



Central  
Coast  
Council

Welcome to Central Coast Council

Central Coast Council  
Business Paper  
Ordinary Council Meeting  
**13 August 2018**



**Wyong Office:** 2 Hely St / PO Box 20 Wyong NSW 2259 P 02 4350 5555 | **Gosford Office:** 49 Mann St / PO Box 21 Gosford 2250 P 02 4325 8222  
E [ask@central.nsw.gov.au](mailto:ask@central.nsw.gov.au) | W [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au) | ABN 73 149 644 003



# Meeting Notice

**The Ordinary Council Meeting  
of Central Coast Council  
will be held in the Council Chamber,  
Level 1, 49 Mann Street, Gosford on  
Monday 13 August 2018 at 6.30 pm,  
for the transaction of the business listed below:**

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Gary Murphy  
**Chief Executive Officer**



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

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13 August 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-03 - D13285227

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*



## 1.1 Disclosure of Interest (contd)

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- (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 (whose interests are relevant under section 443) in that person's principal place of residence, and*
- (b) the councillor made a special disclosure under this section in relation to the interest before the commencement of the meeting.*
- (5) The special disclosure of the pecuniary interest must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and must:*
  - (a) be in the form prescribed by the regulations, and*
  - (b) contain the information required by the regulations.*

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

### **Recommendation**

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

### **Attachments**

Nil



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

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13 August 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-03 - D13285232

### **Summary**

Confirmation of minutes of the Ordinary Meeting of the Council held on 23 July 2018.

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 23 July 2018.***

### **Attachments**

**1** MINUTES - Ordinary Meeting - 23 July 2018      D13285868





## Central Coast Council

### Minutes of the Ordinary Meeting of Council

Held in the Council Chamber

2 Hely Street, Wyong

on 23 July 2018

Commencing at 6.30PM

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#### Present

Mayor Jane Smith and Councillors Greg Best, Jillian Hogan, Doug Vincent, Louise Greenaway, Kyle McGregor, Bruce McLachlan, Jilly Pilon, Jeff Sundstrom, Rebecca Gale Collins, Chris Holstein and Troy Marquart.

#### In Attendance

Gary Murphy (Chief Executive Officer), Boris Bolgoff (Acting Director Assets, Infrastructure and Business), Julie Vaughan (Director Connected Communities), Scott Cox (Director Environment and Planning), Brian Glendenning (Executive Manager Governance) and Vivienne Louie (Acting Chief Financial Officer).

The Mayor, Jane Smith, declared the meeting open at 6.32pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

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

At the commencement of the ordinary meeting report no's 1.1, 1.2, 2.1, 3.1, 3.4, 4.1, 4.2, 6.1 and 6.3 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/Leave of Absence

Councillor Mehrtens and Councillor Matthews.

Council, at its meeting held 25 June 2018 resolved:

540/18      *That Council grant Councillor Burke a leave of absence from the Ordinary Meetings being held on 9 and 23 July 2018 due to annual leave.*



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**1.1 Disclosure of Interest**

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**3.3 2017-18 Community Support Grant Program and Heritage Grant Program**

Councillor Gale Collins declared a less than significant non-pecuniary interest in the matter as she has been in contact with some of the community groups prior to her election. This item was resolved by the exception method.

Councillor Greenaway declared a less than significant non-pecuniary interest in the matter as she has a connection to many community groups (though not a member of the ones in item 3.3). Councillor Greenaway chose to remain in the chamber and participate in discussion and voting as the interest is minor and will not affect her ability to carry out her public duty. This item was resolved by the exception method.

Councillor Hogan declared a less than significant non-pecuniary interest in the matter as the organisation she works for is the auspicing body as the Mannering Park Progress Association is not an Incorporated body, therefore needs an organisation to administer funds. Councillor Hogan chose to remain in the chamber and participate in discussion and voting as the organisation she works for has nothing to gain and she will manage the conflict by being open and transparent. This item was resolved by the exception method.

Councillor Holstein declared a pecuniary interest in the matter as he is a casual employee of one of the applicants. This item was resolved by the exception method.

**4.1 Deferred Item - Response to Motion of Urgency U5/18 Asbestos - Wamberal and Terrigal Beaches**

Councillor McLachlan declared a less than significant non-pecuniary interest in the matter as he knows some landowners personally. Councillor McLachlan chose to remain in the chamber and participate in discussion and voting as the conflict does not impede his ability to carry out his duties.

***Resolved***

**683/18      *That Council receive the report on Disclosure of Interest and note advice of disclosures.***

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

**For:**  
**Unanimous**



**Procedural Motion – Address by Invited Speakers**

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

**Resolved**

**684/18 That Council invite the following speakers to address Council;**

<b>SPEAKERS</b>	<b>REPORT</b>
Mark Ellis <b>For</b> the recommendation	Item 4.2 – Response to Mayoral Minute – Climate Change
Tennyson Delarosa <b>Neither For or Against</b> the recommendation	Item 4.3 - Deferred Item - Grant Funding Update as at June 2018 (Mr Delarosa was absent and did not speak)
Mr Marc Jacewicz <b>For</b> the recommendation	Item 6.1 - Notice of Motion - Pelican Feeding - Potential for Upgrades and Opportunities
Jeannie Lawson <b>For</b> the recommendation	Item 6.3 - Notice of Motion – So Called Scientific Whaling
Ronny Ling <b>For</b> the recommendation	Item 6.3 - Notice of Motion – So Called Scientific Whaling

**For:**  
**Unanimous**

**Procedural Motion – Suspension of Standing Orders**

**Moved:** **Councillor Gale Collins**  
**Seconded:** **Councillor Vincent**

**Resolved**

**685/18 That Council suspend standing orders and consider items 4.2, 4.3, 6.1 and 6.3 after each speaker address and then the remaining items in agenda sequence.**

**For:**  
**Unanimous**

Note: As the speaker for Item 4.3 was not present this matter was not considered after the speaker addressed the meeting.



**1.2 Confirmation of Minutes of Previous Meetings**

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**Moved:** Councillor MacGregor  
**Seconded:** Councillor Gale Collins

**Resolved**

**686/18** *That Council confirm the minutes of the Ordinary Meeting of the Council held on 9 July 2018, with the following notes and amendments;*

- *Councillor Gale Collins has indicated that she would like to mention a less than significant non pecuniary disclosure of interest on Item 4.1 - Deferred Item - Free Shade Tree Program.*
- *Mayor Smith declared a less than significant non pecuniary interest on Item 4.8 – Central Coast Comprehensive Crown Land through her involvement with the Central Coast Marine Discovery Centre who are a Trust Manager.*
- *Councillor Greenaway left the chamber during discussion on Item 7.1 and did not participate in voting.*

**For:**  
**Unanimous**

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

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**Moved:** Councillor MacGregor  
**Seconded:** Councillor Vincent

**Resolved**

**687/18** *That Council receive the report and note that no matters have been tabled to be dealt with in a closed session.*

**For:**  
**Unanimous**

**Procedural Motion – Exception**

Councillor Hogan left the Chamber at 8.17pm during consideration of this item, returned at 8.20pm and was absent for the vote.

**Moved:** Councillor MacGregor  
**Seconded:** Councillor Vincent



**Resolved**

**688/18** *That with the exception of the following reports, Council adopt the recommendations contained in the remaining reports:*

<b>Exception</b>	
2.1	NSW Government Architects Urban Design Implementation Framework Phase 2
3.1	Impacts to Council of National Recycling
3.4	Meeting Record of the Mangrove Mountain and Spencer Advisory Committee held on 26 June 2018
4.1	Deferred Item – Response to Motion of Urgency U5/18 Asbestos – Wamberal and Terrigal Beaches
4.3	Deferred Item – Grant Funding Update as at June 2018
4.6	Proactive Release
4.8	Response to Notice of Motion – Disability Inclusion Action Plan
6.2	Notice of Motion – Quality Food, Wine and Vineyard Tourism Accommodation Opportunities
6.4	Notice of Motion – Cash Flow Statements

**689/18** *That Council adopt the following items en-masse and in accordance with the report recommendations:*

<b>En-masse</b>	
3.2	Meeting Record of the Catchments and Coast Committee – Brisbane Water and Gosford Lagoons held on 21 June 2018
3.3	2017-18 Community Support Grant Program and Heritage Grant Program
3.5	Annual Insurance Renewal with Statewide Mutual
4.4	Blue Ringed Octopus – Netted Baths
4.5	Investment Report for 30 June 2018
4.7	Insurance Renewal Workers Compensation

**For:**

**Unanimous**

**Procedural Motion – Defer Item**

**Moved:** **Mayor Smith**

**Seconded:** **Councillor Holstein**

**Resolved**

**690/18** *That Council defer Item 2.1 to be discussed after the adjournment.*

**For:**

**Unanimous**



**2.1 NSW Government Architects Urban Design Implementation Framework Phase 2**

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

**Resolved**

**691/18** *The Council note the following concerns already outlined in the draft submission:*

- *There has been no justification for proposed zone changes. This is requested by Council.*
- *The implementation of the new assessment and determination framework is dependent on a future (yet to be released) development control plan. Council requests that the Development Control Plan be exhibited and adopted prior to the commencement of the proposed SEPP for Gosford CBD.*
- *That Council should remain the consent authority for all development applications for Gosford City Centre (noting the current role of the JRPP)*
- *The document refers to the preparation, prioritisation and updated schedule of infrastructure projects and public domain works however, no schedule has been released.*

**692/18** *That Council endorse the draft submission to Ms Lee Shearer, Coordinator General for the Central Coast in response to the Phase 2 Reports on the Urban Design Implementation Framework and the Gosford City Centre Revitalisation – Proposed Delivery Mechanisms (Attachment 2) with the following amendments:*

- a) *Amend paragraph 4 on page 48 to read as follows:  
"The introduction of design excellence into the assessment process is supported as is the use of Design Review Panels and Design competitions to ensure future development in the Gosford City Centre reflects a world class sustainable regional city. However, Council is concerned about the current process and proposed composition of the panels. Council should have at least 2 representatives on the panel. The requirement for design excellence should not be a trade-off for restrictions on heights and floor space ratio on any scale of developments.  
The current height and FSR limit should be retained for all developments within the Gosford City Centre, noting that current planning controls allow up to 72m building height ( approx.. 20 storeys).*
- b) *Amend part 3 on page 49 to state that the proposed changes should not reduce the parking provision that is currently required in Gosford City Centre planning instruments.*



- c) ***Include the statement that "Any proposed changes to planning controls in the Gosford City Centre not be implemented until a traffic and parking strategy has been developed and adopted by Council to cater with any proposed changes".***
- d) ***Part 4 on Solar Access to state that solar access controls within proposed planning instruments should ensure that overshadowing of public spaces should not deviate from current planning controls.***
- e) ***Amend part 7 on page 50 to be consistent with comments above in (a)***
- f) ***Amend part 10 on page 51 regarding Infrastructure provision to require that there be no further reduction in the development contribution within the City Centre and that the entire levy is allocated to the local contribution plan developed by Council.***

**693/18** ***That Council request that the Chief Executive Officer forward the endorsed submission to Ms Lee Shearer, Coordinator General for the Central Coast.***

**694/18** ***That Council note the submission written by Council staff and forwarded to the Co-ordinator General of the Central Coast on 29 June 2018.***

**695/18** ***That Council continue to work collaboratively with the Department of Planning and Environment and NSW Government Architects office on the implementation of the Urban Design Implementation Framework, and the preparation of any new planning controls for the Gosford City Centre.***

**For:**

***Mayor Smith and Councillors Holstein, Sundstrom, MacGregor, Greenaway, Vincent and Hogan***

**Against:**

***Councillors Marquart, Gale Collins, Pilon, McLachlan and Best***

### **3.1 Impacts to Council of National Recycling**

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**Moved:** ***Councillor Greenaway***

**Seconded:** ***Councillor Vincent***

**Resolved**

**696/18** ***That Council receive the report on the response to Notice of Motion - Impacts to Council of National Recycling.***

**697/18** ***That Council staff familiarise themselves with the Northern Beaches Council and Surf Coast Council (Vic) "Plastic wise" policy/ program and seek to develop a similar policy to return to Council in 8 weeks.***

**698/18** ***That Council write to the Minister for the Environment and request that her government develop initiatives to encourage industry to reduce waste production.***



- 699/18**     *That Council review our procurement policy to identify opportunities to increase the requirement for the use of products made of recycled materials.*

**For:**

**Mayor Smith and Councillors Holstein, Sundstrom, Gale Collins, MacGregor, Pilon, McLachlan, Greenaway, Vincent and Hogan**

**Against:**

**Councillors Marquart and Best**

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**3.2           Meeting Record of the Catchments and Coast Committee - Brisbane Water and Gosford Lagoons held on 21 June 2018**

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

**Seconded:**       **Councillor Vincent**

**Resolved**

- 700/18**     *That Council note the Meeting Record of the Catchments and Coast Committee – Brisbane Water and Gosford Lagoons held on 21 June 2018 that is Attachment 1 to this report.*
- 701/18**     *That Council adopt the Terms of Reference for the Catchments and Coast Committee – Brisbane Water and Gosford Lagoons, as set out in Attachment 2 to this report.*
- 702/18**     *That Council appoint the Mayor as the Chairperson for the Catchments and Coast Committee – Brisbane Water and Gosford Lagoons.*

**For:**

**Unanimous**

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**3.3           2017-18 Community Support Grant Program and Heritage Grant Program**

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Councillor Gale Collins declared a less than significant non-pecuniary interest in the matter as she has been in contact with some of the community groups prior to her election. This item was resolved by the exception method.

Councillor Greenaway declared a less than significant non-pecuniary interest in the matter as she has a connection to many community groups (though not a member of the ones in item 3.3). Councillor Greenaway chose to remain in the chamber and participate in discussion and voting as the interest is minor and will not affect her ability to carry out her public duty. This item was resolved by the exception method.

Councillor Hogan declared a less than significant non-pecuniary interest in the matter as the organisation she works for is the auspicing body as the Mannering Park Progress Association is not an Incorporated body, therefore needs an organisation to administer funds.



Councillor Hogan chose to remain in the chamber and participate in discussion and voting as the organisation she works for has nothing to gain and she will manage the conflict by being open and transparent. This item was resolved by the exception method.

Councillor Holstein declared a pecuniary interest in the matter as he is a casual employee of one of the applicants. This item was resolved by the exception method.

**Moved:**                **Councillor MacGregor**  
**Seconded:**        **Councillor Vincent**

**Resolved**

**703/18        That Council allocate \$80,196.20 from the 2018-19 grants budget to the community grant programs as outlined in the Community Support and Heritage Grant programs recommended for funding (Attachment 1)**

**704/18        That Council decline applications as outlined in the Community Support and Heritage Grant programs. Not recommended for Funding (Attachment 2), and the applicants be advised and where relevant, directed to alternate funding.**

**For:**  
**Unanimous**

**3.4            Meeting Record of the Mangrove Mountain and Spencer Advisory Committee held on 26 June 2018**

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**Moved:**                **Councillor Best**  
**Seconded:**        **Mayor Smith**

**Resolved**

**705/18        That Council note the Meeting Record of the Mangrove Mountain and Spencer Advisory Committee held on 26 June 2018 that is attached to this report.**

**706/18        That Council write to the Environment Protection Authority requesting:**

- **increased monitoring of surface and groundwater quality in relation to the Mangrove Mountain landfill site;**
- **whether it is able to provide a copy of the Follow Up Independent Environmental Report to the Committee;**
- **water quality data from Mangrove Mountain Landfill site;**
- **clarification as to the determination of the Environmental Risk Assessment for Mangrove Mountain Landfill site and any changes in the determination.**

**For:**  
**Unanimous**



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**3.5 Annual Insurance Renewal with Statewide Mutual**

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**Moved:** Councillor MacGregor

**Seconded:** Councillor Vincent

**Resolved**

**707/18 That Council resolve to accept offers from Statewide Mutual for indemnities under the following schemes for the financial year ended 30 June 2019, and note the respective premiums for participation in those schemes described below :**

- a. Liability Scheme (Public Liability and Professional Indemnity): \$870,789.78 ex GST;**
- b. Councillors' and Officers' Scheme: \$121,462.50 ex GST;**
- c. Property Mutual (Industrial Special Risk) Scheme: \$975,146.16ex GST;**
- d. Comprehensive Motor Vehicle: \$416,947.19 ex GST;**

**708/18 That Council note that Council is not required to invite tenders before accepting offers made by Statewide Mutual, as it and other local councils are members of Statewide Mutual and the exception under s. 55(3)(c) of the Local Government Act 1993 applies to those offers.**

**709/18 That Council determine, for abundant caution and in accordance with s. 55(3)(i) of the Local Government Act 1993, that a satisfactory result would not be achieved by inviting tenders for the insurance services, for the following reasons:**

- a Council has no ability to withdraw from the Statewide Mutual funds until 30 June 2020;**
- b Council has an urgent operational need to maintain insurance cover or similar indemnity at all times, to properly manage operational risks; and**
- c Council's broker, Jardine Lloyd Thompson, has extensive experience in brokering insurance for local government, and has negotiated competitive "insurance" services from the Statewide Mutual Schemes for Council; and**
- d Not all of the indemnities offered by Statewide Mutual are available from commercial insurers**

**For:**

**Unanimous**



#### **4.1 Deferred Item - Response to Motion of Urgency U5/18 Asbestos - Wamberal and Terrigal Beaches**

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Councillor McLachlan declared a less than significant non-pecuniary interest in the matter as he knows some landowners personally. Councillor McLachlan chose to remain in the chamber and participate in discussion and voting as the conflict does not impede his ability to carry out his duties.

**Moved:** Councillor Pilon

**Seconded:** Councillor Best

**Resolved**

**710/18 That Council defer this item until a response is provided to all questions raised in regards to the asbestos issue at Wamberal Beach.**

**For:**

**Unanimous**

#### **4.2 Deferred Item - Response to Mayoral Minute - Climate Change**

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Mark Ellis addressed Council at 6.37pm

**Moved:** Mayor Smith

**Seconded:** Councillor Vincent

1 That Council note the Deferred Item - Response to Mayoral Minute - Climate Change which is Attachment 1 to this report.

2 That Council receive the report on Response to Mayoral Minute - Climate Change.

**Amendment Moved:** Councillor Marquart

**Amendment Seconded:** Councillor Best

1 That Council receive the report on Response to Mayoral Minute - Climate Change.

2 That the draft Climate Change Policy will be based upon a defensive adaption scope. Any actual action will be timed so any required reaction will be implemented only when required to accommodate increased risk in a particular area.

3 That the draft Climate Change Policy will not consider or include planned retreat, managed realignment, time limited development consent or any similar actions.

**For the Amendment:**

Councillors Marquart, Holstein, Gale Collins, Pilon, McLachlan and Best

**Against the Amendment:**

Mayor Smith and Councillors Sundstrom, MacGregor, Greenaway, Vincent and Hogan



*The amendment was put to the vote and declared LOST on the casting vote of the Mayor. The motion was then put.*

**Resolved**

**711/18**     ***That Council note the Deferred Item - Response to Mayoral Minute - Climate Change which is Attachment 1 to this report.***

**712/18**     ***That Council receive the report on Response to Mayoral Minute - Climate Change.***

**For the Motion:**

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

**Against the Motion:**

***Councillors Marquart, Holstein,  
Gale Collins, Pilon, McLachlan and  
Best***

***The Motion was carried on the casting vote of the Mayor.***

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**4.3            Deferred Item - Grant Funding Update as at June 2018**

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Mr Delarosa was absent and did not speak.

**Moved:**            ***Councillor Holstein***

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

**Resolved**

**713/18**     ***That Council note the Deferred Item Grant Funding Update as at June 2018 which is Attachment 1 to this report.***

**714/18**     ***That Council receive the report on Grant Funding Updates as at June 2018.***

**715/18**     ***That Council resolve, for the purposes of s.10A (2) of the Local Government Act 1993, that Attachment 3 to that report (included as Attachment 2 to this report) remain confidential because the attachment includes commercial information of a confidential nature.***

**716/18**     ***That Council provide further advice about funding applications relating to wharfs.***

**For:**

***Unanimous***



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**4.4 Blue Ringed Octopus - Netted Baths**

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**Moved:** Councillor MacGregor

**Seconded:** Councillor Vincent

**Resolved**

**717/18 That Council receive the report on the blue-ringed octopus – netted baths.**

**For:**

**Unanimous**

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**4.5 Investment Report for 30 June 2018**

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**Moved:** Councillor MacGregor

**Seconded:** Councillor Vincent

**Resolved**

**718/18 That Council receive the Investment Report for 30 June 2018.**

**For:**

**Unanimous**

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**4.6 Proactive Release**

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**Moved:** Councillor Greenaway

**Seconded:** Councillor MacGregor

**Resolved**

**719/18 That Council receive the report providing an update on the ongoing release of Council information under the Government Information (Public Access) Act 2009 and Council's proactive active release program.**

**720/18 That Council request the Chief Executive Officer to consider the proactive release of the lease to AAI and the agreement for lease between Council and AAI, as authorised by the NSW Civil and Administrative Tribunal.**

**721/18 That Council request the Chief Executive Officer consider the proactive release of documents relating to Gosford CBD and Gosford City Centre planning and economic feasibility since 2010 (initially) including, but not limited to:**

a) Gosford City Centre – Statement of Strategic Intent 2014, prepared by Roberts Day

b) Gosford Regional Economic Corridor Master Plan 2015, prepared by SGS



**Economics & Planning**

- c) **Gosford City Centre Floorspace Incentive Contribution Rate Study 2016, prepared by AEC Group**
- d) **Central Coast Subregion Summary Report – Dwelling Potential and Feasibility, prepared by NSW Planning and Environment**

**For:**

**Mayor Smith and Councillors Holstein, Sundstrom, Gale Collins, MacGregor, Pilon, Greenaway, Vincent and Hogan**

**Against:**

**Councillors Marquart and Best  
Councillor McLachlan (abstained)**

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**4.7 Insurance Renewal Workers Compensation**

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**Moved: Councillor MacGregor**

**Seconded: Councillor Vincent**

**Resolved**

**722/18 That Council resolve to accept the offer Liberty Mutual Insurance Company for Workers Compensation reinsurance for the period 30 June 2018 to 30 June 2019.**

**723/18 That Council resolve for the purposes of s. 55 (3)(i) of the Local Government Act 1993, that a satisfactory result would not be achieved by inviting tenders for these reinsurance services because those services are highly specialised and Council has engaged an experienced insurance broker with specific knowledge of Council's needs to test the insurance market for appropriate compliant reinsurance products.**

**For:**

**Unanimous**

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**4.8 Response to Notice of Motion - Disability Inclusion Action Plan**

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**Moved: Councillor Gale Collins**

**Seconded: Councillor Vincent**

**Resolved**

**724/18 That Council receive the report on the Response to Notice of Motion - Disability Inclusion Action Plan Year 1 Implementation.**

**For:**

**Unanimous**



**6.1 Notice of Motion - Pelican Feeding - Potential for Upgrades and Opportunities**

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Marc Jacewicz addressed Council at 7.55pm

**Moved:** Councillor McLachlan

**Seconded:** Councillor Holstein

**Resolved**

**725/18** *That Council identifies opportunities to improve the visitor experience to expand its impact on the wider visitor economy and explore potential funding avenues to develop complimentary infrastructure.*

**726/18** *That Council includes the Pelican Feeding activity in the Tourism Opportunity Plan to allow a pathway for any improvement opportunities that may require access to Regional Tourism Funding programs.*

**727/18** *That Council recognises the wonderful work of our volunteer organisations that conduct the Pelican Feeding and consult and liaise with all groups involved, on any suggested upgrades.*

**728/18** *That, as part of this process, Council also identifies opportunities to support volunteer wildlife care groups that assist in the management of injured pelicans.*

**729/18** *That, as part of this process, Council also ensures that this activity meets accessibility guidelines.*

**For:**

**Unanimous**

**6.2 Notice of Motion - Quality Food, Wine and Vineyard Tourism Accommodation Opportunities**

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**Moved:** Councillor McLachlan

**Seconded:** Councillor Best

**Resolved**

**730/18** *That Council acknowledges the recent success of the Harvest Festival and the added economic boost to our Central Coast Tourism numbers.*

**731/18** *That Council also acknowledges our current poor Tourism statistics, compared to other competing regions, especially the Hunter Valley.*

**732/18** *That Council acknowledges the international success of Cessnock Council Vineyards Precincts and flexible Rural Lands codes, in allowing Tourism and*



***accommodation operations to flourish in the Hunter Region.***

- 733/18** ***That Council acknowledges this similar Tourism opportunity has been identified in the Central Coast Regional Plan for lands west of the M1. The action specifically encourages niche commercial, tourism and recreational activities that complement and promote a stronger agricultural sector, as well as build capacity to adapt to changing circumstances.***
- 734/18** ***That Council also acknowledges the Tourism Industry is a large employer of Youth, and our Youth Unemployment are unacceptably high, and every effort in establish Youth employment markets on the Central Coast, should be strongly pursued by Council.***
- 735/18** ***That Council request the Chief Executive Officer to report back to Council on options of providing flexibility in our Rural Lands zones, with a view to increase our Tourism and youth employment opportunities.***
- 736/18** ***That Council also provide further information on the existing job market for local agriculture enterprises including any issues around underemployment in general and seasonal employment of backpackers.***

**For:**

***Unanimous***

### **6.3 Notice of Motion - So Called Scientific Whaling**

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Jeannie Lawson addressed Council at 7.14pm.

Ronny Ling addressed Council at 7.20pm.

Moved: Councillor Best

Seconded: Councillor McLachlan

- 1** *That further to Councils establishment of a sister city with Edogawa in Japan and the recent Mayoral Delegation, Council now leverage this relationship to assist in advocating for an end to so called scientific whaling in the Antarctic Whale Sanctuary.*
- 2** *That Council recognise the outstanding success of the recent 2018 Whale Dreamers Festival held at our iconic Norah Head Lighthouse attended by thousands while unpinning our multi-million dollar marine tourism industry.*
- 3** *That Council notes with grave concerns at the recent report by the International Whaling Commissions Scientific Committee that revealed some 330 Minke Whales were recently killed in the whale sanctuary with 122 being pregnant females.*
- 4** *That Council now respectfully advocate on behalf of our local community for change through our new relationship with Edogawa City and that all correspondence be reported to Council.*



Amendment Moved: Mayor Smith  
Amendment Seconded: Councillor Vincent

- 1 *That Council recognise the outstanding success of the recent 2018 Whale Dreamers Festival held at our iconic Norah Head Lighthouse attended by thousands.*
- 2 *That Council notes with grave concerns at the recent report by the International Whaling Commissions Scientific Committee that revealed some 330 Minke Whales were recently killed in the whale sanctuary with 122 being pregnant females.*
- 3 *That Council write to our Federal MPs and the Federal Minister for the Environment supporting the Australian government in its continued advocacy at the International Whaling Commission for an end to all commercial and scientific whaling.*

**Procedural Motion – Amendment be Put**

**Moved: Mayor Smith**

**Resolved**

***That Council put the amendment to the vote.***

**For:  
Unanimous**

***The Procedural Motion was put to the vote and declared CARRIED. The Amendment was then put.***

*For the Amendment:  
Mayor Smith and Councillors Holstein,  
Sundstrom MacGregor, Greenaway, Vincent  
and Hogan*

*Against the Amendment::  
Councillors Marquart, Pilon, McLachlan and  
Best*

*Councillor Gale Collins (abstained)*

*The Amendment was put to the vote and declared CARRIED. The Amendment became the motion.*

**Resolved**

- 1 ***That Council recognise the outstanding success of the recent 2018 Whale Dreamers Festival held at our iconic Norah Head Lighthouse attended by thousands.***
- 2 ***That Council notes with grave concerns at the recent report by the International Whaling Commissions Scientific Committee that revealed some 330 Minke Whales were recently killed in the whale sanctuary with 122 being pregnant females.***



- 3 That Council write to our Federal MPs and the Federal Minister for the Environment supporting the Australian government in its continued advocacy at the International Whaling Commission for an end to all commercial and scientific whaling.**

***For the Motion:***

***Mayor Smith and Councillors Holstein, Sundstrom, MacGregor, Greenaway, Vincent and Hogan***

***Against the Motion:***

***Councillors Marquart, Gale Collins, Pilon, McLachlan and Best***

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**6.4 Notice of Motion - Cash Flow Statements**

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***Moved: Councillor Gale Collins***

***Seconded: Councillor Marquart***

***Resolved***

***That Council provide briefings on the high level cash flow statements and rolling forecast against the Operational Budget, prior to releasing the Quarterly Budget Review Statements and then review the effectiveness of that information.***

***For:***

***Mayor Smith and Councillors Marquart, Holstein, Gale Collins, Pilon, McLachlan and Best***

***Against:***

***Councillors Sundstrom, MacGregor, Vincent and Hogan***

***Councillor Greenaway (abstained)***

**Procedural Motion – Questions on Notice**

***Moved: Mayor Smith***

***Seconded: Councillor MacGregor***

***Resolved***

***That Council extend the meeting to consider Questions on Notice the time being 10.36pm.***

***For:***

***Unanimous***



**Q116/18 QON Terrigal Beach**  
**Councillor Jeff Sundstrom**

*I recently reported a matter concerning the exposure of some old infrastructure (concrete and timber I understand) that had been buried in the sand at the southern end of Terrigal Beach. The reply I received indicated that there were some benefits by way of protection of the boardwalk from the effects of wave action. Since receiving the reply I have been notified that two swimmers have been injured by contact with the exposed old infrastructure. My questions are what actions could the council reasonably take to protect the community from injury and what responsibility does council have to provide a safe area for recreation by residents and visitors.*

**Q117/18 QON Parking - Gertrude Place, Gosford**  
**Councillor Rebecca Gale Collins**

*Why is the car parking on Gertrude place in Gosford (off Central Coast Hwy) Rear to Kerb and perpendicular to the road 90 degree? Rangers are booking unknowing residents.*

**Q118/18 QON Developer Contributions**  
**Councillor Rebecca Gale Collins**

*What's the current balance of developer contributions section 94 since the amalgamation?*

**Q119/18 QON Gambling Harm Reduction Strategies**  
**Councillor Kyle MacGregor**

*Is Central Coast Council aware of the Northern Beaches Council or any other NSW Councils gambling harm reduction strategies and if so do we currently either have our own strategy or any intention of investigating adopting a similar gambling harm reduction policy for the Central Coast Council area?*

**Response – Julie Vaughan, Director, Connected Communities**

*Councillor MacGregor, No. The short answer is I am not familiar with that particular policy nor is it currently within our work plans. We do have a hardship policy but I'm sensing from the title of that policy its somewhat different, with a different intent and purpose. It is not in any current on any work program. We do work with the licensed clubs with the club grants program, but I still suspect this is bigger than what we are currently looking at.*

**Q120/18 QON Dust monitoring in Wyong Ward/ General Warnervale Area**  
**Councillor Kyle MacGregor**

*Does Council conduct any dust monitoring in the northern areas of the central coast or alternatively are we aware of any findings in regards to dust monitoring particularly around the Warnervale/Hamlyn Terrace/Woongarah/Wadalba suburbs where residents have been experiencing increased impacts on their residencies from dust and other particle residue with increased winds and distribution of said substances in recent weeks affecting local households and businesses?*



**Q121/18 QON Wamberal Beach – Terminal Protection Committee**  
**Councillor Jilly Pilon**

*Councillors received written notice that they aren't allowed to be on the committee but can receive a briefing. Can I ask that all Councillors are brought up to speed as to where that committee is up to please?*

**Q122/18 QON Daily Collections of Asbestos from Wamberal to Terrigal Beach**  
**Councillor Jilly Pilon**

*Are the reports of asbestos findings from the community and the daily collection of asbestos from Wamberal to Terrigal beaches by Council being logged before being disposed of? If so, is it possible to make these findings available to Councillors and the public on a regular basis please? E.g Monthly on the Council website and/or report to Councillors.*

**Q123/18 QON Ettalong Dredge Plan**  
**Councillor Bruce McLachlan**

*Can we please get a copy of the dredge plan for Ettalong Beach. I understand in conversation with someone from public works that the spoil was going to be placed along the surf break at the box to try and enhance the break. Apparently there was a meeting with the board riders at Ettalong and someone from public works and there was some liaison with the local board riders and it would be nice to know what the dredge plan is.*

**Q124/18 QON Affordable Housing Strategy**  
**Councillor Louise Greenaway**

*Will the Judith Stubbs report as part of the Affordable Housing Strategy be released to the public and if so, when?*

**Response – Julie Vaughan, Director, Connected Communities**

*Following last week's initial briefing, we have a follow up briefing to Councillors scheduled on 13 August 2018. The intention is that between the period between of 17 August to 14 September that document would become available for public exhibition so we will be seeking community comment at that stage and then subsequently reporting back to Council towards the end of September or early October. So, between 17 August and 14 September is the simple answer.*

**Q125/18 QON Winney Bay Q23/18**  
**Councillor Louise Greenaway**

*In answer to Question on Notice Q23/18 regarding Winney Bay at page 269, it states "This project is permitted without consent under Part 5 of the Environmental Planning & Assessment Act" What is the reason that the project is permitted without consent and under what section under Part 5?*



**Q126/18 QON Affordable Housing Report**  
**Councillor Doug Vincent**

*Could staff please advise if the report by Judith Stubbs regarding social and affordable housing will be released in its original form?*

**Response – Julie Vaughan, Director, Connected Communities**

*The report hasn't been finalised at the moment. We had an initial briefing for Councillors following a series of public and community workshops. We are still concurrently doing internal workshops at the moment so the information that was provided was the initial draft, which is being finalised. The key recommendations of that will come back to a subsequent briefing for Councillors on 13 August. So, yes the draft document in its entirety will be available for exhibition between 17 August and 14 September .*

**Q127/18 QON Council Asset Protection Zone Maintenance**  
**Councillor Doug Vincent**

*Local residents have raise concerns that Council may no longer be able guarantee that Crown or Council Asset Protection Zones (APZ) backing on to residential housing will be maintained in perpetuity.*

*Could staff please advise:*

- 1 If Council is maintaining APZs to the same level prior to the merger and administration of Wyong and Gosford Councils?*
- 2 If the same budgets and resourcing levels are in place to ensure that there is adequate fire protection for residents adjoining reserves with fire risks.*

**Q128/18 QON Winney Bay Report**  
**Councillor Jillian Hogan**

*In regards to the Winney Bay report on page 269 it states that Council didn't need authority via a Development Application process and that the project is permitted without consent under Part 5 of the Environmental Planning and Assessment Act 1979. It is my interpretation of that section that we did need approval due to the environmental impact. Could staff provide clarification on the section and also provide the documentation on the impacts that were assessed in November 2017?*

**Q129/18 QON iPads**  
**Councillor Jillian Hogan**

*Due to the instability of the iPad software and the clunkiness of its usage, in addition to the difficulties accessing information on the HUB, could staff look into migrating to Microsoft Surface Pro's for Councillors that would prefer that option.*

**The Meeting** closed at 10.46pm.



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

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13 August 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-03 - D13285245

### Summary

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

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

### Recommendation

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

***Item: 10.1***

***Title: Further Legal Advice – Wallarah 2 Coal Mine***

***Reason for considering in closed session:***

***2(g) – advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.***

### Context

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

- 2(a) personnel matters concerning particular individuals (other than Councillors),*
- 2(b) the personal hardship of any resident or ratepayer,*
- 2(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,*
- 2(d) commercial information of a confidential nature that would, if disclosed:*



- (i) *prejudice the commercial position of the person who supplied it, or*
  - (ii) *confer a commercial advantage on a competitor of the Council, or*
  - (iii) *reveal a trade secret,*
- 2(e) *information that would, if disclosed, prejudice the maintenance of law,*
- 2(f) *matters affecting the security of the Council, Councillors, Council staff or Council property,*
- 2(g) *advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,*
- 2(h) *information concerning the nature and location of a place or an item of Aboriginal significance on community land.*

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:** Mayoral Minute - Edogawa Sister City - Mayoral and Dignitary Visit  
**Department:** Councillor

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13 August 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-03 - D13294091

Author: Jane Smith, Mayor

This report outlines the key outcomes and benefits of the recent Mayoral and dignitary visit to Edogawa, Japan to re-sign the sister city agreement between Central Coast Council and Edogawa City.

***I formally move:***

***That Council;***

- 1 Receive the report on Mayoral Minute - Edogawa Sister City - Mayoral and Dignitary Visit.***
- 2 Note that a letter has been sent to Mayor Tada in appreciation for the hospitality of Edogawa Council in hosting the delegation from the Central Coast.***
- 3 Invite a delegation from Edogawa to visit the Central Coast to coincide with the opening of the Japanese Tea House donated by the Urasenke Foundation, currently anticipated to occur in the first half of 2019.***
- 4 Allocate the balance of funds previously resolved by Council (\$5,483.42) towards the proposed delegation visit from Edogawa.***
- 5 Liaise with the Gosford Sister City Association, SOAP, Narara Valley High School and other stakeholders to identify opportunities for further cooperation and coordination of Sister City activities with Edogawa.***

## **Background**

At its meeting of 26 February 2018, Council resolved, part thereof:

- |        |   |
|--------|---|
| 99/18  | <i>That Council note clauses 6.6, 6.7, 6.9, 6.10 and 6.13 of Council's adopted "Councillor Expenses and Facilities Policy".</i>   |
| 100/18 | <i>That Council resolve that a Mayoral and dignitary visit be completed, with a delegation sent to Edogawa, Japan to re-sign the sister city agreement in May 2018.</i> |



## 2.1 Mayoral Minute - Edogawa Sister City - Mayoral and Dignitary Visit (contd)

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- 101/18      *That Council resolve the Mayor and the following two Councillors and one alternate to be for the delegation to be sent to Edogawa, Japan.*
- *Councillor Mehrtens*
  - *Councillor Holstein*
  - *Alternate - Councillor Burke*
- 102/18      *That Council resolve to allocate a budget of \$25,000 for the delegations visit to Edogawa, Japan for the re-signing of the sister city agreement.*
- 103/18      *That Council nominate five days between the dates of 8 - 22 of May 2018 for the delegation to visit to Edogawa, Japan.*
- 104/18      *That Council note the Mayor will provide a report to Council that outlines the key outcomes and benefits of the visit and future planned activities related to the sister city agreement.*
- 105/18      *That Council develop an ongoing program, in partnership with Edogawa City, to utilise technology for future exchanges to reduce or negate the need for International travel.*

A Council delegation visited Edogawa, Japan from 15-20 May 2018 which comprised the following representatives:

- Mayor Jane Smith
- Deputy Mayor Chris Holstein
- Councillor Richard Mehrtens
- Acting CEO Brian Glendenning
- Director Connected Communities Julie Vaughan

The purpose of the visit was to re-sign the Sister City agreement marking the 30<sup>th</sup> Anniversary of the relationship with Edogawa.

The Sister City relationship commenced in 1998 and over the years has involved a series of staff exchanges, youth exchanges, community partnership programs and delegation trips. The Edogawa Gardens, located within the Gosford Regional Gallery, was a gift to the Central Coast from the people of Edogawa. More recently Council has also resolved to accept a further donation of \$250,000 from the Urasenke Foundation to construct a Japanese Tea House within the Gardens footprint.

During the most recent visit it was clearly evident that many opportunities existed and should be to leveraged as part of our sister city relationships. These include but are not limited to cultural exchange, tourism opportunities and sporting exchanges. Beyond the formal Council



## **2.1 Mayoral Minute - Edogawa Sister City - Mayoral and Dignitary Visit (contd)**

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relationship there are many other local exchanges in place which include Homestays, Dance and Tennis club exchanges.

Some key highlights of the visit included:

- An address at the Edogawa City Office (Council Chambers)
- Tree planting ceremony at Goyosen Park
- Signing Ceremony for affirmation of Sister city relationship
- Celebration Party for signing of agreement
- Visit to Sugo-Bunka Center Hall (Performing Arts Centre)
- Community celebration of Sister city relationship
- Edogawa Furusato Festival

The total cost of the visit was \$19,516.58 from a budget of \$25,000

### **Future Planned Activities**

Most recently, a Youth Wing exchange has taken place with students from Edogawa City visiting the Central Coast. These students were hosted by Narara Valley High School and billeted with families of students from that school. Narara Valley High School has indicated their strong commitment to this program and desire to work with Council to continue this cultural exchange into the future.

Council is currently working towards the construction of the Japanese Tea House at the Edogawa Gardens at the Regional Gallery. As noted above, this is the result of a generous donation by the Urasenke Foundation. It is also noted that a number of sporting and other cultural exchanges occur between Edogawa and the Central Coast, including sporting and dance exchanges.

It is proposed that Council liaise with the Gosford Sister City Association, SOAP, Narara Valley High School and other stakeholders to identify opportunities for further cooperation and coordination of Sister City activities with Edogawa

### **Attachments**

*Nil.*



**Item No:** 3.1  
**Title:** Amendment of Policy for the Determination of Development Applications Subject to Public Objection  
**Department:** Environment and Planning

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13 August 2018 Ordinary Council Meeting

Trim Reference: F2016/00796-02 - D13156829

Author: Emily Goodworth, Section Manager, Development Assessment

Manager: Jamie Loader, Unit Manager, Development Assessment

Executive: Scott Cox, Director, Environment and Planning

## **Report Purpose**

To report the outcome of the public exhibition of the proposed amendment to the 'Policy for the Determination of Development Applications Subject to Significant Public Objection'.

This report recommends the adoption of an amended policy, which establishes the threshold for automatic referral of Development Applications to Council for determination, where 25 or more submissions objecting to the proposal are received.

## **Recommendation**

- 1 That Council adopt the 'Policy for the Determination of Development Applications Subject to Public Objection' (as amended). Specific amendments to the policy include:**
  - **Any application receiving 25 or more submissions by way of objection is to be reported to Council for determination.**
  - **Any application receiving petitions of objection with 50 or more signatures requires the preparation of a Councillor Business Update.**
  - **Any application receiving 10 to 24 submissions requires the preparation of a Councillor Business Update.**
  - **Removal of the word "Significant" from the title of the Policy.**
- 2 That Council provide a public notice with regard to the adoption of the policy.**
- 3 That Council advise those who made a submission of the decision.**

## **Background**

At its meeting of 12 February 2018 Council resolved to prepare and exhibit an amendment to Council's 'Policy for Determination of Applications Subject to Significant Public Objection (the Policy)', as follows:



### **3.1 Amendment of Policy for the Determination of Development Applications Subject to Public Objection (contd)**

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- 73/18 *That Council reaffirms its full confidence in Staff and the importance of consultation with Staff prior to any major variations to key policies and procedures particularly those affecting operational activities.*
- 74/18 *That Council recognise that deliberation of DA matters that come to Council meetings (for that purpose) is a core role of an elected Councillor.*
- 75/18 *That Council recognises the need for transparency and the benefits of continually refining the public consultation process.*
- 76/18 *That it is with this understanding Council in partnership with Staff and the Community explore all options that will optimise the public DA Review Process.*
- 77/18 *That Council require the Acting Chief Executive Officer to engage in public consultation on the proposed reduction of the call up figure to 15 objections.*
- 78/18 *That further Council notes that any DA regardless of the level of objections can be called to full Council by any two Councillors.*

In accordance with Council's resolution of 12 February 2018, a draft Policy was prepared and publicly exhibited for 28 days.

#### **Legislative framework**

The *Environmental Planning and Assessment Act 1979* (EP&A Act) requires all development applications, whether determined by the governing body of the Council or under delegation, to have regard for the matters for consideration set out in Section 4.15 of EP&A Act. Importantly, this includes the consideration of any submission received by Council prior to the determination of a development application.

This draft Policy seeks to provide clear guidance and consistency as to when development applications that receive public submissions by way of an objection will be automatically referred to Council for determination and when they will be determined by Council staff. Irrespective of how many submissions are received to a development application, two Councillors may at any time, prior to the determination of the development application, request a development application to be considered and determined by Council.

#### **Policy Background**

Prior to the amalgamation of both former Councils, the delegations for the determination of development applications between the two former Councils were different. The former Gosford City Council had a threshold of five submissions which would trigger referral of the development application to Council for determination. Comparatively, the former Wyong Shire Council had a threshold of 50 submissions to trigger a Councillor Business Update to all Councillors and a threshold of 100 submissions to trigger a report to Council.



### **3.1 Amendment of Policy for the Determination of Development Applications Subject to Public Objection (contd)**

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In November 2016, Central Coast Council resolved to adopt the current Policy for the Determination of Development Applications Subject to Significant Public Objection which applies to the whole of the Central Coast local government area.

The current policy establishes the following thresholds:

- Any development application receiving 50 or more letters of objection is to be automatically reported to Council for determination (unless recommended for refusal).
- Any development application receiving 25 or more letters of objection or petitions of objection with 50 or more signatures requires the preparation of a Business Update to the Councillors.

#### **Consultation – Public Submissions**

In accordance with Council's resolution of 12 February 2018, a draft policy was prepared and placed on public exhibition. In summary, the exhibited policy (the draft policy) provided the following thresholds:

- Any development application receiving 15 or more letters of objection is to be automatically reported to Council for determination (unless recommended for refusal).
- Any development application receiving petitions of objection with 50 or more signatures requires the preparation of a Business Update to the Councillors.

The draft policy was placed on public exhibition for a period of 28 days from 22 February 2018 to 22 March 2018. The public exhibition material was made available at both the Gosford and Wyong Offices and was available to view on the Central Coast Council website.

Council received a total of 29 submissions from 25 people in response to the public exhibition (two people made multiple submissions). Table 1 provides a summary of the submissions received. Further detail on the issues that were raised in these submissions is provided in Attachment 2.

<b>Agree with 15 submissions</b>	<b>More than 15 objections</b>	<b>Less than 15 submissions</b>	<b>Other</b>
14	3	2	6

**Table 1:** Summary of submissions

The key issues raised in the submissions are identified below.

***Support the change to the policy to only have 15 submissions before a DA goes to Council for determination.***



### 3.1 Amendment of Policy for the Determination of Development Applications Subject to Public Objection (contd)

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#### Comment

Noted. It is considered important to achieve a balance between having those matters of high community interest determined by the Council with the need to ensure that development applications are not unnecessarily delayed. To align and ensure consistency with thresholds set by the State Government and the *Local Government (General) Regulation 2005* (LG Regulation), it is considered that 25 submissions is a more reasonable threshold and would achieve a more appropriate balance than 15. In consideration of the community feedback and other matters outlined within this report, it is recommended that the thresholds relating to a Business Update to Councillors be amended from 25 objections to 10-24 objections to ensure the Councillors are well informed of all development applications which have received 10 or more objections.

It should be noted that the adoption of the Policy would not limit the ability of the Councillors to request **any** development application to be considered by Council irrespective of the number of submissions.

***15 submissions are too many. The number should be less.***

#### Comment

Noted. It is important to note that any resident who may be concerned about a proposed development has the ability to contact their Councillors to express concern and/or have the application called to Council for determination, irrespective of the number of submissions that may have been received. It is considered that 25 is a reasonable threshold for automatic reporting to Council. It is also considered reasonable that the threshold for communicating with Councillors about a development application via a Councillor Business Update is 10 objections.

***The number should remain as is - 50 submissions is reasonable***

#### Comment

Noted. Having reviewed the community feedback on the draft policy it was considered there was merit in reducing the threshold from 50, however, it is recognised that the threshold proposed in the draft policy (15) may have not achieved an appropriate balance between applications of high community interest and ensuring development applications are not unnecessarily delayed.

Accordingly, a threshold of 25 objections is recommended so that the Policy is consistent with thresholds set by the Department of Planning and Environment and those which are set under the LG Regulation.

***Definition/interpretation of 'significant' is unclear.***



### **3.1 Amendment of Policy for the Determination of Development Applications Subject to Public Objection (contd)**

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#### Comment

It is agreed that there are a number of interpretations which have been attributed to the use of the word 'significant' in the Policy. It was Council's intent for the reference to 'significant' to relate to the number of objections received. However, it is acknowledged that 'significant' can be interpreted as being the importance of the issue raised and/or the way in which one person may be impacted by a proposal greater than another person. In this regard, it is considered appropriate to amend the Policy to delete reference to the word 'significant' to provide greater clarity that the Policy is only relating to a threshold number of submissions which requires an application to be determined by Council and has no bearing on the issues raised within a submission.

#### ***Submissions should be valued on the content not the number of submissions***

#### Comment

The Policy seeks to use the number of submissions received as a measure of public interest in order to determine the level of delegation for the determination of a development application. The Policy will not diminish the content of each submission as each issue will be assessed on merit and in accordance with the relevant legislation, irrespective of how many submissions are received.

#### ***The requirement for at least two elected Councillors to call the matter to Council should be maintained and is a more appropriate way to for a DA to be considered by Council.***

#### Comment

Despite any threshold set within the Policy and the number of submissions received in relation to an application, Councillors retain the ability to call any development application to Council for determination.

#### ***Concern for small communities where they may not be able to obtain 15 submissions for objection to a proposal***

#### Comment

In response to this point it is considered appropriate to modify the thresholds within the policy. It is recommended that development applications which receive 10-24 submissions will trigger a Business Update to inform Councillors of the public interest associated with an application, and those which receive 25+ submissions will trigger determination by Council.

It should be noted that the adoption of the Policy will not limit the ability of the Councillors to request **any** development application to be considered by Council irrespective of the number of submissions.



### **3.1 Amendment of Policy for the Determination of Development Applications Subject to Public Objection (contd)**

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***There should not be a requirement that states that multiple submissions from the one address should only be counted as one submission.***

#### Comment

Council acknowledges that there may be multiple individuals living in a single household and it is considered reasonable to allow these individuals to provide an objection to a proposed development and have it counted in the total number of submissions received. The Policy has been amended accordingly.

***Pro forma letters are a concern/ they should not be counted as multiple submissions***

#### Comment

It is difficult for Council to include this type of provision within the Policy as valid concerns may be raised in these letters and members of the community may not wish to duplicate issues already raised.

Additionally, Council is mindful of the fact that some members of the community may not know how to articulate their concerns in relation to a development in a way in which they may be articulated by someone else via a pro forma letter or petition. It is therefore appropriate to consider pro-forma letters as individual submissions.

***Submissions from locals should only be counted/ Facebook and other forms of social media provide opportunity for people who are not in the area or not impacted by the development in any way, to make a submission.***

#### Comment

It is agreed that social media has provided more opportunity for people to become aware of an issue/proposed development. To only limit the submission count to those that live in the area would be difficult to regulate as a person may live somewhere else but have an investment property or friend/relative that is within the locality of the proposed development and consideration would need to be given on what constitutes 'local' e.g. distance to the proposed development, suburb based etc. The impact of a proposed development is relative to the scale and nature of a proposed development and this may extend beyond a few streets or a suburb which is why it may be reasonable to limit the threshold for submissions to 'locals' only.

***Suggested changes to the wording of the Policy to provide greater clarity around the intent of the different parts.***

#### Comment

The suggested changes to the Policy have been considered in the review of the submissions and drafting of the recommended Policy.



### 3.1 Amendment of Policy for the Determination of Development Applications Subject to Public Objection (contd)

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#### Recommended Policy Amendments

It is recommended the exhibited policy be amended as follows:

- The threshold criteria for the number of objections is increased from 15 to 25
- Inclusion of a requirement for the preparation of a Councillor Business Update for development applications subject to 10-24 submissions by way of objection
- Minor amendments which provide greater clarification of the policy (e.g. definitions)
- Deletion of the reference to the word 'significant' within the Policy

Subclause 393B(1)(b) of the *Local Government (General) Regulation 2005* defines a 'controversial development application' as being a development application under the EP&A Act "for which at least 25 persons have made submissions...by way of objection". This is also the threshold used during the caretaker period prior to a local government election. It is therefore considered appropriate for Council's Policy to align with the threshold specified in current legislation.

Moreover, this threshold:

- Aligns with the threshold set for State Significant Development applications/modifications and the threshold set for the City of Sydney under the Local Planning Panels criteria contained in Schedule 3 *Local Planning Panels Direction-Development Applications* issued under section 9.1 of the *Environmental Planning and Assessment Act 1979* (EP&A); and
- It is half of the threshold of the current policy, providing a more appropriate balance between the existing and proposed policy.

Despite the threshold for objections set by the Policy, Councillors still have the ability to call any development application to Council.

#### Potential impacts of a threshold of 15

The purpose of the Policy is to "establish a framework for the determination of Development Applications under the *Environmental Planning and Assessment Act 1979*, which are subject to submissions by way of objection". For this to be achieved, a balance needs to be attained between development applications having high community interest being determined by the Council whilst ensuring that other development applications are not unnecessarily delayed, which is why a threshold of 25 objections has been recommended.

The preparation of a Council report adds at least 30 to 60 days to the determination time for each development application having regard for the preparation of a complex report, the robust peer review process that is undertaken prior to the report being placed on the business paper and the need to meet the time frames for inclusion of the report on the business paper. Reports to the Council are more complex than reports prepared for



### **3.1 Amendment of Policy for the Determination of Development Applications Subject to Public Objection (contd)**

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delegated staff because those delegated staff have tertiary qualifications and relevant town planning experience, whereas the broader audience for a report to the Council may not have such qualifications or experience.

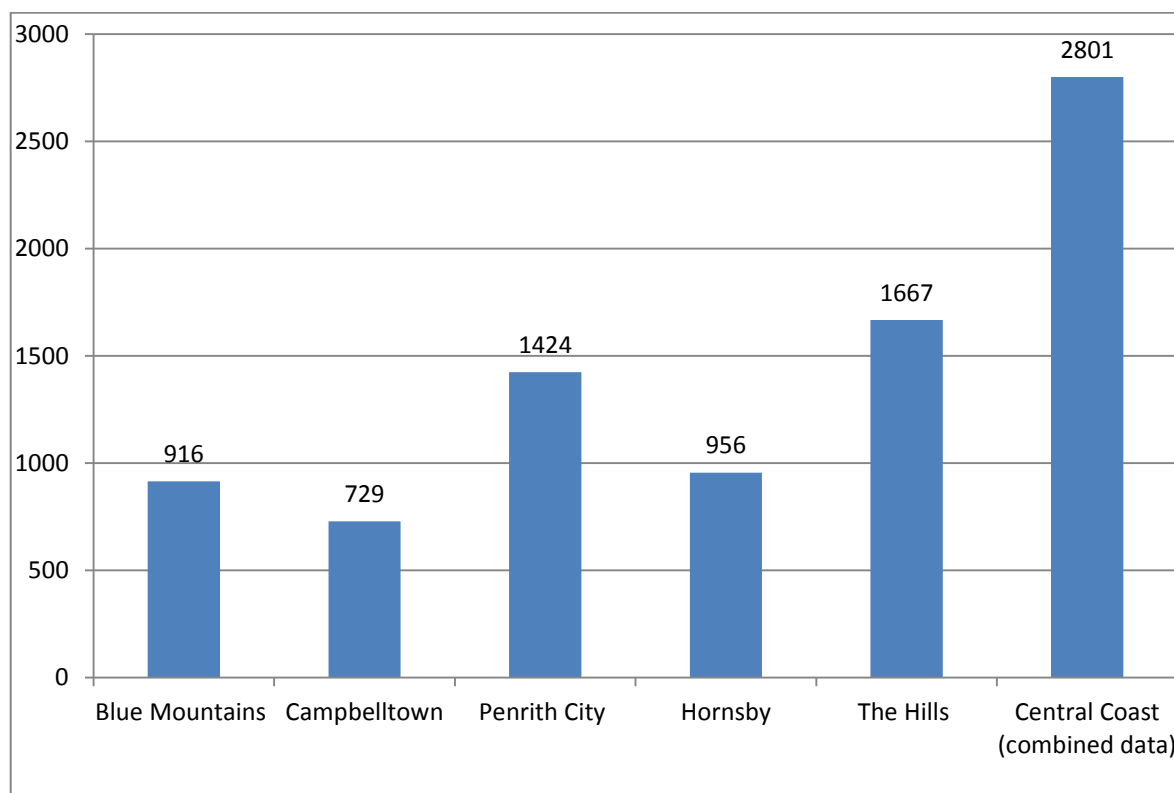
There are statutory time frames for the determination of a development application, being 40 days for any development except that which is designated, integrated or requires concurrence where this period is extended to 60 days. Any unnecessary delays in the determination of a development application can lead to considerable frustration by an applicant and/or developer and may increase the likelihood of a 'Deemed Refusal' appeal to the Land and Environment Court. Additionally, there are no 'stop the clock' provisions which apply to those applications being determined by Council for the period in which the Council report is prepared until the meeting in which the application is determined.

As identified in the Central Coast Regional Plan 2036, the Central Coast is at the centre of the State's fastest growing corridor with a projected population of 1.1 million by 2036. To accommodate the projected housing growth over the next 20 years, 2,075 new homes will be needed each year, on average. Additionally the NSW Premier has set 12 'Premier's Priorities', one of which is improving housing affordability, the goal being 61,000 housing completions on average per year to 2021. To support the Premier's commitment to deliver 61,000 housing completions on average per year, the NSW State Government has set a target for 90% of housing approvals to be determined within 40 days by 2019.

As demonstrated in Figure 1, when compared to other Councils in our Group, Central Coast Council has been the highest performing Council in relation to the number of applications determined in the period 2015-2016 and is on track in achieving the Premier's targets. The number of Development Applications determined over the last two years has remained consistently high with the number of applications determined in 16/17 being 3586 and the number of applications in 2017/2018 being 3468.



### 3.1 Amendment of Policy for the Determination of Development Applications Subject to Public Objection (contd)



**Figure 1: Total number of DA's determined in 2015-2016 LDPM period (2016-2017 LDPM data not yet released by Department of Planning and Environment).**

As a consent authority, Central Coast Council needs to ensure that the goals and priority actions contained within the Central Coast Regional Plan and those targets set by the Premier in relation to housing completions, are met. There is the potential for determination times to increase if a lower threshold of objections is set within the Policy which is why 25 or more objections is considered a more reasonable threshold rather than 15.

Table 2 provides a summary of the number of applications that would have been referred to Council during the 2017 calendar year, across a range of thresholds, which totals 75 applications. It should also be noted that of the 75, 61 development applications were determined with greater than 10% variations to development standards in 2017. These applications would also have been referred to Council for determination in accordance with the new assumed concurrence for development standards issued by the Department of Planning and Environment.

Submission Threshold	Number of development applications
15-24 Submissions	5
25-49 Submissions	5
50+ Submissions	4
LEP variations >10%	61
<b>Total</b>	<b>75</b>

**Table 2: Number of DA's with 15 or more submissions and LEP variations determined in 2017 that would have been referred to Council for determination**



### **3.1 Amendment of Policy for the Determination of Development Applications Subject to Public Objection (contd)**

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Having regard for the above, Council staff would have prepared a total of 75 Council reports, in addition to 12 Regional Planning Panel reports, for the year 2017. These reports are always more complex and take considerably longer to prepare.

#### **Conclusion**

Consideration of public submissions is an important part of the assessment and subsequent determination of a development application. Council's 'Policy for Determination of Development Applications Subject to Public Objection' seeks to establish an appropriate determination level for applications which receive submissions by way of objection. While some applications are able to be determined by staff under delegation, it is appropriate that where there is a high level of community interest and this is reflected in the number of submissions received, the application is considered and determined by the elected Council.

The Policy seeks to address the public interest, provide an appropriate balance between the community interest and avoiding unnecessary delays in the determination of applications, and provide for broader representation and a transparent approach to development decision making.

It is recommended that the Policy provided in Attachment 1 be adopted and those who made submissions be informed of Council's decision.

#### **Attachments**

- |          |  |           |
|----------|--|-----------|
| <b>1</b> | Draft Policy for the Determination of Development Applications Subject to Public Objection - Following Public Consultation | D13270314 |
| <b>2</b> | Submission Issues Summary - Objections Policy  | D13270315 |



# **POLICY FOR DETERMINING DEVELOPMENT APPLICATIONS SUBJECT TO PUBLIC OBJECTION**



<b>AUTHORITY</b>	NAME & TITLE
<b>AUTHOR</b>	Emily Goodworth –Section Manager Development Assessment (North)
<b>MANAGER</b>	Jamie Loader –Acting Unit Manager Development Assessment
<b>GROUP LEADER</b>	Scott Cox- Director Environment and Planning
<b>CHIEF EXECUTIVE OFFICER</b>	Gary Murphy –Chief Executive Officer

**CERTIFIED A TRUE COPY OF POLICY ADOPTED BY COUNCIL**

<b>AUTHOR SIGNATURE</b>	
<b>COUNCIL RESOLUTION DATE</b>	12 February 2018 - draft

**History of Revisions:**

Version	Date	TRIM Doc. #
1.0	27 July 2016	D12414552
2.0	28 September 2016	D12467993
3.0	4 November 2016	D12521787
4.0	14 February 2018	Draft



**A. POLICY SUMMARY**

- A1 The purpose of this policy is to establish a framework for the determination of Development Applications under the *Environmental Planning and Assessment Act 1979*, which are subject to submissions by way of objection.

**B. POLICY BACKGROUND**

- B1 The *Environmental Planning and Assessment Act 1979* provides for public participation as part of the assessment process for certain Development Applications. Where required, development applications are publically notified and during the notification period, any person may make written submissions or lodge petitions to the Council with respect to the development application.
- B2 Submissions on development applications must be made in writing and lodged with Council within the notification period. This period may be extended by Council where it is considered appropriate.
- B3 Where multiple submissions by way of objection are received from the same address or unit number, by the same person, in the same notification period, they will be counted as a single submission.
- B4 Where multiple submissions, by way of objection, are received from the same person in the same notification period, they will be counted as a single submission.
- B5 Council must consider all submissions received from the community within the notification period in its assessment of the Development Application.
- B6 Submissions assist Council in being aware of relevant issues and community concerns when determining an application. B7 The Director Environment and Planning has delegation to determine development applications regardless of the number of submissions received.
- B7 It is appropriate that development applications which are subject to submissions of objection are reported to an Ordinary Meeting of Council for determination.

**C. DEFINITIONS**

- C1 **Business Update** means a notice distributed by the Director (or his/her nominee) to Councillors
- C2 **Call Up Request** means a written request from not less than two Councillors to the CEO (Chief Executive Officer) requesting that a nominated Development Application be reported to an Ordinary Meeting of Council, for consideration and determination by Council.
- C3 **CEO** means the person appointed to the statutory position of General Manager or Chief Executive Office of Council.
- C4 **Council** means Central Coast Council.
- C5 **Councillor** means a person elected or appointed to civic office and includes the Mayor and the Deputy Mayor.
- C6 **Delegation** means delegation of functions to determine Development Applications given to the CEO pursuant to s. 377 of the *Local Government Act 1993* or given by the CEO to other Council staff pursuant to s. 378 of that Act.



- C7 **Development Application** means an application for which Council is the consent authority, under Part 4 of the *Environmental Planning and Assessment Act 1979*.
- C8 **Director** means the person appointed to or acting in the position of “Director, Environment and Planning” of Council.
- C9 **Notification Period** means the period during which submissions may be received, as determined by the *Environmental Planning and Assessment Regulation 2000* or the relevant Development Control Plan applicable to the land. The period may be extended by Council where it is considered appropriate.
- C10 **Petition** means a written submission objecting to a proposal that is signed by three (3) or more people and must provide the objector's name and address, whether lodged electronically or in a physical format.
- C11 **Objection** means a written response received by Council objecting to a proposal as a result of the public notification of a Development Application which includes the objectors name and address, whether lodged electronically or in a physical format, **and the grounds for the objection.**
- C12 **Submission** means a written response received by Council as a result of the public notification of a Development Application which includes the respondent’s name and address, whether lodged electronically or in a physical format and which is either in support of, or in objection to, the proposal.

**D. POLICY STATEMENTS****Jurisdiction**

- D1 This policy covers all Councillors, CEO, all Council employees and all persons and organisations contracted to or acting on behalf of Council.
- D2 This policy does not confer any delegated authority upon any person. All delegations to staff are issued by the CEO.

**General**

- D3 The procedure for assessing Development Applications is subject to and prescribed by the *Environmental Planning and Assessment Act 1979*. This policy does not impact on the statutory obligation to consider submissions as part of the development assessment process.
- D4 Nothing in this Policy prevents the CEO or a group of two or more Councillors from requesting that a Development Application be reported to an Ordinary Meeting of Council.

**E. POLICY IMPLEMENTATION – PROCEDURES**

- E1 This policy should be read in conjunction with the Central Coast Council Code of Conduct.
- E2 It is the personal responsibility of all **Councillors**, Council employees and agents thereof to have knowledge of, and to ensure compliance with this policy.



**Procedure for determining Development Applications subject to public objection**

- E3 ~~Development Applications the subject of 25 or less objections and/or petitions totalling less than 50 signatures will be determined under Delegation, unless a Call Up Request is received by the CEO or the Director.~~
- E4 Where a Development Application is the subject of 10 -24 submissions of objection and/or petitions of objection totalling 50 or more signatures are received, a Business Update will be prepared and sent to all Councillors. The Business Update will outline the number of submissions, objections and/or petitions received and the issues that were raised. Councillors may decide whether to give a Call Up Request to the CEO or the Director. If no Call Up Request is received then the Development Application will be determined under Delegation.
- E5 Development Applications the subject of 25 or more submissions by way of objection (not including petitions) will be reported to an Ordinary Meeting of Council for consideration, unless:
- The application is recommended for refusal; or
  - Changes have been made to the proposed development that, in the opinion of the Director, have adequately addressed the issues raised during the Notification Period and there was a reduction in the number of objections (to 24 or less) as a result of any later re-notification.
- In the event of E5 (i) or (ii) as described above, the Director will provide a Business Update that outlines the number of submissions, objections and/or petitions received and the issues raised. Two or more Councillors may give a 'Call Up Request' to Councillor Support. If no Call Up Request is received, then the Development Application will be determined under delegation.
- E6 Associated documents
- Council's adopted *Code of Conduct*
  - Council's Delegation Register
  - *Wyong Development Control Plan 2013*
  - *Gosford Development Control Plan 2013*
  - *Environmental Planning and Assessment Act 1979*
  - *Councillor Call up request form*



## Attachment 2 – Results of Public Exhibition

Table - Submission Summary – Public Exhibition

Doc. No.	Issue
D13175049	15 submissions is too few a number to result in a matter being deemed to have 'significant' public objection.
	Do not believe that a numerical standard is the most appropriate for determining whether a matter is subject to 'significant public objection'.
	In the current day and age of social media, obtaining support for a particular cause (be it for or against), is ... relatively easy. In these circumstances, I would not believe the matter has 'significant public objection'; rather a following of online activists...I would urge Council to consider the current context/environment of which development is occurring. Please be mindful of the ease of social media to cause a stir and impact upon what may be appropriate development.
	A broader approach based upon development type or maintaining the requirement for at least two elected Councillors to call the matter up is more appropriate.
	Should the Council maintain a numerical value, I would recommend the policy be modified to include reference to 'unique submissions'; individual submissions that are not simply a letter duplicated a number of times with address and name changed...this type of submission is essentially a petition, and should be treated as such.
D13165192	Respectfully urge you to vote against the proposed reduction in the threshold for objections from 50 to 15 triggering a referral of a DA to Councillors for determination.
	If you allow this to happen it will damage the Central Coast construction industry and the overall local economy, delaying much needed development and economic growth, affecting builders, trades and suppliers and stalling the job creation that is now transforming the Central Coast into a vibrant urban corridor.
	Damage on the local economy by voting for the reduction.
	Don't want Central Coast to go back to being a dormitory suburb of Sydney.
	Councillors are not qualified town planners familiar with relevant legislation, environmental policies and urban design principles.
	Already more than adequate scope for residents to bring a DA before Councillors.
	50 objections is a reasonable threshold.
D13167764	There needs to be more than 15 objections for DA's to be referred to Councillors.
D13169219	I support the reduction in the number of objections from 50.
	I believe 50 to be too high to indicate a significant level of neighbourhood opposition to a DA.
	I think 25 would be a better limit
	I support a reduction to 15 rather than maintaining the current level.
D13169206	To require 15 written objections from 15 separate rateable addresses before a DA goes to council is grossly unfair for residents and ratepayers.
	Most residential developments would not impact 15 separate rateable addresses.
	Number should be dropped to 3.



Doc. No.	Issue
	<p>Appears that Central Coast council does not care about residents and is just out to shield the developers.</p> <ul style="list-style-type: none"> <li>• This CCC003 proposal will increase probity issues and result in residents having zero confidence in CCC, its honesty, integrity and governance.</li> <li>• CCC will waste ratepayers time and money defending itself to the public, in Court or at ICAC.</li> </ul>
D13183403	<p>Should be reduced to 10 objections.</p> <p>If 10 people take the time and effort to register an objection it is worth consideration of Council.</p> <p>In some cases a limited number of people will be seriously affected by development proposals and they should have an opportunity to get a Council review.</p> <p>We do need the voice of the people to be heard.</p>
D13185528	<p>I fully support the proposal to reduce the required number of objections (to trigger referral and presentation of the subject development to Council) to 15 objections</p> <p>Now, more than ever, the Central Coast deserves quality developments that are in character with the current and future aspirations of those living in and moving to this area.</p> <p>It is unrealistic and unfeasible to expect (or even to hope) that quality developments - those that will support a vibrant and liveable city and healthy, prosperous residents - to be produced without authentic accountability for developers to answer questions of how their designs (based generally on profit) will affect the wealth, wellbeing, lifestyle and mental health of those who live and run businesses in proximity to them.</p> <p>The argument that 15 objections will slow the pace of development and "scare away" potential developers from Gosford and the surrounding area is unfounded, and we the public view these as scare tactics by those best placed to profit from faster, less scrutinised development.</p> <p>High expectations and the potential for wider scrutiny will mean that the DAs are of a better quality the first time around, and if this is the case it could even speed up the rate of development due to the planners and architects aiming to "get it right" from the outset. This is the case in other LGAs.</p> <p>all land subject to DAs should have the DA displayed using a small sign on the land or property (on a fence or signpost, for example) to bring it to the attention of potentially affected residents. The elderly, less well-educated, time-poor and socially isolated people are unlikely to access the media that advertise DAs and as such, are often unaware of the DA even being made and can be significantly impacted on the resulting development without having had an opportunity to object.</p>
D13185665	<p>I believe it is fair and reasonable to amend the number of objections required to trigger referral of development applications to Council for determination, to 15 or more objections.</p> <p>In many cases it would be very difficult to get 50 citizens to put their objections in</p>



Doc. No.	Issue
	<p>writing unless it is a major development.</p> <p>There is certainly a discriminatory element if smaller developments require 50 objections. It is much fairer to set the number to 15 (or even less), where the impact may be of concern to fewer residents who will otherwise be denied the right to question or contribute to a development based on their own valuable local knowledge.</p> <p>While development is necessary, residents should not be shut out of the consultation process by increasing the number of submissions above the reasonable level of 15.</p>
D13183388	<p>I wish to fully support the proposal to amend the number of objections which trigger referral of development applications to Council for determination to 15 objections.</p> <p>The number of 15 objections is much more reasonable. Mosman Council refers DAs to council after just 3 objections!</p> <p>Residents should be given the ability to bring developments into question where their concerns are fair and reasonable.</p>
D13179209	<p>Support the draft proposal that the threshold for the number of objections to trigger involvement of elected councillors should be 15.</p> <p>The higher number, originally intended to be 100, introduced by the unelected, NSW government appointed, administrator was a ploy to favour developers over the community. The 50 objections seemed to be intended to silence public dissent and could allow unsuitable developments to be put through without adequate scrutiny.</p> <p>Most other councils have limits much smaller than 50. If a developer can't factor in an extra week or two over the planning process for a major construction project then they shouldn't be in business.</p> <ul style="list-style-type: none"> <li>Public trust in the council has taken a beating over the past few years</li> <li>I believe that if the matters are discussed in open public meetings then at least the community has some chance of monitoring Councillors' actions.</li> <li>Decisions made behind closed doors by Council staff do not come under the same level of public scrutiny.</li> </ul> <p>I support any measure that helps shine a light on the processing of DA's, and delivers at least some checks and balances, openness and transparency.</p> <p>I recommend lowering the limit to 15.</p>
D13179206	<p>I consider it to be a core function of Councillors to consider DAs and re-zoning applications which do not enjoy sufficient support from either neighbouring, local or region-wide residents.</p> <p>Reviews and consideration by Councillors in a public setting (Council meeting) facilitate the revelation of any conflict between statutory (planning law) conditions that may be applied to a DA and any differing community expectations regarding acceptable development.</p> <p>Councillors will not be able to recognise any patterns of conflict between existing planning policy settings and planning outcomes if they do not engage in frequent reviews and consideration of DA and re-zoning submissions.</p>



Doc. No.	Issue
	I strongly support the removal of item B3 in its current form - the basis of democratic participation, which includes expressions of support for or objection to a development application, should be the eligible individual and not the household. I would like to suggest a substitution with: "multiple submissions received by the same person (sender) are to be regarded as one submission".
	I strongly support the lower threshold of 15 objections to trigger consideration by a Council meeting. I would like to point out that Councillors are free to form a duly authorised and constituted committee for the purpose of reviewing planning matters if this is deemed necessary or appropriate as a result of the adoption of this draft policy.
	I would like to suggest that, pending assessment of the performance of this determination policy, a clause be added that would enshrine a regular and formal review of this policy. I would like to suggest a set five-year review cycle.
D13170163	Support the proposed amendments.
D13169025	I fully support the proposal to only require 15 objections to DA for a proposal to be referred to Council.
D13167323	The number of objections received before a DA goes to Councillors should be 15.
D13166533	I agree the 15 objections to trigger a council review is a 'win win' for both the Central Coast residents and the developers. It will give the residents a chance to air their grievances and that developers planning decisions will impact on as few of the residents as possible.
D13166219	50 takes our chance of equal opportunity away because in our wide spread community 50 is just not possible to achieve. We believe it won't affect the time spent on each DA. If staff is overloaded employ extra planners. Ensure a good thorough job is done so it is the best result for all. We all pay rates and are entitled to local council allowing us equal opportunity and displaying duty of care.
D13166512	I support the Central Coast Council proposal to amend the number of objections to 15 before for a final decision is required by Councillors. Provides residents with the opportunity to comment on proposed development with the knowledge that their objection will be genuinely considered by their elected representatives...the system is heavily biased towards developers and this proposal goes some way to providing a little balance. The concern about delay to approval of a DA is insignificant in the overall scheme of things. The concern about delay to approval of a DA is insignificant in the overall scheme of things.
D13165647	I do not agree with the first half of "B3"  B3 Where multiple submissions are received from the same address, unit number



Doc. No.	Issue
	<p>Our house has 3 adults each registered to vote in council elections living in it each adult should be allowed to express a view, therefore all 3 submissions should count.</p> <p>Now if you read B1 it states <u>any person may make a submission</u>, so you cannot have B3 stopping submissions from the same address.</p> <p>If the same person puts in multiple submissions then they should count as 1 only.</p> <p>Yes we need E5. If 15 objections are received then the public view should be heard by council.</p> <p>Also think that the public need a right of review also, we need to know that our concerns have been dealt with in line with E6.</p> <p>No clause that defines how you let the local residents know about DA's. I think that only telling the houses next door to a DA is not sufficient.</p> <p>There should be a clause in this document that states how you will notify residents of DA's. My thought would be any property in a radius of 250 meters should be notified.</p>
D13185277	<p>Fully support the current proposal to amend the number of objections which trigger referral of development applications to Council for determination to 15 or more objections.</p> <p>As a comparison Mosman Council refers DA's to council after just 3 objections, so perhaps the number would be fairer at 10 NOT 15.</p> <p>In many cases it would clearly be difficult to get 50 citizens to put their objections in writing unless it is a major development, as was the case with the waterfront development that stirred enormous passions with over 10,000 signatories to a petition or the hundreds of letters of objection for the Avoca Theatre DA which has raised wide concern.</p> <p>For smaller developments where the impact may be of valid concern to fewer residents, they will effectively be denied the right to call a DA into question or be able to make reasonable contributions to the development, based on their own local knowledge or the impact of the development on them. This is unfair and could be considered discriminatory.</p> <p>The right of citizens to have a fair say, a fair go, is our democratic right. We should not be shut out of the development process by any increase in the number of submissions above the reasonable level of 15 if not less.</p>



Doc. No.	Issue
D13180532	Strongly support the revised draft policy; and in particular supports the provision (clause E5) reducing to 15 the number of objections required to trigger referral of a Development Application (DA) to an Ordinary Meeting of Council.
	<ul style="list-style-type: none"> <li>• policies of the Central Coast Council relating to development should provide and encourage the full ability of the community to express to Council its views about the suitability of significant development proposals.</li> <li>• where there is a significant level of concern about a DA, elected representatives (Councillors) should be made fully cognisant of and responsive to that community concern.</li> </ul>
	15 (or more) expressions of community objection is a reasonable and practicable reflection of a significant level of concern about a DA. That level of community concern warrants Council giving direct consideration to those issues.
	Council procedures should be designed to highlight for Councillors the nature of "significant" concerns, and to avoid unnecessary distraction with relatively trivial DAs or bogging down of processes.
	<ul style="list-style-type: none"> <li>• The title of the draft policy refers to "significant" objection – that concept should apply to both to the number and to the nature of content of individual submissions.</li> <li>• If the trigger number of objections is reached simply by the device of duplicate, insubstantial statements of objection, then this can be reflected in advice to Councillors who can judge their merit.</li> </ul>
	<ul style="list-style-type: none"> <li>• Clause B3 would prevent recognition of more than one person at an address making a submission and is an undesirable feature of the policy.</li> <li>• Acts to disenfranchise individuals within a family or residence who may have interests in different aspects of a DA, or may hold opposite positions on the development.</li> <li>• multiple submissions from addresses could be reported by Council staff when they advise Council on the nature of the community response.</li> </ul>
	50 objections is much too high a bar
	Council should not agree to a threshold higher than 25 objections
13172463	The use of 'significant' in the policy is erroneous. 'Significant' applies to issues raised and can apply to a single objection
	I have failed to find any reference to areas with low population numbers.



Doc. No.	Issue
	<p>The policy contains reference to the number 50 or near and adheres to previous unacceptable administration standards.</p> <ul style="list-style-type: none"> <li>• The policy continues simplification of the DA process.</li> <li>• It follows a business-as-usual tack</li> <li>• Disengages the public</li> </ul> <p>Policy does not relay Council's interpretation of 'significant'</p> <p>E3, E4 and E5 reduce Council's and Councillors accountability and fast track development proposals contrary to public interest.</p> <p>E3 and E4 should be amended to "DA's subject to less than 15 objections and/or petitions.</p>
	<p>E5 should be changed to signify the most threatening development proposals with objections less than 10, having regard for the benefit of the public. All developments should be referred to Council regardless of refusal and changes deemed to be complying by the Group Leader.</p>
D13270547	<p>Policy should relate to petitions and objections and the fact that they need to be local objections , as with the internet and face book has opened those outside the area to object to issues that They have no impact/relationship with.</p> <p>Objections and petition (signed from out of area ) not local based shouldn't be Counted within the criteria.</p>
D13170140	<p>The use of 'significant' in the policy is erroneous. 'Significant' applies to issues raised and can apply to a single application.</p> <p>Should not relate to numbers only.</p> <ul style="list-style-type: none"> <li>• At the 12 February 2018 Council meeting there were shared opinions about submission numbers relevant to areas with low population density and the inability to reach quota numbers.</li> <li>• There is no reference to areas with low population numbers.</li> </ul> <p>Definitions fails to relay the council's interpretation of 'significant'.</p> <p>Actions E3, E4 and E5 are devised to reduce the Council's and Councillors accountability and fast track development proposals contrary to public interest.</p> <p>E3 and E4 should be amended to 'DA's subject to less than 15 objections and/or petitions.</p> <p>E5 should be changed:</p> <ul style="list-style-type: none"> <li>• to signify the most threatening development proposals with objections less than 10, having regard for the benefit of the public.</li> <li>• All developments will be referred to an Ordinary Meeting of Council, regardless of refusal (1) and changes that are deemed complying by the Group Leader (11).</li> </ul>



Doc. No.	Issue
D13169753	<p>I understand the principle of delegated authority and support Council's desire to streamline the processing and determination of DAs.</p> <p>Council staff are professionals with a detailed knowledge of complex planning and other relevant legislation and are probably in the best position to make decisions that are compliant and lawful. For this reason, one would expect decisions by Council to be guided by the advice of its professional staff.</p>
	<p>I note the 'safeguard' provision that any 2 Councilors can ask that a matter be brought to Council. With a ward-based system with 3 Councillors per ward, it would be difficult to argue that community input is restricted no matter what referral threshold may be adopted by Council for bring a DA to full Council. Frankly, if an objector or objectors cannot convince 2 Councillors of the merits of their argument, it would be hard to argue the merits of determination of the matter by the full Council.</p> <p>Is 'significant' to be judged by substance of the issues raised .. and maybe supporting research / documentation .. or simply the number of template submissions received, regardless of their content ?</p> <p>It's my view that the <i>substance</i> of objections ought carry much more weight than the number of submissions received.</p> <p>Significant public objections generally arise when:</p> <ul style="list-style-type: none"> <li>a proposed development is out of character with existing surrounding development</li> <li>- a proposed development DA which is pushing the envelope: either with footprint / site coverage or height</li> <li>- a proposed development is likely to have unacceptable impacts - either on the environment, amenity of nearby residents, streetscape, traffic congestion etc</li> <li>- there has been ineffectual public consultation ... either because of poor advertising or exhibition at times when people are otherwise pre-occupied (eg in holiday periods)</li> </ul> <p>Council needs to find a balance between achieving efficiency and timeliness of processing (using delegated authority for most relatively straightforward) DAs with allowing the community voice to be heard .. ie in relatively complex, more contentious DAs.</p>



Doc. No.	Issue
	<ul style="list-style-type: none"> <li>In my view, 50 is too high a threshold ... considering the direct impact of most developments is on maybe 20 landowners / residents in the immediate vicinity of the proposed development.</li> <li>On the other hand, a threshold of ~ 10 objections would mean that a large number of DAs would automatically be brought before a full council, creating inefficiencies and delay - and diverting the attention of Councillors from their principal role.</li> <li>On balance, I believe a threshold of in the range of 15-20 objections strikes a reasonable balance between processing efficiency and respecting and facilitating the expression of community concerns.</li> </ul>
D13166516	<p>B Policy Background</p> <ul style="list-style-type: none"> <li>Clause B4 should be amended from "Council must consider....." to "Council and the Director of Environmental and Planning must consider..."</li> <li>Clause B6 should be deleted. This clause is contradicted by Clauses C7 and D2. The procedure states that the CEO assigns delegation to the Director E and P. The Director E and P doesn't have Delegation as defined in clauses C7 and D2.</li> <li>Clause B6 is part of the Policy Background section and the roles of Councillors in the determination is not mentioned in this section which contradicts the information in the Policy Statement section.</li> </ul>
	<p>C Definitions</p> <ul style="list-style-type: none"> <li>Clause C3 has deleted the word Administrator. I would prefer that the words " .... a written request from the Mayor or not less than two Councillors ..." be added. This maintains the status quo that the Council's executive retains control over the Council in the Call Up Request procedure. Similar to the role of the Administrator.</li> <li>Three more definitions should be added, being for Public Notification, Significant Public Objection and Determination. This would clarify any misconceptions.</li> <li>Notice Boards should also be used for public notifications</li> <li>The definition of the words "significant" and "determination" in clause B7 should be defined. There has been contentious argument about whether the impact of flooding on surrounding properties is of major or minor significance. Significance by itself is open to interpretations. Determination should be simple to define. Is a determination subject to</li> </ul>



Doc. No.	Issue
	<p>an appeal by the developer or the residents?</p>
	<p>D Policy Statements</p> <p>In Clause D1 the word "all" should be added. "This policy covers all Councillors, CEO, all Council employees ....." This then means the Mayor is specially included.</p>
	<p>General</p> <p>In Clause D4 the word "an Administrator" has been deleted and the word "CEO" added. This clause should be amended to read "Nothing in this Policy prevents the Mayor, the CEO or a group of two or more Councillors from requesting that a Development Application be reported to an Ordinary Meeting of Council for determination". The words "for determination" should be added in order to substantiate the type of reporting. Just reporting without an explanation of what is being reported is not consistent with other parts of the policy.</p>
	<p>E Policy Implementation - Procedures</p> <p>Clause E2 should be amended with the words "all Councillors, Council employees and agents ....."</p>
	<p>Procedure for determining Development applications subject to significant public objection</p> <ul style="list-style-type: none"> <li>• In clause E4 the words "The Mayor or two or more Councillors may decide whether to give a Call Up Request to the CEO or the Director." This makes this clause consistent with the definition of the Call Up Request (Clause C3).</li> <li>• The clause that starts "In the event of E5 (i) or (ii) as described above, the Director ....." Should be labelled E6 because it is a stand alone clause. The second sentence should read "The Mayor or two or more Councillors may give a Call Upon Request to Councillor Support". This maintains the consistency that the Mayor has control of the Council.</li> <li>• Clause E6 should become Clause E7</li> </ul>
	<p>In general the set number of objections is immaterial as long as Councillors keep fully informed with the issues being raised by local constituents.</p>



Doc. No.	Issue
D13185533 D13179433 D13179438 D13186502	<p>It is widely argued that reducing the attention that elected Councillors give to development applications would speed up the processing of these applications, but it is rarely shown why this would make for better local government.</p> <p>Central Coast Council is there to ensure that the views and perspectives of the residents of the Central Coast are given at least as much attention as the current enthusiasms of the state government bureaucracy.</p> <ul style="list-style-type: none"> <li>• Objections to DAs are indicators of conflicting criteria, 'trip-wires' alerting decision-makers to the need to pay particular attention to this case. They show the need for judgment that all criteria have been taken into account, that this is accepted by the participants, and that the outcome is sustainable (in that it can be expected to guide future practice).</li> <li>• The question of how councils, as organisations, should deal with disputes over criteria has degenerated into a mindless numbers game – that if a certain number of objections were received, it would be dealt with by the elected Councillors, otherwise it would be left to the council bureaucrats.</li> </ul> <p>The point is that it is not about the number of objections received, but about how the council considers the issues involved. If there are disputes about how the competing criteria should be taken into account, this calls for judgment, and the judgment has to be made by elected Councillors: it cannot be derived from a town planning textbook.</p> <p>When a DA has attracted any significant number of objections (perhaps more than five), the town planners should brief the Councillors on the nature of these objections, and the Councillors can tell the planner what information they would need to inform their decision.</p>
	Suggest a Councillor 'screening committee' of three or four members which meet regularly with the town planners to clarify points of uncertainty and fine-tune procedures.



**Item No:** 4.1  
**Title:** Acquisition of Land at Blue Bay and The Entrance for Road Widening  
**Department:** Assets, Infrastructure and Business

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13 August 2018 Ordinary Council Meeting

Trim Reference: F2018/00869 - D13253353

Author: Julie Tattersall, Property Officer Land Sales Acquisitions

Manager: Paul Forster, Section Manager, Property and Infrastructure

Executive: Boris Bolgoff, Acting Director, Assets, Infrastructure and Business

## Report Purpose

Approval is sought to acquire land at 39 Boomerang Road, Blue Bay and 67 Warrigal Street, The Entrance for road widening for pedestrian access.

## Recommendation

**1 That Council acquire the following land as public road:**

***Part Lot 151 Section 3 DP 11935 at 39 Boomerang Road, Blue Bay***

***Part Lot 169 Section 3 DP 11935 at 67 Warrigal Street, The Entrance***

**2 That Council proceed to compulsorily acquire the land in the event that negotiations with the property owners cannot be satisfactorily resolved.**

**4 That Council apply to the Minister for Local Government for the approval of the Minister and the consent of the Governor in order to proceed with the compulsory acquisition, pursuant to the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.**

## Context

Roadworks are proposed to reconstruct the roads and to implement traffic management measures at the intersections of Eloora Road, Long Jetty and Boomerang Road, Blue Bay and Warrigal Street, The Entrance. A modified T-intersection is proposed at the Eloora Road/Boomerang Road intersection to give priority to the dominant traffic flows at this location. It is also proposed to close Boomerang Road.

## Proposal

To facilitate the road infrastructure requirements for the Project, it will be necessary to acquire land for road widening.



#### **4.1 Acquisition of Land at Blue Bay and The Entrance for Road Widening (contd)**

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The land affected by the Project is:

<b>Parcel – Lot &amp; DP</b>	<b>Address</b>	<b>Estimate of Area to be Acquired</b>	<b>Zoning</b>
151/3/11935	39 Boomerang Road, Blue Bay	9 m <sup>2</sup>	R1
169/3/11935	67 Warrigal Street, The Entrance	9 m <sup>2</sup>	R1

A location plan is attached showing the land affected by the acquisitions.

When transferred to Council, the land to be acquired for road widening will be dedicated as public road.

Council staff will endeavour to acquire the land required for road by agreement with the land owners. If, however, Council is unable to reach agreement within a reasonable time, it will be necessary to apply to the Minister for Local Government for compulsory acquisition of the land.

#### **Consultation**

The proposed signage and line marking for the Project was endorsed in December 2017 by the Traffic Committee subject to separate public consultation relating to the closure of Boomerang Road. A letter and plan was sent to the property owners and residents in the vicinity of the Boomerang Road road closure. Responses were received from 11 out of 18 of the property owners. Of these 11 responses, 10 supported the closure of Boomerang Road.

A further letter and plan was sent to property owners and residents in the vicinity of the Project in May 2018 inviting comments on the proposal. This consultation process included the owners of the land to be acquired and no comments were received.

The owners of the affected land have been advised by Property & Infrastructure Services of the proposal to reconstruct the roads and of Council's proposal to acquire part of their land for road widening.

Should Council authorise the acquisition of the affected land, consultation will continue with the owners with a view to acquire the affected parts of their properties by agreement.

The acquisition of this land was at the request of the Roads, Transport and Drainage Department.

#### **Options**

If Council does not authorise the acquisition of the affected land, the Project cannot proceed.



## 4.1 Acquisition of Land at Blue Bay and The Entrance for Road Widening (contd)

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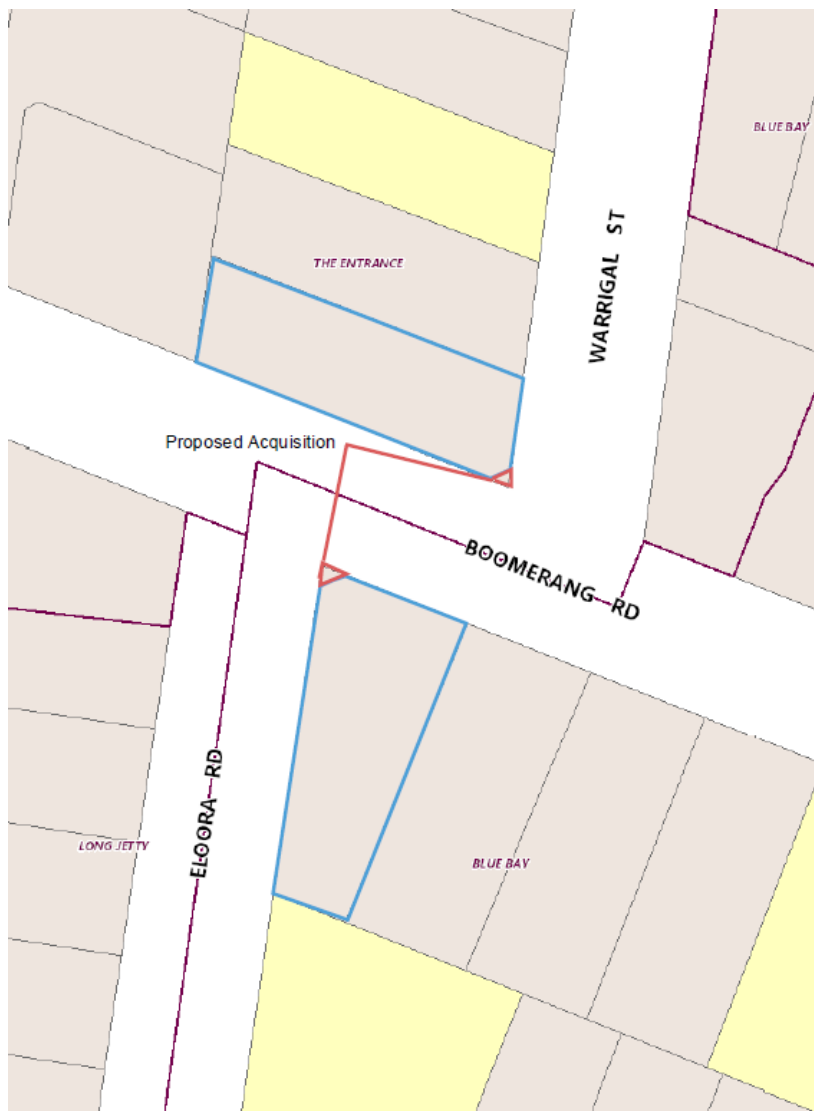
### Financial Impact

Construction and acquisition costs for the Project have been provided for from Capital Works Expenditure staged over 2017/18 and in the draft budgets for 2018/19 and 2019/20.

### Critical Dates or Timeframes

Access, construction and acquisition are programmed for commencement in October 2018.

### Location Plan including proposed acquisition (outlined in red)





**Link to Community Strategic Plan**

Theme 5: Liveable

**Goal J: Reliable public transport and connections**

J4: Design long-term, innovative and sustainable transport management options for population growth and expansion.

**Attachments**

*Nil.*



**Item No:** 4.2  
**Title:** Classification of Land, Lots 159 and 160 DP 1242686 at Forresters Beach  
**Department:** Assets, Infrastructure and Business

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13 August 2018 Ordinary Council Meeting

Trim Reference: F2018/00119 - D13263368

Author: Julie Tattersall, Property Officer Land Sales Acquisitions

Manager: Paul Forster, Section Manager, Property and Infrastructure

Executive: Boris Bolgoff, Acting Director, Assets, Infrastructure and Business

## Report Purpose

Approval is sought to classify the land known as Lots 159 and 160 DP 1242686 at Mistview Circuit, Forresters Beach as Operational Land.

## Recommendation

- 1 That Council classify the land known as Lots 159 and 160 DP 1242686 at Mistview Circuit, Forresters Beach as Operational Land pursuant to the Local Government Act 1993.**
- 2 That Council note that:**
  - a Nothing in the above resolution authorises the sale of the subject land (section 377(1)(h) of the Local Government Act 1993 provides that any sale of land can only be by resolution of Council).**
  - b Section 31 (3) of the Local Government Act 1993 provides that Council must not resolve that land be classified as operational land if the resolution is inconsistent with the terms of any trust applying to the land.**

## Context

Allam Forrester Beach Pty Ltd was required to make provision for drainage reserve as part of its development of 102 residential lots from the subdivision of Lot 2 DP 706892 and Lot 5 DP 1082979 at 997 and 995 The Entrance Road, Forresters Beach. Deposited Plan 1242686 is the new subdivision plan.

The land known as Lots 159 and 160 of DP 1242686 (at Mistview Circuit, Forresters Beach) were transferred to Council on 14 May 2018, pursuant to a condition of development consent DA 49274/2016, as drainage reserve. Drainage Reserve land should be classified as Operational Land in accordance with the Local Government Act 1993. Lot 159 has an area of



approximately 308.4 square metres and is zoned R2 Low Density Residential. Lot 160 has an area of approximately 128.3 square metres and is zoned R2 Low Density Residential.

### **Current Status**

Under Section 31 of the Local Government Act, 1993, Council may, before it acquires land or within three months after it acquires land, resolve that the land be classified as Community Land or Operational Land. Any land acquired by Council that is not classified within the three month period is taken to have been classified as Community Land.

Under Section 34 of the Local Government Act, 1993, Council is required to give public notice of the proposal to classify land for a period of 28 days before confirming classification. If no adverse submission is received, Council may resolve to adopt the classification.

Public Notice was given on 31 May 2018 of the proposal to classify Lots 159 and 160 as Operational Land and no submissions were received.

### **Proposal**

It is proposed to classify Lots 159 and 160 as Operational Land for the purpose of a drainage reserve.

### **Consultation**

Public Notice of the proposal to classify Lots 159 and 160 as Operational Land was given on 31 May 2018 and no submissions were received.

### **Options**

Council may resolve to apply either a "community land" or an "operational land" classification. Lots 159 and 160 should be classified as Operational Land in accordance with the Policy for Property Transactions – Sales and Acquisitions adopted by Council.

### **Financial Impact**

There is no cost to Council to classify Lots 159 and 160.



## 4.2 Classification of Land, Lots 159 and 160 DP 1242686 at Forresters Beach (contd)

### Link to Community Strategic Plan

Theme 4: Responsible

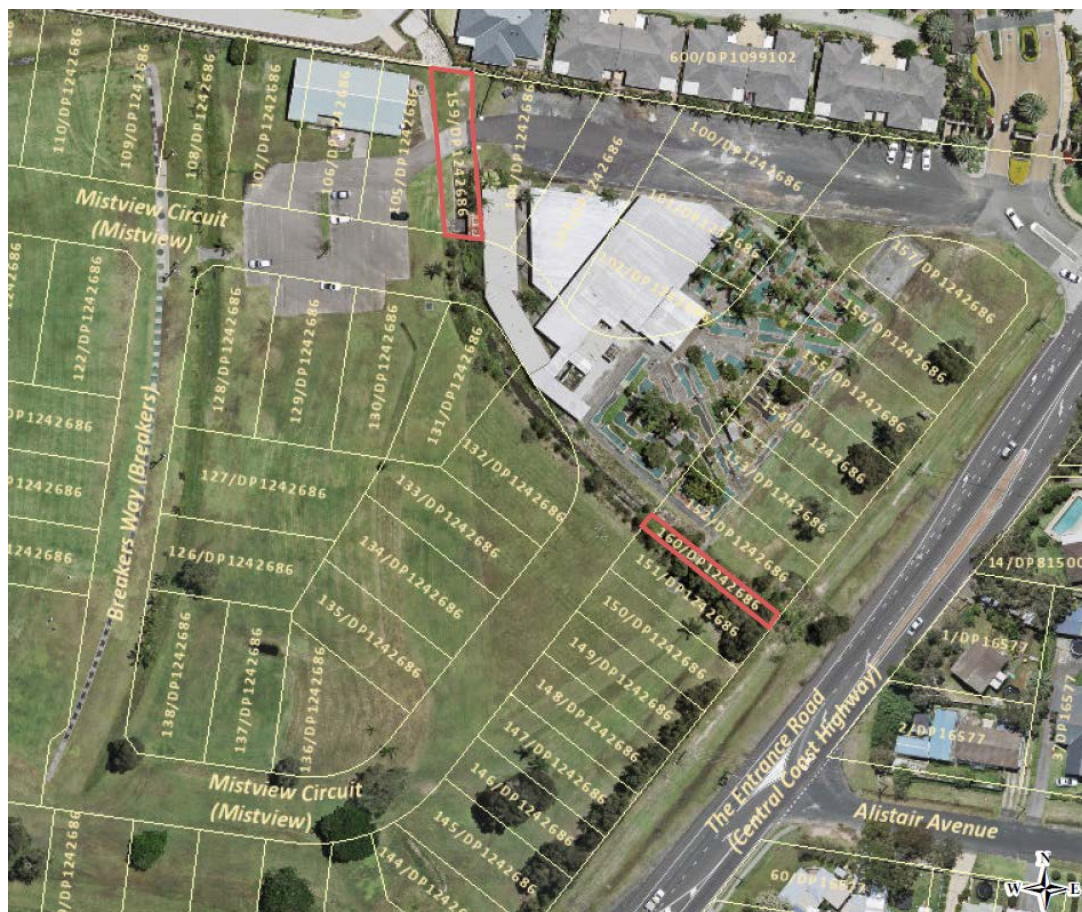
### Goal G: Good governance and great partnerships

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

### Critical Dates or Timeframes

Section 31 of the Local Government Act 1993 requires Council to resolve to classify land within three months of acquisition. Classification of this Land must be resolved prior to 14 August 2018.

### Location plan showing Lots 159 and 160



### Attachments

Nil.



**Item No:** 5.1  
**Title:** Climate Change Report  
**Department:** Environment and Planning

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13 August 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-02 - D13214748

Author: Anumitra Chand, Principal Strategic Planner

Manager: Matthew Prendergast, Unit Manager, Strategic Planning

Executive: Scott Cox, Director, Environment and Planning

### **Report Purpose**

The purpose of this report is for Council to consider the draft Climate Change Policy for the purpose of community engagement.

This report recommends that Council endorse the draft Climate Change Policy and place on public exhibition for a period of 28 days.

### **Recommendation**

- 1 That Council endorse the draft Climate Change Policy for the purpose of public exhibition.**
- 2 That Council exhibit the draft Climate Change Policy for a period of 28 days.**
- 3 That Council consider a further report on the results of community consultation and internal stakeholder consultation.**
- 4 That Council apply to join the Cities Power Partnership and that a briefing to the Council be provided on possible Council Pledge Actions under the Cities Power Partnership.**
- 5 That Council request the Chief Executive Officer to write to the Climate Council of Australia confirming participation as a Power Partner in the Cities Power Partnership Program.**

### **Summary**

In accordance with the NSW Government's guidance for merged Councils on planning functions, Council recognised the need to review the policy positions of the former *Wyang Shire Council* and *Gosford City Council* on climate change. This review will allow Council to adopt a single policy position on Climate Change for the Central Coast Local Government Area.



As part of this process, Council's Strategic Planning Business Unit has undertaken extensive consultation with internal Business Units to develop a policy that aligns with the Central Coast Council corporate vision "*To build a vibrant and sustainable Central Coast*".

The draft Climate Change Policy (the Policy) provides a framework for Council to investigate the appropriate actions for commitment and position on climate change for the Central Coast region. The aim of the Policy is to guide planning and development of the Central Coast as a region resilient and adaptive to changing climate. The Policy provides strategic principles and policy commitment statements that set direction for climate change actions to investigate and to recognise the potential risks associated with Climate Change. This Policy will enable Council to align its operations and strategic planning with the NSW State Climate Change Policy Framework and aspirational objectives to achieve net zero emissions by 2050.

The draft Climate Change Policy aligns the commitment statement for the Central Coast with the NSW Government's Framework.

### Background

At its meeting held 12 March 2018, Council in respect of the Mayoral Minute on Climate Change, resolved as follows:

*That Council;*

136/18      *Commit to strong action on climate change including mitigation and adaptation measures*

137/18      *Investigate, and if appropriate, apply to join the free program Cities Power Partnership (CPP)*

138/18      *Request the Chief Executive Office to convene a workshop and briefing on climate change for Councillor*

139/18      *Develop a Central Coast Climate Change Policy that includes, but is not limited to, initiatives such as:*

- a. Targets consistent with the Paris Agreement and an action plan to reduce greenhouse gas emissions in Council's operations and activities*
- b. Initiatives to promote actions on climate change within the Central Coast community, development, business and industry sectors, including the uptake of renewable energy*
- c. An overview of issues related to climate change including emergency management (including bushfires and extreme weather events), sea level rise, risks to and management of infrastructure and impacts on biodiversity and ecosystems.*

140/18      *Provide a report outlining progress against these actions by July, 2018.*



*Voting on the Mayoral Minute was as follows:*

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

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

### **The Report**

This Council report addresses how Council could commit to actions on climate change including mitigation and adaptation measures that include:

- A single policy on Climate Change for the Central Coast region, aligned with the Federal Government's Paris Agreement pledge and the State Government's aspirational objectives for Climate change.
- Developing a Climate Change Action Plan and relevant Strategies that outline actions on climate change within the Central Coast community, development, business and industry sectors, including the uptake of renewable energy.
- Developing initiatives, programs and appropriate policy procedures for emergency management, sea level rise, risks to and management of infrastructure and impacts on biodiversity and ecosystems.
- Joining the Cities Power Partner Partnership program to assist Council implement its actions on climate change.

Due to variations in the former two Council's position on climate change, the draft Climate Change Policy will provide a framework for a consistent approach to mitigate and adapt to climate change for the Central Coast region.

### **Climate Change position of former Wyong Shire Council**

The former *Wyong Shire Council* (fWSC) did not have a Climate Change Policy, however it did adopt an interim Sea Level Rise (SLR) position as part of the Coastal Zone Management Plan on 8 February 2012. The adopted interim SLR aligned with the 2009 NSW State Government Policy of 0.4m SLR.

In September 2012, the NSW Government announced that the 2009 NSW Sea Level Rise Policy Statement was no longer in force. Consequently, the fWSC through a notice of motion at its Ordinary Meeting of 10 October 2012 resolved that its interim sea level rise position consist of compliance with the 1% AEP flood level and 500mm freeboard allowance.



During this meeting it was also resolved that Council “*write to all holders of existing development applications with time limited consents due to sea level rise issues and advise of the change in Council policies and invite them to submit Section 96 applications to remove the time limit from their consents*”.

At its Ordinary Meeting of 24 July 2013, the fWSC considered a report proposing specific sea level rise allowance of 0.4m on top of the existing 0.5m freeboard for planning purposes. The fWSC resolved to not support the staff recommendation and reaffirm its current sea level rise position consisting of compliance with the 1% AEP flood level and 500mm freeboard allowance.

### **Climate Change position of former Gosford City Council**

The former *Gosford City Council* (fGCC) at its Ordinary Meeting of 4 May 2010 adopted a Climate Change Policy (the Gosford Policy). The Gosford Policy committed Council to managing climate change risks by incorporating them into Councils strategic decision making planning processes and operations. This Policy informed the development of the Climate Change Mitigation Strategy resulting in auditing of energy consumption and saving for Council operations, particularly the landfill, water and sewer operations (pumps), buildings, street lighting and fleet management.

At its Ordinary Meeting of 7 August 2012, the fGCC adopted a Climate Change Mitigation Strategy. The Climate Change Mitigation Strategy committed the fGCC to a carbon reduction target of 20% by 2025 based on 2010 levels. This Strategy provided a direction for energy efficient practices and renewable energy projects and included 36 opportunities for mitigation. Of these 15 abatement opportunities were identified for implementation as outlined in Table 1 by former GCC (D. Dowling (2012) *Gosford City Council's Climate Change Mitigation Strategy*). While some of these opportunities have been implemented, they need to be revisited and reviewed in light of the current knowledge and technology for continuous improvement.

<b>Opportunity</b>	<b>Name</b>
O-1	Reduced sewerage inflow and infiltration
O-3	Optimise water supply system pumping using energy-efficient pumps and variable speed drives
O-6	Cogeneration at Kincumber STP anaerobic digesters
O-8	Enhanced landfill gas capture using additional gas capture wells
O-16	Route optimisation using GPS to reduce fleet fuel consumption
O-17	Vehicle fuel switching to lower greenhouse gas emissions fuel
O-19	Energy efficient lighting of public spaces and car parks
O-20	Energy efficient improvements in Council building (HVAC, control systems and lighting)



Opportunity	Name
O-21	Stormwater and groundwater harvesting and water efficiency improvements
O-23	Replace electric hot water systems with solar and heat pump systems
O-25	Cogeneration at Peninsula Leisure Centre
O-26	Community solid waste management program to reduce organic waste to landfill
O-28	Community energy efficiency demand management program
O-32	Somersby Water treatment plant energy efficiency improvements
O-33	Mangrove Creek Dam advanced aeration controls using dissolved oxygen monitoring

**Table 1:** Former GCC's Climate Change Mitigation Abatement Opportunities

Source: D. Dowling (2012) *Gosford City Council's Climate Change Mitigation Strategy*

At its Ordinary Meeting of 20 August 2013, the fGCC resolved to endorse the recommendation of the Strategic/Policy Workshop to endorse the climate change scenarios for Gosford. These scenarios were based on climate science updates provided by Hunter Councils as part of their climate change study for the region (e.g. sea level rise and storm surge; extreme rainfall, flooding and storms; fire weather; average and extreme temperatures; average rainfall and water availability).

At its Ordinary Meeting of 10 March 2015, the fGCC noted an independent report "*Gosford City Council Sea Level Rise Benchmarks Discussion Paper*" by Doug Lord and Dr David Wainwright, on sea level rise (SLR) planning levels and resolved to adopt a medium sea level rise projections based on the Representative Concentration Pathway Scenario RCP 8.5 (GOV.25; IR20310475). The adopted medium SLR projections superseded the 1990 State NSW SLR flood planning levels (0.4m by 2050 and 0.9m by 2100). The medium SLR levels include 0.2m by 2050, 0.39m by 2070 and 0.74m by 2100. It was also resolved that the projections be reviewed every Council term or within 2 years of a new IPCC report (2014) and for Council to write to the State and Federal Governments calling on them to take an intergovernmental approach to sea level rise.

The fGCC sea level rise projections are used as part of the Brisbane Water Foreshore Floodplain Risk Management Plan which require development to be located above the 1% AEP flood level + 500mm freeboard allowance + SLR.



**NSW Government position on Climate Change**

The NSW Office of Environment and Heritage (OEH) released the NSW Climate Change Policy Framework in 2016, outlining NSW's aspirational objectives to achieve a net-zero emissions by 2050 and help NSW become climate resilient. The policy framework outlines NSW Government's role in reducing carbon emissions and adapting to the impacts of changing climate. This was followed by two climate change and energy plans:

- Climate Change Fund Draft Strategic Plan
- A Draft Plan to Save NSW Energy and Money

The NSW Government Framework provides policy direction for emissions savings that are consistent with achieving the Commonwealth Government's interim and long-term emissions saving objectives. The Framework also sets to implement policies for climate risk and provide targeted support for households, communities and businesses. The Policy Directions specifically:

- a. Create a certain investment environment by working with the Commonwealth to manage transition.
- b. Boost energy productivity, put downward pressure on household and business energy bills.
- c. Capture co-benefits and manage unintended impacts of external policies.
- d. Take advantage of opportunities to grow new industries in NSW.
- e. Reduce risks and damage public and private assets in NSW arising from climate change.
- f. Reduce climate change impacts on health and wellbeing.
- g. Manage impacts on natural resources, ecosystems and communities.

Through the implementation of this Framework, the NSW Government will investigate how to embed climate change emissions savings and adaptation in decision making and develop benchmark values and apply this consistently in government economic appraisal. The Government will release a strategic plan to guide expenditure from the Climate Change Fund and develop an energy action plan, energy efficiency plan, climate change adaptation action plan.



The NSW Office of Environment and Heritage (OEH) released *Guidelines on incorporating sea level rise into flood risk and coastal hazard assessment guidelines* (August 2010). Although these guidelines were no longer in force since September 2012, the OEH indicated that these documents will be revised as part of the coastal reform process. In the interim OEH advised that reference to the NSW sea level rise planning benchmarks in these documents should be taken as referring to council's adopted sea level rise projections. A review of the initial *Assessment of the science behind the NSW Government's sea level rise planning benchmarks* (April 2012) was undertaken by the NSW State Government which was based on the 2007 IPCC's Fourth Assessment Report. The Sixth Assessment report is due to be finalised in 2021.

Additionally, the *Environmental Planning and Assessment Amendment (Climate Change) Bill 2017* was introduced to the Legislative Council of NSW Parliament on 21 September 2017. The purpose of this Bill is to incorporate climate change into the planning system and consideration of climate change in development assessment. This Bill has implications to the *Local Government Amendment (Climate Change) Bill 2017* and proposes to provide a framework for action by Council's on climate change. At the same time, the *Local Government (Climate Change) Amendment Bill 2017* was also introduced. This Bill requires Council to exercise their function in a manner that promotes the State's ability to meet its targets to reduce greenhouse gas emissions and adapt to the implications of climate change for people, communities and ecosystems in the State.

### **Regional Strategy consideration for Climate Change**

In 2016, the *Central Coast Regional Plan 2036* (CCRP 2036) set a goal to protect the natural environment. Direction 14 of the CCRP 2036, requires the management of the risks of climate change and the improvement of the regions resilience to hazards such as flooding, coastal erosion, bushfire, mine subsidence and land contamination.

### **Community Vision for Climate Change**

The Community Strategic Plan which was unanimously endorsed for public exhibition by the Council at its Ordinary Meeting of 23 April 2018, outlines the community's objectives and climate change expectations when delivering Council's goods and services to the community. Council's Community Strategic Plan (CSP) identifies that climate change is a key focus area identified by the community. In the CSP, it states that Council needs to:

*"Address climate change and its impacts through collaborative strategic planning and responsible management"*

At its Ordinary Meeting of 25 June 2018, Council resolved to change F4 in the Community Strategic Plan from **"Address climate change and its impacts through collaborative strategic planning and responsible land management"** to **"Address climate change and its impacts through collaborative strategic planning and responsible land management and consider targets and actions"**.

This action was moved by the Mayor Jane Smith and seconded by Councillor Sundstrom.



The proposed draft Climate Change Policy is the first step in responding to CSP through the development of the Policy. The draft Climate Change Policy is supported by a Climate Change Action Plan that provides a proactive approach to deal with challenges and opportunities associated with climate change and demonstrate Council's commitment in building Council and community resilience to the changing climate.

### **The Draft Climate Change Policy**

The intention of the draft Climate Change Policy (The Policy) is to formalise a Climate Change Implementation Framework and commitment statements to lead the whole of Council approach when dealing with known and unknown climate risks.

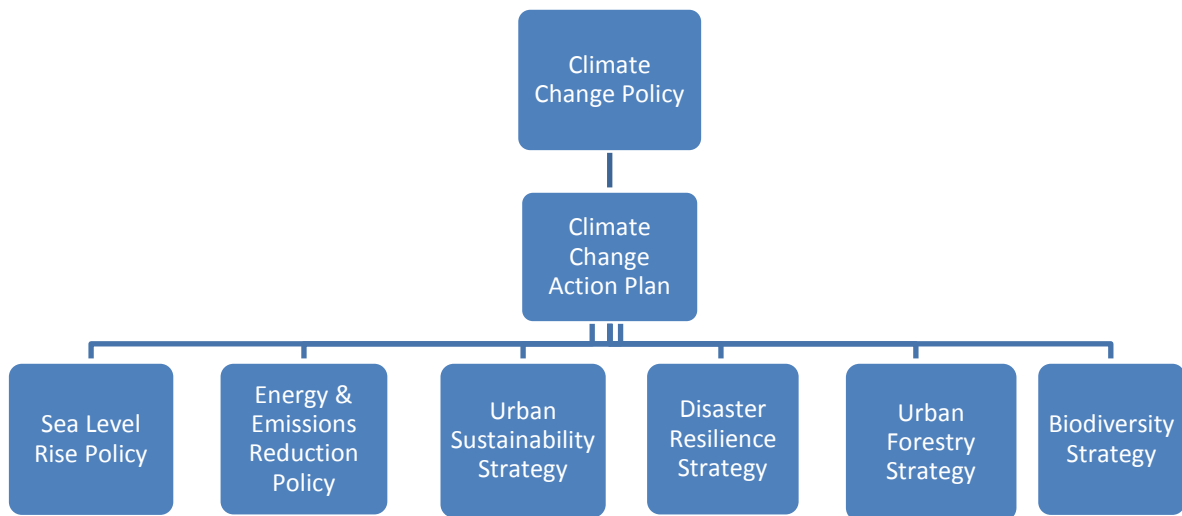
The Policy identifies five (5) Strategic Principles, as follows:

1. **Holistic approach:** Ability to identify and understand the complex interacting and interdependent components that builds capacity to anticipate and adapt to change.
2. **Knowledge based:** Ability to facilitate evidence based decision making to deal with the changing circumstances.
3. **Collective decision making:** Ability to collaborate with the key internal and external stakeholders to generate diversity and flexibility in adaptation options through learning and shared responsibility.
4. **Proactivity and continuity:** Ability to be proactive and establish an on-going process for learning and adaptation to deal with the complex challenges posed by the changing climate.
5. **Place-based approach:** Ability to enhance Council and community capacity for climate resilience that is context specific, knowledge based and collaborative.

These Strategic Principles will inform the next steps which include the preparation of a Climate Change Action Plan and supporting strategies on sea level rise, urban sustainability, disaster resilience and energy, urban greening and biodiversity conservation.



### The Way Forward



#### 1. The Climate Change Action Plan

The draft Climate Change Policy commits to a place-based approach to planning for climate resilience in partnership with the Community. The implementation of the Policy will be executed through the Climate Change Action Plan that will be developed in consultation with all relevant business units across Council as well as key community stakeholders. The purpose of the Climate Change Action Plan is to develop corporate and community targets for emission reduction and embed mitigation and adaptation management actions across the core functions of Council's business (e.g. procurement, fleet, infrastructure renewal, natural assets, strategic planning and urban growth).

#### 2. Supporting strategies, policies and plans

The Policy commits Council to implement actions for mitigation, adaptation and on-going resilience planning. These actions will be planned and implemented through the following strategies and policies:

- Urban Sustainability Strategy: provides the opportunity to improve the sustainability, resilience and liveability of our region. This strategy provides a roadmap to reduce greenhouse gas emissions across Council operations (waste management, energy management, plant & fleet, Sustainable built form), innovate ways to reduce environmental impacts, influence behavioural change, and facilitate a circular economy through identifying opportunities for industrial organisations to participate in waste-to-resource transfers.



- Energy & Emission Reduction Policy: provides the framework to manage Council energy and greenhouse emissions relating to its operations, assets and infrastructure.
- Sea Level Rise Policy: set a consistent flood planning level for Central Coast based on the Representative Concentration Pathway Scenario RCP 8.5.
- Disaster Resilience Strategy: provides the strategic direction to embed emergency risks management, business continuity planning and risk management across Council operations and implement initiatives to enhance community resilience to disasters.
- Urban Forestry Strategy: provides the opportunity to deal with the increasing urban heat island effect in developing and developed areas, carbon sequestration and improving urban biodiversity.
- Biodiversity Strategy: sets the direction for ecologically sustainable development and best practice natural area management through identifying the risks posed by the changing climate and quantifying opportunities to conserve and enhance local biodiversity.

### **Cities Power Partnership Program**

The Cities Power Partnership (CCP) is a free national program that exists to celebrate and accelerate the emission reduction and clean energy successes of Australian towns and cities. The CPP was launched in July 2017 and is made up of mayors, councillors and communities who are committed to a sustainable, non-polluting energy future. At 70 members and growing, it is now the largest climate action program for Local Government in the country.

Local Councils who join the partnership take the pledge to take 5 key actions across renewable energy, efficiency, transport and working together. The Partnership connects Councils, within the program, undertaking similar emission reduction actions. Participants receive access to the national online knowledge hub, monthly webinars, subject matter experts and a web-based power analytics tool to help track emissions, energy and cost saving. Membership provides media support and promotes Councils profile with their clean energy and sustainability successes to more than 8 million people per month. Partners are also invited to the annual Power Partners Summit and awards program.

Albury City Council	Nambucca Shire
Bathurst Regional Council	Newcastle, The City of
Bayside Council	Northern Beaches Shire
Bega Valley Shire	North Sydney Council
Bellingen Shire Council	Orange City Council



## 5.1 Climate Change Report (contd)

Blacktown City Council	Parkes Shire Council
Broken Hill City Council	Parramatta, City of
Byron Shire	Penrith City Council
Canterbury Bankstown City Council	Randwick City Council
Cumberland Council	Ryde, City of
Eurobodalla Shire	Shoalhaven City Council
Hawkesbury City Council	Sydney, City of
Hornsby Shire Council	Upper Hunter Shire Council
Inner West Council	Wagga Wagga, City of
Kiama Municipal Council	Waverley Council
Ku-Ring-Gai Council	Willoughby Shire Council
Lane Cove Council	Wingecaribbee Shire
Lismore City Council	Woollahra Municipal Council
Muswellbrook Shire Council	Yass Valley Council

**Table 2:** Participating NSW Councils in the Cities Power Partnership Program

The third round of CCP Program opened on March 29 2018. To join the Program, Council must sign up and become a Power Partner. Partners have 6 months to select 5 key actions from the partnership pledge. Thirty eight key actions stem from four focus areas including renewable energy, energy efficiency, sustainable transport and community advocacy. The key actions available to take the pledge are outlined in Cities Power Partnership Pledges for Council contacted in the attachment to this Report.

Power Partners report on the progress of their 5 key actions in a 6 monthly online survey to the CCP Program. Power Partners are also assisted with project funding, third party grants and renewable energy incentives as they become available. There are no costs associated with joining the Program. Council also undertakes a number of these actions in the current delivery program that can be aligned to the CPP program and raise the profile of these current initiatives. However, more importantly, the CPP program also provides the opportunity to identify other potential actions that can improve Council's performance and support community initiatives.



**Internal Consultation**

The draft Climate Change Policy was circulated internally throughout Council on 12 October 2017.

Additional meetings were held with the following Business Units:

- Roads & Drainage
- Waterways & Coastal
- Natural and Environmental Assets
- Water and Sewer
- Business and Economic Development

The submissions informed the finalisation of the Policy presented to Council. Future internal meetings and workshops will proceed as part of the consultation process and continuous improvement.

**External Consultation**

Below is a list of Council's that have joined the *Cities Power Partnership* and have Climate Change Policies or Frameworks.

Local Government Area	Climate Change Initiatives
HCCREMS Coastal Councils	Decision support for climate change adaptation
City of Sydney	Climate Adaptation Strategy Climate Risk and Adaptation Report Environmental Action 2016 – 2021 Strategy and Action Plan
Lake Macquarie City Council	Environmental Sustainability Action Plan 2014 -2023 (key priority areas: climate change adaptation, water and energy) Marks Point & Belmont South Adaptation Planning
Hornsby	Environmental Sustainability Action Plan (e.g. promoting awareness of environmental sustainability throughout Council to reduce the organisations ecological footprint)
Hawkesbury	Adaptation Action Plan (planning for climate and natural hazards) Energy Saving Action Plans Water Saving Action Plans
Northern Beaches	Working over the next 12 months to develop and integrate policies and strategies that address climate change adaptation



Local Government Area	Climate Change Initiatives
	and community resilience. Council is also working with peak bodies to develop new frameworks to build resilience into infrastructure assets.
Ku-ring-gai	Climate Change Policy 2016 Climate Change Adaptation Strategy 2016
Marrickville	Climate Change Action Plan
City of Newcastle	Strategic Climate Change Plan
Eurobodalla	Greenhouse Action Plan
Coffs Harbour	Climate Change Policy

**Table 3:** Case Studies from NSW Local Government Area's

### Financial Impact

The adoption of this draft Policy will have no immediate financial impact. However, resources will be required to develop the relevant strategies and actions plans that will need to be incorporated into future budgets and work programs as part of business as usual. Council's relevant Business Units will need to consider budget requirement to deliver the Climate Change Implementation Actions as planning for climate change is a Corporate Priority. Whilst there may be no short term financial impacts for adopting the policy, the financial impacts for not adopting a Policy on climate change could potentially be:

- Short term impacts on *business as usual* include the delivery of respective commitment statements of the Policy and delivery of actions for climate adaptation.
- Long term financial impact on asset planning, design and management.
- Higher energy demands and costs if we maintain the status quo based on existing energy consumption for the community and Council.
- Significant but substantial emergency replacement costs for not taking action now such as in asset management.
- Potential increased insurance costs to the community due to increasing climate change risks such as flooding and coastal inundation.



### **Social Impacts**

The Climate Change Policy sets out a framework to consider climate change as part of the future planning of the Central Coast. This framework allows a place based approach for Council to consider flood planning levels through a sea level rise policy. This process is undertaken through the Flood Plain Management Program and Coastal Zone Management Plans.

The adoption of a policy on climate change would demonstrate strong leadership to the community in terms of responsible governance. The long term social impacts identified for not having an action plan for climate change have been identified as follows:

- Pressures on agricultural and food availability.
- Freshwater availability, competition and stress.
- Rising sea levels within populated areas.
- Human health e.g. heat-related ailments and discomfort.
- Risk to life e.g. elderly and children.
- Pressures on emergency services.
- Changing lifestyles.

In light of the social implications of climate change on the community, it is necessary that the Central Coast community are consulted with, in the development of the Climate Change Policy.

### **Environmental Considerations**

The direct and indirect environmental impacts associated with climate change have been widely documented in various scientific literature. Mitigation and adaptation strategies will assist Council in planning for impacts associated with climate change. Some of these environmental impacts are as follows:

- Changes to species extinction and diversity.
- Ecosystem transition and migration.
- Frequent very hot days.
- Frequent and longer droughts.
- Frequent and larger floods.
- Higher storm surges.
- Frequent and intense heavy rainfall.
- Intense tropical cyclones.
- Higher peak wind speeds.
- Increase in wildfires.
- Rapid movement of climatic zones.
- Changing sea levels.
- Spread of pests and diseases.



The NSW has committed to undertaking a climate risk assessment for the Central Coast Local Government Area. This will assist Council to identify their climate change related risks and test existing risk management strategies.

Therefore, it is prudent for Council to develop a Climate Change Policy.

### **Link to Community Strategic Plan**

Theme 3: Green

### **Goal F: Cherished and protected natural beauty**

F4: Address climate change and its impact through collaborative strategic planning and responsible land management.

### **Risk Management**

The potential key risks from climate change impacts have been identified as follows:

- Financial risk to business continuity and emergency response and recovery of council services
- Operational risks due to the loss of or damage to property, assets and infrastructure.
- Reputational risks due to Council's inability to sustain or restore services following extreme events
- Economic risks faced by the region due to supply chain disruption and local businesses in ability to recover resulting in unemployment and poverty.
- There is legal opinion that identifies that climate change risks are relevant to a company director's duty of care and diligence and failure to consider such risks could be breach of their statutory duty of care and diligence.

The adoption of a Climate Change Policy will provide a framework for Central Coast Council to investigate and adopt actions that will assist in mitigating and adapting to the future.

### **Conclusion**

The Climate Change Framework allows Council to endorse for exhibition a single policy on Climate Change for the Central Coast region and provides the mechanism for Council to commence the development of a Climate Change Action Plan supported by strategies that outline actions on climate change for the Central Coast Region.



Furthermore, joining the Cities Power Partner Partnership program will assist Council implement its actions on climate change.

**Attachments**

- |          |   |           |
|----------|---|-----------|
| <b>1</b> | Climate Change Policy Draft - V15             | D13294356 |
| <b>2</b> | Cities Power Partnership Pledges for Councils | D13214797 |
| <b>3</b> | NSW Climate Change Policy Framework           | D13267436 |



# CENTRAL COAST COUNCIL

# CCP 2018

## CLIMATE CHANGE POLICY

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Issue Date: **August 2018**



<b>AUTHORITY</b>	<b>NAME &amp; TITLE</b>
<b>AUTHOR</b>	Anumitra Chand, Acting Section Manager, Environmental Strategies Section
<b>MANAGER</b>	Matthew Prendergast, Unit Manager Strategic Planner
<b>GROUP LEADER</b>	Scott Cox, Group Leader Environment and Planning
<b>CHIEF EXECUTIVE OFFICER</b>	Gary Murphy, Chief Executive Officer

**History of Revisions:**

<b>Version</b>	<b>Date</b>	<b>TRIM Doc. #</b>
1		

**DCP 2018 Schedule of Amendments**

<b>Effective Date</b>	<b>Amendment</b>	<b>Reason</b>
2018	N/A	Initial Adoption by Council



**A. POLICY SUMMARY**

- A1 The Central Coast Council Climate Change Policy (The Policy) sets out Council's position relating to climate change with a view to maximising the economic, social and environmental wellbeing of Council and guides the planning and development of the Central Coast Region's resilience to climate change.
- A2 The Policy enables council to align its operational and strategic planning with NSW State policy setting and actions.
- A3 The Policy is a whole of Council commitment as well as support community initiatives to deal with climate change.

**B. POLICY BACKGROUND**

- B1 There is 97% of global scientific consensus that the acceleration of climate change beyond the earlier predictions is exacerbated by anthropogenic activities.
- B2 In 2015, 195 countries agreed on the United Nations Paris Agreement on climate change. The key objective was to limit the increase in global temperatures to well below 2 degrees and pursue efforts to limit the rise to 1.5 degrees. The commitment is to achieve net-zero emissions globally by the second half of the century.
- B3 In 2016, the Australian Government ratified the Paris Agreement. The current targets for Australia are to reduce greenhouse gas emissions by 26-28% below the 2005 levels by 2030. Australia's policy agrees to meet international commitments on greenhouse gas emission reduction while maintaining energy security and affordability.
- B4 In 2016, the NSW Government endorsed the Paris Agreement and took action consistent with the level of effort to achieve Australia's commitment to the Paris Agreement through implementation of the NSW Climate Change Policy Framework. The current targets for NSW are to achieve net-zero emissions by 2050.
- B5 In 2016, the *Central Coast Regional Plan 2036* set a goal to protect the natural environment. Direction 14 of the Regional Plan requires the management of climate change related risks and the improvement of the regions resilience to hazards such as flooding, coastal erosion, bushfire, mine subsidence and land contamination.
- B6 On 12 May 2016, the former Gosford City and Wyong Shire Councils amalgamated forming the Central Coast Council. This Policy aligns with the Council's Corporate Vision to build a vibrant and sustainable Central Coast.
- B7 The Community Strategic Plan outlines the community's objectives and climate change expectations when delivering Council's goods and services to the community. This Policy will be implemented in accordance with the Community Strategic Plan.
- B8 Approximately \$US23 trillion worth of private investments are required globally for net zero emissions target by 2050 and new industries are crucial to realise this goal.



## C. THE POLICY

### Purpose

- C1 To empower Central Coast Council as a climate leader and enabler for change.
- C2 To ensure the risks associated with the changing climate on the environment and the community are recognised, understood and where practical managed by Council.
- C3 To inform core functions of the Central Coast Council, including Council's response to strategic decision making, planning processes and operations.
- C4 To provide direction on Climate Change for Council and the Central Coast region and strengthen the quadruple bottom line reporting framework (governance, environment, social and economic).
- C5 To commit Council to the strategic principles and policy statements to manage climate change risks for natural and built systems within the Central Coast Local Government Area, and Council business using a combination of sustainable adaptation and mitigation measures.

### Strategic Principles

- C5 **Holistic approach:** Ability to identify and understand the complex interacting and interdependent components that builds capacity to anticipate and adapt to change.
- C6 **Science or Evidence based:** Ability to facilitate evidence based decision making to deal with the changing circumstances.
- C7 **Collective decision making:** Ability to collaborate with the key internal and external stakeholders to generate diversity and flexibility in adaptation options through learning and shared responsibility.
- C8 **Proactivity and continuity:** Ability to be proactive and establish an on-going process for learning and adaptation to deal with the complex challenges posed by the changing climate.
- C9 **Place-based approach:** Ability to enhance Council and community capacity for climate resilience that is context specific, knowledge based and collaborative.

## D. POLICY COMMITMENT STATEMENTS

- D1 Acknowledge the importance of shared responsibility across all levels of Council, community and business in addressing climate change and transitioning towards a Net Zero Emission Central Coast Region.
- D2 Establish a Corporate Governance Framework to lead a whole of Council approach when dealing with emergency risks including those associated with climate change within the Integrated Planning and Reporting Framework and the Central Coast Council Community Strategic Plan.
- D3 Establish a holistic and systemic approach to monitor and understand the climate change risks and their impact on ecological, social, economic and physical built forms systems.
- D4 Recognise the need for an effective and progressive response to the threat of climate change risks with the best available scientific knowledge.
- D5 Align Council's corporate greenhouse gas emissions reduction target with the Australian Government's Paris commitment to reduce emissions by 26-28% below the 2005 levels by 2030 and the NSW Government's aspirational objective to achieve net-zero emissions by 2050.



- D6 Develop a Central Coast greenhouse gas emissions inventory using regional data and establish baselines for an incremental pathway to meet a net zero emissions target for Council as basis for the Climate Change Action Plan (i.e. 2025, 2030 and 2050).
- D7 Establish a Climate Change Action Plan for Council that outlines mitigation and adaptation management actions across Council business that are consistent with the principles of ecological sustainable development.
- D8 Involve the community and stakeholders using a place-based approach in the decision making process for the development of a Climate Change Action Plan encompassing climate mitigation, adaptation and resilience.
- D9 Consider climate change risks in Council's strategic planning process, namely; urban growth and development and land use zoning including the development of planning controls and guidelines to facilitate local investments.
- D10 Review and update the sea level rise planning levels and coastal hazards based on Representative Concentration Pathway Scenarios 8.5 and latest scientific research adopted by the Intergovernmental Panel on Climate Change for planning in coastal areas and developing appropriate plans and strategies that recognise the long term need to protect, redesign, rebuild, elevate, relocate or retreat as sea levels rise.
- D11 Support initiatives and education programs to enhance the Central Coast community's understanding and resilience to climate change risks; and provide directions for sustainable climate change mitigation and adaption activities.
- D12 Identify and develop systems and relevant planning mechanisms to consider Council's corporate climate change risks, ongoing disaster response and recovery activities.
- D13 Address the impacts of climate change in biodiversity conservation and natural resource management planning, wildlife connectivity and reduce ecosystem degradation across the Central Coast region.
- D14 Invest in climate resilience opportunities through advancing technology, innovation and continuous improvement in the planning and management of existing built and natural assets, infrastructure renewal projects and renewable resources.
- D15 Consider climate change risks and opportunities in the asset life cycle analysis for all new and existing infrastructure assets through adaptation and mitigation strategies.
- D16 Establish an energy efficient and renewable energy guideline for the creation and renewal of Council's energy using assets as well as stimulate private sector investment in climate actions such as renewable energy initiatives.
- D17 Commit to continually improving Council's energy efficiency and productivity.
- D18 Conduct an annual corporate greenhouse gas emissions inventory including direct (scope 1) and indirect (Scope 2) emissions utilising *National Greenhouses and Energy Reporting Act 2007*.
- D19 Reduce greenhouse gas emissions in the production, use and disposal of goods and services through Council procurement processes as well as influence Community efforts through partnerships.
- D20 Identify and keep abreast of opportunities to finance climate change initiatives and investing savings from climate actions towards advancing sustainable development goals for Central Coast.



- D21 Create accountability and confidence by supporting the carbon neutral supply chain through implementation of the Australian Government's National Carbon Offset Standards and Carbon Neutral Certification requirements.
- D22 Establish climate partnerships between Council and the business community to identify and develop private investment opportunities for economic stability and growth.

## **E. POLICY IMPLEMENTATION**

- E1 This Policy covers all elected members of Council, all personnel employed by Council, any person or organisation contracted to or acting on behalf of Council, any person or organisation employed to work on Council premises or facilities and all activities of the Council.
- E2 This policy does not confer any delegated authority upon any person. All delegations to staff are issued by the Chief Executive Officer.
- E3 This policy should be read in conjunction with the Central Coast Council Code of Conduct.
- E4 It is the personal responsibility of all Council employees and agents thereof to have knowledge of, and to ensure compliance with this policy.

## **F. DEFINITIONS**

- F1 **Council** means Central Coast Council, being the organisation responsible for the administration of Council affairs and operations and the implementation of Council policy and strategies.
- F2 **Climate change** means a change of climate over an extended period, typically decades or longer, which is caused by human activity or natural climate variability that have direct and indirect impact on the environment, community and Council business.
- F3 **Climate resilience** means building capacity to cope with climate change, to recover from the impacts of these climatic changes and to adapt using a combination of sustainable adaptation and mitigation measures.
- F4 **Greenhouse gas** emissions means emissions of carbon dioxide, methane, nitrous oxide, sulphur hexafluoride, a hydrofluorocarbon gas, a perfluorocarbon gas or any other gas prescribed by legislation for the purposes of this definition.
- F5 **Holistic approach** means consideration of all the systems, processes and the interdependencies that influence the environment, Council and Community capacity to adapt and mitigate change on an on-going basis.
- F6 **Place-based approach** means consideration of a context specific approach to plan for places for people by involving the people in the decision making process to maximise their connectivity to the place.
- F7 **Climate adaptation** means consideration of the actions on an on-going basis for preparation in dealing with the impacts of climate change.
- F8 **Climate mitigation** means consideration of the actions to reduce the impacts of climate change.



**Report Attachment 2: Cities Power Partnership (CPP) Pledges for Council**

The CCP program requires Council to identify actions from the 38 actions listed below to commit their pledge across the four focus areas.

Pledge	Key Actions
Item A: Renewable Energy	1. Use strategic and statutory planning processes to promote renewable energy (residential, commercial and larger scale).
	2. Provide council resources to educate and support the uptake of renewable energy, such as by hiring an internal renewable energy support officer or establishing an independent body.
	3. Install renewable energy (solar PV and battery storage) on council buildings for example childcare facilities, libraries, street lighting, recreation centres, sporting grounds, and council offices.
	4. Support community facilities accessing renewable energy through incentives, support or grants.
	5. Power council operations by renewables, directly (with solar PV or wind), or by purchasing Green power (from electricity retailers). Set targets to increase the level of renewable power for council operations over time.
	6. Encourage local businesses and residents to take up solar PV, battery storage and solar hot water heating. This can be done through providing incentives (such as solar bulk buy schemes or flexible payment options) or streamlining approval processes (such as removing planning and heritage barriers to solar PV).
	7. Support community energy projects (with location and planning support) so that residents (such as renters) can band together and invest in community renewable energy projects.
	8. Opening up unused council managed land for renewable energy, for example landfills, and road reserves.
	9. Facilitate large energy users collectively tendering and purchasing renewable energy at a low cost.
	10. Set minimum renewable energy benchmarks for new developments, for example Denman Prospect, ACT requires every new house to install a minimum solar PV system.
	11. Electrify public transport systems (for example buses operated by council) and fleet vehicles and power these by 100% renewable energy.
	12. Lobby electricity providers and state government to address barriers to renewable energy take up at the local level (whether these be planning, technical, economic or policy related).
	13. Identify opportunities to turn waste to energy.
	14. Implement landfill gas methane flaring or capture for electricity generation.
	15. Create a revolving green energy fund to finance renewable energy projects and receive \$ savings.
Item B:	1. Set minimum energy efficiency benchmarks for all planning applications.
	2. Adopt best practice energy efficiency measures across all council buildings, and support community facilities to adopt these measures.
	3. Public lighting can use a large proportion of a city's energy budget - roll out energy efficient lighting (particularly street lighting) across the municipality.



Energy Efficiency	4. Provide incentives (for example rate reductions) for best practice developments such as streamlined planning processes, and support for retrofitting energy efficiency measures for existing buildings.
	5. Incentivise the deployment of energy efficient heating and cooling technologies.
	6. Create a revolving green energy fund to finance energy efficiency projects and receive \$ savings.
Item C: Sustainable Transport	1. Ensure Council fleet purchases meet strict greenhouse gas emissions requirements and support the uptake of electric vehicles.
	2. Provide fast-charging infrastructure throughout the city at key locations for electric vehicles.
	3. Encourage sustainable transport use (public transport, walking and cycling) through Council transport planning and design. Substantial savings in transport energy use can be achieved by designing more compact cities with access to high quality public and active transport services and facilities.
	4. Ensure that new developments are designed to maximize public and active transport use, and are designed to support electric vehicle uptake.
	5. Providing for adequate cycle lanes (both space and connectivity) in road design and supporting cyclists through providing parking, and end-of-ride facilities (covered, secure bike storage, showers, bicycle maintenance and incentives).
	6. Reduce or remove minimum car parking requirements for new housing and commercial developments where suitable public transport alternatives exist.
	7. Lobby state and federal governments for improvements to planning legislation to promote sustainable transport options, and increased investment in and provision of public transport services.
	8. Consider disincentives for driving high emitting vehicles such as congestion pricing, or a tiered payment system for residential car parking permits where high emitting vehicles pay more.
	9. Waste collection fleet conversion to hydrogen fuelled or electric power.
Item D: Advocacy	1. Set city-level renewable energy or emissions reduction targets and sustainable energy policies to provide a common goal and shared expectations for local residents and businesses.
	2. Lobby state and federal government to address barriers to the take up of renewable energy, energy efficiency and/or sustainable transport, and to support increased ambition. For example working to lobby on the Smart Energy Communities policy.
	3. Set up meetings and attend events, such as the Community Energy Congress or the Cities Power Partnership Summit, where like-minded cities can address common concerns and learn from others' experience.
	4. Implement an education and behaviour change program to influence the behaviour of council officers, local residents and businesses within the municipality to drive the shift to renewable energy, energy efficiency and sustainable transport.
	5. For communities reliant on a local coal industry, local government can support the transition away from fossil fuels, by lobbying for state and federal support for a just transition for workers, families and the community and encouraging local economic development and opportunities based on a low carbon economy.
	6. Ensure that the practices of local government contractors and financing such as banking, insurance and super are aligned with council goals relating to renewable energy, energy efficiency and sustainable transport. Set appropriate

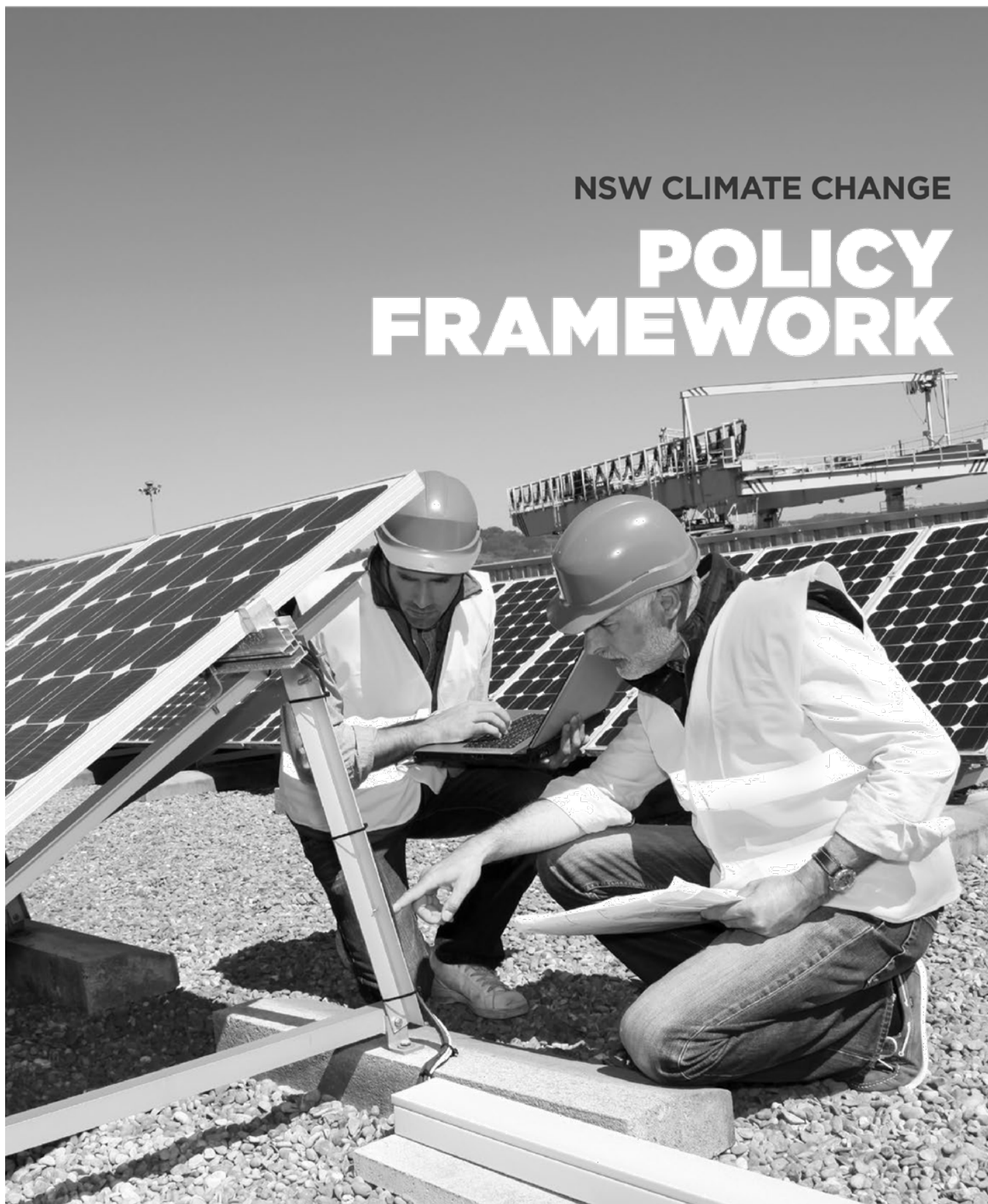


	criteria for council procurement.
	7. Promote knowledge sharing and strengthen the local community's capacity and skills in renewable energy, energy efficiency and sustainable transport.
	8. Support local community energy groups with their community energy initiatives.





# NSW CLIMATE CHANGE POLICY FRAMEWORK





# CLIMATE CHANGE POLICY FRAMEWORK FOR NSW

Aim						
Maximise the economic, social and environmental wellbeing of NSW in the context of a changing climate and current and emerging international and national policy settings and actions to address climate change						
Aspirational long-term objectives						
Achieve net-zero emissions by 2050 NSW is more resilient to a changing climate						
Roles of NSW Government						
<b>Emissions savings</b> <b>Government policy:</b> Implement emissions savings policies that are consistent with achieving the Commonwealth Government's interim and long-term emissions saving objectives and are fair, efficient and in the public interest  <b>Government operations:</b> Lead by example to save emissions in government operations  <b>Government advocacy:</b> Advocate for Commonwealth, COAG and international action consistent with the Paris Agreement			<b>Impacts and adaptation</b> <b>Government policy:</b> Implement policies to plan for climate risks and provide targeted support for households, communities and businesses that is fair, efficient and in the public interest  <b>Government operations:</b> Assess and effectively manage climate change risk to government assets and services  <b>Government advocacy:</b> Advocate for Commonwealth, COAG and international action to support effective adaptation			
NSW Government policy directions						
Create a certain investment environment by working with the Commonwealth to manage transition	Boost energy productivity, put downward pressure on household and business energy bills	Capture co-benefits and manage unintended impacts of external policies	Take advantage of opportunities to grow new industries in NSW	Reduce risks and damage to public and private assets in NSW arising from climate change	Reduce climate change impacts on health and wellbeing	Manage impacts on natural resources, ecosystems and communities
Implementation						
» Investigate how to embed climate change emissions savings and adaptation in government decision making » Develop a benchmark value for emissions saving and apply this consistently in government economic appraisal » Release and consult on a strategic plan to guide expenditure from the Climate Change Fund » Develop an advanced energy action plan, a new energy efficiency plan, a climate change adaptation action plan, and additional policy investigations for sectors with significant opportunities and risks.						

Cover: Solar panel installation (credit: Shutterstock)



# 1 HOW THIS FRAMEWORK OPERATES

The aim of this policy framework is to maximise the economic, social and environmental wellbeing of NSW in the context of a changing climate and current and emerging international and national policy settings and actions to address climate change.

The framework:

- » defines the NSW Government's role in reducing carbon emissions and adapting to the impacts of climate change
- » sets policy directions to guide implementation of the framework
- » commits NSW to achieving aspirational long-term objectives of net-zero emissions by 2050 and to help NSW become more resilient to a changing climate
- » sets out next steps for implementation.



Voltage optimisation (credit: iStock)



## 2

# THE INTERNATIONAL, NATIONAL AND STATE CONTEXT

## International context

The world in which NSW operates is in transition because of actions by governments, communities and business to limit the increase in global temperatures and adapt to a changing climate.

In December 2015, 195 countries agreed on the United Nations Paris Agreement on climate change. The key objectives of the Paris Agreement include:

- » a goal to limit the increase in global temperatures to well below 2 degrees and pursue efforts to limit the rise to 1.5 degrees
- » a commitment to achieve net-zero emissions, globally, by the second half of the century
- » differentiated expectations for developed nations, including Australia, that they will reduce their emissions sooner than developing nations
- » a five year review and ratchet process which is likely to lead to more ambitious commitments from countries in the future.

Figure 1 shows that more ambitious commitments will be needed globally to achieve the Paris Agreement's temperature and emissions objectives.

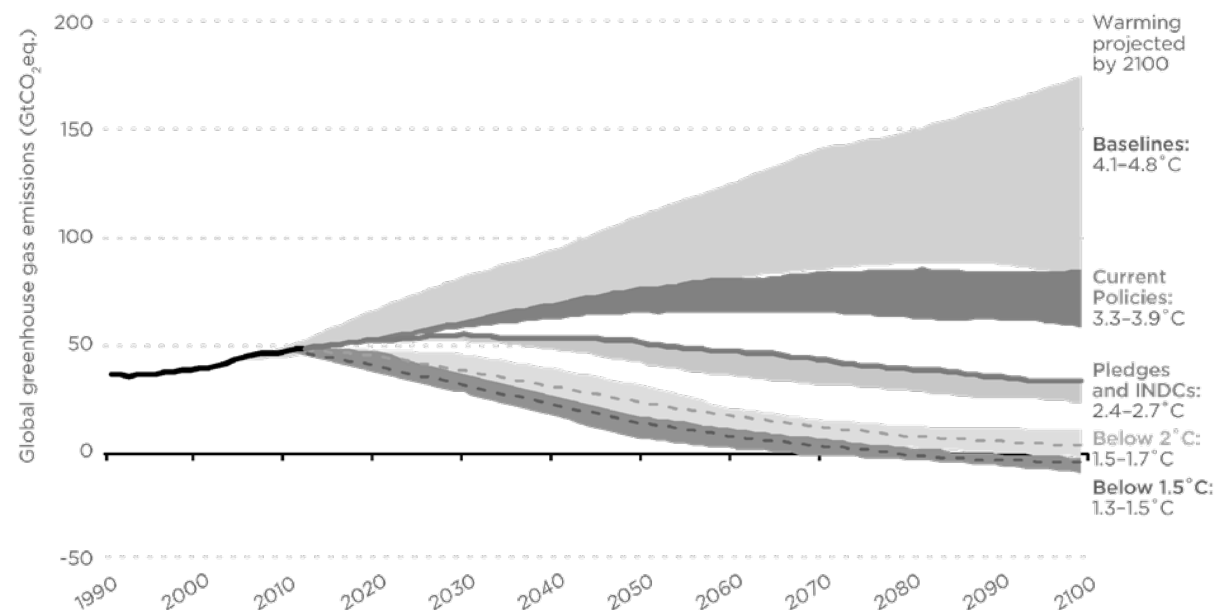
## National context

The Commonwealth Government has signed and announced its intention to ratify the Paris Agreement. The agreement's review and ratchet mechanism means that Australia's interim emissions reduction targets are likely to become more ambitious over time, with the first review due in 2017. The current interim targets are:

- » 5 per cent below 2000 levels by 2020
- » 26 to 28 per cent below 2005 levels by 2030.

The 2030 target is equivalent to a 50 to 52 per cent reduction in per capita emissions and a 64 to 65 per cent reduction in the emissions intensity of the economy.

**Figure 1: Global emission trajectories: objectives, pledges and current policies under Paris Agreement**



Adapted from: The Climate Tracker 2015, <http://climateactiontracker.org/global.html>



## State context

The NSW Government endorses the Paris Agreement and will take action that is consistent with the level of effort to achieve Australia's commitments to the Paris Agreement. Our response will complement national action.

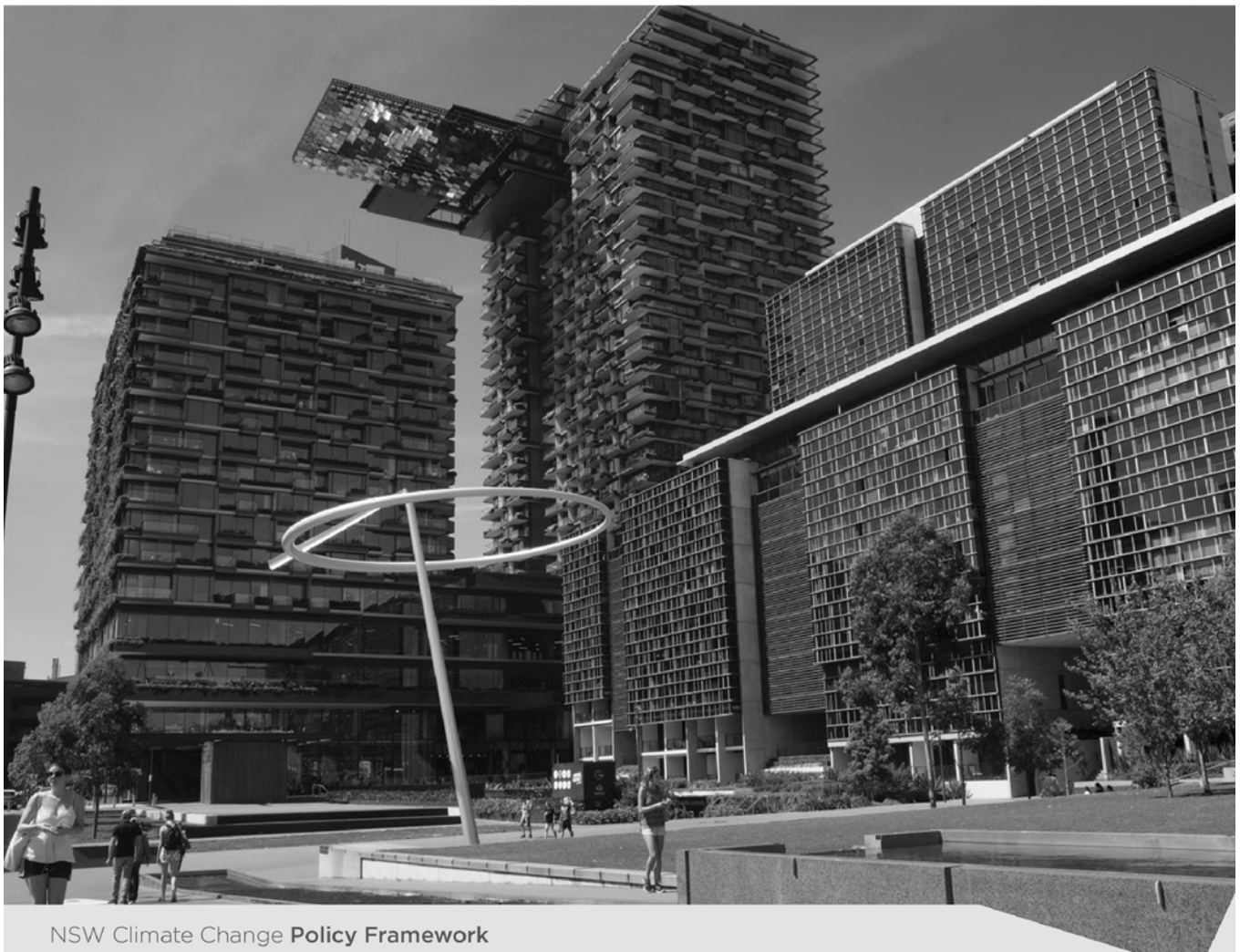
Our response will build on NSW's strong track record in expanding renewable energy, helping households and businesses reduce their energy bills by saving energy and preparing for the impacts of climate change.

For example, NSW is home to Australia's largest utility scale solar plants at Nyngan, Moree and Broken Hill, and in 2014-15 had more ongoing renewable energy jobs than any other state or territory in Australia.

Our state is a national and international leader in energy efficiency. Our programs helping households and business to cut their electricity use have been very successful, with the NSW Energy Savings Scheme expected to support projects that will save over 50,000 gigawatt hours of energy, over 40 million tonnes of greenhouse gas emissions and reduce power bills by over \$13 billion from 2015 to 2040.

While we're seeing the effects of climate change in New South Wales, we have taken steps to prepare for them. For example, we have developed the south-east Australian regional climate model, known as NARCLIM, which provides climate change projections for NSW and the Australian Capital Territory to 2030 and 2070, down to the nearest 10km.

Central Park, Sydney, 2014 International Green Infrastructure Award Winner (credit: Lisa Madden/OEH)



NSW Climate Change Policy Framework



# 3 ASPIRATIONAL OBJECTIVES FOR NSW

The NSW Government's emissions savings objective and adaptation objectives aim to:

- » attract investment by providing policy certainty
- » guide public and private sector decision making, particularly for long-lived assets
- » ensure consistency of NSW Government policy with the international and national policy context and the likely long term direction of government and private sector action on climate change.

## An aspirational emissions savings objective

The NSW Government's objective is **to achieve net-zero emissions by 2050.**

This long-term objective sets a clear statement of government's intent, commitment and level of ambition and sets expectations about future emissions constraints that will help the private sector to plan and act.

## An aspirational impacts and adaptation objective

The NSW Government's objective is for **NSW to be more resilient to a changing climate.**

Most effective climate change adaptation occurs at a local level through the actions of individuals, businesses and communities in response to locally-specific climate change impacts.

The NSW Government will help NSW adjust to a changing climate by supporting local adaptation actions, managing climate change risks to its own assets and services and removing market, regulatory and governance barriers to the private sector and local government adapting effectively.



Monroe Springs in Alexandria (credit: Lisa Madden/OEH)



# 4 THE NSW GOVERNMENT'S ROLES IN CLIMATE CHANGE

The NSW Government will take emissions savings action that is broadly consistent with the level of effort to achieve Australia's short and long term emissions savings objectives and take adaptation action that helps the NSW community adjust to a changing climate.

The NSW Government will apply this level of effort across the following roles of government:

- » **Government policy:** The NSW Government will set policy to achieve emissions savings, consistent with Commonwealth action, and to enable effective adaptation to climate change.

- » **Government operations:** The NSW Government is a major purchaser in the NSW economy through delivering government services and managing government assets. The government will lead by example and drive market change.

- » **National and international advocacy:** The NSW Government will advocate for climate policy action at national and international levels.

The following table shows how this level of effort will be applied across these three roles.

Role	Emissions savings	Impacts and adaptation
<b>Policy</b>	Implement emission savings policies that are consistent with achieving the Commonwealth Government's interim and long-term emissions savings objectives and are fair, efficient and in the public interest  <b>For example:</b> energy efficiency, advanced energy, transport, carbon farming	Implement policies to plan for climate risks and provide targeted information and support for households, communities and businesses that is fair, efficient and in the public interest  <b>For example:</b> regional climate impact information, planning to help coastal councils and regional and vulnerable communities, growing the adaptation services market
<b>Operations</b>	Lead by example to save emissions in government operations  <b>For example:</b> government purchasing, asset management, service delivery	Assess and effectively manage climate change risk to assets and services  <b>For example:</b> impacts on service delivery, asset management and infrastructure provision
<b>Advocacy</b>	Advocate for Commonwealth, COAG and international action consistent with the Paris Agreement  <b>For example:</b> advocating within the COAG Energy Council for reforms to the National Electricity Market	Advocate for Commonwealth, COAG and international action to support effective adaptation  <b>For example:</b> building standards, national climate modelling



## 5

## POLICY DIRECTIONS

Policy directions will guide government action including implementation of this policy framework.

Direction	Rationale
Create a certain investment environment by working with the Commonwealth to manage transition	<p>As the world moves to net-zero emissions, NSW will be part of the global transformation of the world's energy system. This will create investment and job opportunities in emerging industries such as advanced energy, transport, carbon farming and environmental services.</p> <p>Private sector investment will flow to jurisdictions with stable and supportive policy environments. NSW will work with the Commonwealth Government and take complementary action to create a certain investment environment in NSW and make the transition to a net-zero emissions economy for NSW more affordable.</p>
Boost energy productivity, put downward pressure on household and business energy bills	<p>Boosting energy and resource productivity can reduce the impact of rising energy prices and the cost of transition to a net-zero emissions economy. NSW will strengthen its position as the national leader in energy efficiency, including its programs for vulnerable households.</p>
Capture co-benefits and manage unintended impacts of external policies	<p>There will be positive co-benefits from emissions savings efforts, such as improved health from reduced air pollution. These benefits can be an important consideration in the design of emissions savings actions.</p> <p>NSW will advocate for Commonwealth and COAG policy reform and provide complementary programs, to ensure that market design, consumer protections and environmental protection measures work together with emissions savings policies.</p>
Take advantage of opportunities to grow new industries in NSW	<p>The shift to a net-zero emissions economy is likely to create new opportunities in sectors in which NSW has a competitive advantage, such as professional services, agriculture, advanced energy technology, property management and financial services.</p> <p>There will also be new opportunities in these sectors as the world adapts to climate change, and the government will look for opportunities to grow these emerging industries in NSW.</p>
Reduce risks and damage to public and private assets in NSW arising from climate change	<p>Climate change will lead to more extreme weather, heatwaves and sea level rise, which increase the risk of direct costs to public and private assets and services. The government will manage the impact of climate change on its assets and services by embedding climate change considerations into asset and risk management.</p> <p>The government will also reduce barriers that would prevent effective private sector adaptation by providing information and a supportive regulatory framework for adaptation measures at the local level.</p>



Direction	Rationale
Reduce climate change impacts on health and wellbeing	The government will enable communities and individuals to be better prepared and more resilient to climate change impacts by anticipating increased demand for services, such as health and emergency services. The government will also identify ways to support communities that are more vulnerable to the health impacts of climate change.
Manage impacts on natural resources, ecosystems and communities	<p>The government will provide long-term and coordinated efforts to increase the resilience of our primary industries and rural communities as climate change impacts water availability and water quality.</p> <p>The government will also manage the environment impacts of climate change, such as the impacts on habitats, weeds and air pollution.</p>

Tree plantings (credit: Western Sydney Parklands Trust)





# 6 DELIVERING THE POLICY FRAMEWORK

The next steps to implement this framework are:

## Climate Change Fund Strategic Plan

The Premier and the Minister for the Environment have released the *Draft Climate Change Fund Strategic Plan* for public consultation.

## Develop value for emissions savings

The NSW Government will develop a value for emissions savings and apply this consistently in government economic appraisal.

## Embedding climate change consideration in government decision making

The NSW Government will investigate how to embed consideration of climate change mitigation and adaptation across government operations including service delivery, infrastructure, purchasing decisions and regulatory frameworks.

## Develop action plans and strategies

Climate change action plans will implement the policy directions in this policy framework and give effect to potential actions in the *Draft Climate Change Fund Strategic Plan*. Three action plans will be developed in 2017:

- » advanced energy (how clean generation and storage technologies can be combined with existing infrastructure, the internet, software, regulation, demand management solutions, energy efficiency, market design, pricing and other innovations to ensure the energy supply remains or becomes more reliable and affordable): to manage the transition to net-zero emissions and increase investment certainty, take advantage of opportunities to grow emissions savings industries, capture health co-benefits and manage security and reliability impacts of external policies

- » energy efficiency: to boost energy productivity, put downward pressure on energy bills, capture health co-benefits, manage price impacts of external policies and take advantage of opportunities to grow the energy efficiency industry
- » climate change adaptation: to reduce costs to public and private assets, reduce impacts on health and wellbeing, manage impacts on natural resources, ecosystems and communities, and take advantage of opportunities to grow adaptation services.

Agencies will undertake additional policy investigation for sectors with significant opportunities and risks, including:

- » energy productivity (Office of Environment and Heritage)
- » fugitive emissions (Division of Resources and Energy)
- » primary industries emissions and adaptation (Department of Primary Industries)
- » health and wellbeing (Ministry of Health).

## Review mechanisms

All action plans will be regularly reviewed consistent with NSW Government program evaluation guidelines. Climate Change Fund projects will be reported on annually and will include progress on program goals and expenditure.

This policy framework will be reviewed in 2020.



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**Published by:**

Office of Environment and Heritage  
59 Goulburn Street, Sydney NSW 2000  
PO Box A290, Sydney South NSW 1232

Phone: +61 2 9995 5000 (switchboard)

Phone: 131 555 (environment information and publications requests)

Phone: 1300 361 967 (national parks, general environmental enquiries, and publications requests)

Fax: +61 2 9995 5999

TTY users: phone 133 677, then ask for 131 555

Speak and listen users: phone 1300 555 727, then ask for 131 555

Email: [info@environment.nsw.gov.au](mailto:info@environment.nsw.gov.au)

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Back cover: Bonnie Vale picnic area Royal National Park (credit: Simone Cottrell/OEH)







**Item No:** 5.2  
**Title:** Miscellaneous Amendment to GLEP2014 and WLEP2013  
**Department:** Environment and Planning

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13 August 2018 Ordinary Council Meeting

Trim Reference: F2010/00500 - D13217500

Author: Lynda Hirst, Senior Strategic Planner  
Manager: Matthew Prendergast, Unit Manager Strategic Planning  
Executive: Scott Cox, Director Environment and Planning

### **Report Purpose**

The purpose of this report is for Council to consider a supplementary report for a Planning Proposal to amend the *Gosford Local Environmental Plan 2014* and the *Wyang Local Environmental Plan 2013* to address a number of minor issues and anomalies with the operation of these plans.

The report recommends that Council prepare a planning proposal to amend both the *Gosford Local Environmental Plan 2014* and *Wyang Local Environmental Plan 2013*.

### **Recommendation**

- 1 That Council prepare a planning proposal to amend Gosford Local Environmental Plan 2014 and Wyong Local Environmental Plan 2013 to address minor issues and correct anomalies, pursuant to Section 3.33 of the Environmental Planning and Assessment Act, 1979.**
- 2 The planning proposal include the recommended amendments to Gosford Local Environmental Plan 2014 and Wyong Local Environmental Plan 2013, as outlined in the report to Council of 26 March 2018, subject to the following changes:**
  - A new clause to specify a minimum lot size for dual occupancy development in Wyong Local Environmental Plan 2013.**
  - Removal of the proposed listing of Glover's Lane as part of the Lakeside Plaza Key Site in Wyong Local Environmental Plan 2013;**
  - Removal of the proposed amendment to update the property addresses in Schedule 5 – Environmental Heritage of Gosford Local Environmental Plan 2014; and**
  - Removal of the proposed amendment to delete clause 6.3 of Gosford Local Environmental Plan 2014 and Wyong Local Environmental Plan 2013.**
- 3 That Council forward the planning proposal to the NSW Minister for Planning requesting a Gateway Determination, as well as requesting delegation for Council**



***to finalise and make the draft Local Environmental Plans, pursuant to Section 3.34 of the Environmental Planning and Assessment Act, 1979.***

- 4 That Council undertake community and public authority consultation, in accordance with the Gateway Determination requirements, pursuant to Schedule 1 cl 4 and Section 3.35 of the Environmental Planning and Assessment Act, 1979.***
- 5 That Council consider a further report on results of the agency and community consultation.***

## **Background**

At its meeting of 26 March 2018, Council resolved to defer consideration of a housekeeping Planning Proposal for *Gosford Local Environmental Plan* (GLEP 2014) and *Wyong Local Environmental Plan* (WLEP 2013) for a Councillor Briefing. A presentation on the content and background of the planning proposal was given to the Councillors on 16 April 2018. This supplementary report responds to matters discussed at that Councillor Briefing and proposed changes to the planning proposal.

## **Assessment**

The key matters discussed at the Councillor briefing include:

*Why is the Ferry Master's Cottage not being listed as a Heritage Item at the correct address as part of this amendment?*

The *Wyong Shire-wide Heritage Review* prepared by David Scobie (Heritage consultant) was publicly exhibited from 15 December 2010 to 16 February 2011. The former Wyong Shire Council resolved on 13 July 2011, to adopt the *Wyong Shire-wide Heritage Review*, subject to the inclusion of an additional heritage item being the Ferry Masters Cottage at The Entrance.

Following the Council resolution, David Scobie prepared a Heritage Inventory sheet for the Ferry Masters Cottage which correctly identified the location of the heritage item at No.113 The Entrance Road, The Entrance. However, the site was incorrectly mapped as 101 The Entrance Road, The Entrance on the WLEP 2013 Heritage Map and subsequently incorrectly listed in Schedule 5 of WLEP 2013 when it was prepared in 2013.

This planning proposal seeks to amend Schedule 5 of the WLEP 2013 and the Heritage Map, to remove the Ferry Master's Cottage from the incorrect listing at No. 101 The Entrance Road, The Entrance.

Council will commence the process to correct the listing at No. 113 The Entrance Road, The Entrance in accordance with the standard process for listing heritage properties, as outlined below. It is recommended that this process be undertaken separate to the Miscellaneous



Amendment to enable Council's Heritage Officer to review the nomination and undertake consultation with the land owner prior to Council resolving to include the site as a heritage item in the WLEP 2013.

The process for listing an item on Council's Heritage Schedule under either GLEP2014 or WLEP2013 is as follows:

- 1 A heritage nomination has been identified through a heritage study or has been nominated by Council's Heritage Officer, landowner, community member or the Central Coast Heritage Advisory Committee.
- 2 The heritage nomination is reviewed by Council's Heritage Officer. A Heritage Inventory entry on the Council database is then prepared.
- 3 The Heritage Officer will make an initial assessment of the nomination. This will include a site visit to assess potential significance.
- 4 If there is evidence of potential harm, the Interim Heritage Order process may be activated.
- 5 Nominated items will be grouped until there are sufficient items listed to warrant the preparation of a planning proposal. This is approximately every two years.
- 6 The Heritage Advisory Committee will review the nominations and will provide research into the history and architectural merit of the nominations. This information will be included on the Heritage Inventory Database. The Heritage Officer will report whether to proceed with a heritage listing.
- 7 The owners of the potential heritage items will be contacted to discuss the proposal, provide information and to make a submission on the heritage listing.
- 8 The submissions will be reviewed and a report to Council prepared with recommendations on the listing and a request to proceed to prepare a planning proposal.
- 9 The planning proposal will be sent to Department of Planning and Environment for a Gateway Determination. If Gateway approval is provided the planning proposal will be placed on public exhibition for a minimum period of 28 days
- 10 A report is prepared for Council in response to Government agency and community feedback and a final recommendation for the proposed heritage listing.
- 11 Council or the Department of Planning & Environment (dependant on the terms of the Gateway) will finalise the making of the amendment to Schedule 5 of relevant planning instrument.

In order for a property to be heritage listed, it must meet one or more of the significance criteria described by the Heritage Division of the Office of Environment and Heritage (OEH):

- 1 An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area)
- 2 An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area)



- 3 An item is important in demonstrating aesthetic characteristics and /or a high degree of creative or technical achievement in NSW (or the local area)
- 4 An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons
- 5 An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (of the cultural or natural history of the local area)
- 6 An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area)
- 7 An item is important in demonstrating the principal characteristic of a class of NSW's cultural or natural places, or cultural or natural environments.

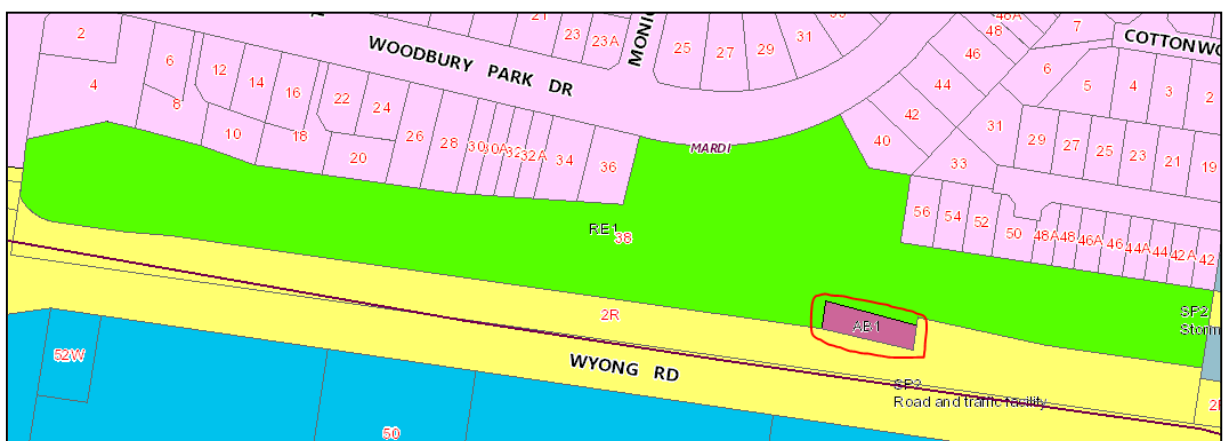
*Why is the amendment to the Key Site Map for Glovers Lane required when development consent has already been issued for development of Lakeside Plaza at The Entrance?*

Following the Councillor Briefing, Council staff have reviewed the need to include Glovers Lane, The Entrance as part of the Lakeside Plaza Key Site under clause 7.11 of the *Wyong Local Environmental Plan 2013* (Key Sites Clause).

Clause 7.11 of the *Wyong Local Environmental Plan 2013* expires on 23 December 2018. Furthermore, as Development Application DA 1080/2014 for the development of this site as a Key Site was approved by Council on 14 December 2015, there is no need to amend the WLEP 2013 Key Sites Map to include Glovers Lane.

*Please provide a map to highlight the mapping error for the minimum lot size at 38 Woodbury Park Drive, Mardi*

A small portion of this property is incorrectly labelled as AB1 with a minimum lot size of 20 hectares. This is incorrect as the entire property is zoned RE1 Public Recreation and the RE1 zone has no minimum lot size (refer Figure 1).



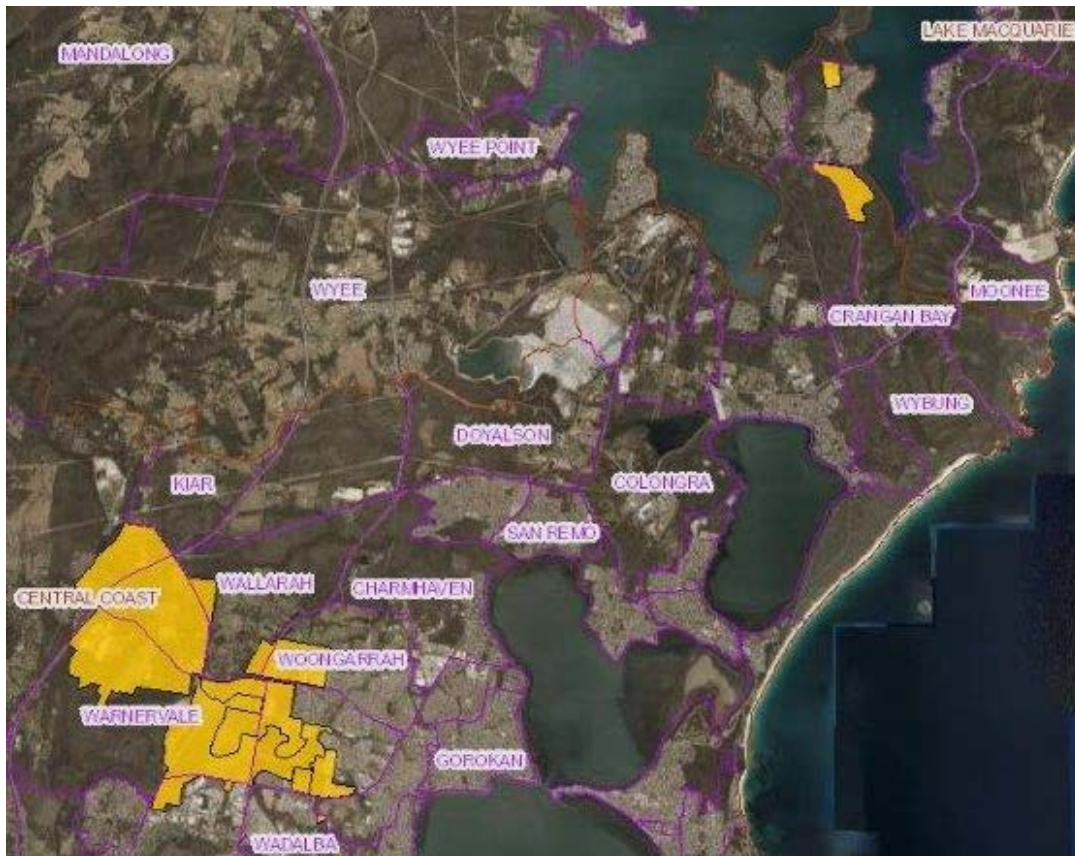
**Figure 1: Minimum lot size for 39 Woodbury Park Drive, Mardi**



*What land do the Urban Release Areas (URAs) apply to? How do URA's prevent development?*

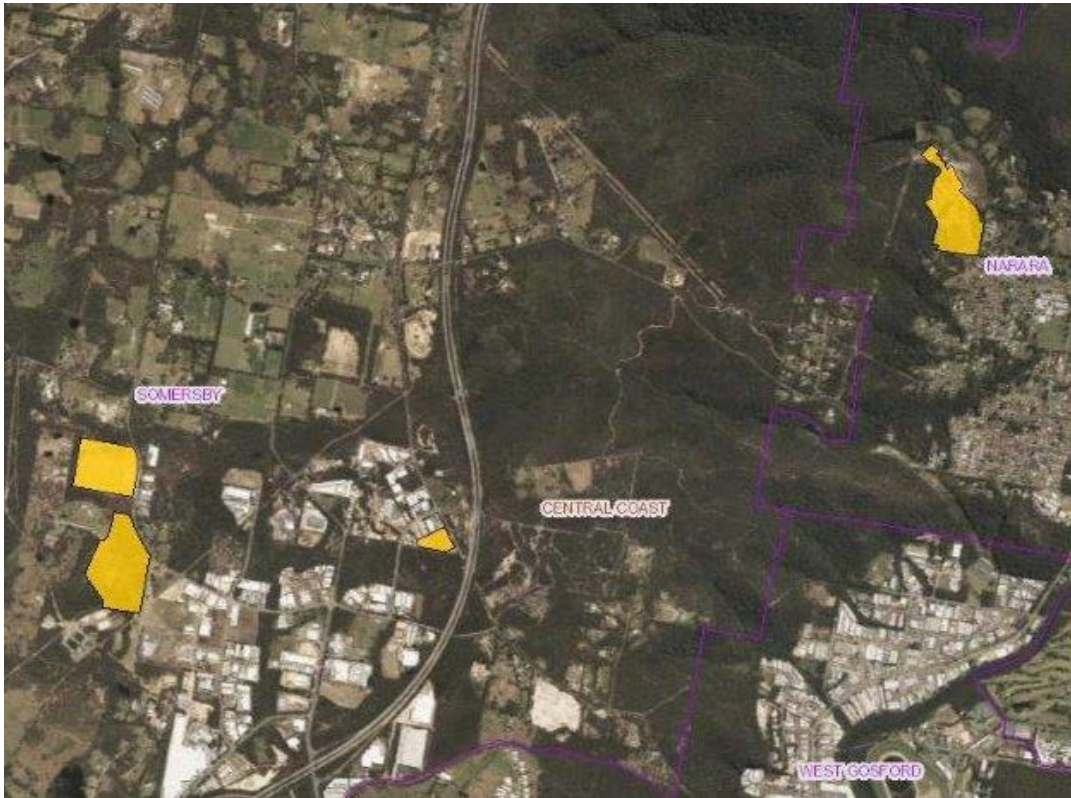
In WLEP 2013, the seven identified URAs (refer Figure 2) are the Wyong Employment Zone (WEZ), Warnervale South, Warnervale Town Centre, Louisiana Road, Hamlyn Terrace, Wadalba, Gwandalan (North) and Gwandalan (South).

In GLEP 2014, there are four identified URAs (refer Figure 3), three in Somersby and one in Narara.



**Figure 2: URAs in WLEP2013**





**Figure 3: URAs in GLEP2014**

Urban Release Areas (URAs) are subject to additional controls to ensure the development of land provides adequate infrastructure and occurs in a logical, cost-effective manner. Development within the URAs is required to occur in accordance with a staging plan, as well as a site specific development control plan (DCP) that responds to precinct level planning issues such as infrastructure provision, transport, recreation, urban design and environmental constraints. The requirement to prepare a staging plan and DCP are identified in clause 6.3 of the WLEP2013 and GLEP2014.

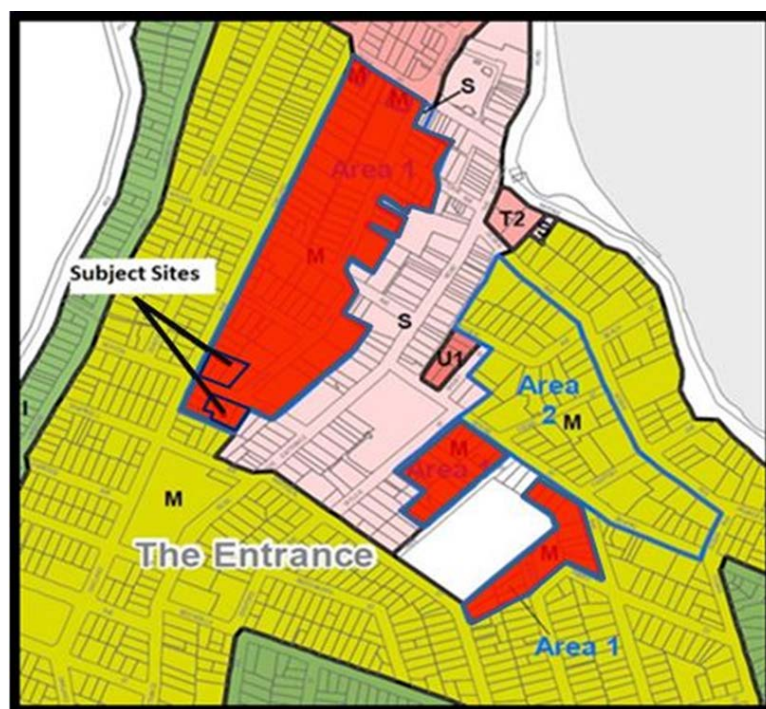
The Miscellaneous Amendment initially intended to delete clause 6.3 of WLEP 2013 and GLEP 2014. However, it is now recommended that Council prepare site specific Development Control Plans for the existing urban release areas as a response to the requirements of clause 6.3 of the WLEP 2013 and GLEP 2014. In the interim this will still be an issue for the submission of a Development Application (DA) in existing URAs that are not yet fully developed. However, it is considered more timely and efficient to prepare a Development Control Plan than amend both WLEP 2013 and GLEP 2014. On this basis, the deletion of clause 6.3 of the WLEP 2013 and GLEP 2014 is not required and is not recommended to be included in this planning proposal.

*Provide examples of Development Applications that have utilised the bonus floor space ratio (FSR) provisions under Clause 4.4(2B) of WLEP 2013*



This amendment responds to an identified error in the drafting of the Floor Space Ratio (FSR) bonus provisions under *Clause 4.4(2B)* of WLEP 2013. The outcome of the error is that land known as Area 1 at The Entrance has a mismatch between the maximum height of 20m and the maximum FSR of 0.9:1. This amendment is required to resolve this issue and reflect the intention of Council which was to carry across the bonus FSR provisions from *Wyong Development Control Plan (WDCP) 2005: Chapter 64 Multiple Dwelling Residential Development* when creating WLEP 2013.

Amendment No.27 to WLEP 2013 came into effect on 14 July 2017 and amended the FSR from 0.9:1 to 1.85:1 for land located in Area 1 at 77 Oakland Avenue and 6, 8, 15A, 17, 19 and 21 Ashton Avenue, The Entrance. The FSR for this site was increased as it was impracticable for development to achieve a 20m height (permitted for lots greater than 1800m<sup>2</sup>) with a maximum FSR of 0.9:1.



**Figure 4: Building Height map with Area 1 of the Height of Buildings Map highlighted in red**

The Gateway Determination issued by the NSW Department of Planning and Environment (DP&E) for the Planning Proposal for Amendment No.27 dated 10 August 2016 required Council to undertake a broader review of the FSR provisions applying to similar areas within The Entrance. The Planning Proposal and subsequent review of FSR provisions highlighted that it was an error that Area 1 at The Entrance was not included when the bonus FSR provisions transferred from *WDCP 2005: Chapter 64* to *Clause 4.4(2B)* of the WLEP 2013.

Supporting the need to correct this error is that Part 2D of the *Apartment Design Guide (ADG)* which is to be read in conjunction with *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65)* provides the following as a guide:



- 3 storey (10 to 12m) development with an FSR of 1:1 and
- 6 -7 storey (19 to 23m) development with an FSR of approximately 2:1.

A review of approved residential development within Area 1 of the Entrance has also shown that the current maximum height of 20m is mismatched to the maximum FSR of 0.9:1.

Application No.	Address	Approved FSR	Approved Height
DA/69/2002	6-9 Copner Ave	1.07:1	6 storey (18m)
DA/3010/2002	8-12 Copner Ave	1.67:1	6 Storey (18.9m)
DA/795/2004	46-48 Oakland Ave	1.76:1	6 Storey (17.9m)
DA/2026/2006	1-5 Armidale St	1.77:1	6 Storey (17.7m)
DA/2539/2004	1-9 Beach St	2:1	6 Storey (18m)
DA/892/2002	15-19 Torrens Ave	2.03:1	6 Storey (18.1m)
DA/736/2010	31-33 Ocean Pde 11-13 Bayview Ave	1.74:1	6-8 storey (24m)
DA/25/2006	9-13 Armidale St	1.62:1	6 storey (18m)
DA/3202/2002	9 Copner Ave	1.1:1	6 storey (17.98m)

*Table 1: Approved FSR and Heights for residential flat buildings*

Note: building heights shown are from approvals under previous provisions and do not include roof top structures. These structures must be included within height limitations under *WLEP 2013*.

A review of approved residential development in areas at Toukley and Wyong subject to the FSR bonus under Clause 4.4(2B) was also undertaken. For the 10 year period from 2008 to 2018, no development applications have been approved in these areas using the FSR bonus clause.

Existing development in The Entrance shows that the FSR bonus works in conjunction with the building height bonus to provide a better design outcome (i.e. taller, less bulky buildings with less site coverage) and provides a transition between high density development to the east, and lower density residential development to the west. As such, the bonus FSR provisions should be reinstated for Area 1 through an amendment to Clause 4.4(2B) of *WLEP 2013*.

### **Additional amendments to the planning proposal**

- 1 Councillors were also advised of the potential impacts of including a new clause to *WLEP 2013* for dual occupancy development. This amendment is a new requirement not considered in the previous report to Council, however, it is an response to the NSW Government's *Low Rise Medium Density Housing Code* (the Code) and *Design Guide*. Under this Code, where a Local Environmental Plan (LEP) does not specify a minimum lot size then the Code applies a minimum lot size of 400m<sup>2</sup>.



This would result in a significant variation to minimum lot sizes for dual occupancy development within the former Wyong Shire Council under Wyong Development Control Plan 2013 (DCP). It is noted that the new Code will not affect dual occupancy development within the former Gosford City Council, as a minimum lot size of 550m<sup>2</sup> is prescribed in the GLEP 2014.

The Code came into effect for most Council areas on 6 July 2018. However, on 25 June 2018 Central Coast Council formally sought an exemption from the Code for 12 months. The Department of Planning and Environment (DP&E) advised on 6 July 2018 that the Code will be deferred in the Central Coast local government area until 1 July 2019 to provide time for Council to align the controls in WLEP 2013 with those prescribed in the Wyong DCP 2013 and GLEP 2014.

It is therefore recommended that Council include a further amendment to the WLEP 2013, to insert a new clause that applies a minimum lot size for dual occupancy development.

- 2 It was proposed to amend Schedule 5 – Environmental Heritage of GLEP 2014 to update the property description for a number of listed heritage items due to changes to their property address. This amendment will now be considered as part of a separate planning proposal which will also nominate new draft heritage items resulting from community nominations across the Central Coast region.

### **Link to Community Strategic Plan**

Theme 2: Smart

### **Goal C: A growing and competitive region**

C1: Target economic development in growth areas and major centres and provide incentives to attract businesses to the Central Coast.

### **Critical dates or timeframes**

The following revised deadlines are anticipated for the Planning Proposal:

- 1 Gateway determination – September 2018
- 2 Agency consultation – October 2018
- 3 Public Exhibition – November/December 2018
- 4 Finalisation of the draft plans – February 2019



**Conclusion**

It is recommended that Council endorse preparation of a planning proposal to amend the *Gosford Local Environmental Plan 2014* and the *Wyang Local Environmental Plan 2013*, as outlined in the report to Council of 26 March 2018 (Attachment 1).

As a result of the Councillor Briefing, the following changes to the planning proposal are proposed:

- Include a new clause to specify a minimum lot size for dual occupancy development in *Wyang Local Environmental Plan 2013*.
- Remove the proposed listing of Glover's Lane as part of the Lakeside Plaza Key Site in *Wyang Local Environmental Plan 2013*.
- Remove the proposed amendment to update the property addresses in *Schedule 5 – Environmental Heritage of Gosford Local Environmental Plan 2014*; and
- Remove the proposed amendment to delete *clause 6.3 of Gosford Local Environmental Plan 2014* and *Wyang Local Environmental Plan 2013*.

It is recommended that a planning proposal as amended above, be prepared and forwarded to the Minister for Planning for Gateway Determination.

**Attachments**

- 1** Original Council Report 26 March 2018      D13218617





**Item No:** 0.0  
**Title:** Miscellaneous Amendment to GLEP2014 and WLEP2013  
**Department:** Environment and Planning

---

26 March 2018 Ordinary Council Meeting

Trim Reference: F2017/01369 - D13218617

**Author:** Lynda Hirst, Senior Strategic Planner  
**Manager:** Matthew Prendergast, Unit Manager Strategic Planning  
**Executive:** Scott Cox, Director Environment and Planning

## Report Purpose

The purpose of this report is for Council to consider a Planning Proposal to amend the *Gosford Local Environmental Plan 2014* and the *Wyang Local Environmental Plan 2013* to address a number of minor issues and anomalies with the operation of these plans.

The report recommends that Council prepare a Planning Proposal to amend both the *Gosford Local Environmental Plan 2014* and *Wyang Local Environmental Plan 2013*.

## Background

Under Division 3.21 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Councils are required to keep their local environmental plans under regular review to ensure the objectives of the EP&A Act continue to be achieved.

Council staff are currently preparing a Planning Proposal for the consolidated Central Coast Local Environmental Plan which will consolidate the existing *Gosford Local Environmental Plan 2014* (GLEP 2014), *Gosford Planning Scheme Ordinance* (GPSO), *Interim Development Order Number 122 – Gosford* (IDO) and the *Wyang Local Environmental Plan 2013* (WLEP 2013) into one (Local Environmental Plan). A consolidated Central Coast Local Environmental Plan will however only merge the existing plans and will only address issues where provisions within the existing planning instruments differ.

This planning proposal is required in the interim as a separate housekeeping amendment to address specific issues and anomalies that have been identified with the ongoing operation of both the WLEP 2013 and GLEP 2014. The proposed amendments from this planning proposal, if supported, will ultimately be incorporated into the consolidated Central Coast Local Environmental Plan.



## Recommendation

- 1 That council prepare a planning proposal to amend Gosford Local Environmental Plan 2014 and Wyong Local Environmental Plan 2013 to address minor issues and correct anomalies, pursuant to Section 55 of the Environmental Planning And Assessment Act, 1979.**
- 2 That council forward the planning proposal to the NSW Minister For Planning requesting a Gateway Determination, as well as requesting delegation for Council to finalise and make the draft Local Environmental Plans, pursuant to Section 56(1) of the Environmental Planning And Assessment Act, 1979.**
- 3 That Council undertake community and public authority consultation, in accordance with the Gateway Determination requirements, pursuant to Sections 56 and 57 of the Environmental Planning And Assessment Act, 1979.**
- 4 That council consider a further report on results of the agency and community consultation.**

## The Proposal

The planning proposal seeks to amend GLEP 2014 and WLEP 2013 to address issues and anomalies identified with the operation of both plans. These amendments are minor housekeeping matters that will address issues that have arisen with the operation and application of both GLEP 2014 and WLEP 2013. The planning proposal will correct these anomalies.

## Assessment

### Proposed amendments to GLEP 2014

1. Part 4 – Principal Development Standards – insert new clause to facilitate boundary adjustments in RU1, RU2 or E3 land that achieve better environmental outcomes.

A submission was received during the preparation of Miscellaneous Amendment No.2 to WLEP 2013 in 2015 requesting that Council insert an additional clause to enable boundary adjustments for land zoned RU1, RU2 or E3 where no additional lots or dwelling entitlements are created and the resultant lots achieve a superior outcome for either agricultural or environmental protection or management.

The proposed new clause was considered to have merit but was too late for inclusion in the previous Miscellaneous Amendment. A similar provision is included in the Lake Macquarie Local Environmental Plan 2014, Clause 4.2C.



2. Part 6 – Urban Release Areas (URAs) – Amend Part 6 to remove Clause 6.3.

Recent development enquiries have raised concern with the requirement under Clause 6.3 for a Development Control Plan (DCP) to be prepared for most development proposed within an Urban Release Area (URA). This control is restricting development as most of the URAs are quite small and the provisions of existing DCPs are more than adequate to guide the development of these sites. As such, the requirement for a DCP is considered onerous.

3. Schedule 5 – Environmental Heritage – Update existing heritage listed items to ensure they are listed and addressed correctly.

During Council's annual review of existing heritage items it has been highlighted that a number of heritage items have undergone changes to property description and/or address.

The list of heritage items in the GLEP 2014 needs to be updated to ensure correct description of properties to enable easy identification.

### **Proposed amendments to WLEP 2013**

1. Part 4 – Principal Development Standards – insert new clause to facilitate boundary adjustments in RU1, RU2 or E3 land that achieve better environmental outcomes.

A submission was received during the preparation of Miscellaneous Amendment No.2 to WLEP 2013 in 2015 requesting that Council insert an additional clause to enable boundary adjustments for land zoned RU1, RU2 or E3 where no additional lots or dwelling entitlements are created and the resultant lots achieve a superior outcome for either agricultural or environmental protection or management.

The proposed new clause was considered to have merit but was too late for inclusion in the previous Miscellaneous Amendment. A similar provision is included in the Lake Macquarie Local Environmental Plan 2014, Clause 4.2C.

2. Part 4 – Principal Development Standards – insert new clause to specify requirements for lot amalgamations.

During preparation of the draft consolidated Central Coast LEP, it was identified that the current Clause 4.2B *Erection of dual occupancies and dwelling houses on land within certain rural and environmental protection zones* includes a reference to amalgamated lots but has no provision to require amalgamation of the land identified on the WLEP Lot Amalgamation Map.

This appears to be a drafting error. When the WLEP 2013 was prepared in 2013 it was intended that the lots identified on the Lot Amalgamation Map would be required to amalgamate the land upon development.



3. Part 4 – Principle Development Standards – Amend Clause 4.4(2B) to include Area 1 of the Height of Buildings Map on the Floor Space Ratio (FSR) Map as being subject to the bonus FSR provisions for consolidated sites with a minimum 1500m<sup>2</sup> site area.

At its Ordinary Meeting on 11 May 2016 the former Wyong Shire Council resolved:

*That Council request that staff review the floor space ratio provisions for land identified as Area 1 on the Wyong Local Environmental Plan 2013 (WLEP 2013) Height of Building Map and that Council be informed of the outcome of this review.*

Previously Area 1 at The Entrance was subject to bonus FSR provisions for consolidated sites with a minimum 1500m<sup>2</sup> site area under the former Wyong Development Control Plan 2005 (DCP 2005): Chapter 64 Multiple Dwelling Residential Development. The FSR bonus was on a sliding scale with a 7.5% increase to site area for 1500m<sup>2</sup> sites, up to 20% increase to site area for sites 4000m<sup>2</sup> or greater.

The bonus FSR provisions from Chapter 64 of Wyong DCP 2005 were included under Clause 4.4(2B) of WLEP 2013 and apply to certain Local Centres including Wyong and Toukley. However, it appears to have been an anomaly that Area 1 at The Entrance was not included. It is therefore proposed to add Area 1 at The Entrance to Clause 4.4(2B), with the exception of 77 Oakland Avenue and 6, 8, 15A, 17, 19 and 21 Ashton Avenue, The Entrance which have their own site specific FSR.

4. Part 6 – Urban Release Areas (URAs) – Amend Part 6 to remove Clause 6.3.

Recent development enquiries have raised concern with the requirement under Clause 6.3 for a Development Control Plan (DCP) to be prepared for most development proposed within an Urban Release Area (URA). This control is restricting development as most of the URAs are quite small and the provisions of existing DCPs are more than adequate to guide the development of these sites. As such, the requirement for a DCP is considered onerous.

5. Schedule 1 – Additional Permitted Uses – Amend Item 5 to reflect the original clause from WLEP 1991.

A drafting error during the finalisation of WLEP 2013 amended the provisions applying to Item 5 "Use of certain land at Summerland Road, Summerland Point." The error enables community title subdivision to be created on Part A of the land without the need to be associated with a *managed resort facility*.



This is not the intent of the clause and not consistent with the previous provisions under WLEP 1991 which specified that subdivision under the *Community Land Development Act 1989* is only permitted on Part A of the site if it is associated with a managed resort facility.

6. Schedule 5 – Environmental Heritage – remove the listing of the Ferry Master’s Cottage from No. 101 The Entrance Road, The Entrance.

A landowner enquiry has identified that the heritage listing of the Ferry Master’s Cottage at No. 101 The Entrance Road, The Entrance is incorrect. The Ferry Master’s Cottage is physically located at No. 113 The Entrance Road, The Entrance.

Schedule 5 of the WLEP 2013 and the Heritage Map will be amended to remove the incorrect listing at No. 101 The Entrance Road, The Entrance. Further consultation will occur with the landowners at No. 113 The Entrance Road, The Entrance to consider correctly identifying this site as part of the heritage items in WLEP 2013.

7. Key Site Map – Amend the map to include the land formerly known as Glovers Lane as part of the Key Site for Lakeside Plaza, The Entrance.

A request was received from the landowner of Lakeside Plaza, The Entrance to include adjoining land, recently transferred into their ownership, on the LEP Key Site Map as part of the Key Site for Lakeside Plaza.

When the Key Site Map was initially prepared Glovers Lane was owned by Council and as such, was not included as part of the adjoining Key Site for Lakeside Plaza. Since that time the road has been officially closed, ownership transferred to Lakeside Plaza and is zoned B2 Local Centre. As such, it is appropriate to include the former lane as part of the Key Site for Lakeside Plaza.

8. Lot Size Map – Amend the map to remove the minimum lot size of 20 hectares (AB1) from 38 Woodbury Park Drive, Mardi

A mapping error during the finalisation of WLEP 2013 applied a minimum lot size of 40 hectares (AB2) to a small portion of Lot 1149 DP 840180 38 Woodbury Park Drive, Mardi. The minimum lot size was subsequently amended to 20 hectares (AB2) due to incorrect labelling when the Lot Size Map was amended as part of WLEP 2013 – Amendment No.3.

The entire site is zoned RE1 Public Recreation under WLEP 2013. The zone has not changed since WLEP 2013 was notified in December 2013. No minimum lot size is applicable for RE1 land. As such, the site should be removed from the Minimum Lot Size map.



**Consultation**

Internal consultation for the planning proposal has been undertaken to date and has informed the configuration of the proposed amendments.

Government agency and public consultation requirements for the planning proposal will be detailed in the Gateway Determination and conducted accordingly. It is anticipated that the following agencies will need to be consulted:

- NSW Department of Planning and Environment (DP&E)
- NSW Office of Environment and Heritage (OEH)
- NSW Roads and Maritime Services (RMS)
- NSW Rural Fire Service (RFS)
- Transport for NSW

**Statutory Compliance and Strategic Justification**

The planning proposal will be prepared having regard for the relevant State Environmental Planning Policies (SEPP), Ministerial Section 117 directions, and the relevant guidelines set out in the regional plans, including the Central Coast Regional Plan 2036. A preliminary assessment of the proposed amendments has considered that they are consistent with these considerations.

**Financial Impact**

There are no immediate budget impacts as the preparation and progression of the planning proposal will be undertaken in house by Council staff.

**Social Impacts**

The planning proposal is predominantly a housekeeping exercise to rectify issues and anomalies that have been created within the Local Environmental Plans. The planning proposal provides an opportunity to resolve errors and provide greater certainty for affected landowners as a result.

**Environmental Considerations**

The proposed amendments are mostly administrative and it is anticipated they will have little to no environmental impact. Consultation will be undertaken with the NSW Office of Environment and Heritage to ensure compliance with the relevant federal and state environmental legislation and policies



**Risk Management**

The progression of the planning proposal will consider and mitigate any corporate risks through ensuring:

- Appropriate consultation is undertaken with public authorities during the initial preparation stage
- The community consultation process is open and transparent
- All legislative procedures for planning proposals have been followed.

**Critical Dates or Timeframes**

Given the minor nature of the planning proposal it is anticipated that the following deadlines will be achieved:

- 1 Gateway determination – May 2018
- 2 Agency consultation – July 2018
- 3 Public Exhibition – September 2018
- 4 Finalisation of the draft plans – December 2018

**Conclusion**

The preparation of a planning proposal is required to address minor housekeeping matters within the GLEP 2014 and the WLEP 2013 that are not appropriate for inclusion as part of the Consolidated Central Coast Local Environmental Plan, and need to be expedited prior to the preparation of the Comprehensive Central Coast Local Environmental Plan.

It is therefore recommended that a planning proposal be prepared and forwarded to the Minister for Planning for a Gateway Determination.

**Attachments**

*Nil.*



**Item No:** 5.3  
**Title:** Sport Central Coast Group  
**Department:** Assets, Infrastructure and Business

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13 August 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-02 - D13227823

Author: Karen Tucker, Acting Section Manager Sports Facilities and Planning

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

Executive: Boris Bolgoff, Acting Director Assets, Infrastructure and Business

## **Report Purpose**

The purpose of this report is to advise Council of the development of the Sport Central Coast Group by the NSW Office of Sport.

## **Recommendation**

- 1     *That Council support the initiation of the Sport Central Coast Group.***
- 2     *That Council formally recognise Sport Central Coast Group as the representative body for Sport and Recreation.***

## **Background**

Prior to the formation of Central Coast Council, a number of organisations existed as representative and reference committees for sport across the Central Coast. These committees held varying recognition by individual sport and recreation codes across the region. As there has been no evident key reference group, a number of sporting associations have decreased their involvement in these committees. This has created a situation where engagement, collaboration and collective advocacy within sport and recreation in the region can be improved.

A Councillor briefing was held on the 9 July 2018 regarding this matter.

## **Context**

In 2017 extensive consultation was conducted by the NSW Office of Sport Council with 47 key regional sport and recreation stakeholders to identify the issues and needs for the region.

As a result the NSW Office of Sport has developed a draft Central Coast regional strategy for sport and recreation which is due to be released in the coming months. This follows the recognition of the area as its own region by the NSW Government.



### 5.3 Sport Central Coast Group (contd)

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A key outcome of the draft Central Coast Sport and Active Recreation Plan 2018 is Effective Collaboration (Outcome 6). This includes the development of a regional representative group that is recognized and supported to act as the “voice” of sport.

The intention is for this organization to engender strong leadership from amongst the sporting community on the Central Coast with formal endorsement by the Office of Sport, Central Coast Council, Central Coast Academy of Sport and subsequently acknowledgement from the community. This will ensure the Group will be the recognised body to engage, collaborate and unite the Central Coast sporting community.

A Terms of Reference (TOR) has been developed as a collaboration of Central Coast Office of Sport, Central Coast Academy of Sport in consultation with Council’s Open Space and Recreation Unit.

The TOR outlines the purpose of this group is to assist the sport and active recreation organisations on the Central Coast to work together to strengthen the industry on the Central Coast with the objectives of:

- Providing for effective collaboration between sport and active recreation organisations on the Central Coast
- Delivering a forum for improved communication, collective advocacy, shared vision and opportunities to collaborate.
- Sharing of knowledge and resources to encourage promotion and engagement of the Central Coast sporting community.
- Planning and promotion of sport and its integral role in community life on the Central Coast.
- Engagement as a key representative organisation of Central Coast sport and active recreation in consultation on sports planning, development, pathways, issues, education and other such roles as identified by the needs of the Central Coast sport and active recreation industry.
- Identification of region wide issues and opportunities and providing advice on gaps in the provision and requirements of sport and recreation on the Central Coast.

The Sport Central Coast Group will be represented by a Board that will consist of:

- Seven (7) representatives of the sport and active recreation community
- Three (3) appointed representatives, one staff member from each of Central Coast Council, Central Coast Academy of Sport and Office of Sport.

<b>Community Representatives x 7</b>	<b>NSW Office of Sport x 1</b>	<b>Central Coast Academy of Sport x 1</b>	<b>Central Coast Council x 1</b>
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It is anticipated that the Board will also recruit further community members to sub-committee roles in order to fulfil the purpose of the group that will be chaired by Board members.

Sport Central Coast Group will not have involvement in Council functions relating to Sportsgrounds including, but not limited to, ground allocations and maintenance. However, Council will utilise the group to consult with on strategic planning for sports facilities and to address current topics with local sport at a grass root level through to a regional perspective.

#### **Consultation**

It is proposed that an Expressions of Interest (EOI) process will be undertaken to elect members of the inaugural group by the NSW Office of Sport.

The EOI process will be advertised widely across the region and to all Sport and Recreation Associations.

#### **Options**

##### **Option 1**

Follow the recommended action to support the initiation of the Sport Central Coast Group and formally recognise this Group as the representative body for sport and recreation –

**Recommended.**

##### **Option 2**

Not follow the recommended action – **Not Recommended** as the sporting leaders of the Central Coast recommended this as a required outcome of the Regional Plan for the development of sport and recreation on the Central Coast.

#### **Financial Impact**

No net impact on Council's budget is anticipated.

#### **Link to Community Strategic Plan**

Theme 1: Belonging

#### **Goal G: Good governance and great partnerships**

A1: Work within our communities to connect people, build capacity and create local solutions and initiatives.



**Social Impacts**

Sport Central Coast Group will promote sport and an active lifestyle to the Central Coast as a whole.

**Environmental Considerations**

Not Applicable

**Risk Management**

Not applicable.

**Critical Dates or Timeframes**

It is anticipated that the Expressions of Interest (EOI) for members of the group will be advertised in September 2018 with the first committee meeting occurring in October.

**Attachments**

- |          |   |           |
|----------|---|-----------|
| <b>1</b> | Sport Central Coast Collaboration Group Final                 | D13228065 |
| <b>2</b> | Sport Central Coast Group - Board Member Position Description | D13289205 |



## Terms of Reference

### Sport Central Coast Collaboration Group (SCC)

#### Background:

#### Office of Sport - New regional sport delivery model

The Office of Sport is working with the sport and active recreation sector to design a new service delivery model for sport and active recreation services across NSW.

#### What is the objective of the project?

The objective of this project is to implement a more cohesive and holistic regional service delivery model that connects entities in each region and leverages the strengths of the Office of Sport to lead the sport and active recreation sector.

It is proposed, that once finalised, the model will:

- align the Office of Sport to the 10 NSW Government regional boundaries
- ensure services provided by the Office of Sport remain relevant to the sector
- tailor service offering to the unique needs and characteristics of each region
- improve connectivity internally between Office of Sport and the sector
- develop and implement **Regional Sport and Active Recreation Plans** for each NSW Government region that provides an operational framework for how agreed outcomes will be achieved in each region
- enhance synergies between the Sport and Recreation Centres, Regional Offices, Regional Academies of Sport, the sport and active recreation sector, other sector partners and the three levels of Government (Commonwealth, State and Local)
- align services to contribute to achievement of Government and Premier's priorities, including *Tackling Childhood Obesity* and *Improving Government Services*
- work with key stakeholders in the planning of facilities and infrastructure across the regions
- build the resources and capabilities of the sector.

#### Outcomes

- The outcomes expected from this project include:
- increase the percentage of the NSW population regularly participating in physical activity
- a more strengthened and integrated high performance pathway
- an enhanced Office of Sport and sport and active recreation sector capability.

From April to October 2017, extensive consultations were held by Office of Sport with the sport and active recreation community from the Central Coast and included representatives of our key partner groups – Local Government, State and Commonwealth Government, Regional Academies of Sport, Sport and Recreation organisations, other sector partners and Office of Sport.

The draft Regional Plan for the Central Coast is due out for feedback in April 2018.



## **1. Introduction: Sport Central Coast Collaboration Group**

A key outcome of the draft Central Coast Sport and Active Recreation Plan 2018 is Effective Collaboration (Outcome 6). The development of a regional representative group to act as the “voice” of sport was a strong theme through the community consultations.

With that aim, and as a key result in the amalgamation of Gosford and Wyong Councils, the Office of Sport (OoS), Central Coast Council (CCC) and the Central Coast Academy of Sport (CCAS) have worked together to set the terms of reference for this group (tentatively called the Sport Central Coast Group).

The intention is for this organisation to engender strong leadership from amongst the sporting community on the Central Coast, to obtain endorsement from OoS, CCC, CCAS and the community ensuring the Group will be the recognised body to engage, collaborate and unite the Central Coast sporting community.

## **2. Purpose and Role**

The purpose of this group is to assist the sport and active recreation organisations on the Central Coast to work together to strengthen the industry on the Central Coast with the objectives of:

- Providing for effective collaboration between sport and active recreation organisations on the Central Coast
- Delivering a forum for improved communication, collective advocacy, shared vision and opportunities to collaborate.
- Sharing of knowledge and resources to encourage promotion and engagement of the Central Coast sporting community.
- Planning and promotion of sport and its integral role in community life on the Central Coast.
- Engagement as a key representative organisation of Central Coast sport and active recreation in consultation on sports planning, development, pathways, issues, education and other such roles as identified by the needs of the Central Coast sport and active recreation industry.
- Identification of region wide issues and opportunities and providing advice on gaps in the provision and requirements of sport and recreation on the Central Coast.

Objectives expected from this group are:

- One united, knowledgeable and informed voice for sport and active recreation organisations on the Central Coast
- Shared vision for our sporting region
- Recognition, promotion and celebration of sporting achievement
- Collaboration to improve participation and performance pathways

## **3. Composition**



The Sport Central Coast Collaboration Group will comprise representatives of the sport and active recreation community stakeholders with relevant experience and expertise. The Board shall consist of:

- Seven (7) representatives of the sport and active recreation community
- Three (3) appointed representatives, one each from Central Coast Council, Central Coast Academy of Sport and Office of Sport.

It is anticipated that the Board shall also recruit further community members to sub-committee roles in order to fulfil the purpose of the group.

**Criteria for Board Roles:**

- A strong history (current or recent involvement) in in the area of sport and recreation administration and leadership, preferably on the Central Coast
- Strong community networks and linkages
- An ability to constructively participate in an advisory capacity for the whole of the sport and recreation community of the Central Coast
- An ability to represent a broad range of views that reflect the diversity of the community
- A strong understanding of the local community and it social, environmental and economic influences
- Good knowledge and understanding of the local issues that are relevant to sports and recreation
- A willingness to contribute positively to meetings in a fair and unbiased manner
- A capacity to commit to the group for the required duration of office
- A willingness to celebrate the success and achievements of sport and recreation on the Central Coast

**Selection of Board Members:**

- Selection of members will be through a nomination process which is advertised in local media and through Office of Sport, Central Coast Council and Central Coast Academy of Sport networks and social media.
- Specific representatives may be invited to nominate
- Nomination form must be completed by nominees which will be assessed against the criteria for membership
- Appointment will be for a 2 year period with the ability to re-nominate for further periods
- The group membership shall be reflective of a broad range of sport and recreation interests and needs.

**4. Meetings**



The Sport Central Coast Group shall hold regular Board meetings as well as quarterly open sport forums.

Representatives from all sport and active recreation organisations will be invited to attend the open sport forums.

Board meetings will be held during business hours and open sports forums after hours, to enable maximum participation by the sport and recreation community of the Central Coast.

Executive support will be provided by the Office of Sport, Central Coast Council and Central Coast Academy of Sport to assist with items such as agendas/minutes, nomination and appointment process, training, advice, annual report etc

### **theQuorum and voting**

- The group will operate 'one third plus one' of the total membership
- Each member is entitled to one vote, except that the Chairperson who may exercise a casting vote should this be necessary.

### **Conflict of Interest**

- Direct and indirect conflicts of interest require disclosure to the Chairperson and the group at time of discussion, as and when they arise.
- Members of the group must be fully aware of their responsibilities with regard to management of interests in relation to their duties as a member of the group.

## **5. Projects**

The projects undertaken by the Sport Central Coast Group will include but not be limited to the following:

- Annual Central Coast Sport Awards
- Website and Media
- Central Coast Sporting Hall/Walk of Fame
- Conduct of the Open Sport Forums including guest speakers etc

## **6. Governance**

The Sport Central Coast Collaboration Group will adopt a constitution and incorporate under the NSW Incorporations Act 2009

The seven (7) community Board members will be selected initially by a panel consisting of representatives from Central Coast Council, Central Coast Academy of Sport and Office of Sport. Nominations will be called for across the community to apply against a Position Description (attached) Once the Group is established and has adopted a Constitution, they will follow that document in the election of future members.



## **7. Reporting**

The Sport Central Coast Group will provide a formal pathway for sport to identify, address and advise on issues and opportunities facing the sport and active recreation industry on the Central Coast.

The establishment of this group will acknowledge the roles that the Office of Sport, Central Coast Council, Central Coast Academy of Sport and our sport and recreation organisations play in the development and delivery of a vibrant, valued and active sport and recreation industry on the Central Coast.

The Group shall establish a formal reporting line to the Central Coast Sport and Active Recreation Plan Implementation Team.

## **8. Endorsement**

The Sport Central Coast Group establishment seeks the endorsement of CCC and recognition of this organisation as the key representative organisation of Central Coast sport and active recreation organisations on the Central Coast.



<b>Position Title:</b>	<b>Board Member, Sport Central Coast</b>
Paid/Voluntary	Voluntary
Hours required	<ul style="list-style-type: none"> <li>• Attendance at monthly Board Meeting (during business hours)</li> <li>• 1-2 hours per week for projects and correspondence</li> <li>• Attendance at quarterly open sport forum (after hours)</li> <li>• Attendance at other events as required ie Annual Sport Awards (Nov)</li> </ul>
Position Title of Supervisor	Chairperson, Sport Central Coast
Policy documents that relate	Sport Central Coast Constitution

## Background

A key outcome of the Central Coast Sport and Active Recreation Plan 2018 is Effective Collaboration (Outcome 6). The development of a regional representative group to act as the “voice” of sport was a strong theme through the community consultations.

With that aim, and as a key result in the amalgamation of Gosford and Wyong Councils, the Office of Sport, Central Coast Council and the Central Coast Academy of Sport have worked together to set the terms of reference for this group (tentatively called the Sport Central Coast Reference Group).

The intention is for this organisation to gain strong leadership from amongst the sporting community on the Central Coast, to gain endorsement from Council, Office of Sport and Central Coast Academy of Sport and the community and to be the recognised body to engage, collaborate with and unite the Central Coast sport and active recreation community.

## Purpose and Role of Sport Central Coast

The purpose of this group is to assist the sport and active recreation organisations on the Central Coast to work together to strengthen the industry on the Central Coast with the objectives of:

- Providing for effective collaboration between sport and active recreation organisations on the Central Coast delivering a forum for improved communication, collective advocacy, shared vision and opportunities to work together.
- Sharing of knowledge and resources to encourage promotion and engagement of the Central Coast sporting community in planning and promotion of sport and its integral role in community life on the Central Coast.
- Engagement as a key representative organisation of Central Coast sport and active recreation in consultation on sports planning, development, pathways, issues, education and other such roles as identified by the needs of the Central Coast sport and active recreation industry

Some of the outcomes expected from this collaboration are:

- One voice for sport and active recreation organisations on the Central Coast
- Shared vision for our sporting region
- Recognition, promotion and celebration of sporting achievement
- Working together to improve participation and performance pathways

The projects undertaken by the Sport Central Coast Group will include but not be limited to the following:

- Annual Central Coast Sport Awards
- Website and Media
- Central Coast Sporting Hall/Walk of Fame
- Conduct of the Open Sport Forums including guest speakers etc



**The Board**

The Board of Sport Central Coast consists of up to 10 positions, 7 community members and 3 appointed members (Central Coast Council, Central Coast Academy of Sport and Office of Sport, Central Coast).

**Board Member Role**

The role of Board Member for the Central Coast Sports Federation is a vital one and provides a broad scope for the position holder. The role, broadly, is to proactively represent the collective sporting community of the Central Coast.

A Board Member will develop their knowledge and understanding of the Central Coast sporting industry, actively contribute to the organisation's projects and processes, and proactively promote and champion the collective needs of sport in our community.

It is anticipated that there will be quarterly open sport forums, likely monthly Board meetings and that each Board member will take on a project of the organisation requiring commitment, leadership and contribution outside of the meeting times.

**Key Attributes of the Board Member (Selection Criteria)**

- Current or recent history of involvement in the Central Coast sport and recreation community in a leadership role
- A capacity to commit to the Board for the duration of office and projects of Sport Central Coast
- Strong community networks and linkages
- An ability to constructively participate in an advisory capacity and to represent a broad range of views that reflect the diversity of the community
- A strong understanding of the local community and the issues that are relevant to sport and recreation
- A willingness to contribute positively to meetings in a fair and unbiased manner
- An ability to look beyond personal interests for the benefit of the community and residents of the Central Coast
- An ability and willingness to encourage participation from and provide feedback to the community regarding sport and recreation
- A willingness to celebrate the success and achievements of sport and recreation on the Central Coast

**Nomination**

Your nomination should include the following:

- Name and contact details (phone, email etc)
- Address how you can contribute to the Key Attributes of the Board Member
- References that support your nomination



**Item No:** 5.4  
**Title:** Local Government NSW Annual Conference -  
Attendance and Voting  
**Department:** Governance

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13 August 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-03 - D13289108

Author: Sonia Witt, Section Manager, Councillor Support

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

Executive: Brian Glendenning, Executive Manager, Governance

### **Report Purpose**

To determine the voting delegates for voting at the 2018 Local Government NSW Annual Conference, on Policy Motions and for the Board election.

To consider Motions to be submitted for inclusion on the Conference Business Paper.

To consider whether it is appropriate to reschedule the meeting of 22 October 2018 due to the attendance of a significant number of Councillors at the Conference.

### **Recommendation**

- 1 That Council appoint the following seven voting delegates for voting on Policy Motions and for the election of Officer Bearers at the Local Government NSW Annual Conference 2018:**
  - a Clr <NAME>**
  - b Clr <NAME>**
  - c Clr <NAME>**
  - d Clr <NAME>**
  - e Clr <NAME>**
  - f Clr <NAME>**
  - g Clr <NAME>**
- 2 That Council request the Chief Executive Officer notify Local Government NSW of those appointments no later than 5.00pm on Tuesday 2 October 2018.**
- 3 That Council consider any Motions submitted by Councillors for inclusion on the Conference Business Paper and advise Local Government NSW accordingly.**
- 4 That Council resolve that the 22 October 2018 Ordinary Meeting to be held at Wyong be rescheduled to Monday 29 October 2018 at Wyong and give appropriate due notice.**



## **Background**

The 2018 Local Government NSW Annual Conference (Conference) will be held 21 October 2018 to 23 October 2018 at the Albury Entertainment Centre, Swift Street, Albury. The Conference is the annual policy-making meeting as Local Government NSW (LGNSW) for NSW Local Councils, and enables Councillors across NSW to come together to share ideas and debate issues that shape Local Government.

Central Coast Council is an ordinary financial member of LGNSW for the 2018/19 financial year.

## **Voting Entitlements**

Central Coast Council has been advised that it is entitled to have seven voting delegates for each roll. Each financial member of LGNSW is entitled to a certain number of voting delegates based on the formula prescribed at [Rule 23 of the Association's Rules](#).

A copy of the Rules may be found at: <https://www.fwc.gov.au/registered-organisations/find-registered-organisations/local-government-and-shires-association-new>

Subject to the LGNSW rules and Australian Electoral Commission requirements, a member may notify LGNSW of a change to the name of an already nominated voting delegate (a substitute delegate) if required.

Given Council is entitled to have seven voting delegates, it is likely that at least seven Councillors will attend the 2018 Conference. This will impact the ability of Council to have a quorum for the Ordinary Council Meeting scheduled for Monday, 22 October 2018. As such it is recommended that the meeting be re-scheduled to be held at Wyong on Monday, 29 October 2018.

## **Submitting Motions**

Councillors were invited to provide proposed Motions for the Conference by way of the Councillor Support Update on 27 July 2018. No motions were received. Council may determine to receive any further Motions at the 13 August 2018 Ordinary Council Meeting.

LGNSW have advised that proposed Motions should be strategic, affect members state-wide and introduce new or emerging policy issues and actions. Members are encouraged to review the [Action Report of resolutions from the 2017 Conference](#) before submitting Motions for the 2018 Conference. The Action Report is also available on the LGNSW Annual Conference webpage under 'Past Conference - 2017'.

The Board of LGNSW has resolved that Motions will be included in the Business Paper for the Conference only where they:



## **5.4 Local Government NSW Annual Conference - Attendance and Voting (contd)**

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1. are consistent with the objects of the Association (see Rule 4 of the Association's rules); .
2. relate to Local Government in NSW and/or across Australia;
3. concern or are likely to concern Local Government as a sector;
4. seek to advance the Local Government policy agenda of the Association and/or improve governance of the Association;
5. have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws);
6. are clearly worded and unambiguous in nature; and
7. do not express preference for one or several members over one or several other members.

For a Motion to be included in the Business Paper for the Conference the submitting member needs to provide accompanying evidence in support. Such evidence may include an extract of the minutes of the meeting at which the member resolved to submit the Motion for consideration by the Conference.

### **Deadline for submitting motions**

In line with the LGNSW rules, the latest date motions can be accepted for inclusion in the Conference Business Paper is midnight on Sunday 26 August 2018.

### **Important dates**

In summary, the following deadlines are in place:

<b>Deadline</b>	<b>Action</b>
Monday 17 September 2018	Ending of the Early Bird rates. Council has already registered sufficient attendees if all Councillors wish to attend.
Sunday 26 August 2018	Deadline for members to provide names to LGNSW of delegates who will vote on Policy Motions.
Sunday 26 August 2018	The latest date motions can be accepted for inclusion in the Conference Business Paper.

### **Financial Impact**

Funding for attendances at the LGNSW Conference forms part of the budget that forms part of the adopted Operational Plan for the 2018-2019 year.

Council staff have made arrangements to take advantage of the early bird provisions to facilitate the attendance of those Councillors who wish to attend.



**Link to Community Strategic Plan**

Theme 4: Responsible

**Goal G: Good governance and great partnerships**

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

**Attachments**

Nil



**Item No:** 5.5  
**Title:** Meeting Record of Catchments and Coast Committee  
Tuggerah Lakes held on 27 June 2018  
**Department:** Governance

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13 August 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-03 - D13272387

Author: Kelly Drover, Advisory Group Support Officer

Manager: Peter Ham, Unit Manager, Waterways and Coastal Protection

Executive: Boris Bolgoff, Acting Director, Assets, Infrastructure and Business

## Report Purpose

To note the Meeting Record of the Catchments and Coast Committee – Tuggerah Lakes (the Committee) held on 27 June 2018 and consider the recommendations to Council from the Committee, including staff consideration of those recommendations.

## Recommendation

- 1 That Council note the Meeting Record of Catchments and Coast Committee - Tuggerah Lakes held on 27 June 2018 that is Attachment 1 to this report.**
- 2 That Council adopt the Terms of Reference of the Catchments and Coast Committee - Tuggerah Lakes, as set out in Attachment 2 to this report.**
- 3 That Council appoint Councillor Doug Vincent as the Chairperson for the Catchments and Coast Committee - Tuggerah Lakes.**

## Background

The Catchments and Coast Committee - Tuggerah Lakes held its inaugural meeting on Wednesday, 27 June 2018. The Meeting Record of that meeting is Attachment 1 to this report.

At that meeting the Committee considered the items and made recommendations. The items have been reviewed by staff and the following is now provided to Council:

### Committee Recommendation – Terms of Reference

The Committee has recommended that the revised draft Terms of Reference, including the Advisory Group's recommendations, be reported to Council as soon as practicable.

The proposed changes to the Terms of Reference from the Advisory Group are:



## 5.5 Meeting Record of Catchments and Coast Committee - Tuggerah Lakes held on 27 June 2018 (contd)

1. That meetings be held every two months.

### Staff Response

The Committee recommended to Council that the Committee meetings be held bi-monthly.

This proposed amendment to change meetings to bi-monthly is supported, however there are significant resource impacts arising from increasing the meeting frequency of the Committee.

A conservative estimate for the cost for each Committee meeting is \$6,516 per meeting. Therefore to increase the meeting frequency from four times per year to six times per year results in at least an additional \$13,032 cost to Council. This figure does not include any projects or activities arising from a recommendation by the Committee. Nor does it provide for out of hours work, travel or overtime expenses. It is based on an ordinary hourly rate that is meetings conducted during the normal span of work hours for administrative staff.

The Terms of Reference are at Attachment 2, with all amendments proposed by the Committee in bold and *italics*.

### Recommendation to Council

That Council adopt the Terms of Reference for the Catchments and Coast Committee - Tuggerah Lakes, as set out in Attachment 2 to this report.

### Link to Community Strategic Plan

Theme 1: Belonging

### Goal G: Good governance and great partnerships

A1: Work within our communities to connect people, build capacity and create local solutions and initiatives.

### Attachments

- |   |  |           |
|---|--|-----------|
| 1 | Catchments and Coast Committee Tuggerah Lakes Meeting Record 27    | D13271007 |
| 2 | Catchments and Coast Committee - Tuggerah Lakes Terms of Reference | D13272781 |



# Catchments and Coast Committee Tuggerah Lakes Meeting Record 27 June 2018



Location:	Central Coast Council Wyong Office Committee Room Level 2 2 Hely Street, Wyong	
Date:	27 June 2018	
Time	Started at: 4.04pm	Closed at: 6.08pm
Chair	Councillor Doug Vincent	
File Ref	F2018/00097	

## Present

Councillor Doug Vincent, Councillor Louise Greenaway, Councillor Jilly Pilon (arrived 4.11pm), Doug Darlington, Marlene Pennings, Michael Campbell, Robert Davies, Samantha Willis

Also present were:

Boris Bolgoff – Acting Director Assets Infrastructure and Business (left at 5.06pm), Peter Ham – Unit Manager Waterways and Coastal Protection, Kathy Bragg – Section Manager Governance, Kelly Drover – Advisory Group Support Officer

## Item 1 Apologies

Mayor Jane Smith, Graham Hankin

## Item 2 Disclosure of Interest

Clr Greenaway declared a less than significant non-pecuniary interest as a Former Board Member of the Community Environment Network (CEN).



Catchments and Coast Committee – Tuggerah Lakes Meeting Record  
27 June 2018



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**Item 3                      Catchments and Coast Committee – Tuggerah Lakes Terms of Reference**

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The Advisory Group discussed the draft Terms of Reference.

The Advisory Group recommends to Council that the Terms of Reference be amended as follows:

- Meetings are held bi-monthly

**Action:** The Advisory Group recommends that Staff write to the Office of Environment and Heritage inviting them to have two non-voting representatives as regular committee members (1 x Environment Management and 1 x Floodplain Management).

**Action:** The revised draft Terms of Reference, including the Advisory Group's recommendations, be reported to Council as soon as practicable.

The Advisory Group discussed the election of a Chairperson.

**Action:** The Committee recommends to Council that Cllr Doug Vincent is appointed as the Chair of the Catchments and Coast Tuggerah Lakes Advisory Group

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**Item 4                      Action Plan for the next 12 months**

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**Action:** Agenda items to be provided to the Advisory Group Support Officer 10 working days prior to the meeting. Agenda to be distributed to Committee members 3 working days prior to the meeting.

**Action:** Councillor Greenaway to forward Ballina dog dropping education program to Advisory Group Support Officer for circulation to committee members.

**Action:** Brainstorm priorities as follows:

- Lake edge WRACK
- Education
- Catchments to Coast Concept
- Look at Environmental Grant Opportunities (Local, State and Federal)
- Engagement – Identifying new outreach opportunities (schools, animal care facilities)
- Gross Pollutant Traps
- Nutrient run off e.g. dog droppings, fertiliser, washing cars, grass clippings and commercial

**Action:** Agenda items for the next meeting:

- Grant Funding Opportunities – what is available and previous grants have been applied for
- Peter Ham to provide an update on lake edge WRACK
- Peter Ham to provide an update on past, current and future actions on the above mentioned priorities over the next two meetings
- Peter Ham to provide a summary of what is in the 2018/19 Budget



Catchments and Coast Committee – Tuggerah Lakes Meeting Record  
27 June 2018

Central  
Coast  
Council

**Item 5                      Confirmation of Next Steps**

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**Action:** Meeting times to be alternated 2pm – 4pm, then next meeting 4pm – 6pm.

The meeting closed at 6.08pm

**Next Meeting:**            **Wednesday 29<sup>th</sup> August**  
                                     **2pm – 4pm**  
                                     **Wyong Council Committee Room**



## Terms of Reference - Catchments & Coast Committee – Tuggerah Lakes

### 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 Catchments & Coast Committee – Tuggerah Lakes is to advise Council on all matters relating to Council's responsibilities in relation to sustainable management of its coastal, estuarine, waterways, catchment and flood liable areas.

### 2. Responsibilities

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

- Ensuring that current community values are considered in the development of local floodplain risk, estuary and coastal zone management planning
- Identify the flood, coastal and estuary health problem areas to be assessed and provide input into known hazard behaviour
- In undertaking the Committee's duties, include sustainable climate change adaptation actions based upon widely accepted competent scientific opinion. In the implementation of this duty ensure consistency with Council's Climate Change Policy
- Support and promote public education and other community focused programs essential to the long-term viability of the flood, estuary and coastal zone risk management plans
- Monitoring and assessing the effectiveness of local management plans during and after their implementation
- Promoting linkages and co-operation between the community, Council, State and Federal Governments, and other key stakeholders in the development and implementation of coastal, estuarine, catchment and floodplain management studies and plans
- Advising on associated funding, capital works, maintenance & operations, environmental protection, social and economic opportunities, financial sustainability, planning instruments, land management, community education, or associated policies, strategies or legislation
- Support, promote and liaise with relevant authorities in the development of emergency management and catchment management strategies.



## Draft Terms of Reference - Catchments & Coast Committee – Tuggerah Lakes

### 3. Membership, Chairperson and Voting

#### *Membership*

Councillors:	Councillor Vincent ( <b>Chair</b> )	Voting Member
	Mayor Smith	Voting Member
	Councillor Greenaway	Voting Member
	Councillor Pilon	Voting Member

Community Members:	Mr Michael Campbell	Voting Member
	Mr Douglas Darlington	Voting Member
	Mr Robert Davies	Voting Member
	Mr Graham Hankin	Voting Member
	Ms Marlene Pennings	Voting Member
	Ms Samantha Willis	Voting Member

- Representatives from the NSW Office of Environment and Heritage ( x 2)

#### Participation by invitation:

- NSW State Emergency Service
- NSW Department of Primary Industries (Fishing and Aquaculture)
- Hunter Local Land Services
- NSW Land and Property Information
- NSW Roads and Maritime Services
- Local Aboriginal Community Representative
- Commercial Fishing Representative

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, Assets Infrastructure and Business
- Unit Manager, Waterways and Coastal Protection
- Sectional Manager, Coastal Protection
- Section Manager, Waterways

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.



## Terms of Reference - Catchments & Coast Committee – Tuggerah Lakes

Non-staff members are appointed to the Advisory Group are appointed for the remainder of the current Council term, although membership can be altered at anytime 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. Where a Councillor is not present at the meeting a staff member will act as Chairperson.

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

A staff member acting as a Chairperson of an Advisory Group does not become a formal member of the group by virtue of this position. It is not necessary that the Chairperson be a member of the Committee.

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

### *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.

The Unit Manager, Waterways and Coastal Protection shall be the convenor of the Catchments & Coast Committee – Tuggerah Lakes



## Draft Terms of Reference - Catchments & Coast Committee – Tuggerah Lakes

### *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 Chair. The vote will be carried by a majority of voting members. The minutes 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. The Quorum for a meeting is half the Advisory Group voting membership plus one, including a 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 **bi-monthly**
- 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. The minutes are a record of agreed outcomes and do not record discussion.

Community representatives shall be appointed by resolution of Council following advertisement for nominations. Nominations are to be in writing and will be circulated in full to Councillors for evaluation and consideration. The Advisory Group is not involved in the consideration of membership.

### 5. Communications and reporting

The agendas and minutes of the Advisory Group will be stored as a permanent record of Council. All agendas and minutes 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.

Staff will prepare the report that recommends that the Council note the minutes of the Advisory Group. Reporting of Advisory Group recommendations to Council will be reported as Committee Recommendations without change, noting that staff are encouraged to provide comment where appropriate. The Council may, at its discretion, resolve to adopt some or all of the Advisory Group's recommendations and advice and will provide the Group's recommendation to Council with the minutes of the relevant meeting. 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.



## Terms of Reference - Catchments & Coast Committee – Tuggerah Lakes

Where the Advisory Group has not recommended an action the minutes will be reported to Council as an Information Report only.

### 6. Conduct

Members of the Advisory Group will be provided with Council's adopted Code of Conduct. Conduct of members is expected to be consistent with the principles outlined in the Code of Conduct.

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:** 5.6  
**Title:** Meeting Record of the Gosford CBD and Waterfront Advisory Committee held on 28 June 2018  
**Department:** Governance

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13 August 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-03 - D13272743

Author: Kelly Drover, Advisory Group Support Officer

Executive: Scott Cox, Director Environment and Planning

### **Report Purpose**

To note the Meeting Record of the Gosford CBD and Waterfront Advisory Committee (the Committee) held on 28 June 2018 and consider the recommendations to Council from the Committee, including staff consideration of those recommendations.

### **Recommendation**

- 1 That Council note the Meeting Record of the Gosford CBD and Waterfront Advisory Committee held on 28 June 2018 that is Attachment 1 to this report.**
- 2 That Council adopt the Terms of Reference for the Gosford CBD and Waterfront Advisory Committee, as set out in Attachment 2 to this report.**
- 3 That Council appoint the Mayor as the Chairperson for the Gosford CBD and Waterfront Advisory Committee.**

### **Context**

The Gosford CBD and Waterfront Advisory Committee held its inaugural meeting on Thursday 28 June 2018. The Meeting Record of that meeting is Attachment 1 to this report.

At that meeting the Committee considered the items and made recommendations. The items have been reviewed by staff and the following is now provided to Council:

#### **Committee Recommendation – Terms of Reference**

The Committee has recommended that the revised draft Terms of Reference, including the Advisory Group's recommendations, be reported to Council as soon as practicable.

The proposed changes to the Terms of Reference from the Advisory Group are:

- Responsibilities
  - Initiatives to develop and activate the Gosford Waterfront is changed to



## 5.6 Meeting Record of the Gosford CBD and Waterfront Advisory Committee held on 28 June 2018 (contd)

*Initiatives related to the Gosford waterfront.*

- The following additional representation be included:
  - Central Coast Regional Development Corporation (CCRDC)
  - Urban Development Institute Australia (UDIA) – Central Coast Branch
  - Gavi Duncan – Barang Corporation

### **Staff Response**

The proposed changes to the Terms of Reference are supported.

The Terms of Reference are at Attachment 2, with all amendments proposed by the Committee in bold and *italics*.

### **Recommendation to Council**

That Council adopt the Terms of Reference for the Gosford CBD and Waterfront Advisory Committee, as set out in Attachment 2 to this report.

## **Link to Community Strategic Plan**

Theme 1: Belonging

### **Goal A: Our community spirit is our strength**

A1: Work within our communities to connect people, build capacity and create local solutions and initiatives.

## **Attachments**

- |          |  |           |
|----------|--|-----------|
| <b>1</b> | Draft Gosford CBD and Waterfront Advisory Committee Meeting Record<br>28 June 2018 | D13272340 |
| <b>2</b> | Gosford CBD and Waterfront Advisory Committee - Terms of Reference                 | D13272347 |



Location:	Gosford Smart Work Hub Imperial Centre, 28 William Street GOSFORD	
Date:	28 June 2018	
Time	Started at: 4.06pm	Closed at: 5.53pm
Chair	Mayor Jane Smith	
File Ref	F2018/00101	

**Present**

Mayor Jane Smith, Councillor Chris Holstein, Councillor Richard Mehrtens, Councillor Louise Greenaway (arrived 4.11pm), Councillor Kyle MacGregor (arrived 4.17pm), Councillor Rebecca Gale Collins (arrived 4.39pm), Dianne Haydon, Michael Conroy, Dianne Haydon, Edwina Nikora, Joy Cooper, Chris Krogh

Also present were:

Matthew Prendergast – Unit Manager Strategic Planning (on behalf of Director Environment and Planning), Kathy Bragg – Section Manager Governance, Kelly Drover – Advisory Group Support Officer

**Item 1                      Apologies**

Scott Cox – Director Environment and Planning, Rod Dever

**Item 2                      Disclosure of Interest**

Councillor Mehrtens declared a less than significant non-pecuniary interest as a resident of the Gosford CBD.

Councillor Holstein declared a less than significant non-pecuniary interest having casual employment with Coast Shelter and Regional Youth Services in the Gosford CBD.

Mayor Smith declared a less than significant non-pecuniary interest as an employee in the Gosford CBD.

Edwina Nikora declared a less than significant non-pecuniary interest as the Manager of GBID.



**Item 3                      Gosford CBD and Waterfront Advisory Committee Terms of Reference**

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The Advisory Group discussed the draft Terms of Reference.

The Advisory Group recommends to Council that the Terms of Reference be amended as follows:

- Responsibilities
  - Initiatives to develop and activate the Gosford Waterfront is changed to *Initiatives related to the Gosford waterfront*.
- The following additional representation be included:
  - Central Coast Regional Development Corporation (CCRDC)
  - Urban Development Institute Australia (UDIA) – Central Coast Branch
  - Gavi Duncan – Barang Corporation

**Action:** The revised draft Terms of Reference, including the Advisory Group's recommendations, be reported to Council as soon as practicable.

**Action:** The Advisory Group recommends that Staff write to the additional representatives inviting them to have a non-voting representative as a regular committee member.

The Advisory Group discussed the election of a Chairperson.

**Action:** The Advisory Group recommends to Council that the Mayor be appointed as the Chair of the Gosford CBD and Waterfront Advisory Committee.



**Item 4 Action Plan for the next 12 months**

<b>Next Meeting (8 August 2018)</b>	<b>November 2018</b>	<b>February 2019</b>	<b>May 2019</b>
<ul style="list-style-type: none"> <li>• The Department Planning and Environment be invited to give an overview of Gosford Revitalisation Project including planning rules for large sites (5000sqm+), car parking requirements, traffic impacts and community feedback from exhibition.</li> <li>• Discuss priority actions from the Central Coast Regional Plan (Michael Conroy to provide the priority actions to the Advisory Group Support Officer prior to this meeting)</li> </ul>	<ul style="list-style-type: none"> <li>• Presentation from GBID on initiatives in Gosford CBD</li> <li>• Relevant Council staff from Community Partnerships attend to discuss future plans to get more people into the city. Including small things to reactivate the CBD (invite rep from Glen Cannard's unit)</li> </ul>	<ul style="list-style-type: none"> <li>• Council's Strategic Planning Unit attend to and provide an overview of potential Urban Sustainability Initiatives including safety by design measures that could be considered in the CBD</li> <li>• Council's Heritage Officer to provide an update on initiatives around heritage for the CBD</li> <li>• RPAC / Library update from relevant Council Staff</li> </ul>	<ul style="list-style-type: none"> <li>• Council's AIB directorate (Energy Efficiency team) provide an update on energy efficient programs in the Gosford CBD</li> </ul>

**Action:** At the next Committee meeting (8 August 2018) the Advisory Group requests clarification from Council's AIB Directorate around maintenance of Poppy Park fountain, Kibble Park fountain, Burns Park fountain, the creek in Kibble Park and power in Kibble Park.

**Action:** Invite Michael Cassel from CCRDC to the November 2018 Advisory Group meeting.

**Item 5 Consideration of Late Application**

**Action:** The Advisory Group has not accepted any new members.

**Item 6 Confirmation of Next Steps**

The next meeting to be held in 6 weeks then quarterly meetings held thereafter.

The meeting closed at 5.53pm

**Next Meeting: Wednesday 8<sup>th</sup> August, 2018**  
**4 – 6pm**  
**Central Coast Council Gosford Admin Building**  
**Level 1 Committee Room**



## 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 Gosford CBD and Waterfront Advisory Committee – Central Coast is to advise Council on all matters relating to the Gosford CBD and Waterfront.

## 2. Responsibilities

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

- Initiatives to promote and appropriately develop the Gosford CBD.
- Initiatives **related to** the Gosford waterfront.
- Initiatives regarding the overall approach to the Gosford CBD and waterfront.

## 3. Membership, Chairperson and Voting

*Membership*

Councillors:	Mayor Smith ( <b>Chair</b> )	Voting Member
	Councillor Gale Collins	Voting Member
	Councillor Greenaway	Voting Member
	Councillor Holstein	Voting Member
	Councillor MacGregor	Voting Member
	Councillor Mehrtens	Voting Member

## Community

Members:	Mr Michael Conroy	Voting Member
	Ms Joy Cooper	Voting Member
	Mr Rod Dever	Voting Member
	Ms Dianne Haydon	Voting Member
	Mr Chris Krogh	Voting Member
	Ms Edwina Nikora	Voting Member

## Additional representation:

- Coordinator General for the Central Coast
- NSW Department of Planning (Central Coast Regional Office)
- Transport NSW
- **Central Coast Regional Development Corporation (CCRDC)**
- **Urban Development Institute Australia (UDIA) – Central Coast Branch**
- **Gavi Duncan – Barang Corporation**



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:

- Senior Manager, Business and Economic Development
- Senior Manager, Roads and Drainage
- Unit Manager, Strategic Planning
- Unit Manager, Leisure and Lifestyle
- Unit Manager, Community Partnerships and Planning

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 are appointed to the Advisory Group are appointed for the remainder of the current Council term, although membership can be altered at anytime 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. Where a Councillor is not present at the meeting a staff member will act as Chairperson.



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

A staff member acting as a Chairperson of an Advisory Group does not become a formal member of the group by virtue of this position. It is not necessary that the Chairperson be a member of the Committee.

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

#### *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.

The Director, Environment and Planning shall be the convenor of the Gosford CBD and Waterfront 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 Chair. The vote will be carried by a majority of voting members. The minutes 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. The Quorum for a meeting is half the Advisory Group voting membership plus one, including a 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. The minutes are a record of agreed outcomes and do not record discussion.



Community representatives shall be appointed by resolution of Council following advertisement for nominations. Nominations are to be in writing and will be circulated in full to Councillors for evaluation and consideration. The Advisory Group is not involved in the consideration of membership.

#### 5. Communications and reporting

The agendas and minutes of the Advisory Group will be stored as a permanent record of Council. All agendas and minutes 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.

Staff will prepare the report that recommends that the Council note the minutes of the Advisory Group. Reporting of Advisory Group recommendations to Council will be reported as Committee Recommendations without change, noting that staff are encouraged to provide comment where appropriate. The Council may, at its discretion, resolve to adopt some or all of the Advisory Group's recommendations and advice and will provide the Group's recommendation to Council with the minutes of the relevant meeting. 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.

Where the Advisory Group has not recommended an action the minutes will be reported to Council as an Information Report only.

#### 6. Conduct

Members of the Advisory Group will be provided with Council's adopted Code of Conduct. Conduct of members is expected to be consistent with the principles outlined in the Code of Conduct.

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:** 5.7  
**Title:** Meeting Record of Crown Land Negotiation Program Committee held on 19 July 2018  
**Department:** Governance

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#### 13 August 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-03 - D13276388  
Author: Justine Gurr, Solicitor  
Manager: Mary-Ellen Wallace, Special Counsel  
Executive: Boris Bolgoff, Acting Director, Assets Infrastructure and Business  
Executive: Brian Glendenning, Executive Manager, Governance

#### Report Purpose

1. To receive and endorse the recommendations of the Crown Land Negotiation Program Committee meeting held on 19 July 2018.
2. To update the Council on the progress of the Comprehensive Central Coast Crown Land Negotiation Program.

#### Recommendation

- 1 That Council receive and note the Meeting Record of the Crown Land Negotiation Program Committee meeting held on 19 July 2018 and set out in Attachment 1 to this report.**
- 2 That Council adopt the Terms of Reference of the Crown Land Negotiation Program Committee as set out in Attachment 2 to this report.**
- 3 The Council endorse the "Central Coast Council Principles for Claiming Interests in Crown Land" as amended and recommended by the Crown Land Negotiation Program Committee on 19 July 2018 and set out in Attachment 3 to this report.**
- 4 That Council note the agreed clarifications to the endorsement and approval stages for the Comprehensive Crown Land Negotiation Program as set out in the Meeting Record of the Crown land Negotiation Program Committee that is Attachment 1 to this report.**

#### Context

In response to the *Central Coast Comprehensive Crown Land Negotiation Report* to Council of 9 July 2018, Council resolved to form the Crown Land Negotiation Program Committee ("the Committee"), comprised of the following Councillors:



Mayor Jane Smith  
Councillor Kyle MacGregor  
Councillor Chris Holstein  
Councillor Jillian Hogan  
Councillor Lisa Matthews

The role of the Committee is to be informed on the details of the NSW Government's Comprehensive Crown Land Negotiation Program (the Program). The Committee is responsible for engaging with fellow Councillors to share key information on the Program and to provide feedback to Council. For further information on the Program, please refer to the report of 9 July 2018 *Central Coast Comprehensive Crown Land Negotiation*.

The Council resolved on 9 July 2018 that the Committee urgently meet to review the Draft Central Coast Council Principles for Claiming an Interest in Crown Land (the Draft Negotiation Principles) set out in Attachment 2 to that report of 9 July 2018.

### **Crown Land Negotiation Program Committee Meeting**

The first meeting of the Committee was held on 19 July 2018. The Meeting Record of that meeting is **Attachment 1** to this report.

The Terms of Reference of the Committee are set out in **Attachment 2** to this report. The Committee recommend to Council to adopt the Terms of Reference.

The Committee discussed the proposed Draft Negotiation Principles and having made some minor amendments, recommend the amended Principles, as set out in **Attachment 3** to this report, be endorsed by Council.

The Committee also discussed the endorsement and approval stages referred to in the Council report of 9 July 2018. It is recommended that the Council note the next steps for the Program as set out in the Meeting Record, included in **Attachment 1** to this report.

### **Current Status of the Program**

#### *Site Visit*

On 19 July 2018, Committee members, Council Staff, Darkinjung Local Aboriginal Land Council, NSW Aboriginal Land Council and Department of Lands – Crown Land ("DoI – Crown Lands), attended an initial site visit organised by DoI – Crown Lands.

Various sites of Crown Land were visited and the parties to the negotiation had the opportunity to express their interests in the Crown Land.



*Stage of the Program*

The Program remains in the Assessment Stage. As previously advised in the Council report of 9 July 2018, Council's Assessment of Crown Land will be informed by the amended Negotiation Principles which are set out against the applicable Local Land Criteria under clause 26 of the *Crown Land Management Regulations*.

**Link to Community Strategic Plan**

Theme 1: Belonging

**Choose Goal**

B1: Support reconciliation through the celebration of Aboriginal and Torres Strait Islander cultures.

Theme 4: Responsible

**Goal G: Good governance and great partnerships**

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

Theme 5: Liveable

**Goal L: Healthy lifestyle for a growing community**

L4: Provide equitable, affordable, flexible and co-located community facilities based on community needs.

**Attachments**

- |          |   |           |
|----------|---|-----------|
| <b>1</b> | Crown Land Negotiation Program Committee Meeting Record 19 July 2018  | D13290589 |
| <b>2</b> | Crown Land Negotiation Program Committee Terms of Reference   | D13290592 |
| <b>3</b> | Central Coast Council Principles for Claiming an Interest in Crown Land as amended at 19 July 2018 Crown Land Negotiation Program Committee Meeting | D13290594 |



# Crown Land Negotiation Program Committee Meeting Record 19 July 2018



Location:	Central Coast Council Gosford Office Committee Room Level 1 49 Mann Street, Gosford	
Date:	19 July 2018	
Time	Meeting Opened at: 3:00pm	Meeting Closed at: 4:45pm
Chair	Mayor Jane Smith	

## Present

Mayor Jane Smith (Chair), Councillor Kyle MacGregor, Councillor Chris Holstein, Councillor Jillian Hogan, Councillor Lisa Matthews

Also present were:

Boris Bolgoff – Acting Director Assets Infrastructure and Business, Shane Sullivan – Unit Manager Governance & Business Services, Mary-Ellen Wallace – Special Counsel, Justine Gurr – Solicitor

## Item 1 Apologies

Nil

## Item 2 Disclosure of Interest

Councillor Matthews declared a less than significant non-pecuniary interest as one of the consultants engaged by Darkinjung LALC, is known to her.

Mayor Smith declared a less than significant non-pecuniary interest as she is a member of the Marine Discovery Centre Trust Committee.

Councillor Hogan declared a less than significant non-pecuniary interest due to occasional involvement with Darkinjung LALC in her professional capacity.



Crown Land Negotiation Program Committee – Meeting Record  
19 July 2018



### Item 3 Introduction and Overview from Council Officers

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Council Officers provided background information and an overview of the Crown Land Negotiation Program.

The Committee discussed the Program; including third party communications. It was agreed that a communications plan is required for this project.

**Action:** As part of the next meeting with the parties, the development of a communications plan is to be included on the agenda with details reported back to the Committee.

The Committee discussed the Councillor endorsement and approval stages in the Program referred to in the Council report of 9 July 2018, and listed as follows:

1. *Central Coast Council Principles for Claiming an Interest in Crown Land (the 'Negotiation Principles') (9 July 2018 report) – for endorsement.*
2. *A list of all properties that Council has claimed an interest in and the basis for each claim, at the end of the Assessment Phase (anticipated to be August 2018) – for endorsement.*
3. *The Crown spreadsheet that sets out the results of the Assessment phase and the interests claimed by each party, and details of the proposed detailed negotiation areas (August – September 2018). Council endorsement will also be sought at this point to proceed to the Negotiation phase.*
4. *A report on the outcome of negotiations for each negotiation area including details of land or interests proposed to be vested in Council (at the end of the negotiation for each negotiation area) – for endorsement.*
5. *Approval for vesting or granting of interests in Council (at the end of the Negotiation phase).*
6. *A report on progress of vesting (every 3 months during the Post Negotiation period).*

The committee agreed the following by way of clarification:

- The second stage for endorsement will be done using a structured approach that includes consultation with all Councillors, and does not require a formal report to Council. Consultation with Councillors will include details of the land in which Council has claimed an interest as well as land in which Council does not propose to claim an interest.
- At stage three, after the Crown spreadsheet that sets out the results of the Assessment phase has been received, consultation will be undertaken with the Committee in relation to the assessment results and proposed negotiation areas, with briefings for all Councillors and a report to Council for Council endorsement.
- The timeframes set out in the report will need to be re-assessed as the project progresses.

**Action:** That Council note these clarifications in relation to the endorsement and approval stages for the Program.



Crown Land Negotiation Program Committee – Meeting Record  
19 July 2018



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**Item 4                      Terms of Reference**

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The Committee discussed the draft Terms of Reference.

**Action:**                The Committee endorsed the Terms of Reference and recommended that they be presented to Council for adoption.

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**Item 5                      Central Coast Council Principles for Claiming Interests in Crown Land as at 9 July 2018**

---

The Committee discussed the proposed principles and having made some minor amendments, endorsed the Principles for reporting to the next practicable Council Meeting.

**Action:**                The Committee recommends to the Council that the amended *Central Coast Council Principles for Claiming Interests in Crown Land* as at 19 July 2018 and attached to these minutes be endorsed.

**Action:**                Mayor Smith requested further information to be provided in a future meeting in relation to the reports being relied upon for the future bio-diversity corridors identified in the principles.

---

**Item 6                      Close and Confirmation of next steps and meeting date**

---

The meeting closed at 4:45pm.

**Next Meeting:**                **To be advised pending progress of the Assessment Stage of the Program.**



## Terms of Reference – Crown Land Negotiation Program Committee

### 1. Role

Central Coast Council is currently participating in the NSW Government's Comprehensive Crown Land Negotiation Program (the Program). The purpose of the program is to ensure that NSW Crown Land is held by the most appropriate land holder (State, local government or local Aboriginal Land Council) to achieve the most positive social, cultural and environmental benefits for the people of NSW. The Program involves voluntary, multi-party negotiations between NSW Government, Council, Darkinjung Local Aboriginal Land Council and the NSW Aboriginal Land Council.

On 9 July 2018, Council resolved to form the Crown Land Negotiation Program Committee (the Committee), comprised of five Councillors, one from each Ward of the Central Coast Council Local Government Area.

The role of the Committee is to be informed on the details of the Program and to provide feedback to Council on the Program. The feedback from the Committee will inform future reports to Council for determination of matters associated with the Program.

### 2. Responsibilities

The Committee is responsible for providing feedback to Council on the Program. The Committee is responsible for engaging with fellow Councillors to share key information regarding the Program.

### 3. Membership, Chairperson and Voting

#### *Membership*

<i>Councillors</i>	<i>Ward</i>
Mayor Smith (Chair)	Gosford East
Councillor MacGregor	Wyong
Councillor Holstein	Gosford West
Councillor Hogan	Budgewoi
Councillor Matthews	The Entrance

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

- Chief Executive Officer
- Executive Manager Governance
- General Counsel
- Special Counsel
- Director Assets Infrastructure and Business
- Solicitor
- Officers with specialised knowledge relevant to the Program

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

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 Committee staff contact will report the vacancy to the Committee and then to the next available Council meeting.
- A resolution of Council will be required to replace the member with an alternative Councillor.

### *Chairperson*

The Mayor is the Chairperson of the Committee. In the Mayor's absence, the Committee will determine who will act as Chair for that meeting.

### *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.

### *Voting*

No formal voting rules apply.

As the Committee 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 Chair. The vote will be carried by a majority of voting members. The minutes would reflect this process.

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

The Committee may agree to allow participation in meetings through conference calls and other technology.

As no formal voting rules apply, there is no proxy voting. The Quorum for a meeting is half the Committee voting membership plus one, including a 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 as required throughout the Program
- 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. The minutes are a record of agreed outcomes and do not necessarily record discussion.



5. Communications and reporting

The agendas and minutes of the Committee will be stored as a permanent record of Council. All agendas and minutes will be published on Councillor Hub, subject to confidentiality requirements.

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

Staff will prepare the report that recommends that the Council note the minutes of the Committee. Reporting of Committee recommendations to Council will be reported as Committee Recommendations without change, noting that staff are encouraged to provide comment where appropriate. The Council may, at its discretion, resolve to adopt some or all of the Committee's recommendations and advice and will provide the Committee's recommendation to Council with the minutes of the relevant meeting. Staff will also provide professional commentary on the Committee's recommendation and provide a staff recommendation which may or may not align to that of the Committee.

Where the Committee has not recommended an action the minutes will be reported to Council as an Information Report only.

6. Conduct

Members of the Committee will be provided with Council's adopted Code of Conduct. Conduct of members is expected to be consistent with the principles outlined in the Code of Conduct.

Members of the Committee are not permitted to speak to the media or make representations on social media on behalf of the Committee or Council unless approved by Council.



**Central Coast Council - Principles for Claiming Interests in Crown Land – as at 19 July 2018**

Principle	Description of Uses and Assets
Local Land Criterion 1. The land provides or potentially provides, or has demonstrated potential to provide, a public good predominantly for residents in the local government area of the Local Council Concerned, or in adjacent Local Government Areas in a way that is consistent with local planning instruments.	
1. Open Space & Recreation - Active - Vest	Existing RE1 active sporting and recreation facilities managed by Council
2. Open Space & Recreation - Passive - Vest	Existing RE1 passive parks and recreation facilities managed by Council
3. Open Space & Recreation - Aquatic Infrastructure - Vest	Existing aquatic infrastructure managed by Council
4. Open Space & Recreation - Future Needs - Vest	Crown land required for future sporting and recreation facilities or for future parks
5. Roads & Drainage - Recreational Pathways - Vest and Easements	Existing recreation pathways managed by Council that aren't within a public recreation reserve
6. Roads & Drainage - Future Recreational Pathways - Vest and Easements	Crown Land required for future recreational pathways
7. Natural & Environmental Assets - Managed Bushland and Natural Areas - Vest or Remain in Public Ownership	Bushland and natural areas currently managed by Council - usually contains Council infrastructure
8. Natural & Environmental Assets - Other Bushland and Natural Areas - Remain in Public Ownership	Bushland and natural areas not currently managed by Council
9. Natural & Environmental Assets – Future Biodiversity Corridors and Natural Areas – Remain in Public Ownership	Future Biodiversity Corridors not already covered above, that are in strategic planning reports, including bushland and natural areas
10. Waterways & Coastal Protection - Recreation - Vest or Remain in Public Ownership	Waterways and coastal reserves currently managed by Council for public recreation and water access
11. Waterways & Coastal Protection - Environment - Remain in Public Ownership	Waterways and coastal reserves - required for nature conservation - to remain in public ownership. Council to manage areas requiring public maintenance.
Local Land Criteria 2. The land use is consistent with the functions of local government or could be used for activities consistent with those functions	
12. Council Operations - Vest	Council operational facilities - existing
13. Council Operations - Future Needs - Vest	Crown land required for future Council operational facilities
14. Council Business Operations - Vest or Council to Manage	Local community business operations owned, operated or managed by Council - Cemeteries, holiday parks, waste facilities



15. Council Business Operations - Heritage Cemeteries - Vest or Remain in Public Ownership	Heritage cemeteries managed by Council
16. Council Business Operations - Future Needs - Vest	Crown land required for future commercial enterprises or for extensions to existing enterprises
17. Water & Sewer Discrete Infrastructure - Vest	Existing water and sewer discrete Assets
18. Water & Sewer Linear Infrastructure - Easements	Existing water and sewer linear assets
19. Water & Sewer Future Needs - Vest or Easements	Crown land required for future water and sewer infrastructure
20. Water & Sewer - Water Catchment - Vest	Crown Land that falls within the Drinking Water Catchment areas
21. Roads & Drainage Infrastructure - Vest or Easements	Existing road, drainage and pathway infrastructure on Crown land (ex Crown roads)
22. Roads & Drainage Future Needs - Vest	Crown land required for future roads and drainage infrastructure including carparks
23. Waterways & Coastal Protection Infrastructure - Vest or Remain in Public Ownership and/or Easements	Waterways and coastal protection infrastructure
24. Waterways & Coastal Protection Infrastructure - Future Needs - Vest or Remain in Public Ownership and/or Easements	Crown land required for future waterways & coastal protection infrastructure
25. Emergency Management Assets - Vest and/or Easements	Emergency management assets and infrastructure
26. Emergency Management Assets - Future Needs - Vest and/or Easements	Crown land required for future emergency management assets
27. Telecommunications Infrastructure - Vest and/or Easements	Council telecommunications facilities
28. Telecommunications Infrastructure - Future Needs - Vest and/or Easements	Crown land required for future Council telecommunications facilities
29. Leasing & Asset Management Third Party Infrastructure Under Tenure - Vest	Third party infrastructure on Crown land managed by Council
Local Land Criteria 3: The land is managed or has identified potential to be managed as a community asset by a local council or some other body.	
30. Community Assets - Council - Vest	Council community facility used and occupied by Council or managed by Council
31. Leasing & Asset Management Community Assets - Under	Council community facility used and occupied by another body under tenure or management



Tenure - Vest	
32. Community Assets - Third party - Vest or Remain in Public Ownership	Community facility used and occupied or managed by a another community organisation or reserve trust
33. Community Assets - Future Needs - Vest	Crown land required for future community assets



**Item No:** 5.8  
**Title:** Revised Terms of Reference - Status of Women  
Advisory Group  
**Department:** Connected Communities

---



13 August 2018 Ordinary Council Meeting

Trim Reference: F2017/00176 - D13288943

Executive: Julie Vaughan, Director, Connected Communities

## Summary

This report is seeking an addition to the Terms of Reference for the Status of Women Advisory Group.

## Recommendation

- 1 That Council note the minutes of the Status of Women Advisory Group of July 11 2018 (Attachment 1).**
- 2 That Council update the Terms of reference as detailed in Attachment 3.**

## Context

At its meeting held 18 December 2017, Council resolved, part thereof, as follows:

- 864/17      *That Council adopt the Terms of Reference for the Status of Women Advisory Group attached to this report.*
- 865/17      *That Council approve the process for establishing the Status of Women Advisory Group.*

Following a recent planning meeting, the Status of Women Advisory Group (SOWAG) has identified that the adopted Terms of Reference (ToR) (Attachment 2) needed some additional wording. Therefore, it is recommended that the ToR, purpose section, be updated to include:

*"The primary role of the Status of Women Advisory Group is to provide advice to Council on gender equality and the empowerment of women to improve the ways in which women on the Central Coast are able to participate and engage actively in all aspects of community and civic life. This is achieved by:"*



As a result of this change, the new purpose of SOWAG would be:

**A. Purpose**

*The primary role of the Status of Women Advisory Group is to provide advice to Council on gender equality and the empowerment of women to improve the ways in which women on the Central Coast are able to participate and engage actively in all aspects of community and civic life. This is achieved by:*

- A1 *Provide a discussion and advisory forum for women of the Central Coast Local Government Area.*
- A2 *Where appropriate, advocate and provide advice to Council, ensuring effective decision making on key issues impacting upon women across the Central Coast.*
- A3 *Build the capacity of organisations and groups that represent local women to develop connections and networks.*
- A4 *Encourage and support the community to conduct and participate in organised events and activities that provide a forum for women to voice concerns, promote local issues and solutions and celebrate achievements.*
- A5 *Promote the role of women in leadership positions both within local government and in the broader community.*

**Financial Impact**

Nil

**Link to Community Strategic Plan**

Theme 1: Belonging

**ChooseGoal**

A1: Work within our communities to connect people, build capacity and create local solutions and initiatives.



**Attachments**

- |          |  |           |
|----------|--|-----------|
| <b>1</b> | Status of Women Advisory Group SOWAG Meeting Minutes - 11 July 2018          | D13290741 |
| <b>2</b> | Current Terms of Reference - Status of Women Advisory Group                  | D12900946 |
| <b>3</b> | Revised Terms of Reference - Status of Women Advisory Group - 13 August 2018 | D13290714 |



# Status of Women Advisory Committee Meeting Record 11 July 2018



Location:	The Function Room, Wyong Administration Building, 2 Hely Street, Wyong	
Date:	11 July 2018	
Time	Started at: 10AM	Closed at: 11:44PM
Chair	Councillor Lisa Matthews	
File Ref		

## Present

Clr Lisa Matthews, Clr Jilly Pilon, Clr Kyle MacGregor, Julie Vaughan, Sharon Walsh, Danielle Habib, Margot Castles, Sharryn Brownlee, Courtney Jones, Christine Arnaldi, Sally Johe, Danielle Hobday, Miranda Cashin, and Aliesha Gates

## Apologies

Clr Doug Vincent, Clr Jillian Hogan, Clr Chris Holstein and Belinda Kimpton

Margot undertook an acknowledgement of Country

Move minutes from 09/05/18 – Sharon

Seconded by – Sharryn

Carried

## Item 1 Minutes of previous meeting

- Sharon and Julie to meet with Director of Education to understand what is happening in schools and to report back to SOWAG.



Status of Women Advisory Committee Meeting Record  
11 July 2018



## **Item 2 Business arising from meeting**

### **Logo**

- Aliesha presented the banner with previous SOWAG logo from former Wyong Shire Council. As well as example of a shirt design.
- Possibility of getting cards with key messages to be able to hand out. Decided on getting two banners printed.

Action: Aliesha to circulate size guide.

### **Gender Equality**

- 'The primary role of Status of Women Advisory Group is to provide advice to Council on gender equality and the empowerment of women to improve the ways in which women on the Central Coast are able to participate and engage actively in all aspects of community and civic life' to be added to section A (Purpose).
- Julie and Aliesha to do an information report to Council to amend

### **Meeting Rooms**

- Agreed in interim that meetings will be held in Wyong due to the convenient meeting facility/room access.

## **Item 3 Festival of Women**

Sally identified below dates that could provide education opportunities for the community:

- International Women's Day – March
- A day of action against sexual violence against women – August
- Equal Pay Day – early September

Action: Aliesha to invite Jenny from comms to next SOWAG meeting to discuss a comms plan/calendar and education/promo.

### **Festival of Women**

- 8<sup>th</sup> March International Women's Day
- This is the 5<sup>th</sup> year of the IWDCC
- Opportunity for SOWAG to promote and educate
- Agreed intent of SOWAG is not solely as an event team, however there may be opportunity for a subcommittee to assist in running the event.

Recommendation: That SOWAG seek support from Central Coast Council to co-ordinate a meeting with state/federal members with the view of partnering with SOWAG to host a community event at beginning of IWD (festival of Women)

Moved – Sharon

Second – Danielle



Status of Women Advisory Committee Meeting Record  
11 July 2018



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**Item 4 CC/WD Women in Service Dinner**

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The event has been going for 20 years by the Lions Club. The event is on the 24/08/18 and is \$480 a table at the Breakers Country Club, Wamberal.

Recommendation: That Aliesha is to send an email to SOWAG to confirm numbers interested in attending the event and that SOWAG purchase a table and take above banner and shirts.

---

**Item 5 General Business**

---

Sharryn to discuss with Julie regarding the Schools and involvement of SOWAG and report back to the group.

50/50 workplace accreditation outstanding:

Action: Invite HR Manager to attend next meeting and include an update on the accreditation as an item for the next meeting's agenda.

Danielle to meet with Sharon regarding the Love Bites Program to discuss the potential of SOWAG's involvement.

Concern raised regarding 100 most influential people for express advocate and the inability to access without a subscription.

Recommendation: Aliesha to obtain a copy of the top 100 people highlighted in the Advocate and list as an agenda item for next meeting.

September 12<sup>th</sup> (next meeting) – Christine and Margot will be on leave

Danielle raised moving meetings to afternoons (or alternating)

Action: Agenda item for next meeting, review meeting times/days for next year.

The meeting closed at 11:44PM

**Next Meeting:** Wednesday 12<sup>th</sup> September – Wyong Administration Building 10am





Central Coast Council  
Terms of Reference  
Status of Women Advisory Group

Version 0.2  
Ainslie Whitburn  
28 November 2017





Terms of Reference for Status of Women Advisory Group

Author: Ainslie Whitburn Draft 0.2

Date: 28 November 2017

Version 0.2 Draft

Approved by:

Date of Approval:

Assigned review period: 2 years

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Wyang Office:

2 Hely St / PO Box 20 Wyong NSW 2259

**P** 02 4350 5555

Gosford Office:

49 Mann St /PO Box 21 Gosford NSW 2550

**P** 02 4325 8222

**E** ask@centralcoast.nsw.gov.au

**W** centralcoast.nsw.gov.au



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## **A. Purpose**

The purpose of the Status of Women Advisory Group is to:

- A1 Provide a discussion and advisory forum for women of the Central Coast Local Government Area.
- A2 Where appropriate, advocate and provide advice to Council, ensuring effective decision making on key issues impacting upon women across the Central Coast.
- A3 Build the capacity of organisations and groups that represent local women to develop connections and networks.
- A4 Encourage and support the community to conduct and participate in organised events and activities that provide a forum for women to voice concerns, promote local issues and solutions and celebrate achievements.
- A5 Promote the role of women in leadership positions both within local government and in the broader community.

## **B. Responsibility**

The Status of Women Advisory Group will:

- B1 Where appropriate, participate in and influence the Central Coast Council strategic planning processes to ensure objectives and actions reflect the issues affecting women.
- B2 Identify and participate in events, activities and opportunities to bring women together both in formal and informal settings.
- B3 Identify strategies to develop social, economic and personal leadership opportunities for women.
- B4 Identify and promote mentoring opportunities and networks for women.
- B5 Advocate on and raise community awareness about issues affecting women.
- B6 Promote the important role and contributions of women in our community.



B7 The Advisory Group has no authority to make decisions on behalf of the Council.

B8 The Advisory Group has no authority to direct Council staff.

## **C. Membership**

C1 The term of membership will be the term of the Council.

C2 A minimum of one (1) Councillor.

C3 Ten (10) community representatives.

C4 Central Coast Council, Director Connected Communities or their delegate

C5 Community representatives must be residents of the Central Coast Local Government Area.

C6 Community members must be women who are representative of, but are not limited to, at least one of the following:

- Aboriginal and/or Torres Strait Islander community
- Young people under the age of 25
- Culturally and linguistically diverse communities
- People with a disability
- Local women's organisations and/ or groups

C7 Community members will be appointed by the Chief Executive Officer or their delegate on a merit basis, as a result of an Expression of Interest process.

C8 Casual vacancies will be appointed by the Chief Executive Officer or their delegate in accordance with the initial membership process.

## **D. Attendance**

D1 Any Councillor may attend the meetings of the Advisory Group.

D2 Advisory Group members are expected to attend all meetings where possible. Apologies for non-attendance must be submitted prior to the meeting.



- D3 Where a member fails to attend three successive meetings without submitting a satisfactory explanation, the Chairperson will make a determination on their membership.

## **E. Advisory Group Facilitator**

- E1 An Advisory Group Facilitator shall be appointed by the Director Connected Communities or their delegate.
- E2 The Advisory Group Facilitator shall be a staff member of Council and is responsible for co-ordinating the preparation of agendas, invitations and minutes of the Advisory Group. The Facilitator shall also be responsible for co-ordinating any presentations from guest speakers and for considering requests from members of the public to address the Committee in consultation with the Chairperson.
- E3 The Advisory Group Facilitator has the right to refuse a request from a member of the public to address the Advisory Group if it is deemed more appropriate for that person to address a formal Council meeting.

## **F. Chairperson**

- F1 The Chairperson of the Advisory Group will be a Councillor or a delegated staff member.
- F2 In the absence of the Chairperson, another Councillor Member of the Advisory Group, or a delegated Central Coast Council staff member shall Chair the meeting.

## **G. Voting**

- G1 The Group has an advisory role, its recommendations are made by consensus and no recommendation is deemed to be a decision of Council unless the matter is referred to Council for determination. If consensus is not achieved, and if required, the matter shall be referred to Council for determination.
- G2 The Director Connected Communities or their delegate will determine which items are required to be referred to Council and action accordingly.

## **H. Quorum**



H1 The Advisory Group requires a quorum to hold a meeting. The quorum is fifty percent of the voting membership plus one.

H2 The Chairperson shall use their discretion to determine if any item on the agenda should be deferred to a future meeting if it is considered there are insufficient members at the meeting.

## **I. Meeting Schedule**

I1 The Advisory Group shall meet bimonthly.

I2 The Advisory Group shall meet at times and dates determined by consensus of the Group.

I3 The Advisory Group meetings will alternate between being held at the Central Coast Council Administration Building, Gosford and the Central Coast Council Civic Centre, Wyong or another venue agreed to by the Advisory Group members.

## **J. Agenda**

J1 The Agenda shall be determined by the Director Connected Communities or their delegate in consultation with the Chairperson and include enough detail to enable matters to be considered at the meeting.

J2 The Agenda shall be distributed at least 5 working days prior to the meeting.

J3 The Agenda shall be published on the Central Coast Council website.

## **K. Minutes and Reporting**

K1 Minutes will be taken for all meetings of the Advisory Group

K2 The Advisory Group Facilitator shall determine if any individual recommendations are required to be reported to Council for determination.

K3 Minutes of the meeting shall be recorded in the Central Coast Council information management database.

K4 Minutes shall be published on the Central Coast Council website.



**L. Code of Conduct**

- L1 All Advisory Group members are required to comply with Central Coast Council policies including the Central Coast Council Code of Conduct and Meeting Code of Conduct.
- L2 Members of the Advisory Group are not permitted to speak to the media as representatives of the Group unless approved by Council.

**M. Cessation of Advisory Group**

- M1 All member positions of the advisory group are declared vacant after every local government election.
- M2 Council may at its discretion by resolution of Council cease operation of the Advisory Group.

**N. Amendments to Terms of Reference**

- N1 Council may amend the Terms of Reference by Council resolution.





Central Coast Council  
Terms of Reference  
Status of Women Advisory Group

Version 0.3  
Julie Vaughan  
13 August 2018





Terms of Reference for Status of Women Advisory Group

Author: Julie Vaughan

Date: 13 August 2018

Version 0.3 Draft

Approved by:

Date of Approval:

Assigned review period: 2 years

© Central Coast Council

Wyang Office:

2 Hely St / PO Box 20 Wyong NSW 2259

**P** 02 4350 5555

Gosford Office:

49 Mann St /PO Box 21 Gosford NSW 2550

**P** 02 4325 8222

**E** ask@centralcoast.nsw.gov.au

**W** centralcoast.nsw.gov.au



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## **A. Purpose**

The primary role of the Status of Women Advisory Group is to provide advice to Council on gender equality and the empowerment of women to improve the ways in which women on the Central Coast are able to participate and engage actively in all aspects of community and civic life. This is achieved by:

- A1 Provide a discussion and advisory forum for women of the Central Coast Local Government Area.
- A2 Where appropriate, advocate and provide advice to Council, ensuring effective decision making on key issues impacting upon women across the Central Coast.
- A3 Build the capacity of organisations and groups that represent local women to develop connections and networks.
- A4 Encourage and support the community to conduct and participate in organised events and activities that provide a forum for women to voice concerns, promote local issues and solutions and celebrate achievements.
- A5 Promote the role of women in leadership positions both within local government and in the broader community.

## **B. Responsibility**

The Status of Women Advisory Group will:

- B1 Where appropriate, participate in and influence the Central Coast Council strategic planning processes to ensure objectives and actions reflect the issues affecting women.
- B2 Identify and participate in events, activities and opportunities to bring women together both in formal and informal settings.
- B3 Identify strategies to develop social, economic and personal leadership opportunities for women.
- B4 Identify and promote mentoring opportunities and networks for women.
- B5 Advocate on and raise community awareness about issues affecting women.



- B6 Promote the important role and contributions of women in our community.
- B7 The Advisory Group has no authority to make decisions on behalf of the Council.
- B8 The Advisory Group has no authority to direct Council staff.

## **C. Membership**

- C1 The term of membership will be the term of the Council.
- C2 A minimum of one (1) Councillor.
- C3 Ten (10) community representatives.
- C4 Central Coast Council, Director Connected Communities or their delegate
- C5 Community representatives must be residents of the Central Coast Local Government Area.
- C6 Community members must be women who are representative of, but are not limited to, at least one of the following:
- Aboriginal and/or Torres Strait Islander community
  - Young people under the age of 25
  - Culturally and linguistically diverse communities
  - People with a disability
  - Local women's organisations and/ or groups
- C7 Community members will be appointed by the Chief Executive Officer or their delegate on a merit basis, as a result of an Expression of Interest process.
- C8 Casual vacancies will be appointed by the Chief Executive Officer or their delegate in accordance with the initial membership process.

## **D. Attendance**

- D1 Any Councillor may attend the meetings of the Advisory Group.
- D2 Advisory Group members are expected to attend all meetings where possible. Apologies for non-attendance must be submitted prior to the meeting.



- D3 Where a member fails to attend three successive meetings without submitting a satisfactory explanation, the Chairperson will make a determination on their membership.

## **E. Advisory Group Facilitator**

- E1 An Advisory Group Facilitator shall be appointed by the Director Connected Communities or their delegate.
- E2 The Advisory Group Facilitator shall be a staff member of Council and is responsible for co-ordinating the preparation of agendas, invitations and minutes of the Advisory Group. The Facilitator shall also be responsible for co-ordinating any presentations from guest speakers and for considering requests from members of the public to address the Committee in consultation with the Chairperson.
- E3 The Advisory Group Facilitator has the right to refuse a request from a member of the public to address the Advisory Group if it is deemed more appropriate for that person to address a formal Council meeting.

## **F. Chairperson**

- F1 The Chairperson of the Advisory Group will be a Councillor or a delegated staff member.
- F2 In the absence of the Chairperson, another Councillor Member of the Advisory Group, or a delegated Central Coast Council staff member shall Chair the meeting.

## **G. Voting**

- G1 The Group has an advisory role, its recommendations are made by consensus and no recommendation is deemed to be a decision of Council unless the matter is referred to Council for determination. If consensus is not achieved, and if required, the matter shall be referred to Council for determination.
- G2 The Director Connected Communities or their delegate will determine which items are required to be referred to Council and action accordingly.



## **H. Quorum**

- H1 The Advisory Group requires a quorum to hold a meeting. The quorum is fifty percent of the voting membership plus one.
- H2 The Chairperson shall use their discretion to determine if any item on the agenda should be deferred to a future meeting if it is considered there are insufficient members at the meeting.

## **I. Meeting Schedule**

- I1 The Advisory Group shall meet bimonthly.
- I2 The Advisory Group shall meet at times and dates determined by consensus of the Group.
- I3 The Advisory Group meetings will alternate between being held at the Central Coast Council Administration Building, Gosford and the Central Coast Council Civic Centre, Wyong or another venue agreed to by the Advisory Group members.

## **J. Agenda**

- J1 The Agenda shall be determined by the Director Connected Communities or their delegate in consultation with the Chairperson and include enough detail to enable matters to be considered at the meeting.
- J2 The Agenda shall be distributed at least 5 working days prior to the meeting.
- J3 The Agenda shall be published on the Central Coast Council website.

## **K. Minutes and Reporting**

- K1 Minutes will be taken for all meetings of the Advisory Group
- K2 The Advisory Group Facilitator shall determine if any individual recommendations are required to be reported to Council for determination.



- K3 Minutes of the meeting shall be recorded in the Central Coast Council information management database.
- K4 Minutes shall be published on the Central Coast Council website.

## **L. Code of Conduct**

- L1 All Advisory Group members are required to comply with Central Coast Council policies including the Central Coast Council Code of Conduct and Meeting Code of Conduct.
- L2 Members of the Advisory Group are not permitted to speak to the media as representatives of the Group unless approved by Council.

## **M. Cessation of Advisory Group**

- M1 All member positions of the advisory group are declared vacant after every local government election.
- M2 Council may at its discretion by resolution of Council cease operation of the Advisory Group.

## **N. Amendments to Terms of Reference**

- N1 Council may amend the Terms of Reference by Council resolution.



**Item No:** 5.9  
**Title:** Central Coast Youth Action Team (Y4Y)  
**Department:** Connected Communities

---



13 August 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-03 - D13282326

Author: Kerrie Forrest, Section Manager, Community Partnerships and Planning

Manager: Glenn Cannard, Unit Manager, Community Partnerships

Executive: Julie Vaughan, Director, Connected Communities

## Summary

This report provides details on the establishment of the Central Coast Youth Action Team, Y4Y, the process and timeframes to establish the team and Terms of Reference.

## Recommendation

- 1      *That Council receive and note the report on Central Coast Youth Action Team (Y4Y).***
- 2      *That Council receive and note the Terms of Reference for the Central Coast Youth Action Team, Y4Y, as provided in this report (Attachment 1).***

## Background

As part of Council's commitment to engage with young people, a Central Coast Youth Action Team, titled Y4Y (Youth for Youth) is to be established.

The Y4Y Team will provide the opportunity for up to twelve young people each year to receive leadership training and skill development to enable them to act, advocate and advise on youth related issues.

Young people aged 12-24 years comprise 15.3% of the Central Coast's population (50,141 people). They are an important part of our community, both now and in the future. It is important that young people are valued and recognised and provided with opportunities to develop their aspirations and skills and effectively contribute to their community.

Central Coast Council does not currently have a Youth Action Team or a Youth Advisory Committee that performs a youth leadership and development role for our young people.

The new Central Coast Youth Action Team, Y4Y will take on the philosophy and history of the previous Wyong Action Team (WAT) leadership program, and also incorporating elements of the previous Gosford City Council's Youth Council (GCYC).



Previously both the former Wyong Shire and Gosford City Council's convened youth leadership programs however both have been dormant for the previous few years.

The aim of the Y4Y Team is to provide an effective mechanism for Council to engage and empower young people through action, advocacy and advice - for young people, by young people.

- **ACTION:** Provide the opportunity for young people to make youth initiatives happen on the Central Coast – for youth by youth. The team is to implement a minimum of three actions per year.
- **ADVOCACY:** Be the voice of and represent young people on youth and related issues.
- **ADVICE:** Create a direct link between Central Coast Council and Young People on the Central Coast, providing a youth perspective on Council's policies, planning, programs and projects

The Y4Y Team will:

- Provide an opportunity for young people to develop their leadership skills
- Develop and deliver events, activities and/or resources for young people (a minimum of three youth actions per year)
- Advocate and articulate the views of young people by hosting an annual Youth Forum where the voice of young people will be heard
- Represent young people on youth related issues
- Provide a youth perspective, and for young people to be involved in Council's policies, planning, programs and projects as required
- Raise the profile of young people within the broader community

The Y4Y Team will also be heavily involved in the process to develop a new Central Coast Youth Strategy in 2018/19, which will replace the previously separate Wyong and Gosford Youth Engagement Strategies (adopted by the former Councils in 2010).

The Y4Y Team is directly aligned with the following Central Coast Council Community Strategic Plan 2018-2028 objectives:

- A1 Work within our communities to connect people, build capacity and create local solutions and initiatives
- A2 Celebrate and continue to create opportunities for inclusion where all people feel



welcome and participate in community life

- A3 Work together to solve a range of social and health issues that may impact community wellbeing and vulnerable people
- D4 Support businesses and local leaders to mentor young people in skill development through traineeships, apprenticeships and volunteering
- L3 Cultivate a love of learning and knowledge by providing facilities to support lifelong learning opportunities

Furthermore the program is designed to develop the young leaders who will make up the Y4Y Team. The program will have an annual intake and will last for fifteen (15) months, the last three (3) months of which will involve mentoring the next intake of Youth leaders.

The Y4Y Team will be responsible for completing a minimum of three (3) actions per year. These actions could be events, activities, programs, campaigns, place activation or other items of interest as determined by the Youth leaders.

The leadership program will comprise of:

- Formal leadership training
- Learning by doing – leading the actions
- An annual Youth Week Forum
- Quarterly face-to-face meetings to discuss and process Council requests for input as required
- A (3) month handover and mentoring period. This period will provide an overlap of time where the current Y4Y Team members will support the next group to join the program.

Expressions of Interest for the program will open in August each year with successful applicants selected by 15 November. The leadership program will run for fifteen (15) months with leaders graduating at the annual Youth Week event held during April. Membership will be open ideally to up to 12 young people who are interested and willing to be active on the Y4Y Team and who live, work or study on the Central Coast, are between 14 and 24 years old and who have a genuine interest in making things happen in their community.

Y4Y Team members will be representative of the Central Coast youth; therefore they will need to be reflective of the diversity of interests and locations of young people across the Central Coast.



Members will be appointed by the Chief Executive Officer or delegate and will be based on merit as a result of the Expression of Interest application. All applicants will be notified in writing acknowledging receipt of their application, and notified of the status of their application once the assessment and selection process has concluded.

### **Consultation**

The proposal to establish the Y4Y Team and the proposed operational model has been discussed extensively with local youth service providers as part of the Central Coast Youth Interagency.

Additionally Council staff consulted with the Department of Education; five other NSW Council's and one Victorian Council that currently manage a youth based action team or committee.

Furthermore, as part of the development of the previous (2010) Youth Engagement Strategy young people clearly identified that they wanted to be part of making youth lead initiatives and ideas happen for youth, by youth.

These principles have been confirmed through recent engagement with young people which was undertaken at the GOATS Festival 2018 and over five other Youth Week events across the Central Coast in 2018. Through this consultation Council gathered over 192 individual feedback responses.

Through this consultation and an analysis of the previous Gosford City Youth Council (GCYC) and the Wyong Action Team (WAT) the following key principles were used to finalise the operational model:

- Less formality and structure to the meeting process – make it fun and engaging.
- Adequate resources and staff time need to be provided by Council to ensure success.
- Continual positive promotion throughout the year of young people.
- An action based approach where young people are involved in making their ideas happen.
- Some informal, social activities organised and run by young people.
- Use alternate ways to engage with young people, including online and utilising modern technology.
- Enthusiastic, passionate and youthful workers to lead the team.



Suggestions for the name of the proposed Action Team were gathered through the outlined consultation at the Youth Week events. The proposed name of the team – Y4Y – was determined and decided upon by young people themselves.

### **Link to Community Strategic Plan**

Theme 1: Belonging

### **Goal D: A place of opportunity for people**

A1: Work within our communities to connect people, build capacity and create local solutions and initiatives.

### **Critical Dates or Timeframes**

13 August 2018	Report to Council.
28 August 2018	Expression of interest for membership Advertised on Council's Website and social media, the Central Coast Express Advocate and through networks (schools, youth centres and youth services).
17 October 2018	Expression of Interest for membership closes.
23 November 2018	Announcement of the Central Coast Y4Y (Youth for Youth) Action team is made.
6 December 2018	Welcome BBQ for Y4Y team members and relevant Council staff and delegates.
14 – 16 January 2019	Youth leadership training and skills development camp
13 – 20 April 2019	National Youth Week Forum

Meetings of the Y4Y Team will be held informally online via Skype as required and on a formal basis each quarter.

### **Attachments**

- 1 Terms of Reference Y4Y Action Team D13285903





Central Coast Council  
Terms of Reference  
Youth Action Team  
Youth For Youth  
(Y4Y )

Version 0.1  
Haley Vallone  
03 July 2018





Terms of Reference for Youth Action Team, Youth For Youth (Y4Y)

Author: Haley Vallone

Date: 03 July 2018

Version 0.1 Draft

Approved by:

Date of Approval:

Assigned review period: 2 years

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Wyong Office:

2 Hely St / PO Box 20 Wyong NSW 2259

**P** 02 4350 5555

Gosford Office:

49 Mann St /PO Box 21 Gosford NSW 2550

**P** 02 4325 8222

**E** ask@centralcoast.nsw.gov.au

**W** centralcoast.nsw.gov.au



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## **A. Aim**

The aim of the Youth for Youth (Y4Y) Team is to:

- A1 Provide the vehicle for Council to engage and empower young people through action, advocacy and advice. For young people, by young people.

## **B. Purpose**

The purpose of the Y4Y Team is to:

- B1 ACTION: Provide the opportunity for young people to make youth initiatives happen on the Central - for youth, by youth. The Team to implement a minimum of three actions per year.
- B2 ADVOCACY: Be the voice of and represent young people on youth and related issues.
- B3 ADVICE: Create a direct link between Central Coast Council and Young People on the Central Coast Providing a youth perspective on Council's policies, planning, programs and projects.

## **C. Responsibility**

The Y4Y Team will:

- C1 Provide an opportunity for young people to develop their leadership skills.
- C2 Develop and deliver events, activities or resources for young people (a minimum of three youth actions per year).
- C3 Advocate and articulate the views of young people by hosting an annual Youth Forum where the voice of young people will be heard.
- C4 Represent young people on Youth and related issues.
- C5 Provide a youth perspective and for young people to be involved in Council's policies, planning, programs and projects as required.
- C6 Raise the profile of young people within the broader community.



## **D. Membership**

- D1 The term of membership will be (15) months.
- D2 Youth representatives must be willing to be active in the Y4Y Team
- D3 Up to twelve (12) youth representatives.
- D4 Youth representatives must live, work or study on the Central Coast.
- D5 Youth representatives must be aged between 14 and 24 years old as at 16 July of the year of application.
- D6 Youth representatives must have demonstrated links to other young people.
- D7 Youth representatives must have a genuine interest in making youth lead initiatives happen in their community.
- D8 Youth representatives will be sought from diverse backgrounds and geographic areas, experience, skills, interests and links to other young people in the community, including youth from:
- Aboriginal and/or Torres Strait Islander backgrounds
  - All 5 Wards
  - Culturally and linguistically diverse backgrounds
  - Young people with a disability

## **E. Applications**

- E1 Applicants must complete a Y4Y Team Application Form, including the names of two other people as referees, and submit this to the leading Youth Development Officer Central Coast Council.
- E2 Each application will be assessed on its merits and diversity to ensure the Y4Y members are representative of the LGA.
- E3 Y4Y members will be appointed by the Chief Executive Officer or delegate and will be based on merit as a result of their Expression of Interest application. All applicants will be notified in writing of the outcome of their application.



## **F. Attendance**

- F1 Y4Y members are expected to attend all meetings where possible. Apologies for non-attendance must be submitted prior to the meeting.

## **G. Meetings**

- G1 The Y4Y Team will meet informally online via skype (March/June) and at any other time necessary to discuss actions (as determined by the team).
- G2 The Y4Y Team will meet formally each quarter (February/May/Aug/Nov). Meetings will usually be no longer than two hours, from 4pm - 6pm and will be held at a central location as decided by the Y4Y team.
- G3 Regular and ongoing Communication will be primarily via electronic means which may include social media, blogs, websites, SMS etc. This will be monitored by the Youth Development Officer.
- G4 Action Plans will be developed annually and progress against them will be reported at quarterly meetings.
- G5 Council's Youth Development Officer will co-ordinate and facilitate meetings and correspondence.

## **H. Agenda**

- H1 The Agenda shall be determined by the Y4Y Team prior to each face to face meeting.
- H2 The Agenda shall be distributed at least 5 working days prior to the meeting.

## **I. Minutes**

- I1 Minutes will be taken for all face-to-face meetings

## **J. Code of Conduct**

- J1 All Y4Y members are required to comply with Central Coast Council policies.
- J2 Y4Y Members are not permitted to speak to the media as representatives of the Action Team unless approved by Council.



**K. Cessation of Y4Y Team**

- K1 Council may at its discretion by resolution of Council cease operation of the Y4Y Team.

**L. Amendments to Terms of Reference**

- L1 Council may amend the Terms of Reference.



**Item No:** 6.1  
**Title:** Response to Notice of Motion - Position of Council Employment  
**Department:** People and Culture

---



13 August 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-02 - D13225872

Author: Karina Curtis, Executive Assistant to Executive Manager, People and Culture

Executive: Kellie Reeves, Executive Manager, People and Culture

## Summary

Council, at its meeting 28 May 2018 resolved;

- 426/18 *That Council note the deferred Notice of Motion – Position of Council Employment which is Attachment 1 to this report.*
- 427/18 *That Council advise on their approach to long term direct employment, recognising the importance of secure long term employment for current staff, upholding the 15% apprenticeship quota as well as supporting employment for people with a disability, especially young people.*
- 428/18 *That Council provide a report that shows the breakdown of current FTE, PTE, casual employment, apprentices, traineeships, internships and people with a disability.*
- 429/18 *Further to this, that Council takes into consideration population growth since amalgamation and future projected growth to ensure Council employment meets residents' demands.*
- 430/18 *That Council request the Acting CEO to provide Councillors with a copy of the review of the approach to employing apprentices by the new organisation (CCC) - which was to be undertaken prior to the conclusion of the six month extension as per Resolution 1303/15 of Meeting 9 December 2015. If the review was not conducted, would staff please advise if the motion was rescinded and if not, if the review could be undertaken and be provided to Council at the meeting in one month's time.*

## Recommendation

***That Council receive the report on Response to Notice of Motion - Position of Council Employment.***



## **Background**

It is noted that these are operational matters in the jurisdiction of the CEO however, for the benefit of Councillors, I can provide the following information.

A foundation of Council's Workforce Management Strategy ('the strategy') is a commitment to secure, permanent employment for staff and allows Council to plan appropriate resourcing to respond to future community needs. The strategy contains the following actions that specifically support employment for people with a disability and youth:

- Implement strategies to support the attraction and retention of youth to assist in effective succession planning
- Provide work experience for students to highlight potential career opportunities at Council to enhance our capacity to grow our own talent
- Central Coast Council offers a trainee program including apprentices, graduates and other students to build talent pools in skill shortage areas
- A project is implemented to design and develop a youth employment strategy for Central Coast Council

The above inclusions in the strategy are supplemented by related priorities within the draft Delivery and Operational Plan for Council for 2018/19, which are as follows:

- Ensure Council is adequately resourced to deliver against the Community Strategic Plan
- Increase inclusivity of the workplace and recruitment processes for people with disabilities.
- Provide inclusive volunteer, work experience and paid work opportunities for people with disabilities

In addition, as part of the Disability Inclusion Action Plan, (DIAP) Council has implemented a number of actions specifically related to employment, including:

- The inclusion of awareness training as part of the corporate induction
- The inclusion of an accessibility statement in all job adverts
- Additional support is now offered through National Relay Service to support applicants who may be deaf, hearing or speech impaired
- Additional support is also available for applicants when attending interview as per their specific requirements.
- Confirmation that Councils online recruitment systems meet the Web Content Accessibility Guidelines



As of 29 June 2018, the workforce composition for the Central Coast Council, including vacancies, is as follows:

<b>Full-time</b>	2,102
<b>Part-time</b>	184.7
<b>Total</b>	<b>2,286.7</b>

\* There is an additional 443 casuals employed (head count).

The number of apprentices, trainees, interns and scholarship students within this workforce headcount is detailed below.

<b>Apprentices</b>	31
<b>Trainees</b>	14
<b>Interns</b>	12
<b>Scholarship</b>	4

As part of the onboarding process, new employees are encouraged to identify should they have a disability, however this information is rarely forthcoming and no reportable data is available within the Human Capital Management (HCM) system. However, due to other initiatives Council is aware of a number of employees with a disability.

The DIAP indicates that 56 employees self-identified as having a disability in November 2016. Additionally, the DIAP states we have employees with mental health disorders or psychosocial disabilities (34%), chronic health conditions (24.5%), physical, sensory, learning and neurological disabilities, and autism spectrum disorder (DIAP, p. 23).

Following the resolution of the 9 December 2015 meeting, the approach to apprentices has been monitored. With the commencement of new CEO, Gary Murphy there is an opportunity to now complete the review and report back to Council accordingly.

### **Link to Community Strategic Plan**

Theme 1: Belonging

#### **ChooseGoal**

A2: Celebrate and continue to create opportunities for inclusion where all people feel welcome and participate in community life.

#### **Attachments**

*Nil.*



**Item No:** 6.2  
**Title:** Integrated Seniors Living Accommodation, New Registered Club and Retail Tenancies at Woy Woy  
**Department:** Environment and Planning

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13 August 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-03 - D13291474

Author: Antonia Stuart, Senior Development Planner

Manager: Jamie Loader, Unit Manager, Development Assessment

Executive: Scott Cox, Director, Environment and Planning

## Report Purpose

A development application has been received for the redevelopment of the subject site, consisting of 63 seniors housing independent living units, a new registered club (The Sporties at Woy Woy), five (5) retail tenancies, and a basement carpark and bowling green at No.'s 184-186 Brick Wharf Road and No. 1 North Burge Road, Woy Woy. The Hunter Central Coast Joint Regional Planning Panel is the consent authority for this development application.

<b>Applicant</b>	Barker Ryan Stewart Pty Ltd - Sydney
<b>Owner</b>	Woy Woy Holdings Pty Ltd
<b>Application No</b>	53119/2017
<b>Description of Land</b>	Lot: 151 DP: 818343, Lot: 152 DP: 818343, Lot: 369 DP: 755251, 184 Brick Wharf Road WOY WOY, 186 Brick Wharf Road WOY WOY, 1 North Burge Road WOY WOY
<b>Proposed Development</b>	Integrated Seniors Living Accommodation; New Registered Club; and Retail Tenancies
<b>Site Area</b>	7,565.7m <sup>2</sup>
<b>Zoning</b>	R2 Low Density Residential (No. 184 Brick Wharf Road) RE2 Private Recreation (No. 186 Brick Wharf Road) RE2 Private Recreation (No. 1 North Burge Road)
<b>Existing Use</b>	Registered Club
<b>Employment Generation</b>	Yes
<b>Estimated Value</b>	\$30,390,505.00

## Recommendation

***That Council receive and note the report on DA 53119/2017 – Proposed Integrated Seniors Living Accommodation; New Registered Club; and Retail Tenancies at 184-186 Brick Wharf Road and No. 1 North Burge Road, Woy Woy.***



### **Background**

Attached is the report being forwarded to the Hunter Central Coast Joint Regional Planning Panel for determination on 23 August 2018.

### **Link to Community Strategic Plan**

Theme 4: Responsible

### **Goal I: Balanced and sustainable development**

I3: Ensure land use planning and development is sustainable and environmentally sound and considers the importance of local habitate, green corridors, energy efficiency and stormwater management.

### **Attachments**

<b>1</b>	Assessment Report for the Hunter Central Coast Regional Planning Panel	D13294016
<b>2</b>	Landscape Plans	D13294011
<b>3</b>	Development Plans	D13294010



## JOINT REGIONAL PLANNING PANEL (Hunter and Central Coast)

### Council Assessment Report

Panel Reference	Panel Reference No. 2017HCC044
DA Number	53119/2017
Local Government Area	Central Coast Council
Proposed Development	INTEGRATED Seniors Living Accommodation; New Registered Club; and Retail Tenancies
Street Address	LOT: 151 DP: 818343, LOT: 152 DP: 818343, LOT: 369 DP: 755251, 184 Brick Wharf Road WOY WOY, 186 Brick Wharf Road WOY WOY, 1 North Burge Road WOY WOY
Applicant	Barker Ryan Stewart Pty Ltd - Sydney
Owner	Woy Woy Holdings Pty Ltd
Date of DA Lodgement	16/10/2017
Number of Submissions	Ninety Four (94)
Recommendation	Refusal
Regional Development Criteria - Schedule 7 of the State Environment Planning Policy (State and Regional Development) 2011	Capital Investment Value > \$20M and lodged before 1 March 2018
List of all relevant 4.15(1)(a) matters	<ul style="list-style-type: none"> <li>• <i>Environmental Planning &amp; Assessment Act 1979</i> (EP&amp; A Act)</li> <li>• <i>Environmental Planning and Assessment Regulation 2000</i> (EP &amp; A Regulation)</li> <li>• <i>Crown Land Management Act 2016</i> (Crown Land Act)</li> <li>• <i>Water Management Act 2000</i> ( Water Management Act)</li> <li>• <i>State Environmental Planning Policy No 55 - Remediation of Land</i> (SEPP 55)</li> <li>• <i>State Environmental Planning Policy (Infrastructure) 2007</i> (SEPP Infrastructure)</li> <li>• <i>State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development</i> (SEPP 65)</li> </ul>



(contd)

	<ul style="list-style-type: none"> <li>• <i>State Environmental Planning Policy No 71 – Coastal Protection</i> (SEPP 71)</li> <li>• <i>State Environmental Planning Policy (Coastal Management) 2018</i> (SEPP Coastal Management)</li> <li>• <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i> (SEPP BASIX)</li> <li>• <i>State Environmental Planning Policy (Housing for Senior or People with a Disability) 2004</i> (SEPP HSPD)</li> <li>• <i>State Environmental Planning Policy (State and Regional Development) 2011</i> (SEPP State and Regional Development)</li> <li>• <i>Gosford Local Environmental Plan 2014</i> (GLEP 2014)</li> <li>• <i>Gosford Development Control Plan 2013</i> (GDCP 2013)</li> <li>• <i>Apartment Design Guide. Tools for improving the design of residential apartment development</i> (ADG)</li> <li>• <i>The Brisbane Water Foreshore Flood Study</i> (October 2010)</li> <li>• <i>The Brisbane Water Foreshore Floodplain Risk Management Study</i> (March 2015)</li> <li>• <i>The Brisbane Water Foreshore Floodplain Risk Management Plan</i> (November 2015)</li> <li>• <i>Handbook No. 7: Managing the Floodplain: A guide to Best Practice in Flood Risk Management in Australia</i></li> <li>• <i>Central Coast Regional Plan 2036</i></li> <li>• <i>Gosford Plan of Management (Community Parks)</i></li> <li>• <i>Gosford City Council Climate Change Policy</i></li> </ul>
List all documents submitted with this report for the Panel's consideration	<ol style="list-style-type: none"> <li>1 Recommendation for Refusal</li> <li>2 Development Plans</li> <li>3 SEPP HSPD Compliance Table</li> <li>4 SEPP No. 71 Matters for Consideration Table</li> <li>5 Central Coast Regional Plan 2036 Matters for Consideration</li> <li>6 ADG Compliance Table</li> <li>7 GDCP 2014 Compliance Table</li> <li>8 Site Compatibility Certificate</li> <li>9 Actions of Council/ Applicant throughout the DA process</li> </ol>
Report prepared by	A Stuart
Report date	27 July 2018

DRAFT



(contd)

**Summary of s4.15 matters**

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

**Yes****Legislative clauses requiring consent authority satisfaction**

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?

**Yes****Clause 4.6 Exceptions to development standards**

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

**No****Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (s7.24)?

**No****Conditions**

Have draft conditions been provided to the applicant for comment?

**Not Applicable**

DRAFT



(contd)

**Title:** Development Application No. 53119/2017, Proposed INTEGRATED Seniors Living Accommodation (JRPP) on LOT: 151 DP: 818343, LOT: 152 DP: 818343, LOT: 369 DP: 755251, 184 Brick Wharf Road WOY WOY, 186 Brick Wharf Road WOY WOY, 1 North Burge Road WOY WOY

**Department:** Environment and Planning



## SUMMARY

A development application has been received for the redevelopment of the subject site, consisting of 63 seniors housing independent living units, a new registered club (The Sporties at Woy Woy), five (5) retail tenancies, and a basement carpark and bowling green at No.'s 184-186 Brick Wharf Road and No. 1 North Burge Road, Woy Woy.

The development is relying upon the provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (SEPP HSPD). The application has been assessed having regard for the matters for consideration detailed in Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and other statutory requirements.

<b>Applicant</b>	Barker Ryan Stewart Pty Ltd - Sydney
<b>Owner</b>	Woy Woy Holdings Pty Ltd
<b>Application No</b>	53119/2017
<b>Description of Land</b>	LOT: 151 DP: 818343, LOT: 152 DP: 818343, LOT: 369 DP: 755251, 184 Brick Wharf Road WOY WOY, 186 Brick Wharf Road WOY WOY, 1 North Burge Road WOY WOY
<b>Proposed Development</b>	INTEGRATED Seniors Living Accommodation; New Registered Club; and Retail Tenancies
<b>Site Area</b>	7,565.7m <sup>2</sup>
<b>Zoning</b>	R2 LOW DENSITY RESIDENTIAL (No. 184 Brick Wharf Road) RE2 PRIVATE RECREATION (No. 186 Brick Wharf Road) RE2 PRIVATE RECREATION (No. 1 North Burge Road)
<b>Existing Use</b>	Registered Club
<b>Employment Generation</b>	Yes
<b>Estimated Value</b>	\$30,390,505.00

DRAFT

## RECOMMENDATION

- 1** That the Joint Regional Planning Panel **refuse** the application subject to appropriate reasons for refusal detailed in Attachment 1 of this report, having regard to the matters for consideration detailed in section 4.15 of the *Environmental Planning and Assessment Act* and other relevant issues.
- 2** That the Joint Regional Planning Panel **advise** those who made written submissions of its decision.



## PRECIS

<b>Application Type</b>	Development Application – Integrated
<b>Application Lodged</b>	16/10/2017
<b>Delegation level</b>	Joint Regional Planning Panel
<b>Advertised and Notified</b>	Exhibition period closed on 11 December 2017
<b>Submissions</b>	Ninety Four (94)
<b>Disclosure of Political Donations &amp; Gifts</b>	No
<b>JRPP Briefing/ Inspection</b>	25 January 2018
<b>Legislative Clauses Requiring Consent Authority Satisfaction</b>	<ul style="list-style-type: none"> <li>• Section 4.15 of <i>Environmental Planning &amp; Assessment Act 1979</i> - Evaluation.</li> <li>• Section 4.47 (2) of the <i>Environmental Planning and Assessment Act 1979</i> – Development that is integrated development.</li> <li>• Clause 49 of the <i>Environmental Planning and Assessment Regulation 2000</i>.</li> <li>• Clause 50 (2A) of the <i>Environmental Planning and Assessment Regulation 2000</i>.</li> <li>• Section 90 of the <i>Water Management Act 2000</i>.</li> <li>• Section 5.21 and 5.24 of the <i>Crown Land Management Act 2016</i>.</li> <li>• Clause 7 of <i>State Environmental Planning Policy No 55 - Remediation of Land</i>.</li> <li>• Clause 45(2)(b) of <i>State Environmental Planning Policy (Infrastructure) 2007</i>.</li> <li>• Clause 28 (Determination of development applications) of <i>State Environmental Planning Policy (SEPP) No 65 - Design Quality of Residential Apartment Development</i>.</li> <li>• Clause 7 (Application of clause 8 matters) of <i>State Environmental Planning Policy No 71 – Coastal Protection</i>.</li> <li>• Clause 21 (Savings and transitional provisions) of <i>State Environmental Planning Policy (Coastal Management) 2018</i>.</li> <li>• Clause 6 (Building to which Policy applies) of <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i>.</li> <li>• Clause 20 (Declaration of regionally significant development: section 4.5 (b) of <i>State Environmental Planning Policy (State and Regional Development) 2011</i>.</li> <li>• Clause 6(a) (Land to which this policy does not apply) and Clause 24 (Site compatibility certificates required for certain development applications) of <i>State Environmental Planning Policy (Housing for Senior or People with a Disability) 2004</i>.</li> </ul>



	<ul style="list-style-type: none"> <li>Clause 2.3 (Zone Objectives and Land Use Table); Clause 4.6(4) (Exceptions to development standards); Clause 7.2 (3) (Flood planning) and Clause 7.3 (1)(a) and (b) (Floodplain risk management) of <i>Gosford Local Environmental Plan 2014</i>.</li> </ul>
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#### VARIATIONS TO POLICIES

Policy	Clause / Description	Variation
<b>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</b>	<p>Clause 40 (4): Height in zones where residential flat buildings are not permitted (No. 184 Brick Wharf Road, Woy Woy only):</p> <ul style="list-style-type: none"> <li>Part (a) the height of all buildings in the proposed development must be 8 metres or less.</li> <li>Part (b) a building that is adjacent to a boundary of the site must be not more than 2 storeys in height.</li> <li>Part (c) a building located in the rear 25% area of the site must not exceed 1 storey in height.</li> </ul>	<ul style="list-style-type: none"> <li>Max. height proposed at 12.5m, resulting in a 4.5m or 56.25% variation.</li> <li>3 storeys proposed, resulting in a 1 storey or 50% variation.</li> <li>3 storeys proposed, resulting in a 2 storey or 200% variation.</li> </ul>
<b>Apartment Design Guide</b>	<ul style="list-style-type: none"> <li>3D-1 Communal Open Space</li> <li>3E-1 Deep Soil Zone</li> <li>4D-2 Room depths</li> <li>4F-1 Common Circulation</li> </ul>	<ul style="list-style-type: none"> <li>290m<sup>2</sup> or 3.8% of the site is dedicated as communal open space resulting in a variation with this provision of 21.2% or 1601m<sup>2</sup>.</li> <li>1006m<sup>2</sup> or 13.3% of the site is proposed as deep soil zones, resulting in a variation with this provision of 1.7% or 124m<sup>2</sup>.</li> <li>Room depths of 8.5m, resulting in a variation of 0.5m or 6.25%</li> <li>9 apartments (Building B) with common circulation, resulting in a variation with this provision of 1 apartment or 12.5%</li> </ul>



Policy	Clause / Description	Variation
<b>Gosford Local Environmental Plan 2014</b>	<ul style="list-style-type: none"> <li>Clause 4.3(2) (Height of Buildings)</li> </ul>	<ul style="list-style-type: none"> <li>Max. height proposed at 12.5m, resulting in a 4m or 47% non-compliance.</li> </ul>
<b>Gosford Development Control Plan 2013</b>	<ul style="list-style-type: none"> <li>Chapter 7.1 Car Parking</li> </ul> <p>This Chapter requires 107 car parking spaces to be allocated to residential and residential visitor parking and 217 car parking spaces to be allocated to the registered club component of the development, resulting in a total of 324 car parking spaces.</p> <p>NOTE:</p> <p>Car parking associated with the retail component of the development has not been calculated in that it is not a permissible use.</p>	<ul style="list-style-type: none"> <li>324 car parking spaces are required associated with the residential and club uses. The proposed development provides 136 car parking spaces, resulting in a shortfall of 188 car parking spaces and a 58% variation to the parking control.</li> </ul>

## THE SITE

The proposed development is located at No's. 184 –186 Brick Wharf Road and No. 1 North Burge Road, Woy Woy. The site is level, does not contain any significant vegetation, and is currently occupied by a registered club and associated facilities and outbuildings, as shown in Figure 1.

The site is located within the RE2 Private Recreation zone (No. 186 Brick Wharf Road and No. 1 North Burge Road, Woy Woy) and R2 Low Density Residential zone (No. 184 Brick Wharf Road, Woy Woy) under *Gosford Local Environmental Plan 2014* (GLEP 2014) and has a total site area of approximately 7,565.7m<sup>2</sup>, refer to Figure 2.





Figure 1: Aerial photograph of the site and adjoining properties (site shown highlighted in black)



Figure 2: Zoning of the site and adjoining properties (site shown highlighted in black)



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## **SURROUNDING DEVELOPMENT**

Directly adjacent to the northern boundary of the site is public car parking and Lions Park zoned RE1 Public Recreation under GLEP 2014.

Forty three (43) on street car parking spaces exist in North Burge Road, directly adjacent to the eastern site boundary

Further east of the site on the opposite side on North Burge Road exists residential development, community facilities, and Lions Park zoned RE1 Public Recreation under GLEP 2014.

Directly south of the site on the opposite side of Brick Wharf is a local park zoned RE1 Public Recreation under GLEP 2014.

Directly west of the site surrounding development comprises one and two storey dwellings, with Woy Woy town centre and commercial precinct and Woy Woy train station located approximately 800m west of the site.

## **THE PROPOSED DEVELOPMENT**

Development Application No. 53119/ 2017 seeks approval for the construction of sixty-three (63) seniors housing independent living units, a new registered club (The Sporties at Woy Woy), five (5) retail tenancies, and a basement carpark and bowling green at 184-186 Brick Wharf Road and 1 North Burge Road, Woy Woy. In detail, development consent is sought for the following:

### Demolition

- Demolition of all existing structures on the site.

### Car Parking

- The basement car park will be accessed from North Burge Road with internal lift and stair access to the residential floors.
- One hundred and thirty six (136) basement car parking spaces are proposed, including 9 accessible spaces and 18 visitor spaces.

### The Sporties at Woy Woy

- The proposal will include a bistro, auditorium, entertaining areas, deck and a bowling green at the basement level.
- The registered club will be accessed from North Burge Road. Internal lift and stair access will be restricted between the ground level club and the 'all-weather' bowling green.



- The redevelopment of the registered club will retain existing trading hours, operating from Monday to Sunday from 5.00am to 12.00am. The capacity of each area of the club is outlined below in Figure 3:

Club Area/Facility	Capacity
Entertainment Area	42 Patrons
Outdoor Gaming and Smoking Area	9 Patrons and 9 Gaming Machines
Bar and Lounge Area	50 Patrons
Bistro	84 Patrons
Auditorium	130 Patrons
Outdoor Deck	50 Patrons

**Figure 3: The Sporties at Woy Woy Proposed Capacities**

#### Residential Accommodation

- The proposal includes 63 independent living units for the purpose of seniors housing. The proposal provides 2 bedroom, 3 bedroom, sub penthouse and penthouse units (refer to Figure 4 and 5).
- Residential units will have pedestrian access from street level off both Brick Wharf Road and North Burge Road and lift access from the basement car park to residential floors (refer to Figure 5 and 6).
- The proposed unit mix is provided in Figure 4:

Residential Units (Building A, B, and C)			
	1 bed	2 bed	3 bed
Ground Floor	-	14	-
First Floor	-	16	7
Second Floor	-	9	11
Third Floor	-	-	6
<b>Total Units</b>	<b>0(0%)</b>	<b>39 (62%)</b>	<b>24(38%)</b>

**Figure 4: Proposed Unit Mix**

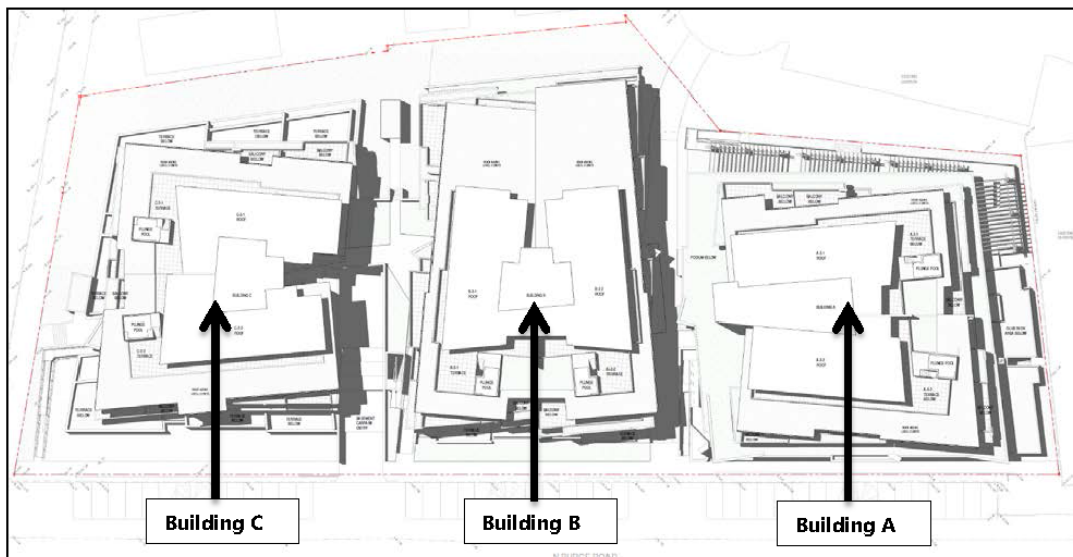
#### Retail

- The proposal includes five (5) retail tenancies and associated bathrooms. The trading hours of the retail premises are as follows: -
  - Monday: 11am – 7.30pm
  - Tuesday: 10am – 9pm;
  - Wednesday: 8.30am – 8.30pm;
  - Thursday and Friday: 10am – Midnight;
  - Saturday: 9am – Midnight; and
  - Sunday: 8.30am – 8pm.
- Retail tenancies and associated bathrooms will be accessed via the boardwalk fronting Lions Park.



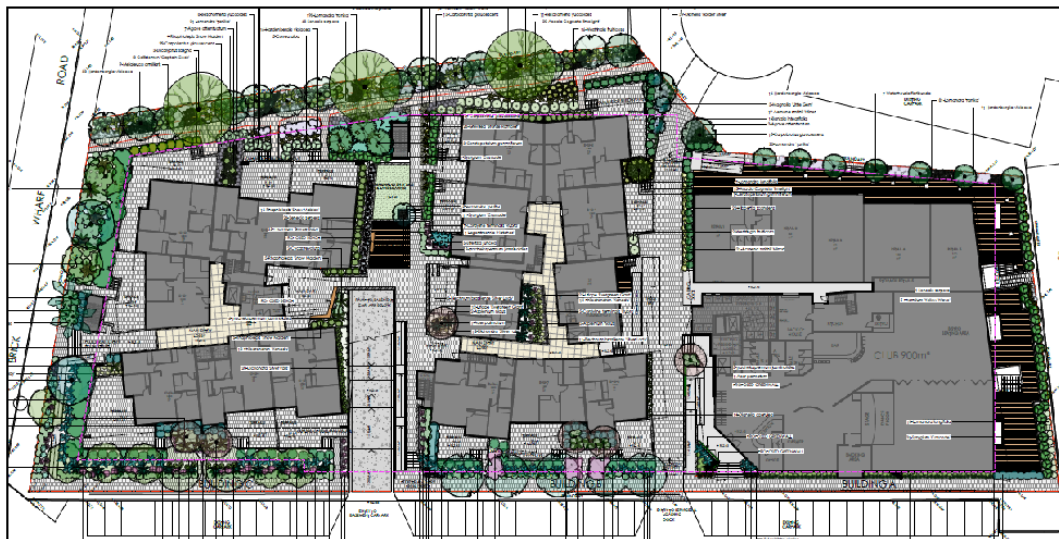
### Overall Development

- Proposed dedication of a strip of land to provide a footpath along North Burge Road adjacent to the on street car parking.
- The proposal is located within three (3) main building envelopes as demonstrated in Figure 5:



**Figure 5: Proposed Site Plan**

- Landscaping for the whole of the site is proposed in accordance with the landscape plan accompanying the development application (refer to figure 6):



**Figure 6: Proposed Landscaping Plan (ground level)**



- A summary of the proposed development is provided in Figure 7.

	Building A	Building B	Building C
<b>Ground Floor</b>	<ul style="list-style-type: none"> <li>• Woy Woy Sporties, club facilities, deck and landscaped areas</li> <li>• 5 retail tenancies</li> <li>• Bathrooms</li> <li>• Loading area</li> <li>• Lift and stair access</li> </ul>	<ul style="list-style-type: none"> <li>• 7 x 2 bedroom units</li> <li>• Fishing club</li> <li>• Garbage room with bin carousel</li> <li>• Residents communal lounge</li> <li>• Lift and stair access</li> </ul>	<ul style="list-style-type: none"> <li>• 7 x 2 bedroom units</li> <li>• Garbage room with bin carousel</li> <li>• Lift and stair access</li> </ul>
<b>First Floor</b>	<ul style="list-style-type: none"> <li>• 3 x 2 bedroom units</li> <li>• 4 x 3 bedroom units</li> <li>• Lift and stair access</li> <li>• Garbage chute</li> </ul>	<ul style="list-style-type: none"> <li>• 8 x 2 bedroom units</li> <li>• 1 x 3 bedroom units</li> <li>• Lift and stair access</li> <li>• Garbage chute</li> </ul>	<ul style="list-style-type: none"> <li>• 5 x 2 bedroom units</li> <li>• 2 x 3 bedroom units</li> <li>• Lift and stair access</li> <li>• Garbage chute</li> </ul>
<b>Second Floor</b>	<ul style="list-style-type: none"> <li>• 2 x 2 bedroom units</li> <li>• 2 x 3 bedroom units</li> <li>• 2 x sub penthouses</li> <li>• Lift and stair access</li> <li>• Garbage chute</li> </ul>	<ul style="list-style-type: none"> <li>• 4 x 2 bedroom units</li> <li>• 2 x 3 bedroom units</li> <li>• 2 x sub penthouses</li> <li>• Lift and stair access</li> <li>• Garbage chute</li> </ul>	<ul style="list-style-type: none"> <li>• 3 x 2 bedroom units</li> <li>• 1 x 3 bedroom units</li> <li>• 2 x sub penthouses</li> <li>• Lift and stair access</li> <li>• Garbage chute</li> </ul>
<b>Third floor</b>	<ul style="list-style-type: none"> <li>• 2 x penthouses</li> <li>• Lift and stair access</li> <li>• Garbage chute</li> </ul>	<ul style="list-style-type: none"> <li>• 2 x penthouses</li> <li>• Lift and stair access</li> <li>• Garbage chute</li> </ul>	<ul style="list-style-type: none"> <li>• 2 x penthouses</li> <li>• Lift and stair access</li> <li>• Garbage chute</li> </ul>
<b>Basement</b>	<ul style="list-style-type: none"> <li>• 136 total car spaces;</li> <li>• 8 rink 'all weather' bowling green;</li> <li>• Caretaker/storage room;</li> <li>• Cleaners room;</li> <li>• Mechanical plant room; and</li> <li>• Lift and stair access to residential levels.</li> </ul>		

**Figure 7: Summary of the proposed development**

- Photomontages of the proposal, viewed from various locations surrounding the site:



**Figure 8: Photomontage (Lions Park perspective)**





**Figure 9: Photomontage (in a northerly direction from the corner of North Burge Road and Brick Wharf Road, Way Way)**



**Figure 10: Photomontage (in a northerly direction from North Burge Road, Way Way adjacent to proposed new club entrance)**

## HISTORY

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

- DA 45969/2014 for alterations and additions to the Way Way Bowling Club including the construction of six (6) restaurant tenancies was approved on 16 December 2014 with a lapsing date on 16 December 2019. DA 45969/2014 has not commenced in accordance with s.4.53 of the *Environmental Planning and Assessment Act 1979*.



- DA 52491/2017 proposing Seniors Housing (87 Units), a new club building, 5 retail tenancies, and the demolition of existing structures was received by Council on 19 July 2017.

In accordance with cl.50 (2A) of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) DA 52491/2017 was required to be accompanied by a Site Compatibility Certificate issued by the Department of Planning and Environment. Clause 24 (3) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (SEPP HSPD) states the following: -

3) Nothing in this clause:

(a) prevents a consent authority from:

- (i) granting consent to a development application to which this clause applies to carry out development that is on a smaller (but not larger) scale than the kind of development in respect of which a site compatibility certificate was issued.

Upon lodgement of DA 52491/2017, Council staff raised concern with the scale of the development proposed in accordance with cl. 24(3) of SEPP HSPD. The Department of Planning and Environment, in issuing the required Site Compatibility Certificate, confirmed that the terms of the determination granted, applied to a smaller scaled development than that which was proposed under DA 52491/2017. In view of the above, DA 52491/2017 was withdrawn by the applicant.

In addition, the applicant was advised to address the terms of the determination granted within the Site Compatibility Certificate. Alternatively, the applicant could apply to the Department of Planning and Environment for a new Site Compatibility Certificate to more accurately reflect the proposal as sought in accordance with DA 52491/2017.

- Development Application No. 53119/2017 was lodged with Council on 16 October 2017, accompanied by a Site Compatibility Certificate. A summary of Council's and the applicant's actions post lodgement are provided in **Attachment 9**.

#### **s. 4.15 (1)(d) of the EP & A Act: Consultation**

##### Public Consultation

The development application was notified in accordance with Chapter 7.3 Notification of Development Proposals of Gosford Development Control Plan 2013 (GDGP 2013) from 26 October 2017 until 16 November 2017. Following confirmation from Water NSW that the proposal was integrated development, the notification period was extended from 9 November 2017 until 11 December 2017 in accordance with Division 7 Public Participation – other advertised development of the *Environmental Planning and Assessment Regulation 2000* (Clauses 86-91).

A total of 94 submissions were received. The issues raised in the submissions are discussed below:-



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***Outdoor recreational community facilities comprising 3 outdoor bowling greens and suitable access for the local Fishing Club, will be lost as a result of this development.***

Comment:

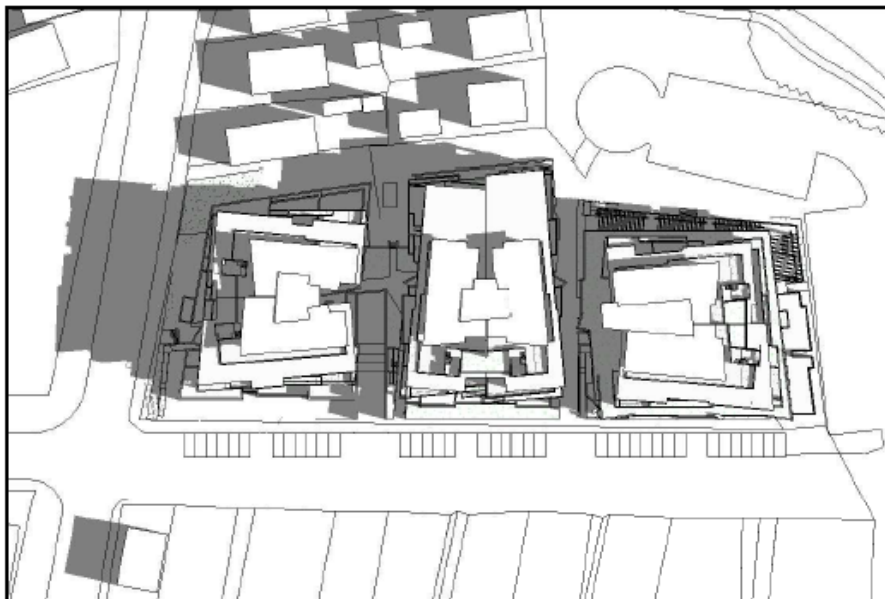
The Sporties at Woy Woy is a registered club within Clubs NSW. The provision of these facilities are at the discretion of the Club.

***The development will negatively impact the amenity of residents in the adjoining streets as well as recreational visitors by creating significant shadowing impacts.***

Comment:

Shadow diagrams during the winter solstice, the summer solstice and equinox were submitted with the development application. A review of these shadow diagrams indicates that any shadows cast by the proposed development will not impact surrounding public recreational land.

The shadows cast by the proposed development during the winter solstice on 22 June are discussed below (refer to figures 11-13).



**Figure 11: Winter Solstice, 22 June, 9am**

At 9am during the winter solstice on the 22 June, shadows cast by the proposed development will fall upon the sites western landscaped setback and will encroach to a minor extent into the residential properties located at No. 180 Brick Wharf Road and No. 182 Brick Wharf Road, Woy Woy. However, no objection is made as the usability and livability of the affected areas will not be unreasonably compromised. Furthermore, no window openings within these two adjoining

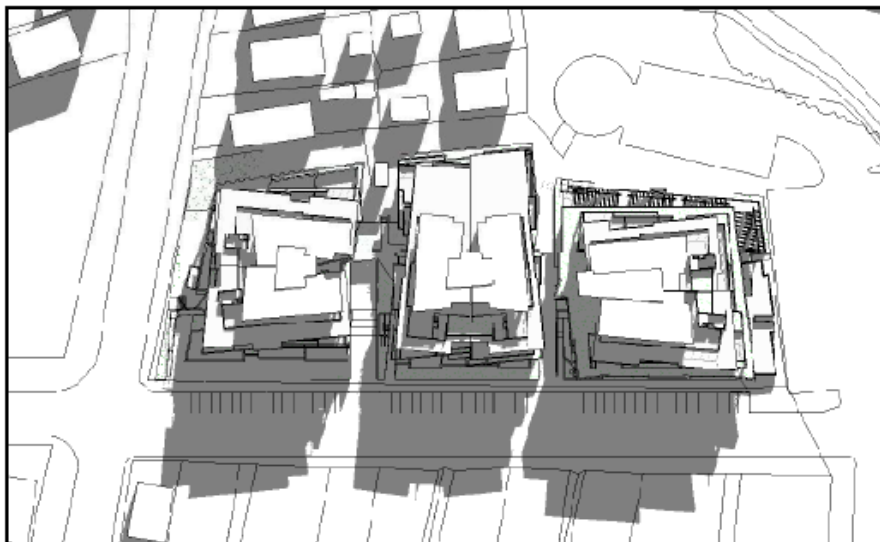


residential properties will be affected by any additional loss of solar access associated with the proposal.



**Figure 12: Winter Solstice, 22 June, Midday**

At midday during the winter solstice on the 22 June, all additional shadow cast by the development will fall within the subject site and adjacent roadways. In this regard, no objection is made.



**Figure 13: Winter Solstice, 22 June, 3pm**



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At 3pm during the winter solstice on the 22 June, additional shadows cast by the development will impact North Burge Road and nine (9) residential properties located on the eastern side of North Burge Road, Woy Woy. Despite this, no objection is made given the impacted outdoor areas of these properties will retain unaffected solar access between 9am and approximately 2pm during the winter solstice. In addition, the areas impacted by shadows cast by the proposal do not comprise principal outdoor open spaces. The impacted areas are predominantly used for car access and accommodation. It is also acknowledged that during the summer solstice and equinox these nine residential properties on the eastern side of North Burge Road, Woy Woy will remain unaffected in terms of overshadowing caused by the proposed development.

In view of the above considerations, Council staff raise no objection with the shadows cast by the proposed development.

***The DA is out of keeping with the intended recreational use of the land.***

Comment:

The site is located within the RE2 Private Recreation zone (No. 186 Brick Wharf Road and No. 1 North Burge Road, Woy Woy) and R2 Low Density Residential zone (No. 184 Brick Wharf Road, Woy Woy) under GLEP 2014.

Whilst the provision of a registered club and community facilities are permissible with development consent in the RE2 Private Recreation zone within GLEP 2014, seniors housing and retail facilities are prohibited. The proposed development comprising seniors housing on No. 186 Brick Wharf Road and No. 1 North Burge Road, Woy Woy is permissible by virtue of the provisions of clause 4 (1) of the SEPP HSPD which provides the policy applies to land being used for the purposes of an existing registered club. The applicant was advised of the prohibition on the site relating to the 5 retail premises proposed however to date this issue remains unresolved.

The provision of seniors housing at No. 184 Brick Wharf Road, Woy Woy is permissible with development consent in that the land is zoned R2 Low Density Residential zone under GLEP 2014.

***The DA is out of character with the area.***

Comment:

The subject site is within the Woy Woy Character Statement No. 14 Community Centres and Schools of Gosford Development Control Plan 2013 (GDCP 2013).

The overall design of the development is structured as a compound of separate pavilions. The pavilion style buildings are surrounded by deep soil planting on the boundaries and open space within the site that is consistent with maintaining landscaping and green space. The development includes a higher density of residential development than that existing in the area. However, it is considered the transition between neighbouring development and the proposed



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development is acceptable. The use of landscaping on boundaries and roof areas of the proposal enhances the scenic quality of the area.

Overall the development does not propose a bulk and scale that will adversely affect the scenic quality of the area. Furthermore, views will be maintained around and through the site.

***The height and floor space ratios proposed are significantly higher than the surrounding low density residential area.***

Comment:

The subject development application relates to 3 parcels of land at No. 184 Brick Wharf Road, No. 186 Brick Wharf Road and No. 1 North Burge Road, Woy Woy. The parcels are zoned both R2 Low Density Residential and RE2 Private Recreation under GLEP 2014.

No. 184 Brick Wharf Road, Woy Woy is zoned R2 Low Density Residential under GLEP 2014 and has a height limit of 8.5m and a maximum floor space ratio of 0.5:1. The remaining 2 properties have no maximum height or floor space ratio under GLEP 2014.

The Statement of Environmental Effects, prepared by Barker Ryan Stewart, dated October 2017 accompanying the development application, does not adequately consider the relevant development standards for No. 184 Brick Wharf Road, Woy Woy being that it is located in the R2 Low Density Zone under GLEP 2014.

To date, this issue remains unresolved. The proposal cannot be supported in that insufficient information has been provided to enable further assessment to occur with regard to this issue.

***During the construction phase there are concerns regarding the movement of heavy vehicles, the parking of tradesman vehicles the noise associated with the works and increase in traffic.***

Comment:

Any proposal of this scale would result in temporary construction traffic however a condition of development consent requiring a Construction Traffic Management Plan (CTMP) including a Vehicle Movement Plan and Traffic Control Plan would address this concern if the proposal was to be approved.

***Neighbouring residents as well as the proposed new residents occupying the development will be affected by noise caused by the club and retail premises.***

Comment:

An Environmental Noise Assessment Report, prepared by Day Design Pty Ltd, dated 25 August 2017, accompanies the development application. The nearest residential receptors identified as being potentially affected by noise associated with the development are located to the east, on the opposite side of North Burge Road and adjacent to the sites western boundary (figure 14):



- No.'s 6 - 36 North Burge Road, Woy Woy, east of the site (R2 Receptor); and
- No.'s 180 -182 Brick Wharf Road, Woy Woy, located west of the site (R3 Receptor).



**Figure 14: Identification of Noise receptors**

The predicted noise levels from the proposed development exceed noise criteria throughout the day and night and therefore require noise controls measures that are detailed in Section 7 of the Environmental Noise Assessment Report, prepared by Day Design Pty Ltd, dated 25 August 2017. Several controls measures recommended in their report include:

- Administrative noise management controls to be adopted by the operators of the clubs and retail tenancies.
- The provision of sound barrier walls constructed of either clear toughened glass or polycarbonate/perpsex in the following locations (see figure 15):
  - 1.8m high sound barrier wall on the eastern boundary of the Club deck area;
  - 2.1m high sound barrier wall on the southern and western boundaries of the boardwalk.





**Figure 15: Location of sound barrier walls**

If the required noise control measures detailed in Section 7 of the Environmental Noise Assessment Report, prepared by Day Design Pty Ltd, dated 25 August 2017 are implemented, the predicted noise levels will be compliant.

The visual impact associated with providing the abovementioned sound barrier walls when viewed from Lions Park and surrounding residential properties has not been assessed as these built elements have not been detailed on the submitted elevation architectural plans supporting the development application. Given the concerns raised by Council staff relating to flooding and permissibility, the applicant was not requested to address this issue.

**Verification that seniors will occupy the units.**

Comment:

Should the matter be determined by way of approval, a condition of development consent would be imposed by way of a restriction as to user, registered on the title of the property, in accordance with s.88E of the *Conveyancing Act 1919*, limiting the use of any accommodation to which the development application relates to seniors or people who have a disability, people



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who live within the same household with seniors or people who have a disability, and staff employed to assist in the administration of and provision of services.

***The infrastructure on the Peninsular, especially stormwater requires upgrading and there are questions as to whether or not the current infrastructure can cope with the development.***

Comment:

The development application is accompanied by Stormwater Management Reports and Plans, prepared by Barker Ryan Stewart, dated 6 July 2017 and 11 October 2017. Council's Development Engineer has reviewed these documents and raises no objection for the following reasons:

- The proposal doesn't include any provision for on-site detention. Given the location of the site in relation to Brisbane Water, the proposal is exempt from complying with these requirements. This rationale is considered reasonable and has been previously applied to numerous developments located in the lower catchment areas.
- On site retention of 80 cubic metres or 80,000 litres of rainwater to be used for outdoor irrigation, toilets flushing and laundry use is proposed.
- The proposed discharge of the surcharge stormwater flows from the internal stormwater system into Council's piped stormwater system located at the intersection of North Burge & Brick Wharf Road is supported based on the condition of Council's existing infrastructure.

***The site is not suitable for seniors housing given the flood associated constraints associated with the development application.***

Comment:

As detailed throughout this report, the proposal has been assessed and is not considered suitable due to the flood constraints of the site. The site is considered unsuitable for seniors living housing.

***The permissibility of the development is questionable regarding the site compatibility certificate issued by the Department of Planning and the Environment.***

Comment:

The proposed development pertaining to the provision of seniors housing is permissible by virtue of cl. 4 (1) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (SEPP HSPD) which states that the policy applies to land being used for the purposes of an existing registered club.

Having regard to cl.24(2) of SEPP HSPD, Council considers the Director General has not certified that the site is suitable for a more intensive development.



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Having regard to cl.24(3)(i) of SEPP HSPD, it is concluded the proposed development is of a larger scale than the development considered by the Department of Planning and Environment in issuing the Site Compatibility Certificate, consequently removing the consent authorities ability to approve the development application. The applicant was advised of this issue in correspondence dated 10 November 2017.

Having regard to the requirements of cl.24(3)(ii) of SEPP HSPD it is considered the proposed development is not compatible with the surrounding environment in that the applicant has been unable to adequately demonstrate how residents within the development can be safely evacuated during extreme weather events and projected changes as a result of climate change.

In view of the above considerations, the proposal is recommended for refusal.

***Traffic and parking concerns associated with the proposed development.***

Comment:

The development application is not supported by Council's Traffic and Transport Planner on transport engineering grounds due to its adverse impact on surrounding carparks off North Burge Road. Furthermore, the proposed driveway access point from North Burge Road could potentially result in an unacceptable loss of the existing shuttle bus and taxi set-down area.

The development application is not supported by Council's Landscape and Recreation Planner in that the adjacent public car park, as well the on-street car parking in North Burge Road will negatively impact community use of these facilities.

The Traffic and Parking Impact Assessment Report, prepared by Barker Ryan Stewart, dated October 2017, identifies the proposed access into the development will be via two new driveways on North Burge Road, one being 6.2m wide servicing the basement and the other being 4m wide providing access for approved vehicles and the loading dock. The internal shared road servicing the loading dock waste collection areas will terminate at a third driveway leading to Lions Park.

The Traffic and Parking Impact Assessment Report, prepared by Barker Ryan Stewart, dated October 2017, identifies a small rigid vehicle (delivery vehicle) would be able to enter and leave the site in a forward direction via the proposed internal road way which services the loading dock, exiting to the cul-de-sac of the rear car park. Waste collection will also be via the restricted access internal road way. The swept path plans provided for this access way confirm that a medium rigid vehicle can successfully enter and exit the site in a forward direction from North Burge Road, through the site to the Lions Park. However, evidence has not been provided demonstrating Council's 10.5m contracted waste vehicle is able to exit the site without impinging on traffic flow in the cul-de-sac as required by Australian Standard 2890.2-2002. In addition, the Traffic and Parking Impact Assessment Report, prepared by Barker Ryan Stewart, dated October 2017, did not address the level of traffic generation associated with this internal access way.



In addition to the above concerns, Lions Park located directly north of the site is Crown land, and is vested under the control of Council. The use of the adjoining Crown reserve as a vehicular egress point for the development will not ensure the land is managed in accordance with the objectives of the RE1 Public Recreation Zone contained within GLEP 2014.

***Light pollution from the development.***

Comment:

Concern is raised with the potential light spillage from the outdoor areas of the club, the retail areas, the front entry area of the club and the number of window and door opening serving the eastern and western elevations of the proposal. It is considered these elements may adversely impact upon the amenity of the neighbouring residents. Insufficient information has been provided so as to demonstrate the development results in an acceptable impact to adjoining residential properties with regard to light spillage. Given the concerns raised by Council staff relating to flooding and permissibility, the applicant was not requested to address this issue.

***Is part of the site Council-owned land?***

Comment:

No. 1 North Burge Road, Woy Woy (Lot 369 DP 755251) is owned by Woy Woy Holdings Pty LTD ACN 105 112 374. The land was transferred to the current owner by The State of New South Wales on 19 June 2015. Council has or had no relationship with Lot 369 DP 755251.

***The proposed development will devalue surrounding properties.***

Comment:

This concern is speculation and is not a matter for consideration under Section 4.15 of the EP & A Act. There is no evidence to substantiate this claim.

***Concern is raised with the inclusion of retail premises.***

Comment:

The provision of 5 retail premises is not a permissible use within the RE2 Private Recreation zone under GLEP 2014. However, kiosks, restaurants and cafes are permissible in the RE2 Private Recreation zone. The applicant was advised of this concern on 8 January 2018. To date, Council has not received a formal response to this issue.



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***The developer's application identifies that the existing bowling club requires 60 car parking spaces and currently has no onsite parking. There is 43 angle parking spaces in North Burge Rd. Such offsite parking is not reserved for the use by club patrons and should be disregarded in the parking assessment.***

Comment:

The existing registered club does not provide any parking facilities on site to accommodate patrons.

Forty three (43) on street car parking spaces exist in North Burge Road, directly adjacent to the eastern site boundary. The Traffic and Parking Impact Assessment Report, prepared by Barker Ryan Stewart, dated October 2017 states: *'The Club is currently serviced by 43 on street car parking spaces adjacent to the site in North Burge Road.'*

A review of Council files indicates no lease or any agreement at this location for the use of on street parking to benefit the existing bowling club located on the site.

The development application proposes the continued use of on street car parking which is not supported given the lack of on-site parking proposed. The proposed development provides 136 on site car parking spaces, a shortfall of 188 car parking spaces and a 58% variance to that required under GDCP 2014 having regard to the residential and club uses only.

***The Geotechnical Report accompanying the development application does not address the proposed excavation.***

Comment:

This submission refers to the Geotechnical Report, prepared by Positive Fix Pty Ltd, dated October 2014 that accompanied DA 45969/2014 for alterations and additions to the Woy Woy Bowling Club including the construction of six (6) restaurant tenancies.

The subject development application is not accompanied by a geotechnical assessment.

Public Authority Consultation

- Water NSW

Water NSW has advised the proposed development requires a water supply work approval under s.90 of the *Water Management Act 2000*. If granted, the approval will be subject to the terms and conditions of the *Water Sharing Plan for the North Coast Coastal Sands Groundwater Sources 2016*.

On 27 February 2018, the applicant was requested to provide additional information at the request of Water NSW. To date, this additional information has not been received by Council to enable further assessment to occur.



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- NSW Police

The application was referred to the NSW Brisbane Water Local Area Command (BWLAC). No comment has been provided by BWLAC.

- AUSGRID

The application was referred to AUSGRID, where no objection was raised subject to recommended conditions.

#### Internal Consultation

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

- Architect

The development application has been assessed by Council's Architect where no objection was raised subject to additional information relating to landscaping in North Burge Road and potential noise mitigation measures.

- Development Engineer

The development application is not supported by Council's Development Engineer due to issues associated with flooding.

The issues raised by Council's Development Engineer have not been addressed to date.

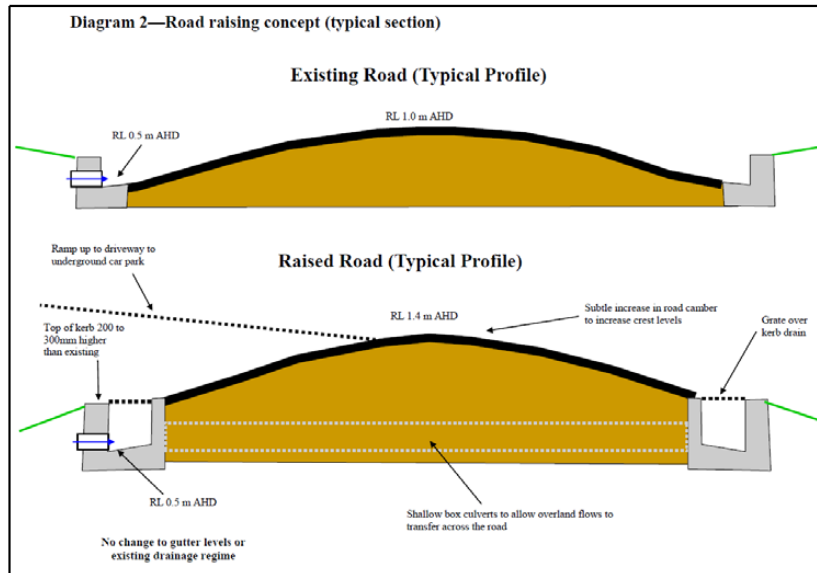
- Waterways and Coastal Protection

On 6 April 2018, Council received advice from EMM Consulting with regard to a potential solution for flood evacuation. The proposed concept involved the raising of Brick Wharf Road and was referred for review to Council's Flood and Drainage Engineers. A detailed assessment of the proposal by Council's Waterways and Coastal Protection Division concluded the following:

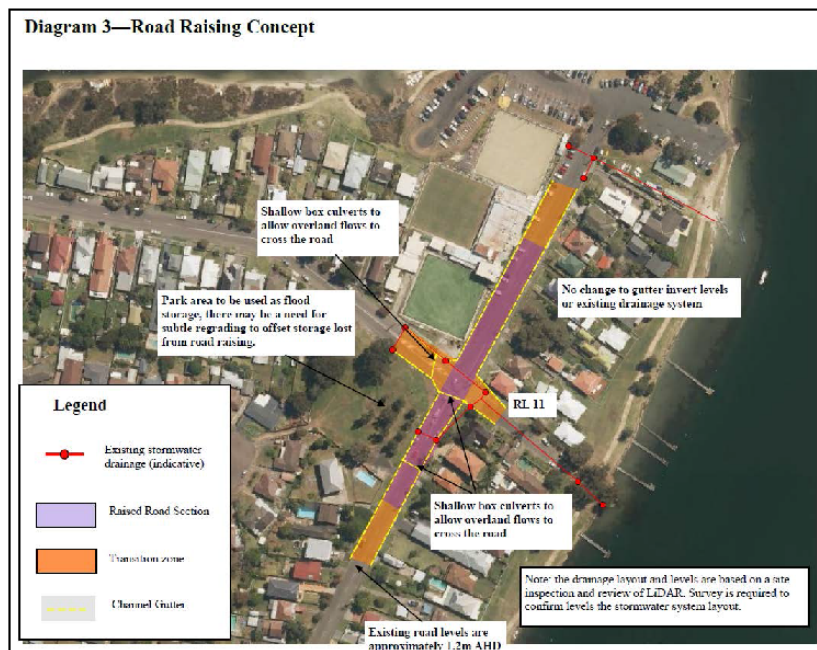
- The proponent's engineer advocates for the road crown to be potentially raised by 0.4m to RL1.4m relative to the Australian Height Datum (AHD), with the gutter levels remaining unchanged (refer to Figure 16 and 17).
- Raising the road crown to RL1.4m AHD would increase the average cross fall to 15%, which is not safe. Therefore, the proposal to retain existing kerb & gutter is not feasible.
- The road levels would need to be raised to a minimum of 2.67m AHD to account for the probable maximum flood (PMF) in 2100 (1.93m + 0.74m). This is not feasible.
- Road-raising could possibly be considered in the context of an overall adaption strategy for this whole northern part of Woy Woy, where all land and infrastructure is raised to a safe level. But such a strategy does not exist at present.
- Even if a wide-scale land raising strategy was adopted for this part of Woy Woy then it would still not be appropriate for sensitive and vulnerable development types such as seniors housing, given that safe access and evacuation is required up to the PMF.



- The existing road cannot be raised to support the proposed development.



**Figure 16: Road raising concept**



**Figure 17: Road raising concept**



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- Traffic and Transport Planner

The development application is not supported by Council's Traffic and Transport Planner on transport engineering grounds due to its adverse impact on surrounding carparks off North Burge Road. Furthermore, the proposed driveway access point from North Burge Road could potentially result in an unacceptable loss of the existing shuttle bus and taxi set-down area.

No information has been provided by the applicant to address these concerns.

- Environmental Health Officer

Council's Environmental Health Officer has advised that the information supporting the development application does not adequately address food preparation areas within the clubs bistro or retail spaces. However, should the development application be determined by way of approval, the fitout of any food premises can be addressed by the imposition of appropriate conditions. In this instance, no further objection is made.

- Liquid Trade Waste

The development application has been considered by Council's Liquid Trade Waste Officer, where additional information was identified as being required pertaining to hydraulic detail associated with liquid trade waste and commercial areas, drainage associated with the garbage room and on site vehicle washing. No further information has been provided by the applicant to address these concerns.

- Waste Services (Garbage)

The development application has been considered by Council's Waste Services Division, where additional information was identified as being required in relation to the design of the proposed waste facilities. No further information has been provided by the applicant to address these concerns.

- Water and Sewer

The development application has been considered by Council's Water and Sewer Division, where no objection was raised subject to recommended conditions.

- Landscape and Recreation Planner

The development application is not supported by Council's Landscape and Recreation Planner in its current form due to several impacts on adjacent public areas and the ability of those areas to perform the core public purpose for which they are reserved and developed.

There is an unacceptable impact on the adjacent public car park and boat and trailer parking. The two double boat ramps existing in Lions Parks generate a need for a minimum of 20 spaces per ramp (NSW Boat Ramp Facility Guidelines 2015) which is equivalent to 40 spaces. The existing provision is 25 marked spaces and approximately 10 unmarked angle spaces. The



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current car parking facilities within Lions Park are inadequate for trailer parking demand in busy periods as it serves the southernmost ocean access ramp.

The Traffic and Parking Impact Assessment Report, prepared by Barker Ryan Stewart, dated October 2017, incorrectly assumes the existing car and trailer parking in Count areas D, G and I, as available for car parking to serve the new development with a capacity of 39 spaces. It is likely that shoppers and family visitors will park in the trailer spaces. This is compounded by holiday and weekend demand for parking to serve Lions Park. In addition, the traffic counts provided are not current, being 3 years old.

In correspondence dated 10 November 2017, the applicant was requested to address these matters. The applicant advised that this information would be addressed once issues associated with flooding were adequately resolved. The applicant has been advised in correspondence dated 7 May 2018 that the development application is to be determined on the submitted information and no further information has been provided by the applicant.

- Social Planner

Council's Social Planner recommended the applicant provide further consideration as to the social impact of the proposed development. No further information has been provided by the applicant to address this request.

#### **ECOLOGICALLY SUSTAINABLE PRINCIPLES**

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

The applicant has failed to address from a floodplain risk management perspectives, the need for safe access and evacuation by vehicle with regard to the current tide predictions for Woy Woy, the need for which will increase for future generations.

#### **CLIMATE CHANGE**

The potential impacts of climate change on the proposed development have been considered by Council as part of its assessment of the development application having regard to the former Gosford City Council's Climate Change Policy and the following policy commitment statement:

*'Prepare, implement and review plans and strategies inclusive of consideration of risk from future sea level rise, and address the issue of, how to beneficially use coastal areas while recognising the long term need to protect, redesign, rebuild, elevate, relocate or retreat as sea levels rise.'*

The assessment undertaken in this report 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, flood and coastal erosion; as well as how the proposed development may cope, combat, withstand these potential impacts. The proposed development is considered unsatisfactory in relation to climate change in that the applicant has failed to



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address from a floodplain risk management perspectives, the need for safe access and evacuation by vehicle with regard to the current tide predictions for Woy Woy, the need for which will increase for future generations.

## **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 the panel's information. Any tables relating to plans or policies are provided as an attachment.

### **s. 4.15 (1)(a)(i) of the EP & A Act: Provisions of Relevant Instruments/ Plans/ Policies:**

#### *Environmental Planning and Assessment Regulation 2000*

In accordance with cl.50 (2A) of the *Environmental Planning and Assessment Regulation 2000*, the development application is required to be accompanied by a Site Compatibility Certificate (SCC) issued by the Department of Planning and Environment. On 16 October 2017, the development application was lodged with Council, accompanied by a SCC.

#### *Water Management Act 2000*

In order to protect legitimate water users and the environment, the Department of Primary Industries (Water) (DPI Water) and Water NSW monitors and enforces compliance with the Water Management Act 2000 (Water Management Act) and the Water Act 1912 (Water Act). The Water Act is being progressively repealed and replaced by the Water Management Act. Water use approval, water management approval or activity approval under Part 3 of Chapter 3 of the *Water Management Act 2000* may be required, and the development application was referred to NSW Water.

In correspondence received at Council on 22 February 2018, Water NSW advised Council that the primary matters of concern are dewatering plus any potential impact on the groundwater source. Water NSW requested a Geotechnical Report which details the geotechnical and hydrogeological conditions to determine whether or not General Terms of Approval (GTA) are required.

On 27 February 2018, the applicant was requested to provide the above-mentioned additional information. To date, this additional information has not been received at Council to enable further assessment to occur.



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Crown Land Management Act 2016

The internal shared road servicing the loading dock waste collection area will terminate at a third driveway leading to Lions Park, which is identified as a Crown Reserve (refer to Figure 18 and 19).

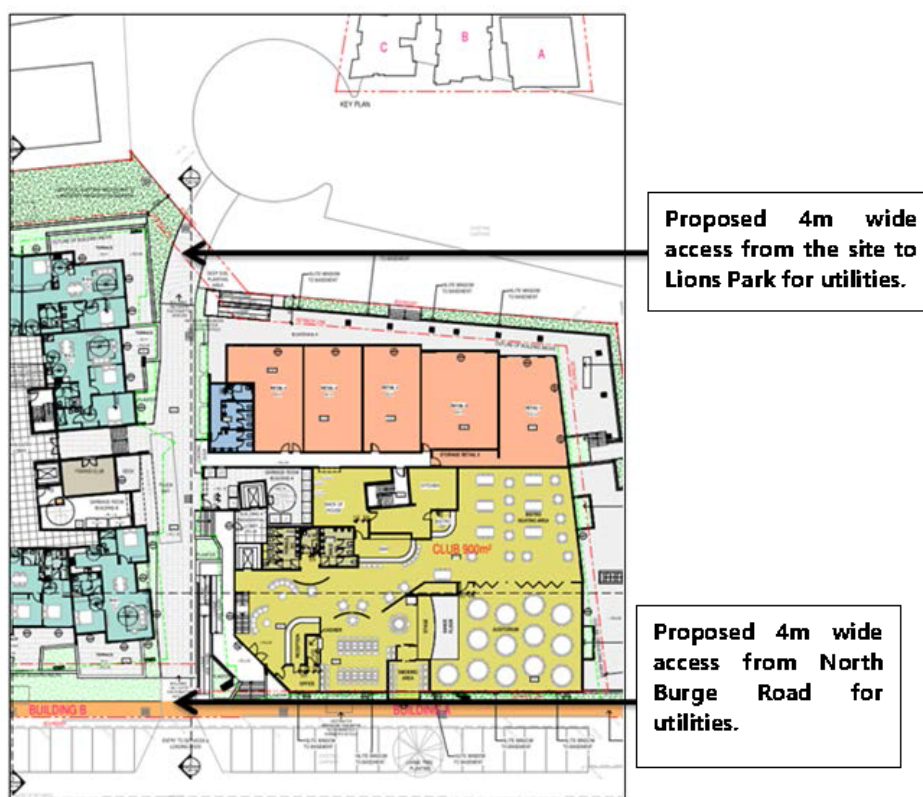
The Traffic and Parking Impact Assessment Report, prepared by Barker Ryan Stewart, dated October 2017, identifies a small rigid vehicle (delivery vehicle) would be able to enter and leave the site in a forward direction via the internal road way which services the loading dock, exiting to the cul-de-sac of the rear car park. Waste collection will also be via the restricted access internal road way.

The Minister for Lands and Water, as owner of the Lot 7303 in DP: 1162281, has not granted landowner's consent for lodgement of a development application required under the *Environmental Planning and Assessment Act 1979*. Furthermore, neither a license nor easement over Crown Land in accordance with the Crown Lands Act has been sought.



**Figure 18: Crown land surround the site (shown hatched in red)**





**Figure 19: 4m wide access for approved vehicles for utilities**

On 1 July 2018, the *Crown Lands Management Act 2016* (Crown Land Act) commenced, which transfers management of Crown reserves to the *Local Government Act 1993* (LGA 1993).

Council cannot consent to the vehicular egress junction associated with the proposed development for a private benefit without reclassifying Lions Park to Operational Land. Lions Park will not be classified as Operational Land. Lions Park will be classified as Community Land based upon its original purpose of public recreation.

The transitional arrangements under the Crown Land Act do allow for a period to develop Plans of Management or reclassification arguments for existing arrangements, but not new arrangement such as is currently proposed. The Crown Lands Act will follow the process of LGA 1993 in regard to the classification, categorisation and management of land.

Utilising the adjoining Crown reserve as a vehicular egress point for the development will not ensure the land is managed in accordance with the objectives of the RE1 Public Recreation Zone contained within *Gosford Local Environmental Plan 2014* and Council's Plan of Management (Community Parks) (Section 1.3 Aim) which provides: -



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- To develop a generic plan of management for Community Parks which complies with the Local Government Act 1993 as part of Council's Land Management Program.
  - To develop a plan which provides guidance for the control of usage, development and maintenance of community parks.

In view of the above considerations, Council cannot support the development application in its current form.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

The development application has been submitted under the provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP HSPD)*. The proposed development is permissible by virtue of the provisions of clause 4 (1) of the SEPP which provides the policy applies to land being used for the purposes of an existing registered club.

Schedule 1 precludes the application of SEPP HSPD where the land is identified as being in coastal protection areas, floodway or affected by high hazard flooding. Whilst the site is mapped as being affected by flooding the land is not in a floodway or in high hazard flooding area. The site is mapped under *State Environmental Planning Policy (Coastal Management) 2018* as being in a 'coastal zone, and therefore, land to which Schedule 1 – Environmentally Sensitive Land refers to. Notwithstanding, cl.7 (a) of SEPP HSPD states that land identified under SEPP Coastal Management does not preclude the application of SEPP HSPD.

Under cl. 10 of SEPP HSPD, the proposed development is considered to comprise, in part, seniors housing, being self contained dwellings, which is defined as follows:

*'Seniors housing is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of:*

- a) a residential care facility, or*
- b) a hostel, or*
- c) a group of self-contained dwellings, or*
- d) a combination of these*

*but does not include a hospital.'*

Clause 13(1) of SEPP HSPD additionally defines a self-contained dwelling as:

*'A self-contained dwelling is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.'*



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In September 2007, SEPP HSPD was gazetted and introduced the use of Site Compatibility Certificates (SCCs). A SCC for a new senior's housing development recognises that it is broadly compatible with the surrounding environment and locality, and can now proceed to the lodgement of a development proposal, with the relevant local council. The Department of Planning and Environment in issuing a SCC must consider a series of criteria covering environmental, resources, servicing and infrastructure and local impacts before making a decision.

On 24 January 2017, the Department of Planning and Environment issued a SCC under cl.25(4) of SEPP HSPD, which is provided in **Attachment 8**. However, the Department of Planning and Environment provided the following advice:

*'Noting the requirement in Schedule 2 of the certificate, it is the Department's view that further consideration should be given to the overall building height, bulk and scale of the development, including the number of infill self-care housing units proposed. Further consideration should be given to the visual dominance of the development to the waterfront and street, and the developments interface with residential development, noting the need for the development to be compatible with the surrounding development.'*

On 16 October 2017, the current application was lodged with Council, accompanied by the required SCC. However, Council's Planner raised concern with the scale of the development and how the development is interpreted having regard to cl. 24(3) of SEPP HSPD which states:

*'cl. 24 (3) Nothing in this clause:*

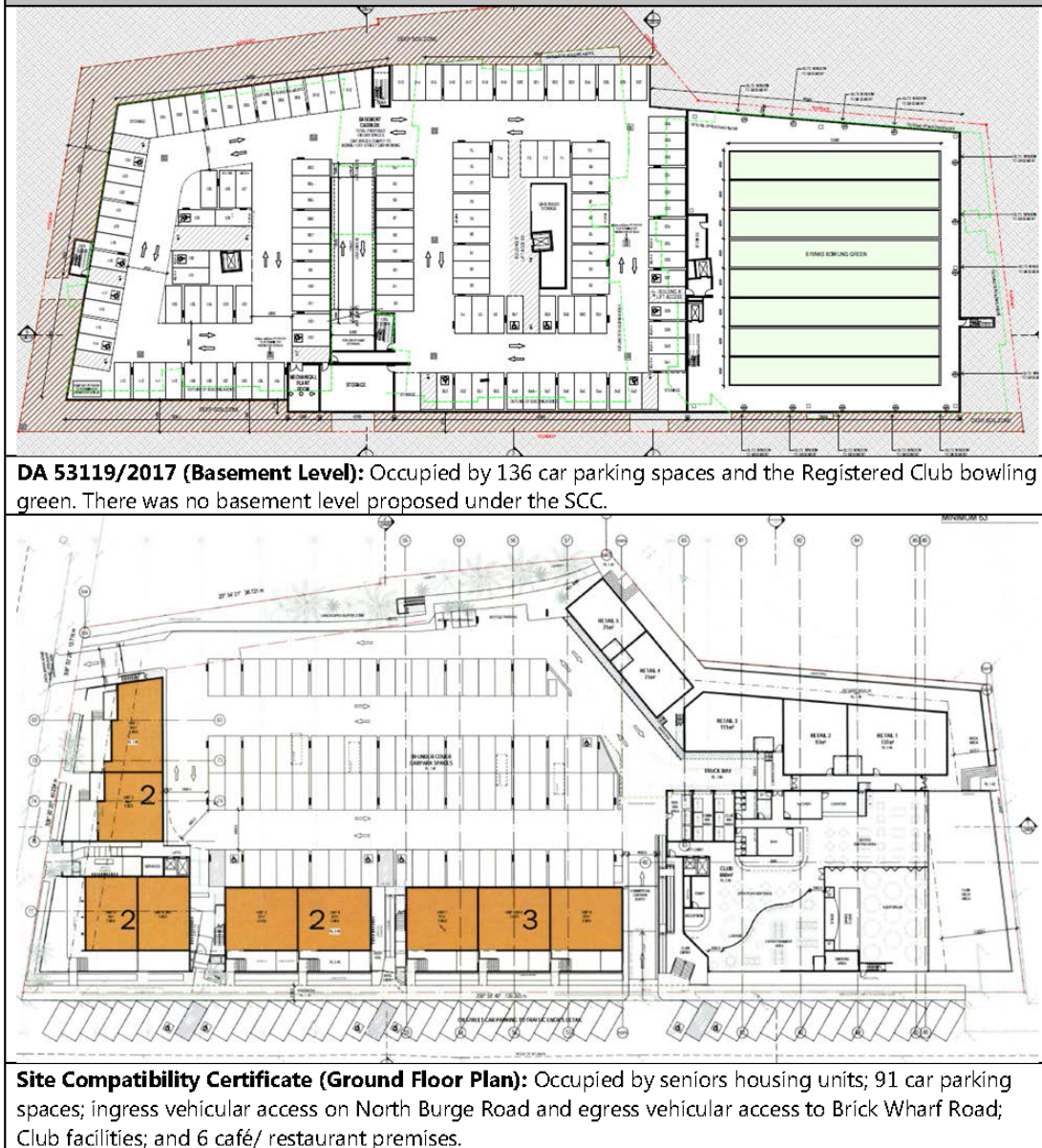
*(a) prevents a consent authority from:*

- (i) granting consent to a development application to which this clause applies to carry out development that is on a smaller (but not larger) scale than the kind of development in respect of which a site compatibility certificate was issued, or*
- (ii) refusing to grant consent to a development application to which this clause applies by reference to the consent authority's own assessment of the compatibility of the proposed development with the surrounding environment.'*

Having regard to the requirements of cl.24(3)(i) of SEPP HSPD, correspondence was forwarded to the applicant on 10 November 2017, advising that in accordance with cl. 24 (3) of SEPP HSPD, the proposed development appears to be of a larger scale than the development considered by the Department of Planning and Environment in issuing the SCC. Whilst the number of self-contained dwellings align with the SCC issued by the Department of Planning and Environment, the built form and envelope of the development has changed at all levels. Furthermore, the SCC issued by the Department of Planning and Environment did not include an excavated level to accommodate car parking and a bowling green. **Refer to Figure 20 for a comparison per level of the two proposals.**



Figure 20 Comparison of DA 53119/2017 and the Site Compatibility Certificate







**DA 53119/2017 (Ground Floor Plan):** Occupied by seniors housing units; ingress vehicular access on North Burge Road and egress vehicular access to Lions Park; Club facilities; and 5 retail premises.



**Site Compatibility Certificate (First Floor Plan):** Occupied by seniors housing units



**DA 53119/2017 (First Floor Plan):** Occupied by seniors housing units





**Site Compatibility Certificate (Second Floor Plan):** Occupied by seniors housing units

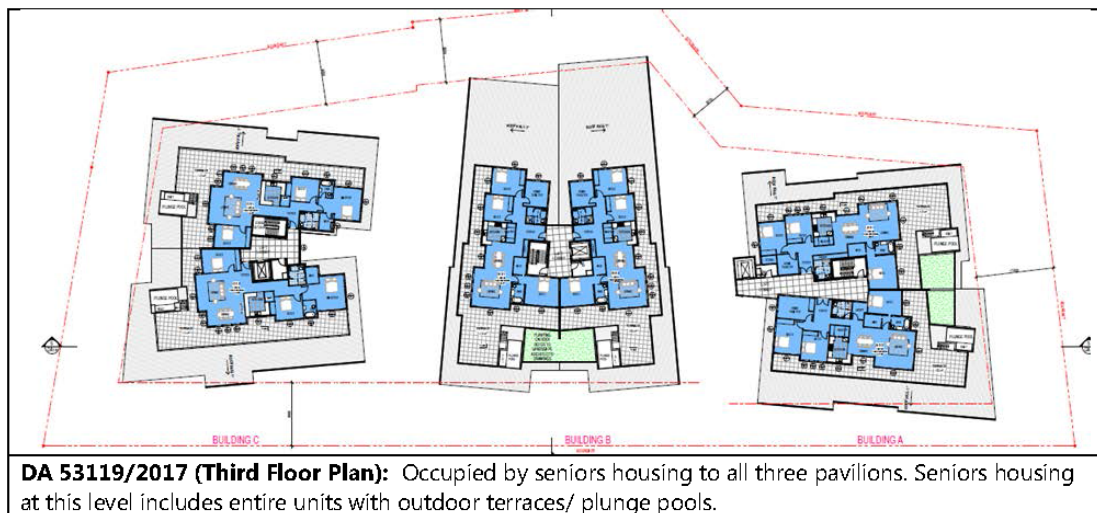


**DA 53119/2017 (Second Floor Plan):** Occupied by seniors housing units.



**Site Compatibility Certificate (Third Floor Plan):** Occupied by access to roof terraces for Building B and C. Building A is occupied by access to the Registered Clubs rooftop bowling green.





A qualitative and quantitative analysis between the development reviewed by the Department of Environment and Planning in issuing the Site Compatibility Certificate and the proposal sought under the current application was requested on 10 November 2017. It was recommended any qualitative and quantitative analysis is supported by legal advice as to the suitability of the subject Site Compatibility Certificate accompanying the subject development application in accordance with cl. 24(3)(i) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

Having regard to cl. 24(2) of SEPP HSPD, Council considers the Director General has not certified that the site is suitable of more intensive development. Therefore, the consent authority must not consent to the development application.

Having regard to cl. 24(3)(i) of SEPP HSPD, it is concluded the proposed development is a of a larger scale than the development considered by the Department of Planning and Environment in issuing the Site Compatibility Certificate, consequently removing the consent authorities ability to approve the development application.

Having regard to the requirements of cl. 24(3)(ii) of SEPP HSPD it is not considered the proposed development is compatible with the surrounding environment in that the applicant has been unable to adequately demonstrate how residents within the development can be safely evacuated during extreme weather events and projected changes as a result of climate change.

Given the above considerations, whilst the provision of seniors housing is permissible under cl.4(1) of SEPP HSPD, it is concluded the SCC accompanying the development cannot be relied upon in this instance and therefore the proposal cannot be supported and the consent authority must not consent to the development application. Furthermore, Council has also not received a written request seeking to justify the contravention of cl. 40(4) of SEPP HSPD in accordance with cl. 4.6(4)(Exceptions to Development Standards) of GLEP 2014 with regard to No. 184 Brick Wharf Road, Woy Woy.



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Despite the concerns identified above, an assessment of all relevant provisions of the SEPP HSPD has been carried out and is provided in **Attachment 3** to ensure the consent authorities own assessment of the compatibility of the proposed development with the surrounding environment is complete in accordance with cl. 24(3)(a)(ii) of HSPD.

*State Environmental Planning Policy (Infrastructure) 2007*

In accordance with cl. 45(2)(b) of *State Environmental Planning Policy (Infrastructure) 2007* (SEPP Infrastructure) the consent authority must give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks.

In accordance with cl. 45(2)(b) of SEPP Infrastructure, the application was referred to Ausgrid. On 6 December 2017, comments were received from Ausgrid where no objection was raised subject to recommended conditions.

*State Environmental Planning Policy 71 – Coastal Protection*

The provisions of *State Environmental Planning Policy (SEPP) No 71 – Coastal Protection* require Council consider the Aims and Objectives of the SEPP together with the matters for consideration listed in Clause 8 of the SEPP when determining a development application within the Coastal Zone. The Coastal Zone is an area defined on maps issued by the NSW Department of Planning & Environment and the subject property falls within this zone.

The site is located wholly within a coastal protection zone under SEPP 71. The proposal has been assessed within the context of the matters for consideration under cl. 8 of SEPP 71 in **Attachment 4**. It is concluded that given the flood associated constraints associated with the development application, the proposal is not considered suitable having regard to cl. 8(d) of SEPP 71.

*State Environmental Planning Policy (Coastal Management) 2018*

SEPP 71 was repealed on the commencement of the State Environmental Planning Policy (Coastal Management) 2018 (SEPP Coast Management) on 3 April 2018. However, cl. 21 of SEPP Coastal Management provides that SEPP 71 continues to apply to a development application lodged but not finally determined before commencement of the Policy. As such, SEPP 71 continues to be a relevant planning provision for this application.

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

The application is supported by a BASIX certificate which confirms the proposal will meet the NSW government's requirements for sustainability, if built in accordance with the commitments in the certificate. The proposal is considered to be consistent with the requirements of *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*.



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State Environmental Planning Policy No 55 – Remediation of Land

Clause 7 of *State Environmental Planning Policy No 55 – Remediation of Land* (SEPP 55) specifically relates to the consideration of contamination and remediation prior to a consent authority granting consent to the carrying out of any development. The site has a history of commercial use and there is no evidence to suggest potential site contamination that would restrict the continued use of the site.

State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development

The proposal satisfies the definition of a residential flat building under SEPP 65. Subclause 30(2)(b) of SEPP 65 provides that the consent authority should take into consideration the design quality of the proposed development. The Design Verification Statement which accompanies the application demonstrates consistency with the design quality principles.

Council's Architect provided advice in relation to the SEPP 65 Design Quality Principles. Council's Architect supports the development application for the following reasons:

- The proposed development is four storeys within a context of one and two storey houses on individual blocks surrounded by gardens. Despite this difference the proposal is considered generally compatible with the existing context.
- The proposed development complies with the setback controls in *The Apartment Design Guide: Tools for improving the design of residential apartment development* (ADG). Adjacent to the development sites western boundary, 6m to 9m building setback are proposed with a 6 metre wide deep soil and landscape zone that will provide screening and a vegetated outlook to and from the development.
- The proposed development is divided into three separate sections, separated by landscaped courtyards. The use of pavilions creates views through the development further reducing the visual bulk when viewed from the street.
- The use of projecting planters and a variation in materials contributes to disguising the scale of the development. In addition, the uppermost level provides greater setbacks from all boundaries than the lower levels so as to reduce the visual bulk when viewed from the surrounding street, recreation reserves and Brisbane Water.
- The subject site is in a prominent location adjoining the public car park, and some larger trees are recommended to provide shade, outlook and scale to the public outdoor areas and create visual separation and screening between the development and the carpark. It was noted that street trees within the carpark on North Burge Road are shown on the architectural drawings but not on the landscape drawings. This carpark should contain two significant trees outside each of the buildings.
- There may be possible privacy and noise conflicts between the unit balconies and bistro and retail uses directly below. These amenity concerns should be further considered and may



require increased separation or controls relating to the hours of operation for the registered club.

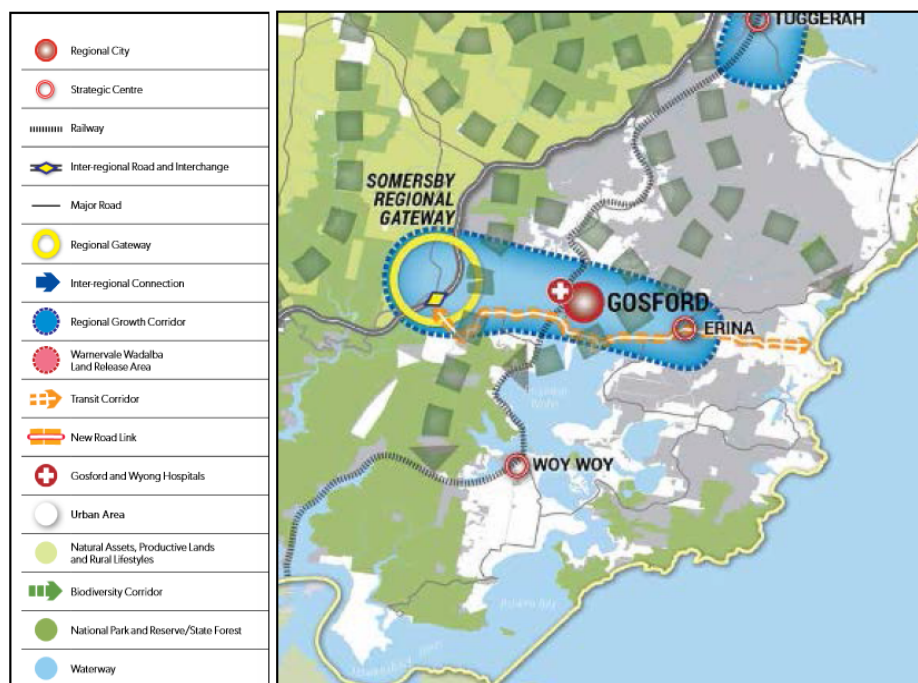
In the event the development application was recommended for approval, the above recommendations pertaining to landscaping and potential amenity concerns could be addressed via the imposition of appropriate conditions and/or a further noise impact assessment.

In addition to SEPP 65, the ADG provides objectives, design criteria and design guidance on how residential development proposals can meet the Design Quality Principles contained within Schedule 1 of SEPP 65, through good design and planning practice. An assessment of all relevant provisions of the ADG has been carried out and is provided in **Attachment 6** to ensure the consent authorities own assessment of the compatibility of the proposed development with the surrounding environment is complete in accordance with cl. 24(3)(a)(ii) of HSPD.

Having regard to the design guidelines within the ADG, concern is raised with the lack of communal open space proposed, noise pollution to the residential units associated with the provision of utilities, noise transfer from the club and retail tenancies to residential units, and a lack of roof design detail on the architectural plans accompanying the development application.

#### Central Coast Regional Plan 2036

The subject site is included in the Central Coast Regional Plan 2036 as an 'urban area' and is located in close proximity to the 'strategic centre' of Woy Woy (figure 21).



**Figure 21: Central Coast Regional Plan 2036**



An assessment of all relevant provisions of the Central Coast Regional Plan 2036 has been carried out and is provided in **Attachment 5** to ensure the consent authorities own assessment of the compatibility of the proposed development with the surrounding environment is complete in accordance with cl. 24(3)(a)(ii) of HSPD.

The proposed redevelopment of the site is inconsistent with Directions 14 and 17 of the Central Coast Regional Plan 2036, as they are relevant to the subject site. Direction 14 aims at protecting the coast and managing natural hazards and climate change. In particular Action 14.1 identifies that the risk of climate change must be managed whilst also improving the region's resilience to hazards such a flooding. Direction 17 aims at aligning land use and infrastructure planning to maximise the use of and capacity of existing infrastructure. It is not considered the applicant has adequately addressed the impact the proposal will have on current and future infrastructure associated with managing natural hazards and climate change.

#### **Gosford Local Environmental Plan 2014 (GLEP 2014)**

Development Standard	Required	Proposed	Compliance with Controls	Variation	Compliance with Objectives
4.3 Height of Building	8.5m	Approx. 12.5m	No	47%	No
4.4 Floor Space Ratio	0.5:1	Approx. 0.27:1	Yes	NIL	Yes

**Figure 22: GLEP Compliance Table (this table only relates to the R2 Residential Low Density zone land, known as No. 184 Brick Wharf Road, Woy Woy)**

#### Zoning and Permissibility

The site is located within the RE2 Private Recreation zone (No. 186 Brick Wharf Road and No. 1 North Burge Road, Woy Woy) and R2 Low Density Residential zone (No. 184 Brick Wharf Road, Woy Woy) under *Gosford Local Environmental Plan 2014* (GLEP 2014) (refer to Figure 2).

Whilst the provision of a registered club and community facilities are permissible with development consent in the RE2 Private Recreation zone within GLEP 2014, seniors housing and retail facilities are prohibited. The proposed development comprising seniors housing on No. 186 Brick Wharf Road and No. 1 North Burge Road, Woy Woy is permissible by virtue of the provisions of clause 4 (1) of the SEPP HSPD which provides the policy applies to land being used for the purposes of an existing registered club. The applicant was advised of the prohibition on the site relating to the 5 retail premises proposed however to date this issue remains unresolved.

The provision of seniors housing at No. 184 Brick Wharf Road, Woy Woy is permissible with development consent in that the land is zoned R2 Low Density Residential zone under GLEP 2014.



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In this instance, it is considered that the development application is inconsistent with the stated objectives of the RE2 Private Recreation zone, the R2 Low Density Residential zone, and the principles of Ecologically Sustainable Development as specified within Clause 8A (2)(d) of the *Local Government Act 1993* (LGA 1993) in that ecologically sustainable development is not proposed.

#### Height of Buildings

The proposed development results in a maximum building height of 12.5m on No. 184 Brick Wharf Road, Woy Woy which is a 47% variation to cl. 4.3(2) of GLEP 2014.

#### Exceptions to Development Standards

If an applicant wishes to vary a development standard in an environmental planning instrument, they can formally lodge a written request justifying the variation. In accordance with cl. 4.6(4), development consent must not be granted for a development that contravenes a development standard unless the consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated in subclause (3). Subclause (3) provides:

*'Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.'*

Council has not received a written request seeking to justify the contravention of cl.4.3(2) of GLEP 2014 in accordance with cl.4.6(4) of GLEP 2014. Council has also not received a written request seeking to justify the contravention of cl.40(4) of SEPP HSPD in accordance with cl.4.6(4) of GLEP 2014.

In view of the above, and despite any merit associated with the variations to development standards proposed, the consent authority is unable to assess the proposed variation to the height of buildings development standard.

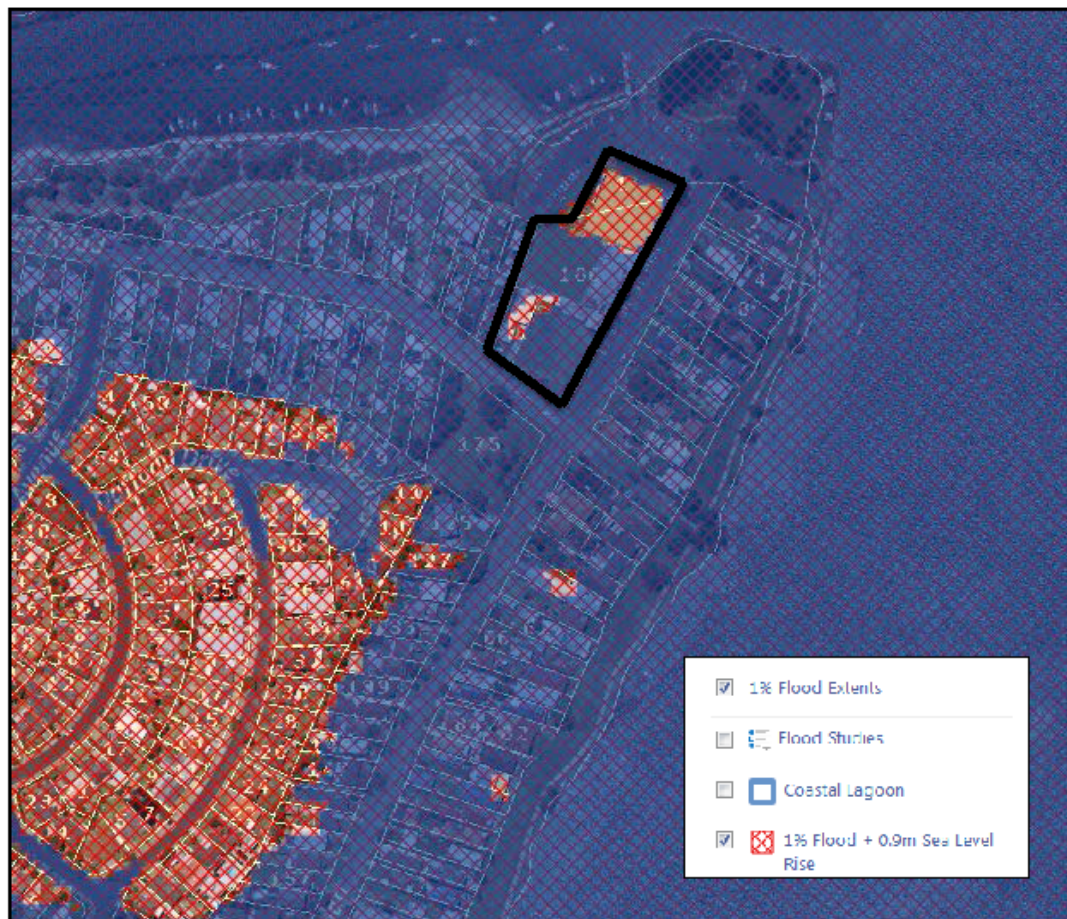
#### Acid Sulfate Soils

This land has been identified as being affected by the Acid Sulfate Soils Map and the matters contained in cl. 7.1 of Gosford Local Environmental Plan 2014 have been considered. The site contains Class 2 Acid Sulfate Soils. An Acid Sulphate Soil Assessment or an Acid Sulphate Soil Management Plan is required. In the event the development application was recommended for approval, this requirement could be addressed via the imposition of appropriate conditions.



### Flood planning

The site is identified as having flood impacts as shown in figure 23.



**Figure 23: Flooding Impact (site shown highlighted in black).**

The development application's residential accommodation is defined within GLEP 2014 as seniors housing, that being 'a group of self-contained dwellings'. Clause 7.2 (Flood planning) of *Gosford Local Environmental Plan 2014* applies to the proposed development. Clause 7.2 (3) (a) – (e) requires consideration with regard to whether or not a proposal is supportable.

Having regard to the provision within cl. 7.3 of GLEP 2014, the objectives contained within cl 7.3 (1)(a) and (b) of GLEP 2014 are required to be considered having regard to cl. 7.3 (2) of GLEP 2014. However, the further restrictive provisions contained within cl. 7.3 (3) of GLEP 2014 do not apply to the proposed development in that the proposed development cannot be defined as any of those development contained within cl.7.3 (a) – (g) of GLEP 2014.

The proposal does not comply with cl.7.2 of GLEP 2014 for the following reasons:



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- cl. (1b) in that the development application has not adequately addressed projected changes as a result of climate change, and therefore Council has concluded that subject site is not compatible with the identified flood hazard.
  - cl. (3a) in that the proposed development is not compatible with the flood hazard of the land (access and evacuation).
  - cl. (3c) in that the proposed development does not incorporate measures to manage risk to life from flood (access and evacuation).
  - cl. (3e) in that it is likely the proposed development will result in unsustainable social and economic costs to the community as a consequence of flooding. The proposal will rely upon emergency services for evacuation, and given the high number of elderly people that would be present on the site at any one time, this cost to the community could be relatively high.

Regarding floodplain risk management, cl. 7.3 (1)(a) identifies that development with particular evacuation or emergency response issues, such as seniors housing, must enable evacuation of land in events exceeding the flood planning level. Clause 7.3(1)(b) further identifies that the operational capacity of emergency response facilities and critical infrastructure must be protected during extreme flood events.

The applicant has been unable to adequately demonstrate how residents can be safely evacuated during extreme weather events and projected changes as a result of climate change in accordance with cl. 7.2 and 7.3 of GLEP 2014. In this regard, the development application must be refused.

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

No draft Environmental Planning Instruments apply to this development application.

**s. 4.15(1)(a)(iii) of the EP& A Act: Provisions of any development control plan:**

Gosford Development Control Plan 2013 (GDCP 2013)

GDCP 2013 provides objectives, design criteria and design guidance on how development proposals can achieve good design and planning practice. An assessment of all relevant provisions of the GDCP 2013 has been carried out and is provided in **Attachment 7** to ensure the consent authorities own assessment of the compatibility of the proposed development with the surrounding environment is complete in accordance with cl. 24(3)(a)(ii) of HSPD.

Whilst the proposal development does demonstrate merit with regard to the proposed built form, it is concluded the site is not compatible for '*housing for seniors or people with a disability*' in accordance with Chapter 6.7 Water Cycle Management of GDCP 2013.



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**s. 4.15(b) of the EP & A Act: The Likely Impacts of the Development:****a) Built Environment**

A thorough assessment of the proposed development's impact on the built environment has been undertaken in terms of SEPP HSPD, SEPP 65, the ADG, GLEP 2014 and GDCP 2013 and in terms of submissions received. Concern remains with the following likely impacts of the development to the built environment:

- The potential for adverse impacts to neighbouring properties in terms of light spillage and noise generation from the club/ retail uses and internal roadway. As well, internal site amenity and accessibility issues between the senior's living units and the club remain.
- The size, location and design of communal open space is inadequate having regard to the context and the scale of development.
- The adjoining Crown reserve (Lot 7303 in DP: 1162281) is used as a vehicular egress point from the site located at ground level. Utilizing the adjoining Crown reserve as a vehicular egress point for the development will not ensure the land is managed in accordance with the objectives of the RE1 Public Recreation Zone contained within *Gosford Local Environmental Plan 2014* and Council's *Plan of Management (Community Parks)*.
- The proposed development provides 136 car parking spaces, resulting in a shortfall of 188 car parking spaces and a 58% variance associated with the residential and club uses in accordance with Chapter 7 of GDCP 2013. This shortfall will contribute to unacceptable impacts on the adjacent public car park and boat and trailer parking, on street car parking in North Burge Road and the ability of these areas to perform the core public purpose for which they are reserved.

**b) Natural Environment**

The proposal will not have an adverse impact on the scenic qualities of the coastline. The subject site does not contain any threatened species or habitat and will have no impact on the conservation of fish and marine vegetation. The proposal will not affect any identified wildlife corridor.

**c) Economic Impacts**

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

**d) Social Impacts**

Council's Social Planner recommended the applicant provide further consideration as to the social impact of the proposed development. No further information has been provided by the applicant to address this request. This issue remains unresolved.



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

A review of Councils records has identified the following constraints:

- Site Compatibility Certificate:
  - In accordance with Clause 24(2) of SEPP SHPD, Council staff consider the Director General has not certified in a current site compatibility certificate, that the site is suitable of more intensive development and the development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding environment having regard to (at least) the criteria specified in clause 25 (5) (b) of SEPP SHPD.
  - Clause 24(3)(a)(i) of SEPP SHPD in that a consent authority cannot grant development consent to a development application that is of a larger scale than the kind of development in respect to which a site compatibility certificate was issued.
  - Clause 24(3)(a)(ii) of SEPP SHPD in that the proposed development is not compatible with the surrounding environment.
- Integrated Development: Water NSW has not provided General Terms of Approval in accordance with the *Water Management Act 2000*.
- Permissibility: Whilst the provision of a registered club and community facilities are permissible with development consent in the RE2 Private Recreation zone within GLEP 2014, seniors housing and retail facilities are prohibited. The proposed development comprising seniors housing on No. 186 Brick Wharf Road and No. 1 North Burge Road, Woy Woy is permissible by virtue of the provisions of clause 4 (1) of the SEPP HSPD which provides the policy applies to land being used for the purposes of an existing registered club. The applicant was advised of the prohibition on the site relating to the 5 retail premises proposed however to date this issue remains unresolved.
- Owners Consent: The Minister for Lands and Water, as owner of the Lot 7303 in DP: 1162281, has not granted landowner's consent for lodgement of a development application as required under the *Environmental Planning and Assessment Act 1979*, and any other associated applications to other authorities for the above development proposal.
- Acid Sulfate Soils: This land has been identified as being affected by the Acid Sulfate Soils (class 2) and the matters contained in cl. 7.1 of Gosford Local Environmental Plan 2014 are relevant. An Acid Sulphate Soil Assessment or an Acid Sulphate Soil Management Plan is required.
- Flood: The land is classified as being flood affected. The applicant has been unable to adequately demonstrate how residents can be safely evacuated during extreme weather events and projected changes as a result of climate change in accordance with cl. 7.2 and 7.3 of GLEP 2014.
- Landslip: The subject site is identified as being in a medium hazard landslip area and will require a Geotechnical Report submitted to establish the stability of the site's landform.



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It is considered the above-mentioned constraints render the site unsuitable for the proposed development in its current form.

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

Approval of the development application is not considered to be in the public interest. It is considered the site is not compatible for 'housing for seniors or people with a disability' as a result of the flood hazard. Furthermore, the development application seeks approval to utilise Lions Park as an egress point for service vehicles and the like which will alienate both the public pathway and Lions Park at this junction contrary to the purpose of public recreation land.

***Other Matters for Consideration***

*Development Contribution Plan*

Should the development application be approved, in accordance with s.7.11 of the EP&A Act, developer contributions would be payable.

*Water and Sewer Contributions*

The proposed development is subject to Water and Sewer Contributions.

**CONCLUSION**

This development application has been assessed under the heads of consideration of s.4.15 of the *Environmental Planning and Assessment Act 1979* and all relevant instruments and policies.

Based on the assessment outlined earlier in this report, it is considered that the application be **refused** pursuant to section 4.16(1)(b) of the *Environmental Planning and Assessment Act 1979*, for the reasons outlined in this report.

**Attachments**

- 1 Recommendation for Refusal
- 2 Development Plans
- 3 SEPP HSPD Compliance Table
- 4 SEPP No. 71 Matters for Consideration Table
- 5 Central Coast Regional Plan 2036 Matters for Consideration
- 6 ADG Compliance Table
- 7 GDCP 2014 Compliance Table
- 8 Site Compatibility Certificate
- 9 Actions of Council/ Applicant throughout the DA process



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**Attachment 1**Recommendation for Refusal

A. Joint Regional Planning Panel as the consent authority refuse consent to Development Application No. 53119/2017 for the following reasons:

1. Water NSW has not provided General Terms of Approval in accordance with the *Water Management Act 2000*.

Particulars

- 1.1 Section 90 of the *Water Management Act 2000*.
- 1.2 Section 4.46 of the *Environmental Planning and Assessment Act 1979*.
- 1.3 Clause 54 of the *Environmental Planning and Assessment Regulation 2000*.

2. The provision of 'retail premises' in the RE2 Private Recreation zone under *Gosford Local Environmental Plan 2014* is prohibited.

Particulars

- 2.1. No. 186 Brick Wharf Road, Woy Woy and No. 1 North Burge Road, Woy Woy are located within the RE2 Private Recreation zone under *Gosford Local Environmental Plan 2014*.
- 2.2. 'Restaurant or café' and a 'kiosk' are permissible with consent in the RE2 Private Recreation zone under *Gosford Local Environmental Plan 2014*. The remainder of 'retail premises' as defined, are prohibited under cl. 2.3 (1)(d) of *Gosford Local Environmental Plan 2014* in the RE2 Private Recreation zone.

3. The Site Compatibility Certificate accompanying the development application cannot be relied in this instance.

Particulars

- 3.1. Clause 50(2A) of the *Environmental Planning and Assessment Regulation 2000*.
- 3.2. Clause 54 of the *Environmental Planning and Assessment Regulation 2000*.
- 3.3. Clause 24(2) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* in that the Director General has not certified in a current site compatibility certificate, that the site is suitable of more intensive development and the development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding environment having regard to (at least) the criteria specified in clause 25 (5) (b) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.



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- 3.4. Clause 24(3)(a)(i) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* in that a consent authority cannot grant development consent to a development application that is of a larger scale than the kind of development in respect to which a site compatibility certificate was issued.
  - 3.5. Clause 24(3)(a)(ii) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* in that the proposed development is not compatible with the surrounding environment.
4. Council has not received a written request seeking to justify the contravention of cl. 4.3(2) of *Gosford Local Environmental Plan 2014* and cl. 40(4) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* in accordance with cl. 4.6 of *Gosford Local Environmental Plan 2014*.

Particulars

- 4.1. The proposed development results in maximum building height of 12.5m on No. 184 Brick Wharf Road, Woy Woy and a 47% variation to cl. 4.3(2) (Building Height) of *Gosford Local Environmental Plan 2014*.
- 4.2. The proposed development results in maximum building height of 12.5m on No. 184 Brick Wharf Road, Woy Woy and a 56.25% variation to cl. 40(4)(a) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.
- 4.3. The proposed development results in a maximum of three storeys on No. 184 Brick Wharf Road, Woy Woy and a 50% variation to cl. 40(4)(b) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.
- 4.4. The proposed development results in a maximum of three storeys on No. 184 Brick Wharf Road, Woy Woy and a 200% variation to cl. 40(4)(c) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.
- 4.5. Clause 4.6(4) of *Gosford Local Environmental Plan 2014* provides that development consent must not be granted for a development that contravenes a development standard unless the consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated in subclause (3). Subclause (3) provides:  
*'Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*  
  - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
  - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.'*
- 4.6. The three lift overruns (and any other roof design features) have been omitted from the architectural plans accompanying the development application.



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5. The adjoining Crown reserve (Lot 7303 in DP: 1162281) is used as a vehicular egress point from the site located at ground level. The development must be redesigned so that the Lions Park is not used as a vehicular egress point from the development.

Particulars

- 5.1. The Minister for Lands and Water, as owner of the Lot 7303 in DP: 1162281, has not granted landowner's consent for lodgement of a development application required under the *Environmental Planning and Assessment Act 1979*, and any other associated applications to other authorities for the above development proposal.
- 5.2. The proposed development is contrary to s. 4.15 (1)(c) and (1)(e) of the *Environmental Planning and Assessment Act 1979*.
- 5.3. A council manager is authorised to classify and manage its dedicated or reserved Crown land as if it were community land within the meaning of the *Local Government Act 1993*, in accordance with s.3.21 and s.3.22 of the *Crown Land Management Act 2016*.
- 5.4. A license has not been sought or obtained for the use of Crown land in accordance with s.5.21 of the *Crown Land Management Act 2016*.
- 5.5. An easement over Crown land has not been sought or obtained for the use of Crown land in accordance with s.5.47 of the *Crown Land Management Act 2016*.
- 5.6. Council's Plan of Management (Community Parks), dated June 1996, applies to community land which has been categorised as a "park" under the *Local Government Act 1993*, and sub categorised as a "community park" by Council, as will be the case in this instance.
- 5.7. There exists no power to grant an easement for development associated with the development. In accordance with s. 46(1)(b)(i) of the *Local Government Act 1993*, a lease, licence or other estate in respect of community land may be granted in accordance with an express authorisation in the plan of management and such provisions of the plan of management as apply to the granting of the lease, licence or other estate for a purpose prescribed by subsection (4), or for a purpose prescribed by any of s. 36E to 36N as a core objective of the categorisation of the land concerned:
- 5.7.1. The proposed development is inconsistent with s. 3.10 (Leases and Licences) within Council's Plan of Management (Community Parks), dated June 1996, which provides that Council will consider granting leases and licences on community land that are restricted to a public purpose, and not to be leased for the exclusive use of a single group.
- 5.7.2. The proposed development is inconsistent with s. 36G of the *Local Government Act 1993* which provides:  
*'The core objectives for management of community land categorised as a park are:*  
 (a) *to encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities, and*



- (b) *to provide for passive recreational activities or pastimes and for the casual playing of games, and*
- (c) *to improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.'*

5.6.3 The proposed development is inconsistent with s.46 (4) of the *Local Government Act 1993*.

- 5.8. Utilizing the adjoining Crown reserve as an vehicular egress point for the development will not ensure the land is managed in accordance with the objectives of the RE1 Public Recreation Zone contained within *Gosford Local Environmental Plan 2014* and Council's Plan of Management (Community Parks) (s. 1.3 Aim) which provides: -
- *To develop a generic plan of management for Community Parks which complies with the Local Government Act 1993 as part of Council's Land Management Program.*
  - *To develop a plan which provides guidance for the control of usage, development and maintenance of community parks.*
6. The proposed development is not compatible with the flood hazard of the land having regard to access and evacuation.

#### Particulars

- 6.1. The proposed development is inconsistent with principles of ecologically sustainable development as specified within cl. 8A (2)(d) of the *Local Government Act 1993*.
- 6.2. The proposed development is contrary to s. 4.15 (1)(c) and (1)(e) of the *Environmental Planning and Assessment Act 1979*.
- 6.3. The proposed development is inconsistent with cl. 6(2) within the *Protection of the Environment Administration Act 1991* in that the principle of equity, particularly intergenerational equity, is central to the concept of sustainable development. Ecologically sustainable development must incorporate considerations pertaining to climate change adaptation. The applicant has failed to address from a floodplain risk management perspectives, safe access and evacuation by vehicle with regard to the current and future sea level rise projections for Woy Woy.
- 6.4. Clause 24(3)(a)(ii) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* identifies that nothing prevents a consent authority from refusing to grant consent to a development application to which this clause applies by reference to the consent authority's own assessment of the compatibility of the proposed development with the surrounding environment.
- 6.5. Clause 8(d) of *State Environmental Planning Policy No 71 – Coastal Protection* in that the site is not considered suitable for seniors housing given its type, location and design and its relationship with the surrounding area.



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- 6.6. Clause 1.2(2)(h) and (i) (Aims of Plan) and cl.2.3 (2) (Zone Objectives) of the *Gosford Local Environment Plan 2014*.
- 6.7. Clause 7.2 of *Gosford Local Environmental Plan 2014* aims to stop development that is incompatible with the level of flood hazard, including projected changes as a result of climate change. The increased impacts of king tide alone, together with sea level rise, are not compatible, notwithstanding the additional impacts of flooding or coastal storm surge.
- 6.8. Clause 7.3 (1)(a) of *Gosford Local Environmental Plan 2014* identifies that development with particular evacuation or emergency response issues, such as seniors housing, must enable evacuation of land in events exceeding the flood planning level. Clause 7.3(1)(b) of *Gosford Local Environmental Plan 2014* further identifies that the operational capacity of emergency response facilities and critical infrastructure must be protected during extreme flood events.
- 6.9. The subject site is categorised as Flood, Isolated, Submerged (FIS) within *Flood Information to Support Land- Use Planning*, published by the Australian Institute for Disaster Resilience, on behalf of the Australian Government Attorney-General's Department, dated 2017. These guidelines recommend consent authorities '*consider whether to minimise or prohibit more intense development in these areas. New key community, utility and vulnerable uses may be prohibited. Intensification of existing uses and other new uses or developments is discretionary, provided that a detailed risk assessment can demonstrate that an appropriate mix of planning, building and emergency management controls can effectively manage the risks to the use and the occupants and not result in adverse emergency management impacts to existing developments and their users*'.
- 6.10. *Gosford Development Control Plan 2013*, Chapter 6.7.7.6.4 (A) identifies that for seniors housing development, floor levels, being habitable or non-habitable, are to be above the Probable Maximum Flood (PMF) level.
- 6.11. *Gosford Development Control Plan 2013*, Chapter 6.7.7.6.4 (C) identifies that if the subject site falls within an area of an existing Floodplain Risk Management Plan then the development must not:
- *Affect the safe occupation of any flood prone land.*
  - *Be sited on the land such that flood risk is increased.*
  - *Result in an increase in the potential of flooding detrimentally affecting other development or properties.*
  - *Be likely to result in unsustainable social and economic costs to the flood affected community or general community as a consequence of flooding (including: damage to public property and infrastructure, such as roads, stormwater, water supply, sewerage, and utilities).*
  - *Be incompatible with the flow of floodwaters on flood prone land (considering any structures, filling, excavation, landscaping, clearing, fences, or any other works).*



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- Cause or increase any potential flood hazard (considering the number of people, their frailty, as well as emergency service and welfare personnel).
- 6.12. Gosford Development Control Plan 2013, Chapter 6.7.7.6.4 (F) also calls for safe access, evacuation and parking during a PMF, without having to cross floodwaters of any depth, including access and evacuation.
  - 6.13. The proposed development is inconsistent with the Gosford City Council Climate Change Policy in that the applicant has failed to address from a floodplain risk management perspective, safe access and evacuation by vehicle with regard to the current tide predictions for Woy Woy, the need for which will increase for future generations.
  - 6.14. Direction 14 and Direction 17 of the Central Coast Regional Plan 2036.
  - 6.15. On 6 April 2018, Council received advice from EMM Consulting with regard to a possible solution for flood evacuation. This draft road raising concept is not feasible in that the proposed road level increases are too low and it is not possible to reconstruct the road with an increased cross-fall to lower levels. Furthermore, it is not just the crown of the road that would need to be raised, but the entire travel lane, where any major raising of the road would negatively affect the local drainage system, such that runoff would be redirected into private property, where it would remain.
  - 6.16. The subject site is identified as flood affected within the following documents:
    - The Brisbane Water Foreshore Flood Study, dated October 2010;
    - The Brisbane Water Foreshore Floodplain Risk Management Study, dated March 2015; and
    - The Brisbane Water Foreshore Floodplain Risk Management Plan, dated November 2015.
7. The proposed development will result in a 58% departure with the required car parking associated with the residential and club uses, contributing to unacceptable impacts on the adjacent public car park and boat and trailer parking, on street car parking in North Burge Road and the ability of these areas to perform the core public purpose for which they are reserved.

#### Particulars

- 7.1. The proposed development is contrary to s. 4.15 (1)(c) and (1)(e) of the *Environmental Planning and Assessment Act 1979*.
- 7.2. Clause 1.2(2)(c) and (f) (Aims of Plan) and cl.2.3 (2) (Zone Objectives) of the *Gosford Local Environment Plan 2014*.
- 7.3. Gosford Development Control Plan 2013, Chapter 7.1 requires the provision of 324 car parking spaces associated with the provision of seniors housing and a registered club on the site. The proposed development will result in a 58% departure with required car parking associated with the residential and club uses only, noting the car parking



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- allocation associated with the 5 'retail premises' have not been calculated, being a prohibited form of development.
- 7.4. The proposed driveway access point to North Burge Road results in an unacceptable loss of shuttle and bus taxi set-down area.
  - 7.5. There is an unacceptable impact on the adjacent public car park and boat and trailer parking. The two double boat ramps existing in Lions Parks generate a need for a minimum of 20 spaces per ramp (NSW Boat Ramp Facility Guidelines 2015) which is equivalent to 40 spaces. The existing provision is 25 marked spaces with 10 unmarked angle spaces. The current car parking facilities within Lions Park are inadequate for trailer parking demand in busy periods as it serves the most southernmost ocean access ramp. To further reduce the public's ability to utilise these areas is not supported.
  - 7.6. The Traffic and Parking Impact Assessment Report, prepared by Barker Ryan Stewart, dated October 2017, incorrectly assumes the existing car and trailer parking in Count areas D, G and I, as available for car parking to serve the new development with a capacity of 39 spaces.
8. The proposed development will result unacceptable accessibility concerns between the users of the club and residential accommodation located within the site for the following reasons:
    - The access points between Building B and Building A are off set and not directly aligned. Residents would have to transverse the vehicle service corridor to access Building A when exiting the club.
    - A common access path is shared by the club and residential accommodation from North Burge Road by stairs and a ramp. The separate entries to the club and residential area are located 15m apart. Residents will have to pass the entry to the club to access the private residential lift when accessing the site from North Burge Road. The gaming machines are located in close proximity to the entrance of the club facility.
    - The Access Report, prepared by Code Performance Pty Ltd, dated 9 November 2017 has concluded that the proposed development in its current form demonstrates minor non – compliances. The report states that these non – compliances may be rectified and the proposal is readily capable of compliance, subject to design amendments.
    - The pedestrian access points from Building B to Building A require pedestrians to transverse the vehicle access road that runs through the site in an east- west direction from the servicing of waste and loading area. The stairs from Building B are located adjacent to the loading dock area and the stairs to the neighbouring Building A are adjacent to the truck bay. This route of travel can impact upon the safety of those using these access points especially those residents or visitors who have mobility issues.



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Particulars

- 8.1. Clause 23 and cl. 38 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.
  - 8.2. Principle 7: Safety of *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development*.
9. The proposed development will result unacceptable amenity concerns between the users of the club and residential accommodation located within and surrounding the site for the following reasons:
- Habitable rooms on the ground floor of Building B have been located immediately adjacent to the vehicle drive through area on site where the waste service truck enters and exits the site.
  - The Environmental Noise Assessment prepared by Day Design Pty Ltd, dated 25 August 2017, did not address the noise generated from the use of the vehicle service corridor on residential properties located at No. 180 Brick Wharf Road and No. 176 Brick wharf Road, Woy Woy. The proposed development incorporates bedrooms and living areas on the northern elevation of Building B that will be impacted by the noise generated from these activities. There is no indicated noise mitigation measured for these areas.
  - Light spillage associated with the outdoor areas of the club, the retail areas, the front entry area of the club and the number of window and door opening serving the eastern and western elevations of the proposed development has not been addressed with regard to neighbouring properties.

Particulars

- 9.1. Clause 23, cl. 31 and cl. 34 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.
  - 9.2. Principle 6: Amenity of *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development*.
  - 9.3. Section 4J – Noise and Pollution within the *Apartment Design Guide. Tools for improving the design of residential apartment development* identifies noise transfer and pollution are minimised through the siting and layout of the building.
10. The size, location and design of communal open space is inadequate having regard to the context and the scale of development.

Particulars

- 10.1. Principle 5: Landscape of *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development*.
- 10.2. Section 3D – Communal Open Space within the *Apartment Design Guide. Tools for improving the design of residential apartment development* identifies that 25% of the site must be provided as communal open



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space. Approximately 290m<sup>2</sup> or 3.8% of the site is dedicated as communal open space resulting in a departure with the requirements of this provision by 21.2%. As well, this communal open space does not receive adequate solar access.

11. Insufficient information to complete the assessment and determination of the proposed development, namely in relation to waste management, social impact, liquid trade waste, noise impact and attenuation, headlight glare, light spillage, geotechnical matters, acid sulphate soils, and the design of the roof.

Particulars

- 11.1. Section 4.15 of the *Environmental Planning and Assessment Act 1979*.  
11.2. Clause 54 of the Environmental Planning and Assessment Regulation 2000.

12. The public interest as evidenced by submissions received regarding the proposed development supports refusing consent.
- B. The applicant be advised of JRPP's decision and of their right to appeal in the Land and Environment Court under section 8.7, 8.10 of the Environmental Planning and Assessment Act 1979 six (6) months after the date on which the applicant received notice in respect to JRPP's decision.
- C. The objectors be notified of JRPP's decision.
- D. The External Referrals be notified of JRPP's decision.



**Attachment 3**SEPP HSPD Compliance Table

SEPP Requirement	Proposed	Compliance
<b>Chapter 1 Preliminary</b>		
cl. 2 Aims of Policy	<p>This Policy aims to encourage the provision of housing that will:</p> <p>(a) <i>increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and</i></p> <p>(b) <i>make efficient use of existing infrastructure and services, and</i></p> <p>(c) <i>be of good design.</i></p> <p>The proposed development is not inconsistent with these aims.</p>	Yes
cl.4 Land to which this policy applies	<p>Clause 4(1)(b) of SEPP HSPD provides the policy applies to land that adjoins land zoned primarily for urban purposes but only if the land is being used for the purposes of an existing club.</p> <p>Clause (6)(a) of SEPP HSPD provides that this policy does not apply to land described in Schedule 1 (Environmentally Sensitive land). The subject site is not identified in another environmental planning instrument by any of the descriptors identified in Schedule 1 and therefore this Policy can be applied to the site.</p>	Yes
<b>Chapter 3 Development for Seniors Housing</b>		
<b>Part 1 General</b>		
cl.16 Development consent required	Development for the purposes of seniors housing utilising the provisions of SEPP HSPD may be carried out with the consent of the relevant consent authority.	Yes
cl.18 Restrictions on occupation of seniors housing allowed under this Chapter	Despite the recommendation of this report, in the event the matter is determined by way of approval, a condition of development consent must be imposed to the effect that only the kinds of people referred to in subclause (1) of this provision may occupy any accommodation to which the development application relates. This will be achieved by way of a restriction as to user, registered against the title of the property on which development is to be carried out, in accordance with s.88E of the <i>Conveyancing Act 1919</i> .	Capable of complying via condition.
cl.23 Development on land used for the purposes of an existing registered club	<p>Separate primary pedestrian entry points for the residential areas and the club facilities are proposed. The access points are well within lobby areas away from the club with restricted internal lift and stair access and well-defined pathways.</p> <p>Residents travelling from the basement level can access the residential levels above the club level without interacting with the club.</p> <p>The access points between Building B and Building A are off</p>	<p>Yes</p> <p><b>No</b></p>



	<p>set and not directly aligned. Residents would have to transverse the vehicle service corridor to access Building A with the club facilities.</p> <p>Although the pedestrian access points for the residential levels and club facilities in Building A are separately defined, a common access path is shared from North Burge Road by stairs and a ramp. The separate entries to the club and residential area are located approximately 15m apart. Residents will have to pass the entry to the club to access the private residential lift when accessing the site from North Burge Road. The gaming machines are located in close proximity to the entrance of the club facility. There are potential concerns with the transmission of noise from the club facilities to those units and their balconies located above the club level.</p>	
<b>Part 1A Site Compatibility Certificates</b>		
cl.24 Site compatibility certificates required for certain development applications	<p>The proposed development pertaining to the provision of seniors housing is permissible by virtue of the provisions of cl. 4 (1) of <i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i> (SEPP HSPD) which provides the policy applies to land being used for the purposes of an existing registered club.</p> <p>It is concluded whilst the provision of seniors housing is permissible under cl.4(1) of SEPP HSPD, the SCC accompanying the development cannot be relied upon in this instance as detailed in the Assessment Report under the heading <i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i>.</p>	No
cl.25 Application for site compatibility certificate	On 24 January 2017, the Department of Planning and Environment determined the application for a SCC under cl.25(4) of SEPP HSPD.	Yes
<b>Part 2 Site-related requirements</b>		
cl.26 Location and access to facilities	<p>There are two (2) bus stops located on Brick Wharf Road adjacent to the subject site which can be access by ramps at a grade of 1:14. The site is accessible by bus route 59 Monday – Saturday with 5 services running each way from 6:16am to 5:26pm weekdays and two services running each way on Saturday between 8:10am and 1:47pm. The site is also accessible by route 64 Monday – Saturday with services running each way at an approximately half hour frequency from 5:44am to 6:23pm weekdays. This reduces to an hourly frequency on Saturday between 6:40am and 5:40pm.</p> <p>The Access Report, prepared by Code Performance Pty Ltd, dated 9 November 2017 has concluded that the proposed development in its current form demonstrates minor non – compliances. The report states that these non – compliances may be rectified and the proposal is readily capable of compliance, subject to design amendments.</p>	<p>Yes</p> <p>No</p>



cl.27 Bush fire prone land	N/A	N/A
cl. 28 Water and sewer	Council's reticulated water and sewer currently service the development site. Council's Water and Sewer Section have confirmed that the existing services can accommodate the additional load that will be generated by the development.	Yes
cl.29 Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply	N/A	N/A
<b>Part 3 Design Requirements</b>		
Division 1 General		
cl.30 Site analysis	In accordance with the provisions of clause 30, the consent authority must be satisfied the applicant has taken into account a site analysis in accordance with clause 30 (1), (2), (3) and (4). It is considered the site analysis plan adequately addresses how the proposal achieves compliance with Clause 30 (1), (2), (3) and (4) of SEPP HSPD.	Yes
cl.31 Design of in-fill self-care housing	<p>In determining a development application to carry out development for the purpose of in-fill self-care housing, a consent authority must take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration) the provisions of the <i>Seniors Living Policy: Urban Design Guideline for Infill Development</i>, published by the Department of Infrastructure, Planning and Natural Resources in March 2004:</p> <p><u>Chapter 1: Responding to Context</u></p> <ul style="list-style-type: none"> <li>Neighbourhood Character and Site Analysis: The proposed development is a significant opportunity to upgrade and invest in the long term financial viability of the site and provide a mixed-use development in accordance with the needs of the surrounding residential population. The proposal will complement the town centre of Woy Woy, nearby commercial developments and is consistent with recent in-fill developments in Woy Woy.</li> </ul> <p><u>Chapter 2: Site Planning and Design</u></p> <ul style="list-style-type: none"> <li>Objectives and Design Principles: The traditional address and access to the site is clearly defined from North Burge Road and the design and orientation of the building responds to environmental conditions. The proposed development provides variety to housing stock including 2 bedroom, 3 bedroom, sub penthouse and penthouse unit. The proposal is setback from the</li> </ul>	<p>Yes</p> <p>Yes</p>



	<p>waterfront and the proposed basement car park assists with minimising physical and visual dominance.</p> <p>However, it is considered the site is not compatible for <i>'housing for seniors or people with a disability'</i> because of the flood hazard. Furthermore, the development application seeks approval to utilise Lions Park as an egress point for service vehicles and the like which will alienate both the public pathway and Lions Park at this junction contrary to the purpose of public recreation land.</p> <p>Furthermore, the development application is not supported by Council's Traffic and Transport Planner on transport engineering grounds due to its adverse impact on surrounding carparks off North Burge Road. In addition, the proposed driveway access point to North Burge Road results in an unacceptable loss of shuttle bus and taxi set-down area.</p> <p><u>Chapter 3: Impact of Streetscape</u></p> <ul style="list-style-type: none"> <li>Objectives and Design Principles: The entry to the proposed basement car park does not exceed 25% of the site frontage and does not dominate the streetscape. Building separation and integrated landscaping presents a light weight appearance. Materials, colours and finishes are consistent with surrounding developments and the desired future character of the area.</li> </ul> <p><u>Chapter 4: Impact on Neighbours</u></p> <ul style="list-style-type: none"> <li>Objectives and Design Principles: Concern is raised with the potential light spillage from the outdoor areas of the club, the retail areas, the front entry area of the club and the number of window and door opening serving the eastern and western elevations of the proposal. It is considered these elements may adversely impact upon the amenity of the neighbouring residents. Insufficient information has been provided so as to demonstrate the development results in an acceptable impact to adjoining residential properties regard to light spillage.</li> </ul> <p><u>Chapter 5: Internal Site Amenity</u></p> <ul style="list-style-type: none"> <li>Objectives and Design Principles: The proposed development achieves natural cross ventilation to all units by utilising cross flow from doors and windows on each level. Each unit achieves private open space in the form of a balcony, courtyard or terrace. Entrances are well defined and balconies, doors and windows address</li> </ul>	<p><b>No</b></p> <p><b>Yes</b></p> <p><b>No</b></p> <p><b>Yes</b></p>
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	<p>primary frontages, allowing for casual surveillance.</p> <ul style="list-style-type: none"> <li>There are no anticipated acoustic impacts on adjoining development from the residential component of the development, however there is potential acoustic privacy issues for those units residing above the club level with noise transfer from the below outdoor areas associated with the club. The Environmental Noise Assessment prepared by Day Design Pty Ltd, dated 25 August 2017, did not address the noise generated from the use of the vehicle service corridor on residential properties located at No. 180 Brick Wharf Road and No 176 Brick wharf Road, Woy Woy. The proposed development incorporates bedrooms and living areas on the northern elevation of Building B that will be impacted by the noise generated from these activities. There is no indicated noise mitigation measured for these areas proposed.</li> <li>SEPP Controls: The proposed development has been designed and orientated to reduce the impacts of overshadowing on adjoining developments.</li> </ul>	<p><b>No</b></p> <p>Yes</p>
cl.32 Design of residential development	The proposal is inconsistent with several design principles specified in Division 2.	<b>No</b>
Division 2 Design principles		
cl.33 Neighbourhood amenity and streetscape	<p>The proposed development is considered to contribute to the quality of the area by demonstrating a well-articulated building envelope and by modernising the existing club facilities on site that are nearing the end of their economic life.</p> <p>It should be noted the subject site does not contain any heritage items listed under Schedule 5 of GLEP 2014 and is not located within a heritage conservation area.</p> <p>Subject to further request for information relating to light spillage and acoustic barriers, it is considered visual privacy and amenity is otherwise acceptable through the provision of a consistent 6m setback adjacent to the sites western boundary, noting the predominant building alignment along this boundary is at 9m.</p> <p>The transition between Lions park and the foreshore area adjacent to the club facilities/residential levels and the retail areas requires further attention through the mitigation of visual and acoustic impacts. Additional landscaping on this boundary to aid in the transition of built form to park area is recommended.</p>	<p>Yes</p> <p><b>No</b></p>



cl.34 Visual and acoustic privacy	<p><u>Visual Privacy</u></p> <p>Proposed site planning will maintain visual privacy for apartments within the development and neighbouring properties. Landscape to the roof terraces will contribute to disguising some balcony areas and increasing privacy.</p> <p>Subject to further request for information relating to light spillage and acoustic barriers, it is considered visual privacy and amenity is otherwise acceptable through the provision of a consistent 6m setback adjacent to the sites western boundary, noting the predominant building alignment along this boundary is at 9m.</p> <p><u>Acoustic Amenity</u></p> <p>The Environmental Noise Assessment prepared by Day Design Pty Ltd, dated 25 August 2017, has identified that the calculated level of noise emissions from the proposed development will exceed the noise limits that are defined as acceptable at all the receptor locations. The areas identified as being key source of noise emissions is the outdoor deck, outdoor gaming/smoking area and the live bands playing in the auditorium.</p> <p>The recommendations include the provision of a 2.1m high sound barrier wall located along the length of the western boundary in front of the proposed retail units and the provision of a 1.8m high sound barrier wall on the eastern boundary of the club deck.</p> <p>Concern is raised with the visual impact associated with providing the abovementioned sound barrier walls when viewed from Lions Park and surrounding residential properties, noting these have not been detailed on the submitted elevation architectural plans supporting the development application.</p> <p>The proposal cannot be supported in that insufficient information has been provided to enable further assessment to occur with regard to this issue. The aforementioned acoustic report identifies a number of mitigation measures outside the erection of the sound barriers that will need to be implemented during the operation of the club. These include but are not limited too; hours of access for outdoor bistro and bar areas, closing of windows during live music events and the closing of external doors to retails tenancies. Further recommendations require detailed analysis to be carried out once the mechanical plant is selected and the locations selected prior to development.</p>	Yes
		No



	<p>There are no anticipated acoustic impacts on adjoining development from the residential component of the development, however there is potential acoustic privacy issues for those units residing above the club level with noise transfer from the below outdoor areas associated with the club. The Environmental Noise Assessment prepared by Day Design Pty Ltd, dated 25 August 2017, did not address the noise generated from the use of the vehicle service corridor on residential properties located at No. 180 Brick Wharf Road and No 176 Brick wharf Road, Woy Woy. The proposed development incorporates bedrooms and living areas on the northern elevation of Building B that will be impacted by the noise generated from these activities. There are no indicated noise mitigation measures for these areas.</p>	
cl.35 Solar access and design for climate	<p>The proposed development has met the BASIX requirements for passive solar design and water and energy conservation.</p> <p>The submitted shadow diagrams indicate that the majority of the proposed overshadowing from the development will be across North Burge Road, slightly extending in to the front setback of the properties on the eastern side of North Burge Road. The shadowing on these properties directly east of the proposal and will occur mid-winter from approximately 2pm during the winter solstice. This loss of solar access is not considered to adversely impact these sites.</p> <p>The seniors living facility has been orientated to ensure that a majority of apartments are facing north or east resulting in 86% of apartments receiving direct sunlight. The proposal has been designed to maximise solar access and natural ventilation to the living and balcony areas which in turn reduces energy consumption.</p>	Yes
cl.36 Stormwater	<p>The development application is accompanied by Stormwater Management Reports and Plans, prepared by Barker Ryan Stewart, dated 6 July 2017 and 11 October 2017. Council's Development Engineer has reviewed these documents and raises no objection for the following reasons:</p> <ul style="list-style-type: none"> <li>• The proposal doesn't include any provision for on site detention. Given the location of the site in relation to Brisbane Water, the proposal is exempt from complying with these requirements. This rationale is considered reasonable and has been previously applied to numerous developments located in the lower catchment areas.</li> <li>• On site retention of 80 cubic metres or 80,000 litres of rainwater to be used for outdoor irrigation, toilets flushing and laundry use is proposed.</li> </ul>	Yes



	<ul style="list-style-type: none"> <li>The proposed discharge of the surcharge stormwater flows from the internal stormwater system into Councils piped stormwater system located at the intersection of North Burge &amp; Brick Wharf Road is supported based on the condition of Council's existing infrastructure.</li> </ul>	
cl.37 Crime prevention	A crime prevention through environmental design report (CPTED), prepared by Barker Ryan Stewart, dated October 2017 accompanies the development application. The design of the proposed development has considered crime prevention through environmental design principles to minimise the opportunity for crime on and in proximity to the site.	Yes
cl.38 Accessibility	<p>The proposal provides pedestrian access to and from the site to Brick Wharf Road (where two bus stops are located) and North Burge Road.</p> <p>The Access Report, prepared by Code Performance Pty Ltd, dated 9 November 2017 has concluded that the proposed development in its current form demonstrates minor non – compliances. The report states that these non – compliances may be rectified and the proposal is readily capable of compliance, subject to design amendments.</p> <p>The pedestrian access points from Building B to Building A require pedestrians to transverse the vehicle access road that runs through the site in an east- west direction for the servicing of waste and loading area. The stairs from Building B are located adjacent to the loading dock area and the stairs to the neighbouring Building A is adjacent the truck bay. This route of travel can impact upon the safety of those using these access points especially those residents or visitors who have mobility issues.</p>	No
cl.39 Waste management	<p>A Waste Management Plan (WMP), prepared by Barker Ryan Stewart, dated October 2017, provides details of the waste management activities during the demolition and constructions phases of the development including on-going waste management during occupation residential seniors living components and the club and retail operations.</p> <p>Council's Waste Officer reviewed the submitted WMP and concluded that the document provided insufficient information. On 10 November 2017, the applicant was advised to submit a revised WMP and amended plans addressing the following:</p> <ul style="list-style-type: none"> <li>Residential mixed and recyclable waste bulk bins being collected on alternate days (as residential waste servicing on alternate days is not an option).</li> <li>A minimum 10.5m long waste bin servicing/holding bay location is required to present all bulk waste bins for</li> </ul>	No

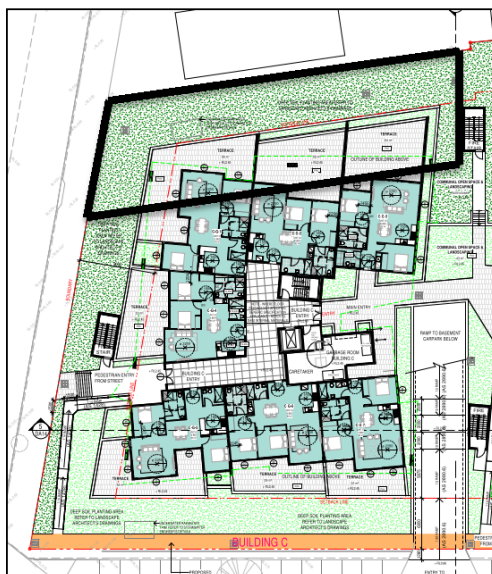


	<p>collection on the scheduled, designated days. Commercial waste must be stored in a separate waste storage enclosure to avoid conflict of use.</p> <ul style="list-style-type: none"> <li>• Separate, fully dimensioned, residential and commercial waste storage enclosure/s to Building A. It was recommended that waste generated by the proposed Club and 5 commercial tenancies be further separated to avoid conflict of use. However, a single commercial waste enclosure sized to accommodate all commercial uses may be provided and managed internally.</li> <li>• Mixed and recyclable waste containers are to be provided within all waste storage enclosures.</li> <li>• The ground floor resident mixed waste "hatch" for Building B and C to be clearly indicated. Residential waste enclosures are for residential waste to limit access and ensure no conflict of use.</li> <li>• The green waste bulk bins referred to within the WMP are to be relocated external from residential waste storage area/s.</li> <li>• Provide waste storage areas with sufficient area to accommodate twice weekly servicing of mixed and recyclable residential waste will require 2 x 1.1m<sup>3</sup> bulk waste bins to Building A and 2 x 1.1m<sup>3</sup> / 1 x 0.66m<sup>3</sup> to Building C, Building B will require 2 X 1.1m<sup>3</sup> / 1 x 0.66m<sup>3</sup> bulk bins.</li> <li>• The interim bulk waste bin servicing/holding bay between Building B and C is to be sized to accommodate 6 x 1.1 m<sup>3</sup> / 2 x 0.66m<sup>3</sup> bulk waste bins i.e. minimum 11.5m in length and be located to facilitate roll out of bulk bins to the rear or the waste collection vehicle.</li> </ul> <p>To date, all requests for further information remain unresolved. It is likely the waste storage areas would have to be redesigned.</p>	
<b>Part 4 Development standards to be complied with</b>		
Division 1 General		
cl.40 Development standards—minimum sizes and building height	<p>Development consent must not be granted to a development unless the proposed development complies with the following standards:</p> <ul style="list-style-type: none"> <li>• 40(2) Site size – minimum 1,000m<sup>2</sup></li> <li>• 40(3) Site frontage – 20 metres wide measured at the building line</li> <li>• 40(4) Height in zones where residential flat buildings are not permitted.</li> </ul> <p>The proposal complies with the standards specified in this clause, as the total area of the site is 7,582m<sup>2</sup> and the site has a frontage to Brick Wharf Road and North Burge Road that exceeds 20m satisfying Clause 40 (2) and (3).</p>	Yes



	<p>The subject development application relates to 3 parcels of land at No. 184 Brick Wharf Road, No. 186 Brick Wharf Road and No. 1 North Burge Road, Woy Woy. The parcels are zoned both R2 Low Density Residential and RE2 Private Recreation under <i>Gosford Local Environmental Plan 2014</i> (GLEP 2014).</p> <p>Clause 40 (4) does apply in this circumstance but only to No. 184 Brick Wharf Road, Woy Woy which is zoned R2 Low Density Residential under GLEP 2014. Clause 40(4) provides the following:</p> <p><i>(4) Height in zones where residential flat buildings are not permitted. If the development is proposed in a residential zone where residential flat buildings are not permitted:</i></p> <p><i>(a) the height of all buildings in the proposed development must be 8 metres or less, and</i></p> <p><i>Note. Development consent for development for the purposes of seniors housing cannot be refused on the ground of the height of the housing if all of the proposed buildings are 8 metres or less in height. See clauses 48 (a), 49 (a) and 50 (a).</i></p> <p><i>(b) a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and</i></p> <p><i>Note. The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape.</i></p> <p><i>(c) a building located in the rear 25% area of the site must not exceed 1 storey in height.</i></p> <p>The Statement of Environmental Effects, prepared by Barker Ryan Stewart, dated October 2017, accompanying the application does not adequately consider the relevant development standards applicable to No. 184 Brick Wharf Road, Woy Woy. In correspondence dated 10 November 2017, the applicant was advised of this issue. To date, Council has not received a formal response to this issue.</p> <p>Figure 1 below details the approximate site boundaries of No. 184 Brick Wharf Road, Woy Woy in the south eastern corner of the site. Having regard to the development standards contained within cl.40 (4) of SEPP HSPD, the proposal is non-compliant, resulting in a <b>56.25% variation to the 8m height control, a 50% variation to part (b) and a 200% variation to part (c).</b></p>	No
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**Figure 1: Approx. boundary of R2 Low Density Lot (highlighted in black)**

Council has not received a written request seeking to justify the contravention cl.40(4) of SEPP HSPD in accordance with cl.4.6(4) of GLEP 2014.

In view of the above, and despite any merit associated with the variations to development standards proposed, the consent authority is unable to assess the proposed variation to the height development standard.

<b>Division 3 Hostels and self-contained dwellings—standards concerning accessibility and useability</b>		
cl.41(1) Standards for hostels and self-contained dwellings	The proposal has been design in accordance with these requirements.	Capable of complying via condition.
<b>Part 7 Development standards that cannot be used as grounds to refuse consent</b>		
Division 1 General		
cl.46 Inter-relationship of Part with design principles in Part 3	The proposed development in its current form does not adequately address several provisions within Part 3.	<b>No</b>



Division 4 Self-contained dwellings		
cl.50 Standards that cannot be used to refuse development consent for self-contained dwellings	<p>Clause 50 provides seven (7) standards by which development consent for self – contained dwellings including in-fill self-care housing cannot be refused:</p> <p>(a) Building height The proposed development exceeds the height of 8m with a maximum height of 14.3m.</p> <p>(b) Density and scale If the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less. The proposed floor space ratio is 1.3:1.</p> <p>(c) Landscaped area A minimum of 30% of the area of the site is to be landscaped, The subject proposal provides 36.4% landscaped area (2764m<sup>2</sup>).</p> <p>(d) Deep soil zones Not less than 15% of the area of the site must be provided as a deep soil zone). Two-thirds of the deep soil zone should preferably be located at the rear of the site and each area forming part of the zone should have a minimum dimension of 3m. 13.5% of the site areas is provided as deep soil zones.</p> <p>(e) Solar Access 86% of apartments receive 3 hours sunlight between 9am and 3pm.</p> <p>(f) Private open space for infill self-care housing Each apartment provides in excess of 15m<sup>2</sup>.</p> <p>(g) Parking 0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider:</p> <ul style="list-style-type: none"> <li>• Residential -77 car parking spaces required (capable of complying).</li> <li>• Visitor – 12.6 car parking spaces required (Capable of complying).</li> </ul>	cl.50 (a), (b), and (d) of SEPP HSPD can be utilised in refusing the subject development application.
Schedule 3 Standards concerning accessibility and useability for hostels and self-contained dwellings		
Part 1 Standards applying to hostels and self-contained dwellings		
cl.1-13	The proposal has been design in accordance with these requirements.	Capable of complying via condition.
Part 2 Additional standards for self-contained dwellings		
cl.14-21	The proposal has been design in accordance with these requirements.	Capable of complying via condition.



**Attachment 4***SEPP No. 71 Matters for Consideration Table*

<b>cl.8</b>	<b>Matters for Consideration</b>	<b>Assessment</b>	<b>Compliance</b>
<b>a</b>	Aims of the Policy	The proposal is compliant with the objectives of the Policy in terms of protection of the coastal zone and environment; and the maintenance of pedestrian access to foreshore areas.	Yes
<b>b</b>	Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved.	The proposal does not affect public access to foreshore areas.	Yes
<b>c</b>	Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability.	The subject site does not adjoin the coastal foreshore.	N/A
<b>d</b>	The suitability of development given its type, location and design and its relationship with the surrounding area.	Given the flood associated constraints associated with the development, the site is not considered suitable for seniors housing.	<b>No</b>
<b>e</b>	Any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore.	The proposal has no adverse impact on the foreshore in terms of view loss or overshadowing.	Yes
<b>f</b>	The scenic qualities of the New South Wales coast, and means to protect and improve these qualities.	The proposal will not have an adverse impact on the scenic qualities of the coastline.	Yes
<b>g</b>	Measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats.	The subject site does not contain any threatened species or habitat.	N/A



cl.8	Matters for Consideration	Assessment	Compliance
<b>h</b>	Measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats.	The proposal has no impact on the conservation of fish and marine vegetation.	N/A
<b>i</b>	Existing wildlife corridors and the impact of development on these corridors.	The proposal will not affect any identified wildlife corridor.	Yes
<b>j</b>	The likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coast.	The subject site does not adjoin the coastal foreshore	N/A
<b>k</b>	Measures to reduce the potential for conflict between land-based and waterbased coastal activities.	The proposal has no impact on water-based coastal activities.	N/A
<b>l</b>	Measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals.	The subject site does not contain any aboriginal sites or relics, and there are no known sites within the immediate locality.	N/A
<b>m</b>	Likely impacts of development on the water quality of coastal water bodies.	The proposal will not adversely affect downstream water quality.	Yes
<b>n</b>	The conservation and preservation of items of heritage, archaeological or historic significance.	The proposal has no impact on items of heritage, archaeological or historic value.	Yes
<b>o</b>	Only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities.	N/A.	N/A
<b>p(i)</b>	The cumulative impacts of the proposed development on the environment.	The precautionary principle requires decision-makers to be cautious where there is uncertainty concerning the nature or scope of potential serious or irreversible environmental damage. The proposed development does not pose a threat of serious or irreversible environmental damage.	Yes
<b>p(ii)</b>	Measures to ensure that water and energy usage by the proposed development is efficient.	Water and energy usage is efficient.	Yes



## Attachment 5

Central Coast Regional Plan 2036 Matters for Consideration

Matters for Consideration	Assessment	Compliance
<b>Goal 1 – A prosperous Central Coast with more jobs close to home</b>		
Direction 3: Support priority economic sectors	The proposed development will increase residential densities in proximity to the town centre of Woy Woy and will complement nearby commercial developments. The proposal will provide local employment opportunities during and after construction.	Yes
Direction 7: Increase job containment in the region	The proposal will stimulate the local economy and provide additional employment opportunities during and after construction.	Yes
<b>Goal 2 - Protect the natural environment and manage the use of agricultural and recourse lands</b>		
Direction 14: Protect the coast and manage natural hazards and climate change	Direction 14.1 has not been adequately addressed by the applicant in the Statement of Environmental Effects accompanying the application.	No
<b>Goal 3 - Well-connected communities and attractive lifestyles</b>		
Direction 15: Create a well – planned, compact settlement pattern	The proposal responds to population growth and complements nearby infill development and commercial developments in the town centre of Woy Woy. The site is connected by public transport, however prioritises walking and cycling, with an upgraded pathway linking the site to the town centre of Woy Woy.	Yes
Direction 16: Grow investment opportunities in the region's centres	The redevelopment of the site is an opportunity to invest in and upgrade The Sporties at Woy Woy and deliver a mixed use development.	Yes
Direction 17: Align land use and infrastructure planning	The proposed development complements population growth and the desired future character of the area. However, it is not considered the applicant has adequately addressed the impact the development application will have on future infrastructure.	No
Direction 18: Create places that inclusive, well designed and offer attractive lifestyles	The immediate recreation area includes waterfront parks, pathways and the public jetty. The Lions Park adjacent to the site has been upgraded with a level pedestrian and cycle path. The proposed development is within walking distance of the town centre of Woy Woy and supports local public transport networks.	Yes



Matters for Consideration	Assessment	Compliance
<b>Goal 4 – A variety of housing choice to suit needs and lifestyles</b>		
Direction 19: Accelerate housing supply and improve housing choice	The proposed development responds to population growth and the need for additional, high quality accommodation for seniors. The proposal will provide additional housing choice in the form of 2 bedroom, 3 bedroom, sub penthouse and penthouse units.	Yes
Direction 20: Grow housing choice in and around local centres		
Direction 21: Provide housing choice to meet community needs		



## Attachment 6

ADG Compliance Table

Design Criteria	Required	Proposed	Compliance
<b>3D-1 Communal Open Space</b>	Minimum communal open space area 25% of the site	<p>The size, location and design of communal or public open space will vary depending on the site context and the scale of development. The function of open space is to provide amenity in the form of:</p> <ul style="list-style-type: none"> <li>• landscape character and design;</li> <li>• opportunities for group and individual recreation and activities;</li> <li>• opportunities for social interaction;</li> <li>• environmental and water cycle management;</li> <li>• opportunities to modify microclimate; and</li> <li>• amenity and outlook for residents.</li> </ul> <p>The principal part of the communal open space area may be supplemented by:</p> <ul style="list-style-type: none"> <li>• additional landscape area, circulation space and areas for passive use and outlook; and</li> <li>• public land used for open space and vested in or under the control of a public authority.</li> </ul> <p>Approximately <b>290m<sup>2</sup> or 3.8%</b> of the site is dedicated as communal open space resulting in a departure with the requirements of this provision by <b>21.2%</b>. For a site of this size, the extent of non-compliance is not supported.</p> <p>The area dedicated as the principal communal open space at ground level located between Building B and Building C has been included. As well, the landscape outlook from this area identified in the western side boundary setback.</p> <p>The bowling green located within the basement level of the development is not considered to be communal open space as it is associated with the registered club and is located below ground level.</p>	<b>No</b>
	50% direct sunlight to principal usable part for min 2 hrs between 9am and	The small area dedicated for communal open space is situated between Building B and Building C and does not receive solar access until the late afternoon.	<b>No</b>



Design Criteria	Required	Proposed	Compliance
	3pm mid-winter		
<b>3E-1 Deep Soil Zone</b>	Minimum <b>7%</b> of the site, with minimum dimension 6m for a site greater than 1,500m <sup>2</sup>	<p><b>13.3%</b> of the site areas is provided as deep soil zones with dimensions of at least 4.5m.</p> <p>Whilst the above areas adjacent to the southern and eastern boundaries do not achieve the minimum dimension of 6 metres in some areas, they have been included as deep soil areas in that they meet objective 3E-1 of the ADG. Objective 3E-1 of the ADG, aims at <i>"providing areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality."</i></p> <p>In view of the above, whilst minimum dimensions of 6 metres is not provided for all deep soil zones proposed, no objection is made in that <b>13.3%</b> of the site will be occupied by deep soil zones. The areas of non-compliance are minimal across the site.</p>	Yes
	On some sites, it may be possible to provide a greater area for deep soil zones. Sites between greater than 1500m <sup>2</sup> 15% should be achieved, if possible.	<b>13.3%</b> of the site is provided as deep soil zones.	<b>No</b> , however minor non-compliance is supported.
<b>3F-1 Visual Privacy</b>	<p>Separation from boundaries (habitable rooms and balconies):</p> <ul style="list-style-type: none"> <li>6m (up to 12m in height)</li> <li>9m (up to 25m in height)</li> </ul>	<p>The subject site has two (2) street frontages, Brick Wharf Road (secondary frontage) and North Burge Road (primary frontage).</p> <p><u>Western Boundary (adjacent to No. 180 and No. 182 Brick Wharf Road, Woy Woy):</u></p> <ul style="list-style-type: none"> <li>GF – L2- 6m (complies)</li> <li>L3 – 9m (complies)</li> </ul> <p><u>Internal Separation:</u></p> <ul style="list-style-type: none"> <li>All internal separation distances comply (habitable/ non-habitable/ blank wall scenarios).</li> </ul>	Yes
<b>3J-1 Bicycle and Car Parking</b>	Minimum parking provided in accordance with the Gosford DCP 2013	GDCP 2013 is the applicable planning control for car parking under the ADG in this instance as the subject site lies outside the prescribed areas for use of the RMS Parking Guide for Metropolitan Sub-Regional Centres (notwithstanding cl.50 (g) of SEPP HSPD).	<b>No</b>



Design Criteria	Required	Proposed	Compliance
	Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas	Secure parking for bicycles and motorcycles is not evident in the basement Level	No
	Supporting facilities within car parks, including garbage, plant and switch rooms, storage areas and car wash bays can be accessed without crossing car parking spaces	<p>Garbage Rooms have not been provided in the basement and have instead been provided at grade on the ground level, where there are servicing areas for trucks provided. In this instance this is considered to be acceptable. Servicing of Garbage Room Building C can only be conducted by foot and not serviced by a waste servicing vehicle.</p> <p>The ADG and GDCP 2013 do not identify a requirement for car wash bays in residential flat developments. However, Objective 3J- 3 of the ADG states that a car wash bay is a supporting facility within a car park. It is acknowledged that commercial car washing is widely available in the area, however, failure to provide facilities results in on street car washing and pollution entering the stormwater. Therefore, the omission of this facility is not supported, however can be conditioned.</p> <p>It is also noted that an area for a delivery or service vehicles has not been provided (RMS Guidelines identify 1 space per 50 flats). In this instance it is considered the loading bay proposed for the waste truck is acceptable in accommodating this requirement.</p>	<p>Yes</p> <p>No</p> <p>Yes</p>
<b>4A-1 Solar and Daylight Access</b>	Living rooms and private open space of at least 70% of apartments receive a minimum of 3hr sun between 9am and 3pm mid-winter	86% of apartments within the proposed development receive 3 hours sun between 7am and 5pm.	Yes
	Maximum of 15% of apartments receive no direct sun between 9am and 3pm mid-winter	Complies.	Yes
<b>4B-3 Natural Ventilation</b>	Min 60% of apartments cross ventilated	42 of the 63 units (66%) are cross ventilated.	Yes



Design Criteria	Required	Proposed	Compliance
<b>4C-1 Ceiling Heights</b>	Minimum 2.7m	Complies.	Yes
<b>4D-1 Apartment Size</b>	1 bedroom: 50m <sup>2</sup>  2 bedroom: 75m <sup>2</sup> (5m <sup>2</sup> per additional bathroom)  3 bedroom – 90m <sup>2</sup>  (5m <sup>2</sup> per additional bathroom)	All apartment sizes are in excess of the requirements. Complies.	Yes
	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms	All habitable rooms have a window within the external wall that have a larger area than 10%.	Yes
<b>4D-2 Room depths</b>	Habitable room depths and maximum 8m depth for open plan layouts.	All habitable rooms comply.  Some units have a habitable room depth of 8.5m in units with an open plan layout. This is a 0.5m non – compliance.  This <b>6.25% on-compliance</b> is supported as the affected units maintain adequate amenity.	<b>No</b> , however no objection is made in this instance
<b>4D – 3 Layout</b>	Bedroom and living room sizes – 9 & 10m <sup>2</sup> bedrooms with min 3m width, 3.6m-4m width living rooms	Complies	Yes
<b>4E-1 Balconies</b>	1 bedroom: 8m <sup>2</sup> , min 2m depth 2 bedroom: 10m <sup>2</sup> , min 2m depth 3 bedroom: 12m <sup>2</sup> , min 2.4m depth	All primary balconies comply with this requirement.	Yes
	Podium/ground level private open space minimum 15m <sup>2</sup> , minimum depth 3m	Ground level apartments comply with the 15m, however in some instances a 3m depth is not achieved. The areas of minimum depths are 1.7m to 1.9m. Affected terraces also have areas that meet the minimum depth requirements	Yes



Design Criteria	Required	Proposed	Compliance
		and are well in excess of the prescribed 15m <sup>2</sup> . In this regard no objection is raised.	
<b>4F-1 Common Circulation</b>	Maximum of 8 apartments off a circulation core (although design guidance allows up to 12 apartments)	All proposed buildings comply notwithstanding Level 2 of Building B which has 9 apartments from the one (1) core. This block includes two (2) stair wells and one (1) lift shaft in a large central lobby area.	<b>No</b> , however no objection is made in this instance.
<b>4G-1 Storage</b>	1 bedroom: 6m <sup>3</sup> 2 bedroom: 8m <sup>3</sup> 3 bedroom: 10m <sup>3</sup>  Note: Minimum 50% within unit	Storage areas are proposed in both the basement areas and individual dwellings.	Yes, capable of complying via condition.
<b>4H Acoustic Privacy</b>	Noise transfer is limited through the siting of the buildings and building layout	It is considered the apartments have been orientated so as to minimise noise from living areas and outdoor terraces.	Yes
<b>4J Noise and Pollution</b>	The impact of external noise transfer and pollution are minimised through the siting and layout of the building.	Wet areas and utility rooms have been located adjoining stair cores and lift wells.  Habitable rooms on the ground floor of Building B have been located immediately adjacent the vehicle drive through area of the site where the waste service truck enters and exits the site. There is a bedroom adjoining the garbage room at this level. In this regard noise attenuation has not been adequately addressed.  It is also considered potential noise transfer from the club level and retail premises to those apartments located above the club level in Building A and B have been adequately addressed by the applicant.	Yes  <b>No</b>
<b>4K Apartment Mix</b>	A range of apartment types are provided to cater for different household types, and distributed throughout the building.	Complies	Yes
<b>4L Ground Floor Apartments</b>	Maximise street frontage activation and amenity.	Complies	Yes
<b>4M Facades</b>	Provide visual interest whilst	Complies	Yes



Design Criteria	Required	Proposed	Compliance
	respecting the character of the area.		
<b>4N Roof Design</b>	Roof features are incorporated in the roof design, response to the street and provide sustainability features.	There are no architectural roof features proposed for any of the buildings that create interest at any elevation. Furthermore, the three lift overruns have been omitted from the architectural plans accompanying the development application.	<b>No</b>
<b>4O Landscape Design</b>	Landscape design is viable, sustainable, contributes to the streetscape and amenity.	Landscaping is provided on the southern, eastern and western boundaries with planting also provided at all levels of the development via on structure planters.	Yes
<b>4P Planting on Structures</b>	Appropriate soil depths are provided	Complies	Yes
<b>4W Waste</b>	Waste storage facilities are provided to minimise impacts on the streetscape, building entry an amenity of residents.	The waste storage areas on the site are within the building envelope and are not visible from the streetscape.	Yes



## Attachment 7

GDCP 2013 Compliance Table

Development Control	Required	Proposed	Compliance
<b>2.1 Character</b>	<p><u>Desired Character</u></p> <ul style="list-style-type: none"> <li>These properties should continue to provide community, educational and recreation services according to the needs of their surrounding residential population.</li> <li>Ensure that the height and siting of new structures also preserve levels of privacy, sunlight and visual amenity that are enjoyed by neighbouring dwellings and their private open spaces.</li> <li>Minimise the scale and bulk of new buildings. Divide floorspace into separate pavilion structures that are surrounded by landscaped courtyards.</li> <li>For visually-prominent facades, incorporate extensive windows and display some variety of materials or finishes rather than expanses of plain masonry or metal cladding.</li> </ul>	<p>The subject site is within the Woy Woy Character Statement No. 14 Community Centres and Schools.</p> <p>The overall design of the development is structured as a compound of separate pavilions. The pavilion style buildings are surrounded by deep soil planting on the boundaries and open space within the site that is consistent with maintaining landscaping and green space as per the desired character.</p> <p>Noise mitigation measures as recommended in the Environmental Noise Assessment Report, prepared by Day Design Pty Ltd, dated 25 August 2017. The recommendations include the provision of a 2.1m high sound barrier adjacent to the retail precinct on site. Concerns regarding the visual impact of this barrier on the character of the area particularly from Lions Park and surrounding residential properties has not been adequately addressed by the applicant.</p> <p>There are no architectural roof features proposed for any of the buildings that create interest at any elevation. Furthermore, the three lift overruns have been omitted from the architectural plans accompanying the development application.</p>	<p>Yes</p> <p>No</p>
<b>2.2 Scenic Quality</b>	The subject site is located within the Peninsula Geographic Unit and encompasses the Woy Woy/ Umina Landscape Unit and the Woy Woy Bays Landscape Units	<p>The proposal is subject to the provisions of GDCP 2013 Chapter 2.2 – Scenic Quality.</p> <p>The development includes a higher density of residential development than that existing in the area. However, it is</p>	Yes



Development Control	Required	Proposed	Compliance
		<p>considered the transition between neighbouring development and the proposed development is acceptable. The use of landscaping on boundaries and roof areas of the proposal enhances the scenic quality of the area.</p> <p>Overall the development does not propose a bulk and scale that will adversely affect the scenic quality of the area. Views will be maintained around and through the site.</p> <p>The proposal is <b>consistent</b> with the stated objectives of GDCP 2013 Chapter 2.2 - Scenic Quality.</p>	
<b>6.1 Acid Sulfate Soils</b>	Report required.	The site is identified as Class 2 Acid Sulfate Soils. Acid Sulfate Soil Management Plan would be required given the basement excavation.	Capable of complying via condition
<b>6.3 Erosion and Sediment Control</b>	Plans required	Complies	Yes
<b>6.4 Geotechnical Requirement</b>	Investigations	The subject site is identified as being in a medium hazard landslip area will require a Geotechnical Report submitted to establish the stability of the site's landform. However, this information did not accompany the development application.	<b>No</b>
<b>6.7 Water Cycle Management</b>	Minimise the impact of the development on the natural predevelopment water cycle.	<p>The proposal is inconsistent with Chapter 6.7 – Water Cycle Management in that:</p> <ul style="list-style-type: none"> <li>No flood assessment has been carried out.</li> <li>Chapter 6.7.7.6.4 (A &amp; C) calls for any development for Seniors Housing to be unaffected by the probable maximum flood (PMF). This land is significantly affected by the PMF.</li> <li>Chapter 6.7.7.6.4 (F) identifies safe access, evacuation and parking during a PMF, without having to cross floodwaters of any depth, including access and evacuation. This is not possible for this site due</li> </ul>	<b>No</b>



Development Control	Required	Proposed	Compliance
		to the surrounding road network.	
<b>7.1 Car Parking</b>	<p><u>Residential Car Parking</u> 1.5 spaces per dwelling = Visitor Spaces/0.2 spaces per dwelling</p> <p><u>Registered Club</u> 1 space per 10m<sup>2</sup></p> <p><u>Retail Component</u> The commercial component of the proposal is not permissible within the zone therefore car parking has not been calculated.</p>	<p>The basement car park will be accessed from North Burge Road with internal lift and stair access to the residential floors.</p> <p><b>One hundred and thirty six (136) basement car parking spaces are proposed, including 9 accessible spaces and 18 visitor spaces.</b></p> <p>The use of on – street car parking has been proposed however there is no lease agreement, which benefits the club for such spaces and as such these spaces cannot be counted as spaces allocated for the proposed development.</p> <p><u>Residential Car Parking</u></p> <ul style="list-style-type: none"> <li>1.5 spaces per dwelling (63)= 94.5 Spaces</li> <li>Visitor Spaces/0.2 spaces per dwelling = 12.6 spaces</li> </ul> <p><b>Total required spaces (residential &amp; visitor) = 107.1</b></p> <p><u>Registered Club</u> 1 space per 10m<sup>2</sup> of gross floor area up to 5000m<sup>2</sup> (including outside seating areas):</p> <ul style="list-style-type: none"> <li>Ground Floor (approx. 1110m<sup>2</sup>): 1 space per 10m<sup>2</sup> = 110 spaces</li> <li>Bowling Green (1066.4m<sup>2</sup>)= 106.64</li> </ul> <p><b>Total required spaces = 216.64 (club)</b></p> <p><u>Retail Component</u> The commercial component of the proposal is not permissible within the zone therefore car parking has not been calculated on this basis.</p> <p><u>Conclusion</u> In accordance with this provision, the proposed development requires 107 car parking spaces to be allocated to residential and residential visitor parking and 217 car parking spaces to be allocated the registered club component</p>	<b>No</b>



Development Control	Required	Proposed	Compliance
		<p>of the development, resulting in a total of 324 car parking spaces.</p> <p>Noting calculations associated with the retail component of the development have not been provided, the proposed development will result in <b>58% non-compliance</b> with required car parking associated with the residential and club uses.</p> <p>The applicant was advised of these concerns in correspondence dated 10 November 2017. This issue remains unresolved.</p>	
<b>7.2 Waste Management</b>		<p>Waste Management has been reviewed by Councils Waste Officer. In correspondence dated 10 November 2017, the applicant was requested to address these concerns. This issue remains unresolved.</p>	<b>No</b>



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**Attachment 8**Site Compatibility Certificate

Mr Ian Stewart  
Barker Ryan Stewart Pty Ltd  
Studio 5, 78 York Street  
East Gosford NSW 5255

Our ref: 16/13521  
Your ref: 20130081

Dear Mr Stewart

**Determination of application for a site compatibility certificate for Lot 151, 152 DP 818343 and Lot 369 DP 755251, No. 184-186 Brick Wharf Road and 1 North Burge Road, Woy Woy**

I refer to your application of 4 November 2016 for a site compatibility certificate under clause 25 of *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004* (the SEPP) in relation to 184-186 Brick Wharf Road and 1 North Burge Road, Woy Woy.

As the Secretary's delegate, I have determined the application for a site compatibility certificate under clause 25(4) of the SEPP by issuing a certificate subject to the satisfaction of certain requirements specified in the certificate (clause 25(7)). I have attached the Certificate of Site Compatibility.

Noting the requirement in Schedule 2 of the certificate, it is the Department's view that further consideration should be given to the overall building height, bulk and scale of the development, including the number of infill self-care housing units proposed. Further consideration should be given to the visual dominance of the development to the waterfront and street, and the development's interface with residential development, noting the need for the development to be compatible with the surrounding environment.


Final development form and layout, including the number and size of infill self-care housing units in the proposed seniors housing development, shall be determined by the consent authority through the assessment of the development application under section 79C of the *Environmental Planning and Assessment Act 1979*.

I would encourage you to liaise with Council in relation to planning and design matters, for example height, bulk, scale, setbacks, landscaping, access and parking arrangements, prior to the lodgement of a detailed development application.



If you have any questions in relation to this matter, please contact Ms Monica Gibson, Director, Hunter and Central Coast region of the Department of Planning and Environment on (02) 4904 2708.

Yours sincerely

 24 January 2017  
Stephen Murray  
Executive Director  
Planning Services

Encl: Site Compatibility Certificate

**State Environmental Planning Policy (Housing for Seniors or People with a Disability)  
2004  
Certificate of Site Compatibility**

I, the Executive Director, Regions, Planning Services, as delegate of the Secretary of the Department of Planning and Environment, determine the application made by Barker Ryan Stewart on behalf of Woy Woy Holdings Pty Ltd on 4 November 2016, by issuing this Certificate under clause 25(4)(a) of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

I certify that in my opinion:

- the site described in Schedule 1 is suitable for more intensive development; and
- the development for the purposes of seniors housing, of the kind proposed in the application and described in Schedule 1, is compatible with the surrounding environment and surrounding land uses, having had regard to the criteria specified in clause 25(5)(b), subject to the requirements specified in Schedule 2 of this certificate.

  
Stephen Murray  
Executive Director  
Planning Services

Date certificate issued: 24 January 2017

**Please note:** This certificate will remain current for 24 months from the date of this certificate (clause 25(9)).



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**SCHEDULE 1**

**Site description:** Lot 151, 152 DP 818343 and Lot 369 DP 755251, No. 184-186 Brick Wharf Road and 1 North Burge Road, Woy Woy

**Project description:** Woy Woy Sporties - Seniors housing development, under *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, comprising:

- 'in-fill self-care housing' units, proposed in conjunction with a new sport club building and food and drink premises on site.

**SCHEDULE 2**

**Application made by:** Barker Ryan Stewart on behalf of Woy Woy Holdings Pty Ltd

**Requirements imposed on determination:**

The final design, number and size of self-care housing units in the proposed seniors housing development will be subject to the consent authority being satisfied with the form, height, bulk, scale, and setbacks, noting the need for the development to be compatible with the surrounding environment. This shall be determined by the consent authority through assessment of the development application under section 79C of the *Environmental Planning and Assessment Act 1979*.



## Attachment 9

Actions of Council/ Applicant throughout the DA process

Date	Comment
10/11/2017	<p>Following the completion of a preliminary assessment, correspondence was forwarded to the applicant where concerns were identified relating to the submitted Site Compatibility Certificate, Gosford Local Environmental Plan 2014, State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, and car parking.</p> <p>The applicant was also advised that internal referral comments had been received from Council's Recreation Passive Parks Section. The comments provided confirmed that the proposal is not supported in its current form due to several impacts on adjacent public areas and the ability of those areas to perform the core public purpose for which they are reserved and developed.</p> <p>The applicant was further advised of requests of additional information from Council's Liquid Trade Waste and Waste Servicing Sections.</p>
14/12/2017	The applicant requested an extension until the end of January 2018 in which to formally respond to Council.
08/01/2018	<p>Correspondence was forwarded to the applicant advising of the following:</p> <ul style="list-style-type: none"> <li>• Advice was provided from Council's Traffic and Transport Planner stating the development application is not supported on transport engineering grounds due to its adverse impact on surrounding car parking off North Burge Road. In addition, the proposed driveway access point to North Burge Road results in an unacceptable loss of shuttle and bus taxi set down service.</li> <li>• Further clarification was requested with regard to the permissibility of the proposed five retail premises proposed in an area of the site zoned RE2 Private Recreation.</li> </ul>
09/01/2018	<p>Correspondence was forwarded to the applicant, where advice provided from Council's Engineering Assessment Team Leader (South) identified several flood related issues. It was recommended the applicant engage the services of a Flood Consultant specialising in flood risk management to address the flood constraints within the site having regard to seniors living and evacuation management.</p> <p>Council also recommended the flood risk management concerns identified in this correspondence are adequately addressed prior to the submission of additional information/ and or amended plans in response to correspondence from Council dated 10 November 2017 and 8 January 2018.</p>
11/01/2018	As requested, advice was provided to the applicant concerning flood studies relevant to the development application.
12/01/2018	As requested, further advice was provided from Council's Flooding and Drainage Engineer to the applicant concerning flood studies relevant to the development application.
14/02/2018	Correspondence was forwarded to the applicant, advising of issues raised in submissions received, a copy of the briefing minutes of the Joint Regional Panel Briefing Meeting on 25 January 2018, and further advice from Council's Development Engineer.
27/02/2018	The applicant was requested to provide additional information at the request of Water NSW.
13/03/2018	The applicant requested a meeting to address the flood concerns raised by Council.

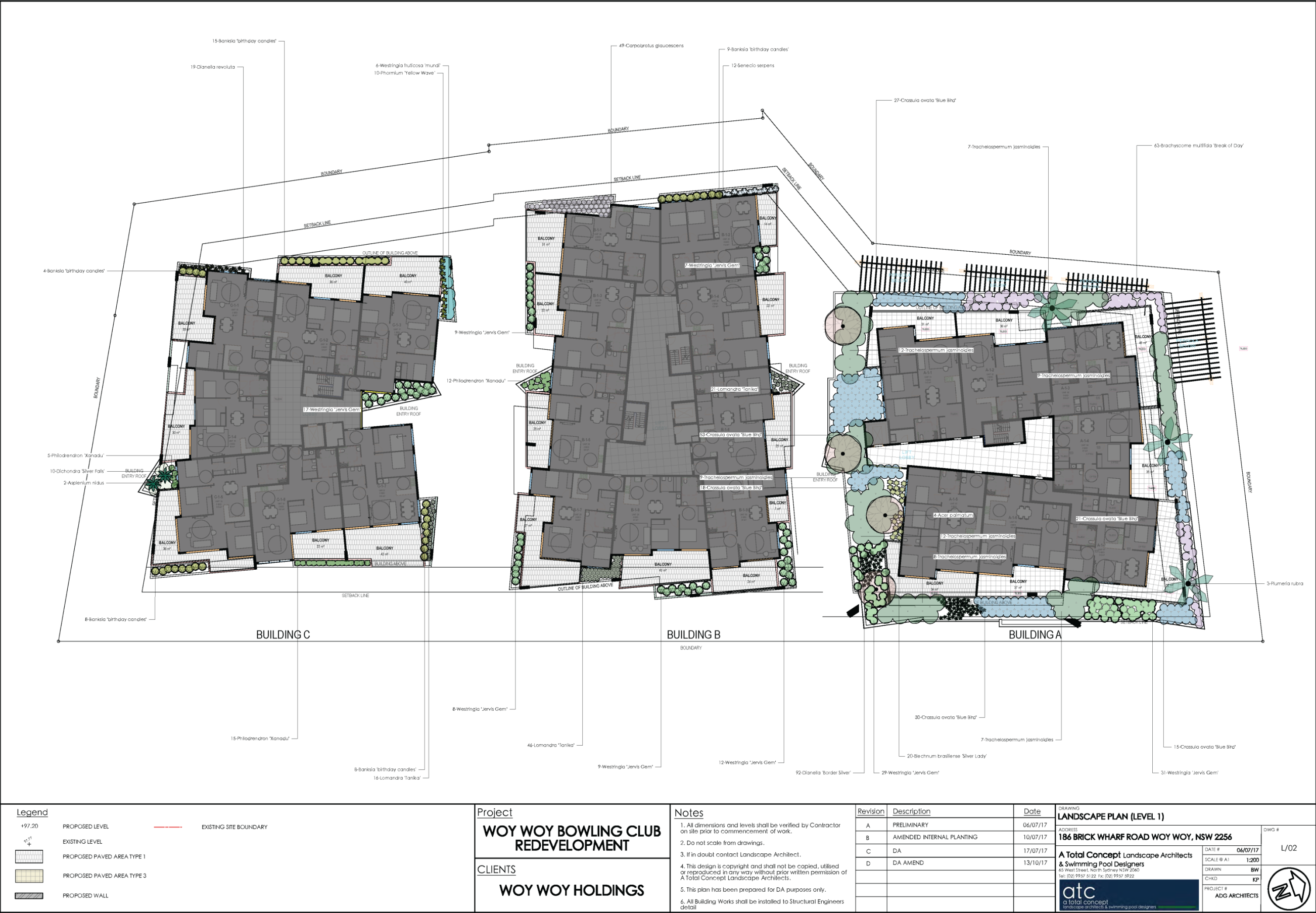


	The applicant was advised that until a formal response is provided to Council relating to flood evacuation, Council Officers are unable to attend any further meetings with regard to this issue.
<b>14/03/2018</b>	Correspondence was received from applicant questioning Council's opposition to the development because of the flood evacuation issue and why this issue was not raised at the pre-lodgement meeting or subsequent meetings.
<b>16/03/2018</b>	In response to correspondence received at Council on 14 March 2018 the applicant was advised of the following:- <ul style="list-style-type: none"> <li>• Council has not received any additional information as requested with regard to flood risk management concerns. As stated in correspondence dated 13 March 2018, until a response is provided to Council for review Council Officers are unable to attend any further meetings with regard to this issue. Based on the current advice provided by Councils Flooding &amp; Drainage Engineer, the application is not supported. However, this position may be further reviewed upon receipt of the previously requested information.</li> <li>• The Pre-DA Meeting Notes, held on 16 September 2016, provided advice regarding flooding. It was also noted in the minutes of the meeting that the comments provided in the pre DA process are intended to guide the applicant in the preparation and lodgement of a formal development application, wherein further issues may become apparent, and additional information may be required from the applicant during the formal assessment phase. Furthermore, this meeting in no way infers nor implies that development consent will be granted to a proposal.</li> </ul>
<b>22/03/2018</b>	Correspondence was forwarded to the applicant, advising that due to the scale and nature of this proposed development, Council's Social Planner has recommended a comprehensive social impact assessment be undertaken.
<b>06/04/2018</b>	Council received advice from EMM Consulting with regard to a solution for flood evacuation. The proposed concept was referred for review to Council's Flood and Drainage Engineers.
<b>12/04/2018</b>	The applicant was advised the preferred flood evacuation solution was not supported. It was concluded the flood risk management concerns previously identified by Council cannot be adequately addressed and it is recommended the application is either withdrawn or referred for determination in its current form.
<b>02/05/2018</b>	As requested, Council advised the applicant of the fees that could be refunded if the development application was withdrawn.
<b>04/05/2018</b>	The applicant requested a period of 4 weeks to address the various issues raised.
<b>07/05/2018</b>	Council advised the flood risk management concerns previously identified by Council cannot be adequately addressed and it is recommended the application is either withdrawn or referred for determination in its current form. Council advised that they cannot further defer the application in which to provide further additional information, when to date, only a conceptual proposal has been provided without any technical flood investigations.
<b>NOTE</b>	Council has not received a response with regard to concerns (unrelated to flood evacuation) that were raised by Council in correspondence dated 10 November 2017 (Preliminary Assessment); 8 January 2018 (Traffic/ Transport/ Permissibility); 14 February 2018 (JRPP Briefing); 27 February 2018 (Advice from Water NSW); and 22 March 2018 (Social Impact). The applicant advised that this information would be addressed once issues associated with flooding were adequately resolved.

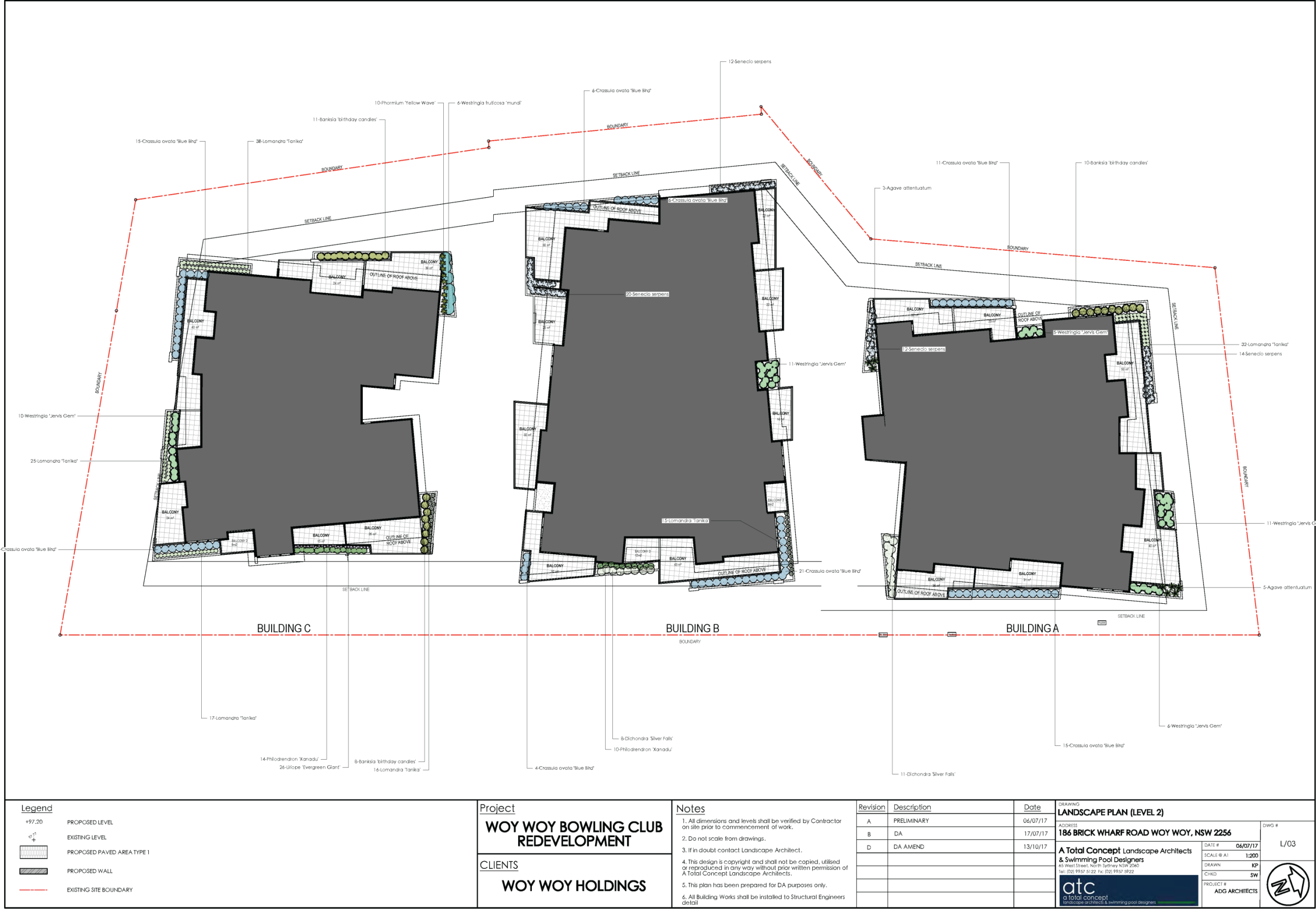




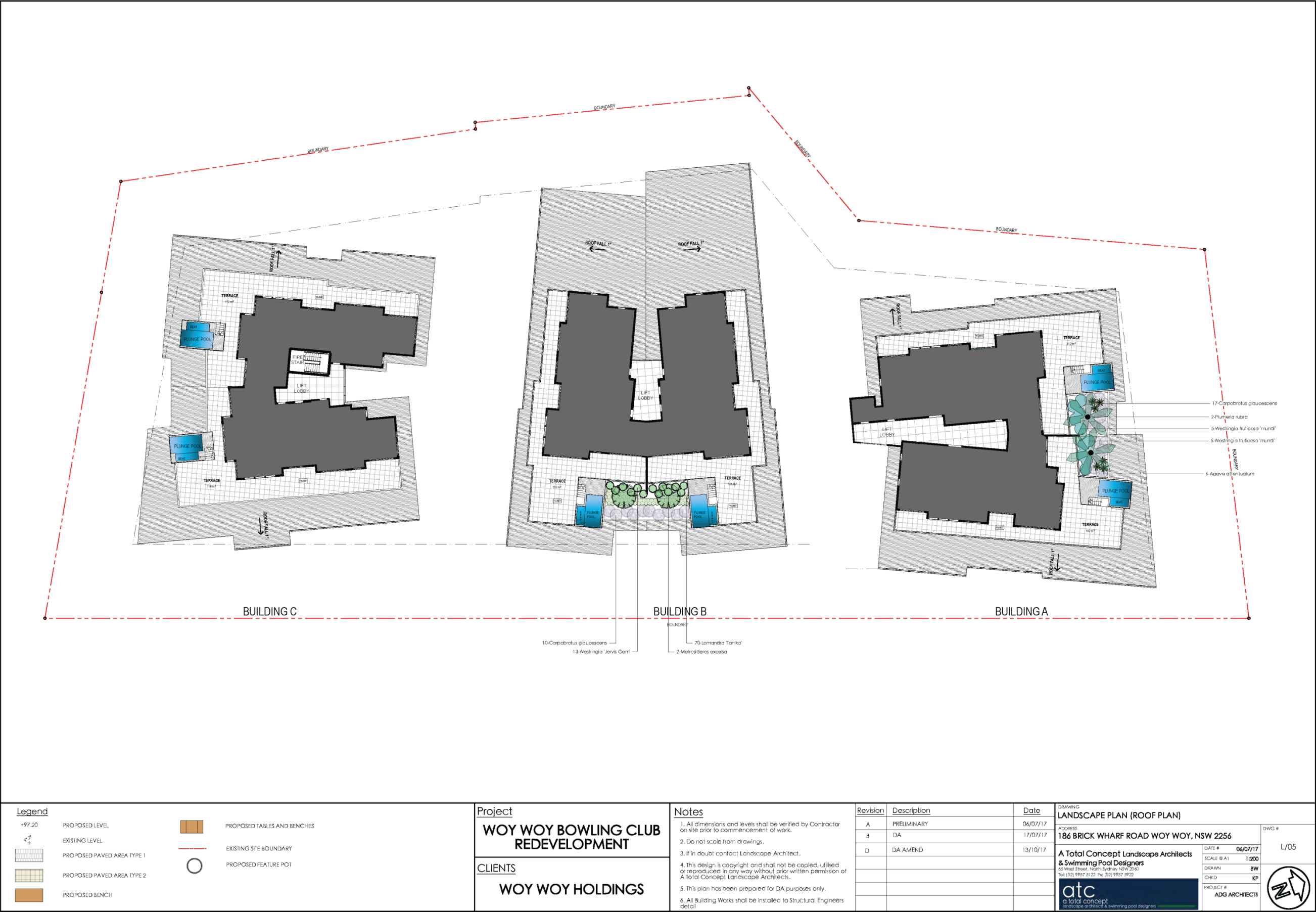






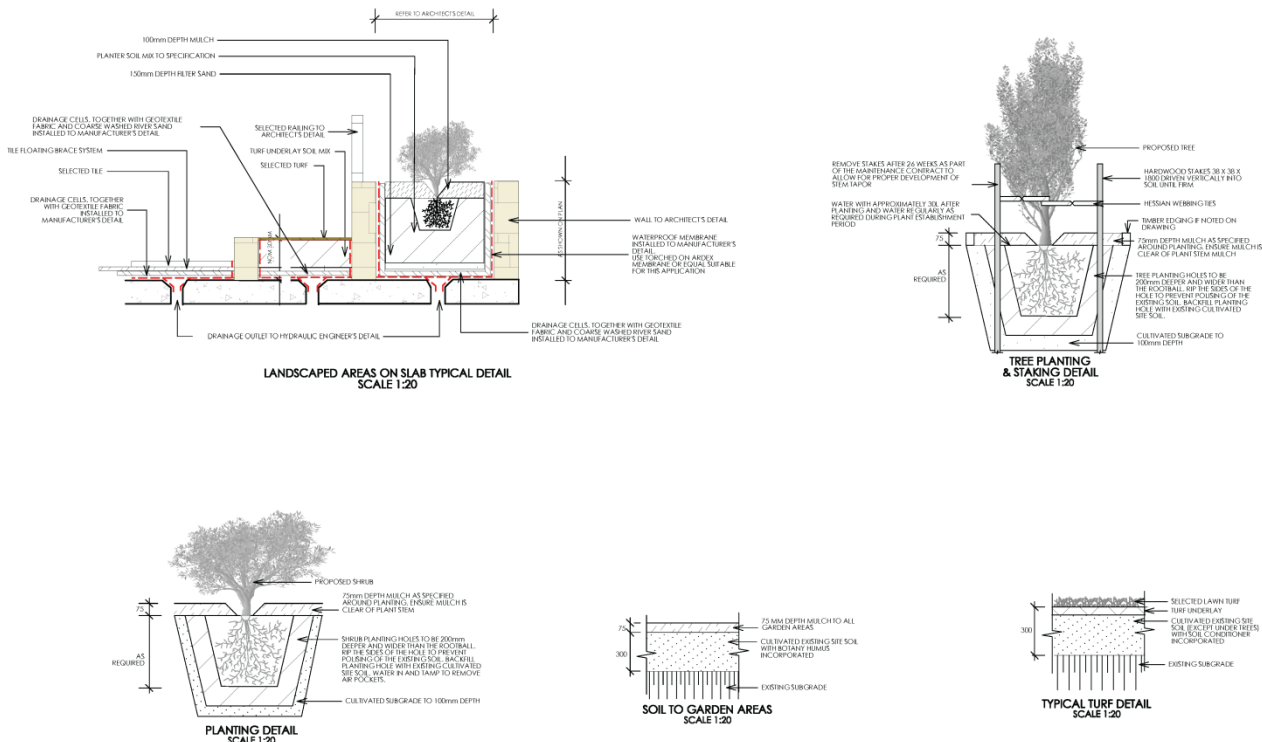








TYPICAL LANDSCAPE DETAILS



PLANT SCHEDULE

Latin Name	Common Name	Quantity	Scheduled Size	Spread	Height
Acer palmatum	Japanese Maple	8	45lt	5000	5500
Acmena smithii 'Minor'	Lilly Pilly Minor	15	140mm	1000	2000
Acmena smithii 'Minor'	Lilly Pilly Minor	21	200mm	1200	2000
Agave attenuatum	Agave	34	45lt	1000	1000
Alpinia variegata	Variegated Ginger	41	140mm	1500	2000
Aspidistra elatior	Cast Iron Plant	31	200mm	1000	1000
Asplenium nidus	Birds Nest Fern	16	200mm	2000	1500
Banksia 'birthday candles'	Dwarf Banksia	97	200mm	1000	500
Banksia integrifolia	Coastal Banksia	7	100lt	5000	12000
Blechnum brasiense 'Silver Lady'	Blechnum	71	140mm	750	750
Brachychiton acerifolius	Illawarra Flame Tree	2	100lt	7000	11000
Brachyscome multifida 'Break of Day'	Cul Leaf Daisy	86	200mm	1000	500
Canabrotus glaucescens	Pigface	341	140mm	600	600
Canabrotus glaucescens	Pigface	27	20mm	1500	600
Ceratopetalum gummiferum	NSW Christmas Bush	6	100lt	4000	6000
Cordyline 'Hilo Rainbow'	Rainbow Ti	20	200mm	1000	2000
Cordyline terminalis 'Rubra'	Red Ti	4	140mm	2000	2000
Cordyline terminalis 'Rubra'	Red Ti	15	200mm	800	2000
Crassula ovata 'Blue Bird'	Crassula	251	---	1000	1000
Crinum pedunculatum	Swamp Lily	14	200mm	1000	1500
Dianella 'Border Silver'	Dianella	169	140mm	500	500
Dianella revoluta	Mauve Box Lily	37	140mm	500	500
Dichondra 'Silver Falls'	Kidney Weed	60	140mm	1000	100
Doryanthes excelsa	Gymea Lily	47	300mm	1500	1500
Elaeagnus argentea	Quandong	8	100lt	6000	12000
Eucalyptus saligna	Sydney Blue Gum	3	100lt	10000	20000
Forsythia viridissima	Rose Spargalia	147	140mm	1000	400
Hibiscus scandens	Climbing Guinea Flower	102	140mm	1000	350
Hibiscus tiliaceus 'Rubra'	Red Cottonwood	21	200mm	3000	4000
Howea forsteriana	Kentia Palm	3	140mm	3000	15000
Hymenocallis flava	Native Frangipanni	5	100lt	6500	15000
Liriodendron 'Evergreen Giant'	Giant Lilyturf	71	140mm	300	300
Lomandra 'Tanika'	Dwarf Lomandra	709	---	500	500
Lomandra longifolia	Native Grass	10	140mm	900	900
Magnolia 'Little Gem'	Magnolia	3	100lt	2500	3000
Melaleuca armillaris	Bracelet Honey Myrtle	9	100lt	5000	10000
Metrosideros excelsa	NZ Xmas Bush	2	20mm	3000	4500
Murraya paniculata	Orange Jessamine	13	200mm	1200	2500
Myoporum parvifolium	Creeping Boobialla	5	140mm	1500	200
Nyssa sylvatica	Tulipifera	2	100lt	6500	20000
Philodendron 'Xanadu'	Dwarf Philodendron	209	140mm	750	1000
Phormium 'Yellow Wave'	Dwarf NZ Flax	71	200mm	750	750
Phormium tenax 'Atropurpureum'	Purple NZ Flax	12	---	2500	2500
Plumeria rubra	Frangipanni	5	140mm	6000	6000
Plumeria rubra	Frangipanni	2	100lt	6500	6000
Rhopilepis 'Snow Maiden'	Indian Hawthorn	54	200mm	1000	750
Sansevieria trifasciata	Mother in Law Tongue	29	140mm	500	1500
Senecio serpens	Chalk Sticks	210	140mm	750	300
Strelitzia reginae	Bird of Paradise	57	200mm	1500	2000
Syzgium 'Cascade'	Dwarf Weeping Lillypilly	53	300mm	1500	3000
Syzgium 'Royal Flame'	Small Leafed Lillypilly	50	140mm	1500	1500
Syzgium australe 'Resilience'	Lillypilly	35	200mm	1500	2500
Trachelospermum jasminoides	Star Jasmine	64	200mm	2000	2000
Trachelospermum jasminoides	Star Jasmine	198	140mm	1000	2000
Waterhousea floribunda	Weeping Lilly Pilly	7	100lt	3500	8000
Westringia 'Jervis Gem'	Coastal Rosemary	245	200mm	1000	1000
Westringia fruticosa 'mundi'	Westringia mundi	26	20mm	1500	500

Project

WOY WOY BOWLING CLUB REDEVELOPMENT

CLIENTS

WOY WOY HOLDINGS

Notes

1. All dimensions and levels shall be verified by Contractor on site prior to commencement of work.
2. Do not scale from drawings.
3. If in doubt contact Landscape Architect.
4. This design is copyright and shall not be copied, utilised or reproduced in any way without prior written permission of A Total Concept Landscape Architects.
5. This plan has been prepared for DA purposes only.
6. All Building Works shall be installed to Structural Engineers detail

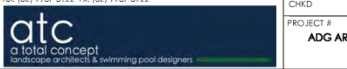
Revision	Description	Date
A	PRELIMINARY	07/06/17
B	PLANT SCHEDULE UPDATED	07/06/17
C	DA	17/07/17
D	DA AMEND	13/10/17

DRAWING LANDSCAPE DETAILS AND PLANT SCHEDULE

ADDRESS  
186 BRICK WHARF ROAD WOY WOY, NSW 2256

A Total Concept Landscape Architects  
& Swimming Pool Designers

63 West Street, North Sydney NSW 1585  
Tel: (02) 9957 5122 Fax: (02) 9957 5922



DWG #

L/06

DATE # 06/07/17

SCALE @ A1 REFER TO SCALE

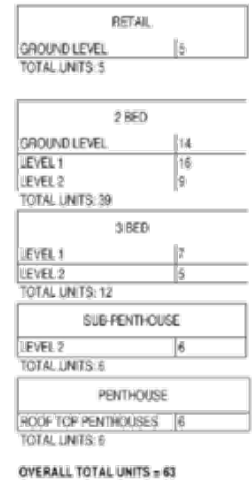
DRAWN BY BW

CHECKED BY KP

PROJECT # ADG ARCHITECTS







AREA SCHEDULE (UNITS)		
UNIT	BEDROOMS	UNIT AREA
LEVEL 1		
A-1	2 BDR	96 sq ft
A-2	2 BDR	96 sq ft
A-3	2 BDR	96 sq ft
A-4	2 BDR	96 sq ft
A-5	2 BDR	96 sq ft
A-6	2 BDR	96 sq ft
A-7	2 BDR	96 sq ft
A-8	2 BDR	96 sq ft
A-9	2 BDR	96 sq ft
A-10	2 BDR	96 sq ft
A-11	2 BDR	96 sq ft
A-12	2 BDR	96 sq ft
A-13	2 BDR	96 sq ft
A-14	2 BDR	96 sq ft
A-15	2 BDR	96 sq ft
A-16	2 BDR	96 sq ft
A-17	2 BDR	96 sq ft
A-18	2 BDR	96 sq ft
A-19	2 BDR	96 sq ft
A-20	2 BDR	96 sq ft
A-21	2 BDR	96 sq ft
A-22	2 BDR	96 sq ft
A-23	2 BDR	96 sq ft
A-24	2 BDR	96 sq ft
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A-26	2 BDR	96 sq ft
A-27	2 BDR	96 sq ft
A-28	2 BDR	96 sq ft
A-29	2 BDR	96 sq ft
A-30	2 BDR	96 sq ft
A-31	2 BDR	96 sq ft
A-32	2 BDR	96 sq ft
A-33	2 BDR	96 sq ft
A-34	2 BDR	96 sq ft
A-35	2 BDR	96 sq ft
A-36	2 BDR	96 sq ft
A-37	2 BDR	96 sq ft
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A-42	2 BDR	96 sq ft
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A-100	2 BDR	96 sq ft
LEVEL 2		
B-1	2 BDR	96 sq ft
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B-92	2 BDR	96 sq ft
B-93	2 BDR	96 sq ft
B-94	2 BDR	96 sq ft
B-95	2 BDR	96 sq ft
B-96	2 BDR	96 sq ft
B-97	2 BDR	96 sq ft
B-98	2 BDR	96 sq ft
B-99	2 BDR	96 sq ft
B-100	2 BDR	96 sq ft
TOTAL TOTAL (G)		
		6000 sq ft

BOWLING CLUB + RETAILS + 63 UNITS SENIOR LIVING RESIDENTIAL APARTMENTS + BASEMENT CARPARK

DESIGN FACTS		ALLOWABLE	PROPOSED DEVELOPMENT	GFA
SITE AREA	1286m <sup>2</sup>		8800m <sup>2</sup>	
TOTAL GFA AREA	14.4		13.3:1	
PERMISSIBLE HEIGHT	N/A			
BUILDING CLASS			3, 4, 5, 6	
FRONT SETBACK	3m		3m	
SIDE SETBACK	0m - 4.5m NON HABITABLE 0m - 6m HABITABLE		3m - 4.5m NON HABITABLE 0m - 6m HABITABLE	
REAR SETBACK	0m NON HABITABLE 0m HABITABLE		0m - 5m	
CONJUGAL OPEN SPACE	1400m <sup>2</sup> - 1600m <sup>2</sup> (As per CCDC Council COO RUS)		BASEMENT HOUSING GREEN (1600m <sup>2</sup> ) CLUB & OUTDOOR DECK AREA (350m <sup>2</sup> ) OUTDOOR COMMON OPEN SPACE (567m <sup>2</sup> ) TOTAL 3517m <sup>2</sup> , 40%	
TOTAL DEEP SOIL AREA	0.000% (0) (As per SAPP 56 REQ.)		729m <sup>2</sup> , 8.2% REFER TO LANDSCAPE ARCHITECT'S DRAWINGS	
CLUB			TOTAL CLUB AREA 900m <sup>2</sup> CLUB OUTDOOR AREA 350m <sup>2</sup>	
COMMERCIAL			5 RETAILS TOTAL AREA = 445m <sup>2</sup>	
TOTAL UNITS			63 *ALL UNITS TO COMPLY TO SEPP HOUSING FOR SENIOR LIVING 2004	
TOTAL PARKING SPACES	CLUB & COMMERCIAL CAR SPACES (AS PER EXISTING) (1 SPACE REQUIRED FOR RESIDENTIAL CAR SPACES) (SEPP SENIOR LIVING) 1 SPACE/2 UNITS FOR VISITOR CAR SPACES (AS PER REQ.) *60% ACCESSIBLE CAR PARKING SPACE OF THE REQUIRED RESIDENT AND VISITOR SPACES ARE REQ. REQ.		25 CLUB & COMMERCIAL CAR SPACES (AS REQUIRED) 89 RESIDENTIAL CAR SPACES (10 PER REQ.) 18 VISITOR CAR SPACES (17 REQUIRED) *ALLOCAE 10% ACCESSIBLE CAR PARKING SPACE OF THE REQUIRED RESIDENT AND VISITOR SPACES ARE REQ. REQ. *1% REQ. REQ. TOTAL REQUIRED CAR SPACES = 130 PROPOSED CAR SPACES = 138	
			BASEMENT LEVEL *CLUB HOUSING GREEN GROUND LEVEL *CLUB (INDOOR ONLY) *RETAIL *RESIDENTIAL LEVEL 1 LEVEL 2 LEVEL 3 TOTAL 3517m <sup>2</sup>	1620m <sup>2</sup> 300m <sup>2</sup> 445m <sup>2</sup> 130m <sup>2</sup> 270m <sup>2</sup> 227m <sup>2</sup> 35m <sup>2</sup>
			TOTAL	3517m <sup>2</sup>

### EXTERNAL MATERIAL



BEACH

 **BRICK**  
 BRICKWORK COLOUR OR SIMILAR  
 PB

 **FEATURED TIMBER FINISHES**  
 SPOTTED GUM TIMBER  
 OR SIMILAR  
 PQ

 **FEATURED CONCRETE FIN**  
 DDV

 **WHITE CEMENT RENDER FIN**  
 CEMENT RENDERED BRICK  
 DVB

 **WINDOW + DOOR FRAMES**  
 BRUSHED ANODISED ALUMINIUM  
 WINDOW AND DOOR FRAMES  
 AL

## COMMON-AREA: PA

Three small square tiles are shown, each with a different color. The top tile is grey, the middle one is light beige, and the bottom one is off-white. Each tile has a small label below it: 'GREY', 'TILE 36', and 'TILE 36' respectively.

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**KITCHEN FLOOR TILES**  
POLISHED PORCELAIN 300X300  
TL26

**LIVING ROOM & BEDROOM**  
CARPET  
ASHBINE AND ALEXANDER  
FRENCHY CARPET  
LIGHT GREY COLOUR OR  
SIMILAR  
D772

**BATHROOM TILES**  
850 X 450 MM  
TEXTURED LIGHT GREY  
COLOUR OR SIMILAR  
TL26

**BALCONY TILES**  
850 X 450 MM  
TEXTURED DARK GREY COLOUR  
OR SIMILAR  
TL26

**LOBBY AREA TILES**  
PORCELAIN TEXTURED 600X600  
BEIGE COLOUR OR SIMILAR  
TL26

# PROPOSED WOY WOY BOWLING CLUB REDEVELOPMENT

<div><div><div>B ISSUE DA SUBMISSION213.10.17 SJ</div><div>A ISSUE FOR DA SUBMISSION11.07.17 CK SJ</div></div><div><div><div><div><div></div><div></div></div><div>Member of the Institute of Architects Australia</div></div><div><div>ADGarchitects</div><div><div>DA SUBMISSION</div><div>NOT TO BE USED DURING CONSTRUCTION</div></div></div></div><div><div>Project</div><div>WOY WOY BOWLING CLUB REDEVELOPMENT</div></div><div><div>Client</div><div>WOY WOY HOLDINGS</div></div><div><div>Location</div><div>186 BRICK WHARF ROAD WOY WOY 2256 NSW</div></div><div><div>Drawing</div><div>COVER SHEET</div></div><div><div>Project Number</div><div>15_043</div></div><div><div>Drawing Number</div><div>DA00</div></div><div><div>Issue</div><div>B</div></div></div></div>				<div><div><div>DA SUBMISSION</div><div>NOT TO BE USED DURING CONSTRUCTION</div></div><div><div>Scale</div><div>Architectural 20:1</div></div><div><div>File Name</div><div>C:\Users\BDA\Documents\BDA\WOY WOY BOWLING CLUB\WOY WOY BOWLING CLUB\DA00.dwg</div></div><div><div>Date Plotted</div><div>13/10/2017 10:00:00 AM</div></div></div>			
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- 298 -

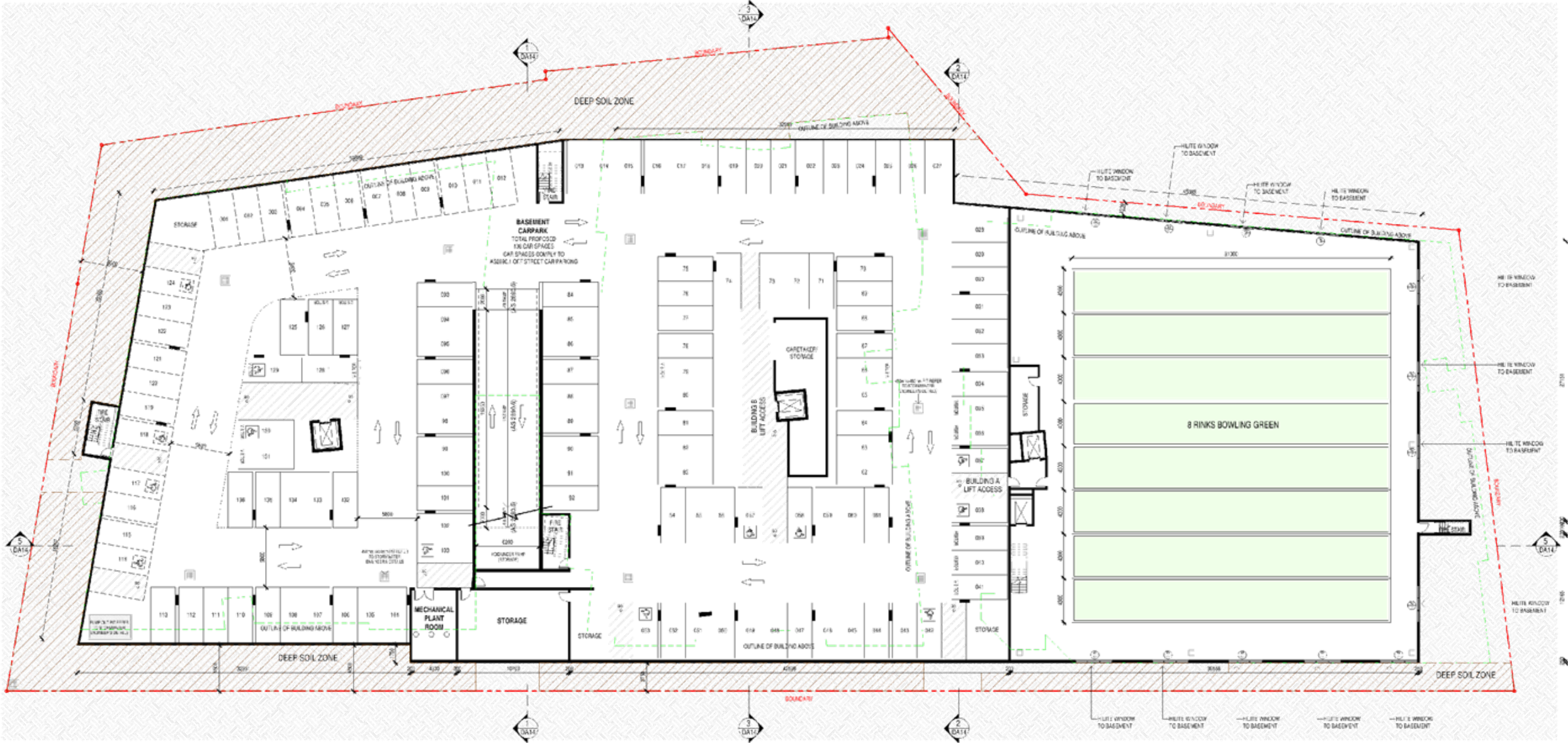
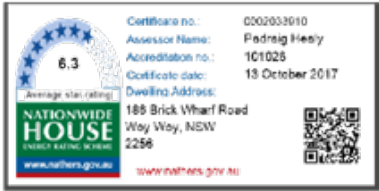












1 BASEMENT LEVEL  
1/2019

B	ISSUE DA SUBMISSION2	13.10.17	SJ
A	ISSUE FOR DA SUBMISSION	11.07.17	DK, SJ
Issue	Description	Date	Chk Auth



**ADG**architects  
Architects  
10/101-10/101 & 10/101-10/101 (10/101-10/101)  
10/101-10/101 & 10/101-10/101 (10/101-10/101)  
10/101-10/101 & 10/101-10/101 (10/101-10/101)

Project  
**WOY WOY BOWLING CLUB  
REDEVELOPMENT**

Client  
**WOY WOY HOLDINGS**

Location  
**188 BRICK WHARF ROAD WOY  
WOY 2256 NSW**

Drawing  
**BASEMENT FLOOR PLAN**

DA SUBMISSION  
NOT TO BE USED DURING CONSTRUCTION



Project Number  
**15\_043**

Drawing Number  
**DA04**

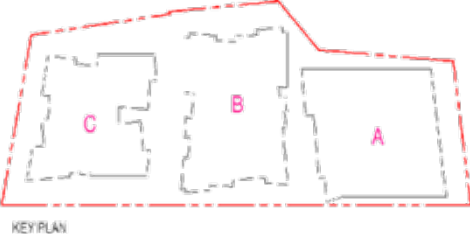
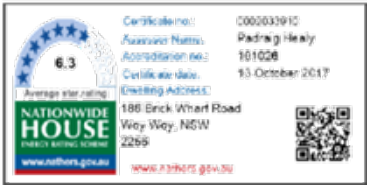
Issue  
**B**







B ISSUE DA SUBMISSION2 13.10.17 SJ			Project WOY WOY BOWLING CLUB REDEVELOPMENT	Client WOY WOY HOLDINGS	Location 186 BRICK WHARF ROAD WOY WOY 2256 NSW	Drawing GROUND LEVEL FLOOR PLAN	Project Number 15_043		Drawing Number DA05		Issue B
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Issue	Description	Date	Chk	Auth							

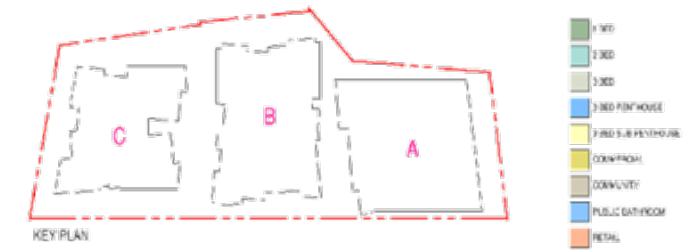






LEVEL 1  
DATE: 10/10/17

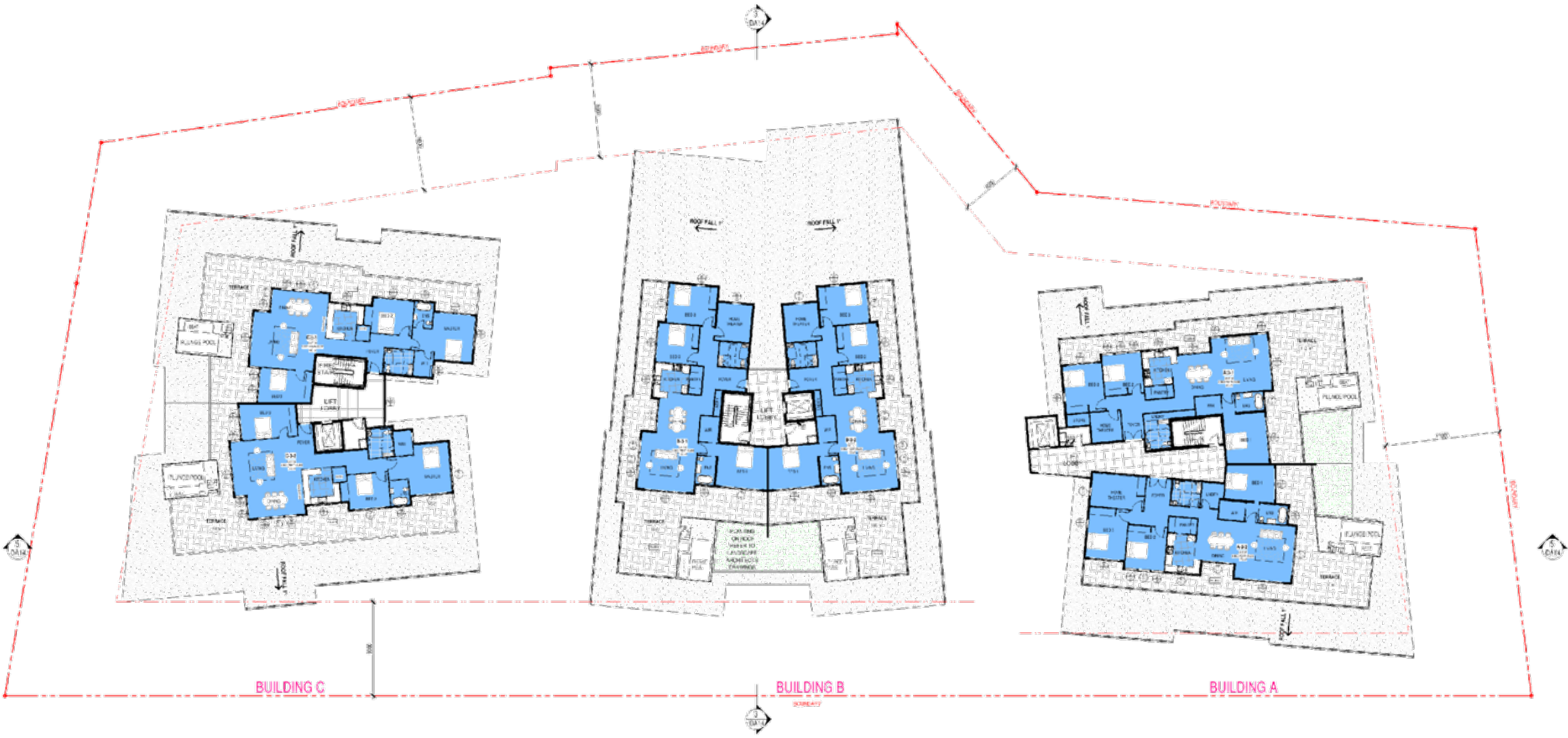
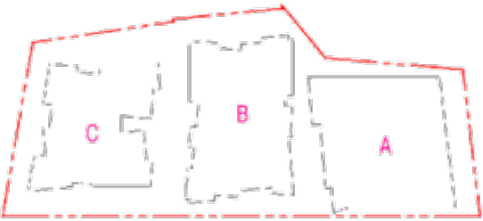
B ISSUE DA SUBMISSION2 13/10/17 SJ				 Minister Department Infrastructure of architects	Project WOY WOY BOWLING CLUB REDEVELOPMENT	Client WOY WOY HOLDINGS	Location 186 BRICK WHARF ROAD WOY WOY 2256 NSW	Drawing LEVEL 1 FLOOR PLAN	Project Number 15_043	Drawing Number DA06	 Issue B
A ISSUE FOR DA SUBMISSION 11/07/17 DK SJ											
Issue	Description	Date	Chk	Auth	DA SUBMISSION NOT TO BE USED DURING CONSTRUCTION						





B ISSUE DA SUBMISSION2 18/10/17 SJ A ISSUE FOR DA SUBMISSION 11/07/17 DK SJ						Project WOY WOY BOWLING CLUB REDEVELOPMENT		Client WOY WOY HOLDINGS		Location 186 BRICK WHARF ROAD WOY WOY 2256 NSW		Drawing LEVEL 2 FLOOR PLAN		<div> <div> <p>DA SUBMISSION</p> <p>NOT TO BE USED UNDER CONSTRUCTION</p> </div> <div> <p>Project Number 15_043</p> <p>Drawing Number DA07</p> <p>Scale AS SHOWN</p> <p>File Name C:\Users\B\Documents\1504043\1504043 DA07 CLC WHARF PLR 2015.dwg</p> </div> </div>						Issue B	
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ROOF TOP PENTHOUSES  
1:200

B ISSUE DA SUBMISSION2 13.10.17 SJ			Project WOY WOY BOWLING CLUB REDEVELOPMENT	Client WOY WOY HOLDINGS	Location 186 BRICK WHARF ROAD WOY WOY 2256 NSW	Drawing LEVEL 3 FLOOR PLAN	Project Number 15_043	Drawing Number DA08		Issue B
A ISSUE FOR DA SUBMISSION 11.07.17 DK SJ										
Issue	Description	Date	CHK	Auth						

DA SUBMISSION  
NOT TO BE USED DURING CONSTRUCTION

Scale  
1:200 (B4)

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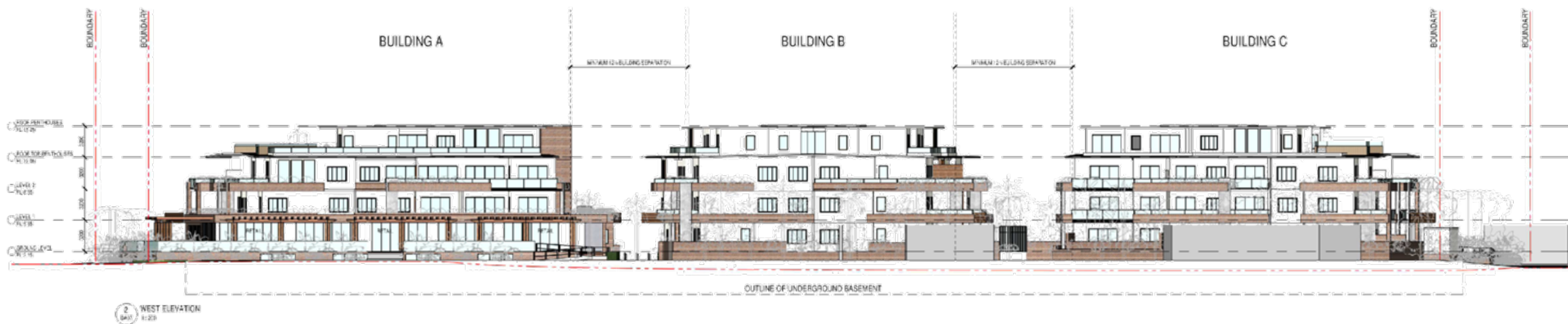
**ABSA**  
South African Building Surveyors Association

**Class 2 Building Mark-Sheet**

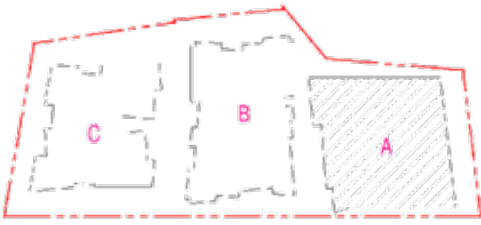
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Valuation Date:	21-02-2017
Address of Property:	16-13-021, 16-13-022
Assessment Number:	16-13-022
Location of Property:	16-13-022, 16-13-023

Submitted to order  
SABIS 2 Building - Class 2 Building

**BASIX**  
Building Assessment System

[illegible]





B	ISSUE DA SUBMISSION2	13.10.17	SJ
A	ISSUE FOR DA SUBMISSION	11.07.17	OK SJ
Issue	Description	Date	Chk Auth



**ADG**architects  
Architects  
186 Brick Wharf Road  
Woy Woy NSW 2256  
Tel: 02 9300 2134  
Fax: 02 9300 2135  
Email: info@adgarchitects.com.au

Project  
**WOY WOY BOWLING CLUB  
REDEVELOPMENT**

Client  
**WOY WOY HOLDINGS**

Location  
**186 BRICK WHARF ROAD WOY  
WOY 2256 NSW**

Drawing  
**ELEVATIONS - BUILDING A**

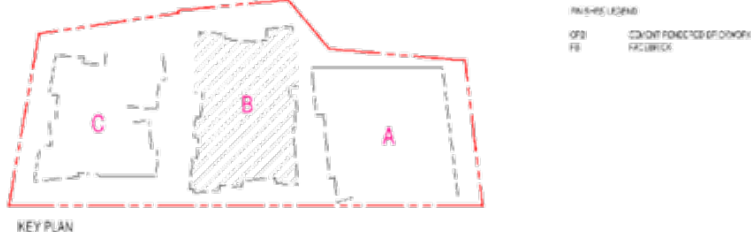
DA SUBMISSION  
NOT TO BE USED DURING CONSTRUCTION

Project Number  
**15\_043**

Drawing Number  
**DA11**

Issue  
**B**





B ISSUE DA SUBMISSION2 13/10/17 SJ A ISSUE FOR DA SUBMISSION 11/07/17 DK SJ				 Architects Institute of Architects	Project WOY WOY BOWLING CLUB REDEVELOPMENT	Client WOY WOY HOLDINGS	Location 186 BRICK WHARF ROAD WOY WOY 2256 NSW	Drawing ELEVATIONS - BUILDING B	Drawing Number 15_043 DA12			Issue B
Issue Description Date CHK Auth									Scale As Per Plans File Name C:\Users\j\Documents\15_043\15_043_01\15_043_01.dwg			
DA SUBMISSION NOT TO BE USED DURING CONSTRUCTION												



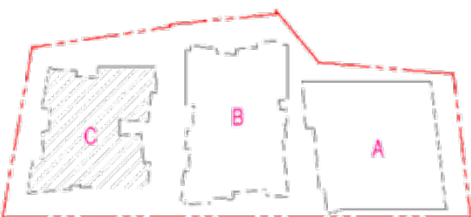
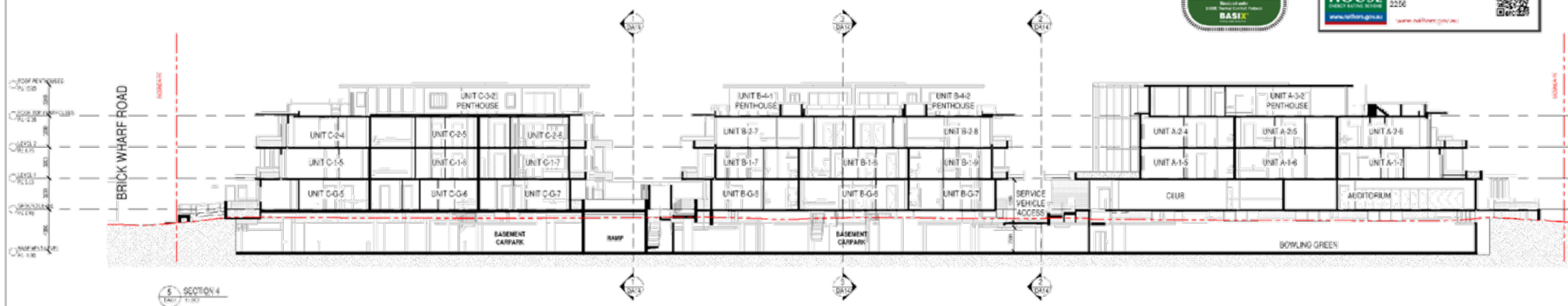


FIGURE 1: KEY PLAN  
IFB CLIENT PROVIDED DIMENSIONS  
FACE TO FACE



B ISSUE/DA SUBMISSION2 13.10.17 SJ A ISSUE FOR DA SUBMISSION 11.07.17 DK SJ					Project WOY WOY BOWLING CLUB REDEVELOPMENT	Client WOY WOY HOLDINGS	Location 186 BRICK WHARF ROAD WOY WOY 2256 NSW	Drawing ELEVATIONS - BUILDING C	Project Number 15_043	Drawing Number DA13	Issue B
Issue	Description	Date	Chk	Auth	DA SUBMISSION NOT TO BE USED DURING CONSTRUCTION						





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<div><div>Issue</div><div>Description</div><div>Date</div><div>Chk</div><div>Auth</div></div>				<div><div>DA SUBMISSION</div><div>NOT TO BE USED DURING CONSTRUCTION</div></div>		<div><div>File Name</div><div>DA SUBMISSION</div></div>		<div><div>DA SUBMISSION</div><div>NOT TO BE USED DURING CONSTRUCTION</div></div>							



**Item No:** 6.3  
**Title:** Grant Funding Update as at July 2018  
**Department:** Governance

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13 August 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-03 - D13293371

Author: Louise Fisher,

Executive: Brian Glendenning, Executive Manager Governance

## **Report Purpose**

To provide a monthly report to Council on grant funding as at 30 July 2018.

### *Consideration of confidentiality*

It is recommended that the Attachment 3 to this report, External Funding Applications under consideration, remain confidential, and that to effect that confidentiality that Council resolve, for the purposes of s. 11(3) of the *Local Government Act 1993*, that the attached report remain confidential on the grounds that it includes:

- 2(d) commercial information of a confidential nature that would, if disclosed:
  - (ii) confer a commercial advantage on a competitor of the Council,

In addition, release of the information in Attachment 3 could jeopardise Council's ability to obtain funding in the future.

## **Summary**

There are currently unprecedented levels of funding opportunities available through the State and Federal Governments, and a significant amount of focus by Council staff have produced a large number of highly complex expressions of interests, business cases and applications.

A concise list of the major funding opportunities is provided as Attachment 1.

Two spreadsheets are attached to identify how much Central Coast Council has applied for; all projects applied for; successful grants received and unsuccessful applications (detailing reasons why if available). The following are attached:

- Applications for external funding where the outcome has been finalised – 30 July 2018 – Attachment 2
- Confidential - Applications for external funding that are still under consideration – 30 July 2018 – Attachment 3.



**Recommendation**

- 1** *That Council receive the report on Grant Funding Update as at July 2018.*
- 2** *That Council resolve, for the purposes of s.11 (3) of the Local Government Act 1993, that the Attachment 3 to this report remain confidential because the attachment includes commercial information of a confidential nature.*

**Attachments**

- |          |  |           |
|----------|--|-----------|
| <b>1</b> | Overview Major Funding Opportunities - 30 July 2018 - Attachment 1                               | D13293439 |
| <b>2</b> | External Funding Applications where the outcome has been finalised - 30 July 2018 - Attachment 2 | D13293447 |
| <b>3</b> | External Funding Applications under consideration CONFIDENTIAL - 30 July 2018 - Attachment 3 -   | D13293449 |





Central Coast Council  
Overview of Major Funding Opportunities

Louise Fisher  
30 July 2018



## Major NSW Government Funding Opportunities

- Housing Acceleration Fund - \$1.6 Billion across all of NSW
- Regional Growth Fund - \$1.6 Billion across regional NSW
  1. Regional Growth Environment & Tourism Fund
  2. Stronger Country Communities
  3. Regional Cultural Fund
  4. Growing Local Economies
  5. Regional Sports Infrastructure
  6. Resources for Regions
  7. Connecting Country Communities
- Arts and Cultural Development Programs

## Major Federal/NSW Government Funding Opportunities

- Australian Government Black Spot Programme and the NSW Government Safer Roads Program
-



NSW HOUSING ACCELERATION FUND	
NSW	Department of Planning and Environment
ROUNDS	Round 5 has closed
FUNDING:	Established in 2012 with \$875 million Recently received an additional \$1.6 billion in funding across all of NSW
PURPOSE:	To deliver critical enabling infrastructure to stimulate and accelerate housing development in NSW (i.e. Roads, Water and Sewer in new residential precincts)
PROGRAMS:	Continual Program
WEBSITE:	<a href="http://www.planning.nsw.gov.au/About-Us/Our-Programs/Housing-">http://www.planning.nsw.gov.au/About-Us/Our-Programs/Housing-</a>



<b>NSW REGIONAL GROWTH FUND</b>	
NSW DEPT:	Department of Premier and Cabinet – Office of Regional Development
WEBSITE:	<a href="https://www.nsw.gov.au/improving-nsw/regional-nsw/regional-growth-fund/">https://www.nsw.gov.au/improving-nsw/regional-nsw/regional-growth-fund/</a>
FUNDING:	\$1.6 billion across regional NSW
PURPOSE:	To turbocharge economic growth, spur investment, create jobs and revitalise public infrastructure across regional NSW
PROGRAMS:	<p>Seven programs available: (individual program details listed below)</p> <ol style="list-style-type: none"> <li>1. Regional Growth Environment &amp; Tourism Fund</li> <li>2. Stronger Country Communities</li> <li>3. Regional Cultural Fund</li> <li>4. Growing Local Economies</li> <li>5. Regional Sports Infrastructure</li> <li>6. Resources for Regions</li> <li>7. Connecting Country Communities</li> </ol>

<b>REGIONAL GROWTH ENVIRONMENT &amp; TOURISM FUND</b>	
Applications Closed:	20 April 2017.
Program Funding	<p>The NSW Government has committed \$300 million to RGETF. Up to \$100 million is available in the first round of funding. There is a minimum funding threshold of \$500,000 but no maximum.</p>
Purpose:	This fund is targeting environment and tourism projects of regional significance and is expected to deliver regional economic, tourism, environmental and social benefits.
Applicants	<p>Project applications are invited from:</p> <ul style="list-style-type: none"> <li>- Local and State government agencies;</li> <li>- Aboriginal Land Councils and other Aboriginal groups;</li> <li>- Community groups registered as incorporated associations; and</li> <li>- Non-government organisations.</li> </ul>
Partners:	Applicants who have secured co-contributions from other sources through partnership agreements will be considered favourably.



	Applicants are also encouraged to work with private operators and industry organisations to identify potential projects. Applications that involve public private partnerships are encouraged.
Projects:	<p>Eligible projects must be for new or enhanced regional infrastructure that will drive growth in the visitor economy including growing regional visitor numbers, increasing overnight visitor expenditure and extending visitor overnight stays.</p> <p>Projects should demonstrate that they achieve the criteria, meet the RGETF objective to grow and further diversify NSW regional economies and also meet the purpose of the Restart NSW Fund.</p> <p>Projects will need to demonstrate that they:</p> <ul style="list-style-type: none"> <li>- have the capacity to deliver jobs and economic growth;</li> <li>- have a Benefit to Cost Ratio (BCR) higher than 1.0; and</li> <li>- maximise other co-investment by the applicant and, potentially, by the Commonwealth or other industry contributions.</li> </ul>
Land requirements:	The RGETF is open to regional environment infrastructure projects on publicly owned land and regional tourism projects.
EOI Assessment:	<p>Across 4 stages:</p> <ul style="list-style-type: none"> <li>- Strategic assessment</li> <li>- Economic assessment</li> <li>- Affordability</li> <li>- Deliverability</li> </ul>
Eligibility:	Eligible projects must be located in an eligible regional LGA
Project examples:	<p>Examples of suitable projects include:</p> <ul style="list-style-type: none"> <li>• new or upgraded visitor infrastructure to national parks;</li> <li>• new or upgraded camping facilities;</li> <li>• repurposing of Crown Lands or heritage buildings for tourism, and</li> <li>• development of infrastructure to support ecotourism and new visitor activities</li> </ul>
Website	<a href="https://www.industry.nsw.gov.au/invest-in-nsw/regional-opportunities/regional-growth-environment-and-tourism-fund">https://www.industry.nsw.gov.au/invest-in-nsw/regional-opportunities/regional-growth-environment-and-tourism-fund</a>



<b>STRONGER COUNTRY COMMUNITIES FUND (SCCF)</b>	
Applications Opened:	Round 1 – 20 September 2017
Applications Closed:	Round 1 – 18 October 2017 Round 2 – 4 May 2018
Partners:	Limit of 1 partner per project (state government agencies & non-government organisations)
Project criteria:	<ul style="list-style-type: none"> <li>- New projects</li> <li>- Minimum \$100,000 projects</li> <li>- Projects typically in range of \$250,000 to \$1 million</li> <li>- Projects must be started within 12 months of funding approval</li> <li>- Projects must be completed within 2 years of funding approval</li> <li>- Local suppliers to be used</li> <li>- Projects must contribute to local employment and skill development</li> <li>- Projects must be sustainable and used/maintained beyond funding period</li> <li>- At least 2 quotes should be provided</li> </ul>
Typical Projects:	<ul style="list-style-type: none"> <li>- construction of new or refurbishment/upgrade of existing community infrastructure</li> <li>- construction of new or refurbishment/upgrade of existing local sporting infrastructure</li> <li>- capital works related to street beautification and public 'place making'.</li> </ul>
Website	<a href="http://www.nsw.gov.au/strongercountrycommunities">www.nsw.gov.au/strongercountrycommunities</a>



<b>REGIONAL CULTURAL FUND – ROUND 2</b>	
Applications Dates:	Applications open Sunday 1 July 2018 Round Two close at 12pm on Friday 21 September 2018
Program funding	The round will offer applicants a share in \$47 million in funding, including up to \$5 million specifically for regional public library infrastructure projects, and support for the creation & installation of artist-led public art.
Funding available	Round Two invites applications from two funding categories: <ul style="list-style-type: none"> <li>• Projects with an estimated total cost of up to \$250,000</li> <li>• Projects with an estimated total cost of more than \$250,000.</li> </ul> Applicants should note that co-contribution is mandatory and higher levels of co-contribution will be viewed favourably in the assessment process.
Purpose:	There are four key objectives of the Regional Cultural Fund: <ul style="list-style-type: none"> <li>• Regional NSW's cultural offering is improved and its rich diversity is supported and encouraged.</li> <li>• Bold and exciting new and upgraded cultural infrastructure is supported across NSW.</li> <li>• Projects representing value for money and strong ongoing viability are supported.</li> <li>• Regional communities have access to cultural experiences that result in recreational and educational benefits.</li> </ul>
Eligible projects:	To be eligible, projects must meet the following conditions: <ul style="list-style-type: none"> <li>• The infrastructure must be based in NSW and be primarily for arts and culture use.</li> <li>• The application must demonstrate a co-contribution from non-Regional Cultural Fund sources. This may be in the form of cash or in-kind support.</li> <li>• The application must show evidence of community consultation and how the project will improve arts, screen, cultural or heritage outcomes for communities.</li> <li>• Local projects should commence within 24 months, and ideally be completed within three years of funding approval.</li> <li>• Where possible, projects should support local procurement, job creation and skills development.</li> </ul>
Example projects:	The types of projects that could be funded include: <ul style="list-style-type: none"> <li>• planning and design of new or upgraded local cultural infrastructure</li> <li>• minor upgrades and enhancement to existing cultural infrastructure</li> <li>• purchasing equipment for the improvement of existing cultural infrastructure</li> <li>• building new local public cultural facilities</li> <li>• refurbishing existing local cultural facilities,</li> </ul>



	<ul style="list-style-type: none"><li>• including maintenance backlogs and minor works</li><li>• creating and installing artist-led public art, including sculpture, permanent installations, murals and street art</li><li>• new library buildings and spaces</li><li>• enhancements to existing library buildings.</li></ul>
Applicants	<ul style="list-style-type: none"><li>• a not-for-profit incorporated body</li><li>• a non-trading (non-distributing) cooperative/trust</li><li>• a local government authority.</li></ul>
Assessment:	<p>Your application will be assessed against each of the following criteria:</p> <ol style="list-style-type: none"><li>1. Case for change</li><li>2. Capacity to deliver</li><li>3. Value for money</li><li>4. Engagement and reach</li></ol>
Website	<a href="https://www.create.nsw.gov.au/funding-and-support/regional-cultural-fund/regional-cultural-fund-2/">https://www.create.nsw.gov.au/funding-and-support/regional-cultural-fund/regional-cultural-fund-2/</a>



<b>GROWING LOCAL ECONOMIES</b>	
Applications Opened:	7 August 2017
Applications Closed:	Open to applications year-round
Program Funding	\$500 million available over 4 years The smallest projects are expected to be worth approximately \$1 million.
Purpose:	To develop the enabling infrastructure to grow regional centres (outside Sydney, Newcastle and Wollongong)
Applicants	<ul style="list-style-type: none"> <li>- Councils</li> <li>- Aboriginal Land Councils</li> <li>- Aboriginal and Torres Strait Islander groups</li> <li>- Infrastructure providers eg telecommunication firms</li> <li>- Incorporated associations (business, industry and community)</li> <li>- Cooperatives</li> <li>- Educational institutions</li> <li>- Non-government organisations</li> </ul>
Partners:	Partnerships are encouraged
Projects:	<p>Open to projects that:</p> <ul style="list-style-type: none"> <li>- Have capacity to deliver jobs &amp; economic growth</li> <li>- Supports projects of economic significance. This could include road works, natural gas mains and pipelines, water supply, sewerage connections and telecommunications (including data networks).</li> <li>- Help communities capitalise their strengths or broaden/reposition their industry base</li> <li>- Demonstrate benefits beyond one organisation</li> <li>- Have minimum project size of \$1m</li> <li>- Align with state/regional priorities</li> <li>- Cost Benefit Ratio &gt; 1 as assessed by the NSW Government. Applicants will be required to provide a full financial business case to provide the inputs for the Cost Benefit Analysis.</li> </ul>
Land requirements:	Projects are ineligible if they are on private land and/or have exclusive private benefits
EOI Assessment:	<p>Across 4 stages:</p> <ul style="list-style-type: none"> <li>- Strategic assessment</li> <li>- Economic assessment</li> <li>- Affordability</li> <li>- Deliverability</li> </ul> <p>Potential projects will be asked to submit a business case following EOI assessment</p>
Website	<a href="http://www.nsw.gov.au/growinglocaleconomies">www.nsw.gov.au/growinglocaleconomies</a>



<b>REGIONAL SPORTS INFRASTRUCTURE</b>	
Applications Opened:	7 August 2017
Applications Closed:	Open to applications year-round
Program Funding	\$100 million available over 4 years This fund targets investments over \$1 million.
Purpose:	To foster the benefits of sport in communities
Applicants	<ul style="list-style-type: none"> <li>- Councils</li> <li>- State sporting organisations</li> <li>- Incorporated, community based, not-for-profit sporting organisations (clubs or district associations)</li> <li>- Educational organisations (schools/TAFE/Universities) in conjunction with Councils and local/state sporting entities</li> <li>- Private enterprises</li> </ul>
Partners:	Encourage significant financial or in-kind contribution
Projects:	<p>Funding priority will be given to proposals which:</p> <ul style="list-style-type: none"> <li>- provide an economic benefit such as increased tourism or the creation of jobs</li> <li>- meet a demonstrable need in the community</li> <li>- establish regional sports hubs</li> <li>- enhance regionally significant sporting facilities</li> <li>- can be used by more than one sporting code</li> <li>- are aligned with the facility plans of state sporting organisations, regional sporting associations and local sporting clubs</li> <li>- are identified in the Office of Sport's regional sport and active recreation plan</li> <li>- are financially sustainable</li> <li>- provide the highest net benefits</li> <li>- increase participation opportunities in sport</li> <li>- provide infrastructure that enables economic growth and boosts productivity</li> </ul>
Land requirements:	<p>The land on which the facility is to be developed must be one of the following:</p> <ul style="list-style-type: none"> <li>- Crown reserve land</li> <li>- Land owned by a public authority</li> <li>- Municipal property</li> <li>- Land held for public purposes by trustees under a valid lease, title or trust deed that adequately protects the interests of the public</li> <li>- Private land that benefits the community's interests in sport and active recreation</li> </ul>



EOI Assessment:	Across 4 stages: <ul style="list-style-type: none"><li>- Strategic assessment</li><li>- Economic assessment</li><li>- Affordability</li><li>- Deliverability</li></ul>
Eligibility:	Potential projects will be asked to submit a business case following EOI assessment process Cost Benefit Ratio > 1
Project examples:	New and existing venues to improve the participation and performance in sports at all levels (investments over \$1 million)
Website	<a href="http://www.nsw.gov.au/regionalsportsinfrastructure">www.nsw.gov.au/regionalsportsinfrastructure</a>



## ARTS AND CULTURAL DEVELOPMENT PROGRAMS

ARTS AND CULTURAL PROJECTS	
Applications Dates:	<p>Applications open: Wednesday 1st August 2018</p> <p>Applications close: Wednesday 12 September 2018</p> <p>Projects must start after 15 Jan 2019 and be completed within a 2yr period.</p>
Funding available	<p>Up to \$60,000 for projects delivered within 12 months.</p> <p>Up to \$75,000 for projects delivered within 24 months.</p>
Purpose:	<p>This program supports professional arts and cultural projects at any stage of the creative process. It aims to:</p> <ul style="list-style-type: none"> <li>• deliver a dynamic and diverse range of arts and cultural experiences to communities across NSW</li> <li>• contribute to the development of a vibrant and accessible arts and cultural sector in NSW</li> <li>• strengthen professional arts and cultural development in the small-to-medium arts and cultural sector</li> <li>• contribute to arts and cultural excellence and innovation</li> <li>• increase the accessibility of vibrant arts and culture in NSW</li> <li>• support the employment and development of professional NSW-based artists and arts/cultural workers</li> <li>• deliver arts and cultural outcomes in ACDP priority areas.</li> </ul>
Applicants	Individuals, Groups or Organisations including Local Government
Example Projects:	<ul style="list-style-type: none"> <li>• funding for programs and projects based and delivered in NSW</li> <li>• speakers fees (only for NSW-based artists or arts and cultural workers)</li> <li>• mentoring and development programs for individuals artists or arts workers</li> <li>• the purchase of capital items (only if they are integral to the activity)</li> <li>• moving image activities and work for galleries, the public realm, broadcast or online exhibition</li> <li>• the following activities, when part of a larger creative development process or audience development strategy: <ul style="list-style-type: none"> <li>– creation and recording of new, original musical works</li> <li>– creation of new literary works (including scripts)</li> <li>– printing, production and publishing of books, catalogues, DVDs, CDs/vinyl or manuscripts.</li> </ul> </li> </ul>
Funds are NOT available for:	<ul style="list-style-type: none"> <li>• filmmaking and production (unless applying for Young Creative Leaders ), mainstream animation and film festivals (see</li> <li>• <a href="http://screen.nsw.gov.au">screen.nsw.gov.au</a> for funding opportunities in this area)</li> <li>• accredited study, training or university courses or education programs</li> <li>• fundraising, awards or prize money</li> <li>• competitions or eisteddfods</li> </ul>



	<ul style="list-style-type: none"> <li>costs of operating a radio station</li> <li>the purchase of musical instruments the purchase of artworks, land or buildings</li> <li>the delivery of new devolved funding programs, unless previously authorised by Arts/Create NSW repayment of loans</li> <li>the costs of regular maintenance or repair of existing facilities</li> <li>the cost of plans, feasibility studies or architectural drawings</li> <li>compliance with local government environmental or sustainability plans.</li> </ul>
Assessment:	<p>Your application will be assessed against each of the following criteria:</p> <ol style="list-style-type: none"> <li>1. Artistic and Cultural Merit (Quality)</li> <li>2. Engagement and Participation (Reach)</li> <li>3. Viability (Health)</li> <li>4. Budget (Health)</li> </ol>
Website	<a href="https://www.create.nsw.gov.au/wp-content/uploads/2018/06/GRANTS-FOR-PROJECTS.pdf">https://www.create.nsw.gov.au/wp-content/uploads/2018/06/GRANTS-FOR-PROJECTS.pdf</a>

### REGIONAL ARTS TOURING

Applications Dates:	<p>Applications open: Friday 29 June 2018</p> <p>Applications close: Friday 3 August 2018</p> <p>Dates apply to tours starting after 1 November 2018.</p>
Funding available	<p>You can apply for up to \$200,000 for tours that include:</p> <ul style="list-style-type: none"> <li>at least two NSW destinations</li> <li>at least two regional NSW destinations (for applicants based in Sydney or Western Sydney)</li> <li>Western Sydney and Sydney destinations (for applicants based in regional NSW).</li> </ul>
Purpose:	<p>This program supports projects that provide access to arts and culture for audiences living in regional NSW. Funding is available for tours of all artforms, including performing arts, music, visual arts, literature, history, museums and multi-arts. It aims to:</p> <ul style="list-style-type: none"> <li>provide people in regional NSW with access to a diverse range of artistic and cultural experiences, no matter where they live</li> <li>support best-practice programming in regional and rural facilities</li> <li>build audiences by encouraging and promoting regional and local support for arts and culture</li> <li>build the viability of NSW arts and cultural organisations by developing new markets and audiences.</li> </ul>
Applicants	<p>For the purpose of the ACDP, regional NSW is defined as the areas or regions outside Sydney and Western Sydney, and includes the Central Coast, Hunter and Illawarra.</p>



Example Projects:	<p>Applicants based in regional NSW are eligible to apply for funding for:</p> <ul style="list-style-type: none"> <li>• net touring costs (freight, transport, accommodation and travel payments)</li> <li>• community engagement or audience development costs</li> <li>• inclusion of remount/pre-production costs up to \$10,000 per tour.</li> </ul>
Assessment:	<p>Your application will be assessed against each of the following criteria:</p> <ol style="list-style-type: none"> <li>1. Artistic and Cultural Merit (Quality)</li> <li>2. Engagement and Participation (Reach)</li> <li>3. Viability (Health)</li> <li>4. Budget (Health)</li> </ol>
Website	<a href="https://www.create.nsw.gov.au/funding-and-support/arts-and-cultural-development-program/regional-arts-touring/">https://www.create.nsw.gov.au/funding-and-support/arts-and-cultural-development-program/regional-arts-touring/</a>

### REGIONAL PARTNERSHIPS

Applications Dates:	<p>Stage 1 Expressions of Interest (EOI) will close Monday 27 August 2018.</p> <p>Stage 2 Final Applications will close Monday 1 October 2018.</p> <p>Projects must commence after 1 Jan 2019 and completed by 31 Dec 2020.</p>
Funding available	Up to \$150,000 over two years.
Purpose:	<p>This program supports significant and long-term partnerships in regional NSW that will stimulate and leave a legacy of strong and diverse regional arts and cultural activity. This funding supports strategic partnerships across and beyond the arts and cultural sectors, including those with local government authorities or other public, private or community organisations. It aims to:</p> <ul style="list-style-type: none"> <li>• support strategic partnerships for the delivery of high-quality regional arts and cultural activity in NSW</li> <li>• build the capacity of regional organisations to deliver arts and cultural activity in regional NSW</li> <li>• achieve enhanced long-term arts and cultural outcomes for regional and remote communities, including Aboriginal communities</li> <li>• support the employment and professional and artistic development of NSW professional artists and arts/cultural workers</li> <li>• stimulate arts and cultural development and contribute to innovation and excellence in regional NSW.</li> </ul>
Applicants	<p>An organisation, partnership or group based in regional NSW.</p> <ul style="list-style-type: none"> <li>• partnerships between regional arts and cultural organisations and Sydney-based organisations are eligible if the benefit and funding goes directly to the regional area. The application must be made by the regional partner and all project partners must:</li> </ul>



	<ul style="list-style-type: none"> <li>- be actively involved in project planning and development</li> <li>- play a key role in delivering the project</li> <li>- make a financial contribution (cash or in-kind).</li> </ul> <p>For the purpose of the ACDP, regional NSW is defined as the areas or regions outside Sydney and Western Sydney, and includes the Central Coast, Hunter and Illawarra.</p> <p>Recipients of previous Regional Partnerships funding are eligible to apply for support to take a funded project into its next phase.</p>
Website	<a href="https://www.create.nsw.gov.au/funding-and-support/arts-and-cultural-development-program/regional-partnerships/">https://www.create.nsw.gov.au/funding-and-support/arts-and-cultural-development-program/regional-partnerships/</a>

<b>ARTS AND CULTURAL ORGANISATIONS PROGRAM – GRANTS FOR ORGANISATIONS</b>	
Applications Dates:	<p>Applications will close Friday 31 August 2018 for activities from 1 January to 31 December 2019.</p> <p>Information regarding Multiyear Program funding will be available later in 2018.</p>
Funding available	From \$10,000 to \$150,000
Purpose:	<p>This program supports an annual program of multiple arts and cultural activities delivered throughout the calendar year. Funding can contribute to any aspect of the program. It aims to:</p> <ul style="list-style-type: none"> <li>• improve arts and cultural quality, innovation, excellence and development across NSW</li> <li>• increase access by and engagement with diverse artists and audiences</li> <li>• employ and develop NSW professional artists and arts/cultural workers</li> <li>• support best practice governance and financial management</li> <li>• sustain arts and cultural organisations and infrastructure.</li> </ul>
Applicants	<p>In addition to the general requirements for this funding category, organisations must: have a minimum annual income of \$50,000 and have:</p> <ul style="list-style-type: none"> <li>- received 2018 Program funding from Create NSW; or</li> <li>- a history of three Arts/Create NSW grants – not including NSW Small Grants (Devolved) – in three of the last five years at the time of application</li> </ul> <p>Local government authorities may submit one application for each eligible business unit. Income requirements are based on the annual income of each separate business unit.</p>
Website	<a href="https://www.create.nsw.gov.au/wp-content/uploads/2018/06/GRANTS-FOR-ORGS.pdf">https://www.create.nsw.gov.au/wp-content/uploads/2018/06/GRANTS-FOR-ORGS.pdf</a>



<b>AUSTRALIAN GOVERNMENT BLACK SPOT PROGRAMME and the NSW GOVERNMENT SAFER ROADS PROGRAM</b>	
Applications Closed:	31 July 2018
Program Funding	The Australian Government has extended the Black Spot Programme and is providing \$60 million per year from the 2021 to 2022 financial year onwards, building on the current \$684.5 million investment from the 2013 to 2014 financial year to the 2020 to 2021 financial year.
Purpose:	Black Spot Programme targets road locations where crashes are occurring by funding measures such as traffic signals and roundabouts at dangerous locations to reduce the risk of crashes occurring.
Applicants	Local councils and Roads and Maritime users
Projects:	Funding is mainly available for the treatment of Black Spot sites, or road lengths, with a proven history of crashes. For individual sites such as intersections, mid-block or short road sections, there should be a history of at least three casualty crashes over a five-year period. For lengths of road, there should be an average of 0.2 casualty crashes per kilometre per annum over the length in question over five years.
EOI Assessment:	Project proposals should be able to demonstrate a benefit to cost ratio of at least 2 to 1.
Website	<a href="http://investment.infrastructure.gov.au/infrastructure_investment/black_spot/">http://investment.infrastructure.gov.au/infrastructure_investment/black spot/</a>



External Funding Applications where the outcome has been finalised - 30 July 2018											
Date	Application Type	Program	Funding Body	Project Name	Project Description	Total Project Budget	Funding Requested	Status	Notes	Unsuccessful	Funding Allocated
2014	Application	Public Reserves Management Fund Program	NSW Government	Garnet Adcock Memorial Park	The project will involve the redevelopment of Garnet Adcock Memorial Park- the premier regional community sporting facility in the Gosford LGA & includes construction of a new multipurpose clubhouse/amenities building, car parking & landscaping works.	\$ 1,000,000	\$ 1,000,000	Extension granted	This is not a new allocation of funding but negotiations for an extension of funding.		\$ 1,000,000
2017	Application	Federal Floodplain Grants Scheme	Federal Government	Flood Gauging Network Audit – Northern Central Coast	The project will involve a flood gauging network audit of the existing telemetry network of rainfall, water level and other environmental monitoring gauges, including The Entrance Channel Camera.	\$ 45,000	\$ 30,000	Funding Allocated	Very successful funding applications with a total of \$443,334 allocated for floodplain risk management and planning across the region. This planning must be undertaken prior to funding applications for works.	\$ -	\$ 30,000
2017	Application	NSW Floodplain Management Program	NSW Government	Lake Macquarie Catchments Overland Flood Study	This study will enable a fully 2-dimensional hydraulic model to be developed for the catchments, with associated flood extents, levels, depths, velocities, hazards, hydraulic categories and flood planning areas to be mapped.	\$ 130,000	\$ 86,667	Funding Allocated		\$ -	\$ 86,667
2017	Application	NSW Floodplain Management Program	NSW Government	Wallarah Creek Catchments Floodplain Risk Management Study & Plan	Following the Wallarah Creek Flood Study completed in 2016, Council intends to undertake a comprehensive Floodplain Risk Management Study and Plan. The Plan will guide land use planning, development control and prioritise critical trunk drainage infrastructure for upgrade.	\$ 100,000	\$ 66,667	Funding Allocated		\$ -	\$ 66,667
2017	Application	NSW Floodplain Management Program	NSW Government	Davistown & Empire Bay Catchments Floodplain Risk Management Study & Plan	The management study will investigate various options to manage the risk of flooding and inundation of properties in the catchment of Davistown and Empire Bay in accordance with NSW Government's Floodplain Development Manual.	\$ 150,000	\$ 100,000	Funding Allocated		\$ -	\$ 100,000
2017	Application	NSW Floodplain Management Program	NSW Government	Woy Woy Catchments Floodplain Risk Management Study & Plan	The Woy Woy Peninsula is prone to flooding, in both short and long-duration rainfall events. Flooding occurs both in road reserves and on numerous residential properties throughout the peninsula.	\$ 240,000	\$ 160,000	Funding Allocated		\$ -	\$ 160,000
20-Aug-17	Application	Boating Now Round 2	NSW Government	Dark Corner Boat Ramp, (Patonga Road) Patonga	Construct a formal car park to improve access and safety for users of the ramp and increase the parking available to meet increasing demand.	\$ 295,000	\$ 295,000	Funding Allocated	Very successful funding applications with a total of \$1,219,000 allocated for wharves across the region.	\$ -	\$ 295,000
20-Aug-17	Application	Boating Now Round 2	NSW Government	Central Wharf Davistown	Construction of modular floating finger pontoons and upgrades to the existing wharf facilities. These upgrades will also allow ease of access to and from the wharf and improve accessibility.	\$ 250,000	\$ 150,000	Funding Allocated		\$ -	\$ 150,000
20-Aug-17	Application	Boating Now Round 2	NSW Government	Kendell Road Wharf	Construction of modular floating finger pontoons and upgrades to the existing wharf facilities. These upgrades will also allow ease of access to and from the wharf and improve accessibility.	\$ 250,000	\$ 150,000	Funding Allocated		\$ -	\$ 150,000
20-Aug-17	Application	Boating Now Round 2	NSW Government	Spencer Public Wharf	Construction of modular floating finger pontoons and upgrades to the existing wharf facilities. These upgrades will also allow ease of access to and from the wharf and improve accessibility.	\$ 125,000	\$ 75,000	Funding Allocated		\$ -	\$ 75,000
20-Aug-17	Application	Boating Now Round 2	NSW Government	Eulalia Street Wharf	Construction of modular floating finger pontoons and upgrades to the existing wharf facilities. These upgrades will also allow ease of access to and from the wharf and improve accessibility.	\$ 210,000	\$ 210,000	Unsuccessful.		\$ 210,000	
20-Aug-17	Application	Boating Now Round 2	NSW Government	Woy Woy Bay Wharf	Construction of modular floating finger pontoons and upgrades to the existing wharf facilities. These upgrades will also allow ease of access to and from the wharf and improve accessibility.	\$ 40,000	\$ 40,000	Unsuccessful.		\$ 40,000	
20-Aug-17	Application	Boating Now Round 2	NSW Government	Wyong River at Tacoma South (South Tacoma Road)	Construct a new boat ramp, install pontoon, formalise parking and install lighting to improve safe access to the river.	\$ 299,000	\$ 299,000	Funding Allocated		\$ -	\$ 299,000



External Funding Applications where the outcome has been finalised - 30 July 2018											
Date	Application Type	Program	Funding Body	Project Name	Project Description	Total Project Budget	Funding Requested	Status	Notes	Unsuccessful	Funding Allocated
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	Hylton Moore Oval	Hylton Moore Oval Floodlighting Upgrade Field 7	\$ 205,700	\$ 205,700	Unsuccessful	The program had a limited amount of funding allocated to the Central Coast LGA. Some unsuccessful priority projects were updated and resubmitted in round 2 of the SCCF.	\$ 205,700	
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	Terrigal Rotary Hall	Refurbishment/Compliance Upgrade of Terrigal Rotary Hall	\$ 229,350	\$ 229,350	Funding Allocated		\$ -	\$ 229,350
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	Refurbishment of Terrigal Rugby Clubhouse	Refurbishment of Terrigal Rugby Clubhouse, including partial roof replacement and refurbishment to modernise the building.	\$ 226,558	\$ 156,558	Unsuccessful		\$ 156,558	
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	Warnervale Oval Building Extension	Extension of the existing amenities building	\$ 132,500	\$ 132,500	Unsuccessful		\$ 132,500	
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	Tunkuwallin Park Hall	Refurbishment of Tunkuwallin Park Hall	\$ 191,000	\$ 191,000	Unsuccessful		\$ 191,000	
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	McMasters Beach Public Beach Public Toilets and Change rooms Replacement	McMasters Beach Public Beach Public Toilets and Change rooms Replacement	\$ 260,000	\$ 260,000	Unsuccessful		\$ 260,000	
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	Terrigal Haven Oval Floodlighting Upgrade	Terrigal Haven Oval Floodlighting Upgrade	\$ 168,583	\$ 168,583	Unsuccessful		\$ 168,583	
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	Shared Pathway Sparks Road, Woongarah	Shared Pathway Sparks Road, Woongarah	\$ 500,000	\$ 25,000	Unsuccessful		\$ 25,000	
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	Shared Pathway Cresthaven Avenue, Bateau Bay	Shared Pathway Cresthaven Avenue, Bateau Bay	\$ 1,000,000	\$ 750,000	Unsuccessful		\$ 750,000	
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	Footpath Chittaway Road, Chittaway Bay	Footpath Chittaway Road, Chittaway Bay	\$ 750,000	\$ 500,000	Unsuccessful		\$ 500,000	
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	Shared Pathway Malinya Road, Davistown	Shared Pathway Malinya Road, Davistown	\$ 1,500,000	\$ 1,000,000	Unsuccessful		\$ 1,000,000	
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	Shared Pathway Barrenjoey Road, Ettalong Beach	Shared Pathway Barrenjoey Road, Ettalong Beach	\$ 1,335,000	\$ 890,000	Unsuccessful		\$ 890,000	
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	Shared Pathway Eastern Road, Tumbl Umbi	Shared Pathway Eastern Road, Tumbl Umbi	\$ 500,000	\$ 250,000	Unsuccessful		\$ 250,000	
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	Shared Pathway Pacific Highway, Hamlyn Terrace	Shared Pathway Pacific Highway, Hamlyn Terrace	\$ 1,000,000	\$ 500,000	Unsuccessful		\$ 500,000	
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	Shared Pathway Kurrawa Avenue, Point Clare	Shared Pathway Kurrawa Avenue, Point Clare	\$ 2,000,000	\$ 1,000,000	Unsuccessful		\$ 1,000,000	
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	Shared Pathway Carrak Road, Kincumber	Shared Pathway Carrak Road, Kincumber	\$ 750,000	\$ 500,000	Unsuccessful		\$ 500,000	
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	Shared Pathway Brisbane Water Drive, Point Clare	Shared Pathway Brisbane Water Drive, Point Clare	\$ 2,000,000	\$ 1,000,000	Unsuccessful		\$ 1,000,000	
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	Shared Pathway Pacific Highway, Lake Munmorah	Shared Pathway Pacific Highway, Lake Munmorah	\$ 1,000,000	\$ 500,000	Unsuccessful		\$ 500,000	
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	Shared Pathway Bungary Road, Norah Head	Shared Pathway Bungary Road, Norah Head	\$ 1,500,000	\$ 1,000,000	Unsuccessful		\$ 1,000,000	
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	Amenities Upgrade at Central Coast Stadium	Amenities Upgrade at Central Coast Stadium	\$ 1,000,000	\$ 700,000	Funding Allocated		\$ -	\$ 700,000
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	Women's Changing Rooms at Central Coast Stadium	Women's Changing Rooms at Central Coast Stadium	\$ 900,000	\$ 600,000	Unsuccessful		\$ 600,000	
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	Wyong Community Cultural Hub	Wyong Community Cultural Hub	\$ 3,089,998	\$ 1,544,999	Unsuccessful		\$ 1,544,999	
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	Patonga Holiday Park	Amenities Block Upgrade - Patonga Holiday Park	\$ 100,000	\$ 100,000	Unsuccessful		\$ 100,000	
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	Community Facilities New Playgrounds Project -	Community Facilities New Playgrounds Project - at Mannerling Park, Norah Head, Hamlyn Terrace, Toukley and Woodbury	\$ 302,000	\$ 302,000	Funding Allocated	This is the fourth & final round of funding for this program.		\$ 302,000
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	Central Coast Council Community Facility Air Conditioning Project	This project includes supply and installation of 24 units at 10 of Council's Community Facilities. The proposed facilities are Bateau Bay Community Hall, Sutton Cottage, Tumbl Community Hall, Colongra Bay Community Centre, Norah Head Community Hall, Warnervale Community Hall, Kanwal Community Hall, Kulnura Pioneer Hall, Halekulani Community Hall, Kincumber Mountain Kiosk and Lakelands Community Centre.	\$ 126,000	\$ 126,000	Funding Allocated		\$	\$ 126,000
13-Dec-17	Application	Social Housing Community Improvement fund	NSW Government	Upgrades to Jarrett Street Reserve in Gosford North	The funding will provide for the replacement of soft fall materials to rubber soft fall to improve safety and attractiveness of the reserve for social housing residents.	\$ 50,000	\$ 50,000	Funding Allocated		\$ -	\$ 50,000



External Funding Applications where the outcome has been finalised - 30 July 2018											
Date	Application Type	Program	Funding Body	Project Name	Project Description	Total Project Budget	Funding Requested	Status	Notes	Unsuccessful	Funding Allocated
18-Oct-17	Application	Stronger Country Communities Round 1	NSW Government	North Entrance Beach and Surf Life Saving Club	Design and construction of beach amenities at North Entrance Beach and Surf Life Saving Club	\$ 260,000	\$ 260,000	Funding Allocated			\$ 260,000
3-Apr-18	Application	Donate Life Community Awareness Grants Program	Federal Government	Official Opening of Banjo's Skate park	Official Opening of Banjo's Skate park including stage and sound equipment hire and promotion.	\$ 30,000	\$ 30,000	Unsuccessful	The program provides funding for community-based awareness and education activities that contribute to increasing public understanding of and support for organ and tissue donation for transplantation.	\$ 30,000	
12-Feb-18	Application	Housing Acceleration Fund	NSW Government	Gosford CBD sewerage infrastructure	Gosford City Centre sewerage infrastructure improvement projects including sewerage gravity mains, sewerage pressure mains and 2 new sewerage pumping stations and 1 sewerage pumping station upgrade. This project aims to accelerate the construction of the DAs in Gosford CBD	\$ 30,053,562	\$ 30,053,562	Funding Allocated	Initial feedback provided from the assessment term included "Overall, the due diligence response forms from Central Coast Council were one of the higher quality and detailed that we received".		\$ 30,053,562
12-Feb-18	Application	Housing Acceleration Fund	NSW Government	Gosford CBD water infrastructure	Gosford City Centre water supply infrastructure improvement projects including water mains, Pressure reduction valve and a non-return valve. This project aims to accelerate the construction of the DAs in Gosford CBD	\$ 12,524,360	\$ 12,524,360	Funding Allocated			\$ 12,524,360
14-Nov-17	Application	Safer Communities Fund Round 2	Federal Government	CCTV Cameras	Install 21 CCTV cameras in and around the community facilities at San Remo BMX Facility, McEvoy Oval, Banjos Skate Park and Peninsula Recreation Precinct which have been highlighted as locations where anti social behaviors and vandalism are high. These measures will increase feelings of safety for community members and will complement the extensive work done by Council to activate places and spaces within the Local Government Area.	\$ 47,000	\$ 47,000	Funding Allocated			\$ 47,000
31-Oct-17	EOI followed by Business Case	Regional Growth Environment & Tourism Fund	NSW Government	Etalong Beach Ferry Wharf	Etalong Beach Ferry Wharf	\$ 6,755,083	\$ 6,755,083	Unsuccessful	Excellent outcome as all four projects submitted were shortlisted. Feedback given was that two wharf projects require further development.	\$ 6,755,083	
31-Oct-17	EOI followed by Business Case	Regional Growth Environment & Tourism Fund	NSW Government	Woy Woy Town Centre Wharf	The redevelopment of the Woy Woy Town Centre Wharf	\$ 5,320,000	\$ 5,120,000	Unsuccessful		\$ 5,120,000	
31-Oct-17	EOI followed by Business Case	Regional Growth Environment & Tourism Fund	NSW Government	Winney Bay Clifftop Walkway Stage 2	The Winney Bay Clifftop Walkway involves the creation of an all abilities access pathway, via a pedestrian bridge over a sea cliff chasm, to a north facing viewing platform. The design's underlying theme being indigenous culture.	\$ 4,615,000	\$ 4,615,000	Funding Allocated			\$ 4,615,000
31-Oct-17	EOI followed by Business Case	Regional Growth Environment & Tourism Fund	NSW Government	Terrigal Boardwalk	Design and construction of a new boardwalk and viewing platform linking the Terrigal Beach promenade to The Haven precinct in Terrigal.	\$ 5,877,213	\$ 2,432,141	Funding Allocated			\$ 2,900,000
TOTALS						\$ 23,950,689	\$ 15,344,024			\$ 23,429,423	\$ 54,219,606



**Item No:** 7.1  
**Title:** Q69/18 - QON - Umina Beach Shower  
**Department:** Assets, Infrastructure and Business

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13 August 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-03 - D13264301

Author: Peter Donohue, Acting Unit Manager, Facilities Management

Manager: Brett Sherar, Acting, Senior Manager, Property and Asset Manager

Executive: Boris Bolgoff, Acting Director Assets, Infrastructure and Business

## **7.1 Q69/18 - QON - Umina Beach Shower**

The following question was asked by Councillor Richard Mehrtens at the Ordinary Meeting on 28 May 2018:

*"There is a shower at the Umina Beach amenities block that has been broken now since at least January. Two requests to Councillor Support have revealed that they were one going to be fixed in January. That has not happened and then on further requests I have been told it would be fixed by the end of May. May has now passed. Has that repair work been done? If not, when will that repair work be done?"*

Council's maintenance staff originally undertook preliminary works to repair the shower in February 2018. The works will involve isolation/protection of the work area, the removal of brickwork and make the area safe after the preliminary work.

Final repairs were completed on 23 May 2018 with all showers now functioning.

## **Attachments**

*Nil.*



**Item No:** 7.2  
**Title:** Q73/18 - QON - Kangy Angy Roundabout  
**Department:** Environment and Planning

13 August 2018 Ordinary Council Meeting

Author: Jamie Loader, Unit Manager, Development Assessment  
 Executive: Scott Cox, Director Environment and Planning

## **7.2 Q73/18 Q73/18 - QON - Kangy Angy Roundabout**

The following question was asked by Councillor Lisa Matthews at the Ordinary Meeting on 28 May 2018:

*"Has Transport NSW submitted a DA for the proposed new roundabout required for the Kangy Angy transport facility on the corner of Old Chittaway Road and Enterprise Drive, Fountaindale?"*

The New Intercity Fleet Maintenance Facility project was determined under Part 5 of the Environmental Planning and Assessment Act 1979 by Transport for NSW in August 2017. The subject roundabout was part of this project determination. Council is not the consent authority for this project.

Council provided comments and advice to Transport for NSW and their consultants at various stages during the Part 5 assessment in regards to the roundabout.

Comments and advice provided during the assessment period were in relation to the following issues:

- Information on the existing assets;
- The options for the type of intersection proposed;
- The suitability of the type of intersection selected; and
- The geometry of the selected intersection.

Since the determination Council have also been requested to comment on:

- The proposed street lighting;
- The adjustments required to water and sewer infrastructure for the roundabout;
- The Road Safety Audit of the roundabout design; and
- Pavement design reviews.

Council is currently awaiting submission of final construction drawings for the roundabout and other road work associated with the facility.

### **Attachments**

*Nil.*



**Item No:** 7.3  
**Title:** Q74/18 - QON - Adcock Park  
**Department:** Assets, Infrastructure and Business

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13 August 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-03 - D13261294

Author: Karen Tucker, Acting Unit Manager, Open Space and Recreation

Manager: Brett Sherar, Acting Senior Manager, Property and Asset Management

Executive: Boris Bolgoff, Acting Director, Assets, Infrastructure and Business

### **7.3 Q74/18 - QON - Adcock Park**

The following question was asked by Councillor Kyle MacGregor at the Ordinary Meeting on 28 May 2018:

*"Why were Gosford Netball and Netball NSW informed by Council that they have to engage a contractor to locate services such as irrigation, water mains, sewer mains, power and other possible services in order to utilise Adcock Park 7 oval utilised as a place to set up tents, has this occurred previously and if not why is this occurring now? Is council unaware of where these services are in other sporting fields or is this limited to Adcock Park Oval 7 and what steps can Council take to urgently resolve this issue and impasse with Netball NSW and Gosford Netball before their upcoming gala day and to avoid any confusion or further issues into the future with the location of these services at Adcock Park or at other sporting fields across the Central Coast Council area?"*

Gosford Netball Association's contractor advised Council they would be utilising 900mm pegs for the securing of the marquees for the conduct of the NSW State Championship held at Adcock Park on the 9 – 11 June 2018.

Under State Regulation, Dial-Before-You-Dig plans and service locations are required for action of this nature to ensure protection of underground services.

Plans were provided for Council services but this doesn't negate the need to undertake the Dial-Before-You-Dig requirement as there are other public utility authorities that could have services in the area.

Due to the short timeframe for notification by the Association, Council organised the request for Dial-Before-You-Dig plans as well as the contracting of a qualified service locator for the event.

Gosford Netball Association have been advised that for any future events of this nature, they will be required to undertake the service location as it is a safety requirement under the Dial-Before-You-Dig NSW/ACT Act. This is a requirement of any event organiser carrying out installations of a similar nature.



Staff worked extensively with the Association to provide assistance to ensure the success of the regionally significant event.

**Attachments**

*Nil.*



**Item No:** 7.4  
**Title:** Q75/18 - QON - Community and Sporting Fees, Charges and Lease Agreements  
**Department:** Assets, Infrastructure and Business

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13 August 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-03 - D13261600

Author: Karen Tucker, Acting Unit Manager, Open Space and Recreation

Manager: Brett Sherar, Acting Senior Manager, Property and Asset Management

Executive: Boris Bolgoff, Acting Director, Assets, Infrastructure and Business

#### **7.4 Q75/18 - QON - Community and Sporting Fees, Charges and Lease Agreements**

The following question was asked by Councillor Kyle MacGregor at the Ordinary Meeting on 28 May 2018:

*"I note that fees and charges are in the Draft Delivery Program and Operational Plan. Are there any plans for Councillors, community and sporting organisations to be given the opportunity to review these charges with staff in the near future".*

Council provide opportunity for local Sporting Associations to discuss Council fees at any time. A pre-season meeting is held prior to the commencement of the codes relevant season to discuss fees associated with their ground usage and any other issues relating to their use of Council's facilities.

Some associations have taken the opportunity to meet directly with staff regarding the fees and charges if they perceived an increase to fees for their code. As a result of these meetings, clarification was provided which resulted in no significant rise in costs where the usage of a facility did not increase.

Prior to the 2016/17 financial year, Council harmonised the fee structure from the two former Councils to provide an equitable system across Central Coast sportsgrounds. The two previous fee structures demonstrated significant difference in the determination of fees for sportsground hire.

Service provision at sportsgrounds, such as amenity cleaning, has also now been harmonised to demonstrate equitable provision of service levels.

The fees established for sportsground hire for sporting clubs and associations are based upon less than 12% cost recovery and have been increased for the 2018/19 financial years in by 2 – 3% across all sportsground hire fees. This demonstrates Council's support for the vital role these clubs play in the community.



Council met with the two members of the Central Coast Sports Council (CCSC) that addressed the Council meeting on 28 May 2018, this meeting was held on 17 July 2018. At the meeting a detailed explanation of the fees and charges structure for sport grounds provided clarity to the CCSC representatives, this included the application of these fees in practice. Council is of the understanding that the CCSC is satisfied with explanation and that no sporting groups have had their fees increased above CPI for the 2018/19 financial year.

Should there be any further concerns, Council officers are available to discuss any issues including fees and charges directly with members of the community or sporting organisations.

**Attachments**

*Nil.*



**Item No:** 7.5  
**Title:** Q83/18 - QON - Pacific Highway, Blue Haven  
**Department:** Assets, Infrastructure and Business

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13 August 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-03 - D13273857

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

Manager: Jay Spare, Acting Senior Manager, Roads, Transport and Drainage

Executive: Boris Bolgoff, Acting Director, Assets, Infrastructure and Business

## **7.5 Q83/18 - QON - Pacific Highway, Blue Haven**

The following question was asked by Councillor at the Ordinary Meeting on :

*"After the recent fatalities on the Pacific Highway at Blue Haven the speed limit has been reduced from 100 kms/hr to 80 kms/hr. Residents are asking if there has been any consideration by Council and the Transport Committee to change the give way sign on Blue Haven Way to a stop sign? "*

The Doyalson Link Road (referred to as Pacific Highway), Blue Haven is classified as a State Road and therefore comes under the care and control of the Roads and Maritime Services. Any regulatory signposting, such as Give Way controls or Stop restrictions at adjoining intersections are also at the determination of the Roads and Maritime Services due to potential impacts on the state road network.

Council Officers have liaised with a senior representative of the Roads and Maritime Services regarding the potential for upgrading the Give Way control on Blue Haven Way at its intersection with Doyalson Link Road to a Stop restriction.

Roads and Maritime Services have advised that following the recent fatalities a safety review of the road network at this location was undertaken. This review resulted in the lowering of the speed limit on the Pacific Highway from 100 km/h to 80 km/h and the installation of a 'no right-turn' restriction for motorists exiting Blue Haven Way onto Doyalson Link Road. This 'no right-turn' restriction removes the opportunity for motorists to travel across multiple lanes and enter traffic travelling easterly at speed on Doyalson Link Road.

Stops signs are primarily installed at locations where sight distance is insufficient for motorists to safely select a gap in the oncoming traffic. The Roads and Maritime Services sight distance requirements are based on the speed of traffic on the main road. The recent lowering of the speed limit to 80 km/h on this section of Doyalson Link Road would have also reduced the sight distance requirement. Roads and Maritime Services have advised that the sight distance to the east for motorists turning left out of Blue Haven Way meets their requirements.



Therefore, taking into account the reduction of the speed limit; the restriction which bans right-hand turn movements; and that satisfactory sight distance is achieved; the Roads and Maritime Services has advised that the current Give Way control is the appropriate treatment and Council technical staff raise no objection to this outcome.

**Attachments**

*Nil.*



**Item No:** 7.6  
**Title:** Q91/18 - QON - Upgrading Fence Rotary Park Terrigal  
**Department:** Assets, Infrastructure and Business

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13 August 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-03 - D13260845

Author: Karen Tucker, Acting Unit Manager, Open Space and Recreation

Manager: Brett Sherar, Acting Senior Manager, Property and Asset Management

Executive: Boris Bolgoff, Acting Director, Assets, Infrastructure and Business

### **Q91/18 - QON - Upgrading Fence Rotary Park Terrigal**

The following question was asked by Councillor Rebecca Gale Collins at the Ordinary Meeting on 12 June 2018 :

“Are there are any plans with regard to upgrading the fence at Rotary Park Terrigal?”

During the recent construction of the new play space at Rotary Park, Council officers assessed the site in terms of safety. As a result, post and strand wire fencing was installed along the lagoon side of the park as a deterrent from entering the water.

Additional mitigating measures were implemented including the planting of dense understory plants along the fence line to provide a vegetation barrier and the installation of 'Caution Water Hazard' signage was placed at all entry points to provide warning to parents and carers using the site.

The Marine Discovery Centre undertakes Riparian Zone Maintenance Bush Care Programs and studies in the area adjacent to the lagoon at Terrigal Rotary Park. These works require a six (6) metre zone from the edge of the water. Installation of a barrier fence within these parameters would affect the play space area.

The Terrigal Rotary Club undertook a community survey as part of the design process for the park redevelopment. The results indicated the community preferred the installation of fencing on the road side of the park rather than the creek side.

A new fence was installed along the road side of Terrigal Rotary Park as part of the play space upgrade. The fencing along Terrigal Drive is black 1200mm high aluminium fencing with vertical pickets similar to pool fencing.



Council Officers are currently investigating options for upgrading and extending the fence along the edge of the lagoon. It is proposed to consider replacing the existing strand wire with galvanised square wire mesh that will not provide footholds but will support the ongoing riparian zone management.

**Attachments**

*Nil.*



**Item No:** 7.7  
**Title:** Q92/18 - QON - Low Cost Housing Estates  
**Department:** Environment and Planning

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13 August 2018 Ordinary Council Meeting

Trim Reference: F2010/00500 - D13275749  
Author: Scott Duncan, Section Manager, Land Use and Policy  
Manager: Matthew Prendergast, Unit Manager, Strategic Planning  
Executive: Scott Cox, Director, Environment and Planning

### **Q92/18 - QON - Low Cost Housing Estates**

The following question was asked by Councillor Rebecca Gale Collins at the Ordinary Meeting on 12 June 2018:

*"Please advise of housing estates that would benefit from a low cost loan initiative?"*

The NSW State Government's Low Cost Loans Initiative (LCLI) will support local councils to borrow up to \$500 million for infrastructure. The LCLI will enable new housing supply by halving the cost of interest on their loans. This will allow councils to bring forward delivery of planned infrastructure in new housing areas.

The LCLI is one of the measures identified to achieve the Premier's Priority on housing affordability. Housing affordability is a key priority for the NSW Government and, in 2017, the Premier released a Housing Affordability Strategy – *A Fair Go for First Home Buyers* which outlined a comprehensive package of measures designed to improve housing affordability across NSW.

The delivery of greenfield housing will create housing to accommodate future population growth on the Central Coast. Housing within future urban land release areas provides for a mixture of housing types for families, singles, couples and retirees.

The provision of infrastructure is critical to the successful and sustainable delivery of urban release areas, not only in respect of 'hard infrastructure' like roads, water and sewer but also 'social infrastructure' including community facilities, open space and schools which enhance the quality of people's lives within greenfield areas.

The delivery of key infrastructure has been identified as a corporate priority by Central Coast Council. In this respect, any land identified within the *North Wyong Structure Plan 2012* would benefit from the LCLI. It is also noted that the Central Coast Council is also reviewing its planning for the Southern and Northern Growth Corridors as well as planning for future development by preparing a Lake Munmorah Structure Plan. The outcomes of these strategies may identify further urban release areas which may also benefit from the LCLI in the future.



Council is advised that no application under the LCI was made on the basis that the identified projects did not meet the eligibility criteria, which required that the project be in a Contributions Plan, a business case or a publicly available study commissioned to forecast the community infrastructure needs of an area experiencing significant local population and housing growth.

Council staff are reviewing existing strategies to ensure that Council meets the eligibility criteria for key Council infrastructure projects under the LCI within future rounds of funding.

**Attachments**

*Nil.*



**Item No:** 7.8  
**Title:** Q93/18 - QON - Parking Strategy  
**Department:** Assets, Infrastructure and Business

13 August 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-03 - D13273338

Author: Joanna Murray, Personal Assistant to Unit Manager, Waste and Business

Manager: Andrew Pearce, Acting Senior Manager, Business and Economic Development

Executive: Boris Bolgoff, Acting Director, Assets, Infrastructure and Business

## **7.8 Q93/18 - QON - Parking Strategy**

The following question was asked by Councillor Holstein at the Ordinary Meeting on 12 June 2018:

*"Can staff please advise of the progress of the short, medium and long term parking strategy? Three months in and many residents, business people and Councillors are becoming frustrated with the delay. Are the staff aware that some of the parking has been cordoned off or reserved under the Brian McGowan Bridge? Advised that this is for the workers working on the Donnison Street Railway Bridge. Can this be investigated?"*

Response – Brian Glendenning, Acting Chief Executive officer:

*"Yes, it can be investigated Councillor Holstein".*

Council engaged Bitzios Consulting, a Traffic and Transport Consultant on the 13 March 2018 to prepare an integrated Car Parking Strategy for the Central Coast Local Government Area.

The engagement was divided into two (2) parts:

Part 1 –Short Term Gosford CBD Parking Strategy, which reviews parking supply and demand and the identification of a suite of strategies to improve the parking situation within the Gosford CBD.

Part 2 – Central Coast - Short, Medium and Long Term Parking Strategy, that covers the entire Central Coast Local Government Area.

The report for Part 1 was finalised in late June 2018. Staff provided a Councillor briefing on 16 July 2018, in which various options and recommendations were discussed. Further sessions with Councillors and staff are being arranged. The Part 2 report is due in October 2018.



Council received notification from Transport NSW of the temporary closure of up to twelve (12) parking spaces located under the Brian McGowan Bridge from 12 June 2018 to 30 October 2018. The temporary closure of the parking spaces was required to ensure public safety and provide space for a temporary construction compound as part of improvement works to the existing Gosford railway maintenance facility / stabling yard.

**Attachments**

*Nil.*



**Item No:** 7.9  
**Title:** Q95/18 - QON - Woy Woy Railway Underpass  
**Department:** Assets, Infrastructure and Business

13 August 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-03 - D13273799

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

Manager: Jay Spare, Acting Senior Manager, Roads, Transport and Drainage

Executive: Boris Bolgoff, Acting Director, Assets, Infrastructure and Business

## **7.9 Q95/18 - QON - Woy Woy Railway Underpass**

The following question was asked by Councillor Chris Holstein at the Ordinary Meeting on 25 June 2018:

*"On the 12 March 2018, over 3 months ago, Council resolved the three point motion on the Woy Woy railway underpass at the bottom of Bulls Hill on Woy Woy Road. Can the staff please advise the aspect of the motion; it was a three part one. Have representations been made to the Government and if so, what responses have we received? What responses have we received from the State opposition have been made and has Council actually completed the position statement on benefit and the need for the works?"*

Council at its meeting held on 12 March 2018 received a Notice of Motion in relation to Woy Woy Rail Underpass at Woy Woy Road and resolved:

- 157/18 *That council prepare a position statement of benefit and need for the works for the presentation to the Government and opposition.*
- 158/18 *That Council make representation to the NSW Government, Premier, Transport Minister, Roads Minister and Parliamentary Secretary of the Central Coast to recommit funding to the Woy Woy rail underpass at Woy Woy Road.*
- 159/18 *That Council make representation to the Leader of the NSW State Opposition, respective Shadow Ministers and Gosford State member to seek a funding commitment if they win the next state election.*

A position statement for the Woy Woy Rail Underpass (Rawson Road Level Crossing Replacement) was prepared and has now been distributed to all Councillors via the Councillor Update on 13 July 2018.

Letters were prepared and sent on 15 May 2018 under the signature of the former Acting Chief Executive Officer, Brian Glendenning, to the NSW Government and State Opposition as listed below:



- The Hon Gladys Berejiklian MP, Premier of NSW
- The Hon Andrew Constance MP, Minister for Transport and Infrastructure
- The Hon Melinda Pavey MP, Minister for Roads, Maritime and Freight
- Mr Scot MacDonald MLC, Parliamentary Secretary for the Central Coast and the Hunter
- Mr Luke Foley MP, Leader of the Opposition
- Ms Jodie McKay MP, Shadow Minister for Transport / Shadow Minister for Roads, Maritime and Freight
- Ms Liesl Tesch MP, Member for Gosford

As at 9 July 2018, Council has received a response from the Parliamentary Secretary to the Premier and Treasurer on behalf of the Premier advising that as the matter falls under the primary responsibility of The Hon Melinda Pavey MP, Minister for Roads, Maritime and Freight, it is appropriate that the Minister considers Council's correspondence and has therefore forwarded it accordingly.

Once responses have been received from the NSW Government agencies and the State Opposition, a summary of the responses will be provided to all Councillors via the Councillor Update.

#### **Attachments**

*Nil.*



**Item No:** 7.10  
**Title:** Q96/18 - QON - Disability Parking  
**Department:** Assets, Infrastructure and Business

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13 August 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-03 - D13273826

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

Manager: Jay Spare, Acting Senior Manager, Roads, Transport and Drainage

Executive: Boris Bolgoff, Acting Director, Assets, Infrastructure and Business

## **7.10 Q96/18 - QON - Disability Parking**

The following question was asked by Councillor at the Ordinary Meeting on :

*"Can Council rectify the disability parking and access at Davistown Hall as the access is prevented due to lack of drainage and water build up after rains?"*

Council Officers have recently undertaken an inspection of the car park situated adjacent to the Davistown Hall and found that a low-point within the car park is contributing to the ponding of water following storm events.

Concept plans to drain water from this low-point through the installation of pits and a pipeline have been developed and works are planned to be undertaken within the first quarter of the 2018/19 financial year.

In the interim, minor maintenance works have been undertaken to assist in the dispersement of the stormwater which is ponding at this location.

## **Attachments**

*Nil.*



**Item No:** 7.11  
**Title:** Q98/18 - QON - Exercise Equipment in Parks  
**Department:** Assets, Infrastructure and Business

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13 August 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-03 - D13271846

Author: Karen Tucker, Acting Unit Manager, Open Space and Recreation

Manager: Brett Sherar, Acting Senior Manager, Property and Asset Management

Executive: Boris Bolgoff, Acting Director, Assets, Infrastructure and Business

## **7.11 Q98/18 - QON - Exercise Equipment in Parks**

The following question was asked by Councillor Kyle MacGregor at the Ordinary Meeting on 25 June 2018:

*"Does Council have plans to implement public exercise equipment in any current public parks, pathways, reserves or other relevant locations within the Central Coast LGA?"*

Council is currently developing a Central Coast Play Space Strategy which generates the prioritisation of playground renewals and upgrades in Council's annual capital budget. The Play Space Strategy incorporates the planning for public exercise equipment.

Council recently undertook a conditional audit of all existing playspace infrastructure. The audit information will be used as a basis for the development of the strategy including exercise equipment.

There is currently no identified funding in the 2018/19 Capital Expenditure budget for public exercise equipment.

Council currently has exercise equipment at the following locations:-

Ross Park	Avoca Beach
EDSACC Oval North	Bateau Bay
Debra Anne Drive Reserve	Bateau Bay
Canton Beach Foreshore Reserve	Canton Beach
Lions Park, on the shared pathway	Chittaway Bay
Ettalong Foreshore	Ettalong
Killcare Beach Reserve	Killcare Beach
Broadwater Park	Kincumber



Colongra Hall	Lake Munmorah
Turo Reserve	Pretty Beach
Bushlands Playground	Springfield
Picnic Point Reserve	The Entrance
Walter and Edith Denniss Park	The Entrance North
Peninsula Recreation Precinct	Umina Beach
Wamberal Park	Wamberal
Warnervale Oval	Warnervale

**Attachments**

*Nil.*



**Item No:** 7.12  
**Title:** Q103/18 - QON - Webcast Delay  
**Department:** Governance

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13 August 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-03 - D13275666

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

Executive: Brian Glendenning, Executive Manager, Governance

## **7.12 Q103/18 - QON - Webcast Delay**

The following question was asked by Councillor Troy Marquart at the Ordinary Meeting on Monday 9 July 2018:

*"I just had a question to day from someone just in regards to why we have delayed the podcast?".*

The key reason for the delay in the webcast is to allow Council to manage the potential risk of broadcasting defamatory comments.

Despite warnings given at Council meetings, were Council to inadvertently broadcast defamatory comments, Council would liable for that broadcast. The delay provides a more realistic buffer to allow staff to manage this risk effectively.

Staff will continue to monitor these arrangements as part of our ongoing process to improve systems around Council meetings and webcasting.

### **Attachments**

*Nil.*



**Item No:** 7.13  
**Title:** Q112/18 - QON - Confidential Council Documents  
**Department:** Governance

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13 August 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-03 - D13279278

Author: Kathy Bragg, Senior Governance Officer

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

Executive: Brian Glendenning, Executive Manager, Governance

### **Q112/18 - QON - Confidential Council Documents**

The following question was asked by Councillor Greenaway at the Ordinary Meeting on 9 July 2018 :

*"Is there a timeframe after which confidential Council documents become accessible to the public? If so, what is this timeframe?"*

The answer is there is no specific timeframe in which confidential Council documents become accessible to the public. The following sets out the process as related to documents considered at Council meetings.

*How do Council Meeting documents become confidential?*

When Council resolves at a Council Meeting pursuant to section 11(3) of the *NSW Local Government Act 1993* (the Act) that correspondence or reports tabled or submitted to the Meeting are to be treated as confidential, this needs to be due to the fact that the documents relate to a matter specified in section 10A(2) of the Act.

Section 10A(2) of the Act states:

- 2) *The matters and information are the following:*
  - (a) *personnel matters concerning particular individuals (other than councillors),*
  - (b) *the personal hardship of any resident or ratepayer,*
  - (c) *information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,*
  - (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,*



- (e) *information that would, if disclosed, prejudice the maintenance of law,*
- (f) *matters affecting the security of the council, councillors, council staff or council property,*
- (g) *advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,*
- (h) *information concerning the nature and location of a place or an item of Aboriginal significance on community land,*
- (i) *alleged contraventions of any code of conduct requirements applicable under section 440.*

Council meeting documents identified as confidential can be access by way of either a Council resolution or a *Government Information (Public Access) Act 2009* application.

*1 Council resolution*

Council can resolve to remove the confidential classification of Council Meeting documents should the provision of section 10A(2) of the Act no longer be applicable.

This step needs to ensure that Section 10A(2) of the Act is not breached.

*2 Via a Formal Access Application*

Requests to access to information held by Council, which is not considered under the *Government Information (Public Access) Act 2009* (GIPA) as "open access information", need to be made via a Formal Access Application.

When determining a formal GIPA application, Council staff will take into consideration any Council resolution in relation to section 11(3) of the Act, as well as the public interest considerations against disclosure as set out in section 14 of GIPA. It should be noted that a resolution of Council in accordance with section 11 (3) of the Act alone does not mean that it will be withheld in response to a formal GIPA application.

**Attachments**

*Nil.*



**Item No:** 7.14  
**Title:** Q114/18 - QON - Food Scrap Recycling  
**Department:** Assets, Infrastructure and Business

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13 August 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-03 - D13283241

Author: Joanna Murray, Personal Assistant to Unit Manager, Waste and Business

Manager: Andrew Pearce, Acting Senior Manager, Business and Economic Development

Executive: Boris Bolgoff, Acting Director, Assets, Infrastructure and Business

### **Q114/18 - QON - Food Scrap Recycling**

The following question was asked by Councillor Vincent at the Ordinary Meeting on 9 July 2018 :

*Following on from the previous question on notice, asked at the Council meeting held on 26 March 2018, regarding compostable food scrap recycling, could staff please advise if compostable food scrap bags can be disposed of in the current green waste recycling bins.*

Compostable food scrap bags and their contents are currently unable to be disposed in Council's garden organics recycling bins. Central Coast Council currently has a three bin waste, recycling and garden organics (excluding food organics) collection service.

Inclusion of food scraps recycling into the current garden organics service would require significant changes to existing processes and technology and new contractual arrangements. Modelling of the cost/benefits of the new processes and technology would need be undertaken followed by new procurement activities.

The introduction of an enhanced organics collection and processing service and various other enhanced resource recovery options will be considered as part of the development of the Central Coast Waste Strategy proposed for 2018/19.

### **Attachments**

*Nil.*



**Item No:** 8.1  
**Title:** Notice of Motion - Success of Amalgamation  
**Department:** Councillor

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13 August 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-03 - D13293775

Author: Greg Best, Councillor

Councillors Best and McLachlan have given notice that at the Ordinary Council Meeting to be held on 13 August 2018 they will move the following motion:

- 1 That Council recognises the extensive work currently being carried out and managed by staff on all levels around delivering the effective integration of our amalgamated Council.***
- 2 That Council seeks to support staff and better understand the challenges faced through receiving regular reports and formal briefings from staff.***
- 3 That Council recognises the importance of supporting the amalgamation with a view to achieving an optimum outcome for our 330,000 residents and ratepayers.***
- 4 That Council also recognises the importance of supporting staff, and indeed morale, in this changing work environment. Further, Council notes that the amnesty on staff redundancies set by the State Government will expire on the 12 May 2019.***

#### **Attachments**

*Nil.*



**Item No:** 8.2  
**Title:** Notice of Motion - Recognition of former Wyong Mayor, Tony Sheridan, OAM  
**Department:** Councillor

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13 August 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-03 - D13294024

Author: Doug Vincent, Councillor

Councillor Vincent has given notice that at the Ordinary Council Meeting to be held on 13 August 2018 he will move the following motion:

- 1     *That Council names the walkway from The Entrance waterfront to the Surf Club, "The Tony Sheridan Walk".***
- 2     *In addition, Council nominates the walkway name to the geographic names board for permanent inclusion on maps.***

### **Councillors Note**

The motion seeks to recognise the contribution of Tony Sheridan, OAM who served 3 terms leading Wyong Shire. Mr. Sheridan, who was an ALP Councillor, served on Wyong Council for 27 years including eight as President and one as Mayor.

The council's main function room was named in his honour in August 2006.

In 2013, Wyong Council decided to remove his name from the civic centre's main function room.

However, there is a need for council to recognise his outstanding contribution to the area.

Tony Sheridan, OAM was instrumental in the revitalisation of The Entrance, the upgrade of Wyong Road and the establishment of Bay Village and Westfield Tuggerah shopping centres. An appropriate form of recognition would be to name the walkway from The Entrance waterfront to the Surf Club, "The Tony Sheridan Walk". The walkway is 600 metres long and is known for the beautiful views of The Entrance, Lakes hinterland and coastline.

### **Attachments**

*Nil.*



**Item No:** 8.3  
**Title:** Notice of Motion - Assessment of Pollution Risk from PFAS, ash dams and air pollution  
**Department:** Councillor

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13 August 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-03 - D13294084

Author: Jane Smith, Mayor

Mayor Smith has given notice that at the Ordinary Council Meeting to be held on 13 August 2018 she will move the following motion:

***That Council request the CEO to provide a report and briefing to Councillors by the end of November 2018 on the following:***

- a. Current knowledge and status of existing or potential impacts of pollutants of PFAS, ash dams, and power stations on the Central Coast***
- b. Current monitoring activities (including sites) undertaken by Council and other agencies or organisations***
- c. Current responsibilities and management actions of relevant agencies, Council and other stakeholders in relation to these pollutants***
- d. Any proposed actions from relevant agencies regarding monitoring and management of risk from these pollutants or sources***
- e. Recommendations regarding Council's role, if any, in monitoring and management of risks from these pollutants, including the value of a community consultative committee and willingness of stakeholder organisations to participate in such a committee."***

### **Councillors Note**

Recent media has highlighted the potential environmental and human health risks from PFAS (Per-and poly-fluoroalkyl substances). Although the current issue of PFAS pollution is most closely linked to airports and defence sites, there is some indication that this is a broader and emerging issue. In addition, concerns have been raised about potential pollution from ash dams and air pollution associated with coal fired power stations on the Central Coast.



### **8.3 Notice of Motion - Assessment of Pollution Risk from PFAS, ash dams and air pollution (contd)**

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This motion seeks to provide an overview of the current status of these issues, current monitoring and management, and future risks.

#### **Attachments**

*Nil.*



**Item No:** 8.4  
**Title:** Notice of Motion - DA 44/2018 - 6, 8 and 10 Dunleigh Street, Toukley  
**Department:** Councillor

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13 August 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-03 - D13294138

Author: Doug Vincent, Councillor

Councillor Vincent has given notice that at the Ordinary Council Meeting to be held on 13 August 2018 he will move the following motion:

- 1 That the Chief Executive Officer refer the assessment report for DA 44/2018, 6, 8 and 10 Dunleigh Street, Toukley to Council prior to being considered by the Hunter and Central Coast Joint Regional Planning Panel.***
- 2 That Council then determine whether it will make a submission to the Hunter and Central Coast Joint Regional Planning Panel in relation to this Development Application.***

#### **Attachments**

*Nil.*



**Item No:** 8.5

**Title:** Notice of Motion - Local Employment

**Department:** Councillor



13 August 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-03 - D13294424

Author: Jillian Hogan, Councillor

Councillor Hogan has given notice that at the Ordinary Council Meeting to be held on 13 August 2018 she will move the following motion;

- 1     *That Council notes and thanks staff for the comprehensive report received regarding our employment position.***
- 2     *That Council notes that under the Local Government Act and the sections that apply to the amalgamation, external advertising of vacancies cannot occur unless the General Manager (CEO) is satisfied that we have no suitable internal (employee) applicants. This applies until May 2019, three years after the date of amalgamation.***
- 3     *That Council notes that our numbers for apprenticeships, traineeships, internships and scholarships are exceptionally low.***
- 4     *That the CEO report back to Council within 3 months with a review of Council's approach to employing apprentices and trainees.***
- 5     *That staff also report on the recruitment methods for internships and scholarships and what current partnerships are in place with the TAFE and University.***
- 6     *That Council continues to develop a workforce strategy that better reflects the demographics of the Central Coast including actively seeking a diverse workforce and continuing to strive towards being an equal opportunity employer.***
- 7     *That Council demonstrates leadership and a commitment to young people and diversity by highlighting successes.***

#### **Attachments**

*Nil.*



**Item No:** 9.1  
**Title:** Rescission Motion - Open Pile Burning Policy  
**Department:** Councillor

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13 August 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-03 - D13293714

Author: Greg Best, Councillor  
Rebecca Gale Collins, Councillor  
Jilly Pilon, Councillor  
Troy Marquart, Councillor

Council, at the Ordinary Meeting held on 9 July 2018 gave consideration to a report regarding Open Pile Burning Policy.

At that meeting, Council resolved as follows:

- "641/18 That Council adopt the Draft Open Pile Burning Policy specifically amended as follows:*
- a Identify that the Policy is a self-approval process.*
  - b Delete a 'class of persons'.*
  - c Include RU1 Primary Production and R5 Large Lot Residential.*
  - d Include RU5 Rural Village as a prescribed zone.*
  - e Reflect legislative changes to meet the NSW Government's reforms*
  - f Increase the size of vegetation diameter from 150mm to 300mm.*
  - g Increase the size of open burn piles from 2m to 4m.*
  - h Clarify notification requirements.*
  - i Prohibit non-vegetative waste, ecological burns or Aboriginal cultural burns.*
  - j Exempt burning for agricultural operations.*
  - k Exempt burning for recreational purposes.*
  - l Include Fire Permit requirements.*
  - m Include Council's compliance and enforcement provisions,*
  - n Contact details for authorised regulatory authorities other than Council*
  - o Exclude environmental zones*
- 642/18 That the Chief Executive Officer note that if the draft Central Coast Open Pile Burning Policy is adopted by Council it will be necessary to seek the following from the Environmental Protection Authority before that Policy can be implemented:*
- a. The listing of the Central Coast Council as an approval authority for the burning of vegetation under Part 2 of Schedule 8 under the Protection of the Environment Operations (Clean Air) Regulation 2010.*
  - b. Request the removal of the former Gosford City Council from Part 1 of*



*Schedule 8 under the Protection of the Environment Operations (Clean Air) Regulation 2010.*

- c. *Request the removal of the former Wyong Shire Council from Part 2 and 3 of Schedule 8 under the Protection of the Environment Operations (Clean Air) Regulation 2010.*

- 643/18 *That Council advise all those who made a public submission of the decision.*
- 644/18 *That Council undertake a community education program for open pile burning in collaboration with NSW Rural Fire Service.*
- 645/18 *That Council review the Central Coast Open Pile Burning Policy within two years.*
- 646/18 *That Council report data regarding open pile burning and also permits issued on a six monthly basis."*

A Rescission Motion has been received from Councillors Best, Gale Collins , Pilon and Marquart to be moved at the Ordinary Council Meeting of Council to be held on Monday, 13 August 2018, as follows:

*"MOVE that the following resolution carried at the Ordinary Meeting of Council held on 9 July 2018 be rescinded:*

- 641/18 *That Council adopt the Draft Open Pile Burning Policy specifically amended as follows:*
  - a *Identify that the Policy is a self-approval process.*
  - b *Delete a 'class of persons'.*
  - c *Include RU1 Primary Production and R5 Large Lot Residential.*
  - d *Include RU5 Rural Village as a prescribed zone.*
  - e *Reflect legislative changes to meet the NSW Government's reforms*
  - f *Increase the size of vegetation diameter from 150mm to 300mm.*
  - g *Increase the size of open burn piles from 2m to 4m.*
  - h *Clarify notification requirements.*
  - i *Prohibit non-vegetative waste, ecological burns or Aboriginal cultural burns.*
  - j *Exempt burning for agricultural operations.*
  - k *Exempt burning for recreational purposes.*
  - l *Include Fire Permit requirements.*
  - m *Include Council's compliance and enforcement provisions,*
  - n *Contact details for authorised regulatory authorities other than Council*
  - o *Exclude environmental zones*



- 642/18 *That the Chief Executive Officer note that if the draft Central Coast Open Pile Burning Policy is adopted by Council it will be necessary to seek the following from the Environmental Protection Authority before that Policy can be implemented:*
- a. *The listing of the Central Coast Council as an approval authority for the burning of vegetation under Part 2 of Schedule 8 under the Protection of the Environment Operations (Clean Air) Regulation 201*
  - b. *Request the removal of the former Gosford City Council from Part 1 of Schedule 8 under the Protection of the Environment Operations (Clean Air) Regulation 2010.*
  - c. *Request the removal of the former Wyong Shire Council from Part 2 and 3 of Schedule 8 under the Protection of the Environment Operations (Clean Air) Regulation 2010.*
- 643/18 *That Council advise all those who made a public submission of the decision.*
- 644/18 *That Council undertake a community education program for open pile burning in collaboration with NSW Rural Fire Service.*
- 645/18 *That Council review the Central Coast Open Pile Burning Policy within two years.*
- 646/18 *That Council report data regarding open pile burning and also permits issued on a six monthly basis.*

Should the above Rescission Motion be carried, further notice is given that Councillors Best, Gale Collins, Pilon and Marquart will move the following motion titled:

**“The Courtesy of Community Consultation”**

*MOVE*

- 1 *That Council thanks staff and indeed the Rural Fire Service (RFS) for their partnership and significant contribution around developing this important Council policy and notes the extensive community consultation engaged in by Staff.*
- 2 *That as Council has significantly amended the Staff recommended Policy that will adversely affect thousands of local land owners (1,909 e-zone properties north, 628 e-zone properties south plus a further 2,623 south when old zones are converted to e-zone properties, totalling 5,160). Council now defer implementation of the PBP pending suitable public consultation and review by the RFS.*
- 3 *That Council invites our peak bushfire experts, the RFS, to brief Council on the changes to the PBP. Further, Council request the CEO also report on impacts and costs around Council Staffing resources and other relevant issues.*



Clause 13 of the *Protection of the Environment Operations Clean Air) Regulation 2010* ("the POEO Regulation") states provides:

- (1) *The EPA may grant an approval for the purposes of this Part:*
  - (a) *to any class of persons—by means of a notice published in the Gazette, or*
  - (b) *to any particular person—by means of a written notice given to the person.*
- (2) *The council of a local government area specified in Part 2 of Schedule 8 may grant an approval for the purposes of this Part in respect of the burning of dead and dry vegetation on the premises on which the vegetation grew in the local government area:*
  - (a) *to any class of persons—by means of a notice published in the Gazette and in such other manner as the council is satisfied is likely to bring the notice to the attention of persons of that class, or*
  - (b) *to any particular person—by means of a written notice given to the person.*
- (3) *Before granting an approval for the purposes of this Part, the EPA or local council concerned must take the following matters into consideration:*
  - (a) *the impact on regional air quality and amenity,*
  - (b) *the impact on local air quality and amenity,*
  - (c) *the feasibility of re-use, recycling or other alternative means of disposal,*
  - (d) *any opinions of the sector of the public likely to be affected by the proposed approval,*
  - (e) *in the case of an approval under subclause (2) (a)—any opinions of the EPA in relation to the proposed approval.*
- (4) *An approval:*
  - (a) *is subject to such conditions (if any) as are specified in the notice by which the approval is granted, and*
  - (b) *may be amended or revoked by means of a notice given or published in the same way as the original notice granting the approval was given or published, and*
  - (c) *remains in force for a period of 12 months (or such other period as is specified in, or implied by, the approval) from the date it is granted unless sooner revoked by the authority that granted it.*

Schedule 8 to the POEO Regulation includes "Gosford City" in Part 1 and "Wyong" in Part 2. The effect of that Schedule 8 is that:

- All burning, including of vegetation and domestic waste, is prohibited on all land within the former Gosford local government area, unless approved by the NSW Environment Protection Authority ("EPA"), which it can do generally by way of a notice in the NSW Government Gazette or by notice to a particular person;
- Burning of dead and dry vegetation is prohibited on all land within that former Wyong local government area, unless approved by the EPA or Council (which either of them can do generally by way of a notice in the NSW Government Gazette and a secondary means of notice, or by notice to a particular person). All other burning within the former Wyong local government area is prohibited, unless approved by the EPA (which it can do generally by way of a notice in the NSW Government Gazette or by notice to a particular person).

Resolution 642/18 of 9 July 2018 seeks to amend Schedule 8 of the POEO Regulation so that Council has the capacity to issue "pile burning" approvals pursuant to cl. 13(2) of the POEO Regulation on land within the whole of the Central Coast local government area. Put another way, resolution 642/18 seeks to extend what Council can currently do in respect to "pile burning" within the former Wyong local government area to the former Gosford local government area.

Resolution 641/18 of 9 July 2018 adopts an Open Pile Burning Policy that has the effect of prescribing the conditions that Council will impose on any approval granted pursuant to cl. 13(2)(a) of the POEO Regulation. The effect of those conditions is to exclude certain land and certain types of vegetation burning from that process. Burning that is excluded by the operation of that Policy, once it commences, will need to seek specific approval from Council under cl. 13(2)(b) of the POEO Regulation or from the EPA pursuant to cl. 13(1) or 13(2)(b) of the POEO Regulation.



**Attachments**

- 1**    RMS Letter re Open Pile Burning Policy      D13294370





## NSW RURAL FIRE SERVICE



Councillor Greg Best  
Central Coast Council  
PO Box 20  
Wyang NSW 2259

Your reference  
Our reference  
  
1 August 2018

Dear Councillor Best

### Re: Open Pile Burning Policy

The NSW Rural Fire Service, Central Coast District very much appreciated the opportunity to provide feedback to Central Coast Council during the consultation period of the development of the Open Pile Burning Policy. RFS endorsed the draft policy which was presented to the Council meeting held on 9 July 2018.

The NSW Rural Fire Service, Central Coast District has been receiving notifications for pile burns for the last 5 years predominantly under the former Wyong Shire Council Open Burning Policy and more recently Lake Macquarie City Council's Open Burning Policy.

During the 2017/18 financial year the District received 1771 notifications to burn. Approximately 1200 of those were within the Central Coast Council Local Government Area. Of those notifications 121 required Fire Permits as the burning took place during the bushfire danger period which was from 1 October 2017 to 31 March 2018.

Typically the RFS Central Coast District office receives on average 3.3 notifications per day for the Central Coast Council LGA. District staff and volunteers record the notification based on the initial question to the applicant "are you complying with councils Open Burning Policy"?

As the former Wyong Council's policy has a broad area which permits burning with the general exclusions of residential and industrial areas, it's relatively easy to assess/determine without extensive scrutiny as to the accuracy of the notification. The intention to burn is recorded. The recording is not an approval or endorsement of the activity just a recording of the notification.

If the current amendment as put to Council's meeting on 9 July 2018 is endorsed the RFS has little to no capacity to check if the proposer is in an area that allows for open burning due to the Central Coast Council's provision of IT systems & infrastructure, complexities of mapping, multiple zones across individual lots and land owners general lack of understanding of their own land zone. If the current proposal, specifically relating to the exclusion of Environmental Zones goes ahead, volunteer firefighters will be unable to determine if the activity is allowed under the policy, therefore requiring the pile to be extinguished and referred to Central Coast Council for compliance investigation.

RFS Central Coast District has no readily available ability to determine land zones. Notifications are received across three (3) separate office locations by both staff and volunteers with the vast majority of



With the amendment to exclude Environmental Zones it is likely to have significant impacts on Council through extra administrative and compliance issues.

As the District Manager I will be ensuring that applicants are complying with the policy. In such cases where applicants are unable to demonstrate that they are in a zone that permits burning that applicant will be referred back to Council for further clarification.

Yours sincerely



Superintendent Paul Jones  
District Manager  
Central Coast District