



Central Coast Council
Business Paper
Ordinary Council Meeting
29 January 2019





COMMUNITY STRATEGIC PLAN 2018-2028

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

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

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

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

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

RESPONSIBLE

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

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



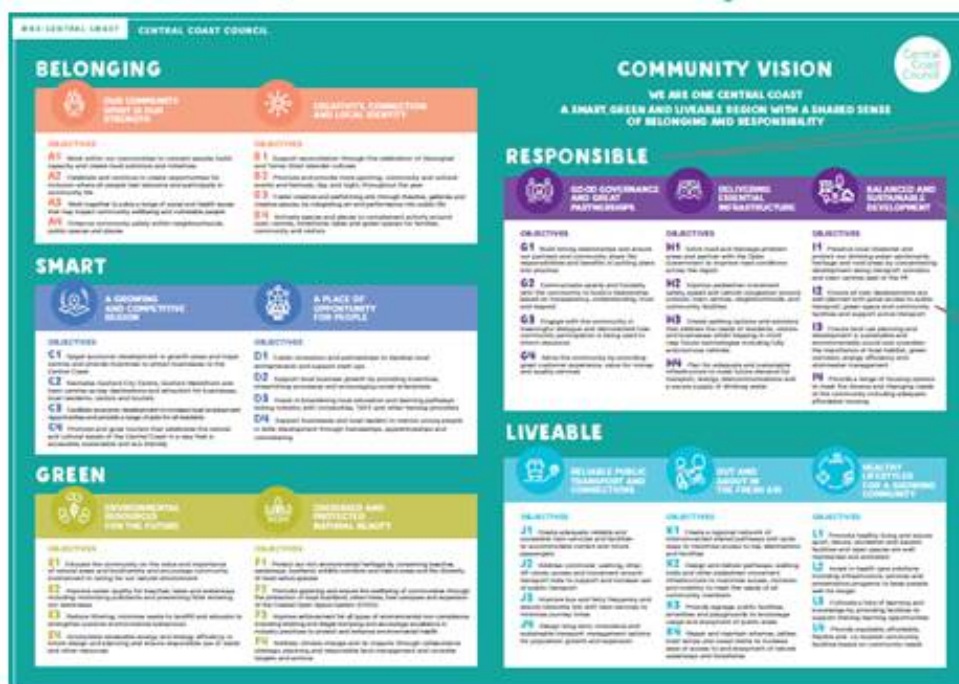
Good governance and great partnerships

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

There are 5 themes, 12 focus areas and 48 objectives

COMMUNITY STRATEGIC PLAN 2018-2028 FRAMEWORK

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



Theme

Focus Area

Objective

Meeting Notice

**The Ordinary Council Meeting
of Central Coast Council
will be held in the Council Chamber,
2 Hely Street, Wyong on
Tuesday, 29 January 2019 at 6.30pm,
for the transaction of the business listed below:**

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Gary Murphy
Chief Executive Officer

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



29 January 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13420636

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

29 January 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13420638



Summary

Confirmation of minutes of the Ordinary Meeting of the Council held on 10 December 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 10 December 2018.

Attachments

1 MINUTES - Ordinary Meeting - 10 December 2018 D13410892



Central Coast Council

Minutes of the Ordinary Meeting of Council

Held in the Council Chamber

2 Hely Street, Wyong

on 10 December 2018

Commencing at 6.30pm

Present

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

In Attendance

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

Leave of Absence

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

Apologies

Councillor Doug Vincent (arrived at 7.08pm).

The Mayor, Jane Smith, declared the meeting open at 6.40pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

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

At the ordinary meeting reports were considered in the following order 1.1, 4.2, 1.2, 1.3, 4.5, 4.9, 4.10, 5.1, 5.2, 5.3, 5.4, 5.6, 5.7, 5.9, 5.9, 5.10, 2.1, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 4.1, 4.3, 4.4, 4.7, 4.8, 4.11, 5.5, 5.8, 7.1, 7.2, U7/18, 8.1 and 4.6. However for the sake of clarity the reports are recorded in their correct agenda sequence.

1.1 Disclosure of Interest

Councillor Vincent arrived at 7.08pm and did not participate in discussion or voting of this item.

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

Councillor Pilon declared a pecuniary interest in the matter as her business may be quoting on the work. Councillor Pilon left the chamber at 7.36pm, returning at 7.49pm and did not participate in discussion and voting.

3.4 DA 54624/2018 - Proposed New Colorbond Fence at 49 Wards Hill Road Killcare Heights

Councillor McLachlan declared a less than significant non pecuniary interest in the matter as the applicant is known to him, but is not a client and he does not have a pecuniary interest. Councillor McLachlan chose to remain in chambers and participate in discussion and voting.

4.6 Meeting Record of the Protection of the Environment Trust Management Committee Held on 30 October 2018

Mayor Smith declared a pecuniary interest in the matter as she is connected with two of the organisations that may receive funding. Mayor Smith left the Chamber at 10.59pm, returning at 11.01pm and did not participate in the discussion or voting.

4.8 Grants and Sponsorship Program 2018/19 Round 1

Councillor Gale Collins declared a less than significant non pecuniary interest in the matter as prior to being sworn into Council, she had worked with many organisations seeking community grants. Councillor Gale Collins chose to remain in the chamber and participate in discussion and voting.

Councillor Hogan declared a pecuniary interest in the matter as the organisation she works for may receive a grant and she works with several of the other organisations who applied. Councillor Hogan left the chamber at 9.30pm, returning at 9.34pm and did not participate in discussion and voting.

Councillor Holstein declared a significant non pecuniary interest as he works casually for Regional Youth Support Services. Councillor Holstein left the chamber at 9.30pm, returning at 9.57pm and did not participate in discussion and voting.

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as she is connected with various community groups on the coast. Councillor Greenaway chose to remain in the chamber and participate in discussion and voting.

Councillor Matthews declared a pecuniary interest in the matter as the CEO at Charmhaven Tennis Club (grant application) was her campaign manager in the Local Government elections. Councillor Matthews left the chamber at 9.30pm, returning at 9.34pm and did not participate in discussion and voting.

Mayor Smith declared a less than significant non as former voluntary CEO and Board member of the Community Environment Network. Mayor Smith chose to remain in the chamber and participate in discussion and voting.

4.10 Community Support Grant Program 2018-19

Councillor Gale Collins declared a less than significant non pecuniary interest in the matter as prior to being sworn into Council, she has worked with many of these community grants. The matter was dealt with by the exception method.

Councillor Hogan declared a pecuniary interest in the matter as the organisation she works for may receive a grant and she works with several of the other organisations who applied. The matter was dealt with by the exception method.

Councillor Matthews declared a pecuniary interest in the matter as the CEO at Charmhaven Tennis Club (grant application) was her campaign manager in the Local Government elections. The matter was dealt with by the exception method.

4.11 Community Support Grants - Council Meeting 26 November 2018

Councillor Best declared a pecuniary interest in the matter as he is the General Manager of Central Coast Group Training who is seeking a grant. Councillor Best left the chamber at 9.37pm, returning at 9.57pm and did not participate in discussion and voting.

Councillor Hogan declared a pecuniary interest in the matter as the organisation she works for may receive a grant and she works with several of the other organisations who applied. Councillor Hogan left the chamber at 9.35pm, returning at 9.57pm and did not participate in discussion or voting.

Councillor Holstein declared a significant non pecuniary interest in the matter as he works casually for Coast Shelter. Councillor Holstein left the chamber at 9.30pm, returning at 9.57pm and did not participate in discussion and voting.

Councillor Marquart declared a less than significant non pecuniary interest in the matter as he intends to investigate employment of an apprentice through Central Coast Group Training in 2019. Councillor Marquart chose to remain in the chamber and participate in discussion and voting.

Councillor Pilon declared a less than significant non pecuniary interest as she is considering employing apprentices through Central Coast Group Training. Councillor Pilon chose to remain in the chamber and participate in discussion and voting.

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

Councillor Best declared a significant non pecuniary interest in the matter as the not for profit organisation that he works at will likely be included for such a program. Councillor Best left the chamber at 10.20pm, returning at 10.30pm and did not participate in discussion and voting.

Councillor Gale Collins declared a pecuniary interest in the matter as she is the Deputy President of Coast Community Connections. Councillor Gale Collins left the chamber at 10.21pm, returning at 10.30pm and did not participate in discussion and voting.

Councillor Hogan declared a pecuniary interest in the matter as she works in the social services sector and has a professional relationship with numerous local NGO services who may also have an interest in this motion. Councillor Hogan left the chamber at 10.19pm, returning at 10.30pm and did not participate in discussion and voting.

Councillor Matthews declared a pecuniary interest in the matter as she works in the social services sector. Councillor Matthews left the chamber at 10.18pm, returning at 10.30pm and did not participate in discussion and voting.

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

Resolved

1178/18 That Council receive the report on Disclosure of Interest and note advice of disclosures.

For:
Unanimous

Procedural Motion

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

Resolved

1179/18 That Council suspend standing orders to allow item 4.2 to be brought forward for consideration.

For:
Unanimous

1.2 Confirmation of Minutes of Previous Meetings

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

Resolved

1180/18 That Council confirm the minutes of the Ordinary Meeting of the Council held on 26 November 2018.

For:
Unanimous

1.3 Notice of Intention to Deal with Matters in Confidential Session

Moved: Councillor Best
Seconded: Councillor Marquart

Resolved

1181/18 That the Council resolve that the following matters be dealt with in closed session, pursuant to s. 10A(2)(c)(d) of the Local Government Act 1993 for the following reasons:

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.

4.6 Meeting Record of the Protection of the Environment Trust Management Committee Held on 30 October 2018

Reason for considering in closed session:

2(d) - commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it

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

Against:
Councillors MacGregor, Pilon and Greenaway

Procedural Motion – Exception

Moved: Councillor Vincent
Seconded: Councillor Pilon

Resolved

1182/18 That with the exception of the following reports, Council adopt the recommendations contained in the remaining reports:

- 2.1** Mayoral Minute – Save our Recycling Campaign
- 3.1** DA 52083/2017 - 5-7 Church Street, Terrigal - 2 Ground-Floor Shops, 12 Residential Units & 23 On-site Car Parking Spaces
- 3.2** DA 53031/2017 - 231 & 241 Wisemans Ferry Road, Somersby
- 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

- 3.4 DA 54624/2018 - Proposed New Colorbond Fence at 49 Wards Hill Road Killcare Heights
- 3.5 Building Information Certificate Application No. 10981, Fence on Lot: 434 DP: 660287, 49 Wards Hill Road Killcare Heights
- 3.6 Gosford Community Based Heritage Study
- 4.1 Deferred Item - Town Centre Review
- 4.3 Central Coast Section 7.12 Contributions Plan Report
- 4.4 Winney Bay Clifftop Walk - Stage 2 - Community Consultation
- 4.7 Progress of Actions of the Destination Management Plan 2018-2021
- 4.8 Grants and Sponsorship Program 2018/19 Round 1
- 4.11 Community Support Grants - Council Meeting 26 November 2018
- 5.5 Baker Park and Race Course Master Plan
- 5.8 Permanent Protection of Porters Creek Wetland - Outcome of Investigations
- 5.11 Deferred Item - Response to Motion of Urgency U5/18 Asbestos - Wamberal and Terrigal Beaches
- 5.12 Management Activities at Wamberal and Terrigal Beaches
- 7.1 Deferred Item - Notice of Motion - Establishment of a Social Issues Committee for Central Coast Council
- 7.2 Notice of Motion - Thank you to Staff
- 8.1 Confidential item - Rescission Motion - Tender CPA/1298 - After Hours Call Centre Contract
- U7/18 Motion of Urgency - Support for 2019 NSW Aboriginal Rugby League Knockout

1183/18 *That Council adopt the following items en-masse and in accordance with the report recommendations:*

- 4.5 Biodiversity Offsets
- 4.9 Heritage Grant Program Round 1 2018-19
- 4.10 Community Support Grant Program 2018-19
- 5.1 2020 Local Government Elections
- 5.2 Meeting Record of the Mangrove Mountain and Spencer Advisory Committee held on 24 October 2018
- 5.3 Meeting Record of the Catchments and Coast Committee Tuggerah Lakes held on 31 October 2018
- 5.4 Gosford Traffic & Transport Study
- 5.6 Record of Community Strategic Plan Community Reference Group meeting held on 30 October 2018
- 5.7 Response to Notice of Motion - Mystery Shop
- 5.9 Response to Notice of Motion - Short Term Rental Accommodation
- 5.10 Meeting Record of the Gosford CBD and Waterfront Advisory Committee held on 7 November 2018

For:

Unanimous

2.1 Mayoral Minute – Save our Recycling Campaign

Moved: Mayor Smith

Resolved

- 1184/18 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.**
- 1185/18 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.**
- 1186/18 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.**
- 1187/18 That Council take a lead role in activating the Local Government NSW 'Save Our Recycling' campaign locally.**
- 1188/18 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.**
- 1189/18 That Council formally advise Local Government NSW that Council has endorsed the 'Save Our Recycling'; advocacy initiative.**

For:

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

Against:

Councillors Marquart, Gale Collins and Pilon

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

Councillor Pilon declared a pecuniary interest in the matter as her business may be quoting on the work. Councillor Pilon left the chamber at 7.36pm, returning at 7.49pm and did not participate in discussion and voting.

Moved: Mayor Smith
Seconded: Councillor MacGregor

Resolved

1190/18 That Council refuse the application for the following reasons:

- a failure to comply with provisions of the Gosford DCP 2013 including:**
 - i the development exceeds the number of storeys by 25%**
 - ii the external wall height is a 23.55% variation**
 - iii Max width of enclosed floor space at 5th level exceedance by 13-26%**
 - iv No setback to Hudson Lane, representing a 100% variation**
 - v No communal space is provided, representing a 100% variation**
 - vi No deep soil zones are provided, representing a 100% variation**
 - vii No side boundary setbacks for visual privacy, representing a 100% variation**
 - vii the proposed development does not activate the Hudson laneway frontage as is envisaged by the provisions within GDCP 2013 for the Terrigal Village Centre**
- b 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"**
- c the development is not in the public interest as it will create an expectation that similar non-compliance with Council's planning controls is acceptable.**

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

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

3.2 DA 53031/2017 - 231 & 241 Wisemans Ferry Road, Somersby

Moved: Mayor Smith
Seconded: Councillor Mehrtens

Resolved

1191/18 That Council defer consideration of this item until a site inspection has been conducted.

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

Against:
Councillor Gale Collins

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

Moved: Councillor Matthews
Seconded: Councillor Gale Collins

Resolved

1192/18 That Council grant consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant issues.

1193/18 That Council advise those who made written submissions of its decision.

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

Against:
Councillor MacGregor

3.4 DA 54624/2018 - Proposed New Colorbond Fence at 49 Wards Hill Road Killcare Heights

Councillor McLachlan declared a less than significant non pecuniary interest in the matter as the applicant is known to him, but is not a client or any pecuniary interest. Councillor McLachlan chose to remain in chamber and participate in discussion and voting.

Moved: Mayor Smith
Seconded: Councillor Sundstrom

That Council defer this item for consideration at the 29 January 2019 Ordinary Council Meeting.

Amendment Moved: Councillor Best
Amendment Seconded: Councillor Marquart

- 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.

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

Against:
Mayor Smith and Councillors Mehrtens,
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
Seconded: Councillor Sundstrom

Resolved

1194/18 That Council defer this item for consideration at the 29 January 2019 Ordinary Council Meeting.

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

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

3.5 Building Information Certificate Application No. 10981, Fence on Lot: 434 DP: 660287, 49 Wards Hill Road Killcare Heights

Moved: Mayor Smith
Seconded: Councillor Greenaway

Resolved

1195/18 That Council defer this item for consideration at the 29 January 2019 Ordinary Council Meeting.

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

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

3.6 Gosford Community Based Heritage Study**Moved: Councillor Sundstrom****Seconded: Councillor Mehrstens****Resolved**

1196/18 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).**

1197/18 That Council note that the following items will be considered as part of the next heritage review expected to commence within 12 months of the finalisation of this planning proposal:

- a 89 John Whiteway Drive Gosford (Lot 100 DP 1075037)**
- b 152 Mann Street Gosford (Lot 18 DP 248521)**
- c 24 Jacaranda Ave Patonga (Lot 14 DP 9435)**
- d 30 Cornelian Ave Pearl Beach (Lot 1271 DP 554493)**
- e 5301 Wisemans Ferry Road Spencer (Lot 1032 DP 1106937).**

1198/18 That Council undertake further investigation and consultation with NPWS on potential heritage listing of the Governor Phillip landing point at Lobster Beach, Pretty Beach.

1199/18 That the Planning Proposal be referred to Council's Heritage Advisory Committee for their comments.

1200/18 Subject to no further recommendations from the Heritage Advisory Committee, 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.

1201/18 That Council advise all those who made a public submission of the decision.

For:

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

Abstain:

Councillor Gale Collins

4.1 Deferred Item - Town Centre Review

Moved: Councillor Matthews
Seconded: Councillor MacGregor

Resolved

1202/18 That Council note the report and attachments.

1203/18 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.

1204/18 That the Council request the Chief Executive Officer to provide a further report back to Council to the Jan 2019 meeting which details:

- **Roles to be undertaken by Council**
- **Proposed Role of regional board**
- **The role of Councils Employment and Economic Development Committee**
- **Local/place focus**
- **Regional focus**
- **Options to engage with stakeholders and Local Communities on Town Centre Activities**
- **An Oversight Committee of interested Councillors.**

1205/18 That Council work with the GBID, Greater Toukley Vision, Wyong Business Chamber, the NSW Business Chamber and all other relevant Business Chambers to develop a regional approach to specifically support local economic and business development initiatives.

1206/18 That the Council request the Chief Executive Officer to appropriately resource a dedicated team within Council to provide internal coordination for all identified town centres for the following roles and functions:

- **Asset management**
- **Contract management**
- **Events**

1207/18 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.

For:
Mayor Smith and Councillors Marquart, Holstein, Mehrrens, Sundstrom, Gale Collins, Matthews, MacGregor, Pilon, Greenaway, Vincent, Hogan and Best.

Abstain:
Councillor McLachlan

4.2 Presentation of Financial Reports and related Auditor's Reports for Central Coast Council for the period 1 July 2017 to 30 June 2018

Councillor Vincent arrived at 7.08pm during consideration of this item.

James Sugumar from the Audit Office of NSW presented the Audit Report to Council.

Moved: Councillor Best

Seconded: Councillor Gale Collins

Resolved

- 1208/18 That Council note that the audited financial reports including the auditor's reports have been presented to this meeting of the Council, in accordance with s. 419(1) of the Local Government Act 1993 ("LG Act").**
- 1209/18 That Council note that the external auditor, addressed the Council on the auditor's report on Central Coast Council's 2017-18 Financial Reports in accordance with s. 419(2) of the LG Act.**
- 1210/18 That Council adopt the audited 2017-18 financial reports for Central Coast Council as presented in accordance with ss. 413(2)(c) and 377(1)(k) of the LG Act, and cl. 215(1)(a) of the Local Government (General) Regulation 2005.**
- 1211/18 That Council include the audited 2017-18 Consolidated Financial Reports as an Addendum to Council's 2017-18 Annual Report in accordance with s.428(4)(a) of the LG Act.**
- 1212/18 That Council make available on Council's website the 2017-18 Annual Report including audited 2017-18 Financial Reports and a copy be provided to the Minister of Local Government in accordance with s. 428 (5) of the LG Act.**

For:

Unanimous

4.3 Central Coast Section 7.12 Contributions Plan Report

Moved: Mayor Smith

Seconded: Councillor MacGregor

That this item be deferred to be discussed at the Councillor Workshop to be held in February 2019.

Amendment Moved: Councillor Best

Amendment Seconded: Councillor Gale Collins

- 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.*

For:

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

Against:

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

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

Moved: Mayor Smith
Seconded: Councillor MacGregor

Resolved

1213/18 That Council defer this item to be discussed at the Councillor Workshop to be held in February 2019.

For:

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

Against:

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

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

The meeting adjourned at 8.54pm and resumed at 9.09pm.

4.4 Winney Bay Clifftop Walk - Stage 2 - Community Consultation

Moved: Councillor Sundstrom

Seconded: Councillor Mehrstens

Resolved

1214/18 That Council note the feedback from the community consultation undertaken for Stage 2 of the Winney Bay Cliff Top Walk.

1215/18 That council note the wide acceptance of the recently opened Chertsey Boardwalk, in Springfield and note that the design is sympathetic and has minimal environmental impact.

1216/18 That Council note that community feedback on the project has been strongly divided with key issues raised through the community consultation process including:

- a. Perception of conflict between maintaining the objectives of COSS land and the objective of creating a major tourist attraction accessed from the Copacabana village.**
- b. Amelioration of the potential environmental impact of the project.**
- c. The provision of disabled access to the clifftop.**
- d. Whole of life costs.**
- e. Indigenous heritage.**
- f. Potential hazards associated with the clifftop environment.**
- g. Deletion of the market stall components.**

1217/18 That Council prepare an amended design for Stage 2 of the project with the following alterations:

- a. A pathway with a maximum 2m width, following the existing informal track and using materials that have minimal environmental impact.**
- b. Deletion of the proposed 3m wide concrete access road and bridge.**
- c. Relocation of the lookout to the vicinity of the southern side of the former proposed bridge.**
- d. Deletion of the market stall components.**
- e. Rehabilitation and restoration of the native vegetation on the site.**
- f. Investigate ways to improve inclusive access to the proposed lookout, noting that this may require a suitable hard surface in this section.**
- g. Investigate options to ensure that the project reflects and promotes Aboriginal connection and significance.**
- h. Provision of information / education signage at the commencement of Stage 2 promoting the 5 Lands Walk, the features of the site and the funding source.**

- 1218/18** *Discuss with the funding body any potential changes including other related tourist and community projects such as safe pedestrian access for those participants of the 5 lands walk that use Del Monte Place to walk to the Captain Cook lookout and the existing Whale Viewing Platform at the Copacabana Beachfront.*
- 1219/18** *That staff liaise with the funding body about the proposed variation to the design.*
- 1220/18** *That the revised design be place on exhibition for community comment.*
- 1221/18** *Results of the community consultation be brought back to Council prior to construction commencing on Stage 2 of the Winney Bay Cliff Top Walk.*
- 1222/18** *That Council adhere to the provisions of the previous resolution by this Council, that required there be no contracts signed until all the matters arising from community consultation have been dealt with.*

For:

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

Against:

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

4.5 Biodiversity Offsets

Moved: Councillor Vincent

Seconded: Councillor Pilon

Resolved

- 1223/18** *That Council note the information contained within this report.*
- 1224/18** *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.*

For:

Unanimous

4.7 Progress of Actions of the Destination Management Plan 2018-2021

Moved: **Mayor Smith**

Seconded: **Councillor MacGregor**

Resolved

1225/18 That Council receive the report on the progress of actions of the Central Coast Destination Management Plan 2018-2021.

1226/18 That Council receive a further report on the progress of the Destination Management Plan in twelve months.

For:

Unanimous

4.8 Grants and Sponsorship Program 2018/19 Round 1

Councillor Gale Collins declared a less than significant non pecuniary interest in the matter as prior to being sworn into Council, she has worked with many of these community grants. Councillor Gale Collins chose to remain in the chamber and participate in discussion and voting.

Councillor Hogan declared a pecuniary interest in the matter as the organisation she works for may receive a grant and she works with several of the other organisations who applied. Councillor Hogan left the chamber at 9.30pm, returning at 9.34pm and did not participate in discussion and voting.

Councillor Holstein declared a significant non pecuniary interest as he works casually for Regional Youth Support Services. Councillor Holstein left the chamber at 9.30pm, returning at 9.57pm and did not participate in discussion and voting.

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as she is connected with various community groups on the coast. Councillor Greenaway chose to remain in the chamber and participate in discussion and voting.

Councillor Matthews declared a pecuniary interest in the matter as the CEO at Charmhaven Tennis Club (grant application) was my campaign manager in the Local Government elections. Councillor Matthews left the chamber at 9.30pm, returning at 9.34pm and did not participate in discussion and voting.

Mayor Smith declared a less than significant non as former voluntary CEO and Board member of the Community Environment Network. Mayor Smith chose to remain in the chamber and participate in discussion and voting.

Moved: **Mayor Smith**

Seconded: **Councillor Sundstrom**

Resolved

- 1227/18 *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).*
- 1228/18 *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).*
- 1229/18 *That Council defer the application for Central Coast Mountain Bike Club for consideration in the next round after further consultation with the applicant.*
- 1230/18 *That Council allocate \$187,959.70 from the 2018-19 grants budget to the Community Development Grant Program as outlined in the tables (Attachment 3) with the exception of 3 above.*
- 1231/18 *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).*
- 1232/18 *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).*
- 1233/18 *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.*

For:

Unanimous

4.9 Heritage Grant Program Round 1 2018-19

Moved: Councillor Vincent

Seconded: Councillor Pilon

Resolved

- 1234/18 *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.*
- 1235/18 *That Council decline applications for the reasons indicated in Attachment 2, the applicants be advised and where relevant, directed to alternate funding.*

For:

Unanimous

4.10 Community Support Grant Program 2018-19

Councillor Gale Collins declared a less than significant non pecuniary interest in the matter as prior to being sworn into Council, she has worked with many of these community grants. The matter was dealt with by the exception method

Councillor Hogan declared a pecuniary interest in the matter as the organisation she works for may receive a grant and she works with several of the other organisations who applied. The matter was dealt with by the exception method.

Councillor Matthews declared a pecuniary interest in the matter as the CEO at Charmhaven Tennis Club (grant application) was my campaign manager in the Local Government elections. The matter was dealt with by the exception method.

Moved: Councillor Vincent

Seconded: Councillor Pilon

Resolved

1236/18 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.

1237/18 That Council decline applications for the reasons indicated in Attachment 2, the applicants be advised and where relevant, directed to alternate funding.

For:

Unanimous

4.11 Community Support Grants - Council Meeting 26 November 2018

Councillor Best declared a pecuniary interest in the matter as he is the General Manager of Central Coast Group Training who is seeking a grant. Councillor Best left the chamber at 9.37pm, returning at 9.57pm and did not participate in discussion and voting.

Councillor Hogan declared a pecuniary interest in the matter as the organisation she works for may receive a grant and she works with several of the other organisations who applied. Councillor Hogan left the chamber at 9.35pm, returning at 9.57pm and did not participate in discussion or voting.

Councillor Holstein declared a significant non pecuniary interest in the matter as he works casually for Coast Shelter. Councillor Holstein left the chamber at 9.30pm, returning at 9.57pm and did not participate in discussion and voting.

Councillor Marquart declared a less than significant non pecuniary interest in the matter as he intends to investigate employment of an apprentice through Central Coast Group Training in 2019. Councillor Marquart chose to remain in the chamber and participate in discussion and voting.

Councillor Pilon declared a less than significant non pecuniary interest as she is considering employing apprentices through Central Coast Group Training. Councillor Pilon chose to remain in the chamber and participate in discussion and voting.

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

Resolved

1238/18 That Council approve the funding application for Central Coast Group Training for the amount of \$5,000.00.

For:	Against:
Mayor Smith and Councillors Marquart, Mehrtens, Sundstrom, Gale Collins, Matthews, Pilon and McLachlan	Councillors MacGregor, Greenaway and Vincent

5.1 2020 Local Government Elections

Moved: **Councillor Vincent**
Seconded: **Councillor Pilon**

Resolved

1239/18 That Council receive the report on 2020 Local Government Elections.

For:
Unanimous

5.2 Meeting Record of the Mangrove Mountain and Spencer Advisory Committee held on 24 October 2018

Moved: **Councillor Vincent**
Seconded: **Councillor Pilon**

Resolved

1240/18 That Council receive the report on Meeting Record of the Mangrove Mountain and Spencer Advisory Committee held on 24 October 2018.

For:
Unanimous

5.3 Meeting Record of the Catchments and Coast Committee Tuggerah Lakes held on 31 October 2018

Moved: Councillor Vincent**Seconded: Councillor Pilon****Resolved**

1241/18 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.

For:**Unanimous****5.4 Gosford Traffic & Transport Study**

Moved: Councillor Vincent**Seconded: Councillor Pilon****Resolved**

1242/18 That Council note the contents of the progress report for the Gosford Traffic & Transport Study.

1243/18 That Council provide a further update of the study in June 2019.

For:**Unanimous****5.5 Baker Park and Race Course Master Plan**

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

1244/18 That Council receive the report on Baker Park and Race Course Master Plan.

For:**Unanimous**

5.6 Record of Community Strategic Plan Community Reference Group meeting held on 30 October 2018

Moved: Councillor Vincent**Seconded:** Councillor Pilon**Resolved**

1245/18 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.

For:**Unanimous**

5.7 Response to Notice of Motion - Mystery Shop

Moved: Councillor Vincent**Seconded:** Councillor Pilon**Resolved**

1246/18 That Council receive the report on Response to Notice of Motion – Mystery Shop to test Council Service.

For:**Unanimous**

5.8 Permanent Protection of Porters Creek Wetland - Outcome of Investigations

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

1247/18 That Council receive and note the report on Permanent Protection of Porters Creek Wetland-outcome of investigation.

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

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

a Initiate a Biodiversity Stewardship Agreement process

b investigate a declaration of Porters Creek Wetland as a wetland of international importance (eg. Ramsar wetland)

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

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

For:

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

Against:

Councillor McLachlan

Abstain:

Councillors Gale Collins, Pilon and Best

5.9 Response to Notice of Motion - Short Term Rental Accommodation

Moved: Councillor Vincent

Seconded: Councillor Pilon

Resolved

1251/18 That Council receive the report on Short-term rental accommodation.

For:

Unanimous

5.10 Meeting Record of the Gosford CBD and Waterfront Advisory Committee held on 7 November 2018

Moved: Councillor Vincent

Seconded: Councillor Pilon

Resolved

1252/18 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.

For:

Unanimous

Procedural Motion

Moved: Councillor Holstein

Seconded: Councillor Best

Resolved

1253/18 That Council suspend standing orders to allow items 7.1, 7.2, 8.1 and U7/18 be brought forward for consideration and items 5.11 and 5.12 be deferred until the 29 January 2019 Ordinary Council Meeting.

For:

Unanimous

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

Moved: Councillor Holstein

Seconded: Councillor Best

Resolved

1254/18 That Council defer consideration of this item until the 29 January 2019 Ordinary Council Meeting.

For:

Unanimous

5.12 Management Activities at Wamberal and Terrigal Beaches

Moved: Councillor Holstein

Seconded: Councillor Best

Resolved

1255/18 That Council defer consideration of this item until the 29 January 2019 Ordinary Council Meeting.

For:

Unanimous

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

Councillor Best declared a significant non pecuniary interest in the matter as the not for profit organisation that he works at will likely be included for such a program. Councillor Best left the chamber at 10.20pm, returning at 10.30pm and did not participate in discussion and voting.

Councillor Gale Collins declared a pecuniary interest in the matter as she is the Deputy President of Coast Community Connections. Councillor Gale Collins left the chamber at 10.21pm, returning at 10.30pm and did not participate in discussion and voting.

Councillor Hogan declared a pecuniary interest in the matter as she works in the social services sector and has a professional relationship with numerous local NGO services who may also have an interest in this motion. Councillor Hogan left the chamber at 10.19pm, returning at 10.30pm and did not participate in discussion and voting.

Councillor Matthews declared a pecuniary interest in the matter as she works in the social services sector. Councillor Matthews left the chamber at 10.18pm, returning at 10.30pm and did not participate in discussion and voting.

Moved: Councillor MacGregor

Seconded: Councillor Mehrtens

Resolved

- 1256/18 That Council note the deferred item Notice of Motion - Establishment of a Social Issues Committee for Central Coast Council.**
- 1257/18 That Central Coast Council establish a Social Issues Committee by April 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.**
- 1258/18 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.**
- 1259/18 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.**
- 1260/18 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.**

- 1261/18** *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.*
- 1262/18** *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.*
- 1263/18** *That a briefing be held for Councillors with staff subject to the establishment of the Committee to discuss the structure, function and operations.*

For:

Mayor Smith and Councillors Holstein, Mehrtens, Sundstrom, MacGregor, McLachlan, Greenaway and Vincent

Against:

Councillors Marquart and Pilon

7.2 Notice of Motion - Thank you to Staff

Moved: **Councillor Hogan**

Seconded: **Councillor Matthews**

Resolved

- 1264/18** *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.*
- 1265/18** *The Councillors wish to thank all staff for their dedication, expertise and support throughout a difficult period of uncertainty and change.*
- 1266/18** *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.*
- 1267/18** *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.*
- 1268/18** *The Councillors thank you again and wish all staff and their families a very Merry Christmas and a happy and safe New Year.*

For:

Unanimous

The Mayor determined that it was appropriate that Council determine whether this matter should be considered as a matter of urgency.

Procedural Motion

Moved: Councillor Holstein
Seconded: Councillor Marquart

Resolved

1269/18 That Council consider a motion of urgency regarding support for 2019 NSW Aboriginal Rugby League Knockout.

For:
Unanimous

U7/18 Motion of Urgency - Support for 2019 NSW Aboriginal Rugby League Knockout

Moved: Councillor Holstein
Seconded: Councillor Marquart

Resolved

1270/18 That Council provides a formal response to support the conduct and hosting of the 2019 NSW Aboriginal Rugby League Knockout at Central Coast Regional Sport and Recreation Complex in October 2019 to the value of \$150,000.00 of in-kind and financial support.

For:
Unanimous

Confidential Session

Moved: Councillor Sundstrom
Seconded: Mayor Smith

Resolved

1271/18 That the meeting move into Confidential Session.

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

At this stage of the meeting being 10.47 pm 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 s.10A of *The Local Government Act, 1993* as the items listed come within the following provisions:-

10A *Which parts of a meeting can be closed to the public?*

(2) *The matters and information are the following:*

- (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.*
- (d) *Contains commercial information of a confidential nature that would, if disclosed prejudice*

The meeting resumed in open session at 11.01 pm and the Chief Executive Officer reported on proceedings of the confidential session of the ordinary meeting as follows:

4.6 Meeting Record of the Protection of the Environment Trust Management Committee held on 30 October 2018

Resolved

- 1272/18** *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.*
- 1273/18** *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.*
- 1274/18** *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.*

8.1 Rescission Motion - Tender CPA/1298 - After Hours Call Centre Contract

The motion was put to the vote and declared LOST.

Questions on Notice

**Q237/18 QON - Wyong Coastal Zone Management Plan
Councillor Troy Marquart**

The Wyong Coastal Zone Management Plan posted on the current Council link notes that:
Page 4: "Councils long term strategy is managed retreat of assets and infrastructure from coastal risk areas."

Page 12: "Councils risk treatment strategy is planned or managed retreat."
The draft Climate Change Policy is out to public consultation now, so Planned Retreat is not currently adopted. Why are the above incorrect statements in the WCZMP?

**Q238/18 QON - Davistown Wetlands
Councillor Rebecca Gale Collins**

Can we please get an update on the purchase of Davistown Wetlands as I believe the update /report of the previous motion was due by this last Ordinary Meeting of 2018?

**Q239/18 QON - Terrigal Boat Ramp
Councillor Rebecca Gale Collins**

Given the Terrigal boat ramp trailer parking signage is not legible due to fading, will Council be reimbursing costs or stopping tickets being issued?

**Q240/18 QON - Leases
Councillor Kyle MacGregor**

How many organisations or entities does Council extend leases to for over 30 years for less than \$500 per year?

**Q241/18 QON - Renewable Energy
Councillor Kyle MacGregor**

Does Central Coast Council generate any renewable energy and are there plans to either do so in future or generate additional renewable energy sources if we currently do not?

**Q242/18 QON - Briefing on Points of Order
Councillor Louise Greenaway**

Could Councillors please be provided with a briefing on Points of Order, if possible before the next meeting of 29 January 2019?

Q243/18 QON - Procurement Process
Councillor Jillian Hogan

Could staff please look at the procurement process because 'local' food and entertainment providers feel that they have been locked out of events.

Julie Vaughan provided a response: There isn't one simple list as Council undertakes a procurement process from an expression of interest process that they are required to undertake to ensure that they do not promote one business over another. This question will be taken on notice as she may be able to provide additional information.

Q244/18 QON - LEP DCP
Councillor Bruce McLachlan

I note that the draft LEP DCP asserts the previous policy of Gosford Council as assessing the ongoing viability of land below 4 metres AHD and the proposal is to do the same with the new LEP DCP subject to any changes precipitated by future climate change policy.

Has Council published any maps identifying any land or all land under the 4m AHD to which this assessment could apply?

Has Council identified how many commercial and residential lots are now subject to determination of future viability?

What does assessment of future viability mean?

Q245/18 QON - Sea Levels
Councillor Bruce McLachlan

Why does the policy reference a previous seas level rise policy of Gosford Council is 90cm at 2100. Didn't Council acknowledge that this policy was amended to 74cm in by vote of Council in March of 2015 and these new levels applied to Council?

The Meeting closed at 11.04 pm.



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

29 January 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13420643

Summary

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

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

Recommendation

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

Item: 8.1 Kibbleplex Car Park

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.

2(d) - contains 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.***

Item: 8.2 CPA/1860 – Tender Evaluation – Design Development and Construction of San Remo Boat Ramp

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

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

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

Attachments

Nil



Item No: 2.1
Title: DA/288/2018 - Proposed Short Term Rental Accommodation at 18 Soldiers Point Drive, Norah Head
Department: Environment and Planning

29 January 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13410418
Author: Jenny Tattam, Town Planner
Manager: Emily Goodworth, Section Manager, Development Assessment
Executive: Scott Cox, Director, Environment and Planning

Summary

The purpose of this report is for Council to consider a supplementary report for Development Application 288/2018 for short term rental accommodation at No. 18 Soldiers Point Drive, Norah Head.

Applicant	Michelle Thomas
Owner	Michelle Thomas
Application No	DA/288/2018
Description of Land	Lot 3 Section 3 DP 758779, 18 Soldiers Point Drive, Norah Head
Proposed Development	Short Term Rental Accommodation
Site Area	701.9m ²
Zoning	R2 Low Density Residential
Existing Use	Dwelling
Employment Generation	Yes
Estimated Value	N/A

Recommendation

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

Background

Development Application 288/2018 seeks consent for short term rental accommodation at No. 18 Soldiers Point Drive, Norah Head. The Development Application was considered, but not determined, at an Ordinary Meeting of Council on 29 October 2018. At that meeting Council resolved the following:

2.1 DA/288/2018 - Proposed Short Term Rental Accommodation at 18 Soldiers Point Drive, Norah Head (contd)

1112/18 That Council defer this item pending a site inspection for Councillors within the next month.

In accordance with the resolution of Council, a site inspection was held on site on Friday 23 November 2018 at 2pm. The following Councillors were in attendance:

<i>In Attendance:</i>
<i>Councillors Greenaway and Sundstrom</i>

Also present at the site inspection were:

- The applicant and owner of the site (Michelle Thomas)
- Council staff:
 - Scott Cox, Director Environment and Planning
 - Salli Pendergast, Principal Development Planner
 - Jenny Tattam, Development Planner

The Councillors undertook an inspection of the property including inside the dwelling and the rear yard.

During the inspection there was general discussion with the applicant around the following points:

- The applicant confirmed that the property is her primary place of residence and that she moves out on a temporary basis when the property is used for short term rental accommodation. During these temporary periods the owner stays with family and/or friends.
- The applicant advised that she does not know why neighbours have objected to the proposal. She commented that neighbours have not provided any proof to substantiate their claims that the use has resulted in adverse amenity impacts. She has followed up all complaints with her guests.
- The property adjoining the rear boundary of the site was previously used for short term rental accommodation. However, due to pressure from neighbours the owner of the property has recently sold.
- The applicant said there was a strict vetting policy. 'Schoolie groups', hens/bucks or other parties are not permitted at the property.
- The applicant talked about the benefits of visitors and tourism to the local economy. She recommends local restaurants and facilities to guests.

During the inspection, staff showed the Councillors the location of the recommended privacy screening on the upper balcony.

As Councillors and staff were leaving the site, they were invited by a neighbouring landowner to visit the adjoining property to listen to neighbour's concerns.

The Councillors and staff met with approximately 6-8 neighbours on the rear balcony of the dwelling at 20 Soldiers Point Drive. During this meeting the neighbours reiterated the concerns that had been raised through the submission process:

- That operation of the property for short term rental accommodation had adversely impacted their residential amenity primarily through noise.
- Other impacts they had experienced included anti-social behaviour (e.g. swearing), vandalism and privacy impacts.
- The neighbours stated that they don't believe short term rental accommodation is a suitable land use in a quiet residential area.
- One neighbour stated that they believe a more suitable land use would be a Bed & Breakfast where the owner of the property is present on the site during the times it is rented.

Additional Written Public Submissions after the Ordinary Meeting (29 October 2018)

After the Council meeting on 29 October 2018 Council received an additional five submissions. Two submissions were from the same property and one submission was from an objector that had previously lodged a submission during the original notification period (12-27 April 2018). The issues raised within these submissions are summarised below:

- *Use of the property for short term rental accommodation has and will adversely impact our residential amenity. These impacts have been (and will be) from noise, parties, overlooking, anti-social behaviour (e.g. swearing, screaming), use of the swimming pool at unusual hours, rubbish being thrown over the fence, vandalism, foul smelling bins and on-street parking congestion.*

Council Staff Comment

As a result of its past unregulated use neighbours have advised that the short term rental accommodation use of the site has impacted on neighbours through noise and guest behavior. These impacts are considered to be caused by a lack of management and regulatory control.

The applicant has provided a management plan, terms and conditions and house rules. The management plan includes vetting guests prior to booking, checking guests in and ensuring they are aware of the terms and conditions and house rules, outlining the consequences of not complying with the terms and conditions and house rules (which could include loss of security deposit), checking on the house during the period of stay, responding to complaints in a timely manner and taking effective action to remediate the problem.

It is considered that the submitted management plan represents a far more appropriate and comprehensive approach to management of the activity and, if implemented satisfactorily, is considered sufficient to address impacts on amenity.

In addition, the recommended conditions of consent include the following:

- the maximum number of guests is reduced from 10 to eight;
- privacy screening is installed on the upper balcony;
- amplified music shall not be played outside the dwelling between 10pm and 10am;
- use of the swimming pool is prohibited between 10pm and 8 am;
- all guest vehicles are to be parked within the boundaries of the site; and
- that any approval is limited to 12 months.

Given the historical concerns and amenity impacts of the use at the site, the time limited approval will provide evidence as to whether the short term rental accommodation can be adequately managed and whether it can continue to operate after this period.

- *Would like to see the owner of the property on-site to supervise guests.*

Council Staff Comment

The applicant has chosen to apply for short term rental accommodation which is defined under the *Wyong Local Environmental Plan 2013* (WLEP 2013) to mean:

short-term rental accommodation means a dwelling that is commercially available for rent as short-term accommodation on a temporary basis, but does not include bed and breakfast accommodation.

There is no requirement for the owner of the property to be on site.

It is considered that the proposed management plan, house rules and terms of conditions along with the recommended conditions of consent will be satisfactory to enable the property to operate as short term rental accommodation. In the event that issues arise the management plan includes a complaints handling procedure which will need to be enacted by the property manager. A condition of approval requires that the owner/managers contact details are clearly displayed at the front of the site.

- *Approval of the application will create an adverse precedent leading to more short term rental accommodation in Norah Head which will have a negative impact on the community.*

Council Staff Comment

Approval of the subject dwelling for short stay accommodation would not necessarily result in an increase in the lodgment of development applications for short term rental accommodation. It should be noted that many dwellings have the ability to carry out short term rental accommodation as exempt development, subject to compliance with the relevant criteria. Accordingly there may be many short term rental accommodation properties operating in the locality already.

New State Government Planning Provisions

The NSW government has prepared an Explanation of Intended Effect that details proposed amendments to *State Environmental Planning Policy (Exempt and Complying Development) 2008* to enable STRA to be carried out as exempt or complying development subject to meeting certain criteria. The Department of Planning and Environment have advised the new framework is expected to commence in 2019. Table 1 below provides the criteria in which STRA can be carried out.

Pathway	Criteria	Period
Exempt development	<ul style="list-style-type: none">• Host present on site overnight• Host not present, and• Property is not on bushfire prone land	Year round 365 days per year * Councils will be able to set the number of days from 180 days to 365 days.
Complying development	<ul style="list-style-type: none">• Property is on bushfire prone land (<BAL29), and• Host not present	365 days per year * Councils will be able to set the number of days from 180 days to 365 days.

The complying development provisions allow STRA for up to 365 days a year when the property is on bushfire prone land and the host is not present. The proposed development could be carried out as Complying Development subject to meeting the provisions of the SEPP.

Conclusion

Short term rental accommodation is a component of the short stay accommodation sector in New South Wales and an important aspect of the overall mix of tourism accommodation, particularly in popular tourist destinations in coastal areas like Norah Head.

The use previously relied upon an informal management arrangement and lack of regulatory control. The applicant has provided a management plan that details how the use will be managed, and conditions of consent are recommended to ensure that the use of the site for the purposes of short term rental accommodation will be adequately managed so as to ensure there is minimal impact on the amenity of the surrounding area. The application is recommended for approval subject to the conditions of consent.

Attachments

- 1** Original Council Report including attachments Enclosure D13413460



Item No: 2.2
Title: DA/54005/2018 - Lot D DP 29752, 12 Ascot Avenue, Avoca Beach - Proposed New Dwelling & Swimming Pool & Demolition of Existing Dwelling
Department: Environment and Planning

29 January 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13371863

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 demolition of existing dwelling and construction of a new dwelling and swimming pool at No. 12 Ascot Avenue Avoca Beach. The application has been examined having regard to the matters for consideration detailed in Section 4.15 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

This development application is required to be reported to Council due to the maximum floor space ratio for the building exceeding the development standard specified within clauses 4.4 and 4.5 of *Gosford Local Environment Plan 2014 (GLEP 2014)* by more than 10%. The proposal exceeds the permissible maximum floor space ratio of 0.5:1 by 0.12:1 (proposed at 0.62:1) or by 24%.

Applicant	Beehive Holdings Pty Ltd
Owner	Beehive Holdings Pty Ltd
Application No	54005/2018
Description of Land	Lot: D DP: 29752, 12 Ascot Avenue AVOCA BEACH
Proposed Development	New Dwelling & Swimming Pool & Demolition of Existing Dwelling
Site Area	404.7m ²
Zoning	R2 Low Density Residential
Existing Use	Dwelling House
Employment Generation	Nil
Estimated Value	\$948,000.00

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	New Dwelling & Swimming Pool & Demolition of Existing Dwelling.
Permissibility and Zoning	The subject site is zoned R2 Low Density Residential under <i>Gosford Local Environmental Plan 2014</i> . The proposed development is defined as a dwelling house which 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>Environmental Planning & Assessment Act 1979 - Section 4.15</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>Gosford Development Control Plan 2013 (GDGP 2013)</i>
Current Use	Dwelling House
Integrated Development	No
Submissions	One submission was received during the notification period.

Variations to Policies

Gosford Local Environmental Plan 2014

Clause	4.4 – Floor Space Ratio
Standard	Maximum floor space ratio of 0.5:1
Departure basis	The proposal seeks a gross floor area of 253.8m ² on a 404.7m ² parcel of land equating to a FSR of 0.62:1. This represents a variation of 24%.

Clause	4.3 – Height of Buildings
Standard	Maximum Building Height - 8.5 metres.
Departure basis	The proposal seeks a maximum height of 9.1 metres to the ridge of the solar panel clad roof skillion. This represents a variation of 0.6 metre or 7% at the highest point.

Gosford Development Control Plan 2013

Clause	3.1.2.1 – Building Height
Planning Control	Maximum Building Height - 8.5 metres. Maximum of three storeys where site constraints such as slope exist.
Departure basis	- The proposal seeks a maximum height of 9.1 metres to the ridge of the solar panel clad roof skillion. This represents a variation of 0.6 metre or 7% at the highest point. - The design of the proposed dwelling contains four storeys.

Clause	3.1.2.3 – Floor Space Ratio
Planning Control	Maximum floor space ratio of 0.5:1
Departure basis	- The proposal seeks a gross floor area of 253.8m ² on a 405m ² parcel of land equating to a FSR of 0.62:1. This represents a variation of 24%.

Clause	3.1.3.1a – Front Boundary Setback
Planning Control	The permissible front setback is 7.35m. This is the average of the two adjoining properties (excluding the garage structures built close to the front boundary). The permissible setback for the garage shall be 1m behind the front boundary setback; in this case the garage and carport should have a 8.35m front setback.
Departure basis	The proposal seeks a front setback of 2.29m to the front garage and carport which is a 69% variation. The proposed garage and carport has a 2.29m front boundary setback which is a 73% variation.

Clause	3.1.3.1c – Side Setback
Planning Control	Side boundary setback of 1.87m (with a wall height of 8.375m) to eastern boundary and 1.59m (with a wall height of 7.29m) to western boundary.
Departure basis	The proposal seeks a minimum side boundary setback of 1.2m for the garage and carport to the eastern and western side boundaries which is a variation of 36% and 25% respectfully. The remainder of the building complies with the required side boundary setback due to the increase in setback to other components of the building and decreasing building height with the slope of the land.

Clause	3.1.5 – Car parking and access
Planning Control	Driveway width is to be a maximum of 4m
Departure basis	The proposed driveway for the garage is 6.21 metres wide. This represents a variation of 55%.

Clause	3.1.6.1 - Earthworks
Planning Control	Maximum cut permitted is 3m if located more than 1m from any boundary
Departure basis	A 3.4m excavation is proposed over the central portion of the development. This represents a variation of 13%.

The Site

The site is known as No. 12 Ascot Ave, Avoca Beach and is located on the north-eastern side of Ascot Ave. The site is rectangular in shape and has an overall area of 404.7m² with a street frontage of 15.253 metres and an average depth of 26.775 metres.

The site slopes from the southwest (street level) to the north east (rear boundary) at an average of approximately 20 -22°. Site cutting and filling associated with the existing residence and existing retaining walls has reduced the amount of slope on the site.

The site currently has a two-storey brick veneer and tile roofed residential dwelling positioned centrally on the site and a brick veneer and concrete roofed garage parking platform in the southwestern portion of the site. All structures on the site are proposed to be demolished as part of this application.

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

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



Figure 1 – Aerial view of Ascot Ave with the site highlighted in light blue. Since this aerial view was taken the four storey residential unit development to the northeast of the site (currently depicting as excavation with heavy machinery) has been completed.

Surrounding Development

With the exception of the recent residential unit development to the rear of this site, the surrounding development consists of single dwellings within the R2 zone. The existing dwellings are stepped down the hillside with expansive glass openings facing the east to take advantage of ocean and coastal views.

A recently constructed residential unit development is situated on land fronting Avoca Drive and adjoining the rear boundary of the subject site. The residential unit development (known as the Quarterdeck) consists of 6 units over 4 levels and was permitted in the R2 zone under existing use rights provisions.



Figure 2 – Zoning map. Pink shading is the R2 zone with the subject site outlined in light blue. The light green shade is Avoca Beach zoned RE1 (Public Recreation).



Photograph 1: subject site is the blonde brick dwelling (highlighted with a yellow arrow). Photo taken from a beachfront property along Avoca Drive.



Photograph 2: Photos taken from public footpath along Avoca Drive. Subject site highlighted with yellow arrow. Note the four storey residential unit development downslope of the site.



Photograph 3: Taken from Ascot Ave. Black arrow points to north-western adjoining property. Blue arrow is the dwelling on the subject site. Red arrow points to south-eastern adjoining property.



Photograph 4: Taken from Ascot Ave looking northwest. Car in photo parked on parking platform above existing garage located on subject site.



Photograph 5: Taken from Ascot Ave looking southeast. Car in photo parking on the existing parking platform of subject site.



Photograph 6: Taken from rear of existing parking platform representing relationship with subject site (marked with blue arrow) and northwestern adjoining dwelling.



Photograph 7: Taken from rear of existing parking platform representing current relationship of subject site (marked with blue arrow) and south-eastern adjoining property.

The Proposed Development

The proposal seeks the demolition of the existing dwelling and the construction of a 2-storey dwelling and pool which will be sited more upslope of the existing dwelling footprint on the subject site. It is proposed to have 3 spaces for off-street parking consisting of a double garage and single carport separated by the entry to the dwelling.

The dwelling will be of a split level contemporary design over four levels consistent to hillside developments. The building is articulated with different roof forms, visually contrasted with a variety of textures and colours of external materials and of innovative design with a skillion roof to harness solar energy.

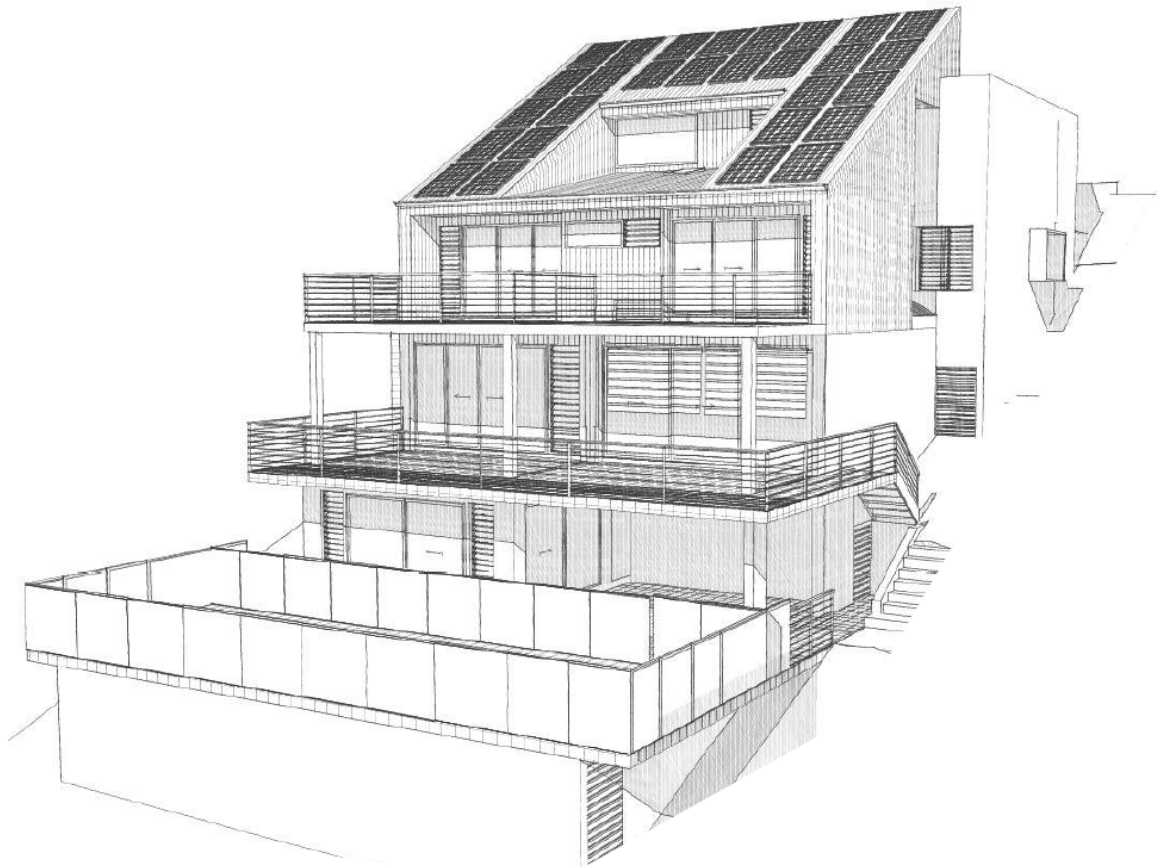


Figure 3 - Architectural perspective when viewed from the north of proposal supplied by the architect.

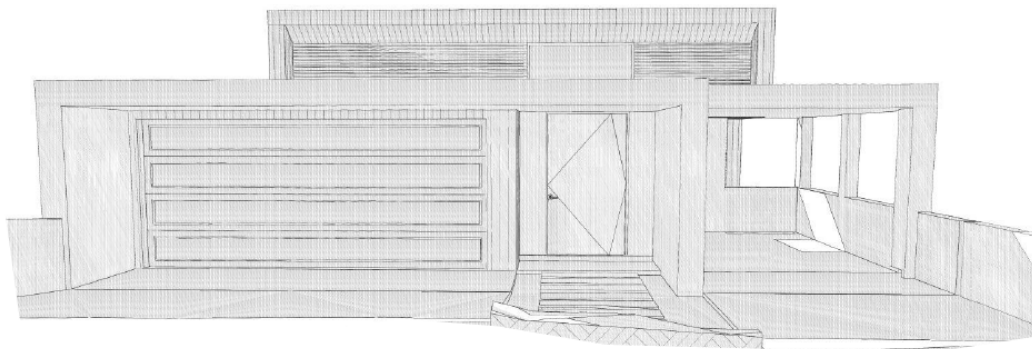


Figure 4 - Architectural street view perspective supplied by the architect

History

The current two storey dwelling received building approval in 1968 under (BA768/68). Building approval (47899/88) was also granted in 1988 for a timber deck and in 1990 approval (59312/90) was granted for the garage and parking platform above.

Consultation

Public Consultation

The development was notified between 27 March 2018 and 12 April 2018 in accordance with Chapter 7.3 of GDCP 2013.

One (1) public submission was received in relation to the application.

The issues raised in the submission are detailed below:

1. *Pool in back yard- requesting time constraint on use due to potential noise.*

Comment

The proposed pool is generally at ground level along the side adjacent to the dwelling, however is elevated above the ground towards the rear of the site due to the steep topography. Decking is proposed to the pool surround with the main usable portion of deck positioned on the northern western side of the pool, away from the objectors dwelling. The pool is associated with a single dwelling and the expected noise generated from pool activities would be consistent with family activities within a residential environment. A draft condition has been included requiring pool filter to be adequately sound proofed (Condition 6.1).

2. *Potential loss of view and privacy*

Comment

The proposal provides an increase to the rear boundary setback when compared to the current dwelling. The increase is measured at approximately 2m. The south-eastern adjoining neighbours view of the ocean and coastline will be greater with the proposed position of the dwelling.

The proposal involves decking areas to the rear of the dwelling at each habitable level. The proposed decking is to take advantage of paramount views of the coastline and ocean. Furthermore the proposed decks are consistent in form and size to other more recent dwellings along this hillside. It is not unreasonable for a degree of overlooking to occur where there is also a view to be enjoyed.

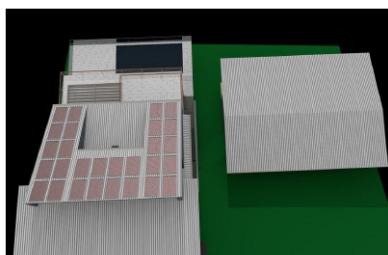
3. *Shadowing of front yard area of south-eastern adjoining property.*

Comment

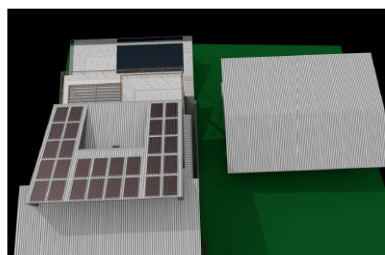
The applicant has provided shadow diagrams presenting the degree of shadow cast on the south-eastern adjoining property. Considering the orientation of the side boundaries, it is expected that shadows would be cast over portion of the dwelling and within the front yard of the adjoining dwelling, particularly during the afternoon period.

The applicant has provided a comparison of a 'compliant in height' proposal and the proposal before Council, being 600mm above the height control. The diagrams included within the report are during the winter solstice, at the time when the sun is at its lowest in the sky.

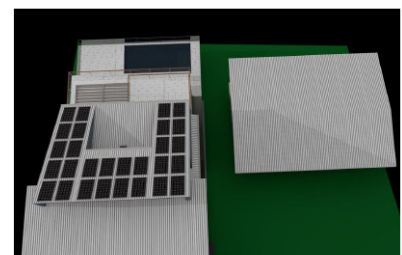
The extent of overshadowing between the two comparisons represents little difference. Furthermore the shadowing is cast mainly over the area between the front of the dwelling and parking structure. This area is relatively steep and would be predominately used to traverse between the dwelling and parking structure and roadway.



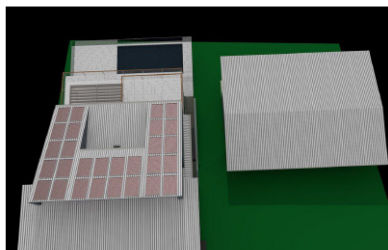
JUN 21 9am



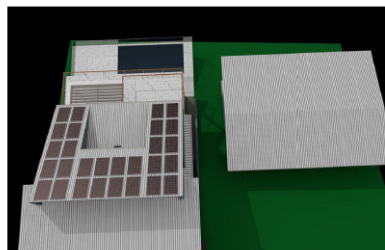
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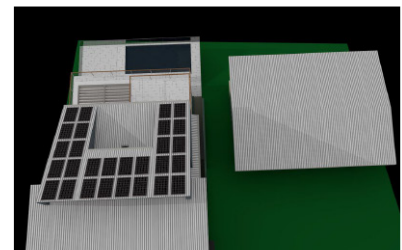
JUN 21 3pm



JUN 21 9am COMPLIANT



JUN 21 12pm COMPLIANT



JUN 21 3pm COMPLIANT

Figure 5 - Shadow diagrams provided by architect of the winter solstice. The top three diagrams are the proposed building, whilst the bottom three represents a compliant building, 600mm lower.

4. *Land slippage*

Comment

The proposal involves bench excavation of the site to accommodate the levels of the dwelling by up to 3.4m. Having regard to the slope of the site and extent of excavation, the application is supported by a geotechnical engineers report prepared by a qualified and experienced geotechnical engineer.

The geotechnical engineers report has regard to the extent of excavation of the site and references the drawings forming part of this application. The report states that a fieldwork analysis has occurred and there were no visual signs either on or around the site which would prohibit site redevelopment.

Draft Conditions have been included requiring compliance with the recommendations of the Geotechnical Engineers report (Condition 3.9 & 4.12)

5. *The extent of green space*

Comment

It is not unusual for developments on steep sloping sites to have reduced green space than what is normally anticipated on a level or near level site. Inevitably, on a steep site the building takes up a larger footprint by stepping of the building to accommodate the slope and to limit the amount of excavation.

The proposed dwelling complies with the site coverage provisions. Site coverage is defined within *Chapter 3.1 – Dwelling Houses, Secondary Dwellings and Ancillary Development* of *GDGP 2013*, being the proportion of a site that is covered by buildings and ensures that there is an appropriate area of the site that is not built upon. The proposed dwelling has a site coverage of 43% which is 17% below the maximum coverage of 60%.

Internal Consultation

Development Engineering

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

Supported, subject to conditions relating to works within the road reserve. (Conditions 2.2, 2.3, 5.6 & 5.7)

Water and Sewer Assessment

Council's Water and Sewer section has reviewed the application and provides the following comments:

Supported without 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 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 site plan and elevations for the proposed development are provided as an attachment to this report.

Provisions of Relevant Instruments / Plans / Policies

State Environmental Planning Policies (SEPP)

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 71 provisions continue to apply if a development application is lodged and not finally determined prior to the commencement of the SEPP Coastal Management.

The provisions of SEPP 71 require Council to consider the Aims and Objectives of the SEPP 71 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 & 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

Permissibility

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

2.2 DA/54005/2018 - Lot D DP 29752, 12 Ascot Avenue, Avoca Beach - Proposed New Dwelling & Swimming Pool & Demolition of Existing Dwelling (contd)

Objectives of Zone

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

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

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

Development Standards

Development Standard	Required	Proposed	Compliance with Controls	Variation %	Compliance with Objectives
4.3 – Height of buildings	Maximum building height of 8.5 metres	9.1 metres to the ridge of the solar panel clad roof skillion.	No – see comments below	7%	Yes – see comments below
4.4 – Floor space ratio	0.5:1 maximum	0.62:1	No- see comments below	24%	Yes –see comments below

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

Clause 4.3 Mapped Height Variation

The applicant seeks a variation to Clause 4.3(2) of *GLEP 2014* in relation to the proposed maximum height of the dwelling. In this regard, the proposal seeks a maximum overall height of 9.1 metres in lieu of the 8.5 metre mapped maximum height limit applicable to the allotment, resulting in a variation of 7%.

Clause 4.4 Maximum Floor Space Ratio Variation

The applicant seeks a variation to Clause 4.4(2) of *GLEP 2014* in relation to the proposed maximum floor space ratio of the dwelling. In this regard, the proposal seeks a maximum floor space ratio for the building of 0.62:1 in lieu of the 0.5:1 ratio as shown for the land on the Floor Space Ratio Map, resulting in a variation of 24%.

Clause 4.6 Exceptions to development standards

Clause 4.6 of *GLEP 2014* requires consideration of the following:

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

The applicant has provided a detailed request to vary the mapped height development standard by the proposed 7%. In requesting the variation, the applicant has provided the following comments in support of the proposal:

- *The land slopes steeply from the front to the rear boundary which causes the building to project above the existing ground level more than the maximum height of 8.5m in the centre of the site. The portion of the building that exceeds the height limit is indicated on the plans submitted with the application.*
- *The part of the building that exceeds the height limit is limited to a small section of roof at the middle of the site where the roof extends over the centre core of the building that contains a lift that connects all of the levels of the building. Due to the stepping of the building down the site it is not possible to relocate the lift to any other location.*

2.2 DA/54005/2018 - Lot D DP 29752, 12 Ascot Avenue, Avoca Beach - Proposed New Dwelling & Swimming Pool & Demolition of Existing Dwelling (contd)

- *The overall height of the building could be reduced by extending the flat roof of the garage over the entry and lift, however this would be detrimental to the design of the dwelling and result in a less attractive building.*
- *The additional height does not result in any significant impact on the amenity of any adjoining properties in relation to overshadowing or loss of view.*
- *The height of the building is consistent with the height of other developments in the locality in particular the 4 level dwelling on the adjoining site to the north of the subject site at 10 Ascot Ave and the existing dwelling at 8 Ascot Ave which has a similar roof form.*
- *Other than the small part of the building that encroaches on the height limit the remaining part of the dwelling is well under the maximum height control.*

Comment:

In terms of the proposed design, it is noted that the height exceedance is at 600mm across the ridge and will be consistent to the height of other buildings on the hillside. The proposal meets the relevant zone objectives and does not cause view loss impacts to the adjoining properties.

The proposed development is consistent with the height and scale of other dwellings within the immediate area. In addition, the development would not impose any detrimental impact on the amenity of residents in nearby dwellings. It has been concluded the steepness of the site together with the current levels set by the existing buildings contribute to the difficulty in complying with the height controls.

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

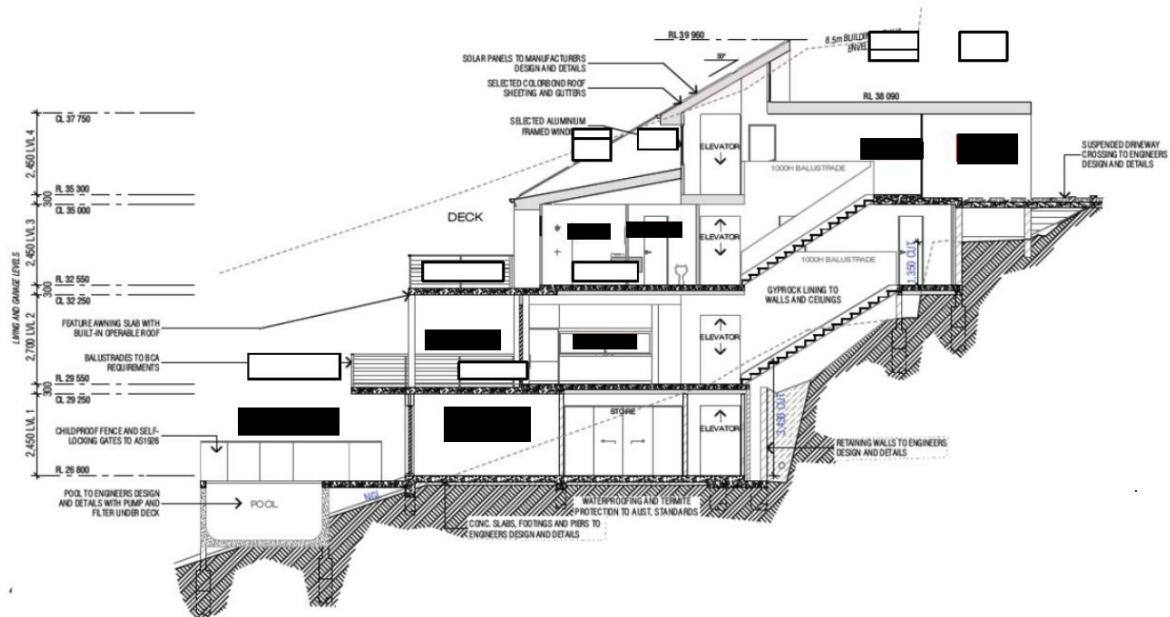


Figure 6 - Section drawing presenting building height encroachment

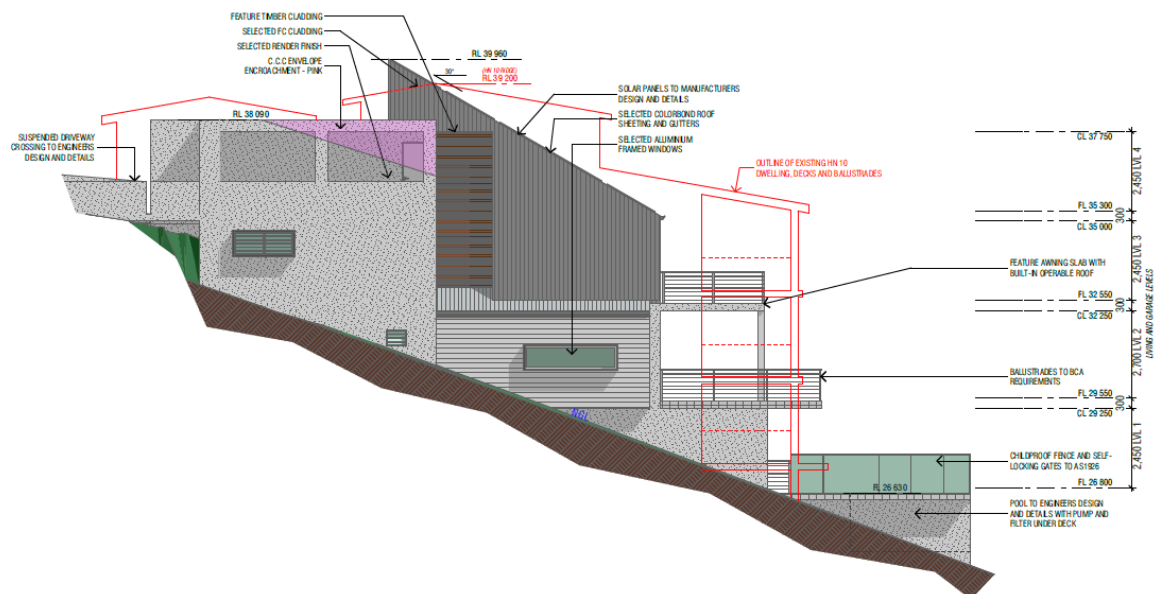


Figure 7 - southeast elevation of proposed dwelling including the profile of the northwestern adjoining dwelling outlined in red

The applicant has provided a detailed request to vary the mapped floor space ratio development standard of Clause 4.4 by the proposed 24%. In requesting the variation, the applicant has provided the following matters in support of the proposal: -

2.2 DA/54005/2018 - Lot D DP 29752, 12 Ascot Avenue, Avoca Beach - Proposed New Dwelling & Swimming Pool & Demolition of Existing Dwelling (contd)

- *The site has an area of 404.7m² which significantly restricts the size of any future dwelling on the site to 202.35m² when the 0.5:1 FSR is applied.*
- *Other development in the locality in particular the four level dwelling to the north on a similar size site and the recent residential flat building development to the east at 120 Avoca Drive, have considerable more bulk than the proposed development.*
- *Development consent was issued by council for a dwelling at 22 Ascot Ave DA44164/2013 with a FSR of 0.644:1 on a site with an approximate area of 584m² i.e. floor area of 65 approx. 376m².*
- *Part of the building is located below ground level. This part of the building adds to the gross floor area of the building however it does not add to the bulk and scale of the building.*
- *Notwithstanding the strict numerical non-compliance with the maximum allowable FSR, the proposed development will relate reasonably in terms of bulk, scale and height with existing and likely future development on adjoining properties and in the immediate locality. As such, the proposed development is consistent with the objective of establishing standards for the maximum development density and intensity of land use.*
- *The proposed development will result in acceptable amenity impacts on the adjoining development and the adequate measures ensure visual and acoustic privacy will minimise adverse environmental effects on the use and enjoyment of adjoining properties and the public domain.*
- *The proposed development will maintain an appropriate visual relationship between new development and the existing character of the area which includes numerous multi dwelling housing developments along Avoca Drive to the east of the site.*
- *The proposed development includes a well-articulated building form and utilizes a good variety of building materials that serve to reduce the apparent bulk and scale of the building. The resultant built form will provide for an appropriate correlation between the size of a site and the extent of the development on the site.*

2.2 DA/54005/2018 - Lot D DP 29752, 12 Ascot Avenue, Avoca Beach - Proposed New Dwelling & Swimming Pool & Demolition of Existing Dwelling (contd)

Comment:

It is considered the proposed development would be consistent with the scale and bulk of other dwellings within the immediate area. The dwelling on the north western adjoining land has a similar size land area and a floor space ratio of 0.71:1.

The applicants submission, specified a floor space ratio of 0.644:1 of the new dwelling under construction at No. 22 Ascot Ave (located 5 properties to the south of the subject land), however Council records specify a floor space ratio of 0.62:1. The application was approved by Council at its meeting of 8 March 2016. There are some older dwellings along the hillside with complying floor space ratio, however they are not excavated into the site as the proposed development and would therefore appear to have a similar bulk and scale to the proposed development.

In addition, the development would not impose any detrimental impact on the amenity of residents in nearby dwellings. It has been concluded the relatively small size of the allotment together with the consistency of bulk and scale of nearby dwellings would support the justification to vary the floor space ratio controls.

Having regard to the site factors, minimal impact on the character of the area and that of the residents, the applicants request to vary the maximum floor space ratio development standard is considered reasonable and therefore supported.

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

Comment:

The proposed single dwelling development is within the public interest as it meets the objectives of the R2 Low Density Residential zone and the objectives of the development standards as outlined under GLEP 2014 in that the development is consistent with the planned residential densities and heights of other dwellings surrounding the subject site. The design is considered to be compatible with the desired future character and therefore strict compliance with the development standard would not provide a better design outcome.

The scale and bulk of the development in relation to the site area is consistent with the local area and in particular to other recent developments on this eastern facing hillside of Avoca Beach. The development will not unreasonably impact on the amenity to the adjoining properties with regards to overshadowing and the design effectively takes into consideration view sharing and privacy.

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

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

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

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

Accordingly, after consideration, the applicant's written request is considered to have adequately justified that compliance with the development standard is unreasonable and unnecessary in this instance and there are sufficient environmental planning grounds to justify contravening the development standard.

Gosford Development Control Plan 2013 (GDCP 2013)

Chapter 2.1 Character

The site is located within the Avoca 4: Open Woodland Hillsides precinct of Avoca Beach. The desired character of this precinct states:

'to minimise the scale and bulk of buildings by stepping floor-levels to follow natural slopes and by using irregular floorplans to create well-articulated forms.'

The proposed dwelling design has both these features and is considered to be consistent with the desired character of the precinct.

Chapter 3.1 Dwelling Houses, Secondary Dwellings & Ancillary Development

Chapter 3.1	Requirement	Proposed	Compliance
Clause 3.1.2.1 Building Height	Three storeys on steeply sloping sites	The dwelling has four storeys	No – see comments below
	8.5 metre maximum building height	9.1 metres	No – see comments below

Chapter 3.1	Requirement	Proposed	Compliance
Clause 3.1.2.2 Site Coverage	Maximum 60% site coverage on land size less than 450m ²	Less than 60% site coverage is proposed (43%)	Yes
Clause 3.1.2.3 Floor Space Ratio	0.5:1 floor space ratio	0.62:1 floor space ratio proposed	No – see comments below No – see comments below
Clause 3.1.3.1a – Front Setback	The permissible front setback is 7.35m. This is the average of the two adjoining properties (excluding the garage structures built close to the front boundary). Garage setback to be setback 1.0 metre behind front boundary setback	2.290 metres to the front garage and carport Garage is forward of the proposed dwelling on the allotment	No – see comments below No – see comments below
Clause 3.1.3.1b – Rear Setback	6m Rear setback to a private allotment with a wall height greater than 4.5m	7.2 metres	Yes
Clause 3.1.3.1c – Side Setback	Side boundary setback of 1.87m (with a wall height of 8.375m) to eastern boundary and 1.59m (with a wall height of 7.29m) to western boundary.	1.2 metres	No – see comments below
Clause 3.1.3.3.2 – Garage Door Articulation	Maximum 6m width garage door	5.6metres	Yes
Clause 3.1.4.1	To encourage view sharing between properties	Meets the requirements for view sharing under the NSW Land and Environment Court Planning Principles	Yes

Chapter 3.1	Requirement	Proposed	Compliance
Clause 3.1.4.2 Visual Privacy	To minimise direct overlooking between main living areas and areas of principle private open space within the site and adjoining sites	Given the steep topography of the site, the proposal is considered to meet the requirements of this clause.	Yes
Clause 3.1.5 – Car Parking and Access	2 car spaces 4 metres driveway width required	3 car spaces 6.21 metres	Yes No – see comments below
Clause 3.1.6 Earthworks, Structural Support and Drainage	Cut – 3m if more than 1m from the boundary	3.4 metres over the central portion of the development.	No – see comments below
Clause 3.1.6.2 Retaining Walls and Structural Support	Retaining wall greater than 600mm in height shall be designed by a structural Engineer.	No structural Engineering details provided at DA stage	Yes – see comments

Clause 3.1.2.1 Building Height

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

Chapter 3.1 of GDCP 2013 permits 3 storeys on steeply sloping land and a maximum building height of 8.5m. The proposed development is 4 storeys with a maximum building height of 9.1 metres as shown in Figure 6.

The multi-level design is consistent with other developments in the vicinity of the site given the topography of the area. The proposal when viewed from the Ascot Ave would be perceived as having two levels. The adjoining dwelling to the northwest has four levels. The upper level of the proposed dwelling is contained within the skillion roof. The proposed variation related to number of storeys is considered acceptable and supported in this instance.

The applicant seeks a variation to the proposed maximum height of the dwelling. In this regard, the proposal seeks a maximum overall height of 9.1 metres in lieu of the 8.5 metre mapped maximum height limit applicable to the allotment. The variation proposed is 7%.

An assessment of the building height has been carried out under GLEP 2014. In terms of the proposed design, it is noted that the height exceedance is at 600mm across the ridge and will be consistent to the height of other buildings on the hillside. The proposal meets the relevant zone objectives and does not cause view loss impacts to the adjoining properties.

It is considered the applicants request to vary the development standard would result in a dwelling which is consistent to the height and scale of other dwellings within the immediate area. In addition, the development would not impose any detrimental impact on the amenity of residents in nearby dwellings. The assessment has concluded the steepness of the site contributes to the difficulty in complying with the height controls together with the current levels set by the existing surrounding buildings, strict compliance with the set standards is difficult to justify.

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

Clause 3.1.2.3 Floor Space Ratio

The applicant seeks a variation in relation to the proposed maximum floor space ratio of the dwelling. In this regard, the proposal seeks a maximum floor space ratio for the building of 0.62:1 in lieu of the 0.5:1 ratio as shown for the land on the Floor Space Ratio Map, resulting in a variation of 24%.

An assessment of the floor space ratio has been carried out under GLEP 2014. It is considered the applicants request to vary the development standard would be consistent to the scale and bulk of other dwellings within the immediate area. The dwelling on the north western adjoining land having a similar size land area has a floor space ratio of 0.71:1.

The applicant in their submission, specified a floor space ratio of 0.644:1 for the new dwelling under construction at No. 22 Ascot Ave (located 5 properties to the south of the subject land), however Council records specify a floor space ratio of 0.62:1. The application was approved by Council at its meeting of 8 March 2016. There are some older dwellings along the hillside with complying floor space ratio, however they are not excavated into the site as much as the proposed development and would therefore appear to have a similar bulk and scale.

The development would not impose any detrimental impact on the amenity of residents in nearby dwellings. It has been concluded the relatively small size of the allotment together with the consistency of bulk and scale of nearby dwellings would support the justification to vary the floor space ratio controls.

Having regard to the site factors, minimal impact on the character of the area and that of the residents, the applicants request to vary the maximum floor space ratio development standard is considered reasonable and is therefore supported.

Clause 3.1.3.1a – Front Setback

The proposed development seeks variation for the front setback to Ascot Avenue. The subject lot is heavily constrained due to the slope of the land; therefore car parking behind the required setback is impractical in this instance. The proposal is to have three parking spaces on the site which is appropriate in this instance as Ascot Ave is narrow and street parking is very limited. Garages and parking structures forward of the building line are a consistent part of the Ascot Avenue streetscape.

The proposal is also to include a 2.1m projection adjacent to the double garage and entry area. The projection is similar to an awning structure designed with masonry blade walls at each end and joined with an architectural parapet concealing the roof. The projection is proposed to extend to the front boundary and would introduce some visual impact on the streetscape. The removal of this component would improve streetscape and the desired character of the area and also not significantly impact on the functionality of the proposed dwelling. Accordingly, condition 2.6 requires the removal of this component of the building.

The proposed variation is considered to achieve the objectives of Chapter 3.1 of GDCP 2013 by ensuring the setback is compatible with adjacent development and compliments the character and streetscape. No objections have been raised in relation to the setback encroachment. Therefore it is considered acceptable and supported in this instance.

Clause 3.1.3.1 – Side Setback

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

- To ensure that setbacks are compatible with adjacent development and complements the character, streetscape, public reserve, or coastal foreshore
- To protect the views, privacy and solar access of adjacent properties

- To maintain view corridors to coastal foreshores and other desirable outlooks
- To provide appropriate articulation of facades and horizontal elements reduce the appearance of bulk and provides visual interest to the building and subsequent streetscape where they face a street frontage/s.

Part of the proposed carport and double garage will encroach beyond the required setback as indicated on the plans. These structures are located close to the street frontage and adjoin a carport to the east and garage to the west. The encroachment on the building setback is unlikely to have any significant impact on the adjoining properties. The extent of the encroachment only relates to a triangular section part of the building. Additionally the carport section of the building is open to the side which reduces any potential impact.

The proposed variation is considered to achieve the objectives of Chapter 3.1 of GDCP 2013 and is therefore considered acceptable and supported in this instance.

Clause 3.15 – Car Parking and Access

GDCP 2013 requires a maximum 4.0m wide driveway measured at the crossover. The proposed driveway is 6.21m which is a variation of 55%. The garage and carport are located close to the road alignment and a splay to the driveway at the intersection with the road alignment would create access issues with a narrow roadway adjacent to the site. Furthermore, the existing width of driveway at the road alignment is the same as proposed.

The proposed driveway is considered to be in keeping with the driveways located on the street and will have minimal impact on the environment. The variation is supported in this instance.

Clause 3.1.6 Earthworks, Structural Support and Drainage

The proposal seeks a maximum cut of approximately 3.4 metres at the rear wall of the garage in lieu of the permitted 3.0 metres. This represents a variation of 400mm or 13%.

The main bulk of excavation occurs centrally on the site and is relatively concealed by the proposed dwelling. It is further noted that the subject application is supported by an appropriate geotechnical assessment which provides recommendations on site excavation and subsequent retaining design.

The proposed variation is considered to achieve the objectives of Chapter 3.1 of GDCP 2013 and is therefore considered acceptable and supported in this instance.

Clause 3.1.6.2 Retaining Walls and Structural Support

The applicant has not provided Structural Engineering details with the development application, however the Principal Certifying Authority appointed for this development will be required to acquire structural engineering drawings referring to the geotechnical engineers report during the construction stage (Condition 3.9)

Chapter 6.4 Geotechnical Requirements for Development Applications

The property is mapped as being in a medium & high hazard landslip risk. In this regard, the development proposal has been supported by an appropriate geotechnical report prepared by Forum Consulting Engineers Reference 801001, dated 16 February 2018 and addendum report dated 5 June 2018. This report provides an assessment of ongoing slope stability and provides recommendations on structural engineers design and is considered appropriate. Accordingly, it is considered that no further information is required in order to support the subject development application from a geotechnical perspective.

Chapter 7.2 Waste Management

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

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

Built Environment

Given the position of the proposed dwelling on the allotment, the existing driveway access to the 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 proposed development's impact on the built environment has been undertaken in terms of the GLEP 2014 and GDCP 2013 compliance. It is considered on balance that the potential impacts are considered reasonable.

Natural Environment

The proposal involves substantial site excavation in order to cater for the site's sloping topography. Whilst there is some impact upon the natural environment, this is considered to be reasonable as the main bulk of excavation occurs centrally on the site and is relatively concealed by the proposed dwelling. 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:

- Acid Sulfate Soils – The subject site has been identified as containing potential Class 5 acid sulfate soils. Whilst the proposal involves excavation up to some 3.4metres depth, given the site is located on a hillside above Avoca beach coastline, it is considered that the provisions of an acid sulfate soils management plan is not required.
- Bushfire – The subject site is mapped as being bushfire affected. In this regard, the development proposal has been accompanied by an appropriate bushfire self-assessment report. The building will need to be constructed to BAL 12.5 bushfire resisting construction.

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

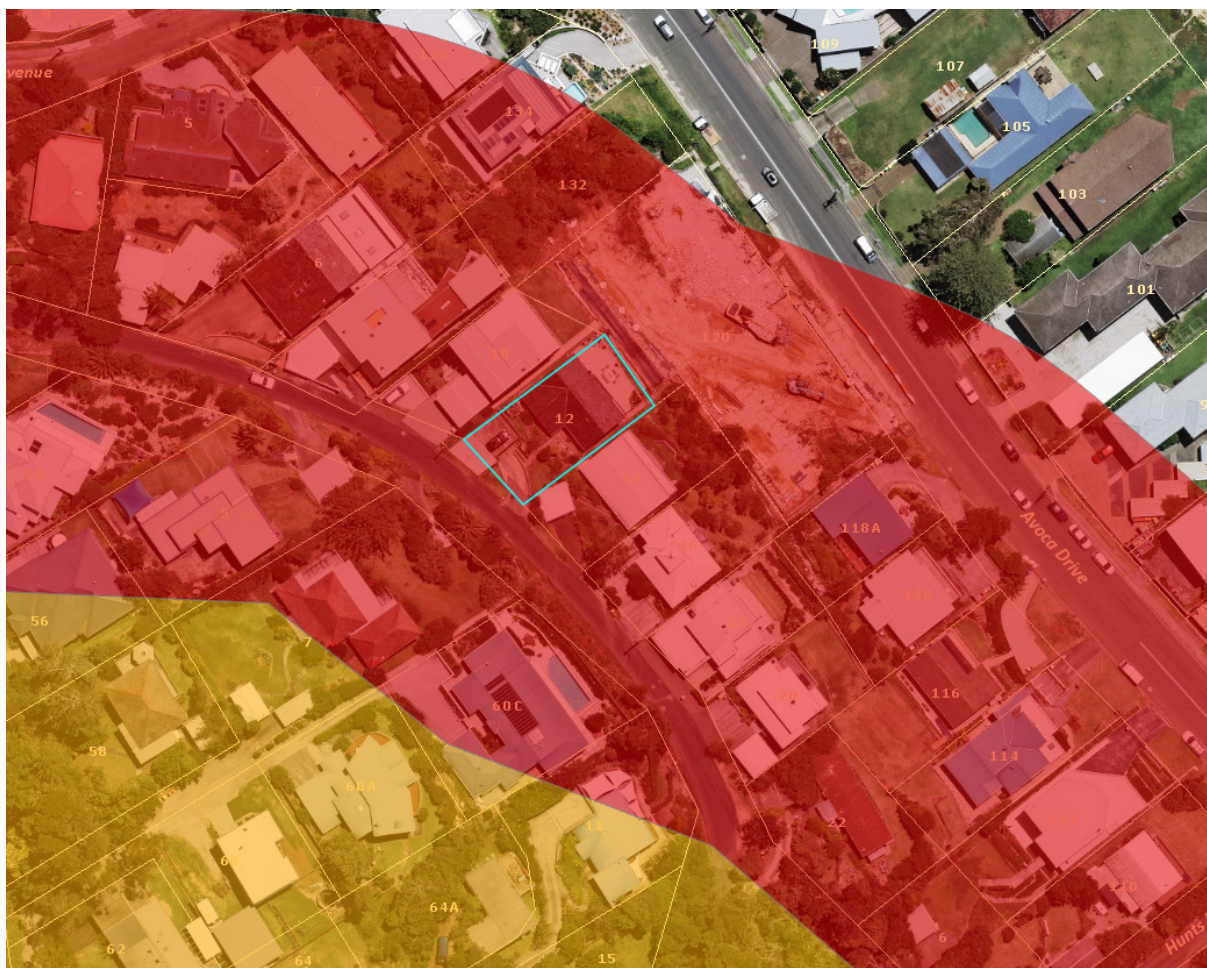


Figure 8 - Extract from Councils bushfire mapping with the site highlighted in blue

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

The development application received one (1) public submission which has been addressed previously in this report.

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

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

Other Matters for Consideration

Development Contribution Plan

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

Water and Sewer Contributions

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

Conclusion

The development application has been assessed in accordance with Section 4.15 of the EP&A Act, and all relevant instruments and policies. The proposed development is considered suitable for the site despite the listed variations. The proposal is therefore recommended for approval pursuant to Section 4.16 of the EP&A Act.

Attachments

- | | | |
|----------|-----------------------------|-----------|
| 1 | Draft Conditions of Consent | D13372122 |
| 2 | Development Plans | D13372139 |

Attachment 1 - Draft conditions of consent

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

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

Architectural Plans by: Max Thitchener Design

Drawing	Description	Sheets	Issue	Date
1705	Architectural details	1 to 10	C	15/8/18

Supporting Documentation

Document	Title	Date
Ref 801001	Geotechnical Engineers report and addendum from Forum Consulting Engineers	16/2/18 &5/6/18
Sheet CE112202-1 sheets 1 to 5 rev 1	Driveway design from CBH Surveyors and Engineers	9/7/18
895746S	Basix Certificate	23/1/18

- 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*.

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. Submit an application to Council under section 138 of the Roads Act 1993 for the approval of required works to be carried out within the road reserve.

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

Design the required works as follows:

1. vehicle crossing that has a width of 4.00 meters and constructed with 150mm thick concrete reinforced with SL72 steel fabric
2. all redundant vehicular crossings are to be removed and footway formation reinstated
3. retaining walls. Retaining walls must be designed by a practising Civil / Structural engineer and must not conflict with services (if required)
4. elevated vehicular access crossing generally in accordance with the plan prepared by CBH Surveyors and Engineers , Drawing No., Sheet CE112202-1 sheets 1 to 5 rev 1, dated 9/7/18, and including the following:
 - the elevated structure being supported adjacent to the road pavement and within the boundary of the site. Intermediate supports are not permitted
 - no retaining walls within the road reserve
 - safety rails on both sides of the elevated vehicle crossing capable of withstanding vehicular impact loads in accordance with relevant Australian Standards
 - control joints are to be provided between the proposed vehicle crossing and the proposed driveway
 - 0.5 meters wide bitumen berm along the edge of the road
 - Proposed structures must not conflict with existing services/utilities
 - erosion and sedimentation control plan

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

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

- 2.3 Submit a dilapidation report to Council with the Roads Act application and / or Construction Certificate application. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs or any other Council assets in the vicinity of the development. The dilapidation report may be updated with the approval of the Principal Certifying Authority prior to the commencement of works.

- 2.4 Retain the land where any excavation is required below the adjoining land level and preserve and protect from damage any improvements or buildings upon that land including public roads and utilities.

If necessary, the improvements or buildings must be designed by a suitably qualified Registered Structural Engineer. Any design proposals prepared to comply with this condition are to include geotechnical investigations, any excavation that impacts on public infrastructure, and are to be submitted for the approval of the Accredited Certifier.

- 2.5 Assessment of the development against the provisions of Planning for Bush Fire Protection (2006) (NSW) has determined a Bush Fire Attack level (BAL) of 12.5.

Submit to the Accredited Certifier for approval construction details showing that the development complies with this Bush Fire Attack Level (BAL) as prescribed by Australian Standard AS 3959-2009: *Construction of buildings in bush fire prone areas and additional measures as contained within Appendix 3 of the PBP Guidelines 2010* produced by the NSW Rural Fire Service.

- 2.6 Submit amendments to the approved plans to the Accredited Certifier pursuant to Clause 139 of the Environmental Planning Regulation 2000 that must detail a 600mm projection from the garage façade and entry of all blade walls, roofing and parapet/beam as opposed to a 2100mm projection.

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. Install run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:
- erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
 - diverting uncontaminated run-off around cleared or disturbed areas, and
 - preventing the tracking of sediment by vehicles onto roads, and
 - stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.
- 3.7. Notify the intention to commence works by giving written notice to the owner of the adjoining property affected by the proposed excavation and/or structural protective works. The required notice must be accompanied by details of the proposed work at least seven (7) days prior to the commencement of proposed excavation and/or structural protection works.
- 3.8. Disconnect, seal and make safe all existing site services prior to the commencement of any demolition on the site. Sewer and water services must be disconnected by a licensed plumber and drainer with a Start Work Docket submitted to Council's Plumbing and Drainage Inspector as the Water and Sewer Authority.

- 3.9. Provide certification to the Principal Certifying Authority that the structural engineer's details have been prepared in accordance with the recommendations of the geotechnical report(s) listed as supporting documentation in this development consent.
- 3.10. Erect a temporary hoarding or temporary construction site fence between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works, if the works:
- a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
 - b) could cause damage to adjoining lands by falling objects, or
 - c) involve the enclosure of a public place or part of a public place.

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

Note 2: The *Work Health and Safety Act 2011* and *Work Health and Safety Regulation 2011* contain provisions relating to scaffolds, hoardings and other temporary structures.

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

Each toilet must:

- a) be a standard flushing toilet connected to a public sewer, or
 - b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
 - c) be a temporary chemical closet approved under the *Local Government Act 1993*.
- 3.12. 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. Re-use, recycle or dispose of all building materials in accordance with the Waste Management Plan submitted with the subject application.
- 4.8. Erect or install prior to the swimming pool being filled with water all the required swimming pool safety barriers and gates in accordance with the approved plans and specifications and the provisions of the Swimming Pools Act 1992, Swimming Pools Regulations 2018 and Australian Standard AS 1926.1-2012 including the display of an approved sign regarding pool safety and resuscitation techniques that contains all of the following information:
- "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL"

- "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES"
 - "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900mm CLEAR OF THE POOL FENCE AT ALL TIMES" and
 - A simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques (for infants, children and adults)
- 4.9. Dispose filter backwash and overflow to the sewer. The sewer connection must be completed prior to the filling of the pool with water and in a manner that will not cause a nuisance, or where sewer is not available, the disposal of filter backwash must be discharged into a rubble absorption trench to the satisfaction of the Principal Certifying Authority.
- 4.10. Demolish all buildings and/or building components in a safe and systematic manner in accordance with Australian Standard AS 2601-2001: *The demolition of structures*. Waste materials must be disposed of at a waste management facility.
- 4.11. No fill other than that as indicated within the approved plans is permitted to be placed upon the site.
- 4.12. Implement all recommendations of the geotechnical report(s) listed as supporting documentation in this development consent. Furthermore, the geotechnical engineer must provide written certification to the Principal Certifying Authority that all works have been carried out in accordance with the recommendations contained within the geotechnical report(s).

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 a Certificate of Compliance for all plumbing and drainage work and a Sewer Service Diagram showing sanitary drainage work (to be provided by licensed plumber) in accordance with the *Plumbing and Drainage Act 2011*.
- 5.3. Complete the building in accordance with the provisions of *Planning for Bush Fire Protection 2006 (NSW)* and the requirements of Australian Standard AS 3959-2009 - *Construction of Buildings in Bush Fire Prone Areas* and additional measures as contained within Appendix 3 of the *Planning for Bush Fire Protection Guidelines 2010*, for a Bush Fire Attack Level of BAL 12.5.
- 5.4. Install the required rainwater tank in the location as detailed within the approved development plans with suitable plumbing connections provided to collect rainwater from the roof area as detailed within the BASIX Certificate applicable to the development.

The required rainwater tank is to be installed in accordance with the requirements of the National Plumbing and Drainage Code Australian Standard AS 3500 and must be provided with first flow diversion devices fixed to all inflows and a functioning pressure pump plumbed to service all fixtures as detailed within the BASIX Certificate applicable to the development. The required tank must be controlled in order that supplementary flow from domestic mains does not take place until the capacity of the tank has been reduced to 20%.

- 5.5. Drain all stormwater from impervious surface areas, including pathways, driveways, roof and water tank overflow, to Avoca Drive via the inter-allotment drainage easement located on the rear adjoining property.
- 5.6 Complete works within the road reserve in accordance with the approval under the Roads Act 1993. The works must be completed in accordance with Council's Civil Design Guide, Construction Specifications and Standard Drawings and Chapter 6.3 - Erosion Sedimentation Control of the Gosford Development Control Plan 2013. Documentary evidence for the acceptance of such works must be obtained from the Roads Authority.
- 5.7 Rectify to the satisfaction of Council any damage not shown in the dilapidation report submitted to Council before site works had commenced. Any damage will be assumed to have been caused as a result of the site works undertaken and must be rectified at the developer's expense.

6.ONGOING OPERATION

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

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.

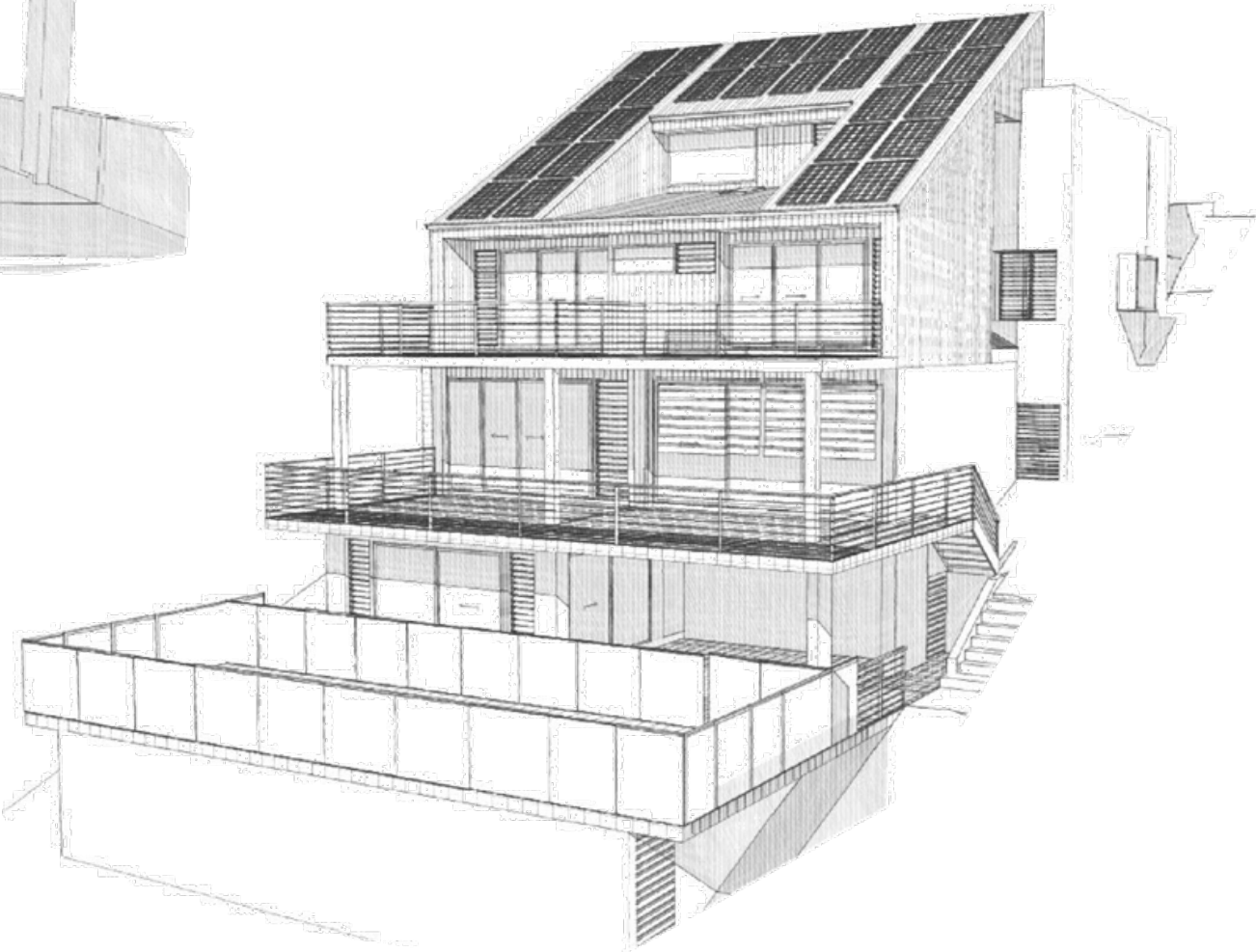
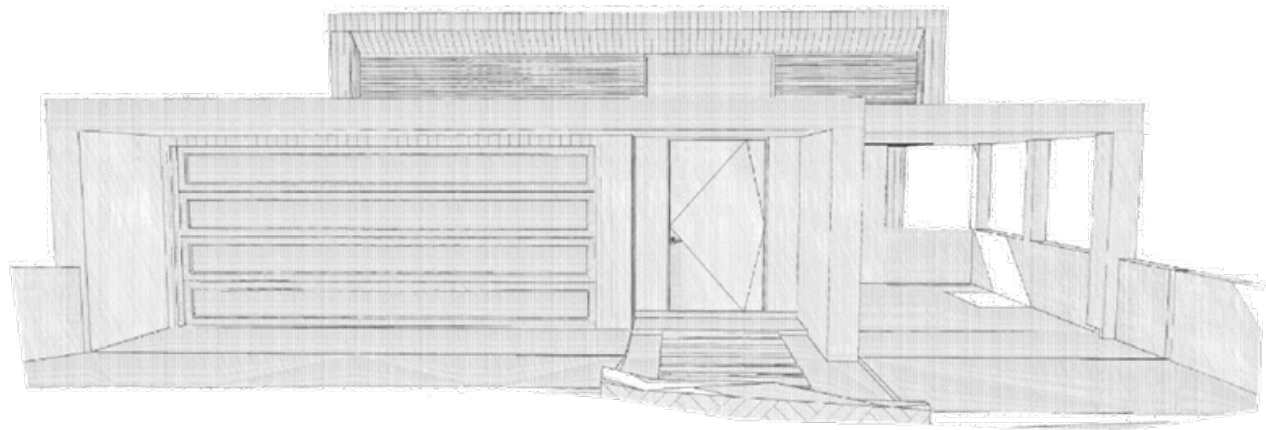
ADVISORY NOTES

- 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
- The inspection fee for works associated with approvals under the *Roads Act 1993* is calculated in accordance with Council's current fees and charges policy.

DEVELOPMENT APPLICATION

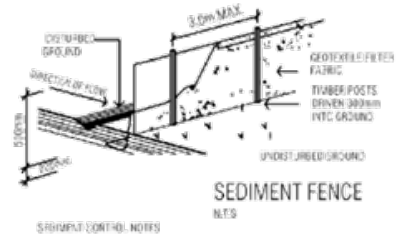
NEW DWELLING AND SWIMMING POOL
No. 12 ASCOT AVENUE, AVOCA BEACH



DRAWING INDEX	
DRAWING #	DRAWING NAME
1	COVER PAGE
2	SITE PLAN AND WATER CYCLE MANAGEMENT PLAN
3	LEVEL 4
4	LEVEL 3
5	LEVEL 2
6	LEVEL 1
7	ELEVATIONS
8	ELEVATIONS
9	ELEVATIONS
10	SECTION + BASIX COMMENTS

	MAX THITCHENER DESIGN PO Box 624 Terrigal NSW 2260 0414 654 873 maxtdesign@bigpond.com www.maxthitchener.com.au	PROJECT	NEW DWELLING AND SWIMMING POOL	CLIENT	BEEHIVE HOLDINGS	DRAWN	RT	DATE	15/08/2018	DWG No.	1 / 10	ISSUE	A	DATE	12.03.2018	AMENDMENT	DA SUBMISSION
		LOCATION	No. 12 ASCOT AVENUE AVOCA BEACH	DRAWING	COVER PAGE	SCALE	NTS	ISSUE	C	JOB No.	1705	B	23.07.2018	HN 10 OUTLINE ADDED			
										C			15.08.2018	AMENDED LEVELS			

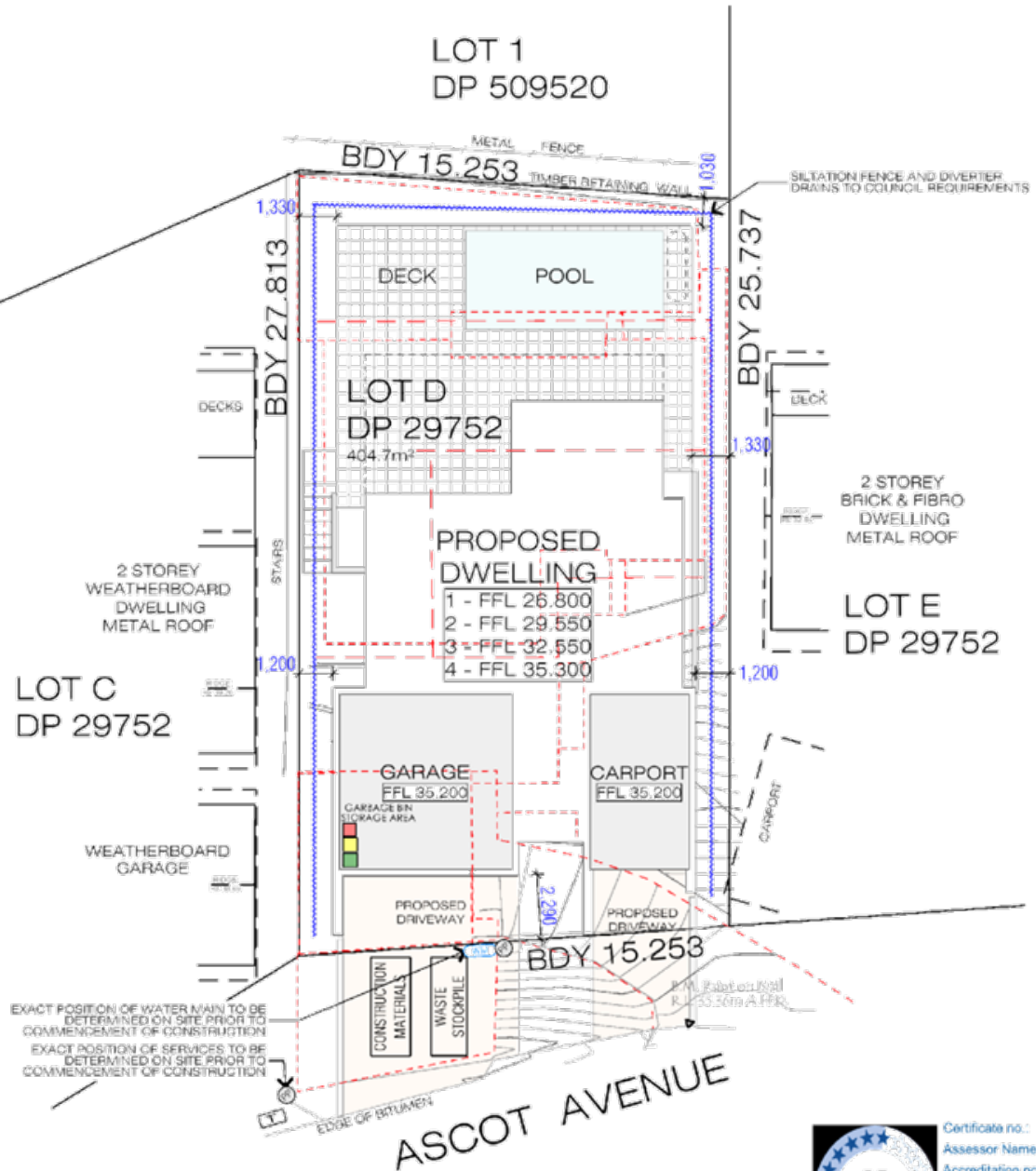
SITE CALCULATIONS		
SITE AREA		404.7 m ²
OPEN SPACE AREA	32%	129.14 m ²
FSR		0.65 : 1
RESIDENCE		
EXISTING LIVING		N/A m ²
PROPOSED LIVING		266.03 m ²
TOTAL LIVING		266.03 m ²
EXISTING DECKS		N/A m ²
PROPOSED DECKS		172.42 m ²
PROPOSED GARAGES		60.32 m ²



1. ALL EROSION AND SEDIMENTATION CONTROL MEASURES, INCLUDING REVEGETATION AND STORAGE OF SOIL AND TOPSOIL, SHALL BE IMPLEMENTED TO COUNCIL REQUIREMENTS.
2. ALL DRAINAGE WORKS SHALL BE CONSTRUCTED AND STABILISED AS EARLY AS POSSIBLE DURING DEVELOPMENT.
3. SEDIMENT TRAPS SHALL BE CONSTRUCTED AROUND ALL INLET PITS, CONSISTING OF 800mm WIDE X 300mm DEEP TRENCH.
4. ALL SEDIMENT BASINS AND TRAPS SHALL BE CLEANED WHEN THE STRUCTURES ARE A 60% FULL OF SOIL MATERIALS, INCLUDING THE MAINTENANCE PERIOD.
5. ALL DISTURBED AREAS SHALL BE REVEGETATED AS SOON AS THE RELEVANT WORKS ARE COMPLETED.
6. SOIL AND TOPSOIL STOCKPILES SHALL BE LOCATED AWAY FROM DRAINAGE LINES AND AREA WHERE WATER MAY CONCENTRATE.
7. FILTER SHALL BE CONSTRUCTED BY STRETCHING A FILTER FABRIC (PROPEX OR APPROVED EQUIVALENT BETWEEN POST AT 3.0m CENTRES. FABRIC SHALL BE BURIED 150mm ALONG ITS LOWER EDGE.

SITE NOTES:

- NO KNOWN R.O.W OR EASEMENTS ON SITE
- NO KNOWN WATERCOURSES OR WATERWAYS ON SITE
- CUT AND FILL SHOWN ON ELEVATIONS & SECTION
- PROVIDE SILTATION BARRIER AS REQUIRED BY COUNCIL
- HARVESTED RAINWATER TO BE DIRECTED TO WATER TANK WITH OVERFLOW TO LEGAL POINT OF DISPOSAL
- NO EXISTING TREES TO BE REMOVED
- THE BUILDING SITE IS TO BE SECURED BY A SAFETY FENCE TO PROHIBIT UNAUTHORISED PUBLIC ACCESS DURING THE COURSE OF CONSTRUCTION
- ALL LEVELS TO AHD

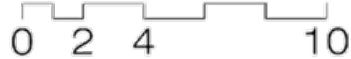
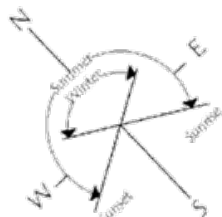


NOTE: THE LOCATION OF SERVICES ARE TO BE VERIFIED BY OBTAINING CURRENT INFORMATION FROM "DIAL BEFORE YOU DIG" (PHONE 1100) PRIOR TO DESIGN/CONSTRUCTION WORKS. ALTERNATIVELY, THE EXACT LOCATION OF SERVICES SHOULD BE DETERMINED BY FIELD SURVEY IN CONSULTATION WITH THE SERVICE AUTHORITIES WHERE DEEMED NECESSARY.

NOTES:

- These drawings shall be read in conjunction with all structural & other consultants drawings & specifications and with such other written instruction as may be issued during the course of the contract.
- Any discrepancies shall be referred to the building designer for decision before proceeding with the work.
- Figured dimensions to be taken in preference to scaling from drawings.
- During construction the building shall be maintained in a stable condition & no part shall be overstressed.
- All workmanship shall be in accordance with the requirements of the SAA codes & by-laws & ordinances of the relevant building authority.
- Dimensions are in millimetres.
- All dimensions and levels shall be checked by the builder prior to the commencement of the works.
- All timber framing sizes & spans to be in accordance with SAA timber framing code AS 1684.
- All bracing of roof & wall framing to satisfy wind speed design category in accordance with BCA & AS 4055 to engineers certification.
- All reinforced concrete shall be in accordance with engineers details.
- Builder/developer to maintain erosion control in accordance with the clean waters act 1970.
- Termite treatments in accordance with AS 3600 & AS 3660 part 1.
- Builder to verify location of all services & vegetation prior to commencement of works.
- All opening sizes to be confirmed on site prior to ordering of windows & doors.
- All Structural Steel is to be protected against corrosion in accordance with Structural Engineers recommendations.
- The Waterproofing of all work is the builders responsibility.
- All building work must be carried out in accordance with the Building Code of Australia

BUSHFIRE NOTE:
The proposed development should be constructed to comply with Sections 3 AND 5 (BAL 12.5) of AS3959-2009 and Addendum: Appendix 3.7 in PBP.



SITE PLAN AND WATER CYCLE MANAGEMENT PLAN
Scale 1:200



MAX THITCHENER DESIGN
PO Box 624 Terrigal NSW 2260
0414 654 873
maxtdesign@bigpond.com
www.maxthitchener.com.au

PROJECT
NEW DWELLING AND SWIMMING POOL
LOCATION
No. 12 ASCOT AVENUE
AVOCA BEACH

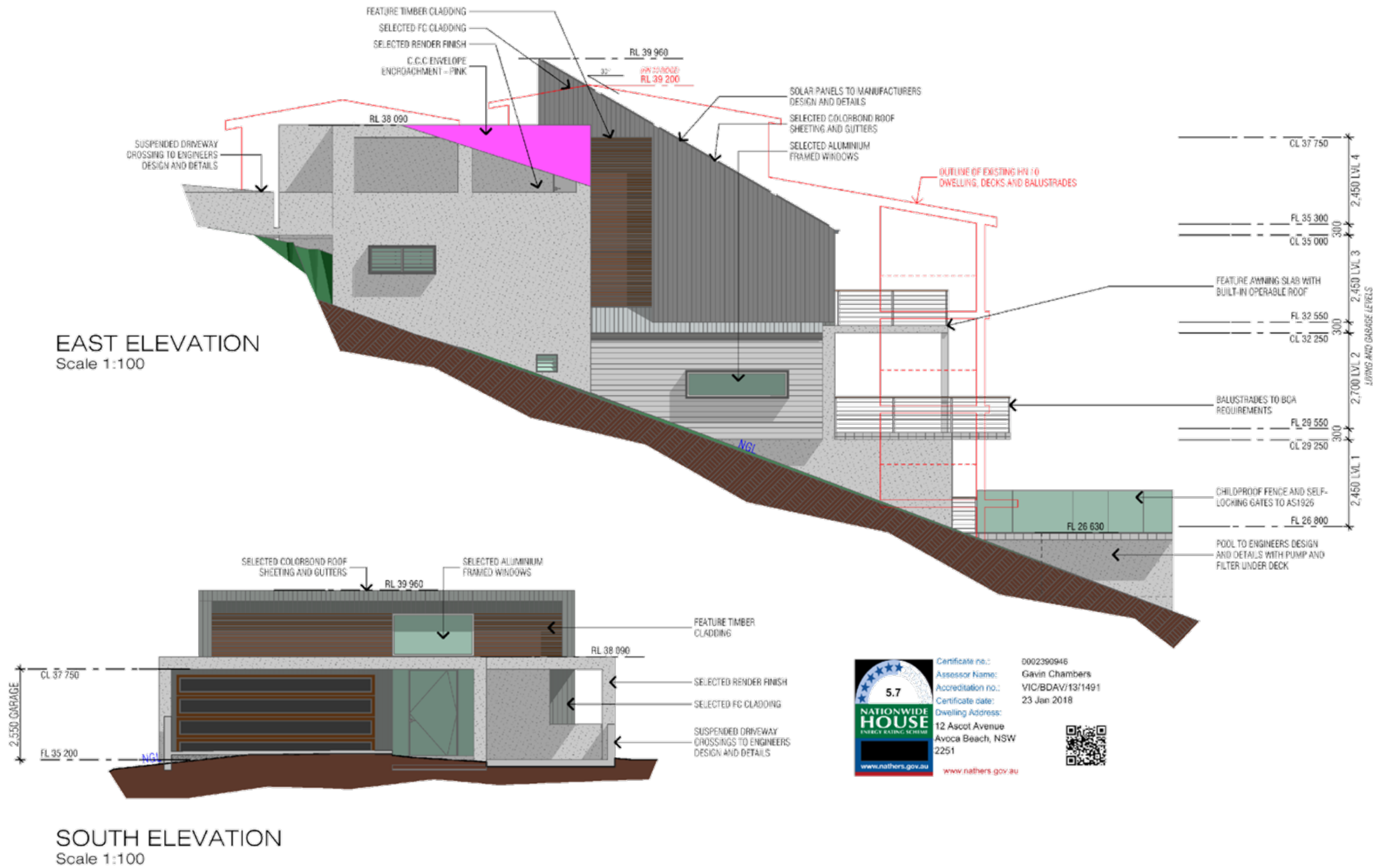
CLIENT
BEEHIVE HOLDINGS
DRAWING
SITE PLAN AND WATER CYCLE
MANAGEMENT PLAN

DRAWN
RT
SCALE
1:200
DATE
15/08/2018
ISSUE
C

DWG No.
2 / 10
JOB No.
1705

ISSUE
A
B
C
DATE
12.03.2018
23.07.2018
15.08.2018
AMENDMENT
DA SUBMISSION
HN 10 OUTLINE ADDED
AMENDED LEVELS

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PROJECT
NEW DWELLING AND SWIMMING POOL
LOCATION
No. 12 ASCOT AVENUE
AVOCA BEACH

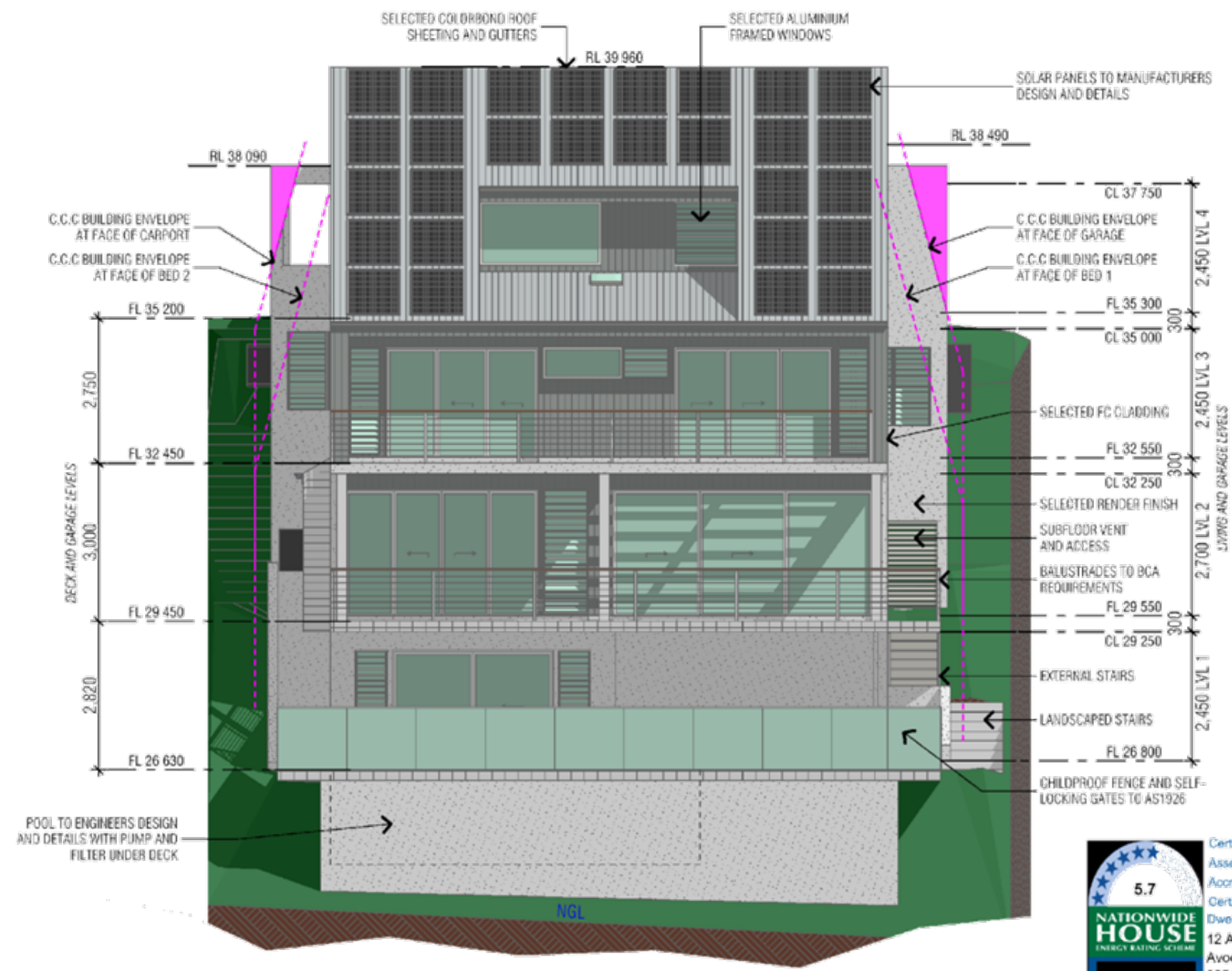
CLIENT
BEEHIVE HOLDINGS
DRAWING
ELEVATIONS

DRAWN
RT
SCALE
1:100

DATE
15/08/2018
ISSUE
C

DWG No.
7 / 10
JOB No.
1705

ISSUE	DATE	AMENDMENT
A	12.03.2018	DA SUBMISSION
B	23.07.2018	HN 10 OUTLINE ADDED
C	15.08.2018	AMENDED LEVELS



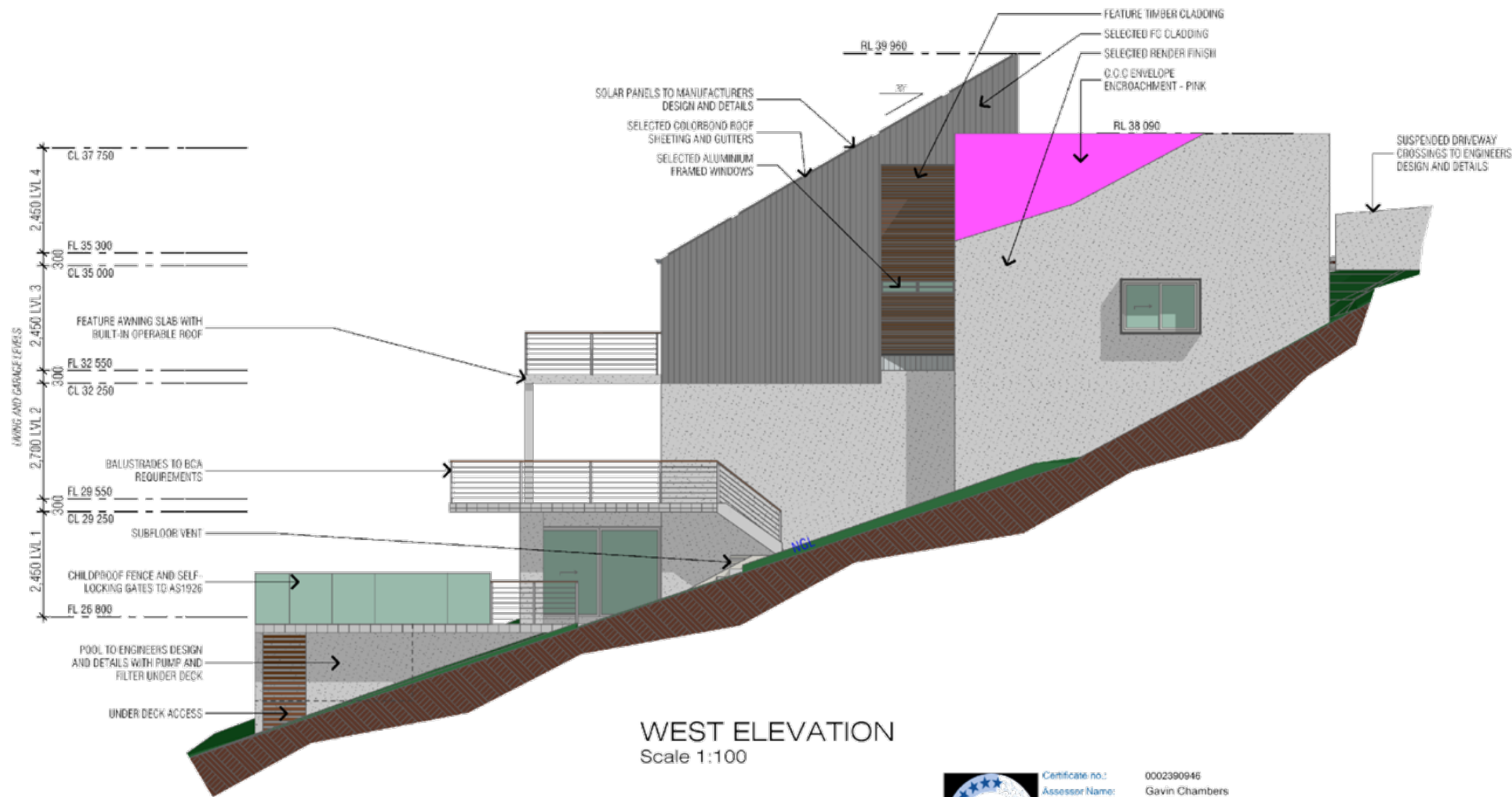
NORTH ELEVATION
Scale 1:100



Certificate no.: 0002390946
Assessor Name: Gavin Chambers
Accreditation no.: VIC/BDV/13/1491
Certificate date: 23 Jan 2018
Dwelling Address: 12 Ascot Avenue
Avoca Beach, NSW 2251
www.nathurs.gov.au



	MAX THITCHENER DESIGN		PROJECT NEW DWELLING AND SWIMMING POOL	CLIENT BEEHIVE HOLDINGS	DRAWN RT	DATE 15/08/2018	DWG No. 8 / 10	ISSUE A	DATE 12.03.2018	AMENDMENT DA SUBMISSION		
	PO Box 624 Terrigal NSW 2260											
	0414 654 873											
	maxtdesign@bigpond.com											
	www.maxthitchener.com.au		LOCATION No. 12 ASCOT AVENUE AVOCA BEACH	DRAWING ELEVATIONS	SCALE 1:100	ISSUE C	JOB No. 1705	ISSUE B	DATE 23.07.2018	AMENDMENT HN 10 OUTLINE ADDED		
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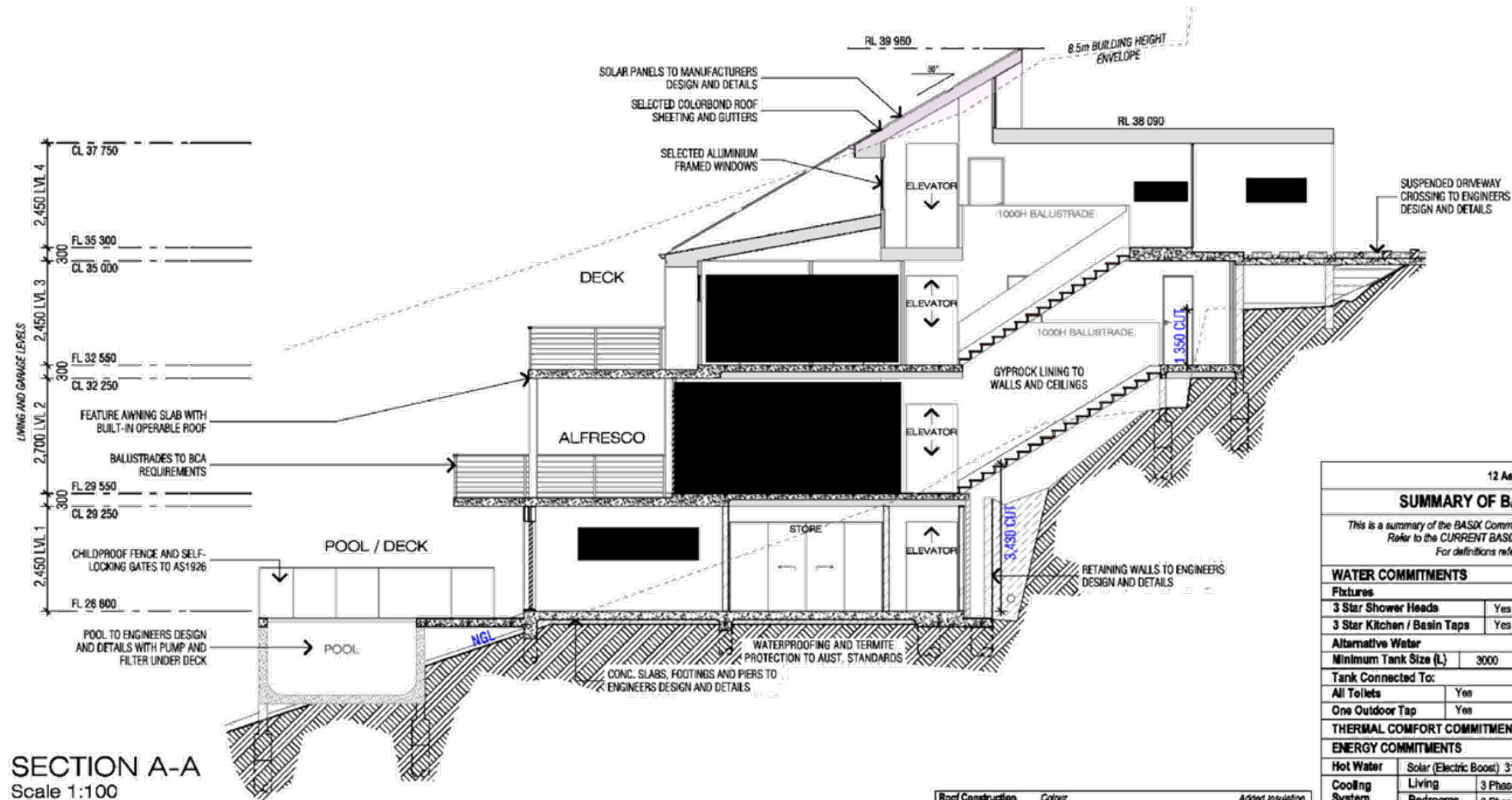


Certificate no.: 0002390946
Assessor Name: Gavin Chambers
Accreditation no.: VIC/BDAA/13/1491
Certificate date: 23 Jan 2018
Dwelling Address: 12 Ascot Avenue, Avoca Beach, NSW 2251
www.nathers.gov.au



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	MAX THITCHENER DESIGN		PROJECT	CLIENT	DRAWN	DATE	DWG No.	ISSUE	DATE	AMENDMENT
	P.O. Box 624 Terrigal NSW 2260		NEW DWELLING AND SWIMMING POOL	BEEHIVE HOLDINGS	RT	15/08/2018	9 / 10	A	12.03.2018	DA SUBMISSION
	0414 654 873							B	23.07.2018	HN 10 OUTLINE ADDED
	maxtdesign@bigpond.com		LOCATION	DRAWING	SCALE	ISSUE	JOB No.	C	15.08.2018	AMENDED LEVELS
	www.maxthitchener.com.au		No. 12 ASCOT AVENUE	ELEVATIONS	1:100	C	1705			
			AVOCA BEACH							



SECTION A-A
Scale 1:100



Certificate no.: 0002390948
Assessor Name: Gavin Chambers
Accreditation no.: VIC/BDV/13/1491
Certificate date: 23 Jan 2018
Dwelling Address: 12 Ascot Avenue, Avoca Beach, NSW 2251
www.nathers.gov.au



January 2018	BSA Reference: 13173
Building Sustainability Assessments	Ph: (02) 4962 3438
enquiries@buildingsustainability.net.au	www.buildingsustainability.net.au
Important Note	
The following specification was used to achieve the thermal performance values indicated on the Assessor Certificate and takes precedence over any other specification. If different construction elements are applied then the Assessor Certificate is no longer valid.	
Thermal Performance Specifications (does not apply to garage)	
External Wall Construction Added insulation	
Cavity Brick	R1.0
Lightweight	R2.0
Core filled concrete block	R1.0
Core filled concrete block + stud + plasterboard	R2.0
Internal Wall Construction Added insulation	
Plasterboard on studs	none
Core filled concrete block	R1.0 to walls adjacent to garage
Ceiling Construction Added insulation	
Plasterboard	R3.5 to ceilings adjacent to metal roof space R1.0 to ceilings adjacent to concrete roof

Roof Construction	Colour	Added insulation		
Metal	Any	Foil + R1.0 blanket		
Concrete	Any	none		
Floor Construction	Covering	Added insulation		
Concrete	As drawn	R2.0 to suspended floors where open below		
Timber	As drawn	none		
Windows	Glass and frame type	U Value	SHGC Range	Area sq m
Performance glazing Type A		4.50	0.45 - 0.55	As drawn
Performance glazing Type B		4.50	0.55 - 0.67	As drawn
Type A windows are awning windows, bifolds, casements, lift 'n' turn windows, entry doors, french doors				
Type B windows are double hung windows, sliding windows & doors, fixed windows, stacker doors, louvers				
Skylights	Glass and frame type	U Value	SHGC	Area sq m
Single clear in aluminium frame		As drawn		
U and SHGC values are according to AFRC. Alternate products may be used if the U value is lower and the SHGC is within the range specified				
External Window Shading (eaves, verandahs, pergolas, awnings etc)				
All shade elements modelled as drawn				
Ceiling Penetrations (downlights, exhaust fans, flues etc)				
No adjustment has been made for losses to insulation arising from ceiling penetrations.				

12 Ascot Avenue			
SUMMARY OF BASIX COMMITMENTS			
This is a summary of the BASIX Commitments as detailed in the BASIX Certificate. Refer to the CURRENT BASIX Certificate for Complete details. For definitions refer to basix.nsw.gov.au			
WATER COMMITMENTS			
Fixtures			
3 Star Shower Heads	Yes		
3 Star Kitchen / Basin Taps	Yes	3 Star Toilet	Yes
Alternative Water			
Minimum Tank Size (L)	3000	Collected from Roof Area (m2)	117
Tank Connected To:			
All Toilets	Yes	Laundry W/M Cold Tap	Yes
One Outdoor Tap	Yes		
THERMAL COMFORT COMMITMENTS - Refer to TPA Specification on plans			
ENERGY COMMITMENTS			
Hot Water Solar (Electric Boost) 31 to 35 STCs			
Cooling System	Living	3 Phase A/C Zoned	EER 3.0 - 3.5
	Bedrooms	3 Phase A/C Zoned	EER 3.0 - 3.5
Heating System	Living	3 Phase A/C Zoned	EER 3.0 - 3.5
	Bedrooms	3 Phase A/C Zoned	EER 3.0 - 3.5
Ventilation	1 x Bathroom	Fan ducted to exterior	Manual on/off
	Kitchen	Fan ducted to exterior	Manual on/off
	Laundry	Natural ventilation	N/A
Natural Lighting	Window/Skylight in Kitchen		Yes
	Window/Skylight in Bathrooms/Toilets		Yes to 5
Artificial Lighting (rooms to be primarily lit by fluorescent or LED lights)	Number of bedrooms	6	Dedicated Yes
	Number of Living/Dining rooms	0	Dedicated No
	Kitchen	No	Dedicated No
	All Bathrooms/Toilets	Yes	Dedicated Yes
	Laundry	Yes	Dedicated Yes
OTHER COMMITMENTS			
Outdoor clothes line	Yes	Ventilated refrigerator space	Yes
Pool	Max Vol: 36.75 KL, solar heating (or none), pump with timer, pool cover		
Alternative Energy	Photovoltaic System: 1 kw		

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PROJECT: NEW DWELLING AND SWIMMING POOL
LOCATION: No. 12 ASCOT AVENUE, AVOCA BEACH

CLIENT: BEEHIVE HOLDINGS
DRAWING: SECTION + BASIX COMMENTS

DRAWN: RT
SCALE: 1:100

DATE: 15/08/2018
ISSUE: C

DWG No: 10/10
JOB No: 1705

ISSUE: A, B, C
DATE: 12.03.2018, 23.07.2018, 15.08.2018
AMENDMENT: DA SUBMISSION, HN 10 OUTLINE ADDED, AMENDED LEVELS



Item No: 2.3
Title: Deferred Item - DA/54624/2018 - Proposed New Colorbond Fence at 49 Wards Hill Road, Killcare Heights
Department: Environment and Planning

29 January 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13413124
Author: Wayne Herd, Section Manager, Central Coast Building Certification
Manager: Jamie Loader, Unit Manager, Development Assessment
Executive: Scott Cox, Director, Environment and Planning

Summary

Council, at its meeting on 10 December 2018 resolved:

That Council defer this item for consideration at the 29 January 2019 Ordinary Council Meeting.

Recommendation

- 1 That Council note the Deferred Item – DA 54624/2018 – Proposed new Colorbond Fence at 49 Wards Hill Road, Killcare Heights which is Attachment 1 to this report.**
- 2 That Council grant consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979, and other relevant issues.**
- 3 That Council advise those who made written submissions of its decision.**

Attachments

- 1** Deferred Item 3.4 - DA 54624-2018 - Proposed New Colorbond Fence at 49 Wards Hill Road Killcare Heights D13413172



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.*

3.4 DA 54624/2018 - Proposed New Colorbond Fence at 49 Wards Hill Road Killcare Heights (contd)

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.

3.4 DA 54624/2018 - Proposed New Colorbond Fence at 49 Wards Hill Road Killcare Heights (contd)



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 & 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* (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.

3.4 DA 54624/2018 - Proposed New Colorbond Fence at 49 Wards Hill Road Killcare Heights (contd)



3.4 DA 54624/2018 - Proposed New Colorbond Fence at 49 Wards Hill Road Killcare Heights (contd)

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.

3.4 DA 54624/2018 - Proposed New Colorbond Fence at 49 Wards Hill Road Killcare Heights (contd)



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.

3.4 DA 54624/2018 - Proposed New Colorbond Fence at 49 Wards Hill Road Killcare Heights (contd)



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 & 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).

3.4 DA 54624/2018 - Proposed New Colorbond Fence at 49 Wards Hill Road Killcare Heights (contd)

- Construction of a new 1.8m high colorbond fence & 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.

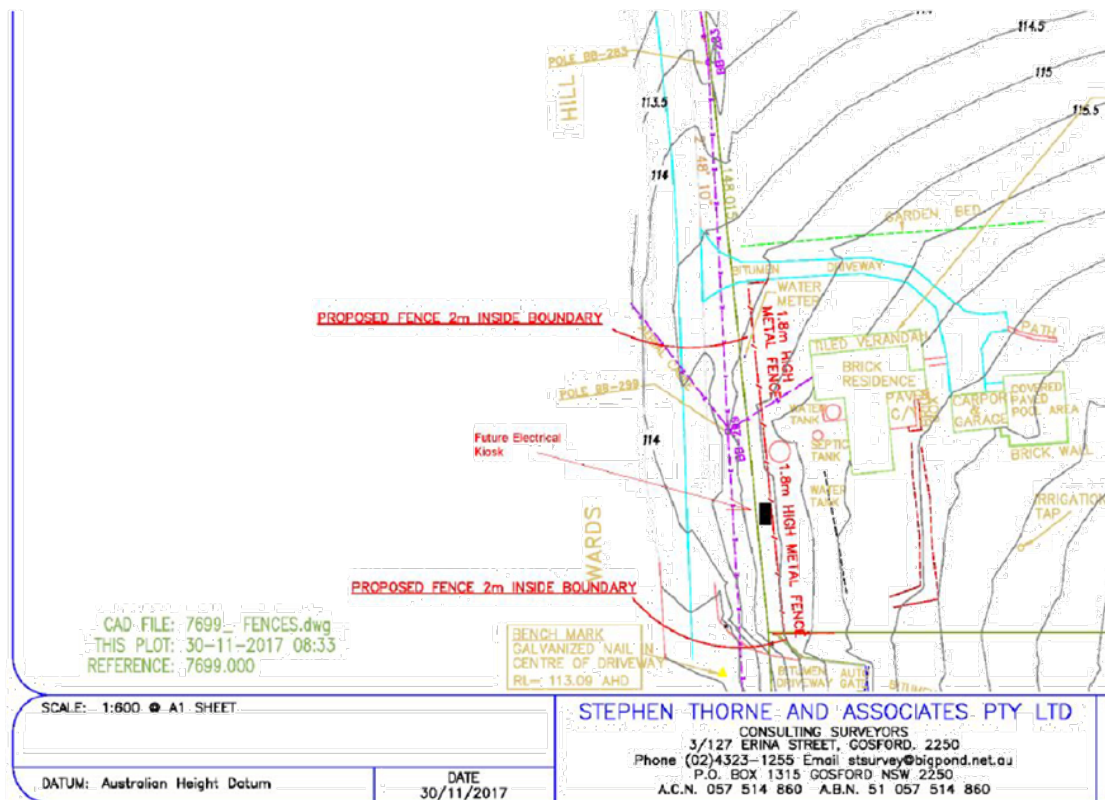


Figure 3: Part Site Plan with location of electrical kiosk substation indicated. Kiosk size 1.45m wide X 2.7m long X 1.7m high.

3.4 DA 54624/2018 - Proposed New Colorbond Fence at 49 Wards Hill Road Killcare Heights (contd)



Figure 4: Elevation/landscaping

3.4 DA 54624/2018 - Proposed New Colorbond Fence at 49 Wards Hill Road Killcare Heights (contd)

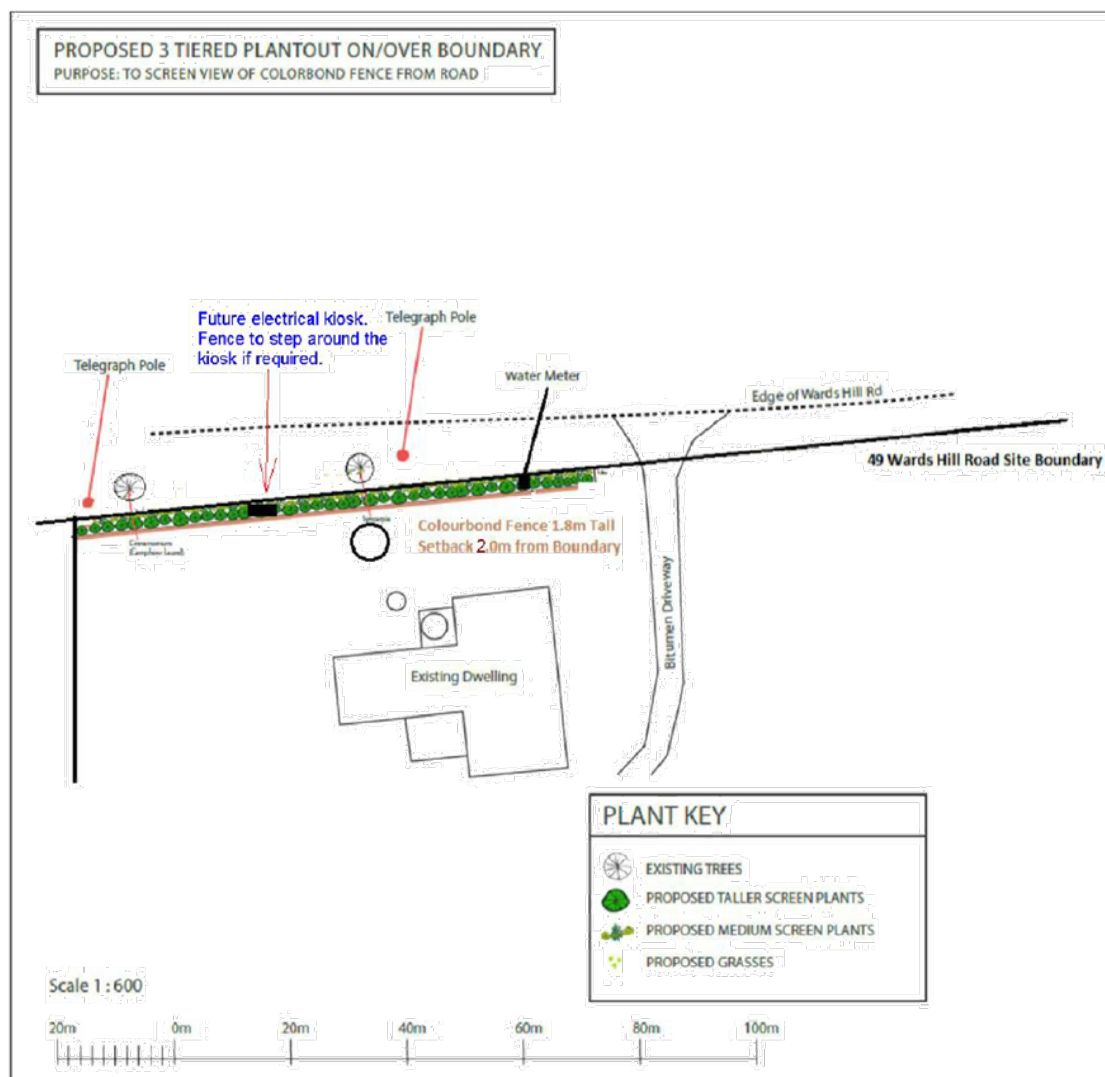


Figure 5: Landscaping Plan with location of electrical kiosk substation indicated. Kiosk size 1.45m wide X 2.7m long X 1.7m high.

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

ConsultationPublic 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.

3.4 DA 54624/2018 - Proposed New Colorbond Fence at 49 Wards Hill Road Killcare Heights (contd)

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, & 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.

3.4 DA 54624/2018 - Proposed New Colorbond Fence at 49 Wards Hill Road Killcare Heights (contd)

5. *Restriction of screen planting around the approved electrical kiosk*

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.

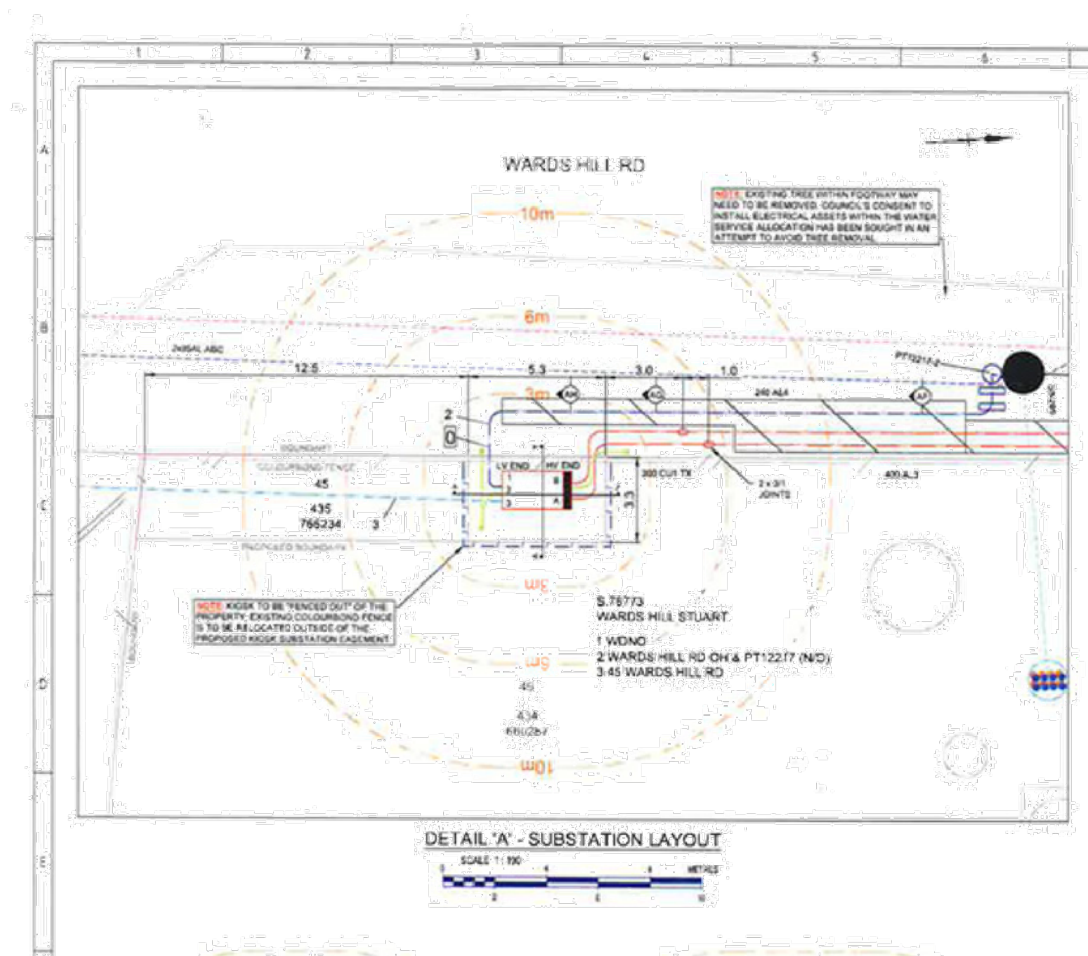


Figure 6: Location of proposed electrical kiosk substation. Kiosk size 1.45m wide X 2.7m long X 1.7m high.

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.

3.4 DA 54624/2018 - Proposed New Colorbond Fence at 49 Wards Hill Road Killcare Heights (contd)

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 2014Permissibility

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.

3.4 DA 54624/2018 - Proposed New Colorbond Fence at 49 Wards Hill Road Killcare Heights (contd)

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

3.4 DA 54624/2018 - Proposed New Colorbond Fence at 49 Wards Hill Road Killcare Heights (contd)

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.

3.4 DA 54624/2018 - Proposed New Colorbond Fence at 49 Wards Hill Road Killcare Heights (contd)

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.

3.4 DA 54624/2018 - Proposed New Colorbond Fence at 49 Wards Hill Road Killcare Heights (contd)

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 & 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.

3.4 DA 54624/2018 - Proposed New Colorbond Fence at 49 Wards Hill Road Killcare Heights (contd)



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 developmentBuilt 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.

3.4 DA 54624/2018 - Proposed New Colorbond Fence at 49 Wards Hill Road Killcare Heights (contd)**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.

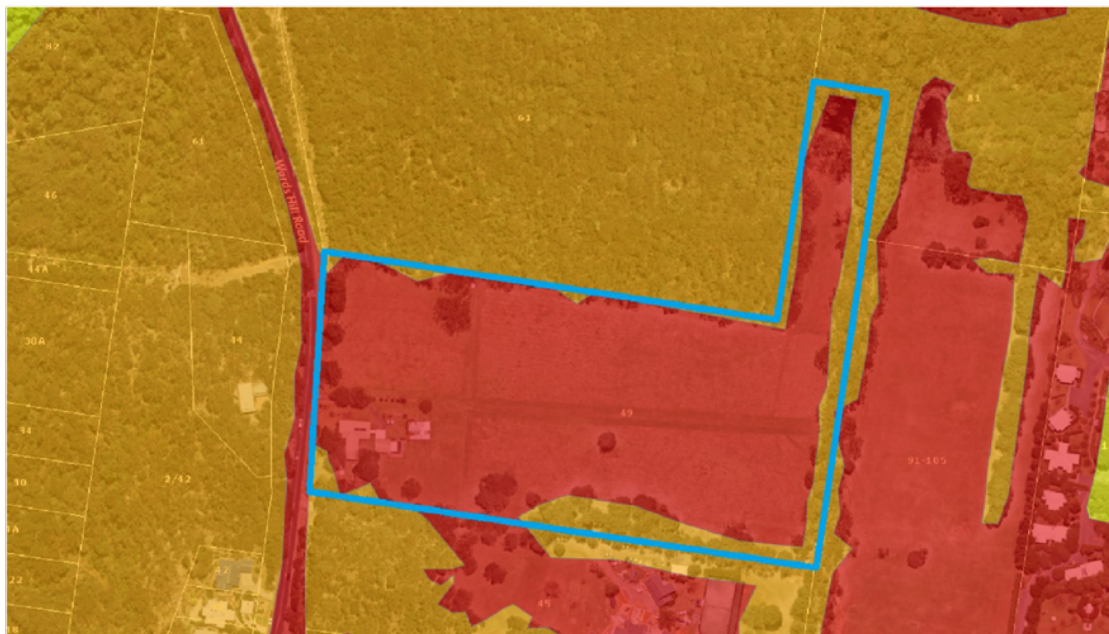


Figure 8: Bushfire Threat for the subject site highlighted in blue

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.

3.4 DA 54624/2018 - Proposed New Colorbond Fence at 49 Wards Hill Road Killcare Heights (contd)

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.

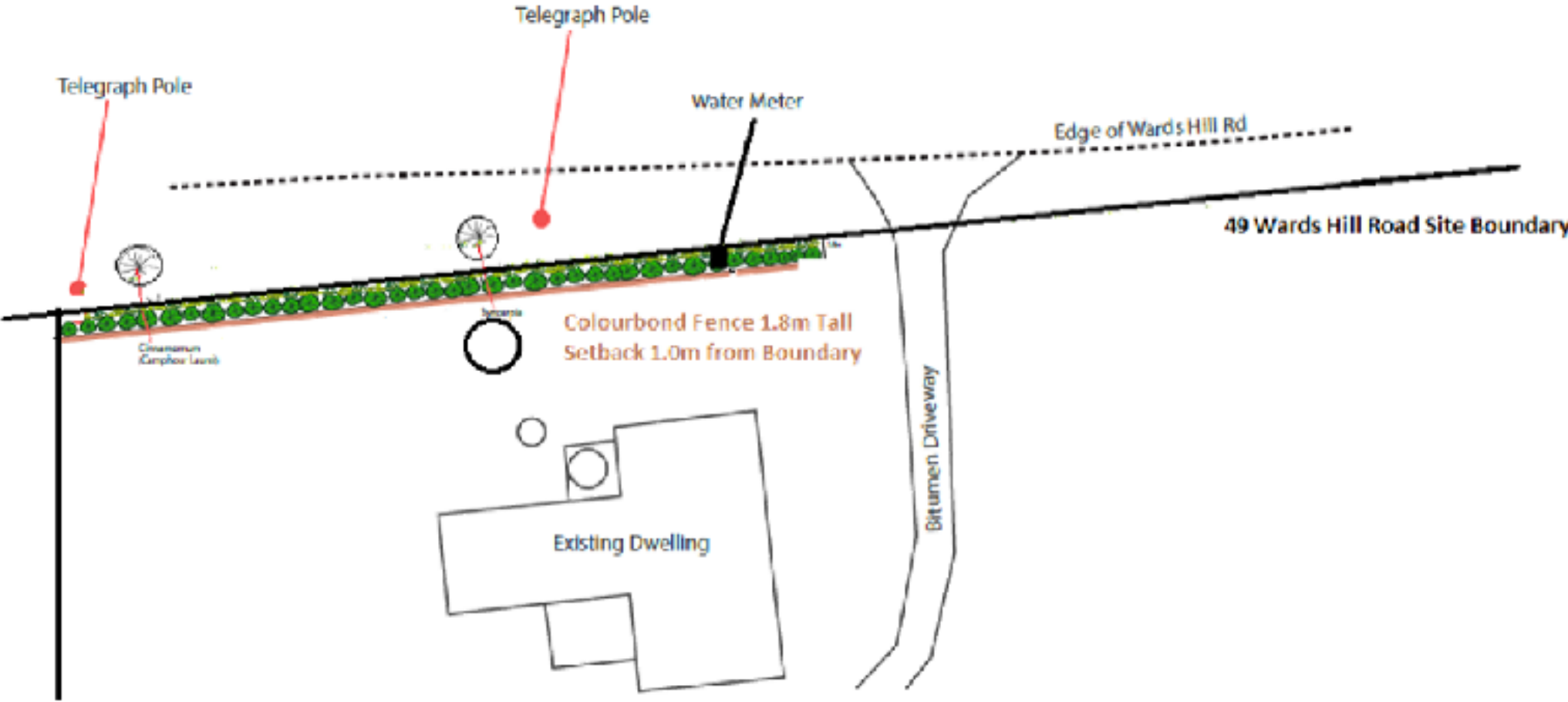
Accordingly, the application is recommended for approval pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*.

Attachments

- | | | |
|---|-----------------------------|-----------|
| 1 | Development Plans | D13314603 |
| 2 | Draft Conditions of Consent | D13400999 |



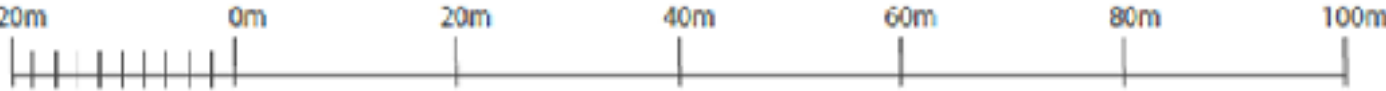
PROPOSED 3 TIERED PLANTOUT ON/OVER BOUNDARY
PURPOSE: TO SCREEN VIEW OF COLORBOND FENCE FROM ROAD



PLANT KEY

- EXISTING TREES
- PROPOSED TALLER SCREEN PLANTS
- PROPOSED MEDIUM SCREEN PLANTS
- PROPOSED GRASSES

Scale 1 : 600



Attachment 2

Draft Conditions of Consent

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

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

Architectural 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:
- Site investigation for the preparation of the construction, and / or
 - Implementation of environmental protection measures, such as erosion control and the like that are required by this consent
 - 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:
- An amended site plan and elevation which show open style gates that open inwards.
 - An amended landscape plan which shows landscaping installed
 - in front of the fence which is adjacent to the vehicle driveway entry, and

Attachment 2

Draft Conditions of Consent

- 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

Attachment 2**Draft Conditions of Consent**

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.

Attachment 2**Draft Conditions of Consent**

- 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: 2.4
Title: Deferred Item - Building Certification Application
No. 10981, Fence on Lot: 434 DP: 660287, 49 Wards
Hill Road, Killcare Heights
Department: Environment and Planning

29 January 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13413248
Author: Wayne Herd, Section Manager, Central Coast Building Certification
Manager: Jamie Loader, Unit Manager, Development Assessment
Executive: Scott Cox, Director, Environment and Planning

Summary

Council, at its meeting on 10 December 2018 resolved:

That Council defer this item for consideration at the 29 January 2019 Ordinary Council Meeting.

Recommendation

- 1 That Council note the Deferred Item - Building Certification Application No. 10981, Fence on Lot: 434 DP: 660287, 49 Wards Hill Road, Killcare Heights which is Attachment 1 to this report.**
- 2 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.**
- 3 That Council advise those who made written submissions of its decision.**

Attachments

- | | |
|--|-----------|
| 1 Deferred Item - 3.5 - Building Certification Application No 10981, Fence on Lot 434 DP 660287, 49 Wards Hill Road, Killcare Heights | D13413258 |
|--|-----------|



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.**

3.5 Building Information Certificate Application No. 10981, Fence on Lot: 434 DP: 660287, 49 Wards Hill Road Killcare Heights (contd)

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*.

**3.5 Building Information Certificate Application No. 10981, Fence on Lot: 434
DP: 660287, 49 Wards Hill Road Killcare Heights (contd)**

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.

3.5 Building Information Certificate Application No. 10981, Fence on Lot: 434
DP: 660287, 49 Wards Hill Road Killcare Heights (contd)



Figure 1: Aerial view of the subject site and surrounding development

Figure 2: Zoning Map with the site highlighted in blue

**3.5 Building Information Certificate Application No. 10981, Fence on Lot: 434
DP: 660287, 49 Wards Hill Road Killcare Heights (contd)**

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.

**3.5 Building Information Certificate Application No. 10981, Fence on Lot: 434
DP: 660287, 49 Wards Hill Road Killcare Heights (contd)**

Figure 3: Survey plan. Location of fence which is the subject of the Building Information Certificate application shown in red.

3.5

Building Information Certificate Application No. 10981, Fence on Lot: 434
DP: 660287, 49 Wards Hill Road Killcare Heights (contd)



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.

3.5

Building Information Certificate Application No. 10981, Fence on Lot: 434
DP: 660287, 49 Wards Hill Road Killcare Heights (contd)



Photo 2- Photograph taken from the northern end of the fence looking to the south.



Photo 3-Landscaping installed in front of the fence.

3.5

Building Information Certificate Application No. 10981, Fence on Lot: 434
DP: 660287, 49 Wards Hill Road Killcare Heights (contd)



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.

**3.5 Building Information Certificate Application No. 10981, Fence on Lot: 434
DP: 660287, 49 Wards Hill Road Killcare Heights (contd)**

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

ConsultationPublic 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.

**3.5 Building Information Certificate Application No. 10981, Fence on Lot: 434
DP: 660287, 49 Wards Hill Road Killcare Heights (contd)**

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 & 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

**3.5 Building Information Certificate Application No. 10981, Fence on Lot: 434
DP: 660287, 49 Wards Hill Road Killcare Heights (contd)**

Proposed middle layer - 140mm & 200mm pots (50)

10 Grevillea 'Robyn Gordon' 1-2m height

10 Banksia Spinulosa 1-2m height

10 Westringia 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, CI 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.

**3.5 Building Information Certificate Application No. 10981, Fence on Lot: 434
DP: 660287, 49 Wards Hill Road Killcare Heights (contd)**

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.

**3.5 Building Information Certificate Application No. 10981, Fence on Lot: 434
DP: 660287, 49 Wards Hill Road Killcare Heights (contd)**

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.

**3.5 Building Information Certificate Application No. 10981, Fence on Lot: 434
DP: 660287, 49 Wards Hill Road Killcare Heights (contd)**

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.

3.5 Building Information Certificate Application No. 10981, Fence on Lot: 434 DP: 660287, 49 Wards Hill Road Killcare Heights (contd)

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) & (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).*

**3.5 Building Information Certificate Application No. 10981, Fence on Lot: 434
DP: 660287, 49 Wards Hill Road Killcare Heights (contd)**

- 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.

**3.5 Building Information Certificate Application No. 10981, Fence on Lot: 434
DP: 660287, 49 Wards Hill Road Killcare Heights (contd)**

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 & 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.

**3.5 Building Information Certificate Application No. 10981, Fence on Lot: 434
DP: 660287, 49 Wards Hill Road Killcare Heights (contd)**

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.

**3.5 Building Information Certificate Application No. 10981, Fence on Lot: 434
DP: 660287, 49 Wards Hill Road Killcare Heights (contd)**

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.

**3.5 Building Information Certificate Application No. 10981, Fence on Lot: 434
DP: 660287, 49 Wards Hill Road Killcare Heights (contd)**

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;

**3.5 Building Information Certificate Application No. 10981, Fence on Lot: 434
DP: 660287, 49 Wards Hill Road Killcare Heights (contd)**

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.

3.5 Building Information Certificate Application No. 10981, Fence on Lot: 434 DP: 660287, 49 Wards Hill Road Killcare Heights (contd)

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

**3.5 Building Information Certificate Application No. 10981, Fence on Lot: 434
DP: 660287, 49 Wards Hill Road Killcare Heights (contd)**

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 PoliciesChapter 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.

**3.5 Building Information Certificate Application No. 10981, Fence on Lot: 434
DP: 660287, 49 Wards Hill Road Killcare Heights (contd)**

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)

**3.5 Building Information Certificate Application No. 10981, Fence on Lot: 434
DP: 660287, 49 Wards Hill Road Killcare Heights (contd)**

Proposed middle layer - 140mm & 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.

**3.5 Building Information Certificate Application No. 10981, Fence on Lot: 434
DP: 660287, 49 Wards Hill Road Killcare Heights (contd)**

Chapter 3.1 Dwelling Houses, Secondary Dwellings and Ancillary DevelopmentClause 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.

**3.5 Building Information Certificate Application No. 10981, Fence on Lot: 434
DP: 660287, 49 Wards Hill Road Killcare Heights (contd)**

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

3.5 Building Information Certificate Application No. 10981, Fence on Lot: 434
DP: 660287, 49 Wards Hill Road Killcare Heights (contd)



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

**3.5 Building Information Certificate Application No. 10981, Fence on Lot: 434
DP: 660287, 49 Wards Hill Road Killcare Heights (contd)**

Photo 11 - No 18 (Brushwood fence) and No 20 (Slated fence and garage) Wards Hill Rd, Killcare Heights

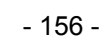


Photo 12 - No 5 Wards Hill Rd, Killcare Heights

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.



Item No: 2.5
Title: Fire Safety Report - 268 Main Road Toukley
Department: Environment and Planning



29 January 2019 Ordinary Council Meeting

Trim Reference: CESS/82/2007 - D13410613

Author: Gary Evans, Principal Health and Building Surveyor

Manager: Scott Rathgen, Section Manager, Central Coast Building Certification North

Executive: Scott Cox, Director, Environment and Planning

Report Purpose

The purpose of this report is for Council to note a Fire Safety Inspection Report from Fire and Rescue NSW.

Recommendation

- 1 That Council note the content of the Fire Safety Report from Fire and Rescue NSW in accordance with Section 17(2)(a) of Part 8 of Schedule 5 of the Environmental Planning and Assessment Act (EP&A), 1979; and**
- 2 That Council receive a further report to be provided to the next Council meeting in accordance with Section 17(2)(b) of Part 8 of Schedule 5 of the Environmental Planning and Assessment Act (EP&A), 1979.**

Background

Council has received a Fire Safety Inspection Report from Fire and Rescue NSW in respect to the premises known as Lot 2 DP 712945, 268 Main Rd Toukley.

Fire and Rescue NSW has powers under the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, to carry out inspections of buildings and it is required to forward the findings of such an inspection to the relevant Council.

Fire and Rescue NSW inspection reports received by Council are required to be tabled before the Council at the next Council meeting.

Council is then required to determine whether or not to exercise its power to issue one of three orders under Part 2 of Schedule 5 of the EP&A Act. This determination may be made at the next meeting of Council held after the tabling of the initial Fire and Rescue NSW inspection report.

Attached is the inspection report received by Council from Fire and Rescue NSW that is required to be tabled. A further report will be provided to Council with appropriate recommendations following an inspection of the site.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good Governance and Great Partnerships

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

Attachments

1 Letter from Fire & Rescue NSW D13410619

Unclassified



File Ref. No: BFS18/1901 (8000004105)
TRIM Ref. No: D18/80318
Contact: John Bruscino

13 November 2018

General Manager
Central Coast Council
PO Box 20
WYONG NSW 2259

Email: ask@centralcoast.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT
268 MAIN ROAD, TOUKLEY ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence from the local fire station on 10 July 2018, in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated, in part, that:

My team and myself inspected the Commercial building last Saturday to update the PIPs

Listed items as follows that need addressing

- 1. Exist signs are help up by sticky tape and are not in position*
- 2. Fire panel does not have a map with zones located by the panel*
- 3. No key for fire stair doors or property*
- 4. Unsure of new letting agent.. (they have moved elsewhere or shut down business)*

Fire and Rescue NSW

ABN 12 593 473 110

www.fire.nsw.gov.au

Community Safety Directorate
Fire Safety Compliance Unit

1 Amarina Ave
Greenacre NSW 2190

T (02) 9742 7437
F (02) 9742 7483

www.fire.nsw.gov.au

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Unclassified

Unclassified

5. Gas main shut valve is impeded by a overflow pipe (there is another above but i dont think it complies)
6. Fire safety do not obstruct signs missing on doors
7. Curtain hand rail installed in fire stairs and used as hand rail
8. Fire extinguisher missing outside electrical mains cupboard
9. Storz coupling on some floors for internal hydrant and BSP on another
10. Although no shopping trolleys were in fire stairs blocking egress, it was noted prior they were
11. Smoke alarms were reported to be covered over by plastic, no proof could be given until access is permitted

Pursuant to the provisions of Section 9.32 (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 25 October 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32 (4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

COMMENTS

Please note, that this report is limited to observations and sections of the building accessed at the time of the inspection. As such, this report lists potential deviations from the National Construction Code 2016 Building Code of Australia - Volume 1 Amendment 1 (NCC). Please be advised that whilst the report is not an exhaustive list of non-compliances, the items as listed outline concerns that may contradict development consent approval or correlate to the building's age. In this regard, it is council's discretion as the appropriate regulatory authority to conduct its own investigation and consider the most appropriate action.

Unclassified

The following items were identified as concerns during the inspection:

1. Essential Fire Safety Measures

1A. Smoke Detection and Alarm System

- A. There was a disablement displayed at the Fire Indicator Panel (FIP), contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

FRNSW spoke with the owner of the building who advised that he was aware of the disablement, which related to a smoke detector positioned within close proximity of a pizza oven in the ground floor restaurant. The owner advised that he would have the service technician attend the premises to rectify the disablement and return the FIP to an all clear status.

FRNSW received confirmation, on 29 October 2018, that the disablement was cleared from the FIP.

- B. A zone block plan was not provided at the FIP, contrary to the requirements of Clause 3.10 of Australian Standard (AS) 1670.1-2004.

1B. Fire Hydrant System

- A. The isolating valve associated with the hydrant booster assembly was not secured or locked in the open position, contrary to the requirements of Clause 8.5.8 of AS 2419.1-2005.
- B. Storz couplings, compatible with FRNSW firefighting hose connections were not provided to all fire hydrant valves throughout the premises, contrary to the requirements of Clauses 3.1 and 8.5.11.1 of AS2419.1-2005 and Clauses 1.2 and 3.4 of AS2419.2-2009 as detailed in 'FRNSW Fire safety guideline, Technical information – FRNSW Compatible hose connections – Document no. D15/45534 – Version 06 – Issued 11 April 2017'.

1C. Sprinkler System

- A. The stop valve associated with the sprinkler booster assembly was not secured open by a padlocked chain or riveted strap, contrary to the requirements of Clause 8.2 of AS 2118.1-1999;

1D. Exit signs

- A. The pictorial elements of all exit signs within the premises were held in position by electrical tape.

FRNSW spoke with the owner of the building who advised that he would have the service technician attend the premises to permanently attach the pictorial elements of the exit signs.

Unclassified

Unclassified

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

RECOMMENDATIONS


FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact John Bruscino of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/1901 (8000004105) for any future correspondence in relation to this matter.

Yours faithfully



John Bruscino
Senior Building Surveyor
Fire Safety Compliance Unit

Unclassified

Item No: 2.6
Title: Fire Safety Inspection Report for Residential Flat Building at 71 Faunce Street West Gosford
Department: Environment and Planning



29 January 2019 Ordinary Council Meeting

Trim Reference: F2010/00500 - D13414579

Author: Mark Newton, Fire Safety Officer

Manager: Jamie Loader, Unit Manager, Development Assessment

Executive: Scott Cox, Director, Environment and Planning

Report Purpose

The purpose of this report is to provide a recommendation to Council on whether it should exercise its power to give an order under the provisions of Part 2 of Schedule 5 of the *Environmental Planning and Assessment Act (EP&A Act) 1979*, in relation to a fire safety inspection report received from Fire and Rescue NSW.

Recommendation

- 1** *That Council note the result of the site inspection carried out on 24 September 2018.*
- 2** *That Council resolve to exercise its power to issue an order 1 under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act 1979 with respect to the matters as raised within the fire safety inspection report received from Fire and Rescue NSW.*
- 3** *That Council give notice of its determination to the Commissioner of Fire and Rescue NSW.*

Background

Council has received an inspection report from Fire and Rescue NSW with respect to the premises – Residential Flat Building on Lot 0 SP 90107 at 71 Faunce Street West Gosford which was noted as having been received by Council at its meeting of 29 October 2018.

2.6 Fire Safety Inspection Report for Residential Flat Building at 71 Faunce Street West Gosford (contd)

Fire and Rescue NSW inspection reports received by Council are required to be tabled before the Council.

Council is then required to determine whether or not to exercise its power to issue an order 1 under Part 2 of Schedule 5 of the *EP&A Act 1979*.

Inspection

The subject site was inspected by Council's Fire Safety Officer on 24 September 2018 to specifically review the issues raised by Fire and Rescue NSW within their inspection report. The issues of concern relate to matters that potentially compromise the safety of occupants of the building and include:

1. Fire Hydrant System
 - Fire hydrant booster cabinet doors do not open correctly,
 - Isolation valves not installed correctly,
 - Fire hydrant block plan doesn't display correct information,
 - Incorrect signage on display,
 - Support brackets not installed correctly.
2. Smoke Detection and Alarm System
 - Incorrect block plans,
 - Incorrect warning signs.
3. Paths of Travel to Exits
 - Reduce exit width to less than 1.0 metre width,
4. Annual Fire Safety Statement (AFSS)
 - Not prominently displayed in the building.

Accordingly, it is appropriate for Council to exercise its statutory powers under the *EP&A Act 1979*.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

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

Conclusion

The subject site was inspected by Council's Fire Safety Officer on 24 September 2018. The inspection confirmed the initial findings raised by Fire and Rescue NSW within their inspection report were relevant. Council should exercise its power to issue an order 1 under Part 2 of Schedule 5 of the *Environmental Planning and Assessment Act 1979* as per the recommendation within this report.

Attachments

- 1** Letter from Fire & Rescue - 71 Faunce Street West Gosford D13416854



File Ref. No: BFS18/1760 (3981)
TRIM Ref. No: D18/59412
Contact: Station Officer Paul Scott

30 August 2018

General Manager
Central Coast Council
P.O. Box 20
Wyong NSW 2259

Email: ask@centralcoast.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam,

**Re: INSPECTION REPORT
71 FAUNCE STREET WEST GOSFORD ("the premises")**

Pursuant to the provisions of Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 27 June 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW). The inspection was also conducted in the company of Central Coast Council Officer, Mark Newton

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

FIRE AND RESCUE NSW

ABN 12 593 473 110

www.fire.nsw.gov.au

Community Safety Directorate
Fire Safety Compliance Unit

1 Amarina Ave,
Greenacre NSW 2190

T (02) 9742 7434
F (02) 9742 7483

firesafety@fire.nsw.gov.au

Unclassified

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On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

COMMENTS

The following items were identified as concerns during the inspection:

1. Essential Fire Safety Measures

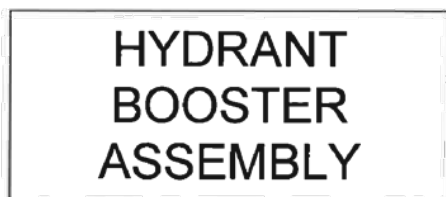
1A. Fire Safety Certificate

- A. A Final Fire Safety Certificate or an Annual Fire Safety Statement along with a Fire Safety Schedule (FSS) were not displayed in a prominent location at the premises contrary to the requirements of Clause 172 or 177 of the Environmental Planning and Assessment Regulation 2000 (EP&A Reg);

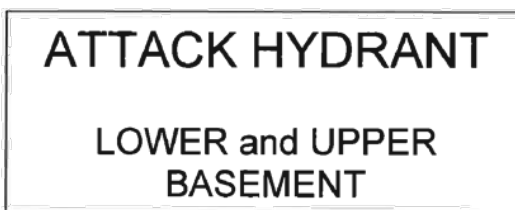
1B. Fire Hydrant Installation

- A. The doors providing access to the fire hydrant booster cabinet do not open to a minimum of 90° contrary to the requirements of Clause 7.9.2 of Australian Standard (AS) 2419.1-2005. In this regard the finished level of the grassed area immediately in front of the cabinet doors create an impediment to the swing of the doors;
- B. An isolation valve is not installed on either side of the installation contrary to the requirements of Clause 7.4 of AS2419.1-2005. In this regard the head of pressure above the boost inlets exceeds 50 kPa and firefighters are not able to isolate the boost inlets from the installation;
- C. The feed and attack hydrants were observed within the fire hydrant booster cabinet. The fire hydrant block plan displayed within the cabinet lacks information that advises both the feed and attack are contained within the cabinet. The attack hydrants are difficult to identify and it is recommended that additional fade-resistant or engraved signage be installed. To assist with identification of the attack hydrants, consideration should be given to the installation of additional signage. The following is an example of what would be recommended:
 - i. Be a minimum A4 size, marked in upper case lettering not less than 25 mm in height; and in lettering in a colour contrasting with that of the background. The sign should also be displayed immediately behind the fire hydrant;

- ii. The fire hydrant booster assembly stating



- iii. The attack fire hydrants stating



- D. Two metal support brackets are installed in the hydrant booster cabinet at approximately 1700mm from the finished floor level immediately behind the feed hydrants contrary to the requirements of Clause 3.6.1 (b) of AS2419.1-2005. In this regard firefighters may suffer head injuries whilst connecting firefighting hose to the hydrant booster assembly.

1C. Smoke Detection and Alarm Systems

- A. Clause 3.10 of AS1670.1-2004 requires a Zone Block Plan that displays specific information. The following items were noted at the time of the inspection;
- i. The 'YOU ARE HERE' location on the zone block plan indicates that the Fire Indicator Panel (FIP) is located on the Upper Basement level of the building. Based on the orientation of the storeys and observations at the time, the FIP appears to be located at the Lower Basement level;
 - ii. There is no signage stating;
"IN THE EVENT OF FIRE RING '000' TO ENSURE FIRE SERVICE RESPONSE"
 - iii. The plan is not displayed in the correct orientation of the building;
 - iv. The floor plans appears to be too small to correctly determine pictorial elements on each floor;

2. Access and Egress

- 2A. The path of travel to open space from the lower basement carpark on the eastern side of the building has not been provided a minimum width of 1000mm contrary to the requirements of Clause D1.6 of the National Construction Code 2016 Volume One, Building Code of Australia (NCC). In this regard, a structural element has reduced the width of the path of travel to 880mm.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

RECOMMENDATIONS


FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises' and require item no. 1 through to item no. 2 of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17(4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Station Officer Paul Scott of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/1760 (3981) for any future correspondence in relation to this matter.

Yours faithfully

6776 
Paul Scott
Acting Team Leader
Fire Safety Compliance Unit

FIRE AND RESCUE NSW

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Item No: 3.1
Title: Deferred Item - Acquisition of Land at Narara by way of "Gift" from Landowner
Department: Governance

29 January 2019 Ordinary Council Meeting

Trim Reference: F2018/00119 - D13411240
Author: Simone Barwick, Property Officer Land Sales Acquisitions
Manager: Paul Forster, Section Manager, Property and Infrastructure
Manager: Brett Sherar, Unit Manager, Open Space and Recreation
Executive: Boris Bolgoff, Director, Roads Transport Drainage and Waste

Report Purpose

Council, at its meeting on 26 November 2018 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.

Recommendation

- 1 That Council note the deferred Acquisition of Land at Narara by way of "Gift" from Landowner.**
- 2 That Council accept the transfer of Lot 118 DP 880719 at 151B Narara Valley Dr, Narara at no cost to Council subject to Council meeting the fees associated with the transfer of the land including registration.**
- 3 That once in Council ownership the following land is to be managed for flood mitigation subject to site constraints including environmental constraints.**
- 4 That Council classify Council land Lot 118 DP 880719 as Community Land.**

Attachments

- | | |
|--|-----------|
| 1 Deferred Item 2.1 - Acquisition of Land at Narara by way of Gift from Landowner - 26 November 2018 Ordinary Meeting | D13411246 |
|--|-----------|



Item No: 2.1
Title: Acquisition of Land at Narara by way of "Gift" from Landowner
Department: Roads Transport Drainage and Waste

26 November 2018 Ordinary Council Meeting

Trim Reference: F2018/00119 - D13324722
Author: Simone Barwick, Property Officer Land Sales Acquisitions
Manager: Brett Sherar, Unit Manager, Open Space and Recreation
Manager: Paul Forster, Section Manager, Property and Infrastructure
Executive: Boris Bolgoff, Director, Roads Transport Drainage and Waste

Report Purpose

Approval is sought to acquire land at 151B Narara Valley Drive, Narara by way of a "gift" from the owner and his family as they no longer have any use for the parcel of land and feel that Council could benefit from this parcel of land.

Recommendation

- 1 *That Council accept the transfer of Lot 118 DP 880719 at 151B Narara Valley Dr, Narara at no cost to Council subject to Council meeting the fees associated with the transfer of the land including registration.*
- 2 *That once in Council ownership the following land is to be managed for flood mitigation subject to site constraints including environmental constraints:*
- 3 *That Council classify Council land Lot 118 DP 880719 as Community Land.*

ORDINARY COUNCIL MEETING OF 26 NOVEMBER 2018

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

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

Context

The owner of Lot 118 DP 880719 has offered to transfer the land at no cost to Council as they no longer have any use for the parcel of land and feel that Council could benefit from this parcel of land.

Lot 118 DP 880719 is 3,938m² and has a split zoning with the western part of the lot zoned SP2 Infrastructure to allow for the proposed Narara by-pass road, and the eastern part of the lot zoned E2 Environmental Conservation. It is understood that the current preferred option for the route of the by-pass road will not affect Lot 118.

There are a number of easements across the property including for transmission lines, sewerage and water supply.

The land is identified as being flood prone and identified for acquisition. The following Section 149 message relates to the property:

The part of the land is affected by a proposed (5d) road reservation which has an area of 1,288m² and the remainder of Lot 118 which has a mixed zoning of 5(a) special uses drainage has an area of 2,650m². The road reservation was originally for the potential for the proposed Narara by-pass being an alternative route along Railway Cres and through the rear of Lot 118, however due to the proposal to widen the Pacific Highway to 4 lanes, this proposal will no longer proceed.

This land is identified as being affected by Review of Narara Creek Flood Study (min no. 2013/444) and also by Council's Flood Management Policy.

Lot 118 is one of the few flood prone properties in the local area that is not owned or managed by Council.

Assessment

The vegetation on Lot 118 is identified as Coastal Narrabeen Moist Forest, and Narrabeen Coastal Blackbutt Forest (identified as Regionally Significant Vegetation). While Lot 118 and adjacent land parcels may have some environmental and habitat value, the site is degraded by weed invasion and past land use.

A location plan is attached showing the land offered to Council by way of transfer at no cost outlined red and other parcels surrounding the property outlined yellow and owned by Council which are currently zoned RE1 Public Recreation, Multiple Zones, SP2 Infrastructure.

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

Consultation

Council's Flooding and Drainage Engineer, has expressed his support of Council accepting the dedication of the land since it would increase options for flood mitigation along that part of Narara Creek. Modelling for installation of a levee is currently being undertaken in that area.

The land will be of no use to the current land owner and if council does not accept as a gift it would ultimately affect Council's options for flood mitigation works along Narara Creek.

Financial Impact

As the land will be transferred to Council at no cost the only financial impact on Council will be by way of any transaction/transfer/registration fees to Council estimated to be less than \$1,000.

Link to Community Strategic Plan

Theme 4: Responsible

Goal E: Environmental resources for the future

I3: Ensure land use planning and development is sustainable and environmentally sound and considers the importance of local habitat, green corridors, energy efficiency and stormwater management.

Critical Dates or Timeframes

There are no critical dates associated with this recommendation.

Location Plan including proposed acquisition (outlined in red)

2.1 Acquisition of Land at Narara by way of "Gift" from Landowner (contd)**Attachments***Nil.*

Item No: 3.2
Title: Deferred Item - Management Activities at Wamberal and Terrigal Beaches
Department: Environment and Planning



29 January 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13413388

Author: Ben Fullagar, Section Manager, Coastal Protection

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

Executive: Scott Cox, Director, Environment and Planning

Report Purpose

Council, at its meeting held on 10 December 2018 resolved:

That this item be deferred until the 29 January 2019 Ordinary Council Meeting.

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 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.**

Attachments

- 1 Deferred Item 5.12 10 December 2018 Management Activities at Wamberal and Terrigal Beaches Enclosure D13431868**



Item No: 3.3
Title: Deferred Item - Response to Motion of Urgency
U5/18 Asbestos - Wamberal and Terrigal Beaches
Department: Environment and Planning

29 January 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13413280
Author: Ben Fullagar, Section Manager, Coastal Protection
Manager: Peter Ham, Unit Manager, Waterways and Coastal Protection
Executive: Scott Cox, Director, Environment and Planning

Report Purpose

Council, at its meeting held on 10 December 2018 resolved:

That this item be deferred until the 29 January 2019 Ordinary Council Meeting.

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.**

Attachments

- 1** Deferred Item 5.11 - Deferred Item - Response to Motion of Urgency U5-18 Asbestos - Wamberal and Terrigal Beaches D13413293



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.

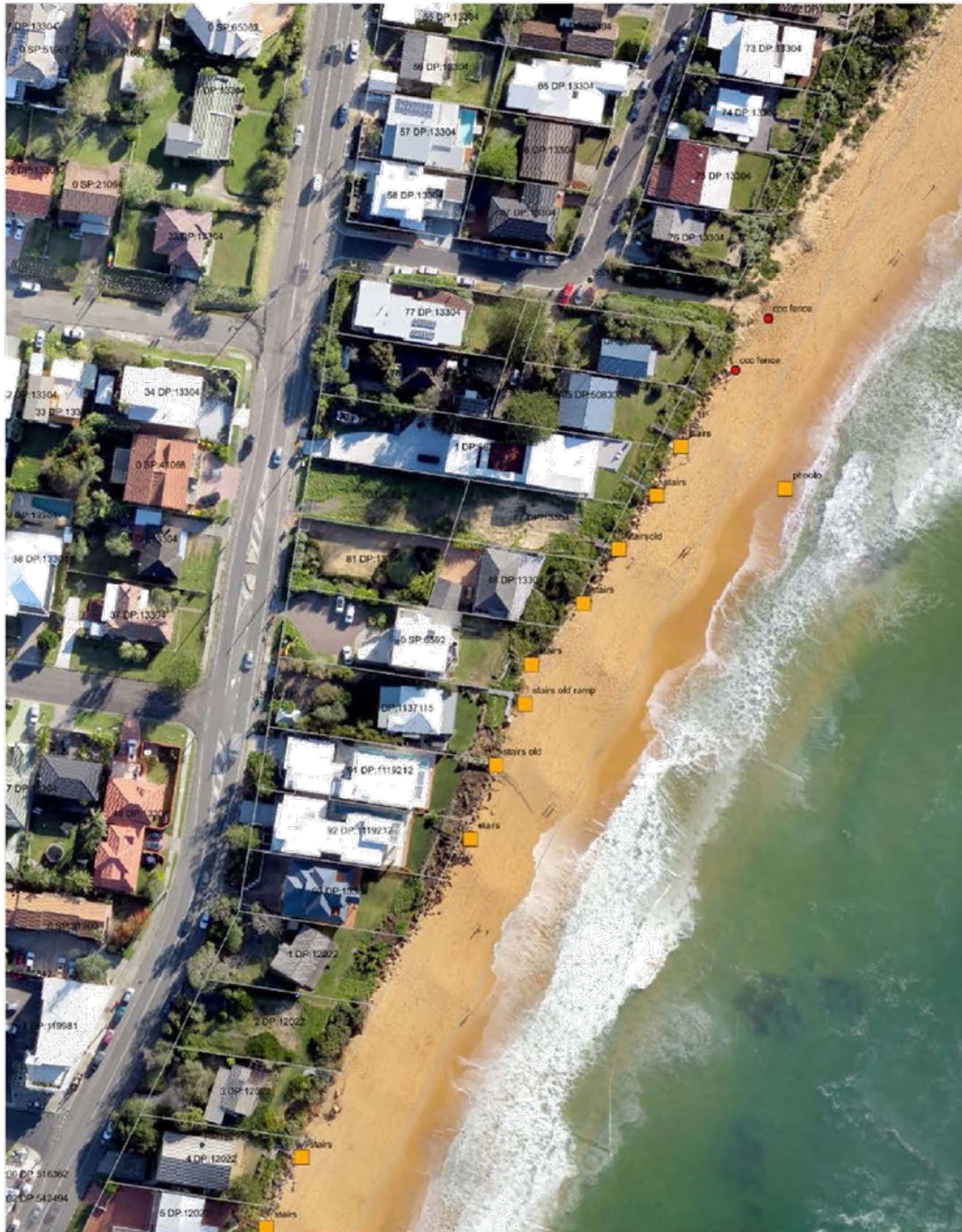
On 17 May 2018 a Community Information Sheet – "Potential Asbestos Containing Materials – Terrigal Beach and Wamberal Beach" (see attachment 2) was distributed to 200 residents adjoining the Wamberal and Terrigal beaches.

Attachments

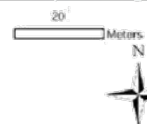
- | | | |
|----------|---|-----------|
| 1 | Aerial with Cadaster - Wamberal - Terrigal Beaches | D13241079 |
| 2 | Final - Asbestos monitoring Wamberal and Terrigal Beach A5 single sided | D13231788 |

Attachment 1

Aerial with Cadaster - Wamberal - Terrigal Beaches

Wamberal
GNSS Survey 28th March 2017**DISCLAIMER**

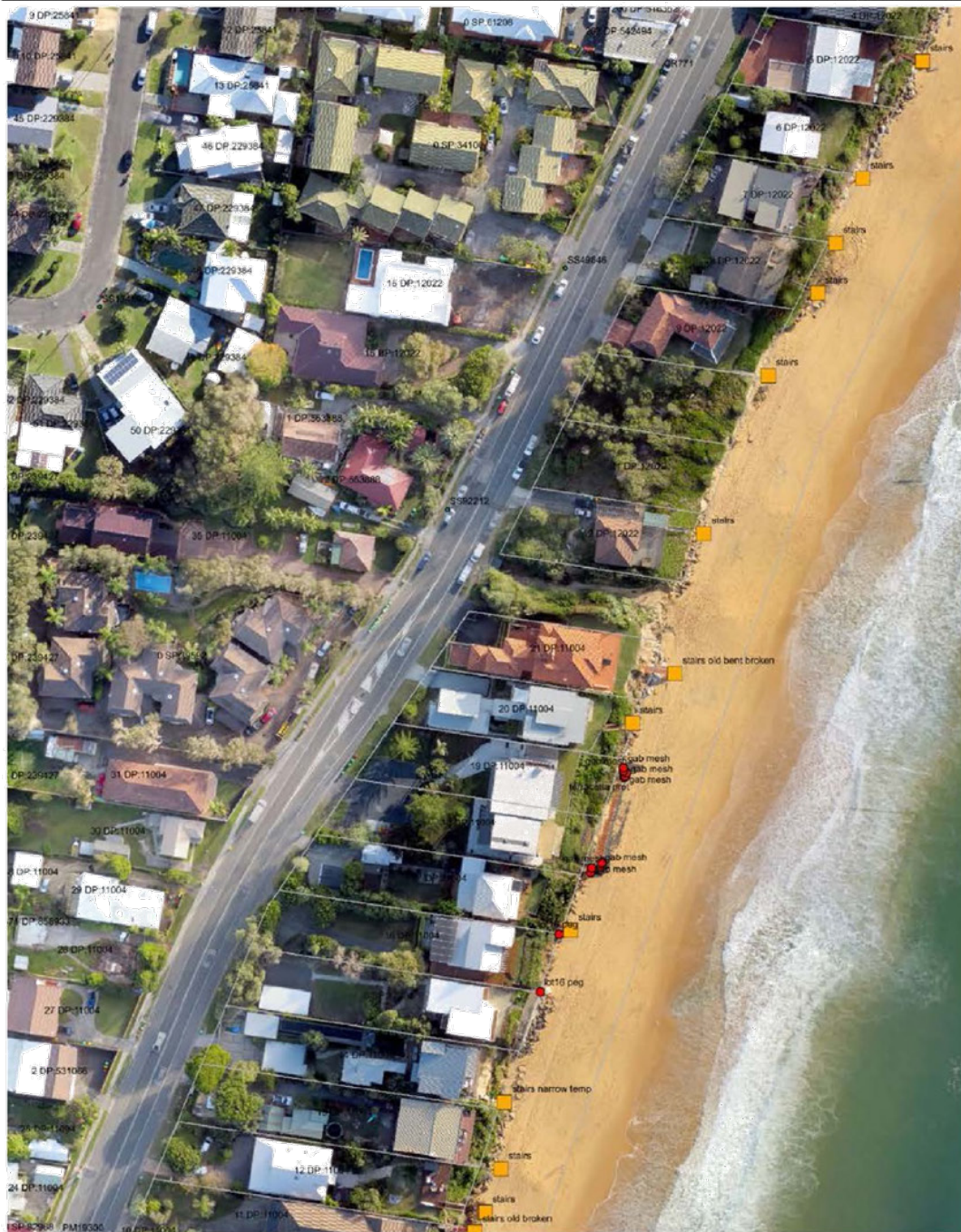
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GC5, GDA94, WGS84, 2004/01/17
RTK, instrument, Leica ZC60 using GABE, Corbin/Adrian Mac, Napsen
Published 2017, Terrigal Information Map

Attachment 1

Aerial with Cadaster - Wamberal - Terrigal Beaches

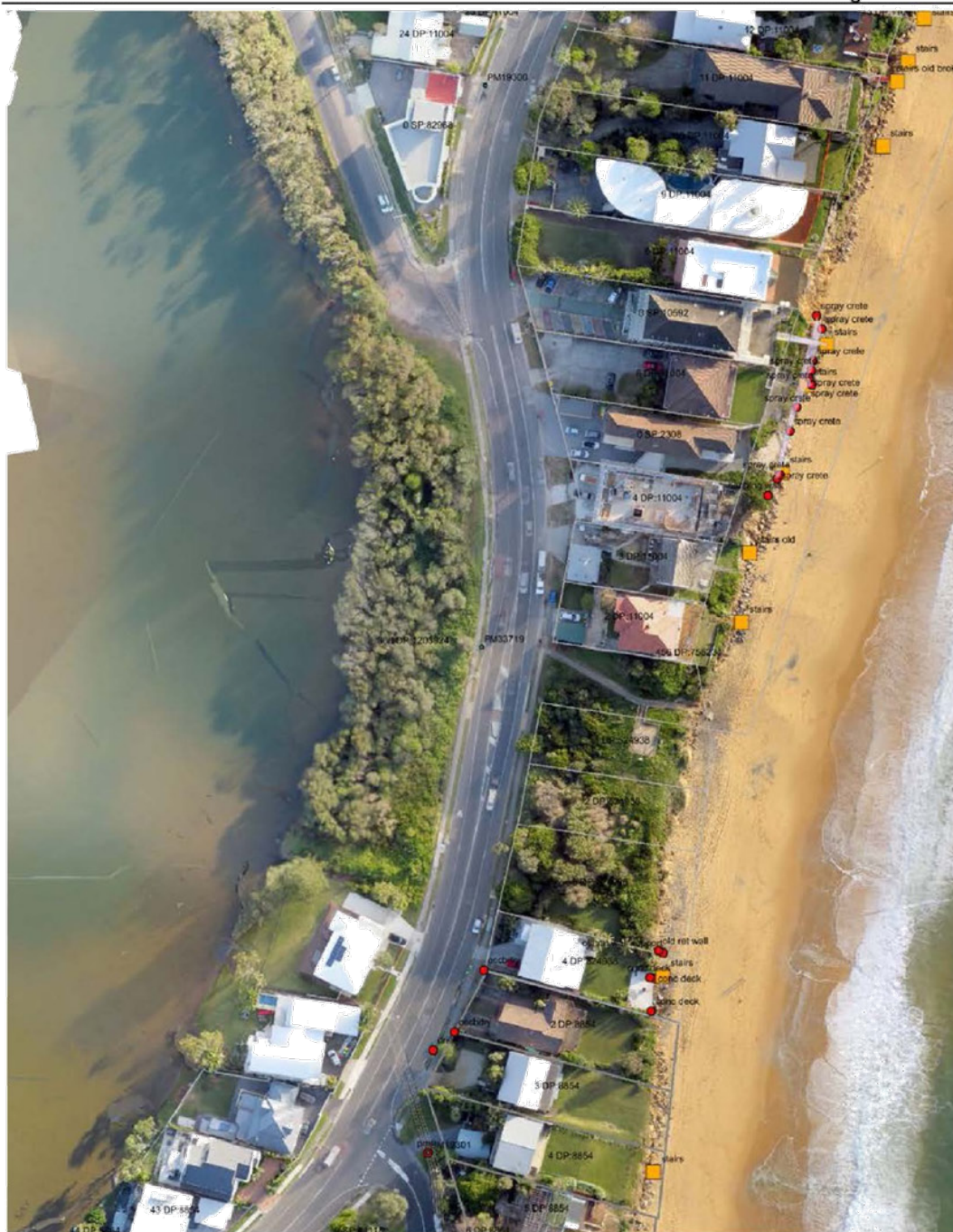
Wamberal
GNSS Survey 28th March 2017**DISCLAIMER**

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GCS: GDA94 - WGS84 20110117
RTK instrument: Leica ZC60 using GAB6 Controller/PC Mac: Noddy
Produced by: GAB6 Technical Information Map Series

Aerial with Cadaster - Wamberal - Terrigal Beaches

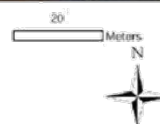


Wamberal
GNSS Survey 28th March 2017



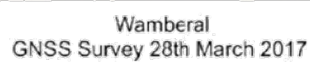
DISCLAIMER

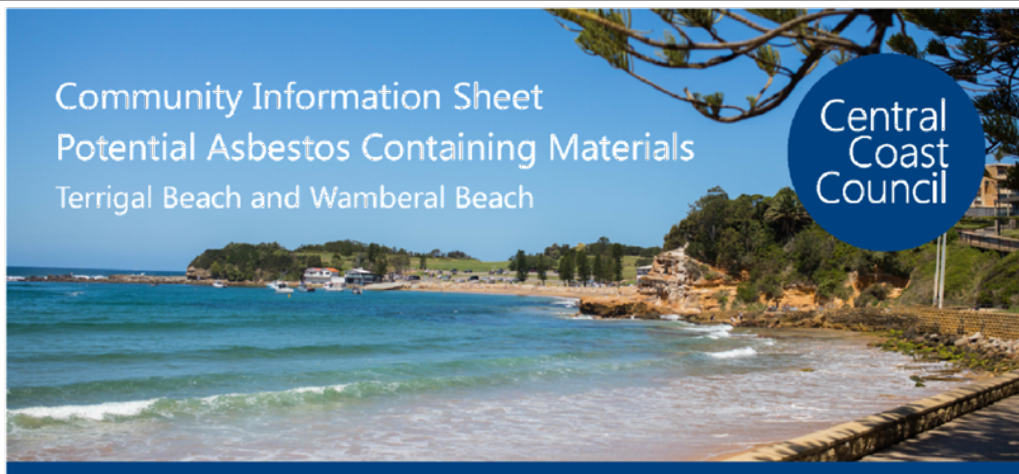
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QCS GD&E-NG&E 261017
R1K replacement L&E 200 using C&E Corbin NSR Mac Nabors

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 presents a low risk to human health.

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: 3.4
Title: Amend Ordinary Meeting Date for April 2019
Department: Governance

29 January 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13421769

Author: James Taylor, Acting Unit Manager, Governance and Business Services

Executive: Shane Sullivan, Acting Director Governance

Report Purpose

To amend the date of the Ordinary Meeting scheduled for April 2019 noting the public holidays scheduled in April and the fact that it is a five Monday month.

Recommendation

- 1** ***That Council amend the date of its Ordinary Meeting scheduled for Tuesday, 23 April 2019 to be conducted on Monday, 29 April 2019.***
- 2** ***That Council give public notice of the amended date for that meeting in accordance with clause 232 of the NSW Local Government (General) Regulation 2005.***

Context

The *Local Government Act 1993* (the Act) prescribes that Council must meet at least 10 times each year, each time in a different month.

As per part D of the Central Coast Council Code of Meeting Practice, Council has scheduled its Ordinary Meetings to be held on:

- (a) the second Monday of the months of February to December inclusive at 49 Mann Street, Gosford commencing at 6.30 PM.
- (b) the fourth Monday of the months of February to November inclusive at 2 Hely Street, Wyong, commencing at 6.30 PM.

The Ordinary Meeting of Council is scheduled for Tuesday 23 April 2019.

It is proposed to reschedule the Ordinary Meeting of Council set down for Tuesday, 23 April 2019 to **Monday, 29 April 2019**.

Report

At its meeting held 26 November 2018, Council determined Ordinary Council Meeting dates for 2019.

Upon further review, it was noted that the proposed date for the second meeting in April (23 April 2019) may not be suitable for Councillors and the community. In 2019, Easter Monday is 22 April 2019 and this is in the same week as ANZAC Day (25 April 2019).

To better accommodate the public holidays and in recognition of the NSW School holidays, it is proposed to move the meeting scheduled for Tuesday 23 April 2019 to Monday, 29 April 2019.

Clause 232 of the *NSW Local Government (General) Regulation 2005* states:

- (1) *This clause prescribed the manner in which the requirements outlines in section 9(1) of the Act are to be complied with.*
- (2) *A notice of meeting of a council or of a committee must be published in a newspaper circulating in the area before the meeting takes place.*
- (3) *The notice must specify the time and place of the meeting.*
- (4) *Notice of more than one meeting may be given in the same notice.*
- (5) *This clause does not apply to an extraordinary meeting of a council or committee.*

It is proposed that the above change be published in a future edition of the Central Coast Express Advocate and for Council's website to reflect the revised calendar of meetings.

It is noted that work has been commenced with regard to the further resolution of Council regarding a safety audit of the Gosford Chambers for staff, Councillors and the public, with a provider having been engaged to undertake the audit on both the Gosford and Wyong Chambers.

Options

Council has the following options:

- 1 Retain the current scheduled meeting date.
- 2 Amend the meeting date to Monday, 29 April 2019.
- 3 Resolve to remove the proposed second meeting in April 2019 altogether.

It is recommended to amend the date due to the public holidays gazetted for April 2019 and because the change can be relatively easily accommodated as April 2019 has five Mondays.

Financial Impact

Nil

Critical Dates or Timeframes

Council must give notice to the public of the times and places of its meetings and meetings of those of its committees of which all the members are councillors (s9 of the Act).

Council will give notice of the amended meeting date in the local newspaper prior to the meeting, as well as on Council's website.

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: 3.5
Title: Adcock Park Redevelopment
Department: Environment and Planning



29 January 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13416391

Author: Shari Massey, Recreational Project Delivery and Design

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

Executive: Scott Cox, Director, Environment and Planning

Report Purpose

The purpose of the report is to provide Councillors with an update on the status of the Adcock Park Redevelopment project and to seek an endorsement for a variation to the cost of the project.

Summary

The report recommends that council commits the required funding over the next two financial years as set out in this report to allow a construction contract to be let.

Recommendation

That Council commit to the required \$25.35 million over the 2019/20 and 2020/21 financial years to complete the Adcock Park Redevelopment.

Background

A Councillor Briefing was undertaken in March 2018 with support garnered from Councillors to progress the project. As a result of the information provided, funding of \$5.85 million was proposed in the Capital Works Program and adopted by Council for the 2018/19 financial year. This has allowed Council Officers the ability to undertake further detailed investigations into existing site conditions this financial year.

The Adcock Park Redevelopment project is comprised of the following works:

- Construction of a single multi-purpose sportsground amenities building to provide a more sustainable, cost-effective facility in the long term;
- Upgrade of the existing overloaded mains power supply;
- Construction of a new water main to replace the existing ageing asbestos main;
- Demolition of the existing structurally compromised touch amenities building, ageing netball amenities building and baseball net;

3.5 Adcock Park Redevelopment (contd)

- Conversion of the existing AFL/cricket building from amenities to storage;
- Construction of a new consolidated car park at the entry to the facility to improve site safety;
- Reconstruction of the playing fields including installation of irrigation and sub-soil drainage to improve useability and playability;
- Construction of three (3) additional netball courts to provide opportunities for larger scale events to be held;
- Installation of new floodlighting to Australian Standard for 100 lux luminance for AFL and touch sporting fields, netball courts and athletics field/velodrome areas;
- Construction of footpaths and maintenance vehicle accesses to provide all weather opportunities for pedestrian access throughout the site for all abilities and to service infrastructure; and
- Landscaping/Reinstatement.

Geotechnical investigations have provided an indication of the extent of contamination throughout the former landfill site. Concept footing requirements for sportsground lighting towers and concept road pavement design subgrade improvement works to compensate for the poor ground conditions have been provided. Preliminary drainage and flooding investigations have also identified there will be significant cost implications associated with stormwater management at the site, particularly in regard to the latent site conditions and existing local drainage issues associated with the RMS controlled intersection of Central Coast Highway and Racecourse Road. Consequently, a revised preliminary cost estimate addressing the geotechnical and engineering issues along with an appropriate contingency to further compensate for these risks and other issues that may arise during detailed design and construction has resulted in a revised total project estimate of approximately \$26.2 million (excl. GST).

A further briefing of Councillors was provided on 3 December 2018 with updated information including drainage and geotechnical issues identified. A revised project budget was provided and a preferred delivery program timeframe.



Artist impression of the redeveloped Adcock Park.



Adcock Park Masterplan

Current Status

The current status of the redevelopment at Adcock Park is as follows:

- Development approval has been received for the multi-purpose sportsground amenities building with the tendering process for construction proposed to be undertaken in early 2019;
- Tender assessment for detailed designs and documentation for the civil and sportsground works is currently underway;
- There are sufficient funds in the 2018/2019 capital works program to fund the construction of the building and major utility upgrades however the project budget is insufficient to undertake the full extent of works as detailed under the proposed Masterplan;
- There are mandatory works that must go ahead to address landfill subsidence issues, poor condition of the existing buildings and overloaded electrical supply to site;
- There is an expectation from the community that the project will go ahead and that works will commence within the current financial year; and
- There is a grant from the NSW Government that is committed to being spent this financial year.

In light of the above, a number of options to progress the Adcock Park Redevelopment have been identified.

The recommended approach to works implementation is via a two stage approach. The stages would be implemented as follows:

Option 1

Stage One

- Multi-purpose sportsground amenities building;
- Upgrade of electrical supply to site;
- Construction of new water main; and
- Temporary measures to allow ongoing operation of the site during works

Stage Two

- Carpark construction;
- Sportsfield upgrades (incl. Drainage and Irrigation);
- Sportsground lighting upgrade; and
- Promenade and maintenance access construction

The staged approach would allow on-ground works to progress as per Council's 2018/19 Operational Plan and provide Council the ability to utilise NSW Government grant funding.

Option 2: Holistic Approach

An alternate approach to works implementation could consider the delay of Stage One building construction works until Stage Two detailed design works are completed allowing for a single construction contract.

This approach would delay the commencement of construction until mid-2020 and see the loss of NSW Government funding contribution.

Option 3: Mandatory Works Only

Should Council resolve that the Adcock Park Redevelopment in its current form should not move forward due to budgetary implications, there are a number of works that would still be required to be undertaken due to landfill subsidence or operational issues.

The scope of works for this option would include:

- Demolition of existing Touch Football building;
- Construction of new Touch Football building;
- Upgrade of electrical supply to sportsground facility;
- Demolition of Baseball net and removal of diamond;
- Demolition of existing Netball building; and
- Construction of new Netball building

This approach would delay the commencement of construction with re-designs required for the reduced scope of works resulting in the loss of the NSW Government funding contribution. The undertaking of mandatory works only would also not sufficiently address traffic congestion, pedestrian safety and parking limitations being experienced at the site. Additionally, due to the extensive level of site constraints within Adcock Park, particularly in relation to flooding, the construction of any new amenities buildings would likely see a loss of existing sporting and/or car parking facilities to ensure compliance with the relevant approvals, codes and standards.

Assessment

Not Applicable.

Consultation

Council Officers have undertaken extensive consultation with sporting facility users of Adcock Park over the past seven (7) years to plan for current and future needs where possible. Key stakeholders have included:

- Gosford Netball Association
- Central Coast Cricket Association
- AFL NSW/ACT
- Central Coast Dolphins Touch Association
- Central Coast Oztag
- Central Coast Cycling Club
- Gosford Little Athletics Association

Consultation has also been undertaken with relevant government agencies and interested parties that may be impacted during and post construction such as NSW Roads and Maritime Services and The Entertainment Grounds.

Options

- 1 Council resolve to support the implementation of the Adcock Park Redevelopment project to the value of \$26.2 million through a staged approach. **Recommended.**
- 2 Council resolve to support the implementation of the Adcock Park Redevelopment project as a single construction contract commencing mid-2020. **Not recommended.**
- 3 Council resolve to abandon the Adcock Park Redevelopment project and undertake only those works necessary to address safety and operational issues. **Not recommended.**

Financial Impact

Council would be required to commit to providing funding for the Adcock Park Redevelopment project through the Capital Works Program over multiple financial years as follows:

- 2018/19 - \$850,000 (Approved in 2018/19 Capital works budget)
- 2019/20 - \$9.45M

- 2020/21 - \$15.9M

Council Officers will also actively seek out co-funding opportunities that may become available through both the Australian and NSW Governments to reduce Council's financial liability in relation to the implementation of the Adcock Park Redevelopment project.

Risk Management

Detailed in Current Status of this report.

Critical Dates or Timeframes

Detailed in Current Status of this report.

Conclusion

To allow a tender for construction to go to market a commitment to fund the project is required. This report and recommendation, if approved by Council, will allow a tender and construction contract to be let for the redevelopment of Adcock Park.

Link to Community Strategic Plan

Theme 5: Liveable

Goal L: Healthy lifestyle for a growing community

L-L1: Promote healthy living and ensure sport, leisure, recreation and aquatic facilities and open spaces are well maintained and activated.

Attachments

Nil.



Item No: 3.6
Title: Request to Name Park East Gosford Community Reserve
Department: Environment and Planning

29 January 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13427747
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

At its meeting of 10 September 2018 Council considered a report on a Council owned reserve in East Gosford with a proposal to name it 'East Gosford Community Reserve'. This report provides information about the application to the Geographical Names Board and the status of the plan of management.

Summary

An application was submitted to the NSW Geographical Names Board in December 2018 to name the Council owned reserve at the corner of Wells Street and Coburg Street at East Gosford, 'East Gosford Community Reserve'. None of the parcels within the reserve are listed in a current adopted Plan of Management.

Council is currently undertaking a process for reviewing plans of management for land classified as community across the Council area, as well as preparing plans of management for Crown Land for which Council is the appointed land manager and is subject to the state wide Crown Land Reform.

Recommendation

That Council receive and note this report

Context

A report titled *Request to Name Park – Corner Coburg and Wells Streets East Gosford* was considered by Council on 10 September 2018. At this meeting Council resolved as follows:

914/18 *That Council requests that the Chief Executive Officer submit an application to the Geographical Names Board for the naming of the reserve on the corner of Coburg and Wells Streets, East Gosford to 'East Gosford Community Reserve', to include the additional land known as Lot 1, DP1027281.*

915/18 *That Council request the Chief Executive Officer to provide a report on the status of any plan of management and any proposed review.*

This report provides information relevant to the two resolutions.

Current Status

Application to the Name Reserve

An application was submitted to the NSW Geographical Names Board in December 2018 for the naming of the Council reserve at the corner of Wells and Coburg Street, East Gosford which includes the following land parcels:

- Lot 1 DP 1027281
- Lot 2 DP 1027281
- Lot 8 DP 135256
- Lot 9 DP 135256
- Lot 12 DP 135256
- Lot 13 DP 135256
- Lot 16 DP 135256
- Lot 17 DP 135256
- Lot 18 DP 135256

The proposed name for the reserve is East Gosford Community Reserve.

Each of the parcels is classified as community land. With the exception of Lot 1 DP 1027281, (the majority of which is occupied by a pre-school), the community land makes up an area of open space that supports a mix of native vegetation and mown areas. A walking trail and some park furniture are located in the reserve. While Lot 1 DP 1027281 is mapped as part of the reserve the pre-school is not managed as public open space.

The Geographical Names Board is scheduled to next meet on 5 March 2019. The process undertaken by the Geographical Names Board includes a review of the submission against relevant policies and principles and, if supported by the Geographical Names Board Secretariat, it opens the proposed name to members of the public for comment for a period of one month. The date of a determination for the application for the reserve at East Gosford is not known.

Status of Plan of Management

None of the parcels within the reserve are listed within a current adopted Plan of Management.

A process for reviewing and consolidating the plans of management that apply to land classified as community land across the Central Coast Local Government Area has commenced.

This process aligns with the *Crown Land Management Act 2016* (CLM Act) which requires Council to classify and categorise Crown land for which Council is the appointed land manager, as well as develop the appropriate plans of management. Council will be engaging with the community in regards to the categorisation of Crown Land and the preparation of plans of management that apply to each category. The CLM Act requires the plans of management to be finalised and adopted by July 2021.

Consultation

The proposal for the Council reserve at East Gosford to be named East Gosford Community Reserve was initiated by interested members of the community. Written support for the proposals was provided by the Australian Conservation Foundation, Central Coast Branch; The Rotary Club of East Gosford and the Community Environment Network. A Tidy Towns group has been formed under Council's Landcare Program at the reserve in East Gosford.

The proposal considered by Council on 10 September 2018 was in accordance with requirements stipulated within Council's 'Policy for Memorials, Naming of Council Facilities and Donations of Park Furniture and Trees'.

Financial Impact

No additional costs are anticipated to be incurred by the naming of the reserve at East Gosford.

Social Impacts

There are no social impacts arising from the recommendation.

Environmental Considerations

There are no environmental considerations arising from the recommendations.

Risk Management

No risks have been identified as a result of the recommendations.

Critical Dates or Timeframes

Submissions for consideration of renaming requests by the Geographical Names Board's at their meeting of 5 March 2019 must be received by 20 February 2019. The application was lodged by Council in December 2018.

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.

Attachments

Nil.



Item No: 3.7
Title: 2018-19 Community Support Grant Program
Department: Connected Communities

29 January 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13426101
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 following community grant program:

- **Community Support Grant Program** – supports the community to deliver community activities which require a small amount of funding and/or in-kind support.

Recommendation

- 1 That Council allocate \$21,188.75 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	Recommended allocation within this report	Allocation to date + Recommendation within report
Community Support Grant Program	\$300,000	Ongoing	\$87,802.76	\$21,188.75	\$108,991.51
TOTAL			\$87,802.76	\$21,188.75	\$108,991.51

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

Eight applications were received and assessed by 30 November with six 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 \$21,188.75 recommended to be allocated by this report combined with previous funds granted by Council, represents 36% of the total annual budget leaving 64% 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 Program - Recommended for funding | D13431054 |
| 2 | Community Support Program - Not recommended for funding | D13431055 |

2018-19 Community Support Grant Program

November 2018 Applications

Recommended for Funding

Organisation Name	Project Title	Staff Funding Recommended	Staff Comments
The Bays Community Group Incorporated (TBCG)	The Bays Fair - 10 March 2019	\$2,417.75	Recommended for funding as community benefit is demonstrated and all required information is provided.
Tuggerah Lakes Art Society Inc	2019 TLAS WORKSHOPS	\$4,410.00	Recommended for funding as community benefit is demonstrated and all required information is provided.
Central Coast Heart	CCH1c - NSW State Aged Netball Championships	\$3,300.00	Recommended for funding as community benefit is demonstrated and all required information is provided.
The Bays Community Group Incorporated (TBCG)	Repair and Paint the Bays Community Hall exterior	\$4,800.00	Recommended for funding as community benefit is demonstrated and all required information is provided, on the condition that the project commence no earlier than 1 January 2019.
Chain Valley Bay Progress Association Incorporated	Australia Day Community Celebrations in Joshua Porter Reserve	\$3,850.00	Recommended for funding as community benefit is demonstrated and all required information is provided.
Volunteering Central Coast	Volunteering Expos and Awards 2019	\$2,411.00	Recommended for funding as community benefit is demonstrated and all required information is provided.
	TOTAL	\$21,188.75	

2018-19 Community Support Grant Program**November 2018 Applications****Not Recommended for Funding**

Organisation	Project Title	Staff Funding Recommendation
Green Point Community Centre	Energy Consumption Reduction	Not recommended for funding. The application is ineligible as the project is retrospective.
Mangrove Mountain Districts Community Groups	Electrical & Water upgrades	Not recommended for funding as insufficient information is provided.

Item No: 3.8
Title: Town Centre Review – Additional Information
Department: Connected Communities



29 January 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13434793
Author: Ashlee Abbott, Section Manager, Place Activation
Manager: Glenn Cannard, Unit Manager, Community Partnerships
Executive: Julie Vaughan, Director, Connected Communities

Summary

At the Central Coast Council's ordinary meeting held on 10 December 2018, the review into Council's town centre management operational model was presented to Council. As part of the resolution, Council requested additional information be provided back to the first meeting in 2019.

This report contains the additional information requested at the 10 December 2018 ordinary meeting in relation to Council's town centre management operational model.

Recommendation

- 1 That Council receive the report on the Town Centre Review – additional information.**
- 2 That Council establish a Town Centres Committee by June 2019 consisting of interested Councillors, relevant Council staff and six community/business members to oversee the transition to a new Town Centre Management model.**
- 3 That Council received an additional report within 12 months reviewing current committee structures of both the Town Centre Committee and Economic Development Committee.**

Background

At Central Coast Council's ordinary meeting held on 10 December 2018, the review into Council's town centre management operational model was presented to Council.

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.

At its meeting held 10 December 2018, Council resolved as follows, part thereof:

1204/18 That the Council request the Chief Executive Officer to provide a further report back to Council to the January 2019 meeting which details:

- ☐ *Roles to be undertaken by Council*
- ☐ *Proposed Role of regional board*
- ☐ *The role of Councils Employment and Economic Development Committee*
- ☐ *Local/place focus*
- ☐ *Regional focus*
- ☐ *Options to engage with stakeholders and Local Communities on Town Centre Activities*
- ☐ *An Oversight Committee of interested Councillors.*

This report provides additional information as requested by Council to ensure a strategic, place based approach for the delivery of key town centre management functions across the Central Coast is delivered and provides details as to how these functions will be achieved.

Report

Roles to be undertaken by Council:

It is intended that the town centre management functions of asset management and maintenance, infrastructure delivery, contract management, place activation and delivery of events will be undertaken by Council.

It is recommended that the Place Activation section of Council will be responsible for the coordination of the following key town centre management functions;

- Internal coordination of asset maintenance, contract management, capital works program and leasing requirements to ensure priority service levels for identified principle town centres. Development of service level agreements and maintenance schedules for all identified town centres with all internal asset owners.
- Delivery of events and activations in the principal centres ensuring relevant existing events are maintained and to develop new events and activations for principle centres. It needs to be noted that events have a life-cycle, and there can be no guarantee all existing events will remain as currently delivered in perpetuity, Council does commit though to ensuring there will be no overall reduction in the number of events and activations within the principle centres.
- Provide a range of coordinated projects and place activation activities to increase visitation and improve the visitor experience in the principle centres.
- Development of Place Management Plans to identify opportunities for place making, activation, enhanced asset improvements and capital works for all identified town centres.

The Place Activation Plans will ensure a co-ordinated, place based approach with additional Enterprise and Activation Officers being recruited to oversee the development and deliver of place management plans for town centres.

- A single point of contact within the Place Activation section will also be established for each of the town centres.
- Support role for the communication of business development training and networking opportunities to local business on the Central Coast. These opportunities include those available at The Smart Work Hub Gosford, through Council's Community Enterprise program and those currently offered by Chambers of Commerce and The Business Centre.

Council will also be delivering a new Central Coast Economic Development Strategy over the next 12 months which will be crucial in informing the actions of Council staff and the role of a proposed regional board.

Proposed role of a regional board:

The Town Centre Review determined that the establishment of a regional entity external to Council is considered the best practice model for the delivery of economic development, marketing and promotion, tourism initiatives, regional business development and attraction of major events. The regional entity would be tasked with a coast wide development mandate and not just focused on the principle and major town centres which have been identified through the Town Centre Review.

Overall the focus of the regional entity will be the implementation and delivery of projects and initiatives that promote economic development, tourism and business development across the region.

In the first 12 months it is recommended that a Town Centre Committee be formed to allow for appropriate transition. Concurrently it would allow for clarity on the outcomes of the Economic Development Strategy and opportunity to review future needs of committees to support both Economic Development and Town Centre operations.

The role of Council's Employment and Economic Development Committee:

It is proposed that Council's Employment and Economic Development Committee should continue its role as an advisory group to Council as outlined in the terms of reference below by providing advice and feedback on:

- Central Coast Council's major projects which contribute to employment and economic development, employment generation and suggesting new ideas for projects.
- Planning and infrastructure which contributes to the Central Coast's economic development.
- Ensuring the employment and economic development of the Central Coast Council aligns with the Central Coast Community Strategic Plan.

- Meeting with community groups, Central Coast business groups and various levels of government to seek feedback and suggestions on how to enhance the local economy and provide a diversity of new employment opportunities.

The role of the Council's Employment and Economic Development Committee is differentiated from the Regional Board as Council's Employment and Economic Development Committee is an advisory committee whereas the external entity will be responsible for the delivery of services and projects.

An Oversight Committee of interested Councillors:

Staff were requested to comment on the development of an Oversight Committee of Interested Councillors. It is a recommendation of this report that rather than forming an "oversight" Committee, the Committee should be titled the Town Centre Committee, and membership should include interested Councillors, relevant Council staff, and relevant community/business representation.

The Committee will act as an advisory group and will monitor the transition to the new town centre management model. In addition the group will provide advice and support for the review of committee models moving forward to address the delivery of economic development, marketing and promotion, tourism initiatives, regional business development and attraction of industry and major events. The committee will also be responsible for investigating how the below objectives can best be achieved;

- Develop and implement a range of initiatives to attract investment and new businesses to the Central Coast.
- Market and promote the Central Coast as a region, as a regional business centre and its attractions for investment.
- Market and promote the Central Coast as a tourism destination to increase visitor numbers and expenditure.
- Represent and promote the interests of local businesses, commercial and industrial landowners and developers, the community and social infrastructure establishments as they relate to employment growth and new investment.
- Develop and facilitate implementation of a range of initiatives to support the growth of local businesses.
- Facilitate partnerships with State and Commonwealth agencies, business and learning organisations to attract investment to the region.
- Encourage support and assist government and industry in the adoption of policies which enhance the competitiveness of the businesses on the Central Coast and create employment opportunities.
- Improve access for the businesses that make up the Central Coast's tourism industry to training, tools, information, research and referrals to help them in their own business promotion and development.
- Provide opportunities to support the region's investment in existing major events and identify other possible sources of sponsorship funding.

- Secure new major events for the region and facilitate the implementation of the Central Coast Major Events Strategy.
- Manage and develop co-working hubs to promote innovation and collaboration for innovators and entrepreneurs.

It is proposed that the committee should meet bi-monthly for a 12 month period and report back to Council at the conclusion of this period once Council's Economic Development Strategy is delivered to provide recommendations for the committee/board model and its key objectives.

Local and place focus:

A local, place based focus is critical to preserve the local identity of town centres and to ensure that community expectations are met, community pride is enhanced and the individual needs of each community are taken into consideration when projects and initiatives are planned and delivered.

The following undertakings will ensure that a local focus is maintained for each town centre;

- The development of Place Management Plans by Council for each town centre will include extensive community and stakeholder engagement identical to the recent Let's Talk Toukley and Let's Talk Terrigal initiatives. This will ensure a more responsive, integrated and coordinated approach to delivering services and outcomes for our communities and town centres.
- There will be regular communication with stakeholders and the community regarding town centre activities.
- Localised events and place making activities can still be developed, and will be encouraged to continue, by local business, individuals and community organisations. There will be opportunities for funding through Council's grants and sponsorship programs, in particular the Community Events and Place Activation Grant, Community Infrastructure Grant and the Awarding Sponsorship Program.
- Under the new town centre management model, while the current funding arrangements will cease, the current third party entities (GBID, GTV, WRCC) along with other local Chambers of Commerce can continue to provide advocacy services for business located in their town centres.
- One of the recommendations adopted by Council in the review of the town centre management operational model was for Council to work with the third party entities, the NSW Business Chamber and all other relevant Business Chambers to develop a regional funding model to support local economic and business development initiatives. The intention is to develop a funding program available to business organisations to support local business development initiatives that connect local business to opportunities, improve access to industry information, grow business skills and knowledge and assist local business to advocate on key issues to ensure that Central Coast businesses can be more productive and sustainable.

Options to engage with stakeholders and local communities on Town Centre Activities:

Council acknowledges the importance of ensuring there are adequate opportunities for local community members, businesses and organisations to be engaged in both planning and delivery of initiatives to improve our town centres. Collectively, with a partnered approach, we can maximise outcomes and ensure a high level of localized “ownership” of our town centres.

Specific initiatives to ensure this occurs will include:

- Place Management Plans will be developed progressively for each town centre. Extensive community and stakeholder consultation will be undertaken similar to the Let’s Talk Toukley and Let’s Talk Terrigal engagement programs. This will ensure that the local community and stakeholders have the opportunity to provide input into the projects and activities that will enhance their local town centres and provide feedback before the Place Management Plans have been finalised.
- Regular communication with businesses in each town centre will include quarterly newsletters, email alerts for upcoming works, information forums held bi-annually and event information mail outs as required. Broader community communication will also be undertaken once social media and on-line platforms can be developed for each town centre.
- A single point of contact will also be established for each of the town centres. This will ensure that issues raised by stakeholders within the town centres get appropriate and timely responses. To ensure this occurs, service level agreements will be developed within Council to bind all relevant service business units to agreed timeframes and standards to ensure Council can meet reasonable community and business expectations in this area.
- Regular meetings of the Town Centre Committee will also provide a platform for further engagement and exchange of ideas with relevant stakeholders.

Regional Approach

The current town centre management model does not provide support mechanisms for economic development outcomes for the region as a whole which is critical to improved employment opportunities. In addition there is currently no coordinated, strategic focus or dedicated resourcing more broadly for regional economic development on the Central Coast. This proposed model presents an opportunity to address this gap and develop a strategic, regional model that provides improved economic development outcomes across the Central Coast.

The regional delivery of key town centre management functions such as economic development, tourism, marketing and promotion will ensure a coordinated, strategic approach that will contribute to employment generation, sustainability of small business, transport planning, attraction of industries and major events to the region, support of innovation and start up business which are not currently being adequately addressed.

Link to Community Strategic Plan

Theme 1: Belonging

Goal A: Our community spirit is our strength

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

A2: Celebrate and continue to create opportunities for inclusion where all people feel welcome and participate in community life.

A4: Enhance community safety within neighbourhoods, public spaces and places

Goal B: Creativity connection and local identity

B2: Promote and provide more sporting, community and cultural events and festivals, day and night, throughout the year.

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

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

C2: Revitalise Gosford City Centre, Gosford Waterfront and town centres as key destinations and attractors for business, local residents, visitors and tourists.

C3: Facilitate economic development to increase local employment opportunities and provide a range of jobs for all residents.

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

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

G4: Serve the community by providing great customer experience, value for money and quality services.

Attachments

Nil.

Item No: 4.1
Title: Reports Due to Council
Department: Governance

29 January 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13361148
 Author: Sonia Witt, Meeting Support Coordinator
 Manager: Sarah Georgiou, Section Manager, Councillor Support
 Executive: Shane Sullivan, Acting Director Governance

Report Purpose

To provide the list of outstanding reports and to confirm the date reports are proposed to be provided to Council.

Recommendation

That Council receive the report on Reports Due to Council.

Background

This report is to provide information regarding the status of outstanding reports which have been resolved to be submitted to future Council Meetings.

Since September 2017, Council has resolved to consider a further 130 reports at future Ordinary Meetings;

- 11 reports were provided during the period from September 2017 to December 2017
- 18 reports were provided during the period from January 2018 to April 2018
- 48 reports were provided during the period from May 2018 to October 2018
- 19 reports were provided during the period from November 2018 to December 2018
- 34 reports remain outstanding to date

The attached report is current as at 15 January 2019.

This "Report Due to Council" report will be provided for the information of Councillors quarterly.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

4.1 Reports Due to Council (contd)

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

Attachments

1 Outstanding Reports Due to Council - December 2018 D13361267

Meeting Date	Item #	Report Title	Resolution - Report Required (as at end April 2018)	Due Date OR	Proposed Date	Completed	In Time	Area	Comments for Council Report
09-Oct-17	2.1	Mayoral Minute - Mangrove Mountain Landfill	<i>That the advisory committee report back to a subsequent Council meeting with an explanation of how this advisory committee complements or contradicts any other (current or future) inquiries in to these alleged activities by bodies such as ICAC or any other government or non-government bodies or agencies.</i>		25/02/2019			Governance	Pending further conduct of the Committee. The Minutes of the inaugural meeting were reported to Council on 12 February 2018.
27-Nov-17	7.2	Notice of intention to remain as a member of Statewide Mutual	<i>That Council resolves to participate in an insurance and business interruption review program being run by Statewide, commencing January 2018 with a further report to be provided to Council at the conclusion of the review program.</i>		25/02/2019			Governance	The insurance and business interruption review program being run by Statewide is in its final stages. A report is expected to be reported 25 February 2019.
12-Feb-18	3.3	Mangrove Mountain and Spencer Advisory Committee	<i>That Council request the Acting Chief Executive Officer report to Council regarding how best to minimise legal liabilities and risks to the rate payer purse with regard to the operation of this committee.</i>		11/02/2019			Governance	Pending further conduct of the Committee. The Minutes of the inaugural meeting were reported to Council on 12 February 2018.
12-Feb-18	5.4	Notice of Motion - Tourism Opportunities for the Central Coast Region	<i>That Council request the Acting Chief Executive Officer provide a report or briefing on the tourism opportunities and initiatives currently available to the Central Coast region in line with global tourism trends. The report should also acknowledge and consider the current unemployment rates for the region and opportunities that exist to drive improvement, and an understanding of required investment, for both public and private equity participants, and what Council can do to be a catalyst to drive this investment.</i>		27/05/2019			Connected Communities	This was addressed in the scheduled Briefing on Tourism Opportunities 23 July 2018 and report will be prepared early 2019
12-Mar-18	6.2	Deferred Item - Notice of Motion - Graffiti	<i>That Council request the Acting Chief Executive Officer to convene a Councillor briefing and then provide a report to Council outlining feasible policy, infringement and community programs that Council can implement, facilitate or support to reduce the amount of graffiti in local town centres and residential suburbs.</i>		11/02/2019			CC & EP	A briefing has been scheduled for March as February briefing spots booked out.
13-Aug-18	8.1	Notice of Motion - Success of Amalgamation	<i>That Council therefore request the CEO to:-1. Require staff to bring forward reports as follows:-A) A report on the "Online Questionnaire For The Inquiry into Local Government" that was conducted by the former Gosford City Council and surveys undertaken by the former Wyong Shire Council prior to amalgamation. (B) A realistic estimate of the costs involved in amalgamating the two former Councils and the projected time period for completion of amalgamation.(C) A report on the progress of all the various aspects of the amalgamation. 2. That Council request the CEO to bring a report back regarding a(C) Conducting a community survey (formulated with input from Councillors and staff) to assess current community views of the of the amalgamation of Gosford and Wyong Councils and(B) An estimate of cost and process regarding a proposal for a poll to be held at an upcoming election (either Federal or State) to gauge the community support or rejection of the continuation, or the reversal of the amalgamation.</i>		25/03/2019			Governance	A briefing was conducted with Councillors on 10 December 2018 to assist with understanding the scope of this resolution and Councillor expectations. A report will be provided to Council in early 2019.
13-Aug-18	8.6	Notice of Motion - Davistown Wetlands Acquisition	<i>That Council request the CEO to 2. Report on the existing legislation and constraints that provide protection to the current environmental and community values of that land; 3. Request the CEO to bring a report back to Council at the last meeting in November ranking land for long term acquisition in order to prioritise lands for potential purchase.</i>		25/02/2019			E&P	This item is currently being investigated and will be reported to Council once completed.
10-Sep-18	4.3	Request to Name Park - Corner Coburg and Wells Streets East Gosford	<i>That Council request the Chief Executive Officer to provide a report on the status of any plan of management and any proposed review.</i>		29/01/2019			E&P	This report is included on the 29 January 2019 Ordinary Meeting agenda as Request to Name Park East Gosford Community Reserve.
10-Sep-18	4.4	Lifeguard Patrols at The Grant McBride Baths	<i>That Council request the Chief Executive Officer submit a report on the impact and merits to the community.</i>		4/11/2019			Connected Communities	A report will be prepared following the review of the initial twelve month trial.

Meeting Date	Item #	Report Title	Resolution - Report Required (as at end April 2018)	Due Date OR	Proposed Date	Completed	In Time	Area	Comments for Council Report
10-Sep-18	5.6	Response to Notice of Motion - Homeless Concerns	<i>That Council request the Chief Executive Officer submit a further report on Homeless Concerns in line with the following resolutions from the Ordinary Meeting of Council held on 12 June 2018; 1 That Council make urgent representation to State Government to: a) Form an assertive Outreach Team for the Central Coast to tackle the issue of homeless (sleeping rough) in Council parks, reserves and in cars as a matter of priority. b) Council seek support from local members of Parliament.c) That Council advise all local non-government agencies of the request and seek their support. 2 That Council continues to take part in actions that are within its jurisdiction in regard to illegal camping and caring for these individuals. 3 That Council invite the Minister for Family and Community Services and Social Housing, the Hon Pru Goward MP, to the Central Coast and advocate for an assertive outreach pilot program to assist homelessness in the Central Coast region.</i>		25/02/2019			Connected Communities	A report will be prepared for February 2019.
10-Sep-18	7.1	Deferred Item - Notice of Motion - Local Employment	<i>That Council requests the Chief Executive Officer to report back to Council within 3 months with a review of Council's approach to employing apprentices and trainees.</i> <i>That Council requests the Chief Executive Officer also report on the recruitment methods for internships and scholarships and what current partnerships are in place with the TAFE and University.</i>	10/12/2018	25/02/2019			P&C	This item is currently being investigated and will be reported to Council once completed.
10-Sep-18	7.2	Notice of Motion - Central Coast Water Security, Risk Minimisation	<i>That Council request the Chief Executive Officer report to Council on our general water security status and risk minimisation opportunities. Such a report should pay particular attention to the looming threats to our water security including; a The possible approval of the Wallarah 2 Coal Mine and its effects on our water supply. b Climate Change.</i>		11/02/2019			W&S	A Councillor Briefing was held on 26 November 2018 addressing this matter and a report to Council will be presented at the 11 February 2019 Ordinary Meeting.
24-Sep-18	2.1	Deferred Item - Mayoral Minute - Review of Community Facilities	<i>That Council be provided with a progress report at the first meeting in February 2019 outlining key actions and milestones in the review process.</i>		11/02/2019			Connected Communities	Status report will be provided to the first meeting in Feb 2019
24-Sep-18	7.1	Notice of Motion - 2019 State and Federal Election Funding Opportunities	<i>That Council request that the Chief Executive Officer provide an urgent report to the Council in October 2018 setting out a proposed strategy for the Council pursuing electoral funding opportunities and to identify the projects to be identified for such funding.</i>	30/10/2018	25/02/2019			Innovation and Futures	Progress Report being prepared for 25 February 2019
24-Sep-18	8.2	Snowy Hydro Scheme Legacy Fund	<i>That Council request the Chief Executive Officer to provide a further report on the Tuggerah Smart Transit Orientated Development with an outline of the staging of the project including indicative costs, issues and constraints at each stage of the project.</i>		25/02/2019			Innovation and Futures	Progress Report being prepared for 25 February 2019
24-Sep-18	8.2	Snowy Hydro Scheme Legacy Fund	<i>That Council request the Chief Executive Officer to provide a further report on Council's commitments to each of the remaining priority projects including funding, in-kind contributions or staging of works for each project.</i>		25/02/2019			Innovation and Futures	Progress Report being prepared for 25 February 2019
24-Sep-18	8.2	Snowy Hydro Scheme Legacy Fund	<i>That the information from (3) and (4) above is reported to Council by end of November 2018 or the determination of the Snowy Hydro Legacy Fund.</i>		25/02/2019			Innovation and Futures	Progress Report being prepared for 25 February 2019
8-Oct-18	6.1	Notice of Motion - Major Water Park Opportunity Investigations for the Central Coast	<i>That Council requests the Chief Executive Officer to provide a report on possible sites that could be made available to the industry as an EO tender.</i>		25/03/2019			Connected Communities	Report back to Council scheduled for March 2019.
8-Oct-18	6.4	Notice of Motion - Central Coast Dredging	<i>That Council request the Chief Executive Officer advise and create a detailed report outlining the dredging requirements across the relevant waterways within the Central Coast region.</i>		10/04/2019			E&P	This will be addressed in 2019 regarding the benefits/costs/risks of dredging generally.

Meeting Date	Item #	Report Title	Resolution - Report Required (as at end April 2018)	Due Date OR	Proposed Date	Completed	In Time	Area	Comments for Council Report
8-Oct-18	6.5	Notice of Motion - Proposed Sale of 4 and 10 Warren Road Warnervale	That Council requests the Chief Executive Officer to bring a report to Council by the Ordinary Meeting of 26 November 2018 in relation to listing for sale 4 and 10 Warren Road, Warnervale, being Lots 1 and 2 in DP 1230740, being the site of the formerly proposed Australian Chinese Theme Park. The Report is to include: i) whether it is recommended that the land be sold through an expressions of interest process (EOI), a tender process (Tender), sale at auction (Auction), or sale at market value; ii) identification of the estimated current market value price as determined by a valuation assessment; iii) the "Land Economics Report" and the "Chinese Theme Park Proposal – Site Evaluation" (confidential attachment D0318469) referred to on page 215 of the staff report (TRIM F2011/00192 – D03176019) in the business paper of the Ordinary Meeting of Council held on 14 November 2012.		25/02/2019			Governance	This item is currently being investigated and will be reported to Council once completed.
29-Oct-18	3.4	Fire Safety Inspection Report for Residential Flat Building at No. 71 Faunce Street West Gosford	That Council receive a further report to be provided to the next Council meeting in accordance with 17(2)(b) of Part 8 of Schedule 5 of the Environmental Planning and Assessment Act (EP&A Act) 1979.	12/11/2018	29/01/2019		No	E&P	This item is included on the 29 January 2019 Ordinary Meeting agenda.
29-Oct-18	3.9	Response to Notice of Motion - Gwandalan Playground	That Council request the Chief Executive Officer report back to Council by the end of February 2019 on the feasibility, design, timing and cost for a District Level Play Space at Tunkuwallin Oval, Gwandalan including staging the project to deliver a park/play space as part of the first stage.	25/02/2019	25/02/2019			E&P	This item is currently being investigated and will be reported to Council once completed.
29-Oct-18	6.4	Notice of Motion - Animal Behaviour Education Programs	That Council request the Chief Executive Officer to provide a report including the following; a) invitations to the RSPCA or other animal welfare organisations to undertake information sessions and programs at Councils libraries and facilities, to educate parents, carers and children about the body language of animals; b) communicates the information sessions to the community through a variety of local print media and electronic channels; c) provide material similar to the tabled item 'Enjoy Your Dog' brochure to educate dog owners as well as the general public about dog free areas; d) distribute the flyer through print out and electronic media (including uploading to Council's website).		25/03/2019			Connected Communities	Report back to Council scheduled for March 2019.
12-Nov-18	3.1	Central Coast Tourism Advisory Committee	That Council request the Chief Executive Officer invite expressions of interest from members of the community to participate in the Central Coast Tourism Advisory Committee, and that the Chief Executive Officer provide a further report to Council for the purpose of determining the membership of this group.		11/03/2019			Connected Communities	EOI underway with applications closing 25 January 2019.
12-Nov-18	6.6	Notice of Motion - Legal Advice regarding Warnervale Airport Restrictions	That Council be provided with a further report in confidential session regarding the external legal advice received by the Council.		30/04/2019			CEO	Pending receipt of legal advice.
26-Nov-18	3.2	Proposed Council Meeting Dates 2019	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.		25/03/2019			Governance	Audit being conducted.

Meeting Date	Item #	Report Title	Resolution - Report Required (as at end April 2018)	Due Date OR	Proposed Date	Completed	In Time	Area	Comments for Council Report
26-Nov-18	3.5	Aquatic Weed Management in Springfield and Holgate	<i>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.</i>	29/01/2019	29/01/2019		Yes	E&P	This item is included on the 29 January 2019 Ordinary Meeting agenda.
26-Nov-18	3.11	Tender CPA/286371 – Supply of Tourism Marketing and Industry Services Contract	<i>That Council request the CEO to provide a report to the community on the Tourism and marketing achievements over the past 12 months.</i>		30/06/2020			Connected Communities	Report will be provided by June 2020.
26-Nov-18	4.4	Response to Notice of Motion - Littering - Enforcement and Education Review	<i>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.</i>		11/03/2019			E&P	This item is currently being investigated and will be reported to Council once completed.
26-Nov-18	7.1	Tender CPA/1298 - After Hours Call Centre Contract	<i>That Council request the Chief Executive Officer provide a further report on alternative delivery models.</i>		10/12/2019			Connected Communities	Report will be provided by the end of 2019.
10-Dec-18	4.1	Deferred Item – Town Centre Review	<i>That the Council request the Chief Executive Officer to provide a further report back to Council to the Jan 2019 meeting which details:</i> <ul style="list-style-type: none"> • Roles to be undertaken by Council • Proposed Role of regional board • The role of Councils Employment and Economic Development Committee • Local/place focus • Regional focus • Options to engage with stakeholders and Local Communities on Town Centre Activities 		29/01/2019			Connected Communities	This item is included on the 29 January 2019 Ordinary Meeting agenda.
10-Dec-18	4.5	Biodiversity Offsets	<i>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.</i>		10/04/2019			E&P	This item is currently being investigated and will be reported to Council once completed.
10-Dec-18	4.7	Progress of Actions of the Destination Management Plan 2018-2021	<i>That Council receive a further report on the progress of the Destination Management Plan in twelve months.</i>		10/12/2019			Connected Communities	Further report will be provided by the end of 2019.



Item No: 4.2
Title: Meeting Record of the Heritage Advisory Committee held 28 November 2018
Department: Governance

29 January 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13419447
Author: Zoie Magann, Advisory Group Support Officer
Manager: Rebecca Cardy, Heritage Officer
Executive: Scott Cox, Director, Environment and Planning

Report Purpose

To note the draft Meeting Record of the Heritage Advisory Committee held on 28 November 2018.

Recommendation

That Council note the draft Meeting Record of the Heritage Advisory Committee held 28 November 2018 that is Attachment 1 to this report.

Background

The Heritage Advisory Committee held a meeting on 29 November 2018. The draft Meeting Record of the meeting is Attachment 1 to this report.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

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

Attachments

1 Draft Heritage Advisory Committee Meeting Record - 28 November 2018 D13419426

Heritage Advisory Committee Meeting Record 28 November 2018



Central
Coast
Council

Location:	Central Coast Council Wyong Office Level 2 Function Room 2 Hely Street, Wyong	
Date:	28 November 2018	
Time	Started at: 5:23pm	Closed at: 6:11pm
Chair	Councillor Jeff Sundstrom	
File Ref	F2018/00102	

Present:

Mayor Jane Smith, Councillor Louise Greenaway, Councillor Kyle MacGregor, Councillor Jeff Sundstrom, Councillor Doug Vincent, Walter Billington, Margot Castles, Sandra Hunt-Sharman

Council Staff present:

Glenn Cannard – Unit Manager Community Partnerships, Sue Ledingham – Unit Manager Community Engagement, Dr Anumitra Mirti – Section Manager Environmental Strategies, Carolyne Wildman – Section Manager Marketing and Tourism, Rebecca Cardy – Heritage Officer, Paul Foote – Corporate Planner, Shari Young – Enterprise and Activation Officer, Zoie Magann – Advisory Group Support Officer

Item 1 Apologies

Warren Andrews, David Benwell, Gary Dean, Verena Mauldon, Joseph Murray, Richard Waterhouse, Prue Wyllie, Kreenah Yelds, Scott Duncan – Section Manager Land Use and Policy

The severe weather warnings and unpredictable road conditions of the day contributed to the high number of Apologies received for this meeting, and delayed the arrival of some attending members. The meeting therefore started at 5.23pm once the Quorum was achieved in accordance with Section Three of the adopted Terms of Reference.

Item 2 Disclosure of Interest

No Disclosures were noted.

Item 3 Confirmation of Previous Meeting Record

The Advisory Group confirmed the Meeting Record from 5 September 2018.



Item 4 Tourism Opportunity Plan and Destination Management Plan

Sue Ledingham (Unit Manager Community Engagement) provided a presentation on the draft Tourism Opportunity Plan and Destination Management Plan.

The draft Tourism Opportunity Plan focuses on growing tourism value for the Central Coast through partnership with a range of stakeholders, and the Destination Management Plan includes goals to increase the number of culture and heritage tourists as they are a lucrative and long-staying segment of tourism value.

Action: Heritage Officer to meet with the Community Engagement team to discuss proposed opportunities for a heritage trail or similar, and report back to the Advisory Group at a future meeting.

Item 5 Community Strategic Plan

Paul Foote (Corporate Planner) provided a presentation on the objectives in the Community Strategic Plan that relate to heritage and culture. The identified objectives are B2, C2, C3, C4, F1, I1, I2 and I3.

These objectives are detailed under their respective themes in the [Community Strategic Plan](#), which is available on the Central Coast Council website.

There is also a [Delivery Program and Operational Plan](#) that has been developed in response to the Community Strategic Plan, which includes specific information on how Council will action these objectives.

Item 6 Heritage Projects in Current Operational Plan

Rebecca Cardy (Heritage Officer) provided the Advisory Group with a brief update on the Heritage Strategy and Plan and Gosford Heritage Interpretation Strategy, which are still being finalised.

The Gosford Heritage Interpretation Strategy is a specific project in the current Operational Plan for 2018/19. Projects for the 2019/20 Operational Plan are still being finalised.

Item 7 The Entrance and Wyong Heritage Signage Project

Shari Young (Enterprise and Activation Officer) provided the Advisory Group with an update on The Entrance Town Centre Heritage Signage project, and distributed brochures on the Wyong Heritage Walk. Proposed signage for both projects was shown to the Advisory Group for noting.

Mayor Jane Smith had to leave the meeting at 6.10pm to attend a prior commitment. At this stage of the meeting the quorum was lost as per Section Three of the adopted Terms of Reference. All remaining items were consequently deferred to a future meeting.

Item No: 4.3
Title: Meeting Record of the Coastal Open Space System (COSS) Committee held 29 November 2018
Department: Governance



29 January 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13419463

Author: Zoie Magann, 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 Coastal Open Space System (COSS) Committee meeting held on 29 November 2018.

Recommendation

That Council note the draft Meeting Record of the Coastal Open Space System (COSS) Committee held 29 November 2018 that is Attachment 1 to this report.

Background

The Coastal Open Space System (COSS) Committee met on 29 November 2018. The draft 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

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

Attachments

1 Draft COSS Committee Meeting Record - 29 November 2018 D13419450

Coastal Open Space System (COSS) Committee Meeting Record 29 November 2018



Central
Coast
Council

Location:	Gosford Administration Building Level 1 Committee Room 49 Mann Street, Gosford	
Date:	29 November 2018	
Time	Started at: 4.00pm	Closed at: 6.05pm
Chair	Mayor Jane Smith	
File Ref	F2018/00099	

Present:

Mayor Jane Smith, Councillor Chris Holstein, Councillor Jeff Sundstrom, John Andrews, David Holland, Deb Holloman, Paul Links, Douglas Williamson, Barbara Wills

External representatives present:

Stephen Atkins – National Parks and Wildlife Services (Hunter Central Coast Branch), David Green – Local Land Services (Greater Sydney)

Staff present:

Luke Sulkowski – Unit Manager Natural and Environmental Assets, Scott Duncan – Section Manager Land Use and Policy, Larry Melican – Section Manager Emergency Protection Natural Assets, Penelope Pinkess – Landcare Officer, Kathy Bragg – Acting Section Manager Governance

Item 1 Apologies

Councillor Louise Greenaway, Peter Draper – Department of Industry Lands and Water, Michael Hill – Forestry Corporation of NSW, Joel Stibbard – Biodiversity Conservation Trust, Dr Anumitra Mirti – Section Manager Environmental Strategies, Sean Cumming – Section Manager Leasing and Property Management, Rochelle Lawson – Senior Ecologist

Item 2 Disclosures of Interest

Mayor Smith previously declared a less than significant non-pecuniary interest as a former Chief Executive Officer of the Community Environment Network (CEN). CEN is delivering a project that works with COSS landholders, Council and other stakeholders to deliver on ground rehabilitation works.

Mayor Smith previously declared a less than significant non-pecuniary interest as a teacher with the Department of Education (DoE). DoE schools have been working on projects related to COSS.

Coastal Open Space System (COSS) Committee Meeting Record 29 November 2018



Item 3 Confirmation of Previous Meeting Record

The Advisory Group confirmed the Meeting Record from 26 September 2018.

The Advisory Group reviewed the Action Log.

Item 4 Landcare Programs

Staff from the Natural and Environmental Assets team provided a presentation on Landcare programs.

Item 5 Update from External Representatives

Steve Atkins from National Parks and Wildlife Services (Hunter Central Coast Branch) provided an update to the Advisory Group on their area of work.

David Green from Local Land Services (Greater Sydney) provided an update to the Advisory Group on their area of work.

Action: David Green to provide the Advisory Group with a fact sheet on the use of Pindone for the control of feral rabbits.

Item 6 Biodiversity Corridor Mapping

Staff from the Natural and Environmental Assets team provided a presentation on the Wildlife Corridor Mapping Project.

Action: Section Manager Environmental Strategies to provide the Advisory Group with an update on the Urban Forest Strategy at a future meeting.

Action: Unit Manager Natural and Environmental Assets to liaise with the Roads area of Council in regards to wildlife corridors and report back to the Advisory Group.

Item 7 Encroachment Management Policy

Staff from the Natural and Environmental Assets team provided a presentation on the Natural Area Encroachment Policy.

A draft Policy is likely to come before Council in 2019 and should consider education and engagement as well as enforcement. Liaison with other stakeholders such as National Parks and Wildlife will also be undertaken.

Item 9 Former Gosford COSS Strategy and Consolidated LEP

Scott Duncan (Section Manager Land Use and Policy) provided a presentation on the consolidated Central Coast Local Environmental Plan (LEP) and Development Control Plan (DCP).

Coastal Open Space System (COSS) Committee Meeting Record 29 November 2018



The presentation included some suggestion of a mechanism that could be included as an incentive for biodiversity outcomes as part of a separate Planning Proposal. In recognition of this, consideration should be given to the timing of the Biodiversity Strategy in relation to the Consolidated LEP.

The Advisory Group noted its concerns about the continued failure of the NSW Department of Planning to deliver an E5 Zone as originally agreed to.

Action: The latest correspondence from the NSW Department of Planning regarding the E5 Zone to be provided to the Advisory Group.

Action: An update on this matter to be provided at the next Coastal Open Space System (COSS) Committee meeting in January 2019.

Item 10 Promotion of COSS

The Advisory Group discussed the promotion of COSS lands.

Action: A presentation to be provided at a future meeting on opportunities to promote COSS initiatives. Advisory Group members to provide the Advisory Group Support Officers with any ideas they may have on this issue.

Item 11 General Business and Close

The Unit Manager Natural and Environmental Assets gave the Advisory Group a verbal update on the acquisition of land for conservation.

Barbara Wills raised a proposed subdivision at Macmasters Beach that related to COSS land.

Action: The Mayor will submit a Councillor Request regarding the status of this proposal.

The meeting closed at 6.05pm

Next Meeting: **Wednesday 30 January 2019**
 4pm – 6pm
 Central Coast Council Wyong Office
 Level 2 Committee Room

Item No: 4.4
Title: Strategic Conservation Planning Project
Department: Environment and Planning



29 January 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13426428

Author: Chris McLean, Senior Strategic Environmental Planner
Anumitra Mirti, Section Manager, Environmental Strategies

Manager: Matthew Prendergast, Acting Executive Manager, Innovation and Futures

Executive: Scott Cox, Director, Environment and Planning

Report Purpose

This report provides an overview of progress made by the Department of Planning and Environment towards the Strategic Conservation Planning Project on the Central Coast which commenced early this year with an expected date of completion by 2020.

Recommendation

That Council note this report and continue to provide in-principle support including access to Council lands and staff support.

Background

On 27th August 2018, Council endorsed the Department of Planning and Environment's (DPE) Strategic Biodiversity Certification project and sent a letter to Lee Shearer on 11th October 2018. Council requested that they remain informed as to the progress of the project through quarterly updates which this report satisfies.

Summary of progress since September 2018

The project consists of the five steps summarised in Figure 1. The project is currently at the second stage which consists of impact assessment. Ecological field surveys are currently occurring across Council and private lands which were facilitated through Council providing DPE with contact details for landholders.

The surveys completed to date include targeted flora surveys for cryptic species that are only detectable in late winter/ early spring, predominantly in the North Wyong Shire Structure Plan area. It is understood that these surveys have been successful in locating some populations of target threatened flora.

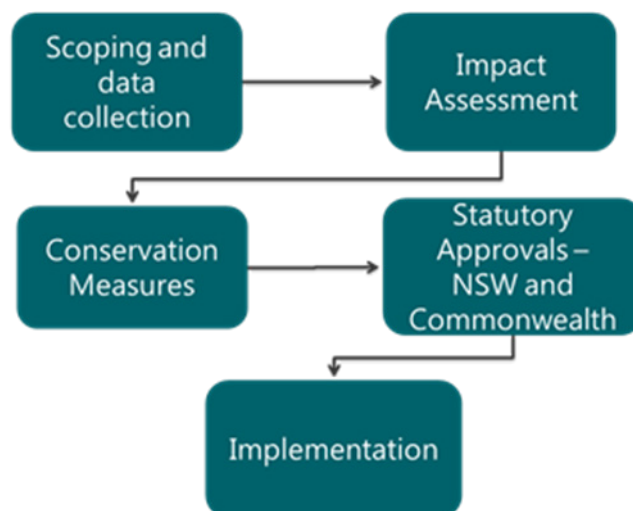


Figure 1: The Strategic Conservation Planning Process

Land access and surveys completed to date (August-December 2018)

The initial scope for ecological survey included 3527 hectares of land which required access from 918 landowners. However, to date, only 192 landowner's have granted access across approximately 2000 hectares allowing for ecological survey. Of this land, around 1200 hectares has been surveyed during the winter and spring survey period. Summer ecological survey effort commenced in mid-December 2018 and will continue through to early 2019. Additional Council land in the Wyong Employment Zone has been included in the proposed summer ecological surveys.

DPE are also considering including other undeveloped land outside of the North Wyong Structure Plan, Somersby and Darkinjung holdings for consideration of Biodiversity Certification including land at West Gosford and Tuggerah. This represents a scope creep on the initial project plan and Council staff during a meeting with DPE recommended most of these sites are instead assessed as part of the Development Application process where a proponent locates their own biodiversity offsets if required.

Future proposed surveys (December 2018-estimated September/ October 2019)

DPE are currently preparing a Request for Tender to complete larger scale surveys in accordance with the Biodiversity Assessment Method (BAM). It is likely these surveys will take several months to complete and involve numerous consultant Ecologists. The survey findings will provide greater understanding of the level of biodiversity offsets that are required to facilitate development in identified areas. A gap analysis of the survey finding may be needed upon completion as a lot of sites are not accessible

Project coordination

A monthly working group meeting has been established by DPE on Council's request and attended by Council staff from all relevant parts of business that include Strategic Planning and Natural and Environment Assets.

Conclusion

DPE's Strategic Conservation Planning Project is currently completing surveys and will continue to do so for several months. Once the surveys are completed and the data is analysed, greater information will be available to Council on the likely development and conservation areas.

Link to Community Strategic Plan

Theme 3: Green

Goal F: Cherished and protected natural beauty

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: 4.5
Title: Investment Report for November 2018
Department: Finance and Information

29 January 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13407814
Author: Devini Susindran, Financial Accountant Treasury and Taxation
Manager: Carlton Oldfield, Unit Manager, Financial Services
Executive: Shane Sullivan, Acting Director Governance

Report Purpose

To present the monthly report on the investment portfolio as required in accordance with cl. 212 of the *Local Government (General) Regulation 2005*.

Summary

This report details Council's investments as at 30 November 2018.

Recommendation

That Council receive the Investment Report for November 2018.

Background

Council's investments are made in accordance with the *Local Government Act 1993*, *Local Government (General) Regulation 2005*, the investment policy adopted at the Ordinary Council Meeting on 27 November 2017, Ministerial Investment Order issued February 2011 and Division of Local Government (as it was then known) Investment Policy Guidelines published in May 2010.

Current Status

Council's current cash and investment portfolio totals \$503.50 million at 30 November 2018.

Source of Funds	Value (\$'000)
Investment Portfolio	\$482,620
Transactional accounts (per bank statements) and cash in hand	\$20,878
Total	\$503,498

This investment report will focus on the investment portfolio of \$482.62 million.

4.5 Investment Report for November 2018 (contd)

Cash flows are managed primarily through term deposit and floating rate note maturities, with a net inflow of \$17.8 million in November 2018 due to quarterly instalments received during the month.

Total net return on the portfolio for Council, in November was \$1.0m, comprising entirely of interest earnings. The total value of the Council's investment portfolio as at 30 November 2018 is outlined in Table 1 below.

Table 1 – Portfolio movement

Description	2017-18 Financial Year \$'000	Quarter 1 2018 \$'000	October 2018 \$'000	November 2018 \$'000	FYTD 2019 \$'000
Opening Balance	409,890	467,254	470,791	464,809	467,254
Movement for the period	57,364	3,537	(5,982)	17,811	15,366
Closing Balance	467,254	470,791	464,809	482,620	482,620
Interest earnings	11,625	3,012	1,065	1,018	5,095

Council's investments are evaluated and monitored against a benchmark appropriate to the risk (Standard and Poor's BBB long term or above) and time horizon of the investment concerned. Council's investment portfolio includes rolling maturity dates to ensure that Council has sufficient funds at all times to meet its obligations. A summary of the term deposit and floating rate notes maturities are listed in Table 2 below.

Table 2 - Investment Maturities

Time Horizon	Percentage Holdings	Maturity on or before	Value \$'000
At Call	7.75%	Immediate	37,417
Investments			
0 - 3 months	7.46%	Feb-2019	36,000
4 - 6 months	16.26%	May-2019	78,453
7 - 12 months	38.70%	Nov-2019	186,750
1 - 2 years	13.26%	Nov-2020	64,000
2 - 3 years	8.29%	Nov-2021	40,000
3 - 4 years	2.07%	Nov-2022	10,000
4 - 5 years	6.22%	Nov-2023	30,000
Total Investments	92.25%		445,203
Total Portfolio	100.00%		482,620

4.5 Investment Report for November 2018 (contd)

The investment portfolio is concentrated in A1/AA (73.03%) and A2/BBB (16.37%).

The investments in A1/AA are of a higher credit rating and A2/BBB represented the best returns at the time of investment within Policy guidelines. Financial institutions issuing fixed income investments and bonds are considered investment grade (IG) if its credit rating is BBB or higher by Standard and Poor (S&P).

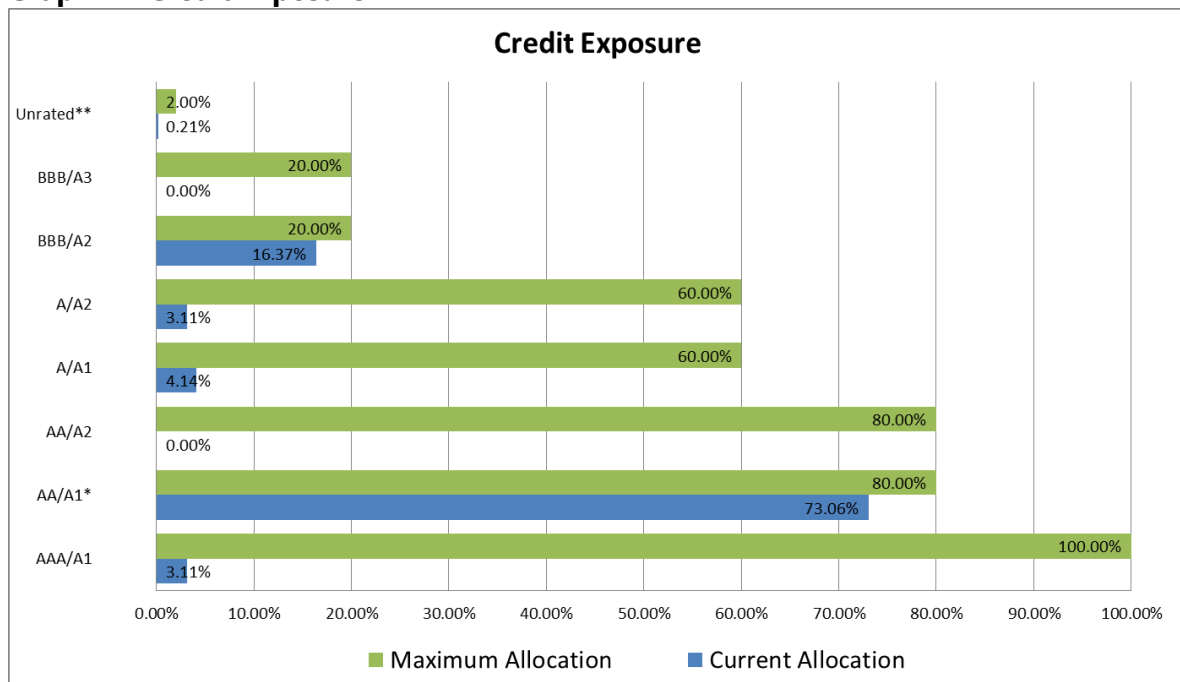
Council has invested \$15m in the NSW Treasury Corporation's green bonds as well as \$10m in Westpac Tailored Deposits (Climate Bonds Standard Certified) in November.

Council continues to monitor the portfolio and manage investments taking into consideration credit ratings of financial institutions, interest rates offered for the maturity dates required and the amount of our investment portfolio already held with each financial institution.

The current spread of investments is listed in Graph 1 and counter party credit exposure is listed in Graph 2.

4.5 Investment Report for November 2018 (contd)

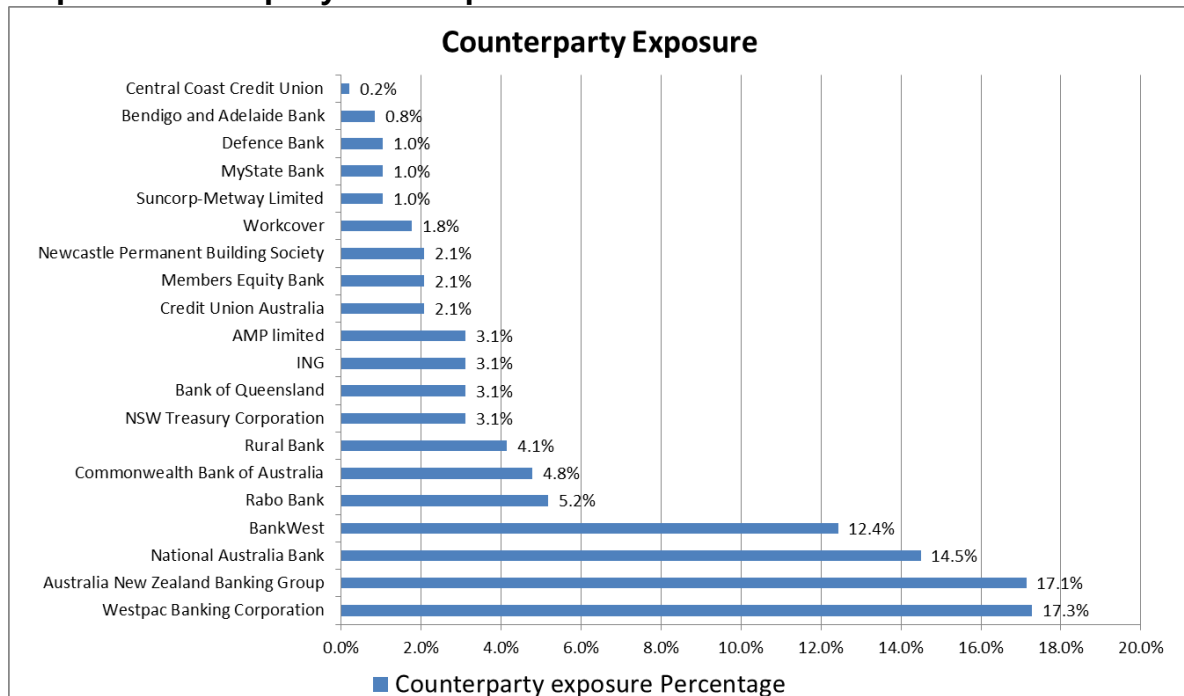
Graph 1 – Credit Exposure



* **AA/A1:** Council has provided security for self-insurance by way of a term deposit invested in an ADI (with a short term S & P rating of A1) through State Insurance Regulatory Authority (formerly WorkCover NSW). This security has been included as part of Council's investment portfolio. Council regularly conducts a review to identify the optimal security providing Council with the best return possible.

** **Unrated:** Unrated investment comprises of a term deposit with Central Coast Credit Union

Graph 2 - Counter party credit exposure

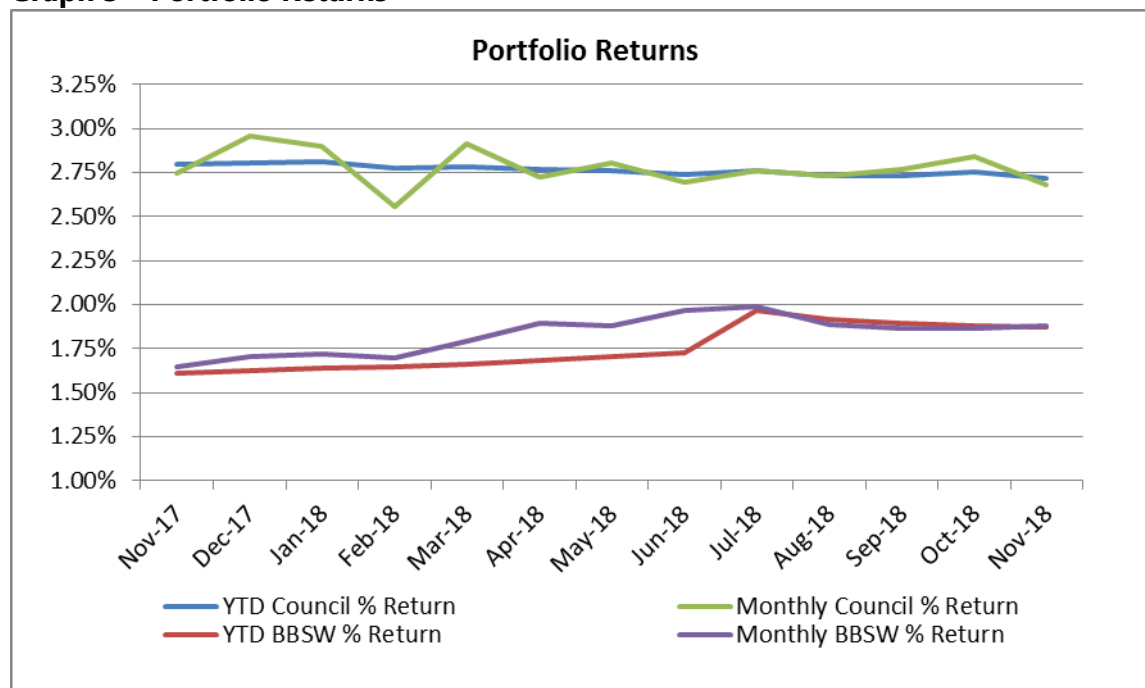


4.5 Investment Report for November 2018 (contd)

Portfolio Return

Interest rates on investments in the month, ranged from 2.40% to 4.87%, all of which exceeded the annualised monthly Bank Bill Swap Rate (BBSW) benchmark of 1.88%. The annualised financial year to date return for November of 2.72% for Central Coast Council is favourable compared to benchmark bank bill swap (BBSW) *financial year to date* Bank Bill Index of 1.87% as shown in Graph 3 - Portfolio returns.

Graph 3 – Portfolio Returns



Council's portfolio by Source of Funds

Council is required to restrict funds received for specific purposes. Restricted funds consist of funds in the investment portfolio and in transactional accounts as follows:

Source of Funds	Value (\$'000)
Investment Portfolio	\$482,620
Transactional accounts	\$20,878
Total	\$503,498
Restricted Funds	\$390,249
Unrestricted Funds	\$113,249

Attachment 1 details Investments by Type held by Council at 30 November 2018 and Attachment 2 details restrictions for Council by fund as at 30 November 2018.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

G4: Serve the community by providing great customer experience, value for money and quality services.

Attachments

- | | | |
|----------|--|-----------|
| 1 | Summary of Investments By Type at 30 November 2018 | D13427408 |
| 2 | Summary of Restrictions at 30 November 2018 | D13427415 |

Central Coast Council Summary of Investments as at 30-November-2018							
Financial Institution	Type of Investment	Short Term Rating	Long Term Rating	Maturity Date	Portfolio Balance as at 30 November 2018 \$	As a % of the total Portfolio	Interest Rate %
CASH AT CALL:							
Westpac Banking Corporation	Corporate Investment Account	A1	AA	Daily	14,415,317	2.99%	1.60
Workcover	At Call Deposit	A1	AA	Daily	-	0.00%	1.60
Bankwest	At Call Deposit	A1	AA	Daily	1,562	0.00%	1.75
Commonwealth Bank of Australia	Business On-line Saver	A1	AA	Daily	23,000,000	4.77%	1.20
Total Cash At Call					37,416,879	7.75%	
TERM DEPOSITS, FLOATING RATE NOTES & BONDS:							
Westpac Banking Corporation	Term Deposit	A1	AA	05-Dec-2018	10,000,000	2.07%	2.58
National Australia Bank	Term Deposit	A1	AA	03-Jan-2019	10,000,000	2.07%	2.52
Australia New Zealand Banking Group	Term Deposit	A1	AA	29-Jan-2019	10,000,000	2.07%	2.55
Central Coast Credit Union	Term Deposit	Unrated	Unrated	16-Feb-2019	1,000,000	0.21%	2.75
Westpac Banking Corporation	Floating Rate Note	A1	AA	25-Feb-2019	5,000,000	1.04%	BBSW + 0.94%
Australia New Zealand Banking Group	Term Deposit	A1	AA	06-Mar-2019	10,000,000	2.07%	2.75
Australia New Zealand Banking Group	Term Deposit	A1	AA	20-Mar-2019	10,000,000	2.07%	2.40
National Australia Bank	Term Deposit	A1	AA	03-Apr-2019	10,000,000	2.07%	3.10
Australia New Zealand Banking Group	Term Deposit	A1	AA	17-Apr-2019	10,000,000	2.07%	2.69
Workcover	Term Deposit	A1	AA	18-Apr-2019	8,453,000	1.75%	2.72
Australia New Zealand Banking Group	Term Deposit	A1	AA	02-May-2019	10,000,000	2.07%	2.70
Australia New Zealand Banking Group	Term Deposit	A1	AA	15-May-2019	10,000,000	2.07%	2.70
Bank of Queensland	Term Deposit	A2	BBB	27-May-2019	10,000,000	2.07%	2.75
AMP Limited	Term Deposit	A1	A	04-Jun-2019	5,000,000	1.04%	2.85
Defence Bank	Term Deposit	A2	BBB	04-Jun-2019	5,000,000	1.04%	2.86
AMP Limited	Floating Rate Note	A1	A	11-Jun-2019	5,000,000	1.04%	BBSW +1.10%
AMP Limited	Term Deposit	A1	A	18-Jun-2019	5,000,000	1.04%	2.90
ING	Term Deposit	A2	A	18-Jun-2019	5,000,000	1.04%	2.70
Bank of Queensland	Term Deposit	A2	BBB	24-Jun-2019	5,000,000	1.04%	2.75
National Australia Bank	Term Deposit	A1	AA	28-Jun-2019	10,000,000	2.07%	2.80
Bankwest	Term Deposit	A1	AA	03-Jul-2019	10,000,000	2.07%	2.80
Credit Union Australia	Term Deposit	A2	BBB	03-Jul-2019	10,000,000	2.07%	2.82
Rural Bank	Term Deposit	A2	BBB	09-Jul-2019	10,000,000	2.07%	2.85
Bankwest	Term Deposit	A1	AA	17-Jul-2019	10,000,000	2.07%	2.78
Australia New Zealand Banking Group	Floating Rate Note	A1	AA	25-Jul-2019	2,750,000	0.57%	BBSW + 0.82%
Rural Bank	Term Deposit	A2	BBB	06-Aug-2019	10,000,000	2.07%	2.85
National Australia Bank	Term Deposit	A1	AA	19-Aug-2019	10,000,000	2.07%	2.80
MyState Bank	Term Deposit	A2	BBB	03-Sep-2019	5,000,000	1.04%	2.85
National Australia Bank	Term Deposit	A1	AA	03-Sep-2019	5,000,000	1.04%	2.80
National Australia Bank	Term Deposit	A1	AA	17-Sep-2019	10,000,000	2.07%	2.64
Westpac Banking Corporation	Term Deposit	A1	AA	24-Sep-2019	4,000,000	0.83%	3.20
Bankwest	Term Deposit	A1	AA	02-Oct-2019	10,000,000	2.07%	2.66
Australia New Zealand Banking Group	Term Deposit	A1	AA	15-Oct-2019	10,000,000	2.07%	2.77
Bankwest	Term Deposit	A1	AA	16-Oct-2019	10,000,000	2.07%	2.68
Bankwest	Term Deposit	A1	AA	30-Oct-2019	10,000,000	2.07%	2.69
Australia New Zealand Banking Group	Term Deposit	A1	AA	12-Nov-2019	10,000,000	2.07%	2.78
Westpac Banking Corporation	Term Deposit	A1	AA	25-Nov-2019	10,000,000	2.07%	2.73
ING	Term Deposit	A2	A	13-Dec-2019	5,000,000	1.04%	2.83
National Australia Bank	Term Deposit	A1	AA	16-Dec-2019	10,000,000	2.07%	2.70
Bankwest	Term Deposit	A1	AA	20-Jan-2020	10,000,000	2.07%	2.60
ING	Term Deposit	A2	A	26-Feb-2020	5,000,000	1.04%	2.75
Westpac Banking Corporation	Term Deposit	A1	AA	17-Mar-2020	10,000,000	2.07%	3.10
Members Equity Bank	Floating Rate Note	A2	BBB	05-Apr-2020	10,000,000	2.07%	3.05
Bendigo and Adelaide Bank	Floating Rate Note	A2	BBB	18-Aug-2020	4,000,000	0.83%	BBSW +1.10%
Rabo Bank	Term Deposit	A1	AA	07-Sep-2020	5,000,000	1.04%	3.50

Central Coast Council Summary of Investments as at 30-November-2018							
Financial Institution	Type of Investment	Short Term Rating	Long Term Rating	Maturity Date	Portfolio Balance as at 30 November 2018 \$	As a % of the total Portfolio	Interest Rate %
Suncorp-Metway Limited	Floating Rate Note	A1	A	20-Oct-2020	4,500,000	0.93%	BBSW +1.25%
Suncorp-Metway Limited	Floating Rate Note	A1	A	20-Oct-2020	500,000	0.10%	BBSW +1.25%
National Australia Bank	Term Deposit	A1	AA	10-Dec-2020	5,000,000	1.04%	2.80
Westpac Banking Corporation	Term Deposit	A1	AA	10-Dec-2020	10,000,000	2.07%	2.90
Westpac Banking Corporation	Term Deposit	A1	AA	21-Jun-2021	10,000,000	2.07%	2.07
Rabo Bank	Term Deposit	A1	AA	05-Jul-2021	10,000,000	2.07%	2.92
Westpac Banking Corporation	Floating Rate Note	A1	AA	26-Nov-2021	5,000,000	1.04%	4.87
Newcastle Permanent Building Society	Floating Rate Note	A2	BBB	24-Jan-2022	10,000,000	2.07%	BBSW + 1.65%
Rabo Bank	Term Deposit	A1	AA	12-Dec-2022	10,000,000	2.07%	3.18
Westpac Banking Corporation	Floating Rate Note	A1	AA	27-Nov-2023	5,000,000	1.04%	2.87
NSW Treasury Corporation	Term Deposit	A1	AAA	15-Dec-2028	15,000,000	3.11%	3.00
Total Term Deposit & Bonds:					445,203,000	92.25%	
TOTAL PORTFOLIO					482,619,879	100.00%	
Current					338,619,879	70.16%	
Non-Current					144,000,000	29.84%	
TOTAL PORTFOLIO					482,619,879	100.00%	

Central Coast Council

Summary of Restrictions 30-November-2018

Fund	Source of Funds	Principal Amount
		\$'000
GENERAL FUND	Loans	0
	Unexpended grants	10,929
	Contributions to works	6,493
	Developer Contributions	79,281
	Developer Contributions (VPA)	2,535
	Developer Contributions (Bonus Provisions)	4,918
	RMS Advances	744
	Self Insurance	6,320
	Stormwater Levy	1,159
	Waste Management (Tip Rehabilitation)	27,712
	Unexpended Contributions	0
	Other Crown Land	1,410
	Holiday Park Surplus	9,301
	Cemeteries Surplus	749
	Internal commitments	84,133
	TOTAL GENERAL FUND RESTRICTIONS	235,684
DRAINAGE FUND	Developer Contributions	28,183
	Contributions to works	100
	Unexpended grants	13
	Internal commitments	543
	TOTAL SEWER FUND RESTRICTIONS	28,839
SEWER FUND	Developer Contributions	20,146
	Developer Contributions (VPA)	389
	Developer Contributions (Prepaid)	0
	Contributions to works	85
	Unexpended grants	303
	Loans	0
	Self Insurance	1,522
	Internal commitments	1,034
	TOTAL SEWER FUND RESTRICTIONS	23,479
WATER FUND	Developer Contributions	37,000
	Developer Contributions (VPA)	2,326
	Developer Contributions (Prepaid)	0
	Unexpended grants	2,416
	Self Insurance	611
	Contributions to works	120
	Internal commitments	1,007
	TOTAL WATER FUND RESTRICTIONS	43,480
DOMESTIC WASTE FUND	Domestic Waste Management	57,021
	Unexpended grants	1,747
	TOTAL WASTE FUND RESTRICTIONS	58,768
	TOTAL RESTRICTED FUNDS	390,249

Item No: 4.6
Title: Investment Report for December 2018
Department: Finance and Information



29 January 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13426748
Author: Devini Susindran, Financial Accountant Treasury and Taxation
Manager: Carlton Oldfield, Unit Manager, Financial Services
Executive: Shane Sullivan, Acting Director Governance

Report Purpose

To present the monthly report on the investment portfolio as required in accordance with cl. 212 of the *Local Government (General) Regulation 2005*.

Summary

This report details Council's investments as at 31 December 2018.

Recommendation

That Council receive the Investment Report for December 2018.

Background

Council's investments are made in accordance with the *Local Government Act 1993*, *Local Government (General) Regulation 2005*, the investment policy adopted at the Ordinary Council Meeting on 27 November 2017, Ministerial Investment Order issued February 2011 and Division of Local Government (as it was then known) Investment Policy Guidelines published in May 2010.

Current Status

Council's current cash and investment portfolio totals \$491.71million at 31 December 2018.

Source of Funds	Value (\$'000)
Investment Portfolio	\$470,628
Transactional accounts (per bank statements) and cash in hand	\$21,080
Total	\$491,708

This investment report will focus on the investment portfolio of \$470.63million.

4.6 Investment Report for December 2018 (contd)

Cash flows are managed primarily through term deposit and floating rate note maturities, with a net outflow of \$12.0 million in December 2018 due to a spike in supplier payments prior to Christmas.

Total net return on the portfolio for Council, in December was \$1.1m, comprising entirely of interest earnings. The total value of the Council's investment portfolio as at 31 December 2018 is outlined in Table 1 below.

Table 1 – Portfolio movement

Description	2017-18 Financial Year \$'000	Quarter 1 2018 \$'000	October 2018 \$'000	November 2018 \$'000	December 2018 \$'000	FYTD 2019 \$'000
Opening Balance	409,890	467,254	470,791	464,809	482,620	467,254
Movement for the period	57,364	3,537	(5,982)	17,811	(11,992)	3,374
Closing Balance	467,254	470,791	464,809	482,620	470,628	470,628
Interest earnings	11,625	3,012	1,065	1,018	1,110	6,205

Council's investments are evaluated and monitored against a benchmark appropriate to the risk (Standard and Poor's BBB long term or above) and time horizon of the investment concerned. Council's investment portfolio includes rolling maturity dates to ensure that Council has sufficient funds at all times to meet its obligations. A summary of the term deposit and floating rate notes maturities are listed in Table 2 below.

Table 2 - Investment Maturities

Time Horizon	Percentage Holdings	Maturity on or before	Value \$'000
At Call	1.15%	Immediate	5,425
Investments			
0 - 3 months	14.02%	Mar-2019	66,000
4 - 6 months	20.92%	Jun-2019	98,453
7 - 12 months	36.49%	Dec-2019	171,750
1 - 2 years	13.60%	Dec-2020	64,000
2 - 3 years	5.31%	Dec-2021	25,000
3 - 4 years	4.25%	Dec-2022	20,000
4 - 5 years	4.25%	Dec-2023	20,000
Total Investments	98.85%		465,203
Total Portfolio	100.00%		470,628

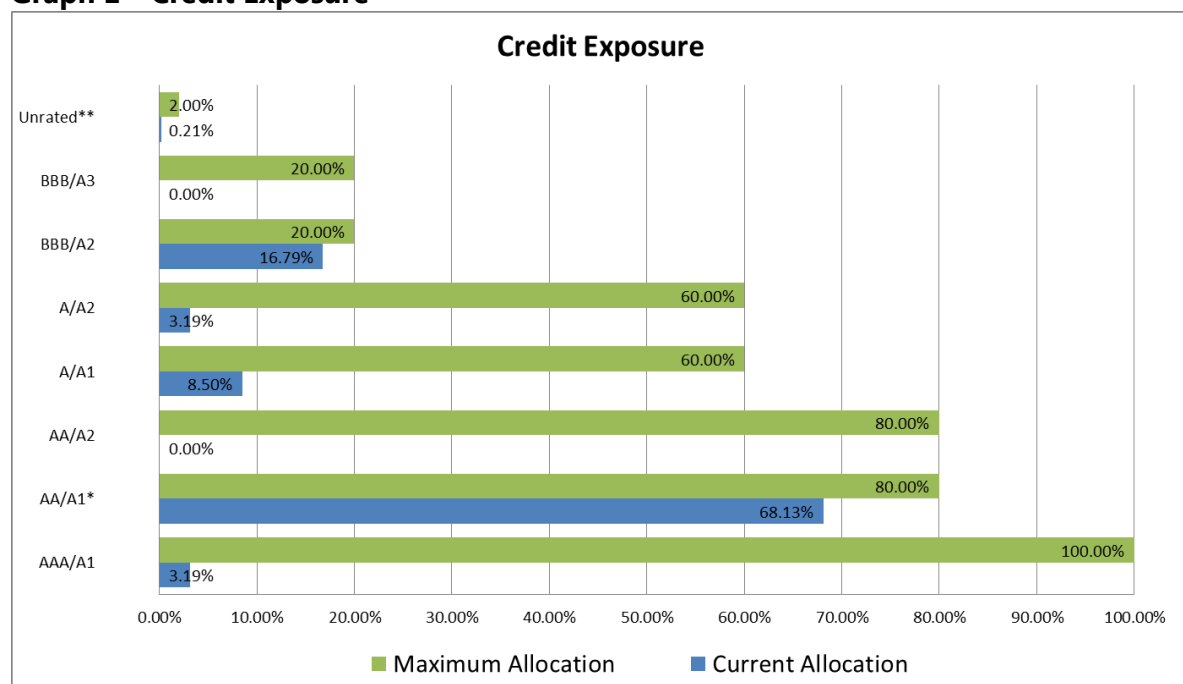
The investment portfolio is concentrated in A1/AA (68.13%) and A2/BBB (16.79%).

The investments in A1/AA are of a higher credit rating and A2/BBB represented the best returns at the time of investment within Policy guidelines. Financial institutions issuing fixed income investments and bonds are considered investment grade (IG) if its credit rating is BBB or higher by Standard and Poor (S&P).

Council continues to monitor the portfolio and manage investments taking into consideration credit ratings of financial institutions, interest rates offered for the maturity dates required and the amount of our investment portfolio already held with each financial institution.

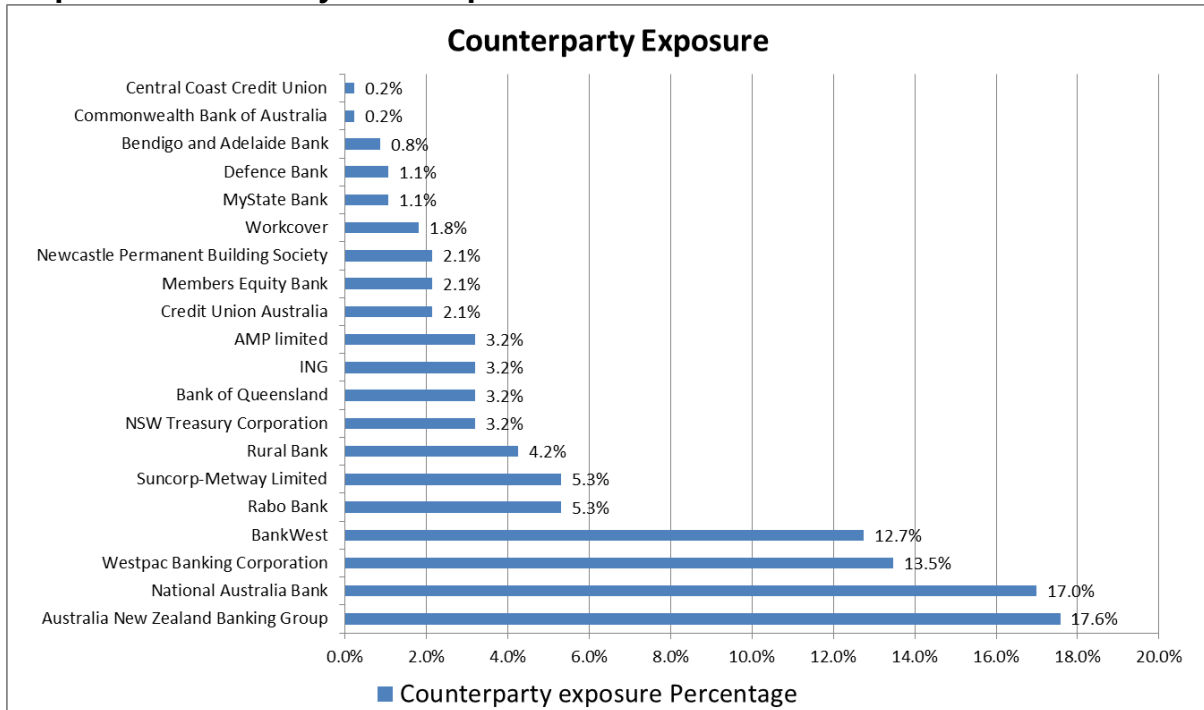
The current spread of investments is listed in Graph 1 and counter party credit exposure is listed in Graph 2.

Graph 1 – Credit Exposure



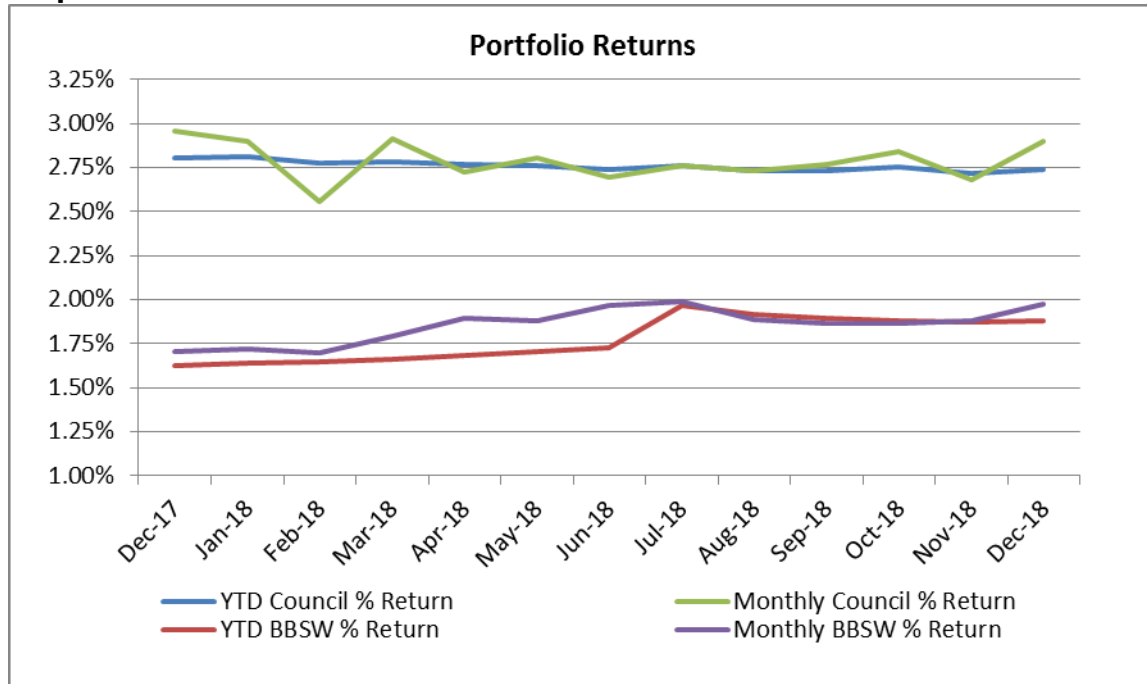
* **AA/A1:** Council has provided security for self-insurance by way of a term deposit invested in an ADI (with a short term S & P rating of A1) through State Insurance Regulatory Authority (formerly WorkCover NSW). This security has been included as part of Council's investment portfolio. Council regularly conducts a review to identify the optimal security providing Council with the best return possible.

** **Unrated:** Unrated investment comprises of a term deposit with Central Coast Credit Union

Graph 2 - Counter Party Credit Exposure

Portfolio Return

Interest rates on investments in the month, ranged from 2.40% to 4.87%, all of which exceeded the annualised monthly Bank Bill Swap Rate (BBSW) benchmark of 1.97%. The annualised financial year to date return for December of 2.74% for Central Coast Council is favourable compared to benchmark bank bill swap (BBSW) *financial year to date* Bank Bill Index of 1.88% as shown in Graph 3 - Portfolio returns.

Graph 3 – Portfolio Returns**Council's portfolio by Source of Funds**

Council is required to restrict funds received for specific purposes. Restricted funds consist of funds in the investment portfolio and in transactional accounts as follows:

Source of Funds	Value (\$'000)
Investment Portfolio	\$470,628
Transactional accounts	\$21,080
Total	\$491,708
Restricted Funds	\$390,249
Unrestricted Funds	\$101,459

Attachment 1 details Investments by Type held by Council at 31 December 2018 and Attachment 2 details Restrictions for Council by fund as at 30 November 2018. The restrictions for December 2018 will be finalised after completion of the financial statements for the month.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

G4: Serve the community by providing great customer experience, value for money and quality services.

Attachments

- | | | |
|----------|---|-----------|
| 1 | Summary of Investments by Type 31 December 2018 | D13427428 |
| 2 | Summary of restrictions at 30 November 2018 | D13427415 |

Central Coast Council Summary of Investments as at 31-December-2018							
Financial Institution	Type of Investment	Short Term Rating	Long Term Rating	Maturity Date	Portfolio Balance as at 31 December 2018 \$	As a % of the total Portfolio	Interest Rate %
CASH AT CALL:							
Westpac Banking Corporation	Corporate Investment Account	A1	AA	Daily	4,423,707	0.94%	1.60
Workcover	At Call Deposit	A1	AA	Daily	-	0.00%	1.60
Bankwest	At Call Deposit	A1	AA	Daily	1,564	0.00%	1.75
Commonwealth Bank of Australia	Business On-line Saver	A1	AA	Daily	1,000,000	0.21%	1.20
Total Cash At Call					5,425,271	1.15%	
TERM DEPOSITS, FLOATING RATE NOTES & BONDS:							
National Australia Bank	Term Deposit	A1	AA	03-Jan-2019	10,000,000	2.12%	2.52
Australia New Zealand Banking Group	Term Deposit	A1	AA	29-Jan-2019	10,000,000	2.12%	2.55
National Australia Bank	Term Deposit	A1	AA	12-Feb-2019	10,000,000	2.12%	2.45
Central Coast Credit Union	Term Deposit	Unrated	Unrated	16-Feb-2019	1,000,000	0.21%	2.75
Westpac Banking Corporation	Floating Rate Note	A1	AA	25-Feb-2019	5,000,000	1.06%	BBSW + 0.94%
Suncorp-Metway Limited	Term Deposit	A1	A	26-Feb-2019	10,000,000	2.12%	2.67
Australia New Zealand Banking Group	Term Deposit	A1	AA	06-Mar-2019	10,000,000	2.12%	2.75
Australia New Zealand Banking Group	Term Deposit	A1	AA	20-Mar-2019	10,000,000	2.12%	2.40
National Australia Bank	Term Deposit	A1	AA	03-Apr-2019	10,000,000	2.12%	3.10
Australia New Zealand Banking Group	Term Deposit	A1	AA	17-Apr-2019	10,000,000	2.12%	2.69
Workcover	Term Deposit	A1	AA	18-Apr-2019	8,453,000	1.80%	2.72
Australia New Zealand Banking Group	Term Deposit	A1	AA	02-May-2019	10,000,000	2.12%	2.70
Australia New Zealand Banking Group	Term Deposit	A1	AA	15-May-2019	10,000,000	2.12%	2.70
Bank of Queensland	Term Deposit	A2	BBB	27-May-2019	10,000,000	2.12%	2.75
AMP Limited	Term Deposit	A1	A	04-Jun-2019	5,000,000	1.06%	2.85
Defence Bank	Term Deposit	A2	BBB	04-Jun-2019	5,000,000	1.06%	2.86
AMP Limited	Floating Rate Note	A1	A	11-Jun-2019	5,000,000	1.06%	BBSW +1.10%
AMP Limited	Term Deposit	A1	A	18-Jun-2019	5,000,000	1.06%	2.90
ING	Term Deposit	A2	A	18-Jun-2019	5,000,000	1.06%	2.70
Bank of Queensland	Term Deposit	A2	BBB	24-Jun-2019	5,000,000	1.06%	2.75
National Australia Bank	Term Deposit	A1	AA	28-Jun-2019	10,000,000	2.12%	2.80
Bankwest	Term Deposit	A1	AA	03-Jul-2019	10,000,000	2.12%	2.80
Credit Union Australia	Term Deposit	A2	BBB	03-Jul-2019	10,000,000	2.12%	2.82
Rural Bank	Term Deposit	A2	BBB	09-Jul-2019	10,000,000	2.12%	2.85
Bankwest	Term Deposit	A1	AA	17-Jul-2019	10,000,000	2.12%	2.78
Suncorp-Metway Limited	Term Deposit	A1	A	19-Jul-2019	10,000,000	2.12%	2.76
Australia New Zealand Banking Group	Floating Rate Note	A1	AA	25-Jul-2019	2,750,000	0.58%	BBSW + 0.82%
Rural Bank	Term Deposit	A2	BBB	06-Aug-2019	10,000,000	2.12%	2.85
National Australia Bank	Term Deposit	A1	AA	19-Aug-2019	10,000,000	2.12%	2.80
MyState Bank	Term Deposit	A2	BBB	03-Sep-2019	5,000,000	1.06%	2.85
National Australia Bank	Term Deposit	A1	AA	03-Sep-2019	5,000,000	1.06%	2.80
National Australia Bank	Term Deposit	A1	AA	17-Sep-2019	10,000,000	2.12%	2.64
Westpac Banking Corporation	Term Deposit	A1	AA	24-Sep-2019	4,000,000	0.85%	3.20
Bankwest	Term Deposit	A1	AA	02-Oct-2019	10,000,000	2.12%	2.66
Australia New Zealand Banking Group	Term Deposit	A1	AA	15-Oct-2019	10,000,000	2.12%	2.77
Bankwest	Term Deposit	A1	AA	16-Oct-2019	10,000,000	2.12%	2.68
Bankwest	Term Deposit	A1	AA	30-Oct-2019	10,000,000	2.12%	2.69
Australia New Zealand Banking Group	Term Deposit	A1	AA	12-Nov-2019	10,000,000	2.12%	2.78
Westpac Banking Corporation	Term Deposit	A1	AA	25-Nov-2019	10,000,000	2.12%	2.73
ING	Term Deposit	A2	A	13-Dec-2019	5,000,000	1.06%	2.83
National Australia Bank	Term Deposit	A1	AA	16-Dec-2019	10,000,000	2.12%	2.70
Bankwest	Term Deposit	A1	AA	20-Jan-2020	10,000,000	2.12%	2.60
ING	Term Deposit	A2	A	26-Feb-2020	5,000,000	1.06%	2.75
Westpac Banking Corporation	Term Deposit	A1	AA	17-Mar-2020	10,000,000	2.12%	3.10
Members Equity Bank	Floating Rate Note	A2	BBB	05-Apr-2020	10,000,000	2.12%	3.05

Central Coast Council Summary of Investments as at 31-December-2018							
Financial Institution	Type of Investment	Short Term Rating	Long Term Rating	Maturity Date	Portfolio Balance as at 31 December 2018 \$	As a % of the total Portfolio	Interest Rate %
Bendigo and Adelaide Bank	Floating Rate Note	A2	BBB	18-Aug-2020	4,000,000	0.85%	BBSW +1.10%
Rabo Bank	Term Deposit	A1	AA	07-Sep-2020	5,000,000	1.06%	3.50
Suncorp-Metway Limited	Floating Rate Note	A1	A	20-Oct-2020	4,500,000	0.96%	BBSW +1.25%
Suncorp-Metway Limited	Floating Rate Note	A1	A	20-Oct-2020	500,000	0.11%	BBSW +1.25%
National Australia Bank	Term Deposit	A1	AA	10-Dec-2020	5,000,000	1.06%	2.80
Westpac Banking Corporation	Term Deposit	A1	AA	10-Dec-2020	10,000,000	2.12%	2.90
Westpac Banking Corporation	Term Deposit	A1	AA	21-Jun-2021	10,000,000	2.12%	2.07
Rabo Bank	Term Deposit	A1	AA	05-Jul-2021	10,000,000	2.12%	2.92
Westpac Banking Corporation	Floating Rate Note	A1	AA	26-Nov-2021	5,000,000	1.06%	4.87
Newcastle Permanent Building Society	Floating Rate Note	A2	BBB	24-Jan-2022	10,000,000	2.12%	BBSW + 1.65%
Rabo Bank	Term Deposit	A1	AA	12-Dec-2022	10,000,000	2.12%	3.18
Westpac Banking Corporation	Floating Rate Note	A1	AA	27-Nov-2023	5,000,000	1.06%	2.87
NSW Treasury Corporation	Term Deposit	A1	AAA	15-Dec-2028	15,000,000	3.19%	3.00
Total Term Deposit & Bonds:					465,203,000	98.85%	
TOTAL PORTFOLIO					470,628,271	100.00%	
Current					341,628,271	72.59%	
Non-Current					129,000,000	27.41%	
TOTAL PORTFOLIO					470,628,271	100.00%	

Central Coast Council

Summary of Restrictions 30-November-2018

Fund	Source of Funds	Principal Amount
		\$'000
GENERAL FUND	Loans	0
	Unexpended grants	10,929
	Contributions to works	6,493
	Developer Contributions	79,281
	Developer Contributions (VPA)	2,535
	Developer Contributions (Bonus Provisions)	4,918
	RMS Advances	744
	Self Insurance	6,320
	Stormwater Levy	1,159
	Waste Management (Tip Rehabilitation)	27,712
	Unexpended Contributions	0
	Other Crown Land	1,410
	Holiday Park Surplus	9,301
	Cemeteries Surplus	749
	Internal commitments	84,133
	TOTAL GENERAL FUND RESTRICTIONS	235,684
DRAINAGE FUND	Developer Contributions	28,183
	Contributions to works	100
	Unexpended grants	13
	Internal commitments	543
	TOTAL SEWER FUND RESTRICTIONS	28,839
SEWER FUND	Developer Contributions	20,146
	Developer Contributions (VPA)	389
	Developer Contributions (Prepaid)	0
	Contributions to works	85
	Unexpended grants	303
	Loans	0
	Self Insurance	1,522
	Internal commitments	1,034
	TOTAL SEWER FUND RESTRICTIONS	23,479
WATER FUND	Developer Contributions	37,000
	Developer Contributions (VPA)	2,326
	Developer Contributions (Prepaid)	0
	Unexpended grants	2,416
	Self Insurance	611
	Contributions to works	120
	Internal commitments	1,007
	TOTAL WATER FUND RESTRICTIONS	43,480
DOMESTIC WASTE FUND	Domestic Waste Management	57,021
	Unexpended grants	1,747
	TOTAL WASTE FUND RESTRICTIONS	58,768
	TOTAL RESTRICTED FUNDS	390,249

Item No: 4.7
Title: Request to audit Central Coast Airport
Department: Governance



29 January 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13432878

Executive: Shane Sullivan, Acting Director Governance

Report Purpose

The purpose of this report is to provide an update on the outcome of Council's request to the Auditor General of NSW, Margaret Crawford for an independent financial audit and performance review of Central Coast Airport.

Recommendation

That Council note the advice from the Auditor General as attached.

Background

At the Ordinary Meeting of 26 November 2017 Council resolved to:

1081/18 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*

- 1082/18 *That Council request the Chief Executive Officer to report on a quarterly basis to Council on progress of the investigation.*
- 1083/18 *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*

In accordance with the resolution Council wrote to the Auditor General on 4 December 2018.

Subsequent to Council writing to the NSW Auditor General the NSW Audit Office contacted Council for further information which was provided as requested.

The attached response was received by Council on 10 January 2019 and is now provided to Council for their information.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

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

Attachments

- | | |
|--|-----------|
| 1 Auditor General response - Independent Financial Audit - Performance Review - Central Coast Airport | D13433183 |
|--|-----------|



Mr Gary Murphy
Chief Executive
Central Coast Council
PO Box 21
GOSFORD NSW 2250

Contact: Karen Taylor
Phone no: 02 9275 7311
Our ref: D1831063/1710

2 | December 2018

Dear Mr Murphy

Request to audit Central Coast Airport

Thank you for your letter dated 4 December 2018, requesting an independent financial audit and performance review of Central Coast Airport.

Our mandate commenced on 1 October 2016 covering NSW local councils and council entities. Your request covers a longer time period and wider scope than our mandate allows.

As part of our 2018–19 audit of the financial statements of Central Coast Council we will examine the airport transactions and balances.

Our performance audit program covers broad areas across the local government sector and is published on our website.

If you would like to discuss any of the matters raised in this letter, please contact me on 02 9275 7101 or Karen Taylor on 02 9275 7311.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Margaret Crawford".

Margaret Crawford
Auditor-General of NSW

Item No: 4.8
Title: 2018/19 Capital Works Project Status
Department: Roads Transport Drainage and Waste



29 January 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13434292

Author: Felicity Rivers, Executive Administration Officer

Manager: Michelle Best, Financial Controller

Executive: Boris Bolgoff, Director, Roads Transport Drainage and Waste

Report Purpose

The purpose of this report is to provide a status report against capital works as at 31 December 2018 and to seek Council approval to add additional capital works projects to the current program, which include three (3) grant funded projects.

Recommendation

- 1 That Council receive the report on 2018/19 Capital Works Project Status.**
- 2 That Council adopt the proposed changes to the capital works program consisting of 65 projects and a proposed budget increase of \$3.045 million.**

Background

A status report of the capital works program is provided on a monthly basis.

Capital Works Status Report (attachment 1)

The attached status report regarding capital projects is provided for the information of Councillors. The update details the current delivery of Capital Works projects for the 2018/19 financial year.

Information Management and Technology are tracking slightly behind schedule due to delays in onboarding temporary project resources. A plan is in place to ensure project deliverables are achieved within the agreed timeframes.

Roads Transport Drainage and Waste has under-expenditure which is attributed to some project savings in Terrigal upgrade works and Lake Road. There are also some minor delays due to contractor availability and wet weather the previous month. All planned projects are anticipated to be completed by 30 June 2019 with the exception of Pile Road upgrade works due to legal negotiations and land acquisition.

Delays to Adcock Park redevelopment have been identified due to ground conditions and drainage requirements. This was reported at a recent Council briefing session.

Delays are being experienced with Memorial Park Refurbishment, Terrigal Carpark enabling work and the Margaret Street Community Building which are all proposed to commence in March 2019.

Due to the age of the air conditioner and site constraints, the Peninsula Leisure Centre air handling system upgrade will need to be re-scoped and will be postponed for delivery in 2019/20.

Some Coastal Protection projects are tracking behind schedule and will be reviewed as part of the quarterly adjustment process.

Scope and delivery timeframe are currently being reviewed for the following projects:

- Winney Bay Cliff Top Walk
- EDSACC South amenities rebuild after the fire
- Construction of a Regional Skate Park and Play Space

Overall, the majority of Departments are on track to deliver their capital projects by the end of this financial year even though year to date actuals are tracking behind schedule.

Proposed New Projects and Grant Funding

Council has received confirmation of grant funding for 3 new projects totalling \$2.72 million (details identified in below table):

Project Number	Project Description	Description of Proposed Budget Amendment	Approved Full Year Budget	Proposed Variation \$'000	Proposed Full Year Budget
New	Peninsular Leisure Centre - Water Play Park	Stronger Country Communities grant funding confirmed.		850	850
New	Upgrade Greenfield Road Empire Bay to include kerb and gutter, drainage and shared path	Stronger Communities Fund grant funding confirmed		1,800	1,800
New	Carpark remediation Davistown Progress Association	Stronger Communities Fund grant funding confirmed		65	65

Additionally, Council has reprioritised works resulting in an additional \$330,000 to the Connected Communities capital works program. The total increase to the capital works program across Council is proposed at \$3.045 million. A summary of the new projects is identified in the table below. A detailed list of the proposed budget change can be found via the 2018/19 Grant Funding and Proposed Budget Changes document (attachment 2).

Directorate	Total number of projects	Proposed Variation \$'000	Proposed Full Year Budget
Connected Communities	63	\$1,180	\$3,632
Roads Transport Drainage and Waste	2	\$1,865	\$1,865

In order for works to commence on these projects, this report proposes an increase to the capital works program to recognise these projects. The grant funding will be recognised as capital income to fund the additional capital works.

Further, complexities discovered during the project investigation and planning phase of the Air Handling System Upgrade project at Peninsular Leisure Centre have resulted in the need to delay this project until 2019-20.

A number of other projects which are able to be brought forward and delivered this financial year have been identified. This report proposes a reallocation of funding to enable the delivery of these projects earlier than anticipated.

Link to Community Strategic Plan

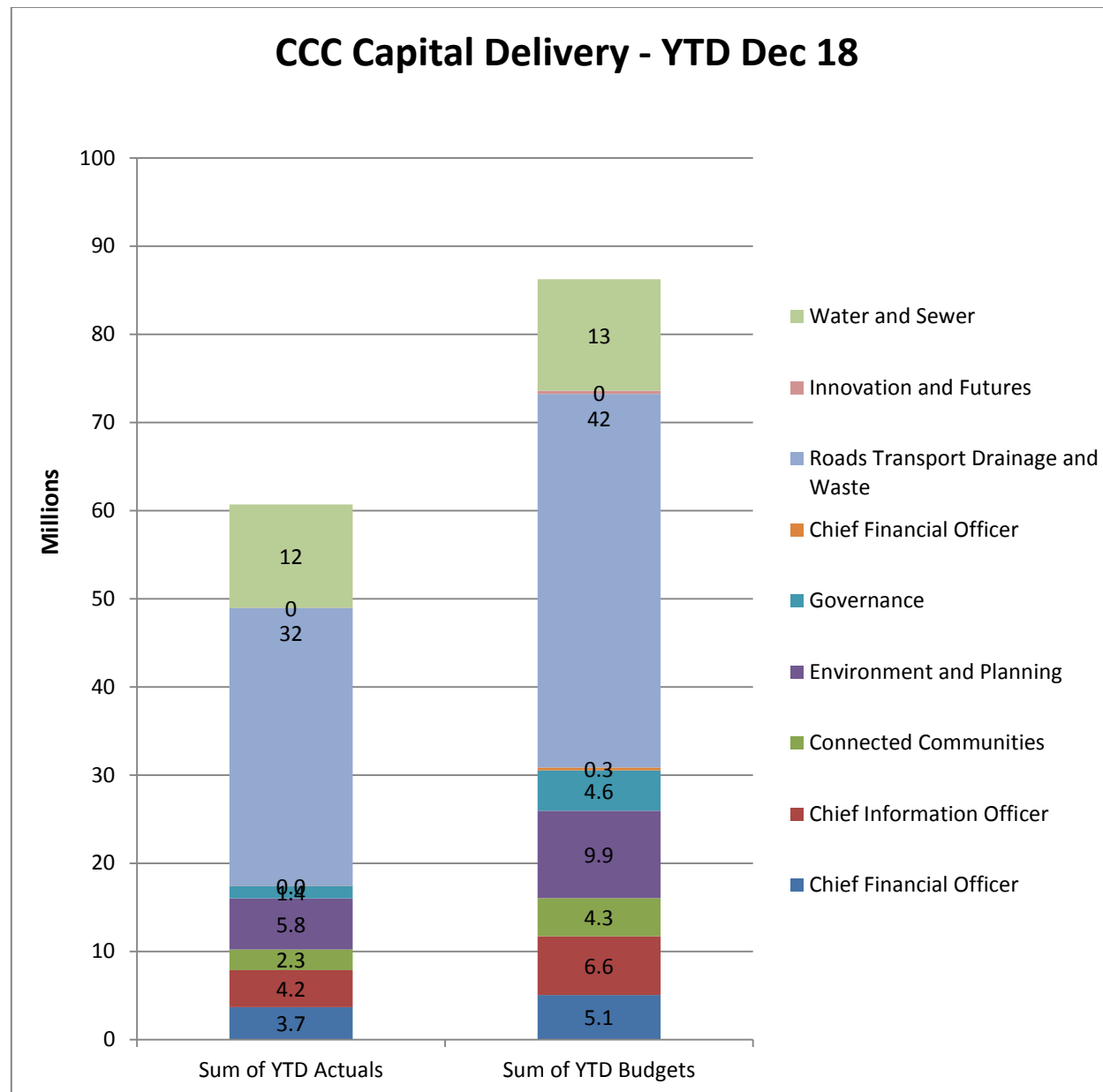
Theme 4: Responsible

ChooseGoal

G4: Serve the community by providing great customer experience, value for money and quality services.

Attachments

- | | | |
|----------|--|-----------|
| 1 | Capital Works Status Report - December 2018 - Attachment to 29 January 2019 Council report | D13437355 |
| 2 | 2018_19 Grant Funding and Proposed Budget Changes - Attachment to 29 January 2019 Council report | D13437356 |



On Track	
Delayed – but to be delivered by 30 June 2019	
Need to postpone to another year or remove project	

Roads Transport Drainage and Waste Top 5 Projects by \$ value.									
Project Name	Description	CSP Link	Total 18/19 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Anticipated completion date	Traffic light	Commentary for public and Councillors
Wisemans Ferry Road, Somersby – Stage 2 Road and Drainage Upgrade	Upgrade of road infrastructure including installation of stormwater drainage, construction of kerb and gutter, footpath and road pavement works	Responsible Delivering essential infrastructure	\$3,500,000	\$962,568	\$1,850,001	52%	June 2019		The project is staged with works having continued into 2018/19 as planned. The project is on track for completion by 30 June 2019.
Lake Road, Tuggerah – Drainage Upgrade	Upgrade of drainage infrastructure including installation of stormwater drainage, construction of headwalls and inlet structures	Responsible Delivering essential infrastructure	\$2,363,777	\$1,533,157	\$2,363,777	65%	Nov 2018		The project has been completed as planned with some budget savings.
Lake Road, Tuggerah – Road Upgrade	Upgrade of road infrastructure including installation of kerb and gutter, footpath and road pavement works	Responsible Delivering essential infrastructure	\$2,358,000	\$2,526,431	\$2,358,000	107%	Nov 2018		The project has been completed as planned.
Terrigal CBD, Terrigal – Stage 1 Traffic Flow and Pedestrian Access Improvements	Upgrade of road infrastructure including installation of pedestrian facilities, roundabout, traffic lights and construction of kerb and gutter, footpath and road pavement works	Responsible Delivering essential infrastructure	\$2,346,000	\$2,072,912	\$1,303,333	159%	Nov 2018		The project is staged with works having continued into 2018/19 as planned. The traffic improvements have been completed with project savings due to efficiencies in procurement. Additional public domain and civil works have been deferred until the end of the peak tourist season of March 2019.
Eloora Road, Long Jetty – Stage 2 Road Upgrade	Upgrade of road infrastructure including installation of stormwater drainage, construction of kerb and gutter, footpath and road pavement works	Responsible Delivering essential infrastructure	\$1,685,000	\$1,642,887	\$741,400	222%	June 2019		The project is staged with works having continued into 2018/19 as planned. The construction works are tracking ahead of schedule due to contractor availability. The overall project is on track for completion by 30 June 2019.

On Track for delivery of greater than 90% for Unit <i>(project delivery not project spend)</i>	
Potential 80-90% delivery for Unit <i>(project delivery not project spend)</i>	
Less than 80% delivery for Unit <i>(project delivery not project spend)</i>	

Unit Summary						
Business Unit	Total 2018/19 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Traffic light	Commentary for public and Councillors
Roads Assets Planning and Design	\$79,547,831	\$31,235,865	\$41,736,864	75%		574 projects are planned for construction in the 2018/19 financial year. One hundred and seventy five (175) projects have been completed with a further thirty one (31) projects having commenced. The under expenditure is attributed to project savings, phasing issues and delays related to contractor availability. The overall program of works remains on track for completion by 30 June 2019.
Waste Services and Business Development	\$1,774,000	\$314,270	\$639,000	49%		Program on track for completion. 10 projects are planned for 2019-19. 3 projects have been completed and 4 projects have orders placed pending delivery and installation in early 2019. 3 projects scheduled to commence early 2019.

On Track	
Delayed – but to be delivered by 30 June 2019	
Need to postpone to another year or remove project	

Information Management & Technology (IM&T) Top 5 Projects by \$ value.									
Project Name	Description	CSP Link	Total 18/19 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Anticipated completion date	Traffic light	Commentary for public and Councillors
Asset Management	Implement a consolidated Asset Management System	Good Governance & Great Partnerships	\$4,403,639	\$752,107	\$1,034,783	73%	31/12/2019		Project slightly underspent due to phasing of costs and delayed ramp up times. Project is progressing well to achieve delivery of the asset register in quarter one 2019.
Property and Rating	Implement a consolidated property and rating system	Good Governance & Great Partnerships	\$2,882,941	\$679,534	\$773,617	88%	30/06/2019		Budget tracking to plan. Project is progressing and is currently in planning phase with business requirements gathering nearing completion.
Standard Operating Environment	Implement a consolidated modern and secure desktop experience for Central Coast Council staff	Good Governance & Great Partnerships	\$2,831,875	\$244,838	\$800,586	31%	30/12/2019		Organisational change management vendor engaged. Communication, adoption and training plans are in development. Recruitment for technical delivery team is complete. Business application readiness is progressing well with user acceptance testing in planning.
Payroll and Time and Attendance	Implement a consolidated payroll and time and attendance system.	Good Governance & Great Partnerships	\$2,280,411	\$419,533	\$633,875	66%	31/12/2019		Budget is tracking behind due to delays in the Time & Attendance project where a plan is in place to correct. Payroll functional review for payroll product selection being developed.
Human Capital Management	Implement a consolidated human capital management system	Good Governance & Great Partnerships	\$1,715,346	\$112,444	\$351,045	32%	31/12/2019		Budget tracking under due to milestone payments not yet due. Project still on track for completion as planned.

On Track for delivery of greater than 90% for Unit (project delivery not project spend)	
Potential 80-90% delivery for Unit (project delivery not project spend)	
Less than 80% delivery for Unit (project delivery not project spend)	

Unit Summary						
Business Unit	Total 2018/19 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Traffic light	Commentary for public and Councillors
Chief Technology Officer	\$5,796,875	\$636,085	\$1,262,551	50%		All projects are on track. 4 projects are in delivery phases, 1 is on hold and 1 is scheduled for later in the year. Projects are progressing well. Majority of underspend due to revised delivery approach. Phasing will be updated to reflect.
Digital Information Services	\$330,000	\$1,375	\$230,000	1%		Four projects are scheduled for the 2018/19 financial year in Digital Information Services. Upgrade Aerial Photography and Infrared Multispectral imagery project has commenced. Project initiation is yet to commence for the other three projects.
Technology and Customer Services	\$193,000	\$65,398	\$107,000	61%		One project is complete. Two projects are in the planning phase. The fourth project is being reviewed as part of the quarterly adjustment and will likely be consolidated into the Datacentre Transformation Program under the Chief Technology Officer (CTO).
Core Systems Consolidation Program	\$18,788,145	\$3,466,437	\$5,047,198	69%		Budget is tracking mostly to plan with the majority of recruitment activities completed.

On Track	
Delayed – but to be delivered by 30 June 2019	
Need to postpone to another year or remove project	

Governance Top 5 Projects by \$ value.									
Project Name	Description	CSP Link	Total 18/19 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Anticipated completion date	Traffic light	Commentary for public and Councillors
Gosford Cultural Precinct	RPACC and Library plus commercial Building in Gosford	Liveable Smart Green Belonging Responsible	\$4,319,930	\$144,007	\$608,571	24%	2022		Multi Year Project. The Gosford Cultural Precinct recently created as it was previously two separate projects in the RPACC and Library
Wyong Cultural Hub	Creation of a new multi-use community centre to cultivate the Arts and performing community in Wyong	Liveable Belonging Responsible	\$1,412,307	\$106,043	\$1,412,307	8%	2020		Multi Year Project. Delayed project due to design and external funding. Will commence construction in April 2019. There will be a quarterly adjustment.
Racecourse Carpark	Construction of 180 Public Carparks to alleviate parking pressures in Gosford	Liveable	\$1,400,272	\$0	\$200,000	0%	2019		Detailed civil design underway. Anticipated completion June 2019
Enabling works for Terrigal Carpark Stage 2	Relocation of CWA to enable construction of Stage 2 carpark works in Terrigal	Liveable	\$1,130,000	\$5,400	\$1,130,000	.01%	2021		Multi Year Project. Delay with Commencement of Terrigal Carpark stage 2 enabling works due to community user group. Start Date July 2019. There will be a quarterly adjustment.
Terrigal Boardwalk	Construction of a Boardwalk between Terrigal Beach and the Haven	Liveable	\$930,000	\$91,701	\$0	\$0	2020		Multi Year Project. Public Exhibition completed. Funding secured through NSW Government. Report to be provided to Council in early 2019.

On Track for delivery of greater than 90% for Unit <i>(project delivery not project spend)</i>	
Potential 80-90% delivery for Unit <i>(project delivery not project spend)</i>	
Less than 80% delivery for Unit <i>(project delivery not project spend)</i>	

Unit Summary						
Business Unit	Total 2018/19 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Traffic light	Commentary for public and Councillors
Procurement and Projects	\$344,000	\$389	\$90,000	0.4%		Scheduling of staff accommodation related projects to be reviewed to align with corporate strategy.
Business Enterprise	3,204,809	899,370	708,892	126.9%		The higher than 100% spend to forecast is representative of works being completed ahead of plan. Projects remain on track and on budget.
Economic Development and Project Delivery	\$3,027,507	\$508,894	\$3,766,764	14%		<p>Delay with Commencement of Memorial Park Refurbishment due to inability to find a suitable contractor. Work will commence in February 2019.</p> <p>Delay with Commencement of Terrigal Carpark stage 2 enabling works due to community user group. Start Date July 2019</p> <p>Delay with commencement of Margaret Street Community Building as due to external funding. Start date revised to April 2019</p>

On Track	
Delayed – but to be delivered by 30 June 2019	
Need to postpone to another year or remove project	

Connected Communities Top 5 Projects by \$ value.									
Project Name	Description	CSP Link	Total 18/19 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Anticipated completion date	Traffic light	Commentary for public and Councillors
Peninsula Leisure Centre Air Handling System upgrade	Upgrade and replacement of Heating Ventilation Air Conditioning. PLC Blackwall Road, Woy Woy.	Green Environmental Resources for the Future Liveable Healthy Lifestyles for a Growing Community	\$2,451,650	\$13,172	\$18,000	73%	2019/20		Contract plan and Expression of Interest (EOI) being developed. Installation of the system will take place in the 19/20 financial year.
Lake Haven Leisure Centre Upgrade	Roof and cladding replacement including all box gutters, flashings and capping's.	Liveable Healthy Lifestyles for a Growing Community	\$1,292,710	\$4,407	\$0	0%	30 June 19		Scope design and planning to be completed by end December 18. Tender for construction to be undertaken early 2019
Purchase of Library Resources	Renew and replace library collection resources; books, print, audio	Smart A Growing and Competitive Region A Place of Opportunity for People Responsible Good Governance an Great Partnerships	\$790,000	\$392,247	\$314,585	125%	30 June 19		Phasing ahead of schedule due to book industry release trends. Purchasing will reduce and realign to phasing over the next two months. Overall program will be delivered as scheduled.
Anti- Vehicle Mitigation – The Entrance	Hostile Vehicle Mitigation (HVM) measures at The Entrance Waterfront Mall/Memorial Park.	Belonging Our Community Spirit is our Strength	\$600,000	\$24,399	\$60,000	41%	30 June 2019		Stage 1. Design - contract awarded and scheduled to be finalised in October. Stage 2. Construction - To commence February 2019
Community Halls – Implementation of Disability Inclusion Action Plan	Various upgrades at a number of community buildings. A multi-year project. Grant funded project through Stronger Communities Fund.	Liveable Out and about in the fresh air. Healthy Lifestyle for a Growing Community	\$520,000	\$5,180	\$230,000	2.2%	30 June 20		Accessibility audit complete, high priority sites identified for works. Project scoping has been completed and survey and design is in progress at prioritised sites.

On Track for delivery of greater than 90% for Unit (project delivery not project spend)	
Potential 80-90% delivery for Unit (project delivery not project spend)	
Less than 80% delivery for Unit (project delivery not project spend)	

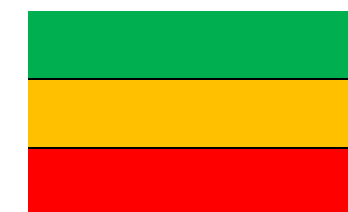
Unit Summary						
Business Unit	Total 2018/19 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Traffic light	Commentary for public and Councillors
Leisure and Lifestyle	\$1,616,000	\$469,824	\$631,000	74%		16 capital projects to be delivered in 2018/19, to upgrade leisure and cultural facilities and equipment. Projects on track for delivery, apart from progressing new leisure and aquatic centre provision in the Northern region of the Central Coast to detailed design.
Community Engagement	\$1,330,000	\$57,119	\$530,000	10.8%		4 projects will be delivered as scheduled for June 2019.
Community Partnerships	\$2,353,000	\$366,763	\$533,000	69%		22 capital projects to be delivered in 2018/19. Three projects are completed, three nearing completion, work well underway on 11 other projects. All projects remain on track for delivery.
Libraries	\$925,000	\$474,495	\$397,502	119%		5 capital projects to be delivered in 2018/19. Two completed and remaining three are on track to deliver as scheduled.
Learning and Education	\$117,000	\$49,910	\$54,500	92%		7 capital projects to be delivered in 2018/19. Three projects now delivered with the remaining four on track for delivery as scheduled.
Facilities and Asset Management	\$9,282,725	\$748,921	\$1,443,025	52%		79 projects are planned for delivery in 2018/19 financial year. 17 projects have been completed year to date.

On Track	
Delayed – but to be delivered by 30 June 2019	
Need to postpone to another year or remove project	

Water and Sewer Top 5 Projects by \$ value.									
Project Name	Description	CSP Link	Total 18/19 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Anticipated completion date	Traffic light	Commentary for public and Councillors
Sewer Pump Station Renewal - Railway Cr Woy Woy (WWMJ)	Renewal of Woy Woy Major Sewer Pump Station.	Environment Operate the sewerage system to minimise sewer overflows Achieve the required sewage treatment plant effluent quality	\$2,872,663	\$715,304	\$1,253,675	57%	1/10/2019		Stage 1 - Construction completed. Stage 2 - Construction contract awarded. Construction programmed to be completed 2019.
Water Main Internal Renewal Program - Region Wide	Program of internally delivered Water Main renewals	Environment Provide a drinking water supply that meets the regulated water quality health and aesthetic related parameters	\$1,720,000	\$415,118	\$820,000	51%	30/06/2019		Program work has commenced, with construction complete at Prince St, Wamberal, Kateena Ave, Tascott, Mondy Cr and cabbage tree, Avoca & Wilkie-king Ave, Saratoga. Crews are currently onsite at The Round Dr, Avoca Beach
Sewer Odour Control Upgrade Program - Region Wide	Installation of new odour control units at Sewer Pumps Stations	Environment Operate the sewerage system to minimise sewer overflows Achieve the required sewage treatment plant effluent quality	\$1,459,743	\$503,613	\$1,194,928	42%	30/06/2019		Design and Construction Contract underway with design component is behind schedule, however physical delivery is programmed to be completed June 2019.

Water and Sewer Top 5 Projects by \$ value.									
Sewer Main Critical Rehabilitation - Region Wide	Program of Sewer Main inspections and renewals	Environment Operate the sewerage system to minimise sewer overflows Achieve the required sewage treatment plant effluent quality	\$1,410,320	\$629,358	\$710,000	89%	30/06/2019		On Track - Design and Construction Contract underway.
Water Treatment Plant Major Upgrade - Mardi	Major upgrade of Mardi Water Treatment Plant	Environment Provide a drinking water supply that meets the regulated water quality health and aesthetic related parameters	\$1,306,000	\$154,232	\$125,000	123%	30/06/2023		On Track – Project will be carried out in multiple phases over several years.

On Track for delivery of greater than 90% for Unit
(project delivery not project spend)
 Potential 80-90% delivery for Unit
(project delivery not project spend)
 Less than 80% delivery for Unit
(project delivery not project spend)



Unit Summary

Business Unit	Total 2018/19 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Traffic light	Commentary for public and Councillors
Water Technical Services and System Control	\$606,000	\$192,362	\$220,000	87%		11 projects are underway for 2018/2019 financial year. 1 project is complete, with all other projects on track.
Water Construction and Project Management	\$21,454,770	\$8,442,470	\$8,542,243	99%		55 projects are underway for the 2018/2019 financial year. 4 Projects are complete. The remaining projects have commenced and are on track. The remaining projects are on hold.
Water Planning and Development	\$5,312,512	\$849,584	\$1,053,068	81%		55 projects are underway for the 2018/2019 financial year. 2 projects are complete. 27 projects are major projects currently in planning phase, with construction expected to span multiple years. These projects are not expected to commence construction in 2018/2019. The remaining projects are on track with 13 projects experiencing minor delays due to the complexity of proposed projects and significant time required to investigate design and delivery options.
Water Assets and Facilities Management	\$7,950,001	\$2,090,847	\$2,522,453	83%		69 projects are underway for the 2018/2019 financial year. 4 projects have been completed. There have been some delays experienced with the procurement of materials, however the overall program is expected to be complete by 30 June 2019.
Director Water and Sewer	\$1,319,647	\$147,070	\$348,081	42%		Program allocation for reactive and emergency asset renewals.

On Track
 Delayed – but to be delivered by 30 June 2019
 Need to postpone to another year or remove project



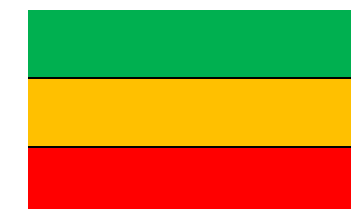
Environment and Planning

Top 5 Projects by \$ value.

Project Name	Description	CSP Link	Total 18/19 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Anticipated completion date	Traffic light	Commentary for public and Councillors
20942. Adcock Park upgrade West Gosford	Upgrade and renewal of Adcock Park Sporting Facility including amenities building, carparks, fields and netball courts.	Healthy Lifestyles for a living community Out and about in the fresh air	\$4,184,728	\$277,829	\$385,000	72%	2020/21	Red	Multi-year project. Tender for Stage 2 design released. Tender for Stage 1 expected to be released February.
18276. Central Coast Regional Sporting Complex Construction	Construction of a regional sporting facility including 9 fields, amenities, field lighting and 500 car parking spots.	Healthy Lifestyles for a living community Out and about in the fresh air	\$2,455,288	\$543,482	\$1,840,000	30%	January 2019	Yellow	Contract is tracking behind schedule however practical completion date is 16 January 2019. Non-contract works will commence after site handover occurs. Works to be complete this financial year.
22553. Construct a Regional Skate Park and Play space	Construct a regional skate park and play space at Lake Munmorah	Healthy Lifestyles for a living community Out and about in the fresh air	\$1,845,000	\$0	\$15,000	0%	2019/20	Red	Multi-year project. Lease of land secured. Currently in design phase, construction phase to be undertaken 2019/20 FY.
19459. Upgrade Avoca Beach South Foreshore	Upgrade of the Avoca Beach foreshore near the surf lifesaving club. This project is to implement the first stages identified in the Master Plan to improve the quality of the foreshore and the resilience to coastal hazards.	Cherished and Protected Natural Beauty	\$1,500,000	\$880,904	\$600,000	147%	October 2019	Green	This project is on track. The project spans three financial years with total funding of \$2.8M from the stronger communities fund. Stage one was successfully delivered between April and October 2018. Stage two is scheduled for construction from April to October 2019. Updates to the design of stage two are underway with tenders to be called in early February.

Environment and Planning									
Top 5 Projects by \$ value.									
18929. EDSACC South Amenities rebuild after fire (Insurance)	Rebuild amenities building like for like after fire.	Healthy Lifestyles for a living community Out and about in the fresh air	\$1,357,000	\$106,612	\$298,000	36%	2019/20		Multi-year project. Tender for design and construction released in December with contract expected to be awarded in February.

On Track for delivery of greater than 90% for Unit
(project delivery not project spend)
 Potential 80-90% delivery for Unit
(project delivery not project spend)
 Less than 80% delivery for Unit
(project delivery not project spend)



Unit Summary						
Business Unit	Total 2018/19 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Traffic light	Commentary for public and Councillors
Open Space and Recreation	\$21,121,765	\$2,961,078	\$5,236,507	57%	Yellow	All projects on track to be delivered this financial year with the exception of: <ul style="list-style-type: none"> Adcock park which is a multi-year project and is being re-phased Lake Munmorah, Munmorah Skate Park and Playground that has been delayed due to land tenure that has now been finalised and will be completed in 2019/20. EDSACC South amenities – Multi-year project.
Natural and Environmental Assets	\$5,524,942	\$1,694,639	\$2,681,651	63.19%	Green	Program remains on track. 29/32 projects are expected to be completed before end of financial year. Three projects currently at risk, Winney Bay Clifftop Walk, and two separate projects for acquisition of NSW RFS bush fire appliances. Project 22615 'Acquire priority conservation land across the Local Government Area (LGA') is late, but is still expected to be able to be delivered before 30/6/19. Consideration of revised budget for Winney Bay Clifftop Walk will need to be given at quarter two as a result of Council's resolution of 10 December 2018. Current budget for this project of \$410K will unlikely now be spent in 2018/19.
Waterways and Coastal Protection	\$6,845,000	\$1,015,857	\$1,925,000	53%	Red	Excluding these projects, 9 of NEA's 32 separate capital funded capital works projects are now 100% complete. Waterways and Coastal Protection have 32 capital projects in the 2018/19 financial year. There are 17 projects on track for delivery with 9 projects at risk of completion by June 2019 and 6 projects identified as not required or deferred to a later FY. Included in the projects not required this FY are a beach access stairway next to Blue Lagoon Beach Resort that has been put on hold while legal issues are reviewed. Another was Installation of Backflow Prevention Valves in low lying areas that is being delivered by the Roads, Transport and Waste Directorate.
Environment and Certification	\$176,554	\$71,669.4	\$15,000	477.8%	Green	Environment and certification has one multi stage project underway. The Terrigal stage of the project is now complete with the Installation of parking sensors in Gosford scheduled for the end of January 2019. This project is due for completion by June 2019.

On Track
 Delayed – but to be delivered by 30 June 2019
 Need to postpone to another year or remove project

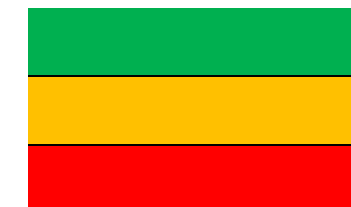
**Finance****Top 5 Projects by \$ value.**

Project Name	Description	CSP Link	Total 18/19 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Anticipated completion date	Traffic light	Commentary for public and Councillors
Earthmoving Plant	Purchase of earthmoving plant	Responsible Good Governance and Great Partnerships Serve the community by providing great customer experience, value for money and quality services	\$4,234,117	\$0	\$350,000	0%	June 2019		100% of renewal program for earthmoving plant has been initiated, including the development of specifications prior to calling for quotations. Orders have been placed for goods yet to be delivered and receipted to the value of \$0.46M. Project to be subject of a quarterly phasing adjustment.
Truck	Purchase of trucks	Responsible Good Governance and Great Partnerships Serve the community by providing great customer experience, value for money and quality services	\$4,436,159	\$790,467	\$1,705,000	46%	May 2019		100% of renewal program for trucks has been initiated, including the development of specifications prior to calling for quotations. Orders have been placed for goods yet to be delivered and receipted to the value of \$2.7M. Project to be subject of a quarterly phasing adjustment.
Light Vehicle	Purchase of light vehicles	Responsible Good Governance and Great Partnerships Serve the community by providing great customer experience, value for money and	\$3,500,890	\$2,284,462	\$999,102	228%	May 2019		97% of renewal program for light vehicles has been initiated, including the development of specifications prior to calling for quotations. Orders have been placed for goods yet to be delivered and receipted to the value of \$0.072M. Project to be subject of a quarterly phasing adjustment.


Finance**Top 5 Projects by \$ value.**

Ancillary Equipment	Purchase of small plant and ancillary equipment	quality services Responsible	\$1,816,740	\$6,412	\$295,814	2%	May 2019		66% of renewal program for ancillary equipment has been initiated, including the development of specifications prior to calling for quotations. Orders have been placed for goods yet to be delivered and receipted to the value of \$0.43M. Project to be subject of a quarterly phasing adjustment.
		Good Governance and Great Partnerships							
		Serve the community by providing great customer experience, value for money and quality services							
Ground Care and Equipment	Purchase of ground care and equipment	quality services Responsible	\$1,863,638	\$294,820	\$1,325,500	22%	May 2019		85% of renewal program for ground care and equipment has been initiated, including the development of specifications prior to calling for quotations. Orders have been placed for goods yet to be delivered and receipted to the value of \$0.11M. Project to be subject of a quarterly phasing adjustment.
		Good Governance and Great Partnerships							
		Serve the community by providing great customer experience, value for money and quality services							

On Track for delivery of greater than 90% for Unit
(project delivery not project spend)
 Potential 80-90% delivery for Unit
(project delivery not project spend)
 Less than 80% delivery for Unit
(project delivery not project spend)



Unit Summary

Business Unit	Total 2018/19 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Traffic light	Commentary for public and Councillors (<i>comments as per previous reporting</i>)
Plant & Fleet	\$17,601,912	\$3,692,831	\$5,063,006	73%		Capital projects on track to be delivered by 30 June 2019. \$4.06M in plant and fleet purchases have been ordered and are committed awaiting goods receipt.

The proposed changes to the 2018/19 capital works program is identified below.

The total increase to the capital works program proposed is \$3.045 million. Details of proposed budget changes can be found in the table below.

Project Number	Project Description	Description of Proposed Budget Amendment	Approved Full Year Budget	Proposed Variation \$'000	Proposed Full Year Budget
Connected Communities					
22271	Air Handling System Upgrade - Peninsula Leisure Centre	Project delayed due to complexities discovered during project investigation and planning. Budget to be deferred to the 2019-20 financial year.	2,452	(2,294)	158
New	Upgrade to Library CCTV	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		60	60
New	Upgrade to Family and Local History Microfilm infrastructure	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		45	45
New	Portable RFID scanner	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		11	11
New	Fit out of Library Courier Van	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		5	5
New	Upgrade Program Room Technology - Toukley Library	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		3	3
New	Upgrade Program Room Technology and storage - Tuggerah Library	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		7	7
New	Upgrade Public Library Catalogue infrastructure	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		15	15
New	Redesign workroom and circulation desk -Toukley Library	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		93	93
New	Replace automatic front doors - The Entrance Library	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		5	5
New	Upgrade to public seating - Kincumber Library	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		6	6
New	Replace carpet - Gosford Library	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		35	35
New	Upgrade to public access computer furniture - Gosford Library	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		3	3
New	Refit workroom area - Erina Library	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		45	45

Project Number	Project Description	Description of Proposed Budget Amendment	Approved Full Year Budget	Proposed Variation \$'000	Proposed Full Year Budget
New	Upgrade public furniture in children, young adult, student and magazine area - Erina Library	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		54	54
New	Upgrade front office administrative space - Lake Haven Library	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		18	18
New	Replacement of shade sail - Kariong Child Care Centre	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		7	7
New	Replacement of playground dividing fencing - Kariong Child Care Centre	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		9	9
New	Replacement of side perimeter fencing and foyer/entry fencing and gates - Terrigal Children's Centre	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		18	18
New	Replacement of shade sails - Terrigal Children's Centre	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		15	15
New	Upgrade of children's bathroom - Little Coast Kids Toukley	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		16	16
New	Replacement of Curtains and Blinds - Umina Child Care Centre	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		10	10
New	Replacement of nappy change area benchtops - Umina Child Care Centre	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		15	15
New	Upgrade of storage system - Little Coast Kids Wyong	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		12	12
New	Toilet upgrades - Denning St Car Park	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		80	80
New	CCTV - Toukley Town Centre	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		100	100
New	Bin Hutches - Wyong Town Centre	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		74	74
New	Replacement of Desk Chairs - Smart Workhub	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		8	8
New	CCTV - Budgewoi Town Centre	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		100	100
New	Pop Up Container - Exhibition/Hub	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		124	124
New	Decorative Lighting for Town Centres	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		203	203

Project Number	Project Description	Description of Proposed Budget Amendment	Approved Full Year Budget	Proposed Variation \$'000	Proposed Full Year Budget
New	CCTV upgrade - Erina Centre and The Hub	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		20	20
New	Air conditioner replacement - Gorokan Pre-School	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		8	8
New	Air conditioner replacement Brooke Ave Childcare Centre	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		8	8
New	Hot Water System replacement - Killarney Pre-School	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		6	6
New	Flooring, CCTV system and upgrade lighting - Mannering Park Hall	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		24	24
New	Install new air conditioner - Myrtle Brush Hall, Berkeley Vale	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		18	18
New	Carpet Replacement - Watanobbi Community Centre	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		12	12
New	Gutter replacement - Spencer Community Hall	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		6	6
New	Replacement of sheeting on carpark roof - CARES Palmdale	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		21	21
New	Ocean facing upstairs window replacement - Reef Restaurant Building	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		27	27
New	Carpet replacement - The Entrance Community Centre, Building B	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		10	10
New	Replace perimeter fencing - Charmhaven Depot	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		106	106
New	Install Zip hot/cold water taps to kitchenettes - Wyong Administration Building A	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		55	55
New	Replace fire suppression to IMT data centre and telemetry rooms - Wyong Administration Building	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		180	180
New	Replace underground carpark lighting with LED sensor lights - Wyong Administration Building	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		15	15
New	Replace fencing - Woy Woy Depot	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		90	90
New	Upgrade carpark lighting - Gosford Administration Building	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		12	12

Project Number	Project Description	Description of Proposed Budget Amendment	Approved Full Year Budget	Proposed Variation \$'000	Proposed Full Year Budget
New	Carpet replacement, roof replacement and gutter and downpipes - Wyong Community & Cultural Centre	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		45	45
New	Upgrade Outdoor Fitness Area to make usable during all weather - Lake Haven Recreation Centre	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		95	95
New	Fencing, lighting upgrades and security improvements - Niagara Park Stadium	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		93	93
New	Development of accessible change room and adult change space - Gosford Pool	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		90	90
New	Fencing upgrades and security improvements - Gosford Pool	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		90	90
New	Feasibility Study to determine expansion opportunities - Niagara Park Stadium	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		80	80
New	Carpet and flooring upgrades - Lake Haven Recreation Centre	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		60	60
New	50m Pool Heater Upgrade - Gosford Pool	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		57	57
New	Audio visual equipment upgrade for all Leisure and Recreation Centres including stereos, display televisions, communications devices and radios	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		50	50
New	Rolling pool hall improvements - works to filters, pump, heaters and pipework - Peninsula Leisure Centre	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		45	45
New	Accessible change room area upgrade - Lake Haven Recreation Centre	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		40	40
New	25m Pool Heater Replacement - Toukley Pool	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		30	30
New	Resurface Stage Floor - Laycock Street Community Theatre	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		25	25
New	Replacement of Auditorium Doors - Laycock Street Community Theatre	Project has been scoped and costed and able to be bought forward and funded via reductions from other projects		13	13
New	Peninsular Leisure Centre - Water Play Park	Stronger Country Communities grant funding confirmed.		850	850
Connected Communities Total			2,452	1,180	3,632

Project Number	Project Description	Description of Proposed Budget Amendment	Approved Full Year Budget	Proposed Variation \$'000	Proposed Full Year Budget
Roads, Transport and Drainage and Waste					
New	Upgrade Greenfield Road Empire Bay to include kerb and gutter, drainage and shared path	Stronger Communities Fund grant funding confirmed		1,800	1,800
New	Carpark remediation Davistown Progress Association	Stronger Communities Fund grant funding confirmed		65	65
Roads, Transport and Drainage and Waste Total				1,865	1,865

Item No: 4.9
Title: Aquatic Weed Management at Springfield Pond - Update
Department: Environment and Planning



29 January 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13426659

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

At its meeting on 26 November 2018, Council considered a report on the aquatic weeds *Salvinia molesta* and *Ludwigia peruviana* at Holgate and Springfield. Resolution 1077/18 included a request for a report to the first Council meeting of 2019. This report provides information about integrated weed management activities at Springfield pond.

Summary

Council commenced an integrated weed management program to control aquatic weeds in Springfield Pond in December 2018 with the release of the biological control, *Salvinia* weevils. Mechanical and chemical control works were then programmed for early January 2019.

Recommendation

That Council receive and note this report.

Context

At its meeting on 26 November 2018 Council considered a report titled Aquatic Weed Management in Springfield and Holgate, and 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.

Current Status

The pond between Clarence Road and Robinia Parade at Springfield has become invaded by aquatic weeds including *Salvinia molesta* and *Ludwigia peruviana*.

Council is required to take action to contain regional priority weeds, including *Salvinia molesta*, as part the *Greater Sydney Regional Strategic Weed Management Plan 2017-2022*. Council resolved to implement an integrated weed management program that includes biological, chemical and mechanical elements for managing the aquatic weeds at Springfield Pond.

Staff have commenced the integrated weed management program aimed at controlling the extent and impact of aquatic weeds on the environmental and aesthetic values of the Springfield Pond. A contractor was engaged to undertake mechanical and chemical weed management works in early January 2019, to follow on from the initial release of the biological control agent, the *Salvinia* weevil, in Springfield Pond on 12 December 2018.

Notifications of Council's intent to apply herbicides at Springfield Pond were delivered to the letter boxes of adjacent residences or were posted to their postal address on 11 December 2018.

The on-going success of the integrated weed management program at Springfield Pond will be monitored and assessed within the coming months. The assessment will include follow up actions, such as the release of the second variety of the biological control agent (if available) in the cooler months. Further action may be required to manage aquatic weeds that remain or reinvade after the January treatment.

Consultation

Council has consulted with representatives of the local community about the integrated weed management program. Adjacent residential properties had notifications delivered or posted on 11 December 2018 to inform adjacent residents of Council's intent to undertake aquatic weed control works, including the use of herbicides.

Consultation was undertaken with the Invasive Species Officer – Biocontrol from the Department of Primary Industries. Discussions have also been held with the Team Leader Central Coast, Greater Sydney Local Land Services and Council's Biosecurity Officer (Weeds).

Financial Impact

A quote was received to undertake January's mechanical and chemical treatment of *Salvinia* at Springfield Pond. The cost of the January treatment works is to be covered by funds in Council's priority weeds program. These funds are typically earmarked for priority and new weed species incursions.

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.

Social Impacts

Local residents in Springfield have expressed their concerns about the negative environmental and aesthetic impacts that aquatic weeds are having on Springfield Pond. The integrated weed management program aims to reduce the environmental impacts of aquatic weeds in the longer term and improve the enjoyment of Springfield Pond by local residents and visitors to the site.

Environmental Considerations

Springfield Pond is located on a tributary of Erina Creek that has its source in Rumbalara Reserve. The damming of the tributary has changed the original flow of the tributary and has created a wetland that provides habitat for a range of aquatic species. An environmental assessment has been undertaken for the integrated weed management program. The environmental assessment has identified a number of control measures to reduce the impact of the works.

Risk Management

Biological controls being used at Springfield Pond are being applied with reference to the Department of Primary Industries guidelines and the *Greater Sydney Regional Strategic Weed Management Plan 2017-2022*.

Critical Dates or Timeframes

Mechanical and chemical weed control works were programmed to commence in early January 2019, pending weather constraints (access to site and application of herbicides may be limited if the site is wet or rainfall is anticipated).

Attachments

Nil.

Item No: 5.1
Title: QON - Q141/18 - Riggs on the Horizon - Response Received
Department: Governance



29 January 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13429402

Author: Kathy Bragg, Acting Section Manager, Governance

Manager: James Taylor, Acting Unit Manager, Governance and Business Services

Executive: Shane Sullivan, Acting Director Governance

5.1 QON - Q141/18 - Riggs on the Horizon - Response Received

The following question was asked by Councillor Best at the Ordinary Meeting on 13 August 2018 :

Council, a few months ago, supported a Motion titled "Riggs on the Horizon" about oil and gas exploration off Norah Head. I would appreciate a report on any progress to date and included in the report a copy of the correspondence requested to be sent to the Federal Government.

As reported to Council on 29 October 2018, correspondence was sent to the Federal Minister for the Environment requesting that the Minister receive a delegation from Council, and requesting that the Minister intervene regarding the oil and gas exploration.

A response has now been received from the Minister for Resources and Northern Australia (attached). The Minister has advised that his Department will be hosting a number of consultation events in early 2019.

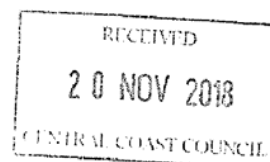
Attachments

1 Response - Seismic Blasting off the Central Coast D13392152



Senator the Hon Matthew Canavan

Minister for Resources and Northern Australia



MC18-003272

Mr Gary Murphy
Chief Executive Officer
Central Coast Council
PO Box 20
WYONG NSW 2259

15 NOV 2018

Dear Mr Murphy *Gary*

Thank you for your letter of 21 September 2018 to the Hon Melissa Price MP, Minister for the Environment, concerning Asset Energy's exploration activity offshore of New South Wales. Your letter has been referred to me as the Minister responsible for offshore exploration. I apologise for the delay in responding.

I understand the Council's concern about the risks of offshore exploration, and appreciate that the New South Wales coastal region is important to the local tourism and fishing industries and deserves strong protection. Exploration for oil and gas offshore of New South Wales, including the collection of extensive geophysical data, has occurred safely for over 30 years.

Australia has one of the most robust regulatory regimes for offshore oil and gas in the world. No petroleum activity, including seismic surveys, can occur without a valid petroleum title and an environment plan accepted by the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA). NOPSEMA's environmental regulation of Australia's oil and gas sector has been subject to independent reviews and NOPSEMA has been found to be a robust and competent regulator.

NOPSEMA's environment plan assessment process involves comprehensive and detailed consideration of the impacts and risks to the environment by the proposed activity. NOPSEMA must not accept an environment plan unless satisfied that these impacts and risks will be reduced to as low as reasonably practicable and to acceptable levels. This includes consideration of potential impacts and risks to other marine users, including tourism, fishing and other regional industries, as well as impacts and risks to the natural environment.

The most recent activity in this area was a seismic survey completed by Asset Energy in April 2018. A summary of the environment plan for the survey is available on the NOPSEMA website, comprising an overview of the activity, environmental impact and risk assessment and the consultation undertaken. NOPSEMA has published a Statement of Reasons for their decision to accept the environment plan. This statement provides detailed information about why the likely impacts to marine species and to commercial and recreational fishing were deemed acceptable and as low as reasonably practicable. A copy of the statement is available on the NOPSEMA website: www.nopsema.gov.au/assets/epdocuments/A591123.pdf.

In November 2017, I announced a series of reforms to improve the consultation practices and transparency of the offshore oil and gas sector. These reforms will ensure the Australian public has a better understanding of the process used to decide where, when and how offshore petroleum activities take place and ensure more information on environmental management is made public. The reforms include a community engagement program to provide the public with more information the petroleum approvals processes for activities in Commonwealth waters.

My department will be hosting a number of consultation events in Newcastle early in the new year. A roundtable meeting is intended to provide councils with an opportunity to find out more about the regulatory processes for offshore oil and gas activities, including seismic activities. Representatives from the department and NOPSEMA will be available to answer questions on regulation and environment approvals.

A community drop-in session will provide members of the public with information about the regulation of offshore petroleum, including seismic activities. Community members will be able to meet with representatives from a number of Commonwealth and New South Wales Government agencies, and ask questions to better understand the roles and responsibilities of each agency. I encourage you to attend the meeting and drop-in session. For more information, contact: offshoreenvironment@industry.gov.au.

Thank you for writing on this matter.

Yours sincerely



Matthew Canavan



Item No: 5.2
Title: QON - Q145/18 - Dying Trees - Warnervale
Department: Environment and Planning

29 January 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13427757

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

Executive: Scott Cox, Director, Environment and Planning

5.2 QON - Q145/18 - Dying Trees - Warnervale

The following question was asked by Councillor Lisa Matthews at the Ordinary Meeting on 27 August 2018:

Could Council have a look at what is causing the die off of trees east of the rail line south of Warnies at Warnervale?

A Council Officer investigated the matter of tree death at the site in Warnervale and found that the reported tree die back is likely to be a natural occurrence. Historic photographs indicate that the die back has been occurring for several years. A review of aerial photographs and observations from the site visit did not identify any illegal tampering that may have caused tree death.

Attachments

Nil.

Item No: 5.3
Title: QON - Q149/18 - State Government Grants
Department: Governance



29 January 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13412153

Author: James Taylor, Acting Unit Manager, Governance and Business Services

Executive: Shane Sullivan, Acting Director Governance

5.3 QON - Q149/18 - State Government Grants

The following question was asked by Councillor Jilly Pilon at the Ordinary Meeting on 27 August 2018 :

With State Government Grants currently available for large tourism projects, can Council staff and Councillors meet asap with Darren McLean from Pico Pty Ltd to be briefed on their experience in the tourism and leisure industry and discuss any potential projects for the Central Coast Region please?

A meeting with representatives from Pico Pty Ltd was attended by the Mayor, Councillor Pilon and Councillor McLachlan on 19 September 2018.

While the meeting was informal (there were no minutes and no commitments given) it did provide an opportunity for a meet and greet and an open discussion regarding the tourism and leisure industry.

Attachments

Nil.



Item No: 5.4
Title: QON - Q184/18 - Affordable Housing Strategy
Department: Connected Communities

29 January 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13422436

Author: Glenn Cannard, Unit Manager, Community Partnerships

Executive: Julie Vaughan, Director, Connected Communities

5.4 QON - Q184/18 - Affordable Housing Strategy

The following question was asked by Councillor Hogan at the Ordinary Meeting on 24 September 2018:

Can staff write a one page report on the difference between social housing, affordable housing and alternative housing?

As per Attachment 1, an Affordable Housing Fact Sheet was developed and provided to Councillors on 2 October 2018.

This information was also made available to the general community.

Attachments

1 Affordable Housing Fact Sheet D13430213



What is affordable housing?

Affordable housing is housing that is appropriate for the needs of a range of households on low to moderate incomes. It is priced so that these households are also able to meet other basic living costs such as food, clothing, transport, education and medical care.

A common benchmark is housing that does not absorb more than 30% of the gross income of very low, low or moderate income households.

There are a range of reasons why anyone in our community might need affordable housing, for example:

- young people seeking to live closer to educational institutions such as TAFE or university
- recently separated people with children, who are now on a single income and can no longer stay in their family home
- older people whose spouse has passed away and are on a reduced retirement income.

There is a common misconception that affordable housing refers only to social or community housing. This is not true - affordable housing is much more than this and a diverse mix of housing types is required to meet the needs of a diverse community.

What is social and community housing?

Social and community housing is government-subsidised housing and supported accommodation for people who cannot afford ordinary housing. Priority for social and community housing goes to those in greatest need.

On the Central Coast, the supply of social and community housing is much lower than in Greater Sydney and is declining. The current waiting list is 10+ years for all types in the former Wyong LGA and is anywhere from 5-10 years in the former Gosford LGA.

What is alternative housing?

Alternative housing is a contemporary approach to affordable housing. It produces a range of housing types such as affordable purchase, affordable rental, and community housing and temporary accommodation suitable for a variety of tenants such as seniors, students and the chronically ill.

Alternative housing is managed by a community housing provider who provides tenancy management as well as tailored support for their tenants. In some cases this could include an onsite caretaker, and programs and activities such as community gardens, literacy and numeracy support and social activities.

Alternative housing is developed according to locational criteria such as being well-located to public transport and close to services, shops and support networks. This allows tenants to easily access what they need.

Alternative housing adheres to a strict set of design guidelines that ensure the character of the neighborhood is maintained and that the floor space and facilities inside the homes are modern and efficient.

What is a New Generation Boarding House?

New Generation Boarding Houses (under SEPP Affordable Rental Housing 2009) can provide affordable accommodation to some very low income singles and couples, and all low and moderate income smaller households in the LGA, and are one of the most affordable types of accommodation in the local housing market context. When managed by a community housing provider, they are affordable to all very low income renters as well. They can also provide flexible and affordable accommodation to very low and low income key workers in hospitality, retail and community services.

What is housing stress?

If you are paying more than 30% of your gross income on housing needs, you are in housing stress. There are 24,200 households on the Central Coast in housing stress. It is estimated this will rise by another 7,000 in the next 20 years.

Housing stress has grown in response to rapidly rising prices for both purchase and rent. This is worsened by low incomes, lack of supply (one and two-bedroom homes) and in migration from lower incomes. The most severely affected are people living alone or those with children.

If you are in housing stress, you are more likely than any other group to become homeless. Not surprisingly, there has been a 35% increase in homelessness over the past five years and up to 8,500 people are currently homeless on the Central Coast.

In 2016, there were around 24,200 households on the Central Coast in 'housing stress'. This equates to one in five households.

Key statistics

- In 2016, there were around 24,200 households on the Central Coast in 'housing stress'. This equates to one in five households.
- 7,300 more households will be in housing stress in less than 20 years: most of these will be people living alone or in families with children.
- There has been a 35% increase in homelessness on the Central Coast from 2011 to 2016: up to 8,500 people are currently homeless.
- There are not enough housing options for people who need affordable private rental and social/ community housing.
- A market snapshot (March 2018) showed that there was NOTHING affordable for very low income renters on the Central Coast.
- There are currently 11,000 older people (70+) in larger homes and affordable down-sizing options are limited (e.g. one or two-bedroom homes).
- There is less medium and higher density development on the Central Coast compared to Sydney, and the Central Coast has experienced little or no proportional growth over the past decade.
- There has been no proportional growth in private rental stock in over 12 years, and an actual decline in the amount of social housing.
- Pressure from the Sydney housing market impacts our residents in three ways: inflated prices, less availability and limited opportunity to find a suitable home.

How do you measure very low to moderate incomes?

Relevant Affordable Housing Income and Cost Benchmarks

	Very low-income household	Low-income Household	Moderate-income household
Income Benchmark	<50% of Gross Median H/H Income for Greater Sydney	50-80% of Gross Median H/H Income for Greater Sydney	80%-120% of Gross Median H/H Income for Greater Sydney
Income Range (2)	<\$897 per week	\$898-\$1,435 per week	\$1,436-\$2,152 per week
Affordable Rental Benchmarks (3)	<\$269 per week	\$269-\$431 per week	\$432-\$646 per week
Affordable Purchase Benchmarks (4)	<\$280,000	\$280,001- \$455,000	\$455,001- \$683,000

In 2016, 57.6% of Central Coast households earned an income below \$2,000 per week. The above information indicates these are very-low through to moderate income households.

Who has been involved to date in the development of the draft Strategy?

The draft Strategy has been developed after extensive research and consultation with key stakeholders. Over 495 stakeholders have been engaged from support services, government and non-government agencies, community groups, church organisations and volunteer charities, developers, real estate agents, social enterprises and community housing providers.

Councillor engagement:

- Councillor briefing held 16 July 2018.
- Councillor briefing held 20 August 2018
- Councillor's period to comment on the draft Strategy and supporting documents prior to public exhibition 20 August through 31 August 2018.

What are the key focus areas of the draft Central Coast Affordable and Alternative Housing Strategy?

The draft Strategy has been developed under three strategic themes:

- Affordable Housing Development and Management Partnerships – 4 recommended actions;
- Planning Mechanisms and Strategies to Increase the Supply of Affordable and Lower Cost Housing – 12 recommended actions.
- Prevention and Intervention to Reduce Homelessness – 7 recommended actions.

Some specific strategies outlined under each of these three themes necessarily overlap. For example, implementing 'Housing First' approaches to address homelessness will be far more feasible with an increase in the supply of appropriate private rental through relevant planning mechanisms, or if a component of housing developed on Council-owned land in a multi-tenure development partnership is ear-marked as Transitional Accommodation for formerly homeless people.

Additionally there are 4 general actions related to benchmarks, definitions, reporting and evaluation.

The public exhibition period is open from Monday 10 September to Monday 22 October. The closing date has been extended from Monday 8 October for a further two weeks, with two community information sessions scheduled.

Community Information Sessions

If you would like to know more about the Central Coast Affordable and Alternative Housing Strategy, please come along to the below information sessions.

Wednesday 17 October

3.30pm-5pm

Wyong Civic Centre

[Register here](#)

Wednesday 17 October

6.30pm - 8pm

The Hub Youth Entertainment Venue Erina

[Register here](#)

How can I provide feedback?

The draft Strategy and supporting research reports are on public exhibition for a period of six weeks from Monday 10 September to Monday 22 October.

These documents can be viewed at Wyong and Gosford Council offices, Council libraries and customer service centres, and online at yourvoiceourcoast.com.

Submissions will be accepted until **5pm Monday 22 October 2018**. Send your submission by:

Email (preferred): ask@centralcoast.nsw.gov.au

Post: PO Box 21, Gosford NSW 2250 or PO Box 20, Wyong NSW 2259

Online: [Submission form](#)

Item No: 5.5
Title: QON - Q188/18 - Sandstone Removal in Pretty Beach
Department: Environment and Planning



29 January 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13408889

Author: Trent Burnham, Section Manager, Parks and Reserves

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

Executive: Scott Cox, Director, Environment and Planning

5.5 QON - Q188/18 - Sandstone Removal in Pretty Beach

The following question was asked by Councillor Gale Collins at the Ordinary Meeting on 8 October 2018:

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

The sandstone blocks currently located near the entry to the dog walk at Pretty Beach are to be formally positioned near the boat ramp in February 2019 to address safety for users of the park furniture in the grassed area beside the boat ramp (the picture below depicts where the sandstone blocks will be placed).





Orange outline depicts site for placement of the sandstone blocks.



Map of Pretty Beach with red outline showing the site area for the sandstone blocks

Attachments

Nil.



Item No: 5.6
Title: QON - Q201/18 - 'Sports Levy' Contributions
Department: Environment and Planning

29 January 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-05 - D13369338
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

5.6 QON - Q201/18 - 'Sports Levy' Contributions

The following question was asked by Councillor Jillian Hogan at the Ordinary Meeting on 8 October 2018:

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

The former Gosford Council Sportsground Levy was consolidated into the general rates revenue.

General rates revenue funds are utilised for the operation and maintenance of sportsgrounds.

Attachments

Nil.

Item No: 5.7
Title: QON - Q203/18 - Enforcing Consent Orders
Department: Environment and Planning



29 January 2019 Ordinary Council Meeting

Trim Reference: F2010/00500 - D13414893
Author: Shann Mitchell, Senior Environmental Health Officer
Manager: Jamie Loader, Unit Manager, Development Assessment
Executive: Scott Cox, Director, Environment and Planning

5.7 QON - Q203/18 - Enforcing Consent Orders

The following question was asked by Councillor Richard Mehrtens at the Ordinary Meeting on 29 October 2018 :

Reports are being received that trees and required green space and landscaping consent orders are not being followed in new developments resulting in rapid decreases in the tree canopy and contributing to the heat island effect in areas like the Peninsula. What options does Council have to ensure development consent orders are complied with when checked by a private certifier?

Private certifiers have statutory obligations set out in the *Environmental Planning & Assessment Act 1979* and the *Building Professionals Act 2005*, to address issues relating to non-compliance with development consent. Private certifiers are regulated by the Building Professionals Board and are subject to accreditation criteria and legislative requirements.

Where a report is made to Council that conditions of consent have not been met, Council can refer the customer to the Private Certifier responsible for the site and if no resolution is found, the customer may be referred to the Building Professionals Board for assistance.

Attachments

Nil.



Item No: 5.8
Title: QON - Q218/18 - Community Garden Policy/Programme
Department: Environment and Planning

29 January 2019 Ordinary Council Meeting

Trim Reference: F2018/00025-02 - D13403808

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

Executive: Scott Cox, Director, Environment and Planning

5.8 QON - Q218/18 - Community Garden Policy/Programme

The following question was asked by Councillor Kyle MacGregor at the Ordinary Meeting on 12 November 2018:

*Does Central Coast Council currently have a community garden policy or programme?
In the event that we do not, are staff currently in the process of formulating one or does Council have intention to develop one?*

Community Gardens are currently managed using the procedures of the two former Councils.

Staff are in the process of preparing a consolidated draft Community Garden Policy. This policy is being prepared with the input of key stakeholders and will be brought to Council for consideration in the first quarter of 2019.

Attachments

Nil.

Item No: 5.9
Title: QON - Q219/18 - Changing a Road, Street or Laneway
Department: Information Management and Technology



29 January 2019 Ordinary Council Meeting

Trim Reference: F2004/06560 - D13414411

Author: Roslyn Young, Section Manager, Spatial & Land Information Services

Manager: Kerryn Austen-Gray, Section Manager, Business Analytics and Reporting Services

Executive: Peter Auhl, Chief Information Officer

5.9 QON - Q219/18 - Changing a Road, Street or Laneway

The following question was asked by Councillor Kyle MacGregor at the Ordinary Meeting on 12 November 2018:

Is Council able to clarify what role, if any, Council can have in altering or changing a road, street or laneways in the Central Coast Council area?

Road naming is legislated under the Roads Act 1993 and Roads Regulation 2018. These Acts empower the authority in charge of the road with the rights to name it.

Council is responsible for naming/re-naming and gazetting road names of the following road class:

- Regional and Local Roads
- Roads over rail bridges on Regional and Local Roads
- Private Roads/Crown Roads
- Right of ways/easements (those intended as roads).

The NSW Addressing User Manual outlines the Geographical Names Board (GNB) policy, principles, process and procedures for addressing and road naming in New South Wales. This manual is related to the following policies and standards; Australian/New Zealand Standard 4819:2011 - Rural and Urban Addressing; NSW Address Policy; NSW Retrospective Address Policy. These documents can be accessed via the following link
http://www.gnb.nsw.gov.au/addressing/nsw_addressing_policies_guidelines.

Section 6.7 of the NSW Addressing User Manual outlines the principles for road naming/re-naming in order to ensure that naming practices in NSW will be of the highest possible standard and will result in intuitively clear road names for all, minimising confusion, errors and omissions.

Specific to requesting a road name change, requests are required to be submitted to Council, who ensures the principles as outlined in Section 6.7 of the NSW Addressing User Manual are met.

If a substantive reason can be provided and all principles are met, a report to the Council will be prepared for consideration to proceed with the re-naming including public consultation as appropriate. Once the consultation process is complete, the Council will need to ratify the proposal by either endorsing for submission to the GNB or discarding/amending the proposal. Final endorsement belongs to the GNB and appeals process if required is to the Roads Minister.

Below is an excerpt from the NSW Addressing User Manual which summarises the above process:

1. Define road extent and select a road name
2. Check name against Gazetteer, Principles and Policies
3. Help and suitability assessment form
4. Consultation with public and authorities
5. Finalise Proposal and submit to GNB
6. GNB Secretariat considers Proposal
7. GNB considers Proposal
8. Update Gazetteer and issue Gazettal notice
9. Appeal decision- referral to Roads Minister
10. Notification and signage

In the case of naming a laneway, the same procedures apply, however this is a case by case consideration. Generally naming a laneway is considered when no alternative addressing can be provided as in many cases the laneways are not sealed roads and also unsuitable for service providers to access.

It should also be noted Government and private agencies update their records at varying intervals, with some agencies receiving updates through third party provision. Consequently delays for the customer do occur, which can cause considerable anxiety, given a registered address is now a pre-requisite for many formal transactions and requests. The use of Google Maps and propriety vehicle GPS systems introduces further complication in respect to the interval with which these systems are updated. As this locational data is highly utilised by service providers, a misalignment with the address also has a flow on effect for all deliveries, affecting both the service provider and the customer/resident.

All of the above is considered when evaluating and submitting a change to a road name.

Attachments

Nil.

Item No: 5.10
Title: QON - Q224/18 - Public Release Documents
Department: Connected Communities



29 January 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13424763

Author: Teresa Walters, Section Manager, Communication and Engagement

Manager: Sue Ledingham, Unit Manager Community Engagement

Executive: Julie Vaughan, Director, Connected Communities

5.10 QON - Q224/18 - Public Release Documents

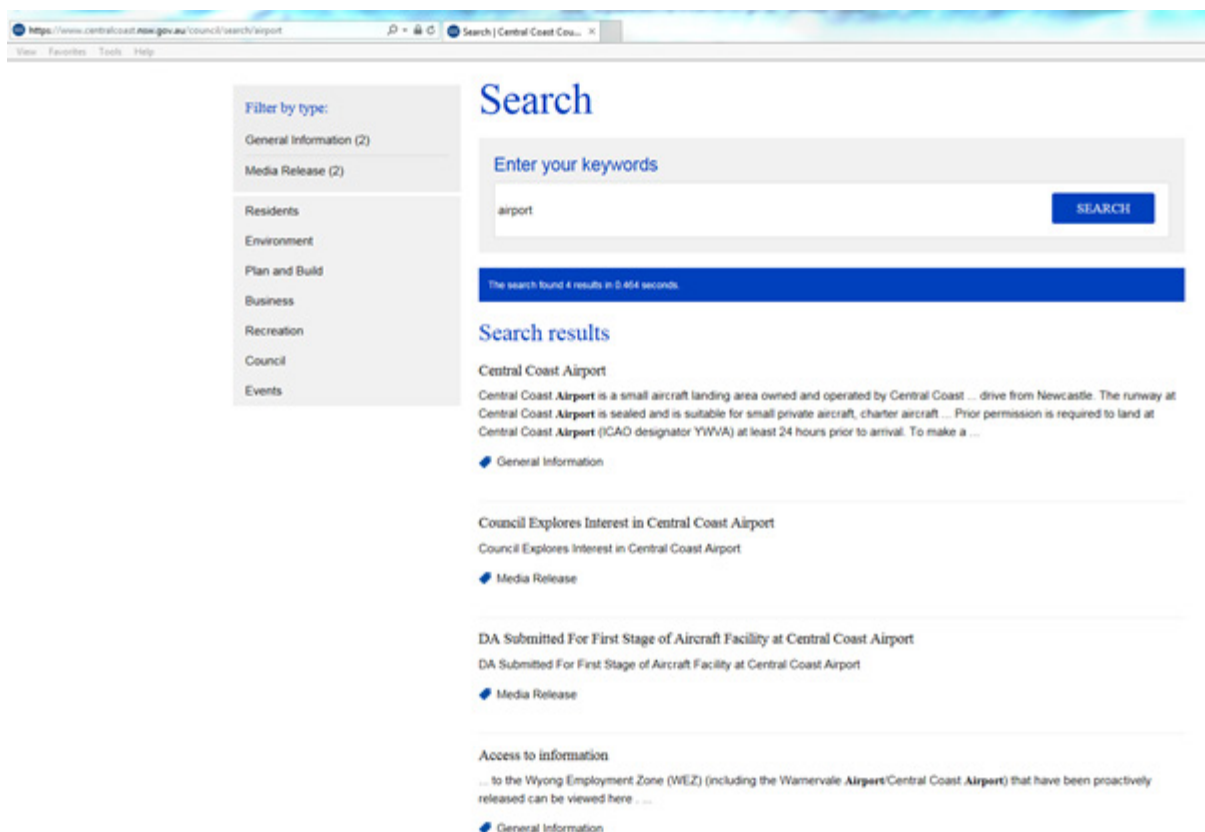
The following question was asked by Councillor Louise Greenaway at the Ordinary Meeting on 26 November 2018:

The previous Council website had the airport proactive release documents prominently displayed on its own page. The current site has the documents in a far less accessible and they are very difficult to find. Would it be possible to improve this aspect of the website?

It is correct that the way the new website is structured has changed from the former Council, however these changes have been made to increase accessibility and the ability to find information.

General information for the community about the Central Coast Airport is available via this website link here <https://www.centralcoast.nsw.gov.au/recreation/venues-and-facilities/central-coast-airport> with pro-actively released information about the airport also available through the *Useful Links* section of the page and via the Search bar tool and search tools external to Council. Example: Google. Council researched how customers access information on websites and applied best practice, website user experience principles to develop Customer Personas to inform the different methods of how content is structured and found on information-heavy websites. The predominant method is still via the Search bar tool, rather than moving through the different headings and sub-headings of the navigation menu. The Search bar means that customers do not have to look for the exact term in the navigation menu, but can search by similar and colloquial terms to find the information.

Below is an example showing how users would search, by typing in 'airport' in the search bar on Council's website, the search results provide the user with a listing of all information on Council's website that relates to the word airport.



The proactively released information is categorised on Council's website under the Access to Information section as it is included with other information that has been proactively released by Council at the direction of the CEO. This information is published accurately on the website via Council's record management system, and is not published on the website via the website's Content Management System. This guarantees that the correct pro-active release documents at all times are published on the website and there is one single source of truth for these proactively released documents. Duplicating copies of these documents across various pages of the website risks incorrect or outdated information being published and impedes consistent record management.

Council's website has been operating with a new content management system and therefore a new page and site navigation structure since September 2018. A Content Strategy with business rules was implemented to improve practices for website content and particularly that information is correctly managed and easily searchable for customers. Additional functionality will be implemented for the website as further improvements are made to Council's core technology operating systems. This includes implementation of a document library to better enable search around some of the complex and least searched-for documents on Council's website. This will be undertaken in 2019.

Attachments

Nil.

Item No: 5.11
Title: QON - Q227/18 - Funds for Dredging on St Huberts Island
Department: Environment and Planning



29 January 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13410656

Author: Peter Sheath, Section Manager, Waterways

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

Executive: Scott Cox, Director, Environment and Planning

5.11 QON - Q227/18 - Funds for Dredging on St Huberts Island

The following question was asked by Councillor Rebecca Gale Collins at the Ordinary Meeting on 12 November 2018 :

What happened to the funds raised by residents for dredging on St Hubert's Island in former GCC?

The canals of St Huberts Island are defined as both artificial waterways and submerged blocks of Council owned land by virtue of their classification as drainage reserves. These canals are classified as 'Operational land' under the *Local Government Act 1993* and accordingly are managed differently from natural waterways.

In the past, zoning of the drainage reserves prohibited structures such as pontoons, jetties/walkways and moorings within the reserves. Following amendments to permit a limited number of structures within the reserves, the former Gosford City Council resolved that funds and associated interest collected from the adopted licence fees for structures and mooring spaces, be used exclusively for the maintenance and improvements within the canals (19 January 1999 – Item DE 015 – Resolution B – 6.2).

These fees have been collected and accumulated in a fund with a current balance of \$380,789 as of the end of November 2018. Following a request from a resident, Council recently carried out an investigation into the feasibility of beach scraping activities whereby residents could scrape sand back from the low-tide mark to nourish the shorelines. A preliminary acid sulfate soils assessment was undertaken which included material sampling from within the intertidal zone of all the canals at a maximum depth of 500mm below ground level. Subsequent laboratory analysis of the samples confirmed the presence of acid sulfate soils in the canals.

With the current level of funding in this account available for maintenance and improvements within the canals, dredging is not an option given the environmental and site constraints. With the confirmed presence of acid sulfate soil in the canals, there will be high costs associated with the treatment and disposal of dredged spoil material at an appropriately licensed facility to accept the relevant class of waste. Such high costs would mean that it would not be possible to complete these activities within the current funds available. Detailed environmental studies of the beds of these drainage reserves would be required, and approvals such as dredging permits and environmental licenses to disturb these areas would be high-cost, and may be difficult to obtain.

The undertaking of a hydrographic survey to verify canal depths and sedimentation to facilitate evaluation of current conditions against the original design would also be required to determine any future maintenance options for the canals.

Attachments

Nil.

Item No: 5.12
Title: QON - Q228/18 - Hut on Lions Park
Department: Environment and Planning



29 January 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13409602

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

Executive: Scott Cox, Director, Environment and Planning

5.12 QON - Q228/18 - Hut on Lions Park

The following question was asked by Councillor Rebecca Gale Collins at the Ordinary Meeting on 12 November 2018:

Is the new hut going to stay erected on Lion's Park as it wasn't on the plans and residents are discontent with positioning.

Consultation with adjacent residents regarding the newly erected shade shelter at Lions Park, Gosford, has been undertaken. From this consultation it was determined that the location of the shelter was the cause of their concern.

Staff have now relocated the shelter to another area within the park that addresses the concerns of residents and fulfils the requirements of park users.

Attachments

Nil.



Item No: 5.13
Title: QON - Q231/18 - Spencer Tree of Knowledge Road Works
Department: Roads Transport Drainage and Waste

29 January 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13437284

Author: Joanna Murray, Personal Assistant to Unit Manager, Waste and Business

Executive: Boris Bolgoff, Director, Roads Transport Drainage and Waste

5.13 QON - Q231/18 - Spencer Tree of Knowledge Road Works

The following question was asked by Councillor Holstein at the Ordinary Meeting on 26 November 2018:

"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?"

With regard to the works in the vicinity of the 'Tree of Knowledge' at Spencer, these works were road renewal works consisting of stabilising of the pavement subgrade and then asphaltting of the final surface. The works were confined to the road pavement and therefore should not have impacted the 'Tree of Knowledge' or adjacent hotel, apart from minor disruption from the construction vehicles during the construction phase.

The works are now completed.

Attachments

Nil.

Item No: 5.14
Title: QON - Q234/18 and Q238/18 - External Bodies and Boards
Department: Governance



29 January 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13421220

Author: Kathy Bragg, Acting Section Manager, Governance

Manager: James Taylor, Acting Unit Manager, Governance and Business Services

Executive: Shane Sullivan, Acting Director Governance

5.14 QON - Q234/18 and Q238/18 - External Bodies and Boards

The following question was asked by Councillor MacGregor at the Ordinary Meeting on 26 November 2018 :

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?

The following Question on Notice was asked by Councillor Greenaway at the Ordinary Meeting on 26 November 2018 :

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

A Question on Notice Q8/18 regarding appointments to boards and committees was asked by Councillor Greenaway at the Ordinary Meeting on 12 February 2018 as follows:

Would Council staff please provide a list of all organisations where Council is entitled to appoint someone to the board or the committee of that organisation? And further, that staff indicate who the current appointee is or that the position is vacant.

This Question on Notice Q8/18 was responded to in the [23 April 2018 Agenda Paper](#).

The table at Attachment 1 sets out all External Bodies and Boards that Council is entitled to have representatives on. The table also identifies any vacancies where appropriate.

The only External Body that provides any additional income is the [Hunter and Central Coast Regional Planning Panel](#)

At its meeting held on 9 October 2017, Council resolved that the remuneration to be paid to each nominee when exercising functions as a member of the Hunter and Central Coast Joint Regional Planning Panel is \$700.00 per meeting, inclusive of GST and expenses.

Council's [Code of Conduct](#) states at sections 4.1 and 4.2 that:

- 4.1 *A conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.*
- 4.2 *You must avoid or appropriately manage any conflict of interests. The onus is on you to identify a conflict of interest and take the appropriate action to manage the conflict in favour of your public duty.*

Therefore, should any Council Official consider that there is any conflict of interest arising from their private interests, they must manage that conflict of interest in accordance with the provisions of Council's [Code of Conduct](#).

ATTACHMENT 1

COUNCIL APPOINTMENTS TO EXTERNAL BODIES AND BOARDS

Name of External Body	Description	Council Representation	Appointment Process
<u>Executive of the Floodplain Management Association</u>	FMA is dedicated to working with all states and territories to raise flood awareness and the priority of flooding. FMA has Members in NSW, Queensland, ACT, Victoria and South Australia, and in 2013 established the National Flood Risk Managers Working Group to develop a framework for national cooperation and advocacy for flood risk management.	There are no set staff who attend the meetings, but the below attended events in 2018. Parissa Ghanem, Team Leader Floodplain Management & Senior Planner - November Quarterly Meeting Peter Sheath, Section Manager Waterways - Annual General Meeting at the May National Conference Vic Tysoe, Flooding & Drainage Engineer - February Quarterly Meeting	Council staff directed to attend meetings when appropriate and available. No Councillor appointed. Councils often elect to send a Councillor representative to these conferences, but Central Coast Council has not take up this option.

Name of External Body	Description	Council Representation	Appointment Process
Gosford Business Improvement District	Gosford Business Improvement District Incorporated (GBID) is an independent not-for-profit organisation which manages the funds collected by the Central Coast Council from commercial property owners within a designated area in the Gosford City Centre. These funds enable a range of projects and services to develop Gosford City into the thriving regional capital of the Central Coast.	Councillor Chris Holstein	On 29 May 2018 GBID wrote to Council requesting a Councillor representative on the GBID Committee. On 6 June 2018 the Mayor responded nominating Councillor Holstein as the Councillor representative, and herself as an alternate.

Name of External Body	Description	Council Representation	Appointment Process
Gosford Showground Trust	<p>To assist in the management of the Gosford Showground. Gosford Showground is overseen by a Statutory Land Manager (formerly a Trust Board) appointed by the then Minister for Primary Industry, Lands and Water for a period of 5 years. The current Board was appointed in 2015. The Showground is managed in accordance with the Crown Land Management Act 2016 which was proclaimed by the Minister for Lands and Forestry to commence on 1 July 2018.</p>	<p>2018 Appointment – Councillor Mehrtens, Alternate – Councillor Holstein. Resolved 18 December 2017</p>	<p>Council Resolution</p>
Greater Toukley Vision Inc	<p>Town Centre Management</p>	<p>NIL</p>	<p>There is a Board comprising of six local business owners and two community members. There was previously a former Wyong Shire Councillor on the Board, but there has been no Council representation since amalgamation.</p>

Name of External Body	Description	Council Representation	Appointment Process
Hunter and Central Coast Regional Environmental Management Strategy Group	This program is managed by a regional team of environmental professionals in partnership with member councils, as well as state and federal agencies, NGOs and community networks and associations.	Luke Sulkowski - Unit Manager Natural and Environmental Assets	Council staff directed to attend meetings when appropriate and available.
Hunter and Central Coast Regional Planning Panel	Planning Panels operate across NSW to provide independent, merit-based decision making on regionally significant development. The Panels may also have a role in planning proposals, to undertake rezoning reviews or to act as the planning proposal authority when directed.	2017-2020 Appointment – Councillors MacGregor and Burke Alternates – Councillor Sundstrom and Mayor Smith. Resolved 9 October 2017	Council Resolution Council resolved that the remuneration to be paid to each nominee when exercising functions as a member of the Hunter and Central Coast Joint Regional Planning Panel is \$700.00 per meeting, inclusive of GST and expenses.
Lake Coal (Chain Valley Colliery)	Committee established for consultation on mining related matters	Julie Vaughan - Director Connected Communities Glenn Cannard - Unit Manager Community Partnerships	Council staff directed to attend meetings when appropriate and available.

Name of External Body	Description	Council Representation	Appointment Process
Lower Hawkesbury Estuary Management Committee		Warren Brown - Coastal and Estuary Officer Peter Ham - Unit Manager Waterways and Coastal Protection	The committee is co-ordinated by Hornsby Council and is currently being restructured. The understanding is that a Councillor representative will be requested for the new committee in 2019 and a report will go to Council to address this.
NSW Public Libraries Assoc	Group working towards the sustainable provision of library services in NSW	NIL	Central Coast is a financial member of NSWPLA. All NSW Council are members of NSWPLA. Council is entitled to nominate three representatives to NSWPLA - one Councillor delegate; one administrative officer delegate and a library delegate. Central Coast Council has not taken up this option.
The Art House, Wyong Shire Performing Arts and Conference Centre Limited Board	Board of Directors responsible for managing The Art House facility.	Ashlee Abbott - Section Manager Place Activation (from 24 May 2017 to 24 February 2019) Shane Sullivan - Acting Director Governance (Chair of Board) Mayor Jane Smith is the current Councillor representation on the Board.	Council Resolution

Item No: 5.15
Title: QON - Q236/18 - Central Coast Stadium
Department: Governance



29 January 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13413384

Manager: Janine McKenzie, Unit Manager, Business Enterprise

Executive: Shane Sullivan, Acting Director Governance

5.15 QON - Q236/18 - Central Coast Stadium

The following question was asked by Councillor at the Ordinary Meeting on :

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?

Central Coast Council has been the operator of the Central Coast Stadium since February 2014, when it took over the operations from Central Coast Stadium Pty Ltd.

Since that time, Council's strategic approach has been to operate the stadium event operations on a full cost recovery basis.

This strategic approach and model of operation is planned to be reviewed in the first half of 2019, with a report and briefing to be provided to Council.

Attachments

Nil.

Item No: 5.16
Title: QON - Q239/18 - Recycling Refunds
Department: Roads Transport Drainage and Waste



29 January 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13416429

Author: Glen Pestell, Section Manager, Waste Services

Manager: Andrew Pearce, Unit Manager, Waste Services and Business Development

Executive: Boris Bolgoff, Director, Roads Transport Drainage and Waste

5.16 QON - Q239/18 - Recycling Refunds

The following question was asked by Councillor Doug Vincent at the Ordinary Meeting on 10 December 2018 :

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?

Waste and recyclable collection services are generally performed by Council's collection contractor across a spread of hours between 6.00am and 4.00pm, in accordance with the contract. The actual timing of collection at individual premises across this spread of hours is dependent on a number of variable factors on the day. In addition there is also a number of support staff and contractors whom are also required to be aligned with the collection times.

The materials recovery facility that receives and processes the collected recyclable materials under a separate contract with Council has operating hours of 5.30am to 5.00pm. All recycling collection trucks need to deposit recycling at the facility before 4.30pm.

The waste contractor has submitted a tender that has selected appropriate vehicle numbers, collection drivers, support staff, and optimised collection routes to provide the service within these times. In order for the contractor to deliver the collection services involved and ensure their bins are in a position to be serviced at the start of the collection day, residents are requested to place their bins out the night before the service.

Any alterations to the contracted service schedules to commence later in the day, would have substantial flow on effects to both the waste collection and recyclable processing contractors and resulting variations to contracts would be expected, and as such no changes to the service schedules are proposed at this point in time.

Attachments

Nil.

Item No: 6.1
Title: Notice of Motion - Rejection of Socially
Unsupported Affordable Housing Unit Block Toukley
Department: Councillor



29 January 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13438105

Author: Greg Best, Councillor

Councillor Best has given notice that at the Ordinary Council Meeting to be held on 29 January 2019 he will move the following motion:

- 1 *That Council make an urgent submission to the Hunter and Central Coast Regional Planning Panel (HCCRPP) for its 21st February Meeting calling on the HCCRPP to reject DA 44/2018 for 34 residential flats proposed by Compass Housing under the Affordable Rental Housing SEPP due to widespread Community concern around compatibility with the existing residential built environment.***
- 2 *That further any such rejection should take into consideration that this Proposal seeks to house and support high needs individuals and families in what is a satellite Community, that does not and cannot provide the full range of important social services and Agency supports that are integral in underpinning integration.***
- 3 *That Council make urgent representation to the Planning Minister supporting the concept around the principles of the overall Affordable Rental Housing SEPP, however for the SEPP to be successful in delivering its aims and objectives, the criteria must reflect compatibility with existing surrounds and importantly be able to clearly demonstrate that adequate social support mechanisms are readily available.***

Attachments

Nil.

Item No: 6.2
Title: Notice of Motion - Responsible Feral Animal Trapping and Domestic Pet Protection
Department: Councillor



29 January 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13438146

Author: Greg Best, Councillor

Councillor Best has given notice that at the Ordinary Council Meeting to be held on 29 January 2019 he will move the following motion:

- 1 *That Council recognises the excellent and important work by Staff and our Community Groups around dealing with the ravages of the feral animal attacks on our native fauna.***
- 2 *That Council, in response to Community concern around humane feral animal trapping and the necessary protections for domestic pets, provide a thorough report on all aspects of this initiative including full details of current trapping contracts over the past three years and their specific processes and methods.***

Councillor Note

Dear Councillors, Just by way of background I have recently received from the Pestsmart Organisation their Standard Operating Procedure for Best Practice Management and the Humane Treatment of Feral Animals while minimising the impact on domestic pets. It is an interesting read and highlights the importance of managing this highly sensitive issue, I trust this assists.

Cr Best

Attachments

- 1 Trapping of Feral Cats D13438323**



Standard Operating Procedure CAT003: Trapping of feral cats using padded-jaw traps

Prepared by Trudy Sharp

Background

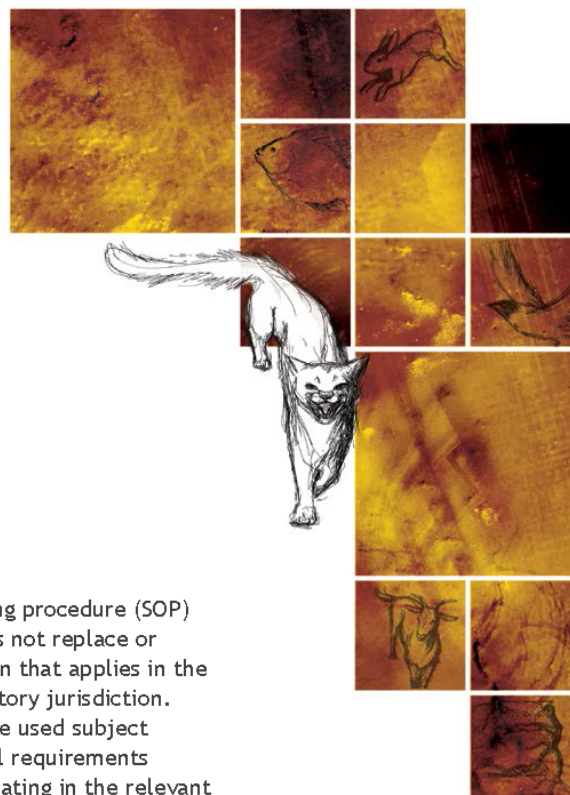
Feral cats prey upon a wide range of mammals, birds, reptiles, amphibians and insects. In some areas of Australia, especially many of the offshore islands, feral cats represent a significant threat to vulnerable and endangered native fauna. They may also have an indirect adverse impact on wildlife and livestock through the transmission of diseases such as toxoplasmosis and sarcosporidiosis. A variety of control methods have been used including shooting, trapping, poison baiting and exclusion fencing. Although trapping is considered an ineffective tool for large areas, it may be useful in urban/residential areas where domestic cats are present, or in areas where populations have already been reduced and individual cats need to be targeted.

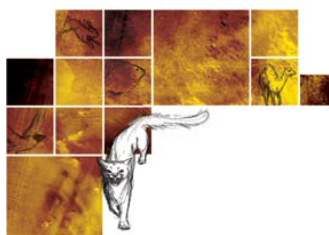
Live trapping followed by euthanasia is one of the main methods of control currently used. In urban/residential areas, cage traps or soft net traps are preferred over leg hold traps as fewer injuries are sustained, non-target animals can be released unharmed and trapped feral cats can be transported away from the area for euthanasia. Refer to [CAT002 Trapping of feral cats using cage traps](#) and [GEN003 Trapping using soft net traps](#). Leg-hold (padded-jaw) traps should only be used at sites where the animal can be killed by shooting whilst still held in the trap. Leg-hold traps may be more effective than cage traps for hard-to-catch cats that have had minimal exposure to humans.

This standard operating procedure (SOP) is a guide only; it does not replace or override the legislation that applies in the relevant state or territory jurisdiction. The SOP should only be used subject to the applicable legal requirements (including OH&S) operating in the relevant jurisdiction.

Application

- Trapping is time-consuming and labour intensive and is therefore an inefficient method for large-scale feral cat control in Australia.
- Trapping in non-urban areas should be restricted to late autumn and early winter when food availability is generally low and capture of non-target species is reduced.
- Traps have the potential to cause significant injuries, suffering and distress so should only be used when there is no suitable alternative.
- Humane and successful trapping requires extensive training and experience.
- Selection of appropriate traps and trap sites will maximise the chance of capture and minimise the distress caused to target and non-target animals.
- Every effort must be made to avoid target and non-target deaths from factors such as exposure, shock, capture myopathy and predation.





CAT003: Trapping of feral cats using padded-jaw traps



Image: Chris Rumpf

- Before euthanasing a trapped cat, first establish that it is a feral cat, rather than a domestic pet or stray cat. Trapped cats that appear to be domesticated/owned i.e. wearing a collar or have a friendly temperament, should be taken to the nearest council pound for assessment. It is recommended that the public be notified before commencement of a feral cat trapping program.
- Once trapped, feral cats are euthanased by shooting whilst still held by the trap.
- Traps must be used in accordance with relevant State and Territory legislation (see Table 1). In some States, for example, Western Australia, a permit may be required to trap within certain municipalities.
- Shooting of feral cats should only be performed by skilled operators who have the necessary experience with firearms and who hold the appropriate licences and accreditation. Storage and transportation of firearms and ammunition must comply with relevant legislation requirements.

Animal welfare considerations

Impact on target animals

- Leg-hold traps cause pain and distress in two ways; pressure of the trap jaws on the captured limb and restraint of the animal. Padded-jaw traps cause less trauma than unpadded traps but injuries will inevitably occur to some cats. These range from swelling of the foot and lacerations to dislocations and fractures.
- To reduce capture distress, trapped feral cats must be killed as quickly and humanely as possible following capture.

- Traps must be inspected daily to prevent suffering and possible death from exposure, thirst, starvation and/or shock.
- It is preferable to set up traps at sites where vegetation can provide shade and shelter. However, sites should be avoided where there is a risk of the trapped animal becoming entangled in understorey vegetation, which could result in dislocation of the limb.
- Where possible, trapping should be avoided when adverse weather conditions threaten the welfare of trapped animals.
- Captured animals must be approached carefully and quietly to reduce panic, further stress and risk of injury.
- To minimise the animal welfare implications of leaving dependant kittens to die a slow death from starvation, it is preferable not to undertake trapping when females are lactating eg September to March in non-urban habitats. There is a high probability that any female cat over six months old that is caught during this time will be pregnant or lactating.
- If lactating females are caught in a trap, efforts should be made to find dependent kittens and kill them quickly and humanely. Litters may be found near to the trap site in the base of hollow tree trunks, among boulders etc.

Impact on non-target animals

- Traps are not target specific, so a wide range of non-target species may be caught. These can include birds (eg ravens, magpies, pied currawongs), kangaroos, wallabies, rabbits, hares, echidnas, goannas, wombats, possums, bandicoots, bilbies, quolls and sheep.
- Different groups of non-target animals suffer different levels of injury and distress. For example:
 - Wallabies often experience serious injuries eg dislocations, due to the morphology of their limbs and because they become very agitated when restrained.
 - Goannas (eg lace monitors) also suffer from dislocations and can die from hyperthermia.
 - Birds, rabbits and hares can be preyed upon by foxes, cats and wild dogs while caught in traps.
- Traps must not be set near areas such as waterholes or gully crossings that are regularly frequented by non-target species.



- Non-target animals caught in traps must be examined for injuries and signs of illness or distress and dealt with as follows:
 - Animals which are unharmed or have only received minimal injuries, eg minor cuts or abrasions, should be immediately released at the site of capture.
 - Animals which have more severe injuries or which are suffering from thermal stress should receive appropriate attention. An animal suffering from thermal stress can initially be placed in a suitable quiet holding area which provides warmth or shade to allow recovery before release. Animals with treatable injuries that cannot be immediately released or those failing to recover from thermal stress should be presented to a veterinarian or a registered wildlife carer for treatment.
 - Animals that have injuries which are untreatable or which would compromise their survival in the wild should be euthanased using a technique that is suitable for the species. For more information on euthanasia techniques refer to [GEN001 Methods of euthanasia](#).
- If a domestic pet is caught, it should be taken to the nearest animal shelter, council pound or veterinarian where it can be examined for injuries, scanned for a microchip and the owner contacted, or assessed for suitability for re-homing.
- If wild dogs or foxes are caught in the trap they must be euthanased quickly and humanely by a shot to the brain using an appropriate firearm (refer to [DOG001 Trapping of wild dogs using padded-jaw traps](#) and [FOX005 Trapping of foxes using padded-jaw traps](#)).
- Operators should be wary of the risks of injury when placing and setting traps. Protective clothing, boots and leather gloves may help prevent injuries from shovels, hammers and trap jaws.
- Firearms are potentially hazardous. All people should stand well behind the shooter when an animal is being shot. The line of fire must be chosen to prevent accidents or injury from stray bullets or ricochets.

Equipment required

Traps

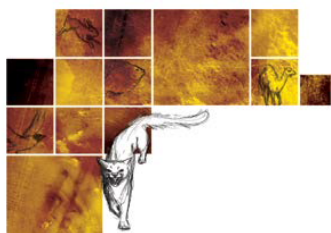
- Approved padded-jaw traps suitable for catching feral cats must be used eg. Victor Soft-Catch® trap no. 1½. It is illegal to use steel-jawed traps in most States and they are not recommended for use in any circumstances on animal welfare grounds.
- Traps must have the following characteristics:
 - The jaws have no teeth.
 - The jaws are offset to increase the space between them when closed. (ie. a distance of 6-8mm remains when the jaws are closed).
 - Each jaw has a rubber-like pad to cushion the impact of the jaws on the limb and to prevent the limb sliding out. The padding fills the offset gap when the jaws are closed.
- Traps should also have:
 - A spring placed in the anchor chain to act as a shock absorber, reducing the chance of dislocation of the captured limb. Swivels are located on both ends of the anchor chain allowing the trap to twist as the animal struggles to escape.

Health and safety considerations

- Trapped cats can be dangerous to handle. They will be nervous and aggressive and can inflict serious injuries with teeth and claws. If feral cats are killed at the site of capture, there should be no need to handle them directly. However, if handling is necessary, leather gloves and a catching pole should be used. Operators must be protected by tetanus immunisation in case of infection of scratches and bites. Bite wounds often result in serious infections and should be treated by a doctor.
- Care must be taken when handling feral cat carcasses as they may carry diseases such as toxoplasmosis, ringworm and sarcosporidiosis that can affect humans and other animals. Routinely wash hands after handling all carcasses.



Image: Peter Wright



CAT003: Trapping of feral cats using padded-jaw traps



Image: Daryl Panther

- Adjustable pan tension so that an appropriate force is required to depress the pan and trigger the trap. This minimises the chance of non-target animals setting off the trap.

Lures

- A variety of olfactory, visual or auditory stimuli may be used to lure cats into trap sets. Olfactory lures include synthetic fermented egg, catnip, tuna oil, cat urine and anal gland preparation and also soiled cat litter from a cattery. Visual lures such as bird feathers and cotton wool can be used, although these may not be needed if the trap is clearly visible or the meat bait has a strong odour. Cat calling machines or 'felid attraction phonic' devices, which emit a cat meowing sound, can also be used as a lure.
- The attractiveness of lures will vary with season and location.

Meat baits

- A handful of meat bait is placed near the trap. Rabbit, chicken, beef, fish, lamb, kangaroo, tinned cat food, sardines and tuna have all been used as bait.
- Capture efficiency may be improved by using bait that reflects the cat's staple prey for the area rather than being novel.
- Attractiveness and palatability of the bait will vary with season and location.

Firearms and ammunition

- Firearms no smaller than a .17 calibre rimfire with hollow/soft point ammunition are recommended for euthanasia.
- 12 gauge shotguns with shot sizes of BB or AAA may also be used.
- The accuracy and precision of firearms should be tested against inanimate targets prior to the commencement of any shooting operation.

Procedures

Selection of trap sites

- Traps should be set in areas where cats are known to be active and may be placed under bushes, beside vehicle tracks and at rabbit warrens. They can be set at the entrance to fallen hollow logs so as to provide cover for the trapped cat and also to allow the bait to be hidden from view of non-target bird species. Do not set traps near fences and other objects such as small trees, bushes etc. in which the trapped cat may become entangled.
- The location of all trap sites must be accurately recorded and marked. This information should be readily available to others in case the trapper is unable to return to check the traps.

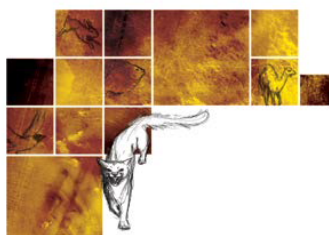
Setting of traps

- It is preferable to set traps at the end of each day and check early each morning. If traps are left set during the day, they should be checked again in late afternoon.
- Before setting each trap ensure that it is functioning properly.
- Traps should only be anchored to stakes or fixed objects if there is a shock absorbing device such as a spring fitted to the anchor chain and a swivel attaching the chain to the trap. It is recommended to use a short length of chain (approx 50 cm). Alternatively the trap can be tied to 'drags', objects such as rocks, solid pieces of steel or small logs that will move when the cat pulls against the trap.
- Set the trap and place into position in the hole in the ground. Ensure that surrounding shrubs or debris will not interfere with the spring mechanism.
- Carefully camouflage the area around the trap with leaves, grass debris etc. but leave a slightly cleared area (10-15 cm) over the area of the plate.



Table 1: Relevant state and territory animal welfare and related legislation relevant to the use of traps

State	Legislative Act	Description
New South Wales	<u>Prevention of Cruelty to Animals Act 1979</u>	Use of steel-jaw traps is prohibited. Trapping with padded-jaw traps, cage traps and treadle snares is permitted.
Queensland	<u>Animal Care and Protection Act 2001</u>	Steel-jaw traps are not prohibited traps.
Australian Capital Territory	<u>Animal Welfare Act 1992</u>	Use of steel-jaw traps is prohibited. Trapping with padded-jaw traps, cage traps and treadle snares is permitted.
Northern Territory	<u>Animal Welfare Act 2000</u>	Use of steel-jaw traps is prohibited. Trapping with padded-jaw traps is permitted.
Tasmania	<u>Animal Welfare Act 1993</u>	Leg-hold traps and snares are prohibited.
South Australia	<u>Animal Welfare Act 1985</u>	Small steel-jaw traps are prohibited. Large steel-jaw traps are prohibited in most areas except for wild dog control along the dingo fence and for research purposes. The large steel-jaw traps are required to be bound with cloth soaked strychnine or modified.
Victoria	<u>Prevention of Cruelty to Animals Act 1986</u> <u>Prevention of Cruelty to Animals Regulations 2008</u>	Mandatory features of traps, conditions of use, inspection periods and where traps may be set are specified for all trap types. All steel-jaw traps are prohibited. Padded traps are permitted for wild dogs, foxes and rabbits. Confinement traps, net traps and rodent kill traps are permitted. Lethal snares are illegal. Non-kill snares and kill traps require Ministerial approval.
Western Australia	<u>Animal Welfare Act 2002</u> <u>Agriculture and Related Resources Protection (Traps) Regulations 1982</u>	Steel-jaw traps are permitted for wild dog control. The jaws must be bound with a cloth soaked in strychnine. Only padded steel-jawed traps are permitted for fox control and use in research programs. Permits are required to set traps in metropolitan areas. Neck snares are illegal.



CAT003: Trapping of feral cats using padded-jaw traps

- Place the meat bait approximately 10-15 cm behind the plate of the trap. Lures should be placed in suitable positions around the trap.

Identification of feral cats

- Feral cats are similar in appearance to domestic cats; however when in good physical condition, the feral cat has increased overall muscle development, which is especially noticeable around the head, neck and shoulders, giving the animal a more robust appearance.
- Feral cats are predominately short-haired with coat colours ranging between ginger, tabby, tortoiseshell, grey and black. White markings may be present, particularly on the chest, paws and abdomen, but completely white cats are very rare. Ginger cats are more likely to be found in semi-arid and desert areas, while grey and black cats are found in scrub and forests.
- Unlike domestic cats, feral cats do not bury their scats, but leave them exposed at prominent sites to warn other cats of its territorial boundary.

Shooting of feral cats

- Trapped feral cats should be euthanased by shooting whilst still held by the trap.
- It can be difficult to shoot feral cats humanely as they become very nervous and agitated when restrained and in the presence of people. Unnecessary people should keep away from the area. The shooter should

approach the animal in a calm and quiet manner.

- Never fire when the cat is moving its head, be patient and wait until the cat is motionless before shooting. Accuracy is important to achieve a humane death. One shot to the head should ensure instantaneous loss of consciousness and rapid death without resumption of consciousness.
- To maximise the impact of the shot and to minimise the risk of misdirection the range should be as short as possible eg 10-25 cm from the head if using a rifle, or 1-2 m if using a shotgun.
- Effectiveness of shooting is dependent upon the destruction of major centres at the back of the brain near the spinal cord. This can be achieved by one of the following methods (see Diagrams 1, 2 and 3):

Frontal position (front view)

The firearm is aimed at the centre of the head slightly below a line drawn midway between the ears.

Temporal position (side view)

Aim horizontally from the side of the head at a point midway between the eye and the base of the ear. Death of shot animals should always be confirmed by observing the following:

- Absence of rhythmic, respiratory movements
- Absence of eye protection reflex (corneal reflex) or 'blink'
- A fixed, glazed expression in the eyes
- Loss of colour in mucous membranes (become mottled and pale without refill after pressure is applied).

If death cannot be verified, a second shot to the head should be taken immediately.

Further information

Contact the relevant federal, state or territory government agency from the following list of websites:

- Australian Department of the Environment and Energy
<http://www.environment.gov.au/>
- Australian Department of Agriculture and Water Resources
<http://www.agriculture.gov.au/>
- ACT Transport Canberra and City Services
<http://www.tccs.act.gov.au/city-living>

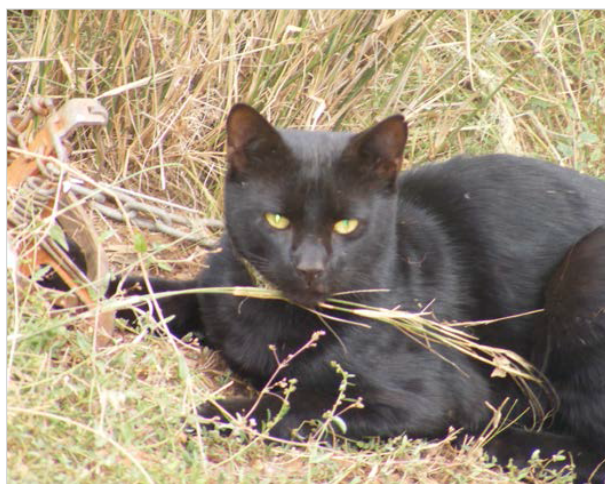


Image: Grahame Kelly



Diagram 1: Recommended shot placements for feral cats

Note: Head shots (temporal or frontal) should be used for shooting feral cats caught in traps. See text for details.

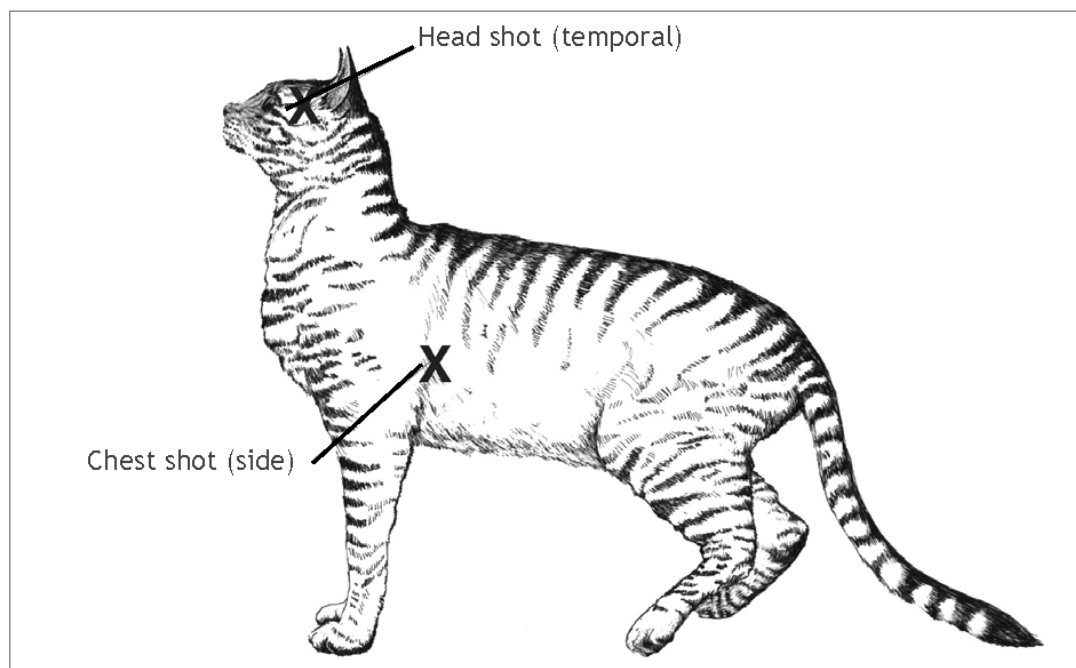


Diagram 2: Side view (skeleton)

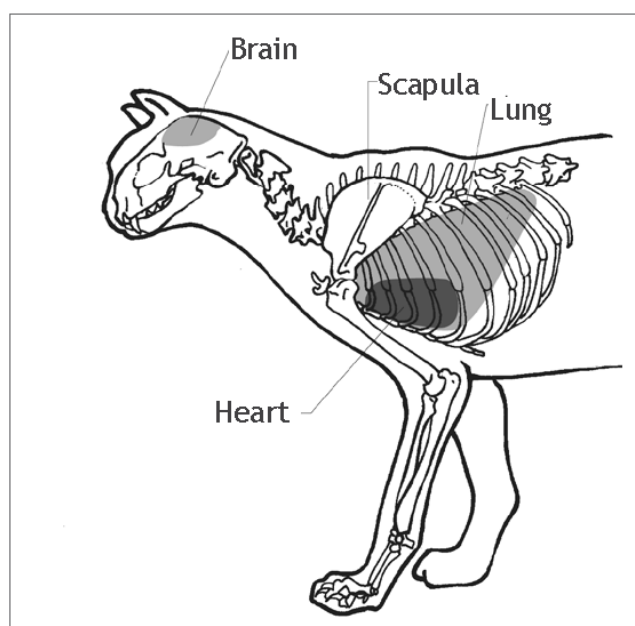
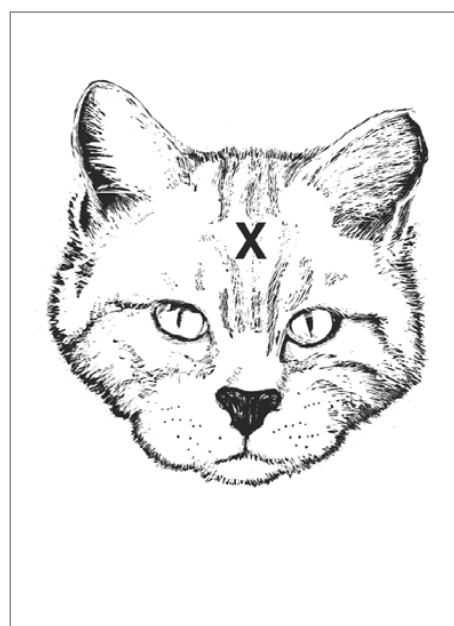
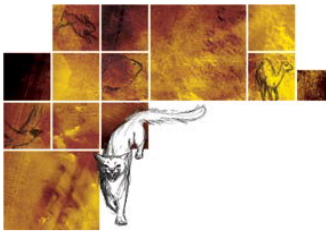


Diagram 3: Head shot (frontal)





CAT003: Trapping of feral cats using padded-jaw traps

- NSW Department of Primary Industries
<http://www.dpi.nsw.gov.au>
- NT Department of Land Resource Management
<https://landresources.nt.gov.au/>
- QLD Department of Agriculture and Fisheries
<https://www.daf.qld.gov.au/>
- SA Department of Primary Industries and Regions
<http://www.pir.sa.gov.au/biosecurity>
- TAS Department of Primary Industries, Parks, Water and Environment
<http://dpiwpe.tas.gov.au/>
- VIC Department of Economic Development, Jobs, Transport and Resources
<http://economicdevelopment.vic.gov.au/>
- WA Department of Agriculture and Food
<https://www.agric.wa.gov.au/>

Also refer to:

The Centre for Invasive Species Solutions

<https://invasives.com.au/>

or <http://www.pestsmart.org.au>

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The Centre for Invasive Species Solutions manages these documents on behalf of the Invasive Plants and Animals Committee (IPAC), and has reformatted these in accordance with IPAC meeting no 9, agenda item 3.5. The authors of these documents have taken care to validate the accuracy of the information at the time of writing [August, 2016]. This information has been prepared with care but it is provided "as is", without warranty of any kind, to the extent permitted by law.



Item No: 7.1
Title: Rescission Motion - Winney Bay Clifftop Walk - Stage 2 - Community Consultation
Department: Councillor

29 January 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-06 - D13417466

Author: Jilly Pilon, Councillor
Troy Marquart, Councillor
Rebecca Gale Collins, Councillor

Council, at the Ordinary Meeting held on 10 December 2018 gave consideration to a report regarding Winney Bay Clifftop Walk – Stage 2 – Community Consultation.

At that meeting, Council resolved as follows:

- 1214/18 *That Council note the feedback from the community consultation undertaken for Stage 2 of the Winney Bay Cliff Top Walk.*
- 1215/18 *That council note the wide acceptance of the recently opened Chertsey Boardwalk, in Springfield and note that the design is sympathetic and has minimal environmental impact.*
- 1216/18 *That Council note that community feedback on the project has been strongly divided with key issues raised through the community consultation process including:*
- a. Perception of conflict between maintaining the objectives of COSS land and the objective of creating a major tourist attraction accessed from the Copacabana village.*
 - b. Amelioration of the potential environmental impact of the project.*
 - c. The provision of disabled access to the clifftop.*
 - d. Whole of life costs.*
 - e. Indigenous heritage.*
 - f. Potential hazards associated with the clifftop environment.*
 - g. Deletion of the market stall components.*
- 1217/18 *That Council prepare an amended design for Stage 2 of the project with the following alterations:*
- a. A pathway with a maximum 2m width, following the existing informal track and using materials that have minimal environmental impact.*
 - b. Deletion of the proposed 3m wide concrete access road and bridge.*
 - c. Relocation of the lookout to the vicinity of the southern side of the former proposed bridge.*
 - d. Deletion of the market stall components.*

7.1 Rescission Motion - Winney Bay Clifftop Walk - Stage 2 - Community Consultation (contd)

- e. *Rehabilitation and restoration of the native vegetation on the site.*
- f. *Investigate ways to improve inclusive access to the proposed lookout, noting that this may require a suitable hard surface in this section.*
- g. *Investigate options to ensure that the project reflects and promotes Aboriginal connection and significance.*
- h. *Provision of information / education signage at the commencement of Stage 2 promoting the 5 Lands Walk, the features of the site and the funding source.*

1218/18 *Discuss with the funding body any potential changes including other related tourist and community projects such as safe pedestrian access for those participants of the 5 lands walk that use Del Monte Place to walk to the Captain Cook lookout and the existing Whale Viewing Platform at the Copacabana Beachfront.*

1219/18 *That staff liaise with the funding body about the proposed variation to the design.*

1220/18 *That the revised design be place on exhibition for community comment.*

1221/18 *Results of the community consultation be brought back to Council prior to construction commencing on Stage 2 of the Winney Bay Cliff Top Walk.*

1222/18 *That Council adhere to the provisions of the previous resolution by this Council, that required there be no contracts signed until all the matters arising from community consultation have been dealt with.*

A Rescission Motion has been received from Councillors Pilon, McLachlan and Marquart to be moved at the Ordinary Council Meeting of Council to be held on Tuesday, 29 January 2019, as follows:

MOVE that the following resolution carried at the Ordinary Meeting of Council held on 10 December 2018, be rescinded:

1214/18 *That Council note the feedback from the community consultation undertaken for Stage 2 of the Winney Bay Cliff Top Walk.*

1215/18 *That council note the wide acceptance of the recently opened Chertsey Boardwalk, in Springfield and note that the design is sympathetic and has minimal environmental impact.*

1216/18 *That Council note that community feedback on the project has been strongly divided with key issues raised through the community consultation process including:*

- a. *Perception of conflict between maintaining the objectives of COSS land and the objective of creating a major tourist attraction accessed from the Copacabana village.*
- b. *Amelioration of the potential environmental impact of the project.*
- c. *The provision of disabled access to the clifftop.*
- d. *Whole of life costs.*
- e. *Indigenous heritage.*
- f. *Potential hazards associated with the clifftop environment.*
- g. *Deletion of the market stall components.*

1217/18 *That Council prepare an amended design for Stage 2 of the project with the following alterations:*

- a. *A pathway with a maximum 2m width, following the existing informal track and using materials that have minimal environmental impact.*
- b. *Deletion of the proposed 3m wide concrete access road and bridge.*
- c. *Relocation of the lookout to the vicinity of the southern side of the former proposed bridge.*
- d. *Deletion of the market stall components.*
- e. *Rehabilitation and restoration of the native vegetation on the site.*
- f. *Investigate ways to improve inclusive access to the proposed lookout, noting that this may require a suitable hard surface in this section.*
- g. *Investigate options to ensure that the project reflects and promotes Aboriginal connection and significance.*
- h. *Provision of information / education signage at the commencement of Stage 2 promoting the 5 Lands Walk, the features of the site and the funding source.*

1218/18 *Discuss with the funding body any potential changes including other related tourist and community projects such as safe pedestrian access for those participants of the 5 lands walk that use Del Monte Place to walk to the Captain Cook lookout and the existing Whale Viewing Platform at the Copacabana Beachfront.*

1219/18 *That staff liaise with the funding body about the proposed variation to the design.*

1220/18 *That the revised design be place on exhibition for community comment.*

1221/18 *Results of the community consultation be brought back to Council prior to construction commencing on Stage 2 of the Winney Bay Cliff Top Walk.*

7.1 Rescission Motion - Winney Bay Clifftop Walk - Stage 2 - Community Consultation (contd)

- 1222/18 *That Council adhere to the provisions of the previous resolution by this Council, that required there be no contracts signed until all the matters arising from community consultation have been dealt with.*

Should the above Rescission Motion be carried, further notice is given that Councillors Pilon, McLachlan and Marquart will move the following motion:

MOVE:

- 1 *That Council note the feedback from the community consultation undertaken for Stage 2 of the Winney Bay Cliff Top Walk.*
- 2 *That Council authorise the 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 Council request 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.*

Attachments

Nil.