accordance with the provisions of *Planning for Bush Fire Protection 2006 (NSW)* and the requirements of Australian Standard AS 3959-2009 - *Construction of Buildings in Bush Fire Prone Areas* and additional measures as contained within Appendix 3 of the *Planning for Bush Fire Protection Guidelines 2010*, for a Bush Fire Attack Level of BAL 19 to Southern and Western Elevations and BAL 12.5 to Northern and Eastern elevations.
- 5.5** Install the required rainwater tank in the location as detailed within the approved development plans with suitable plumbing connections provided to collect rainwater from the roof area as detailed within the BASIX Certificate applicable to the development. The required rainwater tank is to be installed in accordance with the requirements of the National Plumbing and Drainage Code Australian Standard AS 3500 and must be provided with first flow diversion devices fixed to all inflows and a functioning pressure pump plumbed to service all fixtures as detailed within the BASIX Certificate applicable to the development. The required tank must be controlled in order that supplemental flow from domestic mains does not take place until the capacity of the tank has been reduced to 20%.
- 5.6** Construct the vehicle access crossing in accordance with the vehicle access crossing Notice of Determination issued by Council.
- 5.7** Install a material or device to prevent the build-up of flammable material (such as leaf matter) within the roof gutters. The material or device must have a flammability index of not greater than 5 when tested in accordance with Australian Standard AS 1530.2-1993: *Methods for fire tests on building materials, components and structures - Test for flammability of materials*.
- 5.8** Drain all stormwater from impervious surface areas, including pathways and driveways, to the street kerb outlet / interallotment drainage easement serving the allotment / an infiltration trench.
- Note:** Infiltration trench details are to be designed by a practicing engineer experienced in hydraulics. The design details are to cater for a 1 in 20 year Annual Exceedance Probability (AEP) storm event and are to allow for a minimum setback of three (3) metres from any sewer main and lot boundaries.
- 5.9** Provide certification from a geotechnical engineer to the Principal Certifying Authority that all works have been carried out in accordance with the recommendations contained within the geotechnical report(s) listed as supporting documentation in this development consent.
- 5.10** Plant a replacement tree within the property.
The replacement tree must be a Spotted Gum not to be located within an authority's service easement, or within 3m of an approved building.
Where the replacement tree dies or is substantially damaged within five (5) years of planting, it must be replaced and maintained to maturity.

6. ONGOING OPERATION

- 6.1** Insulate and / or isolate the motor, filter, pump and all sound producing equipment or fitting associated with or forming part of the pool filtering system so as not to create an offensive noise to the occupants of the adjoining premises as defined in the *Protection of the Environment Operations Act 1997*.

7. PENALTIES

- 7.1 Failure to comply with this development consent and any condition of this consent may be a criminal offence. Failure to comply with other environmental laws may also be a criminal offence.

Where there is any breach Council may without any further warning:

- Issue Penalty Infringement Notices (On-the-spot fines);
- Issue notices and orders;
- Prosecute any person breaching this consent, and/or
- Seek injunctions/orders before the courts to retain and remedy any breach.

Warnings as to Potential Maximum Penalties

Maximum Penalties under NSW Environmental Laws include fines up to \$1.1 Million and / or custodial sentences for serious offences.

ADVISORY NOTES

- Discharge of sediment from a site may be determined to be a pollution event under provisions of the *Protection of the Environment Operations Act 1997*. Enforcement action may commence where sediment movement produces a pollution event.
- The following public authorities may have separate requirements in the following aspects:
 - a. Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments
 - b. Jemena Asset Management for any change or alteration to the gas line infrastructure
 - c. Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements
 - d. Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure
 - e. Central Coast Council in respect to the location of water, sewerage and drainage services
- Carry out all work under this Consent in accordance with SafeWork NSW requirements including the *Workplace Health and Safety Act 2011 No 10* and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.
- Dial Before You Dig
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- Telecommunications Act 1997 (Commonwealth)
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.
- Install and maintain backflow prevention device(s) in accordance with Council's WS4.0 Backflow Prevention

Attachment 1

Draft Conditions of Consent

Containment Policy. This policy can be found on Council's website:
www.centralcoast.nsw.gov.au

This condition only applies if installation / alteration of plumbing and / or drainage works proposed (excludes stormwater drainage).

Conditions**1. PARAMETERS OF THIS CONSENT****1.1 Approved Plans and Supporting Documents**

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

Architectural Plans by: The Pole Home Centre

Drawing	Description	Sheets	Issue	Date
Simmonds Residence	Plan Set	1-16	E	14/11/18

1.2 Carry out all building works in accordance with the Building Code of Australia.

1.3 Comply with all commitments listed in the BASIX Certificate for the development as required under clause 97A of the Environmental Planning and Assessment Regulation 2000.

2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

2.1 All conditions under this section must be met prior to the issue of any Construction Certificate.

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

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

2.3 Submit to Council as the Roads Authority an application for a vehicle access crossing including payment of the application fee.

3. PRIOR TO COMMENCEMENT OF ANY WORKS

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

3.2 Appoint a Principal Certifying Authority for the building work:

- a. The Principal Certifying Authority (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.
- b. Submit to Council a Notice of Commencement of Building Works or Notice of Commencement of Subdivision Works form giving at least two (2) days' notice of the intention to commence building or subdivision work. The forms can be found on Council's website: www.centralcoast.nsw.gov.au

Attachment 1**Draft Conditions of Consent**

- 3.3 Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:
- The name, address and telephone number of the Principal Certifying Authority for the work; and
 - The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
 - That unauthorised entry to the work site is prohibited
 - Remove the sign when the work has been completed.

- 3.4 Submit both a Plumbing and Drainage Inspection Application, with the relevant fee, and a Plumbing and Drainage Notice of Work in accordance with the Plumbing and Drainage Act 2011 (to be provided by licensed plumber). These documents can be found on Council's website at: www.centralcoast.nsw.gov.au

Contact Council prior to submitting these forms to confirm the relevant fees.

This condition only applies if installation / alteration of plumbing and / or drainage works proposed (excludes stormwater drainage). This condition does not apply to swimming pool plumbing that does not physically connect / break into the sewer system.

- 3.5 Provide and maintain a garbage receptacle at the work site until the works are completed. The garbage receptacle must have a tight fitting lid and be suitable for food scraps and papers.

- 3.6 Install run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:
- erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
 - diverting uncontaminated run-off around cleared or disturbed areas, and
 - preventing the tracking of sediment by vehicles onto roads, and
 - stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot

- 3.7 Provide certification to the Principal Certifying Authority that the structural engineer's details have been prepared in accordance with the recommendations of the geotechnical report(s) listed as supporting documentation in this development consent.

- 3.8 Erect a temporary hoarding or temporary construction site fence between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works:
- could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
 - could cause damage to adjoining lands by falling objects, or
 - involve the enclosure of a public place or part of a public place

Note 1: A structure on public land or on or over a public road requires the prior approval of the relevant authority under the [Local Government Act 1993](#) or the [Roads Act 1993](#), respectively.

Note 2: The [Work Health and Safety Act 2011](#) and [Work Health and Safety Regulation 2011](#) contain provisions relating to scaffolds, hoardings and other temporary structures.

Attachment 1**Draft Conditions of Consent**

- 3.9** Provide or make available toilet facilities at the work site before works begin and maintain the facilities until the works are completed at a ratio of one toilet plus one additional toilet for every twenty (20) persons employed at the site.

Each toilet must:

- a. be a standard flushing toilet connected to a public sewer, or
 - b. have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
 - c. be a temporary chemical closet approved under the *Local Government Act 1993*
- 3.10** Ensure that all parties / trades working on the site are fully aware of their responsibilities with respect to tree protection conditions.
- 3.11** Install trunk armour around the trunk of the large tree on the road reserve to protect it from damage during construction. Trunk armour can consist of palings at least 1.5m high and spaced a minimum 100mm apart around each trunk. The palings are to be secured by wire around the outside of the palings (not nailed) in a way which does not harm the tree.
- 3.12** Any street tree damaged during works must be immediately reported to Council, which may incur a compensation fee, rectifying and / or replaced with a tree of similar height and species at no cost to Council.

4. DURING WORKS

- 4.1** All conditions under this section must be met during works.
- 4.2** Carry out construction or demolition works during the construction phase of the development only between the hours as follows:
- 7.00am and 5.00pm Monday to Saturday
- No construction or demolition works associated with the development are permitted to be carried out at any time on a Sunday or a public holiday.
- 4.3** During the construction phase of the development, if any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:
- a. All excavation or disturbance of the area must stop immediately in that area, and
 - b. The Office of Environment and Heritage must be advised of the discovery in accordance with section 89A of the National Parks and Wildlife Act 1974.
- Note:** If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the National Parks and Wildlife Act 1974.
- 4.4** Implement and maintain all erosion and sediment control measures at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
- 4.5** Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifying Authority or an officer of Council.
- 4.6** Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with the Plumbing and Drainage Act 2011.

This condition only applies if installation / alteration of plumbing and / or drainage works proposed (excludes stormwater drainage).

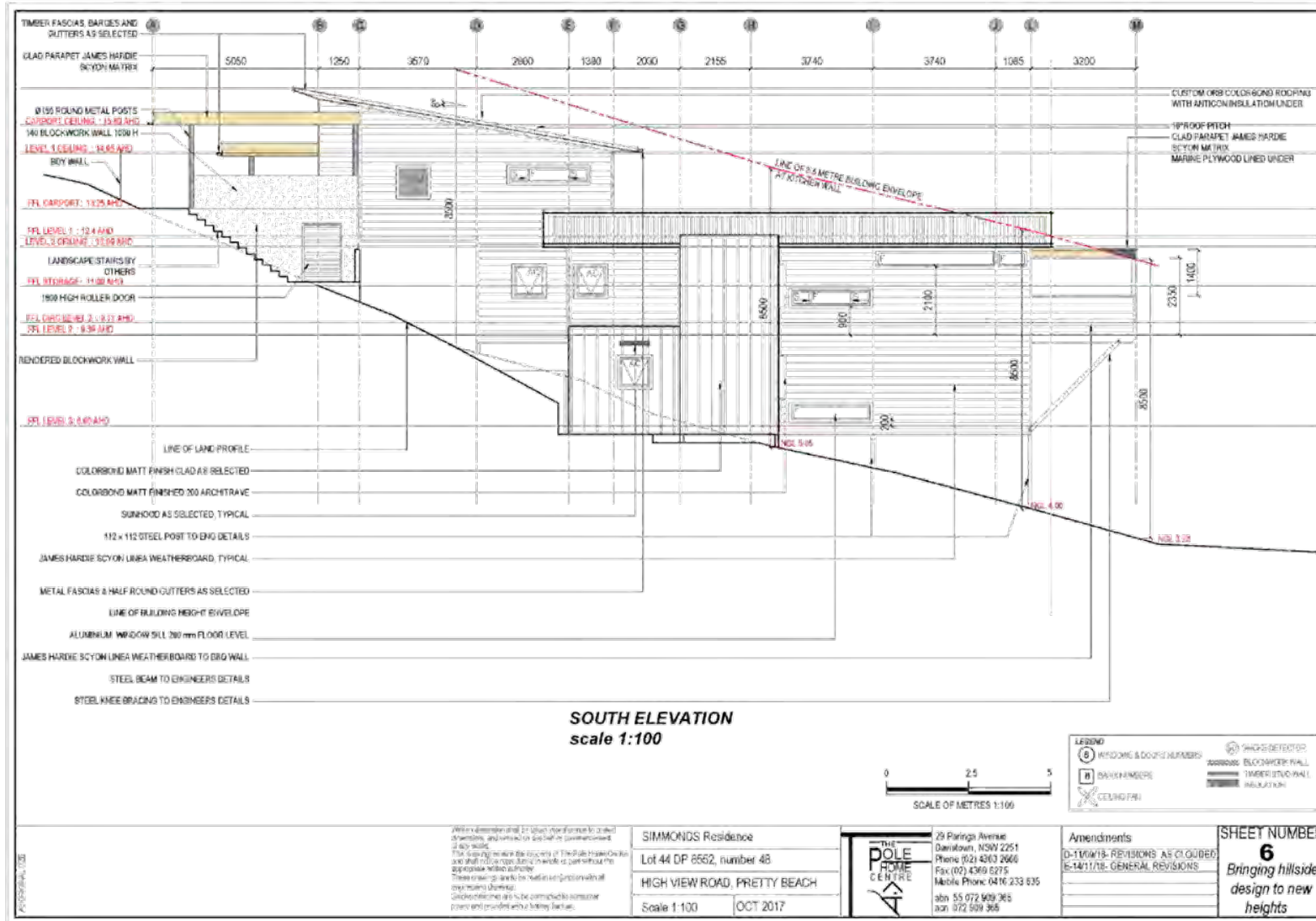
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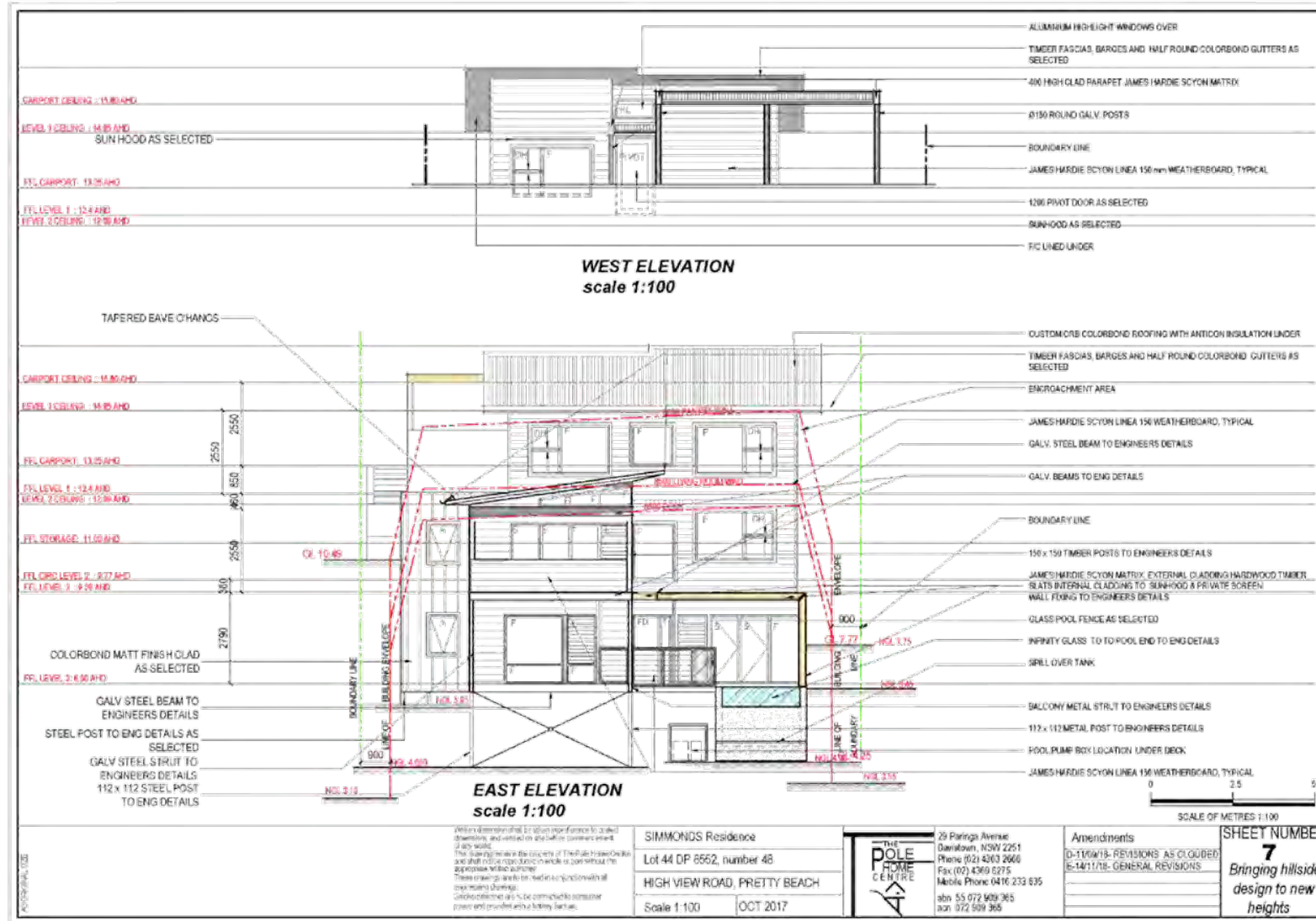
Draft Conditions of Consent

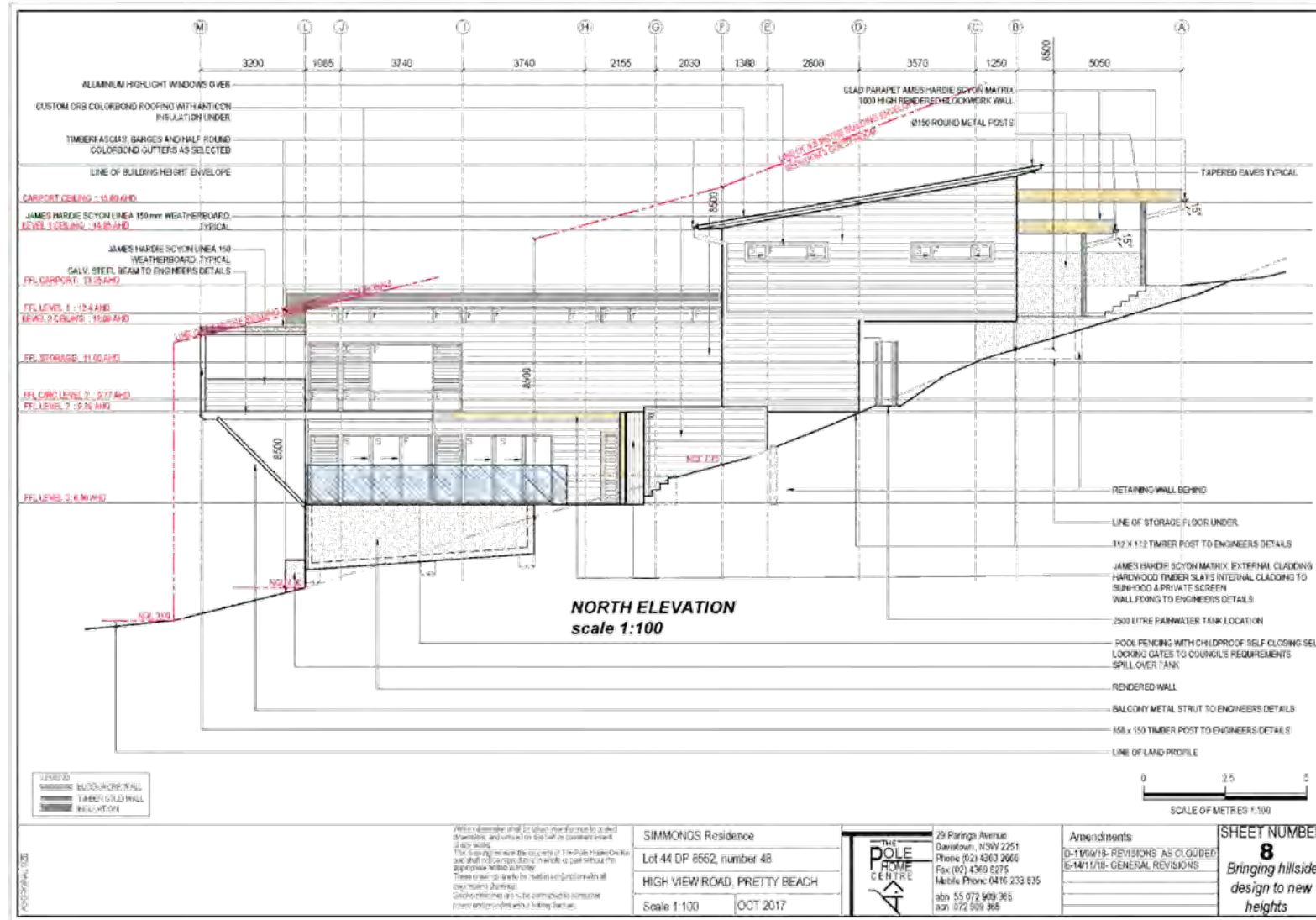
- 4.7 Place all building materials, plant and equipment on the site of the development during the construction phase of the development so as to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure. Further, no construction work is permitted to be carried out within the road reserve unless the works are associated with a separate approval issued under the provisions of the *Roads Act 1993*.
- 4.8 Connect downpipes and the associated stormwater disposal system to the site stormwater connection point immediately after the roof materials are positioned in order to prevent erosion of the site from roof water run-off. The Principal Certifying Authority for the development must not issue a mandatory critical stage Compliance Certificate for framing unless connection of the site stormwater (or temporary system) has occurred.
- 4.9 Re-use, recycle or dispose of all building materials in accordance with the Waste Management Plan submitted with the subject application.
- 4.10 Erect or install prior to the swimming pool being filled with water all the required swimming pool safety barriers and gates in accordance with the approved plans and specifications and the provisions of the *Swimming Pools Act 1992*, *Swimming Pools Regulations 2018* and Australian Standard AS 1926.1-2012 including the display of an approved sign regarding pool safety and resuscitation techniques that contains all of the following information:
- "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL"
 - "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES"
 - "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900mm CLEAR OF THE POOL FENCE AT ALL TIMES" and
 - A simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques (for infants, children and adults)
- 4.11 Do not fill the swimming pool with water until the common boundary fence forming part of the pool enclosure has been installed with a minimum height of 1.8 metres when measured inside the pool enclosure in accordance with the provisions of Australian Standard AS 1926.1 2012. The maintenance and effectiveness of the fence is the responsibility of the pool owner whilst ever the pool exists.
- Alternatively, the pool must be fully enclosed by swimming pool safety fencing complying with the provisions of Australian Standard AS 1926.1-2012 in lieu of any boundary fencing.
- 4.12 Dispose filter backwash and overflow to the sewer. The sewer connection must be completed prior to the filling of the pool with water and in a manner that will not cause a nuisance, or where sewer is not available, the disposal of filter backwash must be discharged into a rubble absorption trench to the satisfaction of the Principal Certifying Authority.
- 4.13 No fill other than that as indicated within the approved plans is permitted to be placed upon the site.
- 4.14 Implement all recommendations of the geotechnical report(s) listed as supporting documentation in this development consent. Furthermore, the geotechnical engineer must provide written certification to the Principal Certifying Authority that all works have been carried out in accordance with the recommendations contained within the geotechnical report(s).
- 4.15 Pruning of lower branches over hanging new building from neighbors tree, must be undertaken in accordance with Australian Standard AS 4373-2007: *Pruning of amenity trees* by a qualified Arborist.
- 4.16 All care is to be taken not to damage tree roots when excavating within 4m of trees to be retained. Engage a qualified Arborist to consider before cutting tree roots that cannot be avoided.

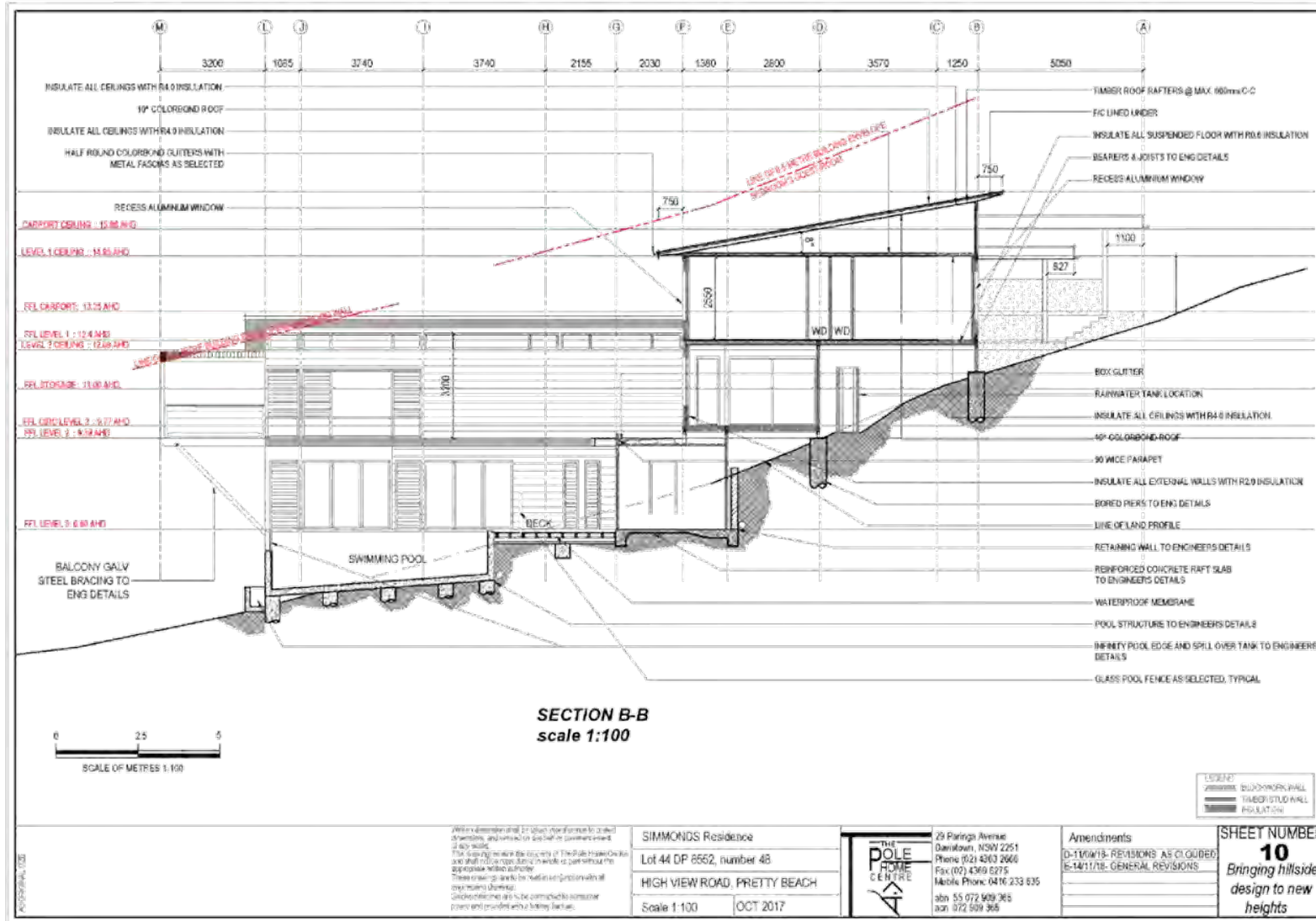
5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

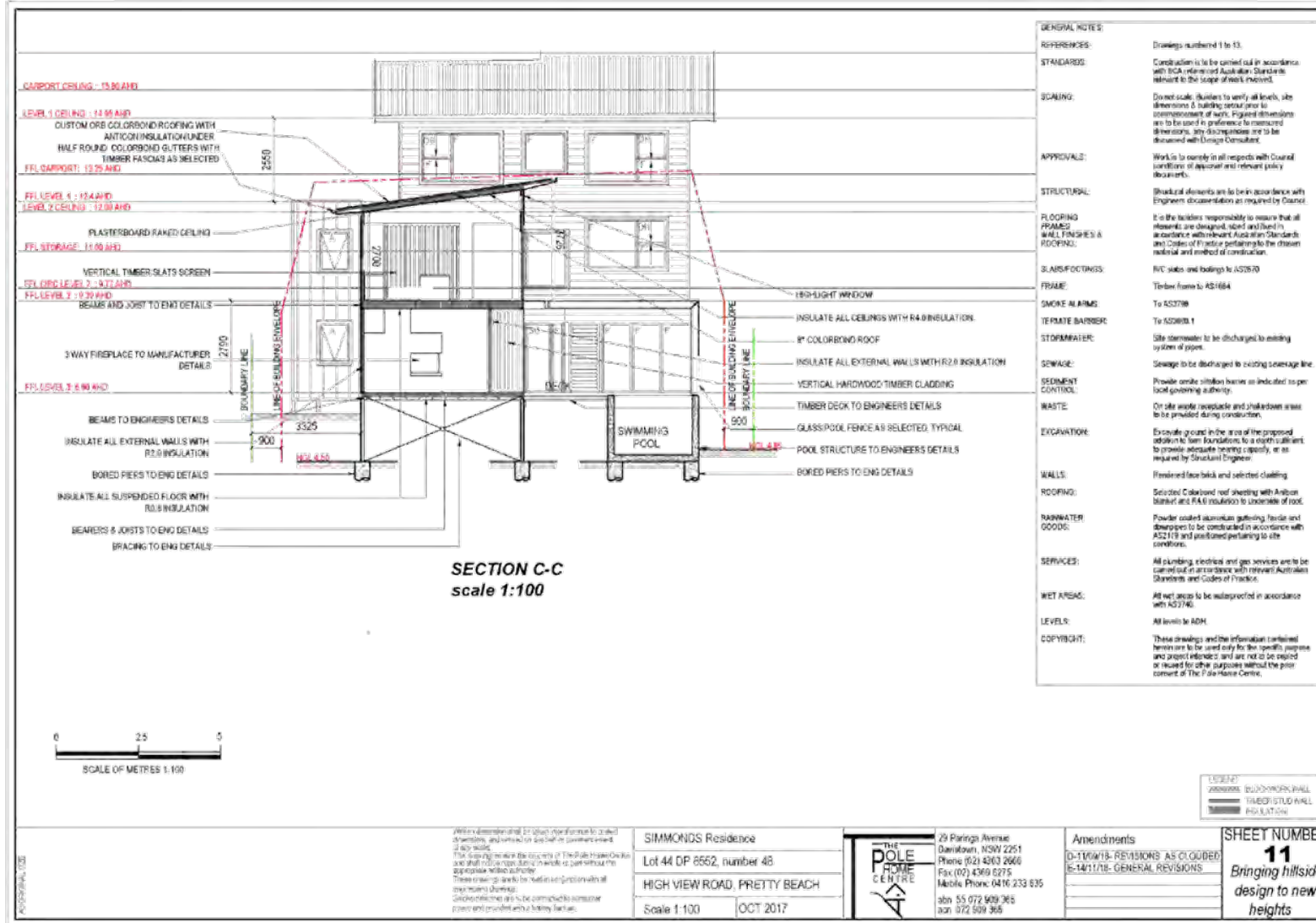
- 5.1 All conditions under this section must be met prior to the issue of any Occupation Certificate.











GENERAL NOTES:	
REFERENCES:	Drawings numbered 1 to 13.
STANDARDS:	Construction is to be carried out in accordance with BCA referenced Australian Standards relevant to the scope of work involved.
SCALING:	Drawn scale: Builders to verify all levels, site dimensions & building set-out prior to commencement of work. Engaged dimensions are to be used in preference to measured dimensions. Any discrepancies are to be discussed with Design Consultant.
APPROVALS:	Work is to comply in all respects with Council conditions of approval and relevant policy documents.
STRUCTURAL:	Structural elements are to be in accordance with Engineers' consultation as required by Council.
FLOORING FRAMES & ROOFING:	It is the builder's responsibility to ensure that all elements are designed, sized and fixed in accordance with relevant Australian Standards and Codes of Practice pertaining to the chosen material and method of construction.
SLABS/FOOTINGS:	RVC slabs and footings to AS2870
FRAME:	Timber frame to AS1684
SMOKE ALARMS:	To AS2708
TERMITE BARRIER:	To AS2708.1
STORMWATER:	Site stormwater to be discharged to existing system of pipes.
SEWAGE:	Sewage to be discharged to existing sewerage line.
SEDIMENT CONTROL:	Provide silted retention basins as indicated to prevent covering of surface.
WASTE:	On site waste receptacle and 2/4/10mm silt to be provided during construction.
EXCAVATION:	Excavate ground in the area of the proposed addition to form foundations to a depth sufficient to provide adequate bearing capacity, or as required by Structural Engineer.
WALLS:	Finished face brick and selected cladding.
ROOFING:	Selected Colorbond roof sheeting with Arlon blanket and R4.0 insulation to underside of roof.
RAINWATER GOODS:	Powder coated aluminium gutters, fascias and downpipes to be constructed in accordance with AS2718 and positioned pertaining to site conditions.
SERVICES:	All plumbing, electrical and gas services are to be carried out in accordance with relevant Australian Standards and Codes of Practice.
WET AREAS:	All wet areas to be waterproofed in accordance with AS3746.
LEVELS:	All levels to ADH.
COPYRIGHT:	These drawings and the information contained herein are to be used only for the specific purpose and project intended and are not to be copied or used for other purposes without the prior consent of The Pole House Centre.

SECTION C-C
scale 1:100



All construction shall be subject to Council approval for construction, and construction shall be in accordance with the above scale.
This drawing remains the property of The Pole House Centre and shall not be reproduced, in whole or in part, without the express written authority.
These drawings shall be read in conjunction with all specifications (General and Particular) and to be constructed in accordance with the relevant Australian Standards and Codes of Practice.
Construction shall be in accordance with the relevant Australian Standards and Codes of Practice.

SIMMONDS Residence
Lot 44 DP 6552, number 48
HIGH VIEW ROAD, PRETTY BEACH
Scale 1:100 OCT 2017

THE POLE HOUSE CENTRE
29 Pirbright Avenue
Dunthorpe, NSW 2251
Phone: (02) 4363 2666
Fax: (02) 4369 6275
Mobile Phone: 0416 233 635
abo 55 072 909 365
acon 072 508 365

Amendments
D-17/06/18-REVISIONS AS CLOBBED
E-14/11/18-GENERAL REVISIONS

SHEET NUMBER
11
Bringing hillside
design to new
heights

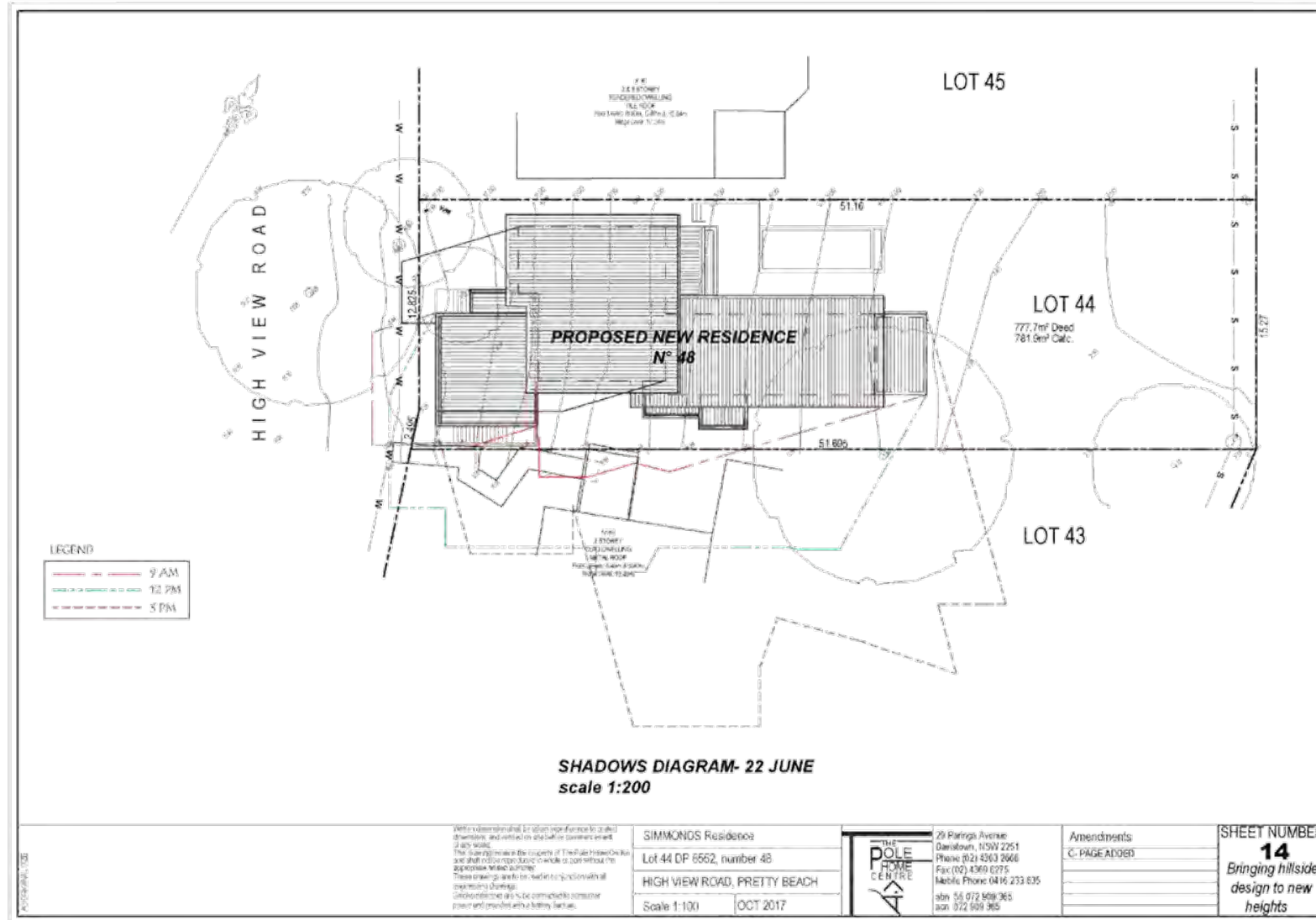
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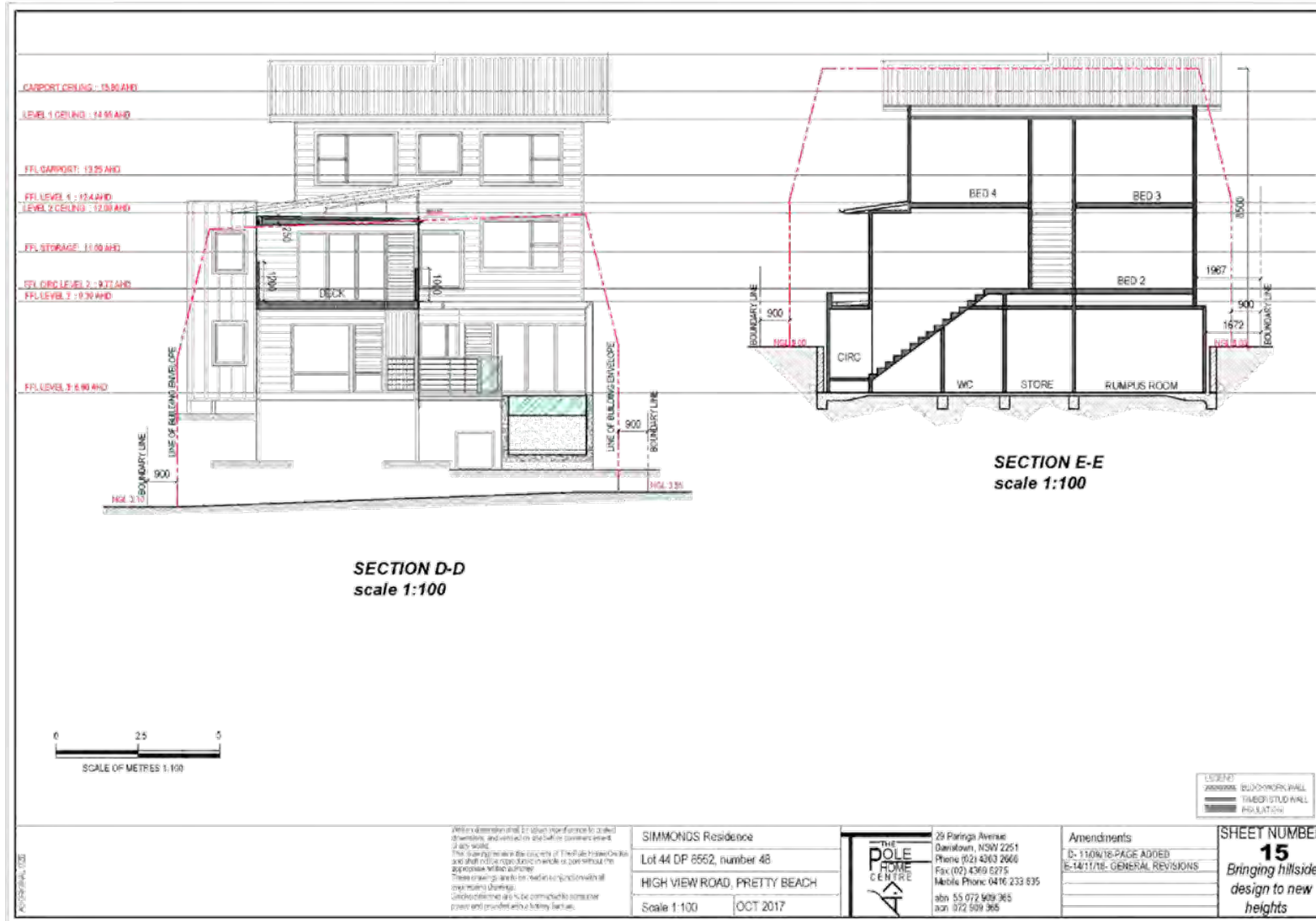
Development Plans

WINDOW SCHEDULE											
Window number	①	②	③	④	⑤	⑥	⑦	⑧	⑨	⑩	⑪
Window size											
Window head	2100	2100	2100	2100	2100	2100	2100	2100	2100	2100	1500
Window type	aluminium framed fixed window	aluminium framed sliding doors	aluminium framed fixed window	aluminium framed bifold doors	aluminium framed sliding window	aluminium framed fixed & double hung	aluminium framed fixed window	aluminium framed stacker doors	aluminium framed sliding window (2x) fixed centre panel	aluminium framed sliding window (2x) fixed centre panel	aluminium framed sliding window (2x) fixed centre panel
Window quantity	2	1	2	1	2	4	1	3	3	4	1
Window area(m ²)	1.89	0.83	1.89	3.78	1.08	3.6	2.28	5.67	1.215	8.81	1.08

WINDOW SCHEDULE									
Window number	⑫	⑬	⑭	⑮	⑯	⑰	⑱	⑲	⑳
Window size									
Window head	2100	2100	2100	2100	3200	2100	800	2550	2550
Window type	aluminium framed window operable glass	aluminium framed louvre window	aluminium framed fixed windows	aluminium framed louvre window & fixed (as shown)	aluminium framed fixed window	aluminium framed louvre window & fixed (as shown)	aluminium framed FIXED window	aluminium framed FIXED window	aluminium framed FIXED window
Window quantity	1	4	1	1	3	1	1	1	1
Window area(m ²)	0.81	1.89	1.44	4.05	1.82	7.665	1.215	1.62	0.405

AS PER PLAN SIZE	Written dimensions shall be taken in preference to scaled dimensions and verified on site before commencement of any works. This drawing remains the property of The Pole Home Centre and shall not be reproduced in whole or part without the appropriate written authority. These drawings are to be read in conjunction with all engineering drawings. Smoke detectors are to be connected to consumer power and provided with a battery backup.	SIMMONDS Residence Lot 44 DP 6552, number 48 HIGH VIEW ROAD, PRETTY BEACH Scale 1:100 OCT 2017		29 Paringa Avenue Davidson, NSW 2251 Phone: (02) 4363 2668 Fax: (02) 4389 8275 Mobile Phone 0416 233 635 abr 55 072 909 365 acr 072 909 365	Amendments	SHEET NUMBER 12 Bringing hillside design to new heights	







Item No: 2.2
Title: DA 54377/2018 - 62 Lillicrapps Road, Mangrove Mountain - Additions to Existing Shed & Use of Part of Property for Log Processing Works
Department: Environment and Planning

26 August 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-07 - D13580277
Author: Chris Ross, Senior Development Planner
Manager: Andrew Roach, Unit Manager, Development Assessment
Executive: Scott Cox, Director Environment and Planning

Report Purpose

A development application has been received for part demolition of an existing shed awning, additions to existing shed, and use of part of the land for log processing works on Lot 2 DP 852821, No. 62 Lillicrapps Road, Mangrove Mountain.

The development application is required to be reported to Council for the following reasons:

1. The application has been called to Council by Mayor Smith and Councillor Greenaway; and
2. In accordance with Council's adopted *Policy for Determining Development Applications subject to Significant Public Objections* any application receiving 15 or more submissions is to be reported to Council. The application received 15 submissions including 1 petition of 16 signatures objecting to the proposal.

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

Applicant	Timber with Veins Pty Ltd
Owner	Majic Property Custodian Pty Ltd
Application No	DA 54377/2018
Description of Land	Lot 2 DP 852821, 62 Lillicrapps Road, Mangrove Mountain
Proposed Development	Part demolition of an existing shed awning, additions to existing shed, and use of part of the land for log processing works
Site Area	2.81 hectares
Zoning	RU1 Primary Production
Existing Use	Dwelling house.
Employment Generation	Yes
Estimated Value	\$50,000

Recommendation

- 1 ***That Council grant a time limited consent for 18months subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant issues.***
- 2 ***That Council advise those who made written submissions of its decision.***

Precis:

Proposed Development	Part demolition of an existing shed awning, additions to existing shed, and use of part of the land for log processing works.
Permissibility and Zoning	The subject site is zoned RU1 Primary Production under the provisions of <i>Gosford Local Environmental Plan 2014</i> . The proposed works to the existing shed and use of part of the land for log processing works is permissible in the zone with the consent of the Council.
Relevant Planning Legislation Instruments and Controls	<ul style="list-style-type: none"> <input type="checkbox"/> <i>Environmental Planning and Assessment Act 1979 (EP&A Act)</i> <input type="checkbox"/> <i>Environmental Planning and Assessment Regulations 2000 (EP&A Regulations)</i> <input type="checkbox"/> <i>Local Government Act 1993 (LGA)</i> <input type="checkbox"/> <i>Biodiversity Conservation Act 2016 (BC Act)</i> <input type="checkbox"/> <i>Environment Protection and Biodiversity Conservation Act 1999 (EP&BC Act)</i> <input type="checkbox"/> <i>Biodiversity Conservation (Savings and Transitional) Regulation 2017 (Biodiversity Conservation Regulation)</i> <input type="checkbox"/> <i>Rural Fires Act 1997 (RF Act 1997)</i> <input type="checkbox"/> <i>Water Management Act 2000 (Water Management Act)</i> <input type="checkbox"/> <i>Water Act 1912 (Water Act)</i> <input type="checkbox"/> <i>State Environmental Planning Policy No 44 – Koala Habitat Protection (SEPP 44)</i> <input type="checkbox"/> <i>State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55)</i> <input type="checkbox"/> <i>Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas) (SREP 8)</i> <input type="checkbox"/> <i>Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (No 2 - 1997) (SREP 20)</i> <input type="checkbox"/> <i>Gosford Local Environmental Plan 2014 (GLEP 2014)</i> <input type="checkbox"/> <i>Gosford Development Control Plan 2013 (GDGP 2013)</i> <input type="checkbox"/> <i>Central Coast Regional Plan 2036 (CCRP)</i>

2.2 DA 54377/2018 - 62 Lillicrapps Road, Mangrove Mountain - Additions to Existing Shed & Use of Part of Property for Log Processing Works (contd)

Current Use	Dwelling house.
Integrated Development	No
Submissions	15 submissions (including 1 petition with 16 signatures)

Variations to Policies

Nil

Background

The application seeks to make various alterations to an existing shed (remove part of an awning and minor additions) in order to establish a timber milling business which processes recycled timber power poles. In summary, power poles which have been removed from use in the electricity network are proposed to be brought to the site, sawn and trimmed for re-sale for the purposes such as agricultural fencing material and for the manufacture of recycled timber products. It is noted that the owner commenced such a use without prior development consent and has ceased all activities on the site. A summary of events is provided below:

Council received a number of complaints on 23 February 2018 relating to the importation of waste products (timber power poles) to the site and noise from processing of the poles from a sawmill operating on the subject site. Council's Compliance and Environmental Health Officers investigated the complaint and issued a letter regarding alleged noise pollution on 27 March 2018.

Following this, on 4 April 2018, Council's Compliance and Environmental Health Officers met the owner on site and discussed concerns in relation to the operation of a sawmill without consent, storage of timber on site, and noise impacts on neighbouring properties.

A direction to take preventative action was issued by Council's Compliance and Environmental Health Officers on 19 July 2018. This direction highlighted a number of issues that related to the operation of the site for log processing works, and noted that the subject development application (DA54377/2018) was lodged and under assessment by Council staff, however it was reasonably suspected that the subject land is being used as a waste facility as defined in the *Protection of the Environment Operations Act 1997* ("the Act"), that the subject land does not have consent from Council to operate as a waste facility, and that the activities at the subject land are being undertaken in an environmental unsatisfactory manner as defined in the Act.

As such, the applicant was issued with a series of directions to cease receiving waste timbers on site, to cease processing timbers on site, to install temporary sediment and erosion controls on site, and to remove all processed waste timber offcuts and sawdust to a site that can lawfully receive it OR store within an area/container that provides adequate cover during wet weather.

The Site

The site is commonly known as No. 62 Lillicrapps Road, Mangrove Mountain and is legally known as Lot 2 in Deposited Plan No 852821. The total area of the land holding is 28,100 m² (2.81 hectares). (refer figure 1).

The site is located 500 metres east of the intersection of Lillicrapps Road and Wisemans Ferry Road and has a frontage of 156m to Lillicrapps Road to the north. The remaining boundaries measure 202m along the eastern boundary, 131m along the southern boundary, and 205m along the western boundary. There is a maximum fall of 14.81m across the site when measured from the eastern to western boundary.

Currently, the site contains a single residential dwelling with pool, and the detached machinery shed that is the subject of this application. At the time of reporting, several timber stockpiles (old power poles) are located on site adjacent to the shed.

There is a watercourse known as Ironbark Creek running along the entire western boundary (200m). A small dam/weir is located toward the northern boundary of the subject site and used by multiple land holders for watering purposes. Ironbark Creek is lined with vegetation mapped as E25 – Hawkesbury Peppermint Apple Forest.



Figure 1 - Aerial photograph of the site 62 Lillicrapps Road, Mangrove Mountain

The subject site is zoned RU1 Primary Production under the provisions of *Gosford Local Environmental Plan 2014* (GLEP 2014), (refer to Figure 2).



Figure 2 - Zoning of the site (edged in black) and adjoining properties

Surrounding Development

The subject site is surrounded by rural properties, with a variety of agri-business activities, including poultry farming, orchards and open pasture/grazing land (refer to figure 3).

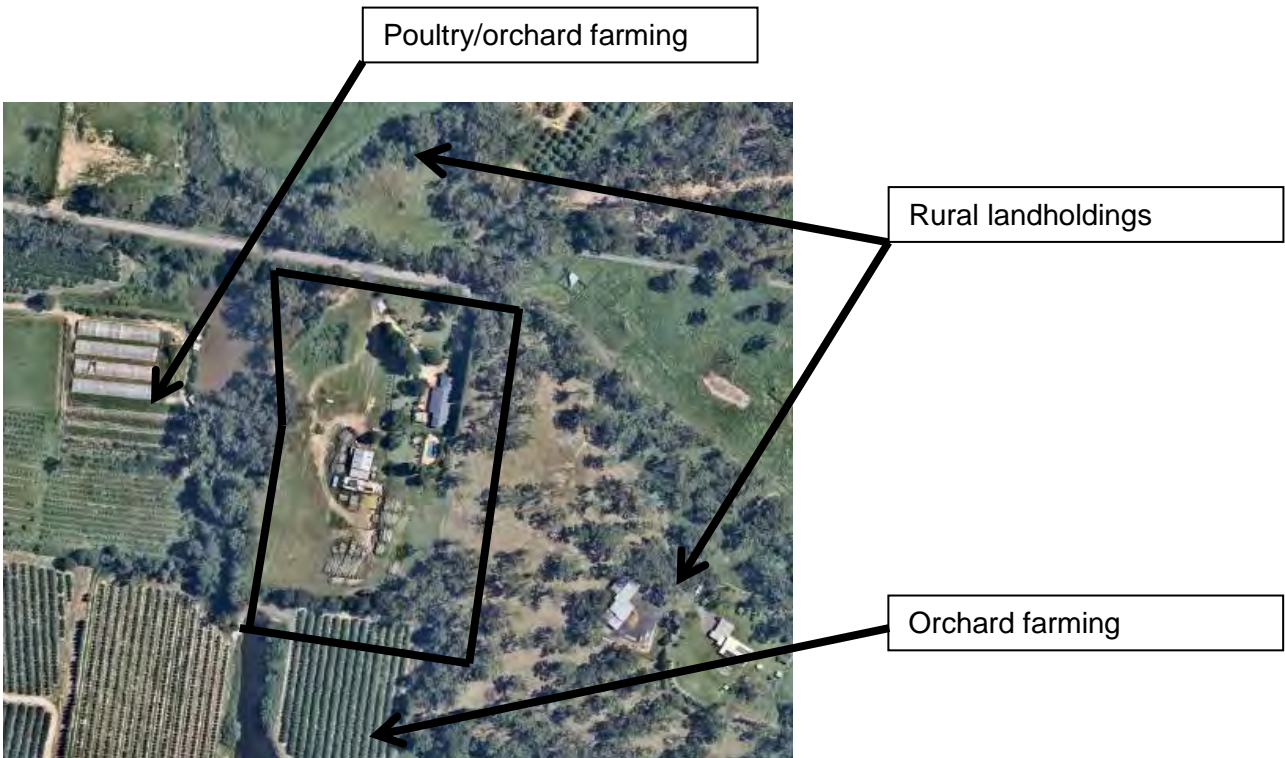


Figure 3 – Surrounding development

To the north is the roadway of Lillicrapps Road and beyond that is privately held land of low scale rural residential use. The property to the east, No. 70 Lillicrapps Road, is fenced to several paddocks and appears to be mainly used for hobby farming with a residential property located 200m from the subject site. The property to the south, No. 2729 Wisemans Ferry Road, is actively farmed orchards, and the property to the west, No. 10 Lillicrapps Road, has a range of uses, primarily poultry and orchards.

The Proposed Development

Development Application No. 54377/2018 seeks approval for the following:

- Part demolition of an existing shed awning;
- Additions to existing shed; and
- Use of part of the land for log processing works.

The applicant seeks to offer an alternative re-use option for discarded power poles that would otherwise be destined for landfill. The proposal aims to bring discarded timber power poles to site for milling and trimming into useable timber. The recycled timber can then be on sold for purposes such as agricultural fencing, or use in recycled timber furniture manufacture.

A Statement of Environmental Effects (SEE) and Environmental Management Plan (EMP) have been submitted in support of the application and provide an estimated production level of less than 6000m³ per year. The with the EMP stating that between 5m³ and 15m³ would be processed per week.

Proposed works are indicated in figures 4, 5, and 6. The works do not relate to the existing dwelling on the site. In summary, the application proposes:

An untreated timber materials storage area (1,900m² in area) to the west of the existing shed, surrounded by a proposed vehicular access road with drainage swales leading to a sediment detention basin in the south west corner of the site. The access road would link with the existing entry to the property, mid-way along the front boundary. A second timber storage area for treated timber is proposed to be located to the immediate south of the shed..(refer figure 4).

The Statement of Environmental Effects (SEE) states that:

The proposal is seeking Council approval to demolish the existing awning at the rear of the shed and construct additions to the machinery shed which is located towards the centre of the property. The owner proposes to relocate his existing timber processing yard from its current location in Glenorie to the subject property. The proposal will involve milling and processing recycled timber for re-use in building projects.

Grey weathered timber will be stored on site and then milled to order and transported to specific locations or to the business' timber yard to Galston. A high volume of the timber is used by the owner who is also a builder."

The concrete slab that will form the floor of the proposed shed additions has been constructed on site, and is the subject of a separate Building Information Certificate application (BIC).

A total of eight (8) staff will be employed, with three to four (3-4) being on site at any given time with the following proposed hours of operation:

Weekdays: 7:30am to 2:30pm

Saturdays: 8:00am – 12 noon

Sundays: Closed

There will be approximately 2 deliveries per day by heavy rigid vehicle in addition to staff movements. Material will be moved by a diesel forklift. The main loading area is proposed to be located at the northern façade of the timber mill shed at approximately the middle of site.

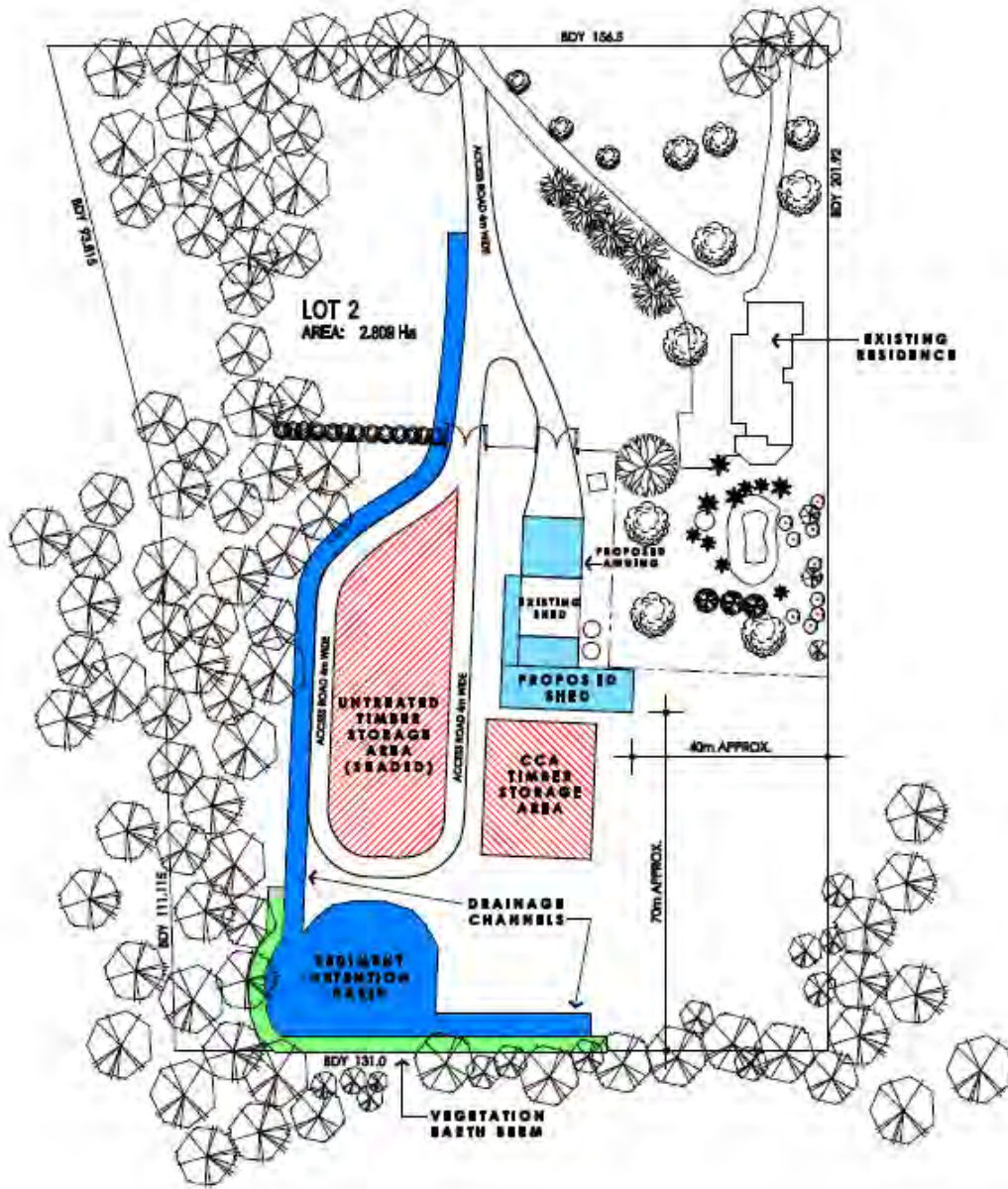
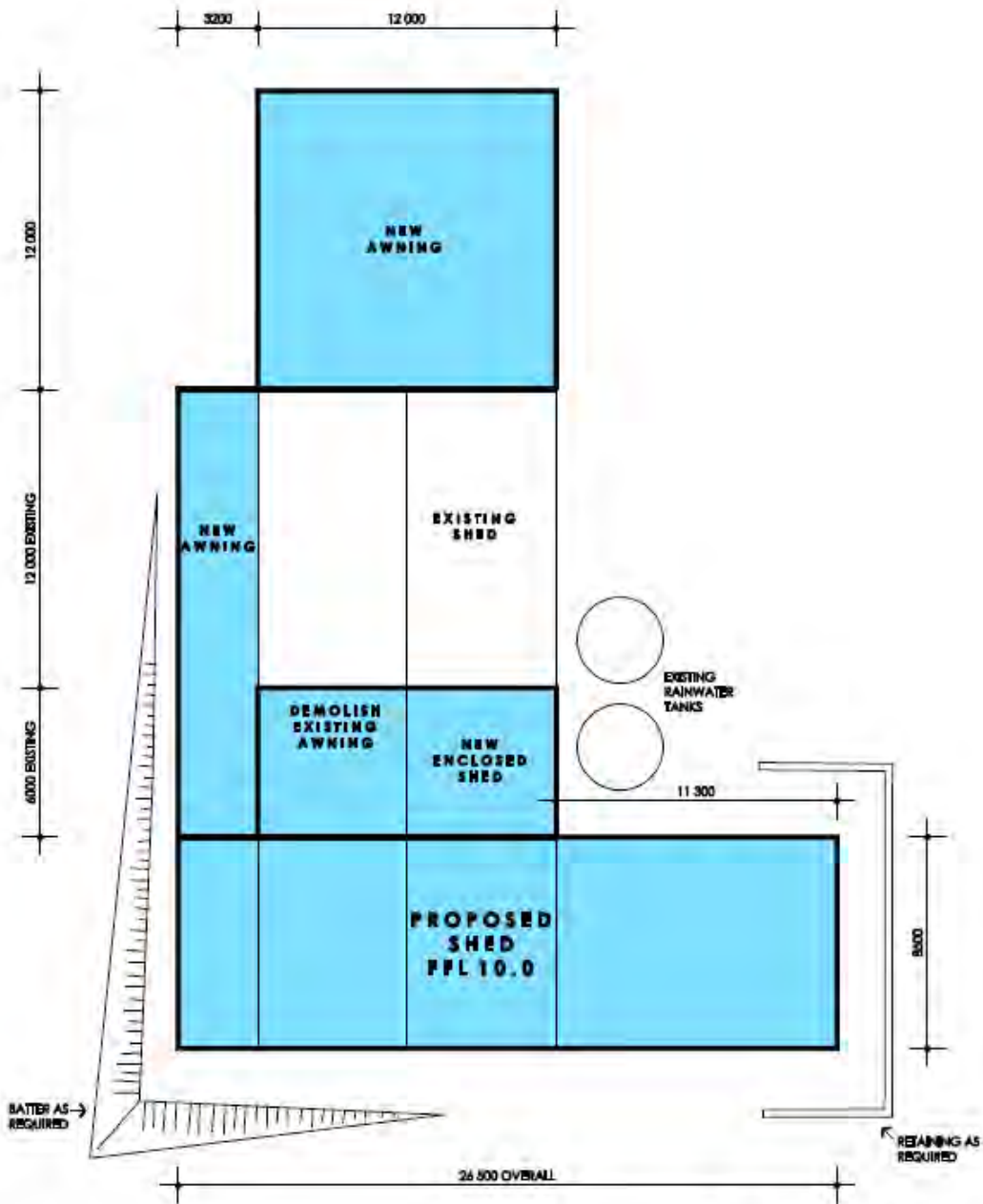


Figure 4 – Proposed site plan



 **FLOOR PLAN**
SCALE 1:200 @ A3

Figure 5 – Proposed shed plan

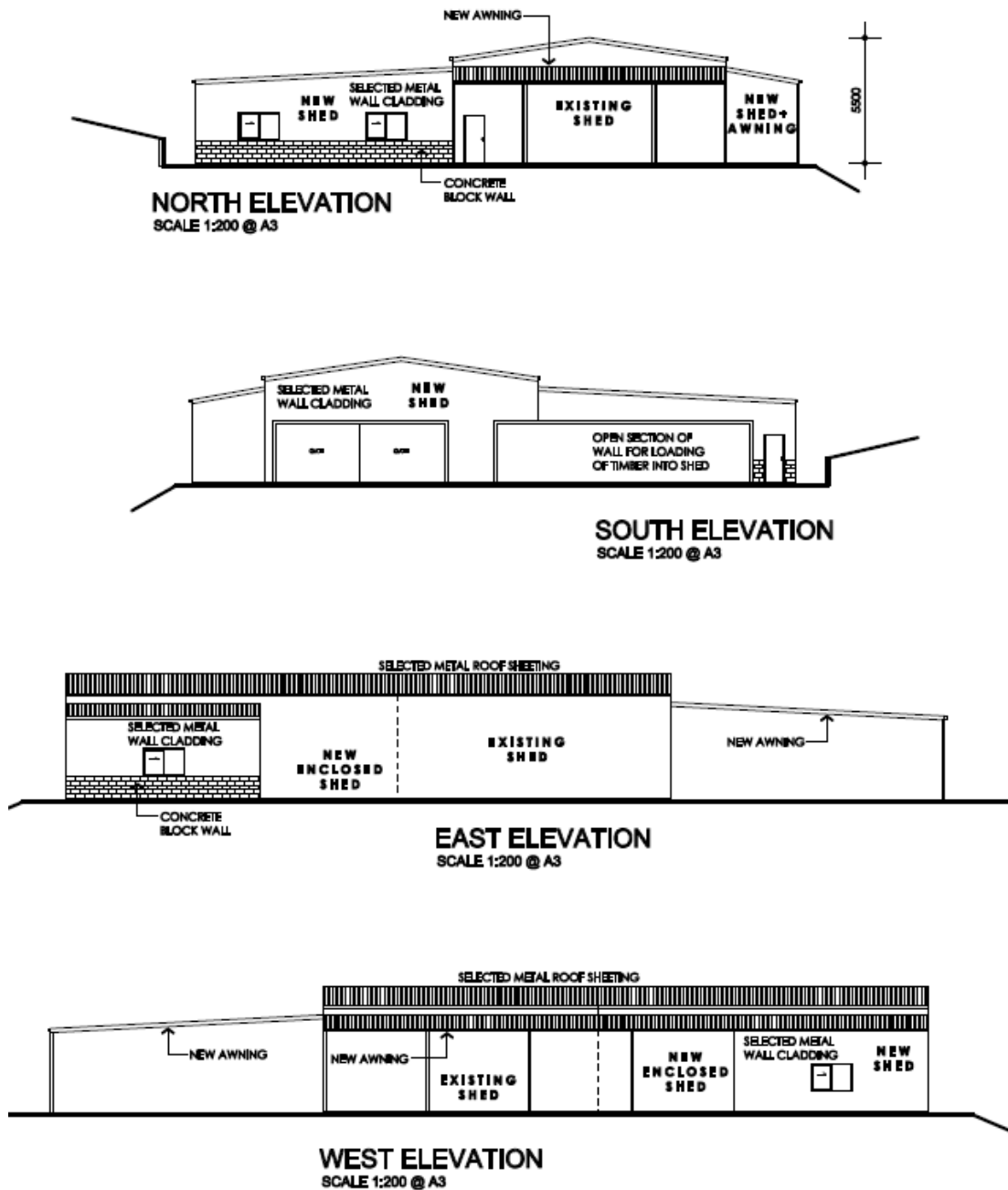


Figure 6 – Proposed shed elevations

Following lodgement of the application and preliminary assessment, the application was amended (28 February 2019) to indicate a new access roadway in order to facilitate the construction of a sediment detention basin in response to discussions with Council staff.

2.2 DA 54377/2018 - 62 Lillicrapps Road, Mangrove Mountain - Additions to Existing Shed & Use of Part of Property for Log Processing Works (contd)

The sediment detention basin is to be located to the south west corner of the site, and has been designed to capture any potential sediment caused by the usage of mobile equipment, and in accordance with Con Note SD 6-4 of the *Managing Urban Stormwater: Soils and construction* guidelines (4th edition), commonly known as the Blue Book, published by Lancom, 2004.

The sediment basin would stop any disturbed soil and potential contaminants from the treated timber from entering Ironbark Creek. It is recommended that the two drainage channels and a sediment detention basin are constructed prior to the commencement of log processing works on site, in order to capture sediment run-off for both construction and operational phases, (see **Condition 4.4**).

History

Council's records show that the following applications were previously lodged on this site:

- Combined Application No. CA 363/1997 for a Machinery Shed, approved on 18 December 1997.
- Complying Development Certificate for the construction of a pool having been determined on 15 December 2000.

No other applications of relevance are contained in Council records.

Section 4.15(1)(d) of the EP&A Act: Submissions

Public Consultation

The Development Application was notified in accordance with Chapter 7.3 - Notification of Development Proposals of Gosford Development Control Plan 2013 (GDGP 2013) from 31 May 2018 to 15 June 2018.

A total of 15 submissions, including one from the Mangrove Mountain District Community Group, were received objecting to the proposal. Two objectors live within 500m of the subject site and have objected to the use of the site primarily based on noise issues.

Those issues associated with key issues have been addressed in the report. The remaining issues pertaining to various concerns were addressed in the assessment of the application pursuant to the heads of consideration contained within section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

A summary of the submissions is detailed below.

- *Water contamination. Particular concerns included:*
 - *The proposal is at odds with the Water Management Act as the logs are stacked within 40m of a waterway.*

- o Toxic chemicals from the stockpile of logs will leach into the ground and Ironbark Creek, which feeds into Mangrove Creek and the Hawkesbury River.
- o Recycled power poles may contain arsenic, creosote etc. Waterways are used to locally irrigate crops some of which are for human consumption
- o Proposal unacceptable under SEPP 55.

Comment:

Council's Environmental Health officer has assessed the application and has no objection to the proposal provided that the timber poles would be stored off the ground on timber gluts in a storage area located more than 60 m away from the nearest edge of the creek bank. Timber shall be stacked clear of the ground to avoid an increase in moisture content as a result of contact and to lessen any possibility of leaching of substances to the ground, as per NSW Office of Environment and Heritage (NSW OEH) *Protocols for recycling redundant utility poles and bridge timbers in New South Wales* (the protocols), published July 2011.

In addition, the inclusion of a sediment detention basin and erosion/sediment control materials will further reduce the risk of contamination of the waterway. The sediment detention basin has been designed in accordance with the requirements of the *Blue Book (Managing Urban Stormwater: Soils and Construction, Landcom, 2004)*, with calculations made for the site indicating a detention volume of 923m³ being required (including a 5% safety factor for peak events). It is not anticipated that the basin would spill under anticipated loads.

It is important to note that the primary function of the sediment detention basin is to capture any soils disturbed through the use of heavy vehicles on site, and not as a chemical capture basin. As stated within the Environmental Advice Report, prepared by Emma Hansma of Benbow Environmental and dated 10 December 2018, "it is not anticipated that CCA and tannins are likely to leach from the wood stored on site. An erosion and sediment control basin is considered a good solution to contain sediment from tracked areas on the site."

This is in accordance with the protocols published by NSW OEH, which require operators to avoid allowing an increase in moisture content of poles stored on site, which could lead to an increased possibility of leaching of substances to the ground. Power poles stored correctly on site; off the ground on timber gluts, are unlikely to leach any substance in any volume more than the same pole has insitu over the lifetime of the pole.

A proposed condition of consent (see **Condition 6.14**) requires that the applicant provide to Council a Water Quality Monitoring Report which has analysed the waterway and sediment detention basin for all potential contaminants of concern, including but not limited to lead, organochlorides, pesticides, arsenic, chromium and copper undertaken at 3 intervals; one month after the commencement of operations, again at three months after the commencement of operations, and again at six months after operation begins and after a moderate rainfall event has been recommended should approval be granted. The testing at six months, after a moderate rainfall event has been specified as this will give the best opportunity for any sign of leached contaminants to make their way to the basin.

In addition, it is suggested that, if approved, a time limited development consent should be issued for a period of 18 months. At that time, the applicant will have to re-apply to Council to extend the operations and the results of previous water sampling regime can be considered as part of that process.

In response to the concerns raised in regards to *SEPP55 – Remediation of Land*, it is considered that as the previous use of the site was historically orchards, there is no requirement for remediation work prior to the use of the land for the proposed use.

Proposal at odds with Gosford LEP 2014:

- o *Prohibited use under the Gosford LEP 2014 as materials are not derived from the surrounding districts.*
- o *Proposal does not satisfy the zone objectives.*
- o *More appropriate in the Somersby Industrial Area.*

Comment:

The applicant has submitted letters from four (4) individual telegraph pole suppliers indicating that the poles supplied to the proposed sawmill are principally derived from the surrounding districts of the Local Government Area (LGA). This would render the proposed use as permissible as per the definitions within GLEP 2014. Further detail of the definition of 'principally derived from the local area' is found on later in this report.

The proposed use of the land is not considered to be in conflict with the objectives of the RU1 zone, as detailed within the section on GLEP 2014 within this report.

Whether the proposed use of the site would be more appropriate for land within Somersby Industrial Area is not a consideration for the assessment of this application.

□ *Noise Impacts:*

- o *Noise will have health effects on residents.*
- o *Acoustic Report is deficient as it failed to identify some of the residential receivers and urban standards were used as opposed to rural standards.*
- o *Mitigation measures needed in conditions if DA approved.*
- o *It is questioned whether the proposal so close to dwellings, especially the dwelling on subject site, is an issue regarding noise.*

Comment:

An acoustic report has been prepared to support the application by an appropriately qualified consultant generally in accordance with the Noise Policy for Industry (NSW EPA, 2017).

2.2 DA 54377/2018 - 62 Lillicrapps Road, Mangrove Mountain - Additions to Existing Shed & Use of Part of Property for Log Processing Works (contd)

Council's Environmental Health team have reviewed the acoustic report (prepared by Acoustic Logic, dated 29 June 2018) and have subsequently conducted their own preliminary calculations and are satisfied with the results provided which indicate that the site is compliant with all sensitive receptors within the vicinity of the development, in accordance with the Noise Policy for Industry (NSW EPA, 2017).

The closest sensitive receptors are residential dwellings 200m to the east and 400m to the south-west of the site, (refer figure 7).

The report identified that the noise level from the proposed use will be compliant at all sensitive receptors provided that the following recommendations are complied with;

- Site should not be used before 7am or after 6pm. (which is consistent with the proposed trading hours);
- No more than one truck movement in any 15 minute period (be it inbound or outbound);
- No more than one diesel forklift to be used on the site at any given time;
- Trucks and forklifts are to switch off engines during idling; and
- No truck movements prior to 7am or after 6pm.

Council is therefore satisfied that the acoustic impacts are within the acceptable limits as specified by Noise Policy for Industry (NSW EPA, 2017), and that the proposed usage of the site is compliant with relevant noise controls if conducted in a manner as detailed within the matters discussed above. Should the application be approved, appropriate conditions of consent are recommended to ensure compliance.

In addition, it is recommended that **Condition 6.7** be included as part of any approval that requires an acoustic assessment be undertaken 1 month post the operation of the sawmill, and that any complaints or adverse noise levels recorded be reported to Council compliance team for follow up.

Further, it is suggested that, if approved, a time limited development consent should be issued for a period of 18 months. At that time, the applicant will have to re-apply to Council to extend the operations and the results of previous noise assessment can be considered as part of that process.



Figure 7 – Acoustic Assessment map indicating noise measurement locations.

□ Council process in regard to the assessment of this DA?

Comment:

Correct process has been followed in the assessment of this application. Appropriate referrals and additional information requests have been made to ensure an accurate assessment of the application can be made.

□ The DA as lodged in inadequate as:

- The plans do not show dam and creek along western edge.
- Waste management not addressed in the DA, including a containment plan for dust and sawdust.

Comment:

The DA as lodged was considered to provide insufficient information for the assessment to progress. Additional information was sought from the applicant to address these concerns, and subsequently the assessment could continue. The creek and dam, and any impacts upon them caused by the proposed works have been addressed.

The proposed approach to waste management has been detailed by the applicant, with Council's Environmental Health team and Waste Services team both raising no objection to the proposed use of the site subject to the inclusion of appropriate conditions.

Given the potential for treatment of poles, conditions are proposed requiring any power pole offcuts and sawdust with the potential to contain Copper Chrome Arsenic (CCA) are to be disposed of at a licensed waste facility, with records kept for a period of 5 years and provided to Council upon request, and that the burning of potential CCA material waste is not permitted.

- *The Hills Shire Council refused DA 1727/2016/HA) recently (September 2016) for same operation.*

Comment:

Council is assessing the proposed development in accordance with relevant statutory planning instruments. Whilst there is comparison between the use proposed under DA1727/2016/HA and the use proposed on this site, a number of key factors that led to the refusal by The Hills Shire Council are not present on this site. The refusal issued by The Hills Shire Council cited the following key grounds for refusal:

- o There was unauthorised clearing of native vegetation and significant disturbance and degradation of the biodiversity values of the site, including the removal of endangered native fauna habitat.
 - No clearing of vegetation is proposed to be, or has been, carried out on this site.
- o The proposal was considered unsatisfactory in regard to the requirements of Development Control Plan Part B Section 1 – Rural in relation to ensuring that acoustic impacts will not be created.
 - The applicant has provided adequate acoustic assessment in relation to the proposed use of the site that has been considered by Council's Environmental Health Unit. **Condition 6.7**, which requires an acoustic assessment be undertaken by an accredited acoustic consultant 1 month after occupation has been recommended for inclusion should a consent be issued.
- o The applicant had not adequately addressed acoustic, environmental management, and waste management impacts of the site.
 - Adequate environmental, acoustic, and waste management reports addressing the requirements of Council's planning controls have been submitted by the applicant and considered as part of the assessment of this application.

Whilst the proposed use is essentially the same on both this site and that of the site refused within The Hills Shire Council, this site is considered to be suitable for the proposed use as detailed throughout this report. As such, the assessment of the DA1727/2016/HA undertaken by the Hills Shire Council is not relevant to this DA. The applicant advised that no appeal was made in respect to the decision by The Hills Shire Council and that their efforts were redirected to seek a more suitable site for their operations.

□ *Impact on visual amenity from surrounding properties.*

Comment:

The subject site is a former orchard, with a single residential dwelling and an existing machinery shed that is the subject of this application. The site is not highly visible from public areas, with a limited number of dwellings able to view the shed directly.

The proposed works include partial demolition of the existing shed, with additions to other aspects of the shed including a large awning to the eastern elevation, and a narrow awning to the northern elevation, and an additional attached shed and smaller awning to the western elevation. The proposed additions to the shed are all at a lower height than the existing ridgeline of the shed, and will be of a complimentary material to the existing shed.

Materials storage would be contained within the access road loop, and CCA treated materials upslope of the access road loop, to the south (rear) of the shed. The poles would be stored until such time they are needed to be milled, with a varying amount on site at any given time due to the necessity to purchase when they become available. The location of the storage, being downslope of the shed for one area and behind the shed for the other is such that no material adverse impacts on the rural setting of the site would result from the land use.

Nevertheless, **Condition 5.7** has been included should the application be approved that requires minimum 45 litre pot size trees to be planted along the "vegetated earth berm", no more than 2m apart and capable of attaining a height of at least 5 metres at maturity. This tree planting will act as an additional screening between the proposed land use and surrounding properties.

It is considered that the proposed works would be of a minimal impact to the visual amenity of any adjoining property, or when viewed from the public domain and is broadly consistent with agricultural pursuits undertaken in the locality, including the presence of poultry sheds, machinery sheds, and associated infrastructure.

□ *Proposed hours of operation unacceptable in the rural residential environment.*

Comment:

The proposed hours of operation are 7.30am – 2.30pm Monday to Friday, and 8am – 12pm Saturday. There will be no trade on Sundays.

Further, the acoustic report requires that there be no truck movements prior to 7am or after 6pm which is consistent with the business hours proposed.

It is considered that the hours of operation proposed are appropriate for the RU1 Primary Production zone and would not be inconsistent with anticipated rural use of nearby lands for agri-business, orchards, poultry or similar purposes.

- *Fire risk. The submitted bushfire report does not take into account the fire hazard posed by the sawdust and stockpile of logs.*

Comment:

The Bushfire Threat and Protection Assessment prepared by Clarke Dowdle & Associates, dated March 2018, submitted with the application assessed the fire danger associated with the proposed development.

The proposed development involves the establishment of a Log Processing Works facility and is identified as a Class 8 building as per the Building Code of Australia. As such the development is not legally subject to Planning for Bushfire Protection (PBP) or Section 4.14 of the Environmental Planning and Assessment Act, however the PBP states;

"The BCA does not provide for any bush fire specific performance requirements and as such AS 3959 does not apply as a set of 'deemed to satisfy' provisions. The general fire safety construction provisions are taken as acceptable solutions, but the aim and objectives of PBP apply in relation to other matters such as access, water and services, emergency planning and landscaping/vegetation management"

The threat from stockpiled materials is considered under heading 4.4 of the report, which states:

"The proposed material storage area and shade structure have both been assumed to store flammable materials (timber) and therefore provide the potential for a large, stationary radiant heat source if ignited. Both storage areas adjoin the existing shed and proposed awnings and do not adjoin any habitable buildings. The closest habitable building is greater than 50m from these areas within the site. Beyond that, no dwellings are located within 100m.

Based upon these factors, if this storage did ignite, there would be sufficient distance between the stationary fire and any dwelling so that flame contact could not occur. Increased radiant heat levels to the dwelling would occur, however, the distance between, would be such that radiant heat levels would not be excessive (>50m from a stationary radiant heat source). It is also acknowledged that an increased chance of burning debris (embers) could occur and recommendations for increased ember protection to the existing dwelling within the site will be recommended."

2.2 DA 54377/2018 - 62 Lillicrapps Road, Mangrove Mountain - Additions to Existing Shed & Use of Part of Property for Log Processing Works (contd)

The Bushfire Report considered the threat from stockpiled timber and the use of the shed, has based its findings with these threats included, and is supported.

- *The proposed scale of the operation (being less than 6,000m³ of production) is not likely accurate. The proposal should be for designated development which includes a requirement for an Environmental Impact Statement.*

Comment:

Council is required to assess the DA on the submitted information, which includes a proposed capacity being less than 6,000m³. Both the Statement of Environmental Effects and the Environmental Management Plan submitted for the DA include a consistent proposed projected production level of less than 6000m³ per year, with the EMP stating that between 5m³ and 15m³ would be processed per week. Notwithstanding this, the capacity to process timber has a threshold of 50,000m³ per year before the activity is declared to be a scheduled activity, as per clause 43(2)(b) of Schedule 1 of the *Protection of the Environment Operations Act 1997*, which reads:

43 Wood or timber milling or processing

- (1) *This clause applies to **wood or timber milling or processing**, meaning the sawing, machining, milling, chipping, pulping or compressing of timber or wood (otherwise than at a joinery, builders' supply yard or home improvement centre).*
- (2) *The activity to which this clause applies is declared to be a scheduled activity if:*
 - (a) *in the case of an activity that burns waste (otherwise than as fuel), it has a capacity to process more than 6,000 cubic metres of timber (or timber products) per year, or*
 - (b) *in any other case, it has a capacity to process more than 50,000 cubic metres of timber (or timber products) per year."*

Relevant conditions of consent are proposed to limit the use of the site to that stated within the Statement of Environmental Effects and Environmental Management Plan (ie 6,000m³ per annum).

- *The proposal will have a negative impact on the roads and it will become hazardous for everyone. Lillicrapps road is not suitable for large trucks and the intersection with Wisemans Ferry Road will be dangerous.*

Comment:

Council Engineering Officers have assessed the application and liaised with Council's Tree Assessment Officer to support the proposed works subject to a number of roadside works at the corner of Lillicrapps Road and Wisemans Ferry Road, as follows:

2.2 DA 54377/2018 - 62 Lillicrapps Road, Mangrove Mountain - Additions to Existing Shed & Use of Part of Property for Log Processing Works (contd)

- *For Wisemans Ferry Road direction north of Lillicrapps Road intersection remove the vegetation currently growing within the road reserve on the eastern side of Wisemans Ferry Road and trim branches from the trees that are currently overhanging into the road from the adjacent property.*
- *Install Advance Road Name signs (G1-207) and trucks (W5-22) in Wiseman Ferry Road on both sides of Lillicrapps Road accordance with the RMS Guide Signs Manual.*
- *For Wisemans Ferry Road direction south of Lillicrapps Road, cut back the batter and remove vegetation from road reserve under power wires (mostly Wattle to 3m high).*

In addition, it is noted that No. 10 and No. 11 Lillicrapps road had operational poultry sheds up until recent times, and that these sheds generated a number of truck and vehicle movements that are no longer occurring.

It is reasonable to expect that the limited truck and vehicle movements generated from the proposed use of the subject site would not create any new hazards on the road network.

Public Authority Consultation / Approvals

There were no public authorities required to be consulted in relation to the proposal.

Internal Consultation

The application was referred to the following internal officers and the following comments have been provided:

- *Ecologist*

Comment

Council's Ecologist has reviewed the application and supports the proposal subject to conditions requiring compliance with the submitted revised Environmental Management Plan, prepared by Benbow Environmental, and dated 10 December 2018, in particular the storage of contaminated timber and the proposed detention basin.

The ecological impact of the proposed development was assessed in accordance with sections 5A and 79c of the EP&A Act and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The DA was lodged on 05 May 2018 and therefore impacts to biodiversity values are assessed in accordance with the former planning provisions (i.e. section 5A of the EP&A Act), pursuant to the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*.

The objectives of the relevant policies, zoning objectives and potential environmental impacts associated with the proposal have been considered. Council's Ecologist has no objection to the proposal subject to certain conditions being included within any consent granted.

2.2 DA 54377/2018 - 62 Lillicrapps Road, Mangrove Mountain - Additions to Existing Shed & Use of Part of Property for Log Processing Works (contd)

Environmental Health

Comment

Supported, with conditions, including the imposition of a **condition 6.14** for water monitoring to occur Three (3) months after the commencement of operations after a moderate rainfall event, and eighteen (18) months post operation begins on site.

Whilst noting that contamination is unlikely, should the Water Quality Monitoring Report return positive results for any potential contaminants of concern, including but not limited to arsenic, chromium and copper, Council's Environmental Health Unit will undertake enforcement and compliance action under Council Policy for compliance and enforcement in accordance with the Protection of the Environment operations Act 1997.

Engineering

Comment

Supported, with conditions. Sediment detention basin to be constructed in accordance with Con Note SD 6-4 of the Blue Book. (**Condition 4.10 and 4.13**).

Traffic/ Transport

Comment

Supported, with conditions, including the imposition of a condition requiring the removal of shrubs and branches, as well as swale works at the corner of Lillicrapps road and Wisemans Ferry Road.

Waste Services (Garbage)

Comment

Supported, with conditions.

Tree Assessment Officer

Comment

Supported, with conditions.

Ecologically Sustainable Principles:

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

The proposed development is considered to incorporate satisfactory stormwater, drainage and erosion control and proposes to incorporate an additional stormwater detention basin with drainage swales to further reduce any adverse impacts on the site. The works will retain vegetation where possible and are unlikely to have any significant adverse impacts on the environment. Further, the proposed works will not decrease environmental quality for future generations. The proposal does not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments. Further, the proposal presents an opportunity to recycle redundant power poles whilst producing very little waste.

Advice from Companies that have been supplying the power poles to Timber with Veins is that before the arrangement was in place, many redundant power poles would be taken to landfill sites, and that the option presented to re-use and recycle such products minimises bulk waste (refer **Attachment 5**).

As such, the operation now has a number of environmental/recycling benefits such as:

- The treated timber off cuts are stored on-site and supplied to rural farms for reuse as fencing, borders etc;
- The clean sawdust and shavings are stored on-site and supplied to rural farms for reuse as animal bedding and mulch;
- The recycled timber reduces the pressures on harvesting hardwood and old growth forests;
- The recycled timber is reused for high quality timber products;
- The service life of the timber is extended through its reuse in other products;
- The carbon contained within the recycled timber is stored for the life of the new product; and
- Recycling the poles reduces the amount of landfill being generated.

All sawdust created is transferred by ducting to separate covered skip bins (one for contaminated sawdust and one for natural sawdust) (**Condition 6.17**), and disposed of at a licensed waste facility (**Condition 6.18**).

Climate Change

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

This assessment has included consideration of such matters as potential rise in sea level; potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought, flood and coastal erosion; as well as how the proposed development may cope, combat, withstand these potential impacts. The proposed development is considered satisfactory in relation to climate change.

Assessment:

Having regard to the matters for consideration detailed in Section 4.15 of the *Environmental Planning and Assessment Act 1979* and other statutory requirements including Council's policies, the assessment has identified the following key issues, which are elaborated upon for Council's information.

Section 4.15(1)(a)(i) of the EP&A Act: Provisions of Relevant Instruments/Plans/Policies*Biodiversity Conservation (Savings and Transitional) Regulation 2017*

The NSW Government has established transitional arrangements related to biodiversity assessment for the various categories of development consent or approval that are underway or have already been made. From 25 February 2018, any new application for development consent or modification to an approved development under Part 4 of the *Environmental Planning & Assessment Act 1979* (not including state significant development) is subject to the biodiversity assessment requirements of the *Biodiversity Conservation Act 2016* (BC Act) and the *Biodiversity Offsets Scheme*, and transitional arrangements no longer apply.

Council's Ecologist has assessed the ecological impact of the proposed development in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Environment Protection and Biodiversity Conservation Act 1999* (EP&BC Act). The development application was lodged prior to 24 November 2018 and therefore, impacts to biodiversity values have been assessed in accordance with the former planning provisions pursuant to the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*. The proposed development is supported by Council's Ecologist subject to the imposition of conditions.

Rural Fires Act 1997 (Rural Fires Act)

The site is identified as "bushfire prone land" on Council's bushfire maps, (refer to figure 8). Having regard to Section 4.14 of the EP & A Act, the proposed development is required to address the requirements of the Rural Fires Act and the document *Planning for Bushfire Protection*, published 2006, by the New South Wales Rural Fire Service.

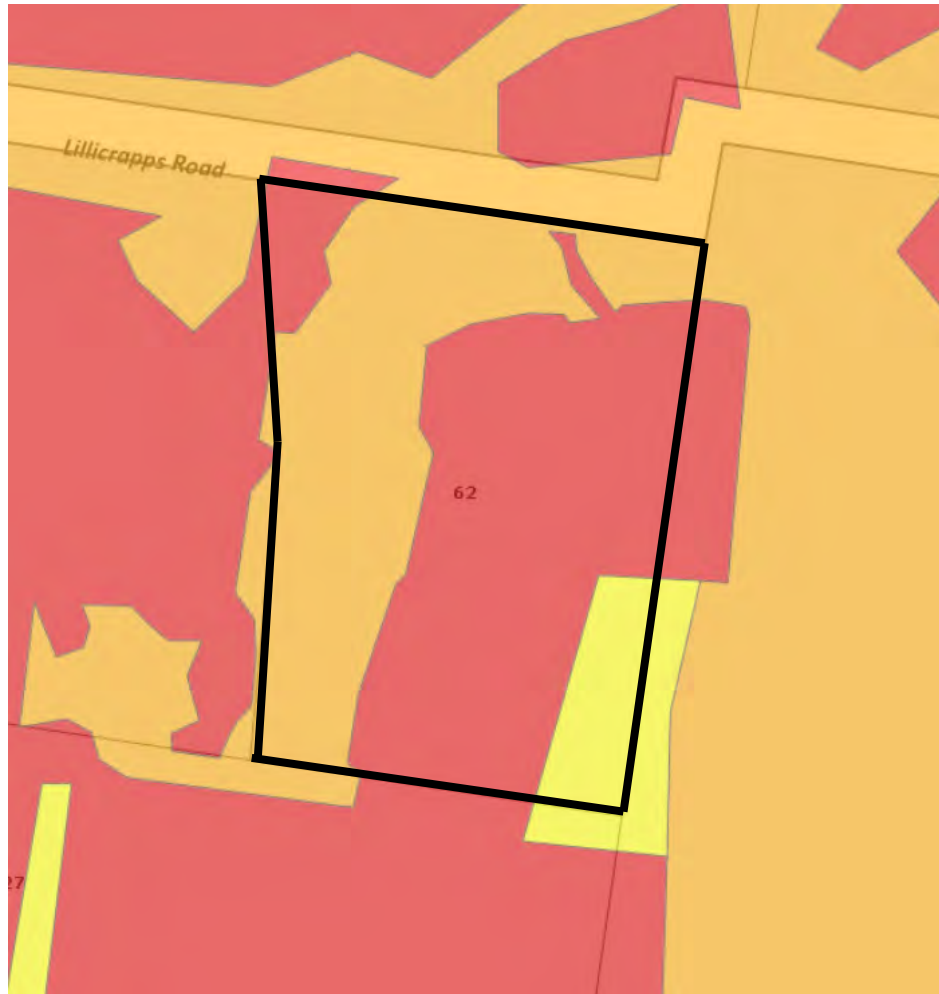


Figure 8 – Bushfire prone land (subject site edged in black)

A Bushfire Assessment Report, prepared by Clarke Dowdle & Associates, dated 26 March 2018, accompanies the development application. There has been adequate assessment to demonstrate a consideration of the requirements of s 63 (2) of the *Rural Fires Act 1997* including what practicable steps will be taken to prevent the occurrence of bush fires on, and to minimise the danger of the spread of bush fires on or from, the Development Site.

In order to ensure compliance with the recommendations contained within this report, **Conditions 2.8, 5.6 and 6.26** are recommended for imposition.

Water Management Act 2000

The site is not within a Water Supply Catchment Area, however approval to construct and use a sediment detention basin to capture rainwater runoff may require a water management works approval under Section 90 of the Water Management Act. However, the applicant did not seek an integrated approval under Section 90 of the Water Management Act.

Integrated development provisions are facilitative and the consent authority can determine a development application even though the provisions of Section 4.46 of the *Environmental Planning and Assessment Act 1979* have not been followed. This position was established in *Maule v Liporoni & Anor* [2002] NSW LEC 25. The development application can be approved without requiring referral to DPI Water prior to determination. In order to ensure the relevant statutory requirements are met, **Conditions 1.4 and 2.10** are recommended for imposition.

The site is not connected to Council's water or sewer infrastructure, however the residence on site benefits from an approval to operate an On-Site Sewage Management system (OSSM). As the owner of the business will reside on site within the residence, the toilet facilities available to the dwelling will be made available to employees as required. An ongoing **Condition 6.28** has been included to ensure ongoing access to the toilet facilities is available to all staff.

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

The provisions of SEPP Coastal Management require Council to consider the aims and objectives of the SEPP when determining a development application within the Coastal Management Areas. The Coastal Management Areas are areas defined on maps issued by the NSW Department of Planning & Environment. The subject property falls outside of the mapped coastal management areas.

State Environmental Planning Policy No. 33 – Hazardous or Offensive Development (SEPP 33)

Clause 11 of SEPP 33 applies to any proposals which fall under the policy's definition of 'potentially hazardous industry' or 'potentially offensive industry'. The planning guidelines applicable to SEPP 33 do not identify the proposed development as a potentially hazardous industry. Clause 13 of SEPP 33 identifies matters for consideration consent authorities must consider for those developments identified as potentially offensive industry.

Clause 11 of SEPP 33 applies to any proposals, which fall under the policy's definition of 'potentially hazardous industry' or 'potentially offensive industry'. In order to form a view as to whether or not SEPP 33 would apply to a particular development application, Clause 13 of SEPP 33, identifies matters for consideration consent authorities must consider for those developments identifies as potentially offensive industry:

- (a) *current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development, and*

Applying SEPP 33, published by the Department of Planning, dated January 2011, does not identify the proposed development as a potentially hazardous industry. However, the processing of timber is identified within Appendix 3 of the abovementioned planning guidelines as potentially offensive in terms of possible impacts associated with air and water.

In deciding if a proposal is 'potentially offensive industry' consent authorities have to determine whether, in the absence of safeguards, the proposal would emit a polluting discharge which would cause a significant level of offence. These matters are further addressed below.

(b) whether any public authority should be consulted concerning any environmental and land use safety requirements with which the development should comply, and

No public authority was required to be consulted in the consideration of the subject development application as the volumes of timber proposed to be processed each week (up to 15m³) fall below the thresholds that would require an Environmental Protection License from the NSW Environmental Protection Authority (EPA).

Approval to construct and use a sediment detention basin to capture rainwater runoff may require a water management works approval under Section 90 of the Water Management Act. However, the applicant did not seek an integrated approval under Section 90 of the Water Management Act, as discussed earlier within this report.

(c) in the case of development for the purpose of a potentially hazardous industry—a preliminary hazard analysis prepared by or on behalf of the applicant, and

Applying SEPP 33, published by the Department of Planning, dated January 2011, does not identify the proposed development as a potentially hazardous industry, and therefore this provision is not relevant.

(d) any feasible alternatives to the carrying out of the development and the reasons for choosing the development the subject of the application (including any feasible alternatives for the location of the development and the reasons for choosing the location the subject of the application), and

The applicant owns no other suitable land in the region, and there are no other businesses providing the service proposed. Therefore there are no viable alternatives in the region to accommodate the proposed development.

(e) any likely future use of the land surrounding the development.

Having regard to the matters for consideration contained within Clause 13(2) of SEPP Mining, it is concluded the draft Environmental Management Plan (EMP) accompanying the development application appropriately identifies the relevant risks associated with the operation of the log processing works, and proposes acceptable mitigating measures to address these risks to the environment and adjoining properties.

Having regard to the likely future use of land surrounding the site, it is not considered the proposed development will significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic. - Council Officers are satisfied SEPP 33 does not apply in this instance, in that the proposal cannot be defined as an offensive industry.

It is concluded the development is neither hazardous nor offensive (and hence permissible as a rural industry).

State Environmental Planning Policy No 44 – Koala Habitat Protection (SEPP 44)

The provisions of SEPP 44 require Council to consider the Aims and Objectives of the SEPP together with the matters for consideration listed in Part 2 of the SEPP when determining a development application greater than 1 hectare.

Council is satisfied that the site is not located in a potential or core Koala habitat area, and there is no need for a plan of management. The relevant matters have been considered in the assessment of this development application in accordance with Clause 17 of SEPP 44. In this regard, no further objection is made.

State Environmental Planning Policy No 55 – Remediation of Land

SEPP 55 aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Under Clause 7 of SEPP 55, it must be considered as to whether the land is contaminated, and if so, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

The site has been used for agriculture and rural industry purposes. The nature of the use will not be altered. As a result the proposal is considered satisfactory under the provisions of SEPP 55.

Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas) (SREP 8)

SREP 8 aims to provide environmental protection for the Central Coast plateau areas and provide a basis for evaluating competing land uses. The subject land is not identified as a resource of regional significance, however, is contained within the area identified for SREP 8.

The subject land is not identified as a resource of regional significance, however, is contained within the area identified for SREP 8 (refer to Figure 9) and identified on the NSW Government SEED mapping program as containing class 4 - Moderate to severe limitations land and soil.

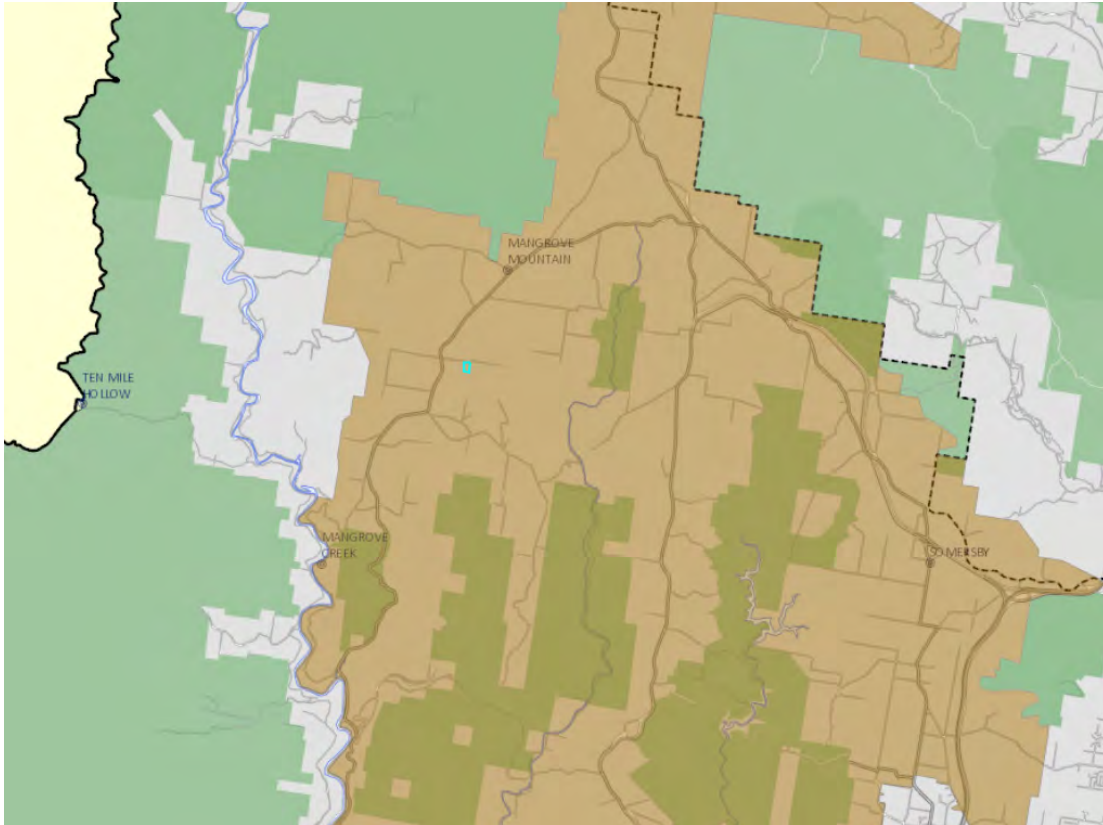


Figure 9 – SREP 8 mapping, site indicated with blue outline

The general aims of this plan are contained within Clause 2 of the SREP 8, wherein those aims relevant to the proposed development application are addressed below:

- (a) to provide for the environmental protection of the Central Coast plateau areas and to provide a basis for evaluating competing land uses,*

As detailed throughout this report, the environmental impacts associated with the development application have been found to be minimal. If the operation of the proposed log processing facility on site ceased, the subject site will be able to be restored to the equivalent or better than original condition. It is not envisaged that the development would preclude future broad-acre agricultural or livestock activities.

- (b) To encourage the use of land having a high agricultural capability for that purpose and, as much as possible to direct development for non-agricultural purposes to land of lesser agricultural capability.*

The land and soil is mapped to contain moderate to severe limitations on the NSW Government Land capability mapping dataset.

A visual assessment of the subject site ascertained the soil profile is typically clay heavy soil with bedrock typically occurring at shallow depths, with exposed bedrock observed to the south west area of the site.

Although the subject site is likely not capable of high agricultural capacity, the proposed development will support the agricultural industry through the provision of treated timber palings and posts for stock yard fencing.

(c) to protect regionally significant mining resources and extractive materials from sterilization

The subject site is a potential resource in a transition area (refer to Figure 10). However, no objection is made in that potential resource areas surrounding the site will not be left isolated by the proposed development

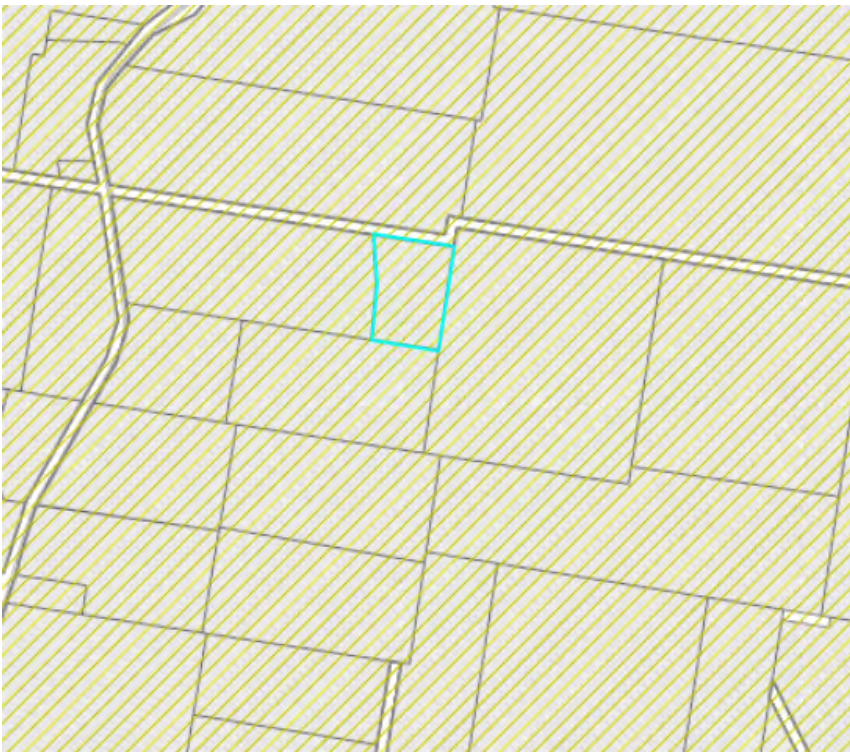


Figure 10 – - Mineral Resource Audit 2014 Plan

(d) to protect the natural ecosystems of the region and (h) to maintain opportunities for wildlife movement across the region

The proposed development application incorporates satisfactory drainage and erosion control, would not result in the removal of any vegetation on site, and will not have any significant adverse impacts on the environment. The proposed development will not decrease environmental quality for future generations.

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

2.2 DA 54377/2018 - 62 Lillicrapps Road, Mangrove Mountain - Additions to Existing Shed & Use of Part of Property for Log Processing Works (contd)

Clause 6 of the SREP 8 (Prime Agricultural Land) specifies those provisions that must be considered where Council is considering granting development consent to the carrying out of development on prime agricultural land:

(1) A person shall not:

- (a) erect a building on prime agricultural land,*
- (b) construct a dam on prime agricultural land, or*
- (c) subdivide prime agricultural land, except with the consent of the council.*

As required, development consent is sought to erect structures and a dam on prime agricultural land.

(2)(b): A council shall not consent to an application to carry out development on or with respect to prime agricultural land unless the council is satisfied that the carrying out of the development would not adversely affect the present or future use of other prime agricultural land for the purposes of agriculture.

The proposed development will not affect the present or future use of other prime agricultural land for the purposes of agriculture, as conditioned.

(5): A council shall not consent to the carrying out of development on prime agricultural land for a purpose other than a purpose of agriculture unless it is satisfied that no other land to which this plan applies, not being prime agricultural land, could provide a viable or workable alternative site for the carrying out of the development.

Although the subject site is not capable of high agricultural capacity, the proposed development is a form of rural industry and will support the agricultural industry through the provision of treated timber palings and posts for the local agricultural sector.

No objection is made as the potential resource areas surrounding the site will not be left isolated by the proposed development. Further, the proposed development will support the agricultural industry through the provision of treated timber palings and posts for the local agricultural sector, and helps reduce the demand on public land fill sites by manufacturing a use out of redundant power poles. The proposal is consistent with the requirements of SREPP 8.

Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (No 2 - 1997) (SREP 20)

SREP 20 applies to land which falls within the catchment of the Hawkesbury-Nepean River. This planning instrument requires Council to consider the general planning considerations outlined in Clause 5 and specific planning policies and recommended strategies of Clause 6 prior to granting consent to a development application. The site is not located within a drinking water catchment. In this regard, no further objection is made.

Central Coast Regional Plan 2036

The subject site is included in the Central Coast Regional Plan 2036 as 'Natural Asset, Productive Land and Rural Lifestyle' and is located in lands west of the M1 Motorway, (refer to figure 9).

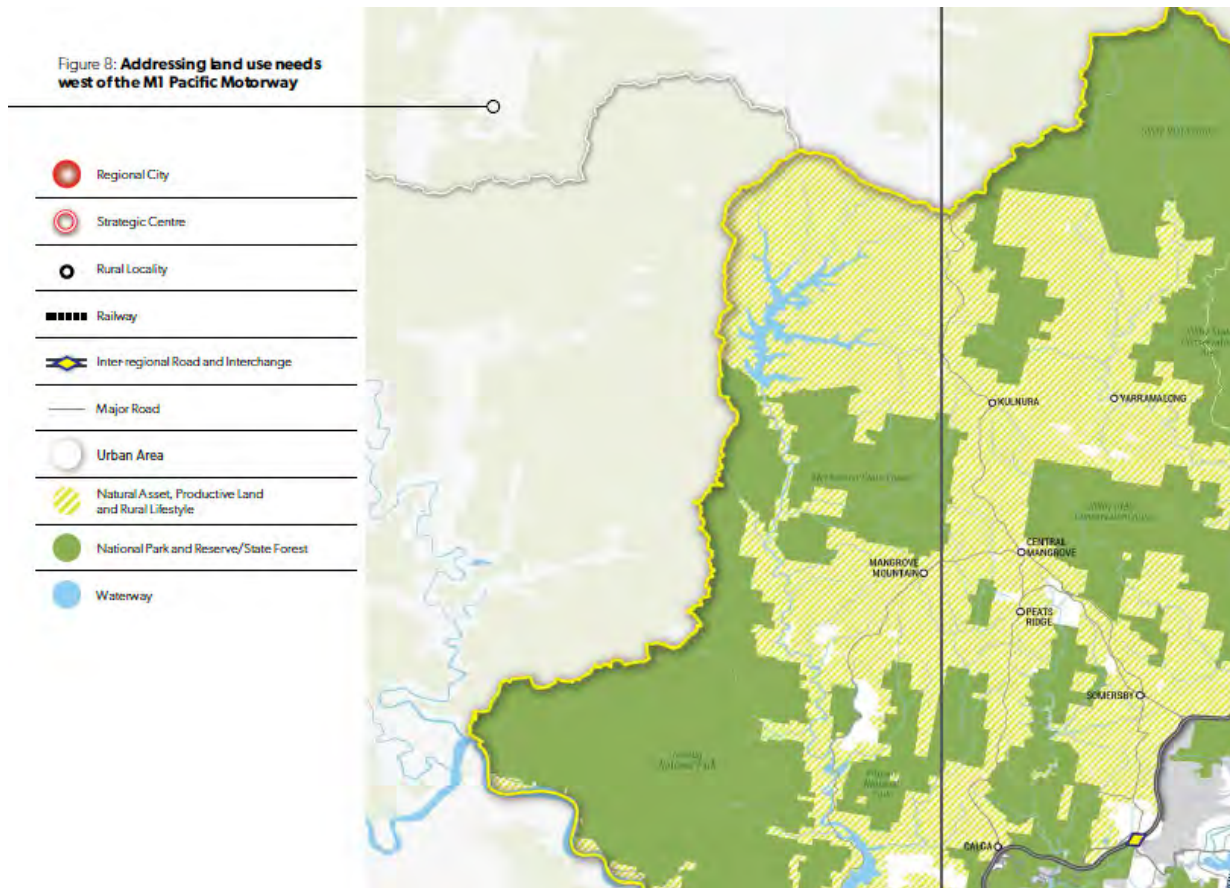


Figure 11 - Central Coast Regional Plan 2036

An assessment of all relevant provisions of the Central Coast Regional Plan 2036 has been carried out to ensure the consent authorities own assessment of the compatibility of the proposed development with the surrounding environment is complete.

The proposed use of the site is consistent with all relevant Directions under the *Central Coast Regional Plan 2036* and upon approval, the proposed use of the land would be considered a niche commercial activity that complements and promotes a stronger agricultural sector. The proposed use, carried out in accordance with Council's Environmental Health officer comments and conditions will not adversely impact the surface drinking water catchment of the Mountains area.

Gosford Local Environmental Plan 2014

Zoning & Permissibility

The subject site is zoned RU1 Primary Production under the provisions of *Gosford Local Environmental Plan 2014* (GLEP 2014). Development for the purposes of *Sawmill or log processing works* are classified as a type of rural industry and are permissible within the RU1 Primary Production zone. Consideration of the proposal has been provided with regard to the objectives of the control contained within cl. 2.3(2) of GLEP 2014:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*

The proposed use of the site would not limit or degrade the natural environment of the site, nor would it sterilise future use of the site.

- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*

The proposed use of the site for *Sawmill or log processing works* is a diversified use of a site that has traditionally been utilised as an orchard.

- *To minimise the fragmentation and alienation of resource lands.*

The small footprint of the proposed works to the site would not result in the alienation or fragmentation of resource lands.

- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

The proposed use of the site would not give rise to conflict between any adjoining land uses within adjoining zones, insomuch as the proposed use would not limit the development opportunities or current use of any adjoining property, and would not cause impact to adjoining properties by way of excessive noise or vibration as defined by EPA guidelines.

- *To ensure that development is compatible with the desired future character within the zone.*

The proposed development is considered to be consistent with the desired future character of the zone.

- *To protect biodiversity, water catchments, water quality, soil conditions and important ecosystems, such as streams (and associated riparian areas), sedgeland, estuaries and wetlands, from inappropriate development and land management practices.*

The applicant has demonstrated appropriate land management strategies through the *Environmental Management Plan* prepared by Benbow Environmental dated August 2018 and the *Environmental Advice Report* prepared by Benbow Environmental dated December 2018 to ensure biodiversity, water catchments, water quality, soil conditions and important ecosystems, such as streams (and associated riparian areas), sedgeland, estuaries and wetlands are protected.

- *To ensure that the plateau remains free from land uses that may sterilise sustainable primary production and natural resource use and to minimise potential incompatible land uses.*

The use of the site for the purposes proposed would not sterilise sustainable primary production or the use of natural resources, and would not increase the potential for incompatible land uses.

The following uses are permissible with consent:

*Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Dwelling houses; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Garden centres; Home-based child care; Intensive livestock agriculture; Intensive plant agriculture; Landscaping material supplies; Open cut mining; Plant nurseries; Recreation areas; Roads; Roadside stalls; **Rural industries**; Rural workers' dwellings; Secondary dwellings; Veterinary hospitals; Water storage facilities.*

In GLEP 2014, *Rural industries* are defined as:

rural industry means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following:

- (a) agricultural produce industries,
- (b) livestock processing industries,
- (c) composting facilities and works (including the production of mushroom substrate),
- (d) sawmill or log processing works,
- (e) stock and sale yards,
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.

Note.

Rural industries are not a type of industry—see the definition of that term in this Dictionary.

Further, *sawmill or log processing works* are defined in the GLEP 2014 as:

sawmill or log processing works means a building or place used for handling, cutting, chipping, pulping or otherwise processing logs, baulks, branches or stumps, principally derived from surrounding districts, into timber or other products derived from wood.

Note.

Sawmill or log processing works are a type of rural industry—see the definition of that term in this Dictionary.

The SEE notes that the proposed development processes recycled timber, which is trucked into the site, milled, and then transported to clients directly or to building sites. The applicant has provided letters from four separate suppliers indicating that the bulk of telegraph poles, or logs, brought to site originate from the local area, thus meeting the “*principally derived from surrounding districts*” component of the description.

To clarify permissibility legal advice was sought which confirmed that the term ‘*principally derived from surrounding districts*’ can be interpreted to mean the supplies should be sourced from an area which extends an indeterminate distance into neighbouring regions, or Local Government Areas, but not to the outermost limits of those neighbouring regions. Due to the absence of a specific definition of the phrase, it is considered that the descriptions of the source areas in the letters from suppliers are consistent with the term “surrounding districts”, (refer **Attachment 3**).

Accordingly, the proposed works are correctly defined as “*sawmill or log processing works*”, within the definition of *rural industry*, and are permissible with consent on the subject land. Further, the proposed use of the land is compatible with the desired future rural character of the locality in that it will encourage diversity in primary industry enterprises and systems appropriate for the area.

7.1 Acid Sulfate Soils

This land has been identified as being affected by the Acid Sulfate Soils Map and the matters contained in Clause 7.1 of GLEP 2014 have been considered. The site contains Class 5 Acid Sulfate Soils. It is unlikely that any disturbance of acid sulfate soils would result from the proposed works to the site.

s. 4.15(1)(a)(ii) of the EP& A Act: Draft Environmental Planning Instruments:

Draft Central Coast Local Environmental Plan 2018

Following a review of the *Draft Central Coast Local Environmental Plan 2018* (Draft CCLEP 2018) which finished exhibition on 27 February 2019, the zoning of the subject site remains RU1 Primary Production, where *Sawmill or log processing works are classified as a type of rural industry* and remain permissible uses with the obtainment of development consent.

Section 4.15(1)(a)(iii) of the EP&A Act: Provisions of any Development Control Plan

Gosford Development Control Plan 2013

An assessment of the proposed development against the relevant chapters of Gosford Development GDCP 2013 is provided in a Compliance Table under **Attachment 4**. The proposed works are consistent with the relevant chapters of GDCP 2013.

Section 4.15(1)(b) of the EP&A Act: Likely Impacts of the Development

a) Built Environment

The proposed built form is considered acceptable in the context of the site. The proposed works are consistent with the uses envisaged for the rural zone.

b) Natural Environment

The proposal is satisfactory in relation to impacts on the natural environment as identified throughout this report.

c) Economic Impacts

The proposed development will contribute to the supply of employment opportunities within the local area. In addition, the log processing works will provide a recycled timber building product that can be sold to the building industry.

d) Social Impacts

It is not anticipated that any social impacts will arise from the approval of the proposed works, including the use of part of the land for log processing works.

s. 4.15 (1)(c) of the EP & A Act: Suitability of the Site for the Development:

A review of Council's records has identified the following constraints:

- This land has been identified as being affected by the Acid Sulfate Soils Map and the matters contained in Clause 7.1 of GLEP 2014 have been considered. The site contains Class 5 Acid Sulfate Soils. It is unlikely that any disturbance of acid sulfate soils would result from the proposed works to the site.
- Bushfire: The subject site is mapped as being bushfire affected. The development application was accompanied by a bushfire assessment report addressing the requirements of the *Rural Fires Act 1997* and the document *Planning for Bushfire Protection*, published in 2006 by the New South Wales Rural Fire Service. A Bushfire Assessment Report, prepared by Clarke Dowdle & Associates, dated 26 March 2018, accompanies the development application. In order to ensure compliance with the recommendations contained within this report, **Conditions 2.8, 5.6 and 6.26** are recommended for imposition.
- On-Site Sewer Management (OSSM): As previously discussed the proposed use will not impact upon the drinking water catchment area of Mangrove Weir and as such is considered to be suitable for the site.

- Access and Transport: Council's Traffic & Transport Engineer has raised no objections to the proposal provided compliance with a series of recommendations regarding site lines at the corner of Lillicrapps Road and Wisemans Ferry Road are implemented, as detailed within **Condition 2.4**. No road upgrades are required for the proposed use of the site, with road pavement width in the vicinity of the proposed access to the site being 6m wide and in very good condition.

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

s. 4.15 (1)(e) of the EP & A Act: The Public Interest:

The proposed use of the site for *Sawmill or log processing works* is a diversified use of a site that has traditionally been utilised as an orchard, and is supported by ecological reports that have demonstrated appropriate land management strategies to ensure biodiversity, water catchments, water quality, soil conditions and important ecosystems, such as streams (and associated riparian areas), sedgeland, estuaries and wetlands are protected.

Further, the proposal presents an opportunity to recycle redundant power poles whilst producing very little waste. Advice from Companies that have been supplying the power poles to Timber with Veins is that before the arrangement was in place, many redundant power poles would be taken to landfill sites, and that the option presented to re-use and recycle such products minimises bulk waste.

In view of the considerations above and throughout this report, the approval of the application is considered to be in the public interest.

Other Matters for Consideration

Building Information Certificate

The Building Information Certificate (BIC) application that relates to the existing concrete slab is under assessment by Council's Building Surveyor. The BIC will only be approved if development consent for the use of the site and additions to the shed is granted.

The BIC application will assess the existing built form under the provisions of Division 6.7 of the EP&A Act. The assessment criteria for a building information certificate is clearly defined by the EP&A Act and provides that Council must issue the building information certificate where no discernible reason exists to issue an order for demolition, alteration, addition or rebuilding.

Development Contribution Plan

The site is not subject to the provisions of any Section 7.11 development contribution plan. Therefore, no contributions are applicable.

2.2 DA 54377/2018 - 62 Lillicrapps Road, Mangrove Mountain - Additions to Existing Shed & Use of Part of Property for Log Processing Works (contd)

Water and Sewer Contributions

The proposed development is not subject to Water and Sewer Contributions.

Conclusion

The Development Application has been assessed against the heads of consideration of s4.15 of the EP&A Act and all other relevant instruments and polices and, on balance, the proposed development is considered reasonable and therefore it is recommended that Council grant development consent approval to DA 54377/2018.

Attachments

- | | | |
|----------|---|-----------|
| 1 | Draft Conditions of Approval | D13619696 |
| 2 | Development Plans | D13590444 |
| 3 | Attachment - DA 54377-2018 - 62 Lillicrapps Road, Mangrove Mountain | D13632067 |

ATTACHMENT 1 – DRAFT CONDITIONS OF CONSENT

1.. PARAMETERS OF THIS CONSENT

1.1. Approved Plans and Supporting Documents

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

Architectural Plan

Drawing	Description	Sheets	Issue	Date
A01	Overall Site Plan	1	E	26.02.19
A02	Floor Plan	1	D	23.04.18
A03	Elevations	1	D	23.04.18

Supporting Documentation

ECM No.	Title	Date
26429334	Environmental Advice Report	December 2018
26134534	Environmental Management Plan	August 2018
25830439	Statement of Environmental Effects	April 2018
26098789	Acoustic Report	29 June 2018
25831544	Waste Management Plan	04 April 2018
25830455	Bushfire Assessment Report	26 March 2018

- 1.2. Carry out all building works in accordance with the Building Code of Australia.
- 1.3. No approval is given to remove any vegetation within Lot.
- 1.4. Obtain all relevant approvals from the New South Wales Department of Primary Industries - Water in accordance with the *Water Management Act 2000*.

2.. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 2.1. All conditions under this section must be met prior to the issue of any Construction Certificate.
- 2.2. No activity is to be carried out on-site until the Construction Certificate has been issued, other than:

- a) Site investigation for the preparation of the construction; and / or
 - b) Implementation of environmental protection measures, such as erosion control and the like that are required by this consent; and
 - c) Demolition.
- 2.3 Identify trees and native vegetation proposed for retention and those approved for removal must be clearly marked on all final engineering and landscaping plans. All fenced tree protection areas must be clearly marked as "No Go Area" on all plans. The location of any threatened species and ecological communities must also be marked on all plans.
- 2.4 Submit an application to Council under section 138 of the *Roads Act 1993* for the approval of required works to be carried out within the road reserve.

Submit to Council Engineering plans for the required works within a public road that have been designed by a suitably qualified professional in accordance with Council's *Civil Design Guide, Construction Specifications and Standard Drawings* and Chapter 6.3 - *Erosion Sedimentation Control* of the Gosford Development Control Plan 2013. The Engineering plans must be included with the Roads Act application for approval by Council.

Design the required works as follows:

- a) Trimming back of the existing road batter and removal of vegetation from within the eastern side of the road reserve in Wisemans Ferry Road on the southern side of the Wisemans Ferry Road / Lillicrapps Road intersection, as required to improve sight distance for a vehicle with its nose positioned stopped at the "Stop" hold line in Lillicrapps Road to achieve a clear sight line to the bend in Wisemans Ferry Road to the south of this intersection.
- b) Removal of vegetation currently growing within the road reserve on the eastern side of Wisemans Ferry Road north of the Wisemans Ferry Road / Lillicrapps Road intersection and trimming of the tree branches that are currently overhanging into the road reserve from the adjacent property (Lot 58 DP 755253 i.e. No 11 Lillicrapps Road), to improve sight distance for a vehicle with its nose positioned stopped at the "Stop" hold line in Lillicrapps Road to achieve a clear sight line to the bend in Wisemans Ferry Road to the north of this intersection.
- c) Advance Road Name signs (G1-207) in Wisemans Ferry Road on each approach to Lillicrapps Road & FairyMeade Road Intersection in accordance with RMS and relevant Australian Standards.
- d) "Truck" warning signs (W5-22) in Wisemans Ferry Road on each approach to Lillicrapps Road / Fairymeade Road in accordance with RMS and relevant Australian Standards.
- e) Vehicle crossing to the site in Lillicrapps Road to be upgraded to a heavy duty flexible pavement (constructed of a minimum 250mm thick road base sealed with a two coat seal) and with a width that would accommodate the swept turn paths of the largest vehicle to utilise the development.

The Roads Act application must be approved by Council prior to commencing works in the road reserve.

A fee for the approval of engineering plans under the *Roads Act 1993* applies. The amount of this fee can be obtained by contacting Council's Customer Service Centre on (02) 4325 8222.

- 2.5. Submit a dilapidation report to Council with the Roads Act application and / or Construction Certificate application. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs or any other Council assets in the vicinity of the development. The dilapidation report may be updated with the approval of the Principal Certifying Authority prior to the commencement of works.
- 2.6. Submit an application to Council under Section 305 of the *Water Management Act 2000* to obtain a Section 307 Certificate of Compliance. The *Application for a 307 Certificate under Section 305 Water Management Act 2000* form can be found on Council's website www.centralcoast.nsw.gov.au. Early application is recommended.

A Section 307 Certificate must be obtained prior to the issue of any Construction Certificate.

- 2.7. The Due Diligence Process will be carried out in line with the *National Parks and Wildlife Act 1974* for Aboriginal Heritage.
- 2.8. Submit evidence demonstrating compliance with all fire management planning measures identified in the Bushfire Assessment Report, prepared by Conacher Consulting, dated September 2017.
- 2.9. No construction work is to take place upon the concrete slab existing at the rear, western edge of the Council approved shed until such time that a Building Information Certificate has been issued certifying the suitability of the concrete slab for the intended loads and use.
- 2.10 Obtain all relevant approvals from the New South Wales Department of Primary Industries - Water in accordance with the *Water Management Act 2000*.

3.. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1. All conditions under this section must be met prior to the commencement of any works.
- 3.2. Appoint a Principal Certifying Authority for the building work:
 - a) The Principal Certifying Authority (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.

- b) Submit to Council a Notice of Commencement of Building Works or Notice of Commencement of Subdivision Works form giving at least two (2) days' notice of the intention to commence building or subdivision work. The forms can be found on Council's website: www.centralcoast.nsw.gov.au
- 3.3. Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:
- a) The name, address and telephone number of the Principal Certifying Authority for the work; and
 - b) The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
 - c) That unauthorised entry to the work site is prohibited.
 - d) Remove the sign when the work has been completed.
- 3.4. Submit both a Plumbing and Drainage Inspection Application, with the relevant fee, and a Plumbing and Drainage Notice of Work in accordance with the *Plumbing and Drainage Act 2011* (to be provided by licensed plumber). These documents can be found on Council's website at: www.centralcoast.nsw.gov.au

Contact Council prior to submitting these forms to confirm the relevant fees.

This condition only applies if installation/alteration of plumbing and/or drainage works are proposed (excludes stormwater drainage)

- 3.5. Obtain a Construction Certificate for the construction works within the private property.

4.. DURING WORKS

- 4.1. All conditions under this section must be met during works.
- 4.2. Carry out construction or demolition works during the construction phase of the development only between the hours as follows:
- 7.00am and 5.00pm Monday to Saturday
- No construction or demolition works associated with the development are permitted to be carried out at any time on a Sunday or a public holiday.
- 4.3. During the construction phase of the development, if any Aboriginal object (including evidence of habitation or remains), is discovered during the course of the work:
- a) All excavation or disturbance of the area must stop immediately in that area, and
 - b) The Office of Environment and Heritage must be advised of the discovery in accordance with section 89A of the *National Parks and Wildlife Act 1974*.

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

- 4.4. Implement appropriate erosion and sediment control measures and undertake works in accordance with the *Environmental Advice Report* prepared by Benbow Environmental dated December 2018 and the 'Blue Book' (Managing Urban Stormwater: Soils and Construction, Landcom, 2004).
- 4.5. Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifying Authority or an officer of Council.
- 4.6. Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with the *Plumbing and Drainage Act 2011*.

This condition only applies if installation/alteration of plumbing and/or drainage works are proposed (excludes stormwater drainage)

- 4.7. All excavated material removed from the site must be classified in accordance with NSW EPA (1999) *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes* prior to disposal. All excavated material must be disposed of to an approved waste management facility and receipts of the disposal must be kept on site.
- 4.8. Implement dust suppression measures on-site during land clearing to suppress dust generated by vehicles and equipment. Dust must also be suppressed at all other stages of construction in order to comply with the *Protection of the Environment Operations Act 1997*.
- 4.9 Re-use, recycle or dispose of all building materials during the demolition and construction phase of the development in accordance with the Waste Management Plan signed by P. Bowditch, dated 4 April 2018.
- 4.10 Implement all soil and water management control measures and undertake works in accordance with the Timbers With Veins Environmental Advice Report, prepared by Benbow Environmental, dated 10 December 2018. Update the plan as required during all stages of the construction or in accordance with the 'Blue Book' (*Managing Urban Stormwater: Soils and Construction, Landcom, 2004*).
- 4.11 Immediately notify Council of any new information which comes to light during works which has the potential to alter previous conclusions about site contamination.
- 4.12 Construct the works within the road reserve that required approval under the Roads Act. The works must be constructed in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - Erosion Sedimentation Control.
- 4.13 Construct the engineering works within private property that formed part of the Construction Certificate in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - Erosion Sedimentation Control.

- 4.14 Conduct all works in accordance with the Timbers With Veins Environmental Advice Report, prepared by Benbow Environmental, dated 10 December 2018.
- 4.15. It is an offence under the *National Parks and Wildlife Act 1974* to disturb an Aboriginal artefact without a Permit. If during works suspected Aboriginal heritage items (stone tool artefacts, shell middens, axe grinding groves, pigment or engraved rock art, burials or scar trees) are identified, works will cease and OEH (131555) will be contacted.
- 4.16. It is an offence under the *Biodiversity Conservation Act 2016* to harm protected native wildlife. If during works fauna is displaced, it must not be harmed. If required, works will cease and fauna will be transferred to the nearest veterinary hospital and Councils Ecologist will be notified within 24hrs.

5.. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 5.1. All conditions under this section must be met prior to the issue of any Occupation Certificate.
- 5.2 Complete works within the road reserve in accordance with the approval under the *Roads Act 1993*. The works must be completed in accordance with Council's *Civil Design Guide, Construction Specifications and Standard Drawings* and Chapter 6.3 - *Erosion Sedimentation Control* of the Gosford Development Control Plan 2013. Documentary evidence for the acceptance of such works must be obtained from the Roads Authority.
- 5.3 Rectify to the satisfaction of the Council any damage not shown in the dilapidation report submitted to Council before site works had commenced. Any damage will be assumed to have been caused as a result of the site works undertaken and must be rectified at the developer's expense.
- 5.4 Complete the engineering works required within the development site in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - Erosion Sedimentation Control.
- 5.5 Implement vegetation management activities in accordance with the Vegetation Management Plan (VMP) approved under this consent. Submit a final VMP certification report, prepared by the engaged Ecologist and forwarded to Council for review and approval.
- 5.6 Implement all fire management planning measures as identified in the identified in the Bushfire Assessment Report, prepared by Conacher Consulting, dated September 2017.
- 5.7 Screen planting, planted on the southern boundary along the entire area marked as "vegetated Earth Berm" on site plan A01, dated 26.02.2019 is to be completed with minimum 45l pot size native plants capable of attaining a mature height in excess of 5m. The maximum distance between trees is to be 2m, measured east to west. The trees are to be maintained in good health until maturity.

6.. ONGOING OPERATION

- 6.1. Operate and manage the site in accordance with the *DA Acoustic Assessment* prepared by Acoustic Logic dated 29 June 2018. Ensure all recommendations in the *DA Acoustic Assessment* are complied with.
- 6.2 The development must not cause offensive noise as defined in the *Protection of the Environment Operations Act 1997*.
- 6.3 The development must not cause water pollution as defined in the *Protection of the Environment Operations Act 1997*.
- 6.4 The operation and management of the site must be undertaken in accordance with the *Environmental Management Plan* prepared by Benbow Environmental dated August 2018 and the *Environmental Advice Report* prepared by Benbow Environmental dated December 2018.
- 6.5 No more than one truck movement in any 15 minute period (be it inbound or outbound).
- 6.6 No more than one forklift is permitted to be operating at any one time.
- 6.7 An acoustic assessment including a review of operational noise emissions from the log processing works shall be undertaken by an accredited Acoustic Consultant one (1) month after occupation in order to compare operational noise levels to the predicted noise levels (i.e. during peak usage periods, peak arrival and departure times and when the forklift, generator, truck and saw are in use) and identify any areas where further noise mitigation measures **will be required**. A copy of the Report shall be submitted to the satisfaction of Council's Environmental Health Officer within fourteen (14) days of the review being undertaken.
- 6.8 All above ground storage's of hazardous materials, oils, chemicals or fertilisers must be bunded. The bund is to be made from an impervious material and must be covered and large enough to hold the contents of the largest container plus 10%.
- 6.9 Copper chrome arsenic treated power pole, non-treated power pole, and general timber processing is restricted to a maximum of 15 cubic metres per week.
- 6.10 Copper chrome arsenic treated power pole, non-treated power pole, and general timber processing is restricted to a maximum of 780 cubic metres combined total per year.
- 6.11 Do not store more than 500 cubic metres of copper chrome arsenic treated power poles onsite at any time.
- 6.12 Storage of copper chrome arsenic treated power poles are restricted to the locations depicted in the approved site plan dated 26 February 2019 prepared by CEO architectural cad design and presentation.

- 6.13 Hours of operation are restricted to the following;
- Weekdays: 7:30am to 2:30pm
Saturdays: 8:00am to 12pm
Sundays: Closed
- 6.14 One (1) month, three (3) months, and six (6) months after operation begins provide to Council a Water Quality Monitoring Report, for all potential contaminants of concern, including but not limited to arsenic, chromium, copper lead, organochlorides and pesticides. Sample sites are to include the onsite sediment retention dam and Ironbark creek (upstream and downstream of site).
- 6.15 Processing and milling of copper chrome arsenic treated power poles is only permitted within an enclosed area.
- 6.16 Copper chrome arsenic treated power poles are to be stored off the ground and at a distance greater than 60 metres from the top of the bank of Ironbark Creek.
- 6.17 Copper chrome arsenic treated power pole offcuts and sawdust must be stored in an enclosed area or container separate to non-treated sawdust and offcuts.
- 6.18 Copper chrome arsenic treated power pole offcuts and sawdust must be disposed of at a licenced waste facility. Records are to be kept for five years and provided to Council upon request.
- 6.19 Burning of copper chrome arsenic treated power poles, offcuts and sawdust or untreated timber offcuts and sawdust is not permitted.
- 6.20 Truck and forklifts movements are not permitted prior to 7am and after 6pm.
- 6.21 Trucks and forklifts are to switch off engines when not in motion.
- 6.22 Delivery and dispatch truck movements are restricted to two per day.
- 6.23 All vehicle movements are to be conducted on the designated access roads. The internal access road is to be constructed of road base and gravel materials.
- 6.24 A rumble grid/strip is to be installed and maintained at the entry/exit to the site.
- 6.25 Only copper chrome arsenic treated power poles and non-treated power poles are to be imported to the site. No other waste items as defined in the *Protection of Operations Act 1997* are to be imported to or stored on site.
- 6.26 The landscape areas, curtilage or hard standing areas within the development are to be maintained as an Inner Protection Area (IPA) in accordance with the standards described in within *Planning for Bush Fire Protection Guidelines 2006 (NSW)*.

- 6.27 Comply with all commitments as detailed in the Waste Management Plan signed by P. Bowditch, dated 4 April 2018.
- 6.28 Access to the toilet facilities located within the residential dwelling on site is to be made available to staff working within the shed whenever required for the lifetime of the development.

PENALTIES

Failure to comply with this development consent and any condition of this consent may be a **criminal offence**. Failure to comply with other environmental laws may also be a **criminal offence**.

Where there is any breach Council may without any further warning:

- Issue Penalty Infringement Notices (On-the-spot fines);
- Issue notices and orders;
- Prosecute any person breaching this consent, and/or
- Seek injunctions/orders before the courts to retain and remedy any breach.

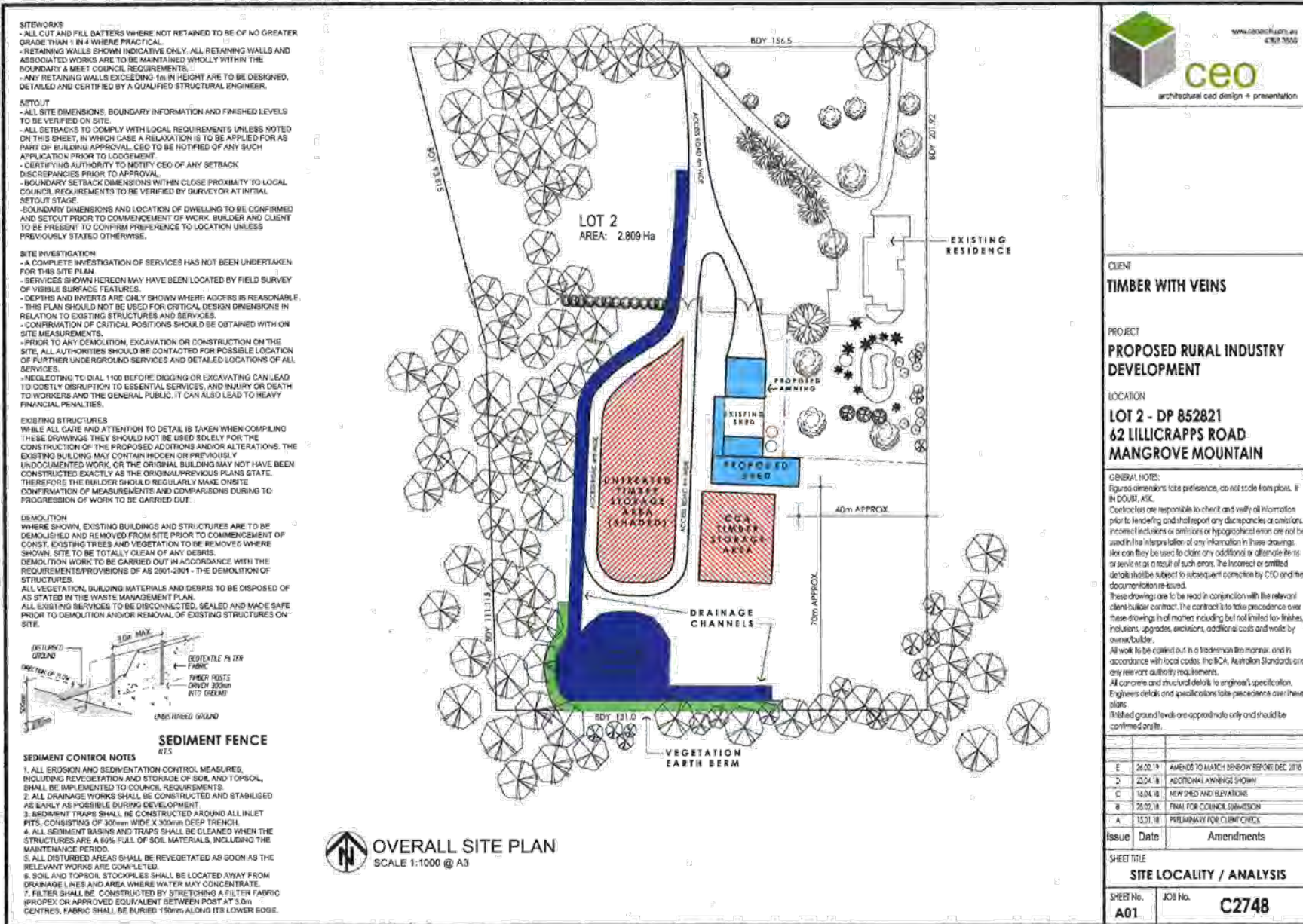
Warnings as to Potential Maximum Penalties

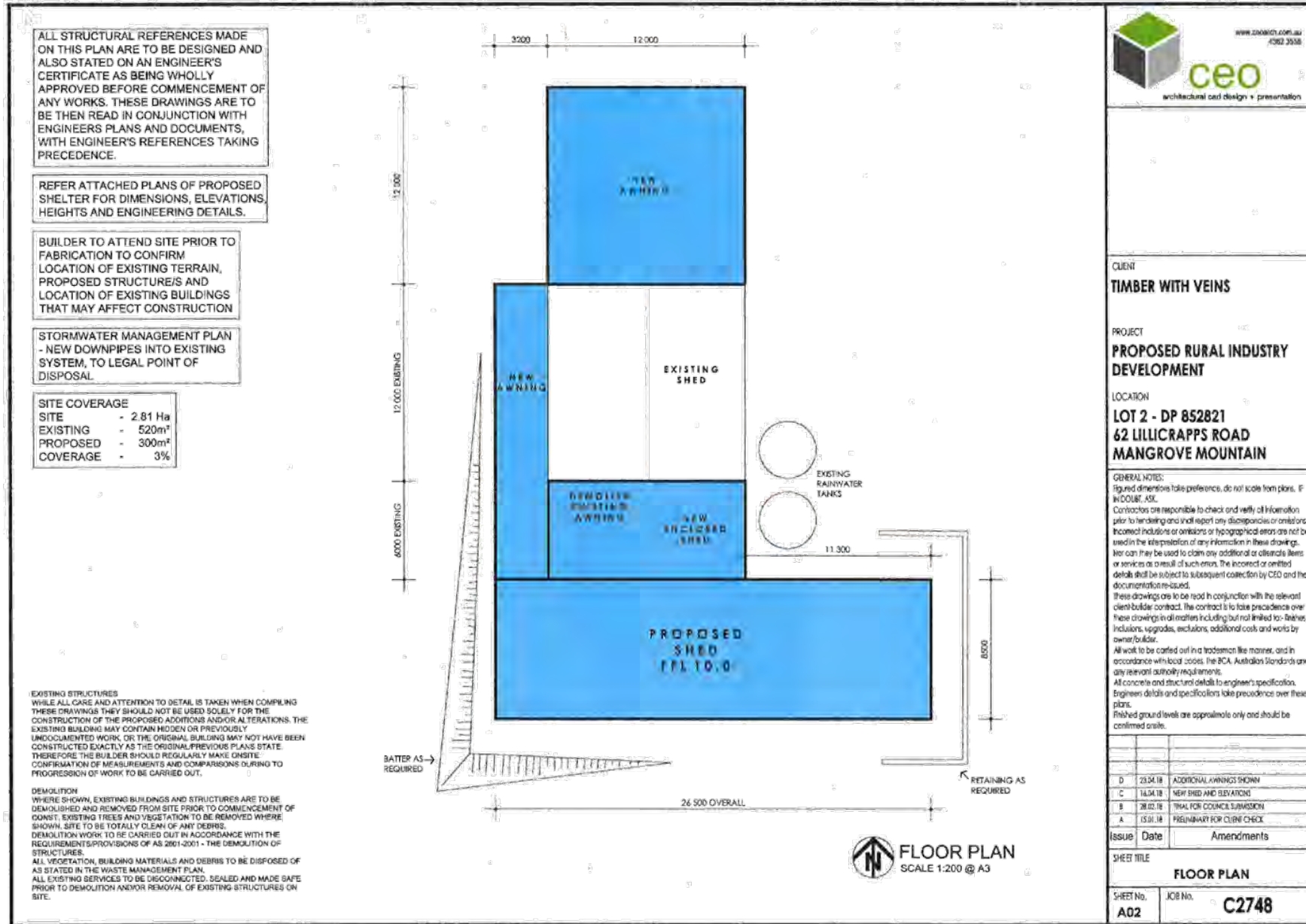
Maximum Penalties under NSW Environmental Laws include fines up to \$1.1 Million and/or custodial sentences for serious offences.

ADVISORY NOTES

- The inspection fee for works associated with approvals under the *Roads Act 1977* is calculated in accordance with Council's current fees and charges policy.
- Payment of a maintenance bond may be required for civil engineering works associated with this development. This fee is calculated in accordance with Council's fees and charges.
- It is an offence under the *National Parks and Wildlife Act 1974* to disturb an Aboriginal artefact without a Permit.
 - Discharge of sediment from a site may be determined to be a pollution event under provisions of the Protection of the Environment Operations Act 1997. Enforcement action may commence where sediment movement produces a pollution event.
- The following public authorities may have separate requirements in the following aspects:
 - a) Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments
 - b) Jemena Asset Management for any change or alteration to the gas line infrastructure

- c) Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements
 - d) Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure
 - e) Central Coast Council in respect to the location of water, sewerage and drainage services.
- Carry out all work under this Consent in accordance with SafeWork NSW requirements including the Workplace Health and Safety Act 2011 No 10 and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.
- Dial Before You Dig
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- Telecommunications Act 1997* (Commonwealth)
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.
- Install and maintain backflow prevention device(s) in accordance with Council's WS4.0 Backflow Prevention Containment Policy. This policy can be found on Council's website at: www.centralcoast.nsw.gov.au
- This condition only applies if installation/alteration of plumbing and/or drainage works are proposed (excludes stormwater drainage)





CLIENT
TIMBER WITH VEINS

PROJECT
PROPOSED RURAL INDUSTRY DEVELOPMENT

LOCATION
LOT 2 - DP 852821
62 LILICRAPPS ROAD
MANGROVE MOUNTAIN

ALL STRUCTURAL REFERENCES MADE ON THIS PLAN ARE TO BE DESIGNED AND ALSO STATED ON AN ENGINEER'S CERTIFICATE AS BEING WHOLLY APPROVED BEFORE COMMENCEMENT OF ANY WORKS. THESE DRAWINGS ARE TO BE THEN READ IN CONJUNCTION WITH ENGINEERS PLANS AND DOCUMENTS, WITH ENGINEER'S REFERENCES TAKING PRECEDENCE.

REFER ATTACHED PLANS OF PROPOSED SHELTER FOR DIMENSIONS, ELEVATIONS, HEIGHTS AND ENGINEERING DETAILS.

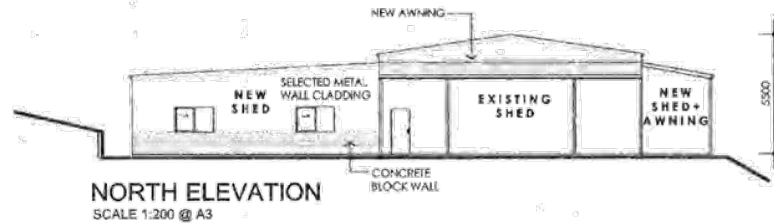
BUILDER TO ATTEND SITE PRIOR TO FABRICATION TO CONFIRM LOCATION OF EXISTING TERRAIN, PROPOSED STRUCTURE/S AND LOCATION OF EXISTING BUILDINGS THAT MAY AFFECT CONSTRUCTION

STORMWATER MANAGEMENT PLAN - NEW DOWNPIPES INTO EXISTING SYSTEM, TO LEGAL POINT OF DISPOSAL

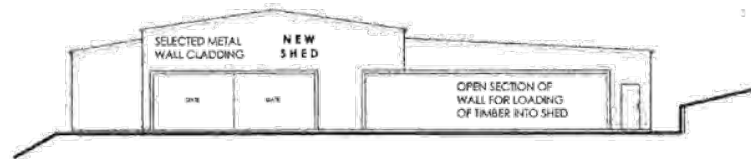
SITE COVERAGE	
SITE	- 2.81 Ha
EXISTING	- 520m ²
PROPOSED	- 300m ²
COVERAGE	- 3%

EXISTING STRUCTURES
WHILE ALL CARE AND ATTENTION TO DETAIL IS TAKEN WHEN COMPILING THESE DRAWINGS THEY SHOULD NOT BE USED SOLELY FOR THE CONSTRUCTION OF THE PROPOSED ADDITIONS AND/OR ALTERATIONS. THE EXISTING BUILDING MAY CONTAIN HIDDEN OR PREVIOUSLY UNDOCUMENTED WORK, OR THE ORIGINAL BUILDING MAY NOT HAVE BEEN CONSTRUCTED EXACTLY AS THE ORIGINAL PREVIOUS PLANS STATE. THEREFORE THE BUILDER SHOULD REGULARLY MAKE ONSITE CONFIRMATION OF MEASUREMENTS AND COMPARISONS DURING TO PROGRESSION OF WORK TO BE CARRIED OUT.

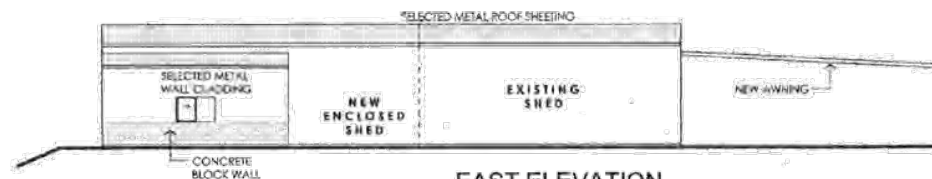
DEMOLITION
WHERE SHOWN, EXISTING BUILDINGS AND STRUCTURES ARE TO BE DEMOLISHED AND REMOVED FROM SITE PRIOR TO COMMENCEMENT OF CONST. EXISTING TREES AND VEGETATION TO BE REMOVED WHERE SHOWN. SITE TO BE TOTALLY CLEAN OF ANY DEBRIS. DEMOLITION WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE REQUIREMENTS/PROVISIONS OF AS 2601-2001 - THE DEMOLITION OF STRUCTURES.
ALL VEGETATION, BUILDING MATERIALS AND DEBRIS TO BE DISPOSED OF AS STATED IN THE WASTE MANAGEMENT PLAN.
ALL EXISTING SERVICES TO BE DISCONNECTED, SEALED AND MADE SAFE PRIOR TO DEMOLITION AND/OR REMOVAL OF EXISTING STRUCTURES ON SITE.



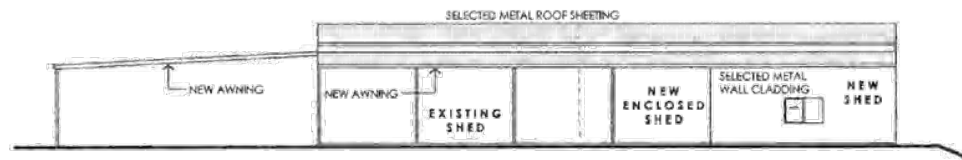
NORTH ELEVATION
SCALE 1:200 @ A3



SOUTH ELEVATION
SCALE 1:200 @ A3



EAST ELEVATION
SCALE 1:200 @ A3



WEST ELEVATION
SCALE 1:200 @ A3



CLIENT
TIMBER WITH VEINS

PROJECT
PROPOSED RURAL INDUSTRY DEVELOPMENT

LOCATION
**LOT 2 - DP 852821
62 LILICRAPPS ROAD
MANGROVE MOUNTAIN**

GENERAL NOTES:
Round dimensions take precedence, do not scale from plans. If INCLUSIVE, ASK.
Contractors are responsible to check and verify all information prior to tendering and shall report any discrepancies or omissions. Incomplete inclusions or omissions or typographical errors are not to be used in the interpretation of any information in these drawings. Nor can they be used to claim any additional or alternate items or services as a result of such errors. The inexact or omitted details shall be subject to subsequent correction by CEO and the documentation re-issues.
These drawings are to be read in conjunction with the relevant client-builder contract. The contract to take precedence over these drawings in all matters including but not limited to: finishes, insulation, up-gates, exclosures, additional costs and work by owner/builder.
All work to be carried out in a tradesman like manner, and in accordance with local codes, the SCA, Australian Standards and any relevant authority requirements.
All concrete and structural details to engineer's specification.
Engineer details and specifications take precedence over these plans.
Finished ground levels are approximate only and should be confirmed onsite.

D	23.04.18	ADDITIONAL AWNING SHOWN
C	14.04.18	NEW SHED AND ELEVATIONS
B	08.02.18	TEND FOR COUNCIL SUBMISSION
A	15.01.18	PRELIMINARY FOR CLIENT CHECK
Issue	Date	Amendments
SHEET TITLE ELEVATIONS		
SHEET NO. A03	JOB NO. C2748	

Development Application No. 54377/2018 - 62 Lillicrapps Road, Mangrove Mountain - Additions to Existing Shed and Use of Part of Property for Log Processing Works

Following Councillor site inspection (Thursday 01 August 2019) there were a number of specific questions that required supplementary information. The following additional information is provided in order to answer those questions asked by Councillors as part of the site inspection:

Approximate volume of finished timber stored in the attached photos.

The finished poles that were located on site at the time of the site inspection (refer figure 1) equate to approximately two (2) 11m power poles per wrapped pile. The poles have been sawn to remove treated timber and are finished square for future use. Note that these poles were milled off site.



Figure 1 – Finished poles stored on site at the time of the site inspection.

Would additional screen planting at the southern boundary be possible as a condition of consent?

A condition (5.7) has been recommended for inclusion should the application be granted approval that will require screen planting of native trees capable of attaining a mature height in excess of 5m.

Is there a calculation to work out how many cubic metres of timber there is per pole?

The applicant supplied relevant detail and explanation to show the approximate volume of timber per pole. A review of the detail reveals that a 10 metre pole yields approximately 1 cubic metre of timber (note that this is an estimate only and varies with pole diameter, age, species of timber etc).

The applicant has advised that the most common pole length to be processed will be between 9-12 metres.

How are the poles to be stored to maintain a safe working environment?

The poles will be stored in accordance with Safework NSW requirements. No specific legislation exists detailing how the poles should be stored on site, however general workplace safety legislation is to be adhered to.



Item No: 2.3
Title: Central Coast Section 7.12 Contributions Plan Report
Department: Environment and Planning

26 August 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-01 - D13515566
Author: Jo Doheny, Senior Strategic Contributions Planner
Manager: Gary Hamer, Section Manager, Strategic Planning
Executive: Scott Cox, Director Environment and Planning

Report Purpose

The purpose of this report is for Council to consider and endorse the draft Central Coast Section 7.12 Contributions Plan for the purposes of community consultation.

Recommendation

- 1 That Council endorse the draft Central Coast Section 7.12 Contributions Plan for the purpose of public exhibition.**
- 2 That Council exhibit the draft Central Coast Section 7.12 Contributions Plan for a minimum period of 28 days in accordance with the requirements of the Environmental Planning & Assessment Regulations 2000.**
- 3 That Council consider a further report on the outcomes of the public exhibition period.**
- 4 That Council exhibit amendments to all former Wyong Shire Council Section 7.11 Contributions Plans to end the discounted contributions rate for secondary dwellings and levy contributions at the rate applicable within the existing contributions plans simultaneously with the exhibition of the draft Central Coast Regional Section 7.12 Contributions Plan.**
- 5 That Council apply Section 7.11 contributions to Secondary Dwellings in the former Gosford Local Government area.**

Background

Section 7.12 of the *Environmental Planning & Assessment Act 1979 (EP & A Act)*, allows Council to prepare a contributions plan to levy a flat rate contributions towards, or recoup, the capital costs of providing or extending facilities, infrastructure and services necessary to meet the increased demand created by new development in its area.

The proposed Section 7.12 Contributions Plan was deferred by Council at their Ordinary meeting of 10 December 2018, subject to a Councillor Briefing on the matter.

A Councillor briefing was held on the 23 March 2019 which provided information on the benefits, project selection, and estimated costs of a Contribution Plan.

Since that time further refinements have been made to the project selections within the work schedule in relation to all projects resulting in a decrease in the number of projects and costs of the proposed works. As a result, it is proposed that Regional Cycleways identified within the draft Central Coast Bike Plan that are either designed or in design phase be included the draft Contributions Plan.

Report

The draft Contributions Plan will apply across the entire Central Coast Local Government area except for the Gosford City Centre and defined greenfield employment areas that are exempt from a region-wide s7.12 Plan. The new Section 7.12 Contributions Plan will permit Council to levy contributions on non-residential and residential development (except for the erection of a dwelling house or alterations and additions to an existing dwelling house) provided that development has not been the subject of a contributions under a current Section 7.11 Contributions Plan or is not identified as exempt to the levy under Clause 1.5 of the Contributions Plan. The proposed exemptions under the contributions plan are:

Legislative Exemptions

- The proposed cost of carrying out the development is \$100,000 or less;
- The site has been the subject of a condition under section 7.11 under a previous development consent relating to the subdivision of the land on which the development is to be carried out, unless that other development will, or is likely to, increase the demand for public amenities or public services beyond the increase in demand attributable to the initial subdivision;
- Alterations or refurbishment of an existing development, where there is no enlargement, expansion, increase in gross floor area or intensification of the current land use;

Council exemptions

Council exemptions currently exist for certain types of developments that are considered minor and do not warrant developer contributions. These include:

- A dwelling house or alterations and additions to a dwelling house or any development ordinarily incidental or ancillary to the use of the dwelling house such as swimming pools, garages, sheds and the like.
- This also includes any application for demolition (where there is not a replacement building or development).

2.3 Central Coast Section 7.12 Contributions Plan Report (contd)

- Greenfield employment land other than subdivision as shown on the Map 2 is excluded and land that has been subject to a contribution paid under the Somersby Industrial Estate Service Agreement.
- Other matters that include those developments acting by or on behalf of Central Coast Council for public infrastructure and any application for emergency services.

Cost of Works Schedule

The total cost of the cycleway works schedule is \$32,100,000. The proposed works schedule will be distributed across the Central Coast. Refer to Table below.

It is estimate that the contributions plan will generate an income of approximately \$16,740,000 with an additional \$3,226,040 coming from the former Wyong Section 7.12 Contributions Plan is approximately \$3,226,040. Therefore, the Contribution Plan will have an estimated income of \$19,966,040 resulting in a shortfall of \$12,133,960. The shortfall can be further reduced through grant funding opportunities.

Route	Bike Plan Link ID	Design Status	Suburb	Cost (\$M)	Years 1-5	Years 5-20
Bungary Road	137-141, 168, 237	Complete	Norah Head	\$1.4	Y	-
Magenta Boardwalk	348	Complete	Magenta	\$12.7	Y	Y
Tuggerawong Foreshore	103	18/19	Tuggerawong	\$4.0	Y	Y
Kurrawa Avenue	357	Complete	Point Clare	\$6.5	-	Y
Avoca Drive - The Round Dr to Scenic Hwy	56	Complete	Avoca	\$4.3	-	Y
Malinya Road	356	Complete	Saratoga	\$0.6	-	Y
Empire Bay Drive – School to Wards Hill,	88	Complete	Empire Bay	\$0.6	-	Y
Eastern Road - missing link	220, 221	Complete	Bateau Bay	\$0.4	-	Y
Pacific Highway	109	19/20	Hamlyn Terrace	\$1.1	-	Y
Barrenjoey Road	43	20/21	Ettalong	\$0.5	-	Y
TOTALS				\$32.1		

Table 1: Cycleway Projects

Financial Impact

When this is taken into account the shortfall is reduced to \$12,133,960. This shortfall can be met by Council either through general revenue or grant funding or a combination of both funding sources.

There is no financial impact as a result of adopting the draft contributions plan for exhibition purposes, however if Council were to adopt the draft contributions plan, then the contribution plan commits Council to cost of the works outlined in the plan.

The cycleway projects identified in the Section 7.12 Plan have been identified by the relevant business unit to support future planning of the Central Coast. The Section 7.12 Plan provides a funding mechanism to support part payment of the cost of these projects. The inclusion of these cycleway projects in the Section 7.12 Plan provides opportunities to seek grant funding that will reduce the shortfall of \$12,133,960.

Social Impacts

The draft contributions plan will contribute to the funding of key cycleway infrastructure projects which responds to the Community Strategic Plan that improves connections and liveability across the Central Coast.

Under the draft contributions plan it is proposed that applications for dwelling houses and alteration and additions thereto will not be levied contributions, All other development categories except those specifically exempted will be levied contributions providing equity in the funding of future infrastructure.

Environmental Considerations

There are no environmental considerations as a result of adopting the draft contributions plan for public exhibition purposes.

Link to Community Strategic Plan

Theme 1: Belonging

Goal B: Creativity connection and local identity

B-B4: Activate spaces and places to complement activity around town centres, foreshores, lakes and green spaces for families, community and visitors.

Theme 5: Liveable

Goal K: Out and about in fresh air

L-K1: Create a regional network of interconnected shared pathways and cycle ways to maximise access to key destinations and facilities.

Risk Management

The draft Central Coast 7.12 Contributions Plan has been prepared in accordance with the legislative requirements of the *Environmental Planning & Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*

Conclusion

The proposed draft section 7.12 contributions will help fund cycleway infrastructure consistent with the Community Strategic Plan.

Attachments

1	Central Coast Regional Section 7.12 Draft Contributions Plan V3		D13635955
2	Central Coast Regional s7.12 Draft Contributions Plan V2 (Original Version)	Attached Under Separate Cover	D13634303
3	Central Coast Section 7.12 Contributions Plan Report		D13346722



Regional Section 7.12 Development Contributions Plan 2019

Central Coast Council Section 7.12 Development Contributions Plan 2019

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Central Coast Council Regional Section 7.12 Development Contributions Plan 2019

Part A – Summary schedules

The following summary schedules are included in this plan:

- Schedule 1 - Works schedule
- Schedule 2 – Summary schedule of levy

The works schedule identifies the public facilities for which section 7.12 levies will be required. Levies paid to Council will be applied towards meeting the cost of provision or augmentation of the new public facilities. Schedule 1 is a summary of the works schedule that Council intends to provide together with an estimated cost and the timing of delivery.

Schedule 1: Summary of works schedule

Public Facilities	Estimated Costs	Estimated Time Frame
Cycleway	\$32,100,000	2019/2020 to 2034/2035

Schedule 2 provides a summary of the development contributions levy that is applied to all types of development other than development that is exempt under Clause 1.5 of this Plan. Development contributions are calculated by applying the relevant levy against the proposed cost of carrying out the development.

Schedule 2: Summary schedule of section 7.12 Contribution Levies

Type of Development	Proposed Cost of Development	Levy (%)
Development that is not subject to a section 7.11 contribution under any other contributions plan adopted by the Council under the EP&A Act, other than development that is exempt under Clause 1.5 of this Plan	Up to and including \$100,000	0%
	More than \$100,000 and up to and including \$200,000	0.5%
	More than \$200,000	1%

Part B – Expected development and demand for public facilities

The estimated resident population data from the Australian Bureau of Statistics for the Central Coast area in 2016 identified that the population was 335,309 persons.

The population projections undertaken by .id indicate that the population by 2036 is forecast to increase by 79,306, at an average annual growth rate of 1.07%. With this increase in population growth, provision will need to be made for additional or improved public facilities to meet the additional demand.

The Central Coast Regional Plan 2036 has indicated that the number of local jobs is projected to increase by 24,674 jobs by 2036, with employment concentrated in areas with infrastructure that has the capacity to support future growth, potentially above current projections.

Information from Tourist Research Australia and Council's economic profile indicate that the Central Coast is a tourist destination with 4,600,000 visitors coming to the coast in 2016. The majority of these visitors are domestic tourists, either overnight stayers or day trippers. Visitor numbers to the Central Coast area since 2009 has seen an increase in visitor numbers of 17.6% over that period. Tourism Research Australia has forecast that domestic tourism will increase at an average annual rate of 2.9% for day trips and 2.2% for visitor nights over the next 10 years to 2026-2027. This will result in an increase in the total visitor numbers to the Central Coast, which will increase the demand for public facilities. Developments for tourist facilities contribute to the demand for additional or improved public facilities.

The forecast growth in population, employment and tourism will diminish the enjoyment and standard of existing community infrastructure in the local government area unless new or embellished infrastructure is provided to meet that demand. The range of community infrastructure that is required in order to accommodate this growth includes improvement and embellishment of existing open space, community and cultural facilities, and recreational facilities such as cycle ways, wharves and boat ramps.

Part C – Administration and operation of the plan

1.1 What is the name of this development contributions plan?

This development contributions plan is called the Central Coast Regional Section 7.12 Development Contributions Plan 2019.

1.2 Application of this plan

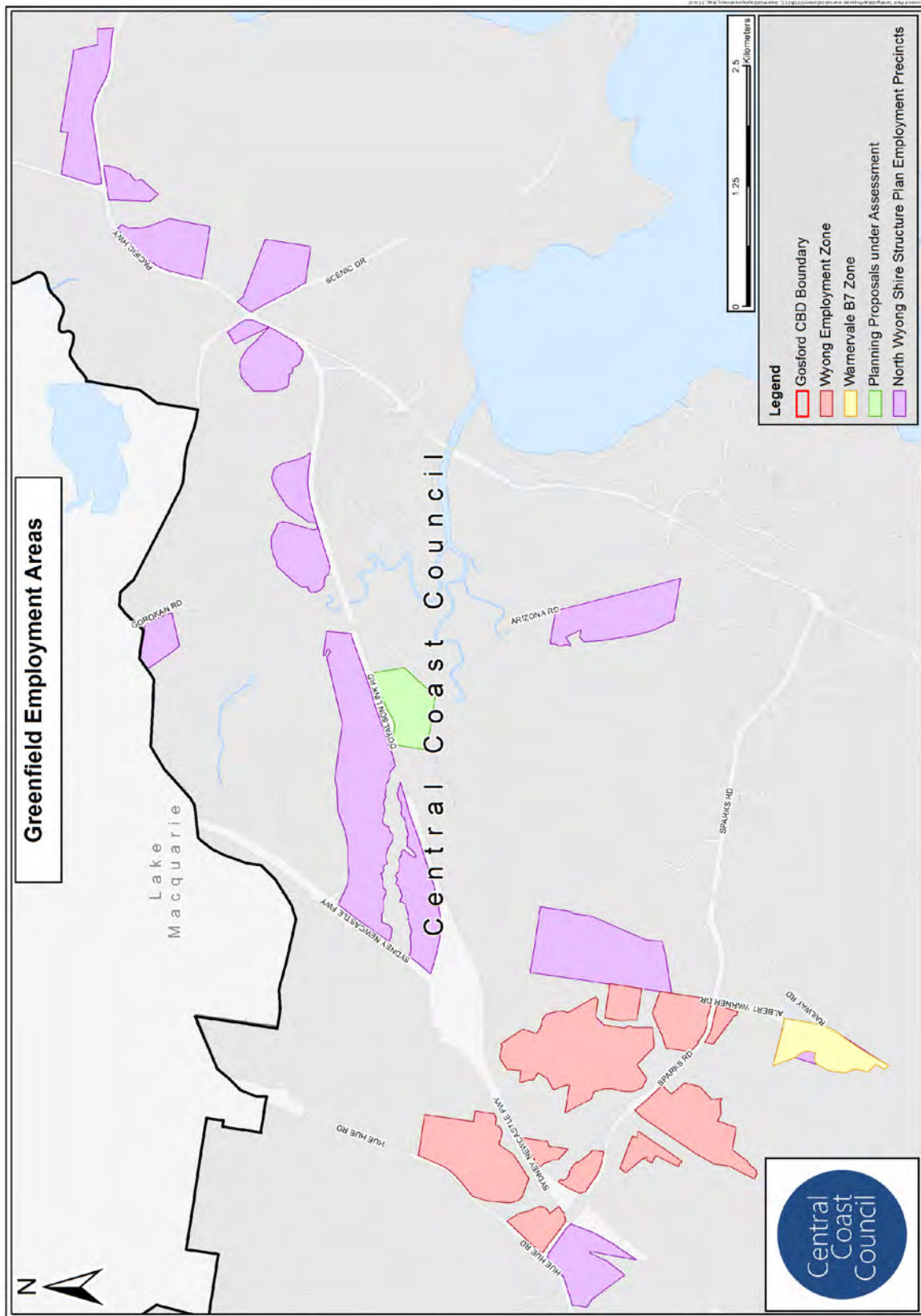
This plan applies to all land within the Central Coast local government area except for the Gosford City Centre as defined in Gosford Local Environmental Plan 2014 and greenfield employment areas as shown on Maps 1,2 & 3.

This development contributions plan applies to applications for development consent and applications for complying development certificates under Part 4 of the *Environmental Planning and Assessment Act 1979*.

Map 1



Map 2



Map 3



1.3 When does this development contributions plan commence?

This contributions plan commences on [insert date]

1.4 What is the purpose of this contributions plan?

The primary purposes of this contributions plan are:

- to authorise the imposition of a condition on certain development consents and complying development certificates requiring the payment of a contribution pursuant to section 7.12 of the Environmental Planning and Assessment Act 1979
- to assist the council to provide the appropriate public facilities which are required to maintain and enhance amenity and service delivery within the area
- to publicly identify the purposes for which the levies are required.

1.5 Are there any exemptions to the levy?

The levy will not be imposed in respect of development:

- where the proposed cost of carrying out the development is \$100,000 or less;
- for a dwelling house or alterations and additions to a dwelling house or any development ordinarily incidental or ancillary to the use of the dwelling house such as swimming pools, garages, sheds and the like;
- in greenfield employment land other than subdivision where s7.11 contributions have been paid as shown on the Map 2;
- carried out on land that has been subject to a contribution paid under the Somersby Industrial Estate Service Agreement;
- that has been the subject of a condition under section 7.11 under a previous development consent relating to the subdivision of the land on which the development is to be carried out, unless that other development will, or is likely to, increase the demand for public amenities or public services beyond the increase in demand attributable to the initial subdivision;
- by or on behalf of Central Coast Council for public infrastructure;
- alterations or refurbishment of an existing development, where there is no enlargement, expansion, increase in gross floor area or intensification of the current land use;
- an application for emergency services;
- an application for demolition (where there is not a replacement building or development).

1.6 Relationship to other contributions plans

This Plan repeals Wyong Shire Section 94A Levy Development Contributions Plan dated August 2013.

All remaining funds collected under the Wyong Shire Section 94A Levy Contributions Plan dated August 2013 are to be applied toward the same category of works to be completed in the works schedule included in this Plan.

This Plan has no effect on any other contributions plan prepared and adopted by the Council.

This Plan applies to any development located within an area where a section 7.11 Contributions Plan is in force but has not been levied section 7.11 contributions under that contributions plan.

1.7 Pooling of levies

This plan expressly authorises section 7.12 levies paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes. The priorities for the expenditure of the levies are shown in the works schedule.

1.8 Construction certificates and the obligation of accredited certifiers

In accordance with clause 146 of the EP&A Regulation 2000, a certifying authority must not issue a construction certificate for building work or subdivision work under a development consent unless it has verified that each condition requiring the payment of levies has been satisfied.

In particular, the certifier must ensure that the applicant provides a receipt(s) confirming that levies have been fully paid and copies of such receipts must be included with copies of the certified plans provided to the council in accordance with clause 142(2) of the EP&A Regulation. Failure to follow this procedure may render such a certificate invalid.

The only exceptions to the requirement are where a works in kind, material public benefit, dedication of land or deferred payment arrangement has been agreed to by the council. In such cases, council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

1.9 How will the levy be calculated?

The levy will be determined on the basis of the rate as set out in summary schedule. The levy will be calculated as follows:

$$\text{Levy payable} = \%C \times \$C$$

Where

%C is the levy rate applicable

\$C is the proposed cost of carrying out the development

The proposed cost of carrying out the development will be determined in accordance with clause 25J of the EP&A Regulation. The procedures set out in Appendix A to this plan must be followed to enable the council to determine the amount of the levy to be paid.

The value of the works must be provided by the applicant at the time of the request and must be independently certified by a Quantity Surveyor who is registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate equivalent qualifications.

Without limitation to the above, council may review the valuation of works and may seek the services of an independent person to verify the costs. In these cases, all costs associated with obtaining such advice will be at the expense of the applicant and no construction certificate will be issued until such time that the levy has been paid.

1.10 When is the levy payable?

The levy must be paid prior to the issue of a construction certificate, subdivision certificate or complying development certificate.

1.11 How will the levy be adjusted?

Contributions required as a condition of consent under the provisions of this plan will be adjusted at the time of payment of the contribution in accordance with the following formula:

$$\text{Contribution at time of payment} = \$C_o + A$$

Where

\$ C_o is the original contribution as set out in the consent

A is the adjustment amount which is =

$$\frac{\$C_o \times ([\text{Current Index} - \text{Base Index}])}{[\text{Base Index}]}$$

Where

Current Index <i>Consumer Price Index (All Groups Index) for Sydney</i>	is the <i>Consumer Price Index (All Groups Index) for Sydney</i> as published by the Australian Statistician available at the time of payment of the contribution;
Base Index <i>Consumer Price Index (All Groups Index) for Sydney</i>	is the <i>Consumer Price Index (All Groups Index) for Sydney</i> as published by the Australian Statistician at the date the cost of the development has been submitted to and accepted by the consent authority as the genuine cost of the development.

Note: In the event that the Current *Consumer Price Index (All Groups Index) for Sydney* is less than the previous *Consumer Price Index (All Groups Index) for Sydney*, the Current *Consumer Price Index (All Groups Index) for Sydney* shall be taken as not less than the previous *Consumer Price Index (All Groups Index) for Sydney*.

1.12 Can deferred or periodic payments be made?

Deferred or periodic payments may be permitted in the following circumstances:

- Where the applicant has reached agreement with the Council to provide works-in-kind, land dedication and/or material public benefits documented in a formal Planning Agreement, which makes detailed and specific provision for the dedication of, and/or, the carrying out of work-in-kind and/or the provision of a material public benefit in partial or full satisfaction of a condition imposed on the development consent, and, as an integral part of the delivery of that package of works process, sets out an alternative timing for the payment of monetary contributions, with security if required:

or

- In other circumstances, such as financial hardship, this must be substantiated in writing by the applicant with appropriate documentation, which demonstrates, the financial hardship to be both severe and sufficiently unique as to distinguish the applicant from any other applicant. Council, on the specific merits of the case must also determine that the deferred or periodic payment of the contributions will not cause prejudice to the community deriving benefit from the works, or the timing or the manner of the provision of the public facilities included in the works schedule within this Contributions Plan.

It should be noted in respect to the dot point above that it is essential for any local government authority to treat all applicant's and developers equally by the same criteria and, given that there is potential for a pecuniary advantage for one applicant or developer in the context of a deferral of payment which, if extended to all, would prejudice the timing of the works schedule, such an application without unique and severe extenuating circumstances is unlikely to succeed.

Should Council agree to accept deferred or periodic payments having regard to the above circumstances, and unless otherwise expressed within a formal Planning Agreement, Council will require the applicant to provide a non-expiring bank guarantee by an Australian bank for the full amount of the contribution, or the outstanding balance, and enter into a Deed of Agreement on condition that:

- the Deed of Agreement is to be prepared by Council's solicitors at full cost to the applicant prior to the bankers guarantee being submitted to Council.
- the bank guarantee be by a bank for the amount of the total contribution, or the amount of the outstanding contribution, plus an amount equal to thirteen (13) months interest, plus any charges associated with establishing or operating the bank security.
- The bank guarantee must carry specific wording identifying the exact obligation to which it relates (i.e. Section 7.12 development contributions for development of Lot xx DP xxx under Development Application No. xxx Condition No. xxx)
- the bank unconditionally agrees to pay the guaranteed sum to the council if the council so demands in writing not earlier than 6 months from the provision of the guarantee or completion of the work.
- the maximum time period for a deferred payment will be limited to 12 months.
- the bank must pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development.
- the bank's obligations are discharged when payment to the Council is made in accordance with this guarantee or when Council notifies the bank in writing that the guarantee is no longer required.
- where a bank guarantee has been deposited with Council, the guarantee shall not be cancelled until such time as the original contribution and accrued interest are paid.
- The bank guarantee will be called up by Council should the contributions, together with accrued interest and any other charges associated with establishing or operating the bank security, are not be paid by the due date outlined in the Deed of Agreement.

Deferred or periodic payments may be permitted, in accordance with the above requirements, only with approval of the Council Officer(s) whose position(s) holds the required Council delegations.

Part D - References

Dictionary

In this plan, unless the context or subject matter otherwise indicates or requires, the definitions are the same as those contained within Council's environmental planning instruments, the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000 whichever is applicable except for the following definitions:

Council means Central Coast Council.

Gosford City Centre means the land identified as the Gosford City Centre as defined in Gosford Local Environmental Plan 2014, depicted on Map 3

Greenfield Employment Areas means lands depicted on Map 2

References

Brisbane Water Public Wharves and Boat Ramps Usage Study – 22 May 2013

Gosford Bike Strategy 2014

i.d. Population Forecasts

economy i.d.

Central Coast Regional Plan 2036

Tourism Research Australia

Department of Planning Development Contributions Practice Notes – July 2005

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2000

APPENDIX A – Cost Summary Reports

A cost summary report is required to be submitted to allow council to determine the contribution that will be required. The following should be provided:

- A cost summary report must be completed for works with a value greater than \$ 1,000,000
- A Quantity Surveyor's Detailed Cost Report must be completed by a registered Quantity Surveyor for works with a value greater than \$ 5,000,000.00

To avoid doubt, section 25J of the *Environmental Planning and Assessment Act 1979* sets out the following:

- (1) The proposed cost of carrying out development is to be determined by the consent authority, for the purpose of a section 7.12 levy, by adding up all the costs and expenses that have been or are to be incurred by the applicant in carrying out the development, including the following:
 - a. if the development involves the erection of a building, or the carrying out of engineering or construction work—the costs of or incidental to erecting the building, or carrying out the work, including the costs (if any) of and incidental to demolition, excavation and site preparation, decontamination or remediation,

- b. if the development involves a change of use of land—the costs of or incidental to doing anything necessary to enable the use of the land to be changed,
 - c. if the development involves the subdivision of land—the costs of or incidental to preparing, executing and registering the plan of subdivision and any related covenants, easements or other rights.
- (3) For the purpose of determining the proposed cost of carrying out development, a consent authority may have regard to an estimate of the proposed cost of carrying out the development prepared by a person, or a person of a class, approved by the consent authority to provide such estimates.
- (4) The following costs and expenses are not to be included in any estimate or determination of the proposed cost of carrying out development:
- a. the cost of the land on which the development is to be carried out,
 - b. the costs of any repairs to any building or works on the land that are to be retained in connection with the development,
 - c. the costs associated with marketing or financing the development (including interest on any loans),
 - d. the costs associated with legal work carried out or to be carried out in connection with the development,
 - e. project management costs associated with the development,
 - f. the cost of building insurance in respect of the development,
 - g. the costs of fittings and furnishings, including any refitting or refurbishing, associated with the development (except where the development involves an enlargement, expansion or intensification of a current use of land),
 - h. the costs of commercial stock inventory,
 - i. any taxes, levies or charges (other than GST) paid or payable in connection with the development by or under any law,
 - j. the costs of enabling access by disabled persons in respect of the development,
 - k. the costs of energy and water efficiency measures associated with the development,
 - l. the cost of any development that is provided as affordable housing,
 - m. the costs of any development that is the adaptive reuse of a heritage item.

Cost Summary Report

Cost Summary Report

Development Cost no greater than \$ 1,000,000

DEVELOPMENT APPLICATION No. REFERENCE:

COMPLYING DEVELOPMENT CERTIFICATE APPLICATION No.

CONSTRUCTION CERTIFICATE No. DATE:

APPLICANT'S NAME: _____

APPLICANT'S ADDRESS: _____

DEVELOPMENT NAME: _____

DEVELOPMENT ADDRESS: _____

ANALYSIS OF DEVELOPMENT COSTS:

Demolition and alterations	\$	Hydraulic services	\$
Structure	\$	Mechanical services	\$
External walls, windows and doors	\$	Fire services	\$
Internal walls, screens and doors	\$	Lift services	\$
Wall finishes	\$	External works	\$
Floor finishes	\$	External services	\$
Ceiling finishes	\$	Other related work	\$
Fittings and equipment	\$	Sub-total	\$

Sub-total above carried forward	\$
Preliminaries and margin	\$
Sub-total	\$
Consultant Fees	\$
Other related development costs	\$
Sub-total	\$
Goods and Services Tax	\$
TOTAL DEVELOPMENT COST	\$

I certify that I have:

- inspected the plans the subject of the application for development consent or construction certificate.
- calculated the development costs in accordance with the definition of development costs in clause 25J of the Environmental Planning and Assessment Regulation 2000 at current prices.
- included GST in the calculation of development cost.

Signed: _____

Name: _____

Position and Qualifications: _____

Date: _____

(Acknowledgment to City of Sydney for use of the model cost reports)

Quantity Surveyors Report

Registered* Quantity Surveyor's Detailed Cost Report

Development Cost in excess of \$ 5,000,000

*A member of the Australian Institute of Quantity Surveyors

DEVELOPMENT APPLICATION No. REFERENCE: COMPLYING DEVELOPMENT CERTIFICATE APPLICATION No. CONSTRUCTION CERTIFICATE No. DATE:

APPLICANT'S NAME: _____

APPLICANT'S ADDRESS: _____

DEVELOPMENT NAME: _____

DEVELOPMENT ADDRESS: _____

DEVELOPMENT DETAILS:

Gross Floor Area – Commercial	m ²	Gross Floor Area – Other	m ²
Gross Floor Area – Residential	m ²	Total Gross Floor Area	m ²
Gross Floor Area – Retail	m ²	Total Site Area	m ²
Gross Floor Area – Car Parking	m ²	Total Car Parking Spaces	
Total Development Cost	\$		
Total Construction Cost	\$		
Total GST	\$		

ESTIMATE DETAILS:

Professional Fees	\$	Excavation	\$
% of Development Cost	%	Cost per square metre of site area	\$ /m ²
% of Construction Cost	%	Car Park	\$
Demolition and Site Preparation	\$	Cost per square metre of site area	\$ /m ²
Cost per square metre of site area	\$ /m ²	Cost per space	\$ /space
Construction – Commercial	\$	Fit-out – Commercial	\$
Cost per square metre of commercial area	\$ /m ²	Cost per m ² of commercial area	\$ /m ²
Construction – Residential	\$	Fit-out – Residential	\$
Cost per square metre of residential area	\$ /m ²	Cost per m ² of residential area	\$ /m ²
Construction – Retail	\$	Fit-out – Retail	\$
Cost per square metre of retail area	\$ /m ²	Cost per m ² of retail area	\$ /m ²

I certify that I have:

- inspected the plans the subject of the application for development consent or construction certificate.
- prepared and attached an elemental estimate generally prepared in accordance with the Australian Cost Management Manuals from the Australian Institute of Quantity Surveyors.
- calculated the development costs in accordance with the definition of development costs in the S7.12 Development Contributions Plan of the council of [insert] at current prices.
- included GST in the calculation of development cost.
- measured gross floor areas in accordance with the Method of Measurement of Building Area in the AIQS Cost Management Manual Volume 1, Appendix A2.

Signed: _____

Name: _____

Position and Qualifications: _____

Date: _____

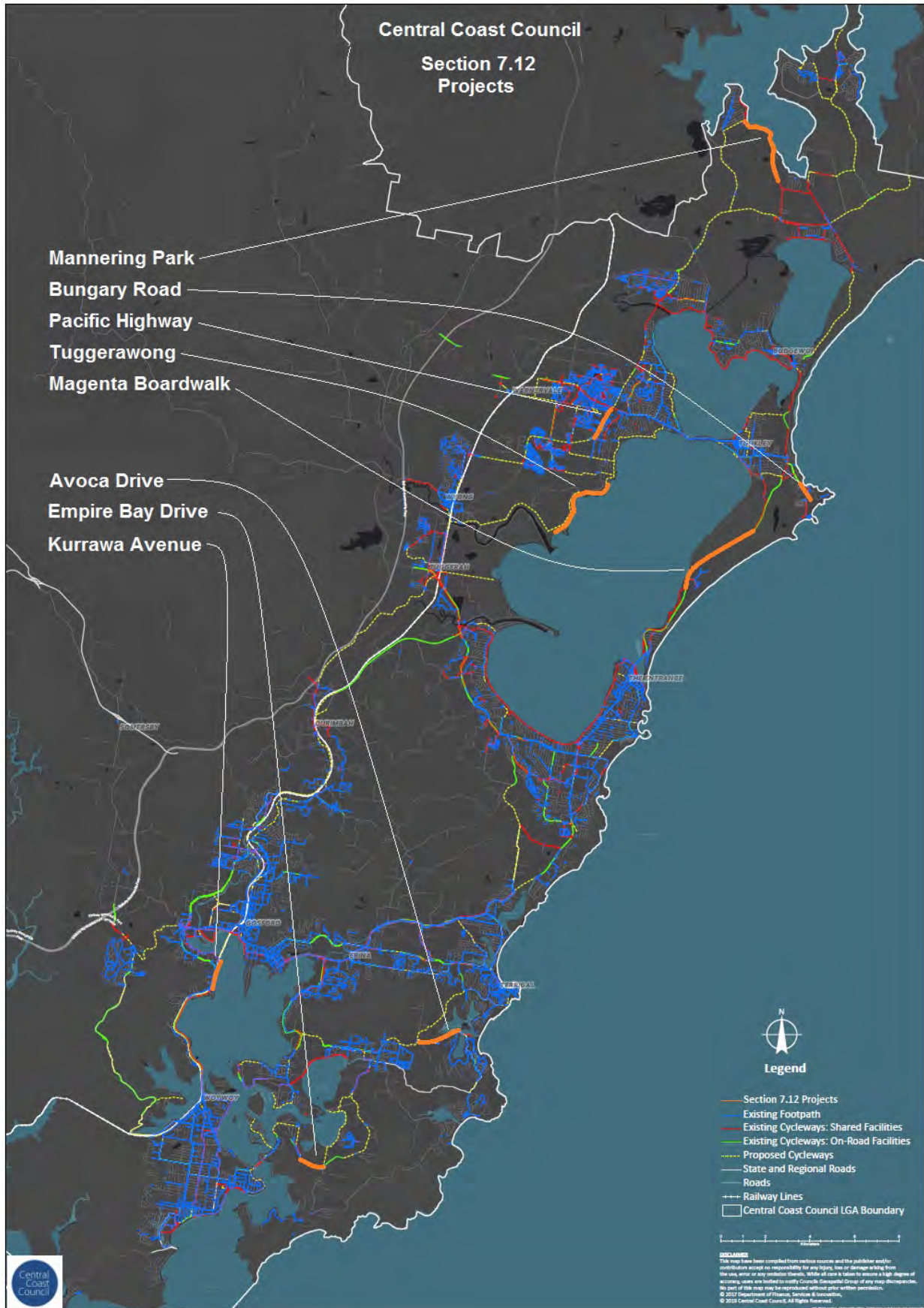
(Acknowledgment to City of Sydney for use of the model cost reports)

Works Schedule and Maps

The works schedule includes the works schedule outlining the anticipated costs and maps showing the location of the works that are to be provided using contributions received under this Contributions Plan.

Bike Plan Link ID	Cycleway Route	Suburb	Estimated Costs (\$M)	Estimated Time Frame 1-5 years	Estimate Time Frame 5-20 years
137-141, 168, 237	Bungary Road	Norah Head	\$1.4	Y	-
348	Magenta Boardwalk	Magenta	\$12.7	Y	Y
103	Tuggerawong Foreshore	Tuggerawong	\$4.0	Y	Y
357	Kurrawa Avenue	Point Clare	\$6.5	-	Y
56	Avoca Drive - The Round Dr to Scenic Hwy	Avoca	\$4.3	-	Y
356	Malinya Road	Saratoga	\$0.6	-	Y
88	Empire Bay Drive – School to Wards Hill,	Empire Bay	\$0.6	-	Y
220,221	Eastern Road - missing link	Bateau Bay	\$0.4	-	Y
109	Pacific Highway	Hamlyn Terrace	\$1.1	-	Y
43	Barrenjoey Road	Ettalong	\$0.5	-	Y
Total			\$32.1		

Cycleways Map





Item No: 4.3
Title: Central Coast Section 7.12 Contributions Plan Report
Department: Environment and Planning

10 December 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-04 - D13346722

Author: Gary Hamer, Section Manager, Strategic Planning

Manager: Matthew Prendergast, Acting Executive Manager, Innovation and Futures

Executive: Scott Cox, Director, Environment and Planning

Report Purpose

The purpose of this report is for Council to consider the draft Central Coast Section 7.12 Contributions Plan and amendments to the former Wyong Section 7.11 contributions plans to end the discount rate applied to the levying of contributions on secondary dwellings.

This report recommends that Council adopt the draft Central Coast Section 7.12 Contributions Plan and proposed amendment to the former Wyong Shire Section 7.11 contributions plans for the purpose of public exhibition and that a further report be prepared for Council's consideration on the outcomes of the public exhibition.

Recommendation

- 1 *That Council adopt the draft Central Coast Section 7.12 Contributions Plan for the purpose of public exhibition.*
- 2 *That Council exhibit the draft Central Coast Section 7.12 Contributions Plan for a minimum period of 28 days in accordance with the requirements of the Environmental Planning and Assessment Regulations 2000.*
- 3 *That Council consider a further report on the outcomes of the public exhibition period.*
- 4 *That Council exhibit amendments to all former Wyong Shire Section Council 7.11 contributions plans to end the discounted contributions rate for secondary dwellings and levy contributions at the rate applicable within the existing contributions plans simultaneously with the exhibition of the draft Central Coast Section 7.12 Contributions Plan.*
- 5 *That Council apply s7.12 Contributions to Secondary Dwellings in the former Gosford Local Government Area.*

ORDINARY MEETING HELD ON 10 DECEMBER 2018

Moved: Mayor Smith
Seconded: Councillor MacGregor

Resolved

1213/18 That Council defer this item to be discussed at the Councillor Workshop to be held in February 2019.

For: Mayor Smith and Councillors Mehrtens,
Sundstrom, Matthews, MacGregor, Vincent and Hogan

Against: Councillors Marquart, Holstein, Gale Collins,
Pilon, McLachlan, Greenaway and Best

The motion was CARRIED on the casting vote of the Mayor.

Context

Section 7.12 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, allows Council to prepare a contributions plan to levy a flat rate contribution towards, or recoup, the capital costs of providing or extending facilities, infrastructure and services necessary to meet the increased demand created by new development in its area.

The existing Wyong Shire Council Section 94A Levy Development Contributions Plan dated August 2013 covering the former Wyong Local Government Area and levies contributions in accordance with Section 7.12 of the *EP&A Act*. In the former Gosford LGA there is no s7.12 contributions plan in force. The existing Gosford City Council Section 94A Development Contribution Plan – Gosford City Centre levies contributions at 1% of the cost of development. It is noted that prior to the recent Gosford Special Infrastructure Contribution this plan levied contributions at 4% of the cost of development. Areas where there are no contributions plan in force include most of the low-density residential areas including such places as Wamberal, Forresters Beach, Avoca Beach, Mc Masters Beach, Patonga and the rural residential and rural areas where traditionally growth rates are low.

Report

The proposed Central Coast Section 7.12 Contributions Plan will cover the entire Central Coast Local Government area and will ensure that development which is not subject to a contribution under an existing section 7.11 contributions plan (excluding development undertaken in the existing s94A contributions plan for the Gosford City Centre) contributes to the future works required by the increase in demand through population growth.

The proposed new contributions plan has identified that the forecast growth out to 2036 in population, employment and tourism will have an impact on the standard of existing community infrastructure in the local government area unless new or embellished infrastructure is provided to meet that demand.

The range of community infrastructure identified to accommodate this growth includes improvement and embellishment of existing open space and recreational facilities such as cycleways, wharves and boat ramps.

Development to be levied and exemptions

The new contributions plan will apply across the entire Central Coast Local Government area except for the Gosford City Centre and defined greenfield employment areas. The Gosford City Centre has its own contributions plan in place and the exemption to greenfield employment areas to stimulate job growth. It will permit Council to levy contributions on non-residential and residential development (except for the erection of a dwelling house or alterations and additions to an existing dwelling house) provided that development has not been the subject of a contributions under a current section 7.11 contributions plan or is not identified as exempt to the levy under Clause 1.5 of the contributions plan. The proposed exemptions under the contributions plan are:

Legislative Exemptions

- where the proposed cost of carrying out the development is \$100,000 or less;
- that has been the subject of a condition under section 7.11 under a previous development consent relating to the subdivision of the land on which the development is to be carried out, unless that other development will, or is likely to, increase the demand for public amenities or public services beyond the increase in demand attributable to the initial subdivision;
- alterations or refurbishment of an existing development, where there is no enlargement, expansion, increase in gross floor area or intensification of the current land use;

Council Exemptions

- for a dwelling house or alterations and additions to a dwelling house or any development ordinarily incidental or ancillary to the use of the dwelling house such as swimming pools, garages, sheds and the like;
- in greenfield employment land other than subdivision as shown on the Map 2;
- carried out on land that has been subject to a contribution paid under the Somersby Industrial Estate Service Agreement;
- by or on behalf of Central Coast Council for public infrastructure;
- an application for emergency services;
- an application for demolition (where there is not a replacement building or development).

A Ministerial direction does not allow the levying of additional contributions on lots that have paid previous developer contributions under a section 7.11 contributions plan for the same development that was levied originally.

An example is a residential subdivision levied contributions for a future dwelling house cannot be levied contributions for the erection of the dwelling house. However, contributions can be levied where there is additional demand generated from the proposed development for example secondary dwellings.

Secondary Dwellings (Granny Flats)

It is proposed under the new s7.12 contributions plan to levy contributions on secondary dwellings. Currently there are two distinct approaches to levying for secondary dwellings under the former Gosford and Wyong Councils.

In the former Gosford Local Government Area, the existing suite of contributions plans contains provisions which allow developer contributions to be charged for secondary dwellings. However, there is an existing Council resolution of 6 September 2011 (Resolution No. 2011/472) which prevents the levying of developer contributions on secondary dwellings which have a floor area of 60 square metres or less.

In the former Wyong Local Government Area, developer contributions on secondary dwellings are currently levied at a discount rate. This discount rate (being 52% and 33% for a two and one bedroom dwelling respectively) was a result of a Council resolution dated 24 July 2013 (Resolution No. 960/13).

In order to ensure consistency of approach in the levying of developer contributions on secondary dwellings it would be necessary for Council to recommend this its new approach to the community that all secondary dwellings will be levied in accordance with the provisions of the existing contributions plans including an end to the discount rate. This would result in contributions being levied at the rate applicable within the existing suite of contributions plans as outlined below:

Former Gosford Contributions Plans

Contributions Plan	Levied for a small dwelling
Narara	\$4,689.00
Niagara Park	\$3,947.00
Lisarow	\$5,359.00
Kincumber	\$8,504.00
Kariong	\$6,938.00
Springfield	\$6,314.00
Peninsula	\$8,216.00
Erina, Green Point, Terrigal	\$10,343.00
East Gosford	\$1,211.00
Terrigal	\$10,037.00

Avoca Beach	\$ 2,327.00
North Gosford	\$932.00
Bensville	\$266.00
Gosford Regional Centre	\$2,428.00

Former Wyong Shire Contributions Plans

Contributions Plans including Shire Wide	Current Contribution Amount Levied for both one and two bedrooms	Contribution Amount for one bedroom	Contribution Amount for a two bedroom
Budgewoi	\$3,334.00	\$4,953.20	\$6,911.00
Gorokan	\$3,200.80	\$4,755.15	\$6,675.85
Northern Districts	\$5,449.15	\$8,095.75	\$11,365.40
Ourimbah	\$3,578.20	\$5,315.95	\$7,463.10
San Remo	\$3,792.95	\$5,635.00	\$7,910.95
Southern Lakes	\$3,453.80	\$5,131.15	\$7,203.60
The Entrance	\$6,131.00	\$8,214.55	\$12,519.25
Toukley	\$3,747.20	\$5,567.05	\$7,815.50
Wyong	\$3,287.75	\$4,884.45	\$6,857.30
Warnervale	\$10,120.40	\$12,533.00	\$16,658.65

In order to end the discount rate in the former Wyong Shire Contributions Plans it will be necessary to amend the existing contributions plans including exhibition of the amendments in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulations 2000* for a minimum period of 28 days. These amendments can be undertaken, and public exhibition can occur simultaneously with the exhibition of the draft s7.12 contributions plan should Council support this approach.

Cost of Works Schedule

The total cost of the works shown in the works schedule is \$126,892,500 however, under the Plan the future population growth share of the costs is \$24,027,673. The shortfall will need to be met by Council, either through general revenue or grant funding.

A summary of the works schedule by category and cost is outlined below:

Public Facilities	Estimated	Costs to be funded by this Plan
Region Wide Open Space and Recreation	\$47,000,000	\$8,930,000
Region Wide Lifestyle Projects		

Cycleway	\$71,442,500	\$13,492,173
Wharves and Boat Ramps	\$8,450,000	\$1,605,500

The full works schedule indicates the total cost of the works and the cost to be funded by the contributions plan. There are some cycleway works within the works schedule that are also in the s94A Gosford City Centre contributions plan, and the cost to be funded by this contributions plan has been reduced to have regard to the population growth within that contributions plan to prevent double dipping. It also shows the anticipated commencement of each of the works by reference to financial year out to 2034/2035.

Forecast Contributions Income

It is difficult to forecast the income in contributions to be received under this proposed contributions plan. Development activity is cyclical with development types and number of applications differing from one year to another.

In order to provide a forecast of future contributions, the contributions received under the former Wyong s94A Contributions Plan was reviewed and adjusted to reflect the development exemptions listed above as well as reviewing construction certificates and complying development certificates issued for the last 5 years in the former Gosford area. This review indicated that the contributions that would have been received had an s7.12 contributions plan been in place over the entire Central Coast Local Government area would have been in the order of \$4.6 million dollars or on average approximately \$ 930,000 per year.

Given that the contributions plan has a planning horizon of 18 years and using the average income of contributions received over the past five years of \$930,000, this would result in \$16,740,000 being collected in contributions. However, this amount is only a reflection of the past development activity and should not be relied upon as a guarantee of potential income, it could be more or less each year over the planning horizon of the contributions plan.

Estimated Costs to Council

The proposed schedule of works will commit Council funding the works attributable to the existing population estimated to be \$101,864,827.

Costs of the works schedule attributable to the future population is \$24,027,673, however the estimated contributions income over the life of the contributions plan is \$16,740,000 (based on previous assumptions). This results in a shortfall of \$7,287,673 in the future population's share of the cost of the works schedule.

The balance of the existing former Wyong s7.12 contributions plan is approximately \$2,111,212. When this is taken into account the shortfall of the future population share of costs is reduced to \$5,176,461.

The total cost of the works schedule to be funded by Council if the contributions plan is adopted would be \$107,041,288.

Deferred or Periodic Payment Provisions

The legislation requires Council to specify the conditions under which it may accept deferred or periodic payment of the contributions within the contributions plan.

Currently there is no Central Coast Council Policy on deferred or periodic payment of contributions.

The former Wyong Shire Council did not have a specific policy on deferred or periodic payments for section 7.12 contributions plans however it did have a policy for this type of payment under section 7.11 contributions plans. The former Gosford Council did have a policy titled "Deeds of Agreement and Bank Guarantees in relation to condition of consent, development contributions, draft local environmental plans etc."

A new clause has been drafted which has regard to the Department of Planning's practice notes on deferred and periodic payments including matters raised by Council's internal solicitors which will allow deferred or periodic payments subject to entering into a legal agreement as well as submitting an unconditional bankers guarantee, with a maximum time limit of twelve months before the contributions are required to be paid or the bankers guarantee called in.

Consultation

Internal consultation was undertaken in the preparation of the draft contributions plan.

It is required that the draft Section 7.12 Contributions Plan and amendments to the existing Wyong Shire contributions plans be placed on public exhibition for a period of 28 days. The outcomes of the exhibition period will be reported to Council for consideration.

Financial Impact

There is no financial impact as a result of adopting the draft contributions plan for exhibition purposes, however if Council were to adopt the draft contributions plan, then the contribution plan commits Council to \$107,041,288 in works outlined in the plan.

The list of projects identified in the 7.12 Plan have been identified by the relevant business units to support future planning of the Central Coast. The 7.12 Plan provides a funding mechanism to support part payment of the cost of these projects. The inclusion of these projects in the 7.12 Plan provides opportunities to seek grant funding that will reduce the shortfall of \$107,041,288.

Social Impacts

There are no social impacts as a result of adopting the draft contributions plan for exhibition purposes. The draft contributions plan contains infrastructure projects which responds to the Community Strategic Plan which improves connections and liveability across the Central Coast and equity in ensuring all development across the Central Coast and equity in ensuring all across the Central Coast in contributing to delivery of infrastructure.

Environmental Considerations

There are no environmental considerations as a result of adopting the draft contributions plan for public exhibition purposes.

Link to Community Strategic Plan

Theme 1: Belonging

Goal B: Creativity connection and local identity

B4: Activate spaces and places to complement activity around town centres, foreshores, lakes and green spaces for families, community and visitors.

Theme 5: Liveable

Goal K: Out and about in fresh air

K1: Create a regional network of interconnected shared pathways and cycle ways to maximise access to key destinations and facilities.

Theme 5: Liveable

Goal K: Out and about in fresh air

K4: Repair and maintain wharves, jetties, boat ramps and ocean baths to increase ease of access and enjoyment of natural waterways and foreshores.

Risk Management

The draft Central Coast s7.12 Contributions Plan has been prepared in accordance with the legislative requirements of the *Environmental Planning and Assess Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

Conclusion

The proposed draft section 7.12 contributions plan and proposed amendments to the former Wyong Shire Council Section 7.11 contributions plans will ensure consistency in approach to the levying of contributions across the region and will help fund the future infrastructure required as a result of population growth, consistent with the Community Strategic Plan.

Attachments

Nil.



Item No: 2.4
Title: Draft Central Coast Council Biodiversity Strategy
Department: Environment and Planning

26 August 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-01 - D13573058

Author: Rochelle Lawson, Senior Ecologist

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

Executive: Scott Cox, Director Environment and Planning

Report Purpose

The purpose of this report is for Council to consider the draft Central Coast Council Biodiversity Strategy for the purposes of community consultation.

The report recommends that Council places the draft strategy on public exhibition prior to finalisation.

Recommendation

- 1** *That Council endorse the draft Central Coast Council Biodiversity Strategy for the purposes of community consultation.*
- 2** *That the draft Central Coast Council Biodiversity Strategy is placed on public exhibition for a period of at least 60 days.*
- 3** *That staff consider submissions received during the exhibition period and provide a report back to Council:*
 - a.** *Addressing the submissions received from the public during the exhibition period.*
 - b.** *Proposing appropriate amendments to the Biodiversity Strategy with consideration of those submissions, and seeking adoption of the Biodiversity Strategy by Council.*

Background

The Biodiversity Strategy is the first single strategy that combines the progress of the two former Councils in conservation planning and presents a roadmap for the future of the biodiversity of the Central Coast. The document builds on the two former Councils' biodiversity conservation strategies and plans.

The main drivers for preparing the Biodiversity Strategy are:

1. To respond to the outcomes of community engagement where the care and protection of the natural environment was identified as important to the Central Coast community;
2. To explore the opportunities presented by major changes to biodiversity protection legislation in NSW; and
3. To demonstrate a consistent policy framework that provides a basis for decision-making and funding eligibility.

Action 12.4 of the Central Coast Regional Plan is to “Strengthen the Coastal Open Space System by expanding its links and extending new corridors to balance growth in the north of the region and protect the network of natural areas across the region”. The 2010 Coastal Open Space System (COSS) Strategy document does not reflect a conservation land acquisition strategy for the new Central Coast Council LGA. Therefore an updated Strategy was required to address this action.

The Community Strategic Plan has the following goals:

- E1 Educate the community on the value and importance of natural areas and biodiversity and encourage community involvement in caring for our natural environment.
- E2 Improve water quality for beaches, lakes and waterways by minimising pollutants and preventing litter entering our waterways.
- I3 Ensure land use planning and development is sustainable and environmentally sound and considers the importance of local habitat, green corridors, energy efficiency and stormwater management.
- F1 Protect our rich environmental heritage by conserving beaches, waterways, bushland, wildlife corridors and inland areas and the diversity of local native species.
- F2 Promote greening and ensuring the wellbeing of communities through the protection of local bushland, urban trees tree canopies and expansion of the Coastal Open Space System (COSS) concept.
- F4 Address climate change and its impacts through collaborative strategic planning and responsible land management.

The preparation of the Biodiversity Strategy is in direct response to the importance that the community places on the environment and is included as part of a suite of Council strategies aimed at implementing key Community Strategic Plan objectives. Other strategies include:

- the Urban Spatial Plan,
- the Greener Places Strategy, aimed at maintaining an urban tree canopy;
- the Sustainability Strategy, a pathway to a more sustainable region; and

- the Comprehensive Local Environmental Plan.

Context

The Biodiversity Strategy is a framework for future detailed investigations and actions to expand and embellish existing natural assets. The Strategy sets out an ambitious 5-year program to guide conservation planning on the Central Coast.

The specific actions and targets are organised into the following five themes:

1. Planning and managing biodiversity in Council's natural areas.
2. Ensuring adequate resourcing to enable Council to effectively manage its natural areas and expand the conservation estate.
3. Promoting community appreciation and participation in biodiversity conservation.
4. Protecting biodiversity through land use planning and information management.
5. Demonstrating leadership in biodiversity conservation.

The actions under the first three themes will be delivered by the proposed Conservation Management Program (CMP). The CMP is a comprehensive program of works covering natural asset planning and management, expansion of Council's natural area estate, and community involvement in biodiversity conservation. Output documents from the CMP will be prepared as key actions of themes one to three.

While Theme 5 focuses on Council's corporate responsibilities, Theme 4 provides a link between biodiversity protection and the strategic planning framework. Council is in a unique position having two roles: a public land manager; and a consent authority. There are opportunities to strategically manage high biodiversity value land using funding generated by developers offsetting unavoidable impacts in urban growth areas.

Working together with the community, the measures outlined will help secure the future of biodiversity in the Central Coast region, and benefit the community and future generations.

Consultation

Community Strategic Plan

The community values that "the natural environment is well cared for and protected" as recognised in the Community Strategic Plan (CSP), prepared following extensive community engagement between 2016 and 2018. Relevant themes that emerged in participant's concerns and ideas on the environment included below:

- Council should take a proactive approach to protect and manage the natural environment under its care.
- Council's Estuary Management Plan, catchment management program, Waterwatch Program and lagoon and coastal protection programs are important.

2.4 Draft Central Coast Council Biodiversity Strategy (contd)

- Development is removing habitat, trees and corridors – local and state government land use planning needs to protect these values.
- Council should map wildlife corridors and extend corridors and protected areas.
- Our community is active in environmental protection, and Council should acknowledge and encourage this by undertaking community education about wildlife and local vegetation.

Central Coast Sustainability Survey

The online survey was available to be taken from Monday 18 February to Sunday 17 March 2019, inclusive.

- Results show that 80.29% of respondents think biodiversity conservation, protection of native plants and animals, and ecosystem health is very important to the Central Coast, while 19.57% think it is somewhat important.

Climate Change Policy Community Consultation - Biodiversity (D13)

The key issues raised include:

- Support Coastal Open Space System.
- Support tree retention and protecting the environment and wildlife.
- Community education.
- Stop over development and land clearing.

The commitment statement has been amended to include development of relevant strategies, plans and development controls to protect, conserve and work with the community to enhance biodiversity resilience across the Central Coast region.

External agencies

Department of Planning, Industry and Environment have been consulted throughout the drafting of the document to ensure consistency with other strategic plans in progress. Further external agency consultation is proposed as part of the public exhibition process.

Internal consultation

Council staff with roles directly relevant to the Biodiversity Strategy actions were extensively consulted during the drafting of the document. Further internal consultation is proposed as part of the public exhibition process.

Councillors were briefed on 29 July and the draft Biodiversity Strategy was provided to Councillors on 2 August.

Financial Impact

The actions within the draft Strategy include preliminary costings. The draft strategy also proposes the establishment of a Conservation Fund with various proposed funding mechanisms to minimise the impact on Council’s current budget. A possible source of funding is the sale of biodiversity credits under the NSW Biodiversity Offset Scheme.

Risk Management

The Biodiversity Strategy targets and actions rely on other closely-related Council strategies, environmental programs and corporate systems. There is a certain amount of cross-over due to the fact that the management of environmental values is central to Council’s business.

The Biodiversity Strategy will be an integral component of a suite of strategic plans that will support the Local Strategic Planning Statement (LSPS). Council’s LSPS is a key strategic planning document for the Central Coast region, and is the land use response to the CSP.

The Biodiversity Strategy does not attempt to address in detail the targets and activities within Council’s programs, even within the environmental management and protection work streams. It acknowledges that components of other work programs will support the goals of the Biodiversity Strategy.

Link to Community Strategic Plan

Theme 3: Green

Goal F: Cherished and protected natural beauty

G-F1: Protect our rich environmental heritage by conserving beaches, waterways, bushland, wildlife corridors and inland areas, and the diversity of local native species.

Critical Dates or Timeframes

No critical dates are identified although adopting an overarching Biodiversity Strategy in a timely manner is wise in order to guide Council’s approach to biodiversity management on the Central Coast. This is particularly relevant following introduction of recent legislation (Biodiversity Conservation Act 2016).

Attachments

1	Central Coast Biodiversity Strategy 2019 Summary Document	Attached Under Separate Cover	D13624245
2	Central Coast Biodiversity Strategy 2019	Attached Under Separate Cover	D13624255



Item No: 3.1
Title: CPA/2134 - Tender Evaluation - Upgrade Access Driveway at Charmhaven Depot
Department: Connected Communities

26 August 2019 Ordinary Council Meeting

Trim Reference: CPA/2134 - D13625194

Author: Troy Burnham, Section Manager, Depots and Administration Facilities

Manager: Kim Radford, Unit Manager, Facilities Management and Asset Management

Executive: Julie Vaughan, Director Connected Communities

Report Purpose

That Council seeks to re-advertise an open tender to the market for Contract CPA/2134 - Tender Evaluation - Upgrade Access Driveway at Charmhaven Depot, as per cl.178(1b) and cl.178 (3b) of the *Local Government (General) Regulation 2005* as no submissions were received through the previous tendering exercise.

Recommendation

- 1 That council invite, in accordance with clause 167, 168 or 169 of the Local Government Act (General) Regulation 2005, fresh tenders for upgrade of the access driveway at Charmhaven Depot based on the same or different details.**
- 2 That Council resolve, pursuant to s.11(3) of the Local Government Act 1993, that 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

In accordance with cl.178 of the *Local Government (General) Regulation 2005*, Council is first required to decline all tenders for CPA/2134 - Tender Evaluation - Upgrade Access Driveway at Charmhaven Depot in order to recommence the tendering process.

In this case where no tenders were received, cl.178 (3) of the *Local Government (General) Regulation 2005*, states

*"A council that decides not to accept any of the tenders for a proposed contract **or receives no tenders** for the proposed contract must, by resolution, do one of the following:*

- (a) postpone or cancel the proposal for the contract,*

3.1 CPA/2134 - Tender Evaluation - Upgrade Access Driveway at Charmhaven Depot (contd)

- (b) invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,*
- (c) invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,*
- (d) invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,*
- (e) enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,*
- (f) carry out the requirements of the proposed contract itself."*

Council invited tenders for the construction of the Vehicle Access Driveway at Charmhaven Works Depot.

Works included:

- Construction of a new single lane access driveway.
- Construction and installation of storm water drainage, access gates, CCTV security and all electrical works as per design provided by Council.
- Restoration of all disturbed surfaces as required.

This project has been identified as a priority project as the new access driveway will provide better traffic flow within the depot.

Tender Submissions

The tender was advertised in the Sydney Morning Herald on 9 April 2019 and the Central Coast Express Advocate on 11 April 2019. The tender closed at Council's Chambers at 2pm on 7 May 2019.

There were no tenders received for this project.

Tender Evaluation

Council's Tender Evaluation process was not undertaken as there were no submissions received

Financial Impact

The project is listed in Council's 2019/20 Operational Plan.

3.1 CPA/2134 - Tender Evaluation - Upgrade Access Driveway at Charmhaven Depot (contd)

It is anticipated that the project can be delivered in full within the available budget.

This project is funded within the 2019/20 Capital Expenditure budget.

Link to Community Strategic Plan

Theme 4: Responsible

Goal H: Delivering essential infrastructure

R-H2: Improve pedestrian movement safety, speed and vehicle congestion around schools, town centres, neighbourhoods, and community facilities.

Risk Management

This contract has been assessed as a medium risk contract principally based on the environmental management requirements of the site. The key risks and mitigation measures have been addressed in the Contact Plan.

Critical Dates or Timeframes

The project is proposed for delivery in the draft 2019/20 Operational Plan and has been budgeted for in the 2019/20 Capital Expenditure budget.

Regulatory Approvals

The following regulatory approvals have been obtained for this Contract:

- Approval under Part 5 of the *Environmental Planning and Assessment Act 1979*

Public Consultation

No public consultation specific to this contract was necessary and none has occurred.

Consultation has been undertaken with the following relevant stakeholders:

- Internal - Council Employees
- Internal – Roads and Drainage

Options

Council has the following options under cl.178 (3) of the 'Regulation':
Clause 178(3) of the 'Regulation' states:

3.1 CPA/2134 - Tender Evaluation - Upgrade Access Driveway at Charmhaven Depot (contd)

- (a) *postpone or cancel the proposal for the contract*– **Not Recommended**
- (b) *invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details, - Recommended*
- (c) *invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract, – Not Recommended*
- (d) *invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract, – Not Recommended*
- (e) *enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender, – Not Recommended*
- (f) *carry out the requirements of the proposed contract itself. – Not Recommended*

Conclusion

No tenders were received by Council under CPA/2134. Approval is requested to re-advertise the tender on the open market in the 19/20 financial year. This will enable a contractor to be appointed to carry out the project.

Attachments

- 1 CONFIDENTIAL - CPA/2134 Evaluation Report Vehicle Access Driveway - D13633609



Item No: 4.1
Title: Airport Audit Tender
Department: Governance

26 August 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13526575
Author: James Taylor, Section Manager, Governance
Manager: Shane Sullivan, Unit Manager, Governance and Business Services
Executive: Evan Hutchings, Director Governance

Report Purpose

To provide an update on actions taken in response to Council's resolution made on 29 January 2019 Council Meeting to conduct a forensic audit of the Central Coast Airport noting Council's resolutions made on 26 November 2018.

To seek Council's direction on the next steps in this regard.

Recommendation

That Council determine how to progress this matter.

Background

Council resolved at the 26 November 2018 Council Meeting as follows:

- 1050/18 *That Council request the Chief Executive Officer to request the NSW Auditor General conduct an independent financial audit and performance review into all matters relating to Central Coast Airport including, but not limited to, the following:*
- a) *Review of all documentation including any proposals and approvals for the development of a Regional Airport at Kiar Ridge*
 - b) *Invite and consider public submissions (including the ability for confidential submissions if necessary)*
 - c) *Review of all documentation including any proposals and approvals for the development of an Aviation Hub at Central Coast Airport*
 - d) *A report of all financial records, including, but not limited to, expenditure and assets acquired or disposed of in relation to the Airport site*
 - e) *Review of any activities, including works and development applications lodged, by the current Council or former Wyong Shire Council relating to works at the Airport site*

4.1 Airport Audit Tender (contd)

- f) *Review of any potential conflicts of interest in relevant matters including the development of plans or agreements signed in relation to the Airport.*
 - g) *Adherence to legislation and Council policies in relation to activities at the Airport*
- 1051/18 *That Council request the Chief Executive Officer to report on a quarterly basis to Council on progress of the investigation.*
- 1052/18 *That Council request the Auditor-General provide specific advice regarding the following matters, with an interim report by the end of June 2019 if possible, including:*
- a) *A review of processes and decision-making relating to the Airport and Wyong Employment Zone including:*
 - i. *Any anomalies in the process or proposals*
 - ii. *Any areas of concern that may not meet community expectations in terms of due process*
 - b) *Any improvements needed in Council processes*
 - c) *Any conflicts of interests both declared and undeclared*
 - d) *Any matters requiring referral to external agencies for further investigations*

In accordance this resolution, the NSW Auditor General was requested undertake the audit but declined to do so.

Subsequently, at its meeting on 29 January 2019 Council resolved as follows:

- 58/19 *That Council requests the Chief Executive Officer engage an external auditor to undertake an investigation into Central Coast Airport in accordance with the resolution of the Ordinary Council Meeting on 10 December 2018.*

A Tender process commenced in response to this subsequent resolution. This was because it was uncertain what costs might be associated with this piece of work.

As part of the tender response, each tenderer was required to set out their proposed methodology for conducting each of the aspects of Council's resolution with an estimate of time, resources required and costs (if possible). It was requested that this methodology also set out what was expected from Council to assist with the process, what the implementation process and procedures would be or would be expected to be.

It was also stated that it was expected that the review would include, but not be limited to, a review of:

4.1 Airport Audit Tender (contd)

1. All relevant documents and financial records stored in Council's electronic document management system(s) – including all relevant confidential documents produced or held by Council;
2. The following for those people involved in *Central Coast Airport (Warnervale Airport)* if still available:
 - a. All relevant emails to and from Council email addresses;
 - b. All relevant SMS to and from Council mobile phones;
 - c. All relevant network drives;
 - d. All relevant hard drives;
 - e. All relevant meeting minutes or meeting notes; and
 - f. All relevant Council calendars/diaries.
3. All relevant executive meeting minutes or meeting notes; and
4. All relevant agreements between Council and any third party.
5. Any submissions or document received from members of the public following the invitation for public submissions.

The requirements included the interrogation of Council's electronic document management systems, the interrogation of electronic devices and collection of all other documents, notes, or other relevant material relevant to the Central Coast Airport and as directed by Council.

Timing

Council's expectation was clearly stated, that is that the investigation into Central Coast Airport was to be commenced as soon as reasonably practical following the appointment of the successful tenderer.

A Contract Initiation Meeting (followed by regular monthly meetings) was proposed to be held with the successful tenderer to transfer the estimated timeframes into set milestones. It was also stated that Council expected quarterly updates and that staff would work with the successful tenderer to establish realistic time frames surrounding the length of the investigation and reporting requirements.

Resources to be supplied by Council

In the Tender it was confirmed that Council would provide access to Council's document management systems, access to IT equipment held by Council (such as laptop, mobile phones, computer hard drives and back up tapes) and the material identified in the brief upon commencement of the investigation by the successful tenderer.

4.1 Airport Audit Tender (contd)

Council also undertook to provide onsite meeting rooms to the successful tenderer for their use during their investigations as required.

Council Expectations

In the Tender documents Council expectations included, but were not limited to:

- a) that the Audit Services provider has the necessary skills and capability and experience to interrogate electronic devices and electronic media to locate and extract information relevant to this audit without reliance upon Council Information Management and Technology (IM+T) resources;
- b) that the Audit Services provider provide comprehensive audit findings in both electronic and hardcopy formats or as otherwise directed by Council;
- c) that the Audit Services provider attend regular (potentially monthly) on site meetings with the Contact Officer and other Council Officials;
- d) that the Audit Services provider provide monthly reporting to the Contact Officer providing status and updates on the progress of the audit and monitoring of agreed delivery milestones;
- e) that the Service Provider attends Council premises (at one or both of Council's Administration buildings) as requested by Council to undertake the collection of materials and other activities as directed by Council;
- f) that the Audit Services provider undertakes and delivers clear communications as to any challenges or changes required to methodology;
- g) that the Audit Services Provider deliver quarterly formal reporting in a format agreed by Council; and
- h) that the Audit Services provider undertake presentations to Council Meetings or Councillor Briefing sessions as required and directed by Council.

Tender Submissions

At the closing date and time set for this tender (2:00 pm Tuesday 24 April 2019) there were no tender submissions received into either the electronic (Tenderlink) tender box or the physical Tender box located at the Wyong Administration Building.

A single submission was sent to the Council's nominated Contact Officer however, in accordance with the published Conditions of Tender, Council is not in a position to accept this submission lodged contrary to the Conditions of Tender.

Accordingly, no compliant tenders were received.

Options

In this instance (where no compliant Tender submissions were received) the actions as detailed in cl 178 of the *Local Government (General) Regulation 2005* are applicable. These actions are as detailed in sub clause (3) as below:

- (3) *A council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following:*
- (a) *postpone or cancel the proposal for the contract,*
 - (b) *invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,*
 - (c) *invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,*
 - (d) *invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,*
 - (e) *enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,*
 - (f) *carry out the requirements of the proposed contract itself.*

The following options are now presented for Council's consideration:

1. Resolve under cl 178(3)(e) of the *Local Government (General) Regulation 2005* to go to the market to source an agreed provider (part of which would be to provide their proposed methodology which will assist in working out the costings) and report back to Council to approve the appointment and the allocation of funds. If this option is preferred the suggested wording of the resolution would be:
 - A. That as provided under clause 178(3)(e) of the *Local Government (General) Regulation* that Council request the Chief Executive Officer enter into negotiations with appropriate providers to conduct the forensic audit of Central Coast Airport pursuant to the resolution of Council made on 29 January 2019 Council Meeting and based on the Tender documentation that was released to the market previously.
Council may wish to further refine this option in accordance with the information provided below which proposes phasing this project into three parts.
2. Resolve under cl 178(3)(b) of the *Local Government (General) Regulation 2005* to go out to tender again. If this option is preferred the suggested wording of the resolution would be:
 - A. That as provided under clause 178(3)(b) of the *Local Government (General) Regulation* Council request the Chief Executive Officer invite fresh tenders based on the same details for the forensic audit of Central Coast Airport

4.1 Airport Audit Tender (contd)

pursuant to the resolution of Council made on 29 January 2019 Council Meeting and based on the Tender documentation that was released to the market previously.

- B. Council request that the Chief Executive Officer provide a further report to Council on the recommended provider for Council to approve the appointment and the reallocation of funds.
3. Council may determine to take no further action on this matter. If this option is preferred the suggested wording of the resolution would be:

That Council note the report on the Airport Audit Tender and resolve to take no further action on this matter.

Option 1 – Phased into three parts:

In relation to option 1, to assist Council in its deliberations an audit service provider on the Local Government Procurement (LGP) panel of pre-qualified contractors has been contacted to obtain an understanding of an indicative approach and cost of such an audit. It was suggested that the audit be separated into three phases, as follows:

Phase 1 – Objective setting and approach

Phase 2 – Discovery

Phase 3 – Detailed analysis

Phase 1 would involve confirming the objectives of the audit in addition to the following:

- Undertaking a high level scan of all existing information
- Compiling a profile of information records and a list of 'target' information (most likely information) as a first point of review to deliver the objectives and outcomes
- Identifying the key legislative compliance requirements
- Identifying any major issues, challenges or critical information and process gaps
- Developing a work program and project plan, identifying key task allocating the correct resources where required i.e. IT, financial, audit, etc

At this stage it is still unclear what the costs of the proposed forensic audit of Central Coast Airport would be. The contractor referred to above has provided a cost estimate of \$25,000 - \$30,000 (ex GST) for the Phase 1 work. Should Council resolve for that work to be undertaken, following its completion and related report to Council, a quotation could then be obtained for Stages 2 and 3. In that event, the following recommendation would apply in addition to part (A) in option 1.

- B. That pursuant to (A) above, a pre-qualified contractor on the Local Government Procurement (LGP) panel be engaged to undertake Phase 1 of the audit as detailed in the report at an estimated cost of \$30,000 (ex GST).

- C. That a further report be submitted to Council following (B) above, including a cost estimate for completion of the audit.

Financial Impact

There is no current provision for the cost detailed in the report and if Council resolves that any of the work be undertaken it would require a Q1 budget adjustment.

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.

Attachments

Nil.



Item No: 4.2
Title: Fraud and Corruption Control Policy
Department: Governance

26 August 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13631004

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

Executive: Evan Hutchings, Director Governance

Report Purpose

The purpose of this report is for Council to consider the adoption of a Fraud and Corruption Control Policy as part of a Fraud and Corruption Control Framework as provided in Attachment 1 to this report.

Recommendation

That Council adopt the Central Coast Council Fraud and Corruption Control Policy as set out in Attachment 1 to this report, noting that it will form part of Council's Fraud and Corruption Control Framework.

Context

The Fraud and Corruption Control Framework includes three parts:

1. Policy (recommended to Council and provided in Attachment 1);
2. Strategy (included as part of Attachment 1); and
3. Action Plan (to be developed).

Attached (Attachment 1) are the Policy and Strategy for consideration by Council.

The Policy sets out the high level commitment by Council to the implementation of strategies and actions that support Fraud and Corruption control. It also sets out the responsibilities under the framework for implementing and monitoring actions.

The Strategy provides further detail and is structured around the three principles of:

1. Prevention;
2. Detection; and
3. Response

The three principles are further supported within the strategy by reference to the ten attributes identified by the NSW Audit Office Fraud Control Improvement Kit (February 2015) being:

1. Leadership

4.2 Fraud and Corruption Control Policy (contd)

2. Ethical Strategy and Plan
3. Responsibility Structures
4. Fraud Control Policy
5. Prevention Systems
6. Fraud Awareness
7. Third Party Management Systems
8. Notification Systems
9. Detection Systems
10. Investigation Systems

The Policy and Strategy have been reviewed and endorsed by Council's Executive Leadership team and are now provided for consideration by Council.

Upon adoption of the Policy a supporting Action Plan will be finalised in consultation with accountable staff and then managed and monitored for delivery. This would include, as identified in the Policy, regular review by Council's Audit, Risk and Improvement Committee.

It is noted that at the meeting held 22 July 2019, Council resolved as follows:

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.

Upon its establishment, any Integrity and Ethical Standards Unit would have a key role in the promotion and oversight of Council's Fraud and Corruption Control Framework.

The implementation of a Fraud and Corruption Control Framework and the adoption of the Policy are key elements of ensuring and promoting an ethical culture at Central Coast Council. It is noted that as of 1 July 2018, there is a NSW Fraud and Corruption Control Policy and while this does not extend to local government, it is appropriate for Council to have a framework with aligned goals and outcomes.

Consultation

The development of the Fraud and Corruption Control Framework leverages the sessions conducted by the Independent Commission Against Corruption with Councillors on 4 March 2019 and staff on 3 and 30 April 2019.

The Policy and Procedures have been based on the NSW Audit Office Fraud Control Improvement Kit (February 2015). No public consultation is required nor recommended.

Financial Impact

The adoption of the Policy as part of the Fraud and Corruption Control Framework does not have any financial implications.

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.

Attachments

- 1** Fraud and Corruption Control Framework - June 2019 D13631006

Central Coast Council



Prepared by	Shane Sullivan, Unit Manager Governance and Business Services
ELT Member	Evan Hutchings, Director Governance
Approved by	Gary Murphy, Chief Executive Officer
Next Review Date	31 May 2021

History of Revisions:

Version	Date	Reason	Council Resolution
1	June 2019		

COMMUNITY STRATEGIC PLAN

Central Coast Council (Council) has an adopted [Community Strategic Plan](#) that will shape all activities and projects over the next four years.

The Fraud Corruption Control Strategy and Action Plan aligns with the [Community Strategic Plan](#) theme of 'Responsible'.

ONE-CENTRAL COAST CENTRAL COAST COUNCIL

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

OBJECTIVES

- G1** Build strong relationships and ensure our partners and community share the responsibilities and benefits of putting plans into practice
- G2** Communicate openly and honestly with the community to build a relationship based on transparency, understanding, trust and respect
- G3** Engage with the community in meaningful dialogue and demonstrate how community participation is being used to inform decisions
- G4** Serve the community by providing great customer experience, value for money and quality services

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A. POLICY

Council's adopted *Fraud and Corruption Control Policy* confirms Council's commitment to the proactive and effective prevention, detection and investigation of fraud and corruption.

This Strategy and Action Plan draws together all of the governance, policy and procedural elements to be applied throughout the organisation to manage the risk of fraud and corruption within and against Council, and details the responsibilities of Councillors, senior management, all staff members and others.

STATEMENT OF COMMITMENT

Council is committed to the implementation of the Fraud and Corruption Control Policy through a risk management approach to the prevention, detection and response to all forms of fraud and corrupt conduct. This incorporates the design and implementation of a range of fraud and corruption prevention, detection and response strategies, and their routine evaluation.

Council has a zero tolerance for fraud or corruption and is committed to minimising the incidence of fraud and corruption. Council will take appropriate action against Council Officers, contractors and elected members who have participated in such behaviour and those who allow it to occur.

The Chief Executive Officer has ultimate responsibility for managing fraud and corruption risks in Council.

SCOPE

This Strategy and Action Plan applies to all Council staff members; Councillors; volunteers; Section 355 Committees; key stakeholders such as suppliers, contractors and consultants; and relevant third parties with regard to functions and operations undertaken for or on behalf of Council.

DEFINITIONS

Corruption means dishonest activity in which a director, executive, manager, employee or contractor of an entity acts contrary to the interests of the entity and abuses his/her position of trust in order to achieve some personal gain or advantage for him or herself or for another person or entity. The concept of 'corruption' within this standard can also involve corrupt conduct by the entity, or a person purporting to act on behalf of and in the interests of the entity, in order to secure some form of improper advantage for the entity either directly or indirectly. (Australian Standard 2008)

Corrupt Conduct means:

- Conduct of a person (whether or not a public official) that adversely affects, or could affect the honest and impartial exercise of public official functions, or
- Conduct of a public official that involves the dishonest or partial exercise of any of his or her public official functions, or
- A breach of public trust, or
- The misuse of information or material acquired in the course of a public official's functions.

Corrupt conduct can also include the conduct of any person (whether or not a public official) that adversely affects or could affect the exercise of official functions and involves conduct such as bribery, blackmail, fraud, forgery and various other crimes.

For conduct to be corrupt it must be covered by one of the conditions above and also any one of the following:

- A criminal offence, or
- A disciplinary offence, or
- Reasonable grounds for dismissal or dispensing or terminating the services of a public official.

Fraud means a deliberate and premeditated turn of events which involves the use of deception to gain advantage from a position of trust and authority. The type of events include: acts of omission, theft, the making of false statements, evasion, manipulation of information and numerous other acts of deception. (Audit Office of NSW)

Maladministration means conduct that involves action or inaction of a serious nature that is contrary to law; or unreasonable, unjust, oppressive, improperly discriminatory; or based wholly or partly on improper motives ([Public Interest Disclosure Act 1994](#)).

Serious or substantial waste means the uneconomical, inefficient or ineffective use of resources, authorised or unauthorised, which results in a loss/wastage of public funds/resources.

Control (also 'internal control') means an existing process, policy, device, practice or other action that acts to minimise negative risks or enhance positive opportunities.

Fraud and Corruption Risk Assessment means the application of risk management principles and techniques in the assessment of the risk of fraud and corruption within an entity.

Council Official means an individual who carries out public official functions of Council or acts in the capacity of a public official, For Cootamundra-Gundagai Regional Council this includes the Mayor, Councillors, employees, members of Council committees and delegates of Council.

REVIEW

This document is to be reviewed every three (3) years to ensure that it remains relevant and meets legislative requirements.

RELATED RESOURCES

Legislation

- [Local Government Act 1993 \(NSW\)](#)
- [Local Government \(General\) Regulation 2005](#)
- [Environmental Planning and Assessment Act 1979](#)
- [Independent Commission against Corruption Act 1988 \(NSW\)](#)
- [Public Interest Disclosures Act 1994 \(NSW\)](#)
- [Crimes Act 1900 \(NSW\)](#)
- Audit Office of NSW Fraud Control Improvement Kit 2015

This Strategy and Action Plan aligns with the following 'Best Practice' guidelines:

- AS8000-2003 - Corporate Governance Standards Set, including AS 8001-2008 - Fraud and Corruption Control.
- AS/NZS ISO 31000:2009 - Risk Management.
- NSW Audit Office Fraud Control Improvement Kit (2015). Specifically the ten (10) fraud control attributes developed by the Audit Office of NSW as below and detailed at Annexure A.

Council Documents

- [Code of Conduct](#) and associated documents
- Fraud and Corruption Control Policy
- Public Interest Disclosures (Internal Reporting) Policy

RESPONSIBILITY STRUCTURE

Council has clearly defined responsibilities for implementing and monitoring actions associated with fraud and corruption control across Council and in relation to this Strategy and Action Plan. These responsibilities will be clearly communicated to Councillors, staff, management and relevant Council Committees and will be detailed in position descriptions and committee charters so that there is a common understanding of fraud and corruption control responsibilities and expectations.

All Staff

All Council staff are responsible to:

- Prevent and mitigate fraud, corruption, maladministration and waste within their area of operation and responsibility by, at a minimum, implementing and abiding by

relevant internal controls and adhering to the Policy, and this Strategy and Action Plan.

- Operate systems of internal control to prevent and detect fraud or corruption in accordance with instructions and established procedures.
- Report all instances of suspected or attempted fraudulent or corrupt conduct in accordance with Council's internal reporting procedures.
- Protect colleagues who have made reports of fraud or corruption from detrimental action. (See *Public Interest Disclosures Policy*).
- Have regard to fraud and corruption related risks when undertaking risk assessments in relation to Council's daily functions and operations, when specific projects or events are planned, or when changes to Council's systems, processes or functions occur.
- Provide co-operation and assistance to investigators or officials investigating suspected or reported fraud or corruption.
- Undertake any responsibilities allocated to them in other relevant Council policies.

Managers

In addition to their responsibilities as Council staff members, Managers will:

- Assess the risks of fraud and corruption and the effectiveness of internal controls in place to mitigate such risks within their areas of operation and responsibility.
- Implement recommendations arising from fraud and corruption detection systems and internal audits.
- Monitor their workplaces to identify and address situations that are likely to raise ethical dilemmas or place staff in compromising situations (ie. by establishing good procedural guidance for decision-making, including the exercise of discretion).
- Be available and support staff that require guidance on ethical dilemmas.
- Foster a work environment free of harassment, discrimination, victimisation, corruption, fraud, maladministration and waste.
- Ensure that staff are aware of the principles contained in Council's [Code of Conduct](#) and the established systems and procedures for addressing ethical problems.
- Support and protect staff who report, in good faith, instances of potentially unethical, fraudulent or corrupt practices.
- Ensure that staff are treated fairly, equitably and in accordance with legislation and policy (eg. access to training and other development possibilities).
- Ensure that contractors, consultants, suppliers, and the like, engaged within their area of operation are aware of and have an understanding of Council's Fraud and Corruption Control Policy and Strategy and Action Plan and related Council policies and procedures and that these documents are readily available to them.

Leadership Group (ELT and Unit Managers)

In addition to their responsibilities as Council staff members, the Leadership Group are responsible for actively fostering an ethical culture and supporting and promoting the objectives of this Strategy and Action Plan throughout the organisation by:

- Setting an example of observable adherence to Council's [Code of Conduct](#), Fraud and Corruption Control Strategy and Action Plan and related Council policies and procedures.
- Supporting and promoting ongoing identification, analysis, mitigation and review of fraud and corruption risks and internal controls.
- Setting an example of internal control adherence in relation to identified fraud and corruption risks.
- Implementing recommendations arising from fraud and corruption detection systems and internal audits.
- Supporting fraud and corruption awareness programs for Councillors and staff.
- Supporting the continued operation of Council's Audit, Risk and Improvement Committee (ARIC) in the pursuit of successful enterprise risk management.
- Fostering a work environment free of harassment, discrimination, victimisation, corruption, fraud, maladministration and waste.
- Undertaking internal reporting responsibilities in accordance with Council's *Internal Reporting (under [Public Interest Disclosures Act 1994](#)) Policy* and notify the Unit Manager Governance and Business Services of all fraud and corruption matters reported via the various channels.

Chief Executive Officer

In addition to responsibilities as a Council staff member, the Chief Executive Officer is responsible to:

- Implement Council's Fraud and Corruption Control Policy, and Strategy and Action Plan.
- Promote ethical behaviour and awareness that fraud and corruption will not be tolerated.
- Receive reports of suspected fraud and corrupt conduct, maladministration and serious and substantial wastage; and receive allegations of reprisal action, in accordance with Council's *Internal Reporting (under [Public Interest Disclosures Act 1994](#)) Policy*.
- Ensure that all reports of suspected fraud or corruption, maladministration, serious and substantial wastage are referred to the ICAC as required. Refer section 11 ICAC Act
- Keep the Council informed in line with ICAC directions about confidentiality.
- Make decisions about reporting criminal matters to the New South Wales Police Force.
- Receive summary information about investigations undertaken into suspected fraud and corruption.
- Ensure that Council's Fraud and Corruption Control Strategy and Action Plan and related policies and procedures are adequate and that regular reviews and checks are undertaken to detect irregularities. The ARIC may assist in this process.
- Make decisions regarding restitution and criminal charges in all cases of fraud and corruption.
- Decide what disciplinary action is appropriate for employees involved in fraud and corruption.

Council

The Council is responsible for:

- Implementing and promoting Council's overall approach to fraud and corruption control.
- Assessing and dealing with issues related to fraud and corruption control as the need arises.
- Deciding what disciplinary action is appropriate for Councillors involved in fraud and corruption in cases where it is not decided by the Director General of Local Government.

Governance and Business Services Unit

In addition to their responsibilities as Council staff members, Council's Governance and Business Services Unit is responsible for:

- Developing, implementing and reviewing fraud and corruption related Council policies, procedures and training proposals, including this Strategy and Action Plan.
- Maintaining a register of all reported actual or suspected fraudulent or corrupt activities and investigations and periodically reporting the register to Council's Audit, Risk and Improvement Committee.
- Liaising with internal and external investigators.
- Ensuring a high quality of fraud and corruption investigation procedures and reports.
- Undertaking internal reporting responsibilities in accordance with Council's *Internal Reporting (under [Public Interest Disclosures Act 1994](#)) Policy*. Council's Internal Ombudsman is Council's nominated Disclosures Co-ordinator.

Audit, Risk and Improvement Committee (ARIC)

ARIC is responsible to:

- Oversee Council's fraud and corruption control program;
- Approve reviews of the Fraud and Corruption Control Strategy and Action Plan;
- Review and approve Council's enterprise-wide Fraud and Corruption Risk Assessment.
- Recommend Fraud and Corruption Control Health Checks and Improvement Workshops at least once every two years; and
- Other relevant responsibilities in accordance with the Audit Committee Charter.

Internal Auditor

Council recognises that internal audit is an effective part of the overall control environment. Whilst undertaking audits within Council the Internal Auditor is responsible to:

- Examine and evaluate the effectiveness of internal controls;
- Make recommendations to Council management to further enhance internal control design and effectiveness; and
- Make notifications of actual or suspected instances of fraud and corruption in accordance with relevant reporting procedures.

B. STRATEGY

OBJECTIVES

The objectives of this Strategy and Action Plan are to:

- Eliminate or reduce opportunities for fraudulent or corrupt activities within or against Council.
- Promote an organisational environment that encourages professionalism, integrity and ethical conduct.
- Uphold a commitment to accountable and transparent decision making.
- Ensure that the identification and management of fraud and corruption risks are undertaken in line with the documented principles and procedures
- Support the identification and implementation of appropriate internal controls, including procedures and policies, which support the prevention and detection of fraudulent or corrupt activities.
- Support the implementation and maintenance of effective reporting disclosure systems and investigation and disciplinary procedures for suspected or actual fraudulent or corrupt behaviour.
- Clearly define the responsibilities of Councillors, senior management, all staff and Committees of Council in relation to the prevention, detection, reporting and investigation of fraud and corruption.
- Provide Councillors, senior management and all staff with the necessary tools and understanding to meet their responsibilities in this regard.

PRINCIPLES OF THE STRATEGY AND ACTION PLAN

The principals of the Strategy and Action Plan are:

1. Prevention
2. Detection
3. Response

These principals are further guided by the ten attributes as detailed in the Audit Office of NSW Fraud Control Improvement Kit (February 2015), Managing your fraud control obligations.

1. Leadership
2. Ethical Strategy and Plan
3. Responsibility Structures



4. Fraud Control Policy
5. Prevention Systems
6. Fraud Awareness
7. Third Party Management Systems
8. Notification Systems
9. Detection Systems
10. Investigation Systems

1. PREVENTION

This section of the document details the strategies that are in place to identify and prevent fraud and corruption risks within or against Council.

Fraud and Corruption Control Policy

Council's adopted *Fraud and Corruption Control Policy* reinforces Council's commitment to fraud and corruption prevention by providing guidance regarding Council's actions and expectations in relation to fraud and corruption. The Policy also confirms that fraud and corruption prevention is the responsibility of Councillors, Senior Management and every employee of Council.

Responsibility Structure

The organisational responsibilities for implementing and managing Council's Fraud and Corruption Control Strategy and Action Plan; and Councillor, staff and senior management responsibilities in relation to the prevention, detection and investigation of fraud and corruption; are clearly defined earlier in this document.

In addition, Council's *Public Interest Disclosures Policy* (under [Public Interest Disclosures Act 1994](#)) identifies the responsibilities of staff and Councillors, and provides procedures for reporting and handling of Public Interest Disclosures.

Fraud and corruption control responsibilities will be communicated to all levels of the organisation to ensure that there is a common understanding of fraud and corruption responsibilities and expectations.

Fraud and Corruption Risk Assessment

Council will undertake high level Fraud and Corruption Risk Assessment workshops in relation to the various functions and operations of Council. These workshops will:

- Identify specific fraud and corruption risks;
- Rate the likelihood and consequence of each fraud and corruption risk with and without existing controls;
- Review the adequacy of existing internal controls; and
- Develop action plans to treat the identified risks.

Council's identified fraud and corruption risks, internal controls and proposed risk treatment action plans will be documented and recorded in Council's Risk Register.

Council will continue to assess fraud and corruption risks periodically as part of Council's enterprise wide approach to risk management. Furthermore, as resources and budget permits, Council will identify high fraud and corruption risk areas and activities and conduct a more detailed risk assessment involving key staff in each section.

A review of Council's Risk Register will be undertaken on an annual basis for identification of fraud and corruption risks to ensure that additional fraud and corruption risks are identified as they emerge and that Council's operations and functions, particularly those with a high predisposition to fraud and corruption, are subject to ongoing and effective internal controls.

Council recognises that internal audit complements internal assessment of fraud and corruption related risks and controls and therefore independent identification and assessment of Council's fraud and corruption risks will be arranged with Council's Internal Auditor and Audit, Risk and Improvement Committee as warranted.

Councillor and Employee Awareness

Council will make the following clear to staff, Councillors, volunteers and contractors:

- The ethical behaviours expected of them in the workplace; and
- That the organisation will not tolerate corruption, including fraudulent dealings, and that people are encouraged to provide information if they suspect corruption is occurring.

Council has the following processes in place to ensure awareness of Council's position in respect to fraud and corruption:

- Induction training that includes elements of fraud and corruption.
- Provision of Fraud and Corruption Control Training for Managers and Team Leaders.
- Provision of [Code of Conduct](#) training to ensure an understanding of the ethical behaviour expected in the workplace and the types of activities that may constitute fraudulent or corrupt behaviour and Council's response to this type of activity.
- Public Interest Disclosure Training for staff.
- Making Council's Fraud and Corruption Control Strategy and Action Plan and related policies and procedures readily available.
- Active use of Council's Gifts and Benefits Register and Political Donations and Gifts Disclosure Register in Council's Electronic Document Management System (EDMS).

Customer and Community Awareness

Council will communicate the following to key stakeholders, including customers and members of the general and business community, to ensure confidence in the integrity of the organisation:

- That Council will not tolerate fraudulent and corruption behaviour and perpetrators will be prosecuted; and
- That key stakeholders are encouraged to provide information if they suspect fraud or corruption is occurring and that there are channels available for them to do so.

Council will communicate the above principles through the following mediums.

Statement of Business Ethics

Council's Statement of Business Ethics outlines expected behaviour, key code of conduct principles, Council expectations, conflict of interest protocols, gifts and benefits protocols and how to report corruption, maladministration and wastage.

Council's Statement of Business Ethics is available on Council's website and incorporated into and referred to in tender invitations and/or contract documentation.

Political Donations

Council's Development Application submission forms require residents / developers to complete a Political Donation Statement.

Council's website includes information with respect to obligations in relation to the disclosure of political donations.

Policy Register

Council's website includes a Policy Register of all key Council policies.

Other

Declarations in general terms and conditions of business dealings with external parties. Council may undertake surveys to gauge community perception of integrity, fraud and corruption at Council as time and resources permit.

2. DETECTION

This section of the Strategy and Action Plan deals with Council's approach to the early detection of fraudulent and corrupt behaviour within or against the organisation.

It is noted that Council's Fraud and Corruption Risk Assessment and Responsibility Structure detailed earlier in the document also support this part of Council's Strategy and Action Plan.

Detection Systems

Council recognises the importance of early warning systems to alert possible fraud and corruption and that the implementation and maintenance of a rigorous system of internal controls is the first line of defense against fraud and corruption within and against Council.

Council therefore requires all organisational activities to be designed with an awareness of the fraud and corruption risks that may arise and management controls to be put in place to reduce the risk to an acceptable level.

Council has identified a number of existing internal controls relevant to the fraud and corruption risks faced by Council. These controls are documented in Council's Risk Register and include:

- Review by a senior officer.
- Segregation of duties.
- Authorisation / approval by a senior person.
- Sign-off.
- Supervisor checks.
- Visual inspections.
- Audit trails.
- Audits.
- Reconciliations.

Council will review its internal controls in conjunction with its fraud and corruption risk assessment review on at least an annual basis in consultation with relevant Council staff to ensure that internal controls remain in place and effective and that additional internal controls are identified and recorded.

Notification Systems (Reporting Suspected Fraud and Corruption)

Council recognises that ignoring fraud or corruption is tantamount to endorsement of the activity. As such Council will create and foster an organisational culture and environment:

- That supports reporting of suspect actions and behaviour.
- Where staff, volunteers and contractors feel comfortable reporting matters; and
- That promotes confidence in the fact that Council will address complaints genuinely and protect anyone who reports such an activity from reprisal.

The following policies, procedures, documents and systems establish and facilitate the notification of suspected or actual fraudulent and corrupt behaviour to Council.

Internal Reporting (under Public Interest Disclosures Act 1994) Policy

Council's adopted Public Interest Disclosures Policy (under [Public Interests Disclosures Act 1994](#)) complements normal communication channels between Council supervisors and staff members by providing the following:

- Appropriate avenues for reporting fraudulent and corrupt conduct internally and detailing options available for reports to be made to external authorities;
- An assurance that any person who makes disclosures receives protection from reprisals; and
- Confirming Council's commitment to appropriately investigating matters raised in public interest disclosures.

Council's Policy also details the responsibilities of Council's nominated Disclosure Co-ordinator, Disclosure Officers, Chief Executive Officer and Mayor in relation to Council's Internal Notification and Reporting Systems.

Statement of Business Ethics

Council's Statement of Business Ethics is required to be written into the contracts of third parties dealing with Council, and those who may be seen by the public as representing Council, such as suppliers, consultants and contractors.

The statements makes third parties aware that they, and their employees, must adhere to Council's ethical standards; report any suspected or alleged fraud or corruption involving the Council to the Chief Executive Officer; and that breaches of the Statement may result in penalties being imposed and possible cancellation of their contract.

Code of Conduct

Council's [Code of Conduct](#) establishes the standard of ethical behaviour expected of all Council staff and Councillors and therefore supports the objectives of this Strategy and Action Plan.

[Code of Conduct](#) training is provided to Councillors and all staff upon induction and periodically throughout their term of employment to ensure awareness in this regard.

It is noted that in some cases a breach of Council's [Code of Conduct](#) may constitute fraudulent or corrupt behaviour. Such breaches will be investigated in accordance with relevant sections of this Strategy and Action Plan and any relevant Human Resources policies and procedures. Where deemed necessary, Council will take the appropriate disciplinary action.

Complaints Management

Council's Complaints Handling Policy sets out Council's approach and procedures for receiving and effectively and positively handling complaints from any person, group or organisation (or their representative) that uses Council's services or is impacted by Council's decisions, actions or lack of actions.

The Policy also details the avenues available for the lodgement of complaints to Council and reinforces that complainants will not be subject to disadvantage or victimisation.

Grievance Handling Procedure

Council's Grievance Handling Procedure provides avenues for Council staff to report grievances and the manner in which such reports will be managed by Council.

The Procedure reinforces that Council will apply equity and confidentiality in dispute resolution processes and work towards expediting a return to productive and harmonious workplace relations for all involved.

External Notification Systems

Council recognises that it has a legal obligation to:

- Report fraudulent conduct to the police;

- Report suspected corruption to the Independent Commission against Corruption (ICAC); and
- Notify other external authorities as appropriate.

The following policies and procedures detail Council's approach to notifying external authorities. Other external bodies may also be relevant in particular situations (eg. ATO) and will be notified where necessary.

Internal Reporting (under Public Interests Disclosures Act 1994) Policy

Council's adopted Public Interest Disclosures Policy (under [Public Interests Disclosures Act 1994](#)) details the procedures for external reporting to the Independent Commission Against Corruption (ICAC), NSW Ombudsman and Office of Local Government. It also defines the responsibilities of Council's nominated Disclosure Co-ordinator, Disclosure Officers, Chief Executive Officer and Mayor in relation to external notification systems and associated procedures.

Independent Commission Against Corruption (ICAC)

Under section 11 of the [Independent Commission Against Corruption Act 1988](#), the principal officer of a public authority has a duty to report to the Commission any matter that the officer suspects on reasonable grounds concerns, or may concern, corruption.

The principal officer is defined as the person who is the head of the authority, its most senior officer or the person normally entitled to preside at its meetings. The Council's principal officer is the Chief Executive Officer.

When another person acts as the Chief Executive Officer during periods of leave or other absence, the duty applies to that person who is acting.

The reference to suspects on reasonable grounds, according to ICAC means that there is a real possibility that corrupt conduct may be involved. Proof is not necessary.

The ICAC encourage organisations to contact the Commission to discuss particular matters if they are unsure about whether or not to report, and to seek clarification about other issues related to reporting.

Section 11 applies despite any duty of secrecy or other restriction on disclosure.

The requirement to report suspected corruption to ICAC does not affect the obligations to report or refer matters to other bodies, such as the Police, the Ombudsman, or to carry out disciplinary procedures as required.

The Independent Commission Against Corruption (ICAC) has stated that reporting criminal matters to the Commission should not delay the matter being reported to the Police.

ICAC has advised that the following items should be included in reports:

- details of the allegations

- the name and position of any public official/s alleged to be involved
- the name and role of any other people relevant to the matter
- when the alleged conduct occurred
- whether the alleged conduct appears to be a one-off event or part of a wider pattern or scheme
- when the allegation was made or you became aware of the alleged conduct
- what your organisation has done about the suspected conduct, including notification to any other agency
- what further action is proposed
- an indication of the estimated amount of money (if any) involved
- any other indicators of seriousness
- any other relevant information

The Commission may use the matters reported to ICAC in the following ways:

- all information is assessed in terms of the contribution it may make to the work of the Commission;
- a small number of reports are selected for full investigation by ICAC;
- reports may form the basis of corruption prevention advice and project work;
- reports may be referred to more appropriate investigative authorities.

Police

Where the Chief Executive Officer reasonably believes that a Council employee, Councillor or related party has committed a criminal offence, the matter will be referred to the police.

According to Section 316 of the [Crimes Act 1900](#), concealing a serious offence is a criminal offence:

If a person has committed a serious offence and another person who knows or believes that the offence has been committed and that he or she has information which might be of material assistance in securing the apprehension of the offender or the prosecution or conviction of the offender for it fails without reasonable excuse to bring that information to the attention of a member of the Police Force or other appropriate authority, that other person is liable to imprisonment for 2 years.

Where any other Council employee or Councillor suspects on reasonable grounds that a crime has been committed, this will be reported in accordance with Council's adopted Public Interest Disclosures Policy (under [Public Interests Disclosures Act 1994](#)).

3. RESPONSE

Council will deal fairly with all parties in the course of investigating allegations of fraud or corruption, however if fraud or corruption is proven Council will apply the appropriate sanctions.

Guiding Principles

The overall guiding principles of any investigation into alleged improper conduct will be independence, impartiality and objectivity; however it is noted that matters referred to the Independent Commission Against Corruption (ICAC) or NSW Police may lead to criminal proceedings.

Council's investigation standards are clearly documented in various Council policies and procedures, including Council's *Fraud and Corruption Control Policy*, [Code of Conduct](#), *Public Interest Disclosures Policy (under [Public Interests Disclosures Act 1994](#))* and *Workplace Investigations Policy and Procedure*.

Investigation Systems

Internal Investigations Procedures

The investigation procedure undertaken by Council will ensure fairness and consistency in accordance with the rules of natural justice and with respect for the civil rights of staff members and citizens.

All Councillors, staff members and stakeholders are expected to fully co-operate in relation to such investigations.

Responsibilities

Internal investigations into potential fraud and corruption related activities will be undertaken by Council's suitably authorised and trained staff in accordance with Council's *Public Interest Disclosures Policy (under [Public Interests Disclosures Act 1994](#))* and investigation procedures detailed in *AS8001-2008 Fraud and Corruption Control* and ICAC's "*Guide to Conducting Internal Investigations*".

It is noted that when potential internal investigators have conflicts of interest, an external consultant will be engaged to assist with the conduct of the investigation. All persons engaged will be appropriately qualified by reason of formal qualifications and relevant experience.

Record Keeping and Information Protection

Council recognises that the manner in which evidence is collected and stored in relation to any fraud or corruption investigation will have a critical impact on its value as evidence in any later inquiries or court proceedings.

Council officers involved in internal investigations will keep records in accordance with Council's record keeping policies and procedures, the [State Records Act 1998 \(NSW\)](#) and the following procedure:

1. Investigation files and reports should be kept securely locked when not in use. They should not be left unattended on desks even for short periods.
2. Evidence collected will be stored and labeled systematically, and kept confidential. Additionally original documents will not be altered or annotated in any way.
3. Access to files and reports should only be given to people for official purposes and on a needs basis.
4. People to whom access is given must observe the same security procedures. This should be explained to them.
5. The name of the person suspected of the conduct should not be mentioned on the cover of any files.
6. The name of the person who reported the suspected conduct should not be mentioned on the cover of any file.
7. No information from the investigation report is to be attached to any employee's personnel file.
8. The Disclosure Co-ordinator is responsible for maintaining a record (Investigation Register) of any investigation conducted as a result of suspected instances of fraud and corrupt conduct being reported.
9. The Disclosure Co-ordinator is responsible for all investigation files dealing with suspected fraud, corruption, maladministration and wastage.
10. All investigation files and related records will be retained and destroyed by Council in accordance with the [State Records Act 1998 \(NSW\)](#) and related Council record keeping policies and procedures.

Investigation Register

Council's Disclosure Co-ordinator will maintain a register of all investigations conducted as a result of suspected or actual instances of fraud and corruption being reported.

The Investigation Register will include the following information in relation to every reported fraud and corruption incident:

- Date and time of report.
- Date and time that incident was detected.
- How the incident came to the attention of management (e.g. anonymous report, normal report, supplier report).
- The nature of the incident.
- Value of loss (if any) to the entity.
- The action taken following discovery of the incident.

Each case will stay on the schedule and not be reported until all action is finalised. Once all action for a case is finalised, including all managerial action, it will be reported as finalised.

All investigation action, including any managerial disciplinary action, if applicable, is expected to be completed within 3 months of the allegation being received.

All preventative action, if any, required by management as recommended and agreed with the investigator, is to be implemented within 3 months of the investigation being completed.

The Disclosure Co-ordinator is responsible for analysing and undertaking trend analysis of information contained on the register/database, e.g. by location, by investigation type.

Investigation Results

Details of investigations will be communicated to the Chief Executive Officer by the Disclosures Co-ordinator as per Council's *Public Interest Disclosures Policy (under [Public Interests Disclosures Act 1994](#))* and by use of Council's Management Investigation Report.

The Chief Executive Officer will have access to:

- Council's Risk Register
- Council's Management Investigation Report

The Chief Executive Officer will take relevant fraud and corruption information into account when reviewing Council's Fraud and Corruption Control Strategy and Action Plan

Conduct and Disciplinary Systems

Fraud and corruption will not be tolerated by Council and perpetrators will face disciplinary action and will be prosecuted if necessary.

Where crimes have been committed Council will report the matters to the police and where appropriate criminal prosecution will be undertaken. Civil and administrative action may also be instituted to recover any losses to Council.

To support a sound conduct and disciplinary system, Council's related policies and procedures will ensure that staff members and Councillors understand that:

- Fraud is a crime and will not be tolerated;
- The rules and requirements, values and behaviour expected of them; and
- Those committing fraud or corruption will be prosecuted.

Disciplinary Standards

In all cases of fraud and corruption, consideration will be given to restitution and criminal charges. The Chief Executive Officer is responsible for making the decision about these matters.

The Chief Executive Officer will be responsible for deciding what disciplinary action is appropriate for staff members involved in fraud and corruption.

The Council and/or the Director General of Local Government is responsible for deciding what disciplinary action is appropriate for Councillors involved in fraud and corruption.

Council's Public Interest Disclose Policy (under [Public Interests Disclosures Act 1994](#)) details Council's approach to the notification of instances of fraud and corruption to external authorities.

IMPLEMENTATION

The successful implementation and the achievement of Council's Fraud and Corruption Control Strategy and Action Plan objectives relies heavily on the provision of effective staff and Councillor education and training.

Any person employed by Council and Councillors will be required to undertake training in relation to Council's Fraud and Corruption Control Strategy and Action Plan, [Code of Conduct](#); Public Interest Disclosures Policy (under [Public Interest Disclosures Act 1994](#)) and Complaints Handling Policy.

A copy of these documents will be provided to staff at that time.

Fraud and corruption investigation training will also be provided to relevant Council staff as appropriate.

Council undertakes regular culture surveys and it should be noted that if Council's observable ethical culture falls below acceptable levels, remedial action, including a broad-based communication and training program, will be undertaken as a matter of priority.

Council's Fraud and Corruption Control Strategy and Action Plan, along with related Council policies and procedures, will be made readily available including at induction to Council staff, Councillors and stakeholders. Such availability will ensure a continued awareness and understanding of what constitutes fraudulent and corrupt conduct, reinforce Council's approach should such behaviour be suspected or substantiated, and ensure the continued promotion of ethical and professional conduct throughout the organisation.

Council will develop and maintain an Implementation Action Plan to ensure the appropriate implementation of the Policy and this Strategy.

MONITOR AND REVIEW

Monitoring and reviewing Council's Fraud and Corruption Control Strategy and Action Plan and associated procedures and systems will ensure effective ongoing implementation and improvement of all aspects of the Strategy and Action Plan across the organisation, and in particular will:

- Identify specific work areas where implementation of some elements of the Strategy and Action Plan may need modification or improvement;
- Identify elements of this Strategy and Action Plan that may need attention across the entire organisation;
- Develop a targeted plan for improving implementation of this Strategy and Action Plan;

- Monitor the ongoing extent of the implementation of the Strategy and Action Plan across all areas within Council;
- Identify resourcing requirements and, in particular, ensuring that the anti-fraud and anti-corruption human resources are appropriately senior and skilled for the role and that they have a sufficient allocation of time to discharge their responsibilities; and
- Ensure Council meets its legislative obligations.

STRATEGY AND ACTION PLAN REVIEW

Council's Fraud and Corruption Control Strategy and Action Plan will be reviewed at minimum of once every two years by Council's Manager Governance and Business Services to ensure it remains current and effective. During such reviews, regard will be given to the results of Council's fraud and corruption "Health Checks" and "Improvement Workshops".

HEALTH CHECKS AND IMPROVEMENT WORKSHOPS

Council will undertake fraud and corruption "Health Checks" at least once every 2 to 3 years in all work areas across the organisation, in line with the requirements of the Audit Office of NSW, Better Practice Guide "Fraud Control Improvement Kit". A Health Check may also be undertaken more regularly as deemed necessary by the Audit, Risk and Improvement Committee, particularly in areas that present a higher level of fraud and corruption related risks.

The results of the Health Check will be considered by Council's Audit, Risk and Improvement Committee and the results will assist in the identification of the areas of Council that require a fraud and corruption control "Improvement Workshop" to be undertaken. Such workshops will be undertaken in line with the requirements of the Audit Office of NSW, Better Practice Guide "Fraud Control Improvement Kit".

FRAUD AND CORRUPTION RISK ASSESSMENTS

Council's enterprise wide fraud and corruption risk assessment will be reviewed on an annual basis by ELT and reported to Council's Audit, Risk and Improvement Committee, in order to ensure:

- Additional fraud and corruption related risks are identified and managed appropriately; and
- Ensure the ongoing effectiveness of fraud and corruption prevention and detection related controls utilised throughout the organisation.
- The ongoing awareness and commitment of ELT to fraud and corruption control throughout the organisation.

It is recommended that within their area of operations and responsibility, Unit Managers continually monitor their fraud and corruption related risks to ensure that appropriate measures are being implemented to reduce those risks and that any amendments are reflected within Council's Risk Register.



CODE OF CONDUCT

The Code is required to be revised on a regular basis to ensure that it remains relevant, comprehensive and continues to meet the standards of the [Model Code of Conduct](#) issued by the Office of Local Government.

C. ACTION PLAN

The Action plan will be provided separately. It is aligned to the NSW Audit Office Fraud Control and Corruption Framework. Actions are cross referenced to the NSW Audit Office checklist. Actions are assigned to a responsible position or positions for implementation.

ANNEXURE A - TOP 10 ATTRIBUTES OF FRAUD

The "critical factors for success" (top 10 attributes) suggested under the "Fraud Control Improvement Kit (February 2015): Managing Your Fraud Control Obligations" developed by the Audit Office of NSW, that underpin Council's Fraud and Corruption Control Strategy and Plan are outlined below.

PREVENTION		
Attribute No.		Aim of Attribute is to ensure that:
1.	Leadership	<ul style="list-style-type: none"> Senior Management commitment is demonstrated through behaviour and allocation of resources.
2.	Ethical Strategy and Plan	<ul style="list-style-type: none"> A suite of Policies and procedures have been developed to establish a standard of behaviour A strong governance Strategy and Action Plan has been developed and is entrenched in ethical and transparent decision making
3.	Responsibility Structure	<ul style="list-style-type: none"> There is a clear accountability and responsibility for implementation and monitoring of the Fraud and Corruption Control Strategy and Action Plan; This accountability is well known by all staff at all levels and in all sections of the organisation; There is a common understanding that everyone in the organisation has a role to play in effective fraud management.
4.	Fraud and Corruption Control Policy	<ul style="list-style-type: none"> Council has in place the necessary policies, systems and procedures to minimise fraud and corruption in all sections, and at all levels of an organisation; Policies, systems and procedures respond, and are proportionate, to the fraud risks faced by Council.
5.	Prevention Systems	<ul style="list-style-type: none"> Proactive and integrated fraud risk assessments are conducted and reviewed in a timely manner High Risk areas are an organisational focus There is a commitment to planning, accountability and reporting
6.	Fraud Awareness (Employees, Councillors and the Community)	<ul style="list-style-type: none"> All employees understand the ethical behaviours required of them in the workplace; Training programs in ethical behaviours are in place across the organisation; Training deals with the fraud risks faced by individuals in their workplaces. Employees understand that fraud will not be tolerated and that perpetrators will face disciplinary action; Employees have access to written information to assist them understand their ethical obligations; Approaches will be developed that are consistent with both perceived risks and the organisation's approach to human resources management.
7.	Third Party Management Systems	<ul style="list-style-type: none"> Effective third party controls are in place particularly in the area of procurement and engaging contractors A secondary employment policy is implemented and communicated to third parties A statement of business ethics sets expectations and mutual obligations

DETECTION		
Attribute No.		Aim of Attribute is to ensure that:
8.	Notification Systems	<ul style="list-style-type: none"> ▪ There is a culture within the organisation that supports and encourages reporting of actual and suspected fraud and corruption ▪ Reporting under section 11 of the ICAC Act is undertaken ▪ Policies, systems and procedures are in place to encourage the reporting of suspect behaviours; ▪ Council has policies which clearly identify the nature of suspect actions which require reporting to the Police, the ICAC, the Ombudsman, etc; ▪ External notification takes place as required in light of the above legal and policy requirements. ▪ Fraud notification systems give the complainant the opportunity to report the suspect behaviours anonymously; ▪ "Whistle-blowers" are protected by the organisation Policies, systems and procedures and give equal opportunities to managers, staff, contractors, consultants, customers, suppliers etc. to notify the organisation of suspect behaviours.
9.	Detection Systems	<ul style="list-style-type: none"> ▪ Available data is thoroughly monitored and reviewed to ensure that irregularities and warning signals are picked up at a very early stage and flagged for further detailed review; ▪ Internal audits regularly examine samples of medium and high risk financial decision making across the organisation; ▪ The AC make decisions and recommendations, based on risk, about key systems and decisions to be audited; ▪ Outcomes of audits are reported to executive management on a quarterly basis. ▪ A separate fraud risk assessment is undertaken by the organisation; ▪ The fraud risk assessment quantifies the level, nature and form of the risks to be managed; ▪ Actions will be taken by the organisation to mitigate the risks identified in the fraud risk assessment.
RESPONSE		
Attribute No.		Aim of Attribute is to ensure that:
10.	Investigation Systems	<ul style="list-style-type: none"> ▪ Procedures and other appropriate support (including training, where required) is provided to staff undertaking investigation activity on behalf of the organisation; ▪ Investigation actions undertaken should be consistent with commonly used investigation standards; ▪ Where appropriate expertise is not available internally, then external assistance should be sought; ▪ All investigations consider what improvements can be made to policies, systems and procedures within the organisation; ▪ All investigation reports are referred to the AC or an equivalent, and the organisation's senior executive, for action.



Item No: 4.3
Title: Response to Notice of Motion - SEPP14 Wetland
Warnervale
Department: Governance

26 August 2019 Ordinary Council Meeting

Trim Reference: F2004/06700-02 - D13627764

Author: Janine McKenzie, Unit Manager, Business Enterprise

Executive: Evan Hutchings, Director Governance

Report Purpose

The purpose of this report is to respond to the following resolutions of the Council Meeting of 8 July 2019.

- 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.*

Summary

This report seeks to confirm the precise parcel of land subject to Council resolution 659/19 and 660/19 (a) and provides an update on the Request For Quotation (RFQ) and costs to engage a suitably qualified consultant to develop a remediation plan for the site.

Recommendation

- 1** *That Council develop a remediation plan for the land identified in Figure 2 of the report, which is 0.87ha and within the fenced boundary of the Central Coast Airport which was part of the SEPP 14 Wetland, in accordance with the details contained within the report.*

- 2** *That a further report be submitted to Council following the preparation of the remediation plan referred to in 1 above, with the report including any potential impacts on the operation of Central Coast Airport.*

Context

Resolution 659/19(a) refers to a 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.

Lot 26 DP 1159349, which was a 455.7ha site, was subdivided on 6 April 2018 into Lots 1 and 2 in DP 1234942. Lot 1, a 4ha portion on the eastern end of the original allotment was removed for a proposed 43 lot residential subdivision.

The remaining 451.7ha became Lot 2 DP1234942 (see figure 1) and contains the southern part of the air strip, part of Porters Creek Wetland, vacant land and a sewer pump station.

Figure 1: Lot 2 DP 1243942

A review of correspondence between Council and the Department of Planning and Environment in relation to the Central Coast Airport from October 2015 identifies an area of "0.87ha of 'intact' woody native swamp in the south-western corner of Porter's Creek SEPP 14 Wetland". This area is pictured in Figure 2, below.

Figure 2: Land subject to correspondence with Department of Planning in 2015

While aerial shots provided by the Department of Planning in October 2015 (Figure 3 (a-f)) indicate that this area of land appears to have been originally cleared in 2012 (with an additional portion cleared in 2014), it is concluded that the parcel of land identified in Figure 2 is the same parcel referred to in Council's resolution 659/19(a). This identified parcel of land is the subject land referred to throughout the rest of this report.

Figure 3: Historical Aerial Photos from Department of Planning**3a) 17 September 2011**

3b) 15 July 2012



3c) 4 October 2012



3d) 4 January 2013



3e) 30 January 2014



3f) 17 January 2015



Current Status

The subject land lies within the current SEPP Coastal Management 2018 Wetland boundary.

The 2018 SEPP Wetland boundary is slightly greater than the SEPP 14 Wetland boundary, which was the relevant instrument at the time of the correspondence with the Department of Planning.

Figure 4: Subject land in relation to the current SEPP Coastal Management 2018 Wetland and 100m Proximity Area



Assessment / Request for Quotation

On 18 July 2019, Council's Senior Ecologist and Section Manager Natural Assets and Biodiversity inspected the subject land with Council's Unit Manager Business Enterprise and Airport Operations staff.

From this inspection a request for quotation was prepared to engage a suitably qualified consultant to develop a remediation plan in accordance with the Council resolution.

The initial inspection identified some native regrowth occurring on the site suggesting that the remediation plan would potentially not involve replanting but rather regular weed removal to allow the native vegetation to re-establish. This with either be confirmed or further explored though the development of the remediation plan.

Two potential impacts on the operation of the airport were also discussed as follows:

- The ability to continue to maintain the fence line in the south eastern corner of the airport site. The remediation plan would look to whether this could be accommodated by ensuring a fire trail is maintained along the fence line.
- The height at which remediated vegetation in the subject land would grow and how this may impact on the obstacle limitation surface (OLS) (the gradient from the edge of the runway, above which, should be clear of vegetation and other obstacles). The remediation plan should monitor the species and heights at which they are likely to grow so that, if required, appropriate approvals could be sought to maintain heights within the recommended OLS's.

Consultation

No external consultation has been undertaken to date. However, it is expected that consultation with the key airport stakeholders would occur in finalising the subsequent report on the outcomes and impacts of the proposed remediation plan.

Financial Impact

Two quotes were obtained in response to the RFQ to develop the remediation plan. A budget of up to \$3,000 is required for completion of the study which can be sourced from operational funds.

Once the remediation plan is completed, a report on the estimated costs and timeframe for remediation of the subject land would be prepared and submitted to Council.

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.

Risk Management

There are no risks identified with the development of a remediation plan.

Attachments

Nil.



Item No: 4.4
Title: Central Coast Council Single Use Plastic Policy
Department: Roads Transport Drainage and Waste

26 August 2019 Ordinary Council Meeting

Trim Reference: F2012/01765 - D13616679

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

Report Purpose

The purpose of this report is for Council to consider the outcomes of community consultation during the public exhibition of the Draft Central Coast Single Use Plastic Policy. The report recommends that Council adopt this policy.

Recommendation

- 1 That Council receive the report on Central Coast Council Single Use Plastic Policy.**
- 2 That Council adopt the Central Coast Council Single Use Plastic Policy that is Attachment 1 to this report.**
- 3 That Council advise all those who made a submission of the decision.**

Background

The production and usage of single use plastic is causing significant environmental pollution on a global scale. Governments nationally are seeking ideas and looking at opportunities to implement measures to protect our environment from the impacts of single use plastic.

At the Ordinary Meeting of Council of 23 July 2018, the Council considered a report titled Impacts to Council of National Recycling with the following being resolved relating to single use plastic:

697/18 That Council staff familiarise themselves with the Northern Beaches Council and Surf Coast Council (Vic) "Plastic Wise" policy/program and see to develop a similar policy to return to Council in 8 weeks.

At the Ordinary Meeting of Council of 24 September 2018, the Council considered a report titled Plastic Wise Policy / Program which incorporated a Draft Single Use Plastic policy. Council resolved:

993/18 That Council defer consideration of the draft policy to allow the conduct of a briefing, including consideration of the following points:

A commitment to providing leadership in the community through policy and practice.

Building capacity within the community for change in social practices, via:

- i) promoting alternatives to single use plastic*
- ii) ensuring that all public events and functions held on Council property and public open space promote and practice waste avoidance principles by:

 - minimising the amount of waste generated*
 - prohibiting the sale and/or distribution of single -use plastic products and single use sachets, polystyrene, plastic bags, plastic straws and/or balloons**

994/18 That Council request the Chief Executive Officer to support and assist organisations or individuals organising an event to comply with this policy, however, if there is ongoing poor adherence to this policy, officers may recommend that these events not be supported or approved by Council.

A Councillor briefing was held on 12 November 2018, detailing the challenges and opportunities with Central Coast Council in adopting its own Single Use Plastic Policy and the preparation of a separate Sustainable Events Management Policy and Guide.

At the Ordinary meeting held 26 November 2018, Council considered a report titled Central Coast Sustainable Event Management Policy, Council resolved as follows:

1102/18 That the draft Central Coast Sustainable Event Management Policy be placed on exhibition until the end of January.

At 11 March 2019 Ordinary meeting of Council, the Council considered a report on the Central Coast Sustainable Event Management Policy and resolved:

191/19 That Council adopt an Interim Central Coast Sustainable Management Policy while a further review is undertaken including:

- a) Introducing a voluntary star or green tick rating for events;*
- b) A checklist for event organisers and participants;*
- c) Further review of measures to improve sustainable outcomes in energy use, water conservation and biodiversity.*

192/19 That Council consider a further report with a revised policy within six months.

At the Ordinary Meeting of Council of 8 April 2019, the Council received a report titled Plastic Wise Program and resolved:

- 287/19 *That Council receive the report on Plastic Wise Program.*
- 288/19 *That the draft Central Coast Council Single Use Plastic Policy be placed on public exhibition for 28 days.*
- 289/19 *That a further report will be provided to Council following the 28 day public exhibition period.*

The Report

Local Government in NSW does not have the statutory powers to restrict the sale/or distribution of single use plastics at a local level. Council can however take a leadership role through its own procurement decisions, influencing the use of single use plastic at events on Council property, advocating for legislative change and educating the community on environmentally responsible behaviours.

Various state governments are currently in the process of reviewing their strategies and opportunities to introduce legislation relation to sale and use of single use plastics. As an example, in early 2019 the South Australian Government (which already has a statutory ban on light weight supermarket checkout style plastic bags) issued a discussion paper for public comment titled 'Turning the Tide on Single-Use Plastic Products'. Following a review of around 3,500 submissions received, the South Australian Government has announced that it intends to become the first state in Australia to commit to introducing new legislation to phase out products such as plastic straws, cutlery and drink stirrers. A stakeholder taskforce will then be established to review appropriate actions and timing in relation to problematic items such as coffee cups, polystyrene trays and thicker plastic bags.

The draft Central Coast Council Single Use Plastic Policy recommended for adoption within this report sets out Council's intention to show leadership in the elimination of single use plastics, advocates for legislative change by higher levels of government, and educates the community on environmentally responsible behaviours. The policy is consistent with a variety of other initiatives currently being undertaken by Council in relation to single use plastics. These include:

- Successful kerbside and public place recycling schemes, which capture plastic beverage and household containers for recycling.
- The introduction of a wide range of alternatives to single use plastics across Council's facilities, where alternatives are available. These range from the substitute of tomato sauce satchels at Central Coast stadium with refillable bottles through to the replacement of plastic plates and cutlery with biodegradable products.

- Recently revised and implemented the Central Coast Council Procurement Policy and Procedures, which incorporate sustainable procurement initiatives e.g. *'Stipulate products that contain recycled materials in design specifications, when available and appropriate'* and *'avoid products containing single use plastics when alternatives are available and appropriate'*.
- Installation of water refilling stations in public areas encouraging use of refillable bottles.
- Distribution of a wide range of alternatives to single use plastics direct to the community e.g. refillable water containers, reusable coffee cups, reusable grocery bags, and reusable car tidy bags.
- Council is currently undertaking the internal collection of soft plastics from across its operations and working on a future proposal to expand collection points accessible to the community for the purpose processing the soft plastics into an asphalt additive known as Reconophalt. These products have already been incorporated by Council into recent road renewal works at Boomerang Road Long Jetty and Wards Hill Road Empire Bay. A 600 metre section of asphalt road can comprise of approximately 631,000 plastic bag equivalents.
- Council have released several media releases related to reducing single use plastic including World Environment Day Event – Beat Plastic Pollution Workshop, Combating Litter at the Source to prevent plastic pollution and War on Waste partnership with fruit markets to ban plastic bags.
- Council website has a page detailing other waste and recycling information which details recycling tips relating to single use plastic and plastics such as refuse, reduce, reuse, upcycle and recycle.
- Council has promoted and performed 62 waste related green living workshops, held four green living movie workshops with over 1,300 attendees during the 2018/19 period.
- Council has developed and recently adopted the Central Coast Sustainable Events Policy and Central Coast Council Event Management Guide which compliments Central Coast Council Single Use Plastic Policy. This policy provides a framework for implementing of waste avoidance and resource recovery strategies at events, not permitting the use/sale/gifting of balloons and were possible all food ware being reusable or biodegradable.

Consultation

In accordance with the Council resolution of 8 April 2019, the Draft Single Use Plastic Policy was placed on public exhibition for comment for a period of 28 days from 13 May 2019 to 9 June 2019.

The Policy was available at:

- Central Coast Council Wyong Office: 2 Hely Street Wyong
- Central Coast Council Gosford Office: 49 Mann Street, Gosford
- Online at www.yourvoiceourcoast.com.au.

4.4 Central Coast Council Single Use Plastic Policy (contd)

The exhibition period was promoted online and advertised in the 9 May 2019 edition of the Express Advocate.

A total of 34 submissions were received during the consultation period. 30 submissions were clearly supportive of the policy. Two (2) submissions did not specify their support or otherwise, however they made positive suggestions towards additional waste management initiatives involving soft plastics and a propriety reusable coffee cup product. Only two (2) submissions were against the policy, with one with a view that the policy is totalitarian and the other held the view the policy will achieve little towards reducing waste.

A representative selection of the 30 positive comments received is provided below:

As a local resident living on the coast, I feel this to be an important issue. Plastic is chocking our environment. Single use plastic should be banned altogether and this is a wonderful start for council to take. This will bring awareness to not only our area but all areas of NSW and the Country. I am very much hoping this goes ahead.

It is great to see this happening locally. It is so important to show leadership in this field and this is a good step forwards.

I think this is a great idea, good on Council.

I agree 100% with Council's Draft Single Use Plastic Policy – please introduce this ASAP – I applaud your leadership on local government level and believe we all need to take action to battle single use plastic catastrophe particularly as a coastal council.

I urge you to implement the Councils draft single use policy. The Central Coast is a beautiful place with many residents who strongly care about the environment and reducing waste.

I agree with this proposed policy completely, it is well thought out and I commend you for taking on a community leadership role with this initiative.

The submissions were noted and there are no proposed changes to be made to the Single Use Plastic Policy.

Options

- 1 Maintain the current arrangements of no Central Coast Council Single Use Plastic Policy.

Not recommended. The Policy is consistent with Council's Community Strategic Plan with respect to taking leadership in reducing littering, reducing waste to landfill, and strengthening positive environmental behaviours. Council has also recently adopted an Interim Sustainable Event Management Policy and implemented a Procurement Policy and associated guide/procedure, which are consistent with the Draft Single Use Plastic Policy.

- 2 Adopt the Central Coast Council Single Use Plastic Policy.
This is the preferred option as the policy demonstrates leadership towards meeting key targets of the Community Strategic Plan.

Financial Impact

The adoption of the Single Use Plastics Policy will not have a discernable financial impact on Council. The Policy seeks to provide leadership and build the capacity within the community to change practices towards eliminating single use plastics where possible.

Link to Community Strategic Plan

Theme 3: Green

Goal F: Cherished and protected natural beauty

G-E3: Reduce littering, minimise waste to landfill and educate to strengthen positive environmental behaviours.

Attachments

- 1 Draft Plastic Wise Policy for Central Coast Council D13482590

POLICY NO: CCC

SINGLE USE PLASTIC POLICY

April 2019

AUTHORITY	NAME & TITLE
AUTHOR	James Lawson Team Leader - Waste Services and Business Development
MANAGER	Andrew Pearce Unit Manager - Waste Services and Business Development
DIRECTOR	Boris Bolgoff Director - Roads Transport Drainage and Waste
CHIEF EXECUTIVE OFFICER	Gary Murphy Chief Executive Officer

History of Revisions:

Version	Date	Reason	TRIM Doc. #
1			

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POLICY SUMMARY

This Policy sets out Central Coast Council's (Council) intention to show leadership in the elimination of single use plastics, advocating for legislative change and educating the community on environmentally responsible alternatives.

POLICY STATEMENT

1. To provide leadership in the elimination of single use plastics, advocating for legislative change and educating the community on environmentally responsible alternatives.
2. To build capacity within the community for change in social practices, via:
 - Promoting alternatives to single use plastics
 - Ensuring that all public events and functions held on Council property and public open space promote and practice waste avoidance principles by:

- Minimising the amount of waste generated
- Where possible, all food ware used at events such as plates, food containers, cups, cutlery and wrapping should be reusable or biodegradable.
- Event organisers must ensure that no balloons are used, sold or given out at events.

POLICY BACKGROUND

Australians consume large volumes of single use plastics, which are commonly disposed of to landfill or otherwise become mobile in the environment.

There is a significant body of scientific evidence on the global impacts of plastics on the environment. Plastics are highly visible and mobile in the environment and can impact on both urban and natural ecosystems, through entanglement and ingestion by either land and marine life.

The production of plastics relies on non-renewable resources.

The achievement of a reduction in the use of single use plastics across the Central Coast is consistent with Central Coast Council's Community Strategic Plan E3 under Environmental resources for the future - Reduce littering, minimise waste to landfill and educate to strengthen positive environmental behaviours.

GENERAL

The production and use of single use plastics is increasing and is causing significant environmental pollution on a global scale. Council has an opportunity to review its own use and procurement of single use plastics and to provide leadership to the community.

Council will implement the Policy according to the following mechanisms:

- Review Council's use of single use plastics and research alternatives
- Implement Council's Procurement Policy and Procedures by avoiding products containing single use plastics when alternatives are available and appropriate
- Implement Council's Sustainable Event Management Policy to limit the use of single use plastics at events held on Council property where possible
- Lobby all levels of government to drive policy change and ban single use plastics
- Engage with the community on alternatives to single use plastics

POLICY IMPLEMENTATION AND PROCEDURES

Council will support and assist organisations and / or individuals organising an event to comply with this policy, however if there is ongoing poor adherence to this Policy, Council officers may recommend that these events not be supported or approved by Council. Event organisers must monitor their event and collect evidence including photos that illustrate adherence to the Policy, suggestions for improvements and submit to Council at the conclusion of the event. It is expected that event organisers actively promote to all stall holders, event staff and participants the promotion of alternatives to single use plastics and waste avoidance principles.

A single use plastic policy guide will be produced by Council and will be distributed to event organisers holding events on Council managed public land and buildings. This shall be read in conjunction with the Sustainable Event Management Policy.

Exemptions to this policy will be made for valid health, wellbeing or safety reasons, or where there is no practical alternative or option currently available. All exemptions require prior written approval from Council.

DEFINITIONS

The following definitions are used in this policy:

Code of Conduct means the Code of Conduct adopted by Council.

Council means Central Coast Council.

Events for the purpose of this policy means organised activities open to attendance by members of the general public (whether by payment or not) on Council public land or in Council public buildings with over one hundred attendees. Events include; cultural celebration, public rally, street parade, fun run, community festival, music festival, sporting event or circus.

Single Use Plastic means any disposable plastic and polystyrene items including but not limited to straws, balloons, bags, food / drink packaging, cutlery and plastic sleeves.

Sustainability means meeting the needs of the present without compromising the needs of future generations.

BREACHES

Suspected breaches or misuse of this policy are to be reported to the Chief Executive Officer.

Alleged breaches of this policy shall be dealt with by the processes for breaches of the Code of Conduct as detailed in Council's Code of Conduct and in the Procedures for the Administration of the Code of Conduct.

REVIEW

This policy will be reviewed every two (2) years. Any recognised changes to relevant legislation will activate an immediate review of the policy to ensure it remains current.

RELATED RESOURCES

The following legislation applies to the operation of this Policy:

- Local Government Act, 1983*
- Protection of the Environment Operations Act, 1997*
- Waste Avoidance and Resource Recovery Act, 2007*

Associated Central Coast Council Documents:

- Code of Conduct
- Procedures for the Administration of the Code of Conduct
- Equity, Diversity and Respect Policy
- Sustainable Event Management Policy
- Procurement Policy and Procedures



Item No: 4.5
Title: Acquisition of Land at Carlton Road Holgate for Road Widening
Department: Governance

26 August 2019 Ordinary Council Meeting

Trim Reference: F2018/00119 - D13628620

Author: Susan Loder, Property Officer
Simone Barwick, Property Officer Land Sales Acquisitions
Brett Eddy, Team Leader Design

Manager: Jay Spare, Unit Manager, Roads Assets Planning and Design

Executive: Evan Hutchings, Director Governance
Boris Bolgoff, Director Roads Transport Drainage and Waste

Report Purpose

Approval is sought to acquire part portions of land at 6, 7, 15 & 38 Carlton Road Holgate, 1 Arundel Road Holgate and 13 Clyde Road Holgate for the purpose of road widening.

Recommendation

1 That Council resolve to acquire the following land for the purpose of a road ('Land'):

That part of Lot 42 DP 1142488 highlighted in yellow in the Plan in Attachment 2, at 6 Carlton Road, Holgate.

That part of Lot 41 DP 1142488 highlighted in yellow in the Plan in Attachment 3, at 7 Carlton Road, Holgate.

That part of Lot 29 DP 1976 highlighted in yellow in the Plan in Attachment 4, at 15 Carlton Road, Holgate.

That part of Lot 46 DP 1976 highlighted in yellow in the Plan in Attachment 5, at 38 Carlton Road, Holgate.

That part of Lot 1 DP 1155519 highlighted in yellow in the Plan in Attachment 6, at 1 Arundel Road Holgate.

That part of Lot 12 DP 1946 highlighted in yellow in the Plan in Attachment 7, at 13 Clyde Road Holgate.

2 That Council authorise the CEO to execute all necessary documentation relevant to the acquisition of the Land.

- 3 That Council resolve to acquire all or some of the portions comprising the Land by compulsory process for the purposes of a road, pursuant to Section 177 of the Roads Act 1993 and in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991, in the event that negotiations for the acquisition of all or some of the portions comprising the Land with the relevant property owner or owners cannot be satisfactorily resolved.**
- 4 That Council resolve to make an application to the Minister for Local Government and the Governor for approval to acquire all or some of the portions comprising the Land by compulsory process pursuant to the Land Acquisition (Just Terms Compensation) Act 1991, in the event that negotiations for the acquisition of the Land with the relevant property owner or owners cannot be satisfactorily resolved.**

Summary

Council has been successful in obtaining NSW State Government Safer Roads grant funding to undertake priority road safety improvements in Carlton Road, Holgate.

As part of Council's Operational Plan 2019-20, the funding has been approved to undertake road realignment, improve pedestrian access and complete drainage upgrade works.

Detailed construction drawings have been completed confirming the need for Council to acquire portions of land from six properties for the purpose of road widening, along Carlton Road, Arundel Road and Clyde Road in Holgate.

A land acquisition plan has been prepared indicating the area to be acquired from each property, which is in Attachment 1 to this report.

Context

As part of Council's Operational Plan 2019-20, NSW State Government grant funding has been provided to improve road safety and pedestrian access in Carlton Road, Holgate. The project requires acquisition of land for road widening from six properties along Carlton Road, Holgate.

The proposed property acquisitions were originally brought to Council at the ordinary meeting of 12 November 2018. It was subsequently resolved to defer consideration of the item pending a site inspection with the Mayor, Councillors and Council Staff.

A site inspection was held undertaken on 14 December 2018 with consideration given to the need to remove 20 trees to support realignment of the road and provision of a shared path connecting the Central Coast Highway and Central Coast Grammar School.

Following the inspection, a detailed review of the design was undertaken to try to reduce the number of trees removed.

4.5 Acquisition of Land at Carlton Road Holgate for Road Widening (contd)

This included consideration of alternate road and shared path alignments to provide greater clearance to existing trees, the construction of retaining walls, raised pavements and elevated boardwalks to protect tree roots and the use of alternate construction techniques to allow construction in close proximity to the tree barrels and roots.

Expert advice was also obtained from an independent consultant arborist and the Office of Environment and Heritage (OEH) to confirm the approval processes, review the construction options and validate which trees could be saved or removed.

Based on these investigations, the original road design is still considered to provide the best overall outcome balancing the need to improve the road alignment while minimising the loss of trees. Replanting of local sourced native tree species at a replacement ratio of 3:1 will be undertaken as part of this project

Proposal

To support delivery of this priority road safety project, it will be necessary to acquire land from six properties along Carlton Road, Holgate.

The land affected by the Project is:

No	Street	House No.	Lot No.	Deposited Plan No.	Lot area (sq.m)	Area of land required for acquisition (sq.m)
1	Carlton Road	6	42	1142488	10790	91.4
2	Carlton Road	7	41	1142488	21800	30.9
3	Carlton Road	15	29	1976	18510	208.4
4	Carlton Road	38	46	1976	20235.2	246.9
5	Arundel Road	1	1	1155519	95900	419.9
6	Clyde Road	13	12	1976	16220	7.7

The land to be acquired is highlighted in yellow in the Land Acquisition Plans in Attachments 1-7 to this report.

When transferred to Council, the acquired land will be dedicated as public road.

Council staff will endeavour to acquire the land by agreement with the land owners. If Council is unable to reach agreement within a reasonable time, it will be necessary to apply to the Office of Local Government for compulsory acquisition of the relevant portions of the Land.

Consultation

Council has written to the owners of the affected land informing them of the potential road widening and the associated proposal to acquire parts of the affected properties to accommodate the road widening.

4.5 Acquisition of Land at Carlton Road Holgate for Road Widening (contd)

Council has engaged a valuer to assess compensation for the acquired land. Should Council authorise the acquisition of the affected land, consultation will continue with the owners with a view to acquire the affected parts of their properties by agreement.

As resolved at the ordinary meeting of 12 November 2018, site inspections were held with the Mayor, interested Councillors and Council Staff to review the property acquisitions and design options. Subsequent investigations confirmed that the original design remains the best overall outcome and that the property acquisitions are required.

An independent consultant arborist was engaged to review the realignment and construction options. The arborist confirmed that due to the encroachment of road construction within the root zone of the impacted trees, the number of trees to be removed could not be reduced.

The office of OEH was consulted and they confirmed that Council have approved processes under Part V of the Environmental Planning & Assessment Act (EP&A Act) to undertake a review of environmental effects and approve the removal of vegetation.

The office of OEH also advised that the main environmental corridor in the area, which is comprised of a Bluegum-Paperbark forest, follows the Erina Creek alignment. The proposed road realignment is located clear of the environmental corridor in an area identified as disturbed canopy only. The office of OEH confirmed that further assessment is not required.

Options

If Council does not authorise the acquisition of the affected land, the grant funded project cannot proceed

Financial Impact

It is estimated that the cost of acquisition including compensation to owners, valuation and legal costs will be \$150,000.

The total project cost is \$932,300 with \$792,000 being provided as grant funding in Council's Operational Plan 2019-20.

Funding Options

Funds are available as part of Major Drainage Capital Works Program 20330 "CARLTON ROAD: Road Upgrade and Realignment with Drainage, Footpath & Property Acquisition - Design "in the FY19/20 for the completion of the acquisition process.

Critical Dates or Timeframes

Property acquisitions must be completed as soon as possible to allow construction to proceed and meet the grant funding milestones.

Link to Community Strategic Plan

Theme 4: Responsible

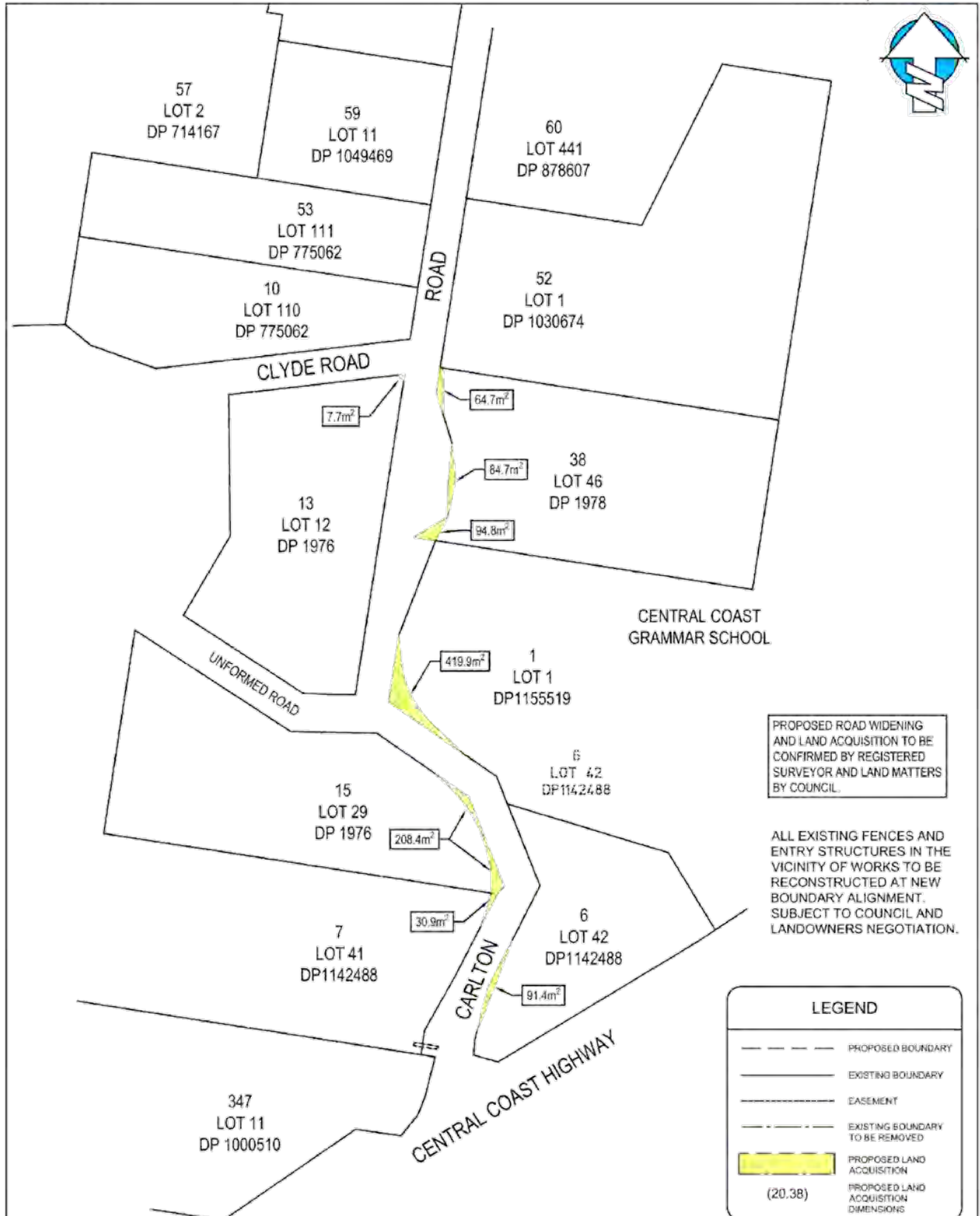
Goal H: Delivering essential infrastructure

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

Attachments

1	Attachment 1 - Land Acquisition Plan	D13629796
2	Attachment 2 – Plan of Acquisition: Part Lot 42 DP 1142488 at 6 Carlton Road Holgate	D13629798
3	Attachment 3 – Plan of Acquisition: Part Lot 41 DP 1142488 at 7 Carlton Road Holgate	D13629799
4	Attachment 4 – Plan of Acquisition: Part Lot 29 DP 1976 at 15 Carlton Road Holgate	D13629800
5	Attachment 5 – Plan of Acquisition: Part Lot 46 DP 1976 at 38 Carlton Road Holgate	D13629801
6	Attachment 6 – Plan of Acquisition: Part Lot 1 DP 1155519 at 1 Arundel Road Holgate	D13629802
7	Attachment 7 – Plan of Acquisition: Part Lot 12 DP 1946 at 13 Clyde Road Holgate	D13629803

The attachments show the land affected by the acquisitions and the location of the proposed road widening acquisition.



PROPOSED ROAD WIDENING AND LAND ACQUISITION TO BE CONFIRMED BY REGISTERED SURVEYOR AND LAND MATTERS BY COUNCIL.

ALL EXISTING FENCES AND ENTRY STRUCTURES IN THE VICINITY OF WORKS TO BE RECONSTRUCTED AT NEW BOUNDARY ALIGNMENT. SUBJECT TO COUNCIL AND LANDOWNERS NEGOTIATION.

NOTE: ALL DIMENSIONS ARE SUBJECT TO FINAL SURVEY.

BASE SCALE FOR A4 PLAN 1:1000 	
DATE	29/07/2019
DRAWN	M. GREENWOOD
CHECKED	B. EDDY

**LAND ACQUISITION PLAN
FOR VARIOUS LOTS
ARUNDEL, CARLTON & CLYDE ROADS
HOLGATE**

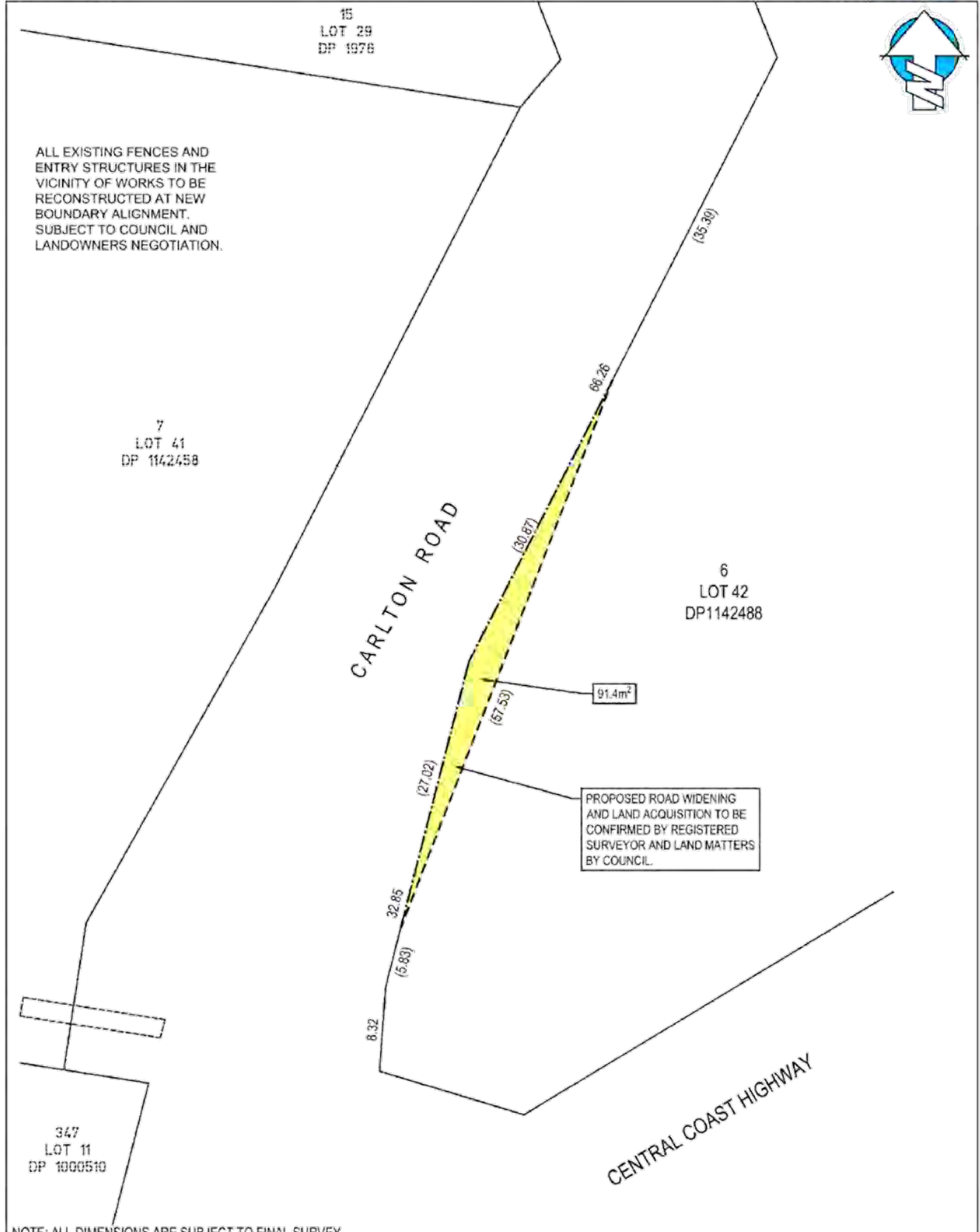


PROJECT No. 800

ECM IR No. 25582957

Attachment 2

Land Acquisition Plans



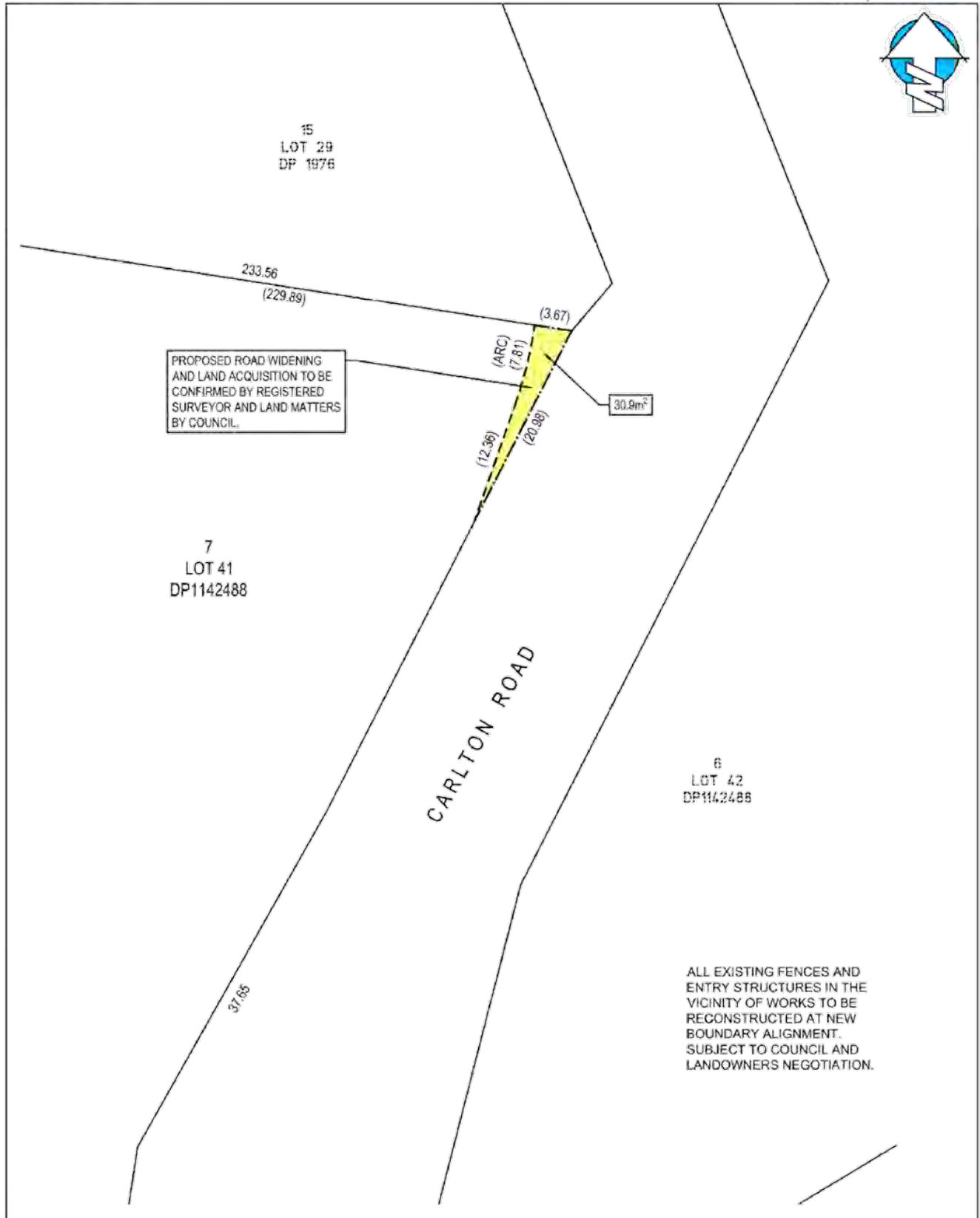
NOTE: ALL DIMENSIONS ARE SUBJECT TO FINAL SURVEY.

BASE SCALE FOR A4 PLAN 	
DATE	29/07/2019
DRAWN	M. GREENWOOD
CHECKED	B. EDDY

PLAN OF ACQUISITION PART LOT 42 DP 1142488 AT 6 CARLTON ROAD HOLGATE		
PROJECT No.	800	
ECM IR No.	25582957	

Attachment 3

Land Acquisition Plans



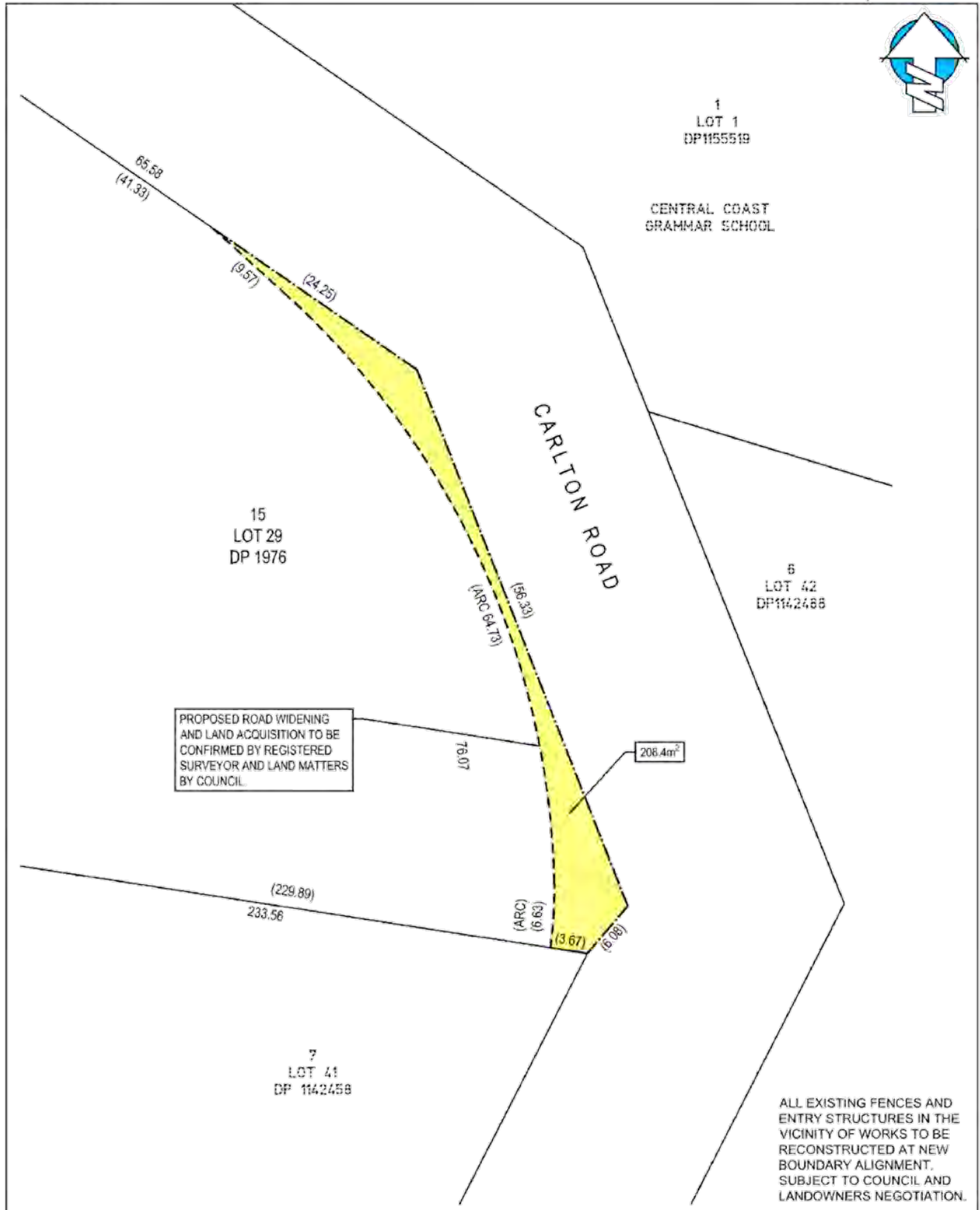
NOTE: ALL DIMENSIONS ARE SUBJECT TO FINAL SURVEY.

BASE SCALE FOR A4 PLAN 	
DATE	29/07/2019
DRAWN	M. GREENWOOD
CHECKED	B. EDDY

PLAN OF ACQUISITION PART LOT 41 DP 1142488 AT 7 CARLTON ROAD HOLGATE		
PROJECT No.	800	
ECM IR No.	25582957	

Attachment 4

Land Acquisition Plans



NOTE: ALL DIMENSIONS ARE SUBJECT TO FINAL SURVEY.

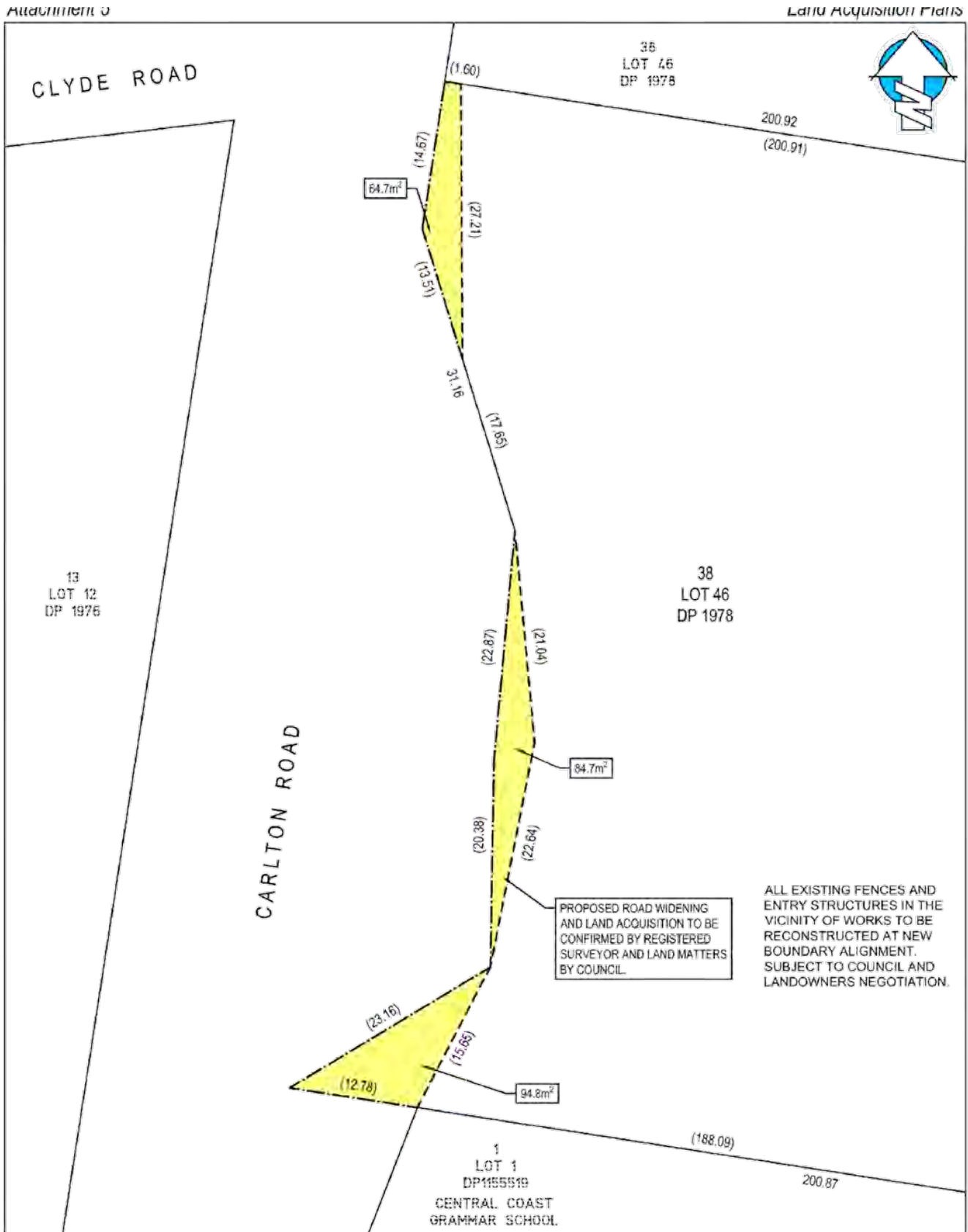
BASE SCALE FOR A4 PLAN 	
DATE	29/07/2019
DRAWN	M. GREENWOOD
CHECKED	B. EDDY

PLAN OF ACQUISITION
PART LOT 29 DP 1976
AT 15 CARLTON ROAD HOLGATE



PROJECT No. 800

ECM IR No. 25582957



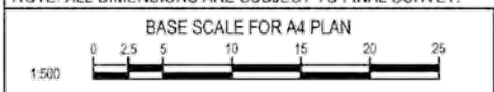
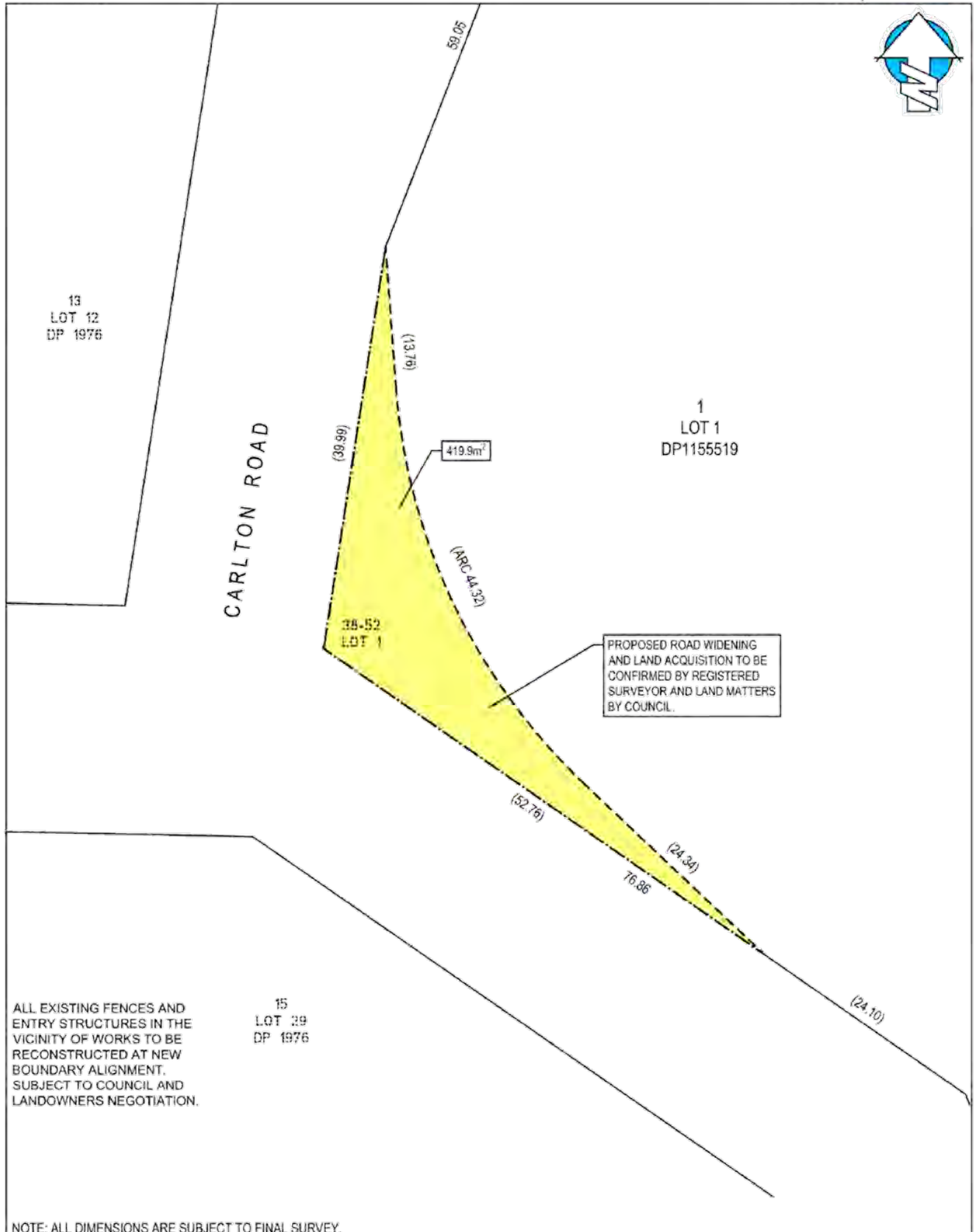
NOTE: ALL DIMENSIONS ARE SUBJECT TO FINAL SURVEY.

BASE SCALE FOR A4 PLAN 	
DATE	29/07/2019
DRAWN	M. GREENWOOD
CHECKED	B. EDDY

PLAN OF ACQUISITION PART LOT 46 DP 1947 AT 38 CARLTON ROAD HOLGATE			
PROJECT No.	800		ECM IR No.

Attachment 6

Land Acquisition Plans




DATE 29/07/2019

DRAWN M. GREENWOOD

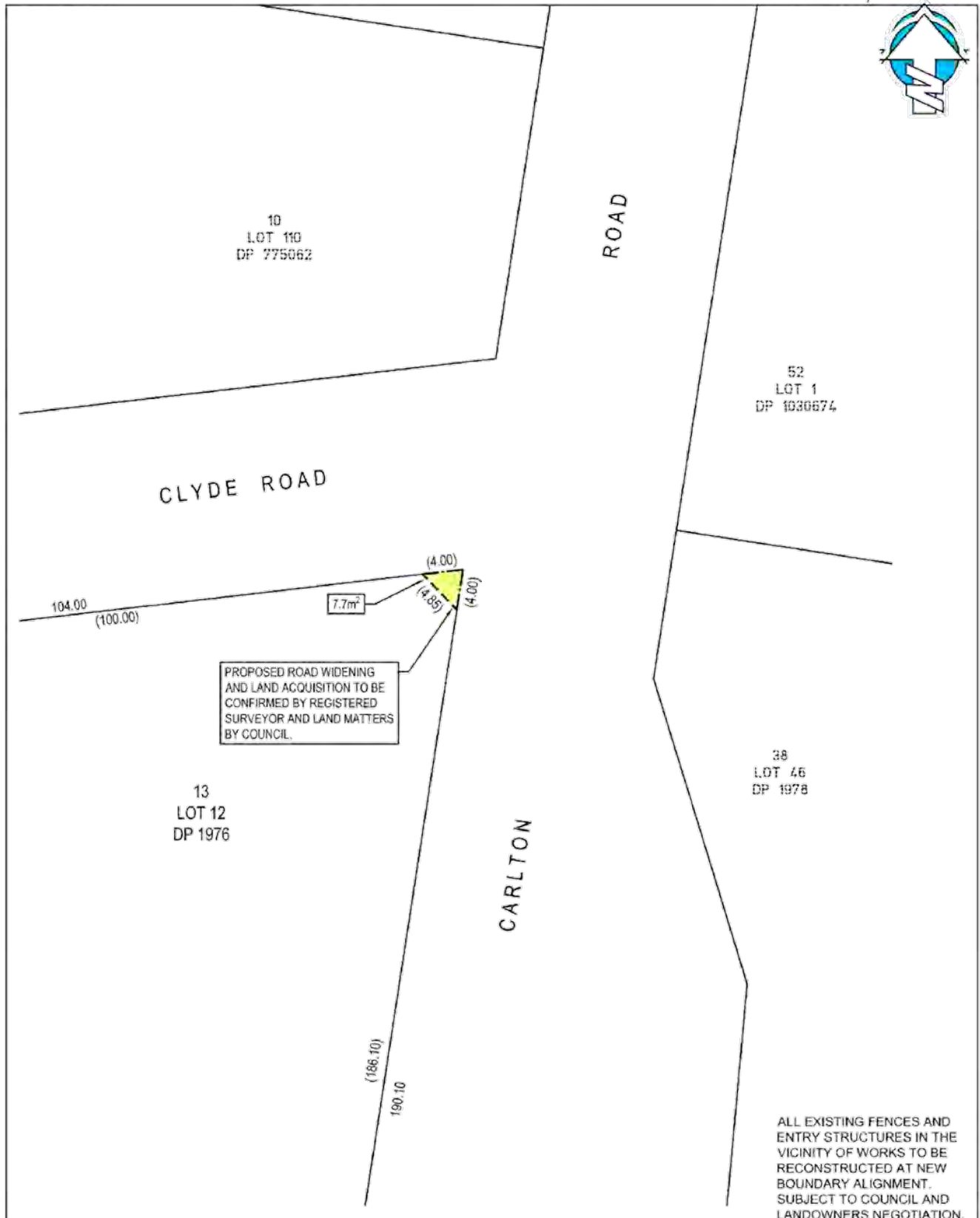
CHECKED B. EDDY

PLAN OF ACQUISITION
PART LOT 1 DP 1155519
AT 1 ARUNDEL ROAD HOLGATE

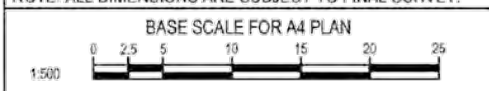


PROJECT No. 800

ECM IR No. 25582957



NOTE: ALL DIMENSIONS ARE SUBJECT TO FINAL SURVEY.



DATE	29/07/2019
DRAWN	M. GREENWOOD
CHECKED	B. EDDY

<p>PLAN OF ACQUISITION PART LOT 12 DP 1946 AT 13 CLYDE ROAD HOLGATE</p>		
PROJECT No.	800	
ECM IR No.	25582957	



Item No: 4.6
Title: Water and Sewerage 2019 Development Servicing Plans
Department: Water and Sewer

26 August 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-07 - D13612334

Author: Luke Drury, Section Manager Water Services and Design

Executive: Jamie Loader, Acting Director Water and Sewer

Report Purpose

For Council to consider the proposed updates to Council's Water Supply and Sewerage Development Servicing Plans (DSPs).

Summary

The Independent Pricing and Regulatory Tribunal (IPART) requires Council to update its Water Supply and Sewerage Development Servicing Plans (DSPs) every five years. New DSPs are due for implementation on 1 November 2019. This report is seeking adoption in principle of the revised DSPs and associated developer charges, and for the DSPs to be exhibited in accordance with IPART's requirements.

Recommendation

- 1** *That Council adopt the draft Development Servicing Plans in principle.*
- 2** *That Council approve the draft Development Servicing Plans be placed on public exhibition for 30 working days in accordance with IPART requirements.*
- 3** *That Council adopt the draft Development Servicing Plan and register with IPART should no significant objections be received as a result of the public exhibition.*
- 4** *That Council note the revised water supply and sewerage developer charges be effective as of 1 November 2019.*

Context

The Water Supply and Sewerage Development Servicing Plans (DSPs) detail the developer charges that are required to be paid by developers towards the provision of existing and future water supply and sewerage infrastructure. These charges are levied under the *Water Management Act 2000* and are unrelated to Developer Contributions levied under Section 7.11/7.12 of the *Environmental Planning & Assessment Act 1979*.

Developer Charges are levied on an Equivalent Tenement (ET) basis, where a proposed development is compared to an equivalent number of residential properties for the purpose of determining charges payable.

Council is required by the NSW Independent Pricing and Regulatory Tribunal (IPART) to review its Water Supply and Sewerage DSPs every five years. The DSPs are required to be revised using parameters issued by IPART in its determination on *Maximum prices for connecting, or upgrading a connection, to a water supply, sewerage or drainage system – Sydney Water, Hunter Water and Central Coast Council (October 2018)* and the recent determination on *Central Coast Council Maximum prices for water, sewerage, stormwater drainage and other services from 1 July 2019*.

IPART requires new charges to be implemented by 1 November 2019, with the methodology used to be consistent with its recent determination. All calculations are also required to be prepared within a new calculation template which was issued to Council with the current determination. The current DSPs were prepared in 2014 and have been indexed annually in line with IPART's requirements.

DSPs must be exhibited for a minimum of 30 working days prior to adoption. This includes notification to the Urban Development Institute of Australia, Housing Industry Association and any applicants who have lodged an application under Section 305 of the *Water Management Act 2005* within the last six months.

A summary of how Water and Sewerage Developer Charges are calculated across New South Wales is provided in Figure 1.

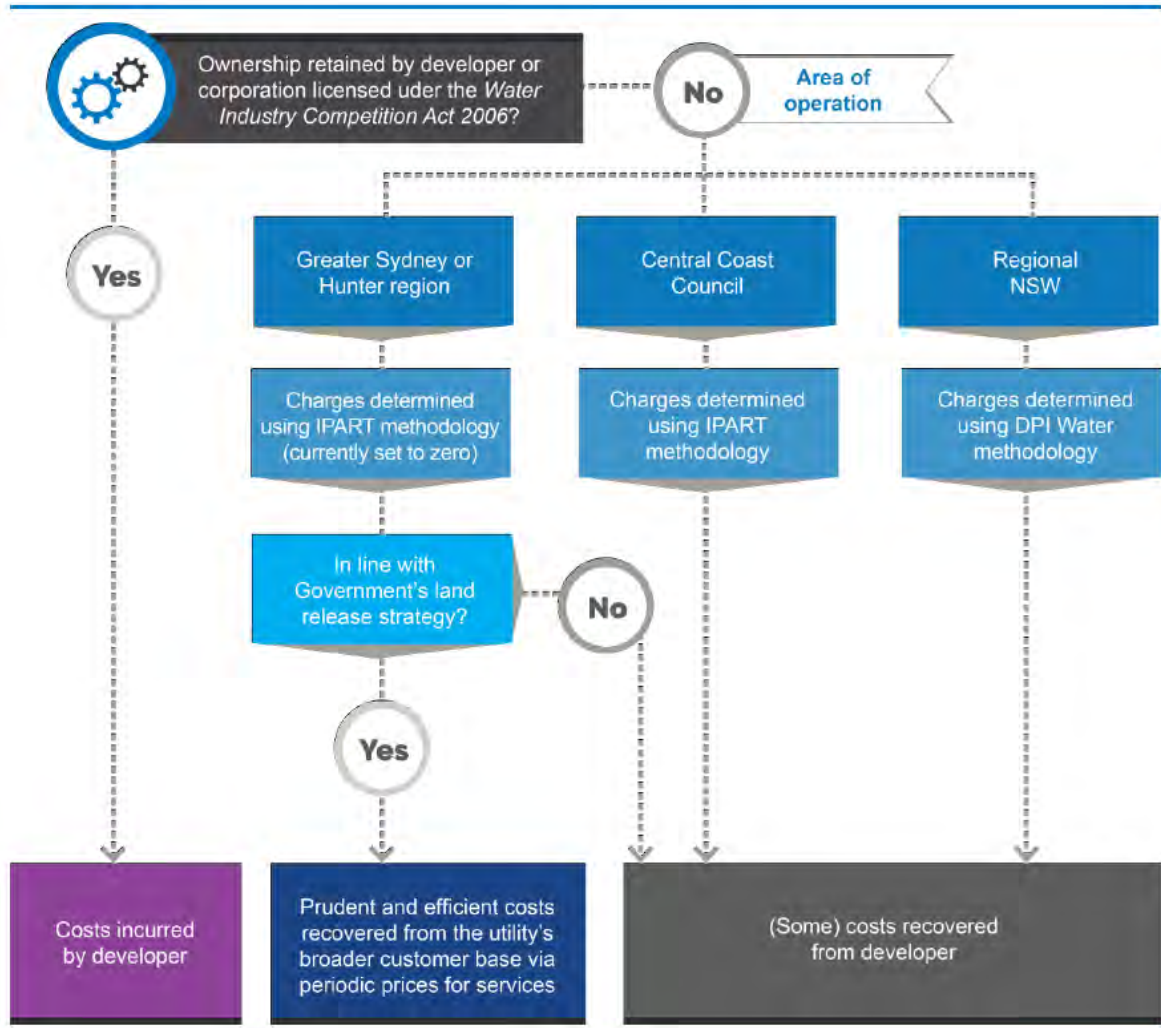


Figure 1 Differing methodologies for funding water and sewerage infrastructure for new development across NSW (supplied by IPART)

Current Status

Currently there are three different Water Supply and Sewerage Development Servicing Plans for the Central Coast area of operation. These are outlined below in Table 1:

Table 1 Existing Developer Charges

DSP Name	Developer Charge	Amount (\$2018/19)/ET
Gosford Redevelopment 2014	Water Supply Charge	\$2,116.46
	Sewerage Charge	\$1,361.62
Gosford CBD 2014	Water Supply Charge	\$3,272.15
	Sewerage Charge	\$3,644.86
Wyong Water Supply and Sewerage 2014	Water Supply Charge	\$3,815.70
	Sewerage Charge	\$5,327.44

Council has received Gate 1 funding under the State Government Housing Acceleration Fund (HAF) for the preparation of detail designs and business cases for the future water supply and sewerage asset upgrades required to service growth within the Gosford CBD and Warnervale Town Centre. Following the completion of Gate 1 activities, Gate 2 funding (construction) will be sought from the HAF to allow the delivery of works by Council. In light of this opportunity, the expected cost of those additional asset upgrades was not included in Council's IPART pricing submission and have also been excluded from this DSP review.

Previously the former Gosford City and Wyong Shire Council's utilised different calculation templates for the assessment of Developer Charges in their periodic reviews. IPART has since issued a standard calculation template for use by all agencies that it regulates. The former Council's also utilised different factors for assessing the number of Equivalent Tenements (ET) applicable to proposed development. These are now harmonised as part of the current review.

Proposal

Developer charges have been calculated in accordance with the parameters contained within the recent IPART Determinations and the new calculation template. The three existing Development Servicing Plans are proposed to be replaced by two new Development Servicing Plans which are based on the former Local Government Area boundaries. This has been undertaken to reflect the two different historical and future predicted development patterns, and new infrastructure requirements of the two areas. This development uptake profile, combined with existing and future infrastructure requirements, forms the basis of the Developer Charge calculation (discussed in detail in the enclosures).

The proposed DSPs and applicable charges are outlined in Table 2.

Table 2 Proposed Developer Charges

Proposed DSP	Charge	Current Amount (\$2018/19)/ET	Proposed Amount (\$2019/20)/ET
Northern Region	Water Supply	\$3,815.70	\$3,333
	Sewerage	\$5,327.44	\$2,435
Southern Region	Water Supply	CBD \$3,272.15 Redevelopment \$2,116.46	\$2,585
	Sewerage	CBD \$3,644.86 Redevelopment \$1,361.62	\$1,748

Following the standardisation of the calculation template across the Central Coast area, the difference in the proposed Developer Charges between the two DSP areas is driven by the historical/future development uptake rate, existing/future asset requirements and the original construction dates of the water supply/sewerage schemes. The vast majority of assets required to service development within the Southern Region have already been constructed, with less growth forecast into the future. A significant portion of the future growth within this DSP area is infill development which can make more efficient use of existing assets.

A substantial amount of future assets are still however required to be constructed into the future within the Northern Region DSP area, to service the additional growth which includes a much larger proportion of greenfield development and associated new assets. For comparison it is noted that population forecasts by .i.d consulting indicate the Northern Region DSP area population is predicted to increase by approximately 49,200 people between 2021 and 2036, while the Southern Region DSP areas population is only predicted to increase by approximately 10,500 people for the same period.

As illustrated in Figure 1, NSW Regional Councils prepare their Water Supply and Sewerage Developer Charges in line with the Department of Industry methodology, while Hunter Water and Sydney Water have their Developer Charges set to zero in accordance with a previous State Government decision. As a result, the comparison of the proposed developer charges to those of other organisations does not provide a meaningful assessment.

Consultation

As part of the public exhibition process, the DSP, supporting documents and all calculation models will be available for review via Council's website for a period of 30 working days. As required by IPART, notification of the exhibition period will also be provided 10 working days prior to commencement to the following parties:

- Urban Development Institute of Australia
- Housing Industry Association
- Any developer who has applied for an approval under the *Water Management Act* 2005 at any time in the 6 months prior to the commencement of the exhibition period.

An advertisement will also be placed in the Central Coast Express Advocate informing the public of the start date and length of exhibition and that written submissions on the draft DSP can be made to Council during the exhibition period.

In finalising the DSPs, Council is required to consider and respond to all submissions made by interested parties during the exhibition period. Council is then required to forward the final documents, details of any submissions received during the public exhibition period and the associated calculation models to IPART for registration.

Options

There are limited options available in regards to the application of the Water Supply and Sewerage Development Servicing Plans. The calculation of developer charges is required to be completed in accordance with a defined methodology set by IPART and using key financial parameters also set by IPART.

Also, under section 18(2) of the IPART Act (1992) *“The approval of the Treasurer must be obtained if another Minister, an official or an agency fixes (or takes action to fix) the price below the maximum price determined by the Tribunal or calculated in accordance with the determination of the Tribunal.”* Council does not have the delegation to reduce these calculated charges.

Financial Impact

The proposed charges are a result of applying IPART’s methodology and parameters and are designed to provide a revenue source to contribute towards the capital costs of existing and future assets required to service continued growth on the Central Coast.

The charges contained within the proposed DSPs would be indexed annually for the life of the DSPs. The relevant IPART determination requires the DSP to be updated once and only once within a five-year period following its adoption by Council or as otherwise directed by IPART.

As part of periodic IPART pricing reviews, IPART considers actual historic and forecast Developer Charges revenue when assessing Council’s overall revenue requirement to be collected from annual fees and volumetric charges. Council’s next pricing review is due in 2022.

Risk Management

Following the adoption of the proposed Water and Sewerage Development Servicing Plan, all Water and Sewerage Developer Charges listed on an applicant’s Section 306 Certificate issued under the *Water Management Act 2005* after 1 November 2019 will be based on the new charges. Any Section 306 Certificates issued prior to 1 November 2019 would remain at the current charges (indexed to \$2019/20).

Some existing applicants who have not yet actioned the requirements of existing Section 306 certificates could obtain a financial advantage as a result of the new Developer Charges, while others could be at a financial disadvantage. Certain applicants would also be either advantaged or disadvantaged by the harmonised Equivalent Tenement (ET) calculation matrix eg Industrial, commercial and multi-residential developers as the calculation matrix determines how many ETs are payable for a given development proposal. As a result it will be up to individual developers to assess whether they would prefer to cancel their existing Water Management Act application and start a new application to enable them to be assessed under the new DSP or not.

The assessment of unit rates for the determination of credits for DSP infrastructure works will continue to be based on the unit rates used within the respective DSP that was used for the assessment of Developer Charges payable.

Critical Dates or Timeframes

The remaining critical dates for the completion of this project are outlined below:

<input type="checkbox"/>	Commence public exhibition period	3 September 2019
<input type="checkbox"/>	End of public exhibition period	14 October 2019
<input type="checkbox"/>	Provide feedback to exhibition respondents	21 October 2019
<input type="checkbox"/>	Registration with IPART	24 October 2019
<input type="checkbox"/>	New DSPs commence	1 November 2019

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.

Attachments

1	Southern Region Water Supply and Sewerage 2019 DSP incl Appendices (D13631434)	Attached Under Separate Cover
2	Northern Region Water Supply and Sewerage 2019 DSP incl Appendices (D13631435)	Attached Under Separate Cover



Item No: 4.7
Title: Community Support Grant Program - June 2019
Department: Connected Communities

26 August 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13611272
Author: Stuart Slough, Team Leader, Community Planning and Funding
Manager: Glenn Cannard, Unit Manager, Community Partnerships
Executive: Sue Ledingham, Acting Director, Connected Communities

Summary

This report considers the applications and recommendations for the Community Support Grant Program, which supports the community to deliver community activities which require a small amount of funding and/or in-kind support.

Recommendation

- 1 That Council allocate \$54,323.98 from the 2019-20 grants budget to the community grant programs as outlined in the following report and Attachment 1.**
- 2 That Council decline applications for the reasons indicated in Attachment 2 the applicants be advised and where relevant, directed to alternate funding.**

Context

Council's grant programs are provided to support the community to deliver quality programs, projects or events that build connections, celebrate our local community that align with the One-Central Coast Community Strategic Plan and build capacity across the entire Central Coast community.

The Community Support Grant Program is provided to support the community to deliver activities which require a small amount of funding and/or in-kind support. The Community Support Grant Program remains open throughout the year to provide assistance for community activities that require:

- 1 In-kind support through the provision of subsidised access to Council services.
- 2 Financial assistance for community activities that require a smaller amount of support.

The Community Support Grant Program provides a combined budget of \$300,000 annually as detailed in table 1 below.

Table 1: Community Support Grant Program

Program	Budget	Opening Period	2019/2020 allocation to date	Recommendation allocation within this report	Allocation to date + Recommendation within report
Community Support Grant Program	\$300,000	Ongoing	\$0.00	\$54,323.98	\$54,323.98
TOTAL			\$0.00	\$54,323.98	\$54,323.98

Current Status/Tender Submissions

The Community Support Grant Program remains open for applications throughout the year and the closing date for each assessment period is the last day of each month.

The Community Support Grant Program provides up to \$5,000 per project per financial year in combined funding and in-kind Council services to applicants who are a legally constituted not-for profit organisations, or auspiced by one.

Assessment

Nineteen (19) applications were received and assessed by 30 June 2019 with fifteen (15) recommended for funding in this Council report.

The Community Support Grant applications were assessed by Council's Unit Manager Community Partnerships and the Community Planning and Funding Team.

Consultation

The availability of grant funding is provided on Council's website and promoted through Council's Social Media platforms.

An email with relevant information was provided to the community grants database Council staff also provided information and individual appointments for the period that the grants were open.

Options

- 1 Approval of all recommended applications as submitted will provide a community benefit to residents of the Central Coast Local Government Area.
- 2 Non approval of some or all applications, as recommended, may result in projects not being undertaken if the respective proponents are unable to secure alternate funding.

Financial Impact

Council's 2019/2020 Council Operational Expenditure budget allocates \$300,000 to the Community Support Grant Program.

Expenditure is approved until the end of the 2019-20 financial year. Unspent funds will lapse on 30 June 2020.

Link to Community Strategic Plan

Theme 1: Belonging

Goal A: Our community spirit is our strength

B-A1: Work within our communities to connect people, build capacity and create local solutions and initiatives.

Risk Management

All successful applications will receive a letter of offer outlining Council's requirements of funding, service delivery and accountability for both Council and the funded organisation.

All successful applicants are required to submit a final project acquittal report no later than twelve weeks after the agreed completion date of the activity/project with copies of any photos, promotional materials and evidence of payment/purchase for each funded item.

Critical Dates or Timeframes

This Grant Program is open all year and assessed on a monthly basis with the intention to allow applicants to apply for funding support which has a quicker response time.

Attachments

- | | | |
|----------|---|-----------|
| 1 | Attachment 1 - Community Support Grant Program - June 2019-
Recommended for Funding | D13611250 |
| 2 | Attachment 2 - Community Support Grant Program - June 2019 - Not
Recommended for Funding | D13611253 |

Recommended for Funding – June 2019

Organisation Name	Project Title and Summary	Staff Funding Recommendation	Staff Assessment
Central Coast Group Training	CCGT Excellence in Training Awards 2019. An annual event in its 13th year which recognizes the contribution and achievements of The Central Coast Group Training apprentices, trainees and Host Employers.	\$5,000.00	Recommended for funding as community benefit is demonstrated and all required information is provided.
Central Coast Country Music Association	Venue hire Hamlyn Terrace Community Centre plus printing. Monthly workshops for the public to gain experience in vocal, guitar, microphone technique, technical understanding (PA etc.) and song writing.	\$455.50	Recommended for funding as community benefit is demonstrated and all required information is provided.
Peninsula Environment Group	Re-establishing Woy Woy Community Garden Resources. Most resources were recently destroyed by fire and the garden is seeking funds to re-establish and replace lost stock and equipment along with the purchase of an additional water tank and small irrigation pump.	\$4,745.00	Recommended for funding as community benefit is demonstrated, all required information is provided and all required approvals are confirmed
For Benefits Medicines Pty Ltd (for Crestani Scholarships)	In-Kind Council Services for 24 November 2019 Twilight Soiree. Crestani Scholarships stage Twilight Soiree function at the Japanese Gardens in November each year as their main community engagement event to promote their community services activities.	\$2,260.00	Recommended for funding as community benefit is demonstrated and all required information is provided.

Organisation Name	Project Title and Summary	Staff Funding Recommendation	Staff Assessment
The Bays Community Group Incorporated (TBCG)	Repair and Paint the inside of the Bays Community Hall. The Bays Community Group represents the interests of residents of Horsfield, Phegans and Woy Woy Bays. The current project is to clean-up, repair and repaint the inside of the hall.	\$4,990.00	Recommended for funding as community benefit is demonstrated and all required information is provided.
Shelley Beach Surf Life Saving Club Inc	2019 Beachletics Carnival at Shelly Beach Surf Life Saving Club	\$1,922.88	Recommended for part funding towards all items in the budget as per application except medals and sundries as these items are ineligible or lack supporting information. Community benefit is demonstrated and all other required information is provided. Recommendation conditional on Central Coast Council logo included on the competitor t-shirt designs.
Lighthouse Church Central Coast	Doylo Lighthouse Carols. An outdoor community event, primarily for local residents on the northern end of the Coast with community carol singing, live bands, markets and food stalls, animals, entertainment, and culminating in spectacular fireworks	\$5,000.00	Recommended for part funding for sound and lighting, fireworks and petting zoo from budget as per application. Community benefit is demonstrated and all required information is provided.
Tuggerah Lakes Art Society	2019 FAB FAKES (Fabulous Fakes). Art exhibitions at The Art House where patrons will be treated to a unique exhibition of reproductions of Old Masters	\$2,717.70	Recommended for full funding as community benefit is demonstrated and all required information is provided.

Organisation Name	Project Title and Summary	Staff Funding Recommendation	Staff Assessment
Terrigal Trotters Incorporated	2019 Great North Walk Ultras Traffic Management Assistance. Four simultaneous ultra-distance foot trail races - a 100 mile, a 100 kilometre, a 50 mile, and a 50 kilometre will start and finish at Patonga and be run along trails mostly in Brisbane Water National Park.	\$5,000.00	Recommended for funding as community benefit is demonstrated and all required information is provided. Recommendation conditional on event approvals provided prior to release of funds.
Art At Work Incorporated	Art At Work exhibition The purchase of display stands for a not-for-profit entity that promotes community creativity by holding an annual art exhibition in Berkeley Vale, showcasing a range of artistic skills and talent across a broad spectrum of arts.	\$5,000.00	Recommended for funding as community benefit is demonstrated and all required information is provided.
Gosford and District Tennis Association Incorporated	Volunteer Kitchen refurbish. Application for a fully refurbished kitchen including new kitchen tops providing more space to work, cupboards, a new oven and shelving.	\$5,000.00	Recommended for part funding for flooring, benches and oven as per application. Community benefit is demonstrated and all required information is provided

Organisation Name	Project Title and Summary	Staff Funding Recommendation	Staff Assessment
Food Integrity Group Co-operative Limited	Operational and Event equipment. For use at major events on the Central Coast such as Harvest Festival, Alive Festival x 2 annually and the Live Well Festival.	\$1,162.90	Recommended for funding as community benefit is demonstrated and all required information is provided. Recommendation conditional on the Central Coast Council Logo and acknowledgement is included on funded items.
Wyong Mens Shed Incorporated	Provide Equipment for volunteer group. The group provides a safe environment for all women who have little or no support to build new friendships, to feel like a valued member of the community while learning new skills and enhance their lives and independence. Purchasing new equipment will enable the group to increase member numbers.	\$2,240.00	Recommended for funding as community benefit is demonstrated and all required information is provided.
Central Coast Conservatorium Inc.	Positive Ageing - Making Crossroads Chamber Music Festival Accessible to the Elderly. Crossroads Chamber Music Festival 2019 would like to empower this segment of the community by helping it the social and cultural benefits of attending concerts by providing transport to and from the event.	\$3,850.00	Recommended for funding as community benefit is demonstrated and all required information is provided.

Organisation Name	Project Title and Summary	Staff Funding Recommendation	Staff Assessment
Copacabana slsc	Rockstar Inclusive Nippers Programme. Swimming uniforms and subsidised membership for an inclusive Nippers program for children (initially) aged five to ten with diverse abilities in our local community.	\$4,980.00	Recommended for funding as community benefit is demonstrated and all required information is provided. Recommendation conditional on Central Coast Council logo included on the Nippers Uniform.
	TOTAL	\$54,323.98	

Not Recommended for Funding – June 2019

Organisation Name	Project Title and Summary	Staff Funding Recommendation	Staff Assessment
Avoca Beach Womens Hockey Club	Coaching and playing support. Assistance in purchasing needed sporting equipment to facilitate to development of current players and the recruitment of new players.	\$0.00	Not recommended for funding as currently proposed. Eligibility status is to be confirmed. Recommend applicant liaise with Council Grants Officers and consider resubmitting in a subsequent round.
Central Coast Ukulele Club	Central Coast Ukulele and folk Festival. The Central Coast Ukulele and Folk Festival is a free annual festival for the community that attracts not only the local community but many tourists from all over the country and abroad.	\$0.00	Not recommended for funding as the application is ineligible in accordance with ineligibility clause 6.1 of the Community Support Grant Program: "6.1 Applicants must be a legally constituted not-for-profit organisation or be auspiced by a legally constituted not-for-profit organisation. "
Matcham Holgate Cricket Club	Duffy's Road Cricket Net Repairs. The current synthetic grass in the cricket training nets is completely worn through in places and is a major safety hazard. Repairs are also needed to be carried out on the existing fencing to fix holes.	\$0.00	Not recommended for funding as currently proposed as insufficient information is provided to make an accurate assessment. Recommend applicant liaise with Council Grants Officers and consider resubmitting in a subsequent round.
Central Coast ARAFMI	The Carers Café. The Carers Café is a monthly mini retreat (three hours) for unpaid mental health carers residing on the Central Coast, a collaboration with Central Coast ARAFMI and Carer Escapes.	\$0.00	Not recommended for funding as currently proposed as insufficient information is provided to make an accurate assessment. Recommend applicant liaise with Council Grants Officers and consider resubmitting in a subsequent round.

Item No: 4.8
Title: Innovation and Futures Reference Group
Department: Innovation and Futures



26 August 2019 Ordinary Council Meeting

Trim Reference: F2019/01201 - D13631106

Author: Ricardo Martello, Executive Manager Innovation and Futures

Executive: Ricardo Martello, Executive Manager Innovation and Futures

Report Purpose

To provide a further report on the proposed model for the Innovation and Futures Reference Group as resolved at the Ordinary Meeting of 11 June 2019:

- 532/19 *That Council receive the report on Deferred Item – Notice of Motion – Innovation and Futures Reference Group.*
- 533/19 *That Council establish an Innovation and Futures Reference Group to provide input and advice to the newly created Innovation and Futures Directorate.*
- 534/19 *The Innovation and Futures Reference Group will be responsible for providing advice and feedback on strategic matters such as:*
- i. development of a long term Strategy for the Coast with a ten year plus time horizon.*
 - ii. building a sustainable and innovative economy on the Central Coast.*
 - iii. helping develop new and innovative technologies and businesses to create jobs for the future.*
 - iv. delivering the objectives of the Community Strategic Plan (CSP).*
 - v. ensuring Council leads the way and by example in sustainable practices including energy efficiency measures in Council facilities.*
- 535/19 *Membership of the Reference Group is to include the Mayor, nominated Councillors, Chief Executive Officer, expert members invited from academic institutions and others with relevant knowledge, skills and / or experience.*
- 536/19 *That the Chief Executive Officer work with interested Councillors to develop a Terms of Reference and a process to determine membership of the Reference Group.*
- 537/19 *The Chief Executive Officer provide a further report to Council at the second Ordinary Meeting in August 2019.*

Context

The Central Coast Council has recently created an Innovation and Futures Directorate, developing capabilities and capacity to address the longer-term challenges and opportunities inherent to the operations of local government and the sustainable development of the region. In doing so, the creation of a public forum such as the Innovation and Futures Reference Group is an important step in creating a space for debate and engagement of stakeholder views relevant to said challenges and opportunities. Engagement of stakeholders in these themes is essential to inform the prioritisation of actions and strategies under the broad direction of innovation, in turn obtaining support and buy-in for actions going forward.

The resolutions endorsed by Council at the Ordinary Meeting of 11 June 2019 propose the creation of a Reference Group, distinct from the Advisory Group model that is common in Council. Notably, the Reference Group would provide subject matter experts with relevant knowledge, skills and experience an opportunity to provide guidance, and strategic direction on relevant matters to Council while not necessarily having to provide recommendations for Council endorsement. To fulfil the intended outcomes, while also seizing upon the opportunity to build momentum and garner support from a wide range of stakeholders for Council's innovation efforts, it is proposed to establish the Reference Group as an open engagement forum.

The open engagement model would allow for the inclusive and unrestricted participation from a broader cohort of interested parties from the region, including residents, Council staff, councillors, politicians and members of the local business community. It is envisaged that the events feature thought leaders of national and international relevance, alongside local exponents, featuring in panels and delivering short presentations on relevant themes. Interactive engagement tools will be to be used where relevant (including live polling for feedback from participants) to help garner feedback and shape strategic priorities.

The objectives and outcomes of the Innovation and Futures Reference Group's open engagement forum are to educate stakeholders on the innovation related opportunities and challenges relevant to the Central Coast region, building support and inviting participation in future actions.

The themes to be discussed in this flagship series of events, the branding for the event series and the thought leaders invited to share their expertise will be determined by a Steering Group, consisting of relevant councillors and Council staff, as determined by the Chief Executive Officer.

Recommendation

- 1 That Council establish the Innovation and Futures Reference Group as an open engagement forum for debate and engagement of stakeholder views on strategic matters relevant to the development of Council's innovation***

agenda.

- 2 ***That Council adopt the draft Terms of Reference provided as Attachment 2 to this report.***
- 3 ***That Council receive and endorse nominations of interested councillors to be part of the Innovation and Futures Reference Group's Steering Group.***
- 4 ***That Council as part of the September 2019 quarterly budget review make provision for the reallocation of operational funding from the existing Innovation and Futures department budget for delivering the open engagement forum events of the Innovation and Futures Reference Group.***

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 | Innovation and Futures Reference Group - Strategic Intent Fact Sheet | D13634059 |
| 2 | Draft Terms of Reference - Innovation and Futures Reference Group | D13634063 |

What?

A recurrent series of open engagement sessions where thought leaders and relevant local stakeholders come together to share their expertise and knowledge on different themes related to innovation. Themes will include, but are not limited to: entrepreneurship/start-ups, smart cities, jobs of the future, resilience and sustainability, etc.

Why?

The purpose is to educate stakeholders and build support for an innovation agenda for Council and the Central Coast region. The sessions will inspire, engage and connect the different ideas, people and places, that can help propel the region towards a better future. The sessions also aim to motivate stakeholders, inspire creativity, encourage collaboration and generate momentum that will drive change and action.

How?

Different to the Advisory Group model, the IFRG will not be providing advice or recommendations to Council. The open engagement sessions are intended more as panels and presentations from the thought leaders, with interactive engagement to be used where relevant (eg. live polling for feedback from participants, etc.) to help garner feedback and shape strategic priorities. It is intended for the individual events to take place at different locations throughout the Central Coast. It is proposed that these events be held once every quarter, over no more than two hours, including networking time.

Due to the nature of the public events, including a requirement for venue hire, and the costs associated to hosting subject matter experts, a budget allocation of up to \$40,000 is requested for the upcoming four quarters. This allocation is to be sourced from the existing recurrent operational budget of the Innovation and Futures directorate.

Who?

The events are intended to be open to everyone, including councillors, Council staff, other levels of government/politicians, industry representatives and the general public.

The presenters and panellists should include individuals with subject matter knowledge, skills and experience on relevant themes. They should be thought leaders of national/international relevance as well as local exponents where available, participating in a moderated and facilitated debate or discussion.

There is a role for a steering group that includes councillors, executives and potentially other stakeholders, to help shape the open engagement series, define themes and confirm the thought leaders that we want to involve.

This also includes determining the involvement of relevant thought leaders in eventual future activities related to the Central Coast's innovation agenda.

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 Innovation and Futures Reference Group shall provide a platform for the facilitation of knowledge-sharing and collective action, supporting the establishment of a diverse and multi-stakeholder network to address the challenges and opportunities related to the delivery and implementation of the key themes of the Community Strategic Plan: Belonging, Smart, Green, Responsible and Liveable.

The role of the Innovation and Futures Reference Group is to contribute expert knowledge and mobilise civic engagement in support of Council's innovation and futures agenda for the Central Coast region. The Reference Group is distinct to Council's other Advisory Groups and will not be providing advice or recommendations to Council. The Innovation and Futures Reference Group's open engagement events are intended to contribute knowledge, expertise and inspiration, generating debate and garnering support for future action on opportunities identified.

2. Responsibilities

The Reference Group is responsible for providing expert knowledge and fostering open and inclusive dialogue on, but not limited to, the themes listed below:

- The development of a long-term Strategy for the Coast with a ten year plus time horizon.
- Building a sustainable and innovative economy on the Central Coast.
- Helping develop new and innovative technologies and businesses to create jobs for the future.
- Delivering the objectives of the Community Strategic Plan (CSP).
- Ensuring Council leads the way and by example in sustainability practices including energy efficiency measures in Council facilities.

3. Participation

The Innovation and Futures Reference Group will draw upon thought leaders, subject matter experts and renowned local practitioners, to present and debate on matters relevant to the innovation and futures agenda. Selection of relevant parties to present and debate at the Innovation and Futures Reference Group events will be the ultimate responsibility of the *Steering Group*. Those invited to present and debate may be called upon later and engaged to assist in the development of Council's long-term strategies for the Coast.

Steering Group Membership

- No less than one Councillor appointed for the term of Council
- Council's Chief Executive Officer or their delegate(s).

Convenor

The Executive Manager Innovation and Futures will be the convenor of the Innovation and Futures Reference Group and will be responsible for coordinating the preparation of reference group events, event promotion and other administrative matters.

4. Events

- Events are held quarterly
- Attendance is open to all councillors, Council staff, politicians and the general public
- The Steering Group has the authority to call additional event
- Events will be recorded and where possible a live webcast and recordings will be made publicly available
- Discussions and feedback from the events will be reported to Council.



Item No: 4.9
Title: Meeting Record of the Protection of the Environment Trust Management Committee held on 28 June 2019
Department: Governance

26 August 2019 Ordinary Council Meeting

Trim Reference: F2018/00732 - D13612283

Author: Kelly Drover, Advisory Group Support Officer

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

Executive: Evan Hutchings, Director Governance

Report Purpose

To note the Meeting Record of the Protection of the Environment Trust Management Committee, held on 28 June 2019 and consider the recommendations to Council from the Committee, including staff comments on those recommendations.

Recommendation

- 1 That Council note the Meeting Record of the Protection of the Environment Trust Management Committee held on 28 June 2019 that is Attachment 1 to this report.**
- 2 That Council staff send correspondence to the relevant parties noting the 6 parcels of land donated to and held by the Trust for protection of environmental values.**
- 3 That Council endorse an application being made for the addition of a message on the 10.7 Certificate (formerly Section 149) of each of the six properties at Somersby donated to the Protection of the Environment Trust noting the above.**
- 4 That Council resolve that the Protection of the Environment Trust Management Committee coordinates an annual Strom Talk to support the objectives of the Trust.**
- 5 That Council as Trustee resolve to release the funds in accordance with the information provided in the confidential attachment outlining the two Smarty Grants applications received, as set out in Attachment 2 to this report.**
- 6 That Council resolve, pursuant to s.11(3) of the Local Government Act 1993, that Attachment 2 to this report remain confidential as the attachment includes commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and it would not**

be in the public interest for this information to be made available as it would jeopardise Council's ability to collect such information in the future.

Background

The Protection of the Environment Trust Management Committee held a meeting on 28 June 2019. The Meeting Record of that meeting is Attachment 1 to this report.

Committee Recommendation

The Committee recommends to Council that staff send correspondence to the relevant parties noting the 6 parcels of land donated to and held by the Trust for protection of environmental values.

Staff Response

Staff have no objections to this recommendation.

Recommendation to Council

That Council staff send correspondence to the relevant parties noting the 6 parcels of land donated to and held by the Trust for protection of environmental values.

Committee Recommendation

The Committee recommends to Council that a notification be applied to the 149 Certificates for those lots noting the above.

Staff Response

Council's process requires for a Property Message Update Request to be lodged and assessed to add a section 10.7 message on a property.

Recommendation to Council

An application be made for the addition of a message on the 10.7 Certificate (formerly Section 149) of each of the six properties at Somersby donated to the Protection of the Environment Trust noting the above.

Committee Recommendation

The Committee recommends to Council that the Protection of the Environment Trust Management Committee coordinates an annual Strom Talk to support the objectives of the Trust.

4.9 Meeting Record of the Protection of the Environment Trust Management Committee held on 28 June 2019 (contd)

Staff Response

Staff have no objections to this recommendation.

Recommendation to Council

That Council resolve that the Protection of the Environment Trust Management Committee coordinates an annual Strom Talk to support the objectives of the Trust.

Committee Recommendation

The Committee recommends to Council the release of funds for the funding applications listed in Attachment 2 subject to the conditions noted for each application.

Staff Response

The Protection of the Environment Trust provides small amounts of financial support to individuals, groups and organisations in the community that are able to deliver projects and works that contribute to the stated purpose of the trust.

Council is Trustee of the Protection of the Environment Trust. The Trustee is required to resolve any distribution of monies.

Recommendation to Council

That Council as Trustee release the funds for the funding applications listed in Attachment 2 subject to the conditions noted for each application.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

R-G3: Engage with the community in meaningful dialogue and demonstrate how community participation is being used to inform decisions.

Attachments

- | | | |
|----------|--|-----------|
| 1 | POET Management Committee Meeting Record - 28 June 2019 | D13611957 |
| 2 | POET Management Committee Meeting Record Confidential Attachment- 28 June 2019 - | D13611956 |

Protection of the Environment Trust Management Committee Meeting Record 28 June 2019



Location:	Central Coast Council Gosford Office Level 1 Chambers 49 Mann Street, Gosford	
Date:	28 June 2019	
Time	Started at: 2.06pm	Closed at: 3.58pm
Chair	Mayor Jane Smith	
File Ref	F2018/00732	

Present:

Mayor Jane Smith, Joy Cooper, Barbara Wills, Gary Chestnut

Staff present:

Evan Hutchings – Director Governance (left 2.20pm), Shane Sullivan – Unit Manager Governance and Business Services (left 3.31pm), Luke Sulkowski – Unit Manager Natural and Environmental Assets (left 3.40pm), Larry Melican – Section Manager Emergency Protection Natural Assets (left 3.40pm), Kelly Drover – Advisory Group Support Officer

External Attendees:

Patrick Donnellan OAM – involved in establishing the original Trust (Guest at the invitation of the Chair)

Item 1 Welcome, Apologies and Acknowledgement of Country

Apologies received: Gary Murphy – Chief Executive Officer

The Chairperson, Mayor Jane Smith, declared the meeting open at 2.06pm and completed an Acknowledgement of Country and Connection to Land statement.

Item 2 Disclosure of Interest

The Mayor called for any declarations of interest.

Barbara Wills declared a less than significant non-pecuniary interest as she had done previously, as she is a member of the Macmaster's Beach Bushcare Group.

Mayor Smith declared a less than significant non-pecuniary interest as the former Voluntary CEO and Board member of the Community Environment Network (CEN) as CEN was mentioned in University of Sydney Grant Application (Item 7).



Item 3 Confirmation of Previous Meeting Record

The Committee confirmed the Meeting Record from 26 March 2019.

Item 4 Action Log

The Committee discussed the Action Log.

The Mayor advised in regard to Action items 38 and 39, current indicators are that proposed rezoning of Council land donated to the Trust to protect environmental values is expected to be frustrated by Council processes at this point in time. Suggested that the rezonings should be considered as part of the Comprehensive LEP process – noting that the land continues to be held by the Trust.

The Committee discussed that it is unclear whether it is the Department of Planning or Council staff undertaking work in relation to the Somersby Industrial estate and whether it is a review of the current plan of management.

It was agreed that actions 38, 39, 40 and 41 can be closed.

Action: The Committee seek clarification from staff regarding the current work that is being done in relation to the Somersby Industrial Estate.

Recommendation: The Committee recommends to Council that staff send correspondence to the relevant parties noting the 6 parcels of land donated to and held by the Trust for protection of environmental values.

Recommendation: The Committee recommends to Council that a notification be applied to the 149 Certificates for those lots noting the above.

Item 8 was brought forward to follow this item.

Item 5 Strom Talk

Mayor Smith provided the Committee with an update on the inaugural Strom Talk that was held on World Environment day (5 June 2019) to celebrate the natural environment of the Central Coast and the Coastal Open Space System.

Recommendation: The Committee recommends to Council that the Protection of the Environment Trust Management Committee coordinates an annual Strom talk to support the objectives of the Trust.

Item 6 Review of Draft Terms of Reference (Action Item 2)

Item deferred to the next meeting.



Item 7 Review of Grant Applications

The Protection of the Environment Trust provides small amounts of financial support to individuals, groups and organisations in the community that are able to deliver projects and works that contribute to the stated purpose of the Trust.

Mayor Smith declared a less than significant non-pecuniary interest as the former Voluntary CEO and Board member of the Community Environment Network (CEN) as CEN was mentioned in University of Sydney Grant Application.

The Committee discussed the two SmartyGrants applications received.

Recommendation: The Committee recommends to Council the release of funds for the funding applications listed in Attachment 1 subject to the conditions noted for each application.

Item 8 Review of Trust Deed

Item 8 was brought forward to follow Item 4 as Mr Patrick Donnellan was in attendance specifically for this particular item. Mr Donnellan left the meeting at the end of discussion of Item 8.

The Committee welcomed Mr Donnellan who attended the meeting as an observer providing some history on the Trust.

Staff advised that Council has sought legal advice regarding Trusts.

Staff (excluding the minute taker) left the room at 2.30pm whilst the Trust Deed was discussed.

Action: Further clarification to be provided to the Committee regarding Council seeking legal advice on the Trust.

The meeting was adjourned at 3.03pm and resumed at 3.24pm.

Item 9 MacMasters Beach Bushcare (Action Item 34)

The Committee discussed the letter sent to MacMasters Beach Bushcare regarding the process for Grant Applications and the response received.

The Committee noted that the MacMasters Beach Bushcare Group is able to request the release of funds at any time through the process identified by the Committee.

Action: The Trust write to MacMasters Beach Bushcare Group advising that now a procedure is in place for grant applications, that the MacMasters Beach Bushcare group make use of this process for future projects towards MacMasters Beach Bush regeneration.



Item 10 Hillview Street Donation (Action Item 47)

Item deferred to the next meeting.

Item 11 Management issues identified in Perpetuity Management Plan (Action Item 48)

Item deferred to the next meeting.

Item 12 Grant Funding Projects and Trust Expenditure since Amalgamation (Action Item 49)

Item deferred to the next meeting.

Item 13 Promotion of the Trusts

Item deferred to the next meeting.

Item 14 Finance Report

The Committee discussed the Finance Report for the Protection of the Environment Trust.

Item 15 General Business and Close

- a) Joy Cooper raised a question regarding the Hillview Street Donation and the timing and process regarding the donation being made to the Trust.
- b) Next Protection of the Environment Trust meeting to be held within the next month for deferred items.

The meeting closed at 3.58pm

Next Meeting: July/August 2019 (to be confirmed)
Central Coast Council Gosford Admin Building
Level 1 Committee Room,
49 Mann Street, Gosford



Item No: 4.10
Title: Adoption of an amended 2019-20 Fee - Circuses and Carnivals
Department: Finance

26 August 2019 Ordinary Council Meeting

Trim Reference: F2019/00464 - D13548689
Author: Mellissa McKee, Financial Controller
Manager: Vivienne Louie, Unit Manager, Financial Performance
Executive: Craig Norman, Chief Financial Officer

Report Purpose

Council's 2019-20 Fees and Charges were adopted as part of the 2019-20 Operational Plan ("the Plan") at the ordinary meeting of the Council on 11 June 2019. At that meeting it was resolved to place a proposed reduction to the daily fee for Circuses and Carnivals on public exhibition for a period of 28 days to allow for public comment.

This report advises that no submissions were received during that public exhibition, for consideration by the Council and to recommend that Council approve the proposed amended fee.

Recommendation

- 1 That Council note that the proposed reduction to the daily fee for Circuses and Carnivals in 2019-20 was publicly exhibited from Thursday 28 June 2019 to Thursday 25 July 2019 in accordance with ss. 610F and 705 of the Local Government Act 1993.**
- 2 That Council further note that there were no submissions received by Council during the public exhibition of the proposed reduction to the fee for the 2019-20 financial year.**
- 3 That Council determine, pursuant to s. 610F of the Local Government Act 1993, to approve the exhibited proposed amended fee for 2019-20.**

Context

At the ordinary meeting of the Council on 11 June 2019 Council resolved to adopt the 2019-20 Operational Plan, which included determining the Fees and Charges for the 2019-20 financial year.

4.10 Adoption of an amended 2019-20 Fee - Circuses and Carnivals (contd)

Council also resolved, in part:

522/19 *That Council endorse, for public exhibition pursuant to s. 610F of the Local Government Act 1993, the reduction in the Circus and Carnival daily fee as set out in attachment 5 to this report.*

523/19 *That Council note for proposed fees subject of resolution 7 have not been adopted and that a further report will be presented to Council after the public exhibition of those fees has been completed.*

The proposed reduction to the Circus and Carnival daily fee was based on submissions received during public exhibition of Council's 2018-19 Operational Plan. The proposed reduction to the fee from \$850.75 per day to \$238.10 per day required public exhibition.

The proposed amended fee was publicly exhibited from 28 June 2019 until 25 July 2019. The exhibition was undertaken in accordance with legislative requirements including advertising in the Central Coast Express Advocate, electronic exhibition on Council's website and copies were available at all of Council's Customer Contact Centres and Libraries.

A copy of the proposed amended fee was presented to Council for public exhibition on 11 June 2019 and a copy is included as Attachment 1.

Current Status

No submissions were received during the exhibition period.

Consultation

During exhibition the proposed amended fee was available at:

- Libraries – Bateau Bay, Erina, Gosford, Kariong, Kincumber, Lake Haven, The Entrance, Tuggerah, Umina, and Woy Woy
- Civic Centres – Gosford and Wyong
- Online – Your Voice Our Coast consultation hub

Options

Council can determine to adopt or not adopt the proposed amended fee.

Financial Impact

The endorsement of the amended fee will not have a material impact on the income estimates included in Council's adopted 2019-20 Operational Plan. A budget adjustment if required will be included as part of Council's quarterly budget review process.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

G4: Serve the community by providing great customer experience, value for money and quality services.

Critical Dates or Timeframes

It is important that Council approves the amended fee in a timely manner, so that the Unit affected can begin to generate the revenue represented by the amended fee, which is most common over the summer holiday period.

Attachments

- 1 Circus and Carnivals updated attachment 26 August 2019 D13634258

2019-20 SCHEDULE OF FEES AND CHARGES AMENDMENTS WHILST ON EXHIBITION								
Fees and Charges - Exhibited Fees to be amended and re-exhibited								
2019-20 Item Number	Description of Fees and Charges	Unit of Measurement	Price Category	2019-20 Central Coast Council Fee	GST @ 10% Remitted to ATO (if applicable)	TOTAL 2019-20 FEE (GST inclusive where applicable)	Proposed Fee Change 2019-20	Comments
02.10000	2. ACTIVE OPEN SPACE (SPORTS FACILITIES, PARKS, RESERVES AND BEACHES)							
02.10030	Circuses and Carnivals							
02.10031	Daily Fee	Per day	2	\$773.41	\$77.34	\$850.75	\$238.10	Fee reduction as a result of submissions received from the public and as per the Councillor Briefing 20/05/19, to reduce fee from \$850.75 to \$238.10. Fee is to be re-exhibited for 28 days.



Item No: 4.11
Title: Amendments to the 2019/20 Capital Budget
Department: Finance

26 August 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13603272
Author: Michelle Best, Financial Controller
Manager: Vivienne Louie, Unit Manager, Financial Performance
Executive: Craig Norman, Chief Financial Officer

Report Purpose

This report seeks approval to increase the 2019-20 capital works program, to accommodate projects continuing in the 2019-20 financial year from 2018-19, and one additional project for which external grant funding has now been confirmed.

Recommendation

- 1 That Council note a \$4.3 million increase to the 2019-20 capital works budget to accommodate projects continuing from 2018-19 as detailed in the attachment to this report.**
- 2 That Council approve a \$1.7 million increase to the 2019-20 capital budget to accommodate grant and developer contribution funded projects, new projects and increases in project budgets as detailed in the attachment to this report.**

Context

The nature of capital works projects, particularly those that involve construction, means many variables can cause delays, including adverse weather conditions, contractor availability and delays in the procurement process. These factors influence how much of the project will be delivered in a financial year or if the project can be completed in the financial year.

Clause 211 of the Local Government (General) Regulation 2005 permits the carry forward of unspent budget amounts for projects that have commenced without the need for formal Council approval.

Current Status

Managers reviewed their 2018-19 capital works program and evaluated those that needed to continue into 2019-20 financial year to be completed. While projects which span multiple financial years were included in the 2019-20 Operational Plan there are a small number of projects which did not progress as planned due to contractor availability, adverse weather conditions and delays in the procurement process which will be finalised in the coming

4.11 Amendments to the 2019/20 Capital Budget (contd)

months and require \$4.3 million be carried forward from 2018-19 financial year to 2019-20 financial year.

New projects identified included two projects that were identified in the 2019-20 Operational Plan as pending grant projects as Council has received confirmation of grant funding, a developer contribution funded project for \$0.2 million, budget of \$20K for planning and design work for a project planned for construction in 2020-21.

Additional funds have been requested for some projects where project scopes have changed due to latent site conditions, feedback from community engagement, changes in designs to address environmental matters, confirmation of grant funding.

Proposal

Budgets for the continuation of capital projects that were committed and/or underway but not completed as at 30 June 2019 are submitted to Council for notation.

Budget for new projects of \$1.7 million is submitted to Council for approval.

The following table summarises proposed changes by business area.

Business Area	Carry forward unspent 18-19 budget		Additional budget	
	Number of projects	Proposed Variation \$'000	Number of projects	Proposed Variation \$'000
Business Enterprise	7	12	-	-
Facilities Management	5	1,020	3	139
Economic Development & Project Delivery	1	400	-	-
Learning and Education	1	10	-	-
Natural and Environmental Assets	3	305		
Open Space and Recreation	8	978	8	786
Roads, Transport and Drainage and Waste	5	1,061	-	-
Waterways and Coastal Protection	7	508	7	800
Total	37	4,294	18	1,725

Attachment 1 lists each project and the proposed adjustment to be made to the 2019-20 capital works budget.

Financial Impact

The net value of proposed changes is \$6.0 million, of which \$1.2 million is funded by external grants or contributions. This will take Council's 2019-20 capital works program from \$235.6 million to \$241.6 million.

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.

Attachments

- 1** Amendments to the 2019/20 capital budget D13603259

2019-20 Proposed Capital Budget Adjustments

Project Number	Project Description	Description of Proposed Budget Amendment	Approved Full Year	Carry forward unspent 18-19 budget	Additional budget	Total proposed variation	Proposed Full Year
Business Enterprise							
24224	Airport Windsock pole replacement	2018-19 FY project to be completed in 2019-20 FY		10		10	10
20015	Jilliby Cemetery - upgrade to Jilliby Rd vehicle access	Project further progressed in 2018-19 FY therefore full budget for 2019-20 no longer required	40	(24)		(24)	16
23680	Upgrade pathways at Noraville Memorial Gardens	2018-19 FY project to be completed in 2019-20 FY	22	35		35	57
20016	Jilliby Cemetery - upgrade to signage	Project completed in 2018-19 FY and budget no longer required	30	(30)		(30)	0
23668	Install speed bumps at Terrigal Carpark	2018-19 FY project to be completed in 2019-20 FY		2		2	2
21986	Car Park Automation	2018-19 FY project to be completed in 2019-20 FY		16		16	16
23676	Upgrade caging around carpark attendants at Baker Street Carpark	2018-19 FY project to be completed in 2019-20 FY	15	3		3	18
Business Enterprise Total			107	12	-	12	119
Facilities Management							
22217	Charmhaven Depot - Building B Stores Roof replacement	2018-19 FY project to be completed in 2019-20 FY – delays due procurement finalisation and site establishment		434		434	434
22218	Charmhaven Depot - Building E Workshop roof replacement	2018-19 FY project to be completed in 2019-20 FY – delays due procurement finalisation and site establishment		259		259	259
23595	Install access gates and intercom system at Erina Depot	2018-19 FY project to be completed in 2019-20 FY		27		27	27
24474	Water Damage repairs at Avoca Rural Fire Station	Project to be delivered by Natural and Environmental Assets	23		(23)	(23)	0
24474	Installation of gates and appropriate fencing at SES Erina	Project to be delivered by Natural and Environmental Assets	13		(13)	(13)	0

Project Number	Project Description	Description of Proposed Budget Amendment	Approved Full Year	Carry forward unspent 18-19 budget	Additional budget	Total proposed variation	Proposed Full Year
23644	Upgrade roof at Bateau Bay Recreation Centre	2018-19 FY project to be completed in 2019-20 FY – delay due wet weather		209		209	209
24145	Replacement of footpaths at Toukley 50+ due to trip hazards	2018-19 FY project to be completed in 2019-20 FY - delay due wet weather		91		91	91
24187	Upgrade change rooms at Avoca Beach Rugby Club	Stronger Communities Fund grant received			175	175	175
Facilities Management Total			36	1,020	139	1,159	1,195
Economic Development & Project Delivery							
23897	Carpark 10 Racecourse Rd	2018-19 FY project to be completed in 2019-20 FY – project delayed due to latent site conditions		400		400	400
Economic Development & Project Delivery Total			-	400	-	400	400
Learning and Education							
24085	Replacement of shade sails - Terrigal Childrens Centre	2018-19 FY project to be completed in 2019-20 FY		10		10	10
Learning and Education Total			-	10	-	10	10
Natural and Environmental Assets							
24620	Upgrade Lees Lane Fire Trail to RFS Standards	2018-19 FY project to be completed in 2019-20 FY	514	30		30	544
22623	Upgrade Beckingham North Fire Trail	2018-19 FY project to be completed in 2019-20 FY - fully grant funded		167		167	167
24147	Construct fire trail at Mannering Park	2018-19 FY project to be completed in 2019-20 FY - fully grant funded		108		108	108
Natural and Environmental Assets Total			514	305	-	305	819
Open Space and Recreation							
22583	Adelaide Street Court Upgrades	2018-19 FY project to be completed in 2019-20 FY – tenders have come in higher than original project estimate		140	110	250	250
16884	Magenta shared pathway open space	2018-19 FY project to be completed in 2019-20 FY – change in design required for environmental protection of trees.		176	54	230	230
22555	Heazlett Park Play space	2018-19 FY project to be completed in 2019-20 FY. Additional budget is from grant funding.		92	59	151	151
23499	Shaun Brinklow Play space	2018-19 FY project to be completed in 2019-20 FY		245	8	253	253

Project Number	Project Description	Description of Proposed Budget Amendment	Approved Full Year	Carry forward unspent 18-19 budget	Additional budget	Total proposed variation	Proposed Full Year
22578	WL Lloyd Play space	2018-19 FY project to be completed in 2019-20 FY		83		83	83
22560	Design and construct local play space at MacMasters Beach	2018-19 FY project to be completed in 2019-20 FY		16		16	16
22588	Upgrade floodlights and court surface at Jubilee Tennis Courts	2018-19 FY project to be completed in 2019-20 FY			11	11	11
22575	Dark Corner Car Park	2018-19 FY project to be completed in 2019-20 FY – change in scope based on community feedback and use of the available space		214	326	540	540
20943	Austin Butler / Woy Woy Tennis	2018-19 FY project to be completed in 2019-20 FY		12	8	20	20
New	Design & Construct a local play space at Voyager Street Reserve, Wadalba	New project funded by Developer Contributions			210	210	210
Open Space and Recreation Total			-	978	786	1,764	1,764
Roads, Transport and Drainage and Waste							
23515	Upgrade Central wharf	Multi-year project continuing from 2018-19 with additional budget required in 2019-20 due to delays related to contractor availability	206	291		291	497
23521	Upgrade Eulalla Street wharf	Multi-year project continuing from 2018-19 with additional budget required in 2019-20 due to delays related to contractor availability	206	144		144	350
23532	Upgrade Kendal Road wharf	Multi-year project continuing from 2018-19 with additional budget required in 2019-20 due to delays related to contractor availability	206	317		317	523
23569	Upgrade Spencer Wharf	Multi-year project continuing from 2018-19 with additional budget required in 2019-20 due to delays related to contractor availability	206	294		294	500
20755	Replacement of GPS Rover Unit (survey equip)	Replacement of survey equipment to support project delivery to be completed in 2019-20 FY		15		15	15
Roads, Transport and Drainage and Waste Total			824	1,061	-	1,061	1,885
Waterways and Coastal Protection							
23666	Upgrade stormwater gross pollutant trap - south	2018-19 FY project to be completed in 2019-20 FY – project delayed and additional funds required due to buried asbestos		177	273	450	450

Project Number	Project Description	Description of Proposed Budget Amendment	Approved Full Year	Carry forward unspent 18-19 budget	Additional budget	Total proposed variation	Proposed Full Year
23650	Construct Macmasters Beach seawall	2018-19 FY project to be completed in 2019-20 FY		23	12	35	35
23651	Construct Terrigal Lagoon walking track	2018-19 FY project to be completed in 2019-20 FY – 50% grant funded project. Identified as Pending Grant in 2019-20 Operational Plan.		50	195	245	245
New	Investigate and Design Rip Road Reserve Seawall	2019-20 FY pre-construction works as construction planned for 2020-21 FY			20	20	20
21965	Kayak facilities upgrades Berkeley Vale TLE&C IYLPE57028	2018-19 FY project to be completed in 2019-20 FY – 100% grant funded project		126	10	136	136
21967	Streambank Rehab Wyong River - TLE&C IYLPE57028	2018-19 FY project to be completed in 2019-20 FY – 100% grant funded project	170	27	280	307	477
21968	Streambank Rehab Spring Creek - TLE&C IYLPE57028	2018-19 FY project to be completed in 2019-20 FY – 100% grant funded project	5	5	10	15	20
22191	Oakland Ave The Entrance Gross Pollutant Trap	2018-19 FY project to be completed in 2019-20 FY		100		100	100
Waterways and Coastal Protection Total			175	508	800	1,308	1,483
TOTAL			1,483	4,294	1,725	6,019	7,502

Item No: 4.12
Title: Ordinary Rates Harmonisation
Department: Finance



26 August 2019 Ordinary Council Meeting

Trim Reference: F2019/01164 - D13617456

Author: Carlton Oldfield, Unit Manager, Financial Services

Executive: Craig Norman, Chief Financial Officer

Report Purpose

To consider the impact of Ordinary Rates Harmonisation now legislated to take effect from the 2021/2022 financial year and to consider whether to request the Minister of Local Government to opt out of the Rates Path freeze and commence Ordinary Rates Harmonisation in 2020/2021 financial year.

Recommendation

That Council adhere to the newly legislated timeline for ordinary rates harmonisation of 1 July 2021 (2021-2022).

Context

The Local Government (Council Amalgamations) Proclamation 2016 merged the former Gosford City Council and Wyong Shire Council on 12 May 2016, to create Central Coast Council. This proclamation locked in the existing ordinary rates structure of the legacy Councils for the 2016/2017 financial year.

The NSW government subsequently introduced further amendments: via section 218CB(1) and 218CB(2) of the Local Government Act 1993 (the Act). The effect of these amendments was to continue to 'freeze' the ordinary rates structure of the former Gosford City Council and former Wyong Shire Council for a further three financial years 2017/18 - 2019/20.

The most recently legislative instrument regarding Local Government rating is the introduction of *Local Government Amendment Bill 2019*. The Bill extends the existing rates path freeze mechanism for an additional year. The effect of this change means Council is required to harmonise its Ordinary Rate structure by 1 July 2021.

However the Minister for Local Government will consider applications from newly formed merged Councils requesting to 'opt out' of the additional year of rate path freeze and thereby commence ordinary rates harmonisation in 2020/2021 (i.e. 1 July 2020).

Current Status

1. Legislative matters

The existing legislation confirms Council cannot alter its existing rates structure until 2021/2022 unless it advises the Minister of Local Government it would like to opt out of the final year extension of the rates path freeze.

The current requirements of the Act at this time provide challenges that impact ratepayers for Ordinary Rates harmonisation. The essential element revolves around all residential ratepayers being considered being part of one homogenous group or one 'centre of population' that receives similar service levels.

The geographical spread of the Central Coast residential population prohibits Council from presenting a reasonable argument to pursue different rates charges under multiple centres of population. Further the level of services provided, on average, between ratepayers of the two regions are becoming increasingly more harmonised over time as the operations from the two legacy Councils become more integrated.

The consequence is that whilst harmonisation for Ordinary Rates will be achieved, the process will occur in one year which will result in material variances in rates levied for some ratepayers.

2. Timing

Land Revaluations are completed every three years. The final approved values are expected to be provided to Council in November 2019. Council will receive draft/preliminary land values in September 2019 aiding initial planning on consultation with those ratepayer groups most impacted by changing land values. It should be noted that there maybe further changes up to November which would impact the analysis.

Council is required under the Land Valuations Act to utilise these values in the next rating year they are provided which is 2020/ 2021 impact Ordinary Rates Harmonisation.

The normal impact of a land revaluation is a redistribution of ordinary rates levies amongst ratepayers. Generally for ratepayers whose land value has increased higher than the average land value, the ratepayer will incur an increased rates cost. Conversely ratepayers whose land has risen by less or decreased in value, will see a reduction in their rates cost compared to the average. This ignores the impact of the rate peg which is a CPI type mechanism.

With new land valuations finalised in November 2019 ratepayers will experience changes to their 2020/2021 rates that are impacted by the following competing variables:

- Land Revaluation
- Rate Peg (e.g. CPI)

The timelines under each scenario are at Attachments 1 & 2.

3. IPART Review of the Local Government Rating System

A number of possible solutions that would be of benefit to ratepayers, not available under the Act have recently been recommended by IPART in its 'Review of the Local Government Rating System'.

A decision on what recommendations from the report will become legislated is a decision by the Minister of Local Government and the NSW parliament which may be some months away. We have no assurance the mechanisms that improve the impact on ratepayers from the review will become available in the Act for Council to utilise in either of the 2020/2021 or 2021/2022 years.

A shortlist of the main recommendations is shown below for your reference and the final report is an attachment to this paper:

IPART Review of the Local Government Rating System recommendations - overview

- Change how ordinary rates are calculated by using capital improved values (CIV) (e.g. Market value of the whole property) rather than the existing unimproved values (UV) which values land only.
- More flexibility to define different 'residential areas' that receive different levels of Council services and to charge them differently within a reasonable range.
- Possibility of imposing a limit on any year-on-year increase for each year of rates harmonisation e.g. 10%
- More transparency around the value of rating exemptions given to exempt entities.
- Introduction of a new rating category for 'environmental land'
- Introduction of business subcategories of 'industrial' and 'commercial'
- Introduction of a vacant land subcategory across residential, business and mining rating categories.
- Reduction of time limit available for sale of land for rates provisions from five years outstanding rates to three years.

Despite the appeal of some of the recommendations that may aide ratepayer price shock, staff will plan our engagement and model the impact based on Council's decision on the timing of rates harmonisation.

Proposal

Council must consider the impact of Ordinary Rates Harmonisation on ratepayers. Further is must consider whether to follow the legislated timeline of 1 July 2021 or 'opt out' of the rates path freeze and write to the OLG advising of the decision.

4.12 Ordinary Rates Harmonisation (contd)

The more time Council has to understand potential changes to the Act arising from the IPART review will improve its ability to inform affected ratepayer groups on the impact of ordinary rates harmonisation.

Consultation

The current planning on consultation for rates harmonisation will depend upon Council's decision to either to stay with the legislated timing (1 July 2021) or 'opt out' of rates path freeze as well as the final land value for modelling.

Land values for 2020/2021 will be final in November 2019 leaving limited time for engagement with ratepayers. In keeping with the new legislative option of ordinary rates harmonisation in 2021/2022 where land values won't be changing, and further clarity over the changes to the Act from the IPART review provides for greater time and better communication with ratepayers.

Recommendation

We recommend Council adhere to the legislated timeline for ordinary rates harmonisation of 2021/2022 due to the absence of ratepayer price shock mechanisms provided for in the

IPART review. A delayed harmonisation date provides for greater certainty around the requirements of the Act.

Financial Impact

Ordinary Rates revenue totals \$165m or 29.4% of Council's 2019/2020 total revenue. Any decision which impacts Council's ability to levy this total amount will have a significant impact on existing service levels. Reducing Council's rates income will require reductions in services.

Any decisions that alter and/or harmonise the ordinary rates structure whilst may not impacting Council's overall ordinary rate revenue will impact how rates are levied or 'allocated' amongst ratepayers.

Critical Dates or Timeframes

Council are required to advise the OLG in writing of its decision to opt out of the rates path freeze extension by the 6 September 2019.

Link to Community Strategic Plan

Theme 4: Responsible

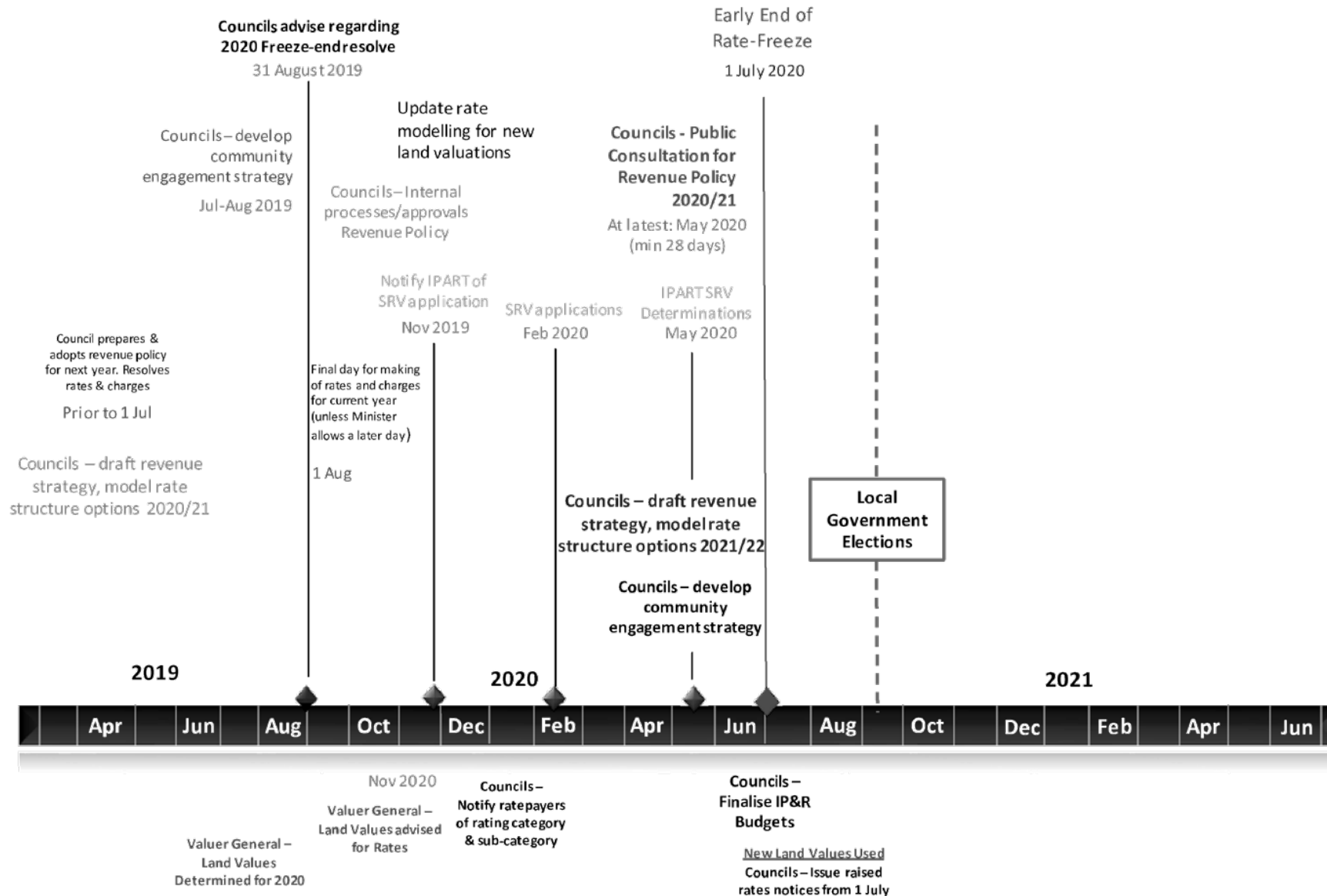
Goal G: Good governance and great partnerships

G4: Serve the community by providing great customer experience, value for money and quality services.

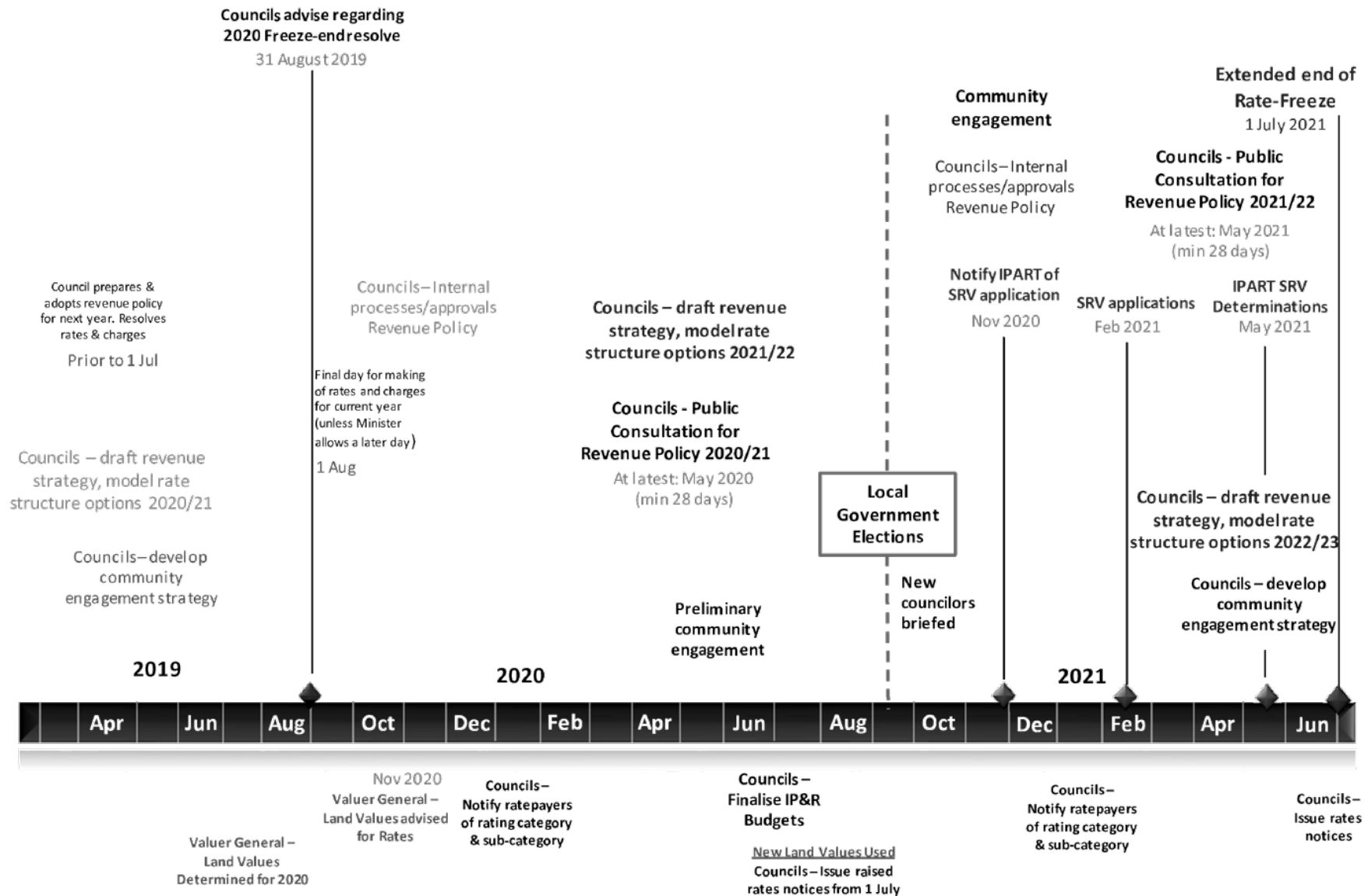
Attachments

- | | | |
|----------|--|-----------|
| 1 | OLG Rates Harmonisation timeline - Early End (2020) | D13631437 |
| 2 | OLG Rates Harmonisation timeline - Extended End (2021) | D13631438 |

Rates Harmonisation – Early End (2020)



Rates Harmonisation – Extended End (2021)





Item No: 4.13
Title: Gosford Cultural Precinct - Audit
Department: Governance

26 August 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13634768

Author: Evan Hutchings, Director Governance

Executive: Gary Murphy, Chief Executive Officer

Due notice is given of this matter in accordance with Council's Code of Meeting Practice.

The report and any relevant attachments will be provided prior to the Council Meeting.



Item No: 5.1
Title: Asbestos Tipping Charges Moratorium
Department: Roads Transport Drainage and Waste

26 August 2019 Ordinary Council Meeting

Trim Reference: F2004/06762 - D13626913

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

Report Purpose

The purpose of this report is to provide an update to Councillors regarding Council and NSW State Government efforts with education, response to suggested incentives and policy for the effective management of asbestos waste.

Recommendation

That Council receive the report on Asbestos Tipping Charges Moratorium.

Context

At its meeting on 18 December 2017, Council considered a Recession Motion - Notice of Motion – Asbestos Tipping Charges Moratorium and resolved the following:

- 897/17 That Council redouble its efforts and recognise the importance of effective management of residential asbestos waste.*
- 898/17 That Council congratulate staff for their outstanding initiatives around conducting the recent asbestos awareness campaign that of 'asbestos November'.*
- 899/17 That council requests the CEO to report to council around giving consideration to progressive asbestos removal initiatives currently being conducted at our sister councils Cumberland and Parramatta and include the possibility of dumping commercial loads over the weekend.*
- 900/17 That Council work collaboratively in consultation with the NSW Government, the EPA, Safe Work Australia, Safe Work NSW, the Asbestos Diseases of Australia, Unions NSW, The Master Builders Association NSW and other relevant stakeholders to prepare a briefing on modelling for an asbestos removal and disposal policy for the CCC that conforms to the new model code of practice for asbestos removal and disposal, is best practice standards for the industry and is designed to focus of protecting the health and wellbeing of central coast residents in the removal and disposal of domestic, but not commercial or industrial, asbestos waste on the Central Coast.*

5.1 Asbestos Tipping Charges Moratorium (contd)

- 901/17 *That the policy be region restricted, apply to the removal and disposal of asbestos waste of no more than 10m², have removal and disposal conducted by licenced asbestos removalists and focus on the removal and disposal of domestic but not commercial or industrial asbestos waste with a view to minimising costs and health and safety risks for our community.*
- 902/17 *That the draft model policy be compiled under the premise of an evidence based study and should reflect on the previous body of work in assessing how to best remove and dispose asbestos while minimizing risk and financial burden on local residents.*

In response to the resolution staff across various Council departments involved with asbestos management liaised with key stakeholders and implemented a range of actions. This included discussions with NSW government agencies, which are responsible for regulating the handing/transport/disposal and regulating workplace handling of asbestos waste in NSW.

It was also noted that all NSW Councils had previously been given an executive direction under section 23A of the *Local Government Act 1993* requiring Councils to adopt an asbestos policy consistent with the Model Policy, which had been developed through the former Heads of Asbestos Coordination Authorities (HACA) in consultation with stakeholders across government and industry. Central Coast Council had previously prepared and publicly exhibited its Asbestos Policy consistent with the executive order, and Council adopted the policy at the 28 June 2017 Council meeting.

A Councillor briefing was conducted on 12 June 2018 covering off on each aspect of the resolution, including the process of development and content of Councils adopted Asbestos Policy. The following report provides an overview and update in relation to matters pertaining to the resolution.

Draft NSW Asbestos Waste Strategy 2018 – 22

In 2018, the NSW State Government announced it was completing a NSW Asbestos Waste Strategy as part of its commitment to protecting people from poor asbestos management practices and promotion of lawful and appropriate asbestos waste disposal practices.

The NSW Government subsequently developed and placed on public exhibition a draft NSW Asbestos Waste Strategy 2018-22 in October 2018. The strategy recognises the wide range of state agencies and stakeholders associated with asbestos management in NSW, however it nominates the NSW EPA as the lead agency for the NSW Asbestos Strategy 2018-22. The NSW EPA also currently administers the legalisation governing the transport and disposal of asbestos waste and the collection of waste levies from its disposal.

The stated aims of the draft strategy are to make asbestos waste disposal easier, cheaper, increasing awareness and changing behaviour, closing loopholes and increasing transparency, disrupting unlawful business models and monitoring and evaluating progress. A copy of the draft strategy is attached (Attachment 1).

5.1 Asbestos Tipping Charges Moratorium (contd)

The draft NSW Asbestos Waste Strategy 2018-22 action plan incorporates actions that include exploring options with councils and private providers to implement innovative and cost effective door-to-door pickup services and increasing facilities to receive asbestos waste. This would also enable state consistency of such activities and potential state government funding for the services.

The Draft NSW Asbestos Waste Strategy action plan also has the action of investigating opportunities for amendments to NSW Legislation, which currently regulates the handling requirements for asbestos at licenced facilities. This includes the potential exemption of separated asbestos to be exempt from the requirement to pay s88 waste levy contributions. A major proportion of the current disposal costs for asbestos wastes relate to payment of the waste levy under the *Protection of the Environment Operations Act 1997* and facilities meeting the prescriptive operational requirements under the *Protection of the Environment Operations (Waste) Regulation 2014*.

Central Coast Council, as a member of the EPA recognised Central Coast/Hunter Regional Waste Group, made a detailed submission generally supporting the strategy during the public consultation period in November 2018.

The NSW Government is still yet to report back on the results of the public consultation period or adopt the NSW Asbestos Waste Strategy 2018-22.

Council has recently written to the NSW EPA expressing in principal interest towards potential participation in any programs or pilots/trials associated with the future implementation of the strategy. Suggested items include:

- Making it easier for our residents to dispose of small amounts of asbestos working with the EPA and private sector to implement a period based domestic asbestos collection service.
- Opportunities to make asbestos waste disposal cheaper for our residents through waiving waste levy contributions for Central Coast residents to use our waste management facilities (Buttonderry and Woy Woy) for small amounts of asbestos.
- Increasing awareness and driving behaviour change through a partnership with the EPA to roll out a new awareness program.
- Trialling new asbestos handling/cover options at our waste management facilities.
- Reviewing disposal pricing structures for disposal of asbestos at Council facilities (with bullet point 2 above).

The NSW Government has also announced that it has formed the NSW Asbestos Coordination Committee (NACC) which is being led by the NSW EPA. This committee comprises of 11 different state agencies and local government to work across all areas of asbestos management.

5.1 Asbestos Tipping Charges Moratorium (contd)

Current Council Initiatives

Council recognises the importance of effective management of asbestos waste and plays an active role. Council accordingly has a number of initiatives in place, including:

- Adoption of a comprehensive Asbestos Policy (attachment 2) consistent with the directions of the NSW State Government.
- Provision of general information and guidance to residents on the management of asbestos waste. This includes both information prepared by Council and links to information prepared by other organisations and authorities involved in the management of asbestos e.g. SafeWork NSW and the NSW Environmental Protection Authority.
- Council maintains a dedicated website to provide education and awareness on asbestos management with links to existing information.
- Regulation/enforcement of illegal dumping.
- Standard conditions on all development approvals requiring management of asbestos in accordance with state government guidelines.
- The requirement of the provision of Waste Management Plans for major developments
- Council provides a 7 day per week service for the disposal of asbestos waste at two facilities located at either end of the local government area.
- Council has communicated its proactive in principle interest in partnering with the NSW EPA to pilot and implement actions resulting from the draft Asbestos Strategy 2018-22.
- Staff propose to participate at forthcoming stakeholder workshops being organised by Local Government NSW to inform the new NSW Asbestos Coordination Committee.

Asbestos removal initiatives at Cumberland and Parramatta Councils

Discussions took place with representatives from both Cumberland and Parramatta Councils in relation to their asbestos removal initiatives. It is noted that both these Councils do not operate waste management facilities which offer the services of accepting asbestos waste.

It was confirmed that both Cumberland and Parramatta Councils offer the service of asbestos collection for small quantities (<10m²) of legacy bonded asbestos waste, which is lying dormant on residential properties from historical activities. The service is not offered for the removal of material from current home renovation or building activities,

To access this service, a resident must contact the Council and register interest. Residents are asked a series of questions to try to ensure the property and the suspected asbestos material meets Council's criteria to receive the service, including if the material is lying dormant and not associated with building or renovation works, as well as to determine any accessibility issues to the property.

Once an adequate number of bookings have been received for a full day of collections, approximately 12 bookings, the Council arranges for a prequalified licenced asbestos removal contractor to undertake the collection on a nominated day. The resident is then notified and is required to be available at this time to provide the contractor access to the property.

5.1 Asbestos Tipping Charges Moratorium (contd)

The private asbestos contractor then completes the collection of the small quantity and disposes of the asbestos waste.

Investigations reveal that the asbestos collection programs have been in place at these Councils, or their predecessors, for approximately six (6) years and during the 2017/18 financial year approximately 200 dwellings received the service across both LGAs.

Following the subject Council resolution, Council sought advice from the NSW EPA in relation to the opportunity to support the future introduction and funding of an asbestos collection service on the Central Coast. The NSW EPA advised that it proposed to complete a NSW Asbestos Waste Strategy in 2018 that would undertake a more consistent state-wide approach to asbestos management and opportunities for future funding.

The draft NSW Asbestos Waste Strategy 2018-22 has subsequently included an action plan of exploring options with Councils and private providers to implement innovative and cost effective door-to-door pickup services and increasing the number of facilities available to receive asbestos waste.

It should be noted that Central Coast Council currently offers the option of self-haul disposal of asbestos waste to its licenced landfills at a competitive market rate 7 days per week. This is in contrast to the majority Sydney Councils where asbestos disposal services are only available through a small number of privately owned facilities at significantly higher rates and often with limited hours of acceptance. Neighbouring Councils also have limitations of not accepting asbestos waste in the afternoon's weekdays and on weekends.

The cost benefit of any future Council asbestos waste collection and disposal options would need to be accordingly assessed against the comparison of the existing arrangement of direct delivery to Councils waste management facilities.

As previously advised Council has proactively written to the NSW EPA and advised its interest in the opportunity to participate in future programs and funding resulting from the implementation of the NSW Asbestos Strategy. It is difficult to estimate the cost for the provision of an asbestos collection service as it is dependent on the service conditions and uptake, however it is estimated that the cost of servicing only small quantities of *"loose, non-friable asbestos laying dormant on residential properties"* as provided by Cumberland and Parramatta Council's for 200 sites per annum inclusive of booking service/licenced contractor collection/waste disposal (which includes payment of the waste Levy to the NSW Government) is \$70,000 per annum.

Receiving Commercial Loads of Asbestos at Council's licenced waste management facilities on weekends

5.1 Asbestos Tipping Charges Moratorium (contd)

Council has chosen to offer the service of accepting asbestos waste at both its Buttonderry and Woy Woy Waste Management Facilities for landfill disposal and holds the relevant Environmental Protection Licences. Asbestos waste is unable to be disposed of at Council's Kincumber facility.

The receipt and handling of asbestos waste at Council's waste management facilities requires stringent compliance with NSW legislation, SafeWork NSW and the development and implementation of Council's own site specific WHS procedures. Council is also required by law to report the details of each individual load of asbestos received at its facilities greater than 100kg to the NSW Environment Protection Agency (EPA).

Given the significant operational and resourcing requirements associated with accepting and disposing of asbestos waste, there has been a recent trend towards landfill operators (both Council and privately operated landfills) to either cease accepting asbestos waste, further limiting the times of receipt, and increasing charges to offset increasing compliance and operational costs. Waste facilities operated by our neighbouring northern Councils for example, currently do not permit the disposal of asbestos waste on weekends or after 12pm weekdays.

Following the resolution of 18 December 2017 and subsequent Councillor briefing, further consideration was made to receiving asbestos waste at Council's Buttonderry and Woy Woy waste management facilities on weekends. Historically asbestos disposal was not promoted or permitted on weekends due to challenges in providing the necessary plant and human resources to meet statutory requirements.

Over recent times a number of workforce changes have been made across the business, which have resulted in the development of a multi-skilled flexible workforce capable of performing a wide range of functions at Council's waste facilities, including those relevant to asbestos disposal. This includes staff being trained in the multi-use of plant items used across each site (including the water cart, trucks and excavator/loader which are required to operate at the time of each asbestos delivery) and staff completing the necessary training in asbestos awareness and handling.

Council accordingly now advises that it accepts asbestos waste by appointment during the hours: Monday to Friday between 7:00am and 4:00pm and weekends between 8:00am and 3:00pm. It is a statutory requirement that all waste transporters book 24 hours in advance to a licenced waste facility to meet the specific resource requirements relating to the disposal of asbestos waste.

At the time of booking on weekends, Council reserves the right to request customers attend the site at a specified time to meet daily operational demands and the larger commercial customers could be requested to attend the site on a business day if Council is unable to handle that volume of material whilst meeting statutory requirements. Council has however, always sought to accommodate all customers with asbestos waste where possible and does not seek to turn customers away.

5.1 Asbestos Tipping Charges Moratorium (contd)

During 2018-2019 Council accepted a total of 433 individual asbestos transactions on weekends from both residential and commercial sources with a total weight of 143 tonnes. During that time there was limited enquires and issues relating to accepting commercial loads on weekends.

If Council was to further increase the levels of service with respect to actively promoting and accepting all loads of asbestos waste from commercial operators during opening hours of the weekend, then it is estimated there would be a significant additional cost to Council as a result of the need for additional plant hire and labour to meet statutory requirements.

Council's waste facilities currently operate with minimal plant on weekends and the asbestos loads received are currently managed through having flexible workforce, operational planning and the ancillary use of existing equipment rostered on weekends.

Accepting all commercial quantities of asbestos waste on weekends would require an excavator and tipping truck to be available at each site to meet statutory requirements for the burying and covering of large volumes of asbestos waste. The increased cost is estimated at \$1,280 per day for an excavator and \$900 a day for a tipping truck at each facility. The additional cost to Council to increase the service beyond that currently offered, and for which there has been minimal demand, is accordingly estimated at \$453,440 per annum.

Council must also balance the fact that by offering a higher level of service than neighbouring local government areas in relation to the acceptance of weekend asbestos, Central Coast Council will likely be receiving asbestos waste generated from outside of the Local Government Area.

It is accordingly proposed to continue with the arrangements put in place during 2018/2019 for Council's waste management facilities to readily accept asbestos waste on weekends. The facility however ultimately reserves the right to nominate preferred times or an alternate business day in situations whereby Council is unable to accommodate a request due to the volume and composition of the material against operation demands and available resources. Council can receive commercial asbestos quantities during weekdays subject to the normal advance notification process.

Central Coast Council Policy for Asbestos Management

On 26 November 2012 the Premier and Cabinet Department of the NSW Government issued a circular to Council which included the "*Developing your council's asbestos, a guide to the Model Asbestos Policy for NSW Councils*" (the Guide) and the "*Model asbestos Policy for NSW Councils*" (the Model Policy). The circular, an executive direction under section 23A of the *Local Government Act 1993*, requires all NSW councils to adopt an asbestos policy consistent with the Model Policy.

5.1 Asbestos Tipping Charges Moratorium (contd)

The Guide and the Model Policy, developed by the Local Government Association of NSW and the Shires Association, now amalgamated to the Local Government NSW, followed consultation with Heads of Asbestos Coordinating Authority as a part of the Government's response to the Ombudsman's report "*Responding to the asbestos problem: The need for significant reform*".

A draft *Policy for Asbestos Management* (draft Policy) was developed following consultation between a range of stakeholders. The draft Policy was placed on public exhibition on 7 April 2017 as required by the *Local Government Act 1993* and community comment invited. Council's "*Policy for Asbestos Management*", is consistent with the Model Policy and was adopted by Central Coast Council at the 28 June 2017 Council meeting.

The Policy for Asbestos Management (the Policy) applies across the Central Coast Council area and contains all asbestos management requirements to manage the asbestos risks. It aims to provide protection to the community to the current extent possible. Generally, the policy provides for:

- Council's role in managing the asbestos risks.
- Council's regulatory roles.
- Advice to residents to manage their risks.
- Waste management options.
- Sources for information.

The Policy refers to legislation, relevant authorities responsible for asbestos management and provides advice to the community to assist management of asbestos risks. It has flexibility to enable adoption of emerging asbestos management features to ensure ongoing reduction of the asbestos risk.

The majority of NSW Councils have since adopted Asbestos Policies consistent with the Model Policy in accordance with the executive direction to Councils under section 23A of the *Local Government Act 1993*.

Once the NSW Asbestos Waste Strategy 2018-2022 is adopted, Council will review its current policy.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

R-G4: Serve the community by providing great customer experience, value for money and quality services.

Attachments

- | | | |
|----------|---|-----------|
| 1 | Draft NSW Asbestos Waste Strategy 2018-22 | D13626849 |
| 2 | Asbestos Management Policy | D12802508 |



NSW Asbestos Waste Strategy 2018–22

Draft for consultation



Cover photography

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Bottom 1: OEH
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Bottom 3: OEH

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Executive summary

Setting our goals

The NSW Asbestos Waste Strategy is focused on better managing asbestos waste including asbestos in soil.

The EPA is responsible for regulating asbestos waste.

Managing asbestos waste safely is an important priority for NSW. The government is committed to protecting people from poor asbestos waste management practices. This includes illegal dumping and improper disposal.

We have been working hard to achieve this by:

- releasing the *NSW Illegal Dumping Strategy 2017–2021*
- creating the Heads of Asbestos Coordination Authorities (HACA)
- taking strategic regulatory action
- raising community awareness about proper asbestos management
- funding councils, public land managers, community groups, Aboriginal groups and charities to clean up and prevent illegal dumping
- updating legislation and guidance to improve resource recovery systems and processes.

This *NSW Asbestos Waste Strategy 2018–22* aims to find ways to:

- make it easier and cheaper to dispose of asbestos waste legally
- educate people on the risks of poor asbestos waste management and the benefits of doing it well
- create better systems for tracking asbestos waste from generation through disposal
- strengthen the regulatory framework
- continue to build ongoing collaborative relationships with our partners and work together
- monitor and evaluate our progress on a regular basis.

Why do we need to manage asbestos waste?

Managing asbestos waste is an important issue because of the threat to public health and the environment. We want to reduce the risk of harm through exposure to asbestos.

The asbestos waste action table (page 18) shows the key actions and programs we will pursue. We will collaborate with stakeholders to ensure we get the details right.

There is no one-size-fits-all approach to managing asbestos waste. The six approaches in this strategy are interrelated and should operate together.

The Environment Protection Authority (EPA) is the lead agency for the Asbestos Waste Strategy. The *Waste Less, Recycle More* program has provided funding to:

- clean up and prevent illegal dumping
- trial waiving the waste levy on separated asbestos waste.

Understanding asbestos waste management

Asbestos is common in the NSW built environment. The Australian Asbestos Safety and Eradication Authority (ASEA) estimates that one third of Australian houses contain asbestos. Removing asbestos generates asbestos waste.

Asbestos waste is any waste that contains asbestos, which includes:

- building and demolition waste
- soil.

Asbestos waste disposal presents complex and unique problems. Most asbestos waste comes from renovation and development, and also includes legacy asbestos such as pieces found in backyards and under houses.

The human health risk of asbestos can be managed with correct handling, storage, transport and disposal, however, environment protection agencies and local authorities across Australia still struggle with illegal dumping and improper disposal. Recent reports from the NSW Ombudsman and the Independent Commission Against Corruption highlight this as an ongoing issue.

Unlawful asbestos waste disposal is a crime. It can:

- harm the environment
- damage human health
- cost the community, councils and private landowners a lot to clean up.

We have identified three key drivers for poor asbestos waste management as cost, convenience and awareness.

The EPA has undertaken a lot of work which has shown what works. We will build upon this work as part of the six approaches in the Strategy.

Our approach

Our six approaches will help to address these drivers and improve asbestos waste management.

Making asbestos waste disposal easier

We will help create more practical options for safe and lawful asbestos waste disposal, such as collection by private operators and more places for homeowners and contractors to lawfully dispose of asbestos waste.

Making asbestos waste disposal cheaper

We will work with local government and industry to seek to provide cheaper ways for householders and licensed contractors to lawfully dispose of asbestos waste under certain circumstances.

Increasing awareness and changing behaviour

We will work with local government and HACA to raise awareness, increase education and change the behaviour of householders and licensed asbestos removalists, and other demolition, excavation and waste management contractors.

Closing loopholes and increasing transparency

We will work with local government and SafeWork NSW to close loopholes on operators who do the wrong thing, and make it easier to understand where asbestos is being moved to, and who is not disposing of it properly.

Disrupting unlawful business models

We will target unlawful business models, making it harder for operators to do the wrong thing, removing the financial gains from their unlawful activities and increasing their risk of getting caught.

Monitoring and evaluating

We will monitor and evaluate our progress. We will report and update regularly on our completed work, committed funding and progress under this strategy against project milestones.

We will use **six key approaches** and work with our partners to increase lawful disposal of asbestos including:

- making it easier
- making it cheaper
- increasing awareness and changing behaviour
- closing loopholes and increasing transparency
- disrupting unlawful business models
- monitoring and evaluating our progress.

Setting our goals

What are our vision and objectives?

The NSW Government wants to maintain a safe and healthy community and environment by ensuring asbestos waste is properly managed.

The EPA will promote good waste management behaviours from everyone responsible for identifying, transporting or disposing of asbestos waste.

Why do we need an asbestos waste strategy?

Asbestos poses a threat to public health and the environment. We want to reduce the risk of harm through exposure to asbestos waste. There are a number of ways we propose to do that. Some are short-term, mid-term and long-term.

We will measure reduced risk through a reduction in complaints, increased awareness, and more lawful disposal. We recognise that as we raise awareness we may see an increase in lawful disposal because there was no baseline. We will determine a baseline for lawful disposal in the first year of the NSW Asbestos Waste Strategy 2018–2022.

How will we achieve these?

We are taking a whole-of-system approach by thinking about where asbestos waste exists or is generated, how it's handled and transported and where it may end up, to promote good behaviours and discourage poor behaviours.

Through the *NSW Illegal Dumping Strategy 2017–21*, funding is already committed under *Waste Less, Recycle More* over the next four years to tackle illegal dumping, assist with clean-up and to fund the RID squad and programs. The *Waste Less, Recycle More* initiative is transforming waste and recycling in NSW through new infrastructure and systems.

The *Waste Less, Recycle More* extension provides an extra:

- \$4 million to fund illegal dumping clean-up, prevention and engagement programs
- \$9 million to support Regional Illegal Dumping (RID) squads and programs
- \$52 million to support strategic compliance programs.

Each of these programs will improve asbestos waste management.

The *NSW Asbestos Waste Strategy 2018–22* sets out the actions we must take to meet our goals. It:

- gives us our framework to prioritise our actions and allocate funding and resources
- complements and builds on the work of the Illegal Dumping Strategy by developing actions to target asbestos waste specifically
- aligns with updates to legislation and guidance targeting the construction and demolition waste recycling sector to drive improved resource recovery systems and process.

What does this strategy cover?

The Asbestos Waste Strategy covers all types of asbestos waste. It addresses:

- the key decision points in asbestos waste management
- the key people who make asbestos waste decisions.

It outlines six key approaches to meet our goals, based on our research and experience and that of our partners. We aim to:

- make it easier and cheaper to dispose of asbestos waste legally
- educate people on the risks of poor asbestos waste management and the benefits of doing it well
- create better systems for tracking asbestos waste from generation through disposal
- toughen regulations and make it easier to disrupt unlawful behaviours
- build ongoing collaborative relationships with our partners
- monitor and evaluate our progress on a regular basis.

Figure 1 shows these approaches, and the actions we will take to achieve our goals.

The asbestos waste [action table](#) (page 18) summarises the key actions and programs we share with our stakeholders.

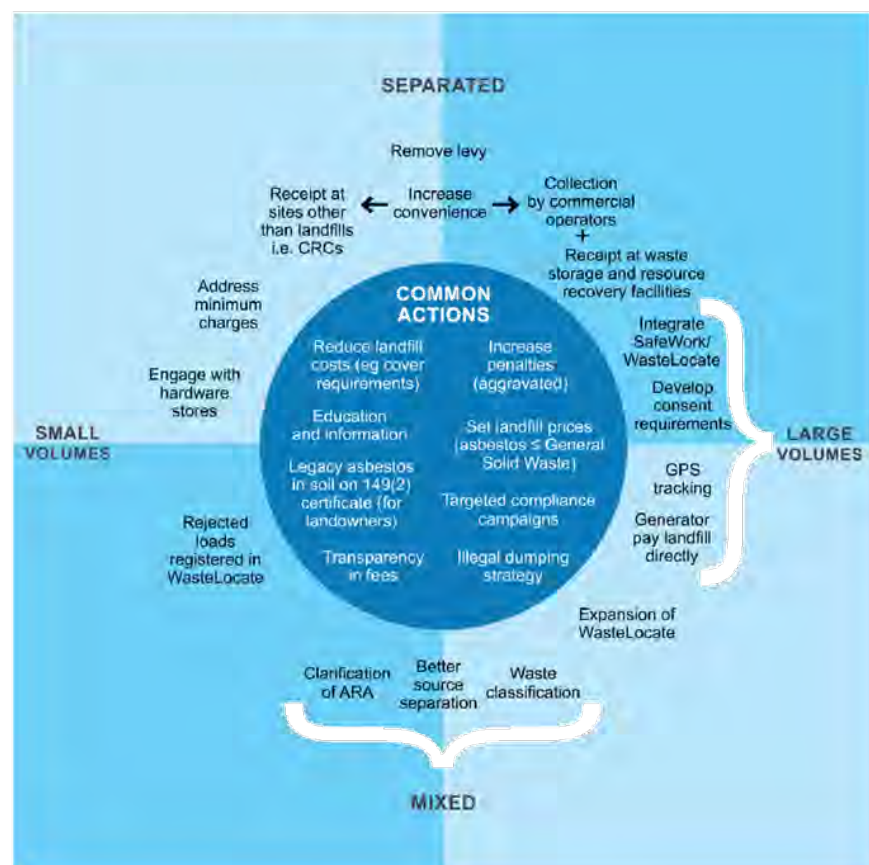


Figure 1: Asbestos Waste Strategy approaches and actions

Draft for Consultation - NSW Asbestos Waste Strategy 2018–22

Who are we working with?

We are consulting a wide range of stakeholders as we develop this strategy, and strongly value their input to ensure the success of the strategy.

For further information on our consultation, please see <https://www.epa.nsw.gov.au/your-environment/waste/industrial-waste/asbestos-waste-strategy-2018-22>.

Local government	<p>Councils are the main authorities for managing waste in their areas.</p> <p>They often provide services and infrastructure for managing household waste and recycling. They clean up and regulate small illegal dumping sites.</p> <p>Councils can help prevent illegal dumping and improper disposal by educating their communities. They have strategies that tackle local issues.</p> <p>Councils are also often the planning authority for renovation and building approval.</p>
Other government agencies	<p>There are several other government agencies who are also responsible for dealing with asbestos and asbestos waste. It is important that we collaborate with them for a whole of government approach.</p>
Heads of Asbestos Coordination (HACA)	<p>HACA helps to coordinate action across NSW government agencies. HACA's charter sets out the arrangements for coordinating the activities of public bodies in relation to all aspects of asbestos information including raising public awareness and managing asbestos issues. This ensures we identify asbestos problems and develop comprehensive solutions.</p>
Industry and businesses	<p>We engage with the waste and construction industries and other businesses to ensure they are:</p> <ul style="list-style-type: none"> • conducting lawful waste management practices • providing safe and cost-effective ways for the community to dispose of asbestos waste. • knowledge about safe asbestos waste disposal
Planning authorities	<p>Planning authorities set development consent conditions that include waste management related requirements at construction and demolition sites.</p>
SafeWork NSW	<p>SafeWork NSW regulates licensed asbestos removal. It ensures legitimate operators handle and dispose of asbestos properly to prevent illegal dumping and health risks.</p>
Community, including residents	<p>We help residents do the right thing with asbestos waste and avoid receiving asbestos contaminated soil.</p>

Bonded and friable asbestos

Bonded asbestos material is any material that contains asbestos, other than friable asbestos material.

Friable asbestos material is any material that contains asbestos and is in powder form, or can be reduced to powder by hand pressure when dry.

Friable asbestos can only be removed by a **licensed asbestos removalist** with a friable asbestos licence.

Bonded asbestos poses less risk than friable asbestos, which may include processed or burnt asbestos materials.

Understanding asbestos waste management

What is asbestos waste?

Asbestos is a naturally occurring mineral found underground, or close to the surface, in many areas of NSW and Western Australia.

Asbestos was heavily used in Australian buildings between the 1930s and 1980s. We find a lot of asbestos in insulation, roofing, asbestos cement sheeting, fire blankets and water pipes.

In the late 1980s, most Australian states and territories banned the use of asbestos in building products. This did not include chrysotile asbestos (white asbestos), which remained in use until 2003.

ASEA's estimates suggest that around one third of Australian houses contain asbestos. Removing it creates asbestos waste.

The *Protection of the Environment Operations (Waste) Regulation 2014* defines two types of asbestos waste:

- **Bonded asbestos material** is any material that contains asbestos, other than friable asbestos material.
- **Friable asbestos material** is any material that contains asbestos and is in powder form or can be crumbled, pulverised or reduced to powder by hand pressure when dry.

Why is asbestos management important?

Asbestos can cause a range of problems.

Environment Dumped asbestos waste can contaminate and degrade land.

Community When asbestos fibres are released into the air, they can cause a health risk.

Economy Illegally dumped asbestos waste can lower land values and undermine legitimate recycling facilities. Clean-up is expensive.

Resources Easily recycled resources, like concrete, bricks, timber and green waste, are lost when contaminated with asbestos as they can no longer be recycled.

Asbestos fibres can cause range of diseases such as:

- lung cancer
- mesothelioma
- asbestosis
- asbestos-related cancers of the larynx and ovaries.

The most common asbestos-related disease is lung cancer, followed by mesothelioma. The three main types of asbestos present different levels of disease risk. White asbestos has the lowest relative risk (Finity Consulting Pty Limited, 2016).

Bonded asbestos poses less risk than friable asbestos, which may include processed or burnt asbestos materials. The bonded asbestos

found in many homes is usually referred to as 'asbestos fibro'. As long as it is undisturbed and sealed, fibro can remain safely in place. But if any material containing asbestos is damaged, disturbed or mishandled, it can release fibres and cause a health risk.

How do we regulate asbestos waste?

Proper asbestos disposal means depositing asbestos waste at a landfill that can lawfully receive it – generally a NSW EPA-licensed facility. There are specific load preparation requirements and acceptance procedures to protect workers, neighbours and users of the landfill.

Together with local government, we regulate the secure storage, transport and disposal of asbestos waste under:

- *Protection of the Environment Operations Act 1997*
- *Protection of the Environment Operations (Waste) Regulation 2014.*

The Waste Regulation sets out special reporting and disposal requirements for asbestos waste. It also prohibits the reuse and recycling of asbestos waste.

Transporters and facilities that handle asbestos waste in NSW must report to us if they move:

- more than 100kg of asbestos waste
- more than 10 square metres of asbestos sheeting.

The EPA's online tool, WasteLocate, helps transporters and facilities meet their obligations for transporting and disposing of asbestos waste.

SafeWork NSW regulates the safe management of asbestos and asbestos waste in workplaces, including licensing for asbestos removalist contractors, under:

- *Work Health and Safety Act 2011*
- *Work Health and Safety Regulation 2011.*

SafeWork NSW has also developed the *How to Manage and Control Asbestos in the Workplace* code of practice. The code is a practical guide to achieving the required standards of health, safety and welfare.

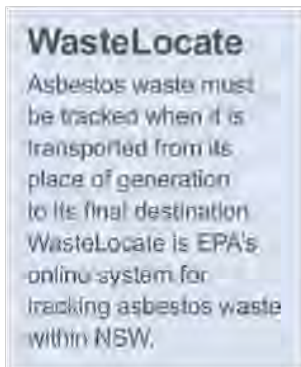
Why do people do the wrong thing?

Poor asbestos waste management includes illegal dumping and improper disposal.

Illegal dumping is depositing any waste larger than litter (litter is anything unwanted that has been thrown, blown or left in the wrong place and is supermarket bag size or smaller) onto land or into water. It includes leaving waste on public or private land without the property owner's permission, or with their permission but without the required legal approvals.

Improper disposal is disposing of waste through otherwise correct processes, but at a facility that cannot lawfully receive or process it.

For example, material that contains asbestos should not be put in kerbside bins or skip bins. Even small fragments of asbestos material



that enter recycling streams, can contaminate large volumes of otherwise valuable recovered products like bricks and compost. This can cause:

- community concern
- environmental and health risks
- lack of confidence in recovered products
- major clean-up expenses for public or private land managers
- problems of contamination for future generations to deal with.

Our research tells us:

- Around 8% of illegally dumped waste is asbestos waste representing a significant clean-up cost.
- Cost is a key reason they illegally dump asbestos waste along with convenience.
- Most illegal dumping happens in bushland, vacant lots and roadsides, where people feel they are less likely to get caught.

Our social research into illegal dumping found that industry respondents believe:

- asbestos is the most common illegally dumped waste material
- some contractors use illegal dumping as a business model to increase their profit
- dumping asbestos waste is the most unacceptable illegal dumping behaviour (98% of respondents judge it very unacceptable)
- householders in regional local government areas are most likely to dump asbestos (48% of respondents).

You can download a pdf to read the full research on our research webpage: www.epa.nsw.gov.au/your-environment/litter-and-illegal-dumping/illegal-dumping-dumpers

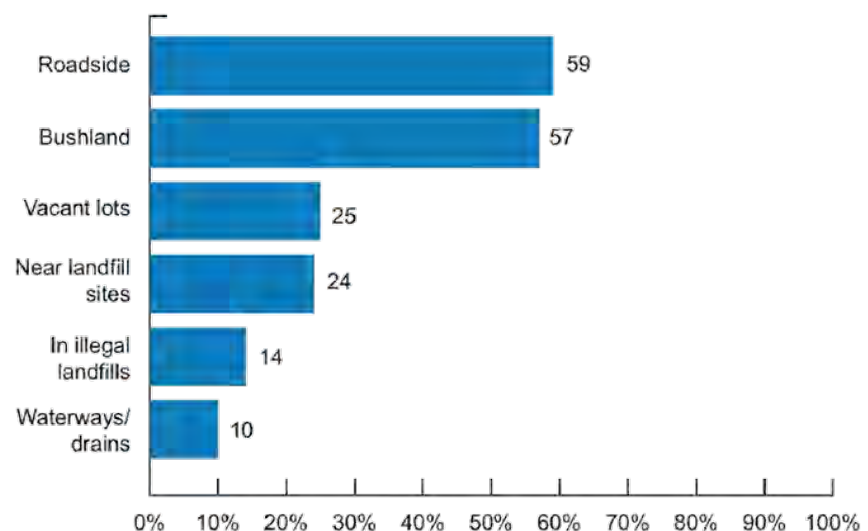


Figure 2: Location of illegally dumped asbestos

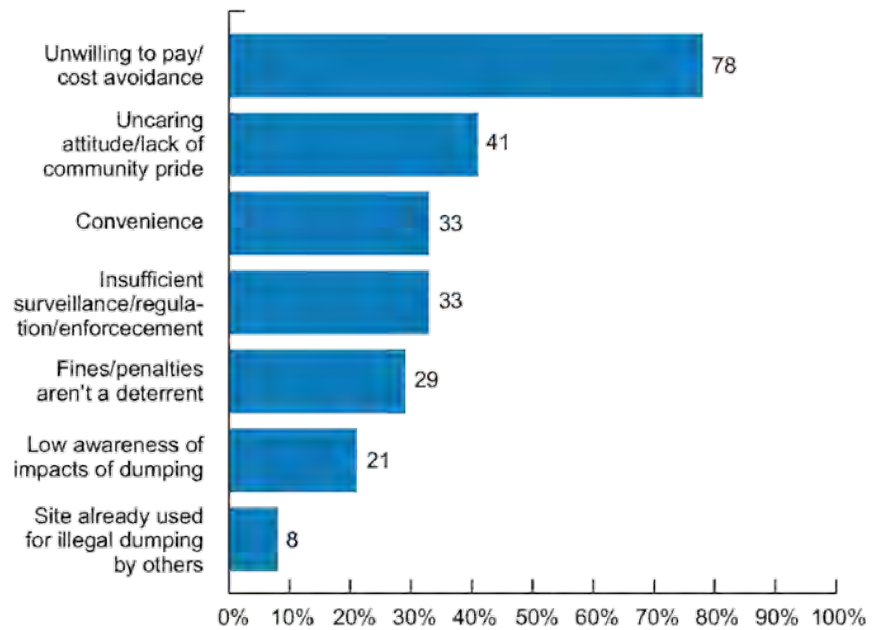


Figure 3: Reasons for dumping asbestos

Waste Less, Recycle More 2017–21 provides an extra \$4 million to fund illegal dumping clean-up, prevention and engagement programs, and \$9 million to support RID squads and programs. An extra \$52 million will support strategic compliance programs.

How is New South Wales doing?

The NSW Ombudsman released a report in 2017 that acknowledged NSW as widely recognised around Australia as having a best-practice approach to managing asbestos.

NSW has:

- Provided funding to clean up asbestos waste and prevent illegal dumping.
- Increased penalties and introduced new waste enforcement powers to deter illegal dumping. We can install GPS trackers and impound vehicles used in repeat waste offences.
- Strengthened relationships with local government and other enforcement partners such as the NSW Police. This helps us target large-scale illegal dumping by repeat offenders and organised networks.
- Conducted social research into why people illegally dump, and how we can encourage them to choose lawful disposal.
- Purpose-built two complementary online systems to collect data on asbestos management. RIDonline records dumping incidents, and WasteLocate tracks asbestos waste.
- Conducted an expert review of the cost of lawful disposal and of cleaning up dumped asbestos. Their results help us better understand the size of the problem and the barriers to proper disposal.
- Recorded the amounts, types and locations of illegal dumping. We use this data to develop a baseline that can help us evaluate our strategy's success and improve it over time.

The EPA also carries out routine inspections and targeted campaigns to check that waste facilities are properly managing asbestos. We licence disposal facilities and work with SafeWork NSW to ensure facilities use appropriate disposal practices. We are working with industry to ensure asbestos does not contaminate recoverable material at recycling centres or any end products.

We have trialled different programs to reduce illegal dumping of household asbestos. We are using the results of this work, along with our statewide intelligence and data sources, to create successful strategies to tackle the issue.

We are also updating legislation and guidance to improve resource recovery systems and processes.

To achieve the highest standards possible in asbestos management, the following six approaches will underpin our efforts.

1. Making asbestos waste disposal easier

Why do we need to do this?

Convenience is one of the key drivers of unlawful asbestos waste disposal. This is especially true for small amounts of separated asbestos that householders, handypersons and builders handle. It is also an issue for unscrupulous licensed contractors.

If disposal facilities are too far away, it can encourage illegal dumping and improper disposal. People sometimes inappropriately use kerbside bins to dispose of small amounts of asbestos waste.

More convenient disposal options will remove this barrier and promote lawful disposal.

How do we achieve this?

We have begun to explore with the intention to pilot several ways to make disposal more convenient, including more collection methods and more disposal locations.

How will we continue this work?

To continue making asbestos waste disposal easier, we will:

- explore options with councils and private providers such as providing asbestos disposal bags with skip bins and offering door-to-door pickup services
- fund the collection of household amounts of separated asbestos at sites other than landfills, such as community recycling centres (other options include permanent drop-off sites, campaign drop-off days and booked collections)
- expand the facilities that can receive asbestos waste to include waste storage and resource recovery facilities with appropriate safeguards
- work with developers and infrastructure providers to achieve more efficient and appropriate asbestos waste management solutions.

2. Making asbestos waste disposal cheaper

Why do we need to do this?

Our social research found that cost is an important factor in being able to lawfully dispose of asbestos waste. Reduced costs will help people do the right thing with their asbestos waste.

How do we achieve this?

Currently, the waste levy applies to any asbestos waste generated or disposed of within the regulated area. We are considering removing the levy from separated and wrapped asbestos materials delivered to a lawful landfill. This will also encourage proper separation of asbestos from other wastes at the point they are generated.

It is not proposed that the levy be removed from wastes that have asbestos mixed with other materials such as soils or other construction

DID YOU KNOW?

The POEO Act requires certain licensed waste facilities in NSW to pay a contribution for each tonne of waste received at the facility. Referred to as the 'waste levy', the contribution aims to reduce the amount of waste being landfilled and promote recycling and resource recovery.

and demolition waste, as this would provide a perverse incentive for the generation of more asbestos waste in order to avoid payment of the levy.

We will also look at ways to ensure this saving is passed onto landfill customers.

Any option must balance landfill obligations so they do not increase environmental or work health and safety (WHS) risks for facility staff. We would need to ensure all the environmental and WHS requirements at landfills are performance-based and cost-effective. To do this we would:

- review the Waste Regulation
- work closely with SafeWork NSW.

How will we continue this work?

To continue making asbestos waste disposal cheaper we will:

- investigate removing the waste levy on separated asbestos materials
- consider options for setting landfill prices for asbestos waste
- work with SafeWork NSW to consider amending the Waste Regulation to make environmental and WHS requirements more performance-based and cost-effective.

3. Increasing awareness and changing behaviour

Why do we need to do this?

The ongoing problem of improper asbestos waste management shows there is a knowledge gap around the dangers of asbestos waste. To change people's behaviour, we need to raise awareness of why proper disposal is important, and how improper disposal harms the environment and the community.

How do we achieve this?

We are working with local government and HACA to educate people about proper asbestos waste management.

The government is also considering reforms to the construction and demolition waste recycling sector. New guidelines for recyclers will set benchmark requirements for inspecting, sorting and processing construction waste.

The reforms aim to:

- increase the quality of recycled construction waste
- minimise the risk that asbestos could enter facilities and contaminate recovered resources.

We run asbestos campaigns that target specific groups, such as those in peri-urban areas. We educate people on:

- why it is dangerous to accept free fill onto your property
- what can happen if you receive asbestos-contaminated fill.

How will we continue this work?

The EPA will prioritise education on asbestos waste. We will also continue working with local government and HACA to deliver education strategies that:

- raise awareness of how illegal dumping affects the economy, environment and community
- educate the public that illegal dumping is socially unacceptable
- promote proper asbestos waste disposal methods and advertise cost reductions
- highlight the council services available for waste disposal
- explore the option to placard trucks carrying large loads (over a certain tonnage) to assist with protecting emergency service personnel in the case of the truck being involved in an accident.

4. Closing loopholes and increasing transparency

RIDonline

RIDonline is a database used by councils and government agencies across NSW to record and manage illegal dumping incidents.

When you report via RIDonline, the relevant local council is sent an email alert about the incident so they can respond. To follow up on a report, call the council. If it's an emergency, you need to call 000 and report it immediately.

Why do we need to do this?

Illegal dumping is a covert activity. By increasing transparency in the removal, transport and disposal of asbestos waste, we are closing loopholes on unlawful behaviour.

Accurate, comprehensive data will:

- help us direct and prioritise our actions, including regulation and enforcement
- tell us the size and location of issues
- deter people from unlawful activities.

How do we achieve this?

RIDonline is our illegal dumping database and reporting tool for NSW. Over 40,000 incidents have been reported through RIDonline since its release in 2015.

Most of the reported dumping has occurred between Kiama and Newcastle, both close to landfills and far from them. This correlates with our social research, and supports our finding that both cost and convenience are barriers to proper disposal.

The EPA has developed an online tool called WasteLocate to monitor asbestos transport and disposal. Waste transporters in NSW must use this tool to report if they are moving:

- more than 100kg of asbestos waste
- more than 10 square metres of asbestos sheeting.

No licence is required to remove:

- less than 10 square metres of non-friable asbestos
- asbestos contaminated dust or debris that is associated with the removal of less than 10 square metres of non-friable asbestos
- a minor asbestos contamination not associated with the removal of friable or non-friable asbestos (SafeWork NSW).

We work with SafeWork NSW to monitor and track asbestos waste. Developing a single system will streamline our data capture, and help us track asbestos demolition, transport and disposal. This will make it easier for us to identify illegal disposal.

We also propose working closely with local government to strengthen development consent requirements. Developments should not proceed without confirming how they will identify, remove, manage and dispose of asbestos.

How will we continue this work?

We will continue gathering information with our monitoring and reporting tools. The more data we capture, the better we can understand illegal activity.

To build our evidence base we will:

- consider expanding WasteLocate further 'upstream' to capture when asbestos is identified in a building prior to removal
- develop a single combined system, or improve communication between our existing separate systems, so that the EPA and SafeWork NSW can more easily use WasteLocate
- continue researching waste management attitudes in the construction and demolition industry, in line with the Illegal Dumping Strategy, and use the findings to target our enforcement effort on illegally dumped asbestos waste from construction sites
- continue researching the behavioural drivers of householders who do renovations involving asbestos or receive fill, and use the findings to create a more effective education program.

By combining our research on behavioural drivers with comprehensive data from our systems, we can develop targeted and powerful initiatives to improve asbestos waste management.

5. Disrupting unlawful business models

Why do we need to do this?

Some operators use illegal dumping as part of their business model to increase market share and/or profit margins. We need to remove the benefits these offenders gain through unlawful practices.

The Asbestos Waste Strategy complements the Illegal Dumping Strategy, making it harder for operators to do the wrong thing and increasing their risk of getting caught. This might mean introducing a system where households that generate waste must pay the waste disposal facility directly.

How do we achieve this?

The NSW Government has tough penalties for illegal dumping. The *Protection of the Environment Operations Act 1997* provides a tiered range of illegal dumping offence provisions/fines, ranging from spot fines to maximum penalties for individuals of fines up to \$1,000,000 and/or seven years in jail in cases where there is harm to the environment and a maximum of \$5 million fines for offences committed by corporations.

Through *Waste Less, Recycle More*, we have funded RID Squads and Programs that are specialised council officers who investigate illegal dumping for council. We also run targeted campaigns to crack down on unlawful operators.

How will we continue this work?

The NSW Government will:

- investigate amending environmental legislation to make it a requirement for waste generators to pay the landfill or resource recovery facility directly. In the first instance, this change could be brought in for developments generating large quantities of waste.
- strengthen sentencing provisions, by prescribing in Regulation, the method for the Courts to determine the amount representing the monetary benefit gained from the illegal conduct that could be included in a court's sentencing decision.
- consider whether to require the Courts to regard the presence of asbestos in illegally dumped waste as an aggravated factor in sentencing.
- consider what changes can be made to environmental legislation to reduce evidentiary burdens associated with proving asbestos dumping crimes. For example, increasing penalty amounts for non-compliance with statutory notices, regarding material to be a waste – e.g that certain mixed materials over a specified amount will be regarded as waste, and amending the transporting waste offence under the *Protection of the Environment Operations Act 1997* to provide that when a vehicle is involved in the transportation of waste, the owner of that vehicle is taken to have committed the offence with appropriate exceptions.
- increase the likelihood of offenders being caught through technological solutions like GPS tracking devices on waste vehicles that transport asbestos waste (over a certain tonnage).

6. Monitoring and evaluating

Why do we need to do this?

By monitoring and evaluating our work, we can track our progress and make improvements where needed. For instance, we might implement a strategic campaign based on RIDonline data.

How do we achieve this?

We are gathering data through RIDonline to track our progress and success. Our social research helps build this picture. We can use this information as a baseline for increasing awareness and changing behaviour.

How will we continue this work?

We will conduct social research to continue to track trends in attitudes, knowledge and behaviour.

We will report and update regularly on our completed work, committed funding and progress under this strategy.

NSW Asbestos Waste Strategy 2018–22 action table

Proposed timeline dates from finalisation of strategy

AIMS →	Making asbestos waste disposal easier	Making asbestos waste disposal cheaper	Increasing awareness and driving behaviour change	Closing loop holes and increasing transparency	Disrupting unlawful business models	Evaluation and Monitoring
OVERVIEW →	Work with local government and waste contractors to make it easier to legally dispose of asbestos by increasing the number of waste facilities able to receive it, and provide additional collection options. This should reduce transport times and lead to positive behaviour change.	Investigate options to make it cheaper to dispose of asbestos waste. For example, removing the levy on separated asbestos waste, regulating (capping) landfill prices and reviewing regulatory requirements at landfills. Reduced costs should encourage positive behaviour and remove the excuse for poor behaviour.	Work with local councils and HACA to provide the community with education and information so that they know how to safely manage asbestos waste and understand the consequences of illegal dumping and improper disposal.	Work with consent authorities to explore options to better manage unlawful disposal of asbestos by strengthening consent conditions at source sites and closing loop-holes for transporters and improving transparency for waste generators.	Increase the risk and consequence of being caught illegally disposing of asbestos waste to deter people from doing the wrong thing with asbestos waste.	Monitor and evaluate our progress, including reporting on completed work, committed funding and progress under the strategy. Proposed timeline – Report and update regularly
ACTIONS →	Work with Community Recycling Centre Operators (CRC) to assess the feasibility of receiving small quantities of separated asbestos free of charge at CRC. Proposed timeline – Six months	Investigate amendments to the POEO Waste Regulation to make separated asbestos waste exempt from the requirement to pay s88 levy contributions. Proposed timeline – Six months	Work with HACA and local government to develop an EPA asbestos waste communication and education strategy based on the outcomes of customer experience behavioural research. Proposed timeline – Immediate and ongoing	Expand the use of WasteLocate to all asbestos waste and engage with SafeWork NSW to better integrate databases. Proposed timeline – Six months	Investigate legislative amendments to deter unlawful behaviour, such as introducing specific asbestos illegal dumping offences, with an aggravated element for 'asbestos waste', jail terms for waste offenders, suspending vehicle registration, regarding the registered owner of a vehicle involved in illegal dumping to be responsible for the offence unless they nominate someone else, increase penalty amounts for non-compliance with statutory notices, and regarding material to be waste, e.g. that certain mixed materials over a specified amount will be considered waste. Proposed timeline – Six months	Conduct social research to continue to track trends in attitudes, knowledge and behaviour. Proposed timeline – Six months
	Encourage and support the private sector to explore innovative and cost-effective options for collecting asbestos (e.g. provide asbestos disposal bags with skip bins and offer asbestos pick up service). Proposed timeline – Immediate and ongoing	Investigate options for regulating the disposal pricing structures for separated asbestos waste disposal. Proposed timeline – Six months	Support local government and hardware stores to provide up-to-date, best practice information to the community. Proposed timeline – Immediate and ongoing	Consult with local government and the Department of Planning and Environment to strengthen the drafting and enforcement of consent conditions (e.g. introducing hold points until clearance is provided and minimum requirements for Waste Classification). Proposed timeline – Immediate and ongoing	Work with RMS to consider options for installation of GPS trackers on all waste vehicles (over a certain tonnage). Proposed timeline – Six months	Gather data through RIDonline to track our progress and success and enable proactive regulation. Proposed timeline – Ongoing
	Work with emergency services to ensure mechanisms are in place to swiftly handle asbestos waste after disasters. Proposed timeline – Immediate and ongoing	Trial the use of alternative asbestos cover options at landfills in consultation with SafeWork NSW so that environmental and WHS requirements at landfills are performance based, are risk-based and cost-effective. Proposed timeline – Six months			Investigate options to require waste generators to pay waste disposal facilities directly (for developments generating large quantities of waste). Proposed timeline – Six months	
	Work with local government, Department of Planning and Environment and the waste industry to support the receipt of asbestos at waste storage and resource recovery facilities. Proposed timeline – Immediate and ongoing				Introduce legislative provisions to improve the management of asbestos during resource recovery of construction and demolition waste in consultation with SafeWork NSW. Proposed timeline – Nine months	
Benefits to householders & industry	Benefits to householders & industry	Benefits to householders & industry	Benefits to householders & industry	Benefits to householders & industry	Benefits to householders & industry	
<ul style="list-style-type: none"> Greater choice for where to take asbestos waste for lawful disposal Reduced travel times for disposal Increased support to councils and industry to facilitate more options for asbestos disposal 	<ul style="list-style-type: none"> Reduced cost of lawful disposal for separated asbestos waste for waste generators Options to ensure environmental and WHS requirements at landfills are performance and risk based, and cost effective for landfill operators 	<ul style="list-style-type: none"> Simple and practical information on asbestos waste removal and disposal Reduced contamination and maintained value of recovered resources Increased support for councils on education materials 	<ul style="list-style-type: none"> Reduced risk of dealing with waste contractors who do the wrong thing Make it easier to manage asbestos waste in an appropriate way Level the playing field to assist waste contractors who are doing the right thing by removing opportunity for unlawful waste operators Reduced opportunity for illegal dumping and associated clean-up costs 	<ul style="list-style-type: none"> Level the playing field for waste contractors Ensure illegal operators do not receive financial gain from their illegal activity Reduced risk of dealing with unlawful operators Reduced opportunity for illegal dumping and associated clean-up costs 	<ul style="list-style-type: none"> Report on progress and actions Ensure effectiveness of Strategy actions Opportunity to improve effectiveness of actions Opportunity for industry, local government and householders to provide feedback that can be used to improve the Strategy over time 	



Central
Coast
Council

POLICY NO:



**POLICY FOR
ASBESTOS MANAGEMENT**

A vibrant and sustainable
Central Coast



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CERTIFIED A TRUE COPY OF POLICY ADOPTED BY COUNCIL

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1. Introduction

Asbestos has been phased out of building materials since the 1980s and the supply and installation of asbestos containing goods has been prohibited since 31 December 2003. The legacy of asbestos materials remains in many homes, buildings and other assets and infrastructure.

Where material containing asbestos is in a non-friable form (that is, cannot be crushed by hand into a powder), undisturbed and painted or otherwise sealed, it may remain safely in place. Where asbestos containing material is broken, damaged, disturbed or mishandled, fibres can become loose and airborne posing a risk to health.

It is often difficult to identify the presence of asbestos and where a material cannot be identified or is suspected to be asbestos, it is best to assume that the material is asbestos and take appropriate precautions. Further information about asbestos and the health impacts of asbestos can be found in Appendix A and website links to additional information provided in Appendix B.

Council has a role in minimising exposure to asbestos, as far as is reasonably practicable, for both:

- residents and the public within the Local Government Area (LGA)
- workers (employees and other persons) in Council workplaces

Council's legislative functions for minimising the risks from asbestos apply in various scenarios including:

- as a responsible employer
- contaminated land management
- Council land, building and asset management

- emergency response
- land use planning (including development approvals and demolition)
- management of naturally occurring asbestos
- regulation of activities (non-work sites)
- waste management and regulation.

1.1 Purpose

The Policy for Asbestos Management (the Policy) aims to outline:

- the role of Council and other organisations in managing asbestos
- Council's regulatory powers
- Council's approach to dealing with naturally occurring asbestos, sites contaminated by asbestos and emergencies or incidents
- general advice for residents on renovating homes
- Council's development approval process for developments that may involve asbestos and conditions of consent
- waste management and regulation procedures for the Central Coast
- Council's approach to managing asbestos containing materials in Council workplaces
- sources of further information.

1.2 Scope

This policy applies to the Central Coast local government area.

The policy provides information for Council workers, the local community and wider public. Part 1 includes the Sections that are likely to be of most interest to the local community and wider public. Part 2 is information that applies to workers associated with Council including employees, contractors, consultants and volunteers (as defined by the *NSW Work Health and Safety Regulation 2011*). Definitions for key



terms used in the policy are provided in Appendix C and acronyms are listed in Appendix D.

The policy applies to friable, non-friable (bonded) and naturally occurring asbestos.

The policy outlines Council's commitment and responsibilities in relation to safely managing asbestos and contains general advice. For specific advice, Council encourages contact with appropriate organisations (contact details are listed in Appendix E).

The policy does not provide detail on specific procedures. Practical guidance on how to manage risks associated with asbestos and asbestos containing material can be found in the:

- *Code of practice on how to manage and control asbestos in the workplace* (catalogue no. WC03560) published by SafeWork NSW.
- *Code of practice on how to safely remove asbestos* published by SafeWork NSW (catalogue no. WC03561) published by SafeWork NSW.
- Additional guidance material listed in Appendix B.

Detailed information on Council's procedures and plans may be found in other documents, which are referenced in part 2 under Section 18.1.

The Policy has been prepared in accordance with the Model Asbestos Policy for NSW Councils November 2012. Further information may be obtained from the Local Government NSW website or phone (02) 9242 4000.

Disclaimer

This policy was formulated to be consistent with Council's legislative obligations and within the scope of Council's powers. This policy should be read in conjunction with relevant legislation, guidelines and codes of practice. In the case of any discrepancies, the most recent legislation should prevail.

This policy is based upon the *Model Asbestos Policy for NSW Councils* developed by the Heads of Asbestos Coordination Authorities to promote a consistent Local Government approach to asbestos management across NSW.

This policy does not constitute legal advice. Legal advice should be sought in relation to particular circumstances and liability will not be accepted for losses incurred as a result of reliance on this policy.

2. Definitions

Definitions are provided in Appendix C.

3. Roles and Responsibilities of Council

3.1 Educating residents

Council may assist residents to access appropriate information and advice on the:

- prohibition on the use and re-use of asbestos containing materials
- requirements in relation to development, land management and waste management
- risks of exposure to asbestos
- safe management of asbestos containing materials
- safe removal and disposal of minor quantities of asbestos containing materials.



Educational information and website links for educational materials can be found in Appendices A and B.

3.2 Managing land

Council is responsible for managing public land. This may include land with naturally occurring asbestos as described in Section 5 and land contaminated with asbestos as outlined in Section 6.

3.3 Managing waste

Where Council is the appropriate regulatory authority, Council may be responsible for:

- Issuing cleanup notices to address illegal storage or disposal of asbestos waste or after an emergency or incident (under the *Protection of the Environment Operations Act 1997*).
- Issuing prevention or cleanup notices where asbestos waste has been handled (including stored, transported or disposed of) in an unsatisfactory manner (under the *Protection of the Environment Operations Act 1997*).
- Issuing penalty infringement notices for improper transport of asbestos (under the *Protection of the Environment Operations Act 1997*).
- Applying planning controls to proposals to dispose of asbestos waste on-site, seeking advice from the Environment Protection Authority (EPA) on this matter and making notation on planning certificates (Section 149 certificates) where on-site disposal is permitted.

Asbestos wastes may be received at the Buttonderry Waste Management Facility and the Woy Woy Landfill

3.4 Regulatory responsibilities

Council may have regulatory responsibilities under the following legislation, policies and standards as the appropriate regulatory authority or planning authority:

- *Demolition work code of practice 2015* (catalogue no. WC03841)
- *Contaminated Land Management Act 1997*
- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2000*
- *Local Government Act 1993*
- *Protection of the Environment Operations Act 1997*
- *Protection of the Environment Operations (General) Regulation 2009*
- *Protection of the Environment Operations (Waste) Regulation 2005*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy No. 55 – Remediation of Land.*

Additional legislation, policies and standards relating to the safe management of asbestos are listed in Appendix G.

The situations in which Council has a regulatory role in the safe management of asbestos are listed in Table 1.



Table 1: Situations in which Council has a regulatory role in managing asbestos

Issue	Council's role	Section of policy
Contaminated land	Record known asbestos site contamination on Section 149 certificates or record on Council's asbestos register. Notify stakeholders of land use planning policy requirements. Manage residential asbestos contaminated land that is not declared 'significantly contaminated' under the <i>Contaminated Land Management Act 1997</i> .	Sections 5 and 6
Development assessment	Assess development applications for approval under the <i>Environmental Planning and Assessment Act 1979</i> . Set conditions of consent for renovations, alterations, additions, demolitions or other developments requiring consent and which may involve disturbance of asbestos containing materials. Ensure compliance with development conditions. Apply conditions relating to development involving friable and non-friable asbestos material under the relevant legislation and planning codes and as outlined in Section 9.	Section 9
Demolition	Approve demolition under the <i>Environmental Planning and Assessment Act 1979</i> . Council certifiers approve development as complying development under the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> .	Section 9
Emergencies and incidents	Regulate the cleanup of asbestos waste following emergencies where sites are handed over to the Council or a local resident by an emergency service organisation.	Section 7
Naturally occurring asbestos	Verify compliance with environmental planning and assessment legislation for development applications that could disturb naturally occurring asbestos. Prepare an asbestos management plan for Council workplaces or road works which occur on land containing naturally occurring asbestos.	Section 5
Residential premises	Respond to any public health risks (risks to Council workers and wider public) relating to the removal of asbestos containing materials or asbestos work at residential properties that does not involve a business or undertaking. Respond to service requests about unsafe work at a residential property that is undertaken by a resident (not a worker, which is the role of SafeWork NSW). Respond to public health risks posed by derelict properties or asbestos materials in residential settings.	Section 9
Waste	Manage waste facilities in accordance with legislation. Respond to illegal storage, illegal dumping and orphan waste. Regulate non-complying transport of asbestos containing materials.	Section 10



3.5 Responsibilities to workers

Council is committed to fulfilling its responsibilities to workers under the NSW *Work Health and Safety Act 2011* and NSW *Work Health and Safety Regulation 2011* and maintaining a safe work environment through Council's:

- general responsibilities
- education, training and information for workers
- health monitoring for workers
- procedures for identifying and managing asbestos containing materials in Council premises.

These responsibilities are outlined in part 2.

4. Other stakeholders involved in managing asbestos

Council is committed to working collaboratively with other government agencies and other stakeholders to respond to asbestos issues.

Appendix E notes contacts and Appendix H notes agencies involved in managing asbestos. Various asbestos scenarios requiring stakeholders to work together are outlined in Appendix I.

Part 1 – Asbestos in the Local Government Area: Information for the community

5. Naturally occurring asbestos

Council is not aware of any naturally occurring asbestos in the Central Coast area.

For information on locations of naturally occurring asbestos refer to the NSW EPA website

5.1 Responsibilities for naturally occurring asbestos

Where development applications propose activities that may disturb areas of suspected naturally occurring asbestos, consent conditions may require testing to determine if asbestos is present. Council may verify compliance with environmental planning and assessment legislation, the EPA and SafeWork NSW to coordinate enforcement where non-compliance is suspected.

Where naturally occurring asbestos may be disturbed, SafeWork NSW is the lead regulator. Requirements for workplaces are summarised in the *Naturally-occurring asbestos fact sheet* (catalogue no. WC03728) published by SafeWork NSW. Where naturally occurring asbestos is part of a mineral extraction process, NSW Department of Industry, Regional Infrastructure is the lead regulator.

5.2 Managing naturally occurring asbestos

Where naturally occurring asbestos is encountered or suspected, the risk from disturbance of the naturally occurring asbestos should be assessed by an occupational hygienist.

The management of naturally occurring asbestos that stays in its natural state is not prohibited if managed in accordance with an asbestos management plan. Requirements for risk management, asbestos management plans and provisions for workers are outlined in the *Naturally-occurring asbestos fact sheet* (catalogue no. WC03728) published by SafeWork NSW.



The SafeWork NSW website provides further information on naturally occurring asbestos and supporting documents on what people can do to avoid contact with naturally occurring asbestos.

5.2.1 Management of naturally occurring asbestos by Council

Council will aim to prevent the exposure of workers and the public to any naturally occurring asbestos that is known or discovered in the council workplace.

If naturally occurring asbestos is discovered in the LGA, Council will develop risk controls, an asbestos management plan in relation to the naturally occurring asbestos and provide guidance materials where necessary.

6. Contamination of land with asbestos

Background information on contamination of land with asbestos and potential disturbance of asbestos contaminated sites can be found in Appendix A under Sections 2 and 3.

6.1 Responsibilities for contaminated land

Responsibility for cleaning up contaminated land lies with the person responsible for contaminating the land or the landowner.

Under the *Protection of the Environment Operations Act 1997*, Council may:

- issue a Clean Up Notice to the occupier of premises at or from which Council reasonably suspects that a pollution incident has occurred, or is occurring, requiring asbestos waste to be removed, and/or
- issue Prevention Notice to ensure good environmental practice.

- take action to cause compliance with the notice.
- take action to recover costs of clean up actions where undertaken by Council.

During site redevelopment Council may consider contamination with asbestos containing materials in the same way as other forms of contamination. Council may apply the general requirements of *State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land* and the *Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land*.

Council may provide information about land contamination on planning certificates (issued under Section 149 of the *Environmental Planning and Assessment Act 1979*) as outlined in Section 6.2.

For sites that are 'significantly contaminated' and require a major remediation program independent of any rezoning or development applications, the EPA and SafeWork NSW are the lead regulatory authorities as outlined in Appendix A under Section 2.4.2.

The management of Council workplaces contaminated with asbestos is outlined in Section 14.4.

6.2 Finding out if land is contaminated

A person may request from Council, a planning certificate containing advice on matters including whether Council has a policy to restrict the use of land due to risks from contamination.

Certificates may be issued under Section 149 of the *Environmental Planning and Assessment Act 1979*.



6.3 Duty to report contaminated land

A person whose activities have contaminated land or a landowner whose land has been contaminated, is required to notify the EPA when they become aware of the contamination (under Section 60 of the *Contaminated Land Management Act 1997*).

Situations where this is required are explained in the document: *Guidelines on the duty to report contamination under the Contaminated Land Management Act 1997*.

The EPA will inform Council of contaminated land matters relating to the LGA as required under Section 59 of the *Contaminated Land Management Act 1997*.

6.4 Derelict buildings

Concerns regarding potential health risks from derelict properties may be directed to Council.

Derelict properties include abandoned, fire damaged and otherwise dilapidated buildings. Where derelict properties contain friable asbestos and asbestos is exposed, either from human activities or weathering, pose a potential risk to public health.

Council may issue a Clean Up notice, a Prevention Notice and/or a Compliance Cost Notice as noted in Section 6.1.

Council may also order a person to demolish or remove a building if the building is so dilapidated as to present harm to its occupants or to persons or property in the neighbourhood (under Section 121B 2(c) of the *Environmental Planning and Assessment Act 1979*). An order may require immediate compliance with conditions and if the person fails to comply,

Council may act under Section 121ZJ of the *Environmental Planning and Assessment Act 1979*.

Council may require the asbestos is removed by appropriately licensed removalists.

7. Responding to emergencies and incidents

Emergencies and incidents such as major events can cause damage to buildings or land that contain asbestos. Emergencies or incidents can arise from natural hazards, or from accidental or deliberate human activities including criminal activity.

7.1 Responsibilities in the cleanup after an emergency or incident

Council may act to ensure asbestos containing materials are cleaned up. If the emergency or incident occurs at a workplace, SafeWork NSW is the lead agency.

Council may issue a Clean Up, Prevention, Cost Compliance or Penalty Infringement Notice as outlined in Section 3.3 and Section 6.1.

Council may act under the *Environmental Planning and Assessment Act 1979* as outlined in Section 6.4 of this policy.

Council will determine an appropriate response depending on the nature of the situation.

The response may include to:

- Seeking advice from an occupational hygienist on the likely level of risk and appropriate controls required.
- Liaising with or consulting an appropriate agencies.



- Informing emergency personnel of any hazards known to Council as soon as practicable.
- Following the *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) published by SafeWork NSW.
- Ensuring any Council workers attending the site have appropriate training and are wearing appropriate personal protective equipment.
- Excluding the public from the site.
- Informing the public of the potential sources of exposure to asbestos, health risks and emergency management response.
- Minimising the risks posed by any remaining structures (see Section 6.4).
- Addressing the risks posed by disturbed asbestos containing materials by engaging a licensed removalist (as outlined in Section 14.6.2) or issuing a cleanup or prevention notice (as outlined in Section 6.4) to ensure asbestos containing materials are removed for disposal.
- Ensuring that the site is kept damp, at all times or sprayed with PVA glue, particularly where friable asbestos is present, if considered appropriate (noting that in some instances this may not be appropriate, for example if there are live electrical conductors or if major electrical equipment could be permanently damaged or made dangerous by contact with water).
- Ensuring that asbestos containing materials are disposed of at a facility licensed to accept asbestos waste and sight proof of appropriate disposal through weighbridge dockets or similar documentation.

7.2 Advice to the public regarding cleanup after an emergency or incident

During a cleanup after an emergency or incident, the possibility of exposure to asbestos fibres may be low where precautions are taken to minimise the release and inhalation of asbestos dust and fibres.

As a precautionary measure, Council may consider advising those who may potentially be exposed to:

- avoid unnecessary outdoor activity during the cleanup
- close all external doors and windows and stay indoors during the cleanup
- avoid using air conditioners that introduce air from outside into the home during the cleanup
- dispose of any materials that may have been contaminated with asbestos as asbestos waste after the cleanup (see Section 10)
- use a low pressure hose on a spray configuration to remove visible dust from pathways after the cleanup
- wipe dusty surfaces with a damp cloth and bag and dispose of the cloth as asbestos waste after the cleanup (see Section 10)
- take other measures as recommended by an occupational hygienist following assessment of the situation.

8. Council's process for changing land use

Council recognises the need to exercise care when changing zoning for land uses, approving development or excavating land due to the potential to uncover known or unknown asbestos material from previous land uses.



State Environmental Planning Policy No. 55 – Remediation of Land requires that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.

Managing sites contaminated with asbestos material is addressed in Section 6.

9. Council's process for assessing development

Section 9 applies to development applications assessed under the *Environmental Planning and Assessment Act 1979* and complying development applications assessed under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (see Section 9.5.2). Development includes alterations and additions to buildings, which may include internal work as well as extensions to the existing main structure including changes to outbuildings, sheds or garages.

The Section applies to renovations that do not require development consent or a complying development certificate. For example, the replacement of windows, doors and ceilings may involve the removal of asbestos categorised as exempt development under the *Environmental Planning and Assessment Act 1979*. In these instances, Council has an educative role in providing owners and occupiers with advice and information about the identification and safe management of asbestos.

9.1 Responsibilities for approving development

Council is the consent authority for the majority of development applications in the LGA. The Joint Regional Planning Panel (JRPP) may also

be the consent authority for some local or regional development.

Council or the JRPP may impose conditions of consent and a waste disposal policy to a development consent to ensure the safe removal of asbestos, where asbestos has been identified or may be reasonably assumed, to be present.

Where a private certifier is engaged to assess a complying development certificate, the private certifier is responsible for ensuring that the proposed development activities include adequate plans for the safe removal and disposal of asbestos.

Demolition of buildings is also required to be undertaken with adequate plans for safe removal and disposal of asbestos. Certifiers may issue a complying development certificate under the Demolition Code of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and must ensure adequate plans are prepared. Further, information on demolition is provided in Section 9.4.

Where a private certifier issues a complying development certificate, the certifier is responsible to ensure that works including asbestos handling, removal and disposal if present, are carried out appropriately in accordance with the *Environmental Planning and Assessment Regulation 2000* (clause 136E). Compliance is covered in Section 9.7.

9.2 Providing advice to home owners, renovators and developers

Council may provide information to minimise the risks from asbestos in the LGA.



Information is provided below and in Appendix A. Appendix B lists additional sources of information on how to deal safely with the risks of asbestos and Appendix J lists asbestos containing products that may be found around the home.

Key points are:

- Before any renovation, maintenance or demolition work is carried out, any asbestos or asbestos containing materials should be identified (refer to Section 9.3).
- Where a material cannot be identified or it is suspected to be asbestos, it is best to assume that the material is asbestos and take appropriate precautions.
- If asbestos containing materials can be maintained in good condition it is recommended that they be safely contained, left alone and periodically checked to monitor their condition, until demolition or redevelopment.
- If asbestos materials cannot be safely contained, they should be removed as outlined in Section 9.4.
- For demolition or redevelopment, any asbestos containing materials should be safely removed and disposed of prior to the work commencing.

Anyone who is undertaking renovations them self without a contractor is encouraged to refer to Appendices A and B for more information and contact Council. Anyone engaging an asbestos removal contractor may contact SafeWork NSW for further information.

9.3 Identifying asbestos

Information on common places where asbestos is likely to be found in buildings is provided in Appendix A.

The most accurate way to find out if a building or structure contains asbestos is to obtain an asbestos inspection by a person competent in the identification and assessment of asbestos, such as an occupational hygienist (a competent person is defined by the *NSW Work Health and Safety Regulation 2011*). Undertaking an inspection is highly advisable before undertaking major renovations to buildings constructed, or containing materials from prior to 2004.

Owners who rent out their properties may be required to identify any asbestos within the building before any work is carried out.

The *Work Health and Safety Regulation 2011* states that the person conducting a business or undertaking in any building constructed before 31 December 2003 must identify if there is any asbestos in the building.

All commercial properties that contain asbestos must have and maintain a current asbestos register and asbestos management plan.

9.4 Removing asbestos, refurbishments and demolitions

9.4.1 Removing asbestos from a domestic premises

If development is undertaken by contractors, site is considered to be at a workplace and regulated by SafeWork NSW under the *NSW Work Health and Safety Regulation 2011*. The Act requires all asbestos that is likely to be disturbed is identified and, so far as reasonably practicable, is removed before other works are commenced.

Depending on the nature and quantity of asbestos to be removed, a SafeWork NSW licence may be required. The requirements for



licenses are outlined below and summarised in the table in Appendix K.

Friable asbestos must only be removed by a licensed removalist with a friable (Class A) asbestos removal licence, except in the case of:

- asbestos containing dust associated with non-friable asbestos, or
- asbestos containing dust that is not associated with the removal of friable or non-friable asbestos and is only a minor contamination, eg material that may be cleaned up in less than one hour).

The removal of more than 10 square metres of non-friable asbestos or asbestos containing material must be carried out by a licensed non-friable (Class B) or a friable (Class A) asbestos removalist.

The removal of asbestos containing dust associated with the removal of more than 10 square metres of non-friable asbestos or asbestos containing material requires a non-friable (Class B) asbestos removal licence or a friable (Class A) asbestos removal licence.

Removal of 10 square metres or less of non-friable asbestos may be undertaken without a licence. Council encourages residents to consider engaging a licensed asbestos removal contractor due to the potential risks.

If the site is a workplace, the licensed asbestos removalist must inform the following persons before removal work is commenced:

- the person who commissioned the work
- a person conducting a business or undertaking at the workplace
- the owner and occupier of the premises
- anyone occupying premises in the immediate vicinity of the workplace (as

described in Section 467 of the NSW *Work Health and Safety Regulation 2011*).

In certain circumstances, a premise may be used for both residential and commercial purposes and is therefore classified as a workplace.

All licensed asbestos removal must be:

- supervised by a supervisor named to SafeWork NSW
- notified to SafeWork NSW at least five days prior to the work commencing.

Requirements for the transport and disposal of asbestos waste are covered in Section 10.

9.4.2 Removing asbestos at workplaces

The NSW *Work Health and Safety Regulation 2011* specifies requirements for demolition and refurbishment of structures constructed or installed before 31 December 2003.

9.4.3 Obtaining approval for demolition

Demolition work is a high risk construction work in the *NSW Work Health and Safety Regulation 2011* and demolition licenses are required for some work. The Demolition work code of practice 2015, provides practical guidance on how to manage the risks associated with the demolition of buildings and structures.

In cases of demolition of a structure that requires development consent or a complying development certificate, contact with Council is recommended to determine what type of approval is required. Where a development application is required, Council's standard conditions may be applied to ensure that asbestos is managed appropriately.



A wide range of development, including residential, industrial and commercial development, can be approved for demolition as complying development under the Demolition Code of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and the *Environmental Planning and Assessment Regulation 2000* provides mandatory conditions for complying development certificate applications.

9.5 Exempt or complying development

9.5.1 Exempt development

Exempt development does not require any planning or construction approval if it meets the requirements of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Council advises that all asbestos removal work should be carried out in accordance with the *Code of practice on how to safely remove asbestos* (catalogue no. WC03561).

9.5.2 Complying development

The *Environmental Planning and Assessment Regulation 2000* (clause 136E) outlines conditions under which a complying development certificate may be issued.

Applications for complying development certificates must include details of the estimated area (if any) in square metres of friable and/or non-friable asbestos material that will be disturbed, repaired or removed (refer to Schedule 1 part 2 of the *Environmental Planning and Assessment Regulation 2000*).

Where more than 10 square metres of non-friable asbestos is to be removed, a contract

evidencing the engagement of a licensed asbestos removal contractor is to be provided to the principal certifying authority. The contract must specify the landfill site lawfully able to accept asbestos to which the removed asbestos will be delivered.

If the contract indicates that asbestos will be removed to a specified landfill site, the person having the benefit of the complying development certificate must give the principal certifying authority a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.

If the work involves less than 10 square metres of non-friable asbestos and is not undertaken by a licensed contractor, it should be undertaken in a manner that minimises risks as detailed in the *Code of practice on how to safely remove asbestos* (catalogue no. WC03561).

Concerns or service requests may be directed to Council as outlined in Section 11.

Further requirements to inform other persons of licensed asbestos removal are described in Section 467 of the *NSW Work Health and Safety Regulation 2011* as noted in Section 9.4.1 of this policy.

9.6 Development applications

If a proposed development site does not meet the requirements of exempt or complying development, a development application (DA) must be submitted. A DA can only be approved by a Central Coast Council or the JRPP or, the State Government.

A DA submitted may be assessed in accordance with relevant environmental planning



instruments, applicable development standards and any risk assessment.

9.6.1 Pre-development application advice regarding asbestos

Council's pre-DA service enables proponents to discuss asbestos-related issues with Council prior to lodging a DA. Council may inform applicants of the Policy, fact sheets or websites.

9.6.2 Conditions of consent

Council may impose conditions of consent on any development application where presence of asbestos is suspected. Further information is provided in the *Guide to the Model Asbestos Policy*.

9.7 Compliance and enforcement

9.7.1 Responsibilities for compliance and enforcement

The controls rely on information being provided and checked by the principal certifying authority which may be either Central Coast Council or a private certifier. Where Council is not nominated as the principal certifying authority for a complying development certificate or development application, the Council may not have any knowledge of the asbestos matter relevant to the site.

Where Council receives a service request about a development, Council may consider whether Council is the appropriate authority to resolve the matter.

Where a Service request warrants action, action will be investigated in accordance with the Council's Policy for Compliance and Enforcement.

9.7.2 Compliance strategies

Illegal works may include:

- works that are undertaken without a required development consent or complying development certificate
- works that are undertaken that do not comply with the conditions of the development consent or complying development certificate.

Where Council becomes aware of illegal work involving asbestos or asbestos containing materials, Council may notify SafeWork NSW if the site is a workplace.

Where Council becomes aware of illegal work that is not a worksite Council may undertake compliance and enforcement action as provided in the Policy for Enforcement and Compliance.

Council may take the following action:

- Issue a Clean Up notice under the *Protection of the Environment Operations Act 1997*,
- Commence other Orders procedures.

10. Managing asbestos as a waste

Generally asbestos must be managed in accordance with the SafeWork NSW Code of Practice: How to manage and control asbestos in the workplace. The Code of Practice is available from the SafeWork NSW website:

Asbestos material must not be placed in domestic waste bins or attempts made to recycle, reuse, bury or illegally dump.

Placement of asbestos material in general, unsecure waste skips or bins is a significant public health risks and should not occur. Council may take enforcement action where



third party illegal disposal of asbestos material is detected.

10.1 Responsibilities for asbestos waste management

Council's responsibilities for asbestos waste management are outlined in Section 3.3.

The EPA regulates premises that have or require an environment protection licence in accordance with the *Protection of the Environment Operations Act 1997*. A licence is required where more than 5 tonnes of asbestos waste is stored or imported to a site.

All other sites where asbestos waste is stored, that are not a work site requires a development consent from Central Coast Council.

10.2 Handling asbestos waste for disposal

The *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) provides details on waste containment and disposal and controls applicable to all types of asbestos removal (in Section 4.8 of the Code).

10.3 Transporting asbestos waste

The following requirements apply to the transport of asbestos waste and non-compliance with these requirements is an offence under clause 78 of the *Protection of the Environment Operations (Waste) Regulation 2014*:

- (a) any part of any vehicle in which the person transports the waste is covered, and leak-proof, during the transportation, and
- (b) if the waste consists of bonded asbestos material-it is securely

packaged during the transportation, and

- (c) if the waste consists of friable asbestos material-it is kept in a sealed container during transportation, and
- (d) if the waste consists of asbestos-contaminated soils-it is wetted down.

An environment protection licence issued by the EPA is required to transport asbestos waste interstate where any load contains more than 200 kilograms of asbestos waste.

The waste tracking system is administered by the EPA. Operators that use the EPA's WasteLocate system will be in compliance with these requirements. Information about EPA's WasteLocate system can be found at the NSW EPA web site.

Asbestos waste that is transported must be tracked in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014*. The transport of asbestos waste must be recorded from the place of generation to its final destination.

Under section 143 of the *Protection of the Environment Operations Act 1997*) it is an offence to transport or place asbestos waste in a location it that it cannot be lawfully placed.

Penalty notices may be issued for \$7,500 (to individuals) and \$15,000 (to corporations) and NSW courts may impose penalties up to \$250,000 (for individuals) and \$1,000,000 (for corporations) found guilty of committing such offences.

10.4 Disposing of asbestos waste at waste facilities

Asbestos waste may be received at:



- the Buttonderry Waste Management Facility located on Hue Hue Road Jiliby, approximately 1.5km north of the Sparks Road intersection
 - 8.30am to 5pm Monday to Friday
 - 8.30am to 4.30pm Saturday, Sunday & public holidays
- the Woy Woy Land Fill located at Nagari Road
 - 7am to 4pm Monday to Friday
 - 8am to 3pm Saturday, Sunday & public holidays

Disposal charges will apply to asbestos wastes.

Persons delivering waste to a landfill site must comply with the following requirements:

- all asbestos material must be managed in accordance with the SafeWork NSW Code of Practice: How to manage and control asbestos in the workplace.
- a person delivering waste that contains asbestos to a landfill site must inform the landfill occupier of the presence of asbestos when delivering the waste.
- when unloading and disposing of asbestos waste at a landfill site, the waste must be unloaded and disposed of in such a manner as to prevent the generation of dust or the stirring up of dust.

Non-compliance with these requirements is an offence under the *Protection of the Environment Operations (Waste) Regulation 2014* and offences may attract enforcement procedures as provided in Council's Policy for Compliance & Enforcement.

10.4.1 Situations in which asbestos waste may be rejected from waste facilities

Asbestos waste may be rejected from a waste facility if the waste is:

- not correctly packaged for delivery and disposal (as per Sections 10.2 and 10.3)
- not disclosed by the transporter as being asbestos or asbestos containing materials, or
- taken to a waste facility that does not accept asbestos waste.

Where waste is rejected, the waste facility management may inform the transporter of the waste of a waste facility that may receive the waste.

Individuals may be fined \$7,500 and corporations may be fined \$15,000 under the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 2014 for transporting asbestos waste to a facility that cannot lawfully receive asbestos waste.

10.5 Illegal dumping of asbestos waste

Illegal dumping or landfilling or using asbestos material as fill material, with or without the consent of the owner or occupier of the land and without the necessary council or EPA approvals. It may be considered to be illegal dumping and pollution of land.

Illegal dumping of asbestos waste in public places such as parks, streets or nature strips may attract regulatory action including:

- on the spot fines
- prosecution for pollution of land
- up to \$1 million, or seven years imprisonment, or both for an individual.

The responsibility for cleaning up illegally dumped waste remains the responsibility of the person or company that deposited the waste. If



the person responsible for the dumping cannot be identified, the landowner will be held responsible for the clean up.

Central Coast Council is the appropriate regulatory authority for illegal dumping unless:

- the activity was part of the carrying on of an activity listed in Schedule 1 of the *Protection of the Environment Operations Act 1997*
- the activity was carried out by a public authority or the state, or
- the site is regulated by a different authority such as the Minister for Planning and Infrastructure.

A handbook to assist Aboriginal communities to prevent and arrange the cleanup of illegal dumping (published by the EPA) is noted in Appendix B.

10.6 Asbestos remaining on-site

The disposal of asbestos on site is not encouraged as it requires an effective ongoing system of long term management to ensure the material does not produce unacceptable risks to future site activities and occupants.

On site disposal of asbestos material requires development consent. Any approved on site disposal will be listed on the zoning certificate (Section 149 certificate).

11. Service Requests and investigations

Service Requests and inquiries may be directed to Council about asbestos incidents in public places and private properties. Service requests and inquiries regarding a workplace should be directed to SafeWork NSW. Service requests and inquiries regarding licensed premises under

the *Protection of the Environment Operations Act 1997* should be directed to the EPA.

Council may respond to service requests and inquiries regarding:

- Council's requirements in relation to development, land management and waste management
- derelict properties
- general asbestos safety issues
- illegal dumping
- safe removal and disposal of minor quantities of asbestos materials
- unsafe work at a residential property conducted by a homeowner or tenant.

Service requests about Council actions in relation to asbestos may be directed to Council's Ombudsman or the NSW Ombudsman.

Part 2 – Management of asbestos risks within Council

12. Rights and Responsibilities of workers at the Council workplace

12.1 Duties of Council workers at the Council workplace

12.1.1 The Chief Executive Officer

The Chief Executive Officer has a duty to exercise due diligence to ensure that Council complies with the *NSW Work Health and Safety Act 2011* and the *NSW Work Health and Safety Regulation 2011*. The duty includes taking reasonable steps to ensure that Council has and uses appropriate resources and processes to eliminate or minimise risks associated with asbestos.



12.1.2 Workers

Workers have a duty to take reasonable care for their own health and safety and that they do not adversely affect the health and safety of other persons. Accordingly workers:

- must comply with the Policy and any reasonable instruction or procedure relating to health and safety at the workplace
- must use any personal protective equipment provided, in accordance with information, training and reasonable instruction provided so far as the worker is reasonably able
- may cease, or refuse to carry out, work if the worker has a reasonable concern that to carry out the work would expose them, or other persons, to a serious health or safety risk, emanating from an immediate or imminent exposure to a hazard
- should ensure they are using the latest version of all relevant procedures, plans, guidelines and legislation (refer to Appendix G).

Managers are responsible for ensuring workers who report to them have access to the Policy and appropriate information, documentation and training.

12.1.3 Prohibited work activities

Council will not permit the use of the following on asbestos or asbestos containing material:

- high pressured water spray (unless for fire fighting or fire protection purposes), or
- compressed air.

Council will not permit the following equipment to be used on asbestos or asbestos containing material unless the use of the equipment is

controlled in accordance with the NSW *Work Health and Safety Regulation 2011*:

- power tools
- brooms (note brooms are allowed for use on vinyl floor tiles), or
- any other implements that cause the release of airborne asbestos into the atmosphere.

12.2 Responsibilities of Council to Council workers

12.2.1 Council's general responsibilities

Council will:

- not use any asbestos containing materials (unless in accordance with part 8.1 (419) of the NSW *Work Health and Safety Regulation 2011*) and will not cause or permit asbestos waste in any form to be reused or recycled
- ensure that exposure of a person at the workplace to airborne asbestos is eliminated so far as is reasonably practicable
- ensure that the exposure standard for asbestos (defined in Appendix C) is not exceeded in the workplace
- notify SafeWork NSW immediately if persons are likely to be affected by asbestos fibres or if an air monitoring process records respirable asbestos fibre levels above 0.02 fibres/ml of air
- ensure that any contractors engaged to undertake the removal of asbestos for Council are appropriately licensed
- consult with workers as required by the *Work Health and Safety Act 2011*.
- ensure the plant or materials do not contain asbestos prior to supply or use in the workplace.

12.2.2 Education, training and information for workers

Council may:



- provide any information, training, instruction or supervision that is necessary to protect all persons at the workplace from risks to their health and safety arising from work carried out as part of the conduct of Council business
- ensure workers who Council reasonably believes may be involved in asbestos removal work or the carrying out of asbestos-related work in the workplace are trained in the identification, safe handling and suitable control measures for asbestos and asbestos containing material.

A record of asbestos training undertaken by each worker will be kept until five years after the day the worker ceases to work for Council.

12.2.3 Health monitoring for workers

Employees who were exposed to asbestos in the past and if there is a risk to the health of the employee as a result of that exposure, are covered by the *NSW Work Health and Safety Regulation 2011* (clauses 435-444). Council will ensure these employees are kept on the health monitoring program.

13. Identifying and recording asbestos hazards in the Council workplace

13.1 Identifying asbestos

Council will ensure, so far as is reasonably practicable, that all asbestos or asbestos containing material at the workplace is identified by a competent person. If a suspected material cannot be identified or accessed, it will be assumed to be asbestos.

13.1.1 Material sampling

Council may choose to identify asbestos or asbestos containing material by arranging for a sample to be analysed. Where Council arranges sampling of asbestos containing material, it may be undertaken by an appropriately trained and competent Council worker or a competent person will be contracted to undertake the task.

Analysis of the sample will be carried out by a National Association of Testing Authorities (NATA) accredited laboratory (refer to Appendix E) or a laboratory approved or operated by the regulator.

13.2 Indicating the presence and location of asbestos

Council will indicate the presence and location of any asbestos or asbestos containing material identified or assumed at the workplace.

Where it is reasonably practicable to do so, Council may indicate the presence and location of the asbestos or asbestos containing material by a label.

13.3 Asbestos register

Council has an asbestos register.

Council's asbestos registers will be maintained to ensure they list all identified (or assumed) asbestos in the workplace.

Council may ensure that any worker carrying out or intending to carry out work at a Council workplace that involves a risk of exposure to asbestos, is given a copy of the asbestos register.

13.4 Suspected asbestos

If a worker suspects there is asbestos in a Council workplace, they are responsible to inform their manager or supervisor. The



manager, supervisor or the worker may check the asbestos register for existing asbestos locations and control measures and may arrange for an inspection and sampling of the material (refer to Section 13.1.1).

If previously unknown asbestos is identified or suspected to be present, the asbestos register will be reviewed and updated as needed with workers appropriately notified.

14. Managing asbestos-related risks in the Council workplace

14.1 Asbestos management plan

Council has:

- WHS Asbestos Management Plans,
- Environmental Management asbestos procedures, and
- Safe Working Methods Statements.

The documents are available Council's Document Management System.

The plans are accessible to Council staff and may reviewed and amended as required.

14.2 Asbestos management plan for naturally occurring asbestos

Council is not aware of any naturally occurring asbestos in the workplace. If naturally occurring asbestos is suspected or discovered, Council will prepare an asbestos management plan in relation to the naturally occurring asbestos in accordance with the NSW *Work Health and Safety Regulation 2011* part 8.4 (Management of naturally occurring asbestos).

14.3 Management options for asbestos-related risks in the Council workplace

Council's asbestos management procedures may include decisions and reasons for decisions about the management of asbestos at the workplace.

Options for managing asbestos-related risks include:

- removal of asbestos or asbestos containing materials wherever reasonably practicable
- interim control measures: enclosure (only for non-friable asbestos), encapsulation (when the original asbestos bond is still intact) or sealing (where the sealed material is unlikely to be subject to mechanical damage) asbestos containing material, to be implemented along with regular inspections by a competent person
- leaving asbestos containing material in situ (deferring action).

Council may undertake an asbestos risk assessment, in consultation with workers and/or their representatives, in order to inform decision-making. All asbestos work or asbestos-related work, safe work practices will be implemented.

14.4 Sites contaminated with asbestos that are Council workplaces

Where asbestos is identified as contaminating a workplace, the site will be included in Council's asbestos register and asbestos management plan.

For asbestos in soil or aggregate, Council will engage suitably qualified specialist, who may



include asbestos removalists, for all cases except for minor, non-friable contaminations.

14.5 Demolition or refurbishment of Council buildings and assets

Council will ensure that, before any demolition or refurbishment of a Council structure or plant constructed or installed before 31 December 2003, the asbestos register is reviewed. A copy of relevant information may be provided to the worker undertaking the activity before commencement.

Council will ensure that any asbestos that is likely to be disturbed is identified and, so far as is reasonably practicable removed.

14.6 Removal of asbestos in the Council workplace

Removal of asbestos or asbestos containing materials in the Council workplace will be undertaken in accordance with the:

- NSW Work Health and Safety Act 2011
- NSW Work Health and Safety Regulation 2011
- Any Code of practice on how to safely remove asbestos

For licensed asbestos removal work, a licensed asbestos removalist must meet the requirements of the NSW Work Health and Safety Regulation 2011 including the requirements to:

- notify SafeWork NSW at least five days prior to the asbestos removal work commencing.
- in the case of emergency work, Council may request to SafeWork NSW that this five days period be waived
- prepare, supply and keep an asbestos removal control plan

- obtain a copy of the asbestos register for the workplace before carrying out asbestos removal work at the workplace (not applicable to residential buildings)
- inform the person with management or control of the workplace that the licensed asbestos removal work is to be carried out at the workplace
- erect signs and barricades
- limit access to the asbestos removal area
- properly dispose of asbestos waste and dispose of, or treat, contaminated personal protective equipment
- arrange a clearance inspection and clearance certificate.

Where Council is informed asbestos removal work is to be carried out at the workplace, Council will inform workers, those in the immediate vicinity of the workplace and limit access to the asbestos removal area.

14.6.1 Removal by contractors

Where Council commissions removal of asbestos at the workplace, Council will ensure the removal work is carried out only by a licensed asbestos removalist who is appropriately licensed to carry out the work.

Where Council requires the services of asbestos removalists, Council will require the licence details of asbestos removalists prior to engaging their services and will verify the licence details with SafeWork NSW's Certification Unit. The licenced asbestos removal contractor may be required to provide:

- Asbestos removal control plan
- Public liability certificate of currency
- Workers compensation certificate of currency
- SafeWork NSW confirmation details to carry out the removal work



Council will provide a copy of the asbestos register to the licensed asbestos removalist where applicable.

Where Council becomes aware of any breaches by licensed asbestos removalists, Council will report this to SafeWork NSW or commence action according to the Policy for Enforcement and Compliance.

14.6.2 Clearance inspections and certificates

Where Council commissions any licensed asbestos removal work, Council will ensure that once the licensed asbestos removal work has been completed an appropriate clearance certificate issued before the asbestos removal area is re-occupied.

The friable asbestos clearance certificate may require visual inspection as well as air monitoring of the asbestos removal site. The air monitoring must be conducted before and during Class A asbestos removal work by an independent licensed asbestos assessor.

The friable asbestos clearance certificate must indicate if airborne level of less than 0.01 asbestos fibres/ml has been achieved.

15. Accidental disturbance of asbestos by workers

In situations where asbestos is accidentally disturbed by Council work or has, or could, become airborne, Council will act to minimise exposure of workers as provided by existing asbestos management procedures.

16. Council's role in the disposal of asbestos waste

16.1 Responding to illegal dumping

Where Council commissions the removal of illegally dumped asbestos material or suspected

asbestos material, Council will ensure it this is undertaken by asbestos authorised contractors.

Where Council becomes aware of illegally dumped asbestos material outside of Council's jurisdiction, Council will notify the relevant authority.

16.2 Transporting and disposing of asbestos waste

Council will only contract asbestos authorised contractors to transport and dispose of waste in accordance with the legislation and the SafeWork NSW Code of Practice: How to manage and control asbestos in the workplace.

16.3 Operating Council's waste facility licensed to accept asbestos waste

Waste management facilities will be managed in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014* including clause 80 which specifies that:

- (1) a person disposing of asbestos waste off the site at which it is generated must do so at a landfill site that can lawfully receive the waste.
- (2) when a person delivers asbestos waste to a landfill site, the person must inform the occupier of the landfill site that the waste contains asbestos.
- (3) when a person unloads or disposes of asbestos waste at a landfill site, the person must prevent:
 - (a) any dust being generated from the waste, and
 - (b) any dust in the waste from being stirred up.
- (4) the occupier of a landfill site must ensure that asbestos waste disposed of at the site is covered with virgin excavated natural material or (if



expressly authorised by an environment protection licence held by the occupier) other material:

(a) initially (at the time of disposal), to a depth of at least 0.15 metre, and

(b) at the end of each day's operation, to a depth of at least 0.5 metre, and

(c) finally, to a depth of at least 1 metre (in the case of bonded asbestos material or asbestos-contaminated soils) or 3 metres (in the case of friable asbestos material) beneath the final land surface of the landfill site.

Council may charge disposal fees for receiving asbestos waste. The disposal fees will be reviewed annually during the setting of Council's fees and charges policy.

Council may visually inspect any construction, renovation and demolition waste at entry to the waste disposal site. The inspection may visually screen the incoming loads to minimise asbestos contamination risk.

The waste management facilities will be managed in accordance with the *Protection of the Environment Operations (Waste) Regulation 2005* including Section 42 which specifies that:

- asbestos waste in any form must be disposed of only at a landfill site that may lawfully receive the waste
- when asbestos waste is delivered to a landfill site, the occupier of the landfill site must be informed by the person delivering the waste that the waste contains asbestos
- when unloading and disposing of asbestos waste at a landfill site, the waste must be unloaded and disposed of in

such a manner as to prevent the generation of dust or the stirring up of dust, and

- asbestos waste disposed of at a landfill site must be covered with virgin excavated natural material or other material as approved in the facility's environment protection licence.

Council will issue a receipt for asbestos waste received at a licensed landfill facility.

16.3.1 Asbestos waste incorrectly presented to the waste management facilities

Where asbestos waste is taken to a Council managed waste facility and the waste is:

- not correctly packaged for delivery and disposal (as per Sections 9.2 and 9.3)
- not disclosed by the transporter as being asbestos or asbestos containing materials
- taken to a waste facility that does not accept asbestos waste.

Council may record such details as the:

- contact details of the transporter
- origin of the asbestos or asbestos containing material
- amount and type of asbestos or asbestos containing material
- reasons why the asbestos waste was not properly packaged, disclosed or transported to a waste facility licensed to receive asbestos waste
- development consent details,
- any other relevant information.

Following collection of the information above, Council may:

- reject the asbestos waste from the facility
- suggest the transporter re-package the load correctly at the facility



- provide a bay for wetting and/or wrapping the asbestos and protective equipment for the transporter eg the option to purchase an asbestos waste handling kit (for non-commercial operators with less than 10 square metres of non-friable asbestos)
- provide the transporter with educational material such as SafeWork NSW fact sheets on correct methods for packaging, delivery and disposal of asbestos
- question the transporter about the source of asbestos waste
- issue a Clean Up or Prevention notice
- issue a compliance cost notice
- issue a penalty infringement notice for improper transport of asbestos
- commence enforcement under the Policy for Enforcement and Compliance

Where asbestos waste is taken to a waste facility that does not accept asbestos waste, Council may reject the waste and:

- complete a rejected loads register
- Council inform the transporter of a waste facility to which the waste may be transported.
- Commence enforcement action according to the Policy for Enforcement and Compliance
- Advise the transporter they remain responsible for the disposal until it is disposed at a licenced facility
- Advise the EPA for tracking purposes.

Where asbestos waste is illegally dumped at an unstaffed waste station, Council will investigate to identify the identity of the alleged persons responsible.

16.4 Recycling facilities

Council may screen and inspect incoming loads at recycling facilities for the presence of asbestos or asbestos containing materials to minimise asbestos contamination risk.

As far as possible, Council will act to prevent use of asbestos containing materials for recycling purposes.

16.5 Re-excavation of landfill sites

As far as possible, Council will not excavate known asbestos disposal areas.

17. Advice to tenants and prospective buyers of Council owned property

Council may provide advisory notes to tenants and prospective buyers of Council owned property that is likely to contain asbestos.

Council may request that tenants in Council property:

- advise Council of any hazards relating to asbestos
- minimise damage to asbestos containing material
- co-operate with Council in facilitating any risk management work arranged by Council
- act on advice from Council to minimise risks from asbestos.

18. Implementing Council's asbestos policy

18.1 Supporting documents

All supporting documentation is available via Council's web site, the internal intranet or external web sites as indicated above.

18.2 Communicating the policy

The Policy is available on Council's websites.



Council may communicate the Policy and provide a copy as necessary at:

- employee inductions
- site inductions as necessary
- tenancy agreements
- any other relevant event or time.

18.3 Non-compliance with the policy

Failure to adhere to the policy will be considered non-compliance with this policy and enforcement action considered under the Policy for Enforcement and Compliance.

19. Variations to this policy

Council may review, vary or revoke this policy subject to community consultation.



Appendices

Appendix A – General information and guidance

1. What is asbestos?

Asbestos is the generic term for a number of naturally occurring, fibrous silicate materials. If asbestos is disturbed it can release dangerous fine particles of dust containing asbestos fibres. Breathing in dust containing elevated levels of asbestos fibres can cause asbestosis, lung cancer and mesothelioma.

There are two major groups of asbestos:

- the serpentine group contains chrysotile, commonly known as white asbestos
- the amphibole group contains amosite (brown asbestos) and crocidolite (blue asbestos) as well as some other less common types (such as tremolite, actinolite and anthophyllite).

Further information about the different types of asbestos can be found in Environmental Health Standing Committee (enHealth), *Asbestos: A guide for householders and the general public*, Australian Health Protection Principal Committee, Canberra, 2013 and available at Australian Government websites.

In Australia, in the past asbestos was mined and widely used in the manufacture of a variety of materials. Asbestos was gradually phased out of building materials in the 1980s and the supply and installation of asbestos containing goods has been prohibited in Australia since 31 December 2003.

Asbestos legacy materials still exist in many homes, buildings and other assets. It is estimated that 1 in 3 Australian homes contains building materials with asbestos. Where the

material containing asbestos is in a non-friable form (or bonded), undisturbed, and painted or otherwise sealed, it may remain safely in place. However, where the asbestos containing material is broken, damaged or mishandled, fibres can become loose and airborne posing a risk to health. Disturbing or removing asbestos unsafely can create a health hazard.

It is often difficult to identify the presence of asbestos by sight. If you are in doubt, it is best to assume that you are dealing with asbestos and take every precaution. The most accurate way to find out whether a material contains asbestos is to obtain an asbestos inspection by a person competent in the identification and assessment of asbestos such as an occupational hygienist. It can be unsafe for an unqualified person to take a sample of asbestos. Licensed asbestos removalists can be found by using the telephone directory. Council encourages residents to ask the contractor for a copy of their licence prior to engaging them. Residents can then check with SafeWork NSW (phone 13 10 50) to confirm the contractor has the appropriate class of licence for the asbestos removal job.

2. Where is asbestos found?

Asbestos can be found where it occurs naturally and in a variety of materials (from prior to 2004) in residential, commercial and industrial premises and on public and private land.

2.1 Naturally occurring asbestos

Naturally occurring asbestos refers to the natural geological occurrence of asbestos minerals found in association with geological deposits including rock, sediment or soil.

Asbestos is found as a naturally occurring mineral in many areas of NSW. Asbestos may occur in veins within rock formations. Work



processes that have the potential to inadvertently release naturally occurring asbestos into the air include:

- agriculture
- forestry
- landscaping
- mining
- other excavation or construction activities
- pipe works and telecommunications works
- road construction and road works.

Further information can be found in this policy under Section 5 and in the *Naturally-occurring asbestos fact sheet* (catalogue no. WC03728) published by SafeWork NSW, which provides a photograph of naturally occurring asbestos.

2.2 Residential premises

As a general rule, a house built:

- Before the mid 1980s – is highly likely to contain asbestos containing products.
- Between the mid 1980s and 1990 – is likely to contain asbestos containing products.
- After 1990 – is unlikely to contain asbestos containing products. However, some houses built in the 1990s and early 2000s may have still used asbestos cement materials until the total ban on any activity involving asbestos products became effective from December 2003.

Pipelines installed prior to 1992, particularly black surface coated and grey surface pipes, may contain asbestos.

It is important to note, the most accurate way to find out whether a material contains asbestos is by engaging a licensed asbestos removalist or occupational hygienist to inspect and arrange testing where necessary.

Fibre cement sheeting, commonly known as 'fibro', 'asbestos sheeting' or 'AC sheeting' (asbestos containing sheeting) is the most commonly found legacy asbestos material in residential premises. Other asbestos containing materials were used in 'fibro' houses but also found in brick and timber housing stock from that period. Asbestos materials were sold under a range of commercial names. Some asbestos containing materials found in New South Wales domestic settings are listed in Appendix J.

Common places where asbestos is likely to be found in and around homes include:

Outside

- backyard garden sheds, carports, garages and dog kennels
- electrical meter boards
- imitation brick cladding
- lining under eaves
- wall and roof materials (flat, patterned or corrugated asbestos sheeting).

Inside

- insulation materials in heaters and stoves
- interior walls and sheeting
- sheet materials in wet areas (bathroom, toilet and laundry walls, ceilings and floors)
- vinyl floor tiles, the backing to cushion vinyl flooring and underlay sheeting for ceramic tiles including kitchen splashback.

Asbestos can also be found in:

- angle mouldings (internal and external)
- board around windows and fireplaces
- brake pads and clutch pads to vehicles
- buried and dumped waste materials
- carpet underlay
- ceilings (ceiling tiles or sprayed coatings or loose in the ceiling cavity and may



- have moved to wall cavities, cornices and sub-floor areas)
- cement flooring
 - external toilets
 - fencing
 - guttering, downpipes and vent pipes
 - inside appliances eg irons, whitegoods
 - gable ends
 - outbuildings
 - ridge capping
 - swimming pools – reinforcing marble swimming pools
 - ventilators – internal and external.

Other places asbestos can be found are listed in Appendix J.

2.3 Commercial and industrial premises

In commercial and industrial premises, asbestos may be found in the abovementioned places and also:

- asbestos rope or fabric in expansion joints (for example exhaust flues) and insulation
- bituminous waterproof membrane on flat roofs
- brake disc pads and brake linings
- cloth, tapes, ropes and gaskets for packing
- electrical switchboards and duct heater units
- fillers and filters
- fire doors
- lagging on pipes such as heater flues
- lift motor rooms
- pipes, casing for water and electrical/telecommunication services
- rubber, plastics, thermosetting resins, adhesives, paints, coatings, caulking compounds and sealants for thermal, electrical and insulation applications
- structural beams of buildings
- yarns and textiles eg fire blankets.

Other places asbestos can be found are listed in Appendix J.

2.4 Sites contaminated with asbestos

Contamination of soils from asbestos or asbestos containing materials can present a risk in urban and rural environments if the asbestos can give rise to elevated levels of airborne fibres that people can breathe. Whilst buried material may not give rise to airborne asbestos fibres if securely contained, inappropriate disturbance of this waste could give rise to harmful levels of asbestos fibres in air.

Activities such as those listed in Section 3 of this Appendix have the potential to encounter and disturb asbestos waste or contamination, particularly where the contamination is not known to be present at the site or has not been appropriately considered.

2.4.1 Situations where asbestos contamination may occur

Situations where asbestos contamination may occur include:

- industrial land, eg, asbestos-cement manufacturing facilities, former power stations, and rail and ship yards, especially workshops and depots
- waste disposal or dumping sites, including sites of illegal dumping eg, building waste
- sites with infill or burial of asbestos waste from former asbestos mining or manufacture processes
- buildings or structures damaged by fire or storm (particularly likely for those with pre-1980s building materials but also possible for those with materials from prior to 2004)



- land with fill or foundation material of unknown composition
- sites where buildings or structures have been constructed from asbestos containing material or where asbestos may have been used as insulation material, eg, asbestos roofing, sheds, garages, reservoir roofs, water tanks, boilers and demolition waste has been buried onsite
- sites where buildings or structures have been improperly demolished or renovated, or where relevant documentation is lacking (particularly likely for those with pre-1980s building materials but also those with materials from prior to 2004)
- disused services with asbestos containing piping such as water pipes (including sewage systems, water services and irrigation systems), underground electrical and telephone wires and telecommunications trenches or pits (usually within 1 metre of the surface).

2.4.2 Significantly contaminated land

For sites that are significantly contaminated, the EPA and SafeWork NSW are the lead regulatory authorities. The *Contaminated Land Management Act 1997* applies to significantly contaminated land. In general, significant contamination is usually associated with former asbestos processing facilities or where large quantities of buried friable asbestos waste has been uncovered and is giving rise to measureable levels of asbestos fibres in air. Such sites require regulatory intervention to protect community health where the source of the contamination is not being addressed by the responsible person. The Environment Protection Authority has details of sites that have been nominated as significantly

contaminated on its Public Register at the NSW EPA website:

If land is contaminated but not determined to be 'significant enough to warrant regulation' then the *Contaminated Land Management Act 1997* does not apply. In such cases the provisions within the planning legislation and/or the *Protection of the Environment Operations Act 1997* may be the appropriate mechanism for management of such contamination.

Guidance on assessing land can be found in the document: *Guidelines on the duty to report contamination under the Contaminated Land Management Act 1997*.

3. Potentially hazardous activities

A number of activities could cause asbestos to be inadvertently disturbed and consequently create a health risk.

Before undertaking any of the activities listed below, it should be considered whether asbestos containing materials may be present. If asbestos is present, these activities may be illegal or certain precautions may be required, or an appropriately licensed person may be required to undertake the activity.

Members of the public could inadvertently disturb asbestos through activities including:

- renovations, refurbishments or repairs particularly those involving power tools, boring, breaking, cutting, drilling, grinding, sanding or smashing asbestos containing materials
- sealing, painting, brushing and cleaning asbestos cement products
- demolitions of homes or other structures (dismantling or destruction)
- relocating a house, building or structure



- using compressed air on asbestos containing materials
- water blasting asbestos containing materials
- cleaning gutters on asbestos cement roofs
- handling asbestos cement conduits or boxes
- maintenance work such as plumbing and electrical work on or adjacent to asbestos containing materials such as working on electrical mounting boards
- maintenance or servicing of materials from vehicles, plant or equipment.

Council could inadvertently disturb asbestos through activities such as:

- abovementioned activities
- asset and building maintenance
- certifying
- inspections of sites and premises
- transport and disposal of illegally dumped materials
- collection, transport and disposal of incorrectly disposed of materials.

Naturally occurring asbestos and contaminated sites could be inadvertently disturbed during:

- road building
- site and construction work
- other excavation activities
- vehicle movements.

Natural processes can create a risk of exposure to asbestos including:

- extensive fire or storm damage to asbestos cement roofs or building materials
- extensive weathering and etching of unsealed asbestos cement roofs.

In addition, work that intentionally disturbs asbestos, such as sampling or removal, should be conducted by a competent person and in

accordance with the relevant codes of practice and legislation.

4. Health hazards

Asbestos fibres can pose a risk to health if airborne, as inhalation is the main way that asbestos enters the body. The World Health Organisation has stated that concentrations of asbestos in drinking water from asbestos cement pipes do not present a hazard to human health.

Breathing in asbestos fibres can cause asbestosis, lung cancer and mesothelioma. The risk of contracting these diseases increases with the number of fibres inhaled and the risk of lung cancer from inhaling asbestos fibres is greatly increased if you smoke. Small fibres are the most dangerous and they are invisible to the naked eye. People who are at most risk are those who have been exposed to high levels of asbestos for a long time. The symptoms of these diseases do not usually appear for some time (about 20 to 30 years) after the first exposure to asbestos.

Asbestosis is the irreversible scarring of lung tissue that can result from the inhalation of substantial amounts of asbestos over a period of years. It results in breathlessness that may lead to disability and, in some cases, death.

Lung cancer can be caused by asbestos. Lung cancer is related to the amount of fibre that is breathed in and the risk of lung cancer is greatly increased in those who also smoke tobacco.

Mesothelioma is a cancer of the pleura (outer lung lining) or the peritoneum (the lining of the abdominal cavity). Mesothelioma rarely occurs less than 15 years from first exposure, and most cases occur over 30 years after first exposure.



Accordingly, the rates of malignant mesothelioma (an incurable cancer) are expected to rise from the year 2012 to 2020 and are expected to peak in this time.

If asbestos fibres are in a stable material, for example bonded in asbestos-cement sheeting (such as fibro), and these materials are in good condition they pose little health risk. However, where fibro or other non-friable asbestos sheeting is broken, damaged or mishandled, fibres can become loose and airborne posing a risk to health. Disturbing or removing asbestos containing materials unsafely can create a hazard.

The occupational standard for asbestos is 0.1fibre/ml of air and the environmental standard is 0.01fibre/ml in air.

When someone has potentially been exposed to asbestos, or receives or expects they may receive a diagnosis of an asbestos-related disease, they may experience psychological distress, including anxiety and may be in need of support. Their family and those around them may also be vulnerable to psychological distress.



Appendix B – Further information

Aboriginal communities

Illegal dumping prevention and clean-up. Handbook for Aboriginal communities, 2008 (EPA)

Asbestos contractors

Choosing an asbestos consultant fact sheet (catalogue no. WC04547) (SafeWork NSW).

For a listing of asbestos removal contractors in your area, refer to your local telephone directory or the Yellow Pages or by contacting the Asbestos Removal Contractors Association NSW (ARCA) Phone: (02) 8586 3521.

An asbestos removal contractor's licence can be verified by contacting the SafeWork NSW's Certification Unit on 13 10 50.

Demolition & Contractors Association (DCA) NSW

Asbestos waste

Crackdown on Illegal Dumping: A Handbook for Local Government, 2007 (EPA)
www.environment.nsw.gov.au/resources/warr/200845IllegalDumping.pdf

Management of asbestos in recycled construction and demolition waste, 2010 (SafeWork NSW).

Safely disposing of asbestos waste from your home, 2009 (EPA and SafeWork NSW).

For information on illegal dumping and safely disposing of asbestos waste visit the EPA website.

Contaminated land

Guidelines on the duty to report contamination under the Contaminated Land Management Act 1997, 2009. NSW EPA website.

Managing land contamination: Planning guidelines SEPP 55 – Remediation of land, 1998 (Department of Planning and Infrastructure and EPA).

Environmental risk assessment

Environmental health risk assessment: Guidelines for assessing human health risks from environmental hazards, 2002 (Commonwealth of Australia).

Health

Asbestos and health risks fact sheet, 2007 (Ministry of Health).

Further advice concerning the health risks of asbestos can be obtained from your local public health unit. Contact details for public health units may be found at the NSW Health website.

Renovation and development

Asbestos: A guide for householders and the general public, 2012 (Commonwealth of Australia).

Choosing and working with a principal certifying authority: A guide for anyone planning to build or subdivide, 2011 (Building Professionals Board).

Think asbestos website, 2011 (Asbestos Education Committee) (and Printable Website Handbook).

Working with asbestos guide, 2008 (SafeWork NSW).

Practical guidance



Code of practice on how to manage and control asbestos in the workplace (catalogue no. WC03560) published by SafeWork NSW.

Code of practice on how to safely remove asbestos (catalogue no. WC03561) published by SafeWork NSW.

Tenants

Tenants rights Fact sheet 26 Asbestos and lead, 2010 (Tenants NSW).

Tenants – Housing NSW tenants

Asbestos fact sheet, 2010 (Housing NSW).



Appendix C – Definitions

The terms used in the policy are defined as below, consistent with the definitions in the:

- *Code of practice on how to manage and control asbestos in the workplace* (catalogue no. WC03560) published by SafeWork NSW
- *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) published by SafeWork NSW
- *Contaminated Land Management Act 1997*
- *Environmental Planning and Assessment Act 1979*
- *Emergency Pollution and Orphan Waste Clean-Up Program Guidelines 2008*
- *Protection of the Environment Operations Act 1997*
- *Waste classification guidelines part 1 classifying waste 2008*
- *NSW Work Health and Safety Act 2011*
- *NSW Work Health and Safety Regulation 2011*

accredited certifier in relation to matters of a particular kind, means the holder of a certificate of accreditation as an accredited certifier under the *Building Professionals Act 2005* in relation to those matters.

airborne asbestos means any fibres of asbestos small enough to be made airborne. For the purposes of monitoring airborne asbestos fibres, only respirable fibres are counted.

asbestos means the asbestiform varieties of mineral silicates belonging to the serpentine or amphibole groups of rock forming minerals including the following:

- actinolite asbestos
- grunerite (or amosite) asbestos (brown)
- anthophyllite asbestos
- chrysotile asbestos (white)
- crocidolite asbestos (blue)

- tremolite asbestos
- a mixture that contains 1 or more of the minerals referred to in paragraphs (a) to (f)

asbestos containing material (ACM) means any material or thing that, as part of its design, contains asbestos.

asbestos-contaminated dust or debris (ACD) means dust or debris that has settled within a workplace and is, or is assumed to be, contaminated with asbestos.

asbestos-related work means work involving asbestos that is permitted under the *Work Health and Safety Regulation 2011*, other than asbestos removal work.

asbestos removal licence means a Class A asbestos removal licence or a Class B asbestos removal licence.

asbestos removal work means:

- work involving the removal of asbestos or asbestos containing material
- Class A asbestos removal work or Class B asbestos removal work

asbestos removalist means a person conducting a business or undertaking who carries out asbestos removal work.

asbestos waste means any waste that contains asbestos. This includes asbestos or asbestos containing material removed and disposable items used during asbestos removal work including plastic sheeting and disposable tools.

certifying authority means a person who is authorised by or under Section 85A of the *Environmental Planning and Assessment Act 1979* to issue complying development certificates, or is authorised by or under Section



109D of the *Environmental Planning and Assessment Act 1979* to issue part 4A certificates.

Class A asbestos removal licence means a licence that authorises the carrying out of Class A asbestos removal work and Class B asbestos removal work by or on behalf of the licence holder.

Class A asbestos removal work means the removal of friable asbestos which must be licensed under clause 485 of the *Work Health and Safety Regulation 2011*. This does not include: the removal of ACD that is associated with the removal of non-friable asbestos, or ACD that is not associated with the removal of friable or non-friable asbestos and is only a minor contamination.

Class B asbestos removal licence means a licence that authorises the carrying out of Class B asbestos removal work by or on behalf of the licence holder.

Class B asbestos removal work means the removal of more than 10 square metres of non-friable asbestos or asbestos containing material work that is required to be licensed under clause 487, but does not include Class A asbestos removal work.

competent person means: a person who has acquired through training or experience the knowledge and skills of relevant asbestos removal industry practice and holds:

- a certification in relation to the specified VET course for asbestos assessor work, or
- a tertiary qualification in occupational health and safety, occupational hygiene, science, building, construction or environmental health.

complying development is a fast track, 10 day approval process where a building meets all of the predetermined standards established in either a state or local Council planning document. A complying development certificate can be issued by either a local Council or an accredited certifier.

Complying Development Certificate

contaminant means any substance that may be harmful to health or safety.

contamination of land means the presence in, on or under the land of a substance at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment.

control measure, in relation to a risk to health and safety, means a measure to eliminate or minimise the risk.

demolition work means work to demolish or dismantle a structure, or part of a structure that is loadbearing or otherwise related to the physical integrity of the structure, but does not include:

- the dismantling of formwork, falsework, or other structures designed or used to provide support, access or containment during construction work, or
- the removal of power, light or telecommunication poles.

development means:

- the use of land
- the subdivision of land
- the erection of a building
- the carrying out of a work



- the demolition of a building or work
- any other act, matter or thing referred to in Section 26 of the *Environmental Planning and Assessment Act 1979* that is controlled by an environmental planning instrument.

development application means an application for consent under part 4 of the *Environmental Planning and Assessment Act 1979* to carry out development but does not include an application for a complying development certificate.

emergency service organisation includes any of the following:

- the Ambulance Service of NSW
- Fire and Rescue NSW
- the NSW Rural Fire Service
- the NSW Police Force
- the State Emergency Service
- the NSW Volunteer Rescue Association Inc
- the NSW Mines Rescue Brigade established under the *Coal Industry Act 2001*
- an accredited rescue unit within the meaning of the *State Emergency and Rescue Management Act 1989*.

exempt development means minor development that does not require any planning or construction approval because it is exempt from planning approval.

exposure standard for asbestos is a respirable fibre level of 0.1 fibres/ml of air measured in a person's breathing zone and expressed as a time weighted average fibre concentration calculated over an eight-hour working day and measured over a minimum period of four hours in accordance with the Membrane Filter Method or a method determined by the relevant regulator.

friable asbestos means material that:

- is in a powder form or that can be crumbled, pulverised or reduced to a powder by hand pressure when dry
- contains asbestos.

health means physical and psychological health.

health monitoring, of a person, means monitoring the person to identify changes in the person's health status because of exposure to certain substances.

independent, in relation to clearance inspections and air monitoring means:

- not involved in the removal of the asbestos
- not involved in a business or undertaking involved in the removal of the asbestos, in relation to which the inspection or monitoring is conducted.

in situ asbestos means asbestos or asbestos containing material fixed or installed in a structure, equipment or plant, but does not include naturally occurring asbestos.

licence holder means: in the case of an asbestos assessor licence – the person who is licensed:

- to carry out air monitoring during Class A asbestos removal work
- to carry out clearance inspections of Class A asbestos removal work
- to issue clearance certificates in relation to Class A asbestos removal work, or
 - in the case of an asbestos removal licence – the person conducting the business or undertaking to whom the licence is granted, or
 - in the case of a major hazard facility licence – the operator of the major hazard facility to whom the licence is granted or transferred.



licensed asbestos assessor means a person who holds an asbestos assessor licence.

licensed asbestos removalist means a person conducting a business or undertaking who is licensed under the *Work Health and Safety Regulation 2011* to carry out Class A asbestos removal work or Class B asbestos removal work.

licensed asbestos removal work means asbestos removal work for which a Class A asbestos removal licence or Class B asbestos removal licence is required.

NATA means the National Association of Testing Authorities, Australia.

NATA-accredited laboratory means a testing laboratory accredited by NATA, or recognised by NATA either solely or with someone else.

naturally occurring asbestos means the natural geological occurrence of asbestos minerals found in association with geological deposits including rock, sediment or soil.

non-friable asbestos means material containing asbestos that is not friable asbestos, including material containing asbestos fibres reinforced with a bonding compound.

Note. Non-friable asbestos may become friable asbestos through deterioration (see definition of friable asbestos).

occupational hygienist means a person with relevant qualifications and experience in asbestos management who is a full member of the Australian Institute of Occupational Hygienists (AIOH).

occupier includes a tenant or other lawful occupant of premises, not being the owner.

officer means an officer as defined in the NSW *Work Health and Safety Act 2011*

orphan waste means materials that have been placed or disposed of on a premises unlawfully that may have the potential to pose a risk to the environment or public health.

person conducting a business or undertaking a 'person' is defined in laws dealing with interpretation of legislation to include a body corporate (company), unincorporated body or association and a partnership.

personal protective equipment means anything used or worn by a person to minimise risk to the person's health and safety, including air supplied respiratory equipment.

Policy for Enforcement and Compliance means the policy adopted by Central Coast Council.

respirable asbestos fibre means an asbestos fibre that:

- is less than three micrometres wide
- more than five micrometres long
- has a length to width ratio of more than 3:1.

specified VET course means:

- in relation to Class A asbestos removal work – the following VET courses:
 - remove non-friable asbestos
 - remove friable asbestos, or
- in relation to Class B asbestos removal work – the VET course Remove non-friable asbestos, or
- in relation to the supervision of asbestos removal work – the VET course Supervise asbestos removal, or



- in relation to asbestos assessor work – the VET course Conduct asbestos assessment associated with removal.

structure means anything that is constructed, whether fixed or moveable, temporary or permanent, and includes:

- buildings, masts, towers, framework, pipelines, transport infrastructure and underground works (shafts or tunnels)
- any component of a structure
- part of a structure
- volunteer means a person who is acting on a voluntary basis (irrespective of whether the person receives out-of-pocket expenses).

waste includes:

- any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an alteration in the environment, or
- any discarded, rejected, unwanted, surplus or abandoned substance, or
- any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, processing, recovery or purification by a separate operation from that which produced the substance, or
- any process, recycled, re-used or recovered substance produced wholly or partly from waste that is applied to land, or used as fuel, but only in the circumstances prescribed by the regulations, or
- any substance prescribed by the regulations made under the *Protection of the Environment Operations Act 1997* to be waste.

waste facility means any premises used for the storage, treatment, processing, sorting or

disposal of waste (except as provided by the regulations).

worker a person is a worker if the person carries out work in any capacity for a person conducting a business or undertaking, including work as:

- an employee, or
- a contractor or subcontractor, or
- an employee of a contractor or subcontractor, or
- an employee of a labour hire company who has been assigned to work in the person's business or undertaking, or
- an outworker, or
- an apprentice or trainee, or
- a student gaining work experience, or
- a volunteer, or
- a person of a prescribed class.

workplace a workplace is a place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work. Place includes: a vehicle, vessel, aircraft or other mobile structure, and any waters and any installation on land, on the bed of any waters or floating on any waters.



Appendix D – Acronyms

ACD	Asbestos Containing Dust (an acronym used in the legislation)
ACM	Asbestos Containing Material (an acronym used in the legislation)
ARA	Appropriate Regulatory Authority (an acronym used in the legislation)
DA	Development Application
EPA	Environment Protection Authority
JRPP	Joint Regional Planning Panel
LGA	Local Government Area
NATA	National Association of Testing Authorities
NSW	New South Wales
SEPP	State Environmental Planning Policy
VET	Vocational Education and Training



Appendix E – Relevant contacts

Asbestos-related disease organisations (non-exhaustive)

Asbestos Diseases Foundation Australia Inc

Phone: (02) 9637 8759
Helpline: 1800 006 196
ADFI Inc website.

Asbestos Diseases Research Institute

Phone: (02) 9767 9800
ADRI website.

Australian Institute of Occupational Hygienists Inc.

Phone: (03) 9336 2290
AIOH Inc Website

Asbestos Removal Contractors Association NSW

Phone: (02) 9642 0011
ARCA website.

Dust Diseases Board

Phone: (02) 8223 6600
Toll Free: 1800 550 027
NSW Workers Compensation Dust Diseases Board website.

Environment Protection Authority

Phone: (02) 9995 5000
Environment line: 13 15 55
The NSW EPA website.

Licensed Asbestos Contractors

For a listing of asbestos removal contractors in your area, refer to your local telephone directory or the Yellow Pages website.

Asbestos Removal Contractors Association NSW

Phone: (02) 9642 0011

Yellow pages website or SafeWork NSW's Certification Unit Phone: 13 10 50

Civil Contractors Federation

Phone: (02) 9009 4000
CCF website.

Demolition & Contractors Association

Phone: (02) 8586 3555
DCA website.

Local Government NSW

Phone: (02) 9242 4000
LG NSW website.

NSW Ombudsman

Phone: (02) 9286 1000
Toll free 1800 451 524
Ombudsman NSW website.

Housing Industry Association

Phone: (02) 9978 3333
HIA website.

Local Government Training Institute

Phone: (02) 4922 2333
LGTI website.

Masters Builders Association (MBA)

Phone: (02) 8586 3521
MBA website.

SafeWork NSW

SafeWork NSW Information Centre Phone: 13 10 50
SafeWork NSW – Asbestos/Demolition Hotline
Phone: (02) 8260 5885
NSW SafeWork website.



Appendix F – Waste management facilities that accept asbestos wastes

Waste management facilities that can accept asbestos waste may be operated by Council, the State Government or private enterprise. The fees charged by the facility operators for waste received are determined by the facility.

Not all waste management centres accept asbestos waste from the public. Management of asbestos waste requires special precautions such as a separate disposal location away from other general waste and controls to prevent the liberation of asbestos fibres, such as the immediate covering of such waste.

The waste management facilities may accept asbestos wastes. The facility should be contacted for further information.

The Central Coast Council asbestos licenced facilities are available and located as indicated in section 10.4 of the Policy.

Waste management facilities in other areas that accept asbestos wastes

An additional list of licensed landfills is available at the EPA website:

Some of the landfills may accept non-friable asbestos waste but not friable asbestos waste. Some landfills may not accept large quantities of asbestos waste.

Contact the landfill before taking asbestos waste to a landfill to find out whether asbestos is accepted and any requirements for delivering asbestos to the landfill is recommended.

EPA does not endorse any of the landfills listed on the website or guarantee that they will accept asbestos under all circumstances.



Appendix G – Asbestos-related legislation, policies and standards

- *Demolition work code of practice 2015* (catalogue no. WC03841)
- *Contaminated Land Management Act 1997*
- *Code of practice on how to manage and control asbestos in the workplace* (catalogue no. WC03560) published by SafeWork NSW
- *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) published by SafeWork NSW
- *Code of practice for demolition work* published by Safe Work Australia, 2012
- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2000*
- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *Protection of the Environment Operations (General) Regulation 2009*
- *Protection of the Environment Operations (Waste) Regulation 2014*
- *Protection of the Environment Operations Act 1997*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *NSW Work Health and Safety Act 2011*
- *NSW Work Health and Safety Regulation 2011*
- *Workers' Compensation (Dust Diseases) Act 1942.*



Appendix H – Agencies roles and responsibilities

NSW organisations

Department of Planning and Infrastructure (DP&I) and the Building Professionals Board (BPB)

DP&I's primary role in the management of asbestos relates to administration of State Environmental Planning Policies and the *Environmental Planning and Assessment Act 1979* (and associated Regulation).

Whilst DP&I does not have an operational role in the management of asbestos, it has a regulatory function and provides policy support relating to asbestos and development. In assessing proposals for development under the *Environmental Planning and Assessment Act 1979*, consent authorities are required to consider the suitability of the subject land for the proposed development. This includes consideration of the presence of asbestos and its environmental impact.

Where asbestos represents contamination of the land (i.e. it is present in excess of naturally occurring levels), *State Environmental Planning Policy No. 55 – Remediation of Land* imposes obligations on developers and consent authorities in relation to remediation of the land and the assessment and monitoring of its effectiveness.

The *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* enables exempt and complying development across the state. While this includes demolition and the removal of asbestos, the *Environmental Planning and Assessment Regulation 2000* specifies particular conditions that must be contained in a complying development certificate in relation to the handling and lawful disposal of both friable

and non-friable asbestos material under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

The BPB which reports to the Minister for Planning and Infrastructure, also has a role in the management of asbestos. The BPB's role involves providing practice advice and educational programs to assist certifying authorities (private and Council) in carrying out their role and this includes education in relation to managing asbestos. The BPB certifies and audits both private and Council certifiers. Further information about the BPB may be found at: www.bpb.nsw.gov.au

Dust Diseases Board (DDB)

The DDB provides a system of no fault compensation to people who have developed a dust disease from occupational exposure to dust as a worker in New South Wales and to their dependants. The DDB's statutory function is to administer the *Workers' Compensation (Dust Diseases) Act 1942*. Services include:

- payment of compensation benefits to eligible workers and dependants
- co-ordination and payment of medical and related health care expenses of affected
- medical examination of workers exposed to dust in the workplace
- information and education

Environment Protection Authority (EPA)

EPA's role is to regulate the classification, storage, transport and disposal of waste in NSW, including asbestos waste. The waste regulatory framework includes the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2005*. Clause 42 of the *Protection of the Environment Operations (Waste) Regulation 2005* sets out the special



requirements relating to the transportation and disposal of asbestos waste.

EPA is the appropriate regulatory authority for activities that require an environment protection licence or are carried out by public authorities such as local Councils, the Roads and Traffic Authority and Sydney Water. Local Councils are the appropriate regulatory authority for activities that are not regulated by the EPA, which typically include building demolition, construction sites, residential properties, commercial sites and small to medium sized industrial facilities.

EPA is responsible for assisting Councils in fulfilling their regulatory responsibilities. EPA has developed resources to assist Local Government to regulate asbestos waste incidents and prevent illegal dumping. Website links to these resources are provided in Appendix B.

The EPA maintains the regulatory framework for the remediation of contaminated land (the *Contaminated Land Management Act 1997*) and actively regulates land that is declared to be 'significantly contaminated' under the *Contaminated Land Management Act 1997*.

Heads of Asbestos Coordination Authorities (HACA)

The HACA is chaired by the Chief Executive Officer of SafeWork NSW with senior officials from:

- Department of Planning and Infrastructure
- Department of Trade and Investment, Regional Infrastructure and Services
- Division of Local Government
- Dust Diseases Board
- Environment Protection Authority
- Local Government and Shires Association of NSW

- Ministry for Police and Emergency Services
- Ministry of Health.

The HACA group will improve the management, monitoring and response to asbestos issues in NSW by developing coordinated prevention programs. These programs include a comprehensive public awareness campaign to promote the safe handling of asbestos and help prevent the risk of exposure to asbestos-related diseases in the NSW community. Further information about the HACA can be found on the SafeWork NSW website.

Local Government and Shires Associations of NSW (LGSA)

The Local Government Association of NSW and the Shires Association of NSW represent 152 general purpose Councils, 12 special purpose Councils and the NSW Aboriginal Land Council.

The Associations represent the views of these Councils by:

- presenting Councils views to governments
- promoting Local Government to the community
- providing specialist advice and services.

The Associations hold annual conferences where members are able to vote on issues affecting Local Government. The Annual Conferences are the supreme policy making events.

In 2012, the Associations commenced a project funded by SafeWork NSW to assist Councils to adopt and implement a model asbestos policy. The project is outlined at Local Government NSW website.

NSW Ministry of Health



The NSW Ministry of Health does not have express statutory responsibilities for managing asbestos-related risks and incidents in NSW. The Ministry provides an expert advisory service to other governmental agencies on public health issues. This service may include technical information or assistance to prepare public health information bulletins.

NSW Ombudsman

The NSW Ombudsman is an independent and impartial watchdog body. The NSW Ombudsman is responsible for ensuring that public and private sector agencies and employees within its jurisdiction fulfil their functions appropriately. The NSW Ombudsman assists those agencies and their employees to be aware of their responsibilities to the public, to act reasonably and to comply with the law and best administrative practice.

SafeWork NSW

SafeWork NSW is responsible for the issuing and control of licences that are issued to all asbestos removal and demolition contractors. SafeWork NSW works with the employers, workers and community of NSW to achieve safer and more productive workplaces, and effective recovery, return to work and security for injured workers.

SafeWork NSW administers work health and safety, injury management, return to work and workers compensation laws, and manage the workers compensation system. SafeWork NSW's activities include: health and safety, injuries and claims, licensing for some types of plant operators, registration of some types of plant and factories, training and assessment, medical and healthcare, law and policy.

The SafeWork NSW website provides a wide range of asbestos resources, support networks and links at SafeWork website.

National organisations

National Association of Testing Authorities (NATA)

This body has the role of providing accreditation to firms licensed to remove asbestos.

NSW (Head Office) and ACT
Phone: (02) 9736 8222
National Toll Free: 1800 621 666
NATA website.

Environmental Health Committee (enHealth)

The enHealth is a subcommittee of the Australian Health Protection Committee (AHPC). enHealth provides health policy advice, implementation of the National Environmental Health Strategy 2007-2012, consultation with key players and the development and coordination of research, information and practical resources on environmental health matters at a national level.

Safe Work Australia

Safe Work Australia is an Australian Government statutory agency established in 2009, with the primary responsibility of improving work health and safety and workers' compensation arrangements across Australia.

Phone: (02) 6121 5317
SafeWork website.



Appendix I – Scenarios illustrating which agencies lead a response in NSW

The tables show which agencies are responsible for regulating the following scenarios in NSW:

- emergency management
- naturally occurring asbestos
- residential settings
- site contamination
- waste
- workplaces

Further details are provided in the *Asbestos Blueprint: A guide to roles and responsibilities for operational staff of state and local government*, 2011 (NSW Government).

Emergency management

Scenario	Lead organisation	Other regulators
Emergency response	Emergency services	Fire and Rescue (Hazmat) SafeWork NSW
Handover to Local Council, owner of property or NSW Police – crime scene following a minor incident	Local Council NSW Police	
Handover to State Emergency Recovery Controller	State Emergency Recovery Controller	Recovery Committee Local Council EPA SafeWork NSW
Handover to Recovery Committee following a significant incident	Recovery Committee (formed by State Emergency Recovery Controller)	Local Council EPA SafeWork NSW
Remediation not requiring a licensed removalist	Local Council	Principal Certifying Authority SafeWork NSW (workers)
Remediation requiring licensed removal work	SafeWork NSW	Local Council Principal Certifying Authority
Clearance Certificate issued by an Asbestos Assessor	SafeWork NSW	Principal Certifying Authority

Naturally occurring asbestos

Scenario	Lead organisation	Other regulators
Naturally occurring but will be disturbed due to a work process including remediation work	SafeWork NSW	Local Council EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities)



Scenario	Lead organisation	Other regulators
Naturally occurring asbestos part of a mineral extraction process	Department of Trade and Investment, Regional Infrastructure and Services SafeWork NSW	Local Council EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities)
Naturally occurring but will remain undisturbed by any work practice	Local Council	EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities) SafeWork NSW (workers)
Soil contaminated with asbestos waste and going to be disturbed by a work practice	SafeWork NSW	EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities, declared contaminated land sites)
Soil contaminated with asbestos waste but will remain undisturbed by any work practice	Local Council	EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities, declared contaminated land sites) SafeWork NSW (workers on site)
Potential for exposure on public land	EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities)	Local Council SafeWork NSW (workers on site)
Soil contaminated with asbestos waste but at a mine site	Department of Trade and Investment, Regional Infrastructure and Services EPA (<i>Protection of the Environment Operations Act 1997</i> Scheduled Activities Public Authorities)	Local Council

Residential settings

Scenario	Lead organisation	Other regulators
Safe Management of asbestos including: identification in situ management removal requirements disposal requirements.	Local Council Private Certifiers	SafeWork NSW EPA
Site contaminated due to past uses	Local Council	SafeWork NSW EPA
Licensed removal work required	SafeWork NSW	Local Council Private Certifiers
Removal does not require a licensed removalist	Local Council Private Certifiers	SafeWork NSW (workers)



Transport or waste disposal issues	Local Council	EPA
Derelict property with fibro debris	Local Council or Multi- agency	Multi- agency

Site contamination

Scenario	Lead organisation	Other regulators
Asbestos illegally dumped	Local Council	EPA SafeWork NSW
Site contamination at commercial premises	See Workplaces	
Site contamination at residential premises	See Residential settings	

Waste

Scenario	Lead organisation	Other regulators
Waste temporarily stored on-site	SafeWork NSW (worksites) EPA and Local Council (non-worksites)	
Waste transported by vehicle	EPA	SafeWork NSW
Waste disposed of onsite	Council or EPA as illegal dumping or pollution of land if no valid Council development consent	Local Council (consent required to dispose onsite) (Section 149 property certificate and development assessment process)
Waste going to landfill site	EPA (advice)	Local Council (if managing licensed landfill)
Waste to be transported interstate	EPA	
Waste for export	Australian Customs and Border Protection Service	SafeWork NSW Department of Education, Employment and Workplace Relations

Workplaces

Scenario	Lead organisation	Other regulators
Asbestos installed/supplied after 2003 (illegally)	SafeWork NSW	Australian Customs and Border Protection Service Australian Competition and Consumer Commission (Imported Goods)
Risks to the health of workers	SafeWork NSW	
Asbestos management and asbestos	SafeWork NSW	



Scenario	Lead organisation	Other regulators
going to be removed	Department of Trade and Investment, Regional Infrastructure and Services (mine sites)	
Risks to the health of the public from worksites	SafeWork NSW (Risks to workers) Local Council (Risks to the wider public) Department of Planning and Infrastructure (part 3A approvals) EPA (<i>Protection of the Environment Operations Act 1997</i> licensed sites)	
Waste stored temporarily on-site at worksites	SafeWork NSW	
Transport or waste disposal issues	EPA	SafeWork NSW Local Council
Asbestos contaminated clothing going to a laundry	SafeWork NSW	EPA Local Council
Contaminated land not declared under the <i>Contaminated Land Management Act 1997</i>	Local Council	EPA
'Significantly contaminated' land declared under the <i>Contaminated Land Management Act 1997</i>	EPA	Local Council



Appendix J – Asbestos containing materials

Asbestos containing materials found in New South Wales domestic settings (non-exhaustive list)

Asbestos containing materials	Approximate supply dates
Cement sheets	Imported goods supplied from 1903 locally made 'fribrolite' from 1917
Cement roofing / lining slates	Imported goods supplied from 1903 locally made 'fribrolite'
Mouldings and cover strips	Available by 1920s and 1930s
Super-six (corrugated) roofing	Available by 1920s and 1930s – 1985
'Tilex' decorative wall panels	Available by 1920s and 1930s
Pipes and conduit piping	Available by 1920s and 1930s
Motor vehicle brake linings	Available by 1920s and 1930s
Striated sheeting	Available from 1957
'Asbestolux' insulation boards	Available from 1957
'Shadowline' asbestos sheeting for external walls, gable ends and fences	Available from 1958 – 1985
Vinyl floor tiles impregnated with asbestos	Available up until 1960s
Asbestos containing paper backing for linoleum	Available up until 1960s
'Durasbestos' asbestos cement products	Available up until 1960s
'Tilex' marbletone decorative wall panels	Available from early 1960s
'Tilex' weave pattern decorative wall panels	Available from early 1960s
'Hardiflex' sheeting	Available from 1960s – 1981
'Versilux' building board	Available from 1960s – 1982
'Hardiplank' and 'Hardigrain' woodgrain sheeting	Available from mid 1970s – 1981
Loose-fill, fluffy asbestos ceiling insulation	Supplied from 1968 – 1978 by a Canberra contractor and believed to be generally restricted to houses in the Australian Capital Territory with some materials supplied to the Queanbeyan area and some south coast towns
Asbestos rope gaskets for wood heaters. Heater and stove insulation	Dates of supply availability unknown but prior to 31 December 2003
Compressed fibro-cement sheets	Available from 1960s – 1984
Villaboard	Available until 1981
Harditherm	Available until 1984
Highline	Available until 1985
Coverline	Available until 1985



Roofing accessories	Available until 1985
Pressure pipe	Available until 1987

Source: NSW Government, 2011, *Asbestos Blueprint: A guide to roles and responsibilities for operational staff of state and local government.*



Asbestos containing materials that may be found in various settings (non-exhaustive list)

A

Air conditioning duct, in the exterior or interior acoustic and thermal insulation
 Arc shields in lift motor rooms or large electrical cabinets
 Asbestos-based plastics products as electrical insulates and acid resistant compositions or aircraft seats
 Asbestos ceiling tiles
 Asbestos cement conduit
 Asbestos cement electrical fuse boards
 Asbestos cement external roofs and walls
 Asbestos cement in the use of form work for pouring concrete
 Asbestos cement internal flues and downpipes
 Asbestos cement moulded products such as gutters, ridge capping, gas meter covers, cable troughs and covers
 Asbestos cement pieces for packing spaces between floor joists and piers
 Asbestos cement (underground) pit as used for traffic control wiring, telecommunications cabling etc
 Asbestos cement render, plaster, mortar and coursework
 Asbestos cement sheet
 Asbestos cement sheet behind ceramic tiles
 Asbestos cement sheet over exhaust canopies such as ovens and fume cupboards
 Asbestos cement sheet internal walls and ceilings
 Asbestos cement sheet underlay for vinyl
 Asbestos cement storm drain pipes
 Asbestos cement water pipes (usually underground)
 Asbestos containing laminates, (such as Formica) used where heat resistance is required
 Asbestos containing pegboard
 Asbestos felts

Asbestos marine board, eg marinate
 Asbestos mattresses used for covering hot equipment in power stations
 Asbestos paper used variously for insulation, filtering and production of fire resistant laminates
 Asbestos roof tiles
 Asbestos textiles
 Asbestos textile gussets in air conditioning ducting systems
 Asbestos yarn
 Autoclave/steriliser insulation

B

Bitumen-based water proofing such as malthoid (roofs and floors, also in brickwork)
 Bituminous adhesives and sealants
 Boiler gaskets
 Boiler insulation, slabs and wet mix
 Brake disc pads
 Brake linings

C

Cable penetration insulation bags (typically Telecom)
 Calorifier insulation
 Car body filters (uncommon)
 Caulking compounds, sealant and adhesives
 Ceiling insulation (which may have moved into wall cavities, cornices and sub-floor areas)
 Cement render
 Chrysotile wicks in kerosene heaters
 Clutch faces
 Compressed asbestos cement panels for flooring, typically verandas, bathrooms and steps for demountable buildings
 Compressed asbestos fibres (CAF) used in brakes and gaskets for plant and automobiles

D

Door seals on ovens

**E**

Electric heat banks – block insulation
 Electric hot water services (normally no asbestos, but some millboard could be present)
 Electric light fittings, high wattage, insulation around fitting (and bituminised)
 Electrical switchboards see Pitch-based
 Exhausts on vehicles

F

Filler in acetylene gas cylinders
 Filters: beverage wine filtration
 Fire blankets
 Fire curtains
 Fire door insulation
 Fire-rated wall rendering containing asbestos with mortar
 Fire-resistant plaster board, typically on ships
 Fire-retardant material on steel work supporting reactors on columns in refineries in the chemical industry
 Flexible hoses
 Floor vinyl sheets
 Floor vinyl tiles
 Fuse blankets and ceramic fuses in switchboards

G

Galbestos™ roofing materials (decorative coating on metal roof for sound proofing)
 Gaskets: chemicals, refineries
 Gaskets: general
 Gauze mats in laboratories/chemical refineries
 Gloves: asbestos

H

Hairdryers: insulation around heating elements
 Header (manifold) insulation

I

Insulation blocks

Insulation in electric reheat units for air conditioner systems
 Insulation in ceilings, which may have spread to wall cavities, cornices and sub-floor areas

L

Laboratory bench tops
 Laboratory fume cupboard panels
 Laboratory ovens: wall insulation
 Lagged exhaust pipes on emergency power generators
 Lagging in penetrations in fireproof walls
 Lift shafts: asbestos cement panels lining the shaft at the opening of each floor and asbestos packing around penetrations
 Limpet asbestos spray insulation
 Locomotives: steam, lagging on boilers, steam lines, steam dome and gaskets

M

Mastik
 Millboard between heating unit and wall
 Millboard lining of switchboxes
 Mortar

P

Packing materials for gauges, valves, etc can be square packing, rope or loose fibre
 Packing material on window anchorage points in high-rise buildings
 Paint, typically industrial epoxy paints
 Penetrations through concrete slabs in high rise buildings
 Pipe insulation including moulded Sections, water-mix type, rope braid and sheet
 Plaster and plaster cornice adhesives
 Pipe insulation: moulded Sections, water-mix type, rope braid and sheet
 Pitch-based (zelemite, ausbestos, lebah) electrical switchboard

R



Refractory linings
 Refractory tiles
 Rubber articles: extent of usage unknown

*NSW Taskforce Report: Loose-Fill Asbestos
 Insulation in NSW Homes (2015)*

S

Sealant between floor slab and wall, usually in boiler rooms, risers or lift shafts
 Sealant or mastik on windows
 Sealants and mastik in air conditioning ducting joints
 Spackle or plasterboard wall jointing compounds
 Sprayed insulation: acoustic wall and ceiling
 Sprayed insulation: beams and ceiling slabs
 Sprayed insulation: fire retardant sprayed on nut internally, for bolts holding external building wall panels
 Stoves: old domestic type, wall insulation

T

Tape and rope: lagging and jointing
 Tapered ends of pipe lagging, where lagging is not necessarily asbestos
 Tilux sheeting in place of ceramic tiles in bathrooms
 Trailing cable under lift cabins
 Trains: country – guards vans – millboard between heater and wall
 Trains – Harris cars – sprayed asbestos between steel shell and laminex

V

Valve and pump insulation

W

Welding rods
 Woven asbestos cable sheath

Source: *Environmental health notes number 2 guidelines for local government on asbestos*, 2005 (Victorian Department of Human Services).



Appendix K – Asbestos licences

Type of licence	What asbestos can be removed?
Class A	Can remove any amount or quantity of asbestos or asbestos containing material, including: <ul style="list-style-type: none"> any amount of friable asbestos or asbestos containing material any amount of asbestos containing dust any amount of non-friable asbestos or asbestos containing material.
Class B	Can remove: <ul style="list-style-type: none"> any amount of non-friable asbestos or asbestos containing material <p>Note: A Class B licence is required for removal of more than 10 m² of non-friable asbestos or asbestos containing material but the licence holder can also remove up to 10 m² of non-friable asbestos or asbestos containing material.</p> <ul style="list-style-type: none"> asbestos containing dust associated with the removal of non-friable asbestos or asbestos containing material. <p>Note: A Class B licence is required for removal of asbestos containing dust associated with the removal of more than 10 m² of non-friable asbestos or asbestos containing material but the licence holder can also remove asbestos containing dust associated with removal of up to 10m² of non-friable asbestos or asbestos containing material.</p>
No licence required	Can remove: <ul style="list-style-type: none"> up to 10 m² of non-friable asbestos or asbestos containing material asbestos containing dust that is: <ul style="list-style-type: none"> associated with the removal of less than 10 m² of non-friable asbestos or asbestos containing material not associated with the removal of friable or non-friable asbestos and is only a minor contamination.

An asbestos removal contractor's licence can be verified by contacting SafeWork NSW's Certification Unit on 13 10 50

Wyong Office: 2 Hely St / PO Box 20 Wyong NSW 2259 | **P** 02 4350 5555
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



Item No: 5.2
Title: Investment Report for July 2019
Department: Finance

26 August 2019 Ordinary Council Meeting

Trim Reference: F2004/06604 - D13627380

Author: Carlton Oldfield, Unit Manager, Financial Services

Executive: Craig Norman, Chief Financial Officer

Report Purpose

To present the monthly report on the investment portfolio as required in accordance with cl. 212 of the *Local Government (General) Regulation 2005*.

Summary

This report details Council's investments as at 31 July 2019.

Recommendation

That Council receive the Investment Report for July 2019.

Context

Council's investments are made in accordance with the *Local Government Act 1993*, *Local Government (General) Regulation 2005*, the investment policy adopted at the Ordinary Council Meeting on 27 November 2017, Ministerial Investment Order issued February 2011 and Division of Local Government (as it was then known) Investment Policy Guidelines published in May 2010.

Current Status

Council's current cash and investment portfolio totals \$436.41million at 31 July 2019.

Source of Funds	Value (\$'000)
Investment Portfolio	\$425,411
Transactional accounts and cash in hand	\$10,999
Total	\$436,409

Council has a net outflow of \$ 39.03 million in July 2019, of which \$18.8 million relates to transactional cash accounts and \$ 20.25 million of Investments only.

This investment report will focus on the investment portfolio of \$425.41 million. Investments are managed primarily through term deposit and floating rate note maturities.

5.2 Investment Report for July 2019 (contd)

Total net return on the portfolio for Council, in July was \$ 960K, comprising entirely of interest earnings. The total value of the Council's investment portfolio as at 31 July 2019 is outlined in Table 1 below.

Table 1 – Portfolio movement

Description	2018-19 Financial Year \$'000	Jul-19 2019/20 \$'000	FYTD 2019/20 \$'000
Opening Balance	467,254	445,661	445,661
Movement for the period	-21,593	-20,250	-20,250
Closing Balance	445,661	425,411	425,411
Interest earnings	13,017	960	960

Council's investments are evaluated and monitored against a benchmark appropriate to the risk (Standard and Poor's BBB long term or above) and time horizon of the investment concerned. Council's investment portfolio includes rolling maturity dates to ensure that Council has sufficient funds at all times to meet its obligations. A summary of the term deposit and floating rate notes maturities are listed in Table 2 below.

Table 2 - Investment Maturities

Time Horizon	Percentage Holdings	Maturity on or before	Value \$'000
At Call	4.30%	Immediate	18,312
Investments			
0 - 3 months	29.15%	Oct-2019	124,000
4 - 6 months	12.93%	Jan-2020	55,000
7 - 12 months	31.52%	Jul-2020	134,098
1 - 2 years	11.52%	Jul-2021	49,000
2 - 3 years	3.53%	Jul-2022	15,000
3 - 4 years	2.35%	Jul-2023	10,000
4 - 5 years	4.70%	Jul-2024	20,000
Total Investments	95.70%		407,098
Total Portfolio	100.00%		425,411

The investment portfolio is concentrated in AA above (64.7%) and BBB (18.6%).

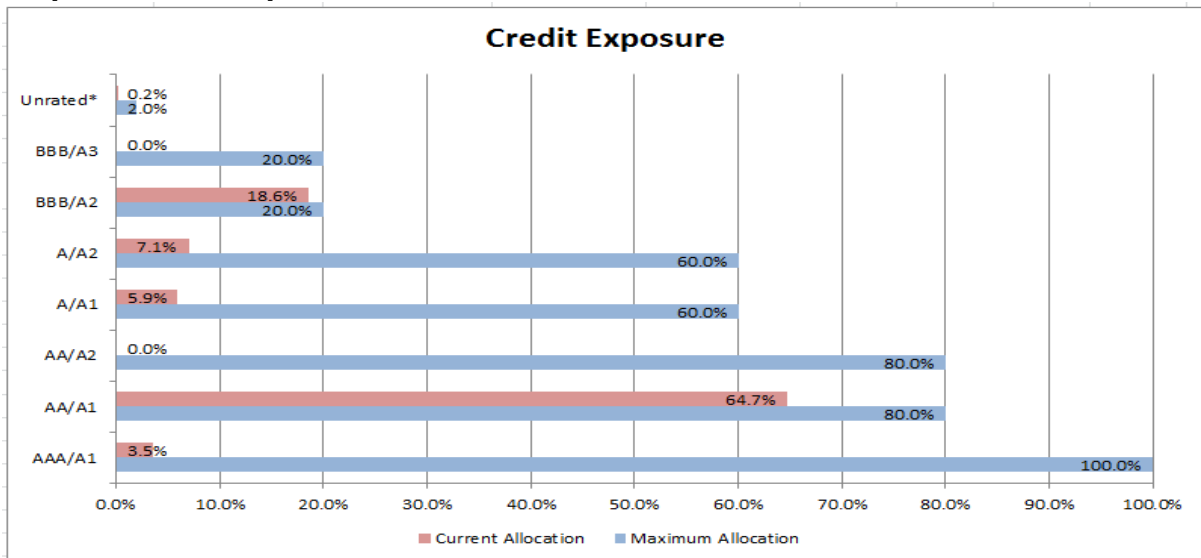
The investments in AA are of a higher credit rating and BBB represented the best returns at the time of investment within Policy guidelines. Financial institutions issuing fixed income investments and bonds are considered investment grade (IG) if its Long Term credit rating is BBB or higher by Standard and Poor (S&P).

5.2 Investment Report for July 2019 (contd)

Council continues to monitor the portfolio and manage investments taking into consideration credit ratings of financial institutions, interest rates offered for the maturity dates required and the amount of our investment portfolio already held with each financial institution.

The current spread of investments is listed in Graph 1 and counter party credit exposure is listed in Graph 2.

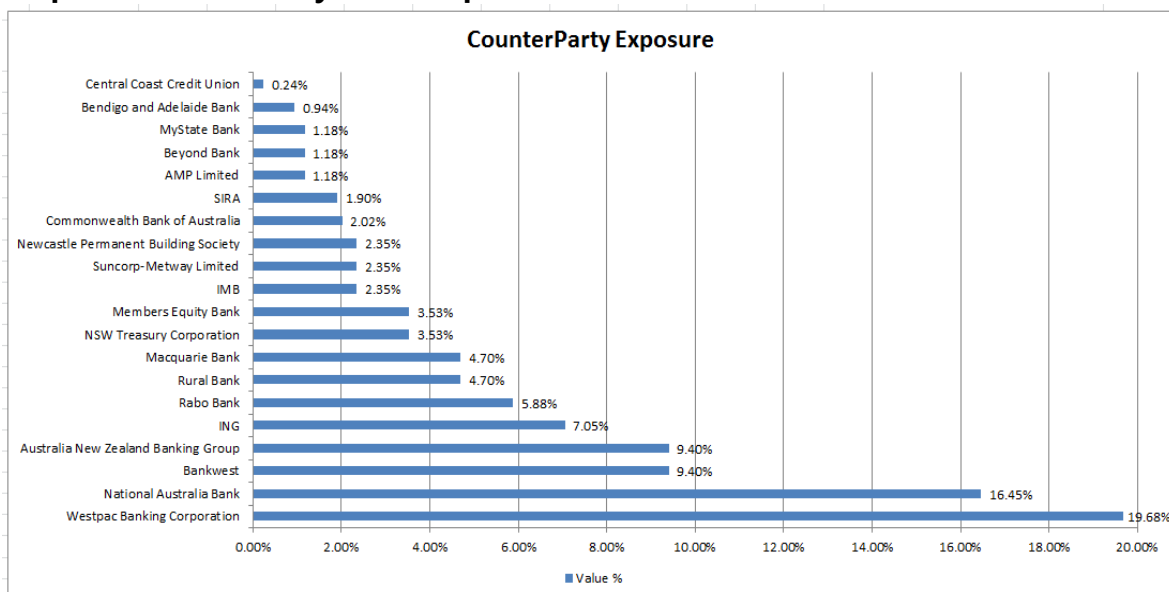
Graph 1 – Credit Exposure



* **AA/A1:** Council has provided security for self-insurance by way of a term deposit invested in an ADI (with a short term S & P rating of A1) through State Insurance Regulatory Authority (formerly WorkCover NSW). This security has been included as part of Council's investment portfolio. Council regularly conducts a review to identify the optimal security providing Council with the best return possible.

** **Unrated:** Unrated investment comprises of a term deposit with Central Coast Credit Union

Graph 2 - Counter Party Credit Exposure



Green Investments

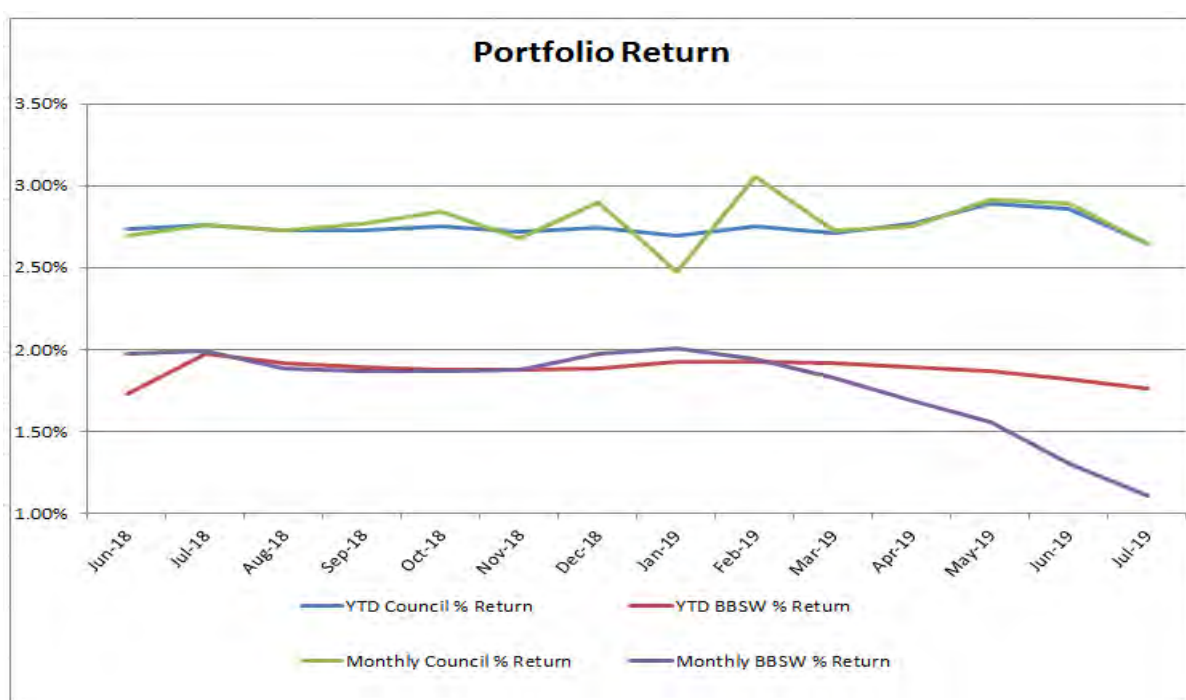
5.2 Investment Report for July 2019 (contd)

Council continues to look for 'Green' investment opportunities subject to prevailing investment guidelines. A list of current green investments held is contained on the investment listing, highlight in green. For the month of July, there have been no new green investments undertaken.

Portfolio Return

Interest rates on investments in the month, ranged from 1.20% to 3.50%, all of which exceeded the monthly Bank Bill Swap Rate (BBSW) benchmark of 1.11%. The recent drop in the benchmark reflects changes by the RBA to reduce the cash rate from 1.5% to 1%.

The annualised financial year to date return for July of 2.65% for Central Coast Council is favourable compared to benchmark bank bill swap (BBSW) *financial year to date* Calculated Bank Bill Index of 1.76% as shown in Graph 3 - Portfolio returns.



Council's portfolio by Source of Funds

Council is required to restrict funds received for specific purposes. Restricted funds consist of funds in the investment portfolio and in transactional accounts as follows:

Source of Funds	Value (\$'000)
Investment Portfolio	\$425,411
Transactional accounts and cash in hand	\$10,999
Total	\$436,409
Restricted Funds	\$406,087
Unrestricted Funds	\$30,323

Attachment 1 details Investments by Type held by Council at 31 July 2019 and

Attachment 2 details Restrictions for Council by fund as at 31 May 2019. The restrictions for July 2019 will be finalised after completion of the financial statements for the month.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

R-G4: Serve the community by providing great customer experience, value for money and quality services.

Attachments

- | | | |
|----------|--|-----------|
| 1 | Summary of Investments by Type at 31 July 2019 | D13627385 |
| 2 | Summary of Restrictions as at 31 May 2019 | D13627511 |

Central Coast Council Summary of Investments as at 31-July-2019							
Financial Institution	Type of Investment	Short Term Rating	Long Term Rating	Maturity Date	Portfolio Balance \$	As a % of the total Portfolio	Interest Rate %
CASH AT CALL:							
Westpac Banking Corporation	Corporate Investment Account	A1	AA	Daily	9,710,742	2.28%	1.60%
Bankwest	At Call Deposit	A1	AA	Daily	1,578	0.00%	1.73%
Commonwealth Bank of Australia	Business On-line Saver	A1	AA	Daily	8,600,000	2.02%	1.20%
Total Cash At Call					18,312,320	4.30%	
TERM DEPOSITS, FLOATING RATE NOTES & BONDS:							
Rural Bank	Term Deposit	A2	BBB	06-Aug-2019	10,000,000	2.35%	2.83%
National Australia Bank	Term Deposit	A1	AA	19-Aug-2019	10,000,000	2.35%	2.80%
MyState Bank	Term Deposit	A2	BBB	03-Sep-2019	5,000,000	1.18%	2.83%
National Australia Bank	Term Deposit	A1	AA	03-Sep-2019	5,000,000	1.18%	2.80%
Beyond Bank	Term Deposit	A2	BBB	12-Sep-2019	5,000,000	1.18%	2.20%
Members Equity Bank	Term Deposit	A2	BBB	12-Sep-2019	5,000,000	1.18%	2.10%
National Australia Bank	Term Deposit	A1	A	13-Sep-2019	10,000,000	2.35%	2.01%
IMB	Term Deposit	A2	BBB	13-Sep-2019	10,000,227	2.35%	2.10%
AMP limited	Term Deposit	A1	A	13-Sep-2019	5,000,000	1.18%	2.30%
Suncorp-Metway Limited	Term Deposit	A1	A	16-Sep-2019	5,000,000	1.18%	2.03%
National Australia Bank	Term Deposit	A1	AA	17-Sep-2019	10,000,000	2.35%	2.70%
Westpac Banking Corporation	Term Deposit	A1	AA	24-Sep-2019	4,000,000	0.94%	3.20%
Bankwest	Term Deposit	A1	AA	02-Oct-2019	10,000,000	2.35%	2.68%
Australia New Zealand Banking Group	Term Deposit	A1	AA	15-Oct-2019	10,000,000	2.35%	2.77%
Bankwest	Term Deposit	A1	AA	16-Oct-2019	10,000,000	2.35%	2.68%
Bankwest	Term Deposit	A1	AA	30-Oct-2019	10,000,000	2.35%	2.68%
Australia New Zealand Banking Group	Term Deposit	A1	AA	12-Nov-2019	10,000,000	2.35%	2.78%
Westpac Banking Corporation	Term Deposit	A1	AA	25-Nov-2019	10,000,000	2.35%	2.73%
ING	Term Deposit	A2	A	13-Dec-2019	5,000,000	1.18%	2.83%
National Australia Bank	Term Deposit	A1	AA	16-Dec-2019	10,000,000	2.35%	2.70%
National Australia Bank	Term Deposit	A1	AA	15-Jan-2020	10,000,000	2.35%	2.78%
Bankwest	Term Deposit	A1	AA	02-Jan-2020	10,000,000	2.35%	2.60%
Central Coast Credit Union	Term Deposit	Unrated	Unrated	15-Feb-2020	1,000,000	0.24%	2.73%
ING	Term Deposit	A2	A	26-Feb-2020	5,000,000	1.18%	2.89%
Australia New Zealand Banking Group	Term Deposit	A1	AA	02-Mar-2020	10,000,000	2.35%	2.50%
Westpac Banking Corporation	Floating Rate Note	A1	AA	05-Mar-2020	10,000,000	2.35%	BBSW + 0.77%
ING	Term Deposit	A2	A	12-Mar-2020	10,000,000	2.35%	2.53%
Westpac Banking Corporation	Term Deposit	A1	AA	17-Mar-2020	10,000,000	2.35%	3.10%
Australia New Zealand Banking Group	Term Deposit	A1	AA	18-Mar-2020	10,000,000	2.35%	2.53%
Members Equity Bank	Floating Rate Note	A2	BBB	06-Apr-2020	10,000,000	2.35%	BBSW + 1.23%
National Australia Bank	Term Deposit	A1	AA	14-Apr-2020	10,000,000	2.35%	2.58%
SIRA	Term Deposit	A1	AA	02-May-2020	8,098,000	1.90%	2.40%
Westpac Banking Corporation	Term Deposit	A1	AA	07-May-2020	10,000,000	2.35%	2.63%
ING	Term Deposit	A2	A	21-May-2020	10,000,000	2.35%	2.70%
Rural Bank	Term Deposit	A2	BBB	03-Jun-2020	10,000,000	2.35%	1.94%
Macquarie Bank	Term Deposit	A1	A	17-Jun-2020	10,000,000	2.35%	1.83%
Macquarie Bank	Term Deposit	A1	A	13-Jul-2020	10,000,000	2.35%	1.83%
Bendigo and Adelaide Bank	Floating Rate Note	A2	BBB	18-Aug-2020	4,000,000	0.94%	BBSW + 1.10%
Raba Bank	Term Deposit	A1	AA	07-Sep-2020	5,000,000	1.18%	3.50%
Suncorp-Metway Limited	Floating Rate Note	A1	A	20-Oct-2020	4,500,000	1.06%	BBSW + 1.23%
Suncorp-Metway Limited	Floating Rate Note	A1	A	20-Oct-2020	500,000	0.12%	BBSW + 1.23%
National Australia Bank	Term Deposit	A1	AA	10-Dec-2020	5,000,000	1.18%	2.80%
Westpac Banking Corporation	Term Deposit	A1	AA	10-Dec-2020	10,000,000	2.35%	2.90%
Westpac Banking Corporation	Term Deposit	A1	AA	21-Jun-2021	10,000,000	2.35%	3.06%
Raba Bank	Term Deposit	A1	AA	05-Jul-2021	10,000,000	2.35%	2.92%
Westpac Banking Corporation	Floating Rate Note	A1	AA	26-Nov-2021	5,000,000	1.18%	BBSW + 0.93%
Newcastle Permanent Building Society	Floating Rate Note	A2	BBB	24-Jan-2022	10,000,000	2.35%	BBSW + 1.63%
Raba Bank	Term Deposit	A1	AA	12-Dec-2022	10,000,000	2.35%	3.18%
Westpac Banking Corporation	Floating Rate Note	A1	AA	27-Nov-2023	5,000,000	1.18%	BBSW + 0.93%
NSW Treasury Corporation	Bonds	A1	AAA	15-Nov-2028	15,000,000	3.33%	3.00%

Central Coast Council Summary of Investments as at 31-July-2019							
Financial Institution	Type of Investment	Short Term Rating	Long Term Rating	Maturity Date	Portfolio Balance \$	As a % of the total Portfolio	Interest Rate %
Total Term Deposit & Bonds:					407,098,227	95.70%	
TOTAL PORTFOLIO					425,110,547	100.00%	
Current					331,410,547	77.90%	
Non-Current					94,000,000	22.10%	
TOTAL PORTFOLIO					425,110,547	100.00%	

Green Investments

SUMMARY OF RESTRICTIONS as at 31 May 2019

FUND	SOURCE	Principal Amount \$'000
GENERAL FUND	Cemeteries Surplus	769
	Contributions to works	7,068
	Developer Contributions	85,304
	Developer Contributions (Bonus Provisions)	4,918
	Developer Contributions (Prepaid)	1,802
	Developer Contributions (VPA)	2,535
	Holiday Park Surplus	10,290
	Internal commitments	84,160
	Other Crown Land	1,532
	RMS Advances	216
	Self Insurance	6,320
	Stormwater Levy	811
	Unexpended grants	14,267
	Waste Management (Tip Rehabilitation)	27,712
	TOTAL GENERAL FUND RESTRICTIONS	247,704
Water FUND	Developer Contributions	38,954
	Contributions to works	0
	Developer Contributions (Prepaid)	59
	Developer Contributions (VPA)	2,412
	Internal commitments	1,007
	Self Insurance	611
	Unexpended grants	2,355
	TOTAL WATER FUND RESTRICTIONS	45,397
SEWER FUND	Contributions to works	
	Developer Contributions	22,678
	Developer Contributions (VPA)	389
	Internal commitments	1,034
	Self Insurance	1,522
	TOTAL SEWER FUND RESTRICTIONS	25,623
DRAINAGE FUND	Contributions to works	100
	Developer Contributions	29,026
	Internal commitments	181
	Unexpended grants	0
	TOTAL DRAINAGE FUND RESTRICTIONS	29,307
DOMESTIC WASTE FUND	Domestic Waste Management	57,021
	Unexpended grants	1,035
	TOTAL WASTE FUND RESTRICTIONS	58,055
TOTAL RESTRICTED FUNDS		406,087



Item No: 5.3
Title: 2018/19 Capital Works Project Status
Department: Roads Transport Drainage and Waste

26 August 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13622585

Author: Jacqueline Blazek, Executive Support Officer

Executive: Boris Bolgoff, Director Roads Transport Drainage and Waste

Report Purpose

The purpose of this report is to provide a status report against Capital Works as at 30 June 2019.

Recommendation

That Council receive the report on 2018/19 Capital Works Project Status.

Background

A status report of the Capital Works Program is provided on a monthly basis.

Capital Works Status Report

Details regarding the status of capital projects are provided as attached for the information of Councillors. The update details the current delivery of Capital Works projects for the 2018/19 financial year providing commentary on the progress and financial position is detailed in attachment 1. Attachment 2 focuses on the progress and completion of projects.

Majority of projects achieved completion as at 30 June 2019 with a capital expenditure of \$173.7m compared to a planned expenditure of \$192.3m which represents 90.3% which is in line with the KPI of 90%. Detailed progress reports are provided by each unit in the unit summary sections of the attached (attachment 1). It should be noted that these financial figures may change slightly as they are required to go through an audit process which has not occurred at this stage.

For the start of the year, 1660 projects were anticipated for the financial year. Through changes at quarterly adjustments and reporting to Council, a number of alterations to the program were adopted. This included the addition of some grant projects and required works, with some projects being delayed. Through this process the total project count was 1762 in Quarter three. As identified in attachment 2, the total number of completed projects and planned continuing projects was 1712 for the year. This represents a completion rate of 97.2%.

It should also be noted that additional works have been carried out by Council on behalf of Roads and Maritime Services (RMS) under the Road Maintenance Council Contract (RMCC).

Council received \$5.18m to undertake resurfacing works on behalf of RMS. In total, 20.37km of State roads were resurfaced including Central Coast Highway Budgewoi, Charles Kay Drive Terrigal, Henry Parry Drive Gosford and Avoca Drive, Green Point.

Link to Community Strategic Plan

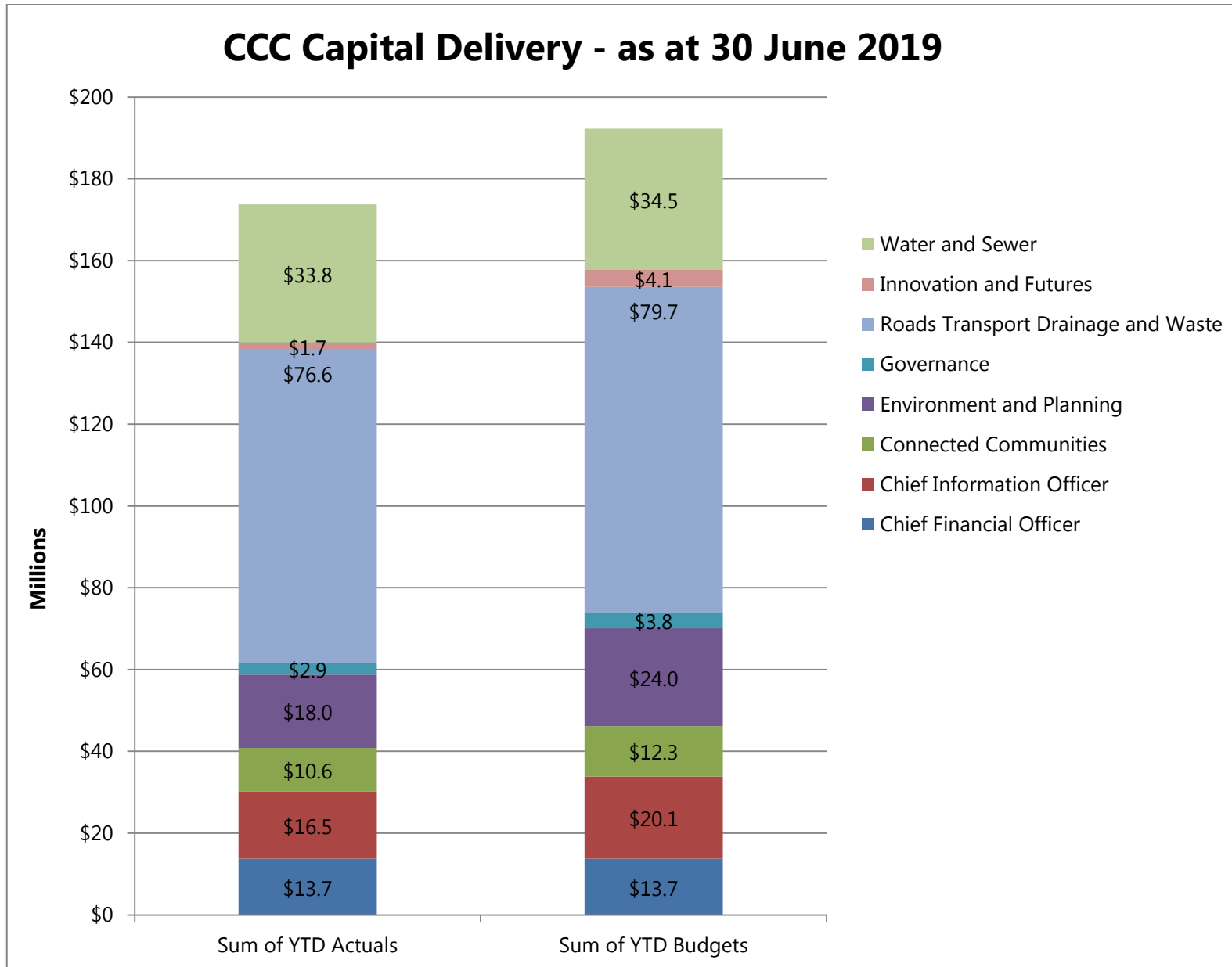
Theme 4: Responsible

Goal G: Good governance and great partnerships

G4: Serve the community by providing great customer experience, value for money and quality services.

Attachments

- | | | |
|----------|--|-----------|
| 1 | Attachment 1 - Capital Works Status Report - June 2019 | D13628881 |
| 2 | Attachment 2 - Capex Projects - June 2019 | D13628882 |



On Track	
Delayed – but to be delivered by 30 June 2019	
Need to postpone to another year or remove project	

Roads Transport Drainage and Waste Top 5 Projects by \$ value.									
Project Name	Description	CSP Link	Total 18/19 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Anticipated completion date	Traffic light	Commentary for public and Councillors
Wisemans Ferry Road, Somersby – Stage 2 Road and Drainage Upgrade	Upgrade of road infrastructure including installation of stormwater drainage, construction of kerb and gutter, footpath and road pavement works	Responsible - delivering essential infrastructure	\$2,880,000	\$3,175,368	\$2,880,000	110%	June 2019		This stage of the project has been completed. The next stage of the project will continue into 2019/20 as planned.
Lake Road, Tuggerah – Road Upgrade	Upgrade of road infrastructure including installation of kerb and gutter, footpath and road pavement works	Responsible - delivering essential infrastructure	\$2,587,059	\$2,601,715	\$2,587,059	101%	June 2019		The project has been completed as planned.
Terrigal CBD, Terrigal – Stage 1 Traffic Flow and Pedestrian Access Improvements	Upgrade of road infrastructure including installation of pedestrian facilities, roundabout, traffic lights and construction of kerb and gutter, footpath and road pavement works	Responsible - delivering essential infrastructure	\$2,246,000	\$2,307,369	\$2,246,000	103%	June 2019		The project has been completed as planned.
Lake Road, Tuggerah – Drainage Upgrade	Upgrade of drainage infrastructure including installation of stormwater drainage, construction of headwalls and inlet structures	Responsible - delivering essential infrastructure	\$1,763,777	\$1,538,050	\$1,763,777	87%	June 2019		The project has been completed as planned.
Eloora Road, Long Jetty – Stage 2 Road Upgrade	Upgrade of road infrastructure including installation of stormwater drainage, construction of kerb and gutter, footpath and road pavement works	Responsible - delivering essential infrastructure	\$1,685,000	\$1,758,521	\$1,685,000	104%	June 2019		This stage of the project has been completed. The next stage of the project will continue into 2019/20 as planned.

On Track for delivery of greater than 90% for Unit <i>(project delivery not project spend)</i>	
Potential 80-90% delivery for Unit <i>(project delivery not project spend)</i>	
Less than 80% delivery for Unit <i>(project delivery not project spend)</i>	

Roads Transport Drainage and Waste Unit Summary						
Business Unit	Total 2018/19 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Traffic light	Commentary for public and Councillors
Roads Assets Planning and Design	\$78,447,355	\$75,163,487	\$78,447,355	96%		574 projects were identified for construction from within the Operational Plan for the 2018/19 financial year. From this list 570 projects have been completed or are planned multiyear projects with four projects deferred to future capital works programs due to environmental constraints and delays in property acquisition. The program under-expenditure is attributed to project savings and minor delays related to the delivery of four wharf projects which are multi year projects that are planned to be delivered in 2019/2020.
Waste Services and Business Development	\$1,249,795	\$1,399,496	\$1,249,795	112%		Twelve projects planned for 2018/2019. Ten projects have been completed and two multiyear projects are on track.

On Track	
Delayed – but to be delivered by 30 June 2019	
Need to postpone to another year or remove project	

Information Management & Technology (IM&T)									
Top 5 Projects by \$ value.									
Project Name	Description	CSP Link	Total 18/19 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Anticipated completion date	Traffic light	Commentary for public and Councillors
Asset Management System	Implement a consolidated asset management system	Responsible - good governance and great partnerships	\$2,691,454	\$2,238,243	\$2,691,454	83%	June 2020		After the identification of 3000 Assets the AMS team are on track for a Q1 go-live with rollout commencing 26 August 2019 with Water & Sewer Discrete, Buildings, Natural Areas and Plant & Fleet with the remaining areas completed by 26 November 2019.
Data Centre Transformation	Consolidation and modernisation of Council's data centres.	Responsible - good governance and great partnerships	\$3,526,584	\$3,425,656	\$3,526,584	97%	July 2019		Virtual server migration activities in progress scheduled for completion mid-September. Operational handover workshops complete. The data centre is ready for new servers and commissioning is in progress for the servers required for the consolidated Electronic Document Management System, Asset Management, Geographical Information System and Property and Rating solutions. Due to technical complications, the completion of the server migrations and decommission causes some delays with a current planned completion at Q1 in 2019/2020.
Implementation – Consolidated standard operating environment	Implement a consolidated modern and secure desktop experience for Central Coast Council staff	Responsible - good governance and great partnerships	\$2,623,347	\$2,175,010	\$2,623,347	83%	December 2019		Our+Desktop migrations underway and tracking to schedule. Under spend due to contingency not being required and savings made by completing some activities in house rather than planned outsourcing. Migrations currently tracking for completion by 31 October 2019.
Implement a consolidated property and rating system	Implement a consolidated property and rating system	Responsible - good governance and great partnerships	\$2,089,416	\$1,752,846	\$2,089,416	84%	March 2020		Property and Rating design phase workshops conducted with over 2000 business requirements documented across 19 key areas. Team is working to resolve some complex database structures and the project is continuing as planned.
Implement a consolidated payroll and time and attendance system	Implement a consolidated payroll and time and attendance system	Responsible - good governance and great partnerships	\$2,112,810	\$1,357,109	\$2,112,810	64%	February 2020		Payroll is on track with Oracle determining the capacity of our current infrastructure to move forward. Time and Attendance is on track with Unit Testing complete with the Vendor resolving current defects with a go-live due February 2020.

On Track for delivery of greater than 90% for Unit <i>(project delivery not project spend)</i>	
Potential 80-90% delivery for Unit <i>(project delivery not project spend)</i>	
Less than 80% delivery for Unit <i>(project delivery not project spend)</i>	

Information Management & Technology (IM&T) Unit Summary						
Business Unit	Total 2018/19 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Traffic light	Commentary for public and Councillors
Chief Technology Officer	\$6,693,854	\$6,161,807	\$6,693,854	92%		The Chief Technology Unit has achieved an EOFY expenditure of 92%, which excludes the 2.5% under spent in the Our+Desktop due to contingency not being spent and 1.5% of YTD Budget under spent due to savings made by in house activities rather than planned outsourcing. Seven project numbers were scheduled for the 2018/19 financial year. The Mobility Project has been completed to reprioritised scope. The Security and Risk management tool project and the Legal Register Project were reprioritised and deferred. The Our+Desktop multi-year project remains in progress and on track to deliver on its scope for this financial year. The Data Centre Transformation project (consolidated three project numbers into two) is slightly delayed with the completion of server migrations and decommission activities delayed for Q1 completion.
Digital Information Services	\$293,000	\$197,432	\$293,000	67%		The Digital Information Services Unit has achieved an end of financial year expenditure of 67% which excludes 3.4% underspent due to content manager import software not being required. Three project numbers were scheduled for the 2018/19 financial year. The Content manager/document import software project is no longer required as using native functionality within the Kapish Productivity Suite of the Electronic Document Management System consolidation project. The Enterprise Search and Compliance software project is behind with scheduled delivery by Q2 of 2019/20. Project was delayed due to prioritisation of Electronic Document Management System consolidation. The Upgrade aerial photography and infrared multispectral imagery project is 80% complete with the delivery and QA of the final product outstanding. Due for completion Q1 2019/20 within existing budget provisions.
Technology and Customer Service	\$892,156	\$757,980	\$892,156	85%		The Technology & Customer Service (TCS) unit achieved an EOFY expenditure of 85%, which includes a 20% saving in the Our+Wifi project. The Data Centre Transformation (DCT) Program, which is being run from the Chief Technology Officer (CTO) unit, includes the consolidation of all server infrastructure across Council's datacentres. This removed the need for TCS to implement server infrastructure in 2018/19. Phase one of the Uninterruptable Power Supply (UPS) project for the Gosford administration building is complete, however phase two has been planned for the 2019/20 financial year and will resume after the completion of the DCT program. The remaining projects were completed and came in within budget.
Core Systems Consolidation Program	\$12,230,460	\$9,375,214	\$12,230,460	77%		The Core Systems Consolidation program (CSC) unit achieved an EOFY year spend of 77%. Of the 23% of funds not spent 11% is related to contingency not required (saving), licencing not required for Payroll system (3.2% saving) and the remaining savings were from staff augmentation in utilising internal staff, fixed term and contract reductions (8.8% savings). Work continues the design, build and test of the Eight projects that were planned for implementation in 2019/20 financial year. All projects remain in progress with the program focused on 2019 priorities around Asset Register, Electronic Document Management System, Geographical Information System, Human Capital Management, Payroll & Time and Attendance solutions.

On Track	
Delayed – but to be delivered by 30 June 2019	
Need to postpone to another year or remove project	

Governance									
Top 5 Projects by \$ value.									
Project Name	Description	CSP Link	Total 18/19 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Anticipated completion date	Traffic light	Commentary for public and Councillors
Public amenities upgrade at Central Coast Stadium	This project is improving the accessible toilets and concourse amenities at Central Coast Stadium. This project is partially funded from a NSW Government grant.	Liveable Healthy Lifestyles for a Growing Community	\$790,258	\$645,330	\$790,258	82%	June 2019		This project has now been completed and the final payment has been made. The project was delivered with a saving against the budgeted amount.
Swimming pool construction at Budgewoi Holiday Park	This is a multi-year project to construct a swimming pool and waterplay area for guests at the Budgewoi Holiday Park.	Smart a Growing and Competitive Region	\$300,000	\$20,797	\$300,000	7%	November 2019		This is a multiyear project and was due for completion September 2019. However, significant delays are being experienced through the DA process and the planned commencement day for construction (July 8, 2019) was not achieved. A new completion date is forecast for November 2019, but this is dependent on DA approval and being able to work around the upcoming school holiday peaks. Any further delays may mean that this project will not be able to commence until after the summer peak season. The project is currently underspent, because the successful tenderers payment schedule differs from what was projected when the budget was developed. Given the delays, a Q1 Adjustment will be required to update the phasing of payments for this project, once the DA process is completed.
Seat replacement at Central Coast Stadium	This project is to replace the current 20,000 seats at Central Coast Stadium, with 5,000 seats budgeted for in 2018/19 and the remaining 15,000 budgeted for in 2019/20.	Liveable Healthy Lifestyles for a Growing Community	\$534,980	\$688,531	\$534,980	129%	November 2019		This is a multiyear project and is on track for completion as scheduled. Project is at 129% spend and is tracking slightly ahead of schedule.
CCTV upgrade at Gosford City Carpark	This project will upgrade the current CCTV infrastructure at the Baker Street Carpark which has reached the end of its useful life.	Responsible Delivering Essential Infrastructure	\$250,446	\$4,035	\$250,446	2%	October 2019		This project was delayed while corporate CCTV requirements were developed. The tender reviews have now completed, it is anticipated the contract will be awarded in July 2019. Works scheduled to commence August 2019 for completion October 2019.

Governance Top 5 Projects by \$ value.									
Project Name	Description	CSP Link	Total 18/19 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Anticipated completion date	Traffic light	Commentary for public and Councillors
Automation of Gosford City Carpark	This project is to implement a new parking management system, parking infrastructure and automate the opening and closing of the parking stations.	Responsible Delivering Essential Infrastructure	\$375,105	\$337,011	\$375,105	90%			The final item for completion of this project was the installation of the road side LED sign on Donnison Street. This was expected to be completed by the end of the financial year, however the weather leading up to year end did not enable this work to progress. After the year end, the contractor experienced delays. Staff are working closely with the contractor to achieve completion and close out of the project.

On Track for delivery of greater than 90% for Unit <i>(project delivery not project spend)</i>	
Potential 80-90% delivery for Unit <i>(project delivery not project spend)</i>	
Less than 80% delivery for Unit <i>(project delivery not project spend)</i>	

Governance Unit Summary						
Business Unit	Total 2018/19 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Traffic light	Commentary for public and Councillors
Procurement and Projects	\$231,000	\$150,466	\$231,000	65%		At the beginning of financial year 2018/19 Procurement & Projects had seven CAPEX projects planned at an estimated value of \$675K. At the end of financial year 2018/19 the Procurement & Projects Unit had completed a total of four projects. Two staff accommodation related projects that were removed during financial year 2018/19 had an estimated value of \$400K. Erina Depot inventory storage and hardstand/drainage works have been completed on-site. Final costs have been less than budgeted due to better contract rates for the works being obtained versus the estimated rates. Waste bay reconfiguration did not proceed as this project (circa \$15K) needed to work in with other traffic management reviews on site. Long Jetty service counter and storage works have been completed. Final costs have been less than budgeted due to some scope changes that reduced the final product cost (i.e. relocation of existing copper pipe requirement removed by design change).
Business Enterprise	\$3,497,246	\$2,691,312	\$3,497,246	77%		Of the total of 40 projects in the Business Enterprise Unit, 30 have been completed. Four are continuing multi-year projects. The other six projects have been started, but delays will mean that their completion will now be in the 2019/20 financial year. The most significant of these is the CCTV at Baker Street Parking Station, which has a total project budget of \$250,446. More detail on this project is provided in the specific projects update.

On Track	
Delayed – but to be delivered by 30 June 2019	
Need to postpone to another year or remove project	

Connected Communities									
Top 5 Projects by \$ value.									
Project Name	Description	CSP Link	Total 18/19 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Anticipated completion date	Traffic light	Commentary for public and Councillors
Lake Haven Leisure Centre Upgrade	Roof and cladding replacement including all box gutters, flashings and cappings.	Liveable - healthy lifestyles for a growing community	\$981,710	\$713,538	\$981,710	73%	September 2019		Continuing Project. Tender evaluation has been completed. Contract awarded 9 May 2019 within the allocated budget. Construction commenced in May 2019.
Purchase of Library Resources	Renew and replace library collection resources; books, print, audio	Smart – a growing and competitive region / a place of opportunity for people Responsible - good governance and great partnerships	\$790,000	\$786,513	\$790,000	100%	June 2019		Project completed.
Charmhaven Depot Building B(stores) & E (workshop) roof replacements	Roofing upgrade Building B & E	Responsible - delivering essential infrastructure	\$440,000	\$33,496	\$440,000	8%	June 2019		Continuing Project. Tender awarded to contractor, works commenced and are planned for completion in 2019/20.
Upgrade Administration Buildings	Upgrade of Council Administration buildings workspaces layout and furniture	Responsible - good governance and great partnerships	\$400,000	\$358,829	\$400,000	90%	June 2019		Immediate accommodation needs are being addressed as required.
Replace cardio equipment at Lake Haven Recreation Centre	New state of the art fitness and cardio for the gymnasium	Liveable - healthy lifestyles for a growing community	\$300,000	\$293,585	\$300,000	98%	June 2019		New cardio and fitness equipment purchased and installed including treadmills, rowers and cycles and resistance machines.

On Track for delivery of greater than 90% for Unit <i>(project delivery not project spend)</i>	
Potential 80-90% delivery for Unit <i>(project delivery not project spend)</i>	
Less than 80% delivery for Unit <i>(project delivery not project spend)</i>	

Connected Communities Unit Summary						
Business Unit	Total 2018/19 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Traffic light	Commentary for public and Councillors
Leisure and Lifestyle	\$1,933,500	\$1,915,914	\$1,933,500	99%		30 projects delivered on time and within budget across council's leisure and cultural facilities, to improve the quality of services and equipment available.
Community Engagement	\$248,880	\$256,679	\$248,880	103%		Four projects originally planned at the start of the financial year. Three projects completed, with digital app component of Improve Mobile Visitor Services project not proceeding until 2019/20. Upgrade outdoor banner spaces project has been postponed to 2019/20 in quarter three due to results of tender processes.
Community Partnerships	\$2,522,604	\$2,113,059	\$2,522,604	84%		17 were planned at the start of the financial year. 17 additional projects were brought forward with the Unit having a total of 34 projects. 32 projects have been completed. Two scheduled projects will be completed in the 2019/20 financial year, reactive maintenance works to Vera's Watergarden at The Entrance and the construction of an outdoor dining structure in Wyong. These projects have been delayed due to additional design requirements.
Libraries	\$1,329,025	\$1,465,406	\$1,329,025	110%		Five projects were planned at the start of the financial year. Additional projects were brought forward totalling 19 projects in total. All projects were delivered by end of financial year.
Learning and Education	\$250,696	\$205,944	\$250,696	82%		Seven projects were planned at the start of the financial year. Additional projects brought forward increasing the total number to be delivered to 15. 14 projects were completed in 2018/19. One component of the project, Replacement of Shade Sails Terrigal Children's Centre, was delayed due to manufacturing delays in materials. This is anticipated to be completed mid-July with funds for this part of the project carried forward to 2019/20 to cover the minor delay.
Facilities and Asset Management	\$5,409,321	\$3,893,593	\$5,409,321	72%		The Facilities and Asset Management unit delivered a total of 95 projects across the organisation. There are 16 continuing projects in 2019/20. There were two projects off track at 30 June 2019 (Erina Depot Security & Access Gates and Toukley 50+ pathways) however these projects are now planned to be delivered in 2019/2020.

On Track	
Delayed – but to be delivered by 30 June 2019	
Need to postpone to another year or remove project	

Water and Sewer Top 5 Projects by \$ value.									
Project Name	Description	CSP Link	Total 18/19 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Anticipated completion date	Traffic light	Commentary for public and Councillors
Sewer Main Critical Rehabilitation - Region Wide	Program of Sewer Main inspections and renewals	Environment - Operate the sewerage system to minimise sewer overflows Achieve the required sewage treatment plant effluent quality	\$3,227,659	\$2,481,043	\$3,227,659	77%	June 2019		Annual program physically complete by 30 June 2019 - Design and Construction Contract underway for delivery of the 2019/20 program of works.
Water Trunk Main Renewal Program - Region Wide	Program of Trunk Water Main renewals	Environment - Provide a drinking water supply that meets the regulated water quality health and aesthetic related parameters	\$2,756,349	\$2,561,714	\$2,756,349	93%	June 2019		Crews are currently completing the final section of water main to be renewed on The Round Drive and Cape Three Points Road Avoca. Works are expected to be complete in October 2019.

Water and Sewer									
Top 5 Projects by \$ value.									
Project Name	Description	CSP Link	Total 18/19 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Anticipated completion date	Traffic light	Commentary for public and Councillors
Sewer Pump Station Renewal - Railway Cr Woy Woy (WWMJ)	Renewal of Woy Woy Major Sewer Pump Station.	Environment - Operate the sewerage system to minimise sewer overflows Achieve the required sewage treatment plant effluent quality	\$2,125,305	\$2,167,625	\$2,125,305	102%	June 2019		Project complete.
Sewer Pump Station Electrical and Control Switchboard Replacement Program - Region Wide	Annual program for the replacement of electrical switchboards in Sewer Pump Stations that have reached the end of their serviceable life	Environment - Operate the sewerage system to minimise sewer overflows Achieve the required sewage treatment plant effluent quality	\$1,435,090	\$1,550,824	\$1,435,090	108%	June 2019		Annual program complete.
Water Meter Replacement Program - Region Wide	Annual program for the replacement of Water Meters that have reached the end of their serviceable life	Environment - Provide a drinking water supply that meets the regulated water quality health and aesthetic related parameters	\$1,297,059	\$1,436,421	\$1,297,059	111%	June 2019		Annual program complete.

On Track for delivery of greater than 90% for Unit <i>(project delivery not project spend)</i>	
Potential 80-90% delivery for Unit <i>(project delivery not project spend)</i>	
Less than 80% delivery for Unit <i>(project delivery not project spend)</i>	

Water and Sewer Unit Summary						
Business Unit	Total 2018/19 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Traffic light	Commentary for public and Councillors
Water Technical Services and System Control	\$623,276	\$433,581	\$623,276	70%		10 projects were undertaken in the 2018/2019 financial year. Seven projects are physically complete. One project is a multi-year project and two projects have been placed on hold as they are dependent on related third party development activities, works will be undertaken at a later date.
Water Construction and Project Management	\$22,658,935	\$23,898,971	\$22,658,935	105%		65 projects were undertaken in the 2018/2019 financial year. 33 projects have reached practical completion. 31 projects are large multi-year projects or programs that will continue into 2019/2020. One project was delayed due to unforeseen design issues and will be completed in the 2019/20 program
Water Planning and Development	\$3,160,758	\$2,566,114	\$3,160,758	81%		48 projects were undertaken in the 2018/2019 financial year. 22 Projects are physically complete. 23 projects are large multi-year projects or programs that will continue into 2019/2020. One project has been placed on hold as it is related to Roads and Maritime Services works. Two projects were delayed and will be completed in the 2019/20 program.
Water Assets and Facilities Management	\$7,444,352	\$6,448,949	\$7,444,352	87%		68 projects were undertaken in the 2018/2019 financial year. 36 projects have reached practical completion. 22 projects are large multi-year projects or programs that will continue into 2019/2020. Three projects were slightly delayed in June and will carry over into July/August for completion. Seven projects experienced planning delays and are currently programmed for delivery in 2020/2021.
Director Water and Sewer	\$658,634	\$590,634	\$658,634	90%		Program allocation for reactive and emergency asset renewals. 21 minor reactive projects were completed in 2018/2019 with two projects being handed over to the Major Construction Section to complete. These minor projects are all complete.

On Track	
Delayed – but to be delivered by 30 June 2019	
Need to postpone to another year or remove project	

Environment and Planning									
Top 5 Projects by \$ value.									
Project Name	Description	CSP Link	Total 18/19 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Anticipated completion date	Traffic light	Commentary for public and Councillors
18276. Central Coast Regional Sporting Complex Construction	Construction of a regional sporting facility including 9 fields, amenities, field lighting and 500 car parking spots.	Healthy Lifestyles for a living community Out and about in the fresh air	\$2,455,288	\$1,460,279	\$2,455,288	59%	June 2019		Contract completed. Non-contract works underway. Facility opened for public use on 29 March 2019. Due to the delayed completion of the contract, non-contract works completion were delayed with finalisation of works budgeted for in 2019/20.
20943. Construct Austin Butler Oval Amenities and Woy Woy Tennis Clubhouse Upgrade 22452. Construct Austin Butler Oval Car Park	Construction of a new Amenities Building/Club house and car park at Austin Butler Oval. Partially grant funded.	Healthy Lifestyles for a living community Out and about in the fresh air	\$1,810,000	\$1,770,746	\$1,810,000	98%	August 2019		Construction for building completed in April 2019 and open for public use. Car park works completed in June. Tennis facility works completed, with the exception of an awning that will be delivered and installed on 2 August 2019.
19459. Upgrade Avoca Beach South Foreshore	Upgrade of the Avoca Beach foreshore near the surf lifesaving club. This project is to implement the first stages identified in the Master Plan to improve the quality of the foreshore and the resilience to coastal hazards.	Cherished and Protected Natural Beauty	\$1,300,000	\$1,074,278	\$1,300,000	83%	October 2019		Scope for 2018/19 was to complete remainder of Stage 1 that had commenced in April 2018 and the initial two months of work for Stage 2. Multi-year project with completion planned October 2019 as scheduled.

Environment and Planning									
Top 5 Projects by \$ value.									
Project Name	Description	CSP Link	Total 18/19 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Anticipated completion date	Traffic light	Commentary for public and Councillors
22483. Upgrade Lemongrove Netball Courts 22267. Upgrade Floodlighting at Lemongrove Netball courts	Renewal of Lemongrove Netball Courts	Healthy Lifestyles for a living community Out and about in the fresh air	\$937,620	\$850,339	\$937,620	91%	June 2019		Site works have been completed and facility in operation.
22575. Upgrade Dark Corner boat ramp carpark	Upgrade Dark Corner boat ramp carpark	Healthy Lifestyles for a living community Out and about in the fresh air	\$591,200	\$81,961	\$591,200	14%	August 2019		Contract awarded and works have commenced. Works were anticipated to be complete by end of financial year but due to delays in appointing the contractor and some weather delays, completion has been delayed. Expected completion 12 August 2019.

On Track for delivery of greater than 90% for Unit <i>(project delivery not project spend)</i>	
Potential 80-90% delivery for Unit <i>(project delivery not project spend)</i>	
Less than 80% delivery for Unit <i>(project delivery not project spend)</i>	

Environment and Planning Unit Summary						
Business Unit	Total 2018/19 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Traffic light	Commentary for public and Councillors
Open Space and Recreation	\$14,490,276	\$10,452,959	\$14,490,276	72%		65 of 84 projects completed. 13 projects are multiyear projects. Six projects delayed being completed in July/August. 72% of full year budget expended with majority of unspent budget being multiyear projects impacted by external influences. 95% of projects planned to be completed in 2018/19 were completed.
Natural and Environmental Assets	\$4,399,573	\$3,851,390	\$4,399,573	88%		32 of 37 (86%) projects completed. Four other projects are identified multi-year projects. Not accounting for identified multi-year projects that did not have anticipated completion in 2018/19, 97% of 2018/19 projects were completed. The one, off track project was Repair and Relocation of Statues at Rumbalara Reserve. The vandalised statues have been repaired by the artist but have not been reinstalled at an appropriately identified location. \$340K of unspent budget attributable to late (post Q3 adjustment) advice from RFS NSW on cost impact of Warnervale RFS upgrade. Ignoring this variance, CAPEX YTD spend is at approximately 95%. The Natural and Environmental Assets CAPEX program at the start of 2018/19 had a total budget of \$2,537,000. A final budget at almost \$4.4M (a 42% increase to original budget) was adopted due to external funding announcements and other budget adjustments.
Waterways and Coastal Protection	\$4,931,000	\$3,561,771	\$4,931,000	72%		12 of 25 projects completed. Five other projects are identified multi-year projects. Excluding identified multi-year projects which are not due for completion in 2018/19, project completion is at 60%. The eight projects identified as off track, are summarised as follows: * Araluen Dr Seawall - Under review to potentially align with future Roads Transport Drainage and Waste (RTD&W) project and allow better project delivery alignment. * Pretty Beach Seawall - Under review to potentially align with future RTD&W project and allow better project delivery alignment. * Ocean Beach Access - Delayed repairs to drainage outlets due to trying to align works post completion of beach nourishment program being undertaken through state government dredging program. Delivery program can be reviewed in 2019/20. * Kayak Facilities Upgrade Berkeley Vale - carpark works complete, jetty works not yet finished. 100% IYLPE grant funded, funds to be brought into 2019/20 * Streambank Rehab Wyong River - 100% IYLPE grant funded project, restricted funds, will seek to bring into 2019/20 budget for delivery * Streambank Rehab Spring Creek - 100% IYLPE grant funded project, restricted funds, will seek to bring into 2019/20 budget for delivery * Oakland Avenue Gross Pollutant Trap - Construction delayed due to wet weather impacts, to be completed in 2019/20 * Umina Beach Gross Pollutant Trap - delays due to asbestos presenting during excavation works, will be completed 2019/20.
Environment and Certification	\$176,554.00	\$171,813.00	\$176,554.00	97%		All sensors installed as scheduled. Information uploaded to App and available to the public. Promotional activities have commenced and will continue to run over the next 12 months to ensure this new technology is activated and utilised by the community and seasonal visitors.

On Track	
Delayed – but to be delivered by 30 June 2019	
Need to postpone to another year or remove project	

Finance									
Top 5 Projects by \$ value.									
Project Name	Description	CSP Link	Total 18/19 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Anticipated completion date	Traffic light	Commentary for public and Councillors
Earthmoving Plant	Purchase of earthmoving plant	Responsible Good Governance and Great Partnerships Serve the community by providing great customer experience, value for money and quality services	\$1,363,921	\$290,425	\$435,000	67%	June 2019		2018/19 Program complete - all programmed items delivered within less than 1% overall variance to budget target within the unit.
Truck	Purchase of trucks	Responsible Good Governance and Great Partnerships Serve the community by providing great customer experience, value for money and quality services	\$4,895,985	\$2,111,345	\$964,527	219%	June 2019		2018/19 Program complete - all programmed items delivered within less than 1% overall variance to budget target within the unit
Light Vehicle	Purchase of light vehicles	Responsible Good Governance and Great Partnerships Serve the community by providing great customer experience, value for money and quality services	\$5,304,299	\$390,116	\$430,246	91%	June 2019		2018/19 Program complete - all programmed items delivered within less than 1% overall variance to budget target within the unit.

Top 5 Projects by \$ value.									
Project Name	Description	CSP Link	Total 18/19 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Anticipated completion date	Traffic light	Commentary for public and Councillors
Ancillary Equipment	Purchase of small plant and ancillary equipment	Responsible Good Governance and Great Partnerships Serve the community by providing great customer experience, value for money and quality services	\$499,674	\$221,331	\$70,000	316%	June 2019		2018/19 Program complete - all programmed items delivered within less than 1% overall variance to budget target within the unit.
Ground Care and Equipment	Purchase of ground care and equipment	Responsible Good Governance and Great Partnerships Serve the community by providing great customer experience, value for money and quality services	\$1,102,762	\$95,667	\$90,000	106%	June 2019		2018/19 Program complete - all programmed items delivered within less than 1% overall variance to budget target within the unit.

On Track for delivery of greater than 90% for Unit <i>(project delivery not project spend)</i>	
Potential 80-90% delivery for Unit <i>(project delivery not project spend)</i>	
Less than 80% delivery for Unit <i>(project delivery not project spend)</i>	

Finance Unit Summary						
Business Unit	Total 2018/19 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Traffic light	Commentary for public and Councillors
Plant & Fleet	\$13,726,398	\$13,269,702	\$13,166,641	101%		2018/19 Program complete - all programmed items delivered within less than 1% overall variance to budget target.

On Track	
Delayed – but to be delivered by 30 June 2019	
Need to postpone to another year or remove project	

Innovation and Futures									
Top 5 Projects by \$ value.									
Project Name	Description	CSP Link	Total 18/19 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Anticipated completion date	Traffic light	Commentary for public and Councillors
Gosford Cultural Precinct	RPACC and Library plus commercial Building in Gosford	Liveable Smart Green Belonging Responsible	\$3,342,173	\$562,423	\$3,342,173	17%	Multi Year Project		Multi Year Project. \$2,900,427 to be adjusted down from this financial year and added into July 2019 due to delays with property settlements.
Wyong Cultural Hub	Creation of a new multi-use community centre to cultivate the Arts and performing community in Wyong	Liveable Belonging Responsible	\$178,146	\$208,570	\$178,570	117%	Multi Year Project		Multi Year Project. DA Lodged 2 April 2019.
Racecourse Carpark	Construction of 180 Public Carparks to alleviate parking pressures in Gosford	Liveable	\$220,000	\$639,810	\$220,000	291%	Multi Year Project		Detailed Civil design complete. Latent site conditions discovered with anticipated completion now reported by Roads Transport, Drainage and Waste revised to August/September 2019 and included in the 2019/20 operational plan as a multiyear project.
Enabling works for Terrigal Carpark Stage 2	Relocation of CWA to enable construction of Stage 2 carpark works in Terrigal	Liveable	\$54,832	\$59,372	\$54,832	108%	Multi Year Project		Multi Year Project. Project on hold until the Central Coast Carparking Strategy is complete and reported back to Council. Target completion date for the overall strategy to go back to Council in the second quarter 2019-2020.
Terrigal Boardwalk	Construction of a Boardwalk between Terrigal Beach and the Haven	Liveable	\$368,372	\$285,217	\$368,372	77%	Multi Year Project		Multi Year Project. Detailed Design Complete along with Public Consultation. Council resolved to enter Restart NSW funding Deed and for 50% match funding and to call tenders for construction in 2019/2020.

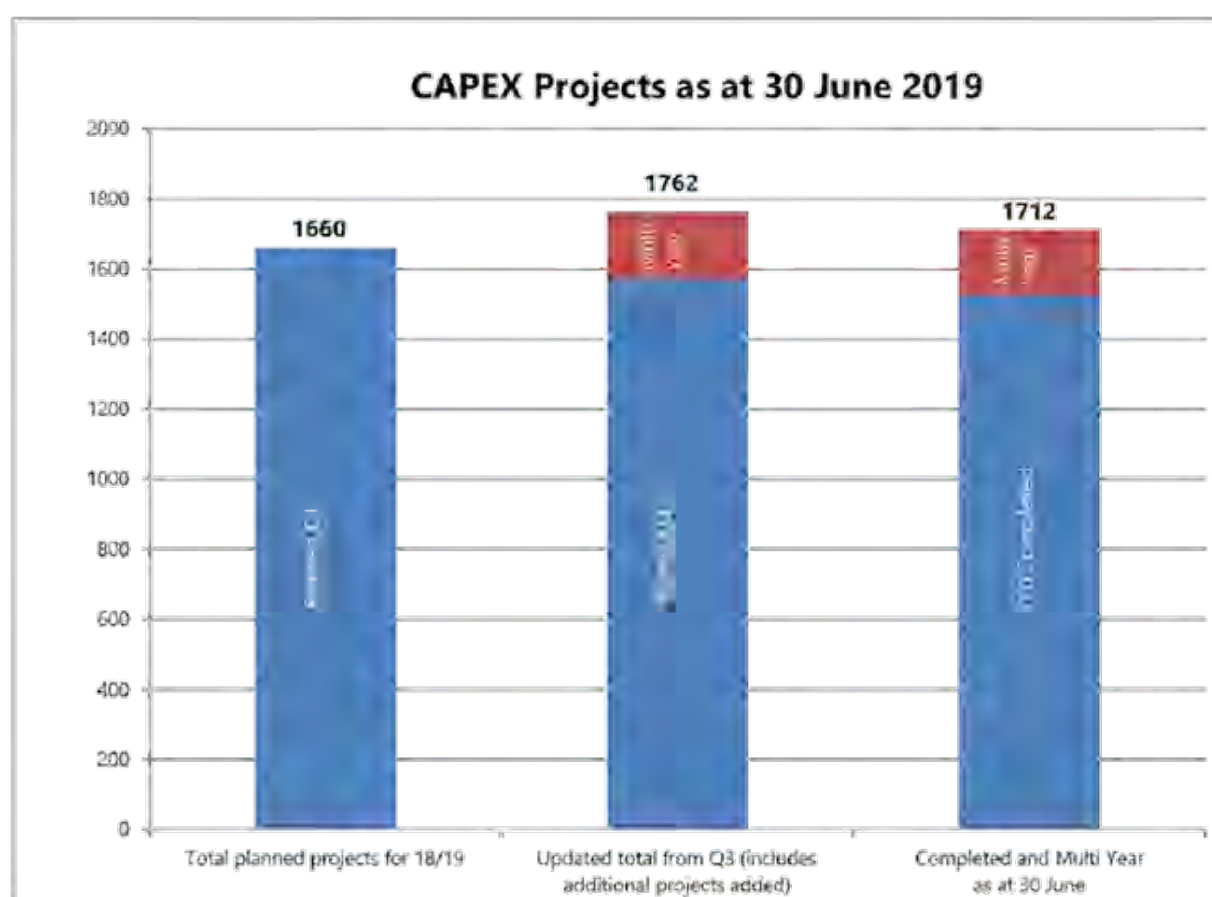
On Track for delivery of greater than 90% for Unit <i>(project delivery not project spend)</i>	
Potential 80-90% delivery for Unit <i>(project delivery not project spend)</i>	
Less than 80% delivery for Unit <i>(project delivery not project spend)</i>	

Innovation and Futures Unit Summary						
Business Unit	Total 2018/19 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Traffic light	Commentary for public and Councillors
Economic Development and Project Delivery	\$4,319,523	\$1,910,589	\$4,319,523	44%		There are five capital works projects planned for 2018/19. Terrigal carpark stage 2 on hold pending finalisation of the car parking strategy. Wyong cultural hub development application lodged April 2019, and Terrigal Boardwalk project progressing. Gosford Cultural Precinct land negotiations due to settle which will balance capital expenditure budget.

Attachment 2 - CAPEX Projects - June 2019

CAPEX Projects as at 30 June 2019

		Total planned projects for 18/19	Updated total from Q3 (includes additional projects added)	Total planned multi year projects	Completed as at 30 June 2019	Completed and multi year projects	Off track as at 30 June
TOTAL		1660	1762	186	1526	1712	50
Directorate	Unit						
Roads	Road Assets Planning and Design	574	574	50	520	570	4
	Transport						
Drainage and Waste	Waste Services and Business Development	12	12	2	10	12	0
	Chief Technology Officer	7	4	1	2	3	1
Information Management and Technology	Digital Information Services	3	3	0	0	0	3
	Technology and Customer Services	4	4	1	3	4	0
	Core Systems Consolidation Program	8	8	8	0	8	0
Governance	Procurement and Projects	7	4	0	4	4	0
	Business Enterprise	40	40	4	30	34	6
Innovation and Futures	Economic Delivery and Project Delivery	5	5	5	0	5	0
Connected Communities	Leisure and Lifestyle	15	30	0	30	30	0
	Community Engagement	4	3	0	3	3	0
	Community Partnerships	17	34	0	32	32	2
	Libraries	5	19	0	19	19	0
	Learning and Education	7	15	0	14	14	1
	Facilities and Asset Management	60	113	16	95	111	2
Water and Sewer	Water Technical Services and System Control	10	10	1	7	8	2
	Water Construction and Project Management	62	65	31	33	64	1
	Water Planning and Development	49	48	23	22	45	3
	Water Assets and Facilities Management	68	68	22	36	58	10
	Director Water and Sewer	23	21	0	21	21	0
Environment and Planning	Open Space and Recreation	84	84	13	65	78	6
	Natural and Environmental Assets	35	37	4	32	36	1
	Waterways and Coastal Protection	25	25	5	12	17	8
	Environment and Certification	1	1	0	1	1	0
Finance	Plant and Fleet	535	535	0	535	535	0





Item No: 5.4
Title: Activities of the Development Assessment and Environment and Certification Units - April to June 2019 Quarter 4
Department: Environment and Planning

26 August 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13610746

Author: Michelle Ritchie, Section Manager, Business Performance and Integration

Manager: Andrew Roach, Unit Manager, Development Assessment

Executive: Scott Cox, Director Environment and Planning

Report Purpose

This report includes information and statistics regarding the operations of the Development Assessment and Environment and Certification Units which covers the submission and determination of development, construction and subdivision applications. This report provides a summary of applications for the April to June 2019 Quarter.

Recommendation

That Council receive and note the report on development statistics.

Background

As the Central Coast community continues to grow, Council is committed to assessing development applications, which respond to the need to providing for a variety of housing choice to suit the needs and lifestyles of the community, support local jobs and services while appreciating and protecting our environmental assets.

The Central Coast Regional Plan (CCRP) provides that the population of the Central Coast will increase by approximately 75,500 people (to 415,050) by 2036. Resultantly there is an increased need for local housing and employment options. The CCRP establishes that the region is expected to have 36,350 more households, setting a target of 41,500 new homes by 2036. To meet this target, this is the equivalent of approximately 2075 homes per year for the 20 year life of the plan.

Since the commencement of the CCRP in 2016, 9,141 additional dwellings have been approved, and Council is tracking well against future housing requirements outlined in the Central Coast Regional Plan.

5.4 Activities of the Development Assessment and Environment and Certification Units - April to June 2019 Quarter 4 (contd)

Housing approvals

During the April to June 2019 quarter, **762** development applications were determined including the approval of **334** new dwellings (including secondary dwellings, detached dwellings, dual-occupancies, multi-dwelling housing and units within residential flat buildings).

Development Applications Determined

Type:	Number Determined	Number Approved	Estimated Value of <u>Approved</u> Development \$
Residential – Single new dwelling, Residential – New Second Occupancy, Residential – Alterations and Additions Residential New Multi-Unit,	434	432	\$132,969,917
Residential - Seniors Living, Residential Other	17	17	\$33,052,913
Commercial / Retail / Office / Tourist/ Community Facility	41	38	\$27,280,268
Industrial and Infrastructure	29	26	\$17,114,020
Subdivision only	25	23	\$480,000
Mixed	2	2	\$32,479,556
Other	43	42	\$6,500,935
Section 4.55	171	171	\$6,709,624
Total	762	751	\$256,587,233

Number of outstanding Development Applications

The total number of Development Applications outstanding at the end of the quarter was 601 with 593 applications under assessment.

Net Median Turnaround Times

The net median turnaround time for development applications determined (including s.455) within the Development Assessment Unit during the April to June 2019 Quarter was 36 calendar days.

5.4 Activities of the Development Assessment and Environment and Certification Units - April to June 2019 Quarter 4 (contd)

The net median turnaround time for development applications determined (including s4.55) within the Environment and Certification Unit during the April to June 2019 Quarter was 24 calendar days.

The net median turnaround time for all development applications (including s.455) determined by the Development Assessment Unit and the Environment and Certification Unit during the April to June 2019 Quarter was 29 calendar days.

Subdivision Lots Released

Type	Number of Lots Released
Commercial/Industrial	6
Residential	66
Boundary realignments/consolidations	4
Total	76

Other Approvals and Certificates

Type	Number Determined	Number Approved
Building Information Certificates	65	63
Construction Certificates issued by Council	163	163
Complying Development Certificates issued by Council	24	24

Variations to Development Standards

Each quarter all Councils are required to report to the Department of Planning and Environment the development applications that have been granted consent involving variation to relevant development standards.

Gosford Local Environmental Plan 2014 (GLEP) and *Wyong Local Environmental Plan 2013 (WLEP)* permit variations to some development standards, as long as the development is considered to meet the following objectives:

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

In each case, the relevant development application must also address the objectives of the development standard being varied.

State Environmental Planning Policy No 1 (SEPP 1) also permits variations to the development standards within *Interim Development Order Number 122 (IDO122)*, which applies to some land within the former Gosford local government area.

5.4 Activities of the Development Assessment and Environment and Certification Units - April to June 2019 Quarter 4 (contd)

Council requires that a written request to vary a development standard be considered in each case, which must address the following matters:

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

A review of Council records has identified that consent was granted to 16 development applications from April to June 2019 Quarter that included a variation to a development standard within WLEP, GLEP or IDO122. A copy of the variation to development standard register for the April to June 2019 Quarter is attached.

Link to Community Strategic Plan

Theme 4: Responsible

Goal I: Balanced and sustainable development

I3: Ensure land use planning and development is sustainable and environmentally sound and considers the importance of local habitate, green corridors, energy efficiency and stormwater management.

Attachments

- | | |
|---|-----------|
| 1 Development Standard Variations Central Coast Council 01 April 2019 -
30 June 2019(2) | D13611748 |
|---|-----------|

Council DA reference number	Street number	Street name	Suburb/Town	Category of development	Environmental planning	Development standard to be varied	Justification of variation	Extent of variation	Concurring authority	Date Determined
DA/836/2018	17-19	Warner Avenue	WYONG	Residential - New multi unit	WLEP 2013	Clause 4.3 Height of buildings	The site has a crossfall of 12.3% from east to west and the proposed built form steps down in response to this fall. The result is a minor non-compliance, resulting in less than 3% of the footprint of the building not complying at the centre of the structure.	6.92%	COUNCIL	14/05/219
DA/851/2018	60A	Ocean PDE	THE ENTRANCE	Residential - Alterations & Additions	WLEP 2013	Clause 4.3 Height of buildings	<ul style="list-style-type: none"> • The development exceeds the height control as an existing basement car parking is located within the dwelling and is included in the height of the building. • The height of the building from natural ground surrounding the building is approximately 8.55m • The additional fixed roof structure and louvred roof is considered a minor addition due to the small size of the addition being an additional 35m² roof area, and the design involving no external walls, with only a glass balustrade. • The proposed alterations and additions will not alter the current bulk, scale or height of the dwelling and is considered to be consistent with surrounding developments. • The maximum building height was considered and assessed at the time the dwelling was initially approved by Council. • A number of dwellings in the locality contain large balconies and roof terraces similar to what is being proposed. • The proposed additional roof structures are considered minor and of light weight construction and will have minimal impact upon the surrounding streetscape or character of the area. • Notwithstanding the proposal's non-compliance with the building height requirement, the objectives of the development standard are still achieved with the minor increase in the building height. 	15%	COUNCIL	5/06/2019

Council DA reference number	Street number	Street name	Suburb/Town	Category of development	Environmental planning	Development standard to be varied	Justification of variation	Extent of variation	Concurring authority	Date Determined
011.2018.00055274.001	50	Webb RD	BOOKER BAY	Residential - New second occupancy	GLEP 2014	Clause 4.4 Floor Space Ratio	<ul style="list-style-type: none"> Booker Bay is predominantly comprised of medium sized lots set out in a grid pattern. The majority of lots have a width of approximately 15m and lend themselves to dual occupancy battle axe blocks or multi dwelling housing. The existing housing stock in the immediate vicinity comprises of a mix of dual occupancy, multi dwelling housing with single dwelling housing stock. The density in the area keeps increasing and this is reflective of rapidly increasing pressure for additional housing in such a high amenity location. The minor FSR non-compliance is the only significant variation sought, with the proposed dual occupancy complying with the identified height limit, setbacks to front side and rear, key (the majority of) building envelopes, private open space and landscaping area controls. The proposed dual occupancy design does not detrimentally impact on the amenity and privacy of adjoining neighbours. The proposal has been designed in response to the constraints of the site, particularly its relatively narrow frontage. The proposal is considered to be well resolved having regard to the amenity and privacy of future residents and existing neighbours. 	10.0%	COUNCIL	31/05/2019
011.2018.00055321.001	64	Fishermans PDE	DALEYS POINT	Residential - Single new dwelling	GLEP 2014	Clause 4.3 Height of buildings Clause 4.4 Floor Space Ratio	The site is burdened by a steep gradient and small lot size which makes compliance with Height and FSR controls difficult to achieve whilst maintaining a reasonable level of amenity in the dwelling design.	14%- FSR 33%- Height	COUNCIL	13/05/2019
011.2018.00055823.001	13	Circulo DR	COPACABANA	Residential - Alterations & Additions	GLEP 2014	Clause 4.3 Height of buildings	The applicant's written request has adequately justified that compliance with the development standard is unreasonable and unnecessary in this instance and there are sufficient environmental Planning grounds to justify contravening the development standard.	7%	COUNCIL	14/06/2019

Council DA reference number	Street number	Street name	Suburb/Town	Category of development	Environmental planning	Development standard to be varied	Justification of variation	Extent of variation	Concurring authority	Date Determined
011.2018.00055852.001	5	Melbourne ST	EAST GOSFORD	Residential - New multi unit	GLEP 2014	Clause 4.4 Floor space ratio	<p>The proposal is a minor departure from the development standard and the additional gross floor area as a result of being a site of less than 1000m2 will not be readily perceptible externally, and will not unreasonably contribute to building bulk or result in adverse impacts on the streetscape or surrounding properties. The additional floor space, while minor, will improve the sizing and amenity of future units having regard to the elongated shape of the property and the building, and can be achieved without resulting in adverse impacts on the amenity of surrounding properties. The proposal otherwise remains below the allowed building height for the site, by 7% on the northern elevation and 21% on the southern elevation, and reasonable setbacks are maintained to all boundaries. The proposal meets the development standards in Gosford Local Environmental Plan 2014 (GLEP 2014) for height and minimum lot size for the type of development proposed.</p> <p>The proposal is consistent with the objectives of the floor space ratio development standard in GLEP 2014 and the zone notwithstanding the variation sought to the floor space ratio development standard. The request seeks flexibility in applying the standard because of the limited environmental impacts, and the variation to the standard is minor and will not adversely impact on the bulk and scale of the development, on the character of the surrounding area or on the amenity of surrounding properties. The request seeks flexibility in applying the standard given the public benefit of providing good design and amenity by providing units that are well-dimensioned and maximises the amenity for future residents without adversely amenity impacts on surrounding development.</p>	5%	COUNCIL	18/06/2019
011.2019.00055951.001	42	King ST	UMINA BEACH	Residential - New multi unit	GLEP 2014	Clause 4.4 - Floor Space Ratio	The proposed development maintains appropriate setbacks, landscaping, solar access and private open space. There are no impacts upon the amenity of the neighbouring properties. The variation to the development standard for Floor Space Ratio does not result	9.30%	COUNCIL	21/05/2019
011.2019.00056013.001	47	Bangalow ST	ETTALONG BEACH	Residential - New second occupancy	GLEP 2014	Clause 4.4 Floor Space Ratio	The proposed development maintains ample setbacks, landscaping, solar access & private open space. There are no impacts upon the amenity of the neighbouring properties. Floor Space Ratio does not result in an over development of the site.	6.20%	COUNCIL	20/05/2019
011.2019.00056131.001	25	Horsfield RD	HORSFIELD BAY	Residential - Single new dwelling	GLEP 2014	Clause 4.3 Height of buildings	The steep terrain of the site does not make compliance with the Development Control easy whilst maintaining a practical dwelling design.	7%	COUNCIL	10/04/2019
011.2019.00056207.001	31	Crystal AVE	PEARL BEACH	Residential - Single new dwelling	GLEP 2014	Clause 4.3 Height of Buildings	The allowable building area has been set by council to relate to the 1% AEP flood line.	10%	COUNCIL	29/04/2019

Council DA reference number	Street number	Street name	Suburb/Town	Category of development	Environmental planning	Development standard to be varied	Justification of variation	Extent of variation	Concurring authority	Date Determined
011.2019.00056216.001	192	The Esplanade	UMINA BEACH	Residential - Alterations & Additions	GLEP 2014	Clause 4.4 Floor Space Ratio	The applicant states that the development is compatible and sympathetic with the desired future character of the zone and provides a high level of amenity to its future occupants and maintains amenity to its neighbours. The site benefits from direct laneway access to two bounding sides. The majority of vehicular access and manoeuvring is completed comfortably within this laneway, and thereby maximises that area available as ground level outdoor living space and pedestrian only access, both in favour of the end-user resident. The applicant's written request has adequately justified that compliance with the development standard is unreasonable and unnecessary in this instance and there are sufficient environmental Planning grounds to justify contravening the development standard.	9.8%	COUNCIL	2/05/2019
011.2019.00056223.001	258	Glenrock PDE	TASCOTT	Residential - Single new dwelling	GLEP 2014	Clause 4.3 Height of Buildings	The variation to the 8.5m height limit is supported as it is considered that the gradient of the sight makes strict compliance difficult to achieve. In addition the impacts of the proposed variation on neighbouring property has been assessed as minor and it is not considered to have a negative effect on the amenity of the area or the environment thus making strict compliance unnecessary.	6%	COUNCIL	3/05/2019
011.2019.00056317.001	5	Cassinia CL	LISAROW	Residential - Single new dwelling	GLEP 2014	Clause 4.3 Height of Buildings	Slope of land.	2%	COUNCIL	23/05/2019
011.2019.00056319.001	40	Terrigal ESP	TERRIGAL	Commercial / retail / office	GLEP 2014	Clause 4.4 Floor Space Ratio	The maximum FSR control for the subject site under the Gosford Local Environment Plan 2014 does not reflect the existing substantial Crowne Plaza Hotel located on the site which has a floor area of 36,972sqm. The existing development represents a significant variation to the current mapped FSR control (i.e.1.8:1) having an FSR of 3.96:1 which is already double the FSR permitted. The LEP fails to provide a suitable floor space ratio which has regard to the existing development on a key site. The proposed addition and alterations to the existing commercial premises results in a minimal increase in additional floor area 29m2 which will have no significant impact on the amenity of neighbours, to the overall visual bulk and scale of development, visual or streetscape appearance being located on the ground floor. The additional floor area results in an increase to floor area of less than 1%.	1.00%	COUNCIL	19/06/2019
011.2019.00056368.001	19	Warrah ST	ETTALONG BEACH	Residential - New multi unit	GLEP 2014	Clause 4.1B Minimum lot size	The variation to the development standard for Minimum lot size does not result in an over development of the site. The proposal is considered to meet the objectives of the development standard and the R1 General Residential zone and there are no impacts upon the amenity of future occupants or the neighbouring properties.	3.4%	COUNCIL	21/05/2019
011.2019.00056412.001	256	Blackwall RD	WOY WOY	Residential - Alterations & Additions	GLEP 2014	Clause 4.4 Floor Space Ratio	Proposed development is a second storey addition on an irregular shaped lot. There are similar developments in close proximity. The overall size of the development is 3% over the required 0.5:1 FSR requirement. The size, scale and bulk of the proposed development is in keeping with the character of the area. The additional floor area impact is reduced by the articulation of the development.	3%	COUNCIL	19/06/2019



Item No: 5.5
Title: Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons held 20 June 2019
Department: Environment and Planning

26 August 2019 Ordinary Council Meeting

Trim Reference: F2018/00097 - D13607526

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

Executive: Scott Cox, Director Environment and Planning

Report Purpose

To note the Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons held on 20 June 2019.

Recommendation

That Council receive the report on Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons held 20 June 2019.

Background

The Catchments and Coast Committee Brisbane Water and Gosford Lagoons had a meeting scheduled for 20 June 2019, however no quorum could be achieved and the meeting did not proceed. The Meeting Record is being reported for information only.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

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

Attachments

- | | |
|--|-----------|
| 1 Catchments and Coast Committee Brisbane Water and Gosford Lagoons Meeting Record - 20 June 2019 | D13607514 |
|--|-----------|

Catchments and Coast Committee Brisbane Water and Gosford Lagoons Meeting Record 20 June 2019



Location:	Central Coast Council Gosford Office Level 1 Committee Room 49 Mann Street, Gosford	
Date:	20 June 2019	
Time	Started at: 4.10pm	Closed at: 4.15pm
Chair	Mayor Jane Smith	
File Ref	F2018/00097	

Present:

Mayor Jane Smith, Ian Caruthers, Adrian Williams, Samantha Willis, Michael Alsop (non-voting)

External Representatives present:

Neil Kelleher – Office of Environment and Heritage

Council Staff present:

Luke Sulkowski – Acting Unit Manager Waterways and Coastal Protection, Peter Sheath – Section Manager Waterways, Vanessa McCann – Team Leader Estuary Management and Projects, Warren Brown – Waterways and Coastal Management Officer, Melanie James – Waterways Officer, Zoie Magann – Advisory Group Support Officer

Item 1 Apologies

Jenny McCulla, Andrew Jones, Richard Murphy – Office of Environment and Heritage, Ben Fullagar – Section Manager Coastal Protection

In accordance with Section Three of the Terms of Reference, there were insufficient voting members present and the meeting could not proceed due to a lack of quorum.

Next Meetings: **Thursday 19 September 2019**
2pm – 4pm
Central Coast Council Gosford Office
Level 1 Committee Room

Terrigal Water Quality Sub-Committee Meeting to follow.



Item No: 5.6
Title: Meeting Record of the Catchments and Coast Committee Tuggerah Lakes held on 26 June 2019
Department: Environment and Planning

26 August 2019 Ordinary Council Meeting

Trim Reference: F2018/00098 - D13607601

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

Executive: Scott Cox, Director Environment and Planning

Report Purpose

To note the Meeting Record of the Catchments and Coast Committee Tuggerah Lakes held on 26 June 2019.

Recommendation

That Council receive the report on Meeting Record of the Catchments and Coast Committee Tuggerah Lakes held on 26 June 2019.

Background

The Catchments and Coast Committee Tuggerah Lakes held a meeting on 26 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 3: Green

Goal E: Environmental resources for the future

E1: Educate the community on the value and importance of natural areas and biodiversity, and encourage community involvement in caring for our natural environment.

Theme 4: Responsible

Goal G: Good governance and great partnerships

G3: Engage with the community in meaningful dialogue and demonstrate how community participation is being used to inform decisions.

5.6 Meeting Record of the Catchments and Coast Committee Tuggerah Lakes held on 26 June 2019 (contd)

Attachments

- 1** Catchments and Coast Committee Tuggerah Lakes Meeting Record - 26 June 2019 D13607590

Catchments and Coast Committee Tuggerah Lakes Meeting Record 26 June 2019



Location:	Central Coast Council Wyong Office Level 2 Committee Room 2 Hely Street, Wyong	
Date:	26 June 2019	
Time	Started at: 3.08pm	Closed at: 5.43pm
Chair	Councillor Doug Vincent	
File Ref	F2018/00098	

Present:

Mayor Jane Smith (left 4.12pm), Councillor Louise Greenaway, Councillor Doug Vincent, Michael Campbell, Doug Darlington (left 5.43pm), Robert Davies, Graham Hankin

External Representatives present:

Neil Kelleher – Office of Environment and Heritage (left 5.40pm)

Council Staff present:

Luke Sulkowski – Unit Manager Natural and Environmental Assets, Ben Fullagar – Section Manager Coastal Protection, Peter Sheath – Section Manager Waterways, Matthew Barnett – Team Leader Catchment Operations, Zoie Magann – Advisory Group Support Officer

Item 1 Apologies and Acknowledgement of Country

Marlene Pennings, Samantha Willis, Richard Murphy – Office of Environment and Heritage, Danielle Hargreaves – Section Manager Learning Community, Vanessa McCann – Team Leader Estuary Management

The Chairperson, Councillor Doug Vincent, gave an Acknowledgement of Country.

Item 2 Disclosure of Interest

Mayor Jane Smith declared a non-significant non-pecuniary interest with regard to Item 7 as a teacher for the Department of Education.

Item 3 Confirmation of Previous Meeting Record

The Advisory Group confirmed the Meeting Record from 1 May 2019.



There was some debate about the wording of the Recommendation in Item 5 of the previous Meeting Record that the Advisory Group endorsed the Killarney Vale/Long Jetty Floodplain Risk Management Study and Draft Plan (FRMSP) for public exhibition. Some members believed the FRMSP was endorsed in principle, pending further feedback. It was agreed that this Meeting Record would note feedback that the FRMSP were not provided in advance of the previous meeting, and the Advisory Group consequently had insufficient time to review the documents before being asked to endorse them.

The Advisory Group reviewed the Action Log.

Regarding Action 48 (Ourimbah Creek FRMSP and Wyong River FRMSP), it was noted that a further report will go to Council on the outcomes of public exhibition.

Action: An update on Actions 44 and 46 (public exhibition of Killarney Vale/Long Jetty FRMSP and Wallarah Creek FRMSP) to come back to the Advisory Group when appropriate.

Action: A representative from Fisheries to be invited to the next meeting to provide further details on Action 33 (fish habitats/nurseries) and seagrass mapping.

Item 4 Feedback from Previous Meeting

Concerns were noted about the amount of items included on the agenda and insufficient time to adequately address each topic.

Luke Sulkowski (Unit Manager Natural and Environmental Assets) introduced himself as acting Convenor of the Advisory Group in Peter Ham's (Unit Manager Waterways and Coastal Protection) absence. Each member of the Advisory Group then introduced themselves briefly, and noted their priority areas of focus for the Advisory Group. The common areas noted were wrack and the lake edge, education, and catchment solutions.

Neil Kelleher (Office of Environment and Heritage) informed the Advisory Group of Council's legislative requirement to develop new Coastal Management Programs (CMPs) in accordance with the *Coastal Management Act 2016*. Community engagement and education are key components required in CMPs.

Item 7 was brought forward to follow this item.

Item 5 2019/20 Budget

Waterways and Coastal Protection staff provided an overview of the adopted capital works program and operational budget for 2019/20.

Action: The Advisory Group requests more information on The Entrance Channel dredging program at the next meeting.

Quorum was lost at 5.43pm. In accordance with Section Three of the Terms of Reference, there were insufficient voting members present from this point and the meeting could not proceed. Items 6 and 8 were therefore not addressed.

**Item 7 Education Initiatives to Promote Healthy Waterways**

Item 7 was brought forward to follow Item 4, noting it would also be deferred to the next meeting as Danielle Hargreaves (Section Manager Learning Community) was unable to attend this meeting.

The Advisory Group noted some topics for discussion with Danielle as follows:

- Possibility of working with local schools to incorporate Tuggerah Lakes into the curriculum (eg. Tuggerah Lakes Secondary College The Entrance Campus – body of work for science subject)
- Revised presentations on Council's website and in cinemas (consideration of different mediums such as animations and live action)
- Staff outreach programs
- Ensuring that brief summaries (eg. dot points) on website are supported by further information with references included

Action: Staff to investigate and provide information on opportunity for community members of the Advisory Group to attend the NSW Coastal Conference in Terrigal (30 October – 1 November 2019).

Next Meeting: **Wednesday 28 August 2019**
 2pm – 4pm
 Central Coast Council Wyong Office
 Level 2 Committee Room



Item No: 5.7
Title: Meeting Record of the Employment and Economic Development Committee held 13 June 2019
Department: Innovation and Futures

26 August 2019 Ordinary Council Meeting

Trim Reference: F2018/00100 - D13607503

Manager: Jamie Barclay, Unit Manager, Economic Development and Project Delivery

Executive: Ricardo Martello, Executive Manager Innovation and Futures

Report Purpose

To note the Meeting Record of the Employment and Economic Development Committee held on 13 June 2019.

Recommendation

That Council receive the report on Meeting Record of the Employment and Economic Development Committee held 13 June 2019.

Background

The Employment and Economic Development Committee held a meeting on 13 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

G3: Engage with the community in meaningful dialogue and demonstrate how community participation is being used to inform decisions.

Attachments

1 Employment and Economic Development Committee Meeting Record - D13607499
13 June 2019

Employment and Economic Development Committee Meeting Record 13 June 2019



Location:	Central Coast Council Gosford Office Level 1 Committee Room, 49 Mann Street, Gosford	
Date:	13 June 2019	
Time	Started at: 5.02pm	Closed at: 6.55pm
Chair	Mayor Jane Smith	
File Ref	F2018/00100	

Present:

Mayor Jane Smith, Councillor Chris Holstein (left 6.08pm), Councillor Kyle MacGregor (left 6.30pm), Councillor Bruce McLachlan, Councillor Jilly Pilon, Councillor Jeff Sundstrom, John Asquith, Mike Goodman, Brad Wilson

External Attendees:

Paula Martin – NSW Business Chamber

Council Staff present:

Jamie Barclay – Unit Manager Economic Development and Project Delivery, Kelly Drover – Advisory Group Support Officer

Item 1 Apologies, Welcome and Acknowledgement of Country

Councillor Rebecca Gale Collins, William Adames, Michael Pilon

The Chairperson, Mayor Jane Smith, declared the meeting open at 5.02pm and undertook an Acknowledgement of Country and Connection to Land statement.

Item 2 Disclosure of Interest

The Mayor called for any declarations of interest.

Councillor McLachlan declared a less than significant non-pecuniary interest as he had done previously, as a business owner on the Central Coast.

Item 3 Confirmation of Previous Meeting Record

The Advisory Group confirmed the Meeting Record from 7 March 2019.

The Advisory Group reviewed the Action Log.



Item 4 Revitalisation of The Entrance – Letter and Response

The Committee discussed the letter received from Mr Doug Darlington regarding Revitalising The Entrance.

Discussion was held surrounding:

- Revisiting Key sites
- Town Centres Initiative
- Tourism Opportunity Plan
- Accommodation Strategy

Action: Advisory Group Support Officer to respond to Mr Darlington advising the letter was discussed by the Committee including the above mentioned discussion points.

Item 5 Clean Green Economic Development/Innovation Opportunities

The Committee discussed the following initiatives and opportunities:

- WRACK and how it can be used as feed, fertiliser or biochar
- Solar Power manufacturer, wind farms and renewable energies
- Robotics and new technologies, smart manufacturing
- Eco-Tourism
- Activating local businesses (sustainability cluster)
- Promoting the winter season on the Coast (whale watching, whale walks, wild flowers etc)

Action: The above mentioned initiatives to be sent to relevant Tourism staff to be considered as part of the *1000 small ideas*, particularly whale watching/walks and restaurant opportunities.

Action: The use of WRACK be referred to relevant staff to consider the possible use of WRACK on ash dams as part of rehabilitation.

Action: Disposal of WRACK to be discussed with the Newcastle University to see if there are students or academics that may have an interest or suggestions on how it can be used.

Action: Estuary Management staff to provide costs to Mike Goodman associated with WRACK (removal, reuse etc)

Action: The Committee requests information from staff on what sort of funding we are putting towards Economic Development for the region.

Item 6 Aviation hub (WEZ)

Jamie Barclay gave a presentation on the Aviation Hub.

Item 7 Reflect on Progress in line with Terms of Reference and Action Plan

The Committee agreed to hold off on reflecting on its progress in line with the Terms of Reference and Action Plan until the Economic Development Strategy goes to Council and is placed on public exhibition.

**Item 8 Update on Economic Development Strategy**

Jamie Barclay (Unit Manager Economic Development and Project Delivery) gave a presentation on the Economic Development Strategy.

Action: Advisory Group Support Officer to circulate presentation to Committee members.

Action: Paula Martin – NSW Business Chamber to provide further information to the Committee on the levels of Trade qualifications in the region.

Item 9 General Business and Close

- a) Mike Goodman discussed his Supply Chain Logistics forum that is being held tomorrow, with another one in September at which he would like to discuss plastic roads and perhaps hold a site tour. Jamie Barclay will liaise with Mike to discuss further.
- b) Paula Martin to provide a presentation at the next meeting on the Central Coast Branch of the NSW Business Chamber.

Action: Advisory Group Support Officer to place this item on the agenda for the next meeting.

- c) John Asquith requested further information on the Future of Work paper that was provided at the last meeting.

Action: Staff to provide a presentation at the next meeting on youth unemployment.

Action: Jamie Barclay to invite P-Tech to the next meeting.

The meeting closed at 6.55pm

Next Meeting: TBC



Item No: 5.8
Title: Meeting Record of Mangrove Mountain and Spencer Advisory Committee held on 25 June 2019
Department: Governance

26 August 2019 Ordinary Council Meeting

Trim Reference: F2017/02125 - D13607580

Executive: Evan Hutchings, Director Governance

Report Purpose

To note the Meeting Record of the Mangrove Mountain and Spencer Advisory Committee held on 25 June 2019.

Recommendation

That Council receive the report on Meeting Record of Mangrove Mountain and Spencer Advisory Committee held on 25 June 2019.

Background

The Mangrove Mountain and Spencer Advisory Committee held a meeting on 25 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

G3: Engage with the community in meaningful dialogue and demonstrate how community participation is being used to inform decisions.

Attachments

- 1** Mangrove Mountain and Spencer Advisory Committee Meeting Record - 25 June 2019 D13607578

Mangrove Mountain and Spencer Advisory Committee Meeting Record 25 June 2019



Location:	Central Coast Council Wyong Office Level 2 Committee Room 2 Hely Street, Wyong	
Date:	25 June 2019	
Time	Started at: 5.03pm	Closed at: 5.55pm
Chair	Mayor Jane Smith	
File Ref	F2017/02125	

Present:

Mayor Jane Smith, Councillor Chris Holstein, Lillias Bovell, Gary Chestnut, Joy Cooper, Dr Stephen Goodwin, Wolfgang Koerner, Pam O'Sullivan, Stephen Rickards, Marilyn Steiner, Danny Willmott, [Catherine Wade - (observer only)]

Council Staff present:

Gary Murphy – Chief Executive Officer, Scott Cox – Director Environment and Planning, Evan Hutchings – Director Governance, Brian Jones – Unit Manager Environment and Certification (arrived 5.28pm), Kelly Drover – Advisory Group Support Officer

Item 1 Apologies, Welcome and Acknowledgement of Country

Apologies received: John Asquith, Margaret Pontifex, Algis Sutas – Natural Resources Access Regulator, Greg Sheehy – Environment Protection Authority (EPA), Cate Woods – Environment Protection Authority (EPA)

The Chairperson, Mayor Jane Smith declared the meeting open at 5.03pm, and completed an Acknowledgement of Country.

Item 2 Disclosure of Interest

Gary Chestnut declared a less than significant non-pecuniary interest, as he had also done previously, as he is a former employee of Gosford City Council and during this employment he received and presented confidential information relating to the Mangrove Mountain Landfill site, to Councillors, Senior Management, Council's Solicitors, Council's Barrister and Council's Senior Counsel.

Danny Willmott declared a less than significant non-pecuniary interest, as he had also done previously, as he is a former respondent in the legal case regarding Mangrove Mountain Landfill.

Mangrove Mountain and Spencer Advisory Committee Meeting Record
25 June 2019



Item 3 Confirmation of 9 April 2019 Meeting Record

The Committee confirmed the 9 April 2019 Meeting Record.

The Committee discussed the Action log.

Item 4 Update from Council Staff Regarding Current Council Actions

Brian Jones – Unit Manager Environment Certification advised that the Verde Terra Pty Ltd Land Environment Court hearing has been set down for 19 November 2019, for a period of 3 weeks.

Brian provided the Committee with an update on Spencer and Gunderman.

Local residents are concerned about the lack of communication with the Spencer Community.

Action: The Committee requests the EPA provide advice on a communications plan for the Spencer Community regarding activities related to the site.

Item 5 Committee questions on notice

Written responses to Committee Questions were provided from the EPA and tabled at the meeting.

The Committee expressed concern in regard to the EPA monitoring of the Spencer site.

The Committee had a number of questions in regard to the EPA responses to Member 2 questions, in particular surface water testing and surface landfill gas testing. Clarification to be sought from the EPA (questions to be provided to the EPA under separate cover).

Action: The Committee requests clarification to their follow up questions, to be provided to the EPA under separate cover.

Action: The Committee request the EPA to provide the Monitoring Data and Annual Return for 2017/2018.

Item 6 Site Remediation (Action 50)

Scott Cox – Director Environment and Planning advised that an update was not able to be provided at this stage as Council resources are currently being applied to the legal case. Consultants have been engaged to prepare evidence based on the brief that has been given to them.

Evan Hutchings – Director Governance provided the Committee with an update from Council's legal representative re Verde Terra Pty Ltd.

Item 7 Leachate into Stormwater (Action 61)

The Environment Protection Authority did not attend the meeting therefore an update was not provided on this item.

Mangrove Mountain and Spencer Advisory Committee Meeting Record
25 June 2019



Item 8 Update on Rainforest Ferns along rainforest walk at Ourimbah Creek (Action 63)

The Environment Protection Authority did not attend the meeting therefore an update was not provided on this item.

Brian Jones – Unit Manager Environment Certification advised that the area where these ferns are located is known as the Forest of Tranquillity which is privately owned and access is no longer allowed.

Action: Mayor Smith to liaise with the owners of the Forest of Tranquillity to enquire about staff gaining access to the site.

Item 9 Risk Profile Mangrove Mountain Landfill (Action 64)

Scott Cox – Director Environment and Planning advised that an update was not able to be provided at this stage as Council resources are currently being applied to the legal case. Consultants have been engaged to prepare evidence based on the brief that has been given to them.

The Committee suggested that in undertaking a risk profile assessment it would be useful to undertake a site visit under periods of inclement weather.

Mountain Districts Association indicated they have additional information that may be of assistance should the Consultant wish to access it.

Item 10 General Business and Close

There was no General Business.

The meeting closed at 5.55pm

Next Meeting: Tuesday 27 August 2019
5pm – 7pm
Central Coast Council Gosford Office
Level 1 Committee Room,
49 Mann Street, Gosford



Item No: 6.1
Title: QON - Q52/19 - Illegal Tree poisoning and removal across the Central Coast
Department: Environment and Planning

26 August 2019 Ordinary Council Meeting

Trim Reference: F2018/00025-02 - D13596442

Author: Scott Irwin, Emergency Environmental Management Coordinator

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

Executive: Scott Cox, Director Environment and Planning

6.1 QON - Q52/19 - Illegal Tree poisoning and removal across the Central Coast

The following question was asked by Councillor Jillian Hogan at the Ordinary Meeting on 11 March 2019.

"How is Council responding to incidents of illegal tree poisoning and or removal across the Central Coast with notable recent examples including the desecration of the Norfolk Pines, Gums and other vegetation at Norah Head?"

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

Council undertakes investigation into the alleged poisoning and seeks assistance from any witnesses. The legal requirements to successfully prosecute a case would typically require either a witness to the act who is willing to provide a statement or an admission by the person/s who did the poisoning.

Council is currently recruiting a dedicated compliance officer whose role will be to investigate illegal activity in relation to trees and provide education more broadly on the benefits of retaining healthy trees and vegetation. Council anticipates this role will be able to provide a more rapid response to reports of illegal activity and reduce the occurrence through both compliance action and education. Shortlisted candidates for this new role are currently being considered.

Attachments

Nil.



Item No: 6.2
Title: QON - Q73/19 - Seedbank
Department: Environment and Planning

26 August 2019 Ordinary Council Meeting

Trim Reference: F2019/00042 - D13593241

Author: Michael Smith, Bushcare Officer

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

Executive: Scott Cox, Director Environment and Planning

6.2 QON - Q73/19 - Seedbank

The following question was asked by Councillor Kyle MacGregor at the Ordinary Meeting on 8 April 2019.

Does Council maintain a Seedbank or nursery that grows and preserves local native tree species and when planting vegetation across the LGA. How does Council ensure an appropriate mix of native and or exotic vegetation is being planted in public areas across the LGA?

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

Council has a nursery which is located at the Erina depot. The stock grown at the nursery includes local native plant species which have been collected from within Council's bushland and coastal reserves and is of local provenance. Where additional stock is required, including exotic species, Council's nursery is able to source and supply this material. Plants grown or sourced by the nursery are used throughout the Local Government Area (LGA).

Council's Landcare team facilitates a volunteer program which assists Council's nursery production from local seed collection through to plant production. A specialised seed collection group collects seed from bushland and coastal reserves and supply this seed to Council's nursery, with the nursery storing this seed for use as required. There is also a group of volunteers who work at Council's nursery each week to assist with plant propagation and nursery maintenance.

Council's nursery takes orders for plant supplies from units throughout the organisation, for planting throughout the LGA. The vast majority of plants grown and supplied from Council's nursery are of local native species.

Attachments

Nil.



Item No: 6.3
Title: QON - Q97/19 - Umina Skate Park
Department: Environment and Planning

26 August 2019 Ordinary Council Meeting

Trim Reference: F2019/00042 - D13622981

Author: Karen Tucker, Acting Unit Manager, Open Space and Recreation

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

Executive: Scott Cox, Director Environment and Planning

6.3 QON - Q97/19 - Umina Skate Park

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

How is Council conducting consultation on the Umina Skate Park BMX area and surrounding Community and sporting precinct upgrade now that initial consultation and plans have been circulated on the Your Coast Your Voice website, and comment closed in April. Is additional consultation and work being conducted or is this first phase to be the final consultation and final plans for mooted works for the Community and Sporting precinct in the BMX Area and Skate Park?

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

Umina Skate Park at Peninsula Recreation Precinct is being redeveloped to provide a new, upgraded skate facility which will service the community well into the future. The existing skate park was built in the 1990s, and whilst it has had a number of extensions over the years, it is nearing the end of its structural life. The redevelopment of the skate park has been strongly supported by the Umina community with over 1000 people participating in either drop in sessions, school workshops or engaging with the online surveys regarding the concept design for the skate park and surrounding area.

The draft concept design was developed with community consultation and extensive feedback. The key iconic features of the existing skate park will inform the future design with all comments provided by the community referred to the external skate park design consultant engaged by Council to develop a concept design for the area.

Once the final concept design is received, Council will call for tenders for the detailed design and construction of the skate park. The community will be provided further opportunities for feedback and discussion to inform the key elements of the future skate park in the detailed design phase. Whilst the second round of concept design consultation has closed, comments can still be sent to openspaceprojects@centralcoast.nsw.gov.au.

Attachments

Nil.



Item No: 6.4
Title: QON - Q103/19 - Revetment Wall Wamberal
Department: Environment and Planning

26 August 2019 Ordinary Council Meeting

Trim Reference: F2019/00042 - D13581049

Author: Ben Fullagar, Section Manager, Coastal Protection

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

Executive: Scott Cox, Director Environment and Planning

6.4 QON - Q103/19 - Revetment Wall Wamberal

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

Can I get a brief update of where the designs for the revetment wall at Wamberal is up to please?

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

The following tasks are currently in progress:

- Clarification of beach ownership matters (some land between the residential property boundary and high water mark may be privately owned)
- Review of existing geotechnical information to establish the underlying ground conditions
- Preparation of a detailed project plan to govern progress
- Review of existing on-ground structures including protection walls and other structures
- Review of similar related issues experienced in the Northern Beaches Local Government Area
- Survey of existing structures in place along the Wamberal beachfront
- Clarification of legal requirements prior to pursuing construction of a Terminal Protection Structure (TPS)

In June 2019 Council completed a boundary and features survey along Wamberal Beach. This is one of the initial steps required for the investigation and assessment of a TPS.

The next tasks required include:

- Geotechnical investigation – Due to commence first quarter of 2019/20

- Drafting of a Coastal Erosion Policy for consideration by Council – Due to commence first quarter of 2019/20

The timing of other remaining tasks will be better defined following finalisation of the detailed project plan which is currently being prepared.

This project is complex, requires input and agreement from a number of parties, and no funding model has previously been developed to implement the works. An agreed funding model is a key pre-condition to a TPS.

Furthermore, no protection works can be carried out without prior development consent. The appropriate course of action is to lodge a development application with Council which will be considered on its merits. More information on coastal protection works can be found in the *Factsheet 3 – Coastal Protection Works* provided by the State Government (see attached).

Attached is a Frequently Asked Questions sheet which has been prepared in consultation with the NSW Government and local residents. These FAQ's will be uploaded onto Council's website.

Attachments

- | | | |
|----------|--|-----------|
| 1 | Coastal Management SEPP - Fact sheet 3: Coastal Protection | D13625680 |
| 2 | Attachment FAQs - Wamberal Terminal Protection FINAL-July 2019 | D13635804 |

Coastal Management State Environmental Planning Policy

○ Fact sheet 3: Coastal protection works

April 2018

Coastal protection works

Coastal protection works are defined in the *Coastal Management Act 2016* (Act) at section 4(1) to be beach nourishment activities or works, and activities or works to reduce the impacts of coastal hazards on land adjacent to tidal waters including, but not limited to, seawalls, revetments and groynes.

Coastal protection works can be built for several reasons, including to protect property, change access, maintain public safety or prevent erosion or inundation of land. These works do not guard against the impacts of all coastal hazards into the future. They are designed to protect assets during a storm of a specified magnitude or over a specific timeframe and require ongoing maintenance to be effective. Long term financial implications for maintenance are therefore an important consideration.

Coastal protection works can have unintended short and long-term consequences, such as causing erosion or accretion in other areas, reducing public access to a beach or foreshore areas, impacting on public safety or causing environmental impacts.

Approval pathways for building coastal protection works

Coastal protection works can be built by private landowners and public authorities, with appropriate approval.

State Environmental Planning Policy (State and Regional Development) 2011, (Schedule 7, clause 8A), declares certain development for the purposes of coastal protection works to be 'regionally significant development' for which the consent authority is a Sydney district or regional planning panel.

The development assessment pathways for coastal protection works highlight the importance of a certified council Coastal Management Program (CMP). Coastal protection works that are identified in a certified CMP have a different approval pathway to works that are not identified in a CMP.

Coastal protection works are required to be strategic and to avoid significant adverse long term environmental or social impacts on other coastal features, assets, processes, resources, access or use.

Consent authorities should avoid ad hoc development that is likely to cause significant impacts on coastal processes, a beach, land adjacent to the beach, public access to the coast and public safety. These environmental and social impacts are likely to occur if coastal protection works are not designed, installed or maintained appropriately.

Section 27 of the Act identifies the development controls relating to coastal protection works. Clause 19 of State Environmental Planning Policy (Coastal Management) 2018 specifies the approval pathways for these works, depending on the nature of the works and whether the works are to be undertaken by a public authority.

A regional planning panel, or Sydney district planning panel if within Sydney, with appropriate coastal expertise, will determine development applications for certain coastal protection works that are adjacent to, or under the waters of the open ocean, the entrance to an estuary or the entrance to a



Department of Planning and Environment

Coastal Management State Environmental Planning Policy

○ Fact sheet 3: Coastal protection works

April 2018

coastal lake that is open to the ocean. Where these works have been strategically identified in a certified CMP, the local council is the consent authority.

The regional planning panel or Sydney district planning panel exercise development consent functions for applications for coastal protection works by private landowners and public authorities where the works are not exempted by clause 19(2) of the Coastal Management SEPP. The regional planning panel or Sydney district planning panel may continue to have consent authority functions such as modification to development consents it previously granted, even if the works are subsequently identified in a certified CMP.

A public authority may carry out coastal protection works without development consent if the works are:

- identified in the relevant certified CMP
- beach nourishment
- placing sand bags for not more than 90 days
- routine maintenance works or repairs to existing coastal protection works.

The flowcharts on pages 4 and 5 show the approval pathways for coastal protection works, depending on the type of proposed works, whether or not the proposal is by a public authority, and where in the coastal zone the works are to be located. Certain other works may also be authorised under the *Local Government Act 1993*.

Approval pathways for emergency coastal protection works

The new coastal management framework requires all proposals for coastal protection works to be considered strategically through the development of a CMP. Public authorities can carry out emergency coastal protection works, as exempt development, where these works are in accordance with a coastal zone emergency action subplan prepared by the relevant council and included in a certified CMP.

A coastal zone emergency action subplan identifies actions and responsibilities to be carried out for the protection of property affected, or likely to be affected, by beach erosion, coastal inundation or cliff instability.

Emergency coastal protection works may comprise the placement of sand, or the placing of sand bags for a period of not more than 90 days, on a beach, or a sand dune adjacent to the beach, to mitigate the effects of coastal hazards on land.

Private landowners who would like the ability to be able to undertake short term coastal protection works or activities in the event of an emergency, need to obtain prior consent from either the council if the works have already been identified in a certified CMP or are not adjacent to the open ocean, or an entrance to an estuary or coastal lake or the regional planning panel or Sydney district planning panel in any other case.

Flowcharts for assessment pathways for private and public landowners follow on the next two pages.

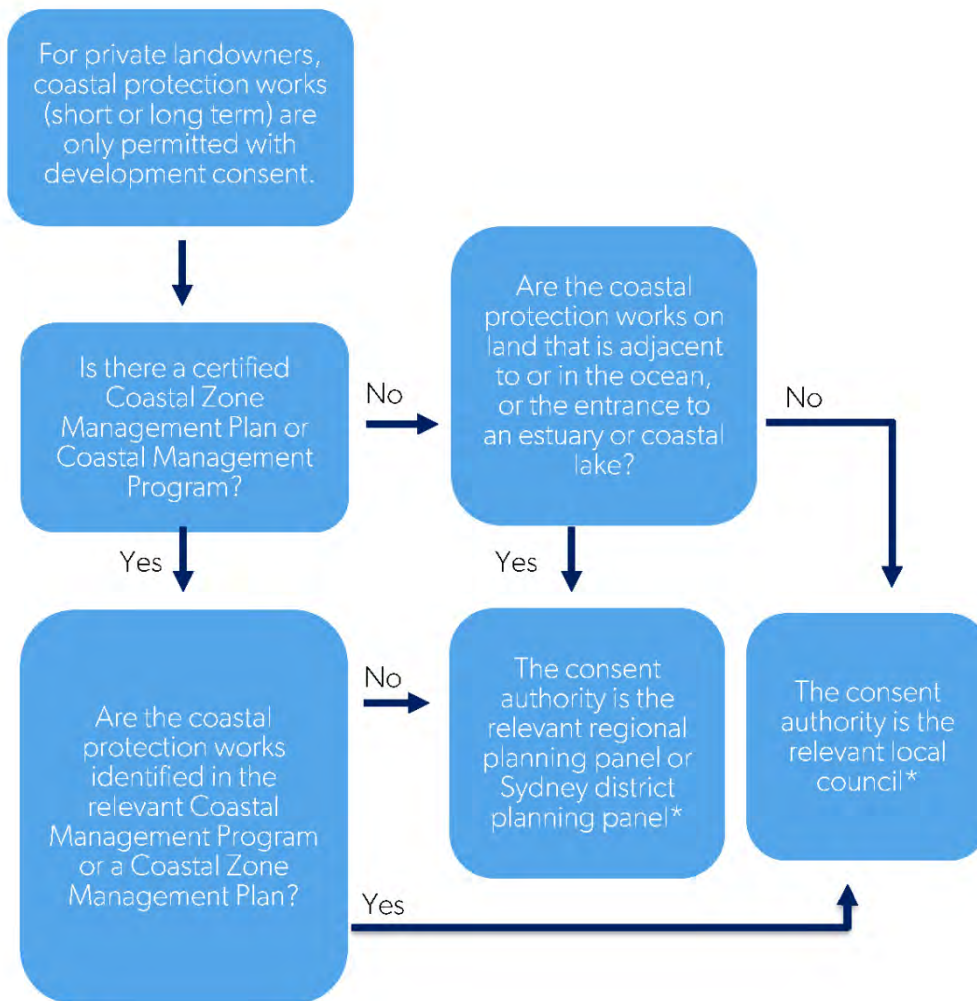


Coastal Management State Environmental Planning Policy

○ Fact sheet 3: Coastal protection works

April 2018

Coastal protection works: assessment pathway for private landowners



*Other approvals may be required under different legislation.

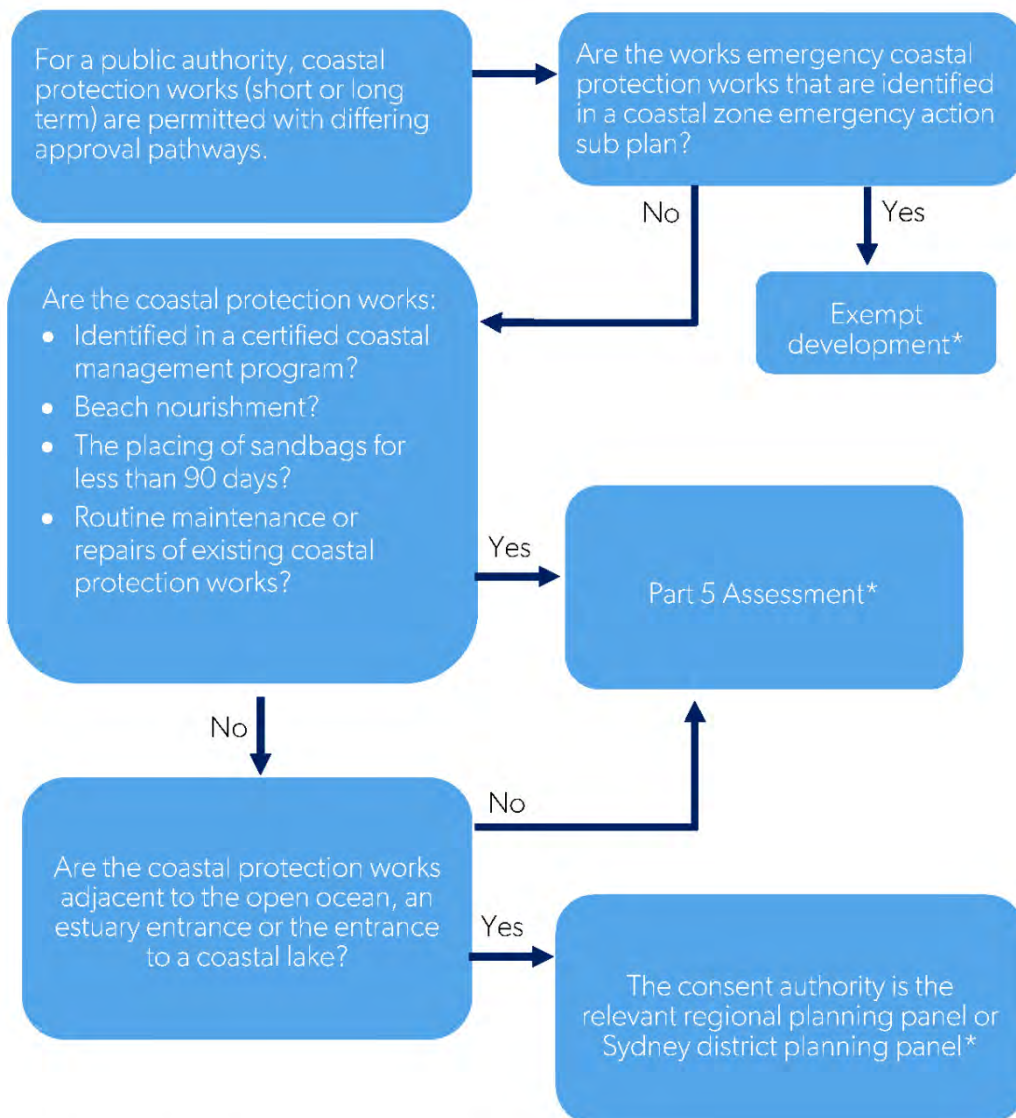


Coastal Management State Environmental Planning Policy

○ Fact sheet 3: Coastal protection works

April 2018

Coastal protection works: assessment pathway for public authorities (including councils)



*Other approvals may be required under different legislation.



Wamberal Terminal Wall

Frequently Asked Questions



The Wamberal Terminal Protection Project Working Group was established in November 2017 to bring together key stakeholders – Council, the NSW Government and residents – to progress discussions relating to coastal erosion at Wamberal Beach. The following questions were submitted by local residents and property owners for a group response. Others have been added in relation to the Coastal Zone Management Plan to provide further context.

Is Council committed to installing a terminal protection seawall structure along the length of Wamberal Beach and if so, within what timeframe?

Central Coast Council are committed to completing the relevant actions in the Gosford Beaches Coastal Zone Management Plan (CZMP) for Wamberal Beach subject to the allocation of funding and resources.

The CZMP has specific actions identified for Wamberal including:

- TW11: Terminal protection- Council to action review, design and funding of terminal protection structure for Wamberal *
- TW14: Investigation of sources of sand and determination of the feasibility of beach nourishment for Wamberal Beach
- TW15: Beach nourishment coupled with a terminal revetment to increase the buffer against storm erosion.

* Note: clarification of this action is contained within the CZMP page 157:

Council will consider reintroduction of the special building line exemption for Wamberal Beach;

- once an updated and appropriate design for the Terminal Protection Structure is finalised; and
- funding based on the accepted model is agreed for construction; and
- ongoing maintenance and relevant approvals have been obtained as required by legislation.

On the 29th January 2019 Council considered 3.2 Deferred Item - Management Activities at Wamberal and Terrigal Beaches and resolved, in part, as follows:

37/19 That Council note the funding offer provided by the NSW Government for the Wamberal Terminal Protection and Sand Nourishment preliminary investigations and concept design.

38/19 That Council request the Chief Executive Officer to commence the Wamberal Terminal Protection and Sand Nourishment preliminary investigations and concept design.

It is important to understand that there is no guarantee that all the factors required to enable a terminal protection wall to be built will be satisfied. There are a number of environmental, social and economic risks to the project.

The timeframe for commencement of construction of the seawall will be dependent on the time taken to complete the detailed design, approvals process and agreement being reached on a funding model for the project. It would be preferable for the entire structure to be built as one integrated project

Will building the wall protect the community and what impact will it have on the beach?

A seawall to protect houses and property along Wamberal would be required to be designed and constructed to appropriate coastal engineering standards.

The environmental impact assessment for the development will also need to take into account the impact of a seawall on the environment and the community including the impact on public access and beach amenity both now and into the future. Consideration of the impacts of forecast climate change will also be required.

How much will a revetment or terminal wall cost?

At this stage it is not possible to speculate on the final cost of a complete seawall because it will depend on the type of structure, the final design, and its actual location. Depending on the type of structure and final design, a seawall may typically cost from \$10,000 to in excess of \$30,000 per lineal metre. By way of example, conventional rock revetments are relatively low cost, while stepped concrete seawalls are relatively high cost.

Who will pay for the wall?

A funding model is yet to be determined however those parties who will benefit the most from a wall will be the principal contributors and that is likely to include property owners, the State Government and Central Coast Council.

Has Council applied for funding from the \$83.6 million available from the State Government's Coastal Management Fund?

Council lodged a grant application on 16 August 2018 to the Office of Environment and Heritage (OEH) for funding for the investigation and design phase of a terminal protection seawall structure. This application was successful and Council has been advised that \$207,500 will be provided on a 50:50 basis under the NSW Coastal and Estuaries Grants Program – Planning Stream, with a matching allocation from Council of \$207,500. Further funding assistance is available from the State Government should it be required to complete this phase of the project. Council will consider applying for additional requests for funding the implementation of the project once the full project costs are known and a funding model agreed upon.

Council has approved a wall for 6 houses at Wamberal. Can I submit a Development Application (DA) and build the same?

Any Development Application (DA) submitted will be considered on its merits under the relevant planning controls and certified CZMP.

Council was the respondent consent authority in proceedings before the Land and Environment Court, in respect of a development application that sought to construct coastal protection works at Wamberal. Those proceedings resulted in the Court granting conditional consent to that development application, following successful conciliation between the applicants and Council. Conciliation is a mandatory process for this type of appeal.

The consent issued by the Court includes a condition that requires the approved coastal protection works be removed, at the owners' expense, if coastal protection works permitted by the consent are incompatible with a whole-of-bay solution for Wamberal Beach, as provided for in the adopted Coastal Zone Management Plan (CZMP). That is, the Court's consent is not incompatible with the whole-of bay approach in the CZMP which was certified by the Minister in accordance with provisions of the *Coastal Protection Act 1979*.

Given the threat from possible storm damage to Wamberal property and infrastructure has been constant and persistent since the 1970s, why is the installation of a solution still not in place – why is it taking so long?

The solution is complex, requires input and agreement from a number of parties, and no funding model has previously been developed to implement the works. An agreed funding model is a central element to delivering a terminal protection seawall structure on Wamberal beach.

Council established the Wamberal Terminal Protection Working Group in November 2017 to bring together all the stakeholders to progress discussion relating to coastal erosion at Wamberal Beach.

The Working Group consists of Council staff, representatives from the NSW Government and two representatives from the Wamberal community.

The Working Group is currently working collaboratively on a number of issues including:

- beach ownership matters (some land between the residential property boundary and high water mark may be privately owned)
- reviewing existing geotechnical information to establish the underlying ground conditions
- preparing a detailed Project Plan to govern progress
- reviewing existing on-ground structures including protection walls and other structures
- similar ownership/logistics issues that apply on the Northern Beaches / Collaroy areas
- survey of the varied existing structures in place elsewhere
- legal requirements should a wall be built (DA's, covenants etc).

What can residents do to protect their homes while a permanent solution is being looked at?

No protection works can be carried out without prior development consent. The State Government recently introduced legislation which only allows Government Authorities to carry out emergency protection works without consent for a limited period of time. The appropriate course of action is to lodge a development application with Council which will be considered on its merits. More information on coastal protection works can be found in this [factsheet](#) provided by the State Government.

Next Steps

- Land Survey and Geotechnical investigation
- Concept Design Options Assessment
- Development of Minimum Engineering Design Requirements
- Coastal Erosion Policy for adoption by Council
- Environmental and Coastal Assessments to support the Development Assessment Process
- Update of Cost Benefit Distribution Analysis
- Funding Model
- Community Consultation and Workshops



Item No: 6.5
Title: QON - Q107/19 - Poisoning of Trees
Department: Environment and Planning

26 August 2019 Ordinary Council Meeting

Trim Reference: F2019/00042 - D13597770

Author: Scott Irwin, Emergency Environmental Management Coordinator

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

Executive: Scott Cox, Director Environment and Planning

6.5 QON - Q107/19 - Poisoning of Trees

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

In the response to question on notice 183/18 'poisoning of trees' asked by Councillor Vincent on the 24th of September 2018 the staff response states "all allegations of illegal tree activities have been investigated but no robust evidence which will enable further compliance has been obtained" what was this evidence and how was it assessed to lead to this conclusion?

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

As per response provided on 13 May 2019, no robust evidence was able to be obtained regarding the poisoning of these trees on Council's Mazlin Reserve.

The legal requirements to successfully prosecute a case requires; a witness to the act who is willing to provide a statement, or an admission by the person/s responsible. In this case, Council has no such evidence.

Allegations of tree poisoning at Mazlin Reserve have been received from the public over a number of years. Current staff are of the understanding that all complainants have been contacted in relation to the allegations and that subsequent interviews have been conducted with identified potential witnesses. Council staff have also sought witnesses from the wider community via broader mail outs. Despite these efforts, sufficient evidence to proceed with appropriate regulatory action has not been identified.

Attachments

Nil.



Item No: 6.6
Title: QON - Q111/19 – The Art House Board Members
Department: Connected Communities

26 August 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13628640

Author: Taylor Marks, Senior Advisor Policy and Projects

Executive: Julie Vaughan, Director Connected Communities

6.6 QON - Q111/19 – The Art House Board Members

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

Can staff please advise the names of the Art House Board and is it still considered a skills based board?

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

The names of the current board members for the Art House are listed below:

Council Staff

Teresa Walters (Section Manager, Communication and Engagement)

Michelle Honeyman (Senior Business Partner, Connected Communities)

Councillor

Mayor Jane Smith

External Other

Kim Walker

Paul Bolton

Pat Wilde

The Art House Board is considered a 'skills based board' in accordance with The Art House Constitution.

25. Member appointed Directors

25.1 Subject to clause 24.2(a) and (b) the Member may by giving written notice to the Company, appoint up to 3 Directors to the Board, such appointments to be:

- b) A person selected by the Council, having regard to that persons specific skills in commerce, finance, governance, law, marketing, performing arts, cultural development or business generally or other such skills as determined by the Member.*

26. Board appointed Directors

26.2 The Board will nominate persons for appointment to the Board having regard to the nominees specific skills in commerce, finance, governance, law, marketing, performing arts, cultural development, or business generally or other such skills as determined by the Board.

Attachments

Nil.



Item No: 6.7
Title: QON - Q122/19 - Management of Lakes and Waterways
Department: Environment and Planning

26 August 2019 Ordinary Council Meeting

Trim Reference: F2019/00042 - D13581123

Author: Peter Sheath, Section Manager, Waterways

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

Executive: Scott Cox, Director Environment and Planning

6.7 QON - Q122/19 - Management of Lakes and Waterways

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

*There are many points of view as to how we should manage our lakes and waterways.
Could staff please provide me with:*

- 1) how we currently manage our waterways; and*
- 2 a report on the ecology of our waterways?*

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

- 1 Council manages coastal waterways in accordance with the Coastal Management Act through development and implementation of Coastal Management Programs. Local Councils are in the process of transitioning existing management plans and programs to the new framework which will take effect from December 2021. Current management plans for each major waterway are available on Council's website: <https://www.centralcoast.nsw.gov.au/environment/coastlines/estuaries-lagoons-and-wetlands>
- 2 Council's current Estuary Management Plans and Coastal Zone Management Plans capture existing knowledge regarding ecology of waterways. These documents are available at the above link. New information which has been gathered since completion of these plans, will be documented through the first phase of Coastal Management Program, being the development of Scoping Studies for each major estuary. In addition, Council produces an annual Waterway Report Card for estuaries within the LGA. This provides an annual summary of ecological health of the waterways monitored. Historically, this has been completed for Tuggerah Lakes only, but future report cards will include Southern Lake Macquarie, Brisbane Water, the Coastal Lagoons and parts of the Lower Hawkesbury. The report cards will be available on Council's website and the waterways specific Love our Living Lakes website.

Attachments

Nil.



Item No: 7.1
Title: Questions with Notice
Department: Governance

26 August 2019 Ordinary Council Meeting

Trim Reference: F2019/00042 - D13616797

Author: Sonia Witt, Meeting Support Coordinator

Manager: Sarah Georgiou, Section Manager, Councillor Support

Executive: Evan Hutchings, Director Governance

7.1 Questions with Notice

The following question was submitted by Councillor Pilon:

Entrance Surf Life Saving Club

Can Council please have our Grants Officer consider applying for Round 3 of the Stronger Country Communities Fund from the NSW Government which is currently open until Friday 27th September to fund a substantial building required to store equipment utilised by the Entrance Surf Life Saving Club?

Response provide by the Director Connected Communities and the Executive Manager Innovation and Futures:

The Entrance Boatshed was demolished in June 2019 due to structural issues. The ageing boatshed was used to store life-saving equipment for the Entrance Surf Club and Council's Lifeguard Team. Council staff are working with the Surf Club to put in a temporary storage structure ready for the patrol season commencement in September 2019, whilst a long term solution is proposed. Staff are currently exploring future project opportunities both at the site of the former boatshed and the site of the Entrance Surf Club. Staff will need to complete significant due diligence in the project development phase due to the heritage significance of the current Surf Club building, limited space, coastal planning and erosion requirements and to provide direct access onto the beach for the lifesaving equipment. At this stage Council does not have the required information, design or costings to be able to apply successfully under the Stronger Country Communities Grant, however will identify this as a possible future funding source once the project scope is more developed during 2019/2020

The following question was submitted by Councillor Sundstrom:

Cochrone Lagoon Vegetation

There appears to be another episode of illegal removal of vegetation on the shore of Cochrone Lagoon in Macmasters Beach. I note that there have been plantings made by staff in other similar situations recently. Is the Macmasters Beach problem spot on the list for planting of suitable species in the near future?

7.1 Questions with Notice (contd)

The answer will be provided by Director Environment and Planning on or before the 26 August 2019 Ordinary Meeting.

The following question was submitted by Councillor MacGregor:

Speeding cars in Kanwal

How is council progressing with responding to the recent resolution on speeding cars in Kanwal, what steps are council currently undertaking or planning to undertake to assess and respond to the issue of speeding cars in Kanwal?

The answer will be provided by Director Roads Transport Drainage and Waste on or before the 26 August 2019 Ordinary Meeting.

The following question was submitted by Councillor MacGregor:

5G Technology

How is council responding to community concern about the implementation and roll out of the 5G network across the Central Coast?

The answer will be provided by Chief Information Officer on or before the 26 August 2019 Ordinary Meeting.

The following question was submitted by Councillor McLachlan at the Ordinary Meeting of 12 August 2019:

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 Casuarina.

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.

Response provided by the Director Environment and Planning:

Coastal Swamp Oak (*Casuarina glauca*) was planted in foreshore areas at Killarney Vale following a land reclamation project at the site in the 1990's. Coastal Swamp Oak is found naturally along the east coast of Australia from central Queensland to southern New South Wales and was already present on the foreshores of Killarney Vale prior to the land reclamation project. *Casuarina glauca* is a single species of plant, with no known sub-species. Although some of the *Casuarina glauca* closest to the lake in the reclaimed areas at Killarney Vale are derived from Queensland stock, the same species is found naturally on the foreshores of the Tuggerah Lakes. Although some of the plants may have been derived from Queensland genetic stock, this does not mean they are considered introduced species, nor does it warrant their removal.

Coastal Swamp Oak is generally present in Coastal Swamp Oak Forest ecological communities which provide diverse habitat values for a wide range of fauna. Most fauna species that form a part of the Coastal Swamp Oak Forest also inhabit adjacent wetlands, grasslands, woodlands and forests. Many fauna species are dependent on Coastal Swamp Oak such as the Glossy Black Cockatoo (*Calyptorhynchus lathami*) which is listed as vulnerable in NSW and use the Coastal Swamp Oak as a source of food.

Over storey species are not generally planted on the foreshores of the Tuggerah Lakes estuary. Planting has been limited to low growing saltmarsh species in key locations and bush regeneration has also (weed control) been undertaken within saltmarsh and existing foreshore bushland. Some natural regeneration of Coastal Swamp Oak has occurred.

Council staff only mow designated high usage, lake front reserves. The frequency of mowing is every three weeks in the high growth period and every five weeks in the low growth period. Areas of these reserves that are impacted by Endangered Ecological Communities are not mown although emergent Coastal Swamp Oak that may occur in these designated high usage mown areas of the reserve will be maintained as part of the regular mowing cycle in order to maintain recreational function.

Removal of higher storey species from foreshore areas for the purposes of maintaining view corridors is not a practice employed by Council staff.

The following question was submitted by Councillor McLachlan at the Ordinary Meeting of 12 August 2019:

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.

7.1 Questions with Notice (contd)

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.

Response provided by the Director Environment and Planning:

Council's existing wrack processing operation at the Buttonderry Waste Management Facility has demonstrated that the wrack collected from Tuggerah Lakes can be utilised in high quality soil products.

The seaweed and seagrass wrack products produced at this facility have long been used in agriculture to enhance soil quality and improve plant growth and productivity. As these products are not landfilled, they do not attract the EPA Waste Levy.

Whilst the NSW EPA provides a resource recovery exemption or accompanying resource recovery order for mulch, risk management measures must minimise the potential for the land application of mulch to cause the introduction, presence, spread or increase of any weed, disease or pest (EPA, 2016[a](#),[b](#)).

Other than foreshore stabilisation in local shoreline environments surrounding Tuggerah Lakes, wrack collected from Tuggerah Lakes is generally not acceptable for direct reuse as broad scale mulch as it requires extensive processing to achieve a beneficially reusable product.

The product produced following treatment at the Buttonderry Waste Management Facility meets Australian Standards criteria for application at other sites.

Council has contacted Vales Point Power Environmental Management section regarding the potential use of wrack at their Ash Dam site.

The representative has advised that it is not currently feasible due to their operations. The environmental representative will contact Council if in the future if there is an opportunity for the use of wrack at their facility.

Attachments

Nil.

Item No: 8.1
Title: Notice of Motion - Umina Mall
Department: Councillor



26 August 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13635719

Author: Richard Mehrtens, Councillor

Councillor Mehrtens has given notice that at the Ordinary Council Meeting to be held on 26 August 2019 he will move the following motion:

- 1** *That Council note it has been more than six months since fire gutted Umina Mall shopping village.*
- 2** *That Council receive the petition of 400 residents calling for action to rebuild the site to improve community amenity and to give locals back their shopping village.*
- 3** *That Council note there is an existing approved DA for the site.*
- 4** *That Council acknowledge that delays have occurred due to failed negotiations for the sale of neighbouring lots conducted by the former Gosford Council and under Administration at which time the Administrator determined to reject a previously negotiated price.*
- 5** *That Council request a confidential report be returned by the last meeting in September on the status of the proposed sale of Lot 100 DP 1201961, and other relevant lots, with options for sale that reflect the good faith previously shown by Gosford Council and the owner of neighbouring sites, and the need for urgent action to bring the site back to life.*

Attachments

Nil.



Item No: 8.2
Title: Notice of Motion - Council Supports Climate Change
Emergency Declaration
Department: Councillor

26 August 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13636174

Author: Kyle MacGregor, Councillor

Councillor Kyle MacGregor has given notice that at the Ordinary Council Meeting to be held on 26 August 2019 he will move the following motion:

- 1 That Council accepts that warming due to human release of greenhouse gasses (generally termed climate change) poses a clear and present danger to the local and global community.**
- 2 That Council notes that climate change impacts are affecting people today and are projected to get much worse as time passes.**
- 3 That Council understands that government decisions made today are directly impacting and will impact on the future health and well-being of residents on the Central Coast and elsewhere.**
- 4 That Council acknowledges that declaring a climate emergency is meaningless without strong policy and the action to implement it and therefore,**
- 5 That Council declare a climate emergency and request the CEO to prepare and submit a report to Council on the costs of providing sufficient resources and action to implement the following measures as a response to the declaration of a climate emergency:**
 - a) Immediately implementing the Climate Change Policy (CCP) including urgent preparation of the plans required to reduce emissions and adapt to environmental changes and extreme events including a climate action plan.**
 - b) Appoint a council reference group of suitably qualified selected experts to provide advice on the councils response to the climate change emergency.**
 - c) Set measurable targets and times for achieving the climate action plan that are in line with the emergency regarding GHG emissions and for urgent preparation for extreme events.**
 - d) Set council emissions reduction target (below 2017/18 levels) consistent with the pathway number 1 in the IPCC special report that follows 60% by 2022 and 85% by 2028.**

8.2 Notice of Motion - Council Supports Climate Change Emergency Declaration (contd)

- e) Include consideration of the threats from environmental change due to climate change (as set out in IPCC reports, CSIRO and BOM studies) into council plans and decision making processes.***
 - f) Investigate opportunities and provide appropriate support for local industry that reduces emissions or increases community resilience to climate impacts.***
 - g) Support employment opportunities that would encourage a just transition away from fossil fuels both on the Central Coast and elsewhere.***
 - h) Commence advocating for the establishment of a just transition authority to be based on the Central Coast to oversee the transition of local workers in the power and mining industries into new employment positions that reflect their skills training and current remuneration levels for future employment.***
 - i) Seek to develop the WEZ and other suitable employment lands on the Central Coast as job hubs for industries such as renewable energy, smart manufacturing, robotics, ICT and other associated sustainable industries.***
- 6 That Council request the Chief Executive Officer write to the NSW Premier and the Prime Minister and relevant Energy and Environment Ministers declaring a climate emergency and calling on the State and Federal government to do so too.**

Attachments

Nil.



Item No: 8.3
Title: Notice of Motion - The Bells
Department: Councillor

26 August 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13636175

Author: Greg Best, Councillor
Troy Marquart, Councillor

Councillor Greg Best has given notice that at the Ordinary Council Meeting to be held on 26 August 2019 he will move the following motion:

- 1** *That further to Council's Meeting of 12 August 2019; Item 7.1 that resulted in a near quorum collapse due to multiple Councillors absence, Council now investigates the introduction of a courtesy announcement / warning bells system similar to those used in State and Federal Parliament.*
- 2** *That as Council is now currently spending substantial funds in the renovation of the Gosford Council Chambers, this issue be dealt with as a matter of urgency with a view to its inclusion in these works.*
- 3** *Further Council notes that such a warning system would not only assist Councillors but indeed members of the public gallery to be ushered into the Chamber in a timely fashion prior to Meeting commencement.*
- 4** *That Staff through the General Manager be requested to provide a Report around this initiative and also report on the Gosford Chamber upgrade including the final Chamber layout and public areas.*
- 5** *That as this Council prides itself on Community inclusion, could Staff please confirm how this pledge will be maintained with the now limited gallery seating at Gosford.*

Councillors Note

Councillor Note: Councillors, the events of August 12 that near resulted in a quorum collapse on my Motion Item 7.1 was most unfortunate. In reviewing the podcast, it is revealed that I sought to encourage the Mayor to give Colleagues the courtesy of a further opportunity to be summoned; this unfortunately was to no avail.

In the eyes of the Community this was seen as those individuals being inattentive and disinterested coming into the meeting late, however, it would appear that quite a number had no idea that the meeting had indeed been reconvened, albeit sooner than the 15 minute adjournment that had been notified. To avoid a repeat of this unfortunate situation, I believe a warning / bells system is in order.

8.3 Notice of Motion - The Bells (contd)

Further, I am most concerned that Councillors have not had the opportunity to review the current Gosford Chamber Redevelopment Plans. As I understand these plans seek to upgrade Chamber Security however this appears to have come at the expense yet again, of the public, being that seating is now limited. I noted on a recent passing visit only some public 30 seats. This generous seating is to accommodate our 350,000 Residents, of which any could seek to attend a Council Meeting. Allowing for possibly two security personnel and three media seats, therefore we have some 25 seats for 350,000 people.

I would appreciate Staff confirmation around the current situation as since I have raised this I note on a subsequent visit that now 42 seats have appeared squeezed in shoulder to shoulder. Could Staff please confirm the actual number allowing for access, safety and public comfort? Regardless of the actual number, surely the reasonable man/woman test would have to be in the order of at least 100 seats in this modern era.

Also, I do appreciate that Council, as recently seen at Wyong when 250 outraged Residents arrived utilised an overflow podcast room. In my view, if a Resident or Ratepayer goes out of their way to contribute and / or be part of their Council decision, they should have a reasonable prospect of sitting in the 'live Chamber' to observe proceedings. For Council to expect Residents to leave their warm homes on a winter's night and be placed in a back room with a TV screen and no tea or coffee is, in my view, unreasonable.

Attachments

Nil.