



Central Coast Council
Business Paper
Ordinary Council Meeting
9 September 2019





COMMUNITY STRATEGIC PLAN 2018-2028

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

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

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

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

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

RESPONSIBLE

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

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

 **Good governance and great partnerships**

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

There are 5 themes, 12 focus areas and 48 objectives



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

The infographic is a large teal-colored grid. At the top left, it says 'CENTRAL COAST COUNCIL'. The grid is organized into five main columns representing themes: BELONGING, SMART, GREEN, RESPONSIBLE, and LIVEABLE. Each theme column contains several focus areas, each with a list of objectives. For example, under 'RESPONSIBLE', there are three focus areas: 'GOOD GOVERNANCE AND GREAT PARTNERSHIPS', 'ESSENTIAL INFRASTRUCTURE', and 'BALANCED AND SUSTAINABLE DEVELOPMENT'. Each focus area lists specific objectives with numbers like G1, G2, etc.



Meeting Notice

**The Ordinary Council Meeting
of Central Coast Council
will be held in the Council Chamber,
2 Hely Street, Wyong on
Monday 9 September 2019 at 6.30 pm,
for the transaction of the business listed below:**

1 Procedural Items

- 1.1 Disclosures of Interest..... 4
- 1.2 Confirmation of Minutes of Previous Meetings..... 6
- 1.3 Notice of Intention to Deal with Matters in Confidential Session.....34

2 Planning Reports

- 2.1 DA/708/2018 Multi-dwelling housing comprising 54 dwellings and community title subdivision – 7 Stratford Avenue, Charmhaven.....36

3 General Reports

- 3.1 Permanent Protection of Porters Creek Wetland - Outcome of Consultant's Investigations (2)132
- 3.2 Meeting Record of the Tourism Advisory Committee held on 24 July 2019 168
- 3.3 Central Coast Bike Plan and Pedestrian Access and Mobility Plan177
- 3.4 Public Exhibition of proposed changes to 2019-20 Sportsfield Fees..... 182
- 3.5 Winney Bay187

4 Answers to Questions On Notice

- 4.1 QON - Q72/18 - Old Grove School Site..... 188
- 4.2 QON - Q190/18 - Plumbing Contractors189
- 4.3 QON - Q214/18 - Blue Green Algae at Blackwall.....190
- 4.4 QON - Q215/18 - Ocean Beach SLSC all inclusive access..... 191
- 4.5 QON - Q118/19 - Paper Bark Trees..... 193

5 Questions With Notice

- 5.1 Questions with Notice..... 194

6 Notices Of Motion

- 6.1 Notice of Motion - Lakes Lost..... 196
- 6.2 Notice of Motion - Gosford to Finally Shake Off the Ghetto197
- 6.3 Notice of Motion - Declaration Legal Advice Around Impacts on Property Owned by Councillors Due to Climate Change Policy 201
- 6.4 Notice of Motion - World Record Opportunity for The Entrance 202
- 6.5 Notice of Motion - Water Security Emergency 204
- 6.6 Notice of Motion - Council welcomes the Central Coast Local Planning Panel219

Gary Murphy
Chief Executive Officer

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



9 September 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13639607

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

Section 451 of the LG Act states:

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

1.1 Disclosure of Interest (contd)

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

(b) the councillor made a special disclosure under this section in relation to the interest before the commencement of the meeting.

(5) The special disclosure of the pecuniary interest must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and must:

(a) be in the form prescribed by the regulations, and

(b) contain the information required by the regulations.

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

Recommendation

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

Attachments

Nil

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

9 September 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13639611



Summary

Confirmation of minutes of the Ordinary Meeting of the Council held on 26 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 26 August 2019.

Attachments

1 MINUTES - Ordinary Meeting Meeting - 26 August 2019 D13640435



Central Coast Council

Minutes of the
Ordinary Council Meeting of Council
Held in the Council Chamber
2 Hely Street, Wyong
on 26 August 2019

Present

Mayor Jane Smith and Councillors Greg Best, Jillian Hogan, Kyle MacGregor, Doug Vincent (arrived 7.28pm), Troy Marquart, Chris Burke, Chris Holstein, Bruce McLachlan, Jilly Pilon, Rebecca Gale Collins, Louise Greenaway, Jeff Sundstrom, Richard Mehrtens and Lisa Matthews.

In Attendance

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

The Mayor, Jane Smith, declared the meeting open at 6.31pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

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

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

At the commencement of the ordinary meeting report nos 1.1, 1.2, 1.3,2.1, 2.2 and 8.2 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

There were no requests for leave of absence.

Councillor Vincent submitted an apology as he would be a late arrival.

1.1 Confirmation of Minutes of Previous Meetings

Moved: Councillor Gale Collins

Seconded: Councillor Pilon

Resolved

749/19 That Council confirm the minutes of the Ordinary Meeting of the Council held on 12 August 2019 with the following amendment;

- **The meeting was adjourned at 7.57pm by the Mayor in accordance with Clause 15:13 of the Code of Meeting Practice due to disorder in the chamber and resumed at 8.11pm.**
- **To record attendance on the procedural motion if verified by staff in resolution 750/19.**

750/19 That Council request the Chief Executive Officer to confirm the Councillors in attendance during voting on the procedural motion regarding the consideration of item 7.1 – Notice of Motion – Warnervale Airport Hub Certainty and advise via the Councillor Support Update.

For:

Unanimous

1.2 Notice of Intention to Deal with Matters in Confidential Session

Moved: Councillor MacGregor

Seconded: Councillor Sundstrom

Resolved

751/19 That Council receive the report and note that no matters have been tabled to deal with in a closed session.

For:

Unanimous

1.3 Disclosure of Interest

Item 2.1 - Deferred Item - DA/54334/18 - Proposed Dwelling, Carport & Swimming Pool at 48 High View Road, Pretty Beach

Councillor Gale Collins declared a less than significant non pecuniary interest in the matter as she is in contact with the Peninsula Chamber of Commerce. Councillor Gale Collins chose to remain in the chamber as it does not impact her decision making.

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

Mayor Smith declared a significant non pecuniary interest in the matter as she knows the adjacent land owner. Mayor Smith left the chamber at 7.17pm, returned at 7.21pm, and did not participate in discussion or voting.

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as she knows residents that reside in the vicinity of the property. Councillor Greenaway left the chamber at 7.17pm, returned at 7.21pm, and did not participate in discussion or voting.

Item 4.1 - Airport Audit Tender

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

Item 4.3 - Response to Notice of Motion - SEPP14 Wetland Warnervale

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

Item 4.7 - Community Support Grant Program - June 2019

Councillor Hogan declared a less than significant non pecuniary interest in the matter as she knows some of the recipients. Councillor Hogan chose to remain in the chamber and participate in discussion and voting as I will manage the minor conflict by being objective and fair while carrying out my public duties.

Councillor Best declared a pecuniary interest in the matter as he is the General Manager of Central Coast Group Training who has a grant request in the report. Councillor Best left the chamber at 8.43pm, returned at 8.44pm and did not participate in discussion or voting.

Item 4.11- Amendments to the 2019/20 Capital Budget

Mayor Smith declared a significant non pecuniary disclosure in the matter as she is on the Board of Central Coast Marine Discovery Centre. The matter was dealt with under the exception method.

Item 4.13 - Gosford Cultural Precinct - Audit

Councillor Holstein declared a pecuniary interest in the matter as he is employed casually by a tenant at the parkside site. Councillor Holstein left the chamber at 9.09pm, did not return, and did not participate in discussion or voting.

Item 8.2 - Notice of Motion - Council Supports Climate Change Emergency Declaration

Councillor Best declared a less than significant non pecuniary interest in the matter as he is concerned that such a policy may impact on all Councillors homes. Councillor Best chose to remain in the chamber as this is not a given, only a concern. The Mayor sought clarification regarding this declaration to which Councillor Best provided no response.

Councillor Gale Collins declared a pecuniary interest in the matter as she owns a property on the Central Coast and the motion may increase insurance premium and lower property value. Councillor Gale Collins left the chamber at 7.23pm, returned at 8.00pm, and did not participate in discussion or voting.

Councillor Marquart declared a less than significant non pecuniary interest in the matter as it negatively affects Central Coast ratepayers. Councillor Marquart chose to remain in the chamber and participate in discussion and voting as he is a Central Coast ratepayer.

Councillor McLachlan declared a pecuniary interest in the matter as insurance premiums will go through the roof. Councillor McLachlan left the chamber at 7.23pm, returned at 8.00pm, and did not participate in discussion or voting.

Councillor Pilon declared a pecuniary interest in the matter due to the implementation of this motion having a high potential to increase her insurance and decrease the value of her home. Councillor Pilon has received numerous concerns from neighbours who have been advised by their insurance companies that their premiums have gone up considerably due to climate change. Councillor Pilon left the chamber at 7.23pm, returned at 8.00pm, and did not participate in discussion or voting.

Councillor Vincent declared a pecuniary interest in the matter as he works for a local industry. Councillor Vincent left the chamber at 7.52pm, returned at 8.00pm, and did not participate in discussion or voting.

Moved: Councillor Holstein
Seconded: Councillor Gale Collins

Resolved

752/19 That Council receive the report on Disclosure of Interest and note advice of disclosures.

For:
Unanimous

Procedural Motion – Exception

Moved: Councillor Gale Collins
Seconded: Councillor Holstein

Resolved

753/19 **That with the exception of the following reports, Council adopt the recommendations contained in the remaining reports listed at 754/19:**

Item 2.1 -	Deferred Item - DA/54334/18 - Proposed Dwelling, Carport & Swimming Pool at 48 High View Road, Pretty Beach
Item 2.2 -	DA 54377/2018 - 62 Lillicrapps Road, Mangrove Mountain - Additions to Existing Shed & Use of Part of Property for Log Processing Works
Item 4.1 -	Airport Audit Tender
Item 4.2 -	Fraud and Corruption Control Policy
Item 4.3 -	Response to Notice of Motion - SEPP14 Wetland Warnervale
Item 4.4 -	Central Coast Council Single Use Plastic Policy
Item 4.6 -	Water and Sewerage 2019 Development Servicing Plans
Item 4.7 -	Community Support Grant Program - June 2019
Item 4.8 -	Innovation and Futures Reference Group
Item 4.10 -	Adoption of an amended 2019-20 Fee - Circuses and Carnivals
Item 4.12 -	Ordinary Rates Harmonisation
Item 4.13 -	Gosford Cultural Precinct - Audit
Item 5.3 -	2018/19 Capital Works Project Status
Item 5.7 -	Meeting Record of the Employment and Economic Development Committee held 13 June 2019
Item 8.2 -	Notice of Motion - Council Supports Climate Change Emergency Declaration
Item 8.3 -	Notice of Motion - The Bells

754/19 **That Council adopt the following items en-masse and in accordance with the report recommendations:**

Item 2.3 -	Central Coast Section 7.12 Contributions Plan Report
Item 2.4 -	Draft Central Coast Council Biodiversity Strategy
Item 3.1 -	CPA/2134 - Tender Evaluation - Upgrade Access Driveway at Charmhaven Depot
Item 4.5 -	Acquisition of Land at Carlton Road Holgate for Road Widening
Item 4.9 -	Meeting Record of the Protection of the Environment Trust Management Committee held on 28 June 2019
Item 4.11 -	Amendments to the 2019/20 Capital Budget
Item 5.1 -	Asbestos Tipping Charges Moratorium
Item 5.2 -	Investment Report for July 2019
Item 5.4 -	Activities of the Development Assessment and Environment and Certification Units - April to June 2019 Quarter 4
Item 5.5 -	Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons held 20 June 2019
Item 5.6 -	Meeting Record of the Catchments and Coast Committee Tuggerah Lakes held on 26 June 2019
Item 5.8 -	Meeting Record of Mangrove Mountain and Spencer Advisory Committee held on 25 June 2019
Item 8.1 -	Notice of Motion - Umina Mall

For:
Unanimous

**U1/19 In-House Advice Around Emerging Issues of Council's Climate Change Policy
Councillor Greg Best**

Moved: Councillor Best
Seconded: Councillor Pilon

That Council consider a motion of urgency regarding in-house advice around the emerging issue of Council's climate change policy and its effect on Councillors potential declarations.

<i>For:</i>	<i>Against:</i>
<i>Councillors Gale Collins, Pilon, McLachlan, Holstein, Burke, Marquart and Best</i>	<i>Mayor Smith, Councillors Matthews, Mehrtens, Sundstrom, Greenaway, MacGregor and Hogan</i>

The motion of urgency was declared LOST on the casting vote of the Mayor.

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

Councillor Gale Collins declared a less than significant non pecuniary interest in the matter as she is in contact with the Peninsula Chamber of Commerce. Councillor Gale Collins chose to remain in the chamber as it does not impact her decision making.

Moved: Councillor Gale Collins
Seconded: Councillor Burke

Resolved

755/19 That Council note the deferred DA/54334/18 – Proposed Dwelling, Carport & Swimming Pool at 48 High View Road, Pretty Beach which is Attachment 1.

756/19 That Council grant consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant issues.

757/19 That Council advise those who made written submissions of its decision.

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

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

Mayor Smith declared a significant non pecuniary interest in the matter as she knows the adjacent land owner. Mayor Smith vacated the Chair and Deputy Mayor Holstein assumed the Chair for consideration of this item at 7.17pm. Councillor Holstein vacated the Chair and Mayor Smith resumed the Chair at 7.21pm. Mayor Smith did not participate in discussion or voting on this item.

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as she knows residents that reside in the vicinity of the property. Councillor Greenaway left the chamber at 7.17pm, returned at 7.21pm, and did not participate in discussion or voting.

Moved: Councillor Marquart
Seconded: Councillor Burke

Resolved

758/19 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.

759/19 That Council advise those who made written submissions of its decision.

760/19 That Council consult the Department of Water regarding the lining of the retention basin.

761/19 That Council conduct tests prior to any further work recommencing being carried out on the site.

For:
Councillors Matthews, Mehrtens, Sundstrom, Pilon, McLachlan, Holstein, Burke, Marquart and Best

Against:
Councillors Gale Collins, MacGregor and Hogan

Procedural Motion – Order of Business

Moved: Councillor MacGregor
Seconded: Councillor Sundstrom

Resolved

762/19 That Council bring Item 8.2 - Notice of Motion - Council Supports Climate Change Emergency Declaration forward for discussion.

For:
Unanimous

2.3 Central Coast Section 7.12 Contributions Plan Report

This item was adopted by exception in accordance with minute number 754/19.

Moved: Councillor Gale Collins

Seconded: Councillor Holstein

Resolved

763/19 That Council endorse the draft Central Coast Section 7.12 Contributions Plan for the purpose of public exhibition.

764/19 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.

765/19 That Council consider a further report on the outcomes of the public exhibition period.

766/19 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.

767/19 That Council apply Section 7.11 contributions to Secondary Dwellings in the former Gosford Local Government area.

For:

Unanimous

2.4 Draft Central Coast Council Biodiversity Strategy

This item was adopted by exception in accordance with minute number 754/19.

Moved: Councillor Gale Collins

Seconded: Councillor Holstein

Resolved

768/19 That Council endorse the draft Central Coast Council Biodiversity Strategy for the purposes of community consultation.

769/19 That the draft Central Coast Council Biodiversity Strategy is placed on public exhibition for a period of at least 60 days.

770/19 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.**

For:

Unanimous

3.1 CPA/2134 - Tender Evaluation - Upgrade Access Driveway at Charmhaven Depot

This item was adopted by exception in accordance with minute number 754/19.

Moved: Councillor Gale Collins

Seconded: Councillor Holstein

Resolved

771/19 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.

772/19 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.

For:

Unanimous

4.1 Airport Audit Tender

Councillor Vincent declared a less than significant non pecuniary interest in the matter as he has family members that have visited the Warnervale Airport on excursions. Councillor Vincent chose to remain in the chamber and participate in discussion and 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 MacGregor

- 1 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.
- 2 That pursuant to (1) 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).
- 3 That a further report be submitted to Council following (2) above, including a cost estimate for completion of the audit.

Amendment Moved: Councillor Best
 Amendment Seconded: Councillor McLachlan

That Council recognises that the appropriate processes and pathways to deal with matters of inappropriate or corrupt behaviour are to report them to the CEO and/or the ICAC.

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

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

A division was called by Councillors Best.

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

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

The Amendment was put to the vote and declared LOST.

Moved: Mayor Smith
Seconded: Councillor MacGregor

Resolved

773/19 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.

774/19 That pursuant to 773/19 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).

775/19 *That a further report be submitted to Council following 774/19 above, including a cost estimate for completion of the audit.*

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

Against:
Councillors Gale Collins, Pilon, McLachlan, Holstein, Burke, Marquart and Best

The motion was declared **CARRIED**.

4.2 Fraud and Corruption Control Policy

Moved: *Mayor Smith*
Seconded: *Councillor Greenaway*

Resolved

776/19 *That Council refer the draft policy to the Audit Risk and Improvement Committee for review and comment prior to coming to Council for adoption.*

For:
Unanimous

4.3 Response to Notice of Motion - SEPP14 Wetland Warnervale

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

Councillor Marquart left the chamber at 8.37pm during this item and did not return.

Moved: *Mayor Smith*
Seconded: *Councillor Greenaway*
Resolved

777/19 *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.*

778/19 *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.*

For:
Mayor Smith and Councillors Matthews, Mehrstens, Sundstrom, Greenaway, Holstein, Vincent, MacGregor and Hogan

Against:
Councillors Gale Collins, Pilon, McLachlan, Burke and Best

4.4 Central Coast Council Single Use Plastic Policy

Councillor Marquart left the chamber during this item at 8.37pm and did not return.

Moved: Councillor MacGregor
Seconded: Mayor Smith

Resolved

779/19 That Council receive the report on Central Coast Council Single Use Plastic Policy.

780/19 That Council adopt the Central Coast Council Single Use Plastic Policy that is Attachment 1 to this report.

781/19 That Council advise all those who made a submission of the decision.

For:
Mayor Smith and Councillors Matthews, Mehrstens, Sundstrom, Greenaway, Pilon, McLachlan, Holstein, Vincent, MacGregor, Hogan and Best

Against:
Councillors Gale Collins and Burke

4.5 Acquisition of Land at Carlton Road Holgate for Road Widening

This item was adopted by exception in accordance with minute number 754/19.

Moved: Councillor Gale Collins
Seconded: Councillor Holstein

Resolved

782/19 That Council resolve to acquire the following land for the purpose of a road ('Land'):

- a That part of Lot 42 DP 1142488 highlighted in yellow in the Plan in Attachment 2, at 6 Carlton Road, Holgate.**
- b That part of Lot 41 DP 1142488 highlighted in yellow in the Plan in Attachment 3, at 7 Carlton Road, Holgate.**
- c That part of Lot 29 DP 1976 highlighted in yellow in the Plan in**

Attachment 4, at 15 Carlton Road, Holgate.

- d That part of Lot 46 DP 1976 highlighted in yellow in the Plan in Attachment 5, at 38 Carlton Road, Holgate.**
- e That part of Lot 1 DP 1155519 highlighted in yellow in the Plan in Attachment 6, at 1 Arundel Road Holgate.**
- f That part of Lot 12 DP 1946 highlighted in yellow in the Plan in Attachment 7, at 13 Clyde Road Holgate.**

783/19 That Council authorise the Chief Executive Officer to execute all necessary documentation relevant to the acquisition of the Land.

784/19 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.

785/19 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.

**For:
Unanimous**

4.6 Water and Sewerage 2019 Development Servicing Plans

Councillor Marquart left the chamber at 8.37pm and did not return.

**Moved: Mayor Smith
Seconded: Councillor Sundstrom**

Resolved

786/19 That Council adopt the draft Development Servicing Plans in principle.

787/19 That Council approve the draft Development Servicing Plans be placed on public exhibition for 30 working days in accordance with IPART requirements.

788/19 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.

789/19 That Council note the revised water supply and sewerage developer charges be effective as of 1 November 2019.

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

Abstained:
Councillor MacGregor

4.7 Community Support Grant Program - June 2019

Councillor Hogan declared a less than significant non pecuniary interest in the matter as she knows some of the recipients. Councillor Hogan chose to remain in the chamber and participate in discussion and voting as she will manage the minor conflict by being objective and fair while carrying out her public duties.

Councillor Best declared a pecuniary interest in the matter as he is the General Manager of Central Coast Group Training who has a grant request in the report. Councillor Best left the chamber at 8.43pm, returned at 8.44pm and did not participate in discussion or voting.

Councillor Marquart left the chamber at 8.37pm and did not return.

Moved: Mayor Smith
Seconded: Councillor Holstein

Resolved

790/19 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.

791/19 That Council decline applications for the reasons indicated in Attachment 2 the applicants be advised and where relevant, directed to alternate funding.

For:
Mayor Smith and Councillors Matthews, Mehrstens, Sundstrom, Gale Collins, Pilon, McLachlan, Holstein, Burke and Hogan

Against:
Councillors Greenaway, Vincent and MacGregor

4.8 Innovation and Futures Reference Group

Councillor Marquart left the chamber at 8.37pm and did not return.

Moved: Mayor Smith
Seconded: Councillor MacGregor

Resolved

- 792/19** *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.*
- 793/19** *That Council adopt the draft Terms of Reference provided as Attachment 2 to this report.*
- 794/19** *That Council endorse the following Councillors to be part of the Innovation and Futures Reference Group's Steering Group, as follows;*
- **Mayor Smith**
 - **Councillor Holstein**
 - **Councillor Greenaway**
 - **Councillor Vincent**
 - **Councillor MacGregor**
- 795/19** *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.*

For:

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

Against:

Councillors Gale Collins and Pilon

4.9 Meeting Record of the Protection of the Environment Trust Management Committee held on 28 June 2019

This item was adopted by exception in accordance with minute number 754/19.

Moved: **Councillor Gale Collins**

Seconded: **Councillor Holstein**

Resolved

- 796/19** *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.*
- 797/19** *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.*
- 798/19** *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.

- 799/19 That Council resolve that the Protection of the Environment Trust Management Committee coordinates an annual Strom Talk to support the objectives of the Trust.**
- 800/19 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.**
- 801/19 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.**

For:

Unanimous

4.10 Adoption of an amended 2019-20 Fee - Circuses and Carnivals

Councillor Marquart left the chamber at 8.37pm and did not return.

Moved: Councillor Holstein

Seconded: Councillor Greenaway

Resolved

- 802/19 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.**
- 803/19 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.**
- 804/19 That Council determine, pursuant to s. 610F of the Local Government Act 1993, to approve the exhibited proposed amended fee for 2019-20.**
- 805/19 That Council note that it does not currently own any land holdings that could host an exotic animals circus.**

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

Against:
Councillor Best

4.11 Amendments to the 2019/20 Capital Budget

This item was adopted by exception in accordance with minute number 754/19.

Mayor Smith declared a significant non pecuniary disclosure in the matter as she is on the Board of Central Coast Marine Discovery Centre.

Moved: Councillor Gale Collins
Seconded: Councillor Holstein

Resolved

806/19 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.

807/19 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.

For:
Unanimous

4.12 Ordinary Rates Harmonisation

Councillor Marquart left the chamber at 8.37pm and did not return.

Councillor Vincent left the chamber at 9.05pm, returned at 9.09pm, and did not participate in discussion or voting.

Moved: Mayor Smith
Seconded: Councillor Greenaway

Resolved

808/19 That Council adhere to the newly legislated timeline for ordinary rates harmonisation of 1 July 2021 (2021-2022).

For:
**Mayor Smith and Councillors Matthews,
Mehrtens, Sundstrom, Greenaway, Gale**

Against:
Councillor Best

*Collins, Pilon, McLachlan, Holstein, Burke,
MacGregor and Hogan*

4.13 Gosford Cultural Precinct - Audit

Councillor Holstein declared a pecuniary interest in the matter as he is employed casually with a tenant at the parkside site. Councillor Holstein left the chamber at 9.09pm, did not return.

Councillor Marquart left the chamber at 8.37pm and did not return.

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

Resolved

809/19 That Council defer the matter to allow a Councillor workshop with the contractor to define the scope of the audit.

For:
*Mayor Smith, Councillors Matthews,
Mehrtens, Sundstrom, Greenaway, Gale
Collins, Pilon, Burke, Vincent, MacGregor
and Hogan*

Against:
Councillors Pilon, McLachlan and Best

The Mayor adjourned the meeting at 9.16pm, resuming at 9.29pm.

5.1 Asbestos Tipping Charges Moratorium

This item was adopted by exception in accordance with minute number 754/19.

Moved: *Councillor Gale Collins*
Seconded: *Councillor Holstein*

Resolved

810/19 That Council receive the report on Asbestos Tipping Charges Moratorium.

For:
Unanimous

5.2 Investment Report for July 2019

This item was adopted by exception in accordance with minute number 754/19.

Moved: Councillor Gale Collins

Seconded: Councillor Holstein

Resolved

811/19 That Council receive the Investment Report for July 2019.

For:

Unanimous

5.3 2018/19 Capital Works Project Status

Councillor Marquart left the chamber at 8.37pm and did not return.

Councillor Holstein left the chamber at 9.10pm and did not return.

Moved: Mayor Smith

Seconded: Councillor MacGregor

Resolved

812/19 That Council receive the report on 2018/19 Capital Works Project Status.

813/19 That Council thank and commend our staff for the work outlined in the report with over 90% completion.

814/19 That Council request the Chief Executive Officer provide an update on the current status of delivery of election promises and commitments from both the State and Federal governments.

For:

Unanimous

5.4 Activities of the Development Assessment and Environment and Certification Units - April to June 2019 Quarter 4

This item was adopted by exception in accordance with minute number 754/19.

Moved: Councillor Gale Collins

Seconded: Councillor Holstein

Resolved

815/19 That Council receive and note the report on development statistics.

For:

Unanimous

5.5 Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons held 20 June 2019

This item was adopted by exception in accordance with minute number 754/19.

Moved: Councillor Gale Collins

Seconded: Councillor Holstein

Resolved

816/19 That Council receive the report on Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons held 20 June 2019.

For:

Unanimous

5.6 Meeting Record of the Catchments and Coast Committee Tuggerah Lakes held on 26 June 2019

This item was adopted by exception in accordance with minute number 754/19.

Moved: Councillor Gale Collins

Seconded: Councillor Holstein

Resolved

817/19 That Council receive the report on Meeting Record of the Catchments and Coast Committee Tuggerah Lakes held on 26 June 2019.

For:

Unanimous

5.7 Meeting Record of the Employment and Economic Development Committee held 13 June 2019

Councillor Marquart left the chamber at 8.37pm and did not return.

Councillor Holstein left the chamber at 9.10pm and did not return.

Moved: Mayor Smith
Seconded: Councillor McLachlan

Resolved

818/19 That Council receive the report on Meeting Record of the Employment and Economic Development Committee held 13 June 2019.

819/19 That Council acknowledges Central Coast unemployment figures are significantly higher than the state average.

820/19 That Council request the Chief Executive Officer report back on resourcing the economic development team in order to assist major industry wishing to relocate to the Central Coast.

For:
Unanimous

5.8 Meeting Record of Mangrove Mountain and Spencer Advisory Committee held on 25 June 2019

This item was adopted by exception in accordance with minute number 754/19.

Moved: Councillor Gale Collins
Seconded: Councillor Holstein

Resolved

821/19 That Council receive the report on Meeting Record of Mangrove Mountain and Spencer Advisory Committee held on 25 June 2019.

For:
Unanimous

8.1 Notice of Motion - Umina Mall

This item was adopted by exception in accordance with minute number 754/19.

Moved: Councillor Gale Collins

Seconded: Councillor Holstein

Resolved

822/19 That Council note it has been more than six months since fire gutted Umina Mall shopping village.

823/19 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.

824/19 That Council note there is an existing approved DA for the site.

825/19 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.

826/19 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.

For:

Unanimous

8.2 Notice of Motion - Council Supports Climate Change Emergency Declaration

Councillor Best declared a less than significant non pecuniary interest in the matter as he is concerned that such a policy may impact on all Councillors homes. Councillor Best chose to remain in the chamber as this is not a given, only a concern.

Councillor Gale Collins declared a pecuniary interest in the matter as the Director of Governance advised to leave chamber as she owns a property on the Central Coast and the motion may increase insurance premium and lower property value. Councillor Gale Collins left the chamber at 7.23pm, returned at 8.00pm, and did not participate in discussion or voting.

Councillor Marquart declared a less than significant non pecuniary interest in the matter as it negatively affects Central Coast ratepayers. Councillor Marquart chose to remain in the chamber and participate in discussion and voting as he is a Central Coast ratepayer.

Councillor McLachlan declared a pecuniary interest in the matter as insurance premiums will go through the roof. Councillor McLachlan left the chamber at 7.23pm, returned at 8.00pm, and did not participate in discussion or voting.

Councillor Pilon declared a pecuniary interest in the matter as the advice from the Director of Governance to Councillor McLachlan, she chose to declare a pecuniary interest due to the implementation of this motion having a high potential to increase her insurance and decrease the value of her home. Councillor Pilon has received numerous concerns from neighbours who have been advised by their insurance companies that their premiums have gone up considerably due to climate change. Councillor Pilon left the chamber at 7.23pm, returned at 8.00pm, and did not participate in discussion or voting.

Councillor Vincent arrived at 7.28pm during discussion on this item. Councillor Vincent declared a pecuniary interest in the matter as he works for a local industry. Councillor Vincent left the chamber at 7.52pm, returned at 8.00pm, and did not participate in discussion or voting.

Moved: Councillor MacGregor

Seconded: Councillor Hogan

- 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 Chief Executive Officer 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.

- 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 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.

Amendment Moved: Councillor Marquart

Amendment Seconded: Councillor Best

That Council rule out consideration of planned retreat, managed realignment or time limited development consent in any form due to the negative impact of such policies to over 20,000 properties in local government area.

*For:
Councillors Burke, Marquart and Best*

*Against:
Mayor Smith, Matthews, Mehrtens,
Sundstrom, Greenaway, Holstein, MacGregor
and Hogan*

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

A division was called by Councillors Marquart, Burke and Best.

*For:
Councillors Burke, Marquart and Best*

*Against:
Mayor Smith, Matthews, Mehrtens,
Sundstrom, Greenaway, Holstein, MacGregor
and Hogan*

The Amendment was put to the vote and declared LOST.

Motion of Dissent

Moved: Councillor Marquart

Seconded: Councillor Best

That Councillor Marquart was not given the opportunity to address the Chairperson's ruling requesting he either withdraw, apologise or take his seat.

For:
Councillors Burke, Marquart and Best

Against:
Mayor Smith, Matthews, Mehrrens,
Sundstrom, Greenaway, Holstein, MacGregor
and Hogan

As a result of the division the motion was declared LOST.

Moved: Councillor MacGregor

Seconded: Councillor Hogan

Resolved

- 827/19** *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.*
- 828/19** *That Council notes that climate change impacts are affecting people today and are projected to get much worse as time passes.*
- 829/19** *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.*
- 830/19** *That Council acknowledges that declaring a climate emergency is meaningless without strong policy and the action to implement it and therefore,*
- 831/19** *That Council declare a climate emergency and request the Chief Executive Officer 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.***
- 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.***

832/19 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.

For:
Mayor Smith and Councillors Matthews, Mehrstens, Sundstrom, Greenaway, Holstein, MacGregor and Hogan

Against:
Councillors Burke, Marquart and Best

8.3 Notice of Motion - The Bells

Councillor Holstein left the chamber at 9.10pm, did not return, and did not participate in discussion or voting.

Councillor Marquart left the chamber at 8.37pm and did not return.

Moved: Councillor Best
Seconded: Councillor Pilon

- 833/19 *That further to Council's Meeting of August 12 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.*
- 834/19 *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.*
- 835/19 *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.*
- 836/19 *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.*
- 837/19 *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.*

*For:
Councillors Gale Collins, Pilon, McLachlan,
Burke 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 closed at 9.43pm.



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

9 September 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13639622

Summary

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

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

Recommendation

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

Context

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

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

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

- 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: DA/708/2018 Multi-dwelling housing comprising 54 dwellings and community title subdivision – 7 Stratford Avenue, Charmhaven
Department: Environment and Planning

9 September 2019 Ordinary Council Meeting

Trim Reference: DA/708/2018 - D13569231
Author: Shannon Butler, Senior Development Planner
Manager: Andrew Roach, Unit Manager, Development Assessment
Executive: Scott Cox, Director Environment and Planning

Summary

An application has been received for multi-dwelling housing comprising 54 dwellings and associated works and community title subdivision. The application has been examined having regard to the matters for consideration detailed in section 4.15 of the Environmental Planning and Assessment Act and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

The application is being reported to Council in accordance with section E4 of the *Policy for Determining Development Applications Subject to Public Objection* as the development received more than 15 submissions during the notification period. The application has been publicly notified on two occasions, with 32 submissions received during the first notification period and 28 submissions received during the second.

Applicant	Thomas Paul Constructions P/L
Owner	Lake Haven Development P/L
Application No	DA/708/2018
Description of Land	Lot 2 DP 1054654, 7 Stratford Avenue, Charmhaven
Proposed Development	Multi-dwelling Housing comprising 54 Dwellings and associated works and Community Title Subdivision
Site Area	13,260m ²
Zoning	R1 General Residential
Existing Use	Vacant land
Employment Generation	No
Estimated Value	\$10,000,000.00

2.1 DA/708/2018 Multi-dwelling housing comprising 54 dwellings and community title subdivision – 7 Stratford Avenue, Charmhaven (contd)

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:

Proposed Development	Multi-dwelling housing comprising 54 dwellings and associated works and community title subdivision
Permissibility and Zoning	The site is zoned R1 General Residential and B4 Mixed Use under the provisions of <i>Wyong Local Environmental Plan 2013</i> . Multi-dwelling housing is permissible with consent in the R1 zone and roads are permissible in the B4 zone.
Relevant Legislation	<ul style="list-style-type: none"> • <i>Environmental Planning and Assessment Act 1979</i> • <i>State Environmental Planning Policy No. 55 – Remediation of Land</i> • <i>State Environmental Planning Policy (BASIX) 2004</i> • <i>Wyong Local Environmental Plan 2013 (WLEP 2013)</i> • <i>Draft Central Coast Local Environmental Plan 2018 (CCLEP 2018)</i>
Current Use	Vacant land
Integrated Development	Yes – Subsidence Advisory NSW
Submissions	First notification period - 32 submissions from 22 households Second notification period - 28 submissions from 20 households

Variations to Policies

Clause	6.3.1 – Solar Access for Multi Dwelling Housing												
Standard	For Multi-Dwelling Housing at least 75% of each <u>required</u> private open space area, courtyard, balcony, terrace or the like shall receive at least three hours unobstructed sunlight between the hours of 9am and 3pm on June 21 (winter solstice).												
LEP/DCP	<i>Wyong Development Control Plan 2013 – Chapter 2.4 – Multiple Dwelling Residential Development</i>												
Departure basis	<p>The <u>required</u> private open space area for each unit is 45m² and 75% of that area is 33.75m². Therefore, in order to achieve full compliance, a minimum of 33.75m² of each private open space area would need to achieve a minimum of three hours of unobstructed sunlight between 9am and 3pm on June 21.</p> <p>The applicant has submitted a solar access report along with solar access diagrams detailing the shadowing impact at the proposed finished ground levels (solar access diagrams are included as Attachment No. 4). The submitted information outlines the amount of the respective private open space areas (in square metres) receiving direct solar access at hourly intervals between 9am and 3pm on 21 June. A review of the shadow diagrams reveals that a total of seven dwellings (12.9%) achieve three hours or more to 75% or more of their private open space areas on June 21 and are fully compliant with the control.</p> <p>The results for those 47 dwellings that do not comply are tabulated as follows:</p> <table border="1" data-bbox="373 1303 1366 1780"> <thead> <tr> <th>Percentage of <u>required</u> private open space area (45m²) at finished ground levels receiving direct solar access for three hours or more on June 21</th> <th>Number of dwellings</th> </tr> </thead> <tbody> <tr> <td>Between 60% and 75% (27m² to 33.75m²)</td> <td>8 (14.8% of dwellings)</td> </tr> <tr> <td>Between 50% and 60% (22.5m² to 27m²)</td> <td>10 (18.5% of dwellings)</td> </tr> <tr> <td>Between 40% and 50% (18m² to 22.5m²)</td> <td>11 (20.3% of dwellings)</td> </tr> <tr> <td>Between 30% and 40% (13.5m² to 18m²)</td> <td>15 (27.7% of dwellings)</td> </tr> <tr> <td>Between 20% and 30% (9m² to 13.5m²)</td> <td>3 (0.5% of dwellings)</td> </tr> </tbody> </table> <p>It may be noted that the proposal includes a communal open space area to the centre of the development with an area of 520m² which will supplement the private open space areas provided for each dwelling. The</p>	Percentage of <u>required</u> private open space area (45m²) at finished ground levels receiving direct solar access for three hours or more on June 21	Number of dwellings	Between 60% and 75% (27m ² to 33.75m ²)	8 (14.8% of dwellings)	Between 50% and 60% (22.5m ² to 27m ²)	10 (18.5% of dwellings)	Between 40% and 50% (18m ² to 22.5m ²)	11 (20.3% of dwellings)	Between 30% and 40% (13.5m ² to 18m ²)	15 (27.7% of dwellings)	Between 20% and 30% (9m ² to 13.5m ²)	3 (0.5% of dwellings)
Percentage of <u>required</u> private open space area (45m²) at finished ground levels receiving direct solar access for three hours or more on June 21	Number of dwellings												
Between 60% and 75% (27m ² to 33.75m ²)	8 (14.8% of dwellings)												
Between 50% and 60% (22.5m ² to 27m ²)	10 (18.5% of dwellings)												
Between 40% and 50% (18m ² to 22.5m ²)	11 (20.3% of dwellings)												
Between 30% and 40% (13.5m ² to 18m ²)	15 (27.7% of dwellings)												
Between 20% and 30% (9m ² to 13.5m ²)	3 (0.5% of dwellings)												

2.1 DA/708/2018 Multi-dwelling housing comprising 54 dwellings and community title subdivision – 7 Stratford Avenue, Charmhaven (contd)

	communal open space area is proposed to contain covered and uncovered seating areas and suitable landscaping and will receive a significant degree of solar access during all daylight hours on June 21 given its location and orientation (see Attachment No. 4). The provision of communal open space areas for multi-dwelling housing developments is optional under the requirements of <i>WDCP – Chapter 2.4 – Multiple Dwelling Residential Development</i> .
--	---

The Site

The site is legally described as Lot 2 DP 1054654 and is known as 7 Stratford Avenue, Charmhaven.

The subject site is bounded on the eastern side to an unformed portion of Stratford Avenue and at the western end of Oak Road. The subject site has an overall area of 1.326 Hectares and has a crossfall of approximately 9.5 metres from the north-western corner to the south-eastern corner.

The subject site is zoned R1 General Residential and adjoins land zoned R1 General Residential to the north and south of the site. Land zoned R2 Low Density Residential adjoins the site to the east and B4 Mixed Use zoned land adjoins the site to the west.

The site is vacant and largely cleared with some scattered remnant vegetation remaining. The unformed portion of Stratford Avenue fronting the site to the west is heavily vegetated and contains a public pathway connecting the formed portion of Stratford Avenue (to the south) with Moala Parade (to the north).

The subject site is not identified as being bushfire affected land.



Figure 1 – Aerial photograph of subject site and adjoining land



Figure 2 – Cadastral plan showing road network in vicinity of site (note: the portion of Stratford Avenue fronting the development site is currently unformed)

2.1

DA/708/2018 Multi-dwelling housing comprising 54 dwellings and community title subdivision – 7 Stratford Avenue, Charmhaven (contd)



Figure 3 – Extract of Wyong Local Environmental Plan 2013 zoning map



Figure 4 – Photograph of site as viewed from the unformed portion of Stratford Avenue

2.1 DA/708/2018 Multi-dwelling housing comprising 54 dwellings and community title subdivision – 7 Stratford Avenue, Charmhaven (contd)

Surrounding Development

The site is bounded to the north by single-storey multi-dwelling housing developments. It is bounded to the east by typical residential allotments containing single dwellings and the terminating portion of Oak Road.

To the south the site is bounded by a community health centre and aged care facility, both being predominately single-storey buildings.

The unformed portion of Stratford Avenue adjoins the site to the west and contains significant vegetation and a public shared pathway connecting the formed portion of Stratford Avenue (to the south) with Moala Parade (to the north).

The Proposed Development

The Development Application seeks consent for the construction of a multi-dwelling housing development containing 54 dwellings and associated clearing of existing vegetation, earthworks, construction of roads and associated services. All dwellings are proposed to be two storeys in height and contain three bedrooms and single garages.

Access to the site is proposed from Stratford Avenue, which will be constructed to a public road standard from Moala Parade to the north and terminate by way of a cul-de-sac turning head adjacent to the site frontage. A private access road is proposed off the new public road off Moala Parade to provide access to the site and will form a rectangular loop within the site. There is no pedestrian or vehicular access proposed off Oak Road.

Communal visitor parking is proposed in various locations throughout the development and a communal open space area is proposed to the centre of the site.

The dwellings are proposed in the form of 12 blocks (described as Blocks A to L) which each comprise attached dwellings. The dwellings are proposed to be finished with concrete roof tiles with upper floor cladding and face brick ground floors.

The proposal includes a Community Title subdivision of the completed development, with the private access road and visitor car parking forming common property and the communal open space area being designated as a Community Lot. The community title lots are proposed to range in size from 144.1m² to 264.6m².

2.1

DA/708/2018 Multi-dwelling housing comprising 54 dwellings and community title subdivision – 7 Stratford Avenue, Charmhaven (contd)

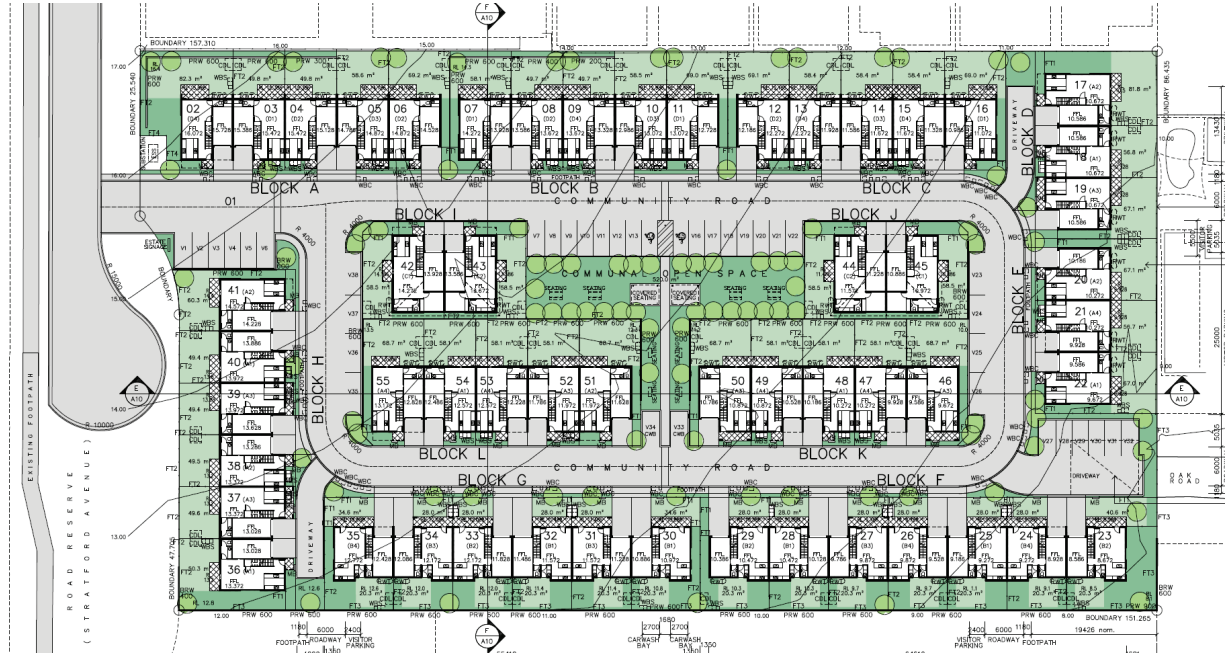


Figure 5 – Proposed site plan



Figure 6 – Artist's impression – aerial view of proposal looking towards south

History

- Development Consent No. DA/1019/2007 was granted on 26 May 2008 for the construction of a residential flat building on the subject site, containing 35 units with access from Oak Road. Council's records indicate that this consent was not activated and lapsed on 26 May 2011.

2.1 **DA/708/2018 Multi-dwelling housing comprising 54 dwellings and community title subdivision – 7 Stratford Avenue, Charmhaven (contd)**

- Development Application No. DA/1322/2015 was refused by the Joint Regional Planning Panel (now known as Regional Planning Panel) on 1 September 2016 (in accordance with the staff recommendation) for the construction of seven, three storey residential flat buildings containing a total of 115 units on the subject site. The application was refused on a number of grounds, including provision of insufficient maneuvering area on-site to allow the site to be serviced by Council's waste collection vehicle, vehicular access considerations, traffic and pedestrian safety and general design principles (height, setbacks, impact on neighbours).

Submissions

In accordance with *Wyong Development Control Plan 2013 (Wyong DCP 2013)*, Chapter 1.2 – Notification of Development Proposals, the application was publically notified and advertised for a period of 21 days from 26 July 2018 until 16 August 2018. A total of 32 individual submissions were received objecting to the proposal from a total of 22 households.

Amended plans were submitted on 22 October 2018 responding to issues raised by Council staff and objectors and the application was subsequently re-notified and re-advertised for 21 days from 22 November 2018 until 13 December 2018. As a result, a further 28 individual submissions were received from 20 households.

The general issues raised in relation to the proposal during the notification periods are as follows:

Initial Notification Period

- *The proposal will result in additional traffic on Merinda Avenue and Oak Road and these streets are not designed for these levels of traffic.*

Comment

The application was amended during the assessment phase to delete the access point to Oak Road and propose a public access road along the Stratford Avenue road reserve from Moala Parade. The proposed access road will be constructed to public road standard and terminate by way of a cul-de-sac turning head. A private ring road is proposed to be constructed off the public road which provides access to the proposed units and will form part of the Community Title subdivision. The proposal will therefore not result in any additional traffic on Merinda Avenue or Oak Road. It should be noted that the application was re-notified to residents following the amendment relating to access (and other matters).

- *The developer should consider access to the site via Stratford Avenue and Oak Road as this would be safer for the community.*

2.1 **DA/708/2018 Multi-dwelling housing comprising 54 dwellings and community title subdivision – 7 Stratford Avenue, Charmhaven (contd)**

Comment

The proposal has been amended to involve access from Stratford Avenue via Moala Parade. The proposed access point has been considered by Council's Transportation Engineer and is regarded as being superior to the originally proposed access via Merinda Avenue and Oak Road as these roads are in relatively poor condition and would be less capable of absorbing the additional traffic generated by the development than the proposed access arrangement.

- *The proposal will result in additional traffic using Moala Parade. The intersection of the Pacific Highway and Moala Parade is already very dangerous. It would be preferable that the existing constructed section of Stratford Avenue be used for access to the site.*

Comment

The applicant has provided SIDRA (software package) modelling that indicates that the development will have an insignificant impact on the intersection of Pacific Highway and Moala Parade. While the right turn movements into and out of Moala Parade will continue to experience delays in the peak periods, traffic generated by this development will not significantly contribute to the ongoing operation of the intersection.

Based on low traffic generation and formalised access via Stratford Avenue, the proposed development is supported by Council's Transportation Engineer. The provision of access to the site via the existing constructed section of Stratford Avenue to the south was not considered given that this access road services the existing bulky goods centre and the Lake Haven Shopping Centre and it is generally accepted that residential points of access should be separated from retail/commercial points of access where possible. Further, there is a significant level difference between the unformed portion of Stratford Avenue and the existing constructed section of Stratford Avenue, which would necessitate the need for an excessive amount of fill and retaining walls.

- *Concern is raised that the proposed development is two-storey when the majority of Charmhaven contains single-storey development. A compromise would be for single storey-height on the eastern and northern boundaries and two-storey on the southern and western boundaries.*

Comment

It is noted that the subject site is zoned R1 General Residential under the provisions of *Wyong Local Environmental Plan 2013*. One of the zone objectives is to 'provide for a variety of housing types and densities' and it is noted that the zone permits development for the purpose of residential flat buildings. The proposed two-storey form is considered to represent a compromise between the existing built form in the locality and a more intensive residential built form such as residential flat buildings. Further, the locality comprises a mixed character containing retail development, community facilities, aged care and residential.

2.1 DA/708/2018 Multi-dwelling housing comprising 54 dwellings and community title subdivision – 7 Stratford Avenue, Charmhaven (contd)

The proposal is considered to provide for a suitable transition between retail/commercial development to the west and south and residential built form to the north and east.

- *It has previously been acknowledged by the local State Member that the intersection of Pacific Highway and Moala Parade is unsafe in its current form and is need of an upgrade. The submitted traffic report fails to address the additional impact of the proposed development on this intersection.*

Comment

Following the initial notification period, the applicant submitted an updated and improved traffic report which provides SIDRA (a traffic movement modelling software package) modelling for the intersection of Pacific Highway and Moala Parade. The modelling demonstrates that the development will not have a significant impact on the intersection. Whilst the right-turn movements into and out of Moala Parade will continue to experience delays in the peak periods, traffic generated by this development will not significantly contribute to the ongoing operation of the intersection. Any concerns relating to the ongoing operation of the intersection should be raised with the NSW Roads and Maritime Services (RMS) given that the Pacific Highway is a classified (State) road. It is noted that the proposal does not constitute a 'traffic-generating development' under the provisions of Clause 104 of *State Environmental Planning Policy (Infrastructure) 2007* and does not require the concurrence of, or referral to, the RMS.

- *It is considered that the privacy of existing and adjoining properties has not been addressed to a satisfactory level.*

Comment

The development has been designed to provide for a suitable interface with existing surrounding residential development in relation to privacy. The first floor areas facing adjoining residential development to the north, east and south contain bedrooms and bathrooms only. Bedrooms are considered to be low-traffic rooms which are not typically used in daytime hours and the bathrooms will contain frosted windows. The units are proposed to be set back over six metres from the northern and eastern boundaries (with the exception of Unit 17 which is set back from the northern boundary by 2.62m). Further, the application has been amended to propose high sill windows on the first floor rear elevations where the units adjoin private open space areas on adjoining properties (this applies to Units 17 to 35).

- *No mention has been made of improving the pedestrian access on Oak Road and this should be addressed as a condition of consent.*

2.1 DA/708/2018 Multi-dwelling housing comprising 54 dwellings and community title subdivision – 7 Stratford Avenue, Charmhaven (contd)

Comment

The proposal has been amended to remove all vehicular and pedestrian access to and from the development from Oak Road, as a result, the proposal will not increase the intensity of use of Oak Road. Therefore, there is no nexus to require the developer to contribute to the improvement of pedestrian access on Oak Road.

- *There has been no acknowledgement of how the additional captured stormwater will be managed outside the development and the impact of this water on the local neighbourhood. There is existing rudimentary drainage infrastructure in Oak Road which leads to Hunter Park. It is considered that flood mitigation needs to be substantially addressed and it should fall back on the developer to subsidise full kerb and guttering to the directly and indirectly affected streets to minimise the impact and not exacerbate the existing stormwater issues in these streets.*

Comment

The proposal seeks to direct stormwater to Oak Road, via a gross pollutant trap / below ground on-site detention (OSD) system. A separate stormwater system will be constructed for the drainage system traversing the eastern boundary and to be contained within the existing Easement for Drainage 1.5m wide. The proposal complies with water quality targets identified in *Australian Runoff Quality – A Guide to Water Sensitive Urban Design*.

An on-site stormwater detention and drainage system will be required to control the rate of runoff leaving the site. The detention system will be required to be designed to attenuate post-development flow rates to pre-development flow rates for a full range of storm durations for the 5, 20 and 100 year average reoccurrence interval (ARI) design storms. The drainage from the site will be required to be piped along the southern side of Oak Road to the existing downstream drainage infrastructure at the intersection of Oak Road/Merinda Avenue, see below:



2.1 DA/708/2018 Multi-dwelling housing comprising 54 dwellings and community title subdivision – 7 Stratford Avenue, Charmhaven (contd)

Figure 6 – Aerial photograph depicting existing downstream drainage infrastructure at the intersection of Oak Road / Merinda Avenue

The applicant's concept stormwater design plan has been assessed by Council's Senior Development Engineer and is considered satisfactory to adequately manage the stormwater generated by the development.

- *It is unclear where all the rubbish bins are going to be stored and how they are going to be collected.*

Comment

The originally submitted plans depicted the storage of the mobile garbage bins for each of the units within the garages. The application was subsequently amended to depict the storage of the bins within the private open space areas of each unit. It is proposed that the bins will be presented on the kerbside of the proposed private loop road for collection by Council's waste collection vehicles. The internal road is required to be constructed to cater for the 23 tonne collection vehicle utilised by Council's waste contractor (Cleanaway) and a condition of consent is recommended in this regard.

- *Moala Parade is used by students walking to Gorokan High School and the development will result in increased danger for them with increased traffic flow.*

Comment

Council's Transportation Engineer has assessed the proposal and advised that the development will not result in any significant impact on the surrounding road network. It is noted that there are suitable footpath facilities surrounding the site (including on both sides of Moala Parade), which will not be impacted by the proposal. Further, it should be noted that the proposal will result in the retention of the existing shared pathway between Moala Parade and the existing constructed section of Stratford Avenue. Further, the existing pedestrian refuge island on Moala Parade will be retained in its current location to allow for connectivity between the existing shared pathways.

- *There should be a no right turn restriction imposed on from Moala Parade to the Pacific Highway to reduce the safety risk to motorists.*

Comment:

The Pacific Highway is a classified road and is the responsibility of the NSW Roads and Maritime Services (RMS). Any right turn restriction from Moala Parade onto the Pacific Highway would need to be initiated by the RMS. It is not a matter of concern raised during assessment of the application.

2.1 **DA/708/2018 Multi-dwelling housing comprising 54 dwellings and community title subdivision – 7 Stratford Avenue, Charmhaven (contd)**

- *Traffic chicanes or pedestrian islands should be installed on Moala Parade, before both side streets (Merinda Avenue and Kanimbla Avenue) to slow traffic flow and improve safety to motorists and pedestrians.*

Comment

The application and general traffic environment have been considered by Council's Transportation Engineer and additional traffic calming measures on Moala Parade were not recommended or considered necessary. It is noted that the site is now proposed to be accessed from a new public road off Moala Parade and will not result in any significant additional impact on the intersections of Moala Parade/Merinda Avenue and Moala Parade/Kanimbla Avenue.

- *The proposal seeks a variation to Council's car parking requirements given that each unit requires 1.5 car parking spaces and only one parking space per unit is proposed. This variation should not be supported by Council.*

Comment

Under the requirements of *Wyong Development Control Plan – Chapter 2.11 – Parking and Access*, 1.5 car parking spaces are required per unit containing three bedrooms or greater. In addition, it is required that visitor parking be provided at the rate of one space per five units. The DCP states that only one space per dwelling is to be allocated as resident parking and the remaining spaces are to be provided as separate visitor parking and be available for common use at all times.

Based on the 54 x three bedroom units proposed, a total of 81 car parking spaces are required for the resident parking component and 10.8 (rounded up to 11) spaces are required for visitor parking.

It is proposed that each unit will contain a single garage, with the remaining 27 spaces satisfying the residential component being provided as common visitor parking. Further, the common visitor parking areas also accommodate the required 11 further visitor parking spaces required under the DCP and there is a total of 38 visitor parking spaces proposed throughout the site. As a result, a total of 92 car parking spaces are proposed throughout the site, achieving compliance with the DCP car parking requirements.

It may also be noted that the majority of the driveways fronting the garages is of a sufficient length to be able to accommodate a second parked vehicle per unit in an informal stacked arrangement without impeding pedestrian access.

- *There is no existing footpath on Oak Road to link in with pedestrian access to and from the proposed development.*

2.1 DA/708/2018 Multi-dwelling housing comprising 54 dwellings and community title subdivision – 7 Stratford Avenue, Charmhaven (contd)

Comment

The proposal has been amended and no longer proposes pedestrian or vehicle access via Oak Road. Therefore, there is no nexus or additional demand generated to compel the applicant to provide for footpaving within Oak Road.

- *The windows on the first floor at the rear of a number of units will result in a poor privacy outcome. They should be either frosted glass or high sill windows.*

Comment

All first floor windows on the rear elevations are either bathroom or bedroom windows. The bathroom windows are proposed to be fitted with frosted glass. Bedrooms are considered to be low-traffic rooms which are not typically used during daylight hours. The applicant has provided amended plans proposing high sill windows on all first floor rear elevations where the units adjoin private open space areas on the adjoining properties (this applies for Units 17 to 35).

- *The submitted waste management plan states that red garbage bins are proposed to be stored in the garage of each residence. It is hard to believe that Council would allow bins to be stored in enclosed garages.*

Comment

The storage of mobile garbage bins within the garages is not supported in this instance. The applicant has amended the proposal to provide suitable bin storage areas within the outdoor areas of each of the units. Where bins cannot be wheeled to the rear private open space areas, the storage of the bins within the front setbacks is proposed within suitable screening enclosures outlined.

- *The existing bus stop on the Pacific Highway should be relocated. When buses stop, they restrict the sight distance for vehicles turning out of Moala Parade.*

Comment

This matter is outside the scope of the assessment of subject development application given that the bus stop in question is located approximately 225 metres from the proposed public access point off Moala Parade. Any concerns relating to the location of the existing bus stop on the Pacific Highway should be raised with the NSW Roads and Maritime Services (given that the Pacific Highway is a classified road) or Council's Local Traffic Committee.

- *The plans do not show a community park or playground for residents.*

2.1 **DA/708/2018 Multi-dwelling housing comprising 54 dwellings and community title subdivision – 7 Stratford Avenue, Charmhaven (contd)**

Comment

The proposal was amended during the assessment phase to provide for a communal open space area to the centre of the site. The communal open space area is proposed to contain covered and uncovered seating areas, however, there is no communal playground proposed. It is noted that under the requirements of *Wyong Development Control Plan – Chapter 2.4 – Multiple Dwelling Residential Development*, the provision of a communal open space area for a multi-dwelling housing development is optional and is only specifically required for residential flat building developments.

- *Concern is raised in relation to noise and dust pollution during the construction phase of the development.*

Comment

Conditions of consent are recommended in relation to noise and dust pollution during the construction phase of the development. A condition of consent is recommended requiring that construction works be limited to between the hours of 7:00am to 5:00pm Monday to Saturday, with no works permitted on Sundays or public holidays. Further, a condition of consent is recommended requiring that dust suppression measures be implemented during bulk earthworks to suppress dust generated by vehicles and equipment.

- *Concern is raised in relation to the construction of the development resulting in damage to the objector's property.*

Comment

A condition of consent is recommended requiring that the applicant prepares and submits a dilapidation report to the Principal Certifying Authority addressing the adjoining properties. In the event that any damage to the objector's property occurs during the construction phase of the development (as a direct result of the construction works), it will be the responsibility of the developer to address.

- *The development will result in noise impacts on the residents of the adjoining aged care complex to the south of the site.*

Comment

The rear private open space areas of the units adjoining the aged care complex (Units 26 to 34) do not receive suitable solar access given their orientation. As a result, these private open space areas are proposed to be supplemented by private open space areas within the north-facing front setback areas of these units. Given the orientation of the rear private open space areas of these units, they are not anticipated to be highly used and therefore, are not expected to result in any significant noise impacts on the adjoining aged care complex.

2.1 DA/708/2018 Multi-dwelling housing comprising 54 dwellings and community title subdivision – 7 Stratford Avenue, Charmhaven (contd)

- *The development will result in overshadowing of the outdoor recreation area of the adjoining aged care complex to the south of the site.*

Comment

Wyong Development Control Plan 2013 – Chapter 2.4 – Multiple Dwelling Residential Development contains the following control relating to the solar access on adjoining properties:

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

The applicant has submitted shadow diagrams specifically addressing the shadow impact posed on the private open space area of the adjoining aged care complex to the south of the site. The shadow diagrams depict the impact posed by the proposed buildings (Units 23 to 34), retaining walls and boundary fencing and demonstrate that over 75% of the private open space area of the aged care complex will receive over three hours of direct sunlight between 9am and 3pm on June 21.

- *The proposed extent of tree removal is significant and there is inadequate space for the trees to be replaced.*

Comment

The site comprises cleared land (1.2 hectares) and disturbed remnant Narrabeen Doyalson Coastal Woodland (0.39 hectares). No endangered ecological communities or endangered populations have been detected on site. The submitted landscaping plan depicts numerous replacement trees comprising native and introduced species with a variety of deciduous and evergreen trees (comprising approximately 115 trees within the site and seven street trees on Stratford Avenue). The landscaping plan has been amended to delete the previously proposed trees to the rear of Units 17 to 23 given specific concerns relating to overshadowing and maintenance raised by the adjoining objector.

- *The development does not provide adequate car parking for visitors to the development.*

Comment

As previously discussed, under the requirements of *Wyong Development Control Plan – Chapter 2.11 – Parking and Access*, the development requires a total of 81 resident and 11 visitor car parking spaces, resulting in a total of 92 car parking spaces throughout the site.

2.1 **DA/708/2018 Multi-dwelling housing comprising 54 dwellings and community title subdivision – 7 Stratford Avenue, Charmhaven (contd)**

The proposal provides a single garage for each proposed unit and a total of 38 communal visitor spaces throughout the site, resulting in a total of 92 car parking spaces. It is also noted that the site is located within walking distance of the Lake Haven Shopping Centre which is serviced by a number of bus routes. The proposed extent of resident and visitor parking is considered satisfactory.

- *It is possible that the development will result in a reduction of social harmony in the area and an increase in crime.*

Comment

No evidence has been provided to demonstrate that the development will result in a reduction in social harmony or an increase in crime. The applicant has submitted a Crime Prevention Through Environmental Design (CPTED) report. The report outlines how the development has been designed in accordance with the CPTED principles which comprise natural surveillance, access control, territorial reinforcement and space management. It is considered that the proposal appropriately addresses the CPTED principles.

- *The submitted traffic report is based on a superseded DA proposal and is not relevant to the proposed development.*

Comment

This matter was raised with the applicant and an updated traffic report was submitted with the application when it was amended to relocate the access point to Stratford Avenue/Moala Parade. The application was re-notified following the amendment of the application and the revised traffic report was made available for viewing on the 'application tracking' facility on Council's website.

- *There is a significant amount of fill depicted along the eastern boundary which appears to be proposed to be placed against the existing colorbond fence. Objection would be raised if the proposed rear yard ground levels cause the height of the existing colorbond fence to be reduced to below 1.8m on the side of the proposed lots.*

Comment

The applicant has submitted amended plans which outline that no retaining walls are proposed to the rear of Units 17 to 22 and that natural ground levels will be maintained in these areas. There is no fill proposed adjacent to this objector's property on the eastern boundary. It is noted that there is a boundary retaining wall proposed in the south-western corner of the site (adjacent to Unit 23) with a maximum height of 600mm.

2.1 DA/708/2018 Multi-dwelling housing comprising 54 dwellings and community title subdivision – 7 Stratford Avenue, Charmhaven (contd)

- *The condition of Oak Road is not suitable to accommodate additional parked vehicles. This situation can only be improved if the Oak Road verges are widened in conjunction with the installation of kerb and guttering.*

Comment

Given that the development has been amended to remove all vehicular and pedestrian access from Oak Road, there is no nexus to require the developer to provide for the widening of the Oak Road verges or for the installation of kerb and guttering on Oak Road.

- *There are no details provided in relation to any proposed street lighting within the development.*

Comment

Street lighting details are provided at Construction Certificate stage and generally do not form part of Development Application documentation. A condition of consent is recommended requiring that street lighting details be submitted to Council prior to the issue of a Construction Certificate.

- *The application does not provide details in relation to how the regrading of the site will address the impacts on the existing adjoining property boundary fences.*

Comment

The submitted plans outline that the existing levels are proposed to be maintained up to all boundary fences on the northern boundary and the majority of the eastern boundary. There is a 600mm retaining wall proposed on the southern boundary and a minimal portion of the eastern and western boundaries. It is proposed that the existing fencing on these boundaries will be replaced and a condition of consent is recommended requiring that the applicant liaises with the owners of the properties on which the 600mm to determine a mutually agreed fencing material.

- *Concern is raised to the species outlined in the submitted landscaping plan given their mature heights and maintenance associated with the trees.*

Comment

Amended landscaping plans have been submitted addressing the issue raised by this objector adjoining their property. The amended landscaping plan deletes the trees previously proposed adjoining this objector's property and replaces them with low level plantings with mature heights of a maximum of 1.8 metres.

2.1 **DA/708/2018 Multi-dwelling housing comprising 54 dwellings and community title subdivision – 7 Stratford Avenue, Charmhaven (contd)**

- *It is noted that the BASIX Certificate submitted with the application outlines that the development will be serviced by gas. Is Council able to confirm that this is the case.*

Comment

The subject site and development is capable of being serviced by gas in order to achieve the commitments of the BASIX Certificate.

Second Notification Period

- *There are significant safety risks relating to the new development entry off Moala Parade. There is no information within the amended application relating to the impact to the existing pedestrian footpath, pedestrian crossing or the proposed road to be used for the entry and exit.*

Comment

The proposed public road off Moala Parade, to be located within the Stratford Avenue road reserve, will not result in any impact on the existing shared pathway between Moala Parade and the southern constructed section of Stratford Avenue. In addition, the proposal involves the retention of the existing pedestrian refuge island located on Moala Parade. No concerns are raised in relation to safety impacts on the existing shared pathway; to the contrary it is considered that the proposal has the potential to improve safety for users of the pathway given improved casual surveillance surrounding the pathway, partly from the proposed development.

- *Drainage still needs to be satisfactorily addressed. Piping one side of Oak Road and pushing the stormwater off to the already overwhelmed junction of Oak and Merinda Roads is not a solution.*

Comment

The proposal seeks to direct stormwater to Oak Road, via a gross pollutant trap / below ground on-site detention (OSD) system. A separate stormwater system will be constructed for the drainage system traversing the eastern boundary and to be contained within the existing Easement for Drainage 1.5m wide. The proposal complies with water quality targets identified in *Australian Runoff Quality – A Guide to Water Sensitive Urban Design*.

An on-site stormwater detention and drainage system will be required to control the rate of runoff leaving the site. The detention system will be required to be designed to attenuate post-development flow rates to pre-development flow rates for a full range of storm durations for the 5, 20 and 100 year average recurrence interval (ARI) design storms.

2.1 **DA/708/2018 Multi-dwelling housing comprising 54 dwellings and community title subdivision – 7 Stratford Avenue, Charmhaven (contd)**

The drainage from the site will be required to be piped along the southern side of Oak Road to the existing downstream drainage infrastructure at the intersection of Oak Road/Merinda Avenue. It is considered that the proposed gross pollutant trap / OSD system will be suitable to allow for the gradual release of stormwater to the existing infrastructure for a full range of storm durations and will not result in any unreasonable impacts downstream.

- *It is not clear whether the existing refuge island on Moala Parade is proposed to be removed or whether the access road will be left-in / left-out in the event that the island is retained in its current location.*

Comment

The proposal provides for the retention of the existing pedestrian refuge island in its current location. The proposed public access road will be left-in / left-out to accommodate the retention of the refuge island. The proposed arrangement is considered satisfactory by Council's Transportation Engineer.

- *The traffic report is flawed in stating that vehicles travel at low speeds along Moala Parade. Local police could attest to the fact that this assumption is incorrect.*

Comment

It is acknowledged that the speed figures presented in the traffic report are based on modelling and may not reflect the real-life speeds of motorists in the locality. It is the responsibility of the NSW Police to enforce the relevant speed limits in the locality. The proposed intersection of Stratford Avenue / Moala Parade will have satisfactory sight distance to the east to provide for the safety of motorists and pedestrians.

- *The proposal will result in the removal of the existing green corridor within the Stratford Avenue road reserve.*

Comment

It is acknowledged that the proposal will result in the removal of a significant amount of vegetation within the Stratford Avenue road reserve to accommodate the proposed public road off Moala Parade. The trees located between the existing constructed portion of Stratford Avenue (to the south) and the proposed public road off Moala Parade will be retained. The proposed tree removal has been assessed by Council's Ecologist and no endangered ecological communities or endangered populations were identified within the road reserve area. No objection was raised by the Ecologist subject to a number of recommended conditions.

- *The proposed location of the access road on Moala Parade will result in vehicles having to do a U-turn to access the site given the location of the refuge island.*

2.1 DA/708/2018 Multi-dwelling housing comprising 54 dwellings and community title subdivision – 7 Stratford Avenue, Charmhaven (contd)

Comment

The proposed public access road will involve left-in / left-out movements to and from Moala Parade to accommodate the retention of the existing refuge island.

- *There is no indication of where service vehicles are proposed to enter and exit the development.*

Comment

Service vehicles are proposed to access the site in the same manner as passenger vehicles. The internal road is in the form of a rectangular loop road, which will prevent the need for service vehicles to undertake turning movements on the site in order to exit in a forward direction. The proposed internal road is required to be capable of accommodating kerbside collection of waste by Council's 23 tonne waste collection vehicle. A condition of consent is recommended in this regard. It is considered that the design of the proposal is suitable to accommodate all service vehicles.

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

Comment

The locality is considered to comprise a mixed character consisting of a bulky goods complex to the west, community health centre and aged care complex to the south, single storey multi-dwelling housing to the north and single detached dwellings to the east. The proposed development is considered to provide for a suitable transition between the non-residential landuses to the west and south and the residential built form to the north and east. Further, the proposed development provides for a medium density form of residential development which is in limited supply in the suburb of Charmhaven and in the vicinity of the Lake Haven Shopping Centre.

- *The proposed left-in / left-out arrangement to Moala Avenue is not suitable and will result in significant safety impacts to motorists and pedestrians.*

Comment

The proposed left-in / left-out arrangement onto Moala Parade was necessitated by the location of the existing pedestrian refuge island on Moala Parade. In order to provide right turn access to Stratford Avenue from Moala Parade, the pedestrian refuge island would need to be relocated either 50 metres to the west or 95 metres to the east (to avoid existing driveways). This is not considered a viable option as the refuge would be too far offset from the pedestrian desire line on the existing footpath network, rendering it virtually useless.

2.1 DA/708/2018 Multi-dwelling housing comprising 54 dwellings and community title subdivision – 7 Stratford Avenue, Charmhaven (contd)

The proposed access arrangement has been assessed by Council's Transportation Engineer and is considered superior to the original proposal to access the site via Oak Road and Merinda Avenue and no concerns were raised in relation to safety impacts to motorists and pedestrians.

- *The objectives of the R1 General Residential zone and the objectives stated in Wyong Development Control Plan 2013 – Chapter 2.4 – Multiple Dwelling Housing state that there should be a variety of dwelling types proposed in a manner which protects the amenity of existing residential areas. All 13 of the proposed blocks of dwellings comprise two storey buildings.*

Comment

It is acknowledged that all proposed dwellings within the proposed development are two storeys in height. However, the zone objective cited above relates to encouraging a variety of dwelling types within the overall zone and not just within particular sites. It is noted that in the case of the subject site, the properties located immediately to the north and south are also zoned R1 General Residential and these properties contain dwelling types which differ from that proposed. The two properties to the south contain a community health centre and aged care facility and the properties to the north contain single storey multi-dwelling housing developments (villa style). Therefore, the proposal is considered satisfactory in relation to the subject objective of the R1 General Residential zone.

- *The plans indicate privacy screens for the first floor rear facing windows. Increased sill heights are considered to be a better option for the protection of privacy of adjoining properties.*

Comment

The plans have been amended to depict high sill windows for all rear facing first floor windows of the units which immediately adjoin private open space areas on adjoining properties (this applies to Units 17 to 35). Further, it is noted that the rooms located at the rear of the first floor on all units are either bathrooms or bedrooms.

- *The proposal does not appear to comply with the cut and fill requirements of Council's Development Control Plan and no justification has been provided by the applicant as to why Council should support any variation in this regard.*

Comment

It is acknowledged that the proposal previously did not comply with the cut and fill controls and involved an extent of fill, particularly on the southern and eastern boundaries, that was considered to be excessive. The application has been amended to reduce the previously proposed extent of fill and associated retaining walls.

2.1 **DA/708/2018 Multi-dwelling housing comprising 54 dwellings and community title subdivision – 7 Stratford Avenue, Charmhaven (contd)**

There is a boundary retaining wall proposed on the southern boundary and a minor portion of the eastern and western boundaries and the height of this wall is a maximum of 600mm. The proposal (as amended) now achieves compliance with the cut and fill controls outlined in *Wyong Development Control Plan 2013 – Chapter 2.4 – Multiple Dwelling Residential Development*.

- *The submitted shadow diagrams do not address the impact of the proposed landscaping at maturity.*

Comment

Wyong Development Control Plan 2013 – Chapter 2.4 – Multiple Dwelling Residential Development outlines requirements for shadow diagrams to be submitted with any Development Application. It states that shadow diagrams must show the impact of shadowing from the proposed development, fencing, cut and fill as well as existing development, on the proposed development and adjoining properties. There is no requirement for shadow diagrams to depict the impact of landscaping as there are many variables associated with landscaping such as whether it allows filtered light, whether it is evergreen/deciduous and the manner in which it is maintained. The submitted shadow diagrams are therefore considered to be satisfactory.

- *The type of boundary fencing to be erected on boundaries to existing lots should be agreed to by the adjoining owners.*

Comment

The applicant has provided amended plans depicting the retention of the existing colorbond fence on the boundary of this objector's property as this was their preference. On all other boundaries, the plans depict 1.8m high lapped and capped timber fencing. A condition of consent is recommended requiring that the applicant liaises with the owners of the aged care facility and community health centre to the south and No. 8 Oak Road to determine a mutually agreed fencing material along these boundaries. The existing fencing along the northern boundary comprises 1.8 metre high lapped and capped timber of a reasonable condition, which is considered suitable to be retained.

- *The proposed area of deep soil landscaping appears to be non-compliant with Council's requirements.*

Comment

Wyong Development Control Plan 2013 – Chapter 2.4 – Multiple Dwelling Residential Development requires that a minimum of 25% of the site area at ground level shall be 'soft' landscaping, excluding all hardstand areas. Further, the DCP requires that a minimum of 50% of the required soft landscaped area of the site at ground level shall be a deep soil zone.

2.1 DA/708/2018 Multi-dwelling housing comprising 54 dwellings and community title subdivision – 7 Stratford Avenue, Charmhaven (contd)

An assessment of the plans reveals that 31% (or 4,154.8m²) of the site comprises soft landscaping and approximately 97% of this soft landscaped area comprises deep soil landscaping. The only area of the soft landscaped area that is not deep soil is the area above the below ground on-site detention system.

Submissions from Public Authorities

Subsidence Advisory NSW – The site is located within a mine subsidence district and the development constitutes integrated development requiring referral to Subsidence Advisory NSW under Section 15 of the *Mine Subsidence Compensation Act 1961* and Section 4.46 of the *Environmental Planning and Assessment Act 1979* for their General Terms of Approval. As part of the documentation submitted with the application, the applicant provided a copy of the plans stamped by Subsidence Advisory NSW, which constitutes their General Terms of Approval.

Internal Consultation

The development application was referred to the following internal officers for comment:

- Senior Development Engineer

The application has been assessed by Council's Senior Development Engineer who raised no objection to the application and made the following comments relating to the critical aspects of the proposal:

Roads, Access and Traffic – External Works in the Public Road / Kerb & Channel / Shared Paths

The proposal seeks access via a new public road from Moala Parade – referred to as Stratford Avenue. The previously proposed arrangement of vehicular access from Oak Road has now been superseded.

The width of Stratford Avenue is identified between 20.12 and 26.21 metres. The pavement width of 7.9 metres is generally in accordance with Wyong Development Control Plan 2013 – Part 4 – Subdivision for Local Streets.

The development will necessitate the completion of road infrastructure in accordance with the relevant provisions of Council's Civil Works Specification Design Guidelines 2018. Conditions of consent are recommended requiring the provision of new public roads, intersection upgrade, stormwater drainage, kerb and channel, shared path realignment, signage and line-marking, and pedestrian footpaths in the frontage road reserves (Stratford Rd, Moala Parade and Oak Road).

2.1 DA/708/2018 Multi-dwelling housing comprising 54 dwellings and community title subdivision – 7 Stratford Avenue, Charmhaven (contd)

An upgrade of the street drainage in Oak Road is proposed to formally direct stormwater from the development to the piped drainage system downstream at the Oak Road / Merinda Avenue intersection.

Stormwater and overland flows from the new portion of Stratford Avenue are intended to be conveyed south to the existing infrastructure downstream.

Kerb and channel for the entire Oak Road (both sides) was previously conditioned as part of the previously approved residential flat building development (which has since lapsed). However, for the subject development kerb and channel is not required due to problems integrating with existing infrastructure. Also, with vehicle access only via Stratford Avenue (previously from Oak Road), no nexus exists for such an upgrade.

In regard to the treatment of the end of Oak Road, the proposal does not intend to change the existing arrangement.

Roads, Access and Traffic – Internal

The proposal comprises an internal circulation arrangement accessing single garages and 38 central visitor parking spaces.

The proposed garage dimensions and internal circulation roadway / driveway grades comply with AS/NZS 2890.1 (2004) - "Off-street car parking".

The proposed visitor disabled parking space (V4) complies with AS/NZS 2890.6 (2009) – "Off-street parking for people with disabilities".

Drainage

The site falls to the south-eastern corner of the property. A site inspection noted that current overland flows from the Stratford Avenue road reserve are directed towards the existing infrastructure to the south.

The existing shared path is intended to be slightly modified to contain and formally direct the additional overland flows from Stratford Avenue.

The proposal seeks to direct stormwater to Oak Road, via a gross pollutant trap (GPT) / below ground on-site detention (OSD) system. A separate stormwater system will be constructed for the drainage system traversing the eastern boundary and to be contained within the existing Easement for Drainage 1.5m wide. The proposal complies with water quality targets identified in 'Australian Runoff Quality – A Guide to Water Sensitive Urban Design'.

2.1 DA/708/2018 Multi-dwelling housing comprising 54 dwellings and community title subdivision – 7 Stratford Avenue, Charmhaven (contd)

An OSD and drainage system will be required to control the rate of runoff leaving the site. The detention system must be designed to attenuate post developed flow rates to predevelopment flow rates for a full range of storm durations for the 5, 20 and 100 year average reoccurrence interval (ARI) design storms.

- Transportation Engineer

The application has been assessed by Council's Transportation Engineer who raised no objection to the application and made the following comments:

Access

The applicant proposes access to the site via a left-in and left-out arrangement at the intersection of Moala Parade and Stratford Avenue. This will require construction of approximately 100 metres of Stratford Avenue to a standard in accordance with Council's Civil Design Specification.

The intersection will be designed with a central concrete median to physically reinforce the left-in / left-out restriction and provide for pedestrian access to the refuge and shared path. The applicant proposes a cul-de-sac turning head at the southern end of Stratford Avenue to facilitate U-turns.

In order to provide right turn access to the proposed portion of Stratford Avenue from Moala Parade, the existing pedestrian refuge on Moala Parade would need to be relocated either 50 metres to the west or 95 metres to the east (to avoid existing driveways). This is not considered a viable option as the refuge would be too far offset from the pedestrian desire line on the existing footpath network, rendering it virtually useless.

The proposed access arrangement is considered superior to the previously refused proposal to access the site via Merinda Avenue and Oak Road as these roads are in relatively poor condition and would be less capable of absorbing the additional traffic generated by the development than the current proposed access arrangement. The proposed arrangement may result in some U-turn manoeuvres on Moala Parade while accessing the site, however it is considered that over time residents of the proposed development will modify their travel arrangements, which will limit these occurrences.

Traffic Generation

Traffic generation for the proposal has been calculated in accordance the RMS Guide to Traffic Generating Developments at a rate of 0.5 to 0.65 peak hour vehicle trips. The applicant's Traffic Consultant has adopted the higher rate for this development of 0.65 trips, which is considered conservative given that a major shopping centre is located within 200 metres of the site with access to a regular bus service.

2.1 DA/708/2018 Multi-dwelling housing comprising 54 dwellings and community title subdivision – 7 Stratford Avenue, Charmhaven (contd)

The traffic report suggests that in the AM peak it is expected that 80% of trips will be outbound and 20% inbound with the opposite in the PM. This assumption relatively universal and is supported. This results in 28 outbound trips (on average one trip every two minutes) in the AM and seven inbound (on average one trip every nine minutes) with the reverse in the PM, which will not have an impact on the surrounding road network.

The applicant has provided SIDRA modelling that indicates that the development will have an insignificant impact on the intersection of Pacific Highway and Moala Parade. While the right turn movements into and out of Moala Parade will continue to experience delays in the peak periods, traffic generated by this development will not significantly contribute to the ongoing operation of the intersection.

The traffic impact assessment states that the proposed intersection of Moala Parade and Stratford Avenue has not been modelled as traffic volumes on both streets are not high enough to warrant assessment at this level. This approach is supported.

Based on low traffic generation and formalised access via Stratford Avenue, the proposed development is supported.

- Ecologist

Council's Ecologist has assessed the application and provided the following comments:

Flora and Fauna Survey

Vegetation on site comprises cleared land (1.2ha) and disturbed remnant Narrabeen Doyalson Coastal Woodland (0.39 hectares). No endangered ecological communities or endangered populations were detected on site.

Seasonal surveys for cryptic threatened flora were conducted. No threatened species were detected. A fauna survey of the subject site was undertaken in accordance with Council's Flora and Fauna Survey Guidelines for Cleared and Highly Disturbed Sites of under five hectares. Additional nocturnal survey of hollow bearing trees was undertaken in May 2019. No threatened fauna species were observed during surveys.

Squirrel Glider Assessment

Council's Ecologist concurs with the conclusions in the submitted Squirrel Glider assessment. This includes the conclusion that the possible chew marks in a number of Bloodwoods along the pathway are most likely to be from historic use of the area by gliders prior to clearing for the surrounding development, rather than an indication of current use. On this basis, a Species Impact Statement is not required.

Impact Assessment

The NSW Wildlife Atlas and the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) Protected Matters search identified threatened fauna and flora species listed on the Threatened Species Conservation Act (TSC Act) and/or the EPBC Act that have previously been recorded within 10km of the site. Assessments of significance were undertaken for EPBC Act listed threatened fauna species and flora species with suitable habitat on the subject site. The assessments concluded the proposed development is unlikely to result in a significant impact to any of these species. A Species Impact Statement is therefore not required for the proposal.

The proposal will require the removal of two large hollow bearing trees and two smaller dead trees. The hollow bearing trees on site may contain fauna and mitigation measures are required during clearing of these trees to prevent animal injury. Implementation of these measures, including ecologist supervision of all clearing, will be conditioned.

Based on the field surveys, habitat assessments and impact assessments and provided that the conditions listed below are complied with, Council's Ecologist has concluded that the proposed development is not likely to have a significant impact on any threatened species, populations or ecological communities, or their habitats. A Species Impact Statement is therefore not necessary.

The development is suitable for approval, subject to the recommended conditions.

Mitigation measures

Although most of the trees on site will be removed, there are some significant trees along Stratford Road that will be retained, including trees located on adjacent properties. The arborist report and Addendum Arborist report include a range of tree protection and mitigation measures. Conditions of consent are recommended requiring compliance with the arborist report. It is noted however that the Addendum Arborist report does not reflect the most recent engineering plans, including the proposed location of water mains and stormwater.

The amended engineering aspect has the potential to result in impacts to additional trees. As a result, it is recommended that a revised Tree Protection Plan be submitted to Council for approval prior to issue of any Construction Certificate. A condition of consent is recommended in this regard.

The Ecological Assessment and Squirrel Glider Assessment recommend mitigation measures to reduce environmental impacts and protect fauna. Conditions of consent are recommended requiring compliance with these conditions.

Once the site is developed there will be no suitable recipient trees for nest boxes or salvaged hollows on the site or nearby. The Ecological Assessment includes a mitigation measure that

2.1 DA/708/2018 Multi-dwelling housing comprising 54 dwellings and community title subdivision – 7 Stratford Avenue, Charmhaven (contd)

“Any sections of tree hollows or replacement nest boxes could be provided to Council for erection in local reserves following further consultation with Council”. A condition is recommended to ensure suitable salvaged hollows are delivered to Council by the developer in accordance with the requirements of the Natural Assets Unit (NAU). These hollows will be reinstalled at suitable sites as part of NAU strategic projects for hollow enhancement.

- Waste Management Assessment Officer

The application has been assessed by Council’s Waste Management Assessment Officer and no objections were raised subject to recommended conditions of consent.

- Contributions Officer

The application has been assessed by Council’s Contributions Officer who has provided Section 7.11 calculations based on 54 x three bedroom dwellings. The Section 7.11 contribution fees to be paid are detailed in the draft conditions of consent.

Ecologically Sustainable Principles:

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

The proposed development is considered to incorporate satisfactory stormwater, drainage and erosion control and the retention of vegetation where possible and is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for future generations. The proposal does not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments.

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.

2.1 DA/708/2018 Multi-dwelling housing comprising 54 dwellings and community title subdivision – 7 Stratford Avenue, Charmhaven (contd)

Assessment:

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

Section 4.15 (1)(a) of the EP&A Act: Provisions of any environmental planning and assessment instruments/Plans/Policies

Wyong Local Environmental Plan 2013

Zoning and Permissibility

The subject site is zoned R1 General Residential under the provisions of Wyong Local Environmental Plan 2013 (WLEP 2013). The elements of the proposal are most accurately defined as follows:

Multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

Road means a public road or a private road within the meaning of the Roads Act 1993, and includes a classified road.

Development for the purposes of multi-dwelling housing and roads are permissible with consent within the R1 General Residential zone.

It is noted that the proposal includes the construction of a public road within the Stratford Avenue road reserve to service the development. The Stratford Avenue road reserve is zoned B4 Mixed Use and development for the purpose of a road is permissible within the B4 Mixed Use zone.

Zone Objectives

The R1 General Residential zone is based on the following objectives:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To promote "walkable" neighbourhoods.*
- *To ensure that development is compatible with the scale and character of the local area and complements the existing streetscape.*

2.1 DA/708/2018 Multi-dwelling housing comprising 54 dwellings and community title subdivision – 7 Stratford Avenue, Charmhaven (contd)

The proposal will assist in providing for the housing needs of the community and provide for a density that is commensurate with the future intent of the site. The proposal promotes 'walkable' neighbourhoods through its proximity to numerous shops and services at the Lake Haven Shopping Centre which is within walking distance to the subject site. The development is compatible with the scale and character of the local area and complements the existing streetscape. Accordingly, the proposal is considered satisfactory with regard to the objectives of the R1 General Residential zone.

Clause 2.6 – Subdivision

Clause 2.6 states that 'land to which this plan applies may be subdivided, but only with development consent'. The proposal includes the community title subdivision of the completed development which is considered satisfactory under the provisions of Clause 2.6.

Clauses 4.1, 4.3 and 4.4 – Principal Development Standards

The subject site is not mapped under Clauses 4.1, 4.3 or 4.4 as having a minimum applicable subdivision lot size or maximum applicable building height or floor space ratio.

Clause 7.1 – Acid Sulfate Soils

Clause 7.1 requires consideration to be given to certain development on land being subject to actual or potential acid sulphate soils. A small area at the north eastern corner of the site is identified as potentially containing Class 5 acid sulfate soils. Due to the fact that there is no development proposed in this corner of the site which will lower the water table below 1m on neighbouring Class 1, 2, 3 or 4 land, an acid sulfate soils management plan is not required in this instance.

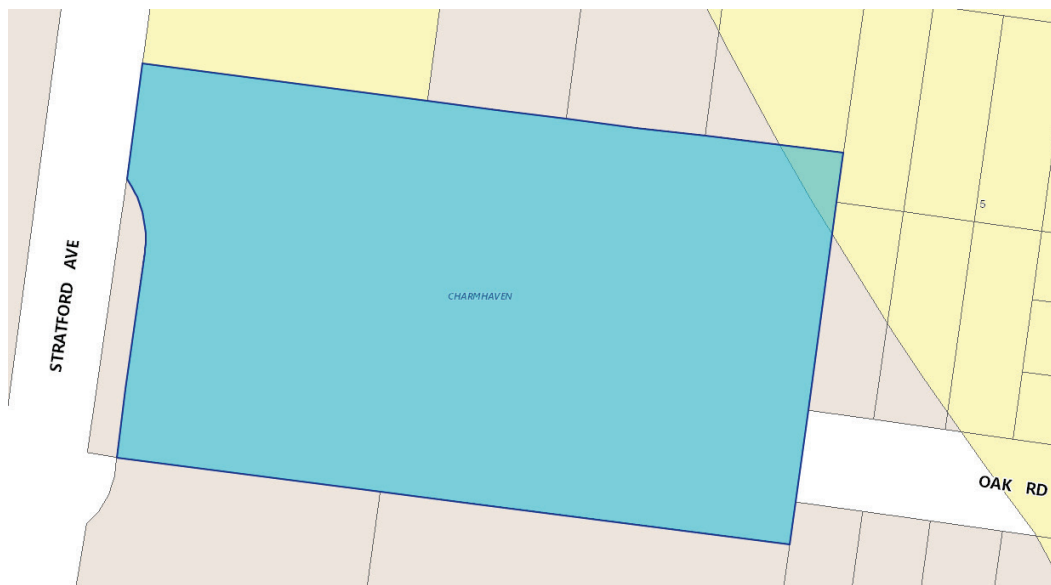


Figure 6 – Acid sulfate soils map

2.1 DA/708/2018 Multi-dwelling housing comprising 54 dwellings and community title subdivision – 7 Stratford Avenue, Charmhaven (contd)

Clause 7.9 – Essential Services

Clause 7.9 requires that services that are essential for the development are available or that adequate arrangements have been made to make them available when required prior to consent being granted. These services include water supply, electricity supply, sewage management and disposal, stormwater drainage or on site conservation and suitable road access. The applicant has demonstrated that the applicable services are available or will be made available to the development. Therefore, the proposal complies with the requirements of the clause.

State Environmental Planning Policies (SEPP)

The following State Environmental Planning Policies (SEPP's) are relevant to the proposed development:

State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7(1) of State Environmental Planning Policy No. 55 requires that Council must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated and if contaminated that the land is suitable in its contaminated state (or will be suitable, after remediation) for the development proposed to be carried out. It was demonstrated during the assessment of the previously approved development application (DA/1019/2007) that the site is suitable for the purposes of residential development thus satisfying SEPP 55. The site has remained as vacant land since the approval of DA/1019/2007.

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

The proposed development is a 'BASIX affected development' as defined within the Regulations and consequently, a BASIX Certificate has been submitted with the development application. The BASIX Certificate identifies compliance with water, thermal comfort and energy targets.

Section 4.15(a)(ii) of the EP&A Act: Any draft environmental planning instrument

Draft Central Coast Local Environmental Plan (CCLEP) 2018

The Draft CCLEP 2018 was exhibited from 2 December 2018 to 28 February 2019 and will replace the planning instruments relating to the former local government areas. The Draft CCLEP 2018 identifies the subject site remaining as R1 General Residential zoned with development for the purpose of multi-dwelling housing remaining permissible within the zone. There are no additional or amended Clauses or provisions warranting further discussion.

Section 4.15 (a)(iii) of the EP&A Act: Provision of any development control plan

Wyong Development Control Plan 2013

Chapter 2.4 – Multiple Dwelling Residential Development

The proposal has been assessed against the requirements of *Wyong Development Control Plan 2013 (WDCP) – Chapter 2.4 – Multiple Dwelling Residential Development* (see table of compliance included with this report as Attachment No. 1) and a variation has been identified in relation to solar access to the private open space areas (it is noted that the extent of solar access to be received by all adjoining properties is compliant with the WDCP). This variation is addressed as follows:

a) Solar Access

Section 6.3.1 of WDCP – Chapter 2.4 – Multiple Dwelling Residential Development outlines the following requirement for solar access:

- a) *For multi-dwelling housing at least 75% of each required private and communal open space area, courtyard, balcony, terrace and the like shall receive at least three hours unobstructed sunlight between the hours of 9am and 3pm on June 21 (winter solstice).*

The required private open space area for each unit is 45m² and 75% of that area is 33.75m². Therefore, in order to achieve full compliance, a minimum of 33.75m² of each private open space area would need to achieve a minimum of three hours of unobstructed sunlight between 9am and 3pm on June 21.

The applicant has submitted a solar access report along with solar access diagrams detailing the extent of direct solar access at proposed finished ground levels (solar access diagrams are included as Attachment No. 4). The submitted information outlines the amount of the respective private open space areas (in square metres) receiving direct solar access at hourly intervals between 9am and 3pm on 21 June. A total of seven dwellings (12.9%) achieve three hours or more to 75% or more of their private open space areas on June 21 and are fully compliant with the control.

2.1 DA/708/2018 Multi-dwelling housing comprising 54 dwellings and community title subdivision – 7 Stratford Avenue, Charmhaven (contd)

The results for those 47 dwellings that do not comply are tabulated as follows:

Percentage of required private open space area (45m²) at finished ground levels receiving direct solar access for three hours or more on June 21	Number of dwellings
Between 60% and 75% (27m ² to 33.75m ²)	8 (14.8% of dwellings)
Between 50% and 60% (22.5m ² to 27m ²)	10 (18.5% of dwellings)
Between 40% and 50% (18m ² to 22.5m ²)	11 (20.3% of dwellings)
Between 30% and 40% (13.5m ² to 18m ²)	15 (27.7% of dwellings)
Between 20% and 30% (9m ² to 13.5m ²)	3 (0.5% of dwellings)

The solar access requirements of the DCP are based on the following objectives:

- *To provide adequate natural lighting and minimise the need for artificial lighting during daylight hours.*
- *To ensure that a minimum standard of solar access is available to private open space areas and internal living areas during the winter solstice to provide for a reasonable standard of residential amenity.*

The applicant has provided the following justification for the proposed variation:

The development has been designed to provide a reasonable amount of solar access to each dwelling. All 54 dwellings have been orientated to allow direct sunlight to the primary living space for a minimum of three hours through the winter solstice.

Across the development, seven dwellings (12.9%) meet the full requirements of Section 6.3.1(a) of the WDCP in respect to direct sunlight to private open space at the finished ground levels. The proposed development has been designed to accommodate a reasonable amount of direct sunlight to the private open space of the dwellings through a combination of setbacks, separation, massing, and orientation.

When measured with consideration for direct sunlight available to a nominal height plane of one metre above the private open space, which we consider a more relevant height plane for human activity such as clothes drying, landscaping and use of outdoor furniture, the compliance rate becomes considerably higher at 33 Dwellings (61.1%) being fully compliant. When reviewed at this height plane only two dwellings receive less than 70% of the required area of direct sunlight to private open space area.

Dwellings 23 to 35, due to their orientation on the site, are designed with a dual private open space approach with the primary living space facing north to maximise sunlight into the internal space during winter. The front courtyards, while smaller than the required area, will be in direct sunlight all throughout the winter with minimal overshadowing from units on the

2.1 DA/708/2018 Multi-dwelling housing comprising 54 dwellings and community title subdivision – 7 Stratford Avenue, Charmhaven (contd)

opposite side of the road. The remainder of the private open space is at the rear of these dwellings for more private uses such as clothes drying.

Rear setbacks generally have been increased to provide increased areas of private open space to dwellings and improve the amount of direct sunlight received within the private open space area of each dwelling.

Comment

The proposed extent of solar access received by the private open space areas is considered satisfactory for the following reasons:

- The proposal includes a communal open space area to the centre of the development with an area of 520m² which will supplement the private open space areas provided for each dwelling. The communal open space area is proposed to contain covered and uncovered seating areas and suitable landscaping and will receive a significant degree of solar access during all daylight hours on June 21 given its location and orientation (see Attachment No. 4). It is noted that the provision of communal open space areas for multi-dwelling housing developments is optional under the requirements of *WDCP – Chapter 2.4 – Multiple Dwelling Residential Development*.
- The applicant has also undertaken the exercise of determining the extent of solar access achieved for each private open space area measured at one metre above ground level (see Attachment No. 4). The figures provided outline that when measured one metre above ground level, a total of 33 dwellings achieve full compliance with the control. Measuring the extent of solar access at one metre above ground level is considered to be indicative of the extent of amenity one would enjoy from standing or sitting in the respective private open space areas or for the purpose of clothes drying.
- It is noted that there are 14 dwellings (25.9% of the 54 dwellings) which achieve direct solar access to the 75% required private open space area component of the control for one hour between 9am and 3pm on June 21.
- The shadow diagrams illustrate that a high degree of solar access will be received by the primary internal living areas of all units during all daylight hours on 21 June, which will minimise the need for artificial lighting and addresses the objectives of the control.
- It is considered that the amendments made to the proposal have resulted in a suitable level of compliance with the solar access requirement to the private open space areas. It is noted that there are no units that receive three hours of solar access to under 11.1m² of the private open space areas, which is considered to be satisfactory for a minimum figure in the context of the development.

2.1

DA/708/2018 Multi-dwelling housing comprising 54 dwellings and community title subdivision – 7 Stratford Avenue, Charmhaven (contd)

- The submitted shadow diagrams (Attachment 4) take into consideration the shadowing posed by the existing and proposed buildings, retaining walls and fencing and are considered to provide an accurate account of the extent of solar access to be received on the subject and adjoining properties.
- The applicant has provided hourly shadow diagrams from 9:00am to 3:00pm, based on the autumn and spring equinoxes (20 March and 23 September), which indicate that all units would achieve compliance with the solar access to private open space control. Units 23 to 35 comply by way of their split front and rear private open space areas (as detailed above in the applicant's justification) which is proposed by virtue of the orientation of these dwellings.
- Consideration has been given to the planning principal established in the NSW Land and Environment Court matter *Wallis & Moore PL v Sutherland Shire Council (2006) NSWLEC 713* relating to solar access in developments comprising residential subdivision. The planning principal outlines the following:

In assessing applications for residential subdivisions the Court places major emphasis on the ease with which future dwellings with good solar access can be erected on the proposed allotments. In general, this condition is best fulfilled when the side boundaries of the majority of the allotments are on or near a north-south axis; however, there may be other solutions. What is important is to think of the subdivision beyond the subdivision stage and strive for a future residential area in which the great majority of dwellings can achieve good solar access.

Whilst this planning principal is most relevant to a residential subdivision which does not include concurrent built form, the principal can be loosely applied to the subject development which comprises residential subdivision. It is noted that the proposal includes 42 of the 54 dwellings/lots having side boundaries on a near north-south axis. This orientation of the majority of the lots allows for suitable solar access to the internal living areas of the units where full compliance with the solar access to the private open space areas is not achieved.

Therefore, the extent of solar access received by all units is considered satisfactory on merit.

Chapter 2.11 – Parking and Access

WDCP - Chapter 2.11 – *Parking and Access* requires that car parking be provided as follows for multi-dwelling housing:

- *One space per one bedroom dwelling*
- *1.2 spaces per two bedroom dwelling*
- *1.5 spaces per three (or more) bedroom dwelling*
- *In addition, one space per five units is required for visitor parking with a minimum of one visitor space per development*

2.1 DA/708/2018 Multi-dwelling housing comprising 54 dwellings and community title subdivision – 7 Stratford Avenue, Charmhaven (contd)

- *One visitor space is to be available for car washing*
- *On average, only one space per unit is to be allocated as resident parking. The remaining spaces are to be provided as separate parking and available for common use at all times.*

The proposal comprises 54 three-bedroom units, therefore requiring 81 resident parking spaces and 10.8 (rounded up to 11) visitor parking spaces – a total of 92 car parking spaces. Each unit is proposed to contain a single garage and there are 38 communal visitor parking spaces distributed through the site. Therefore, there is a total of 92 car parking spaces proposed. Two of the visitor car parking spaces are proposed to be allocated as car wash bays. Accordingly, the proposal is considered satisfactory with regard to *WDCP – Chapter 2.11 – Parking and Access*.

Chapter 3.1 – Site Waste Management

A suitable waste management plan has been submitted in accordance with *WDCP – Chapter 3.1 – Site Waste Management*, addressing the construction and on-going phases of the development.

Chapter 3.6 – Preservation of Trees or Vegetation

Council's Ecologist has assessed the ecological impact of the proposed development in accordance with sections 5A and 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The application was lodged in June 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 area of vegetation in the road reserve of Stratford Road proposed to be cleared is mapped under the NSW Biodiversity Values Map, however, as the application was lodged prior to 25 November 2018 it is subject to the previous planning legislation and a Biodiversity Development Assessment Report (BDAR) is not required.

Suitable arborist reports have been submitted in accordance with the requirements of *WDCP – Chapter 3.6 – Preservation of Trees or Vegetation* and conditions of consent are recommended requiring compliance with these arborist reports. As the application has been subject to an ecological assessment by Council's Ecologist, the requirements of *WDCP – Chapter 3.6 – Preservation of Trees or Vegetation* have been addressed.

Part 4 – Subdivision

The proposal has been considered against the requirements of *WDCP – Part 4 – Subdivision*, however, it is noted that the proposal comprises a Community Title subdivision and many of the controls of the Chapter are not applicable. The proposal achieves compliance with the relevant controls of the Chapter.

Section 4.15 (a)(b) of the EP&A Act: Likely impacts of the development

a) Built Environment

A thorough assessment of the impacts of the proposed development on the built environment has been undertaken in terms of DCP compliance and in terms of submissions received.

Access and Transport

The subject site benefits from two street frontages, being the unformed portion of Stratford Avenue to the west and the termination of Oak Road to the east. When the application was lodged, the proposal involved vehicular access being achieved from Oak Road. Following concerns being raised by Council staff and objectors, the proposal was amended to include the construction of a public road off Moala Parade (within the Stratford Avenue road reserve) to terminate by way of a cul-de-sac turning head with a private access road into the development proposed off the public road. All vehicular and pedestrian access from Oak Road has now been removed.

The proposed public road off Moala Parade is in the form of a left-in / left-out arrangement at the intersection of Moala Parade and Stratford Avenue. This will require construction of approximately 100 metres of Stratford Avenue to a standard in accordance with Council's Civil Design Specification. The intersection will be designed with a central concrete median to physically reinforce the left-in / left-out restriction and provide for pedestrian access to the refuge island and shared path.

In order to provide right turn access to the proposed portion of Stratford Avenue from Moala Parade, the existing pedestrian refuge island on Moala Parade would need to be relocated either 50 metres to the west or 95 metres to the east (to avoid existing driveways). This is not considered a viable option as the refuge would be too far offset from the pedestrian desire line on the existing footpath network, rendering it virtually useless.

The proposed access arrangement has been assessed by Council's Transportation Engineer and it is considered that the proposed access arrangement is superior to the previously proposed access the site via Merinda Avenue and Oak Road as these roads are in relatively poor condition and would be less capable of absorbing the additional traffic generated by the development than the current proposed access arrangement. It is acknowledged that the proposed arrangement may result in some U-turn manoeuvres on Moala Parade while accessing the site, however it is considered that over time residents of the proposed development will modify their travel arrangements, which will limit these occurrences.

2.1 DA/708/2018 Multi-dwelling housing comprising 54 dwellings and community title subdivision – 7 Stratford Avenue, Charmhaven (contd)

It is noted that the existing shared pathway connecting Moala Parade to the bulky goods complex to the west and the Lake Haven Shopping Centre to the south will be retained in its current form despite the proposed construction of the public road within the Stratford Avenue road reserve. There are numerous bus routes operating from the Lake Haven Shopping Centre which is located within walking distance of the subject site.

Context and Setting

The surrounding locality is considered to have a mixed character comprising a bulky goods centre to the west, health centre and aged care complex to the south, single detached dwellings to the east and single storey multi-dwelling residential developments to the north. The proposed development will act as a suitable transition between the non-residential landuses to the west and south and the residential built form to the north and east and the site is considered to be suitably located for the proposed form of residential development.

The development is considered to be respectful of the single storey residential built form adjoining the site to the north and east, given the provision of suitable setbacks, privacy protection measures on the rear elevations and suitable proposed landscaping. It is considered that the proposal will suitably integrate into the mixed character of the locality.

b) Natural Environment

The proposal includes the removal of all existing vegetation within the subject site, and the removal of some of the existing vegetation within the Stratford Avenue road reserve. All vegetation proposed to be removed comprises disturbed Narrabeen Doyalson Coastal Woodland. No endangered ecological communities or endangered populations have been detected on site.

Based on the field surveys, habitat assessments and impact assessments carried out, Council's Ecologist has concluded that the proposed development is not likely to have a significant impact on any threatened species, populations or ecological communities, or their habitats.

The proposal provides for a number of tree plantings within the Stratford Avenue road reserve and within the subject site which will assist in offsetting the loss of trees resulting from the development.

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

Whether the proposal fits in the locality.

2.1 DA/708/2018 Multi-dwelling housing comprising 54 dwellings and community title subdivision – 7 Stratford Avenue, Charmhaven (contd)

Mine Subsidence

The site is identified as being located within a subsidence area. The development constitutes integrated development and the applicant provided a copy of stamped plans by Subsidence Advisory NSW in accordance with Section 15 of the *Mine Subsidence Compensation Act 1961* and Section 4.46 of the *Environmental Planning and Assessment Act 1979*.

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

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

The proposed development provides for additional housing supply in the locality on an appropriately zoned site. The proposal is considered to be respectful of the character of the area and minimises amenity impacts to adjoining properties. The proposed access point and arrangement were amended during the assessment phase in response to issues raised by Council staff and objectors. It is considered the proposal will improve housing supply in the locality and provides for diversity in housing type. Therefore, the proposal is considered to be within the public interest.

Other Matters for Consideration:

Contributions

Development contributions in accordance with the Gorokan District Section 7.11 Contributions Plan, based on 54x3 bedroom units, are required to be paid prior to the issue of a Construction Certificate. An appropriate condition of consent is recommended in this regard.

Water and Sewer Contributions

A Section 306 Certificate under the *Water Management Act 2000* will accompany any development consent granted for the development which will detail the applicable water and sewer contributions and required works relating to water and sewer servicing for the development.

Conclusion:

The application seeks consent for the construction of a multi-dwelling housing development comprising 54 dwellings and associated roads (combination of public and private).

The proposed development is considered to be consistent with the objectives of the zone and the relevant Chapters of the *Wyong DCP 2013*. The application has been assessed against the matters for consideration under Section 4.15(1) of the *EP&A Act 1979* and the *Wyong DCP 2013* and is considered to be satisfactory for the site and surrounding area.

2.1 DA/708/2018 Multi-dwelling housing comprising 54 dwellings and community title subdivision – 7 Stratford Avenue, Charmhaven (contd)

The variation to *Wyong DCP 2013 – Chapter 2.4 – Multiple Dwelling Residential Development* relating to solar access has been addressed in the body of the report and is considered satisfactory on merit.

It is considered that the proposed development will act as a suitable transition between the non-residential land uses to the south and west of the site and the predominately single storey residential built form to the north and east. Accordingly, DA/708/2018 is recommended for approval subject to the imposition of the attached recommended conditions of consent.

REASONS FOR THE DECISION

The reasons for the decision as recommended under the assessment of this application are as follows:

1. The proposal is satisfactory having regard for the relevant environmental planning instruments, plans and policies.
2. The proposal has been considered against the provisions of *Wyong Local Environmental Plan 2013* and has been found to be satisfactory.
3. The proposal has been considered under the provisions of *State Environmental Planning Policy No. 55 – Remediation of Land* and *State Environmental Planning Policy (BASIX) 2004* and has been found to be satisfactory.
4. The proposal is considered satisfactory having regard to the requirements of Chapter 2.4 – Multiple Dwelling Residential Development, Chapter 2.11 – Parking and Access, Chapter 3.1 – Site Waste Management and Chapter 3.6 – Preservation of Trees or Vegetation of *Wyong Development Control Plan 2013*.
5. There are no significant issues or impacts identified with the proposal under s. 4.15 of the *Environmental Planning and Assessment Act 1979*.

Attachments

1	WDCP Chapter 2.4 - Table of Compliance	D13596997
2	Development Plans	D13624005
3	Amended Subdivision Plan - 7 Stratford Ave Charmhaven	D13617292
4	Amended Landscaping Plans	D13624013
5	New Draft conditions/reasons - 7 Stratford Avenue, CHARMHAVEN NSW 2263	D13645430
6	Shadow Diagram	D13633927

Attachment 1 - DCP 2013, Chapter 2.4 – Multiple Dwelling Residential Development - Table of Compliance

Requirement	Proposal	Compliance
2.0 Context		
Submission of a suitable site analysis to be provided with the development application (s2.1.1)	A suitable site analysis was submitted with the application.	Yes
Contextual analysis submitted addressing economic, social, environmental and urban design context (s2.1.2)	A suitable contextual analysis was submitted with the application.	Yes
3.0 Scale		
Building heights to comply with Heights of Building Map under WLEP 2013 (3.1.1)	The site is not mapped as having a maximum permitted building height under WLEP 2013.	N/A
Ceiling heights within R1 zones shall not exceed two storeys and 7m in height (3.1.2)	The maximum proposed ceiling height across the site is 5.1m.	Yes
Minimum of 25% of site area to be soft landscaping. (s3.2)	35% of the site is proposed to comprise soft landscaping.	Yes
4.0 Built Form		
4.1 Construction and Appearance of Development		
Need to respond to their context in terms of scale, functionality and sustainability. (4.1.1a)	The proposal responds to its context in relation to scale, functionality and sustainability.	Yes
Buildings facades to be articulated in length and height, monotonous and unbroken lengths of wall >10m in length and >3m in height not permitted. Visual interest to be provided for two storey designs. (s4.1.1b)	Buildings are suitably articulated and there are no walls exceeding 10m in length and 3m in height without features.	Yes
Garages shall not dominate the street elevations (s4.1.1c)	Garages are suitably recessed and do not dominate the street elevations.	Yes
Roof design to be related to the built form and size and scale of the building. (s4.1.2)	The roof design relates to the built form and size and scale of the building.	Yes
Existing buildings to be suitably upgraded in terms of architectural features and form, roof form, external building materials and colours, location and orientation and dwelling curtilage. (s4.1.3a)	N/A – The proposal does not include the retention of any existing buildings.	N/A
Internal finishes, bathrooms and kitchen facilities are to be upgraded in existing buildings. (s4.1.3b)	N/A	N/A
4.2 Cut and Fill		
Cut and fill considerations (s4.2)	The proposed retaining walls have	Yes

Requirement	Proposal	Compliance
	been amended to demonstrate compliance with respect to retaining cut and fill. No retaining walls throughout the site exceed 600mm in height.	
4.3 Building Lines		
General Requirements (4.3.1)		
Absolute water frontage= 20m (4.3.1a)	N/A	N/A
Coastal Hazard Setbacks (4.3.1b)	N/A	N/A
Rear boundary adjoining reserve= 4.5m (4.3.1c)	N/A	N/A
Multiple Dwelling Housing & RFB - No greater than 2 storeys in height (4.3.2)		
Front setback: Category A: 7.5m Category B: 6.0m Category C: 4.5m or 6.0m	Stratford Avenue is a Category B road and a front setback of 6m applies. The proposed front setback is 6.223m to the portion of the front boundary aligned to the lots to the north. The front boundary steps in towards the southern portion and the front setback in this area is 6.19m.	Yes
Side setbacks: 0.9m	The north and south are considered as sides. Proposed minimum north setback is 3.399m (for Unit 17 only) and the remainder of units are set back 6.66m. The minimum proposed south setback is 2.976m (for Unit 36 only) and the remainder of units are set back 4.48m.	Yes
Rear setback: 4.5m	The east is considered to be the rear. The proposed minimum setback to the east is 4.68m (for Unit 23), with the remainder of units set back 7.04m.	Yes
Garages: 6.0m when direct access from road OR 7.5m for Category A roads.	The garages are not directly accessed from public roads and their setbacks are considered satisfactory on merit. The garages do not dominate the facades and a number of the driveways will be able to accommodate a parked vehicle fronting the garages in a stacked arrangement.	Yes
Corner Allotments: 3.0m on side street.	N/A – site is not a corner allotment.	N/A
RFB – 3 or more storeys in Height (s4.3.3)		
Front setbacks for development: 7.5m with some exceptions.	N/A	N/A
Side and rear setbacks:	N/A	N/A

Requirement	Proposal	Compliance
First to fourth storeys: 6.0m Fifth to eight storeys: 9.0m Ninth storey and above: 12.0m		
Garages: 6.0m when direct access from road OR 7.5m for Category A roads	N/A	N/A
Corner allotments: same as side and rear setbacks, plus comply with sight lines.	N/A	N/A
4.4 Transport Needs		
General Requirements (4.4.1)		
Carparking within setbacks to Category A roads not permitted.	N/A – not located on a Category A road.	N/A
Suitable landscaping screening to be provided where visible from street or adjoining properties.	Suitable landscape screening is proposed where visible from the street or adjoining properties.	Yes
Enclosed space to be provided for each dwelling.	All dwellings are proposed to be provided with one enclosed parking space.	Yes
All vehicles to enter and exit the site in a forward direction.	The design permits forward ingress and egress by all vehicles.	Yes
Resident Parking (4.4.2)		
One bedroom unit: 1 car space Two bedroom unit: 1.2 car spaces Three or more bedrooms unit: 1.5 car spaces (s5.4.2)	The proposal comprises 54x3 bedroom units, therefore requiring 81 car parking spaces and 11 visitor spaces (a total requirement of 92 spaces). Each unit contains a single garage (54 spaces). There are 38 visitor spaces proposed. Total parking spaces proposed: 92	Yes
Visitor Parking (4.4.3)		
Visitor parking: 15 units: 1 space / 5 units or part thereof	There are 54 units proposed, resulting in 10.8 (rounded up to 11) visitor spaces being required. There are 38 visitor spaces proposed.	Yes
Visitor parking is generally not encouraged within the front setback.	There are six visitor parking spaces located to the south of the community road adjacent to the entry point.	Considered satisfactory.
Visitor parking to be setback minimum of 3.0m on Cat B and C roads and suitably screen by landscaping.	The visitor parking spaces located to the south of the community road are considered satisfactory given that they are set back 6m from the main component of the front boundary to the north and make up a minor portion of the overall front boundary.	Considered satisfactory.

Requirement	Proposal	Compliance
Bicycle facilities to be provided for RFBs where common carparking provided: rate of 1 / 3 units.	N/A	N/A
4.5 Vehicular Access Design		
Refer to s4.5.1 for general vehicular access design general requirements.	The proposal complies with the general vehicular access requirements.	Yes
Ground Level Parking (4.5.2)		
Minimum pavement width = 1 to 4 dwellings: 3.0m ≥ 5 dwellings: 3.5m 5.5m for first 6m on category A roads. Passing opportunities shall exist. (4.5.2b)	The proposal complies with the minimum required pavement widths.	Yes
Driveway to be offset a minimum 2.0 at front boundary and taper to 0.5m at front building line. This area to be suitably landscaped. (s4.5.2d)	Driveway is offset more than 2m at the front boundary.	Yes
Garages shall be located behind the façade (4.5.2f)	The garages are proposed to be located behind all facades.	Yes
Garages visible from the street shall not exceed 50% of the lineal frontage (4.5.2g)	There are no garages visible from public roads and none exceed 50% of the lineal frontages.	N/A
Basement Parking (4.5.3)		
See section 4.5.3 for requirements.	N/A – Basement parking not proposed.	N/A
4.6 Pedestrian Access		
See section 4.6 for requirements.	The proposal complies with the pedestrian access requirements.	Yes
5.0 Density		
5.1 Floor Space Ratio		
R1 – As specified under WLEP 2013 Mapping. In areas not mapped a maximum FSR = 0.6:1.	The site is not mapped as having a maximum FSR, therefore, 0.6:1 applies. The proposed FSR is 0.45:1.	Yes
R3 – As specified under the WLEP 2013 Mapping.	N/A	N/A
5.2 Development Bonuses		
Refer to 5.2 for bonus provision requirements.	N/A	N/A
6.0 Amenity		
6.1 Private Open Space		
Multi Dwelling Housing (6.1.2)		
Require min 45m ² / dwelling. Min dimension of 4.5m (6.1.2a)	All units have over 45m ² with minimum dimensions of 4.5m x 4.5m. However, blocks G & F have two POS areas due to solar access. The areas for Blocks G & F comply as a total.	Yes

Requirement	Proposal	Compliance
Open spaces may be located in front building setback area on Category A roads in all circumstances or Category B roads where solar access is optimised.	The POS areas will not be visible from public roads therefore location within front setback is considered satisfactory for Blocks G & F.	Yes
Residential Flat Buildings (6.1.4)		
Each dwelling to have min 10m ² with min dimension of 2m. (s9.1.4)	N/A	N/A
Single dwelling above shops / commercial premises (6.1.5)		
30m ² for the dwelling with min dimension of 4.5m. (s9.1.5)	N/A	N/A
Developments others than single dwellings above shops or commercial premises (6.1.6)		
Each dwelling to have min 10m ² with min dimension of 2m and 20m ² / dwelling as communal open space with min dimension of 5m.	N/A	N/A
6.2 Communal Open Space		
General Requirements (6.2.1)		
Spaces to be landscaped and include facilities	Communal open space is optional for multi-dwelling housing developments. There is a COS area proposed to the centre of the site containing a number of seating areas.	Yes
Communal areas not to be provided in front setback without demonstrated need	Located in centre of site.	Yes
Roof top open space only to be provided for low and high rise RFBs in additional to ground level requirements.	N/A	N/A
Residential Flat Developments (6.2.3)		
Communal open space in up to 2 locations at rate of 10m ² / dwelling with min width of 5m.	N/A	N/A
6.3 Solar Access		
At least 75% of each required open space area shall receive at least 3 hours unobstructed sunlight between the hours of 9am and 3pm on June 21.	The applicant has submitted a solar access report which outlines that 5 dwellings achieve greater than 100% compliance, 19 dwellings receive between 70% to 100% compliance, 27 dwellings achieve between 40% to 70% compliance and 3 units achieve less than 40% compliance.	Variation proposed, see report for discussion.
Developments of 2 storeys and above shall provide shadow diagrams showing shadow casting at 9am, 12 noon and 3pm on June 21. The diagrams are to show shadows over the site and adjoining properties.	Suitable shadows diagrams have been submitted.	Yes

Requirement	Proposal	Compliance
6.4 Privacy		
Direct overlooking of internal living areas and private open space to surrounding dwellings shall be minimised.	There is no unreasonable overlooking of internal living areas and private open space areas.	Yes
Refer to s6.4.1 for recommended building separation distances.	Applicable to residential flat building developments only.	N/A
Site layout should separate sources of noise from bedroom areas of dwellings.	The site layout separates sources of noise from bedroom areas of dwellings.	Yes
6.5 Views		
A visual analysis illustrating the impacts of the proposed may be required for developments which have the potential to obstruct views.	The proposal will not result in any significant impact on views.	Yes
Developments should be designed to minimise view loss from adjoining and adjacent properties. (s9.4)	There are no significant view loss impacts posed by the development.	Yes
7.0 Services		
Details of services available and impacts on existing services to be provided.	Suitable details of services and impacts on existing have been provided.	Yes
Kerb and guttering to be provided along the street frontage unless unreasonable.	Kerb and guttering is required on the constructed portion of Stratford Avenue. Conditions of consent are recommended in this regard.	Yes
8.0 Stormwater Management		
Stormwater management plan to be submitted with the development application. (s7.3)	A suitable stormwater management plan was submitted with the application.	Yes
9.0 Landscaping		
A Landscape plan prepared by an approved consultant to be submitted with the development application.	A suitable landscaping plan was submitted with the application.	Yes
Deep soil zones: 50% of soft landscaping area to be deep soil zone (12 ½ % of the site).	Over 50% of the landscaped area comprises deep soil zone.	Yes
Planting on structures: see 9.1.3	There is no planting on structures proposed.	N/A
Two semi-advanced trees per 15 metre frontage to be provided, details to be provided as part of landscape plan.	Street tree planting not required given the extent of existing vegetation.	Yes
10.0 Sustainability		
10.1 Waste Management		
General Requirements (10.1.1)		
Proposed development to comply with the requirements of Chapter 3.1 – Site Waste Management.	The proposal achieves compliance with WDCP – Chapter 3.1 – Site Waste Management.	Yes

Requirement	Proposal	Compliance
Residential Flat Buildings 3 or more storeys in height (10.1.2)		
RFBs > 3 storeys = Garbage chute system required. Recycling room for each floor and bins centrally located within basement of building. 3 collection options available.	N/A	N/A
11.0 Safety and Security		
CPTED principles should be taken into account	CPTED Principles have been addressed in the submitted crime prevention report.	Yes
> 20 dwellings a formal Crime Risk Assessment may be required.	Crime Prevention Report submitted with application.	Yes
12.0 Social Dimensions		
12.1 Housing Choice		
A variety of dwelling types, particularly in large RFB and on ground floor, to be provided.	A suitable variety of dwelling types are provided for in the development.	Yes
10% of units in RFBs is to be suitable for adaptation for occupancy by disabled/aged persons.	N/A	N/A
12.2 Facilities and Amenities		
An internal laundry shall be provided within each dwelling.	Each dwelling is provided with an internal laundry.	Yes
Provision is to be made for a car washing facility for each development.	Car wash bays are provided between units 50 and 51.	Yes
Internal storage space is to be provided. 1-2 bedrooms: 3m ² floor area 3 or more bedrooms: 6m ² floor area.	All units contain a compliant storage space.	Yes
13.0 Aesthetics		
13.1 Fencing		
Details of material, height, type and extent of all proposed fencing shall be shown on development application plans.	The plans depict suitable details of fencing.	Yes
Fences contribute to the amenity, beauty and useability of private open spaces through incorporating design features.	Suitable design features are incorporated into the fencing.	Yes
Dividing fences shall not adversely affect flow of surface water or create flooding problems.	The dividing fences do not adversely impact the flow of surface water.	Yes
Courtyard fencing is to be of a decorative nature and 1.8m in height.	All courtyard fencing is 1.8m in height with the exception of front courtyards of units 23 to 35 where it is 1.2m given its location within the front setback areas of these units.	Yes
Courtyard fencing in front setbacks may	There is 1.2m high courtyard fencing	Yes

Requirement	Proposal	Compliance
only be provided: <ul style="list-style-type: none"> • On category A roads for noise attenuation. • On category B roads for solar access. • No closer than 1.5m from front boundary alignment, and setback to be suitably landscaped. 	proposed fronting units 23 to 35 which is considered satisfactory having regard for the fact that these units are not located on a public road.	
Decorative fencing may be provided along the front boundary with a maximum height of 1.2m.	There is decorative fencing proposed to the front of Units 23 to 35 with a height of 1.2m.	Yes
No courtyard fencing permitted within the setback area on side streets.	N/A	N/A
No structures or landscaping to be provided within sight lines.	There are no structures or landscaping proposed within sight lines.	Yes

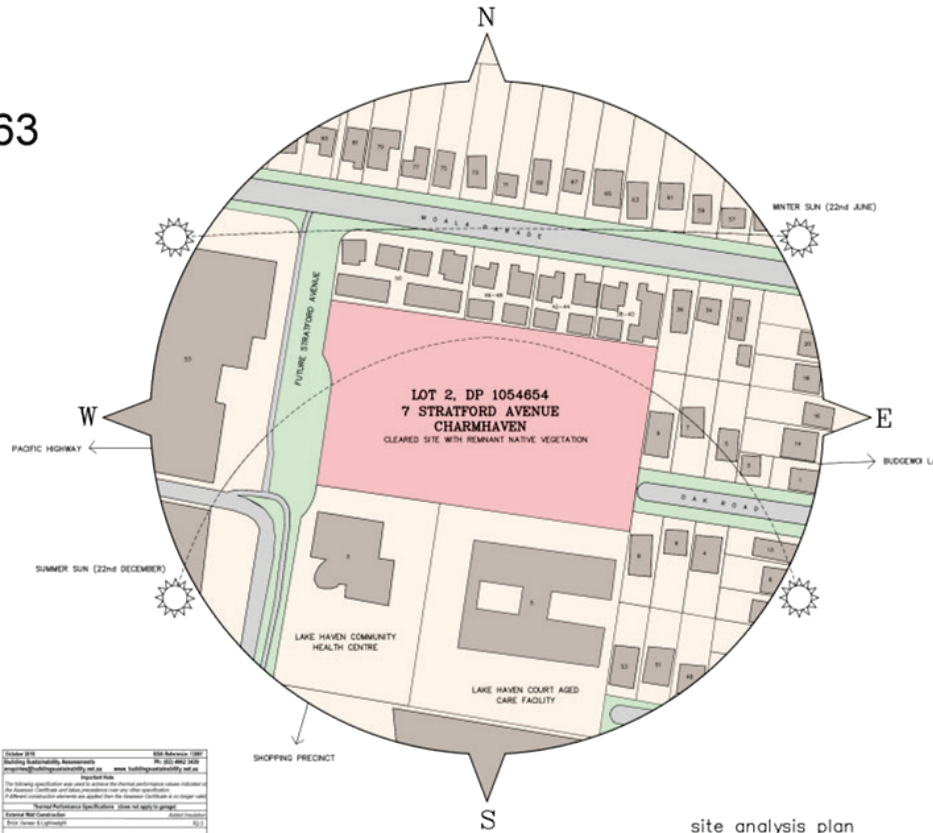
COMMUNITY TITLED MULTI-DWELLING HOUSING DEVELOPMENT

LOT 2, DP 1054654
7 STRATFORD AVENUE
CHARMHAVEN, NSW, 2263

DRAWING SCHEDULE:
FOR PRELIMINARY DA

ARCHITECTURAL SET:

- A01 SCHEDULES & SITE ANALYSIS
- A02 SITE PLAN GROUND FLOOR
- A03 SITE PLAN UPPER FLOOR
- A04 TYPICAL PLANS & ELEVATIONS - TYPE A
- A05 TYPICAL PLANS & ELEVATIONS - TYPE B
- A06 TYPICAL PLANS & ELEVATIONS - TYPE C
- A07 TYPICAL PLANS & ELEVATIONS - TYPE D
- A08 SITE ELEVATIONS 1
- A09 SITE ELEVATIONS 2
- A10 SITE ELEVATIONS 3 & SECTIONS
- A11 COMMUNAL OPEN SPACE PLAN



site analysis plan

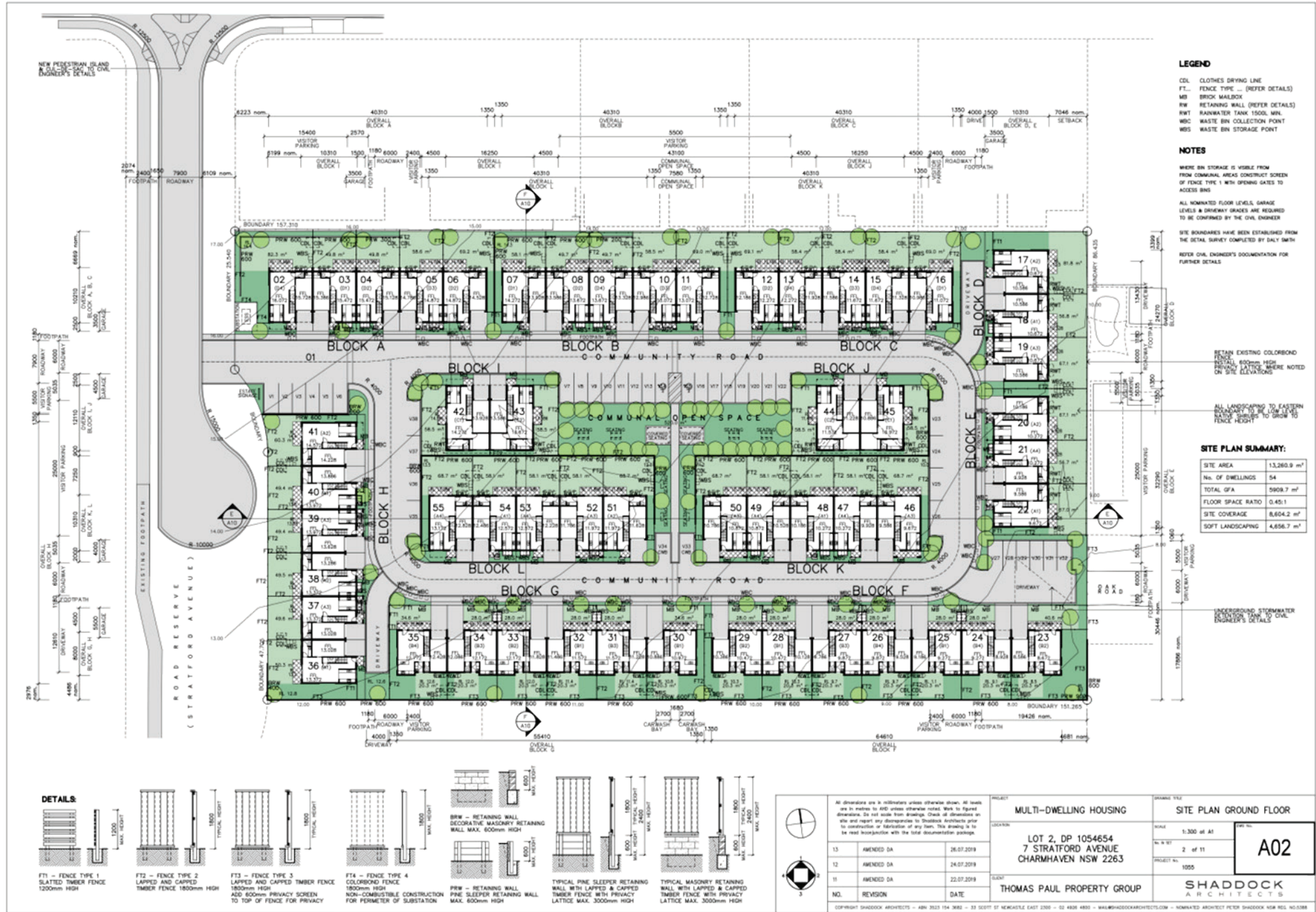
UNIT SCHEDULE

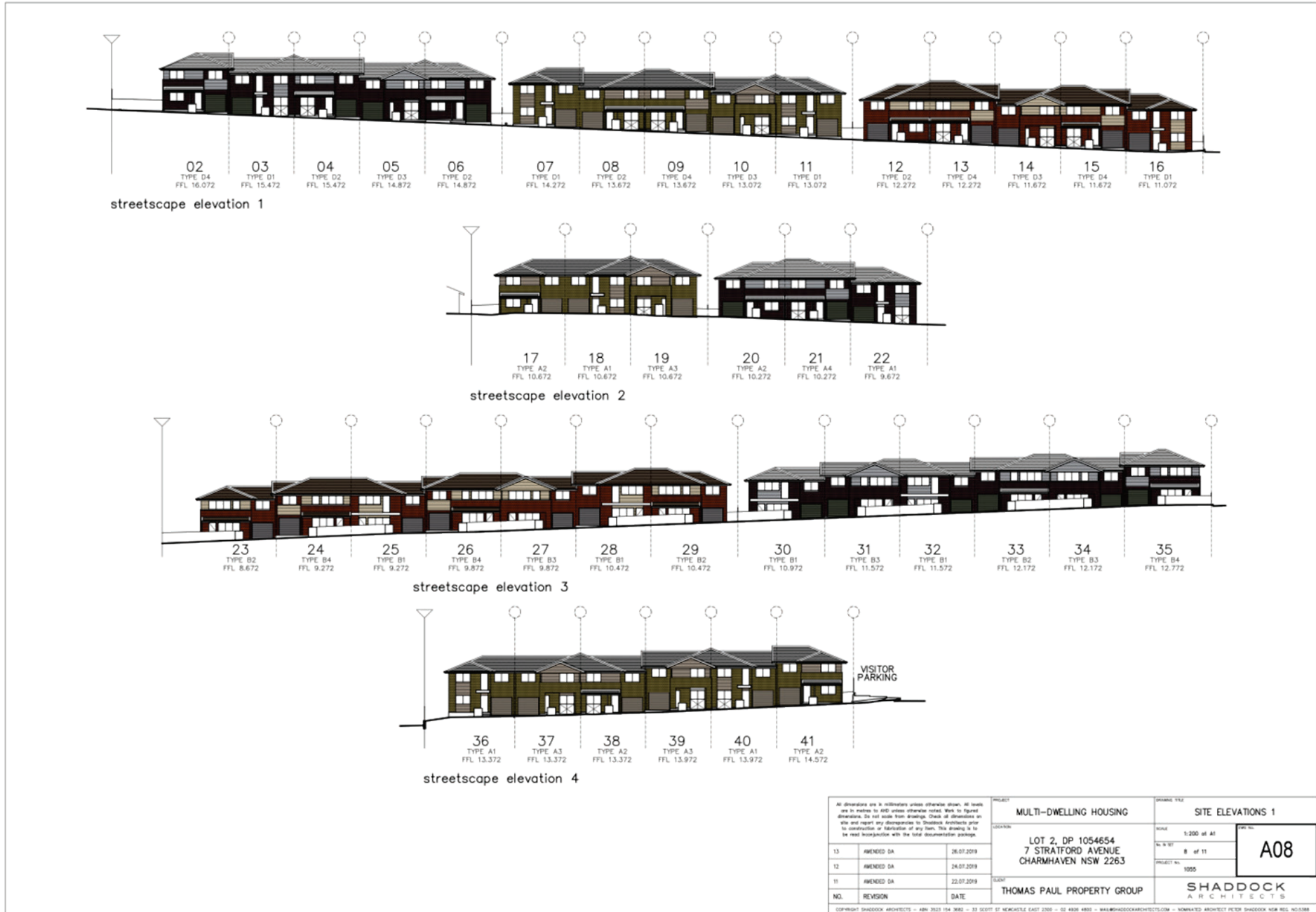
LOT No.	LOT SIZE	HOUSE TYPE	COLOUR SCHEME
01	4,101.8 sqm	COMMUNAL AREAS	
02	264.6 sqm	TYPE D4	BLOCK A SCHEME 1
03	147.8 sqm	TYPE D1	
04	147.8 sqm	TYPE D2	
05	147.7 sqm	TYPE D3	
06	174.5 sqm	TYPE D2	
07	174.5 sqm	TYPE D1	BLOCK B SCHEME 3
08	147.7 sqm	TYPE D2	
09	147.6 sqm	TYPE D4	
10	147.6 sqm	TYPE D3	BLOCK C SCHEME 2
11	174.4 sqm	TYPE D1	
12	174.3 sqm	TYPE D2	
13	147.5 sqm	TYPE D4	
14	147.5 sqm	TYPE D3	BLOCK D SCHEME 3
15	147.5 sqm	TYPE D4	
16	174.2 sqm	TYPE D1	
17	217.9 sqm	TYPE A2	
18	151.6 sqm	TYPE A1	BLOCK E SCHEME 1
19	179.0 sqm	TYPE A3	
20	179.0 sqm	TYPE A2	BLOCK F SCHEME 2
21	151.4 sqm	TYPE A4	
22	178.9 sqm	TYPE A1	
23	244.7 sqm	TYPE B2	
24	160.9 sqm	TYPE B4	
25	160.9 sqm	TYPE B1	
26	160.9 sqm	TYPE B4	
27	160.9 sqm	TYPE B3	
28	160.9 sqm	TYPE B1	BLOCK G SCHEME 1
29	186.3 sqm	TYPE B2	
30	186.3 sqm	TYPE B1	
31	160.9 sqm	TYPE B3	
32	160.9 sqm	TYPE B1	BLOCK H SCHEME 3
33	160.9 sqm	TYPE B2	
34	160.9 sqm	TYPE B3	
35	186.3 sqm	TYPE B4	
36	199.8 sqm	TYPE A1	BLOCK I SCHEME 2
37	144.3 sqm	TYPE A3	
38	144.2 sqm	TYPE A2	
39	144.1 sqm	TYPE A3	
40	144.0 sqm	TYPE A1	BLOCK J SCHEME 1
41	172.7 sqm	TYPE A2	
42	188.2 sqm	TYPE C1	BLOCK K SCHEME 3
43	189.5 sqm	TYPE C2	
44	189.5 sqm	TYPE C2	BLOCK L SCHEME 2
45	188.2 sqm	TYPE C1	
46	184.1 sqm	TYPE A3	BLOCK L SCHEME 2
47	156.9 sqm	TYPE A4	
48	156.9 sqm	TYPE A1	
49	156.9 sqm	TYPE A4	
50	185.3 sqm	TYPE A3	BLOCK L SCHEME 2
51	185.3 sqm	TYPE A2	
52	156.9 sqm	TYPE A3	
53	156.9 sqm	TYPE A4	
54	156.9 sqm	TYPE A1	BLOCK L SCHEME 2
55	184.1 sqm	TYPE A4	

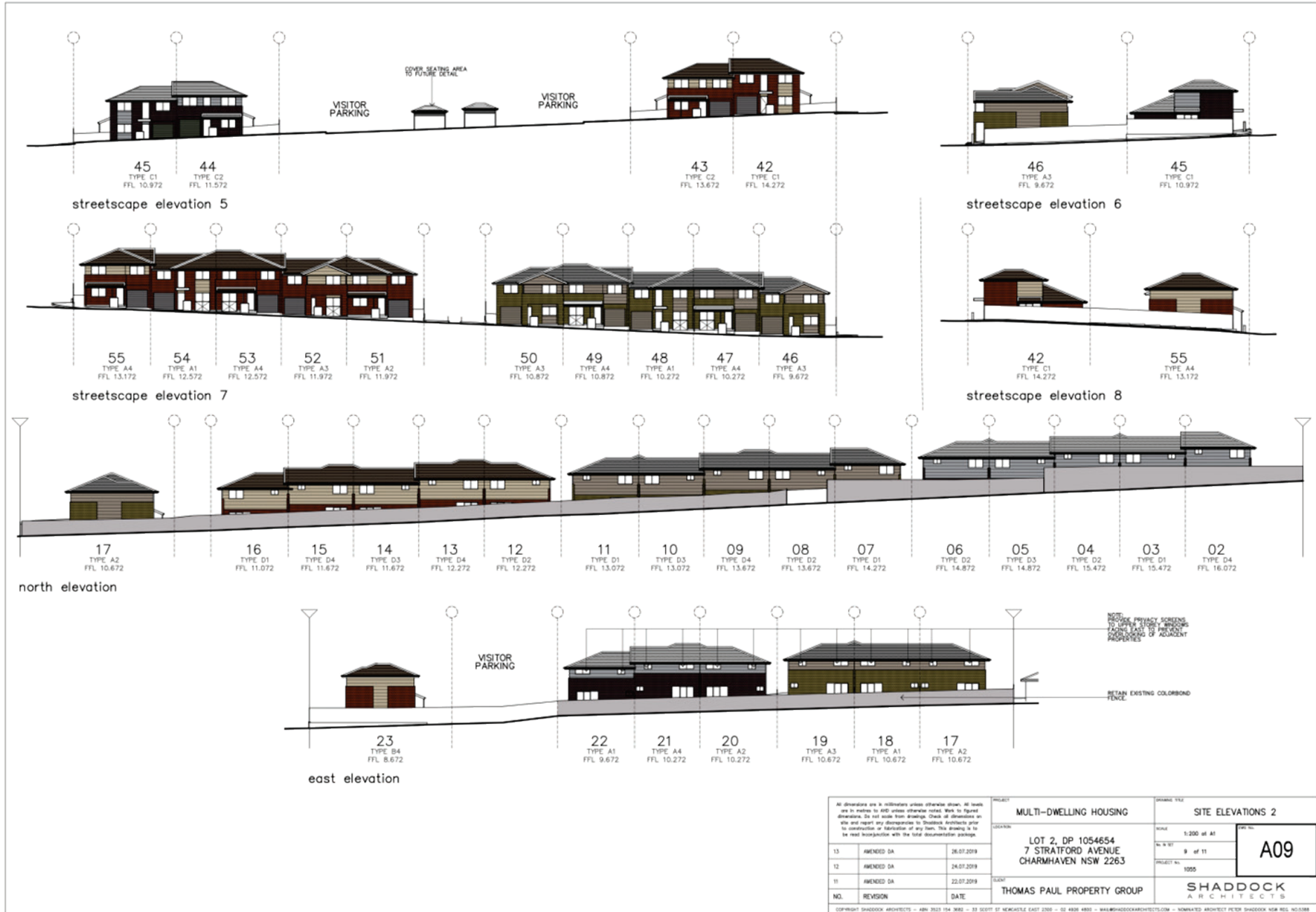
SUMMARY OF BASIC COMMITMENTS FOR EACH UNIT	
WATER COMMITMENTS	
2 Taps	Yes
3 Star Shower Heads	Yes
3 Star Kitchen Waste Tap	Yes
3 Star Toilet	Yes
ENERGY COMMITMENTS	
2 Star	Yes
Living	2 Star
Bedroom	2 Star
Shedding System	Yes
1 x Bedroom	Yes
1 x Kitchen	Yes
1 x Laundry	Yes
LED Lights	Yes
Artificial Lighting	Yes
Number of LED lights	Yes
Number of LED lights in Kitchen	Yes
Number of LED lights in Laundry	Yes
Number of LED lights in All Bedrooms	Yes
Number of LED lights in All Bathrooms	Yes
Number of LED lights in All Hallways	Yes
OTHER COMMITMENTS	
Double Glazed Windows	Yes
Insulated Water Pipes	Yes
Insulated Hot Water Tank	Yes

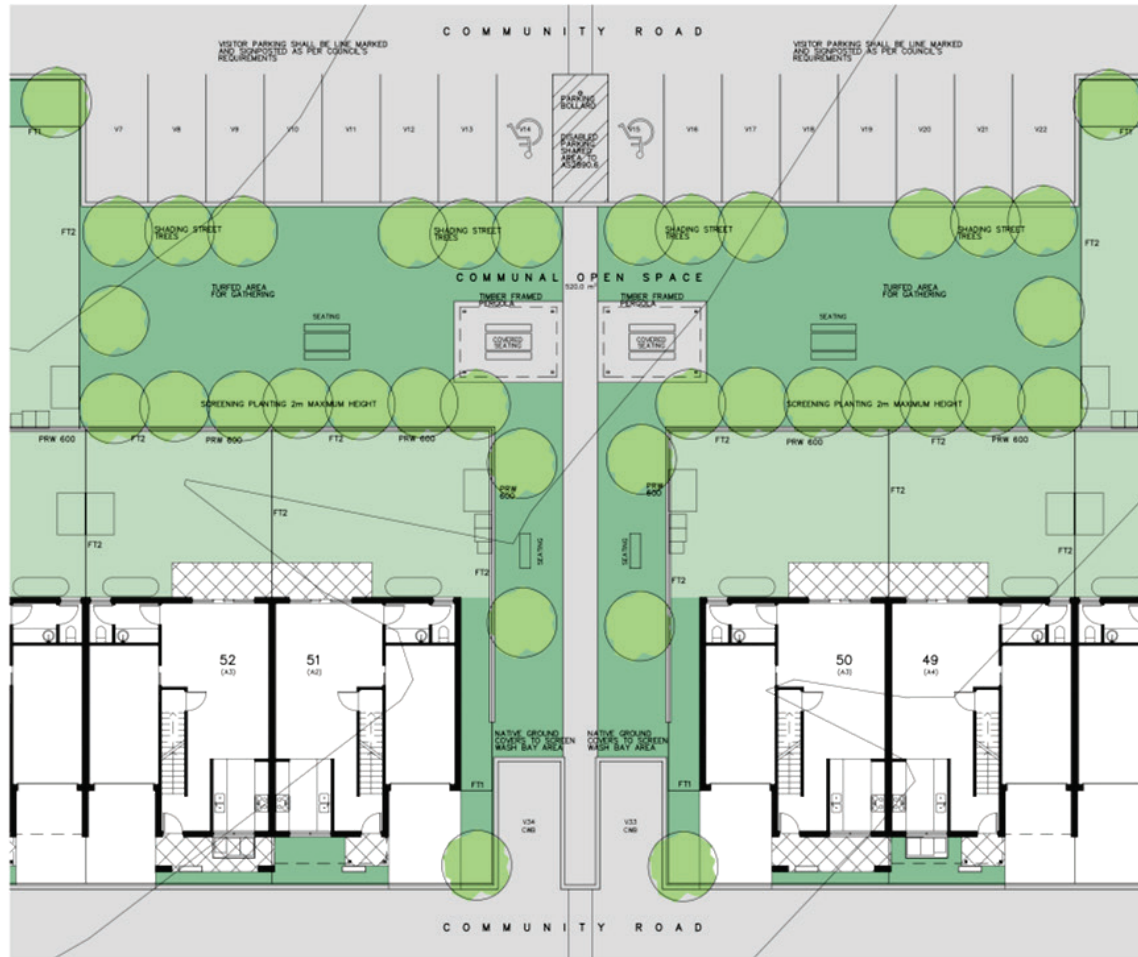
SUMMARY OF BASIC COMMITMENTS FOR EACH UNIT	
WATER COMMITMENTS	
2 Taps	Yes
3 Star Shower Heads	Yes
3 Star Kitchen Waste Tap	Yes
3 Star Toilet	Yes
ENERGY COMMITMENTS	
2 Star	Yes
Living	2 Star
Bedroom	2 Star
Shedding System	Yes
1 x Bedroom	Yes
1 x Kitchen	Yes
1 x Laundry	Yes
LED Lights	Yes
Artificial Lighting	Yes
Number of LED lights	Yes
Number of LED lights in Kitchen	Yes
Number of LED lights in Laundry	Yes
Number of LED lights in All Bedrooms	Yes
Number of LED lights in All Bathrooms	Yes
Number of LED lights in All Hallways	Yes
OTHER COMMITMENTS	
Double Glazed Windows	Yes
Insulated Water Pipes	Yes
Insulated Hot Water Tank	Yes

	All dimensions are in millimetres unless otherwise stated. All levels are in metres to AHD unless otherwise noted. Mark to figure dimensions. Do not scale from drawings. Check all dimensions on site and report any discrepancies to Shaddock Architects prior to construction or fabrication of any items. This drawing is to be read in conjunction with the total documentation package.	PROJECT: MULTI-DWELLING HOUSING DRAWING TITLE: SCHEDULES & SITE ANALYSIS
	NO. 13 AMENDED DA 26.07.2019 NO. 12 AMENDED DA 24.07.2019 NO. 11 AMENDED DA 22.07.2019	CLIENT: THOMAS PAUL PROPERTY GROUP







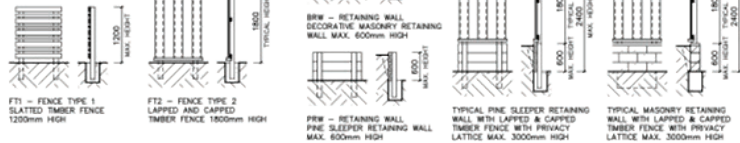


communal open space plan

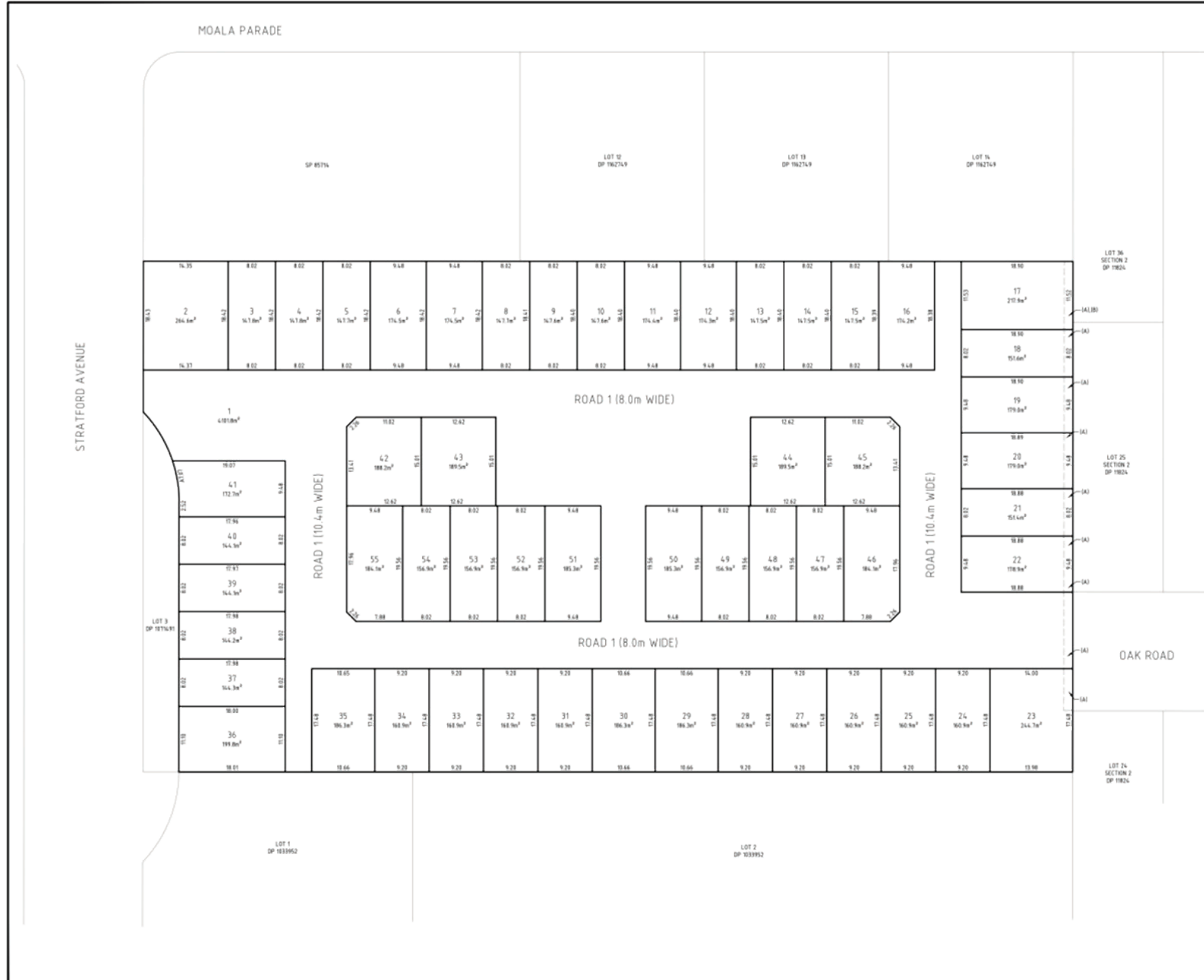
NOTES

THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE FULL DOCUMENTATION PACKAGE
REFER TO LANDSCAPE ARCHITECTS DOCUMENTATION FOR PLANTING SCHEDULES & DETAIL DETAILS

DETAILS



ALL DIMENSIONS ARE IN MILLIMETERS UNLESS OTHERWISE SHOWN. ALL LEVELS ARE IN METERS TO AFD UNLESS OTHERWISE NOTED. MARK TO FIGURE DIMENSIONS. DO NOT SCALE FROM DRAWING. CHECK ALL DIMENSIONS ON SITE AND REPORT ANY DISCREPANCIES TO SHADDOCK ARCHITECTS PRIOR TO CONSTRUCTION OR FABRICATION OF ANY ITEM. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE FULL DOCUMENTATION PACKAGE.		PROJECT MULTI-DWELLING HOUSING	DRAWING TITLE COMMUNAL OPEN SPACE PLAN
13 AMENDED DA 26.07.2019 12 AMENDED DA 24.07.2019 11 AMENDED DA 22.07.2019 NO. REVISION DATE	LOCATION LOT 2, DP 1054654 7 STRATFORD AVENUE CHARMHAVEN NSW 2263	SCALE 1:100 NO. IN SET 11 of 11 PROJECT NO. 1055	CLIENT THOMAS PAUL PROPERTY GROUP
COPYRIGHT SHADDOCK ARCHITECTS - ABN 3523 154 3682 - 33 SCOTT ST NEWCASTLE EAST 2300 - 02 4936 4800 - MAIL@SHADDOCKARCHITECTS.COM - NOMINATED ARCHITECT PETER SHADDOCK NSW REG. NO.5388		ARCHITECT SHADDOCK ARCHITECTS	



NOTES

- ALL OPENINGS, AREAS, LOT NUMBERS EASEMENTS & NUMBER OF LOTS ARE SUBJECT TO THE APPROVAL OF COUNCIL & OTHER AUTHORITIES AND TO THE FINAL SURVEY & LINES PLAN AND SHOULD BE CONSIDERED AS CONCEPTUAL ONLY. DO NOT RELY ON THE INFORMATION IN THIS PLAN FOR ANY PURCHASE, DISPOSAL OR OTHER MATTER.

LEGEND

(IA) EXISTING EASEMENT FOR DRAINAGE OF WATER (1.5m WIDE)
 (IB) EXISTING EASEMENT FOR SEWAGE (1.5m WIDE)

DALY SMITH
 EXPERIENCE YOU CAN TRUST

A: 3/48 Newcastle Street, Murrumbidgee NSW 2264
 A: 4/9 Lambton Road, Broadmeadow NSW 2292
 T: (02) 4973 2745 | F: (02) 4970 5366
 E: mail@daly-smith.com.au | DALYSMITH.COM.AU

THE DRAWING AND INTELLECTUAL PROPERTY CONTAINED HEREIN REMAINS THE PROPERTY OF DALY SMITH AND SHOULD NOT BE COPIED OR REPRODUCED WITHOUT WRITTEN CONSENT FROM DALY SMITH. THE DRAWING SHALL BE USED ONLY BY THE CLIENT OF DALY SMITH FOR THE PROJECT IT WAS PROVIDED FOR.

PROJECT
 COMMUNITY TITLE SUBDIVISION & HOUSING DEVELOPMENT

ADDRESS
 LOT 2 DP 1054654
 7 STRATFORD AVENUE, CHARMHAVEN

CLIENT
 THOMAS PAUL PROPERTY GROUP

SCALE
 ALL DIMENSIONS ARE IN METRES AND LEVELS TO THE AUSTRALIAN HEIGHT DATUM (AHD) UNLESS NOTED OTHERWISE. ALL DIMENSIONS AND LEVELS ARE TO BE CONFIRMED ON SITE BY CONTRACTOR WITH ANY DISCREPANCIES REPORTED TO DALY SMITH. DO NOT SCALE FROM DRAWINGS.

0 5.00 10.00 15.00
 SCALE @ A1: 1:300

REV	DATE	REVISION DETAILS
A	16/04/18	CONCEPT FOR PRE-DEVELOPMENT MEETING
B	28/06/18	DA ISSUE
C	25/09/18	CHANGES TO DEVELOPMENT LAYOUT
D	24/07/19	CHANGES TO DEVELOPMENT LAYOUT

DESIGNED	DRAWN	CHECKED	ISSUED
JRR	SPS	JRR	JRR

DRAWING TITLE
 PROPOSED SUBDIVISION PLAN

JOB NUMBER	DRAWING NUMBER	REVISION
33792	01	D

STATUS
 CONCEPT ISSUE
 FOR DEVELOPMENT APPLICATION

Plot Date: 26/07/19 - 10:09 | C:\Users\jairat\Documents\DALY SMITH\PTTY LTD\DALY SMITH\PTTY LTD Team Site - Main\33792\3. CIVL\DA\DRAWING\33792-008-0.dwg



NOT FOR CONSTRUCTION

LEGEND

CONTOURS AT 1M INTERVALS	PATHWAY PAVING
LOT BOUNDARY	RETAINING WALL
PROPOSED BUILDING	LANDSCAPE AREA
DRIVEWAY PAVING BY OTHERS	

<p>LANDSCAPE ARCHITECT</p> <p>Conus Landscape Architecture 118 Cranmore Ave, New Lambton Hills, NSW, 2305.</p> <p>p. 02 4950 9195 e. info@conuslandscape.com.au w. conuslandscape.com.au abn. 52 344 562 756</p> <p>Registered Landscape Architect: Anton Conus AILA No. 8420</p>	<p>BAR SCALE</p> <p>1:250 @ A1</p>	<p>ASPECT</p>	<p>CLIENT</p> <p>THOMAS PAUL PROPERTY GROUP</p>	<p>ARCHITECT</p> <p>SHADDOCK ARCHITECTS</p> <p>COMPONENT SHADDOCK ARCHITECTS 40/1 PLO 18/002 33 ROYAL ST NEWCASTLE EAST 2300 02 408 4888 info@shaddockarchitects.com.au</p>	<p>PROJECT</p> <p>Proposed Multi Dwelling Residential Lot 2 DP 1054654 7 Stratford Avenue Charmhaven NSW</p>	<p>TITLE</p> <p>SITE PLAN</p>	<p>STATUS: DEVELOPMENT APPLICATION Page: 2/4</p>		
							<p>SCALE: 1:250 @ A1 DATE: 01/08/19 JOB No: 18-26C</p>		
<p>DATE: 01/08/19</p>		<p>REV: 1</p>		<p>DO NOT SCALE DRAWINGS. CHECK ALL DIMENSIONS. FIGURED DIMENSIONS TAKE PRECEDENCE. THESE DRAWINGS ARE NOT FOR CONSTRUCTION.</p>		<p>DATE: 01/08/19</p>			
<p>DATE: 01/08/19</p>		<p>REV: 1</p>		<p>DATE: 01/08/19</p>		<p>DATE: 01/08/19</p>			



NOT FOR CONSTRUCTION

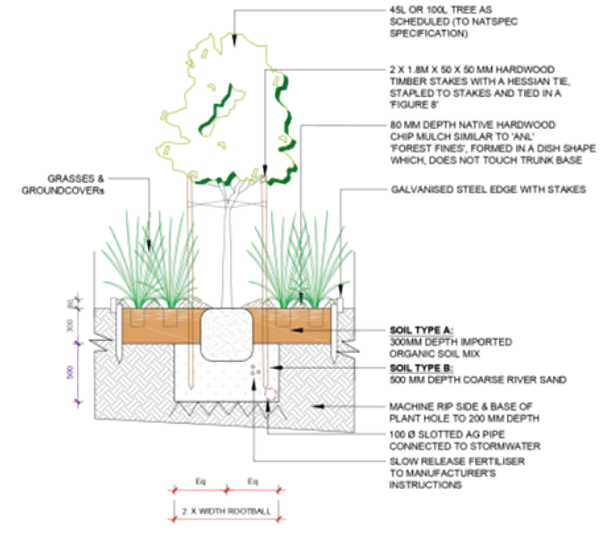
LEGEND

- CONTOURS AT .5M INTERVALS
- LOT BOUNDARY
- PROPOSED BUILDING
- DRIVEWAY PAVING BY OTHERS
- PAVING
- RETAINING WALL
- TURF
- ORNAMENTAL GROUNDCOVER
- NATIVE GROUNDCOVER
- SCREEN HEDGE (BOUNDARY)
- LOW HEDGE (FRONT DOOR)
- LOW-MEDIUM HEDGE (FRONT BOUNDARY)
- DECIDUOUS TREES
- EVERGREEN TREES

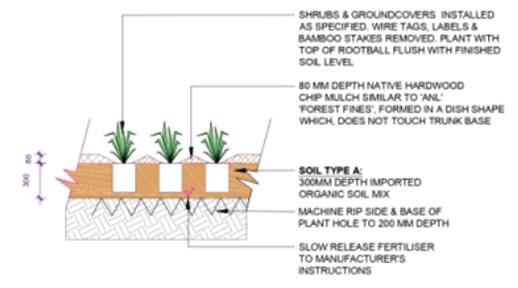
<p>LANDSCAPE ARCHITECT</p> <p>Conus Landscape Architecture 136 Grandview Rd, New Lambton Hills, NSW 2305.</p> <p>p. 02 4950 9195 e. info@conuslandscape.com.au conuslandscape.com.au m. 02 144 562 756</p> <p>Registered Landscape Architect: Anton Conus AILA No. 8420</p>	<p>BAR SCALE</p> <p>1:250 @ A1</p> <p>25M</p>	<p>ASPECT</p>	<p>CLIENT</p> <p>THOMAS PAUL PROPERTY GROUP</p>	<p>ARCHITECT</p> <p>SHADDOCK ARCHITECTS</p> <p>400/133/19/300 38 SCOTT ST MERRICHALE EAST 2803 02 408 4485 info@shaddockarchitects.com.au</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>REV</th> <th>DATE</th> <th>NOTATION/AMENDMENT</th> </tr> <tr> <td>B</td> <td>01/08/19</td> <td>Revised Drawing</td> </tr> <tr> <td>C</td> <td>02/02/19</td> <td>Remove aerial, Eastern trees (shown, not added)</td> </tr> <tr> <td>B</td> <td>06/11/18</td> <td>For Submission</td> </tr> <tr> <td>A</td> <td>02/11/18</td> <td>For Review</td> </tr> </table> <p>DO NOT SCALE DIMENSIONS. CHECK ALL DIMENSIONS. DIMENSIONS TAKE PRECEDENCE. THESE DRAWINGS ARE NOT FOR CONSTRUCTION.</p>	REV	DATE	NOTATION/AMENDMENT	B	01/08/19	Revised Drawing	C	02/02/19	Remove aerial, Eastern trees (shown, not added)	B	06/11/18	For Submission	A	02/11/18	For Review	<p>PROJECT</p> <p>Proposed Multi Dwelling Residential Lot 2 DP 1054654 7 Stratford Avenue Chamhaven NSW</p>	<p>TITLE</p> <p>LANDSCAPE PLAN</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>SCALE</th> <th>DATE</th> <th>JOB NO.</th> </tr> <tr> <td>1:250 @ A1</td> <td>01/08/19</td> <td>18-26C</td> </tr> <tr> <th>ISSUE</th> <th>DWG NO.</th> <th>PLOTTED</th> <th>DRAWN</th> <th>CHECKED</th> <th>APPROVED</th> </tr> <tr> <td>D</td> <td>LDA03</td> <td>1</td> <td>ND</td> <td>AC</td> <td>AC</td> </tr> </table>	SCALE	DATE	JOB NO.	1:250 @ A1	01/08/19	18-26C	ISSUE	DWG NO.	PLOTTED	DRAWN	CHECKED	APPROVED	D	LDA03	1	ND	AC	AC	<p>STATUS</p> <p>DEVELOPMENT APPLICATION</p> <p>Page: 3/4</p>
REV	DATE	NOTATION/AMENDMENT																																							
B	01/08/19	Revised Drawing																																							
C	02/02/19	Remove aerial, Eastern trees (shown, not added)																																							
B	06/11/18	For Submission																																							
A	02/11/18	For Review																																							
SCALE	DATE	JOB NO.																																							
1:250 @ A1	01/08/19	18-26C																																							
ISSUE	DWG NO.	PLOTTED	DRAWN	CHECKED	APPROVED																																				
D	LDA03	1	ND	AC	AC																																				

PLANT SCHEDULE

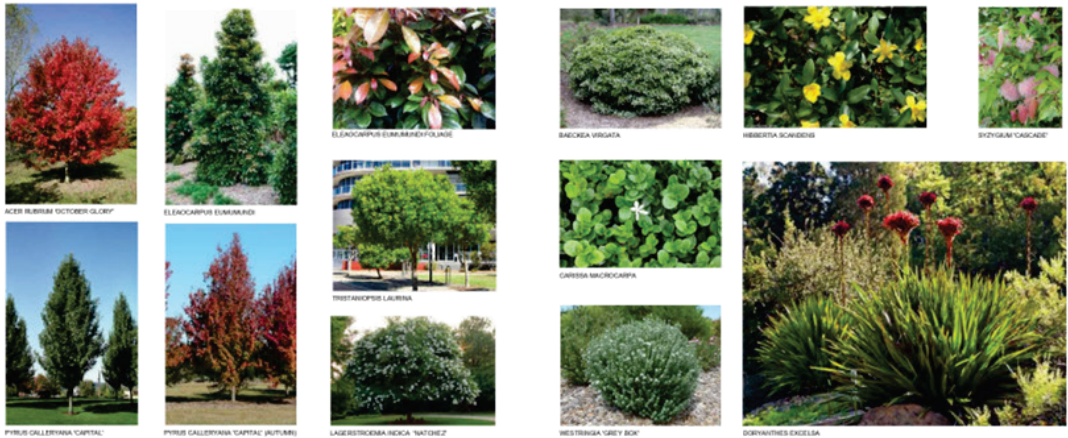
Botanic Name	Common Name	Size (m)	Pot size	Spacing
Tree				
<i>Acer x freemanii</i> 'Jeffersred'	Autumn Blaze Maple	12H x 9W	100L	As shown
<i>Acer rubrum</i> 'October Glory'	Lipstick Maple	12H x 9W	45L	As shown
<i>Angophora costata</i>	Smooth-barked Apple	16H x 10W	45L	As shown
<i>Caesalpinia ferrea</i>	Leopard Tree	9H x 6W	45L	As shown
<i>Elaeocarpus eumundi</i>	Eumundi Quandong	7H x 4W	100L	As shown
<i>Elaeocarpus reticulatus</i> 'Prima Donna'	Pink-flowering Blueberry Ash	7H x 4W	45L	As shown
<i>Lagerstroemia indica x fauriei</i> 'Natchez'	White Crepe Myrtle	7H x 7W	45L	As shown
<i>Magnolia grandiflora</i> 'Teddy Bear'	Evergreen Magnolia	4.5H x 3W	45L	As shown
<i>Malus floribunda</i> 'Royal Raindrops'	Crab Apple	5H x 5W	45L	As shown
<i>Pyrus calleryana</i> 'Capital'	Ornamental Flowering Pear	10H x 3W	100L	As shown
<i>Tristania laurina</i> 'Luscious'	Broad-leaved Water Gum	7H x 6W	45L	As shown
<i>Waterhousia floribunda</i> 'Sweeper'	Weeping Lilly Pilly	10H x 8W	100L	As shown
Accent plants				
<i>Doryanthes excelsa</i>	Gynea Lily	2H x 2W	300mm	1m
<i>Phormium 'Wildwood'</i>	Purple NZ Flax	1.5H x 1.5W	200mm	0.8m
<i>Zamia furfuracea</i>	Cardboard Plant	1.2H x 1.2W	200mm	1m
Shrubs				
<i>Baeckea virgata</i> 'Nana'	Dwarf Honey Myrtle	0.8H x 1W	200mm	0.8m
<i>Correa alba</i> (White Correa)	White Correa	1.5H x 1.5W	200mm	0.9m
<i>Murraya paniculata</i>	Orange Jessamine	4H x 4W	200mm	0.8m
<i>Raphiolepis indica</i>	Indian Hawthorn	2H x 12W	200mm	0.8m
<i>Syzygium 'CasCADE'</i>	Dwarf Lilly Pilly	4H x 3W	200mm	1m
<i>Syzygium australe</i> 'Resilience'	Dwarf Lilly Pilly	4H x 3W	200mm	1m
<i>Westringia fruticosa</i> 'Blue Gem'	Native Rosemary	1.5H x 1.5W	200mm	0.8m
Groundcovers				
<i>Hibbertia scandens</i>	Snake Vine	0.3H x 3W	140mm	1m
<i>Liriope muscari</i> 'Amethyst'	Liriope	0.6H x 0.4W	140mm	0.4m
<i>Lomandra fluviatilis</i> 'Katrinus'	Common Matrush Grass	0.5H x 0.5W	140mm	0.7m
<i>Lomandra longifolia</i> 'Tanika'	Thin-leaved Matrush Grass	0.6H x 0.6W	140mm	0.5m
<i>Senecio mandraliscae</i>	Blue Chalk Sticks	0.3H x 0.6W	140mm	0.4m
<i>Trachelospermum jasminoides</i>	Chinese Star Jasmine	0.3H x 4W	140mm	1m



1 SECTION 1:20
03 TYPICAL TREE WITH MASS PLANTING



2 SECTION 1:20
03 TYPICAL MASSED PLANTING



INDICATIVE STREET TREE IMAGES

INDICATIVE ACCENT & SHRUB IMAGES

NOT FOR CONSTRUCTION

LANDSCAPE ARCHITECT Conus Landscape Architecture 136 Grandview Rd, New Lambton Hills, NSW 2303. p. 02 4950 9195 e. info@conuslandscape.com.au w. conuslandscape.com.au o.n. 52 144 562 756 Registered Landscape Architect: Anton Conus AILA No. 8420	BMR SCALE 1:20 @ A1	ASPECT 	CLIENT THOMAS PAUL PROPERTY GROUP	ARCHITECT SHADDOCK ARCHITECTS COPYRIGHT SHADDOCK ARCHITECTS 48/525 THE BREEZE 33 SCOTT ST NEWCASTLE EAST 2300 02 408 4880 info@shaddockarchitects.com.au	PROJECT Proposed Multi Dwelling Residential Lot 2 DP 1054654 7 Stratford Avenue Charmhaven NSW	TITLE LANDSCAPE DETAILS AND PLANT SCHEDULE	STATUS DEVELOPMENT APPLICATION 4/4 SCALE: 1:20 @ A1 DATE: 01/08/19 JOB No: 18-26C	DRAWN: ND CHECKED: AC APPROVED: AC

Date: 11 June 2019
Responsible Officer: Shannon Butler
Location: 7 Stratford Avenue, CHARMHAVEN
 Lot 2 DP 1054654
Owner: Lake Haven Development Pty Ltd
Applicant: Mr L McWhirter
Date Of Application: 29 June 2018
Application No: DA/708/2018
Proposed Development: Multi-Dwelling Housing comprising 54 Dwellings &
 Community Title Subdivision
Land Area: 13,260m²
Existing Use: Vacant land

1. PARAMETERS OF THIS CONSENT

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

Architectural Plans by: Shaddock Architects

Drawing	Description	Sheets	Issue	Date
1055	Schedules & Site Analysis	A01	13	26/07/2019
1055	Site Plan Ground Floor	A02	13	26/07/2019
1055	Site Plan Upper Floor	A03	13	26/07/2019
1055	Typical Plans & Elevations – Type A	A04	13	26/07/2019
1055	Typical Plans & Elevations -Type B	A05	13	26/07/2019
1055	Typical Plans & Elevations – Type C	A06	13	26/07/2019
1055	Typical Plans & Elevations – Type D	A07	13	26/07/2019
1055	Site Elevations 1	A08	13	26/07/2019
1055	Site Elevations 2	A09	13	26/07/2019
1055	Site Elevations 3 & Sections	A10	13	26/07/2019

Subdivision Plan by: Daly.Smith

Drawing	Description	Sheets	Issue	Date
33792	Proposed Subdivision Plan	01	D	26/07/2019

Landscaping Plans by: Conus Landscape Architecture

Drawing	Description	Sheets	Issue	Date
LDA01	Site Plan	1/3	D	01/08/2019
LDA02	Landscape Plan	2/3	D	01/08/2019
LDA03	Landscape Details and Plant Schedule	3/3	D	01/08/2019

Supporting Documentation

Document	Prepared by	Date
Waste Management Plan	Thomas Paul Property Group P/L	Undated

- 1.2. Comply with the Notice of Determination from the Authorities as listed below and attached as a schedule of this consent.

Government Agency / Department / Authority	Description	Ref No	Date
Subsidence Advisory NSW	Notice of Determination	TBA18-03344	21/01/2019

- 1.3. Carry out all building works in accordance with the Building Code of Australia.
- 1.4. Comply with all commitments listed in BASIX Certificate as required under clause 97A of the *Environmental Planning and Assessment Regulation 2000*.
- 1.5. A Construction Certificate is to be issued by the Principal Certifying Authority prior to commencement of any construction works. The application for this Certificate is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000.
- 1.6. Prior to the occupation or use of the building/structure, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifying Authority.
- 1.7. An application for a Subdivision Certificate must be submitted to and approved by the Council/Certifying Authority prior to endorsement of the plan of subdivision.

2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

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

- 2.2 Pay developer contributions to Council as calculated in the formula below:

Developer contribution = \$499,023.20 X Current CPI ÷ Base CPI

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

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

Note: Any works required for the development that are also identified in the relevant Contributions Plan may be subject to a credit in accordance with that Plan. Any request for a credit for works to be carried out in accordance with the Plan must be requested and agreed to by Council via a Works-in-Kind Agreement prior to the commencement of any works.

- 2.3 Prepare a Tree Protection Plan to the satisfaction of Council. The Tree Protection Plan must include consideration of the approved engineering plans, including impacts from installation of services, stormwater and pathways. The Plan must be prepared by a qualified Arborist (AQF 5), providing details of Tree Protection Zones and Tree Protection Measures to be taken during clearing, earthworks and construction.
- 2.4 Prior to the issue of any Construction Certificate, trees and native vegetation proposed for retention and those approved for removal must be clearly identified on all the final engineering and landscaping plans. All fenced tree protection areas must be clearly marked as "No Go Area" on all plans.
- 2.5 Prior to the issue of any Construction Certificate, the applicant shall liaise with the owner of No. 3 Stratford Avenue (community health centre), No. 5 Stratford Avenue (aged care facility) and No. 8 Oak Road to determine a mutually agreed boundary fencing type and height. Following agreement being reached, plans depicting the agreed fencing details are to be submitted to the Principal Certifying Authority.
- 2.6 Where conditions of this consent require approval from Council under Section 138 of the *Roads Act 1993*, Section 68 of the *Local Government Act 1993* or Section 305 of the *Water Management Act 2000*, a completed Works application form must be lodged with Council and be accompanied by detailed design drawings and supporting information. Upon submission to Council, fees and charges will be calculated in accordance with Council's Management Plan. The fees and charges must be paid prior to Council commencing the design assessment.

- 2.7 The submission to Council of Civil Works design drawings and specifications detailing the following design requirements:
- Stratford Ave / Moala Parade – Left in / left out intersection including provision for pedestrian movements and necessary transition works.
 - Stratford Ave - Kerb and channel for the full extent of the new public road.
 - Stratford Ave - Full width road pavement construction adjoining the proposed kerb and channel.
 - Stratford Avenue - Cul-de-sac at the end of the new public road.
 - Stratford Avenue & Oak Road - Street stormwater drainage systems to the formal piped drainage system downstream.
 - Stratford Ave - Concrete footpath 1.5 metres wide connecting the subject site to the northern intersection and southern shared path.
 - Stratford Ave – Realignment of the existing shared path to accommodate the new public road and overland flow path
 - Pavement marking & signage.
 - Street trees at a maximum of 15.0 metre spacing.
 - Pavement design catering for 2×10^6 equivalent standard axles.
 - Vehicle access crossing.
 - The restoration of any vehicle access rendered redundant by the development, to standard kerb and footpath formation.
 - Any associated works to ensure satisfactory transitions to existing infrastructure
 - The submission to Council as the Roads Authority of street lighting and reticulation design drawings. The design shall be prepared in accordance with *AS/NZS 1158* and *AS 4282-1997*, including the provision of current best practice energy efficient lighting, documentation confirming a minimum of twenty (20) year design life and be approved by the Council as the Roads Authority prior to issue of a Construction Certificate.

- Adjustment of services as required.

Required design drawings are to be prepared in accordance with Council's *Civil Works Specification Design Guidelines 2018* and must be approved by Council as the Roads Authority prior to the issue of a Construction Certificate.

- 2.8 Prior to the commencement of detailed design works within any public road, contact should be made with the National Community Service "Dial before you Dig" on 1100 regarding the location of underground services in order to prevent injury, personal liability and even death. Enquiries should provide the property details and the nearest cross street/road.
- 2.9 The submission to the Council as the Roads Authority of a Road Safety Audit for the new public road and intersection works prepared by a Level 3 Road Safety Auditor recognised on the NSW Register of Road Safety Auditors. Any deficiencies identified within the audit must be resolved in consultation with Council prior to the approval of design drawings.
- 2.10 The submission to the Accredited Certifier of a detailed stormwater management plan featuring:
- Stormwater disposal to Oak Road.
 - Drainage pit at the boundary line.
 - The provision of an onsite stormwater detention system. The detention system must be designed to attenuate post developed flow rates to predevelopment flow rates for a full range of storm durations for the 5, 20 and 100 year average recurrence interval (ARI) design storms.
 - The provision of stormwater quality control facilities to treat stormwater in accordance with the Engineers Australia publication *Australian Runoff Quality – A Guide to Water Sensitive Urban Design* prior to entering Council's stormwater drainage system.
 - An emergency overland flow path catering for the 100 year ARI design flows.

The plans must be prepared by a suitably qualified and experienced civil / hydraulic engineer in accordance with *AS/NZS3500.3:2018* and Council's *Civil Works Specification Design Guidelines 2018*, and be approved by the Accredited Certifier prior to issue of the Construction Certificate.

- 2.11 Stormwater drainage works external to the site and discharging into a public system or public land requires approval from Council under Section 68 of the *Local Government Act 1993*. Detailed design drawings prepared in accordance with Council's *Civil Works Specification Design Guidelines 2018* must be approved by Council prior to the issue of a Construction Certificate. All other stormwater management works must be approved by the Accredited Certifier.
- 2.12 Prior to the issue of a Construction Certificate, satisfactory structural plans prepared by a suitably qualified Registered Structural Engineer are to be submitted for the approval of the Accredited Certifier, for the following building elements:
- Retaining Walls
- 2.13 The submission to the Accredited Certifier of a detailed car parking design. The design shall include:
- Pavement marking, appropriate signage and physical controls detailed for the carpark, access driveway and circulation roads.
 - Pavement design able to withstand anticipated vehicle loading. As a minimum Council's Waste Management vehicle of 23 tonnes.
 - Wheel stops for visitor parking spaces
- The design drawings shall be prepared in accordance with the requirements of *AS/NZS 2890 – Parts 1, 2 and 6*, and be approved by the Accredited Certifier prior to the issue of a Construction Certificate.
- 2.14 All water and sewer works or works impacting on water and sewer assets must be designed and constructed to the requirements of Council as the Water Supply Authority. The requirements are detailed in the Section 306 Notice of Requirements letter attached to this consent. **Note:** The Section 306 Notice contains requirements associated with the development that must be completed prior to the issue of the Construction Certificate.
- 2.15 Provide details that the internal road strength is strong enough to withstand a truck loading of 23.0 tonnes.

3. PRIOR TO COMMENCEMENT OF ANY WORKS

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

- 3.2. No activity is to be carried out on-site until the Construction Certificate has been issued, other than:
- a) Site investigation for the preparation of the construction, and / or
 - b) Implementation of environmental protection measures, such as erosion control and the like that are required by this consent
 - c) Demolition approved by this consent.
- 3.3. Appoint a Principal Certifying Authority for the building work:
- a. The Principal Certifying Authority (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.
 - 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
- 3.4. Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:
- a. The name, address and telephone number of the Principal Certifying Authority for the work; and
 - 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.
- 3.5. Ensure that all parties / trades working on the site are fully aware of their responsibilities with respect to tree protection conditions.
- 3.6. Establish Tree Protection Zones (TPZ) around trees identified to be retained in the Tree Protection Plan approved under Condition 2.3.
- Trees to be retained are to be protected by 1.8 metre high chain mesh fence and in accordance with Australian Standard AS 4970-2009: Protection of Trees on Development Sites. All required tree protection measures are to be maintained for the duration of construction works.
- 3.7. Full compliance with the recommendations in Section 4.6 of the "*Ecological Assessment*" by Conacher Consulting May 2019 and "*Squirrel Glider Assessment*" Conacher Consulting May 2019, including pre clearing surveys for fauna to be conducted by an Ecologist.

- 3.8 Implementation of the tree and ecological protection measures required by this consent is to be confirmed to Council's Ecologist in writing prior to commencement of any clearing, construction or earthworks.
- 3.9 Prior to the commencement of construction an initial Erosion and Sediment Control Plan (ESCP) prepared in accordance with the latest edition of the Landcom Publication *'Soils and Constructions- Volume 1'* (The Blue Book) shall be provided to the Principal Certifying Authority. This plan shall be modified and updated during construction to reflect any changes due to the on-ground/site conditions. A copy of any modifications or updates to the ESCP shall be provided to the PCA and provided to Council upon request.

Erosion and sediment controls shall be monitored, maintained and adapted in accordance with the most recent ESCP until the site is fully stabilised and landscaped. Failure to comply with this condition may result in fines under the provision of the *Protection of the Environment Operations Act*

- 3.10 Prior to works associated with the development commencing, the owner of the adjoining property affected by the proposed excavation and/or structural protective works, must be given written notice of the intention to commence works. The required notice must be accompanied by details of the proposed work at least seven (7) days prior to the commencement of proposed excavation and/or structural protective works.

- 3.11 Prior to works associated with the development commencing, the applicant must supply the Principal Certifying Authority with a dilapidation report for the adjoining properties, which documents and photographs the condition of buildings and other improvements. The report must be submitted to and approved by the Principal Certifying Authority prior to the commencement of any works. **Note:** The report is to be made available by the Principal Certifying Authority in any private dispute between neighbours regarding damage arising from construction works upon the development site.
- 3.12 Prior to commencing any works upon public roads the developer and their contractor will be required to:
- Obtain a copy of the Council approved Civil Works plans and pavement design (if applicable).
 - Obtain a copy of Council's *Civil Works Specification Construction Guidelines 2018*. This is Council's Specification for Civil Works and is available on Council's web site.
 - Arrange a meeting on-site with Council's Principal Development Construction Engineer on 1300 463 954.
- 3.13 Prior to works associated with development commencing, a dilapidation report must be prepared and submitted to Council as the Roads Authority. The required dilapidation report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, water supply, sewer works, street trees, street signs or any other Council assets in the vicinity of the development. **Note:** The report will be used by Council to determine the extent of damage arising from site and construction works.
- 3.14 Prior to the commencement of any works, the Applicant shall prepare a Construction Traffic Management Plan for the development. The plan shall include Traffic Control Plans prepared by a suitably qualified and experienced consultant. All works must ensure the safety of all vehicles and pedestrians within the frontage service road.

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. Full implementation of the tree protection and mitigation measures outlined in the Tree Protection Plan approved under Condition 2.3, "*Arborist Report*" by Joseph Pidutti dated 17th July 2018 and "*Addendum to Arborist Report*" by Joseph Pidutti dated 12th September 2018.

Any works within nominated Tree Protection Zones must comply with *Australian Standard 4970 – 2009 Protection of Trees on Development Sites*.

- 4.7. Design, locate and install underground services to minimise or prevent tree root damage in accordance with Australian Standard AS 4970-2009: *Protection of Trees on Development Sites*.
- 4.8. Undertake the removal of trees as shown on the approved plan in a manner so as to prevent damage to those trees that are to be retained.
- 4.9. Ensure a qualified arborist (AQF 5) is on-site to oversee the works in relation to tree protection measures. Any clearing, earthworks or construction works within the Tree Protection Zones of trees identified for retention are to be directly supervised by the Arborist to ensure impacts are minimised.
- 4.10. Manually (hand) excavations or directional drilling must occur within Tree Protection Zones. All care is to be taken not to damage tree roots. Cut with a saw (not rip) any tree roots greater than 50mm that cannot be avoided.
- 4.11. Supervision by a suitably qualified Ecologist is required for all vegetation clearing works to mitigate any native animal welfare issues and ensure compliance with conditions of consent. The Ecologist must:

- Undertake pre-clearing fauna surveys and directly supervise all vegetation clearing works, including removal of any hollow bearing trees.
- Any hollow bearing trees are to be sectionally dismantled by an Arborist, in conjunction with the ecologist, to prevent potential damage to fauna and salvage hollows for reuse.
- During clearing and felling all fauna and habitat will be protected through fauna protection measures (eg. Soft felling, pre-clearing surveys, sectional dismantling or any measures as required ensuring no fauna is harmed during the works).
- Any fauna be taken into care by the ecologist and released to the nearest bushland reserve, or taken to the nearest vet if injured.

The Ecologist must provide updates in writing to Council's Ecologist upon completion of the above environmental control measures.

- 4.12 Full compliance with the recommendations in Section 4.6 of the "*Ecological Assessment*" by Conacher Consulting May 2019 and "*Squirrel Glider Assessment*" Conacher Consulting May 2019.
- 4.13 Tree hollows removed from the site are to be salvaged for reuse. Hollows are to be sectionally dismantled by an Arborist under the supervision of the Project Ecologist in accordance with the procedure outlined in the Central Coast Council (2016) *Guideline for the Relocation of Large Tree Hollows*. Hollows suitable for reinstallation on trees are to be delivered to Central Coast Council as agreed to by Council's Natural and Environmental Assets Unit.
- 4.14 Council is to be notified as soon as practicable (and not more than twenty-four (24) hours after) if a breach of the tree or ecological protection conditions occurs.
- 4.15 The developer is solely responsible for any costs relating to alterations and extensions of existing roads, drainage, water and sewer infrastructure and other utilities for the proposed development.
- 4.16 Other public authorities may have separate requirements and should be consulted prior to commencement of works in the following respects:
- Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments;
 - AGL Sydney Limited for any change or alteration to gas line infrastructure;
 - Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements;
 - Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure.

- 4.17 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 Thomas Paul Constructions P/L, dated 28 June 2018.
- 4.18 Implement dust suppression measures on-site during bulk earthworks 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*.

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 the landscaping works in accordance with the approved landscaping plan.
- 5.3 Prepare and submit a final certification report detailing the level of compliance for each stage of the development. The report with all conditions relating to ecology / trees must be prepared by the engaged Ecologist and forwarded to Council for review.
- 5.4 Prior to the issue of an Occupation Certificate, any damage not shown in the Dilapidation Report submitted to and approved by the Principal Certifying Authority prior to site works commencing, will be assumed to have been caused as a result of the site works undertaken with respect to the development and must be rectified at the applicant's expense.
- 5.5 Prior to the issue of an Occupation Certificate, the developer must comply with the requirements (including financial costs) of any relevant utility provider (for electricity, water, sewer, drainage, gas, telecommunications, roads, etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
- 5.6 Prior to the issue of an Occupation Certificate, the required rainwater tank is to be provided in the location as detailed within the approved development plans with suitable plumbing connections provided to collect rainwater from the roof area as detailed within the BASIX Certificate applicable to the development. The required rainwater tank is to be installed in accordance with the requirements of the National Plumbing and Drainage Code AS/NZS 3500 and shall be provided with first flow diversion devices fixed to all inflows and a functioning pressure pump plumbed to service all fixtures as detailed within the BASIX Certificate applicable to the development. The required tank must be controlled in order that supplemental flow from domestic mains does not take place until the capacity of the tank has been reduced to 20%.

- 5.7 All works within the public road must be completed in accordance with the approved Civil Works design drawings and Council's *Civil Works Specification Construction Specification* and be approved by Council as the Roads Authority prior to the issue of any Occupation Certificate.
- 5.8 The construction of the stormwater management system in accordance with the approved Stormwater Management Plan and *AS/NZS 3500.3-2018*. Certification of the construction by a suitably qualified consultant shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.
- 5.9 The construction of stormwater drainage works external to the site and discharging into a public system or public land in accordance with the approved Stormwater Management Plan and Council's *Civil Works Specification Construction Specification*. All works must be approved by Council under Section 68 of the *Local Government Act 1993* prior to issue of the Occupation Certificate. All other stormwater management works must be approved by the Principal Certifying Authority.
- 5.10 The construction of the carpark and accesses in accordance with *AS/NZS 2890 - Parts 1, 2 & 6*. Certification of the construction of the carpark and associated accesses by a suitably qualified consultant shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.
- 5.11 Prior to the issue of an Occupation Certificate, all water and sewer works for the development must be approved by Council as the Water and Sewer Authority.
- 5.12 The obtaining of a satisfactory final plumbing & drainage inspection advice or Section 307 Certificate of Compliance under the *Water Management Act 2000* for water and sewer requirements for the development from Central Coast Council as the Water Supply Authority, prior to issue of the Subdivision/Occupation Certificate. All works for the development must be approved by Council prior to the issue of a Certificate of Compliance.
- 5.13 Prior to the issue of an Occupation Certificate, Works as Executed information for the development as identified in Council's *Civil Works Construction Specification* is to be submitted to and approved by Council. The required Works as Executed information is to be submitted in hard copy and in electronic format in accordance with Council's 'CADCHECK' requirements.

6. PRIOR TO ISSUE OF ANY SUBDIVISION CERTIFICATE

- 6.1 All conditions under this section must be met prior to the issue of any Subdivision Certificate.
- 6.2 The certification by a Registered Surveyor, prior to issue of a Subdivision Certificate that all construction has been effected within the appropriate property, easement boundaries and rights of carriageway. The certification shall be accompanied by a

copy of the final subdivision or easement plan, with the distances from the boundaries to the edges of these structures endorsed in red thereon and signed by the surveyor.

6.3 The plan of subdivision and Section 88B instrument shall establish the following title encumbrances with Council being nominated as the sole authority to release, vary or modify each encumbrance unless specifically noted otherwise. Wherever possible the extent of the land affected shall be defined by bearings and distances shown on the plan of subdivision:

- 'Restriction on the Use of Land' prohibiting any alteration to the on-site stormwater detention system. The terms of the restriction are to be prepared to Council's standard requirements.
- 'Positive Covenant' requiring the registered proprietor to ensure on-going maintenance is completed for the on-site stormwater detention system. The terms of the covenant are to be prepared to Council's standard requirements.
- 'Easement for Waste Collection' to indemnify Council against claims for loss or damage to the pavement or other driving surface and against liabilities losses, damages and any other demands arising from any on-site collection service, at the applicant's cost.
- 'Easement for Water Supply' benefitting Council as the Water Authority.

The encumbrances must be shown on the final plan of subdivision and Section 88B instrument, and be approved by Council with the Subdivision Certificate.

7. ONGOING

- 7.1 The non-habitable rooms such as garages, storerooms or outbuildings must not be adapted or used for habitable purposes.
- 7.2 All stormwater treatment devices (including drainage systems, sumps and traps) must be regularly maintained in order to remain effective.
- 7.3 Store all waste generated on the premises in a manner so that it does not pollute the environment.
- 7.4 No obstructions to the wheel out of the waste bins are permitted including grills, speed humps, barrier kerbs, etc.
- 7.5 Comply with all commitments as detailed in the Waste Management Plan signed by Thomas Paul Construction P/L, dated 28 June 2018.
- 7.6 Use external lighting that minimises overspill into retained vegetated areas.

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



Shannon Butler
Senior Development Planner
DEVELOPMENT ASSESSMENT

.....
Reporting Officer

.....
Reviewing Officer

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

Approved/Refused:

..... Date __/__/__

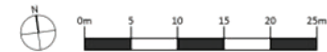
Shadow Diagram at Ground Level at 9:00am on 21st June



FIGURE 1
Shadow Diagram at Ground Level of Proposed Development at 9:00am on 21st June

Multi Dwelling Housing - 7 Stratford Ave Charmhaven
JULY 2019

Legend
■ Area of Direct Sunlight to Nominated Private Open Space
■ Shadow Cast by Existing Buildings, Existing Fencing, & New Buildings
■ Shadow Cast by New Fencing



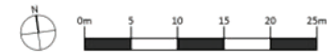
Shadow Diagram at Ground Level at 10:00am on 21st June



FIGURE 2
Shadow Diagram at Ground Level of Proposed Development at 10:00am on 21st June

Multi Dwelling Housing - 7 Stratford Ave Charmhaven
JULY 2019

Legend
 ■ Area of Direct Sunlight to Nominated Private Open Space
 ■ Shadow Cast by Existing Buildings, Existing Fencing, & New Buildings
 ■ Shadow Cast by New Fencing



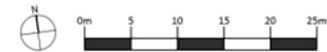
Shadow Diagram at Ground Level at 11:00am on 21st June



FIGURE 3
Shadow Diagram at Ground Level of Proposed Development at 11:00am on 21st June

Multi Dwelling Housing - 7 Stratford Ave Charmhaven
JULY 2019

Legend
■ Area of Direct Sunlight to Nominated Private Open Space
■ Shadow Cast by Existing Buildings, Existing Fencing, & New Buildings
■ Shadow Cast by New Fencing



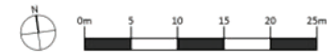
Shadow Diagram at Ground Level at 12:00pm on 21st June



FIGURE 4
Shadow Diagram at Ground Level of Proposed Development at 12:00pm on 21st June

Multi Dwelling Housing - 7 Stratford Ave Charmhaven
JULY 2019

Legend
■ Area of Direct Sunlight to Nominated Private Open Space
■ Shadow Cast by Existing Buildings, Existing Fencing, & New Buildings
■ Shadow Cast by New Fencing



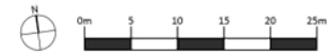
Shadow Diagram at Ground Level at 1:00pm on 21st June



FIGURE 5
Shadow Diagram at Ground Level of Proposed Development at 1:00pm on 21st June

Multi Dwelling Housing - 7 Stratford Ave Charmhaven
JULY 2019

Legend
 ■ Area of Direct Sunlight to Nominated Private Open Space
 ■ Shadow Cast by Existing Buildings, Existing Fencing, & New Buildings
 ■ Shadow Cast by New Fencing



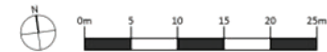
Shadow Diagram at Ground Level at 2:00pm on 21st June



FIGURE 6
Shadow Diagram at Ground Level of Proposed Development at 2:00pm on 21st June

Multi Dwelling Housing - 7 Stratford Ave Charmhaven
JULY 2019

Legend
■ Area of Direct Sunlight to Nominated Private Open Space
■ Shadow Cast by Existing Buildings, Existing Fencing, & New Buildings
■ Shadow Cast by New Fencing



Shadow Diagram at Ground Level at 3:00pm on 21st June

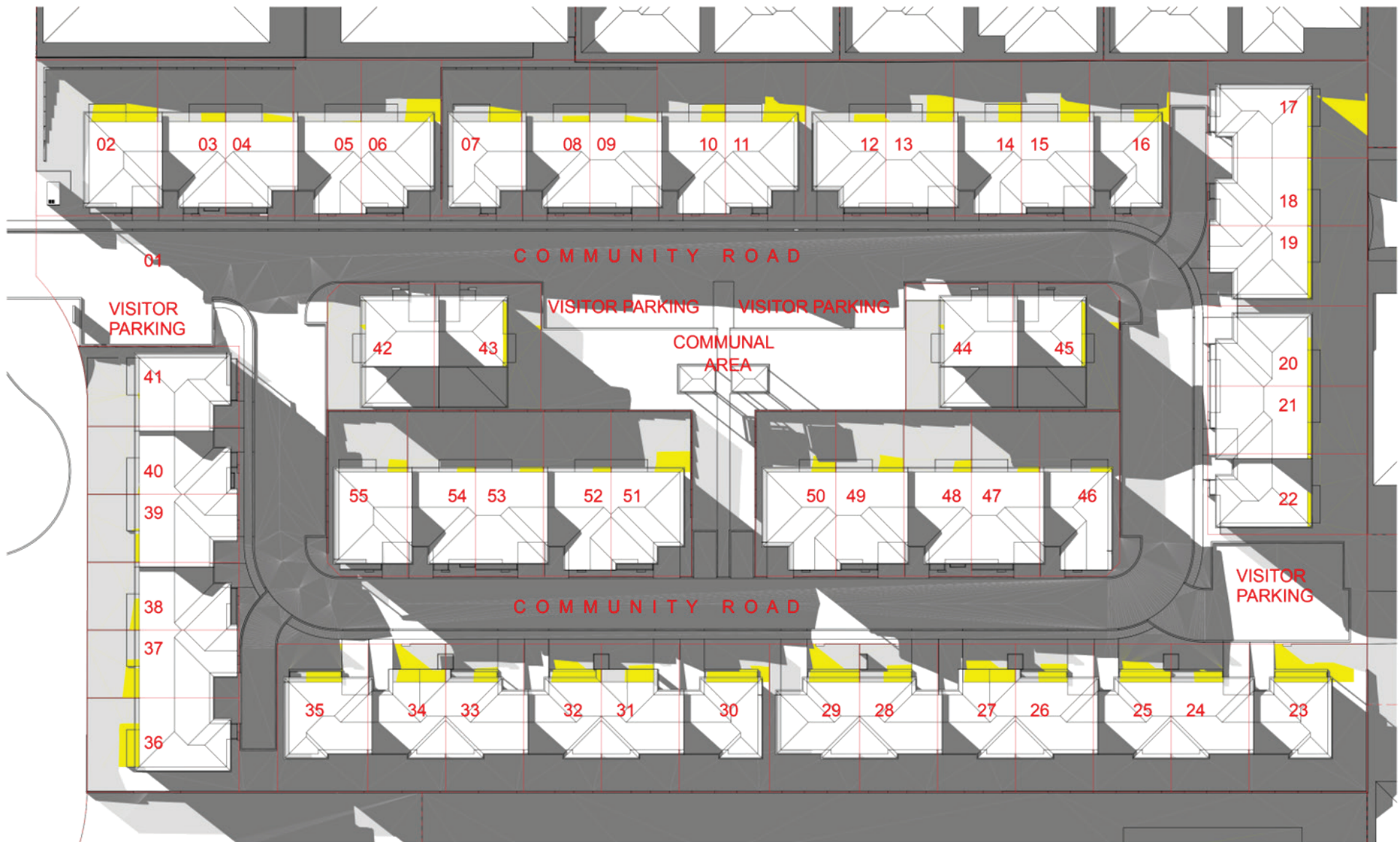


FIGURE 7
Shadow Diagram at Ground Level of Proposed Development at 3:00pm on 21st June

Multi Dwelling Housing - 7 Stratford Ave Charmhaven
JULY 2019

Legend
 ■ Area of Direct Sunlight to Nominated Private Open Space
 ■ Shadow Cast by Existing Buildings, Existing Fencing, & New Buildings
 ■ Shadow Cast by New Fencing



Shadow Diagram at 1m Above Private Open Space at 9:00am on 21st June



FIGURE 8
Shadow Diagram at 1m Above Private Open Space of Proposed Development at 9:00am on 21st June

Multi Dwelling Housing - 7 Stratford Ave Charmhaven
JULY 2019

Legend
■ Area of Direct Sunlight to Nominated Private Open Space
■ Shadow Cast by Existing Buildings, Existing Fencing, & New Buildings
■ Shadow Cast by New Fencing



Shadow Diagram at 1m Above Private Open Space at 10:00am on 21st June



FIGURE 9
Shadow Diagram at 1m Above Private Open Space of Proposed Development at 10:00am on 21st June

Multi Dwelling Housing - 7 Stratford Ave Charmhaven
JULY 2019

Legend

- Area of Direct Sunlight to Nominated Private Open Space
- Shadow Cast by Existing Buildings, Existing Fencing, & New Buildings
- Shadow Cast by New Fencing



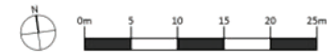
Shadow Diagram at 1m Above Private Open Space at 11:00am on 21st June



FIGURE 10
Shadow Diagram at 1m Above Private Open Space of Proposed Development at 11:00am on 21st June

Multi Dwelling Housing - 7 Stratford Ave Charmhaven
JULY 2019

Legend
 ■ Area of Direct Sunlight to Nominated Private Open Space
 ■ Shadow Cast by Existing Buildings, Existing Fencing, & New Buildings
 ■ Shadow Cast by New Fencing



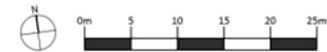
Shadow Diagram at 1m Above Private Open Space at 12:00pm on 21st June



FIGURE 11
Shadow Diagram at 1m Above Private Open Space of Proposed Development at 12:00pm on 21st June

Multi Dwelling Housing - 7 Stratford Ave Charmhaven
JULY 2019

Legend
 ■ Area of Direct Sunlight to Nominated Private Open Space
 ■ Shadow Cast by Existing Buildings, Existing Fencing, & New Buildings
 ■ Shadow Cast by New Fencing



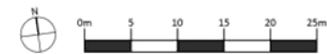
Shadow Diagram at 1m Above Private Open Space at 1:00pm on 21st June



FIGURE 12
Shadow Diagram at 1m Above Private Open Space of Proposed Development at 1:00pm on 21st June

Multi Dwelling Housing - 7 Stratford Ave Charmhaven
JULY 2019

Legend
 ■ Area of Direct Sunlight to Nominated Private Open Space
 ■ Shadow Cast by Existing Buildings, Existing Fencing, & New Buildings
 ■ Shadow Cast by New Fencing



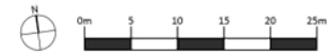
Shadow Diagram at 1m Above Private Open Space at 2:00pm on 21st June



FIGURE 13
Shadow Diagram at 1m Above Private Open Space of Proposed Development at 2:00pm on 21st June

Multi Dwelling Housing - 7 Stratford Ave Charmhaven
JULY 2019

Legend
■ Area of Direct Sunlight to Nominated Private Open Space
■ Shadow Cast by Existing Buildings, Existing Fencing, & New Buildings
■ Shadow Cast by New Buildings



Shadow Diagram at 1m Above Private Open Space at 3:00pm on 21st June

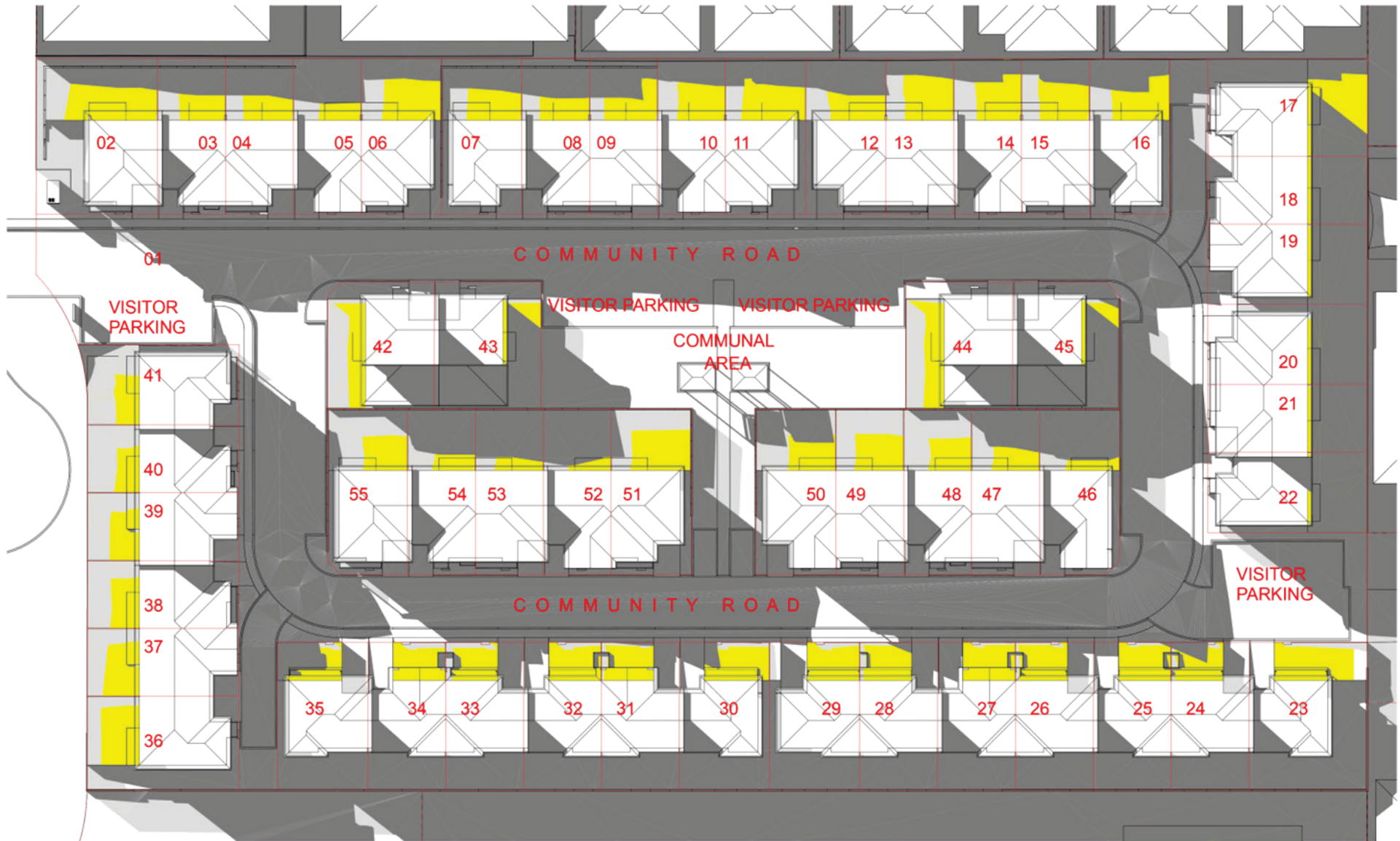
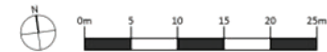


FIGURE 14
Shadow Diagram at 1m Above Private Open Space of Proposed Development at 3:00pm on 21st June

Multi Dwelling Housing - 7 Stratford Ave Charmhaven
JULY 2019

Legend
■ Area of Direct Sunlight to Nominated Private Open Space
■ Shadow Cast by Existing Buildings, Existing Fencing, & New Buildings
■ Shadow Cast by New Fencing



Shadow Diagram For Overshadowing of No.9 Oak Road at 9:00am & 10:00am on 21st June



FIGURE 15
Shadow Diagram at Existing & Proposed Development at 9:00am on 21st June at No.9 Oak Road



FIGURE 16
Shadow Diagram at Existing & Proposed Development at 10:00am on 21st June at No.9 Oak Road



FIGURE 17
Shadow Diagram at Existing & Proposed Development at 11:00am on 21st June at No.9 Oak Road

Legend

- Area of Direct Sunlight to Existing Private Open Space
- Shadow Cast by Existing Buildings, & Existing Fencing
- Shadow Cast by Proposed Development

0m 5 10 15 20 25m

Shadow Diagram For Overshadowing of No.9 Oak Road at 12:00pm, 1:00pm, and 2:00pm on 21st June



FIGURE 18
Shadow Diagram at Existing & Proposed Development at 12:00pm on 21st June at No.9 Oak Road

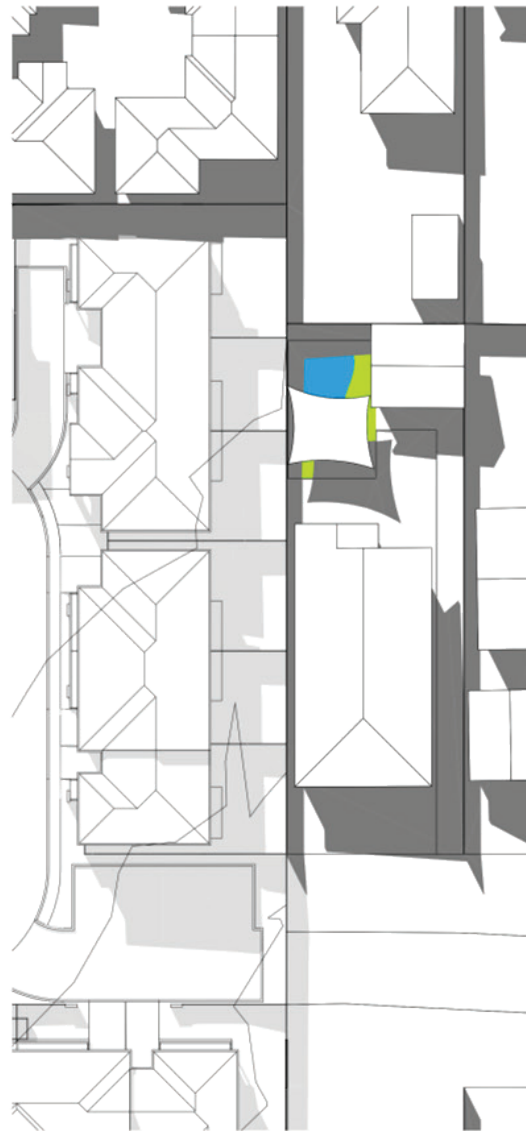


FIGURE 19
Shadow Diagram at Existing & Proposed Development at 1:00pm on 21st June at No.9 Oak Road

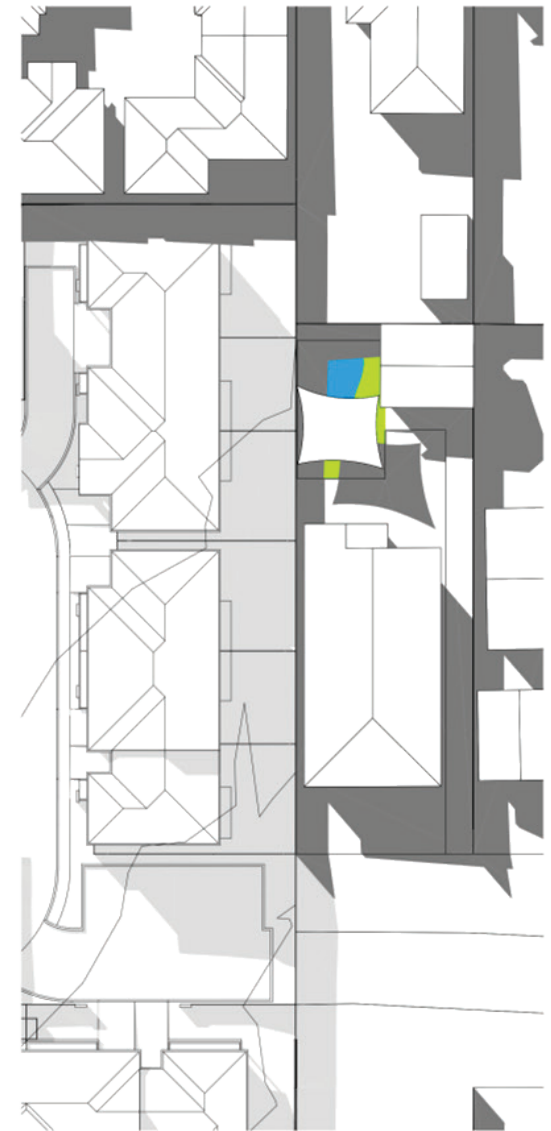


FIGURE 20
Shadow Diagram at Existing & Proposed Development at 2:00pm on 21st June at No.9 Oak Road

Legend

- Area of Direct Sunlight to Existing Private Open Space
- Shadow Cast by Existing Buildings, & Existing Fencing
- Shadow Cast by Proposed Development

0m 5 10 15 20 25m

A north arrow pointing upwards and a scale bar showing increments of 5 meters from 0 to 25 meters.

Shadow Diagram For Overshadowing of No.9 Oak Road at 3:00pm on 21st June



FIGURE 21
Shadow Diagram at Existing & Proposed Development at 3:00pm on 21st June at No.9 Oak Road

- Legend
- Area of Direct Sunlight to Existing Private Open Space
 - Shadow Cast by Existing Buildings, & Existing Fencing
 - Shadow Cast by Proposed Development



Shadow Diagram For Overshadowing of Central Coast Community Care Centre at 9:00am, and 10:00am on 21st June

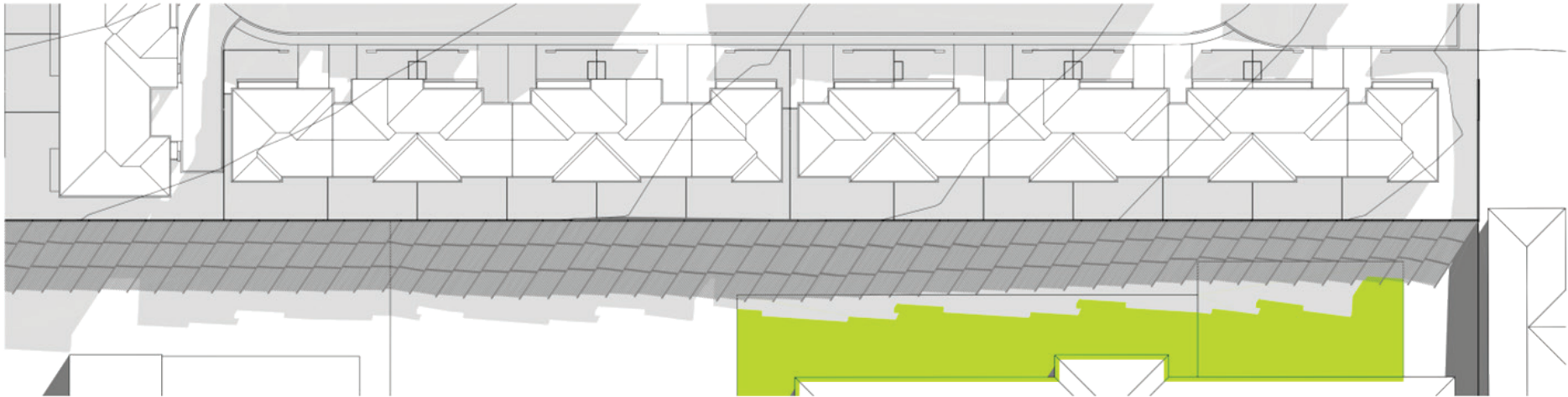


FIGURE 22
Shadow Diagram at Existing & Proposed Development at 9:00am on 21st June at Central Coast Community Care Centre



FIGURE 23
Shadow Diagram at Existing & Proposed Development at 10:00am on 21st June at Central Coast Community Care Centre

Legend

- Area of Direct Sunlight to Existing Private Open Space
- Shadow Cast by Existing Buildings, & Existing Fencing
- Shadow Cast by Proposed Development

0m 5 10 15 20 25m

Shadow Diagram For Overshadowing of Central Coast Community Care Centre at 11:00am, and 12:00pm at 21st June



FIGURE 24
Shadow Diagram at Existing & Proposed Development at 11:00am on 21st June at Central Coast Community Care Centre



FIGURE 25
Shadow Diagram at Existing & Proposed Development at 12:00pm on 21st June at Central Coast Community Care Centre

Legend

- Area of Direct Sunlight to Existing Private Open Space
- Shadow Cast by Existing Buildings, & Existing Fencing
- Shadow Cast by Proposed Development

0m 5 10 15 20 25m

Shadow Diagram For Overshadowing of Central Coast Community Care Centre at 1:00pm, and 2:00pm at 21st June



FIGURE 26
Shadow Diagram at Existing & Proposed Development at 1:00pm on 21st June at Central Coast Community Care Centre



FIGURE 27
Shadow Diagram at Existing & Proposed Development at 2:00pm on 21st June at Central Coast Community Care Centre

Legend

- Area of Direct Sunlight to Existing Private Open Space
- Shadow Cast by Existing Buildings, & Existing Fencing
- Shadow Cast by Proposed Development

0m 5 10 15 20 25m

Shadow Diagram For Overshadowing of Central Coast Community Care Centre at 3:00pm on 21st June

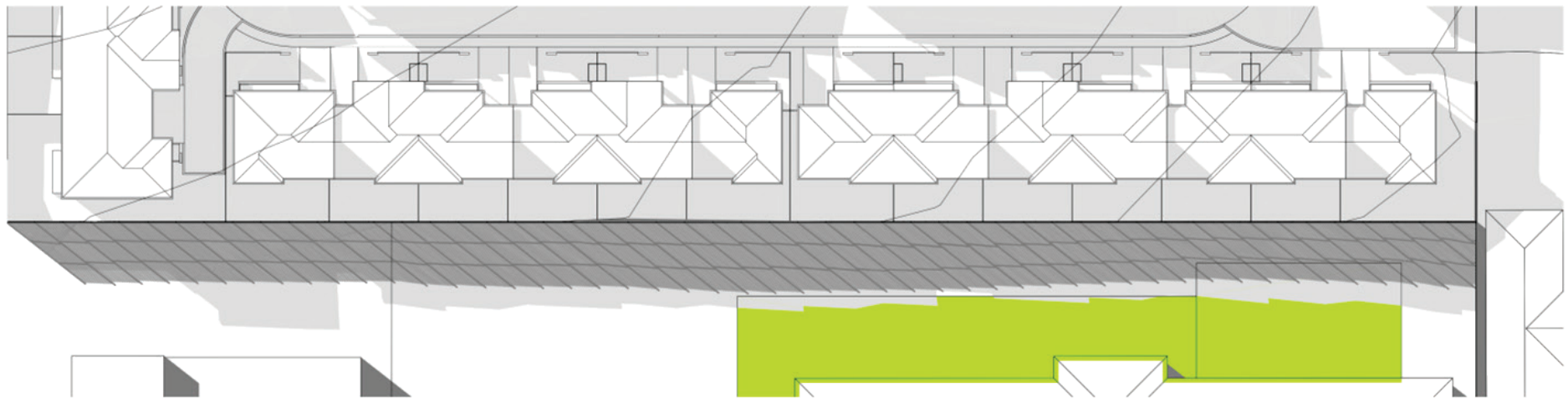


FIGURE 28
Shadow Diagram at Existing & Proposed Development at 3:00pm on 21st June at Central Coast Community Care Centre

Legend
■ Area of Direct Sunlight to Existing Private Open Space
■ Shadow Cast by Existing Buildings, & Existing Fencing
■ Shadow Cast by Proposed Development





Item No: 3.1
Title: Permanent Protection of Porters Creek Wetland - Outcome of Consultant's Investigations
Department: Environment and Planning

9 September 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13468744

Author: Peter Sheath, Section Manager, Waterways

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

Executive: Scott Cox, Director Environment and Planning

Report Purpose

The purpose of this report is for Council to consider investigations to permanently protect Porters Creek Wetland as requested by Council at its meeting of meeting 10 December 2018.

Recommendation

- 1 That Council receive and note the report on Permanent Protection of Porters Creek Wetland – Outcome of Consultant’s Investigations.**
- 2 That Council request the Chief Executive Officer to investigate the subdivision of Council owned land parcels within Porters Creek Wetland into smaller parcels to facilitate a series of Biodiversity Stewardship Agreements over the wetland prior to reclassification of the land.**
- 3 That prior to the subdivision and reclassification of the land Council request the Chief Executive Officer to engage a consultant to review the financial impact of subdivision and reclassification of the land.**
- 4 That Council request the Chief Executive Officer to:**
 - a) Prepare a budget for the subdivision Development Application**
 - b) Engage a Town Planning Consultant to prepare the subdivision Development Application**
 - c) Lodge the subdivision Development Application**

Background

Council at its meeting of 10 December 2018 in consideration of Item 5.8 “Permanent Protection of Porters Creek Wetland – Outcome of Investigations” decided to engage a consultant to provide further information and to report back. Council resolved, in part:

3.1 Permanent Protection of Porters Creek Wetland - Outcome of Consultant's Investigations (contd)

- 1248/18 *That the Chief Executive Officer initiate a process to reclassify the public land in the Porters Creek Wetland (identified as the SEPP14 Wetland) that is classified as Operational Land to the classification of community land.*
- 1249/18 *Engage a consultant with expertise in wetlands and their management to;*
- a Initiate a Biodiversity Stewardship Agreement process*
 - b investigate a declaration of Porters Creek Wetland as a wetland of international importance (eg. Ramsar wetland)*
 - c liaise with NPWS and if appropriate, prepare a submission for declaration of Porters Creek wetland as a protected area under the National Parks and Wildlife Act*
 - d provide draft planning text to be included in an LEP and /or DCP to ensure that activities, including development, in the catchment do not negatively impact on the environmental values of Porters Creek Wetland*
 - e Consider any measures that would minimise current impacts from surrounding areas.*
- 1250/18 *That the Chief Executive Officer provide an update to Council on this resolution by June 2019.*

In accordance with resolution 1248/18, a consultant with expertise in Wetland Management, Eco Logical Australia Pty Ltd, was engaged to further investigate the protection measures to permanently protect Porters Creek Wetland. A copy of the consultant report is attached. The key recommendations of the consultant are for Council to consider:

- Entering into a series of Biodiversity Stewardship Agreements over the wetland,
- Subdividing the land into smaller parcels to facilitate the management of credits.

In response to Council's resolutions from Item 5.8 "Permanent Protection of Porters Creek Wetland – Outcome of Investigations" considered on 10 December 2018, the relevant resolutions of Council are addressed in turn below:

- 1248/18 *That the Chief Executive Officer initiate a process to reclassify the public land in the Porters Creek Wetland (identified as the SEPP14 Wetland) that is classified as Operational Land to the classification of community land.*

Comments

The consultant's advice in the attached report is to firstly sub-divide the existing Council owned land into several wetland parcels before reclassifying the land.

3.1 Permanent Protection of Porters Creek Wetland - Outcome of Consultant's Investigations (contd)

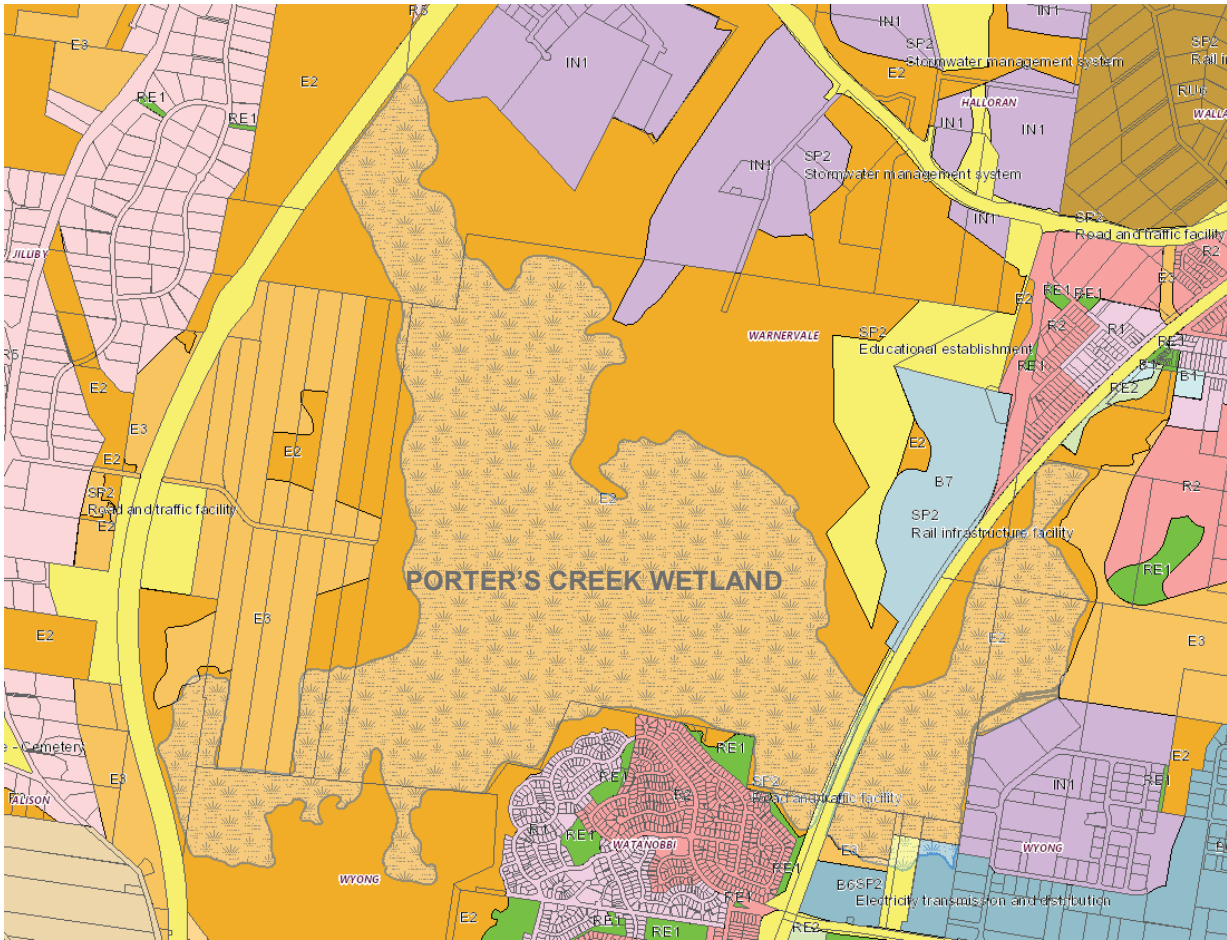


Figure 1: Porters Creek Wetland – Extent of wetland, lot boundaries and land zonings

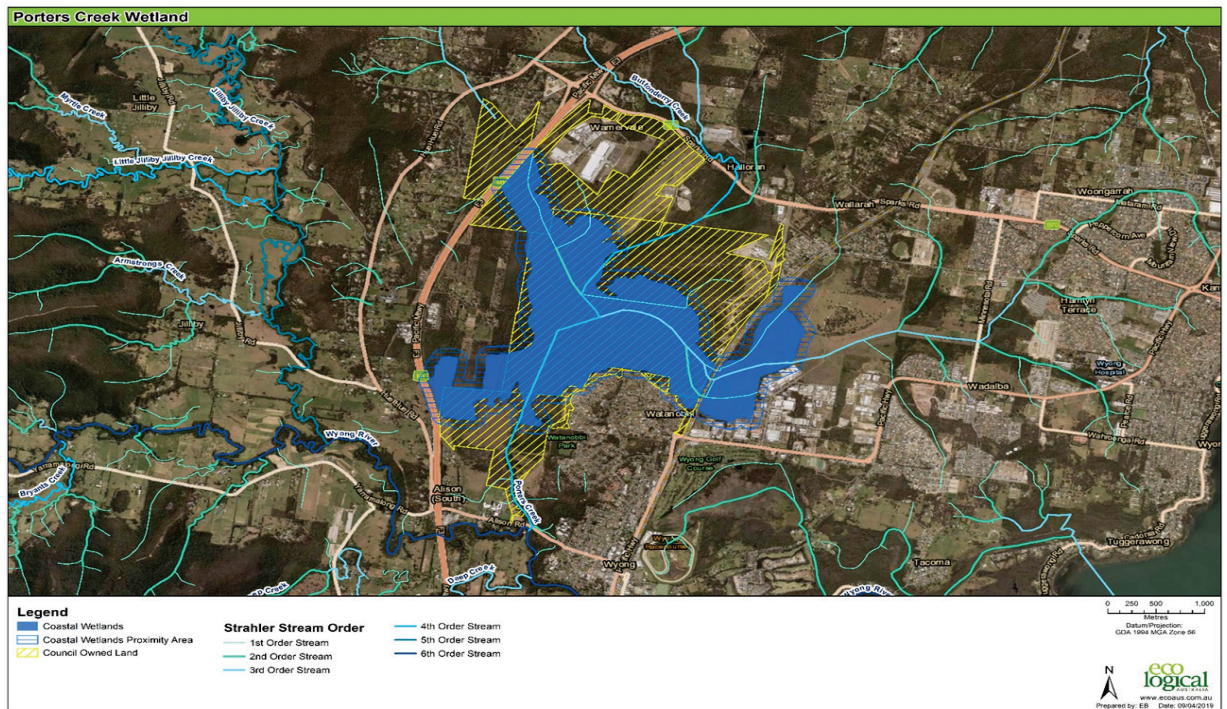


Figure 2: Porters Creek Wetland – Council owned land

3.1 Permanent Protection of Porters Creek Wetland - Outcome of Consultant's Investigations (contd)

Figure 1 shows the extent of the wetland as defined by State Environmental Planning Policy Coastal Management (2018) (Coastal SEPP). Figure 2 shows existing Council-owned land parcels (in yellow hatching), with the wetland boundary as defined by the Coastal SEPP also overlaid in blue. Note that the proposed university site forms part of the largest single land parcel that covers the bulk of the wetland.

All Council owned land parcels that cover Porters Creek Wetland are currently classified as operational, apart from 3 smaller parcels on the northern fringe of Watanobbi. Note that a significant proportion of most of the individual land parcels (yellow hatching) is located outside the wetland (blue shading).

The consultant recommends firstly subdividing the Council owned land into manageable wetland parcels that follow wetland boundaries. This would facilitate the reclassification of those wetland parcels to community land without affecting other uses beyond the confines of the wetland. Creation of separable portions of the wetland itself would also allow sequential sale and management of potential Biodiversity Stewardship Agreement credits from the site.

The consultant also notes that changing the land classification from Operational to Community is likely to have a discounting effect on the value of biodiversity stewardship agreement credits, meaning that they will be worth less value. The actual amount of discounting is not able to be quantified without more work. This has been noted below in the financial impact statement.

1249/18 Engage a consultant with expertise in wetlands and their management to;

- a Initiate a Biodiversity Stewardship Agreement process*
- b investigate a declaration of Porters Creek Wetland as a wetland of international importance (eg. Ramsar wetland)*
- c liaise with NPWS and if appropriate, prepare a submission for declaration of Porters Creek wetland as a protected area under the National Parks and Wildlife Act*
- d provide draft planning text to be included in an LEP and /or DCP to ensure that activities, including development, in the catchment do not negatively impact on the environmental values of Porters Creek Wetland*
- e Consider any measures that would minimise current impacts from surrounding areas.*

Comments

Eco Logical Pty Ltd were engaged to further investigate the protection measures to permanently protect Porters Creek Wetland. A copy of the consultant report is attached.

3.1 Permanent Protection of Porters Creek Wetland - Outcome of Consultant's Investigations (contd)

a) Initiate a Biodiversity Stewardship Agreement process

A preliminary Stewardship Site Investigation for Porters Creek Wetland has been completed. Eco Logical Australia considers that the biodiversity values present across the Porters Creek Wetland are considerable and make it a suitable Biodiversity Stewardship Agreement (BSA) site. They recommend a series of BSAs on separable portions to allow sequential sale of credits and management of wetland areas.

b) Investigate a declaration of Porters Creek Wetland as a wetland of international importance (eg. RAMSAR wetland)

Significant additional ecological information would be required to establish if Porters Creek Wetland is eligible for nomination as a wetland of international importance. The extent and cost of such information is unknown at this stage. RAMSAR listing would place requirements on contracted parties and owners to define and monitor any changes to the ecological character of the wetland. The consultant has advised that nomination is regarded as unlikely based on available information and preliminary stakeholder consultation.

c) Liaise with NPWS and if appropriate, prepare a submission for declaration of Porters Creek wetland as a protected area under the National Parks and Wildlife Act

Liaison with the NSW Office of Environment & Heritage and the National Parks & Wildlife Service has confirmed that the Porters Creek Wetland is unlikely to be accepted to the NSW reserve estate. The main reasons for this are the management issues associated with the wetland and the landscape context within urban catchment subject to ongoing development intensification. NPWS have limited capacity to respond to the complex management requirements of Porters Creek currently and are not the primary agency responsible for upstream catchment influences.

d) Provide draft planning text to be included in an LEP and /or DCP to ensure that activities, including development, in the catchment do not negatively impact on the environmental values of Porters Creek Wetland

Council's existing planning instruments include the following controls to protect the wetland:

- Wyong Local Environmental Plan 2013 (WLEP 2013) and Wyong Development Control Plan 2013 (WDCP 2013) currently apply to the land.
- Whilst WLEP 2013 does not currently include a specific local clause to address development within the Porters Creek catchment, any development must consider the aims of the plan, notably, *"to apply the principles of ecological sustainable development to guide future development within Wyong"*.
- WDCP 2013 Chapter 3.10 Wetlands Management applies to the land. This chapter specifies additional matters that must be considered within a

3.1 Permanent Protection of Porters Creek Wetland - Outcome of Consultant's Investigations (contd)

Development Application (DA) for development within Wetland Management Areas.

- Further, Council's Civil Works Design Guidelines, specify minimum standards for water sensitive urban design, including performance requirements for stormwater quality.

Further to the above the consultant recommended relevant planning text from planning instruments at the former Great Lakes Council (now amalgamated and part of Mid Coast Council). An example of an LEP clause that may be applied:

Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

- a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
- b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
- c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Council planning staff have also recommended this possible LEP clause:

1. The objective of this clause is to protect the environmental health of Porters Creek Wetland by minimising the adverse impacts of development on the wetland.
2. Before determining a development application for development on land to which this clause applies, the consent authority must consider the following:
 - a) Whether or not the development is likely to have adverse impact on the quality and quantity of stormwater entering the wetland
 - b) Any appropriate measures to avoid, minimise or mitigate the impacts of development

The consultant also recommended an example of DCP controls for water sensitive design from the former Great Lakes Council:

Water Quality Treatments:

- a) are to be calculated and designed in accordance with this section of the DCP, except in the instance of a Council approved Stormwater Strategy or Drainage Plan which may prescribe the other measures to satisfy water quality targets.
- b) wherever practical, are to be designed as part of any additional stormwater flow modification measures such as detention and infiltration in such a way as to retain, treat and infiltrate runoff events.

3.1 Permanent Protection of Porters Creek Wetland - Outcome of Consultant's Investigations (contd)

- c) should be integrated into landscaped areas to fit within the built environment of the development.
- d) and associated stormwater infrastructure which services more than one dwelling should be constructed on common property.
- e) Consider any measures that would minimise current impacts from surrounding areas.

Council's existing planning instruments promote the adoption of Water Sensitive Urban Design principles, as follows:

- Council's DCP 2013 Part 4.0 Subdivision Section 3.1 Stormwater Management and Flooding contains objectives and requirements that promote water sensitive urban design in subdivision proposals.
- Other chapters of the DCP touch on WSUD. These include;
 - Chapter 2.4 Multiple Dwelling Residential Development
- Location specific chapters have objectives around WSUD requirements and control including:
 - Chapter 5.5 Warnervale Town Centre
 - Chapter 6.2 Hamlyn Terrace – Louisiana Road Infill Precinct(LRIP)
 - Chapter 6.5 Warnervale South
 - Chapter 6.17 Warnervale East / Wadalba North West - Urbans Release Areas
- Council Civil Works Specification – Design Guidelines contains guidelines for modelling of Water Sensitive Urban design controls.
- Subdivisions that have been approved and/or constructed in the Porters Creek Catchment employ a number of different WSUD measures which include swales, rain gardens, detention basins, water treatment pond, constructed wetland. However the tendency is to rely on sub-catchment storm water treatment basins / constructed wetlands to provide treatment for water quality.
- At lot scale the use of rain water tanks and reuse of rain water, requirements around maximum pervious areas and landscaping requirements all contribute to minimising the impact of development in regards to water quality targets.

In addition the consultant recommended water sensitive urban design catchment measures that could be implemented by council in order to minimize current impacts:

3.1 Permanent Protection of Porters Creek Wetland - Outcome of Consultant's Investigations (contd)

- At the lot scale: encourage private residents within the catchment to implement the following measures; green roofs, rain gardens, rainwater harvesting and permeable paving.
- At the subdivision scale: swales, infiltration trenches, rain gardens, detention basins and retention ponds.

1250/18 That the Chief Executive Officer provide an update to Council on this resolution by June 2019.

Comment

This report is the update requested by the above resolution. The complexity of the issue has required significant investigation by staff which has hindered it from being completed ready for Council's consideration by June 2019.

Conclusion

The primary wetland protection mechanism recommended to Council is to enter into a series of Biodiversity Stewardship Agreements over the wetland.

Financial Impact

The cost committed to date is \$10,990. The total projected costs (including those committed to date) to undertake the actions identified in the recommendation to Council is estimated at \$71,590, as detailed below. There is no current identified budget to undertake these activities.

Item	Estimated Cost
Consultant advice – Ecological, which forms the basis of this report (already paid, funded from Council's wetland operations budget)	\$10,990
Consultant advice to review the financial impact of subdivision and reclassification of the land (Recommendation 3)	\$10,000
Cost of subdivision: application \$1000, notifications \$1600, Town Planning Consultant \$8,000, supporting documents including Flora & Fauna studies \$40,000	\$50,600

Further estimated costs not directly linked to the recommendation of this report, but recognised as required to reclassify the land, and implement a Biodiversity Stewardship Agreement are estimated at \$210,000 and are summarised below:

3.1 Permanent Protection of Porters Creek Wetland - Outcome of Consultant's Investigations (contd)

Cost of reclassification: staff time only	\$10,000
Establishment cost of each Biodiversity Stewardship Agreement \$50,000, (assume 3 agreements).	\$150,000
Opportunity cost of discounting effect on the value of biodiversity stewardship agreement credits by change in land classification (assumed cost)	\$50,000
Ongoing management costs – assumed will be able to be funded by the sale of biodiversity credit	zero

Staff reiterate that these are estimated costs, and also do not recognise potential revenue generated from credit sales associated with the Biodiversity Stewardship Agreement. Ultimately the value of these credit sales will be determined by the market upon sale of the credits. Staff are not currently in a position to determine how many credits are associated with the establishment of a Biodiversity Stewardship Agreement over the site, and what their value is.

Link to Community Strategic Plan

Theme 3: Green

Goal F: Cherished and protected natural beauty

G-F1: Protect our rich environmental heritage by conserving beaches, waterways, bushland, wildlife corridors and inland areas, and the diversity of local native species.

Attachments

- 1** Feasibility Study of Options to Protect Porters Creek Wetland_v1 D13535686



Feasibility Study of Options to Protect Porters Creek
Wetland

Central Coast Council

DOCUMENT TRACKING

Project Name	Feasibility Study of Options to Protect Porters Creek Wetland
Project Number	12573
Project Manager	Lily Gorrell
Prepared by	Sophie Powrie, Lily Gorrell
Reviewed by	Martin Sullivan
Approved by	Martin Sullivan
Status	Final
Version Number	1
Last saved on	29 April 2019

This report should be cited as 'Eco Logical Australia 2019. *Feasibility Study of Options to Protect Porters Creek Wetland*. Prepared for Central Coast Council.'

ACKNOWLEDGEMENTS

This document has been prepared by Eco Logical Australia Pty Ltd with support from Central Coast Council.

Disclaimer

This document may only be used for the purpose for which it was commissioned and in accordance with the contract between Eco Logical Australia Pty Ltd and Central Coast Council. The scope of services was defined in consultation with Central Coast Council, by time and budgetary constraints imposed by the client, and the availability of reports and other data on the subject area. Changes to available information, legislation and schedules are made on an ongoing basis and readers should obtain up to date information. Eco Logical Australia Pty Ltd accepts no liability or responsibility whatsoever for or in respect of any use of or reliance upon this report and its supporting material by any third party. Information provided is not intended to be a substitute for site specific assessment or legal advice in relation to any matter. Unauthorised use of this report in any form is prohibited.

Template 2.0.1

Contents

1. Introduction	1
1.1 Objectives	1
1.2 Background	1
1.3 Method	2
1.4 Porters Creek Wetland Values	2
2. Protection Mechanisms	7
2.1 Biodiversity Stewardship Agreement	7
2.2 Designate wetland as Wetland of International Importance	10
2.3 Protected Area Declaration	12
2.3.1 National Parks and Wildlife Act	12
2.3.2 Conservation Agreement	13
2.4 Planning Instruments	13
2.4.1 Zoning	13
2.4.2 Local Environment Plan	14
2.4.3 Development Control Plan	15
2.5 Catchment Measures	15
3. Comparative Analysis	16
4. Recommendations	19
References	20

List of Figures

Figure 1: Porters Creek Wetland	3
Figure 2: Plant Community Types mapped in Porters Creek Wetland	9

List of Tables

Table 1: Summary of Porters Creek Wetland Values	4
Table 2: Ramsar Nomination Process (adapted from SEWPaC 2012)	10
Table 3: RAMSAR Criteria	11
Table 4: Comparison of Protection Options for Porters Creek Wetland	18

Abbreviations

Abbreviation	Description
BAM	Biodiversity Assessment Methodology
BC Act	NSW <i>Biodiversity Conservation Act 2016</i>
BOS	Biodiversity Offset Scheme
BSA	Biodiversity Stewardship Agreement
CA	Conservation Agreement
CM Act	NSW <i>Coastal Management Act 2016</i>
Cth	Commonwealth
DCP	Development Control Plan
DPE	Department of Planning and Environment (former), now Department of Planning and Industry
DPI	Department of Planning and Industry (formerly DPE)
EPBC Act	<i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i>
LEP	Local Environment Plan
LGA	Local Government Area
MNES	Matters of National Environmental Significance
NPW Act	NSW <i>National Parks and Wildlife Act 1974</i>
OEH	NSW Office of Environment and Heritage
PCT	Plant Community Type
RMS	<i>Former Roads and Maritime Services – now an agency of the NSW Department of Transport</i>
SEPP	State Environmental Planning Policy
TEC	Threatened Ecological Communities
WEZ	Wyang Employment Zone

Executive Summary

Central Coast Council have commissioned this report to investigate the feasibility of options to protect the environmental value of Porters Creek Wetland.

This study investigates how each nominated protection mechanism works, the steps involved in securing the mechanism and what each mechanism can deliver in support of the long-term environmental values of the wetland. The feasibility study analyses the relative benefits of each mechanism and identifies planning considerations.

The primary protection mechanism recommended to Council is to enter into a series of Biodiversity Stewardship Agreements over the wetland. Market analysis of credit demand is recommended to inform a strategic approach to credit sales. Council may nominate remaining areas for a Conservation Agreement (where credit sales won't generate funds to cover ongoing management costs). The secondary protection mechanism recommended is to develop a wetland specific local provision for inclusion in the Local Environmental Plan (LEP) to identify the wetland considerations for future upstream developments. Example clauses are provided.

Supplementary measures to protect Porters Creek Wetland are also recommended including:

- Implement Flood Development Control Plan clause 7.2.1.c to minimise environmental impacts from floodwater runoff from upstream developments into Porters Creek Wetland
- Increase funding to implement integrated pest control in the wetland
- Ongoing implementation of the Tuggerah Lakes Estuary Management Plan
- Installation of a flow gauging station at the confluence of the wetland and Porters Creek to measure the quantity/flow of water leaving the wetland
- Instigate a periodic ecological monitoring program to track wetland health. It is recommended that a review is undertaken to design the monitoring program and in particular, to recommend monitoring locations with consideration of the 11 original ecological assessment sites in the wetland (Aquatic Ecology Investigations 1999) and Biodiversity Stewardship Site requirements
- Generate funding to initiate implementation of the Porters Creek Wetland Catchment Water Management Strategy (BMT WBM 2017)
- Identification of Porters Creek Wetland management requirements in the (future) Central Coast Coastal Management Plan.

1. Introduction

1.1 Objectives

Central Coast Council have commissioned this report to investigate the feasibility of options to protect the environmental values of Porters Creek Wetland. Prior investigations conducted by Council have identified suitable protection mechanisms and Council has moved to investigate select options further (motions 1248/18, 1249/18).

This study investigates how each nominated protection mechanism works, the steps involved in securing the mechanism and what each mechanism can deliver in support of the long-term environmental values of the wetland. A summary of the values of Porters Creek Wetland is provided to illustrate what the wetland is being protected for and from. The feasibility study analyses the relative benefits of each mechanism and identifies planning considerations. This study may inform Council's consideration of long term protection options for Porters Creek Wetland.

1.2 Background

Prior to this study, Council held a meeting with external stakeholders to investigate 'permanent protection of Porters Creek Wetland' (9th May 2018). This meeting was attended by Central Coast Council, the NSW Department of Planning and Environment (DPE, now Department of Planning and Industry, DPI) and the former NSW Office of Environment and Heritage (OEH). The meeting discussed the following protection mechanisms:

1. Coastal Management State Environmental Planning Policy (SEPP) 2018
2. Land use zoning under Wyong Local Environmental Plan (LEP) 2013
3. Enter a voluntary Biodiversity Stewardship Agreement
4. Donate the land to be a National Park
5. Declare to be a RAMSAR wetland
6. Catchment Management Initiatives
7. (Voluntary) Conservation Agreements

The meeting reported that

"a Biodiversity Stewardship Agreement was considered to be a strong mechanism to protect the wetland. The next strongest are the existing planning instruments, State and Local, which are already in place: the Coastal Management State Environmental Planning Policy (SEPP) 2018 and the Wyong Local Environment Plan (LEP) 2013".

An Ordinary Council Meeting held 10 December 2018 discussed protection options and resolved to investigate further into

- a. Biodiversity Stewardship agreement
- b. Declaration of Porters Creek Wetland as a wetland of international importance
- c. Declaration of Porters Creek Wetland as a protected area under the *National Parks and Wildlife Act*

- d. Draft planning text for potential inclusion in a Local Environment Plan (LEP) or Development Control Plan (DCP) to ensure that activities in the catchment do not negatively impact of the environmental values of Porters Creek Wetland
- e. Additional measures to minimise current impacts from surrounding areas

1.3 Method

The feasibility study was informed by a literature review of current regulations and practice for each protection mechanism. An internal Council stakeholder meeting was held 29th March 2019 to discuss land use planning considerations in Porters Creek Wetland and immediate catchment. The environmental values of Porters Creek Wetland were reviewed based on current, available literature and data. The literature review also considered previous studies into stormwater harvesting in the Porters Creek catchment. Preliminary discussions were held with National Parks and Wildlife Services (NPWS), OEH and the NSW Biodiversity Conservation Trust (BCT).

Feasibility is broadly assessed with consideration of technical, financial, timeframe and jurisdiction considerations. Technical feasibility, in this study, relates to delivery of direct and indirect wetland protection, as well as prerequisite requirements for each option. Financial feasibility relates to set up costs, on-going management costs, options for cost recovery and consideration opportunity costs. Timeframe considerations are provided based on indicative lead time to implement the mechanism based on current knowledge. Jurisdictional consideration relates to the primary and secondary stakeholders involved in implementation of the mechanism and the likelihood that the mechanism may be applied to Porters Creek Wetland.

Several protection mechanisms are non-exclusive and in some cases the interaction is additive whilst in others the interactions are subtractive. Planning pathway advice is provided to inform consideration of land use planning decisions. The planning pathway discussion is based on current regulations at the time of writing and may be subject to change.

1.4 Porters Creek Wetland Values

Porters Creek Wetland is a large coastal wetland located on Porters Creek, west of Wyong, in the Tuggerah Lakes catchment (**Figure 1**). The wetland receives water from Woongarra Creek, Buttonderry Creek, an unnamed tributary known as "Hue Hue Creek" and the surrounding urban catchment. The wetland drains into Porters Creek downstream (WBM BMT 2017, Cardno 2009, CCC 2018). The wetland is identified as a coastal wetland in the Coastal Management State Environmental Planning Policy (SEPP).

Porters Creek Wetland is a mosaic of deep marsh, shallow marsh, scrub marsh and forest types that are sensitive to drying frequency and hydrological flows. The natural hydrological regime for Porters Creek Wetland is characterised by summer minimum 30 day average flow duration and low flow spell frequency in autumn, winter and spring (McManus, Wong & Breen 2007). The Porters Creek Wetland Catchment Water Management Strategy (WBM BMT 2017) identifies that the current hydrological regime at Porters Creek is substantially modified due to significant increases to impervious surfaces in the catchment. The previous stormwater harvesting plan has not been substantially implemented and protection of wetland health cannot be addressed without management of catchment influences.

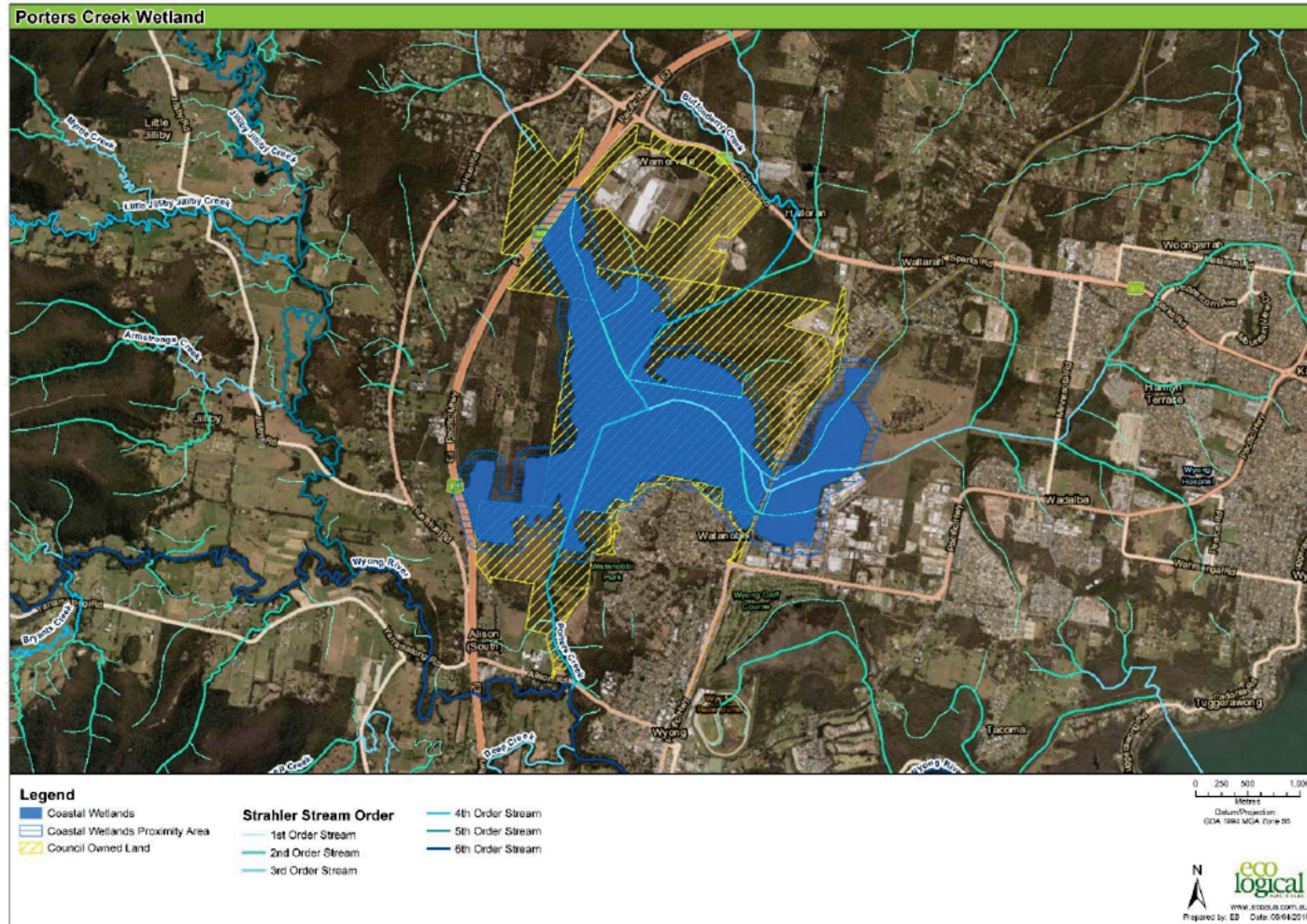


Figure 1: Porters Creek Wetland

There are a variety of ecological community types present (dense sedgeland, wet heathlands, wet swamp forest, ephemeral swamp forest and transitional swamp forests) including habitat for state and nationally listed threatened flora, fauna and ecological communities (Aquatic Ecological Investigations 1999, Environmental Engineers, 2005, Eco Logical Australia 2014).

Porters Creek Wetland is recognised as a state significant coastal wetland (Coastal Management State Environmental Planning Policy 2018). The significance of Porters Creek Wetland is derived from several characteristics shown in **Table 1**. A survey of 11 sites in Porters Creek Wetland undertaken in 1999 identified 168 species of plants including 34 weed species, macroinvertebrates from 70 families, 62 bird species detected during surveys including 9 migratory species, 25 mammal species including 14 terrestrial species, 4 arboreal species and 7 species of bats present (Aquatic Ecological Investigations 1999). The 1999 study surveyed birds in June and November 1997 and results show a greater number of species were present in the summer survey period than the winter period. Notably 9 internal and external migratory species were not present during the winter survey (Aquatic Ecological Investigations 1999).

Table 1: Summary of Porters Creek Wetland Values

Characteristic	Porters Creek Wetland
Wetland size and type	Porters Creek wetland ~ 624ha 12% of the total area of Coastal Wetlands on the Central Coast NSW (CCC 2018)
Landscape context	Single largest Coastal Wetland in the Central Coast region (CCC 2018) Migratory bird habitat
Threatened flora	notable species include <i>Thelymitra adorata</i> (Wyong Sun Orchid) Critically Endangered (NSW and Cth) <i>Grevillea parviflora</i> subsp. <i>parviflora</i> (Small-flowered Grevillea) Vulnerable (NSW) <i>Angophora inopina</i> , (Charmhaven Apple) Vulnerable (NSW) <i>Melaleuca biconvexa</i> Vulnerable NSW and Cth <i>Maundia triglochinos</i> Vulnerable (NSW) <i>Tetradlea juncea</i> (Black-eyed Susan) Vulnerable (State and Cth), <i>Syzygium paniculatum</i> (Magenta Lilly Pilly) Endangered (NSW) and Vulnerable (Cth) <i>Eucalyptus robusta</i> , (Swamp Mahogany) Vulnerable (NSW)
Threatened fauna	notable species include <i>Apus pacificus</i> (Fork-tailed swift) Jamba, Camba, RoKamba <i>Botaurus poiciloptilus</i> (Australasian Bittern), Endangered NSW and Cth <i>Ephippiorhynchus asiaticus</i> (Black Necked Stork), Endangered NSW <i>Hirundapus caudacutus</i> (White-throated Needletail), Jamba, Camba, RoKamba <i>Crinia tinnula</i> (Wallum froglet), Vulnerable NSW <i>Calyptorhynchus lathamii</i> (Glossy Black Cockatoo), Vulnerable NSW <i>Lathamus discolor</i> (Swift Parrot), Endangered NSW, Critically Endangered Cth <i>Petaurus norfolcensis</i> (Squirrel glider), Vulnerable NSW <i>Phascolarctos cinereus</i> (koala) (NSW Bionet record), Vulnerable NSW/Commonwealth <i>Tyto novaehollandiae</i> (Masked Owl), Vulnerable (NSW and Cth)
Threatened ecological communities	Freshwater wetlands on Coastal Floodplains NSW Swamp Sclerophyll forest on the Coastal Floodplains NSW

Characteristic	Porters Creek Wetland
	Swamp Oak Floodplain forest on the Coastal Floodplains NSW River-flat eucalypt
Ecosystem services	Porters Creek Wetland provides significant ecosystem services to Tuggerah Lakes Estuary (WSC 2009) including; biological filtration - water & air sediment & nutrient recycling carbon capture water storage - flood mitigation, storm protection drought refuge migratory species habitat flora/fauna connectivity cultural values recreation & tourism potential
Community values	Porters Creek Wetland has significant community support Landcare Community education aesthetic values

THREATS

The wetland contains notable weed species that require control including Blackberry, Camphor Laurel, Crofton Weed, Cumbungi, Lantana, Privet, Pampus Grass, Parrots Feather, Sagittaria and Water Hyacinth (Aquatic Ecological Investigations 1999, Porters Creek Landcare, WBM BMT 2017). These weeds infestations limit or compete with native plant rehabilitation, impact fauna and may spread to other areas.

There are several pest species in the wetland. The 1999 surveys also noted the presence of pest fish species *Gambusia holbrooki* (Mosquito fish) that is listed as a 'key threatening process' under the NSW *Biodiversity Conservation Act 2016* (BC Act) and the presence of pest snail species *Physa acuta* near Wattanobbi and Industrial Areas. Council's fox control program includes continuous 1080 baiting at two locations in Porters Creek Wetland (commenced in 2018). Camera surveillance is currently being conducted to locate one fox den along Porters Creek (pers comm Sharyn Styman 29/4/19). Rabbit control recently commenced within the Porters Creek landcare site to reduce grazing pressure on regen and plantings in the landcare and SOS *Melaleuca biconvexa* site (pers comm Sharyn Styman 29/4/19). There is no known terrestrial fauna monitoring at Porters Creek to help inform either the effectiveness of current pest control actions or to assist with prioritising actions.

Parts of the wetland have historically been used for farming. Council have indicated restoration should include rehabilitation of old irrigation channels present in the wetland. Encroachment from adjoining private land owners and unauthorised activities including camping and trail bikes are issues in some areas (pers comm Sharyn Styman 29/4/19).

The main threat to Porters Creek Wetland is from altered hydrological regimes (Knights et al 2006). Diversion and harvesting of stormwater runoff from the urbanising catchment upstream has been the preferred management response, however, significant implementation costs and competing funding

priorities have prohibited full realisation of the design scheme that was initially estimated to cost \$40 million (Ecological Engineering 2006, WBM BMT 2017). There have been well documented cases of *Eucalyptus longifolia* (Woollybutt) dieback in the north of the catchment and the flora composition of the wetland is impacted by the altered hydrology.

The wetland is traversed by the northern railway line and there is an existing road reserve adjacent on the western boundary of the rail line. Former Roads and Maritime (RMS) have indicated that this road easement will be required and potentially expanded to accommodate a link road from Wyong to Link Rd and onto Sparks Rd.

2. Protection Mechanisms

This section investigates the function and applicability of each protection mechanism to Porters Creek Wetland.

2.1 Biodiversity Stewardship Agreement

A Biodiversity Stewardship Agreement (BSA) is an agreement that will provide for the permanent protection and management of biodiversity (in perpetuity) under the BC Act (Division 2 clause 5.5). It comprises a legal covenant on title (of the Lot/DP) that is agreed to by the land owner and the NSW Minister for the Environment. A BSA allows for the creation of biodiversity credits under the Biodiversity Offset Scheme (BOS) which can then be sold to cover biodiversity management costs and generate additional revenue.

When a Stewardship Agreement is entered into, a set of agreed management actions, such as fencing and control of weeds and feral animals is developed as part of a Biodiversity Stewardship Agreement Management Actions Template (OEH 2017) that details these specific management actions and plans into individual tasks for the short and long-term, and helps determine the frequency of the actions (OEH 2019). In the case of Porters Creek Wetland management actions will include protection of natural hydrological flows upon which some flora and fauna species present rely.

The costs of managing a Stewardship Site varies based on a range of factors including the overall size of the site, the location, vegetation type, condition, topography, existing fencing and possible boundary management issues. It is these factors that determine the costs of managing the stewardship site in perpetuity (known as the Total Fund Deposit, OEH 2019).

There are significant opportunities for Council as a major landowner in the region to generate revenue and achieve conservation outcomes through the establishment of Biodiversity Stewardship Sites which contain significant biodiversity values. Entering into a BSA for Porters Creek Wetland (or parts thereof) has the effect of participating in the BOS and therefore enables development activity elsewhere in the Central Coast Local Government Area (LGA), and more broadly within the region.

Creation of a Stewardship Site results in the creation of biodiversity 'credits' which can be traded on the market. There are two classes of biodiversity credits – 'ecosystem credits' and 'species credits'. Ecosystem credits are created for all biodiversity values, including threatened species that can be reliably predicted to use an area based on habitat. Species credits are created for threatened species that cannot be reliably predicted to use an area based on habitat. Species credits are generated from threatened plant species and approximately half of all threatened fauna species.

A preliminary Stewardship Site Investigation for Porters Creek Wetland has been completed. Based on the information gathered to date, ELA considers that the biodiversity values present across the Porters Creek Wetland are considerable and make it a suitable candidate Stewardship Site.

The site comprises a number of Plant Community Types (PCTs), five of which are considered to correspond to Threatened Ecological Communities (TECs). There is potential that of the threatened flora species present, some may occur across Porters Creek Wetland in considerable numbers and these particular 'species credit' species are likely to be in demand, particularly within the Central Coast LGA.

Figure 2 shows PCTs mapped in Porters Creek Wetland. The PCT map is composed of Council's Wyong Vegetation Map 2017 and informed by Biocertification vegetation survey data 2016 (northern portion of wetland) (ELA 2016, 2017).

The value of biodiversity credits is determined by the market demand and supply. It is considered likely that the credit potential in Porters Creek Wetland will be highly valued due to current demand for biodiversity offsets locally. An example of this are requirements to offset proposed road developments in the area, which means that NSW Department of Transport may be a potential client for market credits. However, the cost to manage biodiversity in the wetland and demonstrate biodiversity gain will also be high. There are considerable challenges to effective pest control and integrated weed management in dense portions of the wetland. In addition, a BSA for Porters Creek Wetland will need to demonstrate management actions to protect natural hydrological regimes for dependent threatened species. Therefore adjunct catchment measures and/or engineering solutions to limit stormwater inflows will need to be implemented.

In addition, Council should consider whether to include the wetland in one BSA or as separate portions. Separate BSAs would increase processing costs, however, the greater market flexibility may also lead to faster credit sales. Importantly, Council needs to consider that no management payments will be made until at least 80% of the Total Fund Deposit has been reached, and no profit can be generated until 100% of the Total Fund Deposit has been reached. Unless an agreement for sale for the majority of credits can be reached prior to establishment of a single BSA across the wetland, it is strongly advised that a series of BSAs are developed to allow sequential sale of credits and management of wetland areas. As a single landholder, Council would still have the ability to coordinate wholistic wetland management to restore wetland health. A portion of the Porters Creek Wetland is currently factored into offset plans for the Wyong Strategic Lands Biodiversity Certification Agreement and would need to be considered.

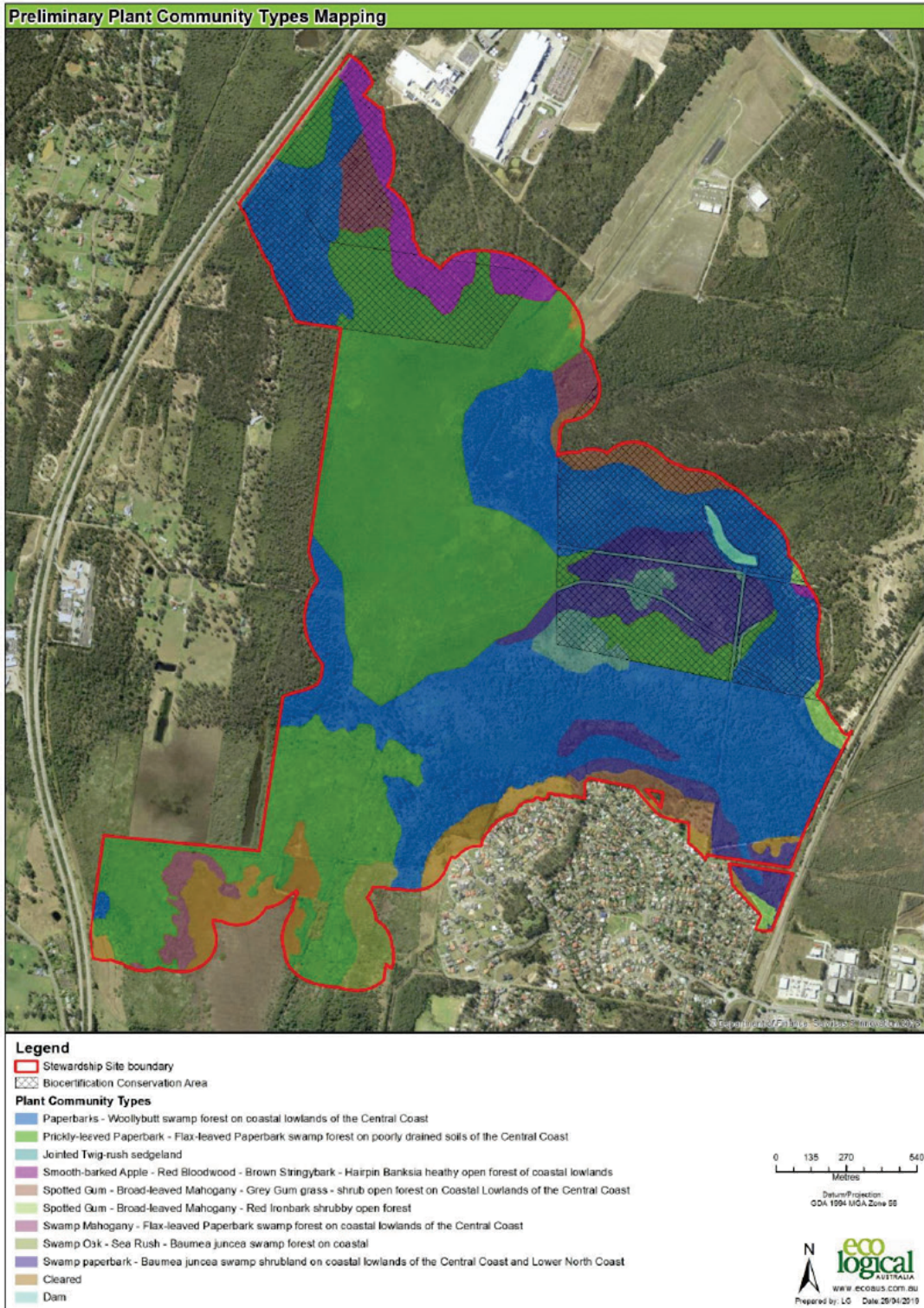


Figure 2: Plant Community Types mapped in Porters Creek Wetland

2.2 Designate wetland as Wetland of International Importance

The “Ramsar Convention on Wetlands of International Importance especially as Waterfowl Habitat” known as the ‘International Ramsar Convention’ is an international treaty amongst 170 member states, including Australia, to protect and manage wetlands of international significance (RAMSAR 2008). In Australia, Ramsar sites are Matters of National Environmental Significance (MNES) under the Commonwealth EPBC Act. Ramsar listing provides formal conservation status, access to Ramsar expertise and collaboration and increased tourism and education potential in addition to increased regulation of hydrological impacts from activities upstream in the catchment. Ramsar listing also places requirements on contracted parties and owners to define, monitor and report on any changes to the ecological character of the wetland (SEWPaC 2012). Ramsar listing does not provide direct funding but would increase grant opportunities if actively pursued. There are 66 Ramsar wetlands in Australia of which 11 are located in NSW including the [Hunter Estuary Wetlands](#).

If listed, upstream development activities in the Porters Creek Wetland catchment would be required to consider direct and indirect impacts, including hydrological impacts to the wetland under the EPBC Act. This means that developers would carry the responsibility to ensure that upstream developments properly consider and where necessary, incorporate design features to minimise run off that may impact the wetland health. It also means that Council would need to update environmental assessment procedures to ensure adequate provisions and referrals are in place to be applied on a case by case basis. A key benefit is a user-pays system to support long term wetland health triggered by future development applications. The limitations to this approach are that existing development-associated impacts are not included, cumulative impacts may be underestimated and additional systematic management of freshwater inflows will still need to be implemented.

Wetlands may be designated to be of international importance if they meet one or more of nine criteria shown in **Table 3** (RAMSAR 2017). There are seven steps to nomination under the National Guidelines for RAMSAR Wetlands Module 4 shown in **Table 2** (SEWPaC 2012).

Table 2: Ramsar Nomination Process (adapted from SEWPaC 2012)

Step	Process	Porters Creek Wetland Application Notes
1. Identify Candidate Ramsar Site	Identify which RAMSAR listing criteria apply	Initial Ecological Character Description <ul style="list-style-type: none"> - Information audit - Gap Analysis - Field Survey of avifauna density – winter/summer Initial stakeholder engagement to support data collation – OEH, BirdLife Australia, Hunter Local Land Services, Community groups
2. Intent to Nominate and Landholder support	Seek Support from landowner & state government	Council endorsement NSW Planning & Environment support – letter to Cth notifying intent Cth allocates Departmental case manager(s)

Step	Process	Porters Creek Wetland Application Notes
3. Broader Consultation on Proposed Nomination	Identify and consult key stakeholders	Adjacent landowners, traditional owners, local land services, community interest groups Option: formal public exhibition
4. Develop Supporting Nomination Documentation	Develop information sheet, site map, ecological character description, management plan, summary of consultative outcomes. Cth review of documentation.	Resourcing agreement between Council and NSW Planning & Environment recommended
5. Jurisdiction Endorsement and Submission of Formal Nomination	NSW government review. State Cabinet endorsement (or similar)	
6. Formal Review of Ramsar Nomination	Australian Government acknowledges nomination, recommendation to Australian Government Environment Minister following review. Ministerial endorsement	
7. Ramsar Site Designation	Commonwealth gazettal	

Nomination must be agreed to by the Contracting Parties and endorsed by the Australian Government Environment Minister (refer to the Australian National Guidelines, SEWPaC 2012, links provided below Table 2). Nomination requires agreement by relevant states and landholders in addition to consultation with land and water resource managers; Indigenous Australians, including Traditional Owners who have rights and obligations for the site; surrounding landowners; government management agencies; Local Land Services; community; industry; and community interest groups (SEWPaC 2012).

Additional information is required to clearly establish if Porters Creek Wetland is eligible for submission. This feasibility study is focused on the Porters Creek Wetland itself, however, Council may nominate to investigate the broader chain of wetlands in the Tuggerah Lakes Catchment subject to more in-depth analysis of the feasibility of this option.

Based on 1999 surveys 9 migratory bird species were using the wetland in summer (AEL 1999). However, notably no migratory birds are recorded in the wetland in NSW Bionet and there is only one record for Black necked Stork. Birddata database results are also limited. Additional information is required to identify the population size of threatened flora/fauna and ecological communities in the wetland and sub region to support nomination. Based on information available for this feasibility study and expert opinion it is considered unlikely that the wetland will be accepted for Ramsar listing.

Table 3: RAMSAR Criteria

Criterion	Definition	Porters Creek Wetland
1	representative, rare, or unique example of a natural or near-natural wetland type found within the appropriate biogeographic region.	Modified state. Unique in size in region not biogeographic region.
2	supports vulnerable, endangered, or critically endangered species or threatened ecological communities.	Yes

Criterion	Definition	Porters Creek Wetland	
3	supports populations of plant and/or animal species important for maintaining the biological diversity of a particular biogeographic region.	Unknown.	Additional information required.
4	supports plant and/or animal species at a critical stage in their life cycles, or provides refuge during adverse conditions.	Likely.	Additional information required.
5	regularly supports 20,000 or more waterbirds.	No	
6	1% of the individuals in a population of one species or subspecies of waterbird.	Unknown.	Additional information required.
7	supports a significant proportion of indigenous fish subspecies, species or families, life-history stages, species interactions and/or populations that are representative of wetland benefits and/or values and thereby contributes to global biological diversity.	No	
8	important source of food for fishes, spawning ground, nursery and/or migration path on which fish stocks, either within the wetland or elsewhere, depend.	Likely.	Additional information required.
9	regularly supports 1% of the individuals in a population of one species or subspecies of wetland-dependent non-avian animal species.	Unknown.	Additional information required.

Further information

<https://www.environment.gov.au/water/wetlands/ramsar/australian-national-guidelines>

<https://www.environment.gov.au/water/wetlands/publications/australian-ramsar-site-nomination-guidelines>

[National Framework and Guidance for Describing the Ecological Character of Australian Ramsar Wetlands](#)

[Birdlife Australia Birdata search results](#)

2.3 Protected Area Declaration

Under the NSW *National Parks and Wildlife Act 1974* (NPW Act) (Division 1, Section 30A), land may be protected through formal reservation or by entering into a Conservation Agreement. Conservation Agreements pertaining to Crown Land or lands of the Crown are still administered under the NPW Act, however, recent legislative reforms have migrated private land conservation administration to the BC Act. A title search completed by Council for this report indicate the land in Porters Creek Wetland is owned by Central Coast Council (and adjacent lots in private ownership) and therefore any Conservation Agreement would be under the BC Act.

2.3.1 National Parks and Wildlife Act

To pursue protection under the NPW Act, a reservation application must demonstrate how formal reservation of Porters Creek Wetland would be in keeping with the 'Draft NSW National Parks System Direction Statement' (OEH 2017). This would require a full biodiversity assessment and a funding agreement to facilitate ongoing park management. Reservation also triggers concurrence by Ministers administering the NSW *Crown Land Management Act 2016*, NSW *Fisheries Management Act 1994*, NSW *Forestry Act 2012*, and the NSW *Mining Act 1992* where applicable.

Preliminary liaison with OEH and NPWS has confirmed that the Porters Creek Wetland is unlikely to be accepted to the NSW reserve estate at this time (pers comm NPWS Central Coast Area Manager 9/4/19). The main reasons for this are the management issues associated with the wetland and the landscape context within urban catchment subject to ongoing development intensification. NPWS have limited capacity to respond to the complex management requirements of Porters Creek currently and are not the primary agency responsible for upstream catchment influences.

2.3.2 Conservation Agreement

The landholder (Council) may choose to enter into a Conservation Agreement (CA) for a period of 15 years or in perpetuity with the Minister for the Environment under the BC Act. A CA is a legally binding protection mechanism that does not generate biodiversity credits. The application criteria require the land to be assessed by the BCT. Current advice from BCT is that there is no difference in the length of time to process applications for CAs or BSAs, however, ELA understand Council may potentially shorten negotiation time by completing an independent ecological assessment and drafting the Conservation Agreement. A key difference between a CA and a BSA is that a CA infers immediate conservation whilst the BSA is effective from the point of sale of credits.

CAs are suited to natural areas for the purpose of protection, preservation and study, however, the agreement may also restrict access to the wetland and would bind the owner into specified management activities. Council may excise an area for public use including information centre and boardwalks identified prior to lodging the agreement. The agreement would then include management actions to address the interface and impacts from this permissible use within the area. The agreement may also bind the Minister to provide financial and/or technical assistance to the landholder to implement conservation actions. This is currently implemented through technical support provided by the BCT to the landholder. Support is available through financial concessions and eligibility to grants (BCT undated). Land subject to a CA may later be transferred to a BSA subject to agreement of the Minister. The Biodiversity Assessment Method applies a discount to the conservation gain calculated for land already protected under CA.

2.4 Planning Instruments

Policy instruments to protect biodiversity include restrictive zoning regulations, development controls, mandatory technical specifications, codes of practice, enforcement of direct liability e.g. polluters pay or clearing persecuted, direct intervention land acquisition and environmental assessment standards (Stoneham et al 2000). These regulatory tools are usually applied in conjunction with persuasive measures including education, financial incentives e.g. water tank program or by grant support (inward & outward grants).

2.4.1 Zoning

Council land within Porters Creek Wetland is currently zoned E2 Environmental Conservation (majority) and E3 Environmental Management (eastern portion). Therefore there is little protection to be gained from changing direct zoning within the wetland. E2 restricts most activities with the exception of infrastructure (water, sewerage, roads, helipads) and ecotourism facilities (with consent). E3 is also designed to limit most activities with a wider range of exceptions for community facilities, research, emergency services facilities and limited tourist accommodation.

Landuse zonings in the wetland catchment are varied. In the immediate wetland surrounds, the NSW *Coastal Management Act 2016* (CM Act) places restrictions on landuse intensification or increased development within a coastal vulnerability area identified by the Coastal Management SEPP. Direction 117 (Section 9-1-local-planning-directions-2018-05-01) also requires planning proposals to be consistent with the objects of the CM Act, the NSW Coastal Management Manual and Toolkit, the NSW Coastal Design Guidelines 2003 and the relevant Coastal Management Program that has been certified by the Minister. Central Coast Council may take into consideration protection of Porters Creek hydrological flows in the development of its Coastal Management Plan.

2.4.2 Local Environment Plan

Land use planning controls may be applied by Council to avoid and minimise direct and indirect impacts to Porters Creek Wetland from development activities in the catchment.

The current gazetted planning instrument applicable to the Porters Creek Wetland catchment is the Wyong Local Environment Plan 2013 (pending amalgamation into the Central Coast LEP and gazettal). There are current provisions for flood mapping precincts that cover extensive areas of the Porters Creek Wetland catchment. The main intention of these planning clauses is to minimise risks to life and property. Under the LEP Part 7.2 clause 3 d the consent authority can condition consent to ensure that development

(d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

Supplementary Local Provisions are required to add in controls that require proponents to consider indirect hydrological impacts to the Porters Creek Wetland and to mandate water sensitive urban design specifications. Council could then condition consent to force applicants to comply with LEP and or DCP.

Examples of relevant additional local provisions are Terrestrial Biodiversity overlays, Coastal Risk Planning and Wetlands. The Great Lakes LEP 2014 contains Local Provisions specific to Wetlands that applies to land identified as a wetland in the gazetted Wetland Map. The provisions require proponents to consider whether or not the development is likely to have any significant adverse impacts on natural water flows amongst other factors. An extract of the LEP is provided as an example of LEP clauses that may be applied

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or

(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Further information:

Current	flooding	clauses		Wyong	LEP
https://www.legislation.nsw.gov.au/#/view/EPI/2013/759/part7/cl7.2					
Wetland	example	clauses	Great	Lakes	LEP
https://legislation.nsw.gov.au/#/view/EPI/2014/176/part7/cl7.8					
Terrestrial	biodiversity	example	clauses	Shoalhaven	LEP
https://www.legislation.nsw.gov.au/#/view/EPI/2014/179/part7/cl7.5					

2.4.3 Development Control Plan

In addition to LEP clauses (statutory instrument) additional guidance can be provided by DCP clauses and technical specifications. As an example, the Great Lakes Council Development Control Plan clause 11 provides a comprehensive guide for applicants. This was developed by Council as a response to water quality issues in receiving sensitive environments that were also used for food production. Example controls for water sensitive design

Water Quality Treatments:

- a) *are to be calculated and designed in accordance with this section of the DCP, except in the instance of a Council approved Stormwater Strategy or Drainage Plan which may prescribe the other measures to satisfy water quality targets.*
- b) *wherever practical, are to be designed as part of any additional stormwater flow modification measures such as detention and infiltration in such a way as to retain, treat and infiltrate runoff events.*
- c) *should be integrated into landscaped areas to fit within the built environment of the development.*
- d) *and associated stormwater infrastructure which services more than one dwelling should be constructed on common property.*

Further information:

<https://www.midcoast.nsw.gov.au/Plan-Build/Stage-2-Rules-and-Regulations/Planning-Rules>

2.5 Catchment Measures

Council have indicated an interest in any additional measures that would minimise current impacts from surrounding areas. Effective stormwater runoff controls would provide immediate support to the health of Porters Creek Wetland. The documented decline in the health of Porters Creek wetland clearly supports upstream interventions to restore natural hydrological flows (Aquatic Ecological Investigations 1999, Ecological Engineering 2006, McManus et al 2007, Cardno 2009, BMT WBM 2017).

Natural water retention tools include sustainable drainage systems: swales, soakaways, infiltration trenches, rain gardens, detention basins and retention ponds. Porters Creek Wetland is itself a natural retention and filtration system. In addition adaptive building design tools include Green Roofs, rainwater harvesting, permeable paving, Sustainable Drainage Systems: swales, soakaways, infiltration trenches, rain gardens, detention basins, retention ponds, Green Roofs, rainwater harvesting and

permeable paving (McManus et al 2007). The Porters Creek Wetland Catchment Water Management Strategy contains advice on retrofit and future centralised and decentralised stormwater management (WBM BMT 2017).

The Tuggerah Lakes Estuary Management Plan recognises the importance of ecosystem services provided by Porters Creek Wetland including biofiltration. The plan currently includes one monitoring point in the wetland and two in the upstream catchment. It is recommended that the parameters, location and number of monitoring points is reviewed and increased to take into account overall wetland health. The 1999 ecological study of the wetland provides a useful baseline of data from which to monitor and compare changes over time. Design and implementation of a wetland health monitoring program would also serve to detect changes post intervention upstream to monitor the effectiveness of indirect protection through the LEP or other planning initiatives.

3. Comparative Analysis

This study has identified that two levels of protection are required to restore and maintain long term wetland health for Porters Creek Wetland. Direct protection of the wetland in Council's ownership (1) must be complimented by upstream controls on stormwater inflows from surrounding hard stand areas (2).

A comparative summary of protection mechanisms is provided in Table 4. For the purposes of this summary table 'additionality' is defined as providing more protection than current provisions e.g. Coastal Management SEPP and 'open space access' is reflective of the intent of the protection mechanism.

The study has confirmed that NPWS is not likely to accept formal reservation of the Porters Creek Wetland under the current strategic direction for NSW reserves.

Nomination for Ramsar listing is also regarded as unlikely based on available information and preliminary stakeholder consultation. Additional research is required to identify the ecological character of Porters Creek Wetland as a wetland of global significance. There is insufficient data on the population size and extent of threatened ecological communities and species present to support preliminary nomination. One benefit of Ramsar listing is that it would provide MNES status to the wetland (by default) and compel development proponents to consider indirect impacts to the sensitive, downstream receiver site. This may also be achieved through direct LEP Local Provisions with the support of DCP clauses and technical specifications to guide future development.

Two direct protection mechanisms are feasible and applicable to Porters Creek Wetland: Biodiversity Stewardship Agreements and Conservation Agreements. Initial analysis supports a two pronged approach with one or more Biodiversity Stewardship Agreements and a supplementary Conservation Agreement for remaining wetland areas.

The key differences between these two mechanisms are the immediacy of protection afforded, the option to sell credits to fund ongoing management costs and participation in the BOS that will enable economic development elsewhere in the area.

Both BSA and CA are assessed by the NSW Biodiversity Conservation Trust. The assessment (processing) time for both mechanisms is similar, however there are more steps to implementing a BSA including sale of credits to the market and the overall time to establish a BSA (up to implementation) is longer. The length of lead time may be shortened by adequate assessment in support of submissions. The length of market transaction time may be reduced with a market strategy for credit sales. Note that to establish a BSA, assessment must be undertaken by an accredited assessor in accordance with the BAM. Therefore the cost to establish a BSA may be higher than to establish a CA.

A BSA may be established via a number of pathways. If the entire Council portion of Porters Creek Wetland is entered into a single BSA, this means that enough of the ecosystem credits and species credits generated would need to be sold in a single transaction (or a number of transactions within a short time period) to reach the Total Fund Deposit amount and for management payments to commence. Therefore it is worth considering market demand prior to taking this option. The preliminary calculations undertaken for this study have identified sufficient credit potential to make BSA feasible. Additional investigations are required, including site inspection to determine site condition, specific management requirements and detailed analysis of market demand to inform a strategic to establishing BSAs.

Entering into a CA would have a discounting effect on a BSA if Council later chose to convert the Agreement. Reclassification of the land from operational to community land will also have a similar effect. CA has the advantage of conferring immediate protection, however, there is no automatic funding to cover ongoing management costs.

Establishing a CA would require approval from the BCT, as well as investigation of options for funding for management either through the BCT or external grants. There is no guarantee that any significant funding could be secured, or over what duration it would be available.

Table 4: Comparison of Protection Options for Porters Creek Wetland

Mechanism	Protection Level					Economic Factors				Indicative establishment Timeframe	Jurisdiction	Overall feasibility
	Immediacy of protection	Length of protection	Direct Impacts	Indirect Impacts	Additionality	Open Space access	Leverages development potential	Stormwater controls	Funding of management actions			
Biodiversity Stewardship Agreement	On credit sales	In perpetuity	✓	✗	✓	✗	✓	✗	✓	3-4 yrs	BCT	Good
Conservation Agreement	Immediate	15 yrs or in perpetuity	✓	✗	✓	(✗)	✗	✗	(✗)	1-2 yrs	BCT	Good
Ramsar	Immediate	In perpetuity	✓	via EPBC	✓	✓	tourism	✗	✗	3-5 yrs	Commonwealth	Unlikely
Formal Reservation	Permanent	In perpetuity	✓	✗	✓	✓	tourism	✗	✗	3-5 yrs	NSW NPWS	Unlikely
LEP Local Provisions	provisioned on consent	length of gazettal	✓	✓	✓	n/a	✓	✓	✗	1-2 yrs	Council	Good
DCP clause	provisioned on consent/ proponents discretion	length of gazettal	✓	✓	✓	n/a	✓	✓	✗	1-2 yrs	Council	Good
Catchment Measures	Various	n/a	✗	✓	✓	✓	✗	✓	Grant programs	On demand	Council/ community partnerships	Moderate

4. Recommendations

The primary protection mechanism recommended to Council is to enter into a series of Biodiversity Stewardship Agreements over the wetland. The main benefit of a BSA is that it can raise funds to support the complex rehabilitation needs of the wetland. It is recommended that the wetland is portioned into two or more BSAs and a complimentary CA in a multipronged approach that apportions valuable credit raising potential. This will provide Council with the flexibility to retain the northern portion of the wetland to provided offsets for the Wyong Strategic Lands Biodiversity Certification project. This option will also give greater flexibility in selling the credits generated on the market. A preliminary step is required to investigate site condition, management issues (costs) and more detailed market demand to inform the optimum size of BSA. Preparing for a BSA does not preclude Council also investigating what funding might be available to a CA for areas of the wetland that do not have in-demand credit values.

The secondary protection mechanism recommended is to develop a wetland specific local provisions for inclusion in the LEP to identify the wetland considerations for future upstream developments. This will need to be supported by a wetland map overlay in the LEP and clauses in the DCP to guide proponents on expectations to avoid and minimise indirect hydrological impacts to the wetland.

Supplementary measures recommended include:

- Maximise use of current LEP flood clauses to minimise environmental impacts to Porters Creek Wetland
- Align Council's pest/weed management and coastal management responsibilities to maximise integrated pest control in the wetland
- Ongoing implementation of the Tuggerah Lakes Estuary Management Plan
- Installation of a flow gauging station at confluence of the wetland and Porters Creek to measure the flow of water leaving the wetland and
- Instigate periodic ecological monitoring program to track wetland health. It is recommended that a review is undertaken to design the monitoring program and in particular, to recommend monitoring locations with consideration of the 11 original ecological assessment sites in the wetland (Aquatic Ecology Investigations 1999) and Stewardship requirements
- Generate funding to initiate implementation of the Porters Creek Wetland Catchment Water Management Strategy
- Identification of Porters Creek Wetland management requirements in the (future) Central Coast Coastal Management Plan.

If none of the above recommendations are taken, a wetland management plan could be prepared to support long term management as 'community land'. It is not recommended to reclassify the land from 'operational' to 'community land' if Council proceed with a BSA.

References

Biodiversity Conservation Trust (undated) Conservation Partners Program Guide for Landholders. Website accessed 9/4/19 https://www.bct.nsw.gov.au/sites/default/files/2018-05/ConservationPARTNERSProgram_Guide_for_Landholders.pdf

BMT WBM. 2017. Porters Creek Wetland Catchment Water Management Strategy 2016. July 2017. Report to Central Coast Council.

Cardno. 2009. Porters Creek Floodplain Risk Management Strategy. Report to the Floodplain Management Committee. Jointly funded by Wyong Council and the Department of Environment, Climate Change and Water.

Central Coast Council. 2018. Permanent Protection of Porters Creek Wetland Outcome of Investigations. Internal Report to Ordinary Council Meeting 10 December 2018. F2018/00020-02-D13231710

Eco Logical Australia. 2014. Wyong Strategic Lands Biocertification Assessment – Offset Options Analysis. Prepared for Wyong Council.'

Eco Logical Australia. 2016. Wyong Strategic Lands – Additional Field Survey. Prepared for Wyong Council.

Eco Logical Australia. 2017. Wyong Strategic Lands Biocertification Assessment – Update. Prepared for Wyong Council.

Ecological Engineering Pty Ltd 2005 Porter's Creek Wetland Stormwater Harvesting and Reuse Project (Australian Water Fund Application) Overview Report. June 2005. Report to Wyong Shire Council.

Ecological Engineering, 2006. Discussion Paper Modelling Rationale for the Porters Creek Stormwater Harvesting Strategy. June 2006. Report to Wyong Shire Council.

McManus R, Wong T and Breen P. 2007. Water Sensitive Urban Design Solutions for Catchments above Wetlands Overview Report. Hunter & Central Coast Regional Environmental Management Strategy, Thornton, NSW.

Office of Environment and Heritage. 2017. 'Biodiversity Stewardship Agreements for Landholders'. NSW Government sourced: https://www.bct.nsw.gov.au/sites/default/files/2018-04/offset_BSA_brochure.pdf

Office of Environment and Heritage. 2018. 'Biodiversity Offset Scheme. NSW Government sourced: <https://www.landmanagement.nsw.gov.au/biodiversity-offsets-scheme/>

Office of Environment and Heritage. 2019. 'Total Fund Deposit'. NSW Government sourced: <https://www.environment.nsw.gov.au/biodiversity/total-fund-deposit-discount-rate.htm>

Porters Creek Landcare website accessed 5/4/19 https://landcare.nsw.gov.au/groups/porters_Creek

RAMSAR. 2008. Strategic Framework and guidelines for the future development of the List of Wetlands of International Importance of the Convention on Wetlands (Ramsar, Iran, 1971). Third edition, as

adopted by Resolution VII.11 (COP7, 1999) and amended by Resolutions VII.13 (1999), VIII.11 and VIII.33 (COP8, 2002), IX.1 Annexes A and B (COP9, 2005), and X.20 (COP10, 2008).

RAMSAR. 2017. The Designation and Management of RAMSAR sites. Published by Ramsar Regional Center - East Asia. Website accessed 4th April 2019
https://www.ramsar.org/sites/default/files/documents/library/designation_management_ramsar_sites_e.pdf

Stoneham, Gary, Crowe Michael, Platt Stephen, Chaudhri Vivek, Soligo James, Strappazon Loris. 2000. Mechanisms for Biodiversity Conservation on Private Land.

Wyang Shire Council. 1999. Porters Creek Wetland Monitoring Program. Report prepared by Aquatic Ecological Investigations and Wyong Shire Council

Wyang Shire Council. 2009. Tuggerah Lakes Estuary Management Plan. Report prepared by Bio-Analysis Pty Ltd and Wyong Shire Council



1300 646 131
www.ecoaus.com.au



Item No: 3.2
Title: Meeting Record of the Tourism Advisory Committee held on 24 July 2019
Department: Connected Communities

9 September 2019 Ordinary Council Meeting

Trim Reference: F2018/01648 - D13631975

Manager: Sue Ledingham, Unit Manager Community Engagement

Executive: Julie Vaughan, Director Connected Communities

Report Purpose

To note the Meeting Record of the Tourism Advisory Committee held on 24 July 2019 and consider the recommendations to Council from the Committee.

Recommendation

- 1** *That Council receive the report on Meeting Record of the Tourism Advisory Committee held on 24 July 2019 that is Attachment 1 to this report.*
- 2** *That Council adopt the Terms of Reference for the Tourism Advisory Committee, as set out in Attachment 2 to this report.*
- 3** *That Council appoint Councillor Chris Holstein as the Chairperson for the Tourism Advisory Committee.*

Background

The Tourism Advisory Committee held its inaugural meeting on Wednesday, 24 July 2019. The Meeting Record of that meeting is Attachment 1 to this report.

At that meeting the Committee considered and adopted the Terms or Reference and recommended that Council appoint Councillor Chris Holstein as Chairperson of the Committee.

The Tourism Advisory Committee Meeting Record is being reported to Council in accordance with the relevant Terms of Reference.

Link to Community Strategic Plan

Theme 4: Responsible

**3.2 Meeting Record of the Tourism Advisory Committee held on 24 July 2019
(contd)**

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 | Tourism Advisory Committee Meeting Record - 24 July 2019 | D13631984 |
| 2 | Terms of Reference - Central Coast Tourism Advisory Committee | D13631997 |

Tourism Advisory Committee Meeting Record 24 July 2019



Location:	Central Coast Council Wyong Office Level 2 Committee Room 2 Hely Street, Wyong	
Date:	24 July 2019	
Time	Started at: 3.03pm	Closed at: 4.59pm
Chair	Councillor Chris Holstein	
File Ref	F2018/01648	

Present:

Mayor Jane Smith (arrived 3.44pm), Councillor Chris Holstein, Councillor Jeff Sundstrom, Robert Diaz, Nadia O'Connell, Emma Perham, Catharine Retter, Glenn Caldwell – Destination Sydney Surrounds North, David Jewell – Central Coast Tourism Inc. (arrived 3.28pm)

Council Staff present:

Julie Vaughan – Director Connected Communities, Sue Ledingham – Unit Manager Community Engagement, Carolyne Wildman – Section Manager Marketing and Tourism, Kelly Drover – Advisory Group Support Officer, Zoie Magann – Advisory Group Support Officer

Item 1 Welcome, Acknowledgement of Country and Apologies

Apologies received: Tim Faulkner, Bill Jackson, Russell Mills – Tourism Central Coast

Sue Ledingham (Unit Manager Community Engagement) welcomed the Advisory Group and completed an Acknowledgement of Country.

Item 2 Introductions

Each member of the Advisory Group briefly introduced themselves and noted their connection to the Tourism industry.

Item 3 Nomination of Chairperson

The Advisory Group discussed the election of a Chairperson.

Action: The Advisory Group recommends to Council that Councillor Chris Holstein be appointed as the Chairperson of the Tourism Advisory Committee.



Item 4 Disclosures of Interest

Mayor Jane Smith declared a less than significant non-pecuniary interest as a member of the Marine Discovery Centre Trust Committee.

Item 5 Terms of Reference

The Advisory Group discussed the draft Terms of Reference.

Action: The adopted Terms of Reference be reported to Council as soon as practicable.

Item 6 Destination Management Plan and Progress

Sue Ledingham (Unit Manager Community Engagement) provided a presentation including an overview of the Destination Management Plan, National Visitor Survey Results, and the Tourism Opportunity Plan (TOP). It was noted the TOP is currently on public exhibition until Friday 30 August 2019 – Advisory Group members were encouraged to submit any feedback they may have.

Action: Staff to circulate figures from National Visitor Survey Results to Advisory Group members.

Action: Staff to circulate link to Glasgow Tourism and Visitor Plan to Advisory Group members,

Action: Staff to circulate public exhibition link for TOP and 1,000 Little Things We Could Do to Advisory Group members.

It was commented there are core challenges for enabling tourism in addition to those identified in the presentation including lack of large conference facilities and range of accommodation, and high level of customer service. The possibility of rebranding as opposed to repositioning our current brand was also suggested (eg. move away from using 'Central Coast' as identifying factor – location may not be known).

Action: Staff to circulate the product review and analysis which support the TOP to Advisory Group members.

Item 7 Advisory Committee Action Plan for next 12 Months

The Advisory Group discussed future topics for focus. Some suggestions included:

- Old Sydney Town
- Data and research (supporting facts and feedback about tourism)
- 1,000 Little Ideas We Can Do (aspect of the TOP)
- Large events coming to the Central Coast which generate good tourism and the feedback on success of these events
- Communications to visitors (what is effective?)
- Visitor Information Services (locations of Information Centres and future plans)
- Transport networks and connection to services
- Economic Development Strategy presentation – accommodation and transport
- Further opportunities for exploration: conference market, day trips, sporting events
- Invite Darkinjung Local Aboriginal Land Council / Bara Barang – input into Indigenous culture

Tourism Advisory Committee Meeting Record
24 July 2019



- Presentation on Disability Inclusion Action Plan and supporting people with disabilities
- Feedback on what Council can facilitate better (where improvement is needed)
- Industry connections, collaboration and communication
- Tourism Opportunity Plan (public exhibition)
- Activating international tourism (eg. translations on websites, inbound tour operators)

Action: Glenn Caldwell to provide a presentation on how other regions have overcome blockages with regard to tourism opportunities that we are faced with.

Action: Glenn Caldwell to provide information on various strategies and/or reports for Advisory Group information.

Action: Extraordinary meeting to be held for briefing on TOP and Old Sydney Town on Wednesday 21 August 2019 – 3pm in Long Jetty (possibly at The Entrance Community Centre)

Item 8 General Business and Close

The Advisory Group noted there was a motion passed at the Ordinary Council Meeting on 22 July 2019 to explore the option of Central Coast Council hosting Sculpture by the Sea in the future.

The meeting closed at 4.59pm

Next Meeting: **Extraordinary Meeting**
 Wednesday 21 August 2019
 3pm – 4.30pm
 The Entrance Community Centre

Ordinary Meeting
Wednesday 23 October 2019
3pm – 5pm
Location TBC

Draft Terms of Reference – Central Coast Tourism Advisory Committee

1. Role

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

The role of the Central Coast Tourism Advisory Committee is to advise Council on matters relating to tourism destination management and marketing for the Central Coast Council local government area.

2. Responsibilities

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

- The advocacy of the Destination Management Plan and Tourism Opportunity Plan;
- Improving collaboration with tourism industry representation groups and relevant government funding bodies; and
- Promoting and supporting sustainable tourism.

3. Membership, Voting and Quorum.

Membership

Councillors:	Mayor Smith	Voting Member
	Councillor Holstein (Chair)	Voting Member
	Councillor Pilon	Voting Member
	Councillor Sundstrom	Voting Member
Community Members:	Robert Diaz	Voting Member
	Tim Faulkner	Voting Member
	Bill Jackson	Voting Member
	Nadia O'Connell	Voting Member
	Emma Perham	Voting Member
	Catharine Retter	Voting Member
Glenn Caldwell (Destination Sydney Surrounds North)	Voting Member	
David Jewell (Central Coast Tourism Inc.)	Voting Member	
Russell Mills (Tourism Central Coast)	Voting Member	

Draft Terms of Reference – Central Coast Tourism Advisory Committee

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

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

- Director Connected Communities (or their delegate)
- Unit Manager Community Engagement
- Section Manager Marketing and Tourism
- Tourism and Marketing Officer

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

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

Membership can be withdrawn by resolution of Council.

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

Casual Vacancy

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

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

Chairperson

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

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

Draft Terms of Reference – Central Coast Tourism Advisory Committee

Convenor

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

The Director Connected Communities (or their delegate) shall be the convenor of the Central Coast Tourism Advisory Committee.

Voting

No formal voting rules apply.

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

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

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

Quorum

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

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

4. Meetings

- Meetings are held quarterly;
- The Chairperson has the authority to call additional meetings;
- The agenda and meeting papers will be distributed to members at least three days prior to the meeting;
- Meetings will be recorded by the taking of minutes (meeting record) – the minutes will document agreed outcomes and will not record discussions.

5. Communications and reporting

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

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

Draft Terms of Reference – Central Coast Tourism Advisory Committee

Staff will prepare the report that recommends that Council note the meeting record of the Advisory Group. Reporting of Advisory Group recommendations to Council will be reported as Committee Recommendations without change. Staff will also provide professional commentary on the Group's recommendation and provide a staff recommendation which may or may not align to that of the Group.

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

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

6. Conduct

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

Each member of the Advisory Group will be provided with Council's adopted Code of Conduct and the Conduct of members is expected to be consistent with the principles outlined in the Code of Conduct.

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



Item No: 3.3
Title: Central Coast Bike Plan and Pedestrian Access and Mobility Plan
Department: Roads Transport Drainage and Waste

9 September 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13632372

Author: Todd Churchill, Team Leader Pathways and Road Inventory Assets

Manager: Jay Spare, Unit Manager, Roads Assets Planning and Design

Executive: Boris Bolgoff, Director Roads Transport Drainage and Waste

Summary

The purpose of this report is to seek Council's endorsement and adoption of the 2019 Central Coast Bike Plan and the 2019 Central Coast Pedestrian Access and Mobility Plan (PAMP).

The One Central Coast Community Strategic Plan 2018-2028 (CSP) identified that active transport was a priority for the community, with key objectives focused on 'creating a regional network of interconnected shared pathways and cycle ways to maximise access to key destinations and facilities' and 'provision of a safe, high-quality and well-connected network that enables pedestrians of all abilities to move efficiently and conveniently throughout the Central Coast'.

The Central Coast Council Bike Plan and PAMP will deliver on these objectives by providing a consistent strategic approach to the management of pathway infrastructure. The developed plans provide Council with a long-term strategy and a prioritised action plan to improve our cycling and walking routes and achieve a safe, convenient and well-connected network of pathways.

Recommendation

That Council receive and endorse the Central Coast Bike Plan and Central and Pedestrian Access and Mobility Plan.

Context

The purpose of the Bike Plan and PAMP is to provide strategic direction and ensure a consistent sustainable approach to planning, prioritising and constructing pathway infrastructure. Together, the plans will guide the ongoing provision of a well-connected active transport network for Central Coast residents and visitors over the next ten years.

A number of objectives were developed to define how the Bike Plan and PAMP would contribute to achieving the CSP focus areas. The objectives included:

- To sustainably deliver and maintain the active transport network
- To provide supporting facilities

- To plan for sustainable active transport in all developments and infrastructure projects
- To encourage people to cycle and walk
- To promote facilities
- To monitor participation in active transport

Priority Bike Plan and PAMP actions were identified based on best practice, engineering requirements and community feedback. To develop the Bike Plan, five target markets were considered to identify priority routes; connections to activity centres, public transport and schools, connections between centres and recreation / tourism routes. To develop the PAMP, town centre hierarchies and pedestrian usage were used to identify the priority PAMP areas.

Route audits were undertaken to identify any missing link projects within the priority routes / areas. The audit information was used to supplement existing pathway project mapping and was referenced against the community feedback received during the consultation period. Other pathway projects outside the priority routes have also been included in the plans. These works include a combination of new facilities and improvements to existing facilities.

In total, 339 projects worth an estimated \$338.3M were identified in the Bike Plan and a further 1,045 projects worth an estimated \$74.2M were identified in the PAMP. The exact alignment and cost of the shared paths will be refined as part of the project development process which will involve further community consultation. Refer to Appendix A and B of both the Bike Plan and PAMP for a full list of the priority projects and maps respectively.

Both documents have been prepared in accordance with Roads and Maritime Services guidelines to enable Council to apply for Active Transport Grant funding. The documents have been prepared together to ensure that the strategies are aligned, as many cycling routes are also popular walking routes and the implementation of shared paths will cater for both needs.

Consultation

As part of the development of the Bike Plan and PAMP, a detailed and comprehensive engagement plan was implemented to obtain feedback from the community and internal / external stakeholders in relation to pathways, shared paths, bike paths and accessibility options. This included:

- Establishment of an Internal Working Group to leverage corporate knowledge and ensure collaborative place based outcomes.
- Advertising and community and stakeholder awareness initiatives via multiple media releases, social media, print media and radio campaigns.
- Creation of the Our Coast, Our Pathways website portal to keep the community informed and provide a single location to provide feedback.

3.3 Central Coast Bike Plan and Pedestrian Access and Mobility Plan (contd)

- Innovative use of online interactive 'social pin-pointing' maps to encourage community members to drop a pin with suggestions for improvements to existing pathways, to identify new shared paths, bike paths, footpaths and accessibility improvements – in total 1,305 pins were dropped by community members.
- Provision of online and paper surveys to provide additional opportunities for feedback – in total 925 surveys were completed by residents in the Local Government area.
- Two community information sessions at Tuggerah and Erina to enable residents and stakeholders to drop in, learn about the project and provide feedback.
- Two workshops with key interest groups including walking groups, cycling groups, NSW Health, Roads and Maritime Services to validate outcomes and refine key principles.
- Two Councillor Briefings to provide information to Councillors and the opportunity for Councillors to provide their input into the plans as well as a follow up Briefing to discuss the final plans.
- Formal public exhibition of the final draft plans to obtain further community feedback.
- Establishment of the Pedestrian Access and Mobility Advisory (PAMA) Committee who undertook a final review and provided additional comments on the plans.

As a result of the further consultation, the following changes were made to the plan:

- Enhanced definition and reinforced the references to sustainability.
- Emphasised the use of best practice technologies and approaches.
- Reinforced the reference to safety in accordance with Roads and Maritime Services guidelines.
- Added eight new projects identified by internal and external stakeholders including; new footpaths at Narrawa Avenue, Blue Wren Close, Excelsior Street, Tom Close and Ocean View Drive, new shared paths at Kurrawa Avenue, Malinya Avenue and making Parktree Village to Elizabeth Bay Drive a stand alone shared path project.
- More clearly defined the Mannering Park foreshore shared path project numbers (link identification 136 and 349)

A dashboard summary of the early consultation phase is shown in Figure 1 below.

Common themes across the engagement were continuity of pathways, connectivity to facilities, access to our natural assets e.g. waterways and coastal areas, safety, accessibility and an appropriate level of ongoing maintenance.



Figure 1: Summary of the consultation undertaken to inform preparation of the Bike Plan and PAMP

Financial Impact

The Bike Plan and PAMP work schedules contain a range of works including new pathways, facility upgrades and detailed audit / renewal programs. In total these works comprise:

- Bike Plan 339 projects \$338.3M
- PAMP 1,045 projects \$74.2M

- Combined 1,384 projects \$412.5M

The delivery of these projects will be funded as part of the annual capital works budget in line with current practice. This will primarily involve funding via general revenue with supplementary funding via development contributions if available. Council will also actively pursue grant funding opportunities to accelerate delivery of the program.

The implementation of these plans does not have an impact on Council’s financial position.

Link to Community Strategic Plan

Theme 5: Liveable

Goal L: Healthy lifestyle for a growing community

3.3 Central Coast Bike Plan and Pedestrian Access and Mobility Plan (contd)

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

Attachments

1	Draft Central Coast Council Bike Plan 2019	Provided under separate cover	D13644670
2	Draft Central Coast Council Bike Plan Appendices 2019	Provided under separate cover	D13644672
3	Draft Central Coast Council PAMP 2019	Provided under separate cover	D13644673
4	Draft Central Coast Council PAMP Appendices 2019	Provided under separate cover	D13644675



Item No: 3.4
Title: Public Exhibition of proposed changes to 2019-20 Sportsfield Fees
Department: Finance

9 September 2019 Ordinary Council Meeting

Trim Reference: F2019/00464 - D13643898

Author: Mellissa McKee, Financial Controller

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

Executive: Craig Norman, Chief Financial Officer

Purpose of the Report

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 its meeting of 12 August 2019 Council proposed to change the categorisation of a number of sporting fields and a charge a new rate of \$858.87 per ground. This report is to advise Council that the next step in the process is to publicly exhibit the proposed changes.

Recommendation

- 1 That Council endorse, for public exhibition pursuant to s. 610F of the Local Government Act 1993, the changes to Sportsfield Categories and related fees and charges as set out in attachment 1 to this report.**
- 2 That Council note the proposed fees subject of resolution 1 have not been adopted and that a further report will be presented to Council after the public exhibition of the fees has been completed.**

Background

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 its meeting of 12 August 2019 Council proposed to change the categorisation of a number of sporting fields and a charge a new rate of \$858.87 per ground. Council resolved as follows on 12 August 2019:

710/19 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:

3.4 Public Exhibition of proposed changes to 2019-20 Sportsfield Fees (contd)

<i>Old Gosford LGA -</i>	<i>Davistown Oval, Eve Williams Oval, Terry Oval, Fred Pinkstone, Kitchener Oval, Patrick Croke and Saratoga Oval</i>
<i>Old Wyong LGA -</i>	<i>Eastern Road Top Oval, Harry Moore Oval 3, Sir Joseph Banks Passive, Lakehaven 1 and 2, Mannering Park Oval, Norah Head Hockey Oval, Sohler Park 4, Tunkuwallin Oval 1 and 2, Tuggerah Oval 1 and Wadalba High School 3</i>

Section 610F of the *Local Government Act 1993* ("LG Act") requires Council to publicly exhibit any changes or additions to its Fees and Charges for a period of 28 days prior to their implementation. The relevant sections of the LG Act are as follows:

610F Public notice of fees

- (1) *A council must not determine the amount of a fee until it has given public notice of the fee in accordance with this section and has considered any submissions duly made to it during the period of public notice.*
- (2) *Public notice of the amount of a proposed fee must be given (in accordance with section 405) in the draft operational plan for the year in which the fee is to be made.*
- (3) *However, if, after the date on which the operational plan commences:*
 - (a) *a new service is provided, or the nature or extent of an existing service is changed,*
or
 - (b) *the regulations in accordance with which the fee is determined are amended,*

the council must give public notice (in accordance with section 705) for at least 28 days of the fee proposed for the new or changed service or the fee determined in accordance with the amended regulations.

Section 705 of the LG Act describes the requirements of giving public notice.

705 What is public notice?

- (1) *If the council or another person is required to give public notice under this Act, the notice must state the place at which, the dates on which, and the times during which the matter publicly notified may be inspected by the public.*
- (2) *The notice is to be in the approved form.*
- (3) *The notice is to be given in a manner determined by the council with the object of bringing the matter notified to the attention of as many people in its area as possible.*

Consultation

Public Exhibition

In accordance with Sections 610F and 705 of the LG Act, it is proposed to publicly exhibit the proposed changes from 13 September 2019 to 11 October 2019, an advertisement will be placed in the Central Coast Express Advocate on 12 September 2019 and report will be presented to back to Council detailing the submissions received during the exhibition period.

During exhibition the proposed changes will be displayed 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 engagement hub

Exhibition activities included:

- Advertisement in local print media, including the Central Coast Express Advocate

Options

Council can determine to progress to public exhibition or not to progress to public exhibition of the proposed changes to Sportsfield Categories and related fees and charges.

Financial Impact

The endorsement of the proposed fees will have an impact on the income estimates included in Council's adopted 2019-20 Operational Plan. A budget adjustment will be included as part of Council's quarterly budget review process.

The proposal will see fees for 2019-20 set per day, per field (inclusive of GST) as follows:

- Level 1 \$1,363.25;
- Level 2 \$1,260.75; and
- Level 3 \$858.87.

The adoption of the new fee will reduce income by an estimated \$7,000 in 2019-20 financial year but this will vary dependant on the requests for ground usage.

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.

Risk Management

The exhibition of the proposed changes to 2019-20 Sportsfield Categories and related fees and charges complies with the requirements of the LG Act.

Critical Dates or Timeframes

It is important that Council approves the public exhibition in a timely manner, so that the appropriate fees can be charged for the remainder of 2019-20.

The fees and charges requiring exhibition are set out in Attachment 1. It is proposed to give public notice and to publicly exhibit those fees and charges in accordance with ss. 610F and 705 of the LG Act for 28 days. Any submissions will be duly considered and reported back to Council before being adopted.

Attachments

- 1** 2019-20 Proposed Sportfield Categories and associated Fees and Charges D13644485
Amendments

Proposed Amendment to 2019-20 Fees and Charges

Council proposed that the following grounds be classified as Level 3 grounds and fees and charges set at a rate of \$858.87 (including GST) per day, per field as from 2019-20 financial year.

Former Gosford Local Government Area

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

Former Wyong Local Government Area

- 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

Fee Category – 5

The price of this good/service is set at a level to make a contribution towards the cost of providing the service. With the remainder of the costs being subsidised by Council in the provision of this service.

Item No: 3.5
Title: Winney Bay
Department: Environment and Planning



9 September 2019 Ordinary Council Meeting

Trim Reference: F2019/00042 - D13647771

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

Executive: Scott Cox, Director Environment and Planning

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: 4.1
Title: QON - Q72/18 - Old Grove School Site
Department: Governance

9 September 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13641588
Author: Mary-Ellen Wallace, Special Counsel
Manager: Gordon Plath, General Counsel
Executive: Evan Hutchings, Director Governance

4.1 QON - Q72/18 - Old Grove School Site

The following question was asked by Councillor Matthews at the Ordinary Meeting on 28 May 2018:

Can staff please advise what has become of the previous Wyong Councils' motion that Council pursue compulsory acquisition of the Old Grove School site or part of?

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

Council did not proceed with the compulsory acquisition of this site on the ground that the site was no longer required.

Council notified the Crown that it was not proceeding with the acquisition in August 2017.

Attachments

Nil.



Item No: 4.2
Title: QON - Q190/18 - Plumbing Contractors
Department: Connected Communities

9 September 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13633048

Author: Kim Radford, Unit Manager, Facilities Management and Asset Management

Executive: Julie Vaughan, Director Connected Communities

4.2 QON - Q190/18 - Plumbing Contractors

The following question was asked by Councillor Matthews at the Ordinary Meeting on 8 October 2018:

Why does Central Coast Council engage an on call plumbing contractor from Maitland on weekends and not one of our local 330,000+ residents?

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

The information provided relates to the Adcock Netball Courts and plumbing call-outs, that occurred on weekends in the past 12 months.

Council's Plumber, who at the time resided near Maitland, was required to attend the site on two occasions. It is assumed that Council's Plumber may have been questioned as to why it took some time for him to attend, or similar, and he has possibly advised that he had travelled from Maitland, and not that we were contracting plumbers from Maitland.

Attachments

Nil.



Item No: 4.3
Title: QON - Q214/18 - Blue Green Algae at Blackwall
Department: Environment and Planning

9 September 2019 Ordinary Council Meeting

Trim Reference: F2004/06823 - D13643392
Author: Peter Sheath, Section Manager, Waterways
Manager: Luke Sulkowski, Unit Manager, Natural and Environmental Assets
Executive: Scott Cox, Director Environment and Planning

4.3 QON - Q14/18 -Blue Green Algae at Blackwall

The following question was submitted by Councillor Gale Collins at the Ordinary Meeting of Council on 29 October 2018 :

Is council addressing the blue green algae bloom at Blackwall stormwater outfall as it's negatively impacting pelicans and aqua life?

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

An issue arose in 2016 in the stormwater channel alongside the Peninsula Leisure Centre, near Alpha Road, Blackwall.

Council was advised in a letter dated 19 September 2016 by the New South Wales Environment Protection Authority that algal toxins in the stormwater channel was the most likely cause of unexplained water birds deaths at Blackwall at the stormwater outlet.

Council responded by:

- Carrying out a catchment audit to identify and reduce nutrient sources in the catchment,
- Undertaking weekly field testing in the stormwater canal and laboratory analysis from 10 October 2016, and
- Preparing an algae management plan dated November 2016.

Council's monitoring program did not find the presence of potentially toxic blue green algae in the stormwater canal.

The monitoring ceased in April 2017. Staff are unaware of any further reports of alleged blue green outbreaks at this location since that time.

Attachments

Nil.



Item No: 4.4
Title: QON - Q215/18 - Ocean Beach SLSC all inclusive access
Department: Environment and Planning

9 September 2019 Ordinary Council Meeting

Trim Reference: F2017/01579 - D13643892

Author: Ben Fullagar, Section Manager, Coastal Protection

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

Executive: Scott Cox, Director Environment and Planning

4.4 QON - Q215/18 - Ocean Beach SLSC all inclusive access

The following question was submitted by Councillor Gale Collins at the Ordinary Meeting on 29 October 2018 :

Please advise when the Beach all inclusive access will be available at Ocean Beach SLSC?

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

Due to erosion of the beach and the steep drop off causing public safety concerns, the concrete ramp access in front of the life guard tower in the middle of Ocean Beach has been closed for a number of years. This 'middle' access was not constructed as an emergency or disabled 'all inclusive' access but was constructed by Council for operational vehicles such as the beach cleaner tractor to access the beach. Council does not plan to reinstate this 'middle' access in the foreseeable future due to the available alternative access points to the beach and the continuing threat from coastal erosion.

There are two other public access points to Ocean Beach at this locality. One is in front of the surf lifesaving club and another is in front of the car park (refer to attachment 1)

Council staff met with the President of the Ocean Beach Surf Life Saving Club in November 2018 to discuss the continuing erosion issue and the upgrade of the board and chain access in front of the surf club. Council staff have since upgraded the board and chain and continue to maintain this access including re-grading the sand as needed.

The previous access was never designed as an all inclusive access, and there are presently no plans to design or construct an all inclusive access at this location.

With the recent supply of additional sand in front of the surf club, from the NSW Government managed dredging, staff will re-grade the access to reduce the steepness. It is however uncertain how long the additional sand will stay on the beach and therefore how long the access can be maintained at a lower grade.

Attachments

1 Aerial photo Ocean Beach SLSC all inclusive access D13646782



Figure 1: Public beach accesses in the vicinity of Ocean Beach Surf Life Saving Club.



Item No: 4.5
Title: QON - Q118/19 - Paper Bark Trees
Department: Environment and Planning

9 September 2019 Ordinary Council Meeting

Trim Reference: F2019/00042 - D13604740

Author: Scott Irwin, Emergency Environmental Management Coordinator

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

Executive: Scott Cox, Director Environment and Planning

4.5 QON - Q118/19 - Paper Bark Trees

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

Could staff please advise if the old paperbark trees of cultural significance at McKenzie reserve Budgewoi – which were previously acknowledged and protected under the old Wyong Shire tree policy – are protected by any Central Coast Council policies?

If the trees are not protected, what would be the best approach or policy to reinstate ongoing protection for these trees?

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

The trees at McKenzie Reserve Budgewoi are provided certain protections under the following planning instruments and legislation;

- Local Government Act 1993
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- Biodiversity Conservation Act 2016 (Endangered Ecological Community (EEC))

Exemptions apply if the vegetation is a risk to human life or property, or if the trees are dead or dying and not key habitat for native or threatened species. Key habitat may include trees bearing hollows suitable for nesting, roosting and or shelter.

Attachments

Nil.



Item No: 5.1
Title: Questions with Notice
Department: Governance

9 September 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13639644

5.1 Questions with Notice

The following question was submitted by Councillor Sundstrom:

What progress has been made regarding a redesign for the proposed Winney Bay Clifftop Walk?

The answer will be provided by the Director of Environment and Planning on or before the 9 September 2019 Ordinary Meeting.

The following question was submitted by Councillor Sundstrom:

What contact has been made with the local Aboriginal Communities with regards to ensuring that they have the opportunity to have direct input and that there is the appropriate recognition and respect paid to the indigenous heritage of the location?

The answer will be provided by the Director Environment and Planning on or before the 9 September 2019 Ordinary Meeting.

The following question was submitted by Councillor MacGregor:

Potential water restrictions for the Central Coast Council area

What are the current water levels as of this council meeting and what is the current likelihood of the Central Coast entering into water restrictions in the coming months?

The answer will be provided by the Director Water and Sewer on or before the 9 September 2019 Ordinary Meeting.

The following question was submitted by Councillor MacGregor:

Can Council please provide an explanation of how council identifies potholes and roads most in need of rectification work and how we are currently progressing with these road repair works in the CCLGA at the time of this council meeting?

5.1 Questions with Notice (contd)

Response provided by the Director Roads, Transport, Drainage and Waste:

This question as provided requires resources to prepare a detailed response. As a result it is not possible to provide a response for this Council meeting and it is proposed to provide the response for the inclusion in the Business Paper for the meeting of 23 September 2019.

Attachments

Nil



Item No: 6.1
Title: Notice of Motion - Lakes Lost
Department: Councillor

9 September 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13647279

Author: Greg Best, Councillor
Bruce McLachlan, Councillor

Councillors Best and McLachlan have given notice that at the Ordinary Council Meeting to be held on 9 September 2019 they will move the following motion:

- 1** *That Council concedes that its efforts have now failed to reverse the continuing deterioration and degradation of the Tuggerah Lakes System.*
- 2** *That with Estuarine environmental and overall water quality now in serious question, Council as a matter of urgency seek further assistance, from both the State and Federal Governments to tackle this escalating environment disaster.*
- 3** *That Council, for the first time, now seek to convene a 'whole of Government' response through a joint meeting with both State and Federal Members, to discuss funding a 2020 critical Lakes Restoration Project.*
- 4** *That Council recognises many of the issues affecting our local waterways are man-made problems, and will require man-made solutions.*
- 5** *That Council recognise the long standing community frustrations, of inaction, and so called "band aid" solutions.*
- 6** *That Council request the Chief Executive Officer to provide a report as a matter of urgency regarding the progress around this emerging environmental crisis.*

Attachments

Nil.

Item No: 6.2
Title: Notice of Motion - Gosford to Finally Shake Off the Ghetto
Department: Councillor



9 September 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13647448

Author: Bruce McLachlan, Councillor

Councillor McLachlan has given notice that at the Ordinary Council Meeting to be held on 9 September 2019 he will move the following motion:

- 1** *That Council recognise Gosford had suffered a poor public image and reputation damage from decades of stagnation and development inactivity however is now finally in transition.*
- 2** *That Council has a core responsibility to assist our local economy, and to maintain that forward momentum.*
- 3** *That Council now recognises the major opportunity to transform Gosford's public image into a vibrant, revitalised modern waterfront Regional CBD city.*
- 4** *That Council recognises the strategic geographic position of Gosford, as the first major city north of Sydney Harbour, and Pittwater, with the recreational, business, and public fast ferry transport opportunity, this geographic advantage offers.*
- 5** *That Council recognises the major new high rise developments both planned, and underway in Gosford, will require new resident recreational amenity and we are a Coastal society, and the major resident attractions are our beaches and waterways,*
- 6** *That the Central Coast in general has lagged behind other regions, in adding new waterfront amenity.*
- 7** *That Council recognises any new commercial / Marina development would provide new car parking, opportunity for fast ferry terminal, and additional bike/ walking pathway linkage to Tascott Koolewong reserves, over Narara Creek*
- 8** *That Council recognise the former Gosford City Council and RDACC had already undertaken studies into the location, and are available to Council.*
- 9** *That Council request the the Chief Executive Officer now investigate, and provide a briefing back to Councillors, on options available to activate Gosford Waterfront.*

10 That Council request the Chief Executive Officer write to the NSW Government Architects office, and seek design input and assistance in progressing the matter.

Background Overview

Gosford, after decades of stagnation, is in transition, with the major new Medical Precinct providing a catalyst for confidence for development. However with the property cycle peaking, Council must now look at other areas to maintain this forward momentum.

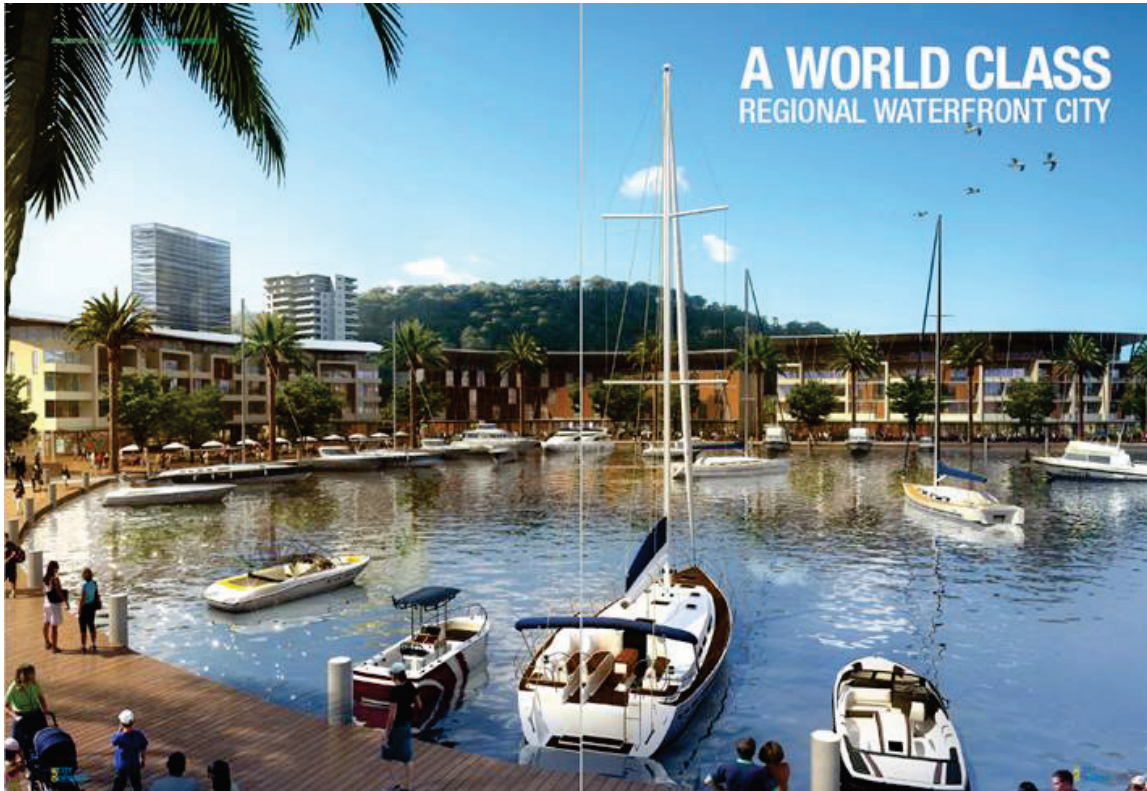
Gosford's poor public, downtrodden perception would be transformed overnight with the addition of a new vibrant waterfront Marina Precinct. Activation of the Gosford Waterfront would bring about much needed new resident amenity, and would radiate confidence in the Region, spreading out to other locations across the Coast.

Residents are now increasingly tired of previous opposition to progress to hold the Coast back, and have resented the ghetto like reputation that Gosford had slipped in to, and are seeking progress and prosperity.

Importantly residents are seeking local employment, and a transformed Gosford CBD will add confidence to the Region, bringing new employment projects. I believe now is time to revisit activation of the Gosford Waterfront as a major step forward for the new Council and the newly formed Region.







Attachments

Nil.



Item No: 6.3
Title: Notice of Motion - Declaration Legal Advice Around Impacts on Property Owned by Councillors Due to Climate Change Policy
Department: Councillor

9 September 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13648298

Author: Greg Best, Councillor
Jilly Pilon, Councillor

Councillors Best and Pilon have given notice that at the Ordinary Council Meeting to be held on 9 September 2019 they will move the following motion:

- 1 That Council recognises the importance of providing adequate and accurate disclosure declarations.**
- 2 That due to the emerging impacts around Council's Climate Change Policy on Regional Property Values, Council now seek legal advice as to what obligations Councillors may have around their disclosures as a consequence of Climate Change Policy impacts on their homes.**

Councillor's Note

Councillors this, as I am sure you will agree, is a most important issue around transparency and governance. Clearly the emerging and cumulative impacts of climate policy on Councillors' assets/homes may affect our lawful capacity to participate in any debate. A similar such situation occurs around Rates and some LEP Matters where exemptions from the Code exist to allow Elected Representatives to participate on behalf of their Community. From my past experience with Wyong Council when similar such policies around flooding were sought to be introduced, insurance policies escalated 200-300% and property values began to plunge. If Council had continued with this policy, this in itself is a monetary consideration and could well put Councillors into a pecuniary voting exclusion. To avoid this, and quite possibly a failure in our quorum, I seek a common sense approach whereby Council seeks a single legal advice rather than 15 Councillors seeking individual and confusingly varied advice. Whilst this is a focus on Councillor assets, a similar potential monetary impact will also occur for many thousands of Ratepayers.

Attachments

Nil.



Item No: 6.4
Title: Notice of Motion - World Record Opportunity for The Entrance
Department: Councillor

9 September 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13648541

Author: Bruce McLachlan, Councillor

Councillor McLachlan has given notice that at the Ordinary Council Meeting to be held on 9 September he will move the following motion:

- 1** *That Council recognise our declined tourism numbers compared to competing regions of the Hunter, Blue Mountains and South Coast and that new attractions are needed on the Central Coast to boost our local tourism.*
- 2** *That Council recognises the ongoing popularity and success other towns and regions enjoy via the addition of a world's biggest tourism attraction.*
- 3** *That Council recognise the opportunity exists to create a tourism attraction via a new "World's Tallest Pelican Statue" for the Central Coast, with the current world's tallest Pelican statue, standing at just 4.7m tall or 15.5 feet.*
- 4** *That Council utilise some of the existing budget allocated in this year's budget to replace existing pelican statue and ask the Chief Executive Officer to invite local and international artists, in an expression of interest tender, to design a new world record attempt pelican statue.*
- 5** *That the expression of interest tender for design should ensure that:*
 - a** *any designs aims to create an artistic, educational, landmark pelican statue, that can have an educational environmental message, as well as achieving a new world record for The Entrance, and the Central Coast.*
 - b** *any design be of artistic endeavour , thought provoking and educational to the impacts of plastic on our local birdlife, and can be a showcase for our local school children to visit on marine study events, as well as a fun selfie landmark, for social media promotion of The Entrance.*
 - c** *any design demonstrate environmental and educational qualities, that can promote environmental education to the impacts of plastics and litter, and becomes symbolic to our iconic pelican feed.*
- 6** *That Council request the Chief Executive Officer to provide a further report on designs and costing once complete.*

- 7** *That Council recognise the popular and long standing pelican feed show at The Entrance, and its wonderful volunteers, and review current resourcing and support to make the attraction "World Class".*

Attachments

Nil.



Item No: 6.5
Title: Notice of Motion - Water Security Emergency
Department: Councillor

9 September 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13648584

Author: Greg Best, Councillor
Jilly Pilon, Councillor
Bruce McLachlan, Councillor

Councillors Best, Pilon and McLachlan have given notice that at the Ordinary Council Meeting to be held on 9 September they will move the following motion:

- 1** *That with New South Wales now almost entirely in drought resulting in many sister Councils such as Armidale, Tamworth, Orange, Tenterfield, Cobar and Bathurst, facing 'zero day' (entirely running out of water) in the next six to twelve months, Council move to an emergency footing around our remaining water supply.*
- 2** *That with the Central Coast facing scheduled Level 1 water restrictions by Christmas and less than four years supply remaining (no rain), the Hunter going into restrictions on September 19th for the first time in 25 years and Sydney triggering water restrictions, this Council now takes a proactive stance and triggers our restrictions early commencing at Level 2 at 50% of MCD, thereby potentially saving 16% of our total consumption.*
- 3** *That Council recognises that simply moving to Level 2 restrictions immediately still allows our Community to water gardens and wash vehicles whilst substantially extending our dam life, prior to run out.*
- 4** *That Council recognises the importance of civic leadership and the lessons learnt from the 2002-2007 drought when MCD reached 10.3%.*
- 5** *That with MCD now at 51.9% Council uses the next seven weeks remaining before scheduled trigger to begin the Community awareness and education programs around our transition to greater water security.*

Councillor's Note

Councillors, I would like to thank you for supporting my Motion earlier this year to raise our restriction trigger levels up to 50%. Since this time, many events have conspired to apply even more pressure on our water supply. I have recently travelled from Brisbane to the Victorian border on leave and have taken time to witness first-hand the utter devastation that is occurring not only in our rural sector but along much of our Coast. This drought knows no bounds. It is beyond politics, it should not be second guessed or taken lightly.

I am advocating that we show genuine leadership in managing this critical asset that we are entrusted to by more than 300,000 Central Coast Residents.

The Motion is self-explanatory. It seeks to take a proactive and leading role in what is emerging to be possibly one of our most significant challenges. The lessons learnt from the 2002 drought will place us in a more sound position. To put it simply and with a sobering perspective, if inaction is the order of the day and we are not blessed with rain, we will run 340,000 people, Residents, Ratepayers and Businesses out of water. Currently our Region consumes approximately 70-80 mega litres of water per annum and if the worst came to the worst and we had to construct our \$150 million, three year build Desalination Plant, it can only produce approximately 20 mega litres per annum. Even with this technology, our Region will severely struggle.

To sharpen focus around the task we are facing Climate Experts indicate a 70% chance of an El Nino forming in the next few months that will cement even lower rainfall patterns. Since the last major drought, climate variability has become a key issue. Also as in the past we will not be able to rely on the Hunter through a reverse flow in our Northern pipeline. We have forecasts of catastrophic bushfire season looming, thousands of more residents have arrived since our previous drought and the Christmas tourist influx will soon be upon us. It is incumbent upon us to act decisively and swiftly around this developing issue.

At the end of the day, to be prudent and to act will cost us little then the stark contrast that will occur around inaction. I believe our Community as they did in the previous serious drought will step up and will join us in working together to manage this emerging issue. I thank you on behalf of our Community in anticipation of your support.

To assist colleagues in your consideration of this critically important issue, I have taken the liberty of including the most recent Restriction Matrix and most recent Staff Report under water supply issues arising from my previous Motion earlier this year.

Attachments

- | | | |
|----------|---|-----------|
| 1 | Water Security - Ordinary Meeting 11 February 2019 | D13429083 |
| 2 | Water Restrictions modified after in accordance with resolution and also level 1 refined to reflect level 2 modificationsV1 | D02968729 |

:



Item No: 3.4
Title: Water Security
Department: Water and Sewer

11 February 2019 Ordinary Council Meeting

Trim Reference: F2018/01339 - D13429083

Author: Garry Casement, Section Manager Headworks

Manager: Luke Drury, Section Manager Water Services and Design

Executive: Bileen Nel, Director, Water and Sewer

Report Purpose

At its meeting of 10 September 2018, Council resolved:

- 947/18 *That Council notes New South Wales is now declared 100% drought affected and that extreme weather patterns appear to be prevailing resulting in less (than traditionally expected) annual rainfall.*
- 948/18 *That in response, Council now proactively and responsibly consider all water security options to optimise:*
- a Water usage on the output side.*
 - b Protect current and seek out alternate sources for water collection on the input side.*
- 949/18 *That Council review its water restrictions pathways with a view to adopting the most suitable and timely triggers for all levels of water restrictions.*
- 950/18 *That Council request the Chief Executive Officer report to Council on our general water security status and risk minimisation opportunities. Such a report should pay particular attention to the looming threats to our water security including:*
- a The possible approval of the Wallarah 2 Coal Mine and its effects on our water supply.*
 - b Climate Change*

Summary

Council has a number of plans, measures and activities in place to respond to the following variances and risks to water security:

- future water demand requirements and population growth;
- climate risks and changes;
- development that could impact water quantity and/or quality in the drinking water catchments;

3.4 Water Security (contd)

- changes to regulatory requirements.

These plans are being reviewed and will be updated to enable Central Coast Council to respond to current and future needs.

Recommendation

- 1 That Council note the contents of this report in regards to current water resource planning activities and drought response.**
- 2 That Council endorse the Chief Executive Officer to amend the trigger points for the introduction and removal of the existing stages of Central Coast water restrictions to those outlined in Table 1.**

Context

Central Coast's Integrated Water Resources Plan, previously known as *WaterPlan 2050*, is the long term blueprint for managing the Central Coast's water resources that identified how to:

- further enhance the water supply system;
- continue to use water as efficiently as possible;
- develop additional future sources of water.

Council is undertaking a review of its Integrated Water Resources Plan as part of its ongoing planning, risk management activities and regulatory compliance. This is being undertaken in parallel and in close collaboration with the review of the Lower Hunter Water Plan being led by the NSW Department of Industry in conjunction with Hunter Water Corporation. The purpose of collaboration is to identify any mutual beneficial options available through greater cooperation between the two regions.

The Plan will also take into account NSW Department of Industry's *Greater Hunter Regional Water Strategy* which sets a foundation for better regional water management, covering the Central Coast, Hunter Valley and Mid-North Coast.

1. Water Demand

The long term water supply demand for the Central Coast is shown in Figure 1 below. Water restrictions were applied across the Central Coast from February 2002 to May 2012. Once water restrictions were removed, demand has not increased to pre-restriction levels even though there has been considerable population growth over that period. Total system demand has dropped from an average of 329 L/person/day in 2001 to 262L/person/day in 2018.

3.4 Water Security (contd)

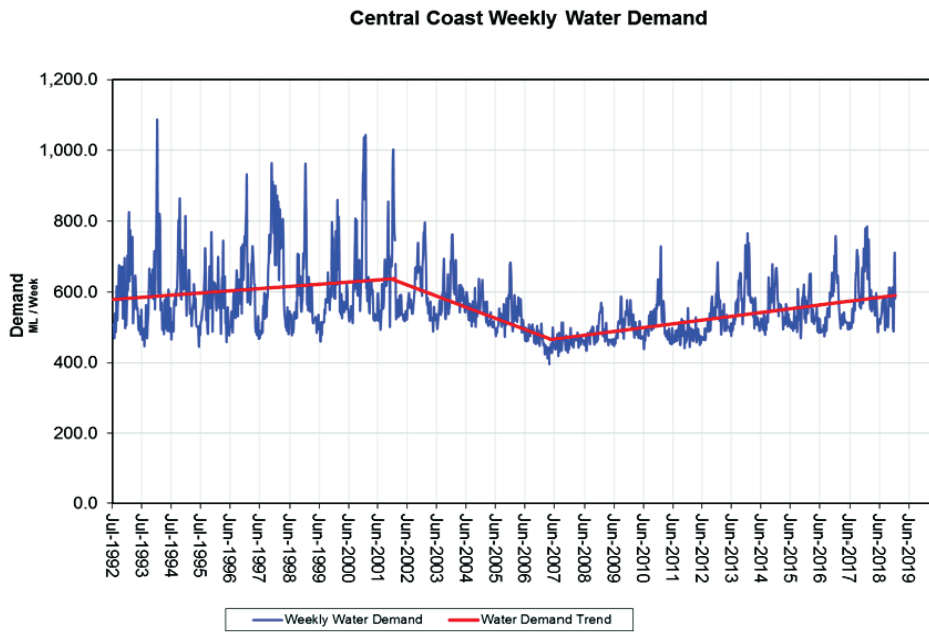


Figure 1 Central Coast water demand

2. Water Supply

Most of NSW is currently affected by drought including the Central Coast. Council has entered the current declared drought in a better position than when it entered the Millennium Drought .

This is reflected in the Water Storage Level in Figure 2 below which shows current storage levels are approximately 60% at the commencement of this potential drought phase as compared to levels approximately 45% prior to the Millennium Drought.

3.4 Water Security (contd)

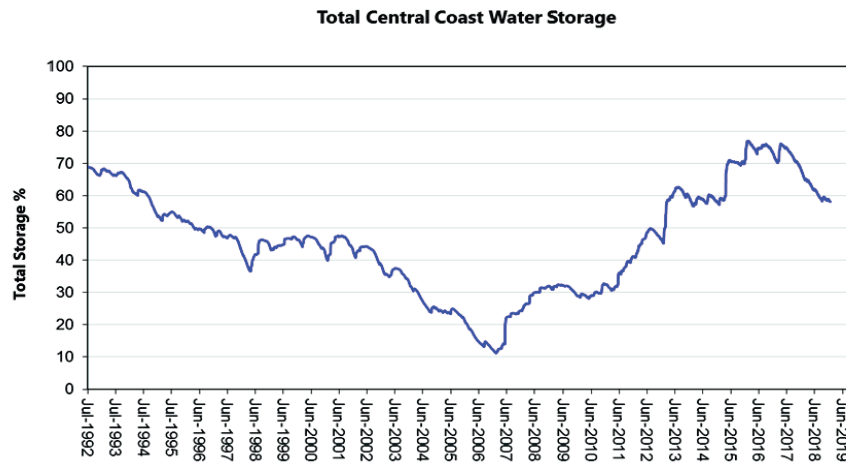


Figure 2: Central Coast water storage level

A number of improvements have also been made to the system that enables it to perform relatively better than during the Millennium Drought. Key improvements are shown in Figure 3, and include the following:

- A transfer main between Hunter Water and the Central Coast;
- A major link between the Mardi Dam and Mangrove Creek Dam including a new Wyong River pump station and fishway, Mardi to Mangrove Pump Station;
- Mardi Water Treatment Plant - Dual Power Supply;
- Mardi Dam to Mardi Treatment Plant Transfer system, including pump station and dam tower;
- The establishment of a number of small groundwater sources.

Since the Millennium Drought, increased environmental flow requirements for Wyong River have reduced Council's access to water during low to medium stream flows.

To address this, the Mardi Mangrove Link project included a larger pump station on Wyong River to extract more water during wet periods for storage in Mangrove Creek Dam. A new low flow fishway was also installed on the Wyong Weir to improve fish passage. This means that, on average, more water can be harvested for the water supply which it is done in a more environmentally sustainable manner.

3.4 Water Security (contd)



Figure 3: New assets and improvements since start of millennium drought

3.4 Water Security (contd)

3. Risk mitigation opportunities

Council is currently undertaking a number of activities to proactively ensure water security for the Central Coast water supply.

The Water and Sewer Directorate has established the Drought Management Working Group whose functions are to:

- Monitor water demand and the effects of drought conditions on the Central Coast water supply;
- Review and advise on actions to manage emerging drought conditions.

Council is also investing in capital works such as:

- The \$7.8M Mangrove Creek Dam Spillway Upgrade and Capacity Restoration project which will enable Mangrove Creek Dam to be filled to 100% (from its current maximum operating limit of 80%) Under current plans this work would be completed by 2022.
- The \$61M Mardi to Warnervale Trunk Water Pipeline programmed to commence construction in 2020.

Please note: These capital works are subject to the IPART determination expected in May 2019.

4. Other Risks

Whilst improvements to the water supply system have been made and are continuing, a number of other risks that have the potential to negatively impact the security of the supply, such as:

1. Wallarah 2 Coalmine.
2. Greater climate variability than previously recognised and changes to the hydrologic cycle and demand.
3. Future water demand requirements.
4. Changes to regulatory requirements.

4.1. Wallarah 2 Coalmine

The proposed Wallarah 2 Coalmine presents a risk to the streamflows that the Central Coast water supply sources from Wyong River. Council formally objected to the proposed coalmine proceeding on the basis of this and other risks and impacts.

Notwithstanding the risks the mine poses to the water supply, the conditions of consent contain compensatory water arrangements for the Central Coast water supply to offset the

3.4 Water Security (contd)

impacts on the amount of water available for the water supply. A no net loss of water condition was sought by Council and is considered essential. As the compensatory water would be used as a raw water supply, the discharge water quality would need to meet broader parameters than just the usual environmental parameters.

4.2. Climate Variability

There is emerging research indicating that the climatic conditions in eastern Australia are more variable than the relatively short instrument records indicate (approximately 130 years). This has the potential to impact our understanding of the yield and security of the water supply as the duration, frequency and severity of dry periods may be more extreme than has been previously captured in the instrument records on which the system has been designed.

As part of the review of the Integrated Water Resource Plan, Council is reassessing the historical hydrology of the source catchments. To achieve this, a new rainfall runoff model is being developed for the source catchments using the eWater hydrology tools. These tools were established by the eWater Cooperative Research Centre (CRC) which established the National Hydrologic Modelling Platform. This is being applied in conjunction with more advanced rainfall data analysis that is now available.

The development of the new rainfall runoff model for the catchments will provide a better tool for modelling the impacts of changes to climatic parameters on the available stream flows and system behaviour. However, there is still significant uncertainty as to the level of change and rate of change of specific climatic parameters, particularly at the local scale.

To address the inherent uncertainties regarding future climate conditions, it is proposed that the analysis and options assessment incorporate system resilience criteria and identify possible future development pathways. This will allow for the ongoing development of a system that can accommodate and adapt to future conditions and opportunities as required.

4.3. Future Water Demands

Due to the long lead times involved with developing water supply infrastructure, a good understanding of the future water demands under various climatic conditions is required. There are a number of factors that influence demands including: population size/ demographics, socio economic factors, industrial/commercial activities, development patterns, housing types, water use behaviour, appliance efficiencies, customer service level expectations, development requirements, local climatic attributes and community response under drought conditions.

3.4 Water Security (contd)

To better assess future demands, Council:

- has recently developed a water supply demand model to inform future water demand needs;
- is collaborating with other water supply organisations to improve understanding of water use behaviour and trends.

4.4. Regulatory Changes

Council's water business is highly regulated. Many standards and regulations have the potential to impact on the water security through changes in requirements affecting the ongoing development and operation of the water supply. Examples of issues that impact the water supply include:

- Changes to the assessment of extreme flood hydrology limiting the ability to fill Mangrove Creek Dam until it is upgraded;
- Regulations impacting Council's development and funding of the water supply.

Council manages these risks by keeping abreast of emerging regulatory changes, providing input to review process and amending plans as appropriate. A key consideration in developing longer term water supply strategies and options is to assess their resilience to a range of regulatory changes.

5. Water Restrictions

The Central Coast Council's water restriction rules and guidelines were last reviewed in 2011 following the completion of the Mardi to Mangrove Link project and partial storage recovery after the millennium drought. A copy of the current Water Restrictions Rules Matrix is shown in Appendix 1.

The level at which the water restrictions are triggered mainly involves balancing the duration/frequency at which restrictions are likely to be required against the risk of the storages declining to low levels.

Previous optimisation analysis (2010) for the water supply identified that in the longer term the initiation of level 1 water restrictions should occur when Mangrove Creek Dam storage level dropped to 50%. Similar increases were also identified for the other restriction levels, with the increases to occur as customer demand approached the water supply system's capacity (yield).

In light of emerging information on climate variability being more extreme than recognised in the previous analysis (likely lower yield), it is considered prudent to increase the restriction guideline triggers to the longer term levels identified in the 2010 optimisation analysis. In effect this would allocate the current excess yield capacity (while demands are lower) to

3.4 Water Security (contd)

reducing the risk of running out of water, rather than the current approach of allocating it to reducing the amount of time spent on restrictions. The consequences of increased time on restrictions are significantly less for a community than reaching critically low storage levels. The current water restriction guidelines along with proposed changes to these restriction level triggers is shown in Table 1 below.

Table 1: Current Water Restriction Guidelines (Endorsed 2011) and Proposed New Levels

Restriction Level	Initiate Restriction when Mangrove Creek Dam reduces to	Remove Restriction when Mangrove Creek Dam rises to	Target Reduction during restriction level	Proposed New Restriction Level. Mangrove Creek Dam reduces to	Remove Restriction Level when Mangrove Creek Dam rises to
	2012	2012		2019	2019
Level 1	42%	44%	8%	50%	52%
Level 2	34%	36%	16%	40%	42%
Level 3	30%	32%	24%	35%	37%
Level 4	26%	28%	27%	30%	32%
Level 5	22%	24%	30%	25%	27%

The restrictions are presented as guidelines that should be applied within the overall context of the relevant factors influencing the security of the supply such as:

- The seasonal outlook (for stream flows, rainfall and temperature);
- Achievement of the current restriction target;
- The timing and risk associated with any contingency water supplies, and
- Any other relevant information.

It should be noted that the trigger to remove restrictions is 2% higher than the trigger to introduce that restriction level. For example level 2 water restrictions would be introduced when Mangrove Creek Dam (MCD) dropped to 40 % but would change to level 1 water restrictions when MCD rose to 42%.

6. Drought Management Response

Council operates the water supply system to perform over a range of climatic conditions. This includes normal ongoing activities to reduce water demands on the system such as leak management and community engagement and education.

The operating rules incorporate triggers for utilising various sources to provide water security for the Central Coast. These include stream flows, water stored in dams, groundwater, inter regional water transfers and water restrictions.

3.4 Water Security (contd)

However, in the event that the system was to undergo a prolonged and consistent decline associated with severe drought conditions, additional actions could be undertaken to extend the remaining supplies until storage levels were to recover. These include consideration of:

- The establishment of a drought management forum with the NSW Government to coordinate agency drought responses;
- Introducing rebate programs to invest in water saving appliances and practices;
- Increased community engagement and education to further reduce water consumption;
- Consider desalination as a last option.

7. Link to Community Strategic Plan

Theme 4: Responsible

We're a responsible Council and community, committed to building strong relationships and delivering a great customer experience in all our interactions.

It is recognised that a secure water supply is essential for economic development and a liveable community.

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 | Water Restriction Rules | D02968729 |
| 2 | Wallarah Coal Project Compensatory Agreements | D13429551 |

Attachment 1

Water Restriction Rules

Current Water Restriction Rules						
	Anticipated Water Wise Rules 4%	Level 1 8%	Level 2 16%	Level 3 24%	Level 4 27%	Level 5 30%
Target saving	4%	8%	16%	24%	27%	30%
Lawns & Garden	<ul style="list-style-type: none"> Watering including with sprinklers and irrigation systems is permitted any day before 10am and after 4 pm to avoid heat of the day All hand held hoses to have a trigger nozzle 	<ul style="list-style-type: none"> No fixed hoses or sprinklers (including micro spray) Hand-held hoses (with a trigger nozzle) and drip irrigation systems can be used any day before 10am and after 4 pm to avoid heat of the day Watering cans may be used to water at any time on any day. 	<ul style="list-style-type: none"> No fixed hoses or sprinklers (including micro spray) Hand-held hoses (with a trigger nozzle) and drip irrigation systems can be used for 1 hour a day on three days of the week, between the hours of 6.00 am - 9.00 am and 4.00 pm - 7.00 pm (Odd numbered homes Mon, Wed & Sat, Even numbered homes Tues, Thur & Sun) Watering cans may be used to water at any time on any day. 	<ul style="list-style-type: none"> No fixed hoses or sprinklers (including micro spray) Hand-held hoses (with a trigger nozzle) and drip irrigation systems can be used for 1 hour a day on two days of the week, between the hours of 6.00 am - 9.00 am and 4.00 pm - 7.00 pm (Odd numbered homes Wed & Sat, Even numbered homes Thur & Sun) Watering cans may be used to water at any time on any day. 	<ul style="list-style-type: none"> No hoses or sprinklers (including micro spray) Watering cans may be used to water at any time on any day. 	<ul style="list-style-type: none"> All external use of town water banned
Vehicle / Boat Washing**	<ul style="list-style-type: none"> All road vehicles (including cars, trucks, caravans and cars in car yards) and boats and their trailers may be washed with a bucket or a hose provided a trigger nozzle or pressure cleaner is used Hose to flush boat engines is permitted 	<ul style="list-style-type: none"> All road vehicles (including cars, trucks, caravans and cars in car yards) and boats and their trailers may be washed with a bucket or a hose provided a trigger nozzle or pressure cleaner is used Hose to flush boat engines is permitted 	<ul style="list-style-type: none"> All road vehicles (including cars, trucks, caravans and cars in car yards) and boats and their trailers may be washed with a bucket or a hose provided a trigger nozzle or pressure cleaner is used Hose to flush boat engines is permitted 	<ul style="list-style-type: none"> All road vehicles (including cars, trucks, caravans and cars in car yards) and boats and their trailers may be washed with a bucket or a hose provided a trigger nozzle or pressure cleaner is used Hose to flush boat engines is permitted 	<ul style="list-style-type: none"> All road vehicles (including cars, trucks, caravans and cars in car yards) and boats may be washed with a bucket Boats trailers may be washed with a bucket or a hose provided a trigger nozzle or pressure cleaner is used (max 5 mins) Hose to flush boat engines (max 5 mins) 	<ul style="list-style-type: none"> All external use of town water banned. Vehicles windows can be cleaned using a bucket.
Hard Surfaces	<ul style="list-style-type: none"> No hosing of paths and driveways. 	<ul style="list-style-type: none"> No hosing of paths and driveways. 	<ul style="list-style-type: none"> No hosing of paths and driveways. 	<ul style="list-style-type: none"> No washing or wetting of any external surface is permitted, including paths, driveways, building surface, outside furniture or structures. 	<ul style="list-style-type: none"> No washing or wetting of any external surface is permitted, including paths, driveways, building surface, outside furniture or structures. 	<ul style="list-style-type: none"> All external use of town water banned
Private Pools	<ul style="list-style-type: none"> Topping up of existing pools using a hose from the town water supply is permitted. 	<ul style="list-style-type: none"> Topping up of existing pools using a hose from the town water supply is permitted. 	<ul style="list-style-type: none"> Emptying and refilling of existing pools using a hose from the town water supply is not permitted. Topping up of existing pools using a hose from the town water supply is permitted. Filling of new pools from the town water supply is permitted. 	<ul style="list-style-type: none"> Topping or refilling of existing pools using a hose from the town water supply is not permitted. A bucket may be used or supply other than the drinking water supply system. Filling of new pools from the town water supply is permitted. 	<ul style="list-style-type: none"> Topping or refilling of existing pools using a hose from the town water supply is not permitted. A bucket may be used or supply other than the drinking water supply system. Filling of new pools from the town water supply is not permitted. 	<ul style="list-style-type: none"> All external use of town water banned
Bowling Greens, Golf greens & Cricket Pitches	<ul style="list-style-type: none"> Watering including with sprinklers and irrigation systems is permitted any day before 10am and after 4 pm to avoid heat of the day All hand held hoses to have a trigger nozzle 	<ul style="list-style-type: none"> Fixed watering system up to 2hr per day 6.00 -8.00 am 6.00 -10.00 pm 	<ul style="list-style-type: none"> Fixed watering system up to 2hr per day 6.00 -8.00 am 6.00 -10.00 pm 	<ul style="list-style-type: none"> Watering systems for a total of 1 hour per day on Monday, Wednesday and Friday between the hours of 6.00 am - 8.00 am and 6.00 pm - 8.00 pm are permitted. 	<ul style="list-style-type: none"> Watering systems for a total of 1 hour per day on Monday, Wednesday and Friday between the hours of 6.00 am - 8.00 am and 6.00 pm - 8.00 pm are permitted. 	<ul style="list-style-type: none"> All external use of town water banned
Nurseries & Commercial Gardens	<ul style="list-style-type: none"> Watering including with sprinklers and irrigation systems is permitted any day before 10am and after 4 pm to avoid heat of the day All hand held hoses to have a trigger nozzle 	<ul style="list-style-type: none"> Fixed watering system up to 4hr per day -6.00 -8.00 am 6.00 -8.00 pm 	<ul style="list-style-type: none"> Fixed watering system up to 2hr per day 6.00 -8.00 am 6.00 -8.00 pm 	<ul style="list-style-type: none"> Watering systems for a total of 1 hour per day between the hours of 6.00 am - 8.00 am and 6.00 pm - 8.00 pm are permitted. 	<ul style="list-style-type: none"> Watering systems for a total of 1 hour per day between the hours of 6.00 am - 8.00 am and 6.00 pm - 8.00 pm are permitted. 	<ul style="list-style-type: none"> All external use of town water banned
Sporting Fields, School Ovals and Grassed Areas	<ul style="list-style-type: none"> Watering including with sprinklers and irrigation systems is permitted any day before 10am and after 4 pm to avoid heat of the day All hand held hoses to have a trigger nozzle 	<ul style="list-style-type: none"> Fixed water systems three times a week between 6.00 - 10.00 pm 	<ul style="list-style-type: none"> Fixed water systems two times a week between 6.00 -10.00 pm 	<ul style="list-style-type: none"> All external use of town water banned. 	<ul style="list-style-type: none"> All external use of town water banned. 	<ul style="list-style-type: none"> All external use of town water banned.
Water Cartage from Town Water Supply	<ul style="list-style-type: none"> Permitted 	<ul style="list-style-type: none"> Permitted for domestic internal Use Only 	<ul style="list-style-type: none"> Permitted for domestic internal Use Only 	<ul style="list-style-type: none"> Permitted for domestic internal Use Only 	<ul style="list-style-type: none"> Permitted for domestic internal Use Only 	<ul style="list-style-type: none"> Permitted for domestic internal Use Only
Auto Flush urinals	<ul style="list-style-type: none"> Timer controlled operation is not permitted. 	<ul style="list-style-type: none"> Timer controlled operation is not permitted. 	<ul style="list-style-type: none"> Timer controlled operation is not permitted. 	<ul style="list-style-type: none"> Timer controlled operation is not permitted. 	<ul style="list-style-type: none"> Timer controlled operation is not permitted. 	<ul style="list-style-type: none"> Timer controlled operation is not permitted.
Public Beach showers, fish tables and boat ramp taps.	<ul style="list-style-type: none"> Permitted. 	<ul style="list-style-type: none"> Permitted. 	<ul style="list-style-type: none"> Permitted. 	<ul style="list-style-type: none"> Permitted. 	<ul style="list-style-type: none"> Not permitted. 	<ul style="list-style-type: none"> Not permitted.
Customers with an annual demand greater than 3,500KL and hotels, motels, resorts, caravan parks and public pools	<ul style="list-style-type: none"> Preparation and implementation of a Water Management Plan 	<ul style="list-style-type: none"> Preparation and implementation of an approved Water Management Plan 	<ul style="list-style-type: none"> Preparation and implementation of an approved Water Management Plan 	<ul style="list-style-type: none"> Preparation and implementation of a Water Management Plan is required to achieve a minimum of 24 % reduction on pre restriction (2001) water usage. 	<ul style="list-style-type: none"> Preparation and implementation of a Water Management Plan is required to achieve a minimum of 24 % reduction on pre restriction (2001) water usage. 	<ul style="list-style-type: none"> Preparation and implementation of a Water Management Plan is required to achieve a minimum of 24 % reduction on pre restriction (2001) water usage.
Voluntary residential target	<ul style="list-style-type: none"> 150 Litres per person per day. 	<ul style="list-style-type: none"> 150 Litres per person per day. 	<ul style="list-style-type: none"> 150 Litres per person per day. 	<ul style="list-style-type: none"> 150 Litres per person per day. 	<ul style="list-style-type: none"> 150 Litres per person per day. 	<ul style="list-style-type: none"> 140 Litres per person per day.

Wallarrah Coal Project – Agreed CC Water Supply Compensatory Arrangements

Central Coast Water Supply Compensatory Arrangement

17. Prior to the approval of any Extraction Plan that authorises extraction of Longwall 6N, the Applicant must establish and implement a Central Coast Water Supply Compensatory Arrangement which provides 300 megalitres per annum of water to the Central Coast Water Supply system. The Central Coast Water Supply Compensatory Arrangement must:
- a) be prepared in consultation with Council and CLWD;
 - b) be submitted for the approval of the Secretary not less than 12 months prior to the planned extraction of Longwall 6N;
 - c) supply mine water treated to an appropriate level for release into the receiving environment in the Central Coast Water Supply including an equivalent or better quality for pH, dissolved oxygen and electrical conductivity as the receiving environment;
 - d) discharge at least 300 megalitres per annum of treated water directly into the Central Coast Water Supply system at a location mutually agreed with Council;
 - e) incorporate an on-line water quality monitoring system that monitors river water quality upstream and downstream of the discharge point, and has the capability to connect to and integrate into Council's supervisory control and data acquisition system, in order to ensure that required water quality parameters for discharged treated water are met;
 - f) operate at least until the cessation of mining operations (see condition 5 of Schedule 2); and
 - g) include operational procedures for the compensatory water transfer system, agreed with Council, to ensure that operation of the system is compatible with Council's water supply infrastructure.

Any dispute over the implementation of the Arrangement may be referred by either party to the Secretary for resolution.

Note: This condition does not remove any obligation for the Applicant to obtain:

1. necessary water licences for the development under the Water Management Act 2000; and
2. approval for the construction and implementation of the Water Supply Compensatory Arrangement under the EP&A Act.

Current Water Restriction Rules						
Target saving	Anticipated Water Wise Rules 4 %	Level 1 8%	Level 2 16%	Level 3 24%	Level 4 27%	Level 5 30%
Lawns & Garden	<ul style="list-style-type: none"> Watering including with sprinklers and irrigation systems is permitted any day before 10am and after 4 pm to avoid heat of the day All hand held hoses to have a trigger nozzle 	<ul style="list-style-type: none"> No fixed hoses or sprinklers (<i>including micro spray</i>) Hand-held hoses (with a trigger nozzle) and drip irrigation systems can be used any day before 10am and after 4 pm to avoid heat of the day Watering cans may be used to water at any time on any day. 	<ul style="list-style-type: none"> No fixed hoses or sprinklers (<i>including micro spray</i>) Hand-held hoses (with a trigger nozzle) and drip irrigation systems can be used for 1 hour a day on three days of the week, between the hours of 6.00 am - 9.00 am and 4.00 pm - 7.00 pm (Odd numbered homes Mon, Wed & Sat, Even numbered homes Tues, Thur & Sun) Watering cans may be used to water at any time on any day. 	<ul style="list-style-type: none"> No fixed hoses or sprinklers (<i>including micro spray</i>) Hand-held hoses (with a trigger nozzle) and drip irrigation systems can be used for 1 hour a day on two days of the week, between the hours of 6.00 am - 9.00 am and 4.00 pm - 7.00 pm (Odd numbered homes Wed & Sat, Even numbered homes Thur & Sun) Watering cans may be used to water at any time on any day. 	<ul style="list-style-type: none"> No hoses or sprinklers (<i>including micro spray</i>) Watering cans may be used to water at any time on any day. 	<ul style="list-style-type: none"> All external use of town water banned
Vehicle / Boat Washing**	<ul style="list-style-type: none"> All road vehicles (including cars, trucks, caravans and cars in car yards) and boats and their trailers may be washed with a bucket or a hose provided a trigger nozzle or pressure cleaner is used Hose to flush boat engines is permitted 	<ul style="list-style-type: none"> All road vehicles (including cars, trucks, caravans and cars in car yards) and boats and their trailers may be washed with a bucket or a hose provided a trigger nozzle or pressure cleaner is used Hose to flush boat engines is permitted 	<ul style="list-style-type: none"> All road vehicles (including cars, trucks, caravans and cars in car yards) and boats and their trailers may be washed with a bucket or a hose provided a trigger nozzle or pressure cleaner is used Hose to flush boat engines is permitted 	<ul style="list-style-type: none"> All road vehicles (including cars, trucks, caravans and cars in car yards) and boats and their trailers may be washed with a bucket or a hose provided a trigger nozzle or pressure cleaner is used Hose to flush boat engines is permitted 	<ul style="list-style-type: none"> All road vehicles (including cars, trucks, caravans and cars in car yards) and boats may be washed with a bucket Boats trailers may be washed with a bucket or a hose provided a trigger nozzle or pressure cleaner is used (max 5 mins). Hose to flush boat engines (max 5 mins) 	<ul style="list-style-type: none"> All external use of town water banned. Vehicles windows can be cleaned using a bucket.
Hard Surfaces	<ul style="list-style-type: none"> No hosing of paths and driveways. 	<ul style="list-style-type: none"> No hosing of paths and driveways. 	<ul style="list-style-type: none"> No hosing of paths and driveways. 	<ul style="list-style-type: none"> No washing or wetting of any external surface is permitted, including paths, driveways, building surface, outside furniture or structures. 	<ul style="list-style-type: none"> No washing or wetting of any external surface is permitted, including paths, driveways, building surface, outside furniture or structures. 	<ul style="list-style-type: none"> All external use of town water banned
Private Pools	<ul style="list-style-type: none"> Topping up of existing pools using a hose from the town water supply is permitted, 	<ul style="list-style-type: none"> Topping up of existing pools using a hose from the town water supply is permitted, 	<ul style="list-style-type: none"> Emptying and refilling of existing pools using a hose from the town water supply is not permitted, Topping up of existing pools using a hose from the town water supply is permitted, Filling of new pools from the town water supply is permitted. 	<ul style="list-style-type: none"> Topping or refilling of existing pools using a hose from the town water supply is not permitted. A bucket may be used or supply other than the drinking water supply system, Filling of new pools from the town water supply is permitted. 	<ul style="list-style-type: none"> Topping or refilling of existing pools using a hose from the town water supply is not permitted. A bucket may be used or supply other than the drinking water supply system, Filling of new pools from the town water supply is not permitted. 	<ul style="list-style-type: none"> All external use of town water banned
Bowling Greens, Golf greens & Cricket Pitches	<ul style="list-style-type: none"> Watering including with sprinklers and irrigation systems is permitted any day before 10am and after 4 pm to avoid heat of the day All hand held hoses to have a trigger nozzle 	<ul style="list-style-type: none"> Fixed watering system up to 2hr per day 6.00 -8.00 am 6.00 -10.00 pm 	<ul style="list-style-type: none"> Fixed watering system up to 2hr per day 6.00 -8.00 am 6.00 -10.00 pm 	<ul style="list-style-type: none"> Watering systems for a total of 1 hour per day on Monday, Wednesday and Friday between the hours of 6.00 am - 8.00 am and 6.00 pm - 8.00 pm are permitted. 	<ul style="list-style-type: none"> Watering systems for a total of 1 hour per day on Monday, Wednesday and Friday between the hours of 6.00 am - 8.00 am and 6.00 pm - 8.00 pm are permitted. 	<ul style="list-style-type: none"> All external use of town water banned
Nurseries & Commercial Gardens	<ul style="list-style-type: none"> Watering including with sprinklers and irrigation systems is permitted any day before 10am and after 4 pm to avoid heat of the day All hand held hoses to have a trigger nozzle 	<ul style="list-style-type: none"> Fixed watering system up to 4hr per day -6.00 -8.00 am 6.00 -8.00 pm 	<ul style="list-style-type: none"> Fixed watering system up to 2hr per day 6.00 -8.00 am 6.00 -8.00 pm 	<ul style="list-style-type: none"> Watering systems for a total of 1 hour per day between the hours of 6.00 am - 8.00 am and 6.00 pm - 8.00 pm are permitted. 	<ul style="list-style-type: none"> Watering systems for a total of 1 hour per day between the hours of 6.00 am - 8.00 am and 6.00 pm - 8.00 pm are permitted. 	<ul style="list-style-type: none"> All external use of town water banned
Sporting Fields, School Ovals and Grassed Areas	<ul style="list-style-type: none"> Watering including with sprinklers and irrigation systems is permitted any day before 10am and after 4 pm to avoid heat of the day All hand held hoses to have a trigger nozzle 	<ul style="list-style-type: none"> Fixed water systems three times a week between 6.00 -10.00 pm 	<ul style="list-style-type: none"> Fixed water systems two times a week between 6.00 -10.00 pm 	<ul style="list-style-type: none"> All external use of town water banned. 	<ul style="list-style-type: none"> All external use of town water banned. 	<ul style="list-style-type: none"> All external use of town water banned.
Water Cartage from Town Water Supply	<ul style="list-style-type: none"> Permitted 	<ul style="list-style-type: none"> Permitted for domestic internal Use Only 	<ul style="list-style-type: none"> Permitted for domestic internal Use Only 	<ul style="list-style-type: none"> Permitted for domestic internal Use Only 	<ul style="list-style-type: none"> Permitted for domestic internal Use Only 	<ul style="list-style-type: none"> Permitted for domestic internal Use Only
Auto Flush urinals	<ul style="list-style-type: none"> Timer controlled operation is not permitted. 	<ul style="list-style-type: none"> Timer controlled operation is not permitted. 	<ul style="list-style-type: none"> Timer controlled operation is not permitted. 	<ul style="list-style-type: none"> Timer controlled operation is not permitted. 	<ul style="list-style-type: none"> Timer controlled operation is not permitted. 	<ul style="list-style-type: none"> Timer controlled operation is not permitted.
Public Beach showers, fish tables and boat ramp taps.	<ul style="list-style-type: none"> Permitted. 	<ul style="list-style-type: none"> Permitted. 	<ul style="list-style-type: none"> Permitted. 	<ul style="list-style-type: none"> Permitted. 	<ul style="list-style-type: none"> Not permitted. 	<ul style="list-style-type: none"> Not permitted.
Customers with an annual demand greater than 3,500KL and hotels, motels, resorts, caravan parks and public pools	<ul style="list-style-type: none"> Preparation and implementation of a Water Management Plan 	<ul style="list-style-type: none"> Preparation and implementation of an approved Water Management Plan 	<ul style="list-style-type: none"> Preparation and implementation of an approved Water Management Plan 	<ul style="list-style-type: none"> Preparation and implementation of a Water Management Plan is required to achieve a minimum of 24 % reduction on pre restriction (2001) water usage. 	<ul style="list-style-type: none"> Preparation and implementation of a Water Management Plan is required to achieve a minimum of 24 % reduction on pre restriction (2001) water usage. 	<ul style="list-style-type: none"> Preparation and implementation of a Water Management Plan is required to achieve a minimum of 24 % reduction on pre restriction (2001) water usage.
Voluntary residential target	<ul style="list-style-type: none"> 150 Litres per person per day. 	<ul style="list-style-type: none"> 150 Litres per person per day. 	<ul style="list-style-type: none"> 150 Litres per person per day. 	<ul style="list-style-type: none"> 150 Litres per person per day. 	<ul style="list-style-type: none"> 150 Litres per person per day. 	<ul style="list-style-type: none"> 140 Litres per person per day.



Item No: 6.6
Title: Notice of Motion - Council welcomes the Central Coast Local Planning Panel
Department: Councillor

9 September 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13648664

Author: Jilly Pilon, Councillor
Greg Best, Councillor
Troy Marquart, Councillor
Chris Burke, Councillor

Councillors Pilon, Best, Marquart and Burke have given notice that at the Ordinary Meeting to be held on 9 September 2019 they will move the following motion:

That Council:

- 1 Notes that the Central Coast Council is now managing a large and growing population and economy.***
- 2 Supports and recognises the position taken by the State Government, to appoint a Local Planning Panel to the Central Coast Council expected to commence early in 2020 for developments between \$5million and \$20million.***
- 3 Notes that the Local Planning Panel will consist of independent government-endorsed experts who make decisions on sensitive, complex and high-value development applications on behalf of council.***
- 4 Recognises this will bring greater transparency and accountability to our region's planning system.***
- 5 Acknowledges Independent reviews of existing panels in NSW have demonstrated they are performing very well to deliver better planning outcomes, which is why an LPP has been established for the Central Coast.***
- 6 Is aware this change has been backed by the Gosford/Erina & Coastal Chamber of Commerce, the Peninsula Chamber of Commerce, the Darkinjung Aboriginal Land Council, and the Central Coast chapter of Urban Development Australia.***
- 7 Notes that the panel will free up Councillors to focus on the long-term strategic planning to deliver the region's goals and priorities across its large jurisdiction.***
- 8 Notes that Council can now focus on establishing the LEP which is overdue to set the planning guidelines.***

Attachments

Nil.