



Central Coast Council
Business Paper
Ordinary Meeting
10 December 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.



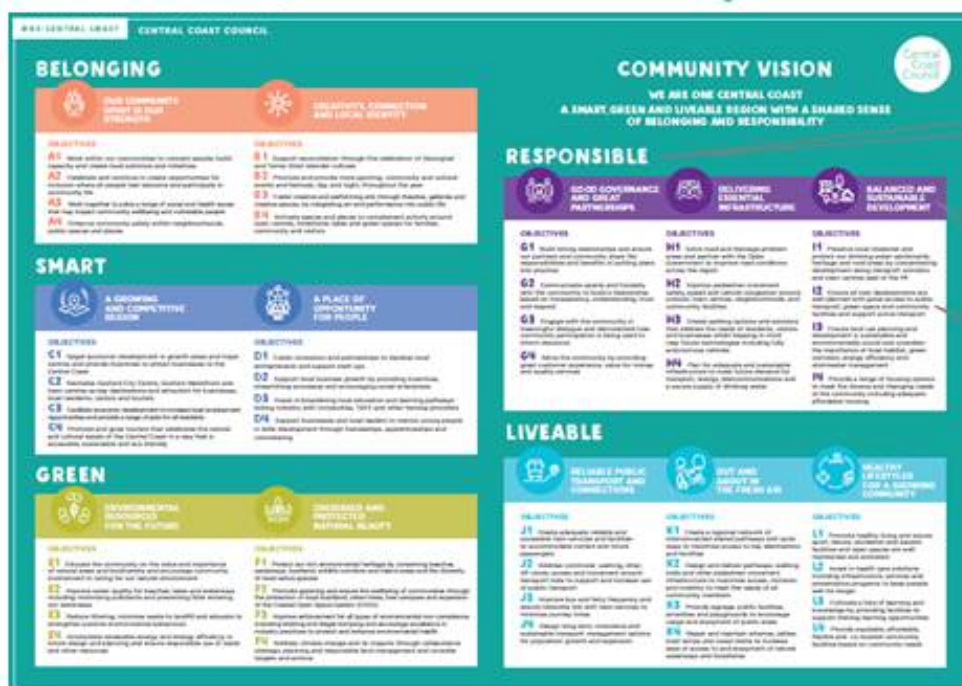
Good governance and great partnerships

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 Meeting
of Central Coast Council
will be held in the Council Chamber,
2 Hely Street, Wyong on
Monday 10 December 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



10 December 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13391648

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

Section 451 of the LG Act states:

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

1.1 Disclosure of Interest (contd)

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

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

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

Recommendation

That 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

10 December 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13391679



Summary

Confirmation of minutes of the Ordinary Meeting of the Council held on 26 November 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 26 November 2018.

Attachments

1 MINUTES - Ordinary Meeting Meeting - 26 November 2018 D13392197



Central Coast Council

Minutes of the Ordinary Meeting of Council

Held in the Council Chamber

2 Hely Street, Wyong

on 26 November 2018

commencing at 6.30pm

Present

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

In Attendance

Gary Murphy (Chief Executive Officer), Jay Spare (Acting Director Road, Traffic, Drainage and Waste), Bileen Nel (Director Water and Sewer), Julie Vaughan (Director Connected Communities), Scott Cox (Director Environment and Planning), Shane Sullivan (Acting Director Governance) and Vivienne Louie (Unit Manager Financial Performance, Responsible Accounting Officer).

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

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

Reports were recorded in their correct agenda sequence.

Leave of Absence

Councillor Burke submitted a leave of absence at the 12 November 2018 Ordinary Meeting for the 26 November 2018 and possibly the 10 December 2018 Ordinary Meetings due to medical reasons and was granted leave.

Apologies

Councillors Pilon and Mehrtens.

1.1 Disclosure of Interest

1.5 Mayoral Minute – Investigation into Central Coast Airport

Mayor Smith declared a less than significant non pecuniary interest in the matter as she was a former voluntary CEO/Board member of the Community Environment Network (CEN). CEN may have made submissions relevant to this issue. Mayor Smith chose to remain in the chamber and participate in discussion and voting as the potential conflict is minor and will not affect consideration or decision making on this matter.

Councillor Greenaway declared a less than significant non-pecuniary interest in this item as she is a former board member (volunteer) of Community Environment Network (CEN) which may have made submissions in relation to this; public perception only that may have an interest. 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.

Scott Cox declared a less than significant non-pecuniary interest in this item as he was a member of the Executive team for the former Wyong Council and also the Council under Administration. Scott Cox chose to remain in the chamber during consideration of this item as he will not be voting on the matter.

3.7 Meeting Record of the Coastal Open Space System (COSS) Committee held on 26 September 2018

Councillor Greenaway declared a less than significant non-pecuniary interest in this item as Gary Chestnut was a new Independent similar to herself. 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.

3.8 Response to Notice of Motion – Assessment of Pollution Risk from FAS, Ash Dams and Air Pollution

Councillor Vincent declared pecuniary interest in this item as he is an employee of a local power station. Councillor Vincent left the chamber at 9.07pm, returning at 9.11pm and did not participate in discussion and voting.

3.9 2018-19 Community Support Grant Program

Councillor Best declared a pecuniary interest in this item as he is a General Manager of Central Coast Group Training (CCGT) who has a grant application. Councillor Best left the chamber at 8.53pm, returning at 9.07pm and did not participate in discussion and voting.

Councillor Gale Collins declared a less than significant non pecuniary interest in the matter as she worked with many of these community groups prior to and since being sworn into Council. Councillor Gale Collins 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 the matter as she has a connections with community members who may benefit from some of these grants. 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.

Councillor Holstein declared a significant non-pecuniary interest in this item as one of his part time employers has made application. Councillor Holstein left the chamber at 8.53pm, returning at 9.07pm and did not participate in discussion or the voting.

3.10 Chain Valley Colliery/Lake Coal Community funding Program

Councillor Vincent declared a less than significant non pecuniary interest in the matter as the Lake Coal mine ownership is currently in a state of flux and it is not clear if ownership will change in the future. Councillor Vincent left the meeting at 9.07pm, returning at 9.11pm and did not participate in discussion and voting.

3.14 Town Centre Review

Councillor Holstein declared a less than significant non pecuniary interest in the matter as Council delegate on Gosford Business Improvement District (GBID) Committee. Councillor Holstein chose to remain in the chamber and participate in discussion and voting as the conflict does not impede his ability to carry out his duties.

4.4 Response to Notice of Motion - Littering - Enforcement and Education Review

Mayor Smith declared a less than significant non pecuniary interest in the matter as a teacher with the Department of Education, the report refers to a partnership project between Council and the Department of Education. Mayor Smith is not directly involved in the project. Mayor Smith chose to remain in the chamber and participate in discussion and voting as the potential conflict is minor and will not affect consideration or decision making on this matter.

6.2 Notice of Motion – Toukley Cenotaph Restoration Project

Councillor Gale Collins declared a less than significant non pecuniary interest in the matter as she is acquainted with residents connected to the Toukley RSL Sub Branch. Councillor Gale Collins 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 Gale Collins**

Seconded: **Councillor Sundstrom**

Resolved

1042/18 That Council receive the report on Disclosure of Interest and note advice of disclosures.

For:

Unanimous

1.2 Confirmation of Minutes of Previous Meetings

Moved: Councillor Sundstrom

Seconded: Councillor Best

Resolved

1043/18 That Council confirm the minutes of the Ordinary Meeting of the Council held on 12 November 2018 with the following amendment if confirmed;

- **Item 4.2 – Response to Notice of Motion - Central Coast Council 'Opts-In' on Rock Fishing Life Jackets – be reviewed with regards to Councillor McLachlan's voting.**

For:

Unanimous

1.3 Notice of Intention to Deal with Matters in Confidential Session

Moved: Councillor Best

Seconded: Mayor Smith

Resolved

1044/18 That the Council resolve that the following matters be dealt with in closed session, pursuant to s. 10A(2)(c) of the Local Government Act 1993 for the following reasons:

Item 7.1: Tender CPA/1298 – After Hours Call Centre

Reason for considering in closed session:

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

For:

Mayor Smith and Councillors Marquart, Holstein, Sundstrom, Gale Collins, McLachlan, Vincent and Best

Against:

Councillors Matthews, MacGregor and Hogan.

Abstained: Councillor Greenaway

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

1045/18 That Council resolve that Item 7.1 - Tender CPA/1298 – After Hours Call Centre be dealt with at the end of the meeting.

For:**Unanimous****Procedural Motion – Exception****Moved: Mayor Smith****Seconded: Councillor Gale Collins****Resolved**

1046/18 That with the exception of the following reports, Council adopt the recommendations contained in the remaining reports:

Item 1.4 - Mayoral Minute - Central Coast Council's Town Crier Wins 2018 National Town Crier Championship
Item 1.5 - Mayoral Minute - Investigation into Central Coast Airport
Item 2.2 - Proposed Lease of Land at 90 Osborne Ave Umina to Umina Beach Men's Shed
Item 3.2 - Proposed Council Meeting Dates 2019
Item 3.3 - Councillor Appointment to the Indigenous Co-ordination Committee
Item 3.4 - Response to Notice of Motion - Electoral Leniency
Item 3.5 - Aquatic Weed Management in Springfield and Holgate
Item 3.7 - Meeting Record of the Coastal Open Space System (COSS) Committee held on 26 September 2018.
Item 3.8 - Response to Notice of Motion - Assessment of Pollution Risk from PFAS, Ash Dams and Air Pollution
Item 3.9 - 2018-19 Community Support Grant Program
Item 3.10 - 2018 Chain Valley Colliery/Lake Coal Community Funding Program
Item 3.11 - Tender CPA/286371 – Supply of Tourism Marketing and Industry Services Contract
Item 3.12 - Sustainable Event Management Policy
Item 3.15 - Draft 2017-18 Financial Reports for Central Coast Council
Item 4.4 - Response to Notice of Motion - Littering - Enforcement and Education Review
Item 6.1 - Notice of Motion - A Safe State
Item 6.2 - Notice of Motion - Toukley Cenotaph Restoration Project
Item 6.4 - Notice of Motion - Lack of Children's Park on Johns Road

Wadalba

Item 7.1 - Tender CPA/1298 - After Hours Call Centre Contract
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1047/18 That Council adopt the following items en-masse and in accordance with the report recommendations:

Item 2.1 - Acquisition of Land at Narara by way of "Gift" from Landowner

Item 3.1 - 2018-19 Q1 Business Report
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Item 3.6 - Request for Memorial Seat

Item 3.13- Annual Report 2017-18

Item 4.1- Proactive Release of Council held information
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Item 4.2 - Councillor Expenses and Facilities Report

Item 4.3 - Meeting Record of the Employment and Economic Development Committee held on 12 September 2018

Item 4.5 - Investment Report for October 2018
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Item 4.6 - Fire Safety Report - 89-91 Scenic Drive, Budgewoi

1048/18 That Council defer the following items to the Ordinary Meeting to be held 10 December 2018:

Item 3.14 - Town Centre Review

Item 6.3 - Notice of Motion - Establishment of a Social Issues Committee for Central Coast Council

For:

Unanimous

1.4 Mayoral Minute - Central Coast Council's Town Crier Wins 2018 National Town Crier Championship

Moved: Mayor Smith

Resolved

1049/18 That Council formally recognise Town Crier Stephen Clarke's success at the National Town Crier Championships held in Victoria in October 2018 in winning the Best Cry and Champion of Champions awards and send a letter of congratulations to him on his achievements.

For:

Unanimous

1.5 Mayoral Minute - Investigation into Central Coast Airport

Mayor Smith declared a less than significant non pecuniary interest in the matter as she was a former voluntary CEO/Board member of the Community Environment Network (CEN). CEN may have made submissions relevant to this issue. Mayor Smith chose to remain in the chamber and participate in discussion and voting as the potential conflict is minor and will not affect consideration or decision making on this matter.

Councillor Greenaway declared a less than significant non-pecuniary interest in this item as she is a former board member (volunteer) of Community Environment Network (CEN) which may have made submissions in relation to this; public perception only that may have an interest. 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

- 1 *That Council request the Chief Executive Officer to request the NSW Auditor General conduct an independent financial audit and performance review into all matters relating to Central Coast Airport including, but not limited to, the following:*
 - a) *Review of all documentation including any proposals and approvals for the development of a Regional Airport at Kiar Ridge*
 - b) *Invite and consider public submissions (including the ability for confidential submissions if necessary)*
 - c) *Review of all documentation including any proposals and approvals for the development of an Aviation Hub at Central Coast Airport*
 - d) *A report of all financial records, including, but not limited to, expenditure and assets acquired or disposed of in relation to the Airport site*
 - e) *Review of any activities, including works and development applications lodged, by the current Council or former Wyong Shire Council relating to works at the Airport site*
 - f) *Review of any potential conflicts of interest in relevant matters including the development of plans or agreements signed in relation to the Airport.*
 - g) *Adherence to legislation and Council policies in relation to activities at the Airport.*
- 2 *That Council request the Chief Executive Officer to report on a quarterly basis to Council on progress of the investigation.*
- 3 *That Council request the Auditor-General be provide specific advice regarding the following matters, with an interim report by the end of June 2019 if possible, including:*
 - a) *A review of processes and decision-making relating to the Airport and Wyong Employment Zone including:*
 - i. *Any anomalies in the process or proposals*
 - ii. *Any areas of concern that may not meet community expectations in terms of due process.*
 - b) *Any improvements needed in Council processes.*
 - c) *Any conflicts of interests both declared and undeclared.*

- d) Any matters requiring referral to external agencies for further investigations.

Amendment Moved: Councillor Gale Collins
Amendment Seconded: Councillor Best

That Council defer the matter for further consideration.

For:
Councillors Marquart, Holstein, Gale Collins,
McLachlan and Best

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

The Amendment was put to the vote and declared LOST. The motion was then put.

Moved: Mayor Smith

Resolved

1050/18 That Council request the Chief Executive Officer to request the NSW Auditor General conduct an independent financial audit and performance review into all matters relating to Central Coast Airport including, but not limited to, the following:

- a) Review of all documentation including any proposals and approvals for the development of a Regional Airport at Kiar Ridge**
- b) Invite and consider public submissions (including the ability for confidential submissions if necessary)**
- c) Review of all documentation including any proposals and approvals for the development of an Aviation Hub at Central Coast Airport**
- d) A report of all financial records, including, but not limited to, expenditure and assets acquired or disposed of in relation to the Airport site**
- e) Review of any activities, including works and development applications lodged, by the current Council or former Wyong Shire Council relating to works at the Airport site**
- f) Review of any potential conflicts of interest in relevant matters including the development of plans or agreements signed in relation to the Airport.**
- g) Adherence to legislation and Council policies in relation to activities at the Airport**

1051/18 That Council request the Chief Executive Officer to report on a quarterly basis to Council on progress of the investigation.

1052/18 That Council request the Auditor-General be provide specific advice regarding the following matters, with an interim report by the end of June 2019 if possible, including:

- a) A review of processes and decision-making relating to the Airport and Wyong Employment Zone including:**

- i. ***Any anomalies in the process or proposals***
- ii. ***Any areas of concern that may not meet community expectations in terms of due process***
- b) ***Any improvements needed in Council processes***
- c) ***Any conflicts of interests both declared and undeclared***
- d) ***Any matters requiring referral to external agencies for further investigations.***

For:

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

Against:

Councillors Marquart, Holstein, Gale Collins, McLachlan and Best

2.1 Acquisition of Land at Narara by way of "Gift" from Landowner

Moved: Mayor Smith

Seconded: Councillor Gale Collins

Resolved

1053/18 That Council defer this report and consider the matter at the first Ordinary Meeting of Council in 2019 with the provision of additional information.

For:

Unanimous

2.2 Proposed Lease of Land at 90 Osborne Ave Umina to Umina Beach Mens Shed

Moved: Mayor Smith

Seconded: Councillor Holstein

Resolved

1054/18 That Council note that the Umina Beach Mens Shed has approached Council for a possible lease of Land at 90 Osborne Ave Umina.

1055/18 That Council advertise and call for submissions regarding a proposal to lease to the site to the Umina Beach Mens Shed on the basis of:

- a a maximum period of 10 years***
- b the site is used for the specific purpose of a Men's Shed, and will lapse if there is any variation to this intended purpose***
- c all expenses related a proposed DA or construction are the responsibility of the Umina Beach Men's Shed***

- 1056/18** *That Council, subject to no objections, or matters requiring further consideration, proceed to lease the land for the purpose of development and as owner of the land sign the applicants proposed Development Application.*

For:

Unanimous

3.1 2018-19 Q1 Business Report

Moved: Mayor Smith

Seconded: Councillor Gale Collins

Resolved

- 1057/18** *That Council receive Central Coast Council's Q1 Business Report on progress against Central Coast Council's 2018-19 Operational Plan.*
- 1058/18** *That Council note that Council's Responsible Accounting Officer has declared the financial position of Central Coast Council to be satisfactory.*
- 1059/18** *That Council approve the proposed budget amendments included in Central Coast Council's Q1 Business Report for 2018-19.*

For:

Unanimous

3.2 Proposed Council Meeting Dates 2019

Motion: Mayor Smith

Seconded: Councillor Holstein

- 1** *That for a period of six months as a trial, Ordinary Meetings of Council be changed from Mondays to Thursdays, continuing to be alternated between Wyong and Gosford Chambers and be held on:*
 - a** *The second Thursday of the months February to December inclusive at 49 Mann Street in Gosford commencing at 6.30pm.*
 - b** *The fourth Thursday of the months of February to November inclusive at 2 Hely Street in Wyong commencing at 6.30pm.*
- 2** *That as part of the trial period of 6 months, revised deadlines for speakers and the publication of reports be identified and communicated as appropriate.*
- 3** *The first meeting of 2019 will be held on Thursday 31 January at 2 Hely Street Wyong.*

- 4 That Council, in accordance with clause 232 of the NSW Local Government (General) Regulations 2005, publish the first six months of 2019 Ordinary Council Meeting dates in the local newspaper.
- 5 That a further report be provided to Council following the conduct of the six month trial and recommending required changes to the Code of Meeting Practice.

Date	Time	Location
31 January 2019	6.30pm	2 Hely Street, Wyong
14 February 2019	6.30pm	49 Mann Street, Gosford
28 February 2019	6.30pm	2 Hely Street, Wyong
14 March 2019	6.30pm	49 Mann Street, Gosford
28 March 2019	6.30pm	2 Hely Street, Wyong
11 April 2019	6.30pm	49 Mann Street, Gosford
25 April 2019	No Meeting (ANZAC DAY)	
9 May 2019	6.30pm	2 Hely Street, Wyong
23 May 2019	6.30pm	49 Mann Street, Gosford
13 June 2019	6.30pm	2 Hely Street, Wyong
27 June 2019	6.30pm	49 Mann Street, Gosford

For:

Mayor Smith

Against:

Councillors Marquart, Holstein, Sundstrom,
Gale Collins, Matthews, MacGregor,
McLachlan, Greenaway, Vincent, Hogan and
Best

The Motion was put to the vote and declared LOST. The matter was then at large.

Moved: Councillor Sundstrom

Seconded: Councillor MacGregor

Resolved

- 1060/18 That Council adopt the proposed Ordinary Council Meeting dates for 2019.**
- 1061/18 That Council, in accordance with clause 232 of the NSW Local Government (General) Regulation 2005, publish the 2019 Ordinary Council Meeting dates in the local newspaper.**
- 1062/18 That Council hold all Ordinary Meetings in the Wyong Chambers until a safety audit of the Gosford Chambers for staff, Councillors and the public has been undertaken and reported to Council.**
- 1063/18 That Council conduct all briefings not held on an Ordinary Meeting day in the Gosford Chambers.**
- 1064/18 That Council ensure the number of meetings missed at Gosford Chambers are made up within the next twelve months, subject to the safety review.**

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

Against:
Councillors Marquart, Holstein and Gale
Collins

Procedural Motion

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

Resolved

1065/18 That Council consider Item 3.15 at this stage of the meeting.

For:
Unanimous

3.3 Councillor Appointment to the Indigenous Co-ordination Committee

Councillor MacGregor left the chamber at 8.27pm, returned at 8.29pm and did not participate in discussion and voting.

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

Resolved

1066/18 That Council defer the matter for consideration.

1067/18 That Council request the Mayor and Chief Executive Officer meet with representatives from Darkinjung LALC to discuss the format, membership and operation of the committee.

1068/18 That Council, separate to this process, invite consultation with broader stakeholders on the reconciliation action plan and indigenous matters generally.

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

Against:
Councillor Marquart

3.4 Response to Notice of Motion - Electoral Leniency

Moved: Councillor Best**Seconded: Councillor Holstein****Resolved**

1069/18 That Council note the response received from the NSW Electoral Commissioner as set out in Attachment 2.

For:**Unanimous****3.5 Aquatic Weed Management in Springfield and Holgate**

Moved: Councillor Sundstrom**Seconded: Councillor MacGregor****Resolved**

1070/18 That Council notes the report.

1071/18 That Council notes the response to a Question on Notice namely Q132/18 which was provided at the 29 October 2018 Ordinary Meeting.

1072/18 That Council recognises that in a letter to Mrs Glenys Ray of Springfield, dated 9/10/2018 it has already given the community a commitment to addressing the issue of weed infestation of the Springfield Pond.

1073/18 That Council recognise that Springfield Pond has been infested by three weeds (Salvinia, Ludwigia Peruvians Ludwigia Repens) and that it affects council land. Therefore it needs to be addressed as a separate issue from the Holgate infestation which is on wholly private property.

1074/18 That Council undertake the mechanical removal of as much of the three weeds as possible to allow the best results from the actions stipulated in the response to the QON and outlined in parts 6 and 7 below.

1075/18 That Council chemically control of the hard to reach / to access spots.

1076/18 That Council follow up with the 2 varieties of salvinia weevils.

1077/18 That Council proceed with appropriate bio controls that would include the mechanical removal in the first instance, using the Springfield site as pilot, and report back to the first Council meeting of 2019.

For:**Unanimous**

3.6 Request for Memorial Seat

Moved: Mayor Smith
Seconded: Councillor Gale Collins

Resolved

1078/18 That Council approve the application by Mr James Butt for a memorial seat to be installed in memory of his late wife, Sandra Sylvia Butt.

For:
Unanimous

3.7 Meeting Record of the Coastal Open Space System (COSS) Committee held on 26 September 2018.

Councillor Greenaway declared a less than significant non-pecuniary interest in this item as she is a former volunteer board member of Community Environment Network (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.

Councillor Vincent left the chamber at 8.49pm, returned at 8.54pm and did not vote.

Moved: Mayor Smith
Seconded: Councillor Sundstrom

Resolved

1079/18 That Council note the draft Meeting Record of the Coastal Open Space System (COSS) Committee held on 26 September 2018 that is Attachment 1 to this report.

1080/18 That Council invite Gary Chestnut to attend Coastal Open Space System (COSS) Committee meetings, based on his historic and ongoing affiliation with the development and management of the COSS.

1081/18 That Council submit a GIPA application with the Office of Environment and Heritage to access a copy of the draft Central Coast Regional Conservation Plan 2013.

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

Abstain:
Councillors Marquart, Gale Collins and Best

3.8 Response to Notice of Motion - Assessment of Pollution Risk from PFAS, Ash Dams and Air Pollution

Councillor Vincent declared pecuniary interest in this item as he is an employee of a local power station. Councillor Vincent left the chamber at 9.07pm, returning at 9.11pm and did not participate in discussion and voting.

Moved: Councillor Greenaway

Seconded: Councillor MacGregor

1082/18 That Council receive the report Response to Notice of Motion – Assessment of Pollution Risk from PFAS, Ash Dams and Air Pollution.

1083/18 That Council acknowledges the major environmental issue of PFAS contamination found by the Sydney EPA in the Lake Munmorah / Colongra Bay area, within the Tuggerah Lakes System including the Colongra, Snowy Hydro and RFS site.

1084/18 That Council note that the Environmental Pollution licences for Eraring and Vales Point are now under review by the NSW EPA

1085/18 That Council acknowledge that it is crucial that the risks be dealt with appropriately as inadequate remediation on these sites may result in greater problems over a longer term.

1086/18 That Council request the Chief Executive Officer to prepare a draft submission to the review of the EPLs for Eraring and Vales Point including requesting the NSW Government to set pollution limits consistent with world's best practice

1087/18 That Council request the Chief Executive Officer write to the Environment Minister Gabrielle Upton seeking:

- a) an expansion of the OEH Air Pollution Monitoring Network to include 2 or 3 additional Air Monitoring Stations in the vicinity of the power stations;**
- b) that the location of the new Air Monitoring Stations in a) above be determined in collaboration with CCC, Lake Macquarie Council and the effected communities.**
- c) that APM data be readily available to the community**

1088/18 That Council request the Chief Executive Officer request the EPA provide a briefing to Councillors in June, 2019 on the results of monitoring activities in relation to PFAS, ash dams and air pollution

1089/18 That Council request the Chief Executive Officer request the EPA to provide an annual update, including a map, on areas identified as likely to be affected by PFAS contamination, monitoring activities and results of that monitoring

- 1090/18 That Council request the Chief Executive Officer to write to NSW Health Minister, Brad Hazzard for clarification of the adverse risk of PFAS in all pathways (surface water, soil, air etc) and to request a report on how the companies dealt with PFAS and asbestos on the Colongra and Snowy Hydro sites as well as the Rural Fire Service site.**

For:

Unanimous

3.9 2018-19 Community Support Grant Program

Councillor Gale Collins declared a less than significant non pecuniary interest in the matter as she worked with many of these community groups prior and since being sworn into Council. Councillor Gale Collins 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 the matter as she has a possible connection with community who may benefit from some of these grants. 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.

Councillor Best declared a pecuniary interest in this item as he is a General Manager of Central Coast Group Training (CCGT) who has a grant application. Councillor Best left the chamber at 8.53pm, returned at 9.07pm and did not participate in discussion and voting.

Councillor Holstein declared a significant non-pecuniary interest in this item as his employer has lodged an application. Councillor Holstein left the chamber at 8.53pm, returned at 9.07pm and did not participate in discussion and voting.

Moved: Councillor MacGregor

Seconded: Councillor Greenaway

Resolved

- 1092/18 That Council allocate \$72,802.76 from the 2018-19 grants budget to the community grant programs as outlined in the following report and Attachment 1, and consider separately the funding application from Central Coast Group Training.**
- 1093/18 That Council decline applications for the reasons indicated in Attachment 2, the applicants be advised and where relevant, directed to alternate funding.**

For:

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

Against:

Councillors Marquart, Gale Collins and McLachlan

Moved: Mayor Smith
Seconded: Councillor Gale Collins

That Council allocate \$5,000.00 from the 2018-19 grants budget to the community grant program application from Central Coast Group Training.

For:
Mayor Smith and Councillors Marquart, Gale
Collins and McLachlan

Against:
Councillors Matthews, MacGregor,
Greenaway, Vincent and Hogan

Abstain: Councillor Sundstrom

The Motion was put to the vote and declared LOST. This matter is at large.

3.10 2018 Chain Valley Colliery/Lake Coal Community Funding Program

Councillor Vincent declared a less than significant non pecuniary interest in the matter as the Lake Coal mine ownership is currently in a state of flux and it is not clear if ownership will change in the future. Councillor Vincent left the meeting at 9.07pm, returning at 9.11pm and did not participate in discussion or voting.

Moved: Mayor Smith
Seconded: Councillor MacGregor

Resolved

1094/18 That Council resolve, for the purposes of s.11(3) of the Local Government Act 1993, that Attachment 1 is to be treated and remain as confidential because these documents contain information that would, if disclosed confer a commercial advantage on a person with whom Council is conducting (or proposing to conduct) business.

1095/18 That Council allocates \$85,830.71 from the 2018 Chain Valley Colliery Community Funding Program as outlined in Attachment 3.

1096/18 That Council decline applications for the reasons indicated in Attachment 4, the applicants be advised and where relevant, directed to alternate funding.

For:
Unanimous

3.11 Tender CPA/286371 – Supply of Tourism Marketing and Industry Services Contract

Councillor Matthews left the chamber at 9.08pm, returned at 9.13pm and did not participate in discussion or voting.

Moved: Mayor Smith

Seconded: Councillor McLachlan

Resolved

1097/18 That Council note the report and attachment on Supply of Tourism Marketing and Industry Services Contract CPA/286371.

1098/18 That Council delegates to the Chief Executive Officer the power to approve the extension of the agreement with The Affinity Partnership Pty Ltd until 30 June 2020.

1099/18 That Council resolve, pursuant to s.10A(2)(c) 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 is conducting (or proposes to conduct) business.

1100/18 That Council resolve that no further extensions be granted on this contract beyond 30 June 2020.

1101/18 That Council request the CEO to provide a report to the community on the Tourism and marketing achievements over the past 12 months.

For:

Unanimous

3.12 Sustainable Event Management Policy

Moved: Councillor Marquart

Seconded: Mayor Smith

Resolved

1102/18 That the draft Central Coast Sustainable Event Management Policy be placed on exhibition until the end of January.

For:

Unanimous

3.13 Annual Report 2017-18

Moved: Mayor Smith

Seconded: Councillor Gale Collins

Resolved

- 1103/18 That Council adopt the Annual Report 2017-18.**
- 1104/18 That Council authorise the Chief Executive Officer to make final editorial amendments to the Annual Report 2017-18 to ensure correctness and clarity.**
- 1105/18 That Council upload the Annual Report 2017-18 on Council's website.**
- 1106/18 That Council advise the Minister for Local Government of Council's URL link to access the Annual Report.**

For:

Unanimous

3.14 Town Centre Review

Moved: Mayor Smith

Seconded: Councillor Holstein

Resolved

- 1107/18 That Council defer the matter to the 10 December 2018 Ordinary Meeting to allow further information to be provided to Councillors.**

For:

Unanimous

3.15 Draft 2017-18 Financial Reports for Central Coast Council

Moved: Councillor Best

Seconded: Councillor Gale Collins

Resolved

- 1108/18 That Council note that the draft Consolidated Financial Reports for Central Coast Council for the period from 1 July 2017 to 30 June 2018 are presented to Council. The Consolidated Financial Report includes the general purpose financial report, special purpose financial report and special schedules, which is attachment 1 to the business paper.**
- 1109/18 That Council also note that the draft Consolidated Financial Reports have been prepared in accordance with the requirements of the Local Government Act 1993 ("LG Act"), the Local Government (General) Regulation 2005 ("LG Reg") and the relevant accounting and reporting requirements of the Office of Local Government prescribed Code of Accounting Practice and Financial Reporting - Update No. 26 and Australian Accounting Standards.**

- 1110/18 *That Council authorise, the Mayor to execute all documents related to the draft 2017-18 Financial Reports in accordance with s413(2)(c) of the LG Act, and cl. 215(1)(b)(i) of the LG Reg.*
- 1111/18 *That Council authorise, the Deputy Mayor to execute all documents related to the draft 2017-18 Financial Reports in accordance with s413(2)(c) of the LG Act, and cl. 215(1)(b)(ii) of the LG Reg.*
- 1112/18 *That Council authorise, the Chief Executive Officer to execute all documents related to the draft 2017-18 Financial Reports in accordance with s413(2)(c) of the LG Act, and cl. 215(1)(b)(iv) of the LG Reg.*
- 1113/18 *That Council authorise, the Responsible Accounting Officer of the Council, to execute all documents related to the draft 2017-18 Financial Reports in accordance with s413(2)(c) of the LG Act, and cl. 215(1)(b)(iii) of the LG Reg.*
- 1114/18 *That Council authorise, for the purposes of s. 41C(1C) of the Public Finance and Audit Act 1983, its Mayor, Deputy Mayor, Chief Executive Officer and Responsible Accounting Officer to execute all documents related to the draft 2017-18 Financial Reports.*
- 1115/18 *That Council resolve, for the purposes of s. 413(1) of the LG Act, to refer the Consolidated Financial Reports for the period from 1 July 2017 to 30 June 2018 to the NSW Auditor-General, for external audit.*

For:
Mayor Smith and Councillors Marquart,
Holstein, Sundstrom, Gale Collins,
McLachlan, Greenaway, Vincent, Hogan and
Best

Against:
Councillors Matthews and MacGregor

4.1 Proactive Release of Council held information

Moved: **Mayor Smith**
Seconded: **Councillor Gale Collins**

Resolved

- 1116/18 *That Council receive the report providing an update on the ongoing release of Council information under the Government Information (Public Access) Act 2009 and Council's Proactive Release program.*

For:
Unanimous

4.2 Councillor Expenses and Facilities Report

Moved: Mayor Smith**Seconded:** Councillor Gale Collins**Resolved****1117/18 That Council receive the report on Councillor Expenses and Facilities Report.****For:****Unanimous****4.3 Meeting Record of the Employment and Economic Development Committee held on 12 September 2018**

Moved: Mayor Smith**Seconded:** Councillor Gale Collins**Resolved****1118/18 That Council receive the report on the draft Meeting Record of the Employment and Economic Development Committee held on 12 September 2018.****For:****Unanimous****4.4 Response to Notice of Motion - Littering - Enforcement and Education Review**

Mayor Smith declared a less than significant non pecuniary interest in the matter as a teacher with the Department of Education, the report refers to a partnership project between Council and the Department of Education. Mayor Smith is not directly involved in the project. Mayor Smith chose to remain in the chamber and participate in discussion and voting as the potential conflict is minor and will not affect consideration or decision making on this matter.

Moved: Councillor McLachlan**Seconded:** Councillor Vincent**Resolved****1119/18 That Council acknowledge the amount of litter and plastic in the environment is an increasing problem, and is one of our fundamental responsibilities in the eyes of the community.****1120/18 That Council support in principle Option 2 of the Litter Report to assist staff in their efforts to raise awareness and education of the issue in the community and consider further implications to budget impacts in 2019.**

- 1121/18 *That Council acknowledge option 2 does not provide for increased funding for the Rangers and enforcement and is important factor in the reduction of litter.*
- 1122/18 *That Council request further information on the resourcing of the Rangers department to carry out the policy directives in Option 2, including litter blitzes, road side kerb litter, including a review and report of dog exercising options on our beaches from restricted times of 7pm - 7am.*
- 1123/18 *That Council consider how this compliments the education activities of the waste contractor.*

For:

Mayor Smith and Councillors Marquart, Holstein, Sundstrom, Gale Collins, McLachlan, Greenaway, Vincent and Hogan and Best

Against:

Councillor Matthews

Abstained: Councillor MacGregor

4.5 Investment Report for October 2018

Moved: Mayor Smith
Seconded: Councillor Gale Collins

Resolved

- 1124/18 *That Council receive the Investment Report for October 2018.*

For:

Unanimous

4.6 Fire Safety Report - 89-91 Scenic Drive, Budgewoi

Moved: Mayor Smith
Seconded: Councillor Gale Collins

Resolved

- 1125/18 *That Council note the result of the site inspection carried out on 25 September 2018;*
- 1126/18 *That Council resolve to not 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 raised within the fire safety inspection report received from Fire and Rescue NSW; and*

1127/18 That Council give notice of its determination to the Commissioner of Fire and Rescue NSW.**For:****Unanimous**

6.1 Notice of Motion - A Safe State

Moved: Councillor Hogan

Seconded: Councillor Matthews

- 1 That Council acknowledges the deep seated problem we have with Domestic, Family and Sexual Violence across the Central Coast and although White Ribbon Day has its purpose, also acknowledge that we need to be more pro-active in our efforts to minimise violence.
- 2 That Council requests the Chief Executive Officer to make an in-principle commitment to the below 6 calls to action.
- 3 That Council acknowledge the work of the Status of Women Advisory Group and the Central Coast Domestic Violence Committee in taking a leadership role in educating the community on this issue.
- 4 That Council commend the Chief Executive Officer and staff for the work Council is doing to achieve White Ribbon Accreditation within our workplace.
- 5 That Council request the Chief Executive Officer to provide a future briefing on Councils role in combatting Domestic and Family Violence on the Coast.

Amendment Moved: Councillor Marquart

Amendment Seconded: Councillor Gale Collins

- 1 That Council acknowledges the deep seated problem we have with Domestic, Family and Sexual Violence across the Central Coast and although White Ribbon Day has its purpose, also acknowledge that we need to be more pro-active in our efforts to minimise violence.
- 2 That Council acknowledge the work of the Status of Women Advisory Group and the Central Coast Domestic Violence Committee in taking a leadership role in educating the community on this issue.
- 3 That Council commend the Chief Executive Officer and staff for the work Council is doing to achieve White Ribbon Accreditation within our workplace.
- 4 That Council request the Chief Executive Officer to provide a future briefing on Councils role in combatting Domestic and Family Violence on the Coast.

For:

Councillors Marquart and Gale Collins

Against:

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

The Amendment was put to the vote and declared LOST. The motion was then put.

Moved: Councillor Hogan

Seconded: Councillor Matthews

Resolved

- 1128/18 That Council acknowledges the deep seated problem we have with Domestic, Family and Sexual Violence across the Central Coast and although White Ribbon Day has its purpose, also acknowledge that we need to be more pro-active in our efforts to minimise violence.**
- 1129/18 That Council requests the Chief Executive Officer to make an in-principle commitment to the below 6 calls to action.**
- 1130/18 That Council acknowledge the work of the Status of Women Advisory Group and the Central Coast Domestic Violence Committee in taking a leadership role in educating the community on this issue.**
- 1131/18 That Council commend the Chief Executive Officer and staff for the work Council is doing to achieve White Ribbon Accreditation within our workplace.**
- 1132/18 That Council request the Chief Executive Officer to provide a future briefing on Councils role in combatting Domestic and Family Violence on the Coast.**

For:

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

Against:

Councillor Marquart

Abstain: Councillor Gale Collins

6.2 Notice of Motion - Toukley Cenotaph Restoration Project

Moved: Councillor Best

Seconded: Councillor Hogan

- 1 That Council congratulate the Toukley RSL sub branch for their outstanding and ongoing work in the restoration of the Toukley Cenotaph, that holds the ashes of currently some 408 veterans including 8 Gallipoli veterans.**
- 2 That Council, further to representations made by sub branch President Mr Bob Wilson and sub branches Patron Ms Karen McNamara. make available in the 2019/20 budget and allocation that represents one third of the total restoration funds sought.**

- 3 That Council now request both the State and Federal Government to join Council and the RSL sub branch in this initiative with a view to sharing the costs equally of this important Community undertaking.

Amendment Moved: Mayor Smith

Amendment Seconded: Councillor Greenaway

- 1 That Council congratulate the Toukley RSL sub branch for their outstanding and ongoing work in the restoration of the Toukley Cenotaph, that holds the ashes of currently some 408 veterans including 8 Gallipoli veterans.
- 2 That Council, note the representations made by sub branch President Mr Bob Wilson and sub branches Patron Ms Karen McNamara.
- 3 That the CEO arranges for appropriate staff to liaise with representatives from the Toukley RSL sub branch in order that they are able to submit a funding application to the appropriate Council funding program for consideration
- 4 That Council write to the NSW Minister for Veteran Affairs, David Elliot MP, and the Federal Minister for Veterans' Affairs, Darren Chester MP requesting detail about State and Federal Government grant programs the Toukley RSL sub branch could apply for.
- 5 That Council recognises that Federal Member for Dobell supported a grant to Toukley RSL sub branch through the armistice centenary program of \$16,313.00.
- 6 That Council acknowledges Councils own contribution of \$65,000.00 to the cenotaph.

For:

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

Against:

Councillors Marquart, Holstein, Gale Collins,
McLachlan and Best

The Amendment was put to the vote and CARRIED, thereby becoming the motion. The motion was then put.

Moved: Mayor Smith

Seconded: Councillor Greenaway

Resolved

- 1133/18 That Council congratulate the Toukley RSL Sub Branch for their outstanding and ongoing work in the restoration of the Toukley Cenotaph, that holds the ashes of currently some 408 veterans including 8 Gallipoli veterans.**
- 1134/18 That Council, note the representations made by sub branch President Mr Bob Wilson and Toukley RSL Sub Branch Patron, Ms Karen McNamara.**
- 1135/18 That Council request the Chief Executive Officer arranges for appropriate staff to liaise with representatives from the Toukley RSL Sub Branch in order that they are able to submit a funding application to the appropriate Council funding program for consideration.**

- 1136/18 ***That Council write to the NSW Minister for Veteran Affairs, David Elliot MP, and the Federal Minister for Veterans' Affairs, Darren Chester MP requesting detail about State and Federal Government grant programs the Toukley RSL Sub Branch could apply for.***
- 1137/18 ***That Council recognises that Federal Member for Dobell supported a grant to Toukley RSL Sub Branch through the Armistice Centenary Program of \$16,313.00.***
- 1138/18 ***That Council acknowledges Councils own contribution of \$65,000.00 to the Toukley Cenotaph.***

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

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

6.3 Notice of Motion - Establishment of a Social Issues Committee for Central Coast Council

Moved: Councillor MacGregor
Seconded: Mayor Smith

Resolved

- 1139/18 ***That Council defer the matter to the Ordinary Meeting of Council being held on 10 December 2018.***

For:
Unanimous

6.4 Notice of Motion - Lack of Children's Park on Johns Road Wadalba

Councillor Best left the chamber at 10.14pm and did not return.

Moved: Councillor MacGregor
Seconded: Councillor Greenaway

Resolved

- 1140/18 ***That Council note the various petitions that have been circulated regarding a lack of children's park on Johns Road Wadalba including the Change.org petition, social media petitions and the petition submitted via email to Wyong Ward Councillors by local residents.***

- 1141/18 That Council respond to community concern and lack of amenity in a strategic growth region by organising a briefing for Councillors at the earliest possible convenience to identify why the plans for the park at Johns Road opposite Orchid Way were shelved or not yet enacted by the responsible organisation.**
- 1142/18 That at the briefing potential options for Council or other relevant parties to construct a suitable park, play space or recreation area for the many young families that are moving into the new housing estates be discussed and investigated.**
- 1143/18 That Council, subsequent to the briefing, prepare a report to come to a Council meeting regarding potential options for delivering this important piece of strategic infrastructure for the many young families that live work and play in our strategic growth regions within a reasonable time frame (e.g 12 months).**

For:

Unanimous

Procedural Motion – Closed Session

Moved: Mayor Smith

Seconded: Councillor Sundstrom

- 1144/18 That Council move into Confidential Session of the meeting.**

For:

Unanimous

Against:

At this stage of the meeting being 10.37pm the meeting moved into Confidential Session with the members of the press and public excluded from the closed session and access to the correspondence and reports relating to the items considered during the course of the closed session being withheld. This action is taken in accordance with Section 10A(2) of The Local Government Act, 1993 as the items listed come within the following provisions:-

Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer(s), which may be disclosed after Council has resolved to accept that tender/those tenders.

The meeting resumed in open session at 11.27pm and the Chief Executive Officer reported on proceedings of the confidential session of the ordinary meeting as follows:

7.1 Tender CPA/1298 - After Hours Call Centre Contract

Resolved

1145/18 That Council resolve to not accept any tenders for the following reason;

a to allow Council to investigate alternate delivery model.

1146/18 That Council determine the Tender Evaluation Report in Attachment 1 remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer(s), which may be disclosed after Council has resolved to accept that tender/those tenders.

1147/18 That Council request the Chief Executive Officer provide a further report on alternative delivery models.

Questions on Notice

**Q229/18 QON - Norah Head DA
Councillor Troy Marquart**

The deferred DA for Soldiers Point Drive, Norah Head has currently stalled a legitimate small business that currently has over \$35,000.00 of bookings over Christmas. Will this DA be back in the Chamber next meeting so these residents can receive a decision and get on with their lives?

Response from Scott Cox, Director Environment and Planning

The DA will return to Council at the first meeting in January 2019.

**Q230/18 QON - Redevelopment of Peat Island
Councillor Troy Marquart**

The redevelopment of Peat Island is a major issue for the residents of the Central Coast. The Mooney~Cheero Progress Association forwarded a written request to Council in September 2017. This correspondence requested some community workshops to examine and review the proposed redevelopment of the Island and surrounding areas. The Progress Association has not received a sufficient answer to their query as yet, even though design plans have been exhibited in the media. Will the Council staff be providing the suggested workshops or similar information events for the local community?

Response from Scott Cox, Director Environment and Planning

Yes. We are still waiting on further information to be provided by the applicant which is NSW Property, we will need to get the concurrence with the relative state authorities and staff will

then need to review. Public exhibition will not be commencing until the new year, possibly around the end of January or February. It will be during that time that we will engage with residents at Peat Island and conduct some workshops.

Q231/18 QON - Spence Tree of Knowledge
Councillor Chris Holstein

Can staff please advise of the works currently being undertaken in Spencer at the iconic location affectionately known as the 'Tree of Knowledge' or the Dunkirk Hotel?

Q232/18 QON – Stop Work Orders
Councillor Rebecca Gale Collins

Can Council expediate the process of stopping residents unlawfully ignoring stop work orders such as the incident in MacMasters Beach last week?

Q233/18 QON - Dogs Allowed on Ocean Beach
Councillor Rebecca Gale Collins

Can Council ensure there are appropriate dogs allowed and dogs not allowed signs along Ocean Beach and Umina beach on the beach itself?

Q234/18 QON - External Bodies and Boards
Councillor Kyle MacGregor

How many Council staff are Council representatives on external bodies and or boards and can Council outline both the reporting processes for their engagement and selection for appointment to these external bodies or boards including any additional income derived from being a representative on any of these external bodies or boards and how potential conflicts of interest are managed and taken into account?

Q235/18 QON - Annual Living Smart Festival
Councillor Kyle MacGregor

Lake Macquarie City Council conducts an Annual Living Smart festival that is attended by over 25,000 people. Local residents have approached myself as their representative to enquire about the possibility of Council hosting a similar festival in the northern end of our region to host an agricultural or environmental show with stalls and exhibits that highlight our unique natural assets, existing Council and community programmes and could even be similar in nature to Central Coast Councils excellent Eat Move and Think Festival. Does Council have any plans to do so or could plans be developed to host such an event in future?

Q236/18 QON - Central Coast Stadium
Councillor Bruce McLachlan

Can Council receive an update on the Central Coast Stadium and whether or not that we actually make a profit or a loss as the operator and can the report also investigate the options of a better return if the site was leased out?

**Q237/18 QON - Supply of Tourism Marketing and Industry
Councillor Louise Greenaway**

In relation to Item 3.11 on tonight's agenda, on page 138 there was a comment made that 'no public consultation specific to this contract was necessary and none has occurred'. Community members have expressed their shock at such a comment and feel that at the very least, the opinion of the businesses that have used Tourism Industry Services should have been sought. Could staff please advise as to whether the opinion of businesses was sought, and if not, please explain the assertion that public consultation was not necessary.

**Q238/18 QON - List of Committees Outstanding
Councillor Louise Greenaway**

I asked some months ago for a list of Committees and other organisations that Council can appoint a representative to, could this be provided please?

**Q239/18 QON - Recycling Refunds
Councillor Doug Vincent**

Residents have reported that their recycling bins have been rummaged through at night time and people are gathering 10c for bottles and cans. Can Council staff reschedule waste management pick ups (ie the pickup trucks for later in the day) so that recycle bins are not emptied early in the morning?

**Q240/18 QON - Code of Conduct
Councillor Jillian Hogan**

Could the Chief Executive Officer please advise what the process is to revise the Code of Conduct to include defining respectful behaviours?

Response from Shane Sullivan, Acting Director Governance

The code of conduct can be reviewed by Council as long as it adheres to the minimum standard of the model code of conduct. It has been suggested that there will be a new draft model code of conduct issued soon and this will be an opportunity for Council to add something if they wished.

The Meeting closed at 11.30 pm.



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

10 December 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13391686

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 as confidential.

Recommendation

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

Item: 8.1 Tender CPA/1298 – After Hours Call Centre

Reason for considering in closed session:

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

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 taffecting the security of the Council, Councillors, Council staff or Council property,

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

2(h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.

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

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

Attachments

Nil



Item No: 2.1
Title: Mayoral Minute – Save our Recycling Campaign
Department: Councillor

10 December 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13390913

Author: Jane Smith, Mayor

Background:

At the Local Government NSW Conference held month, Councils voted unanimously to support the following motion:

That the NSW Government be called upon to ensure that 100% of the levy arising from Section 88 of the Protection of the Environment Operations Act 1997 be used for waste infrastructure and programs, predominantly by local government and the waste sector, for initiatives such as:

- *Development of regional and region-specific solutions for sustainable waste management (e.g. soft plastic recycling facilities, green waste, waste to energy).*
- *Support innovative solutions to reduce waste and waste transport requirements.*
- *Protect existing and identify new waste management locations.*
- *Local community waste recovery and repair facilities.*
- *Funding a wider range of sustainability initiatives, such as marketing and strategies, that promote and support a circular economy.*

Following this resolution, Local Government NSW have launched a state-wide 'Save Our Recycling' Campaign and are calling on Councils in NSW to join the campaign.

The *Protection of the Environment Operations Act 1997* (POEO Act) requires certain licensed waste facilities in NSW to pay a contribution to the NSW Government for each tonne of waste received at the facility. Referred to as the 'waste levy', the contribution aims to reduce the amount of waste being landfilled and promote recycling and resource recovery. The waste levy applies in the regulated area of NSW, including the Central Coast.

In 2016-17 the NSW Government collected \$726 million from local government, community, businesses and industry via the waste levy, but only committed to use \$72 million through its Waste Less Recycle More initiative – or 10% - on waste minimisation and recycling in 2017-18. Overall the NSW Government's 'Waste Less Recycle More' initiative allocates \$801 million over 8 years (2013-2021) to waste and recycling, however the waste levy collected over that same period will be over \$4.62 billion.

At a local government level, just 18% of the \$300 million collected from the local government sector each year is reinvested in recycling and waste management. For example, Central Coast Council paid \$57.8M in waste levy in financial years 2016- 2017 and 2017-2018, while Council directly only received \$670,000 in contestable / non-contestable funding over the same period to assist the council with waste management and recycling infrastructure, programs and education.

Currently very little of the waste levy is used to support waste minimisation, recycling and resource recovery. The majority is returned to the NSW Government's consolidated revenue. That needs to change. With that money, NSW could develop a modern, smart, home grown resource recovery and recycling industry, establishing more innovative recycling facilities, producing packaging and products that are easier to recycle and reuse.

That can happen right here on the Central Coast. The waste levy we collect could be invested right here in more resource recovery infrastructure, education programs and innovative solutions delivering infrastructure, new technology and new jobs for our growing community.

I am recommending we join other Councils across the State in support of this Local Government NSW campaign and call on all political parties to commit to the reinvestment of 100% of the Waste Levy collected each year by the NSW Government into waste management, recycling and resource recovery.

I formally move:

- 1 That Council endorse Local Government NSW's campaign 'Save Our Recycling' to realise the reinvestment of 100% of the Waste Levy collected each year by the NSW Government in waste minimisation, recycling and resource recovery.***
- 2 That Council make representation to the local State Members on the Central Coast, Member for Terrigal, Adam Crouch MP, Member for Gosford Liesel Tesch MP, Member for The Entrance, David Mehan MP, Member for Wyong, David Harris MP and Member for Swansea, Yasmin Catley MP in support of this campaign objective – for the NSW Government to commit to reinvest 100% of the Waste Levy in waste minimisation, recycling, resource recovery and waste management infrastructure.***
- 3 That Council write to the Premier, the Hon Gladys Berejiklian MP, the Opposition Leader, the Hon Michael Daley MP, the Minister for Local Government and Minister for the Environment, the Hon Gabrielle Upton MP, and the Shadow Minister for the Environment and Heritage and Deputy Opposition Leader, the Hon Penny Sharpe MLC, seeking bipartisan support for the 100% reinvestment of the Waste Levy collected each year into waste minimisation, recycling and resource recovery.***

- 4 *That Council take a lead role in activating the Local Government NSW 'Save Our Recycling' campaign locally.***
- 5 *That Council endorse the distribution and display of Local Government NSW 'Save Our Recycling' information on Council premises, as well as involvement in any actions arising from the initiative.***
- 6 *That Council formally advise Local Government NSW that Council has endorsed the 'Save Our Recycling'; advocacy initiative.***

Attachments

Nil.



Item No: 3.1
Title: DA 52083/2017 - 5-7 Church Street, Terrigal - 2 Ground-Floor Shops, 12 Residential Units and 23 On-site Car Parking Spaces
Department: Environment and Planning

10 December 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13393176

Author: Antonia Stuart, Senior Development Planner

Manager: Jamie Loader, Unit Manager, Development Assessment

Executive: Scott Cox, Director, Environment and Planning

Summary

An application has been received for a shop top housing development comprising of two shops and twelve residential units and car parking on Lot: 19 DP: 7861, Lot: 20 DP: 7861, No.'s 5 -7 Church Street, Terrigal. The development application is required to be reported to Council in accordance with Council's adopted *Policy for Determining Development Applications Subject to Significant Public Objections* as 63 submissions were received at Council associated with the amended proposal.

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

Applicant	Angolet Pty Ltd
Owner	GMDA Pty Ltd & A J & N Baladi
Application No	52083/2017
Description of Land	Lot 19 DP 7861, Lot 20 DP 7861, 5 Church Street Terrigal, 7 Church Street Terrigal
Proposed Development	Shop Top Housing - Comprising of Two Shops, Twelve Residential Units and Car Parking
Site Area	942m2
Zoning	B2 Local Centre
Existing Use	Carpark
Employment Generation	Yes
Estimated Value	\$10,770,653.00

Recommendation

- 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.

Background

Proposed Development	Shop top housing development comprising of two shops and twelve residential units and car parking.
Permissibility and Zoning	The subject site is zoned B2 Local Centre under the provisions of <i>Gosford Local Environmental Plan 2014</i> . The proposed development is defined as commercial premises and shop top housing is permissible in the zone with consent of Council.
Relevant Legislation	<p>The following planning policies and control documents are relevant to the development and were considered as part of the assessment:</p> <ul style="list-style-type: none"> • <i>Environment Planning and Assessment Act 1979 – s. 4.15 (EP&A Act)</i> • <i>Roads Act 1997 (Roads Act)</i> • <i>State Environmental Planning Policy (Coastal Management) 2018</i> • <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i> • <i>State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55)</i> • <i>State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development (SEPP 65)</i> • <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX)</i> • <i>State Environmental Planning Policy 71 – Coastal Protection (SEPP 71)</i> • <i>State Environmental Planning Policy (Coastal Management) 2018 (SEPP Coastal Management)</i> • <i>Gosford Local Environmental Plan 2014 (GLEP 2014)</i> • <i>Gosford Development Control Plan 2013 (GDGP 2013)</i> • <i>Apartment Design Guide. Tools for improving the design of residential apartment development (ADG)</i> • <i>Central Coast Regional Plan 2036 (CCRP 2036)</i>

Legislative Clauses Requiring Consent Authority Satisfaction	<ul style="list-style-type: none"> • Section 4.15 of <i>Environmental Planning and Assessment Act 1979</i> - Evaluation. • Clause 8A (2)(d) of the <i>Local Government Act 1993</i> • Clause 7 of <i>State Environmental Planning Policy No 55 - Remediation of Land</i>. • Clause 28 (Determination of development applications) of <i>State Environmental Planning Policy (SEPP) No 65 – Design Quality of Residential Apartment Development</i>. • Clause 6 (Building to which Policy applies) of <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i> • Clause 2.3 (Zone Objectives and Land Use Table); Clause 4.6(4) (Exceptions to development standards of <i>Gosford Local Environmental Plan 2014</i>.
Current Use	Carpark
Integrated Development	No
Submissions	Sixty-three submissions received during the final notification period.

Variations to Policies

Policy	Clause / Description	Variation
Gosford Local Environmental Plan 2014	Clause 4.3(2) (Height of Buildings)	<ul style="list-style-type: none"> • The proposed development has a maximum height of RL 20.35m AHD associated with the lift overrun, resulting in a 1.85m or 10% non-compliance with the development standard. • The remainder of the proposed structure provides a maximum RL of 19.8 AHD, resulting in a 1.3m or 7.03% non-compliance with the development standard.

Policy	Clause / Description	Variation
	Clause 4.4(2) (Floor Space Ratio)	The applicable FSR control is 1.8:1. The maximum gross floor area permitted on the subject site is 1695.6m ² . The proposed development has a maximum FSR of 1.91:1, representing a 0.11:1 or 6% non-compliance with the development standard. The maximum floor space proposed on the site totals 1798m ² 102.4m ² greater than that permitted.
Gosford Development Control Plan 2013	cl. 4.3.6 Height Form + Scale of Building	<ul style="list-style-type: none"> • Five storey development is proposed, where a maximum of 4 storeys is permitted, resulting in a one storey or 25% variation. • An external wall height of 15.75m is proposed resulting in a 3m or 23.55% variation. • Pedestrian Envelope Encroachments: <ul style="list-style-type: none"> ○ Hudson Lane: A maximum of 7.8m over three storeys, noting all encroaching structures are balconies and external walls. ○ Church Street: A maximum of 6.1m over three storeys noting all encroaching structures are balconies and external walls. • The development proposes a maximum width of enclosed floor space at the fifth level of 13.8m - 15.5m, resulting in a variation of 1.6m - 3.2m or 13% - 26%.
	cl. 4.3.7 Setbacks Siting + Scale of Building	A zero setback is proposed to Hudson lane, resulting in a 100% variation to this requirement.

Policy	Clause / Description	Variation
Apartment Design Guide	3D-1 Communal Open Space	25% of the site area is required as communal open space, 0% provided, resulting in a 100% variation.
	3E-1 Deep Soil Zone	The development provides the no deep soil zones, resulting in a 100% variation.
	3F-1 Visual Privacy	<ul style="list-style-type: none"> • Zero side boundary setbacks, 100% variation. • Zero rear boundary setback, 100% variation.
	4D 2 Room Depths	Ten of the twelve apartments (84%) have a depths in excess of 8 metres for their open plan layout

The Site

The site is commonly known as No.'s 5-7 Church Street, Terrigal and is legally known as Lot: 19 DP: 7861 and Lot: 20 DP: 7861.

The site is located at the southern end of Church Street, between Church Street and Hudson Lane, Terrigal. It has a site area of 942m², a rear boundary frontage of 24.385m and a frontage to Church Street of 24.385m.

The site is flat with a slight falling grade from Church Street (RL 4.09m AHD) towards Hudson Lane (RL 2.72m AHD).

The subject site remains available as a public car park for thirty – three vehicles. However, the provision of this car parking remains at the discretion of the current owners of the site, and not Council. The site location is shown in Figure 1 and 2.

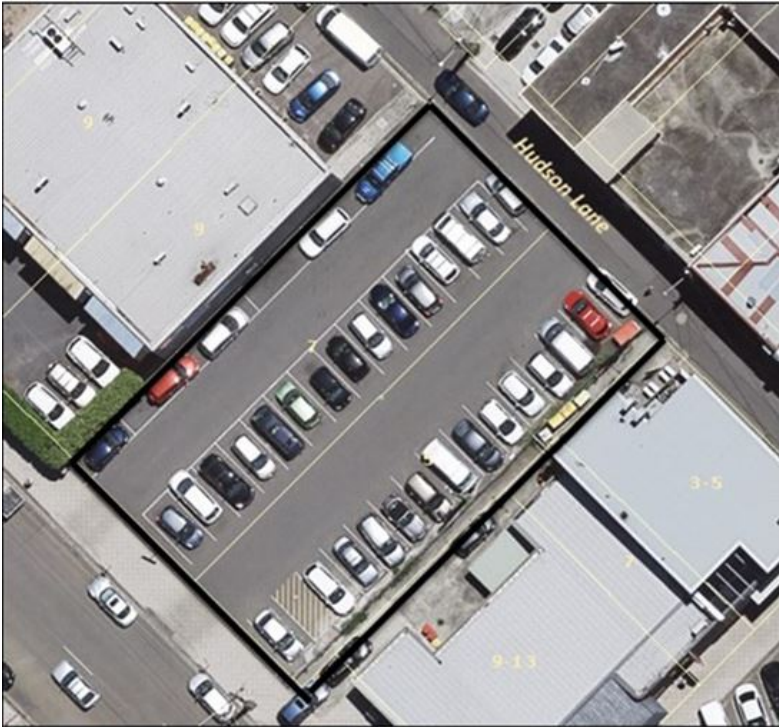


Figure 1: Aerial photograph of subject site edged in black



Figure 2: Church Street frontage of the site

3.1 DA 52083/2017 - 5-7 Church Street, Terrigal - 2 Ground-Floor Shops, 12 Residential Units and 23 On-site Car Parking Spaces (contd)

The site is zoned B2 Local Centre under the provisions of *Gosford Local Environmental Plan 2014* (GLEP 2014).

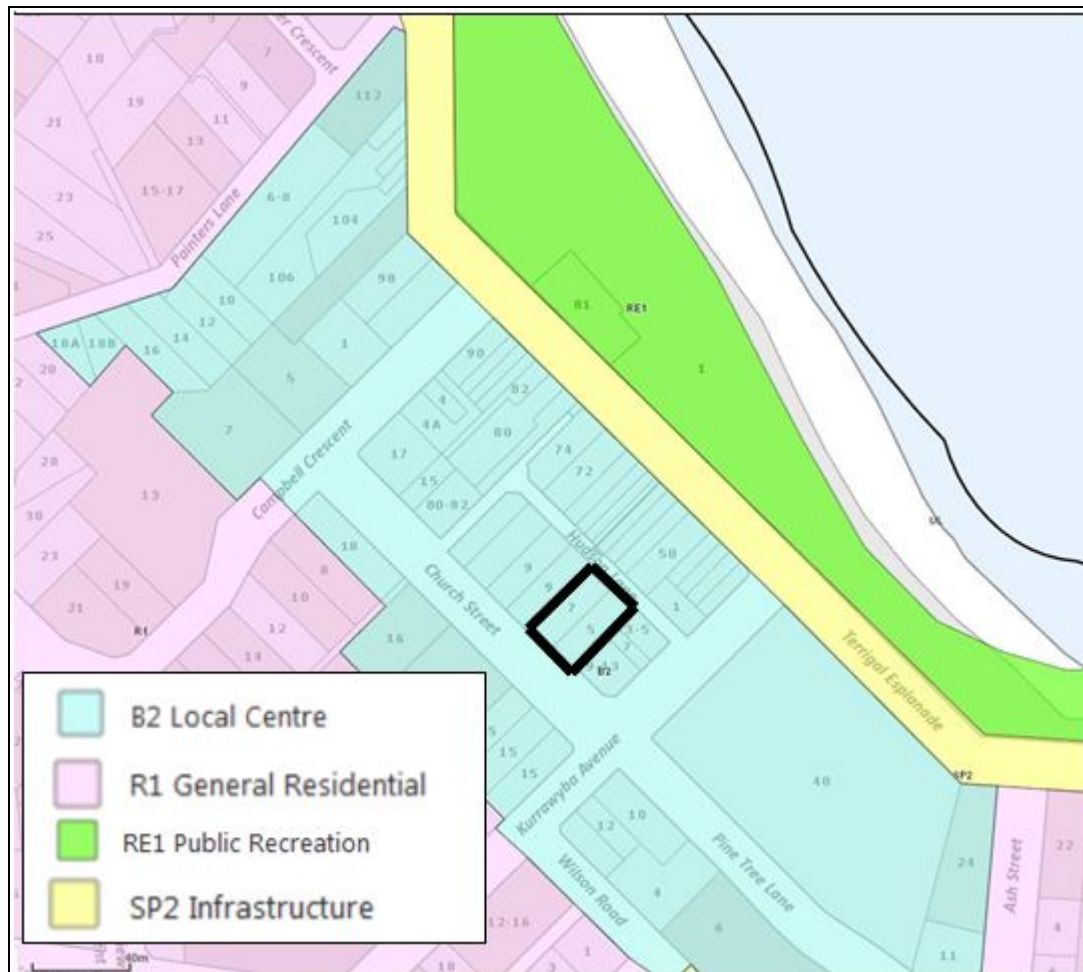


Figure 3: Zoning of the site (edged in black) and adjoining properties

The subject site is also located within the Terrigal Village Centre as identified in Chapter 4.3 of *Gosford Development Control Plan 2013*.

Surrounding Development

Adjoining the northern site boundary is a two storey commercial building, whilst located to the east of the site on the opposite side of Hudson Lane, are a number of two and three storey mixed use buildings (refer to Figure 4).



Figure 4: View of the site in an easterly direction from Church Street

Located adjacent to the southern side boundary of the site, are the rear of one and two storey commercial, retail and restaurant premises that front Kurrawyba Avenue, with the Crown Plaza located further beyond, cornering Kurrawyba Avenue and Pine Tree Lane (refer to Figure 5).



Figure 5: Properties adjacent to the southern side boundary of the site, fronting Kurrawyba Avenue, with the Crown Plaza Terrigal beyond these premises

Figure 6, is a contextual analysis section, prepared by Slater Architects, dated 7 February 2018, illustrating the section west to east along Church Street and Pine Tree Lane.



Figure 6: Contextual Analysis Section West to East along Church Street and Pine Tree Lane

DA 40057/2011 was granted on 21 September 2011 for a 4 storey mixed use retail and commercial development with a basement carpark at 15 Church Street Terrigal. The site contains existing commercial/ retail development fronting Terrigal Esplanade, which does not form part of the application, and the proposed new building is located at the rear facing Church Street and cornering Hudson Lane. This DA has commenced.

No. 15 Kurrawyba Avenue is located opposite the site on the western side of Church Street, cornering Kurrawyba Avenue. No. 15 Kurrawyba Avenue is currently occupied by the former Anglican Church buildings (use now ceased), which are currently used for the purposes of a martial arts studio and gymnasium (refer to Figure 7).



Figure 7: Opposite the site on the western side of Church Street and cornering Kurrawyba Avenue

3.1 DA 52083/2017 - 5-7 Church Street, Terrigal - 2 Ground-Floor Shops, 12 Residential Units and 23 On-site Car Parking Spaces (contd)

DA 49519/2016 for the construction of a six storey mixed use building on No. 15 Kurrawyba Avenue was approved on 20 April 2017 and subsequently amended on 22 February 2018. This site does have varying height controls which are different to the subject site. In detail, approval was granted for the demolition of all existing structures and excavation of land to accommodate two basement levels and the construction of a new six storey mixed use development comprising a total of 18 residential units and 51 car parking spaces. Extracts of the elevations of the proposal approved are provided at Figures 8 and 9.

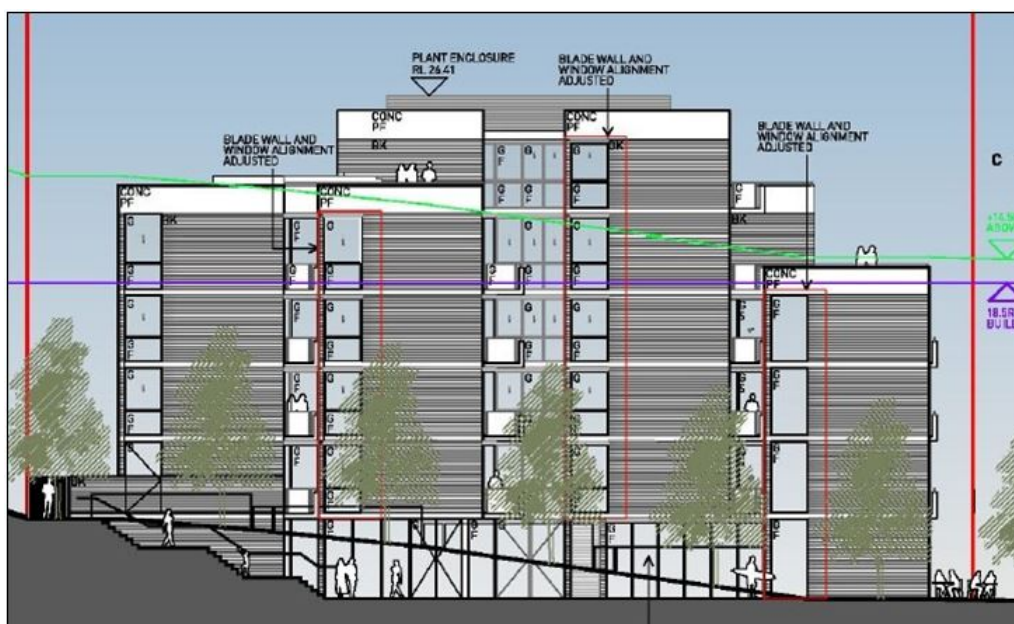


Figure 8: DA 49519/2016 Kurrawyba Avenue Elevation

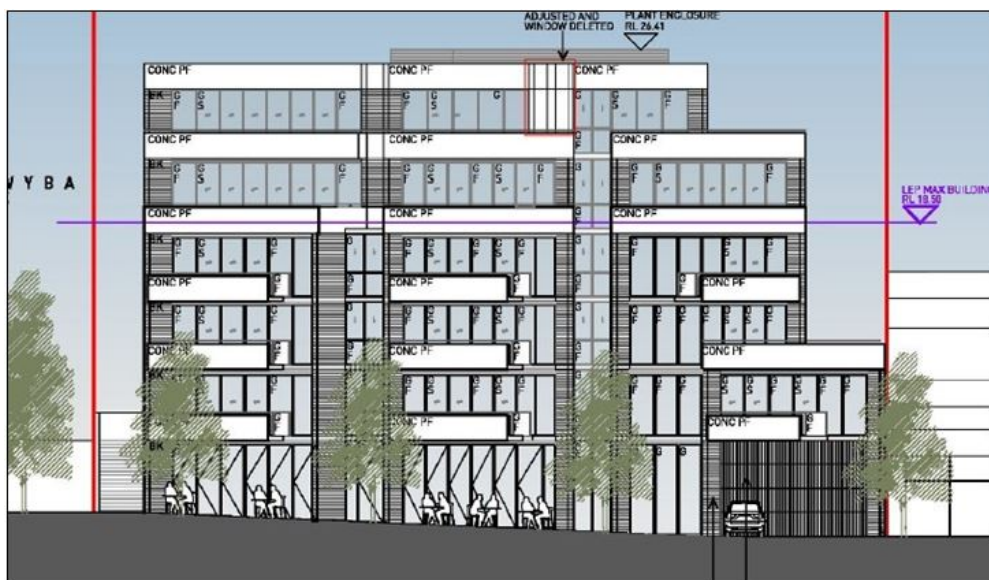


Figure 9: DA 49519/2016 Church Street Elevation

Figure 10, is a contextual analysis section, prepared by Slater Architects, dated 7 February 2018, illustrating the section south to west along Kurrawyba Avenue and the height of the

3.1 DA 52083/2017 - 5-7 Church Street, Terrigal - 2 Ground-Floor Shops, 12 Residential Units and 23 On-site Car Parking Spaces (contd)

development approved under DA 49519/2016 and that proposed under the subject development application.

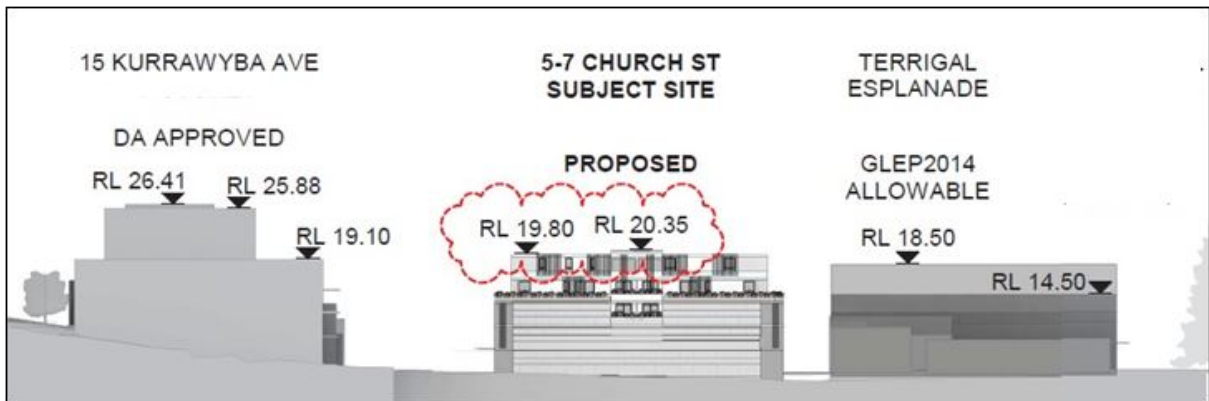


Figure 10: Contextual Analysis Section south to north along Kurrawyba Avenue

Terrigal CBD Traffic improvements

Stage 1 of the Terrigal CBD traffic flow improvements project, including the changes to Church Street to accommodate two way traffic flow, commenced on Monday 3 July 2018 and is complete. Stage 2 of Terrigal CBD traffic improvement works on Hudson Lane includes pedestrianising the section joining Church Street and resurfacing the section of pavement joining Kurrawyba Ave. There is no plan to change the traffic direction on Hudson Lane.

The Proposed Development

The Development Application was lodged on 19 May 2017 and was for a six storey mixed use development with 2 ground floor shops, 18 residential units with an overall height of RL 23.2m AHD and a floor space ratio (FSR) of 2.83:1 (refer to photomontage 1 provided below). The application has been amended three times (on 1 August 2017, 29 August 2017 and 12 February 2018) in response to community consultation and discussions with Council staff.



Photomontage 1: Design of originally submitted proposal

On 1 August 2017, the applicant lodged amended plans which reduced the height of the proposed building from RL 23.20m AHD to RL 20.20m AHD (RL 21.10m AHD associated with the lift overrun) by the provision of basement car parking and the deletion of the uppermost (sixth level) of the development. The number of units remained unchanged in that the first floor of the development was proposed as residential units in lieu of car parking. At this time, approval was sought for a five storey mixed use development with basement and ground level car parking, 2 ground floor shops, 18 residential units with a maximum height of RL 21.10m AHD and a floor space ratio (FSR) of 2.68:1.

Further amended plans were lodged on 29 August 2017 which increased side setbacks to the upper floor levels.

Following consultation with Council and in response to concerns raised in submissions, further amended plans were lodged on 12 February 2018 and are the subject of this report. The current proposal is for a five storey mixed use development with 2 ground floor shops, ground and first floor car parking, 12 residential units with reduced height of RL 19.80m AHD (maximum RL 20.35m AHD associated with the lift overrun) and a reduced FSR of 1.91:1:

- Ground Floor: Two shops at ground level fronting Church Street with a gross floor area (GFA) of 281m². Two vehicular access points are provided from Hudson Lane at this level, one serving the five commercial car parking spaces at this level, and the second serving the Level 2 car parking area.
- Level 2: Eighteen car parking spaces and associated storage areas.

3.1

DA 52083/2017 - 5-7 Church Street, Terrigal - 2 Ground-Floor Shops, 12 Residential Units and 23 On-site Car Parking Spaces (contd)

- Levels 3 to 5: Three levels of residential units above the shops and car parking levels containing 12 shop top units. This includes 2 x two bedrooms and 10 x three bedroom units.
- Waste collection will occur from Church Street.
- An artificial green wall is proposed to the Church Street and Hudson Lane frontage of Level 2, as highlighted in Figure 11.

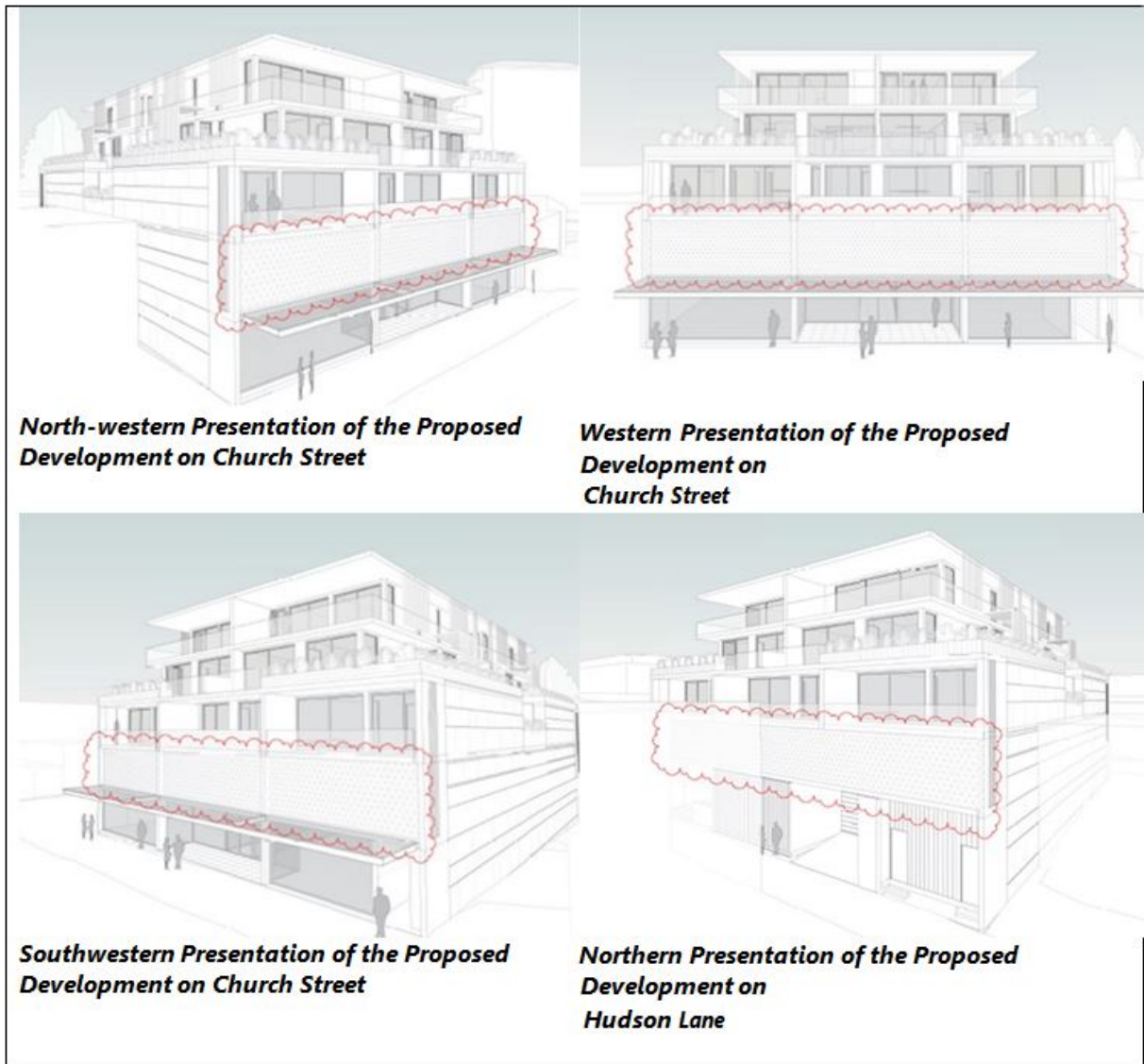


Figure 11: Proposed Facades (artificial green wall highlighted)

The subject of this assessment is the amended proposal received at Council on 12 February 2018.

History

The site was previously owned by former Gosford City Council and used for public car parking. The site was sold in 2015. Council leased the site from the purchaser until circa mid 2016 so as to continue the provision of public car parking. Following the expiration of the initial lease period of 1 year, Council did not enter into a new lease agreement on the subject site.

The rationale for the initial 1 year lease agreement was based on the Council resolution to sell and for Council to lease the site for parking while the nearby Wilson Road multi deck car park was being renovated so as to accommodate an additional level of car parking. Council has recently completed the construction of a fourth level to the Wilson Road car parking station to provide 110 additional car parking spaces in Terrigal. The subject site remains available as a public car park for 33 vehicles. However, the provision of this car parking remains at the discretion of the current owners of the site, and not Council.

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

The development application was notified on three occasions in accordance with Chapter 7.3 - Notification of Development Proposals of *Gosford Local Environmental Plan 2014* (GLEP 2014).

The application was lodged on 19 May 2017, and notified from 2 June 2017 to 23 June 2017, with 69 submissions objecting to the proposal.

On 1 August 2017, the applicant lodged amended plans which reduced the height of the proposed building from RL 23.20 to RL 20.20 by lowering the structure below ground level. The number of units remained unchanged. The amended plans were exhibited from 10 August 2017 to 31 August 2017, with 29 public submissions objecting to the proposed development being received at Council.

Further amended plans were lodged on 29 August 2017 which increased side setbacks to the upper floor levels. These further amended plans were not notified as the modifications were considered minor.

Following consultation with Council and in response to concerns raised in submissions, further amended plans were lodged on 12 February 2018, and notified from Thursday, 22 February 2018 until Thursday, 15 March 2018. Sixty three public submissions were received objecting to the latest amended proposal. The following is a summary of the issues raised:

- ***Construction work on the site will cause dust and noise concern which will affect trade of neighbouring commercial premises on Church Street and the accessibility of Hudson Lane.***

Comment

A construction management plan would be required as a condition of consent to be prepared prior to the issue of a Construction Certificate.

Conditions of development consent are recommended for imposition requiring dilapidation surveys and structural engineer's certification of those properties adjoining the site. These must be submitted and approved by the Principal Certifying Authority prior to the issuing of any Construction Certificate.

- ***The load on Council's infrastructure in Terrigal CBD is already an issue, this proposed development will add greatly to it.***

Comment

Local government infrastructure includes water supply and reticulation, sewage treatment, local roads, stormwater management and parks. As a result of the subject development, infrastructure within the municipality will be improved via s.7.11 developer contributions works in the adjacent roadway.

- ***The provision of first floor car parking will provide a precedent in the area.***

Comment

The provision of the first floor parking area facing Church Street and Hudson Lane is inconsistent with the Desired Character recommendations in GDCP 2013 in that '*on-site carparking and service areas should not be visible from any street frontage, and should be located in basements or behind occupied floorspace such as shops*'.

However, Council's Architect has advised the provision of the first floor parking area facing Church Street and Hudson Lane could be considered if an appropriate form of screen in conjunction with significant landscaping is provided to Council's satisfaction.

In order to address the concern raised by Council's Architect, **Condition 1.4** is recommended for imposition requiring the provision of a self-maintaining (in term of irrigation) vegetated wall to the south west (Church Street) and north east (Hudson Lane) Level 2 elevations of the building.

3.1 DA 52083/2017 - 5-7 Church Street, Terrigal - 2 Ground-Floor Shops, 12 Residential Units and 23 On-site Car Parking Spaces (contd)

- ***A five storey building in the central core of the Village would create a precedent as there is currently no building above three storeys.***

Comment

There are several developments in Terrigal Village Centres over three storeys in height. Whilst this development is contrary to several requirements envisaged for the Terrigal Village Centre, on balance, the design is supported.

- ***The building does not promote the pedestrian friendly scale that has been created by existing buildings with two storey walls along Church Street and Hudson Lane.***

Comment

It is acknowledged the proposed development does not activate the Hudson laneway frontage as is envisaged by the provisions within GDCP 2013 for the Terrigal Village Centre. Hudson Lane is constrained in that it is utilised as a service corridor for the residential and commercial properties that front Terrigal Esplanade and Church Street. The development application could have complied with activating Hudson Lane however it would have been to the detriment of activating Church Street. Additional vehicular access on Church Street would not be supported when there is an existing laneway to service the site.

In order for Hudson Lane to be commercially activated as envisioned by the controls by way of cafes at ground level, waste and service vehicles would have to be able to load/ unload on site and this would necessitate substantial lot consolidation. Given there are no statutory requirements to encourage the amalgamation of smaller lots to achieve the efficient development of land and design of buildings of Terrigal Village Centre, similar to repealed cl. 8.4 - Minimum building street frontage of GLEP 2014, it is unlikely that the activation of Hudson Lane will occur in the foreseeable future.

- ***The proposed development will create shadowing on the already existing residences in Hudson Lane.***

Comment

Shadow diagrams submitted with the development application demonstrate that the proposal does not overshadow any residential properties in Hudson Lane.

- ***The proposed development will decrease the value of land in the surrounding area.***

Comment

This concern is speculation and is not a matter for consideration under Section 4.15 of the EP & A Act. There is no evidence to substantiate this claim.

- ***The 5th storey and resultant increased height of the building results in the loss of coastal and/or ocean views from dwellings to the south of the site.***

Comment

A number of public submissions were received regarding view loss from existing and approved residences south west of the site on the opposite side of Church Street and further beyond on Cadel Street. In response to the concerns raised regarding view loss, the applicant prepared a view loss analysis, which is contained in Attachment 2.

Given that the site is currently vacant of any built structure, and given its location central to the Terrigal Village Centre, which is surrounded by elevated residential areas, any built form of a compliant height would reduce the outlook of surrounding properties. However, a detailed assessment has been with regard to those elements exceeding the height development standard. This issue is discussed further under Section 4.6 Exceptions to Development Standards of this report.

It is concluded the view loss associated with the uppermost level of the development is not unreasonable in this instance.

- ***The proposed development results in a window/ balcony on the Northern side of the building which will give direct access to the roof of the existing medical Centre. The balcony would also prevent any increase in the height of the current medical centre to current allowable limits.***

Comment

It is considered that the design of the proposed development will not hinder the attainment of suitable form and massing on adjacent development sites.

There are no windows on the northern side of the development. The two balconies on level 2 are served by a planter box and balustrade that will restrict movement between the two sites.

- ***The proposed development is not in any way compatible with the area.***

Comment

The proposed built form is considered acceptable in the context of the site.

There will be no amenity impacts as a result of the variations to cl.4.3 (Height of Buildings) and cl.4.4 (Floor Space Ratio) under GLEP 2014 that would warrant further modification of the development application.

- ***The proposal will result in the loss of public car parking which will affect tourists, residents and customers of the adjacent medical centre.***

Comment

The majority of submissions received raised concern with the loss of “public” car parking on site. This particular issue is unrelated to the subject DA. The subject site remains available as a public car park for 33 vehicles, however, the provision of this car parking remains at the discretion of the current owners of the site, and not Council.

The allocation of the proposed 23 car parking spaces is provided in accordance with Chapter 7 of GDCP 2013, that being 7 car parking spaces allocated to the commercial units, 3 car parking spaces allocated to residential visitors and the remainder of car parking spaces (13) being allocated to the residential units.

Notwithstanding the above, Council is reviewing several options to increase public car parking in the Terrigal Village Centre.

Submissions from Public Authorities

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

Internal Consultation

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

Architect

Council's Architect has reviewed the application and has supported the application with conditions. Detailed comments are provided under *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* (SEPP 65) Assessment.

Building

Council's Building Officer has reviewed the application and provides the following comments:

Supported, without conditions.

Engineering

Council's Development Assessment Engineer has reviewed the application and provides the following comments:

Supported, with conditions.

Traffic/ Transport

Council's Traffic Officer has reviewed the application and has supported the application subject to conditions.

Waste Services (Garbage)

Council's Waste Services Officer has reviewed the application and has supported the application subject to conditions.

Water and Sewer

Council's Water and Sewer Officer has reviewed the application and has supported the application subject to 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.

3.1 DA 52083/2017 - 5-7 Church Street, Terrigal - 2 Ground-Floor Shops, 12 Residential Units and 23 On-site Car Parking Spaces (contd)

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

Assessment:

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

Provisions of Relevant Instruments/Plans/Policies:

State Environmental Planning Policies (SEPP)

The following SEPP's are relevant to the proposed development:

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

The application is supported by a BASIX certificate which confirms the proposal will meet the NSW government's requirements for sustainability, if built in accordance with the commitments in the certificate. The proposal is considered to be consistent with the requirements of *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*.

State Environmental Planning Policy 71 – Coastal Protection

The provisions of *State Environmental Planning Policy No 71 - Coastal Protection* (SEPP 71) require Council consider the Aims and Objectives of the SEPP together with the matters for consideration listed in Clause 8 of the SEPP when determining a development application within the Coastal Zone. The Coastal Zone is an area defined on maps issued by the NSW Department of Planning & Environment and the subject property falls within this zone.

The site is located wholly within a coastal protection zone under SEPP 71. The proposal has been assessed within the context of the matters for consideration under cl. 8 of SEPP 71. It is concluded the proposal is consistent with cl. 8 of SEPP 71 and no further objection is made in this regard.

State Environmental Planning Policy (Coastal Management) 2018

SEPP 71 was repealed on the commencement of the *State Environmental Planning Policy (Coastal Management) 2018* (SEPP Coast Management) on 3 April 2018. However, cl. 21 of SEPP Coastal Management provides that SEPP 71 continues to apply to a development application lodged but not finally determined before commencement of the Policy. As such, SEPP 71 continues to be a relevant planning provision for this application.

State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)

The provisions of this SEPP apply however, the site has a history of being utilised as a carpark and so contamination is not likely to be present. In accordance with cl. 7(2) of the SEPP, no further consideration is required in this regard.

State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65)

The proposal is subject to the requirements of SEPP 65. Subclause 30(2)(b) of SEPP 65 provides that the consent authority should take into consideration the design quality of the proposed development. The Design Verification Statement which accompanies the application demonstrates consistency with the design quality principles.

Council's Architect has provided advice in relation to the SEPP 65 Design Quality Principles and supports the development application for the following reasons:

- The site is currently surrounded by 2 to 3 storey commercial developments but is now zoned for heights up to RL 18.5m AHD. A 5 storey mixed use development with commercial use on the street front is considered appropriate in this context and is supported in principle.
- The reinstatement of the first floor parking area facing Church Street and Hudson Lane is inconsistent with the Desired Character recommendations in GDCP 2013 in that '*on-site carparking and service areas should not be visible from any street frontage, and should be located in basements or behind occupied floorspace such as shops*'.

The reinstatement of the first floor parking area facing Church Street and Hudson Lane could only be considered if an appropriate form of screen in conjunction with significant landscaping is provided to Council's satisfaction. The proposed plastic vegetation is not a satisfactory response to the non-complying parking area or deep soil zones.

3.1 DA 52083/2017 - 5-7 Church Street, Terrigal - 2 Ground-Floor Shops, 12 Residential Units and 23 On-site Car Parking Spaces (contd)

- The *Apartment Design Guide* requires a setback to habitable rooms including balconies of 6 metre up to 4 storeys and 9 metres from 4 to 8 storeys. It is considered that the application will generally not have detrimental impacts on adjoining sites in terms of the setbacks proposed.
- BASIX certificate supplied indicating compliance with mandatory energy efficiency standards.
- There is no deep soil planting on the site and the proposed planting on balconies is small but provides screening and is generally acceptable.
- The proposed plastic planting associated with the Church Street and Hudson Lane frontages of the first floor level parking areas is not a substitute for the noncomplying deep soil zone. This area should have some form of screening supplemented with real plants with an adequate density to screen the car parking.
- Amenity is acceptable. It is expected that adjoining sites will be developed in a similar manner.
- The aesthetics are acceptable with articulation, variation in materials and small scale details to assist in disguising the scale of the building and provide visual interest.

In order to address the concern raised by Council's Architect, **Condition 1.4** is recommended for imposition requiring the provision of a self-maintaining (in term of irrigation) vegetated wall to the south west (Church Street) and north east (Hudson Lane) Level 2 elevations of the building.

The Apartment Design Guide: Tools for improving the design of residential apartment development (ADG) provides objectives, design criteria and design guidance on how residential development proposals can meet the Design Quality Principles contained within Schedule 1 of SEPP 65, through good design and planning practice.

The proposal is considered acceptable having regard to the requirements of the ADG. For further consideration, refer to the ADG Compliance Table contained within **Attachment 3**.

Central Coast Regional Plan 2036

The subject site is included in the Central Coast Regional Plan 2036 as an 'urban area' and is located in close proximity to the 'strategic centre' of Erina and 'regional city' of Gosford. Refer to Figure 12.

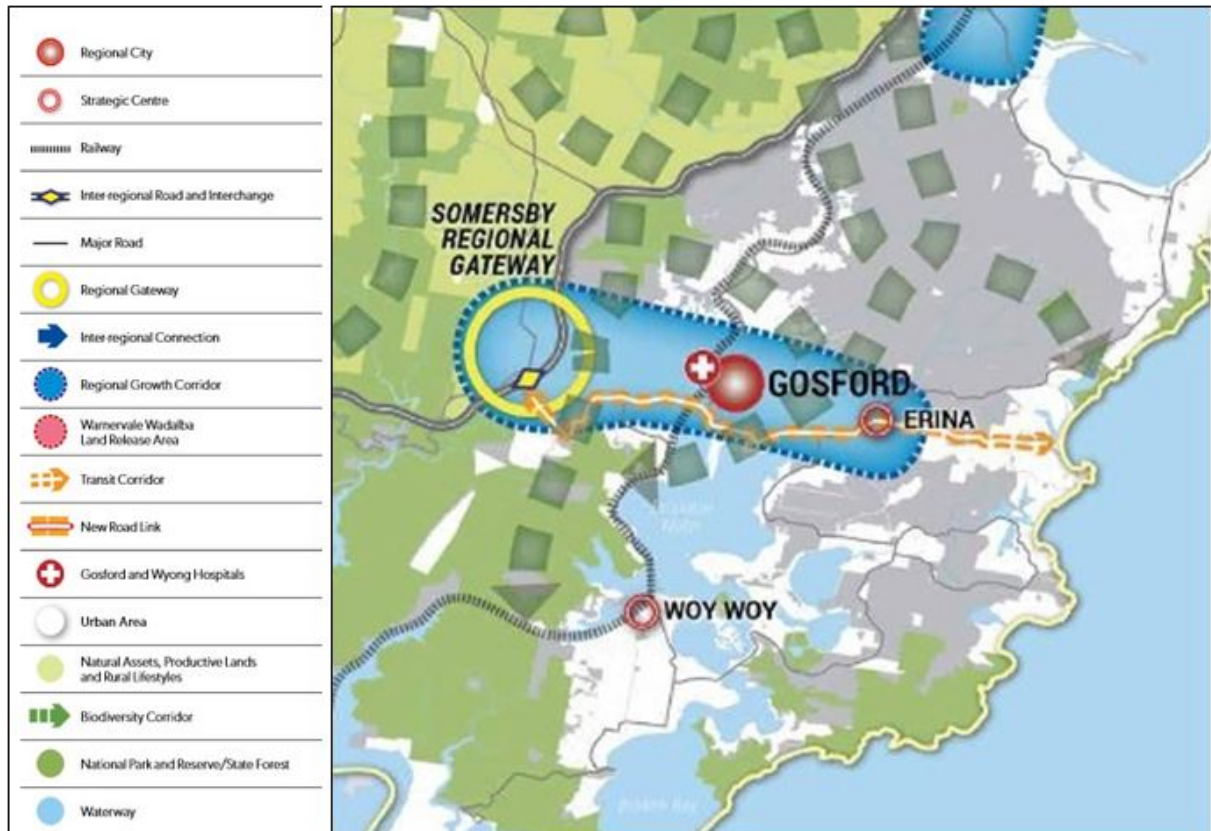


Figure 12: Central Coast Regional Plan 2036

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

The proposed redevelopment of the site is consistent with all relevant Directions under the Central Coast Regional Plan 2036 zone in that upon completion the housing mix of the locality will be increased. Furthermore, the development is generally consistent with the village centre locality, provides for additional population accommodation within walking distance of the shops, services and public transport, and will not adversely impact residential amenity nor create additional demands upon public infrastructure.

Gosford Local Environmental Plan 2014

Zoning and Permissibility

The subject site is zoned B2 Local Centre under the provisions of *Gosford Local Environmental Plan 2014* (GLEP 2014). Development for the purposes of commercial premises and shop top housing is permissible within the B2 zone. Consideration of the proposal has been provided with regard to the objectives of the control contained within cl. 2.3(2) of GLEP 2014:

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- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*

The proposed development provides for ground level retail/ business premises fronting Church Street, to serve the local community.

- *To encourage employment opportunities in accessible locations.*

The proposed development provides for ground level retail/ business premises providing employment opportunities within Terrigal Village Centre.

- *To maximise public transport patronage and encourage walking and cycling.*

The proposed development is located on a bus route within the Terrigal Village Centre and is within walking distance of all local facilities and services provided within the Centre and recreational areas located along the coastal foreshore.

- *To provide for residential uses, but only as part of a mixed use development.*

The proposed development provides residential accommodation as part of a mixed use development.

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

The built form is consistent with the desired future character of the zone identified for the Terrigal Village Centre.

- *To promote ecologically, socially and economically sustainable development.*

The proposed development provides for the efficient and sustainable use of the subject land, located in an urban setting and has no ecological values requiring protection.

- *To ensure that the town centres of Erina and Woy Woy are recognised as providing a higher level, and greater diversity, of services and facilities to serve a wide population catchment from numerous localities and as key public transport nodes, secondary to Gosford City Centre.*

This objective is not applicable to the Terrigal Village Centre.

- *To ensure that village centres such as Avoca, East Gosford, Ettalong Beach, Kincumber, Lisarow, Niagara Park, Terrigal, Umina Beach, West Gosford and Wyoming are recognised as providing a broad range of services and facilities to serve the population of the locality.*

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The proposed development will provide retail premises to service the local community and provide for additional residential accommodation within the Terrigal Village Centre.

- *To ensure that villages are recognised as providing local level services and facilities and are developed at a scale that reflects their population catchment and as a focus for public transport routes.*

The proposed development will result in the provision of local commercial services to the community, accessible by public transport.

- *To ensure that the different roles of villages are recognised with some villages being key tourist destinations with boutique activities in addition to serving the needs of local residents, while other villages are purpose-built centres to serve the needs of the local population.*

The proposed development will provide commercial services appropriate to the Terrigal Village Centre's function as a tourist destination.

- *To encourage the residential population of villages and town centres to contribute to the vitality of those locations.*

The proposed development will provide for 12 residential units and will result in an increased residential population which will contribute to the vitality of Terrigal Village Centre.

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

Development Standards

An assessment of the proposed development against the relevant planning controls is detailed below.

Development Standard	Required	Proposed	Compliance with Controls	Variation %	Compliance with Objectives
cl. 4.3 (Height of Buildings)	RL 18.5m AHD	RL of 20.35m AHD	No	10%	Yes
cl. 4.4 (Floor Space Ratio)	1.8:1	1.91:1	No	6%	Yes

Figure 13: Development Standards

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4.3 Height of Buildings

The provisions of cl. 4.3 (Height of Buildings) within GLEP 2014 establish a maximum height limit for buildings. The applicable height control indicated on the GLEP Height of Buildings map is RL 18.5m Australian Height Datum (AHD).

The proposed development has a maximum height of RL 20.35m AHD associated with the lift overrun, resulting in a 1.85m or 10% non-compliance with the development standard. The remainder of the proposed structure provides a maximum RL of 19.8 AHD, resulting in a 1.3m or 7.03% non-compliance with the development standard (refer to Figure 14).



Figure 14: Cross Section (RL 18.5m AHD Mid – Level 5)

4.4 Floor Space Ratio

The provisions of cl. 4.4 (Floor Space Ratio) within GLEP 2014 establish a maximum floor space ratio (FSR) for buildings. The applicable FSR control is 1.8:1. The floor space ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area. The maximum gross floor area permitted on the subject site is 1695.6m².

The proposed development has a maximum FSR of 1.91:1, representing a 0.11:1 or 6% noncompliance with the development standard. The maximum floor space proposed on the site totals 1798m², 102.4m² greater than that permitted.

4.6 Exceptions to Development Standards

A cl. 4.6 (Exceptions to Development Standards) variation for the non-compliance associated with building height (cl. 4.3 of GLEP 2014) and floor space ratio (cl 4.4 of GLEP 2014) was provided.

In accordance with cl. 4.6(4), development consent must not be granted for a development that contravenes a development standard unless:

- The consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated in subclause (3). Subclause 3 provides:

Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

A cl. 4.6 (Exceptions to Development Standards) variation for the non-compliance associated with **building height** (cl. 4.3 of GLEP 2014) was provided. The cl. 4.6 of GLEP 2014 request submitted by the applicant states how strict compliance with the development standards is unreasonable or unnecessary (having regard to the decision in *Wehbe v Pittwater Council [2007] NSW 827*) and how there are sufficient environmental planning grounds to justify the contravention, is summarised below:

The purposed minor exceedance of the maximum permissible building height does not significantly increase the bulk and scale of the proposed development; upper level boundary building setbacks provide for view sharing from upslope residential properties located to the west; and the design height of the proposed amended development does not have any significant adverse scenic/ visual impacts or amenity (privacy/ overshadowing) impacts on either the public domain, or neighboring properties, in comparison to a complying development; and

As demonstrated in the 'Context Analysis – Section' provided, the maximum height of the proposed amended development is compatible (and not out of scale) with existing and recently approved multi- unit level development in the near vicinity, It is noted that the predominant roof level of the proposed development is less than that recently approved by Council at 15 Kurrabyba Street (RL 25.88m); 6 Pine Tree Lane (RL 27.65m); and 13 Ash Street (RL 23.18m).

A cl. 4.6 (Exceptions to Development Standards) variation for the non-compliance associated with **floor space ratio** (cl 4.4 of GLEP 2014) was provided. The cl. 4.6 of GLEP 2014 request submitted by the applicant states how strict compliance with the development standards is unreasonable or unnecessary (having regard to the decision in *Wehbe v Pittwater Council [2007] NSW 827*) and how there are sufficient environmental planning grounds to justify the contravention, is summarised below:

The proposed exceedance of the maximum permissible floor space ratio development standard is commensurate with the density of development that is otherwise permitted under the building envelope controls applicable to the subject land and the proposed development. Prior to the gazettal of the LEP there was no FSR control applicable within the Terrigal Village Centre and building density, bulk and scale was controlled through building envelope and architectural design controls contained within the former DCP 55.

The application of the 1.8:1 FSR development standard to the subject land under LEP 2014 has significantly reduced previously permitted floor space and development yields on land throughout the Terrigal Village Centre, resulting in development outcomes which would not be economically viable, if required to strictly comply with the 1.8:1 FSR development standard.

As demonstrated in the 'Contextual Analysis – Section', the bulk and scale of the proposed amended development is compatible (and not out of scale) with existing and recently approved multi – level development in the near vicinity.

Council is satisfied that the matters required to be demonstrated in subclause (3) have been adequately addressed for the variation to the building height development standards.

- The consent authority is satisfied that 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.

In order to demonstrate if the proposal has merit, consideration of the proposed building height non-compliance has been provided with regard to the objectives of the control contained within cl. 4.3(1) of GLEP 2014:

- a) to establish maximum height limits for buildings*

The maximum height limit for buildings has been identified for this property.

- b) to permit building heights that encourage high quality urban form*

In this instance, it is considered that the additional building height proposed does not detract from the attainment of providing quality urban form in accordance with the character of the zone. The design incorporates various design elements, which activate the design as viewed from the public domain.

- c) to ensure that buildings and public areas continue to receive satisfactory exposure to sky and sunlight*

Shadow diagrams for Midwinter (21 June) and the Equinox (21 December and 21 March) have been submitted which illustrate the overshadowing generated by the proposal.

During the Equinox, all shadows cast by the proposal affect to a minor extent the rear setback area of No.'s 3-7 Kurrawyba Avenue at Midday and the roof areas associated with these properties at 3pm. At 3pm during the Equinox, additional shadows are also cast to Hudson Lane and ground floor commercial areas. However, no objection is raised to this overshadowing given only service areas are impacted.

During Midwinter, the lower level of the commercial building located at No. 10 Church Street is impacted by way of additional overshadowing at 9am. However no objection is raised, given this commercial property will retain unaffected solar access from 10.30am for the remainder of this period.

Between approximately 10.30am and 3pm during Midwinter, the commercial properties located directly south of the site at No.'s 3-7 Kurrawyba Avenue, will be impacted by additional shadows cast by the proposed development. However, no objection is raised to this overshadowing given only service areas and roof areas are impacted. It is also noted that the properties at No.'s 3-7 Kurrawyba Avenue are located directly south of the site and a development complying with cl.4.3 of GLEP 2014 would result in similar impacts during this period.

In view of the above considerations, no objection has been made with regard to the additional shadows cast by height non-complying elements.

- d) to nominate heights that will provide an appropriate transition in built form and land use intensity*

The desired height transition from higher buildings in the village centre, to lower buildings external to the village, will be maintained as a result of the proposed development.

- e) *to ensure that taller buildings are located appropriately in relation to view corridors and view impacts and in a manner that is complementary to the natural topography of the area*

The subject site has not been identified as being located within a protected view corridor. However, a number of public submissions were received regarding view loss from residences south west of the site on the opposite side of Church Street and further beyond on Cadel Street. In response to the concerns raised regarding view loss, the applicant prepared a view loss analysis, which is contained in Attachment 2.

Given that the site is currently vacant of any built structure, and its location is central to the Terrigal Village Centre, which is surrounded by elevated residential areas, any built form of a compliant height would reduce the outlook of surrounding properties. The assessment undertaken below is only with regard to those elements exceeding the height development standard. Figure 14, identifies RL 18.5m AHD intersecting Level 5, being the uppermost level of the development.

In *Tenacity Consulting P/L v Warringah Council Halics* [2004] NSW LEC140, the Land and Environment Court established a planning principle for assessment of view loss impact on adjoining properties. The principle is:

- 1 Assessment of views to be affected.*
- 2 Consider from what part of the property the views are obtained.*
- 3 Assess the extent of the impact.*
- 4 Assess the reasonableness of the proposal that is causing the impact.*

In respect of the step (2), an expectation to retain side views and sitting views would be unrealistic.

In respect of the step (3), the extent of the impact should be assessed for the whole of the property, not just for the view that is affected. The third step should be qualitatively measured on a scale from negligible to devastating.

In respect of the step (4), a development that affects views may be unreasonable if it comes about as a result of non-compliance with planning standards.

The properties that form part of this view loss assessment are identified in Figure 15.

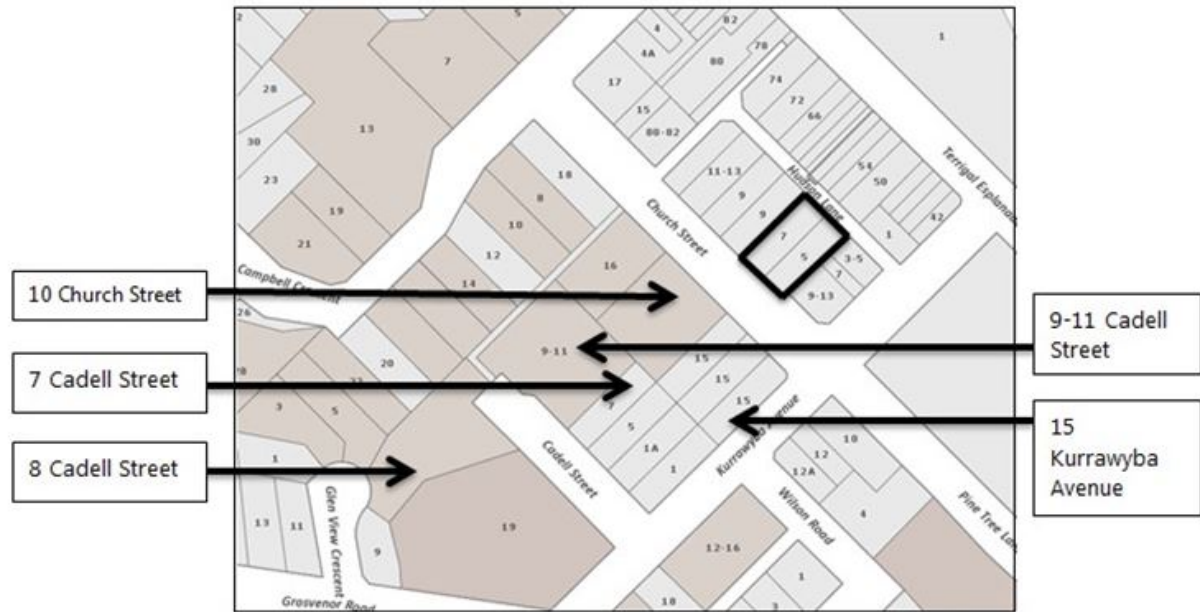


Figure 15: Properties identified in View Loss Analysis (site edged in black)

(a) No. 7 Cadell Street

This site contains a single dwelling-house with a deck at ground level at the rear of the property. This deck has minimal outlook except for on site vegetation. In the event this vegetation was removed, any outlook from the rear deck would comprise the rear of the residential flats located at No. 10 Church Street.

(b) No. 8 Cadell Street

This site is occupied by a residential flat building containing 7 units. The two ground level units in this development fronting Cadell Street do not obtain ocean views across the subject site. The current north-easterly outlook from Unit 1/8 Cadell Street will remain unaffected by the proposed development.

However, those units located above the ground floor unit do obtain ocean views. The impact of the proposed development on these views is discussed below. The finished floor level (FFL) of the outdoor terrace serving Unit 4 is RL 19.95m AHD. The ridge level of the proposed development is RL 19.80m AHD, with the lift overrun encroaching to RL 20.35m AHD. The proposed development will not further erode the outlook from No. 4/8 Cadell Street as shown in Figure 16 in that it will be obscured by the existing town house development located at No.'s 9-11 Cadell Street. It is noted, No. 3/8 Cadell Street also has an ocean outlook however this outlook is orientated in a north-easterly direction, where the existing town house development located at No.'s 9-11 Cadell Street will also obscure any view of the proposed development.



Figure 16: Outlook from 4/8 Cadell Street (Source: www.domain.com.au)

The finished floor level (FFL) of the outdoor terrace serving Unit's 5 and 6 is RL 21.9m AHD. The ridge level of the proposed development is RL 19.80m AHD, with the lift overrun encroaching to RL 20.35m AHD. The proposed development will not further erode the outlook from these units as shown in Figure 17 and 18 as the lower roof line of No. 8 Cadell Street will obscure the proposed development in that it is at RL 23m AHD.



Figure 17: Outlook from 5/8 Cadell Street (Source: www.domain.com.au)



Figure 18: Outlook from 6/8 Cadell Street (Source: www.domain.com.au)

In view of the above considerations, no objection is raised.

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(c) No. 9-11 Cadell Street

No. 9-11 Cadell Street is occupied by a residential development containing 12 townhouses. Six town houses are located at directly adjacent to Cadell Street with the remaining six located at a lower topography further east of Cadell Street and directly adjoining the existing residential development at No. 10 Church Street.

As shown in Figure 19, these town houses currently retain ocean views in a northeast direction filtered by existing structures and vegetation.



Figure 19: Outlook from 11/9-11 Cadell Street (Source: www.realestate.com.au)

The outlook from all townhouses in No. 11/9 -11 Cadell Street is of the Terrigal Village Centre, where a maximum RL of 18.5m AHD is identified. A commercial development recently completed at No. 72 Terrigal Esplanade (refer to Figure 19) has been surveyed as providing a maximum RL of 15.15m AHD, clearly identifying that any development within the Terrigal Village Centre, if built to a complying height of RL 18.5m AHD would obscure all ocean views from this elevation, however a distant view of the beach and land interface would remain.

It is concluded that the proposed development will obscure ocean views from the dwellings within No. 9-11 Cadell Street, however, a height compliant development would also obscure these ocean views. In view of the above considerations, any view loss from this site is not unreasonable.

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(d) No. 10 Church Street

This site contains commercial premises fronting Church Street and residential flats above and to the rear of the site over four storeys. View assessment was taken from the eastern orientated terraces on a lower level and an uppermost level, eastern orientated terraces.

No ocean views will be lost from the terrace areas associated with the lower level units (refer to Figure 20).



Figure 20: Outlook from lower level residential terrace at No. 10 Church Street

The uppermost level terraces in No. 10 Church Street are located off living areas and will lose partially obscured ocean views over the site even with a development which complies with the maximum building height (refer to Figure 21).



Figure 21: Outlook from upper level residential terrace at No. 10 Church Street

In view of the above considerations, it is concluded the loss of views from the uppermost level terracing is not unreasonable.

(e) No. 15 Kurrawyba Avenue (DA 49519/2016)

A submission was received with regard to the potential loss of views associated with Levels 4 and 5 of the recently approved development located at No. 15 Kurrawyba Street. DA 49519/2016 for the construction of a six storey mixed use building on No. 15 Kurrawyba Avenue was approved on 20 April 2017 and subsequently amended on 22 February 2018. In detail, approval was granted for the demolition of all existing structures and excavation of land to accommodate two basement levels and the construction of a new six storey mixed use development comprising a total of 18 residential units and 51 car parking spaces.

Level 4 of the approved development is occupied by five units, wherein four of these units have balconies orientated over No.'s 3-7 Kurrawyba Avenue and the view corridor between these sites and the Crowne Plaza development. One unit on Level 4 (north eastern corner) will enable an outlook principally over the subject site. The view impact analysis provided in a submission and identified in Figure 22, demonstrates the correct view impact to this affected unit on Level 4.

It is acknowledged that the view of ocean over the subject site will be lost to the northeastern unit of Level 4. However, a view corridor over No.'s 3-7 Kurrawyba Avenue and the view corridor between these sites and the Crowne Plaza development will remain. Furthermore, as identified in Figure 22, these ocean views would be lost from Level 4 with a development which complies with the maximum building height. In this regard no further objection is made.

With regard to the view loss concerns associated with Level 5 of DA 49519/2016, no objection is raised for the following reasons:

- Level 5 is occupied by a single unit with three balconies orientated east. In addition a further balcony has been approved to service this unit on Kurrawyba Avenue. Three of the four balconies serving the unit on Level 5 will retain view corridors over No.'s 3-7 Kurrawyba Avenue and the view corridor between these sites and the Crowne Plaza development will remain.
- Whilst a view of the ocean would remain from the affected balcony on Level 5 with a height compliant development, to require compliance in this instance is considered unreasonable considering both Level 4 and 5 of the approved development at No.15 Kurrawyba Avenue, exceed the maximum height development standard identified for the site, being RL 18.5m AHD.

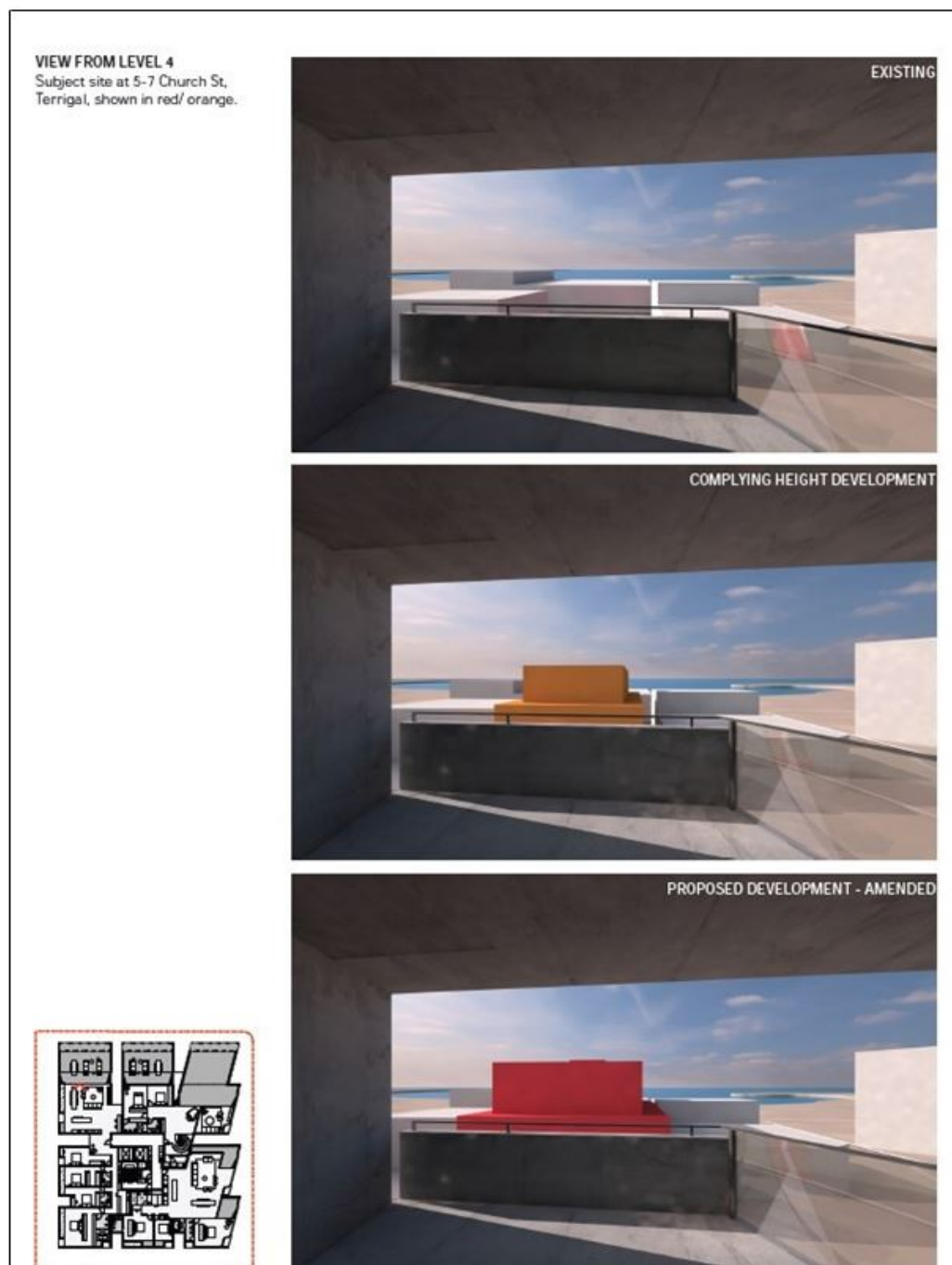


Figure 22: View impact analysis provided in a submission

- f) to protect public open space from excessive overshadowing and to allow views to identify natural topographical features

The proposal does not cause overshadowing to public open space areas.

In order to demonstrate if the proposal has merit, consideration of the proposed floor space ratio non-compliance has been provided with regard to the objectives of the control contained within cl. 4.4(1) of GLEP 2014:

- a) *to establish standards for the maximum development density and intensity of land use*

The maximum floor space ratio for buildings has been identified for this property.

- b) *to control building density and bulk in relation to site area in order to achieve the desired future character for different locations*

The proposal does not result in excessive building bulk and scale. The proposal is consistent with zone objectives and provides for medium density mixed use development which is consistent with development in the locality.

- c) *to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain*

The minor non-compliance with floor space ratio does not exacerbate overshadowing. There is a loss of sunlight particularly to the southern property, during the winter months, whether the proposal complies with the floor space ratio or not. Adequate separation is achieved between developments on adjoining properties and is not considered to have unreasonable impacts on future developments. In light of the above, it is considered that the proposed variation in no way hinders the attainment of this objective.

- d) *to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation*

The proposal maintains an appropriate visual relationship with neighbouring properties and will not result in a visually prominent development when viewed from public spaces in the vicinity of the site. In light of the above, it is considered that the proposed variation in no way hinders the attainment of this objective.

- e) *to provide an appropriate correlation between the size of a site and the extent of any development on that site*

The proposed development has a maximum FSR of 1.91:1, representing a 0.11:1 or 6% non-compliance with the development standard. The maximum floor space proposed on the site totals 1,798m², 102.4m² greater than that permitted. The uppermost level of the development contains 358m² of floor space.

The proposed exceedance of the maximum permissible floor space will result in a minor increase (approximately 1/3) of the overall massing of the building at the uppermost level. However, despite this variation, the proposed development maintains an appropriate visual relationship with existing and approved development in the locality, without causing unreasonable amenity impacts to adjoining properties.

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Based on the consideration of this objective, Council is advised that compliance with the development standard is unnecessary, as the proposed additional height does not hinder the objective being realised.

- f) to facilitate design excellence by ensuring the extent of floor space in building envelopes leaves generous space for the articulation and modulation of design*

Council's Architect has reviewed the amended proposal, wherein no further objection is raised subject to the imposition of **Condition 1.4**.

- g) to ensure that the floor space ratio of buildings on land in Zone R1 General Residential reflects Council's desired building envelope*

This objective is not applicable to the Terrigal Village Centre.

- h) to encourage lot amalgamation and new development forms in Zone R1 General Residential with car parking below ground level*

This objective is not applicable to the Terrigal Village Centre.

The cl.4.6 of GLEP 2014 variation request submitted by the applicant also provides assessment of the proposal against the relevant development standard and zone objectives, and Council is satisfied that the applicant has demonstrated consistency with these objectives such that the proposal is in the public interest.

- *The concurrence of the Secretary has been obtained.*

In accordance with cl. 4.6(4)(b) development consent must not be granted for development that contravenes a development standard unless the concurrence of the Secretary has been obtained.

Planning Circular PS 18-003, issued 21 February 2018, states that a delegate of Council may not assume the concurrence of the Secretary when considering exceptions to development standards under cl.4.6 of GLEP 2014 if the development contravenes a development standard by greater than 10%. In this instance, the proposed variations do not exceed 10%, and the concurrence of the secretary can be assumed.

This assessment has been carried out having regard to the relevant principles identified in the following case law:

- *Wehbe v Pittwater Council [2007] NSWLEC 827*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248*

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The cl. 4.6 (Exceptions to Development Standards) of GLEP 2014 request submitted by the applicant appropriately addresses the relevant principles and exhibits consistency with the relevant objectives under GLEP 2014.

This assessment concludes that the cl. 4.6 (Exceptions to Development Standards) of GLEP 2014 variation provided having regard to cl. 4.3 and cl. 4.4 of GLEP 2014 are well founded and worthy of support.

7.2 Flood planning

Figure 23 identifies the site as having minor isolated flood impacts.



Figure 23: 1% Flood Extents

The development is considered satisfactory in respect to cl. 7.2 of GLEP 2014 subject to the imposition of appropriate flood mitigating conditions as recommended by Council's Development Engineer.

Gosford Development Control Plan 2013

An assessment of the proposed development against the relevant chapters of GDCP 2013 is provided in a Compliance Table under **Attachment 4**. Despite resulting in several variations with the requirements with GDCP 2013, it is concluded the development is appropriate in the locale.

Likely Impacts of the Development:

a) Built Environment

The proposed built form is considered acceptable in the context of the site.

There will be no amenity impacts as a result of the variations to cl.4.3 (Height of Buildings) and cl.4.4 (Floor Space Ratio) under GLEP 2014 that would warrant further modification of the development application.

Concern has been raised in submissions received at Council regarding a loss of views of the ocean from properties to the west of the site on the opposite side of Church Street, Terrigal.

A thorough view analysis has been carried out and it is concluded that views retained from these affected properties would be lost with a height compliant development on the subject site. Furthermore, it is considered the additional height will not result in excessive bulk and scale.

b) Natural Environment

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

c) Economic Impacts

The proposed development will contribute to the supply of housing needs in the locality and is considered to be satisfactory from an economic perspective.

d) Social Impacts

No social impacts will arise from the approval of this residential development.

The majority of submissions received raised concern with the loss of "public" car parking on site. This particular issue is unrelated to the subject DA.

Suitability of the Site for the Development:

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

- The land has been classified as being under a "flood planning level". Having regard to Clause 7.2 (3) (a) – (e) of GLEP 2014, the proposal is supportable subject to the imposition of conditions.

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

The Public Interest: (s79C(1)(e)):

The approval of the application is considered to be in the public interest.

Other Matters for Consideration:

Section 7.11 and 7.12 Contributions

The subject site is located within Contribution Plan No. 47 and No. 69. The proposed development is subject to contributions in accordance with Contribution Plan No. 47. The applicable contribution amount was calculated and will be imposed via a condition requiring the contribution to be paid prior to the issue of any Construction Certificate.

Water and Sewer Contributions

The proposed development is subject to Water and Sewer Contributions.

Conclusion:

The Development Application has been assessed against the heads of consideration of s4.15 of the EP&A Act and all other relevant instruments and policies and, on balance, the proposed development is considered reasonable and therefore it is recommended that Council grant development consent approval to DA52083/2017.

Attachments

1	Draft Conditions of Consent	Enclosure	D13398438
2	Development Plans	Enclosure	D13395972
3	ADG Compliance Table	Enclosure	D13394493
4	GDCP 2014 Compliance Table	Enclosure	D13394495



Item No: 3.2
Title: DA 53031/2017 - 231 and 241 Wisemans Ferry Road, Somersby
Department: Environment and Planning

10 December 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13387266
Author: Antonia Stuart, Senior Development Planner
Manager: Ailsa Prendergast, Section Manager, Development Assessment (South)
Executive: Scott Cox, Director, Environment and Planning

Summary

A development application has been received for a three stage land subdivision comprising five industrial lots and three lots for road dedication/ widening and habitat protection at No's. 231 and 241 Wisemans Ferry Road, Somersby. The development application is required to be reported to Council due to the resultant lot sizes not achieving the minimum lot size development standard specified in the *Gosford Local Environment Plan 2014* (GLEP 2014) by more than 10%.

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

Applicant:	Doug Sneddon Planning Pty Ltd
Owner:	Reds Global Resources Pty Ltd
Application No.:	DA 53031/2017
Description of Land:	Industrial/ Bushland
Proposed Development:	Industrial Subdivision
Site Area:	97,060m ²
Zoning:	SP2 Infrastructure / IN1 General Industrial
Existing Use:	Industrial
Employment Generation:	Yes
Estimated Value:	\$490,000.00

Recommendation

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

3 That Council advise the relevant Public Authorities of its decision.

Background

Proposed Development	Three stage land subdivision comprising five industrial lots and three lots for road dedication/widening and habitat protection.
Permissibility and Zoning	The subject site is zoned SP2 Infrastructure and IN1 Industrial under the provisions of <i>Gosford Local Environmental Plan 2014</i> . The proposed subdivision of the subject land for the purpose of future industrial development is permissible with the consent of the Council.
Relevant Legislation	<p>The following planning policies and control documents are relevant to the development and were considered as part of the assessment:</p> <ul style="list-style-type: none"> • <i>Environmental Planning and Assessment Act 1979</i> (EP & A Act) • <i>Environmental Planning and Assessment Regulation 2000</i> (EP & A Regulation) • <i>Biodiversity Conservation Act 2016</i> (BC Act) • <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EP&BC Act) • <i>Biodiversity Conservation (Savings and Transitional) Regulation 2017</i> (Biodiversity Conservation Regulation) • <i>Roads Act 1997</i> (Roads Act) • <i>Rural Fires Act 1997</i> (Rural Fires Act) • <i>Water Management Act 2000</i> (Water Management Act) • <i>State Environmental Planning Policy No 44 – Koala Habitat Protection</i> (SEPP 44) • <i>State Environmental Planning Policy (Infrastructure) 2007</i> (SEPP Infrastructure) • <i>State Environmental Planning Policy No 55 - Remediation of Land</i> (SEPP 55) • <i>Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River (No 2 - 1997)</i> (SREP 20) • <i>Gosford Local Environmental Plan 2014</i> (GLEP 2014) • <i>Gosford Development Control Plan 2013</i> (GDGP 2013) • <i>Draft Plan of Management Somersby Industrial Park</i> (PoMSIP) • <i>Central Coast Regional Plan 2036</i> (CCRP)

Current Use	No. 231 Wiseman Ferry Road contains a formerly excavated site occupied by an industrial building and open storage area. The balance of the area is occupied by remnant forest vegetation. No. 241 Wisemans Ferry Road is occupied by bushland and a partially constructed public road which is contained entirely within the SP2 Infrastructure zone within the property.
Integrated Development	Yes
Submissions	Nil submissions received during the notification period.

Variations to Policies

Policy	Clause/Description	Variation
Gosford Local Environmental Plan 2014	Clause 4.1 requires that the size of any lot resulting from a subdivision of the site is not to be less than 2 hectares/ 20,000m2.	<p><u>Stage 1:</u></p> <ul style="list-style-type: none"> Proposed Lot 3, 2,564m2 (87.18% non-compliance associated with a future road reserve). Proposed Lot 4, 2,352m2 (88.25% non-compliance associated with a habitat link management zone). Proposed Lot 5, 259m2 (98.71% non-compliance associated with a future road reserve) <p><u>Stage 2:</u></p> <ul style="list-style-type: none"> Proposed Lot 101, 8,735m2 (56.33% non-compliance for a future industrial lot). Proposed Lot 102, 5,662m2 (71.69% non-compliance for a future industrial lot). Proposed Lot 103, 5,804m2 (70.98% non-compliance for a future industrial lot). <p><u>Stage 3:</u></p> <p>Proposed Lot 202, 8,627m2 (56.87% non-compliance for a future industrial lot).</p>

The Site

The site is commonly known as No's. 231 and 241 Wisemans Ferry Road, Somersby and is legally known as LOT: 4 DP: 1117622 and LOT: 1 DP: 595392. The total area of the land holding is 9.706 hectares.

The subject site has a frontage to Wisemans Ferry Road, a frontage to the existing Pile Road formation, and is subject to the construction of an extension of Pile Road by Central Coast Council to provide a new connection with Wisemans Ferry Road. The site currently is accessed from Wisemans Ferry Road. Refer to Figure 1.

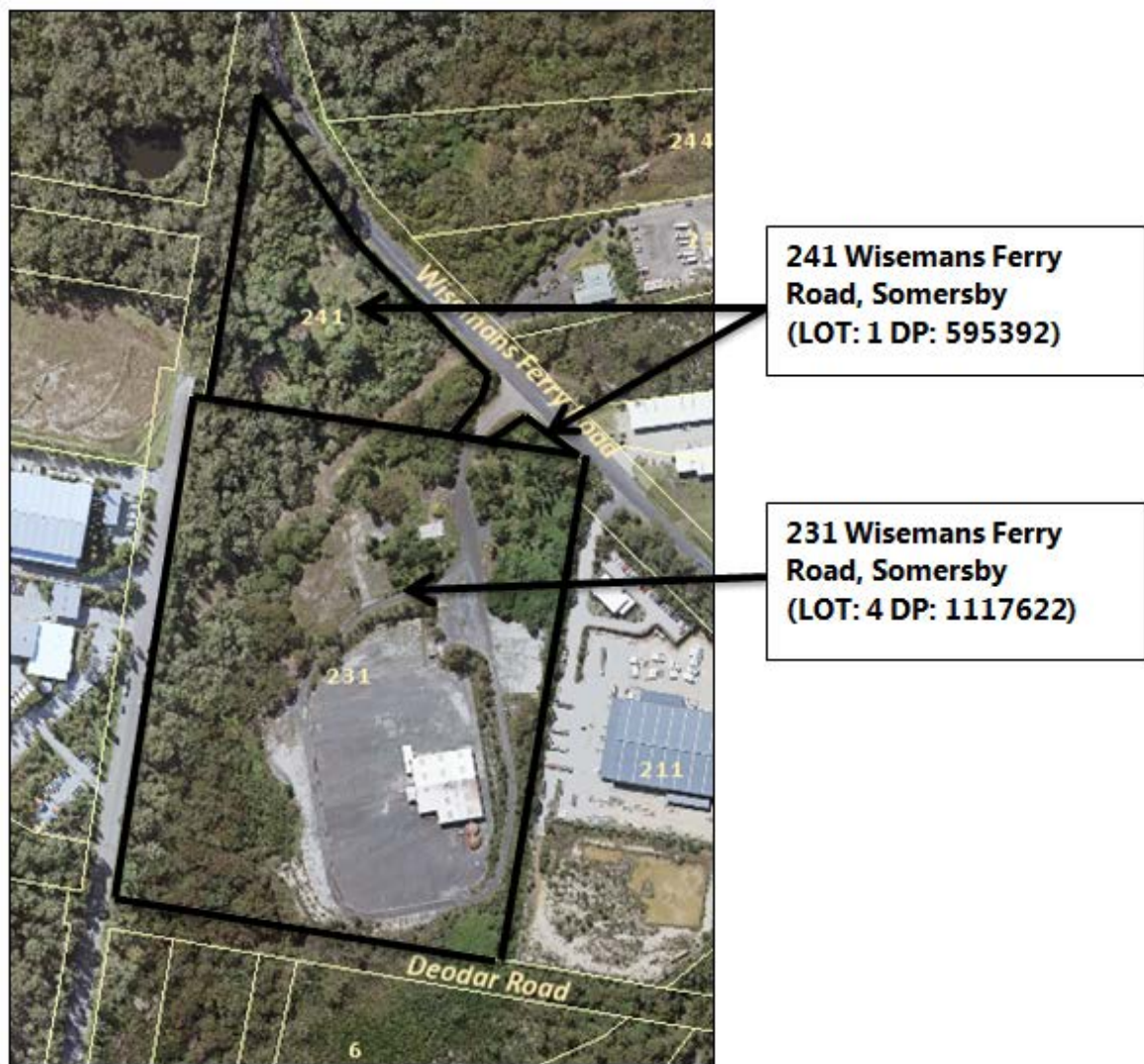


Figure 1 – Aerial photograph of the site, noting the extension of Piles Road through the northern part of the site is not shown.

No. 231 Wiseman Ferry Road contains a formerly excavated site which is occupied by an industrial building and open storage area and has an area of 7.796 hectares. The balance of the site contains patches of remnant forest vegetation. The site is burdened by a number of easements for transmission lines and oil and gas pipelines.

No. 241 Wisemans Ferry Road is occupied by bushland and a partially constructed public road located in the SP2 Infrastructure zone within the property. Lot 1 DP 595392 has an area of 1.91 hectares.

The site slopes generally from the north to the south and is traversed by Pile Creek and its tributaries. The site is classified as bushfire prone land containing both Category 1 vegetation and buffer area.

There is an unformed road reserve known as Deodar Road adjoining the southern boundary of the site. No works are proposed or required within the road reserve of Deodar Road.

The upper end of Piles Creek traverses the site in a north-south direction. There is also a tributary which branches off Piles Creek within the site. There is a culvert under Wisemans Ferry Road that discharges stormwater into Piles Creek that then traverses the site. There is another creek line on the western side of the site that drains stormwater from Pile Road to Piles Creek within the site.

The subject site is zoned SP2 Infrastructure and IN1 Industrial under the provisions of *Gosford Local Environmental Plan 2014* (GLEP 2014). Refer to Figure 2.

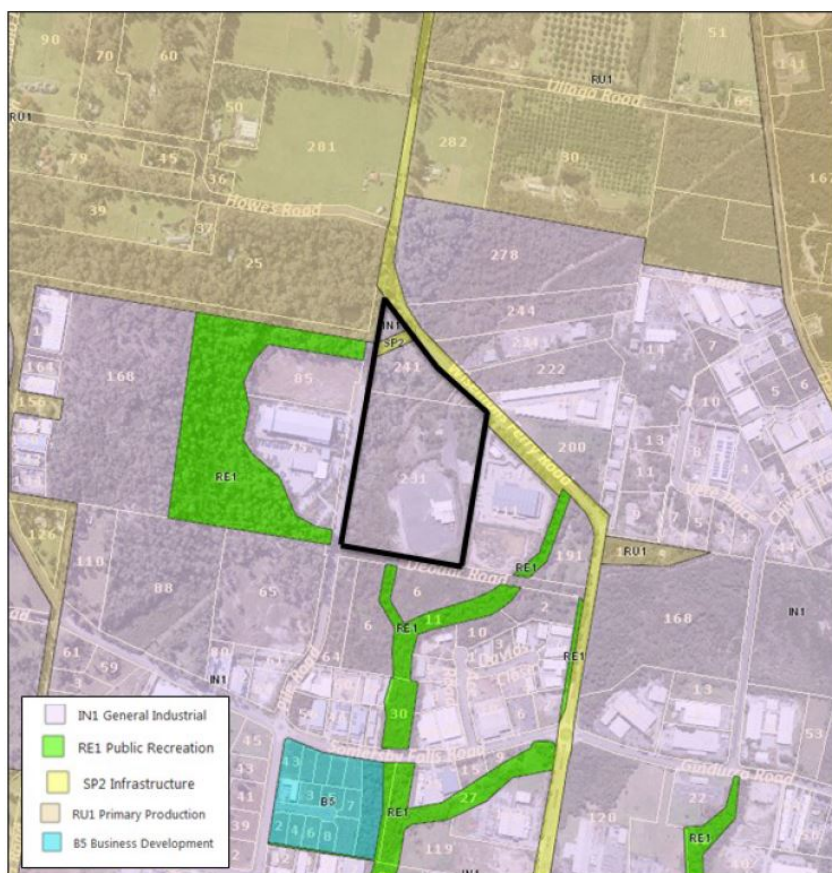


Figure 2 – Zoning of the site (edged in black) and adjoining properties

The subject site is also located within the Somersby Business Park which is identified as a "Key Site" on the key sites map adopted under the *Gosford Local Environmental Plan 2014* (GLEP 2014).

A Plan of Management was adopted by Council for the Somersby Business Park, that being the *Draft Plan of Management Somersby Industrial Park* (PoMSIP) with its objectives being to identify and protect Aboriginal heritage and ecologically significant land within the area. This Plan of Management must be appropriately considered in any development on the subject land.

Figure 3 identifies the Somersby Management Zones with regard to the subject site. The lower portion of the site is contained within Management Zone 1(e) as a Riparian and Habitat Protection Zone, with the upper portion identified as Management Zone No.2, being a habitat link.

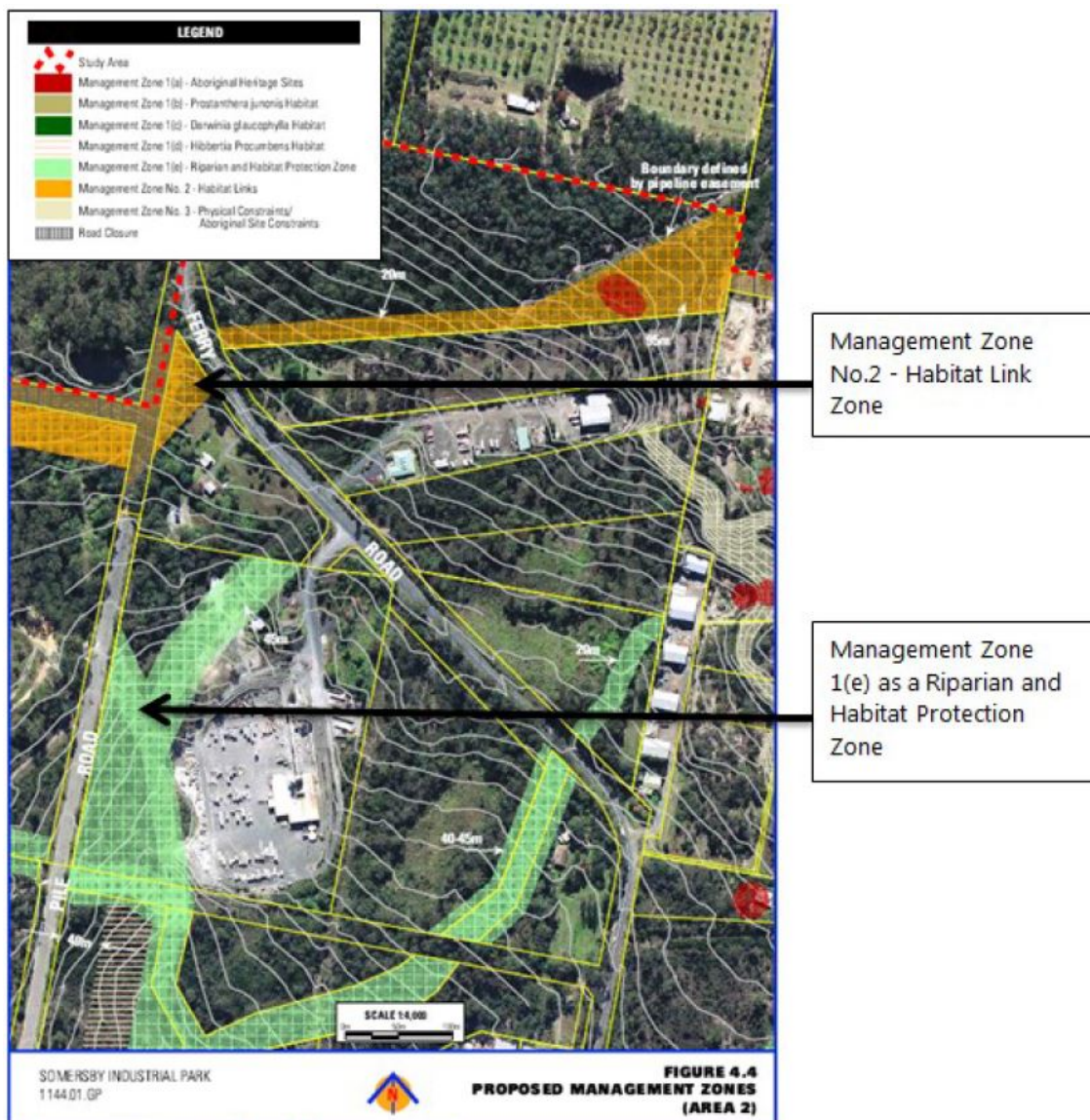


Figure 3 – The Somersby Management Zones

Surrounding Development

Land surrounding the development is occupied by a variety of industrial, rural and environmental uses located within the Somersby Business Park. Refer to Figure 4.

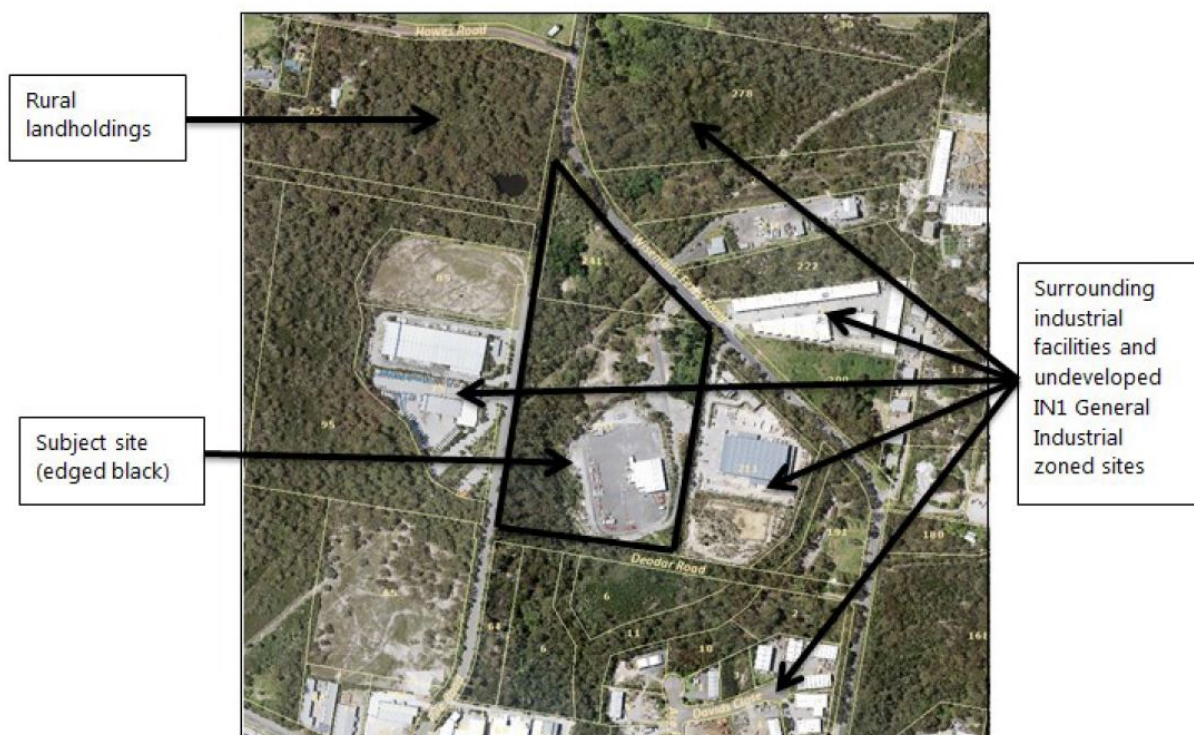


Figure 4 – Surrounding Development

The northern boundary of the site is Wisemans Ferry Road. To the north of this road is a depot and a number of smaller, undeveloped sites. Adjacent to the western boundary, on the opposite side of Pile Road, is a vacant site and depot.

There are two residential dwellings fronting Howes Road, approximately 500m to the north of the site. A dam is located to west of the northern western corner of the site.

The southern boundary of the site adjoins a future road reserve easement, with undeveloped land located further south at this junction.

Adjacent to the eastern boundary of the site is an industrial development located at No. 211 Wisemans Ferry Road, Somersby.

The Proposed Development

The Development Application seeks approval for a three stage land subdivision as follows:

- No's. 231 and 241 Wisemans Ferry Road, Somersby and is legally known as Lot: 4 DP: 1117622 and Lot: 1 DP: 595392. It is proposed to subdivide No's. 231 and 241 Wisemans Ferry Road, Somersby into 8 lots.

Figure 5 details how the subdivision will be created over three stages.

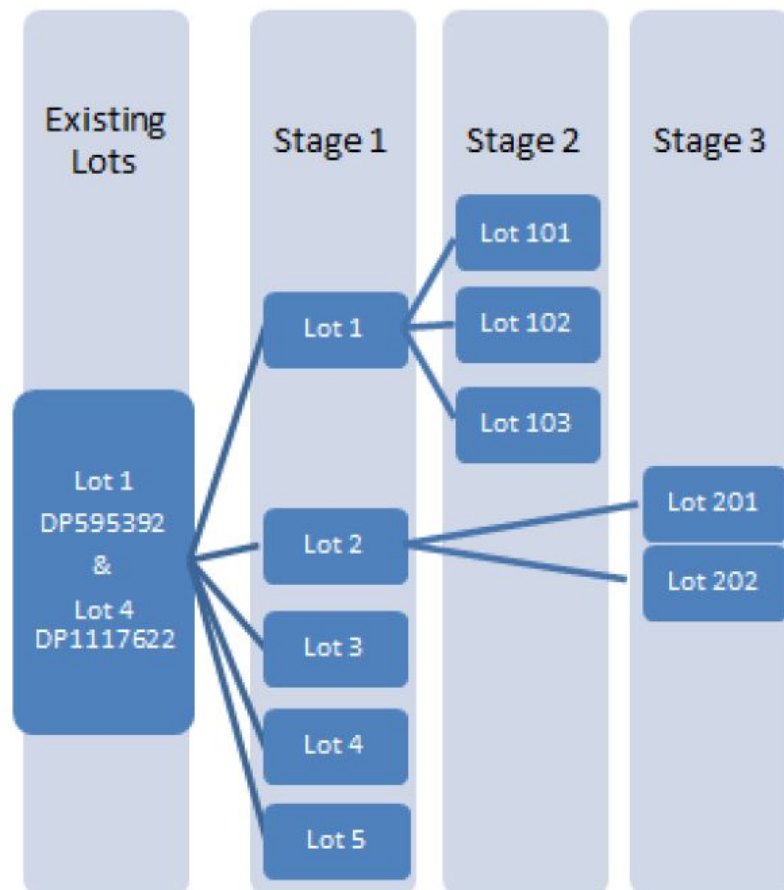


Figure 5 – Proposed Subdivision Stages

- The plans associated with each stage of the development are provided below.

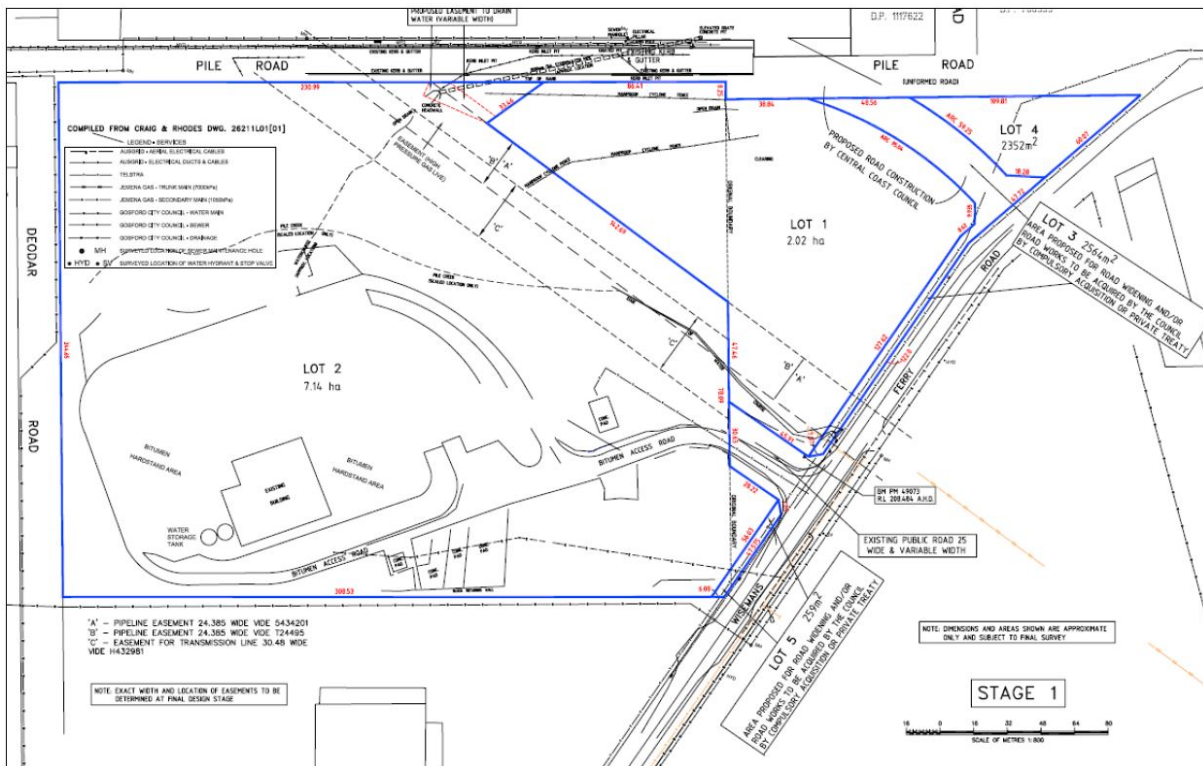


Figure 6 – Stage 1 (proposed lots edged in blue)

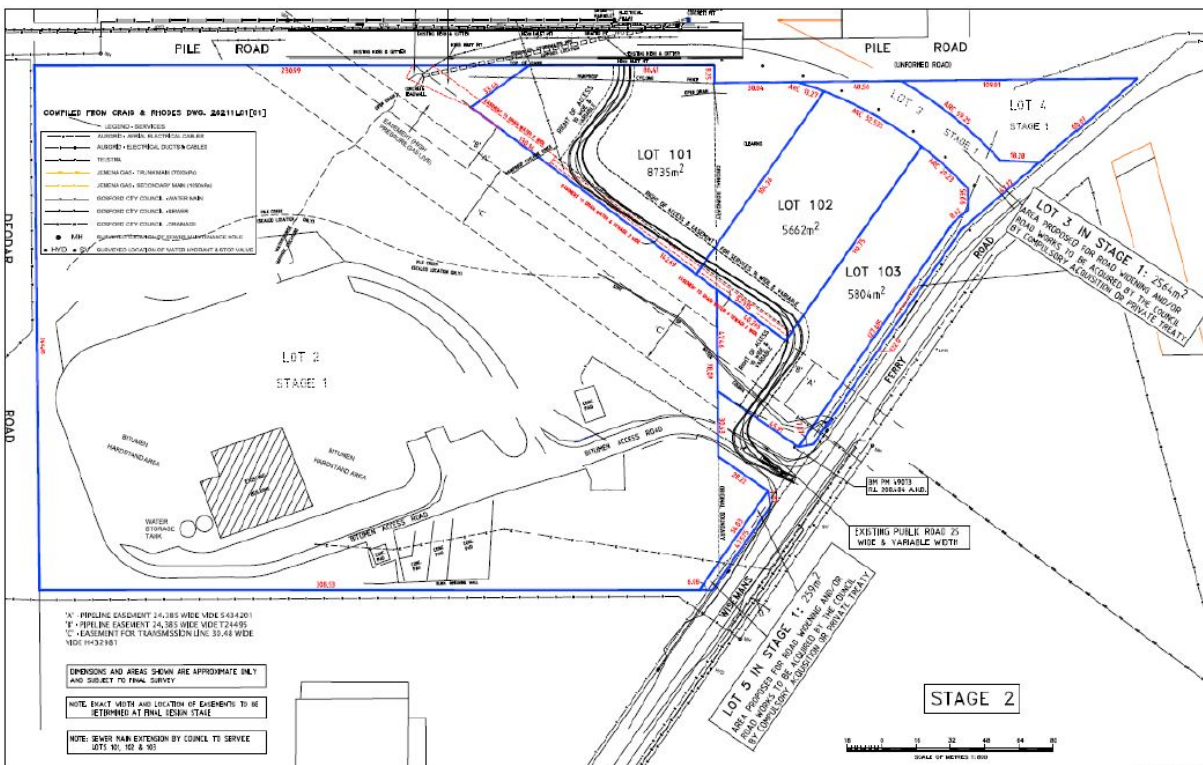


Figure 7 – Stage 2 (proposed lots edged in blue)

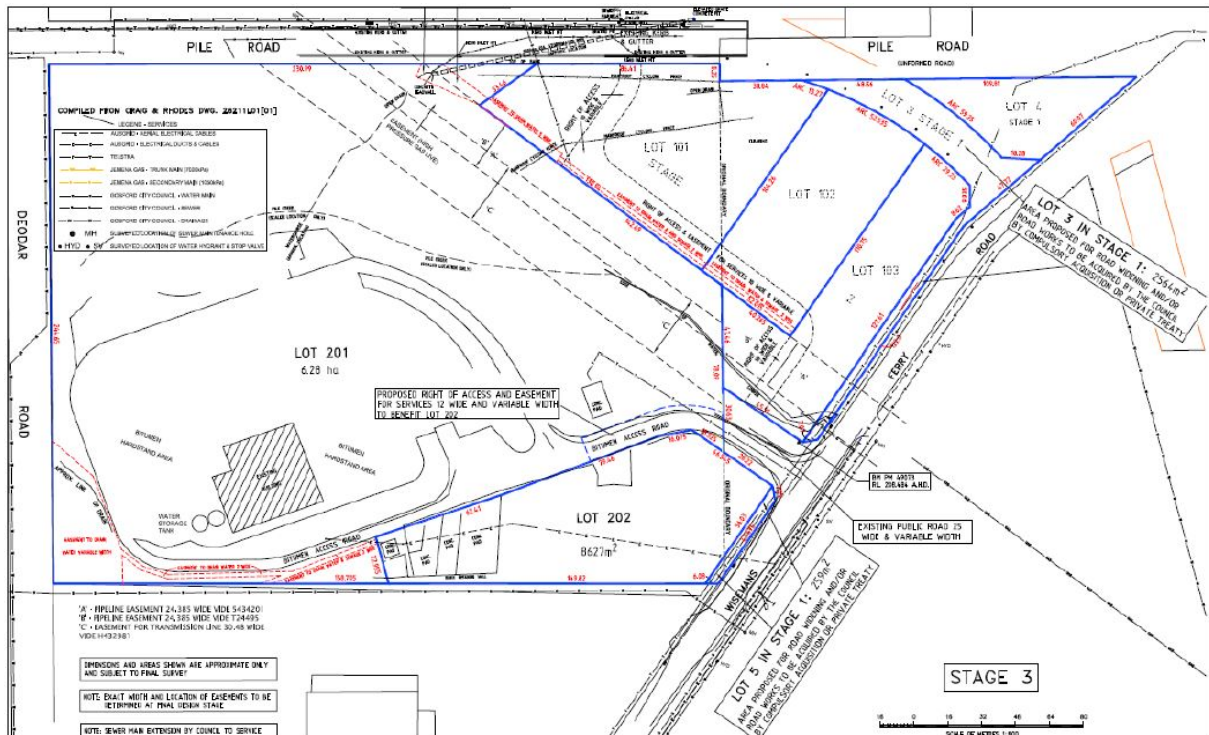


Figure 8 – Stage 3 (proposed lots edged in blue)

- Upon completion, the subdivision will provide the following:
 - Proposed lots 101, 102, 103, and 202 will accommodate future industrial development sites.
 - Lot 201 is currently occupied by an industrial use and will remain in situ.
 - The remaining lots will accommodate the following:-
 - Lot 3 – Road reserve (Wisemans Ferry Road);
 - Lot 4 – Management Zone No.2, Habitat Link under the *Draft Plan of Management Somersby Industrial Park*; and
 - Lot 5 – Road reserve zoned SP2 Infrastructure (extension of Piles Road through to Wisemans Ferry Road).
- The application proposes the following vegetation clearing:
 - Stage 1: Full site clearing of Lot 1 is proposed to be undertaken.
 - Stage 3: Full site clearing of Lot 202 is proposed to be undertaken.

The applicant has confirmed that although clearing works are proposed, no cut or fill of the site is proposed with the subdivision.

- The proposed subdivision is Integrated Development as the subject land contains "waterfront land" (Pile Creek) for the purposes of the *Water Management Act 2000*, and a "controlled activity approval" is required under section 91(2) of the *Water Management Act 2000* for construction of certain proposed subdivision works.

History

Council's records show the following application has been recently lodged on this site:

- On 5 June 2012, consent was granted to Development Application 42157/2012 to demolish and remove redundant plant and infrastructure associated with the masonry production at No.'s 231 and 241 Wisemans Ferry Road, Somersby.

Development without consent can apply to activities undertaken by government departments or agencies as part of their everyday responsibilities. Many of these activities are allowed to be carried out under *State Environmental Planning Policy (Infrastructure) 2007* (SEPP Infrastructure). Environmental assessment of these activities is undertaken under Part 5 of the *Environmental Planning Assessment Act 1979* (EP&A Act).

Works commenced on site in 2017 relating to the extension of Pile Road through to Wisemans Ferry Road in accordance with the statutory obligations under Part 5 of the EP&A Act.

On 29 September 2017, Council received the current development application.

On 20 October 2017, Council advised the applicant of concerns associated with the variations to the 2 hectare minimum lot size under cl.4.1 of *Gosford Local Environmental Plan 2014*.

On 7 December 2017, permission for Council to enter the site to continue the construction of the Pile road extension was revoked. To date, work associated with the extension of Pile Road has not re-commenced.

In order to address the variations to minimum lot size requirement as originally proposed amended plans were received at Council. Lots 202 and 203 as originally proposed were consolidated resulting in a larger allotment in Stage 3, being Lot 202. Minor other changes occurred with regard to the boundaries of Lots 3, 4, and 5 on the advice from Council's Construction Planning and Management Unit. In accordance with Chapter 7.3 of *Gosford Development Control Plan 2013*, these amendments did not require re- advertisement or re-notification as the amendments were considered minor.

The extension of Pile Road and the widening of Wisemans Ferry Road have no bearing on the current development application to subdivide No.'s 231 and 241 Wisemans Ferry Road, Somersby. This development application is being assessed and determined on its merits in accordance with the Council's statutory obligations.

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

In accordance with Chapter 7.3 - Notification of Development Proposals of *Gosford Local Environmental Plan 2014* (GLEP 2014) the application was notified from 12 October 2017 to 13 November 2017. No submissions were received as a result of this notification.

Public Authority Consultation / Approvals

The following comments have been received from public authorities:

- *Ausgrid*

Comment

Supported, subject to conditions.

- *New South Wales Department of Primary Industries (Water)*

Comment

Supported, subject to General Terms of Approval.

Internal Consultation

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

- *Tree Officer*

Comment

Supported, no conditions.

- *Water and Sewer Unit*

Comment

Supported, with conditions. It is noted that Council is responsible for servicing No. 241 Wisemans Ferry Road, Somersby with a sewer main. The developer is the responsible for servicing all additional lots with reticulated water and sewer during the subdivision of the land.

- *Ecologist*

Comment

The site is heavily vegetated with native vegetation requiring clearing within Stage 1 (Lot 1) and Stage 3 (Lot 202).

Council's Ecologist has reviewed the proposed clearing and has recommended some vegetated corridors to remain and or be re-vegetated via **Conditions 2.10 (Stage 1), 2.11 (Stage 2) and 2.9 (Stage 3)** as an alternative to full site clearing. It recommended that vegetation be retained on the perimeters of the lots ensuring both foraging and habitat values remain present on the site.

An area of endangered ecological community (EEC) is present in proposed Lot 102 being Coastal Upland Swamp in the Sydney Bioregion. Council's Ecologist has concluded the proposal will not have a significant impact on the species subject to the imposition of **Condition 2.10 (a) (iv) (Stage 1) and 2.11 (b)(ii) (Stage 2)** confirming the EEC proposed to be removed will not exceed that required for the internal access road and new sewer.

Council's Ecologist has confirmed the proposed development does not encroach into the either of the identified conservation zones affecting the site under the *Draft Plan of Management Somersby Industrial Park*. In view of the above considerations, Council's Ecologist supports the development application, subject to conditions.

- *Development Engineer*

Comment

Supported, subject to conditions.

- *Environmental Health*

Comment

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

Assessment:

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

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

Biodiversity Conservation Act 2016 (BC Act)

In 2016, the *Threatened Species Conservation Act 1995* was repealed by the *Biodiversity Conservation Act 2016*. The aim of the legislative changes was to combine all legislation related to impacts on biodiversity in New South Wales.

Council is advised the site is heavily vegetated with native vegetation requiring clearing within proposed Stage 1 (Lot 1) and Stage 3 (Lot 202). Having regard to cl.1.3 of the *Biodiversity Conservation Act 2016*, it is concluded the proposal will maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development (described in section 6 (2) of the *Protection of the Environment Administration Act 1991*), for the following reasons:

- Council's Ecologist has reviewed the proposed clearing and has recommended some vegetated corridors to remain and or be re-vegetated via **Conditions 2.10 (Stage 1), 2.11 (Stage 2) and 2.9 (Stage 3)** as an alternative to full site clearing as proposed by the applicant. It recommended that vegetation be retained on the perimeters of the proposed lots ensuring both foraging and habitat values remain present on the site.
- The Flora and Fauna Assessment Report and Additional Ecological Information and Assessments, prepared by Conacher Consulting, dated September 2017 and May 2018 undertook assessments of significance with assumed concurrence for cryptic listed species (Red crowned Toadlet, Giant burrowing frog, Eastern pigmy possum and Eastern Chestnut Mouse). It was concluded the proposal would not have a significant impact on these species.

- Targeted surveys were not conducted at appropriate times to identify amphibious fauna. Therefore, a Wildlife Management Strategy is recommended via **Conditions 2.12 (Stage 1), 2.12 (Stage 2) and 2.10 (Stage 3)** to ensure targeted surveys for amphibious fauna are conducted. This will ensure all fauna onsite is relocated to either of the management zones within the site as deemed appropriate in the Wildlife Management Strategy.
- Vegetation onsite is consistent with that mapped by Bell as E26 Exposed Hawkesbury Woodland in the northern area of the site located within proposed Lots 101, 102 and 103. An area of endangered ecological community (EEC) is present in proposed Lot 102 being Coastal Upland Swamp in the Sydney Bioregion. The Flora and Fauna Assessment Report and Additional Ecological Information and Assessments, prepared by Conacher Consulting, dated September 2017 and May 2018 conducted a test of significance for the EEC concluding the proposal would not have a significant impact on the species subject to the imposition of **Condition 2.10 (a) (iv) (Stage 1) and 2.11 (b)(ii) (Stage 2)** confirming the EEC proposed to be removed will not exceed that required for the internal access road and new sewer.
- Council's Ecologist has concluded that the removal of a small portion of the EEC will not have a significant impact on the Nationally and State Listed EEC. The retainment of tracts of vegetation via **Conditions 2.10 (Stage 1), 2.11 (Stage 2) and 2.9 (Stage 3)** is a higher priority providing both foraging and roosting for fauna.
- The subject site is also contained within the *Draft Plan of Management Somersby Industrial Park* (PoMSIP) which has taken threatened entities and their habitats into consideration.

The north western corner of the site contains the *Hibbertia procumbens* Management Zone No. 2 – Habitat Links. This portion of the site is wholly contained within proposed Lot 4. No development is proposed in this management zone.

The southern parcel of the site is contained within the Management Zone No. 1(e) - Riparian and Habitat Protection Zone. This portion of the site contains a protected riparian water course. No development is proposed in this management zone.

The proposed development does not encroach into either of the identified conservation zones. The proposed subdivision and development areas are consistent with the Management Zones protected in the PoMSIP. In this regard, no further objection is made.

Biodiversity Conservation (Savings and Transitional) Regulation 2017

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

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

Rural Fires Act 1997 (Rural Fires Act)

The site is identified as "bushfire prone land" on Council's bushfire maps. Refer to Figure 9. Having regard to Section 4.14 of the EP & A Act, the proposed development is required to address the requirements of the Rural Fires Act and the document *Planning for Bushfire Protection*, published 2006, by the New South Wales Rural Fire Service.



Figure 9 – Bushfire prone land (subject site edged in black)

A Bushfire Assessment Report, prepared by Conacher Consulting, dated September 2017, accompanies the development application. In order to ensure compliance with the recommendations contained within this report, **Conditions 2.17 and 5.12 (Stage 1), Conditions 2.18 and 5.13 (Stage 2) and Conditions 2.16 and 5.11 (Stage 3)** are recommended for imposition.

Water Management Act 2000

New South Wales Department of Primary Industries (Water) has provided General Terms of Approval in accordance with s.4.46 of the *Environmental Planning and Assessment Act 1979*, in that the proposed activity invokes s. 91E(1) of the *Water Management Act 2000*.

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

The provisions of SEPP 44 require Council to consider the Aims and Objectives of the SEPP together with the matters for consideration listed in Part 2 of the SEPP when determining a development application greater than 1 hectare. Council is satisfied that the site is not located in a potential or core Koala habitat area, and there is no need for a plan of management. The relevant matters have been considered in the assessment of this development application in accordance with Clause 17 of SEPP 44. In this regard, no further objection is made.

State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55)

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

Council archives and the high amount of vegetation onsite indicate that no potentially contaminating activities have occurred on the site. Therefore, no further SEPP 55 investigations are required.

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

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

Central Coast Regional Plan 2036 (CCRP)

The NSW Department of Planning and Environment released the *Central Coast Regional Plan 2036* on 14 October 2016. The CCRP sets out the vision for the Central Coast over the next 20 years and identifies economic, social and environmental opportunities to build a more prosperous region and actions to guide development and land use.

An assessment of all relevant provisions of the CCRP has been carried out and it is concluded that the CCRP does not impose any prohibition, restrictions or development standards on the proposed industrial subdivision. Furthermore, the proposed industrial subdivision is consistent with the strategic direction of the regional plan in that employment land in the region will be increased.

*Gosford Local Environmental Plan 2014 (GLEP 2014)*Zoning and Permissibility

The subject site is zoned IN General Industrial under the provisions of GLEP 2014. The proposed subdivision of land is permissible within the zone.

Clause 2.3 (2) of GLEP 2014 provides that the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

The following assessment demonstrates that the proposed industrial subdivision is consistent with the objectives of the IN1 General Industrial zone applying to the subject land and the proposed development:

- *To provide a wide range of industrial and warehouse land uses.*

The proposed subdivision of the subject land will enable the site to be used for a variety of industrial and warehouse uses (subject to further approval being obtained).

- *To encourage employment opportunities.*

The proposed industrial subdivision will provide the opportunity for new employment opportunities.

- *To minimise any adverse effect of industry on other land uses.*

The proposed industrial subdivision will not have an adverse impact on the amenity or utility of neighbouring land uses.

- *To support and protect industrial land for industrial uses.*

The proposed industrial subdivision is consistent with the objective to protect industrial land for industrial use.

- *To promote ecologically, socially and economically sustainable development.*

The proposed industrial subdivision raises no significant adverse impacts or consequences in regard to the principles of ecologically sustainable development and is considered to be an appropriate use of the land in terms of social, economic and environmental criteria.

- *To ensure that retail, commercial or service land uses in industrial areas are of an ancillary nature.*

The proposed industrial subdivision does not involve retail, commercial or service use of the subject land.

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

The proposed subdivision is compatible with the desired future industrial character of the locality in that it will retain and protect environmentally sensitive areas and provide future opportunity for employment generation.

4.1 - Minimum Subdivision Lot Size

Clause 4.1 requires that the size of any lot resulting from a subdivision of the site is not to be less than 2 hectares/ 20,000m². The development application proposes the following lots:

- | | |
|----------|---|
| Stage 1: | Proposed Lot 1, 2.02 ha (complies).
Proposed Lot 2, 7.14 ha (complies).
Proposed Lot 3, 2,564m ² (87.18% non-compliance).
Proposed Lot 4, 2,352m ² (88.25% non-compliance).
Proposed Lot 5, 259m ² (98.71% non-compliance) |
| Stage 2: | Proposed Lot 101, 8,735m ² (56.33% non-compliance).
Proposed Lot 102, 5,662m ² (71.69% non-compliance).
Proposed Lot 103, 5,804m ² (70.98% non-compliance). |
| Stage 3: | Proposed Lot 201, 6.28 ha (complies).
Proposed Lot 202, 8,627m ² (56.87% non-compliance). |

Proposed Lot 3 (2,564m²), Lot 4 (2,352m²) and Lot 5 (259m²) of Stage 1; Lot 101 (8,735m²), Lot 102 (5,662m²) and Lot 103 (5,804m²) of Stage 2; and Lot 202 (8,627m²) of Stage 3 do not comply with the 2 hectare minimum lot size development standard under cl. 4.1 of GLEP 2014.

Council has received a written request seeking to justify the contravention of cl.4.1 of GLEP 2014 in accordance with cl.4.6(4) of GLEP 2014.

4.6 Exceptions to Development Standards

If an applicant wishes to vary a development standard in an environmental planning instrument, they can formally lodge a written request justifying the variation. In accordance with cl. 4.6(4) of GLEP 2014, development consent must not be granted for a development that contravenes a development standard unless the consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated in subclause (3). Subclause (3) provides:

'Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.'*

The written request seeking to justify the contravention of cl.4.1 of GLEP 2014 in accordance with cl.4.6(4)(a)(i) of GLEP 2014 submitted by the applicant states how strict compliance with the development standards is unreasonable or unnecessary (having regard to the decision in *Wehbe v Pittwater Council [2007] NSW 827*). The applicant contends there are sufficient environmental planning grounds to justify the contravention, as summarised below:

- *Proposed Stage 1 – Lot 4 is residue land resulting from severance caused by Council's construction of the extension of Pile Road. The proposed plan of subdivision suitably accommodates the habitat link and riparian corridor protection requirements of the Somersby Industrial Park – Draft Plan of Management;*
- *Proposed Stage 1 - Lots 3 and 5 are to be acquired by Council for a public purpose (i.e. road construction and widening);*
- *The size of proposed Stage 2 industrial lots 101 (8,735m²), 102 (5,662m²) and 103 (5,804m²) reflect their frontage to the newly constructed extension of Pile Road and represents the more efficient use of the site in a manner consistent with the 4000m² minimum lot size development standard otherwise generally applicable to industrial land fronting Pile Road;*

- *Proposed Stage 3 industrial lot 202 (8,627m²) achieves the more efficient use of industrial land in a manner which does not require any new access crossings to Wisemans Ferry Road. Taken together with proposed Lot 201 (6.28ha), the average lot size for Lots 201 and 202 exceeds 2 ha; and*
- *There is no public benefit to be derived, or planning purpose to be served, in requiring the proposed development to strictly comply with the applicable 2 ha minimum lot size development standard. To do so in this case would result in the loss of opportunity for Council to acquire proposed Stage 1 - Lots 3 and 5 for public road purposes and would prevent the efficient use of industrial land and commensurate employment growth.*

Council is satisfied that the matters required to be demonstrated in subclause (3) have been adequately addressed for the variation to the building height development standard.

In accordance with cl.4.6(4)(2)(ii) development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the proposed development 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.

In order to demonstrate if the proposal has merit, consideration of the proposed variations to cl.4.1 of GLEP 2014 have been considered against the objectives of the development standard contained within cl. 4.1(1) of GLEP 2014:

- (a) *to reflect State, regional and local planning strategies relating to the provision of various sizes of land,*

The proposed industrial subdivision is consistent with the strategic direction of the *Central Coast Regional Plan 2036* which aims to provide an adequate supply of employment land and support new and expanded industrial activity in the Somersby Industrial Park.

- (b) *to ensure that the subdivision of land is compatible with the desired future character of the area,*

The desired character of Somersby 2: Employment Estate identifies:

'This area will remain a master-planned estate for medium and higher-impact employment activities, where development conserves the scenic value of surrounding bushland backdrops, protects Aboriginal cultural values, maintains the amenity of nearby residential properties, and achieves high standards of streetscape quality.'

The subject land is occupied by Management Zone No.2 – Habitat Link and Management Zone 1 (e) – Riparian and Habitat Protection Line under the *Draft Plan of Management Somersby Industrial Park* (PoMSIP).

The proposed industrial subdivision is consistent with the desired character statement as the proposal is an employment generating activity permissible within the IN1 General Industrial zone and the scenic value of bushland within the site is retained along the habitat and riparian links identified in the PoMSIP.

(c) *to promote the ecologically, socially and economically sustainable subdivision of land,*

The proposed subdivision layout accommodates the protection of Management Zone No.2 – Habitat Link and Management Zone 1 (e) – Riparian and Habitat Protection Line under PoMSIP by including the Management Zone No. 2 – Habitat Link within proposed Lot 4 (no subdivision works, or land clearing is proposed within Lot 4). Furthermore, the entire area identified as riparian and habitat protection Management Zone 1(e) is to be retained in its current state and will remain unaffected by subdivision works within the large residue lot (being Proposed Lot 2 in Stage 1 and Proposed Lot 201 in Stage 3), within which the existing industrial activity will continue.

It would serve no purpose in requiring the proposed subdivision to strictly comply with the 2 hectare minimum lot size development standard of GLEP 2014. The site has a total area of 97,060m². The area occupied by future road widening (Lots 3 and 5) and the severed section of the site identified as Lot 4, being a protected habitat link corridor, total 5,175m². The resultant area able to be subdivided totals 91,885m². Five industrial lots are proposed in this area, with varying non-compliant lot sizes. These lots sizes have been designed having regard to the existing site topography, location of easements and the Management Zone 1(e) located in No. 231 Wiseman Ferry Rod, Somersby.

In order to improve compliance, the area on site not affected by Lots 3, 4 and 5, could be subdivided with equal lot areas of 18,377m², resulting in minor variations to the minimum lot size requirement of 2 hectares, being 8.1% for each of the five industrial lots. However, a land subdivision of this nature would not result in the ecologically, socially and economically sustainable subdivision of land. These resultant lots would not be accessible and constrained by multiple easements and protected land areas.

The current proposal maintains all easements and the Management Zone 1(e) in Lot 2 (Stage 1) and Lot 201 (Stage 3). In terms of maintaining and managing these site constraints, it is economically and ecologically sustainable under one Lot and not 5. In view of these considerations, it is concluded the proposal will promote the ecologically, socially and economically sustainable subdivision of land.

In addition, it is considered the proposed land subdivision will not undermine the retention of the 2 hectare minimum lot size development standard applicable elsewhere within the IN1 General Industrial zone, having regard to the unique circumstances applicable to this application.

- (d) *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, through its potential cumulative effects, not create capacity problems for existing infrastructure.*

The environmental characteristics of the ecologically significant part of the site identified by the PoMSIP and GLEP 2014 are will not be compromised as a result of the proposed development. The proposed subdivision does not create a physical hazard or amenity issue for neighbouring properties. Furthermore, the land can be satisfactorily serviced without creating capacity problems for existing infrastructure.

Further consideration of the proposed variations to cl.4.1 of GLEP 2014 has been provided with regard to the aims of GLEP 2014 contained within cl. 1.2 (2):

- a) *to encourage a range of housing, employment, recreation and services to meet the needs of existing and future residents of Gosford,*

The proposed subdivision of the subject land will enable the site to be used for a variety of industrial and warehouse uses (subject to further approval being obtained).

- b) *to foster economic, environmental and social wellbeing so that Gosford continues to develop as a sustainable and prosperous place to live, work and visit,*

The proposed industrial subdivision will provide the opportunity for new employment opportunities.

- c) *to provide community and recreation facilities, maintain suitable amenities and offer a variety of quality lifestyle opportunities to a diverse population,*

This objective is not relevant to the proposed development.

- d) *to strengthen the regional position of Gosford City Centre as the service and employment centre for the Central Coast,*

The proposed industrial subdivision is consistent with the strategic direction of the *Central Coast Regional Plan 2036* which aims to provide an adequate supply of employment land and support new and expanded industrial activity in the Somersby Industrial Park.

- e) *to concentrate intensive land uses and trip-generating activities in locations that are most accessible to transport and centres,*

The subject site is well located in terms of major transport routes and public roads.

- f) to promote the efficient and equitable provision of public services, infrastructure and amenities,*

The land can be satisfactorily serviced without creating capacity problems for existing infrastructure.

- g) to conserve, protect and enhance the environmental and cultural heritage of Gosford,*

It is considered the proposal will conserve, protect and enhance the environmental and cultural heritage of Gosford through the retention of the management zones on the site.

- h) to protect and enhance the natural environment in Gosford, incorporating ecologically sustainable development,*

The proposed industrial subdivision raises no significant adverse impacts or consequences in regard to the principles of Ecologically Sustainable Development.

- i) to minimise risk to the community in areas subject to environmental hazards, particularly flooding and bush fires,*

The proposed subdivision will not hinder the attainment of satisfactory measures relating to bushfire and flooding.

- j) to promote a high standard of urban design that responds appropriately to the existing or desired future character of areas,*

This objective is not relevant to the proposed development.

- k) to promote design principles in all development to improve the safety, accessibility, health and wellbeing of residents and visitors,*

The proposed industrial subdivision will not have an adverse impact on the amenity or utility of neighbouring properties or land uses.

- l) to encourage the development of sustainable tourism that is compatible with the surrounding environment.*

This objective is not relevant to the proposed development.

The cl.4.6 of GLEP 2014 variation request submitted by the applicant also provides assessment of the proposal against the relevant development standard and zone objectives contained within cl. 2.3 of GLEP 2014 and Council is satisfied that the applicant has demonstrated consistency with these objectives such that the proposal is in the public interest.

In accordance with cl. 4.6(4)(b) development consent must not be granted for development that contravenes a development standard unless the concurrence of the Secretary has been obtained. Planning Circular PS 18-003 issued 21 February 2018 states that a delegate of Council may not assume the concurrence of the Secretary when considering exceptions to development standards under cl.4.6 of GLEP 2014 if the development contravenes a development standard by greater than 10%.

This assessment has been carried out having regard to the relevant principles identified in the following case law:

- *Wehbe v Pittwater Council [2007] NSWLEC 827*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248*

The cl. 4.6 (Exceptions to Development Standards) of GLEP 2014 request submitted by the applicant appropriately addresses the relevant principles and exhibits consistency with the relevant zone objectives and aims under GLEP 2014. Having regard to the consistency of the proposed contravention of the 2 hectare minimum lot size development standard with both the objectives of the development standard and the objectives of the IN1 General Industrial Zone, it is established that any requirement for strict compliance with the 2 hectare minimum lot size development standard would be unreasonable or unnecessary in the particular circumstances.

This assessment concludes that the cl. 4.6 (Exceptions to Development Standards) of GLEP 2014 variation provided having regard to cl. 4.1 of GLEP 2014 is well founded and is worthy of support.

7.2 Flood Planning

The land is identified as being affected by the Somersby Drainage Study and is defined by Council's Flood Management Policy. This land has been classified as being under a "flood planning level". Clause 7.2 (Flood planning) of GLEP 2014 applies to the proposed development. Clause 7.2 (3) (a) – (e) requires consideration with regard to whether or not a proposal is supportable:

- The upper end of Piles Creek traverses the site in a north-south direction. There is also a tributary which branches off Piles Creek within the site. In order to ascertain what extent flood levels associated with the watercourses may affect the developable areas associated with the proposed lots, the applicant was requested to submit a flood study to determine the extent of flooding within the site.

Flood study information was provided as part of the Water Cycle Management Plan, prepared by Cubo Consulting, dated 23 July 2018. The flood study included an analysis of the proposed piped crossing access of the creek associated with Stage 2. The results of this flood information indicate that there are two locations associated with the existing creek line where the floodwaters break the banks and spill into the adjoining areas. In this regard, the Water Cycle Management Plan, prepared by Cubo Consulting, dated 23 July 2018 recommended the provision of two berms at specified chainages and levels to contain these flows within the area of the creek line. It is noted that these berms are proposed in the report as being located within Management Zone No. 1(e) – Riparian and Habitat Protection Zone under PoMSIP. Work within this environment area are to be avoided, and as such it recommended the proposed berms on the eastern side of the creek are to be located on the eastern side of and adjoining the management zone line within Lot 2. These berms are to be provided as part of Stage 2 works and confirmed via **Condition 2.7 (c) (Stage 2)**.

- Interallotment drainage (IAD) is to be provided to service each lot where stormwater from the lots cannot directly discharge to either the Council street drainage system or a public watercourse. IAD is to cater for the capacity of the 1%AEP storm as per Council's Civil Works Specification. IAD is proposed as follows for each stage:
 - Stage 1: No interallotment drainage proposed.
 - Stage 2: An interallotment drainage pipeline is proposed from Lot 103 (from near the bend in the right of access), and across Lots 102 and 101 to connect to a level spreader within the southern corner of Lot 101. Stormwater from the level spreader will then sheet over the boundary into Lot 2 without the need for drainage works within the environmental management area within the site as identified under PoMSIP. An easement to drain water 2m wide and 5m wide is proposed over this area within Lots 102 and 101.
 - Stage 3: A pipeline is proposed from the southern corner of Lot 202 and across the eastern side of Lot 201 to an existing drainage channel within the southern area of Lot 201, after which it discharges unchanged to the unformed road reserve associated with Deodar Road. An easement to drain water (2m wide and variable) is required over this pipeline.
- The development has the potential to increase stormwater runoff from the site. Therefore, on-site detention is required via conditions in all three stages to ensure post development flows don't exceed pre-development flows for all storms up to and including the 1% Annual Exceedance Probability (AEP) storm event. A flood with a 1% AEP has a one in a hundred chance of being exceeded in any year.

- The development has the potential to discharge additional nutrient/pollutants into the receiving stormwater system. Therefore, nutrient/pollution controls to treat stormwater from the site prior to either entering the watercourses or Council's stormwater system is required via conditions in all three stages.

In view of the above considerations, the proposal is considered to comply with cl.7.2 of GLEP 2014.

7.4 Development in the Somersby Business Park

The subject site is located within the Somersby Business Park which is identified as a "Key Site" on the key sites map adopted under the *Gosford Local Environmental Plan 2014* (GLEP 2014).

A Plan of Management has been adopted for the Somersby Business Park, that being the *Draft Plan of Management Somersby Industrial Park* (PoMSIP) with its objectives being to identify and protect Aboriginal heritage and ecologically significant land within the area. This Plan of Management must be appropriately considered in any development on the subject land.

The PoMSIP is subject to an assumed concurrence administered by the Director General of former Department of Environment and Conservation. The assumed concurrence provides certainty to landowners with respect to approvals under the *Environment and Planning Assessment Act 1979* and the *Biodiversity Conservation Act 2016*.

The assumed concurrence role allows Council to approve development outside the management zones of the PoMSIP. Should development be proposed within the management zones then Council cannot assume the concurrence of the Director General. Development proposed within the management zones is likely to result in a significant impact and requires the preparation of a species impact statement and the concurrence of the Director General for any consent granted.

The proposed development does not encroach into either of the identified conservation zones. The proposed subdivision and development areas are consistent with the Management Zones protected in the PoMSIP. In this regard, no further objection is made.

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

Gosford Development Control Plan 2013

An assessment of the proposed development against the relevant chapters under GDCP 2013 is provided in a Compliance Table under **Attachment 3**. The proposed development is considered acceptable with regard to the provisions within GDCP 2014.

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

The Soil and Water Management Plan, prepared by Cubo Consulting, dated 27 August 2018 demonstrates that works can be carried out in a way which will not significantly impact the environment, particularly in relation to works around Piles Creek.

b) Natural Environment

The proposed subdivision and development areas are consistent with the Management zones protected in the PoMSIB. The north western corner of the site contains the *Hibbertia procumbens* Management Zone No. 2. This portion of the site is wholly contained within proposed Lot 4. No development is proposed in this management zone. The southern parcel of the site is contained within the Riparian and Habitat Protection Zone No. 1(e). This portion of the site contains the protected riparian water course – Piles Creek. There is no proposed development on this area of the site.

c) Economic Impacts

The proposed industrial subdivision is consistent with the strategic direction of the *Central Coast Regional Plan 2036* which aims to provide an adequate supply of employment land and support new and expanded industrial activity in the Somersby Industrial Park and is considered to be satisfactory from an economic perspective.

d) Social Impacts

No social impacts will arise from the approval of this land subdivision.

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

A review of Councils records has identified the following constraints:

- Integrated Development: DPI Water has provided General Terms of Approval in accordance with s.4.46 of the *Environmental Planning and Assessment Act 1979*, in that the proposed activity invokes s. 91E (1) of the *Water Management Act 2000*. The site is identified as "bushfire prone land" on Council's bushfire maps. Having regard to Section 4.14 of the EP & A Act, the requirements of the *Rural Fires Act 1997* and the document *Planning for Bushfire Protection*, published 2006, by the New South Wales Rural Fire Service have been adequately addressed.

- The site is affected by the *Draft Plan of Management Somersby Industrial Park* which has taken threatened entities and their habitats into consideration. The north western corner of the site contains the *Hibbertia procumbens* Management Zone No. 2 – Habitat Links. This portion of the site is wholly contained within proposed Lot 4. No development is proposed in this management zone. The southern parcel of the site is contained within the Management Zone No. 1(e) - Riparian and Habitat Protection Zone. This portion of the site contains a protected riparian water course. There is no proposed development on this area of the site. The proposed development does not encroach into the either of the identified conservation zone in accordance with cl.7.4 of GLEP 2014.
- The land is identified as being affected by the Somersby Drainage Study and is defined by Council's Flood Management Policy. This land has been classified as being under a "flood planning level". Having regard to Clause 7.2 (3) (a) – (e) of GLEP 2014, the proposal is supportable subject to the imposition of conditions.
- The site is burdened by a number of easements for transmission lines and oil and gas pipelines. The form of the land subdivision proposed maintains these constraints within a single lot, which will enable the orderly maintenance of the affected land.

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

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

The applicant has satisfied Council Officers and the Department of Primary Industries (Water) that issues regarding erosion and sediment control will be adequately addressed by legislative requirements, enabling the development to proceed in a manner which is sensitive to the environmental characteristics of the site and its environs. The approval of the application is considered to be in the public interest.

There is no public benefit to be derived or planning purpose to be served, in requiring the proposed subdivision to strictly comply with the 2 hectare minimum lot size development standard of GLEP 2014.

Other Matters for Consideration:

Section 7.11 and 7.12 Contributions

The land is not subject to developer contributions.

Water and Sewer Contributions

The proposed development is subject to Water and Sewer Contributions.

Road Widening

Both lots (Lot 1 DP 595392 and Lot 4 DP 1117622) are affected by a Council's adopted road widening scheme. The proposed plan of subdivision indicates that Lots 3 and 5 will be created for road widening and/or road works to be acquired by Council via compulsory acquisition of private treaty. The extent of road widening associated with the dimensions of Lots 3 and 5 has been determined through advice from Council's Construction Planning and Management Unit.

The owner is required under the 1980 deed and subsequent deeds to transfer certain land to the council free of charge for the extension of Pile Road. Due to the passage of time, and the discovery since 1980 of ecologically significant vegetation as outlined in the *Draft Plan of Management Somersby Industrial Park*, the alignment of the extension of Pile Road has had to be revised to a minor extent.

Should agreement as to the transfer of the land required for the Pile Road extension not be achieved, Council reserves the right to enforce the obligation of the current owner under the 1980 deed arrangements or take other steps open to Council to obtain a transfer of the necessary land.

Council is endeavouring to negotiate an acquisition by agreement as to the land required for the widening of Wisemans Ferry Road. Should agreement as to the transfer of the land required for the widening of Wisemans Ferry Road not be achieved, then Council will acquire that land by compulsory process.

The extension of Pile Road and the widening of Wisemans Ferry Road have no bearing on the current development application to subdivide No.'s 231 and 241 Wiseman Ferry Road, Somersby. This development application is being assessed and determined on its merits in accordance with the Council's statutory obligations.

Conclusion

The Development Application has been assessed against the heads of consideration of s4.15 of the EP&A Act and all other relevant instruments and policies and, on balance, the proposed development is considered reasonable and therefore it is recommended that Council grant development consent approval to DA 53031/2017.

Attachments

- | | | | |
|----------|------------------------------|-----------|-----------|
| 1 | Draft Conditions of Approval | Enclosure | D13387740 |
| 2 | Development Plans | Enclosure | D13387745 |
| 3 | GDCP2013 Compliance Table | Enclosure | D13387748 |



Item No: 3.3
Title: DA 54082/2018 Staged Development - Stage 1: Conversion of Existing Church into a Dwelling and construction of a Garage - Stage 2: Addition to Dwelling at No. 3 Oak Road, Matcham

Department: Environment and Planning

10 December 2018 Ordinary Council Meeting

Trim Reference: F2010/00500 - D13339978

Author: Ailsa Prendergast, Section Manager, Development Assessment (South)

Manager: Jamie Loader, Unit Manager, Development Assessment

Executive: Scott Cox, Director, Environment and Planning

Summary

An application has been received for a Staged Development - Stage 1: Conversion of Existing Church into a Dwelling and construction of a Garage - Stage 2: Addition to Dwelling at No. 3 Oak Road, Matcham. The application has been examined having regard to the matters for consideration detailed in section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

The application is required to be reported to Council due to number of submissions received in response to the notification of the development application. Thirty Two public submissions and a petition with 213 signatures were received. In accordance with the Policy for the Determination of Development Applications Subject to Significant Public Objection adopted on 13 August 2018, all Development Applications with 15 or more submissions are reported to a Council Meeting for determination.

Applicant	CEO Architectural
Owner	Mr and Mrs Culshaw
Application No	DA54082/2018
Description of Land	3 Oak Road Matcham
Proposed Development	Staged Development - Stage 1: Conversion of Existing Church into a Dwelling and construction of a Garage - Stage 2: Addition to Dwelling
Site Area	2023m ²
Zoning	7(c2)Scenic Protection Rural IDO122
Existing Use	Church
Employment Generation	N/A
Estimated Value	\$280,000.00

3.3 DA 54082/2018 Staged Development - Stage 1: Conversion of Existing Church into a Dwelling and construction of a Garage - Stage 2: Addition to Dwelling at No. 3 Oak Road, Matcham (contd)

Recommendation

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

Background

Proposed Development	Staged Development - Stage 1: Conversion of Existing Church into a Dwelling and construction of a Garage - Stage 2: Addition to Dwelling
Permissibility and Zoning	The subject site is zoned 7(c2) Scenic Protection under <i>Interim Development Order No. 122</i> . The proposed development is defined as Dwelling House which is permissible in the zone with consent of Council.
Relevant Legislation	<ul style="list-style-type: none"> • <i>Environmental Planning & Assessment Act 1979 - Section 4.15</i> • <i>Local Government Act 1993 - Section 89 (LGA)</i> • <i>State Environmental Planning Policy No. 1 - Development Standards (SEPP 1)</i> • <i>State Environmental Planning Policy No. 71 – Coastal Protection (SEPP 71)</i> • <i>State Environmental Planning Policy (Coastal Management) 2018</i> • <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i> • <i>Gosford Local Environmental Plan 2014 (GLEP 2014)</i> • <i>Interim Development Order No. 122 (IDO 122)</i> • <i>Gosford Development Control Plan 2013 (GDGP 2013)</i>
Current Use	Places of Public Worship
Integrated Development	No
Submissions	Thirty Two and a Petition containing 213 signatures

The Site

The subject site has an area of 2023m² with frontage to Oak Road, is located 25m north of its intersection with Coachwood Road and is surrounded by predominately Rural/Residential development.

The existing Church building is located at the front of the site and the site slopes to the rear which is cleared and grassed. One (1) Palm tree is proposed to be removed to permit the erection of the building however, no other significant vegetation requires removal and no underscrubbing is proposed or required to erect the additions or achieve adequate bushfire asset protection zones.

The subject site is identified as a "deferred matter" under *Interim Development Order No. 122* (IDO 122) and as such *Gosford Local Environmental Plan 2014* (GLEP 2014) does not apply to the site in accordance with Clause 1.3(1A). The assessment and determination of this application has been carried out under IDO 122.

The site is identified as bushfire prone land on Council's bushfire maps. A Bushfire Assessment Report prepared by Clarke Dowdle & Associates Ref GO: 21594 dated March 2018 was submitted with the amended plans recommending the proposal comply with BAL-29 for the dwelling and addition and BAL – 12.5 for the garage. A condition requiring compliance with this level of construction is included within the draft conditions of consent (refer to conditions 2.5 within Stage 1 and 2).

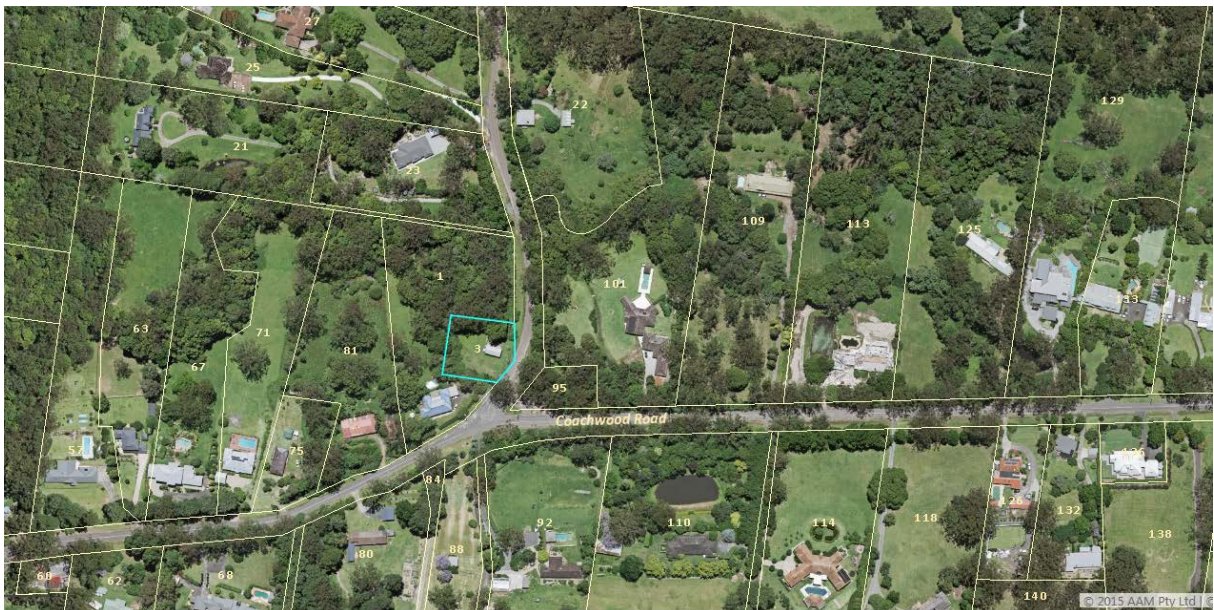


Figure 1 – Aerial view of the site highlighted in blue



Photograph 1: Subject site as viewed from Oak Road



Photograph 2: Subject site as viewed from the rear of the site

Surrounding Development

The adjoining residential sites are zoned 7(c2) Scenic Protection under *Interim Development Order No. 122*. There are various sizes of lots surrounding the subject site ranging from 2,023m² (subject site) to 20,230m² (No. 101 Coachwood Road, Matcham).

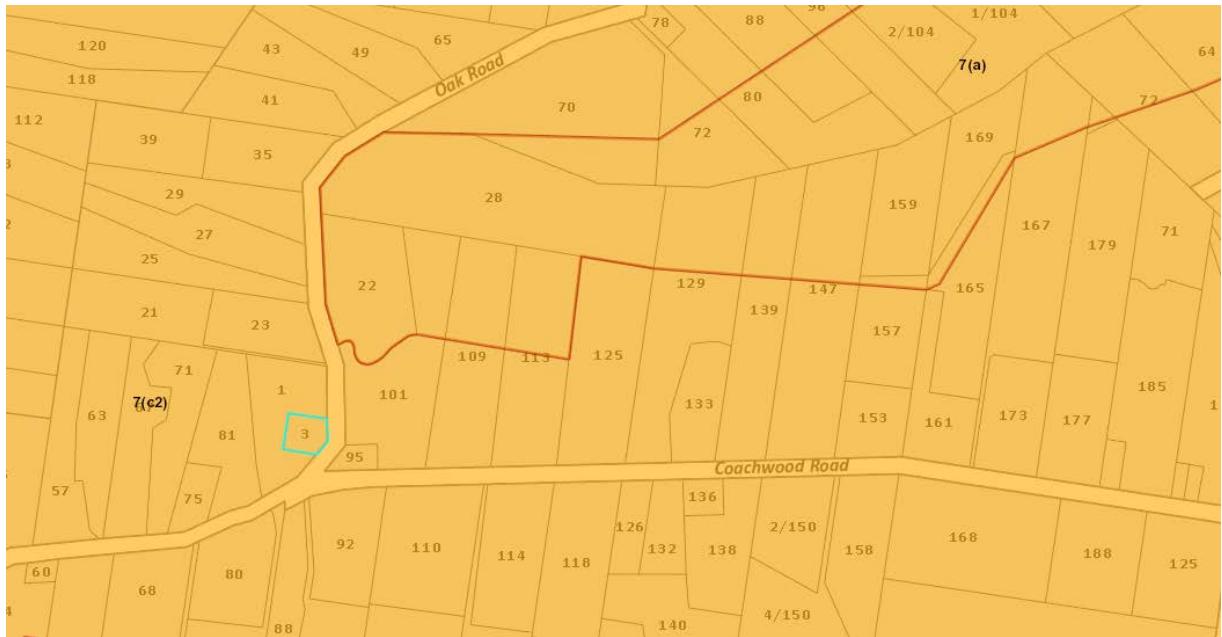


Figure 2 – Zoning Map with the site highlighted in blue

The Proposed Development

The Development Application seeks consent for the following works:

Stage 1

- Conversion of the existing Church building to a one bedroom dwelling, including a study nook, combined living/dining room, bathroom and kitchen
- Construction of a detached garage/storage shed

Stage 2

- Construction of a single storey, linked pavilion at the rear of the existing building
- Converting the previously approved living/ dining room to form a bedroom, and conversion of the kitchen to a mud room within the original building
- Provision of an entry, a living dining/kitchen, laundry, master bedroom with ensuite and a covered deck at the rear in the new pavilion to form a three bedroom dwelling.

3.3

DA 54082/2018 Staged Development - Stage 1: Conversion of Existing Church into a Dwelling and construction of a Garage - Stage 2: Addition to Dwelling at No. 3 Oak Road, Matcham (contd)

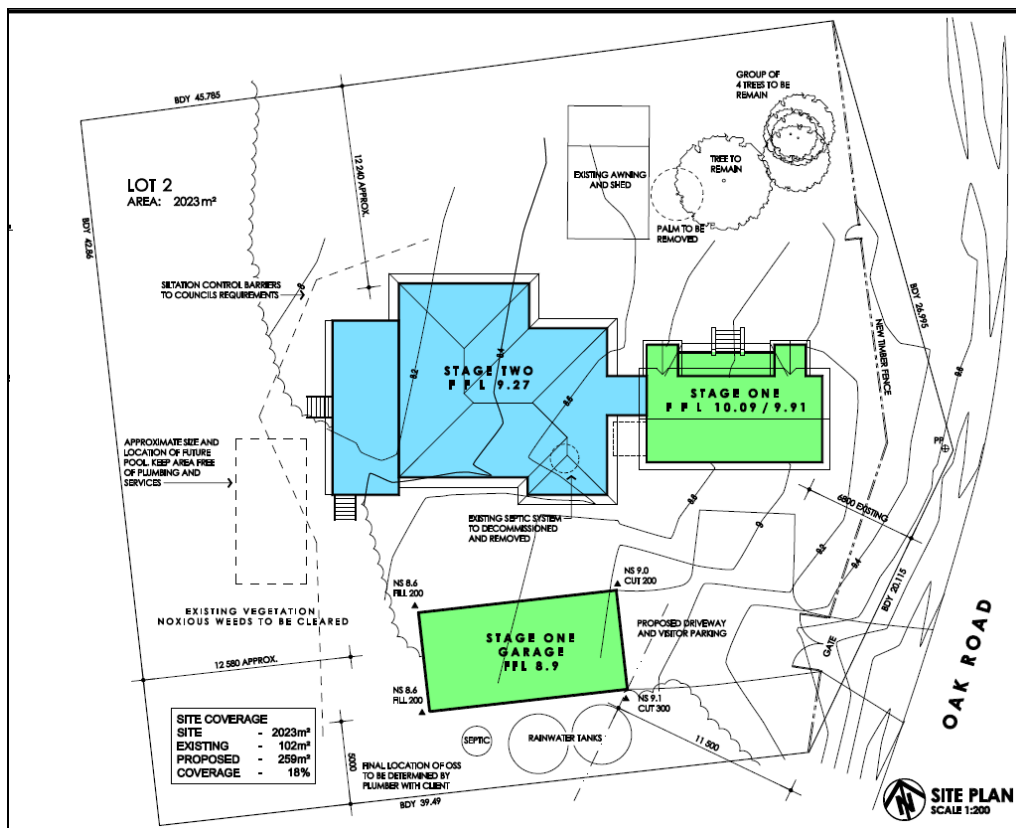


Figure 3 – Site plan showing stage 1 and 2 of the proposal

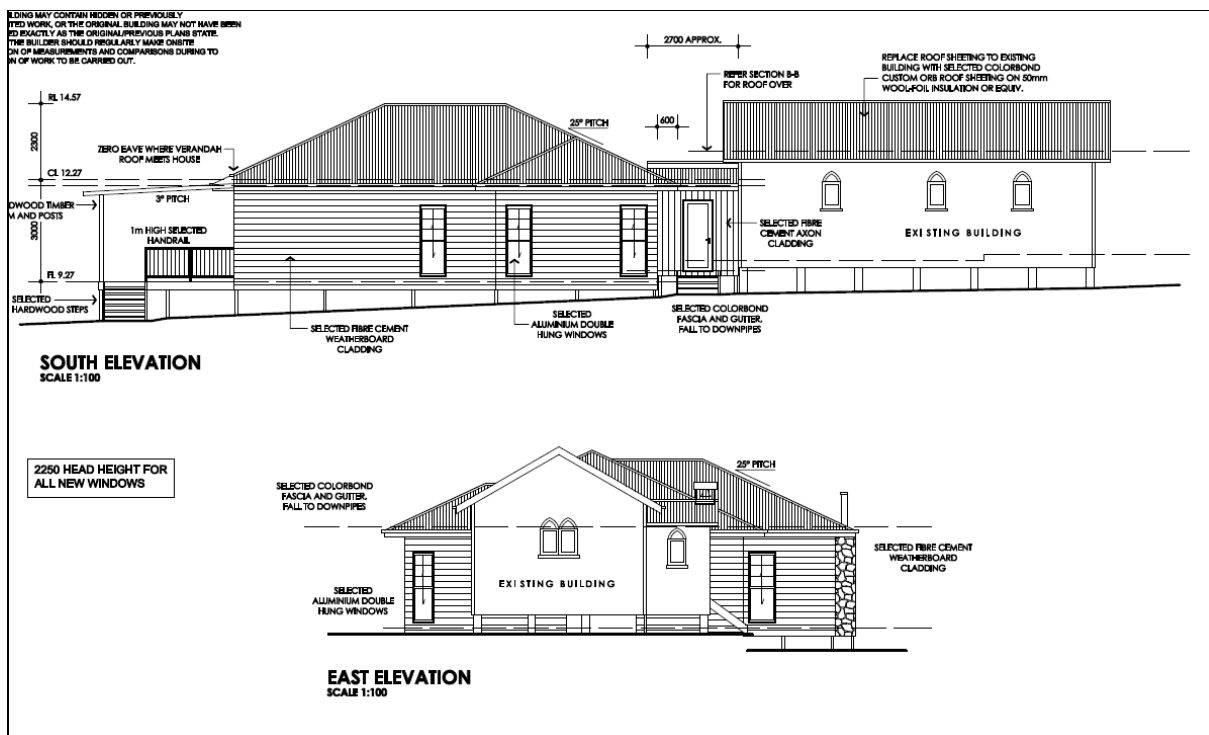


Figure 4 - East elevation of the proposal

3.3 DA 54082/2018 Staged Development - Stage 1: Conversion of Existing Church into a Dwelling and construction of a Garage - Stage 2: Addition to Dwelling at No. 3 Oak Road, Matcham (contd)

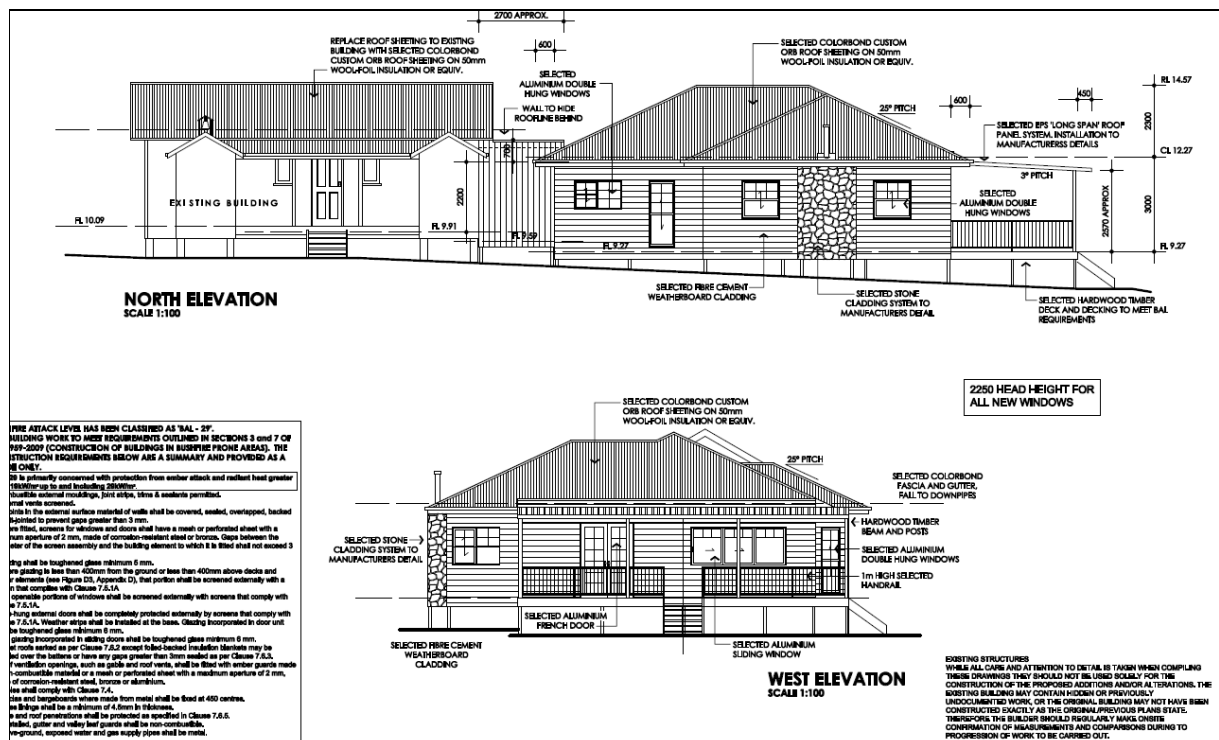


Figure 5 - West elevation of the proposal

History

Council's records show no recent applications that have been lodged on this site.

The existing Church was built in 1925 and pre-dates planning controls.

The existing Church was sold on 2 February 2018 by the Anglican Church due to it being surplus to requirements.

Consultation

Public Consultation

The development application was notified in accordance with *Chapter 7.3 Notification of Development Proposals* of *Gosford Development Control Plan 2013* (GDCP 2013) from 4 April to 19 April 2018

Thirty Two public submissions and a petition with 213 signatures were received in relation to the application.

The issues raised in the submissions are summarised below.

3.3 DA 54082/2018 Staged Development - Stage 1: Conversion of Existing Church into a Dwelling and construction of a Garage - Stage 2: Addition to Dwelling at No. 3 Oak Road, Matcham (contd)

- 1 *The block does not have a dwelling entitlement and a residential building never existed on the property. I don't support rezoning of this area.*

Comment

The subject lot is zoned 7(c2) Scenic Protection – (Rural Small Holdings) under the IDO 122 and a dwelling is a permissible use on a lawfully created allotment in the zone with development consent. No rezoning is proposed or required to enable the conversion of the former church building into a dwelling.

- 2 *The lot is one tenth of the size of the required for a lot in this area. Any attempt to increase the density in the valley would be contrary to the rural residential character of the Matcham / Holgate area.*

Comment

The application seeks consent to establish a dwelling on a lawfully created allotment. No subdivision is proposed and no increase in potential density is sought. There is no minimum lot size contained in IDO 122 for the erection of a dwelling.

- 3 *The block is zoned as a Place of Worship. The DA is requesting a zoning change and an exemption to the minimum lot size for a new dwelling. This will set an undesirable precedent.*

Comment

The subject lot is zoned 7(c2) Scenic Protection – (Rural Small Holdings) and although it has been utilised in the past as a Church, dwellings are also permissible and there is no minimum lot size stipulated within IDO 122 for the erection of a dwelling. The minimum lot size referred to by the objector relates to the minimum lot size for subdivision. This is a historically created existing allotment and this application seeks to utilise the property for the purposes for which it was zoned. It is not considered to create any precedent for further density or development in the locality as the minimum lot size applies to any future subdivision under the current planning controls.

- 4 *Local developers want to see this development proceed as they want small lot development.*

Comment

Approval of a dwelling on an existing lot does not change minimum lot size development standards for the zone nor does it allow for small lot subdivisions to occur in the locality.

3.3 DA 54082/2018 Staged Development - Stage 1: Conversion of Existing Church into a Dwelling and construction of a Garage - Stage 2: Addition to Dwelling at No. 3 Oak Road, Matcham (contd)

- 5 *Any residential driveway would magnify the already congested intersection and bus stop across the road that residents use as a pick up point on school days.*

Comment

Council's Development Engineer supports the proposed development and the site is considered to maintain adequate sight distances for the use of the driveway for future residents. If the building was still in use as a Church, the potential traffic generation by the landuse would be significantly more than that expected of a three bedroom residential dwelling.

- 6 *Any development of the block would dramatically impact neighbouring privacy and adversely affect the aesthetic and scenic value of the surrounding area.*

Comment

The proposed single storey dwelling has a 12.2m side boundary setback to the adjoining residential property at No. 1 Coachwood Road. The proposed garage is also setback 5m from the side boundary. The proposed addition is single storey with simple articulation. It is considered to be consistent with the existing built environment and the desired future character of the area. Further the garage is located in a position to prevent any direct overlooking of the neighbour's dwelling, which is at a higher level.

- 7 *The building is a Church which is a community building which was gifted for the community benefit and dedicated as a church in 1925 and should be maintained for Public benefit. The church is a heritage building.*

Comment

Noted, however, the church became surplus to requirements for the Anglican Church and was vacant and unused for a number of years. The subject lot was then sold to private owners. The building is not currently identified as a Heritage item; however the application was referred to Council's Heritage Officer who supports the proposal.

- 8 *The subject site is affected by flooding by a tributary of Erina Creek which floods annually.*

Comment

The rear of the lot is identified as being flood affected in Council's flood mapping. Although the dwelling is not located in this area, a minimum floor level has been imposed on the development as recommended by Council's Development Engineer.

3.3 DA 54082/2018 Staged Development - Stage 1: Conversion of Existing Church into a Dwelling and construction of a Garage - Stage 2: Addition to Dwelling at No. 3 Oak Road, Matcham (contd)

9 *The dwelling is not consistent with typical distances between dwellings in the area.*

Comment

The proposed dwelling complies with the side and rear setback requirements as contained in *Gosford Development Control Plan 2013*.

Internal Consultation

Tree Assessment

Council's Tree Assessment Officer has reviewed the application and provides the following comments:

The subject application has been considered noting that one tree is shown on Plan to be removed.

The tree is a mature native Palm up to 14m high.

Although development works do not require removal of the tree, it will be within 10m of the new dwelling and is able to be removed under the Rural Fire Service 10/50 Rule.

The proposal is supported without conditions.

Planning Comment

Council's Tree Assessment Officer's comments are noted.

Heritage

Council's Heritage Officer has reviewed the application and provides the following comments:

Heritage Status

The property is not listed on Schedule 5 of the GLEP 2014. A heritage nomination has been received however for its local heritage listing. Initial assessment by the Council's Heritage Officer and Heritage Advisor indicates that the property is of local heritage significance and should be protected by inclusion on the heritage schedule. A heritage inventory record of the property has been undertaken and it will be included in the next heritage review which will commence once the Community Based Heritage Study has been finalised in May 2019. The review will take 12 months and the final decision on whether the property is heritage listed will be determined during the review.

3.3 DA 54082/2018 Staged Development - Stage 1: Conversion of Existing Church into a Dwelling and construction of a Garage - Stage 2: Addition to Dwelling at No. 3 Oak Road, Matcham (contd)

A Statement of Heritage Impact (SOHI) has not been prepared for this application as the property is not currently heritage listed. The general principle of a pavilion style extension to the rear of the existing building is supported as appropriate.

Heritage Recommendations

- 1 *The pavilion style addition is an approach to making alterations to the Church which is generally supported.*
- 2 *The roof form of the addition is not in keeping with the original Church building. However, if the roof form was designed with the same orientation as the church, the roof would be excessively high and would dominate the Church. The roof form as proposed is sympathetic to the overall height of the Church and ensures that there is a clear demarcation between the existing and the proposed.*
- 3 *The original church building should be painted in lighter colours. In contrast the new building elements should be painted darker in colour to ensure that the church building remains the dominant building when viewed from the streetscape.*
- 4 *The proposed additions to the rear of the property are modest in scale. Whilst they are of slightly bigger footprint than the existing church they are not of a scale that would dominate the Church building.*
- 5 *The new building component is set well back from the street frontage and will be painted a darker colour than the Church building. As a result the proposed new addition will be sympathetic to the existing and will not result in unacceptable heritage impacts.*

Planning Comment

Council's Heritage Officer comments are noted and the proposed development complies with the recommendations.

Environmental Health

Council's Environmental Health Officer has reviewed the application and provides the following comments:

The proposed three bedroom dwelling has been assessed in relation to onsite effluent disposal. The proposed system is an Aerated Wastewater Treatment System (AWTS) with absorption beds to be located in an area of the site which is not impacted by flooding; however the site is highly constrained for effluent disposal due to the flood impacted area of the site. The proposed system is considered suitable to support a three bedroom dwelling in accordance with AS1547:2012 and DLG (1998). The existing septic tank and absorption trench will be decommissioned.

3.3 DA 54082/2018 Staged Development - Stage 1: Conversion of Existing Church into a Dwelling and construction of a Garage - Stage 2: Addition to Dwelling at No. 3 Oak Road, Matcham (contd)

Accordingly, Environmental Health has no objection to the proposal, subject to the recommended conditions.

Planning Comment

Council's Environmental Health Officer's comments are noted and the requirements have been included within the draft conditions of consent (refer to Conditions 2.4, 4.8, 5.5 and 5.6 in Stage 1, and Conditions 4.8 and 5.5 in Stage 2).

Development Assessment Engineer's Comments

Council's Development Assessment Engineer has reviewed the application and provides the following comments:

Flooding

The area is subjected to flood planning controls (Erina Creek Floodplain Flood Study). The Flood Planning Level (minimum floor level) is RL 9.25m AHD. All building materials used or located below RL 9.25m AHD must be of a type that is able to withstand the effects of immersion. The location of all electrical and gas fixtures and outlets are to be at a minimum height of RL 9.25m AHD.

Non-habitable floor levels

Garage, shed, laundry, or public toilets/sporting amenities to have floor levels at least 300mm (desirable 500mm) above surrounding finished ground level.

Materials, equipment or contents are not to be stored below the Flood Planning Level (FPL) unless they are flood compatible, capable of withstanding the forces of floodwater, debris and buoyancy, and not prone to causing pollution or an environmental hazard. (Refer to GDCP 2013 Part 6.7.7.6.4 B).

Drainage

Not applicable.

Conclusion

The proposal is supported subject to conditions (refer to conditions 2.3 and 4.7 for Stage 1 and Stage 2).

Planning Comment

Council's Development Engineer comments are noted and their requirements have been included within the recommendation (refer conditions 2.3 and 4.7 for Stage 1 and Stage 2).

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

Climate Change

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

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

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. Any tables relating to plans or policies are provided as an attachment to this report.

Provisions of Relevant Instruments/Plans/Policies

State Environmental Planning 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, if built in accordance with the commitments in the certificate.

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

State Environmental Planning Policy No. 71 - Coastal Protection

State Environmental Planning Policy No. 71 (Coastal Protection) (SEPP 71) was repealed on 3 April 2018 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 provisions continue to apply if a development application was lodged and not finally determined prior to the commencement of the SEPP Coastal Management. This development application was lodged on 29 March 2018.

The provisions of the SEPP 71 require Council consider the Aims and Objectives of the SEPP together with the matters for consideration listed in Clause 8 of the 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 and Environment and the subject property falls within this zone.

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 considered against the provisions of SEPP Coastal Management and considered satisfactory.

Gosford Local Environmental Plan 2014 (GLEP 2014)

The subject site is identified as "Deferred Matter" on the Land Application Map and as such GLEP 2014 does not apply to the site in accordance with Clause 1.3(1A). The assessment and determination of this application has been made under *Interim Development Order No. 122* (IDO 122).

Interim Development Order No. 122 (IDO 122)

Permissibility

The land is zoned 7(c2) Conservation and Scenic Protection (Scenic Protection Rural Small Holdings) under IDO 122. The proposed development is defined as Dwelling House which is permissible in the zone with consent of Council.

'Dwelling-House' means a building containing 1, but not more than 1, dwelling.

3.3 DA 54082/2018 Staged Development - Stage 1: Conversion of Existing Church into a Dwelling and construction of a Garage - Stage 2: Addition to Dwelling at No. 3 Oak Road, Matcham (contd)

Objectives of Zone

Clause 5(3) of *Interim Development Order No. 122* (IDO 122) stipulates that consent must not be granted for development of land within the prescribed zone, unless the objectives of the zone have been taken into consideration in conjunction with the objectives of the *Local Government Act 1993*, pertaining to Ecologically Sustainable Development.

The objectives for the 7(c2) Scenic Protection Rural with IDO 122 are as follows:

- a. to provide a buffer or transition zone between conservation areas and urban areas; and
- b. to enable development for the purposes of rural-residential holdings to be carried out on land which is suitable for those purposes and which is unlikely:
 - i. to adversely affect the aesthetic and scenic value of the land and its setting; or
 - ii. to create a demand for the uneconomic provision of services; and
- c. to allow for non-residential uses where those uses are:
 - i. compatible with rural-residential development and unlikely to create an unreasonable demand for public services or substantially reduce existing levels of service;
 - ii. unlikely to adversely affect the aesthetic and scenic value of the land and its setting; and
 - iii. unlikely to interfere unreasonably with the amenity of adjoining properties.

The proposed addition is located on land which is cleared of significant vegetation. The development will create minimal stormwater runoff from the increase in impervious areas and is compatible with the visual qualities of the area and surrounding development.

In this instance, it is considered that the proposal is consistent with the stated objectives of the 7(c2) Conservation and Scenic Protection (Scenic Protection Rural Small Holdings) Zone – IDO 122. The proposal is also considered to be consistent with the principles of Ecologically Sustainable Development, as specified within the *Local Government Act 1993*.

The proposed development meets the objectives of the zone.

3.3 **DA 54082/2018 Staged Development - Stage 1: Conversion of Existing Church into a Dwelling and construction of a Garage - Stage 2: Addition to Dwelling at No. 3 Oak Road, Matcham (contd)**

Clause 5 (4) Character Matcham 2: Scenic Buffer

Clause 5(4) of Interim Development Order No. 122 stipulates that the Council must not grant consent for development unless it has taken into consideration the character of the development site and the surrounding area, where, for the purpose of this provision, character means the qualities that distinguish each area and the individual properties located within that area.

The site is located within Character Area: Matcham 2: Scenic Buffer, the objectives require that the character of the area should remain rural-residential buffers between surrounding urban areas, where the scenically-distinctive qualities and amenity of existing secluded settings are preserved by very-low density residential development plus low-impact rural activities or businesses that are associated with a dwelling.

The proposed addition maintains the modest character with simple articulation which is appropriate when read with the existing design of the original church. The subject proposal is considered to be consistent with the desired future character of the area.

In this instance, the proposal does not detract from the character of the immediate locality.

Gosford Development Control Plan 2013 (GLEP 2013)

Development Standard	Description	Required	Proposed	Compliance with Control	Compliance with Objective
Clause 3.1.2.1	Building Height	Max 2 storey for dwelling houses and 7m for ancillary structures	Single storey for dwelling house 6.2m for the proposed garage shed	Yes	Yes
Clause 3.1.2.2	Site Coverage	Lot of an area greater than 1500m ² or 30% of the site area	10.3%	Yes	Yes
Clause 3.1.3.2a	Front Boundary (primary frontage)	Lot with site area up to 4000m ² is 10m	6.8m (existing setback no change proposed)	No- see comment below	Yes

Development Standard	Description	Required	Proposed	Compliance with Control	Compliance with Objective
Clause 3.1.3.2b	Rear Boundary setbacks	10m for the dwelling house and 5m for the outbuilding	12.8m – dwelling and 15m – outbuilding	Yes	Yes
Clause 3.1.3.2c	Side Setbacks	Dwellings 2.5m and ancillary buildings 5m on lots up to 4000m ²	Dwelling 12.24m and outbuilding 5m	Yes	Yes
Clause 3.1.5	Car Parking and Access	1 space if 3 or less bedrooms	2 spaces	Yes	Yes
Clause 3.1.6.1	Earthworks	Fill 1.0m/ Cut 3.0m	Minimal site disturbance and no significant cut and fill as pier and beam construction is being utilised.	Yes	Yes

Chapter 3.1.3.2a Front Setbacks

The existing Church building is setback 6.8m from the Oak Road frontage of the site, as the proposed development is seeking to utilise the existing building, there is no availability to achieve compliance with the numerical control. It is considered, as all proposed additional works are located behind the existing dwelling, there is no impact on streetscape as the existing established building line for the site is being maintained.

Chapter 7.2 Waste Management

A Waste Management Plan has been submitted in support of the proposed development. Conditions have been included in the development consent.

Section 4.15 Evaluation – *Environmental Planning & Assessment Act 1979*

Built Environment

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

A thorough assessment of the potential impacts resulting from the proposed development on the built environment has been undertaken. It is considered on balance that the proposed development is considered reasonable.

Natural Environment

The proposal results in the removal of one tree and involves moderate site excavation given the site's sloping topography. There is minimal impact on the natural environment as the dwelling alterations and additions and the detached ancillary developments have been designed to minimize further excavation and tree removal. Accordingly, the proposal is considered satisfactory in relation to impacts on the natural environment.

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

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

- Flood planning - The land has been classified as being under a "flood planning level" and subject to the imposition of a minimum floor level. The development is considered satisfactory in respect to clause 7.2 of GLEP 2014.
- Acid Sulfate Soils - This land has been identified as being affected by the Acid Sulfate Soils Map and the matters contained in clause 7.1 of GLEP 2014 have been considered. The site contains Class 4/5 Acid Sulfate Soils. In this instance, the proposal works are not considered to impact on Acid Sulfate Soils.
- Bushfire - The site is identified as "bushfire prone land" on Council's bushfire maps. A Bushfire Assessment Report prepared by Clarke Dowdle & Associates Ref GO: 21594 dated March 2018 was submitted with the amended plans recommending the proposal comply with BAL - 29 for the dwelling and addition and BAL – 12.5 for the garage. A condition requiring compliance with this level of construction is included within the recommendation (refer condition 2.5 within Stage 1 and 2).

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

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

Submissions received in relation to the proposal have been considered within this report and are discussed previously in this report.

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

The approval of the application is seen to be in the public interest by the retention and reuse of an historic building and creating a unique development, improving the quality of the residential dwelling housing stock of the area whilst creating minimal to no impact on the environment or the public realm.

Others Matters for Consideration

Development Contribution Plan

The proposed development is a development type that is not subject to Section 7.11 development contributions under the Contribution Plan. Therefore, no contributions are applicable.

Water and Sewer Contributions

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

Conclusion

This application has been assessed under the heads of consideration of Section 4.15 of the *EP&A Act 1979* and all relevant instruments and policies. The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development. Subject to the imposition of appropriate conditions, the proposed development is not expected to have any adverse social or economic impact. It is considered that the proposed development will complement the locality and meet the desired future character of the area.

Accordingly, the application is recommended for approval pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*.

Attachments

- | | | |
|----------|-----------------------------|-----------|
| 1 | Draft Conditions of Consent | D13363078 |
| 2 | Development Plans | D13361331 |

Conditions

Stage 1 - Conversion of the existing building in to a One (1) Bedroom Dwelling and erection of a freestanding Garage/Shed

1. PARAMETERS OF THIS CONSENT

1.1. Approved Plans and Supporting Documents

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

Architectural Plans by: CEO Architectural CAD Design + Presentation

Drawing	Description	Sheets	Issue	Date
	Title page	1	-	undated
A01	Overall Site Plan	1	H	14/03/2018
A02	Stage 1 – Floor Plan	1	H	14/03/2018
A03	Stage 1 - Elevations	1	H	14/03/2018
A04	Stage 2 – Floor Plan	1	H	14/03/2018
A05	Stage 2 - Elevations	1	H	14/03/2018
A06	Stage 2 - Elevations	1	H	14/03/2018
A07	Stage 2 Section	1	H	14/03/2018
A08	Electrical Layout Plans	1	H	14/03/2018
GOSF02-11620.01 Sheet 1/1	Garage/Shed Plan	1	-	Undated

Supporting Documentation

Document	Title	Date
Bushfire	Bushfire Report Prepared by Clarke Dowdle & Associates Ref GO: 21594	March 2018
Waste	Waste Management Plan Prepared by CEO Architectural	20 March 2018
BASIX	BASIX Certificate numbered: A309025	15 March 2018
OSSM	Wastewater Report prepared by 5Qs Consulting Group	8 August 2018

- 1.2. Carry out all building works in accordance with the Building Code of Australia.
- 1.3. Comply with all commitments listed in BASIX Certificate as required under clause 97A of the *Environment Planning and Assessment Regulation 2000*.
- 1.4. The original church building should be finished in lighter wall colours. In contrast the new building elements should be painted darker in colour to ensure that the church building remains the dominant building when viewed from the streetscape.

2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 2.1. All conditions under this section must be met prior to the issue of any Construction Certificate.
- 2.2. No activity is to be carried out on site until any Construction Certificate has been issued, other than:
 - a. Site investigation for the preparation of the construction,
 - b. Implementation of environmental protection measures, such as erosion control etc that are required by this consent, and/or
 - c. Demolition.
- 2.3. Submit design details of the following engineering works within private property:
 - a. The minimum floor level of all habitable rooms in the development must be RL 9.25m AHD.
 - b. All building materials used or located below RL 9.25m AHD must be of a type that is able to withstand the effects of immersion.
 - c. Non-habitable floor levels: Garage, shed, laundry, or public toilets/sporting amenities to have floor levels at least 300mm (desirable 500mm) above surrounding finished ground level. Materials, equipment or contents are not to be stored below the FPL unless they are flood compatible, capable of withstanding the forces of floodwater, debris and buoyancy, and not prone to causing pollution or an environment hazard. (Refer to DCP 2013 Part 6.7.7.6.4 B)

These design details and any associated reports must be included in the construction certificate.

- 2.4. Submit an application and have approved by Council under the provisions of section 68 of the *Local Government Act 1993* for an approval to install an on-site sewage management system. The system must be designed generally in accordance with the wastewater report, report number 8402, dated 8 August 2018 and prepared by 5Qs Consulting Group. The section 68 application can be found on Council's website: www.centralcoast.nsw.gov.au
- 2.5. Provides details showing that the development complies with Bushfire Attack Level (BAL) 29 as it relates to the dwelling house and with Bushfire Attack Level (BAL) 12.5 as it relates to the proposed garage/shed as outlined within the Bushfire Report prepared by Clarke Dowdle & Associates as outlined in Supporting Documentation, and as prescribed by AS3959-2009 *Construction of buildings in bushfire prone areas*. Depending on the required BAL, the development must incorporate additional construction requirements that are contained in subsection A3.7- *Additional Construction Requirements* of the document *Addendum: Appendix 3 to Planning for Bush Fire Protection 2006*.

3. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1. All conditions under this section must be met prior to the commencement of any works.
- 3.2. No activity is to be carried out on-site until the Construction Certificate has been issued, other than;
- a) Site investigation for the preparation of the construction, and / or
 - b) Implementation of environmental protection measures, such as erosion control and the like that are required by this consent
 - c) Demolition approved by this consent.
- 3.3. Appoint a Principal Certifying Authority for the building work:
- a) The Principal Certifying Authority (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.
 - b) Submit to Council a *Notice of Commencement of Building Works* or *Notice of Commencement of Subdivision Works* form giving at least two (2) days' notice of the intention to commence building or subdivision work. The forms can be found on Council's website www.centralcoast.nsw.gov.au
- 3.4. Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:
- a) The name, address and telephone number of the principal certifying authority for the work; and
 - b) The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
 - c) That unauthorised entry to the work site is prohibited.
 - d) Remove the sign when the work has been completed.
- 3.5. Submit both a Plumbing and Drainage Inspection Application, with the relevant fee, and a Plumbing and Drainage Notice of Work in accordance with the *Plumbing and Drainage Act 2011* (to be provided by licensed plumber). These documents can be found on Council's website at: www.centralcoast.nsw.gov.au.

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

- 3.6. Undertake any demolition involving asbestos in accordance with the *Work Health and Safety Act 2011*.

The person having the benefit of this consent must ensure that the removal of:

- a) more than 10m² of non-friable asbestos or asbestos containing material is carried out by a licensed non-friable (Class B) or a friable (Class A) asbestos removalist, and

- b) friable asbestos of any quantity is removed by a licensed removalist with a friable (Class A) asbestos removal licence.

The licensed asbestos removalist must give notice to the regulator before work commences in accordance with Clause 466 of the *Work Health and Safety Regulation 2011*.

4. DURING WORKS

4.1. All conditions under this section must be met during works.

4.2. Carry out construction or demolition works during the construction phase of the development only between the hours as follows:

- 7:00am and 5:00pm Monday to Saturday

No construction or demolition works associated with the development are permitted to be carried out at any time on a Sunday or a public holiday.

4.3. During the construction phase of the development, if any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:

- a) All excavation or disturbance of the area must stop immediately in that area, and
- b) The Office of Environment & Heritage must be advised of the discovery in accordance with section 89A of the *National Parks and Wildlife Act 1974*.

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

4.4. Implement and maintain all erosion and sediment control measures at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

4.5. Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifying Authority or an officer of Council.

4.6. Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with the *Plumbing and Drainage Act 2011*.

4.7. Locate all electrical fixtures and/or gas outlets associated with the proposed works at a minimum height of RL 9.25m AHD.

4.8. Protect the land application area from damage from vehicles during all construction works on-site.

5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 5.1. All conditions under this section must be met prior to the issue of any Occupation Certificate.
- 5.2. Submit an application for the Occupation Certificate to the Principal Certifying Authority for approval.
- 5.3. Do not occupy the premises until the Occupation Certificate has been issued.
- 5.4. Provide certification to the Principal Certifying Authority that the requirements of the BASIX certificate listed as supporting documentation in this development consent have been complied with.
- 5.5. Obtain an Approval to Operate the on-site sewage management system from Council.
- 5.6. Submit an application under the provisions of the *Plumbing and Drainage Act 2011* for plumbing and drainage inspection a minimum of 48 hours prior to any inspection being carried out. A Notice of Work, Certificate of Compliance and Sewer Service Diagram must be submitted by a licensed plumber.
- 5.6. Install a rainwater tank with a minimum capacity of 10,000 litres. The tank should be fitted with suitable plumbing connections to collect rainwater from 100m² of roof area as detailed within the approved development plans with suitable plumbing connections provided to collect rainwater from the roof area as detailed within the BASIX Certificate applicable to the development. The required rainwater tank is to be installed in accordance with the requirements of the National Plumbing and Drainage Code Australian Standard AS 3500 and must be provided with first flow diversion devices fixed to all inflows and a functioning pressure pump plumbed to service all fixtures as detailed within the BASIX Certificate applicable to the development.. All overflow must be connected via piped drainage line to street kerb outlet / allotment drainage line / infiltration trench.

Note: Infiltration trenches are to be designed by a practising engineer experienced in hydraulics. The design details are to cater for a 1 in 20 year AEP storm event and are to allow for a minimum setback of three (3) metres from any sewer main and lot boundaries.

6. ONGOING OPERATION

- 6.1. Do not let, adapt or use the dwelling for separate occupation in two or more parts.
- 6.2. Use the garage for the housing of motor vehicles only and not for the purpose of any trade, industry, manufacture or habitable purpose.

7. PENALTIES

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

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

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

Warnings as to Potential Maximum Penalties

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

ADVISORY NOTES

- Discharge of sediment from a site may be determined to be a pollution event under provisions of the *Protection of the Environment Operations Act 1997*. Enforcement action may commence where sediment movement produces a pollution event.
- The following public authorities may have separate requirements in the following aspects:
 - a) Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments
 - b) Jemena Asset Management for any change or alteration to the gas line infrastructure
 - c) Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements
 - d) Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure
 - e) Central Coast Council in respect to the location of water, sewerage and drainage services.
- Carry out all work under this Consent in accordance with SafeWork NSW requirements including the *Workplace Health and Safety Act 2011 No 10* and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.
- Dial Before You Dig
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request

the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

- Telecommunications Act 1997 (Commonwealth)
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.
- Decommission the existing septic tank in accordance with NSW Health Advisory Note 3 *Destruction, Removal or Reuse of Septic Tanks, and AWTS* dated January 2017. This Advisory note is available from the NSW Health website: www.health.nsw.gov.au

Stage 2 - Erection of a single storey linked pavilion at the rear of the existing building to form a three (3) Bedroom Dwelling House

1. PARAMETERS OF THIS CONSENT

1.1. Approved Plans and Supporting Documents

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

Architectural Plans by: CEO Architectural CAD Design + Presentation

Drawing	Description	Sheets	Issue	Date
	Title page	1	-	undated
A01	Overall Site Plan	1	H	14/03/2018
A02	Stage 1 – Floor Plan	1	H	14/03/2018
A03	Stage 1 - Elevations	1	H	14/03/2018
A04	Stage 2 – Floor Plan	1	H	14/03/2018
A05	Stage 2 - Elevations	1	H	14/03/2018
A06	Stage 2 - Elevations	1	H	14/03/2018
A07	Stage 2 Section	1	H	14/03/2018
A08	Electrical Layout Plans	1	H	14/03/2018
GOSF02-11620.01 Sheet 1/1	Garage/Shed Plan	1	-	Undated

Supporting Documentation

Document	Title	Date
Bushfire	Bushfire Report Prepared by Clarke Dowdle &	March 2018

	Associates Ref GO: 21594	
Waste	Waste Management Plan Prepared by CEO Architectural	20 March 2018
BASIX	BASIX Certificate numbered: A309025	15 March 2018
OSSM	Wastewater Report prepared by 5Qs Consulting Group	8 August 2018

- 1.2. Carry out all building works in accordance with the Building Code of Australia.
- 1.3. Comply with all commitments listed in BASIX Certificate as required under clause 97A of the *Environment Planning and Assessment Regulation 2000*.
- 1.4. The original church building should be finished in lighter wall colours. In contrast the new building elements should be painted darker in colour to ensure that the church building remains the dominant building when viewed from the streetscape.

2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 2.1. All conditions under this section must be met prior to the issue of any Construction Certificate.
- 2.2. No activity is to be carried out on site until any Construction Certificate has been issued, other than:
 - d. Site investigation for the preparation of the construction,
 - e. Implementation of environmental protection measures, such as erosion control etc that are required by this consent, and/or
 - f. Demolition.
- 2.3. Submit design details of the following engineering works within private property:
 - c. The minimum floor level of all habitable rooms in the development must be RL 9.25m AHD.
 - d. All building materials used or located below RL 9.25m AHD must be of a type that is able to withstand the effects of immersion.
 - c. Non-habitable floor levels: Garage, shed, laundry, or public toilets/sporting amenities to have floor levels at least 300mm (desirable 500mm) above surrounding finished ground level. Materials, equipment or contents are not to be stored below the FPL unless they are flood compatible, capable of withstanding the forces of floodwater, debris and buoyancy, and not prone to causing pollution or an environment hazard. (Refer to DCP 2013 Part 6.7.7.6.4 B)

These design details and any associated reports must be included in the construction certificate.

- 2.4. Submit an application and have approved by Council under the provisions of section 68 of the *Local Government Act 1993* for an approval to install an on-site sewage management system. The system must be designed generally in accordance with the wastewater report, report number 8402, dated 8 August 2018 and prepared by 5Qs Consulting Group. The section 68 application can be found on Council's website: www.centralcoast.nsw.gov.au
- 2.5. Provides details showing that the development complies with Bushfire Attack Level (BAL) 29 as it relates to the dwelling house and with Bushfire Attack Level (BAL) 12.5 as it relates to the proposed garage/shed as outlined within the Bushfire Report prepared by Clarke Dowdle & Associates as outlined in Supporting Documentation, and as prescribed by AS3959-2009 *Construction of buildings in bushfire prone areas*. Depending on the required BAL, the development must incorporate additional construction requirements that are contained in *subsection A3.7- Additional Construction Requirements* of the document *Addendum: Appendix 3 to Planning for Bush Fire Protection 2006*.

3. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1. All conditions under this section must be met prior to the commencement of any works.
- 3.2. No activity is to be carried out on-site until the Construction Certificate has been issued, other than;
 - d) Site investigation for the preparation of the construction, and / or
 - e) Implementation of environmental protection measures, such as erosion control and the like that are required by this consent
 - f) Demolition approved by this consent.
- 3.3. Appoint a Principal Certifying Authority for the building work:
 - c) The Principal Certifying Authority (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.
 - d) Submit to Council a *Notice of Commencement of Building Works* or *Notice of Commencement of Subdivision Works* form giving at least two (2) days' notice of the intention to commence building or subdivision work. The forms can be found on Council's website www.centralcoast.nsw.gov.au
- 3.4. Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:
 - e) The name, address and telephone number of the principal certifying authority for the work; and
 - f) The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
 - g) That unauthorised entry to the work site is prohibited.
 - h) Remove the sign when the work has been completed.

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

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

- 3.6. Undertake any demolition involving asbestos in accordance with the *Work Health and Safety Act 2011*.

The person having the benefit of this consent must ensure that the removal of:

- a) more than 10m² of non-friable asbestos or asbestos containing material is carried out by a licensed non-friable (Class B) or a friable (Class A) asbestos removalist, and
- b) friable asbestos of any quantity is removed by a licensed removalist with a friable (Class A) asbestos removal licence.

The licensed asbestos removalist must give notice to the regulator before work commences in accordance with Clause 466 of the *Work Health and Safety Regulation 2011*.

4. DURING WORKS

- 4.1 All conditions under this section must be met during works.

- 4.2 Carry out construction or demolition works during the construction phase of the development only between the hours as follows:

- 7:00am and 5:00pm Monday to Saturday

No construction or demolition works associated with the development are permitted to be carried out at any time on a Sunday or a public holiday.

- 4.3 During the construction phase of the development, if any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:

- c) All excavation or disturbance of the area must stop immediately in that area, and
- d) The Office of Environment & Heritage must be advised of the discovery in accordance with section 89A of the *National Parks and Wildlife Act 1974*.

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

- 4.4 Implement and maintain all erosion and sediment control measures at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

- 4.5 Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifying Authority or an officer of Council.
- 4.6 Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with the *Plumbing and Drainage Act 2011*.
- 4.7 Locate all electrical fixtures and/or gas outlets associated with the proposed works at a minimum height of RL 9.25m AHD.
- 4.8 Protect the land application area from damage from vehicles during all construction works on-site.

5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 5.1. All conditions under this section must be met prior to the issue of any Occupation Certificate.
- 5.2. Submit an application for the Occupation Certificate to the Principal Certifying Authority for approval.
- 5.3. Do not occupy the premises until the Occupation Certificate has been issued.
- 5.4. Provide certification to the Principal Certifying Authority that the requirements of the BASIX certificate listed as supporting documentation in this development consent have been complied with.
- 5.5. Submit an application under the provisions of the *Plumbing and Drainage Act 2011* for plumbing and drainage inspection a minimum of 48 hours prior to any inspection being carried out. A Notice of Work, Certificate of Compliance and Sewer Service Diagram must be submitted by a licensed plumber.

6. ONGOING OPERATION

- 6.1. Do not let, adapt or use the dwelling for separate occupation in two or more parts.
- 6.2. Use the garage for the housing of motor vehicles only and not for the purpose of any trade, industry, manufacture or habitable purpose.

7. PENALTIES

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

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

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

Warnings as to Potential Maximum Penalties

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

ADVISORY NOTES

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

liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

- Decommission the existing septic tank in accordance with NSW Health Advisory Note 3 *Destruction, Removal or Reuse of Septic Tanks, and AWTs* dated January 2017. This Advisory note is available from the NSW Health website: www.health.nsw.gov.au

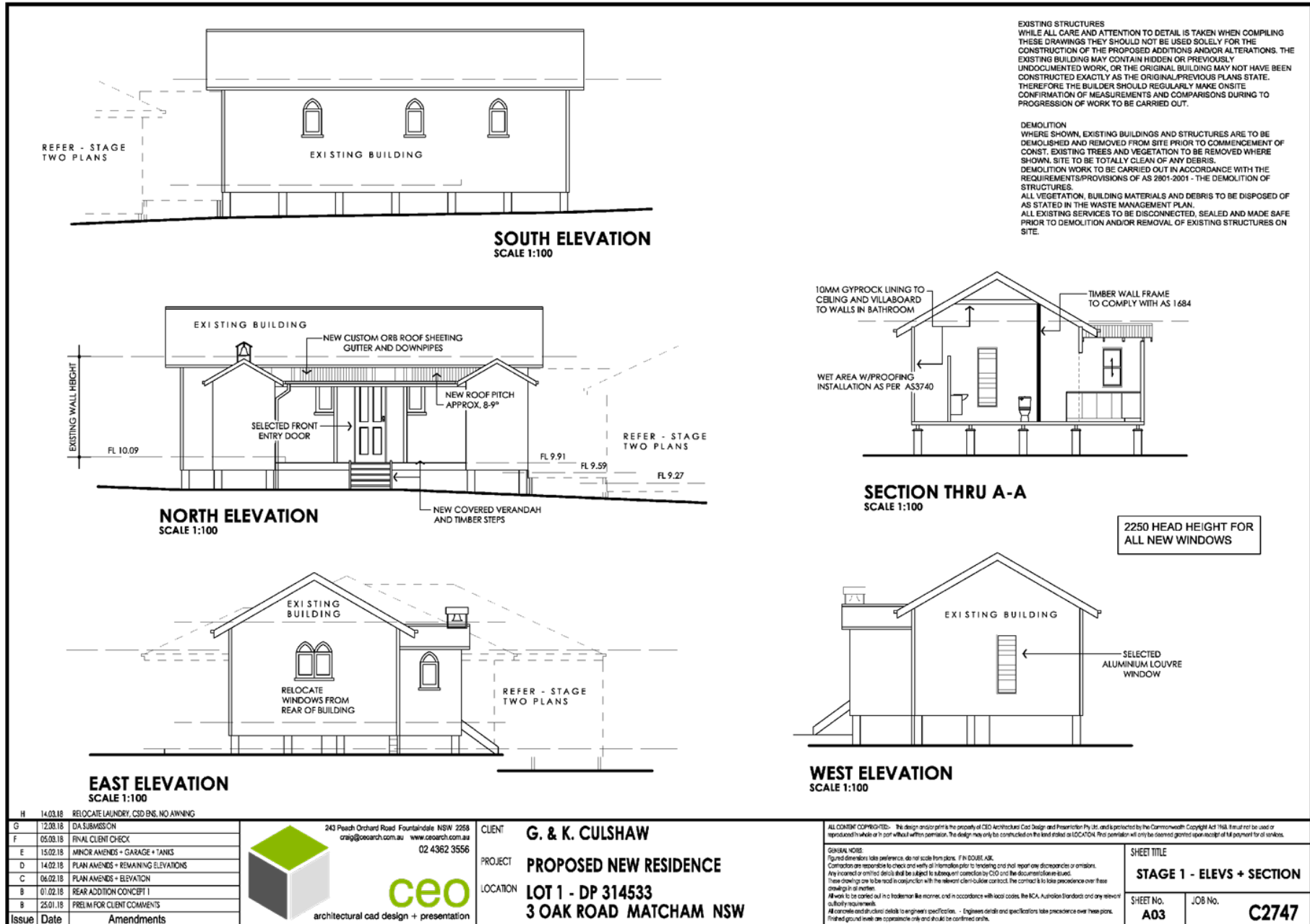


PROJECT : **ALTERATIONS & ADDITIONS
STAGED DEVELOPMENT**

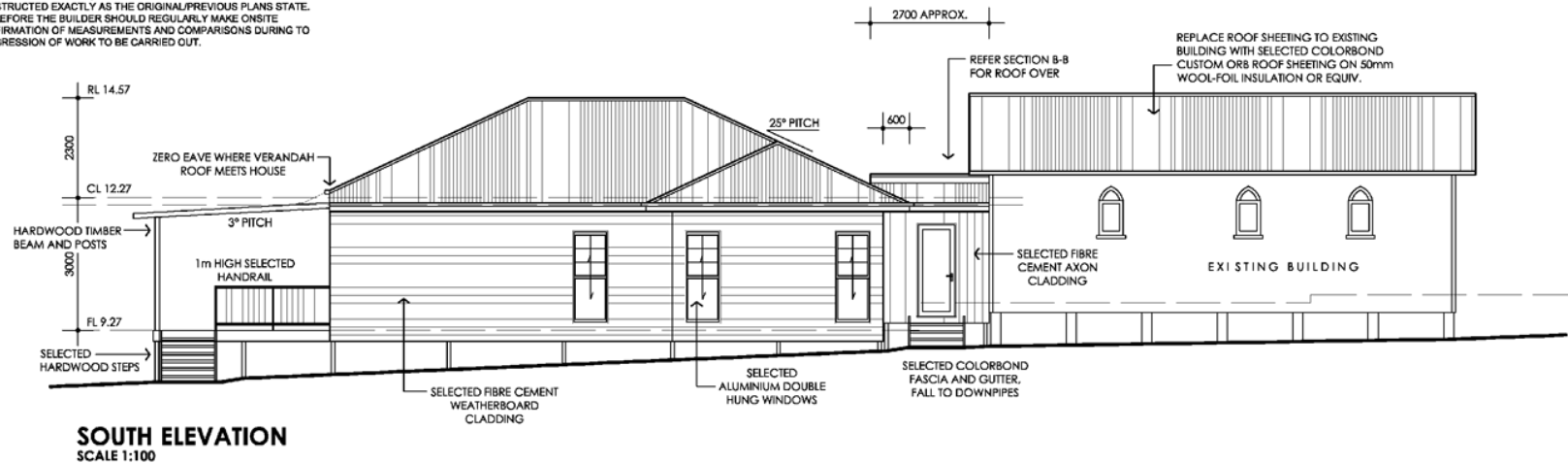
CLIENT : **G. & K. CULSHAW**

LOCATION : **Lot 1 - DP 314533
3 OAK ROAD
MATCHAM NSW**

SHEET No.	DRAWING NAME	SIZE	SCALE	DESCRIPTION
A01	OVERALL SITE PLAN	A3	1 : 200	
A02	STAGE 1 - FLOOR PLAN	A3	1 : 100	
A03	STAGE 1 - ELEVATIONS / SECTION	A3	1 : 100	
A04	STAGE 2 - FLOOR PLAN	A3	1 : 100	
A05	STAGE 2 - ELEVATIONS	A3	1 : 100	
A06	STAGE 2 - ELEVATIONS	A3	1 : 100	
A07	STAGE 2 - SECTION	A3	1 : 100	
A08	ELECTRICAL LAYOUT PLANS	A3	1 : 100	



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



2250 HEAD HEIGHT FOR
ALL NEW WINDOWS



H 14.03.18 RELOCATE LAUNDRY, CSD ENS, NO WINING

G	12.03.18	DA SUBMISSION
F	05.03.18	FINAL CLIENT CHECK
E	15.02.18	MINOR AMENDS + GARAGE + TANKS
D	14.02.18	PLAN AMENDS + REMAINING ELEVATIONS
C	06.02.18	PLAN AMENDS + ELEVATION
B	01.02.18	REAR ADDITION CONCEPT
A	25.01.18	PRELIM FOR CLIENT COMMENTS
Issue	Date	Amendments



243 Peach Orchard Road Fountaindale NSW 2258
craig@ceosearch.com.au www.ceosearch.com.au
02 4362 3556

ceo
architectural cad design + presentation

CLIENT **G. & K. CULSHAW**
PROJECT **PROPOSED NEW RESIDENCE**
LOCATION **LOT 1 - DP 314533
3 OAK ROAD MATCHAM NSW**

ALL CONTENT COPYRIGHTED - The design and/or print is the property of CEO Architectural Cad Design and Presentation Pty Ltd, and is protected by the Commonwealth Copyright Act 1968. It must not be used or reproduced in whole or in part without written permission. The design may only be constructed on the land titled as LDCATON. First permission will only be granted upon receipt of full payment for all services.

GENERAL NOTES:
Signed dimensions take precedence, do not scale from plans. IF IN DOUBT ASK.
Contractors are responsible to check and verify all information prior to tendering and shall report any discrepancies or omissions.
Any increased or omitted details shall be subject to subsequent correction by CEO and the documents shall be issued.
These drawings are to be read in conjunction with the relevant client/builder contract. The contract is to take precedence over these drawings in all matters.
All work to be carried out in a tradesman like manner, and in accordance with local codes, the NCA, Australian Standards and any relevant authority requirements.
All concrete and structural details to engineer's specification. - Engineers details and specifications take precedence over these plans.
Finished ground levels are approximate only and should be confirmed onsite.

SHEET TITLE
STAGE 2 - ELEVATIONS

SHEET No.
A06

JOB No.
C2747

Item No: 3.4
Title: DA 54624/2018 - Proposed New Colorbond Fence at 49 Wards Hill Road Killcare Heights
Department: Environment and Planning

10 December 2018 Ordinary Council Meeting

Trim Reference: F2010/00500 - D13312746

Author: Wayne Herd, Section Manager, Central Coast Building Certification

Manager: Jamie Loader, Unit Manager, Development Assessment

Executive: Scott Cox, Director, Environment and Planning

Summary

An application has been received for a new colorbond front fence at No.49 Wards Hill Road Killcare Heights. 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.

Applicant	Central Real Pty Ltd
Owner	A J Denny
Application No	54624/2018
Description of Land	Lot 434 DP 660287, 49 Wards Hill Road Killcare Heights
Proposed Development	New Colorbond Front Fence
Site Area	52080m ²
Zoning	E4 Environmental Living
Existing Use	Dwelling House
Employment Generation	Nil
Estimated Value	\$4,350.00

Recommendation

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

Background

Proposed Development	New Colorbond Fence.
Permissibility and Zoning	The subject site is zoned E4 Environmental Living under <i>Gosford Local Environmental Plan 2014</i> . The proposed development is defined as an Ancillary Structure which is permissible in the zone with consent of Council.
Relevant Legislation	The following planning policies and control documents are relevant to the development and were considered as part of the assessment. <i>Environmental Planning & Assessment Act 1979</i> <i>State Environmental Planning Policy (Coastal Management) 2018</i> <i>Gosford Local Environmental Plan 2014 (GLEP 2014)</i> <i>Gosford Development Control Plan 2013(GDCP 2013)</i>
Current Use	Dwelling
Integrated Development	No
Submissions	First notification period – Fifteen (15) public submissions were received. Second notification period – Thirty Seven (37) public submissions were received. 36 submissions against. 1 submission for.
Councilor Representation	The application was requested to be reported to Council for determination by Mayor Smith and Councillor Sundstrom.

Variations to Plans and Policies

Chapter 2.1. Character of Gosford Development Control Plan 2013

DCP	Gosford DCP 2013
Clause	2.1 - Character
Standard	The desired character statement recommends boundary fences that are see-through such as traditional post-and-rail designs.
Departure basis	The subject development is a colorbond front fence with a proposed height of 1.8m. The proposed fence is not a see-through design. DCP Clause 3.1.7.5(a) (vi) allows solid fences provided they are setback minimum of 1.5m from the boundary. The fence is proposed to be setback at least 2m with dense natural landscaping in front.

3.4 DA 54624/2018 - Proposed New Colorbond Fence at 49 Wards Hill Road Killcare Heights (contd)

Chapter 3.1. Dwelling Houses, Secondary Dwellings and Ancillary Structures of Gosford Development Control Plan 2013

DCP	Gosford DCP 2013
Clause	3.1.7.5 - Fencing
Standard	Unrelieved materials such as metal panelling are not permitted.
Departure basis	The existing fence is constructed of colorbond sheets. DCP Clause 3.1.7.5 (a)(vi) allows solid fences provided they are setback minimum of 1.5m from the boundary. The fence is proposed to be setback at least 2m with dense natural landscaping in front.

The Site

The site is known as No 49 Wards Hill Road Killcare Heights and is located on the eastern side of Wards Hill Road. The nearest cross street, Stewart Street, is approximately 230 metres south of the property. The topography gently slopes from the southern boundary to the northern boundary of the allotment down.

The site contains an existing dwelling and ancillary structures including a swimming pool, detached sheds and the existing colorbond fence within the front setback which is parallel to the front boundary and erected without consent.

Council recently granted development consent for a storage shed in the north western corner of the site (DA 53256/2017) and horse stables located along the southern boundary (DA 53104/2017). Both of the developments are under construction at time of writing this report.

An electrical kiosk substation has been approved under *Part 5 of the EP&A Act 1979*. The kiosk is proposed to be located on No 49 Wards Hill Road and approximately 40m south of the vehicle entry gates. If the electrical kiosk is constructed any fence is required to step back into the property and around the structure. Council staff do not have a time frame for when this work will take place.

The site is zoned E4 Environmental Living under GLEP 2014.

The site is mapped as bush fire prone land on Council's maps. The proposal is for a non-combustible Colourbond fence which meets the provisions of Planning for Bushfire Protection and AS3959-2009.



Figure 1: Aerial view of Wards Hill Road with the site highlighted in blue. Note: Property boundary lines are approximate.

Surrounding Development

Adjoining development immediately to the east, south and west consists of rural residential properties comprising of larger acreages with dwelling houses and associated ancillary structures.

The parcel of land directly adjoining the northern boundary is zoned E1 National Parks and Nature Reserve. The land is owned by the National Parks and Wildlife Service and is densely vegetated.

There is also a parcel of land to the north of the site zoned 6(a) Open Space (Recreation) and a parcel to the west zoned 7(a) Conservation under *Interim Development Order No. 122* (IDO 122). This land is identified as a deferred matter on the land application map.

The land further to the south of the site is zoned R2 Low Density Residential under GLEP 2014 consisting of residential dwellings appropriate to the zoning of the area.



Figure 2: Zoning Map with the site highlighted in blue



Photo 1: Photograph of the existing unauthorised fence that is proposed to be demolished and constructed with a setback of 2m from the property boundary. Photo is

taken from standing position at the vehicle entry of No. 49 Wards Hill Road, Killcare Heights, looking south.



Photo 2: Photograph of the existing unauthorised fence that is proposed to be demolished and constructed with a setback of 2m from the front property boundary. Photo is taken from the standing position at the vehicle entry of No. 49 Wards Hill Road, Killcare Heights, looking south.



Photo 3: Photograph taken across road from No. 49 Wards Hill Road, Killcare Heights, looking south at the existing unauthorised fence that is proposed to be demolished and constructed with a 2m setback from the property boundary. Note: the fence that is left of the driveway is not included in this application.



Photo 4: Photograph taken across road from No. 49 Wards Hill Road, Killcare Heights, looking south. Photo shows the unauthorised fence that is proposed to be demolished and constructed 2m from the front property boundary. The orange wall is the vehicle entry location for No. 45 Wards Hill Road.

The Proposed Development

The Development Application seeks approval to remove the southern section of the unauthorised existing colorbond fence and rebuild it with a setback to the front property boundary of 2.0m to allow for landscape vegetation in front.

The southern part of the existing fence is approximately 70m in length which consists of 5m vehicle entry gates, 3m northern return adjacent to property vehicle entry and 4m southern return adjacent to property vehicle entry and 58m of fence within the front setback and parallel to the boundary with Wards Hill Road. The existing fence extends from the vehicle entry gates to the southern property boundary shared with No 45 Wards Hill Road.

The proposed works will include:

- Remove the existing unauthorised fence (southern section - approximately 65m including the gates ((5m) and return (2m) along southern side of property vehicle entry).

- Construction of a new 1.8m high colorbond fence and gates (southern section only). The proposed fence will be approximately 68m in length which consists of 5m vehicle entry gates, 3m fence return along the northern side of property vehicle entry (existing), 2m fence return along southern side of vehicle entry and 58m of fence within the front setback and parallel to the boundary with Wards Hill Road. The fence will be setback 2.0m from the property boundary. The proposed fence will extend from the vehicle entry gates to the southern property boundary shared with No 45 Wards Hill Road.
- Landscaping proposed between the fence and the western property boundary which adjoins Wards Hill Rd.

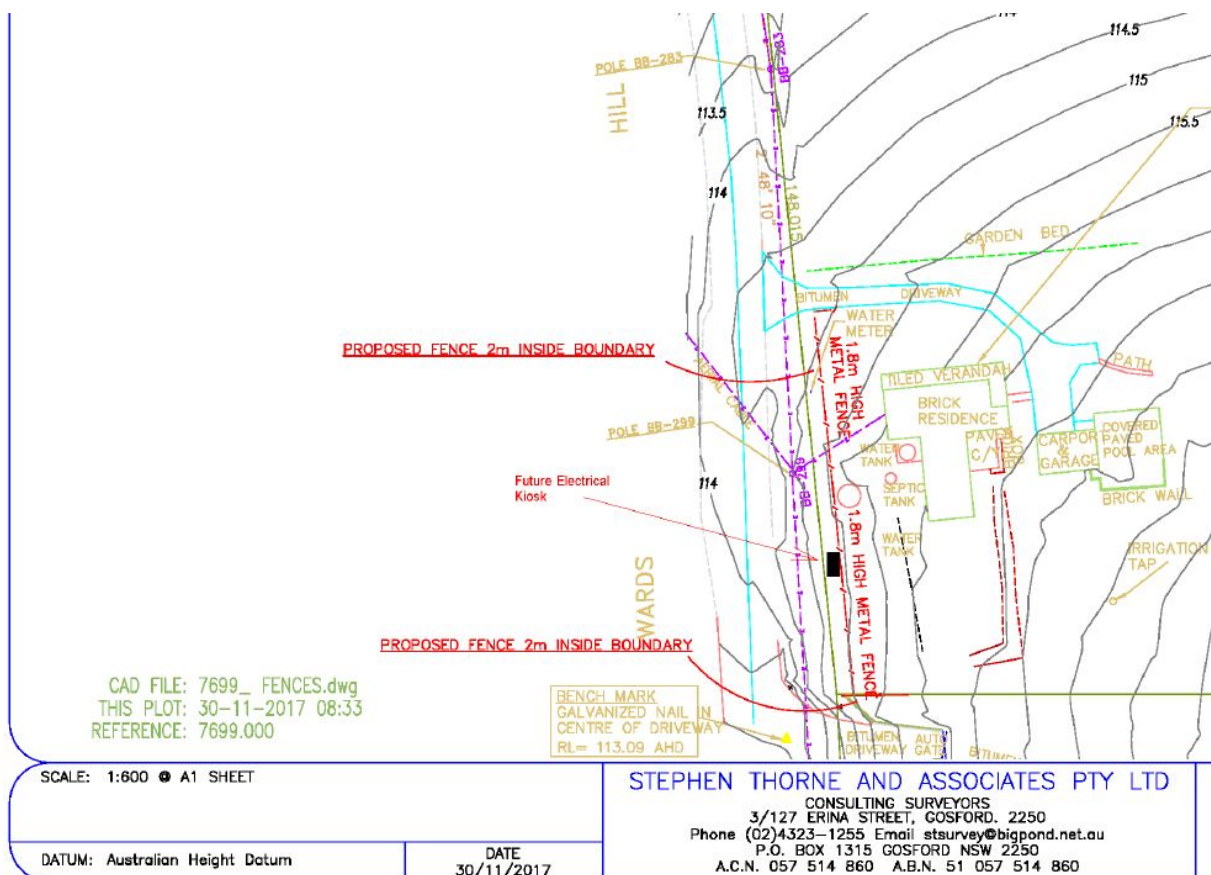


Figure 3: Part Site Plan with location of electrical kiosk substation indicated. Kiosk size 1.45m wide X 2.7m long X 1.7m high.

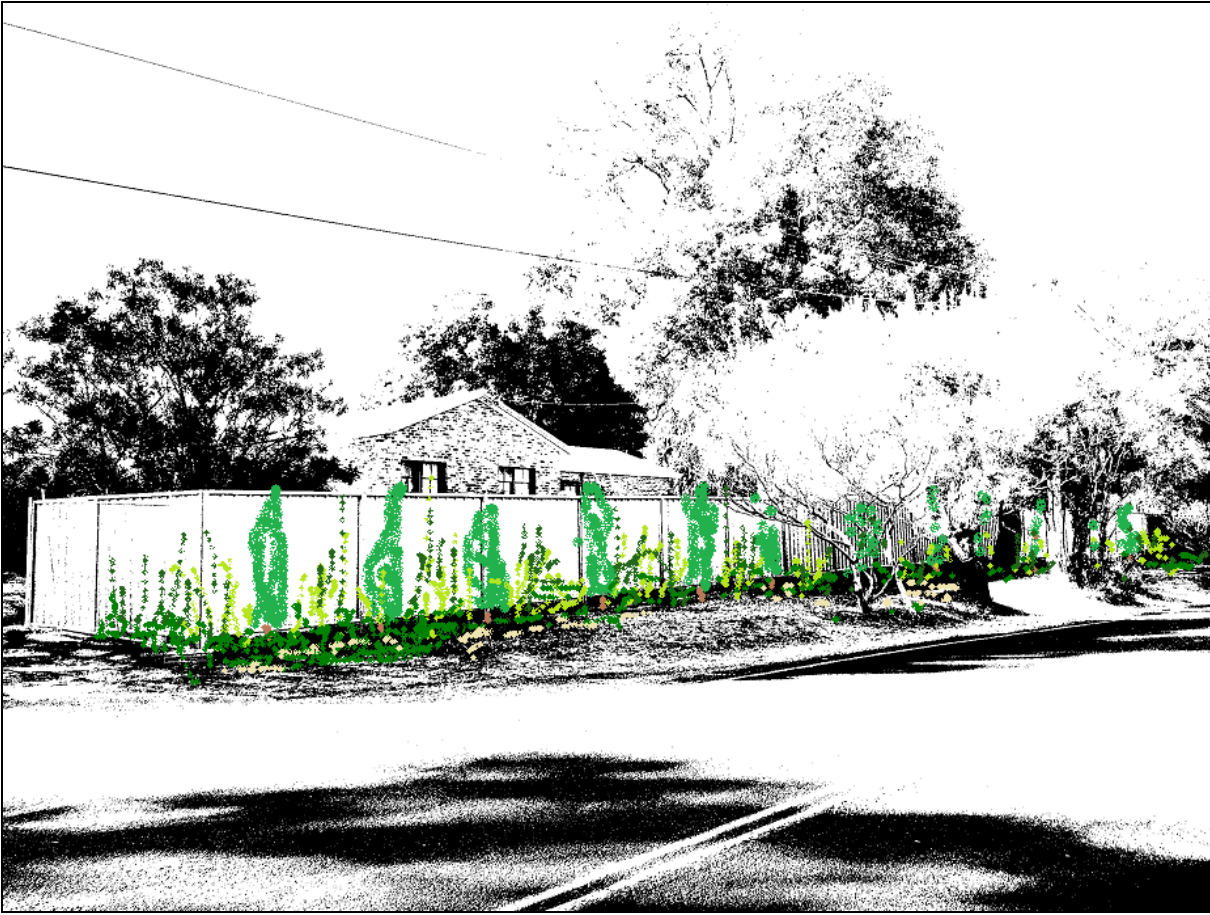


Figure 4: Elevation/landscaping

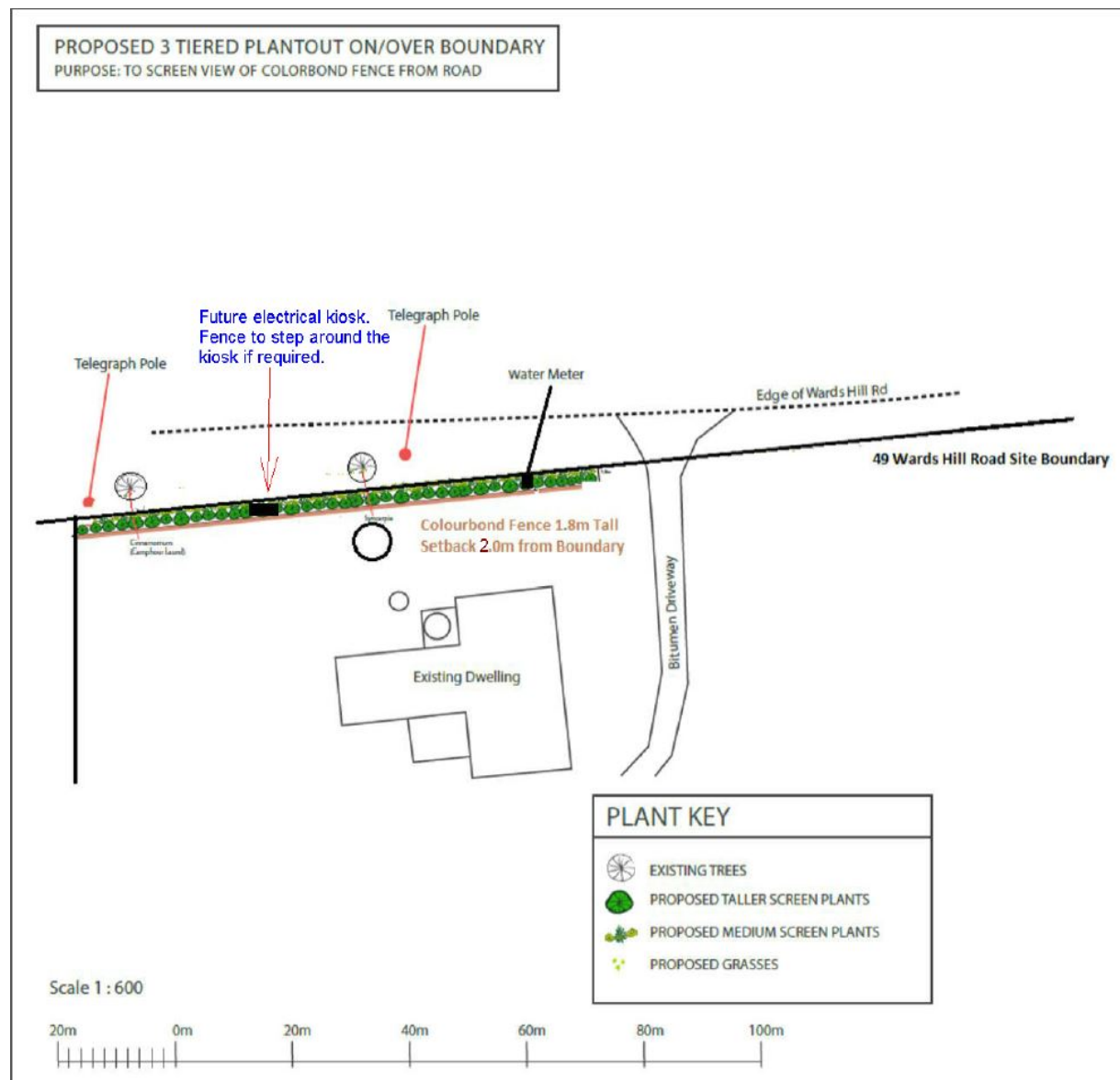


Figure 5: Landscaping Plan with location of electrical kiosk substation indicated. Kiosk size 1.45m wide X 2.7m long X 1.7m high.

History

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

[BA100866/2018](#))

Building Application - On-Site Sewage Management System

Lodged: 01/03/2018 (**Approved** : 22/05/2018)

Address: 49 Wards Hill Road KILLCARE HEIGHTS NSW 2257

3.4 DA 54624/2018 - Proposed New Colorbond Fence at 49 Wards Hill Road Killcare Heights (contd)

[DA53104/2017](#)

Development Application - Horse Stables and ancillary rooms

Lodged: 12/10/2017 (**Approved under Delegation** : 12/01/2018)

Address: 49 Wards Hill Road KILLCARE HEIGHTS NSW 2257

[DA53256/2017](#) (011.2017.00053256.001)

Development Application - Shed (storage)

Lodged: 06/11/2017 (**Approved by Council** : 24/05/2018)

Address: 49 Wards Hill Road KILLCARE HEIGHTS NSW 2257

Consultation

Public Submissions

The development has been notified in accordance with Chapter 7.3 of *Gosford Development Control Plan 2013* (GDCP 2013).

A total of Fifteen public submissions were received when the application was first notified. The application was then renotified as well as being advertised in the Local Newspaper. A further 37 public submissions were received. 36 submissions against and 1 submission for. The issues raised in the submissions have been addressed in detail in this report and are summarised into the four key issues below.

1. *The fence is out of character for the area*

Comment:

The site is located within the Scenic Buffer precinct of Killcare Heights. The desired character of this precinct is to promote low density, rural residential living which provides a buffer to the higher density residential development and a scenic setting for major link roads. The desired character for the area states '*provide boundary fences that are see-through such as traditional post-and-rail designs*'. The proposed development comprises a 1.8m high colorbond fence with a setback of 2m from the front boundary. The development proposes landscape vegetation to be planted between the fence and the property boundary for the purpose of providing a vegetation screen. Post and rail fences do not form part of the streetscape in the vicinity of the site. The landscape vegetation proposed will continue the streetscape vegetation which exists along Wards Hill Road on the properties to the north of the site. The vegetation will provide a screen to the fence, and ensure the development remains consistent with the character of the area.

2. *The fence does not comply with the fencing provisions in Councils DCP (clause 3.1.7.5)*

Comment

The proposed fence does not comply with two of the nine requirements of clause 3.1.7.5 of GDCP 2013. The two areas of noncompliance include, unrelieved materials such as metal panelling not being permitted, and fences should not be constructed in areas where front fencing is not part of the overall streetscape.

The proposed fence complies with the requirement to be setback from the boundary at least 1.5m to allow for streetscape landscaping. The fence will also comply with the requirement to be constructed from high quality durable material.

When assessing any proposed development against the controls specified in the GDCP 2013, the objectives must also be taken into consideration.

In order to meet the objectives the owner has proposed streetscape landscaping which consists of a taller layer, middle layer and proposed grasses at the front. The three tiered planting approach will allow for vegetation to screen the fence. The proposed development is considered to meet the objectives of clause 3.1.7.0 as the fence will be screened and will not detract from the visual quality of the streetscape.

3. *Screen planting should not be relied upon to hide the fence*

Comment

In the assessment of the application it has been determined that the proposed landscaping can be relied upon to act as a screening device. In the case *Super Studio v Waverley Council [2004] NSWLEC 91 at 6* Commissioner Roseth discusses the concept of utilising screen planting as a safeguard against overlooking with the final ruling determining that planting cannot be relied upon to protect overlooking and privacy. It is noted this case relates to privacy and overlooking, not screening of structures. The proposed three tiered planting plan is considered to provide sufficient screening in the immediate future, with the foliage improving as the plants mature. Draft Conditions have been included in the consent to require the landscaping to be maintained and replaced should it die (Condition 5.2 and 6.1).

4. *Concern that approving a colorbond fence would set a precedent in the area*

Comment

Every development application is assessed on its merit having regard to the specific site conditions, relevant planning controls and existing and future desired characteristics of the area.

5. *Restriction of screen planting around the approved electrical kiosk*

3.4 DA 54624/2018 - Proposed New Colourbond Fence at 49 Wards Hill Road Killcare Heights (contd)

Comment

The proposed electrical kiosk is being constructed by Ausgrid. If the kiosk is constructed the fence will have to be modified to step further into the property. Screen planting around the electrical kiosk is not permitted.

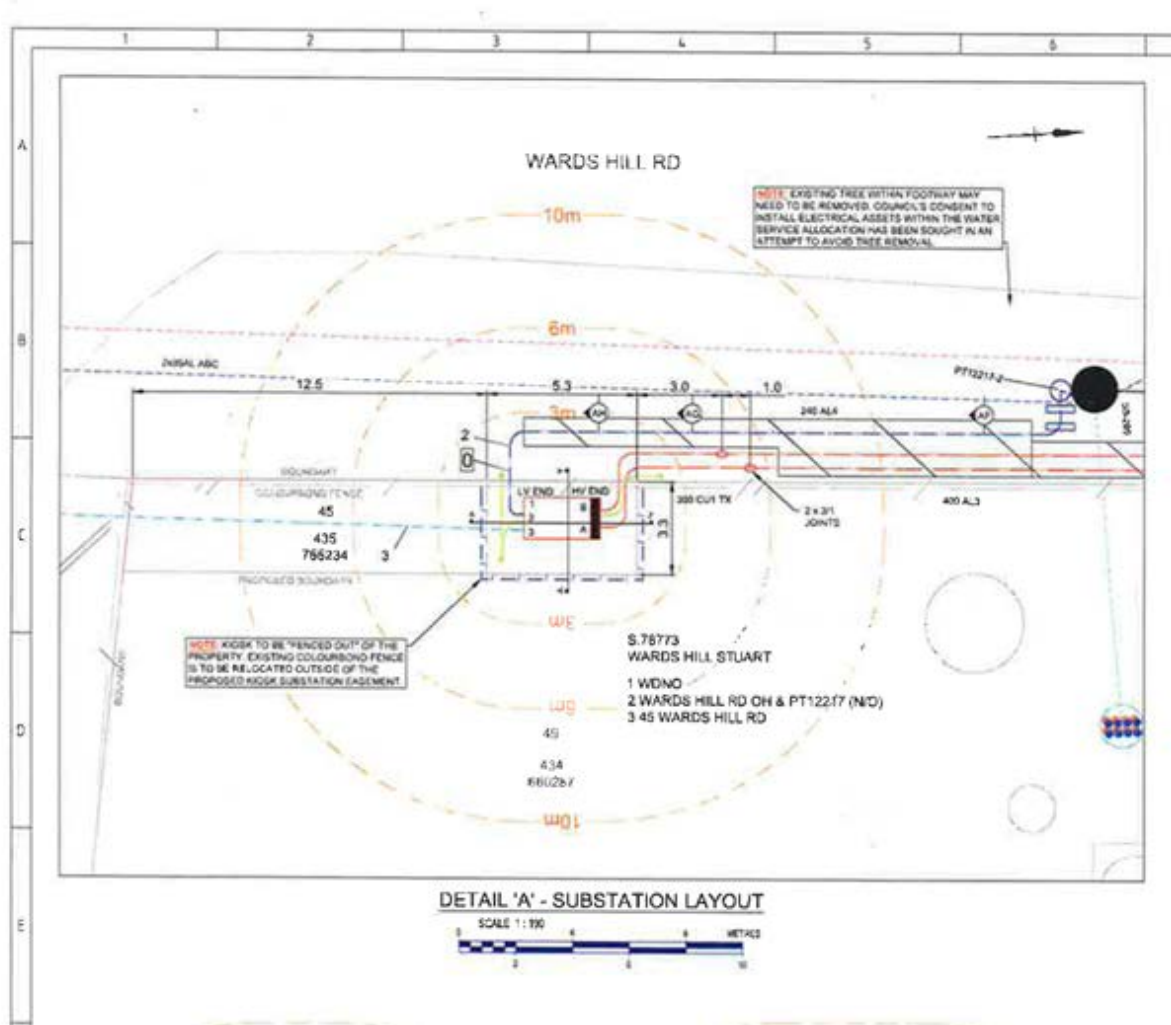


Figure 6: Location of proposed electrical kiosk substation. Kiosk size 1.45m wide X 2.7m long X 1.7m high.

6. *I have no objection to the colourbond fence. The people should be able to have a fence for privacy.*

Comment

The submission is noted.

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 retain vegetation where possible and is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for future generations. The proposal does not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments.

Climate Change

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

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

Assessment

Having regard for the matters for consideration detailed in Section 4.15 of the EP&A Act 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 proposed development are provided as an attachment to this report.

Provisions of Relevant Instruments / Plans / Policies

State Environmental Planning Policy (Coastal Management) 2018

The proposed development has been considered against the provisions of SEPP Coastal Management and is considered satisfactory.

Gosford Local Environmental Plan 2014

Permissibility

The subject site is zoned E4 Environmental Living under GLEP 2014. The proposed development is defined as an Ancillary Structure which is permissible in the zone with consent of Council.

Zone E4 Environmental Living

Objectives of zone

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*
- *To promote ecologically, socially and economically sustainable development and the need for, and value of, biodiversity in Gosford.*
- *To provide land for low-impact tourist-related development that is of a scale that is compatible with the special ecological, scientific or aesthetic values of the area.*
- *To ensure that development is compatible with the desired future character of the zone.*

The proposed development meets the objectives of the zone. The fence compatibility with the desired future character of the area is addressed under GDCP 2013, Chapter 2.1 – Character.

4.3 Height of buildings

Development Standard	Required	Proposed	Compliance with Controls	Variation %	Compliance with Objectives
4.3 – Height of buildings	8.5 metres	1.8m	Yes	N/A	Yes

Gosford Development Control Plan 2013 (GDCP 2013)

Development Standard	Description	Required	Proposed	Compliance with Control	Compliance with Objective
Chapter 2.1	Killcare Heights 5 – Scenic Buffers	See through boundary fences such as post and rail, however CI 3.1.7.5(a)(vi) permits solid fences which are setback greater than 1.5m.	Colorbond fence	No	Yes

Clause 3.1.7.5(a)(i)	Fencing	Boundary fence fronting collector road max 1.8m high	Not a boundary fence. Max 1.8m high	NA	Yes
Clause 3.1.7.5(a)(iii)	Fencing	Vehicle access to ensure sight distance is safely maintained	Vehicle access gates are setback and fence is setback from boundary	Yes	Yes
Clause 3.1.7.5(a)(v)	Fencing	High quality durable material Metal panels not permitted, however CI 3.1.7.5(a)(vi) permits solid fences which are setback greater than 1.5m.	Pre coloured Colorbond panel	Yes No	Yes Yes
Clause 3.1.7.5(a)(vi)	Fencing	Solid fences to be setback 1.5m from boundary to allow landscaping	set back min 2m with landscaping proposed	Yes	Yes
Clause 3.1.7.5(b)	Fencing	Front fences form part of overall streetscape	Front fences exist within the overall streetscape	Yes	Yes

Chapter 2.1 Character

The site is located within the Scenic Buffer precinct of Killcare Heights. The existing character of the area includes;

Along road frontages, traditional rustic fencing and screen plantings complete the scenically distinctive character of blocks that provide visually-significant buffers between national parks and the coastal residential suburbs.

The desired character of this precinct is that the area remains a low density, rural residential area which provides a rural-residential buffer to higher density development and a scenic setting for major roads.

The proposed fence does not change the rural residential qualities of the area. Existing trees along the road verge and in vicinity of the fence have been retained. Additional landscaping will be provided in front of the fence in order to provide screen planting for the fence. The landscape planting will also continue the native vegetation which lines the road verge of the existing properties located north of the subject site.

The site is mapped as being affected by bushfire. The proposed fence will not increase the bushfire hazard.

The proposed fence will follow the natural slope of the land and will not disturb any existing vegetation, and will prevent fragmentation of the terrain and vegetation on the site which is desirable in the semi-rural area.

To address the desired character, the fence is proposed to be setback 2m from the boundary to allow for landscape vegetation. The existing advanced vegetation will be complemented by the native landscaping which is proposed between the fence and the front property boundary along the full length of the fence.

The desired character for the area includes;

Buildings should be surrounded with extensive gardens and planted with new trees and shrub that are predominantly indigenous to complement the established canopy

The native landscaping proposed by the owner includes indigenous species and will also address this desired character requirement. The new landscaping will provide a vegetation screen and will be consistent with and complement the established vegetation in the road reserve which exists for the properties to the north of the subject development site in Wards Hill Road.

A condition has been included in the draft consent to require the vehicle entry gates to be open in style. This is required as the landscaping cannot be planted in front of the gates and therefore the character requirements cannot be satisfied (Condition 2.3).

Clause 3.1.7.5 (a)(vi) allows for solid fences to be constructed provided they are setback a minimum distance of 1.5m from the front boundary to allow for landscaping to be installed. The proposed development will comply with this standard as it is setback 2m and landscaping is proposed to be installed.

The objectives for the Character chapter are as follows:

1. Protect and enhance environmental character that distinguishes Gosford City's identity, and
2. Enhance the City's identity by development that displays improved standards of scenic, urban and civic design quality.

In this instance, it is considered the proposed development is consistent with the character objectives of the area.

Chapter 3.1 Dwelling Houses, Secondary Dwellings and Ancillary Development

Clause 3.1.7.5 Fencing

The proposed development does not comply with the development control due to the proposed fence being constructed using metal panels.

Along Wards Hill Road to the south of the site, there are examples of front fencing and retaining walls visible within the streetscape. The section of Wards Hill Road where the fence is located is in a rural residential area.

The development control does permit solid fences to be erected with setbacks to the front boundary of 1.5m or more to allow for streetscape landscaping. The proposed development complies with this requirement.

The fence is proposed to be constructed of colorbond sheet metal. The owner proposes to address the development standard of metal panels by setting the fence back 2.0m off the front boundary to ensure a suitable area is available for landscape planting to be provided. The landscape planting proposed in front of the fence will consist of a taller layer closest to the fence, a middle layer and then grasses along the property boundary at the front.

The proposed landscaping consists of the following plant species:

Proposed taller layer - 200mm pots
20 Syzygium paniculatum 3m height
4 Grevillea 'pink surprise' 3m height
4 Grevillea 'honey gem' 3-4m height
4 Grevillea 'moonlight' 3-4m height
4 Banksia 'Giant Candles' 3-4m height
4 Cupaniopsis anacardioides (Tuckeroo) 3-4m height

Proposed middle layer - 140mm and 200mm pots
10 Grevillea 'Robyn Gordon' 1-2m height
10 Banksia Spinulosa 1-2m height

3.4 DA 54624/2018 - Proposed New Colorbond Fence at 49 Wards Hill Road Killcare Heights (contd)

10 Westringa fructose 1m height
10 Doreanthus Excelsa 1.5m height
10 Crinum pedunculatum 1m height

Proposed grasses - tube stock
20 Lomandra Hysterix 0.5m height
20 Lomandra 'Lime Tuff' 0.5m height

Note. The heights specified are the mature heights

The proposed landscaping will provide a screen which will minimise the visual impact of the fence when viewed from Wards Hill Road.

The existing colorbond metal vehicle entry gates are not considered to meet the objectives for the zone. The assessment has concluded the colorbond gates are required to be replaced with open style gates and landscaping is required in front of the fence either side of the property vehicle entry.

Draft Condition 2.3 (a), requires an amended plan for open style gates prior to issue of the construction certificate.

Draft Condition 2.3(b), requires an amended landscaping plan prior to issue of the construction certificate. The plan must include vegetation in front of the fence returns either side of the property vehicle entry. The condition also requires the plan to include landscaping in front of the northern section of fence. This will ensure the fence satisfies the Character objective and is compatible with the local context.



**Figure 7 - Photo impression of the proposed development with landscape vegetation.
Note the plants are not this size when first planted.**

Clause 3.1.7.0 Outbuildings and Other Ancillary Development

When assessing the development against Chapter 3.1 of GDCP 2013, the objectives must also be considered.

The objectives of clause 3.1.7.0 of GDCP 2013 (Outbuilding and Other Ancillary Development) are as follows:

- *To ensure that ancillary development is appropriately sited, sized and compatible with the local context*

3.4 DA 54624/2018 - Proposed New Colorbond Fence at 49 Wards Hill Road Killcare Heights (contd)

- *To minimise the impact of ancillary development on scenic quality natural environment, in particular environmental, conservation and rural zoned land associated with additional clearing bushfire protection and site effluent disposal*
- *To ensure development does not compromise the privacy, views and solar access of adjoining properties*
- *To ensure fencing and other ancillary development meets the requirements of residents in terms of privacy and security, as well as contributing positively to the character and visual quality of the streetscape*

The proposed development is considered to meet the objectives of GDCP 2013 as the development is appropriately sited, sized and is compatible with local context. The proposed landscaping will ensure visual impact on the natural environment is minimised. The development does not compromise privacy, views or solar access for adjoining properties, meets the requirements of the owner in terms of privacy and security and will not detract from the character of the area by continuing the visual quality of the streetscape which exists along Wards Hill Road north of the site.

Draft Condition 2.3(b), requires an amended landscaping plan prior to issue of the construction certificate. The plan must include vegetation in front of the fence returns either side of the property vehicle entry. The condition also requires the plan to include landscaping in front of the northern section of fence. This will ensure the fence satisfies the Character objective and is compatible with the local context.

Chapter 7.2 Waste Management

A Waste Management Plan has been submitted in support of the proposed development. A condition has been included in the draft consent requiring compliance with the waste management plan (Condition 4.7).

Section 4.15(1)(b) of the EP&A Act: 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 the GLEP 2014 and GDCP 2013 compliance. As the fence is constructed of non-combustible material, there will be no additional risk to the existing dwelling from bushfire.

Natural Environment

The proposal does not result in the removal of any trees and involves minimal site excavation. It is considered that there is minimal impact to the natural environment.

Section 4.15(1)(c) of the EP&A Act: 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. An acid sulfate soils management plan is not required as the proposed development will not impact on the acid sulfate soils.
- Bushfire - The subject site is mapped as being bushfire affected. The proposed fence is a colorbond fence which is non-combustible construction.

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

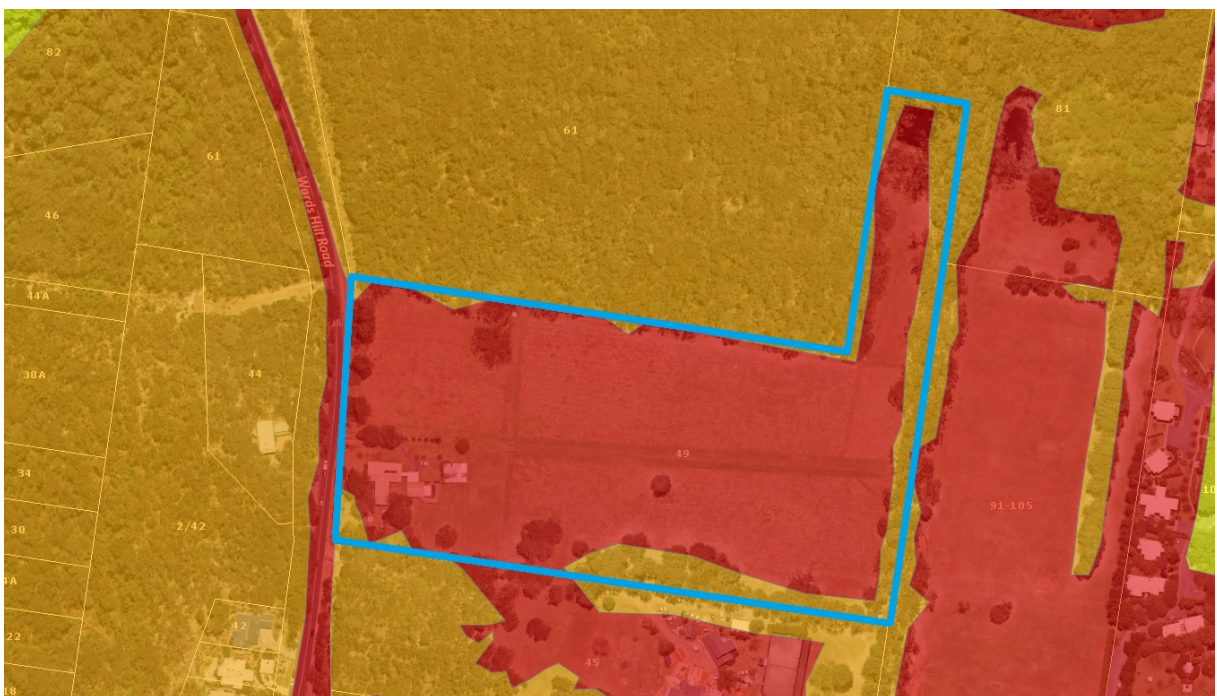


Figure 8: Bushfire Threat for the subject site highlighted in blue

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

All submissions received in relation to the proposal have been considered and addressed previously in this report.

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

The proposed development is seen to be in the public interest as the proposal meets the objectives of the relevant chapters contained within GDCP 2013.

Other Matters for Consideration:

Development Contribution Plan

The proposed development is a development type that is not subject to S94 development contributions. Therefore, no contributions are applicable.

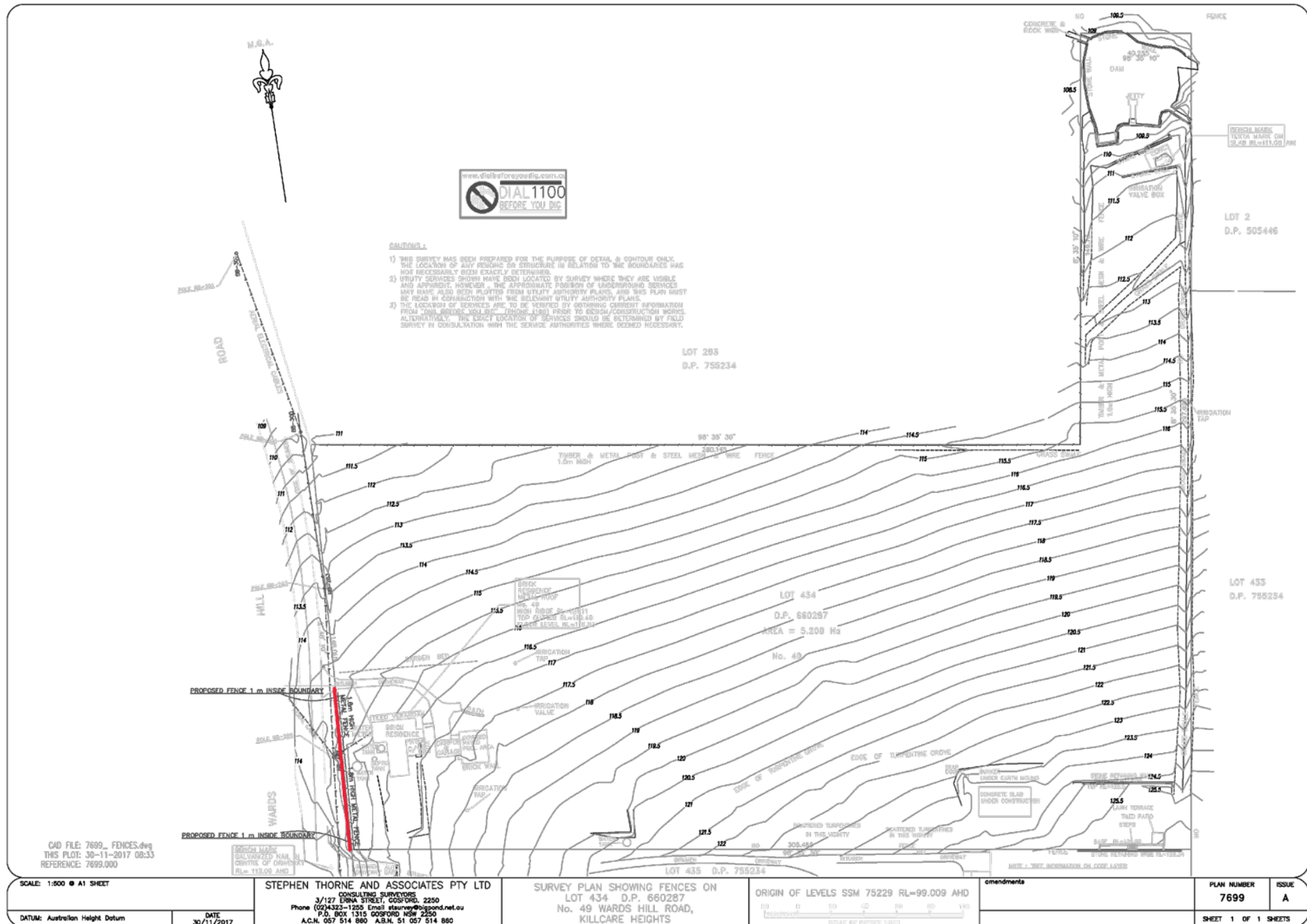
Conclusion

This application has been assessed against the heads of consideration of Section 4.15 of the Environmental Planning & Assessment Act 1979 and all relevant instruments and policies. The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development. Subject to the imposition of appropriate conditions, the proposed development is not expected to have an adverse social or economic impact. It is considered that the proposed development will complement the locality and meet the desired future character of the area.

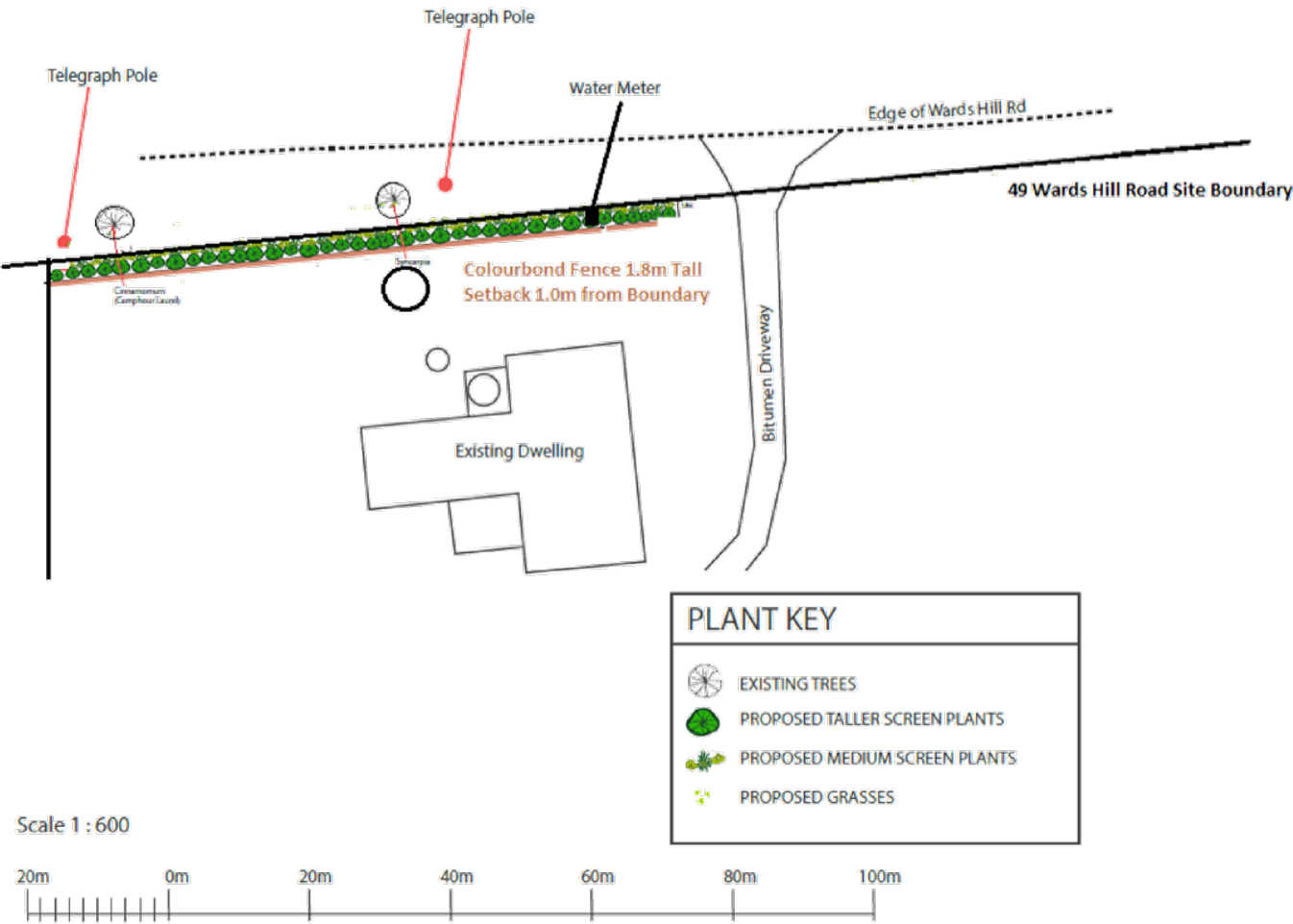
Accordingly, the application is recommended for approval pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*.

Attachments

- | | | |
|----------|-----------------------------|-----------|
| 1 | Development Plans | D13314603 |
| 2 | Draft Conditions of Consent | D13400999 |



PROPOSED 3 TIERED PLANTOUT ON/OVER BOUNDARY
PURPOSE: TO SCREEN VIEW OF COLOURBOND FENCE FROM ROAD



1. PARAMETERS OF THIS CONSENT

1.1. Approved Plans and Supporting Documents

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

Architectural Plans by Owner & Stephen Thorne and Associates

Drawing	Description	Sheets	Issue	Date
n/a	Landscaping Plan	1	n/a	n.d
n/a	Survey Plan	1	n/a	30.11.2017
n/a	Fence Elevation	1	n/a	n.d

Supporting Documents

Title	Prepared by	Date
Planting Proposal	Adam's Garden	n.d

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

2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

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

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

- a) Site investigation for the preparation of the construction, and / or
 - b) Implementation of environmental protection measures, such as erosion control and the like that are required by this consent
 - c) Demolition
- 2.3. Submit amendments to the approved plans to the Accredited Certifier pursuant to Clause 139 of the Environmental Planning and Assessment Regulation 2000 that must detail:
- a. An amended site plan and elevation which show open style gates that open inwards.
 - b. An amended landscape plan which shows landscaping installed
 - in front of the fence which is adjacent to the vehicle driveway entry, and

- In front of the entire colorbond front fence extending from the southern end to northern end including the section of fence between the vehicle entry gates to the northern boundary shared with National Parks.

The landscaping must be generally in accordance with the planting schedule listed in the planting proposal by Adam's Garden. Landscaping must be native, capable of achieving a minimum height of 2m and be capable of screening the fence.

3. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1. All conditions under this section must be met prior to the commencement of any works.
- 3.2. Appoint a Principal Certifying Authority for the building work:
 - a) The Principal Certifying Authority (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.
 - b) Submit to Council a Notice of Commencement of Building Works or Notice of Commencement of Subdivision Works form giving at least two (2) days' notice of the intention to commence building or subdivision work. The forms can be found on Council's website: www.centralcoast.nsw.gov.au
- 3.3. Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:
 - a) The name, address and telephone number of the Principal Certifying Authority for the work; and
 - b) The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
 - c) That unauthorised entry to the work site is prohibited.
 - d) Remove the sign when the work has been completed.

4. DURING WORKS

- 4.1. All conditions under this section must be met during works.
- 4.2. Carry out construction or demolition works during the construction phase of the development only between the hours as follows:
 - 7.00am and 5.00pm Monday to Saturday

No construction or demolition works associated with the development are permitted to be carried out at any time on a Sunday or a public holiday.

- 4.3. During the construction phase of the development, if any Aboriginal object (including evidence of habitation or remains), is discovered during the course of the work:
- a) All excavation or disturbance of the area must stop immediately in that area, and
 - b) The Office of Environment and Heritage must be advised of the discovery in accordance with section 89A of the *National Parks and Wildlife Act 1974*.

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

- 4.4. Implement and maintain all erosion and sediment control measures at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
- 4.5. Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifying Authority or an officer of Council.
- 4.6. Place all building materials, plant and equipment on the site of the development during the construction phase of the development so as to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure. Further, no construction work is permitted to be carried out within the road reserve unless the works are associated with a separate approval issued under the provisions of the Roads Act 1993.
- 4.7. Re-use, recycle or dispose of all building materials in accordance with the Waste Management Plan submitted with the subject application.

5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 5.1. All conditions under this section must be met prior to the issue of any Occupation Certificate.
- 5.2. Ensure all landscaping is in place in accordance with the landscaping plan. Provide written certification from a qualified Horticulturist that landscaping has been planted generally in accordance with the approved construction certificate landscape plan.

6. ONGOING OPERATION

- 6.1. Maintain all landscaping installed in front of the fence. Any dead or dying plant species are to be replaced by a like species and similar size within 2 weeks.

PENALTIES

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

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

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

Warnings as to Potential Maximum Penalties

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

ADVISORY NOTES

- Discharge of sediment from a site may be determined to be a pollution event under provisions of the *Protection of the Environment Operations Act 1997*. Enforcement action may commence where sediment movement produces a pollution event.
- The following public authorities may have separate requirements in the following aspects:
 - a) Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments
 - b) Jemena Asset Management for any change or alteration to the gas line infrastructure
 - c) Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements
 - d) Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure

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

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



Item No: 3.5
Title: Building Information Certificate Application No. 10981,
Fence on Lot: 434 DP: 660287, 49 Wards Hill Road
Killcare Heights
Department: Environment and Planning

10 December 2018 Ordinary Council Meeting

Trim Reference: F2010/00500 - D13278388
Author: Wayne Herd, Section Manager, Central Coast Building Certification
Manager: Jamie Loader, Unit Manager, Development Assessment
Executive: Scott Cox, Director, Environment and Planning

Summary

A Building Information Certificate (BIC) Application has been received for an existing colorbond front fence.

The application has been examined having regard to the matters for consideration detailed in Division 6.7 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). An assessment of the application has been carried out having regard to the planning controls that apply to the property and the surrounding area. The issues requiring consideration have been addressed in this report.

The assessment has concluded there are no matters requiring Council to issue Orders for the demolition, alteration, addition or rebuilding of the fence and accordingly the BIC application is recommended for approval.

Applicant	Tony Denny
Owner	A J Denny
Application No	10981/2017
Description of Land	Lot: 434 DP: 660287, 49 Wards Hill Road Killcare Heights
Subject Development	Existing Fence (Colorbond)
Site Area	52080m ²
Zoning	E4 Environmental Living
Existing Use	Rural Residential

Recommendation

- 1 That Council approve the Building Information Certificate having regard to the matters for consideration detailed in Section 6.25 and Section 6.26 of the EP&A Act 1979, and other relevant issues.***
- 2 That Council advise those who made written submissions of its decision.***

Background

Subject Development	85m existing Fence (colorbond)
Permissibility and Zoning	The subject site is zoned E4 Environmental Living under <i>Gosford Local Environmental Plan 2014</i> . The subject development is ancillary to an existing dwelling, which is permissible in the zone with consent of Council.
Relevant Legislation	<ul style="list-style-type: none"> • <i>Environmental Planning & Assessment Act 1979 – Division 6.7 (EP&A Act)</i> • <i>Environmental Planning & Assessment (Savings, Transitional & Other Provisions) Regulation 2017 (Savings Regulations 2017)</i> • <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (SEPP 2008)</i> • <i>Gosford Local Environmental Plan 2014 (GLEP2014)</i> • <i>Gosford Development Control Plan 2013 (GDGP2013)</i>
Current Use	Rural residential property with a dwelling house and ancillary structures.
Submissions	Eight submissions received during the notification period.
Councilor Representation	The application was requested to be reported to Council for determination by Mayor Smith and Councillor Sundstrom.

Environmental Planning & Assessment (Savings, Transitional & Other Provisions) Regulation 2017

The *Environmental Planning & Assessment Act 1979* (EP&A Act) was amended on 1st March 2018. The sections of the EP&A Act which related to building certificates have been renumbered and renamed. Building Certificates are now referred to as Building Information Certificate (BIC).

The application before Council was submitted on 4 December 2017 as an application for a Building Certificate.

Any application for a Building Certificate lodged under former Section 149B of the EP&A Act, is taken to have been made under Section 6.22 and Section 6.23 of the EP&A Act due to clause 4A of the *Environmental Planning & Assessment (Savings, transitional & Other Provisions) Regulations 2017*.

The Site

The site is known as No. 49 Wards Hill Road Killcare Heights and is located on the eastern side of Wards Hill Road. The nearest cross street, Stewart Street, is approximately 230 metres south of the property. The topography gently slopes from the southern boundary to the northern boundary of the allotment.

The site contains an existing dwelling house and ancillary structures including a swimming pool, detached sheds and the existing colorbond fence within the front setback which is parallel to the front boundary and erected without consent.

Council recently granted development consent for a storage shed in the north western corner of the site (DA 53256/2017) and horse stables located along the southern boundary (DA 53104/2017). Both of the developments are under construction at the time of writing this report.

The site is zoned E4 Environmental Living under *Gosford Local Environment Plan 2014* (GLEP 2014).

The site is mapped as bush fire prone land on Council's maps. The fence is located greater than 10m from a dwelling and therefore the requirements of *Planning for Bushfire Protection* are not applicable.

Surrounding Development

Adjoining development immediately to the east, south and west consists of rural residential properties comprising of larger acreages with dwelling houses and associated ancillary structures. The parcel of land directly adjoining the northern boundary is zoned E1 National Parks & Nature Reserve. The land is owned by the National Parks & Wildlife Service and is densely vegetated. There is also a parcel of land to the north of the site zoned 6(a) Open Space Recreation and a parcel to the west zoned 7(a) Conservation under *Interim Development Order No. 122*. This land is identified as a deferred matter on the land application map. The land further to the south is zoned R2 Low Density Residential under GLEP 2014 consisting of residential dwellings appropriate to the zoning of the area.

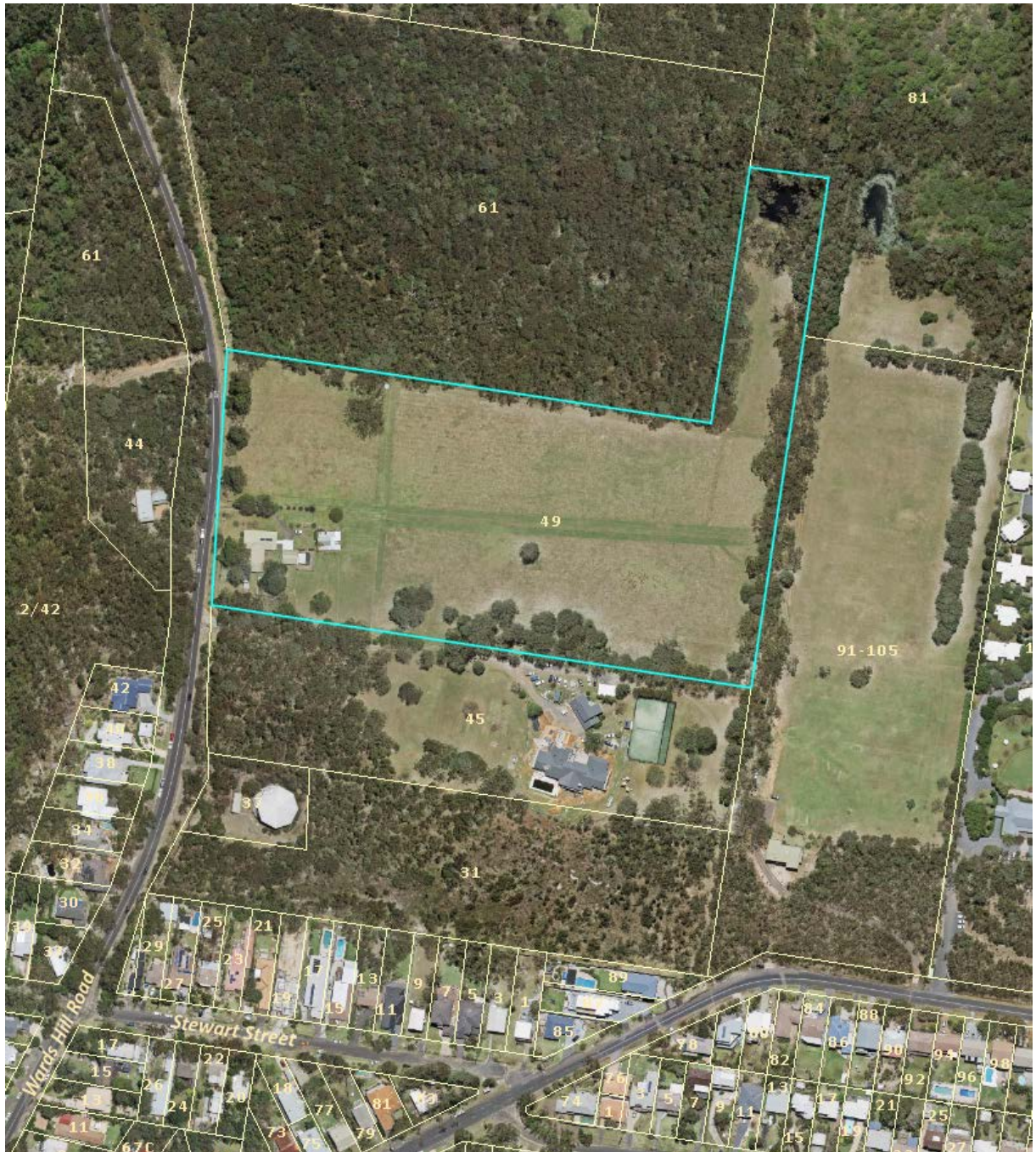


Figure 1: Aerial view of the subject site and surrounding development

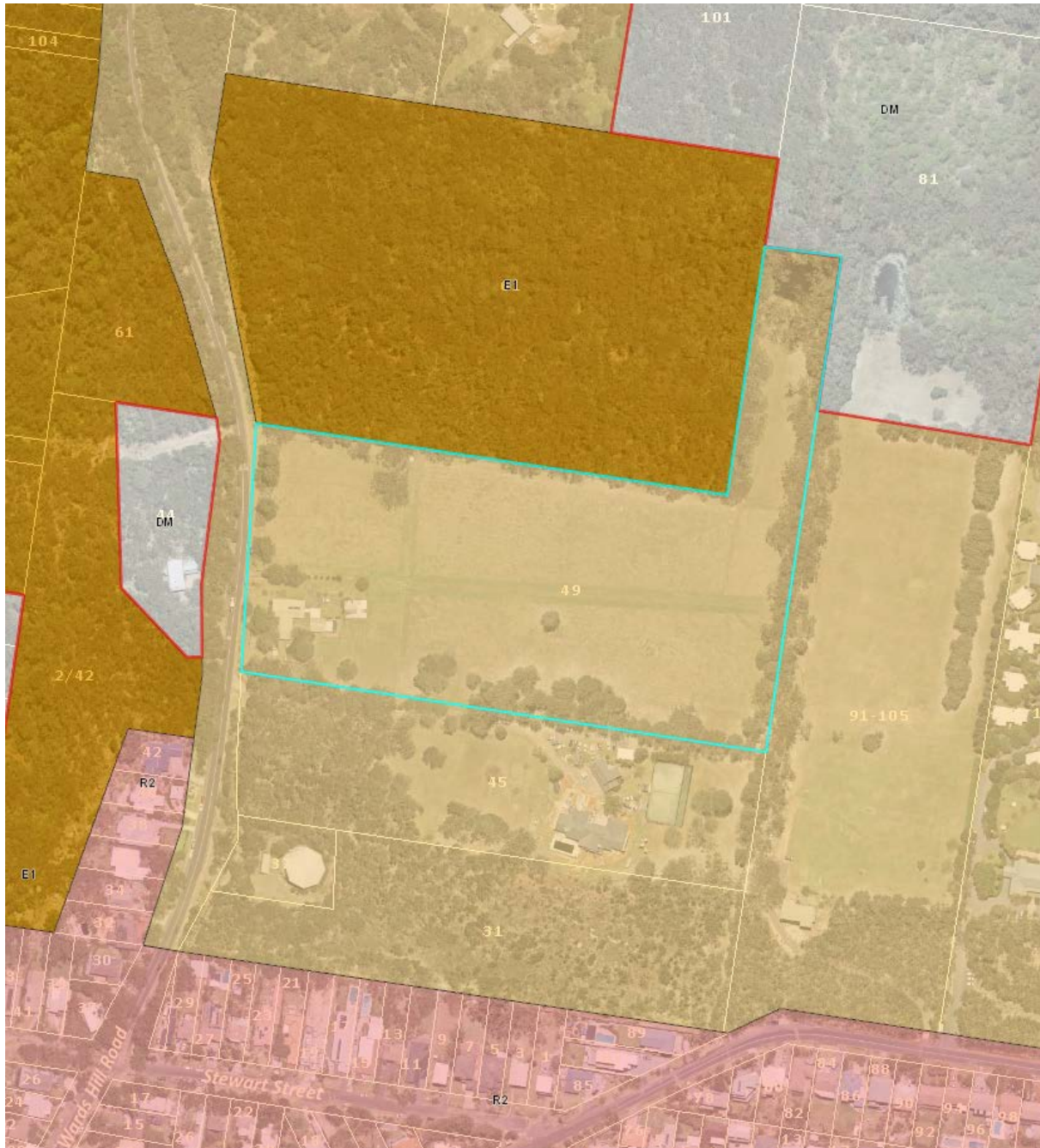


Figure 2: Zoning Map with the site highlighted in blue

The Subject Development

The BIC application has been submitted in respect of an existing 85m long colorbond front fence. The fence is erected parallel to the western property boundary of No. 49 Wards Hill Road and the setback to the boundary ranges from 2.07m – 3.04m. The fence varies in height from 1.8 metres to approximately 2.1 metres at the highest point. Landscape planting has been installed between the property boundary and the fence.

The fence is described in two parts for the purpose of this report. The BIC application relates to the northern part of the fence only (excluding the vehicle entry gates and fence adjacent to the vehicle entry).

The northern part of the fence is approximately 85m in length parallel to Wards Hill Road Boundary. This part of the fence extends from the fence forming part of the property vehicle entry gates to the northern property boundary shared with the National Parks & Wildlife Service owned land.

The northern part of the fence is set back from the front boundary 3.04 metres at the northern end and 2.07 metres at the southern end where it intersects with the fence forming part of the vehicle entry to the property.

The southern part of the existing fence is subject to Development Application 54624/2018. This application will be considered separately to the BIC application. The southern part of the existing fence is approximately 70 m in length which consists of 5m vehicle entry gates, 3m fence returns on north side of vehicle entry, 4m return on south side of vehicle entry and 58m of fence within the front setback and parallel to the boundary with Wards Hill Road. This part of the fence extends from the vehicle entry gates to the southern property boundary shared with No. 45 Wards Hill Road. The southern part of the fence is setback from the front boundary 220mm.

The applicant has amended the original BIC application by removing the southern part of the fence from the application. The southern part of the existing fence is subject to development application (DA 54624/2018) which will be considered separate to the BIC application. The development application proposes to demolish the existing southern part of the fence and rebuild with a setback of 2m from the western property boundary.

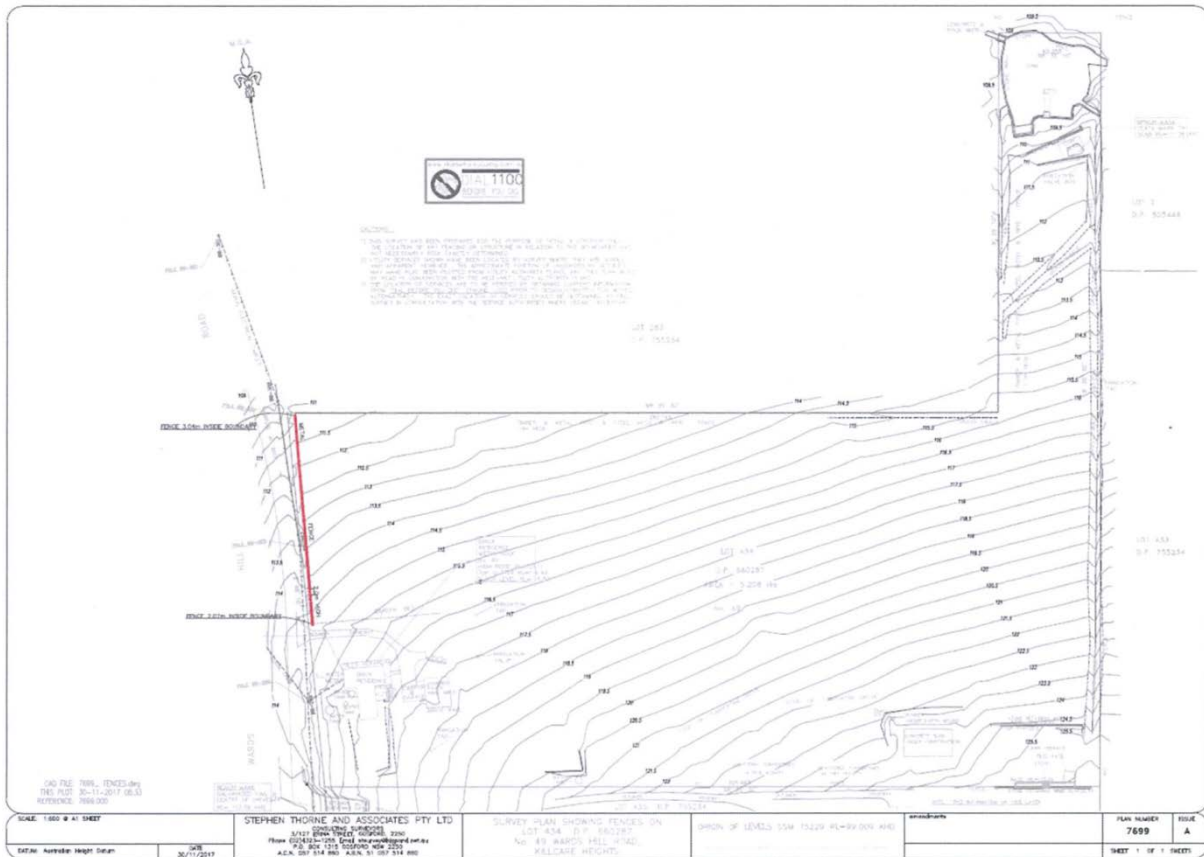


Figure 3: Survey plan. Location of fence which is the subject of the Building Information Certificate application shown in red.



Photo 1- Photograph taken from across the road from No. 49 Wards Hill Road, Killcare Heights. The photo of the fence is looking to the north.



Photo 2- Photograph taken from the northern end of the fence looking to the south.



Photo 3-Landscaping installed in front of the fence.



Photo 4-Landscaping installed in front of the fence.



Photo 5 – Wards Hill Rd showing the streetscape to the north of No. 49 Wards Hill Rd.



Photo 6 - Wards Hill Rd showing the streetscape to the south of No. 49 Wards Hill Rd.

History

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

[DA53104/2017](#) (011.2017.00053104.001)

Development Application - Horse Stables and ancillary rooms
Lodged: 12/10/2017 (Approved under Delegation: 12/01/2018)
Address: 49 Wards Hill Road Killcare Heights NSW 2257
Applicant: Craig Farrugia Building Design

[DA53256/2017](#) (011.2017.00053256.001)

Development Application - Shed (storage)
Lodged: 06/11/2017 (Approved by Council: 24/05/2018)
Address: 49 Wards Hill Road Killcare Heights NSW 2257
Applicant: CEO Architectural

Consultation

Public Consultation

The EP&A Act does not require Council to undertake public consultation during the assessment of a Building Information Certificate application. Chapter 7.3 of *Gosford Development Control Plan 2013* (GDCP 2013) requires a Building Information Certificate application related to unauthorised works to be published in the local paper and on Council's website. The application was advertised in accordance with the GDCP 2013 from 21/12/2017 until 10/01/2018.

Submissions from the Public

Eight public submissions were received in relation to the application. The issues raised in the submissions are discussed below.

1. The fence is not consistent with the character for the area; Solid fencing should be avoided; allowing the views and shared landscape to be seen; local road passing through a largely naturally vegetated landscape (including the verges) which comprise the private lands, public land and National Park

Comment

The property sits within scenic buffer precinct 5 of the Character chapter 2.1 in GDCP 2013. The desired character for the precinct nominates post and rail construction as the preferred option for front fences in this precinct. The character statement also encourages the greening of the area and screening of structures where appropriate.

Wards Hill Rd, Killcare Heights is made up of three different precincts;

- Killcare Heights 3: Woodland Hillsides. This is the residential area of Wards Hill Rd.
- Killcare Heights 5: Scenic Buffers. This is the precinct where the subject property is located.
- Killcare Heights 6: Scenic Conservation. This is the National Parks land.

Precinct 3 and 5 nominate post and rail construction as the preferred option for front fences. The character statement for precinct 6 makes no reference to the style of fences desired in this precinct. Within precinct 3, there are a mixture of existing retaining walls, open style picket fences, brushwood fences, timber paling fence and wide garages.

The owner of 49 Wards Hill Road has planted landscaping between the fence and the front property boundary.

The landscaping which was proposed to be planted consists of the following native plant species:

Proposed taller layer - 200mm pots (40)
20 Syzygium paniculatum 3m height
4 Grevillea 'pink surprise' 3m height
4 Grevillea 'honey gem' 3-4m height
4 Grevillea 'moonlight' 3-4m height
4 Banksia 'Giant Candles' 3-4m height
4 Cupaniopsis anacardioides (Tuckeroo) 3-4m height

Proposed middle layer - 140mm and 200mm pots (50)

10 Grevillea 'Robyn Gordon' 1-2m height

10 Banksia Spinulosa 1-2m height

10 Westringa fructose 1m height

10 Doreanthus Excelsa 1.5m height

10 Crinum pedunculatum 1m height

Proposed grasses - tube stock (40)

20 Lomandra Hysterix 0.5m height

20 Lomandra 'Lime Tuff' 0.5m height

Note. The heights specified are the mature heights. The number of plants proposed to be planted was 130 in three layers. The number of plants which have been planted on the site consists of 60 in the tall layer, 36 in the middle layer and 47 in the front layer. The total number of plants on the site located between the fence and front property boundary is 143. The number of plants installed onsite has varied slightly to cater for site conditions. An irrigation system has been installed.

The landscape vegetation will provide a screen in front of the fence and will continue the bushland streetscape which exists on the properties to the north of the site. The landscape vegetation has been planted in three layers and will reach mature heights in excess of 2 metres. The landscaping will compliment the existing tree canopy. While the fence is not consistent with the desired post and rail construction, GDCP 2013, Clause 3.1.7.5 (a)(vi) allows solid fences which are setback greater than 1.5m and have landscaping installed between the boundary and the fence. The planting of landscaping in front of the fence will meet the objectives of the desired character requirements for the area by promoting a streetscape which is dominated by native vegetation.

2. *Approval of the fence will set a planning precedent for the area.*

Comment

Each development application or building information certificate application is assessed on its merit having regard to the specific site conditions, relevant planning controls and existing and future desired characteristics of the area. The application has been assessed on its own merit and deemed reasonable. GDCP 2013, Cl 3.1.7.5 (a)(vi) permits solid fences which are setback 1.5m from the property boundary with landscaping installed between the boundary and the fence.

3. *The view that the fence now obstructs was of open paddocks. The loss of a sense of open space is considerable.*

Comment

The approach to the site along Wards Hill Rd from the north is characterised by dense vegetation up to the road verge. The site is located within the Scenic Buffer precinct of Killcare Heights. The owner has planted native landscape vegetation between the fence and front property boundary in order to maintain the appearance of the roadside vegetation. The native vegetation has been planted in three layers and will reach mature heights in excess of 2m and fill out the area of land between the property boundary and fence. The landscaping will compliment the existing tree canopy.

4. *The building certificate will give the owner a de facto approval.*

Comment

The building information certificate provisions provide a means to regularize existing unauthorised building work (*Ireland v Cessnock City Council* [1999] NSWLEC 250). Council is required to undertake an assessment to determine if the building information certificate can be issued. As a result, the building information certificate application has triggered a notional assessment which has included consultation and consideration of planning controls.

5. *The fence was built without approval.*

Comment

Correct, however the building information certificate provisions provide a means to regularise existing unauthorised building work (*Ireland v Cessnock City Council* [1999] NSWLEC 250).

6. *There is no obligation on the Council to issue the certificate.*

Comment

Council has an obligation under Section 6.24 to issue a certificate as soon as practicable after application is submitted. Council can only refuse the application if matters exist to make an order or take proceedings to have the fence repaired, altered, demolished, added to or rebuilt. If any of these matters exist, Council can advise the applicant of the work required to enable the certificate to be issued.

7. *The only way that the certificate can issue is if Council exercises its discretion to do so under s149D(1)(b) (note. This is now s 6.25(1)(b)).*

Comment

Correct. Section 6.25 (1)(b) acknowledges there will be occasions where, “in the circumstances”, Council does not propose to take action under Section 6.25(1)(a)(i) or (ii) for repair, alteration, demolition, addition or rebuilding. If no matter exists, then Council can and must issue the certificate. It is necessary for Council to make an assessment of the fence for the purpose of deciding if the building information certificate can be issued. This assessment has included public consultation and consideration of relevant planning controls.

8. *The existence of the identified fence at the bottom of Wards Hill Rd is irrelevant. Not only is it a different character precinct entirely under the DCP, but also it is topographically distant and different as to have no weight at all. Further, it is not known whether a consent for it is necessary and, if so, has been obtained. In this case, the fence at No. 49, requires consent and it has not been obtained- that much is plain.*

Comment

Agree. No weight has been given to the existing fence at bottom of Wards Hill Rd in the assessment of the building information certificate. It should however be noted that the fence referred to in the submission is a 160m long front colorbond fence at the base of Wards Hill Rd. The fence has been erected on or near the front boundary. This BIC application seeks to regularize a fence with a setback of greater than 1.5m from the front boundary with landscaping installed. The property is also located within the Character DCP precinct 5.

9. *The provisions of the DCP are matters which the Council must take into account under the Act.*

Comment

Council is entitled to give consideration as to whether development consent would have been granted to the fence if an application had have been made. In exercising that discretion, Council can undertake an assessment having regard to the planning controls that apply to this property and the surrounding area.

The provisions of the GLEP 2014 and GDCP 2013 have been considered and are addressed in this report.

10. *By reason of the savings and transitional provisions of the March amendments, this matter falls to be considered under the unamended Act and, as such, it is a "fundamental element" or "focal point" for the Council to consider and it must be given proper and adequate consideration: it is not there for guidance only as the Applicant suggests. (see Zhang v Canterbury City Council [2001] NSWCA167 at [75]). Even if this were not the case (and it is), such guidance should be interpreted and applied in the manner the Court of Appeal has identified; that is, the DCP is to be a fundamental element or focal point of any proper and adequate consideration under the Act.*

Comment

Noted.

In terms of the relevant planning controls that apply to any assessment, the controls that applied at the time the BIC application was made are the controls which have been considered. Council would also have regard to the planning considerations that existed in the former section 79C (now s.4.15) of the EP&A Act at that time.

The GLEP 2014 and GDCP 2013 were the planning controls in place at the time the application was submitted. The objectives have been considered as part of the application assessment.

11. *The issues of privacy and security are also irrelevant matters under the Act for consideration of this application. Were that not so, such issues could be used to justify the existence of a 3 metre high masonry wall with watch towers. In any event, wire mesh fencing can provide security and planting within the site can provide privacy.*

Comment

Privacy and security are matters for consideration under the GDCP 2013 Objectives, and have been considered as part of the assessment of the application.

12. *The offer by the Applicant to provide planting within the site and in the road reserve/ verge is immaterial and cannot abate the fact that the DCP has been ignored, consent was and is required and a proper and adequate assessment reveals that the fence has to be removed because of its negative impact on the landscape that the DCP seeks to preserve.*

Comment

Noted. The owner has installed additional landscaping in front of the fence in order to provide a vegetation screen for the fence when viewed from Wards Hill Road.

The desired character for the area under GDCP 2013 includes;

Buildings should be surrounded with extensive gardens and planted with new trees and shrubs that are predominantly indigenous to complement the established canopy.

The owner has addressed this requirement by planting landscaping between the fence and front property boundary. The plants consist of some indigenous species. Four of the ten shrubs are indigenous and the remainder are native. The new landscaping will provide a vegetation screen and will be consistent with and complement the established vegetation in the road reserve which exists for the properties to the north of the subject development site in Wards Hill Road.

13. *It is plain from the documents produced under a GIPA request that s149D(1)(a)(i) and (ii) are enlivened and engaged as the application contains an admission that consent for the fence was and is necessary and the Council has ordered removal.*

Comment

Council has not issued a Notice of Intention to Order, or issued an Order in accordance with the EP&A Act in respect of the fence. Section 149D(1)(a)(i) and (ii) has been renumbered as Section 6.25(1)(a)(i) and (ii). The renumbered section remains relevant.

The fence has been erected in circumstances where development consent was required but has not been obtained, and circumstances exist where Council could issue an order for demolition of that structure. Therefore, Council can withhold the granting of a building information certificate. It is a matter for Council, having regard to the circumstances of the case, as to whether it decides to issue the BIC or take enforcement action. This is permitted under Section 6.25(1)(b).

To enable Council to make an informed decision, an assessment of the fence against the relevant planning controls and policies has been carried out.

14. *The Council cannot issue the BIC because:-*

- a) *the application consists of a pro-forma application and a survey and no more;*
- b) *there is absolutely no material which would permit the Council to carry out a notional assessment of a DA for the fence (noting that there is no DA) as the law requires, (see Taipan Holdings v Sutherland Shire Council [1999] NSWLEC 276 at 58; see also Ireland v Cessnock City Council (1999) 110 LGERA 311 at 28.);*
- c) *without such a notional assessment any purported exercise of the discretion to issue a certificate would be manifestly unreasonable and irrational such that it would miscarry and be void (see Associated Provincial Picture Houses Ltd v Wednesbury Corporation (1948) 1 KB 223).*

- d) *further, the exercise of the discretion in the circumstances where the unauthorized fence is now claimed to screen the proposed shed from public view would be to subvert the planning process entirely and set an undesirable precedent which may be availed of by others;*
- e) *the fence is contrary to the relevant DCP and totally out of character with the precinct/ area and the desired future character. This is why a proposal to erect such a fence requires consent.*

Comment

It is a matter for Council as to whether an assessment can be undertaken based on the information currently provided. That is, it is not necessary for a development application to be made to Council, but Council needs to be in a position to be able to turn its mind to the requirements of the planning controls that apply and decide whether, based on the information provided, it can undertake the relevant planning assessment of the proposal.

In *Ireland v Cessnock City Council* [1999] NSWLEC 250, Bignold J, in considering the issue of a building certificate, examined two aspects. Firstly, the structural adequacy of the building and secondly, the probability of development consent being granted had such approval been sought.

In *Taipan Holdings Pty Ltd v Sutherland Shire Council* [1999] NSWLEC 276, Bignold J, considered whether it was legitimate for the Court to determine a notional development application as part of the exercise of a statutory discretion in determining a building certificate. At paragraph 60 of that decision he stated that:-

"60. In my judgment, the approach to the exercise of the statutory discretion conferred by s 149F(3) of the Court determining a notional or hypothetical development application for consent to rebuild the old boatshed so as to bring into existence the rebuilt boatshed, is an appropriate exercise for the Court to undertake in the discharge of its statutory discretion under s 149F(3)."

Notwithstanding the decision in *Taipan*, Pain J, in the decision of *Mineral Wealth Pty Ltd v Gosford City Council* [2003] NSWLEC 153, at paragraph 43, expressed the view that *Taipan* and *Ireland* do not establish a general principal concerning the approach to be taken to issue of a building certificate, namely that the consideration of a notional development application as part of the assessment, is required.

Council staff have formed the view that the notional DA assessment approach suggested in Taipan has more consistently been followed by the Court in these type of matters. Indeed, in the decision of *Chami v Lane Cove Council* [2015] NSWLEC 1003, Senior Commissioner Moore, suggested that there was no real inconsistency between Taipan and Mineral Wealth and any discrepancy was really as a result of the different applications that were before the Court at that time. At paragraph 65, he stated as follows:-

65. The conducting of a notional development assessment is consistent with the approach adopted by Bignold J in Taipan Holdings Pty Ltd v Sutherland Shire Council [1999] NSWLEC 276. Contrary to Mr Ross's submissions, the appropriateness of this approach was not the subject of disagreement by Pain J in Mineral Wealth Pty Ltd v Gosford City Council [2003] NSWLEC 153; (2003) 127 LGERA 74 as a proper reading of her Honour's judgment at (43) makes clear her Honour was distinguishing between notional development application assessments and the instance with which she was dealing – namely an actual development application.

Council can as part of the discretion that it has in deciding whether to issue a demolition order or to favourably determine the application, give consideration as to whether development consent would have been granted to the fence if an application had have been made. In exercising that discretion, Council can undertake a notional assessment having regard to its planning controls that apply to this property and the surrounding area.

15. *The Applicant has a right of appeal if dissatisfied.*

Comment

Agreed.

Assessment

Having regard to the matters for consideration detailed in Section 6.25, Section 6.26 and Section 10.7 Certificate details of the EP&A Act, other statutory requirements and Council's policies, the assessment has identified the following key issues, which are elaborated upon for Council's information. The plans for the proposed development are provided as an attachment to this report.

Background

Following complaints in June and September 2017 in relation to the construction of a front colorbond fence, Council's compliance staff carried out an investigation into the matter. The investigation found that the fence required development consent, and no development consent for the fence had been issued. As a result, a letter was sent to the owner on 13 November 2017 directing the fence to be removed.

The owner submitted an application for a building information certificate for the existing fence on 4 December 2017. As the building information certificate application related to a structure which was constructed without prior development consent, the application was advertised in the local paper in accordance with Chapter 7.3 of GDCP 2013 (Note: the application was not notified to adjoining properties as the GDCP 2013 does not require a building information certificate application to be notified to adjoining properties or any complainant). Due to the Christmas holiday period the advertising period was extended. The application was advertised from 21 December 2017 until 10 January 2018.

An inspection of the existing fence was completed by a Council officer on 15 January 2018. The Council officer requested additional information from the applicant. The information included details on how the fence satisfies the existing and desired character for the area. Due to an incorrect email address supplied by the applicant, the request for additional information was not received by the applicant until 1st March 2018.

The applicant submitted a planning report by Michael Leavey Consulting. The planning report undertook an assessment of the fence in relation to the character of Wards Hill Road. The report concludes the fence is considered to be consistent with the local area as it is screened by roadside vegetation and landscaping.

The report states the applicant is willing to carry out additional landscaping along Wards Hill Road to provide additional screening of the fence, and to complement the existing landscaping and vegetation.

The applicant has amended the original application removing reference to the southern part of the fence from the building information certificate application. The southern part of the fence is now the subject of Development Application (DA 54624/2018) which will be reported to Council separate to this building information certificate application.

Building Information Certificate Assessment Criteria

Section 6.22 – 6.26 of the EP&A Act set out the statutory requirements for making application and assessment of a building information certificate. Council is required to issue a building information certificate as soon as practicable after an application for the certificate is made to the council.

Section 6.25, Issue, nature and effect of building information certificate

- (1) *A building information certificate is to be issued by a council only if it appears that:*
- (a) *there is no matter discernible by the exercise of reasonable care and skill that would entitle the council, under this Act or the Local Government Act 1993:*
 - (i) *to order the building to be repaired, demolished, altered, added to or rebuilt, or*
 - (ii) *to take proceedings for an order or injunction requiring the building to be demolished, altered, added to or rebuilt, or*
 - (iii) *to take proceedings in relation to any encroachment by the building onto land vested in or under the control of the council, or*
 - (b) *there is such a matter but, in the circumstances, the council does not propose to make any such order or take any such proceedings.*

Comment

The colorbond front fence erected at No. 49 Wards Hill Road does not satisfy the predetermined standards specified in Subdivision 18 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. The fence required a prior development consent and construction certificate before being constructed.

Section 9.34, Schedule 5 of the EP&A Act enables Council to issue an order No. 3 to demolish or remove the fence as it is a structure which has been erected without prior development consent where such consent is required. The Order would be issued to the owner of the fence.

Section 6.25 (1)(b) allows Council to exercise discretion in determining an application for a building information certificate. Where circumstances may exist to issue an order or take proceedings for an order or injunction requiring demolition, the Council may choose not to take such action and issue the building information certificate.

The fence has been erected without prior development consent. The fence is located wholly within the property at No. 49 Wards Hill Rd and does not encroach onto land vested in or under control of the Council.

Should Council refuse the building information certificate application, it must be on grounds there is a matter to issue an order for the fence to be demolished, altered, added to or rebuilt. Should Council commence proceedings to have the fence demolished, the court will generally require more than simply evidence that the works have been illegally carried out.

There will usually need to be some evidence of non compliance with standards or of environmental harm or some aggravating factor. For example factors such as;

- whether the work is structurally sound;
- whether the work complies with the relevant planning controls;
- whether the work gives rise to some environmental harm.

The fence is structurally sound. The fence does not give rise to some environmental harm. The remaining issue to be considered by Council is whether the work complies with the relevant planning controls.

As part of the discretion that Council has, in deciding whether to issue a demolition order or to favourably determine the BIC application, it is entitled to give consideration as to whether development consent would have been granted to the fence if a development application had have been made. In exercising that discretion, Council can undertake a notional assessment having regard to the planning controls that apply to this property and the surrounding area.

The relevant planning controls include;

- GLEP 2014,
- Chapter 2.1 Character of GDCP 2013, and
- Chapter 3.1 Dwelling Houses, Secondary Dwellings and Ancillary Development of GDCP 2013.

A notional assessment of the existing fence against the GLEP 2014 and GDCP 2013 will be addressed further in this report.

Section 6.26 Miscellaneous provisions relating to building information certificates

The original building information certificate application related to the entire length of the existing colorbond fence constructed within the front setback. This included the vehicle entry gates.

After initial assessment of the application, the assessing officer requested additional information. The applicant was requested to submit information which demonstrated how the existing fence addressed the character of the area as set out in GDCP 2013, Chapter 2.1 – Character- *Killcare Heights No.5 Scenic Buffers Existing and Desired*.

The applicant submitted the required additional information. Following review of the information the assessing officer advised the applicant the building information certificate application could not be supported. The applicant was informed the following work was required before the building information certificate could be issued;

1. Southern part of the fence (from the driveway entry to the southern boundary) to be setback minimum of 2m from front property boundary. This will align with the northern part of the fence.
2. Landscaping to be installed between fence and property boundary,
3. Provide a landscape plan for consideration and approval before commencing work on items 1 and 2.
4. Upon completion of items 1, 2, and 3 Council would be in a position to issue the building information certificate.

In response to the assessing officer's advice, the applicant amended the application which is now the application before Council.

Provisions of Relevant Instruments/Plans/Policies

Gosford Local Environmental Plan 2014

Permissibility

The subject site is zoned E4 Environmental Living under GLEP 2014.

The objectives for the E4 Environmental living zone are:

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To promote ecologically, socially and economically sustainable development and the need for, and value of, biodiversity in Gosford.
- To provide land for low-impact tourist-related development that is of a scale that is compatible with the special ecological, scientific or aesthetic values of the area.
- To ensure that development is compatible with the desired future character of the zone.

The proposed development meets the objectives of the zone. The fence compatibility with the desired future character of the area is addressed under Chapter 2.1 – Character.

The proposed development is defined as ancillary development to a dwelling which is permissible in the zone with consent of Council.

Gosford Development Control Plan 2013

Development Standard	Description	Required	Proposed	Compliance with Control	Compliance with Objective
Chapter 2.1	Killcare Heights 5 – Scenic Buffers	See through boundary fences such as post and rail, however CI3.1.7.5 (a)(vi) permits solid fences which are setback greater than 1.5m.	Colorbond fence	No	Yes
Clause 3.1.7.5(a)(i)	Fencing	Boundary fence fronting collector road max 1.8m high	Not a boundary fence. Fence setback 2-3m from boundary. Max 1.8m high	NA	Yes
Clause 3.1.7.5(a)(iii)	Fencing	Vehicle access to ensure sight distance is safely maintained	Vehicle access gates are setback and fence is setback from boundary	Yes	Yes
Clause 3.1.7.5(a)(v)	Fencing	High quality durable material Metal panels not permitted, however CI 3.1.7.5 (a)(vi) permits solid fences which are setback greater than 1.5m.	Pre coloured Colorbond panel	Yes No	Yes Yes

Clause 3.1.7.5(a)(vi)	Fencing	Solid fences to be setback 1.5m from boundary to allow landscaping	Setback min 2m with landscaping proposed	Yes	Yes
Clause 3.1.7.5(b)	Fencing	Front fences not permitted where they don't form part of overall streetscape	Front fences exist in the streetscape	Yes	Yes

Variations to Plans and Policies

Chapter 2.1. Character of Gosford Development Control Plan 2013

Clause	Killcare Heights 5: Scenic Buffer- Desired
Planning Control	Desired Character
Departure basis	The desired character statement recommends boundary fences that are see-through such as traditional post-and-rail designs. The subject development is a pre coloured colorbond front fence with a height range from 1.8m – 2.1m. The fence length is 85m (excluding vehicle entry gates). CI 3.1.7.5 (a)(vi) allows solid fences which are setback greater than 1.5m.

Chapter 3.1. Dwelling Houses, Secondary Dwellings and Ancillary Structures of Gosford Development Control Plan 2013

Clause	3.1.7.5 (a)(v)
Planning Control	Unrelieved materials such as metal panelling are not permitted.
Departure basis	The existing fence is constructed of pre coloured colorbond sheets, however the owner has installed landscaping in front of the fence to screen the metal panels.

Chapter 2.1 Character

The site is located within the Scenic Buffer precinct of Killcare Heights. The existing character of the area includes;

Along road frontages, traditional rustic fencing and screen plantings complete the scenically distinctive character of blocks that provide visually-significant buffers between national parks and the coastal residential suburbs.

The desired character of this precinct is that the area remains a low density, rural residential area which provides a rural-residential buffer to higher density development and a scenic setting for major roads.

The fence does not change the rural residential qualities of the area. Existing trees along the road verge and in vicinity of the fence have been retained. The owner has planted additional landscaping in front of the fence in order to provide screen planting for the fence. The landscape planting will also continue the native vegetation which lines the road verge of the existing properties located north of the subject site.

The site is mapped as being affected by bushfire. The fence does not increase the bushfire hazard.

The fence follows the natural slope of the land and has not disturbed any existing vegetation, preventing fragmentation of the terrain and vegetation on the site which is desirable in the semi-rural area.

Boundary fencing that is of a see-through design, such as traditional post-and-rail design is favoured in the area. While the fence is not consistent with this desired style, to address this criteria the fence is proposed to be setback 2m from the boundary to allow for landscape vegetation. The owner has planted native landscaping between the fence and the property boundary along the full length of the fence to complement the existing vegetation.

The landscaping which was proposed to be planted consisted of the following native plant species:

Proposed taller layer - 200mm pots

20 Syzygium paniculatum

4 Grevillea 'pink surprise'

4 Grevillea 'honey gem'

4 Grevillea 'moonlight'

4 Banksia 'Giant Candles'

4 Cupaniopsis anacardioides (Tuckeroo)

Proposed middle layer - 140mm and 200mm pots

10 Grevillea 'Robyn Gordon'

10 Banksia Spinulosa

10 Westringia fructose

10 Doreanthus Excelsa

10 Crinum pedunculatum

Proposed grasses - tube stock

20 Lomandra Hysterix

20 Lomandra 'Lime Tuff'

The number of plants proposed to be planted was 130 in three layers. The number of plants which have been planted on the site consists of 60 in the tall layer, 36 in the middle layer and 47 in the front layer. The total number of plants on the site located between the fence and front property boundary is 143. The number of plants installed onsite has varied slightly to cater for site conditions. An irrigation system has been installed.

The desired character for the area includes;

"Buildings should be surrounded with extensive gardens and planted with new trees and shrub that are predominantly indigenous to complement the established canopy".

The owner has addressed this requirement by installing landscaping between the fence and front property boundary. The plants consist of some indigenous species. Four of the ten shrubs are indigenous and the remainder are native. The new landscaping will provide a vegetation screen and will be consistent with and complement the established vegetation in the road reserve which exists for the properties to the north of the subject development site in Wards Hill Road.

The objectives for the Character chapter include:

1. Protect and enhance environmental character that distinguishes Gosford City's identity, and
2. Enhance the City's identity by development that displays improved standards of scenic, urban and civic design quality.

In this instance, it is considered the fence is consistent with the character objectives of the area.

Chapter 3.1 Dwelling Houses, Secondary Dwellings and Ancillary Development

Clause 3.1.7 Outbuildings and Other Ancillary Development

The objectives of Clause 3.1.7 of GDCP (Outbuilding and Other Ancillary Development) are as follows;

- *To ensure that ancillary development is appropriately sited, sized and compatible with the local context*
- *To minimise the impact of ancillary development on scenic quality natural environment, in particular environmental, conservation and rural zoned land associated with additional clearing bushfire protection and site effluent disposal*
- *To ensure development does not compromise the privacy, views and solar access of adjoining properties*
- *To ensure fencing and other ancillary development meets the requirements of residents in terms of privacy and security, as well as contributing positively to the character and visual quality of the streetscape*

The owner has addressed the objectives of the Clause 3.1.7 by providing native landscaping between the fence and front property boundary. The landscaping will ensure that the visual quality of the streetscape and character of the area is maintained. The fence provides privacy and security to the residents.

Clause 3.1.7.5 Fencing

The requirements of Clause 3.1.7.5 of GDCP 2013 for fencing which are applicable to this site are:

Clause 3.1.7.5 a(i). Any fence located along the boundary to a primary road must be a maximum height of 1.8m where the frontage is a collector road.

Comment

The fence complies with this standard as it is not located along the boundary. The fence is setback from the property boundary a minimum distance which ranges from 2.07 m to 3.04m. The setback will allow for streetscape landscaping.

Clause 3.1.7.5 a(v). Any fence along a primary road frontage is to be constructed from high quality durable materials such as rendered concrete, stone or treated and painted timber. Unrelieved materials such as metal paneling and unpainted timber palings are not permitted.

Comment

The fence consists of high quality durable material which is pre-coloured colorbond metal panels with a ribbed profile. The applicant has addressed the use of metal paneling by planting landscaping in front of the fence to provide a natural screen and give relief to the fence when viewed from Wards Hill Road.

Clause 3.1.7.5 a (vi). Any fence located along the boundary must be setback 1.5m from the boundary to provide for a streetscape landscaping provision.

Comment

The fence is setback a minimum distance of 2.07m from the property boundary to allow for streetscape landscaping.

Clause 3.1.7.5 b. Front fences should not be constructed in areas where front fencing is not part of the overall streetscape.

Comment

Wards Hill Road has examples of existing front fences. Along Wards Hill Road to the south of the site, there are examples of front fencing and retaining walls visible within the streetscape.

Examples of fences fronting Wards Hill Rd, Killcare Heights



Photo 7 - No 37 Stewart St and Corner Wards Hill Rd, Killcare Heights



Photo 8 - No 36 Wards Hill Rd, Killcare Heights



Photo 9 - No 32 Wards Hill Rd, Killcare Heights



Photo 10 - No 31 Stewart St and Corner of Wards Hill Rd, Killcare Heights



Photo 11 - No 18 (Brushwood fence) and No 20 (Slated fence and garage) Wards Hill Rd, Killcare Heights



Photo 12 - No 5 Wards Hill Rd, Killcare Heights

The section of Wards Hill Road where the fence is located is in a rural residential area. To enable the rural appearance to be maintained, the fence has been setback a minimum distance of 2.07m from the front boundary to allow for streetscape planting. When the landscape planting matures, the fence will be screened and the streetscape will be similar to the streetscape which exists along Wards Hill Road to the north of Number 49 Wards Hill Road.

In summary, the subject fence does not strictly comply with the set standard of using metal panels. The fence is constructed of colorbond metal.

When assessing the development against the Chapter 3.1 of GDCP 2013, the objectives must also be considered.

The fence meets the objectives as the fence is appropriately sited, sized and is compatible with local context. The proposed landscaping will ensure visual impact on the natural environment is minimised. The development does not compromise privacy, views or solar access for adjoining properties, meets the requirements of the property owner in terms of privacy and security, and will not detract from the character of the area by continuing the visual quality of the streetscape which exists along Wards Hill Road north of the site.

The objectives under Clause 3.1.7 have been satisfied.

Conclusion

This application has been assessed in accordance with the provisions of Division of 6.7 of the EP&A Act. The assessment criteria for a building information certificate is clearly defined by the EP&A Act and provides that Council must issue the building information certificate where no discernible reason exists to issue an order for demolition, alteration addition or rebuilding. An assessment has been carried out and consideration given to all relevant instruments and policies. The assessment against relevant instruments and policies and the assessment against the criteria specified under Section 6.25 have concluded there is no reason for Council to issue an order for demolition, alteration, addition or rebuilding of the northern part of the existing fence.

Accordingly, the application is recommended for approval pursuant to Section 6.24, 6.25 and Section 6.26 of the EP&A Act.

Attachments

- 1** Survey Plan No. 7699 issue A by S Thorne & Associates dated 30/11/2017 D13278356

Item No: 3.6
Title: Gosford Community Based Heritage Study
Department: Environment and Planning



10 December 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13307043

Author: Anumitra Chand, Section Manager, Environmental Strategies

Manager: Matthew Prendergast, Acting Executive Manager, Innovation and Futures

Executive: Scott Cox, Director, Environment and Planning

Report Purpose

The purpose of this report is for Council to consider a Planning Proposal which seeks to amend the *Gosford Local Environmental Plan 2014* (GLEP 2014) and *Interim Development Order No. 122 Gosford* (IDO 122) to include an additional 118 local heritage items as identified by the Gosford Community Based Heritage Study 2016.

This report provides an overview of the outcomes of government agency and community consultation undertaken in respect of the planning proposal.

This report recommends that Council support the finalisation of the planning proposal, as amended.

RECOMMENDATION

- 1 That Council support the finalisation of the planning proposal as amended, specifically by the deletion of the following items:**
 - a. 11 The Cedars Close Bensville (Lot 15 DP 861965)**
 - b. 10 Pine Avenue Davistown (Lot 3 DP 5820)**
 - c. 89 John Whiteway Drive Gosford (Lot 100 DP 1075037)**
 - d. 152 Mann Street Gosford (Lot 18 DP 248521)**
 - e. 332A Mann Street Gosford (Lot 1 DP 156665)**
 - f. 24 Jacaranda Ave Patonga (Lot 14 DP 9435)**
 - g. 30 Cornelian Ave Pearl Beach (Lot 1271 DP 554493)**
 - h. 5301 Wisemans Ferry Road Spencer (Lot 1032 DP 1106937)**
- 2 That Council request the Chief Executive Officer to exercise the delegation issued by the Department of Planning and Environment (4 September 2017) and proceed with the steps for drafting and making of Amendment No. 36 to Gosford Local Environmental Plan 2014 and Interim Development Order No. 122 Gosford.**
- 3 That Council advise all those who made a public submission of the decision.**

Background

A Community Based Heritage Study was commissioned by the *former Gosford City Council* (fGCC) and undertaken to fulfill Council's statutory responsibility to manage the heritage of the Local Government Area. The *Environmental Planning and Assessment Act, 1979* (EP&A Act) requires Council to identify and protect heritage through local environmental plans. The fGCC resolved to approve and fund the study at its Ordinary Meeting on 5 June 2012.

At the Ordinary Meeting of 24 May 2017, the fGCC resolved:

- 266/17 *That Council prepare a planning proposal to amend the Gosford Local Environmental Plan 2014 and the Interim Development Order No. 122 Gosford to include the 136 items of local significance identified in the Community Based Heritage Study, pursuant to s.55 of the Environmental planning and Assessment Act 1979;*
- 267/17 *That Council forward for the purpose of s.56(1) of the Environmental Planning and Assessment Act 1979, the planning proposal to the NSW minister for Planning requesting a gateway determination, as well as requesting delegation be given to Council to finalise and make an amended Local Environmental Plan, in accordance with that planning proposal:*
- 268/17 *That council undertake community and government agency consultation in accordance with the requirements of the gateway determination requirements;*
- 269/17 *That Council consider a further report on the results of the agency and community consultation;*
- 270/17 *That Council resolve that any delegation to the Council of the function to make the amending local environmental plan is, for the purposes of s.381 of the Local Government Act 1993, delegated to the Chief Executive Officer who will complete the "Authorisation" on behalf of Council and submit to the Department of Planning & Environment.*
- 271/17 *That Council investigate potential Heritage conservation Areas at Patonga, Pearl beach, and Wondabyne.*

Report

The process for identifying and listing heritage properties through a Community Based Heritage Study involves four main stages. These stages are summarised below.

Stage 1: Project Initiation

- This stage involved project identification, developing a scope, seeking community involvement, and inviting the community to nominate heritage items.
- This stage involved community notification as well as community forums being conducted by the former Gosford Council's Heritage Officer and the heritage consultant.
- A draft Thematic History for the study area was prepared.

Stage 2: Research and Draft Study

- A list of known potential heritage items was prepared. This list was based on existing registers and lists as well as the draft thematic history report.
- With the assistance of the heritage working group (community representatives) an assessment was undertaken and statements of significance were completed (this included heritage data forms for individual heritage items).
- This stage produced an up to date electronic database that can be used for all future heritage studies and public reference.
- A first draft list of potential heritage items was developed.

fGCC heritage officer and the heritage consultant over a 4 month period (October 2015 – January 2016) engaged with individual owners of proposed heritage items about the draft report and management recommendations prepared for their property either at public forums or private one on one site visits.

- The draft heritage study was peer reviewed and on 12 February 2016, the draft list of heritage items was approved by the then Chief Executive Officer of fGCC for public consultation.

Stage 3: Public Consultation

- Public consultation (including letters to owners of potential heritage items) occurred for an eight week period between March 2016 and April 2016.

- In response to submissions received during the public exhibition period, a further 97 properties were removed from the list. Removal was based on potential flooding effects, information and objections from the property owners, and the potential identification of heritage conservation areas.
- As a result, 128 proposed new heritage items were identified to be included in the planning proposal.

Stage 4: Planning Proposal (current stage)

- A planning proposal was prepared to amend both Schedule 5 of the GLEP 2014 and Schedule 2 of the IDO 122.
- The planning proposal received a Gateway Determination from the Department of Planning & Environment (DPE) on 4 September 2017. The conditions of the determination required Council to consult with the Office of Environment and Heritage (OEH), other State Agencies and public authorities and incorporate any comments into the planning proposal. The conditions also required Council to return the draft planning proposal to the Department of Environment & Planning for approval before continuing with the process.
- Once approval was received, the planning proposal was placed on public exhibition for a 28 day period from 22 March 2018 and 19 April 2018.
- A total of 13 submissions were received in response to the public exhibition period. Seven of the submissions were new objections to the proposed heritage listings.
- All submissions have been reviewed and the planning proposal has been amended to address issues raised through consultation.
- The amended planning proposal recommends the heritage listing of 118 properties on either GLEP 2014 or IDO 122.

Current Status

Council has completed Stages 1, 2 and 3 and the majority of Stage 4.

The outcomes of the public exhibition period are now presented to Council for consideration and support. If Council resolves to adopt the recommendations of staff, the planning proposal will be sent to the Parliamentary Counsel's office and a copy of the request to amend the GLEP 2014 and IDO 122 will be forwarded to the Department of Planning & Environment (DPE).

Consultation

Government Agency Consultation

State Government agencies have been consulted as part of the Community Based Heritage Study. This took place during two periods of public engagement, firstly in October 2015 for a three month period, and then in February 2016 for two months.

A final consultation with the State Agencies has been completed as part of the requirements of the Gateway Determination. The agencies replied over a 4 month period (October 2017 to February 2018). A summary of their comments is included below.

1. NSW Heritage Division OEH

The NSW Heritage Division of Office of Environment and Heritage (OEH) reviewed the proposed State Listing of two items and the listing of all proposed items. In response they stated that they were not concerned about the proposed State Listing of the two items as they meet the significance criteria at the local level and also supported the proposed heritage list on the basis that each item has been adequately assessed to have local significance".

2. NSW Department of Education

The Department was contacted about the potential listing of six properties managed by them, i.e.:

- Gosford High School
- Gosford State Forest Nursery
- Kincumber Public School (war memorials)
- Pretty Beach Public School
- Spencer Public School (now in private ownership), and
- Woy Woy Public School

The department was largely supportive of the proposed heritage listings but requested that the Inventory Listings for each of these properties was amended to record exactly which buildings were significant. These amendments have been completed.

Since the beginning of the Community Based Heritage Study the former Spencer Public School site has been sold to a private resident. The new owner has been contacted about the potential heritage listing but no correspondence has been received. This site has been retained as a potential item because of the site history and the high social value of the school site to the local community.

3. *Sydney Trains*

Sydney Trains have been contacted by the former Gosford City Council with regard to heritage listing the Woy Woy Demolition Tunnel and Chamber. The response from Sydney trains (13 November 2015) stated they were supportive of the listing and recognise the heritage significance of the tunnel. These are currently included in the State Heritage Listing of the existing Woy Woy tunnel.

No further correspondence was received as part of the State Agency consultation post the Gateway Determination.

4. *NSW Office of Sport*

Three letters have been sent to the Broken Bay National Fitness Camp at Juno Point (5/11/2015, 15/3/2016 and 11/10/2017). The letters outlined that the Sport and Recreational Facility had been identified as being of local significance as the land is the location of a former military site with connections to the first and second world wars as well as a weir for the collection of fresh water to serve the site and operations.

The NSW Office of Sport has responded stating that they have no "issue whatsoever with the proposed listing for the former military installations, the plaque and the Stone House". They were concerned as to the implications for the newer sport and recreation building associated with the camp. These however are not identified as items of heritage value and the heritage listing will not affect these facilities or the day to day running of the camp.

5. *NSW National Parks & Wildlife Service*

The Service was contacted with regard to the potential heritage listing of three sites within National Parks i.e.

- Governor Phillip's Landing Point, Bouddi National Park
- Basalt Quarries Ltd Railway, Brisbane Water National Park, and
- Waterfall Bay Rock Carving, Brisbane Water National Park

The Service supports the local heritage listing of the Rock Carving site and the Basalt Quarries Ltd Railway. They did however express concern relating to the necessity and benefits of the Governor Phillip landing point at Lobster Beach, Pretty Beach. This site should be removed from the potential list as it is already protected within Bouddi National Park. It is recommended that more information is required prior to further consultation with the National Parks & Wildlife Service on potential heritage listing.

6. Department of Primary Industries – Lands

The Department was contacted with regard to 27 sites that have been identified in the Community Based Heritage Study. The sites are largely a combination of boatsheds, wharves, road reserves, some archaeological remains and one shipwreck. The Department provided written support for the heritage listing of most of these items. Most of the items are under Central Coast Council management and as such require little input from Crown Lands.

The exceptions are the boatsheds which are licensed to individual community members. As recommended by Crown Lands, these licensees have been individually contacted about the potential listing. The licensees have either written in support of the potential listing or have made no contact with Central Coast Council.

Furthermore Crown Lands have expressed concern that the listing of the boatsheds may be inconsistent with the Department's *Waterfront Facility Policy 2014*, which requires demolition of the boatshed when a licensee requests termination of a license. This requirement however appears to conflict with one of the key objectives (2.1(h)) of the Policy which is to ensure no adverse "impact on the cultural environment and any existing structures and localities of cultural heritage importance are recognized". Each of these items can be reviewed individually if and when it becomes necessary for the licensee to terminate the license agreement. The heritage listing of these boatsheds however ensures that the identified heritage values of the items are taken into consideration when decision making and planning affecting their future is being made.

7. NSW Rural Fire Service

The NSW Rural Fire Service reviewed the planning proposal and stated that based "upon an assessment of the information provided, the NSW RFS raises no objection to the proposal" (letter dated 20 November 2017).

Community Consultation

A total of 13 submissions were received during the public exhibition period in early 2018. These submissions are discussed next.

1. 11 The Cedars Close Bensville

The submission included detailed information on the extent of additions and alterations to the property, including extensive additions to the streetscape frontage of the dwelling. These alterations have significantly altered the appearance and heritage value of the property. These works were confirmed by the Council's heritage officer with a site visit.

Comment

As a result of the extensive alterations and additions, especially to the front of the property, it is recommended that the property be removed from the draft heritage list.



2. 10 Pine Avenue Davistown

The submission provided details of extensive work undertaken on the building to give it a “heritage” appearance. These alterations have significantly altered the appearance and heritage value of the property and the owners have requested that the property be removed from the draft list. These works were confirmed by Council’s heritage officer with a site visit.

Comment

The extensive works to the building have adversely affected the authenticity and heritage integrity of the building. As such it is recommended that the property be removed from the draft heritage list.



3. 89 John Whiteway Drive Gosford

The new owners have objected to the heritage listing of the quarry site. In their opinion it will restrict future development of the site and this will be economically detrimental to them. They also suggest that there is little remaining evidence of quarry activities on the site and it is the quarry wall that is the significant element. In addition any potential archaeological evidence that may be discovered on the site will be automatically covered by the NSW Heritage Act 1977.

Comment

The new owners have not been part of the extensive consultation that has been a significant part of the heritage listing study process. As such it is recommended that consideration of the proposed heritage listing be postponed until the next heritage review is conducted in order to allow for appropriate consultation with the owners. The next heritage review is expected to commence within 12 months of the finalisation of this planning proposal.



4. 152 Mann Street Gosford

The owners have objected to the description of the façade of the building as “Mediterranean”. The owners have provided further information about the building and its relationship to other buildings in Mann Street. The owners state that they had not been receiving the correspondence that has accompanied the previous consultation phases of the study. They suggest that further consultation with them be conducted prior to heritage listing the potential heritage item.

Comment

The owners have not been part of the extensive consultation that has been a significant part of the heritage listing study process. As such it is recommended that consideration of the proposed heritage listing be postponed until the next heritage review is conducted in order to allow for appropriate consultation with the owners. The next heritage review is expected to commence within 12 months of the finalisation of this planning proposal.



5. 332A Mann Street Gosford

A submission was made from a local historian providing additional information indicating that the address of this property was incorrectly recorded.

Comment

The property at this address is not of heritage value and has been incorrectly identified in the heritage study.

The property identified as being a potential heritage item is located at 300 Mann Street. As the owners of this property have not been part of the extensive consultation that has been a significant part of the heritage listing study process, it is recommended that consideration of the proposed heritage listing be postponed until the next heritage review is conducted. This provides the opportunity for appropriate consultation with the owners. The next heritage review is expected to commence within 12 months of the finalisation of this planning proposal.



6. 13 Bay Street Patonga

The property owner first contacted Council in response to the public exhibition material with concerns about the listing of the property and the information that was recorded. In response to the information provided the inventory listing was amended to include the provided information and to clarify the heritage significant parts of the property. The amended inventory information was then sent to the property owner for their review. The property owner responded that "you have addressed the main points in my objection."

Comment

The inventory listing has been amended.



7. 17 Bay Street Patonga

The owner of the property made a submission stating support for the heritage listing of the property. The submission also requested that the significant trees located on the Patonga foreshore reserve to be included in the heritage list. It is stated that it "is hoped that these listings will assist in ensuring that any future development located in the vicinity of No. 17 and along the foreshore are sympathetic to the history of the village in relating to bulk, scale and design".

Comment

Noted.



8. 24 Jacaranda Avenue Patonga

The owner of the property strongly objected to the potential heritage listing given that the dwelling was not in keeping with the character of the area, and that the property has extensive white ant damage that will require replacement of significant fabric and architectural features.

Comment

It is recommended that a further assessment of the property be conducted focused on the condition of the building and fabric. A decision can then be made as to whether to retain the property on the proposed heritage list and include it as part of the next heritage review. The next heritage review is expected to commence within 12 months of the finalisation of this planning proposal.



9. 30 Cornelian Avenue Pearl Beach

The property owner has objected to the proposed heritage listing as they have moved and have not received correspondence that has accompanied the heritage study. The owner maintains that because they have not been included in the full process of the heritage listing that they have been disadvantaged.

Comment

The owners have not been part of the extensive consultation that has been a significant part of the heritage listing study process. As such it is recommended that consideration of the proposed heritage listing be postponed until the next heritage review is conducted in order to allow for appropriate consultation with the owners. The next heritage review is expected to commence within 12 months of the finalisation of this planning proposal.



10. 75 Crystal Avenue Pearl Beach

The property to be listed is the Crommelin Biological Research Station which is owned by The University of Sydney. The University states that "as the owner of the site, it is not adverse to the recognition of the heritage significance of the Crommelin Biological research Station to the local community".

Comment

Noted.



11. 130 Heath Road Pretty Beach

The property owner made a submission that stated they “do not object in principal to the listing of our property”. They did suggest however that when listed that they would like to work with Council to find a way to meet the family needs for the residence whilst respecting the heritage values of the property”.

Comment

Noted.



12. 830 Wisemans Ferry Road Somersby

A submission was made from one of the Trustees of the Somersby School of Arts providing additional historic information about the School of Arts.

Comment

Noted. This information has been recorded on the heritage inventory for the building.



13. General Submission on the Heritage Study and Proposed heritage items

A submission from a community member was received stating that they “fully support the listing of these items”.

Comment

Noted.

Outcomes of Consultation

With regard to public and state government submissions the proposal has satisfied relevant statutory requirements relating to agency and community consultation.

Additional Matters for Consideration**1. 5301 Wisemans Ferry Road Spencer**

Since the completion of the public exhibition period it has come to Council’s attention that a property on the draft list has been the subject of extensive alterations. The property at 5301 Wisemans Ferry Road Spencer has new owners and they have not benefited from being part of the many opportunities for community engagement with Council. The new owners have made extensive alterations to the property prior to the public exhibition of the planning proposal to heritage list the property. The works are currently being assessed by Council, including the building certificate and development application.

Comment

It is recommended that this property be removed from the draft heritage list as the building works have adversely impacted on the heritage significance of the property.



2. 42 Palmers Lane Bensville

On 1 June 2010, the former Gosford Council resolved to remove this property from the heritage list. This decision was made given the extensive alterations and additions to the property had significantly reduced its heritage values. This resolution was made after the Draft Gosford LEP was exhibited and the matter was addressed in the report to Council on 31 May 2011 where all submissions were considered. At this meeting, the fGCC resolved:

Amend Schedule 5 of the Draft Gosford LEP as follows:

c) Delete Item 34 - House "Alpha", 42 Palmers Lane, Lot 4 DP 382701, Bensville

However, also at this meeting on 31 May 2011, Council resolved to defer all privately owned land zoned 7(a) Conservation and 7(c2) Scenic Protection located east of the Freeway. As such 42 Palmers Lane was deferred from the Gosford LEP and was inadvertently retained in IDO 122.

Comment

The property at 42 Palmers Lane Bensville will be removed from IDO 122 to rectify this anomaly in the heritage Schedule.



Social Impacts

The proposed additional heritage listings provide opportunities for positive social impact outcomes. These are due to increased understanding of our local heritage and history, increased sense of place and belonging, and more opportunities for cultural heritage tourism.

Environmental Considerations

There are no adverse environmental impacts resulting from the proposed heritage listings.

Caring for places of cultural heritage significance provides opportunities to generate significant environmental, economic and social benefits. Benefits mean that heritage can contribute to wider agendas such as health outcomes, education, the environment and urban planning.

Financial Considerations

The finalisation of the planning proposal will be completed by Council Staff as part of *business as usual* and will not require additional resourcing or external contractors.

Risk Management

There have been no risks identified to the natural and built environment if this planning proposal is supported by Council.

Delegation

Council has been issued with the delegations of the Minister to amend Local Environmental Plans (LEPs).

The gateway determination issued on 4 September 2017 provides the Council's Chief Executive Officer, the appropriate delegations under s3.36 of the EP&A Act to make this plan. Council has been issued with the delegation of the Minister to make the amending Local Environmental Plan.

Link to Community Strategic Plan

Theme 4: Responsible

Goal I: Balanced and sustainable development

I1: Preserve local character and protect our heritage and rural areas including concentration of development along transport corridors and around town centres.

Conclusion

This report recommends that the planning proposal be amended to include a further 118 heritage items on either GLEP 2014 or IDO 122 has strategic merit. All of the proposed heritage items have been recommended by a qualified heritage architect and planner, and the proposed list has been reviewed by the NSW Heritage Division, OEH.

There has been extensive community consultation completed as part of the study process. Community consultation has included correspondence and site visits with property owners, as well as public forums, workshops and meetings with the community generally.

All public submissions have been reviewed and there is no reason for the planning proposal to not progress to finalisation.

It is recommended that the proposal be implemented in the form of an amendment to either GLEP 2014 or IDO 122 (Amendment No 36).

Attachments

- | | | | |
|----------|---|-----------|-----------|
| 1 | List of Proposed Locally Significant Heritage Items | Enclosure | D13309309 |
| 2 | Summary of Statement of Heritage Significance - D13309313 | Enclosure | |

Item No: 4.1
Title: Deferred Item - Town Centre Review
Department: Connected Communities



10 December 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13398868

Author: Ashlee Abbott, Section Manager, Place Activation

Manager: Glenn Cannard, Unit Manager, Community Partnerships

Executive: Julie Vaughan, Director, Connected Communities

Summary

Council, at its meeting on 26 November 2018 resolved:

That Council defer this item to the meeting being held on 10 December 2018.

Recommendation

- 1 That Council note the deferred Town Centre Review report which is Attachment 16 to this report.**
- 2 That Council note the report and attachments.**
- 3 That Council resolve, for the purposes of s.11(3) of the Local Government Act 1993, that Attachment 2 is to be treated and remain as confidential as it contains matters affecting security of Council, Councillors, Council Staff or Council Property.**
- 4 That the Council request the Chief Executive Officer to develop a further report on the establishment by Council of an external regional model to undertake certain management functions for all identified town centres.**
- 5 That Council work with the NSW Business Chamber to develop a funding program to specifically support local economic and business development initiatives.**
- 6 That the Council request the Chief Executive Officer to investigate through the structure review how to appropriately resource a dedicated team within Council to provide internal coordination of certain management functions for all identified town centres.**
- 7 That Council resolve to extend the funding agreement with the current third party entities, Gosford Business Improvement district, Greater Toukley Vision, and Wyong Regional Chamber of Commerce, for an additional three months from 31 March 2019 to allow for an appropriate Transition Period**

Attachments

1	Town Centre Review November 2018	Enclosure	D13382889
2	Confidential Attachment - 2015 WSC Internal Auditors Summary -		D13361774
3	Appendix 1 - WRCC Funding Agreements	Enclosure	D13387316
4	Appendix 1 - GTV funding agreement	Enclosure	D13387315
5	Appendix 1 - GBID funding agreements	Enclosure	D13387313
6	Appendix 2 - The Entrance Town Centre Boundary	Enclosure	D13387318
7	Appendix 3 - Toukley Town Centre Boundary	Enclosure	D13387319
8	Appendix 4 - Wyong Town Centre Boundary	Enclosure	D13387322
9	Appendix 5 - Gosford City Centre Boundary	Enclosure	D13387302
10	Appendix 6 - External Stakeholder Engagement Report Town Centre Review	Enclosure	D13382891
11	Appendix 7 - Model Analysis	Enclosure	D13387307
12	Appendix 8 - WRCC Town Coordinator Business Plan 2017-2018	Enclosure	D13387310
13	Appendix 8 - GTV Business Marketing Plan 2017-2018	Enclosure	D13387308
14	Appendix 8- GBID 2017_2018 Business Plan	Enclosure	D13387312
15	Appendix 9 Asset Ownership - The Entrance	Enclosure	D13387303
16	Deferred Report - Town Centre Review from 26 November 2018		D13398864

Item No: 3.14
Title: Town Centre Review
Department: Connected Communities



26 November 2018 Ordinary Council Meeting

Trim Reference: F2017/01781 - D13248367

Author: Ashlee Abbott, Section Manager, Place Activation
Manager: Glenn Cannard, Unit Manager, Community Partnerships
Executive: Julie Vaughan, Director, Connected Communities

Summary

This report provides information and recommendations from the recently completed Town Centre Review (Attachment 1) into Central Coast Council's town centre management operational model.

Recommendation

- 1 That Council note the report and attachments.**
- 2 That Council resolve, for the purposes of s.11(3) of the Local Government Act 1993, that Attachment 2 is to be treated and remain as confidential as it contains matters affecting security of Council, Councillors, Council Staff or Council Property.**
- 3 That the Council request the Chief Executive Officer to develop a further report on the establishment by Council of an external regional model to undertake certain management functions for all identified town centres.**
- 4 That Council work with the NSW Business Chamber to develop a funding program to specifically support local economic and business development initiatives.**
- 5 That the Council request the Chief Executive Officer to investigate through the structure review how to appropriately resource a dedicated team within Council to provide internal coordination of certain management functions for all identified town centres.**
- 6 That Council resolve to extend the funding agreement with the current third party entities, Gosford Business Improvement district, Greater Toukley Vision, and Wyong Regional Chamber of Commerce, for an additional three months from 31 March 2019 to allow for an appropriate Transition Period**

Context

At Central Coast Council's ordinary meeting held on 24 May 2017, the Council resolved or part thereof

317/17 *That Council delegate authority to the Chief Executive Officer to review the current town centre management model and arrangements in relation to achieving best practice town centre management, with a view to providing a report in due course to the newly elected Council on the town centre management model options.*

The purpose of the review was to consider the following;

- Our present situation (operational model).
- The relationship of our current operational model with the Central Coast Regional Plan 2036, the Central Coast Destination Management Plan, the objectives of One – Central Coast, Community Strategic Plan 2018-2028 and other relevant documents.
- What we might aspire to – better / best practice principles and models.
- Recommendations for a preferred town centre management model.

The Central Coast currently has four identified town centres. Commercial property owners within and around these town centres pay a special rate levy and all of the town centres have either historically (in the case of The Entrance) or are currently serviced in some form by third party entities who are responsible for the functions of marketing, promotion (including tourism), event delivery, business development and varying levels of asset maintenance.

Council is generally responsible for the delivery of major events, capital works, asset management and maintenance and contract management for the delivery of a variety of critical services currently within town centres.

In December 2015 the former Wyong Shire Council Chief Internal Auditor undertook an internal audit (Attachment 2) of Town Centre Management. The report investigated Council's management of the then third party entities in The Entrance (The Entrance Town Centre Management Authority), Toukley (Greater Toukley Vision) and Wyong (Wyong Regional Chamber of Commerce) as well as Council's management functions of these town centres. The key deficiencies and risks highlighted in the report are listed below and experience has shown since the amalgamation, these deficiencies also apply to the Gosford town centre. The report found:

- The funding of third party entities by Council to undertake certain town centre management functions encourages a local focus rather than providing for a strategic regional approach. The report found that even at the local level the third party entities' board of management largely focus on operational issues rather than developing a strategic plan of management.

3.14 Town Centre Review (contd)

- The third party entities have inadequate procedures in place for the proper procurement of services, the management and monitoring of contracts particularly for cleaning, security and maintenance in compliance with the *Local Government Act 1993*.

With regards to town centre management functions undertaken across a number of service units within Council such as asset management, leasing, licensing and contract management; the resulting lack of a coordinated approach within Council has led to a lack of enforcement of conditions of licenses and Development Consents and has resulted in the provision of contracted services that may not represent the best value for money.

Current Status

The current funding agreements, under which Council provides funding to the three third party entities are for the purposes of promotion and marketing (including tourism), business development, varying levels of asset maintenance and co-ordinating / managing events in Wyong, Toukley and Gosford Town Centres, expire on 31 March 2019 however, Council will extend this timeframe to 30 June 2019 to allow for a transition period

Assessment

The review includes input from all relevant internal Council business units and extensive external stakeholder engagement. Benchmarking and operational analysis was also undertaken through extensive interviews with other Council's undertaking town centre management functions using various models.

Overall the review addresses the ongoing interdependencies between effective asset and contract management, marketing and promotion, business and economic development and delivery of quality events and place activation activities in our town centres.

Council currently undertakes major event delivery, asset management, contracts management for the delivery of cleaning, landscaping and security services, capital works programs, place activation activities and economic development at varying levels across the current four identified town centres.

The third party entities in the current four town centres are responsible for the functions of marketing, promotion (including tourism), event delivery, business development and varying levels of asset maintenance

It is a key finding of this report that the practice of essentially "contracting out" core functions of town centre management to localised entities is currently not best practice, does not provide for a strategic and regional approach to town centre management, does not produce best value for the delivery of services and has not historically served our community particularly well and should be ceased at the end of the current funding period.

3.14 Town Centre Review (contd)

In a region as large and diverse as the Central Coast, the definition of a “town centre” is important to establish. Our Local Government Area (LGA) comprises well over 100 suburbs, the majority of which has some form of central focus point. A key focus of this review has been to identify specific town centres that not only serve their localised residential community but also play a pivotal role in the wider region.

Commercial hubs providing retail opportunities and critical services with a large employment catchment, places where our local community gather in numbers to connect and celebrate through events, places with significant areas of public open space, and places that attract and service visitors to our region.

In addition to the five principle town centres (Gosford, Wyong, Terrigal, The Entrance and Woy Woy) identified as currently meeting this criterion the report also acknowledges there are potentially a further seven major town centres (Toukley, Ettalong, Umina, Long Jetty, Budgewoi, Avoca and Kincumber) that should have a targeted and coordinated place activation focus for Council.

While the current funded third party entities operate with good intent they have limited and varying levels of funding, are struggling to deliver on their basic agreed deliverables, utilise the bulk of the funding allocated for staff wages and administration costs to just function as an independent entity, have a local rather than regional focus (being almost universally focused on a single suburb) and do not operate within a governance and procurement framework as rigorous as that found within Council and required under the *Local Government Act 1993*.

The review identifies that the establishment of an external regional model would be better placed to ensure the delivery of strategic and regional marketing and promotion, attraction of major events and economic development to support regional objectives.

Council is generally responsible for the delivery of major events, capital works, asset management and maintenance and contract management for the delivery of a variety of critical services currently within town centres and should continue to undertake these roles as it has the budget, specialist staff expertise and procurement and governance systems already in place.

Additionally Council is tasked with planning and delivering a myriad of services for our growing LGA and is best placed to ensure services; infrastructure, events and activations delivered within our town centres meet both a localised and strategic need.

It is also important to acknowledge though that the review recognises there is a critical role for business and community representation in both the localised and strategic direction of our principal and major town centres. To meet this identified need it is recommended a further report be prepared to scope options for an external regional model to be established to develop and deliver economic and business development initiatives, regional marketing and promotion, and the attraction of major events for the benefit of the Central Coast.

3.14 Town Centre Review (contd)

This approach would essentially replace the localized functions and focus of the existing town centre management entities (GBID, GTV & WRCC) currently funded by Council with an adequately structured and resourced regional entity.

This approach is essentially the same as that undertaken in some form from all the other LGA's investigated through this report and provides for a "partnered" approach, best utilising the skills, resources and practices of all relevant stakeholders.

The function of providing localised business development support has also been considered by the review and could be best undertaken by organizations focused on ensuring the sustainability of local business. The introduction of a funding program to support local business groups to connect business to opportunities, grow business skills and help businesses to effectively advocate on key issues in partnership with the NSW Business Chamber will be investigated.

The review also acknowledges the current situation within Council, where multiple "asset owners" have responsibility for a variety of assets (roads, paths, open space, buildings, etc) within town centres yet little coordinated or strategic direction is taken to ensure capital works projects, maintenance or events and activations meet broader objectives.

Consultation

An external provider was contracted by Council to undertake stakeholder engagement during March 2018.

Five regional stakeholders were identified by Council consisting of Regional Development Australia Central Coast, NSW Business Chamber Central Coast, Central Coast Industry Connect, Destination Sydney North and Surrounds and Surfer Rosa Communications and in-depth phone interviews were conducted with these organisations.

Six key property and business owners with a mix of skills and experience were identified by Council and the third party entities and interviewed in each of the Gosford, Wyong, The Entrance and Toukley town centres. In addition a random sample of property and business owners were also selected across the four town centres. In total fifty one semi-structured phone interviews with business and property owners were conducted.

Relevant key findings from the consultation process include;

61 per cent of property and business owners do not currently believe Council or Council appointed management authorities provide sufficient support to local town centres.

3.14 Town Centre Review (contd)

- Regional stakeholders were critical of current management strategies, citing that existing management structures fail to complement each other in achieving a regional approach and felt more collaboration was needed.
- Property and business owners are highly supportive of Council investing more effort into each of the town centre management tasks, with 'creating and managing economic and business development' (92 per cent), 'generating and supporting tourism initiatives' (90 per cent) and 'marketing and promoting town centres' (84 per cent) key tasks requiring additional effort.
- Amongst regional stakeholders, Council was the preferred selection for the execution of all town centre management functions with the exception of marketing and promoting town centres (Affinity are currently contracted by Council to undertake this service) and providing business development support which they believe should be outsourced to third parties.
- When asked how Council could better manage its town centres, the regional stakeholders were supportive of a collaborative approach which implemented a single regional strategic plan and direction.

As part of the town centre review an analysis of how other Councils undertake town centre management in their areas was conducted. Councils investigated include Newcastle City, Lake Macquarie City, Wollongong City, Muswellbrook, Gold Coast and Northern Beaches.

Analysis of the benchmarking undertaken clearly indicates that Councils in a similar situation to the Central Coast have identified that a more strategic and regional approach is needed to ensure best practice for the management of town centres.

All Councils reported a high level of commitment from management and Councillors to develop a town centre management model that provides for a strategic and regional approach, with appropriate funds and resourcing which would ensure best practice in delivering economic development, marketing and promotion and attraction of major events resulting in an increased tourism profile for the area and ensuring a sustainable economy resulting in strong employment outcomes for the community.

All Councils had also introduced an adequately resourced and funded dedicated internal team to undertake the coordination of town centre management functions including asset and contract management, event delivery; capital works programs and coordinated place activation programs for their principal town centres.

Options

- 1 Maintain the current arrangements

3.14 Town Centre Review (contd)

The current model for town centre management has been identified as inadequate in meeting the needs of Council and the community currently and will impede the regional approach required to drive and realise economic and tourism development opportunities; as such this is not the preferred option.

The current arrangements do not provide for delivery of town centre management functions in key centres such as Terrigal and Woy Woy and responsibility for asset and contract management functions across a number of units within Council without coordination has resulted in varying levels of service delivery.

2 Adopt the recommendations in the town centre review

This is the preferred option as the recommendations provide for;

- A clear definition and classification for town centres from a place management perspective.
- A regional and strategic focus for marketing and promotion, major event attraction and economic development for town centres across the Central Coast potentially via an external regional model.
- A collaborative, coordinated and well-resourced model for the delivery of town centre management functions by Council such as asset and contract management, capital works programs, delivery of major events and place management.
- The retention of the relevant place activation events currently being undertaken in Gosford, Wyong & Toukley town centres.
- The expansion of a coordinated capital works, asset and contract management approach across all five principal town centres, which will include Woy Woy & Terrigal.
- The development and delivery of further place activation and major events in Woy Woy and Terrigal.
- Place activation plans, events and activities undertaken in the seven major town centres.

Financial Impact

Council is currently collecting a total of \$1,281,000 in Special Rate Levies (SRLs) in the Gosford, The Entrance, Wyong and Toukley town centres. Additionally, a SRL of \$874,000 is being collected from all commercial property owners across the former Gosford Local Government Area. These levies should be used for the establishment of a best practice model for the management of identified town centres into the future.

To ensure best practice it is also recommended that the town centre management model should provide internal coordination for asset maintenance, contract management and leasing requirements, delivery of major events, support of business development and the development of place activation plans for all identified town centres. This best practice model should be investigated through the current structure review to appropriately resource a dedicated team within Council to provide internal coordination of certain management functions for all identified town centres.

3.14 Town Centre Review (contd)

Link to Community Strategic Plan

Theme 1: Belonging

Goal A: Our community spirit is our strength

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

Goal A: Our community spirit is our strength

B-A2: Celebrate and continue to create opportunities for inclusion where all people feel welcome and participate in community life.

Goal A: Our community spirit is our strength

B-A4: Enhance community safety within neighbourhoods, public spaces and places.

Goal B: Creativity connection and local identity

B-B2: Promote and provide more sporting, community and cultural events and festivals, day and night, throughout the year.

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

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.

3.14 Town Centre Review (contd)

Goal C: A growing and competitive region

S-C3: Facilitate economic development to increase local employment opportunities and provide a range of jobs for all residents.

Goal C: A growing and competitive region

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.

Theme 4: Responsible

Goal G: Good governance and great partnerships

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

Goal G: Good governance and great partnerships

R-G4: Serve the community by providing great customer experience, value for money and quality services.

Risk Management

Nil Impact

Critical Dates or Timeframes

The current third party funding agreements expire on 31 March 2019. Council is required to give 90 days' written notice to terminate or extend the agreements.

3.14 Town Centre Review (contd)

Attachments

1	Town Centre Review November 2018	Enclosure	D13382889
2	Confidential Attachment - 2015 WSC Internal Auditors Summary -		D13361774
3	Review Appendix 1 - WRCC Funding Agreements	Enclosure	D13387316
4	Review Appendix 1 - GTV Funding Agreement	Enclosure	D13387315
5	Review Appendix 1 - GBID Funding Agreements	Enclosure	D13387313
6	Review Appendix 2 - The Entrance Town Centre Boundary	Enclosure	D13387318
7	Review Appendix 3 - Toukley Town Centre Boundary	Enclosure	D13387319
8	Review Appendix 4 - Wyong Town Centre Boundary	Enclosure	D13387322
9	Review Appendix 5 - Gosford City Boundary	Enclosure	D13387302
10	Review Appendix 6 - External Stakeholder Engagement Report Town Centre Review	Enclosure	D13382891
11	Review Appendix 7 - Model Analysis	Enclosure	D13387307
12	Review Appendix 8 - WRCC Town Coordinator Business Plan 2017-2018	Enclosure	D13387310
13	Review Appendix 8 - GTV Business Marketing Plan 2017-2018	Enclosure	D13387308
14	Review Appendix 8- GBID 2017-2018 Business Plan	Enclosure	D13387312
15	Review Appendix 9 Asset Ownership - The Entrance	Enclosure	D13387303



Item No: 4.2
Title: Presentation of Financial Reports and related Auditor's Reports for Central Coast Council for the period 1 July 2017 to 30 June 2018
Department: Finance and Information

10 December 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13281921

Author: Mellissa McKee, Financial Controller
Michelle Best, Financial Controller

Manager: Vivienne Louie, Unit Manager, Financial Performance, Responsible Accounting Officer

Due notice is given of this matter in accordance with Council's Code of Meeting Practice.

The report and relevant attachments will be provided prior to the Council Meeting.

It is noted that the Auditor's will be present and will make a brief presentation to Council.



Item No: 4.3
Title: Central Coast Section 7.12 Contributions Plan Report
Department: Environment and Planning

10 December 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-04 - D13346722

Author: Gary Hamer, Section Manager, Strategic Planning

Manager: Matthew Prendergast, Acting Executive Manager, Innovation and Futures

Executive: Scott Cox, Director, Environment and Planning

Report Purpose

The purpose of this report is for Council to consider the draft Central Coast Section 7.12 Contributions Plan and amendments to the former Wyong Section 7.11 contributions plans to end the discount rate applied to the levying of contributions on secondary dwellings.

This report recommends that Council adopt the draft Central Coast Section 7.12 Contributions Plan and proposed amendment to the former Wyong Shire Section 7.11 contributions plans for the purpose of public exhibition and that a further report be prepared for Council's consideration on the outcomes of the public exhibition.

Recommendation

- 1 That Council adopt the draft Central Coast Section 7.12 Contributions Plan for the purpose of public exhibition.**
- 2 That Council exhibit the draft Central Coast Section 7.12 Contributions Plan for a minimum period of 28 days in accordance with the requirements of the Environmental Planning and Assessment Regulations 2000.**
- 3 That Council consider a further report on the outcomes of the public exhibition period.**
- 4 That Council exhibit amendments to all former Wyong Shire Section Council 7.11 contributions plans to end the discounted contributions rate for secondary dwellings and levy contributions at the rate applicable within the existing contributions plans simultaneously with the exhibition of the draft Central Coast Section 7.12 Contributions Plan.**
- 5 That Council apply s7.12 Contributions to Secondary Dwellings in the former Gosford Local Government Area.**

Context

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

The existing Wyong Shire Council Section 94A Levy Development Contributions Plan dated August 2013 covering the former Wyong Local Government Area and levies contributions in accordance with Section 7.12 of the *EP&A Act*. In the former Gosford LGA there is no s7.12 contributions plan in force. The existing Gosford City Council Section 94A Development Contribution Plan – Gosford City Centre levies contributions at 1% of the cost of development. It is noted that prior to the recent Gosford Special Infrastructure Contribution this plan levied contributions at 4% of the cost of development. Areas where there are no contributions plan in force include most of the low density residential areas including such places as Wamberal, Forresters Beach, Avoca Beach, Mc Masters Beach, Patonga and the rural residential and rural areas where traditionally growth rates are low.

Report

The proposed Central Coast Section 7.12 Contributions Plan will cover the entire Central Coast Local Government area and will ensure that development which is not subject to a contribution under an existing section 7.11 contributions plan (excluding development undertaken in the existing s94A contributions plan for the Gosford City Centre) contributes to the future works required by the increase in demand through population growth.

The proposed new contributions plan has identified that the forecast growth out to 2036 in population, employment and tourism will have an impact on the standard of existing community infrastructure in the local government area unless new or embellished infrastructure is provided to meet that demand. The range of community infrastructure identified to accommodate this growth includes improvement and embellishment of existing open space and recreational facilities such as cycleways, wharves and boat ramps.

Development to be levied and exemptions

The new contributions plan will apply across the entire Central Coast Local Government area except for the Gosford City Centre and defined greenfield employment areas. The Gosford City Centre has its own contributions plan in place and the exemption to greenfield employment areas to stimulate job growth. It will permit Council to levy contributions on non-residential and residential development (except for the erection of a dwelling house or alterations and additions to an existing dwelling house) provided that development has not been the subject of a contributions under a current section 7.11 contributions plan or is not

identified as exempt to the levy under Clause 1.5 of the contributions plan. The proposed exemptions under the contributions plan are:

Legislative Exemptions

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

Council Exemptions

- for a dwelling house or alterations and additions to a dwelling house or any development ordinarily incidental or ancillary to the use of the dwelling house such as swimming pools, garages, sheds and the like;
- in greenfield employment land other than subdivision as shown on the Map 2;
- carried out on land that has been subject to a contribution paid under the Somersby Industrial Estate Service Agreement;
- by or on behalf of Central Coast Council for public infrastructure;
- an application for emergency services;
- an application for demolition (where there is not a replacement building or development).

A Ministerial direction does not allow the levying of additional contributions on lots that have paid previous developer contributions under a section 7.11 contributions plan for the same development that was levied originally. An example is a residential subdivision levied contributions for a future dwelling house cannot be levied contributions for the erection of the dwelling house. However contributions can be levied where there is additional demand generated from the proposed development for example secondary dwellings.

Secondary Dwellings (Granny Flats)

It is proposed under the new s7.12 contributions plan to levy contributions on secondary dwellings. Currently there are two distinct approaches to levying for secondary dwellings under the former Gosford and Wyong Councils.

In the former Gosford Local Government Area, the existing suite of contributions plans contains provisions which allow developer contributions to be charged for secondary dwellings. However, there is an existing Council resolution of 6 September 2011 (Resolution No. 2011/472) which prevents the levying of developer contributions on secondary dwellings which have a floor area of 60 square metres or less.

In the former Wyong Local Government Area, developer contributions on secondary dwellings are currently levied at a discount rate. This discount rate (being 52% and 33% for a two and one bedroom dwelling respectively) was a result of a Council resolution dated 24 July 2013 (Resolution No. 960/13).

In order to ensure consistency of approach in the levying of developer contributions on secondary dwellings it would be necessary for Council to recommend this its new approach to the community that all secondary dwellings will be levied in accordance with the provisions of the existing contributions plans including an end to the discount rate. This would result in contributions being levied at the rate applicable within the existing suite of contributions plans as outlined below:

Former Gosford Contributions Plans

Contributions Plan	Levied for a small dwelling
Narara	\$4,689.00
Niagara Park	\$3,947.00
Lisarow	\$5,359.00
Kincumber	\$8,504.00
Kariong	\$6,938.00
Springfield	\$6,314.00
Peninsula	\$8,216.00
Erina, Green Point, Terrigal	\$10,343.00
East Gosford	\$1,211.00
Terrigal	\$10,037.00
Avoca Beach	\$ 2,327.00
North Gosford	\$932.00
Bensville	\$266.00
Gosford Regional Centre	\$2,428.00

Former Wyong Shire Contributions Plans

Contributions Plans including Shire Wide	Current Contribution Amount Levied for both one and two bedrooms	Contribution Amount for one bedroom	Contribution Amount for a two bedroom
Budgewoi	\$3,334.00	\$4,953.20	\$6,911.00
Gorokan	\$3,200.80	\$4,755.15	\$6,675.85
Northern Districts	\$5,449.15	\$8,095.75	\$11,365.40
Ourimbah	\$3,578.20	\$5,315.95	\$7,463.10
San Remo	\$3,792.95	\$5,635.00	\$7,910.95
Southern Lakes	\$3,453.80	\$5,131.15	\$7,203.60
The Entrance	\$6,131.00	\$8,214.55	\$12,519.25
Toukley	\$3,747.20	\$5,567.05	\$7,815.50
Wyong	\$3,287.75	\$4,884.45	\$6,857.30
Warnervale	\$10,120.40	\$12,533.00	\$16,658.65

In order to end the discount rate in the former Wyong Shire Contributions Plans it will be necessary to amend the existing contributions plans including exhibition of the amendments in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulations 2000* for a minimum period of 28 days. These amendments can be undertaken and public exhibition can occur simultaneously with the exhibition of the draft s7.12 contributions plan should Council support this approach.

Cost of Works Schedule

The total cost of the works shown in the works schedule is \$126,892,500 however, under the Plan the future population growth share of the costs is \$24,027,673. The shortfall, will need to be met by Council, either through general revenue or grant funding.

A summary of the works schedule by category and cost is outlined below:

Public Facilities	Estimated	Costs to be funded by this Plan
Region Wide Open Space and Recreation	\$47,000,000	\$8,930,000
Region Wide Lifestyle Projects		
Cycleway	\$71,442,500	\$13,492,173
Wharves and Boat Ramps	\$8,450,000	\$1,605,500

The full works schedule indicates the total cost of the works and the cost to be funded by the contributions plan. There are some cycleway works within the works schedule that are also in the s94A Gosford City Centre contributions plan, and the cost to be funded by this contributions plan has been reduced to have regard to the population growth within that contributions plan to prevent double dipping. It also shows the anticipated commencement of each of the works by reference to financial year out to 2034/2035.

Forecast Contributions Income

It is difficult to forecast the income in contributions to be received under this proposed contributions plan. Development activity is cyclical with development types and number of applications differing from one year to another.

In order to provide a forecast of future contributions, the contributions received under the former Wyong s94A Contributions Plan was reviewed and adjusted to reflected the development exemptions listed above as well as reviewing construction certificates and complying development certificates issued for the last 5 years in the former Gosford area. This review indicated that the contributions that would have been received had an s7.12 contributions plan been in place over the entire Central Coast Local Government area would have been in the order of \$4.6 million dollars or on average approximately \$ 930,000 per year.

Given that the contributions plan has a planning horizon of 18 years and using the average income of contributions received over the past five years of \$930,000, this would result in \$16,740,000 being collected in contributions. However this amount is only a reflection of the past development activity and should not be relied upon as a guarantee of potential income, it could be more or less each year over the planning horizon of the contributions plan.

Estimated Costs to Council

The proposed schedule of works will commit Council funding the works attributable to the existing population estimated to be \$101,864,827.

Costs of the works schedule attributable to the future population is \$24,027,673, however the estimated contributions income over the life of the contributions plan is \$16,740,000 (based on previous assumptions). This results in a shortfall of \$7,287,673 in the future population's share of the cost of the works schedule.

The balance of the existing former Wyong s7.12 contributions plan is approximately \$2,111,212. When this is taken into account the shortfall of the future population share of costs is reduced to \$5,176,461.

The total cost of the works schedule to be funded by Council if the contributions plan is adopted would be \$107,041,288.

Deferred or Periodic Payment Provisions

The legislation requires Council to specify the conditions under which it may accept deferred or periodic payment of the contributions within the contributions plan.

Currently there is no Central Coast Council Policy on deferred or periodic payment of contributions.

The former Wyong Shire Council did not have a specific policy on deferred or periodic payments for section 7.12 contributions plans however it did have a policy for this type of payment under section 7.11 contributions plans. The former Gosford Council did have a policy titled "Deeds of Agreement and Bank Guarantees in relation to condition of consent, development contributions, draft local environmental plans etc."

A new clause has been drafted which has regard to the Department of Planning's practice notes on deferred and periodic payments including matters raised by Council's internal solicitors which will allow deferred or periodic payments subject to entering into a legal agreement as well as submitting an unconditional bankers guarantee, with a maximum time limit of twelve months before the contributions are required to be paid or the bankers guarantee called in.

Consultation

Internal consultation was undertaken in the preparation of the draft contributions plan.

It is required that the draft Section 7.12 Contributions Plan and amendments to the existing Wyong Shire contributions plans be placed on public exhibition for a period of 28 days. The outcomes of the exhibition period will be reported to Council for consideration.

Financial Impact

There is no financial impact as a result of adopting the draft contributions plan for exhibition purposes, however if Council were to adopt the draft contributions plan, then the contribution plan commits Council to \$107,041,288 in works outlined in the plan.

The list of projects identified in the 7.12 Plan have been identified by the relevant business units to support future planning of the Central Coast. The 7.12 Plan provides a funding mechanism to support part payment of the cost of these projects. The inclusion of these projects in the 7.12 Plan provides opportunities to seek grant funding that will reduce the shortfall of \$107,041,288.

Social Impacts

There are no social impacts as a result of adopting the draft contributions plan for exhibition purposes. The draft contributions plan contains infrastructure projects which responds to the Community Strategic Plan which improves connections and liveability across the Central Coast and equity in ensuring all development across the Central Coast and equity in ensuring all across the Central Coast in contributing to delivery of infrastructure.

Environmental Considerations

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

Link to Community Strategic Plan

Theme 1: Belonging

Goal B: Creativity connection and local identity

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

Theme 5: Liveable

Goal K: Out and about in fresh air

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

Theme 5: Liveable

Goal K: Out and about in fresh air

K4: Repair and maintain wharves, jetties, boat ramps and ocean baths to increase ease of access and enjoyment of natural waterways and foreshores.

Risk Management

The draft Central Coast s7.12 Contributions Plan has been prepared in accordance with the legislative requirements of the *Environmental Planning and Assess Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

Conclusion

The proposed draft section 7.12 contributions plan and proposed amendments to the former Wyong Shire Council Section 7.11 contributions plans will ensure consistency in approach to the levying of contributions across the region and will help fund the future infrastructure required as a result of population growth, consistent with the Community Strategic Plan.

Attachments

Nil.

Item No: 4.4
Title: Winney Bay Clifftop Walk - Stage 2 - Community Consultation
Department: Assets, Infrastructure and Business



10 December 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13381790

Author: Larry Melican, Section Manager Emergency Protection Natural Assets

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

Executive: Scott Cox, Director, Environment and Planning

Report Purpose

The purpose of this report is for Council to consider the outcomes of the community consultation of Stage 2 of the Winney Bay Cliff Top Walk. This report recommends that detailed planning for the delivery of this project now continue with appropriate consideration of key issues and, in response to community feedback.

Recommendation

- 1 That Council note the feedback from the community consultation undertaken for Stage 2 of the Winney Bay Cliff Top Walk.**
- 2 That detailed planning and design for Stage 2 of the Winney Bay Cliff Top Walk commence having regard to the key issues raised through the community consultation process including:**
 - a Amelioration of the potential environmental impact of the project**
 - b The provision of disabled access to the clifftop**
 - c Whole of life costs**
 - d Indigenous heritage**
 - e Potential hazards associated with the clifftop environment**
 - f Deletion of the market stall components**
- 3 That the detailed design that incorporates the amendments made as a result of community consultation be brought back to Council prior to construction commencing on Stage 2 of the Winney Bay Cliff Top Walk.**

Background

At its meeting of 28 May 2018, Council considered a report titled Winney Bay Reserve Project Update report and resolved:

475/18 That Council receive the report on Winney Bay Reserve Project Update.

4.4 Winney Bay Cliff Top Walk - Stage 2 - Community Consultation (contd)

- 476/18 *That Council re exhibit the concept plans proposed for Stage 2 in consultation with the community.*
- 477/18 *That Council invite all attendees at the community meeting held in April 2018 to be involved in the formation of bush care groups in the Winney Bay and Copacabana area.*
- 478/18 *That Council investigate potential improvements to Del Monte Place in terms of parking and both vehicular and pedestrian traffic.*
- 479/18 *That Council request the Acting Chief Executive Officer to consider the matters put by the speakers Miss Graham and Miss Cooper and provide a follow up report to the Council on those matters.*

Consultation

In response to the Council resolution of 28 May 2018, community consultation was undertaken on Stage 2 of the Winney Bay Cliff Top Walk between 27 September and 22 October 2018.

The community consultation included:

- The posting of the draft concept plans and associated documentation on the www.yourvoiceourcoast.com website.
- A drop-in information session at the Copacabana Surf Life Saving Club on 4 October 2018.
- A survey via hard and soft copy at the 4 October 2018 community drop-in information session and via the yourvoiceourcoast website.
- Social media posts, print advertising and a media release.
- Television and radio coverage.

The community consultation for Stage 2 of the Winney Bay Cliff Top Walk occurred from 27 September 2018 to 22 October 2018 and resulted in:

- 1,900 visits to the yourvoiceourcoast website
- 104 people attended the drop-in information session on 4 October 2018
- 7,690 total reach for the three Facebook posts on 28 September, 2 October and 20 October 2018
- 447 online submissions for the survey
- 1,349 separate comments

Community consultation responses

The full consultation report is provided for reference as an attachment to this report. The following summarises results for each of the respective questions posed as part of the survey:

Overall proposal – referencing general support or otherwise for the overall proposal

- 53.2% of respondents supported the proposal for Stage 2 of the Winney Bay Cliff Top Walk
- 46.8% of respondents did not support the proposal for Stage 2 of the Winney Bay Cliff Top Walk

Selection of materials – referencing support or otherwise for the proposed materials to be used for construction

- 56.3% of respondents supported the selection of materials
- 43.7% of respondents did not support the selection of materials

Inclusion of market stalls – referencing the support or otherwise of the eight proposed market stall sites included in the concept design to be used to support current and future events that may utilise the area

- 24.7% of respondents supported the inclusion of market stalls in the concept plan
- 75.3% of respondents did not support the inclusion of market stalls in the concept plan

Inclusion of a bridge to achieve accessibility – referencing the support or otherwise of the proposed bridge which allows for disability access along the proposed walk

- 55.8% of respondents supported the inclusion of a bridge to achieve accessibility to the Winney Bay Cliff Top Walk
- 44.2% of respondents did not support the inclusion of a bridge to achieve accessibility to the Winney Bay Cliff Top Walk

Inclusion of a cliff top lookout – referencing the proposed cliff top look out at the northern end of the proposed walk

- 57.8% of respondents supported the inclusion of a clifftop lookout in the Winney Bay Cliff Top Walk
- 42.2% of respondents did not support the inclusion of a clifftop lookout in the Winney Bay Cliff Top Walk

In addition to the responses to the above questions a number of issues were raised through the community consultation feedback which will be addressed prior to commencement of construction of Stage 2 of the Winney Bay Cliff Top Walk. The following six items are the primary issues that were raised as part of community engagement that needed to be addressed, with brief responses on how they are to be addressed as part of the detailed planning and design:

A. Need for amelioration of the environmental impact of the project

Removal of some vegetation is required to construct the cliff top walk. The impact of vegetation removal will be ameliorated in the following ways:

- A Review of Environmental Factors (REF) will be undertaken for Stage 2 of the project considering appropriate means to mitigate environmental impact.
- Removal of native species will be kept to a minimum with weed species such as bitou bush and boneseed to be removed preferentially (the footprint of the project is dominated by weed species)
- Local native seeds and/or cuttings will be collected and propagated to revegetate the edges and areas adjacent to the cliff top walk.
- A revegetation plan for areas adjacent to the cliff top walk is already being prepared and will be implemented by qualified bush regenerators.
- Any hollow-bearing native trees that do need to be removed will be offset by species appropriate nest boxes or hollows within Winney Bay Reserve.

B. The need for inclusion of disabled access to the clifftop

- Achieving wheelchair access to the proposed lookout will be incorporated into the construction drawings for the cliff top walk. 55.8% of survey respondents supported the inclusion of a bridge to achieve accessibility to the Winney Bay Cliff Top Walk

C. Minimising whole of life costs

The whole of life costs are a consideration for all Council infrastructure projects, which was mirrored in responses to the community consultation survey. The concept plan identifies construction materials that will minimise on-going costs to Council and indirectly to the community. Any alterations to the design or construction materials in the development of the construction drawings will be done with consideration to whole of life costs. 56.3% of survey respondents supported the use of the proposed construction materials which consider and address whole of life asset costs.

D. Appropriate consideration of indigenous heritage

An Aboriginal Cultural Heritage Assessment is currently being undertaken by a consultant archaeologist on behalf of Council in accordance with the *National Parks and Wildlife Act 1974*. The formalised process for undertaking an Aboriginal Cultural Heritage Assessment requires consultation with the Aboriginal people who can provide information about the significance of Aboriginal cultural heritage.

E. Concerns regarding potential hazards associated with the clifftop environment

A geotechnical assessment report was prepared in May 2011 for key locations along the route of the Five Lands Walk including at the site of the since redeveloped Captain Cook Lookout as well as the viewing platform adjacent to the Captain Cook Lookout at Copacabana.

Another geotechnical assessment report was prepared in October 2012 for the proposed walking track alignment and potential viewing platform sites along the clifftop. This work included a preliminary assessment of the cliff line stability and how it may impact on the

walking track and potential viewing platform sites. The advice provided allowed for the development of preliminary designs for the proposed walkway and viewing platforms.

In April 2015 a report on a geotechnical investigation report was prepared as part of the development of the concept plan for the Winney Bay Cliff Top Walk. This report provided advice to guide the design options for the walkway and viewing platforms in the clifftop environment. This advice included setbacks of the walkway from the cliff edge as well as anchoring and foundation specifications for the bridge and viewing platform.

The concept plan has the walkway set 6 metres back from the cliff edge along much of its length. A handrail extends along the length of the walkway with sections of baluster being installed at key locations including the bridge and lookout. These measures provide a barrier between users of the proposed facility and the cliff edge.

F. Deletion of the market stall components

The incorporation of eight spaces measuring 4 metres x 4 metres identified as market stalls in the concept plan provide locations for a range of community and commercial events to occur along the proposed Winney Bay Cliff Top Walk. The hire of the market stall locations provide the potential of a source of revenue to offset maintenance of the Winney Bay Cliff Top Walk and Winney Bay Reserve and to facilitate and enhance other community events. The market stalls are not integral to the construction of the Winney Bay Cliff Top Walk. A significant amount of feedback from the community opposed the inclusion of these sites with concerns about the commercialisation of a natural area.

Options

1. Recommended – Prepare construction drawings for Stage 2 of the Winney Bay Cliff Top Walk that do not include the market stalls identified in the current concept plan and to proceed with construction once the construction drawings have been finalised.
2. Not recommended – Do not proceed with Stage 2 of the Winney Bay Cliff Top Walk and decline the \$4,615,000 NSW Government grant funding toward the infrastructure. This option would leave an informal track along the approximately 300m metres of clifftop between the Captain Cook Lookout Carpark with no access control to the cliff edge.
3. Not recommended – Prepare a new concept plan for Stage 2 of the Winney Bay Cliff Top Walk and undertake further community consultation for that plan. This option would result in a cost not included in the funding agreement and result in a deviation from the delivery date identified in the funding agreement.

Financial Impact

The NSW Government has provided a grant of \$4.615 million dollars to Stage 2 of the Winney Bay Cliff Top Walk project. In accordance with costing undertaken at the projects inception, this grant will fully fund the current project.

The project is due for completion by May 2021. The project funds include construction drawings for the cliff top walk which will be prepared to reflect any changes to the design.

Link to Community Strategic Plan

Theme 5: Liveable

Goal K: Out and about in fresh air

L-K2: Design and deliver pathways, walking trails and other pedestrian movement infrastructure to maximise access, inclusion and mobility to meet the needs of all community members.

Risk Management

Informal and uncontrolled access through this part of the reserve continues. This includes numerous informal accesses that have been established to the cliff edge presenting a safety risk to reserve users. Provision of infrastructure to better manage and control access through the reserve will reduce potential risk to public safety and better mitigate impacts to the natural environment.

Critical Dates or Timeframes

The funding agreement with the NSW Government identifies the project start date as May 2019 and the project completion date as May 2021.

Attachments

1 Winney Bay Clifftop Walk - Consultation Report - Final Enclosure D13385046

Item No: 4.5
Title: Biodiversity Offsets
Department: Environment and Planning



10 December 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13390626

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

Executive: Scott Cox, Director, Environment and Planning

Report Purpose

At its meeting of 12 November 2018, Council considered a report on Biodiversity Offsets and requested a further report to the 10 December 2018 Council Meeting.

Recommendation

- 1 That Council note the information contained within this report.**
- 2 That Council staff prepare a further report for Council on the outcome of investigations and negotiations prior to finalisation of any Biodiversity Stewardship Agreements by the NSW Biodiversity Conservation Trust.**

Background

At its meeting of 12 November 2018, Council resolved:

- 997/18 That Council authorise the Chief Executive Officer to enter formal negotiations with Roads and Maritime Services and Transport for NSW and any other interested parties to agree on a credit price for specific biodiversity credits generated on land owned by Central Coast Council detailed in Appendix A.
- 998/18 That Council investigate if any of the lots identified were part of previous agreements to transfer land to Council
- 999/18 That Council accept, where there have been no previous undertakings, the transfer from Minister of Planning and Environment and enter into a Land Transfer Agreement for Lot 10 DP600684, Lot 5 DP1026458, Lot 6 DP252982 known as 81 Avoca Drive Green Point, Lot 1 DP200263 known as 20 Leura Ave Green Point, Lot 2 DP739449 known as 179-211 Wells Street Springfield, Lot 6 DP177556 known as 18 Warrawee Road Springfield and Lot 7 DP191487 known as 7 Barook Rd Springfield at no cost to Council.
- 1000/18 That Council undertake further investigation where there have been previous undertakings.

- 1001/18 *That Council include the lots identified as Porters Creek Wetland as part of the investigation for Biodiversity Offsets.*
- 1002/18 *That Council apply to Crown Lands Division to close any Crown public roads within Council reserves associated with the proposed Biodiversity Stewardship Agreements and accept the vesting of the roads into Council ownership.*
- 1003/18 *That Council authorise the Chief Executive Officer to make application to the NSW Biodiversity Conservation Trust to enter into Biodiversity Stewardship Agreements over the lots detailed in Appendix A.*
- 1004/18 *That Council request the Chief Executive Officer provide a further report on the outcome of investigations and negotiations for endorsement by Council before finalisation.*
- 1005/18 *That Council request the Chief Executive Officer provide a further report to the 10 December 2018 Council Meeting.*

This report is provided in accordance with resolution 1005/18 of 12 November 2018.

Context

The report "Biodiversity Offsets" considered by Council at the meeting of 12 November 2018 sought authorisation for staff to proceed with negotiations for establishment of Biodiversity Stewardship Agreements and sale of credits associated with those agreements. It also sought authorisation to accept transfer of various parcels of land from the Minister of Planning and Environment and to close a number of public roads within these reserves.

In accordance with Council's resolution, staff will commence works to investigate lots identified as part of previous agreements to transfer land to Council and initiate further actions as appropriate. Transfer of land to Council from the Minister of Planning and Environment will also be undertaken with consideration of this. Application to close crown roads as referred to in the resolution will also commence.

Council's resolution for formal negotiations with interested parties to agree on a credit price for specific biodiversity credits generated on land owned by Central Coast Council will be initiated with Transport for NSW (TFNSW) and Roads and Maritime Services (RMS). Pending favourable negotiations, application to the Biodiversity Conservation Trust to enter into Biodiversity Stewardship Agreements over these parcels of land will be made. Once an application has been lodged, a report to Council will be provided on the details of the application prior to the agreement being finalised by the Biodiversity Conservation Trust.

Staff have included allowances in the initial draft 2019/20 operating budget for Porters Creek Wetland to be investigated for future biodiversity offsets.

Initial discussions have been held with TFNSW and RMS and they have expressed interest in proceeding with negotiations in accordance with the approach outlined in this report.

Link to Community Strategic Plan

Theme 3: Green

Goal F: Cherished and protected natural beauty

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

Attachments

Nil.



Item No: 4.6
Title: Meeting Record of the Protection of the Environment Trust Management Committee held on 30 October 2018
Department: Governance

10 December 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13387456
Author: Kelly Drover, Advisory Group Support Officer
Manager: Luke Sulkowski, Unit Manager, Natural and Environmental Assets
Executive: Scott Cox, Director, Environment and Planning

Report Purpose

To note the draft Meeting Record of the Protection of the Environment Trust Management Committee held on 30 October 2018 and consider the recommendations to Council from the Committee.

Recommendation

- 1 That Council note the draft Meeting Record of the Protection of the Environment Trust Management Committee held on 30 October 2018 that is Attachment 1 to this report.**
- 2 That Council release the funds in accordance with the information provided in the confidential table outlining the 3 SmartyGrants applications received, as set out in Attachment 2 to this report.**
- 3 That Council resolve, pursuant to s.11(3) of the Local Government Act 1993, that Attachment 2 to this report remain confidential as the attachment includes commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.**

Background

The Protection of the Environment Trust Management Committee held a meeting on 30 October 2018. The Meeting Record of that meeting is Attachment 1 to this report.

The Protection of the Environment Trust provides small amounts of financial support to individuals, groups and organisations in the community that are able to deliver projects and works that contribute to the stated purpose of the trust.

The Committee reviewed the applications received which are set out in Attachment 2 to this report.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

R-G3: Engage with the community in meaningful dialogue and demonstrate how community participation is being used to inform decisions.

Attachments

- | | | |
|----------|--|-----------|
| 1 | Draft Protection of the Environment Trust Management Committee Meeting Record - 30 October 2018 | D13384382 |
| 2 | Confidential Attachment - Protection of the Environment Trust Management Committee - 30 October 2018 - | D13384383 |

Protection of the Environment Trust Management Committee Meeting Record 30 October 2018



Central
Coast
Council

Location:	Central Coast Council Gosford Office Level 1 Committee Room 49 Mann Street, Gosford	
Date:	30 October 2018	
Time	Started at: 12.01pm	Closed at: 1.34pm
Chair	Mayor Jane Smith	
File Ref	F2018/00732	

Present:

Mayor Jane Smith, Joy Cooper, Barbara Wills (arrived 12:17pm), Gary Murphy – Chief Executive Officer

Staff present:

Shane Sullivan – Acting Executive Manager Governance, Luke Sulkowski – Unit Manager Natural and Environmental Assets, Larry Melican - Emergency Protection Natural Assets, Mikell Borg – Grants Officer (left 12:55pm), Kelly Drover – Advisory Group Support Officer

Item 1 Apologies

Alan Ford (OAM)

Item 2 Disclosure of Interest

Barbara Wills previously declared a less than significant non-pecuniary interest as a member of the Macmaster's Beach Bushcare Group.

Mayor Smith declared a significant non-pecuniary interest as a former voluntary Chief Executive Officer and Board Member of the Community Environment Network (CEN).

Mayor Smith declared a pecuniary interest as a teacher with the Department of Education (DoE).

Joy Cooper declared a less than significant non-pecuniary interest as she had been part of a market stall that CEN were also in attendance at and she was a member of CEN in the past.

Item 3 Confirmation of Previous Meeting Record

The Committee confirmed the Meeting Record from 27 August 2018.

The Committee discussed the Action Items from the previous meeting.

Protection of the Environment Trust Management Committee
Meeting Record 30 October 2018



In regards to the Action –

Council staff to follow up on the following outstanding action from 16 March 2017 Trust Management Committee Meeting:

The Committee recommends that the current zoning, environment values and vegetation mapping be completed for all six land parcels for the next meeting.

Larry Melican ran through the presentation that had been provided to the Committee in April 2017 regarding properties related to the Protection of the Environment Trust.

Action: A copy of the presentation provided by Larry Melican to be circulated to Committee members.

Action: Staff to seek advice from Planning Staff regarding the process of rezoning land held by the Trust to E2.

Action: Staff to write to the land owners of the 3 properties that Council has agreed to accept but have not yet been transferred to the Trust, enquiring as to whether they are still interested in proceeding with the transfer of land.

Item 4 Communications Strategy

A representative from Communications was not able to attend today's meeting.

Action: Shane Sullivan to follow up with Director Connected Communities regarding a Communications Strategy for the Trust.

Item 5 Grant Funding

The Protection of the Environment Trust provides small amounts of financial support to individuals, groups and organisations in the community that are able to deliver projects and works that contribute to the stated purpose of the Trust.

Mikell Borg addressed the Committee regarding the 3 SmartyGrants applications received.

Mayor Smith left the room at 12:29pm whilst the grant applications were being assessed and returned at 12:55pm.

Action: The Committee recommends the release of funds in accordance with the information provided in the separate Confidential Attachment.

Item 6 General Business and Close

Shane Sullivan provided the Committee with redacted copies of the *Memorandum of Advice – Trusts of the former Gosford City Council* dated 26 June 2017 prepared by T.L Wong and H, Mann. It was noted that this document is subject to privilege.

The Committee were also provided with a File Note from Shane Sullivan regarding Issues for resolution, POET Funds, operation of the Trust, the role of the Trustee and next steps.

Protection of the Environment Trust Management Committee
Meeting Record 30 October 2018



The Committee were provided with a copy of the POET Deed and discussed the operation of the Trust in accordance with the Deed.

Action: Advisory Group Support Officer to arrange a meeting with Mayor Smith, Shane Sullivan, Alan Ford and Gary Chestnut to consider the current status and legal advice and identify any questions or issues arising.

The meeting closed at 1.34pm

Next Meeting: **Late February 2019**

Item No: 4.7
Title: Progress of Actions of the Destination Management Plan 2018-2021
Department: Connected Communities



10 December 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13390947

Author: Teresa Walters, Section Manager, Communication and Engagement

Manager: Sue Ledingham, Unit Manager Community Engagement

Executive: Julie Vaughan, Director, Connected Communities

Summary

This report summarises progress of Council's actions in 2018 of the Destination Management Plan (2018-2021).

Recommendation

- 1 That Council receive the report on the progress of actions of the Central Coast Destination Management Plan 2018-2021.**
- 2 That Council receive a further report on the progress of the Destination Management Plan in twelve months.**

Context

The Destination Management Plan for the Central Coast 2018-2021 (The Plan) 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. It outlines the vision and goals for the destination and provides a clearly evidenced business case for investments, strategies and actions. The Plan is also required to support any organisation, inclusive of commercial operators to apply for funding to Destination New South Wales for regional marketing campaigns, or tourism product and experiences development.

The Tourism Opportunity Plan 2018 (Draft) is one outcome of the Destination Management Plan and provides direction on the public and private sector investment and activation opportunities which will be instrumental for Central Coast in achieving its economic, community and environmental ambitions over the next decade.

The Plan is supported by the new regional Destination Network Destination Management Plan that facilitates priority actions and funding for the Sydney Surrounds North region including Blue Mountains, Central Coast, Hawkesbury, Hunter Valley, Lake Macquarie, Newcastle, Penrith and Port Stephens.

4.7 Progress of Actions of the Destination Management Plan 2018-2021 (contd)

Tourism plays an important role in the region's economy alongside the largest sectors of retail, manufacturing, property and business services, and health and community services. The tourism industry generates essential expenditure that trickles down and supports businesses throughout the Central Coast economy. In 2017, the Central Coast area's visitor market was valued at an estimated \$912.3 million. (Source: Tourism Research Australia).

Council facilitates the delivery of tourism marketing and management in the region through planning and co-ordinated actions in collaboration with the tourism industry, tourism funding bodies and other regional stakeholders. It is important to note that not all of the actions within The Plan are the responsibility of the Council to carry out. The implementation of Destination Management actions is shared and activities are undertaken in alignment with the region's local tourism industry and stakeholders, such as DNSW, Destination Networks and local tourism organisations.

Council is also in the process of establishing a Central Coast Tourism Advisory Committee to advise Council on matters relating to tourism destination management and marketing for the Central Coast Council local government area.

Current Status

The Destination Management Plan sets out three key strategic priorities, supporting priority projects and underlying actions to assist Council to take a proactive facilitative role in delivering economic and community benefits for tourism across the Central Coast region.

Strategic Priority 1 - Drive visitor expenditure through targeted campaigns

In 2018, market evaluation and visitor surveys informed a new brand positioning for the Central Coast to assist in bringing together individual locations into a distinct Central Coast destination.

A shared responsibility between Council, external partners and industry stakeholders, this has been supported with a marketing campaign focussed on perception change and targeting leisure travellers out of Sydney. The marketing campaign 'Have a Little Adventure' attracted \$238,000 in tourism businesses partner funding and generated \$830,000 in media value. Favourable reactions to the campaign and small improvements have already been made in how leisure visitors positively perceive the Central Coast and the net effect of increasing their intentions to travel here.

Other actions completed in 2018 to facilitate targeted marketing campaigns included:

- New visitcentralcoast.com.au website was launched in May 2018. This now lists almost five times more local business product, new itineraries, what's on listings and the recent marketing campaign drove significant increase in website traffic and leads for local business listings.
- Council's new website was implemented in August 2018 and links to the new online visitor guide at visitcentralcoast.com.au.
- An 'always on' web search campaign was turned on in early Nov 2018 and will run until Feb 2019, using keyword search as the driver to the visit central coast tourism website. Two geographic areas – Sydney and the Central Coast – will be enabled, measured separately and reported on monthly, using site visits as the success criteria.

Strategic Priority 2: Encourage Visitor Dispersal

Visitation to the Central Coast generally peaks during the summer months of January and December, with key off-peak months being June through to August. This reflects seasonal weather patterns and school holidays. The Plan recognises that a focus on sustainable tourism that encourages mid-week, off-peak and dispersed visitation can have a positive impact on tourism expenditure and also a contribution to the community through employment and building local pride.

Events can play a significant role in visitor dispersal by creating specific reasons to visit, encourage repeat or multi-day visitation and generate visitor expenditure during traditional off-peak times. In 2018, a draft events strategy for Council has been developed following internal consultation with further external consultation to be conducted and conclude the draft strategy in 2019. The key focus of this strategy is to outline how by utilising the natural and built resources already available on the Central Coast as the region's competitive advantage, a solid platform can be established which will allow the Central Coast to attract and host a variety of major events.

It will assist in developing the Central Coast's value proposition with the demonstration of a better capability around managing existing events and therefore enabling it to attract new major events. The strategy will also cover how events should be regulated to make operations easy for external providers; the type of event and supporting infrastructure that may already be available, or can be built on; what are the timing gaps for the staging of events; and recommendations on Council's future investment to attract major events to the region.

Other actions completed in 2018 to contribute towards improved visitor dispersal included:

- Development and community consultation for the draft Pedestrian Access and Mobility Plan and Bike Plan which aims to improve how visitors and residents move around the coast.

4.7 Progress of Actions of the Destination Management Plan 2018-2021 (contd)

- Investigations commenced towards a business case for new mountain bike trails to attract a world-class event to the Central Coast.
- Development continued on the new Central Coast Regional Sporting and Recreation Complex including liaison with many user groups and opportunities for the venue utilisation to host sporting events.
- Calendar of Events delivered by Central Coast Council and the broader community through 2018 provides opportunities for visitor dispersal. Some examples include: Love Lanes Festival (Wyong), Harvest Festival (Calga, Somersby, Peats Ridge, Mangrove Mountain, Kulnura and Yarramalong areas), Lakes Festival (Gosford Waterfront, Budgewoi and Long Jetty plus many places in between).

Strategic Priority 3: Boost Community Support through Tourism Employment

The Plan identifies that tourism can be an opportunity to capitalise on, and develop the Central Coast's available workforce and particularly seek to provide employment pathways for young people.

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.

We are currently investigating the viability of starting a Young Ambassadors Program for Central Coast students and recent graduates, to be based out of The Entrance Visitor Information Centre (VIC). The participants would work a certain number of hours in the VIC, then be out and about during weekends and high visitor traffic times, carrying a iPad through busy tourist corridors, asking people if they would like to learn a little more about the Central Coast and showcasing through our new visit central coast tourism website. We are also looking at engaging local high schools to use this program as part of their "Community Service hours" OR as part of their "Duke of Edinburgh Award" community hours requirements.

The Young Ambassadors Program might track number of people spoken to, record comments and results and fill in daily activity reports to be submitted to the Program Manager at the VIC. These reports and Ambassador feedback could then be used to measure and manage the success of the program, as well as refine for greater impact and tourism return going forward.

Assessment

As one of the biggest industries on the Central Coast, it is recommended that the focused approach to tourism development and destination management be maintained. This is to ensure long-term viability and sustainability of this vital sector for the Central Coast economy.

Council proposes that to achieve the vision and goals for tourism in the Central Coast region, that the Plan continue to focus on the strategic priorities of driving visitor expenditure through targeted campaigns, actions that encourage visitor dispersal and product development and boost community support through tourism employment. The success of the Plan will continue to be measured through growing the value of the Central Coast economy; increased community pride and public perception of the Central Coast; and the value of new private sector tourism investment and continued public sector investment maintained over the course of the Plan.

Consultation

No public consultation specific to these actions was required.

Social Impacts

Tourism sits across all objectives of the Community Strategic Plan (CSP) 2030 and results of the recent CSP survey findings indicate a strong support for tourism with 79% of respondents identifying that the Central Coast has the potential to grow as a tourist destination. Tourism development brings improvement to services and facilities in a region that can improve the quality of life of its residents. This includes an appreciation of enhanced lifestyle and leisure opportunities arising from tourism development and the direct benefits of local employment and business opportunities.

Environmental Considerations

The Plan for the Central Coast recognises the outstanding natural attractions of the region as a critical competitive advantage over other destinations. The Plan proposes that nature based and soft adventure activities are a growth opportunity. The purpose of the Plan is to guide tourism development in such areas to help ensure long-term viability and sustainability of such sectors.

4.7 Progress of Actions of the Destination Management Plan 2018-2021 (contd)

Financial Impact

Funding for the Plan is currently allocated in the budget for 2017-18. Budget for future financial year budgets will be considered through the 3 Year Delivery Program and Operational Planning process for 2018-19.

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.

Risk Management

Risks to Council reputation from poorly coordinated actions to progress the strategies of the Plan. Risk is mitigated through stakeholder consultation and the provision of actions in existing and new Council strategies and operational plans.

Critical Dates or Timeframes

The Destination Management Plan is a four year program through to 2021.

Attachments

- | | |
|---|-----------|
| 1 Attachment - Central Coast Destination Management Plan - Actions Report 2018 | D13397690 |
|---|-----------|

Attachment 1**Destination Management Plan 2018-2021: Progress of actions****1. Progress on strategic priorities**

The Destination Management Plan sets out three key strategic priorities, supporting priority projects and underlying actions to assist Council to take a proactive facilitative role in delivering economic and community benefits for tourism across the Central Coast region.

Tables 1-3 summarises the progress of Council actions in Year 1 to support the strategic priorities for the Destination Management Plan.

1.1 Strategic Priority 1: Drive visitor expenditure through targeted campaigns

Priority Project 1: Develop and implement a new Destination Brand and targeted campaign activity, in partnership with Council, to deliver a clear single message for the destination.

Table 1: Supporting Actions and Opportunities:

Action	Partners (<i>Bold= leads</i>)	Timing	Progress
1.1 Work with the Destination Network and DNSW to scope and deliver a targeted campaign for the Sydney long-stay (4+) market seeking a beach and nature-based escape	CCC, DNSSN, DNSW	2017/18	Achieved. Market evaluation and visitor surveys informed a new brand positioning for the destination, which has been developed to assist in bringing together individual locations into a distinct Central Coast destination. This has been supported with a marketing campaign focussed on perception change and targeting leisure travellers out of Sydney. 'Have a Little Adventure' attracted \$238,000 in tourism businesses partner funding and generated \$830,000 in media value. Favourable reactions to the campaign and small improvements have already been made in how consumers positively perceive the Central Coast and the net effect of increasing their intentions to travel here.

1.2 A revamped Council website , linked to the destination website, to drive local and VFR awareness	CCC	2018	<p>Achieved. Council website launched in August 2018 linked to online visitor guide at visitcentralcoast.com.au.</p> <p>Achieved. Launched new destination website in May 2018. Website now lists almost 5 times more local business product, itineraries and events. The recent marketing campaign drove significant increase in website traffic and leads for local business listings.</p>
1.3 Implement a Regional Signage Strategy following the place strategy and branding of each village with a clear village and town centre identity	CCC	2019	Commenced. Project plan and internal consultation underway. Links to Town Centre planning.
1.4 A year-round 'always on' social media campaign focused on the region's USPs and unexpected experiences	CCC, Industry	Ongoing	Content ongoing and featuring diverse experiences from local businesses.
1.5 International product mentoring to increase the range and depth of experiences on offer at international trade shows such as the Australian Tourism Exchange (ATE)	DNSW, DNSSN and Industry	Ongoing	<p>DSSN have an international strategy which is about to commence and will have a role (Booth) at ATE 2019. Their primary focus will be a whole of DN approach looking at bringing regions into opportunities such as ATE. They have confirmed:</p> <ul style="list-style-type: none"> • Destination Sydney Surrounds North has confirmed an ATE 2019 Booth to represent product across the DN • DSSN and DNSW have conducted 3 workshops in the DSSN Region, including 1 International Ready Workshop and 2 Product Development Workshops (1 Central Coast). <p>Regarding the International strategy they will be working with each region to identify potential new International</p>

			product and scheduling international training (subject to numbers in each region).
1.6 Introduce a customer experience monitoring and mentoring program , measured through analysis of visitor satisfaction ratings such as TripAdvisor (using programs such as ReviewPro)	CCC, Industry	Ongoing	Year 2 action

1.2 Strategic Priority 2: Encourage Visitor Dispersal

Priority Project 2: Establish an events strategy program which maintains and grows off-peak, multi-day events.

Table 2: Supporting Actions and Opportunities:

Action	Partners (<i>Bold= leads</i>)	Timing	Progress
2.1 Develop a business case for new mountain bike trails to attract a world-class event to the Central Coast	CCC, NPWS	2018/19	Commenced. Draft project plan developed. Consultation undertaken with internal Council teams and DP&C.
2.2 Ensure Council Planning guidelines for beach events are supportive of flexible uses and promote the steps required to run beach-based events	CCC, LGA NSW	2018	Deferred to 2019.
2.3 Create an investment platform for new nature-based tourism projects through an Ecotourism and Rural Tourism Opportunities Study	CCC, State Govt	2019-2021	Year 2 action.
2.4 Map and develop Management Plans for sacred sites to ensure they	Indigenous Groups,	2021	Year 2 action.

are not impacted by future outdoor recreation programs	CCC		
2.5 Utilise the new Central Coast Regional Sporting and Recreation Complex to host, not only sporting events, but also more community and social events through the multipurpose indoor complex.	CCC	2019/20	Regular communication with external stakeholder and user groups underway.
2.6 Develop heritage trail in Gosford to complement other cultural attractions	CCC	2019/20	Extensive research report completed by Heritage Officer. Tourism Opportunity Plan overview will be presented at Heritage Committee Meeting at 28 November 2018 to discuss next steps.
2.7 Create interconnected cycleways to encourage exploration across the region	CCC	2019/20	Draft Pedestrian Access and Mobility Plan and Bike Plan consultation with the community undertaken in 2018. Plan finalisation and first stage implementation will be in 2019.

1.3 Strategic Priority 3: Boost Community Support through Tourism Employment

Priority Project 3: Develop entrepreneur, innovation hubs and mentoring programs, specifically targeting youth employment in the tourism sector to lift the overall visitor experience, product development and investment attraction.

Table 3: Supporting Actions and Opportunities:

Action	Partners (<i>Bold= leads</i>)	Timing	Progress
3.1 Further investigate the opportunity for the Central Coast to be recognised as a National Surfing Reserve	CCC , Industry	Long Term	Opportunity is incorporated in the draft Tourism Opportunity Plan 2018.

2. Measures of Success

The success of the Destination Management Plan will be measured through growing the value of the visitor economy above growth forecasts; targeting visitor dispersal and growing community support for the visitor economy.

Tourism visitation expenditure has been demonstrating trend increases since 2016. For year ending March 2016 visitor expenditure was valued at an estimated \$844 million and for year ending September 2017, this increased to \$912.3 million.

The next data updates should be for year ending September 2018 with an expected release date in 2019.

Source: Tourism Research Australia



Item No: 4.8
Title: Grants and Sponsorship Program 2018/19 Round 1
Department: Connected Communities

10 December 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13390946

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Summary

This report outlines the recommendations of the Grants and Sponsorship Review Panel for Round 1 of the Grant and Sponsorship Program 2018-19.

Recommendation

- 1 That Council allocate \$142,000 from the sponsorship budget, to be paid over the 2018-19, 2019-20 and 2020-21 financial years to the applicants outlined in the table (Attachment 1).**
- 2 That Council allocate \$158,697.23 from the 2018-19 grants budget to the Community Events and Place Activation Program as outlined in the tables (Attachment 2).**
- 3 That Council allocate \$214,359.70 from the 2018-19 grants budget to the Community Development Grant Program as outlined in the tables (Attachment 3).**
- 4 That Council allocate \$107,367.00 from the 2018-19 grants budget to the Community Infrastructure Grant Program as outlined in the tables (Attachment 4).**
- 5 That Council allocate \$114,675.58 from the 2018-19 grants budget to the Social and Creative Enterprise Program as outlined in the tables (Attachment 5).**
- 6 That Council decline the Grants and Sponsorship program applications for the reasons indicated in the Tables (Attachment 1,2,3,4 and 5), and the applicants be advised and where relevant, directed to alternate funding.**

Background

Sponsorship is a commercial arrangement in which Council provides a contribution in money or in-kind to support an activity in return for a certain specified benefit. Sponsorship is provided to assist groups, organisations and businesses seeking support for initiatives that provide benefits to our community.

The Program was revised in July 2018 which now features two categories for funding available for up to three years:

Category 1 - Hero / Signature Initiatives – negotiated amount

This Category aims to encourage major, high profile events or initiatives to be established on or relocated to the Central Coast. Initiatives under this Category may be one-off or recurrent.

Category 2 - Regional Initiatives – up to \$50,000 per applicant

Initiatives under this Category may be one-off or recurrent noting up to 3 years funding is available. This Category aims to encourage:

- a New, regionally significant events or initiatives for the Central Coast or
- b Existing events or initiatives to expand and become regional.

Sponsorship can be allocated for one year or multi-year. The current status of allocation 2018-2021 is outline in table 1. Available funding for 2018-19 is \$148,700.

Table 1: Total amount of sponsorship funds currently pre-allocated to Sponsorship Category 2

Year	Amount pre-allocated from prior Council decisions	Amount available for new allocation
2018-19	\$51,300	\$148,700
2019-20	\$23,250	\$174,750
2020-21	\$0	\$200,000

Council's Grant programs are provided to support the community to deliver programs, projects or events that build connections, celebrate our local community, align with the One-Central Coast Community Strategic Plan and build capacity across the entire Central Coast community.

Below are the current grant program areas being considered in this round of funding;

Community Events and Place Activation Program

Aims to support local organisations to deliver community events and activities that activate spaces and places to complement activity around town centres, foreshores, lakes and open spaces for families, community and visitors.

Community Development Grant Program

Aims to support projects that enhance the quality of life of residents, provide community capacity building and protect and enhance the natural qualities of the Central Coast.

Community Infrastructure Grant Program

Aims to build new or improve existing local community assets. This is to resource the community to have input into infrastructure improvements that enable delivery of beneficial projects and activities.

Social and Creative Enterprise Grant Program

Aims to support 'start up' creative industry practitioners and Social Enterprises with sustainable project business models and practices. This builds the capacity of emerging local enterprises to grow and become independent to deliver increased social and community outcomes.

The Community Events and Place Activation, Community Development, Community Infrastructure and Social and Creative Enterprise Grant Programs provide a combined budget of \$1,150,000.00 annually as detailed in table 2 below.

Table 2: Community Events and Place Activation, Community Development, Community Infrastructure and Social and Creative Enterprise Grant Programs Combined

Program	Budget	Opening Period	2018/2019 allocation to date	Recommended allocation within this report
Community Events and Place Activation	\$400,000	October 2018, February 2019	\$0.00	\$158,697.23
Community Development Grant Program	\$300,000	October 2018, February 2019	\$0.00	\$214,359.70
Community Infrastructure Grant Program	\$300,000	October 2018, February 2019	\$0.00	\$107,367.00
Social and Creative Enterprise Program	\$150,000	October 2018, February 2019	\$0.00	\$114,675.58
TOTAL	\$1,150,000		\$0.00	\$595,099.51

In the 2018/19 financial year, \$1.58 million in total funding is available for community projects via the Community Grants and Sponsorship Program.

Submissions

Round 1 of the Grants and Sponsorship Program 2018-19 opened for applications on 4th September 2018 and closed on 5th October 2018.

Assessment

Round 1 of the Awarding Sponsorship Program in 2018-19 received nine (9) applications requesting a total of \$440,000 in funding over three years.

Eligible applications were reviewed and weighted by staff against the selection criteria.

Based on this analysis, eight (8) applications were recommended for a total funding of \$107,000 in 2018-19, \$55,000 in 2019-20 and \$45,000 in 2020-21. (Attachment 1)

One (1) application for the Gosford Regional Show was referred as more suitable to the Community Support Grant Program for assessment.

One (1) application was not recommended for funding.

All Sponsorship applications were assessed by the Central Coast Council Grants and Sponsorship Review Panel on 5 November 2018 with eight (8) applications recommended for funding in this Council report.

The panel requested an amendment to one application and this has been adjusted in consultation with the applicant and updated in the annual commitments. A total funding of \$112,000 has been recommended in 2018-19, \$20,000 in 2019-20 and \$10,000 in 2020-21.

Table 3: Summary of annual Sponsorship commitments if recommendations endorsed

TOTALS PER YEAR	Recommended for Round 1 2018-19	Pre-committed by earlier Council decisions	Total if Round 1 recommendations approved	Remaining Budget for Round 2 2018-19
2018-19	\$112,000	\$51,300	\$163,300	\$ 36,700
2019-20	\$ 20,000	\$23,250	\$ 43,250	\$156,750
2020-21	\$ 10,000	\$ 0	\$ 10,000	\$190,000

Round 1 of the Community Grants Program 2018-19 received one hundred and eighteen (118) applications across the four (4) Grant programs outlined in this report.

All Community Grant applications were assessed by the Central Coast Council Grants and Sponsorship Review Panel on 5 November 2018 with Forty Eight (48) applications recommended for funding in this Council report.

Eighteen (18) Community Events and Place Activation applications are recommended for funding totalling \$158,697.23. (Attachment 2)

Sixteen (16) Community Development applications are recommended for funding totalling \$214,359.70. (Attachment 3)

Six (6) Community Infrastructure applications are recommended for funding totalling \$107,367.00. (Attachment 4)

Eight (8) Social and Creative Enterprise applications are recommended for funding totalling \$114,657.58. (Attachment 5)

Consultation

Council's Community Grants and Sponsorship funding programs were open for applications from 4th September - 5th October 2018, throughout the open period the following Consultation was conducted:

- Promoted on Council's web site and social media
- Print advertised in the Central Coast Express Advocate, Coast Community News, Peninsular News and Wyong Regional Chronicle
- Radio advertising on three Central Coast radio stations
- Six emails were sent to Council's databases of previous Grant and Sponsorship applicants as well advising of the Programs and application period.
- Emails were also sent to identified event organisers and various sporting bodies (via the Sports Development Officer) across NSW to encourage them to apply for Awarding Sponsorship funding to move major events or State titles to the Central Coast region.
- In addition, over-the-phone support was offered throughout the application period with over 60 enquiries.

In addition, General Grant and Sponsorship information sessions and drop-in sessions were held during September 2018 at:

- Council's Wyong office
- Smart Work Hub, Gosford
- The Hub, Erina
- Blue Haven Community Centre

In assessing applications, the Grants and Sponsorship team consulted with Council's debtors to determine that applicants:

- Did not have an outstanding debt to Council
- Were satisfied all previous funding acquittal requirements
- Had not already received funding from another Council source for the initiative applied for under either Grants or Sponsorship Program.

Consultation was also undertaken with applicants to clarify various aspects of their application.

Options

- 1 Approval of all recommended applications as submitted will provide a community benefit to residents of the Central Coast Local Government Area.
- 2 Non approval of some or all applications, as recommended, may result in projects not being undertaken if the respective proponents are unable to secure alternate funding.

Financial Impact

Sponsorship

There is an available budget of \$148,700 for Round One of the Awarding Sponsorship Program in 2018-19. Allocation of \$112,000 will leave \$36,700 available for allocation in Round 2 of 2018-19.

Allocations for 2019-20 and 2020-21 are also within budget leaving \$156,750 to be allocated in 2019-20 and \$190,000 to be allocated in 2020-21.

Grants

Council's 2018/2019 Council Operational Expenditure budget allocates \$1,580,000 to the Community Grants and Sponsorship Program of which \$1,150,000 was allocated to the grant programs detailed within this report.

Expenditure is approved until the end of the 2018-19 financial years. Unspent funds will lapse on 30 June 2019.

Link to Community Strategic Plan*Sponsorship*

Theme 2: Smart

Goal C: A growing and competitive region

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

Grants

Theme 1: Belonging

Goal A: Our community spirit is our strength

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

Risk Management

All Sponsorship programs have a written agreement detailing the deliverables required in timeframes and include requirements to provide acquittal in line with Council's policy and ICAC guidelines.

All successful grant applications will receive a letter of offer outlining Council's requirements of funding, service delivery and accountability for both Council and the funded organisation.

All successful applicants are required to submit a final project acquittal report no later than twelve (12) weeks after the agreed completion date of the activity/project with copies of any photos, promotional materials and evidence of payment/purchase for each funded item.

Critical Dates or Timeframes

Many of these Grant and Sponsorship applications are dependent upon support via Council's Grants and Sponsorship Programs. Should decisions be delayed or not supported, projects may not be undertaken.

Attachments

- | | | |
|----------|---|-----------|
| 1 | Attachment 1 - Sponsorship Program 2018-19 Round 1 - Recommendations | D13398308 |
| 2 | Attachment 2 - Community Events and Place Activation Program 2018-19 R1 - Recommendations | D13398455 |
| 3 | Attachment 3 - Community Development Grant Program R1 2018-19 - Recommendations | D13398460 |
| 4 | Attachment 4 - Community Infrastructure Grant Program R1 2018-19 - Recommendations | D13398434 |
| 5 | Attachment 5 - Social and Creative Enterprise Grant Program R1 2018-19 - Recommendations | D13398415 |

Applicant	Initiative/ Project	Weighted Assessment	Requested Amount	Amount of Panel Endorsement by year	Total Amount of Panel Endorsement over 3 years
Gosford City Sports Stadium Incorporated	Waratah Senior Leagues Finals (NSW titles basketball) 2019	80%	\$7,500 Year 1	\$7,500 Year 1	\$7,500
Bowls Australia	Australian Sides Championship 2019	77%	\$27,500 Year 1	\$9,500 Year 1	\$9,500
Central Coast Academy of Sport (CCAS)	Annual Sports Development Programs - 2019, 2020, 2021	75%	\$50,000 Year 1 \$50,000 + CPI increase Year 2 \$50,000 + CPI increase Year 3	\$35,000 Year 1 for Annual Program \$5,000 Year 1 for 2019 CCAS Awards night	\$40,000
Surfing NSW	Central Coast Pro QS3000 2019, 2020, 2021	75%	\$50,000 Year 1 \$25,000 Year 2 \$12,500 Year 3	\$15,000 Year 1 \$12,500 Year 2 \$6,750 Year 3	\$34,250
Glenworth Valley Outdoor Adventures	Horses Birthday Festival 2019	74%	\$30,000 Year 1	\$15,000 Year 1	\$15,000
Arabian Horse Society of Australia	World Arabian Horse Organisation International Conference	71%	\$50,000 Year 1	\$10,000 Year 1	\$10,000
Regional Youth Support Services	Comicon 2019, 2020, 2021	65%	\$30,000 Year 1 \$15,000 Year 2 \$7,500 Year 3	\$15,000 Year 1 \$7,500 Year 2 \$3,250 Year 3	\$25,750
TOTAL				\$112,000 Year 1 \$ 20,000 Year 2 \$ 10,000 Year 3	\$142,000 over 3 years

Recommended for Funding

Applicant	Title	Staff Funding Recommendation	Reason for Recommendation
Central Coast Potters Society	Significant: Celebrating the Central Coast Potters Society Ceramic Collections	\$9,403.75	Recommended full funding \$9,403.75. Project has significant local merit and application contains additional visual documentation of history/collection
Ngaimpe Aboriginal Corporation (The Glen)	Central Coast Family Fun Day	\$2,000.00	Recommend part fund \$2000 for marquees as project has merit and community benefit demonstrated
San Remo Neighbourhood Centre Inc.	GOATS Family Festival 2019	\$14,300.00	Recommend full funding \$14,300. Long standing and popular local event, all information supplied and community benefit demonstrated
Australian Health & Nutrition Association Limited	Central Coast Sanitarium Weet-Bix Kids TRYathlon 2019	\$13,065.00	Recommend full funding \$13,065. Project has merit, strong community involvement and strong matching component. Recommendation conditional on all relevant event approvals being provided prior to funds being released.
Eastcoast Foods & Beverages	Day on the farm	\$5,055.00	Recommended part fund \$5055 for event styling, bins cleaning and DA costs as per application. Event demonstrates community benefit and has significant in kind support.
Spencer Community Progress Group Inc	Event Signage - Spencer Cup Riverside Markets	\$2,289.83	Recommend part funding \$2,289.83 for signs and banners as per application. Project has local merit.
Language Festival Association	Central Coast Language Festival 2019	\$1,100.00	Recommended full funding \$1,100. Project has local merit and application contains all required information.
Lighthouse Church Central Coast	Doylo Summerfest Carols 2018	\$4,455.00	Recommend part funding \$4,455 for fireworks as per application. Project has local merit however also has the ability to generate external financial sponsorship.
Dooralong Community Reserve Trust	Dooralong Harvest Festival Showcase - "Country Wise"	\$9,060.00	Recommended full funding \$9,060 dependent on applicant providing all relevant event approvals prior to funds being released.
Copacabana Community Association	Copa Community Carols	\$3,000.00	Recommended full funding \$3000 dependent on applicant providing all relevant event approvals and traffic information prior to funds being released.

Applicant	Title	Staff Funding Recommendation	Reason for Recommendation
Gosford District Garden Competition Incorporated	Gosford District Garden Competition Incorporated	\$8,741.00	Recommend part fund \$8741 comprising all requests within application except \$800 unspecified volunteer expenses and prizemoney/trophies which are ineligible for funding.
Gosford Race Club Limited	New Year Eve Family Raceday	\$10,000.00	Recommended full funding \$10,000 dependent on applicant providing all relevant event approvals prior to funds being released.
Wyong Shire Garden Competition Committee Inc T/A Wyong District Garden Competition committee Inc	46th Annual Wyong District Garden Competition	\$6,566.45	Recommend part fund \$6,566.45 comprising all requests within application except prizemoney, trophies and awards which are ineligible for funding
Cancer Council NSW	Central Coast Carols 2018	\$18,000.00	Recommend full funding \$18,000. Project has merit and strong community support. Recommendation conditional on all relevant event approvals and Stadium booking confirmation prior to funds being released.
Gosford Sailing Club	NSW Australian International Optimist Dinghy State Titles Regatta	\$6,450.00	Recommend full funding \$6,450. Project has merit and will attract visitors to the region. Recommendation on CCC support acknowledged on all clothing.
Narara Eco Living Network	Mad About Dirt	\$9,900.00	Recommend full funding \$9,900. Project has merit, all relevant information provided and proposed event has a strong educational element.
5 Lands Walk Inc.	HOME- A Place of Belonging	\$20,000.00	Recommended full funding \$20,000. Project has merit, all relevant information has been supplied, application has a strong co-contribution and is a major enhancement to a significant local event.
Rotary Club of Kincumber	Shipbuilders Historical Walk	\$15,311.20	Recommend full funding \$15,311.20. Project has merit, all relevant information has been supplied, is a good concept with growth potential. Recommend applicant also liaise with CCC Events Team Leader to develop a strategic plan to grow the event.
		158,697.23	

Not Recommended for Funding

Organisation	Title	Staff Recommendation	Reason Not Recommended
Rocky Trail Entertainment Pty Ltd	Central Coast MTB Festival	\$0.00	Not recommended as currently proposed. Recommend applicant liaise with CCC grants/sponsorship staff and resubmit in a subsequent round. Event timing will allow this to occur prior to scheduled 2019 event date.
Community Environment Network	Connecting kids with nature event series	\$0.00	Not recommended as currently proposed. Recommend applicant liaise with CCC grants staff and resubmit in a subsequent round.
Central Coast Table Tennis Association	Central Coast Table Tennis Open	\$0.00	Not recommended as currently proposed. Recommend applicant liaise with CCC grants/sponsorship staff and resubmit in a subsequent round. Event timing will allow this to occur prior to scheduled 2019 event date.
Terrigal Trotters Inc	Bay to Bay Running Festival	\$0.00	Not recommended as currently proposed. Recommend applicant liaise with CCC grants staff and resubmit in a subsequent round. Event timing will allow this to occur prior to scheduled 2019 event date.
She Story Incorporated	International Women's Day Event 2019	\$0.00	Not recommended as currently proposed. Recommend applicant liaise with CCC grants staff and potentially resubmit as a Community Support Grant in a subsequent round.
Tuggerah Lakes Art Society Inc	CARNEVALE 2019	\$0.00	Not recommended as currently proposed. Recommend applicant liaise with CCC grants staff and resubmit in a subsequent round. Event timing will allow this to occur prior to scheduled 2019 event date.
Central Coast Junior Motor Cycle Club Inc	Central Coast Cup 2019	\$0.00	Not recommended as currently proposed. Recommend applicant liaise with CCC grants/sponsorship staff and resubmit in a subsequent round. Event timing will allow this to occur prior to scheduled 2019 event date.
Australian International Sports Organisation Pty Ltd	Multicultural Community Cricket Festival	\$0.00	Not recommended as currently proposed. Recommend applicant liaise with CCC grants/sponsorship staff and resubmit in a subsequent round.

Organisation	Title	Staff Recommendation	Reason Not Recommended
Central coast Chinese Association	2019 Chinese New Year celebrations	\$0.00	Not recommended as currently proposed. Recommend applicant liaise with CCC grants staff and resubmit as a Community Support Grant in a subsequent round.
Central Coast Highland Dancing Inc	International Highland Dancing Festival of Australia 2019	\$0.00	Not recommended as currently proposed. Recommend applicant liaise with CCC grants/sponsorship staff and resubmit in a subsequent round. Event timing will allow this to occur prior to scheduled 2019 event date.
Mannering Park Amateur Sailing Club Inc	50th Celebration and Recognition Event	\$0.00	Not recommended as currently proposed. Recommend applicant liaise with CCC grants staff and resubmit as a Community Support Grant in a subsequent round.
Hardys Bay Club	Bouddi Boogaloo	\$0.00	Not recommended as currently proposed. Applicant to liaise with CCC grants staff and potentially resubmit in a subsequent round
ASHTON + ELLIOTT Pty Ltd	Meet Wine Meet Community	\$0.00	Not recommended as currently proposed. Applicant to liaise with CCC grants/sponsorship staff and potentially resubmit in a subsequent round

Recommended for Funding

Applicant	Title	Staff Funding Recommendation	Reason for Recommendation
The Opportunity Collective Incorporated	Central Coast Career Women's Mentoring Program 2019	\$24,000.00	Recommend full funding - \$24,000 project has merit, community benefit is demonstrated and all relevant information has been provided.
Regional Youth Support Services Inc	Youth Theatre Makers- The Youth Arts Warehouse	\$13,000.00	Recommended full funding - \$13,000 project has merit and community benefit and sector partnerships are demonstrated.
Tuggerah Lakes District Band Inc	Tuggerah Lakes Beginner Concert Band	\$19,128.00	Recommend part funding \$19,128 as per application. Project has merit, targets disadvantaged young people and aims to increase the membership, sustainability and intergenerational appeal of a long-standing local band.
Royal Life Saving NSW	Learn to Swim Program 4 Kids Who Miss Out	\$12,350.00	Recommended full funding - \$12,350. Project meets all grant requirements and targets an area of need. Recommendation conditional on CCC support recognised through all promotional materials.
Long Jetty and District Senior Citizens Club (Inc.)	Update of Computer equipment	\$3,300.00	Recommended full funding - \$3,300 as community benefit is demonstrated and required information is provided.
Musicians Making A Difference	MMAD Music and Dance Mentoring Initiative : Streets to the Stage	\$25,760.00	Recommended full funding - \$25,760. Project has merit, community benefit is demonstrated and all relevant information has been provided.

Applicant	Title	Staff Funding Recommendation	Reason for Recommendation
Gosford Regional Community Services inc	Think Personal Act Local	\$8,620.00	Recommended part funding - \$8,620 as per application. Project concept is good and targets a demographic in need of support. Recommend part funding for a shorter program to assess participation and outcomes.
Kariong Neighbourhood Centre Inc	Connecting community through creative industries	\$15,720.00	Recommended for part funding \$15,720 -as per application. Project concept is sound and located in an area of need. Part funding recommended to trial and assess project participation and broader community benefit.
THE FATHERS TABLE	The Fathers Table Outreach	\$4,680.00	Recommended full funding \$4,680. Project meets an identified local need and has a strong co-contribution.
Central Coast Mountain Bike Club	PURCHASE OF EXCAVATOR	\$26,400.00	Recommended for full funding \$26,400. Project has merit, all relevant information supplied - including support from NSW Forestry (land owner) – and purchase will assist with both growth and sustainability.
Australian Air League Inc.	Central Coast Air League Marching Band	\$18,258.25	Recommended full funding \$18,258.25. Project has merit; equipment purchase will sustain the concept within the organisation and facilitate numerous enhancements to a variety of community events the organisation currently participates in across the coast.

Applicant	Title	Staff Funding Recommendation	Reason for Recommendation
Educar Foundation Limited	Central Coast Max Potential 2019	\$19,316.00	Recommend full funding \$19,316. Project has merit and demonstrated community benefit. Recommendation conditional on applicant liaising with CCC People and Culture section to finalise 8 Council staff to participate in program and trained as mentors.
Central Coast Roller Derby United	Introduction to roller derby courses	\$7,297.95	Recommend part fund \$7,297.95 as per application. Project has merit and equipment is aimed at developing and growing a sustainable membership base.
NSW Justices Association Inc. Central Coast Branch	3 More Community NSWJA JP Desks for Central Coast	\$1,670.50	Recommend full funding - \$1,670.50. Project has merit, community benefit is demonstrated and all relevant information has been provided.
Umina Community Group	Creating Showcase Streets for Urban Shade	\$5,359.00	Recommend full funding - \$5,359. Project has merit and all required information supplied. Recommendation conditional on relevant CCC approval finalised and supplied prior to funds being released.
SparkCC Incorporated	Makerspace Laser Cutter	\$9,500.00	Recommend full funding - \$9,500. Project has merit, community benefit is demonstrated and all relevant information has been provided. Recommend applicant liaises with CCC Social Enterprise Launch Pad program to advance organisational sustainability options.
	TOTAL RECOMMENDED	\$214,359.70	

Not Recommended for Funding

Organisation	Title	Staff Recommendation	Reason Not Recommended
Community Environment Network	Connecting and Caring for our Coastal Lagoons	\$0.00	Project not recommended as currently proposed. Recommend applicant liaise with CCC grants staff to clarify aspects of the application prior to any resubmission in a future round.
Australian Red Cross Society	Young Parents Program (YPP) – Gosford Education Project (Project)	\$0.00	Project not recommended as currently proposed. Recommend applicant liaise with CCC grants staff to clarify aspects of the application prior to any resubmission in a future round.
Central Coast Community Council Inc	Gender bias in the Early Childhood setting	\$0.00	Project not recommended as currently proposed. Application lacks details required to make an accurate assessment. Recommend applicant liaise with CCC grants staff and potentially resubmit in a future round.
The Trustee for Top Blokes Foundation	8 x Stepping-Up (Primary School Mentoring Programs) in Central Coast Primary Schools	\$0.00	Project not recommended as currently proposed. Applicant has received funding through the Stronger Communities Fund for an identical project currently underway. Recommend applicant resubmit in a further round when program outcomes from SCF can be demonstrated.
Northern Settlement Services Limited	Talking Around Citizenship and Parenting	\$0.00	Project not recommended as currently proposed. Recommend applicant liaise with CCC grants staff and resubmit in a subsequent round.
The Entrance Bateau Bay Football Club	Re development of The Entrance Bateau Bay Football Club	\$0.00	Project ineligible - 7.16 of the Community Development Grant Program Guidelines - "Works to buildings or property." Recommend applicant reapply in a future round of the Community Infrastructure grants program.
Deane Street Food Pantry	Deane Street Food Pantry	\$0.00	Project not recommended as currently proposed. Recommend applicant liaise with CCC grants staff to discuss concept and investigate avenues for corporate sponsorship.
University of Newcastle	Gosford Transformations: making place in a changing city	\$0.00	Project not recommended as currently proposed. Applicant is ineligible - The University of Newcastle.
Empire Bay Public School Parents and Citizen's Association	Kidz Shed	\$0.00	Project not recommended as currently proposed. Recommend applicant seek alternative funding sources.

Organisation	Title	Staff Recommendation	Reason Not Recommended
Sunnyfield	Keep us in the Community	\$0.00	Project not recommended as currently proposed. While a worthy concept broader community benefit is limited and applicant has the ability to self-fund.
Deepwater Dragon Boat Club	New Dragon Boat and Trolley	\$0.00	Project not recommended as currently proposed. Recommend applicant liaise with CCC grants staff and reapply in a subsequent round
Volunteering Central Coast Inc.	Central Coast - Primed for Events	\$0.00	Project not recommended as currently proposed. Recommend applicant liaise with CCC grants staff and reapply in a subsequent round
Pacific Link Housing	Copnor Ave Community Garden	\$0.00	Project not recommended as currently proposed. Recommend applicant liaise with CCC grants staff to strengthen application and reapply in a subsequent round.
Jopuka Productions	Jopuka 2019 Commission Series	\$0.00	Not recommended as currently proposed. Recommend applicant liaise with CCC grants staff to clarify aspects of the proposal and potentially reapply in a subsequent Social & Creative Enterprise grant round
Central Coast Alternative Care Group Ltd	Vehicle purchase to support Coastlink's clients	\$0.00	Project not recommended as currently proposed. Recommend applicant liaise with CCC Grants staff to be directed to more appropriate funding sources.
Central Coast ARAFMI	We're One Community	\$0.00	Project not recommended as currently proposed. Recommend applicant liaise with CCC grants staff to clarify aspects of the application prior to any resubmission in a future round.
Child Abuse And Prevention Services	Safe Children Safe Family Central Coast	\$0.00	Project not recommended as currently proposed. Recommend applicant liaise with CCC Grants staff to clarify aspects of the application prior to any resubmission in a future round.
Endless Night Theatre Company	Dracula Theatre Performance	\$0.00	Not recommended as currently proposed. Recommend applicant liaise with CCC grants staff to clarify aspects of the proposal and reapply in a subsequent Social & Creative Enterprise grant round

Organisation	Title	Staff Recommendation	Reason Not Recommended
Yarramalong School of Arts	Children's School Holiday program	\$0.00	Project not recommended as currently proposed. Recommend applicant liaise with CCC grants staff and reapply in a subsequent round
Diamond Women's Support	Young to Empowered Program	\$0.00	Project not recommended as currently proposed. Recommend applicant liaise with CCC grants staff to clarify aspects of the application prior to any resubmission in a future round.
Free Trade Day	Free Trade Day	\$0.00	Project not recommended as currently proposed. Recommend applicant liaise with CCC grants staff to clarify aspects of the application prior to any resubmission in Round 2. Proposed activity not scheduled until August 2019.
The Humour Foundation	Clown Doctors on the Central Coast	\$0.00	Project not recommended as currently proposed. Recommend applicant liaise with CCC Grants staff to be directed to more appropriate funding sources.
Rotary Club of Gosford North	MYM4Parents (Mind Your Mates for Parents)	\$0.00	Project not recommended as currently proposed. Recommend applicant liaise with CCC grants staff to strengthen application and reapply in a subsequent round.
Community Fire Education	Supporting education on the Central Coast	\$0.00	Project not recommended as currently proposed. Recommend applicant liaise with CCC grants staff and reapply in a future round of the Community Support Program.
CatholicCare Diocese of Broken Bay	Mary Mac's Place	\$0.00	Project not recommended as currently proposed. Recommend applicant liaise with CCC grants staff to clarify aspects of the application prior to any resubmission in a future round.
Australian Red Cross Society	Young Parents Program (YPP) – Child Development Project (Project)	\$0.00	Project not recommended as currently proposed. Recommend applicant liaise with CCC grants staff to clarify aspects of the application prior to any resubmission in a future round.
The Shepherd Centre	Acoustic Skills, Language development through music for children with hearing loss	\$0.00	Project not recommended as currently proposed. Application deemed ineligible for funding as it relates to funding for an ongoing program. Recommend applicant seek more appropriate funding opportunities.
Road Safety Education Ltd	RYDA Road Safety Education Program	\$0.00	Project not recommended as currently proposed. Recommend applicant meet with CCC Learning & Education Unit Manager to discuss aspects of the program and grant application and reapply in a subsequent round.

Organisation	Title	Staff Recommendation	Reason Not Recommended
Food Collective Central Coast	Connecting the Central Coast Food Value Chain	\$0.00	Project not recommended as currently proposed. Recommend applicant liaise with CCC grants staff to clarify aspects of the application and potentially reapply in a subsequent round.
Miracle Babies Foundation	Nurture Time at Gosford Hospital – providing greater support for families of premature and sick babies.	\$0.00	Project not recommended as currently proposed. Recommend applicant liaise with CCC Grants staff to clarify aspects of the application and reapply in a future round. Recommend applicant also apply through the local CLUBgrants program
Good grief (now part of Mackillop family services)	Seasons for growth Children and young people companion training	\$0.00	Project not recommended as currently proposed. Recommend applicant liaise with CCC grants staff to strengthen application and reapply in a subsequent round.
Spencer Community Progress Group Inc	Community Message Board	\$0.00	Project ineligible - 7.16 of the Community Development Grant Program Guidelines - "Works to buildings or property." Recommend that the applicant reapplies in a future round of the Community Infrastructure or Community Support grants program.
The Piano Bug Studio	Permanent Studio Space	\$0.00	Application ineligible as the applicant is a sole trader, not an incorporated entity as per program requirements.
Mirrored Church Ltd.	Freedom Festival	\$0.00	Project not recommended as currently proposed. Recommend applicant liaise with CCC grants staff and potentially reapply when enough information can be supplied to make an accurate assessment.
Lighthouse Church Central Coast	Doylo Summerfest Carols	\$0.00	Project not recommended. Applicant has also applied within the Events & Place Activation grants program for the same project and has been recommended for part funding within that program.

Recommended for Funding

Applicant	Title	Staff Funding Recommendation	Reason for Recommendation
Kariong progress association	Solar Panels	\$7,544.00	Recommended for funding through the Community Infrastructure grants program - project meets all requirements, recommendation conditional on final owners consent is confirmed prior to funds being released.
Brisbane Water Historical Society	BWHS MUSEUM Vital Infrastructure Upgrade	\$17,759.00	Recommended for funding as all relevant information is provided - recommendation conditional on CCC Heritage Officer confirming requests within application meet all relevant heritage requirements prior to funds being released.
Gosford City Sports Stadium Incorporated	Refurbishment of office space at Gosford City Basketball & Sports Stadium	\$31,018.00	Recommended for funding as required information and approvals are provided and community benefit demonstrated.
Central Coast Hockey Assoc	New Electronic Scoreboards	\$9,860.00	Recommended for funding as all required information is provided - recommendation conditional that DA is finalised prior to funding being released.
Norah Head Surfing Fraternity Inc	Storage Shed upgrade to provide community training facilities	\$31,186.00	Recommended for funding as all required information is provided - recommendation conditional that DA is finalised prior to funding being released.
Peninsula Community Men's Shed Inc.	Supply and installation of dust extraction ducting	\$10,000.00	Recommended for funding as required information and approvals are provided and community benefit demonstrated.
	TOTAL RECOMMENDED	107,367.00	

Not Recommended for Funding

Organisation	Title	Staff Recommendation	Reason Not Recommended
Copacabana Community Men's Shed Incorporated	Copacabana Community Men's Shed	\$0.00	Not recommended as currently proposed. Project proposal has merit however significant information not within the application to make an accurate assessment in Round 1. Recommend CCC staff liaise with applicant to resolve issues to enable resubmission in Round 2.
St Vincent de Paul Society NSW	Vinnies Wyong Community Centre - New Reception Area to Improve Safety	\$0.00	Not recommended as currently proposed. Further information on project is required to allow an accurate assessment. Recommend applicant liaise with CCC grants staff and potentially reapply in a subsequent round.
Hope Church Central Coast Inc	The Pantry Club Community Space	\$0.00	Not recommended as currently proposed. Recommend applicant liaise with CCC grants staff to clarify aspects of the proposal and potentially reapply in a subsequent round.
Gosford Christian Centre Ltd	Dan's Place	\$0.00	Project not recommended as currently proposed. Recommend applicant liaise with CCC grants staff to clarify aspects of the proposal and potentially resubmit in a subsequent round.

Organisation	Title	Staff Recommendation	Reason Not Recommended
Empire Bay Public School Parents and Citizens Association	Kidz Shed	\$0.00	Application deemed ineligible as it relates to additional infrastructure on NSW Department of Education property. Works to property that is owned or under the management of State or Federal Government bodies
Mangrove Mountain Memorial Club	Cart Shed	\$0.00	Not recommended as currently proposed. Recommend applicant liaise with CCC grants staff to discuss proposal prior to any resubmission in a future round.
Charmhaven Tennis Centre	Clubhouse extension	\$0.00	Not recommended as currently proposed. Recommend CCC staff liaise with applicant to strengthen application to enable resubmission in Round 2.
Gosford Little Athletics Centre Inc.	Refurbish 2 Long Jump runways at Adcock Park W. Gosford	\$0.00	Not recommended as currently proposed. Good concept however applicant will need seek CCC asset owner approval prior to resubmitting in a subsequent round.
Marine Rescue NSW Central Coast	Building Extension	\$0.00	Not recommended as currently proposed. Recommend CCC staff liaise with applicant to strengthen application to enable resubmission in Round 2.
Mangrove Mountain Memorial Club	Childrens Playground	\$0.00	Not recommended as currently proposed. Recommend applicant liaise with CCC grants staff to discuss proposal prior to any resubmission in a future round.
Central Coast ARAFMI	Lerida Community Hub	\$0.00	Not recommended as currently proposed. Recommend applicant meet with CCC grants staff and discuss project prior to any resubmission in a subsequent round.

Recommended for Funding

Applicant	Title	Staff Funding Recommendation	Reason for Recommendation
Regional Youth Support Services Inc	Digital Media Makers- Youth Film Enterprise	\$13,500	Recommended for part funding \$13,500 comprising all requests except \$1000 for general administration costs. Good concept and community benefit and all relevant information supplied.
Pamela Johnson	Portable Papermaking Studio - Mental Health Enterprise	\$7,825.38	Recommended for full funding. Good concept and community benefit and all relevant information supplied.
Volunteering Central Coast Inc.	Creative Re-engaged Enterprising Women (CREW)	\$11,100	Recommended for part funding of \$11,100 comprising program and evaluation requests as outlined within budget. Good concept and community benefit and all relevant information supplied.
Will Small (Sole Trader)	Word on the Street: The Untold Stories of Coastal Citizens	\$19,800	Recommended for full funding. Good concept and community benefit and all relevant information supplied.
Ngaimpe Aboriginal Corporation	The Glen Art	\$8,000	Recommended for part funding \$8,000 for 2 lathes. Good concept and community benefit and all relevant information supplied.
Central Coast Women Moving Forward	Central Coast Women Moving Forward...CCWMF	\$19,966	Recommended for full funding. Good concept and community benefit and all relevant information supplied. Recommendation conditional on applicant participating in Councils Launch Pad Program to ensure future financial sustainability.
Central Coast Sustainability Cluster	Central Coast Sustainability Cluster	\$15,150	Recommended for part funding \$15,150 comprising software and marketing requirements as outlined within the budget. Good concept and community benefit and all relevant information supplied.
Phil Moore	A Voyage To Arcturus	\$19,334.20	Recommended funding \$19,334.20 for all requests within application except contingencies. Recommendation conditional on all venue booking information is confirmed prior to funds being released.
	TOTAL RECOMMENDED	\$114,675.58	

Not Recommended for Funding

Organisation	Title	Staff Recommendation	Reason Not Recommended
Inspire Community Arts	Inspire Community Arts	\$0.00	Not recommended as currently proposed as insufficient information supplied to make an accurate assessment. Applicant to liaise with CC Grants staff prior to submission in a future round.
Fixx Events and Marketing Pty Ltd	Celebrate Indigenous Inclusion through Community Events & Connections	\$0.00	Not recommended as currently proposed. Recommend applicant liaises with CCC Community Enterprise Officer to further develop concept prior to submission in a future round.
Sparklight	Dog Planet the Musical	\$0.00	Not recommended as currently proposed. Recommend applicant liaise with CCC Community Enterprise Officer to further develop concept prior to submission in a future round.
Coast OnScreen Inc.	'Retirement'	\$0.00	Not recommended as currently proposed. Recommend applicant liaise with CCC Community Enterprise Officer to further develop concept prior to submission in a future round.
Lewis Ramsay Jonker	Passion & Purpose School Tour	\$0.00	Not recommended for funding as currently proposed. Applicant has not provided a detailed project plan. Recommend applicant liaise with CCC Community Enterprise Officer to further develop concept prior to submission in a future round.
Naughty Noodle Fun haus Inc	Naughty Noodle Audience & Artist development	\$0.00	Not recommended as currently proposed. Recommend applicant liaise with CCC Community Enterprise Officer to further develop concept prior to submission in a future round.

Organisation	Title	Staff Recommendation	Reason Not Recommended
Gosford Regional Community Services inc	The Community Greening Enterprise	\$0.00	Not recommended as currently proposed. Recommend applicant liaise with CCC Community Enterprise Officer to further develop concept prior to submission in a future round.
Ngaimpe Aboriginal Corporation	Ngaimpe Wellness Institute	\$0.00	Not recommended as currently proposed. Recommend applicant liaise with CCC Community Enterprise Officer to further develop concept prior to submission in a future round.
Central Coast Community Council Inc	Food Donation & Recovery Trailers	\$0.00	Not recommended as currently proposed as insufficient information supplied to make an accurate assessment. Applicant to liaise with CC Grants staff prior to submission in a future round.
ASENATI FOUNDATION	Community Capacity Outreach	\$0.00	Not recommended as currently proposed as insufficient information supplied to make an accurate assessment. Applicant to liaise with CC Grants staff prior to submission in a future round.
The Piano Bug Studio	Studio space for The Piano Bug Studio	\$0.00	Not recommended as currently proposed as insufficient information supplied to make an accurate assessment. Applicant to liaise with CC Grants staff prior to submission in a future round.



Item No: 4.9
Title: Heritage Grant Program Round 1 2018-19
Department: Connected Communities

10 December 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13390973
Author: Stuart Slough, Team Leader, Community Planning and Funding
Manager: Glenn Cannard, Unit Manager, Community Partnerships
Executive: Julie Vaughan, Director, Connected Communities

Summary

This report considers the applications and recommendations for the Heritage Community Grant program which supports and celebrates local history, culture and diversity across the region.

Recommendation

- 1 *That Council allocate \$102,779.65 from the 2018-19 grants budget to the Heritage Grant Programs as outlined in the in the following report and Attachment 1.***
- 2 *That Council decline applications for the reasons indicated in Attachment 2, the applicants be advised and where relevant, directed to alternate funding.***

Background

The Heritage Grant Programs supports and celebrates local history, culture and diversity across the region. It aims to encourage the retention, conservation and promotion of the material and social heritage of the Central Coast.

Council's grant programs are provided to support the community to deliver quality programs, projects or events that build connections celebrate our local community and build capacity across the entire Central Coast community.

The Heritage Grant Program provides a budget of \$130,000 annually as detailed in table 1 below.

Table 1: Heritage Grant Program 2018/19

Program	Budget	Opening Period	2018/2019 allocation to date	Recommendation allocation within this report	Allocation to date + Recommendation within report
Heritage Grant Program	\$130,000.00	Twice annually	\$0	\$102,779.65	\$102,779.65
TOTAL			\$0	\$102,779.65	\$102,779.65

Current Status

The Heritage Grant Program is currently closed and round two 2018/2019 will open again in February 2019. The Heritage Grant Program provides a maximum allocation of \$10,000 per application, with individual, private and commercial entities required to match funds.

Assessment

Fourteen applications were received in round 1 for the 2018-19 program. Twelve applications to the combined value of \$102,779.65 are recommended for funding in this Council report.

The Heritage Grant Program assessment panel included:

- Council's Grants Officer
- Council's Heritage Program and Projects Officer
- Council's Contractor Heritage Advisor
- Council's Strategic Planner
- Council's Unit Manager Community Partnerships

Consultation

The availability of grant funding is provided on Council's website and promoted through Council's Social Media platforms.

An email with relevant information was provided to the community grants database

Council staff also provided information and individual appointments for the period that the grants were open.

General grant information sessions and drop-in sessions were held during September 2018 at:

- Council's Wyong office
- Smart Work Hub, Gosford
- The Hub, Erina
- Blue Haven Community Centre

Options

- 1 Approval of all recommended applications as submitted will provide a community benefit to residents of the Central Coast Local Government Area.
- 2 Non approval of some or all applications, as recommended, may result in projects not being undertaken if the respective proponents are unable to secure alternate funding.

Financial Impact

Council's 2018/2019 Operational Expenditure budget allocates \$130,000 to the Heritage Grant Program.

Expenditure is approved until the end of the 2018-19 financial year. Unspent funds will expire on 30 June 2019.

Link to Community Strategic Plan

Theme 4: Responsible

Goal I: Balanced and sustainable development

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.

Risk Management

All successful applications will receive a letter of offer outlining Council's requirements of funding, service delivery and accountability for both Council and the funded organisation.

Critical Dates or Timeframes

Many of these grant applications are dependent upon support via Council's grant program. Should decisions be delayed or not supported, projects may not be undertaken.

Attachments

- | | | |
|---|---|-----------|
| 1 | Heritage Grants 2018-2019 R1 - Recommended for Funding | D13392791 |
| 2 | Heritage Grants 2018-2019 R1- Not Recommended for Funding | D13392790 |

Heritage Grant Program Round 1 2018-19 -

Recommended for Funding

Applicant	Project	Amount	Staff Funding Recommendation:
Ms Joan Patrick	Dynasty of Butchers and their path to Woy Woy	\$3,718.00	Recommended for funding for publishing of this well researched historically important local history. Conditional on 12 copies of the book being provided to Councils' Libraries and inclusion of Council logo.
Mr Laurence McCall	Old Killcare Store	\$8,875.00	Recommended for part funding, Proposed work contributes to the conservation of the item. Exhaust vents and tipping fees are excluded from the approval. Council must inspect the site before any work is undertaken. Floor boards must be like for like and species must be nominated prior to ordering. Paint colours must match original.
Mrs Georgina Sidiropoulos	Mangrove Mountain Hall	\$8,114.85	Recommended for funding . The works are for a well used public building. The proposed works will contribute to the conservation and interpretation of the building. The applicant is encouraged to arrange for annual termite inspections to ensure the continued protection of the building.
Mrs Nicky Prince	Manager's Cottage - Narara Eco Village	\$9,490.00	Recommended for funding. The works are for the maintenance of this historically significant dwelling. The work will preserve the integrity of the perimeter veranda and substructure. Council must be notified prior to any work being undertaken to the sub structure.

Heritage Grant Program Round 1 2018-19 -

Applicant	Project	Amount	Staff Funding Recommendation:
Mr John Quigg	Patonga War Memorial	\$10,000.00	Recommended for funding. The war memorial is an important heritage item with significance to the local community and the Central Coast generally. The works will ensure the longevity of the monument and will enhance the Patonga streetscape and character.
Ms Jenni Pendergast	Thelma	\$7,425.00	Recommended for funding. The building is a rare example of California Bungalow style in Long Jetty. The proposed painting will contribute to its conservation. The application is supported subject to cleaning with a soft brush rather than pressure cleaning to ensure no damage to the structure.
Mrs Rachel Byrne	Valley View	\$10,000.00	Recommended for funding . Works will ensure the repair and restoration of an important feature of the heritage house i.e. the timber veranda. The veranda is vital to the understanding of the aesthetic qualities of the house as well as the protection of the timber walls.
Mrs Edith Campbell	Henry Kendall Cottage and Historical Museum	\$9,020.00	Recommended for funding. A conservation management strategy and masterplan for the entire site is supported to provide long term planning to ensure the conservation of the existing cottage and the entire site and collection to improve the visitor experience and interpretation.

Heritage Grant Program Round 1 2018-19 -

Applicant	Project	Amount	Staff Funding Recommendation:
Mrs Jenny McCulla	Davistown Progress Hall	\$10,000.00	Recommended for funding . Replacement of the existing roof sheet will ensure the weather tightness of the building and contribute to its long term conservation. The use of galvanised sheet is consistent with the original roofing material. It should be installed in short sheets to match the existing roofing.
Mr Deryck Davis	Holy Cross Church	\$9,200.00	Recommended for funding . A high quality low energy lighting system will enhance the heritage significance of the church, reduce energy costs and reduce environmental impacts.
Ms Rachel Shea	Pearl Beach Progress Association Oral History Project	\$7,036.80	Recommended for funding . The project will record and present valuable information about the people and history of Pearl Beach. This information would otherwise go unrecorded. the project proposes contemporary methods of distribution and access to a broad range of the community. The project must ensure that it relates the broad history of Pearl Beach whilst focusing on the progress hall and its people.
Dr Chris Krogh	Gosford Living Histories: First Contact	\$9,900.00	Recommended for funding . This is important research into a little documented area of post contact local history. The project will also be useful for future planning of other events, heritage listings and research projects. Other Aboriginal communities also need to be contacted as part of the project research and development.
TOTAL:		\$102,779.65	

2018-19 Heritage Grant Program Round 1 Assessment -**Not Recommended for Funding**

Applicant	Project	Not Recommended for Funding
Mrs Helen Orchard	Bungaree Reserve West Gosford	Not recommended for funding. The site is not heritage listed. No quotes for the works are included. Approvals from RMS would also be required.
Mr Jerry Retford	Convict Footprints comes to The Coast [working title]	Not recommended for funding. Information is required on the story topic and number of productions proposed, including target audiences. Local Aboriginal interaction and consultation is to be included. Recommend applicant contact Council's Heritage Staff to discuss further.



Item No: 4.10
Title: Community Support Grant Program 2018-19
Department: Connected Communities

10 December 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13390986
Author: Stuart Slough, Team Leader, Community Planning and Funding
Manager: Glenn Cannard, Unit Manager, Community Partnerships
Executive: Julie Vaughan, Director, Connected Communities

Summary

This report considers the applications and recommendations for the Community Support Grant Program which supports the community to deliver community activities which require a small amount of funding and/or in-kind support.

Recommendation

- 1 That Council allocate \$10,000 from the 2018-19 grants budget to the community grant programs as outlined in the following report and Attachment 1.**
- 2 That Council decline applications for the reasons indicated in Attachment 2, the applicants be advised and where relevant, directed to alternate funding.**

Background

Council's grant programs are provided to support the community to deliver quality programs, projects or events that build connections, celebrate our local community that align with the One-Central Coast Community Strategic Plan and build capacity across the entire Central Coast community.

The Community Support Grant Program is provided to support the community to deliver activities which require a small amount of funding and/or in-kind support. The Community Support Grant Program remains open throughout the year to provide assistance for community activities that require:

- 1 In-kind support through the provision of subsidised access to Council services.
- 2 Financial assistance for community activities that require a smaller amount of support.

The Community Support grant program provides a combined budget of \$300,000 annually as detailed in table 1 below.

Table 1: Community Support Grant Program

Program	Budget	Opening Period	2018/2019 allocation to date	Recommendation allocation within this report	Allocation to date + Recommendation within report
Community Support Grant Program	\$300,000	Ongoing	\$77,802.76	\$10,000	\$87,802.76
TOTAL			\$77,802.76	\$10,000	\$87,802.76

Current Status

The Community Support Grant Program remains open for applications throughout the year and the closing date for each assessment period is the last day of each month.

The Community Support Grant Program provides up to \$5,000 per project per financial year in combined funding and in-kind Council services to applicants who are a legally constituted not-for profit organisations, or auspiced by one.

Assessment

Five applications were received and assessed by 31 October with two recommended for funding in this Council report.

The Community Support Grant applications were assessed by Council's Unit Manager Community Partnerships, the Community Planning and Funding Team and the Events Team Leader.

Consultation

The availability of grant funding is provided on Council's website and promoted through Council's Social Media platforms.

An email with relevant information was provided to the community grants database Council staff also provided information and individual appointments for the period that the grants were open.

General grant information sessions and drop-in sessions were held during September 2018 at:

- Council's Wyong office
- Smart Work Hub, Gosford
- The Hub, Erina
- Blue Haven Community Centre

Options

- 1 Approval of all recommended applications as submitted will provide a community benefit to residents of the Central Coast Local Government Area.
- 2 Non approval of some or all applications, as recommended, may result in projects not being undertaken if the respective proponents are unable to secure alternate funding.

Financial Impact

Council's 2018/2019 Council Operational Expenditure budget allocates \$300,000 to the Community Support Grant Program. The \$10,000 recommended to be allocated by this report combined with previous funds granted by Council, represents 29% of the total annual budget leaving 69% available for the remainder of the financial year.

Expenditure is approved until the end of the 2018-19 financial year. Unspent funds will lapse on 30 June 2019.

Link to Community Strategic Plan

Theme 1: Belonging

Goal A: Our community spirit is our strength

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

Risk Management

All successful applications will receive a letter of offer outlining Council's requirements of funding, service delivery and accountability for both Council and the funded organisation.

All successful applicants are required to submit a final project acquittal report no later than twelve (12) weeks after the agreed completion date of the activity/project with copies of any photos, promotional materials and evidence of payment/purchase for each funded item.

Critical Dates or Timeframes

This Grant Program is open all year and assessed on a monthly basis with the intention to allow applicants to apply for funding support which has a quicker response time.

Attachments

- | | | |
|---|---|-----------|
| 1 | Community Support Grant Program 2018-2018 - Recommended for funding | D13392482 |
| 2 | Community Support Grant Program 2018-19 - Not Recommended for funding | D13392489 |

Community Support Grant Program 2018-19**October 2018 Applications****Recommended for Funding**

Organisation Name	Project Title	Total Amount Recommended	Staff Funding Recommendation
China Australia Friendship Association	Central Coast Multicultural Showcase 2019	\$5,000	Recommended for funding as community benefit is demonstrated and all required information is provided.
The Trustee for Gosford Showground Land Manager	Central Coast Regional Show	\$5,000	Recommended for funding as community benefit is demonstrated and all required information is provided.
	TOTAL	\$10,000	

Community Support Grant Program 2018-2019

October 2018 Applications

Not Recommended for Funding

Organisation Name	Project	Staff Funding Recommendation
Central Coast Heart	CCH1a - Regional Indoor Netball Venue	Not recommended for funding as further information and confirmation with Council asset owner is required. Recommendation is for applicant to develop a project agreement with the Council asset owner and resubmit by end of February 2019.
Central Coast Heart	CCH1b - Central Coast Heart Exhibition Matches - Niagara Park	Not recommended for funding as further information and confirmation with Council asset owner is required. Recommendation is for applicant to develop a more detailed project agreement with the Council asset owner and resubmit by end of February 2019.
Berkeley Vale Neighbourhood Centre Inc (Auspicer) / Central Coast Set Dancers	Sound Equipment	Not recommended for funding as currently proposed. Recommend applicant liaise with Central Coast Council Grants Officer and reapply in subsequent round.



Item No: 4.11
Title: Community Support Grants - Council Meeting 26 November 2018
Department: Governance

10 December 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13400777

Executive: Shane Sullivan, Acting Director Governance

Executive: Gary Murphy, Chief Executive Officer

Report Purpose

The purpose of this report is to provide Council with a mechanism to make a formal determination with regard to the 2018-19 Community Support Grant Program.

Recommendation

That Council determine this matter in accordance with the report.

Background

At its meeting held 26 November 2018, Council considered the 2018-19 Community Support Grant Program and determined as follows:

1091/18 That Council allocate \$72,802.76 from the 2018-19 grants budget to the community grant programs as outlined in the following report and Attachment 1, and consider separately the funding application from Central Coast Group Training.

1092/18 That Council decline applications for the reasons indicated in Attachment 2, the applicants be advised and where relevant, directed to alternate funding.

Council then considered, as resolved, the funding application from Central Coast Group Training. The Motion to allocate the funding was lost.

That Council allocate \$5,000.00 from the 2018-19 grants budget to the community grant program application from Central Coast Group Training.

The Motion was put to the vote and declared LOST.

Given the way the Motion was framed, there is no current determination as to the funding application for Central Coast Group Training. The matter is therefore at large.

As such it is appropriate for Council to determine the matter to provide clarity. The following options are provided to assist Council in this determination:

That Council decline the funding application from Central Coast Group Training for the following reasons (reasons to be provided by Council);

or

That Council approve the funding application from Central Coast Group Training for an amount of \$(Council to determine amount).

Link to Community Strategic Plan

Theme 1: Belonging

Goal D: A place of opportunity for people

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

Attachments

Nil.

Item No: 5.1
Title: 2020 Local Government Elections
Department: Governance

10 December 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13387878
 Author: Kathy Bragg, Acting Section Manager, Governance
 Manager: James Taylor, Acting Unit Manager, Governance and Business Services
 Executive: Shane Sullivan, Acting Director Governance

Report Purpose

To provide Council with a status update in regard to preparations for the 2020 Local Government Elections, noting that a further report for decision will be provided to Council on 12 February 2019.

Recommendation

That Council receive the report on 2020 Local Government Elections.

Background

Section 296AA of the *NSW Local Government Act 1993* (the Act) states that:

- (1) *At least 18 months before the next ordinary election of councillors for a council, the council must resolve:*
 - (a) *to enter into an arrangement with the Electoral Commissioner, by contract or otherwise, for the Electoral Commissioner to administer elections of the council (as provided by section 296), or*
 - (b) *that the elections of the council are to be administered by the general manager of the council.*
- (2) *A resolution referred to in subsection (1) (b) must include the following information:*
 - (a) *whether the general manager intends to administer elections personally or to engage an electoral services provider,*
 - (b) *if the general manager intends to administer elections personally, whether the general manager has identified any persons to be appointed as the returning officer and substitute returning officer for the next ordinary election of councillors and, if so, the names of those persons,*
 - (c) *if the general manager intends to engage an electoral services provider, whether the general manager has identified an electoral services provider to be engaged for the next ordinary election of councillors and, if so, the name of that provider,*

- (d) *any other information required by the regulations.*
- (3) *As soon as practicable after the making of a resolution referred to in subsection (1) (b), the general manager of the council must publish a copy of the resolution on the council's website.*
- (4) *If a council fails to comply with subsection (1), the general manager of the council must publish a notice of that failure on the council's website.*

This means for the 2020 Local Government Election a resolution regarding the administration of the Election needs to be made by Council before **12 March 2019**. Council will need to determine whether to engage the NSW Electoral Commission, administer the Election internally, or appoint an agent to administer the Election on behalf of Council.

Current Status

In July of this year Council was given the opportunity to participate in an "administration of elections tender process" run by [NSW Regional Procurement](#) (the tender process). There were no 'upfront costs' for Council to participate in the proposed tender process and Council was able to pull out of the tender process at any time without penalty.

In order to allow Council to make an informed decision regarding the 2020 Election the decision was made to take part in the tender process. The tender covered the period 1 August 2018 through to 31 July 2023 (five years) with provision for one x two year extension option.

As a result of the tender process, only one tender submission was provided being the Australian Election Company. The tender offering from the Australian Election Company will remain valid until **28 February 2019**. Details of this offering have not been provided to Council at this time as it is prudent to wait until Council has received the cost estimate from the NSWEC.

The Chief Executive Officer and Acting Director Governance met with a representative from the NSW Electoral Commission (NSWEC) on 6 November 2018. The NSWEC has given an undertaking to provide Council with a cost estimate for the conduct of the 2020 Local Government Election before the end of 2018.

In previous Elections the NSW Electoral Commissioner has made it clear that should Council resolve not to contract the NSWEC to administer the Election, then no services or advice would be made available by them, beyond those required by legislation. This is due to the fact that the Commissioner will take full responsibility for the conduct of the Election if the NSWEC administers the Election, however the Commissioner is not prepared to take partial responsibility should Council administer the Election itself.

The State Government has responsibility for preparing, updating and revising the roll of electors.

Items for Consideration

The following sets out a high level check list of tasks that need to be undertaken to conduct the Election:

Impartiality and Integrity - *Elections must be conducted at arm's length from the Mayor and Councillors and be seen as such.*

Electoral Administration and Legal - *Ensure there is uniform interpretation of electoral legislation in line with NSWEC and other councils, and maintain uniformity with established electoral practices, especially in relation to alleged offences.*

Election Forms and Manuals - *Identify, prepare and print all forms, declarations envelopes, election official manuals.*

Resources - *Acquire, pack and dispatch all materials for polling places, including stationery, ballot boxes, voting screens etc.*

Ballot Papers - *Ballot papers must be printed and held in a secure environment.*

Returning Officer - *A Returning Officer will have to be recruited, trained to necessary level of competence and supported for up to 10 weeks.*

Returning Office - *Provide adequate office accommodation for Returning Officer for pre-poll voting, secure storage of materials, packing for polling places, vote counting etc. Computers, printers, copier, phones etc as well as ongoing support throughout the election would need to be provided. Access to a computerised election management system to provide polling place vote estimates; recruitment of election officials; nominations; postal and pre-poll voting and results.*

Clerical Assistance - *Sufficient clerical assistance for enquiries, pre-poll and postal voting, visiting declared institutions, recruitment of polling place staff etc. would need to be provided.*

Polling Place Staff - *Returning Officer would be required to advertise for, and recruit and train polling place staff. Returning Officer would need to develop and implement training program for polling place managers.*

Communication and Information - *Provide consistent, relevant and timely information to all stake holders, including RPPs, candidates, voters, media etc. Avoid duplicated effort and cost in advertising elections with NSWEC and other councils. Stakeholders will expect to see election night polling place counts, Sunday check counts, distribution of preferences for optional preferential/proportional representation at least to the NSWEC level. Ongoing website management to display general information, candidate information, results would need to be provided.*

Polling Places - *Negotiation with schools etc for the use of their facilities.*

Nominations and Candidates - *Conduct candidate seminars. Returning Officer must be able to verify candidate and proposer enrolment status when nominations lodged. Returning Officers must deal with nominations in terms of their link to candidates' Electoral Funding and Disclosure obligations.*

Election Material - *Registration of candidate election material.*

Proportional Representation Counts - *Councillors must be elected according to the prescribed counting system.*

Post Election - *Deal with ongoing issues related to payments to election officials, including superannuation payments etc. Election may be subject to appeal to Administrative Decisions Tribunal. Prepare a Report to Parliament on the conduct of the election. Make submissions to, and appearances before Joint Standing Committee and be subject to Joint Standing Committee recommendations. Responsibility for disposal, ongoing storage and security of election materials.*

Financial Information

In 2017, the cost of the conduct of the Local Government Election was \$1,599,244.00 excluding GST.

Critical Timeframe

A further report on the 2020 Local Government Elections will be brought to Council at the **12 February 2019** Ordinary Council Meeting to allow Council to make a resolution in accordance with Section 296AA of the Act.

By that date Council expects to have a cost estimate from the NSWEC and a detailed report will be provided to Council outlining the comparison of costs and services provided from the NSWEC and the Australian Election Company, enabling Council to make an informed decision.

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: 5.2
Title: Meeting Record of the Mangrove Mountain and Spencer Advisory Committee held on 24 October 2018
Department: Governance

10 December 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13382839
Author: Kelly Drover, Advisory Group Support Officer
Manager: James Taylor, Acting Unit Manager, Governance and Business Services
Executive: Shane Sullivan, Acting Director Governance

Report Purpose

To note the draft Meeting Record of the Mangrove Mountain and Spencer Advisory Committee held on 24 October 2018.

Recommendation

That Council receive the report on Meeting Record of the Mangrove Mountain and Spencer Advisory Committee held on 24 October 2018.

Background

The Mangrove Mountain and Spencer Advisory Committee held a meeting on 24 October 2018. The Meeting Record of that meeting is attached to this report for Council's information.

The Mangrove Mountain and Spencer 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 Mangrove Mountain and Spencer Advisory Committee Meeting Record 24 October 2018 | D13382824 |
|--|-----------|

Mangrove Mountain and Spencer Advisory Committee Meeting Record 24 October 2018



Location:	Central Coast Council Wyong Office Committee Room Level 2 2 Hely Street, Wyong	
Date:	24 October 2018	
Time	Started at: 5.09pm	Closed at: 7.00pm
Chair	Mayor Jane Smith	
File Ref	F2017/02125	

Present

Mayor Jane Smith, Councillor Chris Holstein (left 6.30pm), John Asquith, Lillias Bovell, Gary Chestnut, Joy Cooper, Dr Stephen Goodwin, Wolfgang Koerner, Pam O'Sullivan, Margaret Pontifex, Stephen Rickards, Marilyn Steiner, Danny Willmott, [Robyn Downham (observer only)]

Also present were:

Gary Murphy – Chief Executive Officer, Shane Sullivan – Acting Executive Manager Governance, Daniel Woods – Section Manager Compliance and Health South, Martin Ball – Acting General Counsel (left 5.45pm), Kelly Drover – Advisory Group Support Officer, Cate Woods – Director Regional Waste Compliance Environment Protection Authority, Steven James – Unit Head Waste Compliance Environment Protection Authority

Item 1 Apologies

Scott Cox – Director Environment and Planning (represented by Daniel Woods), Catherine Wade, Greg Sheehy – Environment Protection Authority

Item 2 Disclosure of Interest

Gary Chestnut previously declared a less than significant non-pecuniary interest as he is a former employee of Gosford City Council and during this employment he received and presented confidential information to Councillors, Senior Management, Council's Solicitors, Council's Barrister and Council's Senior Counsel.

Danny Willmott previously declared a less than significant non-pecuniary interest as he is a former respondent in the legal case regarding Mangrove Mountain Landfill.

Mangrove Mountain and Spencer Advisory Committee Meeting Record
24 October 2018



Item 3 Confirmation of 21 August 2018 Meeting Record

The Committee confirmed the 21 August 2018 Meeting Record.

The Committee discussed the Action log.

At the request of the Chair, Items 11 and 12 were discussed at the beginning of the meeting.

Item 11 Update on Land Environment Court**Item 12 Update on Verde Terra's application to Environment Protection Authority**

Martin Ball provided the Advisory Group with an update on the Land Environment Court proceedings and Verde Terra's application to the Environment Protection Authority.

It was noted that there is a list of yet to be approved documents, with the court. The list and approved documents will appear on the Environment Protection Authority website. There will also be physical copies available at both Central Coast Council Administration buildings and the Environment Protection Authority Head Office in Sydney.

The Environment Protection Authority is undertaking the public exhibition process under an Order of the Land and Environment Court and are effectively acting as an agent of the Court.

Advertisements will be placed in the Central Coast Express Advocate, Wyong Regional Chronicle, Coast Community News and Mangrove Mountain Districts Community News.

Action: Advisory Group Support Officer to notify Advisory Group members once the exhibition process is advertised.

Item 4 Update from Council Staff Regarding Current Council Actions

Martin Ball's Land Environment Court update covered what has been happening in regards to the Mangrove Mountain Landfill site.

Daniel Woods provided an update to the Committee regarding the Spencer site.

Action: Robyn Downham to email Advisory Group Support Officer with the questions that were raised in the meeting regarding the Spencer site. Questions relevant to the Environment Protection Authority to be forwarded to Greg Sheehy for a report to be provided back to the Committee once received.

Item 5 Ministerial letters re Special Commission of Inquiry

The Committee noted the letters sent to the NSW Premier and Minister for Environment regarding Council's support of a Special Commission of Inquiry regarding the Mangrove Mountain landfill site and illegal dumping at Spencer.

Mangrove Mountain and Spencer Advisory Committee Meeting Record
24 October 2018



There may be an issue with the Environment Protection Authority licence not covering some of the ponds and this is currently under investigation. The Committee would like to be advised of the outcome of this investigation.

Action: Upon receipt of a response from NSW Minister for the Environment, the Committee is to give consideration to the next steps recommended to Council in support of a call for a Special Commission of Inquiry.

Item 6 Formal Invitation to Environment Protection Authority and Department of Industry - Water to attend all future meetings

Letters were sent 12 July 2018 and 11 September 2018 to Mr Michael Blackmore, Director Water Utilities NSW Department of Industry - Water inviting a representative from the Department of Industry - Water to attend meetings of the Mangrove Mountain and Spencer Advisory Group.

Acting Executive Manager Governance advised that she has spoken with Mr Blackmore inviting a representative from NSW Department of Industry – Water to attend a meeting of the Committee.

No response has been received to date.

The Environment Protection Authority has accepted the formal invitation for a representative to attend each meeting of the Advisory Committee.

Item 7 Questions sent to the Environment Protection Authority

The Committee had previously forwarded a list of questions to the Environment Protection Authority in April 2018.

Cate Woods advised the Environment Protection Authority had prepared a response however current Court proceedings have complicated this.

Action: The Environment Protection Authority to provide an update at the next meeting.

Item 8 Insight into gauge flow trends – Ourimbah Creek

Insight into gauge flow trends for Ourimbah Creek was not provided as Department of Industry - Water did not attend the meeting.

Item to be held over to next meeting.

Danny Willmott noted concerns that the former Gosford City Council may have given approval to discharge Waste and effluent.

Action: Danny Willmott to provide any available documents supporting these comments regarding discharge of waste/effluent to the Advisory Group Support Officer for provision to the appropriate officer.

Mangrove Mountain and Spencer Advisory Committee Meeting Record
24 October 2018



Item 9 Expectations of the long term remediation of the Mangrove Mountain Landfill site

Dr Stephen Goodwin gave an overview of his discussion paper on Principles of Alternative Plans to Eliminate the Environmental Risk to Groundwater Aquifers and Central Coast Water Supply at Mangrove Mountain Landfill.

Action: Environment Protection Authority to provide guidelines to Advisory Group members as to what the community should be looking out for in regards to leachate and stormwater use and discharge.

Action: The Advisory Group seeks reassurance from the Environment Protection Authority that the irrigation is not leachate in the sediment basins and request that documentation be checked to see whether a drainage diagram is available.

Action: The Advisory Group requests the Environment Protection Authority provide a presentation at the next meeting regarding the stormwater and leachate monitoring regime.

Action: Advisory Group Support Officer to send an email to Committee Members two weeks prior to each meeting requesting any questions to be forwarded onto the Environment Protection Authority or Department of Industry – Water. The questions to be provided to the external agencies one week prior to the meeting.

Action: Advisory Group Members to send comments regarding Options 1 and 2 identified in Dr Goodwin's report to Advisory Group Support Officer prior to next meeting.

Action: Staff to provide an update at a future meeting as to what would be reasonable for the Committee to consider with regard to expectations of the remediation of the site.

The Committee noted concerns regarding long term remediation of the site and responsible parties.

Item 10 Update on the Mountain Districts Association mention in the Auditor General's Report

The Advisory Group noted the report from Dr Stephen Goodwin on the matter before the Audit Office of NSW of timeliness of Environment Protection Authority's responses to pollution incidents.

Item 13 General Business and Close

Danny Willmott raised a concern about a lack of action on a costs ruling in 2014.

Action: Danny Willmott to write to the Chief Executive Officer requesting further information as to whether the costs were ever paid and if so, to whom.

Wolfgang Koerner gave notice of some issues he would like raised at the next meeting.

Mangrove Mountain and Spencer Advisory Committee Meeting Record
24 October 2018



Action: Wolfgang Koerner to forward list of issues to the Advisory Group Support Officer to be reviewed by the Convenor and Chair prior to inclusion on the agenda.

The meeting closed at 7pm.

Next Meeting: **Tuesday 18 December 2018**
 5pm – 7pm
 Gosford Admin Building
 Level 1 Committee Room
 49 Mann Street, Gosford

Note: Change of date from 11 December 2018 as discussed at the meeting due to conflicting engagements.



Item No: 5.3
Title: Meeting Record of the Catchments and Coast Committee Tuggerah Lakes held on 31 October 2018
Department: Governance

10 December 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13380640
Author: Zoie Magann, Advisory Group Support Officer
Manager: Peter Ham, Unit Manager, Waterways and Coastal Protection
Executive: Scott Cox, Director, Environment and Planning

Report Purpose

To note the draft Meeting Record of the Catchments and Coast Committee Tuggerah Lakes held on 31 October 2018.

Recommendation

That Council note the draft Meeting Record of the Catchments and Coast Committee Tuggerah Lakes held on 31 October 2018 that is Attachment 1 to this report.

Background

The Catchments and Coast Committee Tuggerah Lakes held a meeting on 31 October 2018. The Meeting Record of that meeting is Attachment 1 to this report.

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 Catchments and Coast Committee Tuggerah Lakes Meeting Record
- 31 October 2018 | D13380638 |
|--|-----------|

Catchments and Coast Committee Tuggerah Lakes Meeting Record 31 October 2018



Location:	Central Coast Council Wyong Office Level 2 Function Room 2 Hely Street, Wyong	
Date:	31 October 2018	
Time	Started at: 4:05pm	Closed at: 6:10pm
Chair	Councillor Doug Vincent	
File Ref	F2018/00097	

Present:

Councillor Doug Vincent, Councillor Louise Greenaway, Doug Darlington, Robert Davies, Graham Hankin, Marlene Pennings, Samantha Willis

External representatives:

Lara Davis – NSW Office of Environment and Heritage, Neil Kelleher – NSW Office of Environment and Heritage

Staff present:

Toan Dam – Senior Coastal Planning Officer, Peter Ham – Unit Manager Waterways and Coastal Protection, Zoie Magann – Advisory Group Support Officer, Nicole McGaharan – Ecologist, Peter Sheath – Section Manager Waterways

Item 1 Apologies

Mayor Jane Smith, Councillor Jilly Pilon, Michael Campbell

Item 2 Disclosure of Interest

No Disclosures were received.

Item 3 Confirmation of Previous Meeting Record

The Advisory Group confirmed the Meeting Record from 19 September 2018.

Item 4 Feedback from Previous Meeting

The Advisory Group appreciated the informative presentations provided by Richard Dewar (WMA Water) and David Tetley (Catchment Simulation Solutions) during the 19 September 2018 meeting. It was noted that the recommendations from that meeting are going to Council on the 12 November 2018.



Item 5 Education and Engagement

Staff provided a brief presentation on education and engagement, and outlined the current programs underway. The Advisory Group noted there are concerns about repercussions for non-compliance with environmental legislation, rather than issues with education.

Action: Nick Carson (Environmental Education Officer) to be invited to the next meeting of the Advisory Group.

Item 6 2018/19 Budget Overview

Staff provided an overview of the 2018/19 budget and projects allocated to Council's Waterways and Coastal Protection Unit. The Advisory Group noted there are concerns about resourcing constraints in this Unit, particularly in the Estuary Management Team.

Action: The Advisory Group requests that discussion of the future 2019/20 budget be addressed at the next meeting.

Item 7 Environmental Grant Opportunities

Staff provided an overview of current projects funded by grant programs, including the Tuggerah Lakes Estuary and Catchment Improvement Project (18 projects in total). Staff also provided details of two grant submissions that were being prepared for foreshore restoration and rehabilitation on the north side of Chittaway Point, and on the eastern lake foreshore from North Long Jetty to Picnic Point.

Item 8 Tuggerah Bay Black Swans, Seagrass, and Black Ooze Environmental Issues

Graham Hankin addressed the group in regards to black swans, seagrass (*Halophila Ovalis*), and black ooze in Tuggerah Lakes.

Action: Graham Hankin and a staff member from Council's Waterways section to liaise with Peter Scanes (OEH) about potential environmental issues relating to black swans, seagrass, and black ooze in Tuggerah Lakes, and report back to the Advisory Group after that meeting takes place.

Item 9 Gross Pollutant Traps (GPTs) Update

Staff provided an update on Gross Pollutant Traps (GPTs), including the number of GPTs in the Tuggerah Lakes area, how much and what kind of waste is removed, 2018/19 GPT projects, and inspection/servicing processes.

Item 10 Wrack Update

Item deferred to a future meeting.

Item 11 Catchments to Coast Concept

The Advisory Group briefly discussed the Catchments to Coast concept, and noted the impact that catchments have on waterways and coasts.



Item 12 Nutrient Runoff

The Advisory Group briefly discussed the issue of nutrient runoff, and noted concerns about degradation of Porter's Creek Wetland.

Action: The Advisory Group requests that staff report on the Integrated Water Cycle Management Strategy and management of coastal wetlands with a focus on Porter's Creek at the next meeting.

Item 13 Update on Hereford Road, Berkeley Vale

Staff advised the Advisory Group that there are currently no plans to seal Hereford Street in Berkeley Vale.

Item 14 General Business and Close

Staff provided a presentation on dredging at The Entrance. The Advisory Group noted that the recent storms haven't impacted the channel.

The Advisory Group discussed the next meeting date with regards to Christmas, and resolved to still meet in December.

Action: Advisory Group Support Officer to send out proposed meeting dates for 2019 to Advisory Group members.

The meeting closed at 6.10pm

Next Meeting: **Wednesday 19 December 2018**
 2pm – 4pm
 Central Coast Council Wyong Office
 Level 2 Committee Room

Item No: 5.4
Title: Gosford Traffic and Transport Study
Department: Environment and Planning



10 December 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13381490

Author: Gary Hamer, Section Manager, Strategic Planning

Executive: Scott Cox, Director, Environment and Planning

Report Purpose

The purpose of this report is to provide an update on the progress of the Gosford Traffic and Transport Study.

Recommendation

- 1 *That Council note the contents of the progress report for the Gosford Traffic and Transport Study.***
- 2 *That Council provide a further update of the study in June 2019.***

Background

At the Ordinary Meeting of 18 December 2017 Council resolved to:

817/17 Prepare a report updating Traffic, Transport and Parking for the Gosford City Centre.

This report provides details associated with the progress of the study and the expected timeframes to be met.

A vital part of the rejuvenation of Gosford CBD will be the provision of sustainable transport infrastructure. The intent of the Gosford Traffic and Transport Study is to determine the medium and long term infrastructure necessary to accommodate future private and public transportation needs. Council wishes to develop a traffic model and use this model in combination with detailed intersection analysis to determine future road upgrades with sufficient capacity to accommodate projected traffic growth.

The traffic study for Gosford CBD provides an opportunity to build a comprehensive model to facilitate the proper transport infrastructure-planning framework for the study area as it evolves in line with the local and state government vision for the city. Some of the key factors of the study to be considered as part of the study include impacts of future development, traffic congestion, network capacity and key connections.

Objectives

The main objectives of this study are:

1. Review the existing road network model and updated trip tables land use information and predictions within the study and surrounding area for the current (2018), and short (2028) and long (2038) term planning horizons.
2. The assessment of the road network to include an analysis of the impact of both upgrading works designed to increase the capacity of existing roads and construction of new links, within or that impact on the study area.
3. A sensitivity analysis to compare and evaluate alternative road networks and land use options within the context of the study.

Project Update

On 8 November 2018 the Traffic Data Collection started that includes intersection counts, automatic traffic counts and origin destinations and queue length surveys. It is expected that the data collection component of the project will be completed by late December 2018.

Timeframe of Key Milestones

Milestone	Description	Date
1	Inception Meeting	September 2018
2	Traffic Data Collection	December 2018
3	Review and Analysis of Data	February 2019
4	Develop Traffic Modelling	April 2019
5	Undertake Performance Assessment	June 2019
6	Report / Outputs	August 2019

Link to Community Strategic Plan

Theme 2: Smart

Goal C: A growing and competitive region

C2: Revitalise Gosford City Centre, Gosford Waterfront and town centres as key destinations and attractors for business, local residents, visitors and tourists.

Attachments

Nil.

Item No: 5.5
Title: Baker Park and Race Course Master Plan
Department: Environment and Planning



10 December 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13392305

Author: Gary Hamer, Section Manager, Strategic Planning

Executive: Scott Cox, Director, Environment and Planning

Report Purpose

The purpose of this report is to provide an update on the progression of work associated for the future planning of Baker Park and the Wyong Race Club.

Summary

Central Coast Council is currently working on a Wyong Structure Plan that will provide strategic vision and directions for the town centre and explore how the future of Wyong can leverage off the anticipated major infrastructure upgrades of the Pacific Highway.

Recommendation

That Council receive the report on Baker Park and Race Course Master Plan.

Background

At the Ordinary meeting of 29 October 2018, Council resolved to:

- 1164/18 That Council request that the Chief Executive Officer convene an initial meeting of interested Councillors and community groups in November 2018 to identify key issues and themes for a master planning process and then 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.*
- 1165/18 That Council request the Chief Executive Officer, as part of this process, note the reclassification of lots in the Baker Park/Racecourse precinct specifically Howard, Ithome, Levitt, Rose and Warner Streets.*
- 1166/18 That Council request that the Chief Executive Officer review historical information and establish a community focused vision for the future of the Baker Park and Race Course areas in Wyong as soon as possible.*
- 1167/18 That Council request that the Chief Executive Officer provide an initial report for the Council meeting being held on 10 December 2018.*

On 7 November 2018, Council Officers met with representatives from Wyong Race Club to provide information associated with existing arrangements with three local community groups including Wyong Poultry Club, Wyong Pigeon Club and Wyong Volunteer Rescue Service.

A statement of facts has also been provided by WRC on the matter. The following information is provided as a summary of findings.

The land is not owned by Council and is therefore not defined under Part 2 of the Local Government Act 1993 as public land. Accordingly, the land is considered to be in private ownership, and a search has revealed that there are no trust notifications on the title. Wyong Race Club (WRC) maintains the following statements in relation to the land:

- WRC has operated from its current site since 1912. On 28 October 1988 the Wyong District Agricultural Association changed its name by resolution to the Wyong Race Club; this is likely due to a change of business direction.
- Title to the land, which had been held in the name of the Wyong District Agricultural Association, was subsequently transferred to the Wyong Race Club on 1 January, 1989. Wyong Race Club Ltd is the registered title holder of the land it currently occupies, and a title search undertaken by WRC has confirmed that no Caveat exists on any of the Club's titles.
- The lease agreement between WRC and Central Coast Volunteer Rescue Services (VRS) commenced on 1 January 1980, and expired 31 December 2004. Since the expiry of the lease VRS have operated from the racecourse site on a casual month by month tenancy.
- Discussions commenced between WRC and VRS (and other parties) in relation to improvements on the racecourse land in August 2014 to address future tenure given no formal agreements were in place.
- On 1 December 2016 the VRS signed a one year License to Occupy, with a second short term license signed in November 2017. As a result of planned development of the race track and training operations the license would not be extended beyond 30 November 2018.

On 29 November 2018, Council organised a meeting between the existing community and recreation users of Baker Park and Central Coast Council. The outcomes of the meeting will be reported back to Council in early 2019.

Link to Community Strategic Plan

Theme 5: Liveable

Goal L: Healthy lifestyle for a growing community

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

Attachments

Nil.



Item No: 5.6
Title: Record of Community Strategic Plan Community Reference Group meeting held on 30 October 2018
Department: Connected Communities

10 December 2018 Ordinary Council Meeting

Trim Reference: F2017/00948-02 - D13394246
Author: Sharon McLaren, Senior Project and Research Officer
Manager: Sandi Dufficy, Unit Manager, Corporate Strategy and Performance
Executive: Julie Vaughan, Director, Connected Communities

Summary

To note the meeting record of the Community Strategic Plan Community Reference Group meeting held on 30 October 2018.

Recommendation

That Council receive and note the Meeting Record of the Community Strategic Plan Community Reference Group held on 30 October 2018 as set out in Attachment 1 to this report.

Background

At the Ordinary Meeting on 10 September 2018, Council resolved the following, part thereof;

929/18 *That Council request the Chief Executive Officer submit a report to Council following each meeting of the CRG.*

The Community Strategic Plan Community Reference Group Meeting Record is being reported to Council in accordance with this Council resolution.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

R-G3: Engage with the community in meaningful dialogue and demonstrate how community participation is being used to inform decisions.

Attachments

- | | |
|---|-----------|
| 1 Record of Community Strategic Plan Community Reference Group Meeting held on 30 October 2018 | D13394680 |
|---|-----------|

Community Strategic Plan Community Reference Group - Meeting Record 30 October 2018



Central
Coast
Council

Location:	Central Coast Council Wyong Office Committee Room Level 1 2 Hely Street, Wyong
Date:	30 October 2018
Time	6:45pm – 8:00pm
Chairperson	Julie Vaughan Director, Connected Communities

Present

Mayor Jane Smith

Central Coast Council: Julie Vaughan (JV), Sandi Dufficy (SD), Sharon McLaren (SM) Theresa Lancaster (TL)

Community Reference Group: Gregory Olsen, Heinz Muller, Joy Cooper, Kevin Armstrong, , Tony Mylan, Sidonie Gnauck, Kathy Sokk, Murray McLachlan, Shaun Deverson, Jessica Cairns

Item 1 Welcome and Apologies

1. Clive Blunt
2. Madeline Gill
3. Glenn Hamilton
4. Paula Briggs
5. Kim Leecroft (withdrawn)
6. Conan Hicks
7. Brad Wilson
8. Michelle Cutler
9. Alan Corven

Kim Leecroft has withdrawn from the Community Reference Group due to work commitments. The opportunity to fill this vacancy will be discussed further at the next meeting.

Item 2 CSP Implementation Update

- A presentation on the Community Strategic Plan had been given to the Advisory Group members earlier in the afternoon.

Community Strategic Plan Community Reference Group – Meeting Record
30 October 2018

- The CSP video titled 'One can make a difference' video was presented to the CRG. It features local community members that represent the five CSP Themes of Smart, Green, Belonging, Responsible and Liveable, and presents the Central Coast in a positive manner.
- The 'One can make a difference' video will be available on the website after it has gone to Council on 12 November 2018.

Action:

Email the link to the CSP video to CRG

Item 3 CSP Progress Tracking

- Presentation of the draft CSP Progress Tracking to the CRG, which includes a total of 157 actions / targets from the Operational Plan 2018-19 and six actions that were carried over from the Operational Plan 2017-18. Of these 157 actions / targets:
 - 3% completed
 - 88% on target
 - 7% behind schedule
 - 2% on hold
- Belonging - 19 actions/targets
 - 100% on target
- Smart – 26 actions/targets
 - 4% completed
 - 84% on target
 - 8% behind schedule
 - 4% on hold
- Green – 16 actions/targets
 - 12% completed
 - 63% on target
 - 25% behind schedule
- Responsible
 - 2% completed
 - 89% on target
 - 7% behind schedule
 - 2% on hold
- Liveable
 - 97% on target
 - 3% on hold
- The specific details of these are included in the quarterly report, which will be presented to Council at the 26 November meeting.
- All Council Reports now demonstrate the linkage to the CSP Themes, Focus Area and Objectives.
- All Delivery Program items and Operational Plan 2018-19 actions / targets are aligned to the CSP Framework (Theme, Focus Area and Objectives)
- All 951 capital works projects listed in the Operational Plan 2018-19 are also aligned to the CSP Framework. These projects are currently being reported to Council on a monthly basis, with further work being undertaken to ensure the progress of these are presented to the community in a similar format to the Operational Plan 2018-19 actions / targets

Actions:

- Hardcopy of the Delivery Program / Operational Plan 2018-19 to be mailed to CRG members.
- Link to the quarterly report being presented at the Council meeting on 26 November 2018 to be sent to CRG members.

Community Strategic Plan Community Reference Group – Meeting Record
30 October 2018



Item 4 CSP Indicator

- An overview of the proposed indicators was provided, including their linkage to the Sustainable Development Goals and the data sources of the indicators (Quality of Life survey, Health, ABS, Council data etc)
- Concurrently there will be other data sources such as climate change in the new year which will provide the opportunity for relevant data to be put into the indicators. There are legislative and formal obligations as to why and how we report on these and how we are tracking in response to the CSP.
- In addition to the homelessness data we also have the data from the draft Affordable and Alternate Housing Strategy.
- Council has commenced discussions with various State and Federal Government agencies to shared level of understanding and acknowledgment of outcomes for the Central Coast Liveability Index.
- Council's direct "sphere of influence" is around the governance, consultation and service delivery indicators.

Item 5 General Business

- Discussion on the status of Central Coast Council and local government area being defined as a region or as metro. The Mayor advised that each has its benefits, but is currently defined as a region. This has given the opportunity to apply for the Snowy Hydro grant funding.
- A new organisational structure has been developed with changes including the disbanding of the Assets, Infrastructure and Business directorate and the forming of new directorates. This includes the new Innovation and Futures directorate, which will ensure Council continues to fulfil the community's expectations and implementation of the CSP. The new structure will be effective from 1 November 2018. As a result of the new structure, the Corporate Strategy and Performance Unit will move from Connected Communities into the Innovation and Futures directorate. This will mean that Julie Vaughan will be stepping down as chairperson and the Executive Manager of the Innovation and Futures will continue as chairperson.

Actions:

- Placeholder to be sent to CRG members for 29 January 2019 meeting at Wyong. The placeholder will include a link to the Delivery Program / Operational Plan 2018-19, with a hardcopy to be mailed to members. The Terms of Reference will also be attached for members to sign and return at the next meeting.



Item No: 5.7
Title: Response to Notice of Motion - Mystery Shop
Department: Connected Communities

10 December 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13390948
Author: David Henderson, Section Manager, Customer Relationships
Manager: Sue Ledingham, Unit Manager Community Engagement
Executive: Julie Vaughan, Director, Connected Communities

Summary

This report responds to the Notice of Motion raised at the 8 October 2018 Ordinary Council Meeting regarding Mystery Shop to test Council Services.

Recommendation

That Council receive the report on Response to Notice of Motion – Mystery Shop to test Council Service.

Background

At the Ordinary Meeting of 8 October 2018, Council resolved the following, part thereof;

- 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.*

Mystery Shopping is a market research technique for measuring, and monitoring the interactions between a customer and an organisation during a pre-defined scenario. Mystery Shopping relies on observation and recall, and could be carried out on both a large and small scale across any area of Council. Often, the process involves a researcher (the mystery shopper) going incognito and reviewing the activities of staff, the venue environment, staff friendliness and knowledge. In some instances, the mystery shopper may also consider things such as the number of people in a queue, the number of counters open at a certain time, what items are on display etc. This means that mystery shoppers are not always "shopping" but also experiencing a service or attending an event.

Many companies that provide mystery shoppers, the options to provide this type of service can be procured through market research companies, mystery shopping providers, private investigators, training companies and advertising agencies.

The methodology and approach a mystery shopper uses depends greatly on the type of work they have been asked to undertake. Some mystery shopping activities are completed through the use of a simple questionnaire, while other assignments involve the mystery shopper investigating a service in much greater detail.

Current Status

Council does not conduct any Mystery Shopping programs at present however Council does undertake a Customer Experience Survey and the most recent survey was completed in June 2018.

This survey was undertaken by telephone with 611 Central Coast Council residents. The results from the survey provide a very good insight into what our customers feel is important and their satisfaction ratings on a range of services and experiences. The data is used to develop service plans and action plans to improve the overall customer experience. The survey is the basis for the development of a Customer Experience Strategy which is currently underway and will include a Voice of the Customer (VoC) and Customer Journey Mapping programs. Both of these programs will be used to tell the story of a customer's journey from initial contact, through to engagement and longer-term relationship, understand the challenges or differences across all of our customer touchpoints and identify improvements and process.

The strategy will include a vision, a customer charter outlining our service standards, data analytics, as well as an integrated approach to both employee and customer experience. This approach is well underway with linkages between the My Voice Survey and Customer Experience Survey and will provide actionable plans from each Business Unit to improve the customer experience, whilst engagement with the Leadership Team will ensure buy in for the strategy.

Evaluation of a possible Mystery Shopping Program

Service areas within Council that could potentially lend themselves to a Mystery Shopping program are those that have a direct interface with the public. The following service areas where this interaction occurs regularly are:

- Customer Service Centres
- Leisure Centres
- Libraries
- Childcare Centres
- Waste Collection Services
- Parking Stations
- Council Events
- Central Coast Stadium
- Regional Gallery
- Laycock Street Community Theatre
- The Art House

The cost to undertake a Mystery Shopping program would vary and will generally be an ongoing project which can be carried out several times a year, over a number of years to get comparative data. In consideration of the number of services and programs Council provides it is possible that a program of this nature would require a considerable budget if Council was to choose to undertake a program across the entire range of services. Generally costs start at approximately \$50 per phone call and cost up to several hundred dollars per shop for complex assignments with in-depth reporting.

If Council chose to undertake a modest Mystery Shopper program, across five service areas, on a quarterly basis this would cost approximately \$23,000 - \$25,000 per quarter, totalling up to \$100,000 per year. Results at this moderate level would not be sufficient to inform strategic service planning across a broader customer experience evaluation program. For a more comprehensive program across the range of service areas listed in this report, costs would likely be in the vicinity of a figure of \$220,000 annually and this will likely be much higher depending on the complexity of the assignments.

A Mystery Shopping approach helps to understand the customer experience and data can build a compelling case, but it does not tell a story by itself. Council undertakes a range of consultation processes for service delivery such as the Customer Experience Survey, customer satisfaction surveys and analysis of complaints and feedback, all of which provides a broad range of intelligence gathering methods to inform service planning and improvement decisions.

Options

Recommended:

- Council continues to work towards an improved customer experience through development of the Customer Experience Strategy which includes continuing programs of surveys and complaints and feedback analysis and progresses the implementation of programs such as Voice of Customer and Customer Journey Mapping.

Not recommended:

- Proceed with a Mystery Shopping Program. This is not recommended in isolation of other more considered customer evaluation programs. Council may receive similar outcomes which will be achieved through implementation of a Customer Experience Strategy.

Financial Impact

The cost for Mystery Shopping programs can vary enormously depending upon the type of program required, how complex the task is, the depth of reporting required and the company sourced. A modest program, of five service areas, would require a budget adjustment of approximately \$100,000 for an annual program or for a more comprehensive program across the range of service areas listed in this report, costs would likely be in the vicinity of \$220,000 annually depending on the complexity of the assignments.

Link to Community Strategic Plan

Theme 4: Responsible

Choose Focus Area

R-G4: Serve the community by providing great customer experience, value for money and quality services.

Attachments

Nil.



Item No: 5.8
Title: Permanent Protection of Porters Creek Wetland - Outcome of Investigations
Department: Assets, Infrastructure and Business

10 December 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-02 - D13231710

Author: Peter Sheath, Section Manager, Waterways
Luke Sulkowski, Unit Manager, Natural and Environmental Assets
Manager: Peter Ham, Unit Manager, Waterways and Coastal Protection
Executive: Boris Bolgoff, Director, Roads Transport Drainage and Waste

Report Purpose

The following report has been prepared to inform Council of the outcomes derived from the meeting held to identify mechanisms to permanently protect Porters Creek Wetland.

Recommendation

That Council receive and note the report on Permanent Protection of Porters Creek Wetland - Outcome of Investigations.

Background

At the Ordinary meeting on 12 March 2018, Council unanimously resolved:

- 152/18 That Council request that the Acting Chief Executive Officer*
- a arrange for a meeting (attended by the Mayor, the Acting Chief Executive Officer, Director Assets Infrastructure and Business and Director Environment and Planning) to meet with staff from the Office of Environment and Heritage, Department of Planning and other relevant stakeholders to identify mechanisms to permanently protect Porters Creek Wetland; and*
 - b report the outcomes of these investigations to Council no later than the Ordinary Meeting of 23 April, 2018*

On 9 May 2018 a meeting was held at Wyong to identify and discuss mechanisms to permanently protect Porters Creek Wetland. Those present at the meeting included:

Central Coast Council

- Mayor Jane Smith
- Brian Glendenning (A/CEO)
- Mike Dowling, the then Director Assets, Infrastructure & Business
- Scott Cox, Director Environment & Planning

5.8 Permanent Protection of Porters Creek Wetland - Outcome of Investigations (contd)

- Luke Sulkowski, Acting Senior Manager, Property & Asset Management
- Peter Ham, Unit Manager Waterways & Coastal Protection
- Peter Sheath, Section Manager Waterways

NSW Department of Planning and Environment

- Garry Hopkins, Team Leader

NSW Office of Environment & Heritage

- Sharon Molloy, Director Hunter Central Coast Branch, Regional Operations Division
- Neil Kelleher, Senior Natural Resource Officer, Water Floodplain and Coast.

Several mechanisms to permanently protect Porters Creek Wetland were identified and discussed, as listed below:

1. Coastal Management SEPP 2018
2. Land use zoning under Wyong LEP 2013.
3. Enter a voluntary Biodiversity Stewardship Agreement
4. Donate the land to be National Park
5. Declare to be a Ramsar wetland
6. Catchment management initiatives
7. Conservation agreements

Summary

A meeting was held on 9 May 2018, attended by the Mayor, the Acting Chief Executive Officer, the then Director Assets Infrastructure and Business, Director Environment and Planning, Council officers, representatives from the Office of Environment and Heritage, and the Department of Planning to identify mechanisms to permanently protect Porters Creek Wetland. Seven potential protection measures were discussed and advice provided for each.

Of the seven options considered below, a Biodiversity Stewardship Agreement (Option 3 of this report) was considered to be a strong mechanism to protect the wetland. The next strongest are the existing planning instruments, State and Local, which are already in place: the new *Coastal Management State Environmental Planning Policy 2018* and the *Wyong LEP 2013 (WLEP 2013)*.

A Biodiversity Stewardship Agreement can provide offsets for development opportunities elsewhere, and will support the creation of an income-stream to fund the ongoing management of biodiversity in Porters Creek wetland.

Porters Creek Wetland

Porters Creek wetland is the largest wetland of significance on the Central Coast. It is significant because of its ecology and its impact on improving downstream water quality from its large catchment area. It is located west of Wyong as shown by the yellow arrow on the map below.

5.8 Permanent Protection of Porters Creek Wetland - Outcome of Investigations (contd)

It covers an area of 3.6km², which represents about 12% of the total area of 29km² of Coastal Wetlands on the Central Coast (shown by the other orange areas on the map).

Porters Creek wetland is bounded by the M1 Motorway to the west, the Main Northern Railway to the east, Sparks Road to the north and Alison Road in the south.

Rainfall falling on the suburbs of Hamlyn Terrace, Warnervale, Jiliby and Halloran finds its way to the wetland. Water leaving the wetland flows 1.5km south along Porters Creek, where it joins Wyong River at the Alison Road bridge, at a point that is 2.1km upstream of the Pacific Highway bridge and 8.3km upstream of the confluence with Tuggerah Lake.

Water from Porters Creek wetland is not used for water supply. Water continues to be extracted in Wyong River, from the weir on Wyong River near the old milk factory at the M1, which is 1.5km upstream of the confluence with Porters Creek. In the period 2005 to 2007, during the drought, some water was captured for water supply in a temporary weir below the wetland and pumped to the weir in Wyong River. When the drought broke in 2007 the temporary weir and pumps were removed. Recently a storm water harvesting proposal upstream of Porters Creek wetland was also abandoned by Council. The construction of the Mardi to Mangrove pipeline and the Hunter Connection provides for enhanced water security for the region.

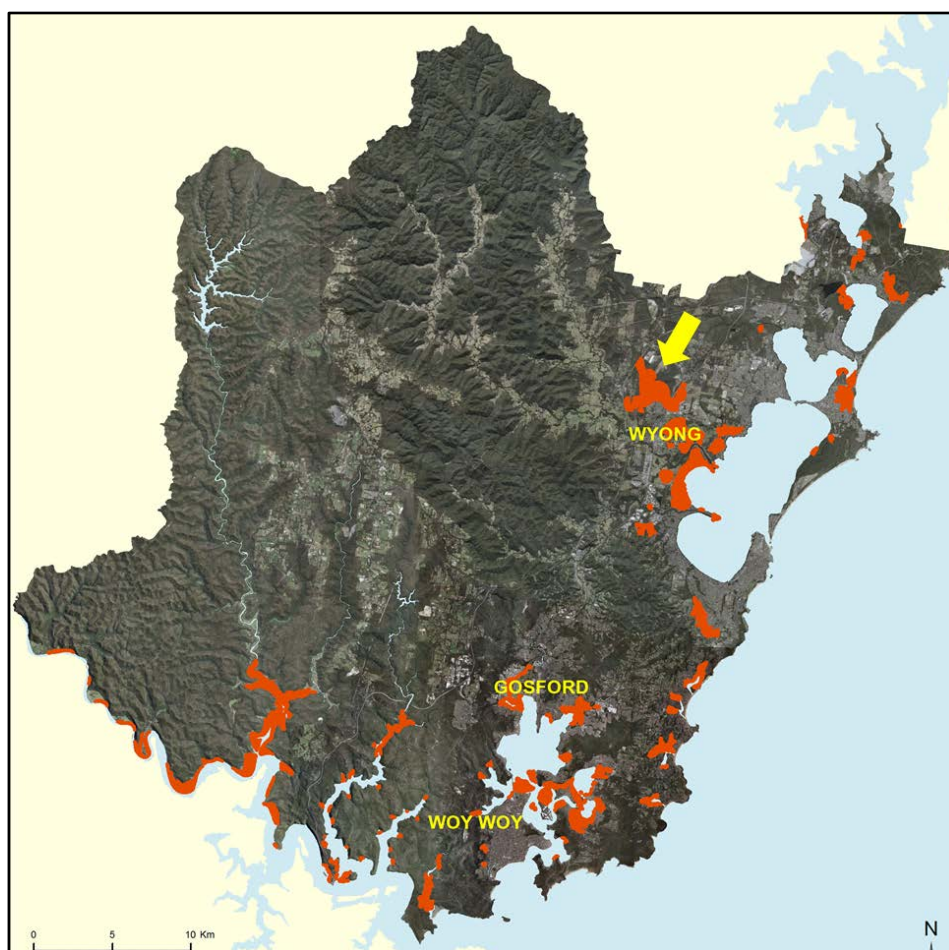


Figure 1



Figure 2

Mechanisms to permanently protect Porters Creek Wetland

1. State Environmental Planning Policy (Coastal Management) 2018

Coastal wetlands were previously protected by *State Environmental Planning Policy 14*, but as from 3 April 2018, they are now protected by the Coastal Management State Environmental Planning Policy 2018 (SEPP). It gives effect to the objectives of the Coastal Management Act 2016. Coastal wetlands are mapped, which are available on both Council's GIS and a NSW Government mapping portal: <https://www.planning.nsw.gov.au/Policy-and-Legislation/Coastal-management>

5.8 Permanent Protection of Porters Creek Wetland - Outcome of Investigations (contd)

The *SEPP* declares that any development proposals within the mapped wetland areas, other than development for the purpose of environmental protection works, are considered designated development (whereby an Environmental Impact Statement would be required). The mapping also includes a proximity *area* for coastal wetlands, which comprises land up to 100m around all mapped wetlands. The *SEPP* places development restrictions on these proximity areas, where any development proposal must demonstrate that it will not significantly impact on the biophysical, hydrological or ecological integrity of the wetland or the quantity or quality of surface and groundwater flows to and from the wetland. The wetland area, together with proximity area, are shown in blue on the map below (the 100m proximity area is hatched).

Meeting discussion: The *SEPP* affords protections to the wetland through development consent conditions. These development consent conditions should take into account the biophysical, hydrological and ecological integrity of the wetland. Consent cannot be granted unless the consent authority is satisfied that sufficient measures have been taken to protect the wetland.



Figure 3

2. Land use zoning under Wyong Local Environmental Plan 2013 (WELP 2013).

Under the WLEP 2013, the wetland is almost entirely zoned E2 – Environmental Conservation as shown in the figure 4 below (the wetland outline is shown below in red). Relevant objectives of the E2 zoning are

- to protect areas of ecological value
- to prevent development that could have an adverse effect, and
- to protect endangered ecological communities and coastal wetlands.

There is some land in the south-eastern part of the wetland, adjacent to the North Wyong Industrial area, with other zonings, including E3 Environmental Management, B6 Enterprise Corridor and SP2 Infrastructure (Electricity). There is also a small part of SP2 Infrastructure

5.8 Permanent Protection of Porters Creek Wetland - Outcome of Investigations (contd)

(Rail and Road) land along the road and rail corridor for Link Road and the main Northern Railway.

Meeting discussion: The wetland is already well protected by the E2 zoning. Consider opportunities to rezone some of the E3, B6 and SP2 land to E2. Noted that E2 provides a level of protection however is not always binding. For example, proposal for Central Coast Airport would have extended into the E2 zoning of Porter's Creek Wetland.

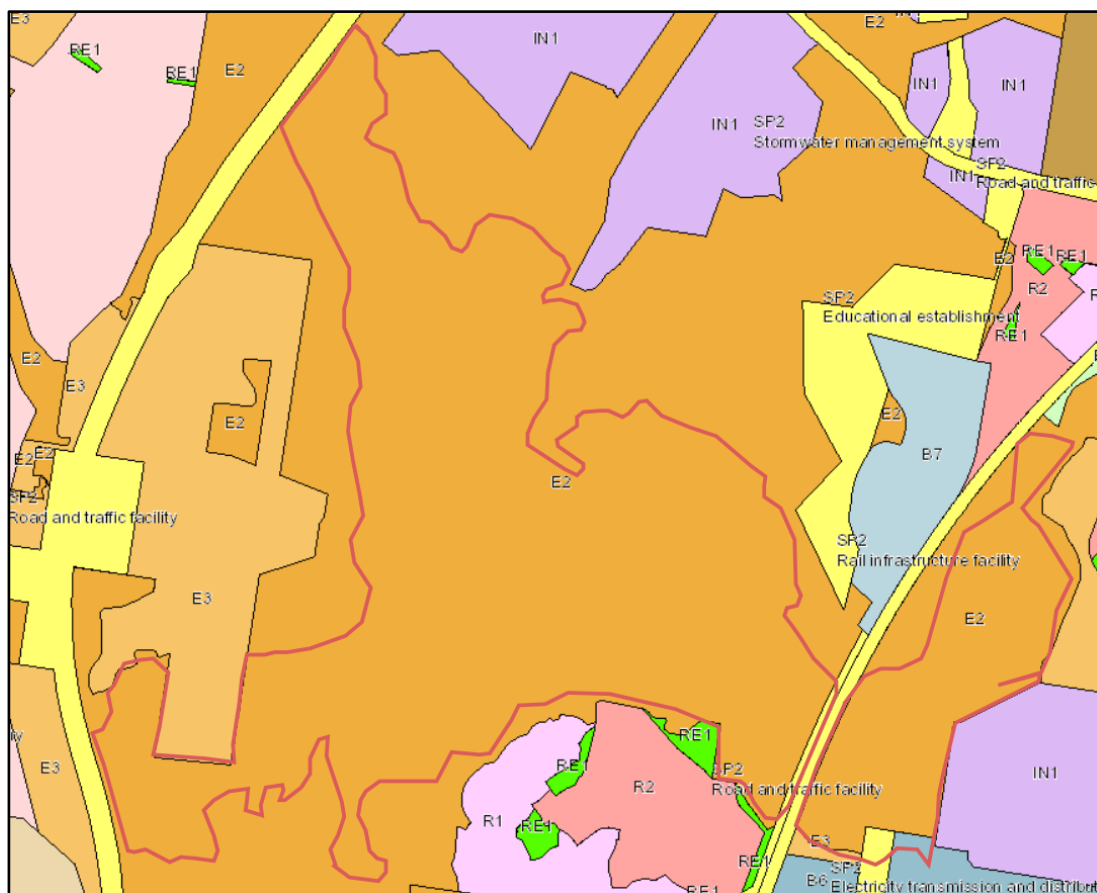


Figure 4

3. Enter a voluntary Biodiversity Stewardship Agreement

Landowners, including Council, may consider entering into a voluntary Biodiversity Stewardship Agreement (BSA) on any parcel of land under the *NSW Biodiversity Conservation Act 2016*. There are provisions within the agreement for "in-perpetuity conservation". A BSA can include Crown Land and conservation measures which ensure that the hydrology of the wetland is considered. Council would be able to sell credits and receive an annual management payment to service the BSA. This can provide permanent protection for the management of biodiversity and allow for the creation of biodiversity credits for sale.

The resulting stewardship site generates biodiversity credits which represent the expected improvement in biodiversity that will result from the protection and management of the site. A landholder (Council) can sell the biodiversity credits to a developer, the NSW Biodiversity Conservation Trust or other interested parties. Once credits are sold the site needs to be maintained in perpetuity.

The Porters Creek wetland is shown below in red together with the Coastal SEPP 100m proximity area. It comprises many land parcels, most of which are owned by Council. Council owned land is shaded in green below; areas of operational land have vertical yellow hatching, and community land has horizontal yellow hatching. The main wetland area in the middle is not categorized.

The potential credit status of the Porters Creek wetland land parcels would need to be assessed. These credits are able to be traded. A BSA is registered on the land title; when land that includes a BSA is sold then the new owner takes over the obligations of the stewardship agreement and in return receives payments from the Biodiversity Stewardship Payments Fund.



Figure 5

Meeting discussion: What would and would not be protected would be determined within the BSA. E.g. the BSA might identify particular parts of the land under the agreement that are not protected, for instance for the purpose of a fire trail or otherwise.

4. Donate the land to be National Park

NPWS would assess the value for use as a national Park: diversity and cultural heritage values, recreational opportunities, park management benefits and economic impacts. The land would need to align with the *NSW National Parks System Directions Statement*. This is a strong level of protection.

Meeting discussion: NPWS may not be interested in the land; it would be subject to their assessment. Donating the land would likely exclude Council from benefiting from the income of Biodiversity Conservation Agreement credits, as this would be considered as income required by NPWS to manage the park. It could lead to more people accessing the wetland, which may lead to degradation; NPWS have a preference for allowing public access to national Parks, via walking tracks or board walks.

5. Declare wetland to be of international importance under the Ramsar Convention

The Environment Protection and Biodiversity Conservation Act 1999 is the legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places. Under the Act the Federal Environment Minister may declare a specified wetland to be of international importance (often called 'Ramsar' wetlands after the international treaty under which such wetlands are listed).

There are presently 12 Ramsar wetland sites in NSW, the closest being Hunter Estuary Wetlands, and Myall Lakes.

Meeting discussion: The nomination process would include comments from the State. The process is long. A declaration would be unlikely.

6. Catchment management initiatives

Protection of the wetland through catchment management initiatives was raised at the meeting. It was considered that any initiatives may be cost prohibitive due the size and complexity of the catchment. Council does have a role in controlling development discharge from upstream development.

Meeting discussion: Catchment management opportunities for Porters Creek have been considered in various strategies, including the *Porters Creek Stormwater Harvesting Scheme*. However this scheme was found to be cost prohibitive. There is a need to revise the scheme.

7. Enter a voluntary Conservation agreement

A conservation agreement is a joint agreement between landholders (Council) and the Minister for the Environment. There are no tradable credits under this type of agreement. The agreement provides permanent protection for the special features on land and is voluntary. The area under the agreement is registered on the title of the land, ensuring that, if the land is sold, the agreement and management requirements remain in place.

A conservation agreement provides the opportunity for land to be permanently conserved - not just under current ownership, but for all future owners. When entering into a conservation agreement, the landholder continues to undertake responsibility for the management of the land, including control of weeds and feral animals.

Landholders who are eligible to participate in the Conservation Partners Program may be able to access Conservation Partners Grants to assist them to manage their conservation agreement. The requirements for establishing an Agreement are quite onerous and would require significant staff input.

Meeting discussion: This option was not discussed by the group, but is included here for the sake of completeness.

General Business

The Link Road and Mardi to Warnervale pipeline were raised as two proposals that may have an impact on Porters Creek Wetland. It was reinforced that for any such proposals, there would need to be an EIS (Environmental Impact Study) undertaken and consultation with relevant agencies. This should be done early in the process.

The need to manage the catchment, especially in terms of altering hydrological regimes, was emphasised in terms of protection of Porters Creek wetland.

Conclusion

It was agreed to refer all options discussed to Council for their consideration.

Link to Community Strategic Plan

Theme 3: Green

Goal F: Cherished and protected natural beauty

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

Attachments

Nil.

Item No: 5.9
Title: Response to Notice of Motion - Short Term Rental Accommodation
Department: Environment and Planning



10 December 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13383982

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 to respond to Council Resolution 930/18 regarding Short-term rental accommodation across the Central Coast.

Recommendation

That Council receive the report on Short-term rental accommodation.

Background

Short-term rental accommodation is the renting of the whole or part of a private dwelling by an owner to a visitor on a commercial basis, whether the owner is present or not.

At Council's Meeting of 24 September 2018, the following outstanding report was noted from Council's resolution on 18 December, 2017:

930/18 *That Council note the report on Reports Due to Council with the addition of:*

845/17 *That Council prepare a strategy for the future management of short term accommodation to come back to Council in July 2018.*

Short-term rental accommodation (STRA) is regulated in NSW by the *Environmental Planning & Assessment Act 1979* (EP&A Act). The *Gosford Local Environment Plan 2014* (GLEP 2014) and the *Wyang Local Environment Plan 2013* (WLEP 2013) both outline a number of different provisions for the operation of STRA premises as exempt development. Exempt development is considered very low impact development and may be carried in dwellings of up to 4 bedrooms without the need to obtain development consent under the EP&A Act.

During the last 12 months, Council received 20 complaints regarding 18 STRA premises in the north of the Central Coast LGA (former Wyong Shire Council), and considered 2 Development Applications. One Development Application was approved, and the other was withdrawn. In the southern areas of the Central Coast (former Gosford City Council), received 19 complaints regarding 15 STRA premises, and considered 4 Development Applications, approving 3.

It can be seen from these statistics that a small number of STRA premises generated several ongoing complaints. However, in the main the relevant issues were able to be resolved by Council and have led to better management of the sites. All complaints received by Council to date have been resolved either by ensuring the exemption provisions are being adhered to and the amenity of the locality restored, by the lodgement and consideration of a Development Application for the use, or by the cessation of the STRA use of the premises which often results in the premises being returned to use for long term rental purposes.

The NSW Department Planning and Environment (DP&E) is proposing to amend *the Standard Instrument (Local Environmental Plans Order) 2006* and the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* to establish a state-wide framework for STRA activities. This is in response to draft STRA proposals presented in an Options Paper, to which Council previously provided comments on 31 October 2017 (refer Attachment 1), and which were developed following a Parliamentary Inquiry on STRA during 2015/16.

The DP&E has now released an Explanation of Intended Effect (EIE) for the draft SEPP, and is currently consulting on the proposed amendments which were on public exhibition up to 16 November 2018, with comments from local government being received until 30 November 2018. The proposed framework is expected to be in place in 2019.

This proposal (the draft SEPP) would directly and automatically affect the wording of all NSW Councils' Local Environmental Plans. The provisions in place will be reviewed as part of the development of the future Central Coast Comprehensive Local Environmental Plan.

Current Controls

For the former Gosford Local Government Area, the GLEP 2014 outlines the following criteria for short-term rental accommodation to be considered exempt development:

1. *The subject dwelling must be located in a zone where dwellings are permitted with consent.*
2. *The dwelling must not contain more than 4 bedrooms.*
3. *The dwelling must be serviced by a general waste garbage bin of at least 240L capacity.*

5.9 Response to Notice of Motion - Short Term Rental Accommodation (contd)

4. *If the dwelling is located in a bush fire prone area, a bush fire evacuation plan must be attached to the dwelling in a prominent location.*
5. *There must not have been more than 2 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.*

For the former Wyong Local Government Area, the WLEP 2013 outlines the following criteria for short-term rental accommodation to be considered exempt development:

1. *The subject dwelling must be located in a zone where dwellings are permitted with development consent.*
2. *The dwelling must not contain more than 4 bedrooms.*
3. *The dwelling must be serviced by a general waste garbage bin of at least 240L capacity.*
4. *If the dwelling is located in a bush fire prone area, a bush fire evacuation plan must be attached to the dwelling in a prominent location.*
5. *If the dwelling is part of a community or strata scheme, the development must have the prior written approval of the owners corporation for that scheme.*
6. *If the dwelling is serviced by an on-site sewage management system, the number of persons occupying the dwelling must not exceed the number of persons stated as the capacity for that system.*
7. *There must not have been more than 2 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.*

Further, Clause 7.18 of the WLEP 2013 allows Council to grant consent for the use of a dwelling of up to 6 bedrooms as short term rental accommodation.

In terms of providing consistency across the Central Coast, the Draft Central Coast Consolidated Local Environmental Plan, which will be exhibited in the near future, currently contains the following provisions:

7.5 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.

Also, short term rental accommodation in a dwelling of up to 4 bedrooms may be carried out as Exempt Development, where it complies with the following provisions:

Schedule 2 Exempt development

1 Short-term rental accommodation

- (1) The subject dwelling must be located in a zone where dwellings are permitted with development consent.
- (2) The dwelling must not contain more than 4 bedrooms.
- (3) The dwelling must be serviced by a general waste garbage bin of at least 240L capacity.
- (4) If the dwelling is located in a bush fire prone area, a bush fire evacuation plan must be attached to the dwelling in a prominent location.
- (5) If the dwelling is part of a community or strata scheme, the development must have the prior written approval of the owners corporation for that scheme.
- (6) If the dwelling is serviced by an on-site sewage management system, the number of persons occupying the dwelling must not exceed the number of persons stated as the capacity for that system.
- (7) There must not have been more than 2 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.

Proposed DP&E Framework - Key Points:

- The STRA framework would apply across the CCC LGA automatically, and would override the provisions in GLEP 2014 and WLEP 2013.
- STRA activities are proposed to be exempt or complying development where:
 - Residential use of a dwelling is permissible in the zone.
 - No physical alterations are necessary to accommodate the use.
 - The dwelling has development consent or an existing use right for use as a dwelling.
- Exempt development would be possible 365 days per year where:
 - The host is not present on site, and the property is not within a bushfire prone area; or
 - The host is present.
- Complying development would be possible 365 day per year where:
 - The host is not present, and
 - The property is on bushfire prone land (<BAL29).
- Council may reduce the number of days permissible, to no less than 180 days.
- Proposed requirements for use of a dwelling for STRA activities include:
 - No more than 2 occupants per bedroom with a maximum of 12 persons per dwelling.
 - Each bedroom has a smoke detector.
 - Hallways have lighting when smoke alarm system is activated.

- A heat alarm is installed where a bedroom is located above a garage.
 - A Code of Conduct (CoC) is in place.
- Additional safety requirements would apply to multi- unit buildings.
- A mandatory CoC is under preparation by the Department of Finance, Services and Innovation (DFSI).
- Complaints in relation to matters covered in the CoC, e.g. anti-social behaviour and other complaints are to be referred to DFSI for mediation and management.
- DP&E is accepting further comments on the proposal, including submissions to reduce the number of days to less than 365, until 30 November 2018.

The DP&E proposes the introduction of a mandatory Code of Conduct for letting agents, hosts and guests to address impacts like noise levels, disruptive guests and effects on shared neighbourhood amenities. The draft Code has not been placed on exhibition for comment, however, will also include a new dispute resolution process to resolve complaints, and NSW Fair Trading will have powers to police online platforms and letting agents. A 'two strikes and you're out' policy is proposed, where hosts or guests who commit two serious breaches of the Code within two years will be banned for five, and be listed on an exclusion register.

Economic Issues Relating to Short Term Rental Accommodation

Introducing the draft Reforms, the NSW Minister for Innovation and Better Regulation, Matt Kean MP, recognised the estimated \$31 billion annual contribution of online booking platforms like Airbnb and HomeAway (formerly Stayz) to the Australian economy. Whilst the economic benefits flowing into the Central Coast economy is substantial due to our superb beachside, lake and lifestyle locations, Council does not have estimates or accurate statistics regarding the economic value or number of STRA dwellings operating within the local economy, as the use largely operates within the Exempt development provisions with no requirement to register with any organisation. Council's submission to DP&E supports the position of the NSW Local Government Association in recommending that the Department of Finance, Services and Innovation (DFSI) operate a state-wide register of STRA dwellings to assist accurate definition of the economic values and impacts of the use.

The supply of affordable housing is a strong concern for Council as the popularity of STRA via on-line platforms proliferates. Council is concerned that some elements of the proposed planning changes will further erode the availability of affordable housing by removing long term rental properties from the market.

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.

Conclusion

The DP&E has released an Explanation of Intended Effect (EIE) for a draft SEPP to enable STRA within dwellings, as standardised State-wide provisions, which are expected to be in place in 2019. The DP&E is currently publicly exhibiting the proposed amendments.

It is considered that Council should note the content of this report and await the release of the DP&E SEPP prior to finalising a Strategy for the future management of STRA on the Central Coast.

Attachments

- | | |
|---|-----------|
| 1 Attachment 1_Central Coast Council Submission - Short-term Holiday Letting in NSW 31.10.2017 | D13384520 |
|---|-----------|



31 October 2017

Director, Housing Policy
Department of Planning and Environment
GPO Box 39 Sydney NSW 2001

Via email: STHL@planning.nsw.gov.au

Dear Sir/Madam

**Central Coast Council Submission
Short-Term Holiday Letting Options Paper**

Thank you for providing the opportunity to make a submission to the Short-Term Holiday Letting Options Paper.

Please find attached for your consideration, a submission on behalf of the Central Coast Council. The attached submission has been structured to provide:

- A background summary of approaches to this matter adopted by the former Wyong and Gosford Councils (now the Central Coast Council);
- Identification of issues relating to existing short-term holiday letting premises; and
- Opportunities and solutions to support and regulate the industry.

Should you require further information, or supporting commentary, please contact me on 02 4350 5547 or email Scott.Duncan@centralcoast.nsw.gov.au.

Yours faithfully

A handwritten signature in black ink, appearing to read "S. Duncan", on a light background.

Scott Duncan
**Section Manager, Land Use and Policy
Central Coast Council**



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

The following outlines the past approaches of the former Gosford and Wyong Councils.

In 2014, the former Gosford and Wyong Councils each introduced provisions to enable dwellings of up to 4 bedrooms to be used for Short-Term Rental Accommodation (STRA) as Exempt Development, and dwellings of up to 6 bedrooms to be used for STRA only with Development Consent, under the respective Local Environmental Plans (LEPs). A limit was applied on the number of bedrooms, as the number of bedrooms was seen to dictate the number of occupants. Dwellings larger than 6 bedrooms were considered to be likely to impact the residential amenity of the neighbourhood, and are therefore not supported.

The Exempt Development Provisions include:

Short-term rental accommodation

- (1) The subject dwelling must be located in a zone where dwellings are permitted with development consent.
- (2) The dwelling must not contain more than 4 bedrooms.
- (3) The dwelling must be serviced by a general waste garbage bin of at least 240L capacity.
- (4) If the dwelling is located in a bush fire prone area, a bush fire evacuation plan must be attached to the dwelling in a prominent location.
- (5) If the dwelling is part of a community or strata scheme, the development must have the prior written approval of the owners corporation for that scheme.
- (6) If the dwelling is serviced by an on-site sewage management system, the number of persons occupying the dwelling must not exceed the number of persons stated as the capacity for that system.
- (7) There must not have been more than 2 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.

[Notes: the Gosford LEP does not contain above sub-clauses 5 and 6, and the Wyong provisions do not define what period constitutes "short-term", meaning the site could be let to various tenants for 52 weeks per year. Gosford City Council also adopted a DCP Chapter, to provide development assessment guidelines for circumstances where Council requires the submission of a development application. This is when the development limits for the use exceed the exempt development provisions (5-6 bedrooms), or as a result of complaints concerning the operation of the use. This Chapter defines 'temporary or short term as 'any period up to 3 months'.]

The introduction of planning provisions were in response to a Land and Environment Court action brought by a neighbour in relation to the use of a property at Copacabana (within the former Gosford City Council area). The Court held that the STRA use was separate to use as a "dwelling-house", and was therefore not permissible within the R2 Low Density Residential Zone. In recognition that the unregulated use of dwellings for holiday lettings (STRA) had been commonplace for many years in coastal areas, the Councils sought to enable the use. They recognised that STRA provides an affordable form of tourist and visitor accommodation, which in turn provides an important economic stimulus to businesses and services in the region.

Statistics

- Council currently has 3 sites under surveillance due to complaints.
- Since 2014 there have been 26 properties investigated as a result of complaints about short term holiday rentals.

Issues relating to Existing Premises

From a compliance point of view, the main issues with STRA relate to noise, anti-social behaviour, parking and waste disposal.

- Complaints commonly result when large groups use the accommodation for parties, particularly when the parties are in outside areas, and/or extend into late hours. Houses consistently used for parties cause significant ongoing impacts on neighbourhood amenity.
- Currently under the LEPs, the exempt limit for STRA (or short term holiday letting) is not more than 4 bedrooms. However, a 4 bedroom dwelling may accommodate any number of persons. A further limitation of 2 persons per bedroom should be introduced to reinforce the limitation on numbers (as per the provision within the HLO Code of Practice).
- Lack of car parking in the locality is a common complaint. Council's ability to respond is limited to action where car parking blocks driveways or if median strips are used.
- Insufficient garbage facilities cause amenity nuisance.
- Currently under the LEPs, STRA (or short term holiday letting) is exempt unless there are 2 complaints received from neighbouring dwellings within 40m, within the last 12 months.
 - o This exemption enables conduct of short term holiday letting with minimal control of antisocial activities.
 - o The requirement is subjective and not enforceable and should be replaced by measurable restrictions.
- Council's ability to respond to impacts such as noise is limited. Often complaints are received by police late at night or after the guests have left. The responsibility for the behaviour of the tenants needs to be placed on the owner of the property, e.g., to provide access to security services when required and to require tenant screening processes and other procedures (strengthening the HLO Code of Practice) including:
 - o key handover for tenants;
 - o house rules, such as prohibiting use of outdoor areas after 10pm;
 - o a disturbance provision in the bond, which is to be released either fully or partially, dependent upon impacts produced (e.g., 21 days after the tenancy); and
 - o providing neighbouring residents 24/7 contact numbers should they be adversely affected by nuisance impacts.

Proposed Solutions

- As part of the exempt development conditions, the owner should be required to develop a Plan of Management for the use of the premises. This plan should be provided to all neighbouring premises within 40m of the property. The Department of Planning could develop a model or template for the plan of management that could be used by owners. The plan of management should include requirements for keeping a register of tenants, a complaints register, process for screening tenants, key handover procedure, parking requirements, waste management requirements, fire and bushfire safety, emergency evacuation plans, floor plans or sleeping arrangements (maximum number of adults/children), house rules and a contact number for adjacent properties if they are affected by nuisance impacts (link to HLO Code of Practice).
- The current exempt provisions are based on the number of bedrooms only. This should be linked to the number of guests, with exempt development being for a maximum of 4 bedrooms catering for 8 guests or less.
- If it is a requirement that short-term holiday letting is registered with Council, this provision should be included as part of the exempt development criteria. There should also be a fee attached with the registration which is specified in the Regulations.
- Short term letting of rooms (not entire homes) in any property where the landlord or host is present should be considered exempt development.
- The exempt development provisions should be strengthened to ensure the Owner/Managing Agent strictly apply and enforce tenant limits to properties with Onsite Sewage Management Systems (OSSMs). Most domestic OSSMs are not designed to cope with either intermittent loads or excessive hydraulic loads, which are likely to occur from STRA. Both scenarios can result in the failure of the OSSMs, with a resultant risk to both public health and the environment. In addition, OSSMs have specific operational requirements which STRA guests need to be made aware of by the property Owner/Managing Agent. Incorrect use of the system can result in system failure, which again can result in a risk to public health and the environment, and result in costly repairs for property owners.
- There should be the ability for Council to issue a Penalty Infringement Notice upon Owner/Managing Agent of short term holiday letting when impacts occur. The penalty should be, say \$500 and payable to Council for recovery due to resource consumption responding to complaints etc. Service of the penalty notice would require evidence such as police reports, statutory declarations from residents, surveillance etc.

Suggested Actions:

- STRA approvals for larger dwellings should initially only be granted for 12 months (and then Councils could consider S.96 applications, for each additional 12 month period).
- A requirement that operators register premises with Council, with a licence (like OSSM or Swimming Pools) for Council to conduct random inspections for fire safety, etc. Often the premises are existing homes that may not have been built to current BCA requirements (disability access, fire, bush fire prone, flooding, etc.);

- Continue the limitation on the number of bedrooms, and link it to maximum occupancy of 2 persons per bedroom.
- An industry Association, the Holiday Letting Organisation (HLO), has developed a Holiday Rental Code of Practice, which has been adopted by some of the leading STRA organisations, such as STAYZ, TakeABreak, Rentahome, REI NSW, HLO Central Coast and HLO Byron. The Code addresses Owner/Managing Agent and Tenant responsibilities and behaviour. Broader compliance with this Code should be mandatory. The NSW Department of Planning and Environment (DP&E) should adopt and reinforce The Holiday Rental Code of Conduct in Exempt provisions, and which can form part of the conditions of consent.
- If a self-regulator is created, what powers would they have to ensure compliance is met? Will they be able to issue orders/fines? A checklist should be devised for compliance matters.
- Often the amenity issues occur on the weekend, when Council officers are not available. Often the Police (who are the correct regulatory authority) are called; however, most often don't attend due to competing priorities, thus pushing the matter back to Council. The Owner/Managing Agent should be required to provide security services, which neighbours can contact when behaviours are impacting residential amenity. Tenants should be clearly advised that each call-out will forfeit a percentage of the bond, or may result in eviction.
- A register of tenants should be maintained by the Owner/Managing Agent as well as a Complaints Register, dictating what action has been taken to mitigate any issue.
- Known problem premises could be placed on a Council Ranger's list for random patrols.



Item No: 5.10
Title: Meeting Record of the Gosford CBD and Waterfront Advisory Committee held on 7 November 2018
Department: Governance

10 December 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13393845
Author: Kelly Drover, Advisory Group Support Officer
Executive: Scott Cox, Director, Environment and Planning

Report Purpose

To note the draft Meeting Record of the Gosford CBD and Waterfront Advisory Committee held on 7 November 2018.

Recommendation

That Council note the draft Meeting Record of the Gosford CBD and Waterfront Advisory Committee held on 7 November 2018 that is Attachment 1 to this report.

Background

The Gosford CBD and Waterfront Advisory Committee held a meeting on 7 November 2018. The Meeting Record of that meeting is Attachment 1 to this report.

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 Gosford CBD and Waterfront Advisory Committee Meeting Record - 7 November 2018 | D13393839 |
|----------|--|-----------|

Draft Gosford CBD and Waterfront Advisory Committee Meeting Record 7 November 2018



Location:	Central Coast Council Gosford Administration Building Level 1 Committee Room 49 Mann Street, Gosford	
Date:	7 November 2018	
Time	Started at: 4.02pm	Closed at: 6.12pm
Chair	Councillor Richard Mehrstens	
File Ref	F2018/00101	

Present:

Councillor Louise Greenaway, Councillor Chris Holstein, Councillor Kyle MacGregor, Councillor Richard Mehrstens, Michael Conroy, Joy Cooper, Rod Dever, Dianne Haydon, Chris Krogh (arrived 4.24pm), Edwina Nikora

External Agencies:

Ben Connolly – Gosford Business Improvement District (GBID), Robert Hodgkins – Department of Planning and Environment, Julius Huszarek – GBID, Nicola Robinson – Central Coast Regional Development Corporation (CCRDC), Deborah Warwick – GBID

Also present were:

Glenn Cannard – Unit Manager Community Partnerships (arrived 4.34pm), Scott Cox – Director Environment and Planning, Zoie Magann – Advisory Group Support Officer, Bileen Nel – Director Water and Sewer, Matthew Prendergast – Executive Manager Innovation and Futures

Item 1 Apologies

Mayor Jane Smith, Councillor Rebecca Gale Collins

Item 2 Disclosure of Interest

Councillor Holstein previously declared a less than significant non-pecuniary interest having casual employment with Coast Shelter and Regional Youth Services in the Gosford CBD.

Councillor Holstein declared a less than significant non-pecuniary interest being a Council representative on the GBID Management Committee.

Rod Dever declared a less than significant non-pecuniary interest as a member of the GBID Management Committee.

Edwina Nikora previously declared a less than significant non-pecuniary interest as the Manager of GBID.

Dianne Hayden previously declared a less than significant non-pecuniary interest having worked at Gosford Tourism office.

Draft Gosford CBD and Waterfront Advisory Committee Meeting Record
7 November 2018



Item 3 Confirmation of Previous Meeting Record

The Advisory Group confirmed the 8 August 2018 Meeting Record.

Item 4 Gosford City Centre Special Infrastructure Contributions

Robert Hodgkins from the Department of Planning and Environment provided the Advisory Group with an update on the Special Infrastructure Contributions (SIC).

Item 5 Initiatives in Gosford CBD

Ben Connolly from Gosford Business Improvement District provided the Advisory Group with a presentation on GBID, including the purpose, operation, and initiatives of the organisation. Deb Warwick and Julius Huszarek also spoke to the Advisory Group about GBID in their roles as Chairperson and Vice Chairperson of the GBID Management Committee.

Item 6 Future Plan for Engagement

Glenn Cannard (Unit Manager Community Partnerships) provided the Advisory Group with a presentation on place activation in the Gosford CBD. The presentation addressed future plans for engagement in the Gosford CBD and wider Central Coast Council LGA.

Item 7 Kibble Park Upgrade

Scott Cox (Director Environment and Planning) advised the Advisory Group there are currently no plans to upgrade Kibble Park in 2018/19, however options are being considered for 2019/20.

Item 8 General Business and Close

The Advisory Group noted that this is the final meeting of 2018, and consideration will need to be given to what the group will prioritise next year.

Action: Advisory Group members to forward any agenda requests to the Advisory Group Support Officers in preparation for the next meeting scheduled for February 2019.

Action: Glenn Cannard or a delegate to attend a future meeting of the Advisory Group to discuss the use of live music and entertainment as an engagement opportunity in Gosford CBD.

The meeting closed at 6:12pm.

Next Meeting: **Wednesday 13th February 2019**
 4 – 6pm
 Central Coast Council Gosford Admin Building
 Level 1 Committee Room
 49 Mann Street, Gosford

Item No: 5.11
Title: Deferred Item - Response to Motion of Urgency U5/18
 Asbestos - Wamberal and Terrigal Beaches
Department: Assets, Infrastructure and Business

10 December 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13307190

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

Report Purpose

To provide Council with a response to Motion of Urgency U5/18 Asbestos – Wamberal and Terrigal Beaches.

Recommendation

- 1 That Council note the Deferred Item - Response to Motion of Urgency U5/18 Asbestos – Wamberal and Terrigal Beaches which is Attachment 2 to this report.**
- 2 That Council receive and note the report on Response to Motion of Urgency U5/18 Asbestos - Wamberal and Terrigal Beaches.**

Context

Council, at its meeting held on 9 July 2018 resolved:

670/18 *That Council defer this item to the Ordinary Meeting of Council to be held on 23 July 2018.*

Council, at its meeting held on 23 July 2018 resolved:

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

Background

The questions raised in regard to the asbestos issue at Wamberal Beach are listed below together with details of responses provided.

**5.11 Deferred Item - Response to Motion of Urgency U5/18 Asbestos -
Wamberal and Terrigal Beaches (contd)**

Q77/18 Asbestos Urgency Motion (OM 28 May 2018) Cr Jilly Pilon

Can you please advise regarding the asbestos urgency motion that was back on 23 April 2018, just in relation to when those seven points will be coming back to us?

A response to this question was included in the 23 July 2018 Business Paper

**Q122/18 Daily Collections of Asbestos from Wamberal to Terrigal Beach
(OM 23 July 2018) Councillor Jilly Pilon**

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

The response to these questions was included in the 8 October 2018 Business Paper.

Attachments

- | | | |
|----------|---|-----------|
| 1 | Deferred Item - Response to Motion of Urgency U5/18 Asbestos -
Wamberal and Terrigal Beaches | D13374702 |
| 2 | Deferred Item - Response to Motion of Urgency U5-18 Asbestos -
Wamberal and Terrigal Beaches | D13374705 |



Item No: 4.1
Title: Deferred Item - Response to Motion of Urgency U5/18 Asbestos - Wamberal and Terrigal Beaches
Department: Assets, Infrastructure and Business

23 July 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-03 - D13276601
Author: Ben Fullagar, Section Manager
Manager: Peter Ham, Unit Manager Waterways and Coastal Protection
Executive: Boris Bolgoff, Acting Director Assets Infrastructure and Business

Summary

Council, at its meeting held on 9 July 2018 resolved:

670/18 *That Council defer consideration of this item to the Ordinary Meeting of Council to be held 23 July 2018.*

Recommendation

- 1 *That Council note the Deferred Item - Response to Motion of Urgency U5/18 Asbestos – Wamberal and Terrigal Beaches which is Attachment 1 to this report.*
- 2 *That Council receive and note the report on Response to Motion of Urgency U5/18 Asbestos - Wamberal and Terrigal Beaches.*

ORDINARY COUNCIL MEETING OF 23 JULY 2018

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

Moved: Councillor Pilon

Seconded: Councillor Best

Resolved

1/18 ***That Council defer this item until a response is provided to all questions raised in regards to the asbestos issue at Wamberal Beach.***

For:

Unanimous

Attachments

- 1** Deferred Item - Response to Motion of Urgency U5/18 Asbestos - Wamberal and Terrigal Beaches (D13277064)



Item No: 5.3
Title: Response to Motion of Urgency U5/18 Asbestos - Wamberal and Terrigal Beaches
Department: Assets, Infrastructure and Business

9 July 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-02 - D13229784

Author: Ben Fullagar, Section Manager

Manager: Peter Ham, Unit Manager Waterways and Coastal Protection

Executive: Boris Bolgoff, Acting Director

Summary

The purpose of this report is to provide a response to Motion of Urgency U5/18 raised at Council's meeting on 23 April 2018 requesting information regarding Council's response and actions in relation to asbestos found on Wamberal and Terrigal Beaches.

Recommendation

That Council receive and note the report on Response to Motion of Urgency U5/18 Asbestos - Wamberal and Terrigal Beaches.

ORDINARY COUNCIL MEETING OF 9 JULY 2018

Moved: Mayor Smith

Seconded: Councillor Mehrtens

Resolved

670/18 *That Council defer consideration of this item to the Ordinary Meeting of Council to be held 23 July 2018.*

For:

Unanimous

Background

Council, at its meeting held on 23 April 2018, resolved;

321/18 *That Council request the Acting Chief Executive Officer to:*

- 1** *Provide a written management plan to Council by the next Ordinary Meeting explaining how this asbestos issue will be resolved, including implementation dates to ensure safety of the public.*

5.3 Response to Motion of Urgency U5/18 Asbestos - Wamberal and Terrigal Beaches (contd)

- 2 *Proactively release the "Wamberal Beach NSW Storm Erosion Remediation Report" which was based on site inspections undertaken on 15 June 2016. Allow this report to be published and publicly available on the council website, minus any necessary personal information redactions.*
- 3 *Report back to Council in writing of all subsequent actions taken by Council since the "Wamberal Beach NSW Storm Erosion Remediation Report".*
- 4 *Advise if all issues raised in this document and any issues raised at alternate times, were subsequently actioned and dealt with by Council adequately?*
- 5 *Provide Councillors with any survey reports identifying private and public boundaries of effected properties noted in the "Wamberal Beach NSW Storm Erosion Remediation Report".*
- 6 *Proactively release the cost benefit analysis report from the Office of Environment and Heritage.*
- 7 *Publish an information sheet that is distributed to residents adjoining the Wamberal and Terrigal beaches concerning the potential risks associated with asbestos material.*

Responses to issues raised in Council's resolution are provided as follows:

- 1 ***Provide a written management plan to Council by the next Ordinary Meeting explaining how this asbestos issue will be resolved, including implementation dates to ensure safety of the public.***

Council's Interim Plan of Management

- Council staff are conducting daily inspections of the beach to identify any 'items that could potentially be Asbestos Containing Material (ACM),
- When any material suspected of being ACM is found by Council staff or the public, trained Council staff remove the material and dispose of it to landfill in accordance with legislative requirements,
- Council has engaged a qualified Environmental Consultant to inspect the Wamberal and Terrigal Beach area and provide advice to Council on the risk to public health and recommendations for future management. The scope of work includes:
 - a. A site inspection of the Wamberal and Terrigal Beach area (undertaken 4 May 2018).
 - b. A review of historical aerial photographs and other available information.

5.3 Response to Motion of Urgency U5/18 Asbestos - Wamberal and Terrigal Beaches (contd)

- c. Laboratory testing of a sample of fragments of 'fibro' found, to determine if they contain asbestos.
- d. A Site Inspection Report summarising the findings of the above tasks.
- e. Preparation of a Risk Management Plan to advise Council on the level of risk to the public and recommended management actions for Council.
- f. Preparation of a Community Fact Sheet outlining the potential risks and how to best manage the identified risk.

2 ***Proactively release the "Wamberal Beach NSW Storm Erosion Remediation Report" which was based on site inspections undertaken on 15 June 2016. Allow this report to be published and publicly available on the council website, minus any necessary personal information redactions.***

It is exclusively a matter for the Acting Chief Executive Officer to determine whether information held by Council is proactively released.

The Acting Chief Executive Officer determined that this document, in redacted form, will be proactively released. This has previously been reported to Council.

3 ***Report back to Council in writing of all subsequent actions taken by Council since the "Wamberal Beach NSW Storm Erosion Remediation Report".***

The Wamberal Beach NSW Storm Erosion Remediation report (WBSER) remains in draft form, and has not been finalised.

The WBSER was prepared to assist Council in addressing remediation of the beachfront following the storm event of 4 and 5 June 2016 that caused significant coastal erosion at Wamberal. It was not prepared to address potential Asbestos Containing Material (ACM) at the location. A disclaimer within the WBSER acknowledges that the advice is preliminary in nature and the WBSER contains no clear actions for Council.

The WBSER does give consideration (as an immediate response to the storm event) to removal of all inappropriate material from the beach areas seaward of the escarpment toe that may cause a danger. Council staff at the time removed materials from public areas of the beach. A gradual net accretion of sand (estimated at >1 metre depth) has since occurred along Wamberal Beach burying most other materials that may have still been present and exposed.

The WBSER also suggests as an immediate response to the event, restricting public access to the base of the erosion scarp. Prior to preparation of the WBSER, Council staff had already taped off by areas of potential instability in order to restrict public access to these hazardous areas soon after the event.

5.3 Response to Motion of Urgency U5/18 Asbestos - Wamberal and Terrigal Beaches (contd)

As a long term solution, the report then identifies that the gazettal of the relevant Coastal Zone Management Plan (CZMP) be sought and actions arising from it subsequently implemented. The CZMP has been certified by the Minister and gazetted, and actions identified within the CZMP affecting the Wamberal area are being progressed in consultation with the members of the Wamberal Beach Terminal Protection Project Working Group. Actions identified within the CZMP are not yet complete.

4 Advise if all issues raised in this document and any issues raised at alternate times, were subsequently actioned and dealt with by Council adequately?

Refer to response provided at 3 above.

5 Provide Councillors with any survey reports identifying private and public boundaries of effected properties noted in the "Wamberal Beach NSW Storm Erosion Remediation Report".

Surveys of some of the properties have been undertaken, as part of an ongoing informal action. A confidential report on that action will be considered by Council after the new Chief Executive Officer has been briefed. However Council's cadaster has been overlaid onto aerial photographs of the area, to give an indication of where the boundaries are located. The aerial photographs which include Council's cadaster, are added to this report as Attachment 1. It should be noted that the cadaster may contain errors.

6 Proactively release the cost benefit analysis report from the Office of Environment and Heritage.

Refer to response provided at 2 above.

7 Publish an information sheet that is distributed to residents adjoining the Wamberal and Terrigal beaches concerning the potential risks associated with asbestos material.

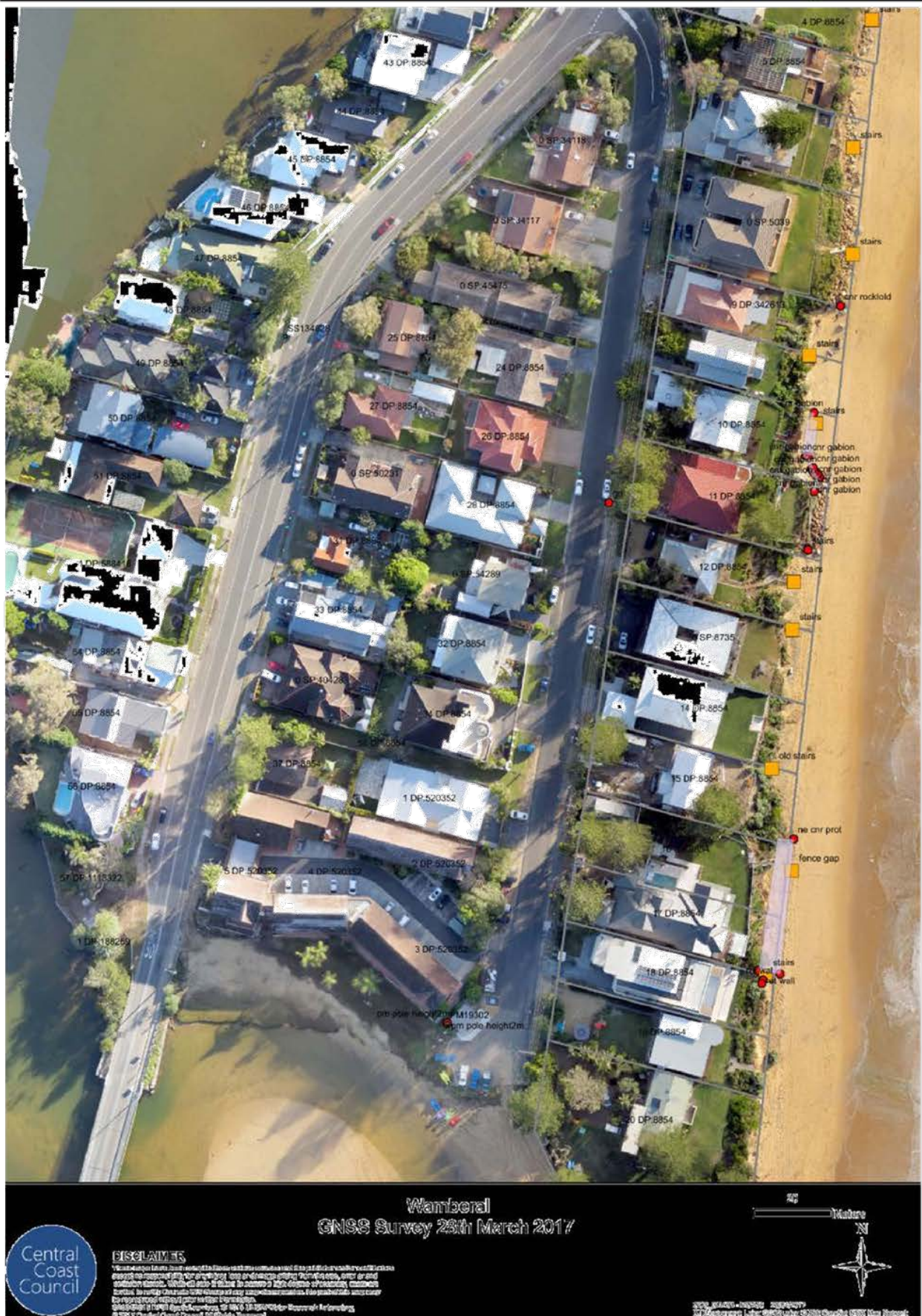
On 17 May 2018 a Community Information Sheet – "Potential Asbestos Containing Materials – Terrigal Beach and Wamberal Beach" (see attachment 2) was distributed to 200 residents adjoining the Wamberal and Terrigal beaches.

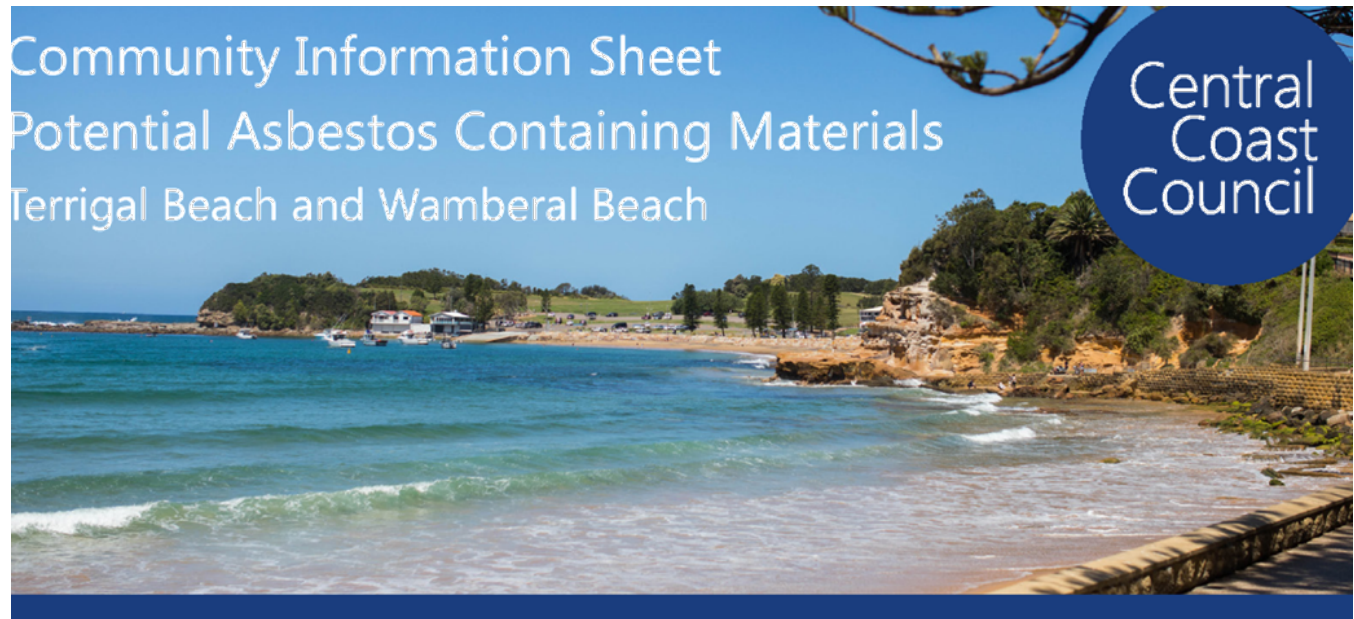
Attachments

- | | |
|---|-----------|
| 1 Aerial with Cadaster - Wamberal - Terrigal Beaches | D13241079 |
| 2 Final - Asbestos monitoring Wamberal and Terrigal Beach A5 single sided | D13231788 |

Attachment 1

Aerial with Cadaster - Wamberal - Terrigal Beaches





Background to Current Concerns at Terrigal and Wamberal Beaches

- A number of fragments of material have been located on Terrigal Beach, Wamberal Beach, and some of the foreshore areas near the mouth of Terrigal Lagoon. These fragments may be Asbestos Containing Materials (ACM).
- The source of this material is not clear, and is being investigated by expert consultants. The beach is a complex and constantly changing environment, and it is important to understand how this material came to be on parts of the beach and to best manage its removal.
- Central Coast Council has been undertaking inspections to identify any such materials, and if identified, they have been removed and disposed of by appropriately qualified Council Officers.

What is Asbestos?

- Asbestos is a natural occurring mineral. It was typically used, and now found in old building products such as fibro (cement sheeting). Newer materials do not use asbestos in their fabrication.
- If handled, stored or disposed incorrectly, asbestos can release fine particles of dust containing asbestos fibres. The guidelines from Safework NSW 'Asbestos in Soils' indicates that the risk from small quantities of bonded asbestos 'fibro' material in soil

How is Central Coast Council Responding?

- Council will prepare a Plan of Management for the area to investigate the potential sources of the material, what risks are present and how to best manage any risks that are identified.
- The Plan of Management is expected to be finalised in June 2018.

Further Information

For general information on Asbestos, please visit the following websites:

- NSW Health - www.health.nsw.gov.au/environment/factsheets/Pages/asbestos-and-health-risks.aspx
- Safework NSW - www.safework.nsw.gov.au/__data/assets/pdf_file/0005/329171/Managing-asbestos-in-soil-guide.pdf
- If you identify material that you think may be Asbestos Containing Material in these locations, please call the EPA Pollution hotline 131 555
- For any further information from Central Coast Council please refer to Council's Asbestos advice at www.wyong.nsw.gov.au/my-property/waste-and-recycling/asbestos or contact our Gosford Office – 02 4325 8222, or our Wyong Office 02 4350 5555



Item No: 5.12
Title: Management Activities at Wamberal and Terrigal Beaches
Department: Environment and Planning

10 December 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13316622
Author: Ben Fullagar, Section Manager, Coastal Protection
Manager: Peter Ham, Unit Manager, Waterways and Coastal Protection
Executive: Scott Cox, Director, Environment and Planning

Summary

The purpose of this report is to provide an update on the activities being undertaken to manage the presence of asbestos containing material (ACM) located on the public areas of Terrigal Beach and Wamberal Beach. This report also recommends that Council commence work on a preliminary investigation and concept design for the Wamberal Terminal Protection seawall.

Recommendation

- 1 That Council receive and note the report on Management Activities at Wamberal and Terrigal Beaches.**
- 2 That Council note the funding offer provided by the NSW Government for the Wamberal Terminal Protection and Sand Nourishment preliminary investigations and concept design.**
- 3 That Council request the Chief Executive Officer to commence the Wamberal Terminal Protection and Sand Nourishment preliminary investigations and concept design.**

Background

Management of Asbestos Containing Materials

The erosion which occurred during the June 2016 storm exposed a number of waste materials including suspected asbestos containing materials (ACM), car bodies, concrete tanks and building rubble on both private property and public land at Wamberal Beach. Council staff undertook removal of all material from the beach seaward of the erosion scarp immediately following the event.

On Friday, 13 April 2018, the NSW Environment Protection Authority (EPA) was advised by the media that fragments of asbestos had been found on Wamberal Beach. On Friday, 13 April 2018 the EPA referred the matter to Council for investigation and action.

Building materials including suspected ACM have since been identified at Terrigal Beach which has been included in Council's monitoring program. Since April 2018, Council staff have conducted regular inspections along the Terrigal and Wamberal Beaches to identify any items that could potentially be ACM. Any material suspected of being ACM, found by Council staff, or members of the public, is removed by trained Council staff and the material is disposed of to landfill in accordance with legislative requirements. Note that this is presently limited to ACM found on the beach and does not include ACM that is contained within the soil profile or on adjoining private properties. Removing material that is embedded in the soil profile may present a greater risk than leaving it there.

Council staff have installed orange parawebb fencing in front of a number of properties along Wamberal Beach where potential ACM contamination has been identified. The fencing is at least two metres off the toe of the erosion escarpment. In a number of locations the encroachment of private development, including fill material containing potential ACM contamination, extends onto the public beach. Council staff members generally do not remove suspected ACM material from the area within the orange parawebb fence due to the material being embedded in the fill material or located on an unstable embankment.

Council has engaged a qualified Environmental Consultant to inspect the Wamberal and Terrigal Beach area and provide advice to Council on the risk to public health, and recommendations for future management. The scope of work includes:

- A site inspection of the Wamberal and Terrigal Beach area (undertaken 4 May 2018).
- A review of historical aerial photographs and other available information.
- Laboratory testing of a sample of fragments of 'fibro' found, to determine if they contain asbestos.
- A Site Inspection Report summarising the findings of the above tasks.
- Preparation of a Risk Management Plan to advise Council on the level of risk to the public and recommended management actions for Council.
- Preparation of a Community Fact Sheet outlining the potential risks and how to best manage the identified risk. This was distributed to beachfront residents in Terrigal and Wamberal on 17 May 2018.

The Site Inspection Report and Risk Management Plan (see Attachment 1) contained a number of recommendations to address the level of risk and data gaps identified by the consultant. These recommendations are outlined at Table 2 of the Risk Management Plan and are summarised below with their status. In summary the report concluded that the risk to human health from the potential ACM was considered low due to the non-friable nature of the ACM material and the risk of exposure under normal conditions is considered negligible.

Background Asbestos Air Monitoring (AAM) and test pitting was undertaken by the environmental consultant during September and October 2018. The sampling did not detect any asbestos fibres in the air or beach sand. This confirmed the initial low risk assessment to human health made in the Risk Management Plan. A copy of the results of the investigation report is at Attachment 2.

Management Actions

The following management actions are being undertaken by Council staff:

- Issue media release regarding matters relating to suspected ACM on public areas of beach at Wamberal and Terrigal (completed in late July 2018).
- Complete a survey of mean high water mark and overlay GPS coordinates of collection locations to determine who is responsible for management of the land that the material is being collected from (completed on 15 August 2018).
- Following collation of data, arrange a meeting with representatives from DPI Lands to discuss mutual obligations and a partnered approach to managing these issues on the public land. (Meeting was held on 7 September 2018).
- A comprehensive briefing was provided to Councillors on the 17 September 2018
- Engage external supplier to undertake Asbestos Air Monitoring (AAM) (completed).
- Engage external supplier to excavate test pits and undertake sampling of beach sand for presence/absence of asbestos fibres. (completed).
- Investigate appropriate signage to be installed prior to commencement of patrolled beach season commencing Friday 29 September 2018 (completed).
- Update Risk Management Plan with results from Asbestos Air Monitoring (AAM) and test pits (Preliminary investigation report completed and copy at Attachment 2).

Investigation and Design of Wamberal Terminal Protection Seawall and Sand Nourishment

Under the NSW State Government's Coastal and Estuary Grants Program, Council has been offered up to \$207,500 on a 50:50 contribution basis from Council, providing a total of \$415,000 for preliminary investigations and concept design for a Terminal Protection seawall at Wamberal. This will allow Council to work with the NSW Office of Environment and Heritage and other stakeholders on the following actions in the Gosford Coastal Zone Management Plan:

- TW11 – Terminal protection – Council to action review, design and funding of terminal protection structure for Wamberal (Responsibility: Council/OEH/local landholders),

- TW14 – Investigate sources of sand and feasibility of beach nourishment for Wamberal Beach (Responsibility: Council/OEH),
- TW15 – Beach nourishment coupled with a terminal revetment to increase buffer against storm erosion (Responsibility: Council/OEH),

The preliminary investigation and concept design for a terminal protection seawall and the sand nourishment will involve:

- Preliminary investigations and concept design for a Terminal Protection Structure including Beach Nourishment Strategy:
 - Land Survey and Geotechnical investigation
 - Geotechnical Investigation and Occupational Hygiene Analysis,
 - Concept Design report and options assessment for terminal protection structure and beach nourishment options (including structural and coastal engineering)
 - Community Consultation and Workshops
 - Environmental and Coastal Impact Assessment
- Completion of Cost Benefit and Distribution Analysis:
 - Update construction and maintenance cost estimates using QS
 - Update existing draft CBA and benefits distribution analysis
 - Produce Draft Funding Model and Delivery Model in consultation with property owners and NSW Government
 - Finalise Funding and Delivery Model

The scope of this work is broad and ultimately will depend on the gap between currently available information and any unexpected details arising from further investigations. There are a number of issues such as land ownership that may also take some unknown length of time to resolve, prior to any decision by Council to proceed to final design.

The current project schedule for preliminary activities provides for the finalisation of recommendations to be presented to Council for consideration by June 2020.

In order for this project to proceed to final design and construction, there are a range of decisions for Council to make, such as:

5.12 Management Activities at Wamberal and Terrigal Beaches (contd)

- Agreement from Council regarding the actual delivery method and role of Council – either private or Council, and then whether Council will auspice the construction of a seawall.
- Agreement for an appropriate funding formula to allocate both capital costs and maintenance/renewal costs between beneficiaries.
- Agreement from other probable beneficiaries such as the NSW State Government and property owners to the funding formula
- Agreement from Council (or others) in terms of land ownership relative to the proposed location of a protection wall.
- Agreement from third parties such as the NSW Crown Lands should the seawall not be able to be constructed fully on private or Council land.
- Agreement from Council on the financing of a seawall – how are the initial funds to be raised, should Council agree to proceed to construction?
- Establishment of a Council policy for the process of funding, financing and construction of the seawall on private lands.

Financial Impact

Council has had to fund additional inspections and arrange for reports to be prepared by consultants. The cost to date has been estimated at approximately \$90,000. These activities have been able to be funded due to savings in operational areas. The 50% Council contribution to the preliminary investigation and concept design of the Wamberal Terminal Protection and Sand Nourishment project is included in the 2018/19 budget.

Link to Community Strategic Plan

Theme 3: Green

Goal F: Cherished and protected natural beauty

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

Attachments

- | | | |
|----------|---|-----------|
| 1 | Terrigal and Wamberal Beach Site Inspection Report and Risk Management Plan D13372578 | Enclosure |
| 2 | PRM - Preliminary Asbestos Assessment, Terrigal and Wamberal Beach - 22.10.18 - P033823.015 D13338203 | Enclosure |

Item No: 6.1
Title: QON - Q152/18 - Section 94 Plans
Department: Environment and Planning



10 December 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13374491

Author: Jo Doheny, Senior Strategic Contributions Planner

Manager: Gary Hamer, Section Manager, Strategic Planning

Executive: Scott Cox, Director, Environment and Planning

6.1 QON - Q152/18 - Section 94 Plans

The following question was asked by Councillor Louise Greenaway at the Ordinary Meeting on 27 August 2018 :

Just regarding the Section 94 plans, they were originally estimated to be completed in April then there was to be presentation to Councillors on a draft development contribution plan in June with a report coming to Council in July and I don't think anything has come back, so I just wondered if we could have an update on when the likelihood is of those plans being finalised so we can take advantage of some of those contributions?

Council is currently undertaking a full review of the existing Contributions Plans that apply across the former Wyong Shire Council (fWSC) and the former Gosford City Council (fGCC).

The first phase of this review includes the development of a new Section 7.12 Plan for the Central Coast Local Government Area (7.12 Plan). This 7.12 Plan will be reported to the Ordinary Council meeting of 10 December 2018 for endorsement to go on public consultation. Council as part of Phase 1 is also preparing a new Warnervale Contributions Plan (WCP). The WCP will be presented to Council in the first quarter of 2019.

The adoption of the 7.12 Plan will enable Council to levy contributions in areas across the fGCC where development previously was not required to pay contributions.

Attachments

Nil.



Item No: 6.2
Title: QON - Q155/18 - Search functions with Business Paper
Department: Governance

10 December 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13388556

Author: Sarah Georgiou, Section Manager, Councillor Support

Manager: James Taylor, Acting Unit Manager, Governance and Business Services

Executive: Shane Sullivan, Acting Director Governance

6.2 QON - Q155/18 - Search functions with Business Paper

The following question was asked by Councillor Doug Vincent at the Ordinary Meeting on 27 August 2018 :

Could council staff please work towards providing a business paper, amended items and attachments fully searchable, within the PDF format, to enable residents, businesses and Councillors to find all items when searching on the web and hub. For example, Item 4.5 - 2017-18 Capital Upgrades, cannot be fully searched as it has imbedded copied pictures?

The ability to fully search the Business Paper, amended items and attachments is not always possible as some attachments included in the Business Paper are scanned, and so appear as images rather than PDF. This is related to the software we use and how large attachments are converted to reduce the size of the overall document.

Investigation has determined that the existing software provides the ability to create Business Papers to be prepared with fully searchable items and attachments. This will require a change in the way attachments are provided with reports. The software provider has been engaged to provide further training to staff to transition to the new process.

It is expected that this will be finalised in the coming weeks and that the first Business Paper of 2019 will be prepared as a fully searchable document.

Attachments

Nil.

Item No: 6.3
Title: QON - Q160/18 - Signage
Department: Environment and Planning



10 December 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13354730

Author: Karen Tucker, Acting Unit Manager, Open Space and Recreation

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

Executive: Scott Cox, Director, Environment and Planning

6.3 QON - Q160/18 - Signage

The following question was asked by Councillor Rebecca Gale Collins at the Ordinary Meeting on 10 September 2018:

Can Council investigate the boat trailer signage for parking in the skillion Terrigal as we need more visible signage for people to be more aware?

Council's Open Space and Recreation Unit staff have inspected the Terrigal boat ramp trailer parking signage and found three signs not legible due to fading. It was also identified that the sign stating "*trailer parking only*" requires updating to comply with section 650 of the *Local Government Act 1993*.

The signs will be replaced using funds from Open Space and Recreation signage budget and will be installed before the December school holiday period which commences on 21 December 2018.

Attachments

Nil.



Item No: 6.4
Title: QON - Q174/18 - Section 94 Developer Contribution Fund
Department: Environment and Planning

10 December 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13374489
Author: Jo Doheny, Senior Strategic Contributions Planner
Manager: Gary Hamer, Section Manager, Strategic Planning
Executive: Scott Cox, Director, Environment and Planning

6.4 QON - Q174/18 - Section 94 Developer Contribution Fund

The following question was asked by Councillor Rebecca Gale Collins at the Ordinary Meeting on 24 September 2018:

How does Council intend allocating the \$96 million unallocated funding within the Section 94 Developer Contribution Funds?

Council is required to spend developer contributions for the purpose for which they are collected and within the area that the contributions plan applies. Council staff will be reviewing the outstanding works within the existing contributions plans and identifying projects that could be considered in next operational plan to be adopted by Council.

Council has allocated approximately \$6,953,308 in the 18/19 Capital Works Budget for the completion of projects identified in Council's Contribution Plans across the Central Coast.

In order to identify and prioritise projects as part of the 19/20 Capital Works Budget, the Strategic Planning Business Unit will be coordinating a Contributions Plan Project Control Group to ensure that key infrastructure projects identified in the Council's Contribution plans by the relevant business units of Council, particularly Roads & Drainage and Open Space, are delivered.

Attachments

Nil.

Item No: 6.5
Title: QON - Q199/18 - Communications in the North
Department: Connected Communities



10 December 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13390984

Author: Teresa Walters, Section Manager, Communication and Engagement

Manager: Sue Ledingham, Unit Manager Community Engagement

Executive: Julie Vaughan, Director, Connected Communities

6.5 QON - Q199/18 - Communications in the North

The following question was asked by Councillor Doug Vincent at the Ordinary Meeting on 8 October 2018:

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?

Council uses a range of communication channels to inform the community about Council decisions, services, programs and initiatives. This is to ensure that Council reaches the broadest number of people across the Central Coast with information and considers that people like to have information in many different formats. These formats include communication in print, online, social media platforms, outdoor media and on radio and television. Council communication is a mix of paid advertising, unpaid editorial and promotions and across Council's own owned media such as newsletters, websites and social media sites.

A summary of Council's current regular communication follows:

- Coast Connect advertorial in the weekly Central Coast Express Advocate – distributed every Thursday with a 144,000 print readership. This includes the notification of development applications and determinations.
- Regular advertising of events and initiatives across the fortnightly Central Coast Newspapers network –Wyong Regional Chronicle with a print readership of 24,000; Coast Community News with a print readership of 30,000 and Peninsula News with a print readership of 30,000.
- Coast Connect advertorial in the monthly Rural Grapevine with a print readership of 32,000 distributed direct to residential properties west of the M1 freeway (mainly in former Wyong Shire, but some parts of Gosford too).
- Coast Connect advertorial in the monthly Village Grapevine with a print readership of 32,000 and distributed direct to residential properties east of the M1 freeway.

6.5 QON - Q199/18 - Communications in the North (contd)

- Regular radio advertising on the three Central Coast commercial radio stations of Star FM, SEAFM and 2GO for promotional and information campaigns.
- Council's fortnightly corporate e-newsletter reaching 6,158 subscribers.
- Council's monthly Library e-newsletter reaching 30,300 subscribers.
- Council's quarterly 6-page, printed newsletter inserted into rates notices and reaching 129,000 ratepayers.
- Council's social media sites with over 40,000 followers and additional Facebook advertising to increase the reach of information.
- Editorial coverage weekly across the local print, online, radio and television media, including weekly interviews conducted by the Mayor with ABC Central Coast.
- Targeted information to mailing lists including schools; business chambers and community groups.
- Print materials in all Council libraries.
- Over two million visitors annually to Council's websites, inclusive of Your Voice Our Coast, Council's online engagement platform.

Requirements for the notification of development applications and determinations

Under the Environmental Planning and Assessment Regulation 2000 public notification procedures for notification of development applications and determinations must be by public notice in a local newspaper. Under the Environmental Planning and Assessment Act a local newspaper 'means a newspaper circulating throughout the relevant area at intervals of not more than 2 weeks.' The Central Coast Express Advocate is the only local newspaper that meets this definition under the Act. Council pays for an advertisement listing the development applications and determinations weekly in the Central Coast Express Advocate and this advertisement is in both the print and online digital publication.

Distribution of the Central Coast Express Advocate

Council has been informed by the editor of the Central Coast Express Advocate that the newspaper is no longer delivered directly to residential letter boxes in some northern areas of the Central Coast. The distribution of the newspaper to newsagents in the northern areas has however been increased. This is a similar situation in some southern areas of the Central Coast too. Council has expressed Council's concerns directly to the Editor of the Central Coast Express Advocate about these distribution changes and that Council has received many concerns also from residents.

Alternative options for reaching residents in the northern area of the Central Coast

Council advertises programs and initiatives in the fortnightly Wyong Regional Chronicle which is distributed to local businesses, not to direct residential letter boxes. Council also advertises programs and initiatives in the monthly Rural Grapevine and Village Grapevine which has distribution direct to residential letterboxes, including to the northern area of the Central Coast.

The Lakes Mail is an alternative newspaper to reach some of the areas in the north of the Central Coast. It is published weekly on Thursdays, with 27,500 copies distributed to homes and businesses and in selective newsagents and retail outlets that straddle Lake Macquarie and Tuggerah Lakes. That area stretches from Gorokan, Lake Haven, San Remo, Budgewoi and Charmhaven in the north of the Central Coast, up into the Lake Macquarie City areas of Wyee, Morisset and Cooranbong, and then north along Lake Macquarie's western shore through Wangi Wangi, Rathmines and Toronto up to Booragul and Speers Point.

The Pelican Itch is a monthly community newsletter with 27,000 copies distributed in the northern suburbs of the Central Coast, including Budgewoi, Toukley and Swansea. It is focused on community news and local business advertisements.

Both The Lakes Mail and The Pelican Itch are on Council's media release distribution list and both provide another advertising option for Council to consider the extension of the notification of development applications and determinations and promotion of Council's other programs and initiatives, noting that this will require additional advertising budget.

There are many community newsletters issued across the Central Coast, generally with small print runs to service local based information. Many of the newsletters receive Council's media releases and also manage social media sites and from time to time share Council information from Council's corporate Facebook page. Council is finding that more and more customers are seeking information from Council from multiple and individually different preferred sources, including an increase in the following and sharing of information on social media and seeking information themselves through Council's website. Some of the highest visitor pages on Council's website are customers seeking and finding information about development applications and determinations.

Council is committed to communicating Council decisions, services, programs and initiatives to all its residents and ratepayers and this is achieved through publishing information across a variety of communication channels and diversification of advertising spend across a number of local media outlets.

Attachments

Nil.



Item No: 6.6
Title: QON - Q202/18 - Woy Woy Town Centre Plan
Department: Environment and Planning

10 December 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13384924

Author: Gary Hamer, Section Manager, Strategic Planning

Manager: Matthew Prendergast, Acting Executive Manager, Innovation and Futures

Executive: Scott Cox, Director, Environment and Planning

6.6 QON - Q202/18 - Woy Woy Town Centre Plan

The following question was asked by Councillor Richard Mehrtens at the Ordinary Meeting on 29 October 2018:

What is the plan for the future of the Woy Woy Town Centre including consideration of rejuvenation and making better use of the open and green space in the precinct?

As part of the development of a future Comprehensive Local Environmental Plan, Council will be undertaking a review of the existing masterplan for the Woy Woy Town Centre Precinct with a view to developing a masterplan and Local Strategic Planning Statement in consultation with the community by 2020.

Future planning for the Woy Woy Town Centre will recognise not only the existing character of the area but plan for future population growth.

Attachments

Nil.

Item No: 6.7
Title: QON - Q205/18 & Q210/18 & Q211/18 - Combustible and External Cladding
Department: Environment and Planning



10 December 2018 Ordinary Council Meeting

Trim Reference: F2010/00500 - D13382378

Author: Wayne Herd, Section Manager, Central Coast Building Certification

Manager: Jamie Loader, Unit Manager, Development Assessment

Executive: Scott Cox, Director, Environment and Planning

6.7 QON - Q205/18 & Q210/18 & Q211/18 - Combustible and External Cladding

Q205/18 QON - Combustible Cladding

The following question was asked by Councillor Kyle MacGregor at the Ordinary Meeting held on 29 October 2018:

Regarding the identification of buildings with external combustible cladding the North Gosford Private Hospital site was identified as a site that contained combustible cladding. Is the cladding product indeed combustible cladding as defined in the Environmental Planning and Assessment Amendment [Identification of Buildings with External Combustible Cladding] Regulation 2018?

The owners of North Gosford Private Hospital have registered the building on the NSW Cladding Regulation Online System. The building owners have engaged specialist consultants to review the cladding product and the method of installation. When the review of the building's external cladding has been completed, a decision will be made on whether any of the cladding is required to be removed.

The owners of North Gosford Private Hospital are cooperating with Council's Fire Safety Officer.

Q210/18 QON - Combustible Cladding

The following question was asked by Councillor Jillian Hogan at the Ordinary Meeting held on 29 October 2018:

The Oakes Waterfront Resort at the Entrance was identified as a site that contained combustible cladding. Is the material installed indeed combustible cladding as defined in the Environmental Planning and Assessment Amendment [Identification of Buildings with External Combustible Cladding] Regulation 2018?

This property has been investigated by Council Officers and certification has been supplied to Council detailing that the cladding is not considered to be combustible and meets the legislative requirements. No further action is required in relation to this property.

Q211/18 - QON - External Cladding

The following question was asked by Councillor Jillian Hogan at the Ordinary Meeting held on 29 October 2018:

Further to Q162/18, 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 (LGA)? This may be, for example, a State owned building which is in this LGA and this Council has been notified by Fire and Rescue NSW or NSW State Government of such actions.

Council Staff are currently investigating one building related to combustible cladding. The building under investigation is North Gosford Private Hospital.

Gosford Public Hospital is carrying out their own investigations into the external building cladding. Council has no power to take action on State or Federally owned buildings.

Attachments

Nil.

Item No: 6.8
Title: QON - Q206/18 - Playgrounds
Department: Environment and Planning



10 December 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13383063

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

Executive: Scott Cox, Director, Environment and Planning

6.8 QON - Q206/18 - Playgrounds

The following question was asked by Councillor Jilly Pilon at the Ordinary Meeting on 29 October 2018:

With the number of fallen trees that were cleared by council after the big storm on the weekend have considered using some for building beautiful playgrounds for young children. We had so many big strong trees done during the storm in our wonderful suburb in Buff Point it would be a shame to see them all mulched. Would Council consider creating a play space for young children in the neighbourhood it would be a wonderful way to repurpose the green waste and created connectedness between families and young children and their community?

Council will consider the use of fallen trees for the creation of natural play spaces.

The creation of new and the renovation of existing play spaces needs to be in accordance with Council's Play Space Strategies and compatible with the current use of the reserve. Consideration of the creation of natural play spaces will be undertaken on a case by case basis to enable coordination between Council business units and the allocation of funding.

Berkeley Park, located at the corner of Bundilla Parade and Wyong Road in Berkeley Vale, is an existing example of the use of fallen trees to create a natural play space.

Attachments

Nil.



Item No: 6.9
Title: QON - Q208/18 - External Agencies
Department: Governance

10 December 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13378020

Executive: Shane Sullivan, Acting Director Governance

6.9 QON - Q208/18 - External Agencies

The following question was asked by Councillor Louise Greenaway at the Ordinary Meeting on 29 October 2018:

What is the process involved when staff can't attend meetings with external agencies, by this I mean, is there routinely an alternate member of staff that attends, or is just an apology given? (Eg Local Land Services Advisory Group meetings).

Staff are invited to a significant number of meetings with many different external agencies. Depending on the nature of the meeting and the other parties involved if a staff member cannot attend they will seek to reschedule the meeting, send an appropriate delegate or endeavor to pass on apologies. The action taken will depend on the purpose of the particular meeting, whether it is part of a series or a one-off and the priority of the meeting in terms of resource allocation. It is not possible to provide a single answer but should there be specific examples, further investigation could be undertaken.

Attachments

Nil.

Item No: 7.1
Title: Deferred Item - Notice of Motion - Establishment of a Social Issues Committee for Central Coast Council
Department: Councillor



10 December 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13399203

Author: Kyle MacGregor, Councillor

Summary

Council, at its meetings held 26 November 2018 resolved:

That Council defer the matter to the Ordinary Meeting of Council being held on 10 December 2018.

- 1 *That Council note the deferred item Notice of Motion - Establishment of a Social Issues Committee for Central Coast Council.***
- 2 *That Central Coast Council establish a Social Issues Committee by February 2019 to be consisted of interested Councillors and (X) community members to work hand in hand with community, the 3 tiers of government, local service agencies and sector experts to inquire into social issues in the Central Coast Council area, co-ordinate and formulate a collective response and to provide advocacy and solutions for the various social issues affecting our community on the Central Coast.***
- 3 *That the committee consider conducting an inquiry into social issues in the Wyong Ward as a pilot programme for the committee at its initial meeting.***
- 4 *That the scope of this committee and issues to be investigated be initially limited to the Wyong Ward for a period of the initial 12 months, with a view to reviewing the efficacy of the committee and potential success of any of the committees endeavours.***
- 5 *That this initial inquiry conform to the above scope unless by determination of council to extend the scope in the initial 12 months to additional wards/geographical areas or social demographics.***
- 6 *That the committee meet bi-monthly unless determined otherwise by the committee members and the initial meeting of the committee will set the agenda and business for the committee to investigate in coming meetings and months.***
- 7 *That Council advertise for seek and accept submissions/input from the following (but not limited to) prior to the initial meeting of the committee: local youth and***

7.1 Deferred Item - Notice of Motion - Establishment of a Social Issues Committee for Central Coast Council (contd)

community service organisations, relevant NSW Government or Federal Government agencies, NSW Police, the health and education sector, local Indigenous groups and other interested community or advocacy groups on the Central Coast.

Attachments

- | | | |
|----------|---|-----------|
| 1 | Notice of Motion - Establishment of a Social Issues Committee for Central Coast Council | D13399207 |
|----------|---|-----------|



Item No: 6.3
Title: Notice of Motion - Establishment of a Social Issues Committee for Central Coast Council
Department: Councillor

26 November 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13388857

Author: Kyle MacGregor, Councillor

Councillor MacGregor has given notice that at the Ordinary Meeting of Council to be held on 26 November 2018 he will move the following motion:

- 1 That Central Coast Council establish a Social Issues Committee by February 2019 to be consisted of interested Councillors and (X) community members to work hand in hand with community, the 3 tiers of government, local service agencies and sector experts to inquire into social issues in the Central Coast Council area, co-ordinate and formulate a collective response and to provide advocacy and solutions for the various social issues affecting our community on the Central Coast.**
- 2 That the committee consider conducting an inquiry into social issues in the Wyong Ward as a pilot programme for the committee at its initial meeting.**
- 3 That the scope of this committee and issues to be investigated be initially limited to the Wyong Ward for a period of the initial 12 months, with a view to reviewing the efficacy of the committee and potential success of any of the committees endeavours.**
- 3 That this initial inquiry conform to the above scope unless by determination of council to extend the scope in the initial 12 months to additional wards/geographical areas or social demographics.**
- 4 That the committee meet bi-monthly unless determined otherwise by the committee members and the initial meeting of the committee will set the agenda and business for the committee to investigate in coming meetings and months.**
- 5 That Council advertise for seek and accept submissions/input from the following (but not limited to) prior to the initial meeting of the committee: local youth and community service organisations, relevant NSW Government or Federal Government agencies, NSW Police, the health and education sector, local Indigenous groups and other interested community or advocacy groups on the Central Coast.**

6.3 Notice of Motion - Establishment of a Social Issues Committee for Central Coast Council (contd)

Councillors Note

The purpose of the committee will be to identify, examine and formulate a collective response to the many social issues that affect our community on the Central Coast.

The initial inquiries into the Wyong Ward are to ensure that the committee is focused on achievable and realistic outcomes rather than taking a top down overarching approach and missing details or potential localised practicable action that is more likely to occur if the committee is focused to one ward initially.

As Councillors, community and staff would be aware there are a plethora of social issues that affect us on the Central Coast and Central Coast Council should provide leadership, advocacy and action to ensure that we are educating, protecting and supporting our community at the most localised level government.

Central Coast Council in itself cannot solely provide the answers and solutions to these problems, however, it is well within our ambit and I believe our duty to respond to these crises that face our community and we are best placed to work together with community and various bodies that are responsible for responses to social issues to seriously attempt to address these social issues that are far too often unfortunately swept under a rug or put in the too hard basket.

Attachments

Nil.

Item No: 7.2
Title: Notice of Motion - Thank you to Staff
Department: Councillor



10 December 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13402169

Author: Jillian Hogan, Councillor

Councillor Hogan has given notice that at the Ordinary Council Meeting to be held on 10 December 2018 she will move the following motion:

- 1** *That the Councillors note that the staff have worked tirelessly and diligently throughout the year and since amalgamation to transform the Coast to 'One Central Coast' through sound governance, harmonisation, accountability and forward planning.*
- 2** *The Councillors wish to thank all staff for their dedication, expertise and support throughout a difficult period of uncertainty and change.*
- 3** *The Councillors wish to thank the Mayor, Jane Smith, the Chief Executive Officer, Gary Murphy, the Executive Leadership Team and Councillor Support team for their leadership, guidance and support.*
- 4** *The Councillors wish to acknowledge that although we have differing opinions, ideals, values, beliefs and political persuasions, that as individuals we have worked to serve within the best interests of the Community as we all pledged with the Councillor's Oath.*
- 5** *The Councillors thank you again and wish all staff and their families a very Merry Christmas and a happy and safe New Year.*

Attachments

Nil.