



Central Coast Council  
Business Paper  
Ordinary Council Meeting  
**29 October 2018**





## COMMUNITY STRATEGIC PLAN 2018-2028

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

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

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

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

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

## RESPONSIBLE

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

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



**Good governance and great partnerships**

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

There are 5 themes, 12 focus areas and 48 objectives

### COMMUNITY STRATEGIC PLAN 2018-2028 FRAMEWORK

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



Theme

Focus Area

Objective



# Meeting Notice

**The Ordinary Council Meeting  
of Central Coast Council  
will be held in the Council Chamber,  
2 Hely Street, Wyong on  
Monday 29 October 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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29 October 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-04 - D13341252

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

Section 451 of the LG Act states:

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

## 1.1 Disclosure of Interest (contd)

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

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

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

### **Recommendation**

***That Council 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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29 October 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-04 - D13341254



### **Summary**

Confirmation of minutes of the Ordinary Meeting of the Council held on 8 October 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 8 October 2018.***

### **Attachments**

**1** MINUTES - Ordinary Meeting Meeting - 8 October 2018      D13348856



**Central Coast Council**

**Minutes of the  
Ordinary Council Meeting of Council  
Held in the Council Chamber  
49 Mann Street, Gosford  
on 8 October 2018  
Commencing at 6.30pm**

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**Present**

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

**In Attendance**

Gary Murphy (Chief Executive Officer), Boris Bolgoff (Acting Director Assets, Infrastructure and Business), Phil Cantillon (Acting Director Connected Communities), Scott Cox (Director Environment and Planning) and Shane Sullivan (Acting Executive Manager Governance).

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

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

At the commencement of the ordinary meeting report no's 2.1, 3.7, 6.2 and 6.6 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**

Councillor Chris Holstein

**1.1 Disclosure of Interest**

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**2.3 Draft Tree Management Chapter**

Councillor Greenaway declared a less than significant non-pecuniary interest in this item as she is a former volunteer board member of CEN. Councillor Greenaway chose to remain in the chamber and participate in discussion and voting as the conflict does not impede her ability to carry out her duties.

**3.5 Meeting Record of the Coastal Open Space System (COSS) Committee held on 25 July 2018**

Councillor Greenaway declared a less than significant non-pecuniary interest in this item as she is a former volunteer board member of CEN. Councillor Greenaway chose to remain in the chamber and participate in discussion and voting as the conflict does not impede her ability to carry out her duties.

**3.7 Draft Gosford City Centre Development Control Plan**

Mayor Smith declared a less than significant non-pecuniary interest in this item as she is a former volunteer CEO and board member of CEN. Mayor Smith chose to remain in the chamber and participate in discussion and voting as the conflict does not impede her ability to carry out her duties.

Councillor Greenaway declared a less than significant non-pecuniary interest in this item as she is a former volunteer board member of CEN. Councillor Greenaway chose to remain in the chamber and participate in discussion and voting as the conflict does not impede her ability to carry out her duties.

**4.1 Meeting Record of the Catchments and Coast Committee - Tuggerah Lakes held on 29 August 2018**

Councillor Greenaway declared a less than significant non-pecuniary interest in this item as she is a former volunteer board member of CEN. Councillor Greenaway chose to remain in the chamber and participate in discussion and voting as the conflict does not impede her ability to carry out her duties.

**6.2 Notice of Motion - Mannering Park/Chain Valley Bay Shared Pathway**

Councillor Vincent declared a less than significant non-pecuniary interest in this item as his employer has operations near the foreshore route. Councillor Vincent left the chamber at 7.07pm and returned at 7.24pm and did not take part in discussion or the voting.

**6.7 Notice of Motion - Key Iconic Sites**

Councillor McLachlan declared a pecuniary interest in the matter as he has a Key Site for sale within his agency. Councillor McLachlan left the chamber at 9.44pm and returned at 10.08pm and did not take part in discussion or the voting.

**Moved:** Councillor Gale Collins  
**Seconded:** Councillor Pilon

**Resolved**

**1031/18 That Council now disclose any conflicts of interest in matters under consideration by Council at this meeting.**

**For:**  
**Unanimous**

#### **Procedural Motion – Address by Invited Speakers**

**Resolved**

**Moved:** Councillor McLachlan  
**Seconded:** Councillor Greenaway

**1032/18 That Council invite the following speakers to address Council:**

<b>SPEAKERS</b>	<b>REPORT</b>
Richard Mathews <b>For</b> the recommendation	Item 2.1 - DA 54008/2018 Proposed Dwelling Additions and Studio over new Garage at 5 Patricia Place, Killcare
Michael Conroy <b>Against</b> the development control plan	Item 3.7 - Draft Gosford City Centre Development Control Plan
Bob Brooks <b>For</b> the recommendation	Item 6.2 – Notice of Motion – Mannering Park / Chain Valley Bay Shared pathway
Andrew Whitbourne <b>For</b> the recommendation	Item 6.2 – Notice of Motion – Mannering Park / Chain Valley Bay Shared pathway
Wolfgang Koerner <b>For</b> the recommendation	Item 6.6 – Notice of Motion – Extension to Affordable Housing Strategy Exhibition

**For:**  
**Unanimous**



**Procedural Motion – Suspension of Standing Orders****Resolved**

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

**1033/18** That Council suspend standing orders and consider items 2.1, 3.7, 6.2 and 6.6 after each speaker address and then the remaining items in agenda sequence.

**For:**  
**Unanimous**

**1.2 Confirmation of Minutes of Previous Meetings**

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

**Resolved**

**1034/18** That Council confirm the minutes of the Ordinary Meeting of the Council held on 24 September 2018.

**For:**  
**Unanimous**

**Procedural Motion – Exception****Resolved**

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

**1035/18** That with the exception of the following reports, Council adopt the recommendations contained in the remaining reports:

<b>3.1</b>	<b>Deferred Item - Code of Conduct Review Panel</b>
<b>3.3</b>	<b>Response to Notice of Motion - Low Cost Loan Initiative Adoption</b>
<b>4.1</b>	<b>Meeting Record of the Catchments and Coast Committee – Tuggerah Lakes held on 29 August 2018</b>
<b>4.2</b>	<b>Niche Tourism - Volunteer and Research Tourism</b>
<b>6.1</b>	<b>Notice of Motion - Major Water Park Opportunity Investigations for the Central Coast</b>
<b>6.3</b>	<b>Notice of Motion - Coastal and Estuary Grants</b>
<b>6.4</b>	<b>Notice of Motion - Central Coast Dredging</b>

<b>6.5</b>	<b>Notice of Motion - Proposed Sale of 1 Warren Road Warnervale</b>
<b>6.7</b>	<b>Notice of Motion – Key Iconic Sites</b>
<b>6.8</b>	<b>Notice of Motion – Mystery Shop to test Council Services</b>

**1036/18 That Council adopt the following items en-masse and in accordance with the report recommendations:**

<b>2.2</b>	<b>DA 54066/2018 - Proposed Dwelling Addition/Alterations, Glass House, Convert Existing Shed to Games Room, Windmill, Cage Over Vegetable Garden and Retaining Walls at 9A Broadwater Drive Saratoga</b>
<b>2.3</b>	<b>Draft Tree Management Chapter</b>
<b>3.2</b>	<b>Response to Notice of Motion - Central Coast Drought Assistance</b>
<b>3.4</b>	<b>Response to Notice of Motion - Ward Names and consideration of changes</b>
<b>3.5</b>	<b>Meeting Record of the Coastal Open Space System (COSS) Committee held on 25 July 2018</b>
<b>3.6</b>	<b>Fire Safety Inspection report 89-91 Scenic Dr Budgewoi</b>
<b>4.3</b>	<b>Response to Notice of Motion - Cash Flow Statements</b>

**For:**  
**Unanimous**

**2.1 DA 54008/2018 - Proposed Dwelling Additions and Studio over new Garage at 5 Patricia Place, Killcare**

Richard Matthews addressed the Council at 6.37pm.

**Moved: Councillor Best**  
**Seconded: Councillor Mehrtens**

**Resolved**

**1037/18 That Council grant consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979, and other relevant issues.**

**For:**  
**Mayor Smith and Councillors Best, Mehrtens, Marquart, Sundstrom, Gale Collins, Matthews, Pilon, McLachlan, Burke, Vincent and Hogan**

**Abstain:**  
**Councillors MacGregor and Greenaway**

**2.2 DA 54066/2018 - Proposed Dwelling Addition/Alterations, Glass House, Convert Existing Shed to Games Room, Windmill, Cage Over Vegetable Garden and Retaining Walls at 9A Broadwater Drive Saratoga**

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

**Resolved**

**1038/18 That Council grant consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979, and other relevant issues.**

**1039/18 That Council advise those who made written submissions of its decision.**

**For:**  
**Unanimous**

**2.3 Draft Tree Management Chapter**

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Councillor Greenaway declared a less than significant non-pecuniary interest in this item as she is a former volunteer board member of CEN. Councillor Greenaway chose to remain in the chamber and participate in discussion and voting as the conflict does not impede her ability to carry out her duties.

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

**Resolved**

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

**1041/18 That Council consider a further report on results of the community consultation.**

**For:**  
**Unanimous**

### **3.1 Deferred Item - Code of Conduct Review Panel**

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Councillor Greenaway left the meeting at 8.00pm and returned at 8.01pm and did not participate in discussion or voting.

**Moved:**                **Councillor Mehrtens**  
**Seconded:**        **Councillor Sundstrom**

**Resolved**

**1042/18    That Council note the deferred Code of Conduct Review Panel report which is Attachment 1 to this report.**

**1043/18    That Council appoint to Central Coasts Council's Deferred Item - Code of Conduct Review Panel the eight providers recommended and endorsed by the Chief Executive Officer.**

**For:**  
**Unanimous**

### **3.2 Response to Notice of Motion - Central Coast Drought Assistance**

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

**Resolved**

**1044/18    That Council note the options, initiatives and support outlined in the report.**

**1045/18    That Council resolves to promote existing initiatives through its communication channels and continue to encourage our residents to donate to appeals and to plan holidays in regional NSW to boost local economies.**

**For:**  
**Unanimous**



**3.3 Response to Notice of Motion - Low Cost Loan Initiative Adoption**

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**Moved:** *Councillor Gale Collins***Seconded:** *Councillor Marquart***Resolved**

**1046/18** *That Council receive the report on Response to Notice of Motion – Low Cost Loan Initiative Adoption and investigate opportunities for Round 2 that opens in late October 2018.*

**For:****Unanimous****3.4 Response to Notice of Motion - Ward Names and consideration of changes**

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

**1047/18** *That Council request a briefing regarding Ward names following the conduct of a survey of Advisory Group Members.*

**For:****Unanimous****3.5 Meeting Record of the Coastal Open Space System (COSS) Committee held on 25 July 2018**

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Councillor Greenaway declared a less than significant non-pecuniary interest in this item as she is a former volunteer board member of CEN. Councillor Greenaway chose to remain in the chamber and participate in discussion and voting as the conflict does not impede her ability to carry out her duties.

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

**1048/18** *That Council note the Meeting Record of the Coastal Open Space System (COSS) Advisory Committee held on 25 July 2018 that is attached to this report.*

**1049/18** *That Council write to the Office of Environment and Heritage requesting a copy of the draft Central Coast Regional Conservation Plan 2013.*

**1050/18** *That Council note the briefing that will be coordinated on the Community Strategic Plan for all Advisory Group members.*

**For:**  
**Unanimous**

### **3.6 Fire Safety Inspection report 89-91 Scenic Dr Budgewoi**

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

**Resolved**

**1051/18 That Council note the content of the Fire Safety Report from Fire and Rescue NSW in accordance with Section 17(2)(a) of Part 8 of Schedule 5 of the Environmental Planning and Assessment Act (EP&A), 1979; and**

**1052/18 That Council request the Chief Executive Officer provide a further report to the next Council meeting in accordance with Section 17(2)(b) of Part 8 of Schedule 5 of the Environmental Planning and Assessment Act (EP&A), 1979.**

**For:**  
**Unanimous**

### **3.7 Draft Gosford City Centre Development Control Plan**

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Andrew Conroy addressed the Council at 6.39pm.

Mayor Smith declared a less than significant non-pecuniary interest in this item as she is a former volunteer CEO and board member of CEN. Mayor Smith chose to remain in the chamber and participate in discussion and voting as the conflict does not impede her ability to carry out her duties.

Councillor Greenaway declared a less than significant non-pecuniary interest in this item as she is a former volunteer board member of CEN. Councillor Greenaway chose to remain in the chamber and participate in discussion and voting as the conflict does not impede her ability to carry out her duties.

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

**Resolved**

**1053/18 That Council request the Chief Executive Officer write to the Department of Planning and Environment requesting that:**

- a The Department not include the major sites (that is, sites with a value greater than \$75 million in the Gosford City Centre) in schedule 2 of SEPP (State and Regional Development).**

- b Exclude the B6 zone from the large site provisions.**
- c The Department acknowledge that the Gosford Waterfront is not restricted to just 'The Broadwater' rather the Waterfront is all land identified in Figure 4: Land to which Chapter 4.4 Gosford Waterfront of Gosford Development Control Plan 2013.**
- d Reinforcing the position that Council should be the consent authority for development in the Gosford City Centre.**
- 1054/18 That Council note the significant errors and confusing information included in the documents exhibited for the draft Gosford DCP and Gosford City SEPP including;**
- The definition of the waterfront**
  - Application of larger site provisions to all zonings (not just Business zones)**
- 1055/18 That Council endorse the draft submission to the Central Coast Planning and Coordination Unit, Department of Planning and Environment in response to the Draft Gosford City Centre Development Control Plan (Attachments 1 and 2)**
- 1056/18 That Council request the Chief Executive Officer forward the endorsed submission to Central Coast Planning and Coordination Unit, Department of Planning and Environment.**
- 1057/18 That Council request that the Minister, upon receipt and evaluation of all submissions, clarification of errors and issues raised in Council's submission, re-exhibit both the Draft Gosford City Centre SEPP and Draft Gosford Development Control Plan 2018 at the same time.**
- 1058/18 That Council continue to work collaboratively with the Department of Planning and Environment on the Urban Design Implementation Framework, and the preparation of any new planning controls for the Gosford City Centre.**

*A division was called by Councillors Burke and Marquart.*

**For:**

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

**Against:**

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

**4.1 Meeting Record of the Catchments and Coast Committee – Tuggerah Lakes held on 29 August 2018**

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Councillor Greenaway declared a less than significant non-pecuniary interest in this item as she is a former volunteer board member of CEN. Councillor Greenaway chose to remain in the chamber and participate in discussion and voting as the conflict does not impede her ability to carry out her duties.

**Moved:** **Councillor Vincent**

**Seconded:** **Councillor Pilon**

**Resolved**

**1059/18 That Council receive the report on the Meeting Record of the Catchments and Coast Committee – Tuggerah Lakes held on 29 August 2018.**

**For:**

**Unanimous**

**4.2 Niche Tourism – Volunteer and Research Tourism**

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

**Seconded:** **Councillor Best**

**Resolved**

**1060/18 That Council receive the report on Niche Tourism – Volunteer and Research Tourism.**

**1061/18 That Council request the Chief Executive Officer to hold an initial meeting with Research Tourism provider (eg. Earthwatch), NPWS and a relevant University to identify requirements and scope of this kind of Tourism.**

**For:**

**Unanimous**



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**4.3 Response to Notice of Motion – Cash Flow Statements**

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

**Resolved**

**1062/18 That Council receive the report on Response to Notice of Motion – Cash Flow Statements.**

**For:**  
**Unanimous**

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**6.1 Notice of Motion – Major Water Park Opportunity Investigations for the Central Coast**

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**Moved:** Councillor McLachlan  
**Seconded:** Councillor Pilon

- 1 *That Council recognises the current window of opportunity that exist as Regional first mover north for the establishment of a major Water Theme Park and associated tourism opportunities as a major addition to tourism amenity for the Central Coast.*
- 2 *That Council acknowledges the rapid technological advancements and roll out world wide of new Wave Park technology, and that other Regional Councils are currently investigating similar options.*
- 3 *That Council acknowledges the business plan of these Wave Parks will favour first movers in the industry, and like all major infrastructure sporting facilities, there will only be a limited number of Wave Parks/ Water Parks built in Australia.*
- 4 *That Council now instructs the Chief Executive Officer to provide a report on possible sites that could be made available to the industry as an EOI tender.*
- 5 *That Council invites current industry and qualified parties both private and public to discuss possibilities of procuring a major new attraction for the Central Coast.*
- 6 *That Council note that this resolution in no way commits Council to provide any financial assistance.*

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

- 1 *That Council request the Chief Executive Officer note that consideration of a potential wave park as part of the Tourism Opportunity Plan with the draft to come back to Council by early November 2018.*

- 2 That Council request the Chief Executive Officer conduct a Strategy / Policy workshop with Councillors to develop a policy regarding unsolicited proposals for developments.

For:

Mayor Smith and Councillors Sundstrom and Vincent

Against:

Councillors Marquart, Mehrstens, Gale Collins, Matthews, MacGregor, Pilon, McLachlan, Burke, Hogan and Best

Abstained: Councillor MacGregor

**The amendment was put to the vote and declared LOST.**

Further Amendment Moved: Councillor Vincent

Further Amendment Seconded: Councillor Matthews

- 1 That Council request the Chief Executive Officer note that consideration of a potential wave park as part of the Tourism Opportunity Plan with the draft to come back to Council by early November 2018.
- 2 That Council request the Chief Executive Officer conduct a Strategy / Policy workshop with Councillors to develop a policy regarding unsolicited proposals for developments.
- 3 That Council request the Chief Executive Officer provide a short list of Council sites that could be suitable for a wave park.

For:

Councillors Matthews, Mehrstens, Sundstrom, Vincent, Hogan and MacGregor

Against:

Mayor Smith and Councillors Marquart, Gale Collins, Pilon, McLachlan, Greenaway, Burke and Best

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

**Moved: Councillor McLachlan**

**Seconded: Councillor Pilon**

**Resolved**

- 1063/18 That Council recognises the current window of opportunity that exist as Regional first mover north for the establishment of a major Water Theme Park and associated tourism opportunities as a major addition to tourism amenity for the Central Coast.**
- 1064/18 That Council acknowledges the rapid technological advancements and roll out world wide of new Wave Park technology, and that other Regional Councils are currently investigating similar options.**
- 1065/18 That Council acknowledges the business plan of these Wave Parks will favour first movers in the industry, and like all major infrastructure sporting facilities, there will only be a limited number of Wave Parks/ Water Parks**

*built in Australia.*

- 1066/18** *That Council requests the Chief Executive Officer to provide a report on possible sites that could be made available to the industry as an EOI tender.*
- 1067/18** *That Council invites current industry and qualified parties both private and public to discuss possibilities of procuring a major new attraction for the Central Coast.*
- 1068/18** *That Council note that this resolution in no way commits Council to provide any financial assistance.*

**For:**

**Councillors Marquart, Mehrtens, Sundstrom,  
Gale Collins, Matthews, MacGregor, Pilon,  
McLachlan, Greenaway, Burke, Vincent,  
Hogan and Best**

**Against:**

**Mayor Smith**

The meeting adjourned at 8.46pm and resumed at 8.57pm.

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## **6.2 Notice of Motion - Mannering Park/Chain Valley Bay Shared Pathway**

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Bob Brooks addressed the Council at 7.07pm.

Andrew Whitbourne addressed the Council at 7.09pm.

Councillor Vincent declared a less than significant non-pecuniary interest in this item as his employer has operations near the foreshore route. Councillor Vincent left the chamber at 7.07pm and returned at 7.24pm and did not take part in discussion or the voting.

**Moved: Councillor Hogan**

**Seconded: Councillor MacGregor**

**Resolved**

- 1069/18** *That Council notes that the Mannering Park/Chain Valley Bay shared pathway along the foreshore is not included in the Pedestrian Access and Mobility Plan nor the Bike Plan for future funding and priority.*
- 1070/18** *That Council notes that community groups have continually engaged with staff, having attended all workshops and had the second highest response on the coast to the interactive heat map process.*
- 1071/18** *That Council notes that the community provided Council with the results of a survey conducted with local residents with over 1000 signatures supporting the foreshore link.*
- 1072/18** *That Council notes the foreshore link meets all the objectives articulated in both the exhibited plans Vision Statements.*

- 1073/18** *That Council request the Chief Executive Officer review the plan/s and provide further consultation with community members and community groups to establish the safest and preferred shared pathway route.*
- 1074/18** *That Council includes Mannering Park/Chain Valley Bay shared pathway preliminary investigation and designs options in the 2019/2020 budget as a priority area.*

**For:**

**Unanimous**

### **6.3 Notice of Motion - Coastal and Estuary Grants**

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**Moved:** **Councillor Gale Collins**

**Seconded:** **Councillor Pilon**

**Resolved**

- 1075/18** *That Council thank the Asset, Infrastructure and Business Unit for Coastal and Estuary Grant submission lodgings to date.*
- 1076/18** *That Council submit compliant applications for Coastal and Estuary Grants in identified hotspot locations across the Central Coast region such as Terrigal, Wamberal, The Entrance North, Norah Head, Noraville and Ocean Beach.*

**For:**

**Unanimous**

### **6.4 Notice of Motion - Central Coast Dredging**

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**Moved:** **Councillor Marquart**

**Seconded:** **Councillor Gale Collins**

**Resolved**

- 1077/18** *That Council note the recent announcement by the NSW Government of an \$1.225 million contribution through the Rescuing Our Waterways program towards dredging Ettalong Channel, funding which requires Central Coast Council to develop the work plan and match dollar-for-dollar.*
- 1078/18** *That Council work with the NSW Government on a long term dredging plan, for the maintenance of the navigation channel.*
- 1079/18** *That Council request the Chief Executive Officer advise and create a detailed report outlining the dredging requirements across the relevant waterways within the Central Coast region.*

- 1080/18** *That Council request the Chief Executive Officer assess the merits of developing a business case for Central Coast Council to own or lease a dredge, including staffing costs and maintenance, that could meet the Central Coast region's long-term dredging requirements and that could also be contracted to other authorities.*
- 1081/18** *That Council make representations to the NSW Government requesting funds be provided to public transport operators for the purpose of providing additional bus services between Hardys Bay, Ettalong, and Patonga while ferries are diverted.*

**For:**  
**Mayor Smith and Councillors Marquart,**  
**Gale Collins, Mehrrens, Sundstrom,**  
**Matthews, MacGregor, Pilon, McLachlan,**  
**Burke, Vincent, Hogan and Best.**

**Abstain:**  
**Councillor Greenaway**

#### **6.5 Notice of Motion - Proposed Sale of 4 and 10 Warren Road Warnervale**

**Moved:** **Councillor Greenaway**  
**Seconded:** **Councillor Vincent**

#### **Resolved**

- 1082/18** *That Council request that the CEO proceed with the sale of 4 and 10 Warren Road, Warnervale, being Lots 1 and 2 in DP 1230740.*
- 1083/18** *That Council requests the Chief Executive Officer to bring a report to Council by the Ordinary Meeting of 26 November 2018 in relation to listing for sale 4 and 10 Warren Road, Warnervale, being Lots 1 and 2 in DP 1230740, being the site of the formerly proposed Australian Chinese Theme Park. The Report is to include:*
- i) whether it is recommended that the land be sold through an expressions of interest process (EOI), a tender process (Tender), sale at auction (Auction), or sale at market value;*
  - ii) identification of the estimated current market value price as determined by a valuation assessment;*
  - iii) the "Land Economics Report" and the "Chinese Theme Park Proposal – Site Evaluation" (confidential attachment D0318469) referred to on page 215 of the staff report (TRIM F2011/00192 – D03176019) in the business paper of the Ordinary Meeting of Council held on 14 November 2012.*
- 1084/18** *That Council indicates its intention to apply the proceeds of sale to specific purposes (such as items in the greater Warnervale region including but not limited to the Warnervale Employment Zone, the Warnervale Education*

***precinct and the Warnervale Town Centre development) rather than having the monies be paid into general revenue and that the specific purposes will be subject to discussion and a further resolution of Council.***

*A division was called by Councillors Vincent and Greenaway.*

***For:***

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

***Against:***

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

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**6.6 Notice of Motion - Extension to Affordable Housing Strategy Exhibition**

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Wolfgang Koerner addressed the Council at 7.24pm.

Councillor Greenaway left the meeting at 7.53pm and returned at 7.54pm and did not participate in voting.

Councillor Best left the meeting at 7.47pm and returned at 7.55pm and did not participate in voting.

***Moved: Councillor McLachlan***

***Seconded: Councillor Pilon***

***Resolved***

***1085/18 That Council notes that the draft Affordable and Alternative Housing Strategy is currently on exhibition until 22 October 2018.***

***1086/18 That Council extend the exhibition period for 60 days.***

***1087/18 That Council request the Chief Executive Officer undertake further community workshops to explain the draft strategy, clarify issues of concern and seek further input during that period.***

***1088/18 That the Council request the Chief Executive Officer provide a further briefing/workshop at the end of the exhibition period.***

***For:***

***Mayor Smith and Councillors Marquart, Gale Collins, Pilon, McLachlan and Burke***

***Against:***

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

***The motion was CARRIED on the casting vote of the Mayor.***

## 6.7 Notice of Motion - Key Iconic Sites

Councillor McLachlan declared a pecuniary interest in the matter as he has a Key Site for sale within his agency. Councillor McLachlan left the chamber at 9.44pm and returned at 10.08pm and did not take part in discussion or the voting.

Moved: Councillor Pilon

Seconded: Councillor Best

1 That Council extend the provisions of the Key Iconic Sites in Wyong Local Environment Plan 2013 as part of the consolidated and comprehensive Local Environment Plan process.

2 The current nominated Key Sites include:

- Dunleith Tourist Park – 2 Hutton Road, The Entrance North
- Vacant Key Site – 14 The Entrance Road and 2 Ocean Parade, The Entrance
- Ebbside Mall – 155-163 The Entrance Road, The Entrance
- Denning/Short Street Carpark – 10 Denning Street and 1-5 Short Street, The Entrance
- Lakeside Plaza – 78-110 and 116-118 The Entrance Road and 19-23 Taylor Street, The Entrance
- The Greens, The Entrance Bowling Club – 2-4, 21, 25 Park Road, 8A Warrigal Street and 30 Taylor Street, The Entrance
- Residential Zone (Klumper) – 9-47 The Entrance Road, 2-4 Clifford Street, 3-9 Oakland Avenue and 4 Bent Street, The Entrance
- Diggers at The Entrance – 315-333 The Entrance Road and 28 Gallipoli Road, Long Jetty
- Shelly Beach Golf Club – 86 Bonnieview Street, Shelly Beach
- Long Jetty Town Centre Expansion – 132-136 Tuggerah Parade, 1-9 Thompson Street, 393 and 399-407 The Entrance Road and 2-12 Pacific Street, Long Jetty
- Coles, Council Carpark and Toukley Senior Citizens Centre – 9-25 Yaralla Road, Toukley, 1 and 1A Hargraves Street, Toukley
- Old Service Station Site and Adjoining Carpark – 205-211 Main Road, 20W Yaralla Road and 40 Beachcomber Parade, Toukley
- Toukley Caravan Park – 2-14 Tamar Avenue, 145-165 Main Road and 6-10 Dunleigh Street, Toukley
- Waterfront Tourist Park – 18-20 Beach Parade and 4 Jasmine Close, Canton Beach
- Lakedge Caravan Park – 5-7 and 8 Beach Parade, 1-5 Crossingham Street and 1-3 Kantara Road, Canton Beach
- Rustrum Site – 21 Rowland Terrace and 216-222 Main Road, Toukley
- Club Toukley (Toukley RSL) – 263-273 Main Road and 35-47 Holmes Avenue, Toukley
- Anzac Avenue Community Facility – 15-23 Hely Street, Wyong
- Aldi Site – 146-149 Pacific Hwy and 33 Hely Street, Wyong
- Southern Gateway Site, Wyong – 4-20 Pacific Hwy, Wyong
- Chapman Building – 14-16 Alison Road, Wyong
- Grand Hotel – 126 Pacific Hwy, Wyong
- Active River Foreshore Precinct – 2 Ranken Street, 11-21 Church Street and 21-25 River Road, Wyong
- Wyong Tennis Club and Swimming Pool – 4-6 Ithome Street, 9-11 Rose Street and 7-9 Levitt Street, Wyong

- Wyong Racecourse – 71-75 Howarth Street and 6 Rose Street, Wyong
- Lake Haven Bulky Goods – 53 Lake Haven Drive, Wyong
- Wyong Leagues Club and Oasis Caravan Park – 40 Lake Haven Drive, 10 Gavin Way, 191 and 205-211 Wallarah Road and 759 Pacific Hwy, Kanwal
- Warnervale Airport – 25 Jack Grant Avenue and 150-190 Sparks Road, Warnervale

A division was called by Councillors Best and Gale Collins.

*For:*

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

*Against:*

*Mayor Smith and Councillors Mehrtens, Matthews, MacGregor, Greenaway, Vincent and Hogan*

*Abstained: Councillor Sundstrom*

***The motion was put to the vote and declared LOST.***

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**6.8 Notice of Motion - Mystery Shop to test Council Services**

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***Moved: Councillor Best***

***Seconded: Councillor Pilon***

***Resolved***

***1089/18 That Council recognises the importance of effective communications particularly around the delivery of a wide range of services and the need to assess and continually improve these services.***

***1090/18 That Council request the Chief Executive Officer report on areas to be assessed and the likely costs to be incurred for market sampling.***

***1091/18 That Council request the Chief Executive Officer provide a further report as to whether to proceed with a mystery shop approach.***

***For:***

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

***Against:***

***Councillors Mehrtens, Sundstrom, Matthews, MacGregor, Greenaway, Vincent and Hogan***

***The motion was CARRIED on the casting vote of the Mayor.***



**Questions on Notice**

**Q185/18 Draft Climate Change Policy  
Councillor Troy Marquart**

On which date will the Draft Climate Change Policy be exhibited to the public as planned?

Can I obtain assurance that the Draft Climate Change policy will not be exhibited over the period November 15th 2018 - 31 January 2019? Given the importance and implications of the Policy it should not be exhibited over the Christmas Holiday period.

**Scott Cox provided a response:** The aim is to commence the consultation in February 2019, the reason being because there are a number of consultation already being held before Christmas.

**Q186/18 Ourimbah Hall  
Councillor Richard Mehrrens**

What is Council's plan for the Ourimbah Hall at 1A Jaques Street, Ourimbah, and will Council return the facility to a usable standard?

**Q187/18 Single Use/Seasonal Sporting Facilities  
Councillor Richard Mehrrens**

Does Central Coast Council have any plans to review single use/seasonal use facilities for sporting codes on the Central Coast such as the reviews that were undertaken by the former Gosford and Wyong Councils in 2013 and 2009 respectively?

**Q188/18 Sandstone removal in Pretty Beach  
Councillor Rebecca Gale Collins**

Can Council please remove the sandstone bricks at the entry of Dogs Walk near boat ramp below Heath Road in Pretty Beach and place in back section of Turo Reserve?

**Q189/18 Suspected Corroded Water Infrastructure at Hardys Bay Club  
Councillor Rebecca Gale Collins**

Can Council investigate the stench and suspected corroded water infrastructure down from Hardys Bay Club at the Heath Road and Araluen Dr intersection in Hardys Bay.

**Q190/18 Plumbing Contractor**  
**Councillor Lisa Matthews**

Why does Central Coast Council engage an on call plumbing contractor from Maitland on weekends and not one of our local 330,000+ residents?

**Q191/18 Sporting Codes Ground Usage**  
**Councillor Lisa Matthews**

Why are some sporting codes required to apply for usage of their ground separately for the regular season and their final series games? Surely, this is a restrictive and bureaucratic division that inhibits clubs and codes abilities to effectively govern themselves and inform players and teams of schedules and should be reviewed or improved in future.

**Q192/18 Glyphosate Exposure**  
**Councillor Kyle MacGregor**

Can Council staff confirm if we currently expose our workers or contractors to glyphosate (a substance commonly found in pesticides such as roundup) and if after recent court cases and media reports we have any intention of ceasing to utilise this substance in the event that we do use it, or what steps are we taking to ensure that our workers and contractors are not exposed to carcinogenic and potentially cancer causing materials and substances?

***Boris Bolgoff provided a response:*** Our staff are fully trained in relation to the use glyphosate and are provided with PPE.

**Q193/18 Central Coast Cricket Association**  
**Councillor Kyle MacGregor**

Why did Central Coast Council contact the Central Coast Cricket Association in July 2018 notifying them of intended and actual changes to wicket management in regards to soil and maintenance provisions, why were these discussions not held earlier or consultation occurring before clubs had set their fees and charges in place for the current cricket season?

**Q194/18 Weekly report for Councillors**  
**Councillor Jilly Pilon**

Can you please advise when the weekly report including the minutes from the Mayors meetings with the Executive Leadership Team will start to be provided to the Councillors as agreed to?

**Q195/18 Heart Graffiti  
Councillor Bruce McLachlan**

Is there a possibility for Council to put up a reward up for the heart graffiti offender?

Can Council table the cost of the removal of that damage, in the event that Police find the offender/s and Council can take action to reclaim some of the damage.

**Q196/18 Airport Proactive Release Documents  
Councillor Louise Greenaway**

Where have the airport proactive release documents gone and when will they be restored?

**Shane Sullivan provided a response:** The airport proactive release documents are on the Council website under Council/ access to information/ proactive release, then there is a link to the documents.

**Q197/18 Stormwater Drainage Fees  
Councillor Louise Greenaway**

Has Council conducted community engagement in the former Gosford Council area west of the M1 regarding the stormwater drainage fee in the iPart proposal?

Could Council please confirm whether Sydney Water or Hunter Water charge drainage fees for properties that are not in the stormwater catchment?

**Q198/18 The biodiversity certification of the former Wyong Local Government Area  
Councillor Doug Vincent**

Could staff provide an update on the status of the NSW Department of Planning's biodiversity for large areas of the former Wyong Local Government Area? What critical habitat is being preserved and what steps are being taken to ensure that offset land is retained within the Central Coast Region? For example: the Glades of Glenning Valley.

**Boris Bolgoff provided a response:** There will be a Councillor briefing on the strategy in a couple of weeks.

**Q199/18 Communications in the North**  
**Councillor Doug Vincent**

Residents in the north of the Central Coast particularly beyond Doyalson are not receiving regular communications from the Council in the local print media. Council programs such as animal micro chipping or de-sexing, waste recycling and community grants are not communicated in the north. Development Applications or variations are not well communicated either. Could staff please advise which communication channels or mediums can be utilised in the north to keep northern ratepayers as informed as the rest of the region?

**Q200/18 Lost Keys for Sporting Groups**  
**Councillor Jillian Hogan**

Why is Council charging sporting groups \$500 per lost key? Is there a profit margin on lost keys?

**Q201/18 'Sports Levy' contributions**  
**Councillor Jillian Hogan**

What is the current status of the former Gosford Council 'Sports Levy' contributions including income and itemised expenditure since 2014?

**The Meeting closed at 10.27pm.**

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

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29 October 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-04 - D13341258

## Summary

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

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

## Recommendation

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

***Item: 8.1***

***Title: Meeting Record of the Crown Land Negotiation Program Committee held on 12 September 2018***

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

- 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.***

## 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:** Proposed Rezoning of Dooralong Public School Site  
**Department:** Environment and Planning

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29 October 2018 Ordinary Council Meeting

Trim Reference: RZ/1/2018 - D13231970

Author: Peter Kavanagh, Senior Strategic Planner

Manager: Scott Duncan, Section Manager, Land Use and Policy

Executive: Scott Cox, Director, Environment and Planning

## **Report Purpose**

The purpose of this report is for Council to consider a request to prepare a Planning Proposal to rezone the former Dooralong School site from SP2 Educational Establishment to RU5 Village under *Wyong Local Environmental Plan 2013*. The intended outcome being to subdivide the land into a minimum of six rural-residential lots.

This report recommends that the request to prepare a planning proposal be refused.

## **Recommendation**

**1** *That Council resolve to not support the making of a Planning Proposal for Gateway Determination, to rezone Lots 218 and 219, DP 755271, No. 1046 Dooralong Road, Dooralong, to RU5 Village under Wyong Local Environmental Plan 2013, for the following reasons:*

**a) *The proposed amendment to Wyong Local Environmental Plan 2013 fails to meet the Strategic Merit Test for a planning proposal, in that:***

- *The planning proposal is inconsistent with Actions 8.1, 8.2, 12.1 and 12.5 within the Central Coast Regional Plan 2036;***
- *The school site is not the preferred site for a future hamlet/village in the Dooralong Valley as identified in Central Coast Rural Lands Strategy – Northern Lands;***

**b) *The proposed amendment to Wyong Local Environmental Plan 2013 fails to meet the Site Specific Merit Test for a planning proposal, in that:***

- *The planning proposal to rezone the land would diminish the local prominence and heritage values of the group of school buildings;***
- *The planning proposal does not incorporate sufficient measures to retain the character of the locality or avoid impacts to environmental values;***

- *The planning proposal would likely result in substantial clearing and soil disturbance to accommodate bushfire hazard risk mitigation and the installation of on-site sewage management systems to future dwellings;*
- *The planning proposal would likely result in unacceptable impacts to the Central Coast drinking water catchment; and*
- *The planning proposal would introduce controls which would likely result in future proposals for more intensive development of the land, requiring substantial clearing and earthworks, and resulting in additional significant impacts to the land, the locality and the drinking water catchment.*

**2** *That Council advise the Department of Planning and Environment of its decision and be provided with a copy of this report and its resolution in support of the Council's position.*

**3** *That Council notify the applicant of the Council's determination in accordance with clause 10A of the Environmental Planning and Assessment Regulation 2000.*

## **Background**

The subject land is located on the western side of Dooralong Road (See Figure 1) immediately north of the Dooralong Hall and Oval at the intersection of Dittons, Jilliby, Mandalong and Dooralong Roads.

The site comprises two lots being Lots 218 and 219 DP 755271, No. 1046 Dooralong Road, Dooralong. The subject land has a combined area of approximately 4.04 hectares and a 309 metre frontage to Dooralong Road.

The land generally slopes from the north-west to the south-east of the property, falling in excess of 20 metres to the flatter parts of the land near the south east corner at Dooralong Road. The rear and south of the site is covered in dense vegetation and rises to an elevated vegetated ridge which extends westward to the nearby Watagan State Forest.

The land comprises the former Dooralong School. The site was dedicated as a school site in 1903, and was used for that purpose until 2011. At this time, the NSW Department of Education and Training closed the school, determining that it was not be required for educational purposes in the future.



Existing structures on the site include two school classroom buildings, covered outdoor learning area (COLA) and covered play equipment, water tanks, foundations, pathways, amenities buildings and a teachers' residence/library, which are predominantly located in the north-east of the land.



Figure 1: Locality Context Aerial Photograph (Subject site outlined in red)

The site is zoned SP2 Educational Establishment under *Wyong Local Environmental Plan 2013* (WLEP 2013) and has no minimum lot size requirement (see Figure 2). The surrounding area is generally zoned RU1 Primary Production under WLEP 2013 and includes dwellings and farmland, with a Crown Road and former heritage church sited to the north. Dooralong Hall and Oval are located to the south of the site, and are zoned RE1 Public Recreation under WLEP 2013.

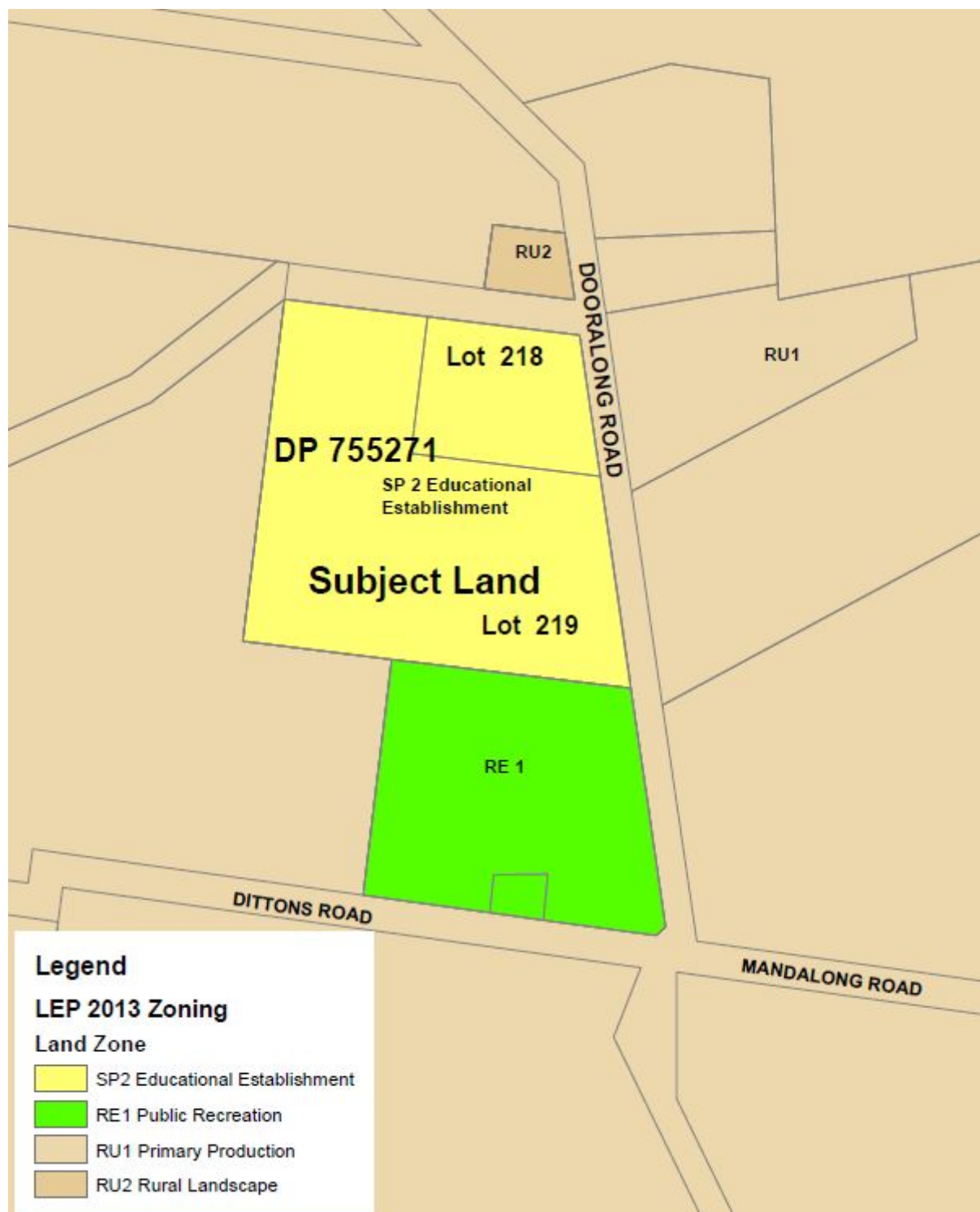


Figure 2: Existing Land Zoning



## 2.1 Proposed Rezoning of Dooralong Public School Site (contd)

The entire site is identified as Local Heritage, being Item I6 within Schedule 5 of the WLEP 2013 and on Heritage Map Sheet HER\_006.

While the site is no longer required for educational purposes, it is affected by various constraints which may impact its potential for additional development in the future. These constraints are identified and discussed below, including heritage preservation, local character, flooding, bushfire hazard and drinking water catchment matters.

### The Proposal

The planning proposal seeks to rezone both lots 218 and 219 from SP2 Educational Establishment to RU5 Village under WLEP 2013, and to introduce a minimum lot size of 2,500m<sup>2</sup>.

The proposal seeks to facilitate a development concept which involves the subdivision of the land into six allotments, five of which would range in area from 2,600m<sup>2</sup> to 3,790m<sup>2</sup>, with a larger L-shaped sixth lot, also with frontage to Dooralong Road, proposed to contain the residue bushland of 24,969m<sup>2</sup> (see Figure 3).



Figure 3: Concept Layout

The proposal also involves reducing the heritage site identification on the Heritage Map and the Local Heritage listing within Schedule 5 of the WLEP 2013 to Proposed Lot 2 (3,790m<sup>2</sup>) only. Proposed Lot 2 would contain the original school buildings only.

The school library and resource room (former Teachers' Residence) would be located on Proposed Lot 1, whilst the other school buildings and school use areas would be separated onto Proposed Lots 3, 4 and 5.

### **Internal Consultation**

Internal consultation has been undertaken and the outcomes informed the assessment of this proposal as discussed below.

#### *Land Use and Policy*

Council has no endorsed strategy in place for the expansion of rural villages.

A review of the rural land within the former Wyong Shire (Central Coast Rural Lands Strategy – Northern Lands) was conducted between 2015 and 2017 to undertake a strategic assessment of rural land to determine the suitability and feasibility of alternate land uses, predominantly rural-residential.

In relation to the subject site, the draft strategy noted that *"The school is isolated from the area most suitable for a further hamlet/village (see Figure 4), however may be suitable for a stand-alone rural residential or tourist use"*. The area most suitable in this locality for a rural hamlet/village is that area west of Dooralong Road (south of the subject site) defined as the area between the flooding and bushfire constraints.

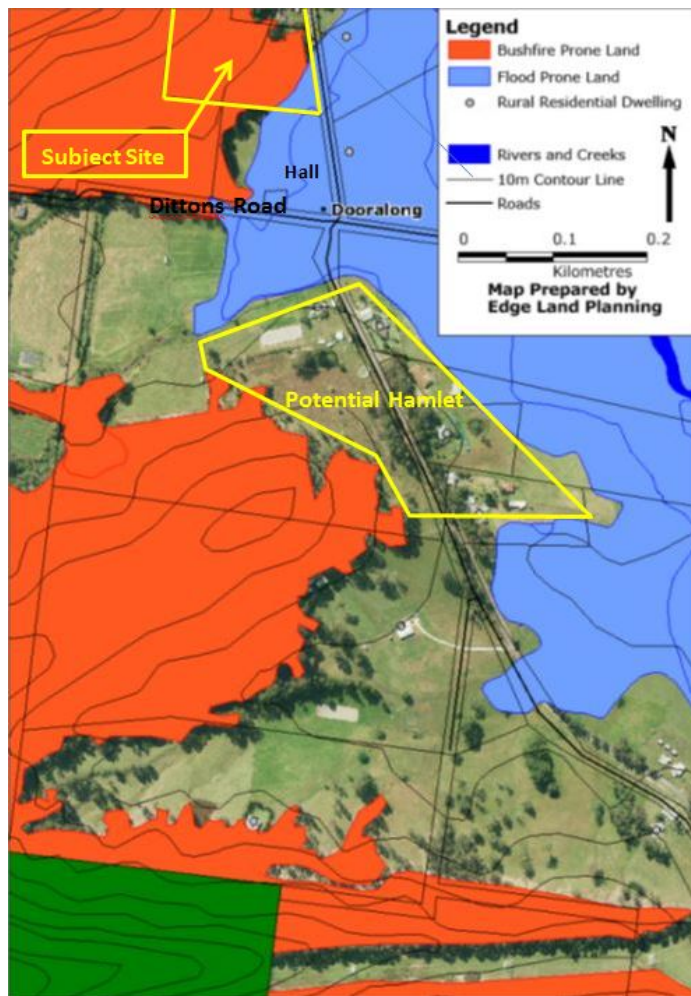


Figure 4 Rural Land Strategy (Northern Lands) Potential Hamlet location area, Dooralong

As a result of the amalgamation of the former Wyong and Gosford Councils in May 2016, it was recognised that additional work is required to expand the study to include the southern portion of the Central Coast (former Gosford Local Government Area (LGA)).

Council, in conjunction with the Department of Planning and Environment (DP&E), are working to prepare a consolidated Rural Lands Review and Strategy for the entire Central Coast in order to address the relevant Actions within the Central Coast Regional Plan 2036. This project will influence the future review of the CCRP 2036 and the future Central Coast Comprehensive Local Environmental Plan.

DP&E has indicated that it will not support the advancement of planning proposals on rural lands, prior to the adoption of the Central Coast Rural Lands Strategy. The proposal is not only considered premature but also is inconsistent with the Local Planning Strategy undertaken by the former Wyong Shire Council.

The planning proposal seeks approval for a minimum lot size requirement of 2,500m<sup>2</sup> over the entire site. If supported, future development or re-subdivisions could potentially enable up to 16 lots over the total area proposed to be rezoned. This is particularly relevant for the residue bushland of 24,969m<sup>2</sup> (see Figure 3) to be contained within Proposed Lot 6.

No detailed information on the location and design of future lots, or access construction, or the resulting ecological impacts has been submitted to enable accurate assessment of the likely impacts of these proposed development controls (RU5 Zone with a minimum lot size of 2,500m<sup>2</sup>). Support for the planning proposal would create an expectation that Council would permit further subdivision which would require significant clearing for access, bushfire hazard reduction, aerated sewage treatment systems and development works, undermining the stability of the site and impacting the character of the locality and the environmental values of the site.

#### *Engineering and Hydrology*

The site is partially affected by the 1% Annual Exceedance Probability (AEP) flood extent (refer Figure 4) and also the Probable Maximum Flood (PMF). The site is isolated during times of flooding, like a number of properties within Dooralong Valley. Dooralong Road is cut by floodwaters in the 20% AEP flood. The information supporting the rezoning request has not addressed this matter.

The Wyong Local Flood Plan (NSW SES) has the primary flood response for residents within both the Dooralong and Yarramalong Valleys as "Shelter in Place", as the roads are covered very early on in the flood event and it is unsafe to drive through flood waters. This planning proposal would result in greater population numbers at risk in such events. It should be noted that Dooralong Road and surrounding roads can be inundated for up to 3 days in these events. An evacuation or sheltering in place plan would be required to support a rezoning of the site.

The subject site is not serviced with water and sewerage infrastructure.

#### *Wyong Water and Building Services*

The site is fully within the Central Coast Drinking Water Catchment Area and both Council's Headworks Unit and Facilities and Catchment Management Unit object to the intensification of development on the site.

The Drinking Water Catchments are open catchments, and as such a primary source of pathogens is on-site sewage management systems (OSSMS). The proposal will increase the number of OSSMS on the site, and may result in additional applications for rezoning of adjoining sites. No assessment of the cumulative impact of this increase supports the rezoning request.

Further, once rezoned, there is no guarantee that the subdivision would proceed as indicated on the current concept, i.e., that the land would be subdivided into 6 lots only with site areas as indicated in the planning proposal, as the development proposal will be formally assessed through the DA process. There would be an expectation from any new owner that the land could be developed to the full potential of the land use controls. The proposed minimum lot size requirement of 2,500m<sup>2</sup> would potentially enable up to 16 lots with a minimum of 16 additional OSSMS within the total area proposed to be rezoned.

A number of considerations appear to have been underestimated or neglected, including the soil type (and potential illegal fill located on the land), and the estimated wastewater flows.

The soil type on the property as reported (Barker Ryan Stewart) ranges from a sandy loam to a fine sandy loam. Council's records indicate that the soil in the locality is a medium clay. This affects the capacity for the absorption of wastewater.

Notwithstanding this, the required area for on-site disposal of wastewater using an AWTS with drip/spray irrigation based on calculations in accordance with AS1547-2012 is 725m<sup>2</sup>. With the minimum lot size proposed to be 2,500m<sup>2</sup>, there should be sufficient land area available within the lots for on-site disposal, dependant on the slope and vegetation characteristics of the lot.

### *Heritage*

Lot 218 and 219 are listed as Heritage Item I6 and form part of a cluster of heritage items in the town of Dooralong, all are of local significance.

The proposal includes a concept subdivision plan which indicates the division of the area and buildings formerly comprising the Dooralong Public School into three separate allotments, whereas currently the built elements of the school are predominantly located on lot 218, with broader play areas, etc., on Lot 219.

The school site (Heritage Item I6) is visually prominent and distinctive within the streetscape. It is also adjacent to a cluster of listed heritage items (see Figure 5) including the Dooralong Community Hall (I5), a dwelling (I7), livestock buildings (I8), the former Post Office and residence (I9), the former St Anne's Church (I10) and Simpsons Track (I22), a remnant of the Great North Road.

The significance of the school complex is derived from its role as a focus for community activities, and the part played by state funded education in the process of community development.

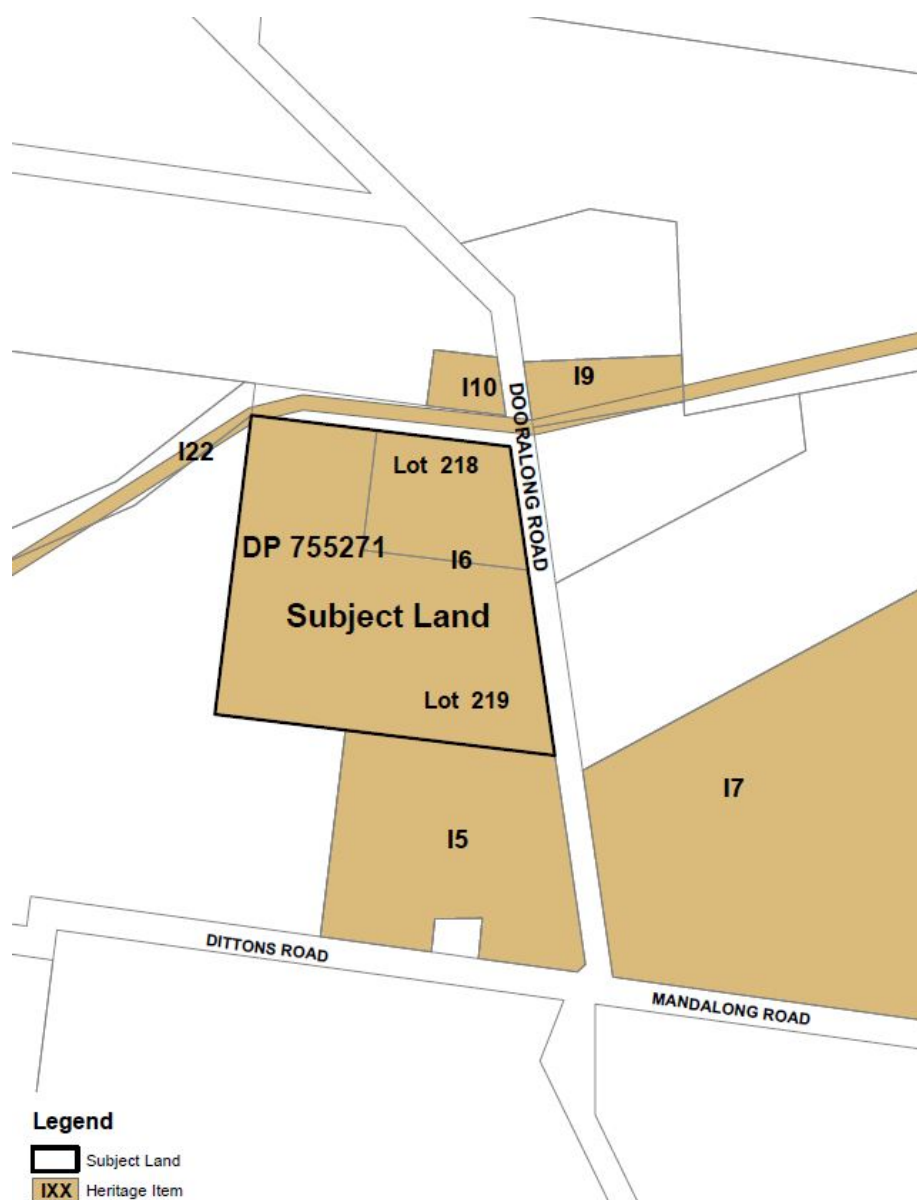


Figure 5: European Heritage Items within the locality

The proposal is inconsistent with the Central Coast Regional Plan (CCRP) 2036 (Action 8.1) as it would enable the subdivision of the dwelling, school and associated buildings onto separate development lots, which would diminish the prominence and heritage values of the school buildings grouping over time.

An Aboriginal Objects Due Diligence Assessment was undertaken for the rezoning proposal in the company of a representative of Darkinjung Local Aboriginal Land Council (DLALC).

This assessment identified that no Aboriginal objects were identified and that due to the level of past land use disturbance on the site and the absence of suitable sandstone outcrops no Aboriginal heritage constraints were identified for the proposed rezoning.



Council's Heritage Advisor has therefore indicated that whilst no Aboriginal heritage constraints were identified in the assessment, the planning proposal would enable the subdivision of the dwelling, school and associated buildings onto separate development lots, which would diminish the prominence and heritage values of the school buildings grouping over time.

### *Environmental Strategies*

The site comprises native forest vegetation that is connected to offsite vegetation to the west. The site is also linked to smaller areas of native vegetation to the north and south and, for more mobile species, to vegetation to the east via 'stepping stones'.

Assessments of significance were undertaken for the Endangered Ecological Communities (EEC) and threatened species that are known or have the potential to occur at the site, which concluded the proposed rezoning would not result in a significant impact due to the small scale of the proposal and large areas of contiguous habitat to be retained to the west of the site.

Future development of the site would be required to be undertaken in accordance with the *Biodiversity Conservation Act 2016* (BC Act) and therefore, will be required to demonstrate avoidance of impacts to biodiversity. Further information is required to address the potential implications for future development, including further subdivision of Proposed Lot 6. This information is to demonstrate that future development allowed as a result of the rezoning could meet the requirements of the BC Act.

### *Bushfire*

The land is classified as Bushfire Prone Land, containing Vegetation Category 1 and Buffer Land. A bushfire assessment report was submitted with the rezoning request which demonstrates that the indicative concept plan could comply with *Planning for Bushfire Protection 2006* (PBP). Should the rezoning be supported, any proposal for development would need to comply with relevant controls for bushfire prone lands, including construction standards, water storages and required Asset Protection Zones (APZs). Any development application would need to apply bushfire protection and mitigation measures recommended in PBP and a more detailed bushfire assessment would be required at that stage.

### **Assessment**

The planning assessment has been informed by internal consultation and assessment against relevant strategic and statutory requirements to determine whether the proposed rezoning should proceed. Due to the preliminary nature of the proposal no external consultation with government agencies has been undertaken.

The land is located within a cluster of European Heritage sites listed on Schedule 5 Environmental Heritage and Map Sheet HER\_006 within the WLEP 2013. This grouping includes Local Items I5, I6, I7, I8, I9, I10, and I22.

The proposal would diminish the prominence and heritage values of the school buildings grouping over time and the character of the locality.

The site is partially affected by the 1% AEP Flood Level and also the PMF in that part of the Dooralong Valley. The site is isolated during times of flooding like all other properties within the Valley as Dooralong Road is cut in the 20% AEP flood. Access and evacuation would need to be in accordance with the Wyong Flood Manual, which recommends sheltering in place. This would result in greater population numbers at risk in such events.

The site is fully within the Central Coast Drinking Water Catchment and Council's Water Authority objects to the intensification of development within this area.

The site comprises native forest vegetation that is connected to offsite vegetation to the west, north and south. As a result of the introduction of the BC Act, further information is required to address the potential implications for future development. This information is to demonstrate that future development allowed as a result of the rezoning can meet the requirements of the BC Act.

The land is identified as Bushfire Prone Land, containing Category 1 Vegetation and Buffer. Further detailed information would be required for any detailed proposal to proceed on the land.

The assessment of the issues raised by the planning proposal has concluded that based primarily on the heritage, ecological, bushfire and character constraints of the site, the planning proposal is inconsistent with the strategic planning framework, therefore does not have strategic merit.

### **Statutory compliance and strategic justification**

The planning proposal has been assessed having regard for relevant State Environmental Planning Policies (SEPP), Ministerial Section 9.1 (former s.117) Directions and the relevant guidelines set out within the regional and local plans, including the Central Coast Regional Plan (CCRP) 2036 and the One – Central Coast Community Strategic Plan 2018 - 2028 (Refer Attachment 2).

The consistency of the rezoning request with these strategic documents in many instances cannot be established.

The Central Coast Rural Lands Strategy – Northern Lands does not identify the site as a suitable location for a hamlet/village. Council as part of the preparation of a Comprehensive Local Environmental Plan needs to undertake a strategic assessment of rural land to determine the suitability and feasibility of alternate land uses including rural hamlets/villages.

### **Social Impacts**

The significance of the school complex is derived from its role as a focus for community activities, and the part played by state funded education in the process of community development. This proposal would fragment the school site and diminish the prominence and heritage values of the school buildings group over time.

### **Environmental Impacts**

The site provides a natural connective habitat for wildlife within the locality. The proposal does not incorporate any measures to avoid impacts to environmental values, with the likelihood that if the site was rezoned, most of the vegetation and habitat would be removed to facilitate future subdivision and dwelling development.

### **Risk Management**

Adoption of the recommendation has no budget implications for Council and will not pose any risks for Council.

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

Theme 1: Belonging

#### **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.

The proposal does not support the Themes, Goals and Objectives of the One - Central Coast Community Strategic Plan 2018 – 2028.

### **Conclusion**

The assessment of the proposal has determined that there is no strategic merit for the proposal as presented and the level of supporting information is inadequate to justify the proposal.

The site is heavily constrained by heritage values and contains slopes and vegetation which contain ecological and character values.

It is recommended that Council not support the planning proposal to amend WLEP 2013.

**Attachments**

- |          |  |           |
|----------|--|-----------|
| <b>1</b> | Attachment 1 - Planning Proposal Summary | D13312000 |
| <b>2</b> | Attachment 2 - Strategic Assessment      | D13312268 |

# Attachment 1

## Proposal Summary

<b>Applicant</b>	Barker Ryan Stewart		
<b>Owner</b>	NSW Department of Education and Communities		
<b>Application Number</b>	RZ/1/2018		
<b>Description of Land subject of planning proposal</b>	Lots 218 and 219, DP 755271, No. 1046 Dooralong Road Dooralong.		
<b>Site Area</b>	Approx: 4.04Ha Lot 218 DP 755271 – 8,069.98m <sup>2</sup> Lot 219 DP 755271 – 32,348.88m <sup>2</sup>		
<b>Existing Use</b>	Closed Public School Site: Lot 218 – 2 classrooms, covered outdoor learning area, water tanks, pathways, retaining walls/foundations, amenities block and former dwelling/library. Lot 219 - vacant		
<b>Proposed Use</b>	Rezoning to permit Subdivision into Five (5) Residential (village) lots and a large residue lot.		
<b>Proposed Amendments – Wyong Local Environmental Plan 2013 (WLEP 2013)</b>			
<b>Provisions</b>	<b>Existing Provision</b>	<b>Proposed Amendment</b>	<b>Outcome</b>
<b>Zoning</b>	SP2 Educational Establishment	RU5 Village	Not supported
<b>Lot Size Map</b>	LSZ-006 – No restriction	“V” – 2,500m <sup>2</sup> minimum lot size	Not supported
<b>Heritage Map</b>	HER-006 - Item I6 applies to Lot 218 and Lot 219, DP 755271	Amend Map to restrict Item I6 to Proposed Lot 2 only (concept drawing)	Not supported
<b>Instrument Amendment</b>	Schedule 5 - Item I6 applies to Lot 218 and Lot 219, DP 755271	Amend Schedule 5 to refer to restriction of Item I6 to Proposed Lot 2 only	Not supported

**ATTACHMENT 2 – Strategic Assessment**



Central Coast Council

Strategic Planning Framework Assessment

Lots 218 and 219, DP 755271, No. 1046 Dooralong Road  
Dooralong

RZ/1/2018;  
August 2018

(a)

## Relationship to strategic planning framework

### Where a regional or sub-regional strategy is in place:

1. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

### Central Coast Regional Plan 2036

The *Central Coast Regional Plan 2036 (CCRP)* applies to the Central Coast Council LGA (a merger of the former Gosford and Wyong LGAs). The vision of the CCRP is for a healthy natural environment, a flourishing economy and well-connected communities. The CCRP is to provide the basis for strategic planning by Council and sets out a number of actions. The table below demonstrates that the Planning Proposal is inconsistent with some of the relevant actions identified in the CCRP:

Action		Assessment
8.1	Protect the Central Coast's scenic amenity by planning for development that respects the distinct qualities of different places.	<p>Action 8.1 recognises that "Cultural heritage is important because it provides tangible connections to the past" (CCRP p.30). Also "New development needs to respect the scenic values and character of different places".</p> <p>The school site (Heritage Item I6) is visually prominent and distinctive within the streetscape. It is also adjacent to a cluster of listed heritage items including the Dooralong Community Hall (I5), a dwelling (I7), the former Post Office and residence (I9) and the former St Anne's Church (I10).</p> <p>It is considered that the concept is inconsistent with this Action as the proposal to rezone the land for village development would enable the subdivision of the dwelling, school and associated buildings onto separate development lots, which would diminish the prominence and heritage values of the school buildings grouping over time.</p> <p>Further, the rezoning would likely result in substantial clearing of the ridgeline and sideslopes extending to the south-east in the future, for the reduction of bushfire hazard risk to future dwellings. This includes the proposed residue Lot 6, as a minimum lot size of 2,500m<sup>2</sup> is proposed over the total site, for development lots and dwellings. .</p>

Action		Assessment
8.2	Identify and protect heritage values to minimise the impact of urban growth and development, and to recognise its contribution to the character and landscape of the region.	<p>Action 8.2 promotes the retention of valuable items of local heritage, as they “can attract tourism which can contribute to local economies” (CCRP p.30). The proposal includes a concept subdivision plan which indicates the division of the area and buildings formerly comprising the Dooralong Public School into three separate allotments, whereas currently the built elements of the school are predominantly located on one lot (218), with broader play areas, etc., on Lot 219. The significance of the school complex is derived from its role as a focus for community activities, and the part played by state funded education in the process of community development (Council Heritage Advisor). Also refer to comments above.</p> <p>It is considered that the concept is inconsistent with this Action as the proposal would diminish the heritage value of the school buildings grouping over time.</p>
12.1 & 12.5	<p>“Identify terrestrial and aquatic biodiversity and protect areas of high environmental value..” and</p> <p>“Sensitively manage natural areas on the fringe of the urban areas to mitigate land use incompatibility”</p>	<p>The proposed RU5 zoning, with a minimum area control of 2,500m<sup>2</sup> to be applied, is not considered appropriate for the site, in particular the residue/large lot 6 to the rear of the proposed 5 lots fronting Dooralong Road. It does not respond to the existing slopes, vegetation and habitat on the land and adjoining sites. The land includes areas of dry and wet sclerophyll forest in moderate to good condition, and is linked via native vegetation on sites to the west of the land to the nearby Watagan State Forest. The proposal does not incorporate any measures to avoid impacts to environmental values, and would require extensive clearing to mitigate bushfire risk for new development. It is considered that the concept is inconsistent with the Actions of the CCRP as the proposal would diminish the environmental and habitat values of the land.</p>

Table 1: Central Coast Regional Plan Assessment



2. Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?

**Central Coast Community Strategic Plan (One Central Coast) 2018 - 2028**

The *One - Central Coast Community Strategic Plan 2018 – 2028 (CSP)* outlines a set of guiding principles, aspirations and values for the community. It was developed through engagement with the community to help set the priorities and confirm strategies and activities that best achieve the community's desired outcomes for the future. These reflect on social, economic, environmental and governance aspects for now and the future. The following objectives and actions outlined in the CSP are applicable to this Planning Proposal:

Objective/Requirement	Comment
<b>Belonging</b> <b>Focus Areas:</b> Our community spirit is our strength Creativity, connection and local identity	The proposal does not incorporate any measures to avoid impacts to heritage and environmental values, and is not considered to provide for appropriate ongoing connection to local identity.
<b>Smart</b> <b>Focus Areas</b> A growing and competitive region A place of opportunity for people	It is considered unlikely that the proposal would be sympathetic to the local setting, the scenic environment, the heritage values, or reflect community values and aspirations for Dooralong.
<b>Green</b> <b>Focus Areas</b> Environmental resources for the future Cherished and protected natural beauty	The land includes areas of dry and wet sclerophyll forest in moderate to good condition, and is linked via native vegetation on sites to the west of the land to the nearby Watagan State Forest. The proposal does not incorporate any measures to avoid impacts to environmental values, and would require extensive clearing to mitigate bushfire risk and provide on-site sewage management for new development. The proposal also incorporates further "unaddressed" potential, which would exacerbate these impacts.
<b>Responsible</b> <b>Focus Areas</b> Good governance and great partnerships Delivering essential infrastructure Balanced and sustainable development	The proposal is not considered to be in accordance with the following CSP objectives:  I1: Preserve local character and protect our drinking water catchments, heritage and rural areas  I3: Ensure land use planning and development is sustainable and environmentally sound and considers the importance of local habitat, green corridors, energy efficiency and stormwater management

Objective/Requirement	Comment
<b>Livable</b> <b>Focus Areas</b> Reliable public transport and connections Out and about in the fresh air Healthy lifestyles for a growing community	The district is isolated, served by an occasional bus service only.

**Table 2** – One - Central Coast Community Strategic Plan Assessment

### 3. Is the planning proposal consistent with applicable state environmental planning policies?

The proposal has been considered against the relevant State Environmental Planning Policies (SEPP) as detailed below.

State Environmental Planning Policy (SEPP)		Applicable?	Comments
1	Development Standards	No	<ul style="list-style-type: none"> <li>Excluded by Cl. 1.9(2) of Wyong LEP, 2013</li> </ul>
19	Bushland in Urban Areas	No	<ul style="list-style-type: none"> <li>Does not apply to land within the former Wyong LGA.</li> </ul>
21	Caravan Parks	Yes	<ul style="list-style-type: none"> <li>RU5 zone would enable the use of the land for a broad range of uses, including a camping ground, but not a caravan park.</li> </ul>
30	Intensive Agriculture	Yes	<ul style="list-style-type: none"> <li>Not relevant to this site or proposal</li> </ul>
33	Hazardous and Offensive Development	Yes	<ul style="list-style-type: none"> <li>The proposal does not include development classified as hazardous or offensive development.</li> </ul>
36	Manufactured Home Estates	Yes	<ul style="list-style-type: none"> <li>The land is excluded by Schedule 2 of the SEPP – land within a Water Supply Catchment identified by a Water Supply Authority, as shown on Sheet DWC006, of the WLEP 2013.</li> </ul>
44	Koala Habitat Protection	Yes	<ul style="list-style-type: none"> <li>Not relevant to this Proposal – the land is classified as potential, not Core, Koala Habitat.</li> </ul>
47	Moore Park Showground	No	
50	Canal Estate Development	No	
52	Farm Dams & Other works in Land & Management Plan Areas	No	

State Environmental Planning Policy (SEPP)		Applicable?	Comments
55	Remediation of Land	Yes	<ul style="list-style-type: none"> <li>The Stage 1 assessment identified sources of potential contamination including from chemicals from the former use of the site as an orchard and market garden; hazardous building materials, e.g., asbestos, metals, and PCBs from the school buildings; and potential contaminants from the import of fill to the site. A Stage 2 Contamination Report would be required to progress the proposal. The proposal is not inconsistent with the aims of the Policy.</li> </ul>
62	Sustainable Aquaculture	Yes	<ul style="list-style-type: none"> <li>Not relevant to this proposal.</li> </ul>
64	Advertising and Signage	Yes	<ul style="list-style-type: none"> <li>The Proposal is not inconsistent with the aims of the Policy.</li> </ul>
65	Design Quality of Residential Flat Development	Yes	<ul style="list-style-type: none"> <li>Not relevant to this Proposal</li> </ul>
70	Affordable Housing (Revised Schemes)	No	
SEPP	Affordable Rental Housing 2009	No	
SEPP	(Building Sustainability Index: BASIX) 2004	No	
SEPP	(Coastal Management) 2018	No	<ul style="list-style-type: none"> <li>The land is outside the Coastal Zone</li> </ul>
SEPP	(Educational Establishments and Child Care Facilities) 2017	Yes	<ul style="list-style-type: none"> <li>No Site Compatibility Certificate has been issued by a Regional Planning Panel for the adjacent land, therefore uses permissible with or without consent on those lands are not relevant to this site. The applicant instead seeks a zone change to permit the subdivision proposal. The SEPP is therefore not relevant.</li> </ul>
SEPP	(Exempt and Complying Development Codes) 2008	Yes	<ul style="list-style-type: none"> <li>Exempt Development is enabled by the SEPP for the land.</li> <li>Complying Development is not enabled by the SEPP for this land.</li> </ul>
State Environmental Planning Policy (SEPP)		Applicable?	Comments
SEPP	(Housing for Seniors or People	No	

	with a Disability) 2004		
SEPP	(Infrastructure) 2007	Yes	▪ Not relevant to this Proposal
SEPP	(Integration and Repeals) 2016	No	
SEPP	(Kosciuszko National Park – Alpine Resorts) 2007	No	
SEPP	(Kurnell Peninsula) 1989	No	
SEPP	(Mining, Petroleum Production and Extractive Industries) 2007	Yes	▪ Not relevant to this Proposal
SEPP	(Miscellaneous Consent Provisions) 2007	Yes	▪ Not relevant to this Proposal
SEPP	(Penrith Lakes Scheme) 1989	No	
SEPP	(Rural Lands) 2008	No	
SEPP	(State and Regional Development) 2011	Yes	▪ Not relevant to this Proposal
SEPP	(State Significant Precincts) 2005	Yes	Not relevant to this Proposal
SEPP	(Sydney Drinking Water Catchment) 2011	No	
SEPP	(Sydney Region Growth Centres) 2006	No	
SEPP	(Three Ports) 2013	No	
SEPP	(Urban Renewal) 2010	No	
SEPP	(Vegetation in Non-Rural Areas) 2017	Yes	<ul style="list-style-type: none"> <li>▪ The DA for subdivision would consider the clearing proposal for the site(s).</li> <li>▪ Following development, a Council Permit would be required (currently, and under proposed zone) for tree and vegetation removal adjacent to existing development.</li> <li>▪ Approval is required from the LLS if the area of clearing exceeds the BOS Threshold.</li> </ul>
SEPP	(Western Sydney Employment Area) 2009	No	
SEPP	(Western Sydney Parklands) 2009	No	
8	Central Coast Plateau Areas	Yes	▪ Not relevant to this Proposal
9	Extractive Industry (No 2 – 1995)	Yes	▪ Not relevant to this Proposal
16	Walsh Bay	No	
20	Hawkesbury-Nepean River (No 2 – 1997)	No	
<b>State Environmental Planning Policy (SEPP)</b>		<b>Applicable?</b>	<b>Comments</b>
24	Homebush Bay Area	No	

26	City West	No	
30	St Marys	No	
33	Cooks Cove	No	
SREP	(Sydney Harbour Catchment) 2005	No	

**Table 3** – State Environmental Planning Policy Assessment

4. Is the planning proposal consistent with applicable Ministerial Directions Section 9.1 (former s.117)?

Direction	Comment
<b>Employment &amp; Resources</b>	
<b>1.1 Business &amp; Industrial Zones</b>	
Aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones and to support the viability of identified strategic centres.  Applies when a planning proposal affects land within an existing or proposed business or industrial zone.	Not Applicable
<b>1.2 Rural Zones</b>	
Aims to protect the agricultural production value of rural land.  Applies when a planning proposal affects land within an existing or proposed rural zone.	Not Applicable, as the site is not within a Rural Zone.
<b>1.3 Mining, Petroleum Production and Extractive Industries</b>	
Aims to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.  Applies when a planning proposal would have the effect of prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or restricting the potential of development resources of coal, other mineral, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.	Applicable  Consultation with the Director-General of DPI is not proposed as the proposal is not supported.
<b>1.4 Oyster Aquaculture</b>	
Aims to ensure that Priority Oyster Aquaculture	Not Applicable.

Direction	Comment
<p>Areas and oyster aquaculture outside such an area are adequately considered, and to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and the health of oysters and consumers.</p> <p>Applies when a planning proposal could result in adverse impacts on a Priority Oyster Aquaculture Areas or current oyster aquaculture lease in the national parks estate or results in incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or current oyster aquaculture lease in the national parks estate and other land uses.</p>	
<b>1.5 Rural Lands</b>	
<p>Aims to protect the agricultural production value of rural land; and facilitate the orderly and economic development of rural lands for rural and related purposes.</p> <p>Applies to local government areas to which State Environmental Planning Policy (Rural Lands) 2008 applies and prepares a planning proposal that affects land within an existing or proposed rural or environment protection zone.</p>	<p>Not Applicable.</p> <p>This Direction does not apply to Central Coast LGA</p>
<b>Environment &amp; Heritage</b>	
<b>2.1 Environmental Protection Zones</b>	
<p>Aims to protect and conserve environmentally sensitive areas.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable.</p> <p>It is noted the land is not zoned, or proposed to be zoned environmental protection, but also that the full extent of environmental sensitivity on site has not yet been accurately surveyed. The ecologist report acknowledges a small area of EEC on site and that a number of threatened species were recorded. The proposal does not incorporate any measures to avoid impacts to environmental values, with the likelihood that if the site was rezoned, most of the vegetation and habitat would be removed to facilitate future subdivision and dwelling development. It would not be considered to be consistent with this Direction.</p>
<b>2.2 Coastal Management</b>	
Aims to implement the principles in the NSW	Not Applicable

Direction	Comment
<p>Coastal Policy.</p> <p>Applies when a planning proposal applies to land in the <i>Coastal Zone</i>.</p>	<p>The site is outside the Coastal Zone</p>
<b>2.3 Heritage Conservation</b>	
<p>Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable.</p> <p>The Dooralong School site (Heritage Item I6, Sch.5, WLEP 2013) is visually prominent and distinctive within the streetscape. It is also adjacent to a cluster of listed heritage items including the Dooralong Community Hall (I5), a nearby heritage dwelling (I7), the former Post Office and residence (I9) and the former St Anne's Church (I10), which each and together re-inforce the character of the Dooralong village. The significance of the school complex is derived from its role as a focus for community activities, and the part played by state funded education in the process of community development (Council Heritage Advisor). It is considered that the rezoning and development concept is inconsistent with this Direction, as the proposal to rezone the land for development is unlikely to support the ongoing identity of the site and of the village of Dooralong.</p> <p>The intended proposal is to subdivide the land initially into 6 lots, with a minimum lot size of 2,500m<sup>2</sup> applying. The concept proposes that the dwelling, school and associated buildings would be divided onto 3 separate development lots, whereas currently the built elements of the school are predominantly located on one lot (Lot 218), with broader play areas, etc., on Lot 219. This proposal would fragment the school site and diminish the prominence and heritage values of the school buildings group over time.</p> <p>The concept includes the proposed residue Lot 6 (24,969m<sup>2</sup>), also with a minimum lot size of 2,500m<sup>2</sup>. These proposed controls would likely result in future proposals for more intensive development of this land, which would likely result in substantial clearing of the ridgeline and sideslopes extending to the south-east in the future, for the reduction of bushfire hazard risk to future dwellings in any subdivision. It is considered that overall the concept is</p>

Direction	Comment
	inconsistent with the terms of this Direction as the proposal would diminish the heritage value of the school buildings grouping over time. <b><i>The proposal is not consistent with this direction</i></b>
<b>2.4 Recreational Vehicle Areas</b>	
Aims to protect sensitive land or land with significant conservation values from adverse impacts from recreational vehicles. Applies when the relevant planning authority prepares a planning proposal.	Applicable. The Proposal does not enable the land to be used for a recreation vehicle area. <b><i>The proposal is not inconsistent with this Direction.</i></b>
<b>2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs</b>	
Aims to ensure that a balanced and consistent approach is taken when applying environmental protection zones and overlays to land on the NSW Far North Coast.	Not Applicable.
<b>Housing, Infrastructure and Urban Development</b>	
<b>3.1 Residential Zones</b>	
Aims to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environmental and resource lands. Applies when a planning proposal affects land within an existing or proposed residential zone, and any other zone in which significant residential development is permitted or proposed to be permitted.	Not applicable. The Planning Proposal (RU5 zone) would not be considered to permit significant residential development, or significantly increase the future housing choice and density. <b><i>The proposal is not inconsistent with this Direction.</i></b>
<b>3.2 Caravan Parks and Manufactured Home Estates</b>	
Aims to provide for a variety of housing types and provide opportunities for caravan parks and manufactured home estates. Applies when the relevant planning authority prepares a planning proposal.	Not applicable.
<b>3.3 Home Occupations</b>	
Aims to encourage the carrying out of low impact small business in dwelling houses. Applies when the relevant planning authority prepares a planning proposal.	Applicable. The proposed RU5 zone would enable dwellings to be used for Home Occupations without consent, however, the proposal is not supported. <b><i>The proposal is not inconsistent with this</i></b>



Direction	Comment
	<b>Direction.</b>
<b>3.4 Integrating Land Use &amp; Transport</b>	
<p>Aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts to achieve: improving access to housing, jobs and services by walking, cycling and public transport; increasing choice of available transport and reducing transport on cars; reducing travel demand; supporting efficient and viable public transport services; and provide for efficient movement of freight.</p> <p>Applies when a planning proposal creates alters or moves a zone or provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p>	<p>Applicable</p> <p>The Planning Proposal is consistent with the principles of the Direction in terms of locating development adjacent to an established main road and public transport route. The area is served by a school bus only.</p> <p><b><i>The Planning Proposal is consistent with this Direction</i></b></p>
<b>3.5 Development Near Licensed Aerodromes</b>	
<p>Aims to ensure the effective and safe operation of aerodromes, their operation is not compromised by development which constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, development for residential purposes or human occupation (within the ANEF contours between 20 &amp; 25) incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p> <p>Applies when a planning proposal creates, alters or removes a zone or provision relating to land in the vicinity of a licensed aerodrome.</p>	Not Applicable.
<b>3.6 Shooting Ranges</b>	
<p>Aims to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, and to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.</p> <p>Applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an</p>	Not Applicable.

Direction	Comment
existing shooting range.	
<b>Hazard &amp; Risk</b>	
<b>4.1 Acid Sulfate Soils</b>	
<p>Aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>Applies when a planning proposal applies to land having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps.</p>	<p>Not Applicable</p> <p>The Site is not mapped as having Acid Sulfate Soils (ASS) under Wyong LEP 2013.</p> <p><b><i>The proposal is not inconsistent with this Direction.</i></b></p>
<b>4.2 Mine Subsidence &amp; Unstable Land</b>	
<p>Aims to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.</p> <p>Applies when a planning proposal permits development on land which is within a mine subsidence district, or identified as unstable in a study or assessment undertaken by or on behalf of the relevant planning authority or other public authority and provided to the relevant planning authority.</p>	<p>Applicable.</p> <p>The land is within the Wyong Mine Subsidence District. Surface Development Guideline 5 applies. Single or two storey clad frame or brick veneer on footings/slabs could be supported.</p> <p><b><i>The Proposal is not inconsistent with this Direction.</i></b></p>
<b>4.3 Flood Prone Land</b>	
<p>Aims to ensure: development on flood prone land is consistent with NSW Government's Flood Prone Land Policy and principles of the Floodplain Development Manual 2005; and provisions of an LEP on flood prone land are commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land.</p> <p>Applies when a planning proposal creates, removes or alters a zone or provision that affects flood prone land.</p>	<p>Applicable.</p> <p>Council's Flood Mapping indicates that the land is classified as Flood Prone, being affected partially by both the Probable Maximum Flood (PMF) and the 1% AEP Flood Level at the SE corner of the site.</p> <p>Any proposal for development would need to comply with relevant flood related controls.</p> <p><b><i>The proposal is therefore consistent with this Direction.</i></b></p>
<b>4.4 Planning for Bushfire Protection</b>	
<p>Aims to protect life, property and the environment from bushfire hazards, and encourage sound management of bushfire prone areas.</p> <p>Applies when a planning proposal affects or is in proximity to land mapped as bushfire prone land.</p>	<p>Applicable.</p> <p>The land is classified as Bushfire Prone Land, containing Vegetation Category 1 and Buffer. Any proposal for development would need to comply with relevant controls for bushfire prone lands, including construction standards and required APZs. A bushfire assessment report has</p>

Direction	Comment
	<p>been prepared which demonstrates the proposal can be undertaken and could comply with <i>Planning for Bushfire Protection 2006</i> (PBP).</p> <p>Any development application would need to apply bushfire protection and mitigation measures recommended in PBP and a more detailed bushfire assessment would be required at that stage. <b><i>The proposal is not inconsistent with this Direction.</i></b></p>
<b>Regional Planning</b>	
<b>5.2 Sydney Drinking Water Catchments</b>	
<p>Aims to protect water quality in the hydrological catchment.</p> <p>Applies when a relevant planning authority prepares a planning proposal that applies to Sydney's hydrological catchment.</p>	<p>Not Applicable.</p> <p>The proposal is not located within Sydney's hydrological catchment.</p>
<b>5.3 Farmland of State and Regional Significance on the NSW Far North Coast</b>	
<p>Aims to: ensure that the best agricultural land will be available for current and future generations to grow food and fibre; provide more certainty on the status of the best agricultural land, assisting councils with strategic settlement planning; and reduce land use conflict arising between agricultural use and non-agricultural use of farmland caused by urban encroachment into farming areas.</p> <p>Applies to Ballina, Byron, Kyogle, and Tweed Shire Councils, Lismore City Council and Richmond Valley Council.</p>	<p>Not Applicable.</p> <p>The proposal is not located within the Far North Coast Region.</p>
<b>5.4 Commercial and Retail Development along the Pacific Highway, North Coast</b>	
<p>Aims to manage commercial and retail development along the Pacific Highway, on the North Coast.</p> <p>Applies to all councils between and inclusive of Port Stephens and Tweed Shire Councils.</p>	<p>Not Applicable.</p> <p>The proposal is not located between Port Stephens and Tweed Shire Councils.</p>
<b>5.8 Second Sydney Airport: Badgerys Creek</b>	

Direction	Comment
<p>Aims to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek.</p> <p>Applies to land located within the Fairfield, Liverpool and Penrith City Council and Wollondilly Shire Council Local Government Areas.</p>	<p>Not Applicable.</p> <p>The proposal is not located within the Fairfield, Liverpool and Penrith City Council or Wollondilly Shire LGA.</p>
<b>5.9 North West Rail Link Corridor Strategy</b>	
<p>Aims to promote transit-oriented development and manage growth around the eight train stations of the North West Rail Link (NWRL) and ensure development within the NWRL corridor is consistent with the proposals set out in the NWRL Corridor Strategy and precinct Structure Plans.</p> <p>Applies to Hornsby Shire Council, The Hills Shire Council and Blacktown City Council.</p>	Not Applicable
<b>5.10 Implementation of Regional Plans</b>	
<p>Aims to give legal effect to the vision, land use strategy, goals, directions and actions contained within Regional Plans.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable.</p> <p>See Table 1 above assessing the Central Coast Regional Plan 2036, which indicates that the proposal is not consistent with a number of Actions under the Plan.</p> <p>The Central Coast Regional Strategy 2036 promotes the retention of valuable items of local heritage, as they "can attract tourism which can contribute to local economies" (CCRP p.30). It is considered that the concept is inconsistent with this Action as the proposal to rezone the land for village development would enable the subdivision of the dwelling, school and associated buildings onto separate development lots, which would diminish the prominence and heritage values of the school buildings grouping over time. The proposal does not incorporate any measures to avoid impacts to environmental values, and would require extensive clearing to mitigate bushfire risk for new development on the proposed lots, with minimum areas of 2500m<sup>2</sup>. It is considered that the concept is inconsistent with the Actions of the CCRP as the proposal would diminish the environmental and habitat values of the land.</p> <p><b><i>The planning proposal is not consistent with</i></b></p>

Direction	Comment
	<i><b>this direction.</b></i>
<b>Local Plan Making</b>	
<b>6.1 Approval and Referral Requirements</b>	
<p>Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Applicable.</p> <p>The proposal does not introduce any additional requirements for referrals, concurrences or consultation and does not identify development as designated development.</p> <p><i><b>The proposal is consistent with this Direction.</b></i></p>
<b>6.2 Reserving Land for Public Purposes</b>	
<p>Aims to facilitate the provision of public services and facilities by reserving land for public purposes, and facilitate the removal of reservations of land for public purposes where land is no longer required for acquisition.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Not Applicable.</p> <p>The proposal does not seek to reserve land for public purposes.</p> <p><i><b>The Proposal is not inconsistent with this Direction</b></i></p>
<b>6.3 Site Specific Provisions</b>	
<p>Aims to discourage unnecessarily restrictive site specific planning controls.</p> <p>Applies when the relevant planning authority prepares a planning proposal to allow particular development to be carried out.</p>	<p>Applicable.</p> <p>The Proposal would apply a zone existing within the EPI to the land.</p> <p><i><b>The Proposal is consistent with this Direction.</b></i></p>
<b>Metropolitan Planning</b>	
<b>7.1 Implementation of A Plan for Growing Sydney</b>	
<p>Aims to give legal effect to the planning principles, directions and priorities for sub regions, strategic centres and transport gateways contained in A Plan for Growing Sydney</p>	<p>Not Applicable.</p> <p>This Direction does not apply to the Central Coast LGA.</p>
<b>7.2 Implementation of Greater Macarthur Land Release Investigations</b>	
<p>Aims to ensure development within the Greater Macarthur Land Release Investigation Area is consistent with the Greater Macarthur Land Release Preliminary Strategy and Action Plan.</p>	<p>Not Applicable.</p> <p>This Direction does not apply to the Central Coast LGA.</p>
<b>7.3 Parramatta Road Corridor Urban Transformation Strategy</b>	
<p>Aims to facilitate development within the</p>	<p>Not Applicable.</p>

Direction	Comment
Parramatta Road Corridor that is consistent with the Parramatta Road Corridor Urban Transformation Strategy (November, 2016) and the Parramatta Road Corridor Implementation Tool Kit.	This Direction does not apply to the Central Coast LGA.
<b>7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan</b>	
Aims to to ensure development within the North West Priority Growth Area is consistent with the North West Priority Growth Area Land Use and Infrastructure Strategy (the Strategy).	Not Applicable.
<b>7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b>	
Aims to to ensure development within the Greater Parramatta Priority Growth Area is consistent with the Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan dated July 2017 (the interim Plan).	Not Applicable.
<b>7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b>	
Aims to ensure development within the Wilton Priority Growth Area is consistent with the Wilton Interim Land Use and Infrastructure Implementation Plan and Background Analysis.	Not Applicable.
<b>7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor</b>	
Aims to ensure development within the precincts between Glenfield and Macarthur is consistent with the plans for these precincts.	Not Applicable

**Table 4** – Section 9.1 (former S117) Ministerial Directions Compliance

**Item No:** 2.2  
**Title:** Modification to DA/967/2013 - 405 Lot Subdivision at 85 Kanangra Drive Crangan Bay  
**Department:** Environment and Planning

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29 October 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-04 - D13340492  
Author: Julie Garratley, Development Planner  
Manager: Emily Goodworth, Section Manager, Development Assessment  
Executive: Scott Cox, Director, Environment and Planning

## Summary

An application to modify development consent 967/2013 under s. 4.55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) has been received for the 405 lot subdivision at 85 Kanangra Drive, Crangan Bay, to defer the timing of the Pacific Highway/Kanangra Drive intersection upgrade to Stage 5.

This report recommends that the application to modify the development consent be approved subject to the upgrade of the intersection being deferred until the completion of former Stage 3 now Stage 3A.

<b>Applicant</b>	Scape Constructions Pty Ltd c/o ADW Johnson Pty Limited
<b>Owner</b>	Scape Properties Pty Ltd
<b>Application No</b>	DA/967/2013/B
<b>Description of Land</b>	85 Kanangra Drive Crangan Bay
<b>Proposed Development</b>	Section 4.55(1A) modification to amend the timing of the proposed Pacific Highway/Kanangra Drive intersection upgrade
<b>Site Area</b>	1246200m <sup>2</sup>
<b>Zoning</b>	R1 General Residential and R2 Low Density Residential
<b>Existing Use</b>	Vacant
<b>Estimated Value</b>	N/A

## Recommendation

- 1** *That Council approve the modification to Development Consent 967/2013 having regard to the matters for consideration detailed in Sections 4.55 and 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant issues as follows:*
  - i)** *The upgrade of the Pacific Highway/Kanangra Drive intersection is to be undertaken prior to the release of the Construction Certificate for the commencement of the 185<sup>th</sup> residential lot which occurs within stage 4 of the residential subdivision.*

*ii) The modification of conditions 2, 19, 57 and 59 to reflect the recommended modification to the timing of the intersection upgrade.*

**2 That Council advise those who made written submissions of its decision.**

**3 That Council advise those Government Authorities who made written submissions of Council's decision.**

**Precis:**

<b>Proposed Modification</b>	Deferring the timing of the Pacific Highway / Kanangra Drive intersection upgrade required by the Roads and Maritime Services from Stage 2 to Stage 5.
<b>Permissibility and Zoning</b>	The approved subdivision is permissible with consent in the R2 Low Density Residential and R1 General Residential zones under Wyong Local Environmental Plan 2013 (WLEP 2013).
<b>Relevant Legislation</b>	<ul style="list-style-type: none"> <li>• <i>Environmental Planning and Assessment Act 1979</i></li> <li>• <i>Roads Act 1993</i></li> <li>• <i>Wyong Local Environmental Plan 2013</i></li> <li>• <i>Wyong Development Control Plan 2013</i></li> </ul>
<b>Current Use</b>	Vacant
<b>Integrated Development</b>	No
<b>Submissions</b>	1
<b>Councillor Representation</b>	The application was requested to be determined by Council by Councillors Vincent and MacGregor.

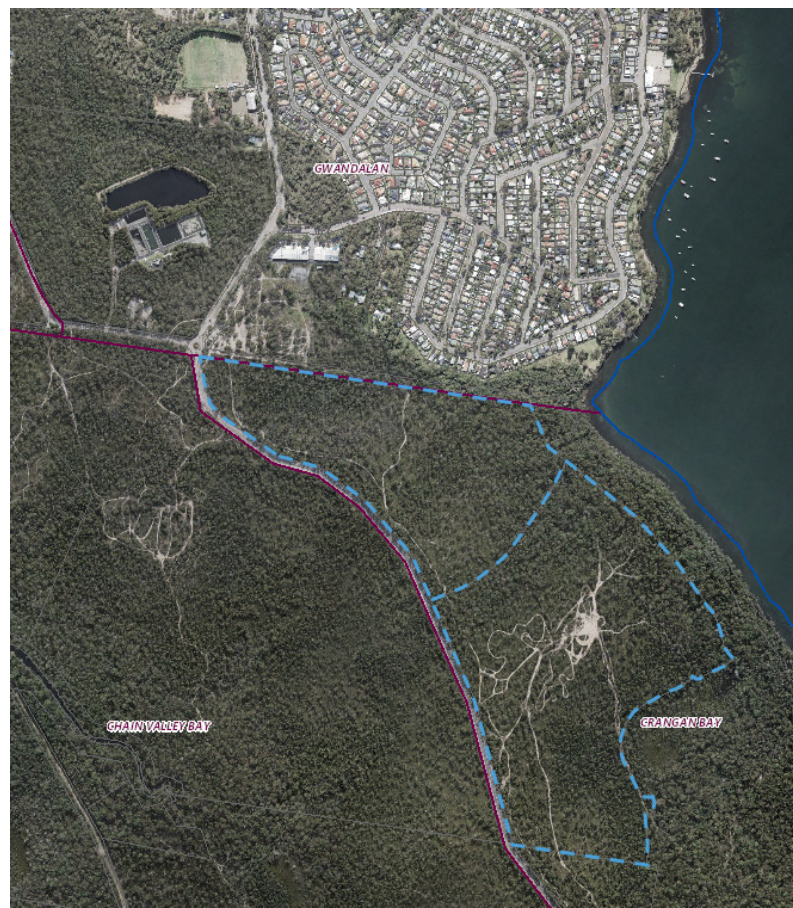


### **Variations to Policies**

There are no variations to any policies.

### **The Site**

The site comprises Lot 11 DP 1180926 and the Reserve Road to the north with some road works to be undertaken on Lot 20 DP 1089946. The development area is approximately 62.28 hectares, excluding the road reserve. The northern boundary has approximately 700 metres frontage to the unformed road reserve while the western boundary is formed by Kanangra Drive. Land zoned to the north of the subject site is zoned IN2 Light Industrial, RE1 Public Recreation and E2 Environmental Conservation. The southern and eastern boundaries adjoin conservation land that has been dedicated to the State Government which is zoned E1 National Parks and Nature Reserves.



**Above:** Aerial photo showing subject site and surrounding land outlined in blue.

### **Surrounding Development**

The site is located on the eastern side of Kanangra Drive, Crangan Bay at the northern end of the Central Coast. It is approximately 40kms south of Newcastle and 80kms north of Sydney and approximately midway between the two sub-regional centres of Wyong (32kms north) and Charlestown (35kms south).

The Gwandalan area is located on the western shore of Crangan Bay, Lake Macquarie and generally comprises low density residential development surrounded by bushland. A number of conservation areas are located in this area including Munmorah State Conservation Area, Wallarah National Park and Lake Macquarie State Conservation Area.

### **The Proposed Modification**

#### Applicant's Request

Under the provisions of Section 4.55 (1A) of the *Environmental Planning and Assessment Act 1979*, consent is sought to modify a 405 lot subdivision approved under DA/967/2013 and previously modified under two modifications (A) and (C). The proposed modification as proposed by the applicant includes the following:

- Deferring the timing of the Pacific Highway / Kanangra Drive intersection upgrades required by the Roads and Maritime Services from Stage 2 until Stage 5.

The applicant submitted a traffic modelling report of the Pacific Highway / Kanangra Drive intersection to support the proposed modification. The report suggested the intersection had enough capacity to cater for an additional 300 residential lots. Based on this advice the applicant has advised the intersection upgrade is not required until Stage 5 of the subdivision which would be the completion of 328 lots.

Table 1 identifies the release of the number of lots per stage as currently approved. The intersection upgrade is currently required to be completed prior to the issue of the Subdivision Certificate for stage 2. The applicant's submission requests the intersection upgrade be deferred until the issue of the Subdivision Certificate for stage 5. Additionally, the sale of the lots up to stage 5 would provide funding for the intersection upgrade.

<b>Stage</b>	<b>No. of Residential Lots</b>	<b>Total Residential Lots</b>
1	0	0
2	93	93
3	91	184
4	83	267
<b>5</b>	<b>61</b>	<b>328</b>
6	71	399

**Table 1:** *Approved stages of subdivision and the number of lots as each stage is released.*

The modification, as proposed by the applicant, would require the amendment of conditions 2, 19, 57, 58 and 59, changing the timing of the required works in relation to the Pacific Highway/Kanangra Drive intersection under those conditions from Stage 2 to Stage 5.

Council Comment

Council does not support the applicant's request as detailed above given Council's assessment and the advice received by RMS identified the intersection would reach capacity prior to stage 5. This assessment is further detailed below.

**History**

DA/967/2013 was the result of Concept Approval MP\_10-0084 dated 12 July 2012. The Concept Approval was approved by the Planning Assessment Commission under the provisions of Part 3A of the *Environmental Planning and Assessment Act 1979* (the Act).

DA/967/2013 was approved by the Hunter Central Coast Joint Regional Planning Panel on 5 June 2014 and has a lapse date of 18 June 2019.

DA/967/2013 was amended (A) 30 March 2017 by Council for the modification of the proposed staging of the subdivision.

DA/967/2013/C was amended (C) 31 August 2018 by Council for the modification relating to the location of nest boxes.

**s. 4.15(1)(d) of the EP&A Act: Submissions**

**Public consultation**

The proposed modification was exhibited from 24 May 2018 to 15 June 2018, in accordance with Chapter 1.2 Notification of Development Proposals with one submission received.

A summary of the issues raised in the submission is detailed below:

- *The timing of the intersection upgrade should not be delayed to Stage 5 of the approved subdivision as the intersection cannot cope with the additional cars as a result of the subdivision. Additionally, the area has seen an increase in population in the last few years which is also contributing to pressure on the intersection.*

Comment

The RMS has reviewed the submitted Traffic Impact Statement and has undertaken its own modelling of the intersection based on the release of one stage per year with the first release to commence in 2020. From the analysis, the AM period was the critical peak with outbound traffic and the modelling found that queuing and delays would increase on Kanangra Drive as the stages were released. The Kanangra Drive leg of the intersection will approach an unacceptable level of congestion during the release of Stage 3 which equates to 184 lots.

Based on the traffic modelling, the RMS did not support the deferring of the intersection upgrade until Stage 5. The RMS recommended that the intersection should be upgraded with works to be completed prior to the release of the Construction Certificate for the 185<sup>th</sup> residential lot which is Stage 4 and not be delayed to Stage 5 which results in the release of 328 lots. Council supports the opinion of the RMS in this instance.

**Submissions from Public Authorities**

The modification was referred to RMS for comment and written advice was provided on 11 August 2018 objecting to the deferring of the intersection upgrade to Stage 5. However, upon review of the Traffic Impact Statement prepared by Intersect Traffic, it was identified that Kanangra Drive approaches an unacceptable level of congestion during the release of Stage 3 which is the completion of 184 lots rather than at the completion of stage 2 which was first envisaged.

The intersection was modelled by RMS and with the following improvements, found to operate in a satisfactory manner:

- Installation of a 50m left turn slip lane on Kanangra Drive to the Pacific Highway.
- Installation of a 200 metre dedicated right turn lane from Kanangra Drive to the Pacific Highway.
- Retention of the through and right turn lane on Kanangra Drive creating a double right turn from Kanangra Drive.
- Installation of a 100 metre left slip lane from the Pacific Highway into Kanangra Drive.

The RMS recommends that the improvements to the intersection as outlined in the conditions of consent and the Voluntary Planning Agreement be undertaken prior to the release of the Construction Certificate for the 185<sup>th</sup> residential lot which is the commencement of Stage 4. Whilst Council is unable to support the applicant's request for deferring the intersection upgrade until Stage 5, Council is willing to modify the development consent to allow the intersection upgrade to be undertaken in line with RMS advice.

### **Internal Consultation**

#### Senior Development Engineer

The proposed modification was reviewed by Council's Senior Development Engineer who concurred with the RMS comments.

### **Ecologically Sustainable Principles**

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

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

### **Climate Change**

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

This assessment has included consideration of such matters as potential rise in sea level; potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought, flood and coastal erosion; as well as how the proposed development may cope / combat / withstand these potential impacts. In this particular case, there are no following matters considered to warrant further discussion.

### **Assessment**

Having regard for the matters for consideration detailed in Sections 4.55 and 4.15 of the *Environmental Planning and Assessment Act 1979* and other statutory requirements, Council's policies and Section 10.7 Certificate details, the assessment has identified the following key issues, which are elaborated upon for Council's information. Any tables relating to plans or policies are provided as an attachment.

**s. 4.15(1)(a)(i) of the EP&A Act: Provisions of Relevant Instruments/ Plans/ Policies**

*Section 4.55 of EP&A Act 1979 – Modification of Consents*

In accordance with Section 4.55 (1A), Council may consider a modification of development consent provided:

- a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- c) it has notified the application in accordance with:*
  - (i) the regulations, if the regulations so require, or*
  - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

**Applicant's Submission**

The proposed modification results in the development being substantially the same as that which was previously approved.

The proposal represents no environmental impact beyond that which was assessed and accepted under the original and existing consent. Nothing within the proposal extends beyond the footprint of the areas already covered under the subject consent.

The proposed modification involves deferring the timing of the required intersection upgrade to the creation of all lots under stage 5 of the subdivision and does not represent any additional impact on the environment beyond that which was assessed with the original consent.

Comment

Consideration must be given as to whether the modification proposed to the consent remains substantially the same when compared to the development consent which was originally granted. The result of the comparison must find that the modified development is essentially or materially the same as that which was originally approved.

The intersection upgrade was originally required to be undertaken before the release of the first residential lot (stage 2). The reason for the current timing of the upgrade was due to the information provided as part of the original assessment which demonstrated that the existing capacity of the intersection and anticipated traffic generation of the proposed subdivision would require an upgrade prior to the release of the first residential lot so as not to cause the intersection to cease to operate in a satisfactory manner.

The proposed modification of the consent to defer the timing of the intersection upgrade to stage 5, as requested by the applicant, would involve unacceptable impacts on the satisfactory operation of the intersection. The application was referred to RMS who found that modelling undertaken for the intersection (with improvements) identified that the intersection has capacity to function satisfactorily up to the release of the 184<sup>th</sup> residential lot (stage 3). However, the delay of the intersection upgrade to Stage 5 (328 lots) would result in the intersection ceasing to operate in a satisfactory manner creating unacceptable impacts on the traffic network.

Having regard for the provisions of s. 4.55(1A), it is considered the deferring of the intersection upgrade to stage 5, as requested by the applicant, would result in unacceptable environmental impact on the surrounding locality. Moreover, consideration of s. 4.15 of the EP&A Act has resulted in Council considering the impacts of the deferment of the intersection upgrade on existing and proposed development in the locality, traffic generation and the capacity of the local and arterial road network as being unacceptable. As such, Council is unable to support the modification as proposed.

However, the RMS modelling (with improvements) and advice provided by the RMS has identified that there is existing capacity in the intersection up to the 184<sup>th</sup> residential lot and it is considered the upgrade of the intersection could be modified to be undertaken at this stage without creating unacceptable environmental impacts and other impacts under s. 4.15 as discussed above. The capacity of the local and arterial road network and the anticipated traffic generation of the locality is satisfactory up to the release of 184 lots.

In accordance with s. 4.55(3), consideration must be given to the reasons given by the consent authority for the granting of the original consent. The reasons for the original granting of development consent by the Hunter Central Coast Joint Regional Planning Panel were embedded in the assessment report and their statement of reasons. These reasons included (but were not limited to):

## **2.2 Modification to DA/967/2013 - 405 Lot Subdivision at 85 Kanangra Drive Crangan Bay (contd)**

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- The proposal was satisfactory with regard to the relevant environmental planning instruments, plans and policies.
- There were no significant issues or impacts identified with the proposal under former Section 79C of the EP&A Act 1979.
- The proposal was satisfactory with regard to consistency with the concept plan No. MP 10-0084 approval under Part 3A of the EP&A Act 1979.
- The proposal will have minimal impact on the natural and built environment.
- The proposal was considered suitable for the site.
- The proposal was considered to be in the public interest as it will provide housing in a growth region and is consistent with Council's settlement strategy.

The modification was notified in accordance with Wyong Development Control Plan Chapter 1.2 –Notification of Development Proposals with one submission being received. This submission has been considered previously in the report.

The modification, as recommended by RMS and supported by Council, is considered consistent with the reasons for the granting of the original development consent and the provisions of Section 4.55 of the EP&A Act 1979 and is considered to result in substantially the same development for which consent was originally granted.

*Wyong LEP 2013*

### *Zoning & Permissibility*

The site is zoned R2 Low Density Residential and R1 General Residential under the provisions of WLEP 2013. Development for the purposes of subdivision is permissible with consent. The permissibility is not altered as a result of the proposed modification.

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

The following SEPPs were relevant to the original development application:

#### *SEPP 44 – Koala Protection*

The proposed amendments to the staging of the Kanangra Drive/Pacific Highway intersection upgrade does not alter the previous assessment undertaken against SEPP 44 and no further assessment is required.

#### *SEPP 55 – Remediation of Land*

The proposed amendments to the staging of the Kanangra Drive/Pacific Highway intersection upgrade does not alter the previous assessment undertaken against SEPP 55 and no further assessment is required.



SEPP Infrastructure 2007

The proposed amendments to the staging of the Kanangra Drive/Pacific Highway intersection upgrade does not alter the previous assessment undertaken against SEPP Infrastructure and no further assessment is required.

SEPP State and Regional Development

The proposed amendments to the staging of the Kanangra Drive/Pacific Highway intersection upgrade does not alter the previous assessment undertaken against SEPP State and Regional Development and no further assessment is required.

As previously mentioned, the approved development required determination by the Regional Planning Panel. However, Section 4.55 (1A) applications are not required to be referred back to the Panel for consideration and determination. The consent authority can be Council in this instance.

**s. 4.15(1)(a)(iii) of the EP&A Act: Provisions of any development control plan**

The proposed modification to the staging of the Kanangra Drive/Pacific Highway intersection upgrade does not alter the previous assessment undertaken against the relevant chapters of WDCP 2013.

Part 4 Subdivision

The proposed modification to the staging of the intersection upgrade works does not alter the previous assessment undertaken against the subdivision chapter in regard to the residential subdivision of the subject site.

**s. 4.15(1)(b) of the EP&A Act: Likely impacts of the development**

**a) Built Environment**

The requested amendment to defer the Kanangra Drive/Pacific Highway intersection upgrade to Stage 5 of the subdivision is considered to have an adverse impact on the built environment due to the impacts that will be caused by traffic congestion on the local and arterial road network and the subsequent impact this will have on existing and proposed development. However, it is considered reasonable to allow for the intersection upgrade to be deferred to the release of the 184<sup>th</sup> lot as the traffic modelling supports this amendment to the timing of the works and will not result in the impacts that would have occurred if the timing was left until stage 5.

**b)        Access and Transport**

The requested amendment to defer the Kanangra Drive/Pacific Highway intersection upgrade to Stage 5 of the subdivision is considered to have an adverse impact to the operation of the intersection of Kanangra Drive and Pacific Highway. The RMS reviewed the submitted traffic report and found that the intersection will reach saturation at the release of the 184<sup>th</sup> lot which is the completion of stage 3. To defer the intersection upgrade until Stage 5 of the subdivision would create unacceptable congestion on Kanangra Drive and the intersection. RMS support deferring the intersection upgrade to the completion of the 184<sup>th</sup> residential lot which is Stage 3 of the development. It is recommended that the consent is modified accordingly.

**c)        Context and Setting**

The intersection of the Pacific Highway and Kanangra Drive provides the main access to the residential areas of Gwandalan and Summerland Point. In recent years new residential subdivision development has occurred and due to the increase in the residential population in the locality, it is important to ensure the intersection is operating effectively and does not reach saturation point thereby impacting on users of the road network. The modification, as recommended by Council and as per the advice received by RMS, will ensure the intersection continues to operate effectively.

**d)        Natural Environment**

The modification, as recommended by Council, does not result in any impacts on the natural environment.

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

The site remains suitable for the approved development however the modification, as requested by the applicant, would create unacceptable impacts on the road network were it to be supported. The modification will be supported in part to ensure that the proposed modification is suitable for the locality. The modification will not impact on the findings of the original assessment which found the approved development suitable for the site and in keeping with the character of the area.

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

The public interest is best served by the orderly and economic use of land for which it is zoned. The development consent was consistent with the requirements of the North Wyong Structure Plan and the Wyong Shire Settlement Strategy and was considered to be in the public interest by providing future housing to assist with predicted future population growth.

The intersection upgrade is in the public interest and is to be upgraded before the capacity of the intersection is saturated. Having regard to the assessment contained in this report, it is considered that approval in accordance with the RMS recommendation is reasonable. The deferring of the intersection upgrade prior to the release of the Construction Certificate for the 185<sup>th</sup> residential lot (Stage 4) will facilitate the intersection upgrade prior to the intersection reaching saturation point.

#### **Other Matters for Consideration**

There are no other matters for consideration.

#### **Conclusion**

After consideration of the modification against the provisions of Sections 4.55(1A) and 4.15 of the *Environmental Planning and Assessment Act 1979* and the relevant statutory and policy provisions, the proposed modification as requested by the applicant, is not supported as the increase in the residential population requires the intersection to operate in an effective and reasonable manner to provide safe access for the residents of the Gwandalan and Summerland Point areas.

However, having regard for the additional traffic modelling undertaken and advice from RMS, it is considered reasonable to defer the upgrade to after the release of stage 3 but prior to the commencement of stage 4 as this will result in acceptable impacts and will ensure the intersection is upgraded prior to saturation point.

As such, it is recommended that the s. 4.55(1A) application be approved to allow the Pacific Highway/Kanangra Drive intersection upgrade to be undertaken prior to the release of the Construction Certificate for the commencement of the 185<sup>th</sup> residential lot which occurs within stage 4 of the residential subdivision.

### **Reasons for Decision**

- The modified proposal as recommended by Council is substantially the same as the development originally approved.
- The modified proposal results in essentially the same impacts on the built and natural environments and found acceptable.
- The modified proposal will remain consistent with the reasons for the original approval.

### **Recommendation**

It is proposed that an additional stage is added to the development staging requiring the intersection works to be undertaken before the construction certificate for Stage 4 which will commence the 185<sup>th</sup> lot. The following amendments to conditions are recommended:

#### Existing Condition 2

2     *Approval is granted for six stages of subdivision release in the following manner:*

- *Stage 1 – 2 large development lots in accordance with the Concept Plan hamlets.*
- *Stage 2 – 93 residential lots, two drainage reserves & residue.*
- *Stage 3 – 91 residential lots plus one drainage reserve & residue*
- *Stage 4 – 83 residential lots*
- *Stage 5 – 61 residential lots plus one drainage reserve*
- *Stage 6 - 71 residential lots, 6 super lots and a drainage reserve*

*Works and contributions are to be finalised appropriate for each stage prior to the release of the Subdivision Certificate.*

#### Proposed Condition 2

2     Approval is granted for **seven** stages of subdivision **to be carried out in sequential order as follows:**

- Stage 1 – 2 large development lots in accordance with the Concept Plan hamlets.
- Stage 2 – 93 residential lots, two drainage reserves & residue.
- **Stage 3A – 91 residential lots plus one drainage reserve & residue**
- **Stage 3B – Pacific Highway/Kanangra Drive intersection works.**
- Stage 4 – 83 residential lots
- Stage 5 – 61 residential lots plus one drainage reserve
- Stage 6 - 71 residential lots, 6 super lots and a drainage reserve

Works and contributions are to be finalised appropriate for each stage prior to the release of the Subdivision Certificate.

Existing Condition 19

- 19 **Stage 2:** *Prior to issuing a construction certificate, the developer shall enter into a Works Authorisation Deed (WAD) with the Roads and Maritime for all required works at the intersection of Kanangra Drive and the Pacific Highway.*

Proposed Condition 19

- 19 **Stage 3B:** The developer shall enter into a Works Authorisation Deed (WAD) with the Roads and Maritime for all required works at the intersection of Kanangra Drive and the Pacific Highway.

Existing Condition 57

- 57 **Stage 2:** ~~Prior to the issue of a Subdivision Certificate for Stage 2, the Pacific Highway / Kanangra Drive signalised intersection shall be upgraded in accordance with the Austroads Guide to Road Design 2010 (with Roads and Maritime supplements) and to Roads and Maritime / Council requirements. Where the developer chooses to construct works in kind in lieu of a monetary contribution the following requirements will apply to the intersection:~~
- *A 50 metre left turn high angle slip lane (exclusive of taper) shall be provided on Kanangra Drive for northbound traffic turning left onto the Pacific Highway (travelling north).*
  - *An additional 100 metre dedicated right turn lane (exclusive of taper) shall be provided on Kanangra Drive for southbound traffic turning right onto the Pacific Highway.*
  - *Installation of a raised central median and island on the northern side at the western leg of the intersection (Kanangra Drive), or as determined by Roads and Maritime.*
  - *The intersection shall be designed to accommodate the turning path of the largest design vehicle.*
  - *Provision for on-road cyclists shall be made at the intersection and along the full length of the works.*
  - *All lanes shall be a minimum 3.5 metres in width, or as determined by the Roads and Maritime.*

- *Street lighting shall be provided in accordance with Australian Standard AS1158, or as determined by the Roads and Maritime.*
- *Kerb and gutter shall be provided at the intersection and along the length of the works, or as determined by the Roads and Maritime.*
- *Relocation of the existing bus bay and reinstatement of the bus bay shelter, seating and footpaths. The footpath is to be extended and connected to the signalised pedestrian crossing, or as determined by Roads and Maritime.*

#### Proposed Condition 57

57 **Stage 3B: The** Pacific Highway / Kanangra Drive signalised intersection shall be upgraded in accordance with the Austroads *Guide to Road Design 2010* (with Roads and Maritime supplements) and to Roads and Maritime / Council requirements. Where the developer chooses to construct works in kind in lieu of a monetary contribution the following requirements will apply to the intersection:

- A 50 metre left turn high angle slip lane (exclusive of taper) shall be provided on Kanangra Drive for northbound traffic turning left onto the Pacific Highway (travelling north).
- An additional 100 metre dedicated right turn lane (exclusive of taper) shall be provided on Kanangra Drive for southbound traffic turning right onto the Pacific Highway.
- Installation of a raised central median and island on the northern side at the western leg of the intersection (Kanangra Drive), or as determined by Roads and Maritime.
- The intersection shall be designed to accommodate the turning path of the largest design vehicle.
- Provision for on-road cyclists shall be made at the intersection and along the full length of the works.
- All lanes shall be a minimum 3.5 metres in width, or as determined by the Roads and Maritime.
- Street lighting shall be provided in accordance with Australian Standard AS1158, or as determined by the Roads and Maritime.
- Kerb and gutter shall be provided at the intersection and along the length of the works, or as determined by the Roads and Maritime.

- Relocation of the existing bus bay and reinstatement of the bus bay shelter, seating and footpaths. The footpath is to be extended and connected to the signalised pedestrian crossing, or as determined by Roads and Maritime.

Existing Condition 58

- 58    **Stage 2:** *Where works are undertaken at the intersection of Kanangra Road and the Pacific Highway, Roads and Maritime will require the developer to enter into a Works Authorisation Deed (WAD) with Roads and Maritime. Roads and Maritime will exercise its powers under Section 87 of the Roads Act 1993 (the Act) and the functions of the roads authority, to undertake traffic signal works in accordance with Sections 64, 71, 72 and 73 of the Act, as applicable, for all works under the WAD*

Proposed Condition 58

- 59    **Stage 3B:** *Where works are undertaken at the intersection of Kanangra Road and the Pacific Highway, Roads and Maritime will require the developer to enter into a Works Authorisation Deed (WAD) with Roads and Maritime. Roads and Maritime will exercise its powers under Section 87 of the Roads Act 1993 (the Act) and the functions of the roads authority, to undertake traffic signal works in accordance with Sections 64, 71, 72 and 73 of the Act, as applicable, for all works under the WAD.*

Existing Condition 59

- 59    **Stage 2:** ~~*Prior to issuing the subdivision certificate for Stage 2 and where the developer has chosen to undertake works in kind, the developer shall complete intersection upgrade and traffic control signals works under the WAD to practical completion, as determined by Roads and Maritime.*~~
- *All works shall be undertaken at full cost to the developer to the satisfaction of Roads and Maritime.*

Proposed Condition 59

- 59    **Stage 3B:** *Where the developer has chosen to undertake works in kind, the developer shall complete intersection upgrade and traffic control signals works under the WAD to practical completion, as determined by Roads and Maritime.*
- *All works shall be undertaken at full cost to the developer to the satisfaction of Roads and Maritime*

**Attachments**

*Nil.*



**Item No:** 2.3  
**Title:** DA/135/2017 - Transitional Group Home for the purposes of Drug and Alcohol Rehabilitation including Demolition of Existing Structures - Supplementary Report  
**Department:** Environment and Planning

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29 October 2018 Ordinary Council Meeting

Trim Reference: DA/135/2017 - D13338004  
Author: Tracy Sharp, Senior Development Planner  
Manager: Emily Goodworth, Section Manager, Development Assessment  
Executive: Scott Cox, Director, Environment and Planning

## Summary

The purpose of this report is for Council to consider a supplementary report for Development Application 135/2017 for a transitional group home for the purposes of drug and alcohol rehabilitation including demolition of existing structures at No 74 Glen Road Ourimbah.

Further consideration of the impacts of the proposed onsite sewage management system have resulted in a recommendation for refusal.

## Recommendation

- 1 That Council refuse development application 135/2017 having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant issues for the following reasons:**
  - a Insufficient information has been submitted to satisfy Council that the development will have adequate sewer servicing in accordance with the provisions of Clause 7.9 of the Wyong Local Environmental Plan 2013.**
  - b The information accompanying the application has not demonstrated that the soil types on the site are suitable for the proposed onsite sewer management system.**
  - c The information accompanying the application has not demonstrated that the site topography and land application area (including size, location and batters) will not adversely impact on adjoining properties and the downslope Endangered Ecological Community and watercourse.**



- d The proposed onsite sewage management system is contrary to the objectives of Wyong Development Control Plan 2013 Chapter 3.8 On- Site Effluent Disposal in Non Sewered Areas, to minimise any adverse impacts on the amenity of the subject site and other land in the vicinity of the site.***
  - e A suitable wastewater solution for the site which meets the requirements of AS1547:2012 Onsite domestic wastewater management and Department of Local Government Environment and Health Protection Guidelines Onsite Sewage Management for Single Households (1998) has not been provided and is therefore not in the public interest.***
  - f The site is highly constrained for onsite sewage management and the available land area is not suitable for a commercial volume of effluent from the proposed development.***
  - g The site is not considered suitable for the proposed on-site sewage management system due to the existing site constraints including soil characteristics, the land application area, the site topography and the potential impacts on the existing vegetation and watercourse.***
- 2 That Council advise those Government Authorities who made a submission of its decision.**
- 3 That Council advise those who made written submissions of its decision.**

## **Background**

Development Application 135/2017 seeks consent for a transitional group home for the purposes of drug and alcohol rehabilitation including demolition of the existing structures at No. 74 Glen Road Ourimbah. The Development Application was considered, but not determined, at an Ordinary Meeting of Council on 28 May 2018. At that meeting Council resolved the following:

- 396/18 That Council defer consideration of this item to a future meeting of Council to allow for a site inspection.*

In accordance with the resolution of Council, a site inspection was held onsite on 13 June 2018 at 3pm. The meeting concluded at 4.30pm. The following Councillors were in attendance:

**2.3 DA/135/2017 - Transitional Group Home for the purposes of Drug and Alcohol Rehabilitation including Demolition of Existing Structures - Supplementary Report (contd)**

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<i>In Attendance:</i>
<i>Mayor Smith and Councillors Holstein, Burke, Hogan, Mehrrens, Pilon, Sundstrom and McLachlan</i>

Also present at the site inspection were:

- Approximately 20 residents, however not all residents attended the site inspection, several gathered in front of the property on the road verge.
- Council staff –
  - Brian Glendenning, Acting CEO (at the time of the site inspection);
  - Scott Cox, Director Environment and Planning;
  - Julie Vaughan, Director Connected Communities;
  - Jamie Loader, Acting Manager Development Assessment
  - Tracy Sharp, Senior Development Planner
- The applicant and owner - Dr Shashi Kalava
- The applicant's consultant - Adam Crampton, ADW Johnson.

The meeting commenced with the Councillors asking the applicant and his consultant questions in relation to the proposed development, of which the questions and responses are provided below:

Councillor Comment/ Question

- *The western and eastern elevations indicate balconies and setback buffer distances which will impact upon the privacy of the adjoining residents.*

Consultant/Owner Response

The balconies are located off the bedrooms on the western and eastern elevations. The dwelling at no. 76 is setback 30m from the proposed development with a horse arena between them. The dwelling at no. 72 is setback 25m further to the north of the proposed development.

Councillor Comment/ Question

- *Is there a smoking policy?*

Consultant/Owner Response

There will be no smoking on site. In addition there will be no drugs or alcohol onsite at any time.

**2.3 DA/135/2017 - Transitional Group Home for the purposes of Drug and Alcohol Rehabilitation including Demolition of Existing Structures - Supplementary Report (contd)**

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Councillor Comment/Question

- *Is landscaping located in the front and sides boundaries? Only a small area is provided on the western side due to the driveway.*

Consultant/ Owner Response

The proposed landscaping was explained including details (natives, bushfire prone) and heights (up to 3m).

Councillor Comment/Question

- *The plans do not show details of the location of the creek.*

Consultant/ Owner Response

The location of the creek is indicated on the survey plan.

Councillor Comment/Question

- *What is the buffer distance (from the onsite sewage management (OSSM) to the creek)?*

Consultant/ Owner Response

40m.

Councillor Comment/Question

- *Is there any screening on the balconies off the bedrooms?*

Consultant/Owner Response

Yes, for privacy.

Councillor Comment/Question

- *If approved what is the proposed construction time for the development?*

**2.3 DA/135/2017 - Transitional Group Home for the purposes of Drug and Alcohol Rehabilitation including Demolition of Existing Structures - Supplementary Report (contd)**

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Consultant/ Owner Response

Approximately nine months.

Councillor Comment/Question

- *Why was this location proposed for the development, why not further away from the neighbours?*

Consultant/ Owner Response

The subject site is constrained being an odd shape, limited cleared area, a creek and dense vegetation. The development is located the minimum distance from the creek. The development provides a frontage appropriate to a rural setting. The site has bushfire issues and the development site is restricted by the required asset protection zone (APZ).

Councillor Comment/Question

- *The development is less intrusive to No. 72 as their living areas are located on the northern side of the existing dwelling.*

Consultant/Owner Response

It is a combination of No. 72 having their living areas at the rear of their dwelling being on the northern side and the development's balconies being located off the bedrooms.

Councillor Comment/Question

- *What parking is provided on the site?*

Consultant/Owner Response

The majority of parking is located underneath the building. There are 10 parking spaces including one disabled space. Participants do not have their own cars onsite. During visitation days, being Sunday, visitors will park onsite in the parking spaces. The visitors will be onsite for an hour between 10am-2pm. There is less staff onsite on the weekends. The plan of management addresses parking especially during visitation days.

## **2.3 DA/135/2017 - Transitional Group Home for the purposes of Drug and Alcohol Rehabilitation including Demolition of Existing Structures - Supplementary Report (contd)**

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### Councillor Comment/Question

- *Is this your first DA for this type of facility?*

### Consultant/Owner Response

First DA of any type.

### Councillor Comment/Question

- *Will you be managers and what is the number of participant's onsite?*

### Consultant/Owner Response

There will be a maximum of 14 participants but expect 10. On week days there will be up to four staff and on the weekends there will be a minimum of one.

### Councillor Comment/Question

- *How is the development to address participants wandering off from the site?*

### Consultant/Owner Response

Participants are bound by conditions to stay onsite. There will be outings/community days which will be supervised off-site.

### Councillor Comment/Question

- *Will this be an open or gated facility?*

### Consultant/Owner Response

The facility is open with the participants attending on a voluntary basis. The participants will stay for 6-12 weeks. The participants will not have their vehicles onsite and will be dropped off by friends/family. The participants will undergo a referral process from a GP and will have undergone a detoxification program. Currently there is a 3-4 week delay to get into an existing facility after detoxification.

## **2.3 DA/135/2017 - Transitional Group Home for the purposes of Drug and Alcohol Rehabilitation including Demolition of Existing Structures - Supplementary Report (contd)**

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### Councillor Comment/Question

- *Has the rural fire service (RFS) assessed the development as being residential?*

### Consultant/Owner Response

The development has been deemed to be a residential development under the RFS requirements. There are different ways for bushfire prone development to be assessed. For special fire protection purpose development, the nature of the residents requires more time to get off-site in the event of a bushfire. RFS have repeatedly accepted people with addictions and have been through detoxification are able to assist in getting off-site in the event of a bushfire. In addition, there are staff and a vehicle onsite to assist in getting the participants off-site in the event of a bushfire. With all this information the RFS determined that the participants are not disabled and the development is not classified as special fire protection purpose development.

### Councillor Comment/Question

- *What is the maximum number of participants onsite?*

### Consultant/Owner Response

14 participants and 4 staff.

### Councillor Comment/Question

- *Is the onsite waste disposal system adequate for the site?*

### Consultant/Owner Response

All meals are being prepared by a commercial kitchen off-site and laundry is being undertaken off-site. However there is a kitchen and laundry onsite. The water usage volume has been decreased and therefore, the available area of OSSM reduced.

### Councillor Comment/Question

- *Will the development increase the traffic on Glen Road?*

## **2.3 DA/135/2017 - Transitional Group Home for the purposes of Drug and Alcohol Rehabilitation including Demolition of Existing Structures - Supplementary Report (contd)**

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### Consultant/Owner Response

The traffic will include staff, participants being dropped off and picked up, food deliveries three times per week and one laundry delivery per week.

### Councillor Comment/Question

- *What is the rationale for the development? Rural residential area, isolated, amenity, size or cost?*

### Consultant/Owner Response

The natural environment helps the recovery and this was the foundation for choosing this site.

### Councillor Comment/Question

- *Who will use the facility, is it private?*

### Consultant/Owner Response

Anyone can use the facility, including professional people. Addiction affects 1 in 8 people. There is currently a four week wait in NSW to get into a facility after detoxification. There is an increase of 8/10 people per year with an addition. The participants are attending the facility on a voluntary basis.

- *With addictions there are normally other issues such as dual diagnosis.*

### Consultant/Owner Response

Dual diagnosis includes anxiety and depression in varying degrees. If mild they will be accepted into the program. The facility has the discretion on who is accepted into the facility. The participants are interviewed off-site to determine if successfully detoxified. Participants must undergo regular breath and urine tests.

- *How is the development to address anti-social behaviour?*

### Consultant/Owner Response

The development will include CCTV and backup security.

## 2.3 DA/135/2017 - Transitional Group Home for the purposes of Drug and Alcohol Rehabilitation including Demolition of Existing Structures - Supplementary Report (contd)

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- *Will the owners be onsite?*

### Consultant/Owner Response

The owners will be overseeing the development and will be onsite 1-2 times per week.

- *What is your wife's experience?*

### Consultant/Owner Response

She has been in the psychiatric field for approximately nine years.

- *Will people with criminal charges be able to attend the facility?*

### Consultant/Owner Response

People with criminal charges will not be able to attend the facility.

- *There will not be MERIT participants?*

### Consultant/Owner Response

Correct. There are other facilities such as Dooralong that cater for court programs. This facility is not set up for it.

- *What are your roles and if there are issues with the facility will this put your profession in jeopardy?*

### Consultant/Owner Response

These facilities are regulated heavily and the owners are registered health professionals.

- *If the residents have issues with the facility, what can be done to ensure compliance?*

### Council Staff Response

Mr Cox indicated that there will be a plan of management and any breach will be an enforcement issue for Council. The qualifications of the staff will be a medical governance issue. If there are anti-social issues, this is a matter for the police.



## 2.3 DA/135/2017 - Transitional Group Home for the purposes of Drug and Alcohol Rehabilitation including Demolition of Existing Structures - Supplementary Report (contd)

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- *How much anti-social behaviour will result in the loss of the consent?*

### Council Staff Response

Mr Cox indicated that they cannot lose their consent. You can include a condition for a time limited consent, however, I would not recommend it for this type of development consent.

- *Will it be like an air B&B in terms of anti-social behaviour?*

### Consultant/Owner Response

Accidents and crime are quiet often undertaken when affected by alcohol and/or drugs. This situation is not getting any better. There will be no alcohol or drugs onsite.

- *Will there be daily drug and alcohol tests?*

### Consultant/Owner Response

There will be random drug and alcohol tests. The participants will sign a contract that in the event they fail a drug or alcohol test they will be escorted from the facility and out of the program.

At this site inspection three speakers, Greg Roberts, Gary Chestnut and Alan Meeks addressed the Councillors and raised the following issues:

- Bushfire
- Onsite sewage management system
- Variations to setbacks and impacts upon adjoining owners
- Non-compliance with group home definition
- Floor space
- Character
- Power loss

After the Councillor site inspection the applicant was given the opportunity to provide a written response to Council on the matters raised by the speakers. The applicant's response to those issues is provided below:

### • **Bushfire**

*The development is a special fire protection purpose (SFPP) and classified as integrated development under s. 100B of the Rural Fires Act 1997 (RF Act) not residential development and assessed under the provisions of s. 79BA (now s. 4.14) of the Environmental Planning and Assessment Act 1979 (EP&A Act).*

**Consultants Comment**

*Following discussions with the Rural Fire Service (RFS), an alternate solution has been arrived at, based on further consideration of the aims of the Special Fire Protection Purpose (SFPP) designation under Planning for Bushfire Protection (PBP) and the specific definitions under the relevant Instruments as outlined within this submission.*

*Under the provisions of PBP, "group homes" are included within the definition of a SFPP. By way of definition of a "group home", PBP refers to the (now repealed) SEPP 9 - Group Homes.*

*Within SEPP 9, "transitional group homes" are defined as providing accommodation to "disabled persons, or socially disadvantaged persons". The SEPP then goes on to separately define the concepts of "disabled", and "socially disadvantaged", with the relevant definition for this proposal being "socially disadvantaged". The definition for this category under the SEPP is:*

- (i) persons disadvantaged for reasons of alcohol or other drug dependence, extreme poverty, psychological disorder, delinquency or other disadvantage, and*
- (ii) persons who, for reasons of domestic violence or upheaval, require protection.*

*This is distinct from the definition of "disabled", which speaks to "physical, mental or sensory impairment".*

*The proponent, being a Psychiatrist sub-specialising in Addiction Psychiatry, has provided written confirmation to the RFS as to the mental and physical state of the people who will be living on the site. This letter confirms that the residents will not be mentally or physically impaired. This distinction is key to the alternate solution proposed, as outlined below.*

*Under the provisions of PBP, SFPP facilities are designated as such, due to the occupants being "more vulnerable to bushfire attack", due to a number of factors. Accordingly, the intention of the specific provisions relating to such developments is to reduce the radiant heat levels at the building to allow firefighters more time to provide assistance to the occupants, who "are more likely to be adversely affected by smoke or heat while being evacuated", and who "may not be able to assist in property protection".*

*As outlined within the proponent's correspondence to the RFS detailing the condition of the residents, it is clear that these residents will be physically and mentally able to not only assist in property protection, but they will also not require any level of assistance beyond that of the general population in the event of an evacuation. In addition, there will be staff onsite 24 hours a day, and sufficient vehicles to enable an orderly evacuation if required. Accordingly, there is no need to provide the additional requirements inherent for a proposal which accommodates persons with mental or physical impairments, the elderly, or small children.*

## 2.3 DA/135/2017 - Transitional Group Home for the purposes of Drug and Alcohol Rehabilitation including Demolition of Existing Structures - Supplementary Report (contd)

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*Following on from the above points, it is also highlighted that the residents of the facility will be living onsite for a period exceeding six (6) weeks, which is the RFS adopted minimum time for persons to be classed as "long term residents" as opposed to "short term".*

*It has therefore been agreed with the RFS that the proposal is able to be assessed as "residential development", requiring an assessment under s. 79BA of the EP&A Act, rather than requiring an integrated referral and issue of a bushfire safety authority (BSA).*

### **Council Staff Comment**

The development application was lodged as an integrated development under s. 91 (now s. 4.46) of the EP&A Act as the subject land was identified as being bushfire prone land and the application was referred to the NSW RFS accordingly.

After a request for additional information from the RFS the applicant contended that the proposed development was not integrated development given that the RF Act refers to repealed State Environmental Planning Policy No 9 – Group Homes (*Group Homes SEPP*) and not the current *State Environmental Planning Policy* (Affordable Rental Housing) 2009 (SEPP ARH).

The RFS agreed with the argument put forward by the applicant and have deemed that the participants of the proposed transitional group home are not classified as 'vulnerable' as they:

- have undergone a detoxification program prior to entering the facility;
- will be made aware of the emergency procedures in the event of a bushfire as part of their induction when they enter the facility;
- will be residing onsite for a minimum of six weeks and they will be familiar with the site and building to evacuate safely in an emergency situation.

As such, the RFS assessed the proposed development in accordance with s. 79BA (now s. 4.14) of the EP&A Act and the relevant provisions of PBP. This assessment considered the amended bushfire report prepared by Australian Bushfire Protection Planners Pty Ltd dated 19/06/2017.

Recommended conditions of consent were provided by RFS for inclusion on any development consent.

- **Landscaping in a bushfire prone area**

*The proposed landscaping is continuous vertical and horizontal vegetative screening within an APZ and does not comply with the RFS requirements.*

**Consultant's comment**

*The landscaping adjacent to no. 72 is located outside the APZ and the majority of landscaping adjacent to no. 76 is located outside of the APZ. The landscape plans indicate that the plants and their proposed locations have been designed to comply with the NSW Rural Fire Services plant species list for fire prone areas, NSW Councils flora and fauna report and Ourimbah Creek Landcare.*

*Graham Swain from Australian Bushfire Protection Planners Pty Limited has reviewed the proposed layout and the recommended planting types and confirms that the proposed landscaping creates gardens which will be maintained and contain plants that are not readily susceptible to ignition by a bushfire and do not promulgate the transfer of fire. He is therefore satisfied that the proposed landscaping satisfies the requirements of an asset protection zone.*

**Council Staff Comment**

The species indicated on the landscaping plan for the development are considered suitable in bushfire prone areas. The landscaping proposed at the front of the subject site is located away from the bushfire threat and the majority of vegetation located on the boundaries of no. 72 and 76 Glen Road is also located away from the bushfire threat.

The bushfire assessment report prepared by Australian Bushfire Protection Planners Pty Ltd dated 19/06/2017 has recommended that there be regular maintenance of the landscaping to maintain the Asset Protection Zone (APZ) between the building and riparian corridor.

• **RFS Access Track**

*There is a discrepancy between the wastewater management report and the bushfire report in terms of the RFS access track.*

**Consultant's comments**

*The access track indicated within the bushfire assessment report was indicative only with the primary aim being to demonstrate that sufficient area is available for safe access and egress by RFS personnel in the event of a bushfire.*

**Council Staff Comment**

Due to the discrepancy between the wastewater assessment and the bushfire assessment report in terms of the location of the proposed RFS access track, turning templates were placed over the development plans to demonstrate that there is adequate area for manoeuvrability between the rear of the building and the proposed onsite sewage management system to comply with the provisions of Section 4.1.3(2) of PBP which requires safe access to/from the public road system to the dwelling for fire fighters providing property

protection during a bushfire and for occupants faced with evacuation. This access track is not a designated RFS access track but access to the rear of the property should the RFS require access to protect the dwelling in a bushfire event.

- **Variations to setbacks and impact upon adjoining properties**

*The proposed development is considered to have inadequate setbacks to the adjoining development resulting in impacts of privacy from the height of the building and location of balconies as well as inadequate landscaping.*

**Consultant's comments**

**No. 72 Glen Road**

*We are firmly of the opinion that the proposal does not impact upon the privacy of the occupants of 72 Glen Road. 72 Glen Road is set well back from the Glen Road frontage, so far in fact that the closest point of that dwelling to Glen Road is still further back than the furthest point of the proposal from Glen Road, meaning that the driveway of 72 Glen Road extends down beyond the proposal. In addition, 72 Glen Road has been sited so that the living areas and balcony have a north easterly aspect (facing away from the subject site) so that the rear of 72 Glen Road presents to the proposal.*

*The balconies in question are along the eastern side of the proposal, come off private bedrooms as opposed to coming off communal areas, have privacy screens included, present to the driveway only, and when measured from the 72 Glen Road dwelling, greatly exceed the distances which would result from a fully compliant setback design.*

*The landscaping has been designed specifically with the aim of providing further screening to 72 Glen Road. We note objections raised regarding RFS restrictions around landscaping, however point out that the RFS have provided support to the proposal. Additionally the landscaping along that boundary is separated from the main fire risk, which is on the opposite side of the proposed building. Further, we also note the extent of landscaping existing along the relevant boundary within 72 Glen Road.*

**No. 76 Glen Road**

*The proposal is separated from the dwelling on 76 Glen Road by the horse arena on that site (which has a zero boundary setback) and another outbuilding, the majority of the proposal actually greatly exceeds the minimum DCP setback, the balconies within the minor portion of the building which encroach are off private bedrooms as opposed to communal areas, we have demonstrated previously several other boundary setbacks within the locality which exceed that proposed with the current proposal, with an aerial photo demonstrating this being included.*

**Council Staff Comment**

The subject site is an irregular shaped allotment with a 12m frontage to Glen Road; a cleared area located at the top of the site adjacent to Glen Road; with the site falling from Glen Road towards Dog Trap Gully; with the majority of the site densely vegetated; and with a restricted development area due to the required 35m APZ.

The development does not comply with the required side setback adjacent to no. 72 Glen Road. However, the dwelling at this address is located 25m north from the closest corner of the development and there is landscaping (existing and proposed) and a driveway between them.

Only a small portion of the development does not comply with the required side setback adjacent to no. 76 Glen Road. However, the proposed development is separated from the dwelling at no. 76 Glen Road by 30m and a horse arena and outbuilding is located between the two dwellings. In addition, landscaping will be planted along the boundary.

The proposed balconies located off the bedrooms on the eastern and western elevations of the development have incorporated timber louvered screens for a minimum of two thirds of the width of the balconies to increase privacy and minimise overlooking. As the balconies are located adjacent to the bedrooms they are utilised for only short periods due to the various programs and activities the participants have to undertake during their rehabilitation.

Although the proposed development does not comply with the required side setbacks, the location of the adjoining dwellings, as well as outbuildings and existing and proposed landscaping, provides adequate separation to minimise the perceived impact of privacy and overlooking. As such, the variation is considered reasonable and warranted in this instance.

- **Artist's impression**

*An artist's impression of the development was submitted from the perspective of potential impact upon the residents of no. 72 Glen Rd.*



Indicative view from the veranda of adjoining property, 72 Glen Road, and the existing view (inset).

#### **Consultant's Comments**

*We would question the accuracy of any such image, given that it will not have been prepared using CAD files for the proposal, which are also linked to accurate survey data for the site. Accordingly the image simply has the building sitting on the natural ground levels, with no consideration of any cut/fill to be carried out. We also note that this image has been prepared showing the proposal when viewed from no. 72 Glen Road, however as previously pointed out, this would be a view from the rear of that dwelling, as the main living areas and balcony face away from the proposal.*

#### **Council Staff Comments**

No details were provided with the artist's impression to indicate what information was utilised to create the perspective image or who was responsible for the creation of this image. To create such an image accurately, survey data would be required as well as the appropriate CAD program. The accuracy of this perspective is questionable and is not considered to provide a true representation of the proposed development.

- **Group Home definition**

*The proposed development does not comply with the definition of transitional group home which the Court has determined that a transitional group home must contain both a kitchen and a laundry that operate in the context of a single transitional household.*

**Consultant's submission**

*There is simply no legal dilemma in relation to the definition of the proposal. ADW Johnson has been involved in several L&E Court actions relating to this matter, where it had been found that proposals similar to this one are correctly defined as transitional group homes. We would like to point out that laundry and kitchen facilities are proposed with the building.*

**Council Staff Comment**

There are multiple Land and Environment Court decisions on the definition of a transitional group home for the purpose of drug and alcohol rehabilitation, including what is required and considered acceptable for these types of development.

In the decision of Association for Better Living and Education Inc. v Wyong Shire Council (No.2) [2014] NSWLEC 1239, Commissioner Dixon considered the characteristics of a transitional group home. In applying the principles set down in McCauley v Northern Region Joint Regional Planning Panel [2013] NSWLEC 125 (McCauley), the Commissioner formed the view that the essential characteristics identified by reference to the definition of "transitional group home" had been established. At paragraph 66 she commented as follows:

*"66. In their totality, the suites of rooms proposed in this development contain facilities expected to be found within a dwelling: McCauley at [72] and [77]. Furthermore, the residents and carers will live together as inhabitants of a single household and as a single unit. They will share community of interest in seeking rehabilitation from drugs and alcohol, therapy sessions and supervised group activities, group recreation (Exhibit B pp. 258-263). There are communal living and dining rooms, kitchens and laundry facilities. Relevantly, the design elements discussed in Haddad at [53 (a)], [53 (b)], [53(c)] and [53 (d)] said to indicate that the development is not a single household are absent in this case. There are no individual kitchens in bedrooms where a meal could be cooked and the occupants will be encouraged to share in chores and be involved in domestic activities as part of their rehabilitation."*

The proposed development is considered to contain those essential characteristics detailed above. Accordingly, the proper characterisation of the proposed development as a transitional group home is further supported by Justice Craig in the decision of McCauley in paragraph 88 as follows:

*"88. Moreover, it is implicit in the definition of "transitional group home" that the facility will have an "institutional" aspect to it. This follows from the fact that clients will not be related and that their entitlement to reside in the facility is dependent upon them having social or physical characteristics that separate them from the norms of society. Inevitably, the provision of facilities necessary to enable those clients to operate as a "single household" may logically cause some of the home facilities, such as kitchens and lounge areas, to differ from those that might be expected in a traditional family house. "*



## **2.3 DA/135/2017 - Transitional Group Home for the purposes of Drug and Alcohol Rehabilitation including Demolition of Existing Structures - Supplementary Report (contd)**

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Council staff sought internal legal advice as to whether they concurred with the characterization of the proposed development as a 'transitional group home' within the meaning of the definition contained within *Wyong Local Environmental Plan 2013* (WLEP 2013). The legal advice confirmed that the proposed development is properly characterized as a transitional group home.

- **Floor space**

*The proposed development has a floor space of 1,200m<sup>2</sup> or 4.2 times bigger than dwellings in Glen Road.*

### **Consultants comments**

*We would point out that the claim of the proposal being 4.2 times larger than dwellings in Glen Road is unsubstantiated. Separate to that observation, we consider that the question of scale has been thoroughly addressed by the proponents and by Council. The proponents worked closely with Council staff to ensure a "large lot residential character" for the proposal, with the aim being to not have the building stand out, or appear as anything other than a dwelling - particularly when viewed from the road. As outlined in Councils report, the proposed building is between 25 and 30m from the nearest buildings, with 72 Glen Road facing away from the proposal. And 76 Glen Road separated by a horse arena (on the boundary) and another outbuilding.*

### **Council Staff Comments**

Under the WLEP 2013 gross floor area is defined as follows:

the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes:
- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement:
  - (i) storage, and
  - (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and

- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.

In accordance with the above definition, the gross floor area of the proposed development has been calculated as being 799m<sup>2</sup> not 1,200m<sup>2</sup> as stated by the speaker.

A review of the plans for several dwellings adjacent and in proximity to the proposed development reveals that the average gross floor area is 230m<sup>2</sup>. However, the proposed development footprint is similar to a number of existing large dwellings in Glen Road.

- **Character**

*The proposed development is not in character with the existing development in Glen Road.*

**Council Staff Comment**

The proposed development will present as two storey to Glen Road and three storeys at the rear. The existing development that is in proximity to the proposed development comprises rural residential development in a rural setting with the majority of allotments containing large dwellings with large sheds.

For a development to be compatible with existing development, the proposal does not have to be the same as the predominant form which creates the character of the local area, but should respond to desirable elements. An important contributor to the character of a local area is the relationship of built form on surrounding space. This relationship is created by building height, setbacks and landscaping. It was stated in *Project Venture v Pittwater Council* that the "buildings do not have to be the same height to be compatible" (*Project Venture v Pittwater Council* [2005][27]). The existing height in the streetscape is a mixture of single, two and three storey dwellings. The proposed development has attempted to fit within the existing rural residential character of adjoining surrounding sites. This has been achieved by presenting as a two storey dwelling to Glen Road as well as including design features such as awnings, facade articulation, balconies with louvered screens, and different materials and colours in the elevations to reduce bulk and create visual interest in addition to the provision of landscaping around the building.

The visual catchment of Glen Road is made up of dwellings located within cleared areas towards the front of the allotments with dense vegetation located on steep slopes and within the gullies and creek lines.

To maintain the importance of this visual character, the proposed development is located within the existing cleared area to minimise the removal and impact on the existing vegetation as well as maintaining the scenic backdrop towards the existing vegetation located behind the proposed development.

The issue of compatibility was reviewed under the relevant planning principles set down in *Project Venture Developments v Pittwater Council* [2005] NSWLEC 191. These planning principles evolved through establishing the compatibility of a proposal in an existing environment and can be applied in this instance. The most suitable meaning of compatibility in an existing developed area is "*capable of existing together in harmony*". It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve.

It is considered that the proposed development is compatible with the character of the surrounding area and the proposed building is capable of existing in harmony with existing development for the following reasons:

- the building presents as two storey from Glen Road incorporating landscaping within the front setback which is at a scale commensurate with other dwellings in the area;
  - the building is located within the existing cleared area to minimise vegetation loss similar to that of other development;
  - the proposed development incorporates design elements such as louvered screens on the balconies of the bedrooms and architectural treatment on the facades to provide visual interest and diminish the apparent height and length of the walls whilst providing a domestic element to the proposed building; and
  - the proposed setback from neighbouring development maintains the amenity of adjoining development with regard to overshadowing, privacy and overlooking and is similar to other setbacks in the area.
- 
- **Power loss**

*The issue of power loss has been raised as a regular occurrence during various weather events.*

#### **Consultant's comments**

*The site is serviced by electricity, the same as all adjoining properties and in the event of power outages, will respond the same as those properties. It is proposed however to have a backup generator onsite.*

#### **Council Staff Comments**

The development proposes a backup generator onsite to address the issue of power loss.

- **Onsite sewage management system**

*The proposed onsite sewage management system has not been designed in accordance with the Environment and Health Protection Guidelines – Onsite Sewage Management for Single Households and the proposed system will impact upon the vegetation and watercourse in Dog Trap Gully and require removal of vegetation under the Biodiversity Conservation Act 2016.*

**Consultant's comments**

*The Wastewater Management Plan (Feb 6<sup>th</sup> 2017) prepared in support of the application nominates 14 residents and a maximum of 6 staff/others onsite, and accordingly has designed the system to cater for a design occupancy load of 20 people. We do not know how this could have been misread by anyone. The design details for the system are fully outlined within the Wastewater Management Plan submitted with the DA. I refer to page 40 of that document which contains the relevant plan, showing not only the location of the system, but also the location in respect of adjoining developments.*

*As to the question of the appropriateness of the system and the alternate areas nominated, it is pointed out that the design was carried out by a qualified Environmental Scientist and Geoscientist, who undertook full soil analyses to inform the selection of the most appropriate treatment system. Copies of these analyses were provided as appendices to the report. It is also that the current system onsite is simply a primary treatment tank with surface disposal across the lower portions of the site. The design has been carried out in accordance with Environmental Health Protection Guidelines (DLG 1998) and AS/NZS 1547:2000 (SAI & NZS 2012).*

*The comment in relation to the 40m setback from the creek is noted, however we wish to point out that the claim that this is the minimum setback from a water course for flat land is incorrect. As stated in the Wastewater Management Plan, numerous types of systems were proposed, with the system selected being deemed as suitable for the slope, soil type, and aspect of the site. Accordingly, the proposed location of the system has been deemed as appropriate. We also wish to point out that the 40m setback from the watercourse was incorporated within the design in order to not require a separate referral to the NSW Office of Water – for which earthworks within 40m of any watercourse are the trigger. Therefore, the proposed system could potentially be sited less than the proposed 40m.*

*The contents of condition 2.10 are noted, and no objection has been raised to this requirement. The RFS access track is easily adjusted to allow for this.*

*The comments relating to (unsubstantiated) requirements for Gosford Council setbacks are noted, however are not relevant.*

**Council Staff Comment**

The wastewater management report no. 17010-B, dated 6 February 2017, prepared by Larry Cook Consulting Pty Ltd, is relied upon for consideration in the determination of the application. This report proposes an onsite waste disposal method comprising the installation of a domestic aerated wastewater treatment system with raised pressure-dosed absorption beds with an area of 170m<sup>2</sup> to cater for the hydraulic load of the development of 2,400L/day for 20 persons.

The proposed raised pressure-dosed absorption beds are setback from the intermittent watercourse and are located above the 1% AEP flood event. A secondary reserve land application area has been identified between the proposed building and the proposed raised pressure-dosed absorption beds and eastern side boundary in the case of the primary area failing. The use of AS1547:2012 Onsite domestic wastewater management and the Health Protection Guidelines – Onsite Sewage Management for Single Households guidelines is commonly accepted as a design basis for small scale commercial wastewater land application areas.

The applicant was given the opportunity to submit a revised wastewater management plan to address the issues raised in relation to the wastewater management plan dated 6 February 2017. The applicant submitted a revised alternate onsite sewage management system which was assessed by staff and determined to have several issues. After consideration of, and investigation into, an alternate onsite sewage management system, the applicant has requested that the application be determined having regard for the onsite sewage management system proposed in the report dated 6 February 2017.

A development application that proposes to utilise an onsite sewage management system only needs to provide high level information that the system will work, specific details are provided with the Section 68 application. An assessment of the wastewater management report was undertaken during the initial assessment of the application and at the time it was considered that public concerns relating to environmental impacts could be addressed via recommended conditions of consent relating to the onsite sewage management system given more detailed design specifications would be required for Council approval in accordance with Section 68 of the *Local Government Act 1993*, prior to installation of the proposed system. However, following further concerns raised by the public, a more comprehensive assessment was carried out, including a site inspection, soil sample analysis and peer review by a staff member with extensive experience and qualifications in the assessment and design of onsite sewage management systems. This review revealed a number of issues and concerns that are unable to be addressed under the previous recommended conditions of consent, which now subsequently form the reasons for refusal.

The concerns relating to the proposed onsite sewage management system area as indicated within the wastewater management report no. 17010-B, dated 6 February 2017, prepared by Larry Cook Consulting Pty Ltd are as follows:

- the soils and slope of the site provide major constraints for effluent management.
- this report identifies the soil type as sandy loam in the wastewater report, which was inconsistent with the limiting soils identified by Council's staff which were identified as light clay.
- light clay soils has a design loading rate of 8mm/day for beds, the design provided in the wastewater report allowed up to 14mm/day to the beds which significantly exceeds the soils capacity to absorb the effluent and would result in system failure.
- the site soils identified by staff during a site inspection provide significant constraints for the design of a land application area and require a significantly larger area for effluent management than proposed in the wastewater report.
- the proposed land application area is undersized and would result in effluent ponding and runoff into the nearby watercourse.
- the report provides inadequate information to conclude that the proposed effluent disposal system is satisfactory for the subject site.
- a geotechnical assessment and detailed hydraulic design have not been provided to support the construction of the proposed raised pressure-dosed absorption beds on the sloping site.
- The construction of the raised beds would require importation of approximately 700 tonnes of sandy loam soil.
- The report does not identify the extent of filling that is required to construct the beds.
- the width of the raised pressure-dosed absorption beds and fill platform with batter slopes will result in a much larger land application area than indicated in the site plan and it is considered the proposed raised beds will not fit within the available area as indicated on the site plan.
- the construction of the raised pressure-dosed absorption beds would require the importation of approximately 700 tonnes of sandy loam soil which has the potential to impact on the amenity of adjoining development.
- The report did not include a nutrient balance and fails to demonstrate that the proposed system will have no direct or indirect impacts on the watercourse and Lowland Rainforest Endangered Ecological Community (EEC).
- the report fails to provide a suitable wastewater solution for the site which meets the requirements of AS1547:2012 and best practice.
- the recommended basal area of 160m<sup>2</sup> would result in effluent being stored within the bed and possible failure of the raised pressure-dosed absorption beds for most of the year.

For the reasons above and having regard for the matters for consideration outlined in Section 4.15 of the EP&A Act, Council is unable to support the proposed development as Council is not satisfied that the site can be adequately serviced by the proposed onsite sewage management system having regard for the suitability of the subject site and impacts on adjoining properties, the watercourse and Lowland Rainforest EEC.

*Removal of Vegetation*

The *Biodiversity Conservation Act 2016* (BC Act) came into effect on 25 August 2017. However, the Central Coast Council Local Government Area was identified as being an Interim Designated Area whereby the provisions of the BC Act do not apply until 24 November 2018 and any development application lodged before this date is subject to an assessment under the *Threatened Species Conservation Act 1995* (TSC Act). The development proposes the removal of five trees, four exotics and one native, the removal of such being considered in accordance with the relevant legislation.

**Additional Written Public Submissions after Ordinary Meeting and Councillor Site Inspection**

After the Council meeting and the Councillor site inspection, six submissions were received, four of these submissions were from the same person and two submissions were from same person. All of these submissions were objecting to the proposed development. The issues raised within these submissions are summarised below:

- *The Council report refers to amended plans which were not made public.*

Council Staff Comment

The amended plans altered the front awning and reduced the height of the development however, the footprint of the development, including proposed setbacks, was not altered. As such it was considered that the plans were of a lesser impact and did not need to be re-notified. These plans were made available on Council's website on 14 June 2018.

- Make available the amended bushfire documents.

Council Staff Comment

The amended bushfire reports are available on Council's website.

- The development does not comply with the provisions of *SEPP (Affordable Rental Housing) 2009 (SEPP ARH 2009)*.

Council Staff Comment

In this instance, the applicant is proposing a transitional group home under the provisions of WLEP 2013 and not SEPP ARH 2009. A transitional group home is permissible in the E4 Environmental Living zone under WLEP 2013 and the application has been assessed accordingly.

## **2.3 DA/135/2017 - Transitional Group Home for the purposes of Drug and Alcohol Rehabilitation including Demolition of Existing Structures - Supplementary Report (contd)**

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A transitional group home proposed under the provisions of the WLEP 2013 needs to comply with the provisions of the definition of a transitional group home as defined under the WLEP 2013 and other relevant clauses contained within the instrument, the relevant chapters of WDCP 2013 and the matters for consideration a consent authority must take into account in accordance with the provisions of clause 46 of SEPP ARH 2009.

If the application had been lodged in accordance with SEPP ARH 2009, the applicant would need to have regard for all the requirements set out in clauses 42 and 43.

Additionally, Council must consider the provisions of clause 46 of SEPP ARH 2009 in relation to the assessment of the community need for the group home. An assessment of the community need for the proposed transitional group home has been undertaken within the SIA provided by Aigis Group which established that there is a community need for drug and alcohol rehabilitation facilities to address the prevalent issues within our society and benefit the participants (address their addiction and improve social and personal functioning) and other people associated with them including family, friends and employers.

There are a limited number of facilities in the area and the prospect of increasing population growth indicates that there will be ongoing demand for such services. Also, the SIA indicates that the proposal will have a beneficial socio-economic impact on the community. Council supports this analysis and considers there is a community need for such a facility.

- *The development does not comply with the definition of transitional group home as considered by the Land and Environment Court by containing a kitchen and laundry and operate in the context of a single traditional household.*

### Council Staff Comment

This matter has been addressed previously in the report.

- *The development is a Special Fire Protection Purpose development and classified as integrated development under the RF Act not residential development.*

### Council Staff Comment

As addressed previously in the report, the RFS concurs with the interpretation of the legislation as proved by the applicant and has agreed to assess the proposed development in accordance with the provisions of former s.79BA of the EP&A Act and have issued recommended conditions accordingly.

- *The proposed onsite disposal of effluent is not in accordance with the Environmental Health Protection Guidelines and AS/NZ 1547:2000 for onsite domestic-wastewater management.*



## **2.3 DA/135/2017 - Transitional Group Home for the purposes of Drug and Alcohol Rehabilitation including Demolition of Existing Structures - Supplementary Report (contd)**

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### Council Staff Comment

This matter has been addressed previously in the report.

- *Increased buffer distance required between the onsite effluent disposal system and the Lowland Rainforest EEC in Dog Trap Gully.*

### Council Staff Comment

The onsite sewage management system is located 40m from the watercourse however, concern is raised regarding the soil type and the stability of the land application area once constructed, which has the potential to extend into this riparian zone and impact upon the Lowland Rainforest EEC and watercourse.

- *The building is not consistent with the requirement of section 2.1(d) of Chapter 2.1 of WDCP 2013.*

### Council Staff Comment

Section 2.1(d) relates to the maximum height of outbuildings and detached ancillary development. The development does not propose any outbuildings or detached ancillary development.

- *The building is 4.2 times greater in bulk and scale compared to adjoining development.*

### Council Staff Comment

This matter has been addressed previously in the report.

- *The development impacts upon the privacy of No. 72 Glen Road.*

### Council Staff Comment

This matter has been addressed previously in the report.

- *The proposed landscaping does not comply with bushfire requirements.*

### Council Staff Comment

This matter has been addressed previously in the report.

- *The noise generated from the proposed facility is not the same as the adjoining residential dwellings.*

## 2.3 DA/135/2017 - Transitional Group Home for the purposes of Drug and Alcohol Rehabilitation including Demolition of Existing Structures - Supplementary Report (contd)

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### Council Staff Comment

There is no evidence to suggest that the proposed facility would generate noise over and above noise which would usually be generated by any other dwelling. The information provided as part of the application refers to organized group sessions (indoors), off-site excursions, and restrictions on the use of outdoor areas, including the pool. It is considered that participants would spend a lot of time by themselves in individual reflection and any socializing that occurs onsite between participants would not create any impact on the amenity of adjoining properties.

- *Condition 8.10 refers to 'boarding house' not transitional group home.*

### Council Staff Comment

This was a typographical error which should have read 'transitional group home'. Development consent is not recommended by staff. Should Council approved this development application, the typographical error will be corrected.

- *There is no ongoing condition to implement the revised plan of management to operate the facility.*

### Council Staff Comment

If the application was approved, Council would ensure that an ongoing condition of consent referred to the implementation of, and adherence to, the revised plan of management that would be submitted to and approved by Council prior to the issue of the Occupation Certificate.

- *There is a conflict between the bushfire assessment report and the onsite effluent management plan in terms of access for RFS trucks. Compliance would mean amendment to the wastewater land application area and impact upon the watercourse.*

### Council Staff Comment

This matter has been addressed previously in the report.

- *There is no alternative street parking immediately adjacent to the proposed facility. Glen Road does not have footpaths and any overflow parking will impact upon the safety of pedestrians.*

Council Staff Comment

There are no specific parking requirements for group homes. Taking into consideration the staff numbers, admission/departure days, visitors and deliveries, it is considered that the provision of 10 parking spaces onsite is adequate for the proposed development to ensure all parking is onsite. It should be noted that the participants are not permitted to bring their own vehicle to the facility.

It is considered that there will be minimal impact upon the safety of pedestrians.

- *A large number of vehicles use Glen Road and Alan Street.*

Council Staff Comment

The number of vehicles generated by the proposed development is considered reasonable and the local road network has the capacity to cater for existing local traffic and any traffic generated by the proposed development.

- *Part of Glen Road is only single lane and there are concerns in relation to road safety.*

Council Staff Comment

There will be a slight increase in traffic during the construction phase of the development however, construction traffic for this development will be similar to that of the construction of any other dwelling, including deliveries and construction personnel.

In relation to the operation of the facility, the majority of vehicular movements to the site will be when staff are arriving or leaving in the morning or afternoon. It is considered that a conflict between opposing movements is highly unlikely due to the proposed staff numbers and designated times for admissions, discharges and visitor hours and the nature of development of Glen Road, being rural residential.

It is considered that the vehicular movements generated by the development will have minimal impact on the road safety of users of Glen Road.

- *Inadequate qualifications of owner to run facility.*

Council Staff Comment

The qualifications of the employees onsite will be a medical governance issue and not a planning consideration under section 4.15 of the EP&A Act.

- *One staff member onsite at the weekends is inadequate.*

## 2.3 DA/135/2017 - Transitional Group Home for the purposes of Drug and Alcohol Rehabilitation including Demolition of Existing Structures - Supplementary Report (contd)

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### Council Staff Comment

The participants attending the facility have already undergone a withdrawal or detoxification program. The participants are attending the facility voluntarily and are not referred from a court-enforced program. The number of staff present on the weekends is best determined by the operator of the facility.

- *Offenders lawyers may encourage them to volunteer treated and not forced under an order and qualify to be admitted.*

### Council Staff Comment

Participants are referred by their general practitioner or specialist after they have undertaken a detoxification (withdrawal) program and evidence of such must be provided to the operator prior to admission. In addition to undertaking a withdrawal/detoxification program the participant must also satisfy the admission criteria for the facility which is discussed with the intake nurse and the addiction psychiatrist/psychologist.

- *Financial lure of keeping the facility filled is likely to result in less stringent screening.*

### Council Staff Comment

There is no evidence to support this claim.

- *The afternoon admission time leaves little time for patient to adjust to facility or properly evaluate how they will fit into facility before left with other patients and one staff member.*

### Council Staff Comment

The operation of the facility is best determined by the qualified professionals, which includes the most appropriate admission times.

- *If patients suffer a relapse while at the facility they will be a danger to staff, other patients and local residents (steal or hijack cars). Drug dealers will know how to infiltrate such facilities.*

### Council Staff Comment

The qualified professionals who are involved with the operation of the facility would consider these types of scenarios and have measures in place to deal with them.

- *Rural fencing allows patients to wander freely into dangerous areas, onto the road and into contact with neighbours.*

Council Staff Comment

The existing rural residential fencing is considered adequate and in keeping with the existing rural residential character of the environment. The participants are attending the facility on a voluntary basis and have already undertaken a detoxification program. Participants will be undertaking a range of activities within the program during the day, which are run by medical professionals. The participants are to stay onsite during the course of the program except during organised off-site excursions. It is for these reasons additional security fencing is not considered necessary.

- *The development is in a remote location a distance away from emergency services.*

Council Staff Comment

The distance from emergency services is the same as the existing development on Glen Road. As part of the emergency management plan, staff would be trained to respond effectively to various emergency situations. The emergency services are located as follows:

- NSW Rural Fire Brigade - Ourimbah Creek Road, Ourimbah
  - NSW Fire Brigade – No. 8 Craftsman Avenue Berkeley Vale
  - Police – No. 9-11 Mann Street Gosford and 10 Alison Road Wyong
  - Ambulance – No. 241 Brisbane Water Drive Point Clare and Pacific Highway Wyong
  - State Emergency Services – Gosford and Wyong
- *The application should not proceed without a written assessment from the police.*

Council Staff Comment

The application was referred to the NSW Police for comment on 12 February 2017; however no comments have been received. Under Council's Consultation Protocol with Tuggerah Lakes Local Area Command, Council may assume no objection to the proposal if NSW Police does not comment within 28 days from receipt of the application. As a matter of courtesy, Council did contact NSW Police before the original assessment report was placed on the business paper and no comment was provided, therefore Council will assume they have no objection to the proposed development.

- *The proposed development does not conform with the local character.*

Council Staff Comment

The issue of character has been addressed previously within the report

- *The proposed development is not in the public interest.*

Council Staff Comment

In relation to land use, the provision of additional social services on land where it is permissible is in the public interest. Access to a variety of rehabilitation options is also in the public interest for a growing region. In considering public interest, it is worth noting that the sole aim of the facility is to treat participants with an addiction. These addictions represent a significant ongoing social and economic cost to the community if not dealt with appropriately. This is particularly true of drug and alcohol addictions, which can cause stress not only to the person affected and their immediate circle of family and friends, but also to the wider community in general. Accordingly, it is considered that access to this type of facility is in the interest of the Central Coast community.

However, the onsite sewage management system is not considered to be in the public interest as inadequate information has been provided to determine the suitability for the site to cater for the proposed system and whether there will be potential direct and indirect impacts upon the Lowland Rainforest EEC, watercourse and adjoining properties.

**Conclusion**

The Development Application for a transitional group home for the purposes of drug and alcohol rehabilitation, including demolition of existing structures, has been assessed in accordance with s. 4.15 of the Environmental Planning and Assessment Act 1979 and all other relevant instruments and policies. Despite the merits of an additional social service being provided within the community, insufficient information has been provided to satisfy Council that the site will have adequate onsite sewage servicing having regard for the provisions of clause 7.9 of WLEP 2013 and the suitability of the site (soil type, site topography and land application area). Additionally, the proposed system has not demonstrated that there will be no adverse impacts on the amenity of the subject site and adjoining lands in accordance with the objectives of Wyong Development Control Plan Chapter 3.8 Onsite Effluent Disposal in Non Sewered Areas.

Accordingly, the application is recommended for refusal for the reasons outlined in the report and recommendation.

**Attachments**

**1** Report to Council 28 May 2018 Meeting Enclosure D13362069

**Item No:** 2.4  
**Title:** DA/1368/2017 - Proposed Dwelling House and Demolition of the existing dwelling at 21 Elizabeth Drive, Noraville  
**Department:** Environment and Planning

29 October 2018 Ordinary Council Meeting

Trim Reference: DA/1368/2017 - D13332172  
 Author: Gary Evans, Principal Health and Building Surveyor  
 Manager: Scott Rathgen, Section Manager, Central Coast Building Certification North  
 Executive: Scott Cox, Director, Environment and Planning

## Summary

An application has been received for a residential dwelling and demolition of the existing dwelling. The application has been examined having regard to the matters for consideration detailed in section 4.15 of the *Environmental Planning and Assessment Act, 1979* and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

The report is to be considered by Council as variations are proposed to the provisions of the Wyong Local Environmental Plan 2013 for both the Floor Space Ratio limit and the Building Height limit.

<b>Applicant</b>	Mr A and Mrs SNL Benvenuto
<b>Owner</b>	Mr A and Mrs SNL Benvenuto
<b>Application No</b>	DA/1368/2017
<b>Description of Land</b>	Lot 65 DP 27889, 21 Elizabeth Drive, Noraville NSW 2263
<b>Proposed Development</b>	Dwelling House (new) and demolition of the existing dwelling
<b>Site Area</b>	513 m <sup>2</sup>
<b>Zoning</b>	R2 Low Density Residential
<b>Existing Use</b>	Nil
<b>Employment Generation</b>	Nil
<b>Estimated Value</b>	\$950,000

## Recommendation

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

**Precis:**

<b>Proposed Development</b>	Dwelling house (new) and demolition of existing dwelling
<b>Permissibility and Zoning</b>	The subject site is zoned R2 Low Density Residential under <i>Wyang Local Environmental Plan 2013</i> (WLEP 2013)
<b>Relevant Legislation</b>	<p>The following planning policies and control documents are relevant to the development and were considered as part of the assessment.</p> <p><i>Environmental Planning &amp; Assessment Act 1979 - Section 4.15 (EP&amp;A Act)</i>  <i>State Environmental Planning Policy Coastal Management 2018</i>  <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i>  <i>Wyang Local Environmental Plan 2013</i>  <i>Wyang Development Control Plan 2013</i></p> <p>The application has been considered in light of the variations and is considered acceptable.</p>
<b>Current Use</b>	Residential
<b>Integrated Development</b>	No
<b>Submissions</b>	<p>Six (6) public submissions were received during the first notification period.</p> <p>Two (2) public submissions were received during the second notification period.</p>



**Variations to Plans and Policies**

Wyong Local Environmental Plan 2013

Clause	4.4(2)
Standard	Height limit of 9.5 metres.
Departure basis	The proposal seeks a maximum height of 12.081 metres at the north eastern corner of the dwelling noting that the height reduces towards the dwellings south eastern corner, consistent with the site's sloping topography. This represents a variation of 2.581 metres or 27% at the buildings north eastern corner, reducing to 0.791 metres or 8.3% at the buildings south eastern corner.

Clause	4.4(3)
Standard	Floor Space Ratio limit of 0.5:1.
Departure basis	The proposal seeks a maximum Floor Space Ratio of 0.546:1. This represents a maximum Floor Space Ratio variation of 0.046:1 or 9%.

Chapter 2.1. Dwelling Houses, Secondary Dwellings and Ancillary Structures of Wyong Development Control Plan 2013

Clause	3.1(a)
Planning Control	Primary road setback of average of adjoining dwellings.
Departure basis	The proposal seeks a primary road setback of 4.5 metres. The average setback of the adjoining dwellings being No.s 19 and 23 Elizabeth Drive is approximately 9.5 metres. However, the proposed dwelling will be in a similar setback to the existing dwelling which has a primary road setback of 5.0m.

Clause	3.1(c)
Planning Control	Side boundary setback of 2.347 metres where the building exceeds 4.5 metres in height.
Departure basis	The proposal seeks a minimum southern side boundary setback of 2.0 metres. This setback variation only applies to the rear portion of the dwelling (length of 8.5 metres) where the building exceeds 8.9 metres in height. The remainder of the building complies with the required side boundary setback as the height of the dwelling decreases with the slope of the site. This represents a maximum variation of 0.347 metres or 15%.

Clause	3.1(c)
Planning Control	Side boundary setback of 1.4 metres where the building exceeds 4.5 metres in height.
Departure basis	The proposal seeks a minimum northern side boundary setback of 1.0 metres to the external terrace only. This setback variation only applies to the rear portion of the external terrace that is located in excess of the prescriptive 4.5 metres above ground surface levels (length of 7.9 metres). The remainder of the building complies with the required side boundary setback as the height of the dwelling decreases with the slope of the site. This represents a maximum variation of 0.4 metres or 29%.

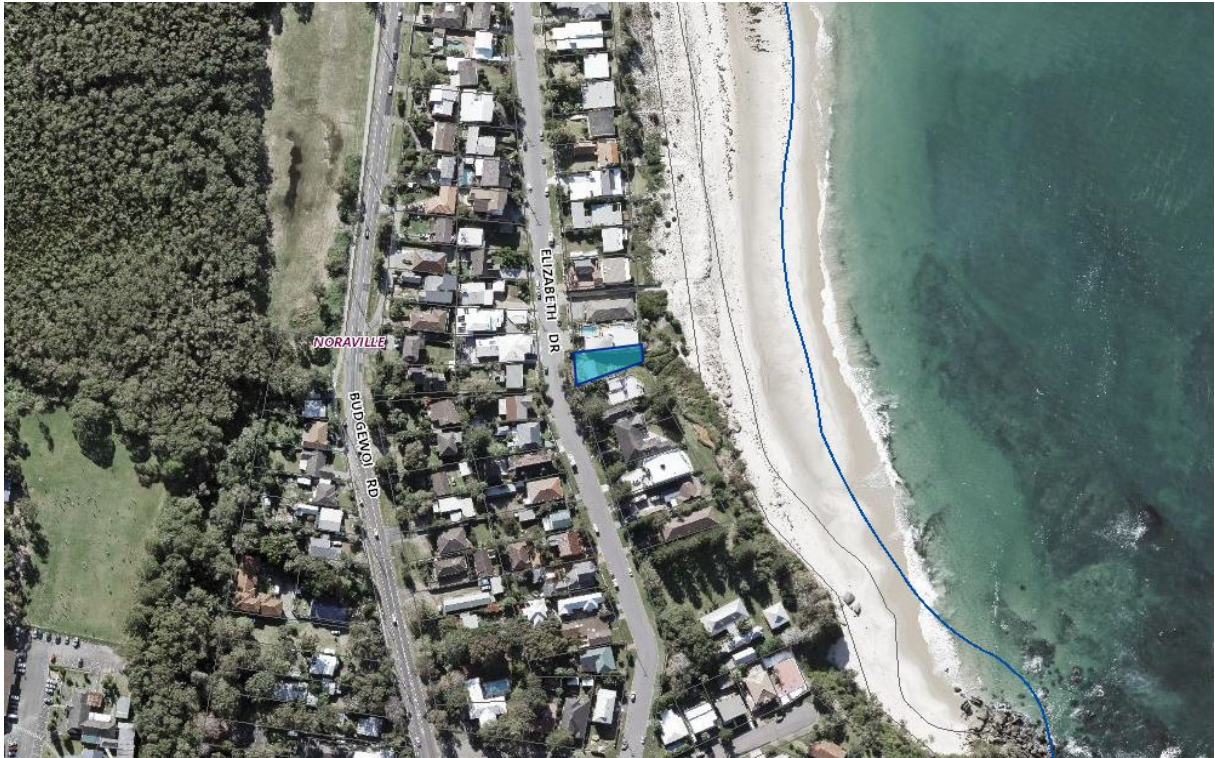
### **The Site**

The site is known as No. 21 Elizabeth Drive and is located on the eastern side of Elizabeth Drive at Noraville. The site has an overall area of 513.0 m<sup>2</sup> with a street frontage of 18.29 metres, a rear boundary width of 8.635 metres and a minimum depth of 38.1 metres.

The site slopes steeply from the western (street) property boundary to the rear site boundary facing Hargraves Beach. In addition, the site slopes across the site from south to north.

The site is currently occupied by an existing dwelling which is to be demolished as part of the development proposal. As a result of the existing nature strip being approximately 2.0 metres above the road, the site has no vehicular access. This issue is to be addressed as part of the proposed development.

The site is zoned R2 Low Density Residential under *Wyong Local Environment Plan 2013* (WLEP 2013).



**Figure 1 - Aerial view of Noraville with the site highlighted in blue**

### **Surrounding Development**

The adjoining sites to the north, south and west are zoned R2 Low Density Residential under WLEP 2013 with residential dwellings designed to accommodate the topography of the sites. The allotment is bounded to the east by Hargraves Beach with the historic Noraville House property located approximately 100 metres to the south of the site.

Existing dwellings in Elizabeth Drive are a mixture of new dwellings up to three storeys in height and older style dwellings of varying heights and architectural design.





**Figure 2: Zoning Map with the site highlighted in blue.**



**Photograph 1: Site viewed from Elizabeth Drive. Note the existing dwelling to be demolished and current lack of vehicular access to the site.**



***Photograph 2: Site viewed from the Hargraves beachfront. Note the existing dwelling to be demolished and adjoining residential dwellings.***

### **Proposed Development**

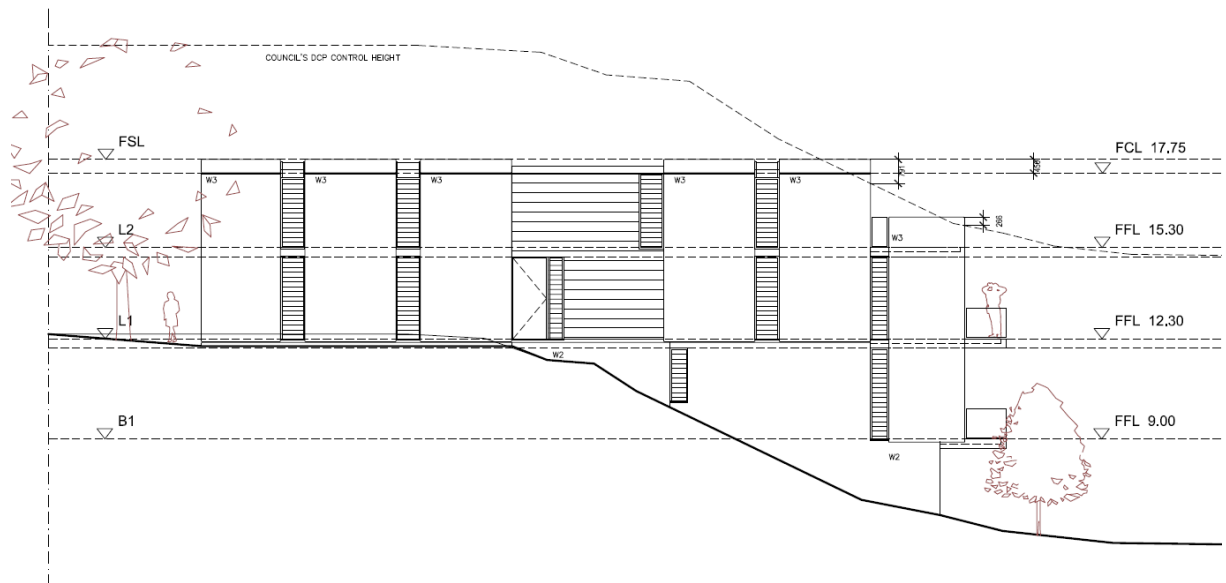
The Development Application seeks approval for the erection of a part 2 and part 3 storey residential dwelling and demolition of the existing dwelling on the allotment. The proposed dwelling will include:

- A basement garage also comprising storage and utility areas;
- Kitchen, dining, living areas and external terrace areas within the mid-level;
- Four bedrooms and associated bathrooms within the upper level; and
- Living areas and external balconies.

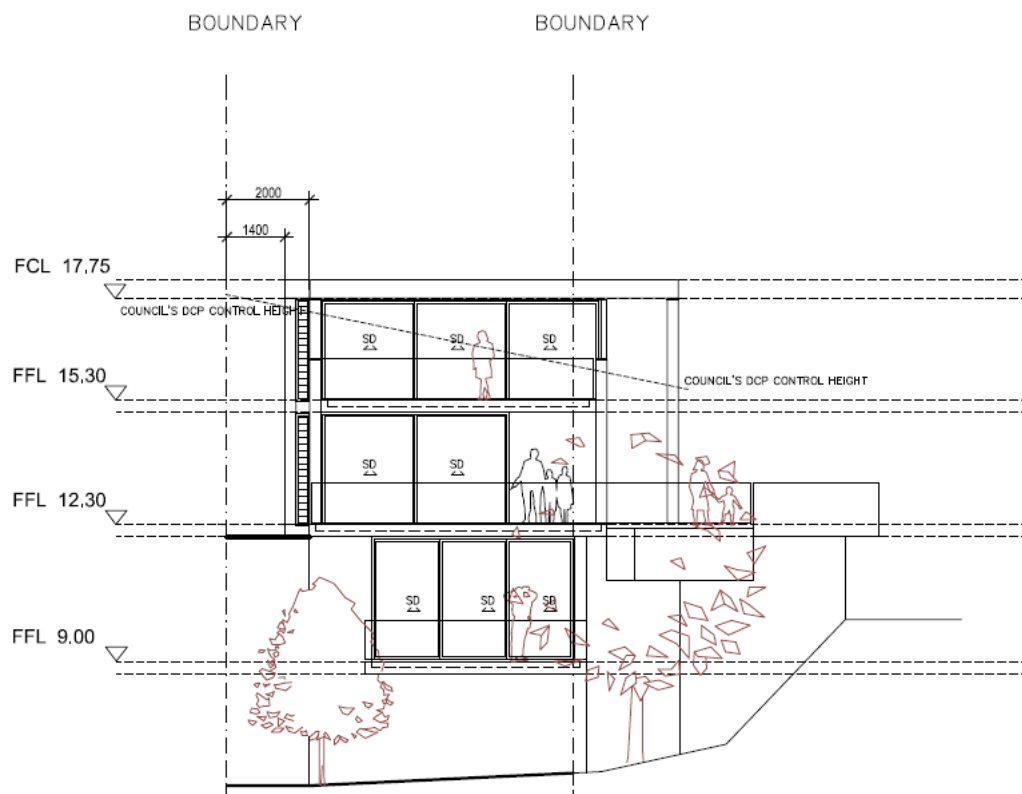
Vehicular access to the site will be accommodated by works to be undertaken under a separate approval under the *Roads Act 1993*. A total of six (6) small casuarina trees within the road reserve fronting the site, are to be removed to permit driveway access construction.

**DA/1368/2017 - Proposed Dwelling House and Demolition of the existing dwelling at 21 Elizabeth Drive, Noraville (contd)**

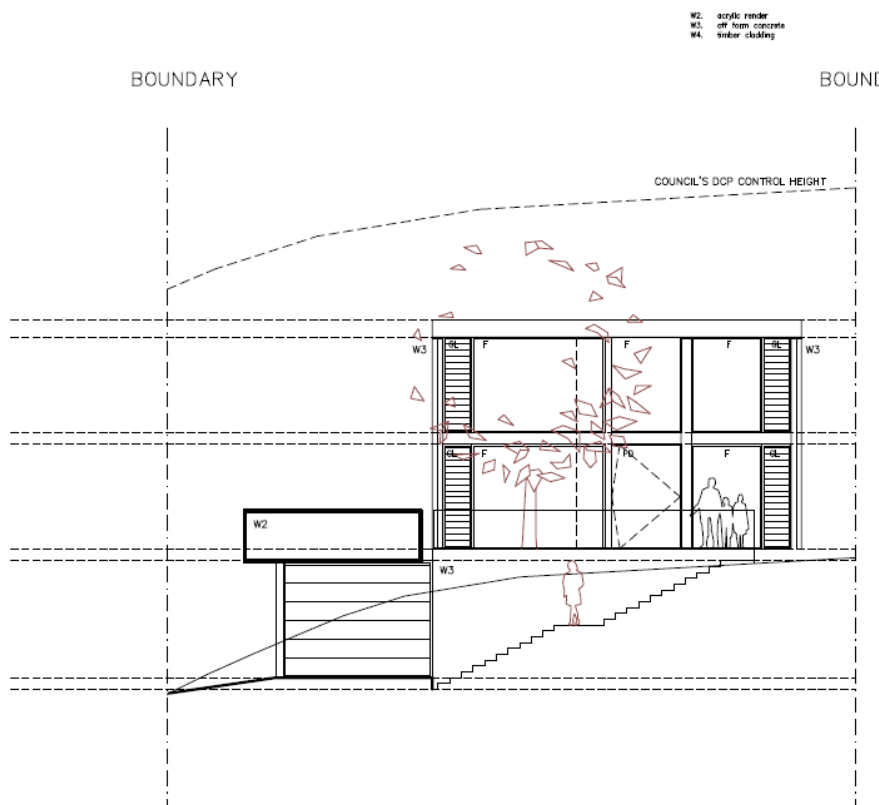




**Figure 5 – Proposed South Elevation**



**Figure 6 – Proposed East Elevation (Beachfront)**



**Figure 7 – Proposed West Elevation (Road)**

## History

A review of Council's records indicates that the existing dwelling on the allotment was approved in 1954. No other application history is applicable to the site.

## CONSULTATION

### Public Consultation

In accordance with Chapter 1.2 - Notification of Development Proposals of Wyong Development Control Plan 2013 (WDCP), the application was initially notified from 10 November 2017 to 24 November 2017. A total of six (6) submissions were received. One of the submissions was received from a planning consultant acting on behalf of an adjoining landowner. The landowner also provided a submission in relation to the proposal.

Upon consideration of the issues raised within the submissions along with a number of concerns regarding the proposal in terms of access, building height, boundary setback and overshadowing impacts, changes were made to the design of the original proposal by the applicant.



The changes made to the proposed development included:

- Lowering of the overall building height by 0.5 metres;
- Removal of an upper level roof covering to the eastern balcony facing Hargraves Beach to reduce the building height;
- An increase in setback to the southern property boundary;
- Internal floor layout changes including the provision of a fourth bedroom;
- Alteration to the external spa and screen wall located on the external terrace; and
- Reorientation of the basement level.

As a result, subsequent amended development plans were submitted and re-notified to adjoining landowners during the period 21 March 2018 to 6 April 2018. This re-notification resulted in a total of two (2) submissions being received in response to the amended development proposal.

Some of the issues raised during the notification period include:

1. Concern as to the proposed variation to Council's mapped WLEP 2013 height limit;

Comment

The height of the proposal has been reduced by the applicant. The maximum height limit for the site is 9.5 metres under WLEP 2013. A height variation between 8% and 27% is sought by the applicant. The building height increases from the southern edge of the proposed building to the northern edge. The original proposal sought a maximum variation of 44%. The applicant, at the request of Council Staff reduced the height of the building by lowering the overall height of the building by 0.5 metres and made other design alterations in order to address concerns raised in terms of the original proposal.

The issue of height variation is discussed in detail in the Clause 4.6 Exception to Development Standard section of this report. The reasons for supporting the proposed variation include;

- Setbacks and scale of development being in keeping with the established character of the area which includes significant architecturally designed dwellings, generally comprising two or more storeys.
- The existing sloping site topography, both from the street frontage to the rear boundary and across the site from south to north, makes numerical compliance with the development standard difficult;
- Overshadowing impacts to the adjoining dwelling at No 19 Elizabeth Drive being acceptable;
- Privacy impacts to the adjoining dwelling being No. 23 Elizabeth Drive being considered acceptable; and

## **2.4 DA/1368/2017 - Proposed Dwelling House and Demolition of the existing dwelling at 21 Elizabeth Drive, Noraville (contd)**

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- View loss to the adjoining dwelling No. 19 Elizabeth Drive, being minimal and in accordance with established view loss principles.
- 2. Concern as to the proposed variation to Council's mapped Floor Space Ratio limit that is claimed to be 0.74:1;

### Comment

The submission states that a Floor Space Ratio (FSR) of 0.74:1 should apply to the development. The figure of 74%, as calculated within the submission, includes the basement, carparking area and external balcony areas that are permitted to be excluded from the FSR calculation. In this regard, in calculating the gross floor area to be used for the purpose of FSR calculation, the following exemptions apply:

- Any area for common vertical circulation, such as lifts and stairs, and
- Any basement : storage and vehicular access, loading areas, garbage and services; and
- Plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- Carparking to meet any requirements of the consent authority (including access to that car parking)
- Any space used for the loading or unloading of goods (including access to it), and
- Terraces and balconies with outer walls less than 1.4 metres high, and
- Voids above a floor at the level of a storey or storey above.

Accordingly, excluding the basement, carparking and balcony areas, the proposal results in a 9% variation to the FSR maximum for the site. It is considered in this case, that this variation is justified given the sites overall area in comparison to adjoining allotments and given that the site coverage of the proposed development is only 39% which is well below the maximum permitted site coverage of 50%. This is discussed in the Clause 4.6 Exception to Development Standard section of this report is considered to have been adequately addressed.

- 3. Concern as to the reduced front boundary setback;

Comment

The application seeks a variation to Chapter 2.1 of the Wyong Development Control Plan, 2013 in terms of the required average front boundary setback. It is considered that this variation is justified due to the existing dwelling being at a 5.0 metre setback and the topography of the locality minimises any impact upon the streetscape. Further, the existing Elizabeth Drive streetscape displays varying primary road setbacks, with the setback of individual dwellings, dictated largely by site topography. The front boundary setback variation has been adequately addressed and is discussed in detail later in this report.

4. Concerns as to privacy impacts and loss of amenity;

Comment

The adjoining property to the north of the site, being No. 23 Elizabeth Drive, raised concerns in terms of privacy and amenity impacts. These concerns relate to the height of the dwelling and the proximity of the outdoor terrace areas associated with the proposal.

In reviewing the concerns raised by the objector, the following points are considered relevant.

- The principal open space areas associated with No. 23 Elizabeth Drive, Noraville, are located to the rear of the site, overlooking the beachfront. The extensive roof top terrace is considered a secondary open space area.
- The existing roof top terrace associated with the adjoining dwelling at No. 23 Elizabeth Drive, Noraville, is currently overlooked by the existing dwelling on the allotment, and the external balcony areas of No 19 Elizabeth Drive, to the south of the site. Additionally, this area is open to view by elevated three storey dwellings located on the opposite side of Elizabeth Bay Drive.
- The roof top terrace No. 23 Elizabeth Drive, Noraville, would be overlooked by a smaller scale two storey dwelling that complies with the maximum WLEP 2013 height requirements due to the topography of the land.
- The design of the objectors dwelling at No. 23 Elizabeth Drive, Noraville, incorporates windows and other fixed glazing for the full length of the buildings southern elevation. Any dwelling proposal on the subject allotment would therefore have impact upon the existing building in terms of privacy to these existing windows. Further, the main portion of the external terrace area will be located adjoining the fixed opaque glass blockwork within the southern wall of the objectors dwelling.

- The design of the proposal includes the provision of full height screen walls within the eastern portion of the external terrace areas. The terrace is located above ground surface levels to minimise privacy impacts to both properties. Further a solid balustrade is proposed along the western portion of the terrace area.
- The design of the proposal incorporating external balcony and terrace areas in order to obtain views across the beach is considered reasonable.

Accordingly, the concerns relating to amenity and privacy are considered to have been adequately addressed and the design of the proposal is considered reasonable.



***Photograph 3: The existing dwelling to the north of the site at No: 23 Elizabeth Drive from the existing rear deck area of 21 Elizabeth Drive.***

5. Concern as to potential view loss from Nos. 18, 19 and 20 Elizabeth Drive, Noraville

Concern as to potential view loss from No. 20 Elizabeth Drive Noraville

Comment

A view analysis was submitted by the Applicant within the Statement of Environmental Effects (SEE) lodged with the application.

For the purposes of this assessment, the planning principles established by the Land and Environment Court have been utilised. In *Tenacity Consulting v Warringah* [2004] NSWLEC 140, the Court adopted a four-step assessment process for determining potential impacts on existing views and is detailed as follows:

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

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

The type of views afforded No. 20 Elizabeth Drive, include very limited eastern horizon views and north eastern ocean views to the distant Wybung Headland. These views are described as scenic, with the view of the headland, iconic.

**Step 2: Determining the position of where views are obtained**

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

The views are obtained from the external balcony area of No 20 Elizabeth Drive facing the street. Views are enjoyed from both sitting and standing positions.

**Step 3: Assessing the extent of impact**

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

The proposal will result in a minor loss of a horizon view to the east currently enjoyed as a result of the height of the existing dwelling on the development site. Accordingly, the view loss from this this external balcony area is considered to be negligible.

**Step 4: Assessing whether the extent of impact is reasonable**

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

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

While most of the view loss can be categorised as minor, Roseth S.C. argues that where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable.

Views across side boundaries are more difficult to protect than views from front and rear boundaries, and the expectation to retain side views is often unrealistic. No. 20 Elizabeth Drive is located to the west of the subject allotment on the opposite side of Elizabeth Drive and the view loss created by the proposal is to the east.

The proposal is non-compliant with *Clause 4.3 Maximum Height* and *Clause 4.4 Floor Space Ratio* under WLEP 2013. However, the building height non-compliance occurs to the rear of the dwelling, with the portion of the building facing the street and No. 20 Elizabeth Drive compliant in terms of height controls. Further, the ridgeline of the new dwelling on the allotment is only approximately 0.6 metres higher than the existing ridgeline, given the flat roof design.

In addition, the proposed southern side boundary setback is non-compliant with Chapter 2.1 of WDCP 2013. However, this non-compliance has no impact in terms of view loss to No 20 Elizabeth Drive.

Assessment of the view loss caused by the development on No. 21 Elizabeth Drive is considered to be minor given that the views are attained across a roadway and any likely redevelopment of the site would result in some view impact. Accordingly, the proposal is considered acceptable in terms of established view loss principles.

Concern as to potential view loss from No. 19 Elizabeth Drive Noraville

Step 1 – Determining the type of view to be affected

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

The type of views afforded from the dwelling at No 19 Elizabeth Drive include east and north views of Hargraves Beach and the Pacific Ocean. These views are described as scenic with other views to Bird Island and the distant headlands considered to be iconic.

Step 2 – Determining the position of where views are obtained.

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

The views are obtained from the external balconies, primary and secondary living areas and some bedroom areas of No 19 Elizabeth Drive. Views are enjoyed from both sitting and standing positions.

Step 3 – Assessing the extent of the impact

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

The proposal will result in the loss of the views to the north and northwest across the beachfront and the distant ranges, from a secondary living area window located midway along the northern wall of No 19 Elizabeth Drive. All of the views affected are attained across the side boundary. Accordingly, the view loss from this secondary living area is considered to be negligible.

Step 4 – Assessing whether the extent of impact is reasonable

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

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

While most of the view loss can be categorized as minor, Roseth S.C argues that where an impact on views arises as a result of a non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable.

Views across the side boundaries are more difficult to protect than views from front and rear boundaries and the expectation to retain side views is often unrealistic. No 19 Elizabeth Drive is located south of the subject allotment and the view loss created by the proposal is to the north and northwest (across a side boundary).

The proposal is no-compliant with Clause 4.3 Maximum Height and Clause 4.4 Floor Space Ratio under WLEP 2013. In addition, the proposed southern side boundary setback is non-compliant with Chapter 2.1 of WDCP 2013. In terms of the height variation, it is noted that a height variation of 0.790 metres or 8% occurs at the proposed dwelling's southern extremity facing No 19 Elizabeth Drive.

Should a compliant height have been achieved by the development, the resultant height reduction would not have resulted in a lesser impact upon existing views as the roofline of a building complying with a permitted 9.5 metre height, would still result in the existing views across the side boundary being impacted, as can be seen in Photograph 4 & 5 below. Further, the design has incorporated a flat roof and adequate building articulation. These design features, in addition to the significant rear (benchfront) boundary setback, demonstrates that the building design has considered and addressed the principles of view sharing.

Assessment of the view loss caused by the development on No 19 Elizabeth Drive is considered to be minor given that the views are attained across a side boundary from a secondary living area and the view from the external balconies, living and bedroom areas will be maintained across and along the Hargraves beachfront. Accordingly, the proposal is considered acceptable in terms of established view loss principles.



***Photograph 4- The existing view from the main living area at No 19 Elizabeth Drive***





***Photograph 5: The view impact resulting from the proposal on existing views enjoyed by No 19 Elizabeth Drive***

Concern as to potential view loss from No. 18 Elizabeth Drive, Noraville;

*Comment*

The current view from this property of the ocean is almost completely obscured by the existing dwelling and vegetation. The proposed dwelling, although higher than the existing cottage, would not result in any significant loss of ocean views only some distant views of the sky beyond.

Accordingly, the impact upon existing north eastern views are considered minimal given the positioning of the objectors dwelling approximately two properties to the south of the site on the opposite side of the road, the distance of this property from the foreshore and no significant views of the ocean area currently exist.



**Photograph 6: the existing view from an elevated position at No. 18 Elizabeth Dr Noraville**

6. Concern as to overshadowing impacts on No. 19 Elizabeth Drive;

Comment

The proposal seeks a variation to the maximum height limit of 9.5 metres with the maximum variation occurring within the rear portion of the dwelling located centrally within the site. This height variation then decreases to only 0.790 metres or 8% where the building adjoins the southern property boundary adjoining No. 19 Elizabeth Drive, given the slope of the site from south to north across the allotment.

The living areas and the principal outdoor entertaining area of No. 19 Elizabeth Drive are both on the first floor level of the dwelling and the land level is considerably higher than the subject site. An analysis of the extent of overshadowing in elevation for No. 19 Elizabeth Drive at 9.00 am at June 21 concludes that there is no overshadowing on the curved glass wall on the northern elevation at any level. At 12.00 noon the shadow is cast partially over half the top floor but not over the part of the curved living room window that is on the top floor. The area below that level is overshadowed. At 3.00 pm the whole of the adjoining development is overshadowed.

Consequently the extent of overshadowing to these areas would be significantly less than depicted in the shadow diagrams that have not detailed the extent of overshadowing in elevation.

In considering the extent of the variation, it is noted that a reduction in overall building height to a compliant level, would achieve minimal additional benefit to the adjoining dwelling in terms of overshadowing impact.

The following shadow diagrams for a development that complies with the WLEP height limit and setback requirements of WDCP Chapter 2.1, with comparison to the overshadowing of the proposed development, demonstrates that there is an inconsequential amount of overshadowing due to the height limit variation.

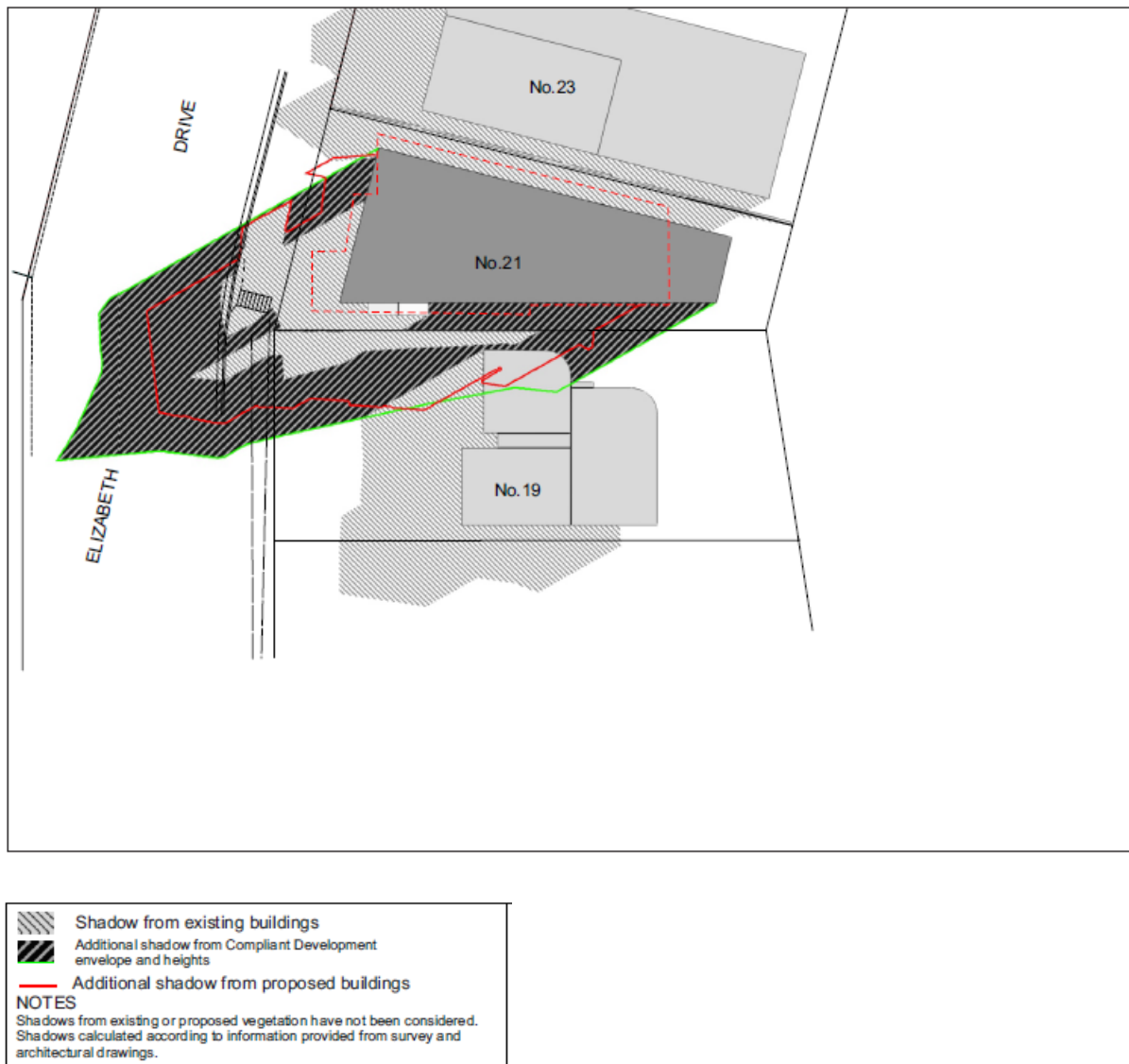


Figure 8. Overshadowing comparison 9.00am winter solstice

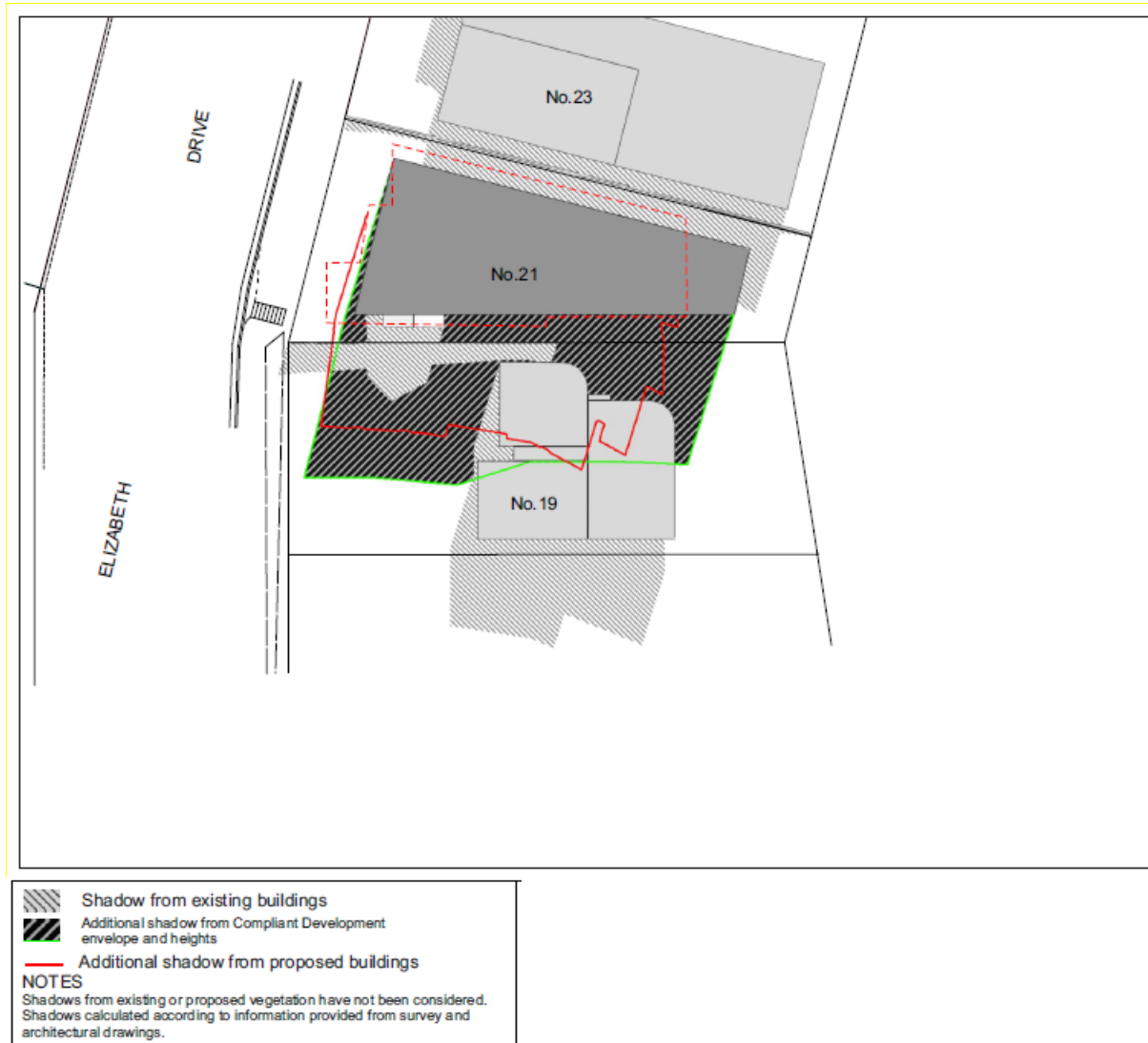


Figure 9. Overshadowing comparison 12.00pm winter solstice



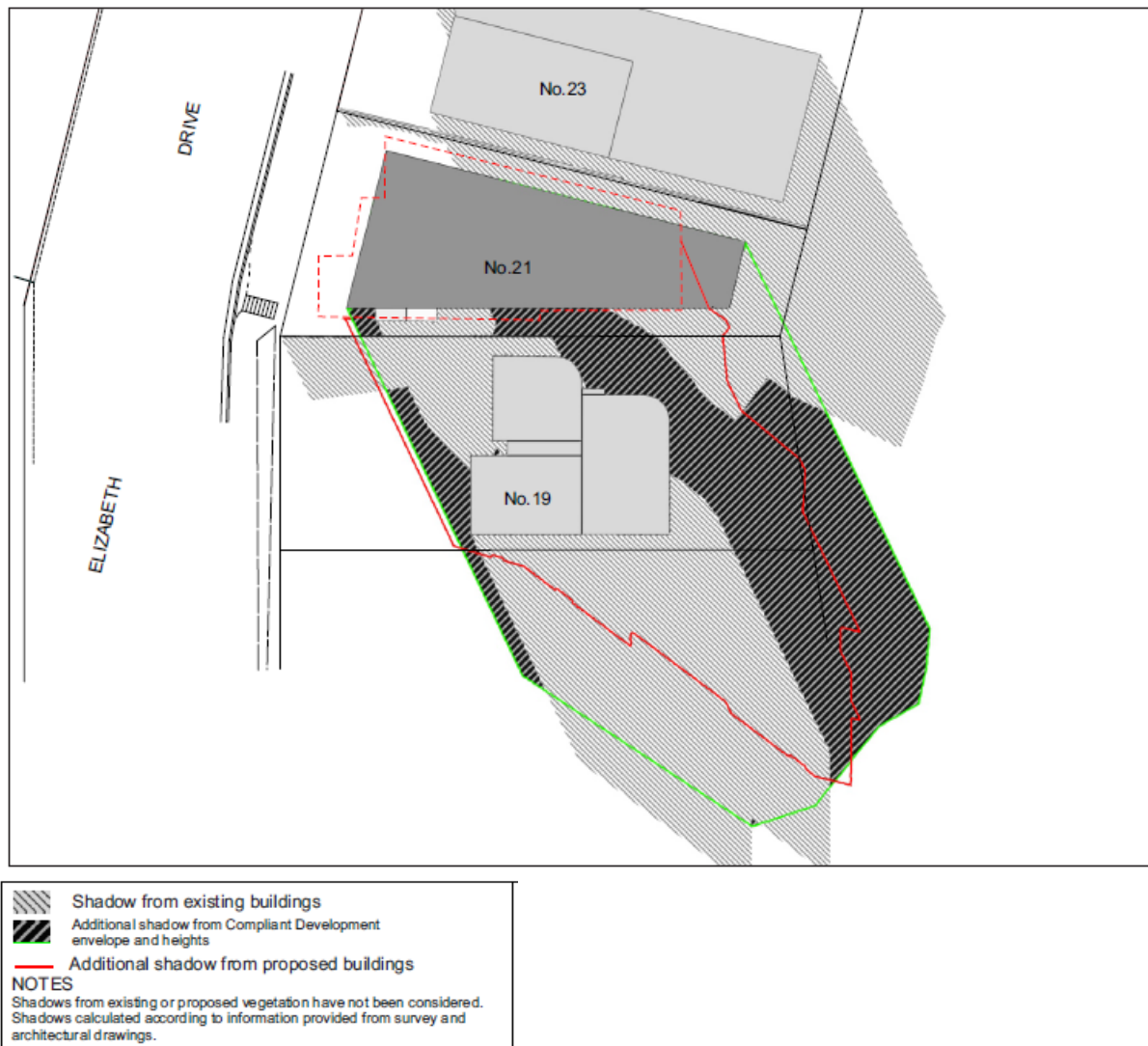


Figure 10 Overshadowing comparison 3.00pm winter solstice

Given this, in combination with the proposed southern side boundary setback and positioning and level of the adjoining dwellings principal private open space and living areas in relation to the proposal, it is considered that overshadowing impacts comply with solar access requirements. Shadow diagrams as submitted by the Applicant, are included as an attachment to the report.

7. Request from the Darkinjung Local Aboriginal Land Council for an Aboriginal Cultural Heritage Site Survey to be undertaken prior to site works commencing;

Comment

An appropriate Aboriginal Heritage Information Management System search has been provided by the Applicant. This search concluded that no aboriginal sites are recorded on or in proximity to the site. A condition is to be applied to the development requiring works cease should aboriginal artefacts be found upon the site during the construction phase. (Condition 4.9)

Submissions from Public Authorities

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

Internal Consultation

The application was referred to the following internal Officers for comment;

Coastal Planning Officer

- Supported, with conditions (Conditions 4.14 and 5.6)

Water and Sewer Assessment

- Supported, subject to the requirements of a Section 306 Certificate, issued under the Water Management Act 2000, being complied with.

**Ecologically Sustainable Principles:**

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

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

**Climate Change**

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

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

### **Assessment**

Having regard for the matters for consideration detailed in Section 4.15 of the EP&A Act 1979 and other statutory requirements, Council's policies and Section 10.7 Certificate details, the assessment has identified the following key issues, which are elaborated upon for Council's information. The plans for the development are provided as an attachment to this report.

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

#### **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. Condition 1.4 has been provided to ensure that the development is built in accordance with the commitments in the certificate.

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

#### **State Environmental Planning Policy No 71 – Coastal Protection**

State Environmental Planning Policy No 71 Coastal Protection (SEPP 71) was repealed on 3 April when the State Environmental Planning Policy (Coastal Management) 2018 (SEPP Coastal Management) came into effect. The savings and transitional provisions contained within the SEPP Coastal Management state the SEPP 71 continues to apply if a development application is lodged and not finally determined prior to the commencement of the SEPP Coastal Management. Development Application DA 53610/2018 was lodged prior to, but not determined, on 3 April 2018.

SEPP 71 requires Council to consider the Aims and Objectives of SEPP 71 together with the matters for consideration listed in Clause 8 of SEPP 71 when determining an 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 the mapped coastal management areas.

The relevant matters have been considered in the assessment of this application. The application is considered consistent with the stated aims and objectives.

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

Whilst the savings and transitional provisions of SEPP Coastal Management apply, the proposed development has also been assessed against the provisions of SEPP Coastal Management and considered satisfactory.

**Wyong Local Environmental Plan 2013**

**Permissibility**

The subject site is zoned R2 Low Density Residential under WLEP 2013. The proposed development is defined as a Dwelling House which is permissible in the zone with consent of Council.

***dwelling house*** means a building containing only one dwelling.

**Zone R2 Low Density Residential**

The objectives of the R2 Low Density Residential zone under WLEP 2013 are:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To maintain and enhance the residential amenity and character of the surrounding area.
- To provide a residential character commensurate with a low density residential environment.

In this instance, it is considered that the proposal is consistent with the stated objectives of the zone and consistent with the principles of Ecologically Sustainable Development as specified within the *Local Government Act 1993*.



### **4.3 Height of buildings**

<b>Development Standard</b>	<b>Required</b>	<b>Proposed</b>	<b>Compliance with Controls</b>	<b>Variation %</b>	<b>Compliance with Objectives</b>
4.3 – Height of buildings	9.5 metres	10.291 to 12.081 metres maximum to north east corner of dwelling	No – see comments below	The proposal results in a 8% to 27% variation to the permissible height limit	Yes – see comments below

A request made under Clause 4.6 of WLEP 2014 to vary the development standard, has been supplied in support of the application.

### **4.4 Floor Space Ratio (FSR)**

<b>Development Standard</b>	<b>Required</b>	<b>Proposed</b>	<b>Compliance with Controls</b>	<b>Variation %</b>	<b>Compliance with Objectives</b>
4.4 – Floor space ratio	0.5:1 maximum	0.546:1	No – see comments below	The proposal results in a 9% variation to the permissible FSR limit	Yes – see comments below

A request made under Clause 4.6 of WLEP 2013 to vary the development standard, has been supplied in support of the application.

### **Clause 4.6 Exceptions to development standards**

A request made under Clause 4.6 of WLEP 2013 to vary the development standard, has been supplied in support of the application.

#### **1 Mapped Height Variation**

The proposed application seeks a variation to Clause 4.4(2) of WLEP 2013 in relation to the proposed maximum height of the dwelling. In this regard, the proposal seeks a maximum overall height of 10.291 and 12.081 metres to the dwellings north eastern corner in lieu of the 9.5 metre maximum height limit applicable to the allotment. This represents a variation of between 0.791 metres and 2.581 metres or 8% and 27%.

**2.4 DA/1368/2017 - Proposed Dwelling House and Demolition of the existing dwelling at 21 Elizabeth Drive, Noraville (contd)**

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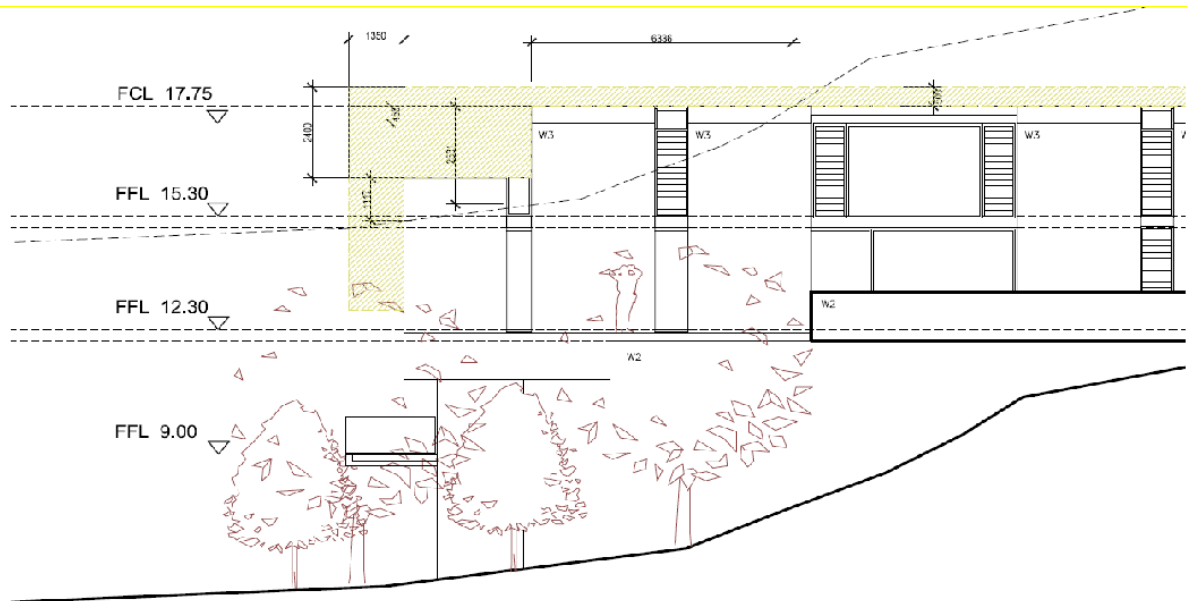
Clause 4.6 of WLEP 2013 requires consideration of the following:

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

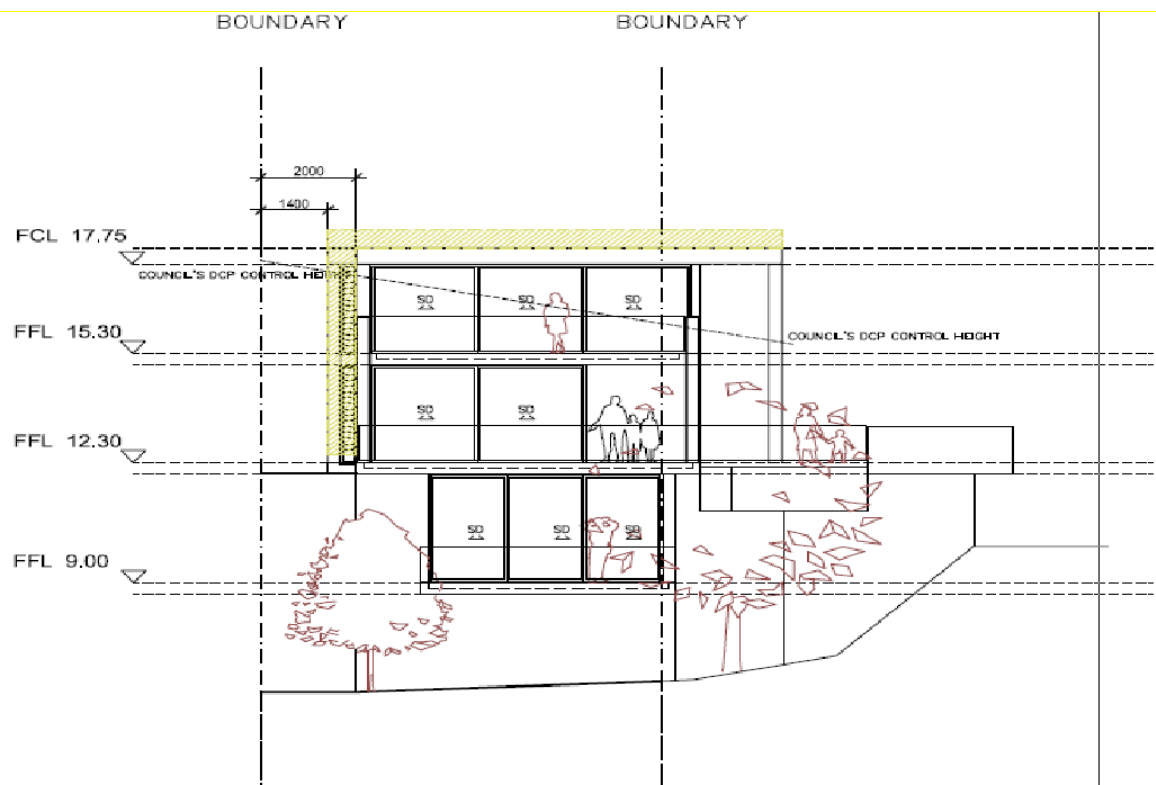
Comment

The applicant has provided a detailed request to vary the mapped height development standard by the 27%. In requesting the required variation, the applicant has provided the following matters in support of the proposal:

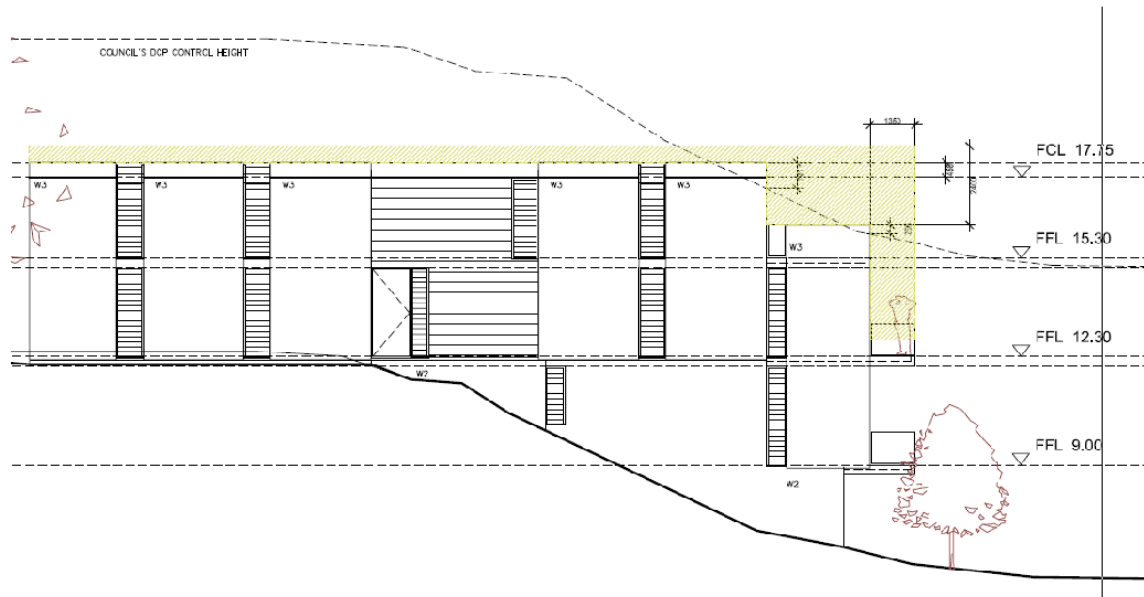
- The proposed development is in keeping with the character, scale including height and density of the surrounding developments within the immediate vicinity of the site.
- The proposal is consistent with the objectives of Clause 4.3.
- The proposal has been redesigned to reduce impacts on the amenity of the neighbouring properties.
- The finished floor level of level one of the proposal (12.30 metres), is lower than the floor level of the existing dwelling on the allotment (12.91 metres).
- Views impacts to adjoining dwellings will be limited in accordance with established view loss principles, therefore achieving the height objectives of WLEP, 2013.
- The significant slope of the allotment to the rear beachfront boundary.



**Figure 11: The extent of the LEP height limit variation within the dwellings northern elevation. The yellow section details the height profile of the original proposal.**



**Figure 12: The extent of the LEP height limit variation within the dwellings western elevation (facing beachfront). The yellow section details the height profile of the original proposal.**



**Figure 13. The extent of the LEP height limit variation within the dwellings southern elevation. The yellow section details the height profile of the original proposal**

In reviewing the proposed variation, consideration of the R2 Low Density Residential Zone objectives is also considered necessary. Residential R2 Low Density Zone objectives are as follows:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To maintain and enhance the residential amenity and character of the surrounding area.
- To provide a residential character commensurate with a low density residential environment.

In considering these zone objectives, the following points are considered relevant:

- The dwelling proposal is a permissible land use within the zone and satisfies the zone objectives in terms of the provision of low density residential development.
- The proposed dwelling design is considered in keeping with the existing and desired future character of the area.
- The design of the proposed dwelling incorporates suitable architectural design elements and incorporates sustainable design features.

In terms of the proposed design, it is noted that the mapped height exceedance is largely for a relatively short length to the rear of the dwelling with the maximum area of departure located centrally within the allotment. Further, the proposal is considered to meet the relevant zone objectives, objectives for the development standard and minimises view loss and significant additional solar impact to the property most impacted by the proposal in relation to these issues, being No. 19 Elizabeth Drive.

It is considered that some of the justification provided by the applicant for the variation to the standard is irrelevant. However, after consideration, the applicant's written request is considered to have adequately justified that compliance with the development standard is unreasonable and unnecessary in this instance and there are sufficient environmental planning grounds to justify contravening the development standard.



***Photograph 7: A photographic montage of the proposal in relation to the adjoining dwellings as provided by the applicant.***

## 2 Mapped Floor Space Ratio (FSR) variation

The proposed application seeks a variation to Clause 4.4(3) of WLEP 2013 in relation to the proposed maximum FSR. In this regard, the proposal seeks a maximum FSR of 0.546:1 in lieu of the 0.5:1 mapped FSR limit applicable to the allotment, representing a variation of 9%. Clause 4.6 of WLEP 2013 requires consideration of the following:

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

Comment

The applicant has provided a detailed request to vary the maximum mapped FSR development standard by 9%. In requesting the variation, the applicant has provided the following matters in support of the proposal:

- The proposed development is in keeping with the character, scale and density of the surrounding developments within the immediate vicinity of the subject property.
- The proposal is consistent with the objectives of Clause 4.4 of WLEP 2013.
- The proposed development has been re-designed to further minimise the impact on the amenity of the neighbouring properties.
- The topography and shape of the property. The property width narrows dramatically towards its eastern boundary and there is also a considerable slope both across the property and from the front to the rear.
- The size of the property being only 513m<sup>2</sup> which is significantly smaller in area when compared to other properties in the vicinity including those located adjacent *to the site*.

In terms of the proposed design, it is noted that the FSR exceedance is moderate, with adjoining existing dwellings, located upon larger allotments, exceeding the permitted mapped FSR of 0.5:1. Importantly the site coverage of the proposed dwelling is 39% which is considerably below the maximum permitted coverage of 50%.

In determining the impact of a development, the site coverage generally has more relevance as it is a measure of the size of the building footprint with respect to the site. For example a building can have a compliant FSR due to areas of a dwelling that are excluded from the gross floor area calculation such as garages and storage areas, but ultimately have a significant coverage of the site with associated impact. Accordingly in this case with the compliant site coverage, it is not considered an overdevelopment in terms of the FSR control.

It is considered that some of the justification provided by the applicant for the variation to the standard is irrelevant. However, the proposal is considered to meet the relevant zone objectives and the objectives for the development standard. Accordingly, after consideration, the applicant's written request is considered to have adequately justified that compliance with the development standard is unreasonable and unnecessary in this instance and there are sufficient environmental planning grounds to justify contravening the development standard.

## Wyong Development Control Plan 2013 (WDCP 2013)

Chapter 2.1	Requirement	Proposed	Compliance
Clause 2.1(c)	3 storeys on steeply sloping sites	3 storeys	Yes
Clause 2.2(a)	Site coverage maximum 50%	39%	Yes
Clause 3.1(a) - Front Setback	9.5 metres to front of dwelling which is the average setback of the adjoining dwellings - Front setback where site area greater than 300m <sup>2</sup>  Garage setback to be setback 1.0 metre behind front boundary setback	4.5 metres to the front of the proposed dwelling  1.5 metres behind front boundary setback	No – see comments below  Yes
Clause 3.1(b) - Rear Setback	3.0 metre rear setback to parallel road or public reserve required	7.925 metres minimum	Yes
Clause 3.1(c)- Side Setback	Maximum 2.347 metre side boundary setback given height of proposal -side setback for lots greater than 12.5 metres wide	2.0 metres (to southern site boundary where building exceeds two storeys in height)	No – see comments below
Clause 3.3.2 - Garage Door Articulation	Maximum 60% of allotment width garage door articulation zone required	23% of allotment width	Yes
Clause 4.3 - Private Open Space Areas	24.0 square metres private open space for lots greater than 10 metres wide required  3.0 metres private open space dimension required  Private open space gradient required 1:50 maximum	In excess of 24.0 square metres  7.0 metres maximum – external terrace width  Level	Yes  Yes  Yes



<b>Chapter 2.1</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
Clause 5.0 - Car Parking and Access	car spaces	2 car spaces	Yes
	4.0 metres driveway width required	5.85 metres	No – see comments below
Clause 6.0 - Earthworks	3.0 metres where located more than 1.0 metre from the allotment boundary	2.5 metres maximum to front of garage to construct vehicular access	Yes

**Clause 3.1(a) Front Setback**

The proposed development seeks to vary the front boundary setback. The required front boundary setback is the average front boundary setback of the adjoining dwellings. In this case, the average front boundary setback is calculated as being 9.5 metres, with the proposal seeking a 4.5 metre front boundary setback.

In considering the required variation, the following points are considered relevant when assessing the proposal;

- The dwelling located upon the adjoining allotment to the south of the site, being No. 19 Elizabeth Drive, is setback 14.0 metres from the front boundary; and
- The existing dwelling on the allotment which is to be demolished, displays a setback of 5.0 metres to the front boundary, as does the dwelling on the allotment to the north of the site being No. 23 Elizabeth Drive.



**Figure 14 Aerial Photograph detailing the skewed Elizabeth Drive primary road boundary and setbacks of the adjoining dwellings**



As such, the proposed variation is considered to achieve the objectives of Chapter 2.1 of WDCP 2013 and is therefore considered acceptable and supported in this instance.



***Photograph 8 - Detailing the existing Elizabeth Drive streetscape looking in a southerly direction***

### **Clause 3.1(c) Side Setback**

The subject proposal seeks to vary to the permitted northern and southern side boundary setbacks, that are required as a result of the building's height. In considering the requested variations, a review of the proposal in terms of the relevant objectives of Chapter 2.1 of WDCP 2013 is necessary. The relevant objectives of Chapter 2.1 are as follows:

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

In response to these objectives the following commentary is provided:

- The proposal seeks a minimum side boundary setback of 2.0 metres to the sites southern property boundary where the proposed dwelling exceeds two storeys. This setback variation only applies to the rear portion of the dwelling (length of 8.5 metres). The remainder of the building complies with the required side boundary setback as the height of the dwelling decreases with the slope of the site.
- The required setback variation to the sites northern boundary occurs for a relatively short distance (8.8 metres), with the area of the terrace displaying the setback variation effectively a narrow triangular area which will be infrequently used. In addition, the proposed spa located at the terraces eastern extremity will also be infrequently used. Additional amenity concerns relating to noise associated with people using the terrace area are considered to be minimal.
- The level of the proposed external terrace area is 1.0 metre lower than the rooftop terrace associated with No. 23 Elizabeth Drive with the eastern terrace extremity being located 7.4 metres behind the adjoining dwelling. Additional privacy impacts are therefore considered minimal.
- The side boundary setbacks are considered to be compatible with adjoining development in proximity to the site and will result in minimal impact upon existing view corridors afforded to the adjoining dwelling at No. 19 Elizabeth Drive. In addition, it has been demonstrated that minimal additional solar impact will occur as a result of the minor setback variation.
- The proposed dwelling design is considered to provide for sufficient articulation and other external design treatment in order to provide visual interest to the building when viewed from the street and the beachfront.

As such, in the circumstances, the proposed variation is considered to achieve the objectives of Chapter 2.1 of WDCP 2013 and is therefore considered acceptable and supported in this instance.

#### **Clause 4.1 Views**

The proposal is consistent with the objectives of Clause 4.1 Views.

The primary views and outlook from the adjoining dwelling most impacted by the proposal being No. 19 Elizabeth Drive, will be maintained as a result of the development proposal. Additionally, whilst there is some impact to the properties to the west of the site on the opposite side of Elizabeth Drive being No.s 18, 20, 22 and 24 Elizabeth Drive, the impact is considered minor given the positioning of these dwellings and their distance from the foreshore. The issue of view loss is discussed in detail earlier in this report.

#### **Clause 4.2 Visual Privacy**

The dwelling design is considered to take into consideration privacy impacts to the adjoining dwelling being No. 23 Elizabeth Drive. Accordingly, the proposal is considered acceptable. This issue has been addressed in detail earlier in this report.

#### **Clause 5.0 Car Parking and Access**

The proposed driveway width is considered acceptable with an application having been lodged and approved by Council for all required works within the road reserve to the front of the site.

#### **Chapter 3.5 Coastal Hazards**

The property is mapped as being impacted by coastal hazards. In this regard, the development proposal has been supported by an appropriate geotechnical report prepared by JK Geotechnics Reference 30327Zrpt, dated 26 September 2017. Additionally, a Coastal Hazard Assessment report prepared by Horton Coastal Engineering reference IrJ0072-21 dated 26 September 2017, has also been provided.

These reports provide an assessment of the site geotechnical limitations and coastal hazard impact and provide recommendations on structural engineers design and other matters in relation to the coastal hazard site constraint. In this case, the reports have been reviewed by Council's Coastal Planning Officer and found to satisfactorily address the Coastal Hazard impacts upon the proposal.

Accordingly, it is considered that no further information is required in order to support the subject application from a coastal hazard or geotechnical perspective. Compliance with the Coastal Hazard Assessment and Geotechnical reports are required by conditions 4.14 and 5.6 within the draft consent document.



**Figure 15: Geotechnical Hazard Planning Lines. Immediate (red), 2050 (orange), 2100 (yellow) with the site highlighted in blue**

#### **Section 4.15(1)(b) the likely impacts of the development**

##### **Built Environment**

A thorough assessment of the proposed development's impact on the built environment has been undertaken in terms of WLEP 2013 and WDCP 2013 compliance and in terms of the submissions received. It is considered on balance that the potential impacts are considered reasonable.

### **Natural Environment**

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

#### **Section 4.15(1)(c) *the suitability of the site for the development***

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

- Acid Sulfate Soils - The subject site has been identified as containing potential Class 5 acid sulfate soils. Whilst the proposal involves excavation up to 2.0 metres depth, given the height of the area allotment above the beachfront where excavation is required, it is considered that the provision of an acid sulfate soils management plan is not required.
- Coastal Hazards – The subject site is subject to coastal hazards. This issue has been discussed previously within this report.

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

#### **Section 4.15(1)(d) *any submission made in accordance with this Act or Regulations***

All submissions received in relation to the proposal have been considered and addressed in this report.

#### **Section 4.15(1)(e) *the public interest***

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

### **Other Matters for Consideration:**

#### **Development Contribution Plan**

The proposed development is a development type that is subject to S 7.12 development contributions. Accordingly, developer contributions will be applied to the development at the prescribed rate, based upon the provided building works cost.

**Water and Sewer Contributions**

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

**Conclusion:**

The development application has been assessed in accordance with Section 4.15 of the EP&A Act and all relevant instruments and policies. The proposed development is considered suitable for the site despite the listed variations. The original public submission has been addressed via a combination of design amendments and conditions where appropriate. The proposal is therefore recommended for approval subject to the conditions attached to this report.

**Attachments**

- |          |                             |           |           |
|----------|-----------------------------|-----------|-----------|
| <b>1</b> | Draft Conditions of Consent | Enclosure | D13248410 |
| <b>2</b> | Revised Shadow Diagrams     | Enclosure | D13297640 |
| <b>3</b> | Development Plans           | Enclosure | D13360865 |





**Item No:** 2.5  
**Title:** DA/288/2018 - Proposed Short Term Rental Accommodation at 18 Soldiers Point Drive, Norah Head  
**Department:** Environment and Planning

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29 October 2018 Ordinary Council Meeting

Trim Reference: DA/288/2018 - D13266479

Author: Jenny Tattam, Town Planner

Manager: Emily Goodworth, Section Manager, Development Assessment

Executive: Scott Cox, Director, Environment and Planning

## Summary

An application has been received for proposed Short Term Rental Accommodation. The application has been examined having regard to the matters for consideration detailed in section 4.15 of the *Environmental Planning and Assessment Act 1979* and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

<b>Applicant</b>	Michelle Thomas
<b>Owner</b>	Michelle Thomas
<b>Application No</b>	DA/288/2018
<b>Description of Land</b>	Lot 3 Section 3 DP 758779, 18 Soldiers Point Drive, North Head
<b>Proposed Development</b>	Short Term Rental Accommodation
<b>Site Area</b>	701.9m <sup>2</sup>
<b>Zoning</b>	R2 Low Density Residential
<b>Existing Use</b>	Dwelling
<b>Employment Generation</b>	Yes
<b>Estimated Value</b>	N/A

## Recommendation

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

**2.5 DA/288/2018 - Proposed Short Term Rental Accommodation at 18 Soldiers Point Drive, Norah Head (contd)**

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**Precis:**

<b>Proposed Development</b>	Additional use of an existing dwelling for short term rental accommodation.
<b>Permissibility and Zoning</b>	The site is zoned R2 Low Density Residential under the provisions of <i>Wyong Local Environmental Plan 2013</i> (WLEP 2013). Clause 7.18 of the WLEP 2013 permits short term rental accommodation in the zone.
<b>Relevant Legislation</b>	<ul style="list-style-type: none"><li>• <i>Environmental Planning &amp; Assessment Act 1979 – section 4.15</i></li><li>• <i>State Environmental Planning Policy (Coastal Management) 2018</i></li><li>• <i>State Environmental Planning Policy 71-Coastal Protection</i></li><li>• <i>Wyong Local Environmental Plan 2013</i></li></ul>
<b>Current Use</b>	Dwelling and swimming pool
<b>Integrated Development</b>	No
<b>Submissions</b>	A total of five written objections and one petition with 230 signatures also in objection.
<b>Councillor Representation</b>	The application was requested to be determined by Council by Councillors Best and Pilon.

**Variations to relevant Planning Instruments/Plans/Policies**

There are no variations proposed to any environmental planning instruments, Wyong Development Control plan or any other policy.

**The Site**

The subject site is commonly known as 18 Soldiers Point Drive, Norah Head (the site) and legally described as Lot 3 Section 3 DP 758779. The site is located on the eastern side of Soldiers Point Drive. It has a frontage of approximately 16.8 metres and an overall site area of 701.9m<sup>2</sup>. Vehicle access is provided via an existing driveway from Soldiers Point Drive.

The site has a rectangular shape and the land rises steeply from the road at the front, is relatively level across the centre and then falls gently towards the rear boundary.

The property has been developed with a two storey residential dwelling and swimming pool. The dwelling includes five bedrooms, three bathrooms, a double garage, open plan kitchen/dining/living area on the upper level with adjoining deck, and rumpus room with adjoining terrace on the ground floor. The swimming pool is located behind the dwelling in the backyard, adjacent to the rumpus room and terrace. There is a small adjoining section of

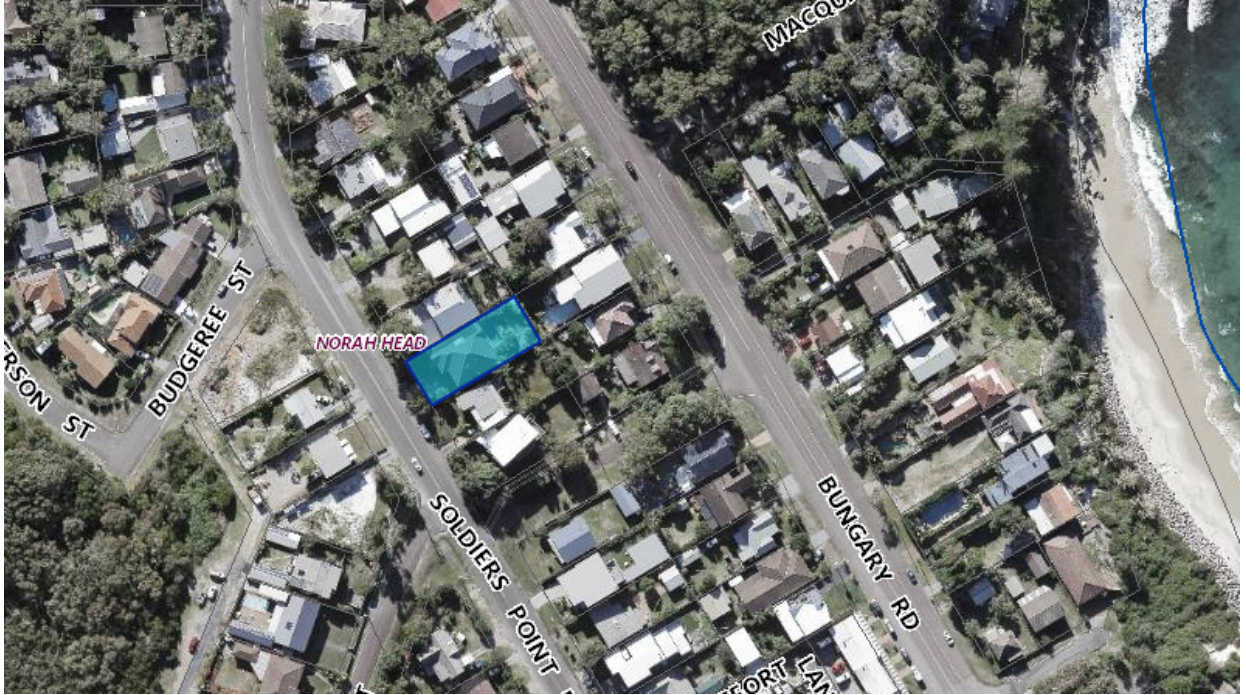


**2.5 DA/288/2018 - Proposed Short Term Rental Accommodation at 18 Soldiers Point Drive, Norah Head (contd)**

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turf and landscaping located around the periphery of the site, inside the side and rear boundaries.

The site is identified as bushfire prone land on Council's bushfire maps.



**Figure 1:** Aerial photo of the site and surrounds





**Figure 2:** Closer aerial photo of the site and surrounds



**Figure 3:** View of subject dwelling from Soldiers Point Drive





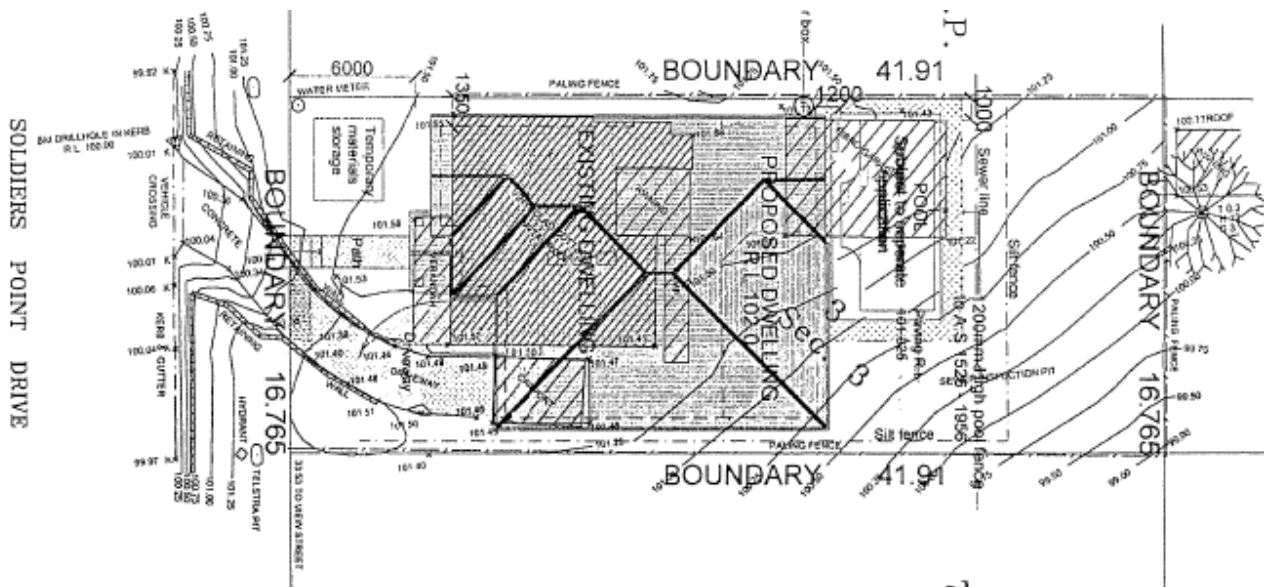
**Figure 4:** View of swimming and rear balcony/terrace areas



**Figure 5:** Screening vegetation inside the rear boundary of the site



**Figure 6:** View taken from the upper deck looking south



**Figure 7:** Site plan of the existing dwelling

## Surrounding Development



The site is located in an established residential area and is directly adjoined by residential dwellings to the north, south and east. Dwellings are also located to the west on the other side of Soldiers Point Drive.

Until recently the dwelling adjoining the rear boundary of the site, which is located at No. 53 Bungary Road, had been providing short term rental accommodation.

Cabbage Tree Bay is located approximately 200 metres to the west.

### **The Proposed Development**

Approval is sought for an additional use of the dwelling for the purposes of short term rental accommodation.

The existing dwelling is the primary place of residence for the owner and the purpose of the application is to enable the landowner to reside in the dwelling when they wish, and then rent the dwelling house for short term periods at other times – predominantly (but not limited to) holiday periods.

Specifically the proposal includes the following:

- Short term rental accommodation for a maximum of 10 guests;
- Onsite parking within the driveway for a maximum of five vehicles (the double garage is locked off and used for storage by the landowner);
- Short term bookings are arranged through Airbnb;
- The owner of the property is also the Manager of the short term rental accommodation;
- A Management Plan, Terms and Conditions and House Rules have been developed for the short term rental use.

### **History**

- Development consent (DA/3872/2002) for a 'dwelling, swimming pool and demolition of existing structure' was issued on 13 March 2003.
- In December 2017 the owner of the site commenced use of the property for short term rental accommodation on an ad-hoc basis.
- February 2018:
  - Council received correspondence from nearby landowners stating that they were concerned about the negative impacts of short term rental accommodation on their neighbourhood (mainly noise), with specific mention of 18 Soldiers Point Drive (the site) and another property in Norah Head. Council investigated the matter and confirmed that the use of both properties for short term rental accommodation was consistent with Schedule 2 of the Wyong Local Environmental Plan 2013 (WLEP 2013), and requested the landowners implement management controls to address noise concerns.

- The owner of the site advised Council in writing that management controls had been implemented e.g. House Rules Notices regarding consideration of the amenity of adjoining neighbours including use of the pool and notification to guests that noise disturbance to neighbours after 10pm could result in their bond being withheld.
- Additional complaints received. Council advised the use was no longer consistent with the criteria provided by Schedule 2 of WLEP 2013 and therefore was no longer exempt development.
- On 21 March 2018 a development application (the subject application) was lodged with Council to seek consent for the use of the existing dwelling for the purposes of short term rental accommodation.

**s. 4.15 (1)(d) of the EP&A Act: Submissions****Public consultation**

The development application was exhibited for 14 days from 12 to 27 April 2018, in accordance with Chapter 1.2 Notification of Development Proposals of Wyong Development Control Plan 2013 (WDCP).

A total of four objections and a petition (also in objection) containing 230 signatures were received during the notification period. After the close of the notification period one further objection was received.

A summary of the issues raised in the submissions is detailed below:

*The property is zoned R2 Low Density Residential therefore the site should be used for residential purposes.*

**Comment**

Under the provisions of Wyong Local Environmental Plan 2013 (WLEP 2013) short term rental accommodation is permissible in the R2 Low Density Residential zone.

*The proposal fails to comply with the objective of the zone which seeks 'to provide for the housing needs of the community'.*

Comment

The application proposes to use the existing dwelling for the purposes of both a dwelling and short term rental accommodation. The dwelling will continue to be the primary place of residence for the owner of the site and use of the property for short term rental accommodation will take place on an ad-hoc basis primarily in the holidays. The proposed use of the dwelling for short term rental accommodation will continue to maintain the residential amenity and will not change the low density character of the area and this can be achieved by the recommended conditions of consent and the plan of management prepared by the operator.

*The proposal fails to comply with the coastal provisions of the WLEP 2013 which include 'to protect, enhance, maintain and restore coastal environments'.*

Comment

The objector is referring to previous clause 5.5 (development within the coastal zone) of the WLEP 2013 which was repealed when State Environmental Planning Policy (SEPP) (Coastal Management) 2018 commenced on 3 April 2018. The application is subject to an assessment under former SEPP 71 –Coastal Protection having regard for the savings and transitional provisions contained within clause 21(1) of SEPP (Coastal Management) 2018. The proposed development has been assessed against the matters for consideration outlined under clause 8 and Part 4 of SEPP 71 and found to be satisfactory. A compliance table is provided in Attachment 1.

*Short term rental accommodation would de-value nearby properties because day and night noise would detract potential buyers and renters in the area.*

Comment

There is no evidence to support this claim. However, impacts on neighbourhood amenity have been considered as part of the assessment of the application. It is acknowledged that short term rental accommodation has the potential to adversely impact neighbourhood amenity if it is not managed appropriately, or if there are siting or design issues that would make management ineffective. In this instance, it is considered that impacts upon adjoining properties can be appropriately managed. These two factors are discussed below under the zone objectives section of this report.

*There are no consistent requirements or regulations for short stay accommodation so the application should be refused until such time that there is.*

Comment

On 5 June 2018, the NSW government announced that there will be a new regulatory framework to govern the short term holiday letting industry. The framework will include new planning laws, an industry Code of Conduct and new provisions for strata scheme by-laws. However the new framework has not yet been implemented and until this time, applications for short term rental accommodation need to be assessed in accordance with the relevant legislation.

Under WLEP 2013 short term rental accommodation can be considered in any zone where it is associated with a dwelling that has a maximum of six bedrooms. Under clause 3.1 and Schedule 2, short term rental accommodation may be carried out as exempt development where certain criteria are met. If an application falls outside the criteria then a development application is required to be lodged and assessed.

Council cannot refuse an application based on limited planning controls relating to the land use. However, it must have regard for the relevant planning legislation which relates to the proposed development including the requirements of WLEP 2013 and the matters for consideration contained in Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

*Approval would set an undesirable precedent. The proposal will 'incite an explosion of short stay rentals' and 'destroy the residential structure of the community'.*

Comment

Approval of the subject dwelling for short stay accommodation would not necessarily result in an increase in the lodgment of development applications for short term rental accommodation.

Even if Council were to receive an influx of applications requesting approval for short term rental accommodation, each application would need to be considered on their own merit and circumstances. The application is not proposing a variation to any planning instrument or development control and it is considered that the matters for consideration under s. 4.15 of the EP&A Act can be satisfied.

*The proposal fails to comply with the objective of the zone which seeks 'to maintain and enhance the residential amenity and character of the surrounding area'. Specifically the amenity impacts relate to:*

- *The use has already been operating and has resulted in numerous impacts on the residential amenity of neighbours.*
- *Noise – complaints have previously been lodged with Council, police and federal and state members, the guests are in holiday mode which means there is constant use of the*



*swimming pool, partying and groups on the balconies and little or no regard for adjoining neighbours.*

- *Anti-social behaviour – e.g. swearing.*
- *Privacy impacts – neighbours in their own backyards are under observation by strangers, lack of sufficient screening.*
- *Traffic and parking issues – guests reversing out of the driveway will cause accidents, not enough parking for guests, cars parked across driveways and blocking lines of sight, guests park on the street and residents are unable to use the street for their own parking.*
- *Waste management – there is not sufficient garbage storage which may result in garbage being dumped elsewhere, garbage has been found in nearby streets and garbage has been thrown into neighbour's yards.*
- *Safety and security issues – overlooking concerns, and one submitter commented that a police report had been lodged which outlines the criminal damage to their property caused by guests.*
- *Lack of onsite management/supervision of guests – there is a constant turnover of unsupervised and unregulated guests, there are no control measures in place and it has been left to us neighbours to manage guest's behaviour.*

Applicant's response to submissions

The applicant argues that the objectors have not provided any information to substantiate their claims. Prior to commencing the short term rental accommodation, the applicant provided adjoining landowners with her contact phone number in the event any issues arose with guests who were staying at the premises.

The owner states that she has only ever been contacted by neighbours on two occasions – once in December in regard to a complaint about noisy guests partying in the pool at 11pm and the other regarding vandalism of an adjoining property. On both occasions the owner has advised they took immediate action and investigated the complaints with the guests.

Comment

Of the five objections that were received four were from landowners in the vicinity of the site. However it is noted that no landowners directly adjoining the site lodged an objection to the proposed short term rental accommodation. It is also noted that apart from one incident, the issues referred to by the objectors are general in nature, with no specific information (dates, times) provided. In one of the objections it did state that on 22 April 2018 the objector was woken at around 1am by loud noise at the site, and the police were contacted. The police were contacted by the assessing officer and have confirmed that they were contacted on that night, and that at the time they attended the site there was no evidence of noise originating from the site.

*Petition*

In regard to the petition Council contacted 10 signatories at random. Of the 10 surveyed three people stated they were aware of amenity impacts arising from short term rental accommodation, but not from the subject dwelling. One person reported no specific issues or concerns, four people were concerned about the concept of short term rental accommodation in their neighbourhood and two people had no recollection of signing the petition.

**Submissions from Public Authorities**

The site is identified as bushfire prone land and under the *Rural Fires Act 1979* and the proposal is classified as a special fire protection purpose. The application was referred to the NSW Rural Fire Service who granted a Bushfire Safety Authority on 3 September 2018 which has been included as a condition of consent.

**Internal Consultation**

No internal consultation was required.

**Ecologically Sustainable Principles**

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

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

**Climate Change**

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

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

## **Assessment**

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

### **Section 4.15 (1)(a)(i) of the EP&A Act: Provisions of Relevant Instruments/ Plans/ Policies**

*Wyong Local Environmental Plan 2013*

#### Zoning & Permissibility

The site is zoned R2 Low Density Residential under the provisions of WLEP 2013. Development for the purposes of short term rental accommodation is permissible by virtue of the provisions of clause 7.18 of WLEP 2013.

The relevant definitions under WLEP 2013 which are applicable to the proposal are:

***dwelling*** means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

***short-term rental accommodation*** means a dwelling that is commercially available for rent as short-term accommodation on a temporary basis, but does not include bed and breakfast accommodation.

Under clause 7.18 of the WLEP 2013, Council may grant development consent for short term accommodation in any zone where it is associated with a dwelling containing a maximum of six bedrooms. Clause 7.18 reads as follows:

#### **7.18 Short-term rental accommodation**

1. *The objective of this clause is to permit development for the temporary use of dwellings containing up to 6 bedrooms as short-term rental accommodation.*
2. *Despite any other provision of this Plan, development consent may be granted for the use of a dwelling containing up to 6 bedrooms as short-term rental accommodation.*

The proposal includes the use of a five bedroom dwelling for short-term rental accommodation which is therefore consistent with the above clause.

**2.5 DA/288/2018 - Proposed Short Term Rental Accommodation at 18 Soldiers Point Drive, Norah Head (contd)**

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Under clause 2.3 the consent authority must have regard to the objectives for development in a zone when determining a development application. The objectives of the R2 Low Density Residential zone are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maintain and enhance the residential amenity and character of the surrounding area.*
- *To provide a residential character commensurate with a low density residential environment.*

The application proposes to use the existing dwelling for the purposes of short term rental accommodation. The dwelling will continue to be the primary place of residence for the owner of the site and in this way it will continue to provide for the housing needs of a community member. In addition there is no new built development proposed and no change to the existing low density residential character of the area.

A key consideration with respect to the occupation of dwellings for short term rental accommodation is ensuring the use does not adversely impact on the residential amenity currently enjoyed by residents in surrounding properties. In consideration of this issue, two key elements arise:

- whether the proposal is sufficiently managed to address amenity concerns; and
- whether there are any design or siting issues that will make management ineffective.

To address the concerns raised by objectors the applicant has provided a management plan that details how nuisance issues such as noise will be addressed. The management plan is summarised as follows:

- The manager (owner of the site) will have the following obligations:
  - Vetting of guests through the booking process – this includes checking reviews, checking the ages of guests and confirming that there will be no hens/bucks gatherings or parties. If guests don't satisfy the criteria the booking is declined;
  - Checking guests in and ensuring they are aware of the terms and conditions and house rules;
  - Outlining the consequences of not complying with the terms and conditions and house rules;
  - Checking on the house to ensure that guest numbers are not excessive and that guests are behaving appropriately; and
  - Responding to complaints in a timely manner and taking effective action to remediate the problem.

- Providing a set of terms and conditions of stay which include the following requirements:
  - A security deposit of \$1000 is taken and returned within seven days of the date of the departure provided the terms and conditions are met;
  - The number of guests do not exceed the number approved by Council and guests may invite no more than four visitors provided they do not stay overnight;
  - Guests are to comply with the House Rules; respect the residential amenity and security of the property and neighbours; refrain from antisocial behaviour; and comply with the manager's instructions;
  - Disrupting noise may result in termination of stay, loss of paid rent and loss of security deposit; and
  - The House Rules form part of the terms and conditions.
- The House Rules include the following requirements:
  - Visitor numbers not to exceed four;
  - No functions or parties;
  - Guests are to park on the property only and no sleeping in caravans or trailers;
  - Use of the swimming pool is prohibited between 10pm and 7am;
  - Amplified external music turned off at 10pm and guests to move inside after 11.30pm and keep noise to a reasonable level.
- The terms and conditions are to be signed by the guests before a booking is accepted.

The management plan represents an appropriate and comprehensive approach to management of the use and, if implemented satisfactorily, is considered sufficient to address impacts on amenity. To further reduce the possibility of impacts on adjoining properties two conditions are recommended:

- the number of guests is reduced from 10 to eight; and
- the approval is limited to a period of 12 months.

Following satisfactory performance, and in the absence of any substantiated complaints over the 12 month approval period, Council may extend the development consent and review the guest numbers. Given the historical concerns, a time limited approval will provide the necessary evidence as to whether the site can be adequately managed and whether it can continue to operate after this period.

In regard to siting and design and to minimise the potential for any overlooking or privacy impacts, it has been recommended that a condition of consent be imposed which requires the installation of a privacy screen along the southern side of the upper deck. This will prevent any overlooking onto the adjoining dwellings.

## **2.5 DA/288/2018 - Proposed Short Term Rental Accommodation at 18 Soldiers Point Drive, Norah Head (contd)**

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Additionally, it is also recommended that to remove the possibility of any impacts on the existing on-street parking arrangement, parking for the occupants of the short term rental accommodation should be provided within the boundaries of the site. The applicant has provided a dimensioned plan to demonstrate that five vehicles can be accommodated in front of the dwelling and on the driveway.

### Clause 3.1 Exempt Development

Clause 3.1 and Schedule 2 of WLEP 2013 permit short term rental accommodation as exempt development where certain criteria are met. Where a proposal does not meet the criteria, development consent is required for the use.

The criteria includes that *'there must not have been more than two written complaints to the Council concerning the activities taking place on the property from the occupiers of separate dwellings located within 40m of the subject dwelling within the preceding 12 months'*.

In February 2018 Council wrote to the landowner and advised that Council had received more than two formal complaints in relation to the use of the dwelling for short-term rental accommodation and therefore the use was no longer considered to be exempt development as prescribed by Schedule 2 of the WLEP 2013. As a result the applicant has lodged a development application for the short term rental accommodation use of the dwelling.

### Clause 7.9 Essential Services

The proposed development currently has adequate arrangements for servicing in place and does not require any additional servicing for the additional use.

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

The following SEPP's are relevant to the proposed development:

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

Clause 21(1) (savings and transitional provisions provisions) of this SEPP provides that:

*The former planning provisions continue to apply (and this Policy does not apply) to a development application lodged, but not finally determined, immediately before the commencement of this Policy in relation to land to which this Policy applies.*

The SEPP commenced on 3 April 2018 and the subject development application was lodged prior to this date on 21 March 2018. Accordingly the provisions of this SEPP do not apply and the application is required to be assessed against the requirements of SEPP 71 Coastal Protection.

State Environment Planning Policy No. 71 - Coastal Protection

State Environmental Planning Policy No 71 – Coastal Protection applies to the land. The site is located within the coastal protection zone. In accordance with clause 7, the proposal has been assessed within the context of the matters for consideration outlined under clause 8 and found to be satisfactory (as outlined in Attachment 1).

**s. 4.15(1)(a)(iii) of the EP&A Act: Provisions of any development control plan**

There are no specific chapters of Wyong Development Control Plan 2013 which relate to the proposed development.

**s. 4.15 (1)(b) of the EP&A Act: Likely impacts of the development:**

**a) Built Environment**

It is considered that the proposed measures to manage the use of the dwelling house for short term rental accommodation will result in minimal impact on the existing built environment.

**b) Access and Transport**

The public submissions have raised concern about guests reversing out of the driveway of the site. However, as the use relates to a dwelling, it is the standard arrangement for dwellings that vehicles may reverse onto a public road. To remove any potential impact upon the street a recommended condition of consent requires that on-site parking is provided for visitors on the existing driveway.

**c) Context and Setting**

It is generally recognised that short term rental accommodation is more appropriately located in areas of high tourism amenity and in close proximity to key tourism attractions such as the beach. The site is located within a coastal settlement and in close proximity to amenities and services. In addition the proposal is consistent with the existing character of the area as there is a mix of short term rental accommodation and residential dwellings. One of the main considerations is whether the proposal will impact on the amenity of adjoining residents. It is considered that with the appropriate management measures in place the proposed use of the dwelling for short term rental accommodation will have minimal impact on the amenity of the adjoining properties.

The proposed conditions of consent allow for measures and parameters to be in place to control the use of the dwelling for short term rental accommodation and limit the approval for a period of 12 months to ensure the proposed use is managed in an appropriate manner. Where substantiated complaints are received further approval may not be forthcoming.

**d) Natural Environment**

The proposal does not result in any impacts on the natural environment.

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

The site is occupied by an existing dwelling and under the provisions of the WLEP 2013 short term rental accommodation can be considered where it is associated with a dwelling. The site is adjoined by residential dwellings which are occupied by permanent residents. Objectors have raised concern that the site is not suitable for the development because the short term rental accommodation use has resulted in adverse impacts on their residential amenity.

It is considered that the site is suitable for the proposed use if potential impacts are managed so as not to cause nuisance, and any siting/design issues are addressed. The applicant has provided a management plan, terms and conditions and house rules which details how the use will be managed, all of which have been included as conditions of consent. In addition it is recommended that privacy screening is installed to prevent any overlooking from the upper balcony, that parking is provided for occupants of the short term rental accommodation within the boundaries of the site and that conditions are added to restrict the number of occupants and the approval period.

It is considered that these measures and parameters should be sufficient to manage the short term rental accommodation use so as not to cause impacts on adjoining properties. However in the event that substantiated complaints are received over the approval period, further approval may not be granted.

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

Short term rental accommodation has the potential to generate impacts on the community if not adequately managed. These impacts could be from noise, overlooking, anti-social behavior, lack of adequate waste management, traffic and parking issues and safety/security concerns. As previously discussed, if implemented and managed satisfactorily, the proposed management plan is considered sufficient to alleviate any impacts on amenity.

The proposed development will provide additional tourism opportunities in the locality which is considered to be in the public interest as visitors contribute to the local economy by supporting local businesses such as restaurants/cafes, shops and support businesses, and has the potential to result in an increase in local employment.

Short term rental accommodation is currently regulated by local government and in the absence of any specific planning policies that address short term rental accommodation the proposal complies with the requirements of the WLEP 2013.



### **Other Matters for Consideration**

#### Contributions

Section 7.11 or s. 7.12 contributions do not apply to the development, nor do any water and sewer contributions apply.

#### Gosford Development Control Plan 2014 - Chapter 3.14 Short Term Rental Accommodation of Dwellings

Wyong Development Control Plan 2013 does not include any specific provisions in regard to short term rental accommodation however, Gosford Development Control Plan 2014 includes Chapter 3.14 Short Term Rental Accommodation of Dwellings. This Chapter provides guidelines for the assessment of applications as well as recommended conditions of consent.

Whilst not directly applicable to the subject site, the provisions of this chapter have been considered and used as a guide in the assessment of the current application. The proposed development is consistent with the requirements set out within Chapter 3.14.

### **Conclusion**

Short term rental accommodation is a component of the short stay accommodation sector in New South Wales and an important aspect of the overall mix of tourism accommodation, particularly in popular tourist destinations in coastal areas like Norah Head.

Until now the use has operated as 'exempt' development. It relied upon an informal management arrangement and lack of regulatory control. The applicant has provided a management plan that details how the use will be managed, and conditions of consent are recommended to ensure that the use of the site for the purposes of short term rental accommodation is adequately managed so as to ensure there is minimal impact on the amenity of the surrounding area. The application is recommended for approval subject to the conditions of consent.

**Reasons for the decision**

- The land use is permitted with consent in the R2 Low Density Residential zone under clause 7.18 of the WLEP 2013.
- The issues raised by objectors have been considered. It is considered that the applicant has provided sufficient information to demonstrate that the use will be managed to ensure there is minimal impact on the amenity of the surrounding area.
- Design and siting issues have been addressed through a requirement for privacy screening along the southern side of the upper deck.
- Conditions of consent provide regulatory control to ensure that the site will be managed effectively and a time limited consent has been recommended to allow a review of the operation of the use of the dwelling after 12 months of operation.
- The proposal has been considered against the objectives of the R2 Low Density Residential zone and has been found to be satisfactory.
- The site is considered to be suitable for the proposal. It is located within a coastal settlement and in close proximity to amenities and services. Furthermore the proposal is consistent with the existing character of the locality which includes a mix of residential and short term rental accommodation.
- The proposal will contribute to the mix of tourism accommodation provided in Norah Head.
- The Rural Fire Service has supported the application by issuing General Terms of approval on 3 September 2018.

**Attachments**

<b>1</b>	Draft Conditions of Consent	D13194505
<b>2</b>	SEPP 71 Compliance Table	D13340073
<b>3</b>	Plan of Management	D13333436
<b>4</b>	Development Plans	D13345214

**Date:** 3 April 2018  
**Responsible Officer:** Jenny Tattam  
**Location:** 18 Soldiers Point Dr, NORAH HEAD NSW 2263  
 Lot 3 Sec 3 DP 758779  
**Owner:** Mrs M L Thomas  
**Applicant:** BuildPlan Consultants Pty Ltd  
**Date Of Application:** 21 March 2018  
**Application No:** DA/288/2018  
**Proposed Development:** Short term rental accommodation to be used within the existing dwelling  
**Land Area:** 701.90  
**Existing Use:** Dwelling

## 1. PARAMETERS OF THIS CONSENT

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

**Architectural Plans by:** Design by Kath Ifield

Drawing	Description	Issue	Date
A01	Site Plan & Ground Floor Plan	A	Dec 2002
A02	First Floor Plan, East Elevation & Section	A	Dec 2002
2	West, South & North Elevations	A	Dec 2002

### Supporting Documentation

Document	Title	Date
1	Plan of Management	Sept 2018

- 1.2. Comply with the General Terms of Approval from the Authorities as listed below and attached as a schedule of this consent.

Government Agency / Department / Authority	Description	Ref No	Date
Rural Fire Service	Bushfire Safety Authority	D18/6842	3 /09/2018

- 1.3. This Consent is for a 12 month period only and accordingly, must cease at the expiration of 12 months at the date of commencement of the approved activity. Council must be informed in writing of the date of commencement of the use, otherwise it will be determined the approved use was commenced at the determination date of this consent. Any extension of the approved use beyond 12 months will require the prior submission and approval of an application under Section 4.55 of the *Environmental Planning and Assessment Act 1979*. In considering any application for the extension of this consent, Council will have regard for the relevant matters under the *Environmental Planning and Assessment Act 1979* including any submissions received during the period.
- 1.4. This approval does not affect the entitlement to use the dwelling for permanent residential purposes.

## **2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE**

No Conditions

## **3. PRIOR TO COMMENCEMENT OF ANY WORKS**

No Conditions

## **4. DURING WORKS**

No Conditions

## **5. PRIOR TO COMMENCEMENT OF SHORT TERM RENTAL ACCOMMODATION USE**

- 5.1. Privacy screening shall be installed along the southern side of the upper deck. Screening shall be permanently fixed, to a minimum of 1.6m high above finished floor level, at least 75% obscure and made of durable material to restrict overlooking into properties adjoining the southern boundary.
- 5.2. The 24 hour contact details of the Manager and the Owner of the Short Term Rental Accommodation shall be located on the site so as to be visible from the nearest street frontage. A sign limited to a maximum of 0.2 square metres and not exceeding 1.5 metres in height from ground level shall be erected at the property frontage and within the property.

## **8. ONGOING**

- 8.1. The Short Term Rental Accommodation shall not be occupied by more than eight guests at any one time.

- 8.2. The 'House Rules' shall be provided to all guests and displayed within a prominent position within the dwelling.
- 8.3. The Emergency/Evacuation Plan shall be displayed in a conspicuous location within the dwelling.
- 8.4. Amplified music shall not be played outside of the Short Term Rental Accommodation between the hours of 10pm and 10am.
- 8.5. The swimming pool shall not be used by guests or visitors of the Short Term Rental Accommodation between the hours of 10pm and 8am.
- 8.6. All guest vehicles associated with the Short Term Rental Accommodation shall be parked within the boundaries of the site.
- 8.7. All requirements of the Plan of Management shall be implemented for the life of the development for Short Term Rental Accommodation.

## Attachment 1: SEPP 71 – Coastal Protection – Clause 8 compliance table

<b>Matters for Consideration</b>	<b>Compliance Y/N/NA</b>
a. <i>the aims of this Policy set out in clause 2</i>	The proposal complies with the aims of this Policy.
b. <i>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,</i>	N/A. The subject site does not adjoin the foreshore.
c. <i>opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability,</i>	N/A. The subject land does not adjoin the foreshore.
d. <i>the suitability of development given its type, location and design and its relationship with the surrounding area,</i>	The proposal is considered suitable to the location.
e. <i>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,</i>	N/A. The subject land does not adjoin the foreshore.
f. <i>the scenic qualities of the New South Wales coast, and means to protect and improve these qualities,</i>	The scenic quality is not being affected.
g. <i>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,</i>	The subject land contains very little vegetation, none of which has been identified as being endangered ecological communities.
h. <i>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</i>	N/A. The subject land does not adjoin the foreshore.

i. <i>existing wildlife corridors and the impact of development on these corridors,</i>	The subject site is not part of nor adjoins existing wildlife corridors.
j. <i>the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,</i>	N/A. The subject land does not adjoin the foreshore.
k. <i>measures to reduce the potential for conflict between land-based and water-based coastal activities,</i>	N/A. The subject land does not adjoin the foreshore.
l. <i>measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals,</i>	The subject site has not been identified as containing any Aboriginal relics or a place of significance.
m. <i>likely impacts of development on the water quality of coastal waterbodies,</i>	N/A. The subject land does not adjoin the foreshore.
n. <i>the conservation and preservation of items of heritage, archaeological or historic significance,</i>	The subject site has not been identified as containing any items of heritage, archaeological or historic significance.
o. <i>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,</i>	N/A

# **PLAN OF MANAGEMENT**

**18 Soldiers Point Drive  
NORAH HEAD**

**September 2018**

Michelle Thomas  
18 Soldiers Point Drive  
Norah Head  
Mobile : 0405 447 338  
Email: [michellet@travelmanagers.com.au](mailto:michellet@travelmanagers.com.au)



## 1. The Location

- (i) 18 Soldiers Point Drive, Norah Head.



## 2. Purpose of Plan of Management (PoM)

- (i) The purpose of this Plan is to control various aspects of the operation of the Short-term Accommodation at 18 Soldiers Point Drive.
- (ii) That practices and procedures are in place to minimise any potential adverse impact on the amenity and neighbourhood.
- (iii) That the conditions of the development consent that applies to the land and premises are complied with, managed and conformed to.
- (iv) To manage the noise from the operation of the premises and patrons of the premises does not unduly or adversely impact on adjoining properties or the amenity of the neighbourhood.
- (v) To establish and promote acceptable standards of behaviour for guests and visitors to minimise any adverse social or environmental impacts.
- (vi) To assist the owners/managers to meet the needs of all stakeholders including guests, neighbours, local communities, local councils and government authorities.

## 3. Manager Obligations

- (i) The owner/manager will ensure that property complies with this PoM and all guest are made aware of the Terms and Conditions and House Rules.
- (ii) Owner/manager, means the person or entity that has signed this PoM.
- (iii) The owner/manager will evaluate all guest bookings, including previous house reviews, checking ages and confirming the guest booking has read and understood the Terms and Conditions. If the guest fails to satisfy the evaluation booking will be declined.
- (iv) The owner/managers will outline to all guests (and visitors) the consequences of not complying with any Terms and Conditions and House Rules.
- (v) Owner/manager will provide information to neighbouring properties or the relevant authority who to contact in the event of a contravention of the Terms and Conditions and

House Rules. This includes the provision of a telephone number to contact in this event.

- (vi) Owner/managers will act with integrity, professionalism, courtesy and consideration when dealing with guests, neighbours, and other community stakeholders.
- (vii) The property offered, will be offered in a clean, safe and habitable state of repair; and comply with relevant planning, building and fire safety and health regulations.
- (viii) Owner/managers will arrange for the removal of all garbage left by guests.
- (ix) Manage guest and property issues promptly.
- (x) During the period of occupancy the manager will:
  - Check guests in and draw their attention to the Terms and Conditions and House Rules and provide a copy and introduction pack with information about the house and area.
  - Drive by the property in the evening and at random times to ensure guest numbers confirm to the information provided in the booking form and that there is no evidence of anti-social behavior.
  - Act promptly in the event any anti-social activity is observed.
  - Respond promptly to any complaints in accordance with the complaint handling procedures, refer Section 6.
  - Check guests out, at which time the house and grounds will be inspected and any issues drawn to the attention of the guests.

We believe the above measures, coupled with stringent vetting of prospective guests and clearly stated booking Terms and Conditions and House Rules, which must be signed by the guests before their booking is accepted, will eliminate the: problem people at the start of the booking process and result in a harmonious. relationship with the surrounding neighbours.

#### **4. Patron Behaviour and Amenity of Neighbourhood**

- (i) The property is located in a residential area in Norah Head surrounded by other residential premises. Care and attention will be taken to ensuring that the operation (including clients and visitors) of the Short-term accommodation do not cause any undue adverse impacts on neighbouring premises.
- (ii) The owner/Manager will provide a copy of the Terms and Conditions and the House Rules to all guests upon booking, including guest signature confirming they have read and accepted the Terms and Conditions and the House Rules.
- (iii) The House Rules, will be supplied in prominent locations within the property for occupants and visitor attention.
- (iv) If disturbances and amenity issues arise, the owner/manager will immediately commence complaint handling procedures outlined in Section 6 of this PoM.
- (v) The owner/manager will take all reasonable steps to ensure that the behaviour of occupants of the premises does not detrimentally affect the amenity of the neighbourhood.
- (vi) The owner/manager will ensure occupants at the premises do not engage in anti- social behaviour on the premises.

#### **5. Complaint handling**

- (i) The owner/manager will take immediate steps upon receipt of a complaint, to notify guests and address the complaint and if necessary be present at the property within 30 minutes of receipt of the complaint.
- (ii) The owner/manager will maintain an 'Incident Register' of all complaints.

- (iii) The Incident Register will also include a log setting out how disputes or complaints are managed and dealt with, related communication and actions taken. The log will be maintained and a record of the following particulars of all complaint:
  - a) Date and time received;
  - b) Name and designation (e.g. Guest, neighbour, council, police etc) of complainant(s);
  - c) contact details of complainant;
  - d) Nature of complaint;
  - e) Action taken (by whom and when); and
  - f) Outcome and/or further action required (e.g. community consultation, meet with council, meet with local police, review management systems or issue resolved.)
  - g) Complaints procedures and management records will be maintained.
- (iv) Owner/manager will deal with any complaints received in a sympathetic manner and fully address any reasonable concerns of persons in the area or other third parties without the involvement of the Council or the New South Police Force.
- (v) Where reasonable, owner/manager will meet with any complainants and endeavour to fully address all reasonable concerns.
- (vi) The Incidents Register and Complaints Procedures are to be maintained at all times and made available to Council immediately upon request.

## 8. Waste Management

- (i) The owner/manager will undertake waste management practices in accordance with Council policy.
- (ii) The manager will monitor the amount of waste generated and provide sufficient bin capacity
- (iii) The owner/manager will ensure signage in visible and maintained outlining that recyclables are separated from non-recyclable waste, pending collection.
- (iv) All waste will be regularly removed including recyclables and non- recyclable waste from the premises by the manager and placed for kerbside collection.
- (v) No waste or recycle bin will be on the kerbside for more than 24hours.
- (vi) The manager shall clean the wheelie bins regularly to ensure minimal odour.

## 9. Management Plan to be kept at premises

- (i) A copy of this Plan of Management is to be kept at the premises and made available to a Police Officer, or Council Compliance officer on request.

## 10. Monitoring the Plan of Management

- (i) This Plan of Management will be reviewed, amended and updated if found necessary and appropriate.

## Owner/Manager Declaration

This Plan of Management is to be signed by the owner/manager.

DECLARATION BY PROPOSED OWNER AND/OR MANAGER.

*Michelle Thomas.*

Michelle Thomas

Owner/Manager Name (Printed

13 September 2018

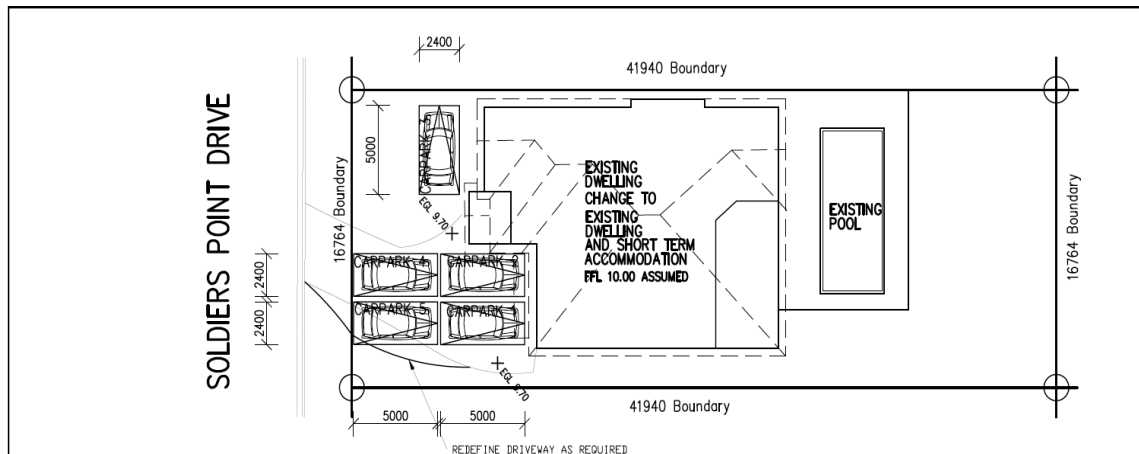
Date

**TERMS AND CONDITIONS  
18 SOLDIERS POINT DRIVE, NORAH HEAD**

**NO HENS AND/OR BUCKS PARTIES**

1. A security deposit of \$1000 is required and will be returned within seven (7) days of the date of departure provided the terms and conditions and house rules are all met.
2. All guests and visitors are expected to behave in a manner which is conducive to the safety, comfort and convenience of others within the property and all surrounding properties and in accordance with the Terms and Conditions and House Rules at all times.
3. Emergency Contact - In the event of an emergency relating to the Property, please telephone Michelle Thomas on 0405 447 338
4. Disturbance of neighbour's – our immediate neighbour's have office contact details, and excessive noise is prohibited and may result in termination of rental and loss of bond. Our neighbour's are reasonable people who have the right to a peaceful night's sleep at all times. They will call me direct if they are disturbed by nuisance noise or offensive behaviour. Guests and visitors must not engage in anti-social behaviour and must minimise their impact upon the residential amenity of neighbours and local community.
5. The property is let for only the number of persons specified and agreed in email correspondence and to the maximum number of guests approved by Council. These particular individuals are referred to as guests. All visitors must be declared at all times and failure to declare visitors may result in additional person for each night of your stay and may cause forfeiture of your bond.
6. A maximum of four (4) visitors are only permitted on the premises provided they do not stay overnight. It is the responsibility of all guest to ensure all visitors are made aware of the house rules and made to comply. Failure to comply may result in termination of rental and non-return of your bond.
7. The property is not a "party house" and any such activities are strictly prohibited. Any gathering, celebration or entertainment permitted at the property must not conflict with residential amenity of the surrounding area and must comply with all other terms and conditions.
8. The Pool and Outside entertainment area need to be left clean with all rubbish removed and the BBQ cleaned. An extra charge will be incurred if extra cleaning required. The swimming pool and outside entertainment area must not be used between the hours of 10.00pm and 7.00am. **No glassware** is permitted in the pool.
9. Amplified external music must be turned off at 10.00pm and all guests must move inside after 11.30pm.
10. Access and Parking – A maximum number of five (5) vehicles are permitted onsite and parking space(s) are identified below. All guests must park onsite. If on-street parking is required for visitors parking it must comply with parking regulations and be only in front of

18 Soldiers Point Drive. No guest trailers or caravans are permitted on site.



11. Guests must dispose of all garbage and recycling in accordance with the usual practice within the allocated bins.
12. Information on complaints. Guests are obliged to report any problems or incidents promptly; and any complaints and/or disputes will proceed through a resolution procedure undertaken in accordance with the property Plan of Management. A copy can be made available on request.
13. Security - Whenever you are absent from the Property, close all windows and doors to maintain security and prevent rain and water damage.
14. It is a requirement that you leave the property in a clean condition, similar to that in which it was found. Your rental includes a general clean. Excess charges of \$300 for additional cleaning will apply if you leave a mess. You are responsible for the cost of stain removal for walls, carpets and upholstery, such as beer, wine, food, muddy feet, extreme sand or excess cleaning required for the kitchen.
15. ALL kitchen items must be put back where they belong, please make sure the dishwasher is unloaded and no dirty dishes left behind on your departure day. Please also make sure that ALL items you have washed up or taken out of the dishwasher are put away CLEAN or a surcharge of \$200- will be incurred. Please DO NOT rearrange kitchen items.
16. All damages, breakages, theft and losses are the guests' responsibility during their stay and if noted on inspection by our cleaners will be charged against your bond.
17. This is a NO-SMOKING residence. Smoking is not permitted anywhere indoors. A surcharge of \$350.00 for smoke removal will be charged if smoke is detected. If you wish to smoke, please do so outside in the designated area. Please be a courteous smoker if you must smoke outside only and ensure the wind does not blow it inside. DO NOT leave cigarette butts, dirty ashtrays or put butts in the gardens or planters or within the residence under any circumstances. A surcharge of \$150.00 will be incurred.
18. Pets are not allowed on the premises unless the property management/owners have agreed expressly.

19. The owner/manager will ensure signage in visible and maintained outlining that recyclables are separated from non-recyclable waste, pending collection.
20. The owners do not accept or take any responsibility for your guests' personal property. Please ensure you have taken out appropriate insurance coverage as required. Items left behind by guests can be sent to the primary guest's address provided on this guest registration form. A handling fee of \$50 plus costs for shipping will be deposited from the credit card provided on this guest registration form.
21. Check out time is strictly enforced. Late check outs may be negotiated in advance where applicable. Breaches of this condition will result in an automatic cost of \$60 per hour or part thereof being charged to the registered primary guest credit card.
22. Any loss of keys or remote controls have to be reported to the management as soon as possible. A surcharge of \$300.00 will be incurred.
23. The primary guest acknowledges having read and understood these terms and conditions and acknowledges receipt of a copy of the terms and conditions and by execution of the Guest Registration form agrees to be bound by them and be responsible for compliance with the terms and conditions by other occupants of premises.
24. A breach of the Terms and Conditions or House Rules includes, any extra unapproved visitors or guests on the premises at any time; noisy, offensive and/or unruly behaviour; damage to or destruction of property; improper or unseemly conduct; any act or omission which, in the opinion of the owner/manager, adversely affects or brings discredit upon the owner, adjoining neighbour or other guests.
25. The consequence of not complying with the Terms and Conditions can result in termination of occupancy, loss of the security deposit and extra charges. The house rules form part of the Terms and Conditions.

**Guest Declaration**

This declaration is to be signed to acknowledge the Terms and Conditions and House Rules have been read and understood.

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Guest Name (Printed)

---

Signature

---

Date

**HOUSE RULES  
18 SOLDIERS POINT DRIVE, NORAH HEAD**

**NO HENS / BUCKS WEEKENDS**

1. Guests and visitors must comply with all House Rules and instructions from the manager.
2. Guests must notify the manager of any disputes or complaints from neighbours as soon as practicable
3. All guests and visitors are expected to behave in a manner which is conducive to the safety, comfort and convenience of others within the property and all surrounding properties.
4. Disturbance of neighbour's – our immediate neighbour's have office contact details, and excessive noise is prohibited and may result in termination of rental and loss of bond.
5. The property is let for only the number of persons specified and agreed in email correspondence to a maximum of 8 people (2 adults per bedroom).
6. A maximum of four (4) visitors are permitted on the premises provided they do not stay overnight.
7. The property is not a "party house" and any such activities are prohibited. Any gathering, celebration or entertainment permitted at the property must not conflict with residential amenity and must comply with all House Rules.
8. There is off street parking for five (5) vehicles. Parking for guests is not permitted on the street.
9. Guests must not create noise which is offensive to neighbours, especially between 10.00pm and 8.00am and during arrival and departure at any time during the occupancy.
10. This is a NO-SMOKING residence. Smoking is not permitted anywhere indoors.
11. Pets are not allowed on the premises unless the property management/owners have agreed expressly.
12. Guests must dispose of all garbage and recycling in accordance with the usual practice within the allocated bins.
13. Security - Whenever you are absent from the Property, close all windows and doors to maintain security and prevent rain and water damage.
14. Emergency Contact - In the event of an emergency relating to the property, please telephone Michelle Thomas on 0405 447 338
15. The Pool and Outside entertainment area must not be used between the hours of 10.00pm and 7.00am. **No glassware** is permitted in the pool.
16. Amplified external music must be turned off at 10.00pm and all guests must move inside after 11.30pm.

17. The owners do not accept or take any responsibility for your guests' personal property.
18. When any guest enters the property, they shall be deemed to have agreed to be bound by the TERMS AND CONDITIONS and agree to compliance.
19. Check out time is enforced. Late check outs may be negotiated in advance where applicable. Breaches of this condition will result in an automatic cost of \$60 per hour or part there of being charged to the registered primary guest credit card.
20. Any loss of keys or remote controls have to be reported to the management as soon as possible. A surcharge of \$300.00 will be incurred.
21. Compliance – breach of the house rules is breach of the terms and conditions of occupancy. Management have the right to evict any occupants and withhold the security deposit should the house rules not be complied with.

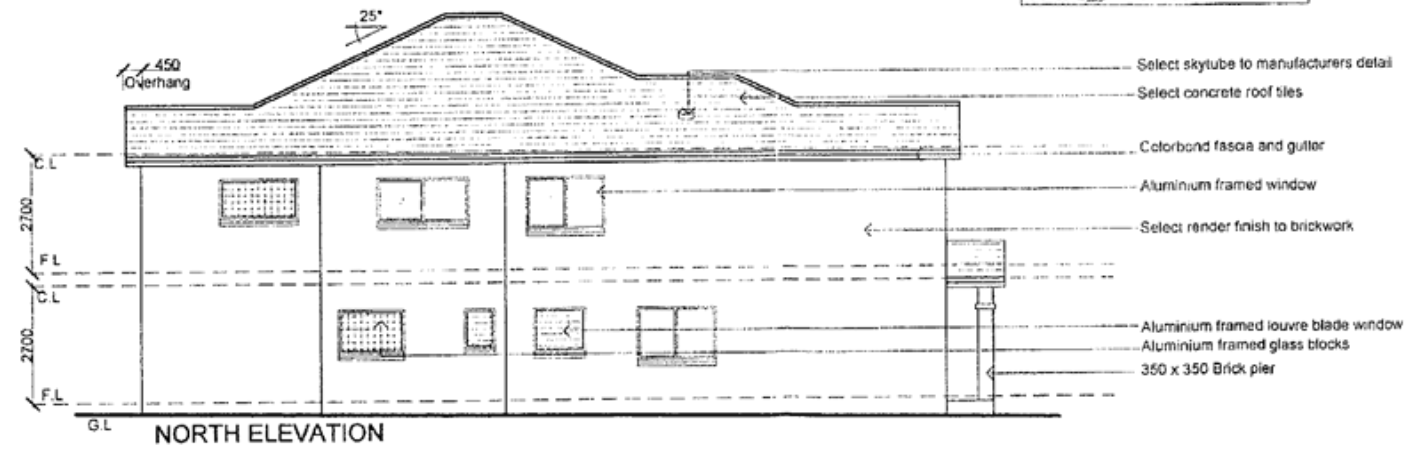
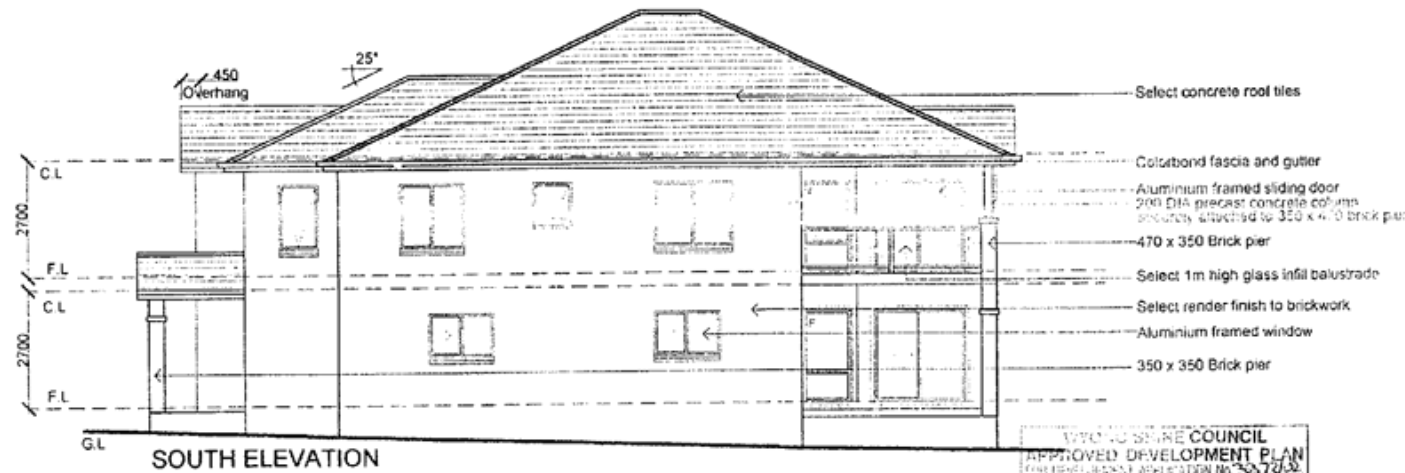
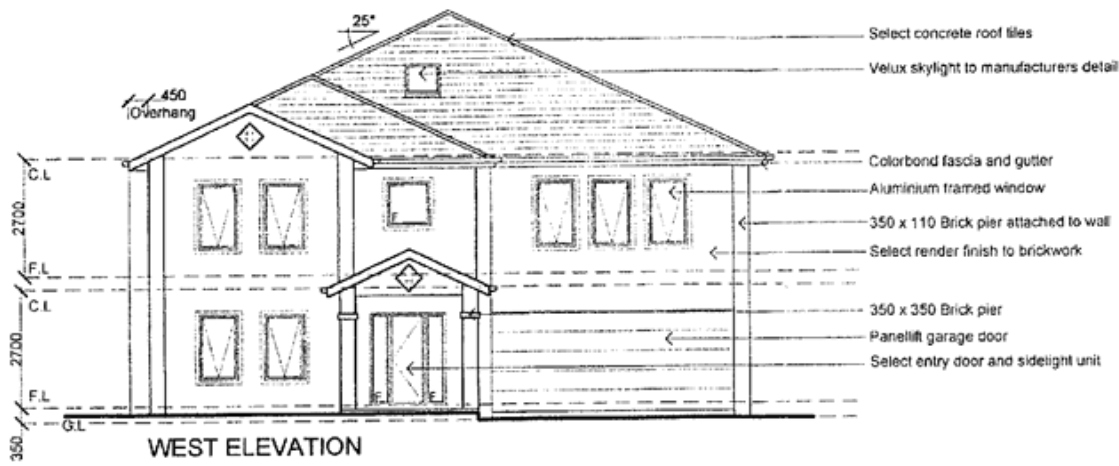


## Incident Register – 18 Soldiers Point Drive

Incident	Date

**Complaint Management Procedures – 18 Soldiers Point Drive**

Date and time received	
Name and designation of complainant (e.g. Guest, neighbour, council, police)	
Nature of complaint	
Action taken (by whom and when)	
Outcome and/or further action required	(e.g. community consultation, meet with council, meet with local police, review management systems or issue resolved.)
Date and time received	
Name and designation of complainant (e.g. Guest, neighbour, council, police)	
Nature of complaint	
Action taken (by whom and when)	
Outcome and/or further action required	(e.g. community consultation, meet with council, meet with local police, review management systems or issue resolved.)
Date and time received	
Name and designation of complainant (e.g. Guest, neighbour, council, police)	
Nature of complaint	
Action taken (by whom and when)	
Outcome and/or further action required	(e.g. community consultation, meet with council, meet with local police, review management systems or issue resolved.)
Date and time received	
Name and designation of complainant (e.g. Guest, neighbour, council, police)	
Nature of complaint	
Action taken (by whom and when)	
Outcome and/or further action required	(e.g. community consultation, meet with council, meet with local police, review management systems or issue resolved.)
Date and time received	
Name and designation of complainant (e.g. Guest, neighbour, council, police)	
Nature of complaint	
Action taken (by whom and when)	
Outcome and/or further action required	(e.g. community consultation, meet with council, meet with local police, review management systems or issue resolved.)



AMENDMENT:	
DATE:	
ISSUE:	A
<b>DESIGN</b> by Kath Ifield	
15 Thelma Street, Toowoomba Bay 2261 Ph / Fax 4333 4552	
PROJECT: THOMAS RESIDENCE Lot 3 D.P. 758773 No 18 SOLDIERS POINT ROAD NORAH HEAD N.S.W.	
SCALE: 1:100	DATE: DECEMBER 2002
DRAWING: ELEVATIONS	
JOB No.: 2002 - 35	
DRAWING No.: A 03	
ISSUE: A	



**Item No:** 2.6  
**Title:** DA/866/2018 - 2 Lot Subdivision of Existing Dual Occupancy at 2 Keats Ave, Bateau Bay  
**Department:** Environment and Planning

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29 October 2018 Ordinary Council Meeting

Trim Reference: DA/866/2018 - D13322139  
Author: Ross Edwards, Senior Development Planner  
Manager: Emily Goodworth, Section Manager, Development Assessment  
Executive: Scott Cox, Director, Environment and Planning

## Summary

An application has been received for the two lot subdivision of an existing dual occupancy at 2 Keats Avenue, Bateau Bay. The application has been examined having regard for the matters for consideration detailed in section 4.15 of the *Environmental Planning and Assessment Act 1979* and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

<b>Applicant</b>	Trustees of The Board Management Clergy Parramatta
<b>Owner</b>	Trustees of The Board Management Clergy Parramatta
<b>Application No</b>	DA/866/2018
<b>Description of Land</b>	Lot 112 DP 217594 2 Keats Avenue, Bateau Bay NSW 2261
<b>Proposed Development</b>	2 Lot Subdivision of Existing Dual Occupancy
<b>Site Area</b>	810.5m <sup>2</sup>
<b>Zoning</b>	R2 Low Density Residential
<b>Existing Use</b>	Dual occupancy

## Recommendation

- 1 That Council grant consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in section 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant issues.***
- 2 That Council assume the concurrence of the Secretary of the Department of Planning and Environment in accordance with the written notification of assumed concurrence issued under clause 64 of the Environmental Planning and Assessment Regulation 2000.***

**PRECIS**

<b>Proposed Development</b>	Two lot subdivision of an existing dual occupancy
<b>Permissibility and Zoning</b>	The subject site is zoned R2 Low Density Residential under the provisions of <i>Wyong Local Environmental Plan 2013</i> . Subdivision is a permissible use in the zone.
<b>Relevant Legislation</b>	<ul style="list-style-type: none"> <li>• <i>State Environmental Planning Policy (Coastal Management) 2018</i></li> <li>• <i>Wyong Local Environmental Plan 2013</i></li> <li>• <i>Wyong Development Control Plan 2013 Chapter 1.2 and Part 4 - Subdivision</i></li> </ul>
<b>Current Use</b>	Dual occupancy
<b>Integrated Development</b>	No
<b>Submissions</b>	No submissions received

**Variations to Policies**

LEP/DCP	Wyong Local Environmental Plan 2013
Clause	Clause 4.1 – Minimum lot size
Standard	Minimum subdivision lot size
Departure basis	<p>Proposed Lot 1 - the variation equates to 3.9% or 17.5m<sup>2</sup>. Variation sought under Clause 4.6 of WLEP 2013.</p> <p>Proposed Lot 2 - the variation equates to 16% or 72m<sup>2</sup>. Variation sought under Clause 4.6 of WLEP 2013.</p>

**The Site**

The site is commonly known as No. 2 Keats Avenue, Bateau Bay and legally described as Lot 112 DP217594. The site is located on the corner of Marlowe Road and Keats Avenue, has a frontage of 44.77m to Marlowe Road and 9.25m to Keats Avenue and an overall site area of 810.5m<sup>2</sup>. The site is triangular in shape with vehicle access from Marlowe Road.

The site contains an attached single storey dual occupancy with 1.8m high courtyard fencing fronting Marlowe Road.

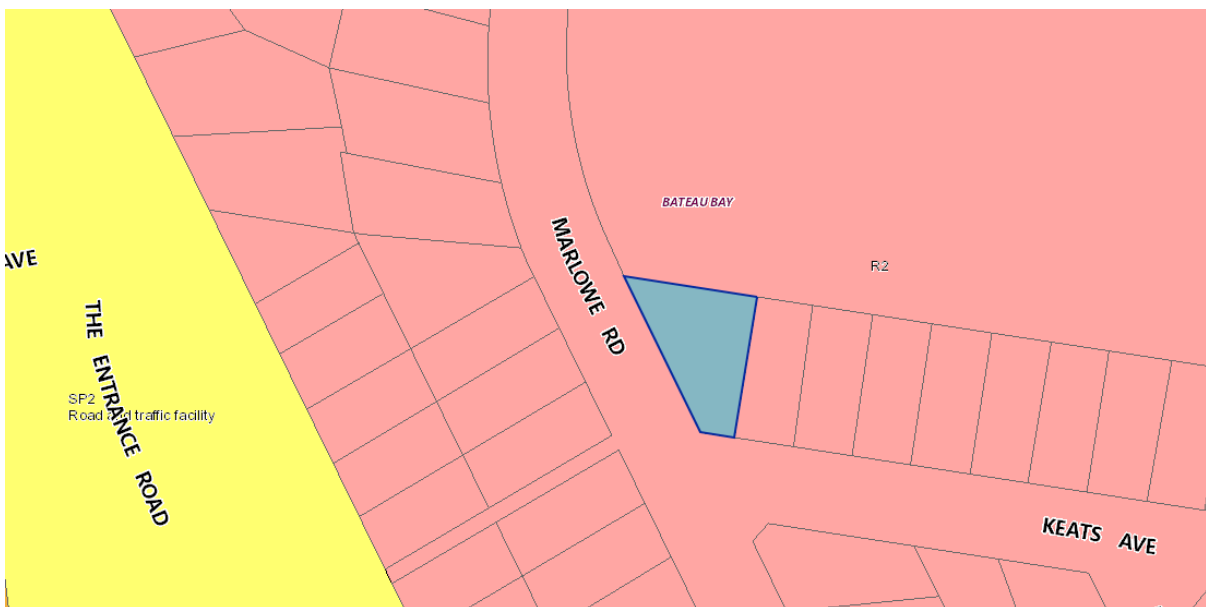
The site is zoned R2 Low Density Residential under the provisions of *Wyong Local Environmental Plan 2013* (WLEP 2013).



**Figure 1 – Aerial photograph of subject and adjoining properties (site shown in shaded blue)**

### Surrounding Development

To the north of the subject site is Bateau Bay Public School. The predominant land use in the locality comprises low density, single and two storey residential dwellings.



**Figure 2 – Zoning Map (site shown in shaded blue)**





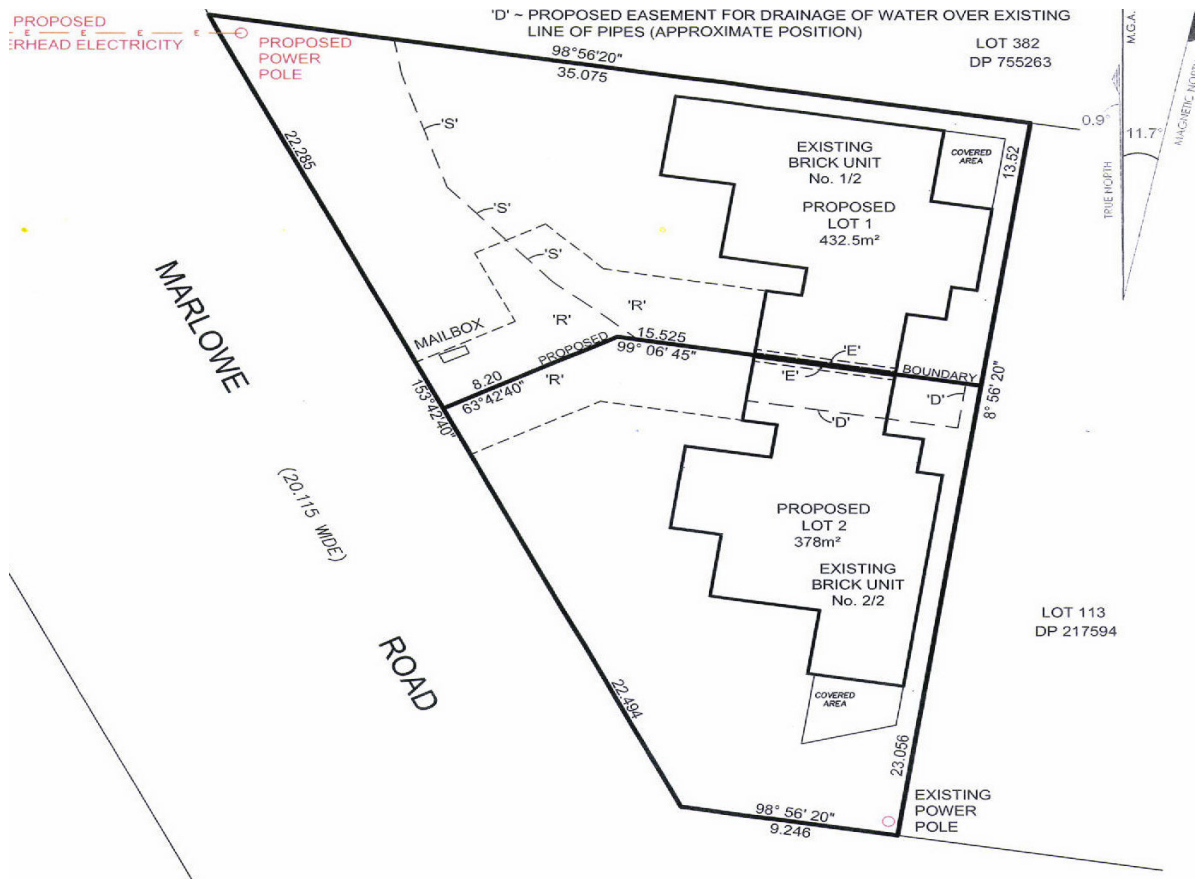
***Figure 3 – View of site from Marlow Road***



***Figure 4 – View of site from Keats Avenue***

## The Proposed Development

Development Application No. 866/2018 seeks consent for the two lot Torrens title subdivision of an existing dual occupancy development.



**Figure 7 – Proposed Subdivision Plan**

## History

DA/131/96 – Council granted consent on 12 March 1996 for the erection of a dual occupancy on the subject allotment.

The assessment report for DA/131/96 determined that the proposed dual occupancy was supported for the following reasons:

- *The dual occupancy has been designed as a single storey attached proposal allowing access from Marlowe Road.*
- *The bulk and scale of the proposal is consistent with the surrounding built environment.*
- *The external appearance of a brick and tile dual occupancy will offer a quality development for the locality.*
- *The proposal satisfies Council's numerical requirements for dual occupancy development (site coverage – 29.5% and F.S.R – 0.25:1)*



Subdivision of the dual occupancy was not proposed under DA/131/96 however if concurrent subdivision had been proposed as part of the application, the subdivision would have been permissible under Clause 42D(b) of *Wyang Local Environmental Plan 1991*.

#### **Consultation – s. 4.15 (1)(d) of the EP&A Act**

The application was notified in accordance with *Wyang Development Control Plan 2013 (WDCP 2013) Chapter 1.2 Notification of Development Proposals* from 23 August 2018 to 6 September 2018. No submissions were received.

#### Public Authority Consultation

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

#### Internal Consultation

The application was referred to the following internal officers:

- Senior Development Engineer

The application has been assessed by Council's Senior Development Engineer in relation to access, drainage and water/sewer and no objection was raised subject to recommended conditions.

#### **Ecologically Sustainable Principles**

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

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

#### **Climate Change**

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

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

## **Assessment**

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

### **s. 4.15 (1)(a)(i) of the EP&A Act: Provisions of Relevant Instruments/Plans/Policies:**

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

##### Zoning & Permissibility

The subject site is zoned R2 Low Density Residential under the provisions of WLEP 2013. Development for the purpose of subdivision is permissible within the R2 Low Density Residential zone.

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

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maintain and enhance the residential amenity and character of the surrounding area.*
- *To provide a residential character commensurate with a low density residential environment.*

The proposal will assist in meeting the housing needs of the community within a low density residential environment by subdividing an existing dual occupancy into separate allotments which will provide two separate dwellings on two separate lots that can be sold separately. The existing dual occupancy maintains the residential character and amenity of the surrounding area.

##### Clause 4.1 – Minimum subdivision lot size

Under clause 4.1 of WLEP 2013, the minimum subdivision lot size that applies to the R2 zone is 450m<sup>2</sup>. The size of the proposed lots are 432.5m<sup>2</sup> (Lot 1) and 378m<sup>2</sup> (Lot 2) which is a variation of 17.5m<sup>2</sup> or 3.9% (Lot 1) and 72m<sup>2</sup> or 16% variation (Lot 2). The proposal seeks variation to the minimum subdivision lot size control (i.e. clause 4.1 of WLEP 2013) and a clause 4.6 Exception to Development Standards accompanies the application. The relevant objectives of clause 4.1 (Minimum subdivision lot size) are as follows:

- a) *To ensure that minimum lot sizes reflect the outcomes of any adopted settlement strategy for Wyong*
- b) *To ensure that the creation of parcels of land for development occurs in a manner that protects the physical characteristics of the land, does not create potential physical hazard or amenity issues for neighbours, can be satisfactorily serviced and will not, through its potential cumulative impacts, create capacity problems for existing infrastructure,*
- c) *To ensure that lot sizes are able to accommodate development that it is suitable for its purpose and consistent with relevant development.*

This matter is further discussed under the clause 4.6 section of the report.

#### Clause 4.6 – Exceptions to development standards

A clause 4.6 exception to the minimum subdivision lot size applying to the site is sought under the development application. The development standard under clause 4.1 limits the minimum subdivision lot size in an R2 zone to 450m<sup>2</sup>. The size of the proposed lots are 432.5m<sup>2</sup> (Lot 1) and 378m<sup>2</sup> (Lot 2) which is a variation 17.5m<sup>2</sup> or 3.9% (Lot 1) and 72m<sup>2</sup> or 16% variation (Lot 2).

The clause 4.6 exception to the development standard applying to the minimum subdivision lot size as sought by the applicant is included in attachment 4.

The applicant's clause 4.6 Exception to Development Standard adequately addresses the matters required to be demonstrated under subclause (3)(a) and (3)(b). Subclause (3) reads:

- 3) *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 grounds to justify contravening the development standard.*

Clause 4.6 (4) reads:

- 4) *Development consent must not be granted for development that contravenes a development standard unless:*

a) *the consent authority is satisfied that:*

- i. the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- ii. the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

b) *the concurrence of the Secretary has been obtained.*

#### Applicant's Submission

The following justification was provided by the applicant to satisfy subclause (3):

- *The proposed subdivision layout is based on Council's approved development for Dual Occupancy defined in Building Permit number 1608/96 and approved with final Council inspection dated 22 April 1997. Therefore, appropriate planning controls have already been applied to the development.*
- *No environmental impact will result from the subdivision, as it is purely a paper entity created to define boundaries for the physical buildings and fencing, which have already been constructed and approved on the land.*
- *The proposed subdivision will create opportunity for separate ownership of each unit thus promoting the delivery and maintenance of affordable housing.*
- *Both dwellings have well-established landscaping and provide an aesthetically pleasing site amenity with minimal building bulk presented to the streetscape.*
- *No additional development rights are being created by the subdivision.*
- *No additional housing entitlements are created by the subdivision.*
- *The development remains as it is physically constructed and achieves the added advantage of enabling the sale of either of the lots. Thus, promoting the orderly and economic use and development of land (being one of the objectives of the Environmental Planning and Assessment Act 1979).*
- *The proposal will not prejudice the residential environment.*
- *The proposal will not generate additional traffic having regard to existing dwelling entitlements approved with the existing dual occupancy.*

- *The proposal provides for the housing needs of the community within a low density environment.*
- *The proposed percentage variation to the 450m<sup>2</sup> minimum development standard is small and in fact not relevant, as the construction of the two dwellings has satisfied all of Council's Development Standards for Dual Occupancy Development.*
- *If an application for dual occupancy and subdivision were lodged today, which satisfied the objectives of dual occupancy development, Council would approve the development with subdivision. The outcome of both applications being lodged now or in this instance the original application for dual occupancy being submitted prior to the current application for subdivision, result in the same outcome. It is therefore unreasonable to restrict the subdivision of this development.*

The applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3). In accordance with the R2 zone objectives the proposal will provide additional housing on separate lots that will address the housing needs of the community within a low density residential environment in a manner that minimises impacts on existing residential amenity. The proposal is consistent with the objectives of clause 4.1(1) and is considered to be in the public interest as outlined in the table below.

<b>Clause 4.1(1) objectives</b>	<b>Proposal</b>
a) <i>To ensure that minimum lot sizes reflect the outcomes of any adopted settlement strategy for Wyong</i>	<p>The underlying objective of the minimum allotment size standard is about maintaining an appropriate lot size which provides an appropriate scale of development within a low density environment and mitigating negative impacts upon neighbouring amenity.</p> <p>The proposed non-compliance with respect to the minimum lot size standard is considered acceptable in this circumstance as the lot sizes cater for the existing dual occupancy providing suitable private open space, car parking and servicing arrangements for the existing development while maintaining the character of the surrounding low density housing environment.</p>
b) <i>To ensure that the creation of parcels of land for development occurs in a manner that protects the physical characteristics of the land, does not create potential physical hazard or amenity issues for neighbours, can be satisfactorily serviced and will not, through its potential cumulative impacts, create capacity problems for existing infrastructure.</i>	<p>The proposed subdivision does not involve any physical works to the existing dual occupancy therefore the existing physical character of the development will be retained, there will be no physical hazards or amenity issues on the neighbouring lots than what currently occurs, the existing services are maintained and there will be no additional capacity problems on the existing infrastructure within the area.</p>
c) <i>To ensure that lot sizes are able to accommodate development that it is suitable for its purpose and consistent with relevant development.</i>	<p>The dual occupancy has already been built on site which allows Council to assess the proposed lot sizes in relation to their ability to accommodate the approved development.</p>

	The proposed lot sizes are suitable for the intent of the subdivision of the existing dual occupancy, as each lot maintains their existing private open space, car parking and servicing arrangements, the bulk and scale of the development remains unchanged and the development is commensurate with other development in the locality.
--	--

The proposed development is considered to be in the public interest despite the variation being sought because it is consistent with the R2 zone objectives and the objectives for the minimum subdivision lot size standard identified under clause 4.1(1).

In this instance, and on these grounds, the exception is supported and strict compliance with the development standard is considered unreasonable and unnecessary in the circumstances of the case. Additionally, there are sufficient environmental planning grounds to justify contravening the development standard. The variation to the minimum 450m<sup>2</sup> lot size of 16% and 3.9% is considered reasonable given the bulk and scale of the development remains unchanged and each lot maintains their existing private open space, car parking, and servicing arrangements. The exception to the minimum subdivision lot size under clause 4.1(1) is considered reasonable and acceptable in the specific circumstances of the case.

In accordance with clause 64 of the *Environmental Planning and Assessment Regulation 2000*, Council may assume the concurrence of the Secretary of the Department of Planning and Environment, for an exception to a development standard under clause 4.6 of the *Standard Instrument (Local Environmental Plans) Order 2006*, having regard for the matters set out in subclause 4.6(5) and where the variation is greater than 10% or non-numerical. Council has considered those matters set out in subclause 4.6(5) and may assume the concurrence of the Secretary in this instance. Clause 4.6 (5) states:

5) *In deciding to whether to grant concurrence, the Secretary must consider:*

- a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- b) *the public benefit of maintaining the development standard, and*
- c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*

It is considered that the proposed development will be consistent with the objectives of the zone and the proposed development will be consistent with the objects of the standard which is not met.

The written request provided by the applicant demonstrates that compliance with the development standard is unreasonable and unnecessary in this circumstance and there are sufficient environmental planning grounds to justify contravening the development standard.

Clause 7.9 – Essential Services

This clause requires Council to ensure that services such as water, sewer, electricity, stormwater drainage and road access can be adequately provided. All of these services are currently provided to the existing development and the proposed subdivision will not alter current arrangements.

**s. 4.15(1)(a)(ii) of the EP&A Act: Provisions of any draft environmental planning instrument**

Major Amendment No. 2 –Wyong Local Environmental Plan 2013

The proposed subdivision of the existing lawfully approved dual occupancy development is consistent with the resolution of Council on 28 June 2017 to approve changes to clause 4.1B as follows:

376/17      *Amend Clause 4.1B to facilitate the subdivision of existing lawfully created dual occupancies. Currently under Clause 4.1B, dual occupancy can only be subdivided to create lots less than those on the Lot Size Map if the Development Application is done at the same time. Therefore existing dual occupancies cannot be subdivided.*

Major Amendment No.2 to WLEP 2013 is currently being finalised and will be Notified in the near future.

**s. 4.15(1)(a)(iii) of the EP&A Act: Provisions of any development control plan**

***Wyong Development Control Plan 2013***

Part 4 – Subdivision

The proposed development is for the subdivision of an existing dual occupancy with no physical development. The existing development has demonstrated that a building can be accommodated on the corner site without creating physical hazards or amenity issues on the neighbouring lots while maintaining the existing services and not creating any additional capacity problems on the existing infrastructure within the area. Each lot maintains their existing private open space, solar access, car parking and servicing arrangements as a result of the subdivision. The bulk and scale of the development is maintained without changing the character of the development within the low density housing environment.

**s. 4.15(1)(b) of the EP&A Act: Likely Impacts of the Development**

### **Built Environment**

A thorough assessment of the proposed development on the built environment has been considered in terms of the objectives of the R2 low density residential zone, clause 4.1 and clause 4.6 of WLEP 2013 and Part 4 Subdivision of WDCP 2013. It is considered the proposed subdivision is reasonable as the bulk and scale of the development remains unchanged and is commensurate with other development in the locality with each lot capable of accommodating the existing dwellings and their associated private open space, car parking and servicing arrangements.

### **Access and Transport**

The proposed subdivision does not involve any physical works to the existing dual occupancy therefore the existing access and transport associated with the development is not being changed as a result of the subdivision.

### **Context and Setting**

The existing context and setting of the development is unchanged as a result of the subdivision.

### **Natural Environment**

The site has a long history of residential use. There is no removal of vegetation and therefore the development is considered reasonable in terms of impact on the natural environment as no further physical development is being undertaken on the site.

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

The existing development demonstrates that the site is suitable in accommodating a dual occupancy and the subdivision of this development. The proposed subdivision is considered reasonable in terms of impacts and will provide an additional housing lot that is commensurate with other housing lots in the locality.

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

There are no matters associated with the proposal that would be considered contrary to the public interest.

### **Other matters for consideration**

#### *Section 7.11 Contributions*

The Entrance District s. 7.11 Contributions Plan and Shire Wide S7.11 plan applies to the proposal. The following contributions are applicable:



- Shire wide contributions
- Open space works
- Community facility land and works

The payment of the s. 7.11 contributions is conditioned to be paid prior to the release of the Subdivision Certificate.

### **Conclusion**

The Development Application has been assessed in accordance with s. 4.15 of the EP&A Act and all relevant instruments and policies. The proposed clause 4.6 variation request to vary the minimum lot size requirement is warranted and it is considered reasonable in this instance to assume the concurrence of the Secretary for a variation to the minimum lot size of 450m<sup>2</sup>. Accordingly the proposed subdivision is recommended for approval subject to the conditions attached to this report.

### **Reasons for the decision**

- The proposal is satisfactory having regard for the relevant environmental planning instruments, plans and policies.
- The proposal has been considered against the objectives of the R2 Low Density Residential zone and has been found to be satisfactory.
- The proposal has been considered against the objectives of clause 4.1 (1) of WLEP 2013 and has found to be satisfactory.
- The proposal has been considered against the objectives of clause 4.6 of WLEP 2013 and the exception to the minimum subdivision lot size under Clause 4.1(1) is considered reasonable and warranted in this instance.
- Council has had regard to the applicant's clause 4.6 variation request regarding the minimum lot size within clause 4.1 of WLEP 2013. As the bulk and scale of the development remains unchanged and is commensurate with other development in the locality, and each lot maintains their existing private open space, car parking and servicing arrangements, Council is satisfied the proposed lot sizes are adequate to cater for the existing development.
- Council has formed the view that the applicant's written request satisfactorily addresses the required matters within clause 4.6 of WLEP 2013 and it is considered compliance with the minimum lot size is unnecessary and unreasonable in this instance.

**2.6 DA/866/2018 - 2 Lot Subdivision of Existing Dual Occupancy at 2 Keats Ave, Bateau Bay (contd)**

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- The proposed subdivision will result in an additional lot that will provide additional housing options in the area.
- There are no significant issues or impacts identified with the proposal under s. 4.15 of the EP&A Act.
- **Link to Community Strategic Plan**

The proposal does not support the Themes, Goals and Objectives of the One - Central Coast Community Strategic Plan 2018 – 2028.

**Attachments**

<b>1</b>	Draft Conditions of Consent	D13305070
<b>2</b>	WDCP - Part 4 Subdivision - Table of Compliance	D13322071
<b>3</b>	Subdivision Plan	D13299487
<b>4</b>	Clause 4.6 Exception to Variation Request	D13299471

**Date:** 31 August 2018  
**Responsible Officer:** Ross Edwards  
**Location:** 2 Keats Avenue, BATEAU BAY NSW 2261  
 Lot 112 DP 217594  
**Owner:** Trustees Of The Board Management Clergy Parramatta  
**Applicant:** Trustees Of The Board Management Clergy Parramatta  
**Date Of Application:** 7 August 2018  
**Application No:** DA/866/2018  
**Proposed Development:** 2 Lot Subdivision of Existing Dual Occupancy  
**Land Area:** 810.5m<sup>2</sup>  
**Existing Use:** Dual occupancy

## 1. PARAMETERS OF THIS CONSENT

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

### Architectural Plans by:

Description	Sheets	Issue	Date
Proposed subdivision layout	1 of 6	A	4/6/18

- 1.2. An application for a Subdivision Certificate must be submitted to and approved by the Council/Certifying Authority prior to endorsement of the plan of subdivision.

## 2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

No Conditions

## 3. PRIOR TO COMMENCEMENT OF ANY WORKS

No Conditions

## 4. DURING WORKS

No Conditions

## 5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

No Conditions

## 6. PRIOR TO ISSUE OF ANY SUBDIVISION CERTIFICATE

- 6.1. All conditions under this section must be met prior to the issue of any Subdivision Certificate.
- 6.2. The payment to Council of developer contributions as calculated in the formula below:

$$\text{Developer contribution} = \$4,749.45 \times \text{Current CPI} \div \text{Base CPI}$$

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

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

- 6.3. The certification by a Registered Surveyor, prior to issue of a Subdivision Certificate that all construction has been effected within the appropriate property, easement boundaries and rights of carriageway. The certification shall be accompanied by a copy of the final subdivision or easement plan, with the distances from the boundaries to the edges of these structures endorsed in red thereon and signed by the surveyor.
- 6.4. Written confirmation from the relevant service authorities that satisfactory arrangements have been made for the provision of the following services to each lot:
  - telecommunications
  - electricity supply
  - gas supply
  - national broadband network
  - water supply
  - sewerage

The location of services must be shown on a copy of the final subdivision plan, with the distances from the boundaries to each service endorsed in red thereon.

6.5. All subdivision works must be approved by Council prior to the issue of a Subdivision Certificate.

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

- Reciprocal 'Rights of Carriageway' between proposed Lots 1 and 2.
- Reciprocal 'Easements for Maintenance and Repair' over those parts of the building common to both Lots including walls, eaves, roof and guttering.
- 'Easement to Drain Water' as identified on the approved development plans.
- 'Easement to Drain Sewage' as required.
- 'Easement for Services' as identified on the approved development plans.

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

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

6.8. The obtaining of a Section 307 Certificate of Compliance under the *Water Management Act 2000* for water and sewer requirements for the development from Central Coast Council as the Water Supply Authority, prior to issue of the Subdivision Certificate. All works for the development must be approved by Council prior to the issue of a Certificate of Compliance.

## 7. ONGOING

### No Conditions

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

.....  
Reporting Officer

.....  
Reviewing Officer

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

Approved/Refused:

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

**WDCP – Part 4 subdivision – Table of Compliance**

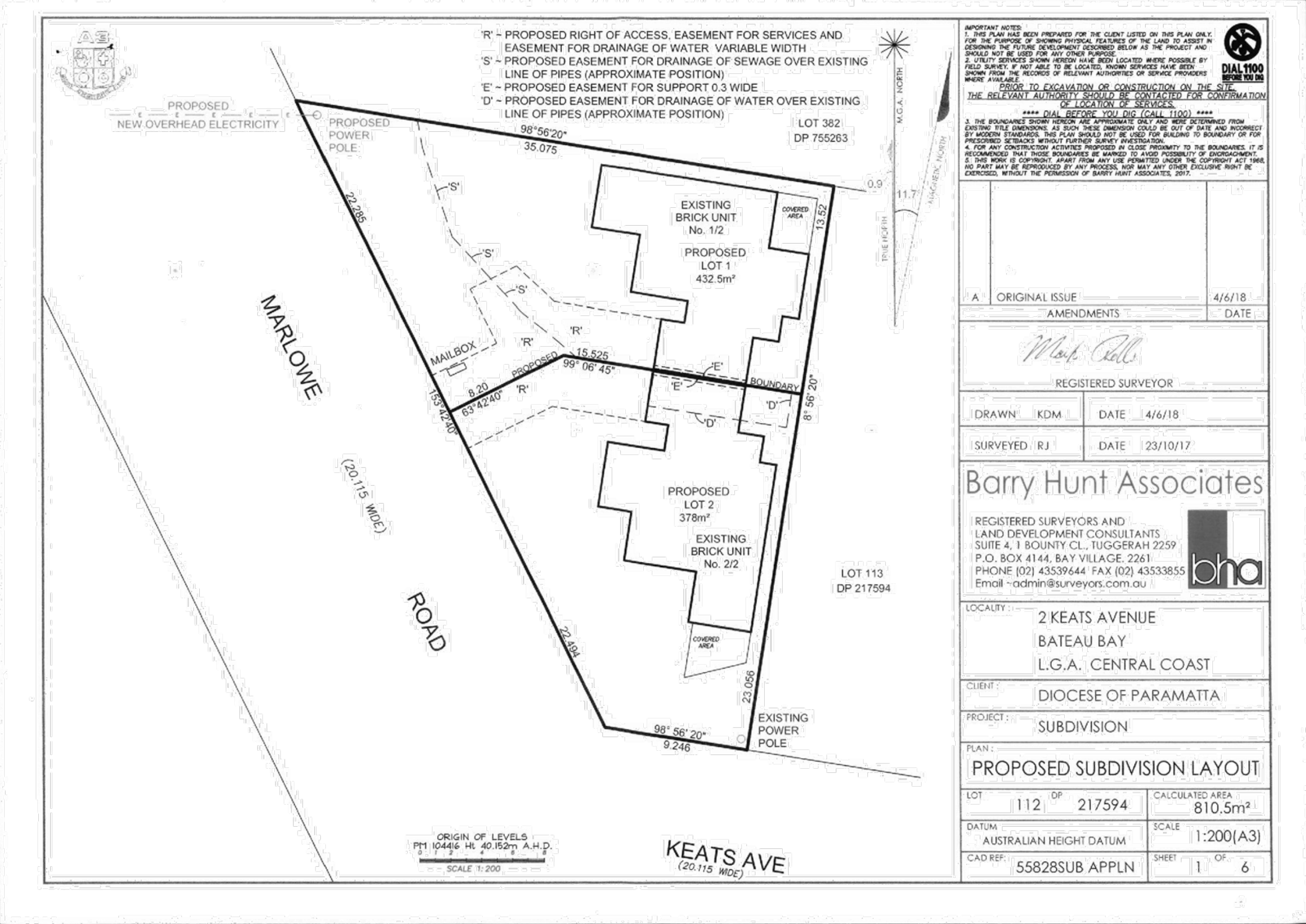
Requirement	Proposed	Compliance
<b>2.0 Application Requirements</b>		
General Requirements (cl 2.1)	The general requirements have been met	Yes
Site Analysis (cl 2.2)	Provided	Yes
Landscape Assessment Report and Vegetation Management Plan (cl. 2.3)	N/A	N/A
Service Plan (cl. 2.4)	Existing development on site is serviced	Yes
Street Plan (cl. 2.5)	N/A	Yes
Lot Layout Plan (cl.2.6)	Provided	Yes
<b>2.7 Other Requirements</b>		
Developer Contributions (cl. 2.7.1)	Applicable contributions will be applied	Yes
<b>3.0 General Design Principles</b>		
<b>3.1 Stormwater Management and Flooding</b>		
The proposal satisfies stormwater management.	N/A	N/A
<b>3.1.2 Erosion and Sediment Control</b>		
Erosion and sediment controls are provided	The proposed development is for subdivision of an existing dual occupancy and does not involve any physical works	N/A
<b>3.1.3 Flooding</b>		
Subdivision of land on floodplain not encouraged. Development must comply with DCP 3.3 Floodplain Management.		N/A – subject site is not flood prone land
<b>3.2 Services</b>		
All servicing proposed will be provided	Existing development on site is serviced	Yes
<b>3.3 Cut, Fill and Earthworks</b>		
Re-grading earthworks are proposed for the subdivision however no retaining walls are required.	The proposed development is for subdivision of an existing dual occupancy and does not involve any physical works	N/A
<b>3.4 Street Layout and Design</b>		
A road hierarchy is to be established which distinguishes between access lanes/places, access streets, local streets, collector streets and distributor roads (cl. 3.4.a)	N/A – 2 lot subdivision proposed	N/A
The street network shall respond to the areas topography and natural features (cl. 3.4.g)	N/A – 2 lot subdivision proposed	N/A
Streets shall be designed in accordance with the table in Appendix B (cl. 3.4.h)	N/A – 2 lot subdivision proposed	N/A
The street network must interconnect between neighbourhood elements, transport modes and integrate with adjoining development (cl. 3.4.i)	N/A – 2 lot subdivision proposed	N/A
Streets are to be designed to enable each lot to access street frontage (cl. 3.4.j)	N/A – 2 lot subdivision proposed	N/A
The street design should consider	N/A – 2 lot subdivision proposed	N/A

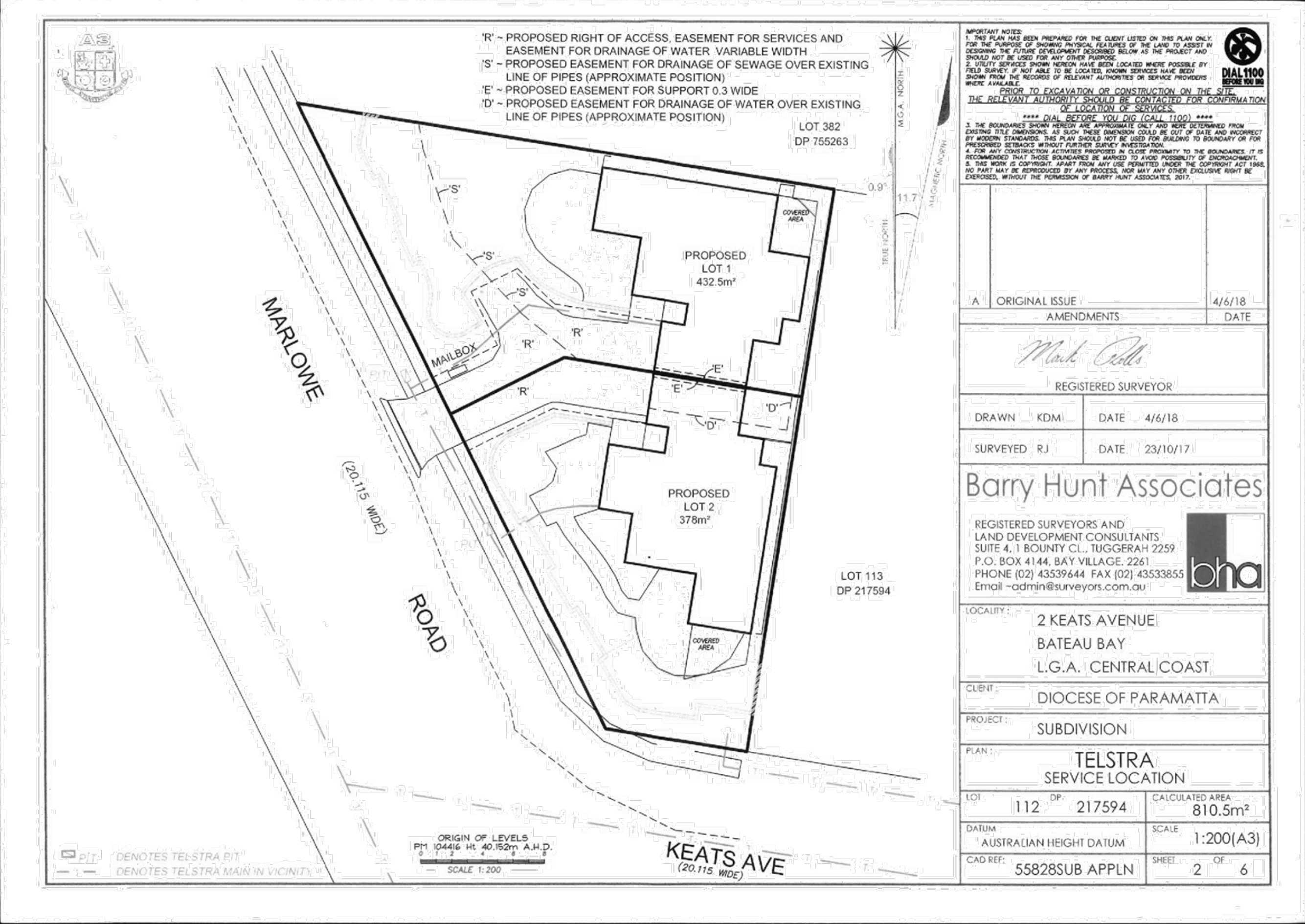
adequate sight distance in regard for lot access (cl. 3.4.n)		
Residential street blocks shall be no more than 80m deep and 160m long (cl. 3.4.o)	N/A	N/A
Where the land abuts open space or bushland, an urban interface area is required (UIA) as outlined in s.3.9 (cl. 3.4.q)	N/A	N/A
Appropriate intersection controls are to be provided (cl. 3.4.r)	N/A	N/A
<b>3.5 Footpaths and Cycleways</b>		
Footpaths are to be provided on one side of the street for access places/lanes, access streets and local roads (cl. 3.5.a)	N/A	N/A
Subdivisions are to provide pedestrian links between street networks. Cul de sacs where possible are to be designed in accordance with CPTED principles (cl. 3.5.b)	N/A	N/A
Shared pedestrian/cycleways are to be provided in all new residential estates as identified in the Transport Report (cl. 3.5.d)	N/A	N/A
<b>3.6 Street Trees and Landscaping</b>		
Subdivisions are to incorporate street trees at a minimum rate of 1 semi-advanced tree per 15m frontage (cl.3.6.a)	N/A – 2 lot subdivision proposed – sufficient trees exist on site to satisfy control	Yes
A street tree planting plan is to be included as part of the Landscape Assessment and Design Report (cl.3.6.b)	N/A	N/A
<b>3.7 Public Open Space and Parks</b>		
No residential lot is to be located more than 400m from public open space (cl. 3.7.c)	N/A – 2 lot subdivision proposed	N/A
No residential lot is to be located more than 500 metres walking distance from a playground (cl. 3.7.d)	N/A – 2 lot subdivision proposed	N/A
The design shall include provision for foot/cycle paths on perimeter of open space linking to other destinations (cl. 3.7.g)	N/A – 2 lot subdivision proposed	N/A
<b>3.8 Heritage</b>		
Provide details of any identified heritage item or aboriginal site and proposed treatment (cl. 3.8.a)	The existing development is not located within the vicinity of a listed heritage item and is within an established urban area	N/A
<b>3.9 Vegetation Management, Threatened Species and Urban Interface</b>		
To clear land an ecological assessment and management plan is likely to be required which includes Threatened Species Assessment (cl.3.9.1.c)	The proposed development is for subdivision of an existing dual occupancy and does not involve any physical works or land clearing	N/A
Subdivision should be designed appropriately to so as not to effect any threatened species of ecological communities on site or adjoining land (cl. 3.9.2.b)		N/A
An urban interface required on land that contains or adjoins significant vegetation (cl. 3.9.3.a)		N/A
<b>3.10 Community Safety and Security</b>		



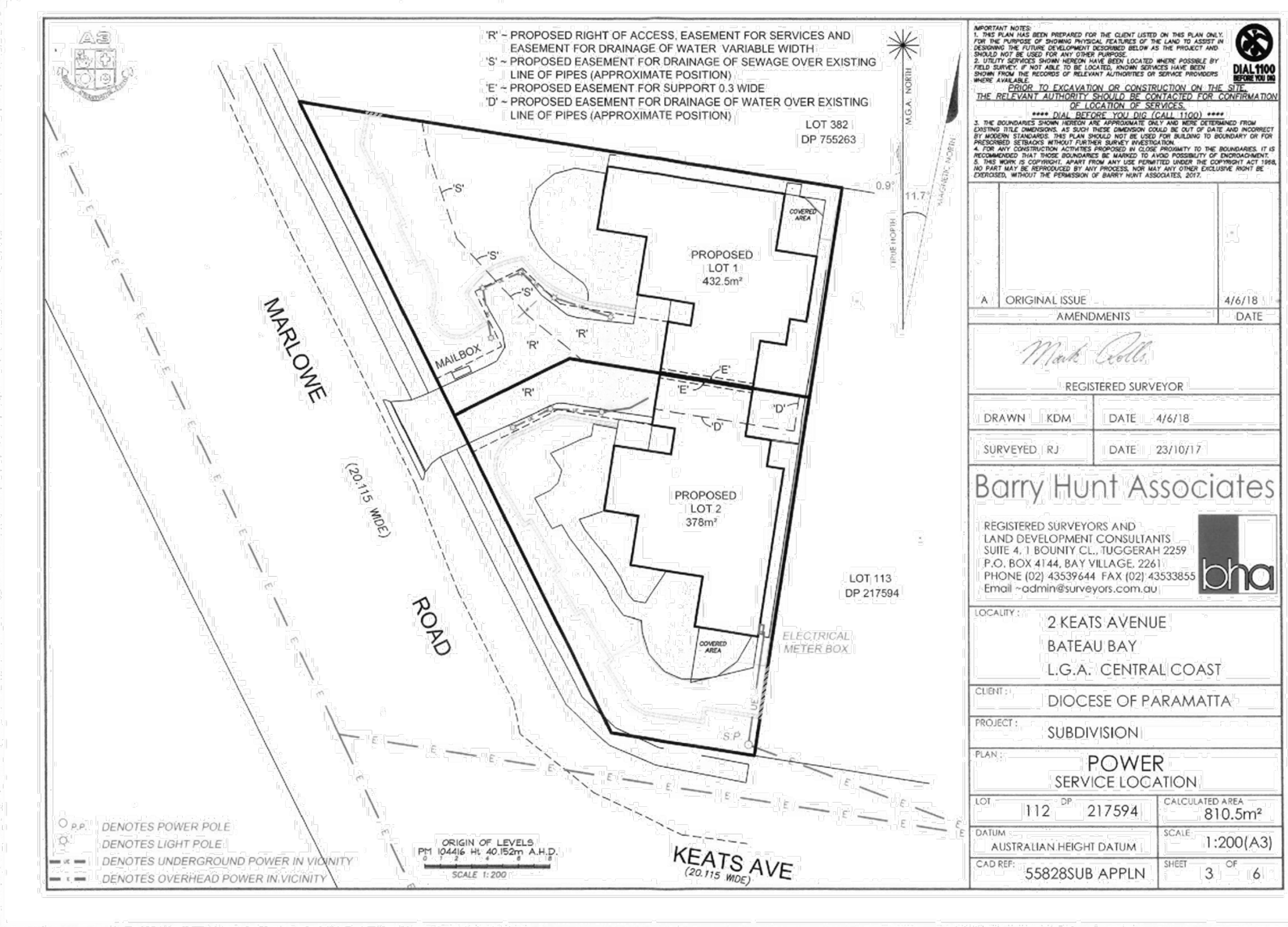
Street design is to limit vehicular speed (cl.3.10.a)	N/A	N/A
Lot design must enable appropriate surveillance while protecting privacy of residents (cl.3.10.b)	Provided	Yes
Sight lines are to be preserved at all intersections (cl.3.10.d)	N/A	N/A
Lighting shall be provided to satisfy the relevant Australian Standard (cl.3.10.e)	N/A – 2 lot subdivision proposed	N/A
<b>4.0 Residential Subdivision</b>		
<b>4.1 Lot Size</b>		
The minimum lot size within RU5 zone is generally considered to be 450m <sup>2</sup> under WLEP 2013. Areas and dimensions to have regard for Table 2. (cl.4.1.a)	Lot 1 – 432.5m <sup>2</sup> Lot 2 – 378m <sup>2</sup>	No - See Clause 4.6 discussion in report
Minimum lot width is 15m (cl.4.1.c)	Greater than 15m frontage provided.	Yes
Lots are to have street access and frontage or legal and physical access to street frontage (cl.4.1.f)	Existing legal access to the residence on the proposed Lots is retained.	Yes
<b>4.1.1 Slope</b>		
Table 2 shows recommended lot size for various slopes and lot types. Table 3 shows recommended information to be submitted for various slope categories (cl.4.1.1.g)	2 lot subdivision complies with control	Yes
<b>4.1.2 Corner Lots</b>		
Corner lots to have a minimum of 700m <sup>2</sup> (cl.4.1.2.a)	N/A	N/A
5m x 5m corner boundary splay to improve sight distance (cl.4.1.2.c)	Existing retained	Yes
Driveways to be setback a minimum 6m from the tangent point on the kerb return (cl.4.1.2.d)	Existing retained	Yes
Driveways for lots adjacent to roundabouts or channelled intersections are to be clear of islands and pavement marking. Alternate access or right of carriageway from another street may be required (cl.4.1.2.f)	N/A	N/A
<b>4.1.4.1 Access Location Restrictions Affecting Lot Layout and Design</b>		
Right of carriageway or access to battle-axe handles are not permitted to be located within the restricted areas to intersections as defined in AS/NZS 2890, Parts 1 and 2 (cl.4.1.4.1.a)		N/A
<b>4.2 Lot Design for Solar Access</b>		
The design shall provide for lot orientation which maximises solar access	Suitable levels of solar access provided to both proposed lots	Yes
<b>4.3 Urban Design</b>		
The subdivision shall demonstrate best practice design in terms of individual elements including lot orientation, streetscape and landscape design (cl.4.3.a)	Provided	Yes
In new areas, the design allows for a mix of housing opportunities within a locality (cl.4.3.e)	N/A	N/A

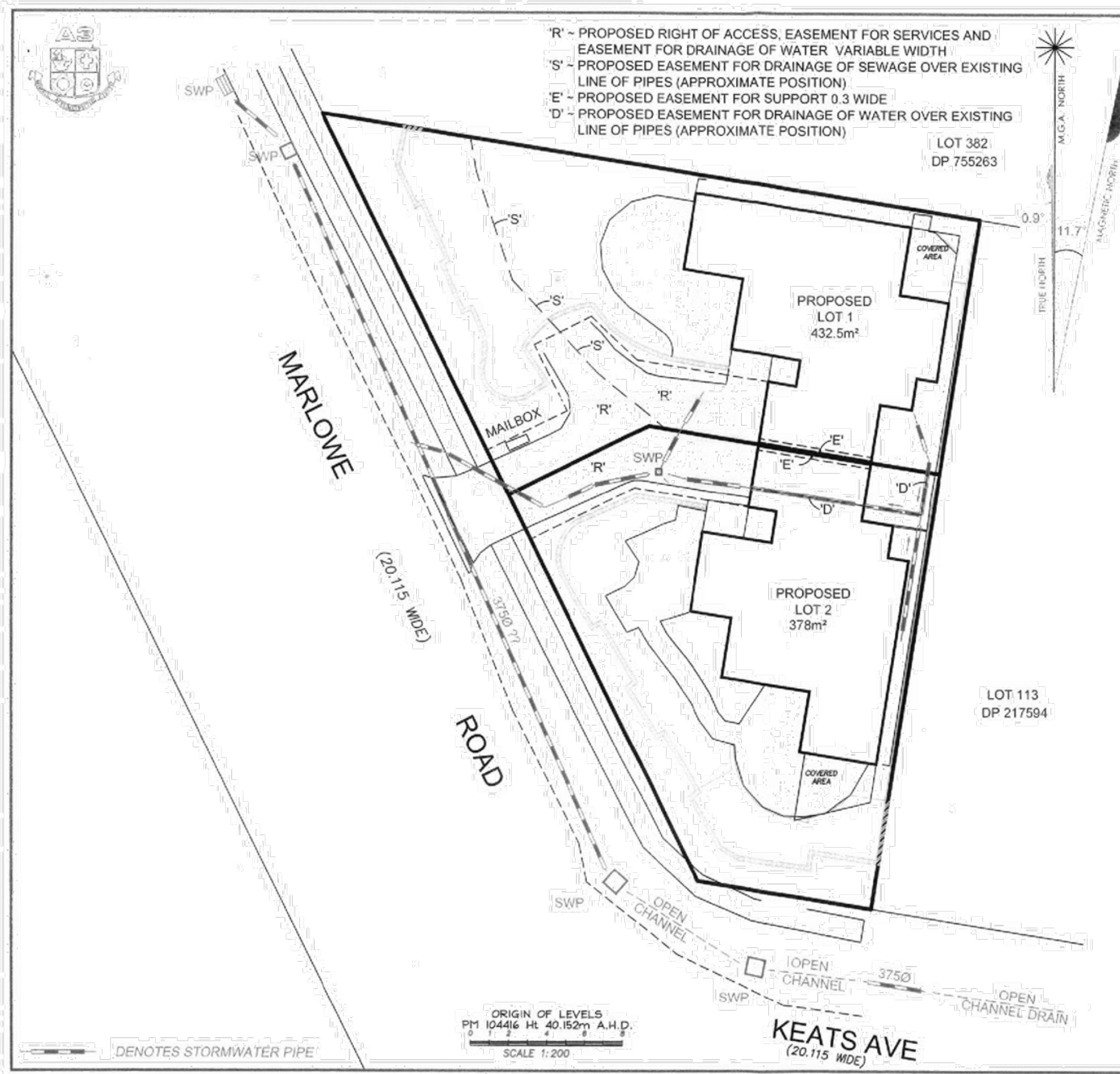
In established areas, the design preserves the essential character of the locality while providing for contemporary housing needs (cl.4.3.f)	The proposed lot sizes will be accommodating the existing development on site while maintaining appropriate levels of solar access, privacy and open space to the neighbouring sites. The proposed subdivision does not involve any physical works to the existing dual occupancy therefore the existing character of the development will be maintained.	Yes
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**IMPORTANT NOTES:**

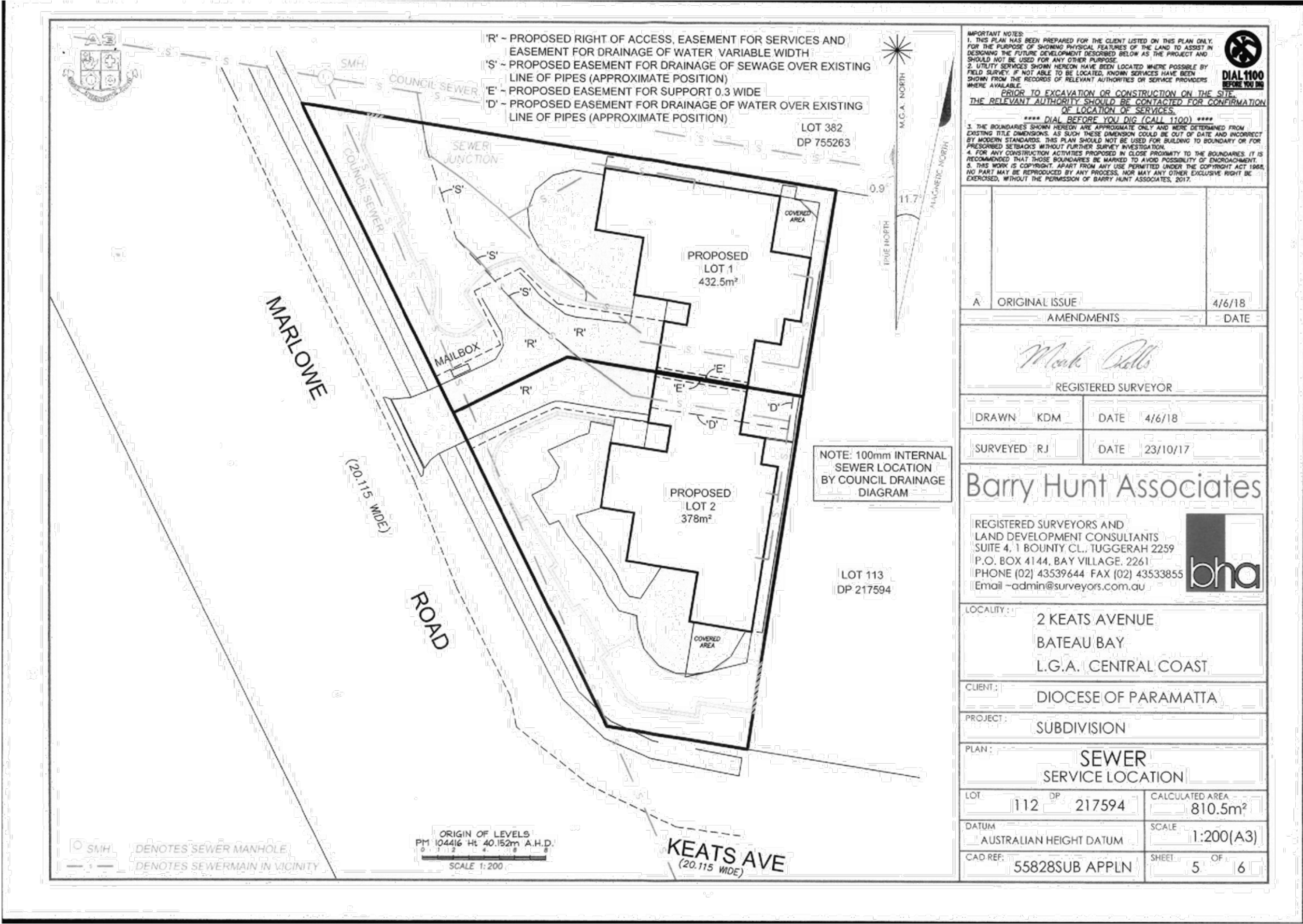
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**\*\*\*\*\* DIAL BEFORE YOU DIG (CALL 1100) \*\*\*\*\***

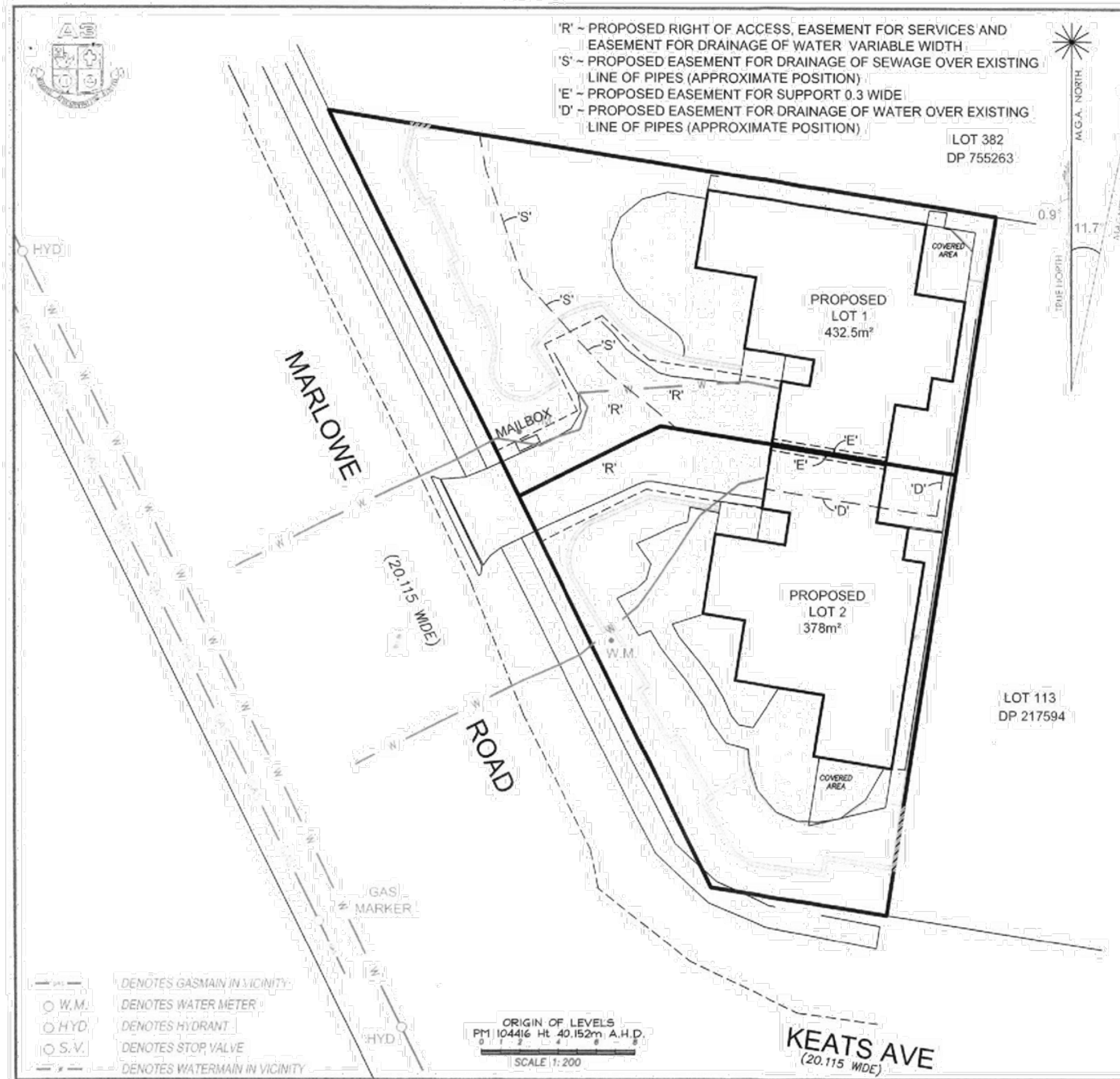
**PRIOR TO EXCAVATION OR CONSTRUCTION ON THE SITE, THE RELEVANT AUTHORITY SHOULD BE CONTACTED FOR CONFIRMATION OF LOCATION OF SERVICES.**

**DIAL 1100 BEFORE YOU DIG**

A ORIGINAL ISSUE		4/6/18
AMENDMENTS		DATE
<i>Mark Call</i> REGISTERED SURVEYOR		
DRAWN KDM	DATE 4/6/18	
SURVEYED RJ	DATE 23/10/17	
<b>Barry Hunt Associates</b>		
REGISTERED SURVEYORS AND LAND DEVELOPMENT CONSULTANTS SUITE 4, 1 BOUNTY CL., TUGGERAH 2259 P.O. BOX 4144, BAY VILLAGE, 2261 PHONE (02) 43539644 FAX (02) 43533855 Email - admin@surveyors.com.au		
<b>LOCALITY:</b> 2 KEATS AVENUE BATEAU BAY L.G.A. CENTRAL COAST		
<b>CLIENT:</b> DIOCESE OF PARAMATTA		
<b>PROJECT:</b> SUBDIVISION		
<b>PLAN:</b> STORMWATER SERVICE LOCATION		
LOT 112 DP 217594	CALCULATED AREA 810.5m <sup>2</sup>	
DATUM AUSTRALIAN HEIGHT DATUM	SCALE 1:200(A3)	
CAD REF: 55828SUB APPLN	SHEET 4 OF 6	







**IMPORTANT NOTES:**

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A	ORIGINAL ISSUE	4/6/18
	AMENDMENTS	DATE

*Mark Ellis*  
REGISTERED SURVEYOR

DRAWN	KDM	DATE	4/6/18
SURVEYED	RJ	DATE	23/10/17

**Barry Hunt Associates**

REGISTERED SURVEYORS AND LAND DEVELOPMENT CONSULTANTS  
SUITE 4, 1 BOUNTY CL., TUGGERAH 2259  
P.O. BOX 4144, BAY VILLAGE, 2261  
PHONE (02) 43539644 FAX (02) 43533855  
Email - admin@surveyors.com.au

**bha**

LOCALITY: 2 KEATS AVENUE  
BATEAU BAY  
L.G.A. CENTRAL COAST

CLIENT: DIOCESE OF PARAMATTA

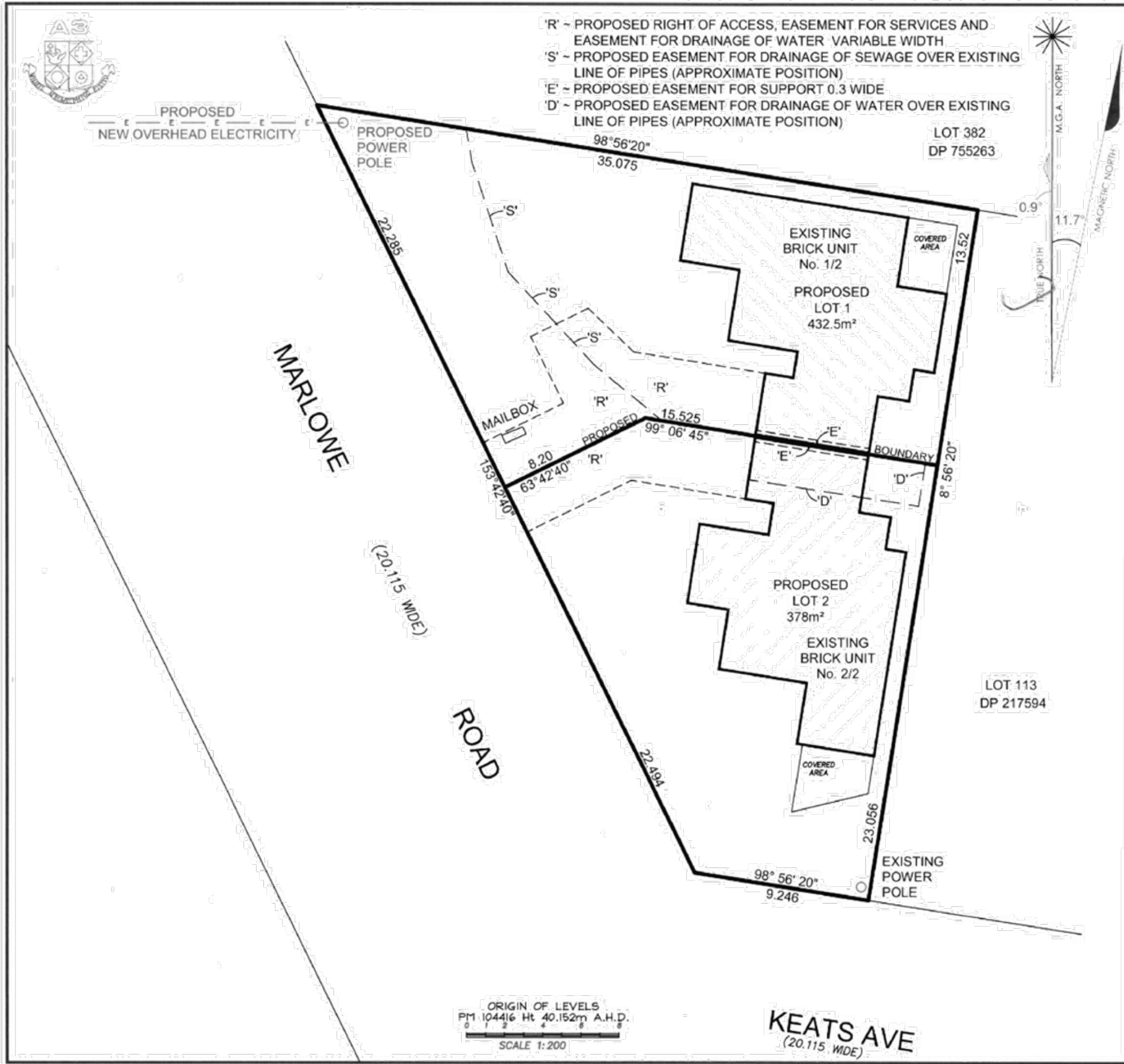
PROJECT: SUBDIVISION

PLAN: WATER & GAS SERVICE LOCATION

LOT	112	DP	217594	CALCULATED AREA	810.5m²
DATUM	AUSTRALIAN HEIGHT DATUM			SCALE	1:200(A3)
CAD REF:	55828SUB APPLN			SHEET	6 OF 6







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A	ORIGINAL ISSUE	4/6/18
AMENDMENTS		DATE

*Mark Coll*  
REGISTERED SURVEYOR

DRAWN	KDM	DATE	4/6/18
SURVEYED	RJ	DATE	23/10/17

**Barry Hunt Associates**

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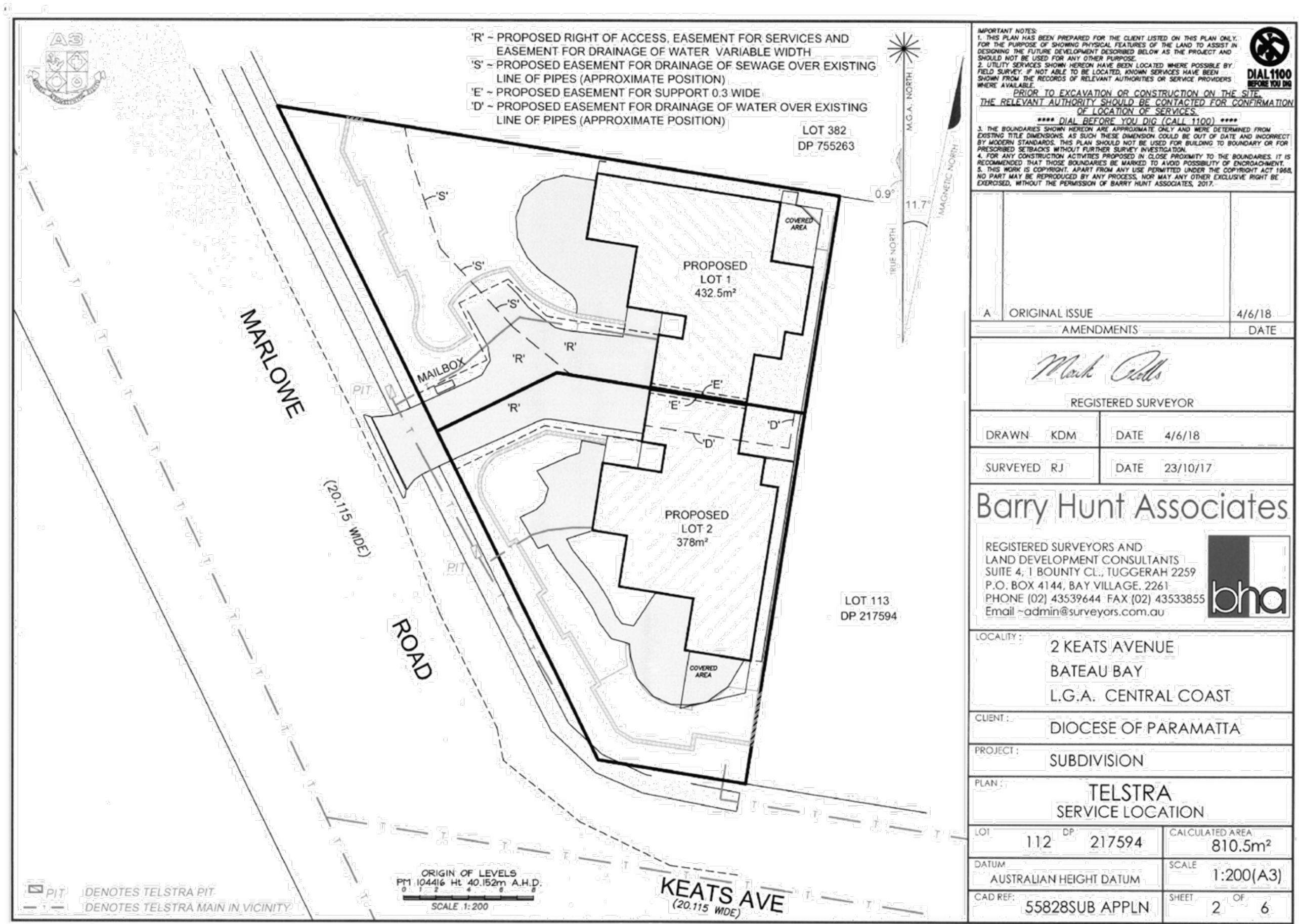
**LOCALITY:**  
2 KEATS AVENUE  
BATEAU BAY  
L.G.A. CENTRAL COAST

**CLIENT:**  
DIOCESE OF PARAMATTA

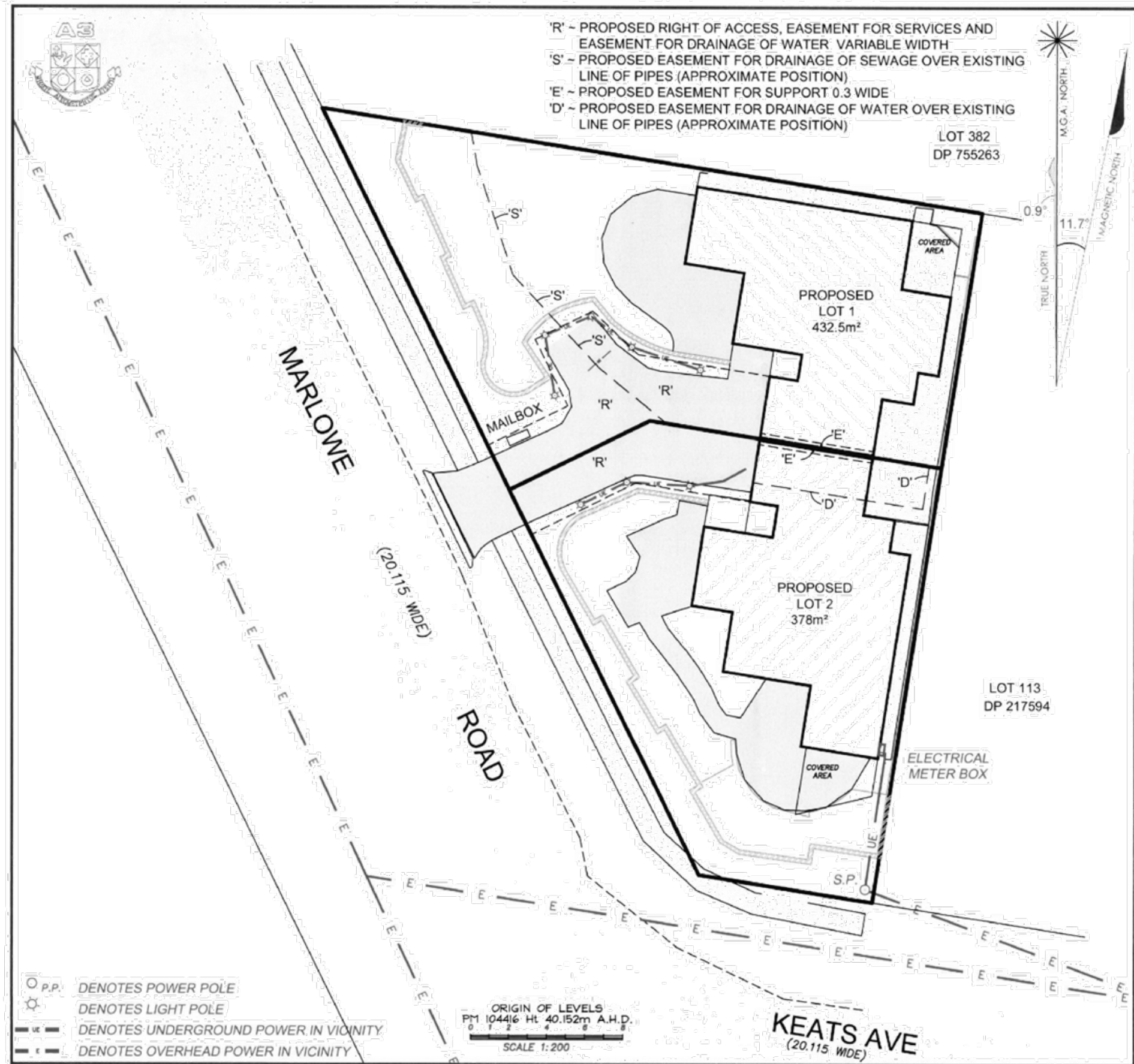
**PROJECT:**  
SUBDIVISION

**PLAN:**  
PROPOSED SUBDIVISION LAYOUT

LOT	112	DP	217594	CALCULATED AREA	810.5m²
DATUM	AUSTRALIAN HEIGHT DATUM			SCALE	1:200(A3)
CAD REF:	55828SUB APPLN			SHEET	1 OF 6







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4. FOR ANY CONSTRUCTION ACTIVITIES PROPOSED IN CLOSE PROXIMITY TO THE BOUNDARIES, IT IS RECOMMENDED THAT THOSE BOUNDARIES BE MARKED TO AVOID POSSIBILITY OF ENCROACHMENT.
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**REGISTERED SURVEYOR**  
*Mark Collis*

A	ORIGINAL ISSUE	4/6/18
AMENDMENTS		DATE

**Barry Hunt Associates**

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P.O. BOX 4144, BAY VILLAGE, 2261  
PHONE (02) 43539644 FAX (02) 43533855  
Email ~admin@surveyors.com.au

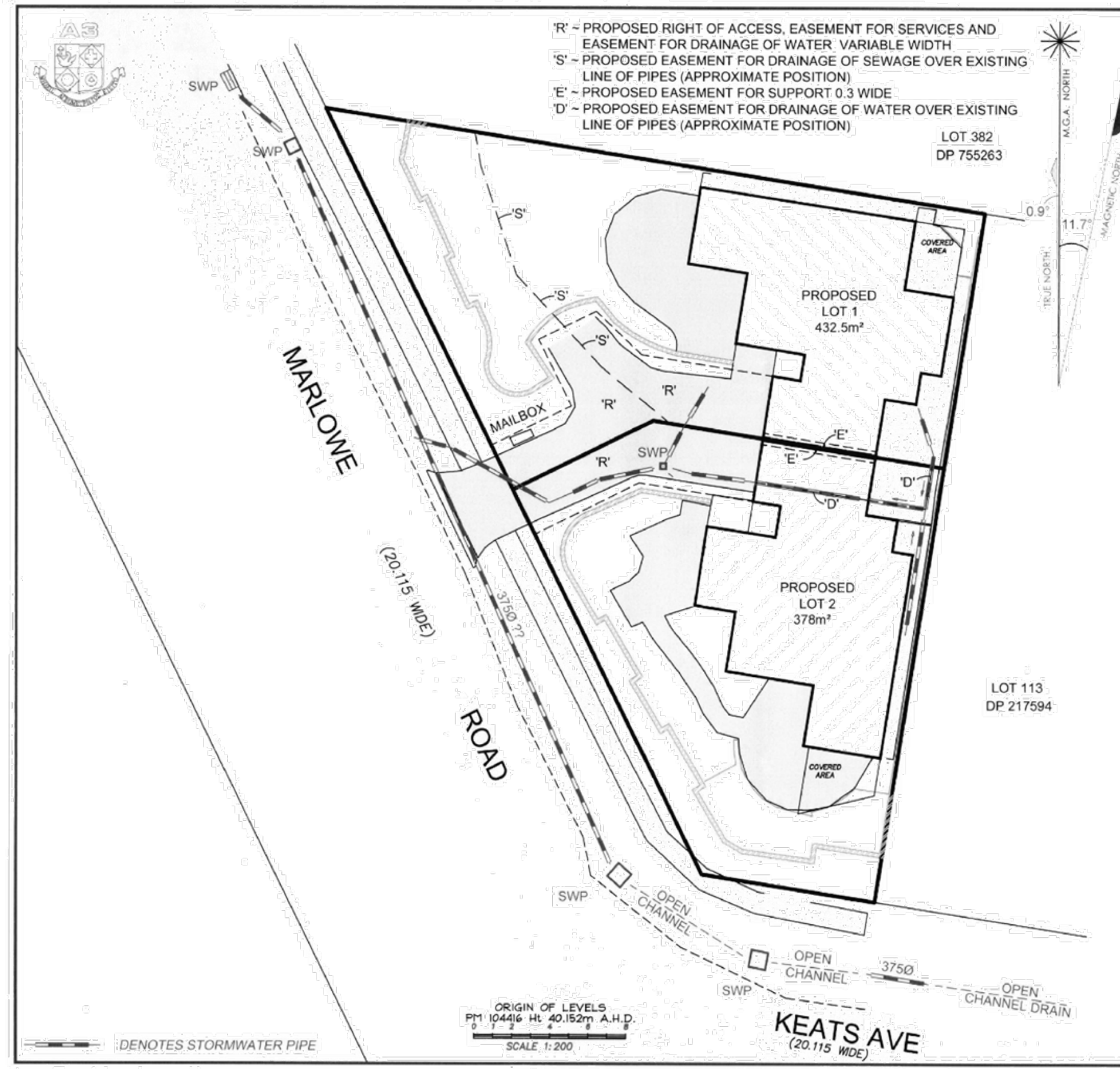
**LOCALITY:**  
2 KEATS AVENUE  
BATEAU BAY  
L.G.A. CENTRAL COAST

**CLIENT:**  
DIOCESE OF PARAMATTA

**PROJECT:**  
SUBDIVISION

**PLAN:**  
POWER SERVICE LOCATION

LOT	112 DP 217594	CALCULATED AREA	810.5m <sup>2</sup>
DATUM	AUSTRALIAN HEIGHT DATUM	SCALE	1:200(A3)
CAD REF:	55828SUB APPLN	SHEET	3 OF 6



**IMPORTANT NOTES:**  
1. THIS PLAN HAS BEEN PREPARED FOR THE CLIENT LISTED ON THIS PLAN ONLY. FOR THE PURPOSE OF SHOWING PHYSICAL FEATURES OF THE LAND TO ASSIST IN DESIGNING THE FUTURE DEVELOPMENT DESCRIBED BELOW AS THE PROJECT AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE.  
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**DIAL 1100 BEFORE YOU DIG**

**PRIOR TO EXCAVATION OR CONSTRUCTION ON THE SITE, THE RELEVANT AUTHORITY SHOULD BE CONTACTED FOR CONFIRMATION OF LOCATION OF SERVICES.**

\*\*\*\* DIAL BEFORE YOU DIG (CALL 1100) \*\*\*\*

A	ORIGINAL ISSUE	4/6/18
	AMENDMENTS	DATE

*Mark Allen*  
REGISTERED SURVEYOR

DRAWN	KDM	DATE	4/6/18
SURVEYED	RJ	DATE	23/10/17

**Barry Hunt Associates**

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**bha**

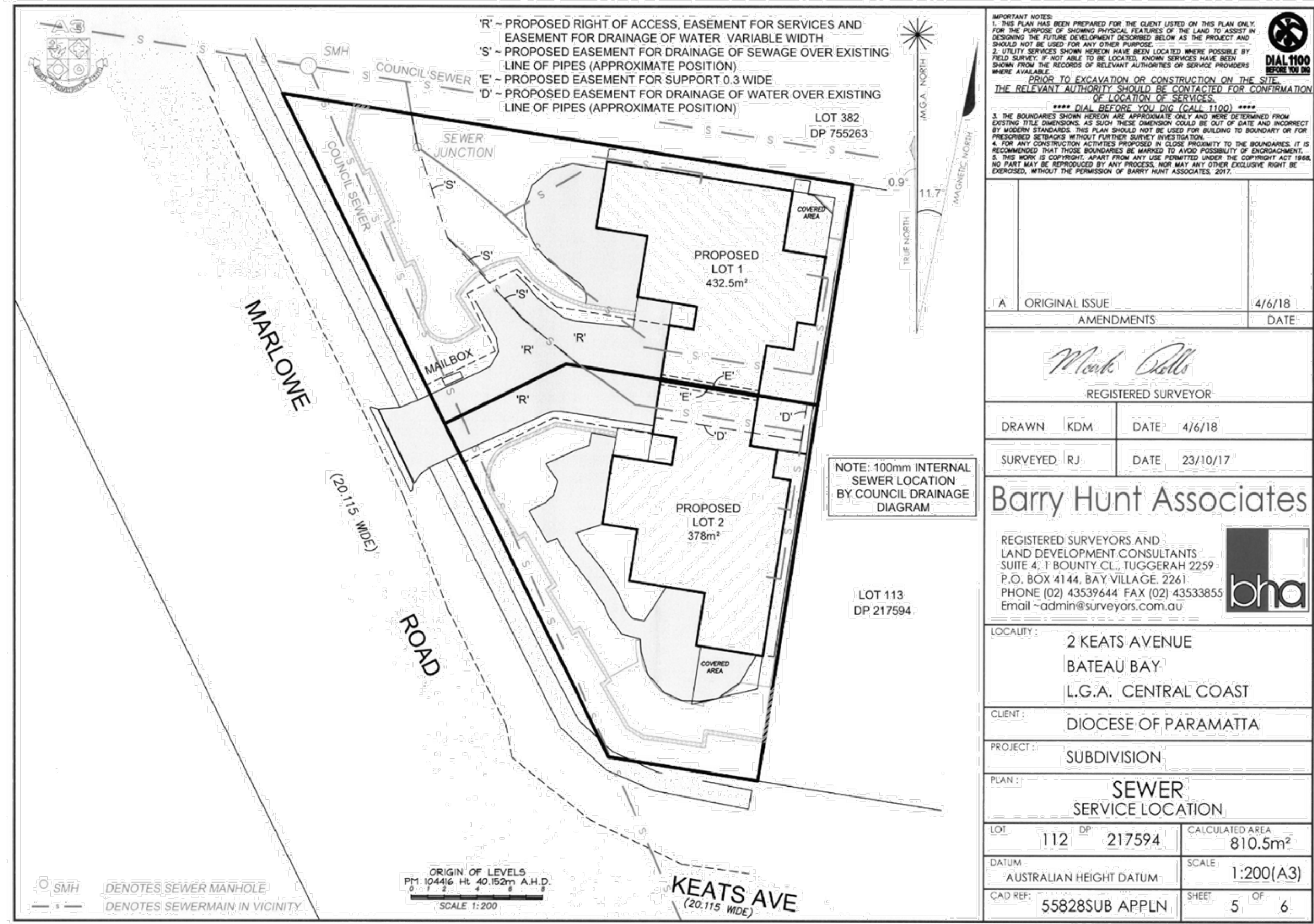
LOCALITY: 2 KEATS AVENUE  
BATEAU BAY  
L.G.A. CENTRAL COAST

CLIENT: DIOCESE OF PARAMATTA

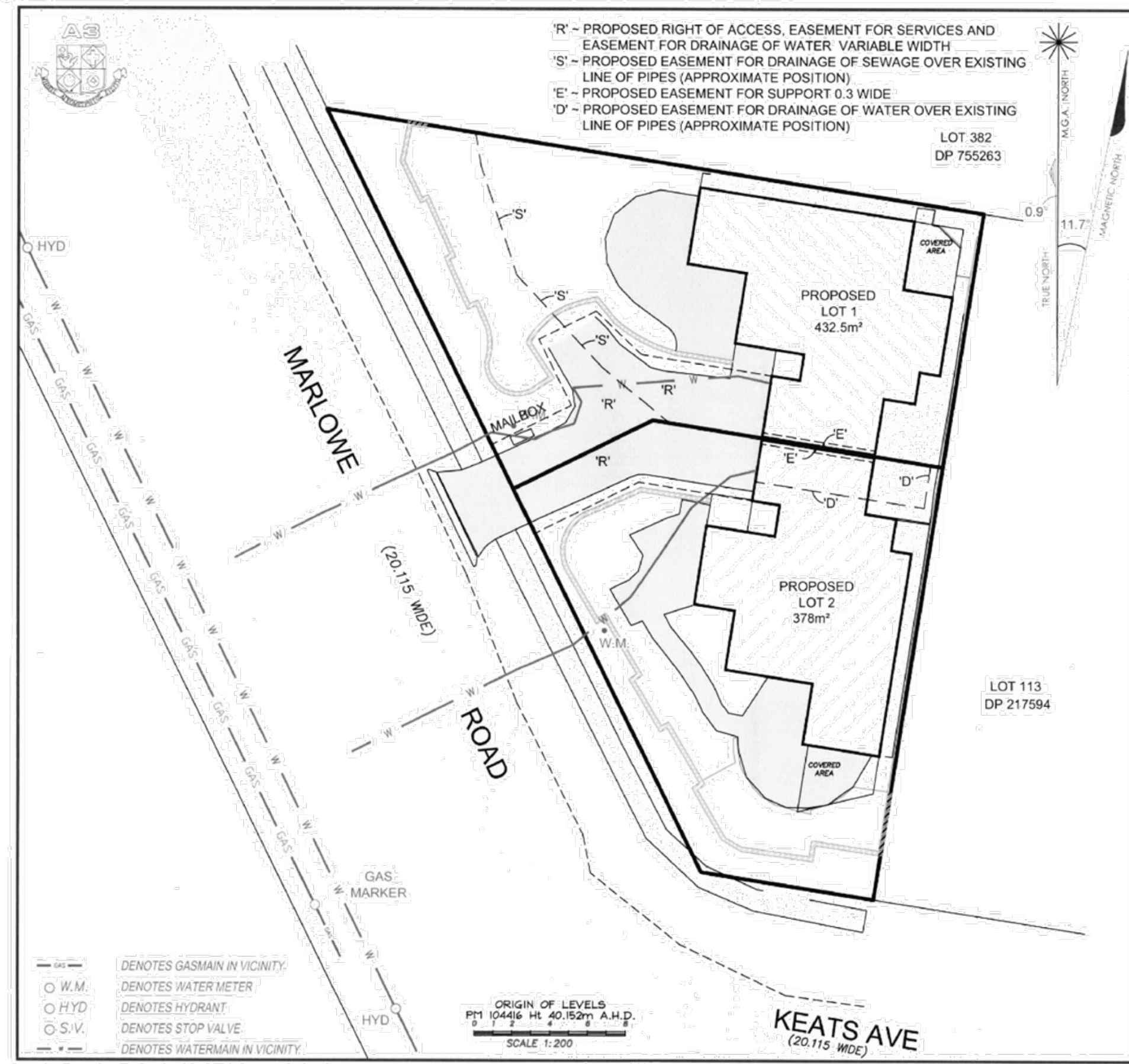
PROJECT: SUBDIVISION

PLAN: STORMWATER SERVICE LOCATION

LOT	112	DP	217594	CALCULATED AREA	810.5m²
DATUM	AUSTRALIAN HEIGHT DATUM			SCALE	1:200(A3)
CAD REF:	55828SUB APPLN			SHEET	4 OF 6







**IMPORTANT NOTES:**

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**THE RELEVANT AUTHORITY SHOULD BE CONTACTED FOR CONFIRMATION OF LOCATION OF SERVICES.**

**\*\*\*\* DIAL BEFORE YOU DIG (CALL 1100) \*\*\*\***

**REGISTERED SURVEYOR**

**Barry Hunt Associates**

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**LOCALITY:**  
2 KEATS AVENUE  
BATEAU BAY  
L.G.A. CENTRAL COAST

**CLIENT:**  
DIOCESE OF PARAMATTA

**PROJECT:**  
SUBDIVISION

**PLAN:**  
WATER & GAS SERVICE LOCATION

LOT	112	DP	217594	CALCULATED AREA	810.5m <sup>2</sup>
DATUM	AUSTRALIAN HEIGHT DATUM			SCALE	1:200(A3)
CAD REF:	55828SUB APPLN			SHEET	6 OF 6



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**STATEMENT OF ENVIRONMENTAL  
EFFECTS**

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FOR  
2 LOT SUBDIVISION

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**LOT 112 DP 217594  
2 KEATS AVENUE  
BATEAU BAY**

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Ref: 55828 SUB APPLN

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6/6/18

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*Barry Hunt Associates*

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## A. DETAILS OF EXISTING LOT

### A.1 PARCEL DESCRIPTION

The subject land consists of the following parcel:

**Lot Number :** 112

**DP Number :** 217594

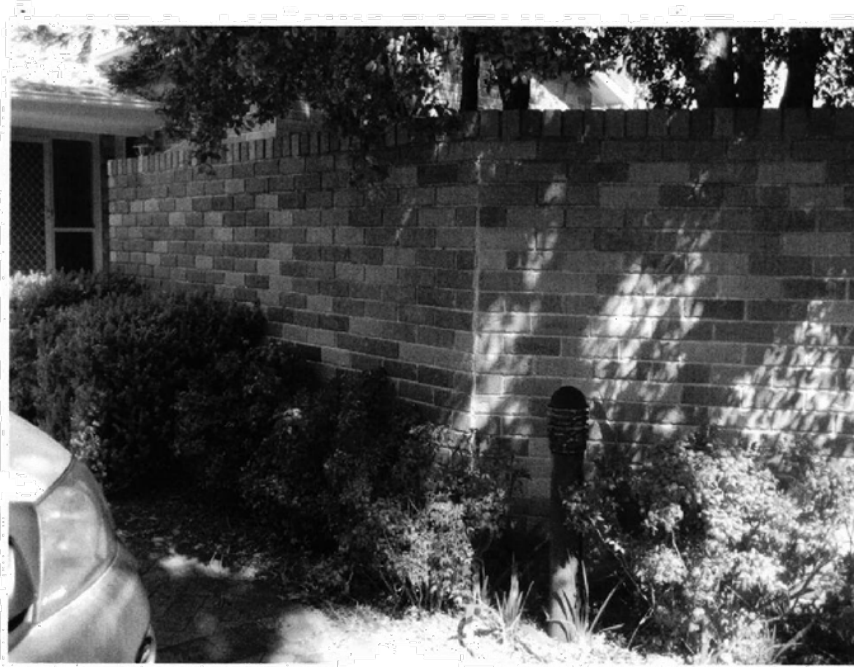
**Located at :** 2 Keats Avenue Bateau Bay

The existing parcel contains the following area:

**Area :** 810.5 m<sup>2</sup>

### A.2 EXISTING USE OF LAND

Two Single storey brick residences are constructed on the property. Separate enclosed landscaped courtyards provide private open space in front of each unit.



View of unit 2 from Marlowe Road driveway access, showing established gardens and courtyard walls from driveway access.



View of the unit 2 dwelling from intersection of Marlowe Road and Keats Avenue.



View of the unit 2 dwelling from Marlowe Road.



View of the vehicular access and unit 1 courtyard showing established gardens and courtyard walls from Marlowe Road.

### A.3 RELEVANT LEGISLATION, LOCAL ENVIRONMENTAL PLAN & DEVELOPMENT CONTROL PLANS

- Wyong Local Environmental Plan 2013
- Development Control Plan 2013 - PART 4 - Subdivision

### A.4 THE ZONING UNDER THE LOCAL ENVIRONMENTAL PLAN

Residential R2 – Low Density Residential. The land is zoned and utilised as residential land.

### A.5 THE TOPOGRAPHY OF THE LAND & SIGNIFICANT PHYSICAL FEATURES

The subject and surrounding sites consist of residential development.

The attached Detail & Contour survey, reference 55828KEA shows the existing improvements and site levels.



Air photo showing subject site edged in red.

**A.6 EXISTING SERVICING ARRANGEMENTS**

Water, electricity, sewer and telephone are currently available to the frontage of Marlowe Road and Keats Avenue. An underground service location company has been engaged to define position of services, which are shown on attached plans reference 55828 Services (sheets 2 to 6). The existing residences are serviced from:

1. Overhead electricity lines in Keats Avenue,
2. Water supply in Marlowe Road,
3. Sewage disposal via Council main located within adjoining property lot 382 DP 755263. Council's internal sewer diagram shows 2 separate sewer inspection shafts.
4. Provision of telecommunication services from Marlowe Road,
5. Stormwater discharge is to the existing stormwater drainage system in Marlowe Road.

**A.7 SIGNIFICANT ENVIRONMENTAL FEATURES WITHIN THE SUBDIVISION SITE.**

The land within the development precinct does not contain significant environmental features such as SEPP 14 Coastal Wetlands; SEPP 44 Koala Habitat; SEPP 26 Littoral Rainforests; Land slip areas, National Parks Estate or areas of Geological interest.

Proposed lot 1 has a brick residence constructed on land.

Proposed lot 2 has a brick residence constructed on land.

**A.8 KNOWN THREATENED SPECIES, POPULATION OR ECOLOGICAL COMMUNITY WITHIN THE DEVELOPMENT SITE.**

There are no known threatened species, population or ecological communities within the development precinct. The site is a managed residential precinct, consisting of mown grass with landscaped gardens and numerous trees.

**A.9 DETAILS AND LOCATION OF ABORIGINAL RELICS OR ABORIGINAL PLACE.**

No Aboriginal relics or Aboriginal places are known to be located within the development site.

**B. THE PROPOSAL****B.1 DESCRIPTION OF PROPOSED LOTS**

The purpose of this application is to create a 2 Lot Subdivision resulting in one additional lot.

The attached plan of proposed subdivision, reference 55828 SUB APPLN, shows the existing development on the site together with the proposed subdivision layout, which corresponds to the existing approved and constructed buildings and fencing.

Schedule of lots to be created and area of lots:

Lot: 1	Area: 432.5 m <sup>2</sup>
Lot: 2	Area: 378.0 m <sup>2</sup>

The subject lots are the result of the approved and constructed dual occupancy buildings and their associated fencing. (Building Permit 1608/96 and satisfactory final inspection for dual occupancy approved by Council 22 April 1997 – copy attached).

The Environmental Impact of the development has been assessed with the Building Permit issued for the construction of the dual occupancy. As the buildings have been constructed for many years, there will be no physical impacts arising from the subdivision of the land. The subdivision simply defines on paper, the extent of future ownership, reflecting what is already in existence on the ground. The Subdivision has no Environmental Impact.

All services except electricity will remain as they are currently located. Relevant easements are indicated on sheet 1 of "Proposed Subdivision Layout".

Existing electricity supply for Unit 1 is via Unit 2. Unit 1 supply will be disconnected from the double meter on Unit 2.

A new electricity pole will be located in the north western corner of Lot 1 to service Unit 1.

Council's internal sewer diagram shows 2 separate sewer inspection shafts. The location of the 2nd shaft was not evident on site. Therefore, an easement for drainage of sewage over existing line of pipes (approximate position) will be required.

## **B.2 EXCEPTIONS TO MINIMUM LOT SIZES FOR CERTAIN RESIDENTIAL DEVELOPMENT**

The proposal creates 2 undersized lots with an area of less than 450 m<sup>2</sup> (required by clause 4.1 Wyong LEP 2013 and defined in the Lot size map). Also, clause 4.1B(4) of WSC LEP 2013 states:

- a) Development consent may be granted to a single development application for development that is both of the following:
- b) The erection of a dual occupancy on land to which this clause applies,
- c) The subdivision of that land into 2 lots of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.

As this application for subdivision consent results in 2 lot with an area less than 450 m<sup>2</sup> and is not a single application for both dual occupancy and subdivision, a request under the provisions of Clause 4.6, Exceptions to Development Standards, Wyong Local Environmental Plan (LEP) 2013 is required to vary the minimum lot size.

## **C EXCEPTIONS TO DEVELOPMENT STANDARDS**

### **CLAUSE 4.6, WYONG LOCAL ENVIRONMENTAL PLAN (LEP) 2013**

#### **C.1 PROVISION OF CLAUSE 4.1(3) and 4.1(B) (4), WSC LEP 2013**

The statutory provisions of Clause 4.1(3) and 4.1(B)(4) contain a subdivision development standard (i.e. 450m<sup>2</sup> minimum lot size) that impedes the current proposal. We seek Council's support to exercise the powers available under Clause 4.6 with the assumed concurrence of the Director of the Department of Planning and Environment to vary the standards to enable consent to be granted to the subject application for a two lot Subdivision in land zoned R2 (Low Density Residential).

The Development Standards to which the objection relates are:

- a) the restriction on a minimum allotment size of 450 m<sup>2</sup> created from the subdivision of land in the R2 Low Density Residential Zone.
- b) the restriction to a **single** development application for development on land which involves the erection of a dual occupancy and subdivision of that land.

#### **C.2 THE INTENT OF THE DEVELOPMENT STANDARD**

The development standard was intended to support the objective of the zone. For the subject property, the R2 Low Density Residential Zone objectives are:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To maintain and enhance the residential amenity and character of the surrounding area.
- To provide a residential character commensurate with a low density residential environment.

#### **C.3 THE PRINCIPLE OF CLAUSE 4.6**

Clause 4.6 is of State-Wide significance, and provides:

1. Directions or devolves control on a State-Wide level were incorporated within standardised Environmental Planning Instruments,
2. Flexibility in the application of planning controls in Local Environmental Plans where strict compliance with development standards is unreasonable or unnecessary,
3. Greater flexibility in application of LEP controls, which in turn reduce the need for councils to prepare minor draft LEP's to vary development standards.

4. Makes possible, better outcomes for and from development by allowing flexibility in particular circumstances.

In this instance, once the objection under CLAUSE 4.6 is supported and development consent granted; the proposal may proceed without the necessary cumbersome exhibition and statutory requirements of gazette under the Local Environmental Plan process.

#### C.4 APPLICATION OF CLAUSE 4.6 OBJECTIONS

CLAUSE 4.6 may be invoked where:

1. Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
2. there are sufficient environmental planning grounds to justify contravening the development standard.

In this instance, strict adherence with the above development standards would tend to hinder the objects specified in Section 1.3 of the Environmental Planning and Assessment Act 1979 (EP&A).

The objects specified in Section 1.3 of the Act and the relevant objectives in this instance are to:

- (a) promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,
- (b) facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
- (c) facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
- (d) promote the delivery and maintenance of affordable housing,
- (e) promote good design and amenity of the built environment,

With respect to these objectives, my application for a two lot Subdivision demonstrates that:

- ❖ The proposed Subdivision Layout is based on Council's approved development for Dual Occupancy defined in Building Permit number 1608/96 and approved with final Council inspection dated 22 April 1997. Therefore, appropriate planning controls have already been applied to the development.



- ❖ No environmental impact will result from the Subdivision, as it is purely a paper entity created to define boundaries for the physical buildings and fencing, which have already been constructed and approved on the land.
- ❖ The proposed subdivision will create opportunity for separate ownership of each unit thus promoting the delivery and maintenance of affordable housing.
- ❖ Both dwellings have well-established landscaping and provide an aesthetically pleasing site amenity with minimal building bulk presented to the streetscape.

Furthermore, Council has previously approved Subdivision Applications for Dual Occupancy Developments, which were submitted after the approval of a Development Application for Dual Occupancy Development. Thus, precedent has been set by Council allowing for the Subdivision of Dual Occupancy Developments even though the Subdivision Application is submitted later.

The nature of the R2 (Low Density Residential) land zoning is such that Dual Occupancy Development is permitted. Therefore, as the creation of a two lot Subdivision resulting from the Dual Occupancy Development only formalises on paper what is already approved and constructed, strict compliance with the Development Standard is unreasonable.

Since the inception of the EP&A Act in 1979 (the Act) and the introduction of CLAUSE 4.6, a clear direction has emerged in the decision-making process surrounding development, i.e. "Flexible Planning".

The Land and Environment Court has endorsed the approach that each case should be determined on its merits. The individual merits of the current proposal are outlined in this submission.

## **C.5 FEATURES SURROUNDING THE USE OF CLAUSE 4.6**

Specific features surrounding the use of CLAUSE 4.6 that are relevant to the subject objection can best be summarised by the following points:

- (a) A written request is submitted specifying the Development Standard in question.
- (b) The objection lodged by the applicant demonstrates that compliance with the standard in the circumstances is unreasonable and unnecessary.
- (c) The objection is well founded, justifying contravening the development standard.
- (d) The granting of consent is consistent with the aims of CLAUSE 4.6. Namely to provide flexibility in the application of planning controls operating by Development Standards in circumstances where strict compliance with those standards would in any particular case be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in Section 1.3 of the Act and summarised above.
- (e) That there are sufficient environmental planning grounds to justify contravening the development standard.

- ❖ With respect to the definition of the term "Development Standard" this can be found under Section 1.4 of the Act and is set out below in so far as it relates to Clauses 4.1(3) and 4.1(B)(4) of the Wyong LEP 2013.

"Development Standards" means provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of:

- a) The area, shape or frontage of any land, the dimensions of any land, buildings or works, or the distance of any land, building or work, from any specified point.
  - b) The proportion or percentage of the area of a site which a building or work may occupy,
  - c) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,
  - d) The intensity or density of the use of any land, building or work,
- ❖ The provisions may only be exercised where the objection would not undermine the fundamental planning controls in an Environmental Planning Instrument so that it was equivalent to an amendment to that instrument.
  - ❖ It is assumed for the purpose of the objection that the standard in question is appropriate and proper to be applied in general in a Council area.
  - ❖ What is required of the authorities whether it be Council or the court in its consideration is, whether compliance with a Development Standard is unreasonable or unnecessary in the circumstances of the case.
  - ❖ In this instance the area of the lots is the result of planning controls for the design of the dual occupancy. The objectives of the planning controls have been met and approved by Council. Thus, the resultant area of the lot is independent of a specified 450 m<sup>2</sup> minimum.

## C.6 OBJECTION TO DEVELOPMENT STANDARDS UNDER THE PROVISIONS OF CLAUSE 4.6 OF WSC LEP 2013.

### 1. PROPOSED VARIATION TO DEVELOPMENT STANDARDS.

The Development Standard for which variation is sought relates to:

- a) The 450m<sup>2</sup> minimum subdivision allotment area within the *R2 Low Density Residential Zone*.

*The proposed subdivision relates to the creation of allotments containing 432.5 m<sup>2</sup> and 378.0 m<sup>2</sup> from an existing parcel containing 810.5 m<sup>2</sup>. Each of the proposed*

*allotments requires a variation to the standard of Clause 4.1(3) which stipulates a 450m<sup>2</sup> minimum area.*

- b) Subdivision of dual occupancy development creating undersize lots were application for subdivision is not submitted concurrently with the application for dual occupancy.*

## 2. GROUNDS OF OBJECTION TO DEVELOPMENT STANDARD

- 2.1 The underlying intention of the standard is reflected in the objectives for the zone, which is mainly to provide residential housing. Strict compliance with Clause 4.1(3) and 4.1(B)(4) is not considered appropriate in this instance because the subdivision proposal: -

- a) Will not prejudice the residential environment;
- b) Will not generate additional traffic having regard to existing dwelling entitlements approved with the Dual Occupancy Development;
- c) Is a result of an existing approved and constructed housing development for Dual Occupancy;
- d) Provides for the housing needs of the community within a low density residential environment;
- e) The percentage variation to the 450m<sup>2</sup> minimum development standard is small and in fact not relevant, as the construction of the two dwellings has satisfied all of Council's Development Standards for Dual Occupancy Development.
- f) If an application for dual occupancy and subdivision were lodged today, which satisfied the objectives of dual occupancy development, Council would approve the development and subdivision. The outcome of both applications being lodged now or in this instance the original application for dual occupancy being submitted prior to the current application for subdivision, result in the same outcome. It is therefore unreasonable to restrict the subdivision of this development.

- 2.2 The proposal compliments existing property development and simply formalises future Title ownership.

- a) No additional development rights are being created by the Subdivision.
- b) No additional housing entitlements are created by the Subdivision.
- c) The proposal remains as it is physically constructed and achieves the added advantage of enabling the sale of either of the lots. Thus, promoting the orderly and economic use and development of land (being one of the objectives of the EP & A Act 1979).

## D. CONCLUSION

It is our professional opinion that the proposal to undertake a two lot Subdivision of the existing parcel as illustrated in my Application and described within this submission, is consistent with the underlying objectives of the Wyong Shire LEP for the *R2 Low Density Residential Zone*. Particularly, having regard to the approved buildings that exist on the current parcel.

The proposal will not compromise the objectives of the zone or have any impact on the environment of the locality, particularly when one considers.

- ❖ The location and size of the existing parcels;
- ❖ The proposed subdivision layout is in accordance with approved and constructed plans for the dual occupancy development.
- ❖ The similarity of the existing physical environmental features of this development with other constructed developments in the area;
- ❖ The ability of each allotment to sustain development including ability to dispose of waste and provide services and the overall negligible environmental impact of the proposal.
- ❖ The Development Standard set out in Clause 4.1(3) and 4.1(B)(4) of the Wyong Shire Council LEP 2013, imposes planning standards that serves to prohibit the proposed Subdivision. However, the proposal complies with the criteria to apply CLAUSE 4.6, Exceptions to Development Standards, for variation of the 450 m<sup>2</sup> minimum lot size, (when considering Subdivisions) in that the Subdivision simply defines boundaries relative to approved and constructed dual occupancy buildings.
- ❖ The 450m<sup>2</sup> minimum development standard is not reasonable or necessary, as Council has approved construction of the Dual Occupancy Development and the resulting individual open space areas, associated access requirements, carparking, street scape and visual amenity.
- ❖ There are sufficient environmental planning controls to justify contravening the development standard. These controls, were considered, incorporated, constructed and approved by Council.
- ❖ The existing residential amenity is not compromised. The development has been constructed for many years and has proven to function in a practical manner, providing adequate area for each unit to support private open space, carparking, servicing and landscaping.

In this instance we contend that strict compliance with the Development Standards is unnecessary and unreasonable and would tend to hinder the attainment of the objects of the Act.

It is therefore requested that Council support the application and invoke the powers available under CLAUSE 4.6 by assuming the concurrence of the Director of the Department of Planning and grant consent to the application.

Yours Faithfully,



**M.A. Rolls**

Surveyor Registered under

The Surveying and Spatial Information Act, 2002

**Item No:** 3.1  
**Title:** Fire Safety Report at 12 Gibbens Road West Gosford  
**Department:** Environment and Planning

---



29 October 2018 Ordinary Council Meeting

Trim Reference: F2010/00500 - D13342166

Author: Mark Newton, Fire Safety Officer

Manager: Jamie Loader, Unit Manager, Development Assessment

Executive: Scott Cox, Director, Environment and Planning

## **Report Purpose**

The purpose of this report is to provide a recommendation to Council on whether it should exercise its power to give an order under the provisions of Part 2 of Schedule 5 of the *Environmental Planning and Assessment Act (EP&A Act) 1979*, in relation to a fire safety inspection report received from Fire and Rescue NSW.

## **Recommendation**

- 1     *That Council note the result of the site inspection carried out on the 23 August 2018.***
- 2     *That Council resolve to exercise its power to issue an Order 1 under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act 1979 with respect to the matters as raised within the fire safety inspection report received from Fire and Rescue NSW;***
- 3     *That Council give notice of its determination to the Commissioner of Fire and Rescue NSW.***

## **Background**

Council received a Fire Safety Inspection Report from Fire and Rescue NSW with respect to the premises at Lot 29 DP 262094, 12 Gibbens Road West Gosford, which was noted as having been received by Council at its meeting of 10<sup>th</sup> September 2018.

Fire and Rescue NSW inspection reports received by Council are required to be tabled before the Council.

Council is then required to determine whether or not to exercise its power to issue an Order 1 under Part 2 of Schedule 5 of the EP&A Act 1979.

#### Conclusion

The subject site was inspected by Council's Fire Safety Officer on 23<sup>rd</sup> August 2018 to specifically review the issues raised by Fire and Rescue NSW within their inspection report. The issues of concern relate to matters that potentially compromise the safety of occupants of the building and include:

1. Access and Egress from the Building
  - Exit doors fitted with locking back devices,
  - Exit doors not swinging in the direction of egress,
  - The handles are contrary to regulations,
  - Path of travel does not comply.
2. Fire Hydrant System
  - Insufficient coverage,
  - Protection of existing hydrants,
  - May require a booster.
3. Hose Reel
  - Insufficient cover
4. Annual Fire Safety Statement (AFSS)
  - Not prominently displayed in the building.

Accordingly, it is appropriate for Council to exercise its statutory powers under the EP&A Act 1979.

#### Link to Community Strategic Plan

Theme 4: Responsible

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

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

#### Attachments

- 1 Letter from Fire & Rescue NSW dated 11 July 2018      D13342889

**Fire &  
Rescue NSW**

Unclassified

File Ref. No: BFS18/437 (8000002788)  
TRIM Ref. No: D18/38894  
Contact: John Bruscano

11 July 2018

General Manager  
Central Coast Council  
49 Mann Street  
GOSFORD NSW 2250

Email: [ask@centralcoast.nsw.gov.au](mailto:ask@centralcoast.nsw.gov.au)

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT  
SUEZ RECYCLING AND RECOVERY ("the premises")  
12 GIBBONS ROAD, WEST GOSFORD – LOT 29, DP 262094**

Fire & Rescue NSW (FRNSW) received correspondence on 21 February 2018, in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- *The NSW Environment Protection Authority (EPA) administers and enforces the Protection of the Environment Operations Act 1997 (the Act), including the administration of environment protection licences (EPL) issued under the Act. This site is operated as a waste facility under an EPL. The EPA is investigating the safety and adequacy of protection measures at waste facilities, particularly those that store and/or process highly combustible waste types including plastics, paper, and organic material. Several fires have occurred recently at waste facilities in NSW and other jurisdictions of Australia that store and/or process waste, such as the waste facility operated at this site. The EPA requests FRNSW to inspect the premises.*

*Details of the EPL can be found here by going to the website here: <http://app.epa.nsw.gov.au/prpoeoapp/> and searching for licence 20660.*

Please be advised that the inspection for 'the premises' was conducted prior to the amendments of the *Environmental Planning and Assessment Act 1979* (EP&A Act) on 1 March 2018. As such, all references to the relevant sections in this report are provided prior to the amendments of the EP&A Act.

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Pursuant to the provisions of Section 119T (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 28 February 2018 was conducted by an Authorised Fire Officer from the Fire Safety Compliance Unit of FRNSW. The inspection was also conducted in the company of Officers from the NSW Environmental Protection Authority (EPA).

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the EPA licenced waste facility only, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 119T (4) and Section 121ZD (1) of the EP&A Act. Please be advised that Section 121ZD (2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

## COMMENTS

Please note, that this report is limited to observations and sections of the building accessed at the time of the inspection. As such, this report lists potential deviations from the National Construction Code 2016 Building Code of Australia - Volume 1 (NCC). Please be advised that whilst the report is not an exhaustive list of non-compliances, the items as listed outline concerns that may contradict development consent approval or correlate to the building's age. In this regard, it is council's discretion as the appropriate regulatory authority to conduct its own investigation and consider the most appropriate action.

The following items were identified as concerns during the inspection:

### 1. Essential Fire Safety Measures

#### 1A. Smoke Detection and Alarm System

- A. At the time of the inspection, the fire service contractor was working on the smoke detection and alarm system installed in the premises, resolving issues shown on the fire indicator panel (FIP).

### 2. Access and Egress

- A. In relation to doors forming part of a required exit and in the path of travel to a required exit within the office building, the following items were identified:
  - a. The door swings against the direction of egress, contrary to the requirements of Clause D2.20 of the NCC.

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- b. The door contains a round tulip style handle in lieu of a lever handle, contrary to the requirements of Clause D2.21 of the NCC.

### 3. Generally

#### 3A. Fire Hydrant System

- A. It appears that the building has a total floor area greater than 500m<sup>2</sup>. Clause E1.3 of the NCC requires a building having a total floor area greater than 500m<sup>2</sup> to be provided with a fire hydrant system installed in accordance with Australian Standard (AS) 2419.1.

The fire hydrant system appears to consist of only one above ground fire hydrant, comprising of two (2) individually controlled valve outlets, located within 10m of the building which it serves, with no associated booster assembly or pump system.

A copy of the annual fire safety statement was not available to determine if 'fire hydrant system' is listed as an essential fire safety measure.

It is recommended that Council require an audit of the existing fire hydrant system and consider upgrade works as appropriate to ensure the system complies with Clause E1.3 of the NCC and AS2419.1 and meets the operational needs of FRNSW.

#### 3B. Environmental Planning and Assessment Regulation 2000

##### A. Annual fire safety statement

- a. A copy of current annual fire safety statement (AFSS) and a copy of the fire safety schedule were not prominently displayed in the building, in contravention with the requirements of Clause 177 of the EP&A Regulation.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

## RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 through to item no. 3 of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Section 121ZD (4) of the EP&A Act.

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Should you have any enquiries regarding any of the above matters, please do not hesitate to contact John Bruscino of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/437 (8000002788) for any future correspondence in relation to this matter.

Yours faithfully



John Bruscino  
Building Surveyor  
Fire Safety Compliance Unit

CC Lesley Corkill  
Unit Head, Waste Compliance  
Waste and Resource Recovery, NSW Environment Protection Authority  
[Lesley.Corkill@epa.nsw.gov.au](mailto:Lesley.Corkill@epa.nsw.gov.au)

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**Item No:** 3.2  
**Title:** Fire Safety Report at 75 Pile Road, Somersby  
**Department:** Environment and Planning

---



29 October 2018 Ordinary Council Meeting

Trim Reference: F2010/00500 - D13342188

Author: Mark Newton, Building Surveyor

Manager: Jamie Loader, Unit Manager, Development Assessment

Executive: Scott Cox, Director, Environment and Planning

## Report Purpose

The purpose of this report is to provide a recommendation to Council on whether it should exercise its power to give an order under the provisions of Part 2 of Schedule 5 of the *Environmental Planning and Assessment Act (EP&A Act) 1979*, in relation to a fire safety inspection report received from Fire and Rescue NSW.

## Recommendation

- 1** *That Council note the result of the site inspection carried out on the 23 August 2018;*
- 2** *That Council resolve to exercise its power to issue an Order 1 under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act 1979 with respect to the matters as raised within the fire safety inspection report received from Fire and Rescue NSW;*
- 3** *That Council give notice of its determination to the Commissioner of Fire and Rescue NSW.*

## Background

Council received a Fire Safety Inspection Report from Fire and Rescue NSW with respect to the premises at Lot 1 DP 1117622, 75 Pile Road Somersby which was noted as having been received by Council at its meeting of 10<sup>th</sup> September 2018.

Fire and Rescue NSW inspection reports received by Council are required to be tabled before the Council.

Council is then required to determine whether or not to exercise its power to issue an Order 1 under Part 2 of Schedule 5 of the *EP&A Act 1979*.

**Conclusion**

The subject site was inspected by Council's Fire Safety Officer on 23<sup>rd</sup> August 2018 to specifically review the issues raised by Fire and Rescue NSW within their inspection report. The issues of concern relate to matters that potentially compromise the safety of occupants of the building and include:

1. Fire Hydrant System
  - No isolation valves have been install to the ring main,
2. Exit Signs
  - Not illuminated,
  - Not readily apparent,
  - Not maintained.
3. Paths of Travel to Exits
  - Blocked by permanent structures and/or stored items, which reduce exit width to less than 1.0 metre width,
4. Discharge from exits
  - Path of travel to open space, less than 1.0 metre width,
  - Path of travel to open space, has a staircase less than 1.0 metre wide, with non-compliant hand rail.
5. Compartmentation
  - As it is a large isolated building a sprinkler system is required and
  - An 18 metre wide open space is required around the building.

Accordingly, it is appropriate for Council to exercise its statutory powers under the EP&A Act 1979.

**Link to Community Strategic Plan**

Theme 4: Responsible

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

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

**Attachments**

- 1** Letter from Fire & Rescue dated 11 July 2018      D13342886

**Fire &  
Rescue NSW**

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File Ref. No: BFS18/423 (8000002780)  
TRIM Ref. No: D18/38553  
Contact: John Bruscano

11 July 2018

General Manager  
Central Coast Council  
49 Mann Street  
GOSFORD NSW 2250

Email: [ask@centralcoast.nsw.gov.au](mailto:ask@centralcoast.nsw.gov.au)

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT  
PAR RECYCLING FACILITY ("the premises")  
75 PILE ROAD, SOMERSBY – LOT 1, DP 1117622**

Fire & Rescue NSW (FRNSW) received correspondence on 21 February 2018, in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- The NSW Environment Protection Authority (EPA) administers and enforces the Protection of the Environment Operations Act 1997 (the Act), including the administration of environment protection licences (EPL) issued under the Act. This site is operated as a waste facility under an EPL. The EPA is investigating the safety and adequacy of protection measures at waste facilities, particularly those that store and/or process highly combustible waste types including plastics, paper, and organic material. Several fires have occurred recently at waste facilities in NSW and other jurisdictions of Australia that store and/or process waste, such as the waste facility operated at this site. The EPA requests FRNSW to inspect the premises.*

*Details of the EPL can be found here by going to the website here: <http://app.epa.nsw.gov.au/prpoeoapp/> and searching for licence 13390.*

Please be advised that the inspection for 'the premises' was conducted prior to the amendments of the *Environmental Planning and Assessment Act 1979* (EP&A Act) on 1 March 2018. As such, all references to the relevant sections in this report are provided prior to the amendments of the EP&A Act.

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Pursuant to the provisions of Section 119T (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 28 February 2018 was conducted by an Authorised Fire Officer from the Fire Safety Compliance Unit of FRNSW. The inspection was also conducted in the company of Officers from the NSW Environmental Protection Authority (EPA).

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the EPA licenced waste facility only, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 119T (4) and Section 121ZD (1) of the EP&A Act. Please be advised that Section 121ZD (2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

## COMMENTS

Please note, that this report is limited to observations and sections of the building accessed at the time of the inspection. As such, this report lists potential deviations from the National Construction Code 2016 Building Code of Australia - Volume 1 (NCC). Please be advised that whilst the report is not an exhaustive list of non-compliances, the items as listed outline concerns that may contradict development consent approval or correlate to the building's age. In this regard, it is council's discretion as the appropriate regulatory authority to conduct its own investigation and consider the most appropriate action.

The following items were identified as concerns during the inspection:

### 1. Essential Fire Safety Measures

#### 1A. Fire Hydrant System

- A. The fire hydrants are connected to a ring main, however, the system does not have any isolation valves, contrary to the requirements of Clause 8.5.5 and 8.5.6 of Australian Standard (AS)2419.1-2005.

#### 1B. Exit Signs

- A. Some exit signage was not illuminated, not readily apparent and not maintained, in contravention with Clause E4.6 and E4.8 of the NCC, Section 6 of AS 2293.1-2005 and Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

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## 2. Access and Egress

### 2A. Provisions for Escape

A. Paths of travel – There are paths of travel to exits within the building that are obstructed by permanent structures and/or stored items, reducing the unobstructed width of the path of travel to the exit to less than 1m, contrary to the requirements of Clause D1.6(b) of the NCC. However, the operators have indicated that the stored items are moved at various times of the day.

#### B. Discharge from exits

a. When discharging through the north-western required exit leading to an open space, the path of travel to the road was reduced to an unobstructed width less than 1m, contrary to Clause D1.10 of the NCC. The obstructions were caused by the two water storage tanks and waste receptacles.

b. When discharging through one of the northern required exit leading to an open space, adjacent to the four process hoppers, the path of travel to the road requires occupants to walk down a set of external stairs. The following items were identified:

i. The stairs have an unobstructed width less than 1m, contrary to the requirements of Clause D1.10(b) of the NCC.

ii. A barrier to prevent falls and a handrail were not provided in accordance with the requirements of Clause D2.16 and D2.17 of the NCC.

## 3. Generally

### 3A. Compartmentation

A. The EPA licenced waste facility appears to exceed the relevant maximum floor area and maximum volume for a Class 8 building prescribed by Table C2.2 of the NCC, for Type C construction.

It appears that the building does not exceed 18,000m<sup>2</sup> in floor area nor exceed 108,000m<sup>3</sup> in volume, however does not meet the provisions for a large isolated building under Clause C2.3(a) as it does not contain a sprinkler system complying with Specification E1.5 or is not provided with open space complying with C2.4(a) not less than 18m wide around the building. It would be at council discretion to determine compliance.

### 3B. FRNSW letter, TRIM Ref. No: D16/78400, dated 25 October 2016, ('Appendix 1')

A. The FRNSW letter provided comments and recommendations to items identified as concerns by FRNSW officers at the time of an inspection conducted on 12 October 2016. Some of the items were still identified as concerns at the time

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of the inspection on 28 February 2018, as detailed in items 1 and 2 above. Particular reference is made to Comments 5, 6, 7 and Recommendation c. of the FRNSW letter dated 25 October 2016 (See Appendix 1), shown in the following excerpt:

## Comments

5. *It appears that a ring main is required to be installed at the premises in accordance with Clause 8.5.4 of AS2419.1-2005; The following components were not visible to confirm that a ring main has been installed;*
  - a. *Isolation valves were not identifiable at the site contrary to the requirements of Clause 8.5.6 and Clause 8.5.9 of AS2419.1-2005;*
  - b. *The block plan does not show the location of the isolation valves in accordance with Clause 7.11 of AS2419.1-2005;*
6. *The building appears to be a large isolated building, and also appears to exceed the maximum fire compartment size as specified in Clause C2.2 of the National Construction Code 2016 Volume One, Building Code of Australia (NCC).*

*In this regard, the perimeter of the building would require an open space of 18 metres wide. Moreover, the bulk storage of processed waste, plant and machinery are present on the north and south sides of the building and may be contrary to the requirements of Clause C2.3 (a) (i) (B) of the NCC;*

7. *Having regard to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Reg) and parts of Section D of the NCC, the following observations relate to egress on the northern side of the building contrary to;*
  - c. *Two water storage tanks, a large quantity of LPG cylinders and waste receptacles prevent persons evacuating the building in gaining access to open space;*
  - d. *A set of stairs that form part of an exit, adjacent to four process hoppers;*
    - i. *Have a stair width less than one (1) metre contrary to the requirements of Clause D1.10;*
    - ii. *Have not been provided with a balustrading and handrail in accordance with Clauses D2.16 and D2.17;*
    - iii. *Have had engine oil spilled on the majority of treads that create a slip hazard for persons evacuating the building;*

## Recommendations

- c. *Conduct a survey of the fire hydrant installation to determine if the ring main design criteria complies with Clause 8.5.5 (a) of AS2419.1-2005.*

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FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

## RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 through to item no. 3 of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Section 121ZD (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact John Bruscano of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/423 (8000002780) for any future correspondence in relation to this matter.

Yours faithfully



John Bruscano  
Building Surveyor  
Fire Safety Compliance Unit

Attachment: [Appendix 1 – FRNSW letter, TRIM Ref. No: D16/78400, dated 25 October 2016 – 4 pages]

CC Lesley Corkill  
Unit Head, Waste Compliance  
Waste and Resource Recovery, NSW Environment Protection Authority  
[Lesley.Corkill@epa.nsw.gov.au](mailto:Lesley.Corkill@epa.nsw.gov.au)

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## Appendix 1 – FRNSW letter, TRIM Ref. No: D16/78400, dated 25 October 2016



File Ref. No: BFS16/2353 (11909)  
 TRIM Ref. No: D16/78400  
 Contact: Station Officer Paul Scott

25 October 2016

General Manager  
 Central Coast Council  
 2 Hely Street  
 Wyong NSW 2259

Email: [ask@centralcoast.nsw.gov.au](mailto:ask@centralcoast.nsw.gov.au)

Attention: Manager Compliance/Fire Safety

Dear Sir/Madam,

**Re: INSPECTION REPORT  
 'REMONDIS WASTE STATION'  
 75 PILES ROAD SOMERSBY ("the premises")**

Fire & Rescue NSW (FRNSW) attended a fire at the premises and found that the fire hydrant booster assembly was located directly behind an electric fence.

The Fire Safety Compliance Unit of FRNSW received correspondence regarding this matter on 6 October 2016, in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

Pursuant to the provisions of Section 119T (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 12 October 2016 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

The inspection was limited to the following:

- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 119T (4) and Section 121ZD (1) of the EP&A Act. Please be advised that Section 121ZD (2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

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**COMMENTS**

The following items were identified as concerns during the inspection:

1. An electric fence is located approximately 600mm from the boost and feed connections of the fire hydrant booster assembly contrary to the requirements of Clause 3.5 of Australian Standards (AS) 2419.1-2005.

As an aside, the location of the fence directly in front of the connections poses an electric shock hazard for attending fire-fighters attempting to utilise the essential fire safety measure;

2. A wheeled valved outlet has been installed on the boost inlet manifold of the booster assembly contrary to the requirements of Clause 3.5 of AS2419.3-2012;
3. Boost and test pressure signage was not installed in accordance with Clause 7.10 of AS2419.1-2005;
4. The block plan does not display a diagrammatic layout of the protected building, the location of attack hydrants and other site hazards in accordance with Clause 7.11 of AS2419-2005;
5. It appears that a ring main is required to be installed at the premises in accordance with Clause 8.5.4 of AS2419.1-2005; The following components were not visible to confirm that a ring main has been installed;

- a. Isolation valves were not identifiable at the site contrary to the requirements of Clause 8.5.6 and Clause 8.5.9 of AS2419.1-2005;

- b. The block plan does not show the location of the isolation valves in accordance with Clause 7.11 of AS2419.1-2005;

6. The building appears to be a large isolated building, and also appears to exceed the maximum fire compartment size as specified in Clause C2.2 of the National Construction Code 2016 Volume One, Building Code of Australia (NCC).

In this regard, the perimeter of the building would require an open space of 18 metres wide. Moreover, the bulk storage of processed waste, plant and machinery are present on the north and south sides of the building and may be contrary to the requirements of Clause C2.3 (a) (i) (B) of the NCC;

7. Having regard to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Reg) and parts of Section D of the NCC, the following observations relate to egress on the northern side of the building contrary to;

- c. Two water storage tanks, a large quantity of LPG cylinders and waste receptacles prevent persons evacuating the building in gaining access to open space;

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d. A set of stairs that form part of an exit, adjacent to four process hoppers;

- i. Have a stair width less than one (1) metre contrary to the requirements of Clause D1.10;
- ii. Have not been provided with a balustrading and handrail in accordance with Clauses D2.16 and D2.17;
- iii. Have had engine oil spilled on the majority of treads that create a slip hazard for persons evacuating the building;

8. Fire Safety Notices were not installed adjacent or visible at accessible doorways within the building contrary to the requirements of Clause 183 of the EP&A Reg.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

## RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 through to item no. 8 of this report be addressed appropriately.
- b. In relation to Item 1. of this report, it is suggested that the following items be completed:
  - a. The fire hydrant booster assembly be realigned to so that the feed and boost connections to face Pile Road. This will eliminate obstructions during fire fighting operations;
  - b. The electric fence to be realigned and be positioned behind the fire hydrant booster assembly;
  - c. A bollard be installed at the kerb and gutter to prevent the gate, when opened, from coming into contact with the booster assembly;
- c. Conduct a survey of the fire hydrant installation to determine if the ring main design criteria complies with Clause 8.5.5 (a) of AS2419.1-2005;
- d. Upgrade the block plan to a minimum size of A2, displaying the elements listed in Clause 7.11 of AS2419.1-2005.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Section 121ZD (4) of the EP&A Act.

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Fire &amp; Rescue NSW

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Should you have any enquiries regarding any of the above matters, please do not hesitate to contact FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS16/2353 (11909) for any future correspondence in relation to this matter.

Yours faithfully



Edren Ravino  
Building Surveyor  
Fire Safety Compliance Unit

C.C. Remondis Somersby Depot manager  
[ritchie.venn@remondis.com.au](mailto:ritchie.venn@remondis.com.au)

IMG Property Consultant  
Mahi Ratnapala  
[mahi.ratnapala@intermarcglobal.com.au](mailto:mahi.ratnapala@intermarcglobal.com.au)





**Item No:** 3.3  
**Title:** Fire Safety Inspection Report for Materials Recycling Facility at 95 Wisemans Ferry Road Somersby  
**Department:** Environment and Planning

---

29 October 2018 Ordinary Council Meeting

Trim Reference: F2010/00500 - D13342203  
Author: Mark Newton, Building Surveyor  
Manager: Jamie Loader, Unit Manager, Development Assessment  
Executive: Scott Cox, Director, Environment and Planning

## Report Purpose

The purpose of this report is to provide a recommendation to Council on whether it should exercise its power to give an order under the provisions of Part 2 of Schedule 5 of the *Environmental Planning and Assessment Act* (EP&A Act) 1979, in relation to a fire safety inspection report received from Fire and Rescue NSW..

## Recommendation

- 1     *That Council note the result of the site inspection carried out on the 23 August 2018.***
- 2     *That Council resolve to exercise its power to issue an Order 1 under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act 1979 with respect to the matters as raised within the fire safety inspection report received from Fire and Rescue NSW;***
- 3     *That Council give notice of its determination to the Commissioner of Fire and Rescue NSW.***

## Background

Council has received a Fire Safety Inspection Report from Fire and Rescue NSW in respect to the premises known as Biocoal – Materials Recycling Facility on Lot 1 DP 775692, 95 Wisemans Ferry Road Somersby, which was noted as having been received by Council at its meeting of 10<sup>th</sup> September 2018.

Fire and Rescue NSW inspection reports received by Council are required to be tabled before the Council.

Council is then required to determine whether or not to exercise its power to issue an Order 1 under Part 2 of Schedule 5 of the *EP&A Act 1979*.

## **Conclusion**

The subject site was inspected by Council's Fire Safety Officer on 23<sup>rd</sup> August 2018 to specifically review the issues raised by Fire and Rescue NSW within their inspection report. The issues of concern relate to matters that potentially compromise the safety of occupants of the building and include:

1. Fire Hydrant System
  - Not received routine maintenance,
  - External hydrants obscured by stored items and vegetation.
2. Smoke Detection and Alarm System
  - Faults and disablements at the Fire Indicator Panel (FIP).
3. Portable Fire Extinguishers
  - Not readily accessible
4. Exit Signs
  - Not illuminated,
  - Not readily apparent,
  - Not maintained or missing,
  - Clearly visible additional directional exit signs to assist in egress from the building.
5. Paths of Travel to Exits
  - Blocked by permanent structures and/or stored items, which reduce exit width to less than 1.0 metre width,
6. Annual Fire Safety Statement (AFSS)
  - Not prominently displayed in the building.
7. Compartmentation
  - As it is a large isolated building, a sprinkler system is required and
  - An 18 metre wide open space around the building.
8. Structural Damage
  - External wall has been dislodged from its original built position.

Accordingly, it is appropriate for Council to exercise its statutory powers under the EP&A Act 1979.

## **Link to Community Strategic Plan**

Theme 4: Responsible

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

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

**Attachments**

- 1** Letter received from Fire & Rescue NSW 11 July 2018 D13342873



**Fire &  
Rescue NSW**

Unclassified

File Ref. No: BFS18/438 (8000002789)  
TRIM Ref. No: D18/38449  
Contact: John Bruscano

11 July 2018

General Manager  
Central Coast Council  
Administration Building  
49 Mann Street  
GOSFORD NSW 2250

Email: [goscity@gosford.nsw.gov.au](mailto:goscity@gosford.nsw.gov.au)

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

**RE: INSPECTION REPORT  
BIOCOAL – MATERIALS RECYCLING FACILITY (“the premises”)  
95 WISEMANS FERRY ROAD, SOMERSBY – LOT 1, DP 775692**

- Fire & Rescue NSW (FRNSW) received correspondence on 21 February 2018, in relation to the adequacy of the provision for fire safety in connection with ‘the premises’.

The correspondence stated that:

- The NSW Environment Protection Authority (EPA) administers and enforces the Protection of the Environment Operations Act 1997 (the Act), including the administration of environment protection licences (EPL) issued under the Act. This site is operated as a waste facility under an EPL. The EPA is investigating the safety and adequacy of protection measures at waste facilities, particularly those that store and/or process highly combustible waste types including plastics, paper, and organic material. Several fires have occurred recently at waste facilities in NSW and other jurisdictions of Australia that store and/or process waste, such as the waste facility operated at this site. The EPA requests FRNSW to inspect the premises.

Details of the EPL can be found here by going to the website here: <http://app.epa.nsw.gov.au/prpoeoapp/> and searching for licence 12109.

Please be advised that the inspection for ‘the premises’ was conducted prior to the amendments of the *Environmental Planning and Assessment Act 1979* (EP&A Act) on 1 March 2018. As such, all references to the relevant sections in this report are provided prior to the amendments of the EP&A Act.

Fire &amp; Rescue NSW

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Pursuant to the provisions of Section 119T (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 28 February 2018 was conducted by an Authorised Fire Officer from the Fire Safety Compliance Unit of FRNSW. The inspection was also conducted in the company of Officers from the NSW Environmental Protection Authority (EPA).

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the EPA licenced waste facility only, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 119T (4) and Section 121ZD (1) of the EP&A Act. Please be advised that Section 121ZD (2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

## COMMENTS

The Contracts Manager (Jamie Brown) advised that the EPA licenced facility had not been in operation for approximately three (3) months. The building contained baled material and unsorted stockpiles. There was no recycling work being undertaken at the time of the inspection. Notwithstanding this, the following items were identified as concerns during the inspection:

### 1. Essential Fire Safety Measures

#### 1A. Fire Hydrant System

- A. Maintenance – The service label/tag provided to the booster assembly and external hydrants throughout the site were dated stamped November 2016, indicating the system had not receiving routine maintenance, contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) and Section 4.2 of Australian Standard (AS)1851-2012.
- B. Some external fire hydrants were obstructed by stored items and vegetation, contrary to the requirements of Clause 3.2.2.2(g) of AS2419.1-2005.



Unclassified

**1B. Smoke Detection and Alarm System**

- A. There were two (2) faults and two (2) disablements displayed at the Fire Indicator Panel (FIP) at the time of the inspection. The Contracts Manager (Jamie Brown) was aware of the faults and disablements and advised that he had already arranged for the fire service contractor to attend the site to rectify the issue, which was 'due to rats' damaging the cabling.

**1C. Portable Fire Extinguishers (PFE)**

- A. Some PFEs throughout the premises were missing or not readily accessible, contrary to the requirements of Clause 3.2 of AS2444-2001.

**1D. Exit Signs**

- A. Some exit signage was not illuminated, not readily apparent and not maintained or missing, contrary to the requirements of Clause E4.6 and E4.8 of the NCC, Section 6 of AS 2293.1-2005 and Clause 182 of the EP&A Regulation.

**2. Access and Egress****2A. Provisions for Escape**

- A. Paths of travel – There are paths of travel to exits within the building that are obstructed by permanent structures and/or stored items, reducing the unobstructed width of the path of travel to the exit to less than 1m, contrary to the requirements of Clause D1.6(b) of the NCC.
- B. Additional directional exit signage may benefit the premises, such that an exit sign or directional exit sign is clearly visible from all areas, in accordance with Clause E4.6 of the NCC.

**3. Generally****3A. Environmental Planning and Assessment Regulation 2000****A. Annual fire safety statement**

- a. A copy of current annual fire safety statement (AFSS) and a copy of the fire safety schedule were not prominently displayed in the building (a fire safety certificate was displayed dated 28 November 2016), in contravention with the requirements of Clause 177 of the EP&A Regulation.

**3B. Compartmentation**

- A. The EPA licenced waste facility appears to exceed the relevant maximum floor area and maximum volume for a Class 8 building prescribed by Table C2.2 of the NCC, for Type C construction.





## Unclassified

It appears that the building does not exceed 18,000m<sup>2</sup> in floor area nor exceed 108,000m<sup>3</sup> in volume, however does not meet the provisions for a large isolated building under Clause C2.3(a) as it does not contain a sprinkler system complying with Specification E1.5 or is not provided with open space complying with C2.4(a) not less than 18m wide around the building. It would be at council discretion to determine compliance.

## 3C. Structural Damage

- A. Part of the north-western external wall (concrete tilt-up panel) had fallen away and left a large gap in the external wall. It could not be determined if the missing part of the wall was a structural element of the building. It would be at council discretion to determine compliance.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

## RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 through to item no. 3 of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Section 121ZD (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact John Bruscano of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/438 (8000002789) for any future correspondence in relation to this matter.

Yours faithfully

  
John B  
Building Surveyor  
Fire Safety Compliance Unit

CC Lesley Corkill  
Unit Head, Waste Compliance  
Waste and Resource Recovery, NSW Environment Protection Authority  
[Lesley.Corkill@epa.nsw.gov.au](mailto:Lesley.Corkill@epa.nsw.gov.au)

Fire & Rescue NSW

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**Item No:** 3.4  
**Title:** Fire Safety Inspection Report for Residential Flat Building at No. 71 Faunce Street West Gosford  
**Department:** Environment and Planning

---



29 October 2018 Ordinary Council Meeting

Trim Reference: F2010/00500 - D13342114

Author: Mark Newton, Building Surveyor

Manager: Jamie Loader, Unit Manager, Development Assessment

Executive: Scott Cox, Director, Environment and Planning

## Report Purpose

The purpose of this report is for Council to note a Fire Safety Inspection Report from Fire and Rescue NSW.

## Recommendation

- 1 That Council note the content of the Fire Safety Report from Fire and Rescue NSW (attached), in accordance with 17(2)(a) of Part 8 of Schedule 5 of the Environmental Planning and Assessment Act (EP&A Act) 1979; and**
- 2 That Council receive a further report to be provided to the next Council meeting in accordance with 17(2)(b) of Part 8 of Schedule 5 of the Environmental Planning and Assessment Act (EP&A Act) 1979.**

## Background

Council has received a Fire Safety Inspection Report from Fire and Rescue NSW in respect to the premises known as Lot: 0 SP 90107, 71 Faunce Street West Gosford.

Fire and Rescue NSW has powers under the *EP&A Act 1979*, to carry out inspections of buildings and it is required to forward the findings of such an inspection to the relevant Council.

Fire and Rescue NSW inspection reports received by Council are required to be tabled before the Council at the next Council meeting.

Council is then required to determine whether or not to exercise its power to issue one of three orders under Part 2 of Schedule 5 of the *EP&A Act 1979*. This determination may be made at the next meeting of Council held after the tabling of the initial Fire and Rescue NSW inspection report.

### **3.4 Fire Safety Inspection Report for Residential Flat Building at No. 71 Faunce Street West Gosford (contd)**

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Attached is the inspection report received by Council from Fire and Rescue NSW that is required to be tabled. A further report will be provided to Council with appropriate recommendations following an inspection of the site.

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

Theme 4: Responsible

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

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

#### **Attachments**

- |          |  |           |
|----------|--|-----------|
| <b>1</b> | Letter from Fire & Rescue dated 30 August 2018 | D13342888 |
|----------|--|-----------|



File Ref. No: BFS18/1760 (3981)  
TRIM Ref. No: D18/59412  
Contact: Station Officer Paul Scott

30 August 2018

General Manager  
Central Coast Council  
P.O. Box 20  
Wyong NSW 2259

Email: [ask@centralcoast.nsw.gov.au](mailto:ask@centralcoast.nsw.gov.au)

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam,

**Re: INSPECTION REPORT  
71 FAUNCE STREET WEST GOSFORD ("the premises")**

Pursuant to the provisions of Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 27 June 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW). The inspection was also conducted in the company of Central Coast Council Officer, Mark Newton

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

<b>FIRE AND RESCUE NSW</b>	<b>ABN 12 593 473 110</b>	<b>www.fire.nsw.gov.au</b>
Community Safety Directorate Fire Safety Compliance Unit	1 Amarina Ave, Greenacre NSW 2190	T (02) 9742 7434 F (02) 9742 7483
<a href="mailto:firesafety@fire.nsw.gov.au">firesafety@fire.nsw.gov.au</a>	<b>Unclassified</b>	Page 1 of 4



On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

## COMMENTS

The following items were identified as concerns during the inspection:

### 1. Essential Fire Safety Measures

#### 1A. Fire Safety Certificate

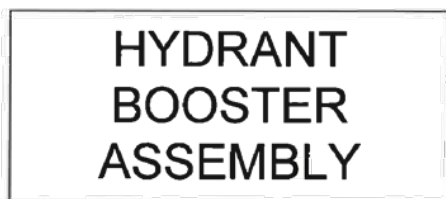
- A. A Final Fire Safety Certificate or an Annual Fire Safety Statement along with a Fire Safety Schedule (FSS) were not displayed in a prominent location at the premises contrary to the requirements of Clause 172 or 177 of the Environmental Planning and Assessment Regulation 2000 (EP&A Reg);

#### 1B. Fire Hydrant Installation

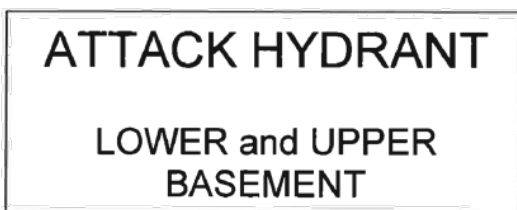
- A. The doors providing access to the fire hydrant booster cabinet do not open to a minimum of 90° contrary to the requirements of Clause 7.9.2 of Australian Standard (AS) 2419.1-2005. In this regard the finished level of the grassed area immediately in front of the cabinet doors create an impediment to the swing of the doors;
- B. An isolation valve is not installed on either side of the installation contrary to the requirements of Clause 7.4 of AS2419.1-2005. In this regard the head of pressure above the boost inlets exceeds 50 kPa and firefighters are not able to isolate the boost inlets from the installation;
- C. The feed and attack hydrants were observed within the fire hydrant booster cabinet. The fire hydrant block plan displayed within the cabinet lacks information that advises both the feed and attack are contained within the cabinet. The attack hydrants are difficult to identify and it is recommended that additional fade-resistant or engraved signage be installed. To assist with identification of the attack hydrants, consideration should be given to the installation of additional signage. The following is an example of what would be recommended:
  - i. Be a minimum A4 size, marked in upper case lettering not less than 25 mm in height; and in lettering in a colour contrasting with that of the background. The sign should also be displayed immediately behind the fire hydrant;



- ii. The fire hydrant booster assembly stating



- iii. The attack fire hydrants stating



- D. Two metal support brackets are installed in the hydrant booster cabinet at approximately 1700mm from the finished floor level immediately behind the feed hydrants contrary to the requirements of Clause 3.6.1 (b) of AS2419.1-2005. In this regard firefighters may suffer head injuries whilst connecting firefighting hose to the hydrant booster assembly.

#### 1C. Smoke Detection and Alarm Systems

- A. Clause 3.10 of AS1670.1-2004 requires a Zone Block Plan that displays specific information. The following items were noted at the time of the inspection;
- i. The 'YOU ARE HERE' location on the zone block plan indicates that the Fire Indicator Panel (FIP) is located on the Upper Basement level of the building. Based on the orientation of the storeys and observations at the time, the FIP appears to be located at the Lower Basement level;
  - ii. There is no signage stating;  
*"IN THE EVENT OF FIRE RING '000' TO ENSURE FIRE SERVICE RESPONSE"*
  - iii. The plan is not displayed in the correct orientation of the building;
  - iv. The floor plans appears to be too small to correctly determine pictorial elements on each floor;

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## 2. Access and Egress

- 2A. The path of travel to open space from the lower basement carpark on the eastern side of the building has not been provided a minimum width of 1000mm contrary to the requirements of Clause D1.6 of the National Construction Code 2016 Volume One, Building Code of Australia (NCC). In this regard, a structural element has reduced the width of the path of travel to 880mm.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

## RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises' and require item no. 1 through to item no. 2 of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17(4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Station Officer Paul Scott of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/1760 (3981) for any future correspondence in relation to this matter.

Yours faithfully

6776

Paul Scott

Acting Team Leader

Fire Safety Compliance Unit

FIRE AND RESCUE NSW

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**Item No:** 3.5  
**Title:** Fire Safety Inspection Report for Residential Flat Building at 51 - 53 Hills Street, North Gosford  
**Department:** Environment and Planning

---



29 October 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-04 - D13350691

Author: Mark Newton, Building Surveyor

Manager: Jamie Loader, Unit Manager, Development Assessment

Executive: Scott Cox, Director, Environment and Planning

## Report Purpose

The purpose of this report is for Council to note a Fire Safety Inspection Report from Fire and Rescue NSW.

## Recommendation

- 1 That Council note the content of the Fire Safety Report from Fire and Rescue NSW (attached), in accordance with 17(2)(a) of Part 8 of Schedule 5 of the Environmental Planning and Assessment Act (EP&A Act) 1979; and**
- 2 That Council receive a further report to be provided to the next Council meeting in accordance with 17(2)(b) of Part 8 of Schedule 5 of the EP&A Act 1979.**

## Background

Council has received a Fire Safety Inspection Report from Fire and Rescue NSW in respect to the premises known as Lot: 100 DP 1174205, 51 - 53 Hills Street North Gosford.

Fire and Rescue NSW has powers under the EP&A Act 1979, to carry out inspections of buildings and it is required to forward the findings of such an inspection to the relevant Council.

Fire and Rescue NSW inspection reports received by Council are required to be tabled before the Council at the next Council meeting.

Council is then required to determine whether or not to exercise its power to issue one of three orders under Part 2 of Schedule 5 of the EP&A Act 1979. This determination may be made at the next meeting of Council held after the tabling of the initial Fire and Rescue NSW inspection report.

Attached is the inspection report received by Council from Fire and Rescue NSW that is required to be tabled. A further report will be provided to Council with appropriate recommendations following an inspection of the site.

**Link to Community Strategic Plan**

Theme 4: Responsible

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

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

**Attachments**

**1** Letter from Fire & Rescue dated 7 September 2018      D13350813



File Ref. No: BFS17/1107 (0168)  
TRIM Ref. No: D18/62058  
Contact: Edren Ravino

7 September 2018

General Manager  
Central Coast Council  
49 Mann Street  
GOSFORD NSW 2250

Email: ask@centralcoast.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear General Manager

**Re: INSPECTION REPORT  
RESIDENTIAL FLAT APARTMENTS  
51-53 HILLS STREET, NORTH GOSFORD ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 23 May 2018, in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated in part that:

*There is inconsistency in the identification of the zones in this building. The FIP has identified the zones as Basement/Ground Floor/1st Floor/2nd Floor/3rd Floor. Whereas the lifts have identified them as 0/1/2/3/4.*

Pursuant to the provisions of Section 9.32 (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 26 June 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.

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Community Safety Directorate  
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- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32 (4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

## COMMENTS

Please be advised that this report is not an exhaustive list of non-compliances. The proceeding items are limited to observations of the building accessed at the time of the inspection and identifies possible deviations from the National Construction Code 2016, Volume 1 Building Code of Australia (NCC). FRNSW acknowledges that the deviations may contradict development consent approval or relate to the building's age. It is therefore council's discretion as the appropriate regulatory authority to consider the most appropriate action.

The following items were identified as concerns during the inspection:

### 1. Essential Fire Safety Measures

- 1A. External Alarm Indication— Clause 3.8 of Australian Standard AS1670.1 – 2015 requires a strobe to be visible from the main approach of “the premises” and be as near as practicable to the Designated Building Entry Point (DBEP). At the time of the inspection, a strobe could not be located external of the building.
- 1B. Zone Block Plan – Section 3.10 of the Australian Standard 1670.1-2015 requires a Zone Block Plan to be securely mounted and located adjacent to the fire detection control and indicating equipment (FDCIE). Whilst the display on the panel itself appeared to reflect the relevant locations, a Zone Block Plan would assist firefighters in their duties.
- 1C. Access – Clause 11.3 of Australian Standard 2941 requires the pumpset to be readily accessible to fire brigade personnel. At the time of inspection access to the fire hydrant pumpset was restricted due the installation of a ‘NMB’ barrel lock. Typically, a 003-lock is compatible with FRNSW requirements for access.

### 2. Compartmentation

- 2A. Penetrations – Clause C3.15 and Specification C3.15 of the NCC requires services passing through fire rated walls to be protected by an approved fire stopping system. At the time of the inspection the pump room located in the basement carpark included penetrations that appeared to lack the appropriate fire stopping system.

## 3. Generally

- 3A. Annual Fire Safety Statement (AFSS) – Clause 177(3)(b) of the Environmental Planning and Assessment Regulation 2000 the statement must be prominently displayed in the building, at the time of the inspection the AFSS could not be located. For ease FRNSW prefers the statement be located beside the FDCIE. An inspection and a review of council's records may be required.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

**RECOMMENDATIONS**

FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises' and require item no. 1 through to item no. 3 of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Edren Ravino of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS17/1107 (0168) for any future correspondence in relation to this matter.

Yours faithfully



Edren Ravino  
Building Surveyor  
Fire Safety Compliance Unit



**Item No:** 3.6  
**Title:** EDSACC South Amenities Rebuild  
**Department:** Assets, Infrastructure and Business

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29 October 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-04 - D13340424

Author: Rachael McWilliam, Section Manager, Recreational Project Delivery and Design

Manager: Karen Tucker, Acting Unit Manager, Open Space and Recreation

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

## Report Purpose

Approval is sought to allocate additional funding to the 2018/19 Capital Works Program for the rebuilding of the EDSACC South Amenities Building.

## Summary

The EDSACC South Amenities Building burned down over three years ago and Council has assurance from Council's insurer, Statewide Mutual, that funding will be provided for a 'like-for-like' facility within the EDSACC South precinct.

The rebuilding of the facility is ready to go to tender with stakeholder consultation, draft design and approvals completed.

Budget was allocated in the 2018/19 capital works budget to partially rebuild the damaged building based on the approved insurance funds at the time. Since the budget was sought further information has come to light and the entire building needs rebuilding. Statewide Mutual has agreed to fund the full replacement cost less relocation of services. These funds will be recovered after the construction of the building is complete.

The *Tendering Guidelines for NSW Local Government* require that Councils must not invite or submit tenders without a firm intention and capacity to proceed with a contract, including having funds available.

## Recommendation

***That Council approve additional funding of \$1,110,272 to the 2018/19 Capital Works Program, which is funded by insurance proceeds, to enable the release of the Request for Tender for the rebuilding of the EDSACC South Amenities Building.***

## Context

The former amenities building at EDSACC South, Bateau Bay, was damaged by fire caused by vandalism in August 2015.

Statewide Mutual initially requested Council to rebuild the amenities building using existing floor and some walls. The 2018/19 capital works budget was requested based on this. Independent structural engineering and geotechnical investigations were undertaken to establish if the remaining structure was able to be reused in the rebuilding of the amenities. The recommendation of those investigations were that the remaining structure was not suitable for rebuilding purposes and did not meet the current Australian Standards for Residential Slab and Footing design required for this type of building.

Based on the outcome of the investigations the remainder of the building structure was then demolished in April 2018.

### **Current Status**

Documentation is currently being prepared for the purpose of inviting tenders for the detailed design and construction of the new amenities building.

EDSACC South sporting user groups are currently utilising demountable buildings and shipping containers as temporary amenities, change rooms and storage until the new amenities building is constructed.

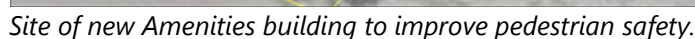
### **Proposal**

To include additional funding within the 2018/19 Capital Works Program to enable the release of the Request for Tender in accordance with the *Tendering Guidelines for NSW Local Government*.

Council will recover the monies for the rebuilding of the amenities building from Statewide Mutual once construction has been completed.

Council will only be required to fund the relocation of services such as water and sewer which is already allowed for in the 2018/19 Capital Works budget.

The new amenities building will be constructed at the northern end of the fields to encourage users to park in the dedicated car park and enter the fields from the northern entry due to safety issues identified during stakeholder consultation. See site map below.



Stakeholder meetings were undertaken with all former user groups of the EDSACC South Amenities Building regarding the proposed building layout and relocation of the new facility within the site.

Consultation with Council's Insurer has been ongoing throughout the rebuild project. To date, insurance has funded the cost of demolition of the remainder of the original structure.

1. That Council include additional funding within the 2018/19 Capital Works Program to enable the release of the Request for Tender for the rebuilding of the EDSACC South Amenities Building – **Recommended**
2. Defer request to increase the Capital Works budget to the Q1 Business Report. This would cause further delay in releasing the RFT, and therefore completion of the project – **Not recommended**

3. Do not replace the burned down building and retain the insurance funds in general revenue – **Not recommended**

### **Financial Impact**

In accordance with the *Tendering Guidelines for NSW Local Government*, Councils must not invite or submit tenders without a firm intention and capacity to proceed with a contract, including having funds available.

Currently there is insufficient budget allocated in the 2018/19 Capital Works Program to fund construction of the new amenities building.

Current Capital Works budget - \$286,000  
YTD actuals - \$39,272

Estimate total contract value required - \$1,357,000

- Construction Cost (based on QS estimate)
- Design/consultancy Cost for contract duration
- Project Management and works inspections during construction
- Contract Contingency costs
- Cost of ancillary works such as pathways, fencing and outdoor lighting
- Consultant advice

Therefore, a total of \$1,110,272 is requested.

Statewide Mutual has provided assurance that funding will be provided for a 'like-for-like' facility within the EDSACC South precinct. These monies will be able to be recovered after completion of the building construction.

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

Theme 5: Liveable

### **Choose Focus Area**

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

### **Critical Dates or Timeframes**

Council has indicated to the user groups that construction of the building will likely commence prior to the beginning of the next winter sporting season, in April 2019.

### **Attachments**

*Nil.*

**Item No:** 3.7  
**Title:** Funding for Amended Tree Policy  
**Department:** Assets, Infrastructure and Business

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29 October 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-03 - D13195360

Author: Luke Sulkowski, Unit Manager, Natural and Environmental Assets  
Manager: Brett Sherar, Acting Senior Manager, Property and Asset Management  
Executive: Boris Bolgoff, Acting Director, Assets, Infrastructure and Business

## Report Purpose

To provide a comprehensive report to Council as to the possible funding of Chapter 'XX' Tree and Vegetation Management 2013 as required by Council's resolution of 26 February 2018.

## Recommendation

***That Council receive and note the report.***

## Background

*At its meeting of 26 February 2018, Council resolved under Item 2.2:*

- 88/18 That Council receive and note the report on the outcomes of the public exhibition of draft Chapter 3.6 of Development Control Plan 2013 – Development Controls for Wyong Shire (as amended to reflect the provisions within Chapter 6.6 of the Gosford Development Control Plan 2013) as required by the resolution of 27 November 2017.*
- 89/18 That Council approve the exhibited draft of Ch 3.6 of WDCP (amended to be in parallel terms to Gosford's Ch 6.6), pursuant to cl. 21 (1)(a) of the Environmental Planning and Assessment Regulation 2000.*
- 90/18 Request a comprehensive Report from Council staff as to the possible funding of the Amended Tree Policy including but not limited to the consideration of:*
  - a) removing a staff position for the State Environmental Planning Policy (vegetation in non-rural areas) 2017 from the costings as this position is independent of the implementation of the Tree Policy*
  - b) the estimated number of anticipated applications*
  - c) the number of staff previously employed in Tree Inspection Roles in both councils*
  - d) the capacity for existing compliance officers to take on the compliance component of the Tree Policy*

- e) *the reallocation of resources made superfluous on the adoption of the former Ch 3.6 of Wyong Shire's DCP 2013 and the means by which those resources may be recovered*
- f) *The income stream from applications and fines (including the re-allocating of environmental fines)*
- g) *The likely cost savings to council of adopting appropriate tree and vegetation policies in parks, reserves and along roadsides*
- h) *deferring the exhibition of another Tree Management chapter to avoid incurring any immediate additional costs of consultation and workshops and to allow appropriate time*
- i) *the policies of other Councils*
- j) *an urban forest policy.*

91/18 *That Council advise all those who made submissions on the decision.*

92/18 *That Council request the Acting Chief Executive Officer provide a workshop for all Councillors to consider the implications of the legal and further details as raised at the Councillors briefing.*

This report is provided in response to item 90/18 of Council's resolution.

This report also addresses Council's resolutions 219/18 and 220/18 of 26 March 2018 being:

219/18 *Council receive a further report in one month's time on how Council staff have been resourced to implement the new policy across the full LGA as opposed to just the Gosford part of the LGA*

220/18 *That Council receive a further report in two weeks on the issues considered by Council on 26 February 2018, item 2.2 minute number 90/18.*

In preparation of the report, and in consideration of Council's instruction for it to be comprehensive and not limited just to the items identified within the resolution, information has also been provided regarding Council's functions, requirements, constraints and opportunities relating to tree management in a broader sense.

A further report from Environment and Planning was considered by Council regarding the draft tree management chapter that addresses resolutions 216/18, 217/18 and 218/18 of 26 March 2018.

#### Context

#### The Former Wyong Shire Council Tree Management Approach

The Wyong Development Control Plan 2013 (WDCP 2013) commenced on 23 December 2013. Chapter 3.6 of the WDCP specifically addressed tree and vegetation management on private property.

In response to a resolution of Council to amend chapter 3.6 of the WDCP 2013 and further storms that caused significant damage across the Wyong Shire, a report 'Draft WDCP 2013: Chapter 3.6 – Tree and Vegetation Management' was considered by Council on 29 April 2015.

This report provided for consideration of a draft DCP Chapter that provided exemptions for the following:

- The pruning or removal of exotic trees (non-native to NSW) in all zones;
- The pruning or removal of any tree or vegetation on land within the following zones that has an area less than 1500 square metres:
  - R1 General Residential;
  - R2 Low Density Residential;
  - R3 Medium Density Residential;
  - R5 Large Lot Residential; and
  - RU5 Village.
- For land within other zones, and residential zoned lots over 1500 square metres:
  - The pruning or removal of any tree or vegetation within 12 metres of an "approved structure".

At its meeting of 29 April 2015, the former Wyong Shire Council resolved as follows:

- 418/15 *That Council adopt the report, which includes its reasons for approving the amending Tree DCP.*
- 419/15 *That Council approve, for the purposes of clause 21(1) of the Environmental Planning and Assessment Regulation 2000, the draft "Development Control Plan 2013 Chapter 3.6 – Tree and Vegetation Management" as publicly exhibited ("the amending Tree DCP").*
- 420/15 *That Council give public notice, in accordance with cl. 21(2) of the Environmental Planning and Assessment Regulation 2000, of its decision to approve the amending Tree DCP.*
- 421/15 *That Council provide a copy of the amending Tree DCP to the Director-General of the NSW Department of Planning and the Environment within 28 days, as required by cl. 25AB of the Environmental Planning and Assessment Regulation 2000.*

This version of the DCP was subsequently adopted and remained in force over the former Wyong Local Government Area (LGA) until Central Coast Council's resolution of 26 February 2018.



### **The Former Gosford City Council Tree Management Approach**

The Gosford DCP 2013 came into effect on 11 February 2014.

In summary, this DCP outlined that an exemption was allowed for removal of:

- trees within three metres of an approved building (measured one metre above ground level and between the face of the wall and the part of the trunk nearest the building), providing the tree species is not a threatened species or not listed on Council's Significant Tree Register or Heritage Item;
- dead trees or pruning of dead branches;
- nominated weeds and undesirable species;
- branches directly overhanging the roofline of an approved building (in accordance with Australian Standard AS4373);
- branches within 1m around electricity and/or telecommunication wires.

For comparative purposes, Table 1 indicates the primary differences between the positions of the former Gosford City Council and former Wyong Shire Council in regards to exempt tree works in force prior to Council's meeting of 26 February 2018:

**Table 1:** Summarised comparison of tree management exemptions applying to the former Gosford and former Wyong LGAs prior to Council's resolution of 26 February 2018.

<b>Reason for Exemption</b>	<b>Former Gosford Local Government Area</b>	<b>Former Wyong Local Government Area</b>
Exemptions Relating to Species	Removal of nominated weeds and undesirable species	Removal of trees not native to NSW
Exemptions Relating to Building Proximity (not protected or heritage listed trees)	Removal of trees within 3 metres of an approved building	Removal of any tree or vegetation on parcels <1500 square metres <i>or</i> ;  Removal of any tree or vegetation on parcels >1500 square metres when within 12 metres of an approved structure

**Note:** Exceptions do not negate state and federal protection over protected species and communities.

### **10/50 Vegetation Clearing Code of Practice**

The 10/50 Vegetation Clearing Code of Practice (10/50 Code) has some impact on clearing of vegetation, but it is best to consider it separately to provisions made under the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP). The 10/50 Vegetation Clearing Scheme allows people to clear certain vegetation near their homes to improve protection from bush fires. The 10/50 Code has been prepared following the 2013 NSW bush fires.

### 3.7 Funding for Amended Tree Policy (contd)

Clearing activities allowed under the 10/50 Code are considered to be authorised under NSW legislation. Generally the 10/50 Code allows for:

- the removal, destruction (by means other than fire) or pruning of any vegetation (including trees) within 10 metres of an external wall of a building containing habitable rooms that comprises, or is part of residential accommodation or a high-risk facility; or of an external wall of a building that comprises or is part of a farm shed; and
- the removal, destruction (by means other than fire) or pruning of any vegetation, (except for trees) within 50 metres of an external wall of a building containing habitable rooms that comprises, or is part of residential accommodation or a high-risk facility; or of an external wall of a building that comprises or is part of a farm shed.

It is important to note that there are a number of additional conditions applying to this that create further restrictions on the application of the 10/50 Code such as land ownership, proximity to waterways, presence of threatened species or communities and requirements not to disturb the soil (e.g. digging up a tree stump).

The 10/50 Code specifically applies to the 10/50 entitlement area. The 10/50 entitlement area is determined from the local Bush Fire Prone Land Map (BFPLM).

The BFPLM typically applies to areas dominated by vegetation. On the Central Coast, affected areas include National Parks, State Forests, Council/ Crown managed bushland reserves, rural areas, and the urban/ bushland interface. Table 2 summarises the impact of the 10/50 entitlement area on the Central Coast LGA.

**Table 2:** Summary data of 10/50 entitlement area for the Central Coast by area and by number of rateable properties:

Category	Total for Central Coast Local Government Area	Amount affected by 10/50 Entitlement Area	Percentage (%)
Land Area (hectares)	167,500*	156,089	93.2%
Approximate Rateable Properties	124,636	56,515	45.3%

\* Not including waterways

As shown in Table 2 there is a large variance between the percentage of land area within the 10/50 entitlement area and the percentage of rateable properties. The reason for the variation is because much of the 10/50 entitlement area covers large land parcels or land that is not rated (such as National Parks), and conversely, the bulk of the Central Coast population live on smaller urban blocks not within the 10/50 entitlement area (i.e. most dwellings are in areas not considered bush fire prone).

**Consideration of Removal of Ecologist Position from Costings**

At its meeting of 26 February 2018, Council resolved:

- 3 *Request a comprehensive Report from Council staff as to the possible funding of the Amended Tree Policy including but not limited to the consideration of:*
  - a) *removing a staff position for the State Environmental Planning Policy (vegetation in non-rural areas) 2017 from the costings as this position is independent of the implementation of the Tree Policy.*

There is currently no ecologist position within the organisational structure identified to undertake ecological assessment of tree removal or land clearing activities.

**Number of Applications Expected Under Amended DCP**

Consideration of available data before and after the adoption of the Chapter 3.6 of the WDCP 2013 (as adopted 29 April 2015) can be considered in determining how many applications may be considered to be received under the new amended DCP.

In the two financial years preceding the adoption of this version of the chapter, average annual tree applications lodged with the former Wyong Shire Council were 538 per annum. Exemptions at this time allowed for removal of trees within 6 metres of approved structures. With 61,657 rateable properties recorded in the former Wyong LGA, this equates to an average of 87 applications for every 10,000 rateable properties.

In the two years following (i.e. 2015/16 and 2016/17) average annual applications lodged under the same chapter were 33 per annum. This equates to an average of 5 applications per 10,000 rateable properties.

Available data suggests that over a 6 year period under Chapter 6.6 of the GDCP 2013 there have been approximately 610 applications per annum. With 62,979 rateable properties recorded in the former Gosford LGA. This equates to an average of 97 applications per 10,000 rateable properties.

In predicting the number of applications that may be generated as a result of adoption of the new DCP Chapter, from the above data, we can assume that the number of applications received in the former Wyong LGA will escalate to approximately 600 per annum, an increase of 567 applications per annum (>1700%).

**Table 3:** Summary showing number of private tree applications received and expected under Different Policies.

		North (Former Wyong Shire Council)		South (Former Gosford City Council)		Combined
		TOTAL	APPROXIMATE APPLICATIONS PER 10,000 RATEABLE PROPERTIES	TOTAL	APPROXIMATE APPLICATIONS PER 10,000 RATEABLE PROPERTIES	TOTAL
Number of Tree Applications Received Per Annum	2 YEARS PRIOR TO ADOPTION OF WYONG DCP 2013 (Adopted 29/4/15, so 2013/14 & 2015/16)	538	87	610	97	1148
	2 YEARS AFTER ADOPTION OF WYONG DCP 2013 (Adopted 29/4/15, so 2015/16 & 2016/17)	33	5	610	97	643
	ESTIMATED UNDER PROPOSED NEW CHAPTER	600	97	610	97	1210

There may be some justification in presuming that whilst the less restrictive approach adopted by the former Wyong Shire Council was in force, that many more trees were removed, meaning the implementation of a more stringent policy at this point may not necessarily drive applications significantly upward in the short term. Available data does not however allow for analysis of this.

### Number of Staff Employed in Tree Inspection Roles

#### The Former Wyong LGA

Although Council has specifically requested information on the number of staff previously employed in tree inspection roles from the former Council's, consideration is given here to both prior and current numbers.

In the former Wyong Shire Council organisation, prior to any policy changes adopted on 29 April 2015, there was 1 x staff member specifically allocated to public tree assessment (1.0 Full Time Equivalent position), and two staff members allocated to assessing private tree permit applications (1.8 Full Time Equivalent positions). Therefore in total there were three staff at this time undertaking tree inspections, totalling 2.8 FTE.

The average annual number of service requests raised regarding the management of public trees in the former Wyong LGA from 2009/10 to 2016/17 have exceeded 2,800 service requests per annum (total 22,592). This data includes significant spikes in 2014/15 (4,630) and 2015/16 (3,494) due to significant storm events. Not including these extreme years, the average number of service requests still exceeds 2,400 per annum.

The public tree officer at the time was therefore required to address in the order of 46 service requests per week relating to public trees for the 1 Full Time Equivalent (FTE) position assigned to the function. This included inspections, responses to customers, and arranging appropriate maintenance works to mitigate identified risks (both by Council staff and via contract).

At the same time, 538 tree applications per annum were being received on private property and each application required a detailed arborist report to be completed by council staff.

This therefore required an average of 5.7 private tree permit applications per week to be addressed by each whole FTE assigned to this function in the private tree management area. This does not include any regulatory activities they may have had to respond to during the period and act on, but required consideration of applications for tree works on private land. It did not require coordination of any tree maintenance activities.

Upon adoption of the revised Chapter 3.6 of the WDCP 2013 (as adopted 29 April 2015), the amount of tree permit applications in the former Wyong Shire Council dropped considerably from an average of 538 per annum to 33 per annum. This meant that the private tree officer's workload reduced from 5.7 tree permit applications per FTE per week, to 0.35. This created an even greater imbalance in the workload between public and private tree management roles (approximately 130 times greater per FTE in public tree management to private tree management), with the workloads of the private tree management officers becoming so low their roles no longer became sustainable.

As a result of this, the functions of the private tree assessments were negligible post June 2015. Shortly after this, Council's Public Tree Management Officer also resigned from the organisation. The structure was altered accordingly to manage resources.

To address continuing resource gaps and demand across trees both public and private in the former Wyong Shire Council LGA, a business case was prepared to establish three new positions in lieu of the previous ones, to manage this pre-existing unsustainable workload associated with public tree management without increasing total staff numbers. These roles were filled commencing from December 2015.

Effectively this means that on average 3 FTE are now managing 33 private tree permit applications and 2,400 public tree service requests per annum. Per FTE this is 811 in total per annum, or an average 18.9 per week.

Current implications for these staff with the implementation of the new Chapter 3.6 of the WDCP 2013 (as adopted 26 February 2018) are that private tree permit applications will rise to approximately 600 per annum, meaning they will be required to address in the order of 1,000 combined applications and service requests per annum each (i.e. an estimated increased workload of approximately 25%)

Previous workloads for these staff at an average of 600 applications and service requests per annum were already largely at capacity, but based on workloads increasing by an estimated 25%, the expected appropriate FTE to manage the workload in this area, across the former Wyong LGA would need to be increased to 4 FTE from 3 FTE.

**Table 4:** Summary of impact on workload in north (former Wyong Shire Council) from various tree policies (historic and forecast)

### 3.7 Funding for Amended Tree Policy (contd)

Former Wyong Shire Council Tree Inspection Staff	Private Tree Inspections			Public Tree Inspections			Combined		
	FTE	Service Requests Per Annum	Requests per FTE per annum	FTE	Service Requests Per Annum		FTE	Service Requests Per Annum	Requests per FTE per annum
Pre April 2015 (pre WDCP 2013)	1.8	538	299	1	2400	2400	2.8	2938	1049
Post April 2015	1.8	33	18	1	2400	2400	2.8	2433	869
December 2015 (Restructured Tree Assessment Team)							3	2433	811
Proposed new DCP							3	3033	1011
Impact of new DCP with Proposed Additional Resource							4	3033	758.25

It should be noted that these staff had never historically undertaken the function of development assessment in relation to trees (consideration of impact of DA's on trees, streetscape planning etc.), tree regulation and compliance, or broader scale land clearing. This estimate would therefore only allow for consideration of tree applications/ permits for tree removal, and continued public tree assessment and management.

#### The Former Gosford LGA

Staffing for tree management in the former Gosford LGA, like the relevant chapter of the DCP, has remained fairly constant.

Staffing consists of 1 full time Public Tree Assessment Officer who completes public tree requests / inspections for trees over 3 metres. There still remains some differences regarding the application of the differing roles in the former Gosford City Council LGA to their counterparts in the former Wyong Shire Council LGA. With this role, a key difference is that the staff member only assesses public trees, and does not undertake any other activities such as regulation and compliance, private tree inspections or coordination and management of contract tree maintenance or other works.

Over the last twelve months the number of total requests associated with the Public Tree Assessment role from the former Gosford City Council area has been 1,750.

As discussed earlier in this report and shown in Table 4, in the former Wyong LGA with the addition of a proposed new FTE, there would be an allowance for some 3,000 combined requests to be considered and actioned each year by 4 full time equivalent personnel (i.e. approximately 750, per FTE per annum). In addition, public tree management in the former Gosford City Council LGA identifies trees assessed as presenting a high risk to be managed appropriately within 3 months of assessment, where all public tree maintenance activities in the former Wyong LGA are undertaken within one month.

To achieve aligned service levels, and best manage public tree risk, it is considered that an additional role to support tree assessment in the former Gosford City Council LGA could allow improved and aligned public tree management outcomes across the whole of the Central Coast. This proposed additional staff member could also then be able to better facilitate outsourcing of contract high risk (i.e. those trees considered to present a high level of risk to the community) public tree maintenance activities in the former Gosford LGA.

#### **Capacity of Existing Compliance Staff to Undertake Tree Compliance Functions**

Advice from Council's Environment and Certification Unit is that they have no capacity or the necessary qualifications to be able to investigate tree removal on residential properties or public land.

Existing tree risk management officers from the former Wyong Shire Council have, since amalgamation, taken on the additional responsibility for receipt and pursuit of regulatory actions relating to unauthorised tree management activities. Their time however is largely preoccupied with considering tree permit applications for private land, and assessing and implementing public tree assessment and maintenance activities.

The skill set and qualifications of these staff is also in the field of arboriculture rather than regulation and compliance, and they are not strongly equipped to deliver regulatory and compliance outcomes in relation to tree management.

In order to achieve better outcomes in relation to regulatory functions in relation to trees, it is considered that an allocation toward a specialised regulatory and tree compliance officer would be appropriate. Establishing such a role will likely result in additional revenue to help offset the costs of such a function, as well as potentially deterring further illegal activities.

#### **Income from Applications and Fines**

Estimate increase in income from applications for tree inspections is \$77,000.00 based on draft 2018/19 fees and charges and the assumption of a net increase in applications of 567 per annum.

Fines which may be applicable for illegal tree removal, for individuals under s76A (1) (a) of the Environmental Planning and Assessment Act (1979) are currently set at \$3,000.00.

Estimations for likely total income derived from issuing of infringements under this legislation are difficult to predict. If fines were to be successfully issued by a specialist tree compliance officer under this legislation at an average of say 2 per month, the potential revenue could reach \$72,000.00 per annum, which may partly offset the cost of establishing this position. There may also be a cost of prosecution if challenged.



**Development Assessment Relating to Trees**

Council currently has 1 x staff member dedicated to assessing tree impacts presented from development applications. This staff member's role is a legacy for the former Gosford City Council organisational structure and their time is dedicated wholly to this function in the former Gosford LGA. There is not a corresponding role within the former Wyong LGA.

The role is beneficial to the organisation in that it provides specialist, qualified, objective assessment of development applications in relation to trees. This is not just in relation to assessing trees that should or should not be removed, but impacts on developments on tree root systems and neighbouring infrastructure.

In order to align service levels in the former Wyong and Gosford LGA's, Council could consider the establishment of an additional position for consideration of trees in relation to development assessment.

**Likely Savings of Adopting Appropriate Tree and Vegetation Policies in Parks, Reserves and Along Roadsides**

Many procedures have been adopted across the Central Coast to ensure plantings consider site constraints and are fit for purpose. The long term benefits of such procedures are significant in better planning for urban trees and minimising unnecessary expenses and liabilities associated with public tree management as trees mature. The effect of this policy on trees in public places is nil. Trees are generally only removed from parks, reserves and along roadsides where the tree is assessed as presenting a significant hazard to public safety. Trees are not arbitrarily removed from these areas for other reasons that may be a motivating factor for them to be removed from private land (e.g. view obstructions, nuisance value such as leaf drop).

**Urban Forest Policy**

Council has resolved to further consider an Urban Forest Policy for the Central Coast LGA.

Staff are currently considering opportunities for development of such a policy with further review of the application of such policies in other LGA's. Consideration is also being given to the former Wyong Shire Council 'Greening Wyong Strategy' in the development of such a policy.

**Comparison to Other Local Government Areas Policies****Ku-ring-gai Council**

Part 143 of the Ku-ring-gai Council Development Control Plan addresses 'Tree and Vegetation Preservation'. The DCP chapter has not been updated since the adoption of the NSW Planning & Environment Vegetation SEPP.

Under the chapter, there are exemptions for works on trees and other vegetation within 3 metres of any existing dwelling. Dead or dying trees and limbs may also be removed as exempt development provided that it is not required for the habitat of native fauna.

Trees that present a risk to human life or property may also be removed as exempt development provided Council has advised the applicant that they are satisfied with the determination.

Works carried out by Council on Council owned or managed land are also treated as exempt. Other weeds and nominated undesirable species may also be removed as exempt development.

The exemption rules applying to Ku-ring-gai Council are largely aligned with those of the former Gosford City Council.

#### **Lake Macquarie City Council**

Lake Macquarie City Council has exemptions that generally allow for removal of trees within 5 metres of an approved building or structure. Additional exemptions include allowances to remove trees that are confirmed dead by an AQF Level 3 Arborist and does not provide habitat for native fauna.

Lake Macquarie City Council also allows for removal of trees that are dangerous and where failure is imminent and is independently confirmed by an AQF Level 5 Arborist as long as Council is notified before undertaking the works.

#### **Hornsby Shire Council**

Similar to Ku-ring-gai Council, Hornsby allow exemptions for removal of trees within 3 metres of the foundation of an approved building. Other exemptions allow for the removal of dead trees not required as habitat, where a qualified arborist determines that the tree in question is an imminent risk to human life, where it is a weed species listed under the Biosecurity Act 2015, or when the tree is less than 3 metres in height and not located within native vegetation.

They also provide a list of other species that are exempt from requiring a permit for removal (typically exotics or non-endemic natives that exhibit weedy characteristics).

#### **Northern Beaches Council**

The approach by Northern Beaches Council allows for exemptions to remove trees within 2 metres of an existing dwelling or approved building or is less than 5 metres in height.

Other similar exemptions apply for removal of trees that are on a bio-security species listing or on an exempt species list or is considered a high risk of danger by a qualified arborist.

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

Theme 3: Green

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

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

#### **Consultation**

In the development of this report, consultation has occurred between a number of Units within Council's structure.

#### **Resourcing Requirements for Successful Implementation of New Policy**

Resourcing requirements to address tree management across the Central Coast in accordance with the new adopted policy are mainly driven by additional labour costs, vehicle costs and other general support costs.

Two models have been proposed as Options 1 & 2 in the options section of this report which would require additional resourcing in response to the proposed new policy.

Option 1 allows for the addition of up to 6 new additional FTE to support the delivery of the policy, whereas Option 2 allows for the addition of up to 5 new additional FTE to support the policy. Summarised financial impacts of these two options are highlighted in the Financial Impact section.

#### **Financial Impact**

There is no financial impact directly resulting from adoption of the recommendations of this report, however the report provides information and advice to Council on the expected resource impact to the organisation as a result of the adoption of the proposed new tree management chapter of the DCP. A summary of indicative operating budget requirements to support the additional cost the revised tree management chapter is included in the options section of this report and should be considered if the new tree management chapter is adopted.

#### **Options**

Subject to the exhibition and subsequent adoption of the proposed new Tree Management Chapter of the DCP, the following resourcing options and indicative costs are provided for Council's information.

**Table 5:** Options and respective costings for resourcing a revised Tree Management Chapter.

### 3.7 Funding for Amended Tree Policy (contd)

	Description	Estimated Additional Initial Annual Cost	Additional Initial Capital Cost for Vehicle Acquisition
<b>Option 1</b>	Appropriate Resourcing for public and private tree inspections in accordance with the new policy, appropriate and consistent development assessment pertaining to trees across the whole of the local government area, and appropriate regulatory and compliance relating to trees and illegal land clearing	\$370,000 - \$600,000	\$192,000
<b>Option 2</b>	As per Option 1, but no private tree inspections to be undertaken by Council arborists. Private Tree Inspections to be undertaken by suitably qualified arborists who can obtain a permit for tree removal from Council on their clients behalf if they can demonstrate requirements under the proposed new DCP are met (NB: cost will still impact end user, but will not need to be carried by Council)	\$260,000 - \$500,000	\$160,000

Following the exhibition of Chapter 'XX' Tree and Vegetation Management 2013 and adoption, the Chief Executive Officer will need to review resourcing to implement the requirements of Chapter 'XX' Tree and Vegetation Management 2013. A further report may be required that will outline the financial impacts.

#### **Social Impacts**

Retention of trees through more conservation oriented approaches to tree management can potentially present greater risks to the community through the higher likelihood of significant tree failure. Conversely a tree management policy with a greater focus on preservation of trees can also have greater social impacts on the community as a whole.

Some studies have shown the broader benefits of trees on public health in that they act as a natural heat sink reducing the need for artificial cooling particularly in urbanised areas, and some have even demonstrated the potential reduction in stress and blood pressure resulting from greater exposure to greener landscapes.

The approach provided in the recommendation is proposed to allow for better management of trees in our urban landscape, reducing risks presented by them, whilst also still allowing for a policy that promotes their retention.

Statewide Mutual's Best Practice Manual for Trees and Tree Roots (April 2013) identifies the following social benefits provided by trees:

- Urban forests contribute to social cohesion and enhance the success of productive enterprises

- Forest groves, as in parks and other urban spaces provide a focus for community life
- Trees and people are psychologically linked by culture, socialisation, and co-adaptive history

#### **Environmental Considerations**

The approach recommended should provide for a greater net benefit to the Central Coast environment by adopting an approach more oriented to conservation of trees, whilst also providing improved opportunities to undertake appropriate regulatory and compliance actions relating to illegal clearing.

#### **Risk Management**

Council has a duty to take reasonable steps to minimise the risk of damage caused by falling branches and the like.

Care must be taken when implementing and enforcing a tree management policy. Most tree policies prevent or restrict the pruning, lopping, topping, removal or destruction of certain trees, however, in circumstances where it can be demonstrated a tree is dying, dead, or dangerous to persons or property, the policy should provide for the appropriate action to be taken (such as the removal of the tree in whole or part). It is understood that all of the various policies considered by Council to date have addressed these concerns.

#### **Critical Dates or Timeframes**

Nil

#### **Attachments**

*Nil.*

**Item No:** 3.8  
**Title:** Gosford CBD Car Parking  
**Department:** Assets, Infrastructure and Business

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29 October 2018 Ordinary Council Meeting

Trim Reference: CPA/1392 - D13347365

Author: Jamie Barclay, Unit Manager, Economic Development and Project Delivery

Manager: Andrew Pearce, Acting Senior Manager, Business and Economic Development

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

## Summary

This report is in response to a Council resolution seeking the development of a Central Coast Parking Strategy dealing with the complexities of commuter parking, town centre parking and the impacts of the health precinct in relation to parking. This report provides an overview of the recently completed Central Coast Parking Strategy - Part 1: Short Term Gosford CBD Strategy and makes recommendations with respect to short term car parking improvements in the Gosford Central Business District (CBD).

## Recommendation

- 1 That Council receive and note the report in relation to Gosford CBD Car Parking.**
- 2 That Council approve the reallocation of \$973,272 from the current 2018/19 capital works budget for the Adcock Park redevelopment to the new project of design and construction of a short term car park at 1 Adcock Avenue, West Gosford as defined in Confidential Attachment 1 – Strategy Item #3 – Construct Short Term Car Parks.**
- 3 That Council approve the reallocation of \$1,400,408 from the current 2018/19 capital works budget for Adcock Park redevelopment to the new project of design and construction of a short term car park at 10 Racecourse Road, West Gosford as defined in Confidential Attachment 1 – Strategy Item #3 – Construct Short Term Car Parks.**
- 4 That the Chief Executive Officer (CEO) seeks urgent discussions with State funding bodies to fund and partner with Council to undertake the civil design and construction of the short term car parking options as detailed in Confidential Attachment 1 – Strategy Item #3 – Construct Short Term Car Parks.**
- 5 That Council endorse further investigations into the construction of new car parking stations as detailed in Confidential Attachment 2 – Strategy Item #11 – Construct New Car Park Stations.**

DRAFT

- 6** *That Council resolve, pursuant to s.11(3) of the Local Government Act 1993, that all the confidential attachments to this report remain confidential, as the information in those attachments would, if disclosed, confer a commercial advantage on a person with whom the Council proposes to conduct business with.*

## Background

Population growth coupled with the increasing commuter parking demands and increased economic activity around key centres has placed considerable strain on the limited existing parking capacity across the Central Coast Local Government Area (LGA).

Council has identified car parking in the LGA as an emerging issue and has further recognised the need for a consistent integrated approach across the amalgamated LGA to meet the community's current and future car parking needs.

The shortage of parking in Gosford CBD was also identified by NSW State Government and Council staff have been working in partnership with a Traffic and Parking Sub-Committee set up by the Central Coast Delivery, Coordination and Monitoring Committee (DCMC) under the Department of Premier and Cabinet's regional governance framework as a task group to oversee and coordinate the implementation of the Central Coast Regional Plan. The Traffic and Parking Sub-Committee is chaired by the Coordinator General for the Central Coast and meets monthly. The Traffic and Parking Sub-Committee has been established in response to transport and parking issues identified through the Revitalisation of Gosford City Centre and has representatives from the Department of Planning and Environment, Central Coast Council, Roads and Maritime Services and Transport for NSW to ensure a coordinated response to those issues. The sub-committee supports the DCMC to identify, analyse and resolve traffic, parking and movement issues within the Gosford City Centre. The Traffic and Parking Sub-Committee continues to be involved in the review and development of the Gosford CBD car parking recommendations contained in this report.

At the Ordinary meeting of Council on 12 February 2018, Council resolved:

*"59/18 That a report be provided on what action is being taken to develop a parking strategy to deal specifically with the Gosford CBD, across the Central Coast and to include the following points in the strategy:*

- a The provision of, and preference for, free parking in the Gosford CBD;*
- b Identification of new potential sites for parking stations and places;*
- c Potential upgrades or augmentation of existing spaces and sites; and*
- d That the Gosford CBD parking strategy be the first developed and that other CBDs and regional hubs, particularly on the train line and freeway interchange sites, have a strategy developed for them subsequent to the Gosford CBD strategy, for example; Wyong, Tuggerah and Woy Woy.*

60/18 *That several short term strategies be investigated in the CBD include including:*

- *Opportunities at the Gosford Showground;*
- *Parking options at Adcock;*
- *Confirmation of the length of use of Kibbleplex for parking;*
- *The possibility of other privately owned sites being suitable for parking;*
- *Discussions with the Australian Tax Office and St Hilliers with regard to their future needs for staff parking;*
- *The possibility of additional parking for cycling both pedal and motorised, within the CBD; and*
- *Park and ride options.”*

In response to these resolutions, staff developed a project brief and tendered for a specialist consultant to complete a comprehensive car parking strategy, in addition to the DCMC and Traffic and Parking Sub-Committee assisting Council to identify potential short term (to be delivered within a 12 month timeframe) car parking sites in close proximity to the Gosford CBD. Bitzios Consulting, a specialised traffic and transport consultant, were subsequently engaged in March 2018 to prepare a car parking strategy for the Central Coast LGA.

The engagement was divided into two parts:

- Part 1 of the engagement has been completed and a final version of the parking strategy was issued on 22 June 2018. A Councillor briefing was held on 16 July 2018.
- Part 2 of the engagement covers the entire LGA and commenced on 18 June 2018 and is expected to be completed by February 2019.

The following report relates to Part 1: Short Term Gosford Central Business District (CBD) Strategy. The purpose of the strategy was to:

- Quantify short and long-stay parking supply
- Quantify peak parking demands and daily parking profile
- Build upon previous studies completed for the Gosford CBD
- Seek input from the community to better understand the existing parking challenges
- Identify a suite of short term parking strategies to improve the existing all-day parking situation

The key points to note regarding the Gosford CBD study area are:

- Gosford CBD is strategically positioned at the gateway to the Central Coast and is earmarked for significant future growth as the capital city of the Central Coast Region
- The CBD study area has a perimeter of approximately 9km and an area of approximately 270ha (see Figure 1)
- The study area is bound by residential land uses to the north, Rumbalara Reserve (bushland reserve) to the east, Brisbane Water (waterfront) to the south and the Entertainment Grounds (racecourse) and Gosford Golf Club to the west

The scope of work for the Gosford CBD Short Term Parking Strategy included a detailed review of parking locations, road hierarchy, active transport networks, public transport



networks, local environmental plans, Council's Community Strategic Plan, population projections for Gosford CBD, current CBD parking policies relating to demand management, enforcement, on-street parking regulations and employment projections.

In addition, snap shot parking surveys for both on-street and off-street parking was carried out to identify utilisation of all available car park supply within the Gosford CBD. Detailed hourly supply versus demand modelling was done using the snap shot parking surveys demonstrating the shortfall in various CBD locations throughout the day.

As part of the scope of work, the following parking strategy options were also investigated:

- Introducing a shuttle bus service to Gosford and its surrounds
- Park and ride opportunities on the edges of the city centre
- Opportunities for bus/rail interchange integrated into multi-storey parking
- Behaviour management strategies to encourage a shift from private car to public transport

### **Current Status**

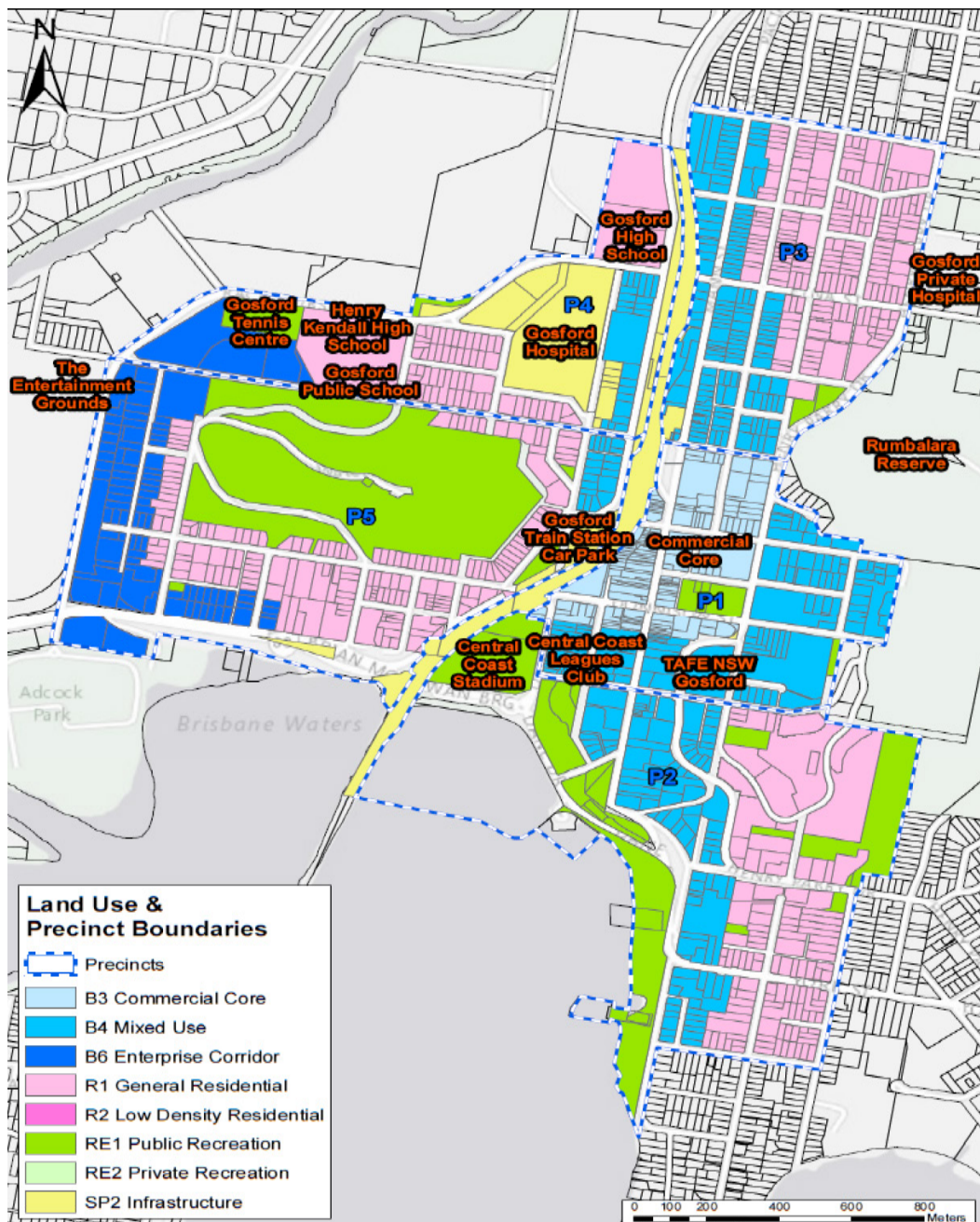
Part 1 of the engagement has been completed and a final version of the Gosford Short Term Parking Strategy was issued to Council staff on 22 June 2018. A Councillor briefing was held on 16 July 2018.

The scope of work included:

- Detailed review of demographics, travel patterns and planning documents
- Information review and supply mapping
- Occupancy surveys
- Stakeholder interviews
- Supply verses demand modelling
- Parking strategy option testing
- Consultant's recommendation of parking strategies

In summary the strategy identified that:

- There are five (5) parking precincts within the CBD (see Figure 1), comprising of:
  - Precinct 1 (P1): CBD Central (commercial core and mixed use)
  - Precinct 2 (P2): CBD South (mixed use and residential)
  - Precinct 3 (P3): CBD North (mixed use and residential)
  - Precinct 4 (P4): Health and Education (hospital and schools)
  - Precinct 5 (P5): Station and Surrounds (train station, mixed use and residential)



**Figure 1: Study Area, Land Uses, and Precinct Boundaries**

- There is significant demand for all-day parking in the CBD, with the current publicly available supply at practical capacity. Demands are driven by the Gosford Train Station, the CBD Commercial Core and the Central Coast Local Health District
- The potential future loss of the privately owned Kibbleplex car parking spaces will place considerable strain on parking capacity in the CBD
- There has been a large number of development applications for large developments approved in the Gosford CBD over recent years. This includes several high profile commercial office developments, including the Australian Taxation Office (ATO) building and the Department of Finance, Services and Innovation Building

- From 30 September 2018, Transport NSW will be making adjustments and delivering increased services to Gosford Train Station to reduce congestion and improve travel times. The increased services to Gosford Train Station and resulting commuter uptake is likely to place further demands on car parking within the CBD.

### Gosford CBD Kerbside Parking Supply and Demand

Table 1 identifies the kerbside parking supply and demand which shows some long-stay parking spaces available. This table should be read in conjunction with Figure 2, which shows where the available spaces are located. Figure 2 outlines the available parking spaces located near the fringes of the precincts, not in the centre.

**Table 1: Summary of Parking Demands at Peak (12:00pm) - Kerbside Parking on 2 May 2018**

Precinct	Long-Stay Parking			Short-Stay Parking					Total
	Unrestricted	4P	Disabled	2P	1P	1/2P	1/4P	10min P	
Supply (Spaces)									
1	153	51	8	132	213	14	15	16	602
2	504	67	1	18	59	-	2	-	651
3	516	-	-	75	89	-	-	5	685
4	775	39	6	-	-	-	-	36	856
5	784	-	-	-	-	-	-	24	808
Total	2,732	157	15	225	361	14	17	81	3,602
	2,904			698					
Demand (Vehicles)									
1	107	30	7	98	136	3	12	7	400
2	306	50	1	14	46	-	2	-	419
3	345	-	-	55	72	-	-	5	477
4	676	33	2	-	-	-	-	28	739
5	412	-	-	-	-	-	-	8	420
Total	1,846	113	10	167	254	3	14	48	2,455
	1,969			486					
Occupancy (%)									
1	70%	59%	88%	74%	64%	21%	80%	44%	66%
2	61%	75%	100%	78%	78%	-	100%	-	64%
3	67%	-	-	73%	81%	-	-	100%	70%
4	87%	85%	33%	-	-	-	-	78%	86%
5	53%	-	-	-	-	-	-	33%	52%
Total	68%	72%	67%	74%	70%	21%	82%	59%	68%
	68%			70%					

### Gosford CBD Off-Street Parking Supply and Demand

Table 2 shows where there is potential car parking available off-street. The areas that have potential for better utilisation would be Gosford Train Station, Baker Street, Central Coast Leagues Club and the foreshore reserve adjacent to Gosford Sailing Club. Further detail in relation to these sites is available in Attachment 1 - Short, Medium and Long Term Car Parking Update for Gosford CBD.

**Table 2: Summary of Parking Demands at Peak (12:00pm) - Off-Street Parking on 2 May 2018**

ID	Name	Precinct	Parking Supply (Spaces)	Peak Demand (Vehicles)	Peak % Occupied	Spare Capacity (Spaces)	Spare Publicly Available Capacity (Spaces)	Public or Private Carpark
1	Gosford Train Station	5	1,119	1,058	95%	61	61	Public
2	Baker Street Car Park	1	706	568	80%	138	112	Public
3	Imperial Shopping Centre	1	399	384	96%	15	-	Private
4	Woolworths Shopping Centre	1	107	107	100%	0	-	Private
5	Central Coast Leagues Club	1	355	137	39%	218	-	Private
6	Park Plaza Shopping Mall	1	51	51	100%	0	-	Private
7	Gateway Centre Gosford	1	49	49	100%	0	-	Private
8	Kibbleplex Shopping Centre	1	535	534	100%	1	1	Public
9	Gosford Boat ramp Car Park	2	26	23	88%	3	-	Public
10	Foreshore Sailing Club Car Park	2	75	2	3%	73	-	Public
<b>Total</b>			<b>3,422</b>	<b>2,913</b>	<b>85%</b>	<b>509</b>	<b>173</b>	

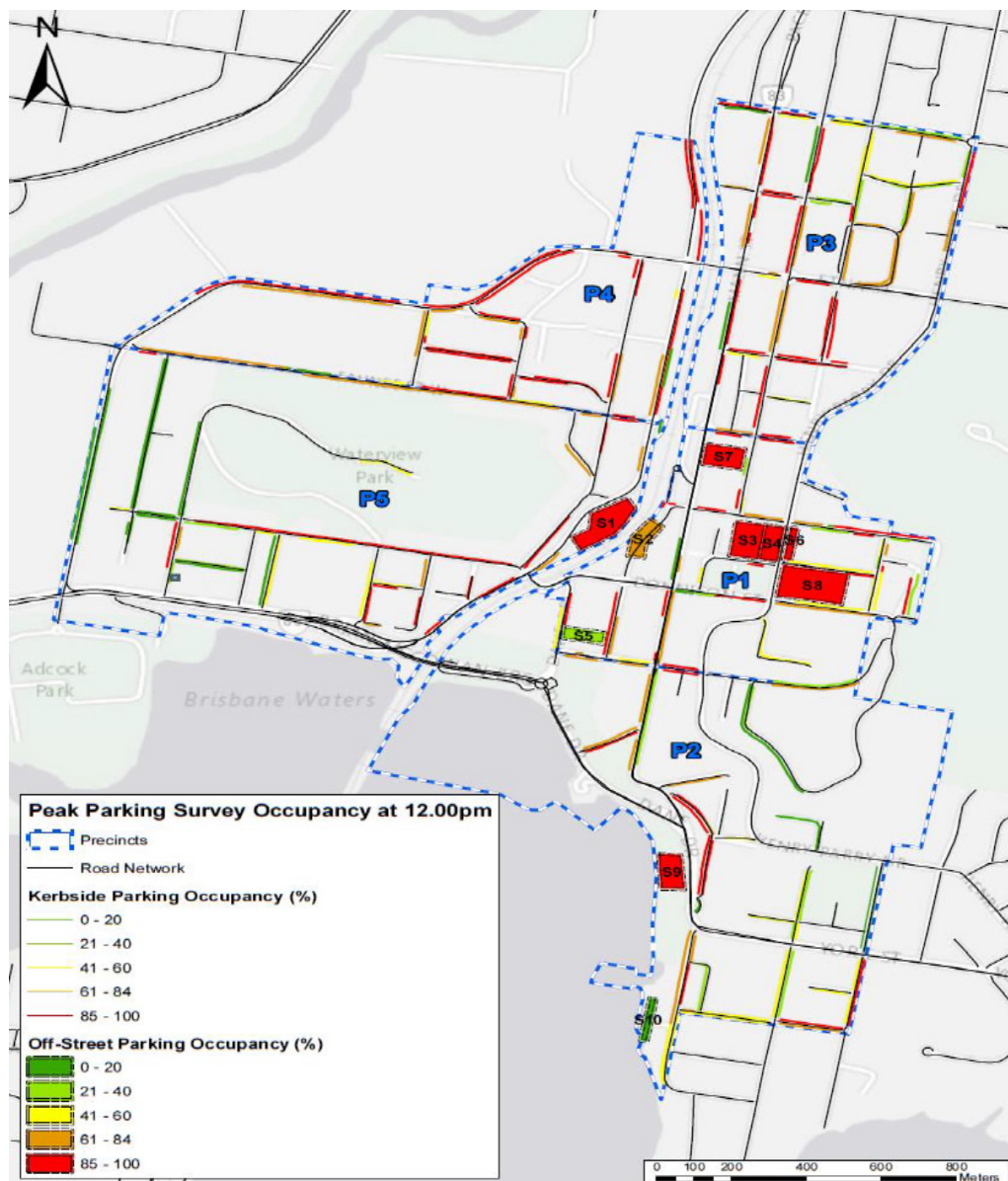
### Total Gosford CBD Parking Supply and Demand

Table 3 indicates the total occupancy within each of the identified parking precincts.

**Table 3: Summary of Parking Demands at Peak (12:00pm) - Total Area on 2 May 2018**

Precinct	Parking Supply (Spaces)	Parking Demand (Vehicles)	% Occupied	Underutilised Capacity (Spaces)
1	2,804	2,230	80%	574
2	752	444	59%	308
3	685	477	70%	208
4	856	739	86%	117
5	1,927	1,478	77%	449
<b>Total</b>	<b>7,024</b>	<b>5,368</b>	<b>76%</b>	<b>1,656</b>

The study identified that there are over 7,000 parking spaces within the study area, with approximately 51% located on-street and 49% off-street. During this peak period at 12:00pm, the kerbside parking supply was observed to be at 68% capacity (which is below the practical capacity of 85%), whilst off-street parking supply was observed to be at 85% (which is close to fully occupied). Overall, all five (5) precincts had spare capacity with a total occupancy for the study area of 76%, however this spare capacity was observed on the fringes of the study area and away from key parking generators as show in Figure 2.



**Figure 2: Gosford CBD Peak Parking Occupancy on Wednesday 2 May 2018 at 12:00pm**

The Bitzios Central Coast Parking Strategy - Part 1: Short Term Gosford CBD Strategy included the following suggestions:

- Strategy Item 1: Utilise spare capacity at Station 2 (Baker Street)
- Strategy Item 2: Utilise spare capacity at Station 5 (Central Coast Leagues Club)
- Strategy Item 3: Construct temporary car parks on the fringe of the CBD

### 3.8 Gosford CBD Car Parking (contd)

- Strategy Item 4: Implement a Park and Ride (Bus) scheme on the fringe of the CBD
- Strategy Item 5: Implement a Park and Ride (Cycle) scheme in conjunction with Strategy Item 4
- Strategy Item 6: Introduce metered on-street parking within the commercial core

The Bitzios Central Coast Parking Strategy - Part 1: Short Term Gosford CBD Strategy included some medium to long term suggestions. These included:

- Strategy Item 7: Expand the Park and Ride (Bus and Cycle) schemes, and include a parking station and shuttle bus service on the eastern side of the Central Coast and Newcastle train lines
- Strategy Item 8: Convert existing all-day kerbside parking within the Central Coast Local Health District (CCLHD) precinct over time into short-stay parking, to increase availability for patients and visitors
- Strategy Item 9: Improve public transport services, including changes to the train timetable
- Strategy Item 10: Implement smart parking initiatives within the core to provide information to minimise traffic circulation, reduce enforcement costs and to monitor usage
- Strategy Item 11: Construct new multi-level parking station/s on the fringe of the Gosford CBD.

A full copy of the Bitzios Central Coast Parking Strategy - Part 1: Short Term Gosford CBD Strategy can be found in Attachment 2.

Following consideration of the Bitzios Central Coast Parking Strategy - Part 1: Short Term Gosford CBD Strategy by staff and a briefing session held on 16 July 2018 with Councillors and DCMC, a number of strategies have been further developed by Council. Table 4 below provides an overview of the strategies and summary of Council's recommendations to the Strategy. Staff have subsequently undertaken further investigations on all 11 strategies with 8 of the 11 strategies to be finalised in February 2019, as they relate to the Medium to Long Term Parking Strategy. The first three strategies are considered short term opportunities.

**Table 4: Summary of Council Response and Suggestions on Bitzios Strategies for the Gosford CBD**

Strategy #	Strategy	Recommendation	Timeframe
1	Utilise spare capacity at Station 2 (Baker Street)	New parking management system is proposed to be implemented in January 2019 to achieve improved utilisation	Short
2	Utilise spare capacity at Station 5 (Central Coast Leagues Club)	Initial conversations held with CCLC with opportunity to provide paid parking on top level of car park for 70 spaces	Short
3	Construct temporary car parks on the fringe of the CBD	21 short term sites were investigated with three (3) recommended to proceed, which can accommodate approximately 1,200 car park spaces	Short
4	Implement a Park and Ride (Bus) scheme on the fringe of the CBD	The three (3) sites recommended to proceed for short term car parking are all located within a two (2) minute walk of a bus stop with a direct route to Gosford Train Station and this will be further considered in the medium/long term strategy	Medium-Long



Strategy #	Strategy	Recommendation	Timeframe
5	Implement a Park and Ride (Cycle) scheme in conjunction with Strategy Item 4	Investigated and requires further analysis and community consultation	Medium-Long
6	Introduce metered on-street parking within the commercial core	Investigated and requires further analysis and community consultation	Medium-Long
7	Expand the Park and Ride (Bus and Cycle) schemes, and include a parking station and shuttle bus service on the eastern side of the Central Coast and Newcastle Line	Under investigation and will be reported back in February 2019	Medium-Long
8	Convert existing all-day kerbside parking within the Central Coast Local Health District precinct over time into short-stay parking	Under investigation and will be reported back in February 2019	Medium-Long
9	Improve public transport services, including changes to the train timetable	Under investigation and will be reported back in February 2019. Liaison has recently taken place with Transport for NSW, Busways and Community Transport Central Coast	Medium-Long
10	Implement smart parking initiatives within the core to provide information to minimise traffic circulation, reduce enforcement costs and to monitor usage	Under investigation and will be reported back in February 2019	Medium-Long
11	Construct new multi-level parking station/s on the fringe of the Gosford CBD	Under investigation and will be reported back in February 2019	Medium-Long

In response to Strategies 3 and 11, staff and the Traffic and Parking Sub-Committee have investigated a total of 27 sites in Gosford, Erina and Narara to determine the feasibility of developing car parks in the short and medium term. This included preparation of concept designs, assessment of site constraints and planning considerations. Consultants have also been engaged to carry out specialist land survey, geotechnical investigation, provide planning advice and high level cost estimates to make an informed recommendation to progress with developing car parks at three sites in the short term. In addition, a number of sites are also being investigated to determine the feasibility of developing multi-storey car parks.

Table 5 and 6 below list each of the sites identified and further investigated. Figure 3 highlights the location of all these sites in the context of the Gosford CBD.

**Table 5: Summary of Short Term Car Parks Investigated for the Gosford CBD**

Site No.	Address	Number of Car Parks	Recommendation
1	Glennie Street, West Gosford	300	Not recommended due to conflict with existing users
2	Racecourse Road, Gosford	215	Not recommended due to high traffic, safety, access and ecological impacts
3	10 Racecourse Road, West Gosford	180	Recommended
4	Showground Road, Gosford	500	Not recommended due to access traffic, safety and ecological considerations
5	1 Adcock Avenue, Gosford	120	Recommended
6	Racecourse Road, West Gosford	300	Not recommended due to high cost of construction and site constraints

Site No.	Address	Number of Car Parks	Recommendation
7	22 Faunce Street, West Gosford	250-900	Recommended with further investigation and potential partnership with the State Agency
8	Mann Street, Gosford	80	Not recommended due to narrow access for two-way traffic and site constraints
9	Central Coast Leagues Club, Gosford	70	Further discussions required
10	Corner Henry Parry Drive and Erina Street, Gosford	NA	Not recommended due to owner already lodging a development application
11	Dwyer Street, Gosford	NA	Not recommended due to car parks being prohibited under the GLEP 2014 in the B4 Mixed Use zone
12	Masons Parade, Gosford	NA	Not recommended due to Aboriginal land claims and waterfront location
13	Racecourse Road, West Gosford	NA	Not recommended due to high traffic and ecological impact
14	Hill Street, Gosford	85	Not recommended due to car parks being prohibited under the GLEP 2014 in the B4 Mixed Use zone
15	Beane Street, Gosford	40	Not recommended due to car parks being prohibited under the GLEP 2014 in the B4 Mixed Use zone
16	Althorp Street, East Gosford	200	Not recommended due to impact to local sporting groups
17	Showground Road, Narara	20	Not recommended due to impact on sports ground users
18	Terrigal Drive, Erina	NA	Not recommended as not permitted to use by owner
19	Mann Street, Gosford	80	Not recommended due to car parks being prohibited under the GLEP 2014 in the B4 Mixed Use zone
20	Baker Street, Gosford	267	Not recommended due to car parks being prohibited under the GLEP 2014 in the B4 Mixed Use zone
21	Adcock Park, Gosford	539	Promote the use of existing car parking until construction of Adcock Park sporting ground redevelopment due to commence in 2019.. Masterplan makes provision for 539 car spaces

**Table 6: Summary of Medium to Long-Term Car Parks under Investigated for the Gosford CBD**

Site No	Address	Number of Car Parks	Recommendation
22	The Entrance Road, Erina	Option 1 – 2,500 At Grade Option 2 – 1,200 Parking Station	Further investigation required
23	Racecourse Road, West Gosford	1,500 At Grade	Further investigation required
24	Adcock Park, Gosford	1,200 Traditional Parking Station 1,320 Automated Car Park (See Confidential Attachment 2)	Further investigation required
25	Albany Street, North Gosford	1,200 Traditional Parking Station 1,400 Automated Car Park (See Confidential Attachment 2)	Further investigation required
26	Faunce Street, West Gosford	960 Traditional Parking Station 1,360 Automated Car Park (See Confidential Attachment 2)	Further investigation required
27	Yallambee Avenue, West Gosford	500 Parking Station	Further investigation required





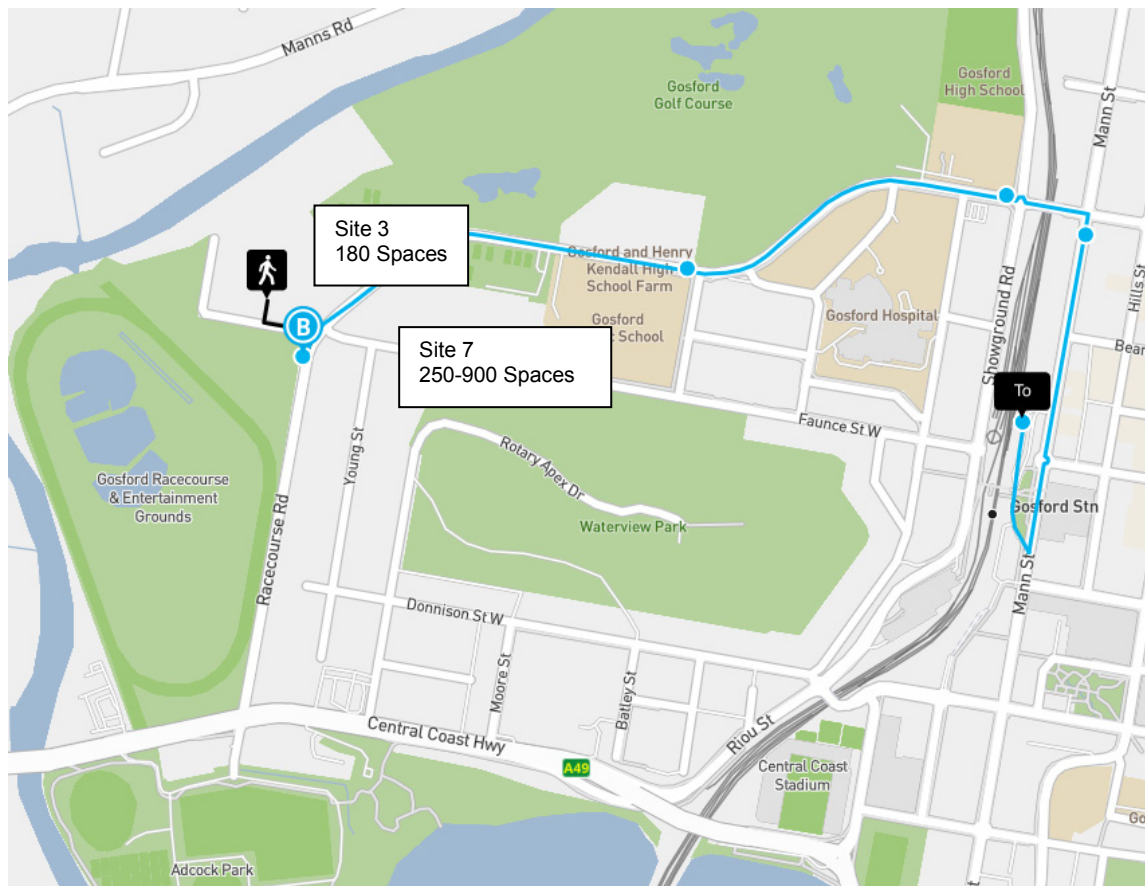
**Figure 3: Gosford CBD Short, Medium and Long Term Car Parking Investigation Sites**

The Traffic and Parking Sub-Committee as well as Council staff are also investigating the Park and Ride (Bus) scheme and Park and Ride (Cycle) scheme including the best way forward for implementing these recommendations, which will be reported back to Council in February 2019.

Consideration of Park and Ride opportunities to service the three (3) temporary car parks on the fringe of the CBD, as recommended within this report, have identified existing bus routes which services each of these sites every five (5) to ten (10) minutes. Details of these services are contained in Table 7 and Figures 4 and 5.

**Table 7: Short Term – West Gosford Park and Ride**

Short Term - West Gosford Park and Ride (Bus)										
Site	Location	Spaces (At Grade)	Walk to Station	Walk to Bus Stop	Bus Route	Bus to Station	Cost One Way	Avg. Time Peak Hours	Bus Start Time	Bus Finish Time
5	1 Adcock Ave	120	20 mins (1.4 km)	<4 mins (276m)	55	6 mins	\$2.20	Every 10mins	5:45am	23:13pm
3	10 Racecourse Road	180	19 mins (1.3 km)	1 min (94m)	34	11 mins	\$2.20	Every 15mins	6:15am	23:13pm
7	22 Faunce Street West	250-900	18 mins (1.2 km)	2 mins (132m)	34	11 mins	\$2.20	Every 15mins	6:15am	23:13pm



**Figure 4: Bus Route 34**



**Figure 5: Bus Route 55**

In response to Strategy Item 1, Council's Business Enterprise Unit is implementing a new parking management system at Baker Street Car Park, which is expected to be operational by the end of January 2019. This will provide real time data on the utilisation of the car park and will allow the Business Enterprise Unit to open up some of the casual car parks which are underutilised during periods of the week.

The 250 new smart parking sensors are also scheduled to be installed in Gosford CBD (covering Erina Street East, William Street, Albany Street North and part of Mann and Baker Streets), which will allow members of the public to identify available parking spaces via an App that will provide real time data from the sensors imbedded in the road surface. The installation of sensors is scheduled to commence in February 2019 and completed by the end of June 2019.

Opportunities for the integration of a centralised smart parking system, integrating parking sensors and information technology solutions across all public car parking locations in the Gosford CBD are also currently being investigated.

A detailed report outlining the results of investigations and outcomes for all 21 sites investigated for additional short term car parking opportunities is contained in the Confidential Attachment 1 - Strategy Item #3 - Construct Short Term Car Parks. Preliminary works undertaken for medium and longer term solutions across six (6) sites have commenced and are contained in the Confidential Attachment 2 – Strategy Item #11 – Construct Car Park Stations.

### **Consultation**

As part of Gosford CBD Short Term Parking Strategy, Bitzios Consulting conducted phone interviews with key stakeholders to get a better understanding of the parking issues in the Gosford CBD.

Commuters were also interviewed at Gosford Train Station and Baker Street parking stations to collect data on the origin and final destination of their journey, support for park and ride facility, use of alternative train stations and use of local bus services if more direct services to Gosford CBD were provided.

The DCMC Traffic and Parking Sub-Committee comprising of the Department of Planning and Environment, Central Coast Council, Roads and Maritime Services and Transport for NSW continue to be involved in the review and development of the short term Gosford CBD car parking strategies and recommendations contained in this report.

Public consultation of the endorsed short term recommendations is proposed to take place, if supported by Council.

### Options

Option 1 – Do not accept the short to long term strategies and Council's recommendations provided in this report.

This option is not recommended due to both existing and future demands on the car parking capacity in the Gosford CBD.

Option 2 – Accept some of the short to long term strategies with Council's recommendations which have been identified for the Gosford CBD and as provided in this report.

This option is not recommended as it does not meet the requirements of current and future car parking demands in the Gosford CBD.

Option 3 – Accept all the short term strategies and Council's recommendations and complete the further investigations for Strategy Item 11 (medium and long term car parking) for the Gosford CBD as provided in this report.

This option is recommended as the short term solution after extensive review of parking policies, enforcement, parking regulations, population projections, employment projections, previous studies, supply mapping, occupancy surveys, stakeholder interviews and supply versus demand modelling to put forward an integrated strategy to support and sustain the Gosford population in an effective, economic, social and environmentally responsible manner. It is also recommended to complete the detailed investigations required to finalise the medium and long term car parking solutions for the Gosford CBD.

### Financial Impact

The completion of the Gosford CBD Car Parking Strategy and associated planning and preliminary investigations has been budgeted as part of Councils 2018/19 operating budget. Council has also budgeted in 2018/19 for further investigations into longer term multi-storey carpark investigations which are currently progressing for reporting back to Council in early 2019.

As part of its 2018/19 capital works program, Council has also budgeted for the installation of a new parking management system at the Baker Street Car Park and installation of on-street parking sensors and associated systems for kerbside parking in the Gosford CBD.

Council currently has \$2,652,972.00 in the Section 94 Contributions Plan for the future provision of car parking spaces within Gosford City Centre. This contribution plan is restricted to car parking contained within the boundary shown below in Figure 6 and the allocation of funding to projects within the plan area would require Ministerial approval. Two of the proposed locations are outside of the area of the contributions plan and the other is located on private property. On that basis funding from the contributions plan is not proposed for the design and construction of the short term carparks proposed within this report.



Opportunities for use of this funding for the medium to long term solutions are currently being further developed.



**Figure 6: S94 Contribution Plan for Car Parking in Gosford CBD**

Given all of the proposed short term sites are not covered by the Contributions Plan or currently budgeted, Council will need to allocate appropriate capital expenditure in the 2018/19 financial year for short term Gosford CBD car parking if supported (for full breakdown see Confidential Attachment 1 – Strategy Item #3 – Construct Short Term Car Parks).

It is proposed that Council make budget provision for the full cost of the detailed design and construction of the short term car parks at Racecourse Road, West Gosford and Adcock Avenue, West Gosford, so as to facilitate immediate progress on these projects. The cost estimate for both these projects based on investigations and estimates completed to date is \$2,373,680.

It is recommended that funding for these short term car park projects comes from Council's existing 2018/19 capital work budget through the reallocation of \$2,373,680 of the budget currently allocated to the Adcock Park redevelopment towards the delivery of the short term car parking opportunities.

The Adcock Park redevelopment comprises of the design and construction of a multi-purpose sports facility comprising of new playing fields and associated infrastructure consistent with current standards. The current concept also provides for 539 car parking spaces which will be available for multi-purpose use. The proposed project is a multi-year project planned to be delivered from 2018 to 2020. The current budget for 2018/19 of \$5.85M was allocated to complete pre-construction activities and commence physical works.

Recent progression of the detailed designs for this project has identified a number of civil design issues, including various drainage and geotechnical design considerations. Resolving these issues will have a direct impact on project timing resulting in the commencement of physical works being delayed until late 2018/19. This will result in a corresponding reduction in forecast expenditure for the Adcock Park redevelopment in 2018/19 and the need to make provision across the future years of this multi-year project.

Funding for investigations, design and construction of a short term car park at 22 Faunce Street, West Gosford is to be sought from the NSW State Government.

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

Theme 1: Belonging

#### **Goal B: Creativity connection and local identity**

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

Theme 2: Smart

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

S-C2: Revitalise Gosford City Centre, Gosford Waterfront and town centres as key destinations and attractors for business, local residents, visitors and tourists.

Theme 3: Green

#### **Goal E: Environmental resources for the future**

G-E4: Incorporate renewable energy and energy efficiency in future design and planning, and ensure responsible use of water and other resources.

Theme 4: Responsible

**Goal H: Delivering essential infrastructure**

R-H3: Create parking options and solutions that address the needs of residents, visitors and businesses.

Theme 4: Responsible

**Goal H: Delivering essential infrastructure**

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

Theme 5: Liveable

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

L-J2: Address commuter parking, drop-off zones, access and movement around transportable hubs to support and increase use of public transport.

**Risk Management**

A number of risks have been identified during the planning phase for the construction of the proposed short term car parks. These risks have been outlined and discussed in Confidential Attachment 1 – Strategy Item #3 – Construct Short Term Car Parks.

**Critical Dates or Timeframes**

Council has funded and proposes to complete the installation of a new parking system at the Baker Street Car Park and the installation of new smart technology sensors across kerbside parking within the CBD during 2018/19.

Should Council resolve to proceed with the design and construction of the short term car parking options contained within Confidential Attachment 1 – Strategy Item #3 – Construct Short Term Car Parks it is anticipated that these projects could be delivered during the 2018/19 financial year.

22 Faunce Street, West Gosford could be delivered in 2019 subject to land owner agreement and receipt of NSW Government funding commitments.

**Attachments**

<b>1</b>	Car Parking Investigations for Gosford CBD	Enclosure	D13347380
<b>2</b>	Bitzios Consulting - Central Coast Parking Strategy - Part 1	Enclosure	D13327244
<b>3</b>	Strategy Item #3 - Construct Short Term Car Parks -	Confidential	D13347383
<b>4</b>	Strategy Item #11 - Construct Car Park Stations -	Confidential	D13347388





**Item No:** 3.9  
**Title:** Response to Notice of Motion - Gwandalan Playground  
**Department:** Environment and Planning

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29 October 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13265789

Author: Jenny Mewing, Principal Strategic Planner

Manager: Scott Duncan, Section Manager, Land Use and Policy

Executive: Scott Cox, Director, Environment and Planning

## **Report Purpose**

To provide a response to Council in relation to Notice of Motion 5.1 – Gwandalan Playground of 25 June 2018, regarding the removal of the playground within the Gwandalan Part 3A (Southern Estates) Major Project.

## **Recommendation**

- 1 That Council receive and note the report on Response to Notice of Motion - Gwandalan Playground.**
- 2 That the Chief Executive Officer report back to Council on the feasibility, design, timing and cost for a District Level Play Space at Tunkuwallin Oval, Gwandalan.**
- 3 That the Chief Executive Officer report back to Council on the impacts constraints, design and cost for a Local Level Play Space on the site referred to as the South-Eastern Park on Lot 624 DP 1244469 within Gwandalan Part 3A (Southern Estates) Major Project.**

## **Background**

At its Ordinary Meeting of 25 June 2018, Council resolved as follows:

606/18 That Council request that;

a The Acting Chief Executive Officer investigate the following;

- 1 Options for the provision of a local playground in the vicinity of a recent subdivision near Kanangra Drive, Gwandalan.
- 2 The balance of Section 94 contributions from the subdivision.
- 3 Status of works on Tunkawallin Park and opportunities to reallocate funding to the provision of a local park.
- 4 Options to amend the Section 94 plan to provide opportunities for funding to be allocated to open space.

- 5 *A consultation meeting be held with local residents to discussion options going forward.*
- 6 *Report to Council at the last Ordinary Council meeting in August, 2018 on A and B above.*
- 7 *Council review its policies regarding the provision of playgrounds, in particular, recognising the benefits of providing local playgrounds.*

607/18 *That staff bring a report back to Council on the history of the changes to the subdivision plan that excluded the original playground.*

In accordance with part (b) of Council resolution 606/18, a meeting of Council staff and local residents was held on 9 August 2018 at Gwandalan Community Hall. At this meeting, options for a local play facility in the Gwandalan Area were discussed. The outcomes of this meeting are discussed later in this report.

### The Site

The Gwandalan Part 3A (Southern Estates) Major Project is known as Lot 3 DP 588206 (the "subject site"), as depicted in figure 1 below.



Figure 1 Former Lot 3 DP 588206

## Development History

This section of the report responds to the Council resolution requiring *"That staff bring a report back to Council on the history of the changes to the subdivision plan that excluded the original playground."*

In October 2006, the (then) Minister for Planning entered into a Memorandum of Understanding (MOU) and land transfer Deed of Agreement (Deed) with the owner (Proponent) of the subject site for the transfer of approximately 305 hectares (ha) of land to the NSW State Government for addition to the Wallarah National Park as offsets for clearing of the subject site.

The (then) Minister for Planning also established an Independent Hearing and Assessment Panel (IHAP) to assist in consideration of the residential subdivision when lodged. The application seeking approval for Concept Plans and Project Applications for the subject site were lodged by the Proponent with the (then) Department of Planning (DoP) in August 2007.

Following review by the IHAP, the Concept Plan and Project Application were approved in September 2008. The offset lands were dedicated in November 2008 in accordance with the requirements of the approvals, MOU and Deed.

The land was concurrently rezoned from 7(b) (Scenic Protection Zone) under *Wyang Local Environmental Plan 1991* (WLEP 1991) to R2 Low Density Residential and E2 Environmental Conservation by an amendment to *State Environmental Planning Policy (Major Development) 2005* (SEPP (Major Development)). The current zoning of the subject site is shown in Figure 2.

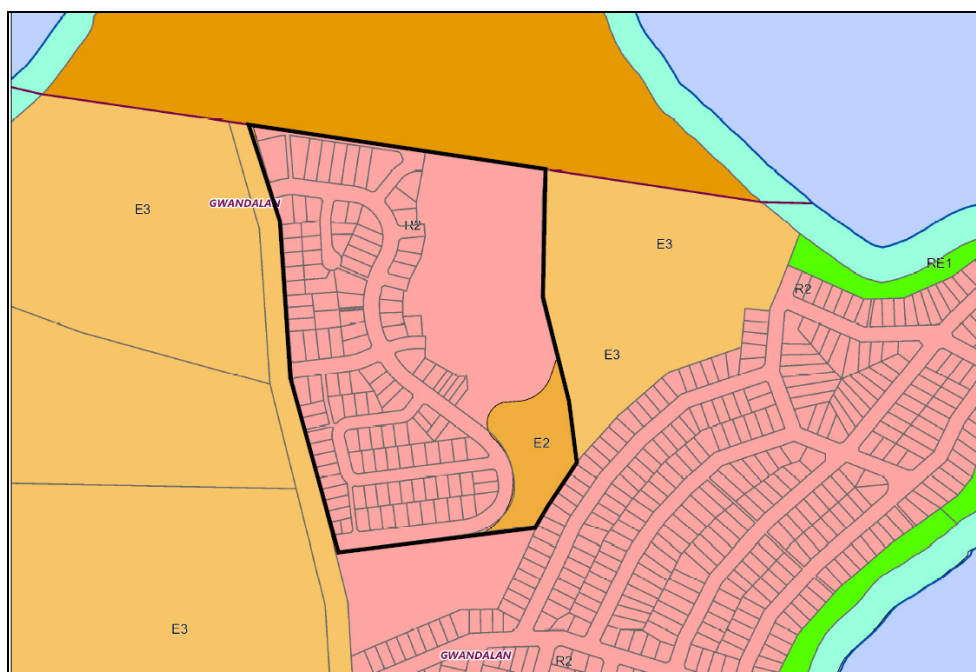


Figure 2 Zoning of the Subject Site (as outlined in black) as implemented by Amendment No. 26 of SEPP (Major Development) 2008.

The decision by the Land and Environment Court (LEC) on 31 August 2009, declared that the Concept Plan and Project Application approvals issued by the DoP were invalid (*Gwandalan Summerland Point Action Group Inc v Minister for Planning* [2009] NSWLEC 140).

This decision by the LEC concluded that there was a reasonable apprehension of bias by the Minister in approving the Concept Plan and Project Application in light of the pre-agreed MOU and Deed. Notwithstanding this, the rezoning of the site was not altered, however, the rezoning was re-made as a precautionary measure in 2010 by *SEPP (Major Development) Amendment (State Significant Sites – South Wallarah Peninsula) 2010*.

A revised project application was lodged with the former DoP in November 2010 by the Proponent for the subdivision of the site into a total of 190 residential lots comprising:

- 187 residential lots;
- 2 lots for public open space;
- 1 residual lot for the existing main dwelling on the site and storm water management works to service the subdivision;
- Associated bulk earthworks;
- Infrastructure including roads, drainage works and utility services provision;
- Public domain landscaping.

The two proposed areas for open space were based on recommendations of the IHAP on consideration of the 2007 proposal. These recommendations identified the need for retention of significant areas of native vegetation.

The Director General's Assessment Report prepared by the former DoP recognised that the areas of proposed open space did not comply with the minimum requirements of Council's Section 94 (now S.7.11) Contribution Plans. The former DoP's position in relation to this matter was that this was satisfactory, provided both parks were dedicated to Council and that S.94 contributions for open space were also payable.

Following consultation with the community, the subdivision, staging plan (comprising three stages) and supporting Development Control Plan (DCP) were approved in May 2011, by the Planning Assessment Commission (PAC).

Under this approval, the Northern Local Park was identified as a pocket park and was to incorporate a stand of existing native trees, to create an informal landscape for passive recreation. This simple park also included a play area, new turf and seating adjacent to the trees.





Figure 3 Subject Site Approved Subdivision Concept Plan

Two modifications to the project have since been approved by the Department of Planning and Environment (DP&E).

The initial modification primarily involved the introduction of additional stages for the release of the subdivision, increasing from three stages to seven stages.

The second modification involved the realignment of the road network and deletion of the northern park (as shown in figure 3). This modification was approved by the DP&E on 22 September 2015.

Consultation on the proposed modification involved public notification on the DP&E website and a notification in the local paper. The former Wyong Shire Council (fWSC) was also notified of the proposed amendments. The notification process did not require the DP&E to send letters to adjoining land owners and residents.

The DP&E Assessment Report (The Assessment Report), states that no public submissions were received and that the fWSC did not object to the application.

In the intervening period between the Land and Environment Court (LEC) decision and re-making of the subsequent rezoning, the former Wyong Shire Council had undertaken community consultation and stakeholder engagement to prepare the *Wyong Recreation Facilities Strategy* (the Strategy). The Strategy was adopted unanimously by Council on 14 October 2009. A copy of the strategy is provided in Attachment 1.

The Strategy identified targets in relation to the location and future provision of open space and recreational facilities. Target 1.2 of the strategy supported the *"co-location of sporting facilities with other community facilities to provide the greatest community benefit"*, as well as the *"co-location of recreation and sporting facilities with bicycle and shared pathways"*. In support of this strategy and Target 1.2, Council's Play Space Strategy identified the provision of a district level play space at Tunkuwallin Oval.

### **Deletion of the Northern Park**

The Statement of Environmental Effects (SEE) accompanying the modification to the development application (MP 10\_0205 MOD 2), identified that the reason for the removal of the Northern Park was on the advice of fWSC on the basis that the park, being *"a size of 0.4Ha does not meet Council's standard of 0.5Ha for a small park and Council has been reluctant to acquire non-conforming areas of open space. Further, Council have identified potential safety issues with the small park, as it is surrounded by roads on all sides."* The SEE also indicated that the intended purpose of the park was to accommodate a line of mature trees and as a result of further review it was found that these trees did not lie in the location of the park and therefore there is no justification for the retention of the Northern Park.

The DP&E Assessment Report states that the fWSC *"supports most aspects of the proposal subject to some suggested refinements to the proposed road changes, but advises that the following aspects require further consideration:*

- *The proposed reduction in nest box numbers is not supported and alternative measures should be investigated.*
- *Deletion of the northern park may result in the removal of more hollow bearing trees, which may require additional compensatory habitat or nest boxes to be provided*
- *Concerns are raised with the potential alternative playground indicated on the plans within the south-east park due to potential ecological impacts.*
- *An option for the developer is to offset its contributions towards the future provision of a district level play space proposed to the south of the site, and contribute to a shared pathway linkage from the site to the playground.*
- *Suggested refinements to the proposed road changes."*

The DP&E Assessment Report, did identify the South Eastern Park as an option for a local play facility in lieu of the deleted Northern Park, however, given that this option was not supported by the fWSC or the Office Environment and Heritage (OEH), the option was not progressed. Instead, the Assessment Report considered that a more appropriate response to the deletion of the Northern Park would be for the developer to offset their developer contributions towards a proposed future district level play space and associated shared pathway linkage to Tunkuwallin. This option would facilitate the faster delivery of a District Park at Tunkuwallin Oval.

As part of the consultation process for the second modification, the former Wyong Shire Council's Open Space and Recreation Department provided the following advice.

*"Based on advice from Council's ecologist and on previous experience with putting a play space in the Wadalba Wildlife Corridor, we do not agree with the option of locating the play space within the south-east park area due to the presence of endangered species and hollow bearing trees. As this area is part of stages 1&2 which is already under construction, it would not be feasible to enforce the enlargement of this area to include a play space and avoid tree removal.*

*We don't recommend the redesign of the subdivision to allow for the re-inclusion of the northern park due to previous advice provided to the developers from Council to remove it. Also, as this area was reserved to allow for the preservation of vegetation, we would again face a conflict where social open space is being imposed upon an area of high environmental value.*

*Council's Play Space Strategy includes the future provision of a district level play space at Tunkuwallin Oval, approx. 1km to the south of the site, to the current value of \$250k. An option would be to offset their contributions towards this facility, but also be required to contribute to a shared pathway linkage to Tunkuwallin Oval for their residents. This would be our preferred option as this part of the shire lacks a high quality play facility, and having contributions directed to it from the developers could ensure the project happens sooner".*

The above information was reiterated in the fWSC submission to the DP&E on the modification, dated 30 April 2015.

### **Developer Contributions**

The original development approval required the dedication of the North Park (0.4Ha) and South Eastern Park (1.48Ha) to be dedicated to Council. This complied with the open space requirements set by the Northern Districts Developer Contribution Plan.

The deletion of the park has resulted in the approval of a development which does not comply with the requirements of the Northern District Contribution Plan, as the requisite open space land is not being provided.

As a result of the deletion of the Northern Park, the Developer Contribution Condition of Consent D1 (3) was amended. The consequential condition imposed allowed the proponent to negotiate with Council to provide works in kind which contribute to a district level play space at Tunkuwallin Oval and a shared pathway linkage from the subject site to the Tunkuwallin Oval.

The shared pathway has already been constructed by Council between Gwandalan Primary School (at the southern extent of the subdivision) to Tunkuwallin oval (Figure 4). The pathway was constructed in 2010 under contract by Open Space and Recreation at a cost of \$120,000. This was funded by the section 7.11 (s.94) Northern Districts Contribution Plan.

The modified consent did not stipulate any timing for the provision of works in kind and by default, the works are therefore not be required until the final stage (stage seven) of the subdivision. It is expected that a subdivision certificate for the final stage of the subdivision will be requested by the proponent before the end of 2018. This remains the sole opportunity to seek works in kind for the district play space at Tunkuwallin Oval. Any such works in kind would be able to be offset against the contributions currently payable.

Open Space and Recreation have advised that any upgrades to the facility could be undertaken utilising S.7.11 funds. Further, the Proponent has not offered to enter into any works in kind agreements. It is also considered that the condition requiring the provision of works in kind is not enforceable, as the provision of any such works must be voluntarily entered into before consent is granted.





Figure 4 Shared Pathway location

#### **Balance of s.7.11 (former s.94) contributions from the subdivision.**

Contributions in the order of \$4,193,678.41 (subject to indexation) are payable by the developer for the subdivision. To date, a total of \$3,132,541.26 has been paid in respect of the released stages. A further \$1,061,137.15 (subject to indexation) is payable for the remaining stages (stages five, six and seven).

Of those contributions paid to date, approximately \$699,000 has been for the purposes of open space works or embellishments. Collections for this purpose can only be used to embellish existing open space areas and not for the purchase of new open space areas.

Of the remaining contributions owing, approximately \$198,000 is for the purposes of open space works.

**Status of the works on Tunkuwallin Park and opportunities to reallocate funding to the provision of a local park**

The Wyong Recreation Strategy (Attachment 1) defines a hierarchy of facilities in order to manage these assets for Council and provide equitable distribution of facilities across the region. This approach will be included in the new Central Coast Play Space Strategy currently being developed.

The Tunkuwallin Masterplan included the provision of a District playground (playspace) which would accommodate the needs of the surrounding communities and cater to a larger catchment of the population.

Generally, District Play Spaces have a larger play capacity than local play spaces, but are also considered to provide for the needs of local residents. They provide a higher play value and their co-location with other recreation facilities provides for a greater diversity of activity for families. At Tunkuwallin, these co-located facilities include sports fields, netball courts, amenities, community hall and parking.

The endorsed playground management program proposes the construction of a new District Play Space within the Tunkuwallin Oval area for 2022/2023. The estimated budget for the space is approximately \$250,000.00 for design and construct only, as the land is already owned by Council.

This report recommends that a further report be brought to Council on the design, timing and cost for this District Level Play Space.

**Community Consultation**

On 9 August 2018, Council staff attended a meeting with local residents at Gwandalan Community Hall to discuss options for a local play facility in the Gwandalan Area. At this meeting twenty-six residents were in attendance including Ward Councillors Hogan and Vincent.

Staff attending included the Unit Managers of Open Space and Recreation and Strategic Planning.

The outcomes of the community meeting included the following requests:

- That Council review local playground design to ensure points of difference when multiple playgrounds in local vicinity.
- That staff provide information as to the focus of local playgrounds, focused on 3-8 year olds.

- That staff provide information as to the focus of district playgrounds, focused on 3-15 year olds.
- That Council provide a reply to the Gwandalan and Summerland Point Peninsula Improvement Group (GASPPIG) letter to Council from March 2017 requesting information on how the park got deleted.
- That Council's Acting Senior Manager Property and Asset Management prepare a letter from Council CEO to developer to request they dedicate 0.4 Hectares of land to Council to construct a playground.
- That Council investigate bringing the district playground at Tunkuwallin Oval forward from 2022/23 to 2018/19 financial year and add the value of the delete local park to the budget to provide a higher quality facility.
- That Council investigate building the playground in the environmental area dedicated to Council in the south east corner of the development.
- That Council investigate the purchase of land from the developer to build a playground within the development footprint.
- That Council investigate compulsory acquisition of land from the developer to build a playground within the development footprint.
- That Council investigate an option to negotiate an agreement with the Department of Education to construct the playground in the school grounds opposite the development.
- That Council investigate an option to negotiate an agreement with the National Parks and Wildlife Services to construct the playground on their grounds opposite the development in the North West corner.
- That Council investigate options of purchasing a portion of the 8.1ha privately owned land on the opposite side of Kanangra drive.

### **Outcomes of Investigations**

#### **Issue 1: Design of Play spaces**

- 1.1 Council review the local playground design to ensure points of difference when multiple playgrounds in local vicinity.
- 1.2 That staff provide information as to the focus of local playgrounds, focused on 3-8 year olds.

- 1.3 That staff provide information as to the focus of district playgrounds, focused on 3-15 year olds.

Comment

The design of current local play facilities in the area is a separate matter. Council's Open Space and Recreation Business Unit will prepare a Councillor Update and response to the community on the above questions.

Issue 2 Previous resident concerns

- 2.1 That Council provide a reply to the Gwandalan and Summerland Point Peninsula Improvement Group (GaSPPIG) letter to Council from March 2017 requesting information on how the park got deleted.

Comment

Council has provided previous responses to the questions raised by the community. As a result of undertaking further research into this matter, Council staff will prepare an updated response to GASPPIG based on the information contained in this report.

Issue 3: Playground within the development

- 3.1 That Council prepare a letter from Council CEO to developer to request they dedicate 0.4 Hectares of land to Council to construct a playground.
- 3.2 That Council investigate the purchase of land from the developer to build a playground within the development footprint.
- 3.3 That Council investigate building the playground in the environmental area dedicated to Council in the south east corner of the development.
- 3.4 That Council investigate compulsory acquisition of land from the developer to build a playground within the development footprint.

Comment

Following the community meeting at Gwandalan on 9 August 2018, a letter was sent to the developer by Council's Acting Director of Assets, Infrastructure and Business seeking the dedication of 0.4 Hectares of land to Council to construct a local playground.

In response, the developer has advised that there is no land available for dedication.



In respect of the opportunities for development within the existing Gwandalan Part 3A (Southern Estates) Major Project, the following options are available:

Council could compulsory acquire those lots that formed the previously identified Northern Park (figure 5). This area comprises nine lots. A number of lots within this locality have already been sold and have been issued with dwellings approvals and construction certificates.

Based on sale prices approximately \$310,000 – 350,000 (for land only) this would require Council to invest approximately \$3.15 million plus ancillary costs (e.g. legal fees) to acquire the land. Council would also be required to embellish the site to provide for open space and local play facilities.



Figure 5 Image of Former North Park

1. Council could acquire lots within the new release area currently on the market (figure 6) for the purpose of a Local Play Facility only. This would require acquisition of approximately 4 lots to acquire around 1500m<sup>2</sup> which is a suitable land size for a local play space.

Based on sale prices this would require Council to invest approximately \$1.4 million plus ancillary costs to purchase the land. Council would also be required to embellish the site to provide for open space and local play facilities.



Figure 6 Image of Land currently being released (as shaded blue)

Issue 4: Tunkuwallin District Playground

- 4.1 That Council investigate bringing the district playground at Tunkuwallin Oval forward from 2022/23 to 2018/19 financial year and add the value of the delete local park to the budget to provide a higher quality facility.

Comment

This action requires further consideration by Council staff, and that a separate report is brought back to Council.

Issue 5: Alternate Options

- 4.1 That Council investigate an option to negotiate an agreement with the Department of Education to construct the playground in the school grounds opposite the development.
- 4.2 That Council investigate an option to negotiate an agreement with the National Parks and Wildlife Services to construct the playground on their grounds opposite the development in the North West corner.
- 4.3 That Council investigate options of purchasing a portion of the 8.1ha privately owned land on the opposite side of Kanangra Drive.
- 4.4 Council build a local play facility in the South-East Park.

Comment

Option 4.1 supports a co-location of facilities which is consistent with the Wyong Recreation Facilities Strategy. However this option requires extensive discussions

with external agencies and the community, and is considered to have a low probability of success. It is not recommended that Council investigate this option.

Option 4.2 proposes a play facility in the Point Wolstoncroft Sports and recreation Facility. However as this option requires extensive discussions with external agencies and the community, and is considered to have a low probability of success. It is not recommended that Council investigate this option.

Option 4.3 Land west of Kanangra Drive is privately owned and zoned E3 Environmental Management under the Wyong Local Environmental Plan 2013 (WLEP 2013). This land forms part of a green corridor under the North Wyong Shire Structure Plan. It is not recommended that Council investigate this option.

Options 4.4 the relocation of the Northern Park Play Facility to the South Eastern Park was considered by fWSC and the DPE in the assessment of modification to the development application (MP 10\_0205 MOD 2. In response, fWSC and OEH raised concern as the intention of South East Park was for a conservation area and the inclusion of a playground may have ecological impacts.

The South Eastern Park is 1.48Ha in size. Preliminary investigations have been undertaken as to the suitability of this location to provide for a nature play space, comprising of approximately 200m<sup>2</sup> with the remaining land staying as conservation lands. This park is also bisected by an access easement which is used to access a dwelling on an adjoining parcel of land to the east of the subject land.

The South East Park is currently in private ownership and the land is required to be dedicated to Council as a condition of development approval. This report recommends that Council bring a further report back to Council to further explore location and design options to create a nature play space on the site.

## **Conclusion**

As identified within this report to Council, there are several options for a local play facility that Council could consider and explore. However, as these options are complex and require further research and negotiations with external agencies and community it is recommended that a further report back to Council on the options identified in the recommendation be undertaken.

## **Attachments**

- 1 Wyong Recreation Facilities Strategy (2009) D02061799

# Wyong Recreation Facilities Strategy



**Wyong Shire Council  
Future Planning**  
October 2009



Adopted October 14 2009



## Recreation Facilities Strategy

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## Introduction

### Background

This document has been prepared in a time of corporate change from the Management Plan to a Strategic Vision and Delivery Plan. Alignment with both these documents is discussed below.

The Management Plan of Wyong Council has a key objective for Leisure, Recreation and Open Space: “A community that has opportunities to pursue leisure time activities suitable to their age, interests and physical activities.”

To achieve this objective the Management Plan for 2007/08 required the review of the Recreation Facilities Strategy with the first stage being a review of major sporting facilities delivered in 2008. In 2008/09 the Management Plan required the completion of Stage 2 of the Recreation Facilities Strategy, which this document represents.

This document collates parallel activities in recreation planning and presents the strategies for Recreation and Sporting Facilities which are based upon past and recent consultation and a comprehensive review of facilities.

There are parallel projects to develop a Shire Strategic Vision, The Four Year Delivery Plan, Strategic Asset Management Strategy, and Bicycle and Shared Pathway Strategy by Council. Where possible these have been used to prepare the Wyong Recreation Facilities Strategy and they will be used to review the document in two years from adoption.

This document is a complement to other projects to improve social engagement and community health. Properly planned, managed and programmed recreation and sporting facilities can make a major contribution to the social capital and health of the whole community.

In this document Recreation is considered to include both active and passive spheres and sporting facilities are encompassed within Recreation.

### Relationship to the Shire Strategic Vision

The Strategy aligns with the Shire Strategic Vision priority objectives as discussed below.

*Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.*

The Strategy emphasises actions and principles for facilities and settings that will promote social capital, community engagement and stronger connections.

*There will be ease of travel within the Shire and to other regional centres. Travel will be available at all hours and be safe, clean and comfortable.*

Travel has been a major issue in all recreation consultations over the past 20 years and much of this relates to the use of recreation facilities by the young and the elderly who use alternatives to cars as their primary form of transport.

The Strategy suggests planning principles, promotion and physical attributes that makes travel to facilities and settings safer, more efficient and easier. The Strategy promotes the integration of Recreation and incidental exercise.

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Adopted October 14 2009

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## Recreation Facilities Strategy

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*Communities will have access to a diverse range of affordable and co ordinated facilities, programs and services.*

Consultation identified diversity, access and co ordination as significant determinants of satisfaction. The community is also seeking programs and services to activate facilities. The Strategy suggests actions that will promote diversity, access and co –ordination of facilities and activate them with programs and services.

*Areas of natural value in public and private ownership will be enhanced and retained a high level in the context of on- going development.*

The exhibited Strategy implicitly supported this objective but has been amended to specifically promote this objective with a strategy to enhance natural values.

*There will be a sense of community ownership of the natural environment through direct public involvement with environmental programs.*

The Strategy promotes public involvement with environmental programs to achieve personal, social, health and environmental benefits for the individual and the community.

## Goal and Objectives

### Goal

*The goal of the Wyong Recreation Facilities Strategy is to establish a flexible and efficient system of facilities to support healthy lifestyles and social engagement by facilitating community participation in recreation and sporting activities in Wyong Shire.*

### Objectives

- *Improve Clarity of Decision Making.*
- *Support and Develop the Recreation and Sporting Community.*
- *Improve Programming and Activation of Facilities.*
- *Protect and Improve Adaptability, Capacity and Sustainability of Facilities.*
- *Plan for and Procure New Adaptable and Sustainable Facilities.*

## Recreation Facilities Strategy

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## Strategic Targets

### 1 Improve Clarity of Decision Making

- 1.1 Demonstrate clear links between need and provision in planning:
- Utilise analysis of the sporting and general community profile and demands in decision making.
  - Use best practice engagement, consultation and communication about facilities and activities.
  - Use identified “number of users” and “duration of use necessary to complete competition and training” for each sport as criteria for access to facilities.
  - Prepare available time analysis of sports turf tested with Sports Associations as a planning tool.
  - Use identified need or participation trends to guide provision of new facilities.
  - Benchmark provision against areas of similar population, development type and age.
  - Use Sporting Organisation Strategic Planning.
  - Use Levels of Service of Facilities by Council to guide improvements and scoping of new facilities.
  - Use life cycle costing as criteria in planning for facilities.
- 1.2 Locate, develop, program and manage local sporting facilities to provide equitable distribution and access to all users:
- Give priority to co-location of sporting facilities with other community facilities to provide the greatest community benefit.
  - Give priority to co – location of recreation and sporting facilities with bicycle and shared pathways.
  - Provide equitable access to facilities to all ages of participants.
  - Consider alternative pricing strategies to promote equitable access to facilities for the whole community within given service levels.
- 1.3 Address Climate Change adaptation actions for Local Government recommended by the Commonwealth and State Governments including:
- Water sustainability for turf grass.
  - Shade provision and schedule changes to reduce solar / heat exposure.
  - Sports fields’ Management Strategy.

## Recreation Facilities Strategy

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- Sea level rise in location of Surf Lifesaving Clubs and foreshore facilities.
  - Use planning, location and distribution strategies for facilities to minimise car dependence.
  - Promote and encourage car pooling for recreation and sports activities.
  - Develop and promote Transport Action Guides for all facilities, major “trip generators” first.
  - Support and encourage clubs to use technologies to communicate cancellations and venue changes to reduce unnecessary travel.
  - Ensure energy efficient building design when constructing new facilities.
- 1.4 Encourage appropriate use of specific sites using programs, management and maintenance:
- Program activities to encourage and develop recreation uses.
  - Implement agreed levels of service for facilities and sites.
  - Promote use of higher profile and capacity facilities to draw use away from local facilities and less developed areas.
  - Increase perceptions of safety and observation to encourage use.
- 1.5 Include all facilities into the Strategic Asset Management Strategy based upon the endorsed Level of Service for each facility. (Asset Management Strategy Open Space and Recreation):
- Assess improvements to existing facilities using a comparison of the estimated whole of life cost of the increase to the estimated value of the improvement to the capacity and level of service of the facility.
  - Use the Asset Management Plan for Open Space and Recreation to guide expenditure on the maintenance and renewal of existing facilities.
  - Plan and conduct a building audit of existing sports halls and surf club buildings to determine current value of halls and buildings and whole of life costs to maintain the agreed level of service.
  - Determine whole of life cost at specified levels of service as part of the project design brief for all new sporting facilities.
  - Develop systems to allow timely inclusion of new Sporting and Recreation Facilities into the Fixed Asset Register, the Asset Maintenance Systems and in the Management Plan of Council.
- 1.6 Use planning and compliance opportunities to support healthy lifestyle opportunities:
- Reference:
    - The NSW Premier’s Council for Active Living
    - National Heart Foundation’s Healthy by Design guidelines
    - NSW Police’s Safer by Design principles
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Adopted October 14 2009



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Recreation Facilities Strategy

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- Use the layout of subdivisions to promote local incidental exercise.
  - Audit existing and proposed facilities and paths to improve Accessibility.
  - Assess proposed public areas to promote social activity and access.
  - Locate paths and road crossings to remove activity barriers.
  - Plan and Design vehicle and bicycle parking for group visits to facilities.
- 1.7 Prepare specific Recreation and Sporting Facility Strategies to improve decision making.
- In consultation with the community prepare a priority list of improvements used to develop costed project descriptions suitable for grant applications as opportunities occur.
  - Complete the Bicycle and Shared Pathway Strategy to guide decisions on a network of facilities to support cycling, walking, running and other forms of movement to promote recreational and sporting opportunities and incidental exercise.
  - Prepare an Aquatic Facilities Strategy:
    - Plan a network of Aquatic Facilities with transparent whole of life costing.
    - Provide an agreed level of service and reduce risk to Council.
    - Establish a system of reporting to ensure sustainability of facilities.
    - Determine the future function and form of Wyong and Toukley Pool.
    - Review the current planned function of the Warnervale Aquatic Centre.
    - Identify catchment areas for Aquatic Facilities.
  - Prepare a revised Skate Park Strategy to guide decisions on the development and future programming of existing facilities and the place making of new facilities following the completion of the Youth Strategy.
    - Review performance of existing skate facilities.
    - Review existing skating facilities for potential to expand.
    - Prepare costed strategy for Skateparks.
  - In consultation with users and the community, prepare a plan for the future use of the San Remo Extreme Sports Park.
  - Prepare a Tennis Court Strategy:
    - Cost, seek funding and implement a program to provide commercially viable court operations to reduce maintenance and asset management costs in the long term.
    - Determine improved lease agreements.
  - Prepare a Commercial Use Strategy to co-ordinate the organised commercial use of Council recreation and sporting facilities.
  - Use the results of the study into Sports Tourism to assist in the planning of new sports facilities and the programming, upgrade and amplification of existing sites and precincts.

## Recreation Facilities Strategy

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## 2 Support the Recreation and Sporting Community

- 2.1 Improve public information about and facilities for healthy lifestyles and recreation facilities and activities:
- Prepare, promote and encourage use of an active lifestyles guide to Wyong Shire in map and internet form.
  - Provide information such as Active Lifestyles guide and Transport Access guides at public transport focal points such as stations and interchanges.
  - Commit resources to regular updating of Council information about facilities.
  - Prepare guides and assist in the planning and staging of events by groups.
  - Program and support events and activities to showcase the range of recreation settings in the Shire and to promote specific facilities.
  - Develop, support and promote programs for active lifestyles such as :
    - Walking.
    - Cycling.
    - Exercise and Fitness programs.
    - Land care and Dune care groups.
    - State Emergency Service.
    - Rural Fire Service.
    - Surf Life Saving Central Coast.
    - Dance and Performance in public spaces.
    - Active over 50's programs.
- 2.2 Develop and improve liaison with recreation and sporting facility stakeholders to support the community.
- Develop programs and innovative approaches to activating facilities and improve social connectedness, health and fitness.
  - Identify and develop opportunities for partnerships with the recreation and sporting community.
  - Develop the skills, knowledge and experience base of the Wyong Sporting Committee framework to represent the sporting community, provide advice and act to communicate Council's vision for sports to the sporting community.
  - Liaise with the Health Promotions Unit Department of Health to co-ordinate health outcomes from facilities.
  - Liaise with the NSW Department of Sport and Recreation to support facilities for training and support schemes for sporting administrators to better prepare them for the changing requirements made upon them.
  - Liaise with Gosford and Lake Macquarie City Councils to reduce duplication and achieve an equitable spread of facilities and activities.

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Adopted October 14 2009

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### Recreation Facilities Strategy

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- Continue to support and liaise with the Central Coast Academy of Sport.
  - Develop a liaison with the Central Coast Sports Federation.
- 2.3 Encourage, develop and facilitate recreation and sports volunteerism. Support facilities, resources and programs to develop opportunities for volunteers:
- Provide sports referees and umpires with adequate amenities in all upgraded and new sporting facilities.
  - Support opportunities for coaching and skills training programs within the Wyong sporting community.
  - Support recreation groups with better information and appropriate facilities.
  - Continue to resource volunteer environmental groups for recreation, social and environmental benefits to the community.
- 2.4 Plan and provide accessible recreation facilities equitably spread across the Shire.
- Engage and consult with potential users of accessible facilities.
  - Audit facilities for access compliance. Ensure all facilities have a minimum of two disabled spaces with accessible connection to facility.
  - Use Ranger patrols to monitor compliance with parking controls.
  - Use renewal as an opportunity to improve compliance.
  - Use new facilities as an opportunity to provide accessible facilities.
- 2.5 Support opportunities for commercially based sporting facilities that will:
- Provide a higher level of spectator opportunities.
  - Provide a higher level of coaching, training or playing facility.
  - Meet gaps in existing provision of facilities.
  - Provide quality facilities at an accessible cost.
  - Provide Sports Tourism opportunities.



## Recreation Facilities Strategy

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### **3 Protect and Improve Adaptability Capacity and Sustainability of Facilities**

3.1 Protect future flexibility in development of recreation and sporting facilities. Ensure that the design and implementation of infrastructure improvements do not limit the flexible use of facilities.

- Perimeter lighting and infrastructure to allow flexible arrangements.
- Adequate storage areas and change facilities in buildings to allow for multiple users.
- Adequate parking to accommodate predicted use.
- Secure adequate land area for fields to be in a multi purpose layout with parallel recreation facilities.
- Provide end of trip facilities such as lockers and showers at public carpark and amenities facilities.

3.2 Protect the ability to fund facilities replacement and renewal to maintain an agreed level of use.

- Develop a long term strategy of investment for asset management.
- Increase maintenance funding proportional to increases in capital works funding to protect the effective quality and capacity of new and redeveloped facilities.

3.3 Protect and enhance identified natural values

- Plan, construct, manage, maintain and program facilities to protect identified natural values.
- Program activities to protect identified natural values.
- Co-ordinate facilities to draw damaging recreational use from sensitive areas.

3.4 Protect existing assets from arson, graffiti and vandalism:

- Replacement program of flammable waste receptacles.
- Construction changes to reduce vulnerabilities to fire damage.
- Material selections to limit damage by graffiti and vandalism.

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Recreation Facilities Strategy

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- 3.5 Plan for and implement a program to upgrade existing settings and facilities that provide for parallel activities and promote incidental exercise and social interaction by the community such as:
- shared pathways,
  - exercise stations to paths,
  - bubblers,
  - seating and shade,
  - accessible parking,
  - community gardens
  - bicycle storage facilities.
- 3.6 Prepare and implement a program to upgrade and renew existing water edge facilities of ocean, beach and lake for water based activities to improve the capacity for use, access and sustainability:
- Upgrade and renew beach access and parking to improve accessibility of beach use.
  - Identify and upgrade beach observation points in a sustainable manner.
  - Identify and upgrade spectator facilities for surfing events to increase capacity of sites.
  - Upgrade and renew surf lifesaving and life guard facilities and access in a co-ordinated program for safer beach use.
  - Renew and upgrade launching and storage for still water activities on lakes and rivers:
    - fishing,
    - wake boarding and water skiing,
    - power boating and jet skiing,
    - sailing,
    - canoeing and kayaking ,
    - dragon boats,
    - kite and sail boards,
    - swimming.
  - Renew and upgrade ocean water edge facilities to improve the capacity for use for the activities using them :
    - fishing,
    - power boating and jet skiing,
    - kite and sail boards,
    - sailing,
    - surfing,
    - canoeing and kayaking
    - diving,
    - swimming.
  - Develop a program of jetty and wall maintenance in consultation with authorities and stakeholders.
  - Plan and co-ordinate with maritime authorities for appropriate segregation of motor and wind and manual powered water craft.

## Recreation Facilities Strategy

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- 3.7 Complete the planned Recreation Facility Works to upgrade and renew existing areas in the Estuary Management Plan:
- Upgrade Recreation Facilities to existing shared pathways to encourage movement.
  - Upgrade and renew existing playgrounds and park facilities in high use lake foreshore areas.
  - Upgrade and renew boat access and parking facilities to existing boat ramps.
  - Use consultation and community art opportunities to engage local communities in the upgrade and renewal of sites.
- 3.8 Prepare a Plan to increase capacity of existing Indoor Facilities:
- Provide improvements to Tunkuwallin Indoor Sporting Facility and surrounds to create a facility that will serve the northern area of the Shire.
  - Plan to increase the capacity of the Bateau Bay Recreation Centre in the medium term to improve its commercial viability and ability to meet demand for Indoor sports.
  - Plan to increase the capacity of the Mingara Indoor Aquatic and Recreation Centre in the long term.
- 3.9 Seek ways to protect and increase the capacity of the existing sporting assets and surrounds.
- Continue to apply the Sportsgrounds Management Strategy to the adaptive management of sporting facilities.
  - Identify opportunities to program training and competition in new ways that will increase the capacity of sporting facilities and especially sports turf to meet the sporting community's needs. Ensure that programming does not create barriers to existing users.
  - Reduce the load on sports turf for pre-season and training:
    - Enter into agreements with Sports Associations to promote alternative sites as dedicated pre-season and seasonal training sites for sports.
    - Identify opportunities to offset training on sports turf with use of existing parks and reserves.
  - Reconfigure sports turf for training to reduce repetitive demands on small areas and improving peripheral areas.
  - Undertake a comprehensive review of surrounds that represent potential development of turf grass, development of concept designs and reconnaissance environmental assessment of the designs. Initially focus on fields with larger areas of surrounds.
  - Identify deficiencies in the attraction and capacity of existing sporting facilities which receive little or no bookings for organised sport and prepare options to increase use.
  - Conduct a detailed assessment of the potential to use synthetic turf as a major opportunity to increase the potential time capacity of turf grass facilities either as a substitute training area to draw use away from natural turf or as a surface supporting competition:
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Adopted October 14 2009

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### Recreation Facilities Strategy

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- Football.
  - Rugby.
  - Touch.
  - Oztag.
  - AFL.
- Continue to retrofit synthetic “play over wickets” to improve the flexibility, safety and capacity of existing turf grass playing fields with cricket wickets located within turf grass playing fields:
  - AFL.
  - Football.
  - Cricket.
- Continue Council programs for the installation and renewal of lighting, and drainage of existing facilities to maximise the potential capacity in the short to medium term and to protect the asset in the longer term:
- Continue to implement the water sustainability program planned for sports fields.
- Complete approved amplification works of major facilities
  - Complete the remediation of the Bateau Bay AFL Softball facility.
  - Complete the endorsed expansion of the Wyong Netball facility.
  - Complete the Wyong Regional Sporting Facility Masterplan.
- Determine the future use of Tuggerah Oval as a community sports ground in relation to the future expansion of the Wyong Sewer Treatment Plant.

## Recreation Facilities Strategy

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**4 Plan for and Procure New Facilities**

- 4.1 Protect future opportunities for recreation and sporting development in areas of development in the longer term:
- Identify areas and open space requirements as part of the Wyong Shire Settlement Strategy.
  - Acquire a land bank for future recreation and sporting facilities to develop as population growth occurs and the development funding stream accumulates.
  - Re-examine Council's land holdings to determine future opportunities for recreation and sporting facilities in existing areas where population projections and participation predict an increase in age groups of primary users.
- 4.2 Plan and develop new facilities and public spaces as both attractors and generators of incidental exercise and parallel activities to promote social interaction across a range of ages:
- Community Gardens.
  - Youth spaces in public places.
  - Furniture and exercise opportunities for seniors.
  - Signage, shade, bike racks, water and toilets provided as attractors.
  - Accessible facilities and sites.
  - Linkages that support incidental exercise to access the sites.
  - Shared pathways and bike routes.
  - Public art integrated into public space and facilities.
- 4.3 Use the landscape of the Shire to encourage recreation and exercise:
- Plan for and implement our section of the Marie Byles Coastal Walk, linking Newcastle and Sydney via Lake Macquarie and the Central Coast.
  - Plan for better links to support the Great North Walk.
  - Plan for and develop new sustainable walking trails in Council's bushland estate:
    - Norah Head.
    - Mt Alison.
    - Glenning Valley.
  - Liaise with other sectors to provide opportunities for trails and walkways:
    - Pioneer Dairy Trust.
    - Energy Authorities.
    - Department of Sport and Recreation.
    - National Parks and Wildlife Service.
    - Department of Forestry.

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Recreation Facilities Strategy

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- 4.4 Provide new water edge facilities for recreation and sporting activities to improve the capacity and sustainability in consultation with stakeholders.
- Identify and plan for new beach observation and spectator facilities for surfing events where none exist.
  - Identify and plan for a new surf lifesaving facility in the north of the Shire.
  - Identify the need and location for new high capacity boat ramp facilities to replace inappropriate existing sites with low capacity.
- 4.5 Complete the planned new Recreation Facility Works in the Estuary Management Plan:
- Recreation and exercise facilities to new shared pathways to encourage movement.
  - Complete shared pathways and create new paths.
  - Use consultation and community art opportunities to engage local communities in development of new sites.
- 4.6 Plan to provide a hierarchy of playground facilities with an equitable distribution across the Shire:
- Large “all access” facilities to serve a range of ages with supporting facilities.
  - Local parks to serve age specific groups and provide social interaction.
  - Innovative alternatives to play equipment to promote imaginative and challenging play and other social activities.
- 4.7 Plan to provide a major youth and skating facility in the south and north of the Shire in the medium term suitable for competitive and promotional events:
- Review trends for potential activities that may be supported by youth spaces.
  - Provide public youth places that will support activities with increasing challenge by a range of ages.
- 4.8 Plan to provide an Indoor Sports Hall with spectator seating able to stage multi sport events at a high level in the Shire:
- Basketball.
  - Netball.
  - Futsal/Indoor Soccer.
  - Gymnastics.
- 4.9 Plan to provide an Indoor Aquatic and Recreation Centre to serve the north of the Shire:
- Aquatic leisure activity and competitive sport.
  - Programmed health and leisure activities and indoor sports.



## Recreation Facilities Strategy

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- 4.10 Negotiate with providers to provide more access to other sector recreation and sporting facilities and settings:
- Service authorities buffer areas for joint ventures.
  - Department of Education and Training – Perfect and implement the use agreement for Sporting Facilities with the Department of Education and Training.
    - Turf Grass facilities:
      - Bateau Bay Primary.
      - Berkeley Vale Community High.
      - Gorokan High.
      - Northlakes High.
      - Tuggerah Lakes Secondary College.
      - Wadalba Community School.
      - Wyong Technology High.
    - Courts:
      - Wadalba Community School.
- 4.11 Seek other sector funding opportunities for capital development, management and programming of facilities:
- Government:
    - Federal.
    - State.
    - Government authorities e.g. Delta.
  - Private:
    - Licensed clubs.
  - Sporting Associations:
    - Cricket.
    - Baseball.
    - Tennis.
    - AFL.
- 4.12 Investigate opportunities to use the rehabilitation of Buttonderry Landfill to provide a significant commercial sporting facility which may be developed as a joint venture with a potential operator.
- 4.13 Investigate the opportunity for other sites to support recreation or sporting facilities:
- Pioneer Dairy and Tuggerah East.
  - Mardi freeway buffer.
  - Mannering Park Crown Land.
  - Warnervale Airport surrounds.
  - Warnervale Proposed Education Facility.
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Recreation Facilities Strategy

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- 4.14 Plan to provide sporting facilities to meet identified population growth where the upgrade of existing facilities will not be adequate:
- Baseball
  - AFL
  - Football
  - Cricket
  - Oztag / Touch
- 4.15 Plan to address the major issues still outstanding from the Suter Report May 2002:
- Cycling facility:
    - Criterium – opportunity Ourimbah District Sports Precinct.
    - Four Cross – Mountain bike and BMX opportunity San Remo X Park.
  - Motor Sport facility – opportunity Buttonderry Landfill end use.
  - Flexible turf grass with 4 senior football fields – opportunity Warnervale.
  - More turf grass fields – opportunities above.
  - Indoor competitive 50m aquatic facility – opportunity Warnervale.
- 4.16 Complete the high priority actions of the Local Parks Strategy committed in the adoption of Resolution 525 of Council in November 2008 to address deficiencies in all Social Plan Districts.
- 4.17 Continue to implement the Strategy for Sporting Facilities in Warnervale. Construct Woongarah, Hamlyn Terrace, and Warnervale Town Centre Sporting Facilities to provide sporting facilities in the area of maximum potential population growth.

**Item No:** 3.10  
**Title:** Response to Notice of Motion - Quality Food, Wine and Vineyard Tourism Accommodation Opportunities  
**Department:** Connected Communities

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29 October 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13335900

Author: Peter Kavanagh, Senior Strategic Planner  
Sue Ledingham, Unit Manager Community Engagement

Executive: Julie Vaughan, Director Connected Communities

## Summary

This report responds to the Notice of Motion raised at the 23 July 2018 Ordinary Meeting regarding Quality Food, Wine and Vineyard Tourism Accommodation Opportunities.

## Recommendation

***That Council receive the report on Response to Notice of Motion - Quality Food, Wine and Vineyard Tourism Accommodation Opportunities.***

## Background

At its meeting of 23 July 2018, Council resolved as follows;

- 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.*

### Current Status

Central Coast Council recognises that tourism is an opportunity for the region, through the creation and support of jobs, the economic benefits it brings to local businesses and the destinations and attractions that it delivers for all residents to benefit from.

The tourism industry generates essential expenditure that trickles down and supports businesses throughout the Central Coast economy. Tourism's contribution to the local economy is around \$912 million annually (Source: Tourism Research Australia) and accounts for 5% of Central Coast's gross regional product) and directly employs approximately 6,200 people; 4.1% of Central Coast's employment.

#### *Planning for tourism in the region*

The Central Coast Destination Management Plan 2018-2021 guides tourism development and destination management for the next five years for all stakeholders; to help ensure long-term viability and sustainability of this vital sector for the Central Coast economy. One of the items identified is that in order to encourage visitor dispersal, an events strategy needs to be established which supports the development and growth of off-peak, multi-day events.

It is recognised that the Harvest Festival is an example of such an event that encourages visitation by creating a reason to visit and therefore contributing to increased visitor expenditure. In 2018 there were 16,100 attendees over the multi-day event, generating a total economic benefit of \$3.7M.

In relation to tourism visits to the Central Coast, in comparison to the other Sydney surrounding regions of South Coast, Blue Mountains and the Hunter region (which now includes Port Stephens), the Central Coast has the lowest market share of Sydney's outbound market. The Central Coast has experienced a decline in market share from 2013 to 2016, with 2017 bringing the first increase in visitor numbers out of Sydney.

For the second year in a row, Central Coast experienced increase growth in the number of visitors to the region, with nearly 1.4M domestic visitors from April 2017 to March 2018. (Source: *Destination NSW, Visitor Economy Statistics, Central Coast Region*).

Sydney remains the largest source of visitors to the broader region which includes Central Coast, Hunter and Port Stephens. However, the Central Coast still does not derive its equal share of the market out of Sydney in comparison to the Hunter Region which experienced a growth of 12.3% from April 2017 to March 2018. (Source: *Destination NSW, Visitor Economy Statistics, Hunter Region*)

The major challenge to grow tourism sustainably and long term on the Central Coast is changing perceptions about the Central Coast, particularly about what is on offer in terms of dining out and experiences. A marketing campaign, partnered with the tourism industry, focussed on perception change and targeting the lucrative and close proximity market out of Sydney is currently underway, inclusive of a new comprehensive guide of activities, attractions, accommodation restaurants and retail via a new website ([visitcentralcoast.com](http://visitcentralcoast.com)).

Destination marketing is recognised by the tourism industry as one of the most important elements to advance the region's tourism potential; alongside future product development.

The Tourism Opportunity Plan is an outcome of the Destination Management Plan and identifies specific market opportunities and corresponding catalyst projects that can contribute to the Central Coast's visitor economy.

#### *Rural Lands Zones*

Council acknowledges the international success of Cessnock Council Vineyards Precincts and flexible Rural Lands codes. Currently land uses which are permissible within Rural Lands Zones are defined within Council's Local Environmental Plans (*Gosford Land Environment Plan (GLEP 2014)* and *Wyong Local Environment Plan (WLEP 2013)*). Whilst predominantly zoned for agricultural production and rural, the objectives and permissible uses within the zone may also facilitate some additional tourist and employment opportunities.

Council can include suitable uses across the majority of zones within its Local Environment Plan (LEP) under the PN-006 *Providing for Tourism in Standard Instrument Local Environmental Plans* and is able to draw attention to tourist attractions through an appropriate local objective that is consistent with mandatory objectives and uses of that zone. This guide within the RU1 Primary Production Zone is subject to further investigative planning studies being undertaken.

*Employment/Job Market*

Central Coast currently has a youth unemployment rate of 16.2%, which is 5.1% above the national average.

An increased tourism job market is one of the desired outcomes of the Central Coast Destination Management Plan. An action targeting youth employment within the hospitality and wider visitor economy business sector has been included in the plan through the development of entrepreneur and mentoring programs. This aims to remove barriers to entry for young people, whether seasonal backpackers or permanent residents, who are seeking employment on the Central Coast in the tourism industry.

In 2016/17, the total value add of agricultural output on the Central Coast was \$143.1 million (id economic profile). The local agricultural, forestry and fishing industry employed 1,115 people in 2016, an increase of 22.7% since 2011.

Table 1 shows employment age structure in the industry. Young people accounted for 11.4% of employment. Data on underemployment and seasonal employment in this industry is not available.

**Table 1: Central Coast Council Area Employment Age Structure – Agriculture, Forestry and Fishing Employment Industry**

<b>Central Coast Council Area - Agriculture, Forestry and Fishing</b>	<b>2016</b>			<b>Change</b>
<b>Ten year age groups (years)</b>	<b>Number</b>	<b>%</b>	<b>New South Wales %</b>	<b>2011 to 2016</b>
15 to 24 years	131	11.7	8.9	+19
25 to 34 years	166	14.9	13.7	+49
35 to 44 years	185	16.6	15.8	-3
45 to 54 years	272	24.4	20.8	+64
55 to 64 years	210	18.8	21.5	+65
65 years and over	151	13.5	19.3	+12
Total	1,115	100.0	100.0	+120

\* Source: Australian Bureau of Statistics, Census of Population and Housing 2011 and 2016. Compiled and presented by [id.](#) the population experts.

**Assessment**

As a part of the strategic background required for a future Central Coast Comprehensive LEP, Council staff have completed a Rural Lands Study (former Wyong LGA), and is currently undertaking a Rural Lands Audit for the Southern Areas of the Central Coast (former Gosford LGA) . The NSW Department of Planning and Environment (DP&E) has the responsibility of delivering the Priority Action 2 – *Address land use needs west of the M1 Motorway to provide integrated and adaptable outcomes for natural assets, productive lands and rural lifestyles* from the Central Coast Regional Plan 2036.

From the outcomes of this work a Central Coast Rural Lands Strategy will be formulated, which will incorporate appropriate actions that could lead to further tourism and employment opportunities in Rural Zones.. The Strategy will inform the future Land Use Zone controls within the Central Coast Comprehensive LEP.

**Link to Community Strategic Plan**

Theme 5: Liveable

**ChooseGoal**

C3: Facilitate economic development to increase local employment opportunities and provide a range of jobs for all residents.

**Attachments**

*Nil.*



**Item No:** 3.11  
**Title:** Response to Notice of Motion - Pelican Feeding,  
Potential for Upgrades and Opportunities  
**Department:** Connected Communities

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29 October 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13338523

Executive: Julie Vaughan, Director Connected Communities

## Summary

This report responds to the Notice of Motion raised at the 23 July 2018 Ordinary Meeting regarding Notice of Motion -Pelican Feeding - Potential for Upgrades and Opportunities.

## Recommendation

***That Council receive the report on Response to Notice of Motion - Pelican Feeding, Potential for Upgrades and Opportunities.***

## Background

At the Ordinary Meeting on 23 July 2018 Council resolved the following:

- 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.*



**Current Status**

One of the deliverables of The Central Coast Destination Management Plan 2018-21 is the development of a Tourism Opportunity Plan (TOP) which identifies specific opportunities to support the desired outcomes of the Destination Management Plan. The purpose of the TOP is to enable and inspire the local tourism industry and respective government stakeholders to invest in tourism infrastructure and projects.

As part of the TOP, one priority identified was the *Pelican Feed Activation Plan*, which aims to improve the Pelican Feed as a region wide experience to encourage visitor dispersal.

As part of this priority project, the following opportunities for the Central Coast were identified:

- Improve the Pelican Feed as a product and leverage the pelicans as a region wide experience to encourage visitor dispersal.
- Develop an educational research centre and tourist attraction surrounding the Pelican Feed which promotes shareable moments and supports research, conservation and education of the local ecosystem and shorebird population.
- Partnering with Marine Rescue, Wildlife ARC or the Reptile Park to create a more holistic experience, memorable moments and promoting research and education.
- Creation of a public art sculpture trail mirrored off the success of the Big Egg Hunt NY which would commission various local artists to create their version of the Central Coast Pelican and installing the works in various iconic areas and spaces connected to pelicans across the Central Coast region.
- Invest in a marketing campaign in order to promote the experience to state, national and international markets.

EarthCheck have been appointed to support Council in the development of the TOP and commenced this process in July 2018 in consultation with Council Officers. Council has undertaken engagement with Councillors, internal and external stakeholders in relation to tourism opportunities and has also engaged with Marine Rescue Volunteers, and the Entrance Visitor Information Staff and Volunteers regarding the inclusion of the Pelican Feeds in the TOP as a priority project. As part of this consultation, opportunities to include the management of injured pelicans in the enhancement of The Pelican Feed will be considered and incorporated where feasible.

### **3.11 Response to Notice of Motion - Pelican Feeding, Potential for Upgrades and Opportunities (contd)**

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The focus of the TOP is on growing tourism value by identifying gaps and opportunities for the development of new and existing visitor experiences (activities, attractions and infrastructure) to support the long term growth of the Tourism sector and increase the economic value and benefits of tourism to the Central Coast community. A key driver will be the effective partnerships to deliver on the required investment that could include both public and private investment and opportunities through Regional Tourism funding programs. A report on the TOP is due back to Council in early November 2018.

The Disability Inclusion Action plan is one of the resource documents guiding the outcomes of the TOP to ensure all projects consider accessibility guideline requirements in their development.

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

Theme 2: Smart

#### **Choose Focus Area**

S-C4: Promote and grow tourism that celebrates the natural and cultural assets of the Central Coast in a way that is accessible, sustainable and eco-friendly.

#### **Attachments**

*Nil.*

**Item No:** 3.12  
**Title:** Response to Notice of Motion - Disability Precinct  
**Department:** Connected Communities

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29 October 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13352309

Author: Glenn Cannard, Unit Manager, Community Partnerships  
Sue Ledingham, Unit Manager Community Engagement

Executive: Julie Vaughan, Director Connected Communities

## Summary

This report responds to the Notice of Motion raised at the 9 April 2018 Ordinary Meeting regarding Disability Precincts.

## Recommendation

***That Council receive the report on Response to Notice of Motion - Disability Precinct.***

## Background

At the Ordinary Meeting of 9 April 2018 Council resolved the following;

*286/18 That Council engage with community stakeholders and develop all-inclusive disability precincts to boost tourism, economic stimulus and residential lifestyle choice.*

One of Central Coast Council's key focus areas is highlighting and leveraging the appropriate features of the region to see growth in the local tourism industry. Council aims to inspire and enable our local community and tourism industry to value the impact of the visitor economy.

Council endorsed the Central Coast Destination Management Plan 2018-21 in December 2017, this strategic document provides a high level plan to support the growth of the visitor economy of the Central Coast region.

One of the deliverables of this overarching document is the development of a Tourism Opportunity Plan which identifies specific opportunities to support the desired outcomes of the Destination Management Plan. As part of this process Council is committed to exploring, in detail and via engagement with the local tourism industry and community stakeholders, what greater opportunities can be identified to support the Visitor Economy of the Central Coast.

One of the priority projects identified as part of the TOP was an *Accessible Tourism Activation Initiative* which includes the following three key elements:

- Establishment of a set of accessible tourism experiences incorporating all elements of the experience (travel, parking, retail, accommodation, experience etc.)
- Council to conduct a series of national recognised training sessions for local business and enterprise on how to improve accessibility and inclusiveness.
- The development of two accessible visitor hubs, one in the north focused on the Tuggerah Shared Pathway and one in the south focussed on the coastline on the Peninsula.

The development of all-inclusive disability precincts will be considered as part of this priority project. In the next stage of the Tourism Opportunity Plan, the identified priority projects will be explored in more detail to determine specific projects or activities for the region which could be feasibly undertaken, supported or leveraged either by Council or other partners to enhance the visitor economy of the Central Coast.

Furthermore, extensive community engagement was undertaken through the development of the Central Coast Council Disability Inclusion Action Plan (DIAP) 2017-2021, with 229 respondents participating in a variety of engagement activities.

The DIAP contains an entire strategy area – Liveable Communities - designed to “continuously improve accessibility, inclusivity and liveability of the local Central Coast community.” The Liveable Communities strategy area contains 26 individual actions to be undertaken over the life of the plan focussed on:

- Improving Council’s commitment and approach to designing inclusive and liveable communities.
- Increasing the inclusivity and accessibility of playgrounds.
- Increasing the inclusivity of events.
- Increasing accessibility features of Council managed natural areas.
- Increasing accessibility features at patrolled beaches, pools, leisure centres, jetties and wharves.
- Increasing accessibility and inclusivity of Council owned community facilities.
- Increasing availability of accessible amenities.
- Creating and improving accessible pedestrian paths of travel.
- Increasing tourism and economic development opportunities.

The DIAP also contained a specific action related to the area of Accessible Tourism.

*“LC.026 – In partnership with relevant organisations/entities (e.g. Central Coast Tourism explore accessible tourism opportunities through infrastructure improvement, marketing and promotion, to develop the Central Coast as a highly attractive tourist destination for people with disabilities, friends and families.”*

Council staff are currently undertaking a detailed analysis to identify two geographical locations suitable for initial development as holistic disability ‘destinations’. Once these locations have been determined staff will further engage with the community to determine

future spatial and/or infrastructure enhancements to these areas for inclusion in Council's ongoing capital works program.

Council provides updates on progress on the above, and indeed all Central Coast Council DIAP 2017-2021 actions quarterly. In 2017/18, there were 42 actions successfully undertaken within Council's DIAP.

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

Theme 5: Liveable

### **Choose Focus Area**

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

### **Attachments**

*Nil.*



**Item No:** 3.13  
**Title:** Response to Notice of Motion - Parking Fines  
**Department:** Environment and Planning

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29 October 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13352979

Author: Rennae Projceski, Section Manager Community Safety

Manager: Jamie Loader, Unit Manager, Development Assessment

Executive: Scott Cox, Director, Environment and Planning

## Report Purpose

Response to Notice of Motion – Parking Fines as resolved by Council at its meeting held 27 August 2018.

## Summary

Council at its meeting held 27 August 2018 resolved:

*867/18 That Council, upon legislation being adopted for the discretionary reduction in parking fines, a report be submitted to Council to consider the exercise or implementation of that discretion (if any).*

## Recommendation

***That Council receive the report on Response to Notice of Motion - Parking Fines.***

## Background

NSW Treasurer Dominic Perrottet announced the NSW Government will reduce the infringement amount for ten of the most common parking fines and encouraged Local Government to do the same once new legislation is introduced that would allow Councils to set the penalty infringement amounts.

Currently the minimum amount set for parking infringements is \$110, the NSW Government is reducing the minimum amount to \$80 for the following parking offences;

1. Park continuously for longer than permitted
2. Park without current ticket displayed
3. Park after ticket expired
4. Stand vehicle in area longer than allowed
5. Stop in restricted parking area

6. Park after meter expired
7. Not stand vehicle in marked parking space
8. Remain in ticket-operated loading zone after ticket expired
9. Park without current loading zone ticket
10. Park without paying meter fee

Legislation has not yet been introduced to allow NSW Councils to determine penalty infringement amounts for parking. A further report can be provided to Council if the new legislation is introduced to determine the impact of reducing penalty infringements.

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

Theme 4: Responsible

### **Choose Focus Area**

R-H3: Create parking options and solutions that address the needs of residents, visitors and businesses.

### **Attachments**

*Nil.*





**Item No:** 3.14  
**Title:** Response to Notice of Motion - Council Bans Cats  
**Department:** Environment and Planning

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29 October 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13321916

Author: Jamie Loader, Unit Manager, Development Assessment

Executive: Scott Cox, Director, Environment and Planning

## Summary

Council, at its meeting held on 9 July 2018, resolved:

- 673/18 *That Council note that cats can now again be surrendered to Council's animal cares facilities/pounds.*
- 674/18 *That further, Council thanks senior staff for their intervention around this important animal welfare issue.*
- 675/18 *That Council requests the Chief Executive Officer report to Council on the progress of the Central Coast Regional Animal Cares Facility and the feasibility and benefits around forming a Central Coast Companion Animals Advisory Committee.*

## Recommendation

***That Council receive the report on Response to Notice of Motion – Council Bans Cats***

In response to Resolution No 675/2018:

### ***Regional Impound Facility***

Staff are in the process of engaging a consultant to review both the current and future animal care facility requirements in order to meet increasing population demand and to provide an ongoing excellent animal care service for the community. It is anticipated that a consultant will be engaged by the end of this year, with a report to be provided early in 2019.

***Advisory committee*****Other Councils with Committees**

Councils with established Companion Animal Advisory Committees are Willoughby, Woollahra, Wollondilly and Blacktown Council. All committees meet quarterly with the exception of Woollahra Council's committee who meet twice per year.

The committees for these Councils are generally structured by having two to three Councillors, five to ten community members including a veterinary representative, an animal welfare representative, an animal behaviorist and designated Council officers including a representative from the Rangers team.

The committees are supported by a governance officer who coordinates meetings, agendas and completes and distributes minutes.

Key matters discussed at the meetings are;

- Community education and awareness events relating to Companion Animals
- Enforcement and education on microchipping and registration
- Development of policies, programmes, services and plans for Companion Animals
- Animal shelter maintenance and improvements, volunteers and staff training, strategies for animal adoption and animal care (where the facility is operated by Council)

**Establishing a Committee**

Establishing a Companion Animals Advisory committee would provide an opportunity for Council to engage with the community to provide a consultative forum on Companion Animal related matters such as services, facilities and education programs.

The benefits of an advisory committee are that it supports the objectives of the strategic plan in relation to good governance and allows the community to have a say on matters such as those mentioned above.

In determining the feasibility of forming an advisory committee the primary consideration is costs and impacts on resources. The Governance Team provide administrative support to advisory committees and have provided the following overview of the anticipated costs and impacts on resources;

***Financial Impact***

There are sunk costs associated with the operation of any Advisory Group or Committee structure. The resource costs relate to the following:

- Annual reporting to Council
- Management and updating of terms of reference

- Management of adhoc issues and enquiries from conveners regarding meeting operation
- Initial appointment of members
- Management of any casual vacancies
- Reporting to Council
- Website management and set up
- Management of common documents
- General communication to all members
- Provision of training such as Code of Conduct
- Incorporation and alignment to Council's Community Strategic Planning process

A conservative estimate is that these sunk costs are approximately \$35,000 per annum. There are also costs associated with the conduct of each meeting. It may be assumed that the significant cost impact is the actual conduct of the meeting but it is important to appreciate that there is significant pre and post meeting work which is necessary for the effective operation of the Group or Committee. The specific meeting resource costs relate to the following:

- Agenda preparation by convener (staff subject matter expert)
- Agenda preparation and circulation by meeting support staff
- Diary management and logistical arrangements by meeting support staff
- Meeting set up and attendance by meeting support staff
- Meeting attendance and participation by convener
- Meeting attendance by other relevant staff include Directors and Unit Managers
- Minute finalisation by meeting support staff
- Minute review by convener
- Documentation and follow up of actions arising by meeting support staff
- Completion of actions arising by relevant staff including Directors and Unit Managers
- Preparation of report to Council by meeting support staff
- Review and finalisation of report to Council by relevant staff including Directors, Unit Managers and convenor
- Completion of actions arising from any Council resolution by relevant staff including Directors, Unit Managers and convenor
- Provision of documentation for website by meeting support staff
- Management of adhoc of requests from and communications with members by convenor and support staff
- Venue hire costs
- Any catering costs

A conservative estimate is that these costs are approximately \$6,516 per meeting per Group or Committee. This does not include any projects or activities arising from a recommendation by the Group or Committee.

The estimate does not 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.

Based on four meetings per year (maximum of three hours per meeting) for the eight Committees already established by Council the annual cost is approximately \$240,000.

There are currently no resources dedicated to the support of Advisory Committees or Groups. Their operation will divert resources from other functions. The meeting support function alone constitutes approximately \$95,000 per annum. The impact of the eight currently adopted Advisory Committees could be mitigated by the provision of one full time equivalent resource within the existing meeting support function to provide support for meetings. The provision of this resource would not mitigate the diversion of existing resources being the subject matter experts for the Committees or Groups.

The purpose of the committee is to provide an advisory input and give feedback; the committee does not make any decisions and cannot be involved in regulatory aspects.

Given the information above regarding the costs and resourcing impacts associated with the setup and running of the advisory group and what the group may be able to achieve, it could be considered that the cost may outweigh the benefits of the committee. It is considered that there would only be enough content for two meetings a year as the animal care facility is contracted out and operational matters are at the discretion of the contractor. Therefore it is not recommended to create an advisory committee, however, as the review of Councils current companion animal impound arrangement progresses, there is an option to create a focus group to provide feedback into Councils future facilities and operations.

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

Theme 4: Responsible

### **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**

*Nil.*



**Item No:** 4.1  
**Title:** Meeting Record of the Heritage Advisory Committee held on 5 September 2018  
**Department:** Governance

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#### 29 October 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-04 - D13336996  
Author: Kelly Drover, Advisory Group Support Officer  
Manager: Rebecca Cardy, Heritage Officer  
Executive: Scott Cox, Director, Environment and Planning

#### Report Purpose

To note the meeting record of the Heritage Advisory Committee held on 5 September 2018.

#### Recommendation

***That Council receive the report on the Meeting Record of the Heritage Advisory Committee held on 5 September 2018***

#### Background

The Heritage Advisory Committee held a meeting on Wednesday, 5 September 2018. The Meeting Record of that meeting is attached to this report for Council's information.

The Heritage Advisory Committee Meeting Record is being reported to Council in accordance with the relevant Terms of Reference.

#### Link to Community Strategic Plan

Theme 4: Responsible

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

G3: Engage with the community in meaningful dialogue and demonstrate how community participation is being used to inform decisions.

#### Attachments

**1** Draft Heritage Advisory Committee Meeting Record - 5 September 2018      D13335336

# Draft Heritage Advisory Committee Meeting Record

## 5 September 2018



Location:	Gosford Administration Building Level 1 Committee Room 49 Mann Street, Gosford	
Date:	5 September 2018	
Time	Started at: 4:02pm	Closed at: 5:31pm
Chair	Mayor Jane Smith	
File Ref	F2018/00100	

### Present

Mayor Jane Smith, Councillor Louise Greenaway (arrived 4:16pm), Councillor Kyle MacGregor (left 5:03pm), Warren Andrews, David Benwell, Margot Castles, Gary Dean, Sandra Hunt-Sharman, Joseph Murray, Prue Wyllie

Specialist attending:

Richard Waterhouse

Council Staff:

Glenn Cannard – Unit Manager Community Partnerships, Rebecca Cardy – Heritage Officer, Anumitra Chand – Section Manager Environmental Strategies, Scott Cox – Director Environment and Planning, Zoie Magann – Advisory Group Support Officer, Matthew Prendergast – Unit Manager Strategic Planning

### Item 1 Apologies

Councillor Jeff Sundstrom, Verena Mauldon, Kreenah Yelds

### Item 2 Disclosure of Interest

Councillor Louise Greenaway previously declared a less than significant non-pecuniary interest as she was a former board member of the Community Environment Network (CEN).

Mayor Jane Smith previously declared a less than significant non-pecuniary interest as she was a former Chief Executive Officer of the Community Environment Network (CEN).

Councillor Sundstrom previously declared a less than significant non-pecuniary interest as a Labor candidate for Terrigal.

### Item 3 Confirmation of Previous Meeting Record

The Advisory Group confirmed the Meeting Record from 5 July 2018.

## Draft Heritage Advisory Committee Meeting Record 5 September 2018

### Item 4 Action Log

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The Advisory Group reviewed the Action Log and noted the updates on pending actions.

**Action:** Action 9 is to be marked as closed as no suitable stories were identified.

### Item 5 Australian Heritage Festival Planning

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Rebecca Cardy (Heritage Officer) provided a brief overview of the Australian Heritage Festival.

The Advisory Group discussed past heritage events held on the Central Coast, and considered how these could guide future planning for the Australian Heritage Festival and events beyond that. Ideas shared by the Advisory Group members included:

- Heritage walks, talks and tours as a cost effective option
- Luncheon events at heritage homesteads
- Displays at The Grand Hotel in Wyong
- Norah Head Lighthouse – lack of attendance in the past resulted in a reluctance to deliver heritage programs in future without strong promotion
- Current popularity of cemeteries as a heritage attraction due to links with architecture, art, and stories of people and place
- Involvement of various Rotary Clubs on the Central Coast
- Involvement of the media to help raise awareness of events
- Self-guided tour brochures – not currently available on the Central Coast, but a great tool for heritage and tourism
- Concerns surrounding transport and accessibility

The Advisory Group noted the importance of raising awareness of the scope of heritage on the Central Coast and increasing interest in heritage sites and events beyond those already affiliated with the area.

The Advisory Group also noted that while the Australian Heritage Festival and History Week are valuable opportunities to raise heritage awareness, it would be beneficial to establish an annual calendar of events for the region including Council events that provide the opportunity to celebrate heritage such as seniors and youth weeks, history week etc. as an on-going celebration.

**Action:** Geoff Potter from Library Futures and Planning is to be invited to a future meeting to discuss how Council could further raise awareness of history and heritage and promote interest through the Central Coast libraries.

**Action:** The Advisory Group requests that staff explore and report back on potential avenues for promotion of a heritage Annual calendar of events, which would be made publically available to raise interest and awareness of the scope of heritage on the Central Coast.

**Action:** The Advisory Group recommends that a calendar of events be created for the Australian Heritage Festival and Expressions of Interest be invited from the community to identify heritage events for inclusion.

**Action:** Councillor Greenaway to take the lead on a pilot for the development of a self-guide tour brochure. The Heritage Officer will provide some examples for inspiration.

**Action:** The Heritage Officer to provide an example of a feedback form to the Advisory Group Support Officer for circulation to the Advisory Group, to show how community feedback could be collected regarding heritage events.



## Draft Heritage Advisory Committee Meeting Record 5 September 2018

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### Item 6 Heritage Strategy Overview

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Rebecca Cardy provided a presentation on the Heritage Implementation Framework and briefly outlined the objectives of the Heritage Strategy and Heritage Action Plan, which are currently being developed by Council.

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### Item 7 Tourism Opportunity Plan and Destination Management Plan Overview

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The Advisory Group confirmed that the Destination Management Plan was circulated to members for consideration via email as recorded in the Action Log. The Tourism Opportunity Plan is still being developed, and as such is not yet available for distribution.

**Action:** A staff member from the Community Engagement team is to be invited to a future meeting to outline how the Tourism Opportunity Plan and Destination Management Plan relate to the objectives of the Advisory Group, and to provide an update on where the Tourism Opportunity Plan is up to in terms of development.

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### Item 8 12 Month Operational Plan Items that involve the Heritage Advisory Group

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The Advisory Group was informed that a briefing is being organised for members of all Central Coast Council Advisory Groups to outline the Community Strategic Plan.

**Action:** A staff member from the Corporate Strategy and Performance team is to be invited to a future meeting to outline how the Community Strategic Plan specifically relates to heritage and to the objectives of the Advisory Group.

**Action:** The Advisory Group requests that staff provide an overview at the next meeting of the heritage projects in the current Operation Plan, and outline what is being considered for the future.

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### Item 9 Office of Environment and Heritage – ‘Heritage Near Me’ App

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The Advisory Group confirmed there are no stories to submit for ‘Heritage Near Me’.

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### Item 10 Update from Director Environment and Planning – Terrigal Boardwalk

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Scott Cox (Director Environment and Planning) provided an update on the funding status for Terrigal Boardwalk.

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### Item 11 General Business and Close

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Glenn Cannard (Unit Manager Community Partnerships) distributed a brochure on The Entrance Town Centre Heritage Signage Strategy to Advisory Group members, and advised the information should be shared with groups of interest.

Glenn also distributed the Heritage Grant Program information to the Advisory Group for consideration, and noted that applications for Round 1 have just opened this month.

**Action:** Staff to check and ensure that all relevant heritage groups are on the distribution list to receive updates on the Heritage Grant Program as Round 1 is now open.

## Draft Heritage Advisory Committee Meeting Record 5 September 2018



**Action:** Geoff Potter from Library Futures and Planning is to be invited to a future meeting to discuss culturally sensitive heritage opportunities surrounding the 200 Year Anniversary of European settlement in the Brisbane Water region to occur in 2023.

**Action:** A representative from the Local Aboriginal Land Council is to be invited to a future meeting for consultation on the above action.

**Action:** Old Sydney Town to be added to the December meeting agenda as an item for discussion.

The meeting closed at 5.31pm

**Next Meeting:**                      **Wednesday 12 December 2018**  
   **4pm – 6pm**  
   **Central Coast Council Wyong Office**  
   **Committee Room**

**Item No:** 4.2  
**Title:** Sportsground Fees and Charges  
**Department:** Assets, Infrastructure and Business

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29 October 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-04 - D13340869

Author: Karen Tucker, Acting Unit Manager, Open Space and Recreation

Manager: Brett Sherar, 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 outcome of the meeting with Central Coast Sports Council representatives following their submission to Council on the 2018/19 Delivery and Operational Plans.

## Summary

Staff met with representatives of Central Coast Sports Council on 17 July 2018 to discuss concerns raised at the 25 June 2018 Council meeting. Many of the issues identified were due to the complexity of bringing the former two Council's fees into one consolidated fees and charges structure. The consolidated fees do not collate to an increase in fees more than CPI since prior to amalgamation.

## Recommendation

***That Council receive the report on Sportsground Fees and Charges.***

## Background

At its meeting on 25 June 2018, Council resolved, in part:

**563/18** *That Council request the Chief Executive Officer hold a meeting with representatives of the Sports Council and then provide a report to the Council prior to the workshop referred to in recommendation 562/18 and include discussions around the following proposed amendments:*

- *Refund of competition and/or training fees booked on a seasonal basis for facilities not utilised under the twenty week period, due to inclement weather or withdrawn for maintenance issues*
- *Refund of training fees to be booked on a daily basis for facilities not utilised, due to inclement weather or withdrawn for maintenance issues*
- *Be able to choose an hourly lighting rate or a seasonal lighting rate.*

- *Sports Council the Fees and Charges for seasonal hire be amended to include all final series games/matches.*
- *In regards to the Bond Monies, the members of Central Coast Sports Council indicated at our meeting on 7 June 2018 that they wish the bond monies remain as is and held with Central Coast Sports Council.*
- *Foreshadow a return on fees and charges as at 2017/18 for a period of 3 years*
- *To reduce the level 2 grading fees to level 3 for sports fields*

Council Officers met with representatives of Central Coast Sports Council (CCSC), Ms Diane Dales and Mr Riley Sohler, on 17 July 2018 to discuss the Council resolution.

Following extensive discussion with the above representatives of the CCSC, information on how the consolidated fees and charges were structured was provided as follows:

**Refund of competition and/or training fees booked on a seasonal basis for facilities not utilised under the twenty week period, due to inclement weather or withdrawn for maintenance issues.**

**And**

**Refund of training fees to be booked on a daily basis for facilities not utilised, due to inclement weather or withdrawn for maintenance issues**

The seasonal ground hire fees are calculated at 20 weeks for a season duration up to 25 weeks. Therefore a portion of the seasonal fee is built in to allow for potential wash out weeks (up to 5 weeks). It is rare that sporting clubs will have seasons that are washed out for the amount of weeks allocated in the fees and are therefore essentially not paying for these weeks.

Despite wet weather closures, Council is still required to maintain service levels to the sportsground facilities with no reduction in maintenance costs. In addition, wet weather periods often provide increase maintenance as damage to facilities is more likely after periods of inclement weather.

Should there be a significant period whereby a club is unable to utilise a playing field due to no fault of their own, Council may make a reduction to their fees.

In seasons that experience extensive wet weather and lack of use is documented, Council have also considered a fee reduction as it deemed the lack of access is beyond the reasonable access.

If the fields are unable to be utilised due to being withdrawn from use by Council, consideration in regards to a fee reduction will be provided if it is deemed the lack of access

is beyond reasonable access and the field is not withdrawn due to the activities undertaken by the club or association.

**Be able to choose an hourly lighting rate or a seasonal lighting rate**

The current lighting systems across the Central Coast sporting fields is unable to be metered to allow lights to be charged hourly at all sporting facilities. Council is working towards harmonising the telemetry systems across the facilities which will allow reporting of usage and potential readjustment of lighting fee structure.

However lighting usage for the first hour demonstrates a significant peak in usage to ignite lighting systems and future fees may be required to consider the first hour of usage to be a higher rate than subsequent hours.

**The Fees and Charges for seasonal hire be amended to include all final series games/matches.**

Finals series games are considered outside of the seasonal allocation approval process as many final series events have different requirements than normal seasonal competition games. For instance, a number of codes utilise mobile food vans, amusement devices and marquees in conjunction with their finals activities which require regulation under a special event application.

When a clubs final series is within the parameters of its normal conduct and does not include special event activities, their fee is determined within the normal seasonal hire (no additional charge). However, for those clubs that conduct special event activities that require regulation, the associated fees are required to be charged in line with those activities such as, but not limited to, food surveillance inspections. In some cases, additional field maintenance requirements are requested that attract a charge, such as additional line-marking.

**In regards to the bond monies, the members of Central Coast Sports Council wish the bond monies remain as is and held with Central Coast Sports Council.**

The current process in the former Gosford Council was for key bonds to be paid by the clubs and these bonds were held by the CCSC in perpetuity. Council did not have access to the bond money to fund the cost of key or lock replacement or to fund the repair of any damage by the clubs or associations.

Council is unable to allow an entity that is not a body of Council to collect and hold fees on its behalf. The bond is collected to ensure keys are returned at the end of each season minimising issues between codes and is only used to cover costs of lock and/or key replacement when keys are lost or stolen to protect Council's assets.

The bond will be charged to associations/clubs at the commencement of the season and, pending return of all keys and no damage to the locks or buildings, the bonds will be returned to the associations/clubs at the end of each season.

CCSC currently hold money from associations on their behalf. If these organisations wish to continue this arrangement then it is at their discretion. However, Council will require security bonds from associations during their relevant season in line with the adopted fees and charges.

### **Foreshadow a return on fees and charges as at 2017/18 for a period of 3 years**

The fees and charges for the 2017/18 period are calculated at less than 12% cost recovery with the 2018/19 fees and charges only increased in line with CPI (2-3 %). The cost which has 12% recovery includes the operational and maintenance of the facilities which comprises electricity charges, water usage, turf and general maintenance.

During consolidation of the fees from the former two Councils, careful consideration was given to ensure that no increase above CPI would be levied to any sporting code. Whilst a number of clubs had raised an increase of fees above the CPI, this was not due to an increase in fees but to an increase in requested usage. An offer has been made to CCSC to direct any club who believes their fees have been increased greater than CPI to meet with Council to discuss the matter. Since this offer was made, Council has not received any requests for fee review.

Freezing fees for three years at the rates of the 2017/18 period will reduce the percentage of cost recovery for Council as costs of maintenance will increase between 2-3% annually.

### **To reduce the level 2 grading fees to level 3 for sports fields**

In the former Gosford Council a Category 3 field existed which were generally fields that did not have lighting, irrigation or drainage systems and other support infrastructure. Category 3 fields were removed when harmonising the fees for Central Coast Council as a number of former category 3 fields have benefited from capital works upgrades to the infrastructure and therefore they were consolidated into Category 2.

A Category 2 field would be considered a local playing facility in terms of standard of infrastructure provisions whereas a Category 1 field would be a district to sub- regional level facility.

A number of the playing fields that have changed in categories are generally provided free of charge to users as they are only utilised for training purposes in daylight hours due to no floodlighting (e.g. Kitchener Oval, Davistown Oval, Fred Pinkstone Oval) based on the adopted fees and charges.

**Follow Up**

Subsequent to the meeting of 17 July 2018, Council officers provided summation notes of the meeting and clarification of issues in writing to the representatives of CCCSC.

CCCSC responded advising, *The information you have provided has been advised to our members and noted at our last meeting on 2 August. Our members have instructed the executive to raise certain matters with the Councillors when the follow up report on item 2.1 from 25 June 2018 is presented to Council.*

**Link to Community Strategic Plan**

Theme 1: Belonging

**Goal L: Healthy lifestyle for a growing community**

R-I1: Preserve local character and protect our heritage and rural areas including concentration of development along transport corridors and around town centres and east of the M1.

**Attachments**

*Nil.*





**Item No:** 4.3  
**Title:** Pecuniary Interest Disclosure Returns 2017-2018  
**Department:** Governance

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29 October 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-04 - D13351677  
Author: Kathy Bragg, Senior Governance Officer  
Manager: James Taylor, Acting Unit Manager, Governance and Business Services  
Executive: Shane Sullivan, Acting Executive Manager, Governance

## Report Purpose

Sections 444, 445 and 449 of the *NSW Local Government Act 1993* (the Act) require Pecuniary Interest Disclosure Returns (Returns) for Councillors and Designed Persons to be lodged with the Chief Executive Officer who, in turn, is required to keep a register of the Returns.

Section 450A of the Act further requires that Returns lodged with the Chief Executive Officer be tabled no later than the first meeting of Council after 30 September each year. The purpose of this report is to meet the requirement under section 450A of the Act.

## Recommendation

***That Council receive the report on Pecuniary Interest Disclosure Returns 2017-2018 and note that the Chief Executive Officer has tabled Pecuniary Interest Disclosure Returns, pursuant to section 450A(2) of the NSW Local Government Act.***

## Background

The following sections of the *Local Government Act 1993* (the Act) require that the following must submit a completed Pecuniary Interest Disclosure return, in a prescribed form, to the Chief Executive Officer prior to the end of the following periods:

Person	Sections	Period
Councillor	444 and 449	Within 3 months of taking up civic office
<ul style="list-style-type: none"><li>Council's Chief Executive Officer;</li><li>Other 'Senior Staff' of Council;</li><li>Other staff or delegates of the Council who hold a position identified by Council as a 'designated person'.</li></ul>	441, 445 and 449	Within 3 months of becoming a 'designated person', or if a 'designated person' as at 30 June 2017, by 30 September 2017

All required Returns by Councillors, the Chief Executive Officer, other senior staff and those staff identified as designated persons have been lodged before the statutory date with the exception of nine staff as a designated person. These nine staff are currently on extended leave. They will be required to complete a Return on resuming their Council duties.

### **2018 Model Code of Conduct**

The NSW Minister for Local Government has released the soon to be prescribed 2018 Model Code of Conduct for Local Councils in NSW (Model Code).

In addition to the annual disclosure requirements, the Model Code states that Councillors and designated persons within three months of becoming aware of a new interest must complete a new Pecuniary Interest Disclosure Return and lodge this with the Chief Executive Officer. These Returns must be tabled at a Council Meeting as soon as practicable after the Return is lodged.

The Model Code also states that Councillors and designated persons must disclose whether they were a property developer, or a close associate of a corporation that is a property developer, on the Return date.

After the Model Code and Procedures are prescribed, Councils across NSW will have six months to adopt a Code of Conduct and associated procedures that meet the new requirements. A further report will come to Council once the Model Code has been prescribed to clearly outline Councillors' responsibilities.

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

Theme 4: Responsible

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

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

### **Attachments**

*Nil.*



**Item No:** 4.4  
**Title:** Investment Report for September 2018  
**Department:** Finance and Information

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29 October 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13354327  
Author: Devini Susindran, Financial Accountant Treasury and Taxation  
Manager: Vivienne Louie, Unit Manager, Financial Performance  
Executive: Shane Sullivan, Acting Executive Manager, Governance

## Report Purpose

To present the monthly report on the investment portfolio as required in accordance with cl. 212 of the *Local Government (General) Regulation 2005*.

## Summary

This report details Council's investments as at 30 September 2018.

## Recommendation

***That Council receive the Investment Report for September 2018.***

## Background

Council's investments are made in accordance with the *Local Government Act 1993*, *Local Government (General) Regulation 2005*, the investment policy adopted at the Ordinary Council Meeting on 27 November 2017, Ministerial Investment Order issued February 2011 and Division of Local Government (as it was then known) Investment Policy Guidelines published in May 2010.

## Current Status

Council's current cash and investment portfolio totals \$480.85 million at 30 September 2018.

Source of Funds	Value (\$'000)
Investment Portfolio	\$470,791
Transactional accounts (per bank statements) and cash in hand	\$10,055
<b>Total</b>	<b>\$480,846</b>

This investment report will focus on the investment portfolio of \$470.79 million.

#### 4.4 Investment Report for September 2018 (contd)

Cash flows are managed primarily through term deposit and floating rate note maturities, with a net inflow of \$3.5 million in September 2018.

Total net return on the portfolio for Council, in September was \$1.0m, comprising entirely of interest earnings. The total value of the Council's investment portfolio as at 30 September 2018 is outlined in Table 1 below.

**Table 1 – Portfolio movement**

Description	2017-18 Financial Year \$'000	July 2018 \$'000	August 2018 \$'000	September 2018 \$'000	FYTD 2019 \$'000
<b>Opening Balance</b>	<b>409,890</b>	<b>467,254</b>	<b>445,259</b>	<b>467,275</b>	<b>467,254</b>
Movement for the period	57,364	(21,995)	22,016	3,516	3,537
<b>Closing Balance</b>	<b>467,254</b>	<b>445,259</b>	<b>467,275</b>	<b>470,791</b>	<b>470,791</b>
Interest earnings	11,625	957	1,018	1,037	3,012

Council's investments are evaluated and monitored against a benchmark appropriate to the risk (Standard and Poor's BBB long term or above) and time horizon of the investment concerned. Council's investment portfolio includes rolling maturity dates to ensure that Council has sufficient funds at all times to meet its obligations. A summary of the term deposit and floating rate notes maturities are listed in Table 2 below.

**Table 2 - Investment Maturities**

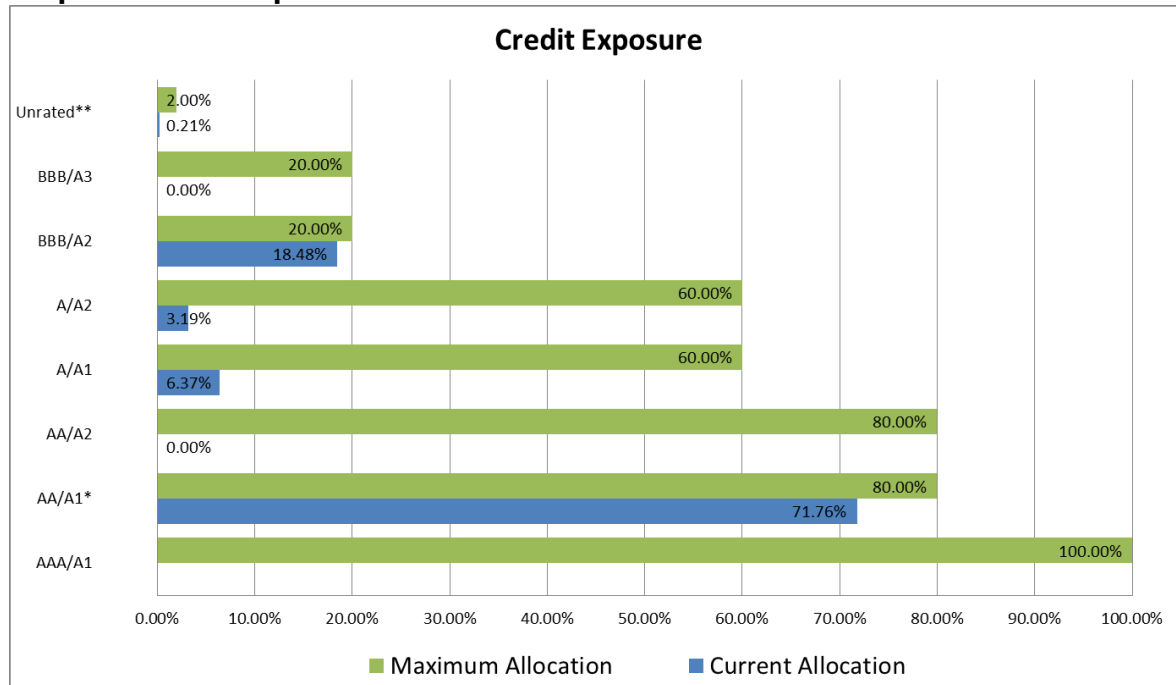
Time Horizon	Percentage Holdings	Maturity on or before	Value \$'000
<b>At Call</b>	<b>4.80%</b>	<b>Immediate</b>	<b>22,588</b>
<b>Investments</b>			
0 - 3 months	14.44%	Dec-2018	68,000
4 - 6 months	9.77%	Mar-2019	46,000
7 - 12 months	39.34%	Sep-2019	185,203
1 - 2 years	18.90%	Sep-2020	89,000
2 - 3 years	8.50%	Sep-2021	40,000
3 - 4 years	2.12%	Sep-2022	10,000
4 - 5 years	2.12%	Sep-2023	10,000
<b>Total Investments</b>	<b>95.20%</b>		<b>448,203</b>
<b>Total Portfolio</b>	<b>100.00%</b>		<b>470,791</b>

The investment portfolio is concentrated in A1/AA (71.76%) and A2/BBB (18.48%). The investments in A1/AA are of a higher credit rating and A2/BBB represented the best returns at the time of investment within Policy guidelines. Financial institutions issuing fixed income investments and bonds are considered investment grade (IG) if its credit rating is BBB or higher by Standard and Poor (S&P).

Council continues to monitor the portfolio and manage investments taking into consideration credit ratings of financial institutions, interest rates offered for the maturity dates required and the amount of our investment portfolio already held with each financial institution.

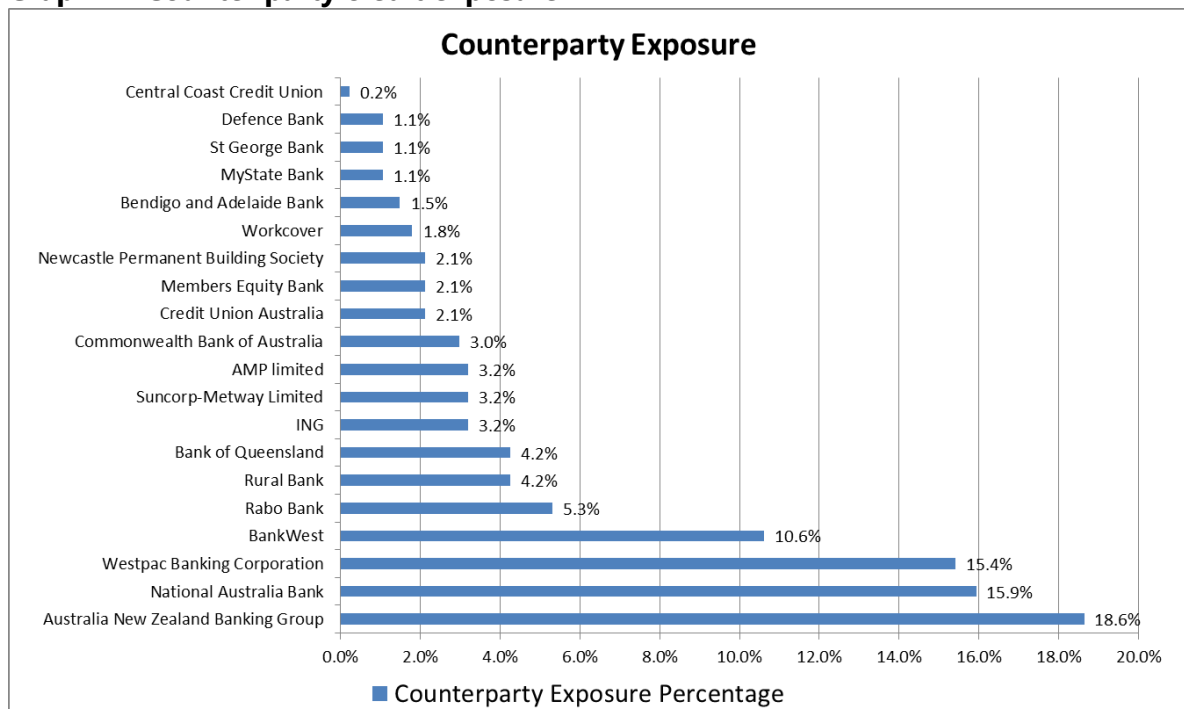
The current spread of investments is listed in Graph 1 and counter party credit exposure is listed in Graph 2.

**Graph 1 – Credit Exposure**

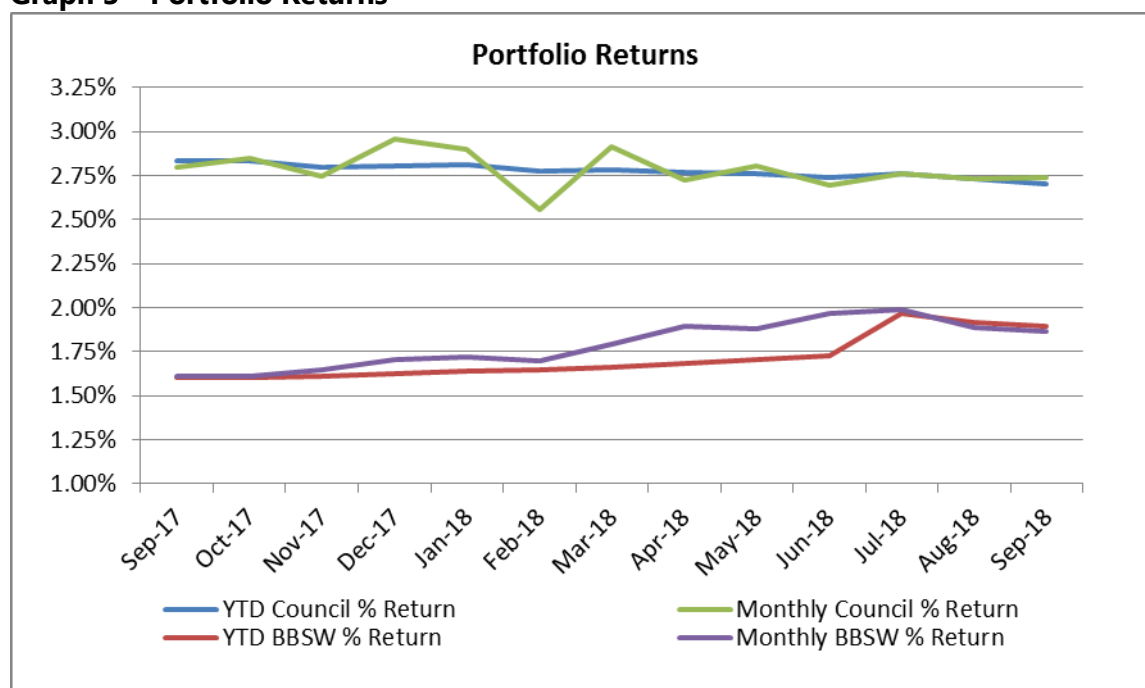


\* **AA/A1:** Council has provided security for self-insurance by way of a term deposit invested in an ADI (with a short term S & P rating of A1) through State Insurance Regulatory Authority (formerly WorkCover NSW). This security has been included as part of Council's investment portfolio. Council regularly conducts a review to identify the optimal security providing Council with the best return possible.

\*\* **Unrated:** Unrated investment comprises of a term deposit with Central Coast Credit Union

**Graph 2 - Counter party credit exposure****Portfolio Return**

Interest rates on investments in the month, ranged from 2.40% to 4.87%, all of which exceeded the annualised monthly Bank Bill Swap Rate (BBSW) benchmark of 1.87%. The annualised financial year to date return for August of 2.70% for Central Coast Council is favourable compared to benchmark bank bill swap (BBSW) *financial year to date* Bank Bill Index of 1.89% as shown in Graph 3 - Portfolio returns.

**Graph 3 – Portfolio Returns****Council's portfolio by Source of Funds**

Council is required to restrict funds received for specific purposes. Restricted funds consist of funds in the investment portfolio and in transactional accounts as follows:

Source of Funds	Value (\$'000)
Investment Portfolio	\$470,791
Transactional accounts	\$10,055
<b>Total</b>	<b>\$480,846</b>
Restricted Funds	\$358,326
Unrestricted Funds	\$122,520

Attachment 2 details the restrictions for Council by fund as at 31 May 2018. The restrictions for September 2018 will be finalised after completion of the financial statements for the year ended 30 June 2018.

**Green Bonds**

Council staff continue to monitor the market for green bond offerings. In recent times there has been no new issuances of green bonds in AUD by financial institutions that Council is able to invest in subject to its current portfolio restrictions. The big four banks (ANZ, CBA, NAB and WBC) are aware of Council's interest in this space and will bring new green bonds opportunities to Council staff for their review. Staff will update Council on any new placements in green bonds as they occur.



**Link to Community Strategic Plan**

Theme 4: Responsible

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

G4: Serve the community by providing great customer experience, value for money and quality services.

**Attachments**

- |          |   |           |
|----------|---|-----------|
| <b>1</b> | Summary of Restrictions at 31 May 2018              | D13253035 |
| <b>2</b> | Summary of Investments By Type at 30 September 2018 | D13354326 |

## Central Coast Council

## Summary of Restrictions 31-May-2018

Fund	Source of Funds	Principal Amount
		\$'000
GENERAL FUND	Loans	4,426
	Unexpended grants	15,143
	Contributions to works	5,799
	Developer Contributions	70,346
	Developer Contributions (VPA)	2,449
	Developer Contributions (Bonus Provisions)	4,821
	RMS Advances	13
	Self Insurance	8,019
	Stormwater Levy	3,636
	Waste Management (Tip Rehabilitation)	20,158
	Unexpended Contributions	0
	Other Crown Land	1,444
	Holiday Park Surplus	7,335
	Cemeteries Surplus	662
	Internal commitments	80,031
	<b>TOTAL GENERAL FUND RESTRICTIONS</b>	<b>224,282</b>
DRAINAGE FUND	Developer Contributions	26,818
	Contributions to works	100
	Internal commitments	484
	<b>TOTAL SEWER FUND RESTRICTIONS</b>	<b>27,402</b>
SEWER FUND	Developer Contributions	16,919
	Developer Contributions (VPA)	381
	Developer Contributions (Prepaid)	1,087
	Contributions to works	366
	Loans	706
	Self Insurance	285
	Internal commitments	919
	<b>TOTAL SEWER FUND RESTRICTIONS</b>	<b>20,664</b>
WATER FUND	Developer Contributions	34,621
	Developer Contributions (VPA)	2,280
	Developer Contributions (Prepaid)	56
	Unexpended grants	2,355
	Self Insurance	338
	Contributions to works	283
	Internal commitments	999
	<b>TOTAL WATER FUND RESTRICTIONS</b>	<b>40,933</b>
DOMESTIC WASTE FUND	Domestic Waste Management	43,455
	Unexpended grants	1,589
	<b>TOTAL WASTE FUND RESTRICTIONS</b>	<b>45,044</b>
	<b>TOTAL RESTRICTED FUNDS</b>	<b>358,326</b>

Central Coast Council Summary of Investments as at 30-September-2018							
Financial Institution	Type of Investment	Short Term Rating	Long Term Rating	Maturity Date	Portfolio Balance as at 30 September 2018 \$	As a % of the total Portfolio	Interest Rate %
<b>CASH AT CALL:</b>							
Westpac Banking Corporation	Corporate Investment Account	A1	AA	Daily	13,586,542	2.89%	1.60
Workcover	At Call Deposit	A1	AA	Daily	-	0.00%	1.60
Bankwest	At Call Deposit	A1	AA	Daily	1,557	0.00%	1.75
Commonwealth Bank of Australia	Business On-line Saver	A1	AA	Daily	9,000,000	1.91%	1.20
<b>Total Cash At Call</b>					<b>22,588,099</b>	<b>4.80%</b>	
<b>TERM DEPOSITS, FLOATING RATE NOTES &amp; BONDS:</b>							
National Australia Bank	Term Deposit	A1	AA	02-Oct-2018	5,000,000	1.06%	2.50
National Australia Bank	Term Deposit	A1	AA	09-Oct-2018	5,000,000	1.06%	2.50
Suncorp-Metway Limited	Term Deposit	A1	A	16-Oct-2018	5,000,000	1.06%	2.50
National Australia Bank	Term Deposit	A1	AA	23-Oct-2018	5,000,000	1.06%	2.50
Suncorp-Metway Limited	Term Deposit	A1	A	30-Oct-2018	5,000,000	1.06%	2.50
Australia New Zealand Banking Group	Term Deposit	A1	AA	30-Oct-2018	5,000,000	1.06%	4.87
St George Bank	Term Deposit	A1	AA	04-Nov-2018	5,000,000	1.06%	3.00
Commonwealth Bank of Australia	Term Deposit	A1	AA	06-Nov-2018	5,000,000	1.06%	2.50
Westpac Banking Corporation	Term Deposit	A1	AA	13-Nov-2018	5,000,000	1.06%	2.52
Bendigo and Adelaide Bank	Floating Rate Note	A2	BBB	14-Nov-2018	3,000,000	0.64%	BBSW + 1.27%
Westpac Banking Corporation	Term Deposit	A1	AA	20-Nov-2018	5,000,000	1.06%	2.55
Bank of Queensland	Term Deposit	A2	BBB	22-Nov-2018	5,000,000	1.06%	2.90
Westpac Banking Corporation	Term Deposit	A1	AA	05-Dec-2018	10,000,000	2.12%	2.58
National Australia Bank	Term Deposit	A1	AA	03-Jan-2019	10,000,000	2.12%	2.52
Australia New Zealand Banking Group	Term Deposit	A1	AA	29-Jan-2019	10,000,000	2.12%	2.55
Central Coast Credit Union	Term Deposit	Unrated	Unrated	16-Feb-2019	1,000,000	0.21%	2.75
Westpac Banking Corporation	Floating Rate Note	A1	AA	25-Feb-2019	5,000,000	1.06%	BBSW + 0.94%
Australia New Zealand Banking Group	Term Deposit	A1	AA	06-Mar-2019	10,000,000	2.12%	2.75
Australia New Zealand Banking Group	Term Deposit	A1	AA	20-Mar-2019	10,000,000	2.12%	2.40
National Australia Bank	Term Deposit	A1	AA	03-Apr-2019	10,000,000	2.12%	3.10
Australia New Zealand Banking Group	Term Deposit	A1	AA	17-Apr-2019	10,000,000	2.12%	2.69
Workcover	Term Deposit	A1	AA	18-Apr-2019	8,453,000	1.80%	2.72
Australia New Zealand Banking Group	Term Deposit	A1	AA	02-May-2019	10,000,000	2.12%	2.70
Australia New Zealand Banking Group	Term Deposit	A1	AA	15-May-2019	10,000,000	2.12%	2.70
Bank of Queensland	Term Deposit	A2	BBB	27-May-2019	10,000,000	2.12%	2.75
AMP Limited	Term Deposit	A1	A	04-Jun-2019	5,000,000	1.06%	2.85
Defence Bank	Term Deposit	A2	BBB	04-Jun-2019	5,000,000	1.06%	2.86
AMP Limited	Floating Rate Note	A1	A	11-Jun-2019	5,000,000	1.06%	BBSW +1.10%
AMP Limited	Term Deposit	A1	A	18-Jun-2019	5,000,000	1.06%	2.90
ING	Term Deposit	A2	A	18-Jun-2019	5,000,000	1.06%	2.70
Bank of Queensland	Term Deposit	A2	BBB	24-Jun-2019	5,000,000	1.06%	2.75
National Australia Bank	Term Deposit	A1	AA	28-Jun-2019	10,000,000	2.12%	2.80
Bankwest	Term Deposit	A1	AA	03-Jul-2019	10,000,000	2.12%	2.80
Credit Union Australia	Term Deposit	A2	BBB	03-Jul-2019	10,000,000	2.12%	2.82
Rural Bank	Term Deposit	A2	BBB	09-Jul-2019	10,000,000	2.12%	2.85
Bankwest	Term Deposit	A1	AA	17-Jul-2019	10,000,000	2.12%	2.78
Australia New Zealand Banking Group	Floating Rate Note	A1	AA	25-Jul-2019	2,750,000	0.58%	BBSW + 0.82%
Rural Bank	Term Deposit	A2	BBB	06-Aug-2019	10,000,000	2.12%	2.85
National Australia Bank	Term Deposit	A1	AA	19-Aug-2019	10,000,000	2.12%	2.80
MyState Bank	Term Deposit	A2	BBB	03-Sep-2019	5,000,000	1.06%	2.85
National Australia Bank	Term Deposit	A1	AA	03-Sep-2019	5,000,000	1.06%	2.80
National Australia Bank	Term Deposit	A1	AA	17-Sep-2019	10,000,000	2.12%	2.64
Westpac Banking Corporation	Term Deposit	A1	AA	24-Sep-2019	4,000,000	0.85%	3.20
Bankwest	Term Deposit	A1	AA	02-Oct-2019	10,000,000	2.12%	2.66
Australia New Zealand Banking Group	Term Deposit	A1	AA	15-Oct-2019	10,000,000	2.12%	2.77

Central Coast Council Summary of Investments as at 30-September-2018							
Financial Institution	Type of Investment	Short Term Rating	Long Term Rating	Maturity Date	Portfolio Balance as at 30 September 2018		
					\$	As a % of the total Portfolio	Interest Rate %
Bankwest	Term Deposit	A1	AA	16-Oct-2019	10,000,000	2.12%	2.68
Bankwest	Term Deposit	A1	AA	30-Oct-2019	10,000,000	2.12%	2.69
Australia New Zealand Banking Group	Term Deposit	A1	AA	12-Nov-2019	10,000,000	2.12%	2.78
ING	Term Deposit	A2	A	13-Dec-2019	5,000,000	1.06%	2.83
ING	Term Deposit	A2	A	26-Feb-2020	5,000,000	1.06%	2.75
Westpac Banking Corporation	Term Deposit	A1	AA	17-Mar-2020	10,000,000	2.12%	3.10
Members Equity Bank	Floating Rate Note	A2	BBB	05-Apr-2020	10,000,000	2.12%	3.05
Bendigo and Adelaide Bank	Floating Rate Note	A2	BBB	18-Aug-2020	4,000,000	0.85%	BBSW +1.10%
Rabo Bank	Term Deposit	A1	AA	07-Sep-2020	5,000,000	1.06%	3.50
Suncorp-Metway Limited	Floating Rate Note	A1	A	20-Oct-2020	4,500,000	0.96%	BBSW +1.25%
Suncorp-Metway Limited	Floating Rate Note	A1	A	20-Oct-2020	500,000	0.11%	BBSW +1.25%
National Australia Bank	Term Deposit	A1	AA	10-Dec-2020	5,000,000	1.06%	2.80
Westpac Banking Corporation	Term Deposit	A1	AA	10-Dec-2020	10,000,000	2.12%	2.90
Westpac Banking Corporation	Term Deposit	A1	AA	21-Jun-2021	10,000,000	2.12%	3.06
Rabo Bank	Term Deposit	A1	AA	05-Jul-2021	10,000,000	2.12%	2.92
Newcastle Permanent Building Society	Floating Rate Note	A2	BBB	24-Jan-2022	10,000,000	2.12%	BBSW + 1.65%
Rabo Bank	Term Deposit	A1	AA	12-Dec-2022	10,000,000	2.12%	3.18
Total Term Deposit & Bonds:					448,203,000	95.20%	
<b>TOTAL PORTFOLIO</b>					<b>470,791,099</b>	<b>100.00%</b>	
Current					321,791,099	68.35%	
Non-Current					149,000,000	31.65%	
<b>TOTAL PORTFOLIO</b>					<b>470,791,099</b>	<b>100.00%</b>	

**Item No:** 4.5  
**Title:** Grant Funding Update as at October 2018  
**Department:** Governance

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29 October 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13355591

Author: Louise Fisher, Special Projects Coordinator Funding

Executive: Gary Murphy, Chief Executive Officer

## **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 – 11 October 2018 – Attachment 2.
- Confidential - Applications for external funding that are still under consideration – 11 October 2018 – Attachment 3.

**Recommendation**

- 1** *That Council receive the report on Grant Funding Update as at October 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.*

**Link to Community Strategic Plan**

Choose Priority

**ChooseGoal**

I1: Preserve local character and protect our heritage and rural areas including concentration of development along transport corridors and around town centres.

**Attachments**

- |          |  |           |
|----------|--|-----------|
| <b>1</b> | Overview major funding opportunities as at 11 October 2018                           | D13362022 |
| <b>2</b> | External Funding Applications where the outcome has been finalised - 11 Oct 2018     | D13362025 |
| <b>3</b> | CONFIDENTIAL - External Funding Applications under consideration - 11 October 2018 - | D13362029 |

Overview of Major Funding Opportunities as at 11 October 2018



## Central Coast Council Overview of Major Funding Opportunities

Louise Fisher  
11 October 2018



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## Overview of Major Funding Opportunities as at 11 October 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

- Building Better Regions Fund Round 3



## Overview of Major Funding Opportunities as at 11 October 2018

<b>NSW HOUSING ACCELERATION FUND</b>	
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>

## Overview of Major Funding Opportunities as at 11 October 2018

<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>

## Overview of Major Funding Opportunities as at 11 October 2018

<b>REGIONAL GROWTH ENVIRONMENT &amp; TOURISM FUND</b>	
Applications Closed:	<p>The application process has the following key dates:</p> <ul style="list-style-type: none"> <li>Stream One applicants: Expressions of Interest (EOI) due 21 September 2018</li> <li>Stream Two applicants: Detailed applications or business cases from Round One EOI applicants due 21 September 2018</li> </ul>
Program Funding	<p>The NSW Government is allocating up to \$100 million for Round Two. This is divided into two streams:</p> <ul style="list-style-type: none"> <li>Stream One: Up to \$50 million for regionally iconic tourism activation projects.</li> <li>Stream Two: Up to \$50 million for projects from eligible applicants with strong projects who were unsuccessful at the Expression of Interest stage during Round One.</li> </ul>
Funding available	<p>To be eligible, projects must also:</p> <ul style="list-style-type: none"> <li>make a <u>minimum grant request of \$5 million</u> but no maximum for regionally iconic tourism activation projects (Stream One),</li> <li>propose an applicant co-contribution greater than 25% of the total grant amount unless financial hardship is claimed. The co-contribution must be from sources other than the NSW Government and commitments must be confirmed before detailed applications are assessed.</li> <li>have a Benefit to Cost Ratio of above 1.0, as assessed by the NSW Government.</li> </ul>
Purpose:	<p>Applications should clearly identify eligible environment and tourism infrastructure projects in regional local government areas that have the potential to create new jobs and regional growth from increased tourist visitation.</p>
Applicants	<p>Project applications are invited from:</p> <ul style="list-style-type: none"> <li>local government agencies</li> <li>community groups registered as incorporated associations</li> <li>non-government organisations.</li> </ul>
Partners:	<p>The NSW Government encourages proponents to work together through their relevant Joint Organisation of Councils, Regional Organisation of Councils, Destination Networks and local tourism organisations to identify projects that involve more than one local government area and have been identified as regional priorities.</p> <p>Applicants are also encouraged to work with private operators and industry organisations to identify potential projects. Applications that involve public-private partnerships are encouraged.</p>

## Overview of Major Funding Opportunities as at 11 October 2018

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>For Stream One regional iconic tourism activation projects, the government is seeking major tourism and environmental infrastructure projects that draw tourists from outside the region or cause them to stay longer and spend more money in a region.</p> <p>Projects should demonstrate that they achieve the criteria (listed on page 8 of the guidelines), meet the fund's objective to grow and further diversify NSW regional economies and also meet the purpose of the Restart NSW Fund. 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 higher than 1.0</li> <li>• maximise other co-investment by the applicant and, potentially, by the Commonwealth or other industry contributions.</li> </ul>
Land requirements:	The Regional Growth — Environment and Tourism Fund is open to regional environment infrastructure projects on publicly owned land and on private land where there is a clear public benefit, 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.nsw.gov.au/improving-nsw/regional-nsw/regional-growth-environment-and-tourism-fund/">https://www.nsw.gov.au/improving-nsw/regional-nsw/regional-growth-environment-and-tourism-fund/</a>

## Overview of Major Funding Opportunities as at 11 October 2018

<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>

## Overview of Major Funding Opportunities as at 11 October 2018

<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> <li>• including maintenance backlogs and minor works</li> </ul>



## Overview of Major Funding Opportunities as at 11 October 2018

	<ul style="list-style-type: none"><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:	Your application will be assessed against each of the following criteria: <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>

## Overview of Major Funding Opportunities as at 11 October 2018

<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.</li> </ul> <p>Applicants will be required to provide a full financial business case to provide the inputs for the Cost Benefit Analysis.</p>
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>



## Overview of Major Funding Opportunities as at 11 October 2018

<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>

## Overview of Major Funding Opportunities as at 11 October 2018

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>

## Overview of Major Funding Opportunities as at 11 October 2018

**ARTS AND CULTURAL DEVELOPMENT PROGRAMS**

<b>ARTS AND CULTURAL PROJECTS</b>	
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 <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>

## Overview of Major Funding Opportunities as at 11 October 2018

	<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>

## Overview of Major Funding Opportunities as at 11 October 2018

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: <ul style="list-style-type: none"> <li>- be actively involved in project planning and development</li> </ul> </li> </ul>



## Overview of Major Funding Opportunities as at 11 October 2018

	<ul style="list-style-type: none"> <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>

**BUILDING BETTER REGIONS FUNDS - INFRASTRUCTURE PROJECTS STREAM**

Applications Dates:	Applications close 15 November 2018
Funding available	<p>The minimum grant amount is \$20,000.</p> <ul style="list-style-type: none"> <li>• The maximum grant amount is \$10 million.</li> <li>• You must complete your project by 31 December 2021.</li> <li>• For most projects, grant funding will be up to 50 per cent or up to 75 per cent of your eligible project costs. Your location will determine the percentage of grant funding you can receive.</li> </ul>
Purpose:	The Infrastructure Projects Stream supports projects which involve the construction of new infrastructure, or the upgrade or extension of existing infrastructure that provides economic and social benefits to regional and remote areas. To help regions unlock their tourism potential, up to \$45 million has been earmarked for tourism related infrastructure projects that will help stimulate local economies by investing in the tourism sector.
Eligible Activities	<p>Eligible activities must directly relate to the project and can include:</p> <ul style="list-style-type: none"> <li>• the construction of new infrastructure</li> <li>• the upgrade to existing infrastructure</li> <li>• the extension of existing infrastructure</li> <li>• the replacement of infrastructure where there is a significant increase in benefit.</li> </ul>
Website	<a href="https://www.business.gov.au/assistance/building-better-regions-fund/building-better-regions-fund-infrastructure-projects">https://www.business.gov.au/assistance/building-better-regions-fund/building-better-regions-fund-infrastructure-projects</a>

## Overview of Major Funding Opportunities as at 11 October 2018

<b>BUILDING BETTER REGIONS FUNDS - COMMUNITY INVESTMENTS STREAM</b>	
Applications Dates:	Applications close 15 November 2018
Funding available	<ul style="list-style-type: none"> <li>• The minimum grant amount is \$5,000</li> <li>• The maximum grant amount is \$10 million, however given the nature of eligible projects we expect most grants will be under \$100,000.</li> <li>• You must complete your project within 12 months.</li> <li>• The co-funding amount will vary depending on your project size and project location.</li> <li>• For projects under \$20,000, the grant will be up to 100 per cent of total eligible project cost.</li> <li>• For most projects over \$20,000, grant funding will be up to 50 per cent or up to 75 per cent of your eligible project costs. Your location will determine the percentage of grant funding you can receive.</li> </ul>
Purpose:	The Community Investments Stream funds community investment projects that will create jobs, drive economic growth and build stronger regional communities into the future.
Eligible Activities	<p>Eligible activities must directly relate to the project and may include:</p> <ul style="list-style-type: none"> <li>• local events and activities</li> <li>• strategic planning</li> <li>• regional leadership and capability strengthening activities.</li> </ul>
Website	<a href="https://www.business.gov.au/Assistance/Building-Better-Regions-Fund/Building-Better-Regions-Fund-Community-Investments">https://www.business.gov.au/Assistance/Building-Better-Regions-Fund/Building-Better-Regions-Fund-Community-Investments</a>

## Overview of Major Funding Opportunities as at 11 October 2018

<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 - 11 October 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	Darvinstown & 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 Darvinstown 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 Darvinstown	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 - 11 October 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	Hilton/Moore Oval	Hilton 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 been updated and resubmitted in round 2 of the SCOPs.	\$ 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.	\$ 156,558	\$ 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, Woongarra	Shared Pathway Sparks Road, Woongarra	\$ 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, Tumbi Umbi	Shared Pathway Eastern Road, Tumbi 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	This is the fourth & final round of funding for this program.	\$ 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 Manerney Park, Norah Head, Hamlyn Terrace, Toukley and Woodbury	\$ 302,000	\$ 302,000	Funding Allocated			\$ 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, Tumbi 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 - 11 October 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 3 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 team 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	Ettalong Beach Ferry Wharf	Ettalong 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	\$ 5,120,000	\$ 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
4-May-18	Application	Stronger Country Communities Round 2	NSW Government	Wyong Cultural Hub	The design and construction of a new multi-purpose community cultural hub located in Wyong town centre to be operated by Council.	\$ 3,000,000	\$ 1,500,000	Funding Allocated			\$ 1,500,000

External Funding Applications where the outcome has been finalised - 11 October 2018											
Date	Application Type	Program	Funding Body	Project Name	Project Description	Total Project Budget	Funding Requested	Status	Notes	Unsuccessful	Funding Allocated
4-May-18	Application	Stronger Country Communities Round 2	NSW Government	Shared pathway on Barrenjoey Road, Ettalong Beach	Construction of a shared pathway for a length of 420metres on Barrenjoey Road, Ettalong Beach from Maitland Bay Drive to Ulligardi Street and down Ulligardi Street	\$ 1,335,000	\$ 1,000,000	Unsuccessful		\$ 1,000,000	
4-May-18	Application	Stronger Country Communities Round 2	NSW Government	Peninsula Leisure Centre - WaterPlay	This project is to construct an outdoor waterplay park at the Peninsula Leisure Centre, to attract additional visitors to the Centre	\$ 850,000	\$ 850,000	Funding Allocated			\$ 850,000
4-May-18	Application	Stronger Country Communities Round 2	NSW Government	Regional Skate Park Peninsula Recreation Precinct	Design and Construct a safe, functional, DDA compliant regional skate park with skateable surface and elements that caters to a wide range of abilities from beginner to advanced.	\$ 1,666,666	\$ 1,250,000	Unsuccessful		\$ 1,250,000	
4-May-18	Application	Stronger Country Communities Round 2	NSW Government	Shared pathway on Bungary Road, Norah Head	Construction of shared pathway for a length of 1500metres on Bungary Road, Norah Head from Wilfred Barret Drive to Maitland Street	\$ 1,500,000	\$ 1,000,000	Funding Allocated			\$ 995,700
4-May-18	Application	Stronger Country Communities Round 2	NSW Government	Shared pathway Tuggerawong	Construction of a shared pathway for a length of 1050metres along the Tuggerawong Foreshore between Friday Street and Tuesday Street and connection to Tuggerawong Public School.	\$ 964,549	\$ 964,549	Funding Allocated			\$ 542,269
4-May-18	Application	Stronger Country Communities Round 2	NSW Government	Lighting Upgrade at Terrigal Haven Oval	Application submitted on behalf of the Terrigal Rugby Club	\$ -	\$ -	Project was funded through Infrastructure Grants program			\$ 132,650
4-May-18	Application	Stronger Country Communities Round 2	NSW Government	Rebuild of Clubhouse at Don Small Oval, Tarcoba	Application submitted on behalf of Wyong Lakes Australian Football Club	\$ 572,000	\$ 572,000	Funding Allocated			\$ 259,000
4-May-18	Application	Stronger Country Communities Round 2	NSW Government	Amenities upgrade at Adelaide Street Oval, Tumbl Umbi	Application submitted on behalf of the Killarney Vale Australian Football Club	\$ 786,345	\$ 786,345	Funding Allocated			\$ 908,616
	Application	Saving Lives on Country Roads	NSW Government	Scenic Highway Terrigal	Installation and replacement of guard rail, footway construction and a small section of pedestrian fencing	\$ 300,000	\$ 300,000	Funding Allocated			\$ 300,000



External Funding Applications where the outcome has been finalised - 11 October 2018											
Date	Application Type	Program	Funding Body	Project Name	Project Description	Total Project Budget	Funding Requested	Status	Notes	Unsuccessful	Funding Allocated
	Application	Safer Local Government Roads	NSW Government	Willoughby Road Wamberal	1.9 km length of Willoughby Road from Windsor Road to Florida Road, Wamberal - raised platforms at intersections of Windsor Road and Fairway Drive, give way signs and other intersections.	\$ 180,000	\$ 180,000	Funding Allocated	2018/19 Australian Government Black Spot and Safer Roads Program		\$ 180,000
	Application	Safer Local Government Roads	NSW Government	Terrigal Drive east of Oceanview Drive Terrigal	Terrigal Drive east of Oceanview Drive Terrigal - Install raised threshold with pedestrian crossing at existing painted pedestrian crossing, Modified existing curb ramps, Install appropriate signage.	\$ 101,000	\$ 101,000	Funding Allocated			\$ 101,000
	Application	Safer Local Government Roads	NSW Government	Boronia Road and Acacia Avenue intersection Lake Munmorah	Boronia Road and Acacia Avenue intersection Lake Munmorah - Install one-lane roundabout including curb extensions, signage and line markings.	\$ 162,848	\$ 162,848	Funding Allocated			\$ 162,848
	Application	Regional Cyclway	NSW Government	Glenmay Road Green Point cyclway	Construct a missing link in the NSW Coastline Cyclway along Glenmay Road Greenpoint.	\$ 650,000	\$ 650,000	Funding Allocated			\$ 650,000
	Application	Australian Government Blackspot	Federal Government	The Ridgeway from Bishendens Road to Tapley Road Usarow	The Ridgeway from Bishendens Road to Tapley Road Usarow - concealed shoulders and improve super-elevation, extend existing roadside barrier, provide incremental clear signs beside carriageways and install the Vehicle Activated Warning sign.	\$ 207,400	\$ 207,400	Funding Allocated			\$ 207,400
	Application	Australian Government Blackspot	Federal Government	Woy Woy Road - Bambara Road to Tommos Loop Firetrail, Kariong	Woy Woy Road - Bambara Road to Tommos Loop Firetrail, Kariong - upgrade road pavement, install the VASs, install new curb and advisory speed signs.	\$ 451,500	\$ 451,500	Funding Allocated			\$ 451,500
	Application	Australian Government Blackspot	Federal Government	Brush Road - Little brush Lane and Edey Road, Ourimbah	Brush Road - Little brush Lane and Edey Road, Ourimbah - guard rails on roadside, upgrade road pavement, install C AMS	\$ 200,000	\$ 200,000	Funding Allocated			\$ 200,000
	Application	Australian Government Blackspot	Federal Government	Tumbi Road - The Ridgeway, Tumbi Umbi	Tumbi Road - The Ridgeway, Tumbi Umbi - upgrade intersection layout, install left turn deceleration line.	\$ 200,000	\$ 200,000	Funding Allocated			\$ 200,000
	Application	Rescuing Our Waterways	NSW Government	Ettalong and Box Head Channels Dredging Project	The project will include Undertake pre-dredge hydrographic surveys, associated approvals, permits and environmental studies and dredging of approximately 80,000m3 including placement of sand spoil to nearshore area of Ettalong, Ocean Beach and Umina Beach for nourishment.	\$ 2,450,000	\$ 1,225,000	Funding Allocated			\$ 1,225,000
8-Jan-18	EOI followed by Business Case	Regional Sports Infrastructure	NSW Government	Central Coast Regional Sporting and Recreation Complex	Central Coast Regional Sporting and Recreation Complex Stage 2 including a 3,000 seat grandstand and a multipurpose, indoor sporting centre.	\$ 30,000,000	\$ 10,000,000	Unsuccessful		\$ 10,000,000	
9-Mar-18	Application	Public Reserves Management Fund Program	NSW Government	Heazlett Park Recreation Precinct	Construction of a new amenities building including public toilets, change rooms and storage room; playground upgrade and upgraded access in the Heazlett Park Recreation Precinct	\$ 1,163,460	\$ 581,730	Unsuccessful		\$ 581,730	
20-Apr-18	Application	Heritage Near Me	NSW Government	St Barnabas Church	Ground works to deal with drainage issues, and then repair the foundations of the church (caused by the drainage issues)	\$ 45,000	\$ 45,000	Funding Allocated			\$ 45,000
TOTALS						\$ 136,218,675	\$ 99,408,542			\$ 36,261,153	\$ 63,130,589

**Item No:** 4.6  
**Title:** 2018/19 Capital Works Project Status  
**Department:** Assets, Infrastructure and Business

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29 October 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13360107

Author: Margaret Collins, Executive Assistant to Director

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

## **Report Purpose**

The purpose of this report is to provide a status report against capital works as at 30 September 2018.

## **Recommendation**

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

## **Background**

The attached status report regarding capital projects is provided for the information of Councillors. The report details the current delivery of Capital Works projects for the 2018/19 financial year.

Information Management and Technology are tracking slightly behind schedule due to delays in onboarding temporary project resources. A plan is in place to ensure project deliverables are achieved within the agreed timeframes.

Roads Transport and Drainage has under-expenditure which is attributed to some project savings in Terrigal upgrade works and Lake Road. There are also some minor delays due to wet weather.

Some potential delays to Adcock Park redevelopment have been identified due to ground conditions and drainage requirements. Further investigations are continuing.

Overall, the majority of Departments are on track to deliver their capital projects by the end of this financial year even though year to date actuals are tracking behind schedule.

Theme 4: Responsible

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

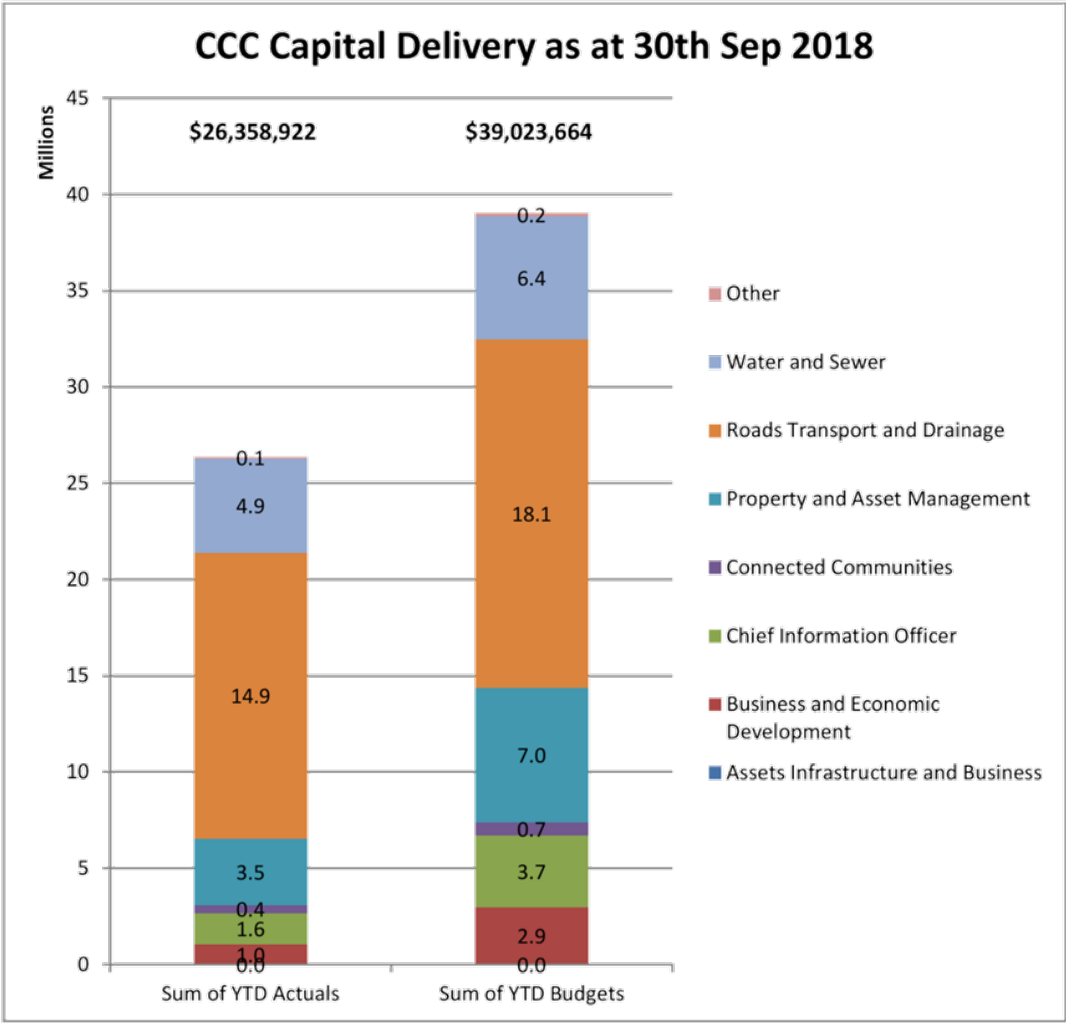
G4: Serve the community by providing great customer experience, value for money and quality services.

**Attachments**

- 1**   CAPEX Report to Council - September figures      D13361324



Capital Projects - delivery



## CCC Capital Projects – delivery

On Track	
Delayed – but to be delivered by 30 June 2019	
Need to postpone to another year or remove project	

Assets, Infrastructure and Business									
Top 5 Projects									
Project Name	Description	CSP Link	Total 18/19 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Anticipated completion date	Traffic light	Commentary
Earthmoving Plant	Purchase of earthmoving plant	Responsible  Good Governance and Great Partnerships  Serve the community by providing great customer experience, value for money and quality services	\$7,361,500	0	\$38,270	0%	May 2019		Purchases of new earthmoving plant have been initiated, including the development of specifications prior to calling for quotations.
Adcock Park upgrade West Gosford	Upgrade and renewal of Adcock Park Sporting facility including amenities building, carparks, fields and netball courts.	Healthy Lifestyles for a living community  Out and about in the fresh air	\$5,585,000	\$137,357	\$15,000	915%	2020/21		Multi-year project. Geotech and drainage design ahead of schedule but have identified a number of issues which may delay construction commencement date. Options report being prepared before contact for construction of the building is let.
Truck	Purchase of trucks	Responsible  Good Governance and Great Partnerships  Serve the community	\$4,515,000	\$120,356	0	N/A	May 2019		Orders have been placed for goods yet to be delivered and receipted to the value of \$2.1M.

## CCC Capital Projects – delivery

		by providing great customer experience, value for money and quality services							
Wisemans Ferry Road, Somersby – Stage 2 Road and Drainage Upgrade	Upgrade of road infrastructure including installation of stormwater drainage, construction of kerb and gutter, footpath and road pavement works	Responsible Delivering essential infrastructure	\$3,500,000	\$539,005	\$750,000	72%	June 2019		The project is staged with works having continued into 2018/19 as planned. The construction works are tracking slightly behind schedule due to the recent wet weather. The project is on track for completion by June 2019.
Sewer Pump Station Renewal - Railway Cr Woy Woy (WWMJ)	Renewal of Woy Woy Major Sewer Pump Station.	Environment Operate the sewerage system to minimise sewer overflows Achieve the required sewage treatment plant effluent quality	\$2,872,663	\$162,827	\$559,497	29%	1/10/2019		Stage 1 Construction commenced, due to be completed towards end 2018. Stage 2 design commenced but slightly behind schedule. Construction to occur over first half of 2019.

## CCC Capital Projects – delivery

On Track for delivery of greater than 90% for Unit <i>(project delivery not project spend)</i>	
Potential 80-90% delivery for Unit <i>(project delivery not project spend)</i>	
Less than 80% delivery for Unit <i>(project delivery not project spend)</i>	

Unit Summary						
Business Unit	Total 2018/19 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Traffic light	Commentary
Roads, Transport and Drainage	\$74,890,877	\$14,862,918	\$18,091,761	82%		574 projects are planned for construction in the 2018/19 financial year. Seventy six (76) projects have been completed with a further forty two (42) having commenced. The under expenditure is attributed to project savings at Terrigal CBD Traffic Improvements and Lake Road, Tuggerah and delays due to recent bad weather. A total of \$14.86m has already been expended amounting to 20% of the overall program.
Property and Asset Management	\$44,946,645	\$3,459,502	\$6,999,936	49.4%		Of the 254 projects, works are progressing generally as planned with nine projects delayed for various reasons causing the expenditure variance, however it is anticipated that all projects will be completed by the end of the financial year. Adcock Park project may experience some delays due to issues identified when undertaking investigation, however this is a multi-year project.
Water and Sewer	\$36,642,930	\$ 4,892,758	\$ 6,394,510	77%		The 2018/2019 Water and Sewer Capital Program is on track to be delivered by 30 June 2019
Business and Economic Development	\$25,557,266	\$1,043,027	\$2,947,809	35%		Capital projects on track to be delivered by 30 June 2019. \$2.7M in plant and fleet purchases have been ordered and are committed awaiting receipt.

## CCC Capital Projects – delivery

On Track	
Delayed – but to be delivered by 30 June 2019	
Need to postpone to another year or remove project	

Information Management & Technology (IM&T) Top 5 Projects									
Project Name	Description	CSP Link	Total 18/19 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Anticipated completion date	Traffic light	Commentary
Asset Management System	Implement a consolidated asset management system	Good Governance and Great Partnerships	\$4,678,401	\$268,559	\$544,930	49%	June 2020		Budget underspend due to resourcing not being at capacity. Recruitment for vacant roles has commenced with 2 Business Analysts recruited. Project is progressing well to first deliverable of asset register in Q1 2019
Human Capital Management	Implement a consolidated human capital management system	Good Governance and Great Partnerships	\$3,310,983	\$58,127	\$50,000	116%	June 2020		Project initiation commenced in preparation for further system functions.
Property & Rating	Implement a consolidated property and rating system	Good Governance and Great Partnerships	\$2,836,180	\$332,737	\$360,858	92%	June 2020		YTD Budget underspend due to resourcing not being at capacity. Recruitment for vacant roles has commenced. Project is progressing well and is currently in planning phase with business requirements gathering.
Standard Operating Environment	Implement a consolidated, modern and secure desktop experience for Central Coast Council staff	Good Governance and Great Partnerships	\$2,831,875	\$186,237	\$341,838	54%	Dec 2019		Project is progressing well with build activities underway. Current budget underspend due to delays in recruiting activities for key vacant roles.
Business Intelligence Reporting	Implement a business intelligence reporting tool	Good Governance and Great Partnerships	\$1,631,660	\$87,416	\$188,894	46%	Sept 2019		Budget tracking under plan whilst Vendor preparing Proof of Concept.

## CCC Capital Projects – delivery

On Track for delivery of greater than 90% for Unit <i>(project delivery not project spend)</i>	
Potential 80-90% delivery for Unit <i>(project delivery not project spend)</i>	
Less than 80% delivery for Unit <i>(project delivery not project spend)</i>	

Unit Summary						
Business Unit	Total 2018/19 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Traffic light	Commentary
Chief Technology Officer	\$5,796,875	\$321,266	\$1,291,838	25%		All projects are on track. 5 projects are in project initiation phase and 1 is scheduled for later in the year. Projects are progressing well. Majority of underspend due to revised delivery approach. Phasing will be updated to reflect.
Technology and Customer Services	\$193,000	\$59,756	\$51,749	115%		4 projects are scheduled for the 2018/19 financial year in Technology & Customer Service. Phasing will be updated as part of the continuing projects report that will go to Council. One project is experiencing minor delays due to recruitment activities. Other projects are progressing as planned.
Core Systems Consolidation	\$18,788,145	\$1,601,971	\$2,385,809	67%		There is a current budget underspend due to recruiting activities for key vacant roles. Plans in place to correct. 6 projects are in progress and tracking well. 4 projects are due to commence in late September/October 2018.
Digital Information Services	\$330,000	\$0	\$0	0%		Four projects are scheduled for the 2018/19 financial year in Digital Information Services. Project initiation has commenced for Upgrade Aerial Photography and Infrared Multispectral Imagery. All other project activity is yet to commence.

## CCC Capital Projects – delivery

On Track	
Delayed – but to be delivered by 30 June 2019	
Need to postpone to another year or remove project	

Governance Top 5 Projects									
Project Name	Description	CSP Link	Total 18/19 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Anticipated completion date	Traffic light	Commentary
Refurbish and expand Erina Depot office space - P&P area design and construction	Creation of new additional office space for staff from the Unit	Responsible	\$350,000	\$0	\$5,000	0%	30/05/2019		Project dependant on the outcome of the Staff Accommodation review.
Upgrade of stores at Erina Depot - above ground fuel tanks	Upgrade of elements related to above ground fuel tanks	Responsible	\$148,000	\$0	\$100,000	0%	31/01/2019		Project delayed to facilitate re-scoping following fuel storage decommissioning works completed at Erina Depot in June 2018.
Refurbish and expand Erina Depot office space - P&P area furniture and fitouts	Refurbishment of existing and fit-out of new office spaces	Responsible	\$50,000	\$0	\$0	N/A	30/05/2019		Project dependant on the outcome of the Staff Accommodation review.
Upgrade of stores at Erina Depot - bulk materials yard	Storage upgrades	Responsible	\$50,000	\$0	\$30,000	0%	30/10/2018		Project scoping in progress to determine optimal outcome.
Upgrade of stores at Charmhaven Depot - new service entry and counter	Service counter reconfiguration and shopfront works	Responsible	\$45,000	\$0	\$0	N/A	28/02/2019		Project is not scheduled to commence at this point



## CCC Capital Projects – delivery

On Track for delivery of greater than 90% for Unit <i>(project delivery not project spend)</i>	
Potential 80-90% delivery for Unit <i>(project delivery not project spend)</i>	
Less than 80% delivery for Unit <i>(project delivery not project spend)</i>	

Unit Summary						
Business Unit	Total 2018/19 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Traffic light	Commentary
Procurement and Projects	\$675,000	\$389	\$140,000	0%		Delay in the Erina Depot Staff Accommodation Project commencement is likely to see a Q1 CAPEX adjustment downward. Erina Depot Fuel storage project re-scoping will require a Q1 CAPEX cash flow adjustment to reflect scope and timing of the delivery phase.

## CCC Capital Projects – delivery

On Track	
Delayed – but to be delivered by 30 June 2019	
Need to postpone to another year or remove project	

Connected Communities Top 5 Projects									
Project Name	Description	CSP Link	Total 18/19 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Anticipated completion date	Traffic light	Commentary
Purchase of Library Resources	Renew and replace library collection resources; books, print, audio	Smart Responsible	\$790,000	\$246,425	\$188,751	130%	30/06/19		Phasing ahead of schedule due to annual standing order being placed and receipted last month. Overall program will be delivered as scheduled.
Implement anti-terrorism vehicle mitigation at The Entrance Town Centre	Installation of integrated system to ensure enhanced public safety within The Entrance Town Centre for major events.	B4: Activate spaces and places to complement activity around town centres, foreshores, lakes and green spaces for families, community & visitors.	\$600,000	\$6,740	\$40,000	17%	30/06/19		Stage 1. Design - contract awarded and scheduled to be finalised in October. Stage 2. Construction - To commence February 2019
Design a new leisure provision area in the North Wyong / Wyong	Progress new leisure and aquatic provision in the Northern region of the Central Coast to detailed design stage	Objective (L1): Promote healthy living and ensure sport, recreation and aquatic facilities and open spaces are well maintained and activated	\$500,000	0	0	100%	30/06/19		Strategic analysis which identifies the regional need has been completed and is under review. Potential site locations are being investigated.

## CCC Capital Projects – delivery

Connected Communities Top 5 Projects									
Project Name	Description	CSP Link	Total 18/19 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Anticipated completion date	Traffic light	Commentary
Construct seating at The Entrance Town Centre	Replacement of extensive public seating with The Entrance Town Centre precinct.	B4: Activate spaces and places to complement activity around town centres, foreshores, lakes and green spaces for families, community & visitors.	\$328,000	\$36,882	\$100,000	37%	30/04/19		Works commenced in September, and cost savings have been identified through efficiencies. Works are being scheduled around major events and school holidays to minimise impacts on local businesses.
Improve mobile visitor services	Implement mobile visitor information recommendations from the Visitor Information Services review 2018	Smart Objective – A growing and competitive region – C4	\$328,000	\$1,363	\$350,000	7%	30/06/19		Project plan has been developed and project to be completed by 30 June 2019

## CCC Capital Projects – delivery

On Track for delivery of greater than 90% for Unit <i>(project delivery not project spend)</i>	
Potential 80-90% delivery for Unit <i>(project delivery not project spend)</i>	
Less than 80% delivery for Unit <i>(project delivery not project spend)</i>	

Unit Summary						
Business Unit	Total 2018/19 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Traffic light	Commentary
Leisure and Lifestyle	\$1,616,000	\$61,510	\$130,000	47%		16 capital projects to be delivered in 2018/19, to upgrade leisure and cultural facilities and equipment. Projects on track for delivery. Current % spend figures include new cardio equipment for Lake Haven Recreation Centre.
Community Partnerships	\$2,213,000	\$79,531	\$305,500	38%		Projects on track for delivery. Current % spend figure is lower than forecast due to weather related delays on the Memorial Park stage roof cover and The Entrance round tree seating.
Libraries	\$925,000	\$254,828	\$188,751	135%		5 capital projects to be delivered in 2018/19. Gosford library photo boards project was completed, and library resources were purchased.
Learning and Education	\$117,000	\$7,419	\$21,000	35%		7 capital projects to be delivered in 2018/19. Playground works at Northlakes have commenced and will be completed by October. Niagara Park Child Care Centre lighting project has been completed on time and within budget.
Community Engagement	\$1,330,000	\$1,363	\$35,000	1%		5 capital projects to be delivered in 2018/19. Projects are in development phase.
Corporate Strategy and Performance	\$90,000	0	0	N/A		Project not scheduled to commence at this point.

**Item No:** 4.7

**Title:** DA/44/2018 - Demolition works and the Construction of a Residential Flat Building (34 dwellings) under the provisions of State Environmental Planning Policy (SEPP) (Affordable Rental Housing) 2009 at 6-10 Dunleigh Street, Toukley

**Department:** Environment and Planning



29 October 2018 Ordinary Council Meeting

Trim Reference: DA/44/2018 - D13341172

Author: Salli Pendergast, Senior Development Planner North

Manager: Emily Goodworth, Section Manager, Development Assessment

Executive: Scott Cox, Director, Environment and Planning

### Report Purpose

A development application has been received for demolition works and the construction of a residential flat building (34 dwellings) under the provisions of State Environmental Planning Policy (SEPP) (Affordable Rental Housing) 2009 at 6-10 Dunleigh Street, Toukley. The application has been assessed having regard to the matters for consideration detailed in Section 4.15 of the *Environmental Planning and Assessment Act 1979* and other statutory requirements.

<b>Applicant</b>	Compass Housing C/-Barr Property and Planning
<b>Owner</b>	J J I Kim & Y Choi
<b>Application No</b>	DA/44/2018
<b>Description of Land</b>	6-10 Dunleigh Street, Toukley, Lots 4, 5 and 6, DP 22986
<b>Proposed Development</b>	Construction of a residential flat building (34 dwellings) under the provisions of SEPP (Affordable Rental Housing) 2009 and associated demolition works
<b>Site Area</b>	2161.2m <sup>2</sup>
<b>Zoning</b>	R3 – Medium Density Residential
<b>Existing Use</b>	Three dwelling houses
<b>Value of Works</b>	\$9.1 million

### Recommendation

- 1** *That Council receive and note the assessment report on DA/44/2018 - Demolition works and the Construction of a Residential Flat Building (34 dwellings) under the provisions of State Environmental Planning Policy (SEPP) (Affordable Rental Housing) 2009 at 6-10 Dunleigh Street, Toukley*
- 2** *That Council determine whether it wishes to make a submission to the Joint Regional Planning Panel regarding the application.*

**4.7 DA/44/2018 - Demolition works and the Construction of a Residential Flat Building (34 dwellings) under the provisions of State Environmental Planning Policy (SEPP) (Affordable Rental Housing) 2009 at 6-10 Dunleigh Street, Toukley (contd)**

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**Background**

The proposal was referred to the Hunter Central Coast Regional Planning Panel (HCCRPP) for determination. Enclosed is the report sent to the HCCRPP for determination on 22 November 2018.

**Link to Community Strategic Plan**

Theme 4: Responsible

**Goal I: Balanced and sustainable development**

R-I4: Provide a range of housing options to meet the diverse and changing needs of the community and there is adequate affordable housing.

**Attachments**

- |          |   |           |           |
|----------|---|-----------|-----------|
| <b>1</b> | Staff Assessment Report - DA 44/2018 6 Dunleigh St, Toukley | Enclosure | D13360707 |
| <b>2</b> | Clause 4.6 submission                                       | Enclosure | D13360732 |
| <b>3</b> | Development Plans   | Enclosure | D13360731 |

**Item No:** 5.1  
**Title:** QON - Q70/18 - 61 Scenic Highway Terrigal  
**Department:** Environment and Planning

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29 October 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-04 - D13351663

Author: Shann Mitchell, Senior Environmental Health Officer

Manager: Jamie Loader, Unit Manager, Development Assessment

Executive: Scott Cox, Director, Environment and Planning

## **5.1 QON - Q70/18 - 61 Scenic Highway Terrigal**

The following question was asked by Councillor Rebecca Gale Collins at the Ordinary Meeting on 28 May 2018.

*At 61 Scenic Hwy Terrigal residents have lost a third of their backyard due to excavation work at the neighbouring property Was a Geotech survey done in compliance with the engineers requirements prior to the excavation within the vicinity of the retaining wall?*

Council's records indicate that development consent DA44042/2013 required a structural engineers report and plan to be submitted to the Principal Certifying Authority (PCA) prior to issue of the construction certificate. These reports and plans were submitted to the PCA McCarthy Consulting Group NSW Pty Ltd. The dilapidation report and structural plans included the fence and retaining wall at 61-63 Scenic Highway Terrigal. Structural and Geotechnical reports have been submitted to the PCA and the conditions of consent have been complied with.

On 6 March 2018, Council received an email from the complainant's Strata at 61 Scenic Hwy advising of the landslip which had occurred, the email included a chronology of events which indicated a landslip occurred at the site on 29 July 2016.

Council's records indicate that there were no reports of the landslip incident to Council in July 2016. Council was first advised of the issue on 6 March 2018. Information supplied to Council on 6 March 2018 indicates that the complainant has attempted to claim damages and resolve the issue with the owner and construction company at 65 Scenic Highway and was concerned that the issue had not been resolved. The customer was advised to contact the Principal Certifier, McCarthy Consulting Group Pty Ltd and Council has had no further involvement.

### **Attachments**

*Nil.*





**Item No:** 5.2  
**Title:** QON - Q113/18 - Warnervale Airport (Restrictions) Act 1996  
**Department:** Assets, Infrastructure and Business

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29 October 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-04 - D13340667

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

## **5.2 QON - Q113/18 - Warnervale Airport (Restrictions) Act 1996**

The following question was asked by Councillor Greenway at the Ordinary Meeting on 9 July 2018:

*What is the fine per breach of the 88 Movement cap of the Warnervale Airport (Restrictions) Act?*

The penalty prescribed in s.6(2) of the *Warnervale Airport (Restrictions) Act 1996* is 100 penalty units. Section 17 of the *Crimes (Sentencing Procedure) Act 1999* provides that a penalty unit has a monetary value of \$110.

### **Attachments**

*Nil.*

**Item No:** 5.3  
**Title:** QON - Q120/18 - Dust Monitoring in Wyong Ward/  
General Warnervale Area  
**Department:** Environment and Planning

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29 October 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-04 - D13351708

Author: Brian Jones, Section Manager

Manager: Jamie Loader, Unit Manager, Development Assessment

Executive: Scott Cox, Director, Environment and Planning

### **5.3 QON - Q120/18 - Dust Monitoring in Wyong Ward/ General Warnervale Area**

The following question was asked by Councillor Kyle MacGregor at the Ordinary Meeting on 23 July 2018 :

*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/Woongarra/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?*

Council does not conduct any specific dust or air quality monitoring on the Central Coast. The NSW Environment Protection Authority (EPA) conducts air quality monitoring at a number of sites across the Central Coast. The closest site to the Warnervale area was established at the Wyong Racecourse in 2012.

An air quality report commissioned by the EPA for the Lake Macquarie – Wyong region, for the period September 2013 to June 2016, shows the air quality at the Wyong Racecourse is “very good” 99% of the time when compared to the NSW Air Quality Index.

Figure 1 (below) indicates the monthly average data for particulate matter (dust particles) available from the EPA website. The graph, suggests the air quality, as measured at the Wyong Racecourse station, is consistent with the 2016 report classification.

Figure 2 (below) provides a guide for determining air quality based on the monthly average measurements for particulate matter (dust particles). Council staff investigate complaints relating to dust from development and construction activities. Any resident experiencing issues with dust from development or construction works are encouraged to contact Council so that the matter may be investigated.

## Search instructions

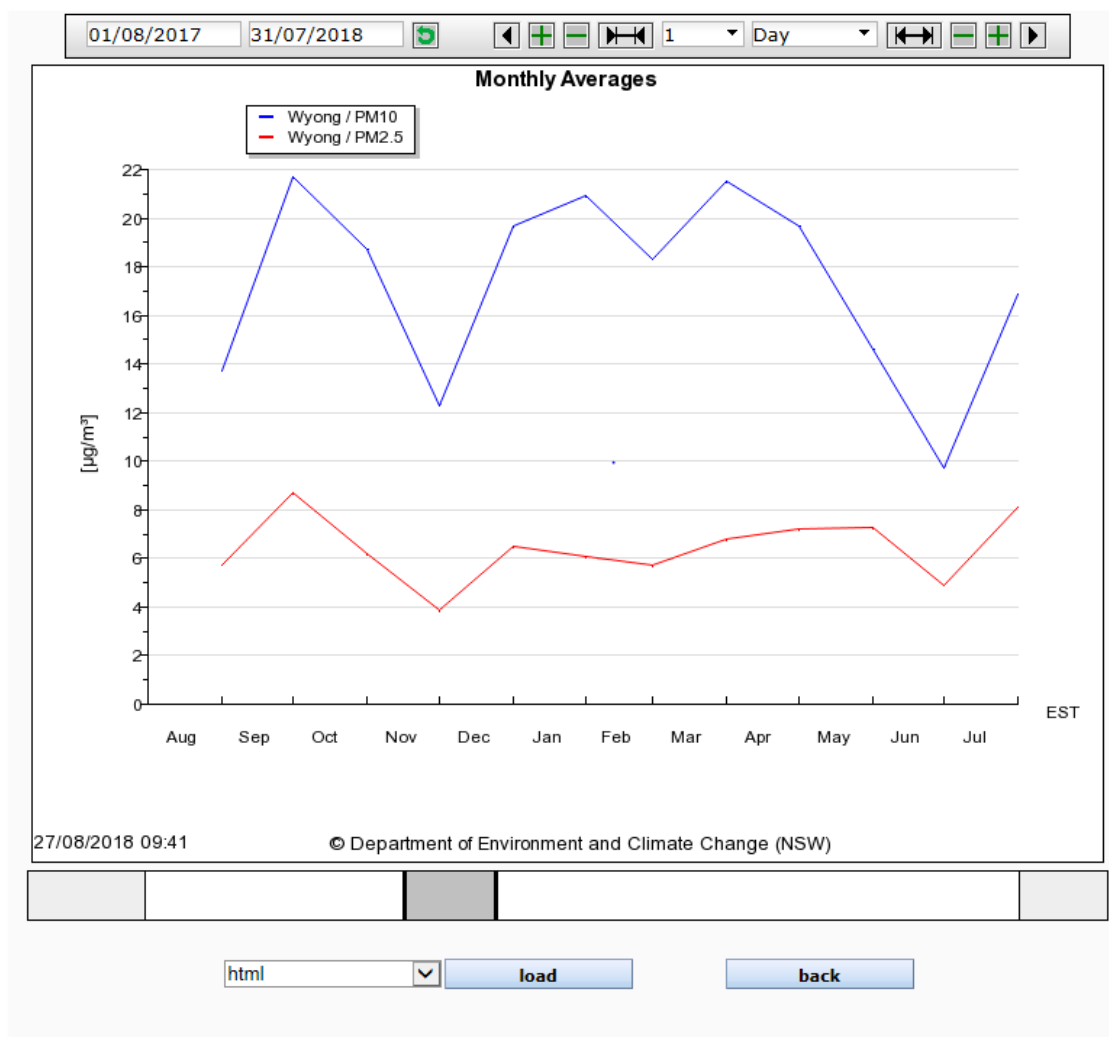


Figure 1: Air Quality Graph – Wyong Racecourse Station

### What the AQI numbers mean for you

For each pollutant, the Air Quality Index (AQI) is the data value expressed as a percentage of the level specified by the National Environment Protection Measure for Ambient Air (NEPM) standard (or, in case of visibility, of the relevant NSW standard). An AQI of 100 corresponds to the NEPM level. A lower value indicates better air quality and a higher value, worse.

AQI	What action should people take?
<b>Very good</b> 0-33	Enjoy activities
<b>Good</b> 34-66	Enjoy activities
<b>Fair</b> 67-99	<b>People unusually sensitive to air pollution:</b> Plan strenuous outdoor activities when air quality is better
<b>Poor</b> 100-149	<b>AIR POLLUTION HEALTH ALERT</b> <b>Sensitive Groups:</b> Cut back or reschedule strenuous outdoor activities
<b>Very poor</b> 150-200	<b>AIR POLLUTION HEALTH ALERT</b> <b>Sensitive groups:</b> Avoid strenuous outdoor activities <b>Everyone:</b> Cut back or reschedule strenuous outdoor activities
<b>Hazardous</b> 200+	<b>AIR POLLUTION HEALTH ALERT</b> <b>Sensitive groups:</b> Avoid all outdoor physical activities <b>Everyone:</b> Significantly cut back on outdoor physical activities

Figure 2: Air Quality Chart

### Attachments

*Nil.*

**Item No:** 5.4  
**Title:** QON - Q132/18 - Springfield Pond  
**Department:** Assets, Infrastructure and Business

29 October 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-04 - D13320734

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

Manager: Brett Sherar, Acting Senior Manager, Property and Asset Management,

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

## 5.4 QON - Q132/18 - Springfield Pond

The following question was asked by Councillor Jeff Sundstrom at the Ordinary Meeting on 13 August 2018:

*Council is aware of the Salvinia infestation of the Springfield Pond. Actions that have been taken so far include the introduction of a particular weevil. Residents inform me that this has been less than successful. What further actions are planned or possible to combat this infestation?*

At the Ordinary Meeting of Council on 10 September 2018 Council resolved:

- 952/18 *That Council remove sufficient amounts of the Salvinia Molesta within existing budget allocations (that doubles in size every 3 days) from the Springfield Pond off Robinia Parade and Barinya Lane, and Holgate Pond off Gooriwa Road and Murina Close in Holgate (subject to being on Council land).*
- 953/18 *That Council removes the Ludwigia Peruviana weed.*
- 954/18 *That Council request the Chief Executive Officer provide a report should this be unable to occur.*
- 955/18 *That Council liaise with staff from Greater Sydney Local Land Services and Department Primary Industries, whilst simultaneously investigating what State or Federal grants may be available to assist Council with these operational environmental maintenance tasks.*

Based on the resolution of Council, staff have had a meeting on site at Springfield Pond to assess the site. Staff have determined that most effective and efficient method to remove the Salvinia in a short timeframe is through mechanical means supported by spot spraying and introduction of further Salvinia weevils to ensure it doesn't rapidly return. An amphibious Truxor (floating bobcat) is being engaged to collect the bulk of the Salvinia and Ludwigia and move to the shoreline to dewater before taking to green waste to compost.

Any remaining weed will be spot sprayed carefully were possible insuring not to do any harm to the native reeds and brushes by chemical application.

Once these methods are complete, Salvinia weevils will be reintroduced in an effort to ensure the weeds will not re-infest.

Staff will continue to monitor the site once works are completed.

Staff will provide a report to Council that addresses the full Council resolution.

**Attachments**

*Nil.*



**Item No:** 5.5  
**Title:** QON - Q141/18 - Riggs on the Horizon - Progress Update  
**Department:** Governance

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29 October 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-04 - D13341166  
Author: Kathy Bragg, Acting Section Manager, Governance  
Manager: James Taylor, Acting Unit Manager, Governance and Business Services  
Executive: Shane Sullivan, Acting Executive Manager, Governance

## **5.5 QON - Q141/18 - Riggs on the Horizon - Progress Update**

The following question was asked by Councillor Best at the Ordinary Meeting on 13 August 2018:

*Council, a few months ago, supported a Motion titled "Riggs on the Horizon" about oil and gas exploration off Norah Head. I would appreciate a report on any progress to date and included in the report a copy of the correspondence requested to be sent to the Federal Government.*

Investigation has been undertaken by Council staff in regard to any action taken in relation to this Council Resolution.

This Resolution had been closed off, without any action being taken.

Correspondence has now been sent to the Federal Minister for the Environment (attached) requesting that the Minister receive a delegation from Council, and requesting that the Minister intervene regarding the oil and gas exploration.

A further report will be provided to Council once a response has been received from the Federal Minister for the Environment.

### **Attachments**

- |  |           |
|--|-----------|
| <b>1</b> Letter- Seismic Blasting off NSW Central Coast - Minister for the Environment | D13348007 |
|--|-----------|





21 September 2018

The Hon Melissa Price MP  
Minister for the Environment  
Parliament House  
CANBERRRA ACT 2600

Dear Minister

**Seismic Blasting off the NSW Central Coast**

At its meeting held on 26 February 2018 Central Coast Council resolved to write to you, as Federal Minister for the Environment, to express its great concern that Asset Energy, a subsidiary of ADVENT Energy, has been granted government approval to commence oil and gas exploration only ten nautical miles east of Norah Head Lighthouse on the NSW Central Coast. Asset Energy will be using controversial seismic blasting, delivering thousands of seismic blasts to the seafloor.

Central Coast Council strongly supports its local community in calling for an urgent halt to any such questionable exploration due to the chronic lack of public consultation and the real prospect of significant environmental damage.

Council notes that its sister Councils to the north, being Newcastle City and Port Stephens Councils, are also lobbying this issue.

Council also notes that the NSW State Minister for Mineral Resources and Energy, Mr Don Harwin, has publicly opposed such an exploration approval.

Council seeks your support, As Federal Minister for the Environment, to intervene regarding this oil and gas exploration only ten nautical miles off the NSW Central Coast.

Yours sincerely

A black rectangular box redacting the signature of Gary Murphy.

Gary Murphy  
Chief Executive Officer



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



**Item No:** 5.6  
**Title:** QON - Q146/18 - Colorbond Fences in Jilliby  
**Department:** Environment and Planning

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29 October 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13351766  
Author: Brian Jones, Section Manager , Compliance and Health North  
Manager: Jamie Loader, Unit Manager, Development Assessment  
Executive: Scott Cox, Director, Environment and Planning

## **5.6 QON - Q146/18 - Colorbond Fences in Jilliby**

The following question was asked by Councillor Kyle MacGregor at the Ordinary Meeting on 27 August 2018.

*How many Colorbond fences are council aware of in the suburb of Jilliby that are off the boundary fence, but are still on peoples properties and how many, if any, are intended to be removed at the behest of Central Coast Council?*

- Council does not have records to demonstrate the number of Colorbond fences erected in the Jilliby suburb.
- There is currently no enforcement action pending regarding Colorbond fencing in the Jilliby suburb.
- Council has received an application for a Building Information Certificate BC/26/2018 for an existing Colorbond fence. This application will likely be reported to Council for consideration at the 12 November meeting.

## **Attachments**

*Nil.*

**Item No:** 5.7  
**Title:** QON - Q148/18 - Asbestos Report  
**Department:** Assets, Infrastructure and Business

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29 October 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-04 - D13340487

Author: Ben Fullagar, Section Manager, Coastal Protection

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

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

## **5.7 QON - Q148/18 - Asbestos Report**

The following question was asked by Councillor Jilly Pilon at the Ordinary Meeting on 27 August, 2018 :

*The asbestos report that came the other week that we deferred, which I thought was going to the next meeting, hasn't come back. Just to question if that is likely to come back to the next meeting?*

The Deferred Item *Response to Motion of Urgency U5/18 Asbestos – Wamberal and Terrigal Beaches* will be included in the 12 November 2018 Ordinary Meeting Business Paper.

### **Attachments**

*Nil.*



**Item No:** 5.8  
**Title:** QON - Q151/18 - Risk Management Policies  
**Department:** Governance

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29 October 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-04 - D13345024

Author: Stephen Bignill, Project Manager

Executive: Shane Sullivan, Acting Executive Manager, Governance

## **5.8 QON - Q151/18 - Risk Management Policies**

The following question was asked by Councillor Greenaway at the Ordinary Meeting on 27 August 2018:

*In relation to Council's risk management there appears to be policies addressing infrastructure risk, risks to health and safety, financial risk, public liability and legal risk however I haven't been able to locate anything on reputational risk. Does council have a policy on reputational risk?*

In January 2018, Council commenced a project to develop an Enterprise Risk Management Framework (ERMF) for Central Coast Council.

The first Milestone was to develop a comprehensive Central Coast Council Risk Policy. This Policy, which forms part of the ERMF, covers all aspects of risk management for Central Coast Council (CCC).

There is no specific policy on reputational risk. Within the Central Coast Council reputation is one of five primary consequences that are identified on the Risk Tables, the other four being Work, Health and Safety/Public Safety, Natural Environment, Regulatory/Compliance and Financial. Each of these consequences is assessed against the nominated risk as part of determining the risk ranking.

### **Attachments**

*Nil.*

**Item No:** 5.9  
**Title:** QON - Q158/18 - Tender - Vacant Kiosk  
**Department:** Assets, Infrastructure and Business

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29 October 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-04 - D13345509

Author: Sean Cumming, Section Manager Leasing and Property Manager

Manager: David Norbury, Acting Unit Manager, Leasing and Asset Management

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

## **5.9 QON - Q158/18 - Tender - Vacant Kiosk**

The following question was asked by Councillor Mehrtens at the Ordinary Meeting on 10 September 2018:

*What is the current status of the tender for the vacant kiosk at Woy Woy Oval? When can the community expect the facility to be put to its intended and proper use?*

The kiosk was constructed approximately three years ago as part of the Woy Woy Oval redevelopment. The lease for the kiosk was tendered by the former Open Space Business Unit. Unfortunately the tender / marketing did not attract a wide enough range of interest and only one tenderer was attracted. Negotiations failed with the single tenderer and it was deemed that a significant benefit to the community could be gained by exploring further opportunities for the premises.

Staff have been in discussions with local Real Estate Agents in an effort to best market and secure a suitable tenant for the building. The building has been constructed in such a way that significant work will be required for an operator to use the building for purposes other than a basic kiosk. If any cooking is required, the building and surrounds will require significant works, e.g. plumbing and ducted exhaust, bin enclosure, operational works, external improvements, etc. which would require DA approval.

Staff are also considering possible Council uses for the building to help activate the area.

The investigation into the best outcome for the operation of the kiosk is expected to be completed by 30 November 2018.

## **Attachments**

*Nil.*

**Item No:** 5.10  
**Title:** QON - Q162/18 - Fire Safety  
**Department:** Environment and Planning

29 October 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-04 - D13351740  
 Author: Wayne Herd, Section Manager Central Coast Building Certification  
 Manager: Jamie Loader, Unit Manager, Development Assessment  
 Executive: Scott Cox, Director, Environment and Planning

## 5.10 QON - Q162/18 - Fire Safety

The following question was asked by Councillor Kyle MacGregor at the Ordinary Meeting on 10 September 2018.

*Central Coast Council have been requested to provide the NSW fire safety and external cladding taskforce with a list of public and private buildings that may have cladding similar to that was involved in the Grenfell tower disaster (cladding that is of an aluminium composite material similar to those used on the Grenfell tower). Are there public and private buildings within the Central Coast Council area which have already been identified by NSW fire and rescue service and made known to Council as requiring further assessment? If so, what are the addresses of these buildings? Furthermore, is the Council involved in any action to be taken or contemplated to be taken to strip off external cladding from public and private buildings in our local government area?*

Fire and Rescue NSW (FRNSW) wrote to Council on 22 December 2017 requesting inspections to be carried out for the purpose of determining the existence of combustible external cladding on buildings at four premises on the Central Coast. Central Coast Council commenced investigations into all four premises.

Fire and Rescue NSW (FRNSW) wrote to Council again on 4 May 2018 requesting an inspection to be carried out at one other premise on the Central Coast. Central Coast Council commenced investigations into this premise.

The five buildings FRNSW requested Council to inspect include:

- Aurrum Nursing Home at Erina,
- Central Coast Regional Cancer Centre at Gosford,
- Booths Motor Group at Wyong,
- Oaks Waterfront Resort at the Entrance, and
- North Gosford Private Hospital

Council Officers have investigated the five buildings. Two of the buildings have been confirmed as not containing combustible cladding. These buildings are Aurrum Nursing Home and Booths Motor Group.

A third building, Central Coast Regional Cancer Centre was referred back to FRNSW as this is a State Government owned building. Council has no ability to take action on Government owned buildings.

Two buildings remain under investigation. These buildings are Oaks Waterfront Resort, and North Gosford Private Hospital.

The current status of the two buildings under investigation is as follows:

- Oaks Waterfront Resort – A report has been received from Oaks Resort on 6 September 2018. The report is inconclusive with regard to the compliance of some of the cladding that was installed to blade walls that separate balconies. The consultant has indicated that they are seeking further clarification on the material installed on the building. This information should be submitted to Council in the next few weeks.

Council has written to the owner requesting that this be urgently addressed and Council will follow this up should a response not be forthcoming.

- North Gosford Private Hospital – The Manager of this building project has forwarded to Council a building specification which confirms the cladding product is compliant. Council have written back and requested confirmation of what product has been installed on the building.

The building owner has confirmed they are currently having the cladding material tested in order to determine compliance or not.

Council staff continues to work with the property owners of Oaks Waterfront Resort and North Gosford Private Hospital until this investigation is concluded.

Council has written to FRNSW and provided an update on the status of the investigation into all of the buildings identified.

### **Attachments**

*Nil.*

**Item No:** 5.11  
**Title:** QON - Q163/18 - Ask Service  
**Department:** Governance

29 October 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13353146  
 Author: Kylie Hottes, Councillor and Meeting Support Officer  
 Manager: James Taylor, Acting Unit Manager, Governance and Business Services  
 Executive: Shane Sullivan, Acting Executive Manager, Governance

## 5.11 QON - Q163/18 - Ask Service

The following question was asked by Councillor MacGregor at the Ordinary Meeting on 24 September 2018:

*From September 9th 2017 to September 9th 2018 how many requests from the community through the Ask service have been received and how many have been responded to? In addition to community correspondence, how many requests have been received by Councillor Support from Councillors and how many have been responded to and acted on in this time period?*

### Ask Service requests

Period	Received	Responded
9 September 2017 – 9 September 2018	49,574	48,096

### Method of response for Ask requests

	Responded
CX System (Customer Request System)	13,925
Electronic Document Management Systems including the CRM (Customer Request Management)	34,171

### Councillor Requests

Period	Received	Responded
18 September 2017 – 18 September 2018	2058	1988

### Attachments

Nil.



**Item No:** 5.12  
**Title:** QON - Q165/18 - Grant to Water not Coal  
**Department:** Finance and Information

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29 October 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13359396

Author: Vivienne Louie, Unit Manager, Financial Performance

Executive: Shane Sullivan, Acting Executive Manager, Governance

### **5.12QON - Q165/18 - Grant to Water not Coal**

The following question was asked by Councillor Bruce McLachlan at the Ordinary Meeting on 10 September 2018 :

*Could the \$200,000 grant to the Water Not Coal legal fund come from the \$17 million proceeds of the sale of the land at Kangy Angy asked previously, but never got an answer.*

On 28 May 2018 Council resolved as follows:

*492/18 That the Council provide funding of \$200,000 to Australian Coal Alliance Incorporated for the specific purpose of engaging a suitable expert(s) to provide evidence in the proceedings in respect of the issues of concern to the Council, noting leave must first be granted in the judicial review proceedings for such expert evidence to be presented.*

That \$200,000 funding was provided for in the adopted budget the 2017-18 financial year.

Council received \$2.66 million for the Kangy Angy land acquired for the rail maintenance facility, not \$17 million. The proceeds and corresponding gain on disposal of the land was accounted for in the 2016-17 financial year, and is not a separate restricted fund available for reallocation to specific purposes (such as, for example, the implementation of resolution 492/18 of 28 May 2018).

### **Attachments**

*Nil.*



**Item No:** 5.13  
**Title:** QON - Q168/18 - Sound on Webcasting - 10 September 2018  
**Department:** Governance

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29 October 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-04 - D13341775  
Author: Kathy Bragg, Acting Section Manager, Governance  
Manager: James Taylor, Acting Unit Manager, Governance and Business Services  
Executive: Shane Sullivan, Acting Executive Manager, Governance

### **5.13 QON - Q168/18 - Sound on Webcasting - 10 September 2018**

The following question was asked by Councillor Vincent at the Ordinary Meeting on 10 September 2018:

*Local residents have advised the live video webcast did not have sound for the first 30 minutes to one hour of the Council Meeting tonight. Could staff please check why the sound was not working to ensure it does not happen again at future Council Meetings?*

Immediately prior to the meeting commencing on 10 September 2018, the USB cable for the audio to the webcasting PC was inadvertently disconnected. To avoid this occurring in the future, the cable has now been relocated.

Prior to the Council Meeting on 10 September 2018 all necessary checks were made by Council Staff in relation to the webcasting and it was confirmed that the webcast was working correctly.

Council staff have since overlaid the audio recording of the 10 September 2018 Council Meeting against the webcasting of the meeting, and the webcasting of the 10 September 2018 Council Meeting now has sound for the entirety of the meeting.

### **Attachments**

*Nil.*

**Item No:** 5.14  
**Title:** QON - Q170/18 - Clubhouse at Budgewoi  
**Department:** Assets, Infrastructure and Business

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29 October 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-04 - D13340179

Author: Paul Forster, Section Manager - Property and Infrastructure

Manager: David Norbury, Acting Unit Manager, Leasing and Asset Management

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

## **5.14 QON - Q170/18 - Clubhouse at Budgewoi**

The following question was asked by Councillor Hogan at the Ordinary Meeting on 10 September 2018:

*Would staff please assess the Slade Park Rugby Clubhouse at Budgewoi with the view to ascertain; what repairs are needed, what repairs Council can provide, what repairs are achievable by the club and advise the club members of what grants are available for specific repairs and possible infrastructure?*

Council leases this land to Northlakes United Rugby Union Club Inc for use of the Clubhouse and associated activities and is not responsible for the maintenance of the building.

Under the terms of the current lease, the lessee is responsible to keep all structures erected on the leased premises, in good condition and a thorough state of repair.

Council will organise for its Asset Inspectors to visit Club and provide a comprehensive list of defects for consideration as to rectification.

If funding to carry out repairs is required, the lessee may apply for grant funding and in this regard, a list of available Council grants can be located on Council's website.

There are also a number of State Government Infrastructure Grants that may be applied for from time to time and these are available through the Department of Industry or Service NSW websites.

Councils Grants Officer will contact the club to advise as to eligibility in seeking grant funding directly from Council.

## **Attachments**

*Nil.*



**Item No:** 6.1  
**Title:** Notice of Motion - Ratepayers Right to Address Chambers  
**Department:** Councillor

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29 October 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13362662

Author: Greg Best, Councillor  
Jilly Pilon, Councillor

Councillors Best and Pilon have given notice that at the Ordinary Council Meeting to be held on 29 November 2018 they will move the following motion:

- 1 That Council notes with great concern the recent amendment 4.2 to the Code of Meeting Practice that now denies our Residents and Ratepayers their democratic right to address Council/Councillors at a Council Meeting where final decisions are made.**
- 2 That Council notes that throughout the entire history of Local Government on the Central Coast, for more than 70 years, Ratepayers have been afforded the right and respect to address their Local Council on issues that concern them.**
- 3 That Council now immediately reinstate this fundamental democratic right of Ratepayers to be heard by their elected Representatives.**

## Context

Council, at the Ordinary Meeting held on 24 September 2018, gave consideration to a report regarding the Amended Code of Meeting Practice and consideration of submissions.

At that meeting, Council resolved as follows:

- 990/18 That Council note that a Councillor Briefing session was held on Monday 13 August 2018 at which further feedback was received from Councillors and included in the amended Code of Meeting Practice that is Attachment 1 to this Report.
- 991/18 That Council note that one submission was received during the exhibition period that is Attachment 2 to this Report.
- 992/18 That, having given consideration to all submissions and feedback received concerning the draft Code of Meeting Practice as required by s. 362 of the LG Act 1993, Council in accordance with s. 360 of the Local Government Act

*1993 adopt the Code of Meeting Practice that is Attachment 1 to this report with the following amendments to the identified parts:*

- 32 The Council or Committee must not resolve to adopt any item of business under Part D Clause 30 that a Councillor has identified as being one they wish to speak on. To assist in this process, Councillors may identify the item of business on the agenda they wish to speak on by notifying meeting support staff by 10 AM on the day of the Ordinary Meeting of Council.*
- 52 To speak at a public forum, a person should first make an application to Council in the approved form that is Annexure 1 'Request to Speak Form' which contains guidelines for Speakers' participation in a public forum.*
- 53 Applications to speak at the public forum must be received by 10 AM on the day of the Council Meeting, and must identify the item of business on the agenda of the Council Meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.*
- 56 Serving Councillors are not permitted to speak at a public forum.*
- 60 If more than two speakers apply to speak 'for' or 'against' any item of business, the Chief Executive Officer or their delegate may request the speakers to nominate from among themselves the persons who are to address Council on the item of business. To facilitate this, the speakers contact details contained in the 'Request to Speak Form' (Annexure 1) may be passed onto others with their prior consent.*
- 61 If the speakers are not able to agree on whom to nominate to address Council, the Chief Executive Officer or their delegate is to determine who will address Council at the public forum based on the sequence of registration.*
- 70 Speakers are not permitted to ask questions.*
- 70A The public forum be webcast by Council subject to the Chairperson making a statement informing those in attendance that the forum is being webcast and that those in attendance should refrain from making any defamatory statements.*

## **Attachments**

*Nil.*

**Item No:** 6.2  
**Title:** Notice of Motion - Baker Park and Race Course Master Plan  
**Department:** Councillor

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29 October 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13363325

Author: Doug Vincent, Councillor  
Kyle MacGregor, Councillor

Councillor Vincent and Councillor MacGregor have given notice that at the Ordinary Council Meeting to be held on 29 October 2018 they will move the following motion:

- 1 That Council request the Chief Executive Officer convene a Councillor workshop and master planning session, as soon as possible, to review historical information and establish a community focused vision for the future of the Baker Park and Race Course areas in Wyong.***
- 2 That Council request the Chief Executive Officer provide a reasonable level of Council resources to enable Council staff to access and research requested historical Council documentation relating to the Baker Park and Racecourse areas.***

#### **Attachments**

*Nil.*

**Item No:** 6.3  
**Title:** Notice of Motion - Abandoned Vehicle App  
**Department:** Councillor

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29 October 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13363784

Author: Rebecca Gale Collins, Councillor

Councillor Gale Collins has given notice that at the Ordinary Council Meeting to be held on 29 October 2018 she will move the following motion:

***That Council investigate creating an App for residents to report abandoned vehicles efficiently.***

#### **Attachments**

*Nil.*



**Item No:** 6.4  
**Title:** Notice of Motion - Animal Behaviour Education Programs  
**Department:** Councillor

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29 October 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13364752

Author: Doug Vincent, Councillor

Councillor Vincent has given notice that at the Ordinary Council Meeting to be held on 29 October 2018 he will move the following motion:

- 1     *That Council requests that the Chief Executive Officer invites the RSPCA or other animal welfare organisations to undertake information sessions and programs at Councils libraries and facilities, to educate parents, carers and children about the body language of animals.***
- 2     *That Council requests that the Chief Executive Officer communicates the information sessions to the community through a variety of local print media and electronic channels.***

### **Councillors Note**

There is an increase of friendly dogs and family pets biting residents and young children. To some extent, some adults and children don't always know when they are aggravating or tormenting an animal.

For example:

1. It is not wise to interrupt a dog when it is eating.
2. Most animals will put their ears back as a warning to others to be careful of them.
3. When a dog wags its tail it is happy, but a cat is angry.
4. An animal will sometimes put its mouth over the hand of the person tormenting it as a warning before biting the hand.
5. A horse showing the whites of its eyes is afraid.

### **Attachments**

*Nil.*



**Item No:** 7.1  
**Title:** Rescission Motion - Draft Aviation HUB  
**Department:** Councillor

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29 October 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13354604

Author: Greg Best, Councillor  
Rebecca Gale Collins, Councillor  
Troy Marquart, Councillor  
Bruce McLachlan, Councillor  
Jilly Pilon, Councillor

Council, at the Ordinary Meeting held on 27 November 2017 gave consideration to a report regarding Draft Central Coast Aviation HUB Concept Plan – Proposed Public Consultation.

At that meeting, Council resolved as follows:

- 756/17 *That Council fully support the Warnervale Airport Restrictions Act (WAR Act) (1996).*
- 757/17 *That Council not approve any development at the Warnervale Airport which is not consistent with the WAR Act (1996).*
- 758/17 *That Council not immediately extend or remove the current 1196 metre runway.*
- 759/17 *That Council not alter the position, length, width, thickness or strength of the current runway.*
- 760/17 *That Council immediately suspend all works, land acquisitions and expenditure on the Central Coast Airport, except where those works are required by law or the suspension of those works would put Council in breach of existing contractual obligations and/or expose Council to claims for damages or variation under any such contract.*
- 761/17 *That Council reallocate the Budget for the Airport of \$6 million to employment generating projects across the former Wyong Shire with staff to prepare a strategy and report to council by the 12th February meeting for approval of the strategy.*
- 762/17 *That Council maintain the current site zoning, unaltered and not approve rezoning to SP2.*

- 763/17      *That Council permanently protect all of the Porters Creek wetland owned by Council and south of the current runway, from development for biodiversity, emergency drinking water supply and protection of the water quality into the Tuggerah Lakes Estuary.*
- 764/17      *That Council staff prepare a report to protect the Porters Creek Wetland, as per item 8, and the report be brought back to council for approval on the 26th February meeting.*

A Rescission Motion has been received from Councillors Best, Gale Collins, Marquart, McLachlan and Pilon to be moved at the Ordinary Council Meeting of Council to be held on Monday, 29 October 2018, as follows:

*MOVE that the following resolution carried at the Ordinary Meeting of Council held on 27 November 2017 be rescinded:*

- 756/17      *That Council fully support the Warnervale Airport Restrictions Act (WAR Act) (1996).*
- 757/17      *That Council not approve any development at the Warnervale Airport which is not consistent with the WAR Act (1996).*
- 758/17      *That Council not immediately extend or remove the current 1196 metre runway.*
- 759/17      *That Council not alter the position, length, width, thickness or strength of the current runway.*
- 760/17      *That Council immediately suspend all works, land acquisitions and expenditure on the Central Coast Airport, except where those works are required by law or the suspension of those works would put Council in breach of existing contractual obligations and/or expose Council to claims for damages or variation under any such contract.*
- 761/17      *That Council reallocate the Budget for the Airport of \$6 million to employment generating projects across the former Wyong Shire with staff to prepare a strategy and report to council by the 12th February meeting for approval of the strategy.*
- 762/17      *That Council maintain the current site zoning, unaltered and not approve rezoning to SP2.*
- 763/17      *That Council permanently protect all of the Porters Creek wetland owned by Council and south of the current runway, from development for biodiversity, emergency drinking water supply and protection of the water quality into the*

*Tuggerah Lakes Estuary.*

- 764/17      *That Council staff prepare a report to protect the Porters Creek Wetland, as per item 8, and the report be brought back to council for approval on the 26th February meeting.*

Should the above Rescission Motion be carried, further notice is given that Councillors Best, Gale Collins, Marquart, McLachlan and Pilon will move the following motion:

*MOVE*

- 1      *That Council recognises its fundamental obligation to consult with its community and that this corner stone of good governance is enshrined in regulation.*
- 2      *That further Council notes that these principles were of significant community interest and indeed a key contributor in the lead up to the 2017 council elections.*
- 3      *That Council recognises that the new central coast airport is of regional significance and is now an infrastructure asset servicing some 350,000 coast residents.*
- 4      *That, it is with this understanding, that Council now engage formally with its community for the first time on this issue through an independently conducted statistically valid survey seeking direction and better understanding on community expectations.*
- 5      *That prior to conducting any such consultation process all survey questions be the subject of a full council briefing with selected survey specialists.*
- 6      *That subject to the independent survey results Council formally reconsider its position with a view to exhibiting the current central coast draft airport masterplan or move for a total cessation of all uncontracted activities/obligations at the central coast airport.*